CONGRESSIONAL RECORD:

33287

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FORTY-NINTH CONGRESS, FIRST SESSION;

ALSO,

SPECIAL SESSION OF THE SENATE.

VOLUME XVII.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1886.

VOLUME XVII, PART IV.

CONGRESSIONAL RECORD,

FORTY-NINTH CONGRESS, FIRST SESSION.

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FORTY-SIXTH CONGRESS, FIRST SESSION.

Sweden, Norway, and Denmark had already demonetized silver, and the United States in 1873 followed stealthily in their wake. England had been on the gold standard since 1819. None of these things had affected the relations of the two metals; but when Germany, to whom France had agreed to pay one thousand millions of dollars as war indemnity, determined on demonetization, France, Italy, Belgium, Switzerland, and Greece, in order to protect their stocks of gold, limited their coinage of silver. In 1878 they totally suspended. Silver thus began to fall in 1873, and had already fallen greatly when in 1878 we passed the Bland bill, providing for the coinage of at least $2,000,000 a month.

We hoped it would rise under the impulse of this measure, but it has continued to fall. As it has fallen here so it has fallen in Europe and Asia; or, what is the same thing, gold has risen. In the mean time two international monetary conferences have been held in Paris—one in 1878 and one in 1881. A study of the proceedings of these conferences, especially of that of 1881, is instructive. From this study, which I have made most carefully, two conclusions follow: First, that there was then in 1881 a general concurrence in the truth of what Bismarck said, "the blanket gold was too narrow to cover the nations that were tugging for it." The commerce of the world had vastly increased, and the supply of gold was falling short. Secondly, the gold standard nations represented there, Great Britain and Germany especially, were anxious over the situation, and held out inducements to France, the United States, and other nations to adopt free coinage.

If they would do this Germany was willing to restore part of its silver circulation; Great Britain offered to use more silver. But France and the United States were represented by statesmen who were not carried away by any feeling of vengeance against those who had wrongfully demonetized silver in the United States, who were influenced by no motives of hostility to any class of our citizens, and who considered the question calmly on its merits. These representatives of the United States were S. Dana Horton, W. M. Evarts, and Allen G. Thurman.

In the course of Mr. Thurman's reply to a "questionaire," he said:

Each of the propositions, as I understand it, requires that the United States and France, and perhaps the chief states of the Latin Union, shall open their mints, and keep them open, for the free and unlimited coinage of silver into money having full legal-tender quality. It is not for me to say what France or the states of the Latin Union, or other states of Europe here represented, may think of such propositions. Their delegates will answer for them if they see fit to do so. I can speak in reference to my own Government alone. Would such an agreement as that proposed be acceptable to the United States? I am bound, speaking frankly, to say I think it would not. There is a great and vital difference between a grand bimetallic union, that, by fixing and maintaining a stable relation between gold silver, would stop, or, at least, powerfully tend to stop, the efforts so often made to drain a state at one time of one of the metals and at another time of the other, and a little and half-way union that might leave each state liable to a recurrence of such drains.

Now, if I understand the views of my Government and of the American people, they do not desire an alternative standard, gold to-day and silver to-morrow, nor a single standard, whether of silver or gold, and certainly not a single silver standard. Their stock of silver money is less in proportion to the wealth and population of the country than that of most commercial nations, while on the other hand their stock of gold is very large, is steadily increasing day by day, and is likely, unless prevented by some blunder, to continue to increase.

Under such circumstances, it is but natural that the Government should hesitate to enter into an agreement, the effect of which might possibly be to lessen the amount of our gold. It would cheerfully become a party to a great bimetallic union, which, if formed, would of course open its mints to the free coinage of silver; but I must be permitted to doubt whether, without such a union in existence, it will by convention surrender its power over its own coinage.

What Thurman was unwilling to pledge the United States to embark upon, even with the aid of Switzerland, Belgium, Greece, Italy, and France, namely, the unlimited coinage of silver, I am unwilling, by my vote, to say this Government shall undertake single-handed.

The advocates of unlimited coinage ask how the silver of Europe and Asia can come to the United States when most of the silver is coin and passes now at a higher ratio in relation to gold than that established by law in the United States. The answer is that clipped and mutilated coin, finding no recoinage in Europe, will come here; the annual supply of the world from the mines, less what is used in the arts, will come here; silver bullion, whether it is coin melted in great fires or old ornaments, or in whatever shape it may be, will come here; and whenever pressure is brought to bear upon any European bimetallic country to redeem its silver coin in gold, as they are all obligated to do, it must have gold. It will not be able to get it from the mines; it will not be able to get it with silver in Europe, because all the mints there in gold-using countries are closed to silver, and it must come to America, where gold can be had for silver until our gold is exhausted.

Again, India, which is upon silver alone, pays many millions of pounds sterling to England, obligations incurred before the fall of silver. All this must be paid in gold. India loses now 25 per cent. in the transaction. If we will take her silver and coin it side by side with our gold, that silver will come here and gold will go to Europe. There is no nation whose interest in bimetallism is greater than ours. We are midway between gold-using Europe and silver-using Asia. We must have gold for our commerce with the one and silver for our trade with the other. I am unwilling to give up either. To establish free coinage is to give over our gold to Europe in exchange for its silver. It is to relieve the distress that is now pressing Germany and England toward bimetallism, and thus to give up for the present all hope of re-establishing the relation between silver and gold. The present distress of Europe results from the demonetization of silver there and the scarcity of gold.

Contraction of the currency of a country means a shrinkage of the values measured by that currency. This shrinkage means the paralysis of commerce and industry. It buries capital; it starves labor. No one will buy what can be bought cheaper a fortnight hence. No one will manufacture what can be made at a lower price next month. So, finding nothing to do abroad, money goes back home, and becomes, as it is now, cheap in money centers, not because it is abundant, but because there is no demand for it. It goes begging for borrowers because no prudent man will use it. This has brought about trade depression all over Europe. English statesmen are beginning to seek a remedy. Mr. Childers, chancellor of the exchequer, eighteen months ago proposed to coin a sovereign one-tenth less in value than the present one. Mr. Grenfell, the president of the Bank of England; Sir Thomas Montague and other great bankers, Mr. Thomas Sutherland and other great ship-owners, are urging bimetallism; and the sentiment in its favor grows in England with every day of the continued distress that is depressing the industries of Great Britain.

In Germany, as wages fall, as labor is thrown out of employment and prices shrink, the revolution in public sentiment in favor of bimetallism has become so great that Herr Scholtz, the German minister of finance, in the Reichstag, on February 21, 1886, stated that the empire "was ready to consider measures for protecting the value of silver within its own national boundaries if any practicable plan could be brought forward for relieving the pressure of monometallism complained of by the farmers and other land interests."

There is reasonable ground to hope that these great nations, before they shall emerge from the dark days they are now passing through, will consent to join us in the restoration of silver. I will not consent to vote for the passage of a bill which will enable these nations to relieve their necessities by draining us of our gold. This would be fatal to the present prospects of silver.

But, Mr. Chairman, while I am unwilling to vote for unlimited coinage, I yet can not consent to the repeal of the Bland act. To my mind there is no argument in the declamation on this floor about the "dishonest dollar." If the dollar is dishonest because its bullion is equal to but 80 cents in gold, then our half-dollar is dishonest because it equals but 37 cents in gold, and the nickel 5-cent piece is dishonest because its bullion value is but seven-tenths of a cent. What gentleman is there on this floor who would not start at the proposition that he was no better than a thief because he paid the newsboy only a nickel, a dishonest coin, for a newspaper?

The truth is, a coin is worth just what it will buy. If a silver dollar will purchase, as it does, just as much as a gold dollar, it does equally honest work and is just as honest a coin as the yellow dollar. The fact that the silver dollar has for seven years maintained itself side by side with gold is a refutation of the fundamental proposition of the monometallists that the State can weigh and measure coin, but that it is powerless in any manner or to any extent whatever to affect its value. It is a demonstration of that truth imbedded by our fathers in the Constitution, that Government can not only coin gold and silver, but may, to some extent at least, "regulate the value thereof."

All history, however, warns us that there is a limit to this power of the law. France, Belgium, and other European countries ceased to coin silver because they feared they were nearing the danger-line; and no one knew better than the framers of the Constitution of the United States that this control of the law over coinage might be abused, and for this reason they took away the power over money from the States. The original States, especially Massachusetts, New Hampshire, and Rhode Island, had their fiat-money troubles and taught their lessons before our Constitution was made. In Rhode Island, McMaster tells us, the law could not give State-bank money circulation even with the help of test-oaths and a statute making it misdemeanor to refuse it.

Coming further down in our history, we find that the greenback dollar, though a legal tender, was once worth only 38 cents and reached par by a slow and painful process. These considerations, Mr. Chairman, are enough to cause us to pause and ponder over the proposition advanced by President Cleveland in his message that the Bland act ought to be repealed, because there is a limit to the power of the law to regulate money. His opinion is certainly entitled to be treated with respect; but seeing that gold continues to come to America, that the proportion of our silver to our gold and to our population is yet so small, and believing that the circulation of all the silver already coined may be readily secured by providing for the issuance of two and three dollar certificates, I shall not vote for the repeal of this act. Our refusal to provide by unlimited coinage, a method by which the gold standard nations of Europe may obtain our gold, will be a proclamation to them that if they would relieve their present distress they must enter with us into a bimetallic union. Our failure to repeal the present law will be to all these nations an earnest that bimetallism has one constant friend, who will heartily co-operate in any measure for the rehabilitation of silver.

Mr. LANHAM. I yield a moment to the chairman of the committee [Mr. BLAND].

Mr. BLAND. Mr. Speaker, I withdraw the motion to recommit the bill.

Mr. MORGAN. I would like to know whether that can be done without unanimous consent.

Mr. RANDALL. I submit that the motion to recommit is not in the possession of the gentleman from Missouri. The previous question is prevailing, and it is now in the possession of the House. I have no objection, however, to any arrangement, if one can be made; I merely state the condition of the question.

Mr. MORGAN. The previous question has, by order of the House, been set for half past 5 o'clock this evening, when it is to be considered as ordered.

Mr. BLAND. I send to the desk and ask to have read a short newspaper extract.

The Clerk read as follows:

SILVER DEBATE IN THE HOUSE—A VOTE TO BE TAKEN ON THE QUESTION OF FREE COINAGE TO-DAY.

Most of the afternoon in the House yesterday was taken up in the discussion of Mr. Bland's bill for the free coinage of silver, which was adversely reported to the House by the Committee on Coinage, Weights, and Measures. There was an extra session in the evening for the same purpose, and the discussion will be continued to-day until 5.30, when a vote will be taken. It is not expected that a majority of the House will vote for free coinage of silver; even Mr. BLAND himself does not hope for such a vote. It is a foregone conclusion that the bill will be lost.

Mr. BLAND. That is enough. I simply desire to say that as far as that article quotes me as an authority for the statement made it is, I trust, unnecessary for me to tell the House that it is entirely without any foundation. I hope the House will do its duty, and I believe it will, and pass the bill.

The SPEAKER *pro tempore* (Mr. HAMMOND in the chair). The Chair is informed that the gentleman from Missouri asks unanimous consent to withdraw the motion to recommit the bill. Is there objection.

Mr. MORGAN. I object to that.

Mr. LANHAM. Mr. Speaker, having heretofore spoken at length upon this question, and in favor of the free coinage of the silver dollar, I wish now to say but a few words, and then leave to others the continuance of the discussion.

It can not escape critical inspection that when the question of silver coinage was submitted to this Congress a conspicuous feature of that submission was the alleged necessity for suspension in order to promote the well-being of the poor people of the country.

In the message of the President we find the words "banks and rich speculators" in contradistinction to the "laboring men and women of the land, most defenseless of all," "the rich and money-lender," "the pittance of the widow and orphan," "the savings of the poor," "the price of labor," "the wage-worker," "the debtor class," "the vast army of the unemployed," and "labor and capital." It was but natural that the suggestions growing out of these terms and the connections in which they were employed should elicit investigation at the hands of the representatives of the people; and from the very necessities of the case the earnest inquirer has found himself in quest of the actual relationship which these classes respectively sustain to the question involved.

Some of us have reached the conclusion that the suspension of silver-dollar coinage is in the interest of the bankers and capitalists and detrimental to the prosperity of the masses and laboring poor of the country, and expressed ourselves accordingly, whereupon we have been met with such statements as, "It is exceedingly unfortunate that there should be a tendency to divide our people along the line of wealth, and thus create a prejudice of one class against another."

If with the capacity of deglutition which has characterized us too much in the past we are now unable to gulp down everything that is offered us, and in a modest way dissent and protest, we are at once accused of trying "to divide the people along the line of wealth."

Mr. Speaker, nothing is more remote from the intention of the friends of free coinage than to unduly arouse the prejudice of one portion of our people against another. This is the country of the rich and poor alike. We do not pretend that any law or system of laws can ever be devised by the wisdom or ingenuity of man which will fully equalize human conditions. We will have the poor always among us. No scheme of fiatism, no plan of the visionary enthusiast, could be invented that would make every man rich.

Industry, economy, and thrift, under equal laws, will produce their own beneficent results, while idleness, extravagance, and want of energy will surely be followed by poverty and misery. But it is the province of a great republic to enact equitable and wholesome legislation, under the operations of which an equal chance is afforded to all men for the acquisition and enjoyment of the benefits of a free government. No injustice can result from the free coinage of silver—no man will have any right to complain at such an enactment—while restriction and suspension are illogical and unfair, and can only produce dissatisfaction among the people. Let us "be just and fear not." I now yield the remainder of my time to my friend from South Carolina [Mr. TILLMAN].

Mr. TILLMAN. Mr. Speaker, instead of suspending the coinage of silver, as recommended by the President, I think we ought to have as free and unlimited coinage of that metal as we have of gold. Both metals had free mintage in this country previous to 1873, and they must have it again before there can be any permanent return of prosperity. I boldly assert:

First. That the fierce crusade against silver in this country and Europe for the last twelve years has been simply a huge conspiracy between bondholders and stockholders in our national banks of issue against taxpayers, debtors, laborers, and producers.

Second. That this great Government of ours struck silver its first staggering blow in 1873 and has continued to strike it with an assassin's hand every since, notwithstanding our country mines nearly half the silver of the universe, and our people are actually suffering for money to carry on their industries.

Third. That the unrelenting persecution of silver has been the prime cause of the almost universal depression of business in this country and in several nations abroad since 1873, while at the same time it has been the main factor in the phenomenal progress and prosperity of India, China, and other semi-barbarous states that use only silver as legal tender.

To make good these charges is the task I have given myself to-day. Let us begin by inquiring what motive could prompt bondholders generally and stockholders in our national banks particularly to enter into an alliance offensive and defensive against silver?

MOTIVE FOR DEMONETIZING SILVER.

The time, the occasion, and the manner of beginning and prosecuting the war all testify that cold, calculating avarice was and is at the bottom of it—the bondholders, to double the value of their bonds by increasing the purchasing power of the interest and principal as they are paid; the stockholders of national banks, to supplant silver with their bills, for the circulation of which latter in this country there soon will be no room unless either silver or greenbacks, or both, shall be deprived of the money function, or unless the balance of trade shall steadily set against us and cause the exportation of coin.

When England demonetized silver in 1816 she had just emerged victoriously from the Napoleonic wars, which had lasted for a quarter of a century and had added $3,221,000,000 to her bonded debt, or $440,000,000 more than our civil-war debt.

So, too, when Germany demonetized silver in 1871 she had just conquered France and levied a cash tribute of $1,000,000,000 besides the expenses of the war from her fallen foe. Although Germany, comparatively speaking, owed no public debt then, and owes none now, and although the several states or duchies comprising the empire owe no public debt except what they have public property, such as railways, telegraphs, mines, &c., sufficient to pay, and although Germany has a large portion of the French indemnity either hoarded in gold at one of her fortresses or invested at interest in bonds to accumulate year by year a future war fund, still Germany holds over two thousand millions of bonds due by foreign governments and corporations, the interest and principal of which her capitalists desired to appreciate by making them payable only in gold.

So, likewise, nobody seriously thought of demonetizing silver in the United States until after our great civil war when the Government owed a bonded debt of $2,773,000,000, about half of which still remains unpaid. Was it a mere coincidence that England, Germany, and the United States should have severally declared a crusade against silver immediately after each had victoriously ended a great war, and had added about $3,000,000,000 to the public debts of each of two of them—England and the United States—and about one thousand millions of bonds or assets to the credits of the other?

Men are governed by self-interest, and as all monetary valuations are based upon gold and silver, and as there are about as many silver dollars in the world now as gold dollars, upon the generally received ratio that a given quantity of gold is worth fifteen and a half times as much as its own weight in silver, is it any wonder that bondholders should strive to double the value of their bonds by demonetizing silver, thereby destroying half the means of the people to pay the bonds, and to the same extent increasing the purchasing power of gold?

The annual interest on our war debt to-day is nearly $50,000,000, to say nothing of the principal of the debt, and when silver was demonetized in 1873 that annual interest was above $100,000,000. Besides, the holders of these war bonds were re-enforced by the owners of several thousand millions of State, city, county, corporation, and individual bonds in this country.

In addition to this, every civilized nation except Germany may be said to owe a large bonded debt, and the total national public debts of the world are estimated by many reliable authorities to amount to $24,000,000,000, and municipal, corporate, and private debts are estimated to aggregate at least as much more, and some computers think twice as much. To increase the value of the income from this vast indebtedness may fairly be suspected to have inspired the bondholding class all over the world for the last twelve years to fight silver as a money metal of unlimited legal tender.

Assume that the total bonded debt of the nations is only $50,000,000,000, at an average interest of 4 per cent. the annual income of the few thousand owners of these bonds will amount to $2,000,000,000, and if the purchasing power of this can be doubled by demonetizing silver does it not suggest probable motive enough for the concerted and persistent attack on silver as a money metal of unlimited legal tender?

But it does not depend on presumption, since the proof as to what actu-

ated the creditor and fixed-income classes to war on silver since 1873 is unequivocal. It is an undoubted fact that the marvelous quantity of gold and silver extracted from the California and Australia mines is what has likewise contributed to the prolonged "battle of the standards" here and in Europe. The creditor class or bondholding syndicate commenced the battle for fear if they permitted the governments and people to use both metals in payment of debts (although according to the original contract) that money would become too cheap, so they sought to preserve either the existing scale of prices or lower them by reducing the volume of money one-half. Chevalier, the Frenchman, in 1854-'55-'56, published elaborate papers on the subject of demonetizing gold on account of the vast quantity of that metal then in existence and at that time still increasing.

German doctrinaires on the money question (employed no doubt by the bondholders) published several pamphlets about the same time in favor of demonetizing gold, and accordingly in 1857 the German states (then including Austria), where the double-standard system previously prevailed, demonetized gold—observe, gold, not silver—and Holland from the same motive of appreciating the value of the bonds she held against other nations and corporations had likewise demonetized gold in 1847, just ten years before. But these two states soon ascertained that England would not abandon the gold standard, and that therefore if Europe was to be placed upon a single standard of the same metal, not gold but silver must be demonetized, and as the production of gold had rapidly declined after 1856, while the Nevada silver mines after 1860 had commenced yielding, as was alleged and believed, fabulous amounts of the white metal, Chevalier and his associate doctrinaires changed from demanding the demonetization of gold to demanding the demonetization of silver.

A French monetary commission in 1869 and a Dutch monetary commission in 1873 both reported in favor of the general adoption of the single gold standard to prevent the depreciation of money by reason of its superabundance. England, being a large holder of American Government and corporation bonds, united her forces with the money-capital and income classes everywhere, and particularly in the United States, to destroy silver as legal tender because as our bonds were payable in coin they might be legally paid in silver as well as gold. Germany was a large holder of American securities too, and controlled by her creditor and income classes as well as by political considerations which will be mentioned later on, she about faced on the money question by changing from the single silver to the single gold standard. It is true she decreed the change in 1871, but she did not actually commence enforcing it till 1873, and she has not completed it yet, nor do I believe she ever will.

The United States sneakingly followed suit, demonetizing silver in the same year, 1873, and all the nations of Europe either quickly suspended coinage altogether or restricted it in amount, and on state account, and thereby depressed its market value as bullion. Uncoined silver metal immediately began to fall in price, which could not have been otherwise as all coin-money, whether silver or gold, in addition to being a measure of value is value itself, and consequently, like every other commodity, is subject to the same laws of supply and demand. As there was a diminished demand for silver in this case, by reason of restricting or totally suppressing its mintage, bullion-silver had to fall, while twenty-four hundred millions of coin silver remain at par with gold as full legal tender to-day, according to Burchard's careful estimates.

Especially may it be presumed that silver was demonetized in the interest of bondholders and creditors generally as well as of the national banks, if it can be proven that the deed was done here in a stealthy manner in 1873; and that it was so demonetized no one can doubt who has read all the contemporary debates and proceedings of Congress.

SECRETLY DONE HERE.

At the time silver was demonetized in the United States no discussion or agitation of the subject had occurred among our people. It is true that previous to 1873 the Secretary of the Treasury and Comptroller of the Currency had suggested such a thing to Congress, and a bill or two had been introduced into each House on the subject, but it was not regarded seriously as a practical question. There was no gold or silver in circulation, and but a gloomy prospect of any being in circulation for many years. There was no argumentative debate relative to the demonetization of silver in either House of Congress at the session when the act was passed. Only a brief, casual remark was made by Mr. KELLEY and another by Mr. Potter. The title of the bill itself showed that it meant to deceive: "A bill revising and amending the laws relative to the mints, assay offices," &c. It gave no intimation of being a bill to demonetize silver, and even now, when you go to hunt for the law in the Index of the Statutes at Large, or in the proceedings in the Congressional Globe for the details of its passage, you have to look under the head of "Mint," not "Coinage" nor "Silver" nor "Demonetization." What discussion was had in the Senate referred to abrasion and seigniorage, and in the House to salaries, &c., of the officers of the Mint.

As the bill passed the House it provided for the coinage of a subsidiary dollar, which was stricken out in the Senate. This led to a conference committee between the two Houses, which resulted in striking out the subsidiary dollar altogether and providing for the coinage of a trade-dollar, thereby demonetizing the standard dollar of 412½ grains by simply omitting to enumerate it among the list of silver coins.

The conference report to the two Houses was signed by John Sherman, John Scott, and T. F. Bayard, managers on the part of the Senate, and S. Hooper and William L. Stoughton, managers on the part of the House.

The report was concurred in without any remarks, much less speeches, and it is doubtful if anybody in either House knew the practical effect of the report as adopted, except the men whose names were signed to it and the few others who were in the secret. Messrs. SHERMAN and Bayard, two members of that noted conference committee, were then and are now well-known candidates for the Presidency. They could, no doubt, if they would, tell a great deal of the part the bondholders took in securing the passage of that infamous law which has inflicted more needless distress upon the American people, in my judgment, than any single act ever adopted by Congress. Charity of course will not suspect that either of them made any money by the transaction, or that either sought to further his political ambition by conciliating Wall street; but posterity will undoubtedly accord Mr. SHERMAN the unenviable honor of having been the evil genius—if not the Catiline, of American finance since the war, while it will marvel how Mr. Bayard could always disinterestedly fight on the side of the bondholders against the people; and if internationality had anything to do with the question, posterity would also lament the cruel irony of fate which permitted one of the original conspirators who dethroned silver to control international negotiations for restoring it to legitimate rights. But let us be thankful that silver can and will take care of itself hereafter as regards free coinage and unlimited legal tender, despite all enemies at home or abroad.

But while the act of 1873 commenced the demonetization of silver, the task was not fully completed till the following year by a different set of actors. In June, 1874, a revised edition of the Statutes of the United States was gotten up, on purpose apparently to enable some scoundrel friendly to the bondholders to interpolate two new acts of Congress—one declaring that no silver coin should be legal tender beyond $5; and the other prohibiting any foreign coin, gold or silver, from being a tender in the payment of debts.

These two acts were smuggled through surreptitiously, because, as there was a wheelbarrow full of manuscript of Revised Statutes, no member of the House, except the Committee on Revision having the matter in charge, could verify the fact whether there was new legislation or not, so the House had to take the word of the committee, which repeatedly and publicly declared that there was no new legislation. General Benjamin F. Butler, of the House Committee on Revsion, asserted solemnly that there was "not one word and not one letter" of addition to the old laws. The venerable Judge Poland, another member of the committee, said the same thing, yet the two new acts referred to were found among the statutes after the ratified manuscript had been printed.

The act of 1873 neither demonetized the old silver dollar nor the smaller silver coins of full weight struck prior to 1853, of which large numbers remain in existence, although not then in circulation. As the Constitution provided for the currency of foreign coins of the dollar piece, nine out of ten in use had always been Spanish or Mexican or 5-franc pieces, none of which can circulate here now, after having once constituted the bulk of our silver coin, and would be so again but for the interpolated law, as the Spanish and Mexican silver coins are lighter than ours.

I will not charge Massachusetts with having taken the lead in demonetizing silver, but Boston and New York owned the bulk of the bonds then held in this country, as they do now. A Massachusetts man, Mr. Hooper, a millionaire, engineered the first bill demonetizing silver through Congress, while another Massachusetts man, Caleb Cushing, was one of the three commissioners who prepared the manuscript of the Revised Statutes; and still another Massachusetts man, General B. F. Butler, secured the passage of the two other demonetizing acts through Congress by a misstatement of fact, to put it mildly.

The momentous event that Congress had passed an act on 12th February, 1873, prohibiting the coinage of a full legal-tender silver dollar was soon known and commenced producing a telling effect among bankers and money-changers, who have a sort of free-masonry organization, although it was not generally known by the people until two or three years afterward; nor indeed was it known by President Grant, who approved the act, until eight months after he had signed it.

But one of its most important effects was to depress the market price of silver almost at once. The first demonetizing act was passed on the 12th February, 1873, and silver began to fall in April following, a fact with which Mr. Feer Herzog, one of the delegates from Switzerland to the international monetary conference at Paris in 1878, twitted Mr. Groesbeck, a delegate from the United States. Mr. Wærn, a delegate in the same conference from Norway and Sweden, asserted:

> That the adoption of the system of the single gold standard by the states of the Scandinavian Union took place in May, 1873, and was caused by the fall of silver—

Which began the April preceding. At that same conference the Swiss delegate silenced Mr. Groesbeck upon another point. The latter declared that the Bland act, which our Congress passed the 28th February, 1878, remonetizing silver but restricting its coinage, had been

prompted in respect to its "restrictive" feature by the decision of the Latin Union, saying:

From the moment that the countries which had themselves maintained the double standard shut their gates to silver it became necessary, in order to maintain the equilibrium, not to open wide those of the American Union, but to hold back in order to obtain by international agreement the restoration of free coinage in all countries at the same time.

To which Mr. Herzog replied in effect that the United States showed its hostility to silver before the Latin Union did, adding:

As far as related to the influence excited by the decisions of the Latin Union, concerning the limitation of the coinage of silver upon the decision of the United States, to the same effect that the American law of 1873 had been passed in April (12th February), at the time the fall of silver began, while the conference of the Latin Union in which it was decided that the coinage of 5-franc silver pieces should be restricted, did not meet till the close of the year.

In that same conference Mr. Groesbeck likewise admitted that the United States had demonetized silver in 1873 by "inadvertence," insisting that—

A considerable number of members of Congress had confessed to him that at the time the decision was made in 1873 they had not known what they were doing; and that the American people had never been asked whether they wished silver to remain a legal tender; that no newspaper had called attention to the change, nor had any chamber of commerce or board of trade considered or recommended it.

General Walker, another one of our delegates, spoke to the same effect.

Then let no one again attempt to deny the charge that silver was stricken down by fraud in 1873–'74. It is an indisputable fact that even so enlightened and well-equipped a Senator as Mr. Conkling did not know silver had been demonetized as late as 30th March, 1876, more than three years after the foul deed had been done. But what is conclusive that it was done by fraud is the fact that as soon as the people generally found out silver had been demonetized they immediately had it remonetized, but unfortunately with restricted coinage, which had to be accepted to overcome the veto of President Hayes, himself a fraud. As I said before, the demonetization of silver by Germany in 1871–'73 might not have worked any greater harm than the previous demonetization of it by England and Portugal if the United States had not secretly stabbed silver also the same year—1873.

That caused the states of the Scandinavian Union—Denmark, Norway, and Sweden—to demonetize it likewise in the same year of 1873, and the January following all the states of the Latin Union—France, Italy, Belgium, Switzerland, Greece, &c.—restricted the coinage, and in 1878 suspended it altogether in response seemingly to our miserable half-way measure of limiting coinage to two millions a month. Holland and all the other states of Europe speedily followed suit in prohibiting the free coinage of silver after our folly in 1873.

UNITED STATES FIRST NATION TO HELP GERMANY STRIKE DOWN SILVER.

I think it can safely be assumed if the United States had not demonetized silver in 1873–'74 in all probability no other nation in Europe except Germany would have done it up to this time. I believe it can also be conjectured with equal truth that if the United States had not restricted the coinage of silver when they remonetized it in 1878 there would now be free coinage in every state of Europe, except, perhaps, England, Portugal, and Germany.

I say this because from the time of Abraham silver alone, or in connection with gold upon a fixed ratio, has been a money metal of unlimited coinage and legal tender throughout the world, until England in 1816 and Portugal (an English dependency) in 1854 demonetized it, and the demonetization of it by those two nations except for token-coin had but little depressing effect on the uncoined metal elsewhere, because the other nations utilized the silver discarded by England and Portugal to supply the place of the extra gold appropriated by those two countries for coinage purposes.

Germany, too, might have rejected silver in 1873 without producing any appreciable fall in its commercial value, owing to the strong popularity of the metal as a coin with the masses of other nations, if the United States, the largest silver producer on the globe, had not, as I have shown, also surreptitiously demonetized it in the same year of 1873, without discussion or warning, which struck terror into the business and financial world by the awful crash of 1873, from which it has not yet recovered. As a natural consequence silver soon began to fall, or rather gold began to rise in value, which it has done ever since.

Three extraordinary causes combined to impel Germany to degrade silver to the rank of only token money in 1873. First, she wished to increase the value of the more than two thousand millions of bonds that her capitalists held against foreign nations and corporations, and as she had the single silver standard at the time she concluded she would accomplish her object better by adopting the single gold standard; because it was published and believed that the Comstock lode in Nevada would soon flood the world with silver. Second, she desired to consolidate her empire by melting down all coin emblems of local state sovereignty and substituting therefor new ones from the imperial mint. Third, she sought to crush forever her hereditary enemy—France.

On the other hand, France by restricting and finally suspending silver coinage saw her opportunity to thwart Germany and yet get an abundant supply of silver at the same time, whenever she might want it, either for use in the arts or for coinage, on account of the state, and thereby acquire a large profit in seigniorage. She and the other states of the Latin Union, except Italy, having an ample supply of silver already refined and coined on the basis of 15½ to 1, by suspending further coinage of the white metals showed that they preferred not only to retain their supply of gold, but also to keep their silver coin intact and at par with gold. So that while they have all the silver coin they want, our folly lets them likewise get all the silver bullion they need in the arts 25 per cent. cheaper than silver coin.

The Scandinavian states, and in fact every other nation in Europe, even those that have the single silver standard, have likewise stopped the free coinage of silver, simply because they see the profit in coining only on government account to make the seigniorage or difference between the market value of silver bullion and the legal-tender value of silver coin at the ratio of 15½ to 1, which prevails all over Europe.

IF FREE COINAGE IS SUSPENDED MORE SILVER IS COINED IN THE WORLD NOW THAN IS MINED.

It is true *free* coinage of silver by the citizen is not permitted now anywhere except in India, Mexico, and most of the Spanish-American states, yet there was more silver coined in the world during the five years 1879, 1880, 1881, 1882, and 1883 than was mined out of the ground in the same length of time. This fact, which will astonish some of the learned orators and writers on the silver question, is abundantly established by the reports of the Director of the Mint for the years 1882 and 1884, as the following tables will show:

TABLE No. 1.—*World's production of gold and silver.*

[Calendar years, except for United States and Japan.]

Countries.	1879.		1880.		1881.		1882.		1883.	
	Gold.	Silver.	Gold.	Silver.	Gold.	Silver.	Gold.	Silver.	Gold.	Silver.
United States	$38,899,858	$40,812,132	$36,000,000	$39,200,000	$34,700,000	$43,000,000	$32,500,000	$46,800,000	$30,000,000	$46,200,000
Russia	a28,551,028	a473,519	b28,551,028	b473,519	24,371,343	322,198	23,867,935	323,427	h23,867,935	h323,427
Australia	c28,765,000	c227,125	28,765,000	227,125	e30,690,000	f164,963	28,943,217	102,878	e26,500,000	80,000
Mexico	989,160	25,167,763	b989,160	b25,167,763	h958,909	l27,675,540	936,223	29,237,798	955,639	h29,568,576
Germany	d*257,825	d*5,570,360	c232,610	c5,576,699	m222,610	m7,771,304	249,890	8,934,632	303,723	9,589,300
Austria-Hungary	1,062,031	2,002,727	1,094,596	1,994,880	1,240,808	1,303,280	o1,060,068	o1,958,224	1,088,615	2,024,645
Sweden	1,994	62,435	3,338	54,527	565	46,876	11,298	62,250	21,590	65,800
Norway		c184,360		184,360		199,987		244,954		234,645
Italy	f72,375	b17,949	f72,375	d17,949	q72,375	q17,949	q72,375	q17,949	q72,375	q17,949
Spain		c3,096,220		3,096,220		r3,096,220		r3,096,220		r3,096,220
Turkey	c4,918	b71,441	4,918	71,441	4,918	71,441	6,646	89,916	h6,646	h89,916
Argentine Republic	78,546	420,225	b78,546	b420,225	s78,546	s420,225	s78,546	s420,225	s78,546	s420,225
Colombia	4,000,000	1,000,000	b4,000,000	b1,000,000	s4,000,000	s1,000,000	3,856,000	760,000	h3,856,000	h760,000
Bolivia	g72,345	g11,000,000	g72,345	g11,000,000	72,375	11,000,000	72,375	f11,000,000	f72,375	16,000,000
Chili	g128,869	g5,061,747	g128,869	g5,061,747	128,869	5,061,747	162,000	5,395,000	h163,000	h5,325,000
Brazil	1,003,546		803,887		741,694		f741,694		632,520	
Japan	406,548	916,400	b466,548	b916,400	s466,548	s916,400	s466,548	s916,400	120,080	253,825
Africa	d1,993,800		b1,993,800		n1,993,800		s1,993,800		n1,993,800	
Venezuela	1,615,825		2,274,692		r2,274,692		2,705,077		p3,338,058	
Canada	c815,089	c68,205	815,089	68,205	1,094,926	68,205	f1,094,926	658,205	954,000	468,205
France								594,053		
Total	108,778,807	98,172,628	106,436,786	94,551,060	103,023,078	102,168,354	98,699,588	105,992,251	94,027,901	114,217,733

a Official estimate, "L'Economiste Français," July, 1881, p. 112. b Estimated the same as 1879. c Estimated the same as 1880. d Dr. A. Soetbeers. e From total production 17 per cent. of gold and 25 per cent. of silver deducted for foreign ores. f Estimated. g Estimated same as 1881. h Estimated as me as official statement for 1882. i Official for Victoria and New South Wales, with estimated production of the other provinces. j The mean of the official production for 1880 and 1782. k Amount parted from deposits at the Sydney and Melbourne mints. l Coinage and export. m Estimated same as official statement 1880. n Estimated by Dr. A. Soetbeer. o Official for Hungary, with former annual official production for Austria added. p Report of Consul Dalton, Consular Reports for May, 1884, p. 394. q Estimated same as official statement for 1877. r Estimated same as official statement for 1880. s Estimated same as official statement for 1879. t Estimated same as official statement for 1881.

TABLE No. 2.—*Coinage of various countries.*

[Calendar years, except for Japan and the United States, for 1879 and 1880.]

Countries.	1879.		1880.		1881.		1882.		1883.	
	Gold.	Silver.	Gold.	Silver.	Gold.	Silver.	Gold.	Silver.	Gold.	Silver.
United States	$39,080,080	$27,568,235	$62,308,279	$27,409,706	$96,850,890	$27,939,203	$65,887,685	$27,972,035	$29,241,990	$29,245,989
Mexico	658,206	22,162,987			438,778	24,739,023	452,590	25,146,260	*407,600	*24,083,921
Bolivia						1,970,983		1,684,865		†1,600,000
Venezuela			324,024							
Argentine Republic									4,530,210	1,715,445
Hayti						780,000				
Great Britain	170,571	2,671,971	20,196,228	3,705,878		4,852,523		1,021,381	6,831,169	6,201,517
Australia	20,210,574		22,151,334		10,699,115		18,701,959		15,903,722	
India	402	28,122,004	69,670	40,002,178		20,682,625	170,543	29,386,322	*67,044	24,927,400
Germany	11,043,120		6,662,153		1,634,189		3,167,085	6,407,157	21,002,897	594,464
Austria-Hungary	1,001,592	12,899,784	2,468,029	8,373,563	2,429,998	9,028,671	2,829,590	3,122,819	2,154,390	5,552,191
France	5,494,834				418,231	1,299,554	722,206	223,853		
Belgium				150,639		38,055	2,016,117			
Italy	565,355	3,860,000	499,997		3,253,988	1,598,346			785,027	
Netherlands	2,403,223	44,806	250,313	40,200				608,312		81,095
Denmark	*9,314,143	*4,863,725								
Norway				499		28,930		69,680	192,708	37,520
Sweden			752,992	223,094	340,275	290,137	39,876	17,707	436,619	250,468
Spain			33,113,719	268,955	21,067,127	3,080,193	1,996,310	10,671,842	3,327,235	10,523,421
Portugal			348,765	145,492	245,160		162,000		217,080	
Japan	202,451	396,954	460,365	2,076,955	490,585	4,514,043	803,645	3,294,988	964,533	7,564,188
Brazil	38,318		30,368		21,059				52,801	23,589
Roumania						4,747,800				
Russia									12,793,575	
Turkey							2,909,056		1,344,640	44,000
Chili					125,280	3,020,000				
Colombia										699,114
Switzerland									965,000	
Honduras								76,314		
Persia									47,117	605,579
Total	90,752,811	104,888,313	149,645,236	82,397,154	147,015,275	108,010,086	99,909,662	109,703,535	101,265,357	113,769,901

*Coinage for 1876, 1877, and 1878, to March 31, 1879; no coinage executed since 1879. †Approximate.

From these tables it appears that for the five years in question the aggregate production and coinage of silver in the whole world, was as follows:

Year.	Production.	Coinage.
1879	$96,172,628	$104,888,313
1880	94,521,060	82,397,154
1881	102,168,354	108,010,086
1882	105,952,251	109,703,535
1883	114,217,733	113,769,901
Total	513,062,026	518,768,995
Excess of coinage over production		5,706,977

Many other curious facts relating to the aggregate amount of silver produced and coined during the same five years by ten different nations are as follows:

Country.	Silver bullion produced in five years, 1879-1883.	Silver coined in five years, from 1879-1883.	Excess of production over coinage.
United States	$215,012,132	$140,131,168	$74,876,964
Mexico	136,817,440	95,532,191	41,285,247
Bolivia	60,000,000	5,255,848	54,744,152
Chili	25,895,281	3,020,000	22,875,281
Germany	37,442,335	7,000,621	30,440,714

Country.	Production.	Coinage.	Excess of coinage over production.
India		$143,120,524	$143,120,524
Austria	$9,283,756	48,947,028	38,663,272
Great Britain		18,453,270	18,453,270
Japan	4,019,425	19,798,021	15,778,596
Spain	15,481,100	24,544,418	9,063,311

First. The first thing that commands notice is that the United States during the five years in question coined all the silver our home mines produced except $74,876,964, or about an annual average of $15,000,000 which could easily have been coined without resulting in any appreciable effect upon our currency except to strengthen it.

Second. The second noticeable fact is that Mexico coined nearly as much silver as the United States, if we make allowance that she coined none at all one year. She still coins it, mostly for the China trade.

Third. A third thing that strikes the observer is that during the five years India alone, although producing no silver herself, coined more of the metal than the United States, and it may be also remarked that the year the United States only partially remonetized silver, to wit, 1878, India coined $78,741,556, and during the year preceding that $30,518,415, or a total of $109,259,981 in two years, making an aggregate of $252,380,105 in seven years.

Fourth. Great Britain coined $18,453,270 during the period mentioned, or more than three millions a year; yet my colleague [Mr. HEMPHILL] said in his silver-suspension speech the other day that England "has not indulged in coining silver for near a century." If my colleague had examined more carefully he would have found that England has coined an average of about $3,000,000 silver yearly since 1858. He might also have ascertained that under Sir Robert Peel's act of 1844 the Bank of England is allowed to keep one-fourth of all its specie reserves in silver. According to the report of the Director of the Mint for 1885, England coined $3,204,824 in the year 1884.

Fifth. While it is generally believed that Germany has discarded silver altogether, she, too, coined $7,001,621 in the five-year period referred to, and it is a further fact that she not only stopped selling or recoining her large stock of old silver in 1879 but she remonetized it by making it full legal tender again. Even token-silver in Germany is full legal tender to the government for any amount.

Sixth. Austria, Spain, and Japan strained every nerve to coin all the silver they could buy at its depreciated bullion price, besides the $30,784,429 which they produced at home and coined on account of the state to make the seigniorage profit for the government.

Seventh. Mexico, Bolivia, and Chili produced in the five years considerably more silver than the United States, and it is well known that England controls most of the commerce not only of those silver-producing states, but of nearly all the other South American republics, and as she has the ships to transport the commerce of the East she almost has a monopoly of the silver yielded by the states south of us to manipulate the trade of China and India to suit herself, while we look on in helpless imbecility. It is true that Mexico coins most of her silver at home, but England gets it mainly for profitable trade with China, where the Mexican dollar is a legal tender alongside of the sycee.

Eighth. Germany, Austria, and Spain are the silver-producing nations of Europe. Austria has the single silver standard of value, while Spain has the double standard, and as Germany had the single silver standard too before she demonetized the white metal in 1873, she may go back to silver again, since she is already the fifth silver-producing nation, and the yield of her mines, which are the property of the state, is largely and steadily increasing every year. She can change from one standard of value to the other with great facility. We have seen that in 1857 she adopted the single silver standard, yet fourteen years afterward she changed to the single gold standard, partly because she believed the Munchausen tales told about the fabulous quantities of silver in the Comstock lode and thought as she had nearly all of France's gold she could keep it. Besides, Germany has lately inaugurated a grand colonization policy, having annexed to her empire large areas of land, amounting to over 400,000 square miles, in several different quarters of Africa and the Pacific Ocean, which are well peopled with barbarians, and she will need vast sums of silver, as will France and Bel-

gium, to trade with these new subjects, and a wide field of prosperity opens up to the colonizing nation that has plenty of silver.

IT IS COINED BY GOVERNMENTS TO MAKE THE SEIGNORAGE.

In any event the bold, cold, monumental fact remains that in spite of the general assault against silver in 1873, which occurred when the United States followed Germany's lead in deposing the metal, it is still sought after and coined as much as ever, even more than ever, because the metal is cheaper than it has been since the dawn of history compared with gold, but not cheaper when compared with other things.

This supposed cheapness may explain why so much of it has been coined of late by parties owning plate, ornaments, &c., becoming apprehensive of a further fall and rushing to sell; or it may arise from the nations that have gold preferring to purchase silver at depressed market rates for coinage on state account, thereby gaining the fat seignioragе and then making the silver coin practically full legal tender with gold, as will be shown presently. Such a proceeding has often been practiced by dishonest governments, and why not now when half the nations of Europe are groaning under debt? Be the cause what it may, I repeat only private free coinage of silver is suspended abroad as it is here, and it has been suspended there only because we first set the example as an ally of Germany. Coinage on government account, as I have conclusively proven, goes on as much as ever, and whether most of the silver coin thus minted be only token money, like our fractional silver pieces, with a large per cent. of less pure silver than standard coin, and be a legal tender in law for only a limited sum, yet such silver is generally circulating abroad among the people as if it were gold. This is especially true not merely of those nations that have the double standard, but also of those that have the single gold standard, with silver as token money, and it is likewise true of those that, like the United States, have the limping standard of unlimited gold and restricted silver coinage.

The reports of the Director of the Mint prove that the states of the Latin Union keep eight hundred millions of silver, eleven hundred millions of gold, and one thousand millions of paper afloat, all at par. The states of the Scandinavian union—Denmark, Norway, and Sweden—although nominally only gold monometallic as to full legal tender, likewise keep ten millions silver, twenty-seven millions gold, and forty-four millions of paper "interchangeably at par with gold." In Holland, Spain, and other double-standard states the three kinds of money, including large sums of silver and gold, are also held at par. Even in Germany over two hundred millions of silver and three hundred millions each of gold and paper "in usual business transactions are taken indiscriminately in payment without discount or premium either on metal or paper currency." In Austria, Japan, Mexico, and other states, however, which have only the single silver standard, while silver and paper are at par and full legal tender, gold is merely a commodity and at a premium of over 20 per cent. Showing that gold has appreciated as metal, while silver has not depreciated below par either as coin or metal.

Now, if the great nations of Europe, where no private free coinage of silver is permitted, and in fact where no silver is coined except by the government as with us, can keep silver and gold interchangeably at par for any debt, especially where silver is full legal tender by law for either public or private obligations, as it is with us, why can not we do it if the administration would observe the law in good faith? As the value of everything depends upon the uses to which it can be put, and as silver and gold are used for only two purposes—first, the arts; second, for coinage—when silver is deprived in a great measure of its most important function, to wit, coinage, by restrictive laws limiting either the amount of its coinage or the extent of its legal tender, need any one be at a loss to account for the decline of the commercial value of silver and the rise of that of gold? Allow free trade in coinage and unlimited legal tender to both metals, as existed before 1873, and as sure as the sun rises and sets silver will soon be at par with gold again at our ratio of 16 to 1.

LAW MORE THAN COMMERCE MAKES MONEY.

Money is both property and an institution, being an official measure of value as well as a certified quantity of value itself for the exchange of services and commodities, and for the payment of debts and damages to individuals and fines and taxes to the state. The central idea of money is its property value as recognized by the state, and the best money is gold or silver having full market value as well as full legal-tender value for any amount. So that commerce and law unite to create this best money, whereas law alone confers legal-tender power on any sort of money.

In fact law has much more to do with conferring value on gold and silver money even than commerce has, because it is law alone that imparts the legal-tender or debt and tax paying attribute to coin. How much superior law is to commerce in attaching value to coin may be seen in the circumstance that our present trade-dollar of 420 grains standard silver can not pay a debt or tax as a matter of right, whereas the Bland dollar of only 412½ grains standard silver can pay either, simply because the law confers the power of legal tender on one but not on the other. It may be still further illustrated in the case of the Bland or standard dollar, which, by virtue of having only 371¼ grains of fine silver coined, will yet pay for nearly a fourth more equally fine silver metal uncoined.

To prove yet more convincingly that law, more than commerce, determines the market value of the money-metals, Mr. Thomas Baring, one of the chiefs of the large banking house of Baring Brothers & Co., testified before Parliament that in London during the financial crisis of 1847 it was impossible to borrow a guinea of gold on 60,000 pounds of sterling coined silver. He also bore witness that in the commercial panic at Calcutta in 1864 a merchant could not borrow a single rupee of silver upon 20,000 pounds of coined gold as collateral. Why was this? Mainly for the reason that silver in London was not a legal tender above 40 shillings, while gold in Calcutta was not legal tender for any sum whatever. Owing to these facts many merchants had to go into bankruptcy in both cities at the crises indicated, which would not have been the case if both metals had been legal tender.

Numerous other things could be mentioned to show that law, and not trade, is the main factor in determining the legal-tender value of any money; but let it suffice to say, that law, and nothing but law, makes a greenback dollar in the United States as good legal tender as a gold dollar for everything except customs duties and payment of interest on the public debt. And they would have answered for those two purposes as well as the coin if the money-changers, who are now fighting silver as well as greenbacks, had not improperly influenced the small Senate in 1862 to dishonor the Treasury note to enable Gresham's law to operate. There was a time when both Mexican and Spanish silver coins and gold doubloons, &c., constituted the bulk of our metallic money, because both the Constitution and the act of Congress provided the law which made them legal tender; but since the demonetization act of 1874 depriving foreign coin of that privilege, no one ever sees the pillars of Hercules or the rising sun on coin nowadays. Yet the legal-tender quality of money, whether coin or paper, is altogether local, and confined within the boundaries of the nation issuing it, while the commercial value, apart from the legal tender, remains nearly the same in all countries at all times.

Except where the citizen prefers to have the actual coin, which is not often, the Government ought to guard the coin in some safe depository and have it represented by a paper certificate in the hands of the public. Most people do not care to carry either much gold or silver, and there would be no trouble or expense about circulating the surplus silver now in the Treasury if coin certificates were issued for it and those certificates paid out for interest or principal of the national debt or for the current expenses of the Government. At present no silver certificate can be issued even by law for a less amount than $10. Let one, two, and five dollar certificates be sent forth and they will be as popular as the greenbacks of those denominations; indeed, they ought to be more so, as they would represent coin as well as the good faith and responsibility of the Government, which former the greenbacks would not do if the Federal Government, from war, short crops, overtrading, panic, &c., should suspend specie payment.

So that all the pretended difficulty and cost of keeping the silver, or rather its equivalent certificate, in circulation is mere subterfuge. Even now, with no certificate allowed by law under $10, the silver could easily be kept afloat if the Treasury officials would do their duty and observe their oaths by redeeming payable bonds or discharging other obligations of the Government with silver and taking the silver back immediately into the Treasury for certificates, which are legal tender for every debt, public or private. But the Secretary of the Treasury is too good a friend of the national banks to remember that he is the sworn officer and agent of sixty million people. Having determined the best kind of money, gold and silver or their equivalent certificate, let us next consider the quantity of the article a nation ought to possess if possible.

QUANTITY OF MONEY NECESSARY.

Mr. Calhoun estimated it at about one-thirtieth the total wealth of the community and that every inhabitant ought to have for his share between $30 and $35. Many persons may question the soundness of this rule, but it is sufficiently accurate for all practical purposes; and although the requisite amount of money for a healthy circulating medium depends upon many other things besides population, yet the per capita is the best single guide. Tested by that, on the basis that our population is fifty-eight or sixty millions and that it is desirable to substitute gold and silver or their equivalent certificates for greenbacks and national-bank bills, we could easily absorb a thousand millions more gold and silver without the slightest fear of letting Gresham's much-talked-of but little understood law use silver to expel gold.

It would probably require twenty years or more to obtain this additional thousand millions coin, and at the end of that time our population would number over 80,000,000, needing at least one and a half billions coin for business alone, to say nothing of the arts. Therefore is it not like a child seeing a hobgoblin in the dark to be fearing the possession of too much money—honest money at that—God Almighty's money, and not man's lying rags. So let us be thankful that the time is a good way off before our children shall possess more of the precious metals than they will want. There is not the remotest danger of our being burdened with more than we can carry. If perchance we should at any time accumulate more than our "fair share" of the world's gold and

silver we could not keep it long, because prices would then go above their proper level, imports would increase, exports diminish; and we should have to send coin abroad to settle balances with the foreigner. Then, too, if either gold or silver coin should become too plentiful and depreciate in value, the arts would find it out and appropriate much of both metals for watches, jewelry, plate, &c.

France, which has twenty millions fewer people than we have, has largely more money than we possess. She carries over fifty dollars to the inhabitant without any complaint of redundancy, and her money is in circulation among the people, where it is hoarded in a million different stockings and private places, ready for use as wanted, instead of being locked up, as with us, in a few national-bank vaults and in our Federal Treasury to forcibly reduce the volume of money afloat and depress business with a view to compel Congress to retire greenbacks and discard silver as coin, in order to make room for national-bank bills as the only means of relieving financial distress in the country.

France not only has more money per capita than any nation in the world, but she is confessedly the best governed nation as regards her finances. She paid Germany a nearly cash war indemnity of $1,000,000,000 in gold, yet by substituting silver for it and issuing large quantities of government notes to keep her domestic industries prosperous she soon got back her gold, whereas Germany by dethroning silver could only partially fill its place with gold, thereby gaining no advantage and actually losing heavily by the transaction. France cut the costly Suez Canal, you may say, without missing the money, and she is now digging the Panama Canal at an expense of two or three hundred millions; yet she still has plenty of money to carry on wars in the East and leave her people in possession of more coin than the United States and England or the United States and Germany jointly possess. She believes in supplying her people with all the money they can use to advantage and never hesitates to issue government treasury notes through the Bank of France by the hundred millions when necessary, either to relieve a crisis or equip her laborers and men of enterprise with sufficient financial tools.

Hence everybody in France has the heart to work at all times. That is the secret of the tireless energy of the people and of their splendid economy. Pecuniary distress and consequent business stagnation do not brood over that land on account of too much money like it does over ours on account of too little. Besides, the French people are their own bankers. They have but one bank of issue, which is really the government, although it is nominally called the Bank of France. Nor have the French even a single trust bank; and therefore it is they have no foreign colony of defaulting bank officers as we have in Canada.

The French believe in free trade, not monopoly, in money, in letting the individual not a corporation control it. As a nation they are like the New York merchant the other day who when he made a hundred-thousand-dollar purchase got the money out of his iron safe, and in answer to the surprise expressed at his not having deposited it in a bank, replied, as between the banks and burglars "I will risk the burglars." France's favorite financial maxim is: "There is no companion like money," and coin-money at that. This national trait of hoarding coin was what saved the nation from destruction in the German war. Suppose France's money system had then been mostly on the rag basis, how could she have ever paid the German gold tribute and gotten rid of the conquering army? France does not like the English and American idea of cheap money—convertible paper—because when trouble comes, and sometimes come it must, there is no coin to convert with. It has run away—nothing being so cowardly as $1,000,000 of gold except two millions of gold. Hence, the difference between the French idea of finance and that of the American and English is that the latter strive to see how little real money or coin they can get along with while the French strive to see how much they can get and keep, believing it is better to lose the interest than interest and principal both.

The bills of the Bank of France correspond to our greenbacks, and they are as good as gold because they are a legal tender for any debt or tax. Our greenbacks, on the other hand, are not as good as gold, because they are not a legal tender either for duties on imports or for interest on the public debt, and the same class of men who thus discredited our Treasury notes in 1862, to let Gresham's law exalt the value of coin and degrade that of greenbacks, are endeavoring now to up with gold and down with silver.

SUPPLY OF MONEY SHOULD BE STABLE.

If there is anything that ought always to be stable and never alter by increase or diminution in value it is the volume of money in a country, except so far as it may be enlarged or reduced by the natural laws of supply and demand, in exchanges as well as to allow for the annual increase or decrease of population. A healthy volume of money depends not on the material out of which it is made, and not on the cost of its production, but on the cost of obtaining it after it has been produced and on the functions it can perform, as well as on the limitation of its quantity. A dollar ought to be the same in value both when a contract is made and when it is paid, although twenty years may intervene, and gold and silver come nearer to this uniform standard than any substances in the world.

BOTH PRECIOUS METALS MORE STEADY THAN ONLY ONE.

As regards paper money, either individuals, corporations, or governments may be tempted to issue too much and thereby depreciate it. But the supply of precious metals from the mines is for the most part steady, especially as regards the sum of both metals. Sometimes there is an abnormal yield of one, then of the other, but, on the average, the aggregate is the best regulator of the money supply—just as two metals of unequal expansion form the best mainspring of a chronometer, or just as two separate reservoirs of water which are connected with each other by a pipe, but are fed by streams of unequal capacity, will always have the same level with only slight fluctuations.

Besides, there is more fixedness of value in two metals than one when a proper ratio is observed and free coinage allowed, because as one metal becomes commercially less valuable than the other there is such a general demand for it to pay debts that the equilibrium is soon restored by the appreciated metal having risen only half as high as it would have done if there had been but one metal, and by the depreciated metal having fallen only half as low as it would have fallen if there had been but one metal. They act and react on each other, preventing any violent fluctuations such as are incidental to the paper money put forth by banks of issue. We already possess thousands of these shaving shops in our national banks that are depressing business and robbing the public every day by expanding or contracting the currency through establishing new banks or failures and liquidation of old ones to suit the interest of stockholders, not that of the public.

MEN WHO DEAL IN MONEY OUGHT NOT TO MAKE IT.

Men who deal in money brokerage as a business ought not to be permitted to make paper money. That ought to be done by the sovereign government alone, which should act for the good of all, not for the benefit of a few. Until we can accumulate gold and silver enough for our circulating medium the only kind of paper money we ought to have is the greenback, which is stable in value because it is a fixed quantity—a quality wholly unknown to national-bank bills.

Moreover, the most important difference between a national-bank note and the note of a solvent private individual is that the bank note *draws* interest while the individual note *pays* interest, all by virtue of the bank's chartered privilege from the Government to issue in money-notes 90 per cent. of the amount of the bonds on which the notes are based, and yet collect interest from the Government on the bond as though it were not security for money-bills in circulation. When an equal amount of stable greenbacks could be put into circulation without costing the people anything, it is too bad to force them to pay interest on the national-bank bills that are increased or diminished every day, to the great detriment of the public.

Above all it is too bad to have this many-headed national-bank monster striving to extend its nefarious system of control over the money of the country by first canceling the three hundred and forty-six millions of greenbacks and then stopping the coinage of silver so as to substitute national-bank rags in their stead while charging the people interest on the people's own credit, and expanding or contracting the volume of money *ad libitum*. Yet that is what our Wall street President, national-bank Secretary of the Treasury, and bondholding-syndicate administration are attempting to do.

The President, in his eagerness to serve Wall street bondholders and national-bank stockholders by suspending the coinage of silver, substantially says in his annual message that our silver dollar, which has the same quantity of pure silver in it now that it has had ever since 1792, is an unsound dollar, a depreciated dollar, a dishonest dollar, which, if its coinage be not suspended, will, according to Gresham's law, drive all the gold out of the country, and make the United States the "dumping-ground" of silver for all the world. He also says that to pay debts with such dollars is repudiation, and not only injures the wealthy creditor class but also the poor, and especially the laborer. In support of these grave charges no pertinent facts are presented in the message, but many unfounded facts are assumed, some wailing prophecies are indulged, and the following quotation from Webster's speech in the Senate in 1834 is cited:

> The very man of all others who has the deepest interest in a sound currency and who suffers most by mischievous legislation in money matters, is the man who earns his daily bread by his daily toil.

I heartily indorse this sentiment, and it is because I indorse it that I oppose the suspension of silver coinage and favor its unlimited coinage. As regards silver our "mischievous legislation" consists first in having demonetized silver altogether in 1873; and second, in restricting its coinage in 1878 instead of restoring it to unlimited coinage. No laborer objects to taking a silver dollar for his wages. The only thing he complains of is that he can not get enough of them or of their equivalent certificates on account of their scarcity by reason of the administration's Wall street policy of hoarding all kinds of money by the national Treasury in the interest of the bondholders and national banks.

GRESHAM'S LAW.

Now, what is Gresham's law about which so many gentlemen have talked so much? It is evident that some writers and speakers who discourse dogmatically of Gresham's law do not understand it.

The usual definition or explanation is that where there are two moneys of different value the less valuable will drive the more valuable out of circulation. The Greek poet, Aristophanes, first wrote of this law of finance; but as an English merchant by the name of Gresham in Queen Elizabeth's time published a good deal about it, his name was given to it. The best test of any money is the extent to which it will pay debts or taxes, and any money, whether coin or paper, that can by authority of law pay every public tax or private debt is as good as gold, because gold can do no more than that. Either the Government or a private creditor has the right to refuse any money except it has full legal-tender quality, which law alone can confer.

At present we have four kinds of money—gold, silver, greenbacks, and national-bank bills—which are ordinarily received at par in business, but only gold and silver are above the reach of Gresham's law, because the precious metals are all the money we have that is legal tender for duties on imports or interest on the public debt. Except for the two purposes just named greenbacks are a full legal tender for every debt, public or private, whereas national-bank bills, in addition to not being a legal tender for either of said purposes, are likewise not a tender for the redemption of greenbacks or for a private debt due by one citizen to another. So that if the parties entitled to receive the money object, there are four kinds of contracts national-bank bills can not discharge, and two kinds that greenbacks can not meet; but inasmuch as national-bank bills are redeemable in greenbacks, and greenbacks themselves redeemable in coin, our four species of money are all at par, and have been since January, 1879.

But how long could the two paper moneys remain so if anything should occur like a great war, short crops, adverse balances of trade, or a financial crisis to force the Government to suspend specie payment? The moment the Government ceased to redeem the greenbacks in coin, while yet requiring that all customs duties and interest on the public debt should be paid in coin, that moment Gresham's law, which so delights the money-changer's heart, would be set in motion to run riot in all sorts of speculation, by buying one kind of money with another kind. The Government must have coin to meet the interest on its public debt, and the merchant also must secure coin to pay duties on imports. Therefore the holders of the coin would not part with it except at a premium in either greenbacks or national-bank bills, which two latter being the cheaper money would drive the dearer coin out of general circulation, because everybody that had gold or silver would withhold it for a rise in price, payable in bank bills or greenbacks, which would be the only money in common use.

This was the case from the second year of the war up to January 1, 1879, a period of seventeen years, during all which time Gresham's law never enjoyed such a triumphant and desolating reign over private property and both public and private morals in the history of the United States, all caused by Congress not having made greenbacks a full legal tender for customs duties and for interest on the public debt as well as for every other tax or debt. Had that been done the greenback would have kept at or near par with gold and silver even while the war lasted, because its quantity was strictly limited and it was convertible into interest-bearing bonds whenever the holder asked it. Instead of that a gold exchange was opened in New York solely for gambling purposes. Fortunes were made and lost every day by buying or selling gold or silver or greenbacks, and speculation, extravagance, dissipation, and demoralization ran riot. The enemies of silver are pretending that if its coinage be not suspended there will soon be another agonizing era of the Gresham nuisance, but their anxiety is only feigned or is the result of self-delusion. A very few may honestly believe it, but the great majority long to see a revival of the opportunity to speculate in moneys of unequal value, and that is why they seek to degrade one of the precious metals by buying it with the other instead of buying commodities with both metals.

National-bank bills are plenty good enough money for the enemies of silver. No danger, they say, of Gresham's law getting a chance to work in respect to our present bank rags, and even the President, while denouncing silver—one of the moneys mentioned in the Bible, one of the moneys guaranteed by the Constitution, can say: "The very limited amount of circulating notes issued by our national banks, compared with the amount the law permits them to issue upon a deposit of bonds for their redemption, indicates that the volume of our circulating medium may be largely increased through this instrumentality."

DEMOCRACY BELIEVES IN HARD MONEY.

Shades of Benton and Jackson and Calhoun, and all the hard-money Democratic fathers, what next when a Democratic President, so called, can recommend national-bank bills while denouncing silver? That, too, when the banks can increase or decrease the issue of money according to their interest and not for the public good. It was against the abuse of this sovereign power of issuing or contracting money that Mr. Webster delivered the speech from which the President quoted. Let me also ask the Clerk to read another extract from Webster on the relative merits of rag and silver money, delivered in the Senate in 1832:

Of all the contrivances for cheating the laboring classes of mankind none has been more effective than that which deludes them with paper money. This is the most effective of inventions to fertilize the rich man's field by the sweat of the poor man's brow.

The President not only prefers national-bank paper money to silver, but it is a legitimate inference that he likewise prefers a "flexible" to a stable money, a variable, changeable quantity of circulating medium, governed only by the self-interest of those who issue it, instead of by considerations for the public good. My colleague [Mr. HEMPHILL] stands in the same category. In his ingenious but fallacious speech favoring the suspension of silver coinage he denounced greenbacks and national-bank bills because they had no "intrinsic" or commercial value, and were therefore liable to Gresham's law. To be consistent he ought to prefer silver to paper, as he professes to desire only commercial value in money apart from its legal tender value. As the paper is worth nothing in itself, while he admits the silver dollar is worth 80 cents in gold, he ought to stand by silver according to his argument of taking the best money in a commercial sense that the material of the money costs.

It was to guard against "flexible" money that Webster pleaded so eloquently, and it is the horrible recollection of assignats, as well as John Law's Mississippi bubble, that causes the French to have no paper money issued except by the government, and it is even said that the origin of the French proverb that "A scalded cat dreads cold water" grew out of the prolonged sufferings which resulted from too much "flexibility" in the currency. Ought not we Americans to have equally as lively a recollection of Continental money, confederate money, and the wagon-loads of shinplasters and paper frauds that circulated in this country before the war, when each of the thirty-odd State Legislatures was a factory to charter wild-cat banks of issue to deceive and rob the people, first by expanding money to get them in debt and second by contracting it to force them to pay, as our national banks are doing now.

Before the war almost any State Legislature in the Union would grant a charter to any set of sharpers who would ask it to set up a bank to make paper money, and about all required was for the bank bill to promise to pay specie (provided no body called for it). Bondholders, national-bank stockholders, even our Wall-street President, are all trying to degrade the silver dollar by pretending that it is not a legal tender for the interest or principal of the public debt, but their unpatriotic, dishonest efforts are all in vain. The silver dollar will pay any debt that gold will pay, because it is full legal tender by law, and the world knows the law if our national-bank Secretary of the Treasury does not.

American-coined silver passes at par with coined gold abroad except the difference of exchange (freight, insurance, interest, and the usual small brokerage). Our Bland dollars, as they are derisively called, sell every day in London for par in gold, less exchange, and this is, or ought to be, a convincing illustration that law makes the value of money more than commerce.

The gentleman from Massachusetts [Mr. LONG] tells us that if any portion of the public debt be paid in silver gold will immediately retire in disgust from circulation. Well, let it retire. Silver can now pay any debt or any tax that gold can pay, and that being the case, neither silver nor greenbacks will ever hunt gold up at a premium like poor greenbacks once had to do to pay customs and interest on the public debt. Gold will not sulk long when it can neither command a premium nor interest, but, like Achilles, shall come forth again asking employment.

Almost every government in Europe has abolished private banks of issue, and have no paper money other than national treasury notes like our greenbacks, except that they are legal tender for every debt or tax. Hence, as a rule, they keep on a par with coin, partly from the great demand for them to pay heavy taxes, which is equivalent to a redemption, and partly from the limitation of the quantity of them. Weston, in his admirable work on money, says:

Nobody ever attributed the continuous depreciation and final worthlessness of the assignats of the French revolution, of the Continental bills of the American Revolution, or of the circulating paper of the Southern Confederate States to anything except enormously excessive issues.

The value of any kind of money depends more on its supply and the demand for it than anything else, and of course making it a legal tender for every sort of debt or tax increases the demand for it to the full capacity of the community to absorb money, which necessarily, within that limit, leaves the regulation of value to supply mostly. But neither silver nor gold bullion can command its full commercial value without it enjoys the privilege of free coinage, because coinage and use in the arts are the only two things that give value to the precious metals, and where the coinage of either metal is suspended or restricted, as is now the case with silver, its commercial value must fall, and in the exact proportion that the other metal will rise because the two metals together constitute the basis of all values, which caused Hamilton, Jefferson, and the fathers of the Constitution to make both metals a legal tender so as to have "the benefits of a full," rather than "the evils of a scanty circulation," as Hamilton expressed it. A government having the population, wealth, enterprise, and integrity of ours ought to be easily able in time of peace to supplement its deficiency of coin by floating at par with gold or silver at least $10 of Treasury notes to the inhabitant. That would give us between six and seven hundred millions of greenbacks, or about as much paper money as we now have, and there would be no expansion,

no contraction of the volume of money to raise or lower prices, and no war on silver by wholesale hoarding of all sorts of money in the interest of banks of issue.

Mr. Calhoun says any stable, reliable government can ordinarily hold at par with gold a much larger sum of treasury notes than the total of its aggregate annual taxation.

The total amount of annual taxation in this country—national, State, and municipal—is over $600,000,000, and as that amount of money has to be used once every year to pay taxes, which is virtually a redemption in coin, the Government can surely dispense with all banks of issue and get rid of their expense as well as of their corruption and disturbance of the business of the country. If this were done, with State banks of trust, discount, and deposit, and free coinage of silver, we would soon have both our currency and our industries on a healthy basis of repose and prosperity.

It can not be said too often, if it were possible there ought to be no money in a country except what has both commercial and legal-tender value, circulating in the form of coin, or a representative certificate as preferred by the owner, and while the millennium may get here before that day arrives, let us hasten its coming all we can by a free coinage of silver.

If there is anything in the finances of a country which should be as fixed as the laws of the Medes and Persians, it is the quantity of paper money which should be issued. The varying supply of circulation ought to depend upon the balance of trade, and it should consist of coin, not rags. The only paper money that ought to be allowed is a definite, fixed quantity of Treasury notes, and all other money should be coin, represented by paper certificates, if desired, dollar for dollar. This has been the English system of finance ever since 1844, and it was the system that prevailed at the Bank of Venice for hundreds of years—the admiration of the world.

But while nothing would be easier than for the United States to adopt this almost perfect system of finance at this time, I have but small hope and no expectation that they will do it. The remorseless, selfish, and tyrannical national banks will not permit it, although in the history of the world no nation has ever had such an opportunity as now offers to us for placing our monetary system upon an enduring basis that promises to give us an exclusive coin issue in the not distant future. The plan is very simple. We have only to replace national-bank bills with greenbacks and allow as full coinage of silver as of gold, and the work is done. Time, and no long time at that, will do the rest, with peace, good crops, and good trade. But the reign of Tom Walkers would be over then, the occupation of Shylock would be gone, the people would be too prosperous and happy. So the New England and Eastern Middle States, where the bonds and mortgages against the West and South are held, will prevent it.

The balance of trade, which at last has far more to do with the abundance or scarcity of the precious metals in a country than ratios of gold and silver, Gresham's law, or anything else, has been in our favor for a long while except two or three years. We extract from the bowels of the earth every year about seventy-five millions of the precious metals. If the foreign trade should continue favorable we can not only coin every dollar of this except what may be used in the arts, but we can largely export gold and silver to add to our stock of coin and ornaments. In all probability the excess of imports over exports of both metals would supply the demand for the arts among us.

Besides, if our population increase only 1,000,000 a year we shall need $35,000,000 more annually according to Mr. Calhoun, and $50,000,000 more, according to the experience of France, for the new comers. Then why get alarmed about having too much silver by coining $2,000,000 a month? As long as we have over $600,000,000 of rag money, why should the President say that the coinage of $2,000,000 of silver a month is "beyond the amount needed for a sufficient circulating medium?" Why should he warn us that "the desire to utilize the silver product of the country should not lead to a misuse or the perversion of this power" (to coin money)?

It is a slander to charge that any considerable number of people in this country want silver coined for the exclusive benefit of silver miners, although as they are engaged in a legitimate business they should receive just treatment from the Government by it permitting free coinage of silver to preserve its bullion value. Any other government but ours, no doubt, would encourage its silver mines. We do not properly appreciate the blessings which Providence has bestowed upon us. Several different nations have either valuable gold or silver mines. Ours is the only one that has both gold and silver mines. Yet we do not appreciate it, and are pretending to fear that we shall get too much coin, even while we have more rag money than any nation on earth—more than even Russia. Some people speak of silver as if it were as common as iron and promised to become as cheap on account of its too great abundance.

FOLLY OF FEARING TOO MUCH HARD MONEY.

When school boys we all read about the seven wonders of the world, and never supposed there would be an eighth wonder; but future historians ought to regard it as an eighth wonder that the people of the United States in 1873, when they had neither gold nor silver in circulation, should have determined that they did not want any silver money at all, and that when they did remonetize it again in 1878, from that time until 1886 they restricted its coinage to two millions per month, although during all that while they had considerably over six hundred millions of rag money in circulation and their own silver mines produced about fifteen millions more bullion each year than their Government would coin.

But let us inquire where all this great stock of silver is now, if it be in existence, and if not, where it is to come from.

It is generally estimated that there are about twelve hundred millions of people on the earth, and according to the report of the Director of the Mint for 1884, there are about $10,000,000,000 of money in circulation, leaving out China and several other semi-barbarous states in Asia, Africa, and elsewhere. Of this vast sum, in round numbers, the paper money is $4,000,000,000; gold, $3,250,000,000; silver, $2,750,000,000.

In other words, only about $5 of both gold and silver if each inhabitant had his proportionate share assigned him, or about one-seventh of what Mr. Calhoun and one-tenth of what the French say is the proper sum per capita. It must not be forgotten also that most of the recognized writers on the precious metals conjecture, and they can only conjecture, that about as much gold and silver values are stored up in the arts, in plate, jewelry, ornaments, &c., as exist in coin. Hardly a family, a man, a woman, or child in the civilized world but has some article of use or ornament made out of the precious metals—a piece of plate, a watch, a bracelet, a ring, &c. As the United States at present have about three hundred millions of silver, counting the subsidiary coin, and about sixty million people, we have almost to a mathematical calculation our exact cosmopolitan per capita proportion of $5, and the President does not wish us to have a cent more, notwithstanding we are the largest silver-producing nation and have for each inhabitant over ten dollars' worth of rag money without a dollar of specie behind it. However, after taking this anomalous position the strangest declaration of the President is that "there is certainly not enough silver now in circulation to cause uneasiness."

No, I should think not. The only cause of uneasiness is that there is not more silver or silver certificates afloat, and it what we have is not sufficient to cause "uneasiness," why not try a little more of it, especially as the French have over $15 silver coin per capita and are not bothered about it. Since we shall have to acquire more than $600,000,000 additional silver to possess as much per capita as the French, let us trust in Providence yet awhile and have free coinage like it used to be.

As Burchard's Mint report for 1884, the highest authority we have on the subject, does not know where the alleged superabundance of silver coin or bullion is to be found, let us try to discover where it is to come from in the future.

Only a few more millions of silver are mined every year than of gold, and the doctrine of chances according to past experience forbids the assumption of any excessive yield of silver hereafter. If for the next half century there should be twice as much silver extracted from the earth each year as has been extracted on the average for the last half or quarter of a century, there would be no cause for the friends of silver to tremble. Indeed if there should be ten times as much obtained India and China could take it all and not have half enough. During the last thirty-five years three times as much gold has been taken out of the earth as silver, rated by the usual European ratio, that 15½ pounds of silver are worth as much as 1 pound of gold. So that until very recently, when the annual yield of silver began to exceed that of gold, there was much stronger ground for apprehending a deluge of gold than silver, and there will have to be a largely increasing annual yield of silver for many long years to enable that metal to get as far ahead of gold in quantity again as it was when the California and Australian gold fields were discovered.

The Caucasian world alone, not counting India or China, would like to substitute silver for the four billions of rag money it is now compelled to use, and we could make a profit by mining it, and get par for it too if we permitted free coinage, which is the only method of preserving the bullion value of either gold or silver. Besides, the white race are spreading all over the earth, subduing and civilizing Asia, Africa, and the isles of the Pacific. Population is likely to increase in the next half century as it never increased before. Real, honest money—gold and silver—or even silver alone, then will find some one to be glad to get it at its present legal-tender ratio, no matter how much may be unearthed. The annual supply of gold is steadily declining. The placer mines are pretty well exhausted, and seeking gold in pockets or fissure veins is a very precarious business, while silver mining is nearer a permanent, fixed, calculable quantity like iron mining.

Silver is therefore a much more constant and reliable measure of value than gold. Furthermore, it will not do to deprive silver of any of its money function. The quantity of gold in existence is not sufficient for measuring values, even if the metal were adapted to small payments, such as wages, marketing, &c. Prince Bismarck uttered an expression full of quaint humor and wisdom that finely illustrates this fact. He said for the whole world to attempt to regulate values by gold alone would be like two men in a bed trying to cover themselves with a small blanket. As we can have plenty of silver to cover with and keep warm,

let us not follow the President's advice by either tugging at the small gold blanket or splicing it with mere silver strips. Besides all which, even the gold monometallists can not afford to discourage silver mining, much less to stop it by suspending coinage, because at least one-third of all the gold extracted from veins now is taken out of silver mines, alloyed by nature with the white metal.

RESTRICTED COINAGE OF SILVER HELPS INDIA AT OUR EXPENSE.

India is the great regulator of the value of silver at this time, mostly because she allows free coinage and has an unlimited demand for it, but partly because she has no legal tender except silver, and as she has two hundred and fifty-four million people to supply with money, which people possess in almost inexhaustible quantities every commodity desired by man except gold and silver, she wisely throws open her mints to the silver of the wole world, with the result that she is reaping a harvest of prosperity she never enjoyed before, and reaping it at our expense. She has us right where she wants us on the silver question, and we not only voluntarily put ourselves there, but are simple enough to remain there, wondering why "prosperity hesitates upon our threshold," while it smilingly enters every hamlet in India. Indeed the progress India has made during the twelve years since we demonetized silver in 1873–'74 is simply astounding.

According to Whitaker's Almanac and all the current statistical and official publications, India's foreign commerce has incresed 55 per cent. in ten years. Her exports of manufactured cotton have more than doubled in five years, and her exports of raw cotton have considerably more than doubled in four years. In 1874 she exported only a small quantity of wheat; but during last year she sent to England over 42,000,000 bushels, or about half what England has to import each year. India is also beginning largely to export Indian corn to Europe, and has the capabilities to produce it indefinitely. She likewise is becoming an enormous exporter of wool, hides, rice, linseed, rape, and mustard seed, as well as peanuts, spices, opium, and a great many other agricultural products. In brief, India is fast becoming the most dangerous rival the United States have for supplying the world with agricultural productions, especially cotton and wheat, our two greatest money crops. Her successful competition with us is very much helped by our blunder in restricting the coinage of silver and England's wisdom in letting India have free coinage.

While England nominally has only the single gold standard of full legal-tender money at home and only the single silver standard in India, yet in reality to all practical intents and purposes she is a bimetallic nation with three hundred millions of population. This is because India with its vast territorial area and two hundred and fifty-four million people is merely a proprietary colony, ruled absolutely by the home government and not by the people, who are virtually both political and industrial slaves. In truth the legislation and administration of India's affairs are as much under the control of the home government as those of Devonshire or any other shire of the kingdom. So the pretense that England is only gold monometallic is a transparent sham.

India has a foreign commerce, exports and imports, of nearly $700,000,000, and almost as much public revenue as the United Kingdom itself. About $85,000,000 of this revenue has to be paid annually to the home government for interest on borrowed money, expended in wars, famines, and internal improvements, as well as for cost of the army, civil service, and other home charges. The home government, having a dominant management of the finances of India, so manipulates the public revenue as to control the price of all exports of cotton, wheat, &c. It is done in this wise: The headquarters of the Indian Government are in London, where the secretary of state for India and his council of fifteen members sell to merchants bills of exchange, or what are called council drafts, on India. These drafts are sold for gold in London, but are payable in silver in India, where silver is the sole legal tender; and as we permit England to regulate the price of silver bullion for the world, she can sell those drafts at whatever discount she chooses to make between silver and gold.

These drafts are now selling for 1 shilling 6½ pence per rupee, whereas their par value should be 2 shillings—the shilling representing 24 cents and the rupee 48 cents. As the drafts are selling, 5½ pence below par per rupee, that added to the 3 per cent. premium which a silver dollar ought to command over a gold dollar at 16 to 1, did command here before its demonetization, and would command again if free coinage were restored, makes a difference of about 26 cents in the dollar between the gold price of council drafts or silver bullion in London, and their par value in rupees in India. This operates as a bounty on all agricultural exports from India—a clear bonus of over 26 per cent., which explains why India exported $157,050,000 more during the fiscal year 1883 than she imported and why it was her total foreign commerce was $242,245,000 more in 1883 than in 1873, the year we demonetized silver.

The expansion in India of all industries has been as great since 1873 as her foreign commerce. All standard English financial authorities attribute it to her free coinage of silver. Whitaker dates the beginning of India's tremendous prosperity in 1873—the ill-fated year when America began to drive silver to India, where it has free mintage to all comers, while England herself is most assiduous through her allies and agents, the bondholders and national banks, in having our mints closed to even our own people, and limiting our silver coinage to $2,000,000 per month, bought at the depreciated price which she arbitrarily establishes for it in London.

I use the word "abitrarily" advisedly, because fixing the market value of a little silver bullion in London each day has nothing to do with determining the value of $2,750,000,000 of legal-tender silver coin in existence. England can and does fix the value of that particular silver at that particular time at that particular place in London, but no more; and the valuation she attaches to it controls the price because she has a monopoly on account of being the only great nation that allows "free" coinage in India. The United States could control the price just as easily as England does and by the same means, "free" coinage. There could be no possible danger of a glut of silver accumulating here, by reason of our 16 to 1 ratio offering a perpetual premium of 3 per cent. profit on the exportation of silver. That is $3,000 profit on every $100,000 exported and $30,000 profit on every million of our silver coin which might be sent abroad.

There is not a doubt that India has had more prosperity than any large nation in the world since 1873. What has been the cause of it if not plenty of silver for the first time in her history? Whitaker, in commenting on India's great development, remarks:

> Imports of gold have declined in 1885 by 12½ per cent., the net result for the last six years having been an import of 25.31 lacs (about $1,600,000), a sure sign of prosperity, because not being used for coinage it is an article of merchandise and almost entirely converted into ornament, in accordance with the Eastern method of investing savings.

A merchant wishing to purchase cotton, wheat, corn, jute, indigo, or any of the other thousand things India has to sell can either buy council drafts in London at more than 26 per cent. discount in gold or he can purchase silver bullion at the same rate of discount, then carry it to India, have it coined, and make his purchases with either the drafts or the coin. But while he has his choice of the two methods England always keeps the rupee at a par with gold by selling more or less council drafts and at whatever discount may be necessary.

It is this 26 per cent. bonus on all of India's exports that is depressing the price of American cotton at present 2 cents a pound, American wheat 20 cents a bushel, and many other American commodities in like proportion. In 1879 India sent England 739,000 bales cotton, but in 1883 it was 1,540,000, while we only sent her 2,500,000 bales. At the same rate of increase, inside of ten years the prestige of the South as the largest cotton producer will have departed and India hold the scepter. It is this state of facts which makes my colleague [Mr. HEMPHILL] declare "if our farmers are to be paid for their cotton in silver at a discount of 20 per cent. as compared with gold, the day of their prosperity is, in my opinion, gone."

It is sadly true that our cotton planters do have to sell their cotton at a discount of 20, and even 26 per cent. below its fair market price, but they are not paid "in silver at a discount of 20 per cent. as compared with gold." It is exactly the reverse of this. They are paid in gold at a premium of 26 per cent. as compared with silver, because Indian cotton purchased with the silver rupees or council drafts fixes the price of cotton in Liverpool and American cotton must fall to it. In other words, cotton is bought in India only for silver and sold in England only for gold; but England pays a bonus to the producer of Indian cotton equal to the difference between the market value of silver bullion in London, which is 1s 6½*d* per rupee, and the par value of the rupee with gold, which is 2s per rupee.

That is, the English Government does not appropriate the difference between the two as seigniorage for coinage as other governments are doing. She lets the ryot have the benefit of that by free coinage as it costs her nothing, but she takes good care to regulate to suit herself, first, the price of silver bullion in gold in London; second, the value of the coined rupee in India, council drafts serving her to accomplish both, as the United States have renounced all voice in determining the price of silver although they and the Spanish-American states produce nearly all the silver of commerce. The only possible method of preserving the par value of silver bullion is by free coinage. The same is true of gold bullion. Restrict the coinage of either metal and you reduce the demand for it, which necessarily makes the bullion value decline. Hence our folly in restricting silver coinage in connection with England's council drafts enables her to plunder the commerce of the world out of hundreds of millions annually. If my colleague would vote with me for the free and unlimited coinage of silver here we could stop the sale of council drafts at a discount and help both his constituents and mine to get a hundred cents on the dollar for their cotton.

The wheat monopoly of our Western States is also gone. India not only has immense areas of undeveloped cotton and wheat lands, but she is procuring the best sorts of seeds, implements, &c., as well as instructing the ryots in the most approved methods of cultivation. The ryot is glad to work for six cents a day in silver, and there are countless swarms of such laborers eager to compete with our Western wheat-grower and Southern cotton-planter. In fact almost every agricultural crop we produce North, South, East, or West, now has a dangerous rival in India. Even the hemp and castor-bean crops of Missouri and Illinois must take extra care or be overwhelmed. The Suez Canal has given

England a much shorter route to India than by either of the capes, and De Lesseps has just announced authoritatively that another new route by the Panama Canal will be completed by 1889. Furthermore the Canadian Pacific Railway has lately been finished, and England is fortifying its termini so as to have still another route, almost an air-line, to India.

With fortified seaports and sympathising colonies in every part of the world; with more ships than all the other nations to double the continental capes, or float through the canals to distribute the vast crops of India; with a boundless area of fertile land, having every sort of climate, soil, and production desired by man, and with two hundred and fifty-four millions of docile laborers or rather slaves, begging work at 6 cents a day, what is there that looks cheerful in the prospect for our Southern and Western agriculturist? And even when no bonus shall be afforded India by our restricting silver coinage here and having it free there, she will have such an undue advantage over us as to make every lover of his country feel anxious for the future.

Since the earliest ages the commerce of the East Indies has paid better than any other and the nation controlling it has always been the dominant power of the world for the time. The one thing needful—indispensable to handle that commerce—is silver, and England, although owning nearly all the gold fields except ours and Russia's, yet does not possess hardly a single silver mine in all her colonies. Still she obtains all the silver she needs for the India and China trades 25 per cent. below the par of 15½ to 1 by our suicidal course.

There is no doubt of it. Every intelligent observer can see signs of it everywhere. A mighty struggle between India and the United States for agricultural supremacy is pending. They stand to-day face to face, like two gigantic athletes stripped for the fray, and it behooves us to do our best against 254,000,000 of slaves and paupers, guided by a wise head and strong hand.

Not only is India depriving us of a market for our products abroad, but she is also competing successfully in our own markets. During the twelve months that ended 1st March, 1886, our foreign exports fell off over $85,000,000, and it is well known that our foreign commerce has been steadily declining for a number of years. New York, Boston, Philadelphia, and Baltimore, as well as New Orleans and San Francisco, had better unite to stop the bonus now paid on Indian commerce by the war on silver here, or they may prepare to see the grass grow in many of their streets.

It really begins to look as if the dream of British statesmen of fifty years ago is about to be realized. They boasted then that England would abolish slavery in the petty West India Islands and make them a desert to help destroy African slavery if possible in the United States while England should conquer the great East Indies with vast area and myriads of slaves to overcome American competition in the production of agricultural staples for the world. Shall we longer help her to make good her proud boast by restricting silver coinage here and giving her control of all the surplus silver? India already has perhaps half the coined silver in existence. Shall we continue to strengthen our enemy? The price of American cotton, wheat, silver bullion, &c., rises or falls with the prices of council drafts, which latter is lower just now than it has ever been, owing no doubt to the defiant attitude of the Secretary of our Treasury toward Congress on the silver question, and also owing to the open war which President Cleveland's administration has been waging and is still waging against silver. The English Government feels that it can with impunity turn the screw a little tighter on the American cotton-planter and wheat-grower for the benefit of the ryot in India, where silver has not fallen in value, because it will buy as much as ever, and only gold has risen in value. This was admitted by the delegate from India to the international monetary conference at Paris in 1881.

FREE COINAGE COULD NOT MAKE UNITED STATES DUMPING GROUND OF SILVER.

The enemies of silver are continually harping on its "compulsory," or "forced" coinage, as if none would be coined but for the law that requires it. Such audacity is refreshing, because every one knows the compulsion is against the Government, not against silver. Free coinage is what is wanted by the people, and it is all that silver lacks to be restored to its ancient market value with gold. Allow free coinage and there would soon be such a demand for silver bullion to have coined for paying debts and taxes that I believe it would go to par with gold in thirty days. To say that free coinage would make the United States the "dumping-ground" for the silver of all the world is not only unfounded but is probably not seriously believed by one man in a hundred who has examined the subject.

It is a mere pretense—a subterfuge for want of better argument. Where would the silver come from to overflow our mints other than what we produce ourselves and a small amount we might get from Mexico and South America, after making allowance for the use of the metal in the arts? The natural increase of our population, re-enforced by immigration from abroad, will probably absorb all the silver we shall be able to coin indefinitely if our mines should continue to yield as at present, of which we have no assurance—they are getting deeper every year and may become exhausted like the Comstock did. Moreover, if free coinage should cause us to mint too much silver on our present ratio of 16 to 1, the nations of the earth wanting silver would be sure to come hither for it, because all Europe rates silver higher than we do, their ratio being 15½ to 1, or about 3 per cent. more than ours, the difference being that between .31 and .32.

Europe could not send us any silver because she has a use for every dollar she possesses to pay debts or taxes and circulates it at par with gold on the continental ratio of 15½ to 1. Even Germany stands in this category, having none to sell for the reason that she has remonetized all her old silver coins and made all silver money an unlimited legal tender to the government, while she is now said to be seriously deliberating about making it unlimited tender for private debts, and also to permit free coinage.

No silver ever comes back from the East. India and China are as much the vortex that swallows up all the silver that enters either as the tropics are the natural grave of redundant population. Besides, have the Europeans no debts to pay, no taxes to pay with their silver, and as it is all coined on the ratio of 15½ to 1 would they bring it here to have it coined over at 16 to 1, thereby losing 3 per cent. instead of making anything, and then have to invest it here in the purchase of something to our advantage more than theirs?

But suppose all Europe, and India too, should dump their entire supply of silver upon us, we could utilize it and still have less money than France per capita, by going upon the silver basis alone, as we did in the main between 1834 and 1873, just as Austria and Russia and several other great nations are now doing. If other nations should carry our gold away they would have to part with their silver to get it. Prices would neither rise nor fall anywhere, because the same quantity of precious metals as money would still be in existence serving the world. Although we kept but little home-coined gold in circulation between 1792 and 1834, because we undervalued gold and had but little home-coined silver afloat between 1834 and 1873–'4, yet we were not without a liberal supply of gold coin in the first instance, mostly Spanish doubloons; and silver coin in the second instance, Mexican, Spanish, French, and English. Both the gold and silver coins we used in each case were cheaper than ours, and came nearer conforming to the French ratio of 15½ to 1, and as our Congress, in obedience to the Constitution, published assays of these foreign coins once a year they passed as legal tender. So it can not fairly be said, as my colleague [Mr. DARGAN] claims, that the United States have ever been monometallic except between 1873 and 1878, when we had no coin of any sort in circulation.

But it is said silver is too bulky, that it requires too much room, too many vaults for its safe-keeping if it is to circulate among the people by certificates. The gentleman from Texas [Mr. LANHAM], in his admirable speech on the silver question, demonstrated from official sources that the Government vaults for storing silver up to date have cost but a small fraction above $200,000—a mere bagatelle compared with the immeasurable advantage of a stable metallic currency over a fluctuating rag money one. However, suppose we had fifteen hundred millions of silver coin circulating by certificates, and it took Fortress Monroe to hold it as well as ten regiments of troops to guard it, the people had better bear the expense than go back to the shinplaster days of wildcat State banks of issue before the war.

"Take the good the gods provide thee" lest they punish for ingratitude. We are the only large nation having a sufficient home production of both precious metals to warrant the expectation that with good luck and good management we may in time possess enough gold and silver coin not to need any paper money at all, except as certificates to represent coin dollar for dollar.

BUT FREE COINAGE AT 16 TO 1 WOULD MAKE THIS COUNTRY DUMPING GROUND FOR GOLD.

If we have free coinage of silver at 16 to 1 it will accomplish two positive results: First, it will protect the market value of silver bullion every where within a margin of 3 per cent. against India council drafts, and also against coinage on foreign government account for a fat seigniorage, which will tend to restore free coinage everywhere except in gold monometallic countries; second, free coinage of both metals on the ratio of 16 to 1 would give gold the advantage by 3 per cent., and tend to keep the yellow metal among us while sending the white one away, so that foreigners would always come hither to sell gold or buy silver, but never to buy gold or sell silver, which would be against us, because we ought to procure all the silver we can to carry on successful trade with the East. We have the advantage in location, the advantage in possessing commodities that the East wants, and we have considerable silver, but not enough for her insatiate demand for more, more, unless we draw on Mexico and South America.

So that to coin silver at 16 to 1 while all the world is coining at 15½ to 1 will give England and other nations seeking the Eastern trade 3 per cent. advantage, and that alone will decide the contest against our merchants, such a course being only less suicidal than our restricted coinage is now. Why should we voluntarily and cravenly, without a struggle, resign the palm of supremacy in the China trade at least? That colossal empire, with its four hundred million human beings, is said to be waking from the slumber of ages. Why not take the tide at the flood and strike out for a commercial destiny worthy of this grand Republic? The silver that has reached China since 1873 is said to have quickened everything into new industrial, political, and social life. The Chinaman worships silver above anything in the world, and as he has a

boundless trade why shall we not get every grain of silver we can to control that trade? Why not be as parsimonious with silver compared with gold as the rest of the world? Why not change our coinage ratio to 15½ to 1, and have done with all instability in the market value of either coin or bullion of gold or silver, and abolish Gresham's law forever as regards the precious metals? When less than half of Europe, in fact when only a single great nation, France, allowed free coinage of both metals on the basis of 15½ to 1, the difference of 3 per cent. against our silver coins of 16 to 1 was quite sufficient to drain us of nearly all our silver. That having been the case when only France had 15½ to 1, how much more will it be the case hereafter since all the foreign nations have adopted the 15½ to 1. As Europe has over $1,400,000,000 of full legal-tender silver already coined on the basis of 15½ to 1, and as we even now have but a little over $200,000,000 of legal-tender silver coined at 16 to 1, which ought to yield, the United States or Europe, to bring about the pretended indispensable "international ratio" that the President and others urge so vehemently? Our first coinage ratio between the metals was 15 to 1. This was adopted in 1792, when Hamilton organized the Mint, and it underrated gold, because at that very time France was having free coinage at 15½ to 1, which caused most of our gold to leave us; but French silver took its place and left the world no poorer in precious metals by it—left France no poorer, the United States no poorer. This state of affairs, as before remarked, continued till 1834, when our ratio was changed to 16 to 1, which reversed the currents of the metals by attracting overvalued gold to this country and sending away undervalued silver. This simple statement demonstrates that my colleagues [Messrs. DARGAN and HEMPHILL] were mistaken in asserting that Gresham's law had anything to do with expelling gold before 1834 or silver after that to 1873–'74 because Gresham's law, as they define it, is, "of two sorts of money in circulation, the cheaper will drive out the dearer." In both the cases cited as to the international movement of our coins the dearer money drove out the cheaper—exactly the reverse of what my colleagues claim. The overvalued coin staid with us. The undervalued went abroad, where it was more appreciated. There is no danger now of our gold coin being exported. We value gold higher than they do in Europe; but our silver coin would go away by the ship-load if we had free coinage at the ratio of 16 to 1 and foreign gold would come here to pay for it. France adopted the ratio of 15½ to 1 in 1785 and has adhered to it ever since, permitting free coinage down to 1874, which made her the great arbiter of the price of both gold and silver bullion during all that time. Everybody knew exactly at what price he could buy or sell gold or silver bullion at the French mint. So that for nearly a century there was comparatively no fluctuation whatever in the commercial value of the two metals. Hence, by reason of our two faulty ratios, that of 1792 being too low for gold and that of 1834 too high for it, and both conflicting with the free-coinage ratio of so powerful a government as France, nearly all of our gold coins went abroad in the first instance for silver and nearly all of our silver coins went abroad in the second instance for gold. Whenever any strong government in Europe shall establish free coinage of silver again our present legal-tender silver dollars will go abroad once more, just as they did before 1873–'74.

The same cause that sent them away then still exists, and the only thing that prevents some great nation like Austria or Russia from granting free coinage now is that as long as the United States (the largest silver producer) shall restrict the coinage of silver, the bullion value of the metal will be so reduced that it will pay better to coin silver only on government account for the sake of the seigniorage.

So that if the bondholders, the national banks, and the creditor class generally were sincere in declaring that they are friends to silver, and while preferring gold money themselves do not seek to utterly destroy silver as a full legal tender, they would prove their good faith by supporting free coinage at 16 to 1. Free coinage would attract white metal bullion hither from every part of the world unless some other nation's mint would offer free coinage on better terms, say 15½ to 1, or unless some private individual should be willing to pay within 3 per cent. of the commercial value of the silver bullion.

The bondholding syndicate and creditor class know this very well, as they are perfectly familiar with all laws of finance; yet they vehemently object to free coinage of silver, object to any coinage of silver as full legal tender, although the law permits it for all debts public or private, and they object simply because they wish to blot out one-half the debt-paying money of the world to double the value of the other half, and require two days' labor to pay a debt or tax which one day's labor ought to pay.

"INTERNATIONALITY" OF MONEY A SHAM.

This is their unalterable purpose, and to hide it they resort to all sorts of subterfuges—none more absurd than the pretext that there must be an "international agreement" as to a common ratio between the metals. Second, as to the extent to which silver shall be coined, whether by free or restricted mintage. Third, as to the amount for which silver shall be legal tender, whether for any sum or only a small, fixed sum. Even the President countenances this exploded absurdity about the "internationality" of silver coinage and tells us that he sent Manton Marble to Europe last summer to ascertain if the leading powers had changed from the attitude of ill-concealed contempt which they displayed toward the "internationality" of silver coinage humbug propounded by the United States at the two international monetary conferences that had been held at Paris at our request in the years 1878 and 1881, respectively.

The President further says that his agent found no change either in the governments or people on the "internationality" of silver questions, a fact which any sophomore could have foretold who had read the debates and proceedings of the two conferences of 1878 and 1881, in which the delegates from the United States were hardly treated with common civility, especially in the latter one. Of all the hollow excuses ever offered for parading a humbug, the one that takes the highest premium for audacity is the reason assigned in the cunningly devised act of 1878, remonetizing but restricting the coinage of silver and instructing the President to invite an international monetary conference at Paris "to adopt a common ratio between gold and silver."

As all Europe then had and still has, the ratio of 15½ to 1, the United States had only to change their ratio from 16 to 15½ to establish a universal ratio between both bullion and coin of both gold and silver, so that there should be no more fluctuations of value, no more anxiety about free or restricted coinage, or about full or limited legal-tenders. But no, that would have been too easy a settlement of the silver question, because it would leave no pretext for negotiating abroad, while our bondholders, national banks, and money-lenders plied their vocation of robbing the people.

Right at this point it is a pertinent question, Did the enemies of silver in the Congress of 1873–'74 ask for an international monetary conference to decide whether silver should be demonetized or not; and if they never called for such a conference, then why is it so absolutely prerequisite, as the President seems to think, that we must have such a conference now to remonetize it.

What necessity is there for any international monetary conference to regulate coinage in the United States? Did we ever have any such conference before the war? Is there such a thing as international money? Are not nations as jealous of preserving their national coins as their flag? Second only to the absurdity of a pretended necessity for international agreement about silver coinage is the brazen hypocrisy which insists that the best means to compel Europe to agree to our ratio and have free coinage as well as unlimited legal tender of silver is for us to suspend silver coinage altogether. That is, if a man is languishing on account of short rations the way to improve his condition is to deprive him of all rations. The reason silver bullion is depressed in price now is that it is denied free coinage like gold. Deprive it of all right of coinage and its price would necessarily go much lower, as the only use for silver then would be in the arts (provided other nations should also discard it as coin, of which there is not the slightest danger).

But if the people of the United States ever suspend the coinage of silver entirely as a means of coercing Europe into "free" coinage of the metal, free coinage will never take place. The United States, by substituting a great deal of paper money for coin, has silver to sell, while Europe has it to buy; and as restricting the coinage here lowers the price of the metal, of course the total suspension of its coinage here would lower the price still more, so as to enable the nations of the earth to clear a larger seigniorage than at present, so as to enable England and India to sell council drafts cheaper than now, and thereby afford still wider scope to rob the commerce of the world, and especially our commerce. The total suspension of silver coinage here would likewise so strengthen the bondholding and creditor classes that they would put forth redoubled efforts to prevent the restoration of free coinage or any coinage of silver of full legal tender.

We have seen how hard it is to restore silver to the equal privilege it occupied with gold at our Mint before 1873. The secret, treacherous experiment of suspending silver coinage ought to deter us from openly consenting to any more experiments. It is not the friends of silver but its avowed bitter enemies who ask for the total suspension of its coinage, and there is no safer maxim in war, in politics, and in the battles of private life than "never do anything your enemy wants you to do."

All the enemies of silver on this floor, all its enemies in the press or on the hustings protest most solemnly that they are bimetallists; that they love silver dearly, and long to see it an international money, having a uniform ratio, free coinage, and unlimited legal tender. Yet they do not budge to have our ratio changed from 16 to 15½, so as to have a universal ratio; do not budge to grant free coinage; but fight in season and out of season to suspend all coinage, and, instead of consenting to unlimited legal tender, actually argue strenuously that silver is not, ought not, and shall not be a legal tender for our bonded debt. Was ever impudence more unblushing or hypocrisy more glaring?

These professing friends but deadly enemies of silver are always damning it with faint praise; they habitually put the left arm around silver's neck and affectionately embrace it while they insert a dagger into its bosom with their right hand.

My colleague [Mr. DARGAN] is an honorable exception to this cowardly method of attacking silver. He stands "alone in his glory," I believe, on this floor as an open enemy of silver, except for token money, and an avowed champion of gold as the sole unlimited legal tender. Considering that four-tenths of all the currency in existence to-day is rag money, most of which might become entirely worthless or nearly

so at the happening of either of several contingencies, is it wise, would it be prudent to deprive about half the real money of the world—God Almighty's money, the money which can stand the ordeal of fire—of its legal-tender power and thereby roll back the car of civilization for ages? That is just what the total and permanent demonetization of silver would do. Even with gold and silver both as equally valuable instruments of industry and progress Joseph Bonaparte eloquently said that "gold in its last analysis is the sweat of the poor and the blood of the brave." Blot out silver as a full-tender money metal, and gold in its last analysis then would mean the destruction of the life of millions as well as the blasting of the happiness of myriads of men.

Of all these champions of gold, but assassins of silver, there are two who are so notorious, so conspicuously Dugald Dalgetties in the "war of the standards" fighting on the side of gold, while claiming to muster under the banner of silver, that I can not forbear to mention their names. They are Cernuschi and S. Dana Horton. The one born in Italy, naturalized in France, and a citizen of the world, as he calls himself, on the silver question. The other an American, who has sold his splendid talents to the enemies of his country and mankind to fight the battles of gold monopoly. They both lag superfluous on the stage. They have burdened the press with a rehash of their stale fallacies and travelled so long in the same monotonous circle of sophistries that the very sight of a book or article with the name of Cernuschi or Horton to it on the silver question makes the gorge rise in loathing disgust. They ought to retire from the field and give place to more modest combatants like the gentleman from my State—the former Civil Service Commissioner, and lately appointed Comptroller of the Currency—who has secured his reward for parading his arrogant ignorance and rude style of argument on the silver question at the National Bankers' Association at Chicago and the Southern commercial convention at Atlanta last summer.

Yes, sir; the bondholders, the national bankers, the money-lenders, the "gold-bugs" (to use a slang phrase) have bribed the best intellect of the world and subsidized a large portion of the press to saturate the literature of the age with fallacious sophistries in the interest of gold against silver; which, taken in connection with the mighty influence for evil that gold has exercised over our legislation and administration, sadly illustrates how true it is—

> If money go before all ways
> Do lie open.

This administration is sounder on the gold question than any other. True, the President is enthusiastic for civil service—keeping Republicans in and Democrats out of office, even postal railway clerks; but any Democrat having potent influence, who is willing to exchange it for the livery of the administration in the interest of Wall street against the people can get office even if Republicans have to be turned out.

NO SUCH THING AS "UNIT OF VALUE."

One of the most conspicuous falsehoods that this overshadowing gold monopoly urges in its defense is that gold is now our sole "unit of value," by which it is claimed all other values or properties, including silver, must be measured, and this is the reason assigned by the present Secretary of the Treasury why no interest or principal of our huge public debt can or shall be paid in silver. Even President Cleveland countenances this idea by permitting it to be carried out in practice and by saying in his message: "Every patriotic citizen who does not desire his Government to pay in silver such of its obligations as should be paid in gold" ought to feel a deep concern against the further coinage of silver.

My colleague [Mr. HEMPHILL] also says:

> The act of Congress of February 12, 1873, declares that the gold dollar shall be the "unit of value" for the United States. This was a deliberate settlement of the "unit of value," by which as a standard, the ratio of all other money should be determined. Measured by this standard, the silver dollar is only four-fifths of the value of the unit dollar, although it is stamped as if it were a real dollar. Now, it is conceded on all sides that the silver in a silver dollar was formerly worth as much as the gold in a gold dollar, and that now it sells for 20 per cent. less. To hold that this is not a depreciation from the universal standard fixed for the United States is a palpable and manifest error.

Let us see if this "universal standard fixed for the United States," as alleged by my colleague, is really our only standard. Even if what he says were true how can he assert that making gold the sole "unit of value" in this country "was a deliberate settlement" of the "standard" or "ratio" by which "all other money should be determined?" He admits that the act establishing this sole "gold unit of value," as he calls it, was the infamous law of 12th February, 1873, that demonetized silver, and was smuggled through both Houses of Congress as I have described, without anybody except the conference committees knowing the effect of the law, and without even the President who signed it knowing until the next fall that an act had been approved by him demonetizing silver. If there was any "deliberate settlement of the unit of value" in that sort of legislation, then I do not know the meaning of either the words "deliberate" or "settlement."

It is strange doctrine that the disgraceful act of 1873 should have deliberately settled the unit of value in favor of an exclusive gold standard, when just as soon as the people found out silver had been demonetized they forthwith required it to be remonetized, and sought to place it where it was before as one of our money metals, having equal legal-tender power with gold on the ratio of 16 to 1, and the same privilege of "free" coinage as gold. That the act of 1878 remonetizing silver restored it to the old-established American ratio of 16 to 1, and made it at that rate a legal tender for any public or private debt, there is not the ghost of a fraction of a shadow of an atom of doubt; but this act of 1878 did not restore "free" coinage, simply because coinage had to be limited to secure a two-thirds majority in each House of Congress to overcome the veto of acting President Hayes.

And now because silver bullion is estimated 20 per cent. below its par value with gold on account of the compulsory veto of a fraudulent President denying it free coinage, is it just, is it truthful, is it candid, is it manly, to claim that silver bullion is really depressed 20 per cent. below the gold or "universal standard fixed for the United States" by the infamous act of 1873, which every honest American ought to be ashamed to quote?

A tyro in the knowledge of the Constitution and laws of the United States ought to know that we have but "one unit of money," although we have two standards of value. Our unit is the "dollar;" our standards are gold and silver. The unit is the starting point. All fractions of money below it are divisions of it. All sums above it are combinations of it, and any amount of money is always expressed in dollars alone, not in halves, quarters, or dimes, nor in eagles, half-eagles, or quarter-eagles. So likewise the unit of money in France is the franc, in England the pound sterling, and every nation has a different unit of money from its standard of money, and the sneaking smuggler who interpolated the particle "the" in the phrase "the unit of value" in the demonetizing act of 1873 was a bungler. It means nothing more than "the unit of money" or "the unit of measure."

Our Constitution clearly establishes two standards of value when it declares that Congress shall have power to coin money and regulate the value thereof and of foreign coin, and that no State shall make anything but gold and silver a legal tender. "Regulate" implies more than one kind of coin, and as the States are prohibited from making anything but "gold and silver" a legal tender the inference is irresistible that it was intended Congress should also make both gold and silver legal tender and nothing else but gold and silver legal tender for private debts. Our first coinage act of 1792 established the "dollar" as the "unit" of money, not the unit of value; but it also provided at the same time for a silver dollar and a gold dollar. Three hundred and seventy-one and one-fourth grains of pure silver was to constitute the silver dollar, and gold coins should be struck: "Eagles each to be of the value of $10 or units and contain 247½ grains of pure gold; half-eagles and quarter-eagles of corresponding proportions." That is to say, every fifteen pounds' weight of pure silver shall be of equal value in all payments with one pound weight of pure gold, and so in proportion as to any greater or less quantities of the respective metals.

Thus the law stood until 1834, when Congress having determined to give gold a higher legal-tender value, with a view to attract the metal to this country and keep it here, changed the relative legal-tender proportion between gold and silver to exactly 16 to 1, at which it has remained ever since, except that desiring to alter the alloy of our coins from one-twelfth to one-tenth base metal in 1837, two-hundredths of a grain of pure gold more was added to the eagle. All the silver and gold coins authorized by the act of 1792 were made a full legal tender, and although the ratio between the metals was changed in 1834, and again in 1837, every coin of both metals except subsidiary silver remained as full legal tender down to 1873 with the privilege of "free" coinage besides. Silver was as full legal tender as gold at the time all the bonded debt was incurred to carry on the civil war. The principal of most of those bonds was even payable on the face of them in greenbacks, and it was only the interest that at first had to be paid in coin; but in 1869 the bondholders induced Congress, by influences which every one can understand, to pass an act declaring the principal of the bonds payable in coin also.

In 1870, those same bondholders, by the same all-powerful secret influence, caused another act to be passed exempting the bonds from all State or local taxation, and to prevent any possible mistake as to what sort of money in which either old or the renewed bonds should be paid, had it printed on each bond as part of its obligation, "That it should be paid in coin of the standard value prescribed by law on the 14th of July, 1870," and our present silver dollar was one of the full legal-tender coins referred to in that act; and in all changes or renewals of the bonds since the same provision is inserted on their face that they are payable in the standard coins of full legal tender existing in 1870.

Hence, for the President, or the Secretary of the Treasury, or the gentleman from Massachusetts [Mr. LONG], or anybody else to claim that the principal of the bonds is payable alone in gold, or that the interest is payable alone in gold, is absurd.

Furthermore, the act of 1878 remonetizing silver exactly as it stood before 1873, expressly declares that all silver dollars hereafter or heretofore coined by the United States, of standard weight and fineness (412½ grains), "shall be a legal tender at their nominal value for all debts and dues, public and private, except when otherwise expressly stipulated in the contract."

In addition to this all our customs duties are obliged to be paid in coin according to the law; and section 3694 of the Revised Statutes declares that "the coin paid for duties on imported goods shall be set apart

as a special fund" to pay in coin the interest and 1 per cent. of the principal of the public debt each year.

Yet, in the face of the law of 1878 rehabilitating silver as it was previous to 1873, in face of the laws of 1869 and 1870–'71, declaring that all the war bonds should be paid in the coins that were then legal tender; indeed, in face of the stipulations printed on the face of the bonds themselves; and lastly, in face of the mandatory statute that all coin paid for duties shall be dedicated to payment of the interest and 1 per cent. of the principal of the public debt each year, the present administration, treading in the footsteps of its Republican predecessors, pays both principal and interest of the bonds exclusively in gold, upon the pretense that "the unit of value" means the same thing as "the standard of value."

FREE-TRADERS SHOULD FAVOR FREE COINAGE.

All free-traders ought to support free coinage of silver. That is the logical result of their doctrine. My colleagues [Messrs. DARGAN and HEMPHILL] are free-traders—ultra free-traders, I believe—yet they support the monopoly of gold for free coinage, thereby co-operating with the high-tariff men, who are the best friends gold monometallism has on this floor. If silver bullion could come and go at pleasure, as gold does at the mint, it would retain the steady market relation it has held to gold for over two hundred years, but being restricted in the exercise of one of its most important functions, to wit, serving as coinage, its commercial value declines in exact proportion as the market value of the metal having a monopoly of free coinage rises. A tariff on imported hats, for instance, depresses the price of the foreign hat and in the same ratio increases the price of the home-made hat. The hat manufacturer, however, does meet with some competition among home producers, but gold has the sole exclusive privilege of "free" coinage. As silver has but two things to give it value—one, use in the arts, the other, coinage—when "free trade in coinage" is prohibited to silver while it is accorded to gold is my colleague [Mr. DARGAN] justified in speaking of the silver dollar as "half-breed fiat?" Commerce must be free, competition must be unrestrained, before the relative market value of two things can be fairly determined.

But we do know that the legal-tender power of a silver dollar is as much now as it ever was, is as great as a gold dollar; and we also know that the value of uncoined silver bullion has not fallen below its former nominal rate, compared with other things except gold, which proves that only gold has risen. Silver has not fallen and gold has merely gained in increased value what silver has lost by being deprived of free coinage.

SILVER CAN NOT TAKE ITSELF OUT OF THE TREASURY.

It also pays out silver coin or certificates only to other creditors of the Government, and has not been paying it out even to them, as a rule, except when no other sort of money could be had, preferring to keep the silver locked up in the Treasury under the pretense that it would not circulate among the people; and the Secretary of the Treasury claims merit for himself in respect to silver because, as he says:

> I have upheld its value by never compelling its receipt by any creditor of the Government, and never failing to provide by exchange and transfers whatever currency might be preferred.

That is to say, he has left silver, the lamb, to take care of itself in presence of the bondholder, the wolf, and has never forced a hostile bondholder to accept a single dollar of it in satisfaction of his dues, although both the bond and the law provide that silver may be used for that purpose.

How can the $85,000,000 of silver in the Treasury get out unless the Secretary will pay it out on the public debt or in pursuance of an appropriation by Congress? How generous to the enemies of silver the Secretary is, "never compelling its receipt by any creditor of the Government." He readily receives silver for customs duties, in fact says most of the duties at New York, the great entrepôt, are paid in silver or silver certificates; but neither of them is good enough to pay the bondholder, who, if not a superior sort of being, must at least be paid in nothing but gold, and silver must not be paid out to anybody as long as national-bank bills or greenbacks can be had.

How different is it in France, where the government pays gold, silver, or treasury notes at its option, not at the option of its creditor!

FALSE PROPHESIES ABOUT SILVER DRIVING OUT GOLD.

When the bill that remonetized silver in 1878 was under discussion, doleful prophecies were freely indulged that if silver were remonetized gold would immediately quit the country and that we should have no coin but silver. Since that memorable debate the distinguished gentleman from New York [Mr. HEWITT] has preached a jeremiad of that sort so often here I have it by heart. But instead of gold going out it has been steadily coming in. We had but about $200,000,000 gold when we remonetized silver in 1878. We now have about $600,000,000. Even the President in his letter to the Democratic Representatives in Congress in February, 1885, predicted if silver coinage were not speedily suspended gold would leave the country and financial ruin would sweep over the land, but, nevertheless, gold keeps coming in. If the President had been better posted as to facts and financial principles he would not now be ranked as poor a prophet in finance as Wiggins is in weather. Financial ruin does hover over the South and West land, but it has been caused not by gold leaving the country, but by the administration contracting the currency and making desperate war on silver, which have grievously depressed the price of all Southern and Western productions. The President has made the South a poor return for her solid vote.

But it is said by some that we have enough money already, and that therefore silver coinage should be suspended instead of being made "free." In round numbers we have about $600,000,000 in gold, $600,000,000 in paper, and $300,000,000 in silver, including the $75,000,000 subsidiary coin; in all, $1,500,000,000, or $25 for each inhabitant, counting the population at sixty million—just about half the circulation France thinks advisable, and from $5 to $10 less than Calhoun thought proper. Short as it is of what it ought to be in quantity to constitute a healthy circulation, if this $25 per capita were abroad coursing up and down the channels of business in active motion, the industries of the land might get along tolerably well. But this amount of money per capita is not in circulation. It is very doubtful if more than $13 or $14 per capita are current among the people to-day.

RESTRICTED COINAGE AND CONTRACTION ARE BLIGHTING BOTH THE SOUTH AND WEST.

Money is plentiful in the great cities—even superabundant at money centers, such as the Treasury of the United States and the vaults of the banks, especially the national banks—but that is the very reason why there is little or no money among the people or in the extremities of the body politic. The circulating medium of the country has congestion of the gold fever, which has contracted the money into a few hands and at a few places in its efforts to exact a premium on gold, to be paid in greenbacks or silver, to get the yellow metal for discharging the principal and interest of the public debt; in other words, to revive Gresham's law as it existed in this country previous to 1st January, 1879. Money-lending capitalists are never so happy or prosperous as when there is change, change in the relative values of different kinds of money, and to put gold to a premium again they have tried the virtue of contracting our currency to the verge of desperation, and in this devilish work they have had the active, earnest co-operation of the present and preceding administrations of the Government. Even an intelligent school-boy can see that the administration is now and has long been either a partner or a tool of the bondholders and national banks to appreciate gold and degrade or destroy both silver and greenbacks.

The two means employed to accomplish this end are, first, remorseless contraction; and second, defiance of the plain letter of the law making silver and silver certificates a legal tender as well as gold for the public debt. The first large item of contraction is the reserve that is held by the national banks. This amount to $255,000,000. The second grand item of contraction is the one-hundred-million reserve of gold to redeem the greenbacks, provided for, but only by implication, in the act of 1882. There is no more use for this enormous idle fund in the Treasury than there is for a fifth wheel to a wagon. Nobody wants greenbacks redeemed; and from 1879 to 1882 there was no law requiring any separate fund to be held exclusively for redeeming greenbacks. The Secretary of the Treasury was merely authorized by the resumption act of 1865 to redeem any greenbacks that might be presented, out of any coin in the Treasury, and in order to get such coin, if he did not have it on hand, he was and is now empowered to sell bonds for coin.

But when the national banks were rechartered in 1882, some deep-designing friend of the bondholders, the banks, and the gold barons inserted an amendment, in the small Senate, providing that "the issue of gold certificates shall be suspended whenever the amount of gold coin and gold bullion in the Treasury reserved for the redemption of United States notes falls below $100,000,000," and thus nearly $2 of gold per head of the population is withdrawn permanently from circulation, for a useless purpose, as was demonstrated by the operations of the Treasury between 1879 and 1882. This act of 1882 is not a mandatory law compelling the Secretary of the Treasury to keep $100,000,000 of gold locked up all the while as a redemption fund. He is only prohibited from issuing gold certificates after his supply of gold falls below that sum, yet it has been construed to require that this useless reserve shall forever lie idle in the interest of the bondholder and national banker by reducing the circulation. A third item of contraction is $48,000,000 of greenbacks held for redemption of national-bank notes; and a fourth item is $24,000,000 national-bank notes held for redemption of national-bank notes; making a total of, say, $427,000,000 withdrawn from active circulation by law, which is largely increased by two other items of contraction.

First. The destruction of greenbacks by wearing out and loss in the use of $346,000,000 for over twenty years; the amount of loss, estimated by good judges, exceeding $46,000,000.

Second. The last source of contraction of the currency is the constant increase of population, which is swelled by an addition of at least a million and a half people a year, without any increase of the money supply for their use. So that it is safe to say we have not more than $1,000,000,000 currency all told for our 60,000,000 inhabitants. And the Secretary of the Treasury has reduced the circulation over another $100,000,000 by failing to pay out that sum in redemption of past-

due bonds during last year. He would not do it out of tender regard for the national banks. He was a better friend to them than his predecessor, who did call in during each of the previous years ending 1st November, 1884, and 1st November, 1883, respectively, over $100,000,000. The Democratic Secretary of the Treasury could not bear the thought of calling in a bond upon which national-bank bills had been issued; so he contracted the currency at the expense of the people, by loss of interest as well as circulating medium. Hence it is under rather than over the mark to say that we have but about $900,000,000 of circulation, or $15 per capita, not half enough; and that explains in part the present depression, stagnation, and gloom.

This contraction, added to the injurious effect of the restricted coinage of silver, by operating to bestow a bounty on production and competition in India against us tells the whole story of our present pecuniary ills. Established industries are languishing, which deters new enterprises from beginning operations at all. Above all, labor is discouraged and wages are depressed. The poor man who has nothing to sell but his labor finds but a low market for it, and often no market whatever. The whole agricultural section in particular is in the situation of a wood-chopper who should send one hundred hands to a forest to cut fuel with only fifty axes. There are not enough dollars or financial tools to carry on prosperous industry.

Our scant and contracted supply of money, together with the bounty offered to India's competition by our restricted coinage, operates with peculiar hardship against the ex-Confederate States, which are in a worse fix financially than any part of the Union, because they are drained every year of at least $50,000,000 taxes which they have to pay toward pensions and principal and interest of the public debt, hardly a cent of which ever goes back to those States, while every section of the North gets back all it pays toward those objects and a proportional share of our quota.

When one reflects on the blighting effect of these three causes upon the struggling South, is it any mystery why the harder her people work the poorer they get; any difficulty in explaining how it is that tens of thousands of farmers down there are fast becoming mere tenants-at-will or serfs on land they have had to mortgage to bondholding capitalists of Baltimore, Philadelphia, New York, or Boston? The moneyed men of those cities likewise own or control all our railroads at the South, all our factories, and all our national banks, as well as the bulk of the most eligible real estate in our cities.

Those bondholding, tax-consuming, and money-lending gentlemen, having more cash than they know what to do with, are employing agents in almost every desirable county in my State and in the adjoining States to loan money on the mortgage of land at only half its value and at an average of about 10 per cent. annual interest compounded. I will venture that a mortgage or heavy debt is hanging over one-fourth, if not one-half, of the farms and plantations in the South, and from what I can gather it is pretty much the same case at the West. I am sure I have not misstated the facts as to my own Congressional district, and I am equally sure that my district is as well off as those of my colleagues, Messrs. HEMPHILL and DARGAN. In this connection, to show the difference between the quantity of ready money which the Eastern people hold compared with those of the West and South, I will mention that Mr. Eaton, one of the late United States Senators from Connecticut, and a resident of Hartford, recently said:

In the little city of Hartford, with a population of 50,000 people, we have permanently loaned in the West $200,000,000.

More money than the whole State of South Carolina, including Charleston, is estimated to be worth.

While my constituents do not advocate repudiating a single dollar of the public debt, and while they will cheerfully pay proper pensions to the soldiers, or widows or dependent relatives of deceased or disabled soldiers who served in the Federal Army during the civil war, yet they do protest against having to pay unjust, and formerly unknown, kinds and rates of pensions. They also solemnly protest against the contraction of the currency and against restricting the coinage of silver, which most of them think are the prime causes of their long familiar acquaintance with poor-house associations. They believe in hard money in preference to rag money, as do all true Democrats.

Hence they prefer silver to national-bank paper, and this "war of the standards" in the United States is to a great extent but a death-grapple between silver and national-banks-of-issue rags. My colleague [Mr. HEMPHILL] attempts to be facetious at the expense of the friends of silver, because they say free coinage of silver will bring prosperity to the country, revive industry, increase the wages of labor, befriend the debtor, and help the poor man generally. He charges, in effect, that the friends of silver are appealing to the poor voters to enlist their sympathies in the contest; but let me ask if it was not the President of the United States who first lugged into the argument appeals to "the laboring men and women of the land" and "poor widows and orphans" who have funds invested in war bonds, which have to be paid in part by other laboring men and women and poor widows and orphans?

My sarcastic colleague also scouts the idea that the bondholders and money-lenders are striving to destroy one-half of the debt and tax-paying money of the world, or that they are attempting to depreciate the price of any property. He thinks because they are large property holders themselves that they will uphold all values; but let me ask my colleague if, when the wealthy Eastern holders of the mortgages against the land of his constituents and mine come to have those lands sold, he thinks they will pay full price for them, or be willing to buy them as cheaply as possible.

Ah, Mr. Speaker, how easily Congress can make the people of this country prosperous and happy by simply letting them have plenty of money, as France does her people, to carry on their business. If you take nothing from nothing nothing remains, and if you add nothing to nothing nothing is still the result. In a country where there is but a scant supply of money how can a poor man get a start? How can he save anything? But an abundance of good money, whether coin or Treasury notes, vitalizes a country, as copious rains from heaven fertilize the earth wherever they fall in summer. It has been said by more than one philosophic historian that the use of only one of the precious metals as money by Asia, while Europe has always used both, explains the wonderful difference in the civilization of the two continents.

FREE COINAGE OF SILVER SURE TO BE RESTORED.

Mr. Speaker, we are bound to have unlimited coinage of silver again. It is an imperious necessity. The American people will never give up their silver dollar. It has always been the favorite money of our people, not only since the Revolution but in colonial times. It comes to us from Spain, who got it in the time of the Emperor Charles V from Austria, where it was first coined in the "dale" or valley of Joachim in Bohemia, near some silver mines. I firmly believe our people would fight for their silver dollar, if it were necessary, as quickly as they would for their flag. Twice it has been thought advisable to change the relative value of our gold and silver coins, and on both occasions the gold coins were altered, not the silver, the people seeming to regard that as too sacred a thing to be intermeddled with. Then let our silver dollar remain. Let our gold dollar remain. We need them both, and all we can get of both by free coinage, and six or seven hundred million of greenbacks besides, with which to pay debts and taxes and carry on business.

Yes, sir, the instincts of the people, the conservatism of the ages, are on the side of silver, and laboring men, poor men who want to acquire something for a rainy day, are not going to help destroy half the accumulated coin wealth of the world and double the amount of labor or commodities that will be necessary to pay existing debts or taxes.

A DOLLAR OUGHT TO BUY MORE IN HARD THAN IN FLUSH TIMES.

The gentleman from Massachusetts [Mr. LONG] quotes several pages of comparative price-lists to show that a dollar will buy more of the necessaries of life these hard times than in flush times, and he deduces from that the conclusion that it is better for a laboring man and a poor man to have but little money in the country and low wages. Why, Mr. Speaker, that is adding insult to injury. If the poor laboring man could get profitable employment in hard times so he could procure dollars it would be better for him; but when he seeks in vain for living wages and has to strike or tramp, as tens of thousands of our laborers are doing now, what is the use to mock with the Platonic philosophy that a dollar will purchase more when business is dull than when it is prosperous?

It is a refinement of cruelty to torment a man with the show of pleasures or advantages which can not be reached. Virgil tells us that the most excruciating torture in hell is that of Tantalus, who is surrounded on all sides by the near presence of the most tempting viands and beverages while he endures perpetual gnawing hunger and unquenchable thirst. Such is the fate of the poor laborer in dull times, with but little money and less employment, when he sees cheap food, clothing, &c., but can not buy for want of the dollar.

For near a century France held all the gold and silver of the world at a legal-tender and commercial value of 15½ to 1. If she with only about two-thirds of our present population could do it, why can not we do it as effectually as if both metals were melted into one solid mass?

DEBTS SHOULD BE PAID ACCORDING TO CONTRACT.

Many, very many other things could be said in favor of unlimited coinage of silver, but it is unnecessary. Let it suffice to say that not only all our national debts but nearly all our State, municipal, and private debts likewise have been contracted on the basis of both gold and silver as unlimited legal tender. The people therefore intend to have as free coinage of silver as of gold. There will be no more Presidents of the United States elected without knowing whether they are for or against free coinage of silver. I for one am for paying all debts according to the contract, according to the stipulations in the bond. The holders of our public debt have grown fat and imperious on an exclusive gold diet. They must be treated with a little silver regimen.

It will be decidedly better for their patriotism and moral health generally. It will not do to let them profit more by cruel avarice than even Shylock. He was content with the first stipulation in his bond, while our creditors, whose claims mostly first called for only greenbacks, then changed the basis in 1869 to coin, and attempted in 1873 to convert it into gold alone, still demand gold, although their infamous law of 1873 was repealed in 1878 and silver restored to its ancient privilege. The cheek of these gold robbers is simply astounding and their cupidity without a parallel.

No, there is one similar case in the range of literature, and it is a remarkable coincidence that the parallel character should have lived in Boston, where the stupendous fraud of demonetizing silver was first conceived and the plot matured and the agents selected for carrying it into effect. The character to which I allude is Tom Walker. Shylock only wanted his pound of flesh as nominated in the bond, but our gold robbers, like Tom Walker, want all the flesh.

You may ask, who was Tom Walker? He was a Boston man, who was meaner than the devil, as was proven in this wise: According to Washington Irving, our American Walter Scott, Tom Walker was a Boston usurer who formed a partnership with the devil to discover Captain Kidd's treasure and open a broker's office in Boston on condition that they should divide the profits for a long term of years, at the end of which time Tom was to deliver himself up, heart, body, and soul, to the devil as part of the contract.

Tom had a wonderful run of business and made immense sums of filthy lucre, but some time before the contract expired he was driving such a hard bargain with a poor, helpless debtor that the devil himself got enraged that any one should be meaner than he was, and in his wrathful indignation he mounted a big black horse during a dark, howling storm, dashed up to the broker's office, and, snatching Tom by the hair of the head, bore him off to hell.

It is needless, Mr. Speaker, to say that I am as indignant at the treatment of silver as the devil was on that occasion, and that I am for unlimited coinage of silver first, last, and all the time; against President Cleveland, the bondholders, national banks, the world, the flesh, the devil, and Tom Walker. [Laughter and prolonged applause.]

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. SYMPSON, one of its clerks, announcing the passage, without amendment, of the bill (H. R. 1297) authorizing the construction of a building for the accommodation of the Congressional Library.

THE SILVER QUESTION.

The House resumed the consideration of the special order.

Mr. LITTLE. Mr. Speaker, is it to be bimetallism or monometallism? The gentleman from Massachusetts [Mr. LONG] the other day, as I gathered from the opening sentences of his able speech—and I have not taken the pains to verify impressions by the RECORD—seemed to regard us all substantially of one mind in respect of the double standard; all for it. From that initial assumption he proceeded with his argument. Had his colleague [Mr. WHITING] or the gentleman from South Carolina [Mr. DARGAN] preceded instead of immediately following him in debate, I should have expected my accomplished friend to devote a portion of his time, at least, to a discussion of gold monometallism as remedy for existing monetary and commercial troubles.

The discussions of the silver question at this as well as the other end of the Avenue have not, to my mind, evinced such unanimity. True, the Secretary says we have two hundred and twenty million silver dollars and we must use them. But, sir, there is a world of difference between We could not if we would, and the companion sentence, We would not if we could. The definitions of a word are often as wide apart.

Let us not be confounded by terms. The free, not gratuitous, cutting of both metals into coins of full legal-tender capacity and parity of value is one thing; the unrestricted minting of one into money, and the use of the other, if at all, only for subsidiary purposes, is quite another thing.

Both have their adherents in Congress as well as out. Because of this fact, which, in my opinion, divides the counsels of those who should be united, I propose to begin back of the starting point of the gentleman from Massachusetts, and inquire whether a choice between these two unpronounceable isms is open to us, meanwhile gleaning what truths I may from the field of inquiry bearing upon other aspects of the issues involved in the pending measure.

The founders of this Government were not novices in monetary matters or unfamiliar with the laws of trade and commerce. They had been trained in the school of a severe and varied experience.

The Colonies, either by express grant or assumption of authority, severally exercised the rights of the sovereign respecting coinage and money. Their right to coin money and to emit bills of credit, making them, as well as gold and silver, a legal tender, if ever questioned, early came to be universally recognized even by the mother country. Colonial mints were few in number and fabricated only the smaller coins. Massachusetts Bay and perhaps Maryland minted shillings, sixpences, and threepences. Some of the Colonies—I think South Carolina for one—had coining done abroad. But the coins of the others, such as had any, were generally of the lowest denomination—pennies, made of copper and of brass.

But, limited as the mints were in number and capacity, they supplied the means to make "cheap money." The cry for the "debtor's option" was abroad in the land in colonial times as well as now, and was heeded. The complying answer was a curse, except as a lesson of warning. Massachusetts Bay, 1652, was the first to respond in the mintage by putting ten pence in a shilling instead of twelve. Ten years later Maryland, in the language of the poet, "saw her and went her one better." She made a shilling out of nine pence. These two Colonies soon discovered that the first of the sisterhood had outwitted them. Virginia, without a mint, seven years before Massachusetts began to divide her silver into more piles and call that increasing her wealth, had made, by legislative edict, six shillings out of a Spanish dollar, that everybody knew never before contained five.

What man hath done man can do again. Pennsylvania, New Jersey, and North Carolina, improving on the Virginia patent, declared the same dollar to have seven shillings sixpence, and directed their good people so to receive them. New York, still improving the device, added six pence more to the output, and extracted from this same identical "Spanish-monument dollar" eight shillings—that is, in her alleged mind. So it went. Of course the currency became a complication. Robert Morris, the superintendent of finance under the Confederation, says a knowledge of it became "a kind of science." In a report to Congress in 1782 he graphically sketches one result—by no means the worst, but the very reverse of that aimed at in altering the shilling—of this scheme of making money cheap to help the poor, as follows:

> The ideas annexed to a pound, shilling, and a penny are almost as various as the States themselves. Calculations are therefore as necessary for our inland commerce as upon foreign exchanges; and the commonest things become intricate where money has anything to do with them. A farmer in New Hampshire, for instance, can readily form an idea of a bushel of wheat in South Carolina weighing 60 pounds and placed at 100 miles from Charleston; but if he were told that in such situation it is worth 21 shillings and 8 pence he would be obliged to make many inquiries and form some calculations before he could know that this sum meant, in general, what he would call 4 shillings; and even then he would have to inquire what kind of coin that 4 shillings was paid in before he could estimate it in his own mind according to the ideas of money which he had imbibed.

In the confusion, counterfeiting, sweating, clipping, and the like became common, because not easily detected, and consequent losses were severe and widespread.

The step from making cheap money out of coin to making cheaper money from paper was easy. Here again Massachusetts Bay led the way (1690). Her 40,000 pounds paper, as one of her own historians tells us, made a tender for taxes, was the forerunner of that avalanche of colonial and continental paper money so disastrous in its results before and during the War for Independence. More than four hundred million dollars of it turned to ashes in the hands of the people. Be it said, however, to the credit of the Old Bay State, that not a dollar of this was of her issue. She redeemed every son of her bills.

Against the operation of natural laws of trade and money, and in support of the colonial legislation, penal enactments were directed. The severest penalties were denounced for violations. It was all in vain. Confiscation would not keep at home the Yankee shilling in Massachusetts, nor would capital punishment or pilloried barbarity suppress counterfeiting—invited as we now invite it—in Pennsylvania.

But out of all the errors, all the losses, all the sufferings came the lesson: Money can not be made by juggling with the mints or tricking with the coins; came the lesson: Commerce legislates as well as Congress—not for a colony, not for a nation alone, but for all men: she can not learn geography, but she knows arithmetic by heart: she has little need for the Statutes at Large, but delights in a measure and a pair of scales: her eyes are blinded to laws in conflict with her own. The tenpence-shilling, ordained the Puritans, shall equal the English coin of twelve pence. But the ordinance was to her a Roman edict hoisted beyond the range of vision. Commerce could not read it; but she could weigh the shilling—and she did it. Came the recognition of the infinite wisdom of God's law:

> Thou shalt not have in thy bag divers weights, a great and a small; thou shalt not have in thy house divers measures, a great and a small; but thou shalt have a perfect and just weight—a perfect and just measure shalt thou have.

And out of all these and other evils came the Constitution, with its great money-chart.

A change for the better had set in before 1787. Says an author, speaking of that period:

> Specie was abundant among the people; the foreign armies had brought large quantities of gold and silver into the country, while foreign loans had largely added to the stock of gold and silver.

This is perhaps an overstatement, but quite in the line of fact. Thomas Paine wrote, April, 1782:

> The progress and evolution of domestic circumstances are as extraordinary as the Revolution itself. We began with paper and we end with gold and silver.

Gold and silver at the close of the war became the basis on which business was transacted; and silver predominated—the great body of the circulation being of foreign stamp. Professor Laughlin, in his recent work (1886), says of that time:

> Not only was there no prejudice against silver, but it was the metal most in common use.

Such then, imperfectly sketched, was the schooling of our fathers, and such the situation when they met to form the Constitution.

No people ever had better reason to desire reformation in their monetary laws; none wiser or abler statesmen to devise and formulate the changes needed. They wrote in the Constitution—and their words can not be too closely studied in the light of their situation and experience:

> The Congress shall have power * * * to coin money, regulate the value thereof, and of foreign coins; * * * to provide for the punishment of counterfeiting the securities and current coin of the United States.

No State shall * * * coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts.

I invite attention to the important power of Regulation here conferred. It seems to me among other things to contemplate the use of both metals in the "money."

It would seem the general power "to coin money" inherent in government, whether expressly conferred or not, draws to it and includes the power to regulate its value and that of foreign coin, to punish counterfeiting, and make the money coined legal tender, if the very coining does not do that without further making. In the Virginia charter from King James the grant on this subject was to "establish and cause to be made a coin to pass current between the people of the Colonies * * * in such metal and in such manner and form" as the several councils might approve.

I am not aware that it was any broader in any of the colonial charters. Yet all of these several powers, so separately and expressly given or recognized in the Constitution, were freely exercised by the Colonies, to wit: The power to coin money, to regulate the value of the money coined, to regulate the value of foreign coins, to punish counterfeiting, and to impart legal-tender property. This separation of powers occurred first, or at least commenced, in the Articles of Confederation. Therein the United States—nine States concurring—were given concurrent authority with the several States to coin money and the exclusive right to regulate the value of the coins struck by Congress, as well as of those struck by the several States.

The power to regulate the value of foreign coin was not included in the grant, although as an incident of its power to regulate value Congress undertook, in the mint act of 1786, to regulate the value of copper coins fabricated abroad, and on various occasions it or its officers regulated the value of foreign coin in respect of its receipt at the public Treasury. General Hamilton, however, used the lack of the power in Congress as an argument in favor of the adoption of the Constitution.

That power, and the one to emit bills of credit and make them as well as gold and silver legal tender, remained with the States. These powers, then, came to us through the Constitution, thus separated and recognized by distinct clauses. There must have been a reason for the separation, and for the continuance of it under the Constitution. My submission is, the reason had its foundation in part in the use of the two-metal money. Foreign coins of both metals were not only in common use, but their relative values were not of easy determination. A committee of Congress, 1776, reported resolutions on this subject, one of which I will ask to insert in the RECORD, as follows:

Resolved, That the several gold and silver coins passing in the said Colonies shall be received into the public Treasury of the continent, and paid out in exchange for bills emitted by authority of Congress, when the same shall become due, at the rates set down in the following table:

	Weight.		Value.
	Dwt.	*Grs.*	*Dollars.*
English guinea, gold	5	6	4⅔
French guinea, gold	5	5	4⅔
Johannes, gold	18	0	16
Half johannes, gold	9	0	8
Spanish pistole, gold	4	8	3⅔
French pistole, gold	4	4	3⅓
Doubloon			
Moidore, gold	6	18	6
English crown, silver			1⅓
French crown, silver			1⅓
English shilling, silver			⅓
Spanish milled dollar			*1

*Continental money.

The ratio here adopted, according to Mr. Horton, between gold and silver was about 15.21.

To regulate is "to adjust by rule or method;" "to put or keep in order." It is difficult to see what room there would be to regulate the value of money with but one metal in the coin. How would one go about to regulate the value as between an ounce and a half ounce of gold, or a pound and an ounce of silver, or—what is the same thing—between a bushel and a peck of wheat? To regulate is not to measure. To adjust and keep adjusted—that is, "to regulate"—a measure of silver so as always to equal in value an ounce of gold, or *vice versa*, is a rational proposition. The continuing question is how much silver equals in value the ounce of gold, or how much gold equals in value the ounce of silver; or, the ratio being once established, how much of either is worth half the combined value of both? In the first case, gold is the measure; in the second, silver; and in the third, something between them, or we might say both.

From this springs the idea of the "double standard," which would as appropriately be named the middle standard. To answer and *to do* the answers to these questions is one purpose—I am almost persuaded to say the chief purpose—of constitutional Regulation. In saying this I am not unmindful of the dictum of the late Chief-Justice of the United States in Hepburn *vs.* Griswold, that "regulation is a power to determine weight, purity, form, impression, and denomination of the several coins and their relation to each other," &c.

Regulation in the sense I suggest would necessarily have to do with purity, weight, and relation, but not with form, impression, or denomination. If to regulate the value as applied to coins struck by Congress, either under the Articles of Confederation or the Constitution, means in substance and effect the same as when applied to foreign coins, or those formerly struck by the several States, then the Chief-Justice was too comprehensive in his definition; for with the forms, impression, and denomination of the latter coins, foreign and State, Congress had, and of course has, nothing to do, and it devolves on him who asserts a substantial difference in meaning in the two clauses to show it. Mr. Justice Field says (Legal-tender cases):

To coin money is to mold metallic substances having intrinsic value into certain forms convenient for commerce, and to impress thereon the stamp of the government indicating their value.

Again:

The power to coin money is * a power to fabricate coins.

Still again:

The power of regulation conferred is a power to determine the weight and purity of the coins struck, and their consequent relation to the monetary unit; * * * a power which can be exercised with reference to the metallic coins of foreign countries.

Wherefore it seems to me the Chief-Justice embraced in his definition of Regulation some of the things, if not all, that pertain to the separate power "to coin money;" and that the power "to regulate the value of coins" has a special scope for operation in determining the ratio between or relative value of the two metals, and in carrying that ratio into the money as respects domestic coins, and applying it to, and thereby determining the value of, foreign coins.

I can not go into the question in my limited time of what was done during the Confederation and after it under this important power to regulate the value of money. The interpretation put upon it by contemporaneous legislation, by official acts, by public discussions is of course of the highest importance. I think one may safely affirm that from 1776, when Congress appointed a committee "to ascertain the value of the several species of gold and silver coins current in the Colonies, and the proportion that they and each of them have and ought to have"—mark the words— "to the Spanish milled dollar," down to the fixing of 15.25 as the ratio in the mint act of 1786, and on down to the changing of that ratio to 15 in the mint act of '92, every public act and every discussion having reference to regulation—and they were numerous—had to do with the determination or application of the proper ratio between gold and silver.

There was some contention as to which metal should embody the money unit. Hamilton favored gold, and Robert Morris and, I believe, Jefferson, silver. As a result—I speak conjecturally, of course—of this difference, Congress, on July 6, 1785, resolved "that the money unit of the United States of America be one dollar," without stating then of what it should be composed. The next year it was resolved "a dollar shall contain of fine silver 375.64 grains." Finally, in the act of '92, the quantity was reduced to 371¼ grains, but the money unit was embodied in both metals, though the single embodiment of it was confined to silver. But this was incidental to the main question of the true ratio, discussed with such marked erudition and perspicuity by these three eminent men, not to speak of others.

No fact of history, no condition, no argument bearing upon the question seemed to escape them. The difficulties of maintaining the two metals in the money, of upholding the double standard, were fully comprehended and weighed. Yet they adhered to that standard; never contemplated for a moment the disuse of either metal. As indicating the interest in this question I may state that from 1777 to 1793 no less than five ratios at various times were officially recommended or acted on in determining values of foreign coins. Morris, Jefferson, and Hamilton differed among themselves—the first named, 14.75; the second, 14.50; and the last, 15. The conditions, the authority under which this battle of the standards and of the ratios was thus fought, under the Confederation, were brought to us through the Constitution—the very same words being employed—and the struggle continued in the later time.

The purpose of regulation and coinage was twofold: To secure a stable measure of values and an ample medium of exchange by the use of both metals in money. Mr. Justice Clifford says, speaking of the power to coin money and regulate the value (Legal-tender cases):

That the purpose of the framers of the Constitution was to provide a permanent standard of value, which should at all times and under all circumstances consist of coin, fabricated and stamped from gold and silver.

Professor Laughlin, in the work referred to, speaking of one feature of Hamilton's report, says:

The whole object of the Secretary was to secure a metallic medium in abundance. * * * "It would not do," says Hamilton, "to adopt a single silver standard, for that would act to abridge the quantity of the circulating medium."

Whether the double standard is better than the single may be debatable. These metals, with pleasing rhetoric, have been likened to two shining coursers linked together on the highway of commerce. The figure is not inapt. A double team is steadier than a single one. It is never so fast and never so slow. The swifter steed draws ahead

the slower, and the slower holds in check the swifter. But my inquiry now is not what is best, but what *is*.

This grant as to regulation, like that to coin, not only confers authority; it imposes duties; one of which is the duty to keep the coins of the two metals at a parity, in value so as to secure both in the circulation. To insure legal parity between the coins the ratio must spring from the commercial value of the metals. Mr. Jefferson said, discussing the ratio, what should go without the saying:

Just principles will lead us to disregard legal proportions altogether.

The means, the true foundation to legal parity in the coins—to their joint circulation, to stability of the standard or measure of value—is the commercial ratio of the metals carried into them. There are aids. Legal tender is one, mint regulation is one, *and administration is one.*

It is for Congress to seek the true commercial ratio—not easy to determine at any time, most difficult at a time like this—of the metals and embody it in its coins. Anomalous circumstances may make it inexpedient to attempt it at a particular juncture, and in my judgment this is one such. But under normal and settled conditions, when the ratio determined on would give reasonable promise of permanency and effectiveness, the power should be exerted. Meantime the auxiliary means should be used; and let me say here, although perhaps not altogether in the line of this discussion, if it be the duty of Congress to so legislate as to maintain the parity of the gold and silver coins, and thereby their free circulation together, as I believe it is, it is equally the duty of the President, up to the very limit of his power, to so administer the law as to aid in the accomplishment of that end.

Therefore, if to pay out the silver dollars in discharge of public obligations would increase the present disparity in the metals and endanger the monetary parity of the coins, it is his duty, in the absence of a law commanding the contrary, to refuse to do so. If he believe such would be the result, refusal is the only course open to him. Such a course—and such I understand to be the President's—maybe in violation of Democratic pledges or expectations, or it may be to lose the fruits of Democratic victory, as has been alleged on the other side of the Chamber; but be that as it may, it is nevertheless to execute the Constitution and the laws made in pursuance thereof. It is in aid and execution of legislation to regulate the value of coined money.

No State shall * * * make anything but gold and silver a tender in payment of debts.

Such had been the experience of our fathers respecting money and trade in the Colonies, that, strong as the States-rights jealousy was, the first thing they did when they came to make the Constitution was to obliterate State lines and State governments, and form the whole into one grand community as respects trade and commerce and coinage and money and personal intercourse. The rights theretofore exercised by the States in respect to these things were fully surrendered to the United States—everything except in the one particular mentioned.

The right to have both metals in money seems to have been regarded as too important, too valuable, to entirely intrust even to Congress. Hence the reservation to make gold and silver coin a legal tender. It is not affirmative, but is it any the less certain? You may say Congress has the power, under the grant "to coin money," to make gold and silver legal tender—to coin *money* is to make it legal tender—and by exercising the concurrent power, under a well-settled principle, thereby draws to itself the entire authority. Let that be conceded for argument's sake. But when Congress exercises the power there is no need of the States doing so. If Congress cease to exert it, why, will it not at once revive to the States? If Congress to-day should repeal the law making the silver dollar or the gold coin a legal tender, could not any or all the States at once re-establish that faculty in it within their respective jurisdictions?

It may be said Congress can restrict that faculty in either coin to a limited sum. To grant this is to agree to its right to destroy this power in the States. For what shall be the limitation? Do the words "make gold and silver a tender in payment of debts" mean the same as the words "make gold and silver a tender in payment of debts to such extent as Congress shall allow?" Then how can Congress place a restriction upon the power?

If you say Congress has always exercised that right in respect of subsidiary coins, my answer is that such coins are not money within the meaning of the Constitution, but representatives of money merely. They are not "coin" within the sense of the clause. There would be no difficulty in supporting this view by authority; but my time runs; I will not stop for that.

If the States, then, have the right to make gold and silver legal tender to an unlimited amount, how can Congress dispense with either? Can there be any doubt that gold and silver are the money of the Constitution?

But, sir, this question does not rest in construction merely. It is settled by authority. I might read by the hour from statesmen, jurists, and courts—from Hamilton and Jefferson to Blaine and Thurman—all giving affirmative answer.

A few citations must suffice. If but one were made, of course it would be from Mr. Webster. His judgment on any matter susceptible of elucidation through the reasoning faculties was entitled to the highest respect. But his deliberate conclusions on questions of constitutional law and kindred subjects were and are as solid and enduring as the granite hills under the shadows of which his marvelous intellectual development began. I quote from a speech made in the Senate in 1836, and in doing so I am not unmindful of the modern departure from his views on the question of legal tender. But he had but one chance at the question. The court had several chances. If something else may be money, it does not affect the proposition that gold and silver are. I cite him to show they are, whatever else may be, the money of the Constitution. But to quote:

Currency in a large and perhaps just sense includes not only gold and silver and bank bills, but bills of exchange also. It may include all that adjusts exchanges and settles balances in the operations of trade and business; but if one understand by currency the legal money of the country and that which constitutes a lawful tender for debts and is the statute measure of value, then undoubtedly nothing is included but gold and silver. Most unquestionably there is no legal tender and there can be no legal tender in this country under the authority of this Government but gold and silver—either the coinage of our own mints or foreign coins or notes regulated by Congress."

This is a constitutional principle, perfectly plain and of the highest importance.

The Secretary of the Treasury in 1862 said:

The Secretary recommends * * * a series of measures looking to a * * * return to gold and silver as the only permanent basis, standard, and measure of value recognized by the Constitution. (Secretary Chase's Report, 1862.)

Another authority:

Money in the constitutional sense means coins of gold and silver fabricated and stamped by authority of law as a measure of value, pursuant to the power vested in Congress by the Constitution. (Clifford, J., Legal-tender cases.)

The Supreme Court of the United States in the case of Gwin *vs.* Breedloe (2 Howard, 38), involving the question of the right of a United States marshal to collect and pay out on execution bank notes, held, Mr. Justice Catron delivering the opinion:

Under the Constitution of the United States, section 10—

That one in regard to States making gold and silver legal tender—

gold and silver coin made current by law can only be tendered in payment of debts.

The Legal-tender decisions have not disturbed the doctrine that gold and silver coin are the money of the Constitution. All that can be claimed for them is that something else may be made constitutional money besides gold and silver duly coined. No one has ventured to assert that Congress has the authority to supplant gold and silver money by paper. The true view, owing to these decisions, I submit is: Whatever else may be made constitutional money, gold and silver duly coined are; and whatever else may be constitutionally demonetized, neither gold nor silver money so coined can be.

To eliminate from or subordinate in the circulation either gold or silver is in my judgment unwarrantable. A measure that would so result could not be upheld from a constitutional standpoint. If it would be unconstitutional to provide directly that gold shall not be in the money, or silver shall not form a part of it, it is equally unconstitutional to adopt any measure that indirectly will work the exclusion of either.

My answer to the inquiry with which I began is, therefore, in the negative. Monometallism is not the *ism* of the Constitution.

Now, something about this bill. I am opposed to it for several reasons. It proposes, among other things, gratuitous coinage; that is, any one with silver bullion or plate can take it to the Mint and have it minted into dollars without charge or expense to him. We were driven into this policy with respect to gold because other countries adopted it; but no country coins silver in that way, and the plea of compulsion as to it does not apply. On principle there is no good reason why the Government should do this service for nothing.

Never in any country, so far as my researches have shown, did the coins of both metals circulate together under gratuitous coinage. England in 1666 passed just such an act as this, which remained in force, with slight interruptions, till 1816, but it did not keep both metals in her circulation. There must be a certain limit of charge or seigniorage with which to counteract the fluctuations in the market value of the metals that will constantly occur under the most favorable circumstances.

It was said by a French representative in one of the Paris conferences that France coined all of either metal brought her, provided the bearer "knew how to ask;" that is, was willing to pay for it.

Gratuitous coinage is cast-iron coinage. It will not do in an age of steel. Then again if we are to go into the free coinage business, why not require the Government to buy all the bullion offered at the market price, not exceeding a dollar for 412½ grains standard silver, and let what profits there might be go to the Government? Why should we legislate money into the pockets of the silver-bullion owners? I listened carefully to the honorable gentleman from Missouri [Mr. BLAND] yesterday on this point, and I still put the question, seeking information.

Our friends object to prophecy about this bill. But that is what we do respecting every other measure. We conjecture what good it will do or what bad. My friend from Missouri entered that domain himself and told us what blessings this measure will bring. I am sure he would not deny that privilege to others. At least I shall venture. My conviction is the measure would at once send gold to a premium which would fluctuate with the variance of the market value of the metals,

and thereby sooner or later wholly retire it from the circulation. To cause either result is violative of constitutional Regulation. The determinative question is, Would the two metals be brought to a substantial commercial parity? If not, gold must go either out of circulation altogether or into a hampered and restricted use by special contract.

I am not altogether sure what the friends of this bill claim on this head. They have not asserted the metals would come together. On the contrary, they seem to concede they would not, as I shall show later. The argument has been that it would make no difference if they did not come together; that the legal parity would continue, though different from the commercial.

What are some of the facts bearing on the ability of the United States at the ratio of 16 "to swing the par of the metals," in the elegant and expressive phrase of Mr. S. D. Horton, whom I am proud to call my friend? When the German Empire changed from silver to gold in 1871–'73, the ratio—the market value of silver—began immediately to decline. It passed 16 in 1873, or at latest in 1874. The Latin Union, when the decline went beyond their ratio of 15½ and in addition beyond the limits of their charge for coinage—their seigniorage, were forced to close their gates to silver, or lose their gold in the circulation.

For free circulation and free coinage on a ratio substantially different from the market ratio are an impossibility. For example: If an ounce of gold metal is worth twenty ounces of silver metal in the market, you can not make in the coins sixteen ounces of silver equal one ounce of gold in value, and have them circulate together exchangeable dollar for dollar with free coinage. If one have ten dollars in gold, will he use it to pay a ten-dollar debt, if with that gold he can buy silver enough to coin ten silver dollars and have a dollar or any other sum left? The question answers itself.

The smaller states of the union struggled against closing, but they finally had to yield. France held out a little longer, but had to succumb in 1878, the ratio then having passed 17.

If Germany with her population of 45,000,000 and five hund red millions of metallic money could compel the Latin Union with its 90,000,000 people and eighteen hundred millions of coined money to close their mints by ceasing herself to coin, how can any one seriously hope that the United States can restore the par by opening its mints, now that the Union have ceased to coin as well as Germany? But no one has been bold enough to affirm it, and argument is uncalled for.

The contention is we can have free coinage and legal parity and at the same time have commercial disparity; that we may coin at 16 while the market rules at 20, for illustration. When it is answered that such a situation would bring foreign silver here to be exchanged for our gold, they reply it is impossible, for there is little silver bullion abroad, and the plate is worth more, wrought as it is, than 16 to 1, and the coins are par with gold there. The argument is plausible, but unsound. Faith in the non-importation of foreign silver seems the chief reliance of the silverites, and therefore deserves full notice.

I affirm if the present market disparity or anything like it continue, free coinage in the United States with gold and silver at a legal parity and circulating together as now (if that were possible) will bring here foreign silver coins to be minted into dollars notwithstanding they may circulate there as now at par with gold. I am willing to stake the case on the soundness of this proposition and go out of court if it is untenable. Does any one take issue?

Mr. WARNER, of Ohio. I do.

Mr. LITTLE. Nay, more; I affirm that under free coinage in the United States any situation here which would make it profitable to send silver bullion from Europe to our mints, profitable above the cost of minting that bullion at home, would bring here to be coined foreign silver coins.

The argument by which the negative of these propositions is upheld was eloquently and forcibly presented by the gentleman from Texas in the beginning of this debate some weeks ago. I do not see him in his seat. I wish he were present. It has been repeated in various forms since. The minority of the Coinage Committee present it in these words:

> Again, all the silver in Europe now in circulation as money is at a par with gold, at the ratio of 15½ to 1; that is to say, it is worth 3 cents more in a dollar there than here, as compared to gold. For this reason no silver in European countries could come to us should we restore silver to an unlimited coinage at our ratio of 16 to 1; for it is not to be supposed that France, for instance, would be willing to lose $18,000,000 in order to exchange a part of her silver for a portion of our gold, or the whole of it.

It is a fair argument and a rational basis of action if it can not be met. Nothing is surer than that 16 ounces of silver will never come from France to the United States for an ounce of gold, if fifteen and a half will buy an ounce there at all times, in all amounts, and in the hands of every holder.

The trouble with this argument is as to the truth of the major premise, as the schoolmen would say. Fifteen and a half ounces of silver in legal-tender coin are not worth in France or Germany, or any other state, to every holder an ounce of gold in the coin—I use "worth" in the sense of equal in value to. To the most important holders, unfortunately for this argument, they are worth only the market value. Let me state a fact or two, or a principle or two if you will, which may make clear this statement. An article, whether coin or anything else—I do not include things of peculiar and exceptional value—is never worth more to the owner than the cost of reproduction. This truth is universal and applies to governments as well as individuals. A silver dollar is worth to me a dollar in gold, because only it costs me that much to reproduce it. I must sell a gold dollar's worth of wheat or corn or cotton or labor or what not to get it. It is not worth that much to the Government, because it can reproduce it for less. It can now get it for 80 cents.

Therefore, to a government the coins in its treasury of either metal are worth the market value of the bullion in them plus the expense of mintage and deposit, and not a farthing more. For illustration, a million thalers of silver in the German treasury are worth to that empire only what it would cost to buy the bullion in London, take it to Berlin, mint it, and deposit the coin in its vaults, say eight hundred thousand thalers in gold. Now, if Germany could ship that million thalers to the United States, exchange them for gold, thaler for thaler, as could be done of course with gold and silver freely circulating at a parity, she could again buy the bullion, coin it, and replace the thalers in her treasury with the snug little profit of two hundred thousand in gold at the present market price, and so continue in business! If pushed for time because of other engagements, perhaps some enterprising Yankee might be found to come to her relief.

In the Paris conference of 1878 it was said Germany had fifteen million pounds sterling of silver for sale. She suspended sales the next year. Say she has now fifty million dollars. On the hypothesis stated of free circulation at par of gold and silver under free coinage what is to prevent her from sending that silver here and exchanging it for gold, dollar for dollar, at a net profit of ten millions or whatever the market would make, and repeating the operation as long as her coins continue to accumulate, which, of course, would be forever? What! Nothing in the world but her Christian self-denial and gracious forbearance to profit by our—innocence! What is true as to Germany is true as to every other state.

Are you ready, gentlemen, to take the one thousand millions of European silver? If it would come here in the bullion with a profit exceeding the expense of mintage, the coin itself will come, I repeat. There is no escape from this conclusion.

But, sir, the thalers and francs would not be exchanged for gold thaler for thaler and franc for franc. The instant effect of the law would be to drive gold to a premium. Legal parity would be a thing of the past. How this might be if the bill provided for a dollar of 399.9 grains—a ratio of 15.5, that of the Latin Union—it would be far more difficult to state. To adopt it might be the magical key with which to unlock their mints to silver and secure their effective assistance to "swing the par." This is aside, however.

Mr. Speaker, what does gold at a premium signify? I have said it meant to take it out of the circulation. Debts would not be paid in it except by special arrangement allowing for premium, &c.

Would one having a ten-dollar greenback use it to pay a ten-dollar debt if he could take it to the Treasury and get the gold with which to buy the silver to pay the debt, and have something left? When gold is at a premium, will not the greenbacks go to the Treasury precipitately for it? Inevitably. There is not silver to redeem them, and could not be for several years, with the mints in full operation on silver alone. There is not the gold. Meantime the President is charged with the execution of the resumption act.

This is not the place, I know, for partisan discussion. Money-coinage—regulation—has nothing to do with parties. It is the very mathematics of politics. But, sir, I am moved to inquire whether the President's party friends are willing to signalize his administration—the first the people have trusted to that party for a quarter of a century—with a suspension of specie payments?

The operation of this measure is not to my mind doubtful. It carries no secrets; it is an open book. It means the exchange of our gold for silver. It will take some time, but that is the eventuation. It means the silver standard. The minority of the committee seem to admit this. I quote from the "views of the minority," page 8:

> The restoration of silver here will necessarily give a demand for it that has not existed since 1873, and will have the tendency to restore it to a parity with gold, and it is believed will so restore it; but whether it be so or not it is insisted that we owe no debt that is not legally and morally payable in silver, and even should we go to a single-silver standard no harm would come of it.

Here is the confession. I have pointed out that both metals can not circulate under free coinage except at a parity; that free coinage on a ratio substantially other than the commercial and free circulation of both kinds of coin at a parity is an impossibility. It is only asserted here that free coinage would have a "tendency" to restore silver to a parity with gold. That is only conjectural. It is perfectly clear if Europe's "tendency" should be—a most likely thing to happen—to replace their silver with our gold there would be no tendency to a parity here. It would be the other way. But then we are consoled with the minority's assurance that "even should we go to a single silver standard no harm would come of it." Strange conclusion from gentlemen who in the same report have argued, and argued well, that gold and silver are the money of the Constitution. Yet there is no harm to violate the Constitution and drive away gold! Why should we not go to silver alone? There are many reasons. Like the counsel's for the absence of his client, the first is enough—it is unconstitutional.

We are a great people. We have commercial relations with all the states of the world. This intercourse will increase with the years. We trade with those using silver and those using gold and those using both gold and silver. We should be able to take what money they offer and give them what they wish without loss to either us or them. We should have gold and silver in our money. I object to silver alone, as I would object to a money in this city that would pass at par on the Avenue only or at one particular house. That might be the best place to deal; but I might not always happen to be there when I wanted to buy, or I might have a fancy or an interest to purchase elsewhere. True money is the best money, and that will go wherever there is anything to sell.

We hear talk of "cheap money," of the "debtor's option" being a great principle in economic law. It would seem to be the purpose of statesmanship, according to some doctrinaires, to provide dollars of two values, so that their great principle might have scope for operation. Sir, there is no place for two moneys—an inferior and superior. There is no room for comparison. The superlative degree is only employed. All should be the best. You had as well talk to me of cheap religion, cheap morality, and cheap virtue. There may be a demand for these in the estimation of some people, but for decency's sake do not write it in the statute.

This measure means, sure enough, as virtually admitted by the minority, a silver standard—the ultimate exchange of our gold for European silver. Exchange our gold for silver at even present rates, and you increase the nominal amount of our coin probably two hundred million—no actual increase in value.

We have now eight hundred millions of metallic money; eight hundred millions of measures of value. You would make it ten or say twelve hundred millions? You would increase the measures, but add not a dollar to the property. Here is the problem: You have 800 yards of cloth. You want it to measure 1,200 yards without increasing the quantity. Your yard-stick now goes into it eight hundred times. You want it to go twelve hundred times. There is but one way to do. Make the measure 24 inches and call it a yard.

Make your measure of value 66 cents and call it a dollar. Then you have twelve hundred million dollars instead of eight hundred. That is the colonial method of financiering, through which our fathers passed as through the valley and the shadow of death. If it be the purpose to curtail the dollar, better do it squarely. Take out 8 grains from the unit of value—80 from the eagle rather than give a 66-cent dollar exclusively of silver. You then, at least, will have the same dollar in both metals. It may not be a 66-cent dollar; it may be a 50, a 75, an 85 one; no matter, the principle is the same.

The appellation "dishonest dollar" is not just now. We are not responsible for the present price of silver. Demonetization in Germany and consequent suspension of the coinage of silver in the Latin Union chiefly caused it. Extraordinary production had something no doubt to do with it. We hold up the legal parity in our struggle; but if we should abandon gold and deliberately go to a silver standard the appellation would become just.

Whom would the bill help? Whom would cheap money assist? It is said the debtor. I deny it. True, long-time debts could be paid in cheap money. Whether that would be harder to get I pass without considering.

It will take time to fill the circulation with silver—three, four, five years, or more; for the full mint capacity, remember, is only a little rising seventy millions a year. Let me have read in this connection a letter from the Director of the Mint.

The Clerk read as follows:

TREASURY DEPARTMENT, BUREAU OF THE MINT,
Washington, D. C., March 25, 1886.

SIR: Referring to your favor of the 24th instant, you are respectfully informed that if no gold coinage was executed at the mints of the United States, and the four coinage mints were run exclusively on the coinage of silver dollars, it would be possible, working full time, with their present capacities, to coin about six million silver dollars per month.

Very respectfully,

R. E. PRESTON,
Acting Director of the Mint.

Hon. JOHN LITTLE,
House of Representatives.

Mr. LITTLE. Bear in mind also that the large part of the individual indebtedness of the country is that falling presently due. The twelve hundred millions of bank discounts run from ten days to four months as a rule. Land mortgages are from one to five years. In Ohio the custom in the sale of lands is to pay one-third of the purchase money cash, a third in one year, and a third in two years, deferred payments secured by mortgage on premises sold. "Store" credits run six months or a year at furthest. These are of immense proportions. Now, what is the money loaner, the creditor, the merchant going to be about while the circulation is being filled with silver? Is he going to renew his loans and extend his credits, to be paid eventually in money of less value, with interest added, than the original sum loaned? Certainly not. Will not he want his money to invest in property that will rise in nominal value as the dollar goes down in real worth? Surely. How can the debtor get the money to pay? If capital comes to his aid it must be paid for with all the risks. Interest must go up, as all agree it does in such cases. But who profits by this? Is it the debtor? Where property is well encumbered capital will not take the risk. The owner can not borrow. The poor man without good property backing can not borrow. Foreclosures and forced sales will follow. They will depress prices. The mortgageor, the creditor, will thus be enabled to exchange their loans for property at most ruinous rates to owners. Loss, distress, ruin must follow, and it will fall heaviest on the debtor class. But there are others who will be affected. All persons with fixed salaries and incomes will suffer. All the soldiers and soldiers' widows will be cut down in their pensions. The money they receive, little enough now, God knows, will buy less—be less.

The millions of railroad employés, telegraph operators, clerks, mechanics, and laborers under salaries, ministers, teachers, will be hurt. But, greatest of all, the common laborer will suffer. Political economists tell us, and our experience teaches us, that no values are so fixed and stable as the laborer's wages. In times of such crises the capitalist can wait to see what is best for him. He is not compelled to a forced sale of anything. But not so with the laborer, not so with the one dependent upon his earnings for a living. His labor is his dependence. It is all he has to sell. He can not wait. His sales of labor must go on from day to day. His is a forced sale, and he must take what he can get, if it be only an 80-cent dollar.

But, sir, we hear much about a horizontal reduction of the tariff. How could a reduction be made more absolutely horizontal as to specific duties and those levied on gold valuations—as they are levied and would continue to be no one knows how long—than to reduce the value of the dollar? If you want to strike off the duties 20 per cent. make an 80-cent dollar; or 33 per cent., make a 66-cent dollar. I can not go into this. The industries of the country should look to this question. Ay, sir, I have no doubt they are looking to it. I know it has not escaped the vigilant eye of my colleague [Mr. MCKINLEY] on the Ways and Means.

Now, a word as to what I would do. We are told Europe is coming to bimetallism. The chairman of the Coinage Committee sees hopeful indications. My friend from New York [Mr. JAMES] hears promises from abroad. They both see hopeful signs in the east. We are, they say, coming out of the night. The eastern sky reddens with the approaching sun. There are dangers about us. We are at least secure for the present where we are. I would not take a step in the dark, not even in the twilight, but wait till the full coming of the day.

The gentleman from Massachusetts says stop coinage. Others say the same. But what would be the effect of that? I ask to have read a passage from the report of the commissioners at the conference of 1878. And let me ask you to remember who these commissioners were; Messrs. R. E. Fenton, W. S. Groesbeck, Francis A. Walker, and S. D. Horton, gentlemen eminent for their learning on this subject.

The Clerk read as follows:

With gold ruling at 17.50 to 17.75 in terms of silver, it was held by the majority of the conference to be unsafe to coin silver at 1 to 15.5, or any other ratio near to that. In view of a divergence so wide, it was thought impossible to bring the market ratio up to the legal ratio merely by opening the mints to silver. It was indeed admitted, as expressed by Mr. Goschen, that the position involved a "vicious circle, states being afraid of employing silver on account of the depreciation, and the depreciation continuing because states refused to employ it." (Remarks of Mr. Goschen, third session.) But from the joint effect of these two causes it was the disposition of the European delegates, even of those most favorable to the restoration of silver to its proper monetary function, to observe events and await the melting away of the mass of German silver and a fortunate turn in the quotations of silver, due to a diminution of the supply, or to the continued effect of the East Indian demand.

Mr. LITTLE. To stop coinage and cease to buy the bullion would depress its price. The reasons the commissioners give for hesitating to remonetize silver would be intensified, I fear. If it was then deemed unsafe to return to silver with gold ruling at 17.50, what would be thought when ruling at 22 or 24? Our present purchases hold up the market ratio; drop them, and where will it go? Should it reach 24, should the "80-cent dollar" become a "60-cent dollar," would Europe be more likely to take silver? Could we then maintain the legal parity of our coins? There must be a point beyond which the price could not drop without endangering the parity. Destroy that, send gold to a premium, and you suspend specie payments inevitably. The experiment of ceasing to purchase seems to me to be full of peril. I for one am not willing to take the risk, at least now. The buying of twenty-four million a year is not a great burden. Let it be piled up in the Treasury for a while; it will come good when we reach the double standard, and besides, it will be a useful support for our three hundred and forty-six million legal tenders. It is no disadvantage that it is cut into coins. The expense is not great. The operation need not and should not be allowed to affect the currency. I would not attempt to force out silver beyond business demands. It is expensive and worse than useless to do that.

If Europe refuse to take silver finally, we must change the ratio; that is the whole of it. Let us wait and see. Next session will be time enough, or, if the way is still doubtful, next Congress.

Mr. Speaker, originally bullion was current as money and weighed out to takers. That was inconvenient. Men could not carry scales or assaying machinery, nor always go where they were kept. So Government undertook the work of measurement. It cut the pieces and

stamped them with their weight, their denomination. That saved trouble; it was a convenience. If there were but a single metal in the world, to coin it would be simple. It is just as simple with two metals when their ratio is determined. The difficulty is to ascertain the ratio. To do the rest is the work of the scrivener, the clerk. The former is that of the economist, the scientist, the statesman. After all, it is only to ascertain the truth. I am ready to coin, ready to write; when you tell me that truth, tell me what to say, not before. Shall it be 15½, 16, or 18? We are not after conjecture or guesses, but the truth.

Individuals may properly indulge in conjecture, in figure of speech, and possibly in exaggeration. But when this nation writes, when it sends out its missives to the children of men written in letters and in substance of silver and of gold, they should contain the simple truth and nothing but the truth. If events have conspired to make inaccurate that which when written was true, its task should be to correct the error either by bringing about such conditions that the old truth will reappear or by rewriting.

That is exactly our task to-day. If the bill under consideration was an aid in that direction it would have my vote. Whatever will do that I am for. But, sir, standing here as the Representative and wielding the power of an honorable and truth-loving constituency, I declare: The great Republic, with my consent, will never either write or perpetrate a lie on its coins.

Mr. FELTON. Mr. Speaker, I have fifteen minutes of my hour remaining, which I will give to my colleague [Mr. McKENNA], and if there be any balance remaining I will yield it to the gentleman from Tennessee [Mr. McMILLIN].

Mr. McKENNA. Mr. Speaker, I can not hope to add anything new to this debate. It would puzzle inspiration to say anything new, and I dislike, sir, to occupy the time of the House in the personal concern of an explanation of the vote I shall cast.

But, sir, there is justification for explanation both in precedent and principle. An office—my office—is a public trust, and the reason for every exercise of it as well as every exercise of it can not be indifferent to the constituency which I represent and whose interests I hope to serve. I can do no more in my situation. A pensioner of a fragment of my colleague's time, for which I thank him, I would but waste this dole of minutes in a vain attempt at anything but the most meager definition of my views—a definition inadequate indeed, and in its imperfection may be more ambiguous than silence.

The subject, sir, is one of incredible complexity, and its sure solution has thus far evaded every effort of ability, while it has engaged all and exercised all. It appears, sir, to coquet with inquiry. Its statistics are complaisant to every conclusion, and in their marvelous universality and ductility every one seeks, and every one appears to find, reason for his dogma, and conjecture riots to the top of its bent, and prophecies in gold mouths and in silver mouths proclaim great good or croak dire disaster.

In this condition, Mr. Speaker, good men, though reckless ones, dare danger in pursuit of speculative good, while interested ones, who regard only self, see their opportunity; and there is always enough evil to be complained of and to be remedied to excuse and confuse everything, and recklessness appears to be discretion, pretense passes for patriotism, and ignorance and knowledge, sincerity and simulation, receive an equal applause.

But, sir, prudent men, who risk nothing for their country except in a great stake, and who would rather incur criticism of themselves than chance a danger to it, are content to abide in the safe conservatism of letting things alone. This, Mr. Speaker, is hard at all times. It is especially hard when impatient sentiment, ready probably to become vindictive, urges or seems to urge immediate action.

That which Herbert Spencer calls the "do-something" impulse may not be the most vicious one, but, sir, it is the most urgent, and to do nothing is sometimes wise, but never can be showy. Besides, there is argument for action: What are we here for? And a Congress that dare not pass laws could indeed be condemned.

But if I may be indulged in the utterance of a paradox, I dare say that some things are best done when not done; and the true and lasting interests of bimetallism are best subserved by letting the existing law alone.

Mr. Speaker, I have read the report of the minority of the Committee on Coinage on this bill. I have also with fair attention considered the speeches that have been made in advocacy of it, and every one of them furnishes reasons to abide by the existing law. It is asserted that we need an augmentation of our present circulating medium; that we want more money.

Granted for the sake of the argument. It can be obtained in adequate amount under the existing law.

It is claimed that we should at least coin the American product. Granted again. It can be coined under the existing law. It is urged in opposition to the apprehension that this country will become the silver-dump of the world that foreign coin can not come here without loss, and therefore that it will not come. That articles of silver are too rare in design or too costly in labor to be melted. That the annual product of silver is $115,000,000; that $30,000,000 of this net is consumed by India, $25,000,000 by Mexico, and $22,000,000 by all other foreign countries and in the arts. The Mexican dollars are usually estimated as bullion. But of these one-third at least, maybe one-half, remain in coin.

Therefore, Mr. Speaker, it is further said that not more than $50,000,000, certainly not more than $55,000,000 of the entire product remains to be coined under free coinage.

Granted again for the argument. But $48,000,000 can be coined under the existing law if the market value of silver be equal to the face value of the coins. At the present price of silver over $60,000,000 estimated in coins.

In this ample power of the existing law to produce all the benefits claimed for free coinage without, maybe, its evils. In its possession in common with free coinage of the wondrous efficacy to appreciate values attributed to a great demand of a limited supply, is its vindication and the condemnation of its repeal and of a change. But, sir, it may be said that the benefit of the law is suspended or prevented by the inability or contumacy, or in the language of a distinguished Democratic Senator, the incivism of the administration.

Granted again, but only, sir, for my present purpose, and not as a partisan fling. I leave such accusations to Democrats. I know that the sincerest intention in a complex matter may be misunderstood and criticised by interest or impatience or distress.

Not, therefore, criticising, and hoping, indeed believing, that the President and his advisers are urged by conscientious considerations of duty, but believing them to be in error, and not despairing, sir, of their ultimate conversion, I repeat for the occasion only that, granted they are guilty of incivism, the repeal of the law is not a proper remedy for a failure to enforce it. Have we no other remedy than this? I need not pause to comment upon the impotency of the statesmanship which can devise no other remedy in a government of checks and responsibilities. And what a spectacle should we soon present; to what a condition should we soon come in this seesaw of legislative effort in opposition to recalcitrant officers? We should pass from a multiplicity of dead laws and useless enactments in rapid succession to confusion, to contempt, to destruction.

Mr. Speaker, I can understand why a Republican would urge such a remedy in very opposition to an administration not his. But for a Democrat to do so would be for him to assert his party a failure, his Congress a sham, his President a humbug, or worse. Now, sir, and almost in conclusion, I say that the possible good of the present law and the apprehension of danger from its change ought to give us pause; and we should not scoff at apprehended injury. I know that evil prophecies have been made heretofore and have not been fulfilled, and evil conclusions are now confounded by the singular spectacle of a gold dollar and a silver dollar of different bullion values circulating in legal parity and at par. But the cause of this is at least disputable, and the boasting patriotism of the power of this country to achieve results that other great nations shrink from attempting is not a good ground of action. We are proud of our country and believe its resources can receive and endure the influx of all the silver of all the world, and emerge from the deluge as did the earth, but stripped and bare and to begin again.

[Here the hammer fell.]

Mr. McMILLIN addressed the Chair.

The SPEAKER. The gentleman from California [Mr. McKENNA] has occupied all the time which remained at the disposal of his colleague [Mr. FELTON].

Mr. BROWN, of Pennsylvania. Mr. Speaker, there is a desperate war being waged against one of our money metals. It was brought on under the lead of two creditor nations, England and Germany. The wealthy classes of those countries hold the securities of other nations and peoples to the extent of at least $5,000,000,000. This fact explains fully their determination to force the demonetization of silver among other leading nations. If the American Republic yields, their war will have a successful termination. Then all debts throughout the world must be paid in gold or its equivalent, and gold will then be double its present value.

As a nation we can not legislate upon finance without having regard to our indebtedness. With no indebtedness we might possibly meet all the demands of the future with gold alone. Being encumbered with debt, demonetization of silver means certain disaster to the nation and distress among the people. Because by demonetization holders of securities can increase the value of money they are monometallists. Because their debts can be paid much easier with two than with one metal the promissors are bimetallists. This proves that as long as there is a debt to be paid the only way to deal justly by debtor and creditor is to restore all laws that have been changed and preserve intact those that remain—as they were when the debt was contracted.

The basis of good faith is that every agreement shall be performed in the same understanding by him who receives it as by him who offers it.

In the long run, what is good for the debtor is good for the creditor also. All temporary advantage that may be unjustly gained now is sure to bring its retribution in the final reckoning, whether secured by debtor or creditor. Honesty between country and people and people and country is above all things important. We are not so poor that

we can not honestly pay our debts, nor are we so rich that we can afford to pay them dishonestly. Nor will it help our case to say that to pay in both silver and gold will help or benefit this or that class. We are bound together by ties indissoluble. Together we must suffer or together we must triumph. I believe much less in classes in our cosmopolitan society than do many. We are not corralled into grades or stations or conditions where we must prance or plod throughout our whole career. There is no country on the globe where men swap places so often as in our beneficent Republic.

The debtor of to-day may be the creditor of to-morrow; he may be both at the same time. The bondholder of yesterday may be the coal-digger of to-day, and the hewer of wood and the drawer of water of to-day may be the bondholder of to-morrow. There is no manliness in our going into a frenzy of jealousy toward our neighbor in the brown-stone front who is counting his bonds and clipping his coupons while we are counting the cost and cutting the corners lest the day pass and we are not fed, for who shall say that to-morrow he may not be an hungered while we are wielding his scissors? No, sir; we are to meet this question with our honest manhood and not with sentiment or a plea of poverty. Our promises are out; they bear with them the contract of payment. If we do not meet them according to its terms in the courts of final resort, we will be placed in chancery. My complaint shall not be against men, but against manners, customs, and laws.

Ten years ago there were jugglers on the debtor side who maintained with great vigor and infinite racket that a government may pay its debts by swapping promises. These were beaten back by the logic of honesty, and on January 1, 1879, they were placed "in chancery." A decade passes and the payee comes to the front as a juggler. He makes the discovery that *coin* means *gold*, and that the only proper way to pay a coin debt is to hand over the highest-priced coin in the market.

Shall we place this new juggler in chancery? I am in favor of it. I will not stop to investigate who he is, whether rich or poor, powerful or impotent. He has undertaken a dishonest thing, and he must abandon his wicked purpose or go into chancery also. No amount of racket in imitation of his prototype, no plea of the baby act—for he was of age—will excuse him from the fulfillment of the covenant.

Truth compels me to say that these creditors should not now be in court at all. Their bargain is a good one. They have no equities here. They should ask for nothing more than their contract gives. That fact practically forces them to come into court under false colors. They affect to be much concerned for the debtor, and they fall to manufacturing calamities to be let loose upon society if coin is not construed to mean gold. Spleen takes possession of them. Their interests seem to affect their tastes.

They discover also such great enervation in our age that we can not "tote" the silver dollar. Senility and decrepitude have overtaken us, decay has wasted us until the grasshopper is a burden and the silver dollar is an intolerable oppression. As they proceed it now and then occurs to them that it will not do to be "enemy" all the time, and so by turns they become coy. They are now in the rôle of bimetallism, and "while the fit is on" they proceed to show how, by deserting the silver dollar, they can save it.

After the plan is fully developed, and after they have thus saved silver to benefit and bless mankind, they proceed with suspicious precipitation to demonstrate, to their own satisfaction at least, that silver is unfit for money. So intent are they on their high resolve that they will not even pause to swap 412½ grains of silver for one grain of certificate—just as valuable. Covered with sweat, begrimed with dust, on they trudge, pressing toward the high and holy calling of making silver odious!

Neither Hugo's Toilers of the Sea, nor yet Ixion at his wheel, ever fulfilled a destiny half so dolorous as they. Is there no inducement that will pause them in what the gentleman from Maryland designates as "indignant devotion" to their cause? Can they brook no delay? Is there no maiden's voice in all the land seductive enough to tarry them in their career "Excelsior?" Nothing in the world is easier. Luggage, more luggage, sir, will halt them. Offer them 80 grains of silver. See how they range in expectant lines! Offer to compromise by adding one-fifth to the size of their "cartwheel dollars," and mark how they wheel into column!

Before considering such of these objections to the silver dollar as my limited time will permit, I wish to refer to a single argument, and I may say the only one yet made, why the creditor is perhaps entitled to receive part of his money in gold. It is to the effect that in some of Jay Cooke's advertisements in certain newspapers he announced that interest on bonds would be paid in gold. It is not claimed that the law authorized him thus to advertise. It is not even claimed that the Secretary of the Treasury gave any such authority. Nevertheless it may be, for the sake of being abundantly fair, admitted in the argument that the advertisement should operate as a sort of estoppel against the Government and that she should keep the pledge—presuming there might have been one—made by Jay Cooke. This is going to the utmost limits of fairness toward the creditor. It is giving the benefit of every doubt as to both the facts and the law.

The real and the legal contract was on the paper at delivery and has gone with it in every transfer, no matter into how many hands it has passed. It reads: "This bond is payable in coin." What coin? "Of the standard of 1870." The standard of 1870, to which the holder was by the law directed, is: "Silver 412½ grains, 900 fine; and gold 25.8 grains, 900 fine." But now to the promises of Jay Cooke; what were they? That the Government would pay the interest in gold. What would a strict construction of this advertisement give the promisee? Certainly no one would contend that Jay Cooke undertook to assure him that the principal should be paid in gold—that which is not mentioned and not included by some general term, when part is recited by implication is excluded. Therefore the proper interpretation is that the Government shall pay the interest in gold, but the principal it may pay in other money. Does the payee prefer Jay Cooke to the contract he has on his bond? If so let him abide that—take his interest in gold and his principal in silver—whenever he can show that he was misled by an advertisement.

But I am even disposed to do more. I will take the same position I did when the greenback payor was attempting to fly from the spirit of the contract. I said to them, "Now, let us take hold and make a greenback just as good as coin, then the payee will prefer it to coin, and then we can pay in coin just as easily as we can in greenbacks." As a plan of compromise with the payee now, I would say, "Let us go to work, Mr. Payee, and make silver bullion worth just as much as gold bullion, and then you can take your choice! But, says the monometallist, it can not be done, the tastes of the world have changed. England dethroned silver, Germany had to stop its coinage, and now the Latin Union have thrown it overboard! How can the United States stand for silver against the world?

Mr. Speaker, we have performed a more miraculous thing, even, than this. It was a greater achievement to resume specie payments in 1879 than it would be to bring gold and silver together in 1889. There were more who placed resumption among the impossibilities then than there now are who say silver can not be raised to a parity with gold. "It can not be done!" shouted the faithless payor in promises, in '75; "the whole world has not money enough to do it!" "It can not be done," shouts the monometallist in '85; "the world has too much money to do it."

The cry of '75 lacked pluck, but it had in it a little logic. The cry of '85 has neither pluck nor logic.

Why say we can not bring these metals together by the force of law? Not as to what the metals shall *be* but what they shall *do?*

The answer is, "The value of a thing will not be changed by law." But can not a commodity be utilized by law or custom to do things—to perform functions—it did not, or perhaps could not, without law?

The monometallist, in his moments of devotion for silver, has himself proved too much to higgle now about "fiat." His sole plan for saving silver is to force, or rather coax, the nations into a joint convention to fix a ratio between the metals and a standard for each. You see it is fiat and fraud, if the power we can exercise is used to regulate its use or value, but if a power we can not invoke will only unite to regulate its value, then it is not fiat, it is not fraud! Such is the consistency of monometallism. Does any one doubt that the dethroning of silver by Germany, and its more recent abandonment by the Latin Union, has lowered the price of silver bullion? And, if so, would not the abandonment of that metal by the United States lower its price still more? And if this be true, then, if Germany were by law to begin its coinage, would not its bullion value advance? And if it would, is it not demonstrated that a nation's mandate in this regard has potency to regulate the use and therefore the value of money? But why argue this point? The gentleman from New York [Mr. JAMES], who spoke on the other side, freely admits that silver bullion was made cheaper than gold solely by discrimination against it. It is at most but a difference in degree, and there is nothing left of the position but a single, cowardly "you can't."

Well, sir, we can at least try. That is what we said in '75, and the trial trip brought us into port. Then, as now, it was argued all precedent is against us. "England tried to resume under more favorable circumstances and she failed!" Sir, we have done a thousand things England never has and never will do until she has a government for the people instead of a government for aristocrats. Even the great statesman at Gramercy, as late as in '76, told us it might have been done if we had managed rightly, but we have missed our chance, said he, "and nonfruct even can not save us." Nevertheless we did resume. When Grant cut loose from his base of supplies at Milliken's Bend, crossed the Mississippi River, and fought his way to Jackson and back, leaving nothing but the roads, and burned bridges behind him, even the gifted Sherman thought the army was lost. Sherman learned something new in the art of war, and lived to put his wisdom into practice when he marched "from Atlanta to the sea." It can not be done forges chains. It shall be done breaks them. The former has written the history of bondage; the latter builded the temple of freedom!

THE DISHONEST DOLLAR.

But you tell us 412½ grains of silver make a dishonest dollar. This is a grave charge, and if you can only make it good I think you can safely rely on great accessions to your vote in this House. As you seem to stand greatly in need of votes it occurs to me that here is a

profitable field for the exercise of your best energies. Vociferous allegation, however, is not proof, nor will you be likely to deceive any one into mistaking the one for the other. The 412½-grain dollar has a history which may be easily traced. If it has been in bad company and by contamination corrupted, or if it was depraved and a cheat from the start, too prominent has been its career to permit deception in either. The burden is clearly with you, but as we have nothing to conceal and as you seem somewhat laggard in getting to your real task, we may as well direct your attention to some sources of information and invite you to probe further if you like.

The first objection you make to the silver dollar is that it is a "fiat" dollar. We reply by insisting that there is intrinsic value in it. It has all other important qualities in it that go to make money. It is indestructible. It does not corrode by the touch of time. It costs labor to secure it. It is the product of sweat-drops, and daring and pluck and suffering. Still you insist that though it be a costly thing, yet any way it is one-fifth fiat. This is a stunner; the honest man rubs his eyes and says, "Perhaps now there is something in that." We must therefore go farther and investigate.

The Second Congress of the young Republic made our first money. How much pure silver did that Congress put into its dollar? Hamilton was then the financial head of the Government. He recommended 371¼ grains of pure silver as the dollar. That was on the 28th day of January, 1791. The report is full of good logic. It reads like the thoughts of one skilled in finance, like one who has sought the opinions of great minds and digested them. The Congress has a very high opinion of his abilities, for, after much debate, on the 2d of April, 1792, it indorses Hamilton's recommendation and enacts into law "that 371¼ grains of pure silver shall be a dollar."

Examine, now, the silver dollar that you have called dishonest. It has in it 371¼ grains pure silver. Now, where is the fiat? Oh! but you say, "I have a gauge hidden away in a stocking that makes that dollar 20 per cent. fiat, notwithstanding your ancient law and your 371¼ grains of silver." Very well, bring on your gauge, sir. Let us test it. Assertion does not establish gauges; gauges are subject to tests as well as the thing gauged. Gold being your gauge, let us examine its history and its capacity to measure. When Hamilton made the report to which we have referred he recommended 24¾ grains of pure gold for the gold dollar. Congress adopted his suggestion. In 1834 another Congress took from the gold dollar 1.5 grains of pure gold, because as a measure of value it did not seem to work well. That is some proof that gold as a measure is not infallible. Examine your gold dollar of to-day and you find only 23.2 grains of pure gold in it.

Again, to make gold what it could not be without fiat it was ordained by law in 1873 that gold should measure everything. Law said to it, "Be thou the unit," and it was the unit! Since that time it has been measuring everything incorrectly with unvarying consistency. To illustrate: let us take 23.2 grains of gold bullion and go forth to purchase. What will it do? Too much or too little, or just enough? You buy wheat, flour, corn, meal, calico, scythes, axes, labor, anything you need. What have you in return for your dollar? You make your comparison from the time your 23.2 grains was stamped with the dollar fiat, and you find that you have cheated the producer of the commodities you are taking home out of at least 20 cents. You are taking home $1.20 worth of labor and the product of labor for your 23.2 grains of gold! What is the matter? I can tell you, sir. You are a fiatist. You have, somehow, forced a value into 23.2 grains of gold bullion that does not belong there, and that something is law, is fiat! Fiat may be imparted to a thing, you see, without stamp or die; it may boost bullion uncoined as well as bullion coined.

Now I will take my 371¼ grains of silver bullion and I will go to the producer and I will buy wheat, flour, corn, meal, calico, scythes, axes, labor, anything I need, and I make my comparison with what 371¼ grains of silver would do for my fathers. I go back, not to 1834, for my dollar is dignified with more years than yours, it dates from 1792, but I will only cover a period we can all recall. I make my comparisons, and what have I in return for my 371¼ grains of silver? Have I cheated the producer? Has the producer cheated me? Has fiat played a part in the bargain? No, sir! I have 100 cents' worth of that which will supply my wants and the producer has 100 cents of value in return for it. Thus that "silver bodkin" has punctured the gold bullion balloon and the collapse develops some dishonesty where blind prejudice never expected to find it. Can it be true, I wonder, that this yellow metal which catches its rays from the sun is destroying the eye of honesty?

GOLD THE FIAT MONEY.

The fiat in money or money material is the law mandate added to intrinsic worth. Intrinsic value is made up of cost and use. An article may cost a good deal and may be of very little value. Gold and silver, fourteen years ago, were of the same value, on a ratio of 1 to 15, for on the ratio of 1 to 16 as they were then by law arranged silver was at a premium of 3 to 4 cents. About this time the fiat of Germany sent gold ahead of silver. The United States, always more or less inclined to ape despots, stepped into the trap set for her and added by the act of February 12, 1873, her fiat to gold. The equal law silver had theretofore enjoyed with gold was changed into unequal law in behalf of the latter. But this was not all. The act of 1873 did more; it provided for a new unit of values; that is, it added to the use of gold not only by subtraction from silver but by affinitive addition to gold. This mysterious statute that knows not its maker not only robbed silver of law but forced increased use or double duty upon gold by law. Then, that silver might be still more crippled, the free coinage of gold was continued while that of silver was discontinued, and when in '78 coinage of silver was resumed its coinage was curtailed while gold continued free.

To recapitulate, gold has secured of that hated thing its worshipers are now pleased to call fiat, in addition to that which has been vouchsafed to silver:

First. The exclusive fiat of most of the great commercial nations of Europe.

Second. In this country its unbroken free coinage.

Third. Its increased use consequent upon the disuse of silver from '73 to '78.

Fourth. Making it by the act of '73 the unit of value.

Fifth. The present free coinage of gold and the limited coinage of silver.

Thus, while the gold bullion has beside all the fiat monarchies can give, and four distinct and independent mandates of law in the United States that silver knows not of, is it a wonder that 23.2 grains of gold buy too much, that it is dishonest, that it cheats the laborer and producer?

I find by a table published in the speech of the gentleman from Massachusetts [Mr. LONG]—the correctness of which no one on either side will question—that the cost of sufficient of the necessaries of life to support a family of four persons, the number taken in the estimate, has been constantly on the decline, as measured by a gold standard, since 1873. The cost is estimated, in 1873, at $294.60; in 1874, at $291.69, and so on down to 1885, at $216.11. This shows a decline of over 33 per cent., an amount exceeding the difference between the value of gold and sliver bullion, and demonstrates that silver bullion comes much nearer a correct measure of values than that of gold bullion.

The decline in production of gold, together with the increased demands for it in the arts, would of itself have made it too dear for a safe single standard. Its equilibrium should have been preserved so far as honesty would permit by the largest possible use of silver and the least possible use of gold as money. The fiat which added to the price of gold should have gone to the aid of silver. Gold needed no aid; its tendency was to become too high, at least for the time being. True loyalty to both metals would have said the weaker and not the stronger shall have the aid of the law until such time as a change in relative production shall enable both to stand without law, or at least with equal laws. But it seems that avarice, and not chivalry, controlled. Therefore fiat must make the dear dearer and the cheap cheaper. It only remains now to compel all debt payments to be made in the former and avarice will have conquered all obstacles—its triumph will be complete.

Oh, sir, it is the old story of tyrants. They never wrong without despising the object wronged, whether animate or inanimate. In the old days, when men's limbs were bound in chains, the master gloated in grim satisfaction over the inability of the manacled to run with him an equal race. With no law that financial ministers are bound to respect, see how their imitators of our time point their index fingers and leer at silver because gold, its law-panoplied brother, outdoes silver bullion in its ability to measure and to buy.

In this connection I will have published the following letter from Judge Dexter, of Elmira, N. Y. I know him well. He is a thorough student, and perfectly fearless in the expression of his opinions. His questions are so tersely put upon this proposition that the correct answer is irresistible. [See Appendix.]

WHO ARE TRUE BIMETALLISTS?

The world has none too much of both metals to answer the purposes of money. Both may be used to the entire extent of their production, excepting only such as the arts absorb, without inflating the circulating medium. They can take the place of currency now in circulation in fact or by certification, or they can be used to increase it, according to our necessities. In my opinion there can be no such thing as inflation before the country, either with the metal dollar itself or by certification thereof, or by greenbacks or by national-bank bills, has behind it a redeeming coin worth 100 cents on the dollar.

Believing thus, I would use every dollar of both metals that will come to the mints for money, save only when by some abnormal condition of things, induced by unjust and unequal laws of other nations, there is danger of forcing a disparity which would work harm. At all such times I would so legislate as to protect our people against that evil, for evil I must admit it to be. Free coinage I would always have in view, and abandonment of either metal I would in no case permit.

The bill which I have introduced, together with extracts from letters I have written to journals in my district, I will print in the appendix. They express fully my position and the step which I think we should take at this time. While I would prefer to vote for free coinage, I doubt our ability to control the price of bullion by addi-

tional use beyond the amount produced in this country. As to our own production I have no fears whatever.

Now let us examine the philosophy of those who profess bimetallism, but who, to secure the proper status of silver, advise its present discontinuance as money. This is substantially the position of the gentleman from Massachusetts [Mr. LONG]. A man thrown overboard by a common enemy is struggling manfully against the tossing waves. You rush for the life-boat and go forth to his rescue. You take him on board, claim him as a dear friend, and push for the shore. Reflection gives you pause. You are sicklied o'er with the pale cast of thought. You are convinced that the enemy, as an enemy, must have had the best of reasons for getting rid of him, and so, as his friend, you conclude the true way to save his life, after all, is to toss him into the sea, and then after the storm has passed negotiate with the enemy upon some general plan of salvation!

To illustrate still further: Silver is partly down. You think it should be lifted to its old position, therefore you join the cry against its fitness for money! Gold has been appreciated by an increased demand for it by the creditor nations; they first force up its price and then demand that all payments shall be made in that metal; therefore you will join the creditor nations and force it still higher; and this you say will bring silver and gold together.

England and Germany have lost their faith in slver as money, therefore you will now prove your faith in silver for money by serving it just as England and Germany have served it. The price of silver as measured by gold, has been forced down by legal discrimination, therefore you will discriminate in the same way to force it up! That is to say, you will agree to tear silver down so that, being down, you may join with its enemies in restoring its ancient glory! This plan of proving undying devotion to silver I am afraid will hardly carry you through the fall campaign.

I can easily understand how a man may believe in unimetallism; how he may enlarge upon the importance of stability until all other considerations vanish from his estimates of what constitutes good money; but how a man can despise the dollar and hanker after it, how demand its destruction and pray for its restoration, is a conundrum I have been quite incompetent to solve.

The gentleman from Maryland [Mr. FINDLAY] is decidedly candid in the matter and much more consistent than some of those who will vote with him.

In his position he is joined by my colleague [Mr. SCOTT]. They talk glibly about "evolution" and the "survival of the fittest," and the latter gentleman is quite Darwinian in his discussion, as well as "quite English." He proclaims an "irrepressible conflict," but graciously admits, "How easy it is to be mistaken." It is certain, according to the gentleman, that silver must go—if he is not mistaken! But the gentleman from Maryland boldly advocates unimetallism, and closes one of the very best speeches yet made or likely to be made on the wrong side of this question by summoning to his aid the prophet Daniel's "colossal beast," which had been the "baseless fabric" of Nebuchadnezzar's dream, with which to bolster the financial schemes of our Daniel, who presides over the gold-headed beast at the other end of the Avenue. He tackles the "buzzard bummer"—sometimes called a dollar—and scatters it with more remorseless vigor than all the pent-up winds that must split themselves in blowing for "Beck's blizzard." [Laughter.] He declares with a terseness of expression which I commend to those who are halting in the hope of an international conference, that all maneuvers to bring it about are like "snatching at the moon."

And so the plan suggested by the gentleman from Massachusetts [Mr. LONG], and the gentleman from New York [Mr. JAMES], is characterized by the gentleman from Maryland as "snatching at the moon!" Surely this is a flattering prospect for these gentlemen. The gentleman from New York, while he held the floor and yet had a half hour at his disposal, was asked: "What he would do in the event of the failure of his proposed international conference?" He neither told us where, in such a stress, he would turn, nor did he give us any rational ground for a hope of such a conference to begin with. It is fair to say he told us that some friends (?) of bimetallism in Europe, notably Cernuschi, had advised us to stop the coinage of silver. For one, I neither follow the opinions of interested parties in the Old World upon the silver question, or the tariff question, or any other question, unless they bear such evidence of sincerity, and abundant reason for their professed faith, as to dissipate a natural prejudice I have against "walking in the way of sinners"—from abroad.

The gentleman from Maryland is clearly right. If we are to save the silver dollar at all, we must do so by proving that its use, and not its disuse, is a blessing.

THE NATIONAL DEBT.

I am troubled, sir, with a suspicion that there is a design lurking, perhaps, in the outskirts of definite purpose to prolong, if not to perpetuate, our national debt. During the present administration, a policy only less clearly outlined by its predecessors, has succeeded in paying, instead of as much as was possible just as little as possible of the debt. Seventy or eighty millions might have been paid; only twenty millions during its first year has been paid.

The Secretary of the Treasury, in his annual report, complains at the presence of available debt-paying material which haunts his peace of mind, and yet he will not let it go. Why does he hesitate to use it? I can account for it only on two grounds. First, his conscience may tell him it is not all honest money; and, second, he may have espoused the theory that a national debt is a national blessing.

I have already given my views as to the honesty of the silver dollar, but I desire now to consider it in the part it was intended to play in the payment of our national debt.

The letter of the contract, it is not doubted, gives the option of the Government to use either of the coins to pay on the debt. It not only named what the debt might be paid in but referred to the standard, which includes the number of grains and the fineness thereof. If a dispute should arise between business men upon the construction of such a contract the courts would quickly determine the duty of both. A parallel will, I think, assist us in a clearer understanding of the situation. Two business men, one a farmer and one a dealer in produce and stock, enter into a bargain.

The dealer in stock has a span of horses which he offers to the farmer for the price of $200, payment to be made in December following, and agrees to take in payment therefor grain, as follows: Wheat at $1, barley at 80 cents per bushel, each of quality of the grain in the presence of and examined by both parties. The team is present also, is examined by the farmer, and he concludes to take it upon the terms named. Seed-time and harvest have come and gone. The farmer has thrashed his wheat and his barley. Since the spring-time, when the bargain was made, wheat has advancrd 10 cents, barley has declined 10 cents. With the purpose of being abundantly fair the farmer concludes that, although he knows he can insist upon the stock-dealer taking all his pay in barley, he will deliver it in about equal proportions as it makes little difference to him.

The first load, therefore, which he brings his creditor is all of wheat. Of course the stock dealer is pleased, he smiles, rubs his hands, compliments the appearance of the team and suggests that the farmer made an excellent bargain when he got that team. The next installment to be applied upon the debt comes on the morrow. It is barley. Stock-dealer is unsocial, he is actually uncivil, but remembering his contract he bites his lip and prepares for the worst. He does not really want barley at any price. Since wheat has gone up he has taken a great dislike to barley. He concludes to take it, however, provided he can get enough of it. Accordingly he brings out his six-quart measure and suggests to the farmer that he "will compromise by taking his bulky barley provided he will add that six-quart measure heaping full to each bushel." The farmer feels that the jury would aquit him if he should thrash the ground with the anatomy of the stock-dealer, but he holds his temper that he may get the true inwardness of the stock-dealer's ethics.

"Suppose," says the farmer, "that barley had gone up, would you have refused barley?" "Oh, no," says the stock-dealer, "it would have been a very different thing then!" "I see, I see," says the farmer. "If wheat goes up you want wheat. If barley goes up you want barley! Suppose they had both gone down?" "Oh, then you should have paid me in corn. Corn is grain, just as much as wheat. Corn is holding its own. I would have accepted corn!" "I see, I see," says the farmer, "grain is any thing that is up!" Your plan gives me the option and gives you the profit!"

The only difference between the man who insisted either on having all wheat or six quarts extra of barley and the man who demands all gold or 20 per cent. more of silver is, that the wheat demanded by the stock-dealer had gone up by the force of the laws which we call supply and demand, while the gold, which is now insisted must be paid our creditors, has gone up by the force of the same laws, and the fiat of human legislators added thereto at the behest of the creditor!

HOW SHALL THE DEBT BE PAID?

I contend that, since there is an actual difference in the values of gold and silver bullion, to pay the debt in both products, share and share alike, would be so fair and equitable to the creditor that instead of complaining he should be filled with gratitude. It is more than Shylock demanded, it is more than is in the bond, but it is what the Government may easily pay; it is just the way to keep the prices of bullion together, and what, if she is permitted to pay, will neither wrong her creditors, nor impair her honor. No court of equity in the world, upon the same contract between individuals, would exact or decree even so much. Why attempt to enforce a system of morals or ethics touching a contract with the Government not maintainable in a court of equity as between individuals?

GOVERNMENT ETHICS.

It is said, however, there is a wide distinction between a contract by people with a sovereign and one between individual with individual. The Government being the sovereign power, charged by the Constitution with the duty of coining money and regulating the value thereof, it is said that the duty rests with her to pay her debts with that which has 100 cents value in each dollar. Waiving for the time being the question whether it is not gold that is too high instead of silver below 100 cents, let me say that to the proposition in general I yield hearty as-

sent. It is the duty of the Government to exercise its sovereignty to the fullest possible extent to make any coin she agreed to pay her debts with just as valuable as her sovereign power is capable of making it. Beyond that she is under no obligation to go. Having agreed that her debts shall be paid in coin of certain standard, she is bound to impart to that coin, whether gold, silver, or copper, all the value her mandate can give it. There is no obligation resting upon her to change the standard of metals in use or change the metals to be used. The former is honestly exercising sovereignty; the latter might be—must be—dishonestly exercising it.

Having stated the proposition, are the gold men willing to abide by it? That they are not is the cause of the difference now dividing debtor and creditor. In 1873 they demanded, and their representatives here yielded to the demand, that the very sovereignty which had been imparted to one of the dollars she had stipulated to use in payment of her debts should be withdrawn. If this had not been done at the behest of those who were interested in demonetizing silver, or if the silver dollar had failed to perform full money function, then there would be great reason to complain. Having, however, asked that it be done, its effect should be accepted by the creditor, no matter what the consequences may be.

The only thing the Congress could do under the circumstances was to restore the legal-tender quality to silver at the earliest possible moment. This it did, and this quality she is bound by her obligation to her creditor to maintain. But here comes in the strangest anomaly in the history of legislation upon finance. The creditors are again complaining that there is too much fiat in the silver, and they want some of it taken out. They want it done evidently so they can say in the future, "the Government was bound to exercise her sovereignty in behalf of her money; having betrayed silver we now demand that the Government make good the difference between silver and gold bullion." This may be illustrated by reference to a brief debate on the 15th day of February, 1878, when the present law was under discussion between Senator Blaine and others:

Mr. BLAINE. Yes, sir; but let the public creditor come face to face with you and he can say to you, "silver and gold were equally meant in that bond." I so hold; but he can say to you, that you, representing the Congress of the United States, have destroyed the value of silver in the markets of the world. It was your demonetization that discredited it. It was your act.

Mr. MATHEWS. We will put it back.

Mr. BLAINE. Ah, but you can not put back the same thing. You have done what you can not undo. The public creditor can come face to face with you and say that when you, with your power, by your act discredited silver, it was more valuable than what you agreed to give him, but that by your sovereign power, over which he had no control whatever, you destroyed the value of that article, and after you had destroyed it, after you had taken out its paying and purchasing power you turn around and say, "We will restore it because it is below what it was, and we will force it upon you because it is nominated in the bond."

Thus the incisive logic of Senator Blaine showed the dishonesty of demonetization in its application to the creditor. Are gentlemen ready to move into the trap again? Says the proverb, "If a man cheat thee once thou art perhaps not to blame; if he cheat thee twice thou art a fool." Once was the American Congress wheedled into demonetizing silver. By chance we escaped from the consequences of its violation of sovereign obligation before injury had come to the debtor or creditor. If the abandonment of silver had been so long as to force a disparity between silver and gold, as money, then the Government would have been under the highest obligation to have made good the difference, at least to all innocent creditors.

HOARDING GOLD.

The alarm was sounded a year ago by the incoming President that gold was certain to leave the country unless the silver dollar got out of its way. His alarm was taken up by the Eastern press and soon spread to this Chamber. Our chairman of the Committee on Appropriations, in the expiring hours of the Forty-eighth Congress, became panic stricken. He rushed into this Chamber with the "sundry civil appropriation bill" under his arm, and, with the multitude of improper matters already weighing it down, proposed to encumber it still further with practically a repeal of the act of 1878. Since then the clamor has been going on with increasing vehemence, until now the President declares that "gold is hoarding," and the gentleman from Maryland [Mr. FINDLAY] goes one better and says "it is hoarded." Now, of course, it would be presumptuous to question the President's assertion, but I will venture to take issue with the gentleman from Maryland [Mr. FINDLAY], since it is only a guess on his part evidently, and at guessing I am equal to any Congressman, although in that regard I would not presume to pit myself against a President.

Why say gold is hoarded? Because it is not in our pockets? It never was there. It never was a popular circulating medium. When anything else can be used as well, gold always keeps out of sight. Its certificate is out and in use, however. I have not heard of its being refused when wanted. Gold is held in reserve by the Government and in the banks the same as silver, and I have yet to hear of any person charging, or at least receiving, a premium for any. So that if there be some truth in the President's guess that it is hoarding, it is not likely to stay long if it finds it is making nothing by the dodge. But suppose now the gentleman from Maryland [Mr. FINDLAY] is quite right, that the "reluctant lover," though not gone over the sea, has "waved his parting and final adieu to silver" and gone into stockings, what is to be done? Shall we say to silver, "Go thou, also?" If silver be really all the money we have that will stay with us to maintain specie payments and pay our debts, shall we by law unfit it for these purposes? Are we ready to do without any money whatever? Shall we try our hand again at running our business on promises? "Gold is hoarding," says the President! "Gold is hoarded," shouts the gentleman from Maryland [Mr. FINDLAY], the gentlemen from Pennsylvania [Mr. SCOTT and Mr. EVANS], and so the cry goes round and round, until, if any man has a dollar of the stuff about him, he concludes that unless he gets it into a stocking at once it will fly out of the window.

Now, let us see if these worshipers of Nebuchadnezzar's beast do not prove too much again. Assuming that gold has already gone into its hole and pulled the hole in after it, has not the body-politic been wounded about as much as it can be by this "reluctant lover's adieu?" May it not as well be across the deep as to be out of use? I see no difference, except that if it should get over its fright once it might get into our pockets quicker if it only had to come out of the stocking than if it had to recross the seas to get there. I will not stop to discuss whether on some accounts it might not be better even for us that it had gone to foreign countries rather than into hiding, seeing that if it had gone it would probably have sent us silver back in exchange for it. That would be to wander from the question.

Gentlemen having made themselves believe that gold has gone into disuse, how is it to be gotten into use again? Will the demonetization of silver bring it forth? It is now cornered; will demonetization of its brother metal bring it from its corner? Let us see. Wheat and corn are our stable products for food, just as gold and silver are our staple products for money. The hoarders of wheat get a corner on that commodity—it is held for speculation. How shall the people break the combination and get wheat out of the corner? "Destroy corn—destroy corn—that will break the back of the combination," says the president of the wheat exchange. "Amen! amen!" shout the believers in a single commodity, and all the worshipers of gold say, "Amen! amen!"

Ah! Mr. President and gentlemen, do you not see that the cornering business is just what all the fight is about? Speculators delight in "corners!" Shall we pave the way for their projects? Destroy the corn-cribs of the great West to-day and there will be a corner on wheat to-morrow. Wheat will remain in the bins or the consumer will pay just what the manipulators of the corner see fit to charge for it. Two metals are used for money; one has been forced up by the ordained partial disuse of the other. Now, ordain the entire disuse of the other and the speculator's corner on the yellow metal is complete. It is high now; it will be higher then. It is hard to get now; it will be harder to get then. Every dollar of it has been mortgaged to pay debts; much of it is already in the hands of the mortgagee. He is but human, and will get for it all he can. There is no other money; this we must have; we are at his feet!

Such are the prospects held out before us, for us and for our children, by the monometallists.

WHO ARE THE DEMAGOGUES?

Each of the gentlemen who have taken the unimetal side in this discussion is haunted with the fear that some one is going to play the demagogue. This comes from the nature of their case. Well knowing that they are pushing the cause of the few against the many, they naturally fall into hedging. Therefore they first condemn the demagogue and forthwith rush into playing his tricks. Read, sir, almost any of the "gold speeches" made on this floor, and you will find whole pages devoted to disasters that will come trooping in upon the laboring man if the silver half of our money is not turned out of doors. They fall into rapturous devotion for the laboring man. For him their words are as the sands of the sea, but their logic, I am forced to say, is all for the holders of promises.

My good friend from Pennsylvania [Mr. EVANS], not to be outdone by his colleague [Mr. SCOTT] or the gentleman from Maryland [Mr. FINDLAY], who had fairly covered the whole ground, devotes page after page of the RECORD in portraying the calamities sure to follow upon the heels of depreciated currency, as if any disputed the point with them. Has any one denied that a depreciated money injures the laborer? I have not defended depreciated money. But what shall we say of the calamity that must follow in the train of a depreciated currency, when compared with the desolations that come from stringency of money? Ah, sir, it takes no long arguments, no complex tables, no hair-splitting logic to convince a laboring man that when money is scarcer he works too long and too hard to get dollars, even if he gets them at all.

But I am not content to allow the insinuation that the friends of silver are in favor of depreciated money go without answer. It is mere assertion. How is depreciation in money to come about, let me ask? By disparity between gold bullion and silver bullion out of which money is coined. What has brought the disparity we have at present in these metals? The gentleman from New York [Mr. JAMES] tells us, and tells us truly, that it is the discrimination of European nations. Silver was worth more than gold when it was assailed by Germany, although England had been warring in vain against it for half a century. He

says the war upon silver was a cruel blunder, that it has brought distress to the laborer and disaster to the monometal nations. True, he is flying in the face of the opinion of the gentleman from Maryland [Mr. FINDLAY], my colleague [Mr. SCOTT], and the gentleman from South Carolina [Mr. HEMPHILL], who each fall into excessive admiration over the financial policy of both England and Germany. Nevertheless, they do not deny that gold bullion has been appreciated or silver bullion depreciated by the discriminations against the latter. With what propriety, then, can "disparity" be brought in as a text from which gentlemen on the other side may preach a sermon against depreciated money?

The gentleman made a magnificent assault upon depreciated money. It was a cruel indictment, however, of his own side of the case. Disparity will come, if it come at all, from free coinage of gold and non-coinage of silver. He hurls his rhetoric with masterly skill and abundant profusion against a disparity imagined, and proceeds to urge a plan of legislation that will inevitably bring a disparity real. Whence came disparity of bullion, which threatens disparity in money? I take his own words: "Its (silver) present fall is largely due to its demonetization by Germany and France," and his logic is to save it from further fall we must follow Germany and France. I leave him to wrestle with his new-found law that like causes do not produce like effects.

But to be entirely candid with him it should be admitted that he assumes that by suspension there may come such a shock to these countries that they will make haste to retrace their steps, for he says:

If by suspension you can drive these countries to an international arrangement you will take the best step toward stopping depreciated currency.

And so my friend with all his ingenuity and his admitted ability can only offer an "if" upon which to hang a hope of escape from the calamities of depreciation. Well! well! The case looks desperate indeed. It adds to our embarrassment when we remember that demonetization complete is just what will benefit the ruling classes of England and Germany. Every step we take in that direction "brings grist to their mill."

The gentleman from New York says to us that the people in Germany are restive under their present enthrallment and would throw off the bondage of monometallism. In the Reichstag the vote recently taken stood 145 to 118 in favor of bimetallism. Mr. Goshen, from Scotland, in the English Parliament has changed front and says: "'Tis now a question of bimetallism or starvation among the masses." But lo! now a statesman in the American Congress would change all this present hopeful struggle for bimetallism in Europe by proclaiming to these struggling millions that after all they are mistaken! In the free Republic, where the people rule, they, too, have to admit that "silver must go." And so plutocracy secures another precedent!

Now, let me return to the effect of silver money upon labor. The gentleman from Pennsylvania [Mr. SCOTT] first conjures depreciated money, and then proceeds to demonstrate that the laborer is to work on and on through all the years of depreciated money for practically the same wages. Does not every child know that the price of labor is the most movable thing we buy or sell? But now look on the other picture a moment. Let us inquire about the rich man whom the gentleman goes out of the way to tell us "needs no sympathy and should have none." Methinks the gentleman "doth protest too much" against the rich man. He wants only gold for money; he is for unimetallism, except he would tolerate silver for subsidiary coin, to be a sort of "tender to gold" instead of a legal tender to pay debts. What does that mean? It means, sir, practically the annihilation of more than one-third of our debt-paying material. Yea; it means more. It means to force us into a constantly narrowing alley, where we can use only a metal that is on the decline. To-day the annual production of gold does not exceed $93,000,000 in the world, and it is certain that in the arts more than $75,000,000 is absorbed.

"The rich man needs no sympathy," protests the gentleman, and then proceeds, in behalf of the poor man, to develop his plan for avoiding a depreciated currency, which includes a scheme for doubling all indebtedness in behalf of the rich man! The poor man needs all our sympathy, says the gentleman, and thus having placed himself solid with the wage-workers, he unfolds his plan to double the toil necessary to pay a nation's debt or lift a mortgage from a home!

THE CRY AGAINST PRODUCERS OF SILVER.

There are small-souled men who think the bimetallists are fighting this battle all in aid of the producers of silver. Now, sir, while I think it would be entirely defeasible, if it could be done without injury, to coin silver in the interest of American product, I venture to say that not one man in a thousand advocates the use of silver as money with the view only of assisting the producers of silver. I do not deny that the producers of silver have had that in contemplation, and being interested in that direction have thoroughly investigated the utility of that metal for money. But to say that protection to silver producers is the moving cause that has grown into an overwhelming demand for the continuance of silver coinage is, I submit, simply absurd. I am glad to know that the cry is now confined nearly within the limits of the weak-minded and the venal. Being narrow and avaricious themselves they suppose no one can have a higher motive than that which prompts their own action. God pity such shriveled souls!

For myself, I will say that I am for protecting all home industry by law, wherever and whenever such protection will furnish labor for my countrymen, unless by so doing greater evil than good will come of it, which I confidently assert can very seldom occur. Prove to me that silver is not necessary for money and that ends my interest in it so far as the legislation we are now discussing is concerned. To buy silver or to ordain its free coinage is not and can not be defended for an hour on the score of protection. But if the using of silver as money is a double blessing, blessed alike in its production and its use, then I say that every man who loves his country and his countrymen should alike rejoice. The gentleman from Maryland [Mr. FINDLAY] in this regard falls into belaboring his political associates because by advocating silver for money they incidentally encourage its production and then taunts them because they are not loyal to their free-trade theories. Does it occur to the gentleman that if they are disloyal to free trade in consequence of their adherence to the silver dollar that he as a protectionist is disloyal to protection for abandoning the silver dollar? When that stone was flung out, I suspect my friend forgot that he was in a glass house.

THE FIRE TEST.

Knowing how the American citizen despises anything that has even the appearance of repudiation, and still intent on demonstrating that the 412½ grains of silver is not an honest dollar, the gentleman from Pennsylvania [Mr. SCOTT] comes into court, not with sharpened knife and a pair of scales, as did Antonio's persecutor, but with a melting-pot in each hand—one for gold and one for silver. The gold and silver being melted, what have we? Nothing new, sir. It is only bullion. The gold has still its "law" advantage over silver, and for that reason is worth more. All the laws ordained in its behalf still stand. None that have been taken from silver spring into being, and so the melting-pots prove nothing after all to the detriment of silver. The uses for gold are not lessened by fire, nor are the uses of silver multiplied thereby. Discrimination remains, and gold is worth more than silver—not because of the fire, but because of the law that the fire can not burn. As money it has no more law than gold, and yet it does all that gold can do as money. As bullion it has less law—much less—and for that reason it falls behind. The fire test has only proved what you did not want to prove, namely, that when the laws which alike uphold apply they are equal, but when reduced by fire so that the unequal laws become operative, that which is by law upheld stands and that which is not upheld by law falls to a point that just measures the strength of the law.

Let the gentleman take hence his melting-pots; they prove too much. He has established only fiat in his gold bullion. It is the gentleman's own car, and not his neighbor's, that is moving. Visual deception is his malady. It comes from being up in a gilded balloon, sir. While he sits serenely he is mounting into heights dangerous. But, like the man and the lamp-post, all oblivious of his own movements, he swears that "'tis the great globe that's moving." He knows, as well he may, that there is danger, but it will come, not from the earth's receding, as he assumes, but by too high riding. The gentleman evidently believes the bottom is dropping from the universe, when it is evident the gold men are trying to kick off the cover. Open that safety-valve a little. Come down, sir, from your giddy heights and things will be to you, once again, what they seem.

The gentleman goes out of his way to hunt for some economic law to apply to silver that he would not apply to gold. After declaring that the poor man is likely to get all the poor money, and there being now no poor money, he proceeds to display his subsidiary-coin system by which the poor man may be furnished some poor money. He says: "Subsidiary coin need not necessarily represent an intrinsic metallic value."

Of all the theories yet advanced, no one, until we were treated to the opinion of the gentleman from Pennsylvania, has had the temerity to recommend a money that "need not necessarily represent intrinsic worth." Let it be remembered that this position was reached after he had told us to "protect in God's name the poor man." When he comes to the consideration of the effect of continued coinage upon money loaning he gets of course on the lender's side of the counter. "If," says he, "I have to-day $10,000 of silver, which is on a parity with $10,000 of gold, however anxious I may be to loan it, * * * I will not loan it if there is any uncertainty as to whether I am to receive in return when due anything less than its value when I parted from it."

Still up in his gilded balloon you see! Suppose for a minute he should get down among the borrowers for whom he professes so much sympathy, and, presuming that they have some little option left, what will they tell him? Will they not say to the lender "If I am to pay you at the maturity of the note I am to give in a thing worth more than that I get, I think I will not take your money?" You see, sir, the gentleman only sees one side, and that the upper side. To his thinking, evidently, there is option nowhere excepting in the payee. Again, he attributes the dearth of money-lending and of business to want of confidence in the lender, and forgets, of course, that want of confidence in the borrower may break off a bargain or prevent the building of an iron-furnace or a rolling-mill.

Again, he says "the capital of the country is idle because the people owning it realise the uncertainty of the future," &c. Let me remind

the gentleman that the capital is idle not only because those owning it are troubled with uncertainties, but because those who would like to borrow and use it are troubled with uncertainties also. The warfare against silver has frightened both borrower and lender; one because he fears silver bullion is to decline, and the other because he fears gold bullion is to advance.

DISCRETION IN THE SECRETARY OF THE TREASURY.

To close with the gentleman offers a proposition "to give the people all the silver money they want!" He starts out, however, by repealing the act which gives them what they now have and then provides that after the Treasurer fails to have on hand $20,000,000, which he calls a "silver coinage-adjustment fund," then he may coin enough to restore said fund. This is a very taking scheme. According to his views, the people already have too much of silver, and in order to prove it he would offer them more. Surely everybody should be satisfied with this! Indeed some of the silver advocates have been so credulous as to think that they have discovered something like a purpose to be just to silver in this plan. The proposition is delusive to the last degree.

Mr. BAYNE. Why, it compels the Secretary to keep $20,000,000 in the Treasury.

Mr. BROWN, of Pennsylvania. The gentleman says it compels him to keep twenty millions in the Treasury. He has succeeded in keeping eighty-seven millions there, when every dollar of it should have been out; and the gentleman well knows it. He might have paid out out every dollar of it for silver bullion.

Why, sir, whether the people have or have not silver money enough now is one of the matters in dispute. The gold men say we have too much, the silver men say we have too little. The Secretary of the Treasury seems from the beginning to have taken sides with the former. He has only coined to the minimum of his discretion. The people, to whom the gentleman proposes by his bill "to submit this whole question," have been demanding more silver, but all in vain. The Treasurer clings to his policy of coining two millions worth when he might have coined four millions worth. We have, you see, sir, only to refer to the past eight years to prove that the people's wishes are of no account. But if we had had no experience, the proposition is meaningless when put to the test. How, I ask, are we to know whether the people want more silver or not? Is it expected by the gentleman that they will come in droves from the prairies and the mountains to demand silver money to the exclusion of other money? Or would he be content with petitions? If so, then he has but to consult the records and he will find a very decided demand for more silver.

The Secretary of the Treasury in his response to the House resolution from the Committee on Coinage makes it clear that he is utterly opposed to the further coinage of silver. He believes Congress should stop its coinage. If Congress should give him the discretion to do so, think you he would not exercise it? To say he would not is to assume that his professions are not his convictions. If I have not a very mistaken idea of the ability of the honorable Secretary of the Treasury, should we give him this "silver-coinage-adjustment" machinery, he will take care that further coinage of silver shall fall into "innocuous desuetude." [Laughter.]

There is no law to compel the Treasurer to pay out gold for silver bullion (see letter of the Secretary in append); but it will be seen he is following a custom (which would be "much more honored in the breach than in the observance"), and thereby makes it appear that the coinage of silver is but swapping good money for poor. (?) All this matter of transportation of silver, to the great expense of the Government and the people, which the gentleman from South Carolina [Mr. HEMPHILL] makes out so burdensome, could be avoided by sending a certificate of a gram's weight and at the cost of a 2-cent postage stamp! But if such a policy were pursued you see, sir, the people could not understand why coinage should be suspended! It is plain that the gentleman from Pennsylvania [Mr. SCOTT] can safely trust his "silver-coinage-adjustment" plan with our present Secretary of the Treasury. Understand me, I am not reflecting upon the honesty or honor of the Secretary. It is his policy to use gold; he frankly admits it. It is his way of maintaining the credit of the Government. His construction of that portion of the act of '73, still in force, making gold the unit, induces him to the conclusion that all the nation's creditors are entitled to gold.

THE TRADE-DOLLAR.

But I want to talk a little about the trade-dollar.

The gentleman from South Carolina [Mr. HEMPHILL], to the astonishment of all friends of silver, fell into berating the trade-dollar. It was an unfortunate reference. The trade-dollar illustrates nothing that assists his side of the case; on the contrary, it forcibly points to the effect of laws that discriminate in behalf of gold. Once that trade-dollar had equal law with gold. Then it was equal to gold in all that money can do in the world of commerce. It lost its proper status by the same process now sought to be applied to the standard dollar. Congress robbed the trade-dollar of its legal-tender quality, and now Congressmen lift it in our presence in disparaging contrast wtih the gold dollar. This is like holding up the bloody hands of murder to prove to the jury that the hands are guiltless, and that the crime rests in the blood that crimsons them.

THE LEGAL UNION OF THE TWO METALS A NECESSITY.

Nicholas Veeder, of Pittsburgh, Pa., in a well-written pamphlet, has presented a plan to secure stability in money. He proposes to unite the metals in a single coin, with silver as the outer rim and gold in the center. It is easy to see that stability would be secured and maintained by this plan, for as silver rises gold falls, or as gold rises silver falls, but the same intrinsic value is still maintained in the coin. The objection to the plan is probably its impracticability. It nevertheless serves to illustrate a point, and that point is that use should be maintained as either of the metals, for any cause, declines or advances. But Mr. Veeder's plan would do no more to maintain stability in value than can be accomplished by a legal union.

The law may direct plans that shall be just as effective in continuing the use of either metal as if they were joined in a compound coin. Just as when there is a considerable failure of the wheat crop corn may be used to such an extent as actually to lower the price of wheat, notwithstanding its scarcity, or *vice versa*. The rule is just as good whether corn and wheat are mixed and ground together for use or whether they be used separately. The same laws will apply to the material from which money is coined. It can not be said that the interposition of artificial laws will change the operation of the laws of supply and demand; for if they are equitably applied, and alike to both metals, the natural laws will have full operation upon both—that is to say, if the coin of both alike are endowed by the nation with the legal-tender quality, if free coinage is applied to both and based upon the same conditions and restrictions, then the bullion price of the metals will be as self-adjusting under the operation of natural laws as any other commodity that ministers to man's necessities.

STABILITY.

The constant cry against a double standard by gentlemen on the other side is that it is unstable. The very converse is true. Let wheat and corn illustrate again. Whenever there is a scarcity of wheat, if there be plenty of corn, the latter serves as a conservator on the price of the former. Corn enters more largely into consumption and lessens the demand for wheat, and there is a constant adjustment—an automatic maintenance of parity. Precisely so it is with the metals—the high price of gold brings silver into greater use, if not interfered with by legislation; and that enlarged use of silver relieves the demand for gold and lowers its value. The rule would hold good if the production of gold should increase so as to depreciate its value. That very depreciation would increase its use until taking the place of silver the latter would on account of its temporary idleness decline to a parity with gold. With gold only as the measure of values (or silver either) the chances of fluctuation are many times greater. Scarcity of the single metal would be certain to derange prices of all commodities. It seems a part of the economy of natural laws that whatever man needs for his sustenance is given him in duplication in something that will help in the season of scarcity or abundance, to regulate, adjust, and render stable the price he must pay for his necessities.

OUR RESOURCES.

Nature with lavish hand has given us a wealth of resource found nowhere else on the globe. Gold and silver have we in our mountains. They beckon us to come and mine and pay our debts and buy our homes and "plant our own vine and fig tree." From boyhood till now I could never comprehend why so many of my countrymen cling forever to British precedent. More than fifty years ago Jackson said: "It is time we became a little more Americanized." To my thinking nothing so stays our progress as lack of independence. Why break England's chains and forever wear them? Why shed blood to throw off her laws and customs and still submit forever to be their slave? I want no wealth, no glory, no power acquired like that of England. The gentleman from South Carolina thinks it would be a "worthy ambition" to build after English architecture. I rejoice that my country has never failed to achieve wealth and honor surpassing that of England—save only when she has followed English example. There is not a people under the sun whose acquisitions are the product of wrong and robbery to the extent of England. Take from England what she has extorted from the victims of her oppression, and she would be as poor as Lazarus.

The gentleman talks about "England's well-paid labor." Where? Paid by whom? Only, sir, upon the little island of Great Britain, and there not so well paid as ours, and there paid by tribute wrung from her subjects wherever her drum-beat is heard around the world. Paid by whom? By Ireland, down-trodden, wronged, oppressed, and outraged by centuries of unparalleled brutality. [Applause.] Paid by whom? By India, debauched and manacled by the intrigues of a soulless corporation. Paid by whom? By far-off Egypt, despoiled of her ancestral succession and led captive through a sea of blood to the feet of the conqueror. Paid by whom? By the American colonies in the days of their forced dependence; yea, and in the vigor and strength of their manhood, whenever the cunning Briton could find dupes and dudes enough in this country to permit him to foist upon us his free-trade schemes to cheat our labor and capture our cash. Paid by whom? By this nation, sir,

when, alas for her glory, our home-consecrated prairies were permitted to fall captive to strangers and aliens from that very nation that first demonetized silver and demoralized the moneys of the world.

Not all the Chinamen that ever crossed the seas so menace our labor or so assail our free institutions as the British syndicates that now defile our great domain in the land of the setting sun, to the extent of more than 25,000,000 acres.

Across the spell of a century now gone I hear a voice that has no echo in our modern democratic utterance. It charges King George III with having "plundered our seas, ravaged our coasts, burned our towns, and destroyed the lives of our people, * * * and that, too, with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous age." If any appointee of the present administration shall undertake to erase this inscription, written in the temple of fame by hands immortal, I shall appeal to my friend from Maine [Mr. BOUTELLE] to institute an investigation that will hunt the vandal down and shoot him on the spot. [Laughter.]

I commend to the gentleman from South Carolina the reading of Thomas Jefferson's version of how "England achieved her most enviable position." Sir, I have no sympathy with the cant of our time that attributes all wisdom and all achievement to the "breed of noble blood" beyond the seas. I believe in an Americanism that has the independence to utilize every resource God has bestowed upon us, without asking whether it please an Iron chancellor or an iron despot; and I believe in a devotion to American citizenship that will stand for his broadest rights, his amplest liberty, though all the precedents that man in his whole career has molded into maxims, be dead against us.

For one thing I have always admired England: She will defend her citizenship from every wrong other nations may inflict, no matter how powerful that other nation may be. Would to God our present Secretary of State could be induced to imitate England in this respect. So far from it, the last English outrage upon American citizenship was "redressed" by the victim being told, with many honeyed words, "to go into the English courts for vindication!"

Oh, for a stroke of the magic pen of that great Secretary who was deposed by an assassin's bullet!

I plead for the makers and builders of our present heritage—the toiling men and women of America. To meet our obligations, to maintain our credit, to preserve unsullied our honor, to build up our waste places, and to mold for us a future as glorious as our past, they stand with eager hands and willing hearts ready to go forth conquerors in every highway of human achievement.

These are not "uneasy captives in the world of which they are the conquerors," as has been suggested. They are the host triumphant, coming from North and South and East and West, "bringing their sheaves with them."

Woe unto the Congress that shall reject the offerings they bring! Woe unto the legislator who shall say unto one of the least of these: "The sacrifice ye offer shall not be imputed unto you for righteousness." [Great applause.]

APPENDIX.

THE SILVER QUESTION—REPRESENTATIVE BROWN DEFINES HIS POSITION IN RELATION TO IT.

To the Editor of the Agitator:

In an article appearing in the Agitator of the 2d instant under the head of "How to make cheap money," you have seen fit to assail my position on the silver question as interpreted by a correspondent of the Philadelphia Press.

* * * * * * * * *

I have introduced a bill authorizing free coinage and certification of silver mined in this country—just as gold is coined and certified. Between gold and silver I make no distinction, except that I would coin or certify all gold and I would coin or certify all silver produced in this country. The limitation of the coinage and certification of silver to the product of our own country I believe to be only a present necessity induced by the war of the creditor nations against it. In a very brief period the Old World, seeing the blessings that the utilization of our own resources brings to us, and in order to prevent the emigration and bankruptcy of their subjects, will remonetize silver, and then we will be relieved of the necessity of such legislation as now seems to be needed in order to meet the present abnormal condition of things. But I would not even do this without providing for new uses for silver, so that instead of making cheap money, as you assume, I would increase its value every hour, until, by the depreciation of gold and the appreciation of silver, the metals would reach a common point. For, be it said, I believe—and I think I can demonstrate it—that the appreciation of gold has separated these brother metals quite as much as the depreciation of silver. This has been brought about by the decrease of silver uses and the consequent increase of gold uses. Now, can we restore their equilibrium? I think so. We are happily situated in the most advantageous position possible to increase the uses of silver. This comes from our very needs. We have the best banking system in the world. As the system is now organized it must die or we must perpetuate our national debt. There is no other alternative. Do we desire the latter? I do not. I know of men who do.

Is this to cheapen the value of the 412½ grains of silver in a dollar? I believe it to be the very reverse. To this plan objection has been made that it gives national banks too good an opportunity to buy cheap bullion. What of it? Would not their speculation advance the price of bullion? Would not the new demand, with but little change in the supply, as certainly advance silver as that water seeks the level? So it seems to me.

It is idle to say that the Old World would dump her silver upon us and keep the supply equal to the new demand, for I would prevent all that danger by the levying of whatever duty might be necessary to drive back this as I would any commodity that embarrasses our protective policy. Assuming that the plan has only a chance for success, should we not try it?

It is not a matter of convenience. That question may all be eliminated by having the certificate perform the functions of the dollar itself. Neither silver nor gold is convenient to carry for money, but should not their representatives which are alike convenient be used alike? This is the question. The year 1886 must, in my opinion, determine whether "silver must go." Demonetize it now, and never, until we have traveled through the valley and shadow of panic and the poverty that inevitably follows, will this elder brother of gold have a name and a place in the money of the world. Because England has demonetized silver shall we? She is a creditor nation. The world owes her more than $3,000,000,000! Why should she not destroy silver and thereby double the value of the thing she is to receive for her loans? Germany is a creditor nation; the world owes her more than $2,000,000,000; why should she not dethrone silver for a like reason? But why should America do this? "Oh," it is said, "gold will retreat, it will go hence, the world will dump upon us her silver; the world get our gold!" So says theory, but practice denies it. Gold has increased from a little over two hundred million to more than six hundred million since silver was remonetized. I do not attempt to controvert the theory; but shall we desert our guns even before the enemy which a theory has conjured assails us? Alexander Hamilton, the greatest financier this Republic, if not the world, has produced, in his masterly report to Congress in 1791, qualified this seemingly infallible theory, and ninety-five years of experience has established the wisdom of his qualifications. Whether the cheaper metal, said he, drives out the dearer depends upon the existence of countervailing cause or law. It requires but slight resistance to repel the tendency. Such countervailing laws or causes have evidently been operating during the last eight years in our behalf, and they seem more potential to-day than ever.

Hamilton does not enumerate the countervailing laws to which he refers, and for the reason, probably, that they are varying and may not always exist. That they do exist in our behalf is absolutely certain. The export of silver is much greater than its import; the export of gold is much less than its import. This is incontrovertible proof that the tendency of the dearer metal to retreat is overcome. While there may be, doubtless there are, many causes operating in our behalf, I need mention but one, and that the fact that the silver dollar pays and purchases just as much as the gold dollar. Can one drive out the other when their capacity to do are equal? Have not the prophets of evil miscalculated, because they ignored more causes than they considered?

As between gold and the diamond, the former can not even stand the ratio of 16 to 1 of the latter; therefore, we will take our stand by the diamond and, looking down upon gold, we will ask, Why not monetize steel and marble and pot-metal? You answer, perhaps, "Oh, but the diamond is not money." Very well, but has it not value above gold; and is not value all that gold has above silver? Or, to put it still more direct, has not silver every money quality that gold has, except equal value with it? And, if so, have not gold and silver escaped from the degradation of a parallel with pot-metal by precisely the same road? Neither glitter equal to the diamond, but both have come down to us bearing alike the proofs of forty centuries' experience that they are each God's gifts to man for his money! Suppose a proposition were made to take from the gold dollar enough grains to bring it down to the price of silver bullion, would that be fair to the creditor? I think you would answer no. Is it any less fair to the people—the Government—who must pay the great debt, that they should be required to add to the number of grains of the silver dollar until it reaches the appreciated price of gold? But this is not the whole of the demand now being made. Its command is, You shall not use your silver at all to meet your indebtedness, and you must change the contract so it shall read: "This obligation must be paid in gold, principal and interest."

Heretofore our Government, without loss to her credit and at great advantage to her people, has stood in the breach (except from 1873 to 1878), and by her legislation maintained—in spite of her financial ministers—the ability of the silver dollar to pay as much debt and buy as much bread as gold. Shall we abandon this half of our money now, while yet the "stars in their courses" fight our battles for us? Has Germany grown richer by her demonetization of silver? Are not her poor fleeing from the Fatherland as from a famine? Look at the statistics of immigration to our shores for the answer. If it were unwisdom in her would it not be madness in us? It is said that France has recently ceased the coinage of silver, but was not that after she had coined near three times as much as our present volume? And is it yet certain that she was wise in her last conclusion? She was frightened into the belief that she would lose her gold. Were her fears well grounded? Near eight hundred millions of the yellow metal remains with her to-day, and is she not the most prosperous nation in Europe?

I write this letter with the view of eliciting discussion. Too little discussion before is likely to bring a great deal of discussion after the voting. I have no pet theories of my own. I only ask questions, answering them when I can, and when I can not I seek for wisdom wherever I may find it, greatly desiring to do my whole duty to the people, debtor and creditor alike, in the confident belief always that what is best for one is best for both in the long run. The present law does not suit me, for it appears to discriminate in behalf of silver; but is it not more in the seeming than in fact? True, the Government buys silver, but not for the vender's benefit so much as for herself. She makes the profit there is between the price of bullion and the dollar she coins, and in so doing she does what her contract entitles her to do. I do not think this the correct plan, but can we afford to abandon it until a better one is offered that preserves to us our silver money? After all, is it not better that silver should have an open field with gold? They have traveled a long journey together; if divided, can either carry the world's commerce alone?

Very truly, yours,

W. W. BROWN.

JANUARY 10, 1886.

IN THE HOUSE OF REPRESENTATIVES, *February* 8, 1886.

Mr. WILLIAM W. BROWN introduced the following bill:

A bill relating to the coinage of silver dollars and the issuing of silver certificates thereon and upon silver bullion, and providing for the depositing of the same as security for the circulating notes of national banks.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be coined at the several mints of the United States silver dollars of the weight of 412½ grains troy of standard silver, as provided in the act of January 18, 1837, on which shall be the device and superscriptions provided by said act, which coins, together with all silver dollars heretofore coined by the United States of like weight and fineness, shall be a legal tender, at their nominal value, for all debts and dues, public and private, except when otherwise provided by contract; and any person who is or may be the owner of silver bullion produced and mined within the United States, but not elsewhere, may deposit the same at any United States coinage mint or assay office, to be coined into silver dollars for his benefit, upon the same terms and conditions as gold bullion is deposited for coinage under existing laws.

SEC. 2. That any holder of the coin authorized by this act, or the holder of any coined silver known as the "trade-dollar," may deposit the same with the Treasurer or any assistant treasurer of the United States, in sums not less than $10, and the said Treasurer shall deliver in exchange therefor silver certificates, in sums of one, two, five, and ten dollars, or any multiple thereof corresponding with the denominations of the United States notes; and the coin deposited for or representing the certificates shall be retained in the Treasury for the payment or redemption of the same on demand: *Provided*, That the "trade-dollar" received by said United States Treasurer shall, before using the same for the redemption of any silver certificates, be recoined into standard silver dollars of the same weight and fineness provided in the first section of this act.

SEC. 3. That at the option of the owner of any silver bullion produced and

mined within the United States, but not elsewhere, he may deposit the same with the Treasurer of the United States, in quantities not less than 100 ounces troy weight, and receive in exchange therefor, at the rate of $1 for every 412½ grains standard silver, silver certificates, in sums not less than $10 each, and any multiple thereof corresponding with the denominations of the United States notes; and the bullion deposited for or representing the certificates shall be retained in the Treasury for the payment or redemption of the same on demand. And the said silver certificates authorized by the second and third sections of this act shall be a legal tender, at their nominal value, to the same extent and for the same purposes that gold certificates are a legal tender under existing laws.

SEC. 4. That the silver bullion deposited under this act shall be received, subject to all the provisions of law as to assaying, melting, and refining when below standard, casting into ingots or bars, the same as if deposited for coinage.

SEC. 5 That when any of the certificates herein authorized are redeemed in silver dollars or silver bullion, they shall be canceled and destroyed; but certificates which come back into the Treasury by or through other ways or payments shall not be canceled, but shall be held as cash, and may be reissued or paid out again.

SEC. 6. That whenever any banking association organized or being organized under the provisions of the act approved June 3, 1864, and the several supplements thereto, known as the "national-bank act," shall desire so to do, it may, instead of transferring and delivering to the Treasurer of the United States bonds of the United States, as now provided by sections 5159 and 5160 of the Revised Statutes, deliver and transfer in lieu thereof to said Treasurer gold and silver bullion at the rate of 25.8 grains standard gold for $1, and 412½ grains of standard silver for $1, and in exchange therefor the Comptroller of the Currency shall deliver to said banking association circulating notes at the rates of $1 for every 25.8 grains of standard gold, and $1 for every 412½ grains of standard silver, to the same extent and percentage on the amount in dollars deposited, and upon the same terms and conditions (except no interest shall be paid upon the bullion deposited) as circulating notes are now delivered to banking associations under sections 5171 and 5172 of the Revised Statutes.

SEC. 7. That at the option of any such banking association, it may deposit gold or silver certificates, at their nominal value, with the Treasurer of the United States, for the same purposes, and may secure therefor circulating notes upon the same terms and conditions as if gold or silver bullion were deposited under the sixth section of this act.

SEC. 8. That whenever any bonds held by any existing national banking association shall hereafter be called in for payment by the Government, said banking association may continue or renew its security with the Treasurer of the United States for its circulating notes by the deposit with the said Treasurer of gold or silver bullion, or gold or silver certificates, in like manner and upon the same terms provided in the sixth and seventh sections of this act: *Provided always*, That no other silver shall be offered by such banking associations, or received by the Treasurer of the United States, for the purposes aforesaid, other than such as is mined within the United States.

SEC. 9. That the act of February 28, 1878, providing for the coinage of silver dollars, and all acts and parts of acts inconsistent herewith, are hereby repealed.

ELMIRA, N. Y., *March* 19, 1886.

MY DEAR FRIEND: As something of an enthusiast in the study of political economy, and economic questions arising in our country, I am interested in the "silver question."

I make bold to trespass upon your good-will and friendship, and ask you to send or cause to be sent to me the "cream" of the discussion in Congress.

I shall be especially interested whenever the question is discussed from the standpoint following, namely: Has silver depreciated, or has gold appreciated?

If the silver dollar, reckoned at its market value as a commodity, as distinguished from its monetary value, will buy as much, or substantially as much, of the necessaries and comforts of life, taking a list say of forty articles, as the gold dollar would when the silver dollar was authorized, it follows inevitably that the gold dollar has appreciated; the silver is the honest and gold the dishonest dollar.

This can be answered only by a comparison of prices.

My own investigations, begun as a monometallist, are driving me to bimetallism and the conviction that the silver dollar is the honest one of to-day.

SEYMOUR DEXTER.

Hon. W. W. BROWN,
Washington, D. C.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., January, 1886.

SIR: I have the honor to acknowledge the receipt of your letter of the 31st ultimo, in reference to payments for silver bullion, and, in reply, beg to advise you that such payments are made by checks in favor of the sellers, drawn by the United States assayers and superintendents of mints, against funds placed to their credit with the assistant treasurer of the United States in New York. I have also to say that such checks are paid in the same manner as other checks are paid, through the clearing-house.

There is no law prescribing the kind of money in which payments for silver bullion shall be made.

Very respectfully,

DANIEL MANNING, *Secretary.*

Hon. W. W. BROWN,
House of Representatives, Washington, D. C.

The following table shows the average prices of twenty-one articles and necessaries, from the year 1873, when the real war commenced against silver, to and including 1885. It will be seen by this table that the bullion in a silver dollar to-day will buy more of these articles than the bullion in 1873—whether gold or silver. It shows conclusively the appreciation of gold bullion, and negatives every assumption of depreciation in silver.

Yearly cost of supplies of a family of four persons at the lowest point.

Supplies.	Amount.	1873.		1874.		1875.		1876.		1877.		1878.		1879.	
		Price.	Total.	Price.	Total.	Price.	Total.	Price.	Total.	Price.	Total.	Price.	Total.	Price.	Total.
Flour.....bbls...	3	$9.00	$27.00	$8.00	$24.00	$8.00	$24.00	$8.00	$24.00	$10.25	$30.75	$10.00	$30.00	$10.00	$30.00
Corn-meal.....lbs...	150	.035	5.25	.045	6.75	.04	6.00	.035	5.25	.03	4.50	.03	4.50	.03	4.50
Granulated sugar.....lbs...	150	.125	18.75	.125	18.75	.12	18.00	.12	18.00	.125	18.75	.12	18.00	.11	16.50
Fresh beef.....lbs...	200	.16	32.00	.16	32.00	.16	32.00	.16	32.00	.16	32.00	.12	24.00	.13	26.00
Corned beef.....lbs...	100	.08	8.00	.08	8.00	.08	8.00	.08	8.00	.10	10.00	.08	8.00	.09	9.00
Pork.....lbs...	100	.13	13.00	.15	15.00	.12	12.00	.12	12.00	.12	12.00	.09	9.00	.08	8.00
Lard.....lbs...	24	.19	4.56	.21	5.04	.20	4.80	.19	4.56	.105	2.52	.08	1.92	.08	1.95
Ham.....lbs...	16	.14	2.24	.15	2.40	.155	2.48	.155	2.48	.14	2.24	.11	1.76	.11	1.76
Codfish.....lbs...	100	.05	5.00	.07	7.00	.08	8.00	.07	7.00	.08	8.00	.10	10.00	.05	6.00
Tea.....lbs...	12	.875	10.50	.875	10.50	.75	9.00	.75	9.00	.70	8.40	.70	8.40	.70	8.40
Butter.....lbs...	75	.37	27.75	.37	27.75	.33	24.75	.35	26.25	.27	20.25	.25	18.75	.35	26.25
Cheese.....lbs...	10	.17	1.70	.16	1.60	.15	1.50	.15	1.50	.12	1.20	.13	1.30	.15	1.50
Coal.....tons...	4	9.50	38.00	9.50	38.00	9.00	36.00	7.25	29.00	6.50	26.00	6.50	26.00	5.50	22.00
Beans.....bush...	1	4.00	4.00	3.00	3.00	3.00	3.00	3.00	3.00	2.80	2.80	2.50	2.50	2.50	2.50
Potatoes.....bush...	12	1.50	18.00	1.20	14.40	1.00	12.00	1.00	12.00	.60	7.20	.875	10.50	.625	7.50
Shoes.....pairs...	3	2.00	6.00	1.85	5.55	1.85	5.55	1.75	5.25	1.75	5.25	1.65	4.95	1.65	4.95
Cotton cloth.....yds...	20	.15	3.00	.13	2.60	.12	2.40	.11	2.20	.08	1.60	.08	1.60	.08	1.60
Prints.....yds...	20	.14	2.80	.12	2.40	.11	2.20	.10	2.00	.07	1.40	.07	1.40	.07	1.40
Denims.....yds...	5	.21	1.05	.19	.95	.18	.90	.17	.85	.17	.85	.17	.85	.17	.85
Satinets.....yds...	12	.50	6.00	.50	6.00	.50	6.00	.45	5.40	.40	4.80	.40	4.80	.40	4.80
Town rent.....	.....	5.00	60.00	5.00	60.00	5.00	60.00	5.00	60.00	4.50	54.00	4.50	54.00	4.50	54.00
Total.....	.....	.....	294.60	.....	291.69	.....	278.58	.....	269.74	.....	254.51	.....	242.23	.....	239.43

Supplies.	Amount.	1880.		1881.		1882.		1883.		1884.		1885.	
		Price.	Total.	Price.	Total.	Price.	Total.	Price.	Total.	Price.	Total.	Price.	Total.
Flour.....bbls...	3	$9.25	$27.75	$9.50	$28.50	$10.00	$30.00	$9.00	$27.00	$8.00	$24.00	$7.00	$21.00
Corn-meal.....lbs...	150	.03	4.50	.025	3.75	.025	3.75	.025	3.75	.025	3.75	.025	3.75
Granulated sugar.....lbs...	150	.105	15.75	.10	15.00	.105	15.75	.10	15.00	.09	13.50	.075	11.25
Fresh beef.....lbs...	200	.13	26.00	.13	26.00	.17	34.00	.15	30.00	.15	30.00	.12	24.00
Corned beef.....lbs...	100	.09	9.00	.09	9.00	.12	12.00	.105	10.50	.11	11.00	.10	10.00
Pork.....lbs...	100	.09	9.00	.125	12.50	.145	14.50	.105	10.50	.10	10.00	.10	10.00
Lard.....lbs...	24	.10	2.40	.125	3.00	.135	2.24	.105	10.50	.10	2.40	.10	2.40
Ham.....lbs...	16	.11	1.76	.125	2.00	.155	2.48	.135	2.16	.125	2.00	.115	1.84
Codfish.....lbs...	100	.06	6.00	.05	6.00	.08	8.00	.08	8.00	.08	8.00	.08	8.00
Tea.....lbs...	12	.65	7.80	.65	7.80	.55	6.60	.55	6.60	.55	6.60	.55	6.60
Butter.....lbs...	75	.35	26.25	.35	26.25	.35	26.25	.35	26.25	.27	20.25	.23	17.25
Cheese.....lbs...	10	.16	1.60	.145	1.45	.16	1.60	.175	1.75	.16	1.60	.14	1.40
Coal.....tons...	4	7.00	28.00	7.00	28.00	7.00	28.00	6.75	27.00	7.00	28.00	6.50	26.00
Beans.....bush...	1	2.50	2.50	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00
Potatoes.....bush...	12	.625	7.50	1.10	13.20	1.00	12.00	.75	9.00	.80	9.60	.80	9.60
Shoes.....pairs...	3	1.65	4.95	1.60	4.80	1.65	4.95	1.60	4.80	1.60	4.80	1.50	4.50
Cotton cloth.....yds...	20	.075	1.50	.075	1.50	.075	1.50	.07	1.40	.07	1.40	.065	1.30
Prints.....yds...	20	.065	1.30	.065	1.30	.065	1.30	.06	1.20	.06	1.20	.055	1.10
Denims.....yds...	5	.15	.75	.15	.75	.15	.75	.14	.70	.13	.65	.125	.625
Satinets.....yds...	12	.40	4.80	.40	4.80	.40	4.80	.40	4.80	.375	4.50	.375	4.50
Town rent.....	.....	4.00	48.00	4.00	48.00	4.00	48.00	4.00	48.00	4.00	48.00	4.00	48.00
Total.....	.....	.....	343.11	.....	346.60	.....	362.47	.....	343.93	.....	334.25	.....	316.11

Mr. FINDLAY. Has the gentleman from Pennsylvania [Mr. BROWN] any time remaining?

The SPEAKER. Two and a half minutes of his time remain.

Mr. BROWN, of Pennsylvania. I had agreed to yield, if I had time remaining, five minutes to the gentleman from Ohio [Mr. WARNER] and five to the gentleman from Maryland [Mr. FINDLAY].

Mr. WARNER, of Ohio. I will yield the time allotted to me to the gentleman from Maryland [Mr. FINDLAY], as I have not enough time to discuss the proposition I had intended to advert to.

Mr. FINDLAY addressed the House. When he had spoken for the time yielded to him the hammer fell.

The SPEAKER. The time of the gentleman has expired.

Mr. FINDLAY. I will extend my remarks in the RECORD.

Mr. HAMMOND. Will the gentleman from Maryland please mention, that the RECORD may show it, that the gentleman from Georgia [Mr. NORWOOD] was not in the House when he made his remarks.

Mr. FINDLAY. The gentleman from Georgia [Mr. NORWOOD] was here a short time ago. I will say to the gentleman that I shall not only publish that in the RECORD, but much more. I shall satisfy the gentleman from Georgia entirely on that point. I have leave to print under the general leave, and shall avail myself of that.

Mr. FINDLEY's remarks, in full, are as follows:

Mr. Speaker, some two months since I was audacious enough to present some simple views upon the question now vexing the House and the country, all unconscious that my innocent although erring feet were standing upon an unexploded mine in the bosom of the gentleman from Georgia. If I did not fully realize the terrors of the situation it must be remembered in extenuation of my temerity that that gentleman had not then given us any earnest, however slight, of what, as Bob Acres tells his friend Jack, a devil of a fellow he was.

If I had known what delicate and refined humor, what penetrating wit, what power of extemporaneous speech, was then gathering in a black cloud, to break over my devoted head, after sixty days of painful suspense, in manuscript, is it necessary for me to say that I would have taken more than usual pains to dodge the plantation thunderbolts of this Jupiter Tonans, forged in the smithy of Simon Suggs? I trust, therefore, that the gentleman from Georgia and that this House will excuse the seeming rash indiscretion with which I plunged into this heavy debate, for, on my honor, gentlemen, I did not realize and could not conceive any evolutionary process, however extraordinary, to the extent even of evolving a Stuart Mill out of Georgia Scenes, by which my innocent figure of the combined metals could have been converted into the similitude of Her Majesty's lion; still less that the statesman from Georgia, on a dry, economical subject like this should have fallen to twisting the British lion's tail to the point of mutilation. It seemed to me that there were enough twists already in this knotty subject to spare us from an additional complication with the royal beast, the relation of which to the comparative merits of gold and silver as a standard of value, although profusely illustrated with all the tropes of an exuberant logic, and cut clean and sharp with the cold and calculating chisel of a severe imagination, the gentleman from Georgia did not quite succeed in making apparent. I know that tail whether in motion or at rest is a great provocative of wrath. The city fathers of Baltimore gave us four lions in stone as ornaments to one of the bridges over that classic stream known as Jones's Falls across which the gentleman might whisper until he was out of breath and never so much as a single responsive echo come back. These animals were of sturdy proportion and faultless form, modeled in exquisite lines of grace and beauty which the artist could only have caught from that vivid picture of Hogg's metempsychosis in the Noctes. My friend is familiar with Scotland, and carries Ben Lomond on his shoulders with the ease of an Atlas. He is doubtless also familiar with her literature, and will readily recall the wonderful description of North to which I refer, a description which caused the Ettrick Shepherd to exclaim, "That Wulson is a droll bitch and as wonderfu' as droll." Each of these lions so modeled was provided with a gentle drooping tail curving upward like a pump handle. They were the pride of the city until, it is said, Larry Finnegan happened that way one night as the wolf came down upon the fold, and when the morning broke the lions were not only *in extremis*, but their extremities had passed away as a tale that is told. Conceiving that they were British lions, although the mayor pathetically protested that they were not lions at all, but some other heraldic beast of unknown lineage and short-lived fame, Larry took each mother's son of them by the tail, and there in the deep waist and middle of the night, to the music of the shooting stars and the liquid lapse of Jones's murmuring fall, registering a patriotic oath in high heaven that tails may wag as they will but no tail should wag over him, although stiff in stone, twisted the offending member completely off and left not so much as a stump behind.

I know of no parallel to this sturdy devotion, this unthinking, spontaneous, mad loyalty to tradition and principle which mistakes a griffin for a lion and then falls to twisting his tail to the point of absolute fracture, except the infatuation of the gentleman from Georgia, who, like the man who could only tell Daniel in the lion's den from the lions themselves by the blue cotton umbrella he carried under his arm, can not distinguish an innocent allusion to that prophet's works and the image he describes from that terrible beast whose four paws rest upon the four continents, and whose restless extremity lashes the horizon of the universe. He is worse than the witches who pursued Tam and poor Maggie over the brig where the "Doon pours all her floods."

> As spring brought off her master hale,
> But left behind her ain gray tail—
> The carlin claught her by the rump,
> And left poor Maggie scarce a stump.

Why, a man with such a confusion of ideas and with such a propensity for twisting facts is scarcely safe. He will twist anything. If he was mounted on the rich man's horse or the poor man's mule in the tandem which he has so elegantly described he would in all probability mistake them for England's royal beast, with the usual consequence, upon his perfervid imagination. It is pleasant, however, to remember the probable effect upon the mule, and the promising prospect of a *requiescat in pace* thereafter for somebody. The gentleman from Georgia has attempted to ridicule all other theories but his own in the dangerous attempt to play the rôle of the funny man on the heels of quite a successful effort some time ago, forgetting that the subject and the circumstances are quite different, and that if there is any one kind of speech more than another which a man had better be content to rest on his laurels it is a funny speech. Humor is one thing, and sarcasm, thinly veiling an assumed superiority, behind which its author covertly depreciates the efforts of others, is quite a different performance. The man who resorts to it should be sure of his weapon, for it is one that may be made as dangerous in the hands of his enemy as his own.

The gentleman has undertaken with great deliberation to make me a target for what he doubtless considers some very crushing allusions, as he has taken the trouble to commit them to paper, and waited for two months to throw them off in that happy extempore style which distinguishes the spontaneous efforts of eloquence in this body. He seems to think that I was guilty of a contradiction in advocating the gold standard, because I admitted that the business of the country was carried on in great part by a secondary or fiduciary currency. His inference from this admission was that neither gold nor silver was necessary, and that I must fall into line with my friend General WEAVER. This contradictory position he illustrated, if I remember, by a reference to some predatory chickens, as he termed them, whose forward movement was prevented by some ingenious mechanism which turned their heads backward. I am not surprised at the gentleman mistaking my meaning, or that this predatory chicken should find her face always turning backward, for that, I believe, is the region of the tail, a favorite spot with the gentleman. He was so bent on framing his new declaration of independence and rousing the yeomanry of the country against British gold, that he had no time to note an inconsiderable point like this, that while the business of the country is carried on by a representative currency, and in fact in great part by commercial paper, there was nothing inconsistent in this fact with the most rigid demand that behind this currency and paper there should be up to the credit point a volume of specie as nearly stable and fixed in value as the ingenuity of man could devise, and that that specie in my opinion was gold. The greenback upon its face and apart from judicial construction is an honest piece of paper. It professes to be exactly what it is—a promise to pay a dollar, and not a dollar. The dollar with which it is to be redeemed, in my opinion, ought to be a dollar whose bullion value will not be in a state of perpetual flux. That dollar, I believe, if made of gold, will furnish the most stable redemption fund. It, of course, may be made of silver by an additional weight or number of grains, but the coined piece would be unwieldy, and besides there would still be the uncertainty as to the stability of the value.

The gentleman from Georgia, after ridiculing all the remedies suggested by others as the quack formulas of the Sangrados, a very original figure by the way, comes to state his own panacea. I had supposed from the way he started out that he had no views upon the subject; but it seems he had, and to surprise us, like the fellow with good news, kept the best for the last. He says: "Doctor FINDLAY, your remedy will not do; Doctor WARNER, your safe kidney cure has gone into innocuous desuetude; Doctor BROWN, your iron bitters are a failure; all stand aside. I am the great original medicine-man, a born Hippocrates, and I, of all men living, know what is the matter with this patient." The country is rich and prosperous, contented and happy. There are no strikes in the West; no labor troubles anywhere. Furnaces are in full blast, especially in Pennsylvania; all the spindles and looms are running on full time, more particularly throughout New England; all property has appreciated. What think you of your ally, your Jefferson, about to proclaim a new declaration of independence, with his yeomanry at his back; what think you of him? Doctor WARNER, when he says that property is higher, real as well as personal and mixed—when, if I understand your contention, everything is dirt cheap because of the scarcity of money, and for that reason you cry for more—why that is the reason why I thought the Goddess of Liberty, described somewhere in the gentleman's speech like Casabianca on the burning deck, "was drinking deep potations of the people's blood." One thing certain is, there never was a time in the history of this country when everything that man consumes was so cheap. It may be hard to get, for when things are cheap money is not freely circulating. Give us more money,

say the silver men, and all property will be higher. But our Hippocrates says property is high now, higher than it was between 1873 and 1878, when there was no standard dollar of full legal-tender value. The inference would seem to be from this that if we abolish this dollar altogether the prices of all things would immediately appreciate.

But I am interrupting the diagnosis. I forget that we are all waiting to hear the great man's opinion. He is called in, or he called himself in, as consulting physician-in-chief, and he is ready to announce his conclusion. He is going to do it with great gravity. It becomes the doctor to be slow and deliberate, and this is a characteristic of all this doctor's utterances. He is so grave that, as Lamb has it on one of the old South Sea benchers, you might deduce the law of gravitation from his presence. What, then, Doctor NORWOOD, is the matter with this patient? Nothing, absolutely nothing; he is not a sick man at all; he is in his normal condition, and in fact was never better in his life. But consider, doctor, this symptom and the other. But the inflexible old Solon shakes his head, and assures the astounded friends and family that the patient is entirely well.

My friend is familiar with Dickens. He quotes from Dombey and Son. I will not refer him, therefore, to Bunsby, but will tell him a little story I once heard. It applies to the buzzard, and has some fitness, therefore, in a discussion in which that singular bird has been more than once introduced. I suppose the gentleman from Georgia, who seems to be familiar with the evolution by which the eagle is changed into the buzzard, must know something of its habits, and has not failed to observe the even steadiness with which this bird will circle for hours, sweeping the whole horizon, with scarcely a perceptible dip of the wing or the disturbance of a feather.

It has puzzled a great many persons how a bird as heavy could keep himself poised in the air upon his balanced wings and yet move all the time without apparent effort, a free circulation by the way in which he is not imitated by his silver brother. I remember that the puzzle perplexed all the neighborhood in which I once lived, until a workman on the place said that his preacher knew everything, and that he would refer the question to him and be sure of an answer. So the question was referred at the next meeting, and Pat returned triumphantly with his answer. "I knew," said he, "that Brother Jones could tell how this was done, and what's more he was no time telling it." "Well, what did he say?" "He said it was the custom of the bird!"

"Silver," says my learned friend, "has no more influence upon the causes of trouble in this country"—from which it would appear that we have troubles—"than the Pleiades. Neither the quantity nor the quality of the silver," says he, "has anything to do with it. If your coinage was free you would still have the trouble. If you had no coinage at all you would be in the same predicament. The existing Bland law does not cause the distress." What is it then? Wreckers. Now I must say that I owe both the gentleman from Missouri [Mr. BLAND] and the gentleman from Ohio [General WARNER] a grudge: That here they have been all this session, and a good part of the last, trying to persuade me and other gentlemen in the House that the stoppage of free coinage was one of the most potent causes of commercial and industrial depression, and yet all they had to do was to consult the gentleman from Georgia, and they would have learned that the real cause was what he is pleased to call wreckers. A change in the tariff, reduced taxation, limited or unlimited coinage—none of these will account, in the opinion of this eminent *savant* for the existing troubles; troubles which at one moment he says exist not only in this country but in others, and in the very next denies.

And yet the gentleman is skillful in diagnosis. He dissected the case of the gentleman of Iowa with remarkable skill; and, if I remember, concluded that his disease was cerebro-elephantiasis. When I think of the undue proportions into which the gentleman has permitted his imagination to swell these wreckers, and the entire subordination of all other causes of trouble to this one, I am inclined to think there is a cerebral disease from which he is suffering more terrible still. It is cerebro-spinal meningitis, and, as the gentleman has such a marked tendency always to curve backward in search of a real or imaginary caudal appendage, I suppose it must be of the opisthotonous type. I am quite sure, from the rabies which seizes him whenever Wall street is named, causing an explosion of all his wrath, that it must be of the fulminant form—a sort of thunder-and-lightning disease. But whatever the matter may be, it is certain that Doctor MORRISON, with his tariff, and Doctor BLAND, with his silver, are the purest of quacks, besides this Galen with his wreckers. Let us have a bill at once to suppress the wreckers, and let the wan cheek of the Goddess of Liberty grow fresh again, and Lombard street stop hallooing across the ocean to New York and fooling that innocent old Polonius of Wall street into believing that a cloud is a whale.

Why I thought that Wall street could tell a hawk from a handsaw, particularly if the wind was southerly. One of the chief characteristics of Polonius, if I remember, was by indirections to find directions out. And the crooked, circuitous method of a debased coinage may be the way to an improved commercial condition, but I think it is well enough to remember the fate of the old man, and I particularly commend it to the gentleman from Georgia. He was behind the arras, was he not, eavesdropping when Prince Hamlet cried "A rat, a rat," as he made the fatal thrust at what he supposed was the king's breast? Such is the end of all crookedness and of all covert assaults, for whatever purpose made.

[The above was greeted with laughter and applause.]

Mr. HISCOCK. Mr. Speaker, those gentlemen who favor the unlimited coinage of silver or the continuance of the present monthly coinage of silver have urged that the present supply of gold and silver coinage is inadequate to the business of the country, and consequently prices of the products and commodities of the country are too low and business is depressed; that the increase of legal-tender coin of gold and silver has not kept pace with the demands of trade and the increase of property, therefore prices have fallen—that prices have gradually but constantly fallen to the scale of 1845–'49, the lowest, I believe, that we have had in this country, is conceded, consequently it is urged that by the free coinage of silver money will be made cheaper, 20 per cent. cheaper some say, and to that extent the debtors will be enabled by law the more easily to pay their creditors and prices advanced.

It is insisted in support of the above theories that gold has increased in value, that silver has not decreased in value, and that the other commodities and property have not decreased in value as measured by silver bullion. The value of gold, silver, and the baser metals, the products of manufacturers and the farmers, so long as they are being produced by organized labor, depend largely upon the cost of their production. I propose first to call the attention of the House to the unprecedented increase in the production of the farmers and manufacturers in those later years that are marked by a decline in their prices. I say at the outset that I utterly deny the proposition that silver bullion has retained its commercial value as compared either with gold or the other products of this country, or the world if you please, but insist that its present market price marks the extent of the decline below the value of gold and the other products bought and sold in the market of the world, and I call the attention of the House, first, to the

INCREASE IN AGRICULTURAL PRODUCTS

in the United States as compared with the ten previous years. In the production of wheat from 1870 to 1879 the average annual yield or crop was 312,152,728 bushels. For the last four years it has been 463,973,318 bushels—an increase of over 150,000,000 bushels.

OATS.

The average production between 1870 and 1879 was 314,431,178 bushels. For 1880 and 1881 it was 495,509,478 bushels—an increase of 180,000,000 bushels. But returning to wheat, from 1874 to 1881 the wheat product of Europe averaged 1,150,000,000 bushels; the annual increase since then upon that production has been 100,000,000 bushels.

The exportations from the Australian to the European markets have increased from 9,517,217 bushels in 1881 to 18,419,561 in 1884.

The exportations from India to the European market have increased from 4,109,495 bushels in 1880 to 39,202,636 bushels in 1884.

The increase in our manufactures has been equally great. Of raw material consumed in the manufacture of wool, the increase from 1870 to 1880 was 68,000,000 pounds.

The value of the annual productions of the manufacturers of wool in the United States had increased in 1881 above that of 1868, $92,000,000, with a reduction on the price of the goods of at least 10 per cent., and I may remark in this connection that the consumer has since 1860, notwithstanding the decrease in the price of material worn, increased the value of his annual consumption over 50 per cent.

The increase of the production of wool has been great. Between 1871 and 1880 it was 200,000,000 pounds; but the increase in the last five years has equaled that of the previous ten years. The imports into Europe increased from 447,521,441 pounds in 1881, to 518,637,800 pounds in 1884. The American production has doubled since 1870, and increased 25 per cent. since 1880. The number of sheep is greater by 20,000,000 now than in 1870. Importations to this country of wool and its products, $44,656,482.

In the production of cotton goods since 1879 the increase has been 30 per cent. Importations of cotton goods, $27,000,000. In the production of cotton itself the increase has been from 3,275,000 bales in 1861–'65 to 5,351,000 bales in 1866–'73, 6,687,000 bales in 1871–'75, 6,923,000 in 1876–'80, and 8,285,000 in 1881–'85.

In sugar the increase has been equally marked; from 4,000,000 tons in 1881 to 4,717,000 tons in 1884.

As to iron, the productive capacity of this country is between six and seven million net tons, but the actual consumption is less than five.

Our productive capacity for steel rails is 1,500,000 tons, with a consumption of only 1,000,000 tons.

The productive capacity of the country in reference to both iron and steel goods is in excess of the consumption of the country, except in reference to tin plates, iron and steel wire rods, and very thin sheets, and with this condition of things there is an annual importation into our markets from abroad of thirty-five millions of dollars' worth of iron and steel goods.

Do we not find in this immense increase of production both from the land and from the shops sufficient cause for our low prices without looking further?

I have before me a comparison of prices for different periods, which

shows that low prices have invariably accompanied excessive and enlarged production. But the decrease in prices has not been as great as the increase in production, due doubtless to the fact that with the volume of currency, in connection with other facilities—checks, drafts, and bills of exchange—there has been less purchasing power in gold or less necessity for gold. I have called attention to the staple products of our farms and factories to illustrate my position; but my selections have not been exceptional, and I might as well, for the purposes of my argument, have taken other products than those I have chosen. In connection with some of them, I have called attention to the importations of the class or kind, to show that, notwithstanding the overproduction and the great competition here, which of itself would have forced down prices, foreign competion has also added its force in the same direction.

And in this connection I will call attention briefly to the effect of cheapened transportation since 1865 upon prices. In that year the charge on the New York Central and Hudson River Railroad per ton per mile on all merchandise was 3.451 cents; in 1885 it was reduced to sixty-eight hundredths of a cent. The change has been equally great upon the Lake Shore. The eight principal railroads centering in Chicago in 1870 moved the equal of 1,900,000,000 tons of freight 1 mile at 2.227 cents a ton; in 1884, 6,525,000,000 tons 1 mile at 1.071 cents per ton. The transportation of that volume of freight at the rate of 1870 would have cost $98,600,000 more than it did cost.

I have no doubt that prices upon those roads for those years represent the difference in cost between those two periods on all the railroads in the United States; and if so, there was a saving of $500,000,000 to the consumer in freights alone, and very largely in agricultural products.

Our railroads have increased in extent from 34,000 miles in 1864 to 128,000 in 1885.

I suppose grain, off water and railroad transportation, would eat itself up in transportation 150 miles.

To-day the farmer of Dakota sells his wheat for the English market. Mark, therefore, the effect railroad transportation alone has had in increasing the amount of grain marketed and lessening the cost to the producer of placing it in market, both reducing the price to the consumer.

I have conceded that it is true that we are back to the prices of 1840 to 1850. The comparisons I have made, the facts stated, prove conclusively that the reduction of prices is due to the great increase of production in connection with the increased facilities for marketing the same with the lessened cost thereof, as compared with the periods of low prices from 1840 to 1850.

I assert that all we produce is at one-half the labor-cost of the period from 1840 to 1850. I do not wish to be misunderstood upon this question. What I say is, that labor has doubled its product since 1850 by the aid of labor-saving machines. This is true with respect to the farm and the factory, the furnaces and the forges. There is not an industry but that one day's labor to-day increases its products above that of 1850, and in many industries the increase has been 200, 300, 400, and 500 per cent. Why, then, are not prices lower even than they are now? It certainly can only be accounted for upon the theory that the cost of the production of gold or the necessity for its use has decreased still more. If the price depends upon the volume of the legal-tender coin, then with this doubling up of production without increase of cost, the prices must have fallen still lower but for the fact that money is cheaper and has retained only one-half its purchasing power.

Now, sir, it is not gold that has appreciated in value as compared with other products. It has depreciated greatly, depreciated as compared to the period prior to 1850 far more than the other commodities. For if the precious metals had maintained only the same relative proportions for the necessities and convenience of business and the market of 1885 they held in 1849, and no greater, 50 per cent. off the cost of production, now, as then, would have reduced, at the same cost for labor, prices nearly 50 per cent; but notwithstanding this great increase of production without increase of cost, the wages of labor have steadily advanced and are now at their highest point, double at least what they were in 1840–'50. The power of labor applied to new appliances and inventions, facilities and forces, has doubled its capacity and power to produce.

We are not suffering under a contraction of metallic currency or the contraction of any kind of currency. At this time it is double what it has been in any year since 1860, and it is unprofitable to make tables exhibiting the per capita money circulation in other nations now or even in this nation in the past. Within twenty years the manner of transacting business here has all changed. That change was consummated with the full adoption of the national-bank system, and currency, whether of gold, silver, bank notes, or Treasury notes, for use as circulation, has become subsidiary in our business. We carry it in our pockets for the little needs of life, but not for use in those transactions which make up the trade and commerce, the business of a town, city, State, and of the whole country, and in which checks, drafts, and bills of exchange are employed.

I suppose the aggregate daily volume of business transacted in this country by the aid of checks, drafts, and bills of exchange is $300,000,000. At least 95 per cent. of all money transactions are by their aid. They purchase and pay, and practically their immense volume in use is an increase, an expansion of our currency, and the volume of currency that would be needed, except for the business transacted through them, no man can estimate.

In England I suppose as large a percentage of business is done by their aid as in this country. Ninety-five per cent. of all the business and the per capita circulation required by a nation that does not make use of them, or of a nation before it made such use, is no guide for a people who do.

If checks, drafts, and bills of exchange are used to any considerable extent in France, it is of very recent date. I have seen nothing in regard to Germany. England and the United States have taken the lead, and no nation can adopt this method of transacting its business without decreasing the volume of metallic currency needed for use.

I suppose that practically all the balances in our international trade are settled in that way, and thus the transmission of coin avoided, its use diminished, and the necessities for its increase likewise diminished.

APPEAL TO THE DEBTOR CLASS.

I must now address myself briefly to the appeal that has been made to the debtor to give his support to this legislation. My argument will be addressed to the wage-workers and debtors of the country. The sum of $5,000,000,000 is annually paid to the wage-workers in the United States. The proposition is to reduce its purchasing power one-fifth, at an annual cost of $1,000,000,000 to those who depend upon wages for the support of themselves and their families in all they buy. That is the argument, that in just so far as gold is at a premium above silver in our local market the price of commodities will be increased. This is true, for the prices in the markets of the world are gold prices and have been practically for sixty years. We buy and sell in that market, and there the prices are made, and in as far as the money we use here is cheaper, poorer, or of less value than gold, the prices of goods rise.

I have before me the foreign trade of the great merchant nations of the world. Gold is their standard of value.

Table showing the foreign trade of the countries named.

Countries.	Imports.	Exports.	Aggregate.
Germany, 1884	$382,125,000	$814,501,000	$1,696,626,000
Great Britain, 1885	1,950,092,815	1,479,837,915	3,430,830,760
France, 1885	905,180,000	670,000,000	1,575,180,000
Netherlands, 1884	394,560,390	258,469,849	653,030,239
Total			7,355,666,999
United States, year ending January 31, 1886	660,676,776	660,749,374	1,321,426,150

Their merchants settle their balances in gold and a gold price is placed upon every article we buy or sell.

Who can change all this? I will not say that the lawmaking powers of all the trading nations of the earth can not do it, yet I doubt it.

So long as gold is the most stable in its value and the more nearly in its cost of production, and from its quantity the best measure of the value of practically all other articles bought and sold in the markets of the world, merchants will use it as a standard of value. It is in recognition of this fact that England, the great power and factor in commerce, for sixty years has adopted it. Other nations have demonetized gold or maintained the double standard, yet the balances of trade were still settled in gold. Gold made the prices of everything. Nations borrowed and paid in it. There is something in all this more than an act of Parliament or of Congress.

Commerce has its laws as wholly independent of Congressional legislation as our natural laws, and he only is a wise statesman who aids in their free operations by statutory enactments.

Now the other great trading nations of Europe, the higher civilization of Europe, have re-enforced England and adopted the gold standard, and the United States alone proposes to change this law of trade. I repeat you will not change the price of goods except in our domestic market. As you propose to buy with a debased, a cheap, and an inflated currency the merchant will allow you for it its value in gold. You will have demonetized most effectually silver; its value will daily change, depending upon the supply of gold here, the state of our foreign trade, and speculation will become an element in that value. Then you may fear Wall street and money centers and combinations of capital in their operations, changing daily, as they will the purchasing power of silver, its value in payment for property, and most of all in its payment for labor.

We had a full experience in all that in the years of the war and before resumption. Here, then, poor and weak men attempted to regulate by legislation the laws of trade, and the laws of values were above them and more potent and a day of settlement came under those laws and the bankrupt courts administered them.

If you have two kinds of coin moving of an unequal value, who will have the poorer? The debtor. His necessities will compel him to accept it. The man who has money, who has property, whose profit and loss account shows a surplus, can keep what he has at least, and the result is

he takes his choice; he has money to lend, the banks have money to lend, rich men have money to lend, and those who have money now will still have it and they will lend, and when the bond is written the rate of interest will always be high enough to cover the present and prospective depreciation in the money that the debtor may discharge it in, and the rate of interest will be increased.

The country now and for years has felt most disastrously the effect of the threat of this legislation. For years it has been understood that the Cotton States were prominently identified with this movement. Having reference to their people those States are debtor States, and to obtain cheap money with which to pay, by Federal legislation, has been popular in them, but capital has been distrustful of those people. Their opinions have been constantly advertised in Congress, mainly through representatives here having agitated the question. But I hail as a joyful sign of the times the fact that gentlemen from the State of South Carolina have voiced in this debate the sentiments, as I trust, of some of the people of that State in favor of honest money; and I say to them they have done more for their State in inspiring confidence in capital to develop her industries, than they or I can estimate.

The result of the agitation has been that the farmer in my State, New York, can now borrow $300 for his business, to plant, harvest, and market at the same cost in interest that the planter in any one of the States I have mentioned pays for $100. The young man can buy his farm in New York in part upon credit and pay no more for $3,000, secured by a mortgage upon his farm, than the Southern planter pays for $1,000, or $1,200 at the outside. Why this difference? The securities are equally good, the Southern soil the more fruitful, and the cost of transmitting money nominal. Simply because of the difference of the estimates placed upon the paying qualities, the honesty of the debtors in the two sections, by capital, and the silver agitation is mostly at the bottom of this distrust. I have seen in I suppose half a dozen speeches estimates made of the amount of mortgages upon real estate in this country, in statements always made more or less violently, in the form of an appeal to adopt unlimited silver because thereby you will cheat the creditors out of 20 per cent. of the sums due them. To those gentlemen I say, for this declamation, it is not argument, you have been for years paying the penalty in the high rate of interest those mortgages bear.

There is near $600,000,000 in the savings-banks, trust, loan, and mortgage companies of New York alone returning to these companies less than 5 and probably not more than 4 per cent. per annum. Is not the security for a loan upon a farm in Kansas or in Texas as good as upon a farm in New York? Certainly. Yet the rate of interest is 75 per cent. more in Kansas and 200 per cent. more in Texas than in New York.

This subject requires a plain discussion. I admit the investor prefers to have his money near home and the great cause is this distrust of the debtor created and nourished by these constant threats of depreciating the currency—repudiation, capital calls it—made by public men. Admit that you will be legally entitled to pay off the present mortgages in a cheap money, a large proportion of them are due—all are on short credit. You will not decrease the amount, and from the moment this bill passes, with the distrust of credits, interest will advance and the burden upon the debtor class will be increased. This attempt to distribute property by legislation will prove futile. Wealth and property in this country can only be acquired by labor of hands and brains, and not by legislation.

You may continue the present coinage; I see no other result from it except in a limited degree the same conditions that free coinage will produce. With the power to pay all taxes and customs duties in silver, the flow of gold from the Treasury will be slow but none the less certain, and whenever the Government is forced to pay in silver gold must go to a premium.

The United States is now united with the other highly-civilized nations of the world in maintaining a gold standard. Without their cooperation silver must continue to hold the position of domestic coin in its circulation.

This nation is rich, educated, has the highest civilization, and is prosperous in all that constitutes greatness; is one of the first-class powers of the world, able and should be willing to pay and discharge national obligations in the best-coined money of the world, as all other nations do. My State, New York, Massachusetts, and doubtless other States have set an example for the General Government, and paid in gold when it was at a high premium. It has been said the Secretary of the Treasury has not forced the silver upon the country, and therefore it is in the vaults; in this you admit the people do not want silver, at least prefer gold, and do gentlemen want this great, rich nation, powerful in intelligence, in wealth, and in arms, to pay in poorer money than other nations pay in? It would be national dishonor. Do not deceive yourselves. Your constituents, the people, do not want it.

The step now proposed, if taken, and I refer both to the free coinage of silver or the continuance of the present coinage, will class her with the lower civilization of Europe and the still lower civilization of Africa and Asia.

National repudiation and dishonor are involved in it.

One other suggestion, and I will conclude.

I have before me the aggregate money circulation of this country, by years, since and including 1860:

Date.	Aggregate circulation.
June 30—	
1860	$442,102,477 00
1861	488,005,767 00
1862	532,832,079 00
1863	623,100,168 75
1864	1,062,840,516 50
1865	1,180,197,147 76
1866	1,079,013,645 96
1867	1,039,700,733 52
1868	906,091,242 75
1869	904,183,741 61
1870	934,423,019 48
1871	914,262,051 06
1872	932,657,203 52
1873	973,252,368 94
1874	1,024,571,016 17
1875	991,858,028 69
1876	955,397,935 89
1877	1,002,226,869 84
1878	1,053,656,846 11
1879	1,064,053,736 02
1880	1,190,296,332 12
1881	1,377,376,423 75
1882	1,442,266,547 46
1883	1,591,773,135 43
1884	1,645,561,419 91
1885	1,769,004,097 73

Of this about six hundred millions is in gold. The withdrawal of that volume will have an effect which I have no time to discuss. It will no longer be employed in the payment of customs duties. Silver will be the cheaper, and will therefore be used, and to the extent it is cheaper, to the amount of the premium on gold you will reduce the duties now paid upon imported goods. Reduce the tariff! Mechanics, manufacturers, farmers, dependent as you are upon the home market to-day, protectionists all, I invite you to the consideration of this question. It will be a horizontal reduction!

Mr. BLAND'S table in the report of the minority makes it a 20 per cent. reduction, precisely what Mr. MORRISON wanted two years ago. There will be no discrimination. It means lower wages; it means the destruction of some industries and the paralyzation of all. It means in the most aggravated form that which this Congress has threatened the country with at this session.

There is no object in encountering or risking any of these perils. No one here makes a war on bimetallism; but bimetallism can only be attained by one standard by which gold and silver will both be measured.

The threatened legislation, if once had, will produce monometallism by the exclusion of gold from our currency, and bimetallism will only be restored after a season of disturbed finances, dishonor, and bankruptcy. [Applause.]

At the conclusion of Mr. HISCOCK'S remarks he yielded the remainder of his time to Mr. JAMES.

Mr. JAMES. I yield two minutes to my colleague from New York [Mr. HEWITT].

The SPEAKER. The gentleman from New York has only two minutes of his time remaining.

Mr. HEWITT. If I could have got time, which I am sorry I have not been able to get, I should have tried in reference to the pending proposition to enforce two conclusions: First, that the passage of a bill for the free coinage of silver would confiscate one-fifth of the accumulated savings of the working classes, amounting in the State of New York alone to $1,000,000,000. In other words, it would wipe out $200,000,000 of their savings. And secondly, that the immediate effect of this bill would be to reduce the purchasing power of the wages of labor 20 per cent., which in the present state of business of the country would be a hardship so grievous that no legislator, no man of business, no man with a heart in his body would, except in ignorance of the consequences, venture to advocate such a measure. And lastly, I would have tried to suggest a remedy for the anomalous condition in which the gold and silver coinage of the country now finds itself. All I can do is briefly to insert in the RECORD the skeleton of the remarks which I would have made at greater length if I could have got more time.

Mr. HEWITT'S further remarks are as follows:

In the long debate upon the silver question it is admitted by both sides that we are now upon the gold basis. It is a fact that the dollar containing 25.8 grains of gold, which by law is the unit of value, will purchase at its present market value 480 grains of silver. It is also a fact that the standard silver dollar contains only 412½ grains of silver. Hence if we open the mints to the unlimited coinage of silver no man will pay debts with gold dollars worth 480 grains of silver when he can take 412½ grains of silver to pay the debt and have 68½ grains left in his pocket as profit.

The unlimited coinage of silver, therefore, will transfer us from the gold to the silver standard. The business of the country, now adjusted to the gold standard, must readjust itself to the silver standard. As

to outstanding contracts not specifically made payable in gold, there will be a transfer of 20 per cent. of capital from the creditors to the debtors. There can now be no justification for such an act of spoliation. Under the stress of a war for national existence such a transfer of property was made by the issue of irredeemable paper money.

And again a similar transfer was made when specie payments were resumed. In both cases the rich were made richer and the poor poorer. But when the silver dollar was demonetized no change in the relations of debtors and creditors was made, because we were not in 1873 upon either a gold or silver basis, but were in the abyss of fiat money. Whether demonetization was accomplished surreptitiously or not, as it was not, no injury was done or could be done to any human being. But now we are paying in gold. Every creditor and every wage-earner who now gets gold will, if this bill should pass, get silver worth 20 per cent. less than the present unit of value.

There will be a profit to some one. Who will gain and who will lose? For it is inconceivable that the opening of our mints to the free coinage of silver on the ratio of 16 to 1 of gold will be sufficient to restore the actual value to this ratio. The free coinage of silver does in India not do it; the free coinage of silver by the Latin Union did not preserve the ratio of 15½ to 1. To save their gold they were forced to abandon the free coinage of silver. But on the face of it the proposition is absurd that the possible annual coinage of our mints could materially affect the value of the vast mass of silver in the world, estimated at $6,000,000,000. Who, then, are the debtors who will profit and the creditors who will lose? Are they the rich or the poor?

The banks and capitalists can and do always keep their assets practically on a gold basis. So far as they hold real property or merchandise the rise in value will be immediate and proportioned to the reduction in the standard of value. Only indebtedness for fixed sums, such as mortgage loans, will not rise, because they can not rise, in value. Now this class of property is mainly owned by estates, trust companies, life insurance companies, and savings-banks. In the State of New York alone the assets of these corporations exceed $1,000,000,000, upon which the loss will be $200,000,000. The owners of this vast fund are widows, orphans, helpless wards, artisans, laborers, and sewing women. They are largely my constituents. In their behalf I have presented to this House the petition of the savings-banks, representing over one hundred thousand depositors, praying that this act of injustice shall not be committed. The proposed change of standard can not therefore benefit those who have accumulated a fund against old age, sickness, and want.

But if it will deprive them of a part of their savings it will also take away a part of their daily wages. For everything which the laboring man buys, food, clothing, and shelter, will advance at once to conform to the new standard of value, whereas his wages will not advance except by slow steps, spread over a long term of years. The conclusive demonstration of Mr. Walker on this subject has been cited by others, but further evidence is furnished by the condition of affairs in India, where, as is triumphantly asserted by the friends of this bill, prices of the food products, representing the earnings of labor, have not advanced, and hence it is possible for the first time to export them to England, where they are sold for gold, convertible into silver at a premium, which is not added to the wages of labor, or this export trade would cease. The remedy proposed by this bill is the reduction of wages here so as to meet the competition of India. The wage-earner then will be chief sufferer by a change in the standard of value, and the old process by which the fruits of industry are transferred to the capitalists will be repeated under the guize of justice and charity to the poor man.

The truth is that it is possible thus to rob the workman of his earnings and to reduce his wages, but you can not displace gold from the position which it has won on its own intrinsic merits as the best and least variable standard of value. There is no deficiency of money for the business of the world. It was never so cheap as it is now for acceptable securities, and no increase in its volume can make it plenty for unacceptable securities unless you make it worthless, which I do not understand to be the purpose or the expectation of the friends of silver. But the free coinage of silver will not add to the volume of money. It will only displace a corresponding quantity of other money. Silver has its proper place in the circulation of the world as the chief money of poor countries where the wages of labor are low, but in rich countries, able, as we are, to pay a fair day's wage for a fair day's work, it is useful only as a subsidiary coin to the extent that it is needed in small transactions, but always to be kept at par with gold by certain redemption in gold. This is the present condition of our coinage, and this parity of value can and ought to be maintained, provided we do not coin so much silver that it can not be redeemed in gold. Otherwise, as the least valuable money, it must drive gold out of circulation.

To maintain this desirable condition of parity in value legislation is needed, but not for the free coinage of silver, nor for the increase in the weight of the dollar. The true policy is to coin as much silver as the people desire to use in the ordinary course of business and no more. Repeal all compulsion to coin any specified amount, but require to be coined, as now, only for the account of the Government, all that shall be called for. There will then never be an excessive issue of silver and never any dead silver capital in the Treasury, upon which we lose interest, and one of the most available commodities for export.

This result can be accomplished by the adoption of a brief bill, which I have introduced into every Congress since the passage of the so-called Bland bill, the paternity of which I am glad to see the gentleman from Missouri very properly disowns. This bill I shall offer at the proper time as a substitute for the pending measure. I ask now that it be printed for the information of the House.

A bill to secure a uniform standard of value.

Whereas, under the constitutional power "to coin money and regulate the value thereof," Congress has established a common unit of value, and provided for the free coinage of gold coins conforming thereto, and has further provided for the coinage of a standard silver dollar, which is intended and ought to be the equivalent of the said unit of value: Now, therefore, in order to secure and forever maintain the equality of the said standard silver dollar with the legal unit of value,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the gold and silver coins of the United States which are a full legal tender shall hereafter be interchangeable at their lawful value, either for the other, upon the demand of any holder thereof, at the office of the assistant treasurer in the city of New York, when presented in sums of $100 or any multiple thereof; and it shall be the duty of the Secretary of the Treasury to provide for such interchange, and to cause to be coined such amount of standard silver dollars as may be found necessary, from time to time, in order to meet the demand for such dollars; and that all provisions of law fixing or limiting the amount to be coined of such standard silver dollars be, and the same are hereby, repealed.

This bill recognizes gold as the unit of value, because its title to this distinction is based upon the eternal fitness of things in the gradual evolution of society from barbarism with rude appliances to the highest civilization, in which only the best tools and the most effective agencies are employed in the varied operations of life.

We are now the richest and most prosperous nation in the world, with larger exchanges of products than any other nation, using and requiring the best instruments of exchange, in railways, steamers, and telegraphs, with which no sane man would dispense; and yet we are seriously asked to give up gold, the best lubricator of commerce, which sets and keeps them all in motion at the least cost, and substitute silver, an inferior and variable standard of value, expensive to handle, uncertain in purchasing power, and fit only in this age of vast development for subsidiary uses, to which happily the law assigns it, and from which it never should be, as it never can be, divorced, even by act of Congress; for if gold is king in the domain of commerce it is king by a divine right in the law of social evolution, which no human agency can arrest or destroy.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The undersigned, representatives of the savings-banks of the State of New York, respectfully submit that they hold in trust for over one million one hundred and sixty-five thousand persons their savings, averaging about $375 for each depositor, and aggregating the sum of over $437,000,000; that all the funds and property of the said savings-banks and all their earnings and accumulations belong exclusively to their depositors, chiefly industrious persons of small means, and that your petitioners have no interest therein except as custodians for said depositors. As such representatives we respectfully petition the Congress of the United States to repeal the law which directs the coinage of the 412½-grain silver dollars.

We heartily agree with the opinions expressed upon this subject by the President of the United States in his recent message, and we pray that it may please Congress to enact that the said coinage be discontinued, for the reason, among many others of weight, that its continuance, unregulated by the demands of trade or by the ability of the circulation to absorb it, tends to sever our currency from the gold standard, to compromise the national credit, and to create distrust in the minds of the people.

To make our securities, principal and interest, payable in silver dollars, and thereby to reduce the exchange value of the savings of the people by 20 per cent., would be a loss of purchasing power of the funds in the savings-banks of New York State alone equivalent to a shrinkage in value of nearly $100,000,000; and, as the value of the currency would be alike impaired whether in savings-banks or elsewhere, this vast sum would represent only a small portion of the loss to be apprehended from the continued compulsory coinage of the standard silver dollars, the greater portion of which loss must be borne by the industrial classes whose interests we serve.

And your petitioners will ever pray, &c.

The following savings-banks have signed the above petition: Brooklyn Savings-Bank, Williamsburg Savings-Bank, Brooklyn; Citizen's Savings-Bank, Harlem Savings-Bank, New York Savings-Bank, New York; Dime Savings-Bank, Brooklyn; Seamen's Savings-Bank, Greenwich Savings-Bank, New York; Oneida County Savings-Bank, Rome; East Brooklyn Savings-Bank, Brooklyn; Mechanics and Farmers' Savings-Bank, Albany; East River Savings-Bank, German Savings-Bank, Excelsior Savings-Bank, New York; Troy Savings-Bank, Troy; Albany Savings-Bank, Albany; Merchants' Clerks Savings-Bank, Metropolitan Savings-Bank, Irving Savings-Bank, Franklin Savings-Bank, New York; Middletown Savings-Bank, Orange County; Rochester Savings-Bank, Rochester; Rhinebeck Savings-Bank, Rhinebeck; South Brooklyn Savings-Bank, Brooklyn; Fulton Savings-Bank, Oswego; Binghamton Savings-Bank, Binghamton; Buffalo Savings-Bank, Buffalo; Ithaca Savings-Bank, Tompkins County; American Savings-Bank, New York; Westchester County Savings-Bank, Tarrytown; Albany Exchange Savings-Bank, Albany; Mutual Savings-Bank, Troy; Rome Savings-Bank, Rome; Erie County Savings-Bank, Buffalo; Wappingers Savings-Bank, Fishkill Savings-Bank, Dutchess County; Broadway Savings-Bank, New York; Germania Savings-Bank, Brooklyn; Goshen Savings-Bank, Goshen; German Savings-Bank, Brooklyn; Dime Savings-Bank, Williamburg; Long Island City Savings-Bank, Long Island City; Saugerties Savings-Bank, Saugerties; Queens County Savings-Bank, Flushing; Peekskill Savings-Bank, Peekskill; Walden Savings-Bank, Orange County; Putnam County Savings-Bank, Brewsters; Emigrant Industrial Savings-Bank, New York; Catskill Savings-Bank, Catskill; Union Dime Savings-Bank, Dry Dock Savings-Bank, New York; Bushwick Savings-Bank, Brooklyn; Warwick Savings-Bank, Orange County; Poughkeepsie Savings-Bank, Poughkeepsie; Cohoes Savings-Bank, Cohoes; Home Savings-Bank, Albany; Port Chester Savings-Bank, Port Chester; Newburgh Savings-Bank, Newburgh; Mechanics' Savings-Bank, Fishkill; Southold Savings-Bank, Long Island; Manhattan Savings-Bank, New York city; New Paltz Savings-Bank, Ulster County; Hudson City Savings-Bank, Hudson; Riverhead Savings-Bank, Suffolk County; Bowery

Savings-Bank, New York; East New York Savings-Bank, Kings County; Western Savings-Bank, Buffalo; North River Savings-Bank, New York; Kingston Savings-Bank, Kingston; Utica Savings-Bank, Utica; National Savings-Bank, Albany; Auburn Savings-Bank, Auburn; Rondout Savings-Bank, Rondout; Oswego City Savings-Bank, Oswego; Syracuse Savings-Bank, Onondaga County Savings-Bank, Syracuse; East Chester Savings-Bank, Westchester County; Roslyn Savings-Bank, Queens County; Kings County Savings-Bank, Williamsburg; Cornwall Savings-Bank, Orange County; Staten Island Savings-Bank, Stapleton; Jefferson County Savings-Bank, Watertown; Ellenville Savings-Bank, Ulster County; Albany City Savings Institution, Albany; The Schenectady Savings-Bank, Schenectady; The Sag Harbor Savings-Ban't, Sag Harbor; The Matteawan Savings-Bank, Matteawan; Monroe County Savings-Bank, Rochester; Farmers and Mechanics Savings-Bank, Lockport; National Savings-Bank, Buffalo; Oswego County Savings-Bank, Oswego; Pawling Savings-Bank, Pawling; West Side Savings-Bank, New York city.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the Senate of the following title; when the Speaker signed the same:

A bill (S. 44) providing for the erection of a public building at San Antonio, Tex.

FREE COINAGE OF SILVER.

Mr. BLAND. Mr. Speaker, under the instruction of my committee I made a motion yesterday to recommit this bill, simply for the purpose of withdrawing the motion at this time and permitting the amendment proposed by the gentleman from New York [Mr. JAMES]. I now ask unanimous consent that that be done.

Mr. HOLMAN. I think, Mr. Speaker, that other amendments ought to be allowed.

The SPEAKER. The Chair will state the question. The gentleman from Missouri [Mr. BLAND] asks unanimous consent to withdraw the motion made by him yesterday to recommit this bill to the Committee on Coinage, Weights, and Measures. Is there objection?

Mr. RANDALL. Mr. Speaker, I ask first to have read the amendment for which the gentleman proposes to yield.

Mr. HOLMAN. I hope that all amendments proposed to be offered will be allowed to come in.

Mr. JAMES. Mr. Speaker, it is understood by the members of our committee on both sides of this question that it is desirable that the proposition to which the gentleman from Missouri [Mr. BLAND] refers shall be permitted to come in, and that unanimous consent be given for that purpose.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] asks that the amendment which the gentleman from Missouri [Mr. BLAND] proposes to admit shall be read before objection is heard.

Mr. HOLMAN. Will the gentleman from Missouri allow my amendment to be read?

Mr. BLAND. I will, later.

Mr. JAMES. The gentleman from South Carolina [Mr. DIBBLE] will offer the amendment.

Mr. HEWITT. Mr. Speaker, I must object to any amendment coming in unless all amendments are received. I also wish to offer an amendment.

The SPEAKER. The gentleman from New York [Mr. HEWITT] objects to the reading of the amendment.

Mr. HEWITT. Unless other amendments also can be read, I must object. It is not fair that one proposition shall be offered and read to this House while others are excluded.

Mr. RANDALL. There is no objection, however, to the gentleman from Missouri [Mr. BLAND] withdrawing his motion to recommit.

Mr. HOLMAN. I ask the gentleman from Missouri [Mr. BLAND] to let my amendment be read.

Mr. BLAND. I have no objection to hearing it.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. BLAND]?

Mr. RANDALL. What was the motion?

The SPEAKER. Simply a request to be permitted to withdraw the motion to recommit the bill to the Committee on Coinage, Weights, and Measures. Is there objection? The Chair hears none.

Mr. BLAND. Now, Mr. Speaker, I have no objection to hearing the amendment of the gentleman from Indiana [Mr. HOLMAN].

Mr. JAMES. I believe I have the floor, Mr. Speaker.

Mr. HAMMOND. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMMOND. When that motion has been withdrawn, then, under the order of the House, is not the previous question pending upon the bill?

The SPEAKER. Under the order made yesterday the previous question will be pending at half past 5 o'clock.

Mr. JAMES. Mr. Speaker, I yielded the floor to the gentleman from South Carolina [Mr. DIBBLE] merely to offer an amendment on behalf of the committee.

Mr. RANDALL. One moment. Mr. Speaker, has the gentleman the right to yield the floor, the previous question having been ordered?

Mr. JAMES. It has not been ordered yet, sir.

The SPEAKER. The order of the House was that the previous question should be considered as ordered at half past 5 o'clock to-day.

Mr. DIBBLE. I send up the amendment which I offer in behalf of the committee.

The SPEAKER. The amendment will be read.

The Clerk read as follows:

That unless meantime, through concurrent action of the nations of Europe with the United States, silver be remonetized prior to July 1, 1889, that then and thereafter so much of the act of February 28, 1878, entitled "An act to authorize the coinage of the standard silver dollar and to restore its legal-tender character," as authorizes and directs the Secretary of the Treasury to purchase silver bullion and cause the same to be coined, shall be suspended until further action by Congress.

Mr. DIBBLE. Mr. Speaker, my object is, in case this amendment be adopted, to offer a further amendment providing for a commission——

[Cries of "Regular order!"]

Mr. HOLMAN. Mr. Speaker, I send up an amendment which I offer as a proviso to the first section of the bill.

The SPEAKER. The Chair will state to the gentleman from Indiana [Mr. HOLMAN] that while one amendment is pending to the text of the bill another amendment is not in order.

Mr. HOLMAN. But the amendment of the gentleman [Mr. DIBBLE] was offered as a substitute.

Mr. WARNER, of Ohio. Let the amendment be read for information.

Mr. HEWITT. Is it to be read by unanimous consent, Mr. Speaker?

The SPEAKER. Yes.

Mr. HEWITT. Then I must object, as I also have an amendment to offer.

Mr. HOLMAN. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. HOLMAN. I understand the amendment offered by the gentleman from South Carolina [Mr. DIBBLE] to be offered as a substitute for the pending bill.

The SPEAKER. It is.

Mr. HOLMAN. Then I offer mine as a proviso to the first section of the bill.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] offered his amendment, as the Chair understood, as a second section of the original bill.

Mr. HOLMAN. No, sir; as a proviso to the first section.

The SPEAKER. That is in order.

Mr. JAMES rose.

Mr. REED, of Maine. Mr. Speaker, the gentleman from New York [Mr. JAMES] has the floor.

The SPEAKER. The amendment of the gentleman from Indiana [Mr. HOLMAN] is not in order if it is objected to. It is in order under the rules of the House if the gentleman has the floor. The Chair did not understand whether the gentleman from New York [Mr. JAMES] yielded the floor to the gentleman from Indiana [Mr. HOLMAN] or not.

Mr. JAMES. I have not yielded.

Mr. HOLMAN. I submit, Mr. Speaker, that that is not exactly good faith, because it was understood that amendments would be offered.

Mr. WARNER, of Ohio. If amendments are to be admitted, Mr. Speaker, several gentlemen wish to offer amendments.

The SPEAKER. The Chair cannot control that. The rules of the House must control. The gentleman from New York [Mr. JAMES] had the floor and yielded to the gentleman from South Carolina [Mr. DIBBLE]——

Mr. JAMES. For a purpose.

The SPEAKER. To offer an amendment. The gentleman from New York states that he did not yield to the gentleman from Indiana [Mr. HOLMAN], and he [Mr. JAMES] had the floor.

Mr. HOLMAN. Only to offer an amendment.

The SPEAKER. The gentleman from New York [Mr. JAMES] says he did not yield the floor. He is in charge of the bill.

Mr. JAMES. Now, Mr. Speaker, I yield the balance of my time, until half past 5 o'clock, to the gentleman from Maine [Mr. REED].

The SPEAKER. The Chair thinks the gentleman from New York [Mr. JAMES] has no further time.

Mr. JAMES. I have the floor.

The SPEAKER. Under the rules of the House one hour is allowed to close the debate, and that hour the gentleman yielded to his colleague from New York [Mr. HISCOCK].

Mr. REED, of Maine. But the gentleman from New York yielded it back——

The SPEAKER. The gentleman from New York [Mr. HISCOCK], after occupying the floor, had two minutes remaining, which were yielded to the other gentleman from New York [Mr. HEWITT].

Mr. REED, of Maine. Mr. Speaker, the gentleman from New York [Mr. HISCOCK] did not occupy his entire time.

The SPEAKER. He occupied all except two minutes.

Mr. REED, of Maine. The gentleman from New York [Mr. JAMES] had the right to an hour to close the debate. His hour would expire at half past 5 o'clock, the time when the previous question becomes operative; and consequently he is entitled to the remaining time, which he has been kind enough to yield to me.

The SPEAKER. The closing hour of the gentleman from New York began at twenty minutes past 4 o'clock. The gentleman from New York [Mr. HISCOCK] occupied all that time except two minutes, which he yielded to the other gentleman from New York; so that the entire hour was occupied.

Several MEMBERS. That is right.

Mr. REED, of Maine. Has that been verified by the Speaker's clerk?

The SPEAKER. It has.

Mr. REED, of Maine. The gentleman from New York [Mr. HEWITT] did not occupy the whole of the two minutes.

The SPEAKER. The Chair rapped the gentleman down, his two minutes having expired.

Mr. RANDALL. Did not the allotment of time for debate extend to half past 5?

The SPEAKER. It did; but the gentleman from Ohio [Mr. LITTLE], a member of the committee, did not occupy his hour by ten minutes.

Mr. RANDALL. Did he not reserve the remainder of his time?

The SPEAKER. He yielded the floor.

Mr. REED, of Maine. Mr. Speaker——

The SPEAKER. The Chair will entertain no proposition until gentlemen resume their seats so that business can proceed in order. [A pause.]

Mr. JAMES. Mr. Speaker, the hour of half past 5 o'clock having arrived, the previous question is now pending under the order of the House.

The SPEAKER. It is.

Mr. JAMES. I call for a vote.

The SPEAKER. The previous question in now operating by order of the House, the hour of half past 5 o'clock having arrived. The first question is upon the amendment proposed by the gentleman from South Carolina [Mr. DIBBLE.]

Several MEMBERS. Let it be read.

The SPEAKER. If there be no objection the amendment will be again read.

The Chief Clerk read as follows:

That unless meantime through concurrent action of the nations of Europe with the United States silver be remonetized prior to July 1, 1889, that then and thereafter so much of the act of February 28, 1878, entitled "An act to authorize the coinage of the standard silver dollar and to restore its legal-tender character" as authorizes and directs the Secretary of the Treasury to purchase silver bullion and cause the same to be coined shall be suspended until further action by Congress.

Mr. HENDERSON, of Iowa. On that amendment I demand the yeas and nays.

The yeas and nays were ordered; 69 voting in favor thereof.

The question was taken; and there were—yeas 84, nays 200, not voting 39; as follows:

YEAS—84.

Adams, J. J.	Dingley,	Ketcham,	Rockwell,
Allen, C. H.	Dowdney,	Lehlbach,	Sawyer,
Arnot,	Dunham,	Lindsley,	Scott,
Atkinson,	Ely,	Long,	Scranton,
Baker,	Ermentrout,	Mahoney,	Seymour,
Bayne,	Evans,	McAdoo,	Shaw,
Beach,	Everhart,	McComas,	Sowden,
Belmont,	Farquhar,	Merriman,	Spooner,
Bingham,	Findlay,	Millard,	Spriggs,
Bliss,	Gallinger,	Milliken,	Stahlnecker,
Bound,	Gibson, C. H.	Mitchell,	Stewart, J. W.
Boutelle,	Green, R. S.	Muller,	Stone, E. F.
Bunnell,	Grout,	O'Neill, Charles	Storm,
Burleigh,	Harmer,	Parker,	Strait,
Campbell, Felix	Haynes,	Payne,	Swope,
Campbell, T. J.	Hemphill,	Phelps,	Viele.
Cole,	Hewitt,	Pindar,	Wadsworth,
Collins,	Hiestand,	Pulitzer,	Wait,
Davenport,	Hires,	Randall,	Weber,
Davis,	James,	Ranney,	West,
Dibble,	Johnson, F. A.	Reed, T. B.	Whiting.

NAYS—200.

Anderson, C. M.	Cowles,	Guenther,	Little,
Anderson, J. A.	Cox,	Hale,	Lore,
Ballentine,	Crain,	Hall,	Louttit,
Barbour,	Crisp,	Halsell,	Lovering,
Barksdale,	Croxton,	Hammond,	Lowry,
Barnes,	Culberson,	Hanback,	Lyman,
Barry,	Curtin,	Harris,	Markham,
Bennett,	Cutcheon,	Hatch,	Martin,
Blanchard,	Daniel,	Heard,	Matson,
Bland,	Davidson, A. C.	Henderson, D. B.	Maybury,
Blount,	Davidson, R. H. M.	Henderson, J. S.	McCreary,
Boyle,	Dawson,	Henderson, T. J.	McKenna,
Brady,	Dockery,	Henley,	McKinley,
Breckinridge, C. R.	Dorsey,	Hepburn,	McMillin,
Breckinridge, W. C. P.	Dougherty,	Herbert,	McRae,
Browne, T. M.	Dunn,	Herman,	Miller,
Brown, W. W.	Eden,	Hill,	Moffitt,
Brumm,	Eldredge,	Hitt,	Morgan,
Buchanan,	Elsberry,	Holman,	Morrill,
Burnes,	Felton,	Holmes,	Morrison,
Burrows,	Fisher,	Hopkins,	Morrow,
Butterworth,	Fleeger,	Houk,	Murphy,
Bynum,	Foran,	Howard,	Neal,
Cabell,	Ford,	Irion,	Neece,
Caldwell,	Forney,	Johnston, J. T.	Oates,
Campbell, J. E.	Frederick,	Johnston, T. D.	O'Donnell,
Candler,	Fuller,	Jones, J. H.	O'Ferrall,
Cannon,	Funston,	King,	O'Hara,
Carleton,	Gay,	Kleiner,	O'Neill, J. J.
Catchings,	Geddes,	Laffoon,	Osborne,
Clardy,	Gilfillan,	La Follette,	Outhwaite,
Clements,	Glass,	Laird,	Owen,
Cobb,	Glover,	Landes,	Payson,
Comstock,	Goff,	Lanham,	Peel,
Conger,	Green, W. J.	Lawler,	Perkins,
Cooper,	Grosvenor,	Le Fevre,	Perry,
Peters,	Singleton,	Taylor, J. M.	Warner, William
Plumb,	Skinner,	Taylor, Zach.	Weaver, A. J.
Price,	Smalls,	Thomas, O. B.	Weaver, J. B.
Reagan,	Springer,	Thompson,	Wellborn,
Reid, J. W.	Steele,	Throckmorton,	Wheeler,
Richardson,	Stephenson,	Tillman,	White, A. C.
Robertson,	Stewart, Charles	Trigg,	White, Milo
Rogers,	St. Martin,	Tucker,	Wilkins,
Romeis,	Stone, W. J., Mo.	Turner,	Willis,
Rowell,	Struble,	Van Eaton,	Wilson,
Ryan,	Symes,	Wade,	Wise,
Sayers,	Tarsney,	Wakefield,	Wolford,
Seney,	Taulbee,	Ward, J. H.	Woodburn,
Sessions,	Taylor, E. B.	Warner, A. J.	Worthington.

NOT VOTING—39.

Adams, G. E.	Gibson, Eustace	Negley,	Snyder,
Aiken,	Hayden,	Nelson,	Stone, W. J., Ky.
Allen, J. M.	Hiscock,	Norwood,	Swinburne,
Bragg,	Hudd,	Pettibone,	Taylor, I. H.
Brown, C. E.	Hutton,	Pidcock,	Thomas, J. R.
Buck,	Jackson,	Pirce,	Townshend,
Campbell, J. M.	Jones, J. T.	Reese,	Van Schaick,
Caswell,	Kelley,	Rice,	Ward, T. B.
Compton,	Libbey,	Riggs,	Winans.
Dargan,	Mills,	Sadler,	

So the amendment of Mr. DIBBLE was rejected.

The following pairs were announced:

Mr. PIDCOCK with Mr. NELSON, until further notice.

Mr. WARD, of Indiana, with Mr. CASWELL, until further notice.

Mr. ALLEN, of Mississippi, with Mr. RICE, until further notice.

Mr. BRAGG with Mr. VAN SCHAICK, until further notice.

Mr. HUDD with Mr. HAYDEN, until further notice.

Mr. DARGAN with Mr. NEGLEY, until further notice.

Mr. BUCK with Mr. WINANS. Mr. BUCK, if present, would vote against free coinage, and Mr. WINANS in favor of it.

Mr. MILLS with Mr. HISCOCK. Mr. HISCOCK would vote against free coinage and for suspension of the present coinage of silver; Mr. MILLS, if present, would vote for free coinage.

Mr. SADLER with Mr. JACKSON.

Mr. ADAMS, of Illinois, with Mr. THOMAS, of Illinois.

Mr. TOWNSHEND with Mr. KELLEY.

Mr. STONE, of Kentucky, with Mr. PIRCE.

Mr. HISCOCK. I desire to say that the gentleman from Texas [Mr. MILLS] is absent on account of illness.

The following members were announced as paired for this day.

Mr. SNYDER with Mr. BROWN, of Ohio.

Mr. RIGGS with Mr. IKE H. TAYLOR, on this vote.

Mr. GIBSON, of West Virginia, with Mr. CAMPBELL, of Pennsylvania.

Mr. COMPTON with Mr. JONES, of Alabama, on the silver question.

The result of the vote was announced as above stated, the announcement eliciting loud applause.

Mr. REAGAN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

Mr. PRICE. The gentleman from Ohio, Mr. IKE H. TAYLOR, desired me to announce that, if present, he would vote against free coinage and against suspension.

The SPEAKER. The question is on ordering the bill to be engrossed and read a third time.

Mr. JAMES. On that question I demand the yeas and nays.

The yeas and nays were ordered.

Mr. BLAND. In case there be any misunderstanding I ask that the bill be read.

The SPEAKER. The bill has been read, but can be again read by unanimous consent. Is there objection to the request of the gentleman from Missouri [Mr. BLAND].

Several members objected.

Mr. JAMES. I fear there is misapprehension on the part of some members of the House. I should like the Chair to state the question.

The SPEAKER. The Chair has stated the question, but will state it again. The question now is on ordering the bill known as the free-coinage bill to be engrossed and read a third time, and on that question the yeas and nays have been ordered.

The question was taken; and there were—yeas 126, nays 163, not voting 34; as follows:

YEAS—126.

Anderson, J. A.	Clardy,	Forney,	Hill,
Ballentine,	Clements,	Frederick,	Holman,
Barksdale,	Cobb,	Funston,	Houk,
Barnes,	Comstock,	Glass,	Howard,
Barry,	Cowles,	Goff,	Irion,
Bennett,	Crisp,	Green, W. J.	Johnston, J. T.
Bland,	Croxton,	Hale,	Johnston, T. D.
Brady,	Culberson,	Halsell,	Jones, J. H.
Breckinridge, C. R.	Curtin,	Hammond,	King,
Brumm,	Daniel,	Hanback,	Kleiner,
Burnes,	Dawson,	Harris,	Laffoon,
Bynum,	Dockery,	Hatch,	Landes,
Cabell,	Dunn,	Heard,	Lanham,
Caldwell,	Eldredge,	Henderson, T. J.	Lawler,
Candler,	Elsberry,	Henley,	Le Fevre,
Carleton,	Ford,	Herman,	Louttit,

Lowry,	Peel,	Sessions,	Van Eaton,
Markham,	Perkins,	Singleton,	Wade,
Matson,	Perry,	Skinner,	Warner, A. J.
Maybury,	Peters,	Snyder,	Warner, William
McMillin,	Plumb,	Springer,	Weaver, A. J.
McRae,	Price,	Stewart, Charles	Weaver, J. B.
Miller,	Reagan,	St. Martin,	Wellborn,
Morrill,	Reid, J. W.	Stone, W. J., of Mo.	Wheeler,
Morrow,	Reese,	Symes,	White, A. C.
Neal,	Richardson,	Tarsney,	Wilkins,
Neece,	Riggs,	Taulbee,	Wise,
O'Ferrall,	Robertson,	Taylor, J. M.	Wolford,
O'Hara,	Rogers,	Taylor, Zach.	Woodburn,
O'Neill, J. J.	Ryan,	Throckmorton,	Worthington.
Owen,	Sayres,	Tillman,	
Payson,	Seney,	Trigg,	

NAYS—163.

Adams, G. E.	Dibble,	Hopkins,	Ranney,
Allen, C. H.	Dingley,	James,	Reed, T. B.
Anderson, C. M.	Dorsey,	Johnson, F. A.	Rockwell,
Arnot,	Dougherty,	Ketcham,	Romeis,
Atkinson,	Dowdney,	La Follette,	Rowell,
Baker,	Dunham,	Laird,	Sawyer,
Barbour,	Eden,	Lehlbach,	Scott,
Bayne,	Ely,	Lindsley,	Scranton,
Beach,	Ermentrout,	Little,	Seymour,
Belmont,	Evans,	Long,	Shaw,
Bingham,	Everhart,	Lore,	Smalls,
Blanchard,	Farquhar,	Lovering,	Sowden,
Bliss,	Felton,	Lyman,	Spooner,
Blount,	Findlay,	Mahoney,	Spriggs,
Bound,	Fisher,	Martin,	Stahlnecker,
Boutelle,	Fleeger,	McAdoo,	Steele,
Boyle,	Foran,	McComas,	Stephenson,
Breckinridge, WCP	Fuller,	McCreary,	Stewart, J. W.
Browne, T. M.	Gallinger,	McKenna,	Stone, E. F.
Brown, W. W.	Gay,	McKinley,	Storm,
Buchanan,	Geddes,	Merriman,	Strait,
Bunnell,	Gibson, C. H.	Millard,	Struble,
Burleigh,	Gilfillan,	Milliken,	Swinburne,
Burrows,	Glover,	Mitchell,	Swope,
Butterworth,	Green, R. S.	Moffatt,	Taylor, E. B.
Campbell, Felix	Grosvenor,	Morgan,	Thomas, O. B.
Campbell, J. E.	Grout,	Morrison,	Thompson,
Campbell, T. J.	Guenther,	Muller,	Tucker,
Cannon,	Hall,	Murphy,	Turner,
Catchings,	Harmer,	Norwood,	Viele,
Cole,	Haynes,	Oates,	Wadsworth,
Collins,	Hemphill,	O'Donnell,	Wait,
Conger,	Henderson, D. B.	O'Neill, Charles	Wakefield,
Cooper,	Henderson, J. S.	Osborne,	Ward, J. H.
Cox,	Hepburn,	Outhwaite,	Weber,
Crain,	Herbert,	Parker,	West,
Cutcheon,	Hewitt,	Payne,	White, Milo
Davenport,	Hiestand,	Phelps,	Whiting,
Davidson, A. C.	Hires,	Pindar,	Willis,
Davidson, R. H. M.	Hitt,	Pulitzer,	Wilson.
Davis,	Holmes,	Randall,	

NOT VOTING—34.

Adams, J. J.	Dargan,	Libbey,	Stone, W. J., of Ky.
Aiken,	Gibson, Eustace	Mills,	Taylor, I. H.
Allen, J. M.	Hayden,	Negley,	Thomas, J. R.
Bragg,	Hiscock,	Nelson,	Townshend,
Brown, C. E.	Hudd,	Pettibone,	Van Schaick,
Buck,	Hutton,	Pidcock,	Ward, T. B.
Campbell, J. M.	Jackson,	Pirce,	Winans.
Caswell,	Jones, J. T.	Rice,	
Compton,	Kelley,	Sadler,	

So the bill was rejected.

Mr. JAMES. I ask to dispense with the reading of the names.

Several members objected.

The result of the vote was announced as above stated, the announcement eliciting loud applause.

Mr. JAMES moved to reconsider the vote by which the bill was rejected; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ARMY OFFICERS ON RETIRED-LIST.

Mr. STEELE. I desire to make a motion to print a communication received by the chairman of the Committee on Military Affairs from the Secretary of War in response to a resolution which I send to the desk.

The Clerk read the resolution, as follows:

Resolved, That the Secretary of War be requested to transmit to the House of Representatives a full and complete list of the officers now on the retired-list of the Army, with their respective rank or relative rank, annual pay and allowance, specific reasons and grounds upon which they were placed upon the retired-list.

The SPEAKER. If there be no objection the report and accompanying papers will be recommitted and printed.

Mr. STEELE. The resolution was introduced and sent to the Committee on Military Affairs. The chairman of that committee asked the Secretary of War whether this information could be furnished. Instead of stating whether it could be furnished or not the Secretary sent to the Committee on Military Affairs the information called for in the resolution.

The SPEAKER. If there be no objection the report from the Secretary of War will be printed.

There was no objection, and it was so ordered.

Mr. HAMMOND. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 6 o'clock and 25 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: Petition of the Woman's National Indian Association of Allegheny, Pa., and citizens, for the immediate passage of Senate bill No. 52—to the Committee on Indian Affairs.

By Mr. C. R. BRECKINRIDGE: Petition of real-estate agents of the District of Columbia, for the repeal of the license-tax law as to them, with accompanying papers—to the Committee on the District of Columbia.

By Mr. BRUMM: Petition in favor of the free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. BURROWS: Petition praying for all necessary legislation to put in force the reciprocity treaty with Mexico—to the Committee on Foreign Affairs.

By Mr. COBB: Petition of citizens of Daviess County, Indiana, asking the passage of a bill for the relief of John W. Waimman, of Company I, Sixtieth Regiment Indiana Volunteers—to the Committee on Invalid Pensions.

By Mr. COMSTOCK: Petition of Mary E. Chaplin, widow of Brig. Gen. Stephen G. Chaplin, for increase of pension—to the same committee.

Also, petition of John Christensen and 23 others, members of Chaplin Post, No. 27, of the Grand Army of the Republic, asking an increase of pension for Mary E. Chaplin, widow of the late Brig. Gen. Stephen G. Chaplin—to the same committee.

Also, petition of Capt. B. C. Tracy and 44 others, members of Curtin Post, No. 5, Grand Army of the Republic, of Grand Rapids, Mich., asking for an increase of pension for Mary E. Chaplin, widow of Brig. Gen. Stephen G. Chaplin—to the same committee.

Also, petition of citizens of Muir, Mich., against the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

Also, memorial of the Knights of Labor of Muskegon and of Ionia, Mich., in favor of the construction of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. DAVENPORT: Petition of citizens of Pen Yan, N. Y., for postal savings-banks—to the Committee on the Post-Office and Post-Roads.

By Mr. DINGLEY: Petition of G. W. Rawley and 90 others, of Saint George, Me., for the passage of a law allowing masters of American sailing vessels to be licensed to pilot their own vessels within the same manner as masters of American steamers—to the Select Committee on American Ship-building and Ship-owing Interests.

By Mr. DUNHAM: Petition of J. H. Randall, master workman, Knights of Labor, No. 1307, Chicago, Ill., favoring the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. EVERHART: Petition of 24 voters and 1 temperance organization, praying for constitutional amendment against sale and manufacture of alcoholic liquor beverages—to the Select Committee on the Alcoholic Liquor Traffic.

Also, two petitions of 33 voters and 1 temperance organization from Kennet Square, Pa., for the same—to the same committee.

By Mr. FREDERICK: Petition of citizens of Linn County, Iowa, for the protection of the industry of vinegar manufacturing—to the Committee on Ways and Means.

By Mr. FUNSTON: Petition in the claim of Mrs. Nancy Morris, of Humboldt, Kans., for a pension—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: Petition of R. D. Rawlings and 20 others, of Hemlock, Ohio; of N. Waddell and 25 others; of J. R. Davis and 25 others, and of N. Albaugh and 40 others, of Ohio, for free coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, petition of Samuel Creehnan and 11 others, prisoners of war, asking for the passage of House bill 779 for pensioning prisoners of war—to the Committee on Invalid Pensions.

Also, petition of James Tipton and Charles E. Storr, officers of Local Assembly No. 1778, Knights of Labor, of Ohio, against the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. HANBACK: Papers relating to the claim of J. D. Turner and W. G. Raymond for recruiting for the First Regiment Colored Volunteers of the District of Columbia—to the Committee on War Claims.

By Mr. HEWITT: Petition of citizens of New York engaged in the stationery business, for the passage of a bankrupt law—to the Committee on the Judiciary.

By Mr. HILL: Petition of Knights of Labor of Van Wert, Ohio, for liberal appropriations for internal improvements—to the Committee on Railways and Canals.

By Mr. KLEINER: Memorial of citizens and ex-Union soldiers of Petersburg, Ind., favoring a uniform pension to all ex-Union soldiers—to the Committee on Invalid Pensions.

By Mr. LIBBEY: Petition of the Board of Trade and Exchange of Portsmouth, Va., praying for the establishment of an iron-ship yard at Norfolk navy-yard—to the Committee on Naval Affairs.

Also, petition of the heirs of Noah K. Eagle, deceased, late of York County, Virginia, praying that their war claim be referred to the Court of Claims—to the Committee on War Claims.

Also, papers in the case of C. W. Hickman—to the same committee.

By Mr. LONG: Memorial, with preamble and resolutions of the women in Utah in mass-meeting assembled—to the Committee on the Judiciary.

By Mr. MCCREARY: Petition of Milton J. Durham, administrator of Leonard Taylor, for reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. MCMILLIN: Petition of Goldman Craig, of Pickett County, Tennessee—to the Committee on Invalid Pensions.

By Mr. MARKHAM: Petition of residents of Nordhoff, Cal., praying for the passage of a certain pension bill—to the same committee.

Also, petition of citizens of San Bernardino, Cal., in reference to the immigration of the Chinese—to the Committee on Foreign Affairs.

By Mr. MORRISON: Petition of Knights of Labor of Lebanon, Ill., for the rejection of the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. O'DONNELL: Protest of Local Assembly No. 1960, Knights of Labor, of Battle Creek, Mich., against the passage of the free-ship bill—to the same committee.

By Mr. OSBORNE: Resolutions of the board of directors of the Commercial Exchange of Philadelphia, favoring the passage of the bankruptcy bill known as the Lowell bill—to the Committee on the Judiciary.

By Mr. PRICE: Protest of the Knights of Labor of Augusta, Wis., against free ships—to the Select Committee on American Ship-building and Ship-owning Interests.

Also, memorial of the Women's Christian Temperance Union of Eau Claire, Wis., favoring the bill providing for teaching the effect of alcohol and narcotics on the human system—to the Committee on Education.

By Mr. ROGERS: Papers in the claim of Charles E. Littleton, of Lauderdale County, Alabama—to the Committee on War Claims.

By Mr. ROMEIS: Petition and statement of Daniel H. Nye, late lieutenant Fourteenth Ohio Volunteer Infantry, asking for relief—to the same committee.

Also, petition of 78 Knights of Labor from Assembly No. 3539, of Genoa, Ohio, against the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. ST. MARTIN: Papers in the case of W. A. Hyde and T. G. Mackie, of New Orleans, La., for relief—to the Committee on Claims.

By Mr. SHAW: Memorial of citizens of Carroll County, Maryland, asking for redemption of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. SINGLETON: Petition of Francis E. and Lucy Gay, of Whitfield, Alcorn County, Mississippi, asking compensation for use and occupation of real estate in Memphis, Tenn., by the United States forces during the late war and thereafter—to the Committee on War Claims.

By Mr. SPOONER: Petition of Samuel H. N. Green and others, citizens of Rhode Island, for the passage of bill embodying recommendations of the national pension committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. A. J. WARNER: Petition of ex-soldiers and officers of the Tenth Regiment Pennsylvania Reserve Corps, asking that the sentence of the court-martial in the case of Lieut. C. C. Cochran, of said regiment, be removed—to the Committee on War Claims.

By Mr. WHEELER: Petition of George W. Kennard, praying that his war claim be referred to the Court of Claims—to the same committee.

By Mr. WHITING: Petition for national bankrupt law—to the Committee on the Judiciary.

By Mr. WILLIS: Petition of Knights of Labor, Local Assembly No. 1749, of Louisville, Ky., asking that the free-ship bill do not pass—to the Select Committee on American Ship-building nd Ship-owning Interests.

By Mr. WISE: Petition of Knights of Labor of Richmond, Va., in favor of the free coinage of silver—to the Committee on Coinage, Weights, and Measures.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. BOUTELLE: Of clergymen, physicians, lawyers, teachers, and others, citizens of Piscataquis and Aroostook Counties, Maine.

By Mr. W. W. BROWN: Of citizens of Potter County, Pennsylvania.

By Mr. EVERHART: Of citizens of Delaware County, Pennsylvania.

By Mr. FORD: Of citizens of Elkhart, Saint Joseph, and La Porte Counties, Indiana.

By Mr. R. S. GREEN: Of citizens of Middlesex County New Jersey.

By Mr. T. J. HENDERSON: Of citizens of Sterling, Fulton, and Prophetstown, Ill.

By Mr. HITT: Of Rev. W. V. Schlung and others, citizens of Stephenson County, Illinois.

By Mr. F. A. JOHNSON: Of citizens of Warren, Essex, and Clinton Counties, New York.

By Mr. E. B. TAYLOR: Of citizens of Lake, Geaugn, and Ashtabula Counties, Ohio.

SENATE.

FRIDAY, *April* 9, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

SENATOR FROM CALIFORNIA.

Mr. STANFORD. Mr. President, I present the credentials of Mr. George Hearst, appointed by the governor of the State of California a Senator from that State to fill, until the next meeting of the Legislature, the vacancy caused by the death of the late Senator JOHN F. MILLER. I ask that the credentials be read, and that Mr. Hearst, who is present in the Chamber, may have the oath of office administered to him.

The credentials were read.

The PRESIDENT *pro tempore*. The Senator appointed will advance to the desk and take the oath of office.

Mr. HEARST advanced to the chair of the President *pro tempore*, escorted by Mr. STANFORD, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a copy of a letter of the Secretary of the Interior submitting an estimate of appropriation necessary to complete the investigation of Indian depredation claims, as required by the act of March 3, 1885; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. SEWELL presented a petition of Knights of Labor of Millburn, N. J., praying that liberal appropriations be made for works of public improvement, and especially for the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

He also presented the petition of George P. Kingsley, John N. Lindsley, and other citizens of Orange, N. J., praying for the passage of such legislation as will insure the better legal protection of young girls in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. CONGER presented a resolution adopted by Knights of Labor of Norway, Mich., 176 members being present, and a resolution of Knights of Labor of Battle Creek, Mich., 50 members being present, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

He also presented a petition of Knights of Labor of Saginaw, Mich., praying for the restoration of wages at the Government Printing Office to a certain former rate; which was referred to the Committee on Printing.

Mr. SAWYER presented a petition of Knights of Labor of Menasha, Wis., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

He also presented a petition of Knights of Labor of Augusta, Wis., praying for the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. DAWES presented a petition of Knights of Labor of Rockport, Mass., praying that an appropriation be made for the construction of a harbor of refuge at Sandy Bay, Rockport, Mass.; which was referred to the Committee on Commerce.

Mr. CHACE presented a petition of citizens of Rhode Island, praying that appropriations be made for the continued maintenance of the Eastern Indian schools; which was referred to the Committee on Appropriations.

Mr. EVARTS presented the petition of George W. Peavy, late first lieutenant Company D, Fifty-seventh United States Colored Infantry, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. EDMUNDS presented the petition of Emma A. Johnson, widow of James Dexter Johnson, late a private in Company K, Thirty-sixth Massachusetts Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of James B. Royce, of Washington, D. C., late a corporal in Company I, Seventh Regiment Vermont Volunteers, praying to be allowed an increase of pension; which was referred to the Committee on Pensions.

Mr. PALMER presented a petition of Knights of Labor of Muskegon, Mich., praying that liberal appropriations be made for works of internal improvement, and especially for the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

He also presented memorials of Knights of Labor of Muskegon, Norway, and Battle Creek, in the State of Michigan, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

Mr. CALL. I present a petition of 150 citizens of Hillsborough County, Florida, praying for the forfeiture of the land grant of 1856 for the construction of railroads in the State of Florida. The petitioners pray "that the lands granted to the Florida Railroad and Navigation Company be forfeited and returned to the people, such lands now being idle and being detrimental to the settlement of the country, owing to the great uncertainty of obtaining titles thereto." They also request that settlers and parties having improvements on such lands be protected and allowed to enter such lands. I move the reference of the petition to the Committee on Public Lands.

The motion was agreed to.

Mr. MILLER presented a memorial of Knights of Labor of Ogdensburg, N. Y., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. HOAR presented two petitions of Knights of Labor of Rockport, Mass., praying that an appropriation be made for the construction of a harbor of refuge at Sandy Bay, Rockport, Mass.; which were referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. EVARTS, from the Committee on Foreign Relations, to whom was referred the joint resolution (S. R. 58) providing for the purchase and distribution of 4,000 copies of a Digest of International Decisions of the United States, edited by Francis Wharton, reported it with amendments.

Mr. SAWYER. I am instructed by the Committee on Pensions, to whom was referred the petition of J. B. Morrison, and 10 other members of the Allen W. Miller Post No. 328, of the Grand Army of the Republic, and 20 other citizens of Iowa, praying for the passage of an act granting a pension to the heirs of Daniel J. Strunk, late of Company G, Second Regiment Iowa Volunteer Infantry, to report it adversely, and ask to be discharged from the further consideration of the petition. I will state that the youngest child now is twenty-five years old, the father and mother are both dead, and there is no evidence showing that the children are not able to take care of themselves.

The report was agreed to.

Mr. HARRISON, from the Committee on Territories, to whom was referred the petition of W. W. Patterson and others, praying Congress to set apart a portion of the public domain on the Republican River, either in the State of Nebraska, Kansas, or Colorado, for breeding and protecting buffalo, deer, antelope, and elk, asked to be discharged from its further consideration; which was agreed to.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House of Representatives had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 44) providing for the erection of a public building at San Antonio, Tex.; and

A bill (H. R. 1297) authorizing the construction of a building for the accommodation of the Congressional Library.

BILLS INTRODUCED.

Mr. EVARTS introduced a bill (S. 2083) for the relief of John M. Devon; which was read twice by its title, and referred to the Committee on Pensions.

Mr. INGALLS. At the request of the Bar Association of this District I introduce a bill.

The bill (S. 2084) to provide for the compilation of the laws relating to and in force in the District of Columbia and for the appointment of a reporter for the supreme court of the said District was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. INGALLS (by request) introduced a bill (S. 2085) to regulate commerce among the several States carried by railways; which was read twice by its title.

Mr. INGALLS. I ask that the bill be referred to the Committee on Commerce.

Mr. CULLOM. It should be referred to the Select Committee on Interstate Commerce. Evidently that would be the appropriate reference.

Mr. INGALLS. That reference will be agreeable to me.

The PRESIDENT *pro tempore.* If there be no objection the bill will be referred to the Select Committee on Interstate Commerce.

Mr. INGALLS (by request) introduced a bill (S. 2086) regulating the ownership of land in the States and Territories of the United States; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 2087) for the relief of Catharine Sommers; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. ALLISON introduced a bill (S. 2088) for the relief of the owners, officers, and crew of the British bark Chance; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. HARRISON introduced a bill (S. 2089) for the relief of Theodore Quillen; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. VAN WYCK introduced a bill (S. 2090) granting a pension to Mary A. Brooks; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2091) granting an increase of pension to Charles Day; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2092) granting an increase of pension to John M. Demarce; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2093) granting an increase of pension to William J. Stewart; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2094) granting a pension to Harris Fulford; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLAIR introduced a bill (S. 2095) granting an increase of pension to Mary B. Hook; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2096) granting a pension to Charles C. Hill; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DAWES (by request) introduced a bill (S. 2097) for the relief of Nimrod Jarrett Smith, as chief of the Eastern Band of Cherokee Indians of North Carolina; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 2098) for the relief of Rosella E. Hibbert; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CAMDEN introduced a bill (S. 2099) for the relief of the trustees of the Protestant Episcopal Theological Seminary and High School in Virginia; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

UNEXPENDED BALANCES OF CLAIMS APPROPRIATIONS.

Mr. ALLISON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to transmit to the Senate a schedule, in the usual form, of all claims (exclusive of those forwarded to the Forty-ninth Congress) allowed by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund, under the provisions of section 5 of the act of June 20, 1874, for the payment of which no appropriations have been made by Congress.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore.* Are there further "concurrent or other" resolutions?

Mr. RIDDLEBERGER. I presume under this order it is proper that I should move to take up Order of Business 163, being a resolution for the consideration of executive nominations in open session.

The PRESIDENT *pro tempore.* If there are no further "concurrent or other resolutions" the Senator from Virginia moves that the Senate proceed to the consideration of Order of Business 163, being a resolution submitted by Mr. PLATT declaring that executive nominations shall hereafter be considered in open session. The Senate having made a special order for this time it requires the unanimous consent of the Senate.

Mr. RIDDLEBERGER. I will state my motive in asking to take up the resolution. I can not see in the Journal or RECORD anywhere that the Senator from Connecticut gave notice of his purpose to take up the resolution on Monday. That is just what I want to find out.

The PRESIDENT *pro tempore.* The present occupant of the chair was not here at the time, but he is advised that a special arrangement was made for this morning after the conclusion of the routine business. The Chair will refer to it in a moment.

Mr. RIDDLEBERGER. I ask the Senator from Connecticut whether he gave such a notice, and whether it was agreed to take up the resolution on Monday?

Mr. PLATT. As the Senator from Virginia appeals to me, I will ask unanimous consent to say a word. I gave notice last week, early in the week, that I should endeavor on Wednesday or Thursday to call up the resolution which was introduced by me, referred to the Committee on Rules, reported by the committee, and at my request placed on the Calendar.

I have felt that perhaps I was entitled in some small degree to control its consideration, and I have been as anxious, I assure the Senator from Virginia, as he or any one is to call it up and have it disposed of, certainly to be heard myself upon it. I have been ready at any time to present my views to the Senate. I did say to the Senator from Virginia yesterday that I intended to give notice that I should endeavor to call it up on Monday; but yesterday I was told that perhaps the business might take such a turn that I might be able to speak

upon the resolution this afternoon, and therefore I did not give the notice.

I shall endeavor on Monday immediately after the morning business to get consideration for the resolution. I have felt that it is an important matter, but I have not wished to disturb what seemed to be the orderly proceedings in the Senate upon other matters. I shall endeavor on Monday to get consideration for it.

Mr. DAWES. Mr. President——

The PRESIDENT *pro tempore*. This debate is proceeding by unanimous consent.

Mr. DAWES. I wish to remind the Senator from Connecticut that yesterday I gave notice that on the first legislative day after to-day I should feel it my duty to ask the Senate to consider the Indian appropriation bill.

Mr. PLATT. May I say one word in reply to that suggestion?

The PRESIDENT *pro tempore*. This debate is not in order.

Mr. FRYE. Unanimous consent was given yesterday that a certain resolution should be taken up immediately after the morning business to-day, and I hope no more time will be consumed. I want very much to improve the time which is left.

Mr. RIDDLEBERGER. I should like to ask, inasmuch as I have the floor, whether the morning business is concluded when the Chair has announced that "concurrent or other resolutions are in order."

Mr. FRYE. That does not apply to resolutions on the Calendar at all.

Mr. RIDDLEBERGER. I hold that the morning business is not concluded until that order has been gone through with. I want to have an understanding, and that is all. I do not want to be too persistent, but the resolution which I called up is certainly morning business if it is anything. It is not a concurrent resolution, and is only covered by the word "other" in the phrase "concurrent or other resolutions."

The PRESIDENT *pro tempore*. The Chair is clearly of opinion that to call up a resolution which had been previously introduced requires the same motion that would be made as to any other business, and is not what is usually considered a "concurrent or other resolution." That order of business relates to the introduction of concurrent or other resolutions. But the Chair feels bound——

Mr. RIDDLEBERGER. I want to make myself clear to the Senate, if you please, by stating that I withdraw my motion.

The PRESIDENT *pro tempore*. The Senator will pause for a moment and not interrupt the Chair.

Mr. RIDDLEBERGER. I withdraw my motion because the Senator from Connecticut has given notice that he will call the resolution up on Monday.

The PRESIDENT *pro tempore*. The motion is withdrawn.

Mr. CONGER. Mr. President——

The PRESIDENT *pro tempore*. Before any further business is proceeded with the Chair will lay before the Senate the unanimous agreement made yesterday, which will be read.

The Chief Clerk read as follows:

FISHING RIGHTS OF THE UNITED STATES.

The PRESIDING OFFICER. Is there objection to the request submitted by the Senator from Maine that, at the expiration of the morning business to-morrow, the resolution indicated by him, relative to the appointment of a commission charged with the consideration and settlement of the fishing rights of the United States and Great Britain, shall be taken up for consideration? The Chair hears no objection, and the order is made.

TRANSMISSION OF METEOROLOGICAL REPORTS.

Mr. CONGER. I desire that order to be carried out; but I ask unanimous consent at this time to call up the bill (S. 2004) authorizing the transmission of weather reports, storm and flood warnings, and the announcement of the approach of cold waves, through the mails free of postage. It is a very short bill, and at this time of the year especially it is important that the bill should be passed by the Senate. Therefore I ask unanimous consent that it may be put on its passage.

The PRESIDENT *pro tempore*. The Senator from Michigan asks unanimous consent of the Senate to proceed to the consideration of the bill he has named. Is there objection?

Mr. BLAIR. I shall not object to the consideration of any bill which can be concluded to-day.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. CONGER. I trust Senators will not object to it. It is a very brief bill.

Mr. FRYE. I hope the Senator from Michigan will not take the time now. I have been about two months in undertaking to get here this morning.

Mr. CONGER. I am in perfect accord with the Senator.

Mr. FRYE. I understand that, but I do not see why he should take the time now.

Mr. CONGER. It is a very brief bill, and it is very important if it is to pass and become a law it should be passed immediately.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. EDMUNDS. Let it be read for information.

The PRESIDENT *pro tempore*. The bill will be read for information.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That the provisions of the fifth and sixth sections of the act entitled "An act establishing post-roads, and for other purposes," approved March 3, 1877, for the transmission of official mail matter, be, and is hereby, extended to all observers and agents co-operating with the Signal Service in collecting meteorological reports for the benefit of commerce and agriculture; and that all official mail matter relating to weather reports or containing warnings of the approach of storms, floods, frosts, or cold waves may be transmitted through the mails free of postage; the envelopes containing said mail matter in all cases to bear an appropriate indorsement of the name and address of the observer from whom the same is transmitted, under the words "official business, weather reports," with a statement of the penalty for their misuse.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill? The Chair hears none, and the bill is before the Senate, as in Committee of the Whole, and open to amendment.

Mr. EDMUNDS. I wish to call the attention of the Senator in charge of the bill to the necessity of inserting a statement that for any violation or abuse the existing penalties shall apply. As it now is, it only says that the penalty indorsement shall be put on the envelope, but it does not say that any violation of it shall subject, as in other cases, the party violating it to punishment.

Mr. CONGER. But the section of law which is amended, and which classes this matter among other matter under that section, does provide for a penalty, and that, I think, is sufficient.

Mr. EDMUNDS. Yes, the section does; but in the way the bill is drawn I think it would be pretty evident in a criminal case, where strict construction, as the Senator knows, is the rule, that a person indicted or informed against for violating this new law could not be convicted, because all that the new law says in relation to the extension of the section is the granting part of it and what may be done under it. Then it provides that the envelopes shall have the penalty clause put on them. That is all right; but the bill ought to have, I submit with great respect, an additional clause, that any person violating this act shall be subject to the same penalties provided in the sections extended.

Mr. CONGER. But the very law amended—and this bill places this class in the midst of other classes in the law—has the provision providing punishment for the improper use of any official envelope. I think it is safe in that respect.

Mr. EDMUNDS. I only make the suggestion.

Mr. PLUMB. I understand that the number of persons who would be endowed with the franking privilege under the bill would amount to about ten thousand. The number too is entirely in the discretion of the Chief Signal Officer. Of course if these envelopes should never be used for anything else except strictly official business probably no harm would grow out of the bill, but I call the attention of the vigilant Senator from Michigan to the fact that we are opening the doors so wide that it will be almost impossible ever to know whether the law is violated or not. I ask him whether it would not be better for the Government to take out of the Treasury a sum of money which would represent the actual postage expended and authorize the issuance of that in the discretion of the Signal Officer, and have the matter under our control, rather than give this franking privilege practically uncontrolled to eight thousand or ten thousand people over whom we have no control here except what is involved in the slight performance of a little casual service in connection with the transmission of weather reports. We should thus save ourselves from what is liable, I think, to become a great abuse. The money which the Government would pay, if it paid it directly, would, of course, be returned to it just as absolutely as by the use of this penalty envelope, and it would cost the Government no more to use a stamped envelope than to use a penalty envelope.

The general distribution of stationery itself is a thing liable to become a considerable abuse. A man who to-day makes these reports to-morrow ceases to make them, and somebody else takes his place. The man has got a lot of stationery which has been sent out for these purposes, and these penalty envelopes in addition, and they are sent to remote places in the country over which the office has no control, and inevitably they would be used. I understand that there is ground for suspicion, if not for absolute knowledge, that the provision which is now in existence, as limited and restricted as it is, is subject to very considerable abuse.

If we extend this privilege to persons scattered over the country in this way, it seems to me we might just about as well adopt the franking privilege and be done with it. Not so broadly as that perhaps, but at the same time it is the beginning of it. Why should not a person who writes about a bill on the Calendar have the franking privilege as well as the one who writes about the weather; and why should not one who writes about a claim which is pending in a Department, either from the Government standpoint or from his own standpoint, have the same privilege, and so on? It is much easier, I think the Senator from Michigan will agree, to enlarge a thing of this kind than to restrict it.

While I do not wish to object now to the consideration of the bill, it seems to me to be entering upon a very doubtful and experimental field of legislation.

Mr. CONGER. Mr. President——

Mr. FRYE. Is this matter still open to objection? The Senator from Michigan said it would not occupy any time.

Mr. CONGER. It is not my fault.

Mr. FRYE. And here it is going to provoke discussion which may take all the forenoon.

Mr. CONGER. It will not occupy much time, if the Senator will allow me to make a remark, which I presume he will.

The PRESIDENT *pro tempore*. The Senator from Michigan has the floor.

Mr. CONGER. Scientific and careful observers all over the United States who send these reports for the benefit of the service and the benefit of the people receive no compensation. It is a voluntary act on their part, and the payment of the postage is a matter which should not be placed on them at their expense.

These envelopes will be sent only to a few persons in a State, and they will be used in the correspondence with the agent of the department in the State in sending messages to those voluntary assistants all over the State and returning for the use of the department all the information which is daily gathered all over this country.

I may say that without any question the early reports of storms and frosts and floods which have been made by these voluntary observers and have reached the Signal Office have been, in the saving of property and perhaps of life, to the value of millions of dollars a year. The observers who are actuated by a love of science and a desire to give this information should not be taxed with their postage in this matter. They perform these valuable services for the country and for the Government without any compensation whatever. There is no risk in the use of an official envelope in this case any more than in any other. These are not the kind of men who will use it for an improper purpose.

Mr. PLUMB. I do not question at all what the Senator said about the value of the transmission of weather reports, but if we have got to depend on the mails, especially the mails as they are carried in the portions of the country where those people are stationed, the weather would get there before the letter.

Mr. CONGER. The Senator need not worry about that. If the letter comes after the weather, this will not hurt anything.

Mr. PLUMB. No, but we shall have authorized the use of penalty envelopes for what is a very useless purpose.

Mr. CONGER. The people of the country do not think so.

Mr. PLUMB. I do not know whether they do or not. The only information I have about it is a letter which I got from the Chief of the Signal Service Office. With that exception I have not heard the matter broached at all. While I do not doubt he believes it to be necessary, at the same time I should be glad to have the information from some outside sources, which would be, to my mind, a little more conclusive on this point. I do not believe that it is wise to thus extend the franking privilege. As the Senator says, if the letter does not get there until after the weather it will not do any hurt. Is that the only argument?

Mr. CONGER. I did not admit it, but I did not feel at liberty with the stalwart Senator to make an assertion contradicting it, because I am getting old and weak.

Mr. PLUMB. Then I will object to the bill, so that we may have time to look at it afterward.

The PRESIDENT *pro tempore*. The bill is not open to objection. There was no reservation.

Mr. CONGER. The Senate has consented to proceed to the consideration of the bill, and I ask for a vote on it.

The PRESIDENT *pro tempore*. The bill is in Committee of the Whole and open to amendment.

Mr. ALLISON. Before the vote is taken I desire to ask the Senator from Michigan how many persons this franking privilege will apply to?

Mr. CONGER. I suppose it would apply on an average to from fifteen to twenty-five in a State.

Mr. ALLISON. The language of the bill is that it shall extend, "to all observers and agents co-operating with the Signal Service in collecting meteorological reports." There are nearly three hundred, certainly over two hundred, regular stations where there are paid observers of the United States to take these observations.

Mr. CONGER. They have this power now under the present law. That class of observers have the official envelopes now.

Mr. ALLISON. There are from three thousand to four thousand people in the various States of the Union and in various portions of our country who are what are called volunteer observers; that is, they receive no pay, but they collect statistics with reference to agricultural matters. If the bill is passed without some restriction this franking privilege, or whatever it may be called, will be extended to a vast number of people.

Mr. MILLER. The more the better.

Mr. ALLISON. I think it is of doubtful utility, though I shall not antagonize the measure.

Mr. CONGER. All I desire to say is that for the benefit of the people more especially than any other thing these volunteer observers make observations, and the crops of the North and the cotton and sugar of the South have been saved by timely notice of approaching frosts and storms as well as a great many other subjects.

I care nothing about this measure more than any other Senator. If Senators do not want for their constituents to facilitate this matter by the mere printing of envelopes to be used in proper hands for sending out and returning this information, I do not want it. I do not care for it more than others.

Mr. MILLER. I think this is a very important matter, and I will say further that the measure is desired by all intelligent agriculturists of this country. The fear of the Senator from Iowa that it will lead to an abuse is not well founded. If there were five thousand or ten thousand of these volunteer observers in the country now, it would be to the advantage of the whole country. Wherever an intelligent citizen is willing to equip himself with proper instruments of observation and is regularly appointed by the bureau as a volunteer observer, certainly he should be permitted to send to the department a full report of his observations, and surely the Government can afford to do as much as to say that those observations may be sent in without the charge of postage. Otherwise the observer pays all his own expenses and gives his time. These observations, as I happen to know, in many parts of the country are very valuable not only in reporting changes of weather but for making more permanent observations and a more permanent study into the science of meteorology.

I feel that the Government can not aid this service in any way so well as by the passage of this bill. I have no fears of any great abuse ever arising under it. Certainly it is a matter which will always be under the control of Congress; it can repeal the measure; and it is under the control of the Chief of the Signal Service Bureau, who is held responsible for its operations.

Mr. McMILLAN. I think this bill is one of importance, particularly to the agricultural interests of this country. It has attracted the attention of scientists throughout the West, and it has so attracted the attention of the communities there that in several of the States by legislative authority State weather-service organizations have been established and the services of scientific men have been enlisted there. For instance, in my own State a weather service is regularly organized. An eminent professor of that State, Professor Payne, has been enlisted in behalf of the State, and all that is necessary for the Government to do to have the benefit of the observations and all the operations of the State service is to permit it to correspond in the way provided for in the bill. Now, I think it is of great benefit to the General Government and to the different parts of this country to have these reports in regard to the condition of the weather so that this intelligence can be spread abroad from the bureau here in Washington. I have no fear of the abuse of this privilege.

Mr. CALL. I would say that various applications have been made from the orange-growers in the State of Florida for additional stations and weather reports, and the result there has been highly favorable to the protection of the trees and vegetable growth, so as to have led to quite an extensive trade.

I think, whatever objection there may be to the details of this bill, it ought to pass, and if anything can be done by way of forwarding the sending of these reports the bill ought to pass. It is demanded by the interests of the country.

Mr. INGALLS. Mr. President, the Senate and House of Representatives renounced the franking privilege upon the apprehension that they could not trust themselves to transmit official correspondence through the mails without in some way violating the laws. In obedience to a great public demand manufactured by a Postmaster-General sending out printed petitions for the purpose of obtaining signatures Congress declared that franking was an abuse so far as they were concerned, and that matter to and from them ought not to go free through the mails. We are the only officials at this time who are denied the franking privilege. We trust everybody in this matter but ourselves.

There has been a gradual enlargement from time to time of the franking privilege, and I presume every member of Congress now receives from the Commissioner of Pensions and from other officers of the Government, in reply to communications that he forwards, envelopes addressed to his correspondent in answer to the letter that he has transmitted, in order that the communication of the department may be sent free of postage through the mails, upon the ground that the Senator or Member himself is an unfit person to write the name upon that envelope. We are willing to authorize the Commissioner of Pensions to send us an envelope addressed to our correspondent with a frank upon it, what is commonly called a penalty envelope, and we have declared that we are morally incapable of addressing an envelope of that kind ourselves, that we are morally unfit to be trusted, and if in one of those communications that we receive from the Commissioner of Pensions, written, I presume, by a clerk or a subordinate, we who have taken an oath to obey the Constitution and laws of the United States should insert a single word and reinclose that communication in that envelope we should be subject to a penalty of $300 for a violation of the postage laws of the United States.

Mr. President, this may be a self-respectful attitude for us to occupy. The only way for an official person to acquire the franking privilege is to cease in some way to be a member of Congress.

The number of people authorized in this bill to transmit letters free through the mails is variously estimated at from five to ten thousand. They are strictly private persons; they are unofficial persons. They are under no guarantee whatever for the appropriate discharge of their function. There is no bond; there is no official appointment or desig-

nation. It is a purely voluntary function. They may be appointed and they may be discharged; they may assume these duties and be relieved from them twice in every twenty-four hours. They discharge them just exactly as long as they please, and when they get done they quit; and yet the Senator from Michigan proposes to open this privilege to an unknown number of citizens, unofficial, without any responsibility whatever for the proper exercise of their function, for what? Let us read one provision of this bill:

And that all official mail matter relating to weather reports or containing warnings of the approach of storms, floods, frosts, or cold waves may be transmitted through the mail free of postage.

An observer of the weather in Manitoba, the far-distant regions of the north, where the blizzard finds its birthplace, may put in the mails to a citizen in New York an announcement that a storm is on its way from Manitoba and transmit that free of postage. And that is in the interest of science; it is demanded by all the agricultural interests of the country; as the Senator from Minnesota says, by congregations of scientists! A vast public interest has been developed to permit this voluntary observer who has agreed without compensation to forward the announcement of a cold wave somewhere in Washington Territory or—

Where rolls the Oregon, and hears no sound
Save his own dashings.

That observer could write a letter to General Hazen, the Chief Signal Officer, announcing to him that a cold wave has started from the Northwest, and that may be transmitted free of postage through the mail. And that is in the interest of science; that is demanded by all the agriculturists in this country; and the Senator thinks it would be a wise addition to the franking privilege to permit this great body of citizens thus employed to have the use of the mails without any restriction whatever except their own convictions or ideas of what is appropriate.

Mr. President, I will move to strike out after the word "reports," in line 10, down to and including the words "cold waves," in line 11, so as to confine this to official mail matter relating to weather reports, and to include the free service of the mails for warnings of the approach of storms, floods, frosts, or cold waves, which I suppose are transmitted by telegraph in order to be of any service to the agricultural interests of the country.

Mr. BUTLER. May I ask the Senator from Kansas if those officials have not now the right to use official envelopes?

Mr. INGALLS. I understand that the officials have, that every official person connected with the Signal Service has the right now to transmit these communications free of postage through the mails.

Mr. BUTLER. Then why pass this bill?

Mr. INGALLS. This is intended to include that other vast corps of voluntary observers in different parts of the country to enable them to transmit these reports without the payment of postage.

The PRESIDENT *pro tempore*. The amendment of the Senator from Kansas will be stated from the desk.

The CHIEF CLERK. In line 10, after the word "reports," it is proposed to strike out all down to and including the word "waves," in line 11, as follows:

Or containing warnings of the approach of storms, floods, frosts, or cold waves.

Mr. CONGER. Mr. President, the very pungent and eloquent speech of the Senator who has just taken his seat, as frequently happens, would apply just as well to any other bill as to the present, because it does not touch anything referred to in the present bill. In criticisms, which are made by supposing cases, by setting up a man of straw to fight and getting down on that man of straw with a vigorous effort, the Senator has achieved a great triumph. In this case he supposes that an observer would write to a private citizen in New York about a cold wave in Manitoba, and use official envelopes. There is no authority for any such thing. It is only weather reports from observers to the office, to the officials, not to any private person whatever, that this bill allows to be transmitted free of postage. So all the Senator's very eloquent speech, traversing half the continent, does not apply at all to this bill or to the subject-matter of it; and if his amendment prevails there is no use in passing the bill. You might as well take the vote direct on the question of passing the bill as to take it on the amendment, because those who would then be authorized by the bill to transmit the reports in these official envelopes are now authorized by law to do it.

I do not wish to take up the time of the Senate. The Senator from Maine is already angry with me for the prolongation of this debate. I ask for a vote on the amendment and on the bill.

Mr. MORGAN. If I understand this bill, the real purpose of it is to send through the mails free of postage reports relating to the approach of storms, floods, frosts, and cold waves. That covers the whole ground intended to be covered by this bill. The rest of it is covered by existing statutes, I understand, so that every official person connected with the Signal Service has a right to use official envelopes for the transmission of reports relating to the duties of his office.

The Signal Service of the United States is established in the center here, radiating out to all the different points from coast to coast, and from mountain-top to valley, with various stations at which are supposed to be collected valuable data or statistics relating to the weather for two purposes, one of giving a prognostic of the weather, information in advance, and the other of furnishing certain data by which scientists can collect and arrange and compare facts together and possibly arrive at some general laws which regulate the direction of storms and their speed, and will indicate from what quarters they may be expected and at what times they may be expected to arrive.

So far as agriculture is concerned, notice of the approach of a cold wave or of a hot wave, and storm and rain, or a dry season, or of frost, snow, tornado, or cyclones, is not worth anything at all unless it can be sent by telegraph. If you rely upon the mail to collect data in reference to approaching storms, to approaching frosts, and approaching floods and cyclones, of course you will not get anything of any value at all.

This service is paid for at a very extravagant rate. I think it is the most expensive service in the Government of the United States, considering the profit or advantage that comes out of it, and I might say with reference to that that it is the most recklessly extravagant service in the United States. To supplement that service there are established about at different scientific institutions and by various scientific gentlemen who are called the agents and co-operating men of the Signal Service all through the States in every direction, and in some instances, as in the State of Alabama, there are local signal stations for the purpose of collecting the same data and at the same hours of the day that the signal officers at Washington and elsewhere throughout the country are expected to collect information about the state of the winds and the state of the weather.

I understand that the object of this bill is to give to each individual who may be connected with the Signal Service the right to frank all matter that he may choose to frank. We put him in an official relation to the Government by the mere fact that the Superintendent of the Signal Service recognizes him as an agent co-operating in getting data for that service. Let us see what it says:

That the provisions of the fifth and sixth sections of the act entitled "An act establishing post-roads, and for other purposes," approved March 3, 1877, for the transmission of official mail-matter, be, and is hereby, extended to all observers and agents co-operating with the Signal Service in collecting meteorological reports for the benefit of commerce and agriculture.

There is a privilege of franking conferred upon a class. If such a man writes a letter or places an inclosure in an envelope, seals it, and marks it "official business," it makes no difference what it may relate to, he has the right to send it through the mail; he has the franking privilege conferred upon him by this law under the administration and with the assent only of the Chief of the Signal Service.

My observation has been a pretty accurate one upon this subject, because I happen to be on a commission charged with an investigation and examination of this subject, and I warn the Senate that it will not do in the present organization of the Signal Service to confer upon the head of that service any more power than he possesses. If the object of this bill—and I can not conceive in my own apprehension that that is the object of it—if one object of this bill, I will say, is to confer upon the Chief of the Signal Service the right to endow with the franking privilege any person that he may choose to associate with that service by an arrangement or by an appointment as an agent connected with the collection of statistics, that will be a dangerous power to everybody in the United States except the Chief of the Signal Service. To him it will be a very valuable adjunct or assistance in building up and putting props under that system which already has been propped extensively and unjustly at the expense of the people of the United States. Never was there a service in this country which has grown so rapidly; never was there a service in this country which has grown more by special personal influence, brought to bear for the express purpose of building it up.

I do not propose by my vote to enlarge the powers or privileges of the Chief of the Signal Service. Let the Senate wait till it hears a report from that commission. The evidence taken has already been printed and only awaits, I think, the action of the chairman to be brought into the Senate. Wait until you see that report and see what the people of the United States have testified in respect to this matter, including Secretaries of War and the generals commanding armies, and many, very many other persons in public and in private life, before you commence to increase the powers of this Signal Officer. It is a dangerous movement, and it is one, as it looks to me, that must have been in some sense intended to anticipate what might be the action of the Senate upon a very important matter that was committed to a joint commission by the action of both Houses of Congress.

Mr. President, I do not think that it is wise or prudent, in this indirect way, just now, to furbish up and polish up the Signal Service by an act of Congress before this commission can have a chance to bring the facts to the attention of the Senate and the House that they have been required to gather, and which they have been very assiduous in trying to collect.

Above all things, I do not wish to see it put in the power of one man at the head of the Signal Service of the United States to create a large class of persons at his own option who may have the unlimited privilege of exercising the franking power. That is the point in the case. That, in connection with the one I suggested when I first rose, is sufficient to indicate what my vote must necessarily be upon this bill. There is not much use for a Signal Service report by mail one hundred miles!

Mr. CONGER. Will the Senator yield for a moment?

Mr. MORGAN. Yes, sir.

Mr. CONGER. I secured unanimous consent to take up this bill on the assurance which I then entertained and made to the Senator from Maine that it would not probably occupy much time in discussion. The views of Senators in regard to it show that they wish to discuss it more, and if the Senator from Alabama will yield, in order to keep as far as I can my pledge to the Senator from Maine that it should not interfere with his time, I ask leave to withdraw the motion to consider the bill, and I shall ask the Senate at an early day to take it up when there is more leisure.

Mr. MORGAN. I have no objection.

The PRESIDENT *pro tempore*. The motion being withdrawn——

Mr. MILLER. Can the motion be withdrawn except by unanimous consent?

The PRESIDENT *pro tempore*. The Senate having by a vote taken up the bill, it is subject to the disposition of the Senate.

Mr. CONGER. I asked unanimous consent. I will discuss this when we have more time and when it will not infringe on what I admit to be the prior right of the Senator from Maine, who had unanimous consent yesterday to call up his resolution to-day.

Mr. MILLER. I am not going to object, but I want some understanding as to the time when the Senator from Michigan will call this measure up. I am very much interested in it, and if he will call it up to-morrow or Monday or any fixed time so that I may have notice of it and be here, I shall not object.

Mr. CONGER. I desire to take it up whenever the Senate is willing to consider this matter. I withdraw it now with the understanding that we shall at an early day when there is more leisure for the discussion of this bill, and when it will not interfere with other business, call it up and ask the Senate to consider it.

The PRESIDENT *pro tempore*. Is there objection to the pending bill being laid aside? The Chair hears none.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the acting Secretary of the Interior, transmitting, in response to a resolution of March 30, 1886, a report upon the claims of certain Indians for compensation for lands; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

FISHING RIGHTS OF THE UNITED STATES.

The PRESIDENT *pro tempore*. The resolution reported by the Senator from Maine [Mr. FRYE], from the Committee on Foreign Relations February 3, 1886, is now before the Senate. It will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That in the opinion of the Senate the appointment of a commission, in which the Governments of the United States and Great Britain shall be represented, charged with the consideration and settlement of the fishing rights of the two governments on the coasts of the United States and British North America, ought not to be provided for by Congress.

Mr. FRYE. Mr. President, I propose to submit a few practical suggestions touching the question of the fisheries. It is a matter of very profound interest in the country now, and that interest will increase rather than diminish, I greatly fear. I feel justified in making rather a common-place speech for the information which I hope it may contain, which may be of use in various discussions about this subject.

The President of the United States, in his annual message, says:

I recommend that the Congress provide for the appointment of a commission, in which the Governments of the United States and Great Britain shall be respectively represented, charged with the consideration and settlement, upon a just, equitable, and honorable basis, of the entire question of the fishing rights of the two governments and their respective citizens on the coasts of the United States and British North America.

And this brings Congress to the consideration of a question of the greatest importance, not only to our fishermen but to the nation. I confess that I feel a profound interest in its determination, for the State I in part represent will be largely affected by it for good or for ill. By the last census the interests of the State of Maine in the sea fisheries are second only to those of Massachusetts. Permit me to give the statistics:

Persons employed	11,071
Vessels employed	606
Tonnage of same	17,632.65
Fishing boats	5,920
Capital dependent on the fishery industries	$3,375,994
Pounds of sea products as they come from the water	202,048,449
Value of sea products as they come from the water	$1,790,849
Pounds of sea products after being prepared for the market	116,122,048
Enhancement of value in process of preparation	$1,823,329
Value of sea products in marketable condition	$3,614,178

But, sir, this industry is not confined to my State, nor to New England as is frequently asserted. It extends down the whole Atlantic coast into the Gulf of Mexico, up the Pacific coast into the Alaskan waters, and along the great lakes. It is, too, an industry susceptible of an enormous growth. Freezing processes, refrigerators on vessels and cars; railroads touching 2,290 counties of our forty-four States and Territories, affording facilities for the safe transportation of fresh fish thousands of miles into the interior, and enabling the market-men to sell in the remotest cities for prices less than are paid for beef, or mutton, or pork, make the United States the best market in the world for the products of the sea and the lake. Unobstructed, without bounty or subsidy, or special privileges, secured against the aggressions of treaties with England, there is no reason why our fishing fleet shall not in ten years number 15,000 vessels, manned by 200,000 of the hardiest, most skilled, and bravest sailors in the world—sailors who, at the bugle-call of the Republic, will promptly respond and make us invincible on the ocean. And yet, notwithstanding the marvelous increase in the demand for the products of the fisheries, we are compelled to witness a phenomenal increase in the fishing fleet and men of the Dominion of Canada and a mortifying decrease in our own. At the opening of the struggle for our independence we had in the New England fleet alone 665 vessels—about one-third as many as now—while the consumption of fish in the country is twenty times greater than then. Why, sir, during the last ten years the fishing fleet of Massachusetts has fallen off 270 vessels, or 29 per cent., while Maine has lost even a larger proportion—70 vessels in 1884 alone. The census of 1880 shows as follows:

The number of persons employed in the fishery industries of the United States was 131,426, of whom 101,684 were fishermen, and the remainder shoresmen. The fishing fleet consisted of 6,605 vessels (with a tonnage of 208,297.82) and 44,804 boats, and the total amount of capital invested was $37,955,349, distributed as follows: Vessels, $9,357,252; boats, $2,465,393; minor apparatus and outfits, $8,145,261; other capital, including shore property, $17,987,413.

The value of the fisheries of the sea, the great rivers and the great lakes, was placed at $43,046,053, and that of those in minor inland waters at $1,500,000; in all, $44,546,053.

The fisheries of the New England States are the most important. They engage 37,043 men, 2,066 vessels, 14,787 boats, and yield products to the value of $14,270,393.

Next to New England in importance are the South Atlantic States, employing 52,418 men, 3,014 vessels (the majority of which are small, and engaged in the shore and bay fisheries), 13,331 boats, and returning products to the value of $9,602,737.

Next are the Middle States, employing in the coast fisheries 14,981 men, 1,210 vessels, 8,293 boats, with products to the amount of $8,676,579.

Next are the Pacific States and Territories, with 16,803 men, 56 vessels, 5,547 boats, and products to the amount of $7,484,750. The fisheries of the great lakes employ 5,050 men, 62 vessels, and 1,594 boats, with products to the amount of $1,784,050. The Gulf States employ 5,131 men, 197 vessels, and 1,252 boats, yielding products to the value of $545,584.

Mr. President, is this an industry that should be recklessly destroyed? From the day Peter said "I go a fishing" to now it has been regarded by every country, at any period of time, powerful on the seas, absolutely indispensable, not only to protect the rights of fishermen but to foster and encourage their industry in every possible way. No nation has ever, in all history, become commercially important whose success can not be clearly traced to the encouragement afforded its fisheries. In 1563 England, by an act of Parliament, provided—

That as well for the maintenance of shipping, the increase of fishermen and mariners, &c., it shall not be lawful to eat meat on Wednesdays and Saturdays unless under the forfeiture of £2 for each offense.

This act, with the rules of the then prevailing Church, dedicated three days in each week to the benefit of the fishermen. Again, I assert, and history will justify me in it, that every nation in the past which has permitted her fisheries to decline through neglect, or has destroyed them by adverse legislation, has lost its prestige and rapidly declined in power and influence. This nation recognized these facts of history, took to heart the lessons taught, and in its very infancy, in poverty and weakness, enacted bounty laws for the encouragement of our fisheries. In 1819 they were revised and still more valuable advantages were conferred. Why then is it that this industry seems now to have caught on to our fast disappearing foreign carrying trade? There is nothing occult about the problem, and no alchemist is needed for its solution.

A brief review of our negotiations with Great Britain reveals the true cause. As her colony, we had for our fishermen the use of the seas and fished wherever we pleased. There was no limitation whatever upon our right; and in 1783, after the war was over, we made our first treaty with Great Britain. John Adams, the persistent, determined friend of the fishing interests of the United States, was one of the commission, and we owe that treaty very largely to him. I call the attention of the Senate to its terms:

ARTICLE III.

It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Banks and on all other banks of New Foundland, also in the Gulf of Saint Lawrence and at all other places in the sea where the inhabitants of both countries used at any time heretofore to fish.

To be sure, England's assumption is apparent even here in her concession to us of the right to fish on the "Banks." Why, these conceded fishing-grounds are from thirty to two hundred miles from the coast line of her possessions.

What magnanimity! It is characteristic of England to deal generously with rights and privileges not hers, but she never yields one jot or one tittle really belonging to her without the most extravagant compensation, and in her ceaseless quest for trade, in her tireless endeavor to extend her commerce, to build up her manufactures, she indulges in no sentiment, wastes no liberality. For half a century she stood on a lofty moral plane, and missed no opportunity to taunt us as the defenders of slavery; but the moment the dissolution of the Republic seemed possible she became active and zealous to make it certain, though she knew if success crowned her efforts slavery would be

forever perpetuated in one-half of our divided country. She thought she knew too that her commercial power would be equally perpetuated there. This unscrupulous purpose to aggrandize her power regardless of the rights of others brought on the war of 1812, and after its close impelled her to make the declaration that we, by reason of the war, had forfeited all the rights in the fisheries we ever had as her colony or had acquired under the terms of the treaty of 1783. Our commissioners stoutly resisted this claim and threatened to discontinue all negotiations if this declaration was persisted in. The result was entire silence as to fishery rights in the treaty of 1814.

I call attention now, Mr. President, to the treaty of 1818, the provisions of which, I suppose, have been in force since the abrogation of the fishery clauses of the "treaty of Washington." In the negotiation of this England evinced neither magnanimity nor sentiment, and our commissioners neither sagacity nor courage. The times were not propitious for us. Waterloo had been fought; the allies had entered Paris; Napoleon had abdicated, and England was arrogant. We deliberately surrendered all of our fishery rights, and a blow was dealt that industry from which it has never recovered. By its terms England laid the foundation for ceaseless demands, and invited her colonies to the enactment of penal laws and the commission of outrages in their name which would disgrace any civilization.

I call attention to Article I: "and the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within three marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America, not included within the above-mentioned limits," with a proviso that our fishermen might enter these bays, &c., for shelter or to repair damage, to purchase wood and take water, but for no other purpose whatever. We reserved to ourselves only the commonest rights of hospitality and renounced all commercial privileges whatsoever. But, to be accurate, I ought not to say "renounced all commercial privileges," for up to that time, under England's peculiar colonial policy, we had enjoyed no such privileges.

Mr. COKE. May I ask the Senator who were the American commissioners in the negotiation of the treaty of 1818?

Mr. FRYE. I did know, but I have forgotten who they were.

In 1819 the English Parliament passed an act construing this article, making it an offense if our vessels had fished, were then fishing, or preparing to fish, within the shore line, and the colonial courts held that when a vessel within the shore line was preparing to fish outside of it she was liable to seizure and condemnation.

Further, England claimed that this three-mile line was to be measured outside of a line drawn from headland to headland, which would include gulfs half as large as the Gulf of Mexico. It is true that on the protest of our Government she subsequently instructed her officers not to enforce the law under this claim, but she has never renounced it. For several years we had but little trouble under this treaty; then it came in a perfect avalanche. England and her colony coveted our increasing market, and as usual, without a scruple, went for it. They seized vessel after vessel, condemned them in colonial courts on the testimony of colonial witnesses, refused them shelter, drove them to sea in storms, seized and searched on the high seas, broke up voyages, until, in fact, the perils of the sea on the banks were not greater than the dangers of the law within the shore line. Our Government interfered again and again. Mr. Van Buren sent the Grampus into those waters in 1839; Mr. Pierce ordered a fleet there; the Kearsarge and the Mississippi cruised there, and in the presence of our armed vessels our fishermen were undisturbed, but immediately on their withdrawal the outrages were renewed.

The records of the Halifax commission are full of evidences of illegal seizures; of seizures and condemnations on complaints of the most trivial and inconsequential character; of every conceivable outrage and wrong; of every violation of the rights of hospitality and friendly intercourse. In the pursuit of these unjustifiable methods England and her colony had but one purpose—to force open our markets, and in 1854 their efforts were crowned with success in the ratification of the so-called "reciprocity treaty," reciprocal, however, largely only in name. They opened their fisheries to us, and we our markets to them. I am confining myself, Mr. President, strictly to the question in issue, and, therefore, do not discuss the other features of that treaty. Its effects upon our fisheries are indicated clearly and unmistakably by the statistics of this industry. In 1854 we had employed in this industry a tonnage of 470,000. In 1867, when the treaty was abrogated, our tonnage was 165,000. By reason of a change in the method of measurement, this last amount should be increased to 250,000, or thereabouts, to make a fair comparison. It must be borne in mind that during the whole life of this treaty we were paying a bounty of $4 a ton to our fishermen.

At the earliest possible moment, under its terms, we gave the required notice for the abrogation of this treaty, and I believe there was found no man in Congress poor enough to do it reverence. Immediately following this abrogation, Canada resorted to the license system, imposing upon our fishermen the first year a tonnage tax of 50 cents a ton for the privilege of fishing in their waters; the second year, $1; the third, $2; and our fishermen declined to avail themselves of the dearly purchased privilege. This experiment proving a failure, she promptly resorted to the old and hitherto successful tactics of outrage, seizure, condemnation, and denial of commercial rights, until the patience of our Government was exhausted, and Congress indicated, by its reception of "a memorial of the fishermen of the United States," that retaliatory legislation was imminent, when, unfortunately for our interests, we threw ourselves once more beneath the triumphant wheels of Great Britain's diplomatic chariot and ratified the "treaty of Washington" in 1871.

Under its terms a commission was to be appointed—for what? To settle the fishery rights as between the United States and the colonies of Great Britain, precisely what the President of the United States recommends in his message to us to do. The commission was appointed. It was made up of the brightest man in all Canada, a man too old to be bright or efficient on the part of the United States, and a mere dependent on Great Britain for the third one. What was the result?

Under the terms of that treaty, and by the finding of a commission, we secured the right to fish within the shore line of Canada, the right of "wood, water, and shelter," of drying fish, under limitations. We paid for these worthless rights and privileges $5,500,000, and gave Canada once more our market. We remitted, during the life of the treaty, in duties nearly $6,000,000, as the annexed table shows:

Table showing the value of dutiable fish admitted free of duty under the reciprocity treaty with the Dominion of Canada and the estimated amount of duties remitted for the years ending June 30, 1874, to 1885, inclusive.

Year ending June 30—	Values.	Estimated duties remitted.
1874	$1,587,234 01	$392,882 21
1875	1,847,686 48	477,042 34
1876	1,555,860 23	363,563 68
1877	1,118,109 11	260,015 82
1878	1,859,772 07	431,563 95
1879	1,539,073 22	411,274 83
1880	1,557,667 44	475,537 57
1881	2,179,863 40	597,961 22
1882	2,148,724 54	537,068 46
1883	2,735,603 62	553,575 41
1884	3,147,716 48	635,677 68
1885	2,706,831 16	689,662 25
Twelve years	23,984,139 76	5,825,785 42

How do they estimate the value of our market? There was recently published "special correspondence of the Boston Post," dated St. John, New Brunswick, January 5, 1886, containing interviews with leading men engaged in the fisheries. George L. Young, who controls the finnan haddie manufacture, says:

In other words, the heaviest parts of our fishing business will have to go down unless we can obtain a treaty of some kind so that we can use the American markets without having to pay duties on our fish.

A treaty is very much more necessary to our fishing interests now than when the Washington treaty was entered into, for the reason that other markets are very much poorer and we have much more fish to sell. Look for a moment and see how our fisheries prospered under the late treaty. First, we will take the islands in the Bay of Fundy—Briar Island, Grand Manan, Campobello, and Deer Island—where the inhabitants are dependent entirely upon fishing for a livelihood. Before the treaty (not including a slight advancement during the American rebellion) they were for years about holding their own, making a living and nothing more, when they had all the advantages of a good West India market for the small amount of fish caught. During the existence of the treaty, although the population has not greatly increased, the wealth of the four islands has more than doubled. As for Nova Scotia, they could hardly count one good banker, while to-day they have as fine a fleet and nearly as many as the United States, and have commenced to build a few seiners. The treaty built those industries up, which will have to tumble down unless another of a similar kind is made.

Messrs. Barbour Brothers, a firm which handles a large quantity of fish. Said the head of the firm:

The present fishery arrangement between Canada and the United States is altogether a one-sided affair from which the United States fisherman reap all the benefit. True it is only temporary, and it is well for Canada that is so, as a lengthened continuation of it would either starve our fishermen or drive them into rebellion. The provincial fishermen are deeply agitated over the present state of affairs, and well they might be, for it strikes right home to their pockets. By the present condition of things the business is practically taken out of the hands of our fisherman, and American bottoms are doing what ought to be done by provincial vessels. If this condition of things continues it will not be difficult to see the result. Either our fishermen will have to change their vocation or starve or emigrate. Quite a number of fishermen belonging to down the bay have already taken the oath of allegiance to the United States. We do not feel the effects of the present arrangement so much in St. John as do the fishermen of Grand Manan, Letete, Deer Island, St. Andrews, and other places down the bay. Their only market is the United States, and they are very much handicapped by the heavy duty and the excessive entrance fees demanded of them. With regard to the export of fish from this province to the United States, I am quite safe in saying that since the fishery clause of the treaty expired it has decreased fully one-third.

Enoch B. Colwell, another large dealer, says:

In my opinion we should have a renewal of the Washington treaty, as it would be of more advantage to Canada to have the treaty and be able to send her fish into the United States markets duty free than to put cutters on to drive the Americans out of our waters. I have not felt any serious effect from the expiration of the treaty so far, as sufficient had been shipped for home consumption before the treaty expired, and what we send in now to the United States is placed in bond. Next season, unless the treaty is renewed or some similar arrangement made, we will feel the effects of it very much. In 1884 I handled a large quantity of fish for smoking purposes. In 1885 I didn't touch a single bar-

rel, as I couldn't do it and compete with the Eastport people. Believe me, what is wanted is a renewal of the treaty. Our fishermen are a unit in favor of it, as it is a market for their fish they want.

Mr. J. V. Ellis, a journalist of considerable experience and ability, who also represents the city of St. John in the New Brunswick legislature, and is a member of the St. John board of trade, was asked for his views on the fishery question:

"What will be the effect on us if we do not get some concession?"

"I do not care to go into that. If I was a member of the Canadian government for one of these maritime provinces I would get some concession and consideration from the United States for what we can give them. It only requires earnestness and determination. But I have no faith in the desire of the present government to pursue this business. On this you may depend—these maritime provinces must have a very large measure of reciprocal trade with the United States, and they will have it some way or other before long or——"

"What will happen?"

"Oh, well—the deluge."

Why, Mr. President, the report of the commissioner of marine and fisheries for the Dominion shows that Nova Scotia, Prince Edward Island, New Brunswick, and Quebec had in 1882 786 vessels, 6,486 men; 11,225 boats, with 23,446 men—an increase of at least two-thirds under the influence of a free United States market.

The Dominion had in 1873 402 vessels and 9,009 boats in the fishery business; in 1884, 902 vessels and 12,772 boats; a gain of 500 vessels and 3,163 boats, and of men employed at least 15,000. The province of Nova Scotia in a single year, 1883, added 143 schooners, chiefly bankers, to her fleet, affording employment, as her fishery inspector, Mr. Rogers, says, to 1,526 more sailors.

Mr. SAULSBURY. I wish to ask the Senator a question for information, if he will yield to me.

Mr. FRYE. With pleasure.

Mr. SAULSBURY. The Senator perhaps knows more about the subject than any other member of the body, and therefore I propose an inquiry to him. I heard a remark fall from his lips that so and so might be done but for the aggressions of the treaty-making power. I should like to know whether he thinks it possible for these rights to be affected without some negotiation in reference to the subject-matter?

Mr. FRYE. Beyond any manner of question this country should put herself into a decent position in regard to these matters. If this country permits Great Britain and Canada by outrages, by violations of all the rights of hospitality, to drive us into the surrender of our market, we never can have peace with Canada; but if Canada understands when she closes her ports, as she is undertaking to do to-day, that the ports of the United States are to be closed against her, you will then have no difficulty and no trouble with Canada.

Mr. GRAY. Will the Senator from Maine allow me to ask him a question?

Mr. FRYE. Certainly.

Mr. GRAY. I should like to ask him what the particular outrages are to which he refers since the termination of the provisional agreement?

Mr. FRYE. I did not understand the Senator.

Mr. GRAY. I should like to know what the particular outrages are to which he refers on the part of Canada which would demand, as they ought to demand if they are outrages, the attention of the American people.

Mr. FRYE. That would be quite a statement to require of me. I will name one: The commissioner of marine of Canada has issued a proclamation in which he denies the right of an American fisherman to buy bait or ice in a Canadian port.

Mr. GRAY. We are all, I suppose, desirous of maintaining the rights of all the people of this country. Will the Senator permit me to call his attention to a paragraph that I find in the New York Tribune, a paper from which he read the other day in regard to that very matter, which tends to show that, so far as the American Government is concerned and its diplomatic and consular agents, the rights of Americans are not being neglected? If it is not interrupting the Senator I should like to have about ten lines of this article read at the desk.

The PRESIDENT *pro tempore*. The Chair hears no objection.

Mr. GRAY. The extract is from the same paper from which the Senator from Maine read the other day. Not the same issue, but the same newspaper.

The Chief Clerk read as follows:

FISHING IN DOMINION WATERS—ADMIRAL SCOTT'S MISTAKEN NOTIONS—THE UNITED STATES CONSUL-GENERAL INSTRUCTS HIM REGARDING HIS DUTIES.

[Special.]

HALIFAX, *April 7*.

There was an interesting gathering of lawyers and legislators in the parliamentary library to-day when United States Consul-General Phelan and Admiral Scott met, the latter undertaking to show the American representative under what authority he had ordered American fishing vessels out of provincial waters. The various local statutes were carefully searched by Admiral Scott without finding any warrants justifying his proceedings. Then the good-natured admiral in his bluff English way declared that "some duffer had knocked that section out of the statute-book." He fell back upon an old act of George III which he alleged gave him requisite authority. The consul-general contended that that act was obsolete and was repealed by the British North American act, which gave exclusive control of the fisheries to the Canadian parliament. Admiral Scott then agreed to telegraph the points raised by Consul Phelan to the Dominion government and await instructions. Therefore the flagship Lansdowne will be idle for some time. Consul-General Phelan contends that American vessels can put into any Canadian port and stay a month if they want to, and the only thing the Canadians can do is to put an officer on board to see that she does not fish or buy bait. It is understood that the result of this little conference will also be telegraphed to Washington. Meanwhile it appears that affairs will remain in *statu quo*, as Captain Scott will only hereafter act within the strict letter and spirit of his instructions.

Mr. GRAY. I thank the Senator for allowing me to call his attention to that, because it seemed to me it was apropos to something he said about executive aggression interfering with the rights of the American fishermen.

Mr. FRYE. I referred, Mr. President, to the aggression of the treaty-making power. I was glad to notice in the Tribune that our consul-general at Halifax seemed to have been better informed than our Secretary of State at Washington.

Mr. GRAY. He seems to have taken the same view precisely as the Secretary of State, so far as anything I have seen from him is concerned.

Mr. FRYE. Did not the Senator notice the two dispatches, one sent in the morning and the other in the evening, which I read the other day?

Mr. GRAY. I did. I will not interrupt the Senator now to say what I think about those dispatches; but I think they are entirely consistent with the position taken by Consul-General Phelan.

Mr. FRYE. The worst outrage which they can commit is the very one which they contend there they have a right to commit, and that is to prevent our vessels from buying bait and ice. What other commercial privileges, let me ask the Senator from Delaware, do we want of Canada than to let our vessels buy bait and ice there? There is nothing else on earth we want to buy there.

Mr. GRAY. I was not talking about commercial privileges. I was talking about the activity of the consular agents.

Mr. FRYE. The consular agent seems to admit there that we can not buy bait and ice.

Mr. GRAY. He has not said anything about that, I think.

Mr. FRYE. That very statement made in the New York Tribune says so, that the Canadians can put men on board our vessels, if they stay there a month, and put them there to see to what? To see that we do not fish or buy bait. All on earth we want to buy there is bait and ice.

Now what did we gain by the treaty of 1871?

Mr. GIBSON. I should like the Senator to point out any clause in the treaty by which the rights of our fishermen to buy bait may be enforced in the Dominion.

Mr. FRYE. It is impossible for me to point out any commercial privilege given or yielded in a treaty between us and Great Britain. We never had any commercial privileges mentioned in such treaties.

Mr. GIBSON. Did we ever relinquish the right, assuming that there was a right, to buy bait or anything else?

Mr. FRYE. No, sir; I contend and shall contend that we have an undoubted right to buy bait and ice there, just as much as they have to buy bait and ice in our ports—to buy anything that we wish to buy.

Observe the increase of Canada's exports of fish to this country since 1871:

1871	$84,742 59
1872	244,856 09
1873	252,650 13
1874	1,939,850 66
1875	2,315,144 65
1876	1,832,298 68
1877	1,435,694 76
1878	2,206,445 32
1879	1,825,036 89
1880	1,885,841 25
1881	2,559,312 52
1882	2,632,952 65
1883	3,324,832 85
1884	3,886,358 39

I have not the official figures of the great lake fisheries, but am informed that they fairly participate in this gain. In fact, it is beyond dispute that the life of the Canadian fisheries depends largely upon the freedom of our markets. Now, sir, what advantages have accrued to us from the Washington treaty?

1. "Wood, water, and shelter." But we had those before, and now too, under the treaty of 1818.

2. Of commercial privileges. None, under the treaty.

3. The right to take fish within the three-mile limit. What has this been worth to us? The right to take caplin and squid for bait would have been of value, but the moment we undertook to avail ourselves of it we found cables cut, nets destroyed, all manner of damage inflicted, and nothing else could have been expected. The people around those shores, living on the small bays and harbors, have only one resource upon which they can depend for money, the capture of caplin and squid for bait, to be sold to the fishermen. Men, women, and children engage in it with the hook and line. One of our vessels with its huge seine can sweep a little bay clean. Who can blame these people for defending to the bitter end their only source of supply, the sole barrier between them and starvation? Our fishermen speedily gave up this advantage under the treaty and have purchased their bait of these poor people at a cost of over $100,000 annually. The shore and gulf fisheries have been absolutely worthless.

Carefully compiled statistics for the whole period of twelve years

show an annual average of 96½ vessels engaged in the gulf fisheries and within the shore line. The average annual catch in the gulf was worth in our market $194,659; within the shore line, $64,882. That would give each vessel in the gulf, $2,010; in the shore line, $673. Now, an American vessel in the gulf, to pay expenses of outfit, insurance, depreciation of vessel, crew's share, and master's commission, must take four thousand dollars' worth of mackerel. So, that every mackerel taken either in the gulf or in the shore line actually cost nearly twice what it was worth. During the whole twelve years our vessels took about seven hundred and fifty thousand dollars' worth, and they cost them more than $1,200,000. The statistics of the last half of the treaty period make a still worse showing. Formerly it was not unusual for us to have 500 mackerel vessels at a time in the gulf, but in 1879 we had 44; in 1880, 34; in 1881, 3; in 1882, 1.

W. A. Wilcox, of the United States Fish Commission, in his report for 1885, says:

> The few vessels that fished in the Gulf of Saint Lawrence at times found mackerel very scarce, at times very plenty, but they were small, and of poor quality. With the hopes of finding larger and better fish soon, the vessels in many cases forwarded their catch by rail or steamer to Boston or Gloucester, the same selling for $2.12½ to $3.50 per barrel, frequently not bringing enough to pay the cost of barrels, salt, freight, insurance, and commission, not mentioning time, labor, and expense of the voyage. The crews fishing on shares in many cases received nothing, and the vessels' expenses exceeded their gross receipts.
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> On November 21 schooners Spencer F. Baird, Wm. McDonald, and W. H. Jordan arrived at Gloucester from a six weeks' cruise in the Gulf of Saint Lawrence and off the Nova Scotia shore, none of these vessels having caught a single mackerel during the entire trip.
>
> Vessels from Gloucester, Mass., are the only ones that entered provincial ports for the purpose of obtaining barrels and supplies. These purchased 9,572 empty fish-barrels, valued at $7,425.95, and paid in addition $9,759.05 for provisions, and $231.26 harbor dues.

It needs no argument outside of these figures to show that the right accorded us to fish in the Gulf of St. Lawrence and within the three-mile shore line is absolutely worthless.

Mr. MORGAN. Is not the right to fish with bait worth something?

Mr. FRYE. Within the shore line?

Mr. MORGAN. Yes.

Mr. FRYE. No, sir; it is not. How are you going to take your halibut?

Mr. MORGAN. I refer especially to mackerel.

Mr. FRYE. Mackerel fishing there I think is practically worthless to us; but halibut fish can be taken with bait. We wish to buy bait in Canada for that.

Mr. President, why is it that a privilege formerly of immense value has become valueless? Simply for the reason that there has been a radical change in the manner and methods of fishing, as suggested by the Senator from Alabama.

I am speaking now of mackerel fishing, for that is the only one we have ever pursued in these Canadian waters. The cod, haddock, and halibut fishing is conducted in waters Great Britain, fortunately for us, does not own. Formerly we took our mackerel with hook and line, but the introduction of the great purse-seine and the machinery by which it is set has changed this and transferred our mackerel fishery from those Canadian waters to our own. By its use the same number of men can capture five times as many fish; can commence taking them off Hatteras and continue up to the coast of Maine; can use the seine safely in the deep waters, but with difficulty and danger within shore lines and in the gulfs. This immense mackerel fleet, following relentlessly the fish for a thousand miles, giving them no rest or peace night or day, has prevented them from seeking the shores in any great numbers, and the shore fisheries have become comparatively useless except for small boats. I do not feel entirely certain but that Great Britain, should we foolishly provide for another commission, will present a claim for damages resulting to the shore and gulf fisheries in the Canadian waters from our new methods of fishing, nor absolutely sure that the commissioners would not allow $5,500,000. There would be as good reason for such allowance as there was before.

The entire worthlessness to us of the privileges accorded by the Washington treaty, the gradual but certain destruction of our fishing industry, the alarming decrease of our fishing fleet and of the sailors manning it, were known of all men, and the earliest day it could, under the terms of the treaty, be done, I introduced a resolution into the Senate instructing the President to give notice of its abrogation as to the fishing clauses. The resolution was reported back from the Committee on Foreign Relations unanimously, and passed both Houses of Congress without dissent or division. July 1, 1885, should have released us from this bondage, but months before that long-desired day arrived our fishermen heard with amazement and indignation that Secretary Bayard was making, without the interposition of the Senate, a new treaty, extending certain provisions of the old one, with a new agreement that—

> The President will bring the whole question of the fisheries before Congress at its next session in December, and recommend the appointment of a joint commission by the Governments of the United States and Great Britain to consider the matter, in the interest of maintaining good neighborhood and friendly intercourse between the two countries, thus affording a prospect of negotiation for the development and extension of trade between the United States and British North America.

Now, Mr. President, I am not going to attack the honorable Secretary. My resolution, as I introduced it, made no reference to him nor to his agreement. Whether or not he exceeded his authority is immaterial to my purpose. I cheerfully accord to him an honest desire to do that which seemed to him to be for the good of the fishermen and the peace of the Republic. I have no doubt that Sir Ambrose Shea and Mr. West, the British minister, persuaded the Secretary that the Gulf of St. Lawrence was a great and profitable fishing resort for our fleet; that very likely Canada would enforce her penal laws as she had before; that our adventures would be broken up; that even the peace of nations might be disturbed.

The PRESIDENT *pro tempore*. The Senator will pause a moment. The hour of 2 having arrived, the Chair lays before the Senate the unfinished business, being the bill (S. 67) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

Mr. PLATT. Ordinary courtesy requires that the Senator from Maine should have the opportunity to conclude his remarks, and I ask that the unfinished business be laid aside informally for that purpose.

The PRESIDENT *pro tempore*. If there be no objection that course will be taken and the resolution of the Senator from Maine will be continued before the Senate.

Mr. MORGAN. Does the Senator from Connecticut propose to extend the same privilege to other Senators who may desire to debate the resolution?

Mr. PLATT. I should like to go on with the Washington bill after the Senator from Maine concludes his speech. I think we can get it out of the way quickly.

Mr. FRYE. Mr. President, the fault of the Secretary of State was that he should take counsel only of the enemy; that he should not have consulted Mr. George Steele, president of the American Fishery Union, who wrote him under date of April 28, 1885, that "the officers of the Fishery Union desire to present the interests of their pursuits in this emergency to the attention of yourself personally or to the President;" that he should have replied to him under date of May 2, 1885—

> The interests which your association represents have, as you can now see, already received, and shall continue to receive, the most earnest and abundant consideration on the part of the President and of this Department; and, knowing this, you will probably see little need for incurring the inconvenience of sending just now a personal delegation to Washington to present your views.

If this hearing had been reasonably granted, neither the President nor Mr. Bayard would have fallen into the diplomatic traps Mr. West set for them. The President in his annual message complied with that article of Mr. Bayard's treaty which provided for a recommendation of a new commission.

Mr. MORGAN. As there will be no opportunity to-day to make any reply to the Senator from Maine——

Mr. FRYE. I think there will.

Mr. MORGAN. It is proper that during his remarks it should be stated that the Secretary of State was very earnestly importuned by important men and important interests to make some regulation or some arrangement that would prevent any collision between the two governments with regard to this fisheries matter and would protect the fleet of fishermen then in the waters of the British possessions. I have not thought that it was necessary to obtain from the Secretary of State the communications that were made to him, but I have been assured by him personally that they were very urgent and very numerous. It was the last of his expectations that any outcry would come from that section of the country against an honest effort on the part of the administration to protect the fishermen in that quarter against any violent collision or apparent irruption on their fishing rights and privileges in the midst of the fishing season.

The Senator from Maine certainly does not wish to do the administration or the Secretary of State any injustice, and I assure him that the Secretary of State will be able to satisfy him that the importunities from that section of country were, as I have stated, from very important men and were very urgently made.

Mr. FRYE. I thought that I accorded to the Secretary of State entire honesty of purpose in this matter. I complained that he did not give a hearing to the president of the Fishery Union. If he had, neither the President nor the Secretary of State would have fallen into this diplomatic trap which had been set for them here in Washington.

Now, Mr. President, who seeks another commission? In the light of the history I have sketched, of treaties with Great Britain touching our fishing interests, of the awards and judgments of commissioners having hitherto the consideration and settlement of differences between us and our Canadian neighbors, is there a single ray of encouragement for us to enter again upon this dangerous pathway? What have we to gain by it?

I declare that no man in the United States has asked for another commission, and that no man's name in the United States can be given who has sought another commission at the hands of the President or Secretary of State.

Mr. MORGAN. I should like to ask the Senator from Maine what he means by another commission? Does he mean a commission like that which met at Halifax, or a commission like that which negotiated and settled the treaty of 1871?

Mr. FRYE. I mean precisely what the President says—a commission to consider and settle the fishery rights. I mean any commission.

Mr. MORGAN. Let me ask the Senator from Maine, so that we may understand each other, does he hold that it is the duty of the Government from this time forward to abstain from all effort to settle any disputed questions that may arise or have arisen on the construction of the treaties or the effect of the provincial or British laws upon this subject of the fisheries? Does he intend to close the door against all future negotiations and leave the matter standing precisely as it is, without any effort on the part of the Government of the United States either to correct it or to participate in bringing the two governments to a common understanding as to what the rights of our people are?

Mr. FRYE. I have no power, and if I had I do not know that I would exercise it, to prevent negotiations being made for a treaty touching Canada and her trade and our trade through the usual and ordinary channels, where it would take a two-thirds vote of the United States Senate to ratify any treaty so made.

Mr. MORGAN. Now, I concur with the Senator from Maine that whatever questions remain unsettled between these two governments ought to be settled in the ordinary channels of diplomacy, and ought to be settled ultimately by a two-thirds vote of the Senate upon a treaty submitted to them. I agree to that; but I do not think that it is exactly fair to characterize the suggestion of the President that we should act through a commission as being one entirely parallel with or at all akin to that unfortunate misadventure of our commission which settled the Halifax difficulty in a manner so extremely distasteful to us. I do not understand the President in his recommendation to propose a commission which shall by its action in advance conclude all questions between the governments as to the fisheries, but that it is to negotiate; and I concur with the Senator from Maine that the proper functionaries of the United States Government to negotiate treaties are specified in the Constitution of the country, and they are the diplomatic agents, whoever they may be, authorized by law and empowered by the appointment of the President and the confirmation of the Senate to act in the matter of negotiations, and then the Senate of the United States has the power to ratify or to reject their action.

I do not hold to the doctrine, nor do I understand that the President holds to it in his message, that the Congress of the United States by a mere enactment can empower commissioners to negotiate unsettled diplomatic questions between these two countries in such a way as that their conclusions will become binding upon the country, although the Senate may never have anything to say about the matter in the ratification of the result of their work.

Mr. FRYE. Then the language of the President of the United States was exceedingly unfortunate in his message; and the Senate will bear me witness that I have as yet said nothing touching a reciprocal treaty. I have entered as yet no objection to the treaty-making power negotiating, because I regard the protection of the two-thirds vote in the Senate as ample.

There are no petitions for it, no requests I ought to make an exception. A half dozen very prominent commission merchants in Boston came to Washington and spent a considerable length of time here. They appeared before the Committee on Foreign Affairs of the House, and they also appeared before a subcommittee of the Senate Committee on Foreign Relations, which unfortunately then only consisted of one person, myself; and after they had heard my views they concluded not to discuss the question before me, and returned to Boston.

Mr. EDMUNDS. You appeared before them?

Mr. FRYE. Yes; I appeared before them. They were intelligent and undoubtedly honest gentlemen. They wanted a commission. They wanted Canada to have our markets, and without hesitation proclaimed it, if we could have a proper *quid pro quo*. Shortly after their return home one of them wrote to his principals in St. John, New Brunswick, and the letter has been reproduced in the Boston Herald. I have it, and I call the attention of the Senate to the American citizens who in the interest of the American people were here for a commission. I ask the Secretary to read the letter I send to the desk.

The Chief Clerk read as follows:

I have been to Washington. If I could see you, I would like to tell you about it, but it is too long a story to put on paper. I feel that we have accomplished some good, which may be apparent at a later date, although the immediate purpose of our visit might be classed as a failure; in other words, I am nearly satisfied that no commissioners will be appointed this year. The objection is to this form of settlement; the Halifax award still rankles. But after an interview with the Secretary of State, I am sure that the administration does not intend to let the matter rest. It can negotiate a treaty with Great Britain to-morrow if it chooses, and I believe that this will be done before long. That treaty must be ratified by the Senate, and "there's the rub." It may not be done this year.

Mr. FRYE will oppose any treaty with all his might. He told me so. Mr. FRYE is a "mighty smart man," that is as a politician. He is a very poor statesman, in my opinion. If he can not beat a treaty, he will try to stave it off as long as he can. So, although it is possible that a treaty can be put through the Senate during the present session, which will probably last till July, I think the chances are that nothing will be done until another year. I now hope that Canada will strictly enforce the provisions of the treaty of 1818. It is policy for her to do so, even if it causes temporary inconvenience to some of her people. One would suppose that the advantages of this course would be apparent. I approved of the extension of privileges by your government, but the situation has changed. I have not time to explain myself in detail. But some things look as if your government might not take this course. For instance, I hear that your fishermen are to be allowed to take clam bait in bond. So they will continue to buy it from Portland, which is doing everything in its power to prevent a treaty. If your people would dig their own clams for a season they would make Portland howl. There is one way in which a damaging blow could be dealt to our vessel-owners, but I have no hope that it will be done. Let the two, three, or four thousand (I have been unable to find out how many there are) Nova Scotians who fish in the American fleet refuse to do so for a year. We would have Gloucester and Provincetown on their knees.

But, as this must be a voluntary act of the individual, and as the individual must get his bread and butter from year to year, I suppose it is hopeless. As our fishing ports could not man their vessels without foreigners (the native American does not go fishing to any extent) this course would be a sure cure. It is too heroic a remedy, I am afraid, to be tried. The 3-mile limit is of insignificance compared with these other privileges, getting fresh bait, sending mackerel home from Prince Edward Island and Canso, &c. I notice that the Halifax Chronicle thinks that the Boston fish bureau has not been very active. Let me say to you that we have done all that could be done by us, and I now doubt if we could accomplish more, even if we had gone to Washington earlier and spent a good deal more money. That is another thing that I should not have time to explain to you in detail. I have devoted nearly my entire time to the matter for two months, and probably half my time for three or four months previously. What do I gain by it? When I see certain commission merchants of Boston who have not lifted a finger to help me, and who have not manifested the slightest interest in the matter, getting more consignments from Nova Scotia than I am, it makes me swear. I am sick of the whole business. I am seriously considering whether it will not be best for me to leave it and try to get into something else. I can't go on for many years spending twice as much as I make. Time is too valuable, at my period of life, to waste it in an unprofitable business, and the past season has been worse than I anticipated.

Mr. FRYE. The writer is one of the American citizens who came here!

Mr. GRAY. I should like to know what is the name of this enthusiastic admirer of the Senator.

Mr. FRYE. I decline to give it.

Mr. EDMUNDS. What was the date of that letter?

The CHIEF CLERK. "Sunday morning, Boston, February 28, 1886."

Mr. EDMUNDS. That is the date of the paper. What is the date of the letter?

Mr. FRYE. It was written after he had been to Washington, about the middle of February, just after his return home.

Mr. MORGAN. I think it is rather peculiar that the Senator from Maine would desire to bring a statement of that kind before the Senate in such an anonymous way and then decline to give the name of the author. I suppose he was reflecting on the President or Secretary of State, a Democratic administration, or somebody.

Mr. FRYE. Oh, Mr. President, is was not read, and the Senator from Alabama will do me the justice to say that it was not read for any such purpose. It was merely to illustrate the fact that the only people in the United States who came here in favor of this commission were some gentlemen engaged in the commission fish business in the city of Boston, and this was one of the representative men. That was all I read it for, and they were representing a foreign interest.

Mr. MORGAN. There were some very honorable gentlemen here from Boston, and I will bring their names into this debate before we get through, and I will try to separate between those honorable gentlemen from Boston and this dishonorable man who seems to have been trying all he could to circumvent the interests of his own people and the honor of his own country.

Mr. EDMUNDS. He was doing what he was employed to do.

Mr. FRYE. What have we to ask of Canada? Wood, water, and shelter? We have them now, under the treaty of 1818, and if we had not, no civilized nation in this day would dare refuse them. The right to capture bait in their waters? We could not enforce it under the old treaty and we would not under a new. The right to fish in their waters? I have shown conclusively that we could not avail ourselves of this right if they would pay us a bounty for encouragement. To dry fish on their shores? This was once of value, when the epicures of New England demanded dun-fish, dried on the shore, without salt, but probably we have not so dried a thousand fish under this treaty and shall never again even if allowed. Commercial privileges would be convenient, and in my opinion we are entitled to them, regardless of the abrogation of the treaty of Washington, even if the treaty of 1818 is now revived. The commission merchants of Boston, in their hearing before the House Committee on Foreign Relations, urged with great force the necessity of our fishermen enjoying the right to purchase bait and ice in the ports of the Dominion, and asserted that under the treaty of 1818, the terms of which now applied, we were no longer entitled to such privilege.

That was why they wanted the commission, as they said, to settle it and give us the right. The Senator from Vermont says it is not so clear now. We do not require near so much fish for bait now as we once did; and besides we can get it at home, we can salt it and carry it with us. Still the right to buy bait and ice in Canadian ports is a valuable privilege to our fishermen to-day; they are so far from home when on those banks. It is not indispensable, to be sure.

Mr. President, the Canadian Government to-day insists that we have no such right. The commissioner of marine insists in his proclamation that we have no such right.

Mr. EDMUNDS. The Senator does not mean that the Canadian authorities say that a vessel of the United States, not a fishing vessel, may not go to any Canadian port and buy anything that is open to sale in the markets there?

Mr. FRYE. They are very careful to say "fishing vessels."

Mr. EDMUNDS. Oh, yes.

Mr. FRYE. I do not know whether they understand it so well as the Senator from Vermont does. We could easily get around it by sending one of our ordinary registered vessels there to buy all the bait alongshore and distribute it among our fishermen. Whether they are sharp enough to recognize this, I do not know.

Mr. EDMUNDS. That under existing treaties we have a perfect right to do.

Mr. FRYE. I contend that we have that right for our fishermen from the fact that under existing laws every fishing vessel is equipped with a permit from the Government to trade with foreign countries and that puts her on an equality with a registered vessel.

Mr. EDMUNDS. Yes. The Canadians do not deny that an ordinary commercial registered vessel of the United States has a right to trade in anything anywhere in the ports of the Provinces, and if, therefore, our vessel chooses to go there to buy a few tons of bait, or ice, or anything else, and go to sea with it, it has a perfect right to do so under existing treaties.

Mr. FRYE. Undoubtedly; and I contend further that our fishing vessels, being armed with a permit to trade in foreign countries, have thereby conferred upon them all the privileges attaching to a registered vessel, and that they have a right to go into those ports to buy bait and ice; not under treaty however. I fail to find that any treaties between the United States and Great Britain have ever taken up the question of commercial privileges or that they are the creatures of treaty power at all. As I said in the Senate the other day, it seems to me they are the creation entirely of law and I refer the Senate and the Senator from Vermont to the laws of 1820, of 1823, of 1830, and one or two acts of the British Parliament covering the same period and the proclamation of Andrew Jackson made in 1830.

The British colonial system and the act of Congress of April 18, 1818, united to make an absolute non-intercourse of trade and commerce between British North America and the United States. The acts of 1820 and 1823 modified slightly this non-intercourse. Acts of Parliament, our legislation in 1830, and the proclamation of President Jackson in October, 1830, united to establish commercial intercourse. As a matter of fact, as between Great Britain and us commercial privileges have never been the subject of treaties, except incidentally in the reciprocity treaty of 1854, have always been the creations of law.

Mr. President, I call the attention of the Senate, as I did the other day, to one further fact which is of greater importance decidedly, an act of Parliament of June 26, 1849. Senators will remember that for years we had been proffering to the British Government a repeal of our navigation laws. It had been our earnest desire to effect that repeal and modification and over and over again we had made the proffer to Great Britain. June 26, 1849, she accepted it in all its fullness and opened all her ports to our vessels.

Mr. MORGAN. Do I understand the Senator from Maine to say that she accepted that proffer as a matter of negotiation and actual agreement?

Mr. FRYE. No, sir, a proffer by law.

Mr. MORGAN. You mean that the enactments of the two countries were on parallel lines?

Mr. FRYE. Yes, ours a little ahead of hers.

Mr. MORGAN. Similar?

Mr. FRYE. Similar, ours a little ahead of hers, so that in effect it was a proffer. Now I say that excepting the coastwise trade of both countries, for both were excepted, that act of 1849 of the English Parliament, our law made just prior to it, the proclamation of the President of the United States, Mr. Taylor, and the proclamation of the Queen of Great Britain opened all the ports of the two countries one to the other for trading purposes, and gave us the same commercial privileges and rights in the Canadian ports that the Canadians enjoy in ours.

Mr. GRAY. Will the Senator give us a more specific reference to the proclamation of President Taylor?

Mr. FRYE. I have not it here.

Mr. GRAY. I should like very much to hear it.

Mr. FRYE. I have not got it here.

Mr. EDMUNDS. It is in the Statutes at Large undoubtedly.

Mr. FRYE. No, it is not there. I have tried to find it. I read the other day the message of Zachary Taylor in which he alludes to it and alludes to the effect of the enactment of these two provisions of law on the part of Great Britain and the United States, which he says have fortunately for both countries opened up all the ports of the two countries to these commercial rights and privileges.

Mr. GRAY. I did not want to interrupt the Senator, but merely in the line of argument he was making I thought it was important to those not familiar with the whole business to see that proclamation.

Mr. BUTLER. Let it be inserted in the Senator's remarks.

Mr. FRYE. If I can get it I will insert it in my remarks. I read the other day the message of President Taylor alluding to it.

I contend that under those laws and proclamations Canada is entirely mistaken in the position which she assumes to-day, and that we have the same rights in her ports that she has in ours; and within a week she has had a dozen vessels in our ports buying bait at Portland and Gloucester.

Mr. MORGAN. The same commercial rights, you mean?

Mr. FRYE. Yes, the same commercial rights, not the same fishing rights. I am glad the Senator made the suggestion. I do not claim that we have any fishing rights at all within the 3-mile shore line, because we are living under the treaty of 1818, and as I have undertaken to show we do not want them; they are good for nothing; but the right to purchase bait and ice in the Canadian ports is ours to-day if they have any such right in ours; and if they close their ports against us for bait and ice, all that we have to do is to close our ports against them. It will be the first and highest duty of the Congress of the United States to do it.

Mr. MORGAN. Can not that be done by a proclamation of the President?

Mr. FRYE. Whether it must be by an act of Congress I am not prepared to say. Congress can authorize the President undoubtedly to make proclamation.

Mr. MORGAN. Has not Congress already authorized the President to do so?

Mr. EDMUNDS. They have no right to do it at all except as to what their laws may say about fishing vessels under the existing treaties. The right to free commercial intercourse, the incoming and outgoing for commerce and trade, is complete.

Mr. FRYE. So I do not know of anything we want of Canada. I know of no market of hers that we desire. She has had a protective tariff for five or six years now and has built up her manufacturing industries under it, so that she is buying comparatively little of us or of Great Britain in the way of manufactured products. We sold her refined sugar to the extent of millions of dollars a few years ago, but she has built up her own refineries now and buys comparatively nothing of us.

The right of our fishermen to-day, armed with a permit to trade, to buy bait and ice rests on precisely the same basis as the right to purchase any other article they have to sell; and should this right be denied, Congress can promptly and effectually retaliate by excluding British colonial shipping from our ports. In these regards our intercourse with these colonies depends entirely on legislation, not on treaties. There is not the slightest danger of Great Britain assenting to any interruption of these priv-ileges, to any interference with this intercourse. Newfoundland, afew years since, passed a law prohibiting the sale of bait and ice to our fishermen, but Great Britain refused her assent to the legislation.

Mr. President, I assert, without fear of contradiction by any man engaged in the fishing business—I do not mean importer of fish—that we have nothing to ask of Canada. She has no control over, nor exclusive interest in, any waters where we desire to fish for cod, haddock, halibut, or mackerel. Then what is there for a commission to settle, so far as we are concerned? Canada, I admit, does seek something of us. Our market is to her an absolute necessity. But, under a recent ruling of the Secretary of the Treasury, that solidly-frozen halibut, frozen for weeks, brought into Gloucester by the vessel-load, were "fish fresh for immediate consumption," and not dutiable, a market is opened up to Canada for at least 600,000,000 pounds of fish annually. I said we asked nothing of Canada, but we do demand of our Secretary of the Treasury that in construing our tariff laws, if he is in doubt, we and not Canada shall have the benefit of the doubt. Since that item was put into our tariff law the whole method of preserving fish fresh has changed. Then they must be consumed at once, or cured by salt or smoking, but now with freezing processes, refrigerators on fishing vessels, on steamers, on cars, and in every great market, fish are kept fresh as long as they are preserved good by curing. If the Secretary will wisely reconsider this decision, and find some way to rule that small herring, brought in fresh to-day, and to-morrow boiled in oil and made sardines, shall be admitted free of duty, his conclusions will be much more beneficent for his countrymen.

Mr. MORGAN. Can we not get the decision of the Supreme Court of the United States to find out whether he is right or not?

Mr. FRYE. The Senator from Vermont calls my attention to an act of 1823 which authorizes the President to issue proclamation at any time without any further enactment.

Mr. EDMUNDS. When there is discrimination made against our vessels in British ports.

Mr. MORGAN. That is what I understood the law to be. It is not necessary to have any additional Congressional action about it. The President by proclamation can declare non-intercourse.

Mr. FRYE. I have stated the ruling of the Secretary of the Treasury which has opened our markets to all fresh fish. Since that item was put into the tariff bill the whole process of curing fish has changed, as has that of taking fish. It meant fish taken to-day and eaten to-morrow when that law was made. Now it may mean fish taken to-day and eaten six months from now. By the modern freezing process you can keep fish fresh as long as you please. You can bring in a cargo of salmon; I have seen them frozen down in the lower province at Campbellton; I have seen ten thousand of them in one single lot frozen by the modern process as solid as lead itself, so that you could not chop it with an ax. They can be brought into our markets in refrigerators on board ship, sent to your market-houses, kept there in refrigerators for six months or a year, and sold for fresh fish.

Mr. MORGAN. Did I understand the Senator to say that the process of freezing fish and bringing them into the market fresh has been recent, since the enactment of the tariff law?

Mr. FRYE. Since the enactment of the tariff law. I say the refrigerators on vessels, on steamboats and cars, and the salmon-freezing process, and other freezing processes, so far as I know, have all come into existence since that item was put into the tariff.

Mr. MORGAN. Then it requires action on the part of Congress to remedy that difficulty arising out of the new discovery.

Mr. FRYE. I am not saying that the Secretary of the Treasury is wrong. I am saying that under his construction of the law our market to-day is open to Canada for 600,000,000 pounds of fish a year. I wish the Secretary of the Treasury had seen his way clear to have given a doubt, if he had one, in favor of the American citizen rather than in favor of the Canadian.

Mr. MORGAN. I did not understand the Senator from Maine as complaining of the Secretary of the Treasury, but I understood him as making the point in favor of the Canadians that they had beaten Congress at a game of freeze-out.

Mr. FRYE. Oh, no, not at all. Mr. President, I want to tackle a practical question now. Ought Canada to have our market? Is there any good reason why she should have it?

Mr. MORGAN. Does that mean whether we ought to repeal the tariff on fish? Is not that the question the Senator is about to discuss?

Mr. FRYE. Yes, sir, in a little different way, perhaps, than what the Senator suggests. I simply want to know if Canada ought to have our market, and I propose to show reasons why she ought not to have it unless she pays for it, as the Senator from Georgia [Mr. BROWN] suggests. That can only be done in another way; by a commission, probably.

Mr. President, ought the Canadian in justice to have free access to our markets? Consider for a moment the advantages he enjoys over our fishermen. He pays no Federal taxes, nor State, nor county, nor municipal. He helps build no school-houses, nor roads, nor does he participate in the support of our schools, nor our poor, nor our police. In event of war he owes us no allegiance and gives us no service. If the war is with England, he mans the ships of the enemy. His government pays him bounties, amounting in 1882 to $172,309, about $2 a ton to vessels engaged in the fisheries and $5 to each man employed in the boat fisheries. His vessels, built largely of the softer woods, cost him only a little more than one-half as much as ours. There is no duty on his cordage, his supplies, or his nets. The men are content with wages and a living costing a quarter less than ours.

Allow me, Mr. President, to illustrate a few of these differences. The pay, last year, of men hired on Canadian vessels was from $75 to $82 for the trip, while the wages of the American crew for the voyage of about four months were from $120 to $190. The Canadian crew were obliged to prepare the vessel for sea, discharge her, wash the fish caught on return to port, and await the sale of the cargo for payment. While the American crew do nothing of the kind, and are promptly paid on arrival at home port. The Dominion owners employ women and girls to handle, cure, and dry their fish at 25 cents a day, or 6 cents an hour, while the Americans employ men for the same work at from 20 to 30 cents an hour.

One of their vessels belonging to Yarmouth made last year two trips to the banks and returned with 2,400 quintals of cod, while an American vessel, owing to the greater distance from the grounds, made but one trip and took 1,400 quintals. The cost of the Canadian vessel referred to, prepared for sea, was $4,000; of the American, 12 tons less in measurement, was $5,500. The outfit of the Canadian was from $1,900 to $2,000, of the American $3,000. "The Dominion report of fisheries" shows that their fishing vessels, prepared for sea, classed in British or French Lloyds, cost from $40 to $50 a ton, while our best vessels cost from $90 to $110 a ton.

Mr. President, I submit that with all these advantages they ought not to have our market without paying an adequate compensation for it. Again, the duty on fish is the lowest duty in the schedule; a duty for revenue only, only half the duty that the Canadians put upon fish as against us and have kept upon our fish going there.

Again I say that these men are the hardest worked, the poorest paid, the most exposed of any men in the United States who labor for a living.

Mr. MORGAN. Do you mean our fishermen or the Canadian fishermen?

Mr. FRYE. Our fishermen.

Mr. MORGAN. The Canadian fishermen are not so badly off, then?

Mr. FRYE. What account I have given of them indicates they are badly off.

Mr. MORGAN. I understood the Senator to say they only got about half the pay of ours.

Mr. FRYE. I did not say that. The proportion is about two-thirds.

Mr. MORGAN. Ours are the worst paid men in the United States?

Mr. FRYE. Yes, sir.

Mr. MORGAN. And the Canadians are paid only two-thirds of what our men get, and yet they are increasing their fleet all the time.

Mr. FRYE. I say to the Senator from Alabama that in an average good year our fishermen do not average $300 apiece, and last year they did not average $150.

Mr. MORGAN. How long is the season?

Mr. FRYE. From four to six months, and sometimes it goes the year through. They start mackerel fishing in March now. But perhaps the Senator will agree with the gentleman from Massachusetts who wrote the letter to his principal in St. John, that the American people want cheaper fish, and that therefore the Canadian should have our market in order to make them cheaper.

Mr. MORGAN. I have no doubt the Americans want cheap fish except those who catch them. Whether they ought to have it is a question that I did not suppose was a material question in this debate, but I find that it is. I find that the whole debate hinges on the question of what the tariff ought to be, whether it ought to be increased or maintained at what it is.

Mr. FRYE. I have said no such thing. I have said that the Canadians want our market. They do not want it by paying duties to get it, but still I am willing to accept the other issue at any time and to discuss that. But let me say to the Senator from Alabama that carefully prepared statistics show that the price of fish in our market has been no less when Canada had free access to it than before Canada had access to it without a duty, but on the contrary a little higher.

Our Government used to pay bounties to our fishermen, but repealed them all in 1866. Our vessels are built of the best white oak. Equipment and supplies are subject to a Federal tax. The men assist in the support of all of our institutions and help pay all of our taxes. Is there any justice in exposing them to a free and open competition in their own markets? Ought not the Canadian fisherman to pay some equivalent for his exemptions? But, it is urged, the people are interested in obtaining cheaper fish. The statistics do not prove that the payment of our small duty increases the price received by the fishermen for their fish. It must be remembered that he receives only two-fifths of the cost of his fish to the consumer, while transportation and the middlemen share the other three-fifths. Besides, these fishermen in the best seasons do not average in earnings more than $300 each, and last year the average was not quite $100. Surely no man would ask that his fellow-man should expose himself to the dangers and hardships of the fisherman's life for smaller compensation than this. Why, sir, common humanity, a decent regard for the rights of others, would compel him to say: "If eating free fish offend my brother fishermen, then I'll eat no more free fish while the world lasts."

The duty is so low that demand and supply regulate the market prices rather than the law, but free access to our markets on the part of the Canadian fishermen introduces an additional uncertainty in the business, already so full of hazard. The custom of sailing on shares, that is, the vessel, outfit, &c., receiving one-half of the catch, the captain and crew the other half, was formerly almost universal; but latterly the crews very frequently insist upon wages rather than chances, and should this become the rule it would be a fatal blow to the business, for the owners will be slow to take the additional risk of wages, and, besides, it would have a tendency to lower the standard of the service rendered.

But, Mr. President, I said that I could not admit that the price of fish was enhanced by the duty, and I produce the statistics sustaining my opinion:

Prices of mackerel in Massachusetts the first week in September from 1830 *to* 1884.

	No. 1.	No. 2.	No. 3.		No. 1.	No. 2.	No. 3.
1830	$5 00	$4 50	$2 62	1861	8 50	4 50	2 75
1831	5 75	4 75	2 62	1862	8 25	6 00	4 50
1832	5 00	4 00	2 75	1863	14 00	9 25	6 50
1833	5 72	4 72	2 85	1864	30 00	20 00	.....
1834	5 72	4 72	3 35	1865	22 00	15 00	9 75
1835	7 00	6 00	4 00	1866	22 75	13 25	.....
1836	9 00	8 00	5 00	1867	17 00	12 25	7 50
1837	7 75	6 50	4 12	1868	17 00	13 00	.....
1838	11 00	9 25	5 50	1869	23 00	11 50	.....
1839	12 50	10 50	7 00	1870—bay	21 50	11 00	.....
1840	12 75	10 50	5 50	shore	23 00	9 75	.....
1841	12 00	10 00	6 00	1871—bay	10 50	7 50	5 50
1842	9 00	6 00	4 00	shore	11 25	7 25	6 25
1843	10 12	8 12	6 00	1872—bay	11 50	9 25	7 00
1844	9 50	7 50	5 50	shore	14 50	9 50	.....
1845	13 00	10 50	6 87	1873—bay	14 75	12 25	9 00
1846	9 12	6 25	3 87	shore	20 00	12 25	.....
1847	12 75	8 25	4 25	1874—bay	15 00	8 00	7 00
1848	9 00	6 00	3 37	shor	13 25	9 00	7 00
1849	12 00	7 00	3 50	1875—bay	14 00	11 00	.....
1850	10 12	8 12	5 00	shore	16 25	10 25	7 50
1851	10 00	6 50	5 12	1876	15 00	6 75	5 50
1852	9 00	7 00	5 75	1877	16 50	12 50	8 00
1853	11 50	9 50	7 50	1878	18 00	8 00	5 00
1854	15 00	12 25	5 00	1879	16 00	5 00	3 00
1855	19 00	11 00	6 25	1880	14 00	7 00	4 00
1856	13 00	8 00	6 00	1881	14 00	6 00	4 00
1857	15 00	12 50	8 50	1882	18 00	11 00	8 00
1858	15 50	12 50	8 50	1883	20 00	14 00	10 50
1859	14 50	12 59	8 50	1884	14 00	10 00	3 50
1860	16 00	8 50	5 00				

Aggregate average prices of mackerel and codfish, in gold, during a period of twelve years before the reciprocity treaty, thirteen years during that treaty, six years between that treaty and the commencement of the Washington treaty, and twelve years under the Washington treaty, the basis being the price of mackerel and codfish on September 1, each year, in Gloucester (Mass.) market, averaged for each period.

Period.	Time, years.	Average price of No. 1 mackerel, per barrel.	Average price of No. 2 mackerel, per barrel.	Average price of No. 3 mackerel, per barrel.	Average price of codfish, per quintal.	Remarks.
1842 to 1853*...	12	$10 42	$7 56	$5 06	$3 08	Imported fish paid duties.
1854 to 1866...	13	13 57	9 76	6 37	5 18	Imported fish free.
1867 to 1872*..	6	14 16	8 35	6 21	5 50	Imported fish paid duties.
1873 to 1884...	12	15 17	8 54	5 94	5 19	Imported fish free.

*Duties $2 per barrel for mackerel and 56 cents per quintal for codfish were paid during these periods on imported fish.

Mr. President, the Republic itself has a deep and an abiding interest in this fishing industry. Can it see with indifference its gradual decay, and regard without lively concern its certain extinction? Will it enter no protest against the deadly blows struck by its own treaty-making power? During the last thirty years it has been exposed to twenty-four of unrestricted competition with a foreign power, and in that time the Government has withdrawn all friendly bounties. In a quarter of a century its fleet has decreased about 125,000 tons and a thousand vessels, while the demand for the products of the sea has increased tenfold. Has it forgotten that its proud position was largely won by the endurance, skill, courage, and fidelity of these sailors; that Louisburg was wrested from the French by their valor, and that these very waters, now in contention, were secured to Great Britain by their courage? Can she be unmindful of their conspicuous services in the war for our independence? Listen to the testimony of General Knox, then a member of the Massachusetts Legislature. Marblehead had petitioned for a bank-charter, and the opposition was pronounced. General Knox said:

I am surprised that Marblehead should ask so small a privilege as that of banking, and that there should be opposition to it. Sir, I wish the members of this body knew the people of Marblehead as well as I do. I wish that they had stood on the banks of the Delaware River in 1777, in that bitter night when the commander-in-chief had drawn up his little army to cross it, and had seen the powerful current bearing onward the floating masses of ice, which threatened destruction to whosoever should venture on its bosom. I wish that when this occurrence threatened to defeat the enterprise they could have heard that distinguished warrior demand, "Who will lead us on?" and seen the men of Marblehead, and Marblehead alone, stand forward to lead the army along the perilous path to unfolding glories and honors. There, sir, went the fishermen of Marblehead, alike at home upon land or water, alike ardent, patriotic, and unflinching wherever they unfurled the flag of the country.

Who will deny that the glories we won in 1812 on lake and on sea were their achievement? Who does not know that in our last terrible struggle for life there was not a deck of our fleet unmoistened with their blood? If we ever have another war, which God forbid, it will be on the sea. Who shall man our fleet? It is asserted, and I believe truly, that 85 per cent. of the sailors employed in our ocean foreign-carrying trade are foreigners, owing our country no allegiance and inspired by no love for our flag. They surely would be a broken reed in the hour of national peril. Of the one hundred thousand men in our fishing fleet 88 per cent. are American citizens, 65 per cent. of American birth. Inured to every hardship, exposed to constant danger, fighting a ceaseless battle with wind and wave, loving freedom for freedom's sake, and ready on call to defend their rights; courageous, skilled, and patriotic, they are to-day the best and most reliable sailors in the world, and to a man would promptly respond to their country's call.

Why then should these men be selected for sacrifice, and their rights be surrendered to the tender mercies of British diplomacy? Of all our industries this alone is left unprotected, and the men employed in it are the most exposed, the hardest worked, and the poorest paid. The duty which England seeks to repeal is the lowest in the list of duties, less than that on any agricultural products, not one-half so great as that on any manufacture; two-thirds lower than that on sugar and rice; lower than that on beef, or mutton, or pork. Outside of England no one seeks its repeal other than a few of our city importers of fish, who are practically nothing more than agents of Canada. From the people of our country no such demand comes to us; on the contrary the protests from the Atlantic, the Gulf, the Pacific coasts, and from the great lakes are pouring into Congress.

Now, sir, what do these fishermen ask? In this emergency, when England is demanding one more sacrifice and the Administration seems to have been beguiled by the allurements of the British minister and Sir Ambrose Shea, their first and most earnest prayer is "to be let alone." Tossed about for a century by the winds and waves of English diplomacy, buffeted by Canadian penal laws, stripped and dismantled in Provincial courts, it seems to them if only their country would say to this tempestuous sea, "Peace, be still," their cup of content would be full. The resolution now under consideration answers this demand. But, Mr. President, the Republic should demand more than this of Congress. It should insist, first, that Great Britain must abstain from the assumption of "a territorial or any other jurisdiction over the vessels of the United States navigating or harboring in the open seas under the flag of the United States, whether within or without three miles of the shore; second, upon the ordinary rights of hospitality, 'wood, water, and shelter,'" regardless of treaties.

Third. Upon the same commercial privileges in the ports and harbors of the Dominion of Canada as she enjoys in ours. If these are not accorded, then that Congress should promptly resort to retaliatory legislation, and our Government send into those waters armed cruisers, not to perpetrate any wrongs upon or do any injustice to our neighbors, but to protect our own citizens from outrage. As to legislation otherwise, very little is required. Our fishermen are not asking for bounties or subsidies. They ought, however, to be included in all the benefits conferred by the statute on our ocean-going tonnage, especially the right to withdraw from bond, free of duty, supplies and equipment. They ask no increase of duty, though the Canadian duty is double of ours both on fresh and cured fish. It should either be provided by law or determined by a decision of the Secretary of the Treasury that fish preserved by artificial freezing shall not be admitted to our markets free, under the clause of the tariff, "fish fresh, for immediate consumption;" that small herring to be converted into sardines, capelin, and squids for bait shall be admitted free; that all fish of every kind taken by vessels of the United States licensed for the fisheries in any waters, or by the crews of said vessels, or by any person, means, or method employed by the masters of said vessels, and which are delivered fresh on board such vessels and cured or preserved thereon and brought to the United States by such vessels, shall be deemed the product of the American fisheries and entitled to free entry. It being understood that the above liberty shall not apply to the employment of vessels under foreign registry or to their crews, boats, seines, nets, or other appurtenances belonging to such foreign vessels.

Mr. President, these are not serious demands, and I trust that the importance of the industry urging them upon Congress will be regarded as a complete justification for their favorable consideration. But, sir, the first and absolutely necessary condition to stop the progress of decline and decay is an emphatic declaration of the Senate against the recommended commission, and as this is a question into which no politics nor partisanship can intrude, I sincerely hope that the vote recorded for this resolution shall be so decisive in its majority as to allay all excitement, and remove all apprehension from the minds of the intelligent, brave, and loyal sailor-fishermen of the Republic.

ADMISSION OF WASHINGTON TERRITORY.

Mr. PLATT. I ask that the unfinished business be now proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 67) to provide for the formation and admission into the Union of the State of Washington, and for other purposes, the pending question being on the amendment proposed by Mr. EUSTIS, in section 3, line 2, after the word "qualified," to insert the word "male;" so as to make the section read:

That in order to the formation of such State government the qualified male electors resident within said boundaries are hereby authorized, &c.

The PRESIDING OFFICER (Mr. MITCHELL, of Oregon, in the chair). Is the Senate ready for the question on the pending amendment?

Mr. EUSTIS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BUTLER. Mr. President, I shall vote against the amendment of the Senator from Louisiana, but I do not wish to be understood by that vote as being in favor of woman suffrage. The right of the women of Washington Territory to vote has been in existence for about three years. Congress has certainly acquiesced in the exercise of the right. Believing as I do that the people of that Territory have the power to regulate those matters for themselves, I shall vote against the amendment. It is their affair and not mine. They must live under the constitution which is adopted by the qualified electors of that Territory, and I shall be content to leave the settlement of all those questions to the people of the Territory.

Mr. BECK. Mr. President, I rather think I will vote for this bill no matter what amendments may be adopted or rejected, because I think Washington Territory is entitled to admission as a State, but I shall certainly vote for the amendment of the Senator from Louisiana, and I would extend it still further. I think great care ought to be exercised in framing a constitution for a new Territory which is hereafter to be the home of people from every State in the Union. The Territories are subject to our exclusive control, and are governed directly or indirectly by Congress as the agent or trustee for all the people of all the States who are expected to fill them up in the near future. I do not think that the people who first happen to go to a Territory, it may be for mere temporary or speculative purposes, should be regarded absolutely as the only persons who are entitled to frame the fundamental law of the incoming State for all time to come. For example, in the laws enacted by the Territorial Legislature of the Territory of Wash-

ington, as I find them in the act approved November 23, 1883, it is provided that—

All American citizens above the age of twenty-one years and all American half-breeds over that age, who have adopted the habits of the whites, and all other inhabitants of this Territory above that age, who shall have declared on oath their intentions to become citizens at least six months previous to the day of the election, and shall have taken an oath to support the Constitution of the United States and the organic act of this Territory at least six months previous to the day of election; and who shall have resided six months in the Territory and thirty days in the county, next preceding the day of election, and none other shall be entitled to hold office or vote at any election in this Territory.

* * * * * * *

SEC. 2. Wherever the word "his" occurs in the chapter aforesaid, it shall be construed to mean "his" or "her," as the case may be.

That provision means that all persons who see fit to go to Washington Territory and stay there six months, whether they are Canadians or Chinamen, or from any other country under the sun, if they swear that they intend to become citizens, shall be entitled to vote. The people who can vote under that act of the Territorial Legislature are not either necessarily or presumptively the sort of people who ought to be allowed to frame a State constitution. While the Congress of the United States may properly allow persons who go to a Territory in the first instance to pass such local laws relating solely to their own immediate wants as will in their opinion best promote their interests for the time being, when it comes to pass an organic act or authorize the formation of a State constitution Congress ought to take care that such a constitution is formed by *bona fide* citizens of the United States as will meet the approval of Congress and reflect the wisdom of the assembled representatives of the people, as it is our clear duty to promote the best welfare of all the people of the United States; and every citizen of every State should feel when he goes to the new State that he is going there under a constitution which has met the approval of the representatives of the people of all the States. Although Washington Territory allows every human being from any country in Europe, Asia, Africa, or America, who is twenty-one years of age, male or female, to become a voter in that Territory for local purposes, without being even a citizen of the United States, I insist that Congress ought not to allow a people with no higher obligation or closer connection to this Government to frame a constitution under which all the people of all the States who may see fit to go there and make their permanent homes should be required to live. The mere accident, it may be, whereby a few miners have prospected for six months, or a few Canadians or a squad of Chinamen or a few people who have come from any other part of the world and declared their intention to become citizens of the United States, and may never consummate that intention by naturalization, ought not to vest them with power to frame an organic act, merely because the act of the Territorial Legislature provides that they are electors for local purposes in that Territory. It is not, in my judgment, wise action on the part of Congress to abridge its undoubted right to prescribe who shall and who shall not vote for the proposed constitution merely because it has sanctioned local Territorial laws extending suffrage to all sorts of people. The people of the whole country have the right to the wisest and best considered constitution that Congress can secure, regardless of the few settlers there now, none of whom have a right to vote for the new constitution, unless we confer that right upon them by this act.

When a State is once a State and its people by the sanction and authority of Congress have assumed all the responsibility of a State, then I agree that they may make any provision relative to suffrage that they please. Until then they are in our hands and we are responsible for the laws enacted. The Congress of the United States has declared who shall be citizens in the following language, and the presumption is irresistible, and none but citizens can vote or hold office under or by virtue of Congressional authority:

SEC. 2165. An alien may be admitted to become a citizen of the United States in the following manner, and not otherwise:

First. He shall declare on oath, before a circuit or district court of the United States, or a district or supreme court of the Territories, or a court of record of any of the States having common-law jurisdiction, and a seal and clerk, two years, at least, prior to his admission, that it is bona fide his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and, particularly, by name, to the prince, potentate, state, or sovereignty of which the alien may be at the time a citizen or subject.

Again—

Third. It shall be made to appear to the satisfaction of the court admitting such alien that he has resided within the United States five years at least, and within the State or Territory where such court is at the time held one year at least; and that during that time he has behaved as a man of a good moral character, attached to the principles of the Constitution of the United States, and well-disposed to the good order and happiness of the same; but the oath of the applicant shall in no case be allowed to prove his residence.

Section 2170 provides that—

No alien shall be admitted to become a citizen who has not for the continued term of five years next preceding his admission resided within the United States.

These are the leading provisions in regard to citizenship, and those provisions ought to apply to every non-resident in Washington Territory who seeks to take part in framing a constitution or to hold office under a constitution for a great Territory like that, which is, I hope, soon to become a State, and in my opinion in the next ten years one of the most prosperous States in the United States. It has as many advantages as any State in the Union can possibly have, as Senators have been advised fully by others who have spoken on this subject. Assuming as I do that Congress has absolute control over this subject, I insist that it is not only the right but the duty of Congress to see to it that this proposed fundamental law is not adopted or put in operation by any other than citizens of the United States, any Territorial law or temporary regulation to the contrary notwithstanding. When the Territory of Washington, in order to induce population to go there, or for any other purpose, allowed a man from any part of the world, as I said, from Asia, Europe, Africa, or America, to vote or hold office, who locates there for six months and declares his intention merely to become a citizen, that is not the class of people who ought to be allowed by Congress to take control of or frame a constitution for that great Territory. That is a subject under the exclusive jurisdiction of Congress, because all the people of all the States are interested in it and have a right to go there and take possession of the public lands and enjoy the proceeds of the school lands, the homesteads, the pre-emptions, the everything that is tempting and calculated to induce population to go from other States. Therefore I repeat that the organic act for the new State should be framed by citizens of the United States and only by citizens of the United States, and not by any set of people, male or female, who may have for six months domiciled themselves there.

Mr. HOAR. Will the Senator allow me to ask him a question?

Mr. BECK. Certainly.

Mr. HOAR. I ask whether the law which permits those men to take part in the management of the Territory and in framing the organic act was not put in force by citizens of the United States; in other words, whether the citizens of the United States in the Territory have not themselves of their own motion extended the privileges they have to the aliens?

Mr. BECK. I do not know whether they were citizens or not who did that.

Mr. BUTLER. And the act was approved by Congress.

Mr. HOAR. And it was approved by Congress.

Mr. BECK. I have no objection to Congress approving the greatest liberty and allowing the largest rights over mere local affairs in the Territory to any body of men, whether they are citizens or aliens; but when Congress comes to frame an organic act converting that Territory into a State, and when Congress frames laws or gives its authority and direction to that end, because it has absolute power to prescribe the terms and conditions upon which new States shall be admitted, we are the men who are required to determine the question of policy as we are doing now in passing the act under consideration. I think in delegating that power and authority Congress should confine it to the citizens of the United States.

I know it was the law of Minnesota and the law of many Territories, when they were seeking to obtain population to take possession of and cultivate their wild lands and bring not only wealth and prosperity but protection to the frontier. In order to induce people from all parts of the world to come, they allowed them to vote after six months' residence. Many of these voters were unable to read, many of them never heard of the Constitution of the United States. Still they were interested in good local government. But it is a very different proposition when men are acting upon mere local laws, temporarily to protect their lives, their liberty, and their property, from a proposition to have persons of that sort, who may be temporarily there, frame and administer an organic act such as the constitution of a future State. It is the duty of the representatives of the people of all the States, as we are called upon now to frame or cause to be framed a State constitution, to indicate who shall have power to make it, and we ought to place it in the hands only of our own citizens. That is what I mean.

Therefore, I will go even further than the Senator from Louisiana, and I would insert in section 3 not only the word "male," so as to read "qualified 'male' electors resident within said boundaries," but I would add so as to make it read, "who are citizens of 'the United States under the laws thereof,' are hereby authorized, after due proclamation by the governor," &c., to determine what shall be the constitution.

I have no doubt that all Senators who favor woman suffrage will oppose the amendment. That is logical; that is consistent; but I am unable to understand the consistency of gentlemen who say they are opposed to woman suffrage and yet in this particular case authorize women to vote for this constitution because the Territorial Legislature saw fit to allow them to vote on local questions. If women vote for the constitution it will be only because Congress authorizes them by this act and not by virtue of any right acquired by the act of the Territorial Legislature.

Congress might very well sanction the most extended suffrage asked for when laws relate only to roads, and schools, and mills, and the stopping of gambling and liquor shops, and perhaps it might work very well, and yet not be prepared to establish a new principle in the formation of a constitution of a great State by extending that privilege to fundamental legislation, as this bill provides, regardless of race, nationality, citizenship, color, or previous condition.

Mr. GEORGE. Or sex.

Mr. BECK. Certainly, regardless of sex. I will go as far as any man to aid women in obtaining all the employments possible to elevate

their present condition, but I am not prepared either in regard to Washington Territory or anywhere else, if I can help it, to confer upon them the right of suffrage, mainly because the fifteenth amendment as well as this bill provides that there shall be no discrimination on account of race, color, or previous condition.

There are intelligent women, plenty of them, in Massachusetts, in Kentucky, in every State, in Washington Territory, who are as well or better qualified to vote, if you please, than many of the male sex occupying similar positions; but Congress can not allow the most intelligent woman in any State of the Union to vote without allowing the most ignorant negro woman in any State in the South to vote. That settles the question with me. While we are contending, and contending properly, that intelligence should control at the ballot-box, we require the most intelligent foreign-born white man to live here five years before he can vote. Congress, by constitutional amendments and legislation, under bayonet rule forced suffrage upon the negro men. We are struggling with that problem now, seeking to add to their intelligence and make them voters who can act intelligently in regard to great public affairs. While involved in great difficulties in that regard now, for us to throw in the great mass of the negro women of the South at the same time is only doubling, yes, quadrupling, the difficulty and danger of the problem. We all know that the negro women are very much more ignorant than the negro men. That is a fact known to every man who has ever lived among them. The negro character is well understood by the great mass of the people. Male negroes have associated with white boys from their childhood; they have been barbers, hostlers, domestic servants; they have gone about everywhere, and by their ready power of imitation they catch and appropriate very quickly the ideas of the boys and the men they associate with. But the great mass of the negro women of the South, especially in the extreme Southern States, never had any of those privileges or advantages. They are at the washtub, they are in the kitchen and the fields, they are deprived of many opportunities that the colored men have. To add two or three million voters of that class who are absolutely ignorant is not statesmanship; it is not wise; it can not be done safely, certainly not until we have at least made the colored race, men and women, more intelligent than they are now.

As I said before, we can not confer the right of suffrage on the most intelligent woman in America without conferring it upon the most ignorant colored woman within the limits of the United States. If intelligence is to govern at the polls, and if we as statesmen are to try and take care that ignorance does not control our suffrage, we have a problem large enough and difficult enough for the next ten years at least, to bring up the intelligence of the colored men to whom suffrage has been given, without taking upon our shoulders the responsibility of conferring that high privilege upon all the colored women as well. This bill is the entering wedge to universal female suffrage for white and black, refined and ignorant, there is no disguising that fact and gentlemen can not shut their eyes to it. I enter my protest against this bill on that account more than on any other.

It seems to me to be great folly to open up the question of woman suffrage by a Territorial act in a disguised form under the authority of Congress. I confess that while I desire to see Washington become a State, and while I believe, as I said before, that it will become a great State, and I am not prepared to say at this moment that I shall not vote for the admission of the Territory as a State no matter whether the amendment of the Senator from Louisiana is adopted or not, in my judgment it will be far better to declare that the constitution shall be framed by intelligent male citizens of the United States than to allow it to be done by merely six months residents who may never become citizens, or by women who are not allowed that privilege by act of Congress anywhere, and thus establish a principle which will return to plague us, because I am unable to see how Congress can deny the application of the principle of female suffrage everywhere if it establishes it in this case, over which it has absolute and unquestioned power to do as it pleases.

If after Washington Territory becomes a State, having had a constitution framed by intelligent citizens of the United States, it should see fit to adopt other rules and regulations as to suffrage, I have nothing to say; or if any State now organized passes laws permitting female suffrage, I have nothing to say; but I do maintain that it would be wise for Congress in the framing of the fundamental law to limit it to male citizens, as has been done everywhere else, and to limit the power to organize the State to citizens of the United States, as ought always to have been done, though I do not believe it has always been done.

I have been over the Western States enough to know that they are filled up with people who in order to get the right to vote declare their intention to become citizens before they either know or care anything about citizenship; they can abandon that intention after imposing a constitution on a new State. They have a right to do it the next day. They are under no obligation to become citizens because they once intended to do so; they may have had the intention at the time they made affidavit that they did so intend. There may be no special reason why Congress should interfere with those people when they were merely carrying on their local affairs for themselves, and if they wished to add to their population, to add to their security, to add to their comfort, Congress may well let them do as they choose; but when a State comes to be formed out of a Territory that question affects all the people of the United States, and not only a few pioneers who have gone there in advance. When that important step is taken we should require their constitution to be framed carefully by men who are in fact citizens and by that class of voters whom alone Congress has recognized in all of its past legislation as the persons on whom the right of suffrage should be conferred by national authority and in whom sovereignty should vest, so far as the United States undertakes to meddle with questions of suffrage.

Mr. President, that is all I care to say. I did not expect to say half that much. As I said before, Montana and Washington will soon become great States on some terms. I only repeat that in my judgment it would be better to limit the suffrage in the formation of their organic laws to citizens, to the men who have been required and trained to study these problems, and who can therefore safely and carefully exercise those great rights, and not launch out into such experiments as are involved in alien and female suffrage.

Mr. TELLER. Mr. President, in the organization of Territories without exception, as I recollect, the question of determining who should be voters for the purpose of electing members of the Legislature has always been remitted to the Territories. I believe there is no exception to that.

Mr. EDMUNDS. None whatever after the first organic act setting them up.

Mr. TELLER. In the State of Colorado early, twenty-five years ago nearly, we adopted substantially the same provision that we adopted in our constitution, the provision that the Senator from Kentucky objects to as to foreigners. We put in our constitution substantially what we had had in our statutes for nearly sixteen years.

> Every male person over the age of twenty-one years possessing the following qualifications shall be entitled to vote at all elections: He shall be a citizen of the United States, or, not being a citizen of the United States, he shall have declared his intention, according to law, to become such citizen not less than four months before he offers to vote.

My recollection is that all the change made in the Territorial law is that under the old Territorial law he was not required to make this declaration four months before he offered to vote. The people who passed upon the constitution, authorized to do so by an act of Congress, were the very class of people described in the constitution, and the very class of people in part at least to which the Senator from Kentucky objects.

The Senator objects to this class, and he also objects to the provision which allows the women of that Territory to vote. He is in favor not only of restricting now the people who shall pass upon the constitution to males who are either native-born citizens or have received their full naturalization papers, but he is for making a new rule for the people of Washington that never was made for any other Territory. It is true he may answer to that that no other Territory ever asked admission with female suffrage, but Congress never made any investigation, never looked into it or inquired whether they did provide for female suffrage, or what were the qualifications of their electors.

Congress in authorizing these Territories to select their own electors and fix their qualifications reserves to itself to annul or disapprove of any act in that behalf, because there has been a reservation of the right to annul all legislation of Territories if Congress saw fit. It has been, however, the theory that whenever Congress did not annul the legislation they approved of it, and, as is suggested to me, Congress has never exercised the right of annulling the act of a Legislature with reference to affairs clearly given to them under the enabling act, except in extreme cases. Since I have been in the Senate I do not recollect any case, except perhaps in relation to one single Territory. The cases have been so very few as to be observable and noticeable on that account if for nothing else.

Fifteen years ago and more two Territories at least adopted the principle of female suffrage, the Territory of Utah and the Territory of Wyoming. Three years ago the Territory of Washington also followed in the same direction. We have everywhere treated this as we have treated the question of electors, as a question for the Territory, as we have treated it and as we are compelled by law to treat it, as a question for the State. The State determines for itself who shall vote for the most numerous branch of the Legislature; and then the Constitution says for the purpose of exercising a function of national citizenship the voter that the State recognizes as entitled to vote may exercise the functions of national citizenship in the selection of a member of Congress.

The power of the voter does not come from Congress; it comes from the State; and on the other side of the Chamber, I will venture to say, it never was disputed until yesterday, if it was then, and I do not know that it is disputed now, for the honorable Senator from Kentucky says when the State is admitted he admits that the State may then fix the qualification of its electors. I understood the Senator from Louisiana [Mr. EUSTIS] to substantially assent to the same thing, although I could not quite determine. He assents now.

Mr. President, there is not any practical question left; it is a simple sentimental or theoretical question, because the gentlemen on the other side of the Chamber, some of them at least, are opposed to female suf-

frage or are opposed to extend the suffrage to the people who have gone to that Territory to make their homes until such time as they shall have received the full and entire badge of American citizenship. I hardly expected the distinguished Senator from Kentucky to take that position. I hardly expected that he of all others would have suggested anything that would look to the curtailment of the rights of those who come to our country to make their homes and to cast their lot with us, and who show a disposition to become a part and parcel of our own people.

If the honorable Senator from Kentucky were now in his native land exercising the rights he would have a right to but for the fact that he has assumed the rights of American citizenship, I doubt very much whether he would be a home ruler. I doubt very much whether his sympathies would go out for the oppressed people of Ireland who have been struggling so many years for the right of self-government. I doubt whether he is in full sympathy with that great statesman who yesterday made the world ring with his enunciation of the rights of the people of the British Empire—the greatest speech probably upon those questions ever made, and if he is not the greatest man who made it, he is the greatest man of this day. I doubt whether he would be in sympathy with him, and I doubt whether it is proper and right at this hour when the world is moving forward toward extending to all people, irrespective of class, irrespective of sex, all rights of citizenship, the right to participate in a government—whether it is wise for the American Senate to pass on a question in such a manner as shall seem to curtail those rights and to make a retrograde movement.

I was impressed in reading the report, briefly as it is to-day, of Mr. Gladstone's great speech. He said one thing which is so true and so proper in regard to the question of home rule and home government that I wish to read it. He said, addressing the house of commons yesterday afternoon, within the last twenty-four hours:

> Something must be done, something is imperatively demanded from us to restore in Ireland the first conditions of civil life, the free course of law, the liberty of every individual in the exercise of every legal right, their confidence in the law and their sympathy with the law, apart from which no country can be called a civilized country.

Mr. President, those words will live as long as the English tongue lives; they will be immortal. There are more people to-day repeating those words and approving of the sentiment thereof than have repeated and approved the declarations of any public man in a hundred years. It is as true when applied to a woman as when applied to a man. It is as true when applied to my mother and my sister as when applied to me and to my brother. Everybody who obeys the law should have a voice in the enactment of the law, and it is when you have conceded to all the people a part and parcel in the enactments of law that you can depend on them to take part in the execution thereof. When the people shall be consulted everywhere at all times, then their will shall prevail and you will never hear the suggestion of a necessity for armed men to execute the law.

It has been my opportunity to live by the side of a community which granted to women equal rights at the polls with the men—in a community composed of separate people coming from all portions of the world, with none of the ties, with none of the associations that hold and bind together old communities. Taking up and recognizing this great fundamental principle that part and parcel in the enactment of law would carry with it the proper execution of law, they gave to women as they gave to men their rights at the polls. Order, good government, decency has been the result; and in that community there is no man of any political party, of any political faith or religious ideas who could be found, with rare exceptions, who would deny the beneficial results of that class of legislation.

I approve what was said by the Senator from Oregon [Mr. DOLPH] who spoke so eloquently in regard to giving these women the right to vote; and I say from observation that the evils from so doing which have been emphasized and suggested will not come.

The honorable Senator from Kentucky says that the colored women of Kentucky are not fit to vote. It is a question for Kentucky whether they shall or not. The colored women of Mississippi are not fit to vote, he says. It is a question for the people of Mississippi whether they shall or not. But will anybody say that the wife is not as well qualified intellectually and morally to discharge every duty of citizenship as the husband? Will anybody say that the girls who are brought up in the family lack the intelligence and moral qualifications that their brothers have? Does not everybody recognize the fact that in a great majority of cases the women of the country stand on a moral plane which the men do not reach, and if you want to reach the great evils of society intemperance, licentiousness, and other crimes you can rely with perfect safety upon the wives, the mothers, the sisters, and the daughters of the land. I am in favor of giving to all the women everywhere the right to vote. I am in favor of letting Kentucky legislate for herself on that question. I am in favor of letting Washington settle that for herself, as she has done, and all honor to the new State that is to be, great in everything that makes a State, that she is to be the first to take this great step in the march of improvement, and that which is eventually to come to all the States in all the land.

Mr. EUSTIS. Mr. President, I do not intend to be drawn into the discussion of the merits of woman suffrage. I confined myself yesterday to purely legal and constitutional questions. I shall not attempt to convert any woman suffragist; but I desire to state with reference to the amendment that, while I suppose every woman suffragist will vote against it, if I can interpret the logic of a vote it is an impossibility for one who is against woman suffrage to vote against the amendment.

The proposition has been misstated. I deny that the amendment disfranchises women; I deny that it disfranchises anybody, for the simple reason that no one to-day in the Territory of Washington, male or female, has a legal or constitutional right to vote for delegates to a convention. When these people come before Congress and ask us, as they do, to confer upon them the right to vote, by limiting the right to vote to male citizens we do not disfranchise female citizens, because female citizens have no right whatever to vote to-day on the issue here proposed, and in order to disfranchise any voter there must be a subsisting legal right to vote.

Therefore, in the exercise of an original power by this very law we create this right of suffrage; and it seems to me perfectly idle as a matter of argument, and I address myself to the Senator from South Carolina [Mr. BUTLER], to state that because for other purposes than what are contemplated by this proposed law, with reference to other matters entirely disconnected with the purposes of this measure, the people have a right to vote in the Territory of Washington purely in regard to Territorial matters connected with purely local and municipal concerns, if the Congress of the United States does not confer upon women the right of suffrage with reference to the calling of a constitutional convention it thereby disfranchises women.

Mr. BUTLER. I wish very much that I could see the force of the argument of my friend. If women have not the right to vote now, which I understand to be his proposition, what effect this provision of the law will have which confers suffrage upon all the qualified electors, I can not understand. In section 3 of this enabling act, for that is all it is, Congress has nothing whatever to do with the organization of a fundamental law; it simply confers upon certain people within certain prescribed limits of the public domain the right to exercise a high sovereign power, to wit, to organize a State government, and upon the organization of that State government they will be admitted into the Union. If women are not now allowed to vote, I confess I can not see for the life of me the necessity for the amendment of the Senator from Louisiana. The language of the third section is:

> That in order to the formation of such State government the qualified electors resident within said boundaries are hereby authorized, &c.

I understand the Senator from Louisiana to say that females have not the right to vote now. Therefore the third section confers no such right upon them.

Mr. EUSTIS. The Senator from South Carolina entirely misunderstood what I said. I know perfectly well that females have the right to vote in the Territory of Washington. They have the right to vote for members of the Legislature, and that Territorial Legislature has purely legislative power for the Territory's local affairs.

Mr. EDMUNDS. They have the right to vote for anything that any male has, have they not?

Mr. EUSTIS. Yes, they are on a perfect equality with male citizens so far as the question of suffrage is concerned; but my proposition is that neither the male nor the female citizen of Washington Territory has to-day the legal or constitutional right to vote at all for the purposes of this bill. I am surprised that the Senator from South Carolina does not perceive the distinction. What is the distinction? Under the law of Congress up to the time that you pass this enabling act what rights have the citizens of Washington Territory? They have the rights conferred by the act of Congress already in force and nothing else. What law gives those citizens, male or female, the right to vote for delegates to a constitutional convention to frame a constitution to establish a State government? They may do it if they choose as a fact, as a mere matter of form, but it comes to the source of power, which is Congress, and Congress has to recognize and to ratify that act before it has the slightest legal or constitutional validity.

Mr. BUTLER. The bill provides for a proclamation by the President.

Mr. EUSTIS. I speak of the general rule. The power of the President to proclaim a State to be in the Union comes from the Congress of the United States.

What I desire to impress upon Senators who are opposed to woman suffrage is that inasmuch as there is to-day no inherent or vested right in any citizen, male or female, of the Territory of Washington to vote for the purposes of this bill, the Senator from South Carolina can not escape the responsibility of creating and originating and establishing female suffrage in the Territory of Washington by voting against the amendment which I propose. You directly confer it. Who else does? The people of the Territory do not confer it upon themselves.

Mr. BUTLER. There is nothing said about female suffrage in the bill.

Mr. EUSTIS. I propose to limit the bill to male citizens, and you propose to vote against the amendment because you say female citizens already have the right to vote.

Mr. BUTLER. I say that under the Territorial organization and under the laws of the Territory they have the right to vote.

Mr. EUSTIS. For what purposes?

Mr. BUTLER. For the purposes of local self-government in the Territory.

Mr. EUSTIS. I admit that.

Mr. BUTLER. Under and by authority of an act of Congress.

Mr. EUSTIS. I admit that.

Mr. BUTLER. I can not conceive for the life of me how I can be put in a position of arranging for woman suffrage in that Territory by voting for the bill and against the amendment, when nothing is said in the bill about female suffrage.

Mr. EUSTIS. But you do say it when the Congress of the United States is solicited, as in this case, for the permission of certain citizens to vote for the purpose of forming a constitution and establishing a State government. The responsibility is with Congress and not with the people of the Territory if we establish those qualifications, including the female sex, because those qualifications do not exist to-day, and it is only by virtue and by authority of this measure that that faculty is created and conferred upon women to vote in the Territory of Washington for delegates to a convention to form a State constitution.

Mr. BUTLER. Will my friend point out the provision of the bill which confers that power on women to vote? If he will point it out to me, then I shall admit the force of his argument.

Mr. EUSTIS. It is done because you adopt the same qualifications which exist under the Territorial law. Whether you say in express language that those who shall vote for the delegates to the convention shall be the male and female citizens over twenty-one years of age of the Territory of Washington, whether you define it expressly in exact and express terms, or whether you do it by reference to an existing Territorial law, the force and effect of your provision are precisely and identically the same.

A few Senators have appeared or affected to be very much startled by the proposition that those of us who will vote for this amendment are attempting to oppress the opposite sex and deprive them of vested rights, to withdraw from them an inherent privilege. The Congress of the United States itself, when it told the people of Washington Territory to organize themselves into a Territory, limited the right of suffrage to male citizens, as it provided that "every male citizen above the age of twenty-one," &c., shall have the right to vote for members of the Legislature at the first election. Why should my proposition be so monstrous and outrageous when the Congress of the United States has declared by a law which stands unrepealed and applies to every Territory, that when that Territory shall be organized it shall be organized only by the male citizens of that Territory who are over twenty-one years of age? If that policy be wise, if that policy be just, if that policy be sound with reference to the mere question of the organization of a Territory, I ask why should not that policy be observed and sustained with reference to the still more important question of authorizing those people not to organize a Territory, but to organize a State government for admission into the Union?

I admit that after this first election in the Territory, and when the Territory becomes a State, it will have the power to confer the right of suffrage upon whomsoever it pleases. It may confer it upon men; it may confer it upon women, and, I have no doubt, it may confer it, if it chooses, upon Chinese, upon Indians.

Now, what is the theory of the law? It is that so far as any exertion of power by Congress is concerned, even at the time of the organization of a Territory, the right of suffrage shall be limited to male citizens alone. But Congress tells the inhabitants of a Territory, "If you choose to indulge in any isms; if you choose to indulge in any idiosyncrasies; if you choose to indulge in any cranky notions, so far as your municipal and domestic government is concerned, we will permit you to do it, and you may enjoy it as much as you please;" and, therefore, except where an institution has been denounced as a crime, Congress has no interest whatsoever in interfering with any of the cranky notions which may find room and spread in any Territory of the United States. But when the people of a Territory come before Congress to exercise its legislative power, then upon Congress rests the responsibility whether it will approve and indorse whatever passing craze may afflict that Territorial population. The power is coexistent with the responsibility, and it is because I believe that true Democracy means manhood suffrage in this country that I am opposed to woman suffrage.

My Republican friends on the other side may disfranchise women in the Territory of Utah, married or unmarried, married once or married thrice, Mormon or anti-Mormon, Gentile or polygamous. I will not say that it is because Utah has not three electoral votes to give the candidate of the Republican party for President; but I will say this, that when the Senator from Vermont asks me what would become of the Democratic party in the Territory of Washington if the right of suffrage was confined to women, I judge from that that the Republican party expect to secure the female vote in that State.

Sir, I have my suspicions when I see a State being led into this Union by the united exertions, the united influence, and the united vote of the Republican party in the Senate, and I also have my suspicions when I perceive that when the Senator from Indiana [Mr. VOORHEES] proposed his amendment to admit the Territory of Montana, the arguments of the Senator from Indiana [Mr. HARRISON] and the arguments of the Senator from Connecticut [Mr. PLATT] were so overpowering, unanswerable, and convincing that they compelled a unanimous Republican vote on the other side of this Chamber.

Mr. EDMUNDS. That is because we are opposed to log-rolling.

Mr. EUSTIS. "Opposed to log-rolling." I know that to-day we are living in a very highly scented atmosphere of political reform. I know that under the saintly leadership of the Eatonian school of political philosophers we are all ceasing to be partisans, that we no longer recognize party obligations, party duty, party discipline, and party devoirs, that we are all to become reconciled to a life of political monasticism; but I will continue to have one failing, Mr. President, and that is in my humble way to be as watchful and as vigilant of the purposes, designs, and craft of the Republican leaders as I have endeavored to be in the past.

This amendment is aimed at no class of our people whatever. I believe that those who framed this system of government never contemplated, either as regards the State governments or the Federal Government, that the secure foundations upon which they have rested for a hundred years of manhood suffrage should be changed to the shifting foundations of the mixed suffrage of male and female citizens in this country. That view finds support, according to my interpretation of the Constitution, as late as the fourteenth amendment. The fourteenth amendment provides that—

> Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

I believe that this is the only provision in the Constitution which contains the word "male." This article provides that if the male voters, or, what is the same thing, if the male citizens who have the right to vote in a State are denied the right to vote, the representation of that State in Congress shall be diminished in proportion to the number of male voters who have been denied the right of suffrage by the State. It is very clear that if those who framed that article contemplated for a moment that female suffrage could exist by possibility in any State, they would have applied its provisions to female citizens as well as to male citizens, for the same reason would exist for the application; but the effect of the penalty which is inflicted upon the State because of the denial of the right to male voters is to diminish the representation in the proportion in which male voters are denied the right of suffrage.

So if you had female suffrage in a State to-day and any large class of females who had the right to vote under the constitution of the State were denied the right of suffrage, the diminution of representation would not occur with reference to that class of citizens. Taking the whole history of Congressional legislation, so far as I am able to discover, there is not a solitary line or section of a law which has ever countenanced female suffrage in any Territory or recognized the possibility of its existence in any State.

Mr. EDMUNDS. May I ask the Senator a question?

Mr. EUSTIS. Certainly.

Mr. EDMUNDS. Did not that constitutional provision act upon an existing state of things of constitutional law and arrangement in every one of the States, just as it found them, without undertaking to go into the question of how it ought to be or ought not to be, but upon an existing condition of things in every State, just exactly as this bill proposes to take the existing autonomy of the Territory of Washington and its political power and pass upon this question?

Mr. EUSTIS. That may be true, but I think it is equally true that the fourteenth amendment applied to the future as well as to the time at which it was adopted.

Mr. EDMUNDS. But I am speaking of its application to the then existing condition of things, because the Senator will see, although it used the word "male" for the reason that every State constitution did the same thing, and took it as it was, and did not undertake therefore to interfere with State rights but acted upon the matter as it was, leaving to the State the right to regulate suffrage as between men and women. It would be impossible for a State consistently with its own constitution to disfranchise a part of its females and to enfranchise another part under similar conditions. The other part of the fourteenth amendment would prevent that, and the fifteenth amendment, taking the thing in the same way, provides that there shall be no exclusion based upon certain conditions of things, as to condition, and race, and so on, of the people who reside in the several States.

Mr. EUSTIS. There is no doubt it was framed with reference to the existing condition of things. At the same time I say that if it was in the contemplation of those who framed the fourteenth amendment that female suffrage could by possibility be established in a State, the same provisions would have been applied to female suffrage as to male suffrage.

Mr. EDMUNDS. The effect of that, then, would be, if I do not interrupt the Senator——

Mr. EUSTIS. Certainly not.

Mr. EDMUNDS. If the fourteenth amendment had left out the word "male," and in the then existing condition of things, if a single State had adopted female suffrage, every other State that did not was to be deprived of its representation by just the amount of the females who were in it who would otherwise be within the voting age, which of course would be monstrous. So it was necessary to put that in exactly the form it is.

Mr. EUSTIS. There is another proposition to which I alluded yesterday and which the Senator from Massachusetts [Mr. HOAR] characterized as monstrous and outrageous, and he used very extraordinary language. I do not mean to say that he used discourteous language, but I was surprised at the emphasis with which he declared his convictions upon this question, as though they were overruling and had to be accepted by those who listened to him. It is this, that I propose to offer an amendment to make it a condition of the admission of a State that there shall be a provision in the constitution of that State limiting the right of suffrage to male citizens. I understood his criticism to be directed not so much to the character of the amendment as to the fact itself that a Democratic Senator, a Southern Senator, should think of imposing a fundamental condition upon the admission of a State into the Union.

I have been educated in a different school from the honorable Senator from Massachusetts, but I understand the amendment to embody the true States' rights Democratic doctrine as it has been taught by the great leaders of our party, that it is not alone the inhabitants of the Territory who are interested in the question of the admission of a State into the Union, it is not that we should consult their caprices or their whims or their peculiar views or their local interests upon the question of the admission of a State. The reverse is the doctrine, that upon the question of the admission of a State we are executing a trust in behalf of the citizens of the other States, and that on all questions, whether they be political, religious, social, or questions affecting the public order, it is the duty of the representatives of the States already in the Union to protect and safeguard those States against any evil influences which may be introduced into our system of government by the admission of a State.

That has always been the true Democratic doctrine. The argument has always been that it was a trust, for the reason that the territory has been acquired by the common pulse and by the common blood of the States of the Union, and therefore it is their property and it is their interest which must be safe-guarded as much as it is the interest of the inhabitants of the particular Territory which is to be admitted into the Union.

There was a fundamental condition imposed upon the State of Missouri before she could be admitted as a State into the Union The constitution of Missouri, under which that State applied for admission into the Union, provided that it should be the duty of the Legislature—

> To pass laws to prevent free negroes and mulattoes from coming to and settling in the State, under any pretext whatever.

One ground of objection to the admission of the State under this constitution was that it would require the Legislature to exclude free persons of color who would be entitled, under the second section of the fourth article of the Constitution of the United States, not only to come within the State, but to enjoy there the privileges and immunities of citizens. The resolution of Congress admitting the State was upon the fundamental condition—

> That the constitution of Missouri shall never be construed to authorize the passage of any law, and that no law shall be passed in conformity thereto by which any citizen of either of the States of this Union shall be excluded from the enjoyment of any of the privileges and immunities to which such citizen is entitled under the Constitution of the United States.

That is to say, the condition of the admission of the State of Missouri was that the State of Missouri should not have the power to decide whether a free negro or a mulatto was a citizen of one of the other States, and therefore she could not speak. So it was in reference to the Missouri compromise. There was a fundamental condition attached to every inch and foot of that Territory, and indelibly fixed upon every inhabitant of that Territory, that north of latitude 36° 30′ there should not be slavery in that Territory, and that States formed out of that Territory should come in as free States. That was a condition which was the basis of the political action of this Government until it was set aside in the Dred Scott decision.

Mr. HOAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Massachusetts?

Mr. EUSTIS. Certainly.

Mr. HOAR. I rose to ask the Senator in reference to the declaration he made just now as to the opinion of the great leaders of the Democratic party. Has he in his researches discovered any assertion by Congress or any assertion by any Democratic leader or any other leader in this country of the right to prescribe to a State on its admission conditions, except such as were intended to prevent the invasion of the fundamental principles of republican liberty and equal rights, or the invasion of the privileges of citizens of the United States guaranteed in the Constitution itself? The case he has cited is a case where Congress made it a condition that, whatever should be its constitution, Missouri should not deny to citizens of the United States those privileges and immunities in Missouri which the Constitution secures to all citizens.

Can the Senator mention a single declaration of any Democratic leader in the past, or of any Congress, to the effect "we will determine that certain local arrangements, either as to the right of suffrage or as to any other form of legislation, shall be made by the people of a Territory." I concede that they have said you shall provide for the education of your citizens, for that is essential to republican liberty; they have said you shall not deny to citizens their equality of right, for that is essential to republican liberty; they shall have those great safeguards and securities which the bill of rights in England and all constitutions and bills of rights in this country declare are essential, the equality of citizenship in a republican government. In other words, the Constitution itself makes it our duty to see to it not merely when the State is admitted but throughout its whole history that its institutions shall be republican in form.

Mr. EUSTIS. Of course it is entirely superfluous to make the condition of the admission of a State that it shall not violate the Constitution of the United States. That it can not do.

Mr. HOAR. But my question is, Has the Senate any authority to the effect stated?

Mr. EUSTIS. The case that I cited, the case of Missouri, goes a little further than what the Senator from Massachusetts apprehends. It was not a legislative act incorporating a provision of the Constitution of the United States. What good would that do? The Constitution of the United States is in force. But it was to deprive the State of Missouri of the power of deciding and of determining that a mulatto or a negro was not a citizen of another State. The Constitution of the United States secures the rights and immunities of citizens of the different States; but who decides who are citizens of the different States? It was upon that fundamental condition of the admission of the State of Missouri that Missouri surrendered the power of determining whether a colored man was a citizen or not under the Constitution of the United States.

Mr. HOAR. Was not that to secure to all citizens of the United States their constitutional rights in Missouri notwithstanding any attempt of Missouri to deprive them of them? In other words, it was for the purpose of securing the republican equality which our Constitution contemplates. But is there any single instance known to the Senator, either of an act of Congress or a declaration of a leader of his own party in the past, of a right to say, "We think it better for your local arrangements in the future that your suffrage shall be regulated in a particular way," except as it regards the violation of the inalienable rights of man?

Mr. EUSTIS. I do not say with reference to the question of suffrage that there has ever been any condition.

Mr. HOAR. Has there been in reference to any other question?

Mr. EUSTIS. I cited to the honorable Senator the case of the Missouri compromise, where the question was settled that Congress had the power and did exercise that power of excluding slavery in the territory of Louisiana north of 36° 30′, and that was a fundamental condition of the admission of States within that territory.

Mr. HOAR. I suppose the Senator will now concede, whatever he may have thought in the past, that the great leaders of his party did not agree with him that slavery was a violation of fundamental human rights.

Mr. EUSTIS. That is a question I do not propose to enter into.

Mr. HOAR. That is all there was in the Missouri bill.

Mr. EUSTIS. Mr. President, I have offered this amendment because I have clear and strong convictions on this question. I believe that it is a question which affects the social relations and the public order of this community; and so believing, to the extent to which my influence can be exerted it shall always be to retain the institutions of this Government such as they are; and inasmuch as no State in this Union has yet adopted this new idea of conferring suffrage upon the female citizens of the country, inasmuch as the act of the Government of the United States, as expressed by its legislation, has never favored or countenanced that innovation, I believe that it is wise and prudent and statesmanlike to preserve and protect the institutions under which we are living, without any dangerous experiment such as is proposed by this bill.

Mr. BUTLER. I shall not trespass long on the time of the Senate, but I desire to call the attention especially of the Senator from Kentucky [Mr. BECK] to the act to establish the Territorial government of Washington, approved March 2, 1853. I find in the fifth section of that act the following:

> That every white male inhabitant above the age of twenty-one years, who shall have been a resident of said Territory at the time of the passage of this act, and shall possess the qualifications hereinafter prescribed, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters and of holding office at all subsequent elections shall be such as shall be prescribed by the legislative assembly: *Provided*, That the right of suffrage and of holding office shall be exercised only by citizens of the United States above the age of twenty-one years.

This is the particular provision to which I desire to call the attention of the Senator from Kentucky:

> And those above that age who shall have declared on oath their intention to become such, and shall have taken an oath to support the Constitution of the United States and the provisions of this act.

So that the point made by the Senator from Kentucky in regard to the provisions of the law of the Territorial Legislature has no force whatever. That right was conferred upon the organization of Washington as a Territory. Now what is the session act of that Territory November 23, 1883?

All American citizens above the age of twenty-one years, and all American half-breeds over that age who have adopted the habits of the whites, and all other inhabitants of this Territory above that age who shall have declared on oath their intentions to become citizens at least six months previous to the day of election, and shall have taken an oath to support the Constitution of the United States and the organic act of this Territory at least six months previous to the day of election, and who shall have resided six months in the Territory and thirty days in the county next preceding the day of election, and none other, shall be entitled to hold office or vote at any election in this Territory.

Mr. DOLPH. If the Senator will yield to me for a moment, I desire to send him a statute that I think he ought to call attention to in that connection. It is the act creating a Territorial government for the Territory of Oregon, which included Washington; that is to say, Washington was carved out of Oregon. The act was approved August 14, 1848, and the provisions in regard to the voters of the Territory are the same identically. I have marked the act. It antedates that which the Senator has read by a number of years.

Mr. BUTLER. In the second section of the act of the Territorial Legislature of Washington is the following language:

Wherever the word "his" occurs in the chapter aforesaid it shall be construed to mean "his" or "her," as the case may be.

Those are the qualified electors referred to in this enabling act in the third section. That is as far as it goes, and I confess that I have not quite felt the force of the argument of my friend from Louisiana, which is that while the people within the limits prescribed by this enabling act known as Washington Territory were in their state of Territorial pupilage, while they were under the control of Congress exercising all the rights and powers and jurisdiction and supervision over the inhabitants there, it was quite innocent for them to indulge in cranky notions, in isms, as to mere municipal regulations, as to Territorial matters, yet when you come to the exercise of the highest right of sovereignty, the organizing of a State government, then Congress is to come in and say, "We will discipline you." When they are in the act of passing from that state of Territorial existence into a sovereign State, a commonwealth of this country on terms of equality with the other States of the Union, then, says the Senator from Louisiana, Congress must come in and discipline you a little.

Mr. President, I submit that it does not become the Congress of the United States, after having approved for three years this provision of law passed by the Territorial Legislature, at this late day, when these people are knocking at the door of the Union, to tell them, "Although we have acquiesced in these cranky notions and isms," as the Senator calls them, "for three years, now that you are going to prepare yourself for Statehood in the Union, we will take you by the throat and say you shall only do it upon certain conditions." Of course, Congress has the right to impose fundamental conditions; nobody denies that; and this very act imposes a fundamental condition, and what is it?

Provided, nevertheless, That such constitution shall be republican in form, and make no distinction in civil and political rights on account of race or color, except as to Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence.

That is the fundamental condition imposed by this act on the people of Washington Territory, and I submit that it is the only fundamental condition in the present state of affairs in this country that Congress has a right to impose.

I admit without any hesitation that while these people are in a Territorial condition Congress has the right to say "You shall pass laws, but such laws as you may pass shall not prevail and become valid without our consent;" and if Congress had done its duty in that respect we should not to-day be confronted with the most difficult and enormous problem that this country has ever been confronted with since the problem of slavery. I refer to the practices in the Territory of Utah of polygamy. If Congress had acted promptly, as it should have done, and said to those people, "You must extirpate this crime," it would have been settled years ago; but instead of that we allowed it to go on from year to year; and from year to year it grew in magnitude, in power, in influence, in intelligence, in wealth, and now Congress attempts to throttle it; and in what condition does it find itself? Of course Congress would have the right if Utah were applying for admission to say that before you come in you must extirpate this crime from your statute-book and your customs and your institutions. Congress would have the right to do that.

But opposed as I am to the principle of woman suffrage, I do not and can not be brought to believe that that is a crime, and I would prefer to preserve as far as may be the autonomy of this organization in its transition state from a Territory to a sovereign commonwealth in this Union, and hence it is that I shall vote against the amendment of my friend from Louisiana.

I want to say now while I am on my feet that, opposed as I am to woman suffrage, there might be very many greater evils in this country than conferring the right of suffrage upon some of the mothers of this land. There might be a greater calamity to social order, to the prosperity, the happiness, the well-being of the people of this country than the conferring of the right of suffrage upon some of the mothers of the land.

My friend says that the institutions of this country were built up upon and are maintained by manhood suffrage. I believe, sir, that many of the evils of this country have arisen and will continue to arise by reason of that very institution of universal manhood suffrage; and there is nothing in the Constitution of the United States, or in the two recent amendments to it, the fourteenth and fifteenth, which limits or prevents any State in this Union from imposing any qualification upon its voters except this, that when a State shall impose qualifications it shall apply those qualifications to all alike, and shall not discriminate on account of race or color or previous condition of servitude. That is the only limitation. Massachusetts may to-morrow, Vermont may to-morrow if her Legislature were in session impose just such qualifications as she pleases upon her voters, provided she does not discriminate on account of race or color or previous condition of servitude. That is the only limitation upon a State by the fourteenth and fifteenth amendments.

Now, sir, what would be the effect, according to the admission of the Senator from Louisiana, of the adoption of his amendment? He does not deny that in two months after the President of the United States issued his proclamation admitting this State into the Union the people of the State might call a convention and adopt female suffrage, and I should like to see Congress put its hand upon it then.

Mr. EUSTIS. They might not do it; they might follow the advice of Congress.

Mr. BUTLER. Oh, they might not do it; but they certainly will have the power to do it on becoming a sovereign State. Will the Senator from Louisiana deny that his own State at the next meeting of its Legislature may call a convention, and that that convention may confer the right of suffrage on women? Certainly not; he is too good a States' right man for that. Then what am I asked to put into this enabling act? This act is not, I submit, the declaring by Congress of any fundamental law; it simply confers upon the people of Washington Territory the right to organize a State government and declare the fundamental law of that State subject only to its being republican in form and not repugnant to the Constitution of the United States. So I can see no practical advantage in adopting the amendment of the Senator from Louisiana; for, as I said, according to his own admission, the people of that Territory, becoming a State, may meet the next day, if it were practicable and possible, and adopt female suffrage.

It is not for me to say, it is not I submit for Congress to say, what shall be the qualifications of the electors in that State. I am a believer in the right of the people to regulate their own affairs in their own way, subject only to the paramount authority of the Constitution of the United States; and if they have seen fit to adopt female suffrage, it is their affair and not mine and not the affair of Congress, I submit. What would the Senator from Louisiana think if this Congress were to attempt to interfere with the right of suffrage in his own State beyond that authorized by the fifteenth amendment?

So, sir, I think the bugbear held up by the Senator from Kentucky of the danger of placing the ballot in the hands of the colored women of the South was put up simply for effect. If I were the most ardent female suffragist in this country, I should be very far from conferring the right of suffrage upon all the women. I would impose certain qualifications, and if I had the right to-morrow to confer suffrage anew upon the males of this country, I should be very far from conferring it upon every man. I have no hesitation in saying that universal suffrage as established by the reconstruction laws in the South, with almost universal ignorance in the class exercising that right, has kept that section upon a volcano, which I hope and believe we are happily passing from. I would not confer the right upon every man twenty-one years old to vote if I had the power to confer it to-morrow; and I have no hesitation in saying further, that if I had the power in my own State I would restrict the right of suffrage, because I believe society, property, life, and the happiness of the people would be immensely enhanced by proper restriction in that regard.

Sir, we have discussed to-day in this body the question of the right of Washington Territory to admission into the Union. I think every Senator upon this floor is satisfied that she has all the qualifications necessary for a State, and whether she is Democratic or Republican I can not stop to inquire. She represents an immense area of the finest portion of this continent, with a people intelligent, progressive, law-abiding, and loyal, a population quite sufficient for one Representative in the lower House of Congress, with all the essential qualities necessary to conduct an orderly community. Then why stop and interfere with the right of those people just as they are getting out of the condition of dependence on Congress and being transferred into a state of independence, and undertake to discipline them now and hamper them in the exercise of those sovereign rights which are so essential to the preservation of American liberty and free institutions all over this land?

Mr. BROWN. Mr. President, the Senator from South Carolina read the provision in the act organizing Washington Territory in reference to the qualifications of voters. He did not elaborate it quite as fully as I should have been glad to have heard him do, and I want to call his at-

tention to it. I hold in my hand now the act organizing the Territory of Oregon, which was sent over by the Senator from Oregon and which he said was in the same language. It seems to me that this provision in the act organizing the Territory expressly gives to the Territorial Legislature the power to establish female suffrage if it thinks proper to do so. It reads thus:

That every white male inhabitant above the age of twenty-one years, who shall have been a resident of said Territory at the time of the passage of this act and shall possess the qualifications hereinafter prescribed, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory.

It is very clear, therefore, that at the first election nobody could be a voter unless he was a white male inhabitant twenty-one years of age, but the statute proceeds further to declare:

But the qualifications of voters and of holding office, at all subsequent elections, shall be such as shall be prescribed by the Legislative Assembly.

There is nothing there about male inhabitants or inhabitants twenty-one years of age, or white inhabitants, but it leaves the Legislative Assembly with full power to prescribe the qualifications of voters, with this proviso:

Provided, That the right of suffrage and of holding office shall be exercised only by citizens of the United States above the age of twenty-one years, and those above that age who shall have declared, on oath, their intention to become such, and shall have taken an oath to support the Constitution of the United States and the provisions of this act.

Including those recognized as citizens by the treaty with the Republic of Mexico concluded February 2, 1848. If a female is a citizen of the United States there is nothing in that statute which prohibits the Legislature of the Territory from making her a voter. I take it, therefore, that the act of Congress which organized the Territory conferred on the Legislature, after the first election, the power to regulate suffrage. They have done so under the authority of this act of Congress, and having acted in accordance with the provisions of the act of Congress, I do not think any just point can be made against female suffrage in the Territory on that account.

Mr. VOORHEES. Mr. President, I do not know how long since Washington Territory by the Territorial Legislature adopted female suffrage. Three years, some one says. Then the Congress of the United States have had three years during which they could have disapproved of that legislation had they desired to do so. I have not had an opportunity to look into the term during which female suffrage has existed in Wyoming; but however long or however short, the Congress of the United States has had undisputed power to control that question.

Mr. PLATT. Some twelve or fifteen years.

Mr. VOORHEES. For twelve or fifteen years, as the Senator from Connecticut suggests. Now it does seem to me that at this last and late hour when a Territory is emerging, as we think and as we hope and as we intend in this legislation, from the condition of a Territory into that of a State, it is hardly worth while to stop and fix the question of the right of citizens to vote in that Territory.

I am not for female suffrage *per se*, and yet it is one of the great unsolved problems of the future. It is very difficult to meet the arguments by which the right of the people based upon their virtue and intelligence shall exclude women from the ballot; and yet I am not satisfied to embrace the proposition at the present time. It was Edmund Burke, one of the wisest and most thoughtful men that ever lived, who said that statesmanship consisted in the science of circumstances; and so I think of this great question. Circumstances may arise in the future when it will be not only policy but statesmanship to allow those who own property and are interested in good morals, law, and order to exercise the ballot. I do not think the time has arrived as yet, and consequently I have been holding my judgment in abeyance. But however my judgment may be upon that subject, I am clear upon this subject, that at this late hour in the existence of the Territory, when it is about parting from its former condition and putting on the robes of a State, we should not commence dictating in its last hours as a Territory, when we know, as the eloquent and gifted Senator from Louisiana has admitted, that the very moment, within the next hour after its admission as a State, it has supreme and absolute and unquestioned control over the question. Why stop now to determine what they will determine very soon.

There is no objection to the admission of Washington Territory either here or in the other branch of Congress. She has more votes than on an average filled half the seats that are occupied in the other House at this time. Her wealth and her capacity are unquestioned and unchallenged to a degree that is very unusual—to such a degree that I do not know of or apprehend one vote against her admission here. Consequently I have the right to say that she is laying off her pupilage, her probationary raiment, and putting on her garb as a State; and when she does assume her Statehood, that moment this question passes from your power and mine, passes from every other power except her own; and it does seem to me that to raise such an issue at this time is sticking in the bark. Had it been thought by the Congress of the United States important to arrest female suffrage, three years it has been challenging our attention in Washington Territory and more than ten years in Wyoming; and as we have slept on the question, why raise it now? I am as far from imposing female suffrage on the ignorant class of the South as the accomplished Senator from Louisiana himself; but it is taking an occasion, which the great dignity and importance of the subject seem to me not to warrant, to impose it upon the attention of the Senate at this time.

The situation is simply this: Washington Territory and other Territories have made laws prescribing the right of suffrage within their boundaries, and the Congress of the United States has quietly and approvingly not merely submitted to but sanctioned all that they have done. I can see no reason why at this critical hour, so far as Washington Territory is concerned, we should undo what we by our sanction have done. We by our tacit action here have sanctioned female suffrage in Washington Territory. Your States in the South where you fear this question will have the absolute control of it; and it does seem to me that in the interest of State rights we should not seek to impair them as to Territories passing from one condition to another.

I hope this amendment, however much it would gratify my friend from Louisiana, will not receive the sanction of the Senate, and that the question of suffrage will be left, as it has been to every other State, to the State of Washington soon to take her place on the flag of this country, for her to prescribe in the interest of every race, black and white, male and female; and in saying this I speak for a higher principle than mere class or section.

I have said, Mr. President, all I desire to say, and yet I am reluctant to leave the floor before I shall again say that I look upon the problem of female suffrage as one that is to be faced in the future and faced candidly and with intelligence and with justice.

Mr. CALL. Mr. President, I shall vote against the amendment of the Senator from Louisiana, and I think we should be committing ourselves to a very dangerous proposition by sustaining that amendment.

There are two questions in regard to the exercise of the powers conferred upon us. One is the fact whether we have a specified power or not, and the other is its rightful exercise. There is no doubt, as the Senator from Louisiana has said, that Congress may refuse to exercise the power of admitting a State for all time. Then the question comes: How shall we rightfully exercise the power? Certainly it must be for ends in conformity with the Constitution of the country, and its principles and its public policy.

And what is the great principle of the Constitution upon which the State of Louisiana and the State of New York and the State of Vermont and the State of Delaware, small and great, depend for their protection? It is the principle of the right of local self-government, the right of the people of those States to determine for themselves what shall be their domestic relations, their right of suffrage, their qualifications for office. If that be a principle, a policy, if it be right for one community why is it not right for another? Abstractly, so far as regards the principle, there is nothing in the mere fact of certain boundaries and certain localities having a defined and recognized right to the principle. It is a principle, the principle of local self-government which we declare to be expedient for all people, and by what rightful exercise of power will you deny that to the people of Washington or the people of any other Territory? It is not a question of power. We admit power, but we ask how can we reasonably affirm that a principle of government which we declare is the only safe one for all communities, and the corner-stone of our own Government, is not also good for the people of Washington? We can not properly exercise this power of admitting a new State adversely to this principle, because it is the policy of the law, the principle of the law, not because of any particular fitness in the people of any locality, community, or State, but because we have declared that each community can better manage that which is local to them than the people of other communities.

We have nothing to do with the question of female suffrage. Congress can exercise no power in regard to that. It is remitted by the principle of our institutions and the precepts of the Constitution to the people of the States, and by analogy to the people of the Territories while in a Territorial condition, because Congress, although having ample power over it, has not sought to prescribe the form and the manner in which the power shall be exercised by the Territories, but has left that properly to them, because we maintain the great principle of local self-government to be the only proper form of government for domestic matters.

The Senator from Louisiana said that by refusing to adopt this amendment and by passing this enabling act we should confer the right of suffrage upon the women of Washington Territory. But the Congress of the United States in its organic act gave to them and to their Legislature the power to prescribe the qualification of suffrage at all subsequent elections after the first. Here it is in the organic act. Certainly whatever was done under this act mediately was done by Congress, and became the act of Congress. And yet Congress did not establish woman suffrage any more than they established polygamy in Utah when they said to both Territories in their organic act: "The principle of local self-government is good for you as for us, and we confer this power over you, reserving to ourselves the power to supervise, restrain, and control your exercise of this power." Congress declared in the first instance male inhabitancy and citizenship of the United States to be the qualifications, but said that after the first election and for all subsequent elections

they might make the qualification anything else, provided only that citizenship of the United States should still be a condition of suffrage.

The provision of the act of Congress is as follows:

But the qualifications of voters and of holding office at all subsequent elections—

After the first—

shall be such as shall be prescribed by the Legislative Assembly.

This is a subsequent election in that Territory, and the organic act passed by the Congress of the United States has given that Territory the right to prescribe female suffrage; and the question now propounded by the Senator from Louisiana is shall we attempt to control and direct the power of that Territory when it becomes a State, taking away from those people the rights that have been conferred upon them under this previous organic act? Sir, the principle of local self-government is far more important than any other principle. It is the foundation-stone of all our institutions and the protection of all our rights; and by the side of it female suffrage is as nothing.

In some States it may be and would be a great public evil; in other States whether wise or unwise its effect would be very different. We are not now required to express any opinion on the subject. But be it bad or be it good, it bears no comparison to the great importance of that pillar and foundation-stone of this Government—the right of the States and the expediency and wisdom of the public policy that the people in all localities should prescribe the laws by which they shall be governed in the local and domestic relations which they shall bear to each other. Therefore, sir, I have no hesitation in voting against the amendment proposed by the Senator from Louisiana, recognizing the fact that as a question of power our control over the subject is ample and absolute, and that everything done in the Territory or new State in some sense derives its authority from us.

Mr. GRAY. I should like to ask the Senator from Florida a question. I ask how he takes a distinction between the policy of Congress when organizing a Territory it provides in the organic act that suffrage shall be confined to those of the male sex alone, and in attempting to organize a State out of that Territory then prescribing in the enabling act that suffrage shall be confined to males? As I understand him, the act of Congress organizing the Territory of Washington did prescribe that the right of suffrage at the first election, so far as Congress attempted to prescribe the right of suffrage at all, should be confined to the male sex. Now when Congress is called upon again to interfere and prescribe a right of suffrage there is it not doing precisely the same thing and following out the same policy again to prescribe that the voters shall be male citizens?

Mr. CALL. There is no difference between the exercise of the power. There is no question about that.

Mr. GRAY. Then how does Congress interfere with the rights of self-government by making such a provision in the act of admission? The bill now before Congress may provide that males only shall exercise the right of suffrage.

Mr. CALL. There is no difference in the act of power. Congress exercises the same power when it prescribes that the qualifications of suffrage shall be confined to male inhabitants in a Territory, and when it shall prescribe it in the organization of a State. But what is the question propounded? We say that every community should have the right to govern itself except in those matters which by the Constitution of the United States are matters of general and national interest. It certainly contravenes that principle for Congress to prescribe that a Territory shall only have male suffrage during its Territorial existence; and it did not do so in Washington Territory. It said that in the very first election alone male inhabitancy should be the qualification and that therefore the Territory could prescibe either female or male inhabitancy or any other qualification.

Now this amendment is an impractical and useless one, because, as stated by the Senator from South Carolina, if to-morrow the Territory of Washington, being a State under the power conferred by this enabling act of Congress, should establish female suffrage, Congress could not interfere. Then of what avail is it to us to contradict the very principle upon which we create the State, and say to her, you shall have the power to prescribe the qualifications of suffrage, to establish your own domestic institutions, to do everything; but yet, in the inception of power, we say to you that only a certain class of your citizens shall vote, and you shall not have the right to say what portion of that inhabitancy shall vote.

I say, therefore, it is not only illogical, but it is impracticable and of no avail. Whatever may be the opinion of any person in regard to female suffrage, it has no force or effect in relation to this question.

I wish further to say, Mr. President, in reference to what was said by the Senator from Kentucky this morning, that to no one except the inhabitants of a Territory, being citizens of the United States, can be given the power to organize a State. They are the proper persons; and while the Constitution of the United States can invite immigration from abroad and the people of the locality see fit to establish their own conditions of suffrage, I see no reason whatever to question the propriety of allowing such people as that Territory, being competent in point of numbers, character, and intelligence, see fit to allow to vote, subject always to their being citizens of the United States. I see no reason to fear that the people will extend the suffrage to those who are not citizens. It is probably a sound proposition that in no State should any one vote who is not a citizen of the United States.

Mr. BLACKBURN. Mr. President, it does not occur to me that the question is exactly fairly stated here. It does not occur to me that the question submitted is as to whether the people of this Territory shall be stripped of or denied their conceded right to determine the qualification of voters. It seems to me that this bill as it is presented submits another and an altogether different question, and that is as to whether the Congress of the United States shall undertake to confer the right of suffrage upon the women inhabitants of Washington Territory. When the Territory was organized Congress prescribed the conditions and qualifications of voters, and limited the suffrage to the male inhabitants, at the first election I admit. For what? To voice and declare the purpose that Congress had, not to legislate upon the question of female suffrage, but to leave the inhabitants of that Territory free and untrameled to determine for themselves, even in their Territorial condition, whether the right of suffrage should be extended to the other sex or not.

Now, it is proposed that Congress shall depart from the rule that was adopted and established, one which is without precedent in the history of this Government, and not leave the people of the Territory or the people of the incoming State to say, but that Congress itself shall say that the Territorial law, as existing to-day, shall be accepted and remain in force and clothe the women of that Territory or incoming State with a power that never was given by Congressional action before. I would be the last man to deny to the people of any State that was admitted to this Union the right to determine the qualification of its voters; but I insist that the people of that State must determine, and not the Congress of the United States. There is no precedent for it, and in my judgment—I say it with all due respect—there is no logic in it.

Suppose that the amendment of the Senator from Louisiana should be adopted. Suppose that that feature of this bill to which it applies should be stricken out, and the Territory of Washington should be admitted into this Union as a State to-morrow. The power of the people of this newly made State is unimpaired and full and perfect, either to confer or to withhold the right of suffrage from its women inhabitants. There is to be no privilege and no right withheld from that people. It is not here proposed by the Senator from Louisiana to deny to the citizens of the new State of Washington the right to prescribe the qualification of its voters. I do not understand that that is either his purpose or the result of his pending amendment. Upon the contrary it is simply to establish and to emphasize the fact that that power belongs to the people of the new State, and not to Congress, and we have no rightful authority over it.

Mr. DAWES. I understood the Senator from Louisiana—perhaps he did not formulate it in this particular amendment—but I understood him to say that he proposed to amend this bill so as to make it a fundamental condition of the entrance of the new State into the Union as a State that it never should confer the suffrage on females.

Mr. EUSTIS. Not that the people of the State never should confer it, but simply making the condition that the constitution presented under this act should limit the right of suffrage to male citizens.

Mr. DAWES. I beg pardon of the Senator from Kentucky; I want to understand the Senator from Louisiana. I understood he went further than to prescribe what citizens should vote upon the adoption of this constitution, and that it should be a fundamental condition of the constitution itself that there shall be no female suffrage in Washington.

Mr. BLACKBURN. The Senator from Massachusetts presents a point that I was not addressing myself to. I simply meant to stand upon this proposition: That the bill now pending before the Senate, in my judgment, should not commit us to a policy that is without precedent and, in my best judgment, without logic to support it. If the people of this Territory desire female suffrage, it is within their power, within twenty-four hours after their admission, if their Legislature be in session, to confer that right; and I will not undertake to abridge or deny it.

If the people of Washington Territory, when that Territory shall be admitted as a State, confer the right of suffrage upon its women I will not be the man to open my mouth or utter one word of protest. But I do insist that it is not the legitimate business of this Congress to do that. I do insist that if you pass this bill in its present shape it is an abandonment of the policy that you have adopted, because in the Territorial organization act you did not give the right which this bill now proposes to confer. It is variant from former legislation; it is a clear departure from all precedent and from all practice. What the Senator from Louisiana proposes is no infringement of the rights of the people of this new State, because we all agree that the very instant the State is admitted its power is absolute to determine this question for itself.

It took a special act of Congress to confer upon that Territorial people the right to do what they did when by their Legislature they conferred suffrage upon females. It will not take an act of Congress to confer that power upon those same people when the Territory is ad-

mitted as a State. It then holds that right because of its own State sovereignty. And the only question submitted here, in my judgment, is as to whether you will leave the people of the new State of Washington to determine this question and confer this right if they please, or whether in the face of the precedents and against all reason the Congress of the United States will undertake to confer it.

I have no objection to the admission of this new Territory into the sisterhood of States, but I can not gain my own consent and I never will agree to vote for any bill that looks to the admission of any Territory as a State in this Union that commits the Federal Congress to a usurpation of power that does not belong to it, and deprives to that extent the people of this new-fledged State of their own right of sovereignty.

Mr. MORGAN. Mr. President, all the speeches that have been made on this subject seem to me to be danger-signals in regard to a suggestion that I made in the remarks I had the honor to submit to the Senate on this bill several days ago. They are danger-signals that we are about to create a State and give it a constitution by a sort of process of entailment. The child is not yet born. The father is making out his will or his deed, and he is describing that, upon the coming into existence of a certain heir, that child shall have certain rights, certain constitutional powers and functions, certain great enjoyments of liberty and privileges, &c. We do not define them in the deed as we should do; we do not know to-day what the constitution of the State of Washington is to be. It is not a subject that the Senate of the United States can debate, because we have not the scratch of a pen to show what that constitution may be. We are acting entirely on the faith of the idea that it will be republican in form and that it will contain three or four provisions which we require in this act that it shall contain.

Mr. President, that is very hasty and very unnecessary legislation in bringing a State into the American Union, and these questions which have been mooted here—and this question is only one of a number that might arise in the formation of the constitution—ought to admonish us that in the admission of States into this Union we should go back to the original doctrine; and, as I remarked when I was on the floor before on this bill, the precedent that was established in the admission of the State of Alabama and all the other States, except, I believe, Colorado and Nevada, ought to be followed in this case. The ninth section of the enabling act for the State of Alabama is as follows:

> That in case the said convention shall form a constitution and State government for the people of the Territory of Alabama, the said convention, as soon thereafter as may be, shall cause a true and attested copy of such constitution or frame of government as shall be formed or provided to be transmitted to Congress for its approbation.

Will any man deny that that is the safest plan to operate upon in admitting States into the American Union? The doctrine of squatter sovereignty is spoken of here, of local government, of the sovereignty and power of the people of a State or of a locality, a commonwealth that is about to frame a constitution with a view to being admitted as a State. How far does that doctrine extend? Let me call the attention of the Senate to one question in connection with it. Does it extend to include those people who, at the time of the adoption of a constitution or at the time of voting for delegates for a constitutional convention, are not citizens of the United States? Some Senator says "certainly not."

Could the Legislature of Washington Territory after we have passed this bill enact a law under its provisions fixing the qualifications of voters so that Chinamen, who can not be naturalized under the laws of the United States, might become qualified voters to elect delegates to that constitutional convention? Could they enact a law that boys fourteen years old, many of whom have as much intelligence as many men of forty years of age, should be qualified voters to elect delegates and to adopt that constitution? Can they in virtue of this supposed local sovereignty violate all the rules and precedents that have obtained heretofore in the organization of local governments in converting Territories into States? I need not argue a proposition of that kind before the Senate of the United States, for while I can not cite you in the Constitution any prohibition against a local community adopting such suffrage as that, I can show you, as the honorable Senator from Kentucky [Mr. BLACKBURN] has well remarked this evening, every precedent in favor of the opposing view.

Therefore in considering as we are doing to-day what persons whom we shall empower to elect delegates and also to vote upon the constitution when it is adopted, we must follow the precedents that have been established in the Congress of the United States hitherto and in all the governments of the United States, or else we must depart from them. The safer rule, of course, is to follow the precedents. They have become the unwritten law of the United States; the law of the land whether written in a constitution or in a statute, or not. They are the laws expressed in the solemn judgment of all the constitutional conventions that have adopted State constitutions and in the convention also which adopted the Constitution of the United States.

We must have respect for those laws. This bill does not have any respect for them. This bill abandons them all. This bill, instead of leading us to the traditional boundaries which have been followed uniformly everywhere in the United States, commits us to certain acts of Territorial legislation which prescribe in a very peculiar and new form the qualifications of electors in the Territory of Washington.

As I understood the reading of the Territorial statute to-day by the Senator from Kentucky [Mr. BECK] in reference to the qualification of voters in Washington Territory, persons twenty-one years of age who are citizens of the United States, persons of alien birth who have declared their intention to become citizens of the United States and have taken an oath to support the Constitution of the United States, and half-breed Indians are the electors in the Territory of Washington. That is a new departure in regard to the Indians. This bill says that all the persons who are authorized under the laws of the Territory of Washington to vote, except Indians not taxed, are the qualified electors to choose delegates to the constitutional convention, and also to vote on the ratification of that constitution.

There is a repeal by this act of Congress of the act of the Territorial Legislature in respect to Indians, for we have nothing here to show that half-breed Indians are all taxed. Indeed I doubt the power of the Territory of Washington to tax an Indian. Under our laws and Constitution it is a very questionable power whether an Indian can be taxed in that Territory. But suppose he is a half-breed and a member of a tribe, then we know he can not be taxed. The intercourse laws prohibit it, and in many instances the treaties themselves would exclude the power; and yet here now Congress in passing this bill repeals the law of Washington Territory in that respect.

The Senator from Lousiana asks you to repeal another part of that law, or rather to establish a law which in its nature and effect repeals another part of it, and a great clamor is made about it. In the one case it is an Indian that is excluded; in the other case it is a woman who is let in to vote. I suppose it is the courtesy and gallantry of the Senate that must be appealed to to make this deviation from principle in the enactment that we have proposed here.

Mr. President, there is another difficulty in this case. Women are allowed to vote by express provisions of the statutes of Washington Territory. A woman twenty-one years of age, married or unmarried, is entitled to the right of suffrage in that Territory, and yet when you come to look at the naturalization laws of the United States it is not necessary that a woman should be naturalized to give her all the rights of citizenship under the acts of Congress as expounded in 7 Wallace, in the case of Kelly *vs.* Dohan. A woman who is an alien, an Irish woman who marries a naturalized Irishman in Washington Territory, or who marries a native citizen of Washington Territory, becomes in virtue of that act a naturalized citizen of the United States without the necessity of taking any oath whatsoever to support the Constitution.

I will suppose an election is about to be held in Washington Territory under this bill to elect delegates to the constitutional convention. The election is to be held to-morrow. To-day a lady who never before was in Washington Territory comes from abroad, comes from Ireland, and she marries a native citizen of the United States. Thereupon she becomes entitled to vote because she is a woman. Her husband is entitled to vote because he is a native-born American. If her husband were an Irishman who had been naturalized or who had filed his papers declaring his intention to become naturalized, he would be entitled to vote on the performance of those conditions, one of which that he was naturalized, and the other that he had filed his papers of intention; and here is the wife entitled to vote because she is a woman and is naturalized by reason of the fact that she marries a man who is a native citizen, though she may not have been in the Territory three days before the time for voting arrives.

There is a great deal of uncertainty about this. I would rather the question had not been raised, so far as I am concerned, for I am extremely anxious that Washington Territory should be admitted into the Union, but I suggest, as I remarked when I first took the floor on this bill, that it is hasty and unwise legislation to have this State brought into the brotherhood of States until Congress shall have had an opportunity of passing upon the Constitution and giving to it its approbation, and it is extremely unsafe to take any other course. I suggested the case of Utah.

Lay your precedent down here and wait perhaps twenty or thirty years, until the honorable Senator from Vermont [Mr. EDMUNDS] has been carried to his fathers above, and when his voice and power in the Senate are no longer here to influence and control us, perhaps—lay this precedent down and let polygamy run riot in Utah Territory, and let some great political power have a necessity for the three or more votes that would come from that State if admitted into the Union, and she comes here without any constitution, comes here with a body of people, men and women, entitled to vote under the Territorial statutes, and they demand that because the laws of Utah have qualified certain persons as voters there, they shall have the same advantage of coming into the American Union that Washington Territory now has.

There is your precedent, and you have got to accuse a whole people of such criminality as that they are not entitled to come into the Union at all, or else you have got to admit Utah upon the principle that you are establishing in Washington Territory by the proclamation of a

President who may be seeking a second election and who by his proclamation may bring three votes to his side of the case just in time to make him President again.

Sir, it is a reckless abuse of power by Congress to go headlong into the admission of a State into the Union, a total abandonment of correct principles, dangerous in the last degree. Whoever votes at the election for delegates to the constitutional convention must derive his or her power from this act of Congress. There is no act of the Territorial Legislature that can confer upon any person it. Washington Territory the right to elect members to a constitutional convention unless Congress either before or afterward approves and ratifies it. In other words, all the power that is to be exercised by any elector in Washington Territory in the election of delegates is a power derived from an act of Congress, and from no other source.

The honorable Senator from Florida [Mr. CALL] says to me there is no doubt about that. The honorable Senator from Kentucky [Mr. BLACKBURN] laid down that Congress had given its consent hitherto to but one qualification of electorship in Washington Territory, and that was that the voter should be a male twenty-one years of age. Now we are fixing another, and if we do not fix it this voter has no power that binds us.

Mr. BUTLER. Does my friend forget the act which I read to the Senate of November, 1883, passed by the Territorial Legislature, conferring on women the right to vote? Congress has not put its seal of disapprobation upon that act.

Mr. MORGAN. The point I take, which the honorable Senator from South Carolina seems not to have noted, is identical with the point taken by the Senator from Kentucky who was last on the floor, that in the organization of a constitution, the election of delegates to a convention, and the voting upon a constitution after it has been framed by that convention, the power of the elector to bind the Government of the United States and to enable the President by a proclamation to bring the State in, must be a power derived, not from the Territorial Legislature, but from Congress. When therefore we enact this bill, it is the same thing as if Congress had taken out of the statutes of Washington Territory, word by word and letter by letter, every clause therein relating to the qualifications of voters and incorporated it into this act, just the same thing.

Now suppose you formulate an amendment to this bill so as to strike out all questions of inference and reference, and you say in the language of the Legislature of Washington Territory, "at this election women shall be entitled to vote; half-breeds shall be entitled to vote; Indians not taxed shall be excluded; foreign-born persons who have come into the Territory and declared their intention of becoming citizens shall vote, whether male or female"—put it in that form, and then admit the premises which are conceded here now that that is the summary of the power which is conferred by Congress upon these people and without which they have no power whatever; we have got the question in its true light. We by passing this bill confer upon the women of Washington Territory the power to pass upon the election of delegates and on the ratification of the constitution.

The Senator from Indiana [Mr. VOORHEES] said that it was an unhappy thing that these questions were raised at this late hour of the existence of the Territory of Washington just before she was to emerge into a State. Well, it would be unhappy, Mr. President, very unhappy if the Congress of the United States should put it into the power of two sets of officers to create a State without any further examination on its part. Who are they? The officers of that convention whose work is to be ratified by a majority vote of the people, and the President of the United States. When we pass this bill our power over this subject is gone.

No amendment of this bill even will be in order. After we have committed this power into the hands of the Territorial convention and of the President, the whole subject is closed; the State is formed. When this bill is passed and signed by the President of the United States, the Territory of Washington comes into the Union without any further act or consideration on the part of Congress. Her constitution may be this way or that way; it might be in the judgment of the Congress of the United States wholly unrepublican, but if in the judgment of an interested President it might be republican to his satisfaction, that is enough, and the State comes in by a proclamation.

Congress passes its final act; does all it has to do in regard to this matter when this bill is passed; the subject passes from its control. Therefore in shaping this measure there is need to be extremely careful, particularly as it is a mere prospective view, a mere guess, a mere supposition, as to what this constitution possibly may be when it is brought here. There may be so many wild isms and fancies and phantoms occupying the mind of the American people at this time that I should not wonder to see any of them loaded into a new State constitution.

Mr. MAXEY. Will the Senator from Alabama permit me to interrupt him? The Senator from South Carolina asked the Senator from Louisiana how it would do if Congress interfered with the regulation of suffrage in the State of Louisiana. I ask the Senator from Alabama if, as a citizen of the State of Alabama and a member of a convention to form a constitution for the State of Alabama, he regarded it as dangerous to the best interests of the country to admit female suffrage, would he not for the same reason as a citizen of the United States and a Senator of the United States, Congress having the exclusive control of the question of suffrage in the Territories, regard it equally as his duty to vote against a bill according suffrage to that class?

Mr. MORGAN. My duty in a case of that kind would be measured by the nature of the danger, because there are some facts that are accomplished facts in our Government as in all others which were unconstitutional in their beginning and in their execution, but after they become accomplished facts that puts an end to all question. They can not be questioned after they are once accomplished.

Mr. BUTLER. If my friend will pardon me for interrupting him at that point, I wish to say that that is exactly the condition of the question of suffrage in my judgment in Washington Territory. I think I see clearly the point made by himself and the Senator from Louisiana as to Congress conferring qualification on the voters under this bill; but the point I make in reply is that Congress is estopped from making any objection, having committed itself to it for fifteen years in the Territory of Wyoming and three years in the Territory of Washington. That is the reply I have to make to that.

Mr. BROWN. And having conferred upon the Legislature after the first election the right to fix the qualification of voters.

Mr. BUTLER. Precisely, and Congress is absolutely estopped. That is an accomplished fact about which the Senator is just speaking; and it is too late, after having approved and acquiesced in it, to come now and say that we are beginning *de novo* and for the first time conferring these powers upon the electors of that Territory.

Mr. MORGAN. The accomplished fact to which I referred was, for instance, the admission of Colorado and Nevada contrary to what I believe to be a good constitutional policy; and although we might now by one unanimous vote in both Houses pass a resolution that the State of Colorado had been admitted contrary to the Constitution of the United States, still Colorado would be in the Union. The difficulty about female suffrage being an accomplished fact in Washington Territory rests in the fact that Washington Territory is not a State. The States in the American Union have the right to prescribe the qualification of voters. The Territories of the American Union have that right only *sub modo*, just as we confer the power upon them and no further.

Mr. BUTLER. And that has been done in this case.

Mr. MORGAN. It has not been done in respect of the power we are now conferring, because when we say that this constitution shall be received upon certain conditions one of the conditions which we prescribe is that it shall be the result of a majority vote of the qualified voters in the Territory. Qualified by whom? I say qualified by Congress and not qualified by squatter sovereignty or anything of that kind.

Mr. BROWN. Or by the local Legislature by the authority of Congress.

Mr. GRAY. I wish to make a suggestion to the Senator from Alabama. The great objection to the amendment of the Senator from Louisiana that has been urged on this floor is that it in some way contravenes the principle of local self-government, inasmuch as the citizens of Washington Territory have established for themselves a condition of things in which women have the right to vote on all matters connected with the Territory. Now I understand that this bill enabling that Territory to erect itself into a State does not embrace simply the territory now comprised within the limits of Washington Territory, but it includes a portion of the Territory of Idaho; and in that Territory, I am informed, this condition of things does not exist—the right of women to vote. How then are we to regulate our conduct in managing this matter as Senators if we feel trammeled by the principle of local self-government from interfering with citizens in Washington? Are we to have no regard for those who live in the territory that is now a portion of Idaho? Why have not they as much right to be considered, if we are bound to consider the local institutions of the Territories, as the people who live in the present Territory of Washington?

Mr. MORGAN. The point taken by the Senator from Delaware is a very clear one, and I think it is well worthy of consideration. Mr. President, let me read from section 3 of this bill:

> That in order to the formation of such State government the qualified electors resident within said boundaries are hereby authorized, after due proclamation by the governor of Washington Territory, and in conformity to the laws of said Territory relative to the election of members of the Legislative Assembly thereof, as nearly as practicable, and in so far as they may be applicable, and under such rules and regulations, and at such time and places, as said governor may prescribe, to elect as many delegates, possessing the qualifications of such electors within the present limits of said Territory, as there are members of said Legislative Assembly.

And so on. At what time are these qualifications to take effect? Are they qualifications now existing, or qualifications that the Territorial Legislature may impose the day after this bill has become a law? There is nothing in this act to define the period of time in the legislation of the Territory of Washington when the question of what is a qualification is to be determined. Now, in order to test the question of where the power comes from, I will suppose that the Territorial Legislature of Washington, after this bill has become a law, and in view of the fact

that an election is to be held for a constitutional convention, repeals the statute authorizing women to vote.

Suppose the Territory of Washington repeals the statute, what would be the effect upon woman suffrage in that Territory? If the Legislature has got the right to prescribe all the qualifications of voters, and if it is to that that we bow in the passage of this law, if we are yielding our authority up to a power that has been hitherto vested in this Territorial Legislature, then it has the right to repeal it, because there is nothing in this bill that says on what particular day or time the qualification shall go into effect, or before or after which it shall not take effect. Therefore if the Territorial Legislature, upon the doctrine assumed by gentlemen here, should, after this bill has passed, repeal woman suffrage in Washington Territory, that would end the right, because there is the assumed sovereign power of controlling electoral qualifications. No, sir; after this act has passed the Territorial Legislature of Washington can not touch it. Why? Because it is an act of Congress, and because the power of the elector is derived from this act and not from the Legislature of the Territory. That is the reason.

Mr. President, there are about 12,000,000 voters in the United States and they represent probably 60,000,000 people. These voters are described in the various constitutions and laws conferring on them their power. In the great majority of the States and Territories throughout the Union the qualification of every voter is that he shall be a man twenty-one years of age and a citizen of the United States. In some cases they relax it so as to say that a person of foreign birth who has filed his application to become a citizen may be a voter.

Mr. DOLPH. Will the Senator from Alabama yield to me a moment?

Mr. MORGAN. Yes, sir.

Mr. DOLPH. I should like to inquire if a white male foreigner who has declared his intention to become a citizen is not a voter in Alabama?

Mr. MORGAN. Yes. I say in a great many of the States.

Mr. DOLPH. And in fifteen out of the thirty-eight States that is also the case.

Mr. MORGAN. Probably so; but very few of the States have female voters. The great rule is the other way. A voter is an officer-holder. He is a man who, in virtue of the fact of his being a person qualified under local constitutions and statutes to vote, holds in trust the power to choose persons to office, and through that power to influence all the machinery of government. There are twelve million of these office-holders, some of them white and some black, no Indians, some females—twelve millions of these officer-holders. They represent sixty millions of people. Only one-fifth of the people of the United States have any voice whatever in this Government.

I do not suppose that we shall ever have universal suffrage in the sense of saying that every man who has sense enough to vote and every child, female or male, shall be admitted to vote, and that a schoolmaster's certificate that he or she can read the Constitution of the United States through and through shall qualify him or her to vote, as would qualify a man twenty-one years of age in Massachusetts and Connecticut. I do not suppose that universal suffrage will ever go to the extent of saying that the suffrage of the country shall be measured only by the intelligence of the people and that we will take the Connecticut or Massachusetts standard and say that degree of intelligence which enables a person to read the constitution of the State is all that is required. There is something else in the holding of this power in trust.

There is something else in the office held by those who are sovereign in this country besides the mere fact that they have intelligence enough to know the difference between the Republican and Democratic parties or to know the difference between the New Testament and a State constitution. Something else is required.

My friends on this side to-day in speaking of the American people spoke of them as sovereigns. Well, they are sovereigns in a large and broad and deep and strong sense; but how many of them are sovereigns? Twelve million out of sixty million. The other four-fifths have no more voice in this Government than if they were citizens of Russia, except their moral influence.

Why have we in vesting the sovereignty of this country adopted the old English rule almost universally, that the powers of electors shall be confided to men and that the men shall be twenty-one years of age? Because the ages are wiser than any generation of men, and we do not dare to depart from the teaching of ages which has brought our race into such wonderful mastery throughout the world. We do not dare to depart from it until we have made a fair and good survey of the ground in every direction to see whether we are not giving up more than we expect to gain. The women were excluded from suffrage in this country not because they were not intelligent, for as a rule they are as intelligent as the men; not because they were disposed to evil, for as a rule they are very far better than the men; and if the cause of Christianity which has accomplished such wonderful triumphs over the country had to be upheld only by the men, we should go back, yes, three centuries in three weeks; the cause of Christianity would be abandoned in the country virtually if it were not for the support that the women give to it.

One honorable Senator spoke of his mother and of the influence that she had exerted over him, and evidently he felt it in his heart as a Senator on the floor of this great assemblage to-day. But, sir, he would not vote to put her here by his side. He would say, "Behold in me the example of your work, of your training, of your fidelity, of your efforts, your talents, your tastes, your skill, and all that, and let me step forward and hold this rugged point of power, this controversial point, and as an officeholder, holding in trust the interests of the mighty people vested in him, let me step forward and become not merely the defender of the principles in which you educated me, but also your personal protector."

Some men in this world may desire to abandon their manhood and take up the functions of the female sex. Let them do it, if they will. In doing so they merely abdicate a power that God has given them and an office that He has imposed upon them. That spirit is rife through this land. Go among your Departments here in Washington city and see the number of elegant educated women who are compelled to resort to the offices here in Washington for their daily bread, applicants for which come with piteous tears and lamentations for the influence and power of men to get them places, and mercy and humanity compel us to do what we can to get them these situations.

There is scarcely a woman in office in Washington to-day whose presence and position have not relieved some man whom I will not here characterize of his honorable duty to give that woman protection and support. It is the want of manhood among the men that is forcing the women of the world to the front. After all, sir, they have a wider field of power in which they exercise greater authority than the men of the world, the men who cast the votes, the men above twenty-one years of age.

We have two forces in this country, each dependent upon the other, and society resting in security upon both. One is the moral power; the other the legal authority. One is the power of government in which the roughest men are to be handled, and through whose instrumentality the battles of nations are to be fought and the great works of labor and enterprise are to be accomplished. The other is the soft, genial influence of the moral force which commences to beam in upon the babe's eyes from the moment that it may see its mother's face, and never deserts it during life, exercising a benign, a happy, a Christian influence over that life, so as to qualify it for the paternal and more awful duties of manhood.

Women in their sphere have a higher duty to perform than we, while we have one that is more rough.

I have the conviction resting in my own heart so deeply that I can not expel it, that when God made me a man He clothed me with a man's duties and a man's powers, and made it my duty, as well as my most prized and blessed privilege, to take care of those who might be dependent upon me in the family relations, who, in their state of tenderness and of weakness, are still stronger and more powerful than I could ever be or expect to be.

Mr. President, we hear it said that it will purify the ballot to allow the women to participate in it. That depends entirely upon the question how long the women will be pure. A ballot corrupted by a bad woman is the most dangerous instrumentality that was ever put into operation. Hence it was that the honorable Senator from Vermont, when he brought his Utah bill in, found that the ballot in the hands of a woman who might be under the influence of a bad man was of such a dangerous character that he felt bound to ask Congress to repeal it—to strike it down.

You put a woman out of her sphere, unsex her, put upon her shoulders the burden of a man's duty, and put into her hands the instrument of a man's power, and you have got a being who has lost caste and character as God made her and intended her to be. You make her masculine, and ten to one you make her ferocious.

The voting of women in this country at the open polls will corrupt women, I do not care what it does to the polls; and I would rather see as a result fifty years of corrupt elections than to see fifty women corrupted by one election. I do not believe that it is right. It is either a sentimentality, or it is a shrinking from duty to call the ladies of this country out of their homes and among their families and ask them to visit the polls and the hustings.

Think of a stump-speaking woman, a woman to get up and to exercise herself in the low-lived business of the pot-house politician! Who can fancy a fate of that sort for his own daughter and not shrink from the contemplation? Who will marshal and parade the women of this country among the men, black and white and red, good and bad, put the ballot in their hands, and have them crowd up to the polls to cast their votes? And who after that would ever feel that he would like to lay his hand upon that woman or call her sister or mother? Some may stand it; there may be some heroic characters among the women who would not be touched by a thing of that sort, but God save the multitude.

We can not keep corruption out of our politics. Corruption has never been kept out of politics of this country or Great Britain, and never will be. But, Mr. President, let us at least limit the number who are to be influenced, and let us not tear the veil of privacy from those true and honest bosoms who will be stung to death by this adder of corruption introduced into politics.

Some Senator to-day referred to Edmund Burke. I happen to have in my pocket just at the moment a little extract from Mr. Burke, in which he described a woman, and that woman was his wife; and to my mind she is only the prototype of the women who surround us through the length and breadth of this land. I send it to the desk to be read.

The Chief Clerk read as follows:

She is handsome, but it is a beauty not arising from features, from complexion, or from shape. She has all three in a high degree, but it is not by these she touches the heart; it is all that sweetness of temper, benevolence, innocence, and sensibility which a face can express that forms her beauty.

She has a face that just raises your attention at first sight; it grows on you every moment, and you wonder it did no more than raise your attention at first.

Her eyes have a mild light, but they awe when she pleases, they command, like a good man out of office, not by authority, but by virtue.

Her stature is not tall; she is made to be the admiration of everybody but the happiness of one.

She has all the firmness that does not exclude delicacy; she has all the softness that does not imply weakness.

Her voice is a soft, low music—not formed to rule in public assemblies, but to charm those who can distinguish a company from a crowd—it has this advantage, you must come close to her to hear it.

To describe her body describes her mind—one is the transcript of the other. Her understanding is not shown in the variety of matters it exerts itself on, but in the goodness of the choice she makes.

She does not display it so much in saying or doing striking things as in avoiding such as she ought not to say or do.

No person of so few years can know the world better, no person was ever less corrupted by the knowledge of it.

Her politeness flows rather from a natural disposition to oblige rather than from any rules on that subject, and therefore never fails to strike those who understand good breeding and those who do not.

She has a steady and firm mind, which takes no more from the solidity of the female character than the solidity of marble does from its polish and luster. She has such virtue as to make us value the truly great of our own sex.

Mr. MORGAN. That picture will be realized by many a Senator on this floor, by many an American citizen, and I believe that there are very few who would have a woman thus described and not overdescribed, transplanted from the seat of power and influence which she naturally enjoys and put to voting among men at the ballot-box. I am for the preservation of the delicacy, the wisdom, the moral force, the great controlling influence of woman; and I am not for degrading her into a common political machine, either to influence others or to be influenced by others. I never want to see a dirty politician enter a gentleman's house with the privilege of sitting down between himself and his wife to discuss politics between the two, to influence the wife to go against the husband. Whoever dissevers that relation or passes a law the consequence of which will be its disseverance inflicts a harm upon his race as well as upon his country.

I desired, Mr. President, to express these views, because I propose to introduce the amendment that I spoke of, to have this constitution brought back here and examined by the Congress of the United States for its approbation; and if we find there that they have put in a clause which can never be repealed or amended, inflicting, as I will say, woman suffrage in perpetuity upon those people, I will be prepared to vote against it. If, however, they say that the people of the State of Washington may amend their constitution so as to put in woman suffrage, or putting it in may amend so as to strike it out, giving them an opportunity after experience to understand the real value of the thing, or that it has no value, I would still vote to approve the constitution, because those people thus drawn into Statehood would have the right to regulate that for themselves.

I will vote for the amendment of the honorable Senator from Louisiana only to express my opinion upon the subject. After that I expect to introduce the proposition which I announced when I first took the floor on this bill, that this constitution, after it has been adopted, shall be brought back for the consideration of Congress, and that no President of the United States shall have the right to make any Territory into a State.

Mr. GEORGE. Mr. President, I desire to say that I am as much opposed to woman suffrage as the Senator from Louisiana or as the Senator from Alabama; but I vote against the amendment because I believe the people of Washington Territory have a right to settle that matter for themselves.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Louisiana [Mr. EUSTIS], on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. TELLER (when Mr. BOWEN'S name was called). My colleague [Mr. BOWEN] is paired with the Senator from Florida [Mr. JONES]. If my colleague were here, he would vote "nay."

Mr. COKE (when his name was called). I am paired on this question with the Senator from Connecticut [Mr. HAWLEY]. If he were present, I should vote "yea."

Mr. COLQUITT (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE]. If he were present, I should vote "yea" and he would vote "nay."

Mr. EDMUNDS (when his name was called). On this question I am paired with the Senator from Tennessee [Mr. HARRIS], who is not well and is absent. But lest we may fail of a quorum, I ask the Senator from Texas if he be willing to transfer his pair with the Senator from Connecticut [Mr. HAWLEY] to the Senator from Tennessee [Mr. HARRIS], and then the Senator from Texas can vote and I can myself.

Mr. COKE. I am willing to do so.

Mr. EDMUNDS. Then I vote "nay" and the Senator from Texas is at liberty to vote.

Mr. COKE. I shall do so.

Mr. HARRISON (when his name was called). On this question I am paired with the Senator from Arkansas [Mr. JONES]. If he were present, I should vote "nay."

Mr. BERRY (when the name of Mr. JONES, of Arkansas, was called). My colleague [Mr. JONES, of Arkansas] is paired with the Senator from Indiana [Mr. HARRISON]. My colleague is detained from the Senate by indisposition. If he were here, he would vote "yea."

Mr. CULLOM (when the name of Mr. JONES, of Nevada, was called). The Senator from Nevada [Mr. JONES] is paired with his colleague [Mr. FAIR].

Mr. PALMER (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE]. If he were here, I should vote "nay."

Mr. MCMILLIN (when Mr. SABIN'S name was called). My colleague [Mr. SABIN] is absent from the Senate this afternoon. If he were here, he would vote "nay."

Mr. SPOONER (when his name was called). I am paired generally with the Senator from Maryland [Mr. WILSON]. I do not know how he would vote on this amendment. I therefore withhold my vote.

The roll-call was concluded.

Mr. CULLOM. My colleague [Mr. LOGAN] is paired with the Senator from Ohio [Mr. PAYNE].

Mr. JACKSON. The Senator from West Virginia [Mr. KENNA] requested me to announce his pair with the Senator from Minnesota [Mr. SABIN].

Mr. COCKRELL. I am paired with the Senator from Iowa [Mr. ALLISON]. If he were present, I should vote "yea." My colleague [Mr. VEST] is paired with the Senator from Kansas [Mr. PLUMB].

Mr. BLACKBURN. I am paired with the Senator from Nebraska [Mr. MANDERSON]. If he were present, I should vote "yea."

Mr. MORGAN (after having voted in the affirmative). I observe that the Senator from Nebraska [Mr. VAN WYCK] is out of the Chamber. I am paired with him, and I therefore withdraw my vote.

Mr. BLAIR. My colleague [Mr. PIKE] is absent sick and is paired.

The result was announced—yeas 12, nays 24; as follows:

YEAS—12.

Beck,	Eustis,	Ingalls,	Pugh,
Berry,	Gorman,	Jackson,	Saulsbury,
Coke,	Gray,	Maxey,	Walthall.

NAYS—24.

Blair,	Dolph,	McMillan,	Sawyer,
Butler,	Edmunds,	Mahone,	Sherman,
Call,	Evarts,	Mitchell of Oreg.,	Stanford,
Conger,	Frye,	Morrill,	Teller,
Cullom,	George,	Platt,	Voorhees,
Dawes,	Hoar,	Riddleberger,	Wilson of Iowa.

ABSENT—40.

Aldrich,	Fair,	Jones of Nevada,	Pike,
Allison,	Gibson,	Kenna,	Plumb,
Blackburn,	Hale,	Logan,	Ransom,
Bowen,	Hampton,	McPherson,	Sabin,
Brown,	Harris,	Manderson,	Sewell,
Camden,	Harrison,	Miller,	Spooner,
Cameron,	Hawley,	Mitchell of Pa.,	Vance,
Chace,	Hearst,	Morgan,	Van Wyck,
Cockrell,	Jones of Arkansas,	Palmer,	Vest,
Colquitt,	Jones of Florida,	Payne,	Wilson of Md.

The PRESIDENT *pro tempore*. There is not a quorum voting.

Mr. HOAR. I move that the Senate do now adjourn.

The motion was agreed to; and (at 6 o'clock and 15 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April* 9, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

WATCHMEN FOR SILVER VAULTS, PHILADELPHIA.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, transmitting correspondence recommending that provision be made for four additional watchmen at the silver vaults in the new post-office building at Philadelphia; which was referred to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

ACCOUNT OF GEORGE WARDMAN.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting a statement of the account of George Wardman, agent of the Treasury Department at the Seal Islands, Alaska, for services and traveling expenses; which was referred to the Committee on Claims.

ARMY TRANSPORTATION.

The SPEAKER also laid before the House a letter from the Secretary

of War, recommending an amendment to the Army appropriation bill in the item "army transportation;" which was referred to the Committee on Military Affairs.

THE LATE REPRESENTATIVE HAHN.

Mr. ST. MARTIN offered the following resolution; which was adopted:

Resolved, That Saturday, the 13th day of May, 1886, at half past 7 o'clock p. m., be fixed as the time for delivering tributes to the memory of the late Hon. MICHAEL HAHN, a Representative from the State of Louisiana.

ORDER OF BUSINESS.

Mr. FORNEY. Mr. Speaker, I ask unanimous consent that the bill (H. R. 7645) for the relief of sufferers by the overflow of rivers in Alabama be taken up for present consideration.

The SPEAKER. The gentleman from Alabama [Mr. FORNEY] asks unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill he has indicated.

The bill will be read, after which the Chair will ask for objections.

The Clerk read the title of the bill.

Mr. BEACH. Mr. Speaker, I must object to the present consideration of the bill. I deem it to be my duty to insist that these bills shall be considered in their order under the rules, and then injustice will be done to nobody.

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the order which I send to the desk. It relates to the private business for this day.

The Clerk read as follows:

Ordered, That when the House on this day resolves itself into Committee of the Whole House for the consideration of bills on the Private Calendar, it shall be in order to take up bills in their order, and, after five minutes' explanation, the question shall be put to the committee whether there is objection to the present consideration of the bill; and if five persons object to its consideration, such bill shall be passed over informally and the next bill shall be taken up for consideration in like manner. Bills to the consideration of which there are not five persons objecting shall be subject to ten minutes' debate, five minutes in favor of the bill and five minutes against it; when the question shall be put upon laying the bill aside to be reported to the House.

Mr. RANDALL. I object.

Mr. SPRINGER. I give notice that unless this order be made I have no desire to go on with the Private Calendear, and will not antagonize any general measure that may be called up to-day.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. COLE, for two weeks, on account of sickness.

To Mr. ALLEN, of Mississippi, for fifteen days, on account of important business.

To Mr. SADLER, for fifteen days, on account of important business.

DENVER AND NEW ORLEANS RAILROAD COMPANY.

Mr. REAGAN. Mr. Speaker, I desire to present a privileged report from the Committee on Commerce. The committee report back, with the recommendation that it be adopted, the resolution which I send to the Clerk's desk.

The SPEAKER. The report will be read.

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *April* 5, 1886.

Resolved, That the Secretary of the Interior be requested to furnish to the House of Representatives copies of the correspondence and documents submitted to the Railroad Commissioner by the president of the Denver and New Orleans Railroad Company, now the Denver, Texas and Gulf Railroad Company, as described in his letter to the Commissioner of Railroads of February 25, 1886, relating to discriminations against the Denver and New Orleans Railroad by railroads to which the United States has granted land.

The resolution was adopted.

Mr. REAGAN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. WORTHINGTON. Mr. Speaker, I ask unanimous consent to take up for present consideration the bill (S. 1394) to provide for the ascertainment of the market value of certain property in the city of Chicago, and to authorize the Secretary of the Treasury to sell and convey said property. As the bill was read in full with the amendments last Friday, I also ask unanimous consent that the reading of it now be dispensed with.

The SPEAKER. The gentleman from Illinois [Mr. WORTHINGTON] asks unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill which he has indicated. The title of the bill will be read, after which the Chair will ask for objections.

Mr. BEACH. Mr. Speaker, I am compelled to object to the present consideration of the bill.

JAMES G. MARTIN.

Mr. JOHNSTON, of North Carolina. I ask unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill (H. R. 5539) for the relief of James G. Martin, and that the same be now taken up and passed.

The SPEAKER. The bill will be read subject to objection.

The Clerk read as follows:

Be it enacted, &c., That James G. Martin, late captain and assistant quartermaster and assistant commissary of subsistence, United States Army, and his heirs and legal representatives, are hereby relieved from liability to the United States on account of any moneys disbursed by said James G. Martin as assistant commissary of subsistence, United States Army; and that the proper accounting officers of the Treasury are hereby directed to close the accounts of the said James G. Martin as assistant commissary of subsistence, United States Army: *Provided*, That the amount for which credit shall be given under the provisions of this act shall not exceed the sum of $325.

There being no objection, the Committee of the Whole House on the Private Calendar was discharged from the further consideration of the bill; and the House proceeded to consider the same.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. JOHNSTON, of North Carolina, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DRAWBACK ON IMPORTED COAL.

Mr. HEWITT, from the Committee on Ways and Means, reported back with a favorable recommendation the following resolution:

Resolved by the House of Representatives, That the Secretary of the Treasury be, and he is hereby, requested to report to this House at an early day the effect and operation of the following provision in section 6 of the act to reduce internal-revenue taxation, and for other purposes:

"A drawback of 75 cents per ton shall be allowed on all bituminous coal imported into the United States which is afterward used for fuel on board of vessels propelled by steam which are engaged in the coasting trade of the United States or in the trade with foreign countries, to be allowed and paid under such regulations as the Secretary of the Treasury shall prescribe."

Also to further inform this House whether said provision is now being evaded by shipments of coal from Great Britain to American dealers in any manner; also what importations have been made, and what drawbacks have been allowed thereunder, at the ports of Boston, New York, Philadelphia, and Baltimore, respectively.

Mr. DINGLEY. I understand this is a resolution of inquiry addressed to the Secretary of the Treasury as to the construction of the drawback clause relating to coal.

Mr. HEWITT. Yes, sir. Its adoption is asked for the purpose of information solely.

Mr. DINGLEY. As I understand, the construction of the clause has been that it applies not only to American but to foreign vessels.

Mr. HEWITT. So I understand. The object is to get information from the Treasury Department as to what has been done.

The resolution was adopted.

Mr. HEWITT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. RANDALL. Mr. Speaker, I have been appealed to on all sides to withdraw my objection to the proposition of the gentleman from Illinois [Mr. SPRINGER] in regard to the method of considering private bills to-day. So far as I am individually concerned, I am willing to do so, in order to see what the effect of this proposed change would be, provided the proposition applies only to to-day.

Mr. SPRINGER. It is only for to-day.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] withdraws his objection to the consideration of the resolution proposed by the gentleman from Illinois. It will be read again, and the Chair will ascertain whether there is further objection.

The resolution was again read.

The SPEAKER. Is there objection?

Mr. TAULBEE. Are we to understand that this change affects only the business of to-day?

The SPEAKER. That is what the resolution provides.

Mr. RICHARDSON. I object to the resolution.

JOHN TAGGART.

Mr. DOCKERY. I ask unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill (H. R. 4115) for the relief of John Taggart, and that it be now put on its passage.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John Taggart, late postmaster at Bolton, Harrison County, Missouri, out of any money in the Treasury not otherwise appropriated, the sum of $30.64, in full of all claims against the United States on account of stamps destroyed by fire in the fall of 1879.

There being no objection, the Committee of the Whole House on the Private Calendar was discharged from the further consideration of the bill; and the House proceeded to consider the same.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. DOCKERY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INDIAN RESERVATIONS IN NEBRASKA AND KANSAS.

Mr. PERKINS. I ask unanimous consent to take from the House Calendar for present consideration the bill (H. R. 6394) to amend the third section of an act entitled "An act to provide for the sale of the Sac and Fox and Iowa Indian reservations, in the States of Nebraska and Kansas, and for other purposes," approved March 3, 1885.

The bill was read.

Mr. BEACH. I believe this is a public bill.

The SPEAKER. It is.

Mr. BEACH. I think it had better be considered regularly under the rules, and therefore I shall object.

Mr. PERKINS. I would like to make a statement, if the gentleman will permit, reserving his right to object.

Mr. SPRINGER. I wish to ask the gentleman from Kansas [Mr. PERKINS] whether this bill has been recommended by the present Commissioner of Indian Affairs?

Mr. PERKINS. It was prepared by that officer with the approval of the Secretary of the Interior, and was sent here by the President with an executive message recommending its passage. Its object is to carry out an act passed by the Forty-eighth Congress pertaining to this same subject. By mistake there was no provision in that act for minor orphans. This bill, suggested by the Indian Office and recommended by the Secretary of the Interior and the President, has been sent here for the purpose of correcting this omission in the act of the last Congress. That is all there is of it.

Mr. BEACH. The merits of the bill "have nothing to do with the case." [Laughter.] I insist on my objection.

ORDER OF BUSINESS.

The SPEAKER. This being Friday, the Chair will proceed to call standing and select committees for reports on private bills.

BRIDGE OVER MISSOURI RIVER, PIERRE, DAK.

Mr. CRISP. Mr. Speaker, to-morrow has been set apart for the consideration of bridge bills reported from the Committee on Commerce; I therefore ask at this time, by unanimous consent, to report a bridge bill, that it may be in condition to be considered to-morrow.

There was no objection.

Mr. CRISP, from the Committee on Commerce, reported, as a substitute for the bill H. R. 6683, a bill (H. R. 7646) to authorize the construction and maintenance of a bridge by the Dakota Central Railway Company across the Missouri River at Pierre, Dak.; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill 6683 was laid on the table.

LIGHT-HOUSE, SEUL CHOIX POINT, MICHIGAN.

Mr. TARSNEY, by unanimous consent, from the Committee on Commerce, reported, as a substitute for the bill H. R. 3492, a bill (H. R. 7647) to establish a light-house at Seul Chioix Point, Michigan; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill 3492 was laid on the table.

ADVERSE REPORTS.

Mr. HOUK, from the Committee on Military Affairs, reported back adversely the bill (H. R. 2170) to remove the charge of desertion from Seymour F. Arnold; which was laid on the table, and the accompanying report ordered to be printed.

DR. W. LEIGH BURTON.

Mr. PLUMB, from the Committee on Patents, reported back favorably the bill (H. R. 2524) authorizing the Commissioner of Patents to grant an extension of letters patent upon the application of Dr. W. Leigh Burton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. MATSON, from the Committee on Invalid Pensions, reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 572) for the relief of Andrew W. Billings; and

A bill (H. R. 3850) granting a pension to Gustav Schuffert.

LARKIN G. MEAD.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 5283) granting a pension to Larkin G. Mead; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ARETUS F. LOOMIS.

Mr. CONGER, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 7018) granting a pension to Aretus F. Loomis; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY A. SHANNON.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 1766) granting a pension to Mary A. Shannon; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 1764) granting a pension to Elizabeth A. Niebling;

A bill (H. R. 1769) granting a pension to Frederick Seibold;

A bill (H. R. 1761) granting a pension to Henry Keller;

A bill (H. R. 1759) granting a pension to Matilda Spangler;

A bill (H. R. 1760) granting a pension to Eliza Startsman; and

A bill (H. R. 1771) granting a pension to Mary C. Snodgrass.

MARTIN JACKOBY.

Mr. SWOPE, from the Committee on Invalid Pensions, reported back with favorable recommendation the bill (H. R. 4699) granting a pension to Martin Jackoby; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DAVID L. M'DERMOTT.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (H. R. 5435) granting a pension to David L. McDermott; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back with adverse recommendation the bill (H. R. 3635) granting a pension to Mrs. Willie Armstrong, widow of John C. Armstrong, deceased, late of Company A, Twenty-fifth Regiment of Ohio Volunteers; which was ordered to be laid on the table, and the accompanying report printed.

CHANGE OF REFERENCE.

On motion of Mr. SAWYER, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 6840) for the relief of Sarah Williams Very; and the same was referred to the Committee on Pensions.

JOSIE H. BABB.

Mr. HAYNES, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 7330) granting a pension to Josie H. Babb; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PATRICK M'KEAN.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (H. R. 7329) granting a pension to Patrick McKean; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back with adverse recommendation the bill (H. R. 7088) granting a pension to James Anderson; which was ordered to be laid on the table, and the accompanying report printed.

FERDINAND KOEHLER.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with favorable recommendation the bill (H. R. 6770) granting a pension to Ferdinand Koehler; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY B. HAVENS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6780) granting a pension to Henry B. Havens; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAMUEL W. BOWLING.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6797) to place the name of Samuel W. Bowling on the pension-rolls; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM M. SWARTZ.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6725) granting a pension to William M. Swartz; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. MORRILL, the Committee on Invalid Pensions

was discharged from the further consideration of the bill (H. R. 6779) granting a pension to Quincy A. Balch; and the same was referred to the Committee on Pensions.

ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with an adverse recommendation bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

A bill (H. R. 6651) granting a pension to George W. Cox;
A bill (H. R. 6765) granting a pension to Felix R. Buster;
A bill (H. R. 6785) restoring William G. Buck to the pension-roll;
A bill (H. R. 6717) granting an increase of pension to Isaiah A. Love;
A bill (H. R. 6767) for the relief of Mrs. Abigail Carnahan;
A bill (H. R. 6796) to place the name of Wendelin Krumm on the pension-roll;
A bill (H. R. 4099) granting a pension to David C. Pugh;
A bill (H. R. 6768) granting a pension to William J. Lees;
A bill (H. R. 6119) to increase the pension of Albert Long;
A bill (H. R. 4916) granting a pension to Westley H. Sherwood;
A bill (H. R. 6723) for the relief of Eli W. Campbell;
A bill (H. R. 6806) granting an increase of pension to Frederick Heine; and
A bill (H. R. 7072) granting a pension to William P. Applegate.

MARY KILE.

Mr. PINDAR, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 4145) granting a pension to Mary Kile; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REBECCA MILLER.

Mr. ELDREDGE, from the Committee on Pensions, reported back with a favorable recommendation the bill (S. 813) granting a pension to Rebecca Miller; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ENROLLED BILL SIGNED.

Mr. McRAE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 1297) authorizing the construction of a building for the accommodation of the Congressional Library.

CHANGE OF REFERENCE.

Mr. BRADY, from the Committee on Pensions, reported back the bill (H. R. 7086) granting a pension to G. R. Turner, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Invalid Pensions.

The motion was agreed to.

ALLEN P. JACOBS.

Mr. BRADY, from the Committee on Pensions, also reported back with amendments the bill (H. R. 5622) granting a pension to Allen P. Jacobs; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

MARY MURPHY.

Mr. BRADY, from the Committee on Pensions, also reported back with amendments the bill (H. R. 4730) for the relief of Mary Murphy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. BRADY, from the Committee on Pensions, also reported back with an adverse recommendation the bill (H. R. 1445) granting an increase of pension to Mrs. Mary McIntosh; which was laid on the table, and the accompanying report ordered to be printed.

ESTATE OF JOHN HOW.

Mr. WARNER, of Missouri, from the Committee on Claims, reported, as a substitute for H. R. 1353, a bill (H. R. 7648) for the relief of the estate of the late John How, Indian agent, and his sureties; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

House bill 1353 was laid on the table.

GOTTLIEB GROEZINGER.

Mr. WARNER, of Missouri, from the Committee on Claims, also reported back with a favorable recommendation the bill (H. R. 3863) for the relief of Gottlieb Groezinger; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ASSIGNEES OF ADDISON C. FLETCHER.

Mr. HOWARD, from the Committee on Claims, reported, as a substitute for H. R. 3145, a bill (H. R. 7649) for the relief of Hyland C. Kirk and others, assignees of Addison C. Fletcher; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

House bill 3145 was laid on the table.

PETER MARCK AND OTHERS.

Mr. GEDDES, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 6203) for the relief of Peter Marck, Thomas J. Wright, administrator, and others; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH B. BURTON.

Mr. SMALLS, from the Committee on War Claims, reported back with amendments the bill (H. R. 6705) for the relief of Joseph B. Burton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

CLAIMS OF SCHUYLKILL COUNTY, PENNSYLVANIA.

Mr. LYMAN, from the Committee on War Claims, reported back with amendments the bill (H. R. 2001) to authorize the proper accounting officers of the Treasury to audit and pay the claim of the county of Schuylkill, in the State of Pennsylvania, for money advanced by it under allotments made by soldiers from said county during the late rebellion by virtue of section 12 of the act of Congress entitled "An act to authorize the employment of volunteers to aid in enforcing the laws and protecting public property," approved July 22, 1861; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

JOHN RAMSEY.

Mr. LYMAN. Some time ago the bill (H. R. 6156) for the relief of John Ramsey was reported adversely by the Committee on War Claims, and was laid upon the table. The friends of the bill desire that it shall be placed upon the Calendar.

The SPEAKER. If there be no objection the bill indicated by the gentleman from Iowa will be taken from the table and placed on the Calendar.

There was no objection.

ORDER OF BUSINESS.

Mr. HERBERT. Mr. Speaker, I ask unanimous consent to offer a resolution for reference.

Mr. BEACH. I object.

Mr. SPRINGER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the Private Calendar.

Mr. TUCKER. Mr. Speaker, I was not in my seat when the Committee on the Judiciary was called, and therefore I ask unanimous consent to submit a report from that committee.

There was no objection.

J. G. FLOURNOY.

Mr. TUCKER, from the Committee on the Judiciary, reported, as a substitute for the bill H. R. 7303, a bill (H. R. 7650) to remove the political disabilities of J. G. Flournoy, of Mississippi; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

House bill 7303 was laid on the table.

ORDER OF BUSINESS.

The motion of Mr. SPRINGER was then agreed to.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, Mr. HATCH in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of bills on the Private Calendar. The Clerk will report the unfinished business.

The Clerk read the title of the bill, as follows:

A bill (H. R. 37) to change the rank of an officer on the retired-list of the Army.

Mr. WHEELER. Mr. Chairman, the chairman of the Committee on Military Affairs has been unexpectedly called away. I therefore request that that bill be laid over until next Friday, when he can be present.

The CHAIRMAN. The gentleman from Alabama [Mr. WHEELER] asks unanimous consent that this bill be laid over informally, retaining its place on the Private Calendar.

Mr. PRICE. I object.

Mr. WHEELER. I would state that I make this request because the chairman of the Committee on Military Affairs is absent.

Mr. PRICE. That does not make any difference.

Mr. SPRINGER. I object to the consideration of the bill now, Mr. Chairman, so it may go over under the rule.

Mr. McMILLIN. Mr. Chairman, if I understand the status of this bill correctly it is not in a condition where the gentleman's objection can avail. When the bill was last under consideration the committee

voted on the question, and, no quorum having voted, that fact was reported to the House, and pending further consideration the House adjourned. I think the proper action now would be to resume the consideration of the bill where it was left off, and one objection can not prevent that. If it is a matter of accommodation to the chairman of the Committee on Military Affairs I am willing that the bill shall go over, but not with the understanding that it shall occupy any other than its regular position on the Calendar.

The CHAIRMAN. On Friday two weeks ago when the committee rose and reported the bill to the House it was upon the question, Shall the bill be laid aside and be reported to the House with the recommendation that it do not pass?

Upon that question no quorum having voted the fact was reported to the House.

Pending that the House adjourned.

The question now is, Shall the bill be laid aside and reported to the House with the recommendation that it be laid upon the table?

The question being taken, the chairman announced that the ayes seemed to have it.

Mr. WHEELER. I call for a division.

Mr. SPRINGER. What was the order of the House?

The CHAIRMAN. The Chair will state the question again. The question now is, Shall this bill be reported to the House with the recommendation that it be laid on the table?

Mr. WHEELER. I withdraw the call for a division.

The CHAIRMAN. The ayes have it, and it is so ordered.

EMMA H. FISH.

The next business on the Private Calendar was the bill (H. R. 1185) for the relief of Emma H. Fish; reported from the Committee on War Claims with an amendment.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to pay to Emma H. Fish, widow of Arthur H. Fish, late of Company H, Third Michigan Infantry Volunteers, the pay and allowances of a second lieutenant of infantry from November 28, 1865, until the date when said Arthur H. Fish commenced acting as a first lieutenant, and the pay and allowances of a first lieutenant of infantry from the said —— until June 9, 1866, deducting therefrom the pay he received as a first sergeant of infantry.

The report (by Mr. LYMAN) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 1185) for the relief of Emma H. Fish, submit the following report:

The petition and evidence in this case show that Emma H. Fish is the widow of Arthur H. Fish, who enlisted as a private in Company H, Third Michigan Infantry Volunteers, on the 26th of August, 1864, for three years or during the war, was promoted to first sergeant of said company June 15, 1865, and while serving in the latter capacity was recommended for promotion to the vacancy of second lieutenant in said company, was assigned to duty, and actually performed the duties of that grade in said company from about the 28th of November, 1865, until the final discharge of the said regiment at Detroit, Mich., on the 9th of June, 1866.

The said Arthur H. Fish was duly commissioned by his excellency the governor of Michigan, under date of January 2, 1866, as a "second lieutenant in the Third Regiment Michigan Infantry Volunteers, to rank as such from the 28th day of November, 1865," and again, under date of June 12, 1866, as a "first lieutenant" in the said regiment, "to rank as such from the 14th day of June, 1865."

The said Arthur H. Fish was never mustered in or paid as an officer, although the positions filled by him were actually vacant when he was performing the duties of second lieutenant of said regiment. Your committee therefore agree that his widow should be paid the pay and allowances of a second lieutenant of infantry from the 28th of November, 1865, to the 9th of June, 1866, less the sums paid to the said Arthur H. Fish as sergeant of Company H, Third Michigan Infantry Volunteers. Your committee do not find that he ever actually performed the duties of a first lieutenant.

Your committee, therefore, recommend the passage of the bill with the following amendment: Strike out all of lines 8 and 9 thereof, and all of line 10 to and including the word "said."

Mr. LYMAN. Mr. Chairman, I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. STEELE. I object. There is nothing in the report to show that the company in which this gentleman acted as an officer was above the minimum number, and, if it was not above the minimum number, he was commissioned in violation of law and had no right at all to the commission. To pass such a bill would be setting a precedent which would allow claims to be made against the Government to the amount of many millions of dollars, and Congress has repeatedly refused to pass upon such claims. I object to this bill because it will be used as a precedent to show that we are willing to pay men who may have performed the duties of officers without being commissioned or under commissions issued in violation of law.

Mr. LYMAN. Mr. Chairman, this company was entitled to two commissioned officers, and at the time that Mr. Fish acted as an officer it had but two. There was a captain, who was absent on detached duty, and the company was really in charge of this officer. The company was entitled to two commissioned officers, and it had only two including Mr. Fish, and he actually performed the duties of the office, so that the passage of this bill will not set any precedent contrary to what is authorized by law.

Mr. STEELE. If there was no first lieutenant, why was not this officer commissioned as a first lieutenant, as he might lawfully have been?

Mr. LYMAN. I do not know why he was not. I only know the record shows that he was commissioned as a second lieutenant and afterward as a first lieutenant; but I think the latter was a complimentary commission, so to speak, for it was issued the day after the regiment was mustered out of service. Why he was not commissioned as a first lieutenant in the first instance I know not; but he was commissioned a second lieutenant.

Mr. STEELE. Was he not commissioned a second lieutenant because there was no vacancy in the rank of first lieutenant?

Mr. LYMAN. There was a vacancy.

Mr. STEELE. Where does the gentleman get that information?

Mr. LYMAN. From the War Department.

Mr. STEELE. At any rate he was serving under a commission not authorized by law.

Mr. LYMAN. I do not understand what foundation the gentleman has for making that assertion.

Mr. STEELE. The law provides that regiments below the minimum shall not have a colonel, and that companies below the minimum shall be deprived of a second lieutenant. That law went into effect June 20, 1863. This officer was commissioned in 1865, after the war was over.

Mr. LYMAN. If my understanding is correct no organized company was ever in such a situation that it was not entitled to two commissioned officers.

Mr. STEELE. But the law provides that those shall be a captain and first lieutenant, and that the company when below the minimum shall be deprived of a second lieutenant.

The question being taken on the motion that the bill be laid aside to be reported to the House with the recommendation that it do pass, it was agreed to; there being—ayes 49, noes 15.

PRIVATE LAND CLAIM IN NEW MEXICO.

The next business on the Private Calendar was the bill (H. R. 4840) to confirm a certain private land claim in the Territory of New Mexico.

Mr. HALSELL. Mr. Chairman, when this bill was reached on the Calendar two weeks ago I stated that the Committee on Private Land Claims was maturing a general bill on this subject, and at that time this and several other bills of similar character were at my request laid aside informally. I desire now to state that the committee, after full consideration, has perfected that bill, and it has been reported to the House. On account of the great importance of settling these land titles we hope for the early consideration of the measure. In view of this fact I ask that this and three other bills of like character may be laid aside informally, retaining their place on the Calendar.

There being no objection, it was ordered accordingly.

FERRY ACROSS MISSOURI RIVER.

The next business on the Private Calendar was the bill (H. R. 1280) to authorize Frank W. Hunt to erect and maintain a ferry across the Missouri River at the military reservation of Fort Buford, Dakota.

The bill was read, as follows:

Be it enacted, &c., That Frank W. Hunt, his heirs or assigns, be, and they are hereby, authorized to erect and maintain a ferry, either by wire, cable, or steam, across the Missouri River, at the military reservation of Fort Buford, Dakota Territory, for a period of fifteen years.

SEC. 2. That the rates of toll across said ferry shall be fixed or established from year to year by the Secretary of War.

The amendments reported by the committee were read, as follows:

Before the word "years," at the end of the first section, strike out "fifteen" and insert "ten."

Add the following as a new section:

SEC. 3. That while this charter is in existence no toll or charge shall be made for crossing the United States mail over said ferry; that the point of crossing the Missouri River to establish this ferry shall be determined upon under the authority of the Secretary of War.

Mr. WAKEFIELD. I move that this bill be laid aside to be reported to the House with a recommendation that it do pass.

Mr. SPRINGER. I ask that the report be read.

The report (by Mr. CAREY) was read, as follows:

The Committee on Military Affairs respectfully submit the following report:

That it appears that a ferry at the military reservation is necessary, and the committee recommend that the bill be amended as follows, and as so amended it do pass, namely: That the word "fifteen," where it occurs in the seventh line, be stricken out and the word "ten" be inserted in lieu thereof, and that the following be added as section 3 to the bill:

"That while this charter is in existence no toll or charge shall be made for crossing the United States mail over said ferry. That the point of crossing the Missouri River to establish this ferry shall be determined upon under the authority of the Secretary of War."

The bill, with proposed amendments, meets the approval of the War Department, as shown by the report of the Military Committee, No. 527, Forty-eighth Congress, first session, House bill 3263, which report is hereunto annexed:

[House Report No. 527, Forty-eighth Congress, first session.]

The Committee on Military Affairs respectfully submit the following report:

That it appears that a ferry at the military reservation is necessary, and the bill is carefully drawn and meets the approval of the War Department. The committee therefore report the bill to the House with recommendation that it do pass.

The letter of the Secretary of War is made part of this report.

WAR DEPARTMENT,
Washington City, February 23, 1884.

SIR: I have the honor to acknowledge the receipt of your letter of the 6th instant, inclosing for the views of this Department thereon H. R. 3263, Forty-eighth Congress, first session, a bill to authorize Frank W. Hunt to erect and maintain a ferry across the Missouri River at the military reservation of Fort Buford, Dakota Territory, and also H. R. 3264, Forty-eighth Congress, first session, a

bill to authorize Frank W. Hunt to mine and sell coal upon the military reservation of Fort Buford, Dakota Territory.

In reply I beg to inform you that the matter was referred to the Lieutenant-General of the Army, who reports his approval of H. R. 3263, to authorize the establishment of a ferry across the Missouri River at Fort Buford, and his disapproval of H. R. 3264.

The views of the Lieutenant-General are concurred in by this Department.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War.

Hon. CHARLES H. MORGAN,
Chairman of Subcommittee of Committee on Military Affairs,
House of Representatives.

Mr. SPRINGER. I move to amend the amendment of the committee by adding the following as an additional section:

SEC. 4. This act may be amended or repealed at any time.

Mr. WAKEFIELD. I have no objection to that amendment.

Mr. SPRINGER. Mr. Chairman, I do not exactly see the propriety of granting an exclusive ferry privilege for ten years, as provided by this bill. The granting of such privileges is contrary to public policy, and if ever granted the grant should be accompanied with such a provision as I have sent to the Clerk's desk.

Mr. WAKEFIELD. I will say to the gentleman from Illinois that I think there is no objection to his amendment.

The amendment of Mr. SPRINGER to the amendment of the committee was agreed to.

Mr. SPRINGER. I now move to further amend the amendment of the committee by striking out the word "ten" and inserting "five," so that this ferry privilege shall be granted for five years only. I think this is a long enough term for the grant of such a privilege to any person or corporation. It is an exclusive privilege, a monopoly; and it seems to me the shorter the time for which it is granted the better it will be. The grant can be renewed at the end of five years, if necessary. I insist that an amendment of this kind is proper. This ferry is to be established, as I understand, at some military reservation in Dakota Territory. Before ten years have elapsed there may be a large city there; so that the exclusive right to run a ferry may become a franchise of great value. I respectfully submit that a term of five years for this privilege is certainly long enough.

Mr. BROWNE, of Indiana. If that should happen the amendment puts it in the power of Congress entirely to repeal the act. Then where is the necessity of limiting it to a period of five years?

Mr. SPRINGER. I wish to give the right to the people, after five years' duration, to have this franchise cease, and not impose upon them the necessity of coming here to ask for its repeal. This military post may be abandoned in a few years. We are changing the location of our troops constantly. If it is abandoned this may become subject to actual settlement and cities may grow up there, railroads may desire to cross in that locality and to build a bridge, and this corporation, or this individual, or whoever may own the franchise at that place, by reason of the exclusive privilege given by Congress in this bill, may stand in the way of that public necessity being satisfied. Therefore I shall insist on my amendment, striking out "ten years," fixed as the term in the amendment of the committee, and inserting in lieu thereof "five years" as the period during which this exclusive ferry privilege shall be granted under the pending bill.

Mr. STEELE. The bill provides the right granted by the bill may be annulled at any time Congress may direct. And that, in my judgment, accomplishes everything the gentleman desires to accomplish by his amendment.

Mr. SPRINGER. I think we had better reserve, as far as possible, all these rights to the people, so that if there be a necessity to renew this grant it can be done by act of Congress, and not compel the people to come here to repeal the act when the franchise has become an obstacle in the way of settlement. I therefore insist upon my amendment to the amendment.

Mr. WAKEFIELD. Mr. Chairman, in my judgment the amendment reported by the committee reaches all that can be accomplished by the amendment to the amendment of the gentleman from Illinois [Mr. SPRINGER]. If this reservation is abandoned as a military post, and a large city should spring up there, then Congress has the power, under the amendment, to amend or repeal the act.

At the present time the land on both sides of the Missouri River, where Fort Buford is located, belongs to the military reservation. There is not a white settler, except those who belong to the reservation, within 16 miles of the fort. The Yellowstone River, which empties into the Missouri at Fort Buford, has some settlements, but those settlers are 16 miles from that fort. So long as Fort Buford occupies that land there would be no great number of white settlers there.

This ferry is asked for by the military stationed at Fort Buford. They desire this ferry for their accommodation. They desire this man shall run it. It is for their accommodation and for the accommodation of the Government, and I can not see any good reason why the House should refuse to grant it just as it is proposed by the committee.

Mr. STEELE. It is of so little value it is with difficulty they can get a man to agree to run the ferry.

Mr. WAKEFIELD. Yes, that is so. It can be operated for only seven or eight months in the year. The season begins about the 15th of April and ends about the 15th of October. The season, therefore, is a short one in which the ferry can be operated.

The object claimed by the gentleman from Illinois, in my judgment, is reached by the first amendment, that is to give Congress the right at any time to amend or repeal this act. I hope the last amendment, therefore, will not prevail.

Mr. SPRINGER. The cost of bringing material to run this ferry can not be very great; the expenditure will not be large; and within the period of five years the exclusive privilege of running the ferry which is granted will be long enough to indemnify this man for his outlay. All that will be necessary will be to supply himself with a movable boat and ropes to make the crossing. They can be taken there and removed at any time on slight notice.

Mr STEELE. This is to be a steam-ferry.

Mr. SPRINGER. Then he can get away all the sooner; and if necessary he can run upstream and locate the ferry somewhere else. Five years is a term long enough to give for this exclusive privilege. Ten years from now, it may be, the whole military reservation may be abandoned and a city built where it is now. This franchise may then become one of great value. We all know when a franchise is once given to a corporation how difficult it is for the people to secure its revocation. While we have the power in our hands let us limit this exclusive privilege to the shortest possible period necessary. If at the end of five years we find it proper to continue the privilege, it will be easy for Congress to do so. And if at the end of five years the people desire that it shall cease, that can be done without trouble by the expiration of the limitation in the act itself. I insist on my amendment.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Illinois [Mr. SPRINGER].

The committee divided; and there were—ayes 35, noes 56.

Mr. SPRINGER. No quorum has voted.

The CHAIRMAN. The point of order being made of no quorum, the Chair will appoint as tellers Mr. SPRINGER and Mr. WOODBURN.

The committee again divided; and the tellers reported—ayes 40, noes 81.

Mr. SPRINGER. I will not insist further on the point of order, as it seems to me the disposition of the House is to grant a longer period than five years.

So the amendment to the amendment was rejected.

The committee's amendment was then agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS F. PURNELL.

The next business on the Private Calendar was the bill (H. R. 2397) for the relief of Thomas F. Purnell.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, required to pay, out of any money in the Treasury not otherwise appropriated, to Thomas F. Purnell, of Austin, Tex., the sum of $1,000, in full reimbursement of that amount paid by said Purnell on the 15th of April, 1875, as United States marshal for the western district of Texas, for the arrest of Peter McCartney, by order of J. L. Duckworth and L. B. Whitney, special agents of the Treasury Department.

Mr. LANHAM. This bill provides for the reimbursement to the marshal for the western district of Texas of the sum paid by him as a reward for the capture of a party indicted for the passing of counterfeit money. The bill was reported favorably by the Judiciary Committee at the last Congress, and has been reported favorably by the Committee on Claims at this. If there be no opposition I move it be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to; and the bill was accordingly laid aside to be reported to the House with the recommendation that it do pass.

ALEXANDER SMILEY.

The next business on the Private Calendar was the bill (S. 221) for the relief of Alexander Smiley.

The bill was read, as follows:

Be it enacted, &c., That the Commissioner of Internal Revenue is hereby authorized and required to remit the amount of $660.94 assessed against Alexander Smiley, proprietor of distillery No. 2, in the county of Mississippi and State of Missouri: *Provided*, That he shall be satisfied that said Smiley has fully paid to the Government all taxes due for spirits actually made by his distillery from the 1st day of February to the 23d day of April, 1875.

Mr. WARNER, of Missouri. Mr. Chairman, this case was reported favorably by the Committee on Ways and Means of this House in the Forty-sixth Congress for $874.34. In the Forty-seventh Congress it was favorably reported by the Senate Committee and passed the Senate, but failed to be reached for action in the House. In the Forty-eighth Congress again it passed the Senate, but failed of passage in the House for the amount recommended by the Committee on Claims—that is to say, $660.94.

This, I will state, is in accordance with the recommendation of the Commissioner of Internal Revenue and of the Secretary of the Treasury; and I move, therefore, that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

The bill was accordingly laid aside to be reported to the House with a favorable recommendation.

MRS. FANNY S. CONWAY.

The next business on the Private Calendar was the bill (H. R. 914) for the relief of Mrs. Fanny S. Conway.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, directed to pay to Mrs. Fanny S. Conway, widow of Dr. Ed. Conway, lost in the Grampus in 1843, out of any moneys in the Treasury not otherwise appropriated, the sum of $700, being the amount due and unpaid her under act of Congress.

The committee recommend the adoption of the following amendment:

In line 7, strike out "seven hundred" and insert "two hundred and seventy."

Mr. BUCHANAN. This bill is now reported by the Committee on Claims, and was favorably reported from the Committee on Naval Affairs in the Forty-sixth and also in the Forty-seventh Congress. It was introduced by the gentlemen from Kentucky [Mr. WILLIS], to whom I yield so much time as he may desire.

Mr. WILLIS. Mr. Chairman, unless there be some one who wishes a further explanation of the bill, I will move that it be laid aside to be reported to the House with a favorable recommendation.

The CHAIRMAN. The first question is on agreeing to the amendment submitted by the committee.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN FRASER.

The next business on the Private Calendar was the bill (H. R. 1982) for the relief of John Fraser.

The bill is as follows:

Be it enacted, &c., That the sum of $914.20 be, and the same hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, for payment in full to John Fraser for services as acting Supervising Architect of the Treasury during 1878 and 1879.

Mr. BUCHANAN. This bill, Mr. Chairman, is favorably reported at this session of Congress from the Committee on Claims unanimously; it was also favorably reported from the Committee on Claims in the Forty-seventh Congress, and also by the Senate Committee on Public Buildings and Grounds in the same Congress. Unless some question be raised I move that it be laid aside to be reported to the House with a favorable recommedation.

Mr. HOLMAN. I think the report in this case had better be read.

The report (by Mr. BUCHANAN) was read, as follows:

This bill was favorably reported from the Committee on Claims of the Forty-seventh Congress (first session, Report No. 1723), and also from the Senate Committee on Public Buildings and Grounds (Forty-seventh Congress, first session, Report 191). For the reasons set forth in said report, which your committee adopt as their own, they recommend the passage of the bill.

The following is the report:

The Committee on Claims, to whom was referred the bill (H. R. 5680) for the relief of John Fraser, have considered the same, and respectfully report:

The Committee on Public Buildings and Grounds of the Senate (Forty-seventh Congress, first session, Report 191), made the following report in this case:

That on December 5, 1878, Mr. James G. Hill, Supervising Architect of the Treasury Department, was suspended from office by the following Department letter:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., December 5, 1878.

SIR: In view of the indictment pending against you in the circuit court of the United States, in Chicago, of which you have given me verbal notice, I am directed by the President to suspend you from this date from the execution of your official duties until after the trial.

Very respectfully,

JOHN SHERMAN, *Secretary.*

JAMES G. HILL, Esq.,
Supervising Architect.

On the same day Mr. John Fraser, who was at that time employed as superintendent of the construction of Bureau of Engraving and Printing building, was directed to assume the duties of the office during the suspension of Mr. Hill by the following letter:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., December 5, 1878.

SIR: You are hereby directed to take charge of the office, and perform the duties, of Supervising Architect during the suspension of Mr. J. G. Hill from duty.

Very respectfully,

JOHN SHERMAN, *Secretary.*

Mr. JOHN FRASER,
Superintendent of Construction of the new Building for the Bureau of Engraving and Printing.

On May 22, 1879, Mr. Hill was directed to resume the duties of Supervising Architect by the following letter:

TREASURY DEPARTMENT, SECRETARY'S OFFICE,
Washington, D. C., May 22, 1879.

SIR: Having been acquitted on the indictment found against you in the circuit court of the United States for the northern district of Illinois, you will resume your duties as Supervising Architect of this Department, from which office you were suspended December 5 last.

I am, very respectfully,

JOHN SHERMAN, *Secretary.*

Mr. JAMES G. HILL.

Mr. Hill received his pay in full from December 1, 1878, to May 31, 1879, namely, $2,258.20, which period covered the time of his suspension.

Mr. Fraser was paid as superintendent of construction, while acting as Supervising Architect, from December 6, 1878, to May 22, 1879, a period of five months and sixteen days, $1,344, being at the rate of $8 per diem.

Your committee are of opinion that Mr. Fraser is entitled to additional compensation to the amount of the difference between the appropriated salary of Supervising Architect and the pay he received as superintendent of construction of the Bureau of Engraving and Printing building, from December 1, 1878, to May 5, 1879, and report a substitute for the bill, and recommend the passage of the substitute as reported.

This committee adopt said report as their own, and therefore report back the accompanying bill, and recommend that the same do pass, with an amendment for the payment to said Fraser of the sum of $914.20.

Mr. HOLMAN. Mr. Chairman, I am not able to say what has been the more recent practice in regard to this class of claims, but in former years it was held that where an officer in one of the Departments was assigned to the performance of a temporary duty, of the chief of a bureau or the head of a Department, such an assignment was not to be followed by an increase of his salary from the lower to the higher position whose duties he was performing. It is a matter of frequent occurrence in the administration of the affairs of a Department or a bureau that some subordinate officer is frequently called upon to fill the duties of the higher position. I can remember one particular instance of a gentleman who for many years had a bill pending—a gentleman who was subsequently Secretary of the Senate—who had a bill introduced into the Senate, which was passed a number of times, paying him for services rendered as Secretary of State, he being at the time assistant Secretary. It was considered by both Houses for several years; but finally it was held that it was not the policy of the Government, where an officer was simply assigned to a temporary duty, to pay him the increased salary. If the practice in this regard in more recent years has been otherwise I am not aware of it; but if it has been reversed it does not seem to be a proper policy as a general thing.

In this particular instance, which we are now called to consider, the two positions named here are about of the same importance to the Government, and involve practically the same degree of capacity and intelligence to perform the duties well. This will be found frequently the case where these assignments are made, and it hardly seems good policy, where there may be such temporary assignment, that there should be a payment to the chief of the bureau or Department of the whole salary, and at the same time some subordinate officer should be paid the same amount for temporarily performing the duties. I have no doubt, however, that the gentleman from New Jersey has considered the subject carefully, and what has been the policy in more recent years, as to whether such claims are properly to be paid.

Mr. BUCHANAN. The committee so understood it; and, Mr. Chairman, as I remarked, this bill was favorably reported from the Committee on Claims in the Forty-seventh Congress and from the Senate Committee on Public Buildings and Grounds of the same Congress. It comes here now unanimously reported from the Committee on Claims of the present Congress, and it presents simply a question of paying this gentleman for the services which he rendered at the rate at which the law rates these services. That is all there is in it.

Mr. McMILLIN. I would like to ask my friend from New Jersey a question. The present assistant Secretary of the Treasury has to perform the duties of the Secretary of the Treasury. Is it proposed to pay him the salary of the Secretary of the Treasury? I believe the Attorney-General has been sick for some time, and his colaborers have performed the duties of that office. Is it proposed to pay them the salary of the Attorney-General?

Mr. BUCHANAN. This is a very different case. They are simply temporary assignments, temporary in character and time.

Mr. McMILLIN. Was this anything but a temporary assignment?

Mr. BUCHANAN. If the gentleman will hold his impatience until I get through he will understand the question.

Mr. McMILLIN. I will, with much pleasure.

Mr. BUCHANAN. This gentleman discharged these duties from the 1st of December, 1878, continuing until the 5th day of May, 1879, a period of over five months. The assignment was temporary in the first place; it was understood when it was made that it would be temporary. But the trial of the principal at Chicago was delayed beyond all human expectation; and this man continued at this post for the five months and rendered the service. The Government has had the benefit of his services, and in all honesty ought to pay for them.

Mr. McMILLIN. Now, the gentleman from New Jersey having made his statement, I ask him what there is in this case which prevents the employment from being considered temporary? I see nothing which distinguishes it from a temporary assignment or employment. It was for five months, but only for five months.

Mr. BUCHANAN. The assignment was temporary in character but not temporary as to time. It continued for such a length of time that the cases the gentleman from Tennessee speaks of are not precedents. This is not a case where a man takes a position for a few days and simply performs after a perfunctory manner or in a mechanical way the duties which have already been outlined for him. But this was a responsible position; the principal was suspended while awaiting his trial, and this man was compelled to have entire charge of that division and retain the charge of it for nearly half a year.

Mr. McMILLIN. The gentleman from New Jersey says this assignment was temporary in character, but not temporary in time.

Mr. BUCHANAN. I made use of that expression to express in a few words my meaning. I hope that has not become a crime upon this

floor. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The question being taken on Mr. BUCHANAN'S motion, the chairman stated that the "ayes" seemed to have it.

Mr. MCMILLIN. I call for a division.

The committee divided; and there were—ayes 59, noes 21.

Mr. MCMILLIN. I ask for tellers, a quorum not having voted.

The CHAIRMAN. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Tennessee, Mr. MCMILLIN, and the gentleman from New Jersey, Mr. BUCHANAN.

The committee again divided; and the tellers reported—ayes 63, noes 40.

So (further count not being called for) the motion was agreed to.

H. H. FAULKNER AND MARY WOODLEE.

The next business on the Private Calendar was the bill (H. R. 2357) for the relief of H. H. Faulkner and Mary Woodlee; reported by the Committee on Claims.

The bill was read, as follows:

Be it enacted, &c., That the proper accounting officers of the Treasury of the United States pay to H. H. Faulkner, of McMinnville, Tenn., the sum of $120.60, the amount paid by him for three internal-revenue stamps in January, 1882, with interest thereon, said stamps having been purchased to be placed upon 3 barrels of apple brandy purchased by the said H. H. Faulkner from Mary Woodlee, and said brandy being seized by a revenue officer before said stamps were attached to the packages.

SEC. 2. That they likewise pay to Mary Woodlee, of Grundy County, Tennessee, the sum of $81.38, the net proceeds of the 3 barrels of brandy she had sold to H. H. Faulkner, but which were seized, condemned, and sold unlawfully by a United States revenue officer, and before delivered to said Faulkner.

Mr. NEAL. I ask that the report be read.

The report (by Mr. NEAL) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 2357) for the relief of H. H. Faulkner and Mary Woodlee, have considered the same, and respectfully report:

The files of the House of Representatives show that this claim was investigated and reported favorably by the Committee on Claims of the Forty-eighth Congress. The report mentioned embodies a statement of the facts as disclosed by the proof on file, and is as follows:

The Committee on Claims, to whom was referred the bill (H. R. 4914) for the relief of H. H. Faulkner and Mary Woodlee, having had the same under consideration, respectfully report:

"That during the year 1882 the said H. H. Faulkner was engaged as a wholesale liquor dealer in McMinnville, Tenn.; that as such he purchased of the said Mary Woodlee, who was a resident of Grundy County, Tennessee, 3 barrels of apple brandy, which she had had distilled from fruit belonging to her and her children at the licensed distillery of Woodlee & Cathcart, in Grundy County, Tennessee, for which he was to pay her the price agreed upon; that said Faulkner sent to Nashville and purchased of W. M. Woodcock, collector of internal revenue, three stamps to be placed upon said brandy, for which he paid $120.60; that upon the receipt of said stamps said Faulkner sent his team with said stamps to be placed upon said brandy, and to bring the same to his warehouse in McMinnville. Upon his team reaching the distillery it was found that one James M. Davis, a deputy collector, had on that day seized the distillery of said Woodlee & Cathcart, together with 10 barrels of brandy belonging to them, and also the 3 barrels purchased by Faulkner from Mrs. Woodlee, and took the same away. The said Faulkner immediately forwarded his stamps purchased as aforesaid to his Representative in Congress, to see if the Commissioner of Internal Revenue would not refund his money.

"Mary Woodlee was a poor, uneducated widow, living 18 miles in the country; did not know what to do. In the mean time the thirty days allowed by law for her or Faulkner to lay claim to said 3 barrels brandy expired, and said brandy was sold by the collector at $1.65 per gallon, and the proceeds held in the United States district court until the termination of the suit against the distillers, Woodlee & Cathcart. Woodlee & Cathcart, or Greer Woodlee, one of said firm, contested said seizure and sale in the United States district court at Chattanooga, when, upon a trial, the court decided that the 10 barrels of brandy and all other property seized by said deputy collector was wrongfully seized, and decreed that the property should be restored to said distillers, and that as said brandy, when all sold, had brought $352.26, after paying taxes on the same, the court also decreed that said distillers should be paid ten-thirteenths of said sum, amounting to $271.27, leaving for Mrs. Woodlee's 3 barrels $81.39, which the court declared forfeited, while Faulkner and she were trying to get their money refunded during the pendency of said suit, and directed that all of the costs of the suit and seizure should be paid out of the proceeds of said 3 barrels, and the balance paid into the Treasury, which was done.

"The affidavit of J. E. Jones, United States gauger, is on file that he gauged and marked said 3 barrels of brandy for Faulkner and Mrs. Woodlee, and marked them as required by law, and as there was no effort to deceive or defraud any one, and as the court decided the seizure was illegal and void, and as neither the said H. H. Faulkner nor Mary Woodlee were in any manner to blame or responsible for said seizure, and the proof shows that the brandy was made for Mrs. Woodlee out of apples furnished by her, and all the taxes paid out of the proceeds, your committee are of opinion that she should be paid the proceeds of her 3 barrels of brandy, after paying the tax, to wit, $81.38, and that H. H. Faulkner should be paid for said stamps, which are filed with the papers in this case, $120.60, and they therefore recommend the passage of said bill."

Your committee adopt said report as its own, concur in the conclusions therein expressed, and report the bill back to the House with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

M'MINNVILLE AND MANCHESTER RAILROAD COMPANY.

The next business on the Private Calendar was the bill (H. R. 5194) directing the Quartermaster-General to settle with the McMinnville and Manchester Railroad, and for other purposes; reported by the Committee on War Claims.

The bill was read, as follows:

Be it enacted, &c., That the Quartermaster-General of the United States Army be authorized, and he is hereby directed, to settle and adjust the claims of the McMinnville and Manchester Railroad Company against the United States for iron, chairs, spikes, and switches, upon the basis of estimates furnished by A. Hibard, engineer of repairs, under orders of Maj. Gen. George H. Thomas, commanding department, dated July 18, 1865, taken and used by the United States Army, the items thereof being: for railroad iron, $231,880; for chairs, $7,200; for spikes, $6,300, and for switches, $1,500, making a total of $246,880, which sum shall be allowed said company in making such settlement.

SEC. 2. That from the value of the property thus taken and used, which is hereby declared to be said sum of $246,880, the Quartermaster-General will deduct the amount now due and owing to the United States by the McMinnville and Manchester Railroad Company, which is evidenced by a judgment in the United States circuit court at Nashville, Tenn.

SEC. 3. That any balance thus found to be due said McMinnville and Manchester Railroad Company shall be paid to the McMinnville and Manchester Railroad Company, or their successors, the Nashville, Chattanooga and Saint Louis Railway, in the bonds of indebtedness of the latter company held by the United States for material purchased of the United States since the close of the war, and said judgment shall thereupon be satisfied of record.

Mr. RICHARDSON. I move that the bill be laid aside to be reported to the House with a favorable recommendation; but I am ready to make any explanation, if it is desired.

Mr. JOHNSTON, of Indiana. There will be opposition to that bill.

Mr. HOLMAN. Would it not be as well to have the report read?

Mr. JOHNSTON, of Indiana. I think so.

The CHAIRMAN. The Chair has recognized the gentleman from Tennessee [Mr. RICHARDSON].

Mr. RICHARDSON. I have no objection to the report being read. It is short.

The CHAIRMAN. The report will be read.

The report (by Mr. RICHARDSON) was read, as follows:

The Committee on War Claims, to whom was refe. d bill H. R. 2340, having considered the same, beg leave to submit the following report:

The whole matter was brought before the House in the Forty-eighth Congress. The bill H. R. 2727 was referred to the Judiciary Committee and was carefully considered. That committee, on February 18, 1885, submitted a favorable report upon same to the House, said report being No. 2612.

The committee, having carefully considered the bill and all the records in the case furnished by the Secretary of War, have arrived at the same conclusion reached by the Judiciary Committee as stated in said report. The committee, however, have directed that a new bill be presented which more clearly embodies the principles upon which they think the settlement should be made with said railroad company. This bill is herewith presented as a substitute for bill H. R. 2340, and the committee recommend its passage. The debt due to the United States from the McMinnville and Manchester Railroad Company is now in judgment in the circuit court of the United States at Nashville, Tenn.

For further report the committee beg leave to copy literally and submit as their own the report made as aforesaid by the Judiciary Committee of the House in the Forth-eighth Congress, in the words and figures following:

"This claim is not what is usually called a Southern war claim, but arises out of the following facts:

"During the war the iron upon 25¼ miles of the railroad belonging to the McMinnville and Manchester Railroad Company, in Tennessee, was taken up under an order issued by General George H. Thomas, and was used in repairing the tracks of the Nashville and Chattanooga Railroad. This seizure and appropriation of the iron were not acts of war or the destruction of rebel property, but the seizure was made and the iron appropriated by the Government under the act of Congress approved 31st January, 1862.

"After the war closed the McMinnville and Manchester Railroad Company made a claim against the Government for the value of the iron removed and for the value of the properties destroyed in consequence of the removal of the iron. This application was referred by the Quartermaster-General to Major Stephens, general superintendent military railroads, and by him was referred to A. Hibard, engineer of repairs, to report at once the value of the iron and other property taken under the order. This officer made an estimate of the value of the property and returned it to the Quartermaster-General, who declined to pay the amount solely upon the ground that under the act of the 31st January, 1862, the value of the property should be assessed by a board of officers appointed by the President. No such board was ever appointed by the President, and other claims of similar character were adjusted and settled by the Quartermaster-General. This will appear from letters addressed to Hon. G. G. Dibrell, of Tennessee, which are appended to this report and asked to be made a part of it.

"It appears to your committee that the Nashville and Chattanooga Railroad Company has purchased the McMinnville and Manchester road, and that the said company is largely indebted to the Government of the United States for railroad properties, including the iron taken from the McMinnville and Manchester road, purchased after the war. It also appears that the McMinnville and Manchester Railroad Company is indebted to the United States for similar property purchased by it after the war. The bill provides that the Quartermaster-General shall ascertain the value of the iron taken and used by the Government as above stated, and shall deduct therefrom the amount due the Government from said company, and shall pay the remainder to the company in the bonds of the Nashville and Chattanooga Company, which the Government holds for the payment of the indebtedness due from said company.

"There can be no objection to this mode of settlement, as the Government owns these bonds and the McMinnville and Manchester Company is willing to receive them. The letter referred to is as follows:

"WAR DEPARTMENT,
"QUARTERMASTER-GENERAL'S OFFICE,
"*Washington, D. C., January* 21, 1885.

"SIR: I have the honor to forward herewith a communication from Hon. G. G. Dibrell, M. C., of this date, inclosing a copy of H. R. 2727, Forty-eighth Congress, first session, and asking to be informed whether any settlements have been made with railroad companies of the South for property taken from said railroads or for use, such as the claim of the McMinnville and Manchester Railroad, in Tennessee.

"The records of this office do not show the settlement of any such claim by payment in money.

"It is observed, however, that in compromising the indebtedness of certain Southern railroad companies for material purchased of the United States at the close of the war, those which had presented claims of this character (for example, the East Tennessee, Virginia and Georgia, and the Memphis and Little Rock) agreed, in consideration of such compromise, under which the amounts of their indebtedness were reduced, to waive and release the United States from all obligations to pay for property taken by the United States from said railroads or for their use.

"I recommend that Mr. Dibrell be advised accordingly.

"Very respectfully, your obedient servant,

"S. B. HOLABIRD,
"*Quartermaster-General United States Army.*

"The Hon. SECRETARY OF WAR."

WAR DEPARTMENT, *Washington City, January 26, 1885.*

SIR: Referring to your letter of the 21st instant (to the Quartermaster-General) inclosing a copy of H. R. 2727, Forty-eighth Congress, first session, "directing the Quartermaster-General to settle with the McMinnville and Manchester Railroad Company, and for other purposes," and requesting information as to whether any settlements have been made with railroad companies of the South for property taken, or for use, such as the claim of the McMinnville and Manchester Railroad in Tennessee, I have the honor to inclose herewith a report upon the subject by the Quartermaster-General, dated the 21st instant, which it is believed furnishes the information desired.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War.

Hon. G. G. DIBRELL,
House of Representatives.

Mr. RICHARDSON. This case was fully considered in the Forty-eighth Congress by the Committee on the Judiciary. The bill was referred to that committee and considered by it under the order of the House, and a unanimous report was made by that committee in favor of the passage of the bill. At this session of Congress the bill was again introduced and I asked to have it referred to the Committee on the Judiciary again, but under the rules of the House it was referred to the Committee on War Claims. That committee, by a subcommittee composed of the gentleman from Iowa [Mr. LYMAN], the gentleman from Kentucky [Mr. STONE], and myself, made a careful examination of the facts involved in the question, and again by a committee of the House the bill was reported favorably. I know, sir, from my familiarity with the facts of the case that it is eminently right and proper the bill should pass. I do not care to occupy the time of the committee in discussing it further unless some gentleman opposes the bill. I therefore reserve my time.

Mr. JOHNSTON, of Indiana. It is true, as the gentleman from Tennessee [Mr. RICHARDSON] states, this bill has been reported by the Committee on War Claims. It is also true that certain members of that committee reserved the right to oppose the bill, if, upon looking into the record in the case, they thought that it was right for them to do so.

This claim grows out of the railroad transactions in the South during the war. It is a claim upon the part of the McMinnville and Manchester Railroad Company to collect for certain iron taken off their road and laid upon the Memphis and Chattanooga Railroad. I will be pleased if the gentleman from Tennessee will let me have the record in this case. I ask him to send me over the papers.

It appears this road is one of the captured roads of the South. It was captured during the war. I believe at the time of its capture it was taken as enemy's property; and, if I am not mistaken, the record shows that by order of General Rosecrans, then in command, the bridges and the water-tanks and the buildings upon the line of the road were destroyed as a matter of military necessity.

Subsequently, the Nashville and Chattanooga Railroad fell into the hands of the Government, and was being operated by the Government. The road needed repairs, and while the Government was holding the McMinnville and Manchester Railroad as captured property they took up some iron from it with which to repair the Nashville and Chattanooga road. They used the railroads until the close of the war.

When the war closed the organizations were allowed to resume control of their roads. This company made application to have its road restored, and an order to that effect was made. The report states that General Thomas ordered that the road should be estimated with a view of having it turned over. He ordered an estimate made, and I have no doubt that the estimate was made by a competent man; but it was an estimate not of the amount of property taken from the company, but, as gentlemen will see by the order, an estimate of the amount it would cost to put the road in as good condition as it was in before. It was made with no view of binding the General Government, but merely as a matter of precaution, to find out how much it would take to put the road in that condition. When these people applied to the General Government to have the road turned over, the record shows that the Quartermaster's Department refused to turn it over because the road was held as captured property, and not because the viewers were not appointed by the President.

It is true they said they could not turn it over under the order, but both in the report of the quartermaster and in the order of General Thomas himself it is stated that the road was held as captured property, and the recommendation was made that the Government should not turn it over, because it was not held by virtue of the law. Now, then, when the Government refused to turn that road back these parties applied to the Government to sell a certain amount of rolling stock. Under the law and under executive orders the Government did sell them $20,000 worth of rolling stock, but after they got it they were like a man who has a buggy without a horse, or a horse without a buggy—they had no railroad track upon which to run their rolling stock; so they applied to the Government to sell them iron with which to lay a track, and the Government sold them $26,000 worth of iron for that purpose.

The Government took an obligation from the McMinnville and Manchester Railroad to pay that money within two years, with interest, and also an obligation that the road should carry the mails and should do whatever transportation of Government troops might be required without demanding pay; the amount of such service to be credited on this debt. It appears that prior to that time, away back when the road was built, the State of Tennessee had loaned its credit to the company to the amount of $750,000.

After the company had repaired the road and put the iron upon it and the rolling stock which the Government had furnished, the State sought to foreclose its lien, and a controversy grew up. The road was sold, under a decree, to the Memphis and Charleston Railroad Company. They held it a while, and during the time they were holding it they utterly refused to carry out the contract made by the other company with the General Government. They refused to carry the mails upon the original contract, holding that they had purchased the road and were not bound by the contract made with the McMinnville and Manchester Railroad Company, and the Government was compelled to employ private parties to carry the mail upon the dirt road. The Government then brought suit to foreclose its lien of $46,000, which at that time, with interest, amounted to $98,000. The record shows—I have been unable to find the judgment rendered in that case—but the record shows that the McMinnville and Manchester Railroad Company set up a claim for iron and spikes taken against the bonded contract. In other words, they sought to avoid the payment of $98,000 because the Government owed the corporation for property taken.

Now, whether or not that offset was adjudicated I can not tell, but the record shows that they set up that claim. We are to presume that it was adjudicated and found against the railroad company, from the simple fact that the judgment was rendered for the entire amount. If adjudicated in that transaction it should be *res adjudicata*, and if not adjudicated they could have adjudicated it. Judgment was rendered in favor of the United States. That judgment, amounting, principal and interest, to over $100,000, stands to-day unsatisfied.

Mr. McMILLIN. The gentleman will allow me to say it is admitted there is a claim due to the Government; and the effort here is not to avoid the payment of that claim, but to secure the allowance of a set-off for property which the Government obtained from this railroad company.

Mr. JOHNSTON, of Indiana. I understand that the railroad company now says to the Government, "If you will pay us $264,000, which you claim you do not owe, we will pay you the $100,000 which we admit we do owe." I understand the proposition clearly.

Mr. McMILLIN. I think the gentleman on closer examination will find that his statement is not sustained by the record.

Mr. HOUK rose.

Mr. JOHNSTON, of Indiana. I would prefer that gentlemen should postpone their questions till after I get through. I have had two or three very good speeches spoiled by yielding for questions. [Laughter.]

Mr. HOUK. Did not General Thomas admit that the railroad company was to be paid for the iron and other property taken and used by the United States?

Mr. JOHNSTON, of Indiana. All through this record it is claimed both by the War Department and by the Quartermaster-General that the Government held this road as captured property.

Mr. HOUK rose.

Mr. JOHNSTON, of Indiana. You gentlemen will have the chance to argue this question after I am through.

Mr. McMILLIN. I would like to make a suggestion to the gentleman.

The CHAIRMAN. Does the gentleman from Indiana [Mr. JOHNSTON] yield?

Mr. JOHNSTON, of Indiana. I will yield for one gentleman at a time.

Mr. McMILLIN. The fact appears in the record that General Thomas ordered an investigation into the value of this property seized by the Government, and that investigation was made; and further that he called upon his engineers in order to ascertain what it would cost to put the road in the same condition in which the Government found it, the rails having been taken up and carried off. That is the state of the case.

Mr. JOHNSTON, of Indiana. I admitted in my opening remarks that General Thomas did authorize the quartermaster to ascertain the value of this road; but I deny that the record discloses that General Thomas ever admitted that the Government owed this road a single dollar.

Mr. McMILLIN. Then for what purpose was the ascertainment of the value of the road made?

Mr. JOHNSTON, of Indiana. I presume the object was the same in this as in numerous other cases where similar assessments were made. In many cases where a military board was ordered to assess private property there was never any intention of paying for it, the only object being to have the finding as a matter of evidence if the question should ever come up.

Now in order to satisfy my friends on the other side of this question let me read what General Thomas said:

The attention of the honorable Secretary of War is respectfully invited to the report as giving a complete statement of the indebtedness of the Southern railroads to the United States Government at this time and of the efforts of some of these corporations to evade and defer payment, as under recent instructions from the War Department the charge of the collection of those amounts is to be transferred to the Quartermaster-General at Washington, relieving me from responsibility.

Mr. RICHARDSON. From what does the gentleman read?

Mr. JOHNSTON, of Indiana. From a copy of the letter of General Thomas when he turned over this road from his control to that of the Quartermaster-General.

Mr. RICHARDSON. What is the date?

Mr. JOHNSTON, of Indiana. November 23, 1867.

Mr. RICHARDSON. It was turned over in 1865.

Mr. JOHNSTON, of Indiana. Eighteen hundred and sixty-seven is the date. He says—

I can only recommend that the Government hold these roads to their contract; that they be compelled to liquidate their indebtedness upon the terms now agreed upon without consideration or recognition in the least degree for any claim for damages or use by occupation of the United States, such claims being believed to be without foundation in justice and in right.

A persistent, combined effort on the part of these companies to compel the recognition of their claims has been as persistently ignored and repudiated by me, until the efforts, for want of success, have gradually been remitted."

This statement is signed by "George H. Thomas, major-general commanding;" and it shows that he always refused to recognize these claims. Yet gentlemen maintain that because he sent a man to make an estimate the Government is thereby committed to payment.

Mr. RICHARDSON. I call the gentleman's attention to the fact that what he has read relates to claims for use and occupation. There is no claim here for use and occupation of the railroad.

Mr. JOHNSTON, of Indiana. This was a claim to have the road restored to the company that had once owned it. But if the Government held the road as captured property, what foundation could there be for any return of that property? You abandon any claim to recover for the tanks burned by General Rosecrans; you abandon any claim for the bridges burned by him; you abandon any claim for personal property destroyed by him; all this is abandoned in this report; yet because a few pounds of iron were taken up, it is claimed there is a right of recovery. If the Government is responsible for one it is responsible for all.

This Chattanooga railroad at the same time bought a certain amount of rolling stock and iron for which payment was made in the bonds of the company, bearing interest at the rate of 7.3 per cent. That debt remains unpaid to-day. They have since bought this McMinnville and Manchester road, not from the corporation itself, but from a third party. And now, when this record shows that they have no rights in the matter except so far as they assume to be the purchasers of the McMinnville and Manchester road, they come in and ask that this $264,000 shall be treated as a set-off upon the debt which they owe the General Government.

Now, there is another fact which this record discloses. I want to call attention to the reason why the Government held this road as captured property. The record discloses the fact that these railroad corporations were the most active rebels in all that country; that these corporations furnished the means of transporting the troops of the national enemies.

Mr. Chairman, how much of my time have I taken up?

The CHAIRMAN. The gentleman has occupied twenty-three minutes of his hour.

Mr. JOHNSTON, of Indiana. Mr. Chairman, I was making the point that this railroad corporation was one of the most efficient agents of the confederacy. This report shows it. All of these papers show that fact. Not only that they transported troops for the confederacy, but they used all their corporate power to assist the confederacy. Not only that, but they bankrupted the corporation itself by investing its surplus funds in confederate bonds. This report shows that fact. Consequently, when the General Government took control of the road, what did it get? It merely got the houses and bridges on it. It got the old iron and the other material which they could not take away. But every dollar of rolling-stock had followed the fortunes of the confederacy. As an agent of the confederacy the General Government took possession of the road as captured property, as property taken from an enemy.

Now, sir, I do not object to the passage of this bill so much because of the amount of money involved in it. I hold the General Government should be honest, and be as ready to pay $250,000 of just debt as $250. I hope, therefore, when gentlemen on the other side come to present their side of this question they will show why this railroad corporation, following the fortunes of the confederacy, shall be paid for its lost property, while the loyal citizen alongside of that road shall be refused payment for his property taken upon the ground of military necessity?

You open up this doctrine that you are to pay these corporations, but you are not to pay these private individuals. You thereby do injustice to the private individual. If they can show me any reason why a corporation, with its aggregate thousands, has any better right to remuneration than an individual whose all is wrapped up in the question, then I will concede the case; but there is nothing in this whole transaction, from beginning to end, that shows anything of the kind.

If we are to tear loose from every principle established by the Government, if we are to abandon every principle laid down by the Department, and go to paying for this captured property, then, sir, we have entered upon a field where we will have a great deal of lively litigation. [Laughter.]

If we are to establish that principle, then I want this House to say why it will refuse to pay the loyal man who joined his fortunes with the Union Army simply because it was an act of war. If you can make the distinction I want to see it made.

Then we will have a precedent, Mr. Chairman, of a very dangerous character established. This is making a new precedent, and a very dangerous one, without seeing where it is to drive us. Not long ago we passed a bill appropriating some $30,000 or $40,000 to some ladies living in Louisiana, merely because General Butler had written a foolish letter telling them their property should be protected from destruction. It was conceded it was an isolated case, but now they come here and ask you to pay $264,000 simply because General Thomas ordered an estimate to be made. Pass this, then, as a precedent, and you must pay for every railroad corporation in the South.

I believe, Mr. Chairman, if we are to be liberal to anybody, we had better be liberal to the men who stood by the flag of the country, rather than to the men who admit they did all they could to aid the rebellion.

That there may have been one or two loyal men in that corporation I will concede for the sake of argument; but its sympathies were with the South in the rebellion. And it is now simply a scheme to legislate not in the interests of the McMinnville and Manchester Railroad, but in the interest of the Memphis and Chattanooga Railroad, which bought it, and which is not only seeking to avoid paying the $90,000 to the McMinnville and Manchester road, but to get credit for $174,000 of debt they owed and which the record does not show they paid.

I will reserve the remainder of my time.

Mr. LYMAN. Mr. Chairman, I do not propose to occupy any great length of time in the discussion of the matter now before the committee. I take a part in this discussion mainly because as a member of that committee I concurred in the report which has been made; and, as has been announced by the gentleman from Tennessee, I was a member of the subcommittee that made examination of this case prior to its being reported to and acted upon by the whole committee.

I can see nothing in this case, Mr. Chairman, that calls for anything except a consideration of the mere business features now presented for our action. There is nothing else in it; and, in order that the matter may be fully understood as to what this matter really is, we must, in the first place, understand exactly what question is presented and the case which we are trying.

Now, it has been said, Mr. Chairman, and repeated, that this railroad property was taken as abandoned property under the abandoned property act. It has been said further that this was the property of rebels. Our Supreme Court has already settled that none of these acts—granting for the moment that this railroad was taken possession of by the Federal Government in pursuance of the abandoned property act, granting also for the moment that there was this attempt on the part of General Thomas or General Rosecrans or whoever might have been then in command in Tennessee—yet the Supreme Court has said in the case of the Planters' Bank against the Union Bank that these acts do not apply to corporations; that is, the captured and abandoned property act, those measures of legislation providing for the seizure of property of absent enemies; that they did not apply to any persons but natural persons; in other words, they did not apply to artificial persons, to corporations; and it will not do, Mr. Chairman, to say that that railroad company was a rebel. The fact is, as I am informed by gentlemen whose information I believe to be correct and in whom I have full confidence, that the officers of this corporation were Union men.

I am told that President Harrison, the president of the company, who was during the war its president and in which position he continued until his death, a few days ago, was always a Union man. At the time of his death I am told that he was the chairman of the Republican committee in the State of Tennessee. He has been an elector, as I am informed, upon the Republican ticket in Tennessee, once at least, if not more than once, and I am reminded by the gentleman from Tennessee [Mr. HOUK] upon my left that he has been a member of this House, elected by the Republicans of the State of Tennessee. So that if we were called upon to consider this question at all in the disposition of this matter, I think we may say that this railroad was a Union band.

Mr. MCMILLIN. And let me also add to what the gentleman has said that he was not only all that, but he was chancellor and supreme judge of Tennessee.

Mr. LYMAN. All of which evidence is cumulative to show that the railroad was upon the side of the Union.

Mr. JOHNSTON, of Indiana. Let me ask the gentleman from Iowa if the record shows that fact?

Mr. LYMAN. I do not know whether it shows it or not——

Mr. HOUK. Yes, sir.

Mr. LYMAN. I leave that question to be answered by gentlemen more familiar than myself, but I am told the record does show it.

Now, Mr. Chairman, this, as I have said, is a mere matter of business, in which this Government is interested, in which there is a question of settlement of accounts between the Government and the McMinnville Railroad Company. I have said this property was not taken under the abandoned-property act. It was not taken as the property of an absent enemy. It was taken under the act of Congress passed on the 31st day of January, 1862, and I will ask the Clerk to read the first and third sections of this act.

The Clerk read as follows:

Be it enacted, &c., That the President of the United States, when in his judgment the public safety may require it, be, and he is hereby, authorized to take

possession of any or all the telegraph lines in the United States, their offices and appurtenances; to take possession of any or all the railroad lines in the United States, their rolling stock, their offices, shops, buildings, and all their appendages and appurtenances; to prescribe rules and regulations for the holding, using, and maintaining of the aforesaid telegraph and railroad lines and to extend, repair, and complete the same in the manner most conducive to the safety and interest of the Government; to place under military control all the officers, agents, and employés belonging to the telegraph and railroad lines thus taken possession of by the President so that they shall be considered as a post-road and part of the military establishment of the United States, subject to all the restrictions imposed by the Rules and Articles of War.

* * * * * * *

SEC. 3. *And be it further enacted*, That three commissioners shall be appointed by the President of the United States, by and with the advice and consent of the Senate, to assess and determine the damages suffered, or the compensation to which any railroad or telegraph company may be entitled by reason of the railroad or telegraph line being seized and used under the authority conferred by this act, and their award shall be submitted to Congress for their action.

Mr. LYMAN. That, Mr. Chairman, is important, inasmuch as the Government took possession of this McMinnville Railroad.

Mr. GROSVENOR. What form of taking possession did the Government use pursuant to this statute, which has been read, of this road, and what was the condition of the road when you say they took possession of it?

Mr. LYMAN. It was being operated by the owners—by the company.

Mr. GROSVENOR. You are wonderfully mistaken in that.

Mr. LYMAN. Am I? I am very sorry, if that be true.

Mr. GROSVENOR. There was nothing but the road and bed, the right of way—a streak of dust and the right of way.

Mr. HOUK. I think I will show the gentleman after a while that there was a great deal more than that.

Mr. LYMAN. I do not know that it is very material to this discussion just what condition that road was in. It was there; it was not the property of the Government; it was taken by the Government, and taken under the act a portion of which has just been read from the Clerk's desk. Now, then, the Government took up the iron from this road and placed it upon what is called the Chattanooga road. It took up the tracks, leaving, as I am informed, the ties, which I understand were left there and rotted and wasted away. This McMinnville road is a branch of the Chattanooga Railroad.

The depots of this road were destroyed, were burned at different times during the Federal occupation of that country. The iron, as I have said, was taken up and actually laid down upon the Chattanooga road.

Mr. BUCHANAN. Will the gentleman yield to me for a question?

Mr. LYMAN. Yes, sir.

Mr. BUCHANAN. I only desire light upon this subject in order to do what is right between these companies and the Government. But as I read the report I find this iron was taken up from the McMinnville road and laid down upon the Chattanooga road. I also find by the bill that the Chattanooga road is the only beneficiary in the bill Why should they be paid for that which they received?

Mr. LYMAN. I will try to explain that before I get through. I have been endeavoring to give a history of the transaction as briefly as I may, and I think before I get through the question of the gentleman from New Jersey will be fully answered; at least it will be as far as I am able to do it.

This left this McMinnville road entirely destroyed, so to speak. Its iron and the spikes had been put on the Chattanooga road. Its depots and water-tanks had been destroyed, and the old ties were lying there on the track.

This bill provides for the adjustment of nothing but the iron and spikes, the property that was actually taken from the McMinnville grade and placed on the Chattanooga roadway. It may be said the burning of these water-tanks and depots was of the class of the ordinary depredations of war. This committee has never proposed to pay or adjust any such claim as that. It has been the constant policy of that committee, so long as I have been connected with it, that it would not recommend payment for the ordinary unlawful and unauthorized ravages of war. But the claim made here is not that. The bill asks for the adjustment of claims that actually exist for property that was actually taken. The committee have rejected all claims for use of property, for depots and water-tanks burned, and all claims for ties that lay there on the old roadway and rotted. It presents nothing but the property actually taken and laid down on the Chattanooga track.

After the war was over, after hostilities had ceased, and the Government had no further use for this property, there was a sale of this road and of the property attached to it, as there was of all the military roads of the South. The Chattanooga company bought a large amount of property, rolling stock, and other railroad property, and in payment to the Government therefor gave its bonds, which the Government holds today; and among the property that the Chattanooga company bought was this very iron.

Mr. GEDDES. Will my colleague on the committee permit me to ask him a question?

Mr. LYMAN. Yes, sir.

Mr. GEDDES. As a matter of information, that no erroneous impression may be made, I desire to ask the gentleman whether from the examination of the record precisely the contrary does not appear; that is to say, that all the property of this McMinnville road that could be identified by any one was turned over by the Government to the McMinnville company, and that there was no attempt to sell any property?

Mr. RICHARDSON. It does not so appear in the record.

Mr. GEDDES. I will show it.

Mr. LYMAN. I do not understand that is the record. What I state here is what I believe to be the record as I understand it. I may be mistaken, however, in my understanding of it.

I was saying that the Chattanooga road in the purchase made from the Government purchased the very iron and spikes for which this settlement is now asked. It gave to the Government its bonds, which the Government now holds for this identical iron and spikes.

The McMinnville road also undertook a resuscitation after the war was over. That company purchased property from the Government as the result of the sale by the Government of these military roads. It purchased property and it gave its bond; I believe it gave its bond; at least it became indebted to the Government for the property it bought. Afterward, as it has been stated, an action was brought in the United States circuit court of the district of Tennessee against the McMinnville Railroad Company upon its indebtedness to the United States. That suit has gone to judgment. The amount of the judgment I do not know; I do not deem it material for the purposes of this discussion. But there is a judgment, as I understand it, in favor of the United States for the amount of the original indebtedness against the McMinnville road.

Now, then, this is what this bill proposes to do. As has been said, the Chattanooga road is now understood to be the owner of the McMinnville road. The McMinnville road asks now that it shall be allowed for the value of the property, the iron and the spikes that were actually taken off from that road and placed on the Chattanooga road and afterward sold by the Government, for which the Government holds the bonds of the Chattanooga road. It asks that that value shall be allowed.

The claim has been before the Quartermaster's Department. The Quartermaster's Department refused to settle this. Why? Because there had been no commission appointed, as provided by the third section of the law which I have had read in the hearing of the committee. Because of the mere technicality that the value of the property had not been arrived at through a commission appointed, as provided in the act this settlement could not be had, and it had to come to this body for adjustment. The McMinnville road then proposes there shall be an accounting between itself and the Government, and that whatever balance is found due it upon this accounting it will accept payment of in the bonds of the Chattanooga road which the Government now holds.

Mr. GEDDES. Does not the gentleman know, as he has reported (because he is in part responsible for this report) that there is no adjusting until called for—that the committee adjust the claim, and find that there is due $246,880, and recommend that amount to be paid.

Mr. LYMAN. Well, perhaps I ought to have used some other word, but that is what the bill proposes. The value that the committee found as the value of the iron, spikes, &c., is the exact value that the officers of the Quartermaster's Department, sent there by authority of the Government, fixed upon that property. The judgment at Nashville in the United States circuit court will speak for itself as to what it is. Perhaps I ought not to have said "adjusted," for the committee does take the value that the Government officers found as the value of the railroad iron, and does recommend that payment be made upon that basis. Now, Mr. Chairman, I am unable to see anything wrong in this.

I think my record upon this floor, so far as it has been made, shows that I am not one of those who are in favor of the reckless payment of claims against the Government brought up here from the Southern States. I think my position upon that question is pretty well understood. But when we have here a mere question of a business settlement, it does seem to me that the Government ought to be ready to do what is right and fair, as its citizens are expected to do in dealings between man and man. I have already said that there is no claim made for ravages, for the destruction of water-tanks, depots, or other property; there is not an allowance of one dollar for anything except what actually went into the Chattanooga road, having previously come out of the McMinnville road—property which the Government sold and for which it holds the bonded securities of the Chattanooga road.

It has been stated that this whole matter was adjudicated in the suit in the United States circuit court between the Government and the McMinnville road upon the indebtedness. I do not so understand. I am not familiar with the statutes of Tennessee, I am not familiar with the practice in the courts of Tennessee, but I am told by gentlemen who are familiar with them that, as a matter of fact, there was no adjudication and no attempt at an adjudication of this matter. I am told that under the practice of the courts of Tennessee, this being a matter of unliquidated damages, it could not have been offset against the claim of the Government. If I am wrong in this there are gentlemen upon this floor competent to correct me and to correct any erroneous impression that my statement may make upon those who hear me.

Mr. GROSVENOR. Is this a case of unliquidated damages?

Mr. LYMAN. I think so.

Mr. GROSVENOR. I thought it was a case of goods taken—a case of trover and conversion.

Mr. LYMAN. Well, perhaps I have been unfortunate again in choosing my words. It is certainly a claim for a debt the amount of which is not settled. I am not so particular in the use of language as some other gentlemen may be able to be.

Mr. BUCHANAN. Will the gentleman yield to me for another question?

Mr. LYMAN. Yes, sir.

Mr. BUCHANAN. I understand that this judgment was rendered not in a court of Tennessee, but in a circuit court of the United States.

Mr. LYMAN. For the district of Tennessee.

Mr. BUCHANAN. I wish to ask the gentleman this further question, if he knows whether in point of fact this claim was put in as a set-off or not.

Mr. RICHARDSON. It was not.

Mr. BUCHANAN. If not, why not?

Mr. RICHARDSON. Because it could not be, being unliquidated damages.

Mr. BUCHANAN. But you say it is a claim for spikes and railroad iron and such things. Now, it is one thing or the other; which is it?

Mr. GROSVENOR. If it is the one, it comes under the war clause.

Mr. McMILLIN. It is a debt the amount of which has not been settled by note or contract between the parties.

Mr. BUCHANAN. Yes; but arising upon a claim for articles taken, and therefore pleadable.

Mr. LYMAN. Mr. Chairman, if I have any further time I reserve it.

Mr. RICHARDSON. Mr. Chairman, I am a little surprised at the course the debate on this question has taken. I was not expecting that any attack would be made upon this measure upon the idea that the question of loyalty was involved, and I am a little astonished that my amiable colleague on the committee [Mr. JOHNSTON, of Indiana] has been able to get himself into such a passion upon that subject. I do not think that question enters into this controversy in any shape. This is purely a business proposition, as has been clearly shown by my colleague on the committee [Mr. LYMAN].

Mr. JOHNSTON, of Indiana. Will the gentleman yield to me for one question?

Mr. RICHARDSON. Yes, sir.

Mr. JOHNSTON, of Indiana. Will the gentleman explain why a corporation that has used its property to aid the rebellion should not stand on the same footing as an individual who has done the same?

Mr. RICHARDSON. Yes, I will answer that; not admitting, however, the gentleman's premises.

Mr. HOUK. I ask my colleague from Tennessee [Mr. RICHARDSON] to give me a minute in which to ask the gentleman from Indiana a question?

Mr. RICHARDSON. I will.

Mr. HOUK. It has been stated by gentlemen opposing this bill that there was nothing of that road but the road-bed and some iron, that the road was not being operated. Now, if that was so, how could it have been engaged in aiding the rebellion?

Mr. JOHNSTON, of Indiana. Do you want me to answer that?

Mr. HOUK. Yes, sir. I want to know how a dead piece of iron could aid the rebellion?

Mr. JOHNSTON, of Indiana. You yielded to the gentleman from Tennessee to ask me a question, and I insist that I should be allowed to answer it.

Mr. RICHARDSON. You will have half an hour of your own time to answer it.

Mr. HOUK (to Mr. RICHARDSON). Give him a minute.

Mr. RICHARDSON. Well, go on.

Mr. JOHNSTON, of Indiana. That road, while the confederacy had control of it, was an active agent of the confederacy; and when the Union army came in sight the engines and rolling stock were sent south and the bridges burned behind them.

Mr. HOUK. Let me say to the gentleman that the rebel forces may have taken charge of the road and its property as our army did in similar cases, but no officer of that road ever gave his sanction to it.

Mr. RICHARDSON. Never.

Mr. HOUK. The record does not show anything of that kind.

Mr. RICHARDSON. The gentleman's whole speech was entirely outside of the question, for, as the gentleman says, "the record does not show anything of that kind."

Mr. JOHNSTON, of Indiana. Does the gentleman from Tennessee say the record does not show that this road was used in the interest of the confederacy?

Mr. RICHARDSON. I say that has nothing to do with this question. I concede that the rolling stock of this company may have been taken South; but that the officers of the road had anything to do with it I most emphatically deny. There is not one word in this record from beginning to end that shows the officers of this road moved one engine, one car, or any portion of its movable property South during the war. If there is any such thing in this record, I have read it wrongly from beginning to end. But no such evidence can be produced; it is not there.

That the movable property of this road, or at least a portion of it, was taken South may be true, because, Mr. Chairman, when the confederate army retreated from Tennessee if there was anything it needed more than men and arms it was engines and rolling stock for railroads. Hence, under orders of the confederacy, the rolling stock of this road, as of other roads, may have been taken as the army retreated to the South; but my colleague from Tennessee [Mr. HOUK] will bear me out in the assertion that it was never done with the knowledge or consent of the officers of that road. So much upon the question of loyalty, which, Mr. Chairman, I think ought not to cut any figure in this case.

Now, then, we start out with the report of the Judiciary Committee of the last House and of the Committee on War Claims of the present House in favor of this claim. I wish to assert, however, and to give all possible emphasis to the assertion, that in no sense is this a war claim. The appropriation of this property by the General Government was not an act of war. It was not the taking of rebel property at all. Mr. Chairman, I have very little respect for a man who, having staked his fortunes on the confederate side in that war, comes sneaking around Congress or the Government of the United States after he has lost and asks any kind of reparation. He ought to make himself a good citizen and submit to the laws; but he ought not to come sneaking around and asking any money for the property he lost in the war. There is nothing of that kind in this case.

Here was the McMinnville and Manchester Railroad, about 32 miles in length. As has been stated, it intersected the Nashville and Chattanooga road about 60 miles south of the city of Nashville. The Nashville and Chattanooga road was the main trunk line from Nashville to Chattanooga and down into Georgia. Upon this road all the troops and munitions of war of the Union armies were transported. The little branch line leading from Tullahoma to McMinnville, a distance of 32 miles, was not needed for any such purpose. It was simply an arm intersecting the main line.

Now, in the year 1864, when there was not probably an armed confederate soldier within 100 miles of this road—none nearer than the city of Dalton, Ga.—this little branch road was, under the orders of Generals Rosecrans and Thomas, dismantled. The rails, the spikes, and the chairs upon which the rails rested were taken up and laid upon the line of the Nashville and Chattanooga road, because the Government did not need the branch line, and did need the main line. This appropriation was under the act of January, 1862, which my colleague on the committee, the gentleman from Iowa [Mr. LYMAN], has caused to be read. Under this act there should have been commissioners appointed to estimate the value of the property thus taken, and thereupon the Government would have made compensation. But the Government failed to appoint commissioners. It did not fail, however, to take the iron and movable property of the road and put it upon the Nashville and Chattanooga road. Now, although the Government failed to appoint commissioners, this failure ought not to be taken advantage of, it occurs to me, when the Government is called upon to make reparation for this appropriation of property.

In 1865, immediately after the close of the war, the officers of the McMinnville and Manchester road made application to General Thomas, then in command of the Department of Tennessee, to have their property restored to them.

This application was not denied, as argued by my colleague on the committee [Mr. JOHNSTON, of Indiana], but General Thomas referred it to the general superintendent of railroads in the South.

Now, Mr. Chairman, I want to speak exactly from the record, and I will ask the Clerk to read this order. I beg you to remember this is an application made by Hon. Horace H. Harrison, Asa Faulkner, and P. H. Marbury. My friend will testify to the loyalty of these men, at least to that of Mr. Harrison and Mr. Faulkner, and, as I remember, to that of Mr. Marbury. They made application to General Thomas to have their property returned to them. It is dated June 26, 1865. In it they say what I ask the Clerk to read from this pamphlet.

The Clerk read as follows:

They further state that during the winter and spring of 1864, under an order from General Grant, the rails, chairs, spikes, switch-stands, turn-tables, &c., for a distance of from 26 to 28 miles were taken up and removed from the road, and used to repair the Nashville and Chattanooga Railroad. The campaign then in progress, and the bad condition of the Nashville and Chattanooga Railroad, produced a necessity to use the comparatively new rails of our road and the materials referred to, in order that the Nashville and Chattanooga Railroad should be made able to sustain the immense trains necessary to move the Army and supplies for the grand campaign then in progress.

Now, however, that the war is virtually ended, the undersigned, in behalf of the stockholders and their brother directors, appeal with confidence to you to repair the road, and replace upon it the iron belonging to the company, which has been removed, or iron and material of equal value.

While we believe that it is but a simple act of justice to restore the property of the company, now that it can be done without detriment to the Government, we believe further that it will promote the great ends of the Government, by preparing the way for the introduction of population and capital, and laying well the foundation of business and social order.

We respectfully ask your earnest and early consideration of, and action on, this matter, and request that you communicate your action herein to Horace H. Harrison, the president of the company, at Nashville.

We have the honor to be, very respectfully, your obedient servants,

HORACE H. HARRISON,
ASA FAULKNER,
P. H. MARBURY.

Mr. RICHARDSON. I now ask the Clerk to read the indorsement

made by General Thomas upon this application, which he will find on page 2 of the pamphlet.

The Clerk read as follows:

[Indorsed.]

Respectfully referred to Maj. W. J. Stevens, General Superintendent U. S. M. Railroads, M. D. T., who will estimate the cost of placing the McMinnville and Manchester Railroad in the same condition it was in at the time it was destroyed by order of Maj. Gen. W. S. Rosecrans, commanding department of the Cumberland.

By command of Maj. Gen. George H. Thomas.

J. L. DONALDSON,
Brt. Brig. Gen., Chief Q. M.

Mr. RICHARDSON. That having been referred to Major Stevens, in returning it to Major Hibard, engineer of repairs, he made an indorsement, which I ask to have read.

The Clerk read as follows:

GENERAL SUPERINTENDENT'S OFFICE, U. S. M. R. R.,
Nashville, July 1, 1865.

Respectfully referred to A. Hibard, engineer of repairs, for information. He will proceed to make estimates at once and report, with return of this paper, to this office.

W. J. STEVENS,
General Superintendent.

True copies of indorsements on this letter.

M. D. WICKERSHAM,
Capt. and A. Q. M., Chief Asst. A. Q. M.

Mr. RICHARDSON. Now, then, Major Hibard made his report to Major Stevens, and I ask the Clerk to read a portion of that report.

The Clerk read as follows:

In accordance with the instructions indorsed in the inclosed papers, I visited the railroad referred to, examined the condition of the track, length and character of burned bridges, trestle-works, water-tanks, of the entire line. The road is 34½ miles long—running from Tullahoma to McMinnville. The iron has been torn up the entire length, except 8 miles and 5,110 feet at the end next Tullahoma, which is now in running order for trains. Deducting this 8 miles and 5,110 feet from 34½ miles, we have 25½ (very nearly) miles of iron removed and laid down on the Nashville and Chattanooga line.

Mr. RICHARDSON. Now read on the next page the approximate estimate he gives.

The Clerk read as follows:

I would give an approximate estimate of the cost, as follows:

Iron for 25½ miles, 63 lbs. per yard, 2,723 tons at $85	$231,880
Chairs, 12,000, at 60 cents	7,200
Spikes, 700 kegs, at $9	6,300
Switches (frogs, levers, gates, &c.)	1,500
Ties, 50,000, at 50 cents	25,000
Removing old ties, cleaning ditches and cuts, regrading and laying track, at $1,000 per mile	25,500
	297,380
Engine house, station house, turn-table, and water-tanks at McMinnville	6,000
Repairing of depot at Manchester, water-tanks six miles from Tullahoma, &c.	1,500
Running 500 feet truss bridging, at $70 per foot	35,000
Reconstruction and repairs of 700 feet of trestle, bridging, and culverts	7,000
	346,880

Mr. RICHARDSON. I ask the Clerk to turn over the paper to the next page, and instead of finding, as argued by my friend from Indiana, that General Thomas said these people were all a set of rebels and ought to be kicked out, he will find a different statement was made by General Thomas. This report of Major Hibard was sent to General Thomas's headquarters, and I ask the Clerk to read it.

The Clerk read as follows:

GENERAL SUPERINTENDENT'S OFFICE,
UNITED STATES MILITARY RAILROADS,
Nashville, July 20, 1865.

Respectfully returned to Bvt. Maj. Gen. J. L. Donaldson, chief quartermaster military division of the Tennessee, calling attention to the inclosed report and estimates of A. Hibard, chief engineer of construction and repairs, who estimates the cost of repairing and putting the road in running order at $346,880, but to restore the property removed and destroyed by military order will probably cost not to exceed $285,000. No trestle-works or culverts were destroyed by the United States forces. No cross-ties were removed, and only 290 feet of bridges burned by order of the United States officers.

W. J. STEVENS,
General Superintendent.

A true copy:

M. D. WICKERSHAM,
Capt. and A. Q. M., Chief Asst. Q. M. M. D. T.

Respectfully forwarded to Mr. Horace Harrison and others for their information. The original papers have been referred to the Quartermaster-General, and the recommendation that the articles taken from the road be returned.

By command of Maj. Gen. George H. Thomas.

J. L. DONALDSON,
Brevet Maj. Gen. and Chief A. Q. M. M. D. T.

Mr. RICHARDSON. So that instead of refusing you will see that General Thomas in 1865—not in 1867 nor in November—but in 1865, July 20, ordered this very property to be returned.

Mr. JOHNSTON, of Indiana. I know the gentleman from Tennessee wants to treat the subject fairly. The gentleman has evidently misunderstood what I said. I did not say he refused to let the road be returned to these parties, but he refused to allow them anything upon the debt for this iron which had been taken.

Mr. RICHARDSON. Now I will come to that. The report from which the gentleman read, the report of General Thomas in reference to these Southern roads, does not apply to this McMinnville and Manchester road. That order was not made until in November, 1867, two long years after the occasion to which this refers, and that order made at the date the gentleman quoted did not apply, and was not intended to apply, to the McMinnville road, as the gentleman from Indiana will find by examining the record, but applied generally to Southern railroads.

Now, after this report was submitted to General Thomas, who directed the property to be returned, General Meigs, Quartermaster-General, as I have in the report here, says—

That it is impossible to return this identical iron; that it would be impracticable to do so, and that only compensation could be made for it.

And he says that there should have been an award by a commission in accordance with chapter 15, of section 3, of the act of the 31st of January, 1862, which was read by the gentleman from Iowa [Mr. LYMAN].

I want to state that the only objection which has been urged by this careful and painstaking officer General Meigs was, as I have shown, that it was impracticable to return the iron which had been taken from the road, and he suggested that it could only be paid for under the act to which I have already referred.

Now, I say the question of loyalty does not enter into the case at all; but I want to call the attention of the committee to the fact that it does just here appear in the record which my friend from Indiana had that the officers were loyal. Just here it appears by attestation of the general in command there that Mr. Harrison was a loyal man. A. L. Donaldson, brevet brigadier-general, in indorsing the paper, used the following language:

Forwarded with the approval of the commanding officer, * * * and he hereby attests the loyalty of the president of the company, Horace H. Harrison.

So the gentleman from Indiana raised a question of loyalty which was not in the record, and was not necessary in the consideration of this case, and in which I respectfully submit he is not borne out by the record.

Mr. JOHNSTON, of Indiana. We will see after a while whether it is in the record or not.

Mr. RICHARDSON. In this connection I also read from the report of General McCallum, general manager of the United States military railroads, in which he says, "the Government can not return the iron, as it has none," but he adds, "it would appear that this case comes under the provisions of the law of January 31, 1862."

Now, Mr. Chairman, it will be seen and will not be denied that the Government took this property from this railroad company and that it converted it to its own use. The answer was made, and I submit it was not the only one made until my friend from Indiana [Mr. JOHNSTON] attempted to answer it here, that "we took the property and could not return it." Your remedy, says General Meigs, is under the act of Congress of January 31, 1862, and that remedy you must pursue.

That act contemplated the appointment of a board of commissioners by the President of the United States to value the property of railroads thus taken, and for which the Government would make compensation. But in this case no board of commissioners ever took any action in the matter, and none ever assessed the value of the property thus taken. The Judiciary Committee of the last House and the War Claims Committee of the present House both say that this appropriation of this property by the Government was not an act of war, and was not a destruction of rebel property. If it were either we would not insist that the Government is liable therefor. I would not be here asserting that the Government should pay for it if it had destroyed it as an act of war or had it been the destruction of rebel property.

I have already laid down the principle which should govern the determination of this case. But, Mr. Chairman, the proof shows that this property was taken by the Government from the McMinnville and Manchester Railroad and carried over and placed upon the Nashville and Chattanooga Railroad line. The facts are, the former road was a branch road or arm intersecting the latter road at Tullahoma; that the former road was about 31 miles long, running from Tullahoma to McMinnville. The latter road was the main line from Nashville to the South by way of Chattanooga. Upon this line the iron of the McMinnville and Manchester Railroad was laid by the Government after its removal.

Now, then, Mr. Chairman, if this was all, if the Government had simply taken this property in order that they might remove it from the branch road, which they did not need, and put it down upon the main line, which they did need, and if they did use it during the war, and at the close of the war had simply left it there, I would not then have insisted that the Government ought to pay for it. But that is not the fact. That is not all the case. I know that this seizure of property was then a military necessity; that the Government needed the main line of the road upon which to transport its troops and munitions of war, while it did not need the branch line. But conceding all this to be true, I submit that what follows shows that the Government is clearly liable to the claimants here.

This property was bodily transferred from the line of the McMinnville road and put upon the Nashville and Chattanooga road, and was after the close of the war sold by the Government of the United States to the Nashville and Chattanooga Railroad, and to-day the Government holds the obligations of the latter road for this identical property. That being the case, ought you not to pay for it? Ought it not to be paid for,

no matter if there was a question of loyalty involved? If the Government took the property because it needed it, it may not and possibly ought not to pay for it; but if it took it because it needed it, and used it, and afterward sold it and got the money for it, will you say that the Government under these circumstances ought not to pay for it?

Mr. JOHNSTON, of Indiana. Does the gentleman from Tennessee say that the Government sold this iron to the Chattanooga Railroad Company?

Mr. RICHARDSON. I do.

Mr. JOHNSTON, of Indiana. Does the record show it?

Mr. RICHARDSON. It does; by the sworn testimony of several witnesses.

Mr. JOHNSTON, of Indiana. I wish you would turn to it.

Mr. RICHARDSON. I will as I come to it. I ask, Can the Government take the property of a citizen, use it for a time, sell it to a third party, and refuse to account to the party from whom the property was taken for its reasonable value? That is this case. There can be no avoiding the issue as thus presented. That the property was taken I have clearly shown, and not as an act of war. That it was put down on the Nashville and Chattanooga Railroad the proof in the record clearly shows. As a part of the testimony to this effect I will here read the depositions of A. Powers and T. Mahoney, who said they counted and identified the iron rails after they were placed on the Nashville and Chattanooga Railroad.

A. Powers and S. S. Mahoney, being sworn, depose and say: That they are now, and before the late war were, well acquainted with the line of the McMinnville and Manchester Railroad, its road-bed, and the iron laid upon the same; that during the late war the said road with the greater part of its machinery and property was occupied by the United States forces; that previous to said capture the said affiants were employed on the said road; that a large amount of the iron rails of said road were by the forces and authority of the United States taken up and removed. That said affiants have carefully examined a quantity of the iron rails now held by the United States in the hands of Capt. and Bvt. Maj. S. S. Hammill, assistant quartermaster at Nashville, Tenn., and from such examination they find that of rails so held by the United States two hundred and seventy rails or bars belong to the McMinnville and Manchester Railroad Company, and are, as affiants believe, part and parcel of the same rails taken up and removed from the road-bed of the said company as above stated.

That shows they identified and counted a number of these rails which they were able to identify, having been workingmen on the McMinnville and Manchester Railroad, and they testify to the peculiarity of the rails. I want now to show that when these affidavits were submitted to Captain Hammill, the officer referred to there, it was his recommendation that this iron should be returned to the McMinnville and Manchester Railroad:

OFFICE ASSISTANT QUARTERMASTER, *Nashville, August* 6, 1866.

Respectfully forwarded to Brig. Gen. W. D. Whipple, chief of staff M. D. C., with the recommendation that he be authorized to return the iron.

S. R. HAMMILL,
Capt. and Asst. Quartermaster, Brevet Major of United States Volunteers.

It will not be necessary to produce all the proof on this point. The fact was never controverted. I have in my hand a record of some litigation between the McMinnville and Manchester and the Nashville and Chattanooga Railroads. The record is full of proof on that point. It is not all pertinent, and I do not care to encumber the RECORD with it. General Meigs says it appears from the proof that all this iron was laid on the Nashville and Chattanooga Railroad. I have here before me his letter to the Secretary of War in April, 1874. I do not know that it is necessary to read it all, but will read a small portion thereof. He says, on page 46 of this record:

The iron taken from the road was laid on the Nashville and Chattanooga Railroad, and I am informed that a suit is pending against that company, with the prospect, it is said, that a judgment will be rendered in favor of the McMinnville and Manchester Railroad Company. * * *

Now, then, when the war closed the Government was in possession of the Nashville and Chattanooga Railroad, and assumed to be the owner of the line, the rails upon it, and other property along its line. On the 30th day of November, 1865, the Government sold to the Nashville and Chattanooga Railroad rolling stock, the rails it had laid down, including the rails taken from the McMinnville and Manchester Railroad, and other property then on the Nashville and Chattanooga Railroad, and took the obligation of the road for $1,587,157.07, and to-day holds the bond of the road for a balance due of about $500,000, the whole debt having been thus reduced by payments by the railroad company and by some adjustment of said indebtedness under the act of March 3, 1871.

Mr. JOHNSTON, of Indiana. Will the gentleman permit me to ask him a question?

Mr. RICHARDSON. Yes, sir.

Mr. JOHNSTON, of Indiana. Where does the record show that they sold the rails that were laid down?

Mr. RICHARDSON. I desire to read only a portion of the bond executed by the Nashville and Chattanooga road to the Government for the property it purchased at that sale, and which will answer the gentleman's question.

Mr. JOHNSTON, of Indiana. Is that a part of the record?

Mr. RICHARDSON. It is. I am not sure that the entire bond is copied into the record.

Mr. JOHNSTON, of Indiana. When I asked the gentleman for the papers he did not turn that over to me.

Mr. RICHARDSON. At my desk I read to the gentleman from this very bond. After setting out the amount, the penalty of the bond, something over $3,000,000, being double the amount of the real indebtedness thus incurred, it reads:

The nature of the above obligation is such, that whereas the above bounden railroad has purchased and received, or shall receive, from the War Department of the United States rolling stock, iron rails, cross-ties, chairs, spikes, timber, and other material for repairing and operating its railroad in quantities, at prices, and to amount and value which shall be evidenced by the receipts given by said railroad company, &c.

Now, Mr. Chairman, under this bond the Nashville and Chattanooga Railroad became liable to the Government for $1,587,000, the iron rails therein referred to being in part those taken from the McMinnville and Manchester Railroad. I want to say in all fairness that under the act of 1871 there was a compromise and an adjustment with the Nashville and Chattanooga Railroad of part of its indebtedness. For when it made this purchase from the Government it made it at extremely high figures, as we all know. Everything was inflated, and prices were very high. But in 1871 there was an adjustment of indebtedness of the Nashville and Chattanooga Railroad, and they paid $500,000 in pursuance of that adjustment, and to-day they owe the Government the remainder of $500,000.

Now, Mr. Chairman, having taken this property, having laid it down upon the line of the Nashville and Chattanooga Railroad, having sold it to the Nashville and Chattanooga Railroad Company, and having received and now holding the obligation of the latter road for the amount, it is not in good grace for the Government of the United States to come forward and say that this property was taken as an act of war and we will not pay for it. And, in fact, the Government never has made that assertion by any officer that I ever heard of. Nor did I ever hear the assertion from any source until I heard it to-day from the lips of my amiable and distinguished friend from Indiana [Mr. JOHNSTON]. It is proper to say, Mr. Chairman, that the McMinville and Manchester road, the little branch line, finding itself dismantled at the close of the war, also made a purchase from the Government. It purchased, as has been stated here, $20,000 worth of rolling stock and property at one time, and afterward $26,000 worth more, making $46,000. That was in 1865. That debt to-day is in judgment. I have the letter of the clerk of the circuit court of the United States at Nashville to show that that indebtedness is now evidenced by a judgment for the sum of $98,000 and odd dollars, rendered, if I am not mistaken, on the 24th day of May, 1884. I have the letter, but it is not important to be entirely accurate about the date.

That debt, as this letter shows, is in judgment, and is now due to the United States, with interest since its rendition, except $5,000, which has been paid; so that the McMinville and Manchester road now owes the Government of the United States a judgment rendered at Nashville, which, with interest, will amount to about $108,000 or $110,000. Now, what we propose in this bill is that the Government of the United States account to the McMinnville and Manchester Railroad Company for $246,000, and deduct from that amount the amount of the judgment rendered at Nashville, which, with interest, is about $110,000. That will leave $135,000 or $136,000 as the net result, the balance due from the Government to the McMinnville and Manchester road.

We do not ask that this amount be paid in money; we do not ask any appropriation to pay it; we simply ask, inasmuch as the McMinnville and Manchester Railroad Company is now willing to accept the bonds of the Nashville and Chattanooga Railroad Company due to the Government, that the latter's indebtedness be thus credited. That is all. It will still leave a balance of nearly $400,000 due from the Nashville and Chattanooga Railroad Company to the Government of the United States.

Now, Mr. Chairman, I undertake to say that this is a fair and honest transaction. I undertake to say that the Government has made similar settlements with other Southern railroads. If gentlemen will recur to the report submitted, they will find a correspondence between the late Secretary of War, Mr. Lincoln, and a former member of this House from Tennessee, General Dibrell, which they will find developed the fact that exactly a similar settlement to the one asked here has been made by the Government with the East Tennessee, Virginia and Georgia Railroad Company and with the Memphis and Little Rock Railroad Company. I mention this that gentlemen of the committee may see there are precedents for such settlements. But if it be right we need no precedent. The letters and correspondence showing these precedents are attached to this report.

Mr. Chairman, much was said by my colleague on the committee [Mr. JOHNSTON] in regard to this being captured property, and he made a number of other assertions which I do not care to discuss at this time, because I think the statement I have made shows the whole transaction exactly from beginning to end. I wish to say, in conclusion, that it is manifestly just to make this settlement.

Before closing I want to call attention to one other fact. The indebtedness of the Nashville and Chattanooga Railroad Company to the Government and the indebtedness of the McMinnville Railroad Company to the Government have both borne interest since 1865, and they are to-day bearing interest. The amount asked for in this bill, $246,000, is the sworn value of the movable property taken from the McMinn-

ville road and placed upon the Nashville and Chattanooga road in 1865, and it bears no interest. The Government, therefore, has been getting interest upon its debt, while it pays no interest upon the debt due to the railroad company.

I want to say further that there is nothing in this bill which authorizes payment for any fixed property. The proof shows that there was $346,000 worth of property destroyed and taken from the McMinnville and Manchester Railroad Company; but your committee have struck out $100,000, which covered the value of cross-ties, bridges, tanks, and trestle-work and other fixed property, and only left the railroad iron, spikes, and chairs which were removed to the Nashville and Chattanooga Railroad, and which the sworn testimony submitted shows amounted at that time to $246,000. I reserve the balance of my time.

The CHAIRMAN. The gentleman has fifteen minutes of his time remaining.

MESSAGE FROM THE PRESIDENT.

The committee rose informally.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, informed the House that he had approved the joint resolution (H. Res. 58) authorizing the printing of a naval report, and the joint resolution (H. Res. 115) providing for the execution of the joint resolution of February 5, 1883, voting thanks and a medal to John H. Slater.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

A bill (S. 1484) to authorize the Kansas and Arkansas Valley Railway to construct and operate a railway through the Indian Territory, and for other purposes.

The Committee of the Whole resumed its session.

M'MINNVILLE AND MANCHESTER RAILROAD COMPANY.

Mr. GEDDES. Mr. Chairman, I want to express upon the threshold of this discussion, so far as I am to participate in it, a more than ordinary regret that we should be compelled in the discharge of our duties here to investigate private claims of this class. I regret that this case is here. I regret it more keenly because of my high personal regard for the gentlemen who have manifested an interest in the measure not only in committee but on the floor of the House. It is, therefore, not a pleasant duty for me to oppose the allowance of this claim.

But, sir, the claim is one that alarms me. It is one of such a nature that if allowed is startling. It is new before the War Claims Committee and new in this House. I have not expected heretofore to live to see the time when a claim of this kind would be seriously pressed before the American Congress. But in my brief Congressional career I am confronted with it, and am therefore compelled to say, in the language of the gentlemen who are endeavoring to sustain it, that it is not a war claim. It is not a war claim in the sense of any war claim that has ever been recognized or seriously considered or ever allowed in this House. It comes here without a redeeming trait. It is one of the most obnoxious measures that could be presented as an entering-wedge for a class of claims which in amount would aggregate a sum, I think, quite equal to the national debt at the close of the war.

When I saw that this claim was to be seriously presented, and after I got over the first shock, and felt a little amused about it, I felt as, I presume, a distinguished judge in my State generally felt in opening court. "Sheriff," said he, "hoist the gate and let her rip!" [Laughter.] I felt that if this claim is to be allowed, then our good friends from Tennessee have not only got their two bills, in which I heartily agreed with them, covering two thousand claimants of small claims and aggregating about one-half million of dollars, but if this claim can be allowed, then hereafter allowances will not be confined to the good State of Tennessee.

Mr. McMILLIN. Will the gentleman allow me a question?

Mr. GEDDES. Certainly.

Mr. McMILLIN. Is it not a fact that the two bills of which the gentleman speaks embraced claims from Ohio, from Indiana, from West Virginia, from Maryland, from Missouri, and from other States?

Mr. GEDDES. Oh, yes. I believe New York received about $1.50. But Tennessee received more than half of both those bills. I am not speaking of those claims disparagingly. I am a friend of those claims. I speak in the interest of others of that class.

Mr. RICHARDSON. Is it the number or the amount of the claims that makes them unjust?

Mr. GEDDES. Not at all. I am going to speak of the interest of these claimants who would have a reproach brought upon them by the allowance of this claim.

What is this claim? Not by a conflict in the proof through which I must grope my way and gather and weigh the facts, but by the admission of the claimant all through the record, this comes within a class of claims that Congress has never seriously thought of recognizing. On the Calendar as on the face of the bill this is denominated "A bill directing the Quartermaster-General to settle"—mark the word, "settle—"with the McMinnville and Manchester Railroad Company." Yet the bill contains a finding of the amount and an order for the payment of $246,880! If handing my agent a ten-dollar bill and telling him to hand it to John Smith is an authority to him to go and "settle" with John Smith, then the title of this bill is correct, not otherwise.

Gentlemen say this claim does not result from any act of war. Let us see. Your own testimony out of the mouths of your own officials is all the evidence I ask upon which to base the grounds of my objection to this bill. The claim is for ravages of war—pure, simple, and clean cut. There is no other feature to redeem it; there is no cloak thrown around it. The men who present the claim here are too manly to hide behind a masked battery. They come up here boldly and manfully and say, "By ravages of war you got our property; by capture in war and by right of capture you had it; and we want you now to pay us for it." That is what they say.

How did the loss occur? In my anxiety to be right on this question I have read with the utmost care every word and every line in the record; and I followed the speech of my friend from Tennessee [Mr. RICHARDSON] with the same anxiety and the same interest to see where, out of that record, he would gather a line or a word for the encouragement of any member who might be disposed to vote for the payment of this claim. The gentleman read in part what I have extracted more at large from the record and now have before me. This record contains the statement of the claimants, the directors of this road, in a letter dated June 20, 1865, to Major-General Thomas, then commanding the Department of the Cumberland. This is what the directors of the McMinnville and Manchester Railroad Company, the claimants in part in this case, say:

> Your committee would show that by an order from Maj. Gen. W. S. Rosecrans, then commanding the department, Colonel Wilder proceeded to destroy by burning the entire superstructure of the bridges at Hickory Creek and Barren Fork, and the depot buildings at McMinnville and Morrison, and the engine-houses, car-shops, water-tanks, and shop-tools at the terminus of the road at McMinnville. They further state that during the winter and spring of 1864, the rails, spikes, switch-stands, and turn-tables for a distance of from 26 to 28 miles were taken up and removed from the road and used to repair the Nashville and Chattanooga Railroad. The campaign then in progress and the bad condition of the Nashville and Chattanooga Railroad produced a necessity to use the comparatively new rails of our road and the materials referred to, in order that the Nashville and Chattanooga Railroad should be able to sustain the immense trains necessary to move the Army and supplies for the grand campaign then in progress.

Up to that point what had been the history of this road? I am not here to say a word, as men who know me know I would not, that would bring up from the depths so deep I would have them they never could be reached—to bring up from these depths one lingering unpleasant memory of that war; but when we are reading history, when we are called upon to make payment of a quarter of a million of dollars of money, I may kindly but earnestly say to my friends that this thing that now wants money has a history on record for all time to come. It is said some officer of that road was a loyal man. Admit it; but the management of that road and all its force prior to its absolute capture by the Government forces were in the confederate service.

Mr. HOUK. By force.

Mr. GEDDES. By force down there, of course, after it got there, but it finally became confederate, notwithstanding, in this way—that is, the men in the management of the road, so far as they could control it, yielded an earnest and warm obedience to the confederate authorities so as to advance the interests of the confederate cause.

What did they do? They gave all their means, did all they could up to the time when the Federal Army, marching from the North, was about to invade Tennessee and capture that railroad. And when they saw it would be captured they ran beyond the Union lines all the rolling stock of that road, everything loose from the ground, all they could get up and remove was run off, and, as my friend admits, into the confederate lines.

Mr. RICHARDSON. Will the gentleman yield to me for a moment?

Mr. GEDDES. For a question, yes.

Mr. RICHARDSON. Where is the gentleman's evidence that the McMinnville and Manchester road, by any act of its own, moved an engine or car south?

Mr. McMILLIN. Or consented to it?

Mr. CALDWELL. Or connived at it?

Mr. GEDDES. This road was an ideality. It was run by men; it was run and operated by material means. It is said to be an ideality, but it is quite a barren ideality at this time. Governor Allen would express it more emphatically.

Mr. RICHARDSON. My friend down there would have found they could not exercise ideality. The railroads were under the control of the Federal Government and that Government removed the rolling stock.

Mr. GEDDES. I will not stop to have words with my friend on that.

Now, Mr. Chairman, when all the rolling stock was removed, let it be said it was by confederates, it was removed and nothing left, for General Thomas had already burned down all the station-houses and all the bridges. All these men engaged in military matters know it became necessary immediately to fix up the line of the Nashville and Chattanooga road. It was out of repair. It was insufficient to carry our forces, munitions of war, and all that, and the military authorities

took up the loose rails of the McMinnville and Manchester road and carried them to the Nashville and Chattanooga road.

Mr. RICHARDSON. I ask the gentleman to yield to one more question.

Mr. GEDDES. I am afraid I will have my time consumed, and yet I do not like to refuse.

Mr. RICHARDSON. I merely wish to ask you a question for information.

Mr. GEDDES. Very well, I will yield.

Mr. RICHARDSON. Does this bill ask for the bridges burned and houses destroyed as the ravages of war, or for property taken by the Government and afterward sold by it?

Mr. GEDDES. This does not provide for the portion burned by the military authorities.

Mr. RICHARDSON. Was the portion taken by authority for the use of the Government?

Mr. GEDDES. For the time being everything was converted to the use of the Government.

Mr. RICHARDSON. Was that afterward sold by the Government?

Mr. GEDDES. Not a dollar's worth. There is the point on which I followed my friend—not a dollar's worth of it, as that record shows.

Mr. RICHARDSON. I think that the record will disclose the fact that the gentleman is mistaken and that the true statement of the case is just the other way.

Mr. GEDDES. My friend has the record before him; he has already made use of it, and he will have his own time.

Mr. RICHARDSON. And I read a portion of that record here upon that very point.

Mr. GEDDES. Let me read further: On August 3, 1866, the president of the McMinnville and Manchester Railroad Company applied to the Quartermaster-General for two hundred and seventy bars of railroad iron claimed to be identified as the iron which had been removed from that road, and in that application for the return of that iron the president of the road makes this statement:

It was captured by the United States forces during the late rebellion, and is now in your possession.

Mr. HOUK. Whose possession?

Mr. GEDDES. The Government—the military authoritories representing the Government.

Mr. RICHARDSON. When was that made?

Mr. GEDDES. August 3, 1866.

Mr. RICHARDSON. But what is the date of the statement?

Mr. GEDDES. On page 37 of your record, to sustain this claim of the president of that road, they submitted two affidavits, and in that affidavit—a single affidavit, but subscribed by two persons—I find this statement bearing upon this question:

During the late war the said road, with the greater part of its machinery and property, was captured by the United States forces; and that previous to said capture affiants were employed upon said road; that a large amount of iron rails of said road were by said forces and authority of the United States taken up and removed.

Now, out of their own record there is the situation, there are the circumstances under which this property was taken; by capture. What right, then, does that confer? What claim have you to it now? If you have a good one I will follow you.

Now, I think we will all admit that there is a damage resulting from war, such as is here described, for which no compensation ever has been or ever can be made. Let me name three classes for which no government on earth ever has or ever will pay, and this is one; and then there is another class in which now and then an occasional case through great hardships will slip through and be allowed, but it is always an exceptional case.

What are the cases that are never allowed? First, damage done by the enemy; secondly, damage done to the enemy; and third, damage done by the competent military authority where the war is in progress as it was here, and where that act is dictated by the necessary operations of war, and where it was a wise and judicious measure at the time the property was damaged.

Mr. RICHARDSON. Let me ask the gentleman a question just there.

Mr. GEDDES. If you will give me, of the time remaining to you, such as I may desire to close my remarks I will yield for any question.

Mr. RICHARDSON. I do not wish to disarrange your argument, but I will certainly yield to the gentleman as much time as I occupy, and think the committee will grant him all the time that he wants.

Mr. GEDDES. If I can have the time I will cheerfully yield for any question.

Mr. RICHARDSON. Do I understand you to maintain that because this property was captured by the Army that the Government ought not to pay for it? And, if so, I ask another question, and I hope you will make clear to my mind this distinction, for I want to see the difference between capturing that iron and putting it on the Nashville and Chattanooga Railroad and using it by the Government and then selling it back to the railroad, and the taking by the Government of a horse, a mule, or a beef from a loyal citizen and using it for Government purposes? Where is the distinction? What is the difference? Or if you drive in and capture a load of corn, and take it from a citizen who is loyal to the Government——

Mr. GEDDES. Well, you are making a rather lengthy question.

Mr. RICHARDSON. Because I want you to point out to me the difference in the two cases to which I have referred—why it is that in the one case you would refuse payment and in the other case recommend it.

Mr. GEDDES. I will give you Congressional legislation since the organization of this Government in unbroken line of precedent staring you in the face against a case like this. I say that property damaged or destroyed or captured as the result and on the theater of war in loyal States or in the enemy's country by military operations and as a military necessity the Government never has paid for. Why? Because these are the well-recognized ordinary operations of war. They are the natural consequences of war. They may be harsh. How full of harshness is the whole history of our country from the beginning of the war down to this hour; and as to all your losses, as to our losses, as to all the Government losses, I regret them equally with you.

How, then, was it done? Why it was done in the prosecution of the war as an act of self-defense. An army moving may of necessity damage and destroy property, just as I may in the defense of my person injure the property or person of another. An army in its march may seize and destroy cotton-bales or timber or railroads or anything else required by the public safety.

Under what circumstances may this be done? When it obstructs or impedes the march of the army, or if it would facilitate the progress and ultimate success of the army, or if it is found to be property that would strengthen one army or weaken or cripple the other. Under the circumstances they are the proper subject-matter of war and the ravages of war. And war was carried on without regard to cost during our late struggle.

With my little experience on the War Claims Committee, now running thus far into a third Congress, I learn that perhaps much the greatest damage done during the war for which claims have hitherto been filed was to loyal persons, but rendered necessary to aid military operations; sometimes to prevent property from falling into the hands of the enemy and becoming useful to the enemy. This caused immense destruction. It was resorted to as a means of warfare on both sides. Why, sir, in our records we have evidence that the Southern confederacy destroyed perhaps two hundred millions of dollars' worth of cotton to keep it from falling into the hands of the Federal forces. The Federal Army also destroyed millions of property of loyal men to keep it from falling into the hands of the confederate forces.

Why, sir, let me refresh the memory of some of you who have been here for a number of years by calling familiar names of cases of great hardship. There was Dr. J. Milton Best, in Tennessee. There was Thomas B. Wallace, of Missouri. There was the East Tennessee University. There were the Manchester and Kentucky salt-works. There was the Torrey mill, in the Shenandoah Valley, that in the Forty-seventh or Forty-eighth Congress, with a heart almost sick, I had to report against. A loyal man, with all he had invested in the mill property, stored with flour and with wheat; and the Union forces, finding it would be taken the next day by the confederate forces, burned it to ashes and left that man in poverty. All these have had adverse reports upon our Calendar.

I am not going to enumerate all these cases. It would take my hour to do it. Around this very city are some of the hardest cases. An old man far up in years, who can live but a little time, came to my room the other night with tears in his eyes. His farm had been taken, timber cut, ditches dug—his property absolutely destroyed. And he was a loyal man, but payment has always been refused him. He wanted to know whether there was any hope for these men who had endured such sacrifices in the cause of the Union. I was compelled to say I saw no hope.

But if you jump over all these cases and pay a railroad company for ravages like this, you will need no bills to reduce revenue. On the contrary, you will pile up over and above the present indebtedness of the Government a sum more than equal to the debt at the close of the war. So I say to gentlemen, in all frankness and good-will, if we are to override international law, if we are to override the usages of civilized nations, if we are to override the well-settled Congressional legislation of this country, I do not want to begin here on this claim or on a claim of this class. I say to you gentlemen who are pressing it that if by any possibility this House could be induced to recognize it, it would bring such a reproach, such a blighting, burning stigma upon righteous and just claims that no man need apprehend or hope that he can get even a good claim hereafter.

To justify what I have said I want to invite attention to how this corporation was treated by the Government after the war to show you that the Government toward this claimant has not been a hard master. The Government acted generously and magnanimously. It sought to build up the waste places of Tennessee, and it encouraged this road to peace and to reconciliation and to prosperity. The very first act was a request of the president of this road upon the Government for the return by the military authorities of all the property removed which they could identify to this McMinnville road, and the military authorities returned it.

Now, what more did the Government do? This company said it had suffered by the war and wanted the Government to advance some means to enable it to purchase the rolling stock so it could reorganize and refit its road for usefulness to the Government and to the State. Now, what did the Government do? They loaned them the money which they are now seeking to avoid the payment of; and in the bond given for the payment of that which was partially read by my friend from Tennessee [Mr. RICHARDSON] is this statement—and that was in 1865:

Whereas the said railroad company desires and by these presents intends to secure to the United States the complete and punctual payment as aforesaid of the amounts which may be due for the said materials received or to be received by it from the United States.

Two years rolled around and they could not make payment. They wanted further time. They appealed to the Government. The Government generously and magnanimously granted it. They said, "Give us this much more time and we will pay to you according to the condition of the bond every dollar of indebtedness."

How was the Government treated in return by this company? What did this company do in return for all the generosity of the Government? They did this: The road was sold under a decree of the court in favor of the State of Tennessee to the second company named here, the Memphis and Charleston Railroad Company. Later on this other company, the real beneficiary of this bill, as the gentleman has put it, somehow or other came in under this second company that had bought the road.

By the terms of the original contract the road was to carry the mail and the compensation for that service was to be applied upon the indebtedness to the Government. This new company refused to carry the mail, and notified the Department that they would not do it. For what reason? Let me read to you out of their own mouths, for I quote here almost exclusively from their own declarations, in order that no question of fact may arise. On page 52 of this document you will find that the Quartermaster-General says:

On the 15th of July, 1871, the State of Tennessee sold this road under its statutory lien to this company, and it resold it to the Memphis and Charleston Railroad Company. On the 3d of June, 1873, the president of the Memphis and Charleston Railroad Company submitted to the Postmaster-General a statement of the circumstances under which that company had purchased the road.

Here is the statement:

My board of directors have instructed me to say, unless compensation is made this company for transporting the mails over the road, the same will be discontinued after the 1st of July next.

Mr. RICHARDSON. What is the date of that?

Mr. GEDDES. July, 1873.

Mr. RICHARDSON. Eight years after the close of the war.

Mr. GEDDES. July, 1873, the Quartermaster-General was notified by the Assistant Postmaster-General that the postal service had been discontinued by this company. In a statement of an officer of the road to the Quartermaster-General, justifying the discontinuance of the service, he gives this reason:

Relative to the account for transport of stores over the McMinnville and Manchester road, we desire to say that the amount should not be placed to the credit of the McMinnville road, as they are not recognized in the transaction at all, and have now no connection whatever with the road.

It is owned and operated exclusively by the Memphis and Charleston Railroad Company. To this the Quartermaster-General replied modestly.

The Government claims a lien upon the postal and transportation earnings of the road by virtue of a contract made in 1866. It also claims that the sale of the road by order of the State court in a suit in which the United States was not, and could not, be a party does not affect the rights of the Government in this respect.

Then the president of the Memphis and Charleston Railroad Company, which had become the purchaser, wrote as follows to the Quartermaster on the 20th of August, 1874:

I will state that the declination of this company to carry the mail was for the simple reason that it considers it unjust to have them do service and another company get the compensation therefor, and we do not think it a sound legal proposition that the earnings of the road, whether for the mail or other service, should be taken from the present owners of the property and applied to a debt due the Government from those who formerly owned it; and the more especially is this true when the property has been sold under a decree of the court.

To this the Quartermaster replies:

The conditions, in part, under which the property was sold were that the earnings should go to the liquidation of the debt. The Government only insists that these conditions shall be observed. The sale of the road by the State of Tennessee does not, we think, change the rights of the Government in this respect. The Government was in possession, and the owner by right of capture, of the road at the time of the sale of the property and the restoration of the road to its former owners, which sale and restoration were made upon conditions which have not been fulfilled.

In the last report of the Quarermaster-General, which I have before me, I find this condition of things set forth: After the war the Government sold to fifty Southern and Southwestern railroad companies property amounting to over $6,000,000. Of these fifty roads that thus became debtors to the Government forty-six have paid in full or have compromised manfully, leaving four out of the fifty still standing as debtors upon the books of the Government, and this McMinnville and Manchester road is one of the four. And, Mr. Chairman, mark the reason given why the purchasers of the road should not carry the mail. It was that they had bought on an execution and that therefore the Government had no claim, because they had no connection with the original company.

Is not this blowing hot and cold? Is it not playing the old game, "Heads, I win; tails, you lose?" They would not carry the mail because they had no connection with the original company, but they now want us to pay them $140,000 as the beneficiaries under this bill upon the ground that they are the successors of that old company.

That is all there is of it; that is the case plainly and squarely put from their own record. Now, let me read from the statement of the gentleman who was made under military authority the collecting power to gather up the money from all these fifty roads, forty-six of them having paid. Let us see what he says. I do not quote it all, for he uses some words so harsh, some language so strong, that if I should read it some friend might say that its tendency was to excite some of the bitterness growing out of the late war. What I shall read is from the report made to General Thomas, and by General Thomas indorsed and sent to the Secretary of War. While some of the language is too strong for me to read, I quote what seems sufficient upon this point:

I took charge of the collection of the indebtedness February 1, 1866, in obedience to special order No. 11. In almost every case the management of the roads had been closely identified with the initiation of the rebellion, and they had contributed to sustain it against the Government both by the influence and the means of the companies. While their roads were occupied by the confederates they had strained their capacity in the concentration of troops and supplies; and no class of men were louder in their defiance of the power of the United States.

When the strong arm of the Government forced the confederacy to retire from their roads, the management of the roads aided them in removing the munitions of war, and afterward retired behind the new line of the rebellion, taking with them as much of the property of the roads as they could.

I say this puts the case in the mildest form that a man anxious to obliterate and wipe out forever the unpleasant memories of the war can adopt.

Mr. RICHARDSON. From what page does the gentleman read?

Mr. GEDDES. This passage is toward the last of the record, immediately preceding the report of General Thomas.

Mr. RICHARDSON. Does the gentleman say that the language he has read is applied particularly to the McMinnville and Manchester road, or any road specially concerned in this case? Is it not applied to the roads of the South generally?

Mr. GEDDES. It is; that is the way I read it. General Thomas, in submitting this report to the Secretary of War, used the following language:

The attention of the honorable Secretary of War is respectfully invited to this report as giving a complete statement of the indebtedness of the Southern railroads to the United States at this time and of the efforts of some of them to evade or defer payment.

I can only recommend that the Government hold these roads to their contract; that they be compelled to liquidate their indebtedness upon the terms now agreed upon, without consideration or recognition in the least degree of any claims for damages or use by occupation of the United States, such claims being believed to be without foundation in justice or right.

Now, I have not felt called upon to quote at greater length from these records in the presence of my friends here in order to establish fully the real facts in this case as I claim them to exist. In the remaining time allowed me I want to cite some authorities to show the uniform legislation of Congress and the well-settled principles of international law in relation to this question.

The facts in this case being clearly established, the only question remaining is as to the rights of the claimant and the duty of the Government to it growing out of the facts stated.

We do not recognize any obligation on the part of the Government to make compensation for the property of a loyal citizen, in a loyal State, which was destroyed or damaged by competent and duly authorized military authority in advance of a battle or to facilitate the movements and efficiency of our Army or in the conflict to prevent it from falling into the hands of the enemy.

It may be safely asserted that the policy and practice of the civilized world has been against the payment of such claims. The principle most generally recognized by public law and the law of nations will be found against the policy of making compensation in claims of this class. The cases are so rare where compensation has been granted as to prove them clearly exceptional.

The general principle of international law and good morals on which the general practice has been based is not affected by extraordinary exceptional cases. It is the general and well-established principle, recognized and enforced by public law and the moral sense of the civilized world, that we are called upon to follow.

Many reasons will occur at a single glance why this policy and principle should be firmly established. If the Government should be made liable under such circumstances it might sometimes induce a financially embarrassed nation to avoid the best, and perhaps the only, means of preserving its existence.

All recognize and admit the sacredness of the rights of property in time of peace. The absolute supremacy of the laws of peace over military power in time of peace can not be too highly estimated or commended. Every student of law and history is familiar with the celebrated maxim of the English law that "every man's house is his castle."

Lord Chatham illustrated this celebrated maxim of the English law by an impressive eulogy, in which he said of it:

The poorest man may in his cottage bid defiance to all the forces of the crown. It may be frail, its roof may shake, the wind may blow through it, the storm may enter, the rain may enter, but the King of England can not enter, all his forces dare not cross the threshold of the ruined tenement.

In time of war the same sacred principle recognizes and permits the destruction of property when the preservation of a community or country requires it. Self-preservation as applied to individuals or a nation is governed by a law of overruling necessity. It is a law for peace and war, and may be justly exercised by military and civil authorities.

Vattel recognizes this law of necessity in time of war as follows:

But there are other damages caused by inevitable necessity, as for instance the destruction caused by the artillery in retaking a town from the enemy. These are merely accidents. They are misfortunes which chance deals out to the proprietors on whom they fall.

The supreme court of Pennsylvania has also had occasion to recognize this principle of necessity in time of war, as follows:

Many things are lawful in that season (*flagrante bello*) which would not be permitted in time of peace. The rights of necessity form a part of our law.

The supreme court of New Jersey set forth the principle as follows:

But the right to destroy property to prevent the spread of a conflagration rests upon other and very different grounds. It has no necessary connection with or dependence upon the sovereign power. It is a natural right, existing independently of civil government.

It is both anterior and superior to the rights derived from the civil compact. It springs not from any right of property claimed or exercised by the agent of destruction in the property destroyed, but in the law of necessity.

The principle applies as well to personal property as to real estate, to goods as to houses, to life as to property, in solitude as in a crowded city, in a state of nature as in civil society.

It is referred by moralists and by jurists to the same great principle which justifies the exclusive appropriation of a plank in a shipwreck, though the life of another be sacrificed; with the throwing overboard of goods in a tempest for the safety of the vessel; with the taking of food to satisfy the immediate demands of hunger.

The principle which is applicable and should govern in this class of cases may be found forcibly illustrated in a report made in the Senate of the United States in the Forty-fifth Congress, one paragraph of which is as follows:

The conflagration of Moscow, the laying Holland under water by destroying the dikes, the destruction of Athens when the people took to their ships, were not exercises of the rights of eminent domain. They were the acts of self-defense of nations in a death-struggle, justified only by that overwhelming necessity of self-preservation which, for the time being, exonerates individuals and nations from all legal restraint whatever.

I invite further attention to the case already cited in which the supreme court of Pennsylvania, in a case growing out of the Revolutionary war, said:

During the war of the Revolution Congress had a right to direct the removal of any articles that were necessary to the Continental Army or useful to the enemy, and in danger of falling into their hands. And one whose property so removed was afterward captured by the enemy was held not to be entitled to compensation from the Commonwealth. (1 Dallas, 362.)

During the Revolutionary war property was often destroyed to prevent it from falling into the hands of the enemy or to obstruct the movements of the forces of the enemy, and Congress never made any provision for paying any such claims.

A committee of the House of Representatives made a report February 15, 1797, on a claim for compensation for a dwelling-house burned in Massachusetts, in March, 1776, by order of General Sullivan, commanding the American troops. The house was in possession of British troops, and for the purpose of dislodging them General Sullivan sent troops with orders to set fire to the building, which was done. The committee in that case says:

The loss of houses and other sufferings by the general ravages of war have never been compensated by this or any other Government. In the history of our Revolution sundry decisions of Congress against claims of this nature may be found. Government has not adopted a general rule to compensate individuals who have suffered in a similar manner.

After the war of 1812 with Great Britain the question was frequently presented and the well-settled principles of international law followed. Many of the cases very forcibly illustrate the principle contended for. One case grew out of the landing of the enemy at New Orleans. In order to annoy and weaken the enemy the levee was cut by military authority. As a consequence the plantation of that claimant was inundated and suffered damage estimated at $20,000. But the claim was rejected by Congress on the ground that "the injury was done in the necessary operations of war."

The magnitude of our late civil war, and the circumstances under which the struggle was carried on, led to greater losses of the kind involved here than is usual in war. The contending armies on both sides moved with a view to success without regard to cost, and the loss of life and destruction of property were necessary to that end. With immense armies of equal bravery and skill the struggle will pass into history as one of the most extraordinary known to the records of time. In such a conflict of arms, the control of resources and instrumentalities often changed results for the time being, and frequently secured permanent advantages. Unfortunately this led to the destruction of an immense amount of property. The circumstances demanding the destruction during the continuance of the war were various, but all prompted by the same motive and to accomplish a common end.

The property of loyal citizens in loyal States was, unfortunately for them, often so situated as likely to fall into the hands of the enemy, and was of a kind to be immediately useful to them. To prevent such a military advantage to the enemy the Federal Army of necessity, in self-defense, would seize and destroy it. A striking illustration of this kind of destruction resulted from the order issued by General Sheridan in November, 1864, to "destroy all forage and subsistence, burn all barns, mills, and their contents, and drive off all stock in Loudoun County, Virginia," which was executed. A large proportion of the property so destroyed belonged to men of unquestioned loyalty. Congress by act of January 23, 1873, authorized payment for the stock used by the Army, but refused to pass any bill to pay for property destroyed.

The Government has also refused to pay for buildings burned by our troops in West Virginia in 1863 by way of a ruse to mislead and divert the enemy, such act being considered a legitimate act of ordinary warfare. Losses incurred in that way must be classed with those casualities and incidents of war for which the Government does not become liable.

The number and variety of cases growing out of our late war, calling for the application of this highest law of "overruling necessity," could be multiplied from our Congressional legislation. The claims of J. Milton Best, of Paducah, Ky.; Thomas B. Wallace, of Lexington, Mo.; the East Tennessee University, and the Manchester (Ky.) salt-works are leading cases, made prominent by the veto messages of President Grant in 1872 and 1873. The Kentucky salt-works were destroyed by order of General Craft, commanding the Union military forces.

The principle of that message in the last-named case has been so uniformly followed by Congress ever since and is so manifestly applicable to the case under consideration that it should be here repeated. President Grant said:

I understand him to say, in effect, that the salt-works were captured from the rebels, that it was impracticable to hold them, and that they were demolished so as to be of no further use to the enemy.

I can not agree that the owners of property destroyed under such circumstances are entitled to compensation therefor from the United States. Whatever other view may be taken of the subject, it is incontrovertible that these salt-works were destroyed by the Union Army while engaged in regular military operations, and that the sole object of their destruction was to weaken, cripple, or defeat the armies of the so-called southern confederacy.

I am greatly apprehensive that the allowance of this claim could and would be construed into the recognition of a principle binding the United States to pay for all property which their military forces destroyed in the late war for the Union. No liability by the Government to pay for property destroyed by the Union forces in conducting a battle or siege has yet been claimed; but the precedent proposed by this bill leads directly and strongly in that direction; for it is difficult upon any ground of reason or justice to distinguish between a case of that kind and the one under consideration. Had General Craft and his command destroyed the salt-works by shelling out the enemy found in their actual occupancy, the case would not have been different in principle from the one presented in this bill. What possible difference can it make in the rights of owners or the obligations of the Government whether the destruction was in driving the enemy out, or in keeping them out, of the possession of the salt-works?

This bill does not present a case where private property is taken for public use in any sense of the Constitution. It was not taken from the owners but from the enemy; and it was not then used by the Government, but destroyed. Its destruction was one of the casualties of war; and though not happening in actual conflict, was perhaps as disastrous to the rebels as would have been a victory in battle.

Owners of property destroyed to prevent the spread of a conflagration, as a general rule, are not entitled to compensation therefor; and for reasons equally strong, the necessary destruction of property found in the hands of the public enemy, and constituting a part of their military supplies, does not entitle the owner to indemnity from the Government for damages to him in that way.

I fully appreciate the hardship of the case, and would be glad if my convictions of duty allowed me to join in the proposed relief. But I can not consent to the doctrine which is found in this bill, as it seems to me, by which the national Treasury is exposed to all claims for property injured or destroyed by the armies of the United States in the late protracted and destructive war in this country.

U. S. GRANT.

EXECUTIVE MANSION, *February* 11, 1873.

The flood of bills poured upon the War Claims Committee at this Congress, and this class of claims with other classes which should not be seriously entertained, being presented, has led me into this discussion. It is hardly possible that claims of this nature will ever receive favorable action in this House. Periodical attempts are made to have them approved by Congress. Sometimes a case of great hardship is selected, one appealing to the sympathy of every member of this House, and if recognized as an obligation of the Government the flood-gates would be opened and the most alarming increase of the national debt would result. Such legislation would certainly be unpardonable injustice to the people already burdened with as much as they can bear.

This Congress is agitating and endeavoring to mature measures for the relief of the overburdened tax-payer. The laboring element of the country is appealing for relief against unequal and unjust laws. Labor, forming the foundation of our growth, prosperity, and greatness as a nation, must have burdens removed, not multiplied. Never before in our history has it been so essential to limit and ward off burdens, and afford by judicious legislation all possible encouragement to every interest now depressed, as at this time. No measure will afford to the country at large more substantial encouragement than a prompt and emphatic disapproval of the effort made to fasten upon the country an obligation to pay this class of war claims.

As early as 1873 the President, in his message to Congress, said:

Your careful attention is invited to the subject of claims against the Government and to the facilities afforded by existing laws for their prosecution. Prob-

ably the largest saving to the national Treasury can be secured by timely legislation on these subjects of any of the economic measures that will be proposed.

The wisdom of this suggestion to Congress has been made manifest by the lapse of time, and as strong and urgent considerations exist now for restraints and safeguards against the danger of unjust claims against the Government as at any period in our history.

Indeed, reasons infinitely stronger and more unanswerable exist now than when President Grant dignified the importance of the question by his message to Congress. If his fear expressed at that time that "not a few of them are fabricated and supported by false testimony" was warranted then, what should be our anxiety and alarm when forced to confront the present number and magnitude of claims with the facilities for fraud, forgery, and perjury which the lapse of time affords to groundless claims.

It is true this ground of objection does not apply to the class of cases to which this one under consideration belongs. Here there is no suspicion of fraud or improper motive. The truthful history of this case has been faithfully preserved and candidly and honestly presented; but if it and all of its kind should be allowed by overriding international law and disregarding the well-settled safeguards thrown around the public Treasury, then it would be a natural and almost inevitable result to throw wide open the door to the payment of other classes of claims against which the wisdom of Congress has hitherto successfully legislated.

Here, then, at the threshold of such a dangerous, ruinous, and vicious policy I enter my humble but earnest protest. For one I will not abandon the great highways of legislation built up from time to time since the war by the deliberate judgment of the people's representatives from all portions of our united country. In our efforts to devise methods to relieve Congress from the consideration of claims no one can be more effective than to stand firmly and "without variableness or shadow of turning" by the policy of the past.

Mr. SPRINGER. Mr. Chairman, I desire to have this bill finished in committee before the committee rises, because if it goes over until next week it will take another day, and as I believe the committee will reject the bill by a large majority, I do not see the necessity of consuming any more time with it. I therefore move the bill be reported to the House with the recommendation that it lie upon the table.

The committee divided; and there were—ayes 63, noes 51.

Mr. RICHARDSON. No quorum has voted.

The CHAIRMAN appointed as tellers Mr. RICHARDSON and Mr. GEDDES.

The committee again divided; and there were—ayes 55, noes 65.

Mr. RICHARDSON. I withdraw the point of no quorum.

Mr. SOWDEN. I renew it.

The committee again divided; and the tellers reported—ayes 54, noes 70.

Mr. SPRINGER. No quorum still voting, I move that the committee rise.

The CHAIRMAN. The Chair will state unless the point of no quorum is withdrawn that motion can not be received.

Mr. SPRINGER. Why, that is the very time the motion to rise is in order.

The CHAIRMAN. If the committee find itself without a quorum by tellers, it is the duty of the Chair to cause the roll to be called.

Mr. SPRINGER. But I have moved the committee rise.

The CHAIRMAN. It is not in order until the point of no quorum is withdrawn.

Mr. McMILLIN. We are now within seven minutes of the time fixed for the usual Friday recess, and I ask that by unanimous consent the call be dispensed with and the committee rise.

Mr. SPRINGER. I do not concede that the motion is not in order.

Mr. PETTIBONE. You do not object to the request?

Mr. SPRINGER. No; I do not object.

The CHAIRMAN. The gentleman from Tennessee [Mr. McMILLIN] asks that unanimous consent be now granted that the vote shall go over until next Friday; the bill to retain its place upon the Calendar. Is there objection?

There was no objection, and it was ordered accordingly.

Mr. SPRINGER. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HATCH reported that the Committee of the Whole, having had under consideration the Private Calendar, had directed him to report sundry bills with various recommendations.

HOME RULE—IRELAND.

Mr. O'NEILL, of Missouri. Mr. Speaker, I ask unanimous consent for the purpose of offering a resolution and for its immediate consideration.

Mr. SPRINGER. Let it be read for information.

The SPEAKER. It will be read subject to objection.

The Clerk read as follows:

Resolved, That the House of Representatives of the United States earnestly sympathizes with the right honorable William E. Gladstone and his associates in their efforts to secure a free parliament for the people of Ireland, and congratulates the people of that hitherto unhappy country upon the prospect of an early and successful termination of their long and patriotic struggle for the right of local self-government.

Resolved, That the Speaker of the House is directed to communicate a copy of this resolution to Mr. Gladstone.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. COX. I object. [Cries of "No!" "No!"]

Mr. McMILLIN. I hope the gentlemen from North Carolina will withdraw his objection and let the resolution go through by a unanimous vote.

Mr. COX. I think this is interfering with the legislation of another country, and I must adhere to the objection.

The SPEAKER. The objection being made, the resolution is not before the House for consideration.

ORDER OF BUSINESS.

Mr. SPRINGER. I move that the House now take a recess until half past 7 o'clock this evening, under the order of the House fixing night sessions for Fridays.

Mr. BYNUM. I have a bridge bill which I desire to report from the Committee on Commerce; and to-morrow being the day fixed for the consideration of such bills, I ask the gentleman to withdraw his motion to permit me to do so.

Mr. SPRINGER. I will withdraw the motion for that purpose.

BRIDGE ACROSS THE MISSOURI RIVER.

Mr. BYNUM, from the Committee on Commerce, reported, as a substitute for H. R. 4793, a bill (H. R. 7651) to authorize the Chicago, Milwaukee and Saint Paul Railroad Company to construct, operate, and maintain a pile and ponton railway bridge across the Missouri River, near or in the vicinity of Chamberlain, in the Territory of Dakota; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill 4793 was laid on the table.

ORDER OF BUSINESS.

Mr. SPRINGER. Has objection been withdrawn to the resolution of the gentleman from Missouri?

The SPEAKER. The Chair understands that it has not been.

Several MEMBERS. "Regular order!"

Mr. STEELE. I would like to present a report——

The SPEAKER. Does the Chair understand the gentleman from Illinois to renew his motion for a recess?

Mr. STEELE. I ask the gentleman to withdraw the motion until I can make a report from the Committee on Military Affairs. [Cries of "Regular order!"]

Mr. SPRINGER. I withdrew the motion for the purpose of allowing the gentleman from Indiana to make a report from the Committee on Commerce. I renew it now, however.

The SPEAKER. The Chair now understands the gentleman from Indiana to request the gentleman to withdraw the motion to permit him to introduce a report.

Mr. SPRINGER. I withdraw it for that purpose.

BUSINESS FROM THE COMMITTEE ON MILITARY AFFAIRS.

Mr. STEELE, from the Committee on Military Affairs, reported a resolution making bills reported by the Committee on Military Affairs a special order for May 4 and 5; which was referred to the House Calendar.

And then (the hour of 5 o'clock having arrived) the Speaker declared the House to be in recess until half past 7 o'clock.

EVENING SESSION.

The recess having expired, the House (at 7 o'clock and 30 minutes p. m.) was called to order by Hon. JOHN B. CLARK, its Clerk, who directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES, *April* 9, 1886.

Hon. JOHN B. CLARK,
Clerk of House of Representatives:

I hereby designate Hon. C. C. MATSON, of Indiana, to preside at the session of the House this evening.

JOHN G. CARLISLE, *Speaker.*

Mr. ELLSBERRY. I move that the House resolve itself into Committee of the Whole House for the consideration of the Private Calendar under the special order of the House for Friday evening.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. HATCH in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of bills upon the Private Calendar under the special order of the House.

Mr. MATSON. I ask unanimous consent that the members present may be permitted to call up bills out of their regular order on the Calendar, such bills as are in order under the special order for Friday sessions, as they may see proper.

There was no objection, and it was so ordered.

TUNIS J. ROOSA.

Mr. MORRILL called up the bill (H. R. 715) granting a pension to Tunis J. Roosa; which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and

directed to place on the pension-roll, subject to the conditions and limitations of the pension laws, the name of Tunis J. Roosa, late a private in Company H, Seventh Iowa Volunteers.

The committee recommend the adoption of the following amendment: After the word "volunteers," in line 7, insert, "and pay him a pension of $40 a month."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE ANNA LIPPE.

Mr. ELLSBERRY called up the bill (H. R. 6331) granting a pension to George Anna Lippe.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George Anna Lippe, widow of Capt. Constantine Lippe, late of Company A, One hundred and eighty-eighth Pennsylvania Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH GREGG.

Mr. CONGER called up the bill (H. R. 5937) granting a pension to Sarah Gregg; which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Sarah Gregg, late a nurse in the military hospitals of the war of the rebellion, with a pension from the date of the passage of this act.

The committee recommend the following amendments: Add after the word "act," in line 8, the words "at the rate of $12 per month," and strike out, in lines 4 and 5, "subject to the provisions and limitations of the pension laws."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ANN BIRD.

Mr. WAKEFIELD called up the bill (H. R. 1278) granting a pension to Ann Bird.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ann Bird, widow of Thomas Bird, for services as nurse during the late war, and pay her the sum of $20 per month from and after the passage of this act.

The committee recommend the adoption of the following amendment: Strike out the word "twenty," in line 7, and insert "twelve."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS J. SLAYTON.

Mr. GROUT. I call up the bill (H. R. 5169) to increase the pension of Thomas J. Slayton.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Thomas J. Slayton, late a private in Company H, Thirteenth Regiment Vermont Volunteers, from $4 to $30 a month, from and after the passage of this act.

The Committee on Invalid Pensions recommended the following amendment:

In line 6, strike out "$30" and insert "$15."

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass..

CATHARINE JOHNSON.

Mr. KLEINER. I call up the bill (H. R. 3906) for the relief of Catharine Johnson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Catharine Johnson, widow of Zachariah Johnson, deceased, late a private in Company C, in the Sixtieth Regiment of Indiana Volunteers, and to pay her a pension at the rate of $8 per month from the 2d day of July, 1861, the date of the death of the said Zachariah Johnson,

The Committee on Invalid Pensions recommended the following amendment:

Strike out all after the word "volunteers," in line 8, namely, these words:

"And to pay her a pension at the rate of $8 per month from the 2d day of July, 1861, the date of the death of the said Zachariah Johnson."

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ISAIAH H. MITCHELL.

Mr. BURROWS. I call up the bill (H. R. 3144) granting a pension to Isaiah H. Mitchell.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Isaiah H. Mitchell, late a private in Company C, Twenty-ninth Regiment of Indiana Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SAMUEL KITZMILLER.

Mr. SWOPE. I call up the bill (H. R. 4226) for the relief of Samuel Kitzmiller.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Samuel Kitzmiller, father of John Kitzmiller, deceased, late of Company B, One hundred and thirty-eighth Regiment Pennsylvania Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

EUGENIA A. SMALLEY.

Mr. WHITE, of Minnesota. I call up the bill (H. R. 1252) granting a pension to Eugenia A. Smalley and her children.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Eugenia A. Smalley, of Fillmore County, Minnesota, widow of Robert Smalley, late of Company A, Second Regiment of Minnesota Volunteers, and also the names of her children, Ellen Y., aged thirteen, and Georgie C., aged eight.

The Committee on Invalid Pensions recommended the following amendment:

After the word "volunteers," in line 8, strike out the words "and also the names of her children, Ellen Y., aged thirteen, and Georgie C., aged eight."

The amendment was adopted.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

PHILIP ARNER.

Mr. WHITE, of Pennsylvania. I call up the bill (H. R. 6266) granting a pension to Philip Arner.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Philip Arner, late first lieutenant of Company E, Sixty-second Regiment Pennsylvania Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

BAILEY HASCALL.

Mr. JOHNSON, of New York. I call up the bill (H. R. 7118) for the relief of Bailey Hascall.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Bailey Hascall, late an acting assistant paymaster in the United States Navy, subject to the provisions and limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARGARET MAYHAM.

Mr. PINDAR. I call up the bill (H. R. 6176) granting a pension to Margaret Mayham.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret Mayham, widow of William Mayham, late captain of Company E, One hundred and forty-fourth Regiment New York Volunteers.

Mr. PINDAR. I offer the following amendment:

In lines 6 and 7, strike out the words "captain of Company E" and insert in lieu thereof the words "lieutenant of Company A."

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JAMES B. WILDE.

Mr. WARNER, of Missouri. I call up the bill (H. R. 4999) to place the name of James B. Wilde on the pension-roll.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, instructed to place the name of James B. Wilde, late second lieutenant of Company C, Sixty-first New York Volunteer Infantry, on the pension-roll, subject to the limitations and provisions of the pension laws of the United States.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CYRUS VIGUS.

Mr. OWEN. I call up the bill (H. R. 5961) granting an increase of pension to Cyrus Vigus.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll and to increase the pension to $100 per month, subject to the limitations of the pension laws, Cyrus Vigus, late

a private in Captain —— company of Kentucky Mounted Infantry in the war of 1812.

The Committee on Pensions recommended the following amendments:

In line 5, strike out "$100" and insert "$50."
In line 7, insert the word "Todd's."

Mr. CONGER. I would like to hear the report read in this case.

The report (by Mr. JAMES T. JONES) was read, as follows:

Cyrus Vigus served in Captain Todd's Company, First Regiment Kentucky Mounted Volunteers, in the war of 1812. He received an honorable discharge from said service on the 2d day of November, 1813. He served on the expedition to Upper Canada under the command of Governor Shelby.

The claimant is now receiving a pension at the rate of $8 per month, this being a service pension paid the veterans of said war of 1812. He has been an industrious business man, of good habits and economical expenses, but after the business age of his life was passed the competency so carefully husbanded had, with some misfortunes, added to his unusual length of years, been consumed, and he now stands at nearly ninety-three years of age at that strait where charity must care for him, or the poor-house become his home, or his Government, in generous consideration, save him from such calamity by granting him a pension equal to the needs of his remaining years.

He was born on the 4th day of September, 1793, and the coming 4th of September will be his ninety-third year.

The petition filed with the bill for his relief is signed by the representative citizens of his home, Logansport, Ind.

This veteran, beginning his life in the wars for his country, has kept his patriotism, and has furnished four sons to the war with Mexico, one of whom, Captain Vigus, was the first man of Government troops to enter the conquered city of Mexico; and for the late war for the Union he furnished six sons, his entire family.

These sons are now all dead, save two, one of whom is a misfortune to his father, and the other, riddled with bullets, is a helpless cripple in the Soldiers' Home at Dayton, Ohio.

His family at home consists of his aged wife and the widow and daughter of one of his dead soldier sons.

In view of the foregoing facts it is believed a pension of $50 per month should be granted the claimant. Your committee recommend to strike out the words "one hundred," in line 5, and to substitute the word "fifty" therefor, and recommend the passage of the bill.

The amendments were adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES F. HILDRETH.

Mr. HAYNES. I call up the bill (H. R. 4124) granting a pension to Charles F. Hildreth.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles F. Hildreth, late surgeon of the Fortieth Massachusetts Regiment.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

NOAH NELSON.

Mr. MATSON. I call up the bill (S. 1125) granting a pension to Noah Nelson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Noah Nelson, late of Company I, Twelfth Indiana Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN W. FARRIS.

Mr. LEHLBACH. I call up the bill (H. R. 6136) granting a pension to John W. Farris.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of John W. Farris, late first lieutenant and adjutant of the Forty-eighth Illinois Volunteers, for disease of eyes, subject to the provisions and limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ANDREW J. WILSON.

Mr. OSBORNE called up the bill (H. R. 7108) granting a pension to Andrew J. Wilson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll, subject to the provision and limitations of the pension laws, the name of Andrew J. Wilson, late a private in Company F, Ninety-sixth Regiment New York Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARGARET LUCAS.

Mr. BROWN, of Pennsylvania, called up the bill (H. R. 6812) granting a pension to Margaret Lucas.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret Lucas, widow of Samuel Lucas, late a private in Company M, Second Regiment New York Heavy Artillery.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. MARIA HUNTER.

Mr. O'HARA called up the bill (H. R. 7167) for the relief of Mrs. Maria Hunter.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Maria Hunter, widow of David Hunter, late colonel of the Sixth Regiment United States Cavalry and major-general of United States Volunteers, at the rate of $600 per annum.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

FREDERICK KORTH.

Mr. WAKEFIELD called up the bill (H. R. 4077) granting a pension to Frederick Korth.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Frederick Korth, of Henderson, Minn., late a teamster in the United States service, who was permanently disabled by gunshot wounds received at the hands of hostile Sioux Indians, at the Lower Sioux agency, during the Sioux outbreak of 1862, in Minnesota.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

FREDERICK MARION.

Mr. MATSON called up the bill (H. R. 6147) granting a pension to Frederick Marim.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Frederick Marim, late of Company K, Thirty-first Regiment Ohio Volunteer Infantry.

The Committee on Invalid Pensions recommended striking out the name "Marim" in the bill and title and inserting "Marion."

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JEREMIAH M. FITGER.

Mr. ELLSBERRY called up the bill (H. R. 1945) granting a pension to Jeremiah M. Fitger.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Jeremiah M. Fitger, subject to the provisions and limitations of the pension laws, and pay him a pension from and after the passage of this act.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

AMOS C. WERTZ.

Mr. JACKSON called up the bill (H. R. 5434) granting a pension to Amos C. Wertz.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be placed on the pension-roll the name of Amos C. Wertz, late a sergeant of Company L, Second Regiment United States Artillery, subject to the provisions and limitations of the pension laws.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM WEBSTER.

Mr. CONGER called up the bill (S. 761) granting a pension to William Webster.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Webster, late a sergeant of Company I, Twenty-first Missouri Regiment of Volunteer Infantry.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

FRANCIS DEMING.

Mr. PRICE called up the bill (H. R. 2971) granting a pension to Francis Deming.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Francis Deming, late of Company F, Ninth Regiment Michigan Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY KARSTETTER.

Mr. SWOPE called up the bill (H. R. 2043) to place Mary Kastathe on the pension-roll.

The bill was read, as follows:

Be it enacted, &c., That Mary Kastathe, widow of Jacob Kastathe, a soldier in the volunteer service of Pennsylvania, be placed on the pension-roll, and receive an allowance of pension as the widow of a soldier.

Amend the title so as to read: "A bill to place Mary Karstetter on the pension-roll."

The Committee on Invalid Pensions recommended an amendment striking out the name "Kastathe," where it occurs in the bill and in the title, and inserting "Karstetter."

The amendments were agreed to.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. BARBARA FUCHS.

Mr. WHITE, of Minnesota, called up the bill (H. R. 6489) granting a pension to Mrs. Barbara Fuchs.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Barbara Fuchs, stepmother of John Fuchs, late of Company H, Sixth Regiment of Wisconsin Infantry Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOSEPH TUTTLE.

Mr. OSBORNE called up the bill (H. R. 7109) granting a pension to Joseph Tuttle.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Joseph Tuttle, father of Charles Tuttle, late a private in Company F, Second Michigan Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARTHA DOWNS.

Mr. NEECE called up the bill (H. R. 4462) granting a pension to Martha Downs.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Martha Downs, of Peoria, Ill., widow of Albert Downs, late a private in Company H, Fourteenth Regiment of Illinois Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES FOREMAN.

Mr. O'HARA called up the bill (H. R. 6193) granting a pension to Charles Foreman.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place the name of Charles Foreman, late a private in Company G, Thirty-sixth United States Colored Troops, on the pension-roll, subject to the conditions and limitations of the pension laws.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

SILAS CORZATT.

Mr. CANNON called up the bill (H. R. 3287) for the relief of Silas Corzatt.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized to place on the pension-roll the name of Silas Corzatt, late a private in Company K, Second Ohio Cavalry, subject to the provisions and limitations of the pension laws.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JANNET E. B. SMITH.

Mr. CONGER called up the bill (H. R. 607) granting a pension to Jannet E. B. Smith.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jannet E. B. Smith, widow of Stephen Burton, late a private in Company C, Twenty-first Regiment of Iowa Infantry.

The Committee on Invalid Pensions recommended an amendment striking out the name of "Burton," in line 6 of the bill, and inserting "Barton."

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

EUNICE E. CLARK.

Mr. NEECE. I call up the bill (H. R. 6429) granting a pension to Eunice E. Clark.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Eunice E. Clark, widow of Daniel B. Clark, late of Company A, First Ohio Cavalry.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

HENRY HIPPLE, JR.

Mr. BOUND. I call up the bill (H. R. 6897) granting a pension to Henry Hipple, jr.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henry Hipple, jr., late a musician in Company H, One hundred and twenty-seventh Regiment Pennsylvania Volunteers (original pension claim No. 328422).

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. MATSON. I move that the committee rise and report to the House the bills which have been laid aside.

The motion was agreed to.

The committee accordingly rose; and Mr. MATSON having resumed the chair as Speaker *pro tempore*, Mr. HATCH reported that the Committee of the Whole House, having had under consideration the Private Calendar according to the special order of the House, had directed him to report back sundry bills with various recommendations.

PENSION BILLS PASSED.

Bills of the following titles, reported from the Committee of the Whole House without amendment, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 6331) granting a pension to George Anna Lippe;
A bill (H. R. 3144) granting a pension to Isaiah H. Mitchell;
A bill (H. R. 4226) for the relief of Samuel Kitzmiller;
A bill (H. R. 6266) granting a pension to Philip Arner;
A bill (H. R. 7118) for the relief Bailey Hascall;
A bill (H. R. 4999) to place the name of James B. Wilde on the pension-roll;
A bill (H. R. 4124) granting a pension to Charles F. Hildreth;
A bill (H. R. 7108) granting a pension to Andrew J. Wilson;
A bill (H. R. 6812) granting a pension to Margaret Lucas;
A bill (H. R. 7167) for the relief of Mrs. Maria Hunter;
A bill (H. R. 4077) granting a pension to Frederick Korth;
A bill (H. R. 1945) granting a pension to Jeremiah M. Fitger;
A bill (H. R. 5434) granting a pension to Amos C. Wertz;
A bill (H. R. 2991) granting a pension to Francis Deming;
A bill (H. R. 6489) granting a pension to Mrs. Barbara Fuchs;
A bill (H. R. 7109) granting a pension to Joseph Tuttle;
A bill (H. R. 4462) granting a pension to Martha Downs;
A bill (H. R. 6193) granting a pension to Charles Foreman;
A bill (H. R. 3287) for the relief of Silas Corzatt;
A bill (H. R. 6429) granting a pension to Eunice E. Clark; and
A bill (H. R. 6897) granting a pension to Henry Hipple, jr.

Amendments to bills of the following titles were severally agreed to, and the bills as amended were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 715) granting a pension to Tunis J. Roosa;
A bill (H. R. 5937) granting a pension to Sarah Gregg;
A bill (H. R. 1278) granting a pension to Ann Bird;
A bill (H. R. 5169) to increase the pension of Thomas J. Slayton;
A bill (H. R. 3906) for the relief of Catharine Johnson;
A bill (H. R. 6176) granting a pension to Margaret Mayham;
A bill (H. R. 5961) granting an increase of pension to Cyrus Vigus;
A bill (H. R. 607) granting a pension to Jannet E. B. Smith;
A bill (H. R. 1252) granting a pension to Eugenia A. Smalley and her children (the title was amended by striking out the words "and her children");
A bill (H. R. 6136) granting a pension to John W. Farris (title amended so as to read: "A bill granting an increase of pension to John W. Farris");
A bill (H. R. 6147) granting a pension to Frederick Marim (title amended by striking out "Marim" and inserting "Marion"); and
A bill (H. R. 2043) to place the name of Mary Kastathe on the pension-roll (title amended so as to read: "A bill to place Mary Karstetter on the pension-roll").

Senate bills of the following titles were severally ordered to a third reading; and they were accordingly read the third time, and passed:

A bill (S. 761) granting a pension to William Webster; and
A bill (S. 1125) granting a pension to Noah Nelson.

Mr. CONGER moved to reconsider the several votes by which the bills reported from the Committee of the Whole House on the Private Calendar were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MORRILL. I desire to call attention to the fact that there are two pension bills on the Private Calendar improperly. They were reported last Tuesday, as the RECORD shows, from the Committee on Invalid Pensions, with adverse recommendations, and were ordered to lie on the table. The two bills to which I refer are the bill (H. R. 711) granting a pension to Francis O'Leary, and the bill (H. R. 3943) to re-adjudicate the pension claim of Francis A. Liebscheets.

The SPEAKER *pro tempore*. If there be no objection, these bills will be stricken from the Calendar.

There being no objection, it was ordered accordingly.

ORDER OF BUSINESS.

Mr. ERMENTROUT. There are two pension bills on the Calendar which I would very much like to have passed, and I ask the indulgence of the House for that purpose. I hope there will be no objection to the motion I now make that the House again resolve itself into the Committee of the Whole for the consideration of pension bills on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. HATCH in the chair.

P. E. RAIGER.

Mr. ERMENTROUT. I ask unanimous consent to call up the bill (H. R. 5406) granting a pension to P. E. Raiger.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of P. E. Raiger, late of Company F, Fourth Pennsylvania Volunteer Cavalry.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LOUIS WHORLEY.

Mr. ERMENTROUT. I ask unanimous consent to call up the bill (H. R. 2963) granting a pension to Louis Whorley.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Louis Whorley, late of Company F, Fifth Regiment United States Artillery.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. ERMENTROUT. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MATSON having resumed the chair as Speaker *pro tempore*, Mr. HATCH reported that the Committee of the Whole, having had under consideration two bills upon the Private Calendar, had directed him to report the same to the House with the recommendation that they do pass.

BILLS PASSED.

The following bills reported from the Committee of the Whole with a favorable recommendation were ordered to be engrossed for a third reading, read the third time, and passed; namely:

A bill (H. R. 5046) granting a pension to P. E. Raiger; and

A bill (H. R. 2963) granting a pension to Louis Whorley.

Mr. ERMENTROUT moved to reconsider the votes by which the bills were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then, on motion of Mr. MORRILL (at 8 o'clock and 25 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. H. ADAMS: Petition of Edgar J. Sherman and others, citizens of Lawrence, Mass., and of Jacob Coggin and others, citizens of Lowell, Mass., in favor of the passage of Senate bill No. 52—to the Committee on Indian Affairs.

By Mr. BAYNE: Resolution of Local Assembly No. 96, Knights of Labor, of Coal Valley, Allegheny County, Pennsylvania, in favor of the construction of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. T. M. BROWNE: Petition of Jesse H. Hubbard and 49 others, for the free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. FELIX CAMPBELL: Petition in favor of the bankrupt law—to the Committee on the Judiciary.

By Mr. COMPTON: Petition of John F. Fenwick, of Saint Mary's County, Maryland, praying that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. COMSTOCK: Petition of 36 members of the Phil. Kearney Post No. 7, Grand Army of the Republic, of Muskegon, Mich., for increase of pension for Mary E. Champlin, widow of General Stephen C. Champlin—to the Committee on Invalid Pensions.

By Mr. CUTCHEON: Memorial of Local Assembly No. 3867, Knights of Labor, of Muskegon, Mich., in favor of liberal appropriations for public works in the interest of the laboring class—to the Committee on Railways and Canals.

Also, remonstrance of Local Assembly No. 3867, Knights of Labor, of Muskegon, Mich., against the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. DINGLEY: Petition of George B. Kingsley, John N. Lindsley, and others, citizens of Orange, N. J., asking for better legal protection of young girls—to the Committee on District of Columbia.

By Mr. EVERHART: Petition of citizens of Chester County, Pennsylvania, praying for a law to abolish the sale and manufacture of alcoholic beverages in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. FORNEY: Petition and papers of William James, jr., heir of William James, deceased; and of Harriet Burbin, of Cherokee County, Alabama, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. KETCHAM: Petition of Mrs. Jennie M. Chapman and 9 others, members of the Pawling (N. Y.) Woman's Christian Temperance Union, praying for the passage of the temperance education bill—to the Committee on Education.

By Mr. LIBBEY: Petition of Soldiers and Citizens' National League, praying for the pensioning of soldiers and sailors of the late war—to the Committee on Invalid Pensions.

By Mr. LYMAN: Affidavit in support of House bill 7241, for the relief of John S. Hunter—to the Committee on Military Affairs.

By Mr. McMILLIN: Petition of Susan and Bettie Halleman, of Jackson County, Tennessee, for relief—to the Committee on War Claims.

By Mr. MERRIMAN: Petition of Julia Ward Howe and others, for postal savings-banks—to the Committee on the Post-Office and Post-Roads.

By Mr. MILLIKEN: Petition of George P. Haven, for removal of charge of desertion—to the Committee on Naval Affairs.

Also, petition of masters and mates of sailing vessels of Brooksville, of Jonesport, of Castine, of Isleboro, of Sullivan, and of Machinsport, Me., to be licensed as pilots—to the Select Committee on American Ship-building and Ship-owning Interests.

Also, petition of Willis A. Luce and others, of Union, Me., for an internal-revenue tax on adulterated butter—to the Committee on Ways and Means.

By Mr. MITCHELL: Petition of women of Guilford (Conn.) National Indian Association—to the Committee on Indian Affairs.

By Mr. PARKER: Petition of Knights of Labor of Ogdensburg, N. Y., against the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. PINDAR: Petition of Sarah Mary Carroll, of New York city, for a pension—to the Committee on Invalid Pensions.

By Mr. ROMEIS: Petition of 255 Knights of Labor from Assembly No. 3031, in Lucas County, Ohio—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. SPRIGGS: Petition of window-glass workers of America, against revision of present tariff—to the Committee on Ways and Means.

By Mr. STAHLNECKER: Petition of Henry White and others, in favor of the temperance-education bill—to the Committe on Education.

By Mr. STEELE: Petition of Rev. E. L. Semans, of Portland, Ind., for the passage of bill relative to scientific instruction—to the same committee.

Also, petition of James E. Gordan, commander, and others of R. S. Thomas Post, Grand Army of the Republic, of Mount Etna, Ind., asking to have the record of William Sherman, of Company G, Thirty-fourth Indiana Volunteers, amended—to the Committee on Military Affairs.

By Mr. J. M. TAYLOR: Petition of R. S. Owens, of Henderson County, Tennessee, to be placed on the pension-roll—to the same committee.

Also, petition of A. A. Brooks, of Henderson County, Tennessee, for relief—to the same committee.

By Mr. WHEELER: Petition of Maria Wilson, of Paint Rock, Ala., asking that her war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. A. C. WHITE: Petition in favor of granting pensions to soldiers who were taken prisoners during the late war—to the Committee on Invalid Pensions.

By Mr. WILLIS: Petition of Maurice Power, for relief—to the same committee.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. COMSTOCK: Of citizens of Kent and Allegan Counties, Michigan.

By Mr. EDEN: Of citizens of Fayette and Macaupin Counties, Illinois.

By Mr. EVANS: Of citizens of Montgomery and Bucks Counties, Pennsylvania.

By Mr. FLEEGER: Of citizens of Mercer, Butler, and Crawford Counties, Pennsylvania.

By Mr. JACKSON: Of citizens of Lawrence and Beaver Counties, Pennsylvania.

By Mr. MILLIKEN: Of citizens of Waldo and Somerset Counties, Maine.

By Mr. MITCHELL: Of citizens of Middlesex County, Connecticut.

By Mr. SCRANTON: Of citizens of Luzerne and Lackawanna Counties, Pennsylvania.

By Mr. STRAIT: Of Dr. H. A. Hunt and others, citizens of Rice and Goodhue Counties, Minnesota.

By Mr. VOORHEES: O fcitizens of Semiahmoo, Blaine, and Northern Whatcom, Washington Territory.

By Mr. WEBER: Of citizens of Niagara County, New York.

By Mr. WEST: Of citizens of Fulton County, New York.

By Mr. A. C. WHITE: Of citizens of Indiana and Armstrong Counties, Pennsylvania.

SENATE.

SATURDAY, *April* 10, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.
The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a memorial of Knights of Labor of Waterville, Ohio, remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. HARRISON presented a memorial of Knights of Labor of Cardonia, Ind., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

He also presented the petition of John Burton and 490 others, residents of Decatur County, Indiana, praying for the passage of a bill granting pensions to all soldiers and sailors who served in the Army and Navy of the United States during the war of the rebellion, and to their widows and orphans, and for other purposes; which was referred to the Committee on Pensions.

Mr. HARRISON. I present also the petition of C. H. Buthenbender and 10 other officers and members of the three local assemblies of Knights of Labor at Fort Wayne, Ind., praying for the speedy passage of the bill providing for the arbitration of all labor disputes.

The House bill on this subject, I understand, has been reported favorably by our Committee on Education and Labor and is now upon the Calendar. The petition will therefore, under the rules, lie upon the table.

Mr. CULLOM. There is another bill on the same subject which was referred to the Select Committee on Interstate Commerce and has not yet been reported; but probably the petition may as well lie on the table.

Mr. HARRISON. As the petition relates especially to the House bill I have referred to, I suggest that it lie upon the table.

I do not desire to anticipate the discussion of that measure, which will soon come before the Senate, but the startling occurrences of which we have accounts from day to day in the newspapers are turning the attention of all lovers of good order and of the prosperity of the country to the necessity of providing some method of harmonizing the interests of the working classes and of the employers of labor. Arbitration is the only method that seems to be open for the peaceful and speedy and just settlement of such disputes.

Arbitration of course must precede strikes. It implies calmness, and that is not to be found when the contest is once inaugurated and passions are aroused. I think so far as we can contribute by any Congressional legislation to securing the just settlement by arbitration of all labor troubles we shall contribute greatly to the peace and happiness of the country.

The PRESIDENT *pro tempore*. The petition will lie on the table.

Mr. JACKSON presented a memorial of Knights of Labor of Rockwood, Tenn., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. FRYE presented the petition of A. H. Jones and other citizens of China, Me., praying for the passage of the bill (S. 355) to promote peace among nations, for the creation of a tribunal for international arbitration, and for other purposes; which was referred to the Committee on Foreign Relations.

Mr. MITCHELL, of Oregon, presented a petition of freeholders of Spokane and Whitman Counties, Washington Territory, and of Nez Perces County, Idaho, praying for the opening to settlement of the De Smet Mission Withhold, and also the allotment of lands in severalty to Indians; which was referred to the Committee on Indian Affairs.

He also presented a petition of ex soldiers and sailors of the State of Oregon, praying that justice be done to the soldiers and sailors who fought in the defense of their country in the late war of the rebellion, by the passage of what is known as the Weaver bill; which was referred to the Committee on Military Affairs.

Mr. PIKE presented a memorial of Knights of Labor of Manchester, N. H., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

He also presented a petition of 206 laborers, workmen, and mechanics employed at the United States navy-yard at Portsmouth, N. H., praying for the enactment of a law securing to them arrears of pay due on account of their being required subsequent to June 25, 1868, to work two hours a day for a day's work more than required by law; which was referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES.

Mr. INGALLS, from the Committee on the District of Columbia, to whom was referred the bill (S. 851) to amend the charter of the Metropolitan Railroad Company, reported it with amendments.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (H. R. 2740) for the relief of Norman S. Bull, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1060) for the relief of C. M. Wittig, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1109) granting a pension to John H. Barry;
A bill (H. R. 2161) granting a pension to Andrew J. Putnam;
A bill (H. R. 1032) granting a pension to Josiah B. Snell;
A bill (H. R. 1104) granting a pension to Elizabeth Sullivan;
A bill (H. R. 1472) granting a pension to Mary Murphy;
A bill (H. R. 1198) granting a pension to Louis Abear;
A bill (H. R. 802) granting a pension to August Schindler;
A bill (S. 2005) granting a pension to Mary J. Nottage;
A bill (H. R. 1286) granting a pension to Agnes M. Edwards, infant daughter of Harvey H. Edwards;
A bill (H. R. 3452) granting a pension to Mrs. Mary E. Sawyer; and
A bill (H. R. 1254) granting a pension to Mary Hoff.

Mr. VAN WYCK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3308) to increase the pension of Joseph R. Cravens;
A bill (H. R. 414) granting a pension to Daniel B. Clark;
A bill (H. R. 693) to restore to the pension-roll the name of William B. Keith;
A bill (H. R. 415) granting a pension to William Condon;
A bill (H. R. 4116) increasing the pension of John P. Brinegar; and
A bill (H. R. 4224) for the relief of Amanda Rogers.

BILL INTRODUCED.

Mr. SHERMAN introduced a bill (S. 2100) granting a pension to Sarah E. Hutchison and minor children; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

NICARAGUAN CLAIMS CONVENTION.

Mr. MORGAN. I desire to offer a concurrent resolution and have it printed and go over for one day.

The resolution was read, as follows:

Whereas the following resolution was passed in the Senate on March 10, 1882, and in the House of Representatives on the 16th March, 1882:

"*Resolved by the Senate (the House of Representatives concurring)*, That the President be requested to bring to the attention of the Government of Nicaragua the necessity of arranging by a convention for final settlement of all unadjusted claims existing between the Government of the United States and the Government of Nicaragua and claims of citizens of the United States against the Government of Nicaragua;" and

Whereas no information has been given to Congress of any practical progress that has been made in the adjustment of the claims of the citizens of the United States against the Republic of Nicaragua:

Resolved by the Senate (the House of Representatives concurring), That the President of the United States be requested to bring this subject to the attention of the Government of Nicaragua, with a view to securing the prompt and full satisfaction of the just claims of the citizens of the United States against the Government of Nicaragua.

The PRESIDENT *pro tempore*. What disposition does the Senator desire to have made of the resolution?

Mr. MORGAN. If there is no objection to it, I will ask that it be presently considered.

Mr. PLATT. I think it had better be printed. Its present consideration may lead to a discussion which would interfere with the Washington bill.

Mr. MORGAN. Let it be printed and lie over for one day.

The PRESIDENT *pro tempore*. The resolution will lie over under objection.

TAXATION OF RAILROAD-GRANT LANDS.

Mr. VAN WYCK. I desire to give notice that on Tuesday morning next, after the routine morning business, I shall move that the Senate proceed to the consideration of the bill (S. 1812) to provide for taxation of railroad-grant lands, and for other purposes.

COMMITTEE ON THE JUDICIARY.

Mr. HOAR. I ask unanimous consent that the Judiciary Committee, or any subcommittee of its number, charged with any investigation into facts, may have power to sit during the sessions of the Senate.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks consent of the Senate that the Committee on the Judiciary, or any subcommittee of its number, may have leave to sit during the sessions of the Senate. If there be no objection that request will be granted. The Chair hears no objection.

ADMISSION OF WASHINGTON TERRITORY.

Mr. PLATT. If there is no further morning business I move that the Senate proceed to the consideration of the bill for the admission of the State of Washington, and if I may be pardoned a moment I would say that the bill has been under consideration for a long time; I thought last night we were nearing a vote, and we were adjourned for want of a quorum. This is a day when Senators desire to have their time to themselves for committee work and for departmental work. I think we can dispose of the bill in a short time to-day; and, if so, I shall myself move an adjournment immediately thereafter.

The PRESIDENT *pro tempore*. The Senator from Connecticut moves that the Senate proceed to the consideration of the bill (S. 67) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

Mr. SAULSBURY. The first question in reference to that bill is upon a yea-and-nay vote on an amendment. The Senate is not full to-day, and I do not think it fair to take up the bill and force it to a vote in the present condition of the Senate. We adjourned upon a yea-and-nay vote for the want of a quorum, and that amendment will be the first thing to be voted upon in connection with the bill when it comes up. I hope the Senator will not press his motion at this particular time, because a number of Senators I know are not here who want to record their votes on the pending question.

Mr. PLATT. I have no doubt there is a quorum in the building. Of course I do not desire to have the Senate adjourn again for the want of a quorum, but I presume the vote will bring in a quorum.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Connecticut.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 67) to provide for the formation and admission into the Union of the State of Washington, and for other purposes, the pending question being on the amendment proposed by Mr. EUSTIS, in section 3, line 2, after the word "qualified," to insert the word "male;" so as to make the section read:

That in order to the formation of such State government the qualified male electors resident within said boundaries are hereby authorized, &c.

The PRESIDENT *pro tempore*. The yeas and nays have been ordered on the amendment of the Senator from Louisiana [Mr. EUSTIS], and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. PLUMB (when his name was called). I am paired on questions of this character with the Senator from Missouri [Mr. VEST]. If he were present, I should vote "nay."

Mr. SPOONER (when his name was called). I am paired generally with the Senator from Maryland [Mr. WILSON]. I do not know how he would vote on this question; I therefore withhold my vote.

The roll-call was concluded.

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN]. I do not know how he would vote on this question. Had I the privilege to vote, I should vote "nay."

Mr. MCMILLAN. I am paired with the Senator from Maryland [Mr. GORMAN] who is absent from the Senate to-day. If he were present, I should vote "nay" and he would vote "yea."

Mr. MILLER. I am paired with the Senator from North Carolina [Mr. RANSOM]. If he were present, I should vote "nay."

Mr. MCMILLAN. My colleague [Mr. SABIN] is paired with the Senator from West Virginia [Mr. KENNA]. My colleague would vote "nay" if he were present.

Mr. PAYNE. I am paired on this question with the Senator from Illinois [Mr. LOGAN]. If I were at liberty to vote, I should vote "yea."

The result was announced—yeas 14, nays 25; as follows:

YEAS—14.

Beck,	Harris,	Jones of Arkansas,	Saulsbury,
Coke,	Hearst,	Maxey,	Walthall.
Eustis,	Ingalls,	Morgan,	
Gray,	Jackson,	Pugh,	

NAYS—25.

Allison,	Dolph,	Hoar,	Stanford,
Blair,	Edmunds,	Mitchell of Oreg.,	Teller,
Butler,	Evarts,	Morrill,	Van Wyck,
Call,	Frye,	Pike,	Wilson of Iowa.
Conger,	George,	Platt,	
Cullom,	Harrison,	Sawyer,	
Dawes,	Hawley,	Sherman,	

ABSENT—37.

Aldrich,	Fair,	McPherson,	Sabin,
Berry,	Gibson,	Mahone,	Sewell,
Blackburn,	Gorman,	Manderson,	Spooner,
Bowen,	Hale,	Miller,	Vance,
Brown,	Hampton,	Mitchell of Pa.,	Vest,
Camden,	Jones of Florida,	Palmer,	Voorhees,
Cameron,	Jones of Nevada,	Payne,	Wilson of Md.
Chace,	Kenna,	Plumb,	
Cockrell,	Logan,	Ransom,	
Colquitt,	McMillan,	Riddleberger,	

So the amendment was rejected.

Mr. EUSTIS. I gave notice that I should offer some other amendments of the same character, but that was under the belief that the amendment which has just been rejected would be carried. Inasmuch as it has been defeated by a decisive vote, it is not necessary to consume the time of the Senate by offering any further amendment to the same purpose.

Mr. MORGAN. I move to amend the bill by striking out section 7 and inserting what I send to the Chair.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. It is proposed to strike out section 7, in the following words:

SEC. 7. That on the receipt of such certification of the votes so cast at said election showing the adoption of said constitution by the people of said State as aforesaid, and of a copy of such constitution and ordinances, the President of the United States, if said constitution and ordinances shall conform to the requirements of this act, shall issue his proclamation declaring the State admitted into the Union, and thereupon the said State shall be admitted into the Union on an equal footing with the original States, without any further action on the part of Congress.

And in lieu thereof to insert:

SEC. 7. That in case the said convention shall form a constitution and State government for the people of the Territory of Washington, the said convention as soon thereafter as may be shall cause a true and attested copy of such constitution or frame of government as shall be formed or provided to be transmitted to Congress for its approbation.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Alabama [Mr. MORGAN].

Mr. MORGAN. Mr. President, the adoption of the amendment might delay the admission of Washington into the Union as a State for a few months. I am not certain that it would have that effect; but whether the adoption of the amendment would delay the admission of Washington for a few months is a very inconsiderable question compared with what I conceive to be the duty of Congress to look over and examine the constitution that will be adopted with a view to giving or withholding its approbation thereto.

I think that I have sufficiently indicated by the remarks I have made on this floor, which were made entirely in good faith, my earnest wish that Washington Territory should come into the Union. I hope that it will come in before the next Presidential election, not because of its effect upon that election, for I suppose that most likely the vote of the State of Washington would be adverse to the political views which I entertain; but I wish it to come in as speedily as a right order of procedure in this body and in the other House will justify.

I have no further observations to make than those which the Senate was indulgent enough to listen to on two former occasions when I had the honor of addressing it upon this bill, in respect of the importance of the exercise of the duty by Congress of examining and supervising the constitution which may be adopted by a State, not merely for the purpose of finding whether it is republican in form, but also whether it is republican and is conformable to the institutions of American government in all essential particulars.

The one question which was debated upon the amendment offered by the Senator from Louisiana is in itself important, but is by no means the greatest question which could arise in this matter. But the chief thing I wish to prevent is that the President of the United States shall have a right by his final decree to bring a State into the Union or to refuse it admittance. Under this bill Mr. Cleveland, if he should be a candidate for re-election, after a State constitution had been adopted, might find it entirely convenient to delay the issuing of his proclamation for twenty days, and thereby exclude the State from its right to vote in the electoral college. I have as much confidence in that gentleman as I have in any American statesman who ever occupied the White House, and I believe the grounds of confidence in him are absolutely certain, as nearly as we can have in any man whose political record has not been longer than his. But after expressing that degree of confidence in him, I can not feel justified as a member of this body in conferring upon him power by which after the people of Washington had adopted a constitution he could on any pretext or for any reason at all defer the admission of the State for twenty days, say until its power might be excluded from the electoral colleges, and until thereby he might get a majority for his re-election.

I present the question in this view for the purpose of giving to my opinions about it some degree of intensity, that is all, for who does not see that we are trusting a power to the President of the United States in this matter which is not conformable to any of his executive duties or powers conferred upon him by the Constitution of the United States? I have had an opportunity, of which I have availed myself, to express in a broad way my view of the executive powers of the President in the great debate which has just passed upon what are called the Edmunds resolutions, and in that argument I expressed the whole breadth of what I conceive to be his executive powers. But it is not a part of the executive power of this country, nor is it a part of the executive power of Great Britain, to admit a province into the realm nor in this country to admit a State into the Union by executive proclamation.

The Queen of Great Britain, with all the broad powers that the Crown of England possesses, could not by an executive proclamation admit a province into that realm; she could not admit membership into the two houses of Parliament by a proclamation; and I fail to find the slighest indication of any authority in the President of the United States to act upon this question otherwise than under that power which is given him in connection with Congress to legislate. In fact I do not consider that it is entirely a clear proposition that that description of legislation which is expressed in an act admitting a State into the Union is of the character that requires the concurrence of the President of the United States.

It is a question that would be well worthy of consideration if a Territory, a Commonwealth, had presented a constitution here, and the Houses of Congress by a vote should declare her admitted into the Union, and the Senate should seat the Senators from that State, and the House should seat the Representatives from that State, whether after that the question could be made that the President of the United States had never signed the bill. There is a possible doubt upon that question, but it is one that looks in quite the reverse direction from the one that I am suggesting now. Most clearly I think it is impossible to deduce from any language in the Constitution or any duty or right of the executive power the authority to participate in the final act of the admis-

sion of a State into the Union otherwise than merely by signing a bill passed through Congress to become a law.

There might be some doubt whether the President by his veto could keep a State out of the Union which Congress had agreed in both Houses to admit, whose Senators had been seated here under that decree and whose Representatives had been seated in the other House. There might be some doubt, I say, whether the veto power would reach an enactment of that kind so as to destroy the right of that State to be a State of the Union and its autonomy as a political establishment of this country.

But I appeal to the Senate to decide the question deliberately and quietly, and without reference to any temporary inconvenience of the delay of a State for a few months as to its admission into the Union, whether they are willing, in the language of this bill, to say that the last act Congress shall perform in respect of the State is the passage of this measure, leaving everything else, the writing of the unwritten constitution, the unborn instrument, the ratification of it, to the people of that Territory, and its final admission into the Union to the proclamation of the President.

Suppose after the constitution had been ratified by the people a great clamor should come down to the Congress of the United States that unquestioned frauds had been perpetrated in the convention that adopted it, that bribery had run riot in that convention, and that a constitution had been pushed through that body which would give certain privileges of an extraordinary and possibly a valuable character to certain men, and that they had compassed the whole question by fraud and bribery, what should we do in a case of that kind? By the very terms of the seventh section we forbid Congress to touch this question after it leaves our hands. I have not the bill before me, and I shall be obliged to the Secretary if he will read the last clause in the seventh section.

The PRESIDENT *pro tempore*. It will be read.

The Secretary read as follows:

If said constitution and ordinances shall conform to the requirements of this act, shall issue his proclamation declaring the State admitted into the Union, and thereupon the said State shall be admitted into the Union on an equal footing with the original States, without any further action on the part of Congress.

Mr. MORGAN. That forbids any further action on the part of Congress. It makes no difference what may take place in that constitutional convention, or how corrupt it may be, how it may violate every fundamental law that is laid down in this act itself, it makes no difference if one of the political parties of this country should go there and buy that convention out so as to have its action conformable exactly to the will of that political party, and these facts should be known of all men and come before the Congress of the United States, by that final clause in the bill we cut ourselves off from the power of affording any remedy at all.

Mr. President, I am not speaking of this, I know the Senate will believe, in any party sense. We have had but one hint of a party division upon this whole measure, and that was on the vote to exclude Montana from the privileges of this legislation. That seemed to be a party division and I regret that it was. It ought not to have been. I am not commenting upon that, except to show that in the views I am presenting here I really suppose I am presenting them in antagonism to the future policy of the Democratic party, but they are right in themselves and they are necessary for the preservation of the lawful authority of Congress over the act admitting a State. We cut ourselves off from all further participation in what is to be done in regard to this State, and therefore what we decree to-day admits the State of Washington into the American Union before the delegates have been elected to a convention to frame a constitution and before even a form of a constitution has been projected by any authorized persons.

I hope, therefore, that the amendment will be adopted.

Mr. PLATT. Mr. President, there is little, I think, which I need to say in reply to the Senator from Alabama which I did not say the other day when that Senator suggested that he would offer this amendment. I credit the Senator from Alabama with only desiring to act upon a principle in this matter. I am sure that he has no other object in introducing this amendment.

He suggested in the former discussion that he thought there might be constitutional difficulties in the way of thus admitting a State; but it will, I think, be apparent that there are no constitutional difficulties. Congress admits the State, as the Constitution provides. Congress simply empowers the President to determine whether the conditions of the enabling act have been complied with, whether the conditions which Congress prescribes for the admission of the State shall have been incorporated in the constitution of the proposed State. Now, what are those conditions?

Provided, nevertheless, That such constitution shall be republican in form, and make no distinction in civil and political rights on account of race or color, except as to Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. *Provided further*, That said convention shall provide, by an ordinance irrevocable without the consent of the United States and the people of said State, that perfect toleration of religious sentiment shall be secured, and no inhabitant of said State ever be molested in person or property on account of his or her mode of religious worship.

Those are the really important conditions, and are, I think, the conditions that have always been insisted upon as the fundamental conditions upon which a Territory should emerge from a Territorial government and assume the functions of Statehood, and they are the only conditions which have ever been insisted upon, and which I think, under the Constitution of the United States, Congress has any right really to insist upon. Probably it has the abstract right to impose any conditions it pleases; but the long practice of Congress with reference to the admission of States has settled these as the only conditions, except the rare instances, one of which was quoted by the Senator from Louisiana the other day, where restrictions with regard to slavery and involuntary servitude were also inserted, growing out of the exigencies of those times.

Now, is there any possible impropriety in submitting to the President the question whether the constitution which has been formed by the people of the Territory complies with the act in these particulars? It is a simple thing to determine. The President can determine on inspection whether the constitution is republican in form, whether it makes a distinction in civil and political rights on account of race or color, whether it is repugnant to the Constitution of the United States and the Declaration of Independence, or whether it provides for perfect toleration of religious sentiment. That is all the President is called upon to do. The only duty which Congress devolves upon the President is the inspection of the constitution and the determination of whether the conditions which the enabling act insists upon are inserted in that constitution.

As I said the other day, this is not a new question. If it were, perhaps there might be more force in the proposed amendment and in the suggestions of the Senator from Alabama. But the precedent has been established. I have examined the cases of Nevada, of Nebraska, and of Colorado, and the discussions in the Senate and in the House upon the passage of the enabling acts for those States, and the final action of Congress in relation to the State of Nebraska; and the suggestion has never been made before that there was either unconstitutionality or impropriety in this method of admitting a State; and I can not conceive that any harm is to come from it.

It is said by the Senator from Alabama that the President may delay a proclamation if his interests should induce him to delay it, and that Mr. Cleveland might possibly, in the event that the State when it came in was to affect the question of his re-election, delay it until after his re-election. I have too much respect not only for Mr. Cleveland, but for any man whom the people of this country may put into that high and responsible position, the highest and most responsible in the world, to suppose that any such consideration would influence him or any President for a moment. It seems to me that there is no danger of any such action on the part of the President. Why, sir, if precisely the case which the Senator supposes should occur and the delaying of that proclamation for twenty days might possibly affect the question of the President's re-election, and he should delay it, that very circumstance would defeat his re-election. But it is useless to speculate on what would be the result upon a re-election. No President would do it; no President responsible to the people of the United States, if he were disposed to do it, would for a moment dare to assume such responsibility, and no President would be disposed to do it.

So there being, as it seems to me, no constitutional difficulty in the way, there being the established precedent—a change from former methods I will admit, but now the established precedent—and no harm having ever come from this method of admitting States into the Union, I see none of the dangers which the Senator from Alabama has suggested. I see no possible danger to come from it. It is easy to set up men of straw; it is easy to draw on the imagination and to suppose that in some remote or possible contingency something may occur; but practically there is no trouble in this way of admitting States; and the Senator's whole speech the other day—and it was a splendid plea for the admission of Washington Territory, and I thank him for it—proceeded upon an immediate necessity and an immediate right. Here Washington, after eight long years of asking and after two or three weeks of buffeting on the tempestuous sea of Senatorial business, to use a simile of the Senator from Maine [Mr. FRYE] in the discussion of yesterday, seems to be somewhat near the prospect of becoming a State in the Union. Now the effect of this is not to delay it a few months, but I think the inevitable effect of the adoption of such an amendment is to delay it for three years or nearly that. Let me show why it will do so.

Here we are in April, nearly the middle of April. If this bill becomes a law it has yet to pass the House of Representatives. It can not in the natural course of business pass until late in the summer. Suppose, it having passed late in the summer, the 1st of July or even later than that, it were possible for the Territorial governor to call the constitutional convention, have delegates elected, the constitution framed, not the work of a day but the work of weeks; and suppose it were possible after that to have it ratified by the people before next December, does any Senator imagine that at the next short session an admission bill will be able to receive consideration and action when all the questions that have been suggested and discussed here in the Senate for ten days at least are to be rediscussed, and when it is to run the gauntlet of the passage of necessary appropriation bills and the pressure of all sorts of important legislation? It is too much to expect, and no

Senator would hope for it. That carries action past the next session of Congress and over into the winter succeeding that. What is to result then? Then it has again to meet all these buffetings on the tempestuous sea of legislation. And in my humble judgment, if this amendment should be adopted, it would be three years from this date before Washington or any other of these Territories—for the same amendment must be applied to each—which are seeking admission into the Union can be received. I believe it too long to delay what has been called here the bulwark of the Northwest, the admission of the States which are to constitute the bulwark of the Northwest; but that will be the inevitable result of it, so that it seems to me it is not wise and not expedient to adopt the amendment proposed by the Senator from Alabama.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Alabama [Mr. MORGAN].

Mr. GRAY. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MCMILLAN (when his name was called). On this question I am paired with the Senator from Maryland [Mr. GORMAN]. If he were here, I should vote "nay" and he would vote "yea."

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If he were present, I would vote "nay."

Mr. MILLER (when his name was called). I am paired with the Senator from North Carolina [Mr. RANSOM]. If he were present, I should vote "nay."

Mr. PAYNE (when his name was called). I am paired on this question with the Senator from Illinois [Mr. LOGAN].

Mr. SPOONER (when his name was called). I am paired with the Senator from Maryland [Mr. WILSON]. Not knowing how he would vote, I withhold my vote.

The roll-call was concluded.

Mr. FRYE. My colleague [Mr. HALE] is absent from the city necessarily, and is paired with the Senator from Kentucky [Mr. BECK].

Mr. ALDRICH. My colleague [Mr. CHACE] is absent, paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. MANDERSON. I vote, the Senator from Kentucky [Mr. BLACKBURN] having entered the Chamber.

Mr. MCMILLAN. My colleague [Mr. SABIN] is paired on this subject with the Senator from West Virginia [Mr. KENNA].

Mr. SPOONER. I am paired with the Senator from Maryland [Mr. WILSON], as I stated; but there has been a transfer of the pair, and I am ready to vote.

Mr. PAYNE. My pair has been transferred, and I vote "yea."

Mr. CONGER. I announce the pair of my colleague [Mr. PALMER] with the Senator from North Carolina [Mr. VANCE]. If present, my colleague would vote "nay."

Mr. COCKRELL. My colleague [Mr. VEST], detained by illness from the Senate, is paired with the Senator from Kansas [Mr. PLUMB].

Mr. TELLER. I announce now once for all on this bill that my colleague [Mr. BOWEN] is paired with the Senator from Florida [Mr. JONES].

Mr. BUTLER. I beg to announce again that my colleague [Mr. HAMPTON] is detained from the Senate by illness in his family. I do not remember with whom he is paired, but I desire to make that announcement.

The result was announced—yeas 19, nays 25; as follows:

YEAS—19.

Berry,	Coke,	Hearst,	Payne,
Blackburn,	Eustis,	Jackson,	Pugh,
Butler,	George,	Jones of Arkansas,	Saulsbury,
Call,	Gray,	Maxey,	Walthall.
Cockrell,	Harris,	Morgan,	

NAYS—25.

Aldrich,	Edmunds,	Mitchell of Oreg.,	Stanford,
Allison,	Evarts,	Morrill,	Teller,
Blair,	Frye,	Pike,	Van Wyck,
Conger,	Harrison,	Platt,	Wilson of Iowa.
Cullom,	Hawley,	Sawyer,	
Dawes,	Hoar,	Sherman,	
Dolph,	Manderson,	Spooner,	

ABSENT—32.

Beck,	Gibson,	Logan,	Ransom,
Bowen,	Gorman,	McMillan,	Riddleberger,
Brown,	Hale,	McPherson,	Sabin,
Camden,	Hampton,	Mahone,	Sewell,
Cameron,	Ingalls,	Miller,	Vance,
Chace,	Jones of Florida,	Mitchell of Pa.,	Vest,
Colquitt,	Jones of Nevada,	Palmer,	Voorhees,
Fair,	Kenna,	Plumb,	Wilson of Md.

So the amendment was rejected.

Mr. MITCHELL, of Oregon. Representing as I do in part the only State in the Union that lies contiguous to the territory of the proposed new State of Washington, it had been my intention not to permit a final vote to be taken on this bill until I had given expression to the very decided views I entertain with reference to the duty of Congress to take immediate steps to enable the people of Washington Territory to become a State in the Union of States. And if I believed that I at this time could add anything to the information bearing upon the questions involved, or the force, or perspicuity, or persuasiveness with which that information has already been presented to the Senate, I should feel, even at this late day in the discussion like detaining the Senate.

But, Mr. President, as the object of the discussion of any measure is, or in my judgment at least should be, to simply present fully and fairly and impartially to the Senate all the facts bearing upon the question, and all the principles of law and public policy to be applied to such facts; and, inasmuch as this has already been done so fully and ably, first by the very able and interesting presentation of the case by the honorable Senator from Connecticut [Mr. PLATT] in charge of the bill, supplemented by the very exhaustive argument of my colleague [Mr. DOLPH], and these emphasized and enforced as they were so beautifully and ably by the very interesting, instructive, and statesmanlike speech of the honorable Senator from Alabama [Mr. MORGAN], and for which, I may be permitted to say in passing, not alone the people of Washington Territory but those of the whole Pacific Northwest owe him an enduring debt of gratitude, it would seem to be a work not only of supererogation on my part at this time, but also an absolute waste of the time of the Senate to attempt to throw further light upon the questions involved.

The presentation of the case, the facts and figures and arguments to which we have all listened, it would seem to me, ought to dispel at once and forever any lingering doubt that may have heretofore existed in the mind of any Senator as to the absolute right of the people of Washington Territory to be admitted at once and without delay into the family of States.

Heretofore there have been instances in which the people of a Territory have knocked at the doors of the American Union for admission in which there have existed grave doubts, founded upon substantial facts, as to their right to come in. This, however, is clearly not the case in reference to the people of Washington Territory.

It would seem from what has been so ably and fully stated by those who have preceded me, that every condition of territory, of geographical position, of climatic attraction, of resources, of productiveness, of population, of established institutions, civil and military, secular and ecclesiastic, public and private; the existence of various municipal organizations, with all the attendant machinery of city governments; the existence of railroads and other public improvements; an established and rapidly increasing commerce; a territory bounded and penetrated by the third river on the continent, navigable with its tributaries for a distance of over 1,000 miles; with a great inland sea penetrating its territory, than which none more beautiful, picturesque, or grand in its surroundings, has ever been beheld by mortal man, and whose placid waters are thronged with ships from every sea—all these conditions, even were they all necessary to Statehood, and they are not, and every other requisite entitling the people of Washington Territory to admission as a State, have been more than met in this particular case.

Mr. President, I have had the honor of living for over a quarter of a century in full view of the Territory of Washington with its grand, snow-capped mountains, its magnificent forests, the finest in the world, its grand rivers, its fertile valleys and plains. I have traveled over it from time to time, and traversed its territory during all these years at various times, and on different occasions. I have attended her courts and mingled with the brave and generous people of that Territory, and I take pleasure in saying that no more worthy, enterprising, and law-abiding people can be found anywhere in all this broad land than the constituency of that Territory. She is Oregon's nearest neighbor; she is our friend and ally, and Oregon is hers; her interests are ours, our welfare is hers; together we have laid the foundations of empire deep, and broad, and eternal, and together we are building a mighty structure of commercial and political power, and of a sturdy advanced civilization, which at no distant day, if not now, will command the respect and admiration of the world.

In view, Mr. President, of these facts, briefly sketched, I should be recreant to duty, I should be false to my own convictions of propriety and right, were I to remain wholly silent when the people of that Territory, with modest mien, but yet with full consciousness of the justice of their demand, are knocking at the doors of the American Union for admission.

Mr. President, on the day before yesterday, I think it was, I cast, most reluctantly, most regretfully, and with a decided mental protest, a vote against the amendment proposed to this bill by the honorable Senator from Indiana on the opposite side of the Chamber [Mr. VOORHEES]. I refer to the amendment by which it was proposed to attach Montana to this bill and to provide for the admission of Montana by giving it a similar enabling act to that proposed for the people of the Territory of Washington in the pending bill. I did not vote against that amendment for party reason, because as I view this case it is not a party question; it never can be a party question; it never was a party question; it never ought to be a party question; and it was not upon that ground I voted against the amendment of the honorable Senator from Indiana providing for the admission of Montana Territory.

Neither did I vote against the amendment because of any opposition I have to the admission of Montana as a State in the Union. On the contrary, I am in favor of the admission of Montana as a State. I have taken the trouble individually and for myself to investigate the

conditions attaching to that Territory, and the facts relative to its political and material status and general development, and I am fully convinced, so far as I am concerned personally, that the people of Montana are to-day by right and justice entitled to admission as a State in the Union.

Why, then, it may be inquired, did I vote against the amendment proposed by the honorable Senator from Indiana? For this reason and this alone: from the simple fact that the question as to the propriety of the admission of Montana as a State in the Union was, at the time that vote was cast, *sub judice* in the Committee on Territories, the legitimate organ of this body—the organ not of any particular party of this body but of the Senate, whose business it is to speak on so important a question as this before we shall proceed to take order in the Senate in reference to it. I regret individually that the Committee on Territories have not been able to see their way clear up to the present time to report in favor of the admission of Montana as a State. I sincerely trust they may see their way clear to do so within a very short time, and then I hope for one I shall have the privilege of casting my vote in favor of the admission of Montana as a State at the present session of Congress.

I am in favor, as far as I am concerned, of the admission of Dakota, Montana, and Washington. I believe each and all of them should be admitted to all the rights and privileges and subjected to all the responsibilities of Statehood, irrespective of any question of politics, because, as I said before, this is not a party question, but one that rises above party and should be decided upon other principles than those of mere partisan politics.

Then, Mr. President, without detaining the Senate, promising in the first place that I would not detain it, may I not be permitted to express the hope that when we come to the final vote on the pending question the spirit of partisan politics may hide its obtrusive head, and that the Senate may rise to the purer and more exalted plane of true statesmanship, and take order in the premises that the people of the Territory of Washington shall, without further delay, be admitted to their proper and appropriate place in the starry sisterhood of States?

The bill was reported to the Senate as amended, and the amendments made in Committee of the Whole were concurred in.

Mr. SAULSBURY. I understand there is a provision in the bill to pay the new State 5 per cent. of the proceeds of the sales of public lands of the United States therein. I think it eminently proper that there should be deducted from that 5 per cent. the moneys which the Government of the United States may have to pay for suppressing the riots that have taken place in that Territory. It is not very clear but what it may have to indemnify the subjects of the Chinese Government for the injuries to their persons and property resulting from the riots at Seattle and other points in that Territory; and it is eminently proper that the Government of the United States to the extent of that loss should at least deduct it from the 5 per cent. proposed to be given to the new State on the sales of the public lands there.

I had thought of offering an amendment requiring before the proclamation of the President shall be issued that he shall be satisfied that the Territory has paid to the Federal Treasury the full amount which the Government of the United States may have paid or for which it may be liable on account of the wrongs and injuries done to subjects of the Chinese Government. If we pay to the new State 5 per cent. of the proceeds of the sales of public lands within the Territory, I think we ought to have an amendment that any damages which the Government of the United States is compelled to pay the Chinese Government by reason of the riots and injuries in that Territory to the persons and property of subjects of the Chinese Government shall be deducted from that fund. I have not had time to prepare such an amendment, but it strikes me we ought to delay this matter until some such provision as that shall be considered at least.

Mr. EDMUNDS. Mr. President, I think it right to say that, according to the information that the Committee on Foreign Relations has and the public has, the Territorial authorities of Washington Territory exercised full and faithful diligence to repress these disturbances and wrongs, such as may happen in any State or anywhere else sometimes. Sometimes a great popular commotion and discontent proceeds rapidly. It would seem to be rather abnormal and rather unjust to take out of the treasury of this incoming State any part of its school fund or any part of this 5 per cent. on the sales of public lands which in all former instances we have given to a new State to help her on in her affairs, on account of the fact that in some one of the small sections of the Territory, very small in this case, probably not larger than this present District of Columbia, misguided and misconducting people, chiefly foreigners and not citizens of the United States, have assailed other foreigners who are entitled to the protection of this Government.

It seems to me that would be hard and unjust. I hope the Senator from Delaware, therefore, will see his way clear to let this bill go on and leave this Territory like all her sisters and all her sister States in similar cases to take her 5 per cent., because it seems to be clear upon all the information we now have that the authorities and the people of that Territory taken as a whole have no responsibility or blame about these occurrences. They were sudden; they were wicked; but they were not the acts of the people of the Territory. They were chiefly, as I said before, the acts of foreigners, and so far as they were the acts of citizens of the United States residing within the Territory they neither represented the feeling nor the sentiment of justice and of good order and law that pervades the whole body of that respectable community. It was an outburst. I am, of course, in favor of having the people who committed it punished, and of having the United States so far as is proper according to the same thing that we should claim of another country where a similar thing might have happened to citizens of the United States, making the proper indemnity when it can be properly ascertained. But to saddle the people of that Territory out of their school fund or any other fund with whatever it may be proper to do in respect of China and her subjects, seems to me to be quite out of place.

Mr. SAULSBURY. I do not wish to press an amendment of that kind against the judgment of the Senate; but it seems to me that we ought not, while we are admitting a State into the Union, to take a State into the Union when we have the power to require that State to respond in damages for injuries for which the Government of the United States may be liable, without requiring it to make them good to the Government. I have as high an appreciation of the people of Washington Territory as the Senator or anybody else. I had the pleasure of a visit there in 1877 and met many intelligent and worthy people. The fact is that I found there was a very great degree of intelligence, energy, and enterprise that had gone there and settled the country, and a very large proportion of the people are not only intelligent but very enterprising people; and if they have a bad element among them it is their duty to suppress it as much as it is the duty of any other State to do the like.

As to those persons guilty of the offenses charged being foreigners, I do not know whether they are foreigners or not; they count in the population on which the Territory bases its claim to admission into the Union as a State.

I think it is rather a bad precedent to be admitting States that have by outrages committed on other people subjected the Government of the United States to a liability to respond in damages, because I take it for granted that whenever the subjects of any other Government have been misused in any State of this Union they will call on this Government to see that they are righted. I think if we expect to have our citizens protected in other countries we are bound to answer to that call upon us.

I will not, however, press the amendment unless it seems to be the judgment of the Senate.

Mr. CALL. I offer the following amendment to be added as a new section:

SEC. 28. That at the election of delegates to the constitutional convention provided for under this act the question whether there shall be female suffrage allowed in the State under its new constitution shall be submitted to the vote of the people; and the vote shall be taken by ballots deposited in two separate boxes, the qualified male voters of said Territory voting in one box, and the qualified female voters in a separate box; and the returns of this election shall be kept separate, one showing the male vote and the other showing the female vote for or against female suffrage; and if the majority of the male voters of said Territory shall be against allowing female suffrage under the constitution, the suffrage qualification of such constitution shall be limited to the male inhabitants of said Territory who are citizens of the United States.

The PRESIDENT *pro tempore*. The question is on the adoption of the amendment proposed by the Senator from Florida [Mr. CALL].

The amendment was rejected.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. PLATT. On the passage of the bill I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. MCMILLAN (when his name was called). The pair which I have announced with the Senator from Maryland [Mr. GORMAN] did not extend to the passage of the bill, but merely to preliminary questions. I therefore vote "yea."

Mr. CONGER (when Mr. PALMER'S name was called). My colleague [Mr. PALMER] is paired on this question with the Senator from North Carolina [Mr. VANCE]. My colleague, if present, would vote "yea."

Mr. MCMILLAN (when Mr. SABIN'S name was called). My colleague [Mr. SABIN] is absent from the city to-day. He would, if present, vote "yea." He is paired, however, on this question with the Senator from West Virginia [Mr. KENNA].

Mr. SPOONER (when his name was called). I am paired generally with the Senator from Maryland [Mr. WILSON]. I do not know how he would vote. If he were here, I should vote "yea."

The roll-call was concluded.

Mr. ALDRICH. I again announce the pair of my colleague [Mr. CHACE] with the Senator from West Virginia [Mr. CAMDEN]. If my colleague were here, he would vote "yea."

Mr. CULLOM. My colleague [Mr. LOGAN] is absent and paired with the Senator from Ohio [Mr. PAYNE]. If my colleague were present, he would vote for this bill.

Mr. FRYE. My colleague [Mr. HALE] is necessarily detained. If present, he would vote "yea." He is paired with the Senator from Kentucky [Mr. BECK].

Mr. MILLER. I am paired with the Senator from North Carolina [Mr. RANSOM]. If he were here, I should vote "yea."

Mr. BOWEN. On this question I am paired with the Senator from Florida [Mr. JONES]. If he were here, I should vote for the bill.

Mr. PLATT. The Senator from Indiana [Mr. VOORHEES] was called away last evening by business which rendered it impossible for him to be here to-day. He desired me to announce that if here he would vote for the bill. I think he is paired with some one who is opposed to it.

Mr. CALL (after having voted in the negative). I withdraw my vote against the bill and announce my pair with the Senator from Indiana [Mr. VOORHEES].

Mr. COCKRELL. My colleague [Mr. VEST] is paired with the Senator from Kansas [Mr. PLUMB]. If present, my colleague would vote "nay."

The result was announced—yeas 30, nays 13; as follows:

YEAS—30.

Aldrich,	Edmunds,	McMillan,	Sawyer,
Allison,	Evarts,	Mahone,	Sherman,
Blair,	Frye,	Manderson,	Stanford,
Butler,	George,	Mitchell of Oreg.,	Teller,
Conger,	Harrison,	Morgan,	Van Wyck,
Cullom,	Hawley,	Morrill,	Wilson of Iowa.
Dawes,	Hoar,	Pike,	
Dolph,	Jones of Arkansas,	Platt,	

NAYS—13.

Berry,	Eustis,	Jackson,	Walthall.
Blackburn,	Gray,	Maxey,	
Cockrell,	Harris,	Pugh,	
Coke,	Hearst,	Saulsbury,	

ABSENT—33.

Beck,	Gibson,	McPherson,	Sewell,
Bowen,	Gorman,	Miller,	Spooner,
Brown,	Hale,	Mitchell of Pa.,	Vance,
Call,	Hampton,	Palmer,	Vest,
Camden,	Ingalls,	Payne,	Voorhees,
Cameron,	Jones of Florida,	Plumb,	Wilson of Md.
Chace,	Jones of Nevada,	Ransom,	
Colquitt,	Kenna,	Riddleberger,	
Fair,	Logan,	Sabin,	

So the bill was passed.

ADJOURNMENT.

Mr. EDMUNDS. I move that the Senate do now adjourn.

Mr. BLAIR. I hope the Senator will withhold that motion for a moment. We have a great amount of pension business. ["Question!" "Question!"] I think the Senate might dispose of the private pension bills, special bills that are unobjected to, this morning. There will be no occasion probably, if they are unobjected, for a large number of Senators to remain unless they see fit to do so.

Mr. EDMUNDS. There is so much committee work that I must insist on the motion.

Mr. BLACKBURN. I ask the Senator from Vermont to allow me to offer a bill for reference.

Several SENATORS. Regular order.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Kentucky to be allowed to introduce a bill?

Mr. BLACKBURN. I present a bill and ask its reference to the appropriate committee.

Mr. ALDRICH. I make the same request.

Mr. INGALLS and others. Regular order!

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont [Mr. EDMUNDS] that the Senate do now adjourn.

The question being put, there were on a division—ayes 24, noes 18.

So the motion was agreed to; and (at 1 o'clock and 31 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April* 10, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

MERCANTILE MARINE, FRANCE, GERMANY, ETC.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying documents, ordered to be printed and referred to the Select Committee on American Ship-building and Ship-owning Interests:

To the House of Representatives:

I transmit herewith a report of the Secretary of State, in relation to the mercantile marines of France, Germany, Great Britain, and Italy.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April* 9, 1886.

BUREAU OF ENGRAVING AND PRINTING.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Chief of the Bureau of Engraving and Printing, and recommending that a part of the unexpended balance of the appropriation for that bureau for the current fiscal year be applied for the permanent improvement of the building occupied by the bureau; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed, with the exception of the accompanying plates and diagrams.

ARTILLERY SCHOOL, FORT MONROE.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a letter from the commanding officer of the artillery school at Fort Monroe, and urgently recommending an appropriation to construct a fire-proof building for the use of the artillery school and of the officers of that post; which was referred to the Committee on Military Affairs, and ordered to be printed.

REFERENCE OF SENATE BILLS.

The SPEAKER, in accordance with the rule, laid before the House the bill (S. 1484) to authorize the Kansas and Arkansas Valley Railroad to construct and operate a railway through the Indian Territory, and for other purposes; which was referred to the Committee on Indian Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. WHITING, for one week, on account of important business, and to Mr. GREEN, of New Jersey, until Wednesday next, on account of important business.

ORDER OF BUSINESS.

The SPEAKER. By order of the House this day has been set apart for the consideration of bills reported from the Committee on Commerce authorizing the construction of bridges, the establishment of light-houses, and bills relating to the Life-Saving Service.

KANSAS RAILROAD LAND GRANTS.

Mr. ANDERSON, of Kansas, from the Committee on the Public Lands, reported back with amendments the bill (H. R. 7021) to provide for the adjustment of land grants made by Congress to aid in the construction of railroads within the State of Kansas and for the forfeiture of unearned lands, and for other purposes; which, with the accompanying report, was ordered to be printed, and recommitted to the Committee on the Public Lands.

ORDER OF BUSINESS.

Mr. FORNEY. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 7645) for the relief of the sufferers by the overflow of the rivers in Alabama, and that the same be brought before the House for present consideration.

Mr. BEACH. I object.

Mr. FORNEY. I hope the gentleman from New York will not insist on his objection.

Mr. BEACH. I object not only on account of this being a proposition to take up the bill out of its order, but also because I am opposed to this class of legislation.

FERDINAND PLOCHER.

Mr. SPRINGER. I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 6692) for the relief of Ferdinand Plocher, and that the same be now considered by the House.

Mr. REAGAN. I will not object if the bill does not lead to debate.

Mr. SPRINGER. If it leads to debate I will withdraw it.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Ferdinand Plocher the sum of $1,339.20, out of any moneys in the Treasury not otherwise appropriated, in payment of a pension-check for said amount payable to said claimant and stolen from him by some unknown person, but which amount has never been paid out by the Treasurer: *Provided*, That the said Plocher will file with the Secretary such bond of indemnity, in double the amount of said check, as may be deemed necessary to protect the United States against the presentation of said lost check, with proper assignment indorsed thereon.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SPRINGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONSIDERATION OF THE HENNEPIN-CANAL BILL.

Mr. MURPHY. I have been requested by the Committee on Railways and Canals to ask that the bill (H. R. 5869) be set down for a hearing three weeks from to-day, Saturday, the 1st day of May. I hope unanimous consent will be given to the making of that order.

The SPEAKER. The gentleman from Ohio asks unanimous consent to submit a resolution, which the Clerk will read.

The Clerk read as follows:

Resolved, That Saturday, May 1, after the reading of the Journal, be set apart for the consideration in the House, as in the Committee of the Whole House on the state of the Union, House bill 5869.

Mr. HATCH. What is that bill?

Mr. MURPHY. The bill relating to the construction of the Hennepin Canal.

Mr. HATCH. I object.

Mr. MURPHY. I should like to be permitted to say one word. I want to say to gentlemen on this floor that this is the first motion of the kind I have made since I have been a member of the House. I have not annoyed this House very much. My people expect that we shall at least get a hearing for this measure. That bill was reported in the early part of February and it was discussed here for two hours, and then went to the Calendar. This matter and the other matter has been set down for a hearing, and we have in the mean time no opportunity of being heard in support of this bill. All we ask is to have a fair hearing, and we insist it is our right to have it.

Mr. HATCH. If the gentleman will modify his resolution so as to provide that the bill shall be considered in Committee of the Whole House on the state of the Union in its regular order I shall withdraw my objection.

Mr. COWLES. I object.

Mr. HATCH. I have no objection to the proposition, except in so far as it changes the status of the bill by bringing it into the House.

The SPEAKER. The gentleman from North Carolina [Mr. COWLES] objects. The resolution is not before House.

ORDER OF BUSINESS.

Mr. DINGLEY. I desire to have an order made for a reprint of the report 1332, the number heretofore printed having been exhausted. It is a report relating to foreign-built ships.

Mr. MORRISON. I call for the regular order.

LAND GRANTS IN KANSAS.

Mr. VAN EATON, by unanimous consent, submitted the views of the minority of the Committee on the Public Lands on the bill (H. R. 7021) relating to the readjustment of land grants in Kansas; which were ordered to be printed with the report of the majority.

INTERSTATE COMMERCE.

Mr. O'NEILL, of Pennsylvania, under authority heretofore granted, submitted the views of the minority of the Committee on Commerce on the bill (H. R. 6657) relating to interstate commerce; which were ordered to be printed as part 2 of Report No. 902.

ORDER OF BUSINESS.

The SPEAKER. The Chair desires to state that under the special order assigning the business for to-day the bills belonging to the classes indicated, unless the House shall order otherwise, will come up in the regular order in which they stand on the Calendar, there being nothing in the special order to change that.

Mr. CRISP. We have no desire to change that order.

The SPEAKER. The Chair thinks the Committee on Commerce can go at its option to either Calendar, that of the Committee of the Whole House on the state of the Union or the House Calendar; but the bills on either Calendar will be taken up in their regular order.

Mr. CRISP. I will say to the Speaker and the members of the House, at the suggestion of the Committee on Commerce, that we desire to be first permitted to dispose of what are known as bridge bills; secondly, to take up light-house bills; and thirdly, bills relating to the Life-Saving Service; those being the three classes of business we can consider to-day. I ask unanimous consent that we be permitted in the first place to take up the bridge bills.

The SPEAKER. If there be no objection the order of business indicated by the gentleman from Georgia [Mr. CRISP] will be pursued; and the House will consider first, bills for the construction of bridges; second, those authorizing the construction of light-houses; and third, bills in relation to the Life-Saving Service.

There was no objection.

BRIDGE OVER MISSISSIPPI AT ALTON, ILL.

Mr. CRISP. The first bridge bill on the Calendar is the bill (H. R. 5861) authorizing the construction of a bridge over the Mississippi River at or near Alton, Ill., and for other purposes. I ask leave to bring before the House for its consideration, in lieu of that bill, the bill (S. 60), which has been reported favorably by the Committee on Commerce, and which is substantially the same bill.

The SPEAKER. The gentleman from Georgia asks unanimous consent to lay aside the House bill and consider in lieu thereof the Senate bill. The Senate bill will be reported, and the Chair will then ask for objections, if any.

The bill was read, as follows:

An act authorizing the construction of a bridge over the Mississippi River at or near Alton, Ill., and for other purposes.

Be it enacted, &c., That it shall be lawful for the Central Missouri Railway Company, a corporation duly and legally incorporated under and by virtue of the laws of the State of Missouri, its assigns or successors, to construct and maintain a bridge, and approaches thereto, over the Mississippi River at or near Alton, in the State of Illinois. Said bridge shall be constructed to provide for the passage of railway trains, and, at the option of the persons by whom it may be built, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot-passengers, for such reasonable rates of toll as may be approved from time to time by the Secretary of War.

SEC. 2. That any bridge built under this act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States, or passengers or freight passing over said bridge, than the rate per mile paid for the transportation over the railroad or public highways leading to the said bridge; and it shall enjoy the rights and privileges of other post-roads in the United States.

SEC. 3. That if said bridge shall be made with unbroken and continuous spans, the spans thereof shall not be less than 300 feet in length in the clear, and the main span shall be over the main channel of the river. The lowest part of the superstructure of said bridge shall be at least 50 feet above high-water mark, as understood at the point of location, and the bridge shall be at right angles to and its piers parallel with the current of the river: *Provided*, That if the same shall be constructed as a draw-bridge the draw or pivot pier shall be at or near that shore nearest the channel of the river where, in the opinion of the Secretary of War, the passage through the draw at that point can be consistently maintained; if not so constructed, then the draw-pier to be in the main channel, and the opening or passage-way to be so protected that water craft can be worked through it by lines when not safe to pass otherwise; and the spans shall not be less than 200 feet in length in the clear, with two side spans of 300 feet each, and the piers of said bridge shall be parallel with and the bridge itself at right angles to the current of the river, and the span shall not be less than 10 feet above high-water mark, as understood at the point of location, to the lowest part of the superstructure of said bridge: *Provided also*, That said draw shall be opened promptly upon reasonable signal for the passing of boats; and said company or corporation shall maintain, at its own expense, from sunset till sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe. No bridge shall be erected or maintained under the authority of this act which shall at any time substantially or materially obstruct the free navigation of said river; and if any bridge erected under such authority shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction; and all such alterations shall be made and all such obstructions be removed at the expense of the owner or owners of said bridge; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river caused or alleged to be caused by said bridge, the case may be brought in the district court of the United States of the State of Missouri in which any portion of said obstruction or bridge may be located: *Provided further*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt this bridge from the operation of the same.

SEC. 4. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same, and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any one of them, desiring such use, shall fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War, upon a hearing of the allegations and proofs of the parties.

SEC. 5. That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge and a map of the location, giving, for the space of one mile above and one mile below the proposed location, the topography of the banks of the river, the shore-lines at high and low water, the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be built; and should any change be made in the plan of said bridge during the progress of construction such change shall be subject to the approval of the Secretary of War.

SEC. 6. That all the rights, privileges, and immunities granted and included in an act entitled "An act authorizing the construction of a bridge over the Missouri River at or near Arrow Rock, Mo.," approved April 1, 1882, having been transferred and assigned by the Hannibal and Southwestern Railway Company to its successor, the Central Missouri Railway Company, said transfer and assignment is hereby ratified and confirmed to said Central Missouri Railway Company.

SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. If there be no objection, the Senate bill will be considered in lieu of the House bill.

There was no objection, and it was so ordered.

Mr. CRISP. Mr. Speaker, I desire to say a few words to the House, not more with reference to this bill than to others that will come after it, of the system that has prevailed in the Committee on Commerce in preparing these bills and of the efforts we have made to safely guard them, so that the House may understand that in every case the bills contain all the restrictions and reservations usual or necessary for the purpose of preserving the commercial character of the streams that the bridges are to cross.

In every case, Mr. Speaker, the bills have been referred to the War Department, and there they are referred to the Engineer Department. The engineer having charge of the particular stream sought to be bridged makes a report. That report comes to the Committee on Commerce; in nearly every instance the suggestion, of the Engineer Department have been complied with, and amendments have been made so as to conform to those suggestions. In every case the plans must be submitted to the Secretary of War before the bridge is built. In every case the approval of the Secretary of War is a condition precedent to the building of the bridge. In every case there is a provision that there shall be no obstruction to navigation. In every case changes or alterations may be made, if the necessities of the case require it, at the expense of the bridge company, and I may say that in every bridge bill reported from the committee there are provisions designed to protect the rights of the public, so that, in passing any bill on the subject of bridges reported from the Committee on Commerce, this House need have no fear that there will result any substantial obstruction to commerce.

I desired to say that, Mr. Speaker, and only that, in order that the House might understand fully the system upon which we have proceeded. I am perfectly ready to answer any questions that gentlemen

may desire to ask. The main purpose I have in view in making these remarks at this time is to ask the House, if not at the beginning, then after one or two bills have been disposed of, to dispense with the reading of these bridge bills. They are quite long; they are nearly all exactly alike; there are more than twenty of them, and the mere reading will consume a great deal of time: therefore, unless there be some special reason in any particular case why some gentleman desires the bill read, I shall ask hereafter that the reading be dispensed with.

Mr. BEACH. Mr. Speaker, I desire to ask the gentleman from Georgia [Mr. CRISP] whether the Committee on Commerce have taken into consideration the propriety of passing a general bill providing for the construction of bridges, similar to the bill which we have for bridging the Ohio River; and, if so, whether they have made any report upon such a proposition. When these bridge bills are introduced in the House they go to the Committee on Commerce. That committee, as I understand, refers them to the Secretary of War, and the Secretary of War refers them to the Chief of Engineers.

When the Chief of Engineers reports that in any given case the proposed structure will not interfere with the navigation of the stream, the Secretary of War recommends the passage of the bill, the Committee on Commerce recommends it to the House, the bill comes back to this House and is passed, sometimes without even being read, as has just been suggested should be done in these cases. Under that system, this House and the Committee on Commerce act simply in a perfunctory way. Now it seems to me that we might pass a general law delegating this power to the Secretary of War. I think it would be easy to draught in a very few words a bill which could be passed by this House, delegating this general authority to authorize the construction of bridges, and in that way we could get rid of a great deal of this special legislation.

Mr. CRISP. If the gentleman from New York [Mr. BEACH] will permit me, I will suggest that at a later time in the day his suggestions on that subject will be gladly heard, because there is pending a general bridge bill.

Mr. BEACH. Then it seems to me that we had better take up the general bill and pass that instead of using up time in considering these special bills. I am aware of the fact that the Committee on Commerce in the last Congress endeavored to formulate a general bill to get rid of this class of special legislation; but the trouble with that bill—and I understand that they have a similar one before the present committee—was that it was too comprehensive; it undertook to accomplish too much. Such a bill excites antagonism and can not be readily passed. But if, as I understand, the only question with which Congress has to deal in these bridge bills is simply the question of protecting the navigation of the stream to be bridged, and if we are in the habit of accepting, upon that point, the dictum of the Chief of Engineers, why not pass a general law giving him the power in all these cases to authorize the construction of a bridge wherever, in his opinion, it will not materially interfere with the ordinary navigation of the stream or other navigable water? That is all we need; and a bill of that kind can be passed here in less time than will be occupied in taking up these numerous bills of a private character which are now before us.

Mr. CRISP. Mr. Speaker, when the proper time comes, we shall be glad to discuss the question of a general law with respect to the construction of bridges.

Mr. COWLES. Mr. Speaker, I wish to ask the gentleman from Georgia [Mr. CRISP] whether any of these bills contain any provisions for an appropriation from the Treasury to aid in the construction of these proposed bridges.

Mr. CRISP. Not at all, sir. There is no appropriation in the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE DETROIT RIVER.

The next business in order was the bill (H. R. 1205) to provide for the construction of a bridge across the west channel of the Detroit River to connect Belle Isle Park with the mainland.

Mr. CRISP. I ask unanimous consent that this bill be printed in the RECORD, and that the reading be dispensed with.

Mr. BLANCHARD. I object to that.

Mr. WARNER, of Ohio. Is it proposed to pass the bill without reading it at all? If so, I object.

Mr. CRISP. These bills are substantially similar in form.

Mr. BEACH. That is a very strong argument in favor of the passage of a general law.

Mr. REED, of Maine. I think we ought to have anything read that we are to vote upon.

The Clerk proceeded to read the bill, but was interrupted by

Mr. REED, of Maine, who said: I withdraw my objection to dispensing with the reading. I understand that these bills are all in the same form.

Mr. WARNER, of Ohio. I withdraw my demand on the statement which has been made to me that this bill is precisely the same, except the names, as the bill previously read and passed.

The SPEAKER. If there be no objection, the reading of the bill will be dispensed with and it will be printed in the RECORD.

There was no objection.

The bill is as follows:

Be it enacted, &c., That the municipality known as the city of Detroit, a body corporate existing by and under the laws of the State of Michigan, be, and is hereby, granted authority to erect a bridge across the Detroit River between any point on the northwestern bank of said river within the limits of said corporation aforesaid to the island in the Detroit River heretofore known as Belle Isle, and now known and designated as Belle Isle Park, the said bridge to be devoted to such general use as may be prescribed by the municipal authorities of the city of Detroit.

SEC. 2. That the bridge authorized to be erected by this act shall be so located and constructed that the channel of said Detroit River shall not be unreasonably obstructed, but that a draw or pivot span shall be located over the above-specified channel in such a manner that one or both of the openings of said draw or pivot span can be conveniently and safely reached and passed by boats pursuing the ordinary channel of the river; that one opening at least of a draw or pivot span shall be over the best and most convenient channel of the river for such classes of river traffic as shall find it convenient to use said channel.

SEC. 3. That the height at which said bridge shall be constructed above the surface of the river shall be such as may be approved by the Secretary of War.

SEC 4. That all draw or pivot spans authorized by this act shall be operated by steam or other reliable mechanical power, and shall be opened promptly upon such signals as are now prescribed by law for the passage of boats through draw or bridges, and such other and further regulations as may be prescribed in the premises.

SEC. 5. That the piers upon which said bridge is built shall be parallel with the current of the river, and so as to avoid producing cross-currents or bars dangerous to navigation; and if after construction any piers are found to produce the above-mentioned effects, the nuisance shall be abated or corrected by or at the expense of the corporation owning or operating said bridge, and when advised by the Secretary of War.

SEC. 6. That it shall be the duty of the municipal corporation authorized to erect a bridge under this act to maintain, at its own expense, from sunrise to sunset of each day throughout the season of navigation and during heavy fogs such lights on the bridge as may be required by the Light-House Board for the security of navigation.

SEC. 7. That any bridge constructed under this act and according to its limitations shall be a lawful structure, and shall be recognized and known as a post-route, over which the mails, troops, and munitions of war of the United States may be transported at no higher charge than is made for transportation of said mails, troops, and munitions of war over railroads and public highways leading to said bridge; and the United States shall have the right of way for postal telegraph lines and appliances across said bridge.

SEC. 8. That before commencing work on the bridge contemplated in this act it shall be the duty of the municipal authorities of the city of Detroit to submit to the Secretary of War for his examination a design and drawing of the bridge and piers, and a map of the location, giving, for the space of one-half mile above and one-half mile below the proposed location, the topography of the banks of the river, the shore-lines at high and low water, the direction of the current, and soundings showing accurately the bed of the stream, and such other and further information as the Secretary of War may require for a full and satisfactory understanding of the subject.

SEC. 9. That when the Secretary of War is satisfied that the provisions of this act have been complied with in the matter of location and the submission of plans, the building of the piers may at once commence; but if it shall appear that the conditions prescribed by this act can not be complied with at the location where it is desired to construct the bridge, the Secretary of War shall, after considering all remonstrances filed against the building of said bridge, and furnishing copies of remonstrances to the board of engineers provided for in this act, detail a board of experienced engineers from the Engineer Corps of the United States Army to examine the case, and may, on their recommendation, authorize and direct such modifications as appear necessary.

SEC. 10. That the Secretary of War may, in his discretion, appoint one or more Army engineers to supervise and personally examine the construction of said bridge; and that the proposed bridge shall only be a lawful structure when built as approved by the Secretary of War, who shall have authority, by and with the advice of the engineers detailed by him, to order such change in construction or appliances as he may deem necessary for the safety of said bridge and the convenience of navigation.

SEC. 11. That in case of any litigation from any obstruction, or alleged obstruction, to navigation created by the construction of any bridge under this act, the cause or question arising may be heard by the district court of the United States of any State in which any portion of said obstruction or bridge touches.

SEC. 12. That the municipal laws and ordinances of the city of Detroit may be enforced on said bridge, and the care, control, and the use of the same shall be governed by ordinances of the city enacted, as though said bridge was a public street in said city.

SEC. 13. That the right to alter, amend, or repeal this act, and to require the removal of material obstructions to navigation by the construction of any bridge under its provisions, is hereby expressly reserved, without any liability of the Government for damages on account of such alterations, amendment, or repeal, or on account of the prevention or the requiring of the removal of any such obstructions; and if any change be made in the plan of any bridge constructed under this act, during the progress of the work thereon or before the completion of said bridge, such change shall be subject to the approval of the Secretary of War; and any change in the construction or any alteration of any such bridge, and the removal of any such obstruction, that may be directed at any time by Congress or the Secretary of War, shall be made at the cost and expense of the owners of the said bridge.

The amendments reported by the Committee on Commerce were read, as follows:

In line 1 of section 1, insert "the assent of Congress is hereby given."

In lines 5 and 6 of section 1, strike out the words "be, and is hereby, granted authority."

In line 8 of section 1, strike out "to" and insert "and."

After the word "span," in line 4 of section 2, insert "of not less than 125 feet clear opening on each side of the pivot pier."

In line 3 of section 6, strike out "sunrise" and insert "sunset," and strike out "sunset" and insert "sunrise."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE TENNESSEE RIVER.

The next business in order was the bill (H. R. 2309) to give the as-

sent of Congress to the construction of a bridge by the Nashville, Jackson and Memphis Railroad Company over the Tennessee River.

Mr. CRISP. I move that the reading of this bill be dispensed with.

The SPEAKER. Does any gentleman demand the reading of the bill at length?

Mr. BROWNE, of Indiana. I would like to know whether any of these bills commits the Government to any expenditure in the construction of these bridges.

Mr. CRISP. None whatever. They merely give the assent of Congress to the spanning of the streams.

Mr. HOLMAN. I believe all these bills contain a provision that if any alteration of the structure should be found necessary, it shall be done by order of the Secretary of War at the expense of the bridge company.

Mr. CRISP. That is the provision in every case.

The amendments reported by the Committee on Commerce were read, as follows:

In line 3 of section 1, insert, after the word "that," the words "the assent of Congress is hereby given to."

In lines 5 and 6 of section 1, strike out "be, and is hereby, authorized."

In lines 2 and 3 of section 3, strike out "not be less than 164 feet in length in the clear" and insert "be of such width and height above the water as may be prescribed by the Secretary of War."

In lines 6, 7, 8, and 9 of the same section, strike out "the lowest part of the superstructure of said bridge shall be at least 34 feet above extreme high-water mark as understood at the point of location."

In lines 13 and 14 of the same section, strike out "the spans shall not be less than 160 feet in the clear" and insert "the spans shall be of such width and height above the water as may be prescribed by the Secretary of War."

In lines 18, 19, and 20 of the same section, strike out the words "and the spans shall not be less than ten feet above extreme high-water mark, as understood at the point of location, to the lowest part of the superstructure of said bridge."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE MISSISSIPPI AT KEITHSBURG, ILL.

The next business in order was the bill (H. R. 3370) authorizing the construction of a bridge across the Mississippi River at or near Keithsburg, in the State of Illinois, and for other purposes.

Mr. CRISP. I ask that the reading of this bill be dispensed with.

The SPEAKER. If there be no objection the reading of the bill will be dispensed with.

There was no objection.

The amendments reported by the Committee on Commerce were read, as follows:

In line 3 of section 1, strike out "it shall be lawful for" and insert "the assent of Congress is hereby given to."

In lines 8 and 9 of section 2, strike out "nor shall the spans of said bridge be less than 250 feet in length" and insert "nor shall the spans of said bridge give a clear width of water way of less than 250 feet."

In lines 13 and 14 of the same section, strike out "not less than 300 feet in width" and insert "give a clear width of water way of not less than 300 feet."

In lines 20 and 21 of the same section, strike out "and with spans of not less than 150 feet in length in the clear" and insert "and with spans giving a clear width of water way of not less than 160 feet."

In lines 23, 24, and 25 of the same section, strike out "and the next adjoining spans to the draw shall not be less than 250 feet," and insert "and the next adjoining span or spans to the draw shall give a clear width of water way of not less than 250 feet."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGES ACROSS WISCONSIN, CHIPPEWA, AND SAINT CROIX RIVERS.

The next business in order was the bill (H. R. 5803) to amend an act approved June 12, 1884, entitled "An act to authorize the construction of bridges across the Wisconsin, Chippewa, and Saint Croix Rivers, in the State of Wisconsin."

Mr. PRICE. A Senate bill, identical in form with this, has been sent to the House.

Mr. WEAVER, of Nebraska. I ask that the House bill be laid aside and the Senate bill considered in its place.

There being no objection, House bill No. 5803 was laid on the table; and the House proceeded to the consideration of the bill (S. 1476) to amend an act of Congress approved June 12, 1884, entitled "An act to authorize the construction of bridges across the Wisconsin, Chippewa, and Saint Croix Rivers, in the State of Wisconsin."

The bill is as follows:

Be it enacted, &c., That an act of Congress, approved June 12, 1884, entitled "An act to authorize the construction of bridges across the Wisconsin, Chippewa, and Saint Croix Rivers, in the State of Wisconsin," be, and the same is hereby, amended by striking out the words "Winona, Alma and Northern Railway Company," wherever the same occur in the said law, and by inserting in lieu thereof the words "the Chicago, Burlington and Northern Railroad Company, its successors and assigns."

The bill was ordered to a third reading, read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGES ACROSS ILLINOIS AND DES MOINES RIVER.

The next business in order was the bill (H. R. 3371) authorizing the construction of bridges across the Illinois River, in the State of Illinois, and the Des Moines River, in the State of Iowa, and for other purposes.

Mr. CRISP. I ask unanimous consent that the reading of this bill be dispensed with.

The SPEAKER. Is the reading of the bill demanded?

Mr. BUCHANAN. It is. I ask for the reading of the bill as it will be if the amendment of the committee be agreed to.

The Clerk read as follows:

Strike out in lines 6 and 7, section 1, the words "be, and it is hereby;" so it will read:

"Its successors or assigns, to construct bridges over the Illinois River," &c.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE OVER BAYOU BARNARD, MISSISSIPPI.

The next business in order was the bill (H. R. 1336) to authorize the construction of a bridge over Bayou Barnard, in the State of Mississippi, reported with an amendment.

The amendment proposed by the committee was read, as follows:

Insert at the end of section 1 the words:

"*And provided further*, That before any bridge shall be built under this act the plans therefor and the location thereof shall be submitted to and approved by the Secretary of War."

So it will read:

"So that at all times the same may be opened for the passage of passing boats without unnecessary delay: *And provided further*, That before any bridge shall be built under this act the plans therefor and the location thereof shall be submitted to and approved by the Secretary of War."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GAINESVILLE AND CHICKASAW BRIDGE, BROWN'S FERRY, TEXAS.

The next business in order was the bill (H. R. 5786) granting to the Gainesville and Chickasaw Bridge Company the consent of the United States to construct and maintain a bridge over Red River, at or near Brown's Ferry, in Cook County, Texas, with amendments, as follows:

In section 3, lines 15 and 16, strike out the words "That Congress reserves the right to alter, amend, or repeal this act at any time," and insert in lieu thereof the following:

That any bridge built under this act shall be provided with a draw-span, affording not less than 70 feet of clear water way, which shall be by said company, without unnecessary delay, opened for the passage of passing boats.

So it will read:

Provided further, That any bridge built under this act shall be provided with a draw-span, affording not less than 70 feet of clear water way, which shall be by said company, without unnecessary delay, opened for the passage of passing boats.

Mr. THROCKMORTON. I want the amendment reported from the Committee on Commerce laid on the table, and in lieu thereof I have an amendment to submit.

The SPEAKER. The amendments of the committee can not be laid upon the table, but they can be rejected, if that be the desire of the House.

Mr. THROCKMORTON. I ask, then, that the amendments of the committee be rejected; and in lieu of those amendments I will, at the proper time, move a provision necessary to perfect the bill. The committee have stricken out the words "That Congress reserves the right to alter, amend, or repeal this act at any time" and in lieu thereof inserted the following: "That any bridge built under this act shall be provided with a draw-span, affording not less than 70 feet of clear water way, which shall be by said company, without unnecessary delay, opened for the passage of passing boats."

When this bill was reported by the Committee on Commerce they acted on the report of the engineer in charge of the stream proposed to be bridged. The committee, thinking that Shawneetown was in the region of this proposed bridge, recommended the amendments which I have indicated, providing there shall be a draw-bridge at that place. Since that time, however, we have ascertained, and we have testimony, if it be desired to be read, that the town of Shawneetown is 75 miles below where this proposed structure is to be located.

The chairman of the Committee on Commerce, as well as myself and every one acquainted with that region, knows there has not been a steamboat within 75 or 100 miles of this proposed bridge within the last twenty or thirty years. I have affidavits of gentlemen residing on that

stream where the bridge is to be built, swearing to the fact that no steamboat has been seen in that country for a great many years. The chairman of the Committee on Commerce is well acquainted with that country as well as myself, and we know it will not interfere with the navigation if an ordinary bridge is built there. The amendment I propose provides that plans and specifications shall be submitted to the Secretary of War; and if it shall be found the bridge obstructs navigation in any way or manner he shall have the improvement made at the expense of the company. All the other restrictions of the other bills are introduced into this. I hope the amendment, therefore, of the committee recommending a 70-foot draw-bridge will not be adopted.

Mr. REAGAN. In concurring with my colleague about that, I will say there never was a steamboat as high up as this but once, and that was thirty-eight years ago, and that boat never got out. [Laughter.]

The SPEAKER. The gentleman from Texas asks the House, as the Chair understands it, to reject that part of the amendment which prescribes the width of the span?

Mr. THROCKMORTON. Yes, sir.

The SPEAKER. And not that portion of the amendment reserving the right of Congress to alter or repeal the act?

Mr. THROCKMORTON. Yes, sir; that is contained in the previous portion of the bill, if this amendment of the committee shall be rejected.

The SPEAKER. So that if the entire amendment of the committee shall be rejected the bill will stand with the reservation in it?

Mr. THROCKMORTON. Yes, because that which is proposed to be stricken out is inserted in another place.

Mr. HITT. Does the chairman of the committee accept the amendment of the gentleman from Texas?

Mr. CRISP. I do accept it as far as I can. This draw was put in, as stated by the gentleman from Texas, on the recommendation of the Engineer Department made some months ago, but subsequently these gentlemen from Texas who are acquainted with the location have ascertained that that recommendation was made under a misapprehension of the facts. It seems that there are two towns of this name on the river, and where they propose to build this bridge with the 70-foot draw there has not been a vessel, as the gentleman from Texas [Mr. REAGAN] has said, for many years past.

The SPEAKER. The question is on agreeing to the amendments proposed by the committee.

The committee amendments were rejected.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS RED RIVER.

The next business in order was the bill (H. R. 4765) to authorize the Red River Bridge Company of Texas to maintain a bridge across the Red River; with amendments of the committee.

The SPEAKER. If the reading of the bill is not called for, it will be considered as waived by unanimous consent.

Mr. CRISP. I will state, with the consent of the House, that there is a bridge upon the same river a few miles higher up, and the same amendment is also proposed in this bill that was rejected in the former bill on the statement of the gentleman from Texas. It is desired by the gentleman from Texas to have the same amendment rejected here; and on the statement which has been made to the committee we think the amendment should be rejected.

The amendments recommended by the committee were rejected.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE COOSA RIVER.

The next business in order was the bill (H. R. 3853) to authorize the Talladega and Coosa Valley Railroad Company of Alabama to erect a bridge across the Coosa River.

Mr. CRISP. I ask unanimous consent also to dispense with the reading of this bill. It is the same in form practically as the others.

There was no objection.

The SPEAKER. The question is on agreeing to the amendments of the committee.

The amendments recommended by the Committee on Commerce were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE SAINT CROIX RIVER.

The next business in order was the bill (H. R. 2993) to authorize the Chicago, Freeport and Saint Paul Railroad Company to construct a bridge across the Saint Croix River (or lake) at any accessible point between Prescott, Wis., and Taylor's Falls, Minn.

Mr. CRISP. I ask unanimous consent that the reading of this bill be dispensed with, being a bill of the same character as the others which have been read.

The reading of the bill was dispensed with.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The title of the bill so amended would read:

A bill to authorize the Chicago, Freeport and Saint Paul Railroad Company to construct a bridge across the Saint Croix River (or lake) at any accessible point between Prescott, Wis., and Stillwater, Minn.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE MISSISSIPPI RIVER, WINONA, MINN.

The next business in order was the bill (H. R. 5673) to authorize the construction of a railroad and wagon bridge across the Mississippi River from Winona, Minn., to the opposite shore in Wisconsin.

Mr. CRISP. I ask also to dispense with the reading of this bill.

The reading of the bill was dispensed with.

Mr. WHITE, of Minnesota. I offer the amendment which I send to the desk to the amendments of the Committee on Commerce.

The Clerk read as follows:

In lieu of section 2 insert:

"That after the said bridge is constructed as a wagon-bridge, the said company may charge such reasonable rates of toll for the passage of wagons and vehicles of all kinds, and for the transportation of animals and foot passengers thereon, as may from time to time be approved by the Secretary of War.

"SEC. 4. That Congress may at any time alter, amend, or repeal this act."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time.

Mr. HOLMAN. I would like to ask again whether the right is reserved to alter or amend or repeal in all of these bills?

Mr. WEAVER, of Nebraska. It is in every one of them.

Mr. HOLMAN. I thought it was placed in this bill by way of an amendment.

Mr. WHITE, of Minnesota. No. This is to allow the company to construct a wagon-bridge in conjunction with the railroad bridge.

Mr. HOLMAN. But as to the condition in reference to the transportation of mails, is that embraced in all of these bills?

Mr. WEAVER, of Nebraska. Yes, sir; and I will further state to the gentleman that provision is made that rates of freight and travel over the bridge shall not be charged at a higher rate than is charged upon other portions of the road.

Mr. HOLMAN. The provision then applies not only to the mails but to all traffic on these bridges?

Mr. WEAVER, of Nebraska. Yes; that is, with reference to all of the bills which I have reported. I do not know as to the others.

Mr. HOLMAN. It is a very important provision as to the mails, and should be carefully included in all of these bills.

Mr. WEAVER, of Nebraska. In regard to the mails that provision is incorporated in each of the bills.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS MISSOURI RIVER AT SAINT JOSEPH.

The next business in order was the bill (H. R. 41) to authorize the construction of a bridge across the Missouri River at or near the city of Saint Joseph, in the State of Missouri, and to establish it as a post-road; reported by Mr. CRISP, with amendments.

The reading of the bill was not demanded.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS MISSOURI RIVER AT COUNCIL BLUFFS.

The next business in order was the bill (H. R. 3369) authorizing the construction of a bridge across the Missouri River at or near the city of Council Bluffs, Iowa, and for other purposes; reported by Mr. CRISP.

The reading of the bill was not demanded.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE MISSOURI RIVER NEAR SALINE CITY.

The next business in order was the bill (H. R. 5685) to authorize the construction of a bridge over the Missouri River at the most accessible point in Saline City, or within 5 miles above or 5 miles below the same, in the county of Saline, in the State of Missouri; reported by Mr. WEAVER, of Nebraska.

The reading of the bill was not demanded.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WEAVER, of Nebraska, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS KANSAS RIVER.

The next business in order was the bill (H. R. 3519) authorizing the Interstate Rapid Transit Railway Company to build a bridge across the Kansas River; reported by Mr. WEAVER, of Nebraska.

Mr. WEAVER, of Nebraska. I ask that the reading of the bill be dispensed with.

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WEAVER, of Nebraska, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS MISSOURI RIVER.

The next business in order was the bill (H. R. 4569) to authorize the construction of a bridge across the Missouri River at a point to be selected either in the counties of Clay and Jackson, in the State of Missouri, or in the county of Clay or Platte, in said State, and the county of Wyandotte, in the State of Kansas, and to make the same a post-route; reported by Mr. WEAVER, of Nebraska.

The reading of the bill was not demanded.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WEAVER, of Nebraska, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE OVER MISSOURI RIVER.

The next business in order was the bill (H. R. 5684) to authorize the construction of a bridge over the Missouri River at the most accessible point between the mouth of the Femme Osage Creek and a point 2 miles above the city of Saint Charles, in the county of Saint Charles, in the State of Missouri; reported by Mr. WEAVER, of Nebraska.

The reading of the bill was not demanded.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WEAVER, of Nebraska, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS YELLOWSTONE RIVER.

The next business in order was the bill (H. R. 6358) to authorize the construction of a bridge across the Yellowstone River, in Montana; reported by Mr. CRISP, with amendments.

The reading of the bill was not demanded.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PONTON BRIDGE ACROSS MISSISSIPPI RIVER.

The next business in order was the bill (H. R. 5677) to authorize the construction of a pile and ponton railway and wagon bridge across the Mississippi River from the city of Red Wing, Minn., to the opposite shore, in the State of Wisconsin; reported by Mr. BYNUM.

Mr. ADAMS, of Illinois. I have no desire to call for the reading of these bills; but it does seem to me a remarkable proceeding that we should be called upon to vote on them without a single word of explanation as to who is to build the bridge or whether the building of the bridge is a matter of importance or not. I make this remark at this time because the form of this bill seems to vary a little from the usual form. I do not ask for the reading of it, but I ask that some member of the committee shall give a brief explanation as each bill comes up. I notice this is a bridge across the Mississippi not very far from where we have authorized another bridge to be built. I notice also it is a ponton railway and wagon bridge. I should like some brief explanation of it.

Mr. BYNUM. This bill authorizes the Red Wing Ponton Bridge Company to construct a ponton bridge across the Mississippi River at Red Wing, Minn. The plans and requirements are in accordance with those for the bridge at Prairie Du Chien, 200 miles below. The bill was reported favorably by the Committee on Commerce at the last session of Congress and failed to pass.

Mr. STRAIT. The bill failed to pass because it was not reached on the Calendar at the last session. I think there can be no objection to the bill. It is recommended by the Secretary of War.

Mr. ADAMS, of Illinois. I have no objection to the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BYNUM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE NEAR KANSAS CITY.

The next business in order was the bill (H. R. 1360) to authorize the construction of a bridge across the Missouri River at some accessible point within 10 miles below and 5 miles above the city of Kansas City, Mo.; reported by Mr. WEAVER, of Nebraska.

Mr. WEAVER, of Nebraska. Mr. Speaker, I ask that the reading of the bill be dispensed with.

There was no objection, and it was so ordered.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WEAVER, of Nebraska, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE MISSOURI, NEAR ATCHISON, KANS.

The next business in order was the bill (H. R. 6013) to authorize the construction of a bridge across the Missouri River at some accessible point within 2 miles north and 2 miles south of the city of Atchison, in the county of Atchison, in the State of Kansas; reported by Mr. WEAVER, of Nebraska.

Mr. WEAVER, of Nebraska. I ask that the reading of the bill be dispensed with.

There was no objection, and it was so ordered.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WEAVER, of Nebraska, moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next business in order was the bill (H. R. 7626) to grant to the Gulf and Chicago Air-Line Railway Company the right to construct bridges over navigable water courses; reported by Mr. CRISP.

The SPEAKER. Is the reading of this bill demanded?

Mr. ADAMS, of Illinois. Yes, Mr. Speaker, I wish to hear that bill read.

The Clerk proceeded to read the bill, but before he had proceeded far in the reading Mr. ADAMS, of Illinois, withdrew his request.

Mr. BUCHANAN. Mr. Speaker, it seems to me that that bill does more than authorize the construction of the bridge; it seems to be in part a railroad bill, and I would like to have the remainder of it read.

The Clerk resumed the reading of the bill. Before the reading was completed,

Mr. BUCHANAN. Mr. Speaker, I do not care to have the remainder of the bill read; but it seems to me to authorize not only the bridging of streams, but the construction of railway track and tramway outside and beyond the bridge or bridges.

Mr. CRISP. Mr. Speaker, I think the gentleman from New Jersey must certainly be mistaken.

Mr. BUCHANAN. Perhaps I am. I did not hear the reading very distinctly, because there was so much conversation around me, but as I caught the words as they fell from the Clerk's lips the bill certainly did seem to authorize the construction of railway track.

Mr. MARTIN. Mr. Speaker, I call the attention of the gentleman from New Jersey to the language of the bill at the close of the provision to which he referred. I read it: "Said railway company may construct and extend its line from its present terminus at Cedar Point, in said State of Alabama, across Grant Pass and the shoal waters intervening, to Dauphin's Island, in the Gulf of Mexico, and for such purposes may construct, operate, and maintain such tramways, tracks, road-beds, bridges, and terminal facilities at and between said Dauphin's Island and Cedar Point as are necessary for use of said railway in the common course and conduct of its business."

It is only at that point that anything like the laying of the track is contemplated.

Mr. BUCHANAN. This bill authorizes the laying of railroad track on solid ground. It seems to me, Mr. Speaker, that we are doing more

in this bill than simply authorizing the construction of a bridge over navigable waters.

Mr. MARTIN. There is no solid ground there at all, as I understand it. The road is constructed by means of trestle-work over land that is covered with water.

Mr. BUCHANAN. Yes; but not navigable water.

Mr. MARTIN. No.

Mr. BUCHANAN. Why not confine the right given by Congress simply to the bridging of navigable waters and there stop? It seems to me that if we pass this bill we do more than that. I have no special objection to this particular bill; but it strikes me that by such legislation we are trenching very closely upon the limit of the constitutional power of Congress.

Mr. DUNHAM. It is simply proposing to build across a swamp.

Mr. BUCHANAN. Well, they get that right from the State charter.

Mr. CRISP. I call the attention of the gentleman from New Jersey [Mr. BUCHANAN] to the fact that we merely give the assent of Congress, and that we do not trench at all on the right of the State.

Mr. BUCHANAN. I will ask the gentleman from Georgia [Mr. CRISP] whether the word which he uses is in the first section of this bill?

Mr. CRISP. An "authorization" by Congress in such cases simply gives the assent of Congress.

Mr. BUCHANAN. But is this bill so worded?

Mr. CRISP. I can not say without referring to the bill itself.

Mr. BUCHANAN. I will ask the Clerk to read the portion of the first section which authorizes the construction of these bridges.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Gulf and Chicago Air Line Railway Company, a corporation duly organized and legally incorporated under the laws of the State of Alabama, its successor or legal representative, may erect bridges over the Tombigbee River at such point in vicinity of Chickasaw Bluffs or Port Jackson——

Mr. BUCHANAN. That is sufficient. The answer of the gentleman from Georgia [Mr. CRISP] does not seem to be borne out by the language of the first section of the bill which the Clerk has just read.

Mr. CRISP. Perhaps I did not make my meaning quite clear. My point is that when Congress "authorizes" in such a case it only gives the assent of Congress. In other words, Congress has no authority to authorize the construction of a bridge except over navigable streams.

Mr. BUCHANAN. If the gentleman merely announces a general proposition, I agree with him; but I wanted to know how the matter was expressed in the first section of the bill, and it does seem to me as though we were giving to this company a power to do more than merely bridge navigable waters. As I have said, I have no earthly objection to the bill, but I think it ought to be in proper form.

Mr. CRISP. In order to relieve the apprehensions of the gentleman from New Jersey [Mr. BUCHANAN], I move to amend the bill by inserting between the word "that" and the word "the," in the third line of the first section of the bill, the words "the assent of Congress is hereby given to," and by striking out the word "may," in the sixth line, and inserting "to." I ask the Clerk to read the clause as thus proposed to be amended.

The Clerk read as follows:

That the assent of Congress is hereby given to the Gulf and Chicago Air Line Railroad Company, a corporation duly organized and legally incorporated under the laws of the State of Alabama, its successor or legal representative, to erect bridges over the Tombigbee River, &c.

The amendment of Mr. CRISP was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was according read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS YOUNG'S BAY, OREGON.

The next business in order was the bill (H. R. 4670) granting to the county of Clatsop, in the State of Oregon, the right to construct a bridge across Young's Bay, a navigable stream in said county and State.

The bill, as proposed to be amended by the committee, is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the county of Clatsop, in the State of Oregon, and its court and duly authorized officers and agents, in the name of said county and under the authority of said court, are hereby authorized and empowered to construct a bridge across Young's Bay, a navigable stream in said county and State, with such channel-spans, draws, safeguards, and auxiliary works as shall cause the bridge not unduly to obstruct or injure the navigation of the waters crossed by it; and that said channel-spans and structures shall be as the Secretary of War may prescribe: *Provided also*, That said draws shall be opened promptly upon reasonable signal for the passage of ships and boats, and in no case shall unnecessary delay occur; and said county shall maintain, at its own expense, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe.

SEC. 2. That any bridge authorized to be constructed under this act shall be a lawful structure, and shall be recognized as a post-route; and it shall enjoy the rights and privileges of other post-routes in the United States, upon which also no higher charge shall be made for transmission over the same of the mails, the troops, and the munitions of war of the United States, or for through passengers or freight passing over said bridge, than the rate per mile for their transportation over any railroad or other routes leading to said bridge, or over said stream in the vicinity; and the United States shall have the right of way for a telegraph across said bridge; the said bridge to be built and located under and subject to such regulations for the security of navigation on said bay as the Secretary of War shall prescribe; and to secure that object the said county, by its proper court and duly authorized officers or agents, shall submit to the Secretary of War, for his examination and approval, a design and drawing of such bridge, and a map of Young's Bay from the mouths of its navigable tributaries to the adjacent ship-channel, which map shall be on a scale of at least one to twenty thousand, and whose topography of the shores and hydrography shall reasonably represent the banks, the bottom, and steamboat channels by contours of 6 feet, and which shall be accompanied by other maps, drawn to a scale of 1 inch to 200 feet giving, within areas of one-fourth of a mile from each draw-span, an accurate representation of the bottom of the bay by contour lines 2 feet apart, determined by accurate soundings, and also showing the force and direction of the currents at each 2 feet of tidal stage, by triangulated observations on suitable floats. The maps shall also show the locations of other bridges in the vicinity, and shall give such other information as the Secretary of War may require for a full and satisfactory understanding of the subject.

SEC. 3. That Congress shall have power at any time to alter or amend this act so as to prevent or remove all material and substantial obstructions to the navigation of said bay by the construction of said bridge and its accessory works; and the expense of altering said bridge or removing such obstructions shall be borne by the owner of said bridge.

The amendments reported by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS MISSOURI RIVER.

The next business in order was the bill (H. R. 7652) to authorize the Chicago, Milwaukee and Saint Paul Railway Company to construct, operate, and maintain a railway bridge across the Missouri River near or in the vicinity of Chamberlain, in the Territory of Dakota (reported as substitute for House bill 6683).

Mr. BYNUM. This bill is similar in form to all the other bills which have been reported, containing all the ordinary provisions and safeguards; but, in addition to these, there is a section which I desire may be read, so that the House may understand exactly what it contains. I refer to section 6. The gentleman from Wisconsin will explain its provisions.

The Clerk read as follows:

SEC. 6. That said railway company shall have the right within sixty days after the passage of this act to select one section of land in one body, or in two of one-half section each, on the west side of the Missouri River, in township 104 or township 105 north, range 71 or range 72; and, upon application of said railway company, the Secretary of the Interior is authorized and directed to cause said land to be surveyed and definitely located and a map and description thereof filed in the Department of the Interior at the expense of said railway company; and thereupon the Secretary of the Interior shall reserve said land for said railway company, and shall issue a patent therefor to said company from the date of the extinguishment of the Indian title to said land: *Provided*, That the said railway company shall have paid into the Treasury of the United States, in such manner as the Secretary of the Interior may direct, the sum of $5 per acre for said land: *And provided further*, That the money so paid shall be expended by the Secretary of the Interior in such a manner as shall, in his judgment, be most likely to advance the civilization of the Sioux Indians and make them self-supporting.

Mr. HOLMAN. This is, I understand, the first reading of this bill. It is a bill which, I presume, should receive its first consideration in Committee of the Whole, though I shall not insist on that point. But I wish to inquire what reason there is for appropriating so much land for this purpose. Is so much land required simply for the purposes of this railroad?

Mr. STRAIT. The railroad corporation think they require this quantity of land. They ask to buy this section at $5 an acre, $1.25 an acre being the price for which land is being sold there now.

Mr. HOLMAN. Mr. Speaker, I believe the bill which has come from the Senate in regard to the acquisition of a portion of the Sioux reservation proposes to reduce the amount of land which the railroad company is to acquire from the Sioux Indians to the amount actually required for the purposes of the road. It is not desirable that a railroad company should be permitted to purchase land for any other purpose than simply the proper use and management of the road. It seems to me a railroad corporation should not be permitted to acquire land simply for the purpose of speculation.

Mr. STRAIT. The gentleman from Kansas [Mr. PERKINS], a member of the Committee on Indian Affairs, will explain the clause embraced in the Senate bill.

Mr. HOLMAN. I understood that. I understood from some gentleman it was proposed to reduce the amount of land designated in the Senate bill. I may be misinformed.

Mr. PERKINS. The same subject came before our committee in the Forty-eighth Congress, and a bill was reported embracing the same quantity of land. During the present Congress the committee has considered what is known as the Dawes reservation bill, and reported in favor of embracing the same quantity of land which is provided for in this bill.

I might say, Mr. Speaker, in this connection that this road contemplates crossing the Indian reservation. Negotiations were made several years ago with the Indians for this land. They obligated themselves to pay $5 per acre for this land, as well as for the land taken for right-of-way purposes. At that time it was greater than adjacent land was worth per acre. In consultation with members of the Indian Committee it was thought if we modified the bill in this particular so as

not to give the Indians so much it might be an inducement to the Indians to secure their consent to the provisions of the Sioux reservation bill. By this bill and the bill referred to our committee the railroad company is to pay $5 per acre, while the settlers are to get the land at 50 cents, which makes quite an additional advantage to the Indians. Many years ago the money was deposited in the Treasury for the benefit of the Indians, and it was thought by our committee best not to disturb it.

Mr. HOLMAN. The main inquiry I wish to make is whether it is deemed proper for the Government to sell to railroad corporations any more land than may be required for the current business and management of the road. In most States of the Union I know it is the policy not to permit such corporations to hold lands beyond what may be necessary for current business in management of the road. Here would seem to be a grant to sell to the railroad company beyond what will be required for the purposes of the road. Why is it not better to leave that whole subject with the bill which came from the Senate to the House, instead of incorporating it into the pending bill?

Mr. BYNUM. I will say, Mr. Speaker, in justice to the committee, that this bill only came before it yesterday, and, as the gentleman asked that it might be taken up for consideration to-day, this amendment was not considered by that committee, but at the gentleman's suggestion it was reported, so the House might consider it in passing the bill. I know nothing about it.

Mr. HOLMAN. It is not germane to the bill.

Mr. STRAIT. It was the purpose to get it in this bill. The other bill is pending, but the provision here made is to secure the land necessary for the building of the bridge, as that bridge is desired for transportation to either side.

Mr. PERKINS. It is shown these terminal facilities are needed.

Mr. HOLMAN. On these occasions it is taken for granted that the Government will give consent in these cases, and it seems many gentlemen do not think it necessary to attend where questions purely or mainly of local merit are to be considered.

Mr. CRISP. If the gentleman will permit me I will move to strike out that sixth section. As stated by the gentleman from Indiana, it was not considered by the committee, but reported to the House under the circumstances which he has stated. For myself I see no objection why it should not be in the bill, but under the circumstances I move to strike it out.

Mr. STRAIT. I would be glad, if gentlemen think it is too much land, it should be fixed at what is deemed necessary; but I think provision should be made here for the grant, so this road may have opportunity to select sufficient land for the building of the proposed bridge.

Mr. HOLMAN. I think it will be better for us to consider this subject where it properly belongs.

The SPEAKER. The gentleman from Georgia moves to strike out the sixth section.

Mr. STRAIT. I call for a division, and I trust that that section will not be stricken out.

The House divided, and there were—ayes 50, noes 38.

Mr. BEACH. No quorum has voted.

The SPEAKER appointed as tellers Mr. CRISP and Mr. BEACH.

Mr. CRISP. It is apparent no quorum is in the House, and I hope the point of no quorum will be withdrawn.

Mr. STRAIT. No quorum having appeared, I will not insist on the amendment, although a majority of those present are in favor of it, because to do so would prevent the transaction of further business.

So Mr. CRISP'S motion to strike out the sixth section was agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE MISSOURI RIVER AT PIERRE, DAK.

The next business in order was the bill (H. R. 7646) to authorize the construction and maintenance of a bridge by the Dakota Central Railway Company across the Missouri River at Pierre, Dak.

Mr. CRISP. I ask that the reading of this bill be dispensed with.

There was no objection.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. CLARDY. I ask unanimous consent that those bills providing for the establishment of light-houses may be considered in the House as in Committee of the Whole.

Mr. DUNHAM. These are on the House Calendar, are they not?

Mr. RANDALL. If they are, they ought not to be.

The SPEAKER. Some of them are, and the Chair thinks, upon an examination of the bills, it will be found that they are improperly there, if the point of order should be made.

Mr. DUNHAM. I do not make the point of order.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection, and it was ordered accordingly.

LIGHT-HOUSE SERVICE.

Mr. CLARDY. Mr. Speaker, I want to say in regard to the bills reported from the Committee on Commerce, and now on the Calendars, authorizing the establishment of light-houses and the construction of light-ships, that the committee, believing that a light misplaced in any region is more detrimental to the interests of commerce than the total absence of a light, and that to multiply these lights beyond the point where actual commercial benefit demands would involve not only a waste of public money in their construction, but a continued waste in their support, have bestowed great care and attention upon the several recommendations of the Light-House Board, and have presented for the favorable consideration of the House only those which it seemed to the committee would promote the interests of commerce and navigation.

The amounts of the several bills reported by the committee aggregate the sum of $331,750. The amount appropriated last year for new works of this character was the sum of $332,602. The amount appropriated in 1883 was $563,000; the amount appropriated in 1886 was $486,000; the amount appropriated in 1881 was $524,700, and the amount in 1879 was $688,000.

This aggregate now reported by the committee of $331,750 I should say does not include a tender for the fourth light-house district and a supply steamer for the Atlantic and Gulf coast. The cost of these, added to the sum I have named, would make an aggregate something over $450,000.

But the committee which reports our money bills, as is well known, seldom recommends the appropriation of more than 50 per cent. of the amount required for new work; so I take it that not more than $225,000 would be appropriated next year or this year, if these bills should pass in time, in support of the new works proposed to be inaugurated by the committee.

The light-house system, Mr. Speaker, from a very unimportant has become a very important item, both in the expenditures and in the official patronage of the Government; and if the House will indulge me for a few moments—and I want only a few moments, because we are very anxious that all of these bills shall be considered at least by the House—I will outline its history very briefly and make a suggestion or two looking to a more economical administration of its affairs.

In 1840 there were 198 light-houses; in 1850 there were 336; in 1864 the number had been increased to 424; in 1870 to 519; in 1880 to 661, and in 1885 to 836. This estimate does not of course include the beacon-lights on the Western rivers, which amount to 1,061, nor does it include fog-signals or light-ships, the latter amounting, I believe, to 71 in number. The amount appropriated for this service, I mean the amount to pay the officials of the service, the amount necessary to supply the light-house and light-ships and the tenders, in 1820 was only $240,000; in 1840, $474,000; in 1850, $526,497; in 1860, $822,442; in 1870, $1,431,207; in 1880, $1,994,000, and in 1885, $2,035,000. The amount which it is estimated will be needed for the ensuing year is $2,141,000.

In 1842, forty-three years ago, a Representative from the State of Indiana in the House of Representatives, Mr. Profit, discussed the light house establishment of this country, and this is the only real discussion I have been able to find in the records of Congress. At that time he complained that the lights were too numerous on our New England coast, and insisted that they were not only not beneficial to commerce, but that in many instances they were absolute interferences and obstructions. At that time there were only about two hundred light-houses in the country. Since that time, as I have shown, the number has been increased to eight hundred and eighty-six.

These, of course, are not all light-houses, but they are either light-houses, beacon-lights, or the stake-lights in the third, sixth, and eighth districts, and I want to add that some of these are comparatively inexpensive in their construction.

The light-house establishment in every government in the world except that of the United States is either a direct or an indirect charge upon commerce; Great Britain requiring the payment of a tonnage tax, France enacting what is called harbor dues, &c., while in this country our lights are free to foreign as well as to domestic vessels. And in view of this I think it behooves us to establish and maintain no more lights than the needs of commerce demand.

But I must hurry on as rapidly as possible. In 1845 the Committee on Commerce, then presided over by Hon. J. C. Clark, submitted a report, predicated upon a report which had been made by the Fifth Auditor of the Treasury Department, in which it is stated that there is no evidence showing that the lights are too numerous, and in which it is further demonstrated that the light-house service in this country was not only superior to but much cheaper than the light-house service of Great Britain or of France. He says that the light-boats in this country cost only $911, and they cost in England $2,268. He says the light-ships here cost $2,862, while light-ships in England cost $5,992.

In 1873 the engineer secretary of the Light-House Board, Major El-

liot, was commissioned by the chairman of that board, Mr. Henry, to visit Great Britain and France for the purpose of inspecting the light-houses in those countries. On his return in 1874 he submitted the report, from which I will read a brief extract. I shall then leave this question with the House:

It will have attracted attention that, as in our service, the light-house establishments of Europe are under those departments of government which correspond to our Treasury Department; also, that there the administration on the seacoasts is much more simple and economical than our own, and that while in our service the law provides that there shall be two officers in each of our twelve light-house districts, in Great Britain and France there is but one officer for each district; that the officer whose duty it is to construct and keep the light-houses and the lenticular and other parts of the illuminating apparatus in repair and to instruct the keeper in the use of the latter is also the one to inspect the light-houses. Were the salaries of these officers the only consideration it would not be a matter of such moment, but the dual arrangement in use in our service since 1852 involves double sets of clerks, double expenditures for rent of offices, fuel, and other contingent items for the service of the districts, which require an annual outlay of many thousands of dollars, while the service can, there is no doubt, be conducted with more efficiency and economy than now by a single officer in each district.

And he says further, speaking of the French lights:

I find that the combined illuminating power of the French lights, expressed in French units of light, is 2,199, and the expense of the cost of maintenance is about $52.20 per unit per annum.

The total illuminating power of the light-houses of the United States is 2,233 units of light, and the cost of maintenance is $401.50 per unit per annum, or about eight times the corresponding cost of the French lights. In the calculations from which I have obtained these results I have not taken into account the cost of the erection of new light-houses, the repairs of existing ones, the expenses of the few light-ships of either service, nor the cost of the buoyage of the harbors.

Since that time mineral oil, which was then in universal use in France and in Great Britain, has been introduced into this country as a substitute for lard oil. I apprehend, although it is somewhat of a conjecture on my part, that this has tended largely to reduce the cost of our light-house service, for the reason that I see it costs about one-third of the amount lard oil costs. Still the fact remains that we have in the several districts the two establishments of which he speaks, and I propose, when a suitable occasion presents itself, to submit a resolution calling for information that will enable us if necessary to organize the light-house system, and certainly to dispense with the light-houses which are of no practical utility and those which positively obstruct commerce. That there are lights, many of them useless, that can be dispensed with without detriment to commerce, I have no doubt. I do not charge this construction to the Light-House Board. On the contrary, many of them have been established without the recommendation of the board.

And now, Mr. Speaker, let me say I have not meant to indulge in any unfriendly criticism of the light-house establishment or its management. But as the old King of France and Navarre said when his privateers had arrested and carried into his presence the workmen from the Eddystone light-house, that grand old tower that stands to-day, after having battled through the centuries with the waves and storms of the sea, "I am at war with England, but not with mankind." So I say I am at war with the vicious elements of this system, and not with the grand establishment that has rendered such efficient service to humanity and to commerce. [Applause.]

LIGHT-HOUSE AT SAN LUIS OBISPO, CALIFORNIA.

The SPEAKER *pro tempore* (Mr. HATCH). The first bill on the House Calendar relating to light-houses is the bill (H. R. 5862) providing for the establishment of a light-house and fog-signal at San Luis Obispo, California.

The bill was read, as follows:

Be it enacted, &c., That there be established a light-house and fog-signal, together or on separate sites, as may be found most advantageous, at or near San Luis Obispo, at the entrance to Port Harford, San Luis Obispo Bay, California.

Mr. RANDALL. Has the whole of the bill been read? It proposes the erection of a light-house, but makes no limitation as to cost.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Pennsylvania that the Clerk has read the entire bill.

Mr. REAGAN. I will say to the gentleman from Pennsylvania that the Committee on Commerce do not propose to have anything to do with appropriations. They only propose the construction, and then it has been the practice for the House Committee on Appropriations to fix the amount of money.

Mr. RANDALL. The reason I have directed attention to that is that I think the time has come when the law itself should place a limitation upon the cost of these light-houses. The Committee on Appropriations heretofore have been enabled by reason of reports from the light-house establishment to direct to some degree at least and to limit and restrict in some measure the ultimate cost in each of these cases. I have listened with great attention to the statements made by the gentleman who has just taken his seat [Mr. CLARDY], and I submit to him and to the Committee on Commerce the propriety of having some sort of an estimate in each case as to the ultimate cost.

The gentleman in his statement alluded to the appropriations of last year and of other years in connection with the establishment of light-houses, and stated that the amount appropriated last year was about $332,000. So it was; but it was not all for the establishment of new light-houses. It was in part to complete various light-houses already in course of construction, and a part of the money was used in other ways. Unless we mean to enter upon an unlimited expenditure to be controlled only by the Light-House Board, we ought to put some limitation in the acts themselves that will guide the Committee on Appropriations in their recommendations and subsequently the action of Congress in providing means to execute these laws.

Under the new rules, the Committee on Appropriations have not the power to do anything in that direction. They can not impose in the appropriation bill any restriction. The consequence will be that the Light-House Board can pursue their own course, controlled only by their own judgment, without this House or Congress having any knowledge of what is proposed or what the ultimate cost is to be. It is true, according to my information and belief, that the United States is better lighted than any other commercial nation, and our lights are entirely free to every navigator. But I beg of the gentleman having charge of this matter to present to the House in this case some estimate of the ultimate cost of this light-house, and I ask him to give us the information upon which the Committee on Commerce make these recommendations. Otherwise we shall be acting in the dark, without having power in any committee to limit the appropriations.

Mr. CLARDY. Mr. Speaker, I do not care about getting into a controversy with the gentleman from Pennsylvania [Mr. RANDALL] as to the statement I made in regard to the appropriation last year.

Mr. RANDALL. Oh, that is immaterial.

Mr. CLARDY. But the special appropriations of last year were, as I said, three hundred and thirty-two thousand and odd dollars, and I have given the special appropriation for new work provided for by the bills reported by the Committee on Commerce.

Now, Mr. Speaker, as stated by the gentleman from Texas [Mr. REAGAN], we avoided fixing the amount of cost of any of these light-houses or light-ships, for the reason that we did not propose to interfere with the jurisdiction of the Committee on Appropriations.

Mr. RANDALL. You do not.

Mr. CLARDY. We propose simply to authorize the establishment of light-houses or the construction of light-ships, the cost to be determined by the committee that reports the money to build or construct them.

Mr. MCMILLIN. But my friend will remember that under the amended rules a proviso limiting the amount to be expended in any given case can not be adopted.

Mr. RANDALL. We can not put such a proviso in an appropriation bill.

Mr. CLARDY. Mr. Speaker, so far as the rules are concerned, I beg to say that, while we are pursuing a different course, the rule in the regard referred to by the gentleman from Tennessee [Mr. MCMILLIN] has not in fact been changed, and the Committee on Appropriations has, in that particular, just the same right now that it had before the adoption of the new rules.

Mr. RANDALL. I do not agree with the gentleman.

Mr. MCMILLIN. The object of every gentleman here is, of course, to proceed in the manner which will give us the best laws upon these subjects. What I would suggest is that if the Committee on Appropriations makes an appropriation of what it regards as half enough to complete the work of building a light-house or establishing a light-ship, the officers in charge of the work may go on and expend the whole of that money on a foundation, planning the work upon a scale five times as great as was intended either by the Committee on Commerce or the Committee on Appropriations. In other words, there is no power in the Appropriations Committee to say that, for any given purpose, there shall be only a certain amount expended. They may say, "This is all we will expend now;" but they have no power to limit the plan or method upon which the work shall proceed.

Mr. CLARDY. Well, Mr. Speaker, I will make a proposition in order to obviate these objections. The report shows the amount that will be needed to complete this light-house. Now, I propose to introduce a proviso that the cost shall not exceed that sum, whatever it may be.

Mr. REAGAN. That sum is $50,000.

Mr. CLARDY. Then I will say "not to exceed $50,000."

Mr. RANDALL. The gentleman from Missouri [Mr. CLARDY] said he did not want any controversy about the object for which the appropriation was made last year. Neither do I, except such controversy as develops the facts. I know that $332,000 was appropriated, but as I have said it was not for the establishment of new light-houses. There was an item of $5,000 for the Hunting Island light-ship, to protect a light already constructed. There was also an item of $40,000 for the Mosquito Inlet light-house; and I see that $50,000 is asked this year for the same purpose. I think my remark was fully justified.

Mr. CLARDY. Mr. Speaker, the gentleman from Pennsylvania knows very well that the committee never recommends an appropriation of the entire amount for any new work, unless it is a very small one; and it is reasonable to infer that the total amount covered by these bills for new work will be less than the amount appropriated last year.

Mr. RANDALL. I admit that the work upon these new light-houses

can only proceed at certain seasons of the year, and therefore the Light-House Board can not always expend to advantage in a single year the entire amount of money necessary for the construction of a light-house.

Mr. CLARDY. I hope the gentleman will state whether the amendment which I propose is satisfactory.

Mr. RANDALL. It is. Mr. Speaker, I did not rise to criticise in any way the rule, but only to show its effect as now changed. I do not say that the effect is injurious. I rather say that it will compel committees of this House that have in charge the initiation of bills providing for public works to insert in all of these bills a limitation; because no restrictive clause will ever be secured afterward, and the ex-expenditure may run on to an unlimited extent.

The Committee on Appropriations has this year, as heretofore, asked the light-house establishment to classify the work called for upon light-houses as either desirable, necessary, or indispensable. Wherever the Light-House Board has stated that the expenditure estimated for was indispensable, the committee has almost uniformly reported an appropriation for such expenditure. Wherever a certain work has been reported by the board as necessary (which is the second classification), the committee has given the matter full consideration. Wherever the work was declared merely desirable, then if we were seeking to avoid too large an increase of appropriations we have omitted the appropriation asked for. While I do not wish to throw the least obstruction in the way of the recommendations of the Committee on Commerce, I will say, that in the paper which has come to us, signed by the Vice-Admiral, who is in charge of the light-house establishment, this light-house is placed in the third class, as being merely "desirable."

Having made this statement, and recognizing the willingness of the gentleman from Missouri and the committee that the amendment suggested be incorporated in the bill, I do not raise any further objection to the measure.

The SPEAKER *pro tempore*. The question is on the amendment submitted by the gentleman from Missouri [Mr. CLARDY].

Mr. RANDALL. I would like to hear the language of the amendment. The limitation ought to include the survey and the necessary land for the construction of the light-house.

The amendment of Mr. CLARDY was read, as follows:

In line 6, after the word "California," insert "at a cost not to exceed $50,000."

Mr. RANDALL. It should say "entire cost."

Mr. O'NEILL, of Pennsylvania. I would like to ask my colleague on the Committee on Commerce [Mr. CLARDY] whether he has any information from the Light-House Board as to what the cost of this work will be.

Mr. RANDALL. It is in the estimates.

Mr. CLARDY. The estimate is that it will cost $50,000.

Mr. RANDALL. We are proceeding with full light.

Mr. O'NEILL, of Pennsylvania. I hope so. We want all the light we can get—on the rivers and everywhere else. [Laughter.]

Mr. RANDALL. I wish to say that, thanks to the industry and energy of the gentleman himself, there is not anywhere a river so well lighted as the Delaware River.

Mr. O'NEILL, of Pennsylvania. I want to see all the rivers of the country where there is commerce just as well lighted as the Delaware River and the Delaware Bay. What has been done in this respect reflects much credit on the Light-House Board. I am not in favor of too narrow a restriction of expenditure in cases of this kind. A light-house, if it is to be built in the deep channel of a river or bay, can not be a very extensive work if it is to cost only $50,000 for the foundation and the superstructure. Hence my question addressed to my colleague on the committee as to whether the Light-House Board proposed to restrict the expenditure for this light-house to $50,000.

Mr. RANDALL. There is no commercial country in the world where the navigable waters are so well lighted as ours.

Mr. O'NEILL, of Pennsylvania. I recognize that fact.

The SPEAKER *pro tempore*. The Clerk will read the amendment of the gentleman from Missouri [Mr. CLARDY] as now modified.

The Clerk read as follows:

After the word "California" insert the following: "The entire cost of which shall not exceed the sum of $50,000."

Mr. MORROW. Mr. Speaker, the bill originally introduced in this House provided for the limitation of $50,000, which this amendment proposes to incorporate in the bill. This limitation was based upon the report of the Light-House Board and upon representations from other quarters as to the cost of the work. I ask that the report on this subject be read.

The report (by Mr. MORROW) was read, as follows:

The Committee on Commerce, to whom was referred the bill (H. R. 3228) making an appropriation for the establishment of a light-house and fog-signal at San Luis Obispo, Cal., beg leave to report:

That under the rules of the House the duty of this committee is limited to an inquiry as to the necessity for the establishment of light-houses, and does not extend to the matter of recommending appropriations therefor. The committee have inquired into the necessity for the light-house provided for in the bill, and find that the dangers of navigation and the demands of commerce on the Pacific coast fully justify its establishment. A substitute for the bill is therefore submitted (omitting the appropriation), which the committee recommend for passage.

This recommendation is founded in part upon the views of the Light-House Board, as set forth in the accompanying letters, &c.

TREASURY DEPARTMENT, OFFICE OF THE LIGHT-HOUSE BOARD,
Washington, January 22, 1886.

SIR: The Light-House Board has the honor to acknowledge the receipt of the letter, dated January 19, 1886, from the Committee on Commerce of the House of Representatives, transmitting quite a number of bills for the views of the board, and among them House bill 3228 making an appropriation for establishing a light-house and fog-signal at San Luis Obispo, Cal.

In reply the board begs leave to state that the necessity for a light-house and fog-signal at this point has been pressed upon Congress from time to time. At the last session of Congress a bill was passed by the House of Representatives for the appropriation of $20,000 to establish and maintain a fog-signal at San Luis Obispo, but it failed to pass the Senate.

In its annual report for 1885, on page 83, the reasons why a light and fog-signal should be established at this locality are fully stated, and it is recommended that an appropriation of $50,000 for this purpose be made, and an item for that sum is included in the board's estimate for the coming year.

An extract from that report on this subject is herewith transmitted.

A copy of the letter of the Committee on Commerce is inclosed, together with the bill (No. 3228) in question.

Very respectfully,

S. C. ROWAN,
Vice-Admiral, U. S. N., Chairman.

The Hon. SECRETARY OF THE TREASURY.

[Extract from annual report of Light-House Board, June 30, 1885.]

San Luis Obispo, at the entrance of Port Harford, San Luis Obispo Bay, California.—San Luis Head, or Whaler Rock, in this bay, is midway between the light at Point Conception and that at Piedras Blancas, a distance of 94 unlighted miles. A light at this point will be primary coast light, and will have the additional value of being a guide to Port Harford. The bay of San Luis Obispo is the most important roadstead on the Pacific coast south of San Francisco, and with one exception is also the best. The harbor is always good for eight or nine months in the year, and during the remaining time it is never actually bad. Its security is exceptional for an open roadstead. The commerce of Port Harford is now considerable, and it is increasing yearly. It is the terminus of a railway which is the natural outlet for the agricultural products of that section, and many schooners loaded with lumber make this port. In addition, the steamers of the Pacific Coast Steamship Company all touch here, averaging one steamer a day the year around, carrying both passengers and freight, and all of the steamers go to the wharf at the head of the bay. This company maintains a private light here, on which all the sailing vessels entering this port depend, none of which belong to the company. As the bay is subject to dense fogs for the greater part of the year, this company is now contemplating the establishment and maintenance of a steam fog-signal here at their own cost.

The Light-House Establishment acquired by executive reservation a small island about 500 feet from San Luis Head, called Whaler Island. It has obtained the refusal of 30 acres at the head, which it can purchase, together with adequate water privileges, for a reasonable sum. The necessity for a light and fog-signal at this point has been pressed upon the attention of Congress from time to time, and recently with increased vigor. At the last session of Congress a bill was passed by the House of Representatives for the appropriation of $20,000 to establish and maintain a fog-signal at this point, but it failed to pass the Senate. As it now appears that a light is as much needed as a fog-signal, and that both are quite necessary to the commerce of this section, the board recommends that an appropriation of $50,000 be made for the establishment of a light and fog-signal at or near San Luis Head, with authority, if need be, to place the one on the head and the other on the adjacent island.

The question being taken on the amendment of Mr. CLARDY, it was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIGHT-HOUSE, POINT SUR, CALIFORNIA.

The next business in order was the bill (H. R. 5863) providing for the establishment of a light-house and fog-signal station at Point Sur, California.

The bill was read, as follows:

Be it enacted, &c., That there be established at or near Point Sur, on the sea-coast of California, a light-house and fog-signal station.

Mr. CLARDY. I offer an amendment to restrict the amount to $50,000.

The Clerk read as follows:

Add after the word "station," in line 4, the following:
"The entire cost shall not exceed the sum of $50,000."

Mr. RANDALL. I ask for the reading of the report, so I may have time to ascertain the estimate recommended by the Committee on Appropriations.

The report (by Mr. MORROW) was read, as follows:

The Committee on Commerce to whom was referred the bill (H. R. 3229) making an appropriation for the establishment of a light-house and fog-signal at Point Sur, California, beg leave to report:

That, under the rules of the House, the duty of this committee is limited to an inquiry as to the necessity for the establishment of light-houses, and does not extend to the matter of recommending appropriations therefor.

The committee has inquired into the necessity for the light-house provided for in the bill, and find that the dangers of navigation and the demands of commerce on the Pacific coast fully justify its establishment. A substitute for the bill is therefore submitted (omitting the appropriation), which the committee recommend for passage.

This recommendation is founded in part upon the views of the Light-House Board, as set forth in the accompanying letters, &c.:

TREASURY DEPARTMENT, OFFICE OF THE LIGHT-HOUSE BOARD,
Washington, January 22, 1886.

SIR: The Light-House Board has the honor to acknowledge the receipt of the letter dated 19th January, 1886, from the Committee on Commerce of the House of Representatives, transmitting various bills, and among them House bill 3229,

making an appropriation for the commencement of a light-house and fog-signal at Point Sur, California, for the board's views thereon.

In reply, the board begs leave to state that the necessity for the establishment of a light-house at Point Sur has been recognized by the board for years, as will be seen by reference to its annual reports for the years 1874, 1875, 1877, 1880, and 1881.

In its annual report for 1885, on page 81, the necessity for a light at this locality is again urged and the reasons therefor are fully stated. An extract from that report on this subject is inclosed.

It is estimated that the cost of establishing a light at Point Sur will be $100,000, and in its estimates for the coming year the board has included an item of $50,000 for the commencement of this work.

A copy of the letter of the Committee on Commerce is inclosed, together with the bill (H. R. 3229) in question.

Very respectfully,

S. C. ROWAN,
Vice-Admiral, United States Navy, Chairman.

The Hon. SECRETARY OF THE TREASURY.

[Extract from annual report of Light-House Board, June 30, 1885.]

Point Sur, seacoast of California.—This dangerous point, which is still unlighted, is made the subject of much complaint. The steamer Ventura was lost there in 1875. The board called attention to the need of establishing a light-house there in its annual reports for 1874, 1875, 1877, 1878, 1880, and 1881. The following is an extract from its report for 1874:

"Vessels leaving San Francisco for the south, having proceeded as far as Pigeon Point light, take their departure from Point Sur, about 60 miles distant, the great indentation of the Bay of Monterey intervening. Vessels to the southward bound to San Francisco having arrived at Piedras Blancas, take their departure for Point Sur, again about 60 miles distant; hence Point Sur is a most important point, and should be the site of a light-house. In considering the various points on the California coast where light-houses are still required Point Sur claims the place of greatest importance. In 1866 the Light-House Board ordered an examination of this point to be made, and the following is an extract from the report of the examining officer:

"'Point Sur is a metamorphic sandstone, and has an altitude of 363 feet (established from observations with the aneroid barometer). It covers an area of nearly 3 acres, its general shape being that of a wedge with an indented edge. The general direction of the wedge, as indicated by the compass, is east-south-east and west-northwest. The north side and top of Point Sur are covered with grass, and the sides are very steep, making the ascent very difficult. The extreme eastern and western portions of this point, or rock, are almost vertical, and the upper edge very narrow, not being more than 10 or 12 feet in width. Point Sur is situated at a distance of about half a mile from the foot of the range of hills which form the prominent feature of the coast, the intervening portion of the country being low and sandy. In very rough weather the lowland is overflowed, thus making an island of the rock. Sur River, which is about 3 miles southeast of Point Sur, contains good water during the whole year, and near its mouth is a good landing place for vessels. The only way in which supplies can be sent to Point Sur is by water, for the only road is a trail almost impassable, even for a horse.'

"The Coast Survey Directory for the Pacific Coast contains these remarks:

"'From Piedras Blancas the coast tends northwest, half west for a distance of 57 miles in an almost perfectly straight line. * * * Continuing on the same bearing, at a distance of 49 miles from Piedras Blancas, is Point Sur, sometimes called Lobos, making out nearly half a mile. As seen from the north or south, at a distance of 10 miles, Point Sur appears a high, large, round-topped island, but upon approaching it a low neck of land is seen connecting it with the main.'

"From the preceding it is apparent that the importance of this point as a light-house site is very great. It must also appear that the erection there of a light-house, with the accompanying buildings, will be an expensive operation. It will be necessary to make a detailed survey of the rock before anything definite can be known as to the cost of establishing this station. As nearly as can be estimated, with the data available, it will cost not less than $100,000."

Mr. CLARDY. Instead of $50,000 I move to make it $100,000, for I find that to be the estimate of the Department.

Mr. RANDALL. I think the gentleman is mistaken. I believe I have the estimate furnished by the Department, and that is $50,000.

Mr. CLARDY. Fifty thousand dollars for this year.

Mr. RANDALL. I find the gentleman from Missouri is correct, and that the estimated total cost is $100,000.

Mr. CLARDY. I modify my amendment so it will read, "the entire cost of which shall not exceed the sum of $100,000."

Mr. RANDALL. That includes the fog-signal?

Mr. CLARDY. Certainly.

The amendment was adopted, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIGHT-HOUSE ON CASTLE HILL, NEWPORT, R. I.

The next business in order was the bill (H. R. 5865) for the establishment of a light-house on Castle Hill, entrance to Newport Harbor, Rhode Island.

The bill was read, as follows:

Be it enacted, &c., That a light-house and fog-signal be established on Castle Hill, Rhode Island, at the entrance to Newport Harbor, under the direction of the Light-House Board: *Provided*, That a suitable site for the light-house can be obtained without expense to the Government, upon terms and conditions to be agreed upon by said board with the owner of the land at Castle Hill.

Mr. CLARDY. I move to amend by limiting the amount not to exceed $10,000.

Mr. DAVIS. I ask for the reading of the report.

The report (by Mr. DAVIS) was read, as follows:

The Committee on Commerce, to whom was referred House bill 1134, beg leave to submit the following report:

The site of the proposed light-house is on the east side of the entrance to Narragansett Bay and Newport Harbor, Rhode Island. The channel is narrow, and in thick weather or during fogs, which are prevalent in that locality, the approach is dangerous. The Old Colony Steamboat Company has maintained a signal at this point for several years at their own expense. An appropriation was made several years ago for a fog-signal, but as the land could not then be secured the appropriation lapsed.

The navigation interests which are concerned are very large. The steamers of the Old Colony Steamboat Company alone carry two hundred and fifty thousand passengers annually and over $100,000,000 of property, and all the coastwise commerce of the cities of Newport, Fall River, and Taunton, and other localities on the east side of Narragansett Bay and Taunton Rivers uses this channel. The need for the establishment of a light-house and fog-signal is imperative. Your committee recommend the passage of a substitute for House bill No. 1134, partly because its jurisdiction is confined to the consideration of the propriety of establishing light-houses, and does not include the power to report an appropriation for their erection, and partly because the proviso in the substitute is necessary to enable the Government to secure the land, which is extremely valuable, without expense.

Mr. RANDALL. There was an appropriation heretofore made for this purpose, and why it was not expended I am unable to say. I feel it to be my duty to say I can not find it in the estimates for this year. I hope, therefore, the gentleman having charge of the matter will throw further light on it.

Mr. CLARDY. It may not be in the letter, but I think the gentleman will find it in the Book of Estimates.

Mr. RANDALL. It was not estimated for this year.

Mr. CLARDY. Yes; in a special estimate. I move, in line 9, after the word "Castle," to insert the words "the entire cost of which shall not exceed the sum of $10,000."

Mr. DAVIS. I ask the Clerk to read a communication which I send up, the latter portion of which is unfortunately missing, but it sufficiently states the facts.

The Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF THE LIGHT-HOUSE BOARD,
Washington, January 25, 1886.

SIR: The Light-House Board has the honor to acknowledge the receipt of a letter from the Committee on Commerce of the House of Representatives, dated 19th January, 1886, transmitting for its views a number of bills, and among them H. R. bill 1134, to establish a light and fog-signal at Castle Hill, Rhode Island.

In reply the board begs leave to say that this matter has been repeatedly urged upon the attention of Congress at various intervals of time.

The board in its annual report for 1869, on page 25 (copy herewith), recommended that an efficient fog-signal be established at this point, and submitted an item of $18,000 in its annual estimates for this purpose.

The board on 14th January, 1885, again called the attention of the Department to the necessity for action on this subject. A copy of its letter is submitted herewith, in which it is recommended that an appropriation of $25,000 be made, as the land on which the signal will have to be located is held at a high figure.

Congress appropriated $10,000 for the establishment of this fog-signal in 1875, but it was found that the owner of the land on which it was proposed to erect a fog-signal refused to sell for this purpose. After much correspondence and several fruitless attempts to get title to a site, the board * * *

Mr. DAVIS. The members of the Light-House Board testify the necessity for this work was imperative. The only difficulty has been they have been unable to negotiate with the owner of the land, who has a valuable estate of some $300,000, and always believed a light-house would injure his property. But he has at last agreed to give the land necessary, so there will be no expense to the Government.

Mr. CLARDY'S amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DAVIS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIGHT-SHIP ON HOG ISLAND SHOAL.

The next business in order was the bill (H. R. 3664) to establish a light-ship on Hog Island Shoal, Narragansett Bay, Rhode Island.

The bill was read, as follows:

Be it enacted, &c., That the Light-House Board is authorized and required to establish and maintain a light-ship at or near the southeast end of Hog Island Shoal, Narragansett Bay, Rhode Island.

Mr. DAVIS. I ask that the report be read.

The report (by Mr. DAVIS) was read, as follows:

The Committee on Commerce, to whom was referred the bill (H. R. 3664) to establish a light-ship on Hog Island Shoal, Narragansett Bay, Rhode Island, beg leave to report in favor of the passage of the bill.

In support of the recommendation they quote from the report of the Light-House Board for 1885, as follows:

"The Old Colony Steamboat Company maintains a small light-boat on the point of the shoal extending off to the southeast end of the island. This should be replaced by a suitable light-ship rather than by a light-house, as any permanent structure might conduce to the injury of the channel. No appropriation is needed for this purpose, as the light-ship recently withdrawn from Eel Grass Shoals on the establishment of Latimer's Reef light-house could be used at this point. But before this can be done it must be authorized by Congress."

TREASURY DEPARTMENT, OFFICE OF THE LIGHT-HOUSE BOARD,
Washington, February 1, 1886.

SIR: The Light-House Board has the honor to acknowledge the receipt of a letter from the Committee on Commerce of the House of Representatives, dated 28th of January, 1886, transmitting, for its views, a number of H. R. bills, and among them H. R. bill 3664, to establish a light-ship on Hog Island Shoal, Narragansett Bay, Rhode Island.

In reply the board begs leave to say that in its annual report for 1885, page 31 (copy herewith), it is suggested that authority be given to enable it to place the light-ship recently taken from Eel Grass Shoal, Connecticut, at this point, so that the private light now maintained there, over which the board has no control, but for the efficiency of which it is held responsible by the public, may be withdrawn. No appropriation for this purpose is needed, but the necessary authority should be given.

A copy of the letter of the Committee on Commerce and H. R. bill 3664 are herewith inclosed.

Very respectfully,

S. C. ROWAN,
Vice-Admiral, U. S. N., Chairman.

The Hon. SECRETARY OF THE TREASURY.

Mr. RANDALL. Has that bill any limitation?

Mr. CLARDY. No appropriation is required. It simply changes the location of a light-ship.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DAVIS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIGHT-HOUSE AND FOG-SIGNAL, GULL ROCKS, RHODE ISLAND.

The next business in order was the bill (H. R. 7472) for the establishment of a light-house and fog-signal on one of the Gull Rocks, Newport Harbor, Rhode Island.

The bill is as follows:

Be it enacted, &c., That a light-house and fog-signal be established on one of the Gull Rocks, opposite the United States naval training school, in Upper Newport Harbor, Rhode Island.

Mr. RANDALL. Let us have the report read in this case.

The report (by Mr. DAVIS) is as follows:

The Committee on Commerce, to whom was referred the bill (H. R. 3662) for the erection of a light-house and fog-signal on one of the Gull Rocks, Newport Harbor, beg leave to report that these rocks are near the course pursued by the great steamers of the Old Colony Steamboat Company in plying between Fall River and New York, and also by the coastwise commerce of the cities of Fall River and Tauton, the volume of which is very large. The rocks are low, and in dark nights or thick weather can not be seen. A private light is now maintained by one of the steamboat companies.

Your committee recommend the establishment of a light and fog-signal at this point.

As House bill No. 3362 provides for an appropriation which is beyond the jurisdiction of your committee, a substitute is reported establishing a light-house and fog-signal at the above-named place.

Mr. RANDALL. There seems to be no limitation of the cost.

Mr. CLARDY. I move to amend by inserting at the end of the bill the words "the entire cost of which shall not exceed $10,000."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DAVIS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SIGNAL-LIGHT, NEW BEDFORD, MASS.

The next business in order was the bill (H. R. 7205) for the establishment of a light at New Bedford, Mass.

The bill is as follows:

Be it enacted, &c., That a light be established on the bridge between New Bedford and Fairhaven, Mass.

Mr. RANDALL. The limit of $200 recommended by the board does not appear to be incorporated in this bill.

Mr. CLARDY. I offer the amendment which I send to the desk.

The Clerk read as follows:

The entire cost of which shall not exceed $200.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DAVIS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PURCHASE OF SITE, HELL GATE CHANNEL ELECTRIC LIGHT.

The next business in order was the bill (H. R. 7206) authorizing the purchase of the site of the Hell Gate Channel electric light, New York.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase, out of any money hereafter to be appropriated for that purpose, the leased site on which the Hell Gate (New York) Channel electric light now stands.

Mr. RANDALL. If I understand aright the Government of the United States now rents for $400 per annum what by this bill it is proposed to purchase. Am I correct?

Mr. CLARDY. No, sir.

Mr. RANDALL. I think if the gentleman will examine he will find that I am correct in that.

Mr. CLARDY. I will state that by authority of Congress the Light-House Board entered into a contract for the purchase of this site, leasing it some four years ago, I believe, and for a period of four years, with the right of purchase upon the expiration of the lease. The time, I understand, has now about expired.

Mr. RANDALL. I find that I was not mistaken. I thought I was right in my recollection of this matter. It is not desirable in my judgment, formed from the information I have received, that the Government should purchase this site for the sum of $12,000, and for which we are now paying an annual rental of $400; and I would like to hear the report. I would like to have the contract which the gentleman speaks of, requiring this purchase on the part of the Government, read. My understanding is, that it has a mere right of purchase at the expiration of the lease. The Committee on Appropriations, or rather the subcommittee, have considered this question carefully, and I know, from the light I got as one of the members of that subcommittee, that I was not able to reach the conclusion that the property ought to be bought at a cost of $12,000. If the gentleman has the contract present I would like to have it read. If not, I would suggest that we pass this over informally until such time as the papers in the case can be produced and examined, for I do not wish to obstruct the other bills. I think upon fuller information the Committee on Commerce will hardly want to buy this land for the price named.

I repeat, I do not think we are bound to do so from the information as to the contract which came to me from the Light-House Board. I am clear that it is simply a discretion with the Government as to whether it will purchase the property or not, and no agreement to do so.

Mr. LONG. That is the case.

Mr. CLARDY. The gentleman from Pennsylvania is correct in that.

Mr. RANDALL. Then I ask that it be passed over for the present.

Mr. BEACH. We might as well meet this question now; and if these papers are in the possession of the House I hope they will be read.

Mr. RANDALL. Does the gentleman from New York desire to expend $12,000 unless there is some necessity shown for it?

Mr. BEACH. Then let the papers be read to which you have referred.

Mr. RANDALL. I ask that the report be read.

The report (by Mr. JOHNSON, of New York) is as follows:

The Committee on Commerce, to whom was referred the bill (H. R. 3558) making an appropriation for the purchase of the site of the Hell Gate electric light, New York, beg leave to report that they have had the same under consideration, and recommend the passage of the accompanying substitute, which has the approval of the Light-House Board, as is shown by the extract from the annual report of said board for the fiscal year ending June 30, 1885, hereto appended.

[Extract from annual report of Light-House Board, June 30, 1885.]

193. *Hell Gate electric light, Hallet's Point, Hell Gate Channel, New York.*—At the date of the last annual report the work upon the iron tower and brick boiler-house was nearly completed. It was delayed by an accident which occurred in the early stages of the work. This electric light was inaugurated in October. The light has been maintained with but few interruptions. Its site is held under a temporary leasehold agreement, which permits the purchase of the fee of the land within certain dates and upon certain specified terms. The following recommendations, made in the board's estimates for last year as to the purchase of the site of this light, is repeated:

"If the land is not purchased at the present time it can not be obtained for less than $11,000. The land is held at present under lease, which the Light-House Board has no funds to renew."

For the purchase of this site an appropriation of $12,000 is now needed.

Mr. RANDALL. This land, as I am informed, is a waste; it is valueless to anybody except to the Government for this purpose alone.

Mr. BEACH. If it is indispensable to the Government, then we should adopt the report of the committee—purchase the site.

Mr. RANDALL. Well, then, condemn it.

Mr. HOLMAN. That is the proper way; let it be condemned if the Government is compelled to have it.

Mr. RANDALL. I hope that the gentleman will, as I know he will be inclined to do, pass this bill over informally until we can have other information on the subject.

Mr. BEACH. That means its defeat.

Mr. RANDALL. Not at all. If it has any merits it will pass.

Mr. BEACH. If we can ever reach its consideration.

Mr. RANDALL. And if it has no merits it ought not to pass.

Mr. BEACH. It is not likely that we will be able to get it up again for consideration.

Mr. CLARDY. I ask unanimous consent that it be passed over informally; and I assure the gentleman from New York that I will do what I can to bring it to the attention of the House.

There was no objection, and it was so ordered.

LIGHT-HOUSE NEAR CROATAN, N. C.

The next business in order was the bill (H. R. 3581) making appropriation for the establishment of a light-house near Croatan, N. C.

The bill was read, as follows:

Be it enacted, &c., That the appropriation of $15,000 made by the act of Congress approved July 7, 1884, "for removing the Croatan light-house to a point where it will be of more value to navigators," be made available for the erection of a new light-house at the proposed point.

Mr. RANDALL. I know all about this proposition. This is a light in which the gentleman from North Carolina [Mr. SKINNER] is interested. He appeared before the Committee on Appropriations with reference to it, and satisfied the subcommittee that it was right. So far as I am concerned I fully concur with the Committee on Commerce. The bill makes available $15,000 heretofore appropriated, and allows a change in the location of the light.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHANNELS LEADING TO PENSACOLA, FLA.

Mr. CLARDY. I ask unanimous consent to call up from the House Calendar, out of its order, the bill (H. R. 7471) to provide for the establishment of additional aids to navigation to guide vessels through the

channels leading to Pensacola, Fla. The gentleman from Florida [Mr. DAVIDSON], who is interested in this bill, is ill, and desires to leave the House.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to establish range-lights near Fort McRae; to re-establish the Fort Barrancas ranges; to establish lighted beacons at or near Devil's Point, Escambia Bay; at or near the anchorage in Santa Maria de Galvaez Bay; at or near the turn of the channel; and at Bay Point, Blackwater Bay; and that a day-beacon be placed to mark the shoals between the anchorage and Blackwater Bay, Florida.

Mr. DAVIDSON. There is an amendment to be proposed.

Mr. CLARDY. I offer the amendment which I send to the desk.

Add at the end of the bill the following:

The entire cost of which shall not exceed $17,250.

The amendment was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADDITIONAL LIGHT-HOUSE DISTRICTS.

The next business in order was the bill (H. R. 6979) authorizing the construction of additional light-house districts.

The bill was read, as follows:

Be it enacted, &c., That section 4670 of the Revised Statutes is hereby amended so as to read as follows:

"The Light-House Board shall arrange the ocean, gulf, lake, and river coasts of the United States into light-house districts, not exceeding sixteen in number."

Mr. CLARDY. The Atlantic, Pacific, and Gulf coasts and the lakes are now divided into fourteen light-house districts. There is a district numbered 15, but the ninth district, having been merged into the seventh and eighth, there is no ninth district, and so there are only fourteen districts in number. This bill proposes to increase the number to sixteen. It is proposed to make a district from the mouth of the Ohio River to the mouth of the Mississippi River, a distance of perhaps 1,000 miles, dividing that district which now embraces the Mississippi and the Missouri Rivers; and it is proposed to make a new district of Green Bay and Lake Michigan. The report of the Light-House Board shows that the inspectors are not able to make their annual visits to the lights in these districts. The committee, after maturely considering the question, determined there was but one method to adopt, and that was to authorize the board to create new light-house districts.

Mr. RANDALL. I desire to ask the gentleman from Missouri what is the probable expenditure and what the additional number of employés involved in this bill?

Mr. CLARDY. The expenditure is estimated at $6,000 for each new district. The offices of the inspector and the Army engineer in a district have a clerical force that I think costs in the aggregate about $6,000; I mean the two offices. Of course the inspector and the engineer draw no additional salary, as they are taken from the Navy and the Army.

Mr. SCOTT. I desire to offer an amendment which I send to the desk.

The Clerk read as follows:

Add to the bill the following:

"That section —— of the Revised Statutes prohibiting the employment in light-houses of the United States of persons more than forty-five years of age be, and the same is hereby, repealed."

Mr. SCOTT. Under the decision of the Light-House Board, which I believe is in accordance with the provision in the Revised Statutes, the law is that no light-house keeper can be over forty-five years of age. There are plenty of men competent at forty-five or fifty-five years of age to fill these positions, and they are prohibited from so filling them by the ruling under the law as it now exists.

Mr. DINGLEY. I wish to ask the gentleman from Pennsylvania if the law is that no employé shall remain beyond forty-five years of age? Or is it that he shall not be originally employed if over forty-five?

Mr. SCOTT. It is that he shall not be originally appointed. I desire to allude to a case in point. I recommended for a vacancy a man who had served during the entire war, a Democrat. He was a sailor, in the prime of life, competent to discharge any duty that a sailor can discharge. When this recommendation was sent to the Light-House Board they declined to appoint him because he was over forty-five years of age. He was not quite fifty, and they declined to appoint him.

Mr. RANDALL. I think any discretion as to age should be wiped out. I think the amendment a proper one.

Mr. CLARDY. I submit that the law does not now interfere with the discretion of the Light-House Board in that regard. The law is silent on the question; and if the board have adopted a rule for their own government which we propose to change, we might as well know we are not changing the law when doing it.

Mr. WARNER, of Ohio. It is simply a Department regulation, and that is the worst sort of legislation.

Mr. CLARDY. I have no authority from the Committee on Commerce to accept the amendment. Individually, I have no objection to it.

The SPEAKER. The question is on the amendment.

Mr. DINGLEY. I ask that the amendment be again read.

The amendment was again read.

Mr. RANDALL. The amendment should be made to cover any law or regulation.

Mr. MILLIKEN. The amendment proposes to repeal a law that does not exist.

Mr. SCOTT. Mr. Speaker, I will accept the amendment of my colleague from Pennsylvania [Mr. RANDALL], and will so modify the amendment.

The SPEAKER *pro tempore*. The amendment will be read as modified.

The Clerk read as follows:

That any law or regulation prohibiting the employment in the light-houses of the United States of persons more than forty-five years of age be, and the same is hereby, repealed.

Mr. REAGAN. Mr. Speaker, I think it is very unjust to exclude any one from holding any office under the Government because he is more than forty-five years of age, provided he is otherwise qualified for the service. The civil-service law has a provision of that kind; I do not know whether this is borrowed from that or not; but in any case it seems to me that the idea of the amendment is a very proper one, and that it should be made to apply to every branch of the public service.

Mr. LONG. Mr. Speaker, it seems to me impossible for us by an act of Congress to repeal a regulation. As I understand the gentlemen who favor this modification, they would leave to the Light-House Board the discretion to determine at what age a man shall be allowed to enter into the light-house service; but if you pass this amendment in this form you have not only repealed the regulation, but you have provided that such a regulation shall not be hereafter adopted; in other words, you have taken away from the Light-House Board this discretion.

Mr. REAGAN. That is just what we ought to do.

Mr. LONG. At present the discretion is with the Light-House Board, and I think we had better leave it there.

Mr. RANDALL. No. The question is whether, with or without law, the Light-House Board have established a regulation which, in their action, is as effective as law, a regulation which prohibits the appointment of any one as a keeper, &c., in the light-house service who is over forty-five years of age. I submit that Congress has the power to legislate to prevent any such discriminating regulation by any department of this Government.

Mr. LONG. Of course you have the power, but do you want to take away the discretion from the board?

Mr. RANDALL. I do. They ought to test a man's qualifications mentally and physically and be governed by that in determining whether he is fit for the service or not.

Mr. WARNER. Instead of fixing an arbitrary rule as to age.

The amendment was agreed to.

The SPEAKER *pro tempore*. The question is on the engrossment and third reading of this bill.

Mr. BUCHANAN. Mr. Speaker, I understand that this bill creates some new districts and carries with it the creation of additional offices. I understand that, with the growing interests of commerce in this country, these additional officers are required; but what a striking commentary it is on those professions of retrenchment and economy with which the air was pregnant two years ago.

Mr. RANDALL. We can bear that.

Mr. REAGAN. Mr. Speaker, if the public service demands an increase I do not think it is right to say it is a violation of the principles of retrenchment and reform to provide for that increase.

Mr. RANDALL. The security of life should not be a question of economy.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIGHT-HOUSE TENDER, FOURTH DISTRICT.

The next business in order was the bill (H. R. 7631) authorizing the construction of a steam light-house tender for use in the fourth light-house district.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury, be, and he is hereby, authorized and directed to cause to be constructed an iron screw-steamer for use as a light-house tender in the fourth light-house district.

The bill was ordered to be engrossed and read a third time.

Mr. RANDALL. This bill relates to the building of a light-house tender for use in the fourth district in place of the old one, which is to be taken somewhere else. I think the bill ought to be amended so as to place a limitation upon the cost. It is the opinion of those who have considered the matter that the limit can to be fixed at $68,300.

The SPEAKER *pro tempore*. The vote has been taken on the engrossment and third reading of the bill; but if there is no objection the amendment can be offered at this time.

There was no objection.

Mr. CLARDY. I move to amend the bill by adding the words "the cost of which shall not exceed the sum of $68,300."

The amendment was agreed to.

The bill as amended was read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIGHT-HOUSE SUPPLY STEAMER—ATLANTIC AND GULF COASTS.

The next business in order was the bill (H. R. 7627) providing for the construction of a light-house supply steamer for the Atlantic and Gulf coasts.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized and directed to construct a suitable steamer for use in supplying the light-houses on the Atlantic and Gulf coasts of the United States, the sum required for the construction of the same to be paid from an appropriation hereafter to be made for that purpose.

Mr. DAVIS. I ask that the report be read.

The report (by Mr. DAVIS) was read, as follows:

The Committee on Commerce, to whom was referred the bill (H. R. 3483) making an appropriation for the construction of a light-house supply steamer for the Atlantic and Gulf coasts, beg leave to report that the committee are of opinion that the needs of the light-house service require such a steamer. They accordingly report a substitute for House bill No. 3483, which provides for the construction of said steamer.

An extract from the annual report of the Light-House Board for 1885 is herewith appended.

The supply steamer Fern, which delivers to the light-houses on the Atlantic and Gulf coasts all the oil and other supplies used, is fifteen years old; is too small to carry all the supplies needed, and is expensive to maintain in proportion to the work done. It is proposed to replace her with a new ship to be built for the purpose, and to use the Fern as a tender. It is therefore suggested that an appropriation of $150,000 be made to enable the board to build an iron steamer of about 1,200 tons burden. The Fern, which measures about 548 tons, was able to distribute the supplies when lard oil was used as the illuminant; but now that mineral oil is substituted for it nearly twice as many gallons are required, though at about one-third of the cost of lard oil, and hence twice the room is required to carry it. Last year the Fern delivered over 150,000 gallons of oil, in addition to an enormous mass of other supplies; still quite a quantity of light-house stores, buoys, and their moorings, which the supply-ship would have carried if she had only had sufficient capacity, had to be sent out by freight lines. Next year the board will have to distribute about 200,000 gallons of oil, and, as the Fern must give that the preference, a still larger proportion of the other supplies will be sent as freight, at a much greater expense than heretofore. It is desired in the interests of economy, as well as of celerity and certainty, that light stations should be supplied by the supply ship, so that all the wants of each station may be fully and instantly met, and that she may bring back all surplus and condemned stores to the general light-house depot on her return trip.

Mr. DAVIS. I move to amend by adding at the end of the bill the words "not to exceed the sum of $147,500."

Mr. RANDALL. I wish to ask the gentleman having charge of this bill whether there is a general provision of law in relation to the construction of such vessels as the tender for the fourth district just provided for and the supply steamer now under consideration. It seems to me that these vessels ought to be built under some letting, which would secure to the Government the advantage of competition. The matter should not be left wholly to the discretion of the officials of the Government. I have no amendment ready to offer. I simply throw out this suggestion.

Mr. DINGLEY. I move to amend by adding to the bill the following:

Provided, That the contract for the construction of such steamer shall be let to the lowest responsible bidder after advertisement, and that such steamer shall be built in American ship-yards.

The amendment was agreed to.

Mr. RANDALL. I would like by unanimous consent to have an amendment similar to this inserted in the bill just passed providing for a tender for the Delaware River. If the provision is proper in one place it is equally so in the other.

The SPEAKER *pro tempore*. The Chair will submit the request for unanimous consent after this bill is disposed of. The next question is on the amendment of the gentleman from Massachusetts [Mr. DAVIS] to limit the cost of this supply steamer to $147,500.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. DAVIS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIGHT-HOUSE TENDER, FOURTH LIGHT-HOUSE DISTRICT.

Mr. RANDALL. I now ask unanimous consent that an amendment in the same form as that offered a few moments ago by the gentleman from Maine [Mr. DINGLEY] be added to the bill (H. R. 7631) authorizing the construction of a steam light-house tender for use in the fourth light-house district.

The SPEAKER *pro tempore*. The amendment proposed by the gentleman from Pennsylvania will be read.

The Clerk read as follows:

Add to the bill the following:

"*Provided*, That the contract for the construction of such steamer shall be let to the lowest responsible bidder after advertisement, and that such steamer shall be built in American ship-yards."

The SPEAKER *pro tempore*. If there be no objection the bill indicated by the gentleman from Pennsylvania will be amended by the addition of the proviso just read.

There being no objection, it was ordered accordingly.

LIGHT-SHIP OFF ENTRANCE TO CHESAPEAKE BAY.

The next business in order was the bill (H. R. 7632) to establish a light-ship off the entrance to Chesapeake Bay.

The bill was read, as follows:

Be it enacted, &c., That there be constructed and established a first-class light-ship, with a steam fog-signal, off the entrance to Chesapeake Bay.

Mr. RANDALL. Let us hear the report.

Mr. WARNER, of Ohio. I think we should have the report read, or some explanation should be given.

The report (by Mr. CLARDY) was read, as follows:

The Committee on Commerce, to whom was referred the bill (H. R. 6076) providing for the establishment of a light-ship and fog-signal at the entrance to Chesapeake Bay, beg leave to report that they have had the same under consideration, and recommend the passage of the accompanying substitute, which has the approval of the Light-House Board, as is shown by the communications of S. C. Rowan, vice-admiral United States Navy, and chairman of said board, to the honorable the Secretary of the Treasury, under dates March 20, 1886, and April 3, and which are hereto appended.

TREASURY DEPARTMENT, OFFICE OF THE LIGHT-HOUSE BOARD,
Washington, March 20, 1886.

SIR: The Light-House Board has the honor to acknowledge the receipt of a letter from the Committee on Commerce of the House of Representatives, dated March 5, 1886, transmitting for its views two House bills, one of which was bill No. 6076, appropriating $60,000 to construct and establish a first-class light-ship, with a steam fog-signal, off the entrance to Chesapeake Bay.

In reply, the board begs leave to say that this matter came up for consideration at its session on March 17, 1886, when the conclusion was reached that a light-ship so placed would be a valuable aid to navigation, and the board has the honor to recommend that the proper steps be taken for its establishment.

A copy of the letter of the Committee on Commerce and of H. R. bill 6076 are inclosed.

Very respectfully,

HENRY F. PICKING,
Commander, U. S. Navy, Naval Secretary.

The SECRETARY OF THE TREASURY.

TREASURY DEPARTMENT, OFFICE OF THE LIGHT-HOUSE BOARD,
Washington, April 3, 1886.

SIR: The Light-House Board has the honor to again refer to a letter from the Committee on Commerce of the House of Representatives, dated March 5, 1886, transmitting for its views two House bills, one of which was bill No. 6076, appropriating $60,000 to construct and establish a first-class light-ship with a steam fog-signal off the entrance to Chesapeake Bay.

In further reply the board begs leave to say that an attempt has been made from time to time to make this entrance by lighted and whistling buoys, but without much success, as the lights have gone out and the buoys have been carried away from their positions, so that they have afforded little, if any, real aid to mariners.

The board feels that it is very important to have a light-ship at that point, as the quantity of commerce passing between Capes Henry and Charles is immense, being all the shipping that is making for Baltimore, Richmond, and Norfolk, the new harbor of Newport News, and all the tributaries to Chesapeake Bay, as well as that which seeks Hampton Roads as a harbor of refuge.

Now that Newport News has become the terminus of a great railroad system, and that new and important railroad connections have been made at Norfolk and vicinity, this commerce is much greater than ever before, and the most approved and best methods of security should be given it.

A copy of the above-mentioned letter from the Committee on Commerce and of House bill No. 6076 are herewith inclosed.

Very respectfully,

S. C. ROWAN,
Vice-Admiral, U. S. Navy, Chairman.

The SECRETARY OF THE TREASURY.

Mr. CLARDY. I move to amend the bill by adding "the cost of which shall not exceed the sum of $60,000."

The amendment was agreed to.

Mr. DINGLEY. I offer this further amendment. At the end of the bill add the following:

Provided, That the construction of said light-ship shall be let to the lowest responsible bidder after advertisement, and that said light-ship shall be built in American ship-yards.

Mr. REAGAN. Should we not provide for some supervision or some test to secure the building of a proper vessel?

Mr. DINGLEY. I presume the Secretary of the Treasury will have supervision and control in this matter. Of course the plans for this light-ship will be made under his direction, and all bids must conform to them.

The amendment of Mr. DINGLEY was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIGHT-HOUSE, CRABTREE'S LEDGE, MAINE.

The next business in order was the bill (H. R. 7628) for the estab-

lishment of a light-house on Crabtree's Ledge, in Frenchman's Bay, Maine.

The bill was read, as follows:

Be it enacted, &c., That there be established and erected a light-house on Crabtree's Ledge (so called), between Bean Island and the mainland of Crabtree's Neck, in Frenchman's Bay, Hancock County, Maine.

Mr. RANDALL. Let us have the report read.

The report (by Mr. DAVIS) was read, as follows:

The Committee on Commerce, to whom was referred the bill (H. R. 5279) providing for the erection of a light-house on Crabtree's Ledge, in Frenchman's Bay, Maine, beg leave to report that they have had the same under consideration and recommend the passage of the accompanying substitute, which has the approval of the Light-House Board, as is shown by the communication of S. C. Rowan, vice-admiral, United States Navy, and chairman of said board, to the honorable the Secretary of the Treasury, February 1, 1886, and which is hereto appended.

TREASURY DEPARTMENT, OFFICE OF THE LIGHT-HOUSE BOARD,
Washington, D. C., March 25, 1886.

SIR: The Light-House Board has the honor to acknowledge the receipt of a letter from the Committee on Commerce, House of Representatives, dated February 15, 1886, transmitting for its views House bill 5279, making an appropriation of $10,000 for establishing a light-house on Crabtree's Ledge, in Frenchman's Bay, Maine.

In reply the board begs leave to say that this matter was considered at its session on March 24, 1886, when it came to the conclusion that a light and fog-signal should be established at the point named.

This ledge is situated at the entrance from Frenchman's Bay to Sullivan's Harbor, Maine, about 800 feet from Crabtree's Point on the west and one-third of a mile from Bean Island on the east, with soundings of from 6 to 8 feet upon it at low water, and since the recent construction of a branch of the Maine Central Railroad to Sullivan's Harbor has become a more serious obstruction to navigation than before from the fact that it is near the track of passenger steamers which ply between the railroad terminus and Bar Harbor, Mount Desert.

Travel over this route has of late assumed larger proportions and is increasing. In winter there are three lines of steamers running with more or less regularity, and in summer the various steamers plying in these waters make from fifteen to twenty trips daily and many of these trips are made at night.

It is therefore necessary that a light and fog-signal should be established to mark this ledge, so that vessels may pass it with confidence and safety at night and in thick weather.

The amount named in the bill is inadequate for this purpose. It is therefore respectfully recommended that an appropriation of $25,000 be made for the establishment of a light and fog-signal at Crabtree's Ledge, Frenchman's Bay, Maine.

A copy of the letter of the Committee on Commerce and of House bill No. 5279 are inclosed.

Very respectfully,

S. C. ROWAN,
Vice-Admiral, United States Navy, Chairman.

The SECRETARY OF THE TREASURY.

Mr. RANDALL. What is the limitation of expense in this case?

Mr. CLARDY. I move to amend the bill by adding "the cost of which shall not exceed the sum of $10,000."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIGHT AT WHITEHALL NARROWS, NEW YORK.

The next business in order was the bill (H. R. 6662) to establish a light at Whitehall Narrows, New York.

The bill was read, as follows:

Be it enacted, &c., That there be established above Pulpit Point, Whitehall Narrows, New York, a light to guide vessels through said narrows.

The report (by Mr. JOHNSON, of New York) was read, as follows:

The Committee on Commerce, to whom was referred the bill (H. R. 3560) to establish a light at Whitehall Narrows, New York, beg leave to submit the following report:

The site of proposed light is at a narrow point of channel in Whitehall Narrows, on Lake Champlain, New York. The Light-House Board in report for 1885 state that, at the point named, "the channel is not clearly defined, and an additional light is necessary."

The committee report a substitute for the bill (omitting appropriation), and recommend same for passage.

Mr. CLARDY. This involves only $200.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. JOHNSON, of New York, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIGHT-HOUSE AND FOG-SIGNAL, DEER ISLAND, BOSTON HARBOR.

The next business in order was the bill (H. R. 7629) authorizing the establishment of a light-house and fog-signal at Deer Island, Boston Harbor, Massachusetts.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to establish a light-house and fog-signal at or near Deer Island, in Boston Harbor, Massachusetts.

Mr. LONG. The entire cost of this work will be $35,000.

Mr. WARNER, of Ohio. Mr. Speaker, it seems to me that heretofore we have been wofully lacking in reference to these light-houses, or else we are recklessly establishing them now. I ask, therefore, either for the reading of the report of the committee in this case, or that we shall have some explanation of the necessity for this work.

Mr. LONG. Let the report be read.

Mr. WARNER, of Ohio. Or let us have some explanation of some sort of the necessity for this work.

Mr. LONG. I will simply state then to the gentleman from Ohio, and for the information of the House, that the Light-House Board have recommended this work as one particularly desirable, putting it in the first class.

The steamers plying between Boston and the Northern ports make use of the Broad Sound channels, and a light and fog-signal at this point are particularly desirable, because of the narrow and devious passages.

That is the recommendation of the Light-House Board contained in their annual report under date of June 30, 1885. For this purpose an appropriation of $135,000 is needed. It is the only work reported for the whole coast of Massachusetts, and I hope there will be no opposition to it.

Mr. WARNER, of Ohio. It would seem that this Light-House Board is somewhat like the Supervising Architect of the Treasury Department, and will recommend almost anything.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LONG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIGHT-HOUSE, LUBEC NARROWS, MAINE.

The next business in order was the bill (H. R. 7630) for the erection of a light-house at Lubec Narrows, Maine.

The bill was read, as follows:

Be it enacted, &c., That there be established a light-house at or near Lubec Narrows, Maine.

Mr. WARNER, of Ohio. Is there no report accompanying this bill, and are we to have no explanation to let us know what we are doing? We may have light enough by and by, but let us have some on this bill now.

The SPEAKER. Does the gentleman ask for the reading of the report?

Mr. WARNER, of Ohio. Yes, I ask for the reading of the report, or for some explanation on the part of some gentleman of the necessity for this work.

Mr. RANDALL. Let us have the report read.

Mr. WARNER, of Ohio. Yes, let us have the report read.

The report (by Mr. DAVIS) was read, as follows:

The Committee on Commerce, to whom was referred the bill (H. R. 3445) providing for the erection of a light-house at Lubec Narrows, Maine, beg leave to report that they have had the same under consideration, and recommend the passage of the accompanying substitute, which has the approval of the Light-House Board, as is shown by the communication of S. C. Rowan, Vice-Admiral, United States Navy, and chairman of said board, to the honorable the Secretary of the Treasury, February 1, 1886, and which is hereto appended:

TREASURY DEPARTMENT, OFFICE OF THE LIGHT-HOUSE BOARD,
Washington, February 1, 1886.

SIR: The Light-House Board has the honor to acknowledge the receipt of a letter from the Committee on Commerce, House of Representatives, dated January 28, 1886, transmitting for its views a number of House bills, and among them a bill (H. R. 3445) making an appropriation for the erection of a light-house at Lubec, Me.

In reply, the board begs leave to say that in its annual estimates for 1883 and for 1884 an item of $40,000 was included for the erection of a light-house at Lubec Narrows, and that in its report for 1883, page 8, the necessity for this light is fully stated.

In its annual report for 1885, on page 18, the reasons why a light should be established at this point are again stated, and recommendation is made that an appropriation of $40,000 be made therefor, and an item for that sum is included in the board's estimates for the coming year.

An extract from the board's report for 1885 is herewith transmitted.

A copy of the letter from the Committee on Commerce is inclosed, together with the bill (3445) in question.

Very respectfully,

S. C. ROWAN,
Vice-Admiral, U. S. Navy, Chairman.

The SECRETARY OF THE TREASURY

[Extract from annual report of Light-House Board, June 30, 1885.]

Lubec Narrows, Maine.—The following recommendation, made in the board's estimates for last year, is repeated:

"Since the dredged channel between Lubec and Campobello Island, on the coast of Maine, has been completed by the War Department, it has become evident that, to make this channel of value to commerce at night, a light should be established at the entrance."

For the purpose an appropriation of $40,000 is needed.

Mr. CLARDY. This improvement was strongly recommended by the Light-House Board. In addition to that, members of that board appeared before the committee and urged it as an important work.

Mr. RANDALL. I have great respect for the Light-House Board and their recommendations, but they are the least bit extravagant, and I wish to compliment the Committee on Commerce for having reduced very largely the estimates submitted by that board for this kind of work.

Mr. MILLIKEN. If the gentleman will apply the expression he made a while ago, which I was glad to hear, that the matter of economy did not come in when human life was to be saved, I think he will sustain this proposition. I have been through this channel a great

many times myself, and it is crooked and somewhat obstructed, but it leads to one of the finest harbors of the globe, where there is an immense amount of commerce. I have no doubt every gentleman in this House if he could be on the spot, and, as I have done, see it for himself, would approve the decision of the Light-House Board.

Mr. RANDALL. I made the remark because emphasis seemed to be given to the recommendation of the Light-House Board, and my criticism was just. Their figures and their estimates warrant the remark I made.

As to this particular light, of course the gentleman from Maine knows more about it than I, but the general remark which I made with reference to all these bills I think was only reasonable.

Mr. BOUTELLE. I do not understand that the remarks of the gentleman from Pennsylvania were directed to a criticism of this bill.

Mr. RANDALL. No, sir.

Mr. BOUTELLE. I would state for the information of the House that the proposition to construct this light-house does not come here as a local measure in any way. It is recommended as a measure which originated with the Light-House Board, resulting from their own observations as to the necessities of commerce on the eastern coast of the State of Maine.

The United States Government for the past six or seven years has been engaged in making an improvement of an important channel on the extreme eastern coast of the State, between the town of Lubec and the British island of Campobello, the channel forming the principal entrance to the Saint Croix River and adjacent waters. That improvement has been completed and it is open to commerce, but some additional work will yet have to be done, and the Light-House Board have recommended and urged the necessity for the erection of this light-house, so as to enable the utilization of this channel, which the Government had opened, for commerce at night.

Mr. RANDALL. Exception having been taken to my remark touching the conduct of the Light-House Board in connection with their estimates, I find on an examination that they estimated for these general purposes, such as come now in the main under the control of the Committee on Commerce, except such as are already in course of construction, for the year 1886, $1,261,000, and for this year they ask $1,346,000. The Committee on Commerce, as I have said before, I think have reduced the appropriation under the estimate to a little over $400,000. I think, therefore, I have given the figures upon which was correctly predicated my criticism.

Mr. CLARDY. I move to amend by adding to the bill the words "the cost of which shall not exceed the sum of $40,000."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADDITIONAL AIDS TO NAVIGATION—MISSISSIPPI RIVER.

The next business in order was the bill (H. R. 7633) establishing additional aids to navigation at the mouth of the Mississippi River.

The bill is as follows:

Be it enacted, &c., That there be established additional aids to navigation off and near the passes at the mouth of the Mississippi River, in the State of Louisiana, as follows: A light-ship off the entrance to the jetties at the South Pass; higher and more powerful lights at or near the outer ends of the jetties at the South Pass, to replace those now in existence; a steam or hot-air fog-signal at or near the end of the east jetty; a higher and more powerful light on one of the jetties at the Head of the Passes; and a fog-signal at or near Cubit's Gap, in said Mississippi River.

Mr. COX. Let the report be read.

The report (by Mr. CLARDY) was read, as follows:

The Committee on Commerce, to whom was referred the bill (H. R. 986) providing for the establishment of a fog-signal, light-ship, and lights off the mouth of the Mississippi River, and for other purposes, beg leave to report that they have had the same under consideration, and recommend the passage of the accompanying substitute, which has the approval of the Light-House Board, as is shown by the communication of S. C. Rowan, Vice-Admiral United States Navy, and chairman of said board, to the Secretary of the Treasury, of date 18th February, 1886, and which is hereto appended.

TREASURY DEPARTMENT, OFFICE OF THE LIGHT-HOUSE BOARD,
Washington, February 18, 1886.

SIR: Referring to the letter from the chairman of the Committee on Commerce of the House of Representatives, dated January 19, 1886, and inclosing House bill 986, providing for the establishment of fog-signal, light-ship, and lights off the mouth of the Mississippi River, and for other purposes, the board has the honor to state that it has carefully considered the subject and respectfully reports that the light acting as a range with the main light in entering between the jetty ends, mentioned in section 3 of the bill, had been ordered to be built before this bill was introduced, and was lighted January 4, 1886.

The board recommends that the following additional aids to navigation be erected:

South Pass jetties.—A light of increased height and power on each jetty to replace existing lights, and a steam or hot-air fog-signal on the east jetty.

Head of the Passes.—A light of increased height and power on the east jetty.

Cubit's Gap.—A fog-bell struck by machinery, with a dwelling for the keeper.

The board does not recommend the establishment of the other aids mentioned in the bill.

For the aids recommended the board requests that Congress be asked to make an appropriation of $27,500, as shown in the following summary:

South Pass jetties:	
Two lights of increased height and power shown from skeleton wooden towers, at $3,000 each; making for the two	$6,000
A steam or hot-air fog-signal on the east jetty, including a dwelling for the keeper, fog-signal house, and preparation of foundation	15,000
Head of the Passes:	
One light of increased height and power shown from skeleton wooden structure	3,000
Cubit's Gap:	
Fog-bell, struck by machinery, and dwelling for the keeper	3,500
Total	27,500

It is further suggested that the bill be amended so as to read as follows:

A bill for the establishment of additional aids to navigation on the Mississippi River.

Be it enacted by the Senate and House of Representatives in Congress assembled, That the following sum be, and the same is hereby, appropriated for the following objects:

For establishing higher and more powerful lights at or near the ends of the South Pass jetties, Mississippi River; for establishing a steam or hot-air fog-signal at or near the end of the east jetty, South Pass, Mississippi River; for establishing a higher and more powerful light on one of the jetties at the Head of the Passes, Mississippi River; for establishing a fog-signal at or near Cubit's Gap, Mississippi River, $27,500.

A copy of the letter from the Committee on Commerce previously referred to and a copy of House bill No. 986 are herewith inclosed.

Very respectfully,

S. C. ROWAN,
Vice-Admiral U. S. N., Chairman.

The SECRETARY OF THE TREASURY.

Mr. CLARDY. I move to amend by adding:

The entire cost of which shall not exceed the sum of $52,500.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIGHT-HOUSE, SEUL CHOIX POINT, MICHIGAN.

The next business in order was the bill (H. R. 7647) to establish a light-house at Seul Choix Point, Michigan.

The bill is as follows:

Be it enacted, &c., That there be established a light-house at or near Seul Choix Point, on the northern shore of Lake Michigan, Michigan.

Mr. TARSNEY. Mr. Speaker, I move to amend by adding:

The entire cost of which shall not exceed the sum of $15,000.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. TARSNEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Chair will state that this disposes of all of the bills for the establishment of light-houses under the special order.

Mr. REAGAN. The gentleman from Louisiana [Mr. IRION] has charge of the bills for the establishment of the life-saving stations, which bills are also embraced in that order.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman from Louisiana.

ADDITIONAL LIFE-SAVING STATIONS.

Mr. IRION. Mr. Speaker, there were a large number of bills presented to the committee for the establishment of additional life-saving stations, all of which were submitted to the superintendent of that department, and on consultation with him a number were stricken out, and it was deemed by the committee best to embody all of these remaining propositions in one bill, authorizing the establishment of the life-saving stations recommended as absolutely necessary by the superintendent of the service. I therefore ask that the bill be now taken up for consideration.

The bill (H. R. 6975) was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized to establish additional life-saving stations upon the sea and lake coasts of the United States as follows: One at or near Point Allerton, Massachusetts; one at such point between the Parmet River life-saving station and the south end of Nauset Beach, Cape Cod, Massachusetts, as the General Superintendent of the Life-Saving Service may recommend; one at or near Cape Poge, Massachusetts; one at or near Cuttyhunk, Massachusetts; one on the northwest side of Block Island, Rhode Island; one on the coast between Point Judith and Watch Hill, Rhode Island; one on Fisher's Island, Long Island Sound; one at or near Fisherman's Island, Virginia; one at or near Oak Island, North Carolina; one at or near Old Topsail Inlet, North Carolina; one at or near Plum Island, Lake Michigan; one at South Manitou Island, Lake Michigan; one at South Chicago, Ill.; one at or near Bois Blanc Island, Straits of Mackinaw; one at or near Point Adams, Oregon; one at such point between Point Reyes and Point Diablo, California, as the General Superintendent of the Life-Saving Service may recommend; one at such point between Point San José and Point Lobos, California, as the General Superintendent of the Life-Saving Service may recommend.

Mr. IRION. I am instructed by the committee to offer the amendment which I send to the desk.

The Clerk read as follows:

In line 25, after the word "recommend," add, "one on Lake Ontario, New York, at or near the mouth of the Niagara River, as the General Superintendent of the Life-Saving Service may recommend."

Mr. RANDALL. Mr. Speaker, I do not desire to throw any obstacle in the way of the establishment of life-saving stations which may be deemed necessary or essential for the preservation of life, but I desire to direct the attention of the gentleman from Louisiana to the fact that there are already authorized by law twenty life-saving stations that are not yet established or contracted for. Lest I might be mistaken in that connection I have made inquiry to-day as to how many remain uncontracted for under the acts of 1874, June, 1878, and under the act of May 4, 1882.

And Mr. Kimball, superintendent of this establishment, makes answer:

In answer to your telegram you are informed there are twenty life-saving stations authorized by law not yet constructed or under contract for construction.

Now, if this bill is intended to indicate to the Superintendent of the Life-Saving Service that the Congress of the United States wants that those life-saving stations yet unprovided, but authorized by law, shall be constructed at these places, no harm will be done. But I think if this bill provides stations at sixteen places, in addition to the twenty not yet constructed, we ought to understand that fact.

Mr. CRISP. This bill is to authorize the construction of that many more, not at once, but from year to year as appropriations are made by Congress.

Mr. RANDALL. We give each year, and propose to give this year, $50,000——

Mr. CRISP. We have been giving that for several years.

Mr. RANDALL. For the construction of new life-saving stations, and that is all the superintendent has ever asked for, I believe. It is certainly all he has asked for this year.

Mr. CRISP. About ten can be constructed for $50,000, averaging $5,000 apiece.

Mr. RANDALL. I will ask to have read a part of the statement of the superintendent of the life-saving stations on this subject as throwing some light upon it.

The Clerk read as follows:

It is the hope and expectation that during the coming fiscal year ten of the stations authorized by law may be erected. It is thought, however, that not more than six will be completed in time to be manned by crews during the active season of that year. The estimate for crews at new stations is made upon the basis of seven men in each of these stations for eight months of the year, and amounts to $16,800. The stations on the great lakes are open on an average eight and one-half months, and at certain of these stations it is necessary to employ eight men.

Mr. RANDALL. It will be observed from this statement that the superintendent of the life-saving stations only proposes during the coming fiscal year to erect ten new stations, only one-half of what he has now authority for, and that only six of them will be in such a state of completion as to be manned by crews. During the eight months of the year they are under the care of a keeper, and of the seven men that are usually employed, the keeper generally receives a salary of $700, and each of the seven men receives $50 a month for the period they are employed.

Mr. BUCHANAN. Eight months.

Mr. LONG. I would suggest that I suppose it is possible one of these new stations might be regarded by the superintendent as of more importance than those previously authorized.

Mr. RANDALL. Then he has authority under existing law to construct it.

Mr. LONG. Not until we pass this bill.

Mr. WARNER, of Ohio. It would seem that we have all the time been in the dark if one of the stations to be built now is worth more than all that have been built heretofore.

Mr. RANDALL. I only wanted to direct the attention of the House to the fact that there is law for the erection of twenty more stations than are now constructed, and ten more than the superintendent declares to be possible for him to construct in the next fiscal year. And yet the House is asked to authorize sixteen additional stations.

Mr. DINGLEY. I ask the gentleman if the law in regard to the stations now authorized does not fix the particular places?

Mr. RANDALL. Not in every case. If the gentleman will come over here I will show him the provisions of law. I do not desire to take time by having them read. The provision of the law in some cases is general.

Mr. REAGAN. With reference to the suggestion that the stations provided for in this bill may be of more importance than those heretofore provided for by law, it is right to say none have been provided for except on the recommendation of the Superintendent of the Life-Saving Service, and he certainly ought not to have recommended at any time any not necessary to build.

I do not propose to discuss this subject, and have made no preparation for doing so; but I wish to say further, it will be seen by an examination of the various acts relating to the Life-Saving Service in the last few years that its growth has been very extraordinary. Its increase caused the increased number of stations. The needs of commerce might have demanded a good many of these. But this service has taken the course of all new bureaus, of being built up as rapidly as the peculiar ideas of the head of the bureau called for. We have now twenty stations authorized by law not yet constructed. I know some of them are of importance. I know that one at Galveston has been provided for several years. It has been greatly needed during that time, and is not yet built. I do not know how much longer it will be before it is built. It is right to say in that connection the superintendent told our committee he was to make arrangements to build it soon. He said that also a year ago, and he said it a year before that. I mention this to show some discretion is exercised in the selection of places where these stations are to be built.

The House ought to know there are thirty life-saving stations on the coast of New Jersey alone. I am not prepared with the statements. I desired to see a chart and tried to get it, but never obtained it, which would exhibit the number of life-saving stations and their proximity. That exhibition would have shown some of the places in this bill do not require to have stations. I remember one case of a life-saving station being provided between two others 7 miles apart in this bill. I remember generally looking over the bill, and I saw but two places named where it occurred to me additional stations were needed—one on the coast of North Carolina and one at the mouth of the Columbia River.

I feel that it is due to the House to state this much, that the service is being increased in the number of stations more rapidly than seems to be necessary. Stations have been called for which seem to me to be more for the purpose of securing appropriations for particular districts and giving employment to men at particular places than because the needs of commerce demand them. I do not propose to say anything more on this subject at this time.

Mr. MILLIKEN. The gentleman from Texas [Mr. REAGAN] has stated what has been the increasing cost of this service. As chairman of the Committee on Commerce, is he prepared to state to the House the number of lives and the amount of property saved by this service?

Mr. REAGAN. I know, sir, that the service makes a very imposing exhibit of the amount of property and the number of lives it has saved and shows that it has been very efficient in that respect, and whenever it can be shown that a station is necessary to that end I am prepared to vote for it. But I do think that when the superintendent informs us that he can not establish more than ten new stations in a year, and when we have already twenty such stations provided for, a two-years' supply in advance, all of them heretofore recommended by him and passed upon his recommendation, it is time we should hold up and let him establish the stations already provided for before we extend the list.

Mr. EDEN. Mr. Speaker, will the gentleman from Texas [Mr. REAGAN] permit me to ask him a question?

Mr. REAGAN. Yes, sir.

Mr. EDEN. Can the gentleman inform us whether the sixteen stations that are provided for in this bill have all been recommended by the superintendent?

Mr. REAGAN. Yes, sir; they are all recommended by the superintendent.

A MEMBER. Oh, he would recommend anything.

Mr. RANDALL. I do not wish to see injustice done to that gentleman. He is a very careful officer. But the question is, should these sixteen stations be left to his discretion? I would be perfectly willing to leave them there and not force their construction immediately.

Mr. IRION. Mr. Speaker, I think it is proper to say that the superintendent explained to the committee that it was necessary that these new stations should be authorized two years in advance, and that is the reason why he recommends to at this time establish all these new ones. Before the two years have elapsed he will have constructed those already authorized by law, and then, if these are authorized, he can go on, because the appropriation will have been already made. He says it is necessary they should be authorized at least two years in advance.

Mr. RANDALL. Then we understand the matter exactly. These sixteen are in addition to the twenty already authorized but not yet constructed, so that we shall be giving him discretion as to thirty-six.

Mr. WEAVER, of Iowa. And let us understand also that there are more authorized now than he can construct in two fiscal years.

Mr. EDEN. Mr. Speaker, it is evident that there is a good deal of division of opinion on this question. We have no quorum here; it is late, and therefore I move that the House do now adjourn.

Mr. REAGAN. Mr. Speaker, I wish to say to the House that if we can dispose of this bill the Committee on Commerce intend to trespass further upon the courtesy of the House to pass a few other bills which have been prepared and reported by that committee. They are routine bills which probably will not lead to any discussion, and when we get through with this we shall ask the House to take them up.

The House divided on the motion to adjourn; and there were—ayes 36, noes 61.

So the motion was not agreed to.

Mr. RANDALL. Mr. Speaker, it is evident that there is not a quorum present, and I think this matter had better be passed over, and, as

suggested by the gentleman from Texas, let us take up something else that we can dispose of without a quorum.

The SPEAKER. The gentleman from Texas [Mr. REAGAN] asks unanimous consent that the bill now under consideration be passed over for the purpose of taking up some other bill the title of which he has not yet indicated.

Mr. DUNHAM. Mr. Speaker, the House by unanimous consent gave the Committee on Commerce this day for the consideration of these bills. We have considered all the bills except this one, which is last in the list. I think the House should do the fair thing by the Committee on Commerce, and allow this bill to be considered and disposed of even though there may not be a quorum present.

The SPEAKER. A single objection would prevent that.

Mr. RANDALL. The House gave unanimous consent, also, that it should be a House, and whenever it is discovered that it is not a House there are two motions in order.

Mr. DUNN. One of which has been made.

Mr. BUCHANAN submitted some remarks. [See Appendix.]

The SPEAKER. The question is on the amendment proposed to the pending bill by the gentleman from Louisiana [Mr. IRION].

A MEMBER. Let the amendment be read again.

The Clerk read as follows:

In line 25, after the word "recommend," add "one on Lake Ontario, New York, at or near the mouth of the Niagara River, as the General Superintendent of the Life-Saving Service may recommend."

Mr. DAVIS. Mr. Speaker, I have an impression that if this House were advised of the needs of this service and the magnitude of its operations, despite the fact that there is no quorum present, this bill would pass.

I ask leave to read a few statistics showing in the first place the number of wrecks we have had on our coast, which extends a distance of 10,000 miles, within the last fourteen years. They number 3,546. Of this number there have been on the coast of Maine, 524; New Hampshire, 54; Massachusetts, 802; Rhode Island, 176; Connecticut, 89; New York, 352; New Jersey, 399; Delaware, 115; Maryland, 98; Virginia, 251; North Carolina, 231; South Carolina, 53; Georgia, 27; Florida, 181; Alabama, 8; Mississippi, 8; Louisiana, 20; Texas, 158. Now, these statistics tell the whole story of the nature of our coast and the points where casualties occur. Those occurring on the coast of Maine are owing to its peculiar conformation, which is skirted with rocks, with sunken ledges, and with islands. Then the climate of Maine and that of all our northern coast is unpropitious to mariners, the severe storms in fall, winter, and spring making that an exceedingly dangerous coast.

Then we come to Massachusetts; and we have two very important capes, one stretching 12 miles into the Atlantic, the other 40 miles, and nearly 40 miles northward; and then there are the Elizabeth Islands and the Island of Nantucket, compelling all vessels after they weather the coast of Cape Cod to still hug the coast through a tortuous, narrow, shallow channel, the northeast and easterly winds driving vessels upon that coast, so that, as I am informed by the Light-House Board, there were forty wrecks seen there on one morning. As we go farther south we get a different conformation of coast, but still very dangerous, with outlying sand-bars. This is the character of the seaboard from the southern portion of Rhode Island down to and below Hatteras. After we leave Hatteras the coast trends to the westward; and vessels have a free offing until they approach Southern Florida. This again is very dangerous, in consequence of the coral reefs; and a vessel is obliged to hug the shore in getting between that and the Bahama Islands.

But after traversing this channel, rounding Florida, and getting into the Gulf, there is an almost total exemption from accidents of this character. Within fourteen years there have been only thirty-six accidents east of Texas on the entire Gulf coast; and the accidents upon the coast of Texas, which have amounted to a little over one hundred, have been almost wholly upon its western extremity, where it trends to the north, and vessels are driven ashore by the "northers." This illustrates why the life-saving stations are more numerous upon our northern coast.

We have in the first district eleven life-saving stations. That comprises the coast of Maine and New Hampshire. In the second district, Massachusetts, we have twenty-one life-saving stations on all that perilous coast, with all its capes and islands, where we have had within fourteen years eight hundred and two wrecks and in a single day forty, a coast where, in the course of a year, fifty thousand vessels pass. Then we have the third district, Rhode Island and New York, where the wrecks have been five hundred and twenty-eight, the life-saving stations numbering thirty-seven. This number is much larger proportionally than those upon the coast of Massachusetts. This partly because a large share of our foreign commerce, carried in very large vessels, in reaching the harbor of New York, passes along the coast of Long Island and New Jersey, so that a larger life-saving force is requisite, and it is necessary at times to mass the forces from several points.

Then again, it is exceedingly difficult sometimes for the men engaged in this service to carry their apparatus, when they are obliged to carry it by their own physical force, going waist-deep in water and knee-deep in sand, dragging at times a weight of many hundred pounds. Under these circumstances frequent life-saving stations are of course required. In the fourth district, New Jersey, with three hundred and ninety-nine wrecks, many of them large wrecks, involving great loss of human life, we have forty-one life-saving stations. In the fifth district, Delaware, Maryland, and Virginia, with three hundred and thirty-one wrecks, we have seventeen life-saving stations. In the sixth district, Virginia and North Carolina, running to Cape Hatteras, we have twenty-eight. In the seventh district, including North Carolina, Georgia, and Florida, with one hundred and ninety-nine wrecks, we have fourteen life-saving stations. Then in the eighth district, embracing Florida, Alabama, Mississippi, Louisiana, and Texas—a very large extent of territory, but the wrecks being comparatively few, numbering only two hundred and fifty-six, there being very little danger there from the fact that the winds blow from the north and blow out to sea instead of toward the land—we have eight life-saving stations.

Mr. REAGAN. There are only four on the coast of Texas.

Mr. DAVIS. The number I have given have been authorized by law, according to this statement, which I get from the Light-House Board.

Mr. REAGAN. In order to settle this question, I asked the commissioner when he was before the committee, and he admitted there were only four now established, although there are five provided for by law.

Mr. DAVIS. This number of life-saving stations is undoubtedly authorized, although they may not all be built. This statement includes one outside of Texas, taking in the entire Gulf coast. I will read in a moment another statement showing the magnitude of the operations of this Life-Saving Service.

Mr. Speaker, the table given below contains a summary of the results in the field of life-saving operations since the introduction of the present system:

General summary of disasters which have occurred within the scope of life-saving operations from November 1, 1871 (date of introduction of present system), to close of fiscal year ending June 30, 1885.

Total number of disasters	2,918
Total value of vessels	$35,210,075
Total value of cargoes	16,553,649
Total value of property involved	51,763,694
Total value of property saved	36,277,929

Here is a result of some practical utility, showing it is not simply a humane service, but that it is a profitable service to commerce:

Total value of property lost	$15,485,765
Total number of persons involved	25,693
Total number of persons saved	25,236
Total number of lives lost	457
Total number of persons succored	4,829
Total number of days' succor afforded	13,313

Now, there is a result creditable to our country, creditable to the cause of humanity, and it seems to me it amply justifies a liberal expenditure in favor of this service.

I was going to remark, Mr. Speaker, that it is perhaps unnecessary to go any further into detail to show the importance of this service. It has been now in existence some fifteen years, and it shows these results. It is a service which of course at a glance, in a single moment, we see the nature of. No one can describe, perhaps, or even approach a description of the accumulated horrors of one case of shipwreck. I recollect a celebrated orator stated it was impossible to convey an adequate conception of the horrors of war unless you described a single case, that of a family, for instance, where the mother and her lovely daughters lived in happiness and apparent safety. A party of soldiers inflamed with wine and lust approach that dwelling. I need proceed no further; every parent understands the whole history of crime and cruelty.

Neither can we form an adequate idea of the fearful aggregate of suffering, terror, and death connected with the three thousand shipwrecks which have occurred upon our coast within the last fifteen years. They do not make that vivid impression upon us that a single instance would, because the imagination revolts from the conception of such stupendous calamities. Time will not permit, Mr. Speaker, even if I had the ability, the attempt to impress this House with the unequaled and accumulated horrors of a single shipwreck, where human beings are, in midwinter, and in the midst of darkness and a raging tempest, driven upon a reef far from the shore, the masts falling, the vessel breaking in pieces, and a watery grave yawning before them. No man can imagine a death accompanied and anticipated with more of horror than this.

Then rose from sea to sky the wild farewell—
Then shriek'd the timid, and stood still the brave—
Then some leap'd overboard with dreadful yell,
As eager to anticipate their grave;
And the sea yawn'd around her like a hell,
And down she suck'd with her the whirling wave,
Like one who grapples with his enemy,
And tries to strangle him before he die.

And first one universal shriek there rush'd,
Louder than the loud ocean, like a crash
Of echoing thunder; and then all was hushed
Save the wild wind and the remorseless dash
Of billows; but at intervals there gush'd,
Accompanied with a convulsive splash,
A solitary shriek, the bubbling cry
Of some strong swimmer in his agony.

This is a description by the greatest save one of those poets who have made our language the instrument of their imagination of a shipwreck

in former times. Happily that description will apply in but few instances to-day. Now, at the last moment, when hope has given way to despair, and strong men, feeble women, and helpless children are alike in the presence of apparently inevitable death, at that moment a light appears, streaming upon them from the shore like a ray from heaven penetrating this nether world, and bringing hope and joy to those despairing souls. A line is shot high in the air and reaches and is made fast to the vessel, the life-car follows it, and the life-boat comes, and they are saved. Mr. Speaker, no man can be so destitute of grateful reverence that he would not, upon reaching the shore, thank God for his deliverance, and invoke his choicest blessings upon the brave men who had saved him at the peril of their lives and upon that humane government which had furnished the means of rescue.

Mr. Speaker, one hundred years ago in one of the States of this Union a life-saving society was formed. During all this period it has continued uninterruptedly its humane labors, until it has to-day fifty-two life-saving stations upon the coast of that State—double the number that the United States has placed there. I refer to the Massachusetts Humane Society, which is the parent of our United States Life-Saving Service, and of the modern life-saving service in Europe as well as in this country. Mr. Speaker, the Commonwealth which I have in part the honor to represent here has, in her Colonial, Revolutionary, and State history of two hundred and fifty years done something for her own honor, something for the welfare, progress, and glory of our common country and for history. She has crowded into the space of two and a half centuries names, deeds, ideas, and institutions which will inspire every generation of her children; but I question whether there be a single fact in all her glowing annals of which they have better reason to be proud than of the spirit, labors, and results of this association of her citizens.

We have also a right to be proud of our national Life-Saving Service. It is simply unequaled in the efficiency of its organization, the excellence and variety of its appliances and methods, and the courage and skill of its officers and men. In its humane work it knows no latitude or longitude. Its spirit and purpose are wide as humanity and far-reaching as the necessities and sufferings of the race. This spirit is not confined to our country or time or even to the Christian era. Rome, ruthless and bloody as was her policy, conferred a special honor upon him who saved the life of a fellow-being. "Nothing human is alien to me" was the sentiment uttered by a heathen philanthropist more than two thousand years ago, and that will remain for all time the vindication of the claims of humanity and the brotherhood of the race. This spirit conferred immortality upon the words of the dying Sydney: "Take it, I pray thee; for thy necessities are greater than mine." Words simple as childhood, but sublime as the heavens that have made the very ground upon which this heroic soul ebbed his life away sacred to history and humanity forever!

Mr. Speaker, this bill should not fail. Upon it both sides of this House and the members from every section of our country can act as one man. It appeals irresistibly to the best and tenderest emotions of our common nature. Let us forget all minor considerations and remember only that we are men whose duty it is to succor and save our fellow-creatures.

Mr. COWLES. Mr. Speaker, the gentleman from Massachusetts has convinced me that this is a matter of so much importance that it ought not to be passed upon in the House without a quorum, and as he seems satisfied that there is danger of its not passing now, and as it is certain that there is no quorum present, believing that a quorum ought to consider it, and since it is within ten minutes of 5 o'clock, I move that the House do now adjourn.

Mr. DAVIS. I only desire to say, Mr. Speaker, that an adjournment is of course the defeat of this bill.

Mr. RANDALL. Mr. Speaker, I confess I have been greatly moved by the eloquent——

The SPEAKER. There is a motion pending to adjourn.

Mr. RANDALL. I beg pardon; I did not hear it.

The SPEAKER. The gentleman from North Carolina has submitted a motion, which is now pending, that the House adjourn.

The motion was not agreed to.

Mr. RANDALL. I confess, as I have said, that I was greatly moved by the eloquent words and appeals of the gentleman from Massachusetts, and I should follow him distinctly in giving execution to those words if the proposition before the House was either to establish a life-saving service or to break down the system now in force.

But it is neither. We know by the statements sent to us by the Superintendent of the Life-Saving Service that he could not within two years execute the construction of these stations to the number already authorized by law. We have now two hundred and three stations. We have one hundred and fifty-seven of those on the Atlantic shores, thirty-eight upon the lakes, more in other directions; I think but one or two on the Pacific coast.

No one for a moment would underrate the necessity, the absolute requirement of humanity, to establish these stations. But I do think that under the circumstances, with the language and recommendation so far as I have it before me in the report, differing somewhat from the recommendation as presented by the Committee on Commerce, we should be allowed to look into this matter a little further, and see whether Congress should at this time say there should be thirty-six additional stations. There are twenty now authorized by law neither constructed nor contracted for; and this bill provides sixteen in addition, and ten of those sixteen, if I caught the reading correctly, are on the Atlantic coast, while one or perhaps two are on the Pacific, and some on the lakes.

I think a full House should pass on this measure. But I am not going to stand here and prevent the passage of the bill if there should be no diversity of opinion as to the propriety of its passage. Hence I do not want to obstruct this proceeding by calling a quorum. But I do say that the statement I have in my hand and the statements that have been read are inconsistent as coming from the superintendent of this service.

Mr. HATCH. I demand the previous question on the pending bill and the amendments.

The previous question was ordered.

The SPEAKER. The question is on the amendment proposed by the gentleman from Louisiana [Mr. IRION], which has been read.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is, Shall the bill pass?

The question being taken, the Speaker stated that the ayes seemed to have it.

Mr. RANDALL. I call for a division.

The House divided; and there were—ayes 58, noes 17.

So (further count not being called for) the bill was passed.

Mr. IRION moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. REAGAN. I understand all the bills embraced in the special order for to-day have now been disposed of. I move that the House do now adjourn.

Mr. DUNHAM. I ask the gentleman from Texas to withhold that motion for the present. I have here a very short bill reported by the Committee on Commerce which was not included in the order, and which I should like to ask the House to consider at this time.

Mr. REAGAN. I yield to the gentleman and withdraw the motion to adjourn.

TOWING VESSELS.

Mr. DUNHAM. I ask unanimous consent to take from the House Calendar the bill (H. R. 3037) relating to the licensing of vessels engaged in towing to carry persons in addition to their crews, and that the same be put upon its passage.

The SPEAKER. The bill will be read, after which the Chair will ask for objections, if any.

The bill was read, as follows:

Be it enacted, &c., That any steam-vessel engaged in the business of towing vessels, rafts, or water craft of any kind, and not carrying passengers, may be authorized and licensed by the board of supervising inspectors to carry on board such a number of persons, in addition to its crew, as the board of supervising inspectors, in their judgment, think necessary to carry on its business, not exceeding, however, one person to every ton of measurement.

SEC. 2. That every steam-vessel licensed under the foregoing section shall carry and have on board, in accessible places, one life-preserver for every person allowed to be carried, in addition to those provided for the crew of such vessel.

The committee recommended the following amendment:

Strike out all after the words "licensed by the," in the fifth line of section 1, and insert as follows:

"Supervising inspector of the district in which said steamer shall be employed, to carry on board such number of persons, in addition to its crew, as the supervising inspector, in his judgment, shall deem necessary to carry on the legitimate business of such towing steamers, not exceeding, however, one person to every net ton of measurement of said steamer: *Provided, however*, That the persons so allowed to be carried shall not be carried for hire."

Mr. RANDALL. Is that bill embraced in the special order?

The SPEAKER. It is not.

Mr. RANDALL. Reserving the right to object, I will be glad to hear a statement by the gentleman in charge of the bill.

The SPEAKER. If there be no objection the gentleman from Illinois will be permitted to make a brief statement, the right to object being reserved.

There was no objection.

Mr. DUNHAM. I will state that the amendment was suggested by the supervising inspector-general. The object of the bill is this: Under the present laws of the United States a steam-tug or steam-vessel going to the rescue of a vessel ashore is forbidden to carry even the owner of that vessel. A steam-tug going to the rescue of a vessel ashore is forbidden by law even to take the crew off and carry them ashore. The object of the bill is simply to correct that evil. I will say it originates with the Chicago Tug-Owners' Association, which has had occasion to be fined once or twice for doing that, by which human life has been saved.

Mr. SPRINGER. Let it be passed.

Mr. RANDALL. I suggest that the gentleman from Illinois incorporate in the RECORD the report accompanying the bill.

Mr. DUNHAM. I shall be glad to do so.

Mr. RANDALL. Does General Dumont, the Supervising Inspector-General, approve the bill?

Mr. DUNHAM. This bill was submitted to the Secretary of the Treasury and I suppose by him to General Dumont, and it was returned by the Department with a favorable recommendation.

Mr. RANDALL. Let the letter of the Supervising Inspector-General also be printed.

Mr. DUNHAM. It will.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DUNHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The report (by Mr. DUNHAM) is as follows:

The Committee on Commerce, to whom was referred the bill (H. R. 3037) relating to the "licensing of vessels engaged in towing to carry persons in addition to their crews," submit the following report:

Existing law is so strict in its terms that tugs or towing vessels are forbidden from doing work which frequently becomes almost absolutely necessary to save both life and property.

The bill of the House was by your committee referred to the Secretary of the Treasury, and under his direction the Supervising Inspector-General of Steam-Vessels suggests an amendment to the bill, giving his reasons therefor.

We submit his communication in full as a part of our report:

TREASURY DEPARTMENT,
OFFICE SUPERVISING INSPECTOR-GENERAL OF STEAM-VESSELS,
Washington, D. C., March 12, 1886.

SIR: I have the honor to acknowledge the receipt of a letter from the clerk of the Committee on Commerce of the House of Representatives, inclosing H. R. bill 3037, "relating to the licensing of vessels engaged in towing to carry persons in addition to their crews," and requesting the Secretary of the Treasury to favor the committee with such suggestions touching the merits of the bill as he might deem proper, and the propriety of its passage, the whole referred to this office for report.

I have the honor to report thereon that the general purpose of the bill is unobjectionable, but I would respectfully suggest that in view of the fact that the board of supervising inspectors are only in session during a couple of weeks in each year, and then at a season when navigation is nearly at a standstill on account of the inland lakes and rivers being frozen over, that the purpose of the bill would be better accomplished by striking out from the first section of the bill all after the word "the" in the fifth line thereof, and substituting therefor the words following, to wit: "supervising inspector of the district in which said steamer shall be employed to carry on board such number of persons, in addition to its crew, as the supervising inspector in his judgment shall deem necessary to carry on the legitimate business of such towing steamers, not exceeding, however, one person to every net ton of measurement of said steamer: provided, however, that the persons so allowed to be carried shall not be carried for hire."

I have prepared bill H. R. 3037, inclosed herein, so as to show its reading as amended.

Very respectfully,

JAS. A. DUMONT,
Supervising Inspector-General.

The Hon. SECRETARY OF THE TREASURY.

In further explanation of the bill, we attach hereto the memorial of the Chicago Tug-owners' Association, giving reasons in detail why this legislation is required:

"For a number of years the owners and masters of steam-tugs plying in harbors of the great lakes and rivers of the Northwest have been greatly annoyed by the imposition of fines for violation of the law in carrying persons on their vessels in the course of their business, without having first obtained licenses to carry passengers.

"It is impossible for this class of tugs, on account of their peculiar construction and limited space, to carry on board the boats and life-saving apparatus required by law for vessels engaged in passenger traffic, and hence they are not permitted to carry any one on board, not a member of the crew, for any purpose or distance whatever.

"It is next to impossible for this class of vessels to successfully and profitably carry on their business unless they are allowed at times to carry one or more persons in addition to their crew.

"They are frequently called upon, when employed to tow a vessel, to take to her the whole or part of a crew of seamen or stevedores engaged for her, and whose presence is required on board before the vessel can enter port or depart on her voyage, as the case may be. Every person transported, it matters not how short a distance, and whether free or for hire, is, under the law as now construed, considered a passenger; and the vessel so employed, unless provided with a license permitting her to engage in passenger traffic, is liable to pay a fine of $500. With the laws now in force an owner of a tug, unless a member of the crew, can not take passage for any distance or purpose on his own vessel without violating the law.

"A tug carrying a life-saving crew and their boat and apparatus to a vessel, for the purpose of saving the lives of her crew and passengers, or rescuing a drowning crew from a sinking ship, violates the present law, and as no class of vessels are more frequently called upon to perform a service of this kind, it is clearly in the interests of humanity that they should be allowed the privileges which this proposed amendment will afford them.

"Numerous instances can be given in which fines have been imposed for a violation of the law under circumstances of great hardship.

"The local inspectors of boilers and hulls have been applied to for relief, and they, with the tug owners of this port, have called the attention of the board of supervising inspectors to the condition of affairs, and although the board fully appreciates the necessity for the relief requested, the members express themselves powerless, under the present state of the laws, to give it.

* * * * * * *

"CHICAGO TUG-OWNERS' ASSOCIATION,
"By J. A. CRAWFORD, *President*,
"WM. HARMAN, *Secretary*,
"*Corner Fifth Avenue and South Water Street, Chicago, Ill.*"

Your committee recommend the passage of the bill with the amendment proposed by the Supervising Inspector-General.

PORT OF ENTRY, MOUNT DESERT FERRY, MAINE.

Mr. O'FERRALL. Mr. Speaker, I ask unanimous consent that House bills 1026 and 1153, reported by the Committee on Commerce, be taken up. I do not think there can be any objection whatever to either of them, and I am sure that they will not elicit any discussion.

The SPEAKER. Which one does the gentleman call up first?

Mr. O'FERRALL. I call up the bill (H. R. 1026) providing for the establishment of a port of entry at Mount Desert Ferry, in the town of Hancock, in the State of Maine. It is a bill which creates no new office and involves no additional expense whatever to the Government.

Mr. SPRINGER. Mr. Speaker, I insist upon my motion to adjourn.

Mr. O'FERRALL. I suppose the gentleman from Illinois [Mr. SPRINGER] will allow me to make an explanation.

The SPEAKER. The Chair does not know. The gentleman from Illinois says he insists upon the motion to adjourn.

The House divided on the motion to adjourn; and there were—ayes 25, noes 40.

So the motion was not agreed to.

The bill (H. R. 1026) providing for the establishment of a port of entry at Mount Desert Ferry, in the town of Hancock, in the State of Maine, was read, as follows:

Be it enacted, &c., That the port of Mount Desert Ferry, in the town of Hancock, in the State of Maine, be, and the same is hereby, established as a port of entry, subject to the same regulations, privileges, and facilities as other ports of entry in the United States: *Provided*, That the official duties of said port shall be performed under the direction of the collector of customs for the district of Frenchman's Bay, and by a deputy detailed by him for that purpose.

Mr. RANDALL. I reserve the right to object until I hear the report read.

The report was read.

Mr. O'FERRALL. A favorable report was made upon this bill in the last Congress.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. COWLES. I object.

Mr. MILLIKEN. I hope my friend will not object. This bill does not involve an extra dollar of expense to the Government.

Mr. COWLES. We shall not have any more bills passed this evening without a quorum.

Mr. DUNN. Mr. Speaker, I move that the House do now adjourn.

Mr. MILIKEN. If any man object to the bill on account of additional cost to the Government, I will move to amend the bill so as to obviate that objection.

The SPEAKER. But the bill is not before the House. The gentleman from North Carolina [Mr. COWLES] objects and states that he will object to any other business being done without a quorum.

Mr. DUNN. I insist on my motion that the House do now adjourn.

The motion was not agreed to.

OFFICERS AND EMPLOYÉS OF THE HOUSE OF REPRESENTATIVES.

Mr. SPRIGGS. Mr. Speaker, I ask unanimous consent to offer a resolution for immediate consideration.

There was no objection.

The resolution was read, as follows:

Resolved, That the Committee on Accounts have permission to print the evidence taken before them under the resolution authorizing them to ascertain the number and compensation of the officers and employés of the House.

The resolution was agreed to.

ORDER OF BUSINESS.

Mr. EDEN. I move that the House do now adjourn.

The House divided; and there were—ayes 23, noes 33.

So the motion was not agreed to.

Mr. WEAVER, of Iowa, rose.

Mr. EDEN. I demand the regular order.

Mr. SPRINGER. What is the regular order?

The SPEAKER. The House having concluded the consideration of the bills for which this day was set apart, the regular order is the unfinished business. The Clerk will report the first unfinished business, which, according to the recollection of the Chair, is a bill in relation to the claims of States against the Government of the United States. [Laughter.]

Mr. RANDALL. Mr. Speaker, I move that the House do now adjourn.

Mr. WEAVER, of Iowa. Mr. Speaker, I ask unanimous consent——

Several MEMBERS. Regular order!

The SPEAKER. The request for unanimous consent can not be entertained unless the motion to adjourn is withdrawn, and also the demand for the regular order.

The motion to adjourn was agreed to—ayes 47, nays 24,

And accordingly (at 5 o'clock and 14 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. G. E. ADAMS: Petition for free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. J. A. ANDERSON: Protest of Local Assembly No. 3678, of Wamego, and of Local Assembly No. 780, of Weir, Kans., against the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. BARKSDALE: Papers in the claim of James F. Wooley, of Lincoln County, Mississippi—to the Committee on War Claims.

By Mr. BARRY: Petition of Local Assembly No. 4334, Knights of Labor, of Water Valley, Miss., against the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. BOYLE: Petition of Brownsville Assembly, Latrobe Local Assembly, Carpenter Progressive Assembly, Buena Vista Industrial Assembly, Webster Triumph Star Assembly, and Scottdale Local Assembly, of the wage-workers of the United States, in favor of the passage of laws for the unlimited coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. BRADY: Papers in the claim of Alex. Downan, administrator of Thomas Farrell, of Prince George County, Virginia—to the Committee on War Claims.

By Mr. BURROWS: Remonstrance against the passage of the free-ship bill, from the Knights of Labor of Kalamazoo, Mich.—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. CARLETON: Petition and papers relating to the pension claim of Edwin A. Scutt—to the Committee on Invalid Pensions.

By Mr. CRAIN: Memorial of Knights of Labor of Galveston, Tex., favoring the establishment of a harbor of refuge at Sandy Bay, Rockport, Mass.—to the Committee on Rivers and Harbors.

By Mr. DAVENPORT: Petition of citizens of Hammondsport, N. Y., relative to free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. DAWSON: Petition of John A. Randall, for invalid pension—to the Committee on Invalid Pensions.

Also, petition of John M. Dale, for removal of charge of desertion—to the Committee on Military Affairs.

Also, petition of W. W. Green, praying that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. DINGLEY: Petition of Knights of Labor, Local Assembly 4727, of Bath, Me., for appropriation for a harbor of refuge at Rockport, Mass.—to the Committee on Rivers and Harbors.

By Mr. EVERHART: Petition of citizens of Chester County, Pennsylvania, asking for constitutional amendment against the sale, manufacture, and importation of alcoholic beverages—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. FREDERICK: Petition from citizens of forty-two States and Territories for the unlimited coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, resolutions of Knights of Labor, asking that a commission be appointed to investigate and report evils existing on the Gould Southern railway system—to the Committee on Railways and Canals.

By Mr. GILFILLAN: Petition of citizens of Minneapolis, Minn., in favor of woman suffrage—to the Committee on the Judiciary.

By Mr. GOFF: Petition of Daniel A. Riblet, for increase of pension—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: Petition of Zenas Osborne and 29 others, of Meigs County, Ohio, for free silver—to the Committee on Coinage, Weights, and Measures.

Also, memorial of Grand Army of the Republic Veteran Rights Union of Ohio, favoring employment of veterans—to the Select Committee on Reform in the Civil Service.

Also, papers in the claim of Fernando Connor—to the Committee on War Claims.

Also, memorial of the secretary of the Ohio State University, of Ohio, urging that the experiment station of that institution be given the money for experiments in agriculture—to the Committee on Agriculture.

Also, petition of Local Assembly No. 1516, Knights of Labor, of Ohio, against the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

Br Mr. HERMAN: Petition of ex-Union soldiers in Oregon, for the passage of the Weaver bill—to the Committee on Territories.

Also, petition from citizens of Roseburg and from Southern Oregon, for extension of time for the completion of the Oregon and California Railroad—to the Committee on Railways and Canals.

Also, petition from citizens of Southern Oregon, for the investigation of the wagon-road grants to said State—to the Committee on the Public Lands.

By Mr. J. T. JONES: Appeal from the wage-workers of the United States, for unlimited coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. LYMAN: Petition of 650 local assemblies of the Knights of Labor of the various States of the Union, asking legislation on the silver question—to the same committee.

Also, affidavit in support of House bill 7242, for the relief of Ransom L. Harris—to the Committee on War Claims.

By Mr. McCOMAS: Petition of Samuel Shilling, of Susan Hoffman, of John Ashe, of H. B. Rohrback, of Louisa Koontz, of John Murdock, of Abram D. Given, of J. M. and Josiah E. Davis (administrators), of Victor H. Newcomer, of Jacob Reichard, of Elias Smith, of Harry Heyser (executor), of Hezekiah Myers, of Thomas H. Crampton, of David M. Mullendore, of G. Findley Smith, of W. E. Boheler (executor), of James Resley, of Jacob Friend (executor), of William Shifler, of Christian Easterday, of David and Moses Poffinberger, of Washington County; of Eugene L. Dorr, of John H. Lighter (administrator), of Thomas Johnson, of J. E. Harley, of David Best, and of James W. Pearre (trustee), of Frederick County; of Elbert Perry and of Rachel Ann Offsett, of Montgomery County, asking that their war claims be referred to the Court of Claims—to the same committee.

Also, petition of Samuel Nigh, of T. H. Edwards (executor of John Heger), of George Hoking, and of Rachael Ann Offsett, for payment of war claims—to the same committee.

Also, petition of R. H. Gordon, in relation to silver coinage—to the Committee on Coinage, Weights, and Measures.

By Mr. MORRISON: Memorial of wage-workers of different States, for unlimited coinage of silver—to the same committee.

By Mr. O'NEILL: Petition of Mrs. Sarah A. Clements, widow of Robert Clements, formerly of the One hundred and tenth Regiment Pennsylvania Volunteers, asking for a pension—to the Committee on Invalid Pensions.

By Mr. PRICE: Memorial of Knights of Labor of the States of Alabama, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Georgia, Iowa, Idaho Territory, Indiana, Illinois, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Michigan, Missouri, Minnesota, Montana Territory, New Jersey, New Hampshire, Nevada, Nebraska, Rhode Island, Texas, New Mexico, Oregon, Ohio, Pennsylvania, Tennessee, Utah Territory, Virginia, West Virginia, Wisconsin, Wyoming Territory, Washington Territory, embracing 480 assemblies, on the coinage and currency laws—to the Committee on Coinage, Weights, and Measures.

By Mr. ROMEIS: Petition of 40 Knights of Labor from Waterville, Ohio, against the passage of the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. ROWELL: Petition for the relief of Nicholas Lochbokler—to the Committee on War Claims.

By Mr. SAYERS: Petition of the clerks in the several departments of the Army against the reduction of salaries—to the Committee on Military Affairs.

By Mr. STAHLNECKER: Petition of H. C. Allen and of John C. Purdy, in favor of House bill 3973—to the Committee on Ways and Means.

Also, petition of Mrs. William W. Deen, president of the Woman's Christian Temperance Union, of Sing Sing, N. Y., in favor of the educational bill—to the Committee on Education.

By Mr. SWINBURNE: Petition of manufacturers of Albany County, New York, in favor of the ratification of the proposed treaty between the United States and Mexico—to the Committee on Ways and Means.

By Mr. VIELE: Papers relating to the claim of Samuel Schiffer, of New York—to the Committee on War Claims.

By Mr. WHEELER: Petition of Narcissa V. Hewlett, and of Augustine M. Hewlett, asking that their war claim be referred to the Court of Claims—to the same committee.

The following petitions praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. J. A. ANDERSON: Of citizens of Cloud and Washington Counties, Kansas.

By Mr. BAYNE: Of citizens of Allegheny County, Pennsylvania.

By Mr. OUTHWAITE: Memorial of the faculty of Otterbein University, and many other citizens of Westerville, Ohio.

By Mr. PAYSON: Of citizens of Kankakee County, Illinois.

By Mr. RIGGS: Of citizens of Pike County, Illinois.

By Mr. ROWELL: Of citizens of De Witt, Marion, and McLean Counties, Illinois.

By Mr. O. B. THOMAS: Of citizens of Vernon and La Crosse Counties, Wisconsin.

SENATE.

MONDAY, *April* 12, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Saturday was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a memorial of Knights of Labor of Lucas County, Ohio, and a memorial of Knights of Labor of Ashtabula, Ohio, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

He also presented the petition of H. D. Westly and other colored people of Texas, praying for protection and redress of grievances; which was referred to the Committee on Privileges and Elections.

Mr. CULLOM presented memorials of Knights of Labor of Urbana, Streator, and Pekin, in the State of Illinois, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

Mr. STANFORD presented the petition of Col. J. D. Stevenson, of California, praying to be compensated for certain services rendered the Government during the Mexican war; which was referred to the Committee on Claims.

Mr. PALMER presented a memorial of Knights of Labor of Kalamazoo, Mich., remonstrating against the passage of the free-ship bill; which was referred to the Committtee on Commerce.

Mr. CAMERON presented the petition of John Wightman, praying for compensation for mail service from Erie to Pittsburgh, Pa., from July 1, 1859, to July 1, 1860, less the amount allowed; which was referred to the Committee on Claims.

He also presented a memorial of the Berks County (Pennsylvania) Agricultural and Horticultural Society, remonstrating against the proposed increase of postage on fourth-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of 28 citizens of Ercildoun, Pa., praying for the adoption of a constitutional amendment prohibiting the manufacture and sale of alcoholic liquors throughout the United States; which was referred to the Committee on Education and Labor.

He also presented a petition of 28 citizens of Ercildoun, Pa., praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was ordered to lie on the table.

He also presented a petition of 28 citizens of Ercildoun, Pa., praying for the prohibition of the manufacture and sale of alcoholic beverages in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented petitions of Knights of Labor of Garland and Coal Valley, in the State of Pennsylvania, praying for the construction by the Government of the Hennepin Canal; which were referred to the Committee on Commerce.

He also presented memorials of Knights of Labor of Chester and Scranton, in the State of Pennsylvania, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

Mr. BLAIR presented resolutions adopted by Knights of Labor of Manchester (N. H.) Local Assemby No. 4095, 400 members being present, and resolutions adopted by Knights of Labor of Manchester (N. H.) Local Assemby No. 3611, 700 members being present, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

He also presented a petition of Knights of Labor of Manchester, N. H., praying for the passage of what is known as the arbitration bill; which was ordered to lie on the table.

He also presented a petition of Knights of Labor of Manchester, N. H., praying for the passage of the labor arbitration bill; which was ordered to lie on the table.

Mr. SPOONER presented a memorial of Knights of Labor of Menasha, Wis., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. ALLISON presented a concurrent resolution of the General Assembly of the State of Iowa; which was referred to the Committee on Pensions, and ordered to be printed in the RECORD, as follows:

Concurrent resolution in behalf of Mrs. Sarah Young.

Be it resolved by the senate of the State of Iowa (the house of representatives concurring), That our Senators and Representatives in Congress be, and they are hereby, requested to use all honorable means to secure the allowance by Congress of a suitable annual pension to Mrs. Sarah Young, of the city of Des Moines, in this State, for meritorious and valuable services rendered during the civil war as an army nurse.

Resolved, That the secretary of state is hereby instructed to transmit to each of our Senators and Representatives in Congress a certified copy of these resolutions.

I hereby certify that the foregoing is a true and correct copy of the original concurrent resolution as adopted by the Twenty-first General Assembly of Iowa, as the same appears on file in my office.

In witness whereof I hereunto set my hand and cause to be affixed the great seal of the State. Done at Des Moines, the capital, this 7th day of April, A. D. 1886, of the Independence of the United States the one hundred and tenth, of the State of Iowa the fortieth.

[SEAL.] FRANK D. JACKSON,
Secretary of State.

Mr. RIDDLEBERGER presented resolutions adopted by the Merchants and Manufacturers' Exchange of Norfolk and Portsmouth, Va., favoring the establishment at Norfolk of an iron-ship yard for the construction of Government vessels; which was referred to the Committee on Naval Affairs.

Mr. TELLER presented a memorial of John H. Bramley and other citizens of Colorado, remonstrating against the removal of the Southern Ute Indians from their present location in that State; which was referred to the Committee on Indian Affairs.

Mr. MANDERSON presented a memorial of Knights of Labor of Red Cloud, Nebr., remonstrnting against the passage of the free-ship bill; which was referred to the Committee on Commerce.

He also presented a petition of Knights of Labor of Grand Island, Nebr., praying that liberal appropriations be made for works of internal improvement, and especially for the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. MCPHERSON presented a petition of the New Jersey State board of agriculture, praying for an investigation of the reasons for the restrictions placed by European countries on the importation of American pork; which was referred to the Committee on Finance.

He also presented a petition of the New Jersey State board of agriculture, praying for such legislation as will prevent the transmission and spread of pleuro-pneumonia and other cattle diseases; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the New Jersey State board of agriculture, praying that the position of Commissioner of Agriculture be made a Cabinet office; which was referred to the Committee on Agriculture and Forestry.

Mr. MAHONE presented three petitions of Knights of Labor of Richmond, and one petition of Knights of Labor of Ettrick, in the State of Virginia, praying for the construction by the Government of the Hennepin Canal; which were referred to the Committee on Commerce.

He also presented two memorials of Knights of Labor of Berkeley, and memorials of Knights of Labor of Richmond and Ettrick, in the State of Virginia, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

He also presented resolutions adopted by the Board of Trade and Exchange of Portsmouth, Va., favoring the establishment of an iron-ship yard at Gosport, Va.; which were referred to the Committee on Naval Affairs.

Mr. COCKRELL. I present resolutions adopted by the board of directors and transportation committee of the Merchants' Exchange of Saint Louis, Mo., in the interest of trade between the Mississippi Valley and the Central and South American states, recommending that direct mail communication be encouraged between the United States and those countries through the port of New Orleans. I move that the resolutions be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. COCKRELL. Touching Senate bill 1670, granting a pension to John Hicks, I present additional evidence consisting of two affidavits and a petition. I move that they be referred to the Committee on Pensions.

The motion was agreed to.

Mr. LOGAN presented a memorial of Knights of Labor of Elgin, Ill., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

He also presented a petition of ex-prisoners of war, praying for the passage of the bill (S. 779) pensioning Union soldiers who were confined in confederate military prisons during the late civil war; which was referred to the Committee on Pensions.

He also presented the petition of Miss Sarah M. Carroll, of New York city, praying to be granted a pension on account of her past services as a hospital nurse; which was referred to the Committee on Pensions.

Mr. CONGER presented a resolution adopted by Knights of Labor of Coldwater, Mich., 167 members being present, remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. PLUMB presented a memorial of civil employés of the supply department of the Army located at Saint Louis, Mo., remonstrating against certain provisions of the Army appropriation bill reducing their pay; which was referred to the Committee on Appropriations.

He also presented a petition of the Merchants' Exchange of Saint Louis, Mo., praying that liberal appropriations be made to subsidize a steamship line between New Orleans and the Central and South American States; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Knights of Labor of Hope, Kans., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. HARRIS presented memorials of Knights of Labor of Knoxville, Nashville, Jellico, and Rockwood, in the State of Tennessee, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

Mr. VANCE presented a memorial of citizens of Washington, D. C., residing on C street, between Second and Sixth streets, northwest, remonstrating against the passage of the bill (S. 1617) to incorporate the Union Passenger Railway Company of Washington, in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. MILLER presented a petition of citizens of Lake George, N. Y., praying for the passage of a bill authorizing the Postmaster-General to give certain relief to postmasters of the third and fourth classes; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WILSON, of Iowa, presented a memorial of Knights of Labor of Flagler, Iowa, remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. HOAR presented a petition of Knights of Labor of Beverly, Mass., praying that an appropriation be made for the construction of a harbor of refuge at Sandy Bay, Rockport, Mass.; which was referred to the Committee on Commerce.

He also presented a petition of the Central Labor Union of Boston, Mass., praying for the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. HOAR. I present a petition on behalf of certain widows of soldiers who served in the war of 1812–'14, praying that their names be placed on the pension-roll. The petition is signed in type-writing, and, though not in accordance with the rule, I ask that it be received, and move that it be referred to the Committee on Pensions.

The motion was agreed to.

Mr. GRAY presented a petition of citizens of Wilmington, Del., praying for the abolition of the Presidency; which was referred to the Committee on Privileges and Elections.

REPORTS OF COMMITTEES.

Mr. CHACE. I am instructed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 1079) to regulate the rate of postage on "fourth-class matter," to report it adversely and to submit a written report thereon. The Senator from Iowa [Mr. WILSON] who is on the committee desires to offer remarks upon it.

Mr. WILSON, of Iowa. I desire to have the bill placed on the Calendar, inasmuch as at some future time it is my purpose to present some views upon the subject-matter of the bill and other questions properly connected with it, in order that it may appear to the Senate and the country how completely some of the most commanding features involved in the subject are overlooked entirely by the committee in the report.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. PLATT, from the Committee on Patents, to whom was referred the bill (S. 1122) for the relief of the heirs of Rudolph Leschot, deceased, moved its indefinite postponement, which was agreed to; and he submitted a report, accompanied by a bill (S. 2101) for the relief of Edward G. Thompson, administrator *de bonis non* of the estate of Rudolph Leschot, deceased; which was read twice by its title.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (S. 2071) for the relief of the legal representatives of Lieut. Francis Ware, deceased, of the Revolutionary war, asked to be discharged from its further consideration, and that it be referred to the Committee on Revolutionary Claims; which was agreed to.

He also, from the Committee on Public Buildings and Grounds, submitted a report to accompany the bill (S. 1868) providing for an extension of the Executive Mansion, heretofore reported by him.

Mr. MAHONE, from the Committee on Education and Labor, to whom was referred the bill (S. 1884) providing for the adjustment of accounts of laborers, workmen, and mechanics, arising under the eight-hour law, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. LOGAN introduced a bill (S. 2102) granting a pension to Amos Baccus; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MANDERSON introduced a bill (S. 2103) to remove the charge of desertion against John G. Hopkins, late private Company C, Thirty-fifth Missouri Volunteer Infantry; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. ALDRICH introduced a bill (S. 2104) to establish a light-ship on the south end of Ram Island Reef, Fisher's Island Sound, Long Island; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 2105) granting a pension to Henry B. Very;

A bill (S. 2106) granting a pension to Elisha J. Whitford;

A bill (S. 2107) granting a pension to Elisha De Wolf Adams; and

A bill (S. 2108) granting a pension to George W. Weeden.

Mr. COCKRELL introduced a bill (S. 2109) granting a pension to James Taggart; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2110) to provide for the preparation of a Federal code of procedure; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. SHERMAN introduced a bill (S. 2111) granting a pension to Jacob Smith; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. RIDDLEBERGER introduced a bill (S. 2112) to regulate settlements of claims against the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. WILSON, of Iowa, introduced a bill (S. 2113) granting a pension to Mrs. Sarah Young; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 2114) for the relief of certain surviving widows of soldiers who served in the last war with Great Britain in 1812–'15; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL, of Oregon, introduced a bill (S. 2115) granting to the Oregonian Railway Bridge Company of Oregon the right to construct a bridge over the Willamette River in the vicinity of Ray's Landing, Oregon; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PLUMB introduced a bill (S. 2116) granting a pension to J. A. Adams; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BLACKBURN (by request) introduced a bill (S. 2117) for the relief of the estate of Francis M. Murray, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. MCPHERSON introduced a bill (S. 2118) to ratify and confirm an agreement made between the commissioners appointed on the part of the State of New York and the commissioners appointed on the part of the State of New Jersey respecting the location of the northern boundary line between the States of New York and New Jersey, and the replacing and erecting of monuments thereon, bearing date the 7th day of June, in the year of our Lord 1883; which was read twice by its title, and referred to the Committee on the Judiciary.

COMMITTEE ON COMMERCE.

Mr. BECK submitted the following resolution, which was read:

Resolved, That Mr. RANDALL L. GIBSON be, and he hereby is, appointed a member of the Committee on Commerce, to serve in the place of Mr. CHARLES W. JONES during his present temporary absence from the Senate.

Mr. BECK. If there is no objection I ask for the present consideration of the resolution.

By unanimous consent the Senate proceeded to consider the resolution.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

PROPERTY REMOVED TO INDIAN TERRITORY.

Mr. MAXEY. I see by the RECORD of February 17 last that I offered some resolutions for reference to the Committee on the Judiciary, to inquire into the propriety of such legislation as might procure jurisdiction to the Federal courts in adjacent States as to matters within the limits of the Indian Territory. The resolutions were printed in the RECORD, but they were not, I suppose by my fault, printed separately as a document. I ask that they be so printed.

The PRESIDENT *pro tempore*. The Senator from Texas moves to print the resolution mentioned by him.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate the resolution submitted by the Senator from Texas [Mr. MAXEY] on the 16th of February.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on the Judiciary be, and is hereby, instructed to inquire into what legislation may be necessary in order to subject property removed from any State or Territory into the Indian Territory, that is to say, into the country occupied by the five civilized tribes, to forced sale, levy, and execution, upon a writ of execution or other proper writ issued upon a judgment or decree rendered by a court of competent jurisdiction to hear and determine between the parties to the suit.

2. What legislation may be necessary to subject property removed as aforesaid into the Indian Territory aforesaid to writ of attachment or other auxiliary writ duly issued by such court as aforesaid at the commencement of suit or pending the litigation.

And said committee is directed to report by bill or otherwise.

Mr. MAXEY. I ask that the resolution be printed.

The PRESIDENT *pro tempore*. That order has already been made.

NICARAGUAN CLAIMS CONVENTION.

Mr. MORGAN. On Saturday I offered a concurrent resolution in regard to the Nicaraguan claims convention. I merely wish to have it referred to the Committee on Nicaraguan Claims.

The PRESIDENT *pro tempore*. The Chair will lay the resolution before the Senate.

The resolution was considered, and referred to the Select Committee to Inquire into Claims of Citizens of the United States against the Government of Nicaragua, as follows:

Whereas the following resolution was passed in the Senate on March 10, 1882, and in the House of Representatives on the 16th March, 1882:

"*Resolved by the Senate (the House of Representatives concurring)*, That the President be requested to bring to the attention of the Government of Nicaragua the necessity of arranging by a convention for final settlement of all unadjusted claims existing between the Government of the United States and the Government of Nicaragua and claims of citizens of the United States against the Government of Nicaragua;" and

Whereas no information has been given to Congress of any practical progress that has been made in the adjustment of the claims of the citizens of the United States against the Republic of Nicaragua:

Resolved by the Senate (the House of Representatives concurring), That the President of the United States be requested to bring this subject to the attention of the Government of Nicaragua, with a view to securing the prompt and full satisfaction of the just claims of the citizens of the United States against the Government of Nicaragua.

SCHUYLKILL RIVER EAST SIDE RAILROAD.

Mr. CAMERON. If the routine morning business is closed I desire to call up a bill.

The PRESIDENT *pro tempore*. If there are no further "concurrent

or other resolutions" that order of business is closed, and the Calendar is in order. The Senator from Pennsylvania.

Mr. RIDDLEBERGER. Before the Calendar was called I addressed the Chair.

The PRESIDENT *pro tempore*. Does the Senator from Virginia wish to present a "concurrent or other" resolution?

Mr. RIDDLEBERGER. No, sir; but before the Calendar was called I tried to get the ear of the Chair.

Mr. CAMERON. Will the Senator give way to me for a moment?

Mr. RIDDLEBERGER. Not to take up the Calendar.

Mr. CAMERON. No; but to take up a bill which will not occupy three minutes.

Mr. RIDDLEBERGER. Yes, sir; I yield.

Mr. CAMERON. I ask unanimous consent to take up the bill (S. 880) granting the right of way to the Schuylkill River East Side Railroad Company through the arsenal and naval asylum grounds at Philadelphia, Pa.

Mr. DAWES. I inquire of the Senator if he anticipates that the bill will lead to debate?

Mr. CAMERON. None at all.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the bill is before the Senate as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments.

The first amendment was, in line 15, after the word "Navy," to strike out the following words:

Which board, in assessing said damages, shall take into consideration the benefits, if any, to the remaining property of the United States from the construction and use of said road through the grounds aforesaid, and also from the construction of the bulkhead hereinafter mentioned, in the extinguishment of said damages.

The amendment was agreed to.

The next amendment was to add to the bill the following additional provision:

And provided further, That no trains of said company shall be allowed to stop or stand on said naval asylum grounds, except under such regulations as may be prescribed by the Secretary of the Navy; and that no bells or whistles shall be sounded upon any train or engine of said company while on said grounds; and that the tracks of such railroad on said naval asylum grounds shall be so arranged and paved as to permit the easy passage of vehicles across the same; and that such watchman or watchmen shall be kept by said railroad company on said grounds, at its expense, as the Secretary of the Navy shall deem necessary for the protection of persons and property on or in the neighborhood of said railroad on said grounds: *And provided further also*, That the said company shall construct a proper switch and siding upon said arsenal grounds, and suitable means for crossing to the wharf on the said arsenal grounds, for the purpose of receiving and shipping freight by water.

The amendment was agreed to.

Mr. CONGER. The last amendment refers only to the asylum grounds. In the report which I have before me the committee suggest that the same rule shall apply to both the arsenal grounds and the asylum grounds.

Mr. CAMERON. I think the Senator is mistaken about that. The naval asylum grounds are where it is desired that the trains shall not stop or stand.

Mr. EDMUNDS. On page 2, has the amendment of the committee striking out the payment by the company of the value of the land been adopted?

The PRESIDENT *pro tempore*. It has been.

Mr. CAMERON. The Senator is mistaken. It does not strike out the payment; it strikes out the clause in regard to considering the advantages to be gained to the United States by the building of the road. That was in the original bill, and it was stricken out by the committee.

Mr. EDMUNDS. The provision still exists then?

Mr. CAMERON. The provision exists that the company shall pay damages to be assessed by a board of two Army officers and one officer of the Navy.

Mr. EDMUNDS. But suppose the company does not pay the damages?

Mr. CAMERON. Then they do not get the title to the ground; the road will not go through. It has all to be approved by the Secretary of War and the Secretary of the Navy before they get the title. If the Senator can improve the bill in any way, of course I shall be glad to have him do so.

Mr. EDMUNDS. I want to make that a little secure. In line 15, after the word "Navy," I move to insert:

And the payment of said damages so fixed shall be a condition precedent to the exercise of the rights by this act granted.

Mr. CAMERON. That is right. There is no objection to that amendment.

The amendment was agreed to.

Mr. CONGER. I call the attention of the Senator to the fact that the bill makes a grant of the whole river front along these grounds. If they were not used by the Government for such purposes there would remain a continuous grant of river front without any consideration, which could not be disposed of while the law remains as it is now proposed to enact it. I think there should be a provision that it should be subject to further legislation if the Government should require or desire to sell the grounds. I call the attention of the Senator from Pennsylvania to that point.

Mr. CAMERON. I will state to the Senator from Michigan that if the line is located immediately on the river front where the land is low and to-day worthless, it will be filled up and made valuable by the railroad company. At the same time they agree to put bulkheads along the water front, so that if at any time the United States should want to use the river front the Government can have it in a better condition than it is to-day.

Mr. CONGER. How long is this stretch of arsenal and asylum grounds?

Mr. CAMERON. About 350 feet.

Mr. CONGER. If this stretch of grounds along the Schuylkill can not be used for Government purposes now, and the grounds were abandoned for naval purposes or for arsenal or asylum purposes, and they should be sold, it would not be well that the whole river front, which would be the most valuable part of it, should be in the hands of a railroad company by a simple grant considered to be perpetual.

Mr. CAMERON. The location of this line is subject to the control of the Secretary of War and the Secretary of the Navy; and before the company locate the line either on the river front or back from it, it must be first approved by the Secretary of War and the Secretary of the Navy. I think every provision necessary has been made in the bill except the one which was suggested by the Senator from Vermont [Mr. EDMUNDS], which has been agreed to.

Mr. CONGER. Every provision suggested by the Departments has been complied with?

Mr. CAMERON. All of them.

Mr. CONGER. But the point I make is this: If this should be relinquished, here remains the river front in possession of the railroad company without any power whatever in the Government to sell it or control it.

Mr. CAMERON. I will say in reply that that would be a question of damages which would have to be considered by those officers before they give the right of way. If they are going to take that so as to render it valueless to the Government, of course they will have to pay for it.

The PRESIDENT *pro tempore*. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. EDMUNDS. When the bill is reported to the Senate I shall move to amend the last amendment of the committee. I can not do it in order now.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The last amendment will be reserved for a separate vote. The question is on concurring in the other amendments made as in Committee of the Whole.

The amendments were concurred in.

Mr. EDMUNDS. I move to amend the last committee amendment by inserting, after the word "trains," in line 28, the words "or cars or locomotives."

Mr. CAMERON. I have no objection to that amendment.

The amendment to the amendment was agreed to.

Mr. EDMUNDS. I wish to call attention to lines 29, 30, and 31, where it is said that no trains or cars or locomotives of the company shall be alllowed to stop or stand on these grounds, "except under such regulations as may be prescribed by the Secretary of the Navy." That gives the Secretary of the Navy authority to make a regulation which shall allow this strip of land, which they say they need for passage, to be occupied as a station, as a train-yard, as a place to take and receive freight from the water side, and all that, if they can persuade some Secretary of the Navy to make a regulation of that kind. If I correctly understand it, all that they can with any propriety ask of the United States about this is a mere right to cross and not to take this little strip of land along the Schuylkill there, and right in front of the asylum grounds, as a place for doing business. Therefore, I want to take the judgment of the Senate on striking out this exception, so that they shall only have the right of passage. I accordingly move to amend the amendment of the committee by striking out, in lines 29, 30 and 31, the words:

Except under such regulations as may be prescribed by the Secretary of the Navy.

So that it will read:

That no trains or cars or locomotives of said company shall be allowed to stop or stand on—

This little strip where they go through these grounds.

Mr. CAMERON. That language was put in there for the benefit of the Government, not for the benefit of the railroad company. It is presumable at least that the Government will want to use that line of railroad and will want a siding there, and therefore the cars must stop so that it may handle its own freights. It would be an advantage to the Government to do that. If the trains are simply allowed to pass to and fro, it will be no advantage whatever to the Government except the advantage it may gain from the sale of the property. That language was put in for a purpose, and I think a very good one.

Mr. EDMUNDS. We can fix that, if that is the object.

Mr. CAMERON. That is the object.

Mr. EDMUNDS. We can fix it by striking out this clause and adding to the description of trains, cars, and locomotives the simple words "other than those in use from time to time for the United States."

Mr. CAMERON. Very well; that will do.

Mr. EDMUNDS. You can fix it all in that way, if that is what you mean.

Mr. GORMAN. I wish to say to the Senator from Vermont that there is no earthly objection to such an amendment. The only reason for the provision was that in one case, the arsenal grounds, the Secretary of War thought it was in the interest of the Government to require a switch to be placed there for the use of the Government, for its own purposes, through the arsenal grounds, the strip being only 200 feet in length and 60 feet in width, and possibly the Navy Department would require a train to stop on the asylum grounds for their own purposes and for no other purpose. It could not be used in any other way or for general traffic.

Mr. EDMUNDS. If the Senate will agree to the amendment I have proposed I will move to amend by adding after the description of these trains, cars, and locomotives by an exclusion of "other than those doing business for the United States."

Mr. GORMAN. There is no objection to that.

Mr. CAMERON. That is all right.

The PRESIDENT *pro tempore*. The Secretary will read the amendment.

The CHIEF CLERK. In line 29, after the word "grounds," it is proposed to strike out the words "except under such regulations as may be prescribed by the Secretary of the Navy;" and in line 28, after the word "locomotives," to insert the words "other than those doing business for the United States;" so as to read:

That no trains or cars or locomotives, other than those doing business for the United States, of said company shall be allowed to stop or stand on said naval asylum grounds, and that no bells or whistles, &c.

The amendment to the amendment was agreed to.

Mr. EDMUNDS. In line 34, after the word "paved," where it says very properly that these grounds shall be so arranged and paved as to make a suitable crossing, I move to add, "and kept always in good order;" so as to read:

So arranged and paved and kept always in good order as to permit the easy passage of vehicles across the same.

I do that to make it continuous.

Mr. CAMERON. There is no objection to that. The amendment would improve the clause very much.

Mr. GORMAN. There is no objection to that amendment.

The amendment to the amendment was agreed to.

Mr. EDMUNDS. At the end of the amendment, after the period in line 44, I move to insert:

Any violation of any of the provisions of this act by said company, or its successors or assigns, shall work a forfeiture of all rights granted by this act.

So as to keep a squeeze on them all the time.

The amendment to the amendment was agreed to.

The amendment as amended was concurred in.

The bill was ordered to be engrossed for a third reading, and read the third time.

The PRESIDENT *pro tempore*. The question is, "Shall the bill pass?"

Mr. SAULSBURY. I should like to ask the Senator from Vermont whether there is any reservation of the right to modify or repeal this act of Congress hereafter.

Mr. EDMUNDS. There is not. I thought of that, but it seemed to me as it was a grant of a small right of way, if we got the forfeiture in case they did not do exactly what we authorized them to do, it would be enough; but that is a thing worth considering perhaps.

The bill was passed.

HOUSE PENSION BILLS.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 607) granting a pension to Jannet E. B. Smith;
A bill (H. R. 715) granting a pension to Tunis J. Roosa;
A bill (H. R. 1252) granting a pension to Eugenia A. Smalley;
A bill (H. R. 1278) granting a pension to Ann Bird;
A bill (H. R. 1945) granting a pension to Jeremiah M. Fitger;
A bill (H. R. 2043) to place Mary Karstetter on the pension-roll;
A bill (H. R. 2963) granting a pension to Louis Whorley;
A bill (H. R. 2971) granting a pension to Francis Deming;
A bill (H. R. 3144) granting a pension to Isaiah H. Mitchell;
A bill (H. R. 3287) for the relief of Silas Corratt;
A bill (H. R. 3906) for the relief of Catharine Johnson;
A bill (H. R. 4077) granting a pension to Frederick Korth;
A bill (H. R. 4124) granting a pension to Charles F. Hildreth;
A bill (H. R. 4226) for the relief of Samuel Kitsmiller;
A bill (H. R. 4462) granting a pension to Martha Downs;
A bill (H. R. 4999) to place the name of James B. Wilde on the pension-roll;
A bill (H. R. 5169) to increase the pension of Thomas J. Slayton;
A bill (H. R. 5406) granting a pension to P. E. Raiger;
A bill (H. R. 5434) granting a pension to Amos C. Wertz;
A bill (H. R. 5937) granting a pension to Sarah Gregg;
A bill (H. R. 5961) granting an increase of pension to Cyrus Vigus;
A bill (H. R. 6136) granting an increase of pension to John W. Farris;
A bill (H. R. 6147) granting a pension to Frederick Marion;
A bill (H. R. 6176) granting a pension to Margaret Mayham;
A bill (H. R. 6193) granting a pension to Charles Foreman;
A bill (H. R. 6266) granting a pension to Philip Arner;
A bill (H. R. 6331) granting a pension to George Anna Lippe;
A bill (H. R. 6429) granting a pension to Eunice E. Clark;
A bill (H. R. 6489) granting a pension to Mrs. Barbara Fuchs;
A bill (H. R. 6812) granting a pension to Margaret Lucas;
A bill (H. R. 6897) granting a pension to Henry Hipple, jr.;
A bill (H. R. 7108) granting a pension to Andrew J. Wilson;
A bill (H. R. 7109) granting a pension to Joseph Tuttle;
A bill (H. R. 7118) for the relief of Bailey Hascall; and
A bill (H. R. 7167) for the relief of Mrs. Maria Hunter.

The foregoing thirty-five pension bills were severally read twice by their titles, and referred to the Committee on Pensions.

ORDER OF BUSINESS.

Mr. RIDDLEBERGER. Mr. President——

Mr. JONES, of Arkansas. Will the Senator from Virginia yield to me a moment to allow me to call up Order of Business 339?

Mr. RIDDLEBERGER. If it is not to prejudice the motion I wish to make.

Mr. JONES, of Arkansas. I think it will take no time.

Mr. DAWES. I ask to be allowed to make a motion that the Senate proceed to the consideration of the Indian appropriation bill.

Mr. JONES, of Arkansas. This bill will take but little time.

The PRESIDENT *pro tempore*. Does the Senator from Virginia yield to the request of the Senator from Arkansas?

Mr. RIDDLEBERGER. Yes, sir, if it is not to the prejudice of the motion I make during the morning hour. I know I can not make it after 2 o'clock.

The PRESIDENT *pro tempore*. There are but five minutes of the morning hour left.

Mr. RIDDLEBERGER. I move then—and possibly I can yield to the Senator from Arkansas better afterward or with less prejudice—to take up the resolution of the Senator from Illinois [Mr. LOGAN] providing for the consideration of executive nominations in open session.

Mr. DAWES. I appeal to the Senator from Virginia to let me get up the Indian appropriation bill.

Mr. RIDDLEBERGER. At 2 o'clock that can come up.

Mr. DAWES. I submit to the Senator whether the public service would not be promoted more by proceeding to the consideration of the Indian appropriation bill now.

Mr. RIDDLEBERGER. If on the motion to take up I were to undertake to answer the Senator from Massachusetts it would consume the whole of the time, but I would say I think not. I have tried here for four or five weeks to get this matter before the Senate in some form without myself propounding a resolution. The Senator from Connecticut [Mr. PLATT] objected in a way to my calling up his resolution. He gave notice that he would call it up on Wednesday of last week, and he gave notice that he would call it up on Thursday——

The PRESIDENT *pro tempore*. The Chair must remind the Senator that the motion is not debatable.

Mr. RIDDLEBERGER. The Chair will permit me to ask what rule there is which makes this motion non-debatable. I was just looking at the rules. I will not debate it if the Chair thinks it is in violation of the rules to do so.

The PRESIDENT *pro tempore*. The Chair will have the rule read in a moment.

Mr. RIDDLEBERGER. Very well. A motion to lay on the table is not debatable, I know.

The PRESIDENT *pro tempore*. The motion to proceed to the consideration of any business at this hour is not debatable.

Mr. RIDDLEBERGER. Then it was not proper for these Senators to have asked me to yield. That was debate.

The PRESIDENT *pro tempore*. The rule referred to will be read.

The Chief Clerk read as follows:

All motions made before 2 o'clock to proceed to the consideration of any matter shall be determined without debate.

The PRESIDENT *pro tempore*. That is the rule under which debate is denied. The Senator from Virginia moves that the Senate proceed to the consideration of the resolution named by him.

Mr. RIDDLEBERGER. Before the Senate shall act, if the Chair pleases, I desire to draw the distinction (if I must do it by an appeal from the decision of the Chair) between that rule and the rule which covers the matter now under consideration.

The PRESIDENT *pro tempore*. The Senator from Virginia takes an appeal from the decision of the Chair. Upon that question the Senator has a right to be heard.

Mr. RIDDLEBERGER. On page 150 of the Manual there is a pro-

vision in the rules that a motion to lay on the table is not debatable; but there is no provision in the rules anywhere which says that a motion to take up business from the table is not debatable. I have not offered a proposition that any Senator could have objected to and carried over until to-morrow. I have made a motion to take from the table a resolution that has been slumbering there; and I say there is no rule that forbids debate on such a motion. Now, if the Chair can show me a rule that does forbid it, I will yield with all deference. I concede that there are motions which are not debatable. They are named in the rules, which then proceed:

Which several motions shall have precedence as they stand arranged; and the motions relating to adjournment, to take a recess, to proceed to the consideration of executive business, to lay on the table, shall be decided without debate.

There are no other motions than those four which are non-debatable under the rules, unless there be some rule that is not in this Manual of 1886 which is before me.

The PRESIDENT *pro tempore*. The Chair will call the attention of the Senator to the last clause of Rule VIII, if he has it before him. The Chair will again have it read. The Senator from Virginia moves that the Senate proceed to the consideration of a matter pending before the Senate. The rule provides that—

All motions made before 2 o'clock to proceed to the consideration of any matter shall be determined without debate.

This clause is in addition to the rule to which the Senator has referred, and has been adopted within the last year or two.

Shall the decision of the Chair stand as the judgment of the Senate?

Mr. RIDDLEBERGER. That this motion is not debatable? I withdraw the appeal, and ask for the yeas and nays on the motion to take up the resolution.

The PRESIDENT *pro tempore*. The appeal being withdrawn, the question recurs on the motion to proceed to the consideration of the resolution referred to, which will be read for information.

Mr. LOGAN. Mr. President——

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. LOGAN. I was not going to debate it. I should have no objection to the Senator from Virginia making this motion if it did not interfere with other business; but inasmuch as it does so interfere, I hope the Senator will withdraw the motion now and let the matter go over, and I will try to call up the resolution within the next two or three days so that it shall be considered when it can have a fair opportunity for discussion. I do not think it would get a fair discussion this morning, inasmuch as the Indian appropriation bill is pressing. I hope the Senator from Virginia will withdraw his motion, and I will call up the resolution within the next two or three days.

Mr. RIDDLEBERGER. I will just say that this is the fourth day fixed for the consideration of this resolution, and all the time there has been interposed something that has been called more important business; all the time there has been going on the consideration of nominations, all the time men are being torn down and others built up in executive session. Now, if the Senator from Illinois or the Senator from Connecticut will agree that a day shall be fixed for this matter I shall be certainly willing to withdraw my motion to take it up.

Mr. BLAIR. I appeal to the Senator from Virginia——

The PRESIDENT *pro tempore*. The Chair must again remind Senators that this debate is out of order, but it is not within the power of the Chair to stop Senators.

Mr. BLAIR. I wish to make a request of the Senator from Virginia. I ask him to withdraw his motion to proceed to the consideration of the resolution in question that I may move to take up Order of Business 347, being the bill (S. 1886) for the relief of soldiers of the late war honorably discharged after six months' service who are disabled and dependent upon their own labor for support, and of dependent parents of soldiers who died in the service or from disabilities contracted therein.

Mr. RIDDLEBERGER. Just what I expected would come. I insist on my motion.

Mr. EDMUNDS. Is debate in order, Mr. President?

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. RIDDLEBERGER. A pension bill for Union soldiers and everything—— ["Order!" "Order!"]

EXECUTIVE SESSIONS WITH OPEN DOORS.

The PRESIDENT *pro tempore*. The Senator from Virginia moves that the Senate proceed to the consideration of a resolution which will be read.

The Chief Clerk read the resolution submitted by Mr. LOGAN March 22, 1886, as follows:

Resolved by the Senate of the United States, That the sessions of the Senate commonly known as executive sessions, so far as they apply to nominations, confirmations, or rejections, shall hereafter be held with open doors, and that a public record of the same shall be kept the same as in legislative sessions.

Mr. RIDDLEBERGER. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GIBSON. Mr. President——

The PRESIDENT *pro tempore*. The Chair must again remind Senators that this motion is not debatable under the rules.

Mr. HARRIS. I inquire whether there is an appropriation bill asking consideration this morning.

The PRESIDENT *pro tempore*. The Senate has already been advised of that.

Mr. HARRIS. My attention was diverted and I did not know what measures were proposed in antagonism.

Mr. LOGAN. I do not desire to debate, but I desire to ask permission to appeal to the Senator from Virginia to let this go over. I assure him that I will call it up. I desire to make some remarks on it.

Mr. HOAR. Will the Senator allow me to make one suggestion? Upon the ruling of the Chair made the other day, that resolution as it now stands is clearly out of order. It is an amendment to the rules, and the Senator from Illinois I think will modify it and give the one day's notice before he calls it up. That would probably determine the Senate, and probably the Senator from Virginia. It would necessarily go over.

Mr. LOGAN. I understand that, and I intended to make the modification.

Mr. RIDDLEBERGER. I intended to consult the Senator from Illinois before I called it up.

Mr. HOAR. I make the point that it is out of order.

The PRESIDENT *pro tempore*. The resolution is not before the Senate at the present moment. The Senate has already decided to take the vote by yeas and nays on the question of taking it up. When it is taken up, the Chair will decide any question that arises upon it.

Mr. HOAR. Perhaps the Senator will withdraw the call for the yeas and nays on that suggestion.

Mr. RIDDLEBERGER. I would rather have the call of the yeas and nays.

The Secretary proceeded to call the roll.

Mr. SPOONER (when his name was called). I am paired generally with the Senator from Maryland [Mr. WILSON]. I do not know how he would vote on this question, and I withhold my vote.

The roll-call was concluded.

Mr. CONGER. My colleague [Mr. PALMER] is paired with the Senator from North Carolina [Mr. VANCE].

Mr. LOGAN. Although I could not get this laid over, I vote "yea."

The result was announced—yeas 7, nays 52; as follows:

YEAS—7.

Bowen,	Logan,	Vance,	Wilson of Iowa.
George,	Riddleberger,	Van Wyck,	

NAYS—52.

Aldrich,	Conger,	Hawley,	Morrill,
Allison,	Cullom,	Hearst,	Payne,
Beck,	Dawes,	Hoar,	Pike,
Berry,	Dolph,	Ingalls,	Platt,
Blackburn,	Edmunds,	Jackson,	Plumb,
Blair,	Eustis,	Jones of Arkansas,	Pugh,
Brown,	Evarts,	McMillan,	Saulsbury,
Butler,	Fair,	McPherson,	Sawyer,
Call,	Frye,	Manderson,	Sewell,
Cameron,	Gibson,	Maxey,	Stanford,
Chace,	Gray,	Miller,	Teller,
Cockrell,	Harris,	Mitchell of Oreg.,	Voorhees,
Coke,	Harrison,	Morgan,	Walthall.

ABSENT—17.

Camden,	Jones of Florida,	Palmer,	Vest,
Colquitt,	Jones of Nevada,	Ransom,	Wilson of Md.
Gorman,	Kenna,	Sabin,	
Hale,	Mahone,	Sherman,	
Hampton,	Mitchell of Pa.,	Spooner,	

So the motion was not agreed to.

Mr. LOGAN. I ask leave to give notice of an amendment I intend to offer to the resolution in relation to the consideration of executive nominations with open doors. I ask that the amendment be read.

The SECRETARY. The proposed amendment is to add to the resolution:

And so much of section 2, Rule XXXVI, and section 2, Rule XXXVIII, of the standing rules of the Senate as conflict with, or is inconsistent with, the above, is, to the extent of such inconsistency, rescinded.

The PRESIDENT *pro tempore*. The proposed amendment will be printed and lie on the table.

INDIAN APPROPRIATION BILL.

Mr. DAWES. I move that the Senate proceed to the consideration of the Indian appropriation bill.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Massachusetts.

Mr. JONES, of Arkansas. I ask the Senator from Massachusetts to yield to me.

Mr. DAWES. Wait until the bill is taken up.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Massachusetts.

The motion was agreed to.

Mr. JONES, of Arkansas. Now, Mr President——

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts yield?

Mr. DAWES. For a moment.

Mr. JONES, of Arkansas. I ask leave to call up Order of Business

339, a bill the consideration of which I do not think will require but a moment. I should like to have it considered at this time.

Mr. DAWES. That requires unanimous consent, and I will take the sense of the Senate. If every other Senator but myself shall consent I shall not object.

The PRESIDENT *pro tempore*. The Senator from Arkansas asks unanimous consent of the Senate that, waiving informally the pending bill, the Senate proceed to the consideration of the bill (S. 1805) for the relief of Miss Rosa Wallace.

Mr. BLAIR. I object. I object to any yielding the floor to interfere with the motion I desire to make for considering pension business.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5543) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1887, and for other purposes.

Mr. DAWES. I ask unanimous consent that the formal reading of the bill be dispensed with, and that it now be read for amendment, the amendments of the Committee on Appropriations being considered first.

The PRESIDENT *pro tempore*. If there be no objection, that order will be taken. The amendments of the Committee on Appropriations will be acted upon as they are reached in order in the reading of the bill.

The first amendment of the Committee on Appropriations was, in section 1, in the appropriations for pay of Indian agents, line 80, before "Winnebago," to strike out "Omaha and;" and in line 81, before the word "hundred," to strike out "six" and insert "two;" so as to make the clause read:

At the Winnebago agency, at $1,200.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in section 1, line 114, after the word "all," to decrease the total appropriation for pay of Indian agents from $89,300 to $88,900.

The amendment was agreed to.

The next amendment was, in section 1, after the words "Indian affairs," at the end of line 140, to insert "and of such person as may be detailed to accompany him;" after the word "employed," at the end of line 143, to insert "on duty in the field;" and in line 146, after the word "employés," to insert "not otherwise provided for;" so as to make the clause read:

For contingencies of the Indian service, including traveling and incidental expenses of Indian agents, and of their offices, and of the Commissioner of Indian Affairs, and of such person as may be detailed to accompany him, also traveling and incidental expenses of five special agents, at $3 per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law; for pay of employés not otherwise provided for, and for pay of five special agents, at $2,000 per annum each, $40,000.

The amendment was agreed to.

The next amendment was, in the appropriations for fulfilling treaty stipulations with the Apaches, Kiowas, and Comanches, in section 1, line 165, after the word "physician," to strike out "$1,200;" and in line 166, after the word "teachers," to strike out "one thousand three" and insert "two thousand five;" so as to make the clause read:

For pay of physician and two teachers, $2,500; in all, $49,000.

The amendment was agreed to.

The next amendment was, in the appropriations for fulfilling treaty stipulations with the Cheyennes and Arapahoes, in section 1, line 175, after the word "physician," to strike out "$1,200;" in line 176, after the word "teacher," to strike out "$800;" and in line 177, after the word "treaty," to insert "$2,000;" so as to make the clause read:

For pay of physician and teacher, as per thirteenth article of same treaty, $2,000.

The amendment was agreed to.

The next amendment was, in the appropriations for fulfilling treaty stipulations with the Chippewas of the Mississippi, in section 1, line 193, after "1867," to strike out "four thousand" and insert "three thousand five hundred;" and, in line 194, after the word "all," to strike out "five thousand" and insert "four thousand five hundred;" so as to make the clause read:

For the support of a school or schools upon said reservation, during the pleasure of the President, in accordance with third article of treaty of March 19, 1867, $3,500; in all, $4,500.

The amendment was agreed to.

The next amendment was, to strike out the following clause from lines 210 to 217 of section 1:

To enable the Secretary of the Interior to negotiate with the several tribes and bands of Chippewa Indians in the State of Minnesota for such modification of existing treaties with said Indians as may be deemed desirable by said Indians and the Secretary of the Interior, $10,000, or so much thereof as may be necessary, to be immediately available; but any agreement made shall not take effect until ratified by Congress.

The amendment was agreed to.

The reading of the bill was resumed, and continued to line 303.

Mr. CONGER. I see in the item just read, and also on page 13, line 301, there is a provision for supplying to each female, seven hundred in number, over twelve years of age, among other things, with a pair of woolen hose each, and in the paragraph commencing in line 309, there is a provision to supply three hundred and fifty boys and three hundred and fifty girls with a pair of woolen hose for each. This is for the Crows up in the northern country. In the interest of economy I want to inquire whether there could not be some arrangement by which one pair of hose should go around a family of three or four children. It is a country where there is a good deal of snow. Would it not be economy to keep one pair of hose, say, for five or six of the boys and girls, and let only those who had these articles go out into the snow?

Mr. DAWES. I regret exceedingly that the Senator from Michigan had not been one of the party who made this treaty wherein we agreed to give them so many hose for the girls and so many hose for the boys. Then the suggestion he now makes would have been provided for. This is in exact fulfillment of the treaty. The committee felt, when this bill was finished, if they had provided for the exact fulfillment of all the treaties in it they would have accomplished considerable.

Mr. CONGER. I inquire whether the Senator was a member of the commission that made the treaty.

Mr. DAWES. No. If I had been a member of it I certainly should have taken the same view the Senator from Michigan has if I had had the same information he has; but not having been a member of it, and finding that we had a treaty that required just this much to be done, both branches have walked up to the fulfillment of the treaty, and they have not gone beyond that in this paragraph. In other paragraphs the Senator will discover that we have tried to go in some instances beyond the treaties, but this is under the head of "fulfillment of treaty stipulations."

Mr. CONGER. On the question of hose, then, the committee felt bound——

Mr. DAWES. We provide for subsistence and for care of these Crows in addition to the treaty; but under this head, which is for the fulfillment of treaty stipulation, we follow the treaty stipulation, which reads just as this paragraph does.

Mr. CONGER. Perhaps that statement relieves the committee from the charge of extravagance in furnishing so many hose to the young people of that Crow Nation.

Mr. DAWES. The committee felt that they were entitled to just the judgment the Senator has rendered.

Mr. CONGER. There could be, I suppose, an expenditure made out of the general fund for some such purpose, though the treaty did not require it out of the moneys belonging to the Indians. I thought it was a good subject to call the attention of the Senate to the manner in which we treat a great Indian nation. Having called attention to the simple provision we make for these young children that we propose to civilize and dress in American fashion, and heard an explanation of the Senator, I know how anxious he will be to have another pair of hose distributed around.

Mr. DAWES. The Senator will observe that this is the seventeenth time we have done this in the same way in fulfillment of this obligation, and I hope we shall continue to the end of the treaty.

Mr. CONGER. This is the seventeenth time the Senator has had charge of the bill without discovering that a little more was necessary.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for fulfilling treaty stipulations with the Crows, in section 1, line 327, before the word "thousand," to strike out "seventy" and insert "sixty;" and in line 328, before the word "thousand," to strike out "twenty-two" and insert "twelve;" so as to make the clause read:

For this amount, or so much thereof as may be necessary to furnish such articles of food as from time to time the condition and necessities of the Indians may require, $60,000; in all, $112,500.

The amendment was agreed to.

The next amendment was, in the appropriations for fulfilling treaty stipulations with the Kickapoos, in section 1, to strike out lines 350 and 351, as follows:

For support and civilization of Kickapoo Indians in the Indian Territory, $5,000.

The amendment was agreed to.

The next amendment was, in line 364, before the word "Kickapoos," to insert "five;" and in line 367, before the word "thousand," to strike out "eleven" and insert "six," so as to make the clause read:

This amount, to enable the President of the United States to carry out the provisions of the third article of the treaty made with the Kickapoo Indians, dated June 28, 1862, to be paid as provided in said treaty, and under such rules as the Secretary of the Interior may prescribe, to five Kickapoo Indians who have become citizens of the United States, such sum as may be their proportion of the $100,000 provided for said tribe for education and other beneficial purposes, per treaty of May 18, 1854, not exceeding $1,689.20; and the Secretary of the Interior is directed to pay also to the said five Kickapoos their proportion of the tribal funds held in trust by the United States and on deposit in the United States Treasury; in all $6,097.98.

The amendment was agreed to.

The next amendment was, in the appropriations for fulfilling treaty stipulations with the Nez Percés, in section 1, line 411, after the word "teachers," to strike out "$2,000;" in line 412, after the word "millers," to strike out "$3,000;" and in line 414, after "1863," to strike out "in all, five thousand" and insert "three thousand five hundred," so as to make the clause read:

For salaries of two matrons, to take charge of the boarding-schools, and two

assistant teachers, one farmer, one carpenter, and two millers, per fifth article of treaty of June 9, 1863, $3,500.

The amendment was agreed to.

The next amendment was, in the appropriations for fulfilling treaty stipulations with the Poncas, in section 1, line 484, before the word "thousand," to strike out "eighteen" and insert "fifteen;" and in the same line, after the word "all," to strike out "thirty-one" and insert "twenty-eight;" so as to make the clause read:

For this amount, to be expended under the direction of the Secretary of the Interior, for subsistence of the Poncas, $15,000; in all, $28,000; *Provided*, That the foregoing sum shall be divided pro rata among all the members of said tribe in the Indian Territory and in Dakota Territory.

The amendment was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 4115) for the relief of John Taggart;

A bill (H. R. 5539) for the relief of James G. Martin; and

A bill (H. R. 6692) for the relief of Ferdinand Plocher.

The message also announced that the House had passed the following bills:

A bill (S. 60) authorizing the construction of a bridge over the Mississippi River at or near Alton, Ill., and for other purposes;

A bill (S. 1476) to amend an act of Congress approved June 12, 1884, entitled "An act to authorize the construction of bridges across the Wisconsin, Chippewa, and Saint Croix Rivers, in the State of Wisconsin;"

A bill (S. 761) granting a pension to William Webster; and

A bill (S. 1125) granting a pension to Noah Nelson.

CONSIDERATION OF NOMINATIONS IN OPEN SESSION.

Mr. PLATT. I desire to ask the unanimous consent of the Senate that, at the conclusion of the morning business to-morrow, I may call up the resolution which I introduced relating to the executive sessions, for the purpose of submitting some remarks upon it. I suppose this is a courtesy which is usually extended to a Senator who has charge of a measure.

Mr. DAWES. I hope the Senator will subordinate that to the Indian appropriation bill, though I presume the bill will be out of the way.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Chair understands the notice which the Senator from Connecticut gives is that to-morrow morning, after the conclusion of the morning business, he will then ask the Senate to take up the resolution.

Mr. PLATT. No; I ask that I may have unanimous consent now to submit some remarks on that resolution at the conclusion of the morning business to-morrow morning.

The PRESIDING OFFICER. The Senator from Connecticut asks the unanimous consent of the Senate at this time that he may be permitted to call up to-morrow morning, after the conclusion of the morning business, the resolution referred to by him, in order that he may submit some remarks. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION.

Several messages of an executive character were received from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries.

Mr. HOAR. I move that the Senate proceed to the consideration of executive business. The Senate will be detained but about five minutes.

The PRESIDING OFFICER. The Senator from Massachusetts moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifty-seven minutes spent in executive session the doors were reopened.

BRIDGE AND LIGHT SERVICE BILLS.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 41) to authorize the construction of a bridge across the Missouri River at or near the city of Saint Joseph, in the State of Missouri, and to establish it as a post-road;

A bill (H. R. 1205) to provide for the construction of a bridge across the west channel of the Detroit River to connect Belle Isle Park with the mainland;

A bill (H. R. 1336) to authorize the construction of a bridge over Bayou Barnard, in the State of Mississippi;

A bill (H. R. 1360) to authorize the construction of a bridge across the Missouri River at some accessible point within 10 miles below and 5 miles above the city of Kansas City, Mo.;

A bill (H. R. 2309) to give the assent of Congress to the construction of a bridge by the Nashville, Jackson and Memphis Railroad Company over the Tennessee River;

A bill (H. R. 2993) to authorize the Chicago, Freeport and Saint Paul Railroad Company to construct a bridge across the Saint Croix River (or lake) at any accessible point between Prescott, Wis., and Stillwater, Minn.;

A bill (H. R. 3037) relating to the licensing of vessels engaged in towing to carry persons in addition to their crews;

A bill (H. R. 3369) authorizing the construction of a bridge across the Missouri River at or near the city of Council Bluffs, Iowa, and for other purposes;

A bill (H. R. 3370) authorizing the construction of a bridge across the Mississippi River at or near Keithsburg, in the State of Illinois, and for other purposes;

A bill (H. R. 3371) authorizing the construction of bridges across the Illinois River, in the State of Illinois, and the Des Moines River, in the State of Iowa, and for other purposes;

A bill (H. R. 3519) authorizing the Interstate Rapid Transit Railway Company to build a bridge across the Kansas River;

A bill (H. R. 3581) making an appropriation for the establishment of a light-house near Croaton, N. C.;

A bill (H. R. 3664) to establish a light-ship on Hog Island Shoal, Narragansett Bay, Rhode Island;

A bill (H. R. 3853) to authorize the Talladega and Coosa Valley Railroad Company of Alabama to erect a bridge across the Coosa River;

A bill (H. R. 4569) to authorize the construction of a bridge across the Missouri River at a point to be selected either in the counties of Clay and Jackson, in the State of Missouri, or in the county of Clay or Platte, in said State, and the county of Wyandotte, in the State of Kansas, and to make the same a post-route;

A bill (H. R. 4670) granting to the county of Clatsop, in the State of Oregon, the right to construct a bridge across Young's Bay, a navigable stream in said county and State;

A bill (H. R. 4765) to authorize the Red River Bridge Company of Texas to maintain a bridge across the Red River;

A bill (H. R. 5673) to authorize the construction of a railroad and wagon bridge across the Mississippi River, from Winona, Minn., to the opposite shore in Wisconsin;

A bill (H. R. 5677) to authorize the construction of a pile and ponton railway and wagon bridge across the Mississippi River from the city of Red Wing, Minn., to the opposite shore, in the State of Wisconsin;

A bill (H. R. 5684) to authorize the construction of a bridge over the Missouri River at the most accessible point between the mouth of the Femme Osage Creek and a point 2 miles above the city of Saint Charles, in the county of Saint Charles, in the State of Missouri;

A bill (H. R. 5685) to authorize the construction of a bridge over the Missouri River at the most accessible point in Saline City, or within 5 miles above or 5 miles below the same, in the county of Saline, in the State of Missouri;

A bill (H. R. 5786) granting to the Gainesville and Chickasaw Bridge Company the consent of the United States to construct and maintain a bridge over Red River at or near Brown's Ferry, in Cook County, Texas;

A bill (H. R. 5862) providing for the establishment of a light-house and fog-signal at San Louis Obispo, California;

A bill (H. R. 5863) providing for the establishment of a light-house and fog-signal station at Point Sur, California;

A bill (H. R. 5865) for the establishment of a light-house on Castle Hill, entrance to Newport Harbor, Rhode Island;

A bill (H. R. 6013) to authorize the construction of a bridge across the Missouri River at some accessible point within 2 miles north and 2 miles south of the city of Atchison, in the county of Atchison, in the State of Kansas;

A bill (H. R. 6358) to authorize the construction of a bridge across the Yellowstone River, in Montana;

A bill (H. R. 6662) to establish a light at Whitehall Narrows, New York;

A bill (H. R. 6975) to establish additional life-saving stations;

A bill (H. R. 6979) authorizing the construction of additional light-house districts;

A bill (H. R. 7205) for the establishment of a light at New Bedford, Mass.;

A bill (H. R. 7471) to provide for the establishment of additional aids to navigation to guide vessels through the channels leading to Pensacola, Fla.;

A bill (H. R. 7472) for the establishment of a light-house and fog-signal on one of the Gulf Rocks, Newport Harbor, Rhode Island;

A bill (H. R. 7626) to grant to the Gulf and Chicago Air Line Railway Company the right to construct bridges over navigable water courses;

A bill (H. R. 7627) providing for the construction of a light-house supply steamer for the Atlantic and Gulf coasts;

A bill (H. R. 7628) for the establishment of a light-house on Crabtree's Ledge, in Frenchman's Bay, Maine;

A bill (H. R. 7629) authorizing the establishment of a light-house and fog-signal at Deer Island, Boston Harbor, Massachusetts;

A bill (H. R. 7630) for the erection of a light-house at Lubec Narrows, Maine;

A bill (H. R. 7631) authorizing the construction of a steam light-house tender for use in the fourth light-house district;

A bill (H. R. 7632) to establish a light-ship off the entrance to Chesapeake Bay;

A bill (H. R. 7633) establishing additional aids to navigation at the mouth of the Mississippi River;

A bill (H. R. 7646) to authorize the construction and maintenance of a bridge by the Dakota Central Railway Company across the Missouri River at Pierre, Dak.;

A bill (H. R. 7647) to establish a light-house at Seul Choix Point, Michigan; and

A bill (H. R. 7651) to authorize the Chicago, Milwaukee and Saint Paul Railway Company to construct, operate, and maintain a railway bridge across the Missouri River near or in the vicinity of Chamberlain, in the Territory of Dakota.

The above forty-four bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Commerce.

HOUSE BILLS REFERRED.

The bill (H. R. 4115) for the relief of John Taggart was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 5539) for the relief of James G. Martin was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 6692) for the relief of Ferdinand Plocher was read twice by its title, and referred to the Committee on Finance.

FISHING RIGHT OF THE UNITED STATES.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived while the Senate was in executive session, the Chair deems it his duty now to lay before the Senate the unfinished business, or rather the first special order, which is——

Mr. BLAIR. There is no unfinished business on the Calendar.

The PRESIDING OFFICER. The Chair is informed by the Secretary that it is a special order, and not unfinished business. The first special order on the Calendar is——

Mr. BLAIR. The end of the morning business having been reached, I move to proceed to the consideration of Order of Business 347, Senate bill 1886, to grant pensions to honorably discharged soldiers after six months' service, &c.

The PRESIDING OFFICER. The Chair deems it his duty to lay before the Senate the first special order on the Calendar, and the Chair orders the Chief Clerk to report it.

The CHIEF CLERK. The resolution reported by Mr. FRYE, from the Committee on Foreign Relations, relative to the appointment of a commission charged with the consideration and settlement of the fishing rights of the United States and Great Britain.

Mr. DAWES. I ask that that may be laid aside and the Indian appropriation bill be proceeded with.

The PRESIDING OFFICER. The Senator from Massachusetts asks that the special order be informally laid aside and the Indian appropriation bill proceeded with. Is there objection? The Chair hears none. The reading of the bill will be continued.

Mr. RIDDLEBERGER. I ask the consent of the Senator from Massachusetts that I may offer a four-line resolution for immediate consideration. I suppose, however, it will be objected to. If nobody else shall object to it, I will myself, because it would not be in good faith to the Senator from Massachusetts to consume time now; but I want to get it in a situation where I may call it up in the morning hour to-morrow.

The PRESIDING OFFICER. Is there objection to receiving the resolution of the Senator from Virginia at this time?

Mr. EDMUNDS. Let us hear it read for information.

Mr. BLAIR. I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Chief Clerk will report the resolution, and the Chair will then recognize the Senator from New Hampshire.

OPEN SESSIONS.

The Chief Clerk read the resolution of Mr. RIDDLEBERGER, as follows:

Resolved, That all matters other than those relating to treaties shall be considered and acted upon by the Senate in open session.

Mr. DAWES. I object to the consideration of the resolution.

Mr. BLAIR. Mr. President, this resolution——

Mr. RIDDLEBERGER. The resolution is objected to.

The PRESIDING OFFICER. The resolution, being objected to, goes over.

ORDER OF BUSINESS.

Mr. BLAIR. I wish to make an inquiry in reference to the special order which by direction of the Chair has been placed in the position of unfinished business of the Senate. There is no unfinished business of the Senate, on the Calendar at least. Among the special orders the first one is the resolution relative to the appointment of a commission charged with the consideration and settlement of the fishing rights of the United States and Great Britain, made a special order after the morning business April 9, 1886.

Now I have always understood that there was no unfinished business in the morning hour, and that when an order is considered in the morning hour and is not completed its consideration as a matter of right falls, and it can not be taken up again in the morning hour unless by unanimous consent of the Senate or by a vote of the Senate. But, however that may be, that is not the question which arises now under the ruling of the Chair. The morning hour has elapsed and the hour of 2 o'clock has arrived. There was no unfinished business, and on opening the doors of the executive session at about a quarter to 3 o'clock, there being no unfinished business, I made the motion that the pension bill be taken up by the Senate, whereupon the Chair ruled and insisted upon placing the special order before the Senate and in the position necessarily of unfinished business.

I do not know but that it is right, but I am conscious that upon various previous occasions during the present session our presiding officers have, as I understand, ruled to the contrary. I only wish to ask the attention of the Chair to the point, and I will submit to whatever opinion he may express on the subject.

The PRESIDING OFFICER. In answer to the parliamentary inquiry of the Senator from New Hampshire the Chair directs the Chief Clerk to read part of Rule X of the Senate.

The Chief Clerk read as follows:

RULE X.

SPECIAL ORDERS.

1. Any subject may, by a vote of two-thirds of the Senators present, be made a special order; and when the time so fixed for its consideration arrives, the presiding officer shall lay it before the Senate unless there be unfinished business of the preceding day; and if it is not finally disposed of on that day, it shall take its place on the Calendar of Special Orders, in the order of time at which it was made special, unless it shall become by adjournment the unfinished business.

Mr. BLAIR. That has not become by adjournment the unfinished business. There is nothing that indicates that it stands in any such relation as that rule contemplates.

The PRESIDING OFFICER. The Chair would state to the Senator from New Hampshire that it is the first special order on the Calendar. The Chair holds that it was the duty of the Chair to lay it before the Senate at 2 o'clock, it being the special order for the time, not as unfinished business, but as the first special order on the Calendar.

Mr. EDMUNDS. It not having been displaced by any vote of the Senate hitherto.

The PRESIDING OFFICER. It not having been displaced by any vote of the Senate. The hour of 2 o'clock having arrived while the Senate was in executive session, the Chair held that it was the duty of the Chair to lay it before the Senate the first moment after the Senate proceeded to the consideration of legislative business.

Mr. BLAIR. Then I understand it has been displaced by the bill in charge of the Senator from Massachusetts, the Indian appropriation bill.

The PRESIDING OFFICER. Unquestionably, by the unanimous consent of the Senate.

Mr. BLAIR. Then I move to proceed to take up the pension bill.

The PRESIDING OFFICER. By unanimous consent of the Senate the Senate has agreed to proceed with the consideration of the Indian appropriation bill, informally laying aside the special order, which now is the unfinished business.

Mr. BLAIR. Then I understand the Chair to hold that the appropriation bill is the business before the Senate?

The PRESIDING OFFICER. That is the bill now before the Senate.

Mr. BLAIR. I do not care to antagonize that.

The PRESIDING OFFICER. The reading of the bill will be proceeded with.

VETERANS' PROCESSION.

Mr. CONGER. The veterans of the last war have a large procession to-day, which is passing around the Capitol, and has now reached the front of the Capitol building and are about passing by the Senate. The newspapers announced that they would be reviewed by the Senate and House of Representatives before they go to be reviewed by the President. That the members of the Senate may go out upon the steps and see the procession and do honor to the veterans, I move that a recess be taken for twenty minutes.

The motion was agreed to; and the Senate took a recess for twenty minutes. At the expiration of the recess the Senate reassembled.

INDIAN APPROPRIATION BILL.

The PRESIDING OFFICER. The twenty minutes' recess having expired, the Senate resumes the consideration of the Indian appropriation bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5543) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1887, and for other purposes.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in the appropriations for fulfilling treaty stipulations with the Sioux of different tribes, including Santee Sioux of Nebraska, in section 1, line

691, before the word "thousand," to strike out "thirty" and insert "twenty;" so as to read:

For seventeenth of thirty installments, to purchase clothing for males over fourteen years of age, for flannel, hose, and calico and domestics required for females over twelve years of age, and for such flannel and cotton goods as may be needed to make suits for boys and girls, per tenth article of treaty of April 29, 1868, $120,000.

The amendment was agreed to.

The next amendment was, in section 1, line 699, after the word "teachers," to strike out "$2,500;" and in line 701, after the word "blacksmith," to strike out "$7,900;" so as to make the clause read:

For pay of five teachers, one physician, one carpenter, one miller, one engineer, two farmers, and one blacksmith, per thirteenth article of same treaty, $10,400.

The amendment was agreed to.

The next amendment was, in section 1, line 712, before the word "thousand," to strike out "and fifty;" so as to read:

For subsistence of the Sioux, and for purposes of their civilization, as per agreement ratified by act of Congress approved February 28, 1877, $1,200,000: *Provided*, That this sum shall include transportation of supplies from the termination of railroad or steamboat transportation; and in this service Indians shall be employed whenever practicable.

The amendment was agreed to.

The next amendment was, in section 1, at the beginning of line 721, to strike out "That there is hereby appropriated for" and insert "For;" and in line 731, before the word "thousand," to strike out "seventy-eight" and insert "eighteen;" so as to make the clause read:

For the support of the full-blooded Indians in Minnesota belonging to the Medwakanton band of Sioux Indians, to be expended by the Secretary of the Interior in the purchase of such agricultural implements, cattle, lands, and in making improvements thereon as in his judgment may seem best for said Indians, $10,000; and of this amount, if the Secretary shall deem it to be for the best interests of said Indians, $720 may be expended to pay a practical farmer for instructing said Indians in agriculture; in all, $1,518,900.

The amendment was agreed to.

The next amendment was, in the appropriations for fulfilling treaty stipulations with the Sioux, Yankton tribe, in section 1, line 734, before the word "eighth," to strike out "The" and insert "For;" so as to read:

For eighth of ten installments, third series, to be paid to them or expended for their benefit, per fourth article of treaty of April 19, 1858, $25,000.

The amendment was agreed to.

The next amendment was, under the head of "Miscellaneous Supports," in section 1, line 864, before the word "thousand," to strike out "eighteen" and insert "seventeen;" so as to make the clause read:

For support, civilization, and instruction of the Shoshones and Bannocks, and other Indians of the Fort Hall reservation, in Idaho Territory, including pay of employés, $17,000.

The amendment was agreed to.

The next amendment was, in section 1, line 868, after the word "employés," to strike out "sixteen thousand eight hundred" and insert "fifteen thousand;" so as to make the clause read:

For support, civilization, and instruction of the Shoshones, Bannocks, and Sheepeaters, and other Indians of the Lemhi agency, in Idaho Territory, including pay of employés, $15,000.

The amendment was agreed to.

The next amendment was, in section 1, line 875, before the word "assistance," to strike out "agriculture" and insert "agricultural;" so as to make the clause read:

For support and civilization of the Kansas Indians, including agricultural assistance and pay of employés, $2,500.

The amendment was agreed to.

The next amendment was, in section 1, after line 876, to insert:

For support and civilization of the Kickapoo Indians in the Indian Territory, $5,000.

The amendment was agreed to.

The next amendment was, in section 1, line 884, before the word "thousand," to strike out "five" and insert "three;" so as to make the clause read:

For support and civilization of the Modoc Indians now residing within the Indian Territory, $3,000.

The amendment was agreed to.

The next amendment was, in section 1, line 887, before the word "thousand," to strike out "twenty" and insert "ten;" so as to read:

For support and civilization of the Navajo Indians, including pay of employés, $10,000, to be taken from the funds now in the Treasury belonging to said Indians.

The amendment was agreed to.

The next amendment was, in section 1, line 897, after the word "including," to strike out "play" and insert "pay;" so as make the clause read:

For support and civilization of the Qui-nai-elts and Quil-leh-utes, including pay of employés, $4,000.

The amendment was agreed to.

The next amendment was, in section 1, line 900, before the word "thousand," to strike out "nineteen" and insert "twelve;" so as to make the clause read:

For support and civilization of Shoshone Indians in Wyoming, $12,000.

The amendment was agreed to.

The next amendment was, in section 1, line 902, before the word "thousand," to strike out "twelve" and insert "eight;" so as to make the clause read:

For support and civilization of Shoshone Indians in Nevada, including pay of employés, $8,000.

The amendment was agreed to.

The next amendment was, in section 1, line 905, before the word "thousand," to strike out "eight" and insert "five;" so as to make the clause read:

For support and civilization of Sioux of Lake Traverse, including pay of employés, $5,000.

Mr. CONGER. I ask the Senator having charge of the bill whether the Indians called the Sioux of Lake Traverse include the Sisseton Indians at the Sisseton agency?

Mr. DAWES. Yes, they are a portion of those Indians at the Sisseton agency?

Mr. CONGER. Does it include all who are upon the Sisseton reservation?

Mr. DAWES. No, only one of the several branches.

Mr. CONGER. I did not see any reference to the Sisseton agency here or to the tribe.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 1, line 907, after the word "including," to insert "pay of;" and in the same line, before the word "thousand," to strike out "eight" and insert "five;" so as to make the clause read:

For support and civilization of Sioux of Devil's Lake, including pay of employés, $5,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "general incidental expenses of the Indian service," in section 1, line 942, before the word "thousand," to strike out "eight" and insert "five;" so as to make the clause read:

Incidental expenses of Indian service in Dakota: For general incidental expenses of the Indian service, including traveling expenses of agents at ten agencies for the Sioux, $5,000.

The amendment was agreed to.

The next amendment was, in section 1, line 948, before the word "thousand," to strike out "five" and insert "four;" so as to make the clause read:

Incidental expenses of Indian service in Montana: For general incidental expenses of the Indian service, including traveling expenses of agents, $4,000.

The amendment was agreed to.

The next amendment was, under the head of "Miscellaneous," in section 1, line 989, before the word "thousand," to strike out "thirty-five" and insert "fifty;" so as to make the clause read:

To enable the Secretary of the Interior to employ practical farmers, in addition to the agency farmers now employed, at wages not exceeding $75 each per month, to superintend and direct farming among such Indians as are making effort for self-support, $50,000.

The amendment was agreed to.

The next amendment was in section 1, line 998, before the word "thousand," to strike out "ninety" and insert "eighty-five;" so as to make the clause read:

Pay of Indian police: For the service of not exceeding seven hundred privates, at $8 per month each, and not exceeding seventy officers, at $10 per month each, of Indian police, to be employed in maintaining order and prohibiting illegal traffic in liquor on the several Indian reservations, and for the purchase of equipments and rations for policemen of non-ration agencies, $85,000.

The amendment was agreed to.

The next amendment was, in section 1, after line 998, to insert:

To enable the Secretary of the Interior to prevent the illegal traffic in intoxicating liquors upon or near Indian reservations, $2,000.

The amendment was agreed to.

The next amendment was, in section 1, after line 1019, to strike out:

For a survey of the exterior boundaries of Indian reservations and allotments in severalty, where no other provision is made by law for the expenses thereof, to be expended under the direction of the Commissioner of Indian Affairs, $25,000.

And to insert:

For survey and subdivision of Indian reservations and of lands to be alloted to Indians, to be expended by the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, $25,000.

Mr. DAWES. I move to amend the amendment by inserting, after the word "Indians," in line 1026, the words "and to make allotments in severalty;" so as to read:

For survey and subdivision of Indian reservations and of lands to be allotted to Indians, and to make allotments in severalty, to be expended, &c.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 1, after line 1029, to strike out:

Removal and settlement of the Upper and Middle bands of the Spokane Indians on the Colville reservation, Washington Territory, $6,000.

And to insert:

To enable the Secretary of the Interior to negotiate with the several tribes and bands of Chippewa Indians in the State of Minnesota for such modification of existing treaties with said Indians and such change of their reservations as may be deemed desirable by said Indians and the Secretary of the Interior, and as to what sum shall be a just and equitable liquidation of all claims which any of said tribes now have upon the Government; and also to enable said Secretary to negotiate with the various bands or tribes of Indians in Northern Montana and at Fort Berthold, in Dakota, for a reduction of their respective reservations, or for removal therefrom to other reservations; and also to enable said Secretary to negotiate with the Upper and Middle bands of Spokane Indians and Pend d'Oreilles Indians, in Washington Territory, for their removal to the Colville or Cœur d'Alene reservations, with the consent of the Indians on said reservations, $10,000, or so much thereof as may be necessary, to be immediately available; but no agreement made shall take effect until ratified by Congress.

Mr. DAWES. I move to amend the amendment, in line 1047, by inserting, after "Washington," the words "and Idaho," and striking out "Territory" and inserting "Territories;" in line 1048, after the word "Colville," to insert "Jocko;" in line 1049, after the word "reservations," to insert:

And also to enable said Secretary to negotiate with said Indians for the cession of their lands to the United States; and also to enable said Secretary to negotiate with the Cœur d'Alene Indians for the accession of their lands outside the limits of the present Cœur d'Alene reservation to the United States.

And in line 1049 to strike out "ten," before the word "thousand," and insert "twelve;" so as to read:

And also to enable said Secretary to negotiate with the Upper and Middle bands of Spokane Indians and Pend d'Oreilles Indians in Washington and Idaho Territories for their removal to the Colville, Jocko, or Cœur d'Alene reservations, with the consent of the Indians on said reservations; and also to enable said Secretary to negotiate with said Indians for the cession of their lands to the United States; and also to enable said Secretary to negotiate with the Cœur d'Alene Indians for the accession of their lands outside the limits of the present Cœur d'Alene reservation to the United States, $12,000, or so much thereof as may be necessary.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, in section 1, after line 1052, to insert:

To enable the Secretary of the Interior to pay to the Delaware Indians the value of twenty-three sections of land provided for by article 14 of the treaty of July 4, 1866, with said Indians, and to fully discharge the obligations of the United States under said article 14 of said treaty, $14,720; said sum to be expended for the benefit of said Delaware Indians in such manner and for such purposes as the Secretary of the Interior may deem to be for the best interests of said tribe.

The amendment was agreed to.

The next amendment was, in section 1, after line 1062, to insert:

Indian-depredation claims: For continuing the investigation and examination of certain Indian-depredation claims originally authorized, and in the manner therein provided for, by the Indian appropriation act approved March 3, 1885, $10,000; and the examination and report shall include claims, if any, barred by statute, such fact to be stated in the report; and all claims whose examination shall be completed by January 1, 1887, shall then be reported to Congress, with the opinions and conclusions of the Commissioner of Indian Affairs and the Secretary of the Interior upon all material facts, and all the evidence and papers pertaining thereto.

Mr. COCKRELL. I move to amend the amendment by striking out "ten" and inserting "twenty," so as to make the appropriation $20,000.

This letter of the Secretary of the Interior was not before the committee when the bill was reported.

Letter from the acting Secretary of the Treasury, transmitting a letter from the acting Secretary of the Interior, with estimates of appropriations for investigating Indian depredations.

In this it is estimated that $20,000 is necessary.

Mr. DAWES. Let that be inserted in the RECORD.

Mr. COCKRELL. I ask that the whole letter be inserted in the RECORD.

The PRESIDING OFFICER. The letter will be so inserted if there is no objection.

The letter is as follows:

TREASURY DEPARTMENT, *April* 8, 1886.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of letter of the Secretary of the Interior, of the 6th instant, submitting an estimate of appropriation in the sum of $20,000, to complete the investigation of Indian depredation claims as required by the act of March 3, 1885 (23 Statutes, 376).

Respectfully, yours,

C. S. FAIRCHILD, *Acting Secretary.*

Hon. JOHN SHERMAN,
President pro tempore United States Senate.

DEPARTMENT OF THE INTERIOR,
Washington, April 6, 1886.

SIR: In accordance with the provisions of section 2 of the act of July 7, 1884 (23 Statutes, 254), I have the honor to transmit herewith copy of a letter of 2d instant from the Commissioner of Indian Affairs, inclosing an item of appropriation intended as an amendment to the Indian appropriation bill now before the Senate for consideration, in the sum of $20,000, required to enable the Department to complete the investigation of Indian depredation claims, as required by the act of March 3, 1885 (23 Statutes, 376).

The matter has the approval of this Department.

I have the honor to be, very respectfully,

H. L. MULDROW, *Acting Secretary.*

The SECRETARY OF THE TREASURY.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, April 2, 1886.

SIR: I have to advise you that in order to enable this Department to complete the investigation of Indian depredation claims, as required by the act approved March 3, 1885 (Stat. 23, p. 376), an additional appropriation will be required to meet the necessary expenses connected therewith.

With this end in view, I inclose herewith a proposed amendment to the Indian appropriation bill for the next fiscal year, now before the Senate for consideration, making an appropriation of $20,000, or so much thereof as may be necessary, for said purpose, with the recommendation that it receive your approval and be forwarded to the Senate through the proper channel.

The present appropriation for the object specified will be exhausted by June 30 next.

Very respectfully,

J. D. C. ATKINS,
Commissioner.

The SECRETARY OF THE INTERIOR.

Proposed amendment to the bill making appropriations for the Indian service for the fiscal year ending June 30, 1887.

This amount, or so much thereof as may be necessary, to enable the Secretary of the Interior to continue the investigation of certain Indian depredations claims, in the manner prescribed, and in accordance with the provision of law found in the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the fiscal year ending June 30, 1885, and for other purposes, approved March 3, 1885," $20,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in the appropriations "for support of schools," in section 1, after the words "provided for," at the end of line 1079, to insert "$675,000;" so as to read:

For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, $675,000.

The amendment was agreed to.

The next amendment was, before the word "construction," in line 1081 of section 1, to strike out "purchase;" and after the word "buildings," in the same line, to insert "$40,000;" so as to read:

For the construction and repair of school buildings, $40,000.

The amendment was agreed to.

The next amendment was, in line 1083, after the word "schools," to insert "$25,000; in all;" and in line 1084, after the word "hundred," to insert "and forty;" so as to read:

And for purchase of horses, cattle, and sheep, goats, and swine for schools, $25,000; in all, $740,000.

The amendment was agreed to.

The next amendment was, in section 1, line 1090, after the word "Indian," to strike out "school" and insert "schools;" so as to read:

And provided further, That the school year of the Indian schools herein appropriated for shall be held to include all usual and necessary vacations.

The amendment was agreed to.

The next amendment was, in section 1, line 1096, before the word "year," to insert "fiscal;" so as to read:

And provided further, That the Secretary of the Interior shall report annually, on or before the first Monday of December of each year, in what manner and for what purposes the general education fund for the preceding fiscal year has been expended; and said report shall embrace the number and kind of school-houses erected, and their cost, as well as cost of repairs, names of every teacher employed, and compensation allowed, the location of each school, and the average attendance at each school.

The amendment was agreed to.

The next amendment was, in section 1, line 1101, after the word "school," to strike out the following clause:

Twenty-two thousand five hundred dollars of which shall be expended for the support and education of one hundred and fifty Indian pupils at the Saint Ignatius industrial boarding-school, on the Jacko reservation, in Montana Territory, at $157 each per year.

The amendment was agreed to.

Mr. DAWES. In line 1111 there is a typographical error. The word "tribunal" should be "tribal;" so as to read:

Standing in that relation to them by their tribal laws respectively.

The PRESIDING OFFICER. That change will be made unless there be objection.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 1, line 1113, after the word "each," to insert "$30,625;" in line 1117, after "Arkansas City," to insert "$2,000;" and in line 1118, after the word "school," to insert "$1,500; in all;" so as to make the clause read:

For support of pupils, at $175 per annum each, $30,625; purchase of material erection of shops and necessary outbuildings, and for repairing of same, at Chilocco industrial school, Chilocco, Indian Territory (formerly Arkansas City), $2,000; and for pay of superintendent of said school, $1,500; in all, $34,125.

The amendment was agreed to.

The reading of the bill was resumed, and the Chief Clerk read the clause beginning in line 1121, as follows:

For support and education of Indian pupils of both sexes at industrial schools in Alaska, $15,000.

Mr. CONGER. The appropriation last year for that purpose was $25,000.

Mr. DAWES. Twenty thousand dollars.

Mr. CONGER. I thought it was $25,000. There is a necessity for a larger appropriation even than during the last year for this present year and perhaps for some little time to come. Until there is some organized government arrangement in regard to schools there, I think we

should give at least the amount appropriated during the last year. I move to strike out "fifteen" and insert "twenty," in line 1122; so as to read:

For support and education of Indian pupils of both sexes at industrial schools in Alaska, $20,000.

Mr. DAWES. The amount appropriated last year was $20,000; the Department has estimated $15,000 for the coming year; and the House gave $15,000, and we thought, under the peculiar circumstances of the condition of things in Alaska at this moment we could hardly be called upon to increase that sum. Everybody knows that there is an unfortunate condition of affairs in respect to schools in Alaska, and that was the consideration which led the committee on the part of the Senate to leave this item as the Interior Department proposed it. It is impossible until there be a reorganization of schools in Alaska to accomplish very much there. The present order of things is such that this sum of money is as good as $50,000, in my opinion, in Alaska. I wish it were otherwise, and I should heartily join with the Senator from Michigan in making it $50,000 if the Department were able at this moment to expend this sum of money judiciously and effectively; but there are circumstances there, which I suppose the Senator is not ignorant of, which were laid before the Senate in a report not long since, that renders it wise not to push the matter further than is suggested here until there be some further examination and some plan matured by which schools in Alaska can be rendred serviceable. This is more to keep Alaska in mind and to keep that people aware of the fact than for anything else. I think it is better to let it be as it is.

Mr. CONGER. Whatever the unfortunate condition may have been in Alaska heretofore, and perhaps to some extent continued up to the present time, this is an appropriation for next year, and by that time I think we have reason to expect, or have a right to hope at all events and I think reason to expect, that the appointments in Alaska and the management of the educational interests there, as well as some other very important interests, will be so changed and modified that we may expect great benefit from this appropriation. It is true that heretofore the appropriation was partially expended in one of three places where it was intended to be expended, and, in consequence of some inability of the officials to fill other places, they were left almost entirely destitute, and their schools, which were doing great service and were valuable to the people of that Territory, have lingered along until perhaps this spring they are required again to sue for an appropriation.

This appropriation is a mere pittance to these only means of education in all that Territory. There is no power by which any taxes can be laid, and there are no public means to support the schools, the only educational facilities in that whole Territory being those which are carried on by denominations of religious people or by charity. There is nothing else to educate either the Indian or the children of white citizens, who are increasing in that Territory more than heretofore.

I had hoped that for the next year an appropriation somewhat commensurate with the vital importance of educating and civilizing the Indians in that Territory would be made with better officers to administer government there—I do not know that it needs any better officers to administer this fund; I believe not from what I have heard about it, though there is a difference of opinion in that respect—I do very much desire that the appropriation shall at least be as great as it was last year, for that was a mere pittance to each of these schools.

The Government of the United States does not want to throw the work of education in that distant Territory entirely upon missionaries and upon charitable contributions of the people of the United States, and that is what it is doing now.

I shall not detain the Senate now to read communications which I have received upon this subject, and which the Senator has received to some extent perhaps, but he knows and I know and every man who cares for the present and the future of education and civilization in Alaska knows how valuable it is at the very commencement of settlements there to bring into the schools not only the Indian children but the children of the miners who are flocking to that country and settling there with their families to a great extent in several places and give them some educational advantages.

The difference of $5,000 to give tone and character to the people of a new far-off Territory is a mere pittance. Money is thrown away in this bill by thousands and hundreds of thousands of dollars upon wild, wandering Indians, to whom it may or may not do good. These are a settled people. The whites who have gone to Alaska are settled at a few points, and the description of the necessity for instruction and education among those new settlers there appeals to the sympathy and to the conscience of every legislator to afford some means for carrying on the common ordinary school education which other parts of the country enjoy.

Mr. DAWES. The force of the Senator's remarks no one can doubt, and no one will yield to them quicker than myself so far as they apply; but schools are already in Alaska for those who go there. This has nothing to do with them; and no matter how many white people go there, that has no reference to the question of Indian education. The question is whether we have any means by which we can make $20,000 efficient among the Indians there. If I thought we had, I would not say a word, and I am not going to say a word against it now, because if $15,000 can be used I have no doubt $20,000 can be; but my idea is that the $15,000, like the money of last year, will accomplish very little good among the Indians until the time shall come when a system and a method altogether different from that we have pursued within those borders can be matured and adopted.

The Senator in speaking as he does about the needs of the white people and the Indians there forgets that the Senate has done its whole duty in that respect in passing an education bill which provides for education in Alaska as in other places where it is needed, and the Senate has great encouragement to believe that will soon become a law; and whatever is needed beyond that small sum, which I admit is a small sum, in this bill will be supplemented and enlarged with great beneficial effects by the bill which the Senate has passed and relieved itself of responsibility for.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Michigan [Mr. CONGER].

Mr. DOLPH. I should like to ask the Senator from Massachusetts on what authority he states that the money that was appropriated last year for industrial education in Alaska was not well applied or did not produce good results in Alaska.

Mr. DAWES. I did not mean to say it was misapplied, only that as far as it went it did not produce good results; it failed to accomplish all that was hoped for. I get this information from the Department as the reason furnished to the committee why the appropriation asked for this year by the Department itself is $5,000 less than the sum appropriated last year.

Mr. DOLPH. I have not read the communication of the Secretary of the Interior. I was in Alaska last July, and I heard something about the unfortunate difference between the superintendent of industrial schools in Alaska—I do not know just what his title is—the agent of the Secretary of the Interior, and the local authorities at Sitka. I understand that that grew out of an attempt of the superintendent to locate a mission of 640 acres at the industrial school at Sitka and to locate it in such a manner that it embraced improvements made by citizens and part of the cemetery there. That, however, was a mere controversy between a single man, an agent of the Interior Department, and the local authorities. I do not profess to know what the merits of the controversy were. It is a matter very easily remedied.

If Rev. Sheldon Jackson is not a fit man to have charge of these schools, the Secretary of the Interior had it in his power to remove him at any time and appoint another agent to expend the money. If it is objected that the money was expended through the school established by the Presbyterian Board of Missions and supported by private donations, the precedent for that is not wanting, as we have in this very bill on the next page an appropriation of some $22,500 for the support of one hundred and fifty Indian pupils at Saint Ignatius mission school on the Jocko reservation in Montana Territory.

I discussed this question of education in Alaska to some extent during the discussion of the educational bill, and I attempted to show then the necessity for the expenditure of money for industrial education in Alaska through these established schools; but there is an independent school at Fort Wrangel, under the charge of Mrs. Young, the wife of Rev. S. Hall Young, where this entire appropriation might be applied economically and with good results if there is any objection to expending it at the Sitka school. But I do not believe that the money which was expended under the contract with that Sitka school was misappropriated or failed of good results. I have visited some one or two Indian industrial schools in my time; I have visited several times the Indian industrial school formerly located at Forest Grove and located now near Salem in Oregon; I have read something of the operations of other schools; and I say I visited Sitka and visited this industrial school at Sitka, and I venture to assert that there was not last year any money expended in any State or Territory of this Union that produced better results than that very money expended under the direction of the Secretary of the Interior at the Sitka school. I was surprised at what I saw.

As I now recollect, there was $13,000 appropriated last year for day schools in Alaska and $20,000 for industrial education. In Southern Alaska there are about seven thousand natives and about from two thousand to two thousand five hundred Indian children from four years to twenty years of age. The appropriations made last year, together with the donations which are made by private parties for the support of schools in Alaska, furnished school facilities for five hundred out of the two thousand native children of school age in Southern Alaska. Now it is proposed by this bill to cut down the appropriation of last year with this large population accessible to the schools and whom we propose to educate. Upon what ground we propose to cut down the appropriation I can not see the reason for. If Mr. Jackson is not the right man there, the remedy is in the hands of the Secretary of the Interior. He can very easily substitute another man in his place. But while Mr. Jackson may have made a mistake in regard to the location he attempted to make of the lands which were granted to the mission under the act creating a district government for the Territory, I am satisfied that he is doing good work so far as the educational interests of the Territory are concerned.

I am in favor of the amendment and hope it will be adopted; but be-

fore I take my seat I should like to inquire whether the chairman of the Committee on Indian Affairs can inform me whether at the last session provision for day schools was made in this bill or not?

Mr. DAWES. If I remember aright, it was made in the bill that extended a government over Alaska.

Mr. DOLPH. That was passed two years ago.

Mr. DAWES. The $20,000 was all that was appropriated in the Indian appropriation bill last year. I suggest to the Senator from Michigan that his amendment will be in order after we get through the amendments of the committee, as the committee's amendments are to be first considered.

Mr. CONGER. This is the only amendment I propose to offer, and I think there will be no objection to it here.

Mr. DAWES. I shall make no objection on the ground of order.

Mr. DOLPH. I would like to inquire if it is proposed to make any provision for day schools in Alaska. The machinery is all there, the teachers are on the ground, and the schools have been established.

Mr. DAWES. The last Indian appropriation bill only appropriated the $20,000 about which we have been talking. The other $15,000 must have been appropriated the year before in the bill which extended a government over Alaska.

Mr. DOLPH. Is this not the proper bill on which to make provision for the day schools that have been established?

Mr. DAWES. The bill organizing a government over Alaska had $25,000 in it for school purposes; then the Indian appropriation bill added $15,000; then last year the Indian appropriation bill had $20,000, and this year it is recommended that it be $15,000. All this comes from what I have stated—the lack in the Department of a confidence in the mode of expenditure.

Mr. DOLPH. But the Senator has not answered my question. I suppose the Committee on Indian Affairs has this matter of the education of Indian children in Alaska in charge. Last year there was an appropriation for industrial education, and I think there was an additional appropriation made last year for the support of day schools in Alaska. Teachers have been sent there from the East, and the schools have been established and are now being conducted and carried on. The question is whether or not the Committee on Indian Affairs propose to make any provision for these day schools, or are they to be suspended?

Mr. DAWES. No other appropriation has come under the cognizance of the Indian Committee or of the Committee on Appropriations for three years except such as I have stated; the first of the three years $15,000, the next $20,000, and the last $15,000. Beyond that in another bill coming from the Committee on Territories was an appropriation at one time of $25,000. So far as my memory serves, that is the entire appropriation for educational purposes in Alaska.

Mr. DOLPH. Is it proposed now by the Committee on Indian Affairs that the day schools which have been established by the Government shall be discontinued?

Mr. DAWES. The Committee on Indian Affairs have not been charged with the consideration of that subject. The Committee on Indian Affairs are not charged with the affair of Indian schools. It is the Committee on Appropriations which has reported this bill, and the Committee on Appropriations are now considering that subject.

Mr. DOLPH. I understand that the chairman of the Committee on Indian Affairs is a member of the Committee on Appropriations, and I understand further that the reason he is there is because he is chairman of the Committee on Indian Affairs and appropriations have to be made for the support of Indian schools. I see on page 45 of this bill appropriations for the support of Indian day and industrial schools. It seems to me that unless it is proposed to discontinue the day schools in Alaska, there ought to be some provision made in this bill for them.

Mr. DAWES. There is a lump sum appropriated for the support of Indian day schools, which sum is distributed among existing schools and new schools, as the Interior Department, under the charge of the superintendent of schools, shall divide it and expend it. Neither the Committee on Indian Affairs nor the Committee on Appropriations assume to say so much money shall be expended at this day school and so much at that day school; but upon all the knowledge they can obtain, added to the estimates from the Department, they recommend an appropriation of as large a sum as they can get any assurance from those who expend it will be profitably and wisely expended. The only limitation upon either of these committees in the Senate so far as I know—the only disposition to stop is at a point where every dollar shall be wisely, economically, and effectively expended.

Mr. DOLPH. Do I understand the Senator that the gross appropriation of $675,000 for schools may be applied to the support of day schools in Alaska?

Mr. DAWES. I do not know why any portion of it that the administrators of this law shall deem wise may not be there expended. What is there in the text of the bill that would prevent it?

Mr. DOLPH. I do not know, except that these Indians have not been provided for in previous Indian appropriation bills.

Mr. DAWES. If there were day schools there last year, the Senator will solve the problem if he will tell where the money came from. It came from this appropriation last year.

Mr. DOLPH. No, sir; it came from the special appropriation made for education in Alaska.

Mr. DAWES. There was no such appropriation last year.

Mr. DOLPH. It may have been the appropriation of $25,000 made in the act organizing a government for the Territory; but it was a special appropriation nevertheless. If this general appropriation covers it, very well.

Mr. DAWES. This committee are not contending with the Senator from Oregon to keep the money from being expended in Alaska. This committee are as desirous as the Senator perhaps is—he will excuse me for saying so—to have every dollar that can be expended at any point, whether it be Alaska or whether it be Florida, where it can be expended wisely, for the committee believe that a dollar spent in this way is worth more than $10 expended in the support and subsistence of Indians.

Mr. DOLPH. I did not mean to intimate that there was any disposition to crowd Alaska out. I think it would be a public calamity, I think it would be a great mistake, as long as the Government has established these schools and provided teachers and has now a system of day schools there, if such an appropriation was either intentionally omitted or overlooked. As I said before, these schools have been supported by a special appropriation, and there has been no division of any general appropriation heretofore made for the Territory; but if the Senator is satisfied that a portion of this money appropriated in a lump sum for day schools may be applied to Alaska, I have no disposition to urge anything else.

Mr. DAWES. I have no doubt about that.

Mr. CONGER. I ask for the yeas and nays on my amendment.

Mr. DAWES. I think we can get along without the yeas and nays.

Mr. CONGER. Very well.

The PRESIDENT *pro tempore*. The call for the yeas and nays is withdrawn.

Mr. PLUMB. I have before me the report of the superintendent of schools in Alaska; and he makes no complaint whatever, in fact says nothing at all about the need of an appropriation. The schools in Alaska, for some reason or other, seem to have declined in attendance last year one hundred and thirty-seven scholars.

Mr. CONGER. At what point?

Mr. PLUMB. At two points.

Mr. CONGER. The gentleman is mistaken about that.

Mr. PLUMB. All the authority I have is the report of Mr. Jackson.

Mr. CONGER. I think there must be a mistake about the figures.

Mr. PLUMB. There is no recommendation for any increased appropriation, and no suggestion that anything is lacking. The year the bill was passed for the organization of Alaska, in that bill there was an appropriation of $25,000 for school purposes. The Senate subsequently put on $25,000 in the Indian appropriation bill, but it was cut down in conference $10,000, leaving the whole amount for that year, two years ago, $40,000. Last year the Department recommended that $20,000 be appropriated for Alaska, and that was given. There was no suggestion then that the amount was scant, and, as I said, the report does not indicate it, neither the report of the person on the ground, nor of the superintendent of Indian schools, nor of the Commissioner of Indian Affairs.

The Department this year recommend $15,000. That is given. On consulting with the Commissioner of Indian Affairs and with the gentleman who has the supervision of these schools under this administration, it was found that they were very eager on this subject of education and had recommended, as they stated, all that they thought could be usefully spent, and so we have given to them, as the House has done, all that they have asked to be appropriated in every quarter for this purpose.

While I do not think myself that it is wise to appropriate money which the officials say they can not usefully spend, at the same time I have no objection to adding $5,000 to this item if that will do any good; but there is one thing I think we ought to bear in mind, that lavish appropriations do not generally bring good results. The executive officer charged with the expenditure of this money must necessarily have some system in regard to his expenditure, and if we thrust upon him money which he has no system for spending it is very likely to get out of the Treasury in the way of the employment of persons who perhaps may not be of great advantage to the service; and it is a very idle and at all events an inconsiderate way of acting. Therefore we thought by agreeing upon the main proposition to give everything that would be as far as we knew properly expended for this purpose, it was unwise to heap on the Department additional appropriations. But so far as I am concerned, I have no purpose of opposing the amendment. I do not care for the difference between $15,000 and $20,000. I have not been converted on the main question, but at the same time it is fair to try the experiment, if it is to be tried, in the most thorough way. If the $20,000 will do any more good than the $15,000, I am willing to agree to it.

Mr. CONGER. For some years the different denominations of religious people have in the Indian country, at their own expense and by the contributions of the people at home, established and kept up schools. In Alaska there are seven schools, five of which I think—I

am not certain as to the number—have been established for some years. I have in my possession photographs of the building and of the pupils and of the teachers, illustrating the character of the buildings for school houses and the appearance of the pupils, the age and size of the Indian children there.

Now, sir, I venture to say that in the whole bounds of the world there has not been a more faithful and devoted class of missionaries engaged in the civilization of Indians and forming schools than there has been in Alaska; and this Government giving millions of dollars for one purpose and another refuses a little paltry assistance to the Presbyterian missionary board or to the Catholic schools there or to the Methodist schools, and cuts down from last year the meager appropriation of $20,000 to these seven schools, cuts it down this year to $15,000.

I am not going into the question of the contest with some representatives of this Government there who have imprisoned teachers and who have imprisoned the agents of the Government in drunken debauches; men who under the influence of liquor have made their complaints and bound over good Christian men and attacked Christian women in the discharge of their duty. I thank God they have been removed from the positions which they had disgraced too long, and I hope better men are there and will be there to assist good men and good women in preserving whatever there may be of educational advantages to the Indian children and to the other children of Alaska.

Sir, if I had the time to spend about three hours in reading the statements and accounts of the different people who have been engaged there in educating these Indian children, if I had an opportunity to present here the prophetic letters of Mrs. McFarland, a woman whose name will be honored wherever it is known in her efforts to keep up one of these industrial schools, I think there would be no question but what this appropriation would be increased to $20,000, ay to $50,000, and the people of the United States would demand it, sanction it, approve it. But I shall not detain the Senate now. There will come a time when some questions to be discussed in regard to that Territory will be before the Senate, when I shall take the opportunity of presenting in a more direct and logical form some of the things to which I allude now.

Our appropriation is wholly under the control of the Secretary of the Interior. I have no doubt he will see to it that all the means and all the agencies of this Government for properly administering this fund for the beneficent object for which it is granted, will be carried out. I have that faith in this administration; I have that faith in the Secretary of the Interior; I have that faith in any officer who shall be confirmed by the Senate to manage the affairs of Alaska, that all these influences shall be on the side of morality, of civilization, of education, that we may be preparing that far-off Territory to become an honored part of the United States.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Michigan [Mr. CONGER].

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 1, after the word "funds," at the end of line 1132, to insert:

For annual allowance to Capt. R. H. Pratt, in charge of said Indian industrial school, $1,000.

The amendment was agreed to.

The next amendment was, in section 1, line 1136, to increase the total amount of the appropriation "for support of Indian industrial school at Carlisle, Pa., and for transportation of Indian pupils to and from said school" from $80,000 to $81,000.

The amendment was agreed to.

The next amendment was, in section 1, line 1143, after the word "all," to strike out "forty thousand" and insert "forty-one thousand five hundred;" so as to make the clause read:

For support of Indian industrial school at Salem, Oreg.: Two hundred Indian pupils, at $175 per annum each, $35,000; pay of superintendent, $1,500; completion of school building and necessary outbuildings, and repairs and fencing, $5,000; in all, $41,500.

The amendment was agreed to.

Mr. MANDERSON. I wish to propose the introduction of an amendment at the end of the paragraph beginning at line 1145.

Mr. DAWES. I ask the Senator to wait until we get through with the committee amendments.

Mr. MANDERSON. Yes; I suppose the amendments of the committee are to be first acted on.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 1, after line 1159, to insert:

For the completion of buildings and the purchase of additional grounds for the use of the Indian school at Lawrence, Kans., $58,000.

The amendment was agreed to.

The next amendment was, in section 1, after line 1167, to insert:

For support of one hundred and fifty Indian pupils at the Saint Ignatius mission school, on the Jocko reservation, in Montana Territory, at $150 per annum each, $22,500.

The amendment was agreed to.

The next amendment was, in section 1, line 1179, before the word "transportation," to insert the words "collecting and;" and in line 1186, after the word "for," to strike out "the" and insert "their;" so as to make the clause read:

For collecting and transportation of pupils to and from Indian schools, and also for the transportation of Indian pupils from all the Indian schools, and placing of them, with the consent of their parents, under the care and control of such suitable white families as may in all respects be qualified to give such pupils moral, industrial, and educational training, under arrangements in which their proper care, support, and education shall be in exchange for their labor, $28,000.

The amendment was agreed to.

Mr. DAWES. At the end of line 1187, I move to add the following proviso:

Provided, That $735 of said sum shall be paid to the Good Shepherd industrial school of Denver, Colo., as a reimbursement for expenses heretofore incurred by it in transporting twenty-five Indian girls from Turtle Mountain, Dakota, to said school, there to be educated, under a contract with the Commissioner of Indian Affairs.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 3, line 10, after the word "dollars," to insert:

This provision shall not apply, however, to appropriations herein or heretofore made for construction of ditches or other works for irrigating purposes.

So as to make the section read:

SEC. 3. That no purchase of supplies for which appropriations are herein made, exceeding in the aggregate $500 in value at any one time, shall be made without first giving at least three weeks' public notice by advertisement, except in cases of exigency, when, in the discretion of the Secretary of the Interior, who shall make official record of the facts constituting the exigency and shall report the same to Congress at its next session, he may direct that purchases may be made in open market in amount not exceeding $3,000. This provision shall not apply, however, to appropriations herein or heretofore made for construction of ditches or other works for irrigating purposes.

The amendment was agreed to.

The Secretary resumed and concluded the reading of the bill.

The PRESIDENT *pro tempore*. The bill is still open to amendment as in Committee of the Whole.

Mr. CALL. I offer an amendment to come in after line 917.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. After line 917 insert:

For the support, education, and civilization of the Seminole and Creek Indians remaining in Florida, $6,000.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Florida.

Mr. EDMUNDS. Let it be read again.

The Chief Clerk again read the amendment.

Mr. CALL. I will state to the Senator from Vermont that there is no objection on the part of the members of the committee to the amendment.

Mr. EDMUNDS. I merely wished to get the information; I did not hear it read before.

Mr. CALL. I will state that under the treaties made by the United States with those Indians they were allowed at various times $20,000, an annuity of $5,000 a year, but those were abrogated by the treaty with the Indians that they should go West, and they have not been receiving the annuity since. Those Indians who remained in Florida have never received it, and they are now in a condition where the appropriation will be eminently useful to them. Six thousand dollars were appropriated at a former Congress, and that sum has been exhausted.

Mr. DAWES. In the Indian appropriation act of 1884 we made an appropriation of $6,000 to enable the Seminole Indians in Florida to obtain homesteads upon the public lands, and establish them thereon. Under that provision a special agent "was assigned the duty of visiting these Indians for the purpose of inducing them to take advantage of the above provision. After much difficulty he succeeded in finding a number of Indians who were willing to take homesteads, many of them having small patches of cultivated land, which they have occupied for years, and to which they desire to obtain title. Upon investigation at the land office, however, it was found that all this land is owned by the State of Florida, or by improvement companies, to whom it has been transferred by the State. No public lands could be found upon which to locate these Indians. Further action under the act was therefore suspended. Correspondence has been had, however, with the governor of Florida, who suggests that the officers of the State, as trustees of the improvement fund, might dispose of certain lands to the United States for the purpose of locating these Indians, as contemplated by Congress. Special report will be made upon this subject."

This I read from the report of the Commissioner of Indian Affairs. The committee communicated with the Department while they were considering this matter, and received a letter which I shall send to the desk to have read.

The PRESIDENT *pro tempore*. The letter will be read.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, April 5, 1886.

SIR: In reply to your telegram of the 3d instant, asking what has been done under the provision in the Indian appropriation act of July 4, 1884 (23 Statutes, 95), "to enable the Seminole Indians in Florida to obtain homesteads upon the public lands, and to establish themselves thereon," and appropriating $6,000 there-

for, I have to state that late Special Agent Beede spent several months of the winter of 1884-'85 among the Indians for the purpose of carrying out the provisions of said act.

He finally succeeded in inducing some of the Indians to consent to take homesteads, but was unable to find any vacant available lands upon which to locate them.

In view of this result, nothing further was done in the matter until quite recently, except that some correspondence was had with Governor Perry, of Florida, for the purpose of ascertaining whether the State or public improvement companies, owning the lands by virtue of grants to the State, would surrender the same so that the Indians might acquire title thereto.

Very respectfully,

J. D. C. ATKINS, *Commissioner.*

THOMAS P. CLEAVES, Esq.,
Clerk Senate Committee on Appropriations.

Mr. DAWES. Under these circumstances, as negotiations were going on with the governor of Florida to obtain title to the little patches of land where the Indians reside, they not being willing to go off into the everglades and be located there where the Government owns the land, we thought it was best to let them go on with these negotiations and this $6,000, none of which has been expended, and that it was not worth while to make a new appropriation until that was done.

Mr. EDMUNDS. I make the point of order that the amendment is not within the rules of the Senate.

Mr. CALL. I hope the Senator from Vermont will not make that point of order without knowing something about the amendment.

Mr. EDMUNDS. I do know something about it.

The PRESIDENT *pro tempore*. The Senator from Vermont makes a point of order. The Senator will state his point of order.

Mr. EDMUNDS. My point of order is that this is an amendment increasing the appropriation, which has not been reported from a committee.

The PRESIDENT *pro tempore*. The point of order is well taken.

Mr. CALL. Of course the point of order will exclude the amendment, and that without a knowledge of the facts.

Mr. EDMUNDS. I do not make it for the purpose of taking my friend off his feet. I will reserve it until he is through with his observation.

Mr. CALL. I say that the point of order is made without a knowledge of the facts of the case, and it does great injustice. The committee have no information on the subject. The Interior Department has neglected these Indians entirely. The committee every year enacts a falsehood in plain and unmistakable terms, alleging that these Indians have gone West when they have not gone West. The annuity, which was appropriated and stipulated, of $12,000 a year to be paid to them is paid to the Seminoles in the West under a false allegation that these Indians have gone West. The provision of the treaty is that when the Indians in Florida have gone West that annuity shall be paid. The remaining Indians have never gone West. Year after year this falsehood is re-enacted; year after year I expose it. The Indians are known to be in Florida.

Here is treaty after treaty which I have before me stipulating to pay $20,000 a year. That was abrogated in the treaty for their removal to the West; yet there are three hundred of the Indians in Florida and an abundance of land to place them upon. The statement of the agent that there is no land there for them is ridiculously absurd. The records of the Land Office here show the fact to be as I state it. I have investigated the records, and I have had a map made.

These Indians are there with those treaty stipulations in their favor. The United States has not been able to get their consent to go West. When they are there peaceable, well disposed, capable of being civilized, what reason can be given, when you expend millions upon millions of dollars for the support, education, and civilization of Indians in the West, why these Indians should not have some consideration? They have extinguished their title to the whole of that soil. The title to 37,000,000 acres of land has been given up by them. They have not a foot of land; they have had no care or protection or assistance from the Government, and now when the railroads are there and the whole country is being occupied, is it the part of wisdom, is it not absurd, that these Indians should be left to extremity, that they should be forced into hostility to the white people, destroying their cattle and committing outrages here and there when they are disposed to be civilized, and quiet, and peaceable?

Why should they not have schools? Why should they not have some farmer to instruct them? No man can give a sensible reason for it. It is inhuman; it is wrong; it is in violation of your treaty stipulations. This little $6,000 that I propose to give, as was given two years ago, will be expended at once in putting them upon the soil, the homesteads, the land of the Government which may be given to them. There are over 500,000 acres of public land suitable for settlement by these Indians, and why should they not receive the same consideration that they do elsewhere? I have only asked for $6,000 for its continuance. This is not to be bestowed upon them in charity. It is to be given to them as they locate and improve their little homes, and in order to enable them to be withdrawn from fishing and hunting and devote themselves to agriculture.

No one can give a sensible reason why this appropriation should not be made. The committee can not do so. They have not bestowed any care or attention upon the matter.

The PRESIDENT *pro tempore*. The point of order being made——

Mr. EDMUNDS. I ask unanimous consent before I renew the point of order to say a single word.

If the Committee on Indian Affairs, that we all know has the best possible disposition toward the Indians, has not thought fit to go into this enterprise of appropriating money for Florida Indians, I do not think it would be right for the Senate to do so, even on the very persuasive suggestions of my friend from Florida. I must therefore insist on the point of order.

The PRESIDENT *pro tempore*. The point of order is well taken.

Mr. CHACE. In line 152, before the word "thousand," I move to strike out "three" and insert "five;" so as to make the clause I propose to amend read:

For the expenses of the commission of citizens, serving without compensation, appointed by the President under the provisions of the fourth section of the act of April 10, 1869, $5,000.

Mr. ALLISON. I think a point of order lies against that amendment.

Mr. CHACE. Does the Senator from Iowa make the point of order?

Mr. EDMUNDS. It increases the appropriation.

Mr. CHACE. I am aware it does; but I was in hopes that the amendment would be allowed to go through.

The PRESIDENT *pro tempore*. The point of order is well taken.

Mr. CHACE. I am aware that my amendment is subject to the point of order; but I hope the Senator will withhold it.

Mr. EDMUNDS. We must stick to points of order on an appropriation bill.

Mr. MANDERSON. At the end of line 1148 I move to add:

For reparation of present building and construction of new buildings at Genoa, Nebr., $10,000.

Mr. EDMUNDS. Is not that subject to a point of order, Mr. President?

Mr. MANDERSON. I hope the Senator from Vermont will not make the point of order, because, while this does not come formally from the Committee on Indian Affairs, it meets with its approval, as I think the chairman will vouch.

Mr. EDMUNDS. What does the Senator from Massachusetts say?

Mr. DAWES. I think the item ought to go in the bill, but it is subject to a point of order.

Mr. EDMUNDS. Do you say that it meets the approval of the Committee on Indian Affairs?

Mr. DAWES. It meets the approval of the Committee on Appropriations.

Mr. EDMUNDS. I shall not make the point of order, then, as the Senator in charge of the bill says that it meets the approval of the Committee on Appropriations, and that amounts to its being reported from them, though in an informal way.

Mr. DAWES. It meets the approval of the committee in this way: Their attention has been called to it to-day for the first time, but the papers show that it would have been made a part of the estimates but for the fact that certain papers had been mislaid and were not sent up.

Mr. COCKRELL. I should like to see some estimate from the Department in regard to it.

Mr. MANDERSON. I think I can perfectly satisfy the Senator as to the necessity for this expenditure.

Mr. DAWES. The Senator from Nebraska has the papers which were mislaid.

Mr. MANDERSON. The building which is being used for the purpose of an Indian school at Genoa was what is known as the council-house for the Pawnee Nation, and was situate upon the Pawnee reserve. It was a brick building of large dimensions; but after the Pawnees left their reservation and went to the Indian Territory, it stood for many years without an occupant. Of course the natural result was that the building was very greatly abused. Some repairs were made to the building when it was turned into an Indian school, but not sufficient repairs, however, to make the building either comfortable or healthful for the inmates. There is no system of sewerage, there are no bath-rooms, and the laundry and conveniences of that character are a part of the building.

The letters from the superintendent in charge urge a much greater appropriation than what I propose for the different purposes of the school, but after looking the matter entirely over, for the purpose of building the necessary outside laundry and bath-rooms and repairing the old building and giving it a sewerage system, this amount will I think be ample, notwithstanding the estimates are much greater.

Mr. COCKRELL. I should like to see something from the Department in regard to it. Has the matter ever been submitted to the Department?

Mr. MANDERSON. I have letters from the superintendent of the school.

Mr. COCKRELL. Why did he not make his report to the Secretary of the Interior?

Mr. MANDERSON. He made his report to the Interior Department, and one of my colleagues in another place visited the Commissioner of Indian Affairs, but, as suggested by the Senator from Massachusetts, the chairman of the Committee on Indian Affairs, the report

brought to me by that colleague is that the papers and estimates could not be found, or they would have been sent to the Indian Affairs Committee.

Mr. COCKRELL. They certainly could have telegraphed, as has been done in other cases, to the committee. We should find out something about it.

Mr. MANDERSON. Probably that would have been done, but the fact did not appear to me until to-day when the bill was under consideration. I thought the matter was here in proper form.

Mr. DAWES. I suggest to the Senator from Missouri that if the amendment should be adopted, when the bill goes into the conference, unless the Department desire to have this item remain, it can be stricken out. The subcommittee was satisfied of the fact that the mislaying of the papers was the reason why an estimate for this purpose had not been made. It will be brought to the attention of the Department, and if we are mistaken about what we state to the Senate, it will go out in the committee of conference I have no doubt.

Mr. MANDERSON. I will say to the Senator from Missouri that if the Commissioner of Indian Affairs does not heartily approve of the amendment I shall not urge it on the conference committee.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Nebraska [Mr. MANDERSON].

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

AMENDMENTS TO BILLS.

Mr. FRYE. The Post-Office appropriation is under consideration in committee. It is important to get an amendment in to-night. I ask leave to present a proposed amendment to the Post-Office appropriation bill providing for carrying the foreign mails in American steamships.

Mr. PLUMB. Let the amendment be read.

The Chief Clerk read the proposed amendment, as follows:

Said act is hereby amended by striking out lines 80, 81, and 82 and inserting instead thereof the following:

"Office of Superintendent of Foreign Mails: For transportation of foreign mails, including railway transit across the Isthmus of Panama, $1,000,000; and the Postmaster-General is hereby directed to enter into contract with American built and registered steamships, whenever possible, for the transportation of any part of said foreign mails, after legal advertisement, with the lowest responsible bidder, at a rate not to exceed 50 cents a nautical mile on the trip each way actually traveled between the terminal points: *Provided*, That the aggregate of such contracts shall not exceed $600,000 of the sum hereby apropriated."

The amendment was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SHERMAN submitted an amendment intended to be proposed by him to the bill (H. R. 7479) to provide a method for settling controversies and differences between railroad corporations engaged in interstate and Territorial transportation of property or passengers and their employés; which was ordered to lie on the table and be printed.

FISHING RIGHTS OF THE UNITED STATES.

Mr. EDMUNDS. I move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. Before submitting that motion the Chair lays before the Senate the unfinished business.

The CHIEF CLERK. "Resolution reported by Mr. FRYE from the Committee on Foreign Relations relative to the appointment of a commission charged with the consideration and settlement of the fishing rights of the United States and Great Britain."

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Vermont that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock p. m.) the Senate adjourned.

NOMINATIONS.

Executive nominations received by the Senate this 12th day of April, 1886.

UNITED STATES MARSHAL.

George H. Cairnes, of Maryland, to be marshal of the United States for the district of Maryland, *vice* John M. McClintock, term expired.

UNITED STATES ATTORNEY.

Thomas G. Hayes, of Maryland, to be attorney of the United States for the district of Maryland, *vice* Archibald Sterling, jr., term expired.

MEMBER OF BOARD OF ELECTION IN UTAH.

John A. McClernand, of Illinois, to be a member of the board of registration and election in the Territory of Utah, provided by section 9 of the act of Congress approved March 22, 1882, to amend the law relating to bigamy, *vice* Alexander Ramsey, resigned.

PENSION AGENT.

C. S. Lake, of Iowa, to be pension agent at Des Moines, Iowa, to take effect May 1, 1886, *vice* Jacob Rich, resigned.

RECEIVERS OF PUBLIC MONEYS.

Edmund James, of Nevada, to be receiver of public moneys at Carson City, Nev., *vice* Samuel C. Wright, whose commission expires April 11, 1886.

Samuel J. Lorah, of Colorado, to be receiver of public moneys at Central City, Colo., *vice* Edward W. Henderson, term expired.

REGISTERS OF LAND OFFICES.

William T. Barney, of Oregon, to be register of the land office at Oregon City, Oreg., *vice* Louis T. Barin, term expired.

Charles W. Johnston, of Oregon, to be register of the land office at Roseburg, Oreg., *vice* William F. Benjamin, term expired.

Cyrus P. Shepard, of Minnesota, to be register of the land office at Worthington, Minn., *vice* Mons Grinager, resigned.

INDIAN AGENTS.

James I. David, of Michigan, to be agent for the Indians of the Osage agency in the Indian Territory, *vice* Frederick Hoover, resigned.

Charles R. Sansser, of Ohio, to be agent for the Indians of the Yakima agency in Washington Territory, *vice* Robert H. Milroy, who was suspended during the recess of the Senate. The nomination of Timothy A. Byrnes for said office, sent to the Senate December 15, 1885, is this day withdrawn.

COLLECTOR OF CUSTOMS.

Obadiah W. Cutler, of New York, to be collector of customs for the district of Niagara, N. Y., *vice* Benjamin Flagler, term expired.

SURVEYOR OF CUSTOMS.

Edwin Warfield, of Maryland, to be surveyor of customs for the port of Baltimore, Md., *vice* Henry Clay Naill, term expired.

UNITED STATES ATTORNEYS.

John D. Burnett, of Alabama, to be attorney of the United States for the southern district of Alabama, *vice* George M. Duskin, commission expired, in lieu of previous nomination in place of the suspended officer.

John E. Carland, of Dakota, to be attorney of the United States for the Territory of Dakota, *vice* Hugh J. Campbell, commission expired, in lieu of previous nomination in place of the suspended officer.

George E. Bird, of Maine, to be attorney of the United States for the district of Maine, *vice* Wilbur F. Lunt, commission expired, in lieu of previous nomination in place of the suspended officer.

Fabius H. Busbee, of North Carolina, to be attorney of the United States for the eastern district of North Carolina, *vice* W. S. O. B. Robinson, commission expired, in lieu of previous nomination in place of the suspended officer.

Ernest Pillow, of Tennessee, to be attorney of the United States for the middle district of Tennessee, *vice* Andrew McClain, commission expired, in lieu of previous nomination in place of the suspended officer.

Henry C. Allen, of Virginia, to be attorney of the United States for the western district of Virginia, *vice* D. S. Lewis, commission expired, in lieu of previous nomination in place of the suspended officer.

COLLECTORS OF CUSTOMS.

John E. Grady, of Florida, to be collector of customs for the district of Apalachicola, in the State of Florida, *vice* Seth M. Sawyer, commission expired, in lieu of previous nomination in place of the suspended officer.

Anthony F. Seeberger, of Illinois, to be collector of customs for the district of Chicago, in the State of Illinois, *vice* Jesse Spalding, commission expired, in lieu of previous nomination in place of the suspended officer.

William T. Carrington, of Louisiana, to be collector of customs for the district of Teche, in the State of Louisiana, *vice* James R. Jolley, commission expired, in lieu of previous nomination in place of the suspended officer.

John J. Higgins, of Mississippi, to be collector of customs for the district of Natchez, in the State of Mississippi, *vice* Anselum Neuberger, commission expired, in lieu of previous nomination in place of the suspended officer.

Isaac B. Poucher, of New York, to be collector of customs for the district of Oswego, in the State of New York, *vice* John J. Lamoree, commission expired, in lieu of previous nomination in place of the suspended officer.

Charles H. Robinson, of North Carolina, to be collector of customs for the district of Wilmington, in the State of North Carolina, *vice* Enos J. Pennypacker, commission expired, in lieu of previous nomination in place of the suspended officer.

B. Huger Ward, of South Carolina, to be collector of customs for the district of Georgetown, in the State of South Carolina, *vice* Henry F. Heriot, commission expired, in lieu of previous nomination in place of the suspended officer.

Theodore D. Jervey, of South Carolina, to be collector of customs for the district of Charleston, in the State of South Carolina, *vice* Thomas B. Johnston, commission expired, in lieu of previous nomination in place of the suspended officer.

Otto L. Threlkeld, of Texas, to be collector of customs for the district of Saluria, in the State of Texas, *vice* Francis A. Vaughan, commission expired, in lieu of previous nomination in place of the suspended officer.

UNITED STATES MARSHALS.

John Carroll, of Arkansas, to be marshal of the United States for the western district of Arkansas, *vice* Thomas Boles, commission expired, in lieu of previous nomination in place of the suspended officer.

James M. Liddell, of Mississippi, to be marshal of the United States for the northern district of Mississippi, *vice* Joseph L. Morphis, commission expired, in lieu of previous nomination in place of the suspended officer.

Romulo Martinez, of New Mexico, to be marshal of the United States for the Territory of New Mexico, *vice* A. L. Morrison, commission expired, in lieu of previous nomination in place of the suspended officer.

William L. Cabell, of Texas, to be marshal of the United States for the northern district of Texas, *vice* James A. McKee, deceased, in lieu of previous nomination in place of the suspended officer.

Samuel L. Graham, of Virginia, to be marshal of the United States for the western district of Virginia, *vice* John G. Watts, commission expired, in lieu of previous nomination in place of the supended officer.

INDIAN INSPECTOR.

George R. Pearsons, of Fort Dodge, Iowa, to be an Indian inspector, *vice* George B. Anderson, deceased, in lieu of previous nomination in place of the suspended officer.

APPRAISER OF MERCHANDISE.

Lawrence Harrigan, of Missouri, to be appraiser of merchandise for the port of Saint Louis, in the State of Missouri, in place of Lyne Shackelford Metcalfe, to be removed.

SURVEYOR OF CUSTOMS.

John T. Gathright, of Kentucky, to be surveyor of customs for the port of Louisville, in the State of Kentucky, *vice* John K. Faulkner, commission expired, in lieu of previous nomination in place of the suspended officer.

SURVEYOR-GENERAL.

Richmond S. Dement, of Lexington, Ill., to be surveyor-general of the Territory of Utah, *vice* Frederick Salomon, commission expired, in lieu of previous nomination in place of the suspended officer.

RECEIVERS OF PUBLIC MONEYS.

William H. Bickford, of Shasta County, California, to be receiver of public moneys at Shasta, Cal., *vice* Adolph Dobrowsky, commission expired, in lieu of previous nomination in place of the suspended officer.

Colin F. MacDonald, of Saint Cloud, Minn., to be receiver of public moneys at Saint Cloud, Minn., *vice* William B. Mitchell, commission expired, in lieu of previous nomination in place of the suspended officer.

John T. Outhouse, of La Grange, Oreg., to be receiver of public moneys at La Grange, Oreg., *vice* George B. Curry, commission expired, in lieu of previous nomination in place of the suspended officer.

PENSION AGENTS.

Truman H. Allen, of Oakland, Cal., to be pension agent at San Francisco, Cal., *vice* Henry Cox, commission expired, in lieu of previous nomination in place of the suspended officer.

Robert McKinstry, of Jackson, Mich., to be pension agent at Detroit, Mich., *vice* Samuel Post, commission expired, in lieu of previous nomination in place of the suspended officer.

POSTMASTERS.

George Roe, to be postmaster at Vallejo, in the county of Solano and State of California, *vice* F. A. Leach, commission expired, in lieu of previous nomination in place of the suspended officer.

T. J. Carroll, to be postmaster at Bunker Hill, in the county of Macoupin and State of Illinois, *vice* F. Y. Hedley, commission expired, in lieu of previous nomination in place of the suspended officer.

C. T. Marsh, to be postmaster at Oregon, in the county of Ogle and State of Illinois, *vice* B. F. Sheets, commission expired, in lieu of previous nomination in place of the suspended officer.

M. Boland, to be postmaster at Auburn, in the county of De Kalb and State of Indiana, *vice* George W. Gordon, commission expired, in lieu of previous nomination in place of the suspended officer.

O. S. Dale, to be postmaster at Monticello, in the county of White and State of Indiana, *vice* William J. Huff, commission expired, in lieu of previous nomination in place of the suspended officer.

H. J. Feltus, to be postmaster at Bloomington, in the county of Monroe and State of Indiana, *vice* Joseph G. McPheeters, jr., commission expired, in lieu of previous nomination in place of the suspended officer.

James E. Kackley, to be postmaster at Vincennes, in the county of Knox and State of Indiana, *vice* William D. Lewis, commission expired, in lieu of previous nomination in place of the suspended officer.

Patrick Cain, to be postmaster at Fort Dodge, in the county of Webster and State of Iowa, *vice* N. M. Page, commission expired, in lieu of previous nomination in place of the suspended officer.

E. B. Crawford to be postmaster at Sioux City, in the county of Woodbury and State of Iowa, *vice* Edwin R. Kirk, commission expired, in lieu of previous nomination in place of the suspended officer.

John Finn, to be postmaster at Decorah, in the county of Winneshiek and State of Iowa, *vice* A. K. Bailey, commission expired, in lieu of previous nomination in place of the suspended officer.

Robert R. McBride, to be postmaster at Thibodeaux, in the county of La Fourche and State of Louisiana, *vice* G. Baudreaux, commission expired, in lieu of previous nomination in place of the suspended officer.

John Flynn, to be postmaster at Duluth, in the county of Saint Louis and State of Minnesota, *vice* J. E. Knowlton, commission expired, in lieu of previous nomination in place of the suspended officer.

William J. Whipple, to be postmaster at Winona, in the county of Winona and State of Minnesota, *vice* Daniel Sinclair, commission expired, in lieu of previous nomination in place of the suspended officer.

J. J. Shannon, to be postmaster at Meridian, in the county of Lauderdale and State of Mississippi, *vice* William M. Hancock, commission expired, in lieu of previous nomination in place of the suspended officer.

C. W. Howe, to be postmaster at Rochester, in the county of Strafford and State of New Hampshire, *vice* O. B. Warren, commission expired, in lieu of previous nomination in place of the suspended officer.

James D. Corcoran, to be postmaster at Rome, in the county of Oneida and State of New York, *vice* G. M. Palmer, commission expired, in lieu of previous nomination in place of suspended officer.

Richard Mooney, to be postmaster at Rondout, in the county of Ulster and State of New York, *vice* A. N. Barnes, commission expired, in lieu of previous nomination in place of the suspended officer.

H. G. Ashmead, to be postmaster at Chester, in the county of Delaware and State of Pennsylvania, *vice* John A. Wallace, commission expired, in lieu of previous nomination in place of the suspended officer.

J. K. Bogert to be postmaster at Wilkes Barre, in the county of Luzerne and State of Pennsylvania, *vice* Albert S. Orr, commission expired, in lieu of previous nomination in place of the suspended officer.

G. A. Clark to be postmaster at Bloomsburgh, in the county of Columbia and State of Pennsylvania, in the place of D. A. Beckley, commission expired, in lieu of previous nomination in place of suspended officer.

Frank Harvey, to be postmaster at Renovo, in the county of Clinton and State of Pennsylvania, *vice* Newton Wells, commission expired, in lieu of previous nomination in place of the suspended officer.

George W. Martin, to be postmaster at Chattanooga, in the county of Hamilton and State of Tennessee, *vice* H. F. Griscom, commission expired, in lieu of previous nomination in place of the suspended officer.

L. W. Redington, to be postmaster at Rutland, Rutland County, Vermont, *vice* Albert H. Tuttle, commission expired, in lieu of previous nomination in place of the suspended officer.

L. W. Caldwell, to be postmaster at Warrenton, in the county of Fauquier and State of Virginia, *vice* W. A. Pattie, commission expired, in lieu of previous nomination in place of the suspended officer.

George R. Head, to be postmaster at Leesburg, in the county of Loudoun and State of Virginia, *vice* Owen T. Holmes, commission expired, in lieu of previous nomination in place of the suspended officer.

Drummond G. Craig, to be postmaster at Fort Atkinson, in the county of Jefferson and State of Wisconsin, *vice* M. H. Ganong, commission expired, in lieu of previous nomination in place of the suspended officer.

Charles M. Hilliker, to be postmaster at Durango, in the county of La Plata and State of Colorado, in place of William M. Keightley, whose commission expires April 11, 1886.

Robert Y. Watson, to be postmaster at Milford, in the county of Kent and State of Delaware, in place of Reuben A. Stewart, whose removal for cause is hereby proposed.

James C. Allen, to be postmaster at Olney, in the county of Richland and State of Illinois, in the place of Eli Bowyer, deceased.

John A. Booe, to be postmaster at Crawfordsville, in the county of Montgomery and State of Indiana, in place of Samuel M. Robinson, whose removal for cause is hereby proposed.

Thomas M. Ludlam, to be postmaster at Millville, in the county of Cumberland and State of New Jersey, in the place of John W. Newlin, whose commission expires April 21, 1886.

Nathaniel Y. Elliott, to be postmaster at Mayville, in the county of Chautauqua and State of New York, in the place of W. S. Gleason, whose commission expired January 30, 1886.

Andrew Flanagan, to be postmaster at Astoria, in the county of Queens and State of New York, in the place of Henry C. Johnson, whose commission expires April 28, 1886.

William K. Thompson, to be postmaster at Portsmouth, in the county of Scioto and State of Ohio, in the place of L. C. Damarin, whose commission expired March 15, 1886.

John C. Anderson, to be postmaster at Spartanburg Court House, in the county of Spartanburg and State of South Carolina, in place of Samuel T. Poinier, whose removal is hereby proposed.

CIRCUIT JUDGE.

Howell E. Jackson, of Tennessee, to be circuit judge of the United States for the sixth judicial circuit, *vice* John Baxter, deceased.

UNITED STATES ATTORNEY.

Mark D. Wilbur, of New York, to be attorney of the United States

for the eastern district of New York, *vice* Asa W. Tenney, commission expired, in lieu of previous nomination in place of the suspended officer.

UNITED STATES MARSHAL.

Frank H. Dyer, of Utah Territory, to be marshal of the United States for the Territory of Utah, *vice* E. A. Ireland, whose term expires April 12, 1886.

SURVEYOR OF CUSTOMS.

Robert C. Jordan, of Nebraska, to be surveyor of customs for the port of Omaha, in the State of Nebraska, *vice* John Campbell, whose term of office has expired by limitation.

COLLECTORS OF CUSTOMS.

Serson P. Coffin, of Massachusetts, to be collector of customs for the district of Edgartown, in the State of Massachusetts, *vice* Cornelius B. Marchant, whose term of office has expired by limitation.

Philander Cobb, of Massachusetts, to be collector of customs for the district of Plymouth, in the State of Massachusetts, *vice* Samuel H. Doten, whose term of office will expire by limitation May 1, 1886.

ASSISTANT COLLECTOR OF CUSTOMS.

George D. Borton, of New Jersey, to be assistant collector of customs for the port of Camden, in the district of Philadelphia, in the State of Pennsylvania, *vice* David T. High, whose term of office has expired by limitation.

WITHDRAWAL.

Nomination withdrawn April 12, 1886.

Orlando W. Powers, of Michigan, to be associate justice of the supreme court of the Territory of Utah.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 12, 1886.

CIRCUIT JUDGE.

Howell E. Jackson, of Tennessee, to be circuit judge of the United States for the sixth judicial circuit.

PENSION AGENT.

C. S. Lake, of Marengo County, Iowa, to be pension agent at Des Moines, Iowa.

HOUSE OF REPRESENTATIVES.

MONDAY, *April* 12, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Saturday last was read and approved.

ORDER OF BUSINESS.

Mr. THROCKMORTON, by unanimous consent, obtained leave of absence for twenty days, beginning to-morrow, on account of indisposition.

TARIFF REDUCTION.

Mr. MORRISON. I desire to make a privileged report. The Committee on Ways and Means, to which was referred so much of the President's message as relates to revenue and the collection thereof, and also sundry bills on the same subject, has directed me to report the bill which I send to the desk, together with a report thereon in writing, and also some explanatory tables. I ask that the bill, with the accompanying report with tables of estimates, be referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

The bill (H. R. 7652) to reduce tariff taxes and to modify the laws in relation to the collection of the revenue was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, including the tables of estimates, ordered to be printed.

Mr. MCKINLEY. I beg leave to present at this time the views of a minority of the Committee on Ways and Means upon the bill just reported.

The SPEAKER. If there be no objection, the leave requested by the gentleman from Ohio [Mr. MCKINLEY] will be granted, and the views of the minority of the committee will be printed with the report of the majority.

There being no objection, it was so ordered.

Mr. O'NEILL, of Pennsylvania. Just at this moment I ask unanimous consent to present a protest of leading manufacturers in all the States of this Union, who employ something like forty-seven thousand workingmen, against any reduction of existing tariff duties. I do not ask that anything more than the heading be printed in the RECORD.

The SPEAKER. The gentleman from Pennsylvania [Mr. O'NEILL] asks unanimous consent to present a protest against the passage of any bill reducing tariff duties, and asks that the heading of the paper be printed in the RECORD.

Mr. MORRISON. Let this protest, like others, come in as other petitions and protests do—through the petition-box. That is the rule applicable to all. The minority of the committee has made a protest in the minority report just presented.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, just at this moment of time, the majority and minority reports upon the tariff from the Committee on Ways and Means having been presented, I desire to have unanimous consent to present in open House, instead of through the petition-box as required by the rules, the protest of leading manufacturers from thirty-six States and Territories against any reduction of duties. The signers of this protest employ in their establishments over forty-seven thousand persons. It is the fourth bound volume of protests which has been presented, and the aggregate of all the employés whose employers make the protests is over one hundred and seventy-five thousand.

The SPEAKER. The gentleman from Illinois objects.

Mr. O'NEILL, of Pennsylvania. Then let it go into the petition-box.

Mr. DUNHAM. Would it be in order to move that the report of the Committee on Ways and Means be put into the petition-box along with this protest?

The SPEAKER. Of course it would not.

RECESS.

Mr. TOWNSHEND. I rise to make a privileged motion. I move that the House take a recess to-day from half past 2 o'clock until half past 3, to review the parade of the veterans of 1861.

The SPEAKER. The gentleman from Illinois [Mr. TOWNSHEND] asks unanimous consent that the House take a recess to-day from half past 2 until half past 3 o'clock.

Mr. BEACH. I shall object.

Mr. TOWNSHEND. Is not my motion in order?

The SPEAKER. It will be in order when the hour proposed for the recess shall arrive.

Mr. TOWNSHEND. Then I give notice that at half past 2 I shall make this motion.

OLEOMARGARINE.

Mr. MILLARD. I ask unanimous consent to present a memorial signed by seven thousand dairymen and business men of the State of New York, protesting against the manufacture and sale of oleomargarine; and I ask that the memorial, without the names, be printed in the RECORD.

Mr. MORRISON. Let these petitions take the usual course under the rules.

The SPEAKER. The gentleman from Illinois [Mr. MORRISON] objects.

INVESTIGATION OF LABOR TROUBLES.

Mr. LAWLER. Mr. Speaker, the Committee on Labor, to which was referred a resolution offered by myself proposing an investigation into the unfortunate labor troubles now existing in various States, has made a report on that subject. I submit that, in view of the magnitude and urgency of these troubles, the House ought to consider the subject immediately. I therefore ask that the report of the Committee on Labor be now taken up for consideration.

The SPEAKER. What is the proposition?

Mr. LAWLER. It is a resolution offered by myself proposing an investigation into the causes of the existing difficulties between employers and employés of railway companies.

The SPEAKER. The gentleman from Illinois [Mr. LAWLER] asks unanimous consent that the House take up for present consideration a resolution reported from the Committee on Labor proposing, as the Chair remembers, to appoint a committee——

Mr. LAWLER. There was one resolution introduced by myself and another by the gentleman from Pennsylvania [Mr. CURTIN].

The SPEAKER. Only one question can be considered at a time. Is there objection to the request of the gentleman from Illinois?

Mr. REAGAN. Let the resolution be read, so that we may know what it is.

The resolution, as introduced by Mr. LAWLER and referred to the Committee on Labor, was read, as follows:

Whereas the recent correspondence between Mr. T. V. Powderly, grand master of the Knights of Labor, composed of mechanics, artisans, and farmers of the United States, and Mr. Jay Gould, president of the Missouri Pacific Railway Company, raises issues of vital moment to the tranquillity of the country and the general welfare of the people thereof: Therefore,

Be it resolved, That the Committee on Labor be, and is hereby, directed to investigate into the underlying causes of the differences existing between employers and employés of railway companies and other common carriers, and to that end may send for persons and papers, administer oaths, and compel the attendance of witnesses, and may employ a stenographer, who shall be paid such reasonable compensation as said committee may direct; and the said committee may sit during the sessions of the House, and report what legislation in their opinion is necessary to bring these troubles and differences to satisfactory conclusion. And the sum of $5,000, or as much thereof as may be necessary, is hereby authorized to be expended from the contingent fund of the House for the purposes of this investigation, the accounts thereof to be approved by the chairman of the said committee.

Mr. RANDALL. Mr. Speaker, I share fully the anxiety of the gentleman from Illinois [Mr. LAWLER] with reference to this investigation,

but I beg to suggest to him that the Committee on Rules is now ready to report on this subject; and if there be no objection, that report will now be submitted.

Mr. LAWLER. I would ask the Clerk to read the substitute recommended by the Committee on Labor for this resolution.

The SPEAKER. Does the gentleman from Pennsylvania [Mr. RANDALL] object?

Mr. RANDALL. I do not object to anything, but I wanted to make a suggestion——

Mr. REAGAN. Let us hear the resolution of the Committee on Rules; and then, having heard both resolutions, we can act more intelligently.

The SPEAKER. The Committee on Rules, as the Chair understands, is ready to report.

Mr. LAWLER. I merely asked that the substitute of the Committee on Labor be first read, and then the report of the Committee on Rules.

The SPEAKER. Is there objection to reading the report, as requested by the gentleman from Illinois?

Mr. REAGAN. I wish to know whether the report of the Committee on Rules can now be read, subject to objection?

Mr. MORRISON. The report is privileged.

Mr. REAGAN. The report of the Committee on Rules, I take it, is a privileged report.

The SPEAKER. It is.

Mr. REAGAN. If, therefore, the resolution to which the gentleman from Illinois refers is to be read, I shall reserve the right of objecting until I hear it.

Mr. MORRISON. The resolution to which my colleague [Mr. LAWLER] refers, I am permitted to say, was under consideration by the Committee on Rules, as well as the resolution proposed by the gentleman from Pennsylvania [Mr. CURTIN], and the committee recommend the adoption of a substitute for both of these resolutions, and to take the place of both. These resolutions have been considered together; and the Committee on Rules has directed me to report the following, which I send to the desk to be read by the Clerk.

Mr. LAWLER. I have no objection to hearing the report of the Committee on Rules read.

Mr. MORRISON. It is a privileged report and not subject to objection.

Mr. LAWLER. And I withdraw my request.

Mr. ANDERSON, of Kansas. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. ANDERSON, of Kansas. The resolution to which the gentleman from Illinois refers is a privileged resolution, under the order made by unanimous consent to allow the Committee on Labor to report such legislation as it saw fit in relation to arbitration.

The SPEAKER. But that was only in relation to arbitration.

Mr. ANDERSON, of Kansas. So is this.

The SPEAKER. This is a resolution proposing the appointment of a select committee by the Speaker of the House; and, moreover, the resolution referred to by the gentleman from Illinois [Mr. LAWLER], and reported by the Committee on Labor, was reported during the hour for the call of committees, and under the rule it has gone on the Calendar, losing its place as a privileged report.

Mr. LAWLER. I withdraw my request.

Mr. RANDALL. The report of the committee is a modification in some degree of the resolution of the gentleman from Pennsylvania [Mr. CURTIN].

Mr. ANDERSON, of Kansas. The request of the gentleman from Illinois [Mr. LAWLER] is withdrawn, I understand.

Mr. MORRISON. It was not necessary, as the Committee on Rules presents a privileged report, which I now ask shall be read.

The SPEAKER. The report of the Committee on Rules will be read.

The Clerk read as follows:

The Committee on Rules, to which was referred a House resolution proposing to create a select committee of five members to investigate the disturbed condition of the relations now existing between the railroad companies engaged in carrying on interstate commerce and their employés, has had the same under consideration, and reports herewith a substitute for the said resolution:

Resolved, That a select committee, to consist of seven members, be appointed by the Speaker, to investigate the cause and extent of the disturbed condition now existing between the railway corporations engaged in carrying on interstate commerce and their employés in the States of Illinois, Missouri, Kansas, Arkansas, and Texas. Said committee shall have power to send for persons and papers, examine witnesses under oath, sit during the sessions of the House, and may visit or send a subcommittee to such places in such States as may be necessary in order to facilitate such investigation. It shall report to the House during the present session, with such recommendations as it may deem proper to make; and the expense incurred, not to exceed the sum of $3,000, shall be paid out of the contingent fund of the House upon vouchers certified by the chairman and one member of the committee.

In the opinion of the committee the resolution referred to it was too comprehensive in its terms to enable any committee appointed under it to make the proposed investigation and report during the present session of Congress; and, therefore, the substitute proposes to confine the investigation exclusively to the differences existing in the five States of Illinois, Missouri, Kansas, Arkansas, and Texas, an investigation which it is believed can be made within a reasonable time and at reasonable expense to the Government.

The substitute also proposes to authorize the committee to visit or send a subcommittee to any of the States named, if it shall be considered necessary to do so, in order to facilitate the investigation. It is proposed that the expense shall not exceed the sum of $3,000, which shall be paid out of the contingent fund of the House.

In case said committee shall visit or send a subcommittee to any of the States aforesaid, the Clerk of the House is hereby authorized to advance to the chairman such sum as may be necessary to defray the expenses of such visit, not to exceed $1,000 at any one time, and not to exceed in the aggregate the said sum of $3,000.

Mr. MORRISON. I move the previous question on the adoption of the resolution reported.

Mr. REAGAN. I ask for a second if it is proposed to pass this under a suspension of the rules.

The SPEAKER. It is not proposed to suspend the rules, and this motion does not require a second. It is a report from the Committee on Rules, a privileged report, and the gentleman from Illinois [Mr. MORRISON] demands the previous question.

Mr. REAGAN. I trust the gentleman from Illinois will not demand the previous question, at least for a few moments. This is too grave a question to be passed without some consideration and debate.

Mr. MORRISON. I am directed by the Committee on Rules to move the previous question. I will suggest to the gentleman from Texas that there will be thirty minutes for debate afterward, and of this thirty minutes he will have control of fifteen.

Mr. REAGAN. Very well.

Mr. MORRISON. I trust this will be satisfactory.

Mr. LAWLER. I wish to say that I am in accord with that report.

Mr. REAGAN. I hope the House will vote down the demand for the previous question.

The previous question was ordered.

The SPEAKER. Under the rules thirty minutes are allowed for debate, fifteen in support of and fifteen in opposition to the report.

Mr. REAGAN. I suppose the gentleman from Illinois desires to open the discussion.

Mr. MORRISON. The gentleman from Texas may proceed; he can occupy his fifteen minutes now. If in what he may say he makes it necessary for a reply from the members of the committee it will be made.

Mr. REAGAN. Mr. Speaker it would be fair for the supporters of this resolution to present the reasons for its passage. It is rather an unusual procedure for those who have the negative of a proposition to be required to make the opening and be answered by those holding the affirmative. Such a thing is unknown to parliamentary usage or to legal proceedings.

Mr. MORRISON. Mr. Speaker, it was not my purpose to discuss or debate the resolution reported. I believed, and it was the opinion of the Committee on Rules, that the resolution and report, plain and intelligible, would speak for themselves. The gentleman from Texas certainly is not and can not be ignorant of the causes which bring this resolution here or which moved the committee to bring it here. He does not forget that within the last few days a bill was passed by this House which was intended to secure arbitration and amicable adjustment of the grievous ills growing out of the misunderstandings and disputes between railroad workingmen and railroad owners or operators.

When that bill was under discussion it was conceded by all that the bill was probably inadequate and might fall short of accomplishing all that was greatly needed. It was claimed and insisted on in the debate that we were in danger of doing harm to those we most desired to benefit—that if the proposed law had any effect at all it might be used to further oppress the weak, or that it was a precedent for, or the beginning of, legislation which would or might add to and help along the very grievances of which laboring men complain, yet nobody had any proposition or amendment to offer which seemed better suited to the purpose, at least none which the House considered better.

Several propositions were presented and considered by the Committee on Rules. That committee has reported this resolution with a view to ascertaining the facts out of which these much-to-be-deplored troubles have come to afflict not only those immediately connected with them, but the whole people. The object and purpose of what is here submitted is to get at the facts, to ascertain the truth for our own future guidance and that it may be known by all. That is the whole purpose of this resolution or report which I have submitted.

When we know the truth and are in possession of the facts we may do something toward perfecting the legislation which we have attempted and which to us is new. It can not do harm and may do great good to turn on the lights. The mere knowledge of the truth cures more ills than all the laws of Congress, and we must first know the facts before we can know either our duty or our authority to legislate.

Mr. REAGAN. I am aware, Mr. Speaker, that the circumstances which give rise to this resolution have attracted very general attention throughout the country and that people seem habitually to look to the Congress of the United States for the control of this question, assuming that its importance makes it a national question. But what I desire to ask attention to is the question—does the Constitution of the United States embrace this as a question for our consideration?

We are told by the gentleman from Illinois [Mr. MORRISON] that the bill which was passed a few days ago was not regarded as sufficient to cover the necessities of the case; that it was thought well to supplement it by some other action of the House; and that no one had offered any better proposition than the one which was adopted. Well, sir, I did not offer for affirmative action by Congress a better proposition;

but I did, and those who heard me will remember it, offer a better, a truer, and a constitutional solution of this difficulty, not by Congress, but by the authorities of the States, which under the Constitution have the control of local matters.

It is assumed, I see, in the resolution, as is implied in the argument of the gentleman from Illinois, that because the railroads of the country may carry interstate commerce, therefore the Congress of the United States has power to regulate contracts for labor between the railroad companies and their employés. I endeavored to demonstrate on a former occasion, when the bill referred to was up, that Congress had no more power to regulate the disposition of questions arising between common carriers and their hired laborers than it has to provide for the litigation of controversies between those engaged in interstate commerce and those from whom they buy their groceries, their dry goods, their horses, their lands, or anything else.

These are local matters, and the fact that one of the parties to the controversy may be engaged in interstate commerce does not give jurisdiction over another party or over a subject-matter not coming within the purview of the Constitution of the United States. It is for this reason and on this account that Congress has no jurisdiction over this subject, growing out of the clause of the Constitution authorizing Congress to regulate commerce among the States. I believe and aver that there is not a judge in the United States of respectability or a respectable lawyer in the United States that will assume that because one of these parties may be engaged in interstate commerce that gives Federal jurisdiction over all of their transactions with everybody else.

Why, sir, a large part of the business of these common carriers is the carrying of the commerce wholly within the States. Part of it is interstate commerce. This resolution would embrace all carriers, whether of State or interstate commerce. In addition to the fact that it can not be embraced within the clause of the Constitution relating to the regulation of commerce between States, I assume and aver that it is not embraced within the first section of the third article of the Constitution, which describes the sort of courts and tribunals that can be created under the Constitution. I affirm and aver that it can not be embraced under the second section of the third article of the Constitution, which prescribes the various subject-matters over which the Constitution gives jurisdiction to the Federal courts.

Mr. WEAVER, of Iowa. Will the gentleman yield to me for a question?

Mr. REAGAN. My time is very limited.

Mr. WEAVER, of Iowa. I wish to call the attention of the gentleman to this fact, that the condition of affairs——

Mr. REAGAN. Will the gentleman please ask his question? I can not give way for a speech.

Mr. WEAVER, of Iowa. That the condition of affairs borders on revolution. The Government would have the right on proper application——

Mr. REAGAN. I see the gentleman's point and will answer it. If disturbances arise too great to be controlled by the States they can call for the aid of the Federal Government. It is assumed that this is a condition of affairs bordering on revolution. The Constitution of the United States and the Declaration of Independence assumed the capacity of the American people for self-government. The Constitution assumed to distribute and partition the powers of the Government on the idea of the capacity of the people for self-government. It delegated certain powers to the Federal Government. It reserved other powers and all the powers relating to local legislation to the State governments. These questions which relate to the employment of laborers and local contracts belong to the State authority; and when Congress passes this resolution, as I suppose it will do, or anything else that violates the Constitution [laughter], it assumes the incapacity of the people for self-government; it assumes that the people of the States of this country are no longer able to preserve order, although they have Legislatures and governors, judges and ministerial officers, and all the means of preserving order, enforcing local and domestic rights, protecting life, person, and property, and preserving the peace of society. It seems to me, and I wish the members of this House could realize it, that repeatedly of late the House has taken such action as substantially violates all of the provisions of the Constitution of the United States except it may be the preamble and the general-welfare clause. And it seems to me that we are very impatient to get rid of the preamble and the general-welfare clause. [Laughter.] The simple question now to be decided by this House is whether it will deny and repudiate the capacity of the people of this country for self-government under the Constitution and the laws—whether we are to assume that the States are no longer able to execute their functions, and that the power of Congress may be thus invoked to execute the local laws in the various States.

Mr. BURROWS. Will the gentleman yield for a question?

Mr. REAGAN. If it is but a question.

Mr. BURROWS. Just one question. I suppose the gentleman has no doubt of the power of Congress to regulate interstate commerce?

Mr. REAGAN. I have already treated of that question, Mr. Speaker. I do not doubt that; but the regulation of local contracts for hire is not the regulation of commerce between the States.

Mr. BURROWS. My question is: If Congress has the constitutional power to regulate interstate commerce, has it not the constitutional power to inquire into its partial or total interruption?

Mr. REAGAN. Mr. Speaker, it is no partial interruption of commerce between the States and no total interruption of it that is the question here. As I have already said, because one side or one party in this controversy is engaged in interstate commerce, that fact does not control the question of jurisdiction. It must be the subject-matter that gives jurisdiction to Congress. I see that the gentleman from Pennsylvania [Mr. CURTIN] is now present. I do not know whether he heard the report of the Committee on Rules which limits the scope of the resolution introduced by him. His resolution would have been subject to the same objection I am now making to the report of the committee, but it would have had the merit of embracing the action of those eleven men who met in New York city a short time since and by an arbitrary order raised the price of coal 25 cents a ton, but did not raise the price of labor one mill.

Now, Mr. Speaker, I have said substantially all that I desire to say on this subject. Is my time exhausted?

The SPEAKER. The gentleman has five minutes left.

Mr. BURROWS. I did not quite understand the answer of the gentleman from Texas [Mr. REAGAN] to my inquiry. My question was this: If, as the gentleman holds, Congress has constitutional power to regulate interstate commerce, why has it not power to inquire into the partial or total interruption of that commerce?

Mr. REAGAN. Questions arise which are of a complicated character. While these railroads are partially engaged in the transportation of commerce between the States, they are also partially engaged in the transportation of commerce wholly within the States. But, I repeat, because one of the parties to the dispute is engaged in a business which is within the jurisdiction of Congress, to wit, interstate commerce, it does not follow at all that Congress has jurisdiction over the matter at issue here. That fact does not give Congress or the Federal Government jurisdiction over local contracts for the hire of labor any more than it gives them jurisdiction over controversies between common carriers and the men from whom they buy goods or groceries or lands. I yield two minutes to the gentleman from Mississippi [Mr. MORGAN].

Mr. MORGAN. Mr. Speaker, I desire to say a word on this subject. I believe the time has arrived when it is the duty of this House to speak words of wisdom to the men who are now out and who say that they are suffering on account of this labor question. It is the duty of this House to dispel from the minds of the Knights of Labor the delusions that have seized upon them, the chief of those delusions being the idea that relief for them lies in Congress. Relief can not be found here, nor can it be had from any legislative enactment with regard to the wrongs they complain of, and it is the duty of this House now to speak at once, in order that they may pause and consider and see where their action is tending. How do we stand, sir? Mr. Powderly stands at the head of a powerful organization and he has spoken and endeavored to act with wisdom; but he has shown his inability to control the organization, because his subordinates utterly refuse to obey his orders.

They say, "We wish to arbitrate." Should not this House tell them that there is nothing that can be brought forward, from their standpoint, that admits of legal arbitration? What is there to be arbitrated? They say to the railroad companies "We wish employment." The railroad companies reply, "We do not need your services." Then the men say, "We will arbitrate;" and the railroad companies say, "We have nothing to arbitrate; we do not need your services." That is the whole case. Then why not speak to these men now and tell them that this is like the case of every other contract known to the laws of the land, that they are at liberty to say to the railroad companies, "We will work for you," or "We will not work for you," and that the railroad companies are at liberty to say to them, "We will employ you," or "We will not employ you," and that is the end of the transaction. Why should not the Representatives of the people here assembled tell these men, "We have no power and can make no law that will make contracts for you against the will of the parties." Let that be understood. Let these men understand it, and let them understand that they are at liberty either to work or to refuse to work, or to go and take farms and be good citizens. We can give them homesteads out of the public domain; this is all we can do.

Mr. MORRISON. Mr. Speaker, I shall not attempt to follow the gentleman from Texas [Mr. REAGAN] in his line of constitutional argument. He is himself among those who have insisted and he still insists upon the constitutionality of Congressional control over the question of interstate commerce. It has been claimed by those whose legal opinions are worth considering, that the power to control or regulate interstate commerce included the right to regulate all the means of carrying on interstate commerce. Without committing myself to that view, I may say that I do insist upon the power and rightful authority in Congress to inquire into the facts, so that we may ascertain and know what legislative power or action may be based on and justified by the facts.

I am quite as mindful as the gentleman from Texas, Judge REAGAN, can be of how we have grown upon the use of constitutional pow-

ers once deemed more sacred than now. The great Berrien of Georgia, and maybe greater Marshall of Virginia, in their time never could have found constitutional authority for meddling with or taking hold of our common schools; but we have now here estimable men and good lawyers from those States who have no difficulty in finding this power which was entirely overlooked in the time of Berrien and Marshall. Houston, Rusk, and the men of their time, found constitutional power to annex and tie on a great State; but they could hardly have been aware of the constitutional power to annex or tie together distant seas by a railroad below the moon but not between it and our own country. We investigate to ascertain scientific facts, currents of the sea and the like, and we may certainly inquire into the causes of contention and turmoil which threaten the well-being of a whole people.

I now yield two minutes to the gentleman from Pennsylvania [Mr. RANDALL].

Mr. RANDALL. Mr. Speaker, I do not believe there is any member of this House more desirous of restricting legislation within constitutional limits than I am. But in this case I find that we are called upon to deal in part with a matter which concerns governmental roads; that is, railroads in aid of which Government has given land and money, and where the Government has an interest in seeing peace and order prevail instead of discontent and disorder. Nay, more; the very language of this resolution shows that in addition the proposed inquiry is to be instituted in regard to interstate commerce, which is interrupted. There is no harm whatever in this House possessing itself of full information in relation to these matters. The Federal Executive may be called upon to interpose by the governors of the States within whose territory these disturbances exist, and when so called upon may transmit the request to Congress. Therefore I think we ought to know exactly the causes of and the facts connected with these troubles, and for these reasons I have assented to the proposition as submitted. We can not refuse this investigation. A man might just as well stop when his house is on fire to inquire whether he has legal authority to arrest the incendiary instead of pouring on water to stop the conflagration.

Mr. MORRISON. I yield two minutes to the gentleman from New York [Mr. HISCOCK], member of the Committee on Rules.

Mr. HISCOCK. Mr. Speaker, in that brief time I can only say this: Seven hundred thousand men have exercised their right to petition this honorable body for this investigation, and, sir, I, for one, am anxious to give it to them, and very curious to see how many gentlemen on the other side of the House will invoke the Constitution by the same arguments employed by them and their predecessors twenty-five, thirty, forty, or fifty years ago against the right of petition. Yes, I am curious to see how many there are who will record themselves by their votes against the demand of these seven hundred thousand men that have come with their wrongs and ask for sympathy, assistance, and redress from the Congress of the United States—how many gentlemen there are here who will say to these petitioners: "We turn you away; and your petition is denied."

Mr. REAGAN. Upon what authority does the gentleman state that seven hundred thousand men have asked for this?

Mr. HISCOCK. If the gentleman will give me time I will make it very plain to him that that number, and more than that number, are demanding this action on the part of the House of Representatives. That fact has been fully recognized by the committee that have unanimously reported this resolution to the House.

Mr. MORRISON. Mr. Speaker, I yield two minutes to another member of the committee, the gentleman from Maine [Mr. REED].

Mr. REED, of Maine. This matter is a very simple one. The Congress of the United States, like every legislative body, sits for the hearing and the redress of grievances. Even if it be true, as the gentleman from Mississippi [Mr. MORGAN] says, that we have nothing to say to these men after the investigation is over, we certainly are bound to give them the investigation. We are bound to hear what the facts are, and, if we can, to act upon them. We must hear before we can give anybody even good advice. If it turns out that the facts are such that they can not be acted upon within the purview of the Constitution, then there will be time for the gentleman from Texas [Mr. REAGAN] to repeat his constitutional discourse. But, for my part, I beg leave here and now—and there can be no better opportunity than in a time of trouble like this, when there seems to be great disturbances in the land—to protest against this everlasting putting up of the Constitution of the United States against every proposition which is presented in this House. I say that the total effect of such action will be to make a mockery of the Constitution and to give point to that jest which was made here long years ago, that the Constitution of the United States, in the mind of a strict constructionist, was in favor of every bill that he wanted and against every bill that he opposed. And the reason why the gentleman from Texas [Mr. REAGAN] could not answer the gentleman from Michigan [Mr. BURROWS] was because he was acting on the principle of the old jest without knowing it. Mr. Speaker, let us give the investigation that is demanded.

[Here the hammer fell.]

Mr. MORRISON. I yield two minutes to Mr. WARNER, of Ohio.

Mr. WARNER, of Ohio, was recognized.

Mr. REAGAN. What legislation can we enact upon this subject?

Mr. HISCOCK. When the committee makes its report we will see what legislation can be had.

The SPEAKER. The gentleman from Ohio [Mr. WARNER] has the floor.

Mr. WARNER, of Ohio. Mr. Speaker, three questions arise in connection with this resolution: First, is the occasion one of sufficient importance to warrant an investigation? Second, is there any other power competent to make the investigation? Third, is it within the scope of the Constitution for Congress to enter upon it?

That the occasion is one of great gravity every one will admit. That there is no other power adequate to inquire into the existing disturbance or to provide a remedy will I think also be admitted. Commerce among the States is interrupted. The resolution proposes to inquire into the cause of that interruption, and possibly to suggest a remedy. It is, in my opinion, within the scope of the Constitution, under the clause providing for the regulation of interstate commerce. Under that clause the Congress of the United States has power, and it alone has power, to legislate where more States than one are concerned. In this case many States are involved, and the power does not lie with either of them to make an inquiry covering the whole field or to apply an adequate remedy, if a remedy is found to be necessary. I am therefore in favor of the proposed investigation. This is all I desire to say.

Mr. MORRISON. I yield two minutes to the gentleman from Pennsylvania [Mr. CURTIN].

Mr. CURTIN. Mr. Speaker, long before our Constitution was adopted there was a grand sentiment prevailing among all the people that every man should be guaranteed the right to life, liberty, and the pursuit of happiness, for the right of protection in these respects is above the Constitution. Under that sublime sentiment of the fathers of our country, the apostles of liberty, our Constitution was formed.

My resolution, sir, only proposes to investigate the cause of the present unrest among the people of this country. If corporations have violated the right of property or liberty belonging to the humblest man in this country he has a right to redress, which this august assembly should not deny. If the workingmen have been wronged, let us understand it, and let us lay the strong hand of this great Government upon those who have wronged them; let us redress their wrongs, and insure to them "life, liberty, and the pursuit of happiness."

I hold in my hand a letter from Mr. Powderly, which I will print in my remarks by consent of the House. [Cries of "Read it!"] He is a typical man. Starting life as a worker in the mines, he educated himself. He conquered those twin tyrants of ardent youth—low birth and iron fortune—and to-day there is not a man on this floor who can express sounder or more conservative sentiments or put them in purer English. He asks me to press this resolution so that the truth may be known; so that if the corporations are right they shall have their remedy by law, and if they have oppressed their employés their honest labor shall be paid and the sacred principle maintained that an honest day's labor shall receive a full day's wage. And if there is not power in this Congress under the Constitution to redress such a wrong, God knows our Constitution is "a rope of sand" and is of no avail for the protection of the people.

Why, Mr. Speaker, many years since, some men among the mountains of Pennsylvania, priest or prophet, happened to pierce the ground, and beneficent nature caused the oil to flow from the earth to meet the necessities of humanity.

[Here the hammer fell.]

The Speaker strikes on me.

The SPEAKER. Does the gentleman from Illinois [Mr. MORRISON] yield to the gentleman from Pennsylvania additional time? His three minutes have expired.

Mr. MORRISON. How much time have I remaining?

The SPEAKER. Two minutes.

Mr. MORRISON. I want but one, the gentleman from Pennsylvania may use the other.

Mr. CURTIN. The production of oil in a previously unproductive portion of my State invited there youth and energy and capital. The hills were made to blossom, towns were built, railroads were constructed, and that portion of Pennsylvania became the most prosperous and wealthy of our Commonwealth, because there was room there for individual enterprise, because there were homes for the workingmen as well as those who employed them. But suddenly there came there a corporation—a mythical corporation, which is said to have its headquarters in Boston, and to have a capital of $100,000,000. It laid the iron hand of despotism upon that region. It said to the citizens, "You can produce oil provided you give it to us; if you attempt to refine oil yourselves we have money and corporate power, and we will freeze you out." And so they did. That corporation now owns that country, controls railroads, and exercises despotic sway. Sir, I lived for four years at the capital of a despotic government; but I never knew in Russia such despotism as that, and if all that is alleged is true the people of the Commonwealth of Pennsylvania should be relieved by the action of this central Government, if it can not be accomplished by the State.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. CURTIN. I am very sorry for it. Allow me one word more. I find that my resolution has been emasculated. In its present form it extends only to certain localities. I proposed an examination of this whole question of labor and capital—the rights of corporations and the rights of the people—so that the real truth might be exposed to the American people, and that we might legislate intelligently, and in defense of the laws of the country. The time has come when the representatives of the people will be compelled to legislate wisely and independently.

The SPEAKER. The gentleman's time has expired.

Mr. CURTIN. I will take the liberty of appending to my remarks Mr. Powderly's letter:

SCRANTON, PA., *April* 8, 1886.

DEAR SIR: Accept my sincere thanks for the kind sentiments expressed in your letter. I am very hopeful of good results from the appointment of the committee to investigate the Southwest trouble. Let its investigation be thorough, careful, and impartial. If the workingmen are to blame in whole or part, let it be made known; if the company is the offender, let it be made known. It is my wish that the committee go to the very bottom, search every nook and cranny where a wrong existed or was perpetrated. It will be for the best interests of the country at large that this investigation be proceeded with at once. The public has a right to know where the blame rests, for it is only by finding out where we are wrong that we can properly guard against wrong a second time.

I have been a little under the weather, but I could not hold up any longer. I am at the desk again and will try to stay here.

With kind wishes, I remain, sincerely and truly, yours,

T. V. POWDERLY.

Hon. ANDREW G. CURTIN, *Washington, D. C.*

Mr. MORRISON. I yield one minute to my colleague [Mr. SPRINGER].

Mr. SPRINGER. Mr. Speaker, I regret that the gentleman from Texas [Mr. REAGAN] should have placed his opposition to this resolution upon constitutional grounds.

Mr. REAGAN. I want to ask pardon of the House for having given offense to Democrats, including the gentleman from Illinois, as well as to the gentleman from Maine [Mr. REED], by referring to the Constitution.

Mr. SPRINGER. I hope this interruption will not be taken out of my time. The gentleman from Texas is the last man I would have expected to oppose any proposition which had in view the securing of valuable information for this House upon the subject of interstate commerce.

Mr. REAGAN rose.

Mr. SPRINGER. I can not yield to the gentleman.

We have as much right to get as much information about the difficulties in these States as we have the right to buy a book on these subjects and put it into the Congressional Library. It is information which I have no doubt will assist the gentleman from Texas [Mr. REAGAN] to perfect his interstate-commerce bill when in that bill he proposes to regulate the rates for carrying these freights; for if that is one of the subjects Congress may consider, we ought to know how much it costs to carry freights and what these strikes have to do with interfering with that carriage.

I hope this resolution will pass unanimously, and we will not set a precedent of quibbling about the Constitution every time the rights of the laboring men are involved in this House. [Applause.]

Mr. RANDALL. Mr. Speaker, is there no time left?

The SPEAKER. The time has expired.

Mr. REAGAN. I merely wish to say that the Committee on Rules——

The SPEAKER. The gentleman from Texas [Mr. REAGAN] has one minute remaining.

Mr. RANDALL. The Committee on Rules have not, as alleged by the gentleman from Pennsylvania [Mr. CURTIN], emasculated the resolution. On the contrary, the committee have in their substitute given efficiency to the proposition, increasing the membership of the proposed committee and providing a plan for advancing money to execute the object in view. The only limitation suggested is to confine the inquiry to States wherein the disturbances exist—a field extended enough to require all the time of the committee.

Mr. REAGAN. I understand I have one minute of my time remaining.

The SPEAKER. The gentleman has one minute remaining.

Mr. REAGAN. Mr. Speaker, I have long been familiar with the passion which it excites on the other side of the House, and especially in the person of the gentleman from Maine, to mention in any way the Constitution when it came in the way of exercising the despotic power by a popular majority. The mention of the Constitution seems to operate upon the gentleman from Maine like the flaunting of a red rag before a mad bull. But it is only lately, since the vote upon the educational bill which went through here, and since the passage of the labor bill a few days ago, that I have come to fear he has sufficiently indoctrinated members on this side of the House, and especially the gentleman from Illinois [Mr. SPRINGER], as to make it an offense to him to speak of the Constitution. [Laughter.]

Sir, the gentleman from Illinois talks about the regulation of interstate commerce. Is it possible he assumes because men hire a laborer in the State of Illinois, or Missouri, or Kansas, the State of Kansas or Missouri are interested in the question of hiring a laborer in Illinois, or, *vice versa*, in the other States, or that the Constitution gives the power to us to regulate merely local matters, because some of the parties to them happen to be engaged in business coming under the power of the Constitution?

The SPEAKER. The time for debate has expired, and the question now recurs on the substitute reported by the committee.

The substitute was agreed to; and the resolution as amended was then adopted.

Mr. MORRISON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the call of States and Territories for the introduction of bills will now begin.

WILLIAM T. JUDKINS.

Mr. HERBERT introduced a bill (H. R. 7653) for the relief of the estate of William T. Judkins; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LOUIS STALLINGS.

Mr. HERBERT also introduced a bill (H. R. 7654) for the relief of Louis Stallings; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ESTATE OF JAMES H. JUDKINS.

Mr. HERBERT also introduced a bill (H. R. 7655) for the relief of the estate of James H. Judkins; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CONSOLIDATION OF NAVAL BUREAUS.

Mr. HERBERT also submitted the following resolution; which was referred to the Committee on Naval Affairs, and ordered to be printed:

Resolved, That Wednesday, the 28th day of April, 1886, and from day to day thereafter until disposed of, except Mondays and Fridays, not to interfere with the consideration of revenue bills, regular appropriation bills, nor with the morning hour, nor with the hour for the call of committees for the consideration of bills, nor with prior orders, be set apart for the consideration of House bill No. 7635, entitled "A bill to consolidate certain bureaus of the Department of the Navy, and for other purposes," and if said bill shall not have been previously disposed of, that Wednesday, the 5th day of May, 1886, immediately after the reading of the Journal, be set apart for the exclusive consideration thereof in the House, as in Committee of the Whole, and that the previous question on said bill and all amendments which may be offered thereto be considered as ordered at half past 5 o'clock p. m. of said 5th day of May.

INCREASE OF NAVAL ESTABLISHMENT.

Mr. HERBERT also submitted the following resolution; which was referred to the Committee on Naval Affairs, and ordered to be printed:

Resolved, That Tuesday, the 20th day of April, 1886, and from day to day thereafter until disposed of, except Mondays and Fridays, not to interfere with the consideration of revenue bills, regular appropriation bills, nor with the morning hour, nor with the hour for the call of the committees for the consideration of bills, nor with prior orders, be set apart for the consideration of House bill 6664, entitled "A bill to increase the naval establishment," and if said bill shall not have been previously disposed of, that Tuesday, the 27th day of April, 1886, immediately after the reading of the Journal, be set apart for the exclusive consideration thereof in the House as in Committee of the Whole, and that the previous question on said bill and all amendments which may be offered thereto be considered as ordered at half past 5 o'clock p. m. of said 27th day of April.

SIGNAL STATION, WEST INDIA ISLANDS.

Mr. WHEELER introduced a bill (H. R. 7656) to authorize and direct the Secretary of War to establish signal stations on the West India Islands; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

G. E. BURBANK.

Mr. WHEELER also introduced a bill (H. R. 7657) granting a pension to G. E. Burbank; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

G. W. BUNKER.

Mr. DUNN (by request) introduced a bill (H. R. 7658) for the relief of G. W. Bunker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARIA L. PETTIT.

Mr. DUNN (by request) also introduced a bill (H. R. 7659) for the relief of Maria L. Pettit; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES STOBAUGH.

Mr. BRECKINRIDGE, of Arkansas, introduced a bill (H. R. 7660) granting a pension to James Stobaugh; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JONATHAN D. STEVENSON.

Mr. FELTON introduced a bill (H. R. 7661) for the relief of Jonathan D. Stevenson, of California; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

IMMIGRATION LAWS.

Mr. FELTON also introduced a bill (H. R. 7662) to amend the im-

migration laws of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LIGHT-SHIP, RAM ISLAND REEF.

Mr. WAIT introduced a bill (H. R. 7663) to establish a light-ship at the south end of Ram Island Reef, Fisher's Island, Long Island Sound; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MRS. ELIZABETH A. BARBOUR.

Mr. SEYMOUR introduced a bill (H. R. 7664) to increase the pension of Mrs. Elizabeth A. Barbour; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANNUAL REPORTS, POSTMASTER-GENERAL.

Mr. BLOUNT introduced a bill (H. R. 7665) relating to annual reports of the Postmaster-General and amendatory of section 413 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

BOARD OF REVENUE AND CURRENCY, ETC.

Mr. PAYSON (by request) introduced a bill (H. R. 7666) to create a board of management of the revenue and currency, institute a monetary system in harmony with republican principles of government, establish an equitable standard of distribution to capital and labor, and for other purposes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

AMENDMENT TO PENSION LAWS.

Mr. TOWNSHEND introduced a bill (H. R. 7667) authorizing the granting of pensions to parents of deceased soldiers upon proof that they are without other present means of support than their own manual labor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES N. CALLAM.

Mr. LAWLER introduced a bill (H. R. 7668) granting an increase of pension to James N. Callam; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS BREEN.

Mr. LAWLER also introduced a bill (H. R. 7669) granting a pension to Thomas Breen; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAY MARSHALL.

Mr. LAWLER also introduced a bill (H. R. 7670) granting a pension to Jay Marshall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CORNELIUS WOOD.

Mr. PAYSON introduced a bill (H. R. 7671) for the relief of Cornelius Wood; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

HENRY H. WILLIAMS.

Mr. LANDES introduced a bill (H. R. 7672) for the relief of Henry H. Williams from the charge of desertion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WHEAT AND CORN IN THE UNITED STATES.

Mr. DUNHAM submitted the following resolution; which was read, and referred to the Committee on Agriculture:

Resolved, That the Commissioner of Agriculture be, and he is hereby, directed to report to this House, at his earliest convenience, the amount of wheat and corn now on hand in this country, where they are located, with the probable home requirements of each until September 1, 1886, as compared with the amounts on hand and domestic requirements at similar periods during the past five years; the number of acres of winter and spring wheat, each respectively, now in the ground to make the coming crop as compared with the past five years at the date of his report; the amount of wheat and corn, each respectively, likely to be required by each importing country, with the present surplus on hand in each exporting country to supply such requirements until September 1, 1886; the amount of wheat sown in all other countries for this year's crop, with their probable surplus or shortage during the coming year; said report to be confined to the questions asked in this resolution, and all of its statements of amounts given in bushels and acres, according to American measurement.

TRUMAN CULVER.

Mr. HENDERSON, of Illinois, introduced a bill (H. R. 7673) for the relief of Truman Culver; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THOMAS J. TAYLOR.

Mr. KLEINER introduced a bill (H. R. 7674) for the relief of Thomas J. Taylor; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

STEPHEN A. KENNEDY.

Mr. MATSON introduced a bill (H. R. 7675) granting a pension to Stephen A. Kennedy; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MALINDA DENNIS.

Mr. MATSON also introduced a bill (H. R. 7676) granting a pension to Malinda Dennis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN R. TREADWAY.

Mr. MATSON also introduced a bill (H. R. 7677) granting a pension to John R. Treadway; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM BOCKOVER.

Mr. OWEN introduced a bill (H. R. 7678) granting a pension to William Bockover; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NANCY E. RETZ.

Mr. BROWNE, of Indiana, introduced a bill (H. R. 7679) granting a pension to Nancy E. Retz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB HUNT.

Mr. BROWNE, of Indiana, also introduced a bill (H. R. 7680) granting a pension to Jacob Hunt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. SARAH YOUNG.

Mr. CONGER introduced a bill (H. R. 7681) granting a pension to Mrs. Sarah Young, of Des Moines; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. BENJAMIN F. MURRAY.

Mr. CONGER also introduced a bill (H. R. 7682) granting a pension to Mrs. Benjamin Murray; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB L. ENGLEBERT.

Mr. CONGER also introduced a bill (H. R. 7683) to increase the pension of Jacob L. Englebert; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ARTIFICIAL EYES.

Mr. CONGER also introduced a bill (H. R. 7684) making provision for artificial eyes for those who lost an eye in the service during the late war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. SARAH YOUNG.

Mr. CONGER also presented a concurrent resolution of the General Assembly of the State of Ohio, asking that the name of Mrs. Sarah Young, late army nurse, be placed on the pension-roll by special act of Congress; which was referred to the Committee on Invalid Pensions.

JEROME B. JONES.

Mr. WEAVER, of Iowa, introduced a bill (H. R. 7685) granting a pension to Jerome B. Jones, late a ship-carpenter in the Navy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLAIMS ALLOWED.

Mr. HENDERSON, of Iowa, submitted a resolution requesting the Secretary of the Treasury to transmit to the House a schedule of claims allowed by the accounting officers of the Treasury since the allowance of those embraced in House Executive Document No. 7; which was referred to the Committee on Appropriations.

BRANCH SOLDIERS' HOME.

Mr. HALL introduced a bill (H. R. 7686) locating a branch home for disabled soldiers and sailors at Burlington, Iowa; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. SARAH YOUNG.

Mr. FREDERICK presented a concurrent resolution of the senate and house of representatives of the State of Iowa, asking the Senate and House of Representatives of the United States to grant a pension to Mrs. Sarah Young, of the city of Des Moines, Iowa; which was referred to the Committee on Invalid Pensions.

MUSCATINE BANK, IOWA.

Mr. MURPHY introduced a bill (H. R. 7687) to change the name of the Muscatine Bank, in Iowa; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

WILHELM NOLTE.

Mr. MURPHY also introduced a bill (H. R. 7688) granting a pension to Wilhelm Nolte, late a private of Company A, Twenty-second Regiment Indiana Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAROLINE C. M'NAIR.

Mr. FULLER introduced a bill (H. R. 7689) granting a pension to

Caroline C. McNair; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RACHEL BARNES.

Mr. FULLER also introduced a bill (H. R. 7690) granting a pension to Rachel Barnes; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

DONATIONS OF CONDEMNED CANON.

Mr. LYMAN introduced a bill (H. R. 7691) granting condemned cannon to Robert Provard Post, No. 414, Grand Army of the Republic, at Carson, Iowa, for monumental purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. LYMAN also introduced a bill (H. R. 7692) granting condemned cannon to William Layton Post, No. 358, Grand Army of the Republic, at Oakland, Iowa, for monumental purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. LYMAN also introduced a bill (H. R. 7693) granting condemned cannon to W. W. Updegraff Post, No. 161, Grand Army of the Republic, at Macedonia, Iowa, for monumental purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. SALLY YOUNG.

Mr. LYMAN also presented a concurrent resolution of the General Assembly of the State of Iowa, asking the passage of an act granting a pension to Sally Young, of Des Moines, Iowa, for service as a nurse during the late civil war; which was referred to the Committee on Invalid Pensions, and ordered to be printed.

C. BARBER.

Mr. HEPBURN introduced a bill (H. R. 7694) to increase the pension of C. Barber; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAPT. JAMES M'LAUGHLIN.

Mr. FUNSTON introduced a bill (H. R. 7695) for the relief of Capt. James McLaughlin, Company E, Tenth Kansas Militia; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. ROBAUGH.

Mr. FUNSTON also introduced a bill (H. R. 7696) for the relief of George W. Robaugh, Company C, Twenty-third Regiment Kansas Militia; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM CHURCH.

Mr. FUNSTON also introduced a bill (H. R. 7697) for the relief of William Church, Company C, Second West Virginia Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT K. BENNETT.

Mr. MORRILL introduced a bill (H. R. 7698) granting a pension to Robert K. Bennett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

E. A. M'FADDEN.

Mr. PERKINS introduced a bill (H. R. 7699) granting a pension to E. A. McFadden; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOHN R. POE.

Mr. RYAN introduced a bill (H. R. 7700) granting an increase of pension to John R. Poe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FOURTEENTH KANSAS CAVALRY.

Mr. RYAN also introduced a bill (H. R. 7701) to define the status and for the relief of the heirs and legal representatives of certain recruits for the Fourteenth Kansas Cavalry Volunteers who were killed at Lawrence, Kans., August 21, 1863, by guerrillas; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH G. FARIS.

Mr. RYAN also introduced a bill (H. R. 7702) for the relief of Joseph G. Faris; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ANNA A. PROBERT.

Mr. ANDERSON, of Kansas, introduced a bill (H. R. 7703) granting a pension to Anna A. Probert; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC LANDS.

Mr. ANDERSON, of Kansas, also introduced a bill (H. R. 7704) to provide for a classification of the public lands and for a revision of the laws relating to the public lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ESTATE OF FRANCIS M. MURRAY.

Mr. HALSELL (by request) introduced a bill (H. R. 7705) for the relief of the estate of Francis M. Murray, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HEIRS OF JEROME S. RIDLEY.

Mr. HALSELL also submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Clerk of the House of Representatives be directed to pay out of the contingent fund of the House to Jennie Caruthers and Henrietta Ridley, children and heirs of Jerome S. Ridley, late an employé of the House, a sum equal to his salary for six months and also the necessary funeral expenses, not to exceed $250.

THOMAS HOSKINS.

Mr. TAULBEE introduced a bill (H. R. 7706) granting a pension to Thomas Hoskins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CRESSY ROBERTS.

Mr. TAULBEE also introduced a bill (H. R. 7707) granting a pension to Cressy Roberts; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES HAMMONS.

Mr. TAULBEE also introduced a resolution by the senate of Kentucky, asking for arrears of pension to James Hammons; which was referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM P. THORNE.

Mr. BRECKINRIDGE, of Kentucky, introduced a bill (H. R. 7708) for the relief of William P. Thorne; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FRANK L. HALL.

Mr. LAFFOON introduced a bill (H. R. 7709) for the relief of Frank L. Hall; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE M. PRIEST.

Mr. LAFFOON also introduced a bill (H. R. 7710) for the relief of George M. Priest; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FRANCIS MILLET.

Mr. LAFFOON also introduced a bill (H. R. 7711) for the relief of Francis Millet; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALASKA RECONNAISSANCE.

Mr. WADSWORTH submitted the following resolution; which was read, and referred to the Committee on Military Affairs:

Resolved, That the Secretary of War be, and he is hereby, directed to transmit to this House the official report by Lieut. H. T. Allen of his reconnaissance in 1885 in Alaska.

VIRGINIA TAYLOR RANDALL.

Mr. WILLIS introduced a bill (H. R. 7712) granting a pension to Virginia Taylor Randall; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

CITIZENS' BANK OF LOUISIANA.

Mr. IRION introduced a bill (H. R. 7713) for the relief of the Citizens' Bank of Louisiana; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DEPOSITORS, BANKS OF NEW ORLEANS.

Mr. IRION also introduced a bill (H. R. 7714) for the relief of certain depositors in the banks of New Orleans whose deposits were removed by Generals Butler and Banks; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TREATY WITH POTTAWATOMIE INDIANS.

Mr. IRION (by request) also introduced a bill (H. R. 7715) to enable the Secretary of the Interior to fulfill certain treaty stipulations with the Pottawatomie Nation or tribe of Indians; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

LIEUT. CHARLES H. NYE.

Mr. IRION (by request) also submitted the following resolution; which was read, and referred to the Committee on Naval Affairs:

Resolved, That the Secretary of the Navy be, and he is hereby, requested to furnish this House with a copy of that part of the record of the retiring board, assembled at Brooklyn barracks, Brooklyn navy-yard, in October, 1864, relating to the retiring of Lieut. Charles H. Nye, of the United States Marine Corps; also with a copy of the charges preferred by Lieut. Charles H. Nye, United States Marine Corps, against Colonel Delaney, of said corps, together with all the papers since filed looking to the restoration of said Lieut. Charles H. Nye to the active or retired list of said corps.

LIZZIE BROWN.

Mr. DINGLEY introduced a bill (H. R. 7716) granting a pension to

Lizzie Brown; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SERVICE OF PROCESS IN POLICE COURT, DISTRICT OF COLUMBIA.

Mr. McCOMAS introduced a bill (H. R. 7717) to regulate the service of process in the police court of the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

WILLIAM H. KOCH.

Mr. McCOMAS also introduced a bill (H. R. 7718) granting an increase of pension to William H. Koch; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DUPLICATE TAXES.

Mr. MILLIKEN introduced a bill (H. R. 7719) for the repayment of duplicate taxes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

GEORGE P. HAVEN.

Mr. MILLIKEN also introduced a bill (H. R. 7720) for the relief of George P. Haven; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

ELLEN J. WELCH.

Mr. LOVERING introduced a bill (H. R. 7721) granting a pension to Ellen J. Welch; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOUIS E. PARSONS.

Mr. WHITING introduced a bill (H. R. 7722) granting a pension to Louis E. Parsons; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WAR OF 1812.

Mr. DAVIS introduced a bill (H. R. 7723) for the relief of certain surviving widows of soldiers who served in the last war with Great Britain in 1812–'15; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

SPRINGFIELD ARMORY.

Mr. ROCKWELL introduced a bill (H. R. 7724) for the erection of a milling shop at the national armory, Springfield, Mass.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

WILLIAM T. FLOWERS.

Mr. BURROWS introduced a bill (H. R. 7725) for the relief of William T. Flowers; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

WINDER'S BUILDING.

Mr. CARLETON (by request) introduced a bill (H. R. 7726) to extend Winder's building for the construction of a hall of records, and for other purposes; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

BETSEY WHITESIDE.

Mr. FISHER introduced a bill (H. R. 7727) for the relief of Betsey Whiteside, widow of Capt. Richard Whiteside, Company A, One hundred and fifth Regiment New York Infantry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. ELIZABETH COLLINS.

Mr. WHITE, of Minnesota, introduced a bill (H. R. 7728) granting a pension to Mrs. Elizabeth Collins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GIDEON C. LAKE.

Mr. WHITE, of Minnesota, also introduced a bill (H. R. 7729) granting a pension to Gideon C. Lake; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS H. WEBB.

Mr. WAKEFIELD introduced a bill (H. R. 7730) to increase the pension of Thomas H. Webb; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RUFUS G. AMMONS.

Mr. WAKEFIELD also introduced a bill (H. R. 7731) for the relief of Rufus G. Ammons; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANZ ROSSRUCKER.

Mr. STRAIT introduced a bill (H. R. 7732) for the relief of Franz Rossrucker, late private Company A, Fifth Wisconsin Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SIDNEY W. WHITELOCK.

Mr. STRAIT also introduced a bill (H. R. 7733) for the relief of Sidney W. Whitelock, late private Company K, Eleventh Regiment Missouri State Militia Cavalry; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JAMES F. WOOLEY.

Mr. BARKSDALE introduced a bill (H. R. 7734) for the relief of James F. Wooley; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC BUILDING, HANNIBAL, MO.

Mr. HATCH introduced a bill (H. R. 7735) making an appropriation to complete the public building at Hannibal, Mo., in accordance with the original plan of the Supervising Architect of the Treasury, and to make the same fire-proof; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

GEORGE W. PARKS.

Mr. HATCH also introduced a bill (H. R. 7736) to increase the pension of George W. Parks; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM S. CAMPBELL.

Mr. HATCH also introduced a bill (H. R. 7737) granting a pension to William S. Campbell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ACTION AGAINST RECEIVERS OF RAILROAD CORPORATIONS.

Mr. GLOVER introduced a bill (H. R. 7738) to provide for the prosecution in State courts of certain actions against receivers of railroad corporations appointed by order of any court of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FEDERAL CODE OF PROCEDURE.

Mr. GLOVER also introduced a bill (H. R. 7739) to provide for the preparation of a Federal code of procedure; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FOUNDER OF THE RAILWAY POSTAL SERVICE.

Mr. BURNES introduced a bill (H. R. 7740) requiring the Postmaster-General to provide appropriate recognition of the founder of the railway postal service; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

SOLOMON HOLT.

Mr. BURNES also introduced a bill (H. R. 7741) granting a pension to Solomon Holt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM G. HOBBS.

Mr. DAWSON introduced a bill (H. R. 7742) for the relief of William G. Hobbs; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH HAUPTMAN.

Mr. DAWSON also introduced a bill (H. R. 7743) for the relief of Joseph Hauptman; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOSHUA BELL.

Mr. HEARD introduced a bill (H. R. 7744) granting a pension to Joshua Bell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES D. CARD.

Mr. HEARD also introduced a bill (H. R. 7745) for the relief of James D. Card; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALICE E. DE GROOT.

Mr. HEARD (by request) also introduced a bill (H. R. 7746) to refer the claim of Alice E. De Groot, administratrix of William H. De Groot, deceased, to the United States Court of Claims; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM H. WHEELER.

Mr. DOCKERY introduced a bill (H. R. 7747) granting a pension to William H. Wheeler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN H. STUCKER.

Mr. DOCKERY also introduced a bill (H. R. 7748) granting a pension to John H. Stucker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ARETUS M. BUTLER.

Mr. DOCKERY also introduced a bill (H. R. 7749) granting a pen-

sion to Aretus N. Butler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN W. PAYTON.

Mr. WARNER, of Missouri (by Mr. WADE), introduced a bill (H. R. 7750) to place the name of John W. Payton on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JANE JACKSON.

Mr. WADE introduced a bill (H. R. 7751) granting a pension to Jane Jackson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN GRIFFITH.

Mr. STONE, of Missouri, introduced a bill (H. R. 7752) granting a pension to John Griffith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TARRELL W. YOUNG.

Mr. BLAND introduced a bill (H. R. 7753) for the relief of Tarrell W. Young; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRIETTE BRUNS.

Mr. BLAND also introduced a bill (H. R. 7754) to pension Henriette Bruns; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALFRED BARNES.

Mr. HUTTON introduced a bill (H. R. 7755) to increase the pension of Alfred Barnes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM T. DODGE.

Mr. LAIRD introduced a bill (H. R. 7756) to increase the pension of William T. Dodge; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISRAEL K. JOHNSON.

Mr. LAIRD also introduced a bill (H. R. 7757) granting a pension to Israel K. Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RUSSEL F. LOOMIS.

Mr. LAIRD also introduced a bill (H. R. 7758) for the relief of Russel F. Loomis, of Nebraska; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

GEORGE P. WARD.

Mr. HAYNES introduced a bill (H. R. 7759) increasing the pension of George P. Ward; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABIGAIL RICHARDS.

Mr. HAYNES also introduced a bill (H. R. 7760) granting a pension to Abigail Richards; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROSINA GEIBEL.

Mr. LEHLBACH introduced a bill (H. R. 7761) granting a pension to Rosina Geibel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF JONATHAN SKINNER.

Mr. LEHLBACH also introduced a bill (H. R. 7762) for the relief of the heirs of Jonathan Skinner, deceased, late of New Jersey; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY BROCK.

Mr. LEHLBACH also introduced a resolution directing the Committee on Accounts to ascertain the amount of money due Henry Brock for rent of house No. 200 New Jersey avenue, and repairs of the same; which was referred to the Committee on Accounts.

BELFORD E. DAVIS.

Mr. HIRES introduced a bill (H. R. 7763) granting a pension to Belford E. Davis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

OFFICERS' QUARTERS AT NEW YORK ARSENAL.

Mr. VIELE introduced a bill (H. R. 7764) for the erection of officers' quarters at New York arsenal; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

FELIX MARCINKOWSKI.

Mr. VIELE introduced a bill (H. R. 7765) for the relief of Felix Marcinkowski; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PATRICK HANEY.

Mr. VIELE also introduced a bill (H. R. 7766) to grant a pension to Patrick Haney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS MANY.

Mr. WEST introduced a bill (H. R. 7767) granting a pension to Thomas Many; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGES OVER NAVIGABLE WATERS.

Mr. BEACH introduced a bill (H. R. 7768) giving the Secretary of War power to authorize the construction of bridges over the navigable waters of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PETER C. CHEEKS.

Mr. BEACH also introduced a bill (H. R. 7769) to increase the pension of Peter C. Cheeks; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MONUMENT AT STONY POINT, N. Y.

Mr. BEACH also introduced a joint resolution (H. Res. 156) authorizing the Secretary of War to erect at Stony Point, N. Y., a monument; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

Mr. BEACH. I ask that the joint resolution be read for information.

The Clerk read the joint resolution.

PERRIN WATERMAN.

Mr. PINDAR (by request) introduced a bill (H. R. 7770) granting a pension to Perrin Waterman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NIGHT INSPECTORS, NEW YORK AND BALTIMORE.

Mr. PINDAR (by request) also introduced a bill (H. R. 7771) for the relief of night inspectors of the ports of New York and Baltimore; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ASSESSMENT OF AD VALOREM DUTIES.

Mr. HISCOCK introduced a bill (H. R. 7772) relative to assessments of ad valorem duties on imports, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

HOLLISTER E. GOODWIN.

Mr. HISCOCK also introduced a bill (H. R. 7773) for the relief of Capt. Hollister E. Goodwin and his sureties; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS FAIRHURST.

Mr. BURLEIGH introduced a bill (H. R. 7774) granting a pension to Thomas Fairhurst; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT TROY, N. Y.

Mr. BURLEIGH also introduced a bill (H. R. 7775) to increase the appropriation for the erection of a public building at Troy, N. Y.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SAMUEL GORMAN.

Mr. TIMOTHY J. CAMPBELL introduced a bill (H. R. 7776) for the relief of Samuel Gorman; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TAX ON OLEOMARGARINE.

Mr. MILLARD introduced a bill (H. R. 7777) to tax the manufacture and sale of oleomargarine; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

ELECTA ANN M'COLLY.

Mr. PAYNE introduced a bill (H. R. 7778) granting a pension to Electa Ann McColly; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

WILLIAM PICKERT.

Mr. PAYNE also introduced a bill (H. R. 7779) granting a pension to William Pickert; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HULDAH L. HOLDEN AND OTHERS.

Mr. PAYNE also introduced a bill (H. R. 7780) granting a pension to Huldah L. Holden, Ida J. Smith, and Ezra D. Ellis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARINE SCHOOLS.

Mr. OUTHWAITE introduced a bill (H. R. 7781) to amend the act entitled "An act to encourage the establishment of public marine schools, approved June 20, 1874," so as to extend it to the port of Cleveland, Ohio; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JAMES A. SAMS.

Mr. JOHNSTON, of North Carolina, introduced a bill (H. R. 7782) for the relief of James A. Sams; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NANCY E. SAMS.

Mr. JOHNSTON, of North Carolina, also introduced a bill (H. R. 7783) for the relief of Nancy E. Sams; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADMINISTRATION OF INTERNAL-REVENUE LAWS.

Mr. JOHNSTON, of North Carolina, also introduced a bill (H. R. 7784) to remedy certain hardships arising under the execution of the internal-revenue laws and to give to United States commissioners jurisdiction of certain violations thereof; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RELIEF OF CERTAIN INTERNAL-REVENUE EMPLOYÉS.

Mr. HENDERSON, of North Carolina (by request), introduced a bill (H. R. 7785) for the relief of certain gaugers and other internal-revenue employés who have been assigned to duty and have rendered services before the date of their qualification; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

A. M. POWELL.

Mr. HENDERSON, of North Carolina (by request), also introduced a bill (H. R. 7786) for the relief A. M. Powell; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CLERKSHIP OF COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS.

Mr. DIBBLE offered the following resolution; which was referred to the Committee on Accounts:

Resolved, That the clerkship of the Committee on Public Buildings and Grounds be an annual clerkship, with compensation at the rate of $2,000 per annum, and the provision for the payment of such clerk be made out of the contingent fund of the House during the present session at the said rate, and thereafter be provided for as other annual clerkships of committees of this House.

BATELLE & EVANS.

Mr. WARNER, of Ohio, introduced a bill (H. R. 7787) for the relief of Battelle & Evans; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ROBERT BURKE.

Mr. SENEY introduced a bill (H. R. 7788) granting a pension to Robert Burke; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALEXANDER B. ICENBARGER.

Mr. LITTLE introduced a bill (H. R. 7789) for the relief of Alexander B. Icenbarger; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

OWEN L. M'CARTY.

Mr. EZRA B. TAYLOR introduced a bill (H. R. 7790) granting a pension to Owen L. McCarty, of Niles, Turnbull County, Ohio; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN GILLILAN.

Mr. THOMPSON introduced a bill (H. R. 7791) for the relief of John Gillilan; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ROBERT W. HUBBARD.

Mr. THOMPSON also introduced a bill (H. R. 7792) granting a pension to Robert W. Hubbard, late of the First Ohio Heavy Artillery Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN ROBINSON.

Mr. THOMPSON (by request) also introduced a bill (H. R. 7793) for the relief of John Robinson, late of the Fifth West Virginia Cavalry Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DANIEL H. NYE.

Mr. ROMEIS introduced a bill (H. R. 7794) for the relief of Daniel H. Nye, late lieutenant in the Fourteenth Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS WILGERS.

Mr. ANDERSON, of Ohio, introduced a bill (H. R. 7795) granting a pension to Thomas Wilgers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES LONG.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 7796) granting a pension to James Long, of Company D, Ninety-third Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMOS SHELINE.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 7797) for the relief of Amos Sheline, and to remove the charge of desertion against his military record; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MICHAEL GILFOIL.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 7798) granting a pension to Michael Gilfoil; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLAIMS AGAINST NICARAGUA.

Mr. HILL (by request) submitted a resolution concerning the settlement of claims against Nicaragua; which was referred to the Committee on Foreign Affairs.

CLAIMS AGAINST THE DISTRICT OF COLUMBIA.

Mr. HILL (by request) also introduced a bill (H. R. 7799) to regulate the settlement of claims against the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

FRANK HANLEIN.

Mr. HILL (by request) also introduced a bill (H. R. 7800) for the relief of Frank Hanlein; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SARAH M. MEREDITH.

Mr. GEDDES introduced a bill (H. R. 7801) granting a pension to Sarah M. Meredith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT A. M'MURRAY.

Mr. BROWN, of Pennsylvania, introduced a bill (H. R. 7802) for the relief of Robert A. McMurray; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ESTATE OF JOHN WIGHTMAN.

Mr. BROWN, of Pennsylvania, also introduced a bill (H. R. 7803) for the relief of the estate of John Wightman, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOSEPH LIGHTHISER.

Mr. ERMENTROUT introduced a bill (H. R. 7804) granting a pension to Joseph Lighthiser; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LUCIAN ROLAND.

Mr. ERMENTROUT also introduced a bill (H. R. 7805) directing the Secretary of War to amend the record of Lucian Roland; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SAMUEL CLARK, DECEASED.

Mr. NEGLEY introduced a bill (H. R. 7806) for the relief of the legal representatives of Samuel Clark, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EDWARD G. PENDLETON.

Mr. BINGHAM introduced a bill (H. R. 7807) to muster Edward G. Pendleton as captain of calvary into the service of the United States and to pay him for his services from August, 1861, to July 10, 1864, inclusive; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HANNAH DERITT.

Mr. BINGHAM also introduced a bill (H. R. 7808) granting a pension to Hannah Deritt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MEDAL TO JAMES BROGAN.

Mr. STORM introduced joint resolution (H. Res. 157) directing the Secretary of War to issue a medal of honor to James Brogan in lieu of one lost; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EDWIN STEVENS.

Mr. O'NEILL, of Pennsylvania, introduced a bill (H. R. 7809) for the relief of Edwin Stevens; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RACHEL T. ABBOTT.

Mr. OSBORNE introduced a bill (H. R. 7810) granting a pension to Rachel T. Abbott, mother of Eli Conner, late lieutenant-colonel Eighty-first Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB DULL.

Mr. CAMPBELL, of Pennsylvania, introduced a bill (H. R. 7811) granting a pension to Jacob Dull; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PARMENUS SMITH.

Mr. BUNNELL introduced a bill (H. R. 7812) granting a pension to Parmenus Smith, Company K, Seventy-first Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS MAY.

Mr. BUNNELL also introduced a bill (H. R. 7813) to remove the charge of desertion from the record of Thomas May, late private Company B, Twelfth Regiment Reserve Volunteer Corps, Pennsylvania; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LEMAN D. FORREST.

Mr. BUNNELL also introduced a bill (H. R. 7814) for the relief of Leman D. Forrest, late first lieutenant Company F, Thirty-fifth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN C. FREMONT.

Mr. SMALLS introduced a bill (H. R. 7815) for the relief of John C. Frémont; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM GARRETT.

Mr. CALDWELL introduced a bill (H. R. 7816) for the relief of William Garrett, of Nashville, Tenn.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF R. R. BLACK.

Mr. ZACH. TAYLOR introduced a bill (H. R. 7817) for the relief of the heirs of R. R. Black; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. W. JEFFERSON.

Mr. ZACH. TAYLOR also introduced a bill (H. R. 7818) for the relief of J. W. Jefferson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MUSEUMS OPEN SUNDAY.

Mr. ZACH. TAYLOR also introduced a joint resolution (H. Res. 158) to require public museums and institutes to be kept open on Sundays; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ORDER OF PROMOTION, MEDICAL DEPARTMENT.

Mr. ZACH. TAYLOR (by request) also introduced a bill (H. R. 7819) to establish the order of promotion of the Medical Department of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ANN ATKINSON.

Mr. ZACH. TAYLOR (by request) also introduced a bill (H. R. 7820) granting an increase of pension to Ann Atkinson; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

S. W. EDWARDS.

Mr. JOHN M. TAYLOR introduced a bill (H. R. 7821) for the relief of S. W. Edwards, of Carroll County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

F. L. SIDEBOTTOM, DECEASED.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 7822) for the relief of the legal representatives of F. L. Sidebottom, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. S. FLAKE.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 7823) for the benefit of J. S. Flake, guardian of Samuel Howard; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PEREZ DICKINSON.

Mr. HOUK introduced a bill (H. R. 7824) for the relief of Perez Dickinson, surviving partner of the late firm of Cowan & Dickinson, of Knoxville, Tenn.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLOTTE MORROW.

Mr. HOUK also introduced a bill (H. R. 7825) for the relief of Charlotte Morrow (colored), of Knoxville, Tenn.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

D. A. HARVEY.

Mr. HOUK also introduced a bill (H. R. 7826) for the relief of D. A. Harvey, of Washington County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JERRY SIMERLY.

Mr. HOUK also introduced a bill (H. R. 7827) for the relief of Jerry Simerly; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

Mr. HOUK also introduced a bill (H. R. 7828) for the relief of Jerry Simerly; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PLESANT M. CHAPMAN.

Mr. HOUK also introduced a bill (H. R. 7829) for the relief of Plesant M. Chapman; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. S. E. COX.

Mr. HOUK also introduced a bill (H. R. 7830) for the relief of Mrs. S. E. Cox; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS S. BAKER.

Mr. HOUK also introduced a bill (H. R. 7831) for the relief of Thomas S. Baker (colored), of Loudon County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. H. FRYAR.

Mr. HOUK also introduced a bill (H. R. 7832) for the relief of J. H. Fryar, of Loudon County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LUCETTA CORSE.

Mr. GROUT introduced a bill (H. R. 7833) granting a pension to Lucetta Corse; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WARREN F. WOOD.

Mr. GROUT also introduced a bill (H. R. 7834) to increase the pension of Warren F. Wood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING, MARTINSVILLE, VA.

Mr. CABELL introduced a bill (H. R. 7835) for the erection of a public building at Martinsville, Va., which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

INDEBTEDNESS OF THE STATE OF VIRGINIA.

Mr. BRADY introduced a bill (H. R. 7836) to authorize the President of the United States to appoint a board of commissioners to investigate to what extent the United States may be legally or equitably liable for the debt due by the State of Virginia, the extent of the equitable liability of the United States to the bondholders of other States and to foreign bondholders on account of the acts of the State government of Virginia nullifying the decisions of the Supreme Court of the United States, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CHARLES T. LIVESAY.

Mr. BRADY also introduced a bill (H. R. 7837) for the relief of Charles T. Livesay; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CLARA C. LACKEY.

Mr. BRADY also introduced a bill (H. R. 7838) granting an increase of pension to Clara C. Lackey; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOSEPH F. CONARD.

Mr. BARBOUR introduced a bill (H. R. 7839) for the relief of Joseph F. Conard; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH R. DAVIS.

Mr. LIBBEY introduced a bill (H. R. 7840) for the relief of Joseph R. Davis, late artificer of the Eleventh Massachusetts Battery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CORNELIUS KENDALL.

Mr. GOFF introduced a bill (H. R. 7841) granting a pension to Cornelius Kendall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. TETER.

Mr. GOFF also introduced a bill (H. R. 7842) granting a pension to George W. Teter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWIN R. PARKS.

Mr. CASWELL introduced a bill (H. R. 7843) granting a pension to Edwin R. Parks; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GALON L. LAMB.

Mr. THOMAS, of Wisconsin, introduced a bill (H. R. 7844) to confirm the title to certain lands in Monroe County, Wisconsin, and to authorize a patent to issue therefor to Galon L. Lamb; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

MARY JANE BLAIR.

Mr. THOMAS, of Wisconsin, also introduced a bill (H. R. 7845) to grant a pension to Mary Jane Blair, widow of William H. Blair, deceased, late a private soldier of Company H, Forty-fourth Regiment of Wisconsin Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BARNEY DUFFY.

Mr. VAN SCHAICK (by Mr. LA FOLLETTE) introduced a bill (H. R. 7846) for the relief of Barney Duffy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANK M. BUDD.

Mr. GIFFORD introduced a bill (H. R. 7847) granting a pension to Frank M. Budd; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JONATHAN KIMBALL.

Mr. GIFFORD also introduced a bill (H. R. 7848) for the relief of Jonathan Kimball, lieutenant-colonel Fifty-eighth Regiment Illinois Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INDIAN DEPREDATIONS.

Mr. HAILEY introduced a bill (H. R. 7849) to establish a board of commissioners to examine, adjust, and report on all claims arising out of Indian treaties and depredations committed by Indians, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

FREDERICK H. BURR.

Mr. TOOLE introduced a bill (H. R. 7850) for the relief of Frederick H. Burr; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BRIDGE ACROSS MISSOURI RIVER.

Mr. TOOLE also introduced a bill (H. R. 7851) to authorize the construction of a bridge across the Missouri River in Montana; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PRUDENCIO LOPEZ.

Mr. JOSEPH also introduced a bill (H. R. 7852) for the relief of Prudencio Lopez; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MANUEL SILVA.

Mr. JOSEPH also introduced a bill (H. R. 7853) for the relief of Manuel Silva; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

NAZARIO GONZALES.

Mr. JOSEPH also introduced a bill (H. R. 7854) for the relief of Nazario Gonzales; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JUAN LUCERO.

Mr. JOSEPH also introduced a bill (H. R. 7855) for the relief of Juan Lucero; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JUAN MONTOYA.

Mr. JOSEPH also introduced a bill (H. R. 7856) for the relief of Juan Montoya; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

VALIDATION OF TERRITORIAL ACT.

Mr. VOORHEES introduced a bill (H. R. 7857) to validate an act of the Legislative Assembly of Washington Territory; which was read a first and second time, referred to the Committee on Territories, and ordered to be printed.

JAMES CRUTCHETT.

Mr. VOORHEES (by request) also introduced a bill (H. R. 7858) for the relief of James Crutchett; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

S. DINGEE & CO.

Mr. VOORHEES (by request) also introduced a bill (H. R. 7859) for the relief of S. Dingee & Co., their executors, heirs, or assigns; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This completes the call of States and Territories. If there be no objection, the Chair will recognize the gentlemen who were not in their seats when their States were called.

There was no objection.

TRANSPORTATION OF DUTIABLE GOODS.

Mr. RANDALL introduced a bill (H. R. 7880) to amend an act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ROBERT S. M'NUTT.

Mr. CAMPBELL, of Ohio, introduced a bill (H. R. 7861) granting a pension to Robert S. McNutt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WESLEY S. CRANE.

Mr. CAMPBELL, of Ohio, also introduced a bill (H. R. 7862) for the relief of Wesley S. Crane; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FANNY GORDON.

Mr. CAMPBELL, of Ohio (by request), also introduced a bill (H. R. 7863) for the relief of Fanny Gordon, *nee* Fanny Kelly; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JASON BOOTH.

Mr. HENDERSON, of Illinois, introduced a bill (H. R. 7864) to increase the pension of Jason Booth; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

Mr. TOWNSHEND. Mr. Speaker, I move that the House take a recess for one hour, in order that members may view the procession of the veterans of 1861.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. TOWNSHEND. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 35, noes 55.

Mr. TOWNSHEND. No quorum has voted.

The SPEAKER. The point being made that no quorum has voted, the Chair will appoint the gentleman from Illinois [Mr. TOWNSEND] and the gentleman from Georgia [Mr. CRISP] to act as tellers.

The tellers reported—ayes 36, noes 76.

Mr. TOWNSHEND. Mr. Speaker, I find that there is not a quorum present, and I shall not insist upon my motion, but I presume that any gentleman who desires is at liberty to go out and view the procession.

The SPEAKER. Under the order of the House the Chair will recognize for the introduction of bills gentlemen who were not present when their States were called.

CONDEMNED CANNON.

Mr. PARKER introduced a bill (H. R. 7865) granting condemned cannon to Joe Spratt Post, No. 323, Grand Army of the Republic, Department of New York; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EMILY DAILEY.

Mr. CANNON introduced a bill (H. R. 7866) for the relief of Emily Dailey, widow of James Dailey, late a private in Company H, Third Regiment Indiana Volunteers in the Mexican war; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ELIZABETH M'KIMM.

Mr. HITT introduced a bill (H. R. 7867) for the relief of Elizabeth McKimm; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. JANE SHEETZ.

Mr. HITT also introduced a bill (H. R. 7868) for the relief of Mrs. Jane Sheetz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOPHIA BEELER.

Mr. HITT also introduced a bill (H. R. 7869) to increase the pension of Sophia Beeler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHANNA ECKHARDT.

Mr. HOLMAN (by Mr. MATSON) introduced a bill (H. R. 7870) granting a pension to Johanna Eckhardt; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PATRICK CULHAN.

Mr. MAYBURY introduced a bill (H. R. 7871) to increase the pension of Patrick Culhan, late a private in Company B, Twenty-second Indiana Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE S. LIVINGSTON.

Mr. GROUT introduced a bill (H. R. 7872) increasing the pension of George S. Livingston; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE B. COSBY.

Mr. HENLEY introduced a bill (H. R. 7873) for the relief of George B. Cosby, late lieutenant United States Army; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DANIEL CONNOR.

Mr. HENLEY also introduced a bill (H. R. 7874) to grant a pension to Daniel Connor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

POLICE REGULATIONS, DISTRICT OF COLUMBIA.

Mr. HENLEY also introduced a bill (H. R. 7875) to amend police regulations of the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

BARNEY LUDDY.

Mr. HENLEY also introduced a bill (H. R. 7876) granting a pension to Barney Luddy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH PERRY.

Mr. HOLMAN introduced a bill (H. R. 7877) granting a pension to Joseph Perry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RESTORATION OF PRIVATE PROPERTY.

Mr. HEMPHILL. I ask unanimous consent to take up for present consideration House bill No. 2239, authorizing the Secretary of the Treasury to deliver to the original owners the contents of certain boxes deposited in the Treasury Department by the Secretary of War.

The SPEAKER. The gentleman from South Carolina moves to discharge the Committee of the Whole House from the further consideration of the bill indicated by him. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to deliver, under such rules and regulations as he may prescribe, to the proper claimants or owners, any silverware, jewelry, portraits, watches, or other articles deposited in June, 1869, in the Treasury of the United States by the Secretary of War, as property captured by the United States Army during the late war, and now in the possession of the United States Treasury: *Provided*, That in all cases proof satisfactory to the Secretary of the Treasury be made by the said claimants of the ownership and identification of the said silverware, jewelry, portraits, watches, or other articles.

SEC. 2. That all of the aforesaid articles which may remain in the United States Treasury one year after the passage of this act shall be advertised in not less than six newspapers, to be selected by the Secretary of the Treasury; and all of said articles which may remain in the United States Treasury two years after the passage of this act shall be duly advertised and sold at public auction, under such rules and regulations as the Secretary of the Treasury shall prescribe, and the net proceeds thereof be covered into the Treasury.

The SPEAKER. Is there objection to the present consideration of the bill? If not, the question is on ordering it to be engrossed and read a third time.

Mr. HEMPHILL. Mr. Speaker, I desire to offer an amendment to the bill, which I send to the desk.

The amendment was read, as follows:

After the word "Treasury," at the end of line 10, in section 1 of the bill, insert the following: "also any property of like character received at the Treasury Department from General Ketchum under instructions from the Secretary of the Treasury."

The amendment was agreed to.

The bill as amended was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HEMPHILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BARBOUR. Mr. Speaker, I call for the regular order.

The SPEAKER. By order of the House, the remainder of this day is set apart for the consideration of bills reported from the Committee on the District of Columbia.

Mr. TAULBEE. Mr. Speaker, I ask unanimous consent to offer a resolution.

The SPEAKER. The gentleman from Virginia [Mr. BARBOUR] demands the regular order, which cuts off requests for unanimous consent.

Mr. TAULBEE. It is simply a resolution——

The SPEAKER. Not for present consideration?

Mr. BARBOUR. I decline to waive the demand for the regular order, Mr. Speaker.

The SPEAKER. The gentleman from Virginia [Mr. BARBOUR] declines to yield.

UNIONTOWN—ANACOSTIA.

Mr. BARBOUR. Mr. Speaker, I call up from the House Calendar Senate bill 633, "An act to change the name of Uniontown to Anacostia."

The bill was read, as follows:

Be it enacted, &c., That that portion of the District of Columbia heretofore known and designated as Uniontown, from and after the approval of this act, be known and designated as Anacostia.

Passed the Senate January 8, 1886.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BARBOUR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POTOMAC FLATS IMPROVEMENT.

Mr. BARBOUR. I now call up Senate bill No. 335, "An act to provide for protecting the interests of the United States in the Potomac River flats, in the District of Columbia." I ask that the bill and the report be read for the information of the House.

The bill was read, as follows:

Be it enacted, &c., That it shall be the duty of the Attorney-General of the United States to institute, as soon as may be, in the supreme court of the District of Columbia, a suit against all persons and corporations who may have or pretend to have any right, title, claim, or interest in any part of the land or water in the District of Columbia within the limits of the city of Washington, or exterior to said limits and in front thereof toward the channel of the Potomac River, and composing any part of the land or water affected by the improvements of the Potomac River or its flats in charge of the Secretary of War, for the purpose of establishing and making clear the right of the United States thereto.

SEC. 2. That the suit mentioned in the preceding section shall be in the nature of a bill in equity, and there shall be made parties defendant thereto all persons and corporations known to set up or assert any claim or right to or in the land or water in said first section mentioned, and against all other persons and corporations who may claim to have any such right, title, or interest. On the filing of said bill, process shall issue and be served, according to the ordinary course of said court, upon all persons and corporations within the jurisdiction of said court; and public notice shall be given, by advertisement in two newspapers published in the city of Washington, for three weeks successively, of the pendency of said suit, and citing all persons and corporations interested in the subject-matter of said suit, or in the land or water in this act mentioned, to appear at a day named in such notice, in said court, to answer the said bill and set forth and maintain any right, title, interest, or claim that any person or corporation may have in the premises; and the court may order such further notice as it shall think fit to any party in interest.

SEC. 3. That the said cause shall then proceed with all practicable expedition to a final determination by said court of all rights drawn in question therein; and the said courts shall have full power and jurisdiction by its decree to determine every question of right, title, interest, or claim arising in the premises, and to vacate, annul, set aside, or confirm any claim of any character arising or set forth in the premises; and its decree shall be final and conclusive upon all persons and corporations parties to the suit, or who shall fail, after public notice as hereinbefore in this act provided, to appear in said court and litigate his, her, or its claim, and they shall be deemed forever barred from setting up or maintaining any right, title, interest, or claim in the premises.

SEC. 4. That if, on the final hearing of said cause, the said supreme court of the District of Columbia shall be of opinion that there exists any right, title, or interest in the land or water in this act mentioned in any person or corporation adverse to the complete and paramount right of the United States, the said court shall forthwith and in a summary way proceed to ascertain the value of any such right, title, interest, or claim, exclusive of the value of any improvement to the property covered by such right, title, or interest made by or under the authority of the United States, and may decree that the just value thereof so ascertained by the court be paid to the person or corporation entitled thereto; whereupon all the right, title, and interest of such person or corporation shall vest in the United States, and the sum so ascertained to be the value of such private right, title, or interest shall be paid out of the Treasury.

SEC. 5. That from the final decree of the supreme court of the District of Columbia, and every part thereof, in the premises, an appeal shall be allowed to the United States, and to any other party in the cause complaining of such decree, to the Supreme Court of the United States, which last-mentioned court shall have full power and jurisdiction to hear, try, and determine the said matter, and every part thereof, and to make final decree in the premises; and the said cause shall, on motion of the Attorney-General of the United States, be advanced to the earliest practicable hearing.

SEC. 6. That until the final decision of the matter hereinbefore in this act mentioned shall have been had, no moneys appropriated for the improvement of the Potomac River, the establishment of harbor lines in the District of Columbia, and the raising of the flats therein, shall be expended otherwise than upon property in respect of which there is no claim adverse to the title of the United States, or for the improvement of navigation in the said river.

The report was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill (S. 335) to provide for protecting the interests of the United States in the Potomac River flats, in the District of Columbia, submit the following report:

The Committee on the District of Columbia have considered Senate bill 335, "to provide for protecting the interests of the United States in the Potomac River flats in the District of Columbia," and unanimously report the same to the House with the following amendment:

Add at the end of the last section of said bill:

"*Provided*, That nothing contained in this act shall be construed so as to affect existing lawful contracts for work on said flats."

As thus amended they recommend the bill do pass.

The amendment reported by the committee was as follows:

At the end of section 6 add:

"*Provided*, That nothing contained in this act shall be construed so as to affect existing lawful contracts for work on said flats."

Mr. BARBOUR. The amendment reported by the committee was submitted by the engineer in charge of the improvement of the Potomac flats.

Mr. WILLIS. I desire to offer an amendment to section 4.

Mr. BARBOUR. I presume the amendment reported by the committee takes precedence.

The SPEAKER. That will first be voted upon.

The amendment reported by the Committee on the District of Columbia was adopted.

Mr. BARBOUR. I have another amendment coming from the same source. It is not reported by the committee, but I have been requested to present it. It is, to insert after the word "river," at the end of line 8, section 6, the words "or upon the portions of the flats where in the opinion of the Attorney-General the title is vested in the United States."

Mr. REAGAN. Mr. Speaker, the amendment just read allowing money to be expended on such portions of the flats as the Attorney-General may say belong to the United States should not, in my judgment, be adopted. The House should understand that large appropriations have been made for the improvement of the flats along the Potomac. Four years ago, against the struggle of the House, the Senate inserted in the River and Harbor bill an item of $400,000 for the improvement of these flats. This was done in the face of the fact that a large part of the flats was in litigation and alleged to be private property. We tried here to defeat that proposition, but were unable to do so without giving up the whole bill.

Under the appropriations heretofore made—I do not know how much has been appropriated since the appropriation of $400,000—the work upon the improvement of these flats has been going on. While I am not an engineer, my impression is that, if we may trust to the laws of nature, when this work has once been accomplished according to the plan which contemplates the expenditure of several million dollars, it will then cost the Government, if this city is to be saved, nearly as much money to remove that work as it will have cost to put it down.

According to the old chart there was a channel that came out toward the east bank near Easby's Point and ran down the Washington front; but when the bridge was built, or at some other time, the old east channel of the Potomac from the bridge upward was closed, and thus the water was confined to the channel near the Virginia shore. Now, the water from the hill country above comes very rapidly down to where it strikes tide water at Georgetown; and in case of great freshets the tendency is to bank up the water so as to overflow the lower part of the city, which has sometimes occurred.

In order to avoid the injury resulting from this banking up of the water when the floods pour down from the mountains to tide water, the water should have sufficient means of passing off; and one of these means was the old east channel along the Washington shore, which has now been obstructed. The object of the work now going on is to take up all the flats on the east side of the river, forming the wide basin at the head of tide water—to improve those flats, making a great ornamented park of them. In doing this the channel of the river is necessarily contracted, so that when the work is completed the channel will, in my judgment, be too small to allow the passing off of the flood tides from the mountains; and the embanking of the water will cause it to overflow not only the park which it is proposed to make, but the lower parts of the city. This, I think, will be the inevitable effect; but as it is proposed to spend several millions of dollars in Washington city, I presume that is a sufficient answer to all I can say.

I know engineers tell us that the present plan is all right; that they are going to deepen the channel; but this work makes a narrow channel in tide water, so that the water as it pours from the mountains can not flow off rapidly enough to avoid the embanking of the water and the consequent overflow. Unless engineers can do better work than the Almighty did when he created the river and its shores, the effect I have described must result.

Now, I suppose an effort will be made when this bill goes to the Senate—it has never been possible to get the Committee on Commerce or the Committee on Rivers and Harbors of the House to appropriate these large sums for the improvement of private property—but when the bill goes to the Senate another amendment will probably be put on providing for expending hundreds of thousands of dollars in the improvement of private property, or property at least to which the Government has not an undisputed title, property that is claimed by other people. A small part of that property, it is now claimed, belongs, in the opinion of the public officers, to the United States. But at the time the original appropriation of $400,000 was made and this work inaugurated it was claimed that the whole belonged to the United States. I think we shall be prudent if we refuse to authorize any further expenditure on these flats, and limit our appropriations to improving the navigation of the river, to which, of course, I have no objection; for I think the channel ought to be deepened up to Georgetown. But we should not adopt any proposition that would authorize the expenditure of money on a small part of these flats, unless we can control the whole of them. I think the whole scheme is wrong. If we attempt to improve a small part of this property we may give value to private property connected with it, but there will be no assurance that that property will ultimately belong to the Government.

Hence it is, I think, Mr. Speaker, we had better not adopt this amendment. Let the work proposed upon those flats stop and cease until the Government has secured a title beyond all question. Common prudence would suggest no further expenditure of public money should be made to carry out the scheme which has been adopted, whether it is good or bad, until the Government knows it will possess an undisputed title to that property.

Mr. BARBOUR. Mr. Speaker, I am happy to know that, in addition to the other accomplishments of my honorable friend from Texas, he possesses those of a hydraulic and civil engineer. But the gentleman has evidently spoken to a different proposition from that now before this House. There is no proposition here now to make appropriation of money for the improvement of these Kidwell flats. It is, on the contrary, a proposition which, in view of the complications about the title of the Government to this improvement of the river along the city front, passed at the last Congress—I say it is a proposition, instead of requiring the expenditure of the money which the gentleman seems to think it actually requires, that there shall be a suspension of all payment of money upon that portion involved in dispute until the question has been wholly and completely disposed of.

Mr. REAGAN. I should be glad to have the amendment read to see whether I am mistaken or not about it.

Mr. BARBOUR. That is the general object of the bill.

Mr. REAGAN. I am talking about the amendment, not the bill.

Mr. BARBOUR. The object of the bill is to stop the application of money upon any ground where the title is in dispute. But in view of the existing contracts, which the engineer in charge thinks of importance—in view of those existing contracts, it is thought best they should not be interfered with or rescinded, but that the contractors should work upon other points where there is no dispute as to the title to the land.

Mr. WARNER, of Ohio. Will the gentleman from Virginia permit me to ask him a question for information?

Mr. BARBOUR. Yes, sir.

Mr. WARNER, of Ohio. The bill restricts the expenditure to the channel of the stream and for the purpose of navigation. The amendment, I understand, permits expenditure also on such portion of the river front as the Government possesses undisputed title to. Now, the question I wish to ask the gentleman from Virginia is this: What proportion of the river front would be included in that amendment?

Mr. BARBOUR. I have a map here which will answer that question. The title to a large portion of it, as I understand, is in question. The dispute about title arises as to the Kidwell bottoms.

Mr. WARNER, of Ohio. The question in my mind is whether any expenditure could be economically or properly made on parts of the river front without extending over the whole of it?

Mr. BARBOUR. If this map be correct, judging from information I have received, it looks as though it would not be.

Mr. REAGAN. I ask for the reading of the amendment again, in order that we may see whether I was mistaken about it or not.

The amendment was again read.

Mr. REAGAN. I see that I was not mistaken. I approve of the object of the bill, but not of the object of the proviso. The bill itself as read is in my judgment all right, and it ought to be adopted; but the proviso and the amendment in my judgment are all wrong, and ought not to be adopted, and for this reason: Here we are going to expend money on property which does not belong to the United States, or at least property which other people claim. It seems to me we ought to, if necessary, arrest that work, and not allow money to be spent upon it. Then the amendment comes in, and it is just what I understood it to be. It makes provision we may go on expending money on that portion of the flats to which the Attorney-General may believe the title is in the United States. My objection is to the whole of it. We do not want to go on expending money on these flats, to carry out a scheme which involves the necessity of the ownership of the whole flats, until the title of the Government is clear. I think we will make a mistake if we go on spending money on this property, making it more and more valuable, the result of which will be it will cost the Government, if finally adjudicated in favor of private parties, the increased value by all the improvements which have been made upon it. Remember we have already spent some $800,000 or $900,000 on this improvement, and that we will have to pay the private owners, if the title shall be declared to be in their hands, before the Government can get that property.

Mr. BARBOUR. The answer to what the gentleman has said is obvious. There is only trouble about a small part of these reclaimed flats. Here upon the map the whole survey has been laid down. The red lines indicate where there is difficulty about the title. There are large pending contracts for improving those grounds. Those contracts have been made on fair and reasonable terms, and the engineer in charge thinks they could not be duplicated again in the United States.

This amendment is a simple proposition that he shall go on with this work, but that it shall be suspended on all grounds where there is a dispute as to the title, with a view that the contracts may be continued upon other grounds where there is no defect or dispute as to the title. I do not think, Mr. Speaker, it is more than a simple proposition, which can scarcely be objected to. If the title, in the opinion of the Attor-

ney-General, the law officer of the Government, is clear, it does seem to me that some consideration should be given to that opinion; and I do not suppose in the exercise of a wise discretion the Attorney-General is going to permit the Government of the United States, under the operation of this provision of the law, to improve other people's property. I think the gentleman from Texas, therefore, is too particular, and that his objection is not in the interest of the Government. The whole object of the bill and the amendment is to prevent the improper application of the money provided.

Mr. REAGAN. Allow me to say to the gentleman from Virginia that my argument was not intended to express a doubt as to the proper action of the Attorney-General. I was discussing the question upon an entirely different ground.

Mr. WILLIS. Mr. Speaker, there are one or two clauses in this bill to which I think the attention of this House ought to be called. Before doing so, however, I desire briefly to state the facts out of which this proposed legislation grows.

In the river and harbor act of 1882 the first provision for this Potomac River improvement was made. My recollection is that that clause was inserted by the Senate, and the amount appropriated, if I am not mistaken, was $400,000. At that time there was a question as to the title to these flats, and as a part of the appropriating clause this provision was inserted in the river and harbor bill of 1882:

> It is hereby made the duty of the Attorney-General to examine all claims of the title to the premises to be improved under this appropriation, and see that the rights of the Government, in all respects, are secured and protected. If he deems it necessary he is authorized to cause a suit or suits in law or in equity to be instituted in the name of the United States in the supreme court of the District of Columbia against any and all claims of title under any patent which, in his opinion, was by mistake or was improperly or illegally issued for any part of the marshes or flats within the limits of the proposed improvement.

It will be observed, Mr. Speaker, that there was at the very initiation of this work of improvement, at the time of the first appropriation, a doubt in the mind of Congress as to whether it was public or private property, and the Attorney-General, therefore, was authorized and instructed to institute a suit or suits for the purpose of determining that question.

That, for some reason unknown to me, and I venture to say unknown to any one else in this House, has never been done, and this supplementary legislation is intended to secure now what ought to have been obtained when the first appropriation of $400,000 was made.

The claim in this case to title in this property originates from the heirs of one John L. Kidwell. I have just received from the War Department this morning, not with reference to this particular bill, because I did not know that it was coming up to-day, but in connection with a matter that was pending before the Committee on Rivers and Harbors, a copy of the patent to John L. Kidwell, giving the boundaries of this disputed territory. It will be seen by an examination of the accompanying chart which I hold in my hand what the extent of the claim is; and it also appears that the whole sum, if I read it aright, paid by John L. Kidwell for these 47¾ acres was $23, and that was as late as 1869. In other words, no longer than fourteen or fifteen years ago some one understood that this Congress in its wisdom would improve these flats—and it required no prophetic power to anticipate anything that this Congress would do—sent a surveyer down among these marshes, or flats under water, procured a survey, and made an entry of these 47¾ acres. From that time until now there has been no legal decision as to the validity of this patent; but in the mean time Congress has gone forward and expended the sum of $900,000, lacking $55,000, in this improvement.

What has been the effect of this expenditure? I need not state to this House that it has largely enhanced the value of this claim, and that which could have been bought, if it has a real existence, at a very trifling sum in 1882 has become enhanced in value, and these claimants may now come forward with a demand for thousands or hundreds of thousands of dollars from the Congress of the United States.

Mr. BLOUNT. Will the gentleman from Kentucky indulge me for a question?

Mr. WILLIS. Certainly.

Mr. BLOUNT. I have understood that a large part of the improvements made heretofore have been made on this land about which there is dispute in reference to the title. I wish to know if that is correct, or if the gentleman has information so that he can state whether it is true or not.

Mr. REAGAN. I will answer the gentleman from Georgia that the statement is true.

Mr. WILLIS. That is my understanding. I have here, however, a map which will show the gentleman the exact character and extent of the improvement.

Then, Mr. Speaker, it is proposed in this bill to do what? In the fourth section of the bill it is proposed to give authority to the District courts to condemn this 47¾ acres, and an amount of money sufficient to pay the value thereof is appropriated out of the Federal Treasury. That part of the bill, not as its enemy but as its friend, I call attention to and criticise. My experience upon one of the committees of this House convinces me that Congress ought never to bind itself in advance to pay for any property to be condemned by any court.

Before Congress is called to appropriate it ought to know to the extent of every dollar what is claimed for these 47¾ acres. And my objection to that part of the bill is that instead of allowing Congress to know the facts and then act, it proposes at one and the same time that the condemnation shall be made and the money, even if it be $2,000,000—there is no limit—shall be immediately appropriated out of the Treasury to make that payment.

I submit to the gentleman from Virginia [Mr. BARBOUR] that this is not prudent legislation. I submit to him that, in view of the character of this claim and the very remarkable failure, to put it in the mildest terms, of the Attorney-General to institute this suit, which he was directed to do some five or six years ago—in view of the fact that every dollar you expend there is adding to the value day by day of this claim, Congress ought to be first placed in possession of the facts before it is asked to give a blind appropriation of any amount for the purpose.

The only other portion of the bill to which I call attention, and which I submit is in a dangerous direction, is the amendment which has been offered by my friend from Virginia [Mr. BARBOUR], in which he proposes that any appropriation made by Congress shall be authorized to be expended upon other parts of these flats. Now we know that every dollar that we expend only makes it more difficult to effect a settlement of this claim; and I submit it to him whether it would not be more prudent to let this bill pass without that amendment, and with a clause in it instructing the Secretary of War to report back to this House the amount claimed by these parties, if it can be settled by voluntary purchase, or the amount assessed by the court if it be condemned by judicial proceedings, and then let us see how much we will pay, and not go in the dark and put our hand in the Treasury without knowing how much shall come forth to pay for this claim of 47¾ acres.

Mr. HENDERSON, of Illinois. Will the gentleman yield to me for a question?

Mr. WILLIS. Yes, sir.

Mr. HENDERSON, of Illinois. Do I understand this bill admits the title to be in the Kidwell heirs?

Mr. BARBOUR. Not at all.

Mr. WILLIS. Not at all. But it authorizes the Attorney-General to institute suit, if he thinks it necessary; and if the title is found to be in the Kidwell heirs, then the bill goes further, and authorizes the condemnation of the property; and it goes further than that—and it is the last step I am criticising—it authorizes the payment of the amount without the intervention of Congress.

Mr. REED, of Maine. Have we gone so far that we must do that?

Mr. WILLIS. No, sir. I am contending against that.

Mr. REED, of Maine. Have the improvements reached that stage that we must have that property?

Mr. WILLIS. That is a question which I presume the engineer would answer affirmatively.

Mr. REED, of Maine. Then have we gone blindly so far that we have got to go further?

Mr. WILLIS. That is what I have been saying this proposition amounts to. We have been doing wrong, and it is proposed we shall continue to do wrong. Congress in 1882, when the first appropriation was made, directed the Attorney-General to investigate this title and report. If he had discharged his duty then this claim would either have been settled or it could have been purchased at some small reasonable price, if anything was due for it. But by failure of the Department to institute that suit we are now confronted with a demand for land which has been reclaimed under appropriations by Congress, and the amount, if it be found a valid claim, would now be much greater than it would have been four or five or six years ago. And if we go on and pass this bill and allow the clause which the gentleman from Virginia [Mr. BARBOUR] offers as an amendment, we are rendering it still more difficult to effect an amicable settlement of this claim. That is the extent to which I criticise this measure. I am not an enemy of this appropriation. I am not prepared to say it ought not to be made; but I stood in the committee in the last Congress and I stand here to-day asking protection against these attempts to appropriate money without knowing whether this is on private or on public land. To that extent my opposition goes, and no further.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 67) to provide for the formation and admission into the Union of the State of Washington, and for other purposes; and

A bill (S. 880) granting a right of way to the Schuylkill River and East Side Railroad Company through the arsenal and naval asylum grounds at Philadelphia, Pa.

IMPROVEMENT OF POTOMAC FLATS.

Mr. HENDERSON, of Illinois. I am strongly under the belief that this attempted entry of this land is a fraud or an attempt at fraud upon the Government, and I am for one unwilling to vote for any bill which would in any manner recognize or give any validity to that fraud. So

far as this bill is concerned, if it does not recognize this as a valid claim I have no particular objection to it. At the same time I wish to say I concur heartily in what the gentleman from Kentucky [Mr. WILLIS] has said, that this Congress ought not to commit itself to any sum of money that may be fixed by any condemnation proceedings until we know what that amount of money is.

Mr. BARBOUR. It seems to me, Mr. Speaker, that this whole matter has been very much exaggerated by gentlemen around me. As I understand it, the claim of title that is set up against the United States is to some of these swamp lands that have been under water all the time, or have just a small surface exposed at low tide. It appears that there are adverse claims to those lands or a portion of them, and the question is shall those adverse rights be adjudicated and put out of the way. That is the whole question. There is no great amount of money involved. All the objections that have been made have been to the bill as it came from the Senate. The committee of which I am the organ here has reported back that bill with these amendments, and if you are going on with this work, if the work is of the importance it is supposed to be, if it is to be so valuable to the city by removing the malarious emanations that come up from these depressed lands, it seems to me that this question should be set at rest without delay. What would be the use of going into the courts to litigate this question? If it should appear that there are any rights here of private parties, let those rights be determined and let this great public improvement go on. If those rights are adjudicated, and if a condemnation is made, a certain amount of money will be required to meet the report of the tribunal that makes the condemnation, but that it would amount to any large sum I have no sort of expectation. The property about which there is contention is the Kidwell flats, which are only a portion of the ground now under improvement.

Mr. WILLIS. Have you the remotest idea at this time of what the amount would be?

Mr. BARBOUR. I have an idea that it would not exceed $5,000 or $10,000.

Mr. SOWDEN. Then let us fix that limit.

Mr. WILLIS. Suppose it should be $3,000,000?

Mr. BARBOUR. Well, fix a limit beyond which it shall not go.

Mr. REAGAN. Mr. Speaker, I see no reason why we should not authorize an adjudication of the title, and afterward let Congress decide about buying the property if it is found to belong to the other claimants.

Mr. BARBOUR. That course would delay the work very much.

Mr. WILLIS. If I understand the situation, the Kidwell flats, the only part of the river front there that is in dispute, are the part that has been already reclaimed.

Mr. BARBOUR. They have been only partially reclaimed. The work there has been stopped.

Mr. WILLIS. My understanding is that that portion is entirely reclaimed, and that it is not proposed to work on those flats any more.

Mr. BARBOUR. If the gentleman will look at the amendment he will see it is proposed that the value of the land shall be ascertained exclusive of any improvements made by the Government of the United States. Now, with such a provision, how is any large appropriation going to be required?

Mr. WILLIS. I intended to offer an amendment, but I am perfectly willing to accept the suggestion of the gentleman from Virginia, and insert a proviso that the amount shall not exceed $10,000. As to his other point, however, I have no idea that the work would be delayed an hour by the course suggested by the gentleman from Texas [Mr. REAGAN], because it is not proposed, as I understand, to go on with that part of the work at present, but the intention is to work upon that portion of the flats the title of which is not in dispute. Therefore, if you have an adjudication of this claim and you report to this Congress or even to the next Congress, the amount that is ascertained, and leave it to Congress to make an appropriation, it really will not delay the work at all.

Mr. BARBOUR. Mr. Speaker, I will add just one remark in reply to what has fallen from the gentlemen around me. Anybody who knows anything about the work of reclaiming lands along navigable streams, particularly upon a great stream like the Potomac, knows that it is very important to carry on the work continuously and complete it as quickly as possible in view of the freshets that are common in such streams, and that are liable at any time before the completion of the work to undo a great part of it. For this reason alone it seems to me highly desirable that we should avoid all dilatory measures or proceedings in this business. Therefore I say let this title be ascertained and settled, and let this great work go on.

Mr. WARNER, of Ohio. Mr. Speaker, I desire to offer an amendment to the amendment.

Mr. HOLMAN. Are there not two amendments pending?

The SPEAKER. The amendment proposed by the Committee on the District of Columbia.

The Clerk read the amendment offered by Mr. WARNER, of Ohio, as follows:

After the word "flats" insert the following: "To which the Government possesses undisputed title."

Mr. WARNER, of Ohio. The object is to limit the expenditure to that portion of the river front to which the Government has a title which is undisputed, not merely the part to which somebody thinks the Government has a good title.

Mr. REAGAN. That is a proposition to go on making improvements which will increase the value of the portion claimed by other parties.

Mr. BARBOUR. Mr. Speaker, I have no objection to the amendment.

Mr. COMPTON. Mr. Speaker, I respectfully call the attention of the House to the last section of this bill, which is in these words:

That until the final decision of the matter hereinbefore in this act mentioned shall have been had, no moneys appropriated for the improvement of the Potomac River, the establishment of harbor lines in the District of Columbia, and the raising of the flats therein shall be expended otherwise than upon property in respect of which there is no claim adverse to the title of the United States, or for the improvement of navigation in the said river: *Provided*, That nothing contained in this act shall be construed so as to affect existing lawful contracts for work on said flats.

The SPEAKER. It is that part of the bill to which the gentleman from Virginia moves the amendment.

Mr. BLOUNT. Mr. Speaker, there are some facts connected with this river improvement which it seems to me ought to arrest the attention of Congress. Recurring to what my friend from Kentucky [Mr. WILLIS] has said as to the passage in the form of a Senate amendment of the provision for the improvement of these flats, I have to say that, notwithstanding the question was constantly agitated and brought to the attention of the two Houses, I do not think there has ever been an occasion when, as an independent measure, the House of Representatives would have been willing to assent to the improvement; and the chief objection has always been that the Government had not a clear title to the property. Difficulties in regard to the Kidwell claim and other claims have constantly been suggested; but finally the proposition, along with one or two other propositions which had been rejected in this House, got upon the river and harbor bill as amendments of the Senate, being finally ingrafted upon the bill under the stress of the argument that if the House did not assent the bill might fail.

My friend from Kentucky [Mr. WILLIS] has called attention to a provision in that bill requiring the Attorney-General to examine into the title before any money should be expended under that appropriation. Yet the House is now confronted with the fact that the Department of Justice never went into that examination of title. The rights of the Government which that provision of the bill sought to secure were utterly disregarded.

We are also in the presence of another fact—that the very portion of the flats which has been in dispute, the Kidwell claim, is among the first to receive attention; and the entire claim of 47½ acres has been improved, although there has been no examination of title. The first money expended is devoted to the improvement of this very property in regard to which there is litigation.

Circumstances like these must suggest to us that behind all this there has been a moving power misleading Congress and bringing us into this humiliating position, that we have been spending public money in the interest of private individuals and in utter disregard of the rights of the Government of the United States.

A part of this bill provides for a continuation of this work. My distinguished and much-respected friend from Virginia [Mr. BARBOUR] speaks of the importance of this work being continued. For one I am not willing to vote for the expenditure of another dollar for this work in the presence of these circumstances, indicating that up to this hour the Government has been a prey to certain private interests.

I have no objection to such portions of the bill as provide for the extinguishment of the title where there is a claim. But I am not sure that other claims may not turn up; and I am not, and have never been, disposed to be pressed forward regardless of questions of this kind by the suggestion of the importance of the work.

My friend from Kentucky [Mr. WILLIS] hands me at this moment a statement from the Attorney-General, in which he says:

It seems from a letter addressed to the chairman of the Judiciary Committee of the Senate by the attorney of the Chesapeake and Ohio Canal Company that that company claims riparian rights along the river shore between Easby's Point and Seventeenth street; and I am informed that the owners of certain lots called water-lots, which are located between the same points, also claim riparian rights; but none of the claimants of such rights have submitted to this Department any statement of their claims.

Have we not notice that other claimants than the Kidwell claimants will appear as soon as we make further appropriations for this work? What guarantee have we that the first work will not be in the interest of these claimants, just as the money already expended has been largely devoted to the improvement of the Kidwell claims?

Sir, we have been sufficiently misled about Washington matters. We are constantly having foisted upon us misleading statements; and in view of what has been done, in view of the fact that other claims not yet presented to the Department of Justice are likely to be set up, the claimants awaiting perhaps the time when the improvement shall have been made, I trust we shall, like true men, see to it that no additional dollar is appropriated for this work until the rights of the Government are asserted and protected. I do trust that this bill will not pass if it is to be accompanied with any implication on the part of Congress that

one dollar more is to be expended before these questions are settled. I know how easy it is to plead urgency, the great value of the flats, the necessity of improving them with a view to the health of the city, &c. I expect this plea to be more and more strongly expressed as the number of claimants to this property multiply.

Mr. COX. What amount has already been expended on this work?

Mr. BLOUNT. I think about $900,000. If I am not correct some gentleman will correct me; and a large part of this sum has been expended upon the very 47½ acres which we were notified in the very incipiency of the debate on this improvement were in litigation.

Mr. BARBOUR. That work is not finished at all.

Mr. BLOUNT. The gentleman says it is not finished. I have a map in my hand that indicates otherwise.

Mr. BARBOUR. I have that map here. The work is marked and defined, but the map does not show that it is finished.

Mr. BLOUNT. But does not my friend concede that a large part of it has been completed?

Mr. BARBOUR. No, sir.

Mr. BLOUNT. Then the gentleman does not read the map as I do and as the chairman of the committee having special charge of the improvement of rivers and harbors [Mr. WILLIS] does.

Mr. BARBOUR. This map is furnished from the engineer's office by the engineer himself.

Mr. BLOUNT. I have no doubt of that; the only difficulty is, my friend does not read the report as I do, and as the chairman of the River and Harbor Committee does.

Mr. REAGAN. I think there is a misunderstanding as to terms. A great deal of money has been expended on this work, but when it is completed it is to be a great ornamental park. The finishing up with that view has not yet been done.

Mr. BARBOUR. There is a great deal of it not yet done.

Mr. BLOUNT. But a large part of the expenditure has been made for the improvement of property which is in dispute, which is claimed by private parties; and other claimants are to-day hounding on this matter, trying to get up, inside and outside of this House, a sentiment in favor of urging forward this improvement. I never did believe in the pleas which have been heretofore set up in reference to this matter. I always believed, notwithstanding the avowals to the contrary in both Houses of Congress, that we should scarcely commence this work before these claimants would become emphatic as to their rights and a general acquiescence in those claims would begin to grow up in the public mind.

I believe it will continue not only as to the Kidwell claimants, but as to others, until we shall show firmness and determine not to expend a single dollar upon these improvements until we know what our rights are.

Mr. SOWDEN. I move to add, after the word "Treasury," in the fifteenth line of the fourth section of the bill, the following words:

Provided, The sum shall not exceed the sum of $10,000.

Mr. REAGAN. That would not apply to all the claimants.

Mr. HOLMAN. I hope that will not be adopted. Now, the complaint as to the claim of the Kidwell heirs is well founded——

The SPEAKER *pro tempore*. (Mr. DUNN in the chair) There are two amendments already pending, and further amendment is not in order.

Mr. SOWDEN. I will withdraw my amendment for the present.

Mr. REAGAN. I wish to call attention to the fact, Mr. Speaker, that we have proceeded somewhat irregularly in this matter, and I do not wish our action to preclude amendment before passing the sixth section of the bill.

The SPEAKER *pro tempore*. The bill is not under consideration section by section, and amendment to the sixth section will not be precluded by the pending amendments.

Mr. HOLMAN. As I understand it, then the whole bill is open to amendment.

The SPEAKER. Any part of the bill is subject to amendment until finally disposed of. The pending question is on the amendment of the gentleman from Ohio [Mr. WARNER] to the amendment of the gentleman from Virginia [Mr. BARBOUR].

Mr. WARNER'S amendment to the amendment was agreed to.

The question recurred on Mr. BARBOUR'S amendment as amended.

The amendment as amended was read.

The House divided; and there were—ayes 51, noes 25.

So the amendment as amended was agreed to.

Mr. REAGAN. I now move to strike out the sixth section of the bill.

Mr. HOLMAN. I hope the gentleman will withhold his motion until I can offer an amendment to the fifth section of the bill.

Mr. REAGAN. That will not prevent the gentleman's amendment. I will, however, withdraw my motion to strike out the sixth section until his amendment can be submitted.

Mr. HOLMAN. I will offer an amendment first to the fourth section, and afterward to the fifth section. First, as to the fourth. I move to strike out all of that fourth section of the bill after the word "States," in the tenth line, and insert in lieu thereof the words "and report thereof shall be made to Congress."

Mr. HOLMAN. The words proposed to be stricken out in the fourth section are:

And may decree that the just value thereof so ascertained by the court be paid to the person or corporation entitled thereto; whereupon all the right, title, and interest of such person or corporation shall vest in the United States, and the sum so ascertained to be the value of such private right, title, or interest shall be paid out of the Treasury.

Instead of providing for the payment of the judgment by the court my amendment provides only that the proceedings of the court shall be reported to Congress.

Then the amendment I propose to the fifth section provides in case of an appeal to the Supreme Court of the United States, and the decision of the court below be affirmed, that no payment shall be made until the further action of Congress. The object is to provide no sum of money shall be paid for the extinguishment of claims asserted to the ownership of this property except by action of Congress hereafter, and not upon a single judgment which may be pronounced.

It seems to me, Mr. Speaker, from the nature of the transaction, from what has been already exposed, it would be the height of imprudence to allow this matter to go beyond the control of Congress. If there is to be an extinguishment of these alleged titles to this property on the part of individuals it should be done in the future, when all the facts are known. I trust, therefore, there will be no objection to adopting the amendment I have proposed, so that we may not act in the dark in this business.

We have all witnessed, during the last four years, this extraordinary pressure to make an appropriation of this money. An appeal has been made on behalf of the absolute necessity to make the appropriation and to complete the improvement in order to preserve the health of the city. Every consideration involving human life and health has been brought forward and Congress has been appealed to and urged to make this appropriation. The appropriation, originally, would not have been made if Congress had not believed it had protected as far as possible the rights of the public by providing that any alleged title claimed should be extinguished in favor of the United States before any money should be spent upon this work; and yet, as has been remarked by the gentleman from Georgia, the sum of eight or nine hundred thousand dollars has been expended, notwithstanding the reasonable precaution of Congress, upon this very property to which it was known at the time there was a claim by private parties. I trust, under such circumstances in addition to what has occurred during the last four years, not one dollar will be allowed to be expended until the whole facts are known.

The gentleman from Pennsylvania [Mr. SOWDEN], following out the suggestion of the gentleman from Virginia that there should be a limit upon the award which may be made, submits an amendment that the amount under the judgment shall not exceed $10,000. I trust that will not be done, for the reason that it is at the very inception a quasi admission on the part of Congress that the claim set up by these parties, under this extraordinary patent in 1869, has some validity. It will be construed, at all events, as a tacit admission on the part of Congress that there was some right in the claim which these parties present. And yet while that be true, it will not enter into the question of the judgment rendered by the tribunal; it will simply be taken to mean that if the judgment shall be rendered for more than $10,000 that only $10,000 of that amount shall be paid.

I trust the House will first take the necessary steps to ascertain the nature and character of the claims and the value of the property, with all of the facilities at its hand by a judicial ascertainment, and then and not until then appropriate the money.

Mr. SOWDEN. May I ask the gentleman a question? How does the gentleman propose to get a report from the United States court to Congress of its findings?

Mr. HOLMAN. I have expressly avoided indicating who shall make that report, or the manner in which it will be made. It can come, of course, through a half-dozen different channels——

Mr. WILLIS. It will come through the Department of Justice.

Mr. HOLMAN. It comes to our judgment through the Department of Justice; and I avoided, on the spur of the moment, saying how it should be done, inasmuch as it is manifest there are a number of channels through which the facts may come to the knowledge of Congress after the adjudication shall be made.

Mr. WILLIS. I hope my friend from Virginia in charge of this bill will accept the proposition which has been suggested. If the amendment of the gentleman from Indiana is adopted what does it accomplish? It does not stop the improvement for an hour. It does not interfere in the slightest degree with the main proposition which he has at heart. It may postpone, if the court should ascertain that the Kidwell heirs have some claim to this property—it may postpone its payment two or three or six months; but I submit, in view of the propriety of such legislation, that that delay ought not to be a question in his mind. It seems to me this accomplishes all he wants to accomplish and all that is necessary to be accomplished. First let the court judicially ascertain whether the claim is a just one or not, and then let Congress, with that information before it, say what it will do and how much it will pay. I hope he will accept the amendment.

In this connection, Mr. Speaker, I ask permission, as this is a matter of some considerable interest and importance, and these papers have been sent to me from another committee, and as they explain this bill—to print with my remarks a letter from the Attorney-General—the present acting Attorney-General, and also the patent of the Kid-

well heirs, in order that Congress may have all the facts connected with the matter before it.

The SPEAKER. Without objection the documents to which the gentleman refers will be printed in the RECORD.

There was no objection, and it was ordered accordingly.

The documents referred to by Mr. WILLIS are as follows:

DEPARTMENT OF JUSTICE, *Washington, April* 10, 1886.

SIR: Referring to the communication addressed to you by this Department under date of the 7th instant in regard to the Potomac flats, I desire to add, by way of supplement thereto, that the Department has since been furnished with copies of the survey and patent of the Kidwell claim, with a chart showing its locality, certified by the Commissioner of the General Land Office, and also a map indicating the present state of the work for the reclamation of the flats, both at the locality of that claim and along the line of river front (between Seventeenth and Twenty-sixth streets), where the claims of riparian rights are located.

These papers accompanied a communication from John Mullan, esq., dated the 10th instant, a copy of which, together with the papers, is herewith transmitted for the information of your committee.

I am, sir, very respectfully,

JOHN GOODE,
Acting Attorney-General.

HON. ALBERT S. WILLIS,
Chairman of Committee on Rivers and Harbors,
House of Representatives.

DEPARTMENT OF JUSTICE, *Washington, April* 7, 1886.

SIR: I had the honor to receive your communication of the 12th ultimo, in which, by direction of the House Committee on Rivers and Harbors, you inquire what steps, if any, have been taken in order to establish the title of the United States to the Potomac flats in Washington city; and whether or not, in my opinion, it would be safe and prudent for the committee to make any appropriation for the filling up of said flats at the present time. To these inquiries I now submit the following in reply:

The act of August 2, 1882, chapter 375, by which an appropriation was made for "improving the Potomac River in the vicinity of Washington with reference to the improvement of navigation, the establishment of harbor lines, and the raising of the flats," devolved upon the Attorney-General the duty of examining all claims of the title to the premises to be improved under that appropriation, and provided that, "if he deems it necessary, he is authorized to cause a suit or suits in law or in equity to be instituted in the name of the United States in the supreme court of the District of Columbia against any and all claimants of title under any patent which, in his opinion, was by mistake or was improperly or illegally issued for any part of the marshes or flats within the limits of the proposed improvement."

Attorney-General Brewster, having received from the Secretary of War sundry papers by which it appeared that in the year 1869 a patent from the United States was issued to one John L. Kidwell, granting a part of the marshes or flats within the limits of the aforesaid improvement, and being of opinion that such patent was by mistake and improperly and illegally issued, and also deeming it necessary for the protection of the rights of the United States that a judicial proceeding to annul the patent should be instituted, on the 28th of January, 1885, instructed the United States attorney for the District of Columbia "to bring a suit in equity in the name of the United States in the supreme court of the District of Columbia against the said John L. Kidwell, and any and all other persons claiming title under the patent issued as above, to have the said patent set aside or annulled."

Soon after these instructions were given the Judiciary Committee of the Senate, at the last session of Congress (February 23, 1885), reported and recommended the passage of a bill (S. 2655) making more ample and effective provision for protecting the interests of the United States in the premises than that contained in the act of August 2, 1882. By this act the Attorney-General is authorized to bring suit only in cases where the party claims title under a patent for any part of the marshes or flats; and no power is given, should the claim of title ultimately prevail, for ascertaining the value thereof or taking any other steps with a view to its extinguishment. On the other hand, by the Senate bill (should it become a law) the Attorney-General would be authorized to institute a suit "against all persons or corporations who may have or pretend to have any right, title, claim, or interest in any part of the land or water in the District of Columbia within the limits of the city of Washington, or exterior to said limits and in front thereof toward the channel of the Potomac River, and composing any part of the land or water affected by the improvements of the Potomac River or its flats in charge of the Secretary of War, for the purpose of establishing and making clear the right of the United States thereto." This covers not only claims of title to the soil within the limits of the improvement, however such claims may have originated, but claims of riparian rights within the same limits. The bill furthermore provides for ascertaining, in a summary way, the value of any right, title, or interest which the court, on final hearing, shall find to exist as against the United States; and it forever bars all persons and corporations from setting up or maintaining any right, title, interest, or claim in the premises, who shall fail, after such public notice as is therein provided, to appear and litigate the same.

In view of the pendency of this bill before Congress, with the prospect of its early enactment into a law (it has already passed the Senate and is now in the House), there seemed to be some propriety in deferring the commencement of a suit under the existing law (which is wanting in certain respects, as above indicated), until Congress should have an opportunity to manifest its will touching the proposed law—this appearing to be better adapted to effectuate the ends sought to be attained. Accordingly, the district attorney has not, as yet, actually instituted any suit in pursuance of the instructions hereinbefore mentioned; but he has, I am informed, done a considerable amount of work in the way of preparation.

The patent to Kidwell referred to above embraces an area of 47.71 acres. It appears to be the only one which has been issued by the Land Department covering any part of the Potomac flats in front of Washington, and the claim based thereon presents the only claim of title to the flats of which this Department has received any definite information. However, it seems from a letter addressed to the chairman of the Judiciary Committee of the Senate by the attorney of the Chesapeake and Ohio Canal Company that that company claims riparian rights along the river shore between Easby's Point and Seventeenth street, and I am informed that the owners of certain lots called water-lots, which are located between the same points, also claim riparian rights; but none of the claimants of such rights have submitted to this Department any statement of their claims. As already intimated, the act of 1882 does not authorize the Attorney-General to bring suit against these last-mentioned claimants.

I have, in the foregoing, shown what steps have thus far been taken in order to establish the title of the United States to the Potomac flats as against adverse claims thereto. Briefly stated, they embrace the examination and consideration of the Kidwell claim (no other having been presented to the Attorney-General), the issue of instructions to bring suit to annul the patent on which that claim rests, and preliminary preparation for such suit.

In regard to the point whether it would be safe and prudent to make any appropriation for the filling up of said flats at the present time, I submit that, in the light of the information which I possess, I am unable to perceive wherein the Government would incur any risk, or lose any advantages it now has, should such appropriation be made, especially if its expenditure be limited to those parts of the improvement in respect of which there is no claim adverse to the right and title of the United States. I remark, in this connection, that the Senate bill above referred to, as it passed that body, contains a provision which thus limits the expenditure of moneys appropriated for the improvement until the final decision of the matters therein mentioned.

I deem it proper to add, for the information of your committee, that the attorney representing the claimants under the Kidwell patent, M. F. Morris, esq., has recently addressed me a letter (of which a copy is herewith transmitted) in which he proposes to "convey to the United States, by a good and sufficient deed, all their right, title, interest, and estate in the premises—whatever they have, be it little or great; and leave to the Court of Claims, upon a suit to be brought by themselves, the determination of the amount of compensation, if any, to which they may be entitled." Additional legislation being obviously necessary in order to make this plan available, the attention of the committee is called to the proposition of Mr. Morris as a subject deserving its consideration.

I am, sir, very respectfully,

JOHN GOODE,
Acting Attorney-General.

HON. ALBERT S. WILLIS,
Chairman of Committee on Rivers and Harbors,
House of Representatives.

WASHINGTON, D. C., *March* 4, 1886.

DEAR SIR: I notice that the subject of the title to the Potomac flats in front of the city of Washington is yet a matter of solicitude to Congress, and especially to the House Committee on the District of Columbia. You will recall the fact that, as attorney for the persons claiming under the Kidwell patent, I have repeatedly and earnestly solicited that suit should be brought by the United States, under the act of Congress of August 2, 1882 (22 Statutes at Large, page 198), to test the validity of this patent. Nothing whatever has been done in that direction; and I am advised that the district attorney is waiting until legislation can be had to bring in other possible claimants. I beg leave to suggest that I do not see the propriety of combining in one suit different claims that have no possible connection with each other. But in order, if possible, to prevent any and all further difficulty in this matter, so far as the parties entitled under the Kidwell patent are concerned, I hereby propose, as attorney for these parties, that they will convey to the United States, by a good and sufficient deed, all their right, title, interest, and estate in the premises—whatever they have, be it little or great—and leave to the Court of Claims, upon a suit to be brought by themselves, the determination of the amount of compensation, if any, to which they may be entitled. If their patent is worthless or fraudulent, they will be entitled to no compensation. If, on the contrary, the patent is valid, the Court of Claims can readily determine the amount of compensation that should be paid for the transfer of the title. The deed can be executed at once and deposited with you—in escrow or otherwise, as may be deemed proper—subject to ratification by Congress, which undoubtedly could be easily obtained.

Is there any possible objection to this plan? And does it not remove all the difficulty in this case? Of course it is subject to any modification that you may deem reasonable and proper in the interest of the United States.

Very respectfully,

M. F. MORRIS.

HON. A. H. GARLAND,
Attorney-General.

WASHINGTON, D. C., *April* 10, 1886.

SIR: I beg to inform you that I am counsel for Messrs. Benson & McNee, of San Francisco, Cal., and now engaged in Washington city, D. C., under a contract with the United States, through the Chief of Engineers and the War Department, in dredging the channel of the Potomac River in front of the city of Washington, and by virtue of that relation I ask to be permitted to lay before you certain matters which truly seem to come within the purview of your Department to take due cognizance of.

In the Book of Estimates submitted to Congress to continue the work of improvement by the Government of various rivers and harbors for the fiscal year ending June 30, 1887, the War Department, upon the recommendation of the Chief Engineer, included an estimate of $800,000 for improvement of the Potomac River in front of the city of Washington.

But it would appear that the House committee in Congress having charge of the river and harbor appropriation bill, having the subject-matter under consideration, concluded to omit from said bill, to wit, H. R. 7480, when reporting same to the House, any appropriation therefor, and because of the reasons by them assigned, the words as follows, to wit: "No appropriation has been made for the improvement of the Potomac River and flats for the reason that the title to the reclaimed land is in dispute, and until some satisfactory information on that subject has been furnished it is not thought prudent to expend money in that direction." (See copy of House Report 1448 herewith.) The land, title to which is alleged to be in dispute, is known as the "Kidwell Meadows," sometimes called the "Kidwell Flats" or "Kidwell Bottoms."

But I desire to call your attention to the exact locus of said "Kidwell Meadows," as per patent thereof from the United States herewith, and marked Exhibit No. 2, and also to the locus of the proposed improvement, as per War Department map, Exhibit 3, and showing that the proposed improvement nowhere includes or infringes upon said "Kidwell meadows."

I assume that the information that will be satisfactory to the committees in Congress having charge of the subject-matter and of Congress itself would be such information as herein contained, and that the same could be probably laid before said bodies by your Department. Wherefore I now move you that you may be pleased to communicate these facts, and such other facts relating to the subject-matter as will afford that "satisfactory information" which the Committee on Rivers and Harbors would seem to need, and without which it would further seem no appropriation will be made for the fiscal year ending 30th June, 1887. Every well-informed person fully appreciates the necessity for the continuing of this improvement, and the only obstacle in the way seems to be that hereinbefore contained and set forth.

Those that I represent, aside from sharing the general interest of the public in these premises, have expended nearly $200,000 in a plant, supposing the United States would in good faith complete that which they had so well commenced.

The urgency of this matter justifies, in my opinion, that this matter be laid before you in every proper way, as the questions of title and of the locus of the disputed territory can be more properly passed upon by your Department than by any other. Wherefore I now respectfully ask that this matter may have your immediate consideration and early action.

Very respectfully, your obedient servant,

JOHN MULLAN,
Counsel for Benson & McNee.

HON. A. H. GARLAND,
United States Attorney-General, Washington, D. C.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., April 3, 1886.

I, William A. J. Sparks, Commissioner of the General Land Office, do hereby certify that the annexed copy of patent founded on special certificate No. 50 in favor of John L. Kidwell, and known as Kidwell's meadows, is a true and literal exemplification from the record in this office.

In testimony whereof I have hereunto subscribed my name, and caused the seal of this office to be affixed, at the city of Washington, on the day and year above written.

[SEAL.]

WM. A. J. SPARKS,
Commissioner of General Land Office.

EXHIBIT 2—(*Mullan*).

Washington County, District of Columbia. Special certificate No. 50.

TREASURY OF THE UNITED STATES, *September 3, 1867.*

I certify that John L. Kidwell has this day deposited to the credit of the United States $20 on account of vacant land in the Potomac River above the Long Bridge, for which I have signed duplicate receipts.

L. R. TUTTLE,
Assistant Treasurer United States.

TREASURY OF THE UNITED STATES, *December 3, 1869.*

I certify that John L. Kidwell has this day deposited to the credit of the United States $3.86 on account of vacant lands in the Potomac River, above the Long Bridge, for which I have signed duplicate receipts.

L. R. TUTTLE,
Assistant Treasurer United States.

To the Commissioner of the General Land Office:

I certify that I have surveyed a plat or parcel of land near to and adjoining the Washington shore of the Potomac River, separated from the mainland by a boat channel from 3 to 5 feet deep and from 10 to 50 feet wide, extending from Twenty-first street west to Easby's ship-yard, for John L. Kidwell, according to an order of the Commissioner of the General Land Office to me directed, dated June 26, A. D. 1867. Said land I have called "Kidwell's Meadows," beginning at a cedar post firmly planted at low water, on which is inscribed the letters "J. L. K." at a point bearing north 84° west from the center of the Dome of the Capitol and south 43° 30′ west from the center of the dome of the Observatory and distant about one-fourth of a mile from thence by compass bearings—(1) N. 66° 30′ W. 5 perches; (2) N. 32° W. 15 perches; (3) S. 81° E. 10 perches; (4) N. 49° 30′ W. 20 perches; (5) N. 22° 45′ W. 20 perches; (6) N. 13° 15′ W. 15 perches; (7) N. 73° 30′ E. 2.40 perches; (8) S. 28° 45′ E. 2 perches; (9) S. 59° E. 2 perches; (10) S. 73° E. 8 pereches; (11) S. 84° 45′ E. 7.60 perches; (12) S. 56° 30′ E. 18 perches; (13) S. 60° 45′ E. 20 perches; (14) S. 49° E. 20 perches; (15) S. 40° E. 10 perches; (16) S. 46° E. 12 perches; (17) S. 71° 30′ E. 74 perches; (18) S. 28° 30′ E. 54 perches; (19) S. 24° 30′ W. 18 perches; (20) N. 47° W. 24 perches; (21) N. 72° W. 48 perches; (22) N. 63° 30′ W. 32 perches; 23) N. 66° W. 14 perches. Thence in a straight line to the beginning, containing forty-seven acres and seventy-one hundredths of an acre of land, more or less, without improvements. Laid down by a scale of 80 points to the inch. Surveyed October 10 and 12, 1867.

B. D. CARPENTER,
Surveyor of Washington County, District of Columbia.

N. B.—The distances given are from actual measurement by walking around on the lines.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
November 10, 1869.

The foregoing survey of "Kidwell's meadows," on re-examination of the premises on the 17th and 24th October, 1869, were found to be above the tide at low as well as high tides, the said survey being of the land subject to the operation of the joint resolution of Congress of 16th February, 1839, volume 5, page 366. The same is hereby approved.

STEPHEN J. DALLAS,
Private Clerk of Surveys and ex-officio Examiner-General.

The United States of America, to all to whom these presents shall come, greeting:

Whereas John L. Kidwell, of the county of Washington, in the District of Columbia, hath deposited in the General Land Office of the United States evidence bearing date the 3d September, 1867, and the 3d December, 1869, whereby it appears that full payment has been made to the Treasurer of the United States by the said John L. Kidwell for a tract of vacant land containing 47.71 acres, called "Kidwell's Meadows," and lying in the Potomac River above the Long Bridge, according to the official certificate and plat of survey thereof, bearing date the 10th and 12th of October, 1867, made and returned by the survey of Washington County, in the district aforesaid, pursuant to a special warrant of survey unto the said surveyor directed on the 26th day of June, A. D. 1867, by the Commissioner of the General Land Office aforesaid, in virtue of the authority of Congress, under a resolution "directing the manner in which certain laws of the District of Columbia shall be executed," approved on the 16th day of February, 1839, and which tract of land is shown by the aforesaid certificate and plat of survey, to be bounded and described as follows, to wit: Beginning at a cedar post firmly planted at low water, on which is inscribed the letters "J. L. K.," at a point bearing north 84° west from the center of the Dome of the Capitol and south 43° 30′ west from the center of the dome of the Observatory, and distant about one-fourth of a mile from thence by compass bearings—north 66° 30′ west 5 perches; thence north 32° west 15 perches; thence south 81° east 10 perches; thence north 49° 30′ west 20 perches; thence north 22° 45′ west 20 perches; thence north 13° 15′ west 15 perches; thence north 73° 30′ east 2.4 perches; thence south 28° 45′ east 2 perches; thence south 59° east 2 perches; thence south 73° east 8 perches; thence south 84° 45′ east 7.6 perches; thence south 56° 30′ east, 18 perches; thence south 60° 45′ east 20 perches; thence south 49° east 20 perches; thence south 40° east 10 perches; thence south 46° east 12 perches; thence south 71° 30′ east 74 perches; thence south 28° 30′ east 54 perches; thence south 24° 30′ west 18 perches; thence north 47° west 24 perches; thence north 72° west 48 perches; thence north 63° 30′ west 32 perches; thence north 60° west 14 perches; thence in a straight line to place of beginning, containing 47 acres and 71-100 of an acre of land, more or less, without improvements.

Now, know ye, that the United States of America, in consideration of the premises, and in conformity with the resolution of Congress aforesaid, and the laws in such cases made and provided, have given and granted, and by these presents do give and grant, unto the said John L. Kidwell, and to his heirs, the said tract of land above described; to have and to hold the same, together with all the rights, immunities, privileges, and appurtenances of whatsoever nature thereunto belonging, unto the said John L. Kidwell, and to his heirs and assigns forever.

In testimony whereof, I, Ulysses S. Grant, President of the United States of America, have caused these letters to be made patent and the seal of the General Land Office to be hereunto affixed.

Given under my hand at the city of Washington the 6th day of December A. D. 1869, and of the Independence of the United States the ninety-fourth.

By the President:

[SEAL.]

U. S. GRANT,
By I. N. BURRITT, *Secretary.*
J. N. GRANGER,
Recorder of the General Land Office.

Recorded volume 4, pages 304, 305, 306, 307, and 308.

Mr. BARBOUR. Mr. Speaker, I can not accept the amendment which has been suggested by the gentleman, for the reason that I think the effect of that proposition would be to postpone and delay the construction of what I regard as a most important improvement already in progress on these flats.

What is the proposition submitted by the committee? Why, it is a very plain one. Here is a tribunal selected—selected by you on the part of the United States—to test this whole question of title. You select a court to which you will go and litigate the rights of the United States as against these private individuals. You have in addition to that tribunal, for your protection, an appeal to the Supreme Court of the United States; and yet these gentlemen, these guardians of public interests from Georgia, Indiana, Texas, and Kentucky, they see great danger in such a proceeding. Why, sir, can you not trust your Government to sustain a litigation with a private party? Are you so weak that, even when you select your own tribunal with the privilege of appeal to the Supreme Court, you are afraid to go into this fight with these little fellows in the District of Columbia, Kidwell and Company?

Now, when you talk of private interest, I want to say that I have not heard of any in our committee. That committee has not been approached by private parties.

Mr. BLOUNT. Will you allow me a question just here?

Mr. BARBOUR. No, sir; allow me to get through with my own statement.

One would infer from the remarks of the gentlemen, these special guardians of the public interests, that this was a bill appropriating a large amount of money for the reclamation of the Potomac flats; that it was the old original question that was here for our consideration. The fact is the bill is reported in the interest of the Government. It is reported for its protection. Its very title indicates that, being—

To provide for and protect the interest of the United States in the Potomac River flats in the District of Columbia.

The money has been already appropriated; the work has been going on, contracts have been made, and the whole thing is in a fair state of progress. But even if any value is given to the property of private parties, or if private claims shall be enhanced before there is any completion of the work, you still protect in this bill the interests of the United States, for you provide that this tribunal shall litigate these rights. Now, upon what terms do you litigate? Why you are to litigate the value of this property as it was before any improvement was made by the United States Government at all.

Mr. REAGAN. Does the bill say that?

Mr. BARBOUR. It does. Gentlemen have not read this bill. They have been discussing some other bill all the time. This is a simple bill to protect the interests of the United States, not a proposition to take money from the Treasury at all. And here is a tribunal which has been erected for the purpose of trying this thing, and making an award to settle with private parties if there shall be any just claim, while at the same time the work is permitted to go on.

Mr. WILLIS. Will the gentleman permit me to ask him a question?

Mr. BARBOUR. Yes, sir.

Mr. WILLIS. What public interest will be injured by the postponement of the payment of this claim, if found to be a just one, for six or eight months?

Mr. BARBOUR. We do not know what six or eight months might bring forth. There might come a freshet, an inundation, that would wash the whole thing away. On the other hand, I do not think anything is to be gained by delay.

Mr. REAGAN. My honorable friend from Virginia [Mr. BARBOUR] tells us the object of this bill is to quiet the title involved to the Potomac flats; to secure to the United States a title. So far as that goes we all agree with him. But we tell him in view of the fact that Congress passed a law at the time the first appropriation of $400,000 was made requiring the Attorney-General, before the work went on, to investigate the title, and in view of the fact that no such investigation has been made—at least we have no information that such an investigation has been made—and in view of the fact that nearly $900,000 have been expended with the full knowledge that other claimants set up title to this property—under these circumstances we ask the gentleman from Virginia to accept our help in getting an investigation of this subject, and to accept our suggestion that we stop the expenditure of money until a settlement of the question of title is obtained. That settlement of the question of title may be obtained without appropriating money, without continuing the existing improvements, without involving the Government in additional expenditure. While we make provisions for

the ascertainment of title, we do ask that appropriations and expenditures of money on that land shall cease until the question of title is determined.

The SPEAKER. The question is on agreeing to the amendment to the fourth section proposed by the gentleman from Indiana [Mr. HOLMAN].

The question being taken, there were—ayes 63, noes 17.

So (further count not being called for) the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment offered by the gentleman from Indiana [Mr. HOLMAN].

The Clerk read as follows:

Add to the fifth section the following:

"*Provided*, That no payment under any such judgment shall be made unless hereafter authorized by Congress."

The amendment was agreed to.

The SPEAKER. The gentleman from Texas [Mr. REAGAN] desired to make an amendment.

Mr. REAGAN. I desire to strike out the portion of the sixth section which is in italics.

The SPEAKER. The part in italics is the amendment proposed by the Committee on the District of Columbia, which has just been adopted by a vote of the House.

Mr. REAGAN. This proviso if allowed to remain will be incongruous with the other amendments.

Mr. BARBOUR. Not at all.

Mr. REAGAN. I shall move to reconsider the vote adopting that amendment, which I will read:

Provided, That nothing contained in this act shall be construed so as to affect existing lawful contracts for work on said flats.

The SPEAKER. That has been adopted.

Mr. REAGAN. I move to reconsider the vote.

Mr. HOLMAN. An amendment was offered to that proposition by the gentleman from Virginia [Mr. BARBOUR], and that was amended on the motion of the gentleman from Ohio [Mr. WARNER]. I suggest to the gentleman from Texas to examine the whole language as it now stands, because otherwise his amendments may go beyond the point he aims at. Let him call for the reading of the whole proposition as it now stands.

Mr. REAGAN. Let the sixth section as it now stands as amended be read.

The Clerk read as follows:

SEC. 6. That until the final decision of the matter hereinbefore in this act mentioned shall have been had, no moneys appropriated for the improvement of the Potomac River, the establishment of harbor lines in the District of Columbia, and the raising of the flats therein shall be expended otherwise than upon property in respect of which there is no claim adverse to the title of the United States, or for the improvement of navigation in the said river, or upon portions of the flats to which the Government possesses undisputed title: *Provided*, That nothing contained in this act shall be construed so as to affect existing lawful contracts for work on said flats.

Mr. REAGAN. My motion is to strike out all after the word "expended," in line 5. Or I will move to strike out the entire section.

The object of my motion is to obviate the effect of the amendment of the gentleman from Ohio, which contemplates the continuance of improvements on parts of the ground to which the Government has undisputed title. If that is done, we continue to improve the value of the property claimed by private parties and to increase the difficulty of the Government obtaining title to it. That is the objection I have to that proposition. I also object to the proviso:

That nothing contained in this act shall be construed so as to affect existing lawful contracts for work on said flats.

I do not know what amount of the money appropriated for this work remains unexpended on the flats. I do not know what other appropriations may be obtained for the purpose. But we ought certainly to suspend the expenditure of public money on property to which it does not appear that the Government has a just title.

It may be said we may be involved in some difficulty about a contract. It is better to pay the damage that may result from revoking a contract than to continue to expend money that is being expended as this is in the face of a law which we are advised declares it should not be expended until the Attorney-General had examined the title. There is something about this that does not bear a good face. We are going on expending money, and we are asked in this bill to continue the expenditure of money on a part or parts of these flats when it was contemplated and provided by law in 1882, when the first $400,000 was appropriated, that no portion of the money should be expended until the Attorney-General had investigated the title.

Now, what I want is to strike out the section, so as to avoid the effect of the amendment offered by the gentleman from Ohio [Mr. WARNER], which contemplates continuing the work, and to avoid the effect of this proviso, which takes away from the Government the power to arrest an unlawful contract. I do not think, however, that in the face of the law these contractors could claim damages, for they must know that their contracts are made in violation of the law when made without the examination by the Attorney-General, which the law requires. Therefore, if my suggestion upon the legal question is correct, I would say that the Government need have no fear of having to pay damages because of the revocation of contracts made in violation of law.

Mr. HOLMAN. As I understand the gentleman from Texas [Mr. REAGAN], he proposes to strike out the whole of the sixth section.

Mr. REAGAN. Yes, sir.

Mr. HOLMAN. I think the gentleman will find that that will leave the bill in a form which he does not intend, because that section contains an actual prohibition against the expenditure of any futher money on this improvement until the final adjustment of the title. Two amendments that have already been made to this bill ought, I think, to be reconsidered. One is the amendment of the gentleman from Ohio [Mr. WARNER], which proposes that the work shall continue upon that portion of the river front as to which there is no dispute about the title. I suggest to the gentleman from Texas [Mr. REAGAN] to move to reconsider the vote by which that amendment was adopted, and then, if that is reconsidered, a motion will be in order to reconsider the provision adopted on the report of the committee itself, provided that "nothing contained in this act shall be construed so as to affect existing lawful contracts for work on said flats." That means, of course, that the work shall go on, and the reconsideration of the vote by which that was adopted as well as of the other amendment leaves the prohibition complete.

Mr. BLOUNT. Has the gentleman from Texas [Mr. REAGAN] any objection to modifying his proposition?

Mr. REAGAN. I will modify it by moving to strike out the section and insert in lieu thereof a provision that no money shall be expended until the question of title has been determined.

Mr. HOLMAN. I suggest to the gentleman from Texas [Mr. REAGAN] that he use the language which he will find in the bill, "that until the final decision of the matter hereinbefore in this act mentioned shall have been had no moneys appropriated for the Potomac River, the establishment of harbor lines in the District of Columbia, and the raising of the flats therein, shall be expended."

Mr. REAGAN. I accept the suggestion, and will put it in form and send it up to the desk.

Mr. BARBOUR. Mr. Speaker, do I understand that the amendment applies to money already appropriated?

Mr. HOLMAN. That would be the effect.

Mr. BARBOUR. I hope it will not be the pleasure of the House to adopt the proposition suggested by the gentleman from Texas [Mr. REAGAN]. The effect of it will be to stop this work, although the money has been already appropriated and contracts have been made to a certain extent for the improvement of these flats. There is no new appropriation in this bill. The contractors are only going on with the work which has been let to them in the regular way—I believe under the authority of the Secretary of War.

If this amendment be adopted its effect will be to arrest the work now under contract, to disturb the rights and interests that have accrued under those contracts, and to postpone the completion of a work which has been deemed of great importance to the city of Washington and to the country at large. Where an appropriation has already been made, and where the work can go on upon portions of the river front as to which there is no dispute about title, it strikes me, Mr. Speaker, that to arrest the work under such circumstances would be very unwise, and that the interposition of this House ought not to be invoked to that end.

Mr. BLOUNT. The gentleman from Virginia [Mr. BARBOUR] says there is an appropriation already made, and that this provision will stop the continuance of the work under the existing appropriation, and he does not think that ought to be done. Sir, that is just exactly what it seems to me ought to be done. Within a few minutes the gentleman from Virginia [Mr. BARBOUR] has stated that the Committee on the District of Columbia were not informed of any other claimants than the Kidwell claimants.

Mr. BARBOUR. I do not know that I said so.

Mr. BLOUNT. The gentleman does not remember to have said that?

Mr. BARBOUR. I said that was the only one I knew anything about.

Mr. BLOUNT. The gentleman said that was the only one he knew anything about, and he is the chairman of the Committee on the District of Columbia, having better opportunities than other men of knowing about such matters; yet the Attorney-General of the United States in a communication to this House notifies us that there are other claimants, numbers of them. In the face of such a declaration from the Attorney-General shall we go on here and do what the gentleman from Virginia [Mr. BARBOUR] wishes us to do, just because an appropriation has been made? Shall we let this work go on regardless of whether it is done on public property or on private property? Sir, when this scheme of improving these flats was initiated no man gainsaid the propriety in the presence of threatened litigation of a declaration in the statute that not a dollar should be expended until the title of the Government was settled beyond all question. Why is not that a correct proposition to-day? In the presence of this official notice from the Department of Justice that there are numerous other claimants to this property, why should we not stand still until it is determined how many there are, what their rights are, and what are the rights of the Government?

Why shall we recklessly go forward, blind to the interests of the Government, and expend money as we have been doing for the benefit of

private persons? Gentlemen ask, would we stop the work? Why is there such a great passion in this House to go on with this work that we can not take care of the interests of the Government, that we can not stop to inquire about matters of which the most dignified and authoritative notice comes from the Attorney-General?

Sir, I do trust that this House will not consent to the expenditure of another dollar until it shall be fully ascertained who are the claimants and what are the rights of the Government. If we should, without inquiry, go on with this work and afterward when the public treasure has been expended it should turn out that there are not only Kidwell claims but canal claims and various others, what can we do but hang our heads in shame that we have deliberately gone forward and brought this scandal upon the House and upon the Government? I trust that this House, in the interest of its own integrity, will not incur the possibility of having this scandal come upon it, even though it may be suggested that by taking proper precautions we may necessitate the stoppage of the work. Is it possible that, with such a wrong threatening us, we can not stay the contractors, can not take time to inquire into this matter? I trust not.

Mr. REAGAN. Mr. Speaker, I modify my amendment by inserting after the word "river" the words "within the District of Columbia." It is suggested that without these words the amendment might seem to exclude the idea of improving any part of the Potomac River. The addition of these words will certainly do no harm.

Mr. BLANCHARD. Mr. Speaker, I am in sympathy with the amendments which have heretofore been suggested by the gentleman from Texas [Mr. REAGAN] and the gentleman from Indiana [Mr. HOLMAN] and generally with the remarks of the gentleman from Georgia [Mr. BLOUNT]. I do not think, however, that this last amendment proposed by the gentleman from Texas should be adopted. I know something of this matter by reason of three years' service on the committee having charge of the river and harbor bill, in which the appropriations for the improvement of these flats have always been made. The gentleman from Texas and the gentleman from Georgia are in error as respects the history of this appropriation. Congress has never directed (and in this Congress has been at fault) that no part of the money appropriated for the flats should be expended until the title thereto should be settled. I will give the history of this appropriation. It first appeared in the river and harbor bill of 1882. At the first session of the Forty-seventh Congress the Committee on Commerce, then having jurisdiction of the improvement of rivers and harbors, did not report in the river and harbor bill of that year an appropriation for the improvement or reclamation of these flats; but when the bill came to be considered in the Senate Committee on Commerce, that committee attached to the bill an amendment appropriating $400,000 for this purpose.

There was annexed to that appropriation a clause in the nature of a proviso, but it did not declare that no part of the money should be expended until the question of title had been settled. On the contrary, there was an outright appropriation of $400,000; and under the terms of the appropriation the then Secretary of War had no discretion, but was obliged to proceed in the work of reclaiming the flats. To bear out this construction I will read from the law itself:

> Improving the Potomac River in the vicinity of Washington with reference to the improvement of navigation, the establishment of harbor lines, and the raising of the flats, under the direction of the Secretary of War, and in accordance with the plan and report made in compliance with the river and harbor act approved March 3, 1881, and the reports of the board of engineers made in compliance with the resolution of the Senate of December 13, 1881, $400,000.

That is a substitute proposition, making an outright appropriation of $400,000, and directing the Secretary of War to expend the money in accordance with an existing plan. Then the act goes on to provide:

> And it is hereby made the duty of the Attorney-General to examine all claims of the title to the premises to be improved under this appropriation, and see that the rights of the Government in all respects are secured and protected.

This, it will be observed, is not a provision that none of the money shall be expended until this examination by the Attorney-General shall have been made. There was a direction to the Secretary of War to expend the money; and the same law contained a direction to the Attorney-General—to do what? To proceed with the investigation of the title and to see that the rights of the Government were protected. But the duties imposed upon the Attorney-General were one thing, and the duties imposed upon the Secretary of War were quite another.

I repeat, there was nothing in the river and harbor act of 1882 which provided that no part of the money appropriated should be expended until the Attorney-General had made this investigation and ascertained that the title of the Government was good.

Mr. BLAND. I notice that the appropriation was made subject to the provisions of the act of 1881. Was there anything in that law of 1881 bearing upon this question?

Mr. BLANCHARD. I am not speaking of that; I am not familiar with the phraseology of that particular measure; I am dealing with the law of 1882.

Mr. BLAND. My point is this: That appropriation was made subject to the provisions of the law of 1881; and if that law contained anything restricting the expenditure of the money we ought to know it.

Mr. BLANCHARD. I will not assert anything on that point, because I am not familiar with the legislation of 1881. The gentleman from Texas [Mr. REAGAN] can perhaps give us the information.

Mr. REAGAN. I think the proviso the gentleman has just read is the one which I referred to as attached to the bill.

Mr. BLANCHARD. The gentleman states that he thinks the proviso he has referred to is the one I have read, and if it be the only one, then I submit there was a positive direction to the Secretary of War to proceed with the expenditure of this money for the purpose named—the reclamation of the flats; and at the same time there was a direction to the then Attorney-General to see that the rights of the Government were protected in respect to the title to the flats; but it was not provided anywhere that the performance of the duty assigned to the Secretary of War, or any part of it, should be postponed until the Attorney-General should have performed the duty imposed on him. The Secretary of War, under the direction made in that law, proceeded to expend the $400,000 in the reclamation of the flats. With any failure of duty on the part of the then Attorney-General the Secretary of War had nothing to do. I repeat, the Secretary of War was not directed by the act to wait until the Attorney-General had examined and reported upon the title.

But I had not finished reading the proviso, and will continue:

> And if he—

That is, the Attorney-General—

> deems it necessary, he is authorized to cause a suit or suits in law or in equity to be instituted, in the name of the United States, in the supreme court of the District of Columbia, against any and all claimants of title under any patent which in his opinion was by mistake or was improperly or illegally issued for any part of the marshes or flats within the limits of the proposed improvement.

Now, it will be seen by the House that did nothing more than direct the Attorney-General to inquire into the title, and bring suits if necessary. It appears he did not do this. The Secretary of War was not to wait until he did it; on the contrary, he was to proceed with the improvement, and he did it; and for so doing he is not fairly amenable to criticism by any gentleman on this floor.

Mr. BLOUNT. I would like to ask the gentleman a question.

Mr. BLANCHARD. Certainly.

Mr. BLOUNT. The bill first went on to provide appropriation for the work to be done under the direction of the Secretary of War, and then at the same time the very same authority imposed upon the Attorney-General the duty to inquire into the title of the Government. I ask if a fair construction would not be that the Attorney-General should inquire as to the title of the Government before the money should be expended, or whether the gentleman would regard the Secretary of War was justified in going on to expend the money until the Attorney-General had reported as to the validity of the Government's title to the property?

Mr. BLANCHARD. There is a well-known principle of the interpretation of laws which my friend from Georgia overlooked for a moment when he asked me that question, and that is that the plain letter of a law is not to be evaded under pretense of pursuing its spirit. It was laid down in the law of 1882 as distinctly as any one could lay it down that the Secretary of War was to proceed with this improvement of the flats, and it was laid down as distinctly as could be that the Attorney-General was to investigate this title. One official it seems performed his duty and the other did not.

Now, Mr. Speaker, all this is but preliminary to the point I am going to make in opposition to the last amendment offered by the gentleman from Texas [Mr. REAGAN]. Not only was $400,000 appropriated in 1882, with the direction that it should be used in the reclamation of the flats, but in 1884 the Senate put on an amendment to the river and harbor bill of that year directing an appropriation of $500,000 to continue the work. In the last appropriation there was no proviso at all. It was simply a direction for the continuance of the work, and appropriating half a million dollars for that purpose. Under that direction of Congress the Secretary of War went forward with the improvement, so that up to the present time in the neighborhood of $900,000 has been expended on this work.

My information is the improvement of the flats embraces about 700 acres. My further information is that the claim of the Kidwell heirs or the Kidwell assignees embraces but a small portion of these 700 acres—47 out of the 700. There is one other claim, I believe.

Mr. REAGAN. There are several claimants.

Mr. BLANCHARD. There are one or two other claims; the Chesapeake Canal Company, or some such corporation, asserts a claim. Now, Mr. Speaker, here are 700 acres which belong to the Government of the United States, except as parts of the property may be owned by the Kidwell heirs and other parties, whose rights it is proposed to buy out.

Under these two appropriations, aggregating $900,000, contracts have been made with individuals, and in pursuance of these contracts this work is being done. All of this $900,000 has not been expended, although the greater part of it has been; all of it or nearly all of it, so far as my information extends, is pledged under existing contracts. These contracts made on the part of the Government, by which individuals acquired vested rights, should not be interfered with by any legislation of Congress. It would be a species of repudiation. It is

interfering with vested rights, and I call that fact to the attention of this House.

Surely out of the 700 acres of the flats which it is proposed to reclaim or improve there is enough about which there is and can be no dispute as to the title to justify this House in saying that these contracts now in force shall be carried out. If it be necessary an amendment might be inserted providing that no part of the money on hand shall be expended on any part of the flats over which adverse claims hang. But do not stop the work; allow it to go on so far as the contracts based upon past appropriations are concerned.

Mr. STORM. Will the gentleman allow me to ask him a question?

Mr. BLANCHARD. Yes, sir.

Mr. STORM. The gentleman is a member of the Committee on Rivers and Harbors——

Mr. BLANCHARD. I am.

Mr. STORM. And I am informed that that committee, having examined the question of title, refused to make any appropriation in the present river and harbor bill because of the unsatisfactory character of the Government's title to this property. Is that correct?

Mr. BLANCHARD. It is correct, I will state to the gentleman. It is not only correct, but I myself, as a member of that committee, concurred heartily in that conclusion. I say that Congress ought not to make a further appropriation of a dollar for the reclamation of these flats until this question of title shall have been definitely settled. But that is entirely a different proposition from the one I have been discussing. My remarks have referred to past appropriations containing no inhibition of the expenditure of the money until the question of title shall have been settled and upon which appropriations existing contracts are based.

As I am reminded by the chairman of the Committee on Rivers and Harbors, and in order to show the House how that committee has always endeavored to guard the rights of the Government, I will read the provision referring to the Kidwell flats as incorporated in the river and harbor bill reported by the Committee on Rivers and Harbors in the second session of the Forty-eighth Congress:

Improvement of Potomac River and raising the flats at Washington, D. C.: Continuing improvement, $150,000.

Provided, That before any part of this sum shall be expended on any part of said work a report shall be made by the Attorney-General of the United States to the Secretary of War upon the validity of the title of the United States to said flats in accordance with the provisions of the act of Congress approved August 2, 1882: *And provided further*, That the Secretary of War, after receiving said report, shall be satisfied that said title is good.

That, too, was the committee's position in the first session of the Forty-eighth Congress; and acting upon it the committee refused to include in their bill of that session an appropriation for these flats; but it was put in in the Senate and insisted on there, and it went in the bill finally as a Senate amendment.

In the last session of the Forty-eighth Congress we were called upon to make an appropriation for continuing the work, and did incorporate such a provision, but coupled with it the proviso that the money should not be expended until the titles were found to be in the Government, or until the adverse titles should be acquired by the Government.

The river and harbor bill of the last session of the Forty-eighth Congress, as is well known, did not become a law.

Now, what we said in the bill which failed is not what Congress said in 1882, as I have pointed out. It was not what it said in 1884 either. So that the Secretary of War found himself with two appropriations on hand, made by Congress, and aggregating in all $900,000, to prosecute the work, and nowhere in the laws making the appropriations was it anywhere said that the money should not be expended until the titles were found to be good. The Secretary of War then went on with the work, as was his duty, and made these contracts with private individuals, and in these contracts private rights are vested. The effect of the amendment of the gentleman from Texas [Mr. REAGAN]—a gentleman for whose judgment I have the highest respect—the effect of that amendment, if adopted, would be to cut short these contracts, to repudiate, so to speak, the obligation of the Government toward individuals. That, I say, Congress ought not to attempt to do, and legally can not do.

Let these contracts go on, and let us confine ourselves to putting into this bill a proviso that all the money remaining on hand shall be expended on that portion of the flats only about which there is no dispute as to the title.

Mr. BARBOUR. I presume, Mr. Speaker, that this discussion has proceeded far enough for the information of the House, and I therefore move the previous question upon the bill and amendments.

Mr. BLOUNT. Will the gentleman from Virginia yield to me for two or three minutes?

Mr. BARBOUR. I will yield to the gentleman from Georgia, provided he will renew the motion at the expiration of three minutes.

Mr. BLOUNT. Mr. Speaker, my friend from Louisiana says that it will interfere with certain contracts if we do not allow this money to be expended, possibly upon private property——

Mr. BLANCHARD. I hope the gentleman from Georgia will not misquote me. I said nothing about expending it upon private property. I said the work should go on under the contracts, but to limit the expenditure to work upon such portions of the improvement as presented no question of title.

Mr. BLOUNT. Well, I would rather withdraw the statement than yield the time.

The gentleman from Louisiana insisted, as I understood him, at all events, that we ought not to interfere with the contracts already made for the prosecution of this work. We know—we are warned—that this title is defective in several respects and that this improvement is being made upon private property; for we have the Kidwell claim before us; the Attorney-General invites our attention to two or three claimants who are named, and we are also informed that there are others. I ask the House therefore if it is not better that we should suspend the operation of the contracts now in force and not expend the money in this way until this question of title shall be settled? Then, if we have damaged the contractors in any manner by the suspension of the work, we can compensate them and proceed in a more business-like and logical method than by expending the money in the way proposed.

We can do justice in a shorter, a better, and a higher way by stopping this work. My friend from Kentucky [Mr. WILLIS] calls attention to a provision of the river and harbor bill of last Congress providing the very thing my friend from Texas [Mr. REAGAN] is now wanting—that no part of the appropriation shall be expended until the litigation is settled, until the rights of the Government are determined. There was a struggle with the Senate, and we had to abandon so upright a provision in order to prevent the river and harbor bill failing. And we have had this struggle all the while against examination of the title before an expenditure of money. It comes to-day not for the first time. It has come up in struggle after struggle between the two Houses. It has come up in various debates, and up to this hour these claimants have whipped the Government, and the Government has been left to the mercy of an improper administration of public affairs. You find to-day the great bulk of the Kidwell bottoms improved while there has been no examination of title. It is time we should rise to what is justice to the Government and see that wrong is not continued. I now, for the gentleman from Virginia, demand the previous question on the amendment and on ordering the bill as amended to a third reading.

The previous question was ordered.

The SPEAKER. The question is on the amendment of the gentleman from Texas [Mr. REAGAN] to strike out the sixth section and insert what has been read.

The House divided; and there were—ayes 57, noes 27.

Mr. BARBOUR. No quorum.

The SPEAKER. The Chair will order tellers, and appoints the gentleman from Texas [Mr. REAGAN] and the gentleman from Virginia [Mr. BARBOUR].

Mr. BARBOUR. I withdraw the demand for tellers.

So (further count not being called for) the amendment was agreed to.

The bill, as amended, was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. BARBOUR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ANATOMICAL SCIENCE.

Mr. BARBOUR. I now call up the bill (S. 349) for the promotion of anatomical science and to prevent the desecration of graves.

The bill was read, as follows:

Be it enacted, &c., That any public officer or officers, whether directors, trustees, superintendents, wardens, keepers, or managers, having lawful charge of or control over any hospital, prison, almshouse, jail, morgue, or asylum within the District of Columbia, may deliver to the duly authorized agent of any medical college or colleges in the said District of Columbia the bodies of such deceased persons as are required to be buried at the public expense, said bodies to be distributed among the several colleges equitably, the number assigned to each being proportioned to that of its students: *Provided, however*, That if the deceased person, during his last illness, of his own accord request to be buried; or if, within forty-eight hours after his death, any person claiming to be, and satisfying the authorities that he is, a relative by blood or marriage, or friend, of the deceased, asks to have the body buried, or if such deceased person was a stranger or traveler who suddenly died, the body shall not be so delivered, but shall be buried.

SEC. 2. That every physician or surgeon, before receiving such dead body, shall give to the officers surrendering the same to him a sufficient bond that each body shall be used only for the promotion of anatomical and surgical knowledge within the District of Columbia, and that after having been so used the remains thereof shall be decently buried; and whosoever shall use such body or bodies for any purpose other than that aforesaid, or shall remove the same beyond the limits of the said District of Columbia, and whoever shall sell or buy such body or bodies, or in any way traffic in the same, or who shall disturb or remove bodies from graves in which they have been buried, shall be deemed guilty of a misdemeanor, and shall, on conviction, be imprisoned for a term not less than two nor more than three years, at hard labor, in the District (or city) jail.

The SPEAKER. The question is on ordering the bill to be read a third time.

The question being taken, there were—ayes 49, noes 13.

So (further count not being called for) the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. BARBOUR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BARBOUR. Mr. Speaker, would it be in order now to resign

to the gentleman from West Virginia [Mr. WILSON] the residue of the time alloted to the Committee for the District?

The SPEAKER. The gentleman can not resign the time; but if the committee does not call up further business it will be for the House to proceed to other business, as it may determine.

Mr. WILSON. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

Mr. BARBOUR. Before that is done my friend from Kentucky [Mr. WILLIS] desires me to call up for present consideration the bill (H. R. 3426), to incorporate the American College for the Blind. I desire to state that there is an adverse report from the committee on that bill. The gentleman from Kentucky desires to offer an amendment. If there is objection to the consideration of the bill, I will yield the right of way to the gentleman from West Virginia.

Mr. WILLIS. I withdraw my request to have that bill considered.

ELECTION CONTEST—CAMPBELL VS. J. B. WEAVER.

Mr. TURNER. I submit, on behalf of my colleague [Mr. HALL], the report of the Committee on Elections in the case of Campbell vs. Weaver, from the State of Iowa.

Mr. PAYNE. I desire hereafter to file the views of the minority in this case. We have not yet seen the report of the majority, and we ask for a week to prepare our report.

There was no objection, and the views of the minority were ordered to be printed with the report of the majority.

ANATOMICAL SCIENCE BILL.

Mr. BENNETT. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BENNETT. Is there any way by which a member on this floor can make his protest against the passage of the bill called up a while ago entitled "A bill for the promotion of anatomical science and to prevent the desecration of graves?" It is a bill which gives our poor folks to be used for anatomical purposes. I want to go on the record against that.

The SPEAKER. The gentleman will be understood of course, from what he has said, as being against the bill.

Mr. RANDALL. I want the same thing to be understood of myself.

Mr. WEAVER, of Iowa. And so do I.

ORDER OF BUSINESS.

Mr. WILSON. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HAMMOND in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills. The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 5886) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1887.

Mr. WILSON. I ask unanimous consent to pass by that bill.

There was no objection.

The Clerk read the title of the next general appropriation bill on the Calendar, as follows:

A bill (H. R. 6392) making appropriations for the diplomatic and consular service of the Government for the fiscal year ended June 30, 1887, and for other purposes.

Mr. WILSON. I make the same request as to that bill.

There was no objection, and the consideration of the bill was passed over for the present.

The Clerk read the title of the next general appropriation bill, as follows:

A bill (H. R. 6395) making appropriations for the support of the Army for the fiscal year ending June 30, 1887, and for other purposes.

Mr. WILSON. I make the same request as to that bill.

There being no objection, the consideration of the bill was passed over for the present.

DISTRICT APPROPRIATION BILL.

The CHAIRMAN. The Clerk will report the next general appropriation bill.

The Clerk read as follows:

A bill (H. R. 6397) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1887, and for other purposes.

Mr. WILSON. I ask unanimous consent to dispense with all general debate on this bill.

There was no objection.

Mr. WILSON. I ask to dispense with the first reading of the bill and that it be now considered under the five-minute rule.

There was no objection.

The Clerk proceeded to read the bill by paragraphs for amendment.

The paragraphs "for salaries and contingent expenses" having been read,

Mr. WARNER, of Ohio. I ask the gentleman in charge of this bill whether in the paragraphs just read providing for salaries there is any change in salaries, any decrease or any increase?

Mr. WILSON. No increase at all, Mr. Chairman.

The Clerk read as follows:

For repairs to concrete pavements, with the same or other not inferior material, $55,000; for materials for permit work, $50,000; and hereafter the commissioners of the District are authorized to apply such material to, and pay from this appropriation, the cost of labor for the improvement and repair of alleys and sidewalks when, in their opinion, such course is necessary for the public health, safety, or comfort: *Provided*, That the costs of labor shall be charged against and become a lien on the abutting property, and its collection shall be enforced in the same manner as the collection of general taxes; for continuation of surveys of the District of Columbia with reference to the extension of various avenues to the District line, $4,000; for sewers, $45,000; for work on sundry avenues and streets, and replacement of pavements in localities named in Appendix Ff annexed to the estimates of the commissioners of the District for 1887, $256,000; in all, $410,000.

Mr. WILSON. Mr. Chairman, by instruction of the committee, I move to add a proviso at the end of line 154, as follows:

Provided also, That no contract shall be made for making or repairing concrete or asphalt pavement at a higher price than $2 per square yard for a quality equal to the best heretofore laid in the District.

The amendment was agreed to.

The Clerk read as follows:

Erection of brick stable, concreting the yard, paving cellar, setting stone steps at sixth and seventh precinct station, and erection of stable at seventh precinct station, $5,000; police signal and telephone system first precinct, including patrol-wagon, $4,500; reconstructing cells in third precinct, $600; in all, $344,160.

Mr. WILSON. Mr. Chairman, I desire to make a verbal change in line 318 by adding after the word "sixth" the words "and seventh;" and changing the word "station" to "stations."

The amendment was agreed to.

The Clerk read as follows:

For one health officer, $3,000; six sanitary inspectors, at $1,200 each; two food inspectors, at $1,200 each; one inspector of marine products, $1,200; for one clerk, $1,800; one clerk, $1,400; three clerks, at $1,200 each; one messenger, $540; one poundmaster, $1,200; laborers, at not exceeding $30 per month, $1,440; and for contingent expenses, including books, stationery, fuel, rent, repairs to pound, and vehicles, forage, meat for dogs, horseshoeing, and other necessary items, $2,500; removal of garbage and ashes, $20,000; purchase of one horse for pound service, $200; in all, $46,480.

Mr. WILSON. I move to amend by inserting in line 452 the words "maintenance of ambulance service."

The amendment was agreed to.

Mr. WILSON. Under the instruction of the committee, I propose to add at the end of section 2 of the bill the provision which I send to the desk.

The Clerk read as follows:

At the end of section 2 insert:

"And all the drawback certificates heretofore or hereafter received for general taxes under the acts of June 27, 1879, and July 5, 1884, and paid or deposited in the Treasury, shall be considered and treated as money in the settlement of accounts between the United States and the District of Columbia under this or any other act."

The amendment was agreed to.

Mr. WILSON. Mr. Chairman, I move that the committee now rise and report this bill with the amendments to the House with the recommendation that it pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House had had under consideration the bill (H. R. 6397) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1887, and for other purposes, and had directed him to report the same back with sundry amendments and with the recommendation that it do pass.

Mr. WILSON. Mr. Speaker, I now move the previous question on the adoption of the amendments and upon ordering the bill to be engrossed and read a third time.

The motion was agreed to.

The question was taken on the amendments made in Committee of the Whole; and they were agreed to.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WILSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. WILSON. Mr. Speaker, as no statement was made explanatory of the bill, I ask that the report be printed, with the bill, in the RECORD.

There was no objection, and it was so ordered.

The report (by Mr. WILSON) is as follows:

The Committee on Appropriations, in presenting the bill making appropriations for the support of the government of the District of Columbia for the fiscal year ending June 30, 1887, submit the following in explanation thereof:

The estimates upon which the bill is based will be found on pages 206 to 214 of the Book of Estimates, and, exclusive of the water department, aggregate $3,656,385.97, one-half of which amount, or so much thereof as Congress may appropriate, is required to be drawn from the revenues of the General Government, and the remaining one-half to be levied upon the taxable property and privileges in the District of Columbia, other than the property of the United States and the District of Columbia, pursuant to section 3 of the act approved June 11, 1878, entitled "An act providing a permanent form of government for the District of Columbia." (Statutes at Large, volume 20, page 102.)

The total amount recommended to be appropriated for the general expenses of the District of Columbia for the fiscal year 1887 in the bill submitted herewith is, exclusive of the water department, $3,432,874.97, of which sum the General Government is required to pay $1,716,437.48, that being the one-half of the whole sum. The whole amount recommended is $193,511 less than the estimates.

The amount appropriated for the general expenses of the District of Columbia for the current fiscal year is $3,433,286.93, being $411.96 more than is recommended in the accompanying bill for 1887.

The amount recommended for the water department and payable from the water revenues, and which is not included in the sums above, is $178,788.02. The amount appropriated for the same purposes for the current fiscal year is $189,396 27.

The amount recommended for the support of the indigent insane of the District is $75,132, being $21,670 in excess of the current appropriation and the estimate of the commissioners for the year 1887, and will result in the reduction, to that extent, of the sum to be given for 1887 in the sundry civil bill for the general support of the Government Hospital for the Insane. Had this transfer not been made, the bill as reported would have aggregated in all a sum $22,081.96 less than the current law.

The action of the committee in increasing the sum for the support of the indigent insane, as aforesaid, is based upon reasons set forth in a letter from the superintendent of the Government Hospital for the Insane, which is made a part of this report.

Following is a table explaining in detail the bill as compared with the estimates for 1887 and appropriations for 1886, also a table exhibiting the estimated receipts of the District during the fiscal year 1887.

Comparative statement showing the estimates for 1887, *amounts recommended for* 1887, *appropriations for* 1886, *the items increased over* 1886, *and the items decreased under* 1886.

Objects.	Estimates 1887.	Recommended, 1887.	Appropriations, 1886.	Increase over 1886.	Decrease under 1886.
SALARIES AND CONTINGENT.					
Executive office	$21,844 00	$21,244 00	$21,244 00	.....	.....
Assessor's office	15,600 00	14,600 00	13,600 00	$1,000 00	.....
Collector's office	18,500 00	18,000 00	17,300 00	700 00	.....
Auditor's office	16,500 00	16,500 00	16,500 00	.....	.....
Attorney's office	9,000 00	8,512 00	8,712 00	.....	$200 00
Sinking-fund office	3,100 00	2,900 00	2,700 00	200 00	.....
Coroner's office	2,500 00	2,300 00	2,500 00	.....	200 00
Engineer's office	68,740 00	65,690 00	65,690 00	.....	.....
Miscellaneous expenses, District offices	5,000 00	5,000 00	5,000 00	.....	.....
Expenses of assessment of real property	.....	.....	15,000 00	.....	15,000 00
Total salaries and contingent	160,784 00	154,746 00	168,246 00	1,900 00	15,400 00
IMPROVEMENTS AND REPAIRS.					
Repairs to concrete pavements	75,000 00	55,000 00	50,000 00	5,000 00	.....
Materials for permit work	60,000 00	50,000 00	50,000 00	.....	.....
Continuing surveys of the District	5,000 00	4,000 00	5,000 00	.....	1,000 00
For sewers	75,000 00	45,000 00	25,000 00	20,000 00	.....
Work on streets and avenues	256,057 00	256,000 00	265,000 00	.....	9,000 00
Total improvements and repairs	461,057 00	410,000 00	395,000 00	25,000 00	10,000 00
Constructing, maintaining, and repairing bridges	9,100 00	7,660 00	9,380 00	.....	1,720 00
Washington aqueduct	20,000 00	20,000 00	20,000 00	.....	.....
Redemption of certificates of indebtedness	.....	.....	396 96	.....	396 96
REFORMATORIES AND PRISONS.					
Washington Asylum	56,690 00	55,385 00	69,680 00	.....	14,295 00
Reform School	36,676 00	36,556 00	36,616 00	.....	60 00
Georgetown Almshouse	1,800 00	1,800 00	1,800 00	.....	.....
Transportation of paupers	4,000 00	4,000 00	4,000 00	.....	2,000 00
Industrial Home School	12,000 00	10,000 00	12,000 00	.....	.....
Total reformatories and prisons	111,466 00	107,741 00	124,096 00	.....	16,355 00
Support of indigent insane	130,725 00	75,132 00	53,462 00	21,670 00	.....
FOR CHARITIES.					
Relief of the poor	15,000 00	15,000 00	15,000 00	.....	.....
Columbia Hospital for Women	15,000 00	15,000 00	15,000 00	.....	.....
Women's Christian Association	.....	4,000 00	5,000 00	.....	1,000 00
Association for Destitute Colored Women and Children	.....	6,500 00	6,500 00	.....	.....
Association for Destitute Colored Women and Children, building	.....	2,000 00	18,000 00	.....	16,000 00
Children's Hospital	.....	5,000 00	5,000 00	.....	.....
St. Ann's Infant Asylum	.....	7,000 00	5,000 00	2,000 00	.....
Church Orphanage	.....	1,500 00	1,500 00	.....	.....
Homeopathic hospital building	.....	.....	15,000 00	.....	15,000 00
Total for charities	30,000 00	56,000 00	86,000 00	2,000 00	32,000 00
FOR STREETS.					
Sweeping, cleaning, &c., streets, avenues, and alleys	$60,000 00	$58,000 00	$55,000 00	$3,000 00	.....
Current repairs on streets, avenues, and alleys	30,000 00	25,000 00	25,000 00	.....	.....
Current work on county roads, &c	45,000 00	40,000 00	40,000 00	.....	.....
Cleaning sewers and basins	30,000 00	25,000 00	25,000 00	.....	.....
Repairs to pumps	3,000 00	3,000 00	3,000 00	.....	.....
Parking commission	20,000 00	18,000 00	18,000 00	.....	.....
Lighting streets, avenues, and alleys	105,000 00	107,000 00	100,000 00	7,000 00	.....
Total streets	293,000 00	276,000 00	266,000 00	10,000 00	.....
Metropolitan police	357,500 00	344,160 00	342,320 00	1,840 00	.....
Fire department	115,950 00	114,600 00	108,150 00	6,450 00	.....
Telegraph and telephone service	15,340 00	15,340 00	15,440 00	.....	$100 00
Courts	16,218 00	14,818 00	16,218 00	.....	1,400 00
PUBLIC SCHOOLS.					
For officers	7,250 00	6,950 00	7,250 00	.....	300 00
For teachers	400,000 00	415,400 00	390,000 00	25,400 00	.....
For night schools	.....	2,000 00	.....	2,000 00	.....
For janitors and care of buildings	31,348 00	31,300 00	30,680 00	620 00	.....
For rent of school buildings	6,000 00	6,000 00	7,000 00	.....	1,000 00
For fuel	20,000 00	20,000 00	20,000 00	.....	.....
For repairs and improvements	25,000 00	20,000 00	20,000 00	.....	.....
For contingent expenses, furniture, &c	25,000 00	20,000 00	20,000 00	.....	.....
For purchase of sites, new buildings, and furniture	20,000 00	40,000 00	60,000 00	.....	20,000 00
Total public schools	535,098 00	551,650 00	554,930 00	28,020 00	21,300 00
MISCELLANEOUS EXPENSES.					
Repairs and replacement of hay-scales	500 00	500 00	500 00	.....	.....
Rent of District offices	3,600 00	3,600 00	3,600 00	.....	.....
General advertising	3,000 00	3,000 00	4,000 00	.....	1,000 00
Books for register of wills, printing, &c	2,500 00	2,500 00	2,500 00	.....	.....
Total miscellaneous	9,600 00	9,600 00	10,600 00	.....	1,000 00

Comparative statement showing the estimates for 1887, *amounts recommended for* 1887, *&c.*—Continued.

Objects.	Estimates, 1887.	Recommended, 1887.	Appropriations, 1886.	Increase over 1886.	Decrease under 1886.
Health department	46,400 00	46,480 00	44,130 00	2,350 00	
Interest and sinking fund	1,213,947 97	1,213,947 97	1,213,947 97		
General contingent fund for emergencies	5,000 00	5,000 00	5,000 00		
New municipal building	125,000 00				
Total for the District, exclusive of the water department	3,656,385 97	3,432,874 97	3,433,286 43	99,230 00	99,641 96
Amount payable from the Treasury of the United States	1,828,192 98	1,716,437 48	1,716,643 46	49,615 00	49,820 98
WATER DEPARTMENT.					
[Payable from water revenues.]					
For salaries and contingent expenses	16,634 00	11,939 00	11,739 00	200 00	
For engineers, firemen, &c., pipe distribution, repairs to any new mains, &c	65,000 00	65,000 00	78,000 00		13,000 00
Interest and sinking fund on water-stock bonds	44,610 00	44,610 00	44,610 00		
Interest and sinking fund on account of increased water supply	57,239 02	57,239 02	55,047 27	2,191 75	
Total water department	183,483 02	178,788 02	189,396 27	2,391 75	13,000 00

Estimated receipts of the District of Columbia for the fiscal year ending June 30, 1887.

Estimated assessed value of real estate, at $1.50 per $100		$94,000,000
Estimated assessed value of real estate, at $1 per $100 (agricultural)		3,500,000
Estimated assessed value of personal property, at $1.50		11,000,000
Total assessment		108,500,000
Estimated receipts:		
Tax on real property ($94,000,000), at $1.50	$1,410,000	
Tax on real property ($3,500,000), at $1	35,000	
Estimated collection, 80 per cent. on	1,445,000	1,156,000
Estimated collection, 90 per cent. on personal	165,000	148,500
Estimated receipts from—		
Arrears of general taxes prior to 1886 on $900,000, at 30 per cent		270,000
Arrears of personal taxes on $10,000, at 80 per cent		8,000
Licenses		140,000
Markets		9,000
Fines, &c., police and United States courts		35,000
Building permits		6,000
Rent of wharves, hay-scales, &c		3,000
Certificates of arrears		1,700
Dog tax		10,000
Washington market—poor fund		7,500
Income of Reform and Industrial Home Schools, and miscellaneous		8,000
In the Treasury to the credit of the District June 30, 1885, above all current liabilities (and after deducting $100,000 for installments on the sewer debt for the years ending June 30, 1886, and June 30, 1887), about		35,000
Total		1,837,000

[Government Hospital for the Insane, W. W. Godding, M. D., superintendent.]

WASHINGTON, D. C., *February*, 20, 1886.

SIR: In accordance with the verbal request of your committee, I have the honor to submit a brief statement in regard to the estimate made for the support of the insane in this hospital for the fiscal year ending June 30, 1887.

In a letter marked "Appendix Gg" (p. 295, Book of Estimates for 1886-'87) I have estimated that the average number of insane persons admitted to this hospital in accordance with Revised Statutes, sections 4844 and 4850, and under care during the year ending June 30, 1887, will be 581. The annual cost of maintenance, exclusive of repairs, is estimated at $225, which gives the total cost for 581 patients of $130,725. In the same letter I have stated $56,670 as the probable sum that will be appropriated by Congress in the District bill.

Not to make this statement too long, I inclose herewith tabular statements marked A, B, and C, respectively, containing statistics that have been the basis of this estimate.

Granting the correctness of the estimate, the only question would seem to be, why should the sum in the District bill be $56,670 instead of $130,725, the balance of the estimate of $280,000 for support remaining to be provided in the sundry civil bill?

Reference to Table B will show that the amount decided on in the first District bill (that of 1881) was $37,000, and following a somewhat regular ratio of increase each successive year the appropriation has been $40,000, $43,200, $46,700, $50,436, $53,462, and the same ratio for the year now under consideration would give $56,670. If the $37,000 for the year 1881 was an equitable adjustment of the matter, the subsequent appropriations follow as a matter of course. I have no other reason to offer for the somewhat arbitrary figure of $56,670.

Reasons which occur to me as having some weight why the whole sum of $130,725 should not be placed in the District bill are as follows:

Of the 536 hospital inmates from the District January 1, 1886,* 49 were non-resident, admitted under Revised Statutes, section 4850. Now, there is no doubt but the fact that Washington is the seat of the General Government makes it an attraction for "cranks," and that these 49 non-residents, which is a fair average number for the year, except on the ground of common humanity, have no business here.

Of the 536 in the hospital January 1, 1886, the board of 2 of the non-resident and 10 of the resident indigent was paid by friends, and the money has been deposited in the United States Treasury to the credit of the hospital. This is perhaps a fair average for the year. Obviously these should not be charged to the District, nor have they been in the bills rendered by the hospital, though they necessarily appear in the statement of the whole number admitted from the District.

Again, prior to July 1, 1877, the resident indigent insane were committed by order of the Secretary of the Interior, the authorities of the District having no voice in the matter. Of those thus committed, 163 were remaining January 1, 1886. Some of these drifted here during the war, and the District Commissioners have never allowed that they were a proper charge to the District.

If all the claims are allowed and the deductions made, which would seem to be liberal enough, then instead of 536 we should have 314 as the probable average chargeable to the District for the present fiscal year and 333 for the year ending June 30, 1 *l*.

*I have taken this date rather than the present because it is a fair average of the year.

Also in support of the claim that excessive number of the insane in the hospital are classed as District indigent is the argument drawn from the census of 1880. This census, in which the number of insane in the United States was very carefully taken, shows that the whole number of insane in a total population of 50,155,783 was 91,997, or 1 in every 545 of the population. Of the two States adjoining the District of Columbia, Maryland shows a ratio of 1 to every 503, and Virginia 1 to every 627. Now, assuming that the *bona fide* population of the District is 200,000 at the present time, which may or may not be an ambitious estimate, the ratio of insane to population here in the District, taking only those borne on the hospital-rolls as belonging to the District, and making no account of the considerable number at large, is one to every 377, a state of things only equaled in Massachusetts, where, according to the census, 1 in every 347 is insane.

From all the data that I can gather, I should say that the average of one in every 545, which is that of the whole United States, was a fair one for this District, and that the insane that would properly be a charge to a population like this would not exceed 370, of which number not more than three hundred would be found at any time under hospital care.

I have thus given all the facts having a bearing on the question, and at the risk of traveling outside of the record, I wish to say that what interests me and the unfortunate insane far more than this District question, is the fact that we have between thirty and forty criminal insane, and no separate, distinct, secure building for their care. Three are sentenced for life, and I have notice of another coming. Is it not a wrong done to the innocent? Is it not a menace to the safety of the community? Can the United States afford to do it?

Respectfully submitted,

W. W. GODDING, *Superintendent.*

Hon. SAMUEL J. RANDALL,
Chairman of Committee on Appropriations.

Exhibit A shows the whole amount that has been received from the District of Columbia for the support of the patients admitted to the Government Hospital for the Insane since the opening of that institution up to the close of the last fiscal year. Prior to June 30, 1877, no payment was made for the class of resident indigent insane sent here under Revised Statutes, section 4845. From June 30, 1877, to June 30, 1881, the payments were for the non-resident class and for the resident indigent admitted subsequent to June 30, 1877, in accordance with the act of that year. Since June 30, 1882, the payment has been the amount appropriated in the District bill, covering both the resident and non-resident class.

EXHIBIT A.

Amount received from the District of Columbia for the support of patients admitted to the Government Hospital for the Insane up to June 30, 1885.

From opening of the hospital in 1855 to July, 1877, there was received under section 4850 Revised Statutes, which provides for the payment of non-resident insane, the sum of	$27,620 63
For fiscal year ending June 30—	
1878	8,011 90
1879	16,169 16
1880	23,052 98
1881	38,607 01
1882	40,000 00
1882 (deficiency)	5,198 13
1883	43,200 00
1884	46,700 00
1885	50,436 00
Total	298,995 81

Exhibit B shows the legislation in different years since 1877 in regard to the proportion of the expense of the insane from the District of Columbia, in the hospital, to be borne by the District. Prior to 1877 there is no legislation on the subject except Revised Statutes, section 4850, which provides for the admission of non-resident insane and the payment of their board by the District authorities.

EXHIBIT B.

For the year ending June 30, 1877:

"One-half of the expense of the indigent persons who may be hereafter admitted from the District of Columbia shall be paid from the treasury of said District, provided such indigent persons shall be admitted only upon order of the executive authority of said District." (Forty-fourth Congress, second session, chap. 105, page 347.)

For the year ending June 30, 1878:

"One-half of the expense of the indigent persons who may be hereafter admitted (to the Government Hospital for the Insane) from the District of Columbia shall be paid from the treasury of said District: *Provided*, That hereafter such indigent persons shall be admitted only upon order of the executive authority of said District." (Supplement to Revised Statutes, chapter 105, page 289.)

For the year ending June 30, 1879:

"*Provided*, That one-half of the expense of the indigent patients from the District of Columbia shall be reported to the Treasury Department and charged against the appropriations to be paid toward the expenses of the District by the General Government." Approved June 20, 1878.

For the year ending June 30, 1880:

"*Provided*, That one-half of the expense of the indigent patients from the Dis-

trict of Columbia shall be reported to the Treasury Department, and charged against the appropriations to be paid toward the expenses of the District by the General Government, without regard to the date of their admission." (Supplement to Revised Statutes, chapter 182, page 461.)

For the year ending June 30, 1881 (as provided in sections 4843 and 4844, Revised Statutes)	$37,000 00
For the year ending June 30, 1882 (approved March 3, 1881)	40,000 00
One-fourth of a deficiency of	20,792 57

"*Provided*, That one-fourth of the amount herein appropriated shall be paid from the revenues of said District." (Forty-seventh Congress, first session, chapter 390, page 264.)

For the year ending June 30, 1883 (as provided in sections 4844 and 4850, Revised Statutes)	$43,200 00
For the year ending June 30, 1884 (as provided in sections 4844 and 4850, Revised Statutes)	46,700 00
For the year ending June 30, 1885 (as provided in sections 4844 and 4850, Revised Statutes)	50,436 00
For the year ending June 30, 1886	53,462 00

Exhibit C is designed to show the proportion that the average number of insane patients from the District has borne to the average total number of inmates under treatment during each year since the appropriation of a specific sum for their support in the District bill. The first section shows the average number during the year. The second section shows the total number of resident and non-resident insane remaining on the last day of each year, including the 1st of January of the present year. Also the total number of patients in the hospital.

EXHIBIT C.

Since the appropriations for the District of Columbia have been made in a distinct bill, the amounts appropriated in that bill for this purpose have been as follows:

For year ending June 30—	Amount.	Average inmates from District.	Total average in hospital.
1881	$37,000	384	896
1882	40,000	417	929
1883	43,200	446	965
1884	46,700	472	1,040
1885	50,436	507	1,173
1886	53,462	*530	

*Estimated.

REMAINING IN HOSPITAL.

	Transient.	Indigent.	Total transient and indigent.	Total number in hospital.
June 30, 1881	21	379	400	925
June 30, 1882	24	408	432	942
June 30, 1883	31	420	451	994
June 30, 1884	36	450	486	1,146
June 30, 1885	42	487	529	1,221
January 1, 1886	49	487	*536	

*Two transient and 10 indigent paid for by friends.

ORDER OF BUSINESS.

Mr. HENDERSON, of Iowa. Mr. Speaker, I move that the House adjourn.

Mr. BENNETT. I ask the gentleman to yield to me for a moment.

Mr. HENDERSON, of Iowa. I yield to the gentleman.

Mr. BENNETT. I move to reconsider the vote by which the bill was passed, the bill "for the promotion of anatomical science and to prevent the desecration of graves" in the District of Columbia.

The SPEAKER. The motion to reconsider was made and laid on the table after the passage of the bill.

Mr. BENNETT. Then I ask unanimous consent that the vote be reconsidered.

Mr. HEMPHILL. I shall have to object, Mr. Speaker.

Mr. BENNETT. Now, Mr. Speaker, I give notice here that such measures as this will not pass again in this House without a quorum.

Mr. WILSON. I move that the House do now adjourn.

The motion was agreed to.

The House accordingly (at 5 o'clock and 27 minutes p. m.) adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: Petition of Joseph F. Conard, executor of Armistead M. Miller, deceased, praying that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. BLAND: Petition to accompany bill to pension Henrietta Burns, of Missouri—to the Committee on Invalid Pensions.

By Mr. BRADY: Petition of Clara C. Lackey, widow of the late Chief Engineer Oscar H. Lackey, United States Navy, praying for increase of pension—to the Committee on Pensions.

Also, petition of Charles P. Livesay, praying that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. BUNNELL: Petition and evidence to file with House bill for the relief of Lieut. Leman D. Forrest, late of Company F, Thirty-fifth Regiment Pennsylvania Volunteers (Sixth Pennsylvania Reserve Corps)—to the Committee on Military Affairs.

By Mr. BURNES: Petition of Jacob Brenninger, for invalid pension—to the Committee on Invalid Pensions.

By Mr. CABELL: Petition of the Board of Trade of Martinsville, Va., praying for the erection of a public building in said town—to the Committee on Public Buildings and Grounds.

By Mr. T. J. CAMPBELL: Petition of real estate owners and citizens of the District of Columbia, in behalf of the passage of House bill 4649, incorporating the Washington Traction Railway—to the Committee on the District of Columbia.

By Mr. CASWELL: Petition of citizens of Rock, Dane, and Racine Counties, Wisconsin.

By Mr. CONGER: Petition of citizens of Dexter, Dallas County, Iowa, praying for increase of pension of Thomas D. Kemp, late Company D, Fifteenth Kansas Cavalry—to the Committee on Invalid Pensions.

Also, petition of 213 citizens of Madison County, Iowa, praying for special act of Congress increasing the pension of Clark Boone, late Company H, Thirty-third Iowa Volunteers—to the same committee.

By Mr. COX: Papers relating to the claim of Oscar E. Harris, of Chatham County, North Carolina—to the Committee on War Claims.

By Mr. CRAIN: Memorial of citizens of Webb County, Texas, requesting the passage of House bill No. 1513—to the Committee on Ways and Means.

By Mr. DAVIS: Memorial on behalf of certain widows of soldiers who served in the war of 1812–'14—to the Committee on Pensions.

By Mr. DINGLEY: Statement in the case of Lizzie Brown—to the Committee on Invalid Pensions.

Also, remonstrance of Local Assembly No. 4727, Knights of Labor, of Bath, Me., against passage of the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

Also, petition of Local Assembly 4595, Knights of Labor, of Auburn, Me., asking for a Territorial form of government for the Indian Territory—to the Committee on Indian Affairs.

By Mr. DORSEY: Petition of citizens of Dawson County, Nebraska, relative to pensions—to the Committee on Invalid Pensions.

By Mr. EDEN: Petition of Local Assembly No. 3486, Knights of Labor, of Litchfield, and of Local Assembly No. 4219, Knights of Labor, of Mount Olive, Ill., against the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. ERMENTROUT: An appeal from the wage-workers of the United States, asking the passage of a law for the unlimited coinage of silver—to the Committee on Banking and Currency.

Also, memorial of Chaplain F. G. W. Simpson, favoring the Logan bill increasing the pay of Army chaplains—to the Committee on Military Affairs.

Also, memorial of McElroy & Co., of Pittsburgh, Pa., and others, against the passage of the bankrupt law—to the Committee on the Judiciary.

Also, memorial of Berks County (Pennsylvania) Agricultural Society, against increasing rates of postage—to the Committee on the Post-Office and Post-Roads.

Also, arguments of the Traders and Travelers' Union, in support of House bill No. 1661, authorizing commercial travelers to solicit orders without payment of license fees—to the Committee on Commerce.

Also, memorial of American Agricultural Association, asking legislation to prevent fraudulent sale of oleomargarine—to the Committee on Agriculture.

Also, memorial of the National Butter and Egg Association, against oleomargarine—to the same committee.

By Mr. EVERHART: Petition of merchants, &c., against a bankrupt law—to the Committee on the Judiciary.

Also, petition of citizens of Chester County, Pennsylvania, asking for a commission to inquire into the effects of alcoholic liquor traffic—to the Select Committee on Alcoholic Liquor Traffic.

By Mr. FINDLAY: Petition of merchants, manufacturers, and bankers, against the passage of a bankrupt bill—to the Committee on the Judiciary.

By Mr. FUNSTON: Petition of James W. Rice, for payment as postmaster according to act of Congress of March 3, 1883—to the Committee on the Post-Office and Post-Roads.

By Mr. GIFFORD: Petition of Mrs. W. B. Williams and other ladies of Pierre, Dak., for the passage of the Dawes bill for opening the great Sioux reservation—to the Committee on Indian Affairs.

Also, petition of the faculty and students of the agricultural college of Brookings, Dak., for the division of the Territory of Dakota, and the admission of the southern portion as a State—to the Committee on Territories.

Also, petition of D. H. Clark and others of Rapid City, Dak., protesting against Senate bill 1715, to regulate the transportation of livestock—to the Committee on Commerce.

By Mr. GLASS: Memorial from wage-workers for the unlimited coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. GOFF: Petition of Local Assembly No. 2323, Knights of Labor, of Benwood; of Local Assembly No. 1768, of Wheeling; and of Local Assembly No. 1484, of Brook, W. Va., against the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. W. J. GREEN: Memorial of J. D. Williams, R. P. Buxton, George N. Rose, and 47 others, citizens of Fayetteville, N. C., constituting a committee to memorialize Congress for the establishment of a Federal court-house, and the erection of a public building in the said city of Fayetteville—to the Committee on Public Buildings and Grounds.

By Mr. HAILEY: Petition of Knights of Labor of Pocatello, Idaho, protesting against the passage of the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

Also, memorial from citizens of Lewiston, Nez Percé County, Idaho, praying against the removal of the present duty on foreign flax-seed—to the Committee on Ways and Means.

By Mr. HALE: Memorial of stock-shippers and other citizens of Carroll County, Missouri, against Senate bill 1715—to the Committee on Commerce.

By Mr. HAMMOND: Papers in the claim of Ebenezer T. White, of De Kalb County; of John J. Hart, of Clayton County, Georgia, and of George T. Reeves—to the Committee on War Claims.

By Mr. D. B. HENDERSON; Petition of Levi Mills and 35 others, citizens of Finchford, Iowa, asking for further allowances to third and fourth class postmasters—to the Committee on the Post-Office and Post-Roads.

Also, papers from Rev. G. W. Simpson, chaplain United States Army, praying for increase of compensation to Army chaplains; paper from Rev. S. M. Merritt, L. R. Blish, C. H. Smith, and John A. Wilcox, asking for increase of pay to Army chaplains—to the Committee on Military Affairs.

By Mr. T. J. HENDERSON: Resolutions of the Grand Army of the Republic of the State of Illinois, at the twentieth annual encampment, held February 17, 1886, at Springfield, Ill., favoring an appropriation for head-stones for soldiers' graves—to the Committee on Appropriations.

By Mr. HEPBURN: Petition of citizens of Taylor County, Iowa, praying that the Postmaster-General be authorized to pay rent, fuel, &c., for post-offices of the third and fourth classes—to the Committee on the Post-Office and Post-Roads.

Also, petition of certain citizens of Clark County, Iowa, praying that the pension of J. C. Barber be increased—to the Committee on Invalid Pensions.

By Mr. HOLMES: Concurrent resolution of the Legislature of Iowa, asking for a pension to Mrs. Sarah Young—to the same committee.

By Mr. HOUK: Papers to accompany bill for increase of pension of Miss Rebecca Miller—to the Committee on Pensions.

Also, petition of Knights of Labor, of Knoxville and of Jellico, Tenn., against the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

Also, petition of Knights of Labor, of Roane County, Tennessee, in favor of the Hennepin Canal bill—to the Committee on Railways and Canals.

By Mr. IRION: Memorial of Charles H. Nye, of Ohio, praying for revocation of order of retirement, and for restoration to rank in the Marine Corps—to the Committee on Naval Affairs.

Also, petition for the relief of Joshua F. Tonnen, of Point Coupée Parish, Louisiana, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. JACKSON: Petition of Knights of Labor of New Castle, Pa., in favor of the Hennepin Canal, and similar public improvements—to the Committee on Railways and Canals.

By Mr. KLEINER: Papers, &c., relating to the bill for the relief of Thomas J. Taylor—to the Committee on War Claims.

By Mr. LAFFOON: Petition of Francis Millet, for relief—to the same committee.

Also, petition of Omar S. Brown, of Hopkinsville, Ky., to accompany House bill 6032—to the same committee.

By Mr. LEHLBACH: Memorial of Knights of Labor, No. 4459, of the town of Millburn, Essex County, New Jersey, asking that the General Government should make liberal appropriations for internal improvements, and indorsing the building of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. LIBBEY: Papers in the claim of Michael Mayers, of Fort Smith, Ark.—to the Committee on War Claims.

By Mr. LYMAN: Petition of 38 citizens of Mills County, Iowa, in favor of the passage of an act authorizing the Government to pay rent, &c., for post-offices of the third and fourth classes—to the Committee on the Post-Office and Post-Roads.

By Mr. McCOMAS: Petitions of Lloyd A. Kessler, of Jacob Keller, of John J. Henshaw, and of Henry Rouzer, of Frederick County; and of Charles Ardinger, of Washington County, Maryland, for payment of war claims—to the Committee on War Claims.

By Mr. MARKHAM: Petition of citizens of San Diego, Cal., in reference to the price of lands in the forfeited Texas Pacific Railroad grant—to the Committee on the Public Lands.

By Mr. MILLARD: Petition of the dairymen of New York against the manufacture of oleomargarine and all imitations of dairy products—to the Committee on Agriculture.

Also, petition of George W. Brooks and others, of New York, favoring Mr. MILLARD'S bill to tax the manufacture and sale of oleomargarine—to the Committee on Ways and Means.

By Mr. NEAL: Petition of citizens of Van Buren County, Tennessee, protesting against the passage of a bankrupt law—to the Committee on the Judiciary.

By Mr. NEGLEY: Petition asking that the words "giving the title of the publication, or publications, and the number of copies inclosed, and" may be added to section 231 of the postal laws of 1879—to the Committee on Post-Offices and Post-Roads.

By Mr. O'DONNELL: Protest of 167 Knights of Labor of Coldwater, Mich., against the passage of the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. O'FERRALL: Petition of C. C. Smoot & Son and W. B. Smoot, in reference to the branding of cattle—to the Committee on Agriculture.

Also, resolutions of the Norfolk and Portsmouth (Va.) Merchants' and Manufacturers' Exchange in regard to the establishment of an iron ship-yard at Norfolk—to the Committee on Naval Affairs.

By Mr. CHARLES O'NEILL: A volume of petitions from manufacturers of the United States, against any reduction of the tariff—to the Committee on Ways and Means.

By Mr. OSBORNE: An appeal from the wage-workers of the United States—to the Committee on Coinage, Weights, and Measures.

By Mr. PETERS: Petition of S. G. Shaffer and others, of Ness County, Kansas, favoring a division of Kansas into two United States judicial districts—to the Committee on the Judiciary.

By Mr. PLUMB: Petition of N. C. McIntyre, James W. Transeau, R. S. Smalley, and 112 others, citizens of Allen Township, Illinois, for relief of postmasters of the third and fourth classes—to the Committee on the Post-Office and Post-Roads.

By Mr. PRICE: Memorial of the town of Hudson, Saint Croix County, and of the board of supervisors of Kinnekinick, Saint Croix County, Wisconsin, on the question of interstate commerce—to the Committee on Commerce.

By Mr. RIGGS: Petition of ex-soldiers of Scott County, Illinois, praying that a pension be granted to Edward D. Northcut—to the Committee on Invalid Pensions.

By Mr. ROCKWELL: Petition of the Woman's Indian Association, of Pittsfield, Mass., for the immediate passage of Senate bill No. 52, known as the Sioux bill—to the Committee on Indian Affairs.

By Mr. RYAN: Petition of Local Assembly No. 3248, Knights of Labor, of Leon, Kans.; of Local Assembly 2574, of Emporia; and of Local Assembly No. 1457, of Peterton, Kans., against the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

Also, petition of Hon. W. H. Slavens and others, of Yates Center, Kans., for the passage of the temperance-education bill—to the Committee on Education.

By Mr. SCOTT: Petition of C. W. Kendrick and others, in favor of postal savings-banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of John Mays and others, citizens of Pennsylvania, against the manufacture, sale, and importation of distilled or fermented liquors within the United States—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. SENEY: Petition of W. H. Aldrich and 48 others, citizens of Wood County, Ohio, for the relief of third and fourth class postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. W. J. STONE, of Missouri: Petition of Knights of Labor of Clinton, Mo., in favor of the construction of the Hennepin Canal—to the Committee on Railways and Canals.

Also, statement of Dr. Jackson T. Johnson, to accompany bill for his relief introduced by Mr. STONE, of Missouri, on March 29, 1886—to the Committee on Invalid Pensions.

Also, statement of Capt. Alfred Curtis, to accompany bill for his relief introduced by Mr. STONE, of Missouri, on March 17, 1883—to the Committee on Claims.

By Mr. STRUBLE: Concurrent resolutions of the Legislature of Iowa, requesting the Representatives and Senators of that State to use all honorable means to secure a suitable pension to Mrs. Sarah Young, of Des Moines, Iowa, for valuable services rendered during the war as an army nurse—to the Committee on Invalid Pensions.

By Mr. TAULBEE: Petition of James Hammons, for relief—to the Committee on Pensions.

By Mr. J. M. TAYLOR: Petition of Freeman H. Seely, for pension, &c.—to the Committee on Invalid Pensions.

Also, petition of F. L. Sinebottom, of Clinton County, Tennessee, asking for compensation for property appropriated and used by United States troops—to the Committee on War Claims.

By Mr. TUCKER: Petition of Benton H. Goodloe, of Nelson County; of Samuel Glick, and of John R. Fauver, sole devisee of Richard Anderson, deceased, of Augusta County, Virginia, asking that their war claims be referred to the Court of Claims—to the same committee.

By Mr. VAN SCHAICK: Memorial of citizens of Bay View, Milwaukee County, Wisconsin, asking the repeal of existing treaties with China which permit immigration to the United States or its Territories—to the Committee on Foreign Affairs.

Also, memorial of the Merchants' Exchange of Saint Louis, asking for a direct mail communication between the United States and the

Central and South American states—to the Committee on the Post-Office and Post-Roads.

Also, memorial of the National Butter, Cheese, and Egg Association, praying for the regulation of the traffic in imitation dairy products—to the Committee on Ways and Means.

By Mr. WAKEFIELD: Petition of 60 citizens of Sharon, Minn., for relief to postmasters of the third and fourth classes—to the Committee on the Post-Office and Post-Roads.

Also, petition of D. C. Evans and 60 others, citizens of second district of Minnesota, for regulation of the manufacture of immitation dairy products—to the Committee on Agriculture.

By Mr. WADSWORTH: Petition of John Moran, for increase of pension—to the Committee on Invalid Pensions.

By Mr. A. J. WARNER: Petition of citizens of Monroe County, Ohio, relating to third and fourth class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. A. J. WEAVER: Petition of 170 citizens of Cortland, Nebr., and of George C. Curry and 17 others, citizens of Huxley, Nebr., asking for the passage of a law requiring the Government to pay for rent, light, and fuel for third and fourth class post-offices—to the same committee.

Also, remonstrance of local assembly Knights of Labor of Lincoln, Nebr., against the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. WEBER: Petition to grant relief to postmasters of the third and fourth class offices—to the Committee on the Post-Office and Post-Roads.

By Mr. WEST: Memorial from the Knights of Labor of Gloversville, N. Y., for the construction of the Hennepin Canal—to the Committee on Railways and Canals.

Also, petition in favor of Thomas Many, for relief—to the Committee on Invalid Pensions.

By Mr. WHEELER: Petition of Margaret T. Webb, asking that her war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WISE: Resolutions of Merchants and Manufacturers' Exchange of Norfolk and Portsmouth, Va., relative to the Norfolk navy-yard—to the Committee on Naval Affairs.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. BUNNELL: Of citizens of Wayne and Bradford Counties, Pennsylvania.

By Mr. GIFFORD: Of citizens of Brulé County, Dakota Territory.

Also of Rev. O. A. Harpet and others, citizens of Dakota.

By Mr. HOLMAN: Of Rev. E. S. Dolph and a large number of others, citizens of Decatur County, Indiana.

By Mr. McCOMAS: Of Rev. J. Engle and others, citizens of Washington, Garrett, and Alleghany Counties, Maryland.

By Mr. PLUMB: Of citizens of Will County, Illinois.

Also, of citizens of La Salle and Grundy Counties, Illinois.

By Mr. RANDALL: Of citizens of Philadelphia, Pa.

By Mr. RICHARDSON: Of citizens of Franklin and Coffee Counties, Tennessee.

Mr. J. W. STEWART: Of citizens of Chittenden County, Vermont.

SENATE.

TUESDAY, *April* 13, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a memorial of Knights of Labor of Bellaire, Ohio, remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. INGALLS presented a memorial of Knights of Labor of Hope, Kans., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

He also presented a preamble and resolutions of Parson Brownlow Post, No. 350, Department of Kansas, Grand Army of the Republic, remonstrating against the reinstatement of Fitz-John Porter to his former rank in the Army; which was ordered to lie on the table.

Mr. COCKRELL presented a memorial of Knights of Labor of Lamar, Mo., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. HARRISON presented the petition of R. M. Miller and 42 other citizens of Franklin, Ind., praying for the passage of the Mexican pension bill; which was referred to the Committee on Pensions.

Mr. DAWES presented a petition of Knights of Labor of Gloucester, Mass., praying that liberal appropriations be made for works of internal improvement, and especially for the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

He also presented a petition of Local Assembly 2495, Knights of Labor, of Brockton, Mass., praying for the organization of a Territorial form of government over the Indian Territory, and that the Oklahoma lands in that Territory be opened for settlement; which was referred to the Committee on Indian Affairs.

Mr. HARRIS presented a memorial of Knights of Labor of Tracy City, Tenn., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. CULLOM presented a memorial of Knights of Labor of Moline, Ill., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

He also presented a petition of Knights of Labor of Moline, Ill., praying for the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. FRYE. I present a petition of Kennebec County Pomona Grange, Patrons of Husbandry, of Winthrop, Me., praying for the passage of the bill now pending known as the "Scott bill," imposing a tax of 10 per cent. per pound upon all forms of artificial butter. I move that the petition be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. FRYE presented a petition of William Paddack and other citizens of North Fairfield, Me., praying for the passage of the bill (S. 355) to promote peace among nations, for the creation of a tribunal for international arbitration, and for other purposes; which was referred to the Committee on Foreign Relations.

Mr. CONGER presented a memorial of Knights of Labor of Kalamazoo, Mich., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

He also presented a petition of Knights of Labor of Muskegon, Mich., praying for the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. CALL presented a petition of citizens of Hernando County, Florida, praying for the forfeiture of the land grant made to the Florida Railway and Navigation Company; which was referred to the Committee on Public Lands.

Mr. PLUMB presented petitions of Knights of Labor of Ransomville and Rosedale, in the State of Kansas, and a petition of Knights of Labor of Cherokee County, Kansas, praying that liberal appropriations be made for works of internal improvement, and especially for the construction of the Hennepin Canal; which were referred to the Committee on Commerce.

Mr. LOGAN presented a petition of employés of the Railway Mail Service, praying to be allowed the maximum compensation of their respective grades, &c.; which was referred to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1526) amending sections 4756 and 4757 of the Revised Statutes, relating to pensions to certain disabled persons who have served in the Navy or Marine Corps;

A bill (S. 786) granting a pension to James C. Ledbetter;

A bill (S. 787) granting a pension to Reuben Farnum;

A bill (S. 861) granting a pension to John B. Skaggs;

A bill (S. 948) granting a pension to Joseph S. Moody;

A bill (S. 1399) granting an increase of pension to John Moore;

A bill (S. 1326) granting a pension to Caroline E. Pratt;

A bill (S. 1398) granting a pension to Milton P. Shockley;

A bill (S. 1170) granting a pension to Nancy C. Smith;

A bill (S. 1098) granting a pension to H. R. Duke;

A bill (S. 1438) granting a pension to Isom Wilkerson;

A bill (H. R. 626) granting a pension to Minton Prall;

A bill (H. R. 805) to increase the pension of James A. Underwood;

A bill (H. R. 6339) for the relief of Harrison W. Moore;

A bill (H. R. 1836) granting a pension to George Slack;

A bill (H. R. 5078) for the relief of Mrs. Martha A. Marble;

A bill (H. R. 3919) granting a pension to Bridget O'Brien;

A bill (H. R. 3520) granting a pension to William H. Blake;

A bill (H. R. 5193) granting a pension to Levi Koontz;

A bill (H. R. 3632) granting a pension to Mrs. Ada O. Krepps;

A bill (H. R. 3309) to increase the pension of Thomas Ward;

A bill (H. R. 4835) to place the name of John Pruitt on the pension-roll;

A bill (H. R. 5190) to increase the pension of Thomas G. Barton;

A bill (H. R. 5191) to increase the pension of Patsey Jackson;

A bill (H. R. 3387) granting a pension to Sidney Sherwood; and

A bill (H. R. 3351) granting a pension to Mrs. Magdalena Rehkopf.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 959) for the relief of John Moore, reported adversely thereon; and the bill was postponed indefinitely.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (H. R. 3375) granting a pension to John D. Clark, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendments, and submitted reports thereon:

A bill (H. R. 3489) granting a pension to Amelia J. Gill;

A bill (H. R. 1083) granting a pension to Francis H. Kirmayer;

A bill (H. R. 5061) granting an increase of pension to Samuel Baker;

A bill (H. R. 1136) granting a pension to Charles E. Bolles;

A bill (H. R. 3117) granting a pension to Walter A. Phillips;

A bill (H. R. 3177) for placing the name of Mrs. Ann J. Conwell on the pension-roll;

A bill (H. R. 1024) granting a pension to Aurelia F. Robbins;

A bill (H. R. 4022) granting a pension to Elizabeth Stockdale; and

A bill (H. R. 1117) granting a pension to John Owens.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally with an amendment, and submitted reports thereon:

A bill (H. R. 5022) increasing the pension of Isabella J. Ramsdell; and

A bill (S. 1494) granting an increase of pension to Stephen D. Smith.

Mr. SEWELL, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1850) granting a pension to Mrs. Annie C. Owen;

A bill (S. 1607) granting an increase of pension to James E. B. Dalzell;

A bill (S. 489) granting a pension to Mary Mortimer Semmes, widow of Commodore Alexander A. Semmes, United States Navy;

A bill (H. R. 5779) granting a pension to Peter Falkner;

A bill (H. R. 2011) granting a pension to Joseph Chalfant;

A bill (H. R. 1989) granting a pension to John C. Frees;

A bill (H. R. 1567) granting a pension to Philip Jacobs;

A bill (H. R. 1506) granting a pension to James McAnny; and

A bill (H. R. 4132) granting a pension to Mary E. Johnson.

Mr. SEWELL. I am instructed by the Committee on Pensions to submit a report to accompany the bill (S. 2056) to amend the pension laws by increasing the pensions of soldiers and sailors who have lost an arm or leg in the service, which was reported by me on the 6th instant from that committee.

The PRESIDENT *pro tempore*. The report will be printed under the rule.

Mr. HARRISON. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 987) for the relief of William H. Whiting, to ask that that committee may be discharged from its consideration, and that the bill may be referred to the Committee on Claims. It is not a military claim in any sense.

The report was agreed to.

Mr. HARRISON, from the Committee on Military Affairs, to whom was referred the bill (S. 1038) for the relief of Robert Carrick, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the Committee on Indian Affairs, to whom was referred the bill (S. 130) for the relief of John Fletcher, reported it without amendment, and submitted a report thereon.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (S. 567) for the relief of the estate of Lucien Goyaux, reported it without amendment, and submitted a report thereon.

Mr. CAMERON, from the Committee on Military Affairs, to whom was referred the bill (S. 1147) providing for the retirement of wagon-masters, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 1732) for the relief of the heirs of Lieut. John F. Stewart, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred a resolution of the select and common councils of Philadelphia in favor of the removal of the walls inclosing the Bridesburg and Schuylkill arsenals and the naval asylum, and the replacement of iron railings therefor, submitted an adverse report thereon, and asked to be discharged from its further consideration; which was agreed to.

Mr. MITCHELL, of Oregon, from the Committee on Claims, to whom was referred the bill (S. 505) for the relief of William J. Gamble, reported it without amendment, and submitted a report thereon.

Mr. McMILLAN, from the Committee on the Judiciary, to whom was referred the bill (S. 503) relating to the supreme court of Montana Territory, and providing for the establishment of judicial districts in said Territory, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 307) to amend section 688 of the Revised Statutes of the United States, relating to writs of prohibition, &c., reported adversely thereon, and the bill was postponed indefinitely.

Mr. FRYE, from the Committee on Commerce, reported an amendment intended to be proposed to the Post-Office appropriation bill, providing for an appropriation of $1,000,000 for transportation of the foreign mails, including railway transit across the Isthmus of Panama; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. EVARTS, from the Committee on the Judiciary, to whom was referred the bill (S. 4) to permit the owners of certain vessels and the owners or underwriters of cargoes laden thereon to sue the United States, reported it with an amendment.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (S. 894) for the relief of Nathaniel McKay, George M. Clapp, George W. Lawrence, Snowden & Mason, and the executors of Donald McKay, the Atlantic Works, Jeremiah Simeson, and Curtis & Tilden, reported adversely thereon; and the bill was postponed indefinitely.

Mr. HOAR. I ask the unanimous consent of the Senate that notwithstanding the rule the parties named in the bill may have leave to withdraw their papers from the files. The adverse report is based not upon the merits of the claim (indeed I am about to report a separate bill for one of them favorably), but solely on the ground that the claims are all found in one bill.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks the unanimous consent of the Senate that the persons named in the bill just reported by him have leave to withdraw their papers from the files of the Senate.

Mr. HOAR. Notwithstanding the rule.

The PRESIDENT *pro tempore*. Notwithstanding the rule. The Chair hears no objection, and that order will be made.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (S. 1477) for the relief of Nathaniel McKay and the executors of Donald McKay, reported it without amendment, and submitted a report thereon.

METROPOLITAN RAILROAD COMPANY.

Mr. INGALLS. I move that Calendar number 566, being the bill (S. 851) to amend the charter of the Metropolitan Railroad Company, be recommitted to the Committee on the District of Columbia.

The PRESIDENT *pro tempore*. The order to recommit the bill will be made if there be no objection.

Mr. RIDDLEBERGER. I ask whether that bill is not on the Calendar?

The PRESIDENT *pro tempore*. It is on the Calendar.

Mr. RIDDLEBERGER. Then how can it be taken up in the morning hour under the ruling of the Chair made yesterday?

Mr. INGALLS. The Senator from Virginia objects. I withdraw the motion.

Mr. RIDDLEBERGER. I do object, until all the rules govern every Senator.

The PRESIDENT *pro tempore*. It was proposed to be done by unanimous consent.

Mr. INGALLS. The motion is withdrawn.

The PRESIDENT *pro tempore*. Objection being made, the motion is withdrawn.

BILLS INTRODUCED.

Mr. MANDERSON introduced a bill (S. 2119) granting an increase of pension to Owen L. McCarty; which was read twice by its tile, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 2120) for the relief of Francis Putman; which was read twice by its title, and referred to the Committee on Claims.

Mr. CALL introduced a bill (S. 2121) to provide for the construction of Government warehouses and docks at Key West, Fla., in place of those destroyed by fire; which was read twice by its title.

Mr. CALL. In introducing the bill I desire to ask the Committee on Public Buildings and Grounds, if that be the proper committee, to give immediate consideration to it. A destructive fire has destroyed all the public buildings at Key West and nearly the entire city. There are 18,000 or 20,000 people there, a very large majority of whom are out of employment and without the means of subsistence. The work is absolutely needed by the Government, and there is no time for delay. Large shipments are being made there; it is a place where large importations constantly occur, and the necessities of the Government demand that these buildings should be immediately reconstructed. I beg therefore that the committee may at once consider the subject. I move that the bill be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. JONES, of Arkansas, introduced a bill (S. 2122) for the relief of John P. Walworth; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLUMB (by request) introduced a bill (S. 2123) to confirm certain entries of Kansas Indian trust and diminished reserve lands in Kansas; which was read twice by its title, and referred to the Committee on Public Lands.

He also (by request) introduced a bill (S. 2124) for the relief of Granville H. Mallory, of Kansas; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. WILSON, of Iowa, introduced a bill (S. 2125) for the relief of George M. Ochiltree; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CONGER introduced a bill (S. 2126) for the relief of L. B. Townsend, Louis S. Lovell, W. C. Page, Alonzo Sessions, Hampton Rich, Harvey Harter, Benjamin Harter, and Peter Hackett; which was read twice by its title, and referred to the Committee on Claims.

Mr. STANFORD introduced a bill (S. 2127) for the relief of Jonathan D. Stevenson, of California; which was read twice by its title, and referred to the Committee on Claims.

Mr. HARRISON introduced a bill (S. 2128) for the relief of Len-nepi-ze-qua, a Miami Indian woman; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 2129) granting an increase of pension to John W. Wills; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2130) granting an increase of pension to John C. Miles; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DAWES introduced a bill (S. 2131) to amend section 5388 of the Revised Statutes of the United States in relation to timber depredations; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. COCKRELL introduced a bill (S. 2132) granting a pension to Fridoline Glastetter; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HEARST introduced a bill (S. 2133) for the relief of the State University of California; which was read twice by its title, and referred to the Committee on Public Lands.

PAPERS WITHDRAWN AND REFERRED.

Mr. HARRISON. I ask unanimous consent that the papers in the case of John K. Hummer may be taken from the files of the Senate and referred to the Committee on Pensions. The bill was adversely reported, but since that time a considerable amount of additional testimony has been furnished, and under the circumstances I ask that the papers already on file may go to the committee in order to be considered with other new papers which have been presented.

The PRESIDENT *pro tempore*. That order will be made if there be no objection. The Chair hears none.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 349) for the promotion of anatomical science, and to prevent the desecration of graves; and

A bill (S. 633) to change the name of Uniontown to Anacostia.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2239) authorizing the Secretary of the Treasury to deliver to the rightful owners the contents of certain boxes deposited in the Treasury Department by the Secretary of War; and

A bill (H. R. 6397) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1887, and for other purposes.

The message also announced that the House had passed the bill (S. 335) to provide for protecting the interests of the United States in the Potomac River flats, in the District of Columbia, with amendments; in which it requested the concurrence of the Senate.

EXECUTIVE SESSIONS WITH OPEN DOORS.

The PRESIDENT *pro tempore*. "Concurrent or other resolutions" are now in order. [A pause.] If there be none such, the Chair will lay before the Senate the resolution submitted yesterday by the Senator from Virginia [Mr. RIDDLEBERGER], and objected to. The resolution will be read.

The Chief Clerk read the resolution submitted yesterday by Mr. RIDDLEBERGER, as follows:

Resolved, That all matters other than those relating to treaties shall be considered and acted upon by the Senate in open session.

Mr. PLATT. Mr. President——

Mr. RIDDLEBERGER. As I understand the Senator from Connecticut [Mr. PLATT] gave notice that he would call up his resolution this morning, which in effect if passed would accomplish the same purpose, I will make any motion that is proper under the rules to lay mine on the table in order that his may be laid before the Senate, and that he may make such remarks on it as he proposes to submit.

Mr. PLATT. I am very much obliged to the Senator from Virginia. His resolution can just lie over.

The PRESIDENT *pro tempore*. The resolution of the Senator from Virginia will lie upon the table; and by agreement of the Senate yesterday, as announced by the then presiding officer, the Senator from Connecticut has the unanimous consent of the Senate to call up the resolution heretofore submitted by him. The resolution will be read.

The Chief Clerk read the resolution submitted by Mr. PLATT January 29, 1886, and reported adversely from the Committee on Rules February 8, 1886, as follows:

Resolved, That executive nominations shall hereafter be considered in open session, except when otherwise ordered by vote of the Senate.

The PRESIDENT *pro tempore*. The Senator from Connecticut [Mr. PLATT] submitted amendments to the resolution. The resolution will be read as proposed to be modified.

The Chief Clerk read as follows:

Resolved, That executive nominations shall hereafter be considered and acted upon in open session except when otherwise ordered by vote of the Senate. And so much of section 2, Rule XXXVI, and section 2, Rule XXXVIII, of the Standing Rules of the Senate as conflict with or is inconsistent with the above is to the extent of such inconsistency rescinded.

The PRESIDENT *pro tempore*. The resolution being pending, the Senator from Connecticut has the floor.

Mr. PLATT. Mr. President, this is a political question which I propose to discuss, a political question, but in no sense a question of party politics. It rises above all party politics, and should be discussed upon a higher plane than mere partisan questions are usually discussed. I consider it to be to-day the most needed measure of administrative reform in this Government, and I wish to discuss it from the standpoint of deliberate and dispassionate argument and reason. My opinions in relation to the question have slowly changed, and I have come to-day to feel that the Senate of the United States can engage in no more important business than the change of its rules in respect to the consideration of executive business, especially so far as the business of nominations is concerned.

I desire at the outset to have it understood exactly what this question is and what it is not. It is a simple proposition to change the rule relative to the consideration of executive nominations, so that in the future the rule shall be that they shall be considered in open session, leaving only the exceptional cases to be considered in secret session. The present rules upon this subject I shall read. The first rule which seems to relate to it is Rule XXXV:

On a motion made and seconded to close the doors of the Senate, on the discussion of any business which may, in the opinion of a Senator, require secrecy, the Presiding Officer shall direct the galleries to be cleared; and during the discussion of such motion the doors shall remain closed.

My resolution and the amendments which I have proposed do not interfere with this rule. Rule XXXVI, sections 2 and 3, is as follows:

2. When acting upon confidential or executive business the Senate Chamber shall be cleared of all persons except the Secretary, the Chief Clerk, the Principal Legislative Clerk, the Executive Clerk, the Minute and Journal Clerk, the Sergeant-at-Arms, the Assistant Doorkeeper, and such other officers as the Presiding Officer shall think necessary; and all such officers shall be sworn to secrecy.

3. All confidential communications made by the President of the United States to the Senate shall be by the Senators and the officers of the Senate kept secret; and all treaties which may be laid before the Senate, and all remarks, votes, and proceedings thereon, shall also be kept secret until the Senate shall, by their resolution, take off the injunction of secrecy.

Rule XXXVIII, section 2, is as follows:

2. All information communicated or remarks made by a Senator when acting upon nominations, concerning the character or qualifications of the person nominated, also all votes upon any nomination, shall be kept secret. If, however, charges shall be made against a person nominated, the committee may, in its discretion, notify such nominee thereof, but the name of the person making such charges shall not be disclosed. The fact that a nomination has been made, or that it has been confirmed or rejected, shall not be regarded as a secret.

Then, to refer again to Rule XXXVI, in section 4, which I desire to read, and which I cannot read and which no Senator can hear read without a sense of personal degradation, we find the following:

4. Any Senator or officer of the Senate who shall disclose the secret or confidential business or proceedings of the Senate shall be liable, if a Senator, to suffer expulsion from the body; and if an officer, to dismissal from the service of the Senate, and to punishment for contempt.

So that if a Senator or an officer shall disclose any remarks made by a Senator when acting upon nominations, or the votes upon the nominations, he is liable to expulsion from this body.

A history of legislative and executive proceedings of the different legislative bodies of the United States is exceedingly interesting, and I must to some extent refer to it in my remarks.

But first I desire to examine these rules so far as they enjoin secrecy. I suppose it is apprehended that this rule which makes a Senator liable to expulsion from this body if he communicates or discloses any of the remarks which have been made in secret session when the confirmation of a nomination is pending, has been a rule from the foundation of the Government, and that when we seek to change the rule we are departing from the well-established practice of the fathers. But that is an entire mistake. The first rule for requiring any secrecy in the matter of executive nominations was passed on the 3d of January, 1820. Up to the 3d of January, 1820, there was no intimation or suggestion in the rules of the Senate that secrecy was enjoined or expected so far as action on nominations was concerned. Whatever of secrecy was implied was implied simply and purely because of the fact that the Senate sat with closed doors; but so far as the rules were concerned no secrecy whatever was enjoined in this respect.

Mr. MORRILL. May I ask the Senator from Connecticut if up to that period all the proceedings of the Senate were not in secret session?

Mr. PLATT. I will come to that before I get through with this argument, and I think I shall show that the public sentiment of this country compelled the opening of these doors after they had been five years closed in legislative business; and I think I shall show that the same public sentiment now demands that they shall be opened as a rule upon the consideration of executive nominations.

As I said, the first rule in regard to nominations was adopted January 3, 1820. It is to be found in the report of the Senate Committee on Rules, page 34, when, for the first time, the Senate enacted a rule that—

All information or remarks touching or concerning the character or qualifications of any person nominated by the President to office shall be kept secret.

But no penalty, mark you, was attached at that time. No penalty was attached by the rules to any disclosure of the executive proceedings of the Senate until 1844, when the following rule was enacted:

Any officer or member of the Senate convicted of disclosing—

Now, mark—

for publication any written or printed matter directed by the Senate to be held in confidence shall be liable, if an officer, to dismissal from the service of the Senate, and in case of a member, to suffer expulsion from the body.

The rule requiring that information and remarks concerning the character and qualification of members had then been in existence for twenty-four years; and yet when the Senate in 1844 proposed to attach a penalty for the disclosure of the secrets of executive session it was expressly confined to the "disclosing for publication any written or printed matter directed by the Senate to be held in confidence," and it was not until 1868 that the present rule, which I have said no Senator can read and no Senator can hear read without a sense of personal degradation, was adopted—March 25, 1868:

Any Senator or officer of the Senate who shall disclose the secret or confidential business or proceedings of the Senate shall be liable, if a Senator, to suffer expulsion from the body; and if an officer, to dismissal from the service of the Senate, and to punishment for contempt.

Remarks and information touching the character and qualifications of a candidate having been made secret, of course that rule now applies to such remarks and information.

So it is seen that the departure from the practice of the fathers has been toward the establishment of a rigid iron-bound rule of secrecy, the violation of which is the expulsion of the member. It has been, in my judgment, a departure from the spirit of the fathers, in direct opposition to the will and best interests of the people, and against the general welfare of the Government.

Now what is my resolution? That there may be no mistake about it, I will read it as it will be if the amendment which I have proposed shall be adopted:

Resolved, That executive nominations shall hereafter be considered and acted upon in open session except when otherwise ordered by vote of the Senate. And so much of section 2, Rule XXXVI, and section 2, Rule XXXVIII, of the Standing Rules of the Senate as conflict with or is inconsistent with the above is to the extent of such inconsistency rescinded.

The objection which I have most frequently heard is the one of which I have spoken, that this practice of sitting with closed doors is of long standing, dates back to the formation of the Constitution and the commencement of the sessions of the Senate, and the inference is that whatever is old is wise and good and should be retained and never departed from. But I have shown that the departure has been in the line of more rigid secrecy and in the line of punishing for a disclosure of the secrets of the Senate, and I have to remind Senators that no great measure of reform in this world has ever made progress that did not make it over the ramparts of custom and tradition.

It seems to me that the answer may be rested on the history of the rule as I have cited it to the Senate. That whatever secrecy was implied from closed doors existed, I admit. It existed from the start. That any more secrecy than is implied by closed doors existed at the time of the commencement of the sessions of the Senate, I deny. That any greater secrecy existed in relation to the consideration of executive business than existed with the consideration of legislative business while the Senate sat with closed doors, I deny. It was not until 1800, eleven years after the Senate commenced its sessions and six years after the doors were opened for legislative business, that any rule of secrecy was applied to any kind of business transacted in executive session. So whatever secrecy the fathers observed for six years after the Senate was opened as to legislative business was the same secrecy with regard to executive business that they had at first adopted with regard to legislative business and no more. I shall endeavor to show by some references to history, as briefly made as I can, that that was not a very rigid kind of secrecy; that even in the Continental Congress, which sat with closed doors, and in the legislative sessions of the Senate, which for the first five years were held with closed doors, there was no rigid secrecy maintained. Members of the House, the newspapers, knew what was being discussed in the legislative sessions of the Senate although the doors were closed.

I have said that the Continental Congress sat with closed doors, but it was early in the history of the Continental Congress that Alexander Hamilton introduced the following motion, to be found on page 52 of Elliott's Debates, fifth volume:

A motion was made by Mr. Hamilton, seconded by Mr. Wilson, that, whereas Congress were desirous that the motives and views of their measures should be known to their constituents in all cases where the public safety would admit, when the subject of finances was under debate the doors of Congress should be open.

Mr. HOAR. What is the date of that?

Mr. PLATT. February, 1783. That was in the Continental Congress, and I call attention to Mr. Hamilton's preamble and I commend it to Senators in the consideration of this resolution:

Whereas Congress—

It is not whereas the people were desirous of knowing what Congress was doing, but—

Whereas Congress were desirous that the motives and views of their measures should be known to their constituents in all cases where the public safety would admit, &c.

That is the doctrine which ought to-day to prevail in the Senate of the United States. The Senate of the United States ought to desire that their constituency should know what they are doing here and the discussions which take place upon any and all measures which may be before the Senate.

The first Congress was to meet March 4, 1789, but a quorum not assembling, the House of Representatives did not organize until April 1, 1789, and then transacted no business except of a mere formal character. On the 6th of April, 1789, a quorum of the Senate appeared, and, as Senators know, the votes for President and Vice-President were counted. On the 8th of April, two days afterward, the House of Representatives, departing from the custom established, threw open the doors of the House for the transaction of all business, and, except in rare instances of public danger, those doors have never been closed since. John Adams, writing to his wife on the 19th of April, 1789, said:

Before this, I presume, the printers in Boston have inserted in their gazettes the debates of the House of Representatives, which are conducted with open galleries. This measure, by making the debates public, will establish the National Government or break the Confederation. I can conceive of no medium between these extremes.

The Senate did not open its doors, but a resolution to conduct the legislative sessions of the Senate with open doors was introduced very early. The Senate meeting in April, 1789, in the following April, 1790, on the 29th of the month, a resolution for open legislative sessions was offered, as we are told in Maclay's Notes, by the Senators from Virginia. The Senators from Virginia were then William Henry Lee and William Grayson. I desire to correct myself. That motion was not offered by the Senators from Virginia, but was, as Maclay tells us, laid on the table at the instance of the Virginia Senators. Grayson died, and James Monroe succeeded him, and took his seat in November, 1790, and on the 24th of February, 1791, he renewed the motion that the legislative sessions of the Senate should be with open doors. That was debated for two days in the Senate, and was defeated by a vote of 9 to 17. The record of it is to be found in Senate Journal, volume 1, pages 281 to 287.

March 23, 1792, the motion was again renewed by Monroe; it was then defeated by a vote of 8 to 17. April, 1792, the motion was varied, and the motion was then to admit to the discussions in the Senate two persons who might be recommended by each member of the House of Representatives. That was also defeated, 6 to 16.

On the 4th of February, 1793, a resolution was offered, as follows:

Resolved, That the conducting of the legislative and judicial powers of the Senate in public, and suffering an account of their measures and deliberations to be published in the newspapers, is the best means of diffusing general information concerning the principles, motives, and conduct of individual members; and that, by withholding this information, responsibility becomes unavailing, the influence of their constituents over one branch of the Legislature in a great measure annihilated, and the best security which experience has devised against the abuse of power and a maladministration abandoned.

It was negatived by yeas 7, nays 21; but I call the attention of Senators to the language of this resolution, because it is as pertinent in relation to the conduct of ordinary executive business as it was with regard to legislative business. On the same day a motion was made to agree to another resolution, in these words:

Resolved, therefore, That it be a standing rule that the doors of the Senate Chamber remain open whilst the Senate shall be sitting in a legislative and judicative capacity, except on such occasions as, in their judgment, may require secrecy; and that this rule shall commence and be enforced on the first day of the next session of Congress.

That resolution got 10 votes in the Senate, and there were 18 against it. So the proposition all the time gained, as the present proposition has all the while gained, and will gain until it shall be adopted.

Then the Senate, on the 11th day of February of that year—very much as we brought into this Senate the discussion of matters which were raised upon the consideration of nominations, by the resolutions of the chairman of the Committee on the Judiciary—voted without division that the discussion and consideration of the question of whether Albert Gallatin, elected a Senator from Pennsylvania, was qualified for a seat in the Senate (it being objected that he had not been nine years a citizen of the United States), should be with open doors. It was so held; and the result of it was that it being once seen that a question of a legislative character could be discussed with open doors without any prejudice to the public interests, the Senate on the 24th of the same month passed a resolution that at the commencement of the next session the legislative sessions of the Senate should be open and that a gallery should be constructed.

I have referred to this to show how the measure grew from the time when Alexander Hamilton introduced his resolution in the Continental Congress, which received only the affirmative vote of the State of Pennsylvania, to the time when, as Hildreth in his history says, public sentiment compelled the doors of the Senate to be opened when it was sitting in a legislative capacity.

It will be observed that on the same day that this resolution for opening the doors was passed the present rule—the rule which stands to this day, that the Senate should upon the motion of any Senator, seconded by another Senator, close its doors—was enacted. It seems to have been a kind of compromise, something such as is now suggested, that when any matter relating to a nomination comes up which in the judgment of the Senate should be conducted with closed doors, the Senate may by vote order it so to be done.

It is interesting to note a fact of which we are told, that the first motion to conduct the legislative sessions of the Senate with open doors having been laid on the table at the instance of the Senators from Virginia, James Monroe came, at the next session, to the Senate instructed by a vote of the Legislature of Virginia to renew the motion and to press it to a favorable conclusion. I will not stop to refer to the interesting character of that debate, as shown by contemporaneous history. The resolution which I have referred to, of February 4, 1793, shows the line along which it must have been conducted. I think I will make a single reference to Maclay's Notes, pages 296 and 297, for the purpose of showing that the very same arguments were urged against open legislative sessions which are now urged against open executive sessions. The Virginia Senators having mentioned their instructions—

This brought the subject of instructions from the different Legislatures into view—

Which I do not care to refer to. Senator Maclay spoke on the main question. He says:

As to the late conduct of the Legislature of Pennsylvania, I spoke with but few of them. I had no instructions from them, and, all things considered, I was happy that I had given my voice on a former occasion for it.

That was for open session—

The reasons which I gave then operated still in full force on my mind.
The first was: That I knew of no reason for keeping the door of any Legislative Assembly open that did not apply with equal force to us.
The second was: That I thought it a compliment due to the smallest State in the Union to indulge them in such request.
The objections against it—

And I ask Senators to note these objections, because they are the same which are raised to-day in regard to open sessions in executive matters—

namely: That the members would make speeches for the gallery and for the public papers, would be the fault of the members. If they waged war in words and oral combats; if they pitted themselves like cocks; or played the gladiator for the amusement of the idle and curious, the fault was theirs. That let who would fill the chairs of the Senate, I hoped discretion would mark their deportment. That they would rise to impart knowledge, and listen to obtain information. That while this line of conduct marked their debates, it was totally immaterial whether thousands attended or there were not a single spectator.

I have said that the rule of secrecy had been very slight, if any. I think there was really none. The only question was whether the public should be permitted to hear the debates, not whether the debates should be communicated by members to persons outside; and the correspondence and contemporaneous writings of that day show that members of the Senate did not hesitate to tell what was said and done in the Senate, and one curious instance I will stop to refer to. Maclay, on page 269, speaking of the vote upon the memorial which had been sent from Pennsylvania to the Senate against the funding of the public debt, which was then under consideration, says:

Mr. Morris—

A Pennsylvania Senator—

was the only nay. I was in good humor myself, although I considered the vote of this day as waging a war with the public creditors, in which I will most probably lose my re-election, and was sorry to see my colleague manifest such a degree of peevishness. He left the Senate Chamber immediately after the vote.

Now I want to refer to the writings of Fisher Ames. On the 23d of December, which was the day on which the vote was taken, writing evidently at his seat in the House to Thomas Dwight, of Connecticut, he says:

The creditors in this State have sent us a huffing memorial, which I inclose. It came in when the price of debt affords an answer to it. No notice was taken of it. The Senate, I hear, have proposed to answer them by resolving that a revision of the funding act is improper.

That was in the commencement of his letter. At the end of it he says:

The Senate have just voted, R. Morris only dissenting, in substance as I stated before. I wonder how the petitioners could overcome their Philadelphia modesty so far as to present such a ——— memorial. You may fill the blank for yourself.

Showing that Mr. Morris, being the only "nay" in the Senate, took his hat, rushed out of the Senate and rushed into the House, and poured his woes into the ear of Fisher Ames. It is only one of numerous curious instances which show that there was no rule of secrecy, unless it was upon particular matters in which there was a special effort made to keep them secret.

As I have said, there had been no rule of the Senate involving secrecy in any particular. The rules of the Senate were first adopted April 16, 1789, were nineteen in number, and may be found in its Journal, volume 1, page 13. Nothing was said about keeping any of the proceedings, either legislative or executive, secret. The only rule of the Senate in relation to executive nominations adopted prior to December 22, 1800, was adopted on the 21st of August, 1789, and is the rule which is now in force in relation to the conduct of public business when executive nominations are considered. It is to be found in Executive Journal, volume 1, page 19, and is in these words:

Resolved, That when nominations shall be made in writing by the President of the United States to the Senate, a future day shall be assigned, unless the Senate unanimously direct otherwise, for taking them into consideration. That when the President of the United States shall meet the Senate in the Senate Chamber, the President of the Senate shall have a chair on the floor, be considered as at the head of the Senate, and his chair shall be assigned to the President of the United States. That when the Senate shall be convened by the President of the United States to any other place, the President of the Senate and Senators shall attend at the place appointed. The Secretary of the Senate shall also attend to take the minutes of the Senate.

That all questions shall be put by the President of the Senate, either in the presence or absence of the President of the United States; and Senators shall signify their assent or dissent by answering, *viva voce*, "ay" or "no."

Is it not remarkable, if any more secrecy were implied as to executive business than as to legislative business, that when they were adopting this first rule for the conduct of executive business there should not have been some mention in it that these proceedings should be kept secret?

It ran on then without any further rule on the subject for six years after the Senate adopted a resolution that the legislative sessions should be open. December 22, 1800, the Senate passed this rule; it is the first rule in the Senate with regard to secrecy, and let us see what it applied to; it did not apply to the consideration of nominations:

Resolved, That all confidential communications made by the President of the United States to the Senate shall be by the members thereof kept inviolably secret; and that all treaties which may hereafter be laid before the Senate shall also be kept secret until the Senate shall, by their resolution, take off the injunction of secrecy.

Does some one say the confidential communications included executive nominations? That is shown not to be the case by the occasion on which it was adopted. It was adopted upon the transmission of a message of John Adams, then President, submitting instructions given to the envoys extraordinary and ministers plenipotentiary to the French Republic in the following words:

Gentlemen of the Senate:

In conformity with your request in your resolution of the 19th of this month, I transmit you the instructions given to our late envoys extraordinary and ministers plenipotentiary to the French Republic.

It is my request to the Senate that these instructions may be considered in strict confidence, and returned to me as soon as the Senate shall have made all the use of them they may judge necessary.

JOHN ADAMS.

UNITED STATES, *December* 22, 1800.

If the Senate had been considering all messages sent by the President to the Senate as secret, why did he in the message request them to consider this particular measure in strict confidence? The fact that the rule was adopted in relation to confidential communications on the reception of this message shows plainly the character of the communications to which it was applied. It was to communications of the character that had just been transmitted to the Senate only—in that case the instructions given to Minister Short to France—and to-day that is what we understand by the term "confidential communications." That was six years, as I said, after open legislative sessions had been adopted. During these six years nominations and confirmations were published daily in the newspapers, or at least every few days.

There are some very curious things to be found in the Executive Journal, if it be said that there was any rigid secrecy maintained in regard to such matters; for instance, on page 149 of the first volume of the Executive Journal I find this:

That the Secretary of the Senate pay no further compensation to the printers for the weekly publication of the journals.

So that in that early day, just about the time that the Senate concluded to hold its legislative sessions with open doors, for some reason or other (and it appears to have been a newspaper warfare) the Secretary of the Senate in executive session was instructed to pay no further compensation to newspapers for the publication of the journals; of course, meaning executive journals.

The most important event that occurred in those days was the nomination of Mr. Jay to be envoy extraordinary of the United States to his Britannic Majesty for the purpose of negotiating a treaty of commerce and amity. It created a good deal of discussion not only in the Senate but in the country, and a reference to the public journals of that day shows that the country understood perfectly well what that discussion was in the Senate. It turned on the question of whether we wanted any treaty with a power with which we had been so recently at war, and whether the negotiations should not in any event be conducted by the then accredited minister to that court; and it turned further upon this public question, whether a gentleman who was then one of the judges of the Supreme Court of the United States ought to be appointed as envoy extraordinary to England to negotiate that treaty without resigning his office upon the bench.

That nomination was confirmed on the 19th day of April, 1794, and

on the 21st of April, 1794, two days thereafter, the Senate voted that any member of the Senate might have an extract from the Journal; but we find this very curious circumstance, that on that very 19th day of April, on which Mr. Jay was confirmed as envoy extraordinary, John Adams wrote his wife—to be found in page 156 of his letters—calling his wife, as he does in all of these letters, with touching sentiment, his "dearest friend:"

The Senate has been three days in debate upon the appointment of Mr. Jay to go to London. It has this day been determined in his favor—18 *versus* 8.

That was before the Senate had allowed any person to take a copy of the proceedings; and under our rule now I understand that John Adams, then Vice-President of the United States, would have been liable to expulsion for writing that to his wife. It shows the difference between former times and the present time.

The most important event of that time following upon the nomination of Jay was the negotiation of the treaty, its return to the United States, and its ratification by the Senate. That treaty, for the first time in the history of the Senate, was received under an injunction of secrecy. It was communicated by George Washington. I will not stop to read the message. It was ordered that the Senators "be under an injunction of secrecy upon the communication this day received from the President of the United States."

That was June 8, 1795, and yet they were holding open legislative sessions, and it is the first indication of a rule of secrecy or of any keeping of secrets to be found in the Executive Journal; and the contemporary historians tell us that great efforts were made to keep that treaty secret. John Adams, in writing to his wife, does not disclose anything about the contents of that treaty, but he says "Mum, mum, mum." He treats it entirely different from the way in which he treated the question of Jay's nomination pending before the Senate.

If it had been the practice to receive everything under an injunction of secrecy, why should there have been a special order made that this treaty should be received under an injunction of secrecy? The treaty was ratified June 24, 1795. The next day many Senators were absent and the injunction of secrecy was removed, but it was reconsidered at the same session and the Secretary was directed to notify the absent Senators. They came in the next day and took the injunction of secrecy off from the proceedings, but specially enjoined that no member of the Senate should divulge a copy of that treaty. There was an effort to maintain secrecy something in the way we do at the present time. What was the result?

Before I come to the result, I want to say this: James Madison, writing when that treaty was under consideration by the Senate to James Monroe, then minister to France, communicated about as good an abstract of the contents of the treaty to James Monroe as he could have done if he had seen the treaty itself; and yet he says the most extraordinary efforts in official quarters have been made to keep it secret and he has got no hint of it whatever from official quarters. But what was the result of this effort to keep the text of the treaty secret? The vote to keep the text of the treaty secret was on the 25th of June, 1795. On the 26th or 27th a really good sketch of the treaty was published in the Aurora, in Philadelphia, where the Senate was then holding its sessions, and on the 29th Mr. Mason, a Senator from Virginia, wrote a note to the editor of the Aurora stating that he had seen a sketch of the treaty, and as he desired that there should be no inaccuracies and the public should understand just what it was, inasmuch as the sketch had been published he sent a copy of the treaty, which he was at liberty to do with as he pleased; and it was published the next day in pamphlet form, and the next day after that in the Daily Advertiser, and it flew all over the country with lightning rapidity. That was the way they used to keep secrets in those days. I refer to it not for the purpose of showing that they violated the injunction of secrecy, but that this was an individual instance where, on account of great considerations relating to the public welfare, an injunction of secrecy was put on in the executive sessions of the Senate. It is curious in this instance to remark, too, that Washington, just a day before the publication of the treaty, at the instance of Senator Mason, had directed it to be published so that the people might not be misinformed about it.

There are plenty of indications, if I could stop to enumerate them, to show that absolute secrecy was not observed or required in reference to executive proceedings, but that the whole matter was left to the judgment of Senators, supposing that when there was any subject the telling of which would go against—as Alexander Hamilton said in his resolution—public safety, then the Senators would have prudence and judgment enough to keep it secret. That was the original idea, and that was the only injunction of secrecy in those early days.

Mr. SAULSBURY. I wish to ask the Senator whether the order for the publication of the Jay treaty was not made for the purpose of eliciting discussion throughout the country in order that members of the Senate might know what disposition to make of that treaty? It certainly did lead to a very extended discussion in Boston, New York, Charleston, and all over the country; very able speeches were made in reference to the provisions of that treaty. I wish to find out from the Senator whether the order for publication was not made in order that the members of the Senate might be informed by their constituents as to the public opinion in reference to the treaty.

Mr. PLATT. I must have been unfortunate in not making myself clear. The injunction of secrecy which was especially ordered by the Senate, and the first injunction of secrecy ever ordered by it in relation to any matter pending before it in executive session, was rigidly observed—rigidly observed both in executive quarters and in the Senate. The greatest efforts were made to do so, and the Senate by vote enjoined that although the proceedings by which it was ratified in the Senate might be made public, no Senator should make the treaty public until after the ratifications had been exchanged by the President. It was in direct violation of that that the treaty was published. It was not till after it had gone through with this discussion in the Senate, where it had been discussed for three weeks in a special called session of the Senate—it was not till after its ratification by the Senate that it leaked out and was published.

I have said that in 1820 a rule was adopted that the remarks and information communicated by a Senator upon the consideration of a nomination should be kept secret; it had been attempted once before, in 1813, in the Senate, and I refer to this because it is particularly important. The records in the Executive Journal are too long for me to read and detain the Senate with. The history of the attempt will be found in Senate Executive Journal, volume 2, pages 374 to 415.

The effort was made in executive session to adopt the very rule that was afterward adopted in 1820, namely, that a Senator should not be permitted to divulge remarks or information communicated by a Senator upon the consideration of executive nominations. It failed signally. It went through all the forms of reference and report, and finally was dropped. So in 1813 the attempt was made to enjoin secrecy and failed, and it was not until 1820 that the Senate succeeded in adopting any rule of secrecy applicable to what was said in executive session with regard to nominations. The fact that it failed in 1813 shows that it was not the rule or the practice at that time. This binding the Senate down by an iron rule of secrecy with regard to what is said respecting the character and qualifications of a person nominated to office is a recent matter.

But, Mr. President, I must not encumber the RECORD with more citations from the Executive Journal—which is an interesting book, if Senators will study it—upon this subject. I have only alluded to one or two things as illustrating my proposition, but I wish before I come to the more practical and argumentative part of my remarks to enumerate hurriedly the efforts that have been made in open session of the Senate to do away with this rule.

Much of the history of this subject is contained in the Executive Journals of the Senate since 1829. Up to that date the Executive Journals were published by order of the Senate, but since that date they are kept secret, no one other than Senators, the officers of the Senate sworn to secrecy, and the President may know the history of the country contained in those secret books, and if I refer to it I am liable to expulsion. But I may refer to what has been done in legislative session.

On February 20, 1841, Senator William Allen, of Ohio, introduced a resolution for open sessions. The Senator from Vermont [Mr. EDMUNDS] the other day in the discussion of the question of the production of papers by the Executive referred to this Senator as "Uncle Billy Allen," and I take it it was not a term of reproach, but a term rather of endearment. Certainly he was a Senator representing the great State of Ohio, and he introduced this resolution:

Resolved, That the fortieth rule for conducting business in the Senate, and which requires the Senate to close its doors when in executive business, be rescinded, except as to the action of the Senate on treaties.

That was laid on the table by a vote of 26 to 20. It was laid on the table, I have no doubt, to cut off discussion; but the fact that 20 to 26 Senators in that day voted to not lay it on the table shows that it had some strength and support even as far back as 1841. Senator Allen never got an opportunity to discuss that again in open Senate. He renewed it at every session of the Senate.

Mr. ALLISON. Will it disturb the Senator if I ask him if there was anything like a party vote appearing in that case?

Mr. PLATT. I think not.

Mr. ALLISON. No party division?

Mr. PLATT. I think not, but here are the yeas and nays; the Senator can tell from them. I have not examined them to see:

YEAS—Messrs. Archer, Barrow, Bates, Bayard, Choate, Clay of Kentucky, Clayton, Dixon, Evans, Graham, Henderson, Huntington, Ker, Mangum, Miller, Morehead, Phelps, Porter, Prentiss, Sevier, Smith of Indiana, Southard, Talmadge, and Woodbridge—26.

NAYS—Messrs. Allen, Benton, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, King, Linn, McRoberts, Mouton, Nicholson, Pierce, Smith of Connecticut, Sturgeon, Tappan, Williams, Woodbury, Wright, and Young—20.

Senator Allen renewed his resolution again at the next session, February 23, 1842. No opportunity was given to discuss it then. A motion to go into executive session cut off the debate.

Then again he renewed it December 28, 1843. He renewed it again February 23, 1848, and it was again laid on the table by a decided vote, 39 to 13, probably an unfortunate time to press its consideration. I give the yeas and nays:

YEAS—Messrs. Ashley, Badger, Baldwin, Bell, Berrien, Bradbury, Breese, Butler, Calhoun, Cass, Clarke, Corwin, Crittenden, Davis of Massachusetts, Dayton, Dix, Downs, Felch, Greene, Hunter, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, Lewis, Mangum, Mason, Miller, Moor, Niles, Pearce,

Phelps, Rusk, Sevier, Spruance, Sturgeon, Underwood, Upham, Webster, and Yulee—39.

NAYS—Messrs. Allen, Atchison, Atherton, Bagby, Bright, Clayton, Davis of Mississippi, Dickinson, Douglas, Hale, Hannegan, Houston, and Turney—13.

At the special session in 1853 Senator Chase, of Ohio, introduced the following resolution, thus supplementing the effort of his predecessor, Senator Allen:

Resolved, That all sessions and all proceedings of the Senate shall be public and open, except when matters communicated in confidence by the President shall be received and considered, and in such other cases as the Senate by resolution from time to time shall specially order; and so much of the thirty-eighth, thirty-ninth, and fortieth rules as may be inconsistent with this rule is hereby rescinded.

That resolution was discussed at some length. It was supported by Senators Chase, Borland of Arkansas, and Sumner, the predecessor of the distinguished Senator from Massachusetts, from whose speech I desire to read a single quotation:

At the first organization of the Government the proceedings of the Senate, whether in legislation or on treaties or on nominations, were with closed doors. In this respect the legislative business and executive business were conducted alike. This continued down to the second session of the Third Congress, in 1794, when, in pursuance of a formal resolution, the galleries were allowed to be opened so long as the Senate were engaged in their legislative capacity, unless in such cases as might, in the opinion of the Senate, require secrecy; and this rule has continued ever since. Here was an exercise of the discretion of the Senate in obvious harmony with public sentiment and the spirit of our institutions.

The change now proposed goes still further. It opens the doors on all occasions, whether legislative or executive, except when specially ordered otherwise. The Senator from South Carolina [Mr. Butler] says that the Senate is a confidential body, and should be ready to receive confidential communications from the President. But this will still be the case if we adopt the resolution now under consideration. The limitation proposed seems ample for all exigencies, while the general rule will be publicity. The executive sessions with closed doors, shrouded from the public gaze and public criticism, constitute an exceptional part of our system, too much in harmony with the proceedings of other governments less liberal in character. The genius of our institutions requires publicity. The ancient Roman who bade his architect so to construct his house that his guests and all that he did could be seen by the world is a fit model for the American people.

Let me also quote a single sentence from the speech of Senator Chase especially pertinent to the proposition now under consideration. It will be noticed that his resolution provided for open sessions upon the consideration of treaties as well as nominations. After speaking of the propriety of considering treaties in open session as a rule, he went on to say:

So many and indeed almost all nominations are confirmed or rejected upon principles of public or party policy, without reference to private character, that I see no reason why debates and votes upon these should not be public. Whenever any questions involving moral character are raised, it will be in the power of any committee or any member to move that the doors be closed.

The resolution went over after debate, and as the session adjourned in two days thereafter no action was taken.

Then at the following session of Congress Mr. Chase renewed his resolution. It was laid on the table without discussion, at the instance of Senator Mason, by a vote of 23 to 14. I give the yeas and nays:

YEAS—Messrs. Allen, Badger, Bell, Butler, Cass, Cooper, Dawson, Dixon, Evans, Everett, Fish, Fitzpatrick, Foot, Johnson, Jones of Tennessee, Mason, Sebastian, Shields, Smith, Stuart, Thompson of New Jersey, Toombs, and Toucey—23.

NAYS—Messrs. Chase, Dodge of Wisconsin, Dodge of Iowa, Douglas, Gwin, Hamlin, Norris, Pettit, Slidell, Sumner, Wade, Walker, Weller, and Williams—14.—*Congressional Globe*, first session Thirty-third Congress, page 240.

The discussion of the subject came up in the Senate upon the resolution of Mr. Wade, submitted January 21, 1862, asking for a joint rule for legislative secret sessions upon important matters touching the conduct of the war. In that discussion the question of secret sessions was pretty thoroughly discussed. I will not stop now to refer to the discussion, because I see that I am consuming altogether more time than I had intended, and because I may wish to quote some extracts therefrom upon another point further on in my remarks.

To leave now the historical argument—and I think the practice of the fathers shows that it will be no very great departure from the principle which governed them if we should open the doors for the discussion of such nominations and such only as we think may properly be discussed with due regard to the public safety—leaving that branch of the argument, I wish to come to more practical considerations; I wish to answer some of the other objections which are pressed against the proposition.

And here, Mr. President, I take my stand on the proposition enunciated by you on the 9th day of February last, when you said with great terseness and vigor and condensation of thought, "There ought to be no secrets whatever in this Government of ours, a government of the people." It comprehends the whole question. There is but one, and there can be but one, possible limitation to that proposition, and that is an absolute necessity for secrecy.

And now I propose to examine this question to see whether any such absolute necessity exists, and I believe that to all fair-minded Senators I can demonstrate that there is no such absolute necessity existing; and if I do, then I ask their assent to this proposition: that unless that absolute necessity can be shown, unless public safety, public welfare demand it, no consideration of convenience to a Senator and no desire or disinclination on the part of a Senator to evade responsibility of any kind whatever should lead him to give his vote for the continuance of the practice longer.

Secrecy is odious to every human being in this world except when he practices it himself. It is against the spirit of a free government. I said it was odious. Whenever you see secrecy you are suspicious that something is wrong. It is a relic of monarchical power and privilege that has no business in this day of democratic tendencies when we seek to make this Government even more actually democratic than it was expected to be by its founders. It is a lineal descendant of the privy council, that has always been hated in this country. We demand that the President shall have no secrets from us. Why? We think that if he has secrets there is something that ought to be disclosed, that what is done in secret should be proclaimed on the house-tops. Secrecy is as odious to us as it is to others when the President insists upon practicing it. But what do the people say to us? They say, You demand that the President shall have no secrets from the Senate. We demand that the Senate shall have no secrets from the people. How are we to get away from the inexorable logic of that statement on the part of the people?

Mr. President, publicity is the cure of all evils, whether they be governmental or financial or social. Publicity is the one thing upon which we must most rely in this country for the correction of evils. Why do we investigate matters? We order here and in the other House investigation after investigation because we think something is done in secret which ought to be revealed. We believe when we get the slightest inkling of anything which has been concocted in secret that something is wrong—that it is the duty of each branch of Congress to turn on the lights, and the people sustain us in it. Usually when that which was done in secret is dragged out into the light we find that something wrong has actually been done. It is as true now as it was eighteen centuries ago that "men love darkness rather than light because their deeds are evil."

Now, I want to marshal for a moment the arguments which have been made in favor of secret sessions; and the first is this: The argument has always been made, it was made in the discussions to which I have referred, that open sessions will deter Senators from frankly and freely communicating what they know when bad men are nominated, and therefore objectionable men will be confirmed. Well, we have tried the secret system for one hundred years, and do not bad men get confirmed now? And when we see that the secrecy system does not work, that it does not improve the standard of our civil service, is it not worth while to try the other course and see whether publicity will not improve it? I admit that the consideration of a nomination in open session may involve some unpleasant duties for Senators; but is this Senatorial life a bed of roses? Has it no unpleasant duties and no unpleasant consequences? To imagine it to be a bed of roses requires all the imagination and stoicism of Guatemozin when he was stretched on his bed of torture. We have no such difficulty in relation to other matters involving the discussion of character. We have no difficulty in expressing our opinion with regard to individuals when they come up here in a way that brings them before the open sessions of the Senate. The Senator from Indiana [Mr. HARRISON], in the able speech he made the other day, did not have any hesitation in telling us what he thought about the appointments that had been made in the State of Indiana; and yet when every one of those appointments are considered by the Senate the doors must be closed, because the Senator from Indiana cannot tell without unpleasant consequences to himself what he thinks and what he knows about the men who are nominated for office there.

Even the Senator from Kansas [Mr. INGALLS] finds no difficulty, when he desires to do it, to discuss the character of men nominated and appointed to office in open sessions of the Senate. I turn to the trenchant speech recently made by that Senator and read:

The postmaster at Sioux City, Iowa, was convicted and sentenced in Dakota for violation of the pension laws.

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In Rhode Island a Democratic postmaster was appointed who had been in the preceding three months arrested nine times for violation of the liquor law.

And so on, giving the names of the officers and what they had been arrested for. He finds no difficulty in doing that. We had a discussion here recently on the educational bill, and what did the Senator from Kansas do? He discussed openly in the open Senate a nomination then pending before the Senate in executive session—the nomination of Zach. Montgomery to be Assistant Attorney-General for the Interior Department. Every word that he said was directly relevant and proper to be said in executive session on the consideration of that nomination; yet was there any trouble about it? Did the heavens fall? Was it unpleasant to the Senator? Was it unpleasant to anybody else?

Take another illustration. Take the applications that we have here for restoration to the Army of people who have been dismissed from the service. Is there ever any hesitation or shrinking on account of its being unpleasant for a Senator to say what he thinks about the men? I have here in my hand a quantity of reports where the whole record of the man is spread out on the records of the Senate. Some Senators seem to be more troubled with the idea that it would be unpleasant, not to produce the bad record of a man, but unpleasant to say those things about a man which would perhaps wound his feelings, when he is really a very good man, except that he is not calculated for or adapted to the office. But here in one case General Sherman accepts a man's dismissal for utter worthlessness, and yet there was a proposition to

restore him to the Army discussed. I will not take time in referring to more of these.

One answer to that argument is that bad men will not be presented here for discussion; the incompetent will not be presented here for us to discuss as they are now presented, if it be understood that their characters and qualifications are open to public discussion, and are to receive public consideration. The whole business of appointing men to office will change. We shall have fewer recommendations of bad men, fewer nominations of bad men, fewer confirmations of bad men, if publicity can attend the whole business of office-seeking and office-getting from the White House to the Senate.

I want also to say this in reply to that argument: It may undoubtedly be pleasanter to say a harsh thing, or an unkind thing, or an unpleasant thing behind a man's back rather than to say it before his face; but is it fairer to say it? In justice and decency and fair play, ought we not to say with respect to any man nominated here before the public and the world just what we would say about him behind these closed doors? I think we had; but we shall have less frequent opportunity or occasion to say it if these doors are open. How rarely it is now that a Senator is called upon to say an unpleasant thing here with regard to a person who is nominated for office who is otherwise a good man, a man whose feelings they do not want to wound, whose sensibilities they do not want to hurt.

What Senator can remember the time when in executive session such things have required to be said about any man? If we have those cases where a Senator does not really want to wound the sensibilities of a candidate the rule which I desire the adoption of still permits our going into executive session with closed doors; but do Senators think they enjoy exemption as it is now? Do you think that the man whom a Senator talks about here does not know what that Senator says about him? If he is rejected, he knows that he is rejected for cause; he knows that he is rejected because his Senator has not stood by him probably, and he surmises ten times as much as he would if that Senator's conduct and every word he said had been made public and open to the world. So this argument falls to the ground by its own weight. The consequences are more unpleasant now than they would be to take the responsibility in open session.

Let us test this argument a little more closely. A good many of us are lawyers. Do we hesitate to say in open court, when we are paid for it, what we think about the character of witnesses and parties in a cause? Not at all. No lawyer ever flinches from that duty. Why should we seek to flinch from it here? We are paid to do our duty here as elsewhere, and why should we flinch from doing it any more than in court?

But, again, we have popular elections. Every four years a man is nominated for President, and from one end of the land to the other his whole character is discussed before the people. Senators go upon the stump; they say what they think about each candidate; his past record is dragged to light; every foible of his life is paraded; the whole question of his character and qualifications is everywhere discussed with the utmost publicity, and why should we seek to shield ourselves behind closed doors when persons are nominated to office by the President when we never think of desiring to shield ourselves or evade the responsibility of saying what we think about the President himself when he is nominated for office?

So judges and governors are elected, governors by the people and judges sometimes by the people and sometimes by Legislatures, elected openly, their characters canvassed openly. If a person thinks they are good men, nice men, but will not make good judges, he says it, and he says it openly. He is never deterred by any consideration that he will wound anybody's feelings from expressing what he thinks when a President is nominated, when a governor is to be elected, when judges are to be elected, or even a justice of the peace is to be elected. Why, then, should we become so nervous when we are asked to tell what we think about the character and qualifications of a man who is nominated for office by the President instead of by a convention? We ourselves are nominated and elected in open Legislatures, where our characters are discussed, where our qualifications are considered, and our whole history is brought to light and arguments made pro and con. If a member of the Legislature thinks we are fair men for some positions, but not for the Senate, does he ever forego the expression of that belief from the fear of wounding our tender susceptibilities?

Mr. President, we have election contests here sometimes. Look at the book which has been compiled by the Committee on Privileges and Elections, study the cases which have been discussed here with regard to the admission and the expulsion of members when questions of bribery to secure election, charges involving moral character, have been made against Senators and against the mode of their election, has there ever been any shutting of the doors to the investigation of those questions and to the discussion of such issues from the fear of wounding a Senator's feelings? They have been investigated in open daylight, they have been discussed in open Senate, and you could no more have shut the Senate doors upon such discussions than you could shut them upon all legislative questions. Yet it is just as unpleasant for a Senator to say what he thinks about a person who has been certified as elected to the Senate, about his conduct and about the charges against him, as it is to say it with regard to the nomination of a man here. Take one noted case. My eye being on the Senator from Illinois [Mr. LOGAN] now brings it to my mind. For years and years there has been discussed here in open session the conduct of Fitz-John Porter, and that Senator has not hesitated to say boldly, openly, in the hearing of the whole world, what he thought about that gentleman who is seeking to be restored to the Army; and when the bill passes, if it does pass, and when the President nominates him to be a colonel, if he ever does, then these doors must be shut in order to consider whether we shall confirm him or not. Then the character and conduct of Fitz-John Porter must be discussed in secret.

Sir, this argument becomes something farcical when you look it in the eye. What is the essence of it? It is a plea for personal privilege on the part of Senators; it is a plea to be exempt from unpleasant duties. I like to be exempt from unpleasant duties, but I do not want to plead that, and I do not believe any Senator wants to plead that, when such exemption from public duty militates against the public welfare.

I want to say one thing more in reply to this argument. I have not been here as long as a good many Senators, but I have been here some years now. I affirm now that I never have heard a word said in executive session which ought to have been said there, or which any person thought ought to have been said there, which might not just as well and just as appropriately have been said in open session in relation to the confirmation of nominations.

But another argument is that we shall consume a great deal of time and encumber the RECORD. If that argument is good, we had better go back to the days of secret legislative sessions. That was an argument used against opening the doors in legislative session; and if all debates were secret and we had no RECORD, and what a man said was not published in the RECORD, possibly we could get along with business a little more rapidly. Will we go back to secret legislative sessions on that account? If not, it is no argument against open executive sessions provided it be for the public welfare and the public interests that they shall be held. It is inconsistent with the last argument. The two cannot stand together.

Again, another objection I have heard is that there will be cases where public policy and the conservation of the public morals require that they shall be discussed in secret session. Whoever heard of such a case? Whoever heard of a case discussed in secret session of the Senate that might not have been discussed openly and everything relating to it be published openly, without any prejudice to the public morals? It applies with much more force to cases in court than it does in the Senate; and yet no Senator here will stand up and say that the doors of the courts in this year 1886 shall be closed against any testimony in any case whatever. I think myself that the publication of very much which is done in court tends to debauch the public morals; but public sentiment is so far in favor of publicity and no secrecy that it will not permit, and it is right that it should not permit, the doors of the courts to be closed even in cases where the details having a tendency to prejudice public morals are under discussion.

But it is said that there is a distinction between the capacity in which we act in executive matters and in which we act in legislative matters, and that in this distinction, in this difference between our duty as legislators and our duty in confirming or rejecting officers, lies the real reason why we ought to act with closed doors. I admit that in a sense we are a part of the executive power; but when we thus act, exercising that duty and that function, we are still Senators, and the crucial test is this: if we are free from responsibility to the people when we act on the confirmation of nominees, when we discharge that portion of our duties which is executive, then I agree that it is quite proper to close the doors; but if we are Senators still, if we are responsible to the people for our trust, if we ought to report to the people how we discharge that trust, then the distinction which is sought to be drawn between our legislative and our executive functions falls entirely to the ground. I apprehend that we are Senators still, that we represent somebody still, that we are not beyond responsibility, that we are not beyond accountability for our trust, when we act in the matter of the confirmation of officers. The administration of law is involved in the confirmation of officers. The whole question of administration, whether the Government shall be well administered or poorly administered, is involved in the question of what officers are appointed and what officers are confirmed; and it is as important that the people should know in this regard and for this reason how officers are appointed as it is that they should know how the laws are made.

I want to read from the report made by Garrett Davis, upon the Sylvester case in relation to secrecy. It was a part of the report of the Judiciary Committee in the discussion on the power of the President to withhold papers:

> Why should there be any secrecy in these matters?—
>
> That is, in relation to removal from office—
>
> Secrecy is not an element of our system—its great and fundamental law is public opinion; and how can this be wisely and justly formed when the facts which are necessary to enlighten it are concealed as "state secrets?" It is only falsehood and corruption, wrong and oppression, that are sought to be wrapped in

darkness; the officer who means and acts well dreads not the sunlight. There may be rare cases where secrecy in the removal of public officers would promote the public good; but the mischief and immorality inseparable from such a system will preponderate a thousand fold.

It is doubly applicable to the matter of confirming officers rather than to their removal.

The PRESIDENT *pro tempore*. It is the duty of the Chair to lay before the Senate the unfinished business at this hour, being the resolution reported by the Senator from Maine [Mr. FRYE], from the Committee on Foreign Relations, February 3, 1886.

Mr. FRYE. Let it be laid aside informally until the Senator from Connecticut concludes.

The PRESIDENT *pro tempore*. If there be no objection the unfinished business will be laid aside informally until the Senator from Connecticut concludes. The Chair hears no objection.

Mr. PLATT. I thank the Senate. I will conclude without consuming very much more of the time of the Senate.

Is there any other argument than those which I have examined why we should continue these secret sessions? Yes, I have heard one other—that it is a Senatorial prerogative which it is wise for us to maintain. I do not want to stop to discuss that question; but I believe that right in that argument, perhaps, is the greatest disinclination which some Senators may have to the opening of these doors; but I desire to say just this: there are two words which the people want to see expunged from the political vocabulary of this country, and it is time they were obsolete. Those words are "prerogative" and "privilege." If it were not for being alliterative I would say there are two more words they desire to see expunged, and those are "patronage" and "perquisites." The people desire to have done with them and we had better have done with them. This is no place to assert prerogative. We had better stand pretty close to the people and trust the people if we want them to trust us.

But I must do more than answer objections, Mr. President; I must take the affirmative. I say, then, we must do this thing in self-defense, as Senators and as a Senate.

This is not a popular body, either in the political or colloquial sense of the term; indeed, I have come to the conclusion that it is fast coming to be a very unpopular body in the estimation of the citizens of this country. Some Senators will say it never was intended to be a popular body; some Senators will say now, as was said in the constitutional convention, that here should be a body constituted with a long term to be elected not by the people but by the States, to be removed from direct responsibility to the people, in order that they might check the tendencies to democratic extravagances; some men may say now, as they said then, that it was well to mold one branch of this Legislature somewhat upon that branch of the English Parliament known as the House of Lords. Such seems to have been the idea of Senator Butler in the discussion in the Senate on the Chase resolution in 1853. I quote from Senator Butler's remarks (Appendix Congressional Globe, Thirty-second Congress, second session, page 321):

> This is not a pure democracy. If the Government of the United States was an undisguised and simple democracy, perhaps the gentlemen might well insist upon a resolution of this kind. They might make the Senate the arena for the discussion of every subject, as was done in Athens, or in democracies where the people directly had a vote. But we are a confederacy of organized republics, and we live under a Constitution—a Constitution by whose obligations I feel bound, as well as the usages under it.

But this Government was formed a century ago. The men who framed it made a theoretical democracy, but there were anomalies in that Government which they so founded, and the Senate is one of them. They were theoretical democrats, but they were far from being actual democrats; and whoever observes the signs of the times in this year will see that the day, not of theoretical democracy, but of actual democracy, is hastening on to its accomplishment and completion. Whoever looks abroad, whoever notices what is going on in all civilized countries, cannot fail to see the great ground-swell which is to lift the people of the world into more active and close participation in the affairs of government. It is well we should not shut our eyes to it; it is well to get away from this idea that we do not represent the people, that we represent the States.

What are the States we are sent to represent? Can you disconnect the States from the people of the States? By no means. The people are the States; and when it is said that a Senator represents here the State and is not directly responsible to the people, that is only a fiction; it is only a nominal representation. Our real responsibility is to the people of the State that we represent. What do I mean? Do I mean that the Senate is to be influenced by public clamor? No; I think I have as much courage to withstand public clamor as perhaps any Senator. I do not mean to be influenced by public clamor; but when I believe that public sentiment with great unanimity demands a thing I am going to be very careful to draw the distinction between that public sentiment and public clamor and not mistake the will of the people deliberately formed for public clamor.

No, Mr. President, the idea that we can set ourselves up above the people, not let the people know what we are doing, is not in accordance with the spirit of the age. This world has come to believe in the philosophy of the Divine Master: "And whosoever of you will be the chiefest shall be servant of all." That is what a Senator must be. As the President and the governor and every other officer within the body-politic, he must be the servant of the people.

This means popular information and scrutiny of all governmental proceedings; it means better government; it means better administration; it means the abolition of all exclusiveness, of privilege, of prerogative, of aristocratic tendencies. For better or for worse, that day has come. The people are to be omnipotent in government.

What has this to do with secret sessions, says some one. The people believe that this Senate is aristocratic, that it holds itself above them, and does not consider itself responsible to them. I do not like to make that statement, but I believe it to be just and proper that I should make it because I believe that to a large extent, to a much larger extent than Senators suppose, it is the view which the people have of this body; that we intend here to maintain aristocratic privilege; that we intend here to maintain secret prerogative; that we intend here to put ourselves above responsibility to the people. In this, Mr. President, the people are largely mistaken. They misunderstand us; they misunderstand the character and desires of Sentors; but, notwithstanding, that is their belief, and nothing has done so much to create that belief and perpetuate it as the fact that we close these doors when we consider nominations to office. It is just because the Senate, from habit and custom, from a disposition not to depart from what are supposed to be the good old ways, maintain certain things, and among them this matter of secret sessions, that the people think we have set ourselves above them.

The popular sentiment, Mr. President, is for open executive sessions with regard to nominations as a rule. It is not public clamor; it is real, true, and genuine popular sentiment. How is popular sentiment reflected in this country except by the press? I venture to say that of the nearly fourteen thousand newspapers in the land probably ten thousand of them, political or independent—a very large proportion of them—have declared their belief that this measure should be adopted. I am met by some Senator by saying that he does not care what the press says, that an issue has been raised between the press and the Senate, and he is not going to be influenced by any such consideration as that. I desire to say here one or two very frank words. With that journalism which concedes to public men neither honest motive nor private virtue I have no sympathy and for it no respect. It is a malignant kind of journalism which I cannot respect and which all right-minded men must condemn. But that is not the true character of the public press of this country as a whole. The country newspapers, the newspapers that have no special correspondents here, are all against these secret sessions. All over this land, without regard to section, these country newspapers, which represent the real sentiment of the country, which go where the minister and the schoolmaster do not enter, and where the voice of the Senate does not otherwise go, have declared in favor of this measure; the men who publish those newspapers think of our Government, they study public questions a great deal more than we suppose, and the fact that there is but one voice in the press shows where public sentiment is on this subject. Public sentiment compelled open legislative sessions of the Senate, and it now demands open executive sessions of the Senate.

Whence arises this demand? It is not idle curiosity. It is not that a few reporters may look in on these proceedings and send the news to the journals which they represent. Oh, no; that is not it. It is the desire of the people for a better administration of the Government. It is a desire of the people that the standard of official life and character shall be elevated; and they know the only way to do it is by having the qualifications of men discussed openly in the Senate Chamber.

I should like to read extracts from newspapers, but I will content myself with reading one. I read it from a Democratic paper in my own State, a conservative paper, a paper that does not mean to misrepresent Senators or the Senate. It is from the New Haven Register:

> But it is in the confirmatory powers of both the national and State senates that the evil of the secret-session system most clearly discloses itself. Many an unworthy public official is imposed upon the community by the Senate to please the whim and caprice of "a brother Senator" because the responsibility for his confirmation can not be fixed. Whereas if the country only knew what Senators indorsed the nominations of this class of servants, not one of them would dare vote for a confirmation. Moreover, the secret session encourages a disreputable class of politicians to seek public office. They know that whatever their faults are, they will not be held up to the contemplation of the country. They are sure to have, "a pull" with either their own or some other fellow's Senator, which a secret session will permit to be worked for all it is worth in bargains and trades. The results are that the responsibility for bad officials is hopelessly divided, and bad officials get into office.

Pardon a single other extract from among thousands. It is from the New York Independent:

> There is no good and sufficient reason why these sessions should be secret and the action of the Senate should be known to the people only in the result. Secrecy gives an opportunity for bargains between Senators and bargains between the President and Senators in respect to appointments to office, that would not exist to anything like the same extent if the sessions were open and the general public permitted to see all that is done. Both the President and the Senate, with open sessions, would act under a sense of responsibility—the one in making nominations, and the other in acting upon them—that would be favorable to the best interests of the civil service of the country. Both would be influenced by the fact that the eye of the public is upon them.

These extracts from conservative newspapers show what the sentiment is in regard to the way we conduct business here. I want to say

the press in this respect is largely mistaken; but you cannot eradicate that idea from the public mind.

But there is another argument, which is also an argument of self-defense. I have said that secrecy begets suspicion. Go to a dinner party, to any social gathering, and see two persons whispering together, and you think they are saying something which they ought not to say, and probably about yourself. Secrecy begets suspicion; and it is only human nature which the public are exemplifying when they believe that something wrong is done behind these doors in the way of bargains and trades and arrangements by which men are confirmed to office.

I say no Senator can afford to expose himself to any such suspicion. Every Senator knows it exists. Every Senator knows that very largely through this country the idea is that we bargain with each other about confirmations, or that we confirm nominees out of good nature, or that through some idea of Senatorial courtesy we fail to oppose men whom we ought to oppose or favor men whom we ought not to favor. Every Senator knows it, and I for one do not want to endure it. I do not want it longer to exist. A poet said:

O wad some power the giftie gie us
To see ourscls as others see us!

I wish Senators would try to exercise that gift. I wish they would try to understand how they are regarded in this respect, what the people think of the way in which we conduct business here in the secret sessions of the Senate, and the motives which influence us in the confirmation of persons to office. I agree, I am glad to testify, that it is a great mistake in the popular mind; but as I said, you cannot eradicate it. No record for honesty, no record of an honorable life, no record which a man has made of pure motives and pure intentions exempts or excuses him from this belief on the part of the people. If you doubt it, ride in the cars, in any public vehicle, listen to the conversation along the streets, hear what motives are attributed to Senators who we know are honorable by people in ordinary conversation. If there were no other argument but this in favor of open sessions I should insist upon it that the people might know what my motives were in regard to the confirmation or rejection of men.

But Mr. President, there is no secrecy. We are hugging an old custom for its name rather than for its actual results. We are pinning the Senate to the skirts of an ancient tradition which, as to any useful result, is sterile and barren. There is no secrecy possible. There never has been any secrecy possible in any matter about which the public desired information that took place in executive session. I do not say how much or how little, or whether any at all, of the reports which we see from day to day in the newspapers published after each executive session is true, but I think I am justified, without revealing any secrets of executive session, without doing what the Senator from Vermont intimated in his colloquy the other day with the Senator from Kentucky, was done—violating a Senatorial oath and becoming guilty of Senatorial perjury—I believe I may say that the secrets of this body are to a greater or less degree exposed and disclosed. Mixed they may be with untruth, mixed they may be with the fertile imagination of the newspaper reporter, nevertheless no Senator will deny me in saying that more or less of what occurs in executive session is disclosed. It is disclosed either by Senators or by the officers of the Senate, and when I say that I do not mean to cast the slightest suspicion upon the officers of the Senate. I do not want to be in a body where I am subjected to the suspicion of dishonorable disclosure. We are a class here, as lawyers, as clergymen, as bank presidents, and as business men are a class; and when one does a thing that is discreditable we all suffer.

I repeat, there is no secrecy possible with regard to the executive sessions as to those matters which the public want to know. Let me refer, as I have referred, to the Jay treaty. I refer to the treaty of Washington. I shall not stop to dwell upon it. I refer to the case of the Spanish treaty. I hold in my hand three pamphlets, International Awards and Arbitrations, by George Ticknor Curtis, a reply by Mr. Foster, and another reply by Mr. Curtis. They all tell the public that there is a treaty pending here, and in what they say of the treaty they give extracts from it, and yet if there is a treaty pending here to-day known as the Weil and La Abra treaty I may not say so, and I may not say one word in relation to it without incurring the degrading punishment of being expelled from the Senate.

Let me quote from the discussion in the Senate in 1862 upon the Wade resolution, to which I have alluded. Mr. Foster, a Senator from my own State, said:

> Mr. President, I am not disposed to oppose the adoption of this joint rule, but I must be permitted to express my great doubts as to our acting in secret with efficiency. I do not believe that secrecy is an element of power in our Government. I believe it is an element of weakness, decidedly. We have at the present time what are facetiously called secret sessions of the Senate; and sir, what is done in secret session, or what is reported to be done is brought before the eye of the public I think rather earlier and more minutely than what is done in open session. I do not say that it is correctly reported, but it is so reported that the public give it credit; and if it is false it is more likely to do harm than though the truth were reported. I do not see, therefore, that we gain by attempting to conceal our transactions from the public eye. I am not disposed, however, to enlarge upon that topic. I am perfectly willing to accord with the Senate in passing the rule if it is deemed best to do so.—*Congressional Globe*, Thirty-seventh Congress, second session, part 1, page 491.

Mr. Trumbull, of Illinois, said, speaking of a clause providing for expulsion in case of disclosure:

> That is the rule now, sir, for punishing the disclosure of what occurs in the executive sessions of the Senate; and what have we seen since this session began? Why, sir, we have seen published nearly everything that has occurred in executive session; and the rule which the Senator now proposes to adopt to prevent it is no more stringent than the present rule of the Senate. I should hope, if this rule be adopted, that we shall be able to keep our secrets, and that the punishment prescribed by the rules would be inflicted upon the violators of them. I wish that punishment could be inflicted upon the violators of the rule during the present session of Congress in this respect. We have hardly had an executive session, certainly not one where there has been any discussion or any question dividing the body, that nearly everything that has transpired has not been published the next day to the world—published with exaggeration, published with misrepresentations, placing members in a false position. I would infinitely prefer that our regular reporters should be here and publish what we do say and how we act than that these garbled accounts should go out to the public to create bad feeling in the country. I do not know that we have any assurance that this new rule will be better observed than the present rule is; but if it is adopted, I hope it will be.
>
> I do not mean to oppose the adoption of a rule to go into secret session for the purpose indicated by the chairman of the War Committee. I want to see greater harmony between the different Departments of the Government, closer connection between them, each bolstering up the other, and that we may go along hand in hand to put down this rebellion in the shortest possible time. Therefore, reluctant as I am to vote for a resolution imposing secrecy upon ourselves, I shall consent to this if it can be modified so as not to place the body absolutely at the disposal of a single member.—*Congressional Globe*, Thirty-seventh Congress, second session, part 1, pages 491, 492.

What a farce it is, Mr. President. The whole community, the world, are laughing at us that we pretend to have secret sessions. We ourselves would be infinitely better off if every word that is said here were known to the remotest portion of the globe than with the pretended publications of what we do and say mixed up with the imagination of reporters and the untruthfulness which accompanies the reports.

There is nothing left to us but silent endurance when we are misrepresented. I could name matters in which to-day my people suppose that I have voted one way because it has been so stated in the newspapers and I voted the other way. I have nothing left to do but to endure and to submit to the misrepresentation, because I cannot disclose what my vote was or the motive which led me to give it unless I can get the injunction of secrecy removed; and that goes, as every Senator knows, as a matter of courtesy very often, to a particular Senator. The public believes these disclosures.

But there is another reason why we should make the discussion of nominations open, and that is because the discussion of the question whether an officer nominated to the Senate shall be confirmed or not often involves the most critical and important policy of the Government. We have had an instance within the last few days in the discussion as to the right of the President to withhold papers upon the consideration of nominations. It was so important as to be taken out of the secret business of the Senate and made the matter of a public discussion. Why? Because it involved a principle. So almost every nomination here that does not go as a matter of course involves a principle of administration, a policy of administration, a policy of government. Take a few instances:

Take Jay's nomination. Take the removals for political reasons in 1835, when Marcy uttered that famous sentence that "they agree to the rule that to the victors belong the spoils of the enemy." That was in secret session. It arose in secret session upon the question of the confirmation of a nomination. For a knowledge of that important discussion we are indebted to the fact of the removal of the injunction of secrecy in the particular instance, so that Senators might, by publication of their speeches, let the country know what was said in secret session. They were afterward written out and published, and thus only we get the information. A great many matters of great public importance have been discussed in secret sessions upon the consideration of nominations that have never gone to the public; the seal of secrecy has never been removed from them. I have heard speeches made in the Senate in secret session which ought to be in every school-book in the land, and yet they are sealed by that rule which makes me liable to expulsion if I disclose them.

Without enlarging upon such cases, I instance the nomination of ministers to the Panama congress; the nomination of directors for the United States Bank; the Kearny nomination, where Mr. Benton, as Senator Hale said in the discussion of this subject in 1853 (I suppose he alludes to him), discussed that nomination for three weeks in executive session. It turned upon the policy of the government of the Territory of New Mexico while under a military governor. Take the case of Burnett now pending; take the case where we confirmed a man nominated to office only a few days ago, the case of Judge Merrick. I ask Senators who were in executive session that day whether it would not be better for this whole people that every word which was said on that occasion should be spread upon the record—whether important principles were not discussed which the people ought to know about.

I have alluded to these instances only to show that except in the cases which go without contradiction, or the very few contested cases which arise upon the record of the candidate, almost all of these nominations involve some important principle of the administration of the Government. What occasion is there for concealment? We hear frequently about the policy of the President. Where is the policy of a Presi-

dent shown more than in the class, the character, the tone of the men whom he nominates for office? The nomination of an Indian commissioner may involve our whole Indian policy; the nomination of a postmaster may involve the whole policy of civil-service reform; and that leads me, Mr. President, to my concluding proposition:

We never shall have a real, thorough reform of our civil service until the widest possible publicity is given to the methods of Presidential nominations and Senatorial confirmation. This thing has been going from bad to worse during the hundred years that we have closed up these doors, and the people have become more or less aroused on this subject. They do not believe that the methods of seeking office, of getting office, of making nominations and confirming men to office, are calculated to inure to the welfare of this Government, and they want a change. They think they have a right to know by what means men secure nominations and obtain confirmation. They want to know how it is done and why it is done—and they are right.

What is the principle underlying the idea of civil-service reform? I want to say that I believe in that principle. It is that fitness and good character shall be the real primary tests and qualifications for office. Nay, more than that; not only that the man shall be fit and good but that he shall be the fittest and best man obtainable for the office. That is the principle of civil-service reform, and it has no limitations to men who discharge mere clerical duties. It applies to all officers, to the heads of Departments, to Senators, to members of the House, to every man who is nominated by the President, and comes before this body for confirmation. The best government is only attainable by the appointment of the fittest and best men. Negative fitness and goodness will not do in this respect. We must have absolute fitness and absolute goodness in the character of our officers or the whole system of republican institutions is in danger.

What was the abuse which has aroused the people in this respect? The abuse was that offices were bestowed as rewards for political service, or adherence to the fortunes of men who could manage appointments; that patronage controlled appointments. That is the reason why men have become earnest in this matter of civil-service reform. How was that carried on? It was carried on by the solicitation of politicians to the appointing power, by recommendations from politicians to the appointing power, by nominations secured by such solicitations, persistent solicitations by politicians, by Senators and Representatives who should act only in a legislative capacity. That was the way it was possible; solicitation privately made, patronage privately dispensed, confirmations secretly accomplished. These are the things which have aroused the people, and Senators know that I speak the truth when I say it.

Has it ceased, Mr. President? In this discussion I exclude the question whether officers should be changed when a political administration is changed. Admit that or deny it, the reason for open executive sessions is still the same. If the office-holders are to be taken from one political party because that party is in power, you still want to get the best and the fittest men in that party, and it is only thus that you can secure the best government by that party.

It is a mockery to speak of civil-service reform as accomplished because some fifteen thousand mere clerks are appointed by competitive examinations and are not liable to be discharged on the change of an administration. We confirm between three and four thousand men in the Senate, not including military and naval officers, any one of whom has ten, twenty, nay, fifty times the political influence of any clerk who is appointed under the civil-service rules, and how are these men appointed? Go stand on the steps of the White House; see who goes there. Go stand within the library of the President; see how he is persistently approached and solicited to appoint men to office.

I wish to put in a table, which I have obtained as approximately correct from one of the Civil-Service Commissioners, showing the number of persons whom we confirm here to political offices:

Memorandum of officers whose appointment is by nomination and confirmation.

Department of State:		
Department officers	3	
Consular and diplomatic service (about)	318	
		321
Treasury Department:		
Department officers	33	
Collectors of internal revenue	65	
Officers of customs	200	
Mint officers	26	
Supervising inspectors of steam-vessels	10	
Assistant treasurers	9	
		383
Interior Department:		
Department officers	21	
Surveyors-general	17	
Receivers of land offices	109	
Registers of land offices	109	
Indian inspectors	5	
Indian agents	61	
Pension agents	18	
Territorial governors, 9; Territorial secretaries, 9	18	
Utah commissioners	6	
		364
Post-Office Department:		
Department officers	4	
Postmasters	2,348	
		2,352
Department of Justice:		
Department officers	8	
Supreme Court justices	9	
Court of Claims justices	5	
Justices supreme court of District of Columbia	6	
Circuit court judges	12	
District judges	54	
District attorneys	69	
Marshals	69	
Territorial judges	29	
		261
Whole number requiring confirmation		3,561

Whole number of civil employés, about 110,000; of these, 52,632 are postmasters. Places subject to civil-service examination, about 15,000, namely, Departments at Washington, 6,000; postal, 6,000; customs, 3,000.

Is it possible for a President, no matter how good his intention, how strong his desire may be, to select for officers the best and most capable men even from the ranks of his own party until the present methods are done away with? Until there shall be some degree of publicity attending the procuring of nominations, until the President shall be in some degree relieved from the solicitations to which he is subjected, until we speak openly in regard to the character of men who get nominations and the official standard of the service to which such men are appointed, this thing will go on. It is a farce and a mockery and a delusion to talk about civil-service reform as an accomplished fact while this goes on.

There is no party consideration in this; either party will be advantaged and neither party can be hurt by the adoption of this resolution. Is patronage no longer known? Can President Cleveland select the best qualified men while the country knows that recommendations are to be hidden and confirmations are to be surrounded by secrecy?

How then is civil service to achieve its ultimate triumph? One road, and one road only, leads to the goal of its perfect success. That road passes through those open doors. Give to the people every opportunity to scrutinize the means, the influence, by which men obtain nominations to office, the causes for which incumbents are removed, the methods by which confirmations or rejections are secured.

While the Senate holds the President to his promised transaction of the business of selection of officials behind glass doors, let it, in the language of Senator Sumner, imitate the example of "the ancient Roman who bade his architect so construct his house that his guests and all that he did could be seen by the world." Then the whole scene will be changed; the man whose character cannot stand public scrutiny either at the Executive Mansion or in the Senate Chamber will no longer be a candidate for appointment, or if a candidate he will be an unsuccessful one; offices will then in truth begin to seek the man, for it will be useless for the man to unduly seek the office. Office-holding will, as it should in a free government, become honorable and honored. Bestow the offices as publicly as possible. Let all the people know why and how they are bestowed, and they will see to it that the standard of official life is raised to its highest plane. Still surround the bestowal of office with concealment, with mystery, with secrecy, and the standard of official life will inevitably sink to its lowest level.

Mr. President, this Senate Chamber, constructed as it is to exclude the joyous sunlight and the pure air of heaven, is the most fitting place in which to conduct this business of secretly considering nominations to office. Here the sunlight never enters; here we may never breathe the pure air of heaven; here we languish and sicken and eventually die; here every vital physical and mental energy is impaired if not paralyzed. While we remain we must live in a dungeon.

This Chamber is an architectural failure—I had almost said an architectural outrage; but it has its fair complement in the way we conduct the business here regarding nominations. That conduct is a political failure; it is fast coming to be a political outrage. We can not change the construction of this Chamber, but we can change our method of doing our executive business. Do we wish to restore our political health? Do we desire a new lease of political and beneficent life? Then these doors must be opened. We must let in the light. The "keen, bright sunlight of publicity" must illumine our transactions; we must breathe in the pure and vitalizing atmosphere of popular responsibility.

Mr. FRYE. Mr. President, I call for the regular order.

Mr. BUTLER. If the Senator from Maine will permit me, I will state that to-morrow after the morning business I shall ask the indulgence of the Senate to submit some remarks on the resolution to which the Senator from Connecticut has addressed his speech to-day. I suppose it is scarcely worth while to get unanimous consent, although I believe that is usually done.

Mr. LOGAN. If there be no objection, it is all right.

Mr. FRYE. If the fisheries resolutions should not be disposed of within half an hour or something of that kind to-day, I should like to have it disposed of to-morrow.

Mr. LOGAN. After the Senator from South Carolina is through with his remarks I shall ask that I may be permitted to occupy the remainder of the time; and if he takes all the time to-morrow I shall then call up the resolution the day after in the morning hour with a view to submit a few remarks upon the question which has been under consideration this morning.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the enrolled bill (S. 60) authorizing the construction of a bridge over the Mississippi River at or near Alton, Ill., and for other purposes; and it was thereupon signed by the President *pro tempore*.

HOUSE BILL REFERRED.

The bill (H. R. 6397) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1887, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

RETURN OF PRIVATE PROPERTY IN TREASURY DEPARTMENT.

The bill (H. R. 2239) authorizing the Secretary of the Treasury to deliver to the rightful owners the contents of certain boxes deposited in the Treasury Department by the Secretary of War, was read twice by its title.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Finance.

Mr. BUTLER. The Senator from Vermont [Mr. MORRILL], the chairman of that committee, is very familiar with that bill, and I should like to have it put on its passage without a reference. I feel sure there will be no objection to it.

The PRESIDING OFFICER (Mr. CULLOM in the chair). The unfinished business is the resolution in charge of the Senator from Maine [Mr. FRYE]. Does the Senator from Maine yield?

Mr. FRYE. If this leads to no discussion, I shall yield.

Mr. BUTLER. It will not lead to one particle of discussion, I am sure.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. ALLISON. Let it be read at length.

Mr. BUTLER. I will state for the information of the Senate that a similar bill was reported by the Committee on Finance of the Senate at this session.

Mr. ALLISON. Is it the same as the bill we passed last year?

Mr. BUTLER. Yes; it has been passed twice in the Senate. It is simply to restore some old pieces of silver, some boxes in the Treasury Department, to the owners.

Mr. ALLISON. I do not object to it if it is the bill we passed last year.

Mr. BUTLER. It is the bill we passed last year.

The PRESIDING OFFICER. The Chair hears no objection, and the bill is before the Senate as in Committee of the Whole.

Mr. ALLISON. Let it be read.

Mr. BUTLER. Yes; let it be read.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to deliver, under such rules and regulations as he may prescribe, to the proper claimants or owners, any silverware, jewelry, portraits, watches, or other articles deposited in June, 1869, in the Treasury of the United States by the Secretary of War, as property captured by the United States Army during the late war, and now in the possession of the United States Treasury; also any property of like character received at the Treasury Department from General Ketchum under instructions from the Secretary of the Treasury: *Provided*, That in all cases proof satisfactory to the Secretary of the Treasury be made by the said claimants of the ownership and identification of the said silverware, jewelry, portraits, watches, or other articles.

SEC. 2. That all of the aforesaid articles which may remain in the United States Treasury one year after the passage of this act shall be advertised in not less than six newspapers, to be selected by the Secretary of the Treasury; and all of said articles which may remain in the United States Treasury two years after the passage of this act shall be duly advertised and sold at public auction, under such rules and regulations as the Secretary of the Treasury shall prescribe, and the net proceeds thereof be covered into the Treasury.

Mr. MORRILL. I desire to say that this bill is identical with one reported from the Committee on Finance in February with the single exception of the clause relating to any like property from General Ketchum. I understand from the Senator from South Carolina that there is an additional box of like property in the Treasury Department.

Mr. BUTLER. That is true; some pieces of silver.

Mr. MORRILL. If that is all, I see no objection to the passage of the bill.

Mr. CONGER. Is there any report accompanying the bill?

The PRESIDING OFFICER. There is no report, the Chair is informed. The bill comes from the House of Representatives, and there is no report of the Senate committee.

Mr. CONGER. If there is no report, I wish to ask whether there is any statement as to the kind of property.

Mr. BUTLER. I will state for the information of the Senator exactly what the character of the property is.

Mr. CONGER. What I wanted to ask was whether there was any list or schedule identifying the kind of property?

Mr. BUTLER. The bill provides for its identification under such rules and regulations as the Secretary of the Treasury may prescribe. There are two boxes, put there in 1869, I think, captured by General Sherman's troops coming through the State of South Carolina. I got a special bill through the Senate once to deliver to Mr. Macrae certain articles, specifying what they were. I went there with him to the Treasury; the boxes were opened; and among other things there was a miniature of his father, who had been a major in the British service. The old gentleman was very much affected by it; but the Secretary of the Treasury would not deliver the miniature because it had not been specified in the bill, whereupon I introduced a bill covering all the articles. There are some articles of silver, old watches and silverware, really of no great value, but it has been the source of a great deal of annoyance and trouble to me by people entitled to the articles writing to know if they could not get them. The bill is simply to authorize the Secretary of the Treasury to restore those articles to the owners upon their being identified under such rules as he may prescribe, and it further prescribes that at the expiration of two years the articles not claimed shall be sold at public auction.

Mr. CONGER. On the face of the bill there seems to be nothing very objectionable to it. There is a clause in the bill which speaks of "any property of like character," and the question might arise whether captured and abandoned property of the identical character would be included.

Mr. BUTLER. It is a box of old silver. The term "like property" refers to another box. I do not know exactly what is in it, but watches, spoons, silver, &c.

Mr. CONGER. The pictures, photographs, and daguerreotypes, and those kind of things I suppose have value only to the family and ought to be returned.

Mr. BUTLER. That is about the only value I see.

Mr. CONGER. If there was any statement in regard to the quantity or quality, the amount, or anything of that kind that the Senate could act upon, I think it would be very proper that the bill should pass; but with no report and a bill so general, I do not know exactly what the Government proposes to give up.

Mr. BUTLER. I can give my own individual statement, which I have given. I have seen the articles and the boxes, and I have stated their general character. Of course, if the Senator does not take that, he must do just as he sees fit about it.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. BUTLER. I move that the bill (S. 1118) authorizing the Secretary of the Treasury to deliver to the rightful owners the contents of certain boxes deposited in the Treasury Department by the Secretary of War be indefinitely postponed.

The motion was agreed to.

METROPOLITAN RAILROAD COMPANY.

Mr. INGALLS. I move that the bill (S. 851) to amend the charter of the Metropolitan Railroad Company be recommitted to the Committee on the District of Columbia. It requires some further amendment.

The PRESIDING OFFICER. The Senator from Kansas moves that the bill indicated by him be recommitted to the Committee on the District of Columbia.

The motion was agreed to.

FISHING RIGHTS OF THE UNITED STATES.

The PRESIDING OFFICER. The Senate now resumes the consideration of the unfinished business, being the resolution relative to the appointment of a commission charged with the consideration and settlement of the fishing rights of the United States and Great Britain.

Mr. FRYE. Two or three very distinguished Senators are to address the Senate on the resolution, whose word as to law will be regarded by the country as law, and therefore I wish to call their attention to one or two matters, so that they may discuss them.

The discussion already in Canada and here has had a good deal of effect. Canada started out with a declaration that our vessels had no rights in their waters except those of hospitality. She has since modified that, by admitting that they have a right to ship crews there, and according to Consul-General Phelan, at Halifax, the further right to land cargoes at the port of entry and transship them across the country in bond, and the further right according to the same authority to lie at any port as long as they please, the Canadians exercising police duty over them. The Secretary of State of the United States has assumed to-day the position which I was very greatly in hopes he would assume, entirely different from that which he assumed some weeks ago in his telegram to Captain Whitten, of Portland. The Secretary of State received a dispatch April 9, 1886, which I shall read, and his reply thereto:

PORTLAND, *April* 9, 1886.

To Hon. Secretary of State, Washington, D. C.:

Having several fishing vessels ready for the Banks, we desire to know if they can enter Canadian ports for men and be protected in so doing.

CUSHING & MCKENNEY.

WASHINGTON, D. C., *April* 9, 1886.

To Cushing & McKenney, Portland, Me.:

The question of the right of American vessels engaged in fishing on the high seas or entering the Canadian ports for the purpose of shipping crews may possibly involve construction of treaty with Great Britain. I expect to attain such an understanding as will relieve our fishermen from all doubt or risk, in the exercise of the ordinary commercial privileges in friendly ports, to which, under existing laws of both countries, I consider their citizens to be mutually entitled free from molestations.

T. F. BAYARD.

Now, Mr. President, I want to call the attention of Senators, and especially the Senator from Alabama [Mr. MORGAN], to that treaty about

which a construction may be required. It is the treaty of 1818. It is that provision which says:

And the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within three marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America not included within the above-mentioned limits: *Provided, however*, that the American fishermen shall be admitted to enter such bays.

For rights of hospitality—I do not use the language—"and for no other purpose whatever." Canada claims that that phrase "no other purpose whatever" means precisely that you shall have no longer commercial privileges there for a fisherman. I ask the Senator from Alabama in considering this question to look at the laws of 1823 and of 1830, the proclamation of 1830, the acts of the Parliament of Great Britain, the act of the Parliament of 1849, and the act of the United States of 1849, wherein commercial privileges have been conferred by law upon our vessels, and all of our vessels, and to the additional fact that in 1818, when that treaty was made, there was no such thing as a commercial privilege known to our treaties, and it was utterly unknown to the commissioners who negotiated that treaty. When they put that language in it could not by implication be referred to commercial privileges, because such things were absolutely unknown between us and Great Britain.

Now, I call the attention especially of the Senator from Alabama to another thing. A fishing vessel licensed to fish can not be permitted to enjoy the ordinary commercial privileges granted to other vessels. Under our law character is given to our vessels in two ways—one registry, the other enrollment. Under the early law of 1792 or 1793, a registered vessel alone was permitted to engage in foreign trade, and an enrolled vessel was confined to the coastwise trade. But that was simply a matter of law, and we could just as well have provided by law then that enrolled vessels should engage in foreign trade and registered vessels in the coastwise trade as to provide as we did; or we might provide to-day by law that no vessel of the United States should be required to have anything but a register. That is the law of Great Britain, and we could require the same to-day by our law. We can give an enrolled vessel to-day the privileges of the foreign trade by law.

I call the attention of the Senate to this, that neither Great Britain nor Canada has any sort of right to question what we do touching these rights conferred upon our vessels. They are not permitted to call them in question. The only question is whether those vessels have been armed and equipped by our law for foreign trade; and if they have that must content Great Britain.

I call the attention of the Senate now to section 4318 of the Revised Statutes:

Any vessel of the United States navigating the waters on the northern, northeastern, and nothwestern frontiers, otherwise than by sea, shall be enrolled and licensed in such form as other vessels; such enrollment and license shall authorize any such vessel to be employed either in the coasting or foreign trade on such frontiers, and no certificate of register shall be required for vessels so employed. Such vessel shall be, in every other respect, liable to the regulations and penalties relating to registered and licensed vessels.

There by law we have taken a whole class of enrolled vessels on the great lakes and have conferred on them the right to trade in foreign ports, and nobody in Canada ever dreamed of questioning the right of those vessels to trade with Canadian ports. The moment the act of 1849 opened all those ports they were entirely free and open to that law which was passed in 1864. It is the law of the land to-day, and from that day to this enrolled vessels on the lakes have been engaged in foreign trade. Now, I call attention to another section, 4364, of the Revised Statutes. Here is where I plant myself, on this section of the Statutes:

SEC. 4364. Whenever any vessel, licensed for carrying on the fishery, is intended to touch and trade at any foreign port, it shall be the duty of the master or owner to obtain permission for that purpose from the collector of the district where such vessel may be, previous to her departure, and the master of every such vessel shall deliver like manifests, and make like entries, both of the vessel and of the merchandise on board, within the same time, and under the same penalty, as are by law provided for vessels of the United States arriving from a foreign port.

So that we have by law conferred upon fishing vessels the same rights to trade in foreign ports that we conferred on those vessels on the great lakes, and all that the fisherman has to do is to go to the collector for a permit, and when he is armed with a permit to touch and trade, that fishing vessel, in my opinion, is just as much entitled to free entry into the ports of Canada or the ports of Great Britain as a registered vessel.

I call these points to the attention of Senators, because upon them rests this whole practical question. The only question left to-day between us and Canada is whether or not we shall be permitted to buy bait or ice. That is important to us. Canada sees its importance. She uses it as a lever to pry open our market; but I contend we have it now, and all that a fishing vessel has to do is to take out her permit, and she has the right to buy all the bait and ice she pleases. If that is maintained, it is all we have to ask. The telegram of the Secretary of State intimates that that is his opinion.

One word more. I want to call the attention of the fishing vessels of the country to the absolute necessity, if they would be safe and secure, of taking from the collector whenever they sail a permit to touch and trade.

Now, Mr. President, I yield with a great deal of pleasure to the Senator from Alabama.

Mr. MORGAN. Mr. President, my difficulty in the discussion of the questions which have been mooted by the Senator from Maine [Mr. FRYE] arises mainly from the fact that there is nothing before the Senate upon which any definite judgment of the Senate can be taken in regard to these matters. The President of the United States, for the purpose of a temporary arrangement with the British Government after the expiration of the treaty of Washington of 1871, entered into a certain agreement with that government of rather an original nature, the object of which appears to have been and was intended to prevent any collision between the people of British America and the people of the United States in the exercise of their commercial rights or of their fishing rights. The termination of that treaty in the middle of the fishing season, about the 1st of July of last year, was considered by a number of the fishermen on the northeastern coast, as well as by other persons and also by the British authorities, as presenting a rather dangerous category; that men in the attempt to execute rights they had obtained under the treaty of Washington might be drawn into collision and the governments thereby involved in strife with each other. Whether these apprehensions were fully justified by the facts or not, they were honestly entertained on both sides, for the British minister brought this subject to the attention of our Government as one that might lead to some unpleasant complications. Our Government responded, and assured the British Government that it had no authority to create a treaty, no authority to renew an arrangement, but that the executive heads of the two governments could unite for the time being and by common consent not to exert themselves in the enforcement of the demands that might be made by their people on either side; and that led the President to make the recommendation to the Congress of the United States which I will read:

In the interest of good neighborhood and of the commercial intercourse of adjacent communities, the question of the North American fisheries is one of much importance. Following out the intimation given by me when the extensory arrangement above described was negotiated, I recommend that the Congress provide for the appointment of a commission, in which the Governments of the United States and Great Britain shall be respectively represented, charged with the consideration and settlement, upon a just, equitable, and honorable basis, of the entire question of the fishing rights of the two governments and their respective citizens on the coasts of the United States and British North America. The fishing interests being intimately related to other general questions dependent upon contiguity and intercourse, consideration thereof, in all their equities, might also properly come within the purview of such a commission, and the fullest latitude of expression on both sides should be permitted.

In listening to the remarks of the Senator from Maine, and also in what investigation I have been able to give this subject, I am unable to ascertain that there is really any unsettled question between the United States and Great Britain in regard to the fisheries of the northeastern coast. I have inquired of Senators who have had long experience in the diplomatic affairs of the country, to ascertain, if I could, whether there was any open question of damages, any claim of damages arising between the Governments respectively out of any supposed breach of our fisheries treaties or our fisheries laws; and I can hear nothing of that kind. The Halifax Commission seems to have settled for good and all every controversy, sounding in damages at least, which has been promoted or urged by the citizens of the countries on either side.

Those considerations out of view, the next question would be whether there is any want of certainty in our treaty relations with Great Britain upon this subject. I conceive that there is no want of certainty in our treaty relations, and there is scarcely room for a difference in interpretation of what our treaty relations actually are. The two treaties which have settled the actual and what we might term the permanent rights of the people of the United States and of the Dominion country in regard to the fisheries are the treaties of 1783 and 1818. No other treaties we have made at all in respect to the fisheries have undertaken to define the permanent, enduring rights either of the British people or of our people in respect of the fisheries. We have had two other treaties on this subject, the treaty of 1854 and the treaty of 1871, but they were both temporary in their character and both made liable to be suspended by the action of either government after they had run for ten years, and both have been abrogated. So that the field is entirely clear in respect of the actual state of treaty relations between the United States and Great Britain, and those treaty relations rest upon the treaties of 1783 and 1818.

Now, the question arises, of course, whether the treaty of 1783 has been entirely superseded by the treaty of 1818, and I believe that the better opinion of the publicists and of those who have been officially connected with the discussion of this subject, on our side at least, is that all the rights we acquired under the treaty of 1783 were repeated in a different form in the treaty of 1818; and when we wish to know what are the real treaty rights of the people of the United States in respect of these fisheries we go to that treaty and to no other place. Perhaps, to make this proposition a little clearer, it is better that I should read from these two treaties the text to see exactly what the modification has been. I will premise, however, by drawing attention to the fact that the Colonies before their separation from the British Crown were sister communities, all under the same dominion, members of the same great realm, and the rights of the Colonies were mutual and reciprocal in respect to the subject of the fisheries and a great many other questions. Throughout the whole extent of the British possessions in

America there was no distinction between persons who held fishery rights in Canada and persons who held fishery rights in South Carolina or Georgia. It was a common inheritance of right in which they all participated equally and in respect to which there was neither distinction nor discrimination.

I read from the treaty of 1783:

It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank, and on all the other banks of Newfoundland—

"Continue to enjoy." That means that they had, before that time, as colonies, been in the full enjoyment of, and this plenary right was merely continued under the third article of the treaty of 1783; and it goes on—

also in the Gulf of St. Lawrence, and at all other places in the sea, where the inhabitants of both countries used at any time heretofore to fish—

A sort of common-law right that belonged to the Colonies was put into operation, and continued, notwithstanding the severance of a portion of the Colonies from the British Crown—

and also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island); and also on the coasts, bays, and creeks of all other of his Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.

That was all that was said about it. A broader right of fishery than that can not be conceived of; no restriction or restraint upon it at all, except that in conducting their business they should not trespass or intrude on private property on the shore in drawing their fish or mending their nets or whatever other use they might have for the shore.

Some controversies arose—it is not at all necessary to refer to the character of them or the description of them or the subjects involved—in regard to this treaty, what the privileges of the people of the different countries might be under it; but the war of 1812 supervened, and after the declaration of peace this subject was again taken up, and the British Government acted upon the hypothesis or theory that all treaty rights which had been secured to us before that time had been abrogated by the war, and that it required a reinstatement of all the fundamental rights as well as of all the commercial privileges we might thereafter enjoy, by some express agreement between the two countries. So our diplomatists went to work to revamp the treaty relations between the United States and Great Britain. Various treaties were signed in rapid succession. In 1814, in 1815, in 1817, and in 1818 treaties were formed. The latest of these treaties, until we get down to 1822, related almost exclusively to the subject of the fisheries. We took the subject up *de novo*, and in that treaty of 1818 we yielded certain very important rights which I have just called to the attention of the Senate, and we had parceled out to us some other rights in perpetuity. I will call attention to Article I of that treaty to show exactly what we yielded and what we retained; we did not gain anything.

Whereas differences have arisen respecting the liberty claimed by the United States, for the inhabitants thereof, to take, dry, and cure fish on certain coasts, bays, harbors, and creeks of His Britannic Majesty's dominions in America, it is agreed between the high contracting parties that the inhabitants of the said United States shall have forever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coast of Newfoundland.

That appears to be a grant in perpetuity.

From the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbors, and creeks, from Mount Joly, on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson Bay Company.

All these rights were granted to us in perpetuity on that boundary, that definition of the limit—

And that the American fishermen shall also have liberty forever to dry and cure fish in any of the unsettled bays, harbors, and creeks of the southern part of the coast of Newfoundland, hereabove described, and of the coast of Labrador; but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground.

That was what was granted to us, or rather it was what was left of our rights under the treaty of 1783. Now comes the part that we yielded:

And the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America not included within the above-mentioned limits: *Provided, however*, That the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

That I consider the treaty foundation in regard to the fisheries between the United States and Great Britain. It seems to me a very clear one. I can scarcely understand how it is the subject of misconstruction or misunderstanding at all. It will be observed that in this proviso the language employed and the evident purpose of it was to extend to our fishermen a peculiar privilege in the bays, harbors, inlets, and creeks into which they might resort, in favor of our fishermen. There is nothing in that article which I have just read to indicate that the fishermen of the United States were considered in any sense a piratical people or a people who were intruding upon the rights of the people of the British-American provinces; that their traffic was in any sense an unlawful traffic or injurious to the people with whom we traded. On the contrary, this very privilege and license of entering into their bays was given to us for the purpose of promoting the welfare of the people along the cost of the British possessions. Here it is seen now that we have a very large area, commencing at the point I have just mentioned and running by the lines I have read, reaching indefinitely north along and through the Straits of Belle Isle and along the coast of Labrador, where it was supposed then, and where it is true now, that there are immense and very valuable fisheries. That was left to us in perpetuity. We renounced, however, the liberty that we had enjoyed theretofore to take and dry and cure fish on or within 3 marine miles of any of the coasts, not included in the former exception, in the other part of the Dominion.

Then for the purpose of encouraging our traffic with them, of encouraging us to go in there and do all such dealing with them as was necessary for carrying on a fishing adventure, this proviso was put into the treaty. It was a privilege given to our fishing ships that was not then enjoyed by any of our commercial ships. At the date of that treaty it was the settled policy of Great Britain, enforced with great vigor and care, that we should not have any direct trade with her British-American provinces. She intended to monopolize that trade entirely for Great Britain, and we were excluded from that trade by the greatest possible diligence. The first relaxation that was ever made in the British policy in respect of our trade with her colonies was with the East India colonies, and then after a while they made a relaxation in favor of the West India colonies, and finally they made a relaxation in favor of the British North American possessions; but never by treaty with us. We have no engagement, as the Senator from Maine well said the other day, with Great Britain in respect of our traffic with the people of the British possessions considered as such.

In 1818, the time this fundamental and last real treaty was made between the United States and Great Britain about the fisheries, our vessels of commerce that were not fishing-vessels had no right to resort there, had no right to go there, had no right to enter for the purpose of any traffic whatever with the people of the Dominion of Canada or the people of the British possessions; but our fishermen had the right to go there by the express terms of the treaty. They had the right to go there then for certain purposes and certain restricted purposes; that is to say, "we give you a very large liberty of coming in here, not a universal commercial privilege, for we do not intend to extend that to your people, but because you are fishermen and because your traffic is beneficial to our coast, because you come here to take our bait"—they did not have any ice to sell then, I believe—"because you come here to get your supplies from our people, because you run in here for the purpose of shelter, we intend to extend to you certain privileges; the only qualification we make is that you shall not do anything while you are in there for the purpose of taking fish, drying, or curing fish."

Mr. GRAY. May I interrupt the Senator?

Mr. MORGAN. Certainly.

Mr. GRAY. I want to ask if the Senator's construction of that proviso is quite as broad as he has just stated, and whether under it all American fishermen are not excluded from the bays, harbors, &c., except for four purposes—shelter, repairing damages, purchasing wood, and obtaining water? And then does not the last clause, "and for no other purpose whatever," negative any idea that there was any privilege to take bait or to carry on a general trading venture?

Mr. MORGAN. At that time it did certainly negative the idea of carrying on a trading venture, carrying on general commerce with that people in 1818.

Mr. GRAY. I call the Senator's attention to the force of the last clause, "and for no other purpose whatever."

Mr. MORGAN. I have that in my mind. I repeat that this was a privilege guaranteed to our fishermen as one of the benefits of the concession which we made in giving up the rights we had under the treaty of 1783, and it was a right that no commercial vessel of the United States at that time enjoyed, for no commercial vessel of the United States at that time could enter a Canadian harbor for any purpose, unless it might be driven in by stress of weather and might throw itself on the general hospitality of the people under the laws of nations; but there was no legislative right to go there guaranteed to us by the Government of Great Britain, there was no treaty provision, and therefore we had nothing to go on.

I will express the conviction again that this proviso in the treaty was a large indulgence to our fishermen far beyond that enjoyed by any of the commercial vessels of the United States, and was so intended. It was a restrictive advantage, I grant you, but still the only one that was enjoyed by any class of vessels of the United States at that time.

As I remarked before, afterward the policy of Great Britain changed and she began to open up the trade of her colonies to us; first the East Indies, then the West Indies, and after a while she came around and opened up her North American possessions to us for general traffic.

That was done entirely by statute, various enactments moving on the general line until the final enactment, made at a time almost contemporaneous with our laws on the same subject, opened the ports of the British possessions in America freely to our ships of commerce, our vessels of every kind. Those statutes do not discriminate against fishermen, nor do they discriminate in favor of vessels engaged in commerce other than fishing vessels. It is a broad, sweeping statute of Great Britain, admitting our vessels of whatever kind or character freely into those ports, whereupon, or at least almost contemporaneously with it, we passed a law of a similar character permitting British vessels to come here. Every vessel of the United States is included in that privilege granted by British law, without exception and without qualification. Every vessel that has a register or an enrollment under the flag of the United States, and that has papers which authorize that ship to go to sea for traffic, is a vessel that may go into any Canadian port to do anything that any other ship may do there.

The treaty of 1818 is totally perverted, in its application to this state of the case. A certain class of the provincial lawyers seem to assume that the treaty of 1818 gives to the fishremen the only rights they have got, and because those rights are restricted in the treaty therefore they can not do anything except what the treaty itself conferred upon them the power to do, when the fact is that the British statute, making no discrimination against them at all, permits them to go in equally with all the vessels of commerce of every kind and character that go into their ports.

Now, why should we take a class of vessels that in the treaty of 1818 had this great beneficial arrangement made in their favor, a class of vessels that were encouraged to trade in the British possessions, and when a general law is passed, without any discrimination against them, you presume to hold that that class of vessels, which were originally favored and have never met with disfavor at all, are excluded from the effects of this law because there was a treaty in 1818, in which they got a certain privilege or favor in advance of the rights of commercial ships? This reverses the whole theory of proper construction of the existing arrangements between the Government of the United States and Great Britain. The question between us and the British Government is whether or not they have any law that excludes a fishing ship from their ports. They have no law that excludes a fishing ship from their ports; they have not put it into any statute. If they had done any such thing as that, their fishermen would not have been buying fish-bait and recruiting their crews and getting their supplies, everything of that kind, in our harbors. We passed a law for the purpose of conferring upon the British people an equivalent in right to that which they had conferred upon our fishermen. Their own people construed their law by coming here. They are here every day. They are in the ports of the Northeast to-day buying their bait and their supplies and trafficking with our people at will and pleasure.

The treaty of 1818 is to be construed always in respect of the law as it stood at the time of its adoption, as well the laws of the United States as the laws of Great Britain; but when both governments place all the vessels of each country upon entirely a different footing and do not denounce the fishing vessels of either country, and when the people go on and practice upon that legislation, having perfect freedom of intercourse, the one set of people with the other, they have no right to turn around now and say, "In 1818 you were excluded from coming for any other purpose than for shelter and for wood and water." We say that might have been in 1818, and a commercial ship at that time was excluded for all things; but now, in 1886, we find under your laws that we have the privilege of going there, because our statutes have given to your people the privilege of coming here. That is the situation, and it is impossible to get back to the treaty of 1818 as a limitation upon the right of an American fisherman to go into British waters, unless we here intend to undo by some concessions we are about to make the whole effect of the British statutes giving us the privilege of going there.

Mr. GRAY. What has been the practice under the act of Parliament in regard to fishing vessels?

Mr. MORGAN. I am not prepared to say exactly what the practice under the act of Parliament has been, for the reason that nearly the whole period of time since 1818 or a large portion of the period of time since the passage of our several parallel systems of statute law has been covered by special arrangements—the treaties of 1854 and 1871 which have regulated in a different form altogether the fishery rights of the two countries admitting us to free fishing privileges within the 3-mile limit, and in the bays, harbors, gulfs, and so on.

Mr. GRAY. What I was getting at was whether there had been any practical construction by any department of the two governments of the effect of the laws on the fishermen.

Mr. MORGAN. I can cite instances I think in which there was action on the question. The Government of Newfoundland enacted some laws prohibitory of our people and which were considered as violative of the general commercial policy of the Government of Great Britain in respect to our fishing vessels, and that Government refused to give its sanction to those laws, and, therefore, they fell. What I meant to say with regard to the precedent that may be drawn from actual practice is that the fact had been that a very large portion of the time since questions of this character arose has been covered by the two conventions I have spoken of, each of which put the fishing rights of the American people and also of the British people in our waters on grounds of a peculiar character, taking them out of the operation of the ordinary laws of commercial intercourse, but giving us and giving them mutually certain privileges that did not belong to the nations of the world at large, certain privileges within what might be called the inland seas of these different countries. So I have not attempted, nor do I think any person can justly attempt to settle this question at all upon precedent, for these conventions came in to interrupt the course of precedent as far as the law is concerned.

But every day a precedent is being made. The British people have not any doubt at all of their right to come here with any ship of commerce, whether a fisherman or what not, and go into Boston Harbor or Gloucester or anywhere else and trade fully and freely for anything they wish to buy in that market. They are just as welcome there as our own ships; they have as much liberty of action as our own ships. They construe the law every day as authorizing their ships to come into our ports. We construe it in the same way by going to their ports. Occasionally we meet with some impediment, some obstruction, but we find from the remarks of the Senator from Maine and certain information that is given us to-day that they are rapidly relaxing their obstructions and objections and coming to the true interpretation of this matter.

I do not think any sound-minded British lawyer can contend that acts relating to commerce passed years and years after the treaty of 1818 are to be construed by reference to the language of that treaty. The rights of the American fishermen are not left to be controlled by the treaty of 1818, because an American fisherman that has his enrollment or has his registry and his trading license is a ship of commerce and has a right to go to any place in the world where the American flag can float, and because he is on a fishing mission he certainly is not a pirate, he certainly does not endanger the peace, he does not threaten any harm to any person, and there would be no reason for discriminating against him and excluding him from the benefits of British legislation that authorizes our ships of commerce to go into British ports, whether colonial or otherwise, for traffic as well as for shelter, wood, and water. And when we get to that proposition the whole case is answered, because if we can go in there to buy a barrel of flour or a barrel of sugar or one hundred pounds of lard or bacon, we can for any purpose. We can not fish within the 3-mile limit any more, except north of that point which has been fixed by perpetual grant to us under the treaty of 1818. Our people are not claiming it at all. But south of that point we go in for the purpose, not of fishing, and not under any claim of right to fish, but we go in for commerce. While our ships are there, whether they are commercial ships, or whether they are fishermen, they are prohibited from fishing in those waters. Suppose that a steam-yacht were to run into any port in the British possessions and happen to have a harpoon on the yacht and a yawl-boat, and all the necessary equipment happened to be there for the purpose of whaling, some amateur perhaps, and they find a whale in one of those harbors and they harpoon him. They violate the law not because they take the harpoon, rope, and tackle into the harbor, but because they use them there in violation of law. Suppose you have got a seine purse-net upon a ship that you intend to send off fishing on the southern banks of Newfoundland or any of the islands we are permitted to fish about under the first article of the treaty of 1818. You go into port with all the tackle and apparel and furniture necessary for a fishing outfit, and your purpose is to fish. If while you are within the 3-mile limit you do not use your tackle, your seine, and do not fish or attempt to fish, you do not violate the treaty of 1818, nor do you deny any British right. You go there and get your supplies in a commercial ship, intending to go back to the Banks of Newfoundland, and there to equip a fleet, if you please, of fishermen who are ready to cast their nets into the sea for mackerel, or their lines into the sea for cod or for halibut. That is no violation of any law of Great Britain, and certainly not a violation of the treaty of 1818.

Why is it, let me ask, that a ship that goes in there with all the tackle necessary for fishing for mackerel, but being a purely commercial ship, not having a crew shipped for the purpose of fishing, not having any fishermen aboard, can go into one of the ports of the British possessions, buy what it chooses to buy, and go out again without obstruction; and yet if a fisherman goes in there, a man whose business it is to fish, he is condemned if he undertakes to buy anything but wood and water or claims anything but shelter. The argument is not reasonable; it is not a proper construction of the British law; and when we have said that we have said all that can be said about it. If there was no law but the treaty of 1818, then our fishermen could not go there, except for shelter, for wood, and for water, but the British Government has enlarged that by granting to us the commercial privilege in a sense of reciprocity for certain like privileges that we have granted to them. That is the state of the law of this case.

If that is so, it seems to me there is no difficulty at all either in construing or in handling this matter. As I remarked before, I can not see that there is any difficulty in the construction of the treaty of 1818 taken by itself. All the rights that are guaranteed there and that have

not been enlarged by statute of Great Britain obtain, and there is no difficulty in the construction of them. There is no difficulty in the construction of the British statutes on this subject. But, then, we are not called upon to construe them. What we are called upon to do is to protect our people against any wrong construction that they may put upon their own laws, by a power that we reserve expressly in the hands of the President of the United States. That is, when the President of the United States is satisfied that the British people have legislated in hostility to our commerce or that they have construed their own laws in hostility to our commerce, we have the right to suspend intercourse with them either absolutely or partially. That power is given to the Executive, and he does it by a proclamation. That is an indispensable power, for the reason that there is no diplomatist, no set of diplomatists who have ever lived who can arrange between themselves all the rights of the people of two different states or nations in respect of a subject that is so intricate, so involved, that has so many incidents about it as this subject of conducting the fisheries. It must necessarily and naturally be left to the legislative power of the respective countries, left to the United States to say what privileges they will admit the British people to in our own waters, and left to the British people to say what privileges they will admit us to in their waters; and then if they discriminate against us, or if by the construction of their own laws they inflict what we conceive to be injustice to us, whether they think it is right or wrong, we reserve the power in the hands of our Chief Executive by proclamation to stop the intercouse till they come to their senses or until we come to some agreement. That is the situation. There is no other, there can not be any other.

I do not wish to volunteer any opinions about this subject before a question gets before the Senate and I am compelled to act upon it; but my convictions are very strong; they are fixed; indeed I may say that we can get along with the people of Great Britain on this subject without any further treaty at all and without any further legislation. If any one were to ask me what provision of a treaty I would frame to compose and settle any question of fundamental law between us and Great Britain in respect of the fisheries, I could not suggest it, or if I were asked to propose an amendment to the statutes of the United States so as to put the control of this intricate subject more completely in the hands of our own Government I could not frame the amendment to the statutes. I would not know how to do it. I believe that both the treaty stipulations and the situation under the statutes are about as complete as we are able to make them. There may be other interests, and there are other interests lying between the people of the British possessions and the United States that I would like very much indeed to see promoted by further negotiation, but I can not call to mind, there is no suggestion to my mind of, any improvement that we could make under existing conditions of our rights in the fisheries of that Northeastern coast.

Mr. GEORGE. Will the Senator from Alabama allow me to ask him a question?

Mr. MORGAN. Yes, sir.

Mr. GEORGE. Do the British Government and our Government differ as to the rights of fishermen under the law?

Mr. MORGAN. I really believe they do not. I have seen no evidence of it.

Mr. GEORGE. What is the trouble then?

Mr. MORGAN. I do not think there is any.

Mr. GEORGE. Do the colonial legislatures and authorities deny the right of our people under the municipal laws of England?

Mr. MORGAN. The Senator from Maine has suggested that they have been denying us some rights, that some governor up there has issued a proclamation in which he has made a statement of the law, but I believe he has taken that back and referred the subject to the mother government. There was a denial of the right to one ship to ship a crew, and of another ship to buy bait, but they have not resulted, so far as I understand, in anything.

Mr. GEORGE. I understand the Senator that we have a right under the treaty to buy ice and bait in the provincial ports. Is that right denied? How is that?

Mr. MORGAN. I understood the Senator from Maine to say a moment ago that they had conceded that.

Mr. FRYE. They have yielded all but the ice and bait, which are the most important for us.

Mr. MORGAN. Everything but that?

Mr. GEORGE. Then what question is at issue between the two governments? The right claimed is asserted, as I understand, purely under the municipal law of Great Britain, not under the treaty. Is that so?

Mr. MORGAN. Certainly not under the treaty, but under the municipal law of Great Britain, under the law giving us the right to trade there.

Mr. GEORGE. What prevents Great Britain from putting her own construction on her own statutes?

Mr. MORGAN. Nothing in the world. She can put it on any moment she pleases, and all we have to do then is to put our construction on our statutes and retaliate. That is all we can do. You may frame the laws and amend them as much as you please, you will come back to that every time.

Mr. FRYE. Allow me. The Senator understands, does he not, that there is a law to-day, a law of 1823, under which the President is not only authorized but directed to make proclamation under certain circumstances?

Mr. MORGAN. I referred to that a moment ago.

Mr. FRYE. The Senator understands that to be the law now?

Mr. MORGAN. Yes.

Mr. GEORGE. How is that? I was diverted. Will the Senator from Maine repeat his statement?

Mr. FRYE. I read the statute the other day. I was not certain it had ever been repealed or modified. Does the Senator from Alabama understand that it remains precisely as enacted?

Mr. MORGAN. Yes, sir; no question of that. I called attention to it the other day when the Senator from Maine was debating about it. That is the solution of the whole matter, and that is the power we have over the subject, and it is the only power we can ever get over it. If we expect to improve our advantages or powers in respect to this commercial intercourse, we had better go to our own statute and amend it, if it needs amendment, but I do not know how to amend it.

Mr. GEORGE. Would it not be well to base the right to buy ice, bait, and all that sort of thing on the interpretation of the law?

Mr. MORGAN. Ice and bait are not mentioned in this treaty.

Mr. GEORGE. I know they are not.

Mr. MORGAN. Ice and bait are therefore to be treated as articles of commerce. If we have any right to get ice and bait there, it is under the commercial privilege extended to us by the statute of Great Britain.

Mr. GEORGE. Which Great Britain has a right to interpret for herself.

Mr. MORGAN. Interpret for herself until we come to our right to interpret, and then we say, "If you interpret it in that way we interpret our statute so and so."

Mr. GEORGE. That is retaliation.

Mr. MORGAN. And it is all you can make of it.

Mr. GEORGE. It does not come to any agreement.

Mr. MORGAN. It would hardly be expected, I think, that the diplomatic powers of two great governments should enter into a negotiation to determine the distinction between ice and bait on one side and bacon and flour on the other as articles of commerce; neither of them is mentioned in the treaty, but I should think it was unfortunate for the civilization of this age, especially I should think it unfortunate for the character of the publicists of this age, if they should find it necessary to interpret the meaning of ice and bait so as to exclude them from the commercial list, when everybody would admit that flour and bacon are included in the commercial list.

Whatever is legitimate traffic, whatever is not contraband, is lawful traffic in any port to which you have the lawful right of access; and if it is ice and bait it is just as much commerce as if it was flour and bacon. You can not claim ice and bait under the treaty, you can not claim flour and bacon under the treaty, but beyond question a merchant ship has the right to go there and buy flour and bacon and a fisherman has the right to go there and buy ice and bait if also his is a commercial ship, for a fisherman may have two characters, and every one of them I believe has two characters. One is a business or vocation of catching fish, and the other is of dealing in freights or in merchandise, traffic, barter, or exchange under license just as they wish. We do not send any ships out of our ports, as I understand, exclusively for the purpose of fishing, but we arm every one of them with a sea pass and give them the protection of an enrollment or a registry, so that they are American ships in every sense of the word and commercial ships in every sense of the word.

Now, Mr. President, I beg to call attention again to the treaty of 1818 and to insist that the proviso which is found in the latter part of Article I was never intended for the purpose of discriminating against American ships and denouncing American fishermen or putting them under any bad character, casting any imputation or reproach upon them, but it was intended to provide for them privileges that at that time did not exist in the hands of ordinary commercial vessels—a favored class of ships under the treaty, a class of ships favored because of the advantages which they brought to the people living upon that northern coast. The passage of laws afterward by Great Britain did not change that construction, did not put them under the ban; and there could be no stronger evidence of the intention of the British Government that they should have enlarged privileges of traffic more than could be imputed by those statutes in reference merely to ships of commerce. Ships of commerce came in possession of their rights in 1823, not before that. Fishermen came in possession of their rights in 1818 under the treaty. It was an easy matter therefore for us or for them to put our fishermen upon the commercial basis and to give them the advantage of the commercial regulations and laws of the country. That is where our fishermen get the right to buy bait and buy anything else that is not contraband.

Mr. GEORGE. The Senator from Maine says that right is denied, as I understand him. The right to buy bait and the right to buy ice are denied by the colonial authorities.

Mr. MORGAN. I understand that while it was denied by some of the British people there, the authorities of Great Britain are not denying it. At all events whenever it is authentically notified to the Pres-

ident of the United States that that right is denied, and he believes that is a right secured to us under the reciprocal advantages, as I will call them, of parallel legislation between the two countries, he has nothing to do but resort to that act of Congress and say "I proclaim as President of the United States a suspension of trade until this matter is rectified."

Mr. GEORGE. He has that power under the law now.

Mr. MORGAN. He has that power now. I was speaking of the legal situation. I was trying to state to the Senate that I did not know how to improve it either in putting the matter to new negotiation to define our treaties, or in putting it to new legislation to define or to protect our rights. It would take a great deal of negotiation to go over the whole field and to prescribe everything that a fisherman might do and that any other class of ships might do. Therefore I think that the Government should leave the matter just where it is, and I do not think Congress can be persuaded to repeal that act. I have not heard yet from any source whatever a suggestion with regard to its amendment.

Mr. President, so far as I know that covers the whole case. With this view in my mind, I did not believe that it was necessary that the Congress of the United States should create a grand joint commission to negotiate about the matter. If the President of the United States or the Secretary of State thought that by a negotiation with Great Britain they could remove out of controversy any of the questions which have been mooted between the people of the different countries, that is well enough; let them proceed and do it. So far as I am concerned I am entirely content with the state of the law as it is, both as expressed in the treaty and in the statute; but still, as has been suggested here, some contention might be modified, or, perhaps, might be relieved entirely by a negotiation between the two governments which should settle expressions in regard to some of these disputed matters. If that is so, let it go on; but I confess I can not see any reason for a great joint commission between the two countries for that purpose. The truth is that all the suggestion about a joint commission or a high commission had reference entirely to the re-establishment of some form of reciprocity between this country and Canada.

I am in favor of reciprocity. There the Senator from Maine and myself differ, I dare say. I am in favor of making reciprocal agreement with our neighboring nations—I would not go very far abroad to do it—for the purpose of easing up the irritation of commercial friction. I would be very glad, indeed, if it could be accomplished, to see every state in the Western Hemisphere, in North and South America, upon a footing of commercial intercourse almost as free as that between the States of this Union. I believe it would redound greatly to the advantage of all the people in this hemisphere, and I think the aggregated power that would be accumulated in this way would make this Western Hemisphere something that men would be incapable of conceiving the power, grandeur, and force of.

Mr. GEORGE. I wish to ask the Senator, is there not some danger, with the different interpretation of the rights of our fleets, of a collision being brought about?

Mr. MORGAN. I think there is; but I do not think we can relieve it by negotiation. I think we can relieve it by enforcing the law on both sides. I think there is some danger, because there are enterprising citizens on both sides who would be willing to get up a fuss between the two countries.

Mr. GEORGE. May there not be something done to avoid it?

Mr. MORGAN. I do not know how you can do it unless by an arbitration law such as is proposed between the railroad companies and the strikers. If difficulty actually exists and is formulated by either government, then I should say that would lead to a negotiation of some kind for the purpose of relieving it. Irresponsible men, as far as diplomacy is concerned, who are getting up these troubles, can not very well be restrained by our action.

I will suppose a case. I am not aware that it exists, but I will suppose that some of the Gloucester fishermen desire to intensify American feeling a good deal just at this time for the purpose of holding on to the existing tariff on fish, and knowing that some thick-headed official in some Canadian port would deny to them the right to buy a barrel of flour or a barrel of sugar or to buy bait or something else under the treaty of 1818, if we should go back to that, and the moment they go there and make the request, this official comes out and says, "If you do not leave these coasts in your piratical enterprise of buying ice from our people we will have you arrested." Thereupon the Yankee gets his back up because he started out to get it up; there is a capture made; they libel his ship, put an officer on board, take him into a provincial court and condemn his ship. I do not believe the provincial court has any jurisdiction of it under the treaty at all. We can see that by a maneuver of this kind it is very easy to startle the American people, very easy to arouse them, and a speech against free fish made in the Senate of the United States with the background of a little flurry of that kind, by some smart fellow who went there for the purpose of getting up a row, would more than likely prevent any change of the duties on fish.

Mr. GRAY. That is just the case the Senator from Maine told us was probable about a week ago, that within a week's time there would be a ship seized there.

Mr. MORGAN. I was supposing the case as one probable because I had not heard anything like it having actually occurred.

Mr. FRYE. The tariff bill has not got over here yet.

Mr. GRAY. But the Senator from Maine said that was entirely probable within a week.

Mr. MORGAN. The Senator from Mississippi asks me if there are not difficulties. I am expecting difficulties all the time, not between the governments, but I am expecting difficulties between private enterprising men who want to raise rows and whose business interests lie in the direction of getting up a fuss. I rather look for them, and I do not see any way in the world to prevent them unless we had some law on our statute-book which would punish a man for undertaking to bring his country into turmoil and discontent with other governments. But so far as I have heard yet in the matter of buying ice and buying bait and shipping crews, or buying anything else, our American fishermen have got a right to go there and get these things although they are fishermen, for that is conceded to them under British law.

Mr. President, I would not hesitate a moment in protecting a man in the assertion of his rights, even though he went upon an enterprise of the kind which I have intimated. We can not restrain all human nature; we can not curb and control the passions and selfishness of men in advance so as to prevent turbulence, prevent irruption, prevent strife between neighboring countries. What we have got to do is to observe a cool, quiet, honest, sincere policy toward the people of other countries, insisting upon all that is due to us and demanding nothing that is not due to us.

Mr. GRAY. I should like to ask the Senator what in his opinion is the duty of the Government of the United States in the suppositious case which he puts of a vessel having been seized for attempting to buy bait in a provincial port.

Mr. MORGAN. I think then it would be a good occasion for the Secretary of State to ascertain all the facts in the first place, and whether or not the Government of Great Britain espoused the cause of that official, and whether in making the espousal of his cause the Government of Great Britain violated its own plain laws or violated its laws as we understand them; and if the question grew into that magnitude that the Government of Great Britain had determined through the instrumentality of this man to inflict a wrong upon us as a people, I do not know where I would go. I know there is one direction I would not go; I would not back out of it. I would try to have it settled peaceably according to the American spirit.

Mr. GRAY. There all agree. The Senator takes the position that we do not want to back out of it; but carrying the supposed case a little further, the vessel having been condemned by a provincial court by proceedings *in rem*, and the judge of that court having interpreted the municipal law not to have enlarged the privileges given to American fishermen by reason of their having a commercial license, and that being the authoritative interpretation by the courts of the provinces and so far of the courts of Great Britain, that this treaty stipulation was not enlarged by the statute law, what proper remedy have we, except to say that we must fall back on the treaty of 1818? Inasmuch as the municipal laws of Great Britian have failed us, can we put an interpretation upon them and insist upon it?

Mr. MORGAN. Unquestionably we can do that. Our men in going there do not go under the license of the treaty of 1818; they go under the license of the British statute, and if the statute is in existence at the time they go there we should not hesitate to resent any wrong done to our people, any of them, for the performance of any innocent act, innocent at the time. What might be the result of it after we had had our controversy, I do not know. We might be forced back to the treaty of 1818, because they might repeal their laws and we repeal ours and thereby proclaim again non-intercourse between the British provinces and the United States. That might be the result of it. But all this is now answering a beneficial purpose. It shows the impolicy of discussing any question of this kind as a mere problem, not upon an existing state of facts, not upon an issue made up between us and Great Britain, but upon a suppositious state of facts, conjectural entirely, and so far as I can understand this whole business we are dealing from beginning to end with it as a conjectural matter, and not as something that actually exists, and not as something that actually claims the attention of the Government, at least this branch of it.

Now notice the embarrassment here in speaking about what we should do in a certain case. Here are Senators who have to vote upon all the treaty relations that become laws between this and other countries; here we are debating a question that is not up, upon a state of facts that is only imaginary, and we are quoting very gravely propositions of law and tracing out their analogies and their history, and we are saying also in this state of case, "I would do thus and so," and some other Senator says, "In this state of case I would do thus and so." All this debate has been brought before the Senate of the United States by what I conceive to be a mistaken call upon the Congress of the United States for its assistance in conducting this matter. The Congress of the United States has no assistance to grant in this case, and ought not to be called upon to grant it. If we were settling the issues of a war, as we were in 1871, and if we were settling questions of damages that were still open between ourselves and foreign countries growing out of al-

leged breaches of treaty obligations, then it might become necessary for Congress, in order, perhaps, to give emphasis, or some direction, or make some ancillary provision of law, to indulge in anticipation for the purpose of creating a great commission to go out and settle the question. Nevertheless when we came to settle that most important question that we have ever had since the war of 1812, the question of the Alabama claims, connected with which, by British ingenuity, was some almost indefinite claim in respect of the breach of the fisheries treaty, we did not come to the Congress of the United States and ask them to enact a law creating a great high commission. There were ten commissioners who negotiated the treaty of Washington, five on a side, but there was no statute and no joint resolution authorizing the making up of that great commission.

The President, under his constitutional power, created and organized that commission. The law stood here empowering him to do it. The constitutional power of the President was sufficient, but we have provisions of law by which the President may appoint embassadors and other public agents, and we limit the number, the only limit being that Congress shall grant the money for the purpose of executing the commission which he puts in their hands. In that great trial and struggle—for it was one of the most intense and dangerous character to the American people—Congress was not called upon to create a commission.

So in this case I really do not see that there is any occasion for a commission. I can not so consider it. This is not a subject out of the ordinary course of affairs. Admit that the American fishermen and the Canadian fishermen are in some sort of controversy about their respective rights—yet I do not believe they are at much controversy about them—is not that a matter which the ordinary agencies of the diplomatic organization of our Government can deal with, without bringing the subject into Congress and asking that it shall be debated; that opinions shall be stated, grounds taken, committals made, policies foreshadowed? Really I do not see the reason for it.

But the resolution presents not one of these questions. They come *arguendo* simply, and I think it takes a pretty lively imagination to get a proper foothold on which to discuss the questions we have engaged in discussing upon this resolution. The resolution is:

> *Resolved*, That in the opinion of the Senate the appointment of a commission, in which the Governments of the United States and Great Britain shall be represented, charged with the consideration and settlement of the fishing rights of the two governments on the coasts of the United States and British North America, ought not to be provided for by Congress.

If such a commission is to be provided for at all, let it be done under the constitutional powers of the President. He can appoint embassadors to go there, if he wishes, or the Secretary of State along with the British minister can negotiate the whole question here, or it can be referred to London and negotiated between our representative there and the head of the British foreign office. There is no lack of agencies, no lack of power, no lack of authority, and therefore there is no occasion for this discussion in the Senate about it. Still I hope that the discussion of it will lead the people of Great Britain to understand that whatever rights we have under the treaty of 1818 we consider are perfectly clear, and what rights we have under the British statute we consider entirely clear, and that if we should unfortunately differ in our opinion with them about what our commercial rights are, we have the power in our own hands to rectify it; and that is the whole case. Therefore I am in favor of this resolution, but I put it upon the ground that Congress ought not to provide by law for a commission. I do not want Congress to do it.

Now, make your question as broad and as important as you can state it, and let it relate to a subject of negotiation, of treaty relation between this Government and Great Britain in respect to the fisheries or to any other matter, not a question relating to the settlement of damages or the private rights of individuals who may be mutual claimants against the one government or the other, but, as in this case, a question entirely free from all such considerations and all such involvements, a pure question of diplomacy as to what shall be the future relations of this country with Great Britain in respect of our fisheries, whether they shall be changed or whether they shall not be changed, whether they shall be interpreted in one way or whether they shall be interpreted in a different way: under such circumstances I deny the right of Congress to raise a commission to settle a question of that kind, under the Constitution of the United States.

If Congress has the right to raise a commission, Congress has the right to instruct the commission. We have raised several commissions, or authorized their being raised by the President of the United States, for the purpose of settling mutual claims between citizens of different governments, and so far as I remember we have never hesitated at all to put certain limits upon the powers of the commission. "You shall meet at a certain time; you shall sit so long; you shall hear so much evidence. In the event of a difference between the two regular commissioners, you may select an umpire, or we will provide a means for getting an umpire. And the decision of these gentlemen or of the umpire siding with one or the other shall be final and conclusive." That is a commission in its proper sense; that is the business of a commission. That is not a business of negotiation, but it is a business of settling damages growing out of some previous negotiation; and so we give instructions and limitations and put boundaries upon the authority of commissions of this kind. But when, as in the case before the Senate at this moment of time, everything that is to be done relates to some disputed proposition of law, merely some disputed proposition as to what shall be the future policy of the two countries in regard to fisheries or reciprocity, then I submit that it is an improper exercise of power by Congress to raise a commission. If Congress can raise a commission, I insist that it can instruct it, and therefore it should not do it.

I believe in holding to the rights and powers of the Senate of the United States upon this question and upon a good many others that Senators seem to be willing to throw to the winds. The Constitution of the United States makes us the constitutional advisers of the President in respect to the matter of negotiating treaties with foreign powers. There is no occasion for going to Congress to ask its authority, because the Senate and President have the power to act. The President and the Senate in respect of the relations between themselves and foreign governments can make the supreme law of the land, whether the other House participates in it or not, and no President can veto it; he may refuse to negotiate, and that is the end of it. Therefore I would leave this subject entirely in the hands of the ordinary diplomatic functionaries of the Government, supplied as they are with every ample facility for conducting any negotiation that can possibly touch this subject. I suppose there is no misunderstanding about what we are doing here. The honorable Senator from Maine introduced his resolution. It had a "whereas" to it, and it went to the Committee on Foreign Relations. It read thus:

> Whereas the President in his late message recommends "that the Congress provide for the appointment of a commission in which the Governments of the United States and Great Britain shall be respectively represented, charged with the consideration and settlement, upon a just, equitable, and honorable basis, of the entire question of the fishing rights of the two Governments and their respective citizens on the coast of the United States and British North America;" and
>
> Whereas "the fishing rights" were settled for ten years by a commission appointed under the treaty of Washington at a cost of $5,500,000, paid in money, and a remission of duties amounting in the ten years to about $6,000,000 more; and
>
> Whereas the effect of the terms agreed upon by the said commission was further an increase in the Canadian fishing fleet of five hundred vessels, and of seamen ten thousand, with a corresponding decrease in our own fleet and sailors, without any appreciable benefits to the people of the United States: Therefore,
>
> *Be it resolved by the Senate of the United States*, That in the opinion of the Senate the appointment of a commission clothed with such powers ought not to be provided for by Congress.

The committee have reported back without any recital at all the simple resolution which presents merely and only the question whether this is a case in which Congress should be called upon to provide a commission; and although we are acting negatively upon it and against what appears to be the recommendation of the President of the United States, I do not hesitate to say, as a friend of the powers of this body, and conceding that I am one of the number in which every other Senator is only my equal charged with the duty of preserving the constitutional powers of this body, I am not willing upon an occasion like this to ask the intervention of the Congress of the United States to raise a great commission or any commission for the purpose of settling a question that seems, after all, to be scarcely a question at all.

Mr. EVARTS. Mr. President, as it is the purpose, I believe, of the Senate to proceed to vote on this question, I will detain them from the vote for some very brief observations which I think it suitable that I should make.

I regret that important engagements before the Judiciary Committee have detained me there in important matters; and I had supposed that I should have an opportunity to-morrow to present perhaps more fully, and certainly more usefully if I could have heard the observations of the Senator from Alabama, the views I entertain. It is, however, I think, important that we should understand what our relations are toward Great Britain and the provinces on this subject of the fisheries, and on this other subject, the intercourse of commerce and trade.

So far as this resolution itself is concerned, I should not regard it as suitable to be originated in the Senate if no communication had been made to us from the President on this subject. But as that communication has been made, and we have seen the basis upon which that communication is rested and the interchange of notes between the State Department and the British minister that have led up to an agreement in regard to the management of the fisheries of the two countries *ad interim*, and including in that the purpose of engaging this Government in a new convention, a new arrangement, a new comprehensive settlement of the matters regarding intercourse with the provinces and the fishery enjoyments, I think it is important that this body should express its mind on this topic.

As I understand it, Mr. President, the relations of this Government toward Great Britain and toward the provinces on the subject of the fisheries and on the subject of intercourse of trade, are two independent subjects; that of the fisheries rests entirely upon treaties; that of intercourse of trade or commerce rests either upon the general conventions of commerce, or upon legislation that has proceeded in the enactments of the Parliament of England and of the Congress of the United

States in the same intent and with the same results toward free, convenient, and amicable intercourse in trade.

As it has seemed to me, there had been some inattention or some want of circumspection on the part of the State Department in not observing this discrimination. All the treaties that we have had on the subject of the fisheries are embraced in the first treaty of peace and partition of empire, so to characterize it, between Great Britain and ourselves after the Revolution. As we all know, the fishing grounds and fishing coasts up to our Revolution had been enjoyed by all the people of the Colonies as a part of the British Empire; and when after the successful prosecution of our Revolution, and its success recognized by Great Britain, we had before us nothing but the drawing of lines between the possessions of the new-made nation and the mother country after this severance was completed, the lines of territory were drawn, and then there came to be a partition of this fishery, which had been one possession before, but now was to become one of a joint interest. And there the lines were drawn firmly, that we were to have the rights of fishery there as we had theretofore enjoyed them.

Now, besides the fishery itself, that is the occupation and pursuit as upon the water alone, there came to be in connection with the useful prosecution of the fishery a certain right of resort to the land. The whole region was desolate and unoccupied, and the then method of fishing made it quite necessary that there should be a constant, or certainly a frequent, resort from the vessels occupied to the land in the curing of their fish, and the curing then was in the simple method of the uses of drying, as it was called, and such sustenance for the crews and protection against the severity of weather as was required. So the provision in regard to access to the coast or use of the coast was but a part of the execution of the fishery right and its enjoyment, and in itself formed no part of the access given to us, for the purpose of trade. The word "trade," or "purchase," or the idea of intercourse by trade, did not enter into that treaty, and no more is it in the later treaties. The use of fire-wood was the use of the forest, and the use of the coast was for the exposure of the fish to drying by the sun.

Afterward, from the war of 1812 having interrupted our relations with Great Britain, the pretension was set up by Great Britain that this division as to the fishery was not a division of empire between us and Great Britain in that regard as a permanent establishment of our independence, and its lines drawn, fixed, permanent, and subject to no possible disturbance, but that this part of the division of empire was treated as a concession or privilege resting upon convention that was separable and made no longer permanent and secure.

We were not in a condition to cope with this great adversary upon as high terms as we now should be able to do. My own opinion has been, so far as I understand it the prevalent opinion of the public men of this country has always been, that it was a very severe and a very unjust treatment of us in regard to the fishery that when peace was restored our rights were not the same in that regard as they had been before the interruption of peace. But we did enter into the treaty of 1818. That follows very much in the line of the original treaty except in the limitations, but the traits of that relation were preserved the same, that it was not a question of trade nor a question of hospitality, but as a part of the fishing rights and interests, and with the same rights of resort to the coast as had prevailed in the earlier arrangement of the first treaty of 1783.

In each of these treaties it was provided that whenever this use of the shores in connection with our fishery brought us in contact with settlers, in occupation in severalty or otherwise of the coast, we, under this general right of our fishery purposes, by our own authority and permission, should not interfere with the local occupation and local interests, except by agreement with them.

Mr. EDMUNDS. That included the fishery within the three-mile waters as well.

Mr. EVARTS. Yes; I am drawing no line between the three-mile limit and the other waters. All this had nothing to do with trade and with purchase, and the question of bait not being mentioned, nor ice, nor any of these circumstances of intercourse by trade acquiring for money and contract, these topics do not appear at all.

When therefore we were approaching a larger and larger occupation and interest of population there, still it was the same question. You do not find in the treaty of 1818 the least regulation of the question of our right to buy bait, or our right to buy ice, or any circumstances of trade. Our right in regard to bait there under the treaty was the right to catch bait as covered by the fishing right we had; and whenever we had only the fishing right then bait already caught and separated from the sea was like any other item of exchange and commerce that the occupants of those distant shores might have occasion to find to their advantage in dealing with us.

But we have changed our system of fishing, and by reason of that change this whole matter of our catching the bait-fish has disappeared from any uses to our enjoyment. Our method of fishing now is so changed that we no longer practice our allurements or deceits upon the individual fish we are pursuing; our distribution of bait is to spread it upon the waters as if the gift of good Providence for the fish, and to entice and hold them there, and while they are enjoying this their greedy pursuit, whithout any hook appearing, our new method of larger strategy upon the fish is to surround them with our seines and then, as if they were outcasts upon an inhospitable shore, place them on the decks of our schooners. That method we can not carry on by catching the fish, which was the simple one of catching a herring and putting it on a hook and then catching a codfish. Of course it became very valuable to these provincials if they could sell us bait at prices satisfactory to themselves and we could pursue our deep-sea fishing in the manner I have suggested. As the Senator from Maine has stated, I believe we paid $125,000 a year in the purchase of bait.

There was trouble under the 3-mile exclusion accomplished by our treaty of 1818. Of course, a line upon the surface of the water not nearer than 3 miles may readily be honestly obscure to the opposing interests, and it may be made the occasion of annoyance much beyond any such honest difference of opinion. To a certain extent, it was desirable for us that this line of disturbance between the two countries should be removed; and when we came to the convention of 1854 by which the reciprocity arrangement was completed, we then introduced this matter of the inshore fishing. There were many other exchanges of interest in that reciprocity treaty, but the right for us to fish without any limit was met by an equivalent right on their part to fish in our waters without any such limit.

Our experience under the twelve years that the reciprocity treaty was in force gave us very definite and very trustworthy evidence of what was useful and valuable in regard to this inshore fishing. It ought to have advised, it gave in my judgment advice to the provincials, what the value of that inshore right to us without any limit of line was, and of how much to them was the value of intercourse by trade.

Our Government, with entire unanimity, as I am advised, on the part of the two Houses of Congress, gave notice of the termination of the reciprocity treaty as soon as we had an opportunity to do so, and that indicated not only the judgment of the interests of our fishermen and of all interested in that pursuit of how much or little importance there was in it, but it was evidence of the attitude of our Government that we were not asking for or desiring any renewal of that privilege. We had had the privilege.

No notice came from Great Britain to dissolve that right, she having an equal power to terminate it on her part; but we, with entire unanimity, had put an end to this enjoyment in the fishery. True, there were other considerations of interchange of commodities between the provinces and ourselves; but from the experience of that twelve years' enjoyment under the reciprocity treaty, and the alacrity and the unanimity with which we dissolved that enjoyment of fishing as soon as we had an opportunity, no public man could have imagined that it was our interest or our disposition to take an attitude of inviting or desiring for our own interests to have a renewal of that authority.

After an interval of several years, in which to be sure there was no very great disturbance, we came to the great treaty of 1871, the treaty of Washington, a treaty, as we all know, for its large and principal subject furnishing the motives and the inducements, and which furnished the great frame of the treaty, had regard to the Alabama claims. Another great interest was to be settled and was settled under that treaty, and that was our northwestern boundary at Vancouver's Island and Puget Sound.

When we approached the subject of the fisheries what had we of instruction as to the estimate which the British Government and the provincial interests placed upon the treaty so far as they were interested in having it negotiated? Manifestly always, and so distinctly avowed, what Great Britain desired, what Great Britain for the provinces demanded as the principal if not the absolute and only proposition upon which they would enter into this arrangement, was the gain of our market for their fishery products in the consumption of our people. Our people were not at all disposed to opening this market. At no stage were we in that attitude, and certainly our fishermen never had a desire that their markets should be parted with in any reference to their expectation of benefit to them thereby. Lord Elgin stated this very distinctly when the negotiations for the reciprocity treaty of 1854 were approaching. I read now from page 302 of the Foreign Relations of the United States for the year 1878, in which these words of Lord Elgin, as governor-general of Canada, to Sir Henry Bulwer, British minister here, written in 1851, are cited:

> Her Majesty's Government are prepared, on certain conditions and with certain reservations, to make the concession to which so much importance seems to have been attached by Mr. Clayton, namely, to throw open to the fishermen of the United States the fisheries in the waters of the British North American colonies, with permission to those fishermen to land on the coast of those colonies for the purpose of drying their nets and curing their fish; provided that in so doing they do not interfere with the owners of private property or with the operations of British fishermen.
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> Her Majesty's Government would require, as the indispensable condition in return for this concession, that all fish, either fresh or cured, imported into the United States from the British North American possessions, in vessels of any nation or description, should be admitted into the United States duty free and upon terms in all respects of equality with fish imported by citizens of the United States.

Thus as early as 1851, prior to the convention of 1854, we had announced to us that the *sine qua non*, the absolute need of interest to be consulted on the part of the provinces was this free market for their fish here. No negotiations could be entertained in regard to the fish-

eries that we were to gain of getting within the 3 miles, whatever importance we might attach to it, that could not be considered unless they had this market, without which as it was very apparent their fishery interests would languish and shrivel and shrink away. With that experience, then, this original view was confirmed by their enjoyment of our market during the twelve years of the reciprocity treaty. Now, how did Great Britain approach us in reference to this market when the treaty of 1871 was on the carpet and was to be disposed of? That our market was indispensable to them, that that equivalent was for them all that was important and desirable, or at least without it nothing was valuable enough.

We had this experience about the fishery during the twelve years of the reciprocity treaty, that our fishing within the 3 miles was of no great importance to us. These new methods of fishing had developed themselves, and we did not regard it as valuable to us. We did, however, repeat in the treaty of 1871 substantially the equivalent article in regard to the inshore fishery for us on their coast, and gave them the inshore fishery upon our coast, and then we gave the free market for their fish.

Seeing the attitude in which the negotiators of this treaty on our part had a right to look at this question of the value of our acquired fishing inshore as compared with what we had conceded to them in our free market, we had a right to consider that under the statement of Lord Elgin before the reciprocity treaty was negotiated and the experience on both sides of its twelve years, we having our fishing inshore on their coasts and they having our market, the inshore fishing was trivial and the market was inestimable.

Then came about a negotiation as to what should happen in regard to what might be called an owelty of partition. The provinces, it was said, would not be satisfied until and unless there had been some ascertainment by some impartial tribunal of what the comparative value of these exchanged equivalents on the one side and the other was. We offered to say, "We pay you more in this market than all that you give to us, but we are willing in order for convenience and good neighborhood to obliterate that line, and we will pay you a million dollars in perpetuity for that line over and above what we have given in the free market for the twelve years, or the ten years." They must have a valuation, and our negotiators seem to have been the victims of too great confidence in two great nations looking at the same subject in the same way before the negotiations that it would be maintained after they came to the arbitration and ascertainment of these values.

Out of this grew the fishery commission at Halifax and the fishery award there; and as the commissioners kept no protocols in which they took and expressed the evidence concerning the value of the fishery on the one side or the other, after the astounding award of $5,500,000 was announced, we had no mode of exhibiting to Great Britain our conviction that the very matter which had been submitted under the arbitration to the commission had been transcended, that the submission had been transcended by the award and therefore we were not bound by it. But this Government had made up its mind on this subject; and notwithstanding the gravity of the situation by which questions should be raised in regard to settlements that had been accomplished under arbitration, the appropriation of the $5,500,000 was granted and placed at the power of the President to make that payment only upon condition that after a correspondence between our Government and that of Great Britain the President should still find it his duty to make the payment. Under that necessity and duty a correspondence was opened by the State Department with the foreign secretary of Great Britain, and the following is a portion of the dispatch which I addressed to Mr. Welsh on the 27th of September 1878, to be communicated to Lord Salisbury:

> Fortunately, there are trustworthy criteria for determining the value of the concession of Article XVIII, as I have defined that concession to be. They are resorted to, upon one side and the other, and confessedly furnish the material upon which the appraisement, if confined to the subject as truly defined, must turn. If, then, upon the evidence, if found conflicting or divergent, the largest measure of valuation deducible therefrom be given in favor of the concession of Article XVIII, and that extreme value shall show no rational or approximate relation to the sum awarded, there would seem to be no escape from the conclusion that the concurring commissioners accepted some other subject for their appraisement than that submitted to them.
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> It happened that before the Halifax commission had concluded its labors five fishing seasons of the treaty period had already elapsed, and the actual experience of the enjoyment by the United States fishermen of the privilege conceded replaced any conjectural estimate of its value by reliable statistics of its peculiar results. These statistics disclosed that the whole mackerel catch of the United States for these five seasons in the Gulf of Saint Lawrence, both within and without the 3-mile line, was 167,945 barrels. The provincial estimates claimed that three-quarters of this catch was within the 3-mile line, and so to be credited to the privilege conceded by Article XVIII. The United States estimate placed the proportion at less than a quarter. Upon the provincial claim of three-quarters, the product to our fishermen of these five years of inshore fishing would be 125,961 barrels. It was established, upon provincial testimony, that the price which mackerel bore in the provinces, cured and packed ready for exportation, was $3.75 per barrel, and this would give as the value, cured and packed, of the United States inshore catch for five years, the sum of $472,353. But in this value are included the barrel, the salt, the expense of catching, curing, and packing, which must all be deducted before the profit, which measures the value of the fishery privilege, is reached. Upon the evidence, a dollar a barrel would be an excessive estimate of net profit, and this would give a profit to our fishermen, from the enjoyment for these five seasons of the fishery privilege conceded under Article XVIII, of but $25,000 a year, or for the whole treaty period of twelve years of $300,000.
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> Although there would seem to be no reason for distrusting this commercial and pecuniary measure of the privilege in question, yet if it should be pretended that the provincial value should not be taken, but the value in the market of the United States; and, further, that an extravagant rate of $10 per barrel should be assumed as that value, and, again, beyond all bounds of even capricious estimate, a conjectural profit of 50 per cent. should be assigned to the fishing adventures, we should have but $125,000 a year, or $1,500,000 for the entire twelve years of the treaty, for the gross valuation of the concession to the United States by Article XVIII, undiminished, by a penny, for the counter-concessions of the United States of Articles XIX and XXI. Yet this sum, thus reached, is but little more than one-quarter of the award of the concurring commissioners, after taking into account the deductions required for the privileges of Articles XIX and XXI.
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> The proofs disclose another wholly independent criterion of the value of the privilege conceded to our fishermen by Article XVIII of the treaty, drawn from the experience of some years intervening between the abrogation of the reciprocity treaty and the negotiation of the treaty of Washington. The provincial government in these years adopted a license system by which vessels of the United States were admitted to the inshore fishery upon the payment of fees for the season, rated by the ton. The experience of this system showed that under an exaction of 50 cents per ton our fishing fleet generally took out licenses; that when the fee was raised to $1 per ton, the number of licenses fell off about one-half; and when a fee of $4 per ton was exacted, but few licenses were taken out. The fairness of this measure of the value of the privilege is obvious. It furnishes a compensatory rate between opposing interests, suggested and acted upon by them without coercion, and by concurring consent.
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> The tonnage, taking out licenses under the first and lowest rate, was about 32,000 tons. Assuming contrary to experience, that this tonnage would have borne the highest rate of $2 per ton, the sum of $64,000 per annum would have measured the value of the privilege in question, and would have yielded for the treaty period of twelve years $768,000. By this method the valuation of the privilege of Article XVIII (without deducting a penny for the counter-privileges of Articles XIX and XXI) would be but about 14 per cent. of the award of the concurring commissioners, after they had taken into account these privileges.
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> You will say, then, to Lord Salisbury, that with every anxiety to find some rational explanation of the enormous disparity between the pecuniary computations of the evidence and the pecuniary measure announced by the concurring commissioners, this Government has been unable to do so upon any other hypothesis than that the very matter defined in Article XVIII, and to which the proofs on both sides were applied, and the very matter measured by the award of the concurring commissioners, were not identical nor even similar, and that such award, upon this reason, transcends the submission.
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> The demonstration at which I have aimed appears so conclusive upon the mere consideration of the concession of Article XVIII as to supersede, so far as the immediate argument goes, an exhibition of the reduction even of the moderate sum above assigned as the true appraisal of the concession of that article by the pecuniary value, as laid before the commission, of the counter-concessions of Articles XIX and XXI. But a brief statement of the views of this Government on the treatment of these counter-concessions in the deliberations of the Halifax commission is requisite both to the completeness and frankness of this exposition.
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> In brief, it may be said that Her Majesty's Government formally insisted in their "case" and in their "reply," laid before the commission, that the concession of Article XIX, whereby British subjects are admitted to the freedom of our coast fisheries north of the thirty-ninth parallel, is, to quote the language of the "case," "absolutely valueless;" and that the concession of Article XXI, admitting fish and fish-oil, the product of the provincial fisheries, to our markets duty free, to quote the language of the "reply," "has not resulted in pecuniary profit to the British fishermen, but, on the contrary, to the American dealer or consumer."
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> If I have been at all successful in showing the enormous disproportion between the sum of $5,500,000 announced as their award by the concurring commissioners and the pecuniary value which the evidence assigns to the concessions of Article VIII, by itself considered, I need spend little time in showing that these commissioners must have accepted the views of Her Majesty's Government that nothing was to be allowed for countervailing value to the concessions of Articles XIX and XXI, or that these commissioners had in their minds a measure for the concession of Article XVIII still more inconsistent with the true treaty definition of the subject described in that article and submitted to the appraisement of the commission.
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> If the concession of Article XIX was held by these commissioners to be "absolutely valueless," as asserted in the "case" of Her Majesty's Government, it must have been because the pecuniary profit to the provincial fishermen of the privilege, as actually enjoyed by them, was the true measure of estimation of the value of the concession. In this view, the immense value of these fisheries, as shown in the evidence, all went for nothing, because the population, capital, or enterprise in the provinces could not carry on what to them were remote fisheries in competition with our own coast population. Without insisting upon the unreasonableness of measuring the value of our fishing grounds by the incapacity of provincial resources to engage in the fishery opened to them, this disposition of the value of the concession of Article XIX recognizes the whole force and result of the reasoning by which I have assigned the true criteria of value for the privilege of Article XVIII, under the experience of the actual five years' enjoyment thereof by our fishermen, who were able take advantage of the privilege, and did so to the furthest extent compatible with profit. The vice of the reasoning by which a right of fishing, valuable in its own capacity, is measured by the tenant's incapacity to fish is obvious. It furnishes no true criterion of the rent value of a fishery, which is what was needed to be got at both under Article XVIII and Article XIX. Under Article XVIII we furnished a true criterion by the experience of a tenant, confessedly willing and able to improve the fishery to the utmost, and actually doing so.
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> I now desire you to present to Lord Salisbury's attention the subject of the concession of a free market in the United States for the products of the provincial fisheries as made by Article XXI. The value of this privilege to the provinces was required by the treaty to be measured by the Halifax commission and deducted from their appraisement of the concession of Article XVIII in favor of the United States.
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> The statistics of the importation under this privilege showed that, at the rate of duty prevalent before that concession, a revenue of about $200,000 per annum on mackerel alone, and of more than $300,000 on all kinds of fish (mackerel included) and fish oil, would have accrued to the United States. For the purpose of argument, conceding that but one-half of this annual sum of $300,000 should be set down as pecuniary profit to the provincial interests, the sum of $1,800,000 would need to be deducted on the score of Article XXI from the true valuation of the privilege conceded by Article XVIII. If I have assigned correctly the highest possible measure of the privilege of Article XVIII, upon the evidence, as being not more than $1,500,000, this low valuation of the privilege of Article XXI more than extinguishes it.
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> Whatever disposition the concurring commissioners made of this countervailing concession of Article XXI—whether they gave it a value commensurate with the statistical evidence of the revenue loss to the United States and market gain to the provincial interest, or considered it absolutely valueless—the matter is one of much moment.
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> If these concurring commissioners gave the sum of $5,500,000 as the appraisement of the concession of Article XVIII, after deducting some two million dollars for the countervailing concession of Article XXI, the argument, as it seems

to this Government, adequate before, becomes still more conclusive that the measurement, thus enhanced to some $7,500,000, was not applied and confined to the very subject submitted to the appraisement of the commission by Article XVIII.

But, it may be said, these concurring commissioners may have treated the concession of Article XXI as absolutely valueless to the provincial interests, and it was competent to them to do so. But this alternative is little consistent with the whole tenor of the views of Her Majesty's Government as maintained by successive cabinets and insisted upon in responsible negotiations, by their most eminent representatives, through a long course of years. Certainly, ever since 1851, when Lord Elgin, as governor-general of Canada, communicated through the British minister at Washington, Sir Henry Bulwer, to Mr. Webster, Secretary of State, the opinion of the British Government that the admission of the product of the provincial fisheries duty free to our market was the one indispensable condition to our participation in the inshore fisheries of the provinces, down to the negotiation of the treaty of Washington, the attitude of the British Government on this point has been explicit and unequivocal.

Lord Elgin declared:

"Her Majesty's Government are prepared, on certain conditions and with certain reservations, to make the concession to which so much importance seems to have been attached by Mr. Clayton, namely: to throw open to the fishermen of the United States the fisheries in the waters of the British North American colonies, with permission to those fishermen to land on the coast of those colonies for the purpose of drying their nets and curing their fish; provided that in so doing they do not interfere with the owners of private property, or with the operations of British fishermen.

"Her Majesty's Government would require, as the indispensable condition in return for this concession, that all fish, either fresh or cured, imported into the United States from the British North American possessions, in vessels of any nation or description, should be admitted into the United States duty free, and upon terms in all respects of equality with fish imported by citizens of the United States."

The deliberations of the joint high commission, as presented in the protocols of their conferences on the fisheries, exhibit with perfect distinctness the British opinion as to a free market for the product of the provincial fisheries being a value to provincial interests which could not be missed, or replaced by a pecuniary substitute, in any settlement of the question. Thus, our high commissioners stated "that if the value of the inshore fisheries could be ascertained, the United States might prefer to purchase for a sum of money the right to enjoy, in perpetuity, the use of those inshore fisheries in common with British fishermen, and mentioned $1,000,000 as the sum they were prepared to offer." The British high commissioners replied "that this offer was, they thought, wholly inadequate, and that no arrangement would be acceptable of which the admission into the United States, free of duty, of fish the produce of the British fisheries, did not form a part."

After a consideration of commercial equivalents, in which the offers of our high commissioners were not accepted by the British high commissioners, all such propositions, on our part, were withdrawn, and our commissioners renewed their proposal to pay a money equivalent for the use of the inshore fisheries, and further proposed that, in case the two governments should not be able to agree upon the sum to be paid as an equivalent, the matter should be referred to an impartial commission for determination." To this the British high commissioners replied "that it would not be possible for them to come to any arrangement except one for a term of years, and involving the concession of free fish and fish oil by our commissioners; but that if free fish and fish oil were conceded, they would inquire of their government whether they were prepared to assent to a reference to arbitration as to money payment." Our high commissioners replied "that they were of opinion that free fish and fish oil would be more than an equivalent for those fisheries, but that they were also willing to agree to a reference to determine that question and the amount of any money payment that might be found necessary to complete an equivalent." Hereupon, as stated in the protocol, "the British commissioners having referred the last proposal to their government and received instructions to accept it," the fishery articles of the treaty were agreed to.

These opinions of Her Majesty's Government were entirely in accord with the views of the leading provincial statesmen. Mr. Stewart Campbell, of Nova Scotia, declared that, "under the reciprocity treaty, the total exemption from duty of all fish exported from the maritime provinces to the markets of the United States was also a boon of inestimable value to the very large class of British subjects directly and indirectly connected with our fisheries and its resulting trade." Sir John MacDonald said, in the Parliament of the Dominion, "the only market for the Canadian No. 1 mackerel in the world is the United States. That is our only market, and we are practically excluded from it by the present duty. The consequence of that duty is that our fishermen are at the mercy of the American fishermen. They are made the hewers of wood and the drawers of water for the Americans. They are obliged to sell their fish at the American's own price. The American fishermen purchase their fish at a nominal value, and control the American market. The great profits of the trade are handed over to the American fishermen or the American merchants engaged in the trade, and they profit to the loss of our own industry and our own people."

It may be that Her Majesty's Government has surrendered these opinions, and that the statesmen of the Dominion and the people of the provinces now think that the possession of our market for the products of the provincial fisheries is of no pecuniary advantage to these provincial interests. In such case, in any future negotiations respecting the fisheries, this Government would expect no stress to be laid upon this question of the possession of our own markets.

If Her Majesty's Government accepts the award of these concurring commissioners as carrying the necessary consequence that the concession of Article XXI is of no value to British or provincial interests, that element of calculation will disappear from any possible exchange of equivalents that the exigencies of any future friendly negotiations may need to find at their service. A privilege that is valueless when granted to and enjoyed by a beneficiary may well be reserved and withheld without the charge of its being even ungracious to do so.

If, on the other hand, Her Majesty's Government adheres to the views of the value of our market for the product of the provincial fisheries so often and so earnestly pressed upon the attention of this Government, and asserts that the award of the concurring commissioners must be held, upon necessary reasoning, to have measured and deducted this great value of free market from the appraisement of the concession of free fishing to us, made by them under Article XVIII, this Government will expect the more ready acceptance by Her Majesty's Government of the proposition, that these concurring commissioners, in their award, mistook the subject submitted by Article XVIII to their pecuniary measurement, and exceeded the authority under which the commission acted.

You will, however, very earnestly press upon Lord Salisbury's attention in advance of any declaration from Her Majesty's Government of their present views of the value of our markets for the products of the provincial fisheries, that this Government has not changed or at all modified its opinions on this subject. To dissemble or conceal from Her Majesty's Government this fact would be uncandid, and, by silence on our part now, breed mischief for future contentions or negotiations. This Government holds now, as it did by the mouth of its high commissioners in the conferences on the subject of the fisheries which produced the pertinent articles of the treaty, "that free fish and fish-oil would be more than an equivalent for those fisheries." The measure of pecuniary value which I have drawn from the revenue loss to the United States, calculated with extreme moderation, is an inadequate expression of the benefit to provincial interests and injury to our own from free importations.

It is still the opinion of this Government that the possession of our market is of vital importance to the maritime provinces, and such possession a formidable menace, if not a fatal wound, to our own fishing interests. I do not think that I misunderstand or misrepresent those interests when I say that standing, as we now do, midway in the treaty period, it would be better for those interests to surrender the enjoyment of the fishing privilege of Article XVIII for the remaining six years of the twelve, upon a resumption by this Government of the control of our own market for this unexpired period. If Her Majesty's Government and the provincial statesmen are firm in the opinion that the concession of Article XVIII parts with so much to us, and in the concession of Article XXI is valueless to British and provincial interests, it may well be worth while for the two governments to consider whether a mutual resumption of these exchanged interests may not be desirable.

I think it is demonstrable there, and no answer was ever made by the British Government to it, that the value of this fishery of ours upon the most liberal form of concession, the widest and most benevolent interpretation of the most favorable evidence that was offered on the part of the British Government before the commission at Halifax—the overwhelming superiority of the advantage to Great Britain from our market over any possible view of our inshore fishery advantage to ourselves, was an inevitable conclusion from a mere examination of the evidence.

We had two criteria. One was of the fishing product of the mackerel, for that was the only inshore fishery; our deep-sea fishery of the cod was outside the line. Our fishing interests there came to but a very trivial sum upon any estimate. The largest at which it could be put and on the most favorable view that I gave to it was $125,000 a year. Really that was an exorbitant and argumentative statement, which I made for the purpose of demonstrating that the award must have transcended anything that was submitted. But beside that, we had the criterion of what the value to the fishery interests or the government of the provinces was during the period in which we did not enjoy the inshore fisheries; that is, the interval between the expiration of the term of the reciprocity treaty and the commencement of our new fishing under the treaty of 1871.

The provinces established a license tax of 50 cents a ton on our vessels for the first year, a dollar for the second year, and $2 for the third year. For the first year, under the lower tax of 50 cents a ton, our fishermen for the most part, as I understand (and the Senator from Maine will correct me if I am wrong), took out the license of 50 cents. That itself measured what our people could get that privilege for and what it amounted to. I think something like sixty-odd thousand dollars was produced to the Treasury of the provinces. The second year, when they would tax us a dollar, but very few took out a license, and the revenue of the provinces was reduced, and when it came to $2 a ton not a single license was taken out.

Then we had an opportunity of measuring what was possibly an estimate of the value of the inshore fishing to us as understood and measured by them when we came to this market, which at the lowest statement is put at $300,000 a year duty that we lost. Treated in the rough manner that economists sometimes do, that when it is a duty laid one-half only is the profit of the importer that is saved, the difference between being free and being taxed; in other words, that if $300,000 was parted with, they lost but $150,000, and we gained, if you please, the other $150,000 in the cheapness of food for our people, that made $1,800,000 for the twelve years.

There was a distinct proposition to that commission to ascertain first what under the eighteenth article was the value of their inshore fishery to us; then what under the nineteenth article was the value of their inshore fishery upon our coasts; and then the value under the article providing for free fishing. It was a simple matter of computation to find out in dollars and cents what was the value under the eighteenth article, what was the value of the counterpart under the nineteenth article, and what was the value under the free market. All that was neglected and omitted, and the whole matter was swamped in an award that $5,500,000 was the difference between what was accorded to us and that which we had accorded to them.

Now, I come to the attitude which we took as we were approaching and reached the term of the treaty of 1871, and the fixed term of ten years was to be exhausted and finally was exhausted. Just as soon as we had the power of giving notice that we would forego the advantage of the fishery and other articles under the treaty of 1871, I think by an act or resolution of the two Houses of Congress on the 3d of March, 1883, it was done with entire unanimity as I understand from the Senator, who was then in Congress.

That was the attitude which this Government took in its correspondence with the British Government which I have adverted to; it was the action of this Government with entire unanimity. Now, two things happen. First, this treaty privilege came to an end. It came to an end on the 1st of July last, and the British minister seems to have taken it into his head that this would be an unforeseen and abrupt termination which would come down as a surprise to the fishermen, and find them in uncompleted voyages and investments that were suddenly cut short. Therefore the suggestion was made with a benevolent aspect on the part of the British Government that they would continue this in order to save these abrupt injuries.

How was this an abrupt injury to our fisherman? With the universal approval, by their promotion as early as the 3d of March, 1883, as

early as we had an opportunity, we had given notice that we would terminate this fishery treaty, and we knew by fixing it for the 1st of July, 1885, our people knew that it was to be terminated then. Further, when the time had arrived for the action of this Government, the President of the United States, President Arthur, issued a proclamation, I think dated on the 31st of January, 1885, giving distinct notice of the termination of this business of the fishery.

The fishermen being the only persons interested in the prosecution of the fishery, were they the only people who were to find out in the waters of the provinces in the middle of July and in the middle of their voyages that their fishing rights had abruptly been terminated? It would occur to me that the Government had been inattentive to that element, and that the British minister and the British Government if they had felt this uneasiness in regard to an abrupt disturbance of the enjoyment of our fishermen were not circumspect in their observation of the preliminary arrangements that we had made for its termination, and certainly had been unobservant of the character of our people.

Besides this *ad interim* arrangement, the letters show that the British Government desired this, and that our Government also looked at it as an arrangement that should fairly contemplate a renewal of the subject of a restoration in some form or degree of the fishing interest which had thus been terminated willingly, gladly, by all the people of the United States acting through the two Houses of Congress. All through the letters it will be found that if our Government would appoint a commission which should undertake to settle these topics of the fisheries and such others connected in the way of intercourse between the conterminous portions of our country and of the provinces of Great Britain, it would be an element by which this concession would be made to us by Great Britain, that the rights of fisheries should not be enforced against us. It was part of the understanding, and so expressed by the President of the United States to Congress as soon as might be after the meeting of Congress. Accordingly the President addresses us in that sense, that this Government wishes to commit itself by its own wish and purpose to have a renewal of, I do not say upon the terms and in the form and manner of previous arrangements, but in some substance, efficacy, value and service to us, of a restoration of the previous existence of things.

It is in that view, and in that view alone it seems to me, that the attitude of this Government as disclosed in this correspondence with Great Britain, the attitude which it took in abrogation of the reciprocity treaty and enjoyments and of our termination of the treaty of 1871 as applicable to the fisheries and to free market, should be understood, and our Government should not be put in any doubtful attitude. On this subject the people of this country and the Houses of Congress representing them have come to a conclusive determination; therefore the Senate, at the earliest opportunity, should express its opinion against the desirableness, the fitness, or the propriety of pursuing the subject of a commission or other restoration of these matters in negotiation between the two nations.

If there are any interests that touch the provinces or touch the interests of Great Britain toward a new consideration of our free market, and an appreciation of it instead of a denunciation of it as being worthless, as was the whole argument of the British counsel before the Halifax commission, it is for Great Britain and the provinces to understand that we meant, when we said that we desired to terminate the two successive arrangements we have had of reciprocity and of fishery arrangement under the treaty of Washington, to terminate them as soon as an opportunity was given, and that it was inconsistent with the public conduct and attitude of this Government to suddenly assume the position of asking, of inviting, or even encouraging, a renewal of those subjects.

I will add now, however late the hour, a few observations in regard to what I consider the situation in regard to trade. This matter of ice and this matter of bait and all other subjects of outfit, including those of crews for fishing, rest entirely upon the basis of commercial intercourse and only commercial intercourse. As early as 1793, we having an establishment by which fishery vessels took out papers of a certain description of enrollment, and that gave them only the fishing rights, this authentic documentation of a fishing vessel as such gave it nothing but the fishery rights and gave it no mercantile or trading rights whatever. But as early as the year 1793, found in 1 Statutes, page 305, there is a provision that—

When any ship or vessel, licensed for carrying on the fishery, shall be intended to touch and trade at any foreign place or port—

Application shall be made and permission given by the collector, and regulations as to manifests, &c., shall apply; in other words, a permit to trade which put the vessel carrying that permit on a ground other than that of a mere fishing vessel, section 34 establishing as an item of permit fees, 25 cents for every such permit.

Now, how did we stand as regards trading with these neighboring provinces? The colonial system of Great Britain was maintained by her, established in the time of Charles the Second, which precluded other nations from intercourse with her colonies except through the mother country. When we became free and independent we were put upon the same footing with all other foreign nations, and we had no commercial intercourse. Gradually through years following, in 1818 when we made the treaty, there came to be a relaxation of the system of Great Britain, and statutes were passed by our Congress recognizing these changes in 1820, in 1822, in 1823, and later still, till in 1830, by a proclamation made by General Jackson, it was understood that there was a great and general relaxation. But in 1849 a statute was passed by Great Britain which gave to the queen the right to close ports with such nations and trading parties as closed their intercourse and commerce upon this or that ground, with a right to revoke it at her will when the change of circumstances required it. In 1850, in view of that statute of Great Britain and bearing upon the subject, we passed a law, found in volume 9, page 469 of the Statutes, with this arrangement:

That the Secretary of the Treasury, with the approbation of the President, provided the latter shall be satisfied that similar privileges are extended in the colonies hereinafter mentioned, is hereby authorized to permit vessels laden with the products of Canada, New Brunswick, Nova Scotia, Newfoundland, and Prince Edward Island, to lade or unlade at any port or place within any collection district of the United States which he may designate.

This statute, you will notice, does not pursue the phrases of similar regulations by statute which generally assign to the President the duty of a proclamation as the statute of 1830 required, and which was followed and pursued by President Jackson. Thinking that this proclamation must be necessary to bring about this concordance between British legislation and our legislation of opening the trade of our ports to the provincials and the provincial ports to ourselves, it must necessarily have been evidenced by a proclamation; and one would look on it that there must have been some obscurity or concealment or accident about it; but, on looking at the statute, I think we shall see that nothing but a Treasury recognition of it was necessary, because the statute itself pursues those terms; that the Secretary of the Treasury, with the approval of the President, if the President is satisfied, shall open our ports.

It seems to me that in all this subject of buying and selling bait and ice and other commodities we do not need to look for support for enjoyment to any of these treaties about fishing, but in common with the whole substance and mass of intercourse of trade between friendly nations like Great Britain and ourselves, and including now the freedom of intercourse with the provinces which was so long denied by Great Britain in the earlier days as the basis, I shall anticipate no firm or protracted insistance on the part of any of the authorities in the provinces against our enjoyment of what is the common possession now of friendly nations in the intercourse in all commodities that are useful to them.

My attention has been called to the term of the warning as put out from the minister of marine and fisheries in the provinces; and it will be observed in this language that it is not restricted at all to fishing vessels or to the fishing trade. Let me read this operative clause of the warning:

Therefore be it known that, by virtue of the treaty provisions and act of Parliament above recited, all foreign vessels or boats are forbidden from fishing or taking fish by any means whatever within three marine miles of any of the coasts, bays, creeks, and harbors in Canada, or to enter such bays, harbors, and creeks except for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever.

That is to say, all foreign vessels are precluded from access to their ports for any purposes of trade and traffic. For that there is confessedly no support; and an attention to this discrimination between the rights that come by the power to fish and the rights that come by the power to trade will soon, as I hope, dispel all the disturbances of interest that now for the moment interrupt the true and harmonious intercourse which should characterize us between our great nation and the Canadian possessions.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolution.

Mr. FRYE. I desire the yeas and nays on the adoption of the resolution.

The yeas and nays were ordered.

Mr. BROWN. Let the resolution be read.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That in the opinion of the Senate, the appointment of a commission in which the governments of the United States and Great Britain shall be represented, charged with the consideration and settlement of the fishing rights of the two governments, on the coasts of the United States and British North America, ought not to be provided for by Congress.

The PRESIDENT *pro tempore*. The Secretary will call the roll on agreeing to the resolution.

The Secretary proceeded to call the roll.

Mr. FRYE (when Mr. HALE'S name was called). My colleague [Mr. HALE] is absent from the city and is paired with the Senator from Kentucky [Mr. BECK]. If my colleague was present, he would vote "yea."

Mr. HARRISON (when his name was called). Upon this question I am paired with the Senator from Arkansas [Mr. JONES]. If he were present, I should vote "yea."

Mr. CULLOM (when Mr. LOGAN'S name was called). My colleague [Mr. LOGAN] is paired with the Senator from Louisiana [Mr. GIBSON]. My colleague would vote for the resolution if he were present.

Mr. MILLER (when his name was called). I am paired with the Senator from North Carolina [Mr. RANSOM]. If he were here, I should vote "yea."

Mr. SPOONER (when his name was called). I was paired generally

with the Senator from Maryland [Mr. WILSON], but I understood he was to be here by Monday. As I observe that he is still absent, I refrain from voting.

Mr. TELLER (when his name was called). I am paired generally with the Senator from Arkansas [Mr. BERRY], who is indisposed and has left the Chamber. I do not know how he would vote. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. BLAIR. My colleague [Mr. PIKE] is paired with the Senator from Mississippi [Mr. GEORGE]. If my colleague were present, he would vote "yea."

Mr. COCKRELL. My colleague [Mr. VEST] is paired with the Senator from Kansas [Mr. PLUMB]. I do not know how my colleague would vote on this question.

The result was announced—yeas 35, nays 10; as follows:

YEAS—35.

Allison,	Edmunds,	Jones of Nevada,	Platt,
Blair,	Evarts,	McMillan,	Plumb,
Brown,	Fair,	McPherson,	Riddleberger,
Butler,	Frye,	Mahone,	Sabin,
Cameron,	Gorman,	Maxey,	Sawyer,
Chace,	Harris,	Mitchell of Oreg.,	Sewell,
Conger,	Hawley,	Morgan,	Sherman,
Cullom,	Hoar,	Morrill,	Wilson of Iowa.
Dawes,	Ingalls,	Payne,	

NAYS—10.

Call,	Colquitt,	Pugh,	Walthall.
Cockrell,	Eustis,	Vance,	
Coke,	Gray,	Voorhees,	

ABSENT—31.

Aldrich,	Gibson,	Kenna,	Saulsbury,
Beck,	Hale,	Logan,	Spooner,
Berry,	Hampton,	Manderson,	Stanford,
Blackburn,	Harrison,	Miller,	Teller,
Bowen,	Hearst,	Mitchell of Pa.,	Van Wyck,
Camden,	Jackson,	Palmer,	Vest,
Dolph,	Jones of Arkansas,	Pike,	Wilson of Md.
George,	Jones of Florida,	Ransom,	

So the resolution was agreed to.

POTOMAC RIVER FLATS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the amendments of the House of Representatives to the bill (S. 335) to provide for protecting the interests of the United States in the Potomac River flats, in the District of Columbia. Does the Senator from Vermont wish to have the amendments read or the bill referred?

Mr. EDMUNDS. From what committee did the bill come?

Mr. INGALLS. It was reported from the Committee on the Judiciary. The amendments are important, and I think the bill, with the amendments, had better be referred to the Committee on the Judiciary. I make that motion.

The motion was agreed to.

INTERSTATE COMMERCE.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the next special order.

The CHIEF CLERK. A bill (S. 1532) to regulate commerce.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

Mr. CULLOM. The interstate commerce bill will be the unfinished business to-morrow?

The PRESIDENT *pro tempore*. It will be. The Senator from Vermont moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned.

EXECUTIVE NOMINATIONS.

Executive nominations received by the Senate this 13th day of April, 1886.

POSTMASTERS.

Samuel H. Wagener, at San José, Santa Clara County, California, *vice* Daniel C. Bailey, term expired.

P. B. Gavin, at Corning, Adams County, Iowa, *vice* H. G. Ankeny, resigned.

William E. Baker, at Fairbury, Livingston County, Illinois, *vice* Benjamin E. Robinson, resigned.

Marshall Birdsall, at Emporia, Lyon County, Kansas, *vice* Samuel F. Murphy, resigned.

Charles H. Brown, at Sterling, Rice County, Kansas, *vice* Charles D. Ulmer, resigned.

C. F. Colyer, at East New York, Kings County, New York, *vice* R. R. Wheeler, to be removed.

Edward Dolan, at Troy, Rensselaer County, New York, *vice* Gilbert Robertson, jr., term expired.

George W. Langdon, at Saratoga Springs, Saratoga County, New York, *vice* Benjamin F. Judson, term expired.

Lathrop S. Taylor, at Clyde, Wayne County, New York, *vice* Albert N. Williams, resigned.

WITHDRAWAL.

Executive nomination withdrawn April 13, 1886.

H. P. Albert, to be postmaster at Stuart, Iowa.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 6, 1886.

FOR PROMOTION IN THE NAVY.

Lieut. Walter C. Cowles, junior grade, to be a lieutenant in the Navy, from the 1st December, 1885, *vice* Inpey, promoted.

Lieut. Austin M. Knight, junior grade, to be a lieutenant in the Navy, from the 19th December, 1885, *vice* Judd, retired.

Lieut. Charles J. Badger, junior grade, to be a lieutenant in the Navy, from the 5th January, 1886, *vice* Stockton, retired.

Ensign Walter McLean, to be a lieutenant in the Navy, from the 1st December, 1885, *vice* Howard and Cowles, promoted.

Ensign Washington J. Chambers, to be a lieutenant, junior grade, in the Navy, from the 1st January, 1886, *vice* Knight and Lyeth, promoted.

Paymaster Francis H. Swan, to be pay inspector in the Navy, from the 5th February, 1886.

Pay-inspector Richard Washington, to be a pay director in the Navy, from the 5th February, 1886.

Passed Assistant Paymaster Lawrence G. Boggs, to be a paymaster in the Navy, from the 28th January, 1886.

Lieut. Samuel W. B. Diehl, junior grade, to be a lieutenant in the Navy, from the 9th January, 1886.

Ensign Lovell K. Reynolds, to be a lieutenant, junior grade, in the Navy, from the 9th January, 1886.

Lieut. Commander Charles J. Train, to be a commander in the Navy, from the 17th January, 1886.

Lieut. Frederick W. Crocker, to be a lieutenant-commander in the Navy, from the 17th January, 1886.

Lieut. Reginald F. Nicholson, junior grade, to be a lieutenant in the Navy, from the 17th January, 1886.

Ensign James C. Gillmore, to be a lieutenant, junior grade, in the Navy, from the 17th January, 1886.

Lieut. Robert M. Berry, to be a lieutenant-commander in the Navy, from the 4th February, 1886.

Lieut. Edmund B. Underwood, junior grade, to be a lieutenant in the Navy, from the 4th February, 1886.

Ensign Louis W. Piepmeyer, to be a lieutenant, junior grade, in the Navy, from the 4th February, 1886.

Lieut. Samuel C. Lemly, junior grade, to be a lieutenant in the Navy, from the 20th January, 1886.

Ensign Benjamin Tappan, to be a lieutenant, junior grade, in the Navy, from the 20th January, 1886.

Lieut. Clinton H. Lyeth, minor grade, to be a lieutenant in the Navy, from the 1st January, 1886.

Elmer Clark Tracy, of New York, to be an assistant surgeon in the Navy.

Passed Assistant Surgeon Nelson McP. Ferebee, to be a surgeon in the Navy, from the 12th March, 1866.

Isaac Walter Kite, a resident of Virginia, to be an assistant surgeon in the Navy.

CIVIL SERVICE COMMISSIONERS.

Charles Lyman, of Connecticut, now chief examiner of the Civil Service Commission, to be a Civil Service Commissioner.

John H. Oberly, of Illinois, to be a Civil Service Commissioner.

UNITED STATES MARSHAL.

Alphonso E. Gordon, of New Jersey, to be marshal of the United States for the district of New Jersey.

PRINCIPAL LAND CLERK.

Frank J. Parke, of Union, W. Va., to be principal clerk of the public lands in the General Land Office.

REGISTER OF THE LAND OFFICE.

William E. Russell, of Natchitoches, La., to be register of the land office at Natchitoches, La.

RECEIVER OF PUBLIC MONEYS.

Malcom G. Barney, of Cheney, Wash., to be receiver of public moneys at Spokane Falls, Wash.

SECRETARY OF DAKOTA.

M. L. McCormack, of Grand Forks, Dak., to be secretary of Dakota Territory.

ASSISTANT COMMISSIONER OF LAND OFFICE.

Strother M. Stockslager, of Corydon, Ind., to be assistant commissioner of the General Land Office.

INDIAN AGENTS.

Robert L. Owen, of Vinita, Ind. T., to be agent for the Indians of the Union agency in the Indian Territory.

Mark D. Baldwin, of Paulding, Ohio, to be agent for the Indians of the Blackfeet agency in Montana.

POSTMASTERS.

James D. Corcoran, to be postmaster at Rome, in the county of Oneida and State of New York.

John H. Cochran, to be postmaster at Dallas, in the county of Dallas and State of Texas.

Howel Tatum, to be postmaster at Belton, in the county of Bell and State of Texas.

Samuel M. Smead, to be postmaster at Fond du Lac, in the county of Fond du Lac and State of Wisconsin.

Harvey C. Moore, to be postmaster at Brodhead, in the county of Green and State of Wisconsin.

John A. Barry, to be postmaster at Oswego, in the county of Oswego and State of New York.

Edward B. Miller, to be postmaster at Pierre, in the county of Hughes and Territory of Dakota.

W. E. Touvelle, to be postmaster at Celina, in the county of Mercer and State of Ohio.

Thomas A. Gary, to be postmaster at Galveston, in the county of Galveston and State of Texas.

Henry P. Howard, to be postmaster at San Antonio, in the county of Bexar and State of Texas.

James W. Beattie, to be postmaster at Marshfield, in the county of Wood and State of Wisconsin.

William H. Canon, to be postmaster at Merrill, in the county of Lincoln and State of Wisconsin.

Drummond G. Craig, to be postmaster at Fort Atkinson, in the county of Jefferson and State of Wisconsin.

John Dawe, to be postmaster at Edgerton, in the county of Rock and State of Wisconsin.

Walter H. Dawley, to be postmaster at Antigo, in the county of Langlade and State of Wisconsin.

Henry C. Hunt, to be postmaster at Reedsburgh, in the county of Sauk and State of Wisconsin.

M. H. Mould, to be postmaster at Baraboo, in the county of Sauk and State of Wisconsin.

Valentine Ringle, to be postmaster at Wausau, in the county of Marathon and State of Wisconsin.

Michael W. Ryan, to be postmaster at Medford, in the county of Taylor and State of Wisconsin.

Charles A. White, to be postmaster at Gardiner, Kennebec County, Maine.

Frederick W. Verbarg, to be postmaster at North Vernon, Jennings County, Indiana.

John M. Hengstler, to be postmaster at Defiance, Defiance County, Ohio.

Frederick J. Klein, to be postmaster at Bryan, Williams County, Ohio.

Albert M. Mackerby, to be postmaster at Greenfield, Highland County, Ohio.

William H. Raymond, to be postmaster at Galion, Crawford County, Ohio.

John W. Brophy, to be postmaster at Mount Carmel, Northumberland County, Pennsylvania.

Adolph Seligman, to be postmaster at Santa Fé, Santa Fé County, New Mexico.

Emmet W. McArthur, to be postmaster at Meadville, Crawford County, Pennsylvania.

Charles R. Chambers, to be postmaster at Luling, Caldwell County, Texas.

Wiley V. Collins, to be postmaster at Gonzales, Gonzales County, Texas.

F. Y. Goldsborough, to be postmaster at Ennis, Ellis County, Texas.

H. A. McMeans, to be postmaster at San Marcos, Hays County, Texas.

Adam L. Nye, to be postmaster at Morgantown, Monongalia County, West Virginia.

W. V. McGarvey, to be postmaster at Salinas, Monterey County, California.

E. K. Hosford, to be postmaster at Edinburg, Johnson County, Indiana.

W. E. Banks, to be postmaster at Russell, Russell County, Kansas.

Charles Emile Dupuy, to be postmaster at Plaquemine, parish of Iberville, Louisiana.

James Y. Patterson, to be postmaster at Martin's Ferry, Belmont County, Ohio.

D. S. Chessher, to be postmaster at Georgetown, Williamson County, Texas.

Henry D. Jones, to be postmaster at Hyde Park, Cook County, Illinois.

Byron S. Bonney, to be postmaster at McPherson, McPherson County, Kansas.

Columbus Corey, to be postmaster at Everett, Middlesex County, Massachusetts.

N. A. Elliott, to be postmaster at Mansfield, Tioga County, Pennsylvania.

John M. Hughes, to be postmaster at Braddock, Allegheny County, Pennsylvania.

James S. McKean, to be postmaster at Mercer, Mercer County, Pennsylvania.

Henry C. Baker, to be postmaster at Hiawatha, Brown County, Kansas.

T. A. C. Beard, to be postmaster at Crete, Saline County, Nebraska.

Orlando B. Rippey, to be postmaster at Ainsworth, Brown County, Nebraska.

Executive nomination confirmed by the Senate, April 13, 1886.

MEMBER OF BOARD OF ELECTION IN UTAH.

John A. McClernand, of Illinois, to be a member of the board of registration and election in the Territory of Utah, provided by section 9 of the act of Congress approved March 22, 1882, to amend the law relating to bigamy.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April* 13, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Clerk proceeded to read the Journal of yesterday's proceedings; when,

On motion of Mr. HAMMOND, by unanimous consent the reading of so much of the Journal as related to the introduction and reference of bills and resolutions was dispensed with.

The remainder of the Journal was read and approved.

SUPPLEMENTAL DEPARTMENT ESTIMATES.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, transmitting supplemental estimates of appropriations required by the various Departments to complete the service for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

FEES OF JURORS, UNITED STATES COURTS.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting an additional estimate from the Department of Justice for fees of jurors, United States courts, for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

REISSUE OF NICKEL AND COPPER COINS.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, recommending that section 3529 of the Revised Statutes be amended so as to authorize the reissue from the mint at Philadelphia of redeemed minor nickel and copper coins; which was referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

ESTIMATES FOR SIGNAL SERVICE.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a statement from the Chief Signal Officer showing the items covered by estimates for the Signal Service for the next fiscal year; which was referred to the Committee on Military Affairs, and ordered to be printed.

REFERENCE OF SENATE BILLS.

The SPEAKER. The Chair, under the rule, will lay before the House for reference several bills received from the Senate.

The bill (S. 880) granting the right of way to the Schuylkill River East Side Railway Company through the arsenal and naval asylum grounds at Philadelphia, Pa., was read a first and second time.

Mr. ERMENTROUT. A House bill of similar nature to this has been reported back with a favorable recommendation from the Committee on Military Affairs. I ask unanimous consent that this bill be now considered.

Mr. BEACH. That bill can be called up in the second morning hour by the Committee on Military Affairs. I insist on the regular order.

The SPEAKER. The gentleman from New York objects. The bill will be referred to the Committee on Military Affairs.

ADMISSION OF WASHINGTON TERRITORY.

The bill (S. 69) to provide for the formation and admission into the Union of the State of Washington, and for other purposes, was read a first and second time, and referred to the Committee on the Territories.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had passed with amendments, in which the concurrence of the House of Representatives was requested, the bill (H. R. 5543) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1887, and for other purposes.

LEAVE OF ABSENCE.

Mr. ELDREDGE, by unanimous consent, obtained leave of absence for two weeks, on account of important private business.

ELECTION CONTEST—HURD VS. ROMEIS.

Mr. TURNER. I rise to a question of privilege, and call up the contested-election case of Hurd *vs.* Romeis, from the State of Ohio.

The SPEAKER. The Clerk will read the resolution reported by the Committee on Elections.

The Clerk read as follows:

Resolved, That Frank H. Hurd was not elected a member of the Forty-ninth Congress, and is not entitled to a seat in this House.

Resolved, That Jacob Romeis was elected a member of the Forty-ninth Congress, and is entitled to retain his seat.

Mr. REAGAN. To-day was set apart for taking up the interstate-commerce bill. We do not propose to antagonize the Elections Committee if it be understood that our bill will retain its place under the order of the House.

The SPEAKER. The Chair will look at the order.

Mr. REAGAN. It is a continuing order; and I suppose there is no difficulty about it.

Mr. TURNER. I understand that the order to which the gentleman from Texas refers is a continuing order.

The SPEAKER. It is a continuing order.

Mr. TURNER. I ask unanimous consent that the previous question may be considered as ordered on this election case at the end of eight hours' debate.

Mr. SPRINGER. I object to that; it is giving too much time to this case.

The SPEAKER. The gentleman from Georgia [Mr. TURNER] asks unanimous consent that the previous question may be considered as ordered on this report. Is there a substitute to be offered?

Mr. TURNER. Yes, sir; we desire that the minority shall have consent to offer their resolutions as a substitute.

The SPEAKER. A single resolution, or more than one?

Mr. TURNER. There are two resolutions, and I have no desire to cut off either.

The SPEAKER. The gentleman from Georgia asks unanimous consent that the previous question may be considered as ordered on this report and such substitutes as may be offered at the expiration of eight hours of actual debate. Is there objection?

Mr. SPRINGER. I object. Eight hours of continuous debate on this subject will take all the week.

Several MEMBERS. Only to-morrow.

Mr. SPRINGER. Then fix the time.

Mr. TURNER. If I may be allowed to make a statement, I desire to say, for the benefit of gentlemen, that I had hoped to impose shorter limits for this debate, but I could not procure the consent of my associates on the committee, who had views of their own they wished to present, and for which they required at least this time I have mentioned. If consent will not be given, I give notice that at the proper time I shall ask the House to impose the limit of eight hours which I have indicated.

Mr. ROBERTSON. Mr. Speaker, is it in order at this time to move as a substitute for the resolutions of the majority the resolutions reported by the minority of the Committee on Elections?

The SPEAKER. The gentleman from Georgia has the floor, but he can yield it if he desires for that purpose to the gentleman from Kentucky.

Mr. ROBERTSON. I understand he consents to it.

The SPEAKER. The gentleman will then send up his minority resolutions.

Mr. ROBERTSON. On behalf of the minority I submit the following substitute for the pending resolutions.

The SPEAKER. The Clerk will report the resolutions reported by a part of the minority of the committee.

The Clerk read as follows:

Resolved, That Jacob Romeis was not elected a member of the House of Representatives of the Forty-ninth Congress from the tenth Congressional district of Ohio.

Resolved, That Frank H. Hurd was elected a member of the House of Representatives of the Forty-ninth Congress from the tenth Congressional district of Ohio.

Mr. SPRINGER. I withdraw my objection to the proposition of the gentleman from Georgia [Mr. TURNER].

The SPEAKER. The gentleman from Illinois withdraws his objection to the request made by the gentleman from Georgia. Is there further objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. TURNER. I yield the floor now to the gentleman from Pennsylvania [Mr. BOYLE].

Mr. BOYLE. Mr. Speaker, the tenth district of the State of Ohio is composed of the counties of Lucas, Erie, Ottawa, and Sandusky. At the election in October, 1884, the opposing candidates for Congress were the sitting member, Mr. Romeis, and the contestant, Mr. Hurd, Mr. Romeis the Republican, and Mr. Hurd the Democratic candidate.

It appears by the return that Mr. Romeis was elected by a majority of 239. At the same election candidates for other offices were voted for, among them candidates for secretary of state. In this district, composed of these four counties, the majority for the Democratic candidate for the latter office was 2,706. The majority against Mr. Hurd was 239, a difference of 2,945. This result was brought about by Mr. Hurd's vote falling behind that of the Democratic candidate for secretary of state something over 1,500. And the voters who thus dropped him were not content with doing that, but seem to have voted for his competitor.

There come from the Committee on Elections three reports. The report of the committee, concurred in by nine members, finds that Mr. Romeis was elected. A minority report, made by four members, finds that Mr. Hurd was elected; still another minority report, made by two members, finds that neither of the candidates was elected. As a result of these reports we have——

Mr. ROBERTSON. Do I understand the gentleman from Pennsylvania to say that nine members of the committee concurred in this majority report?

Mr. BOYLE. I so understand it.

Mr. ROBERTSON. I did not so understand it.

Mr. BOYLE. I base the statement on the fact that there are fifteen members on the Committee on Elections. Four sign one minority report, two another, and that will leave nine as concurring in the report of the majority.

I can be mistaken as to only one member, and as to him I think I am correct. So at least ten members of the committee, and I think eleven, find Mr. Hurd was not elected. There are but four who find he was elected.

The contestant seeks to set aside this return, and in order to do so he asks this House to throw out entirely the votes of three election precincts—Precinct B of the eighth ward of the city of Toledo, Precinct C of the third ward of the city of Toledo, and Kelley's Island, in the county of Erie.

In addition to this request, which does not impress me as a very modest one, he asks that corrections be made in several precincts of the city of Toledo, on the allegation that illegal votes were polled therein. In this he is supported by the minority of the committee, and in this way he figures out his own election by a majority of something over 200 votes. To throw out the three precincts to which reference is made would be to disfranchise between 1,100 and 1,200 voters in that Congressional district. After a pretty thorough and careful examination of all the facts in this case, I am convinced that there is not only no sufficient ground for reversing this return and unseating Mr. Romies, but, sir, there is, in my judgment, no good reason why the seat should have been contested. I believe the House will so conclude when it learns the facts.

I proceed at once to take up in turn the four matters in controversy; that is to say, the three precincts to which I have referred and this matter of certain alleged illegal votes in the city of Toledo. First, as to Precinct B of the eighth ward of the city of Toledo. In that precinct, sir, as returned, the vote of Mr. Hurd was 105 and that of Mr. Romeis 325, giving to Mr. Romeis a majority of 220. Mr. Hurd asks that this precinct be rejected on two grounds: First, he alleges general bribery—bribery to such an extent as to invalidate and make void the entire vote of the precinct. He asks further that this return be thrown out on the ground of irregularities—I believe he alleges nothing more—upon the part of the election officers, irregularities of such a character as from his standpoint would make the returns uncertain and therefore unreliable.

As to charge of bribery, let me say that it is a very grave one. If general bribery has been proved, the vote of the precinct should not be counted. If particular instances of bribery have been proved, and the corrupt votes can not be separated from the honest ones, the precinct should be thrown out. Bribery is to be proven, not presumed. It must be proven like any other fact alleged against a return. It is not to be conjectured or guessed at. The presumption is that votes cast are honest votes, and that elections are honestly conducted; and he who alleges the contrary must make satisfactory proof, or his charges will go for nothing.

Let us see if this charge of bribery is supported by proof. There is, sir, not a solitary fact in existence showing that a dollar went into the precinct from any quarter. There is not a particle of evidence of the bribery of a single voter in that precinct.

I make these allegations with a full knowledge that the record is before the House and that I am to be followed by gentlemen who have made as careful an examination of this testimony as I have, and who understand the case as well as I do, and perhaps better.

The witness whose testimony is relied on is one Gerstmann. It is

not pretended that he proves more than that arrangements were made for sending money to Toledo. It is denied that he proves even that much. He seems to have had a checkered career. It appears from his own testimony that he enlisted as a private soldier in 1854 and served five years. He was discharged in 1859, and in 1860 he turned up in Savannah, Ga. The war came on, and Gerstmann, having no taste for military life, became a peddler and a Jewish rabbi. To what church he was attached or where he ministered does not appear. He claims to have preached and peddled by turns. He remained in Savannah until 1870.

From that time forward it can not be made out from the testimony of Gerstmann where he has lived. He has been everywhere by turn and nowhere long. If gentlemen will take the trouble to examine the testimony they will find that he is a man of many homes, of many avocations, of many parties. Perhaps it would be nearer the truth to say that he is a man of no place of abode, of no avocation, and of no party. [Laughter.]

On cross-examination he declined to give an account of himself. He also declined to say whether criminal charges had or had not been made against him, whether he had been in prison, or whether rewards had been offered for his arrest.

In 1880 he turns up in California. There he supported General Hancock for the Presidency. Unfortunately Hancock was not elected. After the inauguration Gerstmann came to Washington to secure an office from President Garfield. He did not succeed. We know nothing more of him until August, 1884, and then he became a resident of Cincinnati. In one part of his testimony he says he went there from Savannah; but in another he says he left Savannah in 1870.

In September, 1884, he appeared as an agent of the Republican national committee, and claims to have been sent by that body through Ohio. He went to Toledo. He says himself the committee did not intrust him with any money; and he does not pretend his mission had any connection with money. He went to Toledo, and went among the Poles and the Germans. He says he was in Precinct B of the eighth ward of that city, although he did not know one precinct or one ward from another. He says he learned that everybody was for Mr. Hurd.

But from whom he learned this he does not say. He names only one man, a Mr. Warnke; and this man contradicts all Gerstmann swore to. He says he reported the condition of affairs to the Republican national committee. His first visit to Toledo was early in September. He did not return to New York until the latter part of September. Then he made his report. How long he remained there is not clear. In one place he says two days, in another until the middle of October.

He claims that while in Toledo he learned, from whom he does not say, that the sad state of affairs there could be changed only by beer, and that would require money. He appears to have confined himself to Precinct B of the eighth ward. Money for other parts of the city does not seem to have been thought of. His report was based on the condition of that precinct; and it is claimed that the money he was to have sent was to go to that precinct only.

Bear in mind that he made this report late in September. He returned to Toledo a week before the election. He found all changed—everybody for Romeis. A very few days had passed after the national committee was informed funds were necessary until Gerstmann returned to Toledo. The theory is funds were sent on his report. The funds must have been sent very promptly indeed, for when he got there he found a complete revolution had been accomplished by the use of this money. While in New York he called on the Democratic national committee and saw Mr. Smalley. From what followed he appears to have entered into the service of that committee also.

When he returned to Toledo he reached there at 11 o'clock in the morning. He went to a Democratic family, a Mr. Hynes. Immediately after he went—where? To the Republican committee? Oh, no! He then called on Mr. Jackson, the secretary of the Democratic committee, with whom he had a long conversation; going to another member of that committee and offering assistance to the Democrats. He must have put in the afternoon in that way; and the same evening he shook the dust of Toledo from his feet, to return no more.

It does not appear that he saw a single Republican; and yet it was during this visit he claims to have learned of the revolution among the voters, and to have learned from the countenances of the people that they had been bought to vote for Romeis.

I have spoken of Gerstmann's visit to the national Democratic committee. I am convinced that his second visit to Toledo was in pursuance of an arrangement made with that committee. I think so for various reasons. One of them is the fact that at his second visit he consorted with Democrats only. Another is that he received a letter from Mr. Smalley, secretary of the national Democratic committee, addressed to the chairman of the Ohio Democratic committee. He also received a dispatch from Mr. Jahn, who was connected with the national committee. He first swore that he burned this letter the same night he received it. Seeing that this falsehood was detected, he confessed to having the letter subsequently, and to using it and the dispatch. I make this statement of Gerstmann's dealings with the Democratic committee with a good deal of reluctance. [Laughter.]

Mr. GOFF. He was employed by the Democratic committee then?

Mr. BOYLE. I fear he was serving a new master. Gerstmann says he had no authority to promise money, that he promised none, that he was intrusted with none. He is careful to say on two or three occasions that he had no money, and had nothing to do with money, further than to report to Mr. Elkins; and I have shown Elkins could not have sent the money after Gerstmann's report in time to produce the marked change which Gerstmann saw in Toledo a few days later.

Now, Mr. Speaker, will you believe that that is the evidence upon which this charge of bribery is founded? That is the evidence of the sending of money into Precinct B of the eighth ward of the city of Toledo. It does not appear—it may be true, but I take it that we are proceeding upon evidence in determining the right to this seat—it does not appear that one single solitary dollar was sent into that precinct. I have stated the preparation for the bribery. I have stated the whole of it. What is the evidence of the actual bribery? I will read that, as it is brief. There is a witness in the case named Louis Jahn, and this is his testimony in proof of the payment of money, and it is all there is in the case:

Q. What, if anything, do you know about any money being paid to voters there that day after the election was over?
A. Much as I know was about nineteen ticket peddlers around there, and Henry Gates paid them off the same night in Joe Boldt's grocery.
Q. To what political party does Henry Gates belong?
A. To the Republican party; he was the vice-president of Precinct B.
Q. What, if anything, do you know of the amounts of money paid to these nineteen persons by Henry Gates?
A. As much as I know, some of them got three dollars, some five, and a few got ten.
Q. How long have you resided in that precinct?
A. Over eight years.
Q. As a judge of the election, which political party did you represent?
A. The Republican.

That is the whole evidence as to bribery. He stated on cross-examination that Henry Gates told him that he paid nineteen ticket peddlers. It is all hearsay; but assuming it to be true, and that Henry Gates did pay the ticket peddlers, does that prove bribery? I venture to say that that is done in every city in the country of the size of Toledo. That is not bribery or fraud, but on the contrary, it is one of the most effective measures against fraud. There would be no such thing as holding a fair election in a city even as large as Toledo without the employment of ticket holders, and of course when men are employed for that service they must be paid. In Pennsylvania, where every precaution has been taken to prevent the use of money in elections, the expenditure of money for the distribution of tickets is expressly allowed.

I have stated the evidence as to the arrangement for sending money, and the evidence of the payment of money—everything paid or pretended to have been paid. There is not one single particle of evidence beyond this. And it is upon this that the contestant asks that 420 voters, who for aught we know were as fully qualified and as much entitled to their votes as any other 420 men in the country and not one of whom is shown to have received a cent, shall have their votes thrown out!

But the contestant attacks this precinct on another ground. He alleges that there were such mistakes made by the clerks and the judges in making up the return as to render it uncertain. Let us see. The evidence upon that point is briefly this: At the close of the poll the tickets were taken from the ballot-boxes and counted without tallying. They were put in two piles, one judge counted a part and another judge a part, and when they added their numbers together (without having kept any memorandum as they counted) they found that there were 438 or 436 tickets. There were only 430 names of voters on the poll-book, so that there seemed to be an excess of 6 or 8 tickets over the number of voters.

They counted again, as appears by the testimony of some of the witnesses, who are contradicted by others, and by that count they found that there were only three tickets in excess of the number of voters. Then they opened the tickets, separated them, and counted and tallied them, and upon that count they found four tickets less than the number of voters on the poll-book. So that the possible extent of the uncertainty ranges from 8 votes in excess of the number of votes on the poll-book to 4 votes less, or only 12 votes. This can be corrected, and the contestant allowed the full benefit of it, and the result will remain unchanged.

It will readily be seen how mistakes may have occurred in the first count, which was made without tallying. In fact, it would have been almost impossible for two persons to have made a count of that kind without making mistakes.

But when they came to the third count, which was the only one they should have made, they found that there were four tickets less than the number of voters on the roll. Was this correct? It may be doubted. There is a strong probability that they neglected to tally 5 votes. These people (who do not seem to have been men of much intelligence), in order to get rid of the difficulty, upon the suggestion of the contestant's principal witness, gave to each of the candidates 2 votes [laughter]—a very neat and easy solution of the difficulty, hardly allowable, but a mistake

which can be corrected. That is the extent of the uncertainty. That is all that is pretended to have been done.

My own judgment is that it is more than was done. I do not believe there were any votes in excess of the names on the poll-book. The clerk who made the tally, and who seems to have been the most intelligent man on the board, says that from the beginning there were fewer tickets than there were voters upon the roll. But, assuming the testimony of Louis Jahn to be true, he makes no stronger case than what I have stated.

Louis Jahn, through his entire examination and cross-examination, maintained that at no time were there fewer tickets than there were names upon the poll-book; that at all times the tickets outnumbered the names on the poll-book. Yet after a certain adjournment he came in and made his testimony agree with that of another witness, the Democratic judge who had testified, that finally there were fewer tickets than names on the book.

Mr. GEDDES. I would like to inquire why the election officers counted the number of ballots in advance of beginning to tally. According to my understanding, the usual practice is for the officers to take the poll-book and tally as they count. I can not understand why they should pour the tickets out on the table and count them before commencing to tally.

Mr. BOYLE. Well, I would not undertake to account for what election officers do after the polls are closed. The law fixes a certain manner of proceeding; but election officers are what are called plain people. They are not in all instances acquainted with the law, and if they were the probability is that, without having any evil intention whatever, they would not follow it. To exact strict compliance with it would invalidate a great many honest elections.

This, I say, is the extent of this uncertainty. And the contestant says, because there were 6 or 8 votes more upon one count and 4 votes less on another than the names on the poll-book, the whole 430 votes should be thrown out.

The contestant's witness, this man Jahn, was on the board as the Republican judge; but from my reading of the testimony he voted the Democratic ticket. There was a Democratic judge on the board—a Mr. Kelley, who had served in the same capacity many years. Both he and Jahn and the clerk and everybody else who testified in regard to this count say it was perfectly honest. I do not understand the contestant to allege that it was fraudulent, but only that there were mistakes. But Jahn went upon that board as the representative of the Republican party; and when he was asked on cross-examination whether he had voted for Newman or Robinson (Newman being the Democratic candidate, and Robinson the Republican) the contestant's counsel interfered and advised him that he was not bound to answer. He proceeded a little further, when the question was repeated and persisted in; and then the contestant himself felt it his duty to warn this man who was there as a Republican that he should not tell for whom he voted for secretary of state or for Congressman.

Now, if he was an honest man and a Republican, as he pretended to be, there could have been no reason why he should not have been permitted to state the fact. It was to the contestant's interest to have it proved that he was a Republican, as he claimed to be. Jahn, is the same election officer who testified to the bribery of the ticket peddlers. I see that much is attempted to be made of the admissions extorted from Jahn on cross-examination, that he signed the return knowing it to be incorrect, and also from the statements of Jahn and other witnesses that they did not know what the true vote was. This is hardly a legitimate use of that testimony. All they intended to say was that they were uncertain, because of the difference in the several counts, and only to the extent of those differences. They could not tell the very vote, but it was not pretended that it differed much from what was actually returned. They all swore that everything was done fairly, that they knew of nothing fraudulent, and that the small mistakes made in counting produced all the uncertainty there was.

The contestant asks also that Precinct C of the third ward shall be thrown out. It was a Republican precinct. It is claimed on the part of the contestant that after the polls were closed and the officers were ready to make the count a man named Bell, who had been a Republican officer in this district time out of mind, and who had moved out of the precinct in the spring, after being again appointed, but was unable to keep away from his old stamping-ground, and remained there during election day and during the night while the votes were being counted, at one time put his hand into the ballot-box, took out a handful of tickets, and laid them on the table for the judges to count. It is not pretended that he put anything into the box; it is not pretended that he put anything on the table that he did not take out of the box, but the simple fact that he put his hand into the box and took out tickets and laid them on the table, the contestant says, is sufficient to justify throwing out this precinct of nearly 400 votes.

Now, the testimony in regard to this is given by the Democratic clerk, a Mr. Emerick. Judge Potter, the Democratic judge, who had served on that same board with Bell, as he states, for I think forty years, says that his impression is that it was at the October election he saw Bell touch the box and warned him not to meddle with it; and that that was the last of it. Another gentleman who was there swears that it was not at the October election, but at November. Bell himself testifies that it was at the November election when the occurence took place and when Judge Potter warned him against any interference. Nobody but Emerick pretends that the tickets were taken out by Bell, and not even Emerick pretends that any wrong was done.

Of course it was an unwarranted interference, and was improper. But when the officers came to count the votes there were so many names and so many tickets, without any possibility of substitution. Everything was done openly and publicly before every member of the board, one of the judges taking out the tickets, and another counting them, and the clerks tallying, without any attempt at concealment or secrecy. The contestant does not allege that a single ticket was substituted or that a single vote was taken from him; but because Bell took out the tickets he says the whole vote of the precinct should be thrown out. The election officers all swear that the proceedings were perfectly fair, that there was no fraud of any kind, and they vouch for Mr. Bell as an honest, fair man, who had served for years as a Republican election officer without suspicion of having ever behaved otherwise than with perfect fairness and honesty.

I pass now to the third precinct, Kelley's Island. That is an island in Lake Erie, where there were about 224 or 225 votes. The majority against Mr. Hurd on that island was 29. It seems there is a gentleman there engaged in quarrying stone named Norman Kelley, and it is alleged by the contestant that on the day of the election Norman Kelley, having remained away from the election all day, came in the evening and intimidated his men and prevented them from voting as they intended to vote—for Mr. Hurd.

Mr. Kelley is the employer of fifty or sixty men on that island, and the proof is that he did oppose Mr. Hurd to the extent of his ability; he did say to some of his men that the election of Mr. Hurd would be unfavorable to the business he was engaged in; that if Mr. Hurd should be elected, and if Cleveland should be elected, and free trade should prevail there would not be the demand for stone there had been under the Republican administration, and he would not need so many men, and the first to go would be the men who had voted for Mr. Hurd.

The only proof of direct interference is that he spoke to a man by the name of Peter Diffley. Diffley swears that Mr. Kelley did not speak to him at this election at all.

It is asked that these 50 votes, that is, all of Kelley's force, shall be thrown out, and the vote of that precinct shall not be counted, and in that way get rid of the 29 majority given to Mr. Romeis. There is no proof that these 50 men were voters. There is no proof that they were Democrats. There is no proof that any one of them was a Democrat. There is no proof that any one of them intended to vote for Mr. Hurd. There is no proof that they did not all vote for Mr. Hurd. It is clear some of them did vote for him. There is no proof a single man was influenced by Kelley's interference, whatever it may have been, to vote otherwise than he would have done without it.

Is this House, Mr. Speaker, is the Democratic portion of this House, prepared to throw out a precinct upon such grounds? My experience is that where employers undertake to control their men they usually produce the very opposite effect from that desired. Men under such circumstances assert their manhood and independence and vote their own sentiments regardless of the wishes of their employers. I know there are exceptions; but there is no evidence in this particular case that one single voter was influenced to vote against Mr. Hurd.

Look at the vote of that precinct at that election for secretary of state. The Democratic candidate received 106 votes; Mr. Hurd's vote was 97, only 6 less than the head of the Democratic ticket received. The vote for supreme judge was 102; Mr. Hurd's vote was 97, only 5 less; and the Democratic vote for auditor was 94, 3 votes less than Hurd received. I do not understand there was any bulldozing or intimidation to affect the vote for auditor.

The majority against Mr. Hurd was 29; the majority against the Democratic candidate for sheriff was 25. So Mr. Hurd did not lose 50 votes through the misconduct of Norman Kelley. He did not lose the 29 votes he asks to be taken from Mr. Romeis. He did not lose any, as appears from the fact that he received about as many as did the other candidates on the Democratic ticket.

At the election in November for President the majority against President Cleveland was 44—15 more than the majority against Mr. Hurd. So there is not only the absence of proof that there was any intimidation, or that any man's vote was affected, but there is absolute proof to the contrary; that the people there voted as they saw proper without interference, and just as they did elsewhere in the district. Mr. Hurd did not lose as large a proportion of the votes on Kelley's Island as he did in nearly every precinct in Toledo. He fell behind the head of the Democratic ticket in every precinct in Toledo, I believe, but one. In one case he was 65 votes short of the head of the Democratic ticket, in another 55, and the difference in majorities was double these figures.

Now, Mr. Speaker, I pass to the last claim set up by the contestant. It is that there were a number of illegal votes for Mr. Romeis in the city of Toledo, outside the precincts already named. I gather from the notice of contest that at the outset that was the principal ground on which the contest was based.

Running through the list of the voters at the October election and

comparing it with the voters at the November election the contestant thought he discovered some seven hundred names of men who had voted at the October election and who did not vote at the November election. An investigation was instituted.

Mr. Hurd himself admits that nearly all of these voters were accounted for. Persons were sent out, and the alleged disappearing voters were nearly all found. He still claims, however, that some 200 and odd votes of that kind should be deducted proportionately from him and the sitting member in the wards in which they were cast and counted, and in that way, by some means, he succeeds in gaining an advantage over the sitting member of 79 votes. I confess I am not very clear as to the process by which he comes out ahead 79 votes; but that is the claim set up.

Now, the sitting member alleges, and has produced the proof, that for all of these 700 or 800 disappearing voters, except seventy-two or three, he has accounted; and I believe that to be true, that he has accounted for them to that extent. What more could be done, I ask? Here is a city of over 50,000 population at the last census, which has doubtless largely increased since; here is a city in which there are a large number of people coming and going constantly, not permanent residents, with a large foreign population. Many votes were accounted for by an improper spelling of the names on the poll-books—names of Poles and Hungarians, which nobody can spell.

This testimony, taken several months after the election, shows that these voters were all accounted for, even to the satisfaction of Mr. Hurd, except 200, and according to the claim of Mr. Romeis, 72. What more could be done in any city of this country of such a population four or five months after the election? Is there a city anywhere in the country where you can account for all of the votes, except 72 or 3, five or six months after the election? And it should be remembered also that according to the laws of Ohio a married man may live in one precinct to-day and to-morrow move into another one and vote there. No time of residence is required to authorize the head of a family to become a voter in any precinct. An unmarried man has the right to vote after twenty days' residence in a precinct.

It is not strange that these voters were not all found in the precincts where they had cast their votes at the preceding election; but as I have said they were all or nearly all accounted for, although in the nature of things there would be many removals between the time of the voting and the date of the investigation.

But I am compelled to confess, Mr. Speaker, and the figures make the confession unavoidable, that if there were any voters who voted at the October election and disappeared before the November election they must have been Democrats. It is utterly impossible to avoid the conclusion, because in every single precinct in the city but three the Republican vote was increased. The Democrats gained in only three and then gained only 5 votes in November over the October election, while the Republicans gained in all the other precincts, and their gain was 193 votes. Now if the claim of the contestant be true, there should have been a less Republican vote in November than in October; because he alleges that there were Republicans who voted in October who were not there to vote in November; and yet, when you take these precincts, every one of them but three, you find that there was an actual Republican increase at the November election over the October vote.

There is no proof that a single one of these alleged disappearing voters was a Democrat; there was no proof that a single one of them was a Republican; there is no proof that if they were there and went away they were not qualified voters.

The contestant alleges, and the minority of the committee present the same view, that attention having been called to these names of men who voted in October and had disappeared in November, and the burden is thrown upon the contestee to account for them, and not only that, but also to show that they were legal voters. Why, sir, in that way he might impose upon the sitting member the duty of proving that every man who voted was a legal voter by merely alleging the contrary.

Other allegations were made, but all have been abandoned. It stands first on the claim that these three precincts shall be thrown out, and that this correction shall be made in the vote in the city of Toledo to the extent of 79 voters; and in that way the contestant figures up a majority of over 200. If you throw out Precinct B of the eighth ward, and I can conceive of no reason for doing so, there is still left to the sitting member a majority of 19. And certainly this House will not throw out Precinct C of the third ward because Mr. Bell put his hand on the ballot-box, even if he did so. Nor will the House throw out Kelly's Island, where the contestant ran as well as anybody else on the Democratic ticket. And it will not do to take from the sitting member the number of votes in the several precincts of Toledo, which the contestant claims should be taken from him, on such proof as has been made.

It would have been more satisfactory to me as a Democrat to have found in favor of the contestant than against him. In a doubtful case I do not hesitate to say I would have found for him. I would have been for my party, although I do not mean to say that I regard contested elections as party questions. Party politics shall not control my conduct in determining contested elections. But if there had been any substantial reason for finding for the contestant I would have found for him with all my heart. No man who has ever claimed a seat in this body would have received my support more heartily, more cheerfully, more readily than the contestant in this case, because I have for him the highest admiration.

I know it has been alleged somewhere that the action of certain members of the committee was controlled by their views on certain questions on which the Democratic party is not entirely a unit, and in which they are supposed to differ from Mr. Hurd. Why, sir, if I thought that that had had the least weight with me in ascertaining who is entitled to a seat on this floor, a matter not only of the highest privilege but of the highest right, I would despise myself forever. And I can not believe that the party to which I belong, which in times past has denounced the conduct of the Republicans in the decision of contested elections, will in this instance seat the contestant simply because he is a Democrat and in disregard of the facts. If it does, I presume we will hear nothing more of the throwing out of precincts and counties and the change of results in the State of South Carolina, in Louisiana, and in others of the Southern States where wrong was done by the Republican party when it had the power.

In this matter, Mr. Speaker, I do not intend to follow the example of the Republican party. I intend to do here, and am doing, just what the Democratic party said it would do when it attacked the conduct of the Republicans with respect to the election cases to which I have referred.

How much time have I remaining?

The SPEAKER *pro tempore* (Mr. McCREARY). The gentleman has five minutes.

Mr. BOYLE. I reserve the balance of my time.

Mr. ROBERTSON. I am gratified, indeed, that this somewhat noted case has at last come before the House for decision. And I am gratified, too, that the gentleman from Pennsylvania [Mr. BOYLE] who has just addressed the House was so considerate as to say if there was any particle of doubt about the case he would have resolved the doubt in favor of the contestant, Mr. Hurd. That was a high compliment to seven, at least, of his colleagues on the Committee on Elections, who find, four of them absolutely, that Mr. Hurd is entitled to his seat, two of them that Mr. Romeis was not elected, and one is neutral and stands so to-day.

So, then, in view of all this clap-trap talk that has gone all over this House in regard to the Elections Committee, I desire to state exactly how the case stands, in order that Members may vote intelligently upon it. I want them to know exactly the status of this case before the committee.

Now, I boldly and unhesitatingly say that there was not a substantial provision of the statute law of Ohio complied with in Precinct B of the eighth ward in the city of Toledo. They come and say Mr. Hurd has only a technical case. But I challenge any man on this floor to say that one single provision of that law was complied with.

In the first place, the statutes of Ohio require that the clerks shall be of different parties. I want the Democrats of the House to listen to this; I do not care anything about the Republicans, because we know how they are going to vote six months before an election case comes up. [Laughter.] I want gentlemen to understand that the laws of Ohio require that there shall be two clerks to the election board, and that they shall be of different political parties, but in this case they were both Republicans. Two of the judges of the precinct were Republican, and the third judge, who was a Democrat, was a non-resident of the precinct in which the election was held. That is the beginning of the fraud; that is the beginning of the iniquity; that is the beginning of the conspiracy that was formed and brought about by a combination between the national Republican committee, the State committee, and the local committee.

All these witnesses agree that there was some sort of an understanding between these bodies that Mr. Hurd should be beaten. In order to accomplish that purpose they started out with the view of fixing up members of the board to conduct that election who would be hostile to him, and they succeeded. They made out that Mr. Romeis had a majority, but how did they do it? Did they comply with the law when they counted the votes? No. What did they do? They did not do as the law prescribes, take out one ballot at a time and hold it up to be counted, but they dumped out the whole pile upon the table in the presence of twenty or thirty persons, and then what? Why, they counted them and they found there were 7 more ballots—mark it, gentlemen—7 more ballots than there were names of voters upon the poll-book. Then they put them back in the ballot-box and counted them again and made a final count, and there were 5 ballots less than there were voters' names upon the poll-book. That is, in the first count there were 7 more ballots than there were voters' names on the list and in the final count there were 5 less. The witness Louis Jahn testifies as follows upon this point:

Q. What was first done with reference to the ballot?
A. We opened the ballot-box and took the tickets out and put them on the table, all of them. The other two judges counted them. They counted them over twice, and always had more tickets than the names on the poll-book; one said 6 or 7; * * * never could get it out with the poll-book; the tickets never did agree with the tally sheet.
Q. What then was done with the tickets?
A. We put them all back—what was left.

That is, after they had opened them there in the presence of twenty

or thirty fellows, finding on the first count a discrepancy of 7 between the number of ballots and the number of voters on the poll-book and on the final count finding 5 less ballots than there were names on the books, they put back "what was left!"

What else did they do? After they had fixed the matter and looked over the whole field they said, "Let us be fair. We have got Hurd beaten; we know it; we have a majority against him in a precinct which he carried at the last election; we have got him beaten, and now we will be fair." So, in a precinct where one man had 220 votes and the other only 105, they gave 2 additional votes to the one and 2 to the other. That was an awful piece of fairness! That shows how they conducted the elections there. No single provision of the law was complied with. I know gentlemen speak lightly about this, and say it was only an irregularity. From what these fellows do in the State of Ohio God Almighty only knows how they control elections elsewhere. Why, my friend from Mississippi [addressing Mr. SINGLETON], it beats your shotgun policy out of sight; it beats your tissue-ballots of South Carolina, and the bulldozers of Louisiana would pale into utter insignificance before these Ohio men. [Laughter.] My friend from Ohio [Mr. WARNER] had experience of that in his contest there at the last election. We have heard how the Republican Commissioner of Pensions was out there in my friend's district, and he was also in Mr. Hurd's district manipulating election matters. Now as to this being a fair poll, I want to call the attention of the gentleman from Pennsylvania [Mr. BOYLE] to the testimony, and all I have to say is if this was a fair poll in Ohio it would not be fair anywhere else. One of the clerks gave this testimony:

Q. You do not know then of your own knowledge how many ballots there were?
A. No more than what I stated before. I had to take the judges' word for that.
Q. Were they counted properly?
A. No, sir; none of us, judges or clerks, could tell the true number of votes.

James Kelley, one of the judges of election, was asked this question:

State whether or not the return, as made up by the officers of election, stated truly the result of the election in that precinct.

His answer was:

Well, that I could not say; the way it was mixed up, we could not say which way it was.
Q. State from what you know whether or not there was any certainty in the vote as ascertained and counted that day?
A. No; I could not give no certainty to it.

Now I turn to the evidence of Louis Jahn, one of the judges, on page 28 of the record.

Q. State whether the return, as signed by the judges, contains a true statement of the votes cast at that election?
A. To tell the truth, I do not think none of us could tell what was the true vote cast.
Q. State whether the return, as made, states the result at that precinct?
A. It is not the true poll.

Ah, here is a clincher for you. Here is one of your own judges; here is the man on whom the whole election depends; at least he was one of the men who conducted it; and I want this House to know what he says in regard to this matter.

Q. You say that the certificate is false, do you?
A. Yes.

Mr. BOYLE. Whose testimony is that?

Mr. ROBERTSON. It is the testimony of Louis Jahn.

Mr. BOYLE. That is the Republican judge who voted the Democratic ticket.

Mr. ROBERTSON. Well, then, that is the only good thing he ever did in his life. [Laughter.]

Q. You say that the certificate is false, do you not?
A. Yes, sir.
Q. You knew that the certificate was false to the poll-book when you signed it, did you not?
A. Yes, sir.
Q. Then you signed it, knowing it was false?
A. Yes, sir.

Do you tell me, gentlemen, that this ballot-box is not successfully assailed? Do you tell me that there was no fraud in that election? Do you tell me that that was a fair count and a free ballot? Now, what does the law say in regard to that?

Mr. HEMPHILL. What precinct is that?

Mr. ROBERTSON. Precinct B of the eighth ward in Toledo. That is the one we are seeking to throw out. Now, the law, according to Mr. Lamar, in one of his reports on an election case, which was sustained by this House, is this:

To validate an election there must be votes legally deposited by legal officers, and legally counted, and the result legally declared.

Now, gentlemen, can any man rise up and say that this was a legal election, a fair election, an election held in accordance with law?

Mr. BLANCHARD. Did the result of that election turn on that poll?

Mr. ROBERTSON. It turned on this and one other, which I can satisfy anybody is worse than this one.

Now, let me show the facts in regard to the combination that I spoke of. There was a conspiracy formed by the Radicals in order to effect the defeat of Mr. Hurd. The word went out from the national committee that he must be defeated because he was a free-trader. That is all there was in it. It was simply a base combination between the secretary, Mr. Elkins, and this man Gerstmann—"We will form a combination, and I will send you (Gerstmann) down to the city of Toledo." He did go there and he did ascertain what was the sentiment of the people down there. They told him they were all Democrats and in favor of Mr. Hurd. Being able to speak the Polish and German languages, the precinct being largely inhabited by that class of people, he went among them and found out that they were in favor of Mr. Hurd. Then he ascertained further how much it would take to secure the election of Mr. Romeis over Mr. Hurd. They told him "from two to three thousand dollars." He went back and reported the result. He stated that he was the agent of Mr. Elkins and of the Republican committee. Then, he says, he went back there afterward and found the sentiment all changed. Why? Simply because the money that was demanded in order to compass the defeat of Mr. Hurd had been sent.

Now, gentlemen talk about this man Gertsmann. The gentleman from Pennsylvania, [Mr. BOYLE] refers to him, I believe, as a "wandering Jew." Well, sir, the fact that he is a descendant of Moses does not make me love him any better or any worse. A man has a right to his own opinions, religious or political, "without regard to race, color, or previous condition of servitude." [Laughter.] I can prove by an honorable gentleman on this floor that this Gerstmann is a man of reputable character, a man who stands above reproach in the town where he lived for four years, and where he was the rabbi of one of the leading churches. [To Mr. BOYLE.] You did not know I could prove this.

Mr. BOYLE. I know you did not do it.

Mr. ROBERTSON. I turn to the gentleman from Missouri [Mr. BURNES] and I ask him now to testify in regard to the standing of Mr. Gerstmann. The gentleman from Pennsylvania says I did not prove his standing. I want to know what the gentleman from Missouri says about it. I yield for his answer.

Mr. BURNES. Mr. Speaker, the city of Saint Joseph has a population of about 60,000, and I venture the observation that no city of its size in the United States has a greater number of eminent, wealthy, respectable, and influential Jewish citizens than Saint Joseph. They lead largely in the social and business pursuits of that city. They are nearly all of them persons of the very highest character and of very large influence. For several years—I will not say how many, but certainly as many as four—Rev. Mr. Gerstmann was the Jewish rabbi ministering to the people to whom I have alluded. He ministered ably and successfully, and, so far as I know, to the entire satisfaction of the citizens of Saint Joseph, especially of those who worshiped in his synagogue. I can only say in addition that Gerstmann, as I understand——

Mr. WADE. I would like to ask my colleague a question.

Mr. BURNES. In one minute I will answer. Mr. Gerstmann, as I understand, was educated for the law, and after his ministrations at Saint Joseph he was led back into the practice of the law, and, resuming the practice after a fashion, he left Saint Joseph and came East.

I met him at the second session of the Forty-seventh Congress in the United States Senate as the private secretary of a distinguished Senator in that body. With the exception of that meeting I have not seen him for several years.

I can say during his residence in Saint Joseph I do not think any gentleman ever questioned his character for truth or honesty.

I will now answer my colleague from Missouri [Mr. WADE].

Mr. WADE. The information which I sought from my colleague I obtained from a gentleman near me, and therefore will not trouble the House further.

Mr. BOYLE. I would like to ask the gentleman from Missouri a question.

Mr. ROBERTSON. I will yield for that purpose.

Mr. BOYLE. Does this Mr. Gerstmann still live in Saint Joseph?

Mr. BURNES. I think not.

Mr. BOYLE. When did he leave there?

Mr. BURNES. Four or five years ago.

Mr. BOYLE. This Mr. Gerstmann involved in this case came to Cincinnati in 1884. He does not claim to be a lawyer. He entered the regular Army under twenty years of age. In all his statements of where he has been, and he has been everywhere, he does not say he ever was in Saint Joseph.

Mr. ROBERTSON. That shows he was trying to cover up his good parts. [Laughter.]

Mr. BOYLE. Does the gentleman from Missouri know this to be the same Gerstmann?

Mr. BURNES. I will state that I received a letter from him this morning, written from Saint Louis, in which he informed me he was a witness in this case.

Mr. ROBERTSON. Well, that is enough on that point of this case. [Laughter.] The gentleman from Pennsylvania in his long and labored argument has attempted to show this man Gerstmann was not worthy of credence or belief. He attempted to show that if he was worthy of belief, coupled with the circumstances attending the great uncertainty of the vote of this precinct, then, as a matter of course, the return must be thrown out. Therefore I will concede, to myself at least, that much has been accomplished, and that 220 votes must be deducted from the return of 239 majority given to Mr. Romeis, which will leave only 19 votes for the sitting member yet to be overcome. That I will proceed

now to do to the entire satisfaction of any gentleman who will listen to me.

In the first place, Mr. Speaker, there is a precinct known as Kelley's Island. This Kelley's Island is an island in Lake Erie, on which there is but one precinct. About one thousand people live upon that island. Practically it is owned and controlled by one man, Mr. Norman Kelley. Most of the men who vote on that island are in the employ of this man, Norman Kelley, who is engaged in quarrying stone. He gives employment to about seventy of these men, and they embrace nearly the whole of the voting population.

This man, Norman Kelley, up to that particular time, Mr. Speaker, had never taken any special part in elections. On this occasion he went around among his men and told them if Frank Hurd were elected member of Congress and Mr. Cleveland were elected President free trade would then be established in the country and his business consequently would be ruined. In that event, he told them further, the first thing he proposed to do would be to discharge the men who had voted for Mr. Hurd and Mr. Cleveland.

These men were mostly Irishmen. Naturalized Irishmen usually are Democrats. If true to their convictions of what is right and what is wrong they are always Democrats. In my judgment there never was an honest Irish Catholic who does not vote when free and untrammeled to do so for the Democratic ticket. These Irish Catholics on Kelley's Island were intimate friends of Mr. Hurd. They believed in him, and trusted in him. They were the warmest adherents he had in making the contest for a seat in this Congress.

Well, late in the evening Mr. Norman Kelley goes down there to the polls and tells these men, "You have got to vote the Republican ticket or else you must go." That is a pretty hard statement to make to a poor laboring man who has a wife and children to support, who lives on Kelley's Island, and with the winter coming on. I am told this Kelley's Island is one of the coldest places on God's footstool, where the wind has the velocity of something like 100 miles an hour. [Laughter.]

This man Norman Kelley goes down and tells these poor fellows, who have been working in his employ at the stone quarry, and who were residents, with their wives and children, of this island, they must either vote the Republican ticket or else they must leave his employment and find work elsewhere! Now is this House going to set the seal of its approval upon such intimidation as that? Norman Kelley was not at the polls, but they sent for him, telling him something was wrong. He came up and wanted to take charge of the whole thing. He knocked one man down. I do not wonder when such things occur on the part of employers, when they undertake to dictate how the voters in their employ shall cast their ballots, we have the strikes of which we read in the morning papers. I am not astonished, therefore, that seven hundred thousand Knights of Labor knock at the doors of Congress and ask for some mode by which their grievances may be investigated, the cause of their trouble discovered, and the remedy of their grievances provided as far as possible.

No; for I say that when a man who with the whip and lash can disfranchise seventy-four of the laboring people of this country in his employ, who are Democrats by instinct and made to vote the Republican ticket, it is no wonder that such appeals come up to Congress. You can not find any of our Republican brethren deviating from the track. They always come to the scratch, no matter where or what the question is. As a distinguished gentleman before me on the other side said—and as it was in the Forty-eighth Congress I have a right to refer to it now—he said: "Tom, when are you going to bring in another election case?" I replied, "I do not know; perhaps to-morrow." He said, "I hope so; it always gratifies me to know that an election case is up, for it affords me another opportunity to vote the Republican ticket." [Laughter.]

Now, gentlemen, I have shown, and I think satisfactorily, that the election returns from this precinct, Kelley's Island, and this Precinct B of the eighth ward of the city of Toledo, ought to be thrown out for the reasons that I have set forth; and when that is done it elects the contestant, Mr. Hurd.

Mr. BLANCHARD. Will the gentleman allow me to ask him a question?

Mr. ROBERTSON. Oh, yes.

Mr. BLANCHARD. I want to ask the gentleman from Kentucky if there is any evidence, or if any was adduced before the Committee on Elections, to show that any of these 74 men on Kelly's Island would have voted for Mr. Hurd if it had not been for the action of their employer?

Mr. ROBERTSON. I will say to the gentleman no; because you see they had already been bulldozed before the election. The lash of the party had been placed upon them in ample time to secure their votes. And then, sir, if they could be bulldozed once they could be bulldozed again. But I will say to the gentleman from Louisiana that nobody ever tried to induce them to show that they had not been intimidated.

Mr. BLANCHARD. There is no testimony, though, to show how they voted. I merely ask for information.

Mr. WISE. Will the gentleman from Kentucky permit me to ask him a question?

Mr. ROBERTSON. Yes, sir.

Mr. WISE. Will the gentleman from Kentucky inform the House if there is any evidence in the record, and if there is any will he read it, to show that these men voted at all?

Mr. ROBERTSON. There is none, because we did not know, except by this general intimidation——

Mr. WISE. How do you know they were intimidated, when you do not know how they voted? [Laughter.]

Mr. ROBERTSON. By the simple fact of the way they voted and other circumstances to which I have already referred.

Mr. MARTIN. Will the gentleman from Kentucky allow me to answer?

Mr. ROBERTSON. Certainly.

Mr. MARTIN. The statement of the report is that Mr. Kelley stationed himself inside and near the polls, and made them show their tickets as they went in; and to one of these men it seems who had voted contrary to his wishes, and only one of them, he used the language "that he should be the first to go."

Mr. HENLEY. How many did he take in?

Mr. ROBERTSON. What is the question?

Mr. HENLEY. How many did he take in and make this threat to? I want to get at the facts of this case.

Mr. ROBERTSON. He went there before his men went to the polls.

Mr. HENLEY. But how many of his men were thus threatened or intimidated?

Mr. ROBERTSON. He had about 74——

Mr. BOYLE. The evidence is that three-fourths of Kelley's men had voted before Mr. Kelley got there at all.

Mr. ROBERTSON. But had not he already gone around among the men and told them how he wanted them to vote? Did he not bulldoze them before the election? Of course nobody was there to tell them exactly how they should vote just at the time. You did not have to go and threaten the men at the very moment they were about to put in their ballots to show that there had been intimidation. The intimidation was done before that. Nor do you have to show that they would have voted otherwise. That is for the contestee to show.

Mr. Speaker, I reserve the remainder of my time.

Mr. PAYNE was recognized.

Mr. SOWDEN. Will the gentleman from Kentucky yield to me for a question?

Mr. ROBERTSON. I have not the floor. If the gentleman from New York will yield for a question I will be glad to answer.

The SPEAKER *pro tempore*. The gentleman from New York has been recognized.

Mr. PAYNE. I am perfectly willing to yield to the gentleman for a question if it does not come out of my time.

Mr. ROBERTSON. I have reserved the remainder of my time.

Mr. PAYNE. Mr. Speaker, I desire to occupy fifty minutes of the time, and yield the remainder to my colleague on the committee, the gentleman from Nebraska [Mr. DORSEY].

I congratulate the House that we have an election case before us that can be determined upon a plain question of law and of fact. I congratulate the House that we have a case in which there is no charge of personal corruption or of any personal wrong on the part of either candidate so far as the election is concerned. It seems to me if there ever was a case before the House in which every man can act as the judge of the election of his fellow-member this is the case; and I congratulate the House also on the fact that so many gentlemen have listened to the debate thus far. It seems to me an earnest on the part of the members of this House that they are to decide this question purely as a question of fact and as a question of law. Mr. Speaker, as has been said, the sitting member is here on a certificate of election with a majority of 239 behind him. From this majority the contestant seeks to deduct certain precincts in the city of Toledo, deduct Kelley's Island, and also numerous votes in different precincts in Toledo.

Much has been said about Precinct B in the eighth ward. This is the precinct on which the minority of the committee seem to be agreed; the six members of the minority signing both minority reports. It is alleged in this precinct that there are various irregularities. In the first place it is complained that, whereas the law provides that the clerks of the election shall be of opposite politics, the two clerks were Republicans. Let me call the attention of the House to the law upon this subject. Paragraph 3 of section 2933 of the revised statutes of Ohio provides that there shall be two judges of opposite politics; that each of these judges shall appoint a clerk, the clerks being of opposite politics; and then there is this clause:

> And if any judges or clerks fail to attend at the proper time or place, such judges and clerks and all additional judges and clerks shall be chosen by the electors of the ward.

Now, sir, it was perfectly competent on the morning of the 14th of October if the Democratic clerk appointed by the judges did not appear for the electors of the ward to appoint a clerk in his place; and there is no qualifying provision in this paragraph prescribing that he shall be a Democratic clerk or that he shall be of opposite politics to the clerk that does appear. So it will appear from the law itself there was an opportunity under the law for the electors to elect a Republican clerk in the place of a Democratic clerk. Now, if the contestant wished to contest this precinct because there were two clerks of the same pol-

itics it was incumbent upon him to show that the law had been violated, and that this emergency did not occur in which the electors of the precinct could provide a clerk on the morning of the election.

Then, it is alleged that one of the judges of the election, the Democratic judge, was not a resident of the precinct over which he presided. But, Mr. Speaker, the statute itself provides, not that the judges of the election shall be residents of the precinct, but that the judges of the election shall be residents of the ward in which they preside. He could be a resident of any precinct in the eighth ward and still would be eligible as a judge of the election. And it appears abundantly in the case that Judge Kelley, the Democratic judge, was a resident of the eighth ward and had been so for a great many years. So that there was no objection to the organization of the board under the statutes of Ohio.

Then the claim is made that there was so much fraud and corruption about this poll in Precinct B in the eighth ward, that we are required, judging from the law and facts, judging from the evidence adduced, the competent evidence in the case, to disfranchise 430 voters and to throw aside a majority of 220 for the sitting member. As has been well stated, this evidence of corruption rests entirely upon the evidence of this man Gerstmann. Now, I do not care whether several years ago he was a Jewish rabbi, presiding over a Jewish synagogue in the city of Saint Joseph, or not. His own evidence, his own cross-examination in the case, will convince any member in this House, who will stop to read it, that he is totally unworthy of belief.

He says that since 1870 he has not lived anywhere; he has existed. He says he has been East, West, North, and South, and he declines to answer where he has been. In the next breath he says he was in Helena, Ark. He was asked what he was doing there, and he declined to answer. Asked if there is any reason for his declining to answer, he declines to answer that. Being asked if he was in State prison during this period, from 1870 until that time, he declines at first to answer that; and then he says he does not know whether he has been in State prison or not.

Mr. HALL. Will the gentleman yield to me for a question?

Mr. PAYNE. Yes, sir.

Mr. HALL. I ask the gentleman whether Gerstmann's declining to answer all through that cross-examination was not evidently due to the insolence of the cross-examination by an attorney whom there was no judge to control?

Mr. PAYNE. Evidently not; for from the very outset of his cross-examination he began to decline to answer, as every lawyer in this House has seen witness after witness decline to answer, when a question was asked which might lead to something in his past life that he wished to cover up. It was not because of any insolence of the cross-examiner, but because he did not want his past history paraded before the notary or before this House or the country.

But, Mr. Speaker, he did answer some questions. He says that in 1880 he was living in California; that he was then a zealous advocate of the election of General Hancock; and if he had been elected that he expected an office under Hancock; that he expected to go to Jerusalem under the auspices of the Democratic government.

Mr. STRUBLE. Dead or alive? [Laughter.]

Mr. PAYNE. That does not appear. Then he says as soon as Garfield was elected he came on to Washington. He still wanted to go to Jerusalem under Garfield. He was here as an office-seeker under Garfield. He says he had persuaded Garfield, and but for his assassination he would have gone to Jerusalem under Garfield's administration. When asked to what political party he belonged he said, "Why, I do not belong to any party, Democratic or Republican." He said, "I belong to my own party." "What do you mean by your own party?" was the question. "Why, myself; 'self-preservation is the first law of nature.'"

Then we come down to 1884. He says he was in the employ of the Republican national committee; that he went to the city of Toledo; that he went to investigate there to see how the sentiment was in reference to Hurd and Romeis. He says he went around through the city among the Germans and found them all for Hurd, and that then he went to New York to report to the national Republican committee, being in their employ. When he got to New York what did he do there? Instead of going to the Republican national committee to report, he went straight to the Democratic national committee and had a little talk with them about finances, and two or three days later, at Cincinnati, he received a letter from the secretary of the national Democratic committee. The substance of that letter, he says, was that he was to go to the local committee and they would make arrangements with him for his services.

This is the man who was in the employ of the Republican national committee! Then he went over to the Republican national committee; and what did he tell them? He says he told them he had been up to Toledo and had talked with the Germans and that the sentiment was for Hurd, but that for beer the voters could be bought to vote the other way. "All you need," he said, "is to buy beer." "How much money is needed?" "Two or three thousand dollars." He says they told him that they would not let him have the money, but that what money they did send would be sent through the regular committee, the regular channels. Then he turns up again at Cincinnati, or at Columbus, at the headquarters of the Democratic State committee.

He says that the same night on which he received this letter—I think it was from Mr. Barnum, but I am not certain about that—on that same night, he says, he burned the letter. Then he testifies that he subsequently showed the same letter to a member of the Democratic State committee. That testimony is in the record—that he showed that letter after he had burned it. Then he went to Toledo again. He went there to see what had been done in the mean time, what change of sentiment had occurred. In the first place he testifies that he went there in about a week after his first visit; that he says he made three visits to Toledo; then he says it might have been two or three weeks after his first visit that he returned, but when he did return, lo, and behold! there was an entire change in the popular sentiment, and these Germans who had previously been shouting for Hurd were now all for Romeis.

He does not tell what they said that induced him to think that, but he says, "I thought from their looks that they had been satisfied; I thought there was no further use for me. When I went there first I was a great mogul among those Germans; but when I went there the second time I was nobody. I inferred from their looks," he says, "and I saw them 'jargooning' together (whatever that may mean), and I inferred from this that money had been sent and that beer had been bought, and they had turned and were all for Romeis."

That is the evidence of bribery in this case. It comes from a man who is self-impeached, and not a word of it is direct evidence, because this witness does not undertake to detail a word of conversation with any man save one, Mr. Warnke. Mr. Warnke lives in Precinct B in the eighth ward; and this witness closes his direct evidence by stating that outside of that precinct from fifty to seventy-five men had been corrupted. He gives no evidence whatever in regard to Precinct B on his direct examination. During the last days of the examination, after the forty days had expired in which the contestant might take his evidence, and the forty days in which the contestee might answer it had passed, and during the last ten days when contestee had the right to put in his rebuttal, this man Gerstmann was again examined, and, for some reason not explained in the evidence, each time he was examined in Washington. He claimed to hail from Cincinnati. Why he should be brought from Cincinnati to Washington to testify in this Toledo case does not appear. At all events the last examination is the only one in which he gives any evidence in regard to Precinct B in the eighth ward.

I will read what he testifies on that subject. It will be found on page 129 of the testimony:

Q. What was said, at your last visit to Toledo before the election, by Warnke and other voters in Precinct B, in ward 8, as to money or other considerations having been satisfactorily furnished to the voters of that precinct to carry it for Romeis?

A. From the general conversations with Warnke and others living in that neighborhood there was no doubt in my mind that money and other materials were furnished to defeat Mr. Hurd in that precinct. There was no further use for me, and I left Toledo. My reasons for leaving, no doubt, is from the conversations which I had on that subject with Warnke and other voters of that precinct. I was satisfied in my own mind that Romeis would carry that precinct, notwithstanding at my first visit everything was for Hurd there. Had it not been for the use of money and other considerations used in the political machinery, Hurd would certainly have carried the precinct.

That is the only evidence that there is in regard to Precinct B in the eighth ward. That is the evidence that the minority put in their report; it is the only evidence on this point that the contestant puts into his brief in this case to show corruption in Precinct B. And, Mr. Speaker, on that evidence members of this House, sitting as judges, are asked seriously to vote that there was bribery and corruption there. True, the contestant calls Louis Jahn, a man who figures as a Republican judge, although on his cross-examination he says, substantially, that he voted the Democratic ticket. He does not say that in so many words, but no man can read his cross-examination without coming to the conclusion that he did vote the Democratic ticket in October. He testifies, as was read by Mr. BOYLE, to as much as he knows about money being used. His testimony is that Henry Gates paid "about nineteen ticket peddlers" from $2 to $10 apiece, the night after the election, at Joe Boldt's grocery. On cross-examination he gave this testimony:

Q. Were you at Joe Boldt's grocery on the night after the election?
A. No sir.
Q. Did you see any money paid?
A. No, sir.
Q. How do you know that Henry Gates paid any money?
A. I know it by what Henry Gates told me.

That is all the evidence there is in this case of bribery, every word of it. You see it is all hearsay evidence, and very indefinite too. Yet we are asked to say that there was bribery and corruption in that precinct, and we are asked upon such testimony to throw out 430 votes. It has been gravely asserted here that Henry Gates, being the vice-president of the Republican club in that precinct, was an agent for the Republican party, and that what he said after election was binding on Mr. Romeis!

What a proposition of law to be addressed to the understanding of lawyers! What an extension of the idea of agency! Can you find it

in any of the books? Why, every book has been ransacked; and it seems there was a case in England some time in the seventeenth century, under their election laws, where each candidate for Parliament appoints his own agents for the different districts; and in that case it appears it was held that what the agents of the candidate said during the canvass and before the election became a part of the *res gestæ*, and might be considered as an admission against the candidate himself. But, thank God, no case can be found in this country in which it has been held that every member of a political organization is to be considered as the agent of the candidate of that party, and whatever he may say after the election binds the man who was selected as a candidate by that same party.

That is all there is of corruption in Precinct B of the eighth ward. I think it may be safely dismissed from the case. But it is said there was some irregularity about the counting of the votes. It is said the statute provides that the inspectors must take the ballots out of the box one by one, unfold them, and read them, and they must be tallied one by one. The statute does say just about that. But what lawyer on this floor does not know that the provision is merely directory, not mandatory; that a statute prescribing the time and place of holding an election is mandatory, but provisions of law as to the canvass and return of votes are merely directory; and whether these directory provisions of the statute are observed by the judges and returning officers or not, the honest voter is not defrauded of his vote? No principle of law to the contrary of this has ever been evolved from any election committee, even of a State Legislature or from any city court in Philadelphia.

Now, what is the fact about this precinct? Judge Kelley, the Democratic judge, testifies that when the ballot-box was opened the officers took all the ballots out of the box and laid them on the table, having first swept the room; that he and one other judge began to count these ballots, he counting a part and the other judge another part. There was no tallying between them. One did not count what the other counted, but each counted a different part. And on that count there was an excess of 7 votes over the names on the tally-sheet, there being four hundred and thirty names on the tally-sheet; not four hundred and thirty-one, as erroneously stated in the report of the minority. I want to correct the error on this point. The tally-sheets were prepared beforehand. The blank for the names were numbered consecutively in print, so that each name appeared after its own true number. When they got down to number 363 the clerks inserted a name, but for some reason the voter was challenged and did not vote, withdrew his ticket, and that name and number were crossed off, so that though the last number was 431, only four hundred and thirty men voted at that precinct.

Now, on this first informal count, each one counting a part—and we all know the liability of men to make mistakes in counts of that nature—there were 7 votes over. Then these same two judges counted the ballots back into the ballot-box, each counting a part again, and there were 3 or 4 votes over—433 or 434 in all. Then they commenced their regular official count. They separated the ballots—the Republican and Democratic ballots—into distinct piles and commenced counting them off by fives, Judge Kelley counting off five and handing them to the next judge, and he counting them over to see if the five tickets were there all right, and the clerks tallied the five tickets, which were then handed to the third judge, who strung them on a string, under a provision of the statute. So they counted that entire box of ballots; and when they got through they found there were only 426, of which Mr. Hurd had 103 and Mr. Romeis 323. There was a deficiency of four tickets. What should they do? There was some talk about counting again. Then Louis Jahn, who did no counting at all—he was the man who put them on the string—objected to the count being repeated, but proposed that they add 2 votes to each candidate, making 430 votes; and that is what they did. But that is not all of the tally of those tickets. The clerk of the election swears that they counted the ballots that had been strung on the string, and they found just 426 tickets, corresponding exactly with the counts.

Now, what is there about that count that any man can not rectify at once? They added 2 votes to each candidate—to the candidate for secretary of state and the candidate for Congress. It makes no difference in the result whether you strike out those 2 votes for Mr. Hurd and Mr. Romeis or not. You still have 220 majority. You can get at the exact count from the evidence of these men. Yet because this official return had been impeached sufficiently to show that 4 votes were irregularly added, we are asked to disfranchise this precinct and throw it out.

That is the evidence, the whole evidence, in regard to Precinct B of the eighth ward. Then there is Kelley's Island. The statement in regard to Kelley's Island will be found at page 95 of the record. It is hearsay evidence as to what Mr. Kelley told Mr. Alvord that he had told his men; but I select this evidence because it is the strongest statement of what Mr. Kelley said, being stronger than the statement made by Mr. Kelley upon the stand.

He said he considered Mr. Hurd's views on the tariff very detrimental to his interests, and that if Mr. Cleveland and Mr. Hurd were elected—that if Mr. Hurd's views should prevail under a Democratic administration, he should probably not want over one-third the men in his business who were then employed, and that if he was compelled to discharge any of his men, he would discharge those first who were not working for his interest.

That is all Mr. Kelley said to his men. If Cleveland, if Hurd were elected—if Mr. Hurd's views prevailed—if his business failed because of it and he should not want more than one-third or one-half of the men he then employed, he would discharge first those who had voted against his interest. He did say that.

Now what is the proof of the influence that threat, if you call it a threat, had upon the men in Kelley's employ? There is not a scintilla of evidence that one of these men voted for Mr. Romeis, or that one of these men voted the Republican ticket. There is not a scintilla of evidence but that these men were Republicans on the start.

The gentleman from Alabama [Mr. MARTIN] called attention to the fact that it was proved in the case that Mr. Kelley himself walked up to the polls with one of his men and voted him against Mr. Hurd, that he so walked up to the polls with one of his men by the name of Peter Diffley. Peter Diffley was called to the stand, and he said Mr. Kelley did not speak to him on the day of the election. He did not walk up to the polls, he did not hand him a ticket, he did not ask him to vote; and so that fails by the testimony of the man himself.

Some eight or ten were called of those who were in Kelley's employ, and I think by the record it was proved every one of them voted against Mr. Kelley's view and voted for Mr. Hurd.

Yet you are asked to throw out this precinct without a word of proof that anything Kelley said had any influence on his men. Why, gentlemen, these mechanics are made of different stuff from that. If an employer makes such a threat their manhood asserts itself, and they are more apt to vote the other way under the influence of such a threat. They have some idea of American freedom and independence. They think they are a part of the sovereignty of the country, and they have a right to a voice in the decision of its affairs. Their manhood has not been emasculated. They are ready to vote, and to vote their own opinions; and they will vote them all the more readily if they think anybody like an employer is attempting to turn them away from their honest convictions.

Thus much for Kelley's Island. Then come the illegal votes claimed in the city of Toledo. After the notice of contest had been served, after the issue had been made up, and four or five months after the election, they began to make a comparison between the poll-lists made up by one of the clerks at the October election and the poll-lists made by one of the clerks at the November election, there being a different clerk at each election. They found at various wards in Toledo some seven hundred and odd names appearing in the October election which they did not in the November election. These they found in different wards and precincts, and then got one or two or three men and called them upon the witness-stand who swore they did not know men of those names living in those precincts and wards.

I believe none of these men ever were inspectors of elections. It did appear some of them had taken the school census and found out who the school children were living in those precincts, and of course they had some knowledge of the school children. It did appear some were assessors and knew who were upon the assessors' books in some of these precincts. But every man who has property to be assessed is not necessarily a voter.

Afterward Mr. Romeis had occasion to examine these lists and bring residents of these different wards and precincts to say whether these men in October actually lived in the wards and were voters or not.

Let me call attention to another curious position, or rather legal proposition, which is advanced in this case; and that is, if a contestant brings evidence tending to show a man is not a resident where he voted, then it becomes incumbent upon the contestee not only to prove the man is a resident, but to prove he is twenty-one years of age, to prove he is a native or a naturalized citizen, and to prove he has all the qualifications of a voter. I shall not spend any time in arguing that proposition. It does not devolve on the contestee to disprove anything that has not been proved by the contestant in the case.

And if he has any evidence in the case showing that men are not residents of the precinct, it only devolves upon the contestee to show that they were residents at the time of the election; and if he does that, then he has met the case.

Well, they took up these different lists—they took the list copied by one clerk in a precinct in October, and they took the list copied by the other clerk in the same precinct in November, and on a comparison of the lists it was found that in many instances the names were entirely different; scarcely any two names were alike on the list. Bear in mind that each name was numbered, so there could be no mistake as to who was intended by each clerk; and yet a comparison of names entered by these two clerks acting at the same time at the same poll showed such a discrepancy in the names that you could hardly recognize them. You can readily see how this could happen. A German name announced by a judge of election would be liable to be misunderstood and misspelled by the clerk who registered the name; and a specimen of these differences is set forth in the majority report, which I hope the mem-

bers of this House will find time not only to examine but will compare the two lists of names. Here is the list:

List of names, Precinct A, eighth ward, for election held October 14, 1884.

As given by P. A. McGahan:		As given by Arlon E. Wilson, clerk:
(1)	20 John Bright.	20 John Britt.
(2)	192 Jacob Baller.	192 J. Dallett.
(3)	533 Peter Chuley.	533 P. Judy.
(4)	553 J. A. Delfunt.	553 J. A. Deloforest.
(5)	54 Charles Fielbach.	54 C. Felbach.
(6)	153 M. R. Farmer.	153 M. R. Palmer.
(7)	108 J. C. Gaily.	108 J. C. Gailey.
(8)	458 Nick George.	458 N. George.
(9)	502 F. Gustin.	502 F. Gusten.
(10)	552 A. W. Ganny.	552 M. W. Gunning.
(11)	5 L. K. Hadduh.	5 S. K. Hatticks.
(12)	46 W. E. Higby.	46 W. J. Hight.
(13)	261 G. S. Hemerich.	261 G. S. Hammerick.
(14)	340 F. W. Howe.	340 Fred. W. Howe.
(15)	149 M. Karl.	149 Max Carroll.
(16)	307 O. S. Mann.	307 J. Seabar.
(17)	532 M. Manuel.	532 M. Manion.
(18)	554 H. C. Macy.	554 H. C. Massey.
(19)	364 R. Phallan.	364 Rich'd Fallon.
(20)	362 C. W. Reuce.	362 C. W. Pierce.
(21)	446 W. O. Reno.	446 W. O. Priro.
(22)	22 William M. Supe.	22 W. M. Lake.
(23)	418 John Starke.	418 Chas. Stark.
(24)	523 J. Shulhite.	523 E. Schultheiz.
(25)	557 F. Saint John.	557 F. St. John.
(26)	260 A. Thitter.	260 A. Theidee.
(27)	210 P. Westley.	210 Pat Nester.
(28)	34 W. F. Yawe.	34 W. F. Young.
(29)	307 J. Leaber.	307 J. Leober.

Mr. Romeis called the old residents of the ward as witnesses; he called old inspectors of election; he called men who had made a canvass of the votes immediately before the October election, and proved from all of these sources that out of the 700 names that had been deducted by the contestant all but 72 were residents of the precinct and wards in which they had voted on the 14th day of October, 1884. Of these 72 names, if they are apportioned out to the two candidates as the minority would have them apportioned it would be almost a tie between Mr. Hurd and Mr. Romeis, I think 35 in one case and 37 in the other.

It is claimed by the minority of the committee that the only way to purge the returns of these 72 alleged illegal voters is to take each precinct of a ward by itself, and hold that that is a complete election district or a complete part of an election district, and that these illegal votes belonging to that district should be deducted from the majority candidate so far only as to reduce his vote to a tie in that precinct. Such a proposition as that, it seems to me, is most illogical. It is not the precinct voting for delegates to elect a man to Congress; it is the man who gets the majority in the district, even if he did not carry but one of the precincts, and the other, his opponent, had carried all the rest. A contrary construction would be absurd. There is no common sense, there is no logic in such a deduction.

Bear in mind, too, that there is not a particle of evidence as to how the men voted, except that established by the face of the returns themselves, which show that in each precinct there was a falling off of the Democratic votes between the election held in October and the one in November, and in every ward there was a sufficient falling off to cover every illegal vote, even those claimed by contestant himself, all of them showing a reduction of the Democratic vote.

If they were illegal, if the men had disappeared after the October election, their vote does not show in the count in November. The absence of the votes in the November election was accounted for by the loss of the Democratic vote in November as compared with the Democratic vote in October; and that evidence would seem to be conclusive; for if these men were illegal voters, every one of them must have voted the Democratic ticket in October, because the Democratic vote fell off and was less in November. Then, on the other hand, every ward except one exhibits an increase of the Republican vote in November over the Republican vote in October, except, as I say, in one ward; and in that there was a loss of 5 Republican votes. So, Mr. Speaker, I do not see how these alleged illegal votes, even admitting them to be illegal, can be deducted from the count of either candidate or can affect the election in the least.

But let us go a little further. What is the presumption? They claim that because these 700 names can not be found by the witnesses they produced, or rather because they were unknown to them, they were therefore illegal votes. And the contestee takes up the issue and shows that all but 72 were residents of the precincts. I say what is the presumption as to the 72? Is it not strong and conclusive that the 72 were legal voters? Is it not a wonder that, five months after the election in October, in a city of 50,000 inhabitants, a city that cast 8,000 votes in October, every one of these voters of the 8,000 can be found, except 72, five months afterward? I say is it not conclusive that there is no evidence of a single illegal vote in any one of these precincts in Toledo?

Another point is raised as to Precinct C in the third ward of that city. I see that one of the minority reports takes no account of the assault upon these 166 votes that are sought to be deducted from the majority of Mr. Romeis. What is the truth in regard to Precinct C? At this precinct a man named Robert H. Bell, a resident of the precinct for forty years and a resident of the ward at the date of the election, who ever since he had been a resident and voter had been a judge at the elections in that precinct, who was certified by Democratic judges who were called as witnesses as a man of the highest character and integrity in that precinct—that on the night when they were counting the votes in October, Bell said to them, "Boys, you want to hurry up the count;" and when the tickets which had been taken from the ballot-box and placed on the table were exhausted in the count, he put his hand into the box, one witness says three times, and took out some tickets and laid them on the table to be counted.

Another witness says he put his hand in the box and took out one handful of tickets. Bell himself says he attempted to put his hand in the box to take out tickets, and one of the judges said to him, "Hold on, Bob;" and he did not interfere after that.

There is some question in the case as to whether this occurred in October or in November; but I think the weight of the evidence is that the November witnesses are mistaken and that this did occur in October. But how does it vitiate the count? How does it invalidate the return? How is it any excuse or pretext for the throwing out this poll whether it occurred in October or November? The testimony is that Bell took these tickets out of the box and put them on the table and that every one of them was counted by the judges, and when they got through with the count it agreed with the poll-list as reported by the clerks, and they returned it according to the facts.

There has been dug up and brought into this case, to sustain the view of the contestant that this poll should be thrown out, a single case occurring in the assembly of my own State in 1871. I forget at this moment the contestant's name. The case is found in New York contested-election cases, and part of it is quoted in the minority report. It was a case where a man of the name of Terhune, appointed a supervisor of elections, interfered with the count in regard to the office of member of assembly. As supervisor of elections he had no business to count a single ballot except the ballots for member of Congress; but going beyond his duty, taking no part in the count for Congress or any other part of the count, he simply interfered with the count for member of assembly.

In our State the assembly ballots are on separate tickets from the Congressional and State tickets, and there is a separate box for each. He paid his entire attention to the assembly count. It appeared that he was a violent partisan and friend of one of the gentlemen, a Republican, running for member of assembly. It appeared that that gentleman received a majority of some twenty-odd in the district which elected him to the assembly, while the Democratic candidate for governor received a majority of 24 votes in the same election district, and this was not accounted for. It appeared further that by the heading on these assembly tickets they were easily discernible, and a man could separate them if he wanted to commit a fraud, and pick out the tickets by their appearance.

These last two facts seem to have escaped the attention of the minority of the committee in their report. All that appeared in the case. And what more? Terhune was called on to explain on two different occasions, but failed to appear, and failed to make any explanation. Then, by a partisan vote in the committee, and by a partisan vote in the assembly, the assembly being very close, and they needing that vote very much to maintain their majority, this precinct was thrown out, the election was reversed, and the contestant was admitted to the seat. That is entirely different from the case here. In that case it appeared that Terhune might have manipulated the ballots; might have substituted other ballots; might have committed a fraud on the ballot-box. In this case it appeared that Bell took the tickets from the ballot-box and laid them on the table, and they were counted by the judges and returned by the judges and clerks of election. I do not think the House will throw out 166 majority, will disfranchise three hundred and odd voters in any precinct on any such pretext as this, even if the New York assembly in 1871 did declare a different doctrine on a different state of facts.

How much more time have I?

The SPEAKER *pro tempore*. The gentleman has five minutes remaining, if ten are reserved for the gentleman from Nebraska [Mr. DORSEY].

Mr. DORSEY. If the gentleman from New York wants my ten minutes he can have them.

Mr. PAYNE. Now in regard to this Precinct B in the eighth ward I want to state another fact. I see it stated somewhere in the report of the minority that the year before, in the year 1883, this precinct gave a majority for the Democratic candidate for governor. Who is there in this House who does not know that the majority for Governor Hoadley in 1883 in Ohio, in every city in Ohio, and especially in every German precinct in every city in Ohio, was phenomenally large and did not represent the true Democratic majority in those precincts? On the other hand, the sitting member here is a German. The voters of the precinct were nearly all Germans.

The evidence in the case is that three times before this, when Mr. Romeis had been a candidate in the city of Toledo for the office of mayor, he had carried this Precinct B of the eighth ward by a "big majority," as a witness puts it, every time. He was a popular man in Precinct B of the eighth ward. Mr. Warnke, the witness whom Gerst-

mann says he met and received these admissions from, not only contradicts what Gerstmann says, but says from the time of the nomination Precinct B of the eighth ward was almost unanimously for Romeis. He was their man. There was no change from beginning to end of the canvass. And when the ballots were opened and counted they declared the true purpose of the electors of Precinct B of the eighth ward, and that was to vote for Romeis; he was a popular man in the precinct.

It is not a surprising result, the defeat of Mr. Hurd in the tenth Congressional district of the State of Ohio. True, it is a Democratic district. True, it has been accustomed to give 2,500 or 3,000 Democratic majority. But he has been returned from that district some six or seven times. It is not phenomenal, not wonderful, not out of the ordinary course of events that when a man comes from a district time after time he will eventually lose some of his popularity and standing in his party. The evidence shows there were many disgruntled Democrats in the city of Toledo and in the tenth district, many who opposed openly the candidacy of Frank H. Hurd and worked and voted against him at the election.

Why, Mr. Speaker, in 1882 this tendency of Mr. Hurd to run behind his ticket began to manifest itself in the tenth district of Ohio. In 1882 Newman was the Democratic candidate for secretary of state, and his majority was 3,660. Hurd was a candidate against a man named King—a man not rejoicing in a German name or having any special popularity in a German district—and Mr. Hurd's majority was 2,556 less than that of Newman, being only 1,104. In 1884 Newman's majority in the same district was 2,706, and Romeis's majority 239; a difference between Newman and Hurd of 2,945. So that Mr. Hurd did not lose votes as fast in the two years between 1882 and 1884 as he had been losing them previously in the campaigns of 1878, 1880, and down to 1882.

It was not a surprising result; it was not an unexpected result; it was the natural result; it was just such a result as you would expect from the evidence in this case, which shows no intimidation, no dishonesty, no fraud, no corruption, no dishonest use of money in any precinct—which shows that the only evidence that some one even said money was to be used comes from a man of the name of Gerstmann, a witness who has impeached himself so thoroughly in his cross-examination that I have heard no man claim, in the committee or on this floor, that he was to be believed, except on the pretext that he was a Republican agent, and that what he said after his agency had ceased was to be taken against the Republican party not only, but against one of the servants of the Republican party, Mr. Jacob Romeis, the sitting member in this case.

Mr. Speaker, as I said in the beginning, this is a case to be decided on the law and on the facts. It is an occasion for us to rise to the dignity of the question at issue, to the dignity conferred on us by the Constitution of the United States, which makes us the judges of the election of our members. [Applause on the Republican side.]

Mr. DORSEY was recognized, and said: I reserve my time, Mr. Speaker.

Mr. MARTIN. Mr. Speaker, Frank H. Hurd denies and contests the right of the gentleman from Ohio [Mr. Romeis] to represent the tenth Congressional district of that State upon the floor of this House. The grounds of this contest were made known in due time to the contestee; all the testimony deemed necessary by either party has been taken, and elaborate argument on behalf of each has been listened to by your Committee on Elections; and after careful examination into the merits of the matter I am not able to give my assent to the recommendation of the committee that Mr. Hurd should be denied his seat in this House. It is right and proper, in fact the duty which I owe to the contestant and to myself, that I should make known the reasons which have controlled my judgment in reaching the conclusion that Mr. Romeis was not elected, and that Mr. Hurd was (upon a fair and lawful count of the ballots) duly elected to represent the tenth Ohio district as a member of this Congress. And as one of the number dissenting from the report of your committee, I avail myself of this opportunity for so doing.

It will be proper, in the outset, to state the grounds upon which Mr. Hurd has contested the apparent election of the gentleman from Ohio [Mr. Romeis], so that we, as Representatives of the American people, and made the sole judges of the election, may know whether or not the causes assigned (if proven to be true) are sufficient to unseat Mr. Romeis, and, in his stead, to seat Mr. Hurd.

The grounds of this contest are set forth with great distinctness by the contestant, and one and all of them are of the gravest nature, involving bribery, intimidation, irregularities, and uncertainties in holding the election and counting the votes, a tampering with the poll-list, and, perhaps, ballot stuffing.

To economize time I will take them up in the following order:

First. It was certified by the judges of election at Precinct B, ward 8, of the city of Toledo, that 325 votes had been cast at the last Congressional election for Mr. Romeis and 105 votes for Mr. Hurd—giving Mr. Romeis a majority of 220 votes at that polling place. It is not claimed by either of the parties to the contest that that certificate is true, but it is admitted by both parties to be untrue!

This House has the power, unquestionably, to reject the entire poll of votes at that precinct; but the power to do so is of such a character that it should be exercised only in an extreme case. But if the evidence should convince us that the one we are dealing with is an extreme case—one in which it is impossible to ascertain with reasonable certainty the true vote; one in which the conduct of the election officers has been such as to destroy the integrity of their returns; and to avoid the *prima facie* made thereby, it is our duty not to hesitate about rejecting the poll; for it is unquestionably one of the highest duties of this House to protect and secure the purity of the election of its members.

McCrary, at section 303, first edition, lays down the doctrine that—

> The power to reject an entire poll is a dangerous power, and, although it belongs to the tribunal having jurisdiction to pass upon the merits of a contested election, it should be exercised only in an extreme case; that is to say, a case where it is impossible to ascertain with reasonable certainty the true vote. It must appear that the conduct of the election officers has been such as to destroy the integrity of their returns and to avoid the *prima facie* which they ought to bear as evidence before they can be set aside and other proof demanded of the true state of the vote.

The object and end of this investigation is not to give the tenth Ohio district, as its Representative, a man whom the people rejected; but it is one of the highest duties we owe to, or could discharge for, a free people to put in his seat that man who was fairly elected, in spite of the fraud and misconduct, the bribery and intimidation practiced by bad and corrupt men to defeat the popular will. It is the solemn conviction of the minority that the entire poll at that precinct, for reasons cogent, controlling, and imperative, should be rejected. Any other course of dealing with the bribery, irregularity, and uncertainty existing at that box would do violence to their honest convictions.

Let some of the reasons which influenced the judgment of the minority be briefly stated and submitted for your consideration:

> As in all other cases, where documents or records establish them *prima facie*, the return may be assailed either because (1) it is false; (2) or fraudulent; (3) uncertain.

The returns from Precinct B, ward 8, of the city of Toledo are false. The judges of the election, who had solemnly sworn to make true return of the vote cast, deliberately signed a statement which they knew to be false. What has Louis Jahn, one of the judges, to say about this matter? In answer to the question: "State what was first done with reference to the ballots," he replied:

> We opened the ballot-box and took the tickets out and put them on the table; all of them; the other two judges counted them; they counted them over twice, and always had more tickets than names on the poll-book; once they had 6 or 7, next time about the same; never could get it even with poll-book; tickets never did correspond with the tally-sheet.

And when asked, what "did the clerks do themselves to make their tally-sheets agree," he replied:

> The clerks figured out the votes all ready, and the tally-sheets did not agree with the poll-books.

Again he was asked:

> 12. After the vote had been figured by the clerks, what did they do with reference to make an agreement between the tally-sheets and the poll-book?
> (Objected to by Mr. Romeis's counsel as being irrelevant.)
> A. They figured it up between themselves and tried the best they could to make it agree; the clerks did it among themselves.
> 13. After this, state what you and the judges did to make the vote and tally agree.
> A. I moved that they should give every Democratic candidate 2 votes and every Republican candidate 2 votes. They done it, and still they had more tickets left.
> 14. Did you count any tickets for the votes you added for the Republican and Democratic candidates?
> A. Yes, sir.
> 15. How many tickets were left in the box when you finished the counting?
> A. I guess it was about 7.
> 16. State whether the returns as signed by the judges contain a true statement of the votes as cast at that election.
> (Objected to by Mr. Romeis's attorney as being irrelevant.)
> A. To tell the truth, I do not think none of us could tell what was the true vote cast.
> (Objected to by Mr. Romeis's attorney as being irrelevant.)
> 17. State whether the return as made states the result at that precinct.
> (Objected to by Mr. Romeis's attorney on the ground of immateriality.)
> A. It is not the true poll; the tally-sheet was changed twice.
> 18. How long were you engaged in discussing the matter before you signed up the returns?
> (Objected to as immaterial by Mr. Romeis's attorney.)
> A. Over two hours. It was after 1 o'clock.
> 19. What was the occasion of so long a delay?
> (Objected to by Mr. Romeis's attorney as being immaterial.)
> A. Judge Kelley counted the votes over, and still did not agree. Judge Kelley wanted me to count them over. I said it was not necessary, as they had counted them over two or three times. But I said, you have counted them over twice; and I said I would not count, and I did not count them at all.

Mr. Jahn, in cross-examination, on pages 72, 73, said:

> 121. I'll ask you whether you did not, as a judge at the October election, certify, among other things, that Jacob Romeis had received a certain number of votes and Frank H. Hurd had received a certain number of votes at that poll on that day?
> A. Well, of us judges there was none of us who could tell what was the correct vote that was cast.

This man was a Republican, but was examined on behalf of Mr. Hurd. Upon his cross-examination (page 73 of record) the following were among the questions asked and answers returned by this witness:

> 125. Did you sign your name to anything after the count was made?
> A. Yes, sir; I did.
> 126. What did you sign?
> A. The tally-sheet and the poll-book.
> 127. The poll-book had a certificate to it in words as follows: "It is hereby

certified that the number of electors who voted at this election is 430," did it not?

A. I could not tell how many votes was polled; it was over 400.

128. The certificate did contain the correct number, did it not?

A. No, sir; I think not.

129. Then you certified to a lie, did you not?

A. Well, could say none of us know how the vote stood; we done the best we could to make it agree the two tally-sheets alike.

130. Then you certified to what you knew to be false, did you?

A. No, sir.

131. You say that the certificate is false, do you not?

A. Yes, sir.

132. And you certified to it knowing it to be false, did you not?

A. No, sir; we didn't expect any fault about signing the tally-sheet so long as nobody found any fault. We thought it was all right as long as nobody says anything about it.

133. You knew that the certificate was false to the poll-book when you signed it, did you not?

A. Yes, sir.

134. Then you signed it, knowing it was false, didn't you?

A. Yes, sir.

135. You had before that taken an oath to make a true return of that election, had you not?

A. Yes, sir.

136. And notwithstanding that oath you consented to make a false return, didn't you?

A. No, sir.

137. Now, sir, what was there about the poll-book certificate that was false?

A. They did't agree together.

138. What did not agree together?

A. The tally-sheet with the poll-book and the tickets; we always had more tickets than names on poll-book.

Of the falseness of the returns there can be no doubt; it is undisputed. But the contestee, by his counsel, maintained that the Committee on Elections could correct the returns by simply dropping (from the number of votes returned for each) the two extra or non-existent votes which were added just to make things agree. The proposition had the rare merit of modesty, for, to express it in other language, it amounted to this, namely: Believe so much of this false return as will inure to my benefit (contestee's), and condone the crime of those who acted so falsely and basely in this matter. It is a maxim of the law, and one resting upon a solid foundation, *falsus in uno, falsus in omnibus*—false in one respect, false throughout.

Upon this point I need say no more. I come now to the great uncertainty in reference to the number of votes which were cast in that precinct.

To properly present this view of the subject I must read the following sections of the Ohio election law.

The laws of Ohio, which bear on the present contest, as taken from Ohio statutes, are as follows:

2956. At the close of the polls the poll-book shall be signed by the judges and attested by clerks, and the names therein contained shall be counted and the numbers set down at the foot of the poll-books in the manner hereinafter provided in the form of the poll-books.

2957. After the poll-books are signed, in the manner hereinafter provided, the ballot-boxes shall be opened, and the ballots therein contained shall be taken out, one at a time, by one of the judges, who shall read aloud distinctly, while the ticket remains in hand, the name or names thereon contained, and then deliver it to the second judge, who shall examine the same and pass it to the third judge, who shall string it on a thread and carefully preserve it, and the same method shall be observed in respect to each of the tickets taken out of the ballot-box until the number taken out of the ballot-box is equal to the number of names in the poll-books; and any ballots in the box in excess of the number of names on the poll-books, together with the ballots strung as aforesaid, shall be deposited in the box and locked, and the box and contents delivered to the officer authorized to receive and keep the key or keys, and the box shall remain locked until the expiration of the time within which any legal notice of contest can be given, and if such notice be given shall remain locked until the trial of such contest.

2958. The clerks shall enter, in separate columns, under the names of persons voted for, as hereinafter provided, in the form of the poll-books, all the votes so as aforesaid read by the judges.

2959. After the examination of ballots has been completed the number of votes for each person shall be enumerated, under the inspection of the judges, and set down, as hereinafter provided, in the form of the poll-books, and be publicly proclaimed to the people present.

Now the evidence is that the poll-lists were not signed by the judges and attested by the clerks at the close of the polls, and the names contained therein counted, and the numbers set down at the foot of the poll-books. Nor were the boxes opened and the ballots taken out one at a time, counted and strung, as required by law; but instead they were emptied upon the table, and the judges (except Jahn) counted them; in fact, counted them over twice, and each time had more tickets than there were names on the poll-book—once about six or seven, next time the same number, and never an even number with the poll-book; the tickets never corresponded with the tally-sheet. When asked, "What then did you do with the tickets?" he answered: "We put them all in the box, what was left." Such is Jahn's testimony. Let us now hear from James Kelley, who was also one of the judges at that precinct:

9. Q. What was first done with the ballots?

A. They were taken out by handfuls and left on the table; then we counted them. The other judge and I counted them to see if they would come out right with the names on the poll-sheets, and we were seven over; we counted them again and we were three over; then we decided for to tally them out, and we took the straights and scratched tickets and put them in separate piles.

11. Q. When you finished, state whether the tally-sheets of the clerks agreed.

(Question objected to by attorney for contestee on the ground of irrelevance and calling for the contents of a written paper.)

A. No; they did not agree.

12. Q. What did the clerks do to make them agree?

A. They fixed them up some way; between them they got them alike.

13. Q. When the count was finished, how did the count compare with the number of votes cast?

(Question objected to on the ground of irrelevancy by contestee's attorney.)

A. Well, they were short two names on the whole sheet than there was names on the poll-book.

14. Q. State what the judges did to make the count and the number of votes agree.

(Question objected to on the ground of irrelevancy by contestee's attorney.)

A. Well, I proposed to count them over, and the other judges said for to add one, to give each candidate 2 votes each, to make it come even with the poll-book.

15. Q. State whether that was done.

(Question objected, on the ground that the question was leading, by contestee's attorney.)

A. Yes, sir.

16. Q. State whether or not there were any tickets counted for these 2 votes.

A. No; we did not have no tickets.

17. Q. State whether or not the returns as made up by the officers of election stated truly the result of the election in that precinct.

A. Well, that I could not say; the way it was mixed up we could not say which way it was.

18. Q. State from what you know whether or not there was any certainty in the vote as ascertained and counted that day.

(Objected to as irrelevant, and as calling for witness's opinion as to official action by contestee's attorney.)

A. No; I couldn't give no certainty of it.

As further evidence upon this point I read from the testimony of Charles F. C. Hahn, who was one of the clerks of the election. He was asked:

1140. When the tickets had all been counted and tallied, how did the number so counted and tallied correspond with the number of names on the poll-book?

A. There were four tickets short.

1141. At what time in the count was the discovery first made that the tickets were less in number than the names on the poll-book?

A. I think it was when the votes were counted.

1142. What, if anything, was done to determine whether the tallies equaled the number of tickets, after the deficiency was discovered?

A. The tickets were all counted over without being taken off from the string.

1144. At that time were there any tickets remaining uncounted.

A. No, sir.

1145. What, if anything, was done to make the tally-sheet harmonize with the poll-book?

A. We gave each candidate on both tickets two votes.

1146. What effect had that on the tally-sheets and poll-books?

A. It made them come out even.

I have read only so much of the testimony of these witnesses as is necessary to establish this fact—so forcibly stated by the witness Jahn—that there was "no certainty of it." When the count began there were 7 votes in excess; when it closed there were 4 votes short of the number shown by the poll-book. What became of these votes; how came about the excess; by what sleight of hand did they disappear? Jahn has answered this question for us. 9. "What then did you do with the tickets?—A. We put them all in the box, what was left." Who can trust such men; and what return could they make which this House could, would, or should respect? In addition to certifying to what they knew to be false, and to the violation of the law of the State in every essential particular, we must not forget that the deficit did not occur during the two first countings of the ballots, and not until they had been put back in the box and tallied out. (Hahn's testimony, question 1141.)

There is still another circumstance we can not overlook. There were not so many as 450 votes cast at that precinct, and although the polls were closed at 6 o'clock p. m. on election day, the count was not completed until 1 o'clock a. m. the next day—just seven hours afterward. It is said that the provisions of law which were violated were, each and all of them, merely directory, and not in any manner mandatory. The distinction between such provisions is well known and recognized. But it is only when the purpose of the law has been fulfilled—when, notwithstanding the violation of directory provisions, an honest and fair election has been secured—that this distinction is of any force or virtue. Who will contend that, when directory provisions have been violated in order to secure a false and fraudulent return, they amount to nothing, and should not enter into our consideration or influence our conclusions? Under such circumstances they become potent factors in enabling us to perceive what is right, and they stimulate us to do it, namely, to reject this entire poll.

In the discussion of this matter before the Committee on Elections it was said "the general rule is that the ordinary rules of evidence apply as well to election contests as to other cases. The evidence must therefore be legal evidence, be confined to the point in issue, and must be relevant." Good law, certainly, to govern our examination of the evidence. The evidence in this case may be, and is no doubt hearsay upon several points, but it is none the less admissible; it is part of the *res gestæ* as to that portion of it upon which we rely. "The *res gestæ* may properly be defined as consisting of those circumstances which are the undesigned incidents of a particular litigated act, and which are admissible when illustrative of such act." (Wharton on Evidence, section 259.) As an illustration, I read the following from the record, taken from the testimony of the witness Mr. Gerstmann:

Q. From the conversations that you had in the precincts with the residents and voters there, what did you find to be the occasion of the change?

(Question objected to on the part of the contestee as incompetent.)

A. From the conversations that I had with those people and from the change of feelings and their countenances, I could see, I supposed, that their desires had been satisfied or something in that way. Of course they did not come expressly out, but from that I could infer that something was done to poison their minds or to poison their ideas, and that can only be done with money, I suppose; that is according to my ideas, but I was not there, and I had nothing to do with the funds.

He was testifying in relation to the condition of things in Precinct B, ward 8, of the city of Toledo.

"Incidents that are thus immediately and unconsciously associated with an act, whether such incidents are doings or declarations, become in this way evidence of the character of the act" (Wharton on Evidence, section 259), and in this case are overwhelmingly convincing, in view of the result of the election at that precinct. The witness had already testified as follows:

Q. When you went there what did you ascertain as the sentiment of the people resident there with reference to the Congressional candidate?
(Question objected to on the part of the contestee.)
A. Well, I heard that Frank H. Hurd stood a pretty good chance; it was all Frank H. Hurd; that is all I know.
Q. State what, if any, suggestions were made by which this sentiment for Frank H. Hurd could be changed.
A. Well, it could be changed by dealing out a good many kegs of lager-beer, and that would cost money, I suppose, by keeping on the good side of good fellows; you gentlemen understand more about election business than I do. I was not sent there as a distributor; nothing was intrusted to me, and so far as that was concerned I had merely to take a view and report. I presume you understand exactly what I am saying.
Q. What amounts, if any, were specified in any of the conversations that you had with residents of that ward as necessary to make this change?
(Question objected to as immaterial and incompetent.)
A. Well, some had a pretty big amount, and some came down a little lower. To approximate it, they said that two or three thousand dollars would change the whole thing, but if they had any for that purpose I don't know.
Q. State whether or not you reported this information to any of the persons who had directed you to go there.
A. I did; I reported it to headquarters.
Q. What headquarters?
A. State and national; that was all of my business.
Q. What report did you make to the national headquarters?
(The attorney for the contestee desires to ask the witness whether that report is in writing.)
The WITNESS. I believe I reported both verbally and in writing. I am pretty sure of that.
(Question objected to on the part of the contestee, because it appears that the report is in writing.)
A. I reported that it would require financial aid. I did not go into details in what way it would require it. I presume they understood it at headquarters what for.
Q. What did the representatives of the national committee say to you as to whether this fund should be supplied or not?
(Question objected to as incompetent and immaterial.)
A. They said to me that they could not give me individually anything to distribute, that it would be a bad precedent; that every individual would ask as an individual, but that it would come forward through some other channel—that it would go to the committees. That was not given to me in writing at all; that was given to me verbally when I visited New York, and had the conversation with Mr. Elkins, who sent me out.
Q. State what, if anything, was said as to the importance or necessity of sending money to that district.
A. They said that it was a nationally important question; that you were a free-trader, and that it was necessary that you should be defeated. That was in conversation; that was all. They said that if a precedent could be established that moneys could be given to me individually and to others, that they would furnish it, but they could not deviate; that they did not have it exactly to deviate. That was about ten minutes' conversation, and that is the last I have seen of the gentleman.
Q. What, if anything, was said as to the persons to whom the money should be sent in order that it should go to this district?
A. That it would go through the regular channels; that it would go through the committee.
Q. Through the State committee?
A. I suppose so. I know I was told by Mr. Elkins, "You go ahead and tell the chairmen of the State committee to do all they can."

But it will be urged that the uncertainty and falsity of the count and of the returns may be easily cured by rejecting the 2 votes each which were given to the candidates and suffering the result to stand. No! there was such falsity and uncertainty about the returns from that box that the extreme case provided for by law is presented, and the whole poll must be rejected.

But I have not done with the vote cast at Precinct B, ward 8 of the city of Toledo. There is, in my judgment, evidence of the most satisfactory character going to show that bribery was resorted to for the purpose of carrying that precinct for Mr. Romeis. Let us consider the nature and character of that crime. It may be, very properly, assimilated to adultery in many respects; for the briber and the bribe-taker, like the adulterer and the adulteress, are both infamous. It requires but two to commit the crime, and when committed both are equally anxious to forever conceal it from human eyes. Hence it is that the evidence we are compelled to rely upon in almost every instance is not of that positive character so easily attainable in other violations of law—it is circumstantial in its character, but oftentimes overwhelmingly convincing. Now, what are the facts in this instance? The witness Gerstmann tells you that he went under the supervision of the national Republican committee to this precinct; that he had been "appointed by the Republican national committee just to go through Ohio and see how things looked there." Again he was asked:

Q. When you came to Toledo to whom did you report?
A. To the chairman of the central Republican committee.
Q. What was his name?
A. First I believe it was Captain Schenck, after which I was introduced to Captain Brown, who was then chairman.
Q. To what work were you especially assigned by these gentlemen while you were there?
(Question objected to, because it seems that witness was assigned to work by the committee.)
A. Well, I was assigned to the German and Polish element, to see how the matter stands there, because being acquainted with the language, I was to find out their ideas—how they stood.

The result of this work was told by him when he stated that the sentiment in favor of Hurd could be changed by dealing out kegs of lager and the use of $2,000 or $3,000. I need not further repeat what has been set forth in a former part of my remarks; he returned to find that the desires of the voters of that precinct "had been satisfied." The work had been done, and this "nationally important question" had been settled by the defeat of Mr. Hurd. The witness was so impressed by all he gleaned from Ferdinand Warnke and others that he stated, "Had it not been for the use of money and other considerations used in the political machinery Hurd would certainly have carried the precinct." Such is the testimony of this duly authorized agent of the Republican party, and the fruit of his work lies rotten-ripe before us.

I shall now maintain that Mr. Romeis is responsible and must suffer for the acts and doings of his party friends and managers. They were his agents, and whether this bribery was done with or without his knowledge and direction he can not escape, much less can he justly claim the fruits; it renders the election void. In the case of Donnelly *vs.* Washburn, third district Minnesota, Forty-sixth Congress, the committee said:

It is a clearly established principle of law, both in England and the United States, that bribery committed by the sitting member, or by any agent of the sitting member, with or without the knowledge or direction of the principal, renders the election void.
In England bribery is an offense of so heinous a character and so utterly subversive of the freedom of elections that when proved to have been committed, though in one instance only, and though a majority of unbribed voters remain, the election will be absolutely void. (Cushing's Parliamentary Law, page 70, section 189; Douglass, 11, 389; Maine on Elections, 345; 2 O. M., Hardcastle, 41; 1 O. M., Hardcastle, 50, 203, 236, 119, 37; Rogers on Elections, 417.)

Mr. Romeis can not complain that we hold him responsible for the acts of Mr. Gerstmann. In Rogers's Law and Practice of Elections, pp. 221, 222, we find the following:

The principles of agency derived from the transactions of private life can not be applied with strictness in cases of electioneering agency. In elections where the protection of the public interest is the object to be attained, a candidate has no right to complain if he is made to suffer from the misconduct of others selected or allowed by him to act for him, the seat may be avoided for bribery by agents, though without the knowledge of the sitting member.

It may be insinuated, or even openly charged, that Mr. Gerstmann is not worthy of belief. But this will not avail anything; for the record does not show even an attempt to impeach him by the examination of witnesses for that purpose, although the predicate was laid by the counsel for Mr. Romeis for so doing. Besides, Mr. Gerstmann is corroborated by Louis Jahn, one of the Republican judges of the election at that precinct, when asked:

22. What, if anything, do you know about any money being paid to voters there that day after the election was over?
(Objected to by contestee on the grounds of immateriality.)
A. Much as I know was about nineteen ticket peddlers around there, and Henry Gates paid them off the same night in Joe Boldt's grocery.
23. To what political party does Henry Gates belong?
(Objected to by contestee on the grounds of immateriality.)
A. To the Republican party; he was the vice-president of Precinct B.
24. What, if anything, do you know of the amounts of money paid to those nineteen persons by Henry Gates?
(Objected to by contestee on the grounds of immateriality).
A. As much as I know some of them got three dollars, some five, and a few got ten.
25. How long have you resided in that precinct?
A. Over eight years.
26. As a judge of the election, which political party did you represent?
A. The Republican.

What does all this conclusively prove? Certainly, that money was used for the purpose of corrupting this poll, and that the effort was successful. Mr. Gerstmann's statement is corroborated, and that portion of it which was objected to as merely hearsay evidence may now be lawfully used for the purpose of explanation and of making everything plain; and for the purpose, also, of illustrating the methods sometimes employed to defeat the will of the people.

When we remember that Mr. Elkins was not called upon to testify and deny the charge, if he could (although it is a fact, known to all of us, that he was accessible and could easily have been examined), when we remember that no one has attempted to tell us where the money came from with which the nineteen ticket peddlers were paid, and when we find that it took nineteen of such peddlers to peddle tickets in a precinct which cast less than 450 votes—the conviction is overwhelming that bribery and corruption ran riot that day in Precinct B, ward 8, of the city of Toledo, Ohio. The testimony of Mr. Warnke, as every lawyer knows, is merely negative testimony. It may be true, every word of it, and yet amount to nothing; he simply swears to what he knows of his own knowledge, and denies (so far as he knows anything about it) that any money was used to buy votes for Mr. Romeis. Mr. Jahn, on the other hand, tells how, when, where, and upon whom the controlling influence of money was brought to bear. He proves, as a fact, that money was used in paying off the ticket peddlers.

But it may be argued that the burden of proving the charge of bribery is upon Mr. Hurd; that no vote should be rejected until he shows that the elector was corrupted. This would serve every purpose if it was dealing with an individual. But the contestant has not attempted to prove the bribery in each individual instance; he has done far more, for he has proven that the poll at that precinct was corrupted. The

law, as laid down in Goode vs. Platt, Election Manual, 679, is as follows:

Bribery at elections has always been held a crime at common law, punishable by indictment or information. Both the bribed and the briber incur the penalty prescribed. If a vote secured by bribery, in direct violation of the statute, is to be counted, then the very object of the law, which is that it shall not be so obtained, is defeated, and so said the supreme court of Wisconsin.

These bribed votes should not be counted. The record furnishes no method for their elimination. Their acceptance can only be avoided by applying the rule of law, so well known and of such general adoption that it need scarcely be repeated here, that when illegal or fraudulent votes have been proven, and the poll can not be purged with reasonable certainty, the whole vote must be rejected.

I maintain that it is the duty of this House to reject the whole vote cast at Precinct B, ward 8, of the city of Toledo, because "the poll can not be purged with reasonable certainty." By so doing the apparent majority for Mr. Romeis is reduced from 239 to 19 votes, since the majority claimed for him at that precinct was 220.

The second ground assigned for this contest is that illegal votes were cast in the city of Toledo.

We will inquire, first, how was this fact found out; and, after learning the number of illegal votes, then let us determine what should be done with them, in justice to the parties interested, namely: the contestant, the contestee, and the people of the tenth Ohio district.

There is no registration law in Ohio. We can not determine, therefore, by a mere examination of the poll-list, that a certain voter named therein was or was not a legal voter.

There was but one way open to contestant, and he has pursued it. Two elections were held in that State in the year 1884, the one, held in October, for State officers and members of Congress, and the other, held in November, for electors of President and Vice-President. Taking the poll-lists of the two elections and by comparing them it was believed that 347 persons of those who had voted for a Congressman in that city were not lawful voters. In reaching this conclusion witnesses from each precinct of the city—persons who had lived there for many years—were called and examined as to the qualifications of those suspected of illegal voting. These witnesses were well acquainted with all the people of the respective precincts; they had been doing business with them, had held offices among them, had taken the lists of names and called in a number of prominent people from every part of each precinct to pass upon the names of the suspected illegal voters. They compared the lists, went from house to house personally to learn whether or not the persons named were legal voters, and found that they were not. Will any one say that a *prima facie* case was not thus made out?

In Blair vs. Barrett, May 22, 1860, 1 Bartlett, 30, it is said:

Many voters were charged to be non-residents—some of the State and more of the particular precinct in which they voted. The very nature of the charge shows the difficulty of the proof. It involves to a great extent proof of a negation respecting persons whose names are not even known; and, except in a few instances, where there may be a personal acquaintance with the man in another State, or in a distant part of the same State, the proof can hardly be from the nature of the case of a positive and direct character. In these cases the committee based their conclusions upon evidence that these men had never voted in that precinct before; were strangers to the old residents of the precinct, to individuals who had acted as judges and clerks of election for a great number of years; had no home or business in the precinct known to their best acquaintance, its home and business, and that they have disappeared from the day of the election, their whereabouts not having been discovered since even by the canvass-takers. With this evidence on the one side so easy of rebuttal by the production of the voter if a resident, or of some one else who knew him to be a resident, yet left uncontradicted, the committee could come to no other conclusion than to reject all such voters as illegal.

The contestee recognized the force of this evidence, and sought to show that the persons suspected were in fact legal voters. By his own showing the contestee failed to account for 73 votes, and we are now to decide what should be done with them. As to the remaining 275 votes (of the number of those suspected of being illegal) contestee undertook to prove that there had been a mistake made when the names were called at the polls; that since many were foreigners it happened that a wrong name had been entered by the clerks at the election, and that the names found in the city clerk's office were the true names of the voters whose right to vote had been called into question. For example, Peter Chuley had been entered by the election clerks as P. Judy. But I need not dwell upon this feature, for contestee fails to account for 73 votes, while contestant asserts that there were 191 votes which contestee did not and could not satisfactorily account for. What are we to do with these illegal votes, whatever the true number may be?

Let us begin with a proposition which no one should deny: That illegal votes can never entitle contestant to the seat; but may operate to deprive the sitting member of his seat in this House. The effect of such votes should be to avoid the election. What election? is the next question. Shall votes which were cast at boxes where no law was violated be thrown out? Surely, not so! We are not endeavoring to defeat, but rather to secure to the people of the tenth Ohio district the right of choosing their own Representative.

In Le Moyne vs. Farwell, Digest of 1871 and 1876, page 412, the committee approve the rule of Duffey (4 Brewster):

Upon news that fraudulent votes have been received the burden of proof falls upon the candidate acknowledged by the count to show that the person so voting was a legal voter or voted for his opponent; otherwise it will be presumed that they were polled and counted for him, and the poll will be purged by striking the whole number of such votes from his count.

Again, the doctrine is thus laid down in the case of Duffey (4 Brewster, page 531):

(1) It is the right of petitioners contesting an election, and also the right of the respondent, to examine the election papers on file in the proper office, and if it be apparent from them that persons have voted in any district whose names were not on the registry-list, without being vouched according to law, then *prima facie* all such votes are illegal. (2) When a contest has been inaugurated and complaint made, and notice given that such votes have been received, the burden of proof falls upon the candidate advantaged by the general count in such district to show either that the persons so voting possessed severally every qualification, or, if this be not so, that they voted for his opponent; he must lift the curse which the law imposes upon such ballots, otherwise it will be presumed that they were polled and counted for him; and thereupon the poll will be purged by striking the whole number of such votes from his count.

If, therefore, illegal votes should be rejected—and no one will deny it—there is, it seems to me, but one safe rule, and it is this, namely: Deduct the illegal votes from him having the majority in the precinct in question up to the number of his majority. This procedure amounts to a rejection of the whole poll, as it should do whenever the illegal votes equal or exceed the majority of the foremost candidate. If the number of illegal votes do not equal the majority of him having the highest vote, then what remains inures to his benefit. By this rule the honest voter is not disfranchised, and the candidate having the majority has no right to complain. Let us apply the rule to the present case. At the precincts which gave Mr. Romeis majorities there were cast 135 illegal votes. At the precincts which gave Mr. Hurd majorities there were 56 illegal votes cast. Since the majority in each instance for the respective candidates was greater than the number of illegal votes cast in the precinct we reach the result by simply deducting 56 from 135, and find that Mr. Romeis's apparent majority of 239 votes in the district must be reduced 79 votes. I will now read the table, showing fully what I have before expressed:

Precincts in Toledo giving Mr. Romeis a majority in each:

	Majority.
Precinct A, ward 2	22
Precinct B, ward 2	*11
Precinct C, ward 2	4
Precinct A, ward 3	79
Precinct B, ward 3	13
Precinct C, ward 3	7
Precinct B, ward 4	10
Precinct C, ward 5	12
Precinct B, ward 7	12
Precinct C, ward 8	15
	135

*Real majority 32.

From the following precincts in Toledo, which gave Mr. Hurd a majority, the following deductions should be made:

	Majority.
Precinct A, ward 4	14
Precinct C, ward 4	6
Precinct A, ward 5	14
Precinct B, ward 5	9
Precinct A, ward 7	3
Precinct A, ward 8	10
	56

Deduct the one from the other, and it leaves 79 votes illegally cast in Toledo to be deducted from the apparent majority of the contestee.

We think that this is as favorable a view for the contestee as ought to be taken of these illegal votes.

We are next called upon to decide what should be done with the vote cast at Precinct C, ward 3, of the city of Toledo.

What are the facts, as shown by the testimony? It is that one Robert H. Bell, a partisan Republican, who had no right or business to be near the ballot-box, repeatedly put his hands into it while the counting was going on and handled the ballots, taking them out of the box and placing them upon the table. To properly estimate the enormity of such conduct, and to enable us in deciding what should be done with this poll, I will read the Ohio statute upon this subject. Section 7059 of the Revised Statutes provides:

Whoever at any election unlawfully, either by force, fraud, or other improper means, obtains or attempts to obtain possession of any ballot-box, or any ballots therein deposited, while the voting at such election is going on, or before the ballots are duly taken out of such box and enumerated by the judges of the election, according to law, shall be imprisoned in the penitentiary not more than three years nor less than one year.

And the following extract from the brief filed in this case on behalf of the contestant:

The act here prohibited is not merely the fraudulent taking possession of ballots, but the illegal taking of them by any improper means. This shows the view in which the Ohio statute holds the giving of any opportunity to unauthorized persons to tamper with the votes.

The New York case, above referred to, is the case of Cary vs. Twombly, New York Contested-Election Cases, page 474. There it is said:

The irregularity urged before the committee on protest of the board of canvassers * * * and before the committee of this house in relation to the eighteenth district of the sixteenth ward consists in the fact that Mr. William Terhune, a person not an inspector, participated in the canvass of the votes for members of assembly, and performed acts and duties allowed by law to be performed only by an inspector of election.

The fact of the participation of the said Terhune, in handling the ballots before they were counted, was * * * fully established before your committee. It was also shown by the evidence.

* * * * * * * *

It also appeared that a person occupying the position of Mr. Terhune, and

handling the ballots as he was known to have handled them, could have substituted ballots of the contesting member for the sitting member. In other words, that he could have substituted one ballot for another. It further appeared before your committee that said Terhune was a friend and partisan of the contestant, and a Republican in politics, holding the position of Republican supervisor, under the late statutes of the United States relating to elections. It further appeared that said Terhune took no part in the canvass of the general or Congressional ballots; but only took part in the canvass of the assembly ballots. It was not pretended or claimed that Terhune's appointment by Judge Woodruff as a United States supervisor gave him any authority to interfere or take part in the canvass of the assembly ballots.

* * * * * * *

While your committee do not desire to cast any imputation on Mr. Terhune more than appears in the evidence, your committee can not fail to suggest that while Mr. Terhune had an opportunity to appear and testify before the committee * * * and was also subpœned, * * * in both instances he has failed to present himself to make any excuse or explanation for his participation in the canvass of the assembly ballots of the eighteenth district of the sixteenth ward.

Your committee have carefully considered the evidence on this branch of the case; and while they would be unwilling to reject any poll upon mere technicalities, yet in the case of the poll of the eighteenth district of the sixteenth ward, in the judgment of your committee, the violation of the law in allowing Mr. Terhune, not an inspector, to handle the votes for member of assembly is palpable, and it offered an opportunity for the commission of fraud.

Your committee, therefore, upon due deliberation have rejected the poll or votes for each of the parties in said district.

If, now, the offense of handling the ballot is one so heinous that a man must be imprisoned for not less than one nor more than three years in the penitentiary, we might well hesitate to receive the vote of that precinct. But there is more to influence one in deciding the question. In the first place, it seems that the defeat of Hurd was deemed a matter of national importance, and a large sum of money was expended by the party to which Bell belonged in order to carry another precinct for Mr. Romeis. Secondly, the effort by Bell to avoid the necessary result of his interference with the ballots is a circumstance of great weight, and should lead us, I think, to reject the entire poll. This course will commend itself, in the light of the following reply from the witness David Emerich. He was asked:

8. Q. State in what way, if any, Robert H. Bell interfered at the time of the October election, 1884, in Precinct C of the third ward, with the work of the judges and clerks in polling and counting the vote of that election.

(Question objected to as leading and not rebuttal).

A. He took tickets out of the ballot-box, put them on the table, took my polling-sheet and wrote a lot of names while I was gone to dinner.

DAVID EMERICK.

A candid examination of the testimony satisfies my mind that the interference with the ballots was at the October election, and not at the November election, as Mr. Bell would have us believe. He does not deny interfering. The only point he seeks to make is that it was not at the Congressional election. Under all the circumstances an unprejudiced mind will believe the testimony of a disinterested witness, and decide that he did so interfere at the October election.

One of the most painful circumstances to the average citizen connected with this contest is in the proof, which was laid before the committee, as to the intimidation of voters on Kelley's Island. This island lies upon the bosom of Lake Erie, about 20 miles from the mainland. There lives Mr. Norman Kelley, a gentleman whose devotion to his party can not be questioned. Largely interested in two kinds of business, he gave employment to many operatives. These men were dependent upon him for their daily bread. With his favor, they could take care of and provide a support for their wives and little children; to provoke his displeasure was to invite destitution, with all its attendant horrors.

There were seventy men of them, and they voted between 5 and 6 o'clock in the afternoon, during which time Mr. Kelley was at the polls. He had urged them beforehand to vote against Mr. Hurd, and standing at the door of the house where the election was held he told his men that he wanted to see their tickets; in some instances required them to show him their tickets. When one of his men came away from the polls whom he supposed had voted for Mr. Hurd, he said to him that "he would be one of the first to go." The testimony shows that Mr. Kelley was not in the habit of going around the polls, but on this occasion, as one John Woodford had sent word to him that things were not going very well at the polls and he must come up, he went to the polls and acted as I have related. A more cruel piece of intimidation could not have been practiced upon poor, dependent voters. The key-note may be found in the statement which Mr. Kelley made to the witness Frederick Alvord, namely: "He [Mr. Kelley] then said that he did not consider it intimidation, but that it was a matter of business with him; that he had to protect his own interests." In one word, he felt warranted in resorting to what every one will denominate intimidation in order to defend his pecuniary interest against the anticipated evils of the election of a free-trader.

In Richardson vs. Rainey, Digest of 1876–'80, page 228, it is said:

The party that threatens such loss of employment, entailing want, privation, and suffering, is just as culpable as one who resorts to bribery to accomplish political ends.

And upon this subject the law of Ohio is clear and severe:

Section 7065 of the Ohio Revised Statutes provides that "if an employer of laborers, or an agent of such employer, threatens to withhold or reduce the wages of or to dismiss from service any laborer in his employ, * * * shall be fined not more than $2,000 or less than $100, or imprisoned in the penitentiary not more than three years."

At this precinct the majority for Mr. Romeis was 29 votes. The number of Norman Kelley's men was seventy. Will it not be even more than justice to Mr. Romeis to simply reject this poll? True, a lesson should be taught employers who drive their employés to the polls like sheep to the shambles; and since Mr. Kelley became (as I have already shown in the case of Mr. Gerstmann) the agent of Mr. Romeis, that gentleman can not be heard to complain if we deduct the entire illegal vote from the number of votes which were returned by the election managers as cast for him. It is said in the report of the committee that there is no evidence that any one was intimidated and that this ground of contest is not well taken. The reply is an easy one, and I think equally conclusive, namely, that it was believed by Mr. Romeis's friends that intimidation was necessary; that Mr. Kelley was sent for certainly to control his employés, and that he went to the polls and there used such means as were well calculated to intimidate the poor and dependent employé, and that the precinct gave a majority for Mr. Romeis. If this evidence, the best which the nature of the case permits, does not convince you that the entire vote of the precinct should be rejected, then we of the minority have mistaken the temper of this House.

In view of all this I am ready to-day, as I was when the vote was taken in our committee, to again declare by my vote, my unfaltering conviction, that Frank H. Hurd is entitled to his seat as the Representative from the tenth Ohio district.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill (S. 60) authorizing the construction of a bridge over the Mississippi River at or near Alton, Ill., and for other purposes; when the Speaker signed the same.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, informed the House that the Senate had passed without amendment a bill (H. R. 2239) authorizing the Secretary of the Treasury to deliver to the original owners the contents of certain boxes deposited in the Treasury Department by the Secretary of War.

HURD VS. ROMEIS.

Mr. ROBERTSON resumed the floor and yielded to Mr. CROXTON.

The SPEAKER *pro tempore*. The gentleman from Alabama [Mr. MARTIN] has consumed twenty minutes of the time of the gentleman from North Carolina [Mr. HENDERSON].

Mr. ROBERTSON. Mr. Speaker, if I understand the arrangement, the gentleman from Virginia [Mr. CROXTON] has fifteen minutes in his own right.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. ROBERTSON] has twenty-eight minutes remaining.

Mr. ROBERTSON. But I want the gentleman from Virginia [Mr. CROXTON] to take the floor in his own time.

Mr. CROXTON. Then I am to speak fifteen minutes.

Mr. ROBERTSON. That is the understanding.

Mr. CROXTON. Mr. Speaker, I can hardly say that I regret on this first occasion when I address the House of Representatives that I find myself occupying a somewhat curious position. Upon the committee with me I find gentlemen of distinction who differ very widely with their political brethren with whom I found myself associated as to the right of this remarkable case. I repeat, I can not say that I regret this, although we have the example on the other side of a solid front, without one shadow of wavering as to what their opinions are in this remarkable case. We Democrats claim the right to differ. I regret that that right should have been indulged in on this occasion on Mr. Hurd's account, but as far as I am concerned it is a source of congratulation to me that I am with gentlemen who have expressed their opinion candidly, as I mean to express mine.

Now, sir, the first question I shall treat in this case is this charge of bribery—not specific acts of bribery, not that A or B or C were bribed—but that there was a general bribery at this particular precinct in the city of Toledo which corrupted the poll at that precinct and rendered it unworthy to be counted in an election; that that bribery pervaded the entire result there and rendered it absolutely null and void. What evidence is there of that fact? Bribery and fraud, Mr. Speaker, can not be proven as you prove a debt. It is not required, under the law, that you should substantiate a charge of that sort as you would a debt, an ascertained fact about which men may differ, but the proof of which is up to the hub on one side or the other.

There is no court in Christendom, the highest in the land, that ever dreams of expecting bribery or fraud to be proven as you would prove a conceded fact, one way or the other, where one man claims one thing and the other another. How do you prove it then? By circumstances. Circumstances are frequently the best evidence in the world. Now, what are the circumstances that lead up to the conviction that there was general bribery at this particular precinct? Is there a man here, or is there a man on that committee, who entertains a shadow of doubt that this man Gerstmann went to that precinct for the purpose for which he says he went there?

Can any man who reads, or hears stated, the facts connected with Gerstmann's visit there doubt that he went there, and went for the

purpose which he says carried him there? What was that purpose? To ascertain the condition of affairs in that precinct. Why was that precinct selected? The population was made up largely of Germans and Poles, and this man spoke both languages. He was then a proper man to go there, for he could converse with the people. He did go. There is no earthly question about that fact. He mingled and conversed with those people, and he reported to Mr. Brown, representing the State committee of Ohio, the fact that "the entire current is in favor of Frank Hurd; the people in this precinct are all in favor of Hurd." By the advice of these people at Toledo he goes to the State committee and reports what he had found. Then the question was, "What will cure the trouble?" "Money." "How much?" "Two or three thousand dollars."

What does he do next? He goes to visit the national executive committee, and there is not a man here who doubts the fact that Gerstmann had an interview with Mr. Elkins and some other members of that committee. He tells them what he has learned in Ohio. He states the fact as he had stated it in Ohio; and he repeats when he gets back the assurance which had been given him, which was, "Money shall be forthcoming; we can not send it through you; it must go through the proper channels; that is the custom, and we must follow it; but the money shall be forthcoming." He did not say that he carried the money. There is not a shadow of evidence in this case that he asked to be permitted to carry it. He did what he was engaged to do. He went to that precinct, ascertained the condition of things, and made report.

Did the money go there? How can we prove this? How can any man prove that two or three thousand dollars was carried there, unless by putting Mr. Elkins or some other member of the national committee on the stand? Did the money go there? This man testifies that he was requested to go back there, and did go, just preceding the election, and found a complete revolution in the sentiment of those people. The direct question is asked him, "What produced this change?" He says: "Money and other things that were brought to bear." Everything he said would happen did happen.

Now, Mr. Speaker, is it not as plain to the mind of every man here as that "two and two make four" that if this man lied it was the easiest thing in the world for Mr. Romeis to show that he lied? Why did he not do it?

Mr. ROBERTSON. He could have put Mr. Elkins himself on the stand.

Mr. CROXTON. Why did not Mr. Romeis undertake to prove that the statements of Gerstmann were false? Why, sir, if Mr. Elkins had simply written a note to Mr. Romeis saying "the whole story is a lie," the refutation would have been brought out, and this whole evidence of Gerstmann would have been completely overturned.

Mr. Romeis, if Gerstmann's statement was false, might have put upon the stand the chairman of the State committee of Ohio, who might have testified: "This fellow never approached me; I never had anything to do with him; I know nothing in the world about him." Mr. Romeis and his friends had it entirely within their power to crush the whole of this evidence, but they did not attempt to do it.

But they say it is hearsay evidence. What sort of hearsay evidence? What did Mr. Gerstmann hear? Why, he heard what he was sent to inquire for—the condition of sentiment at Toledo. What did he do? He reported it where he was expected to report it. For what purpose? That appliances might be brought to bear to revolutionize the state of things at that precinct. The advice which he gave was acted on; and the result followed precisely as he said it would follow the liberal use of money.

Now, I do not want to be misunderstood. We do not charge that there were specific acts of bribery, but we say this large sum of money was sent there to debauch and corrupt that precinct, and it had its effect.

Gentlemen talk about the personal popularity of Mr. Romeis there in local contests. It is hardly necessary for me to say, at least to my Southern friends, that such considerations do not weigh a feather in contests of this kind with us; and I do not believe the case is different at the North. Especially do I not believe it is different in Ohio; for gentlemen may, as did my friend from New York just now, compliment the freemen of Ohio just as highly as they please, but unless history lies most egregiously, large sums of money have been used, and successfully used, in that State for years, and have had the result sought and anticipated.

Now, who was Mr. Girstmann? He was the agent of these very people, the very man that they sent there; and his statements are not hearsay statements at all. He states the facts which came to his knowledge by contact with the people whom he was sent to visit. And the very result which he told them would follow did follow. What attempt has been made to break him down? They actually attempt to break him down by the testimony of Mr. Brown, the lawyer who examined him, the very man he went to consult with when he went to Ohio upon this business. I do not wish to be understood as intimating that the men who are the go-betweens or agents between the briber and the men sought to be bribed are the best witnesses whose testimony we can have; but I do say that the man who encourages another to act in that capacity is the last one on earth who ought to be believed if he undertakes to attack the agent for doing what he engaged him to do. Mr. Gerstmann accomplished the job he contracted for; and whatever discredit may attach to him attaches with tenfold greater weight to the parties who engaged him to do that dirty work which they were afraid or ashamed to do themselves.

Did he do it? If he did, is not that poll then corrupted and destroyed? It is corrupt, gone, and ought not to be counted in a contest where fairness and observance of law are required to be kept in view. As far as my opinion goes, I have not a shadow of doubt upon the subject.

Local elections prove nothing. I have witnessed numbers of instances, where no political issue was at stake, where gentlemen—because of their personal influence and great popularity—have been carried into office by a very large majority. It is the hardest matter in the world to draw political lines in an election for local offices throughout the country.

Now, why was this man Gerstmann sent down there to the city of Toledo on the part of this syndicate? It was a vital matter with them that the contestant in this case [Mr. Hurd] should not be elected to Congress, because he was a free-trader. And these people were told they must destroy him. Why was a syndicate selected for the purpose, and why was this man Gerstmann selected to do the work? The work designed to be accomplished could be accomplished in the city better than in the country. He was sent to the very place where these Germans and Poles were located, and because they were to a great extent strangers to our own people it was supposed they might be influenced more readily by a stranger because he spoke their language. This was the reason why this syndicate was raised and that man sent among these Germans and Poles to influence their vote against Mr. Hurd.

Is that all? To give way to the testimony in this case would force one to the conclusion every man connected with that election was corrupted. Judges were debauched, clerks were debauched, and the whole proceedings carried on in fraud and utter disregard of law and with contempt for all the observances required on a solemn occasion of record. In that town they took one of the judges outside of the precinct in which these people were expected to vote. They had four hundred and odd voters, and it was not difficult, it seems to me, to find enough men there sufficiently qualified to constitute the judges of election.

The testimony shows as to some of these men they were extremely ordinary in every sense of the term. I do not wish to discuss questions of law in the brief time allotted to me, as my friend from Alabama [Mr. MARTIN] who preceded me, has covered that ground almost entirely. But if the law of Ohio does not peremptorily require the selection of these judges of election from residents within the precinct, then I should like to have that fact appear.

Mr. WISE. Will my colleague permit me to ask him whether it is contrary to the laws of Ohio to take a judge outside of the precinct?

Mr. CROXTON. That is unquestionably the spirit of the law; and I thank my distinguished colleague, who is a member of the committee with me, for suggesting the idea by asking the question.

Mr. TURNER. I did not make the suggestion.

Mr. CROXTON. I ask whether any one ever heard of a single instance of a judge of election being appointed outside of the precinct where the election was held? I myself never heard of a judge of election being taken from outside of a precinct.

But this man outside of the precinct was selected as one of the judges of this election. What does that man say of the result of that election? He says positively he does not know what the result was. Another judge says distinctly he certified the poll knowing it to be false. The clerk who kept the record of the votes there testifies he does not know what the true poll was, and no man could tell what it was.

Was it a legal certificate of the vote of that place? Did it comply with one single requirement of the statutory law of the State of Ohio? It did not. Was it the thing aimed at? Was it a result obtained which you could act upon? Was it a fact certified according to law sworn to in advance—if they are sworn there—and I do not know whether they are or not required under that law to do certain things, but not a single thing required was done. And after the work was accomplished they proclaimed on the witness stand they had certified to what was not true.

Is that the result of the election? I have, Mr. Speaker, as high a regard and as sacred a feeling for a spotless and unstained ballot as any man in America. I believe, Virginian though I am, in a free ballot and a fair count, but I believe a free ballot and a fair count should be cast according to the principles of the law. I can say to my friends on the other side of the House if there is a man on earth who ought to be for a free ballot and a fair count it is a son of Virginia, where the infamies of a Republican administration have been brought to bear against us by everything ingenuity could suggest or invent.

But in having that free ballot and fair count I want it according to law; and if the law is not observed I am an advocate for throwing out the thing you call a poll, and the result of the election, and rejecting it entirely, proclaiming to the world that there has been no election.

Why? The law defines what an election is. It prescribes the mode of conducting and consummating it; and if you depart from the law you have done the thing that you had no right to do.

Oh, but the cry is raised you deprive honest voters of the right to vote. Who does it? The law. It is said you will deny men their rights as freemen. I ask again, who does it? The law. Complain of that, if you want to complain. Make your election officers obey the law, repeal or change it if a change be needed, but as long as the statute of the State of Ohio or of any other State is in force do not violate that statute, and then come before Congress or the world and ask that a man shall be declared duly elected when the very groundwork of his claim is unwarranted by a line or a letter of the law of his own State. He has no right to it, and it is useless to discuss it.

The SPEAKER *pro tempore*. The gentleman from Virginia has consumed fifteen minutes of his time.

Mr. WISE. But the gentleman can proceed in his own time.

Mr. CROXTON. No; I am tied down to fifteen minutes. Well, I hardly know whether I am glad or sorry. [Applause.]

Mr. DORSEY. Mr. Speaker, in supporting the majority report of the committee within the limited time I have, I will briefly call the attention of the House to certain facts as shown by the records in this case, and endeavor to ascertain upon what the contestant relies when he asks this House to set aside the election of Mr. Romeis, notwithstanding his majority of 239 votes, and to award him the seat.

In my judgment the contestant, in seeking for an excuse for his defeat, has failed to look in the proper direction. All his claims that there was an organized conspiracy entered into by the leaders of the Republican party, both State and national, to compass his overthrow are founded upon such unworthy testimony that I am sure no court of justice, much less the House of Representatives of the United States, will give a verdict in his favor.

The contestant claims that money was raised in different portions of the country and sent into his district for the purpose of bribing the voters in the interest of his opponent; that there was wholesale fraud and corruption, many illegal votes being cast; that in a certain district the ballots were tampered with, in another many illegal votes cast, and in another an attempt to intimidate the voters.

Now, let us see upon what kind of evidence these charges are based. And first we will examine the charges of bribery and corruption. Nowhere does the contestant show by any except hearsay evidence that there was a dollar spent to bribe or corrupt the voters of this district; nowhere does he show in the evidence that there was a dollar of money sent into this district to be used for the purpose of bribing and corrupting the voters.

The contestant bases his charge of money being sent into this district on the testimony of one Gerstmann, who, in his direct examination, swears that he was sent by the national Republican committee into the tenth district of Ohio, prior to the election held in October, 1884, for the purpose of looking over the ground and ascertaining the status of the campaign. He says that he visited a district where there were Polish and German voters, and that he learned on his first visit to that district that Mr. Hurd stood a good chance of election, but that the sentiment could be changed if money was sent there, some persons naming $2,000 or $3,000 as being necessary to accomplish this, and that he reported this to the Republican headquarters; that they refused to send any money to the State committee of Ohio through him, and that he was told to go back and tell the Republican committee to do all they could to elect the Republican ticket; but that on a second visit to this same district, made later, he found that the sentiment had been changed, and that instead of its being for Mr. Hurd, as at the time of his first visit, it was against Hurd, and he supposed there had been money sent for the purpose of bribery and corruption, as he had seen the people "jargooning" together. But nowhere does he say, on the contrary he affirms, that no money was sent by him (nor could he be trusted with any), nor does he show that one dollar was sent to the State. After being hard pressed by the attorney for the contestee, he admitted that there was but two or three weeks' time between his visits to Toledo; consequently within that time he must have gone to the Republican headquarters in New York, the money must have been sent to Toledo, and the voters corrupted. Is such a thing possible?

Now, let us take up the cross-examination of this witness and see what that discloses: Mr. Gerstmann swears that he had lived in Ohio since April, 1884, and that he had lived in a Southern State from 1856 to 1870; that at the commencement of the rebellion he was in business in Georgia. To avoid conscription in the confederate army he appointed himself a Jewish rabbi, traveling around over the country speculating during the week, and on Sunday, if called upon, performing the duties of his office; that he was an itinerant; that for many years since the war he has been traveling over the country, first on the Pacific coast, then back to Georgia or Florida, one month in Arkansas, the next in Pennsylvania; has always been a Democrat; was a supporter of General Hancock in 1880, and had General Hancock been elected expected to receive an office. He would not give the names of any of the leading members of the churches to which he ministered, nor refer to any leading citizen residing anywhere that he had lived—in fact, a "Wandering Jew," with no permanent abode; nor could he show any letter of authority for him to act for the Republican party.

On the cross-examination he swears that while in Ohio he was in communication with the Democratic State committee, and showed letters and telegrams purporting to be from the Democratic national committeemen, one being from Mr. Smalley, the secretary, trying to convince every one with whom he was brought in contact that he was a man of importance, and should be cultivated. When with the Republicans he tried to impress them with the statement that he was a trusted leader of the Republican party, with an important mission for the national committee. When with the Democrats he talked freely of his intimacy with Mr. Smalley, secretary, and with Mr. Barnum, chairman of the national Democratic committee.

Now, Mr. Speaker, is it proper to suppose that such a man as this Mr. Gerstmann would have been sent by the chairman of the Republican national committee upon the important mission he claims he was intrusted with; that is, going into a section of the country where he was totally unacquainted to confer with the party leaders there to ascertain the status of the public mind so that the leaders could intelligently act in reference to the work necessary to be done? In the first place, this man shows himself totally unfitted for the position; and in the second, as not worthy to be trusted by any one. So far, many charges have been made against the gentlemen who conducted the Republican campaign in 1884, but no one has ever accused them of being so foolish as to employ such agents as this man Gerstmann. I am satisfied, and so is every one who has carefully read the testimony of this man, that he was never employed by the Republican committee.

It is upon the testimony of this man alone that the contestant relies to prove the attempt to bribe the voters of the tenth Congressional district of Ohio. No other witness does he introduce to corroborate the testimony of Gerstmann; nor does he show by Gerstmann any documents, letters, or orders to support his statements.

But this is not all, Mr. Speaker. This man Gertsmann in his testimony names certain men in the tenth district with whom he claims to have had certain conversations and from whom he received information. One especially, Mr. Warnke, of Toledo, who denies in every particular all to which Gertsmann testifies, and swears that he never told him anything in reference to the voters of the precinct in which he resides; that all the conversation he ever had with Gertsmann was when he came into his saloon and asked concerning the election, saying, "What do you think of this election?" Warnke replying that he did not know, Gertsmann then asked if he was acquainted with certain men in the town who were Democrats, and invited Warnke to go down town with him; Warnke declining, Gertsmann "ordered a pony beer" and then left. Mr. Speaker, this House will require better evidence than that of this man Gertsmann before the contestant can hope to prove the conspiracy he charges was entered into to defeat his election to Congress. If this large amount of money was expended in the tenth district, as contestant charges, some traces of it could be found, and the active, energetic friends who aided contestant in the contest would long since have discovered the clue.

The contestant tries to show by the testimony of one Jahn that there was money paid to bribe the voters of a certain precinct. Mr. Jahn says that one Henry Gates had paid nineteen ticket peddlers the night of the election; that some of the peddlers got $3, some $5, and others got as much as $10; but when Mr. Jahn was asked if he was present at the time or knew that the money was paid, he testifies that he was told such was the case—entirely hearsay testimony. Now, sir, there is no proof or testimony which would be received in any court that one dollar was illegally spent by the contestee or his friends in the tenth Congressional district of Ohio during the campaign of 1884. On the contrary, it is shown that no money had been furnished by the contestee or his friends, and that no money was used in that election excepting for legitimate expenses. There is no question but that the ticket peddlers were paid by the Republican campaign committee, as is the custom everywhere, and I suppose the Democratic campaign committee in that district did the same thing. These men were employed for the purpose of distributing tickets; their time was given and they were paid for it; but they were not employed or paid for the purpose of wrongfully influencing voters; it was simply a reimbursement for the time they had lost on the day of election.

Another specification: The contestant charges that in Precinct B of the eighth ward the election was so loosely conducted that it was impossible to ascertain the true vote of that precinct. He claims that the tickets were so carelessly counted and the poll-book kept in such a manner that it was impossible to make them agree, and that because of this he claims the whole precinct should be thrown out. The testimony shows that when the tickets which had been deposited were counted there was a difference between the number of tickets counted and the number of names on the poll-book—from five to seven—and one witness, Louis Jahn, swears that they could not make the two agree, always being more ballots than names on the books. Now, the facts are and the evidence shows that when the ballots were first counted they were in excess of the names on the poll-book; the second count showedless, but when they had been tallied and accurately counted it

was shown that there were 4 less ballots cast than there were names on the poll-book, and the judges, without authority of law for so doing, to make it "tally," as they said, added 2 votes to each of the candidates for Congress, as well as for all other officers voted for, there being 326 ballots in the ballot-box, while the poll-book showed 330 names.

Now, if this was irregular, and I think it was, deduct the two votes from each of the two candidates, and you have not changed the result; but there is nothing in the testimony to show that there was any attempt at fraud in this precinct, or that the election there was not fairly or honestly conducted. All the witnesses agree to that; and if these judges did transcend their authority in their anxiety to make the poll-book and ballots agree, they showed no disposition to harm any one, nor is there any reason why this precinct should be excluded. Now all the authorities agree to this view: That the most that could be done was to throw out the 4 votes added to make the ballots correspond with the number in the ballot-box.

The contestant also charges that there were counted many fraudulent votes that were cast in the city of Toledo; and to prove this he has the poll-books used at the October election compared with the poll-books used at the November election, and the names appearing on the books as having voted at the October election and not appearing on the books for the November election he claims were fraudulent and should be thrown out. As the House well knows, the election for Representative to Congress took place in October, and the election for Presidential electors in November, 1884. The list of voters contestant furnished to the contestee as being irregular contained 347 names, and months after this election the contestee was able, by unimpeachable witnesses, to show that 275 of the 347 were regular voters, and were then residing within the city of Toledo, and that a large number, nearly one-half, had voted for the contestant for Representative in Congress.

When the House considers that Toledo is a populous city, containing a large number of men employed on railways, who are constantly changing their residence, is it not surprising that five or six months after the election so many of these citizens who had voted could be traced and accounted for? The contestant must furnish the House better testimony than has been relied upon before the charge of irregular voting will have any weight or influence. If there were 72 illegal votes cast on the day of election, will this committee allow the contestant to charge that all these have been cast for the contestee without showing for whom the ballots were cast? I think not. The law is too plain and too well understood by this House to be applied in that way.

The contestant makes another charge; that is, an attempt to intimidate the voters of Kelley's Island precinct, in Erie County. This is a small voting precinct, casting a little over 200 votes, and has at Presidential elections heretofore been Republican; giving in 1880 a majority of 41 to Garfield. At the October election in this precinct Mr. Romeis received 126, and Mr. Hurd 97 votes. In the Presidential election in the following month Mr. Blaine received 131 votes, 5 more than Mr. Romeis, and Mr. Cleveland 87 votes, or 10 less than Mr. Hurd had received the preceding month. From this it will be seen that there could have been no attempt at intimidation in October, unless there had been greater in the following month.

It appears that Mr. Kelley, for whom the island is named, works a stone quarry, and has in his employ sixty or seventy men, and that he was a very earnest Republican, declaring himself to be such to his men and to all with whom he came in contact. He thought if Mr. Hurd was elected and Mr. Hurd's ideas prevailed it would be detrimental to his business interests; and he explained his views to his men, urging all of them to vote as he did. There is nothing in the testimony to warrant the assumption that Mr. Kelley attempted to force his men to vote the Republican ticket, but on the contrary it is shown that while a number of them voted the Republican ticket others voted the Democratic ticket; and the man who is said to have been followed by Mr. Kelley to see how he voted, and one that was intimidated, swears that Mr. Kelley did not follow him, that he saw him when he voted, and that was all.

Now, Mr. Speaker, I have briefly called the attention of the House to some of the facts in this case, as I gather them from the record. There is nothing in the evidence presented to warrant the assumption that there was bribery, corruption, or an attempt at intimidation of the voters of the tenth Congressional district of Ohio. On the contrary, I believe the election was fairly and honestly conducted. That Mr. Hurd did not poll the full Democratic vote, there is no question; that the Democrats were bribed or forced to vote for the contestee, I do not believe.

At preceding elections when Mr. Hurd has been a candidate for Representative in Congress his vote has fallen far behind his ticket. For instance, in 1882 Mr. Hurd's majority over Mr. King, Republican candate, was 1,104, while the Democratic candidate for secretary of state in the counties composing the tenth district had a majority of 3,720 over his Republican competitor; Mr. Hurd losing 9 per cent. of the Democratic vote. In 1884 the Democratic candidate for secretary of state had in this district a majority of 2,706 over his Republican competitor, and Mr. Hurd lost but 8 per cent. of the Democratic vote. So in 1882 Mr. Hurd lost more Democratic votes than he did in 1884, when, as he charges, there was a conspirac to defeat him and money was used for that purpose. The facts are that Mr. Hurd was defeated by members of his own political party, who announced after the nomination had been made that they would not support him, but would support the Republican nominee, whoever he might be.

Mr. Hurd has been a candidate for Congress seven times; three times he has been successful, and four times defeated. He has never polled the full vote of his party in his district, his positive convictions upon economic questions have raised bitter opponents within his own party, and they were surprised that the majority against him was not more decisive.

I believe, Mr. Speaker, that the sitting member was fairly and honestly elected, that a majority of the legal votes in the tenth district of Ohio were cast for him, and that he is entitled to retain his seat; and that if this House should seat the contestant upon the flimsy and weak showing made it would not be impossible to successfully assail the seat of any member upon this floor.

[Before the conclusion of the foregoing remarks the hammer fell.

The SPEAKER *pro tempore*. The time yielded to the gentleman from Nebraska has expired.

Mr. DORSEY asked and obtained leave to extend his remarks as above.]

Mr. ROBERTSON. Mr. Speaker, I move that the House do now adjourn.

Mr. TURNER. Let us go on for a half hour longer.

The House divided; and there were—ayes 23, noes 76.

So the motion was not agreed to.

Mr. HENDERSON, of North Carolina. The questions of law and fact involved in this case have been studied by me long and carefully, and I have endeavored in so doing not to be actuated by feelings of partisan bias or partiality, and I believe that this House, if it will give to these questions the like patient study and investigation, will arrive at the same result: that the contestant, Frank H. Hurd, was duly elected a member of this House from the tenth district of Ohio at the last regular Congressional election, and that the contestee, Jacob Romeis, was not so elected.

Upon the face of the returns Mr. Romeis, the sitting member, has a majority of 239. Mr. Hurd claims that the returns from three precincts should be rejected, and that certain illegal votes should be deducted from contestee's majority in the city of Toledo, and that the true result would show a majority for contestant of 255. The contestant first impeaches the return from Precinct B, ward 8, in the city of Toledo, and asks that it be rejected upon the following grounds:

(1) The two Republican judges appointed were residents of the precinct, while the Democratic judge was not. Upon an examination of the statute and its context I am thoroughly persuaded that this was an undoubted violation of the spirit if not of the letter of the statute. (Revised Statutes of Ohio, section 2933.) The very purpose of the law was to require the judges of election to reside in the same vicinage or neighborhood with the voters. The law intended that the judges and the voters should live together in the same election precinct and vote at the same box. Any other construction is narrow, strained, and illiberal. *Qui hæret in litera, hæret in cortice*—"It is the letter which killeth."

Did the statute intend that a judge should be appointed for a precinct in which he did not reside and in which he could not vote? Why was James Kelley, a Democrat residing in Precinct C, eighth ward, appointed to act as judge in Precinct B? He could not vote in the latter precinct, and if he performed his duties faithfully, as the statute required, he could not vote anywhere on that day; and, so far as the evidence shows, he did not vote; or, if we suppose that he did, he must have abandoned his post without authority of law. I do not know what the reasons were for Mr. Kelley's appointment, but certainly the effect was to disfranchise him, or to force him to exercise the privilege of a voter at the expense of neglecting, at some possibly critical period during the day, the important duties imposed upon him by law. I do not believe the statute we are considering will bear such an unfair and unreasonable construction.

(2) Both clerks were Republicans, while the statute required them to be of different politics (section 2933).

(3) At the close of the polls all the ballots were taken from the ballot-box and put upon the table in the presence of a large number of persons, twenty-five or more. The statute required the ballot-box to be opened and the ballots to be taken out one at a time by one of the judges, who must read aloud distinctly, while the ticket remains in his hand, the names thereon contained, and then deliver it to the second judge, who must examine the same and pass it on to the third judge, who must string it on a thread and carefully preserve it, &c. (section 2957).

(4) The ballots were then counted two or three times by two of the judges. The first count showed 7 ballots in excess of the names on the poll-books. A second count showed 3 or 4 ballots in excess of the names. Louis Jahn, a Republican judge, testified "that the tickets never did correspond with the tally-sheet," and in answer to the following question, "What did you then do with the tickets?" said:

> We put them all in the box—what was left. (Record, page 98.)

Another count then took place, and still the tally-sheets did not agree.

The same witness also testified, in response to a question by Mr. Romeis on cross-examination, that the clerks made "the great mistake right along with the tally-sheet, and that one of the clerks always had more votes than the other; and afterward they fixed the tally-sheet among themselves so that both would be alike." (Record, page 72, question 118.) He also swore on the same cross-examination that the clerks made "lots of mistakes on the tally-sheet." (Question 141.) He also said that he finally "moved that the judges should give every Democratic candidate 2 votes and every Republican candidate 2 votes," and that "they done it, and still they had more tickets left." (Answer to question 13, page 68.)

Mr. Jahn further stated that at the time when the 2 additional votes were added to each candidate *no one of the judges or clerks could tell the true number of votes.* (Answer to question 279, page 80.)

And so it seems that the attempt "to force a balance" did not succeed, but failed completely.

James Kelley, the Democratic judge, also testified to the same effect:

Q. 9, p. 29. What was done with the ballots?
A. They were taken out by handfuls and left on the table; then we counted them. * * *
Q. 11. When you finished, state whether the tally-sheets of the clerks agreed.
A. No; they did not agree.
Q. 12. What did the clerks do to make them agree?
A. They fixed them up some way; between them they got them alike.

Fred. Kolbown, judge, and Fred. Rachow, clerk—both Republicans—were not examined by the contestee. Why not?

(5) The poll-books were not signed until late at night, after the votes had been counted and after the tallies and the poll-books had been altered and "fixed up." The statute required the poll-book to be signed by the judges and attested by the clerks, &c., at the close of the polls (section 2956); but this requirement was not complied with.

It thus appears that every substantial requirement of the statute regulating the holding of the election and the counting of the votes was persistently, repeatedly, and deliberately violated.

The reply to all this evidence is that the judges only committed "immaterial errors," "which did not affect the result," and that they were guilty "of mere irregularities, which could not void the election in the absence of fraud or corruption." But is there no evidence here of fraud or corruption? Every opportunity was afforded the judges and others, clerks and bystanders, for the abstraction, the displacement, and the substitution of ballots. If this House believes the uncontradicted facts testified to by the witnesses Kelley and Jahn, the conclusion is inevitable and irresistible that actual fraud, whether committed by the judges or others, has vitiated the whole election held at Precinct B, ward 8, in the city of Toledo. The certified result in this precinct is shown to be "so tainted with fraud that the truth can not be deduced therefrom."

It is insisted, however, that the election requirements of the statutes of Ohio are directory merely, and not mandatory, and that therefore it is immaterial to inquire whether these directory requirements were complied with or not.

But I do not so understand the law. It is only innocent and unintentional variations from the provisions of the directory statutes themselves which can be permitted with impunity.

Judge Cooley (Constitutional Limitations, page 77), in referring to the rules "which are to be made use of in determining whether the provisions of a statute are mandatory or directory," says:

Those directions which are not of the essence of the thing to be done, but which are given with a view merely to the proper, orderly, and prompt conduct of the business, and by a failure to obey which the rights of those interested will not be prejudiced, are not commonly to be regarded as mandatory; and if the act is performed, but not in the time or in the precise mode indicated, it may still be sufficient if that which is done accomplishes the substantial purpose of the statute. * * * Even as thus laid down and restricted, the doctrine is one to be applied with much circumspection; for it is not to be denied that the courts sometimes, in their anxiety to sustain the proceedings of careless or incompetent officers, have gone very far in substituting a judicial view of what was essential for that declared by the Legislature.

In the same connection, Judge Cooley commends the views of Lewis, chief-justice, in Corbett vs. Bradley (7 Nev., 108; Constitutional Limitations, 76):

When any requirement of a statute is held to be directory, and therefore not material to be followed, it is upon the assumption that the Legislature itself so considered it. * * * No court certainly has the right to hold any requirement of a law unnecessary, unless it be manifest the Legislature did not intend to impose the consequence which would naturally follow from a non-compliance, or which would result from holding the requirement mandatory or indispensable.

Whether the provisions of the Ohio statute be directory or mandatory, the argument in this case is not affected thereby, for—

It is well established that while mere neglect to perform directory requirements of the law, or performance in a mistaken manner, when there is no bad faith and no harm has accrued, will not justify the rejection of an entire poll, it is equally well settled that where the proceedings are so tarnished by fraudulent or negligent or improper conduct on the part of the officers as that the result of the election is rendered unreliable, the entire poll will be rejected, and the parties left to make such proof as they may of votes legally cast for them. (Covode vs. Foster, 2 Bartlett, 600.)

The certified return from this precinct gives to Mr. Romeis 220 majority. But the contestant has successfully impeached the return, which is proved and conceded to be false if not fraudulent. The only evidence to show how many votes were cast and for whom at this precinct is the return itself. Two judges and one clerk were examined and testified, but they did not attempt and were not asked to prove any facts relating to the election independently of the return. The contestee, advisedly, it must be presumed, as he had the benefit of learned counsel, did not offer any evidence to prove that he had a legal majority in the precinct. Why not? Probably because he could not. The *prima facie* character of the return having been destroyed, Mr. Romeis knew that the laboring oar had shifted, and that the onus was upon him to prove the true number of votes which he had received. It would seem that if he could have explained satisfactorily the irregularities and corrupt practices which are alleged to have prevailed in that precinct at that election he would have been only too glad to do so. The contestee has acted deliberately with his eyes wide open; and, having taken the risk, he must abide the consequences. In my humble judgment no member of this House, with the lights before him—unless he is determined to close his eyes and ears to the truth and neither read the evidence nor listen to the arguments in this case—can fail to reach the conclusion that the entire poll of this precinct should be rejected.

The next precinct to be considered is Kelley's Island. The vote there was 126 for Romeis and 97 for Hurd; majority for Romeis, 29. At the last preceding general election in October, 1883, the precinct had gone Democratic by 55 majority. On this island Norman Kelley, who was engaged in "grape-growing" and "stone-quarrying," had in his employment about seventy men, or nearly one-third of the voters of the precinct. Mr. Kelley had not been generally active in politics at preceding elections; but this time he was thoroughly enlisted—electioneered earnestly with his men before and on the day of the election. He permitted his zeal to outrun his discretion, and there can be no doubt used his position as an employer of labor in a very offensive and unjustifiable manner. He boldly, but insidiously, threatened to discharge those of his men who would not "vote or work for his interests." He said "he did not consider this intimidation, but that it was a matter of business with him, and he had to protect his own interests." He admits himself that he told his men "he would naturally expect to retain those who voted for his interest," which he also informed them was "their own." It was very unusual for Norman Kelley to be seen at the polls; but on this day he was there in the afternoon before his men went up to vote. He stood at the door of the hall or room where the election was held, and as his men went in to vote told them "he would like to see their tickets." He did not seem to care "so they voted against Hurd." He worked very hard with his own men, industriously electioneering with them in the very room where the voting was going on. He spoke to several (four or five) whom he could not influence as each one retired after voting: "You will be one of the first ones that will have to go." This was said inside the hall, in the presence of everybody, so that all his men could hear it.

This testimony shows, beyond all peradventure, that Norman Kelley (1) intended to intimidate his employés, if possible; (2) made his men generally and fully acquainted with his intention; (3) carried his intention and purpose into effect by his presence, talk, and conduct at the polls on the day of election.

Now, what is the rule in such cases? The minority report, prepared by ex-Speaker Keifer, in the case of Donnelly vs. Washburn, states it correctly; and "undoubtedly," as Mr. Keifer says, "when bribery, fraud, or intimidation is so interwoven with the vote of any voting precinct that it can not be eliminated with certainty from the aggregate vote cast, the whole vote of the precinct may and perhaps should be rejected."

I also quote from Cunningham on Elections, page 184:

The true rule is: when the law has been violated, and outrage and intimidation organized, the onus is on the respondent of showing that that outrage and intimidation have not produced their natural consequences, namely, terrifying the people from exercising their franchise.

In the Drogheda case it is said:

But who is there would venture to gauge the influence of intimidation? Who will say how far that reaches? Who will be able to tell what the effect of intimidation is upon the human mind? (Brickwood & Craft's Election Manual, page 215.)

Listen also to Mr. Justice Keogh, in the same case:

The humblest individual, in this broad land of ours, has as good a right, without fear or intimidation, to go to the court-house, on the day of election, as the richest man upon the register, and as good a right as the great majority of the community.

The presumption therefore always is that intimidation, when resorted to, has produced its intended results. The workingmen and the wage-earners in this country look to this House—which is supposed to reflect truly the will of the free and unbought suffrages of the American people—to protect them from the insolent threats, intimidation, and violence of those persons from whom they are compelled to seek employment. As a rule, American employers of labor—to their honor be it said—do not attempt to interfere with the free exercise of the right of suffrage by their workmen. And the factory owner or other employer who dares attempt to interfere with this, one of the dearest rights of every freeman, should be held up to the scorn, derision, and contempt of the whole civilized world, and should be punished to the utmost extent of the law.

The entire poll of the precinct at Kelley's Island should be rejected.

Without proceeding further, if I am right thus far Mr. Hurd's majority is 10 votes over Mr. Romeis's.

Precinct C, ward 3, of the city of Toledo, is almost in as bad condition as Precinct B. Mr. Romeis received there 319 votes and Mr. Hurd 153; majority for Romeis, 166. David Emerick, clerk of the election, testifies, pages 11, 137:

Answer to question 8. Mr. Kirk unlocked the ticket-box and threw probably one hundred and fifty or one hundred and seventy-five tickets on the table, and the judges proceeded to open up and assort them * * * by piling the straight Republican tickets on one pile, the scratched Republican tickets on another pile; the straight Democratic tickets on one pile, and the scratched Democratic tickets on another pile, &c.

Answer to question 12. I think Mr. Kirk took out about one hundred and seventy-five or two hundred, and Mr. Bell threw the balance of the tickets on the table.

The illegal interference by Bell with the ballots certainly occurred at the October election. There is absolutely no reasonable doubt about that. The law regulating the count was also deliberately violated. Every opportunity was afforded the election officers and the bystanders for the fraudulent counting, abstraction, displacement, and substitution of the ballots. The law having been deliberately violated, and the burden of proof having been shifted to the contestee to show that the irregularities committed and the departures from the law were innocent and unintended, and he having failed to show by any evidence offered a satisfactory explanation of these violations of the law, it is my opinion that the vote of the precinct should be thrown out.

It is not necessary, and I have no time to argue the case at any greater length. I have considered the questions involved in all their bearings, and after a patient and exhaustive examination of the evidence and of the law bearing thereon, I see no loophole of escape from the conclusion that Frank H. Hurd was duly elected a member of this House from the tenth Congressional district of Ohio, and that Jacob Romeis was not.

At the conclusion of the remarks of Mr. HENDERSON, of North Carolina, he asked and obtained leave to extend his remarks in the RECORD.

Mr. HOPKINS. Mr. Speaker, I yield ten minutes to my colleague on the committee, the gentleman from Illinois [Mr. ROWELL].

Mr. ROWELL. Mr. Speaker, it is impossible within the limits of ten minutes to attempt to discuss the issues involved in this case, and I shall not therefore try to go over the mass of evidence here presented, but what I have to say will be confined to one or two points merely.

The presentation of this contest in this Congress is an illustration of the general belief that any one of the majority party, for the time being, desiring to contest the election of his opponent has only to furnish a plausible excuse for the contest, after which his party friends, without reference to the right of the matter, will vote him into the seat.

I repeat, the presentation of this case in Congress is but another illustration of that general belief; for I undertake to say that there is not a lawyer in this Congress who would risk his professional reputation in advising any client to present such a case in any respectable court. Outside of this House and outside of any feeling of partisanship, and I think I know what I say to be true, no respectable lawyer who respects his reputation would advise the presentation of this evidence in any respectable court.

This contest turns absolutely upon Precinct B of the eighth ward of the city of Toledo. Without that goes out in whole, there is not anything left in the claim of the contestant that would overcome the announced majority for contestee. That ward is sought to be thrown out under a charge that corruption was used in the ward; and the strange proposition is announced here that bribery or corruption need not be proven, but it is sufficient that they may be suspected, and the party may be deprived of his seat on a mere suspicion.

The sole testimony which has been presented, attempting to prove this allegation of bribery, comes from a man named Gerstmann, a man who scarcely told a single truth—as illustrated by his answers on cross-examination—during his whole testimony; and not having an intelligent understanding of what was testimony, he did not succeed in telling even an able-bodied lie. [Laughter.] I undertake to say that no man in this House, if sitting upon the bench, would permit to go to the jury a particle of the testimony which was sworn to by that man bearing upon the question of corruption. He attempted to testify as an expert upon the question of whether voters had been influenced by such means. He went to Toledo, he did not know what portion of the city or what ward; he talked to somebody, he does not know who; and he expressed the opinion that the people with whom he talked were in favor of Mr. Hurd's election. He expressed a mere opinion; there is not a fact testified to on which to base it, no name is given, no parties are mentioned, no statement of who or what they were, or to what party they belonged. Subsequently he said he went to that ward and found the sentiment was changed a good deal, that by the looks in their countenances they had been corrupted. He testifies as an expert judge of facial expression. He did not testify that the people he saw the second time were the people he saw the first time.

Mr. SOWDEN. Will the gentleman permit me to ask him a question?

Mr. ROWELL. Yes, sir.

Mr. SOWDEN. Was it not possible for him to have detected it if they had been corrupted through fear?

Mr. ROWELL. Almost anything was possible for this man who nineteen times refused to answer when pertinent questions were asked touching his credibility; who seventeen times refused to remember when the questions were bringing him into contact with some name; only once he ventured to mention a name, and he was promptly contradicted by a respectable witness.

He said when he went back the second time he found the feeling of the voters changed. On cross-examination it turns out when he went back that time he went to his Democratic friend, the only man he knew in the city, visited the Democratic central committee-man, then went away and did not go round among the voters; that the time he discovered by the looks of the countenances that the vote was changed was a week after his first visit, before he went to New York; three or four weeks before he had reported to anybody, if he is to be believed.

And this calls out the opinion that in law you do not need to prove corruption and fraud, but that when you bring a witness to express such an opinion from the looks of people that they have changed their political relations that is sufficient.

This eminently respectable citizen of Saint Joe, who refused to tell where he lived, this eminently respectable man swears he does not know any way of changing votes except by buying them. Now if that were true we had better quit making stump speeches, we had better quit circulating compaign literature. And if it is true that Mr. Hurd is to be seated upon that theory, it is an announcement on the part of his party friends that the only way they ever expect to convert people in that district to Mr. Hurd's views is to buy them up, because there is no way of reaching their intelligence.

I say the whole thing is based on the senseless talk of a traveling, Polish, self-elected rabbi, who does not dare to tell of his past life or where he has been, but crosses his track whenever cross-examined, refuses to have his knowledge put to the test by mentioning anybody, and when he once carelessly mentions a name is promptly proved to be a liar.

And I undertake to assert there is no man on either side of the House, even my friend from Missouri, who represents the eminently respectable people of Saint Joseph, who, if he will read the record, will not say if Mr. Hurd could not get a better lie than this he had better leave it out entirely.

But believe every word he says, and he proves nothing. He swears to nothing. He testifies to no fact, and he testifies about a ward and a precinct in the city of Toledo that had three times before this given like majorities to the contestee in this case and did not need to have its vote changed either by argument or by corruption.

Then it is said that there were some ticket peddlers hired. Well, I do not know whether there were or not; but there is not a particle of evidence in this record that there was a ticket peddler hired. A man swears he was told there were some ticket peddlers hired. If that is legitimate evidence in a contested-election case before the House of Representatives, it is about time we learned something about the laws of evidence.

Again, it is said that during the count of the vote once or twice the clerks called a halt to correct their tallies. Did anybody ever sit in a voting-room and see the votes counted that did not frequently see the clerks call a halt when one man would get the tally one side or the other? And because that is true, is this vote to be thrown out? They say they did not follow the technical law. Ah, gentlemen, are you going to disfranchise 430 legal voters because the judges of election, in a matter of pure discretion, do not follow the literal letter of the law, provided they get at the exact fact—because they turned the ballots out and counted them unopened?

The SPEAKER *pro tempore*. The time of the gentleman from Illinois has expired.

Mr. ROWELL resumed his seat amidst applause.

Mr. TURNER. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 53 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BEAN: Petition asking for an act authorizing the Postmaster-General to pay certain expenses of third and fourth class postmasters, such as rent, fuel, &c.—to the Committee on the Post-Office and Post-Roads.

By Mr. BUNNELL: Affidavit to file with House bill 7814 for relief of Leman D. Forrest, lieutenant Company F, Thirty-fifth Pennsylvania Volunteers—to the Committee on Military Affairs.

Also, affidavits and letter to accompany House bill 5754, to remove the charge of desertion from the record of Russell F. Thurston, Company E, Fifty-second Regiment Pennsylvania Volunteers—to the same committee.

By Mr. J. M. CAMPBELL: Protest of citizens of Blair County, Penn-

sylvania, against the admission of foreign-built ships to American registry—to the Committee on Commerce.

By Mr. COMSTOCK: Petition of the wage-workers of the United States, asking for the unlimited coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. CUTCHEON: Petition of Local Assembly 3867, Knights of Labor, of Muskegon, Mich., against the passage of the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. DUNHAM: Petition of H. C. Ballard and 12 others, citizens of Chicago, favoring free and unlimited coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. DUNN: Petition of citizens of Arkansas, in favor of organizing the Territory of Oklahoma and opening the same to settlement—to the Committee on the Territories.

By Mr. FELTON: Memorial and petition of Col. J. D. Stevenson, of California, for relief—to the Committee on Claims.

By Mr. FORAN: Petition of National Association of Engineers and of Local Assembly No. 4856, Knights of Labor, of Cleveland, Ohio, in favor of House bill 5390—to the Committee on the Public Lands.

By Mr. GALLINGER: Petition of Local Assembly No. 4921, Knights of Labor, protesting against the passage of the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. GROUT: Testimony in support of House bill granting a pension to Warner F. Wood, and House bill granting a pension to Lucetta Curse—to the Committee on Invalid Pensions.

By Mr. HAMMOND: Papers in the claim of Walter Wadsworth, of Decatur County, Georgia—to the Committee on War Claims.

By Mr. KLEINER (by request): Papers relating to the relief of Thomas Harris—to the Committee on Invalid Pensions.

By Mr. KELLEY: Petition of certain citizens of Berks and Philadelphia Counties, Pennsylvania, praying that a pension be granted Mrs. Louisa Lindeman, mother of George F. Lindeman, who died in 1863 from disease contracted while in the service of the country as a soldier in Company G, First Regiment, Pennsylvania Volunteers—to the same committee.

Also, protest of the Pattern-makers' Association, of Philadelphia, against the admission of foreign-built ships to American registry—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. MILLARD: Resolutions from labor organizations of Binghamton, N. Y.—to the Committee on Labor.

By Mr. MURPHY: Memorial from the Legislature of Iowa, asking that a pension be granted Mrs. Sarah Young—to the Committee on Invalid Pensions.

By Mr. NEAL: Petition of Knights of Labor of Tracy City, Tenn., remonstrating against the passage of the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. OATES: Petition of R. A. Solomon and 64 others, citizens of Barbour County, Alabama, praying Congress to provide for the payment of rents, stationery, &c., for third and fourth class postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. OSBORNE: Petition of Thomas B. Tappen and others, committee representing savings-banks of State of New York, asking for the repeal of the law which directs the coinage of the 412½-grain silver dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. PETERS: Petition of Knights of Labor of Nickerson, Kans., protesting against the passage of the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. PLUMB: Petition of John Malcan, Simeon Burns, and 53 others, glass-workers, of Streator, Ill., relative to the tariff—to the Committee on Ways and Means.

By Mr. SENEY: Memorial of Knights of Labor respecting silver coinage—to the Committee on Coinage, Weights, and Measures.

By Mr. SPRINGER: Resolutions adopted at the twentieth annual encampment of the Grand Army of the Republic, Department of Illinois—to the Committee on Invalid Pensions.

By Mr. STEELE: Petition of S. J. McAfee and 40 others, of Kingsland, Ind., and of Arthur Ward and 30 others, of Leaketon, Ind., asking favorable action on the bill for the relief of third and fourth class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. STEPHENSON: An appeal from the wage-workers of the United States, asking for laws for the unlimited coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. W. J. STONE, of Missouri: Petition of Knights of Labor of America, and of Calhoun, Mo., against the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. TAULBEE: Petition of 44 citizens of Elliott County, Kentucky, praying that a pension be granted to Daniel Sparks—to the Committee on Invalid Pensions.

Also, petition of William Cox, of Irvine, Ky., for relief—to the same committee.

By Mr. TOWNSHEND: Petition of citizens of Jefferson County, Illinois, praying for a bill in accordance with the recommendations of pension committee of the Grand Army of the Republic—to the same committee.

By Mr. TUCKER: Petition of Thomas R. Ware, for removal of political disabilities—to the Committee on the Judiciary.

By Mr. VOORHEES: Petition of 32 members of McMillan Assembly, Knights of Labor, No. 4780, praying for the favorable consideration of House bill 1914—to the Committee on Labor.

By Mr. WEBER: Petition of citizens of Niagara County, New York, to amend the Constitution—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. WHEELER: Petition of Frederick Ashford, administrator of Bowling Byrd, only heir of Martha Byrd, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. MILO WHITE: Resolutions of the Board of Trade of Rochester, Minn., in favor of a law to prevent unjust discriminations by common carriers—to the Committee on Commerce.

By Mr. WILSON: Petition of B. S. McNeil, of Hardy County; and of heirs of Joseph R. Morrow, deceased, of Jefferson County, West Virginia, praying that their war claims be referred to the Court of Claims—to the same committee.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. CONGER: Of citizens of Polk and Warren Counties, Iowa.

By Mr. PAYNE: Of citizens of Cayuga County, New York.

By Mr. SAWYER: Of citizens of Wyoming, Genesee, and Livingston Counties, New York.

By Mr. SPRINGER: Of citizens of Morgan and Christian Counties, Illinois.

SENATE.

WEDNESDAY, *April* 14, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

RESIGNATION OF SENATOR JACKSON.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a letter from Hon. HOWELL E. JACKSON, notifying the Senate that having accepted the office of circuit judge of the United States, his office of United States Senator becomes vacant. The letter will be read.

The Chief Clerk read the letter, as follows:

UNITED STATES SENATE, *Washington, D. C., April* 14, 1886.

SIR: I have this day accepted the office of circuit judge of the United States for the sixth judicial circuit, and in consequence thereof my office of United States Senator for the State of Tennessee has become vacant.

Will you be kind enough to inform the executive of Tennessee (Hon. W. B. Bate) of this fact?

Very truly and respectfully, yours,

HOWELL E. JACKSON.

Hon. JOHN SHERMAN,
President pro tempore United States Senate.

The PRESIDENT *pro tempore*. The letter will lie on the table; and notice will be given according to the request, if there be no objection.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair presents certain resolutions adopted by the national convention of wool-growers recently assembled in Saint Louis, in which they complain of the proposed action in respect to placing wool on the free-list, and set out in some detail the grounds of their opposition and objection to the proposed action. If there be no objection these resolutions will be printed as a document, and referred to the Committee on Finance.

Mr. PLUMB. I present a memorial of merchants of New York city and Pittsburgh, Pa., remonstrating against the passage of a bankruptcy law. I present this memorial with a great deal of satisfaction, because, so far as I know, heretofore the merchants of the great cities of this country have arrayed themselves against the country merchants in favor of a bankruptcy law, and I am glad to have this evidence of returning sense on their part. I move that the memorial lie on the table.

The motion was agreed to.

Mr. PLUMB. I present a petition of the Frontier Guards, an organization which was created in Washington during the early period of the war of 1861, for the purpose of meeting the emergencies then upon the Government, praying for the passage of an act authorizing the issue of discharges to certain members of that body. I move that the petition be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. PLUMB presented a memorial of Knights of Labor of Concordia, Kans., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

He also presented a petition of certain organizations of wage-workers

in the United States, praying for the unlimited coinage of silver; which was referred to the Committee on Finance.

Mr. BUTLER presented a petition of 62 citizens of Kootenai County, Idaho Territory; resolutions of a mass-meeting of citizens of Kootenai County, Idaho Territory; a communication of two members of the board of county commissioners of Kootenai County, Idaho Territory; a petition of 64 citizens of Kootenai County, Idaho Territory; a petition of 11 citizens of Kootenai County, Idaho Territory; resolutions of a mass-meeting of citizens of Kootenai County, Idaho Territory; a statement of members of the grand jury of Kootenai County, Idaho Territory, and a petition of citizens of Kootenai County, Idaho Territory, praying for the passage of House bill 2889 annexing North Idaho to Washington Territory; which were referred to the Committee on Territories.

Mr. EVARTS presented memorials of Knights of Labor of Ogdensburg, Oxford, and Allentown, in the State of New York, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

Mr. BLAIR presented a memorial of Knights of Labor of Nashua, N. H., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

He also presented a resolution of the New Hampshire State board of health, favoring the establishment of a national health department, and indorsing the bill preventing the introduction of contagious and infectious diseases into the United States; which was referred to the Committee on Epidemic Diseases.

Mr. BROWN presented a memorial of Knights of Labor of Roswell, Ga., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. FAIR presented a memorial of cattle-owners of Nevada, remonstrating against some of the provisions of Senate bill 1715 to regulate the transportation of live stock; which was referred to the Committee on Commerce.

Mr. MILLER presented a petition of citizens of Franklin County, New York, praying for the right to take grain across the Canadian frontier to be ground and to bring back the flour, &c., without the payment of duties; which was referred to the Committee on Finance.

He also presented a petition of Knights of Labor of Syracuse, N. Y., praying that liberal appropriations be made for internal improvement and the construction of a harbor of refuge at Sandy Bay, Rockport, Mass.; which was referred to the Committee on Commerce.

He also presented memorials of Knights of Labor of Allentown and Syracuse, in the State of New York, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

Mr. CALL. I present a letter in the nature of a petition from J. W. Hagan, of Sumterville, Sumter County, Florida, in relation to the homestead law and oppressive action in the administration of the same in the State of Florida in reference to homesteads, and he petitions suggesting the necessity for a modification in regard to it. I ask that the letter be printed in the RECORD, and referred to the Committee on Public Lands.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

The paper is as follows:

SUMTERVILLE, FLA., *April* 5, 1886.

DEAR SIR: Yours of 21st March, 1886, received, and am glad to say that your favorable and very kind offer is duly appreciated. The case as referred to is as follows: That the F., R. & N. Railroad passed through my homestead a distance of 1 mile, and my cabin was in the right of way. I gave permission for it to be moved out. My house was moved out, and shortly afterward burned down, with my carpenter tools and my effects, and one John Bailey then entered upon my homestead and cut cross-ties; 1,100 or 1,200, and I forbid him trespass as soon as I found out he was on my land. He continued; I notified the United States Land Office of the fact. To my appeal Mr. Coffman came down. Now, Mr. Coffman asked me to furnish him with a vehicle and team to investigate all this trespass, which I did at my own expense. He counted the ties; saw Mr. Bailey; told me that he had compromised the matter, and that he would send me the voucher for my timber at 8½ cents apiece for the ties. After he had looked at my place he offered to commute the land or to pay it and for one-half, to wit, 80 acres of the 160. I refused this offer. This was in September, 1883, and April, 1884, I received a summon requiring me to appear at Gainesville, Fla., in May, to answer, with witnesses, a suit of contest instituted by the United States Government and the F., R. & N. Railroad. Mr. Coffman, my friendly agent, and a Mr. Ham, an attorney, complainants, Mr. Coffman representing the United States Government, and Mr. Ham the railroad. I appeared with witnesses in defense as defendant, and as Mr. Coffman constituted the court, was complainant and witness, he forced me to defend my case before he complained as he should have done as plaintiff. His witnesses were picked up at Jacksonville. Not one of them lives or did live in Sumter County, where I live. My witnesses lived in my immediate neighborhood, not more than 2 miles distant. They are here to-day, good citizens; one of them has been a justice of the peace since 1877. Now, his (Mr. Coffman's) witnesses are transient men, and there is but one of them in the State at this time. Therefore they forced me to offer my evidence first, so that he could deny the same.

Mr. Coffman had the sheriff subpœnaed, and then refused to let him testify, as he did not seem to cater to his wishes. He did, however, make his statement, at my request. The trial was *ex parte in toto*; and, further, Mr. Horn publicly confessed that he himself or Mr. Coffman did not desire to deprive me of my house or homestead, but that it was necessary to do so to save the railroad from having to pay for the damage done by Mr. Bailey; and to further protect the railroad from damage one Mr. Renfroe, who was then president of the Gainesville College, had filed a contest against the land. This man is now in Colorado, so I am informed. And to further show their intentions, the acting clerk, Mr. Webster, and Mr. Coffman both resigned the same week they put up this job. Now, if this statement merits your further thought, you will find all the evidence in the case. Will be found with Messrs. Drummond & Bradford, Washington, D. C. There has been some additional evidence sent up since the trial, which you will also find. Hoping that you will understand the case, and will give the same a small part of your valuable time, for which you shall be fully rewarded, I am,

Yours, respectfully,

S. P. GREEN.

Hon. WILKINSON CALL,
Senate Chamber, Washington, D. C.

Col. W. CALL: I have read the above letter, and I was also a witness in the case. As far as I know, the statement is correct. I was present on the trial. I never saw a more unfair trial carried on. You see Mr. Green states that Mr. Coffman was court, complainant, and all; this was true. He dictated every word that was put down on his side, and objected to most every important point offered against him. He told me before the case was called that the case was decided against Mr. Green already, and all that he wanted to do was to carry it through a form. This I am ready to testify at any time.

I am, yours, very respectfully,

J. W. HAGAN.

Mr. LOGAN presented a petition of Knights of Labor of Moline, Ill., praying for the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

He also presented a memorial of Knights of Labor of Bloomington, Streaton, Pekin, and Lincoln, in the State of Illinois, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

He also presented a petition of citizens of Ravenwood, Ill., and a petition of citizens of Illinois, praying for the enactment of a law requiring scientific temperance instruction in schools under Federal jurisdiction in the District of Columbia; which were ordered to lie on the table.

He also presented a petition of citizens of Illinois, praying the adoption of an amendment to the Constitution of the United States to prevent the manufacture and sale of intoxicating liquors; which was referred to the Committee on Education and Labor.

Mr. HAWLEY presented a petition of Knights of Labor of Tariffville, Conn., praying that liberal appropriations be made for works of internal improvement, and especially the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. McMILLAN presented a memorial of 26 shippers, producers, and commission handlers of live cattle, of Chicago, Ill., remonstrating against the passage of the bill (S. 1715) to regulate the transportation of live-stock; which was referred to the Committee on Commerce.

Mr. CALL presented additional papers to accompany the bill (S. 203) for the relief of Cyprian T. Jenkins; which were referred to the Committee on Claims.

Mr. HARRIS presented the petition of Perez Dickinson, of Knoxville, Tenn., surviving partner of Cowan & Dickinson, praying that an appropriation be made to pay him for cotton furnished and delivered to General Burnside at Knoxville, Tenn., in accordance with the findings of the Court of Claims; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 1171) for the relief of the heirs of John Byrns, asked to be discharged from its further consideration and that it be referred to the Committee on Claims; which was agreed to.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 619) granting a pension to Robert F. H. Goode;
A bill (H. R. 737) granting a pension to N. M. Miller;
A bill (H. R. 837) granting a pension to Edgar Payne;
A bill (H. R. 3902) for the relief of Susannah Carmichael;
A bill (H. R. 3364) granting a pension to Asahel Middleton;
A bill (H. R. 3539) granting a pension to Mrs. Hannah M. Chapman;
A bill (H. R. 3524) granting a pension to Maria Mibord;
A bill (H. R. 1711) for the relief of George C. Haynie;
A bill (H. R. 3505) for the relief of Mary B. Smith;
A bill (H. R. 1703) granting a pension to Joseph Williams;
A bill (H. R. 3419) granting a pension to C. W. I. Pugh;
A bill (H. R. 3903) granting a pension to Taylor Voss;
A bill (H. R. 1824) granting a pension to Mrs. Louisa Noland;
A bill (S. 788) granting a pension to John L. Bruce.
A bill (S. 963) granting a pension to Harriet M. Rider;
A bill (S. 1169) granting a pension to John S. Bridges;
A bill (S. 1113) granting a pension to Lawrence A. Hudson;
A bill (S. 1420) granting a pension to William Powell; and

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 1192) granting a pension to Alfred Denny, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1190) granting an increase of pension to Benjamin Fisher; and

A bill (S. 1441) granting a pension to M. Romahr.

Mr. SAWYER, from the Committee on Pensions, to whom the subject was referred, submitted a report, accompanied by a bill (S. 2134), granting a pension to Patrick A. Callanan; which was read twice by its title.

Mr. PAYNE, from the Committee on Pensions, to whom was referred the bill (S. 895) granting a pension to Rachel Fleming Cellar, reported it without amendment, and submitted a report thereon.

Mr. PAYNE. I am also instructed by the Committee on Pensions, to whom was referred the bill (S. 233) granting a pension to Christiana Cooley, to report adversely thereon. The claimant since the papers were filed has received a pension at the Department. I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. DOLPH, from the Committee on Claims, to whom was referred the bill (S. 897) for the relief of John Kouns, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 4411) for the relief of A. Gates Lee, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1256) for the relief of Thomas H. Norton and James McLean, reported it without amendment, and submitted a report thereon.

Mr. FAIR, from the Committee on Claims, to whom was referred the bill (S. 1963) to compensate Isaiah W. Lees and H. H. Ellis, of San Francisco, for services rendered the Government, moved its indefinite postponement, which was agreed to; and he submitted a report, accompanied by a bill (S. 2135), to compensate Isaiah W. Lees and H. H. Ellis, of San Francisco, for services rendered the Government; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 1876) for the relief of Piromis H. Bell, administrator of Marcus A. Bell, deceased, and others, reported it with an amendment.

Mr. PIKE, from the Committee on Claims, to whom was referred the bill (H. R. 1464) for the relief of David Webster, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 392) for the relief of Edward Fenlon, moved its indefinite postponement; which was agreed to; and he submitted a report, accompanied by a bill (S. 2136), for the relief of Edward Fenlon; which was read twice by its title.

Mr. JONES, of Arkansas. I am directed by the Committee on Claims, to whom was referred the bill (S. 502) for the relief of J. M. English, administrator of the estate of Richard Fitzpatrick, deceased, to report it adversely. I ask that it be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. JONES, of Arkansas. I am directed by the Committee on Claims, to whom was referred the bill (S. 586) for the relief of William H. Wymore, as administrator of the estate of Carey Nall, deceased, to submit an adverse report thereon, and ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (S. 410) for the relief of J. A. Hodges, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

CHESAPEAKE BAY LIGHT-SHIP.

Mr. GORMAN. From the Committee on Commerce I report favorably the bill (H. R. 7632) to establish a light-ship off the entrance to Chesapeake Bay. As there is very great importance that this bill should be passed and the appropriation made, I ask unanimous consent to have it considered now.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. EDMUNDS. Let it be read for information.

The PRESIDENT *pro tempore*. The bill will be read at length.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That there be constructed and established a first-class light-ship, with a steam fog-signal, off the entrance to Chesapeake Bay, the cost of which shall not exceed the sum of $60,000: *Provided*, That the construction of said light-ship shall be let to the lowest responsible bidder after advertisement, and that said light-ship shall be built in American ship-yards.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment.

Mr. SEWELL. Is there a report accompanying the bill showing the necessity of this proposed light-ship?

The PRESIDENT *pro tempore*. The Chair is not advised.

Mr. GORMAN. I will state to the Senator from New Jersey that there is a House report on the subject, in which the Light-House Board recommend the appropriation for this purpose as being absolutely necessary.

Mr. SEWELL. I ask that the report be read.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. CLARDY in the House of Representatives April 6, 1886:

The Committee on Commerce, to whom was referred the bill (H. R. 6076) providing for the establishment of a light-ship and fog-signal at the entrance to Chesapeake Bay, beg leave to report that they have had the same under consideration, and recommend the passage of the accompanying substitute, which has the approval of the Light-House Board, as is shown by the communications of S. C. Rowan, vice-admiral United States Navy, and chairman of said board, to the honorable the Secretary of the Treasury, under dates March 20, 1886, and April 3, and which are hereto appended.

TREASURY DEPARTMENT, OFFICE OF THE LIGHT-HOUSE BOARD,
Washington, March 20, 1886.

SIR: The Light-House Board has the honor to acknowledge the receipt of a letter from the Committee on Commerce of the House of Representatives, dated March 5, 1886, transmitting for its views two House bills, one of which was bill No. 6076, appropriating $60,000 to construct and establish a first-class light-ship with a steam fog-signal off the entrance to Chesapeake Bay.

In reply the board begs leave to say that this matter came up for consideration at its session on March 17, 1886, when the conclusion was reached that a light-ship so placed would be a valuable aid to navigation, and the board has the honor to recommend that the proper steps be taken for its establishment.

A copy of the letter of the Committee on Commerce and of H. R. bill 6076 are inclosed.

Very respectfully,

HENRY F. PICKING,
Commander, U. S. Navy, Naval Secretary.

The SECRETARY OF THE TREASURY.

TREASURY DEPARTMENT, OFFICE OF THE LIGHT-HOUSE BOARD,
Washington, April 3, 1886.

SIR: The Light-House Board has the honor to again refer to a letter from the Committee on Commerce of the House of Representatives, dated March 5, 1886, transmitting for its views two House bills, one of which was bill No. 6076, appropriating $60,000 to construct and establish a first-class light-ship with a steam fog-signal off the entrance to Chesapeake Bay.

In further reply the board begs leave to say that an attempt has been made from time to time to make this entrance by lighted and whistling buoys, but without much success, as the lights have gone out and the buoys have been carried away from their positions, so that they have afforded little, if any, real aid to mariners.

The board feels that it is very important to have a light-ship at that point, as the quantity of commerce passing between Capes Henry and Charles is immense, being all the shipping that is making for Baltimore, Richmond, Norfolk, the new harbor of Newport News, and all the tributaries to Chesapeake Bay, as well as that which seeks Hampton Roads as a harbor of refuge.

Now that Newport News has become the terminus of a great railroad system, and that new and important railroad connections have been made at Norfolk and vicinity, this commerce is much greater than ever before, and the most approved and best methods of security should be given it.

A copy of the above-mentioned letter from the Committee on Commerce and of House bill No. 6076 are herewith inclosed.

Very respectfully,

S. C. ROWAN,
Vice-Admiral, U. S. Navy, Chairman.

The SECRETARY OF THE TREASURY.

The bill was ordered to a third reading, read the third time, and passed.

WHARTON'S DIGEST OF INTERNATIONAL DECISIONS.

Mr. EVARTS. I ask the unanimous consent of the Senate to take up from the Calendar the joint resolution (S. R. 58) providing for the purchase and distribution of 4,000 copies of a Digest of International Decisions of the United States, edited by Francis Wharton.

The PRESIDENT *pro tempore*. It is not now in order to consider the joint resolution except by unanimous consent. The Senator from New York asks the unanimous consent of the Senate to take up for present consideration the joint resolution indicated by him. It will be read for information.

The Chief Clerk read the joint resolution.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution? The Chair hears none, and the joint resolution is before the Senate as in Committee of the Whole. The attention of the Chair is called to a formal amendment in line 8, where the word "dollars" is printed for "copies." That correction will be made. There are amendments proposed by the Committee on Foreign Relations, which will be stated.

The CHIEF CLERK. In line 8, after the word "copies," insert:

For use in the committee-rooms of the Senate, 100 copies, and of the House of Representatives, 100 copies.

The amendment was agreed to.

The next amendment was, in line 10, after the word "thousand," to insert "two hundred;" so as to read, "in all, 4,200 copies."

The amendment was agreed to.

Mr. PLUMB. I ask that the joint resolution be read again.

The PRESIDENT *pro tempore*. It will be read as amended.

The Chief Clerk read as follows:

Resolved, &c., That there be purchased, for distribution among the members of the House of Representatives, 2,000 copies of a Digest of International Decisions of the United States, edited by Francis Wharton; for distribution among the members of the Senate, 1,000 copies; for the use of the Department of State, 1,000 copies; for use in the committee-rooms of the Senate, 100 copies, and of the House of Representatives, 100 copies; in all, 4,200 copies; said Digest to be paid for at a uniform price per volume to be fixed by the chairman of the Committee on Foreign Relations in the Senate and the chairman of the Committee on Foreign Affairs in the House of Representatives, acting concurrently.

Mr. PLUMB. I move to amend the joint resolution by striking out all that part which refers to the chairman of the Committee on Foreign Relations of the Senate and the chairman of the Committee on Foreign Affairs of the House of Representatives and inserting "the Joint Committee on Printing of the two Houses."

Mr. EVARTS. If the Senator will allow me I will state that the joint resolution and the book have no connection with the public printing. This is a book prepared and edited and to be published by the

editor, and the application is for the appropriation of so much as may be required for the purchase of a certain number of volumes of the book. It is not connected with the subject of public printing at all.

Mr. PLUMB. It seems to me that before we commit ourselves to the purchase of a book which is of course practically a private enterprise we ought to know something about it. I think myself that the cost of setting the type and furnishing the paper and doing the press-work and the binding, &c., is at least a guide to the value of the book. Of course there is to be added besides the headwork necessary to prepare it. But I should not like to depart, as far as I am concerned, from the usual rule which we have adopted about submitting these matters to the judgment of the committee which has them specially in charge, and especially as where that thing has been done heretofore it has resulted in giving, I think, a rather unusual price. It seems to me that we ought to say what the price is, or else we ought to submit it to some competent committee to ascertain. I presume it is known exactly as well now what the price will be as it will be later; but whether it be or not, either the price should be named or it should go to some committee such as has charge of similar subjects under the rules of the Senate and the House.

Mr. EVARTS. I will say in reply to the suggestions of the Senator from Kansas that the book is not now completed and ready for delivery, certainly not for purchase. The suggestion that the Committee on Printing might be wise guides to the chairmen of the Foreign Committees of the House and the Senate is undoubtedly a proper suggestion; but nevertheless the criterion of the value of a published book of this nature, if the Government thinks it of public service so that it should be purchased for the use of the Government, has usually been left to the Secretary of State or to some committees who had charge of the subject-matter treated of in the book. Mr. Bayard would assume that responsibility if it were desired, but his preference was that it should be fixed by the two Houses acting in this way by the two committees that had relation to the subject-matter of the work.

I will say in regard to the work that I think the title will commend itself to every one as a book that, if competently prepared and edited and printed, every one would desire to have possession of and have the means of widely distributing for the use of the public service. The title is "A Digest of the International Law of the United States, taken from the Opinions of Presidents, and Secretaries of State, and of Attorneys-General; and from the Decisions of Federal Courts, and of Joint International Commissions in which the United States was a Party. Edited by Francis Wharton." The only amendment proposed in the Foreign Relations Committee was an addition of 200 copies to the number named in the joint resolution as introduced, specifically applying 100 for the committee-rooms of this body and 100 for the committee-rooms of the House of Representatives.

This relates to the purchase of a book prepared by an editor and printed under his charge; at least there is accorded to the author and publisher full control, and the question is whether we think it worth while for us to purchase the work. The work itself is commended highly by every one, and I perhaps do not add much to the general knowledge concerning Mr. Wharton, the editor, from the personal acquaintance that I have long had with this gentleman and an acquaintance with his public works as an editor, as a jurisconsult, and as a publicist; and I imagine that all who have given attention to this subject would be gladly put in possession of this work as promptly as possible. I hope the joint resolution will pass.

The PRESIDENT *pro tempore*. The amendment of the Senator from Kansas will be stated.

Mr. MANDERSON. I desire to call the attention of the Senator from New York to a section of the statutes and ask him whether the Committee on Foreign Relations has considered this statute in reference to this resolution? As I heard the resolution read, it provides that 1,000 copies of this publication shall be purchased for distribution among members of the Senate and 2,000 among members of the House of Representatives. I call his attention to section 42 of chapter 4 of the Revised Statutes:

SEC. 42. When any book is ordered to and received by any Member or Delegate, by a resolution of either or both Houses of Congress, the price paid for the same shall be deducted from the compensation of such Member or Delegate; except books ordered to be printed by the Congressional Printer during the Congress for which the Member or Delegate was elected.

Mr. RIDDLEBERGER. Mr. President, I rise to a point of order.

The PRESIDENT *pro tempore*. The Senator will state his point of order.

Mr. RIDDLEBERGER. Yesterday I was informed by the Chair that under Rule VIII all motions made before 2 o'clock to proceed to the consideration of any matter should be determined without debate. I moved to take from the table a resolution, and then when the proposition was taken from the table and debate ensued the Chair ruled that under Rule VIII no debate could occur. Now I am not willing to have propositions pending before the Senate looking to the opening of the doors in executive session, as it is now called, subrogated to a proposition to print anybody's law reports. We have got so many law reports now that no lawyer can do more than consult a quota of the volumes. I make the point of order, not for the purpose of cutting off debate, but to call the attention of the Chair to the fact that there is a rule here for the government of all Senators.

The PRESIDENT *pro tempore*. The Chair is bound to overrule the point of order made by the Senator from Virginia because the Senate by unanimous consent——

Mr. RIDDLEBERGER. That was to take up.

The PRESIDENT *pro tempore*. The Senate agreed to take up and consider the joint resolution now before the Senate. The Senator from Virginia concurred in the unanimous consent, and the Senate thereby waived the rule so far as the consideration of this joint resolution is concerned. The Senator from Nebraska [Mr. MANDERSON] has the floor.

Mr. MANDERSON. I presumed I was speaking to the question itself, and not as to the advisability of taking up the resolution. I do not know whether this section of the Revised Statutes has been considered by the Committee on Foreign Relations; but it seems to me that we might find ourselves in this predicament: We shall have 3,000 volumes of this work, unquestionably a valuable one, ordered for members of Congress when the members will not be willing to pay the cost price.

Mr. VAN WYCK. I fail to understand the remarks of the Senator from New York who spoke upon this subject. The Senator from Kansas I understood propounded the inquiry what this book would probably cost, and I supposed the Senator from New York was addressing himself to that interrogation, but from the noise in the Hall it was impossible for me to hear his answer to it. I should like to know the probable cost of this work; but before that let me ask how many copies in all are to be ordered.

The PRESIDENT *pro tempore*. Four thousand two hundred. The pending amendment will be read.

Mr. VAN WYCK. Then I should like to make some inquiries after the amendment is read.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. In line 12, after the word "by," it is proposed to strike out all down to and including the word "concurrently," in line 15, as follows:

The chairman of the Committee on Foreign Relations in the Senate and the chairman of the Committee on Foreign Affairs in the House of Representatives, acting concurrently.

And to insert in lieu thereof:

The Joint Committee on Printing of the Senate and House of Representatives.

So as to read:

Said Digest to be paid for at a uniform price per volume to be fixed by the Joint Committee on Printing of the Senate and House of Representatives.

Mr. VAN WYCK. Do I understand that this book is not yet printed? Is it in type?

Mr. EVARTS. No.

Mr. VAN WYCK. Then why not direct it to be printed at the Government Printing Office, if it is to be a document to the extent of 4,200 copies?

Mr. EVARTS. It is not a document at all.

Mr. VAN WYCK. I presume the purpose is to make it a document for distribution, as I understand the resolution.

Mr. EVARTS. What the United States purchases will be at its disposition for distribution. The proposition is to buy a certain number of copies.

Mr. VAN WYCK. To that extent it will be a document.

Mr. EVARTS. It will be the possession of the United States after the copies are bought. There are various instances of books of that kind. This is not the product of the public action of the United States; it is not a publication by the United States of its own papers; it is a book edited by a competent and useful editor of a very useful and valuable book. The question proposed to us is whether we should become the purchasers of a certain number of copies for public use in the manner proposed. That is the nature of the proceeding.

Now, Mr. President, it is not of much importance that I can see whether the chairmen of the two Committees on Printing of the two Houses are consulted or are associated in this purchase; but perhaps it might be well enough if it is thought important, as the Senator from Kansas seems to think it is, that the Printing Committee should have some share in fixing and estimating the value of the purchase, to add "and the chairmen of the Committees on Foreign Relations and the chairmen of the two Printing Committees." I ask the Senator from Kansas to consider my suggestion that the chairmen of the Committees on Printing be associated with the chairmen of the Committees on Foreign Relations.

Mr. PLUMB. I suggest that when we come to provide for these books, if we shall do so, we put in the price for the number of volumes we propose to buy. We are doing a very unusual thing. While I am not saying or designing to intimate that this responsibility will not be wisely exercised, it is departing from the usual legislative custom to put a responsibility of this kind, which we can exercise ourselves, in the hands of somebody else. I would suggest, therefore, to the Senator from New York, if he is not now prepared to fix a maximum price for these volumes, that he let this resolution lie over until such time as he

can come here and say that a certain price will amply compensate the editor and publisher, and put that in as a limitation on the discretion of the Committee on Printing or whatever other body of men we submit the question of purchase to.

As far as I am concerned, while I have not any doubt about the value of the purchase, at least to the extent named, still we ought to observe as far as we possibly can, I think, the essential precautions that are usually observed in matters of this kind.

While I am up, I will say that this will not be a public document. I venture to say there are not half a dozen members of both Houses of Congress who will care to distribute it to the extent of paying the postage. Now and then of course some attorney would like to have it, but it will not be in any considerable demand, and it can not be sent through the mail as a public document, it not being printed at the Government Printing Office, but being purchased. It seems to me it ought not to be published for a distribution which will not take place. But apart from that, it seems to me that in the first place we ought to determine what the book is going to cost.

Mr. EVARTS. It is certainly very advisable that at a proper stage of proceedings there should be a proper ascertainment of the value of the book that as a purchaser the United States should engage to take; and as the representatives of the United States are by the editor and the proposed publisher made the sole judges as to the price that they will pay, it does not seem to me that any complaint can be made of any undue charge by the publisher or the editor. It is submitted to the United States, represented in the two Houses by their respective committees on the subject, to determine what is a fair price for this book. Somebody must determine that price. I will agree that these chairmen ought to consult the Public Printer or the Printing Committees as to what should be a guide; and I am quite willing to add to this resolution the chairmen of these two Printing Committees. How otherwise you can determine as between buyer and seller the price that the buyer should be willing to give than by this ascertainment by competent judges and experts on his part to determine it, I can not for my life see.

This book is a work that, if left only to private patronage, would probably be put to the purchasers and to a fewer number of purchasers, at a larger price than if the Government becomes a purchaser of a certain number of volumes. It belongs to that class of publications which are mainly and principally for the use of the public service in the elucidation and exposition of the line of diplomatic and state papers that instruct us in this and that topic as it comes up for debate. And while I have every desire that nothing should be done in the way of fixing a price that is injurious or excessive, I know of no mode of fixing that price better than by that here proposed. Nor can I think that the publisher or the editor can be complained of if they leave it to the buying side of the contract entirely, for the buying party to determine it.

The book is very nearly ready to go to press; and the Department of State and the Foreign Relations Committees of both Houses are disposed to think that the sooner it is in possession of the public and of Congress the better. With that view we have promptly and unanimously reported this resolution adding only 200 copies; and I should hope that with entire unanimity we might dispose of this question with proper guards as to the protection of the public interest.

Mr. ALLISON. May I ask the Senator from New York how many volumes there will probably be of this work?

Mr. EVARTS. Two volumes, as I understand.

Mr. ALLISON. And does it comprise the correspondence, state papers, &c., of the State Department, and the decisions of the courts of the United States, and acts of Congress?

Mr. LOGAN. Mr. President——

Mr. BUTLER. Is the morning business through?

The PRESIDENT *pro tempore*. The Chair will remind Senators that the morning business has been interrupted.

Mr. BUTLER. I was under the impression that the morning business was through.

The PRESIDENT *pro tempore*. Not yet. The order stands at reports of committees. This joint resolution was taken up by unanimous consent.

Mr. LOGAN. Was this resolution reported to-day?

The PRESIDENT *pro tempore*. No; it is pending by unanimous consent.

Mr. RIDDLEBERGER. I object if it is proceeding by unanimous consent.

The PRESIDENT *pro tempore*. The Senate having given its consent to take up the resolution, it must be proceeded with.

Mr. RIDDLEBERGER. But I did not consent to debate. To take up a bill is one thing, and to debate it is another. That was the way the Chair ruled yesterday.

The PRESIDENT *pro tempore*. The joint resolution was taken up by order of the Senate, and is open to debate.

Mr. LOGAN. I desire simply by way of suggestion to say a word in reference to this resolution.

I do not know that I desire it to be considered from what I shall say that I shall oppose the purchase of this valuable work if it shall turn out to be so, but I wish to suggest to the Senator from New York that this resolution is certainly an unusual one in reference to the purchase of books. It does seem to me that this book when prepared ought to be submitted, if the Congress of the United States is to become a purchaser, to a competent committee for the examination of its contents. If they shall report to Congress that it is a work of great value and would be so esteemed by men who desire to examine into the subjects to which it relates, on a report of that character doubtless Congress would purchase the book, or at least a certain number of copies. But to agree to the resolution to purchase 2,000 volumes for the House and 1,000 for the Senate and 1,000 for the State Department, comprising two volumes, without any fixed price, does seem to me as rather an extraordinary proceeding.

I merely suggest that I think the resolution ought to lie over or go back to the committee, and let there be a proposition offered here for the examination of this work. No matter how competent this author may be, yet it will not do to take a book on trust and say that because he is a competent man therefore the book is going to be of great value. Sometimes people are imposed upon, not intentionally, by an author, but by mistake as to the value of the property he tenders or the writings that he may prepare. So it might be in this case. This man is a competent man, doubtless. He is certainly a pretty good authority on the particular question; there is no doubt about that. I admit that proposition; but at the same time, for safety, I do think that acting on the part of the people as a Congress we ought to take the steps which would make it safe and secure. It is not safe to act without an examination of the work, to see what the character of the work is and what its probable value may be to the people.

I make that suggestion to the Senator because, as I said, I do not wish to commit myself against this proposition, for doubtless it will be a valuable work. I have no doubt of that, but at the same time I do not wish to vote blindly for a resolution to purchase so many volumes of a book unknown except by mere extracts that we have from it. And it being a digest, which means a mere compilation of the opinions of courts and those high in authority in reference to foreign relations—it being of that character, I would rather see the work myself, or at least I would rather have some competent committee see it before purchasing it, than to take a leap in the dark and say that we will purchase so many volumes without fixing the price.

Mr. HOAR. I should like to ask the Senator from New York whether it is expected to compensate Mr. Wharton for his labors as editor in part in the price of the book, or whether those labors are rendered as a part of his official services as Assistant Secretary of State, or whatever the office he now holds; that is, whether we are to pay only for the mechanical execution of the book and the material, or for the editing.

Mr. EVARTS. Mr. Wharton is a very competent editor of such a work we shall all agree, I imagine, who are acquainted with him either by personal knowledge or by repute; and others can inform themselves as to the general relation of the subject. I do not understand my friend the Senator from Illinois to raise any objection to the competency of his editorship.

Mr. LOGAN. Not at all.

Mr. EVARTS. He will be in a position, if he publishes it on his own account, to fix the price at which it shall be sold in the market. Whether the production of such a work as this would warrant an expectation by the editor of an adequate amount of general patronage in the market to make the return what it should be in all respects may of course be doubted. Perhaps a conclusion might be that it would not be a venture on publishing that would be recommended. The United States is then asked at this stage of matters, when the work is substantially ready to go to the printer, to say whether it will become a patron in the market, or the purchaser of this book to the extent of a certain number of copies at such price as we may fix. That is the whole transaction as one of dealing concerning the book.

So too in regard to such consideration or approval as has already been given to the subject by the Foreign Relations Committees, if the House committee should report as they are expecting to do, I believe, a similar resolution on that committee's approval of the work, then it stands that the two Houses through their Committees on Foreign Relations have approved of the work, so that we of the committee, without dissent on the subject, have been satisfied that the work itself in its project and in its frame is valuable, that the various selected specimens which are furnished us are in accord with what should form the matter of such a book. Then the committee having access if they desire it to the bulk of the work as now ready to go to print can make further examination. Recommendations were presented from the Secretary of State and from some eminent public authorities—on such subjects, I mean, not official—and these, together with the inspection which we gave to the subject and to the specimens and to the frame and purpose, satisfied us that it was a useful book.

Now in regard to the question made by the Senator from Massachusetts, I can only say that the editor, as I understand, would be the proprietor, with the publisher, of the book after it shall have been published; and if the United States does not purchase it in any way, the United States is not a party at all to the question of the value and salable price of the book. The United States in determining (which is wholly confided to them) the price they will put upon it have a right

to regard the matter suggested by the Senator from Massachusetts as to the work proceeding out of material that is furnished by the Government itself.

I am willing that this should stand over, Mr. President, in order that we may ascertain whether it is supposed that a larger exposition of the nature of the book or a nearer ascertainment of the probable cost of the book may be reached, for I have not the least desire that this should be prosecuted except wholly in the public interest.

Mr. MANDERSON. As this matter I understand is to go over on the suggestion of the Sentor from New York, I simply desire——

The PRESIDENT *pro tempore*. Does the Senator move to lay it on the table?

Mr. EVARTS. Let it lie on the table.

Mr. MANDERSON. By unanimous consent I desire to make a suggestion in reference to the resolution.

Mr. RIDDLEBERGER. I do not consent. I object.

The PRESIDENT *pro tempore*. The Senator from New York having moved to lay this matter on the table, the question is not debatable.

Mr. EVARTS. I will recall the motion for the purpose of hearing the Senator from Nebraska.

Mr. RIDDLEBERGER. The motion can not be withdrawn after objection is made. The objection has not been withdrawn.

The PRESIDENT *pro tempore*. The Chair is of opinion that when a motion to lay on the table is pending no debate can follow; an objection being interposed by the Senator from Virginia, no debate is now in order. The only question is shall the joint resolution lie on the table? The question is on that motion.

Mr. EVARTS. I withdrew my motion for the purpose of hearing the Senator from Nebraska.

Mr. HOAR. Do not the rules expressly provide that a motion may be withdrawn before the yeas and nays are ordered?

The PRESIDENT *pro tempore*. But objection had been interposed before that proposition was made.

Mr. HOAR. But I understand the rule to be express that, objection or no objection, it is the right of any Senator who makes a motion to withdraw it unless the yeas and nays have been ordered. Now the Senator from New York made this motion; he has withdrawn it; the yeas and nays have not been called for; and therefore the matter stands open to debate as if the motion to lay on the table had not been made. That is my point.

The PRESIDENT *pro tempore*. But the Chair is of the opinion that under the circumstances, the objection having been made pending the motion to lay on the table, that stopped the privilege of debate on that proposition; and a mere withdrawal by the Senator making that motion would not renew the privilege of debate after objection had been made.

Mr. COCKRELL. What is the motion? To lay on the table?

The PRESIDENT *pro tempore*. To lay the joint resolution on the table for the present. The question is on that motion.

The motion was agreed to.

BILLS INTRODUCED.

Mr. BUTLER. Is the morning business through?

The PRESIDENT *pro tempore*. It is not. If there be no further reports from standing or select committees the introduction of bills is in order.

Mr. CALL introduced a bill (S. 2137) granting a pension to David Eells; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MAXEY introduced a bill (S. 2138) for the relief of Edward Braden and Job W. Angus; which was read twice by its title, and referred to the Committee on Claims.

Mr. DOLPH introduced a bill (S. 2139) to establish the order of promotion in the Medical Department of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2140) authorizing the Secretary of the Treasury to establish a subport of entry and a port of call at Port Angeles, Wash.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CULLOM introduced a bill (S. 2141) for the relief of John Spicer; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2142) granting an increase of pension to Mary E. Owen; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2143) granting a pension to William Wallace; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ALDRICH introduced a bill (S. 2144) granting an increase of pension to Grace F. Edes; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MILLER introduced a bill (S. 2145) to amend section 3738 of the Revised Statutes relative to the eight-hour law; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. PLUMB introduced a bill (S. 2146) to authorize and direct the Secretary of War to place on file in the War Department the names of the officers and members of the "Frontier Guards," mustered into the volunteer military service of the United States on the 18th day of April, 1861, and issue discharges to the same; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. LOGAN introduced a bill (S. 2147) granting a pension to George Faulk; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

AMENDMENT TO BILL.

Mr. MILLER submitted an amendment intended to be proposed by him to the bill (S. 2056) to amend the pension laws by increasing the pensions of soldiers and sailors who have lost an arm or a leg in the service; which was ordered to be printed and lie on the table.

WITHDRAWAL OF PAPERS.

On motion of Mr. SEWELL, it was

Ordered, That James Casey have leave to withdraw from the files of the Senate the papers in his case.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. 349) for the promotion of anatomical science, and to prevent the desecration of graves;

A bill (S. 633) to change the name of Uniontown to Anacostia;

A bill (S. 1476) to amend an act of Congress approved June 12, 1884, entitled "An act to authorize the construction of bridges across the Wisconsin, Chippewa, and Saint Croix Rivers, in the State of Wisconsin;"

A bill (S. 761) granting a pension to William Webster; and

A bill (S. 1125) granting a pension to Noah Nelson.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting a report showing the maintenance of the channel at the South Pass of the Mississippi River by Capt. James B. Eads during the quarters ending March 9, 1885, June 9, 1885, September 9, 1885, December 9, 1885, and March 26, 1886; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

TIMBER SEIZURES.

Mr. VAN WYCK submitted the following resolution; which was considered by unanimous consent, and agreed to.

Resolved, That the Committee on Public Lands be directed to ascertain by what authority timber cut on the public domain by consent and knowledge and under the rulings and instruction of the Interior and Public Land Department is seized by said Department without due process of law and ordered to be sold without any judgment or execution directing the same.

NOTICES OF BUSINESS.

Mr. MORGAN. I am directed by the Committee on Foreign Relations to give notice that to-morrow at 2 o'clock, or as soon thereafter as the business of the Senate will conveniently allow, I shall ask the Senate to go into executive session for the consideration of certain public matters.

Mr. DOLPH. I wish to give a notice. Some time since I gave notice that on a day named I would ask the Senate to take up the bill (S. 1407) in relation to Indian depredations, for the purpose of submitting some remarks upon it. When the day arrived that I had designated the Senate was so engaged that I chose to let the business of the Senate proceed without interruption. I give notice now that on Friday next, after the morning business is concluded, I shall ask the Senate to take up the bill for the purpose only of submitting some remarks.

Mr. VAN WYCK. Allow me to suggest to the Senator from Oregon that he fix 2 o'clock. The Senator can of course obtain the floor, as any Senator can, for the purpose of making remarks at any time; but if he sets a time before 2 o'clock it prevents action upon the ordinary business on the Calendar. I hope the Senator will say after 2 o'clock.

Mr. DOLPH. I prefer unless there is objection to take up the bill after the morning business, because I do not wish to antagonize the interstate-commerce bill which has been waiting so long.

Mr. VAN WYCK. I desire to state that I have on several occasions designated a time at which I should move the consideration of the bill providing for the taxation of railroad lands. I had designated yesterday previous to 2 o'clock; but the Senator from Connecticut [Mr. PLATT] desiring to take the floor at that time that was abandoned. The Senator from South Carolina [Mr. BUTLER] desires to take the floor to-day. I give notice now that to-morrow morning after the morning business I shall ask for the consideration of that bill.

Mr. BLAIR. I do not know whether we can come to have a vested right in this giving notice of what it is proposed to do. If so, I certainly have a vested right to move to-morrow morning to proceed to the transaction of pension business. I do not know but that the Senate has decided never to transact any more pension business.

Mr. VAN WYCK. Say after 2 o'clock.

Mr. BLAIR. For over three weeks I have been persistently making an effort to have a general pension bill considered, and then have three

or four cases of special acts which ought to be taken up acted on. I will give one more notice, that to-morrow morning at the conclusion of the morning business——

Mr. VAN WYCK. Say after 2 o'clock.

Mr. BLAIR. No, after the morning business I will move that the Senate proceed to the consideration of Senate bill 1886, which is a general pension bill. I hope to be able to get it acted on by the Senate.

EXECUTIVE SESSIONS WITH OPEN DOORS.

Mr. BUTLER. Is the morning business concluded?

The PRESIDENT *pro tempore*. The morning business is now closed.

Mr. BUTLER. I ask that the resolution of the Senator from Connecticut [Mr. PLATT] be taken up.

The PRESIDENT *pro tempore*. The resolution referred to will be read.

The Chief Clerk read the resolution submitted by Mr. PLATT January 29, 1886:

Resolved, That executive nominations shall hereafter be considered in open session, except when otherwise ordered by vote of the Senate.

Mr. BUTLER Mr. President, for the purposes of what I shall have to say on the resolution now under discussion it is not material when the rules proposed to be modified were adopted. I shall therefore not stop to inquire into their origin, continuance, or existence. The honorable Senator from Connecticut has given a historic narrative of the origin and operation of the rules. They have been standing rules of the Senate during my service here, and I have endeavored to give them loyal obedience. For the first time, in my judgment, a conspicuous and urgent occasion has arisen for their repeal or modification. This occasion has led me to examine with care the character and utility and object of the rules, and this has brought me to the conclusion that they ought to be abrogated. A brief comparison of the two political parties in respect to the business pertaining to executive sessions may serve to illustrate how the privileges of secret sessions may be abused.

Mr. President, when a Democratic majority controlled the policy of the Senate a few years ago it did not in secret session or elsewhere make refractory and factious opposition to the President of the United States, nor interfere with his constitutional prerogatives, nor attempt to paralyze his administration and impair the efficiency of the public service for party advantage, as the present Republican majority has done and is doing. If any body of men ever had excuse or incentive to throw obstacles in the path of a President it was that body of Democrats. Their party had been cheated by a fraud as flagrant and glaring as ever earned the execration of mankind, and the person who profited by that fraud by being inducted into the Chief Magistrate's office was bound hand and foot by his promoters to reward by appointments to offices of high trust and confidence the instruments employed to consummate the wrong, and right faithfully did he fulfill those obligations. I presume no man of any political creed or party will venture to deny this. Nobody denies it, and everybody admits it; and yet the Democratic majority made no factious opposition to the President's administration, preferring patriotically to trust to time and a returning sense of justice of the American people to right the wrong. He was given full sway to exercise his constitutional powers without let or hinderance under his responsibility to the people.

What is the present condition of affairs? We have a President whose election and inauguration were not questioned. He came into office without friends to reward or enemies to punish. He has exerted his best efforts and energies to give the people an efficient, business-like, honest administration. This, I think, is admitted on all sides, by party friends and party foes. While it can not be claimed the President has not made mistakes, it may be said with truth that all his methods of administrative reform have been in the line of improvement and in the interest of good government.

How has he been met by the Senate of the United States? By a frank, patriotic disposition to hold up his hands and re-enforce his efforts to give the people an efficient administration? Not at all, sir. But instead a carping, fault-finding, criticising, factious opposition, and every pretext to delay action on his nominations and recommendations.

Almost the first act of the majority of the Senate, or rather a relentless, incorrigible faction of that majority, which had dragooned its associates into acquiescence, was to call upon the President for his "reasons" for exercising his discretion under the Constitution, with which this Senate had no more to do than the council of Choctaws. "Reasons" were what was first asked for, and there is no use denying it, for the honorable Senator from West Virginia [Mr. KENNA] produced the record, as did other Senators. Discovering the absurdity of such a demand it was abandoned with ill-disguised humiliation, and "papers on file" were asked for. "Papers on file" which influenced or controlled the executive mind in the exercise of a legal discretion. These were properly refused, because the Senate has nothing to do with the exercise of that discretion. It was an officious, unwarranted invasion of the constitutional rights of the Executive, entered upon not to correct an abuse or promote reform, but to score a point for party, and the President would have been unworthy his high office and untrue to his obligations and trusts if he had not resisted and refused compliance with such a demand.

What do we see as the result? This same faction of the same majority taking the ground they will not confirm nominations made by the President, however meritorious and fit, however much the public service may suffer, however unwarrantable such a course may be made to appear; they will block the wheels of Government and paralyze the executive power if their partisan demands are not complied with. That is the position, sir, stripped of all disguises and pretenses. As well might we say to the Chief-Justice of the Supreme Court, if you do not transmit to the Senate the authorities and reasons which influenced your judicial discretion in a certain decree we will withhold the necessary appropriation for the transaction of the business of your court. What would be thought of such a proposition? And yet it is no more absurd and untenable than that into which this faction is trying to drag the Senate—into which it has drawn it.

There are great numbers of nominations now held by committees; nominations to fill vacancies created by resignations or terms expired, not by suspensions or removals, on which action is refused to the great detriment of the public service, to say nothing of injustice to the persons nominated. Is this done to promote good administration or gratify party spleen or gain party advantage? Admit for the sake of the argument the President has done wrong, would that be held a justification for the Senate in doing wrong by withholding consideration of the President's nominations? That seems to be the proposition. But when it is demonstrated over and over again the President was right, how can it be maintained with any show of consistency or reason that the Senate is justified? I shall not attempt, Mr. President, to restate the arguments so forcibly urged in support of the President's position.

But I desire to call attention to the situation to justify in part the vote I shall give in favor of the pending resolutions. I want the doors of this Senate thrown open and nominations of the President acted upon in open session in order that the country may be advised and informed of how frivolous and pretensive the grounds upon which action is refused and the responsibility lodged where it belongs.

It has been my habit to proceed cautiously and guardedly in such innovations as is proposed by this resolution, but with my sense of obligation and duty to those who have sent me here I can not longer permit such injustice to their rights without at least an effort to correct it, and this seems to be the most efficacious remedy. Aside from the foregoing considerations, Mr. President, my experience here convinces me there is no necessity or excuse for secret sessions except, perhaps, in considering treaties with foreign countries. It is a somewhat curious fact that this is the only parliamentary body of importance in the world, with perhaps one exception—to which I will refer later—which has among its rules of procedure provision for secret sessions.

Some days ago I addressed a letter to a distinguished representative of each of the Governments of Great Britain, France, Germany, Spain, and Mexico, making inquiry in regard to secret sessions in their respective parliamentary bodies, and also in regard to the manner of making appointments to office, and whether parliament or either branch had any supervision over appointments.

All have done me the honor to respond except the representative of Spain, and I submit extracts as follows. Referring to the British Parliament, my correspondent says:

I beg to inform you that no "executive" or "secret" session can be held in either house of the British Parliament. It is, however, competent for any member of either house of Parliament to move "that the galleries be cleared," but such a proceeding is unusual.

The executive session of the Senate of the United States does not obtain in English parliamentary procedure with regard to government appointments to office in England; neither house exercises any control with the exception of the officers of the two houses; they all emanate from the crown and the executive departments, subject to entrance by open competitive examination under the civil-service commission.

In regard to France, the reply is as follows:

WASHINGTON, *March* 31, 1886.

MY DEAR SENATOR: In reply to your inquiry of the 30th instant I have the honor to inform you that executive (secret) sessions are unknown in the rules and regulations of the French Parliament. With regard to appointments to office, they are made in France to commissioned officers by decree of the President of the French Republic, after having been proposed or recommended to him by the cabinet member of whose department this special officer depends. Officers of a lower rank are appointed by arrêté of the respective member of the cabinet alone.

All appointments in France are therefore solely made by the executive power, and entirely without the advice or consent of either senate or the "chambre des deputés" (chamber of deputies).

Members of the senate or of the chamber are, however, authorized to ask the respective member of the cabinet (ministré) questions (which are not voted upon) or to make interpellations regarding the appointments concerning his department. The parliamentary body then, after hearing in open session the minister's explanation, gives him the majority or puts him in the minority. These votes are, however, generally without result.

Yours, respectfully, &c.

The rules in the Mexican Congress will be understood from the following:

In reply to your favor of yesterday, inquiring if the Mexican senate has any rules for the holding of secret sessions and what matters are treated therein, I have the honor to inform you that the two houses of the Mexican Congress are governed by the regulations of December 23, 1824, which were substantially copied from those of the Spanish Cortes in force at that time, with the modifications consequent upon the republican form of government which was adopted by the Mexican constitution of October 4, 1824. The articles of said regulations

referring to secret sessions are marked under numbers 34, 35, and 36, of which I inclose you a translation.

Although those regulations have been since amended on some points, I understand that the above articles are yet in force.

With sentiments of the highest esteem and consideration, I am, sir, your obedient servant.

[Translated from the rules of the two houses of the congress of the union of December 23, 1824.]

"SEC. 34. Secret sessions shall be held on Mondays and Thursdays of every week for the discussion of matters requiring secrecy, commencing at 1 o'clock in the afternoon.

"SEC. 35. Should any matter of that kind come up outside of those days, not admitting of any delay, secret sessions shall be held at the opening or closing of the public session, on motion of a member of congress or of the speaker thereof, or at the request of the members of the cabinet on behalf of the government of the republic.

"SEC. 36. There shall be presented at secret session:

"1. Any charges which may be made against the members of the two houses, or of the president or vice-president of the republic, the members of the cabinet, governors of the states, or judges of the supreme court.

"2. Any communications marked confidential addressed by one house to the other.

"3. Matters of a purely economic character of the house.

"4. Ecclesiastical or religious matters.

"5. Other matters considered confidential by the president or the members of the cabinet."

In my letter, to which this is a reply, I omitted to inquire as to how appointments are made in Mexico, and hence the absence of the explanation.

The constitution of the German Empire provides as is set forth in the following letter:

MARCH 31, 1886.

MY DEAR GENERAL: I have the honor to answer your inquiries of yesterday as follows:

1. Article 22 of the constitution of the empire says: "The discussions of the Reichstag take place in open session." No secret sessions are mentioned.

2. Article 18 says: "The emperor makes the appointments to the offices of the empire." These appointments do not require any parliamentary confirmation.

With assurances, &c.

It may be insisted that the examples cited have no force or application, because the parliaments have no executive functions, no control over executive appointments, and therefore there is no occasion for secret or executive sessions. It appears, however, in point of fact, both the British and French Parliaments have the right to question executive officers in regard to appointments, and to that extent they have executive functions. Further on in this discussion I shall refer to an improvement which I think would accrue to our service if the same right should be allowed this body. Whether these foreign parliaments are endowed with executive functions or not does not affect the principle I contend for, and so ably and forcibly presented by the Senator from Connecticut [Mr. PLATT] in his exhaustive argument yesterday in behalf of open sessions.

Is it not somewhat remarkable that this Government, boasting of the sovereignty of the people, of its representative character, its free institutions, the direct responsibility of its officials to the people, the freedom of discussion on public matters, the influence of popular opinion, should be the only one in the family of great nations to close the doors of one branch of its Congress while considering questions of administration vital to the people's interest? Is there anything connected with the conduct of the affairs of the people more important to them than the character of the officials who are appointed to discharge a public trust? If not, why should the consideration of their appointments be concealed from the eyes of the public? There is really no good reason for it. The Constitution does not command it. There is no law directing it. The contemporaneous discussions do not disclose the object for which they were first adopted or why they were continued. The deliberations of the Continental Congress from 1774 to 1789 were all conducted in secret session, and the first three Congresses under the present Constitution, to 1794, were also held in secret.

I can account for this on no other hypothesis than that at the time this Government came into existence there was among the despotic nations of the Old World great jealousy of the principles upon which it was founded, and a corresponding caution in its deliberations and conduct to baffle the designs and thwart the intrigues of its enemies and strengthen the faith and confidence of its friends. Absolutism, despotism, imperialism, monarchy, feudalism, or by whatever name you may call it, had not relaxed its hold upon the throats of the people. France had made a spasmodic, desperate effort for liberty, but licentiousness, mistaken for "liberty and equality," paved the way for the first empire. Our struggle and success filled the crowned heads and despotisms with alarm, and they would spare no pains to obstruct the march of liberty regulated by law. Under these circumstances, the statesmen of that early day no doubt felt justified in hedging their deliberations about with the mystery of secret sessions, profiting by whatever protection they afforded the young Republic against its enemies.

Secret sessions, a necessity perhaps at first, grew into a practice and have been handed down as institutions sanctioned by custom. If this hypothesis be correct, the reason upon which the custom was founded no longer exists. We were then weak, more or less timid in dealing with foreign nations, not sure of our foothold as a government even with our own people.

Not so now. We are strong, independent, and fully abreast of the great nations of the earth, and except in transactions involving diplomatic considerations, having nothing to conceal or fear from foreign powers and surely nothing to conceal from our own sovereign. Is there anything in the administration of a popular government that requires concealment from the sovereign—the people? Surely not.

We are here as the agents and servants of the people, exercising a trust for them. As I have already suggested, should they not have a full and complete account of how that trust is discharged? It would seem so; and yet when we come to transact administrative duties as important as any other, namely, pass judgment on public officials, we shut the doors, close the blinds, and shroud ourselves in the mystery of secret sessions—at least that is the purpose, although it is not always realized. Besides, Mr. President, there is such a thing as obsoleteism in government as well as in laws. What is wise and proper to-day may be wholly inapplicable and insupportable a quarter of a century hence. In the half century just passed, steam and electricity have revolutionized commerce all over the world. Modern discovery in science and art, labor-saving implements, popular enlightenment and intelligence, and popular demands have upset our old methods of doing business. Our modern system of banking, the clearing-house, checks, and exchanges, have set aside the business methods and established business relations entirely different from those in use before the late improvements—if they are improvements; many old customs in every branch of human affairs have yielded and passed away before the march of new ideas and habits and processes. I do not know that I can better explain what I mean by obsoleteism as applied to this question than by quoting from the language of Chancellor Dargan, one of the most learned and distinguished jurists South Carolina has ever produced, in delivering the opinion of the court in the somewhat celebrated case of Jaggers vs. Estes (3 Strobhart's Equity). Discussing the flexibility of the common law, he said:

> There are many principles recognized as law in South Carolina, as well as in England, not founded upon statute, that are diametrically opposed to what was considered the well-established principles of the common law. It is a system of law resting for its authority upon usages, and these usages are evidenced by judicial interpretations and the decision of cases brought before the courts for adjudication.
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> From such a system we must naturally look for mutations, and even revolutions, in the judicial exposition of the law. Upon such a code it would be unreasonable to expect that the changing features of each succeeding age would not be characteristically impressed. The common law has ever been admitted to possess a remarkable flexibility, which renders it capable of being adapted to the ever-varying wants of a progressive civilization in matters too minute or unimportant to call for legislative action. Upon the principles of obsoleteism (if I may use the expression) it drops, or throws off by its own inherent energy, that which the progress of society has rendered useless or inexpedient, and by the same vital force it eliminates new principles and develops extensive branches of jurisprudence, which are found in the ancient system, if there found at all, only in a rudimental state.
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> The common law of early times was the code of a semi-civilized people, in a state of military subjection to feudal chiefs, with little wealth and few wants. It was then as rude as their own manners, or their own early Gothic manners. What is it now? A vast system of jurisprudence, admirably adapted to the necessities of a great, powerful, and wealthy people, possessed of a commerce, and boasting a refinement and civilization which surpass that of any other people of any other age of the world. Ponderous in its proportions, it is yet perfect and complete in its finish; alike adapted to the greatest exigences and interests as well as the minutest wants of society. How has this vast and complicated system been built up? In the progression of ages, mainly by what is opprobriously termed judicial legislation. Thus it is that the common law to-day is not that of fifty years since, nor that of fifty years since the common law of the preceding century. Nor is the common law of South Carolina always that of the mother country. It has, in many particulars, received a new impress and a new direction from our peculiar circumstances, habits, and institutions; and it would be absurd to say that we are under any obligation to follow the decisions of the English courts with blind submission.

So it is, Mr. President, with many things in the administration of this Government and of all governments—the principle of obsoleteism obtains, and it obtains here. The rule sought to be repealed by these resolutions ought to be repealed. Every deliberative assembly has an inherent right and power to close its doors whenever a majority of its members so decide. A convention immediately from the people has the power—and sometimes in cases of great emergency exercises it—of deliberating with closed doors, but there, as here, this course ought to be the exception, rather than as here, where the open executive session is the exception. Instead of greater secrecy in our deliberations there ought to be greater publicity. None but those who could stand the focused light of the public gaze would be sent to us, and great good would accrue to the public service. Opportunity would not be given the assassin of private character to secretly ply his avocation. Many an improper person would be kept out of Government employment and many a good man would escape slaughter in the darkness of secret sessions.

We have heard a good deal about "star-chamber methods" of the President in withholding his reasons for removals or suspensions—notably the Senator from Iowa [Mr. WILSON], who, among other things, said in his speech of March 11:

> Thus the assumed kingly prerogative of the President places under lock and key the public records of the country, and denies the information which they contain, even in confidence, to the Senate, notwithstanding the President is, at the same time, asking it to advise and consent to the consummation of the assault, implied from his own professions of reform, which he has made on the character and reputation of the citizen concerned.

And again he said:

> No matter what may be the grade of crime to him imputed, whether the gravest known to the law or the most insignificant found in its definitions, he is entitled to enjoy all of the protective forces organized by this imperial article of

the Constitution. It is a superb monument marking the place where our fathers buried the star-chamber practices which charged, tried, and condemned men without notice or hearing.

Reference is here made to the sixth article of the constitutional amendments.

Mr. President, what was the method invented for the surrender of the professed reform purposes of the administration to the pressure of partisan demands? Simply the star-chamber method of inviting assaults upon the characters and reputations or the personal or official conduct of officers, and denying to them knowledge of the nature of the charges presented, and refusing opportunity for answer thereto. It was a simple process, but it was a wrong one. It answered the purpose of every citizen suspended from office. The legend "no secrets here" is taken down from its place above the "glass doors" of the abode of the administration, and the public official files are stowed away in dark closets under lock and key, all in the name of reform and the public interest.

Again he says:

The star-chamber method of procedure will never be approved by the people of this country. Any administration that insists upon its establishment will be execrated by the people, for partisan zeal can not outlive that devotion to fair play, exact justice, frank methods, and conservative regard for the rights of the citizen which is characteristic of our people.

Let us apply these emphatic observations of the distinguished Senator to our own "star-chamber methods," and correct them before going out of our way to assail another and co-ordinate branch of the Government.

The Senator from Indiana heads his fierce assault on the President in conspicuous head-lines, "Relations between the Senate and Executive Departments—Star-Chamber Methods," and then proceeds with most vigorous language:

That is the issue, and great as the constitutional questions involved here may be, it is practically a greater question whether this Government in its civil-service shall be administered as in a star chamber where accusations may be lodged and heard and decided without the knowledge of the man whose interests are to be affected and whose character is to be blackened."

After exciting the Senate alternately to tears with a pathetic recital of the sorrowful woes of Mrs. De la Hunt and the wrongs perpetrated on the "poor soldier," and to laughter by his vivid and hilarious description of the likeness of the Republican candidate for Vice-President [Mr. LOGAN], the Senator says:

Let us uncover this, Mr. President. I would like to have the world know, I would like to have the people of Indiana know just who it is here or in the House of Representatives that would file such charges and ask removal upon such a basis, and then recommend men of the description I have named to fill the place. I know what our good people would think of it. I know they would think it was a base and an insincere thing whoever did it. Let us uncover this box. The President may not know this. I can not but believe, as I say, that there are secrets here hidden from him, and that he ought to know of them, that he ought to know whether he has been trusting men in their recommendations for office who are asking him to turn out men as offensive Republicans and to put in men who put their claims to the office upon the ground that they want its emoluments to run a Democratic newspaper, and on no other ground in the case I have supposed. He ought to know it. If he is sincere, as I must assume, it would shake his confidence in some of his advisers, and there may be more excuse for the President than many of us are willing to admit in the unreliable character of his advisers.

From these expressions of the two Senators, so earnest and emphatic against "secret star-chamber methods," I shall expect them to aid in "uncovering this box" of ours. Will they have the courage to open the doors of this Senate so that the public may see the charges preferred against the President's nominations on which they have been held by these Senators for months and months? I doubt it. Other Senators on that side of the Chamber, with varying phrases and terms, have severally denounced the President for "withholding papers" from the Senate. Let us see if they will continue to withhold papers from the public. I have said, Mr. President, there is no constitutional mandate for "secret sessions." The only reference to secret sessions is found in paragraph 3, section 5, of Article I of the Constitution, which says:

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy.

This provision is an affirmative recognition of that inherent power in all deliberative bodies, whether the business is legislative or executive.

It has been repeatedly affirmed in these halls and outside that Congress is the grand inquest of the country, and our secret sessions have been likened to the secret proceedings of a grand jury.

There is no analogy. There is nothing inquisitorial in the powers of Congress. They are purely legislative, except the executive functions of the Senate in regard to appointments and treaties and its judicial functions in impeachments; but there is nothing inquisitorial in these. No, Mr. President, it is misconception of the high duties of Congress to say they are inquisitorial. A most pernicious practice has grown up of appointing committees of investigation with powers intended to be inquisitorial (but when put to the test fortunately failed), to look into every conceivable complaint however frivolous or absurd. It is a most pernicious practice and ought to be abandoned. Committees of investigation may be properly authorized when information is sought to aid legislation, but very rarely otherwise. My observation and experience teach me that the nearest and surest and safest road to reform in the civil service is to throw wide open our doors for executive as well as legislative business and compel by law the members of the President's Cabinet to come upon the floors of Congress at stated times to answer questions, participate in debate, but without a vote, as was proposed by the bill of Hon. George H. Pendleton, late a Senator on this floor.

Nothing, in my opinion, would contribute more to that harmony and intelligent intercourse between the two co-ordinate branches of the Government so essential to orderly and efficient administration. Some have apprehended from this innovation an undue influence by the Executive; but, Mr. President, this, I submit, is also a great mistake and delusion. There is much more danger from legislative than executive encroachments; much more danger of converting this into a parliamentary—a government of unrestrained majorities—than a one-man government. The time for executive usurpation of power is passed and will not return until chaos reigns and the sword will have to be drawn to restore and preserve order. Let us hope that that time is in the very distant future if it must come, and that the true and fundamental principles of popular government may survive all encroachments from every source.

It has been said, Mr. President, that the sovereign of Great Britain reigns but does not govern, the President of the French Republic neither reigns nor governs, and that the Chief Magistrate of the United States governs but does not reign. This is in a measure true. The President of the United States governs by faithfully executing the law as laid down in the Constitution and laws of Congress. His power to govern does not extend one hair's breadth beyond that, and when he exceeds this jurisdiction he becomes a usurper and revolutionist. But in his faithful execution of the laws lies the strength and power and invincibility of this Government. Wise and just laws enacted by the legislative branch of the Government, faithfully executed by the executive, and honestly construed and interpreted by the judicial is the full measure of a perfect representative government, embracing the best principles of civil liberty and preserving the most cherished muniments of human rights.

The PRESIDENT *pro tempore*. Does the Senator from South Carolina desire any action on the resolution?

Mr. BUTLER. The Senator from Connecticut [Mr. PLATT] has charge of the resolution.

Mr. BLAIR. I move to take up Order of Business 347.

Mr. CULLOM. If the Senator from South Carolina is through with his remarks——

Mr. BUTLER. I am.

Mr. CULLOM. I understand that my colleague does not desire to go on to-day; and as it is within a few minutes of 2 o'clock, I ask that the unfinished business be now taken up.

Mr. BLAIR. I ask that the pension bill be taken up, and then it will be the unfinished business in the morning hour. ["No!" "No!"]

Mr. RIDDLEBERGER. Before the hour of 2 o'clock arrives I desire to offer an amendment.

The PRESIDENT *pro tempore*. The Senator from Illinois [Mr. CULLOM] has submitted a motion.

Mr. BLAIR. I rose and addressed the Chair and made a motion before the Senator from Illinois was on his feet.

The PRESIDENT *pro tempore*. The Chair recognized the Senator from Illinois first.

Mr. BLAIR. That may be, but I addressed the Chair very distinctly before the Senator from Illinois rose, and stated my motion and named the bill or the order of business when the Senator from Illinois addressed the Chair.

The PRESIDENT *pro tempore*. Does the Senator from Illinois yield to the Senator from New Hampshire?

Mr. CULLOM. I will yield, with the understanding that at precisely 2 o'clock the unfinished business shall be taken up.

Mr. BLAIR. I only desire to take the bill up that it may be read and that it may be the unfinished business in the morning hour. I do not wish to interfere with the Senator from Illinois at 2 o'clock.

Mr. CULLOM. I yield.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the Senate proceed to the consideration of a bill.

Mr. RIDDLEBERGER. I ask the Senator to allow me to offer an amendment to the pending resolution, on which I do not propose to make a remark.

Mr. BLAIR. I ask for action on my motion and then I will yield to the Senator.

Mr. FRYE. There is no such thing as unfinished business in the morning hour.

Mr. BLAIR. I understand that technically, but the Senate extends the courtesy of unfinished business in the morning hour, and has done so for several days.

Mr. FRYE. Not at all.

Mr. RIDDLEBERGER. I ask the Secretary to take down my amendment, which is by way of substitute for the pending resolution; so as to make it read:

That all matters other than those relating to treaties shall be considered and acted upon by the Senate in open session.

The PRESIDENT *pro tempore*. If there be no objection the amendment will be received and printed.

Mr. LOGAN. I yesterday gave notice that after the Senator from South Carolina was through I would take the floor; but there are only five minutes of the morning hour left. I desire it to be understood that I shall have the floor to-morrow morning during the morning hour.

The PRESIDENT *pro tempore*. The Senator from Illinois will be recognized as entitled to the floor when the subject is resumed.

Mr. LOGAN. Very well.

PENSION TO SOLDIERS AND DEPENDENT RELATIVES.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New Hampshire [Mr. BLAIR], to proceed to the consideration of the bill named by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1886) for the relief of soldiers of the late war honorably discharged after six months' service, who are disabled and dependent upon their own labor for support, and of dependent parents of soldiers who died in the service or from disabilities contracted therein.

Mr. BLAIR. Mr. President, the Senate will remember that in the last Congress a general bill was passed by this body covering substantially all the inequalities and deficiencies existing in our pension laws or in the administration of them. That bill had been prepared with great care, the advice of the Pension Office had been taken, a great amount of data had been collected, and it was thought best by the committee of the Senate, and the judgment of the committee was ratified by that of the Senate also, that the bill included substantially all the legislation that seemed to be necessary as bearing upon the interests and as doing justice to the soldiers of the country in whatever war they may have been engaged. That bill passed the Senate and went to the House, where it failed. It was introduced at the beginning of this session in the Senate and also in the House, but difficulties arose in regard to dealing with the bill as a whole, and it was thought best to report separate bills covering the leading features that were embraced in the one I have referred to; and this bill now before the Senate contains a few sections eliminated from that bill. This is in terms the same, and its merits have already been discussed and considered.

It was estimated that the bill to which I have referred would have added to the annual burden of the country in the way of the pension-list about $50,000,000. In the nature of things it was impossible to compute the increase of the public expenditure with absolute accuracy, but from the best information that could be obtained the sum would have been about $50,000,000. I think the amount called for by this bill, should it become a law, would be somewhere from fifteen to twenty-five million dollars.

Mr. CULLOM. I supposed the Senator was only going to make a remark. The hour of 2 o'clock has arrived.

Mr. BLAIR. I stated distinctly that I did not propose to interfere with the Senator, and I do not think he should interfere with me.

Mr. CULLOM. I am not disposed to do so, and I did not understand that I was doing so. I am willing the Senator should finish his remarks, but I want the unfinished business laid before the Senate.

The PRESIDING OFFICER (Mr. CHACE in the chair). The Chair will lay the unfinished business before the Senate.

Mr. CULLOM. Then I have no objection to yielding informally so that the Senator may conclude.

The PRESIDING OFFICER. The unfinished business will be stated.

The CHIEF CLERK. A bill (S. 1532) to regulate commerce.

Mr. BLAIR. I did not propose to interrupt the Senator by going beyond 2 o'clock. I was simply proceeding until in the ordinary way the Chair laid the unfinished business before the Senate. I am perfectly willing now to yield to the Senator.

Mr. CULLOM. The Chair was waiting, I take it, to let the Senator conclude without interruption. The Senator may have a few minutes if he desires.

Mr. BLAIR. I will not occupy the time further than to state that to the best of my ability to form an estimate upon the public expenditure resulting from this bill if it should become a law the amount will not be more than $25,000,000. It includes all those soldiers who, being honorably discharged, are now suffering from any disability, however contracted, provided the disability is not the result of any fault of their own, who are also, in addition to being disabled, dependent upon their own labor for support. It also includes dependent parents. Where both parents are living, it includes the mother. Where the mother is dead and the father is dependent, he is embraced in the provisions of the bill.

There are many reasons that could be assigned why this bill should become a law. I may advert perhaps to one of them. The Senate is aware that for many years what is known as the Mexican pension bill has been pressed, and I think meritoriously and with great persistence, upon the attention of the country. It has, however, always embraced one feature which, while adding very largely to the expense perhaps of administration should the Mexican pension bill become a law, would have been exceedingly dangerous to the Treasury of the country by reason of the precedent which it would contain for the almost immediate application of the principle of service pension to the soldiers of the late war. That principle and the proposition to apply it to the soldiers of the late war has already obtained a great deal of consideration in the country.

It may be that Senators will remember, those who were here during the last Congress, that a very large number of the Grand Army posts of the country memorialized both Houses in favor of the passage of a service-pension law embracing the soldiers of the war for the Union. It would be impossible for any one probably to estimate the expense of such a law, because no one can tell how many of the soldiers of the war for the Union are still surviving; but I do not think if it should become a law it would add any less than one million names to the pension-roll of the country. I do not think that the expenditure under such a law would be less than $150,000,000, and I hardly think less than $200,000,000 annually.

Notwithstanding this immense expenditure, this great burden which by such a law would be cast on the finances of the country, there has grown up a very strong feeling that something like justice demands the passage of this bill, and there is a still stronger feeling that it is the duty of the country to see that those who engaged in the war for its preservation and who are now for any cause disabled, provided it is not a cause attributable to their own vice or their own wrong practices, and who are also dependent upon their own labor for support, should receive from the country itself that assistance which must come from somebody, either from their friends, who usually are as impoverished as themselves, from local charity, from the ordinary charity provided for the paupers in the various States, or through the Grand Army of the Republic, which has undertaken the support of this class of our soldiery to as great an extent possibly as it is able to bear.

The Senator from Illinois desires to proceed with his bill, and I will take the opportunity of submitting what further remarks of a general character I wish to make on this bill when it comes up again.

Mr. COCKRELL. Will the Senator from Illinois permit me to ask the Senator from New Hampshire one question in connection with this pension bill?

Mr. CULLOM. I yield for that purpose.

Mr. COCKRELL. What will be the change between the amount allowed under this bill and under the regular laws now?

Mr. BLAIR. The bill provides, so far as dependent parents are concerned, for the same increase from $8 to $12 a month as has already been provided in the bill, which has become a law, for widows. The provision in this act for those who may be disabled and also dependent upon their own labor for support is a sum not exceeding $24 a month. The Senator will find in line 18 of the first section on the second page the provision covering the point to which he has referred:

> The highest rate of pension granted under this section, which shall be for total incapacity to perform any manual labor, shall be $24, which is hereby made divisible upon that basis for any less degree of disability.

Mr. COCKRELL. What is it now by law?

Mr. BLAIR. There is no provision made for cases of this kind by law at all. This bill proposes to give pensions to an entirely new and different class. It may include those who would be entitled to pensions under the general laws already existing, but who, on account of the failure of proof and for other reasons, may find it difficult to establish their right, and see proper, being disabled—that being a matter easily demonstrable—and also poor, to take their claim from the General Government under this bill, thereby waiving their right under the general laws already existing.

Mr. COCKRELL. The point I want to get at is, would not this bill practically increase the rate of pension from $8 to $24 a month?

Mr. BLAIR. No, because it would not be given in any case where a man draws pension under the general law. He must make his election. If he draws his pension under the general law, then he can take nothing under this bill.

Mr. COCKRELL. Would not all the applicants necessarily place their applications under this law and draw $24?

Mr. BLAIR. No, not at all. This bill would allow a pension of only $24 at the uttermost, whereas under the general law a pensioner might receive $72. If he chooses to take under this bill, he can get but $24.

Mr. CULLOM. I think I shall have to proceed with the regular order.

Mr. VAN WYCK. If the Senator will yield a moment, I desire to offer an amendment to the bill of the Senator from New Hampshire. There is one feature in the bill that I did not understand, though I am on the Committee on Pensions. Therefore it is that I desire now to offer as an amendment this proviso, which I will explain at another time.

Provided, That no soldier under this act shall receive less than $8 per month.

Mr. CULLOM. Now I ask for the regular order.

INTERSTATE COMMERCE.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1532) to regulate commerce.

Mr. CULLOM. Before proceeding to make any remarks in regard to the bill, I desire in behalf of the committee to offer a few amendments, which are mainly formal.

I offer first an amendment to section 5, lines 16 and 17. The amendment is, to strike out, after the word "the," in line 16, all down to and including the word "and," in line 17, as follows: "manner, extent,

and localities to which they shall apply and" and to insert in lieu thereof the word "places."

Mr. HARRIS. Will the Senator please repeat the lines? I did not catch them.

Mr. CULLOM. I propose an amendment to section 5, commencing in line 16, after the word "the," by striking out the words "manner, extent, and localities to which they shall apply and" and inserting in lieu of those words the word "places;" so as to read:

And said commission shall from time to time prescribe the measure of publicity which shall be given to such rates, fares, charges, and classifications, or to such part of them as it may deem it practicable for such common carriers to publish, and the places in which they shall be published.

The amendment was agreed to.

Mr. CULLOM. I move to amend section 5, line 29, by inserting the word "previous" between the words "without" and "public;" so as to read:

No advance in such published rates, fares, charges, and classifications shall be made except after ten days' public notice, but reductions in the same may be made without previous public notice.

The amendment was agreed to.

Mr. CULLOM. I move in the same section, line 31, to strike out the word "changes;" and also in line 32, after the word "and," to insert "of changes in;" so as to read:

And the commission shall prescribe the manner in which notice of advances and reductions in such published rates, fares, charges, and of changes in classifications shall be given.

The amendment was agreed to.

Mr. CULLOM. In section 7, line 7, I move that the word "one" be stricken out before "thousand" and "five" inserted; so as to read:

SEC. 7. That any common carrier who shall willfully do, cause to be done, or permit to be done any of the acts, matters, or things in this act declared to be unlawful shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in any district court of the United States within whose jurisdiction such offense was committed, be subject to a fine of not more than $5,000 for each offense.

The amendment was agreed to.

Mr. CULLOM. In lines 9 and 10, of section 7, I move that the words "its principal" be stricken out before the word "officer;" in the same line, after the word "officer," to strike out the words "or traffic manager, by whatever name called, or the;" in line 9, before the word "officer," to insert "any;" and after the word "person," in line 10, to insert the words "connected therewith;" so as to read:

Provided, however, That whenever such common carrier is a corporation, any officer, agent, or person connected therewith who shall be guilty of any such violation of this act, &c.

The amendment was agreed to.

Mr. CULLOM. Then in line 15 of the same section, I move to strike out the word "one" and insert "five;" so as to read:

Provided, however, That whenever such common carrier is a corporation, any officer, agent, or person connected therewith who shall be guilty of such violation of this act, shall be personally liable as and for a misdemeanor, and, upon conviction thereof in any district court of the United States within whose jurisdiction such offense was committed, shall be subject to a fine of not more than $5,000 for each offense.

The amendment was agreed to.

Mr. BROWN. I did not get the Senator's statement of the previous amendment.

Mr. CULLOM. I will again read the clause as proposed to be amended.

Provided, however, That whenever such common carrier is a corporation, any officer, agent, or person connected therewith who shall be guilty of any such violation of this act, &c.

The PRESIDING OFFICER. Does the Senator from Georgia object?

Mr. BROWN. No.

Mr. CULLOM. The Senator is only trying to get the words. Then in section 12, after the word "commission," in line 20, I move to insert:

And to the satisfaction of the party or parties complaining.

So as to read:

And if, within the time specified, it shall be made to appear to the commission that such common carrier has ceased from such violation of law, and has made reparation for the injury found to have been done, in compliance with the report and notice of the commission, and to the satisfaction of the party or parties complaining, a statement to that effect shall be entered of record by the commission, &c.

The amendment was agreed to.

Mr. CULLOM. In section 9, lines 10 and 14, I move to insert the words "and testimony" before the words "of witnesses" in each of those two lines; so as to read:

And for the purposes of this act the commission shall have power to require the attendance and testimony of witnesses and the production of all books, papers, tariffs, contracts, agreements, and documents relating to any matter under investigation, and to that end may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of books, papers, and documents under the provisions of this section.

The amendment was agreed to.

Mr. CULLOM. These are the only amendments I desire to offer; and I now wish to say a few words generally with reference to the bill.

I am not disposed to discuss the general subject of the regulation of interstate commerce, for the reason that it was very extensively discussed during the last term of Congress when the bill was before the Senate for consideration, and I think the Senate and the country generally agree that some legislation ought to be enacted.

The select committee appointed by the Senate about a year ago has prosecuted the investigation it was charged with, doing as best it could. It has made its report to the Senate, which report, with the testimony taken, is before the Senate and the country, and along with it the committee reported the bill now under consideration.

I believe I am justified in saying that there is no subject of a public nature that is before the country about which there is so great unanimity of sentiment as there is upon the proposition that the National Government ought in some way to regulate interstate commerce. The testimony taken by the committee shows conclusively to my mind, and I think to every man's mind who reads it, that there is a necessity for some legislation by the National Government looking to the regulation of interstate commerce by railroads and by water ways in connection therewith.

I believe the time has gone by when it is necessary for any one to take up the time of the Senate in discussing the proposition that Congress has the power to regulate interstate commerce. These questions have been discussed over and over again in Congress, and the highest judicial tribunals of the country have decided over and over again that Congress has the power to regulate commerce among the States. So I do not feel at liberty, if I were disposed, to occupy the attention of the Senate in discussing the general question of whether the people of the United States want Congress to do anything, or whether there is any necessity for our doing anything, or the question of the constitutional right of the Congress of the United States to pass some act regulating commerce among the States.

If the three propositions are correct, that the public sentiment is substantially unanimous that we should act, that the necessity for action exists, and that the power of Congress is admitted, the only question left is what Congress ought to do specifically; in other words, what kind of an act should Congress pass? The committee has reported a bill which is the best judgment that the committee had upon the subject, and I may say about which substantially the committee is unanimous in its judgment in favor of it. There may be one or two points in connection with the bill that the committee was not entirely unanimous concerning, but which I will only intimate may be so.

So, Mr. President, all I desire to do in connection with the bill is to explain as specifically as I can, without taking up too much time, the meaning of the provisions of the bill, and the reasons, very briefly suggested, for the provisions of the bill as they are contained in it.

The general legislation proposed in the bill is contained in the first seven sections, the remainder being devoted to the organization of a commission and to the details of its operation as a means of securing the enforcement of the act.

The general theory of the measure is that as unjust discrimination in its various forms is recognized as the chief of all evils growing out of the existing methods of railroad management it is the duty of Congress to strike at that evil above all things else. The bill has accordingly been drawn with that end in view. The first section defines and prescribes the scope and application of the bill. The second, third, and fourth sections specifically prohibit and declare unlawful the various forms of unjust discrimination between persons, between different commodities or particular kinds of traffic, and between places. The fifth section requires the publication of rates and declares it unlawful to charge more or less than the public rates. The sixth section provides that shipments shall be considered as continuous from the place of shipment to the place of destination, and prohibits combinations to evade the provisions of the act by breaking of bulk, carriage in different cars, transshipment, or other devices. The seventh is the general-penalty section. It makes the performance of any acts declared unlawful in the preceding sections a misdemeanor and fixes the penalty.

In connection with these sections I desire to call attention to section 20, in which it is expressly stipulated that the provisions of this act shall not in any way abridge or alter the common-law remedies now open to the shipper, but shall be considered as in addition to such remedies, except that the remedy at common law and that proposed in the bill shall not both be prosecuted at the same time. Under the terms of the bill no one is obliged to appeal to the commission, and two courses are open to any one who may be aggrieved by the violation of any one of these general provisions which I have mentioned. He is simply obliged to elect which course he will adopt, and may at his own pleasure either bring suit in the courts on his own account for the recovery of overcharges or damages, or he may ask the commission to arbitrate the controversy, and, if necessary, to investigate his complaint, the advantage of the latter course being that in the event of a favorable finding by the commission his evidence is collected for him without expense to himself, and he can if it becomes necessary go into court with a *prima facie* case already established.

It is substantially agreed by those who have investigated the question of railroad regulation, that publicity is the most effective remedy for the evils most seriously complained of, so far as it is possible to remedy them by legislation. There are two directions in which a

greater measure of publicity is essential and can be secured by legislation. The first is as to the rates actually charged, in order that every shipper may know whether he is treated fairly and without unjust discrimination. The second is as to the methods of management and financial operations of the railroad corporations, in order that the net results of their business may be accurately known, and that the public may be placed in a position to determine the reasonableness of the charges made, which are in the nature of a tax upon commerce. The publication of rates as provided in the fifth section is intended to in part meet the first requirement I have mentioned, and the bill proposes to meet both the first and second by the creation of a commission authorized to secure the enforcement of the law and with ample power to investigate every detail of railroad management, and to enforce the making of complete and accurate reports by the corporations. If the railroads can be compelled to let in the sunlight of publicity upon all ther operations, personal favoritism and the chief causes of complaint will to a great extent disappear, and the accurate information obtained will enable the law-making power to devise any further remedies that it may be possible to apply by legislation. With this brief explanation of the general scope of the bill, I will now invite the attention of the Senate to the provisions and meaning of the different sections more in detail.

SECTION 1.

By the terms of the first section, the provisions of the bill are made to apply only to transportation by or upon a railroad, except where a railroad and water route are together used for a continuous carriage or shipment. The pending bill goes further than others which have been before Congress in proposing to regulate the transportation of passengers as well as of freight, because there seems to be no good reason why so important a branch of the railroad business as the passenger traffic should not be made the subject of regulation as well as the freight traffic. While the provisions of the bill are made to apply mainly to the regulation of interstate commerce, in order to regulate such commerce fairly and effectively it has been deemed necessary to extend its application also to certain classes of foreign commerce which are intimately intermingled with interstate commerce, such as shipments between the United States and adjacent countries by railroad, and the transportation by railroad of shipments between points in the United States and ports of transshipment or of entry when such shipments are destined to or received from a foreign country on through bills of lading. To avoid any uncertainty as to the meaning of these provisions in regard to what may be at the same time in some instances State and foreign commerce, it is expressly provided that the bill shall not apply to the transportation of property wholly within one State and not destined to or received from a foreign country.

The bill is not intended to affect the stage-coach, the street railway, the telegraph lines, the canal-boat, or the vessel employed in the inland or coasting trade, even though they may be engaged in interstate commerce, as it would do if it was made to apply to all common carriers engaged in interstate commerce, because it is not deemed necessary or practicable to cover such a multitude of subjects. It is aimed at the regulation of the railroad corporations, but the definition of the term "railroad" given in the first section is intended to bring within the application of the bill all the numerous instrumentalities of shipment or carriage by or upon a railroad, such as the fast-freight lines, express companies, sleeping-car companies, or any other organizations which undertake any part of the work of a carrier by railroad.

No reason is apparent why these independent and auxiliary agencies of transportation should not be made subject to supervision and regulation as well as the railroad corporations that have intrusted them with the performance of a portion of their public duties, while it is plain that if they should be left unrestricted in their operations the opportunities for evasion of the law by the railroads would be greatly increased, and it is clear that the same necessity exists for protecting the people against discriminating or unreasonable charges by the fast-freight lines and these other outside agencies as on the part of the railroad corporations themselves. The concluding paragraph of the first section asserts the common-law requirement that all charges made in the transportation of passengers or property by or upon a railroad shall be reasonable and just.

SECTION 2.

The second section strikes at the evil of which the most serious complaint is made, and made justly, by prohibiting and declaring unlawful every variety of personal favoritism or unjust discrimination between persons. Its provisions are confined to that one great evil, and the object of the section is to place all shippers upon an absolute equality as to the rates charged for a like service under substantially similar circumstances. This section specifically prohibits special rates, rebates, drawbacks, or other devices for discriminating between shippers similarly situated and making like shipments. This particular and almost universal form of unjust discrimination is carefully defined in this section, and in addition to the fine provided for such an offense in section 7 the carrier is made liable for all charges collected from all persons in excess of the lowest rate charged any person for like shipments during the same period. This section is a most important one, and seems to have been made as strong as possible; but if it can be strengthened in any way, I for one would be willing to make it stronger in order to do every thing possible to break up the existing system of personal favoritism.

SECTION 3.

The third section is broader and more general in its terms, and should perhaps have been made the second section, as it contains a general prohibition of every variety of unjust discrimination. The section covers two subjects. The first paragraph prohibits the giving of any undue or unreasonable preference to any particular person or locality, or any particular description of traffic, in any respect whatever, and declares such a preference unlawful, which by section 7 is made a misdemeanor punishable by fine. This covers in general terms, though by no means so completely, the provisions of section 2 as to discriminations against persons, but goes further and includes discriminations against localities or particular descriptions of traffic. The language adopted in this paragraph is substantially that of the English statute on the subject, which has been repeatedly construed by the English courts, so that its meaning has already been judicially established. The second part of the section is modeled in part upon the English and in part upon similar statutes in several of the States. Its purpose is to require railroads to furnish to connecting roads all reasonable and proper facilities for the interchange of traffic that may be necessary for the convenience of the public, and to prevent one road, or a combination of roads, from "freezing out" a connecting line by refusing to accept traffic from it or deliver traffic to it upon any terms, as has been done.

SECTION 4.

Section 3 in general terms prohibits undue discriminations against localities, but section 4 is more specifically directed against that evil, by prohibiting a greater aggregate charge for a shorter than for a longer distance over the same line, in the same direction, and from the same original point of departure. This is the general declaration made, and it is agreed that this is the principle that should be observed as a general rule. The committee found, however, that this principle was not of universal application; that there were cases in which the railroads were compelled to make lower rates for longer than for shorter distances by the great law of competition, which is stronger than any law we can make, and that in some cases it would be a great hardship to the public as well as to the railroads to rigidly enforce the general principle.

In order to provide for these exceptional cases it was agreed that the commission should be authorized to make exceptions in cases where on investigation it may be found necessary and proper, and by general rules cover exceptions in cases where there is competition by river, sea, canal, or lake, from the operation of the fourth section of the act. In the judgment of at least a majority of the committee such a provision of law is necessary in order to get the benefit of any short-haul provision and at the same time do no injustice to the business of the country. The public sentiment of the country favors a provision of law prohibiting, without exceptions, a charge of more for a short than for a long haul on the same line of road, in the same direction, and from the same point of departure.

As a general proposition, common carriers should not be allowed to do so, and in hundreds and thousands of instances great injustice is done to localities by such a mode of unjust discrimination, and the committee have attempted to provide against such discrimination by prohibiting it except in such cases as a wise commission may determine that the interests of the commerce of the country and common fairness to the common carrier require that exceptions shall be made.

The interest of both the producer and consumer of this country require that the food and fuel, which make up half of the property transported, shall be brought as nearly together as possible, so that the producer shall be able to produce and live and that the consumer shall be able to buy and eat and live. Distance must be as nearly as possible overcome, so that the grain and produce of the far West and North may be put down at as cheap rates as may be by the side of the manufacturer, the consumer, in the East.

So, Mr. President, looking at the question in its effect upon the business and prosperity of the whole country, the committee did not and do not now believe that such a provision of law as would prohibit the greater charge for the shorter distance in all cases would be a wise one; hence the qualification in the bill.

Those who favor an absolute short-haul provision assert that the provision of the bill will amount to nothing; while those against any law touching the short-haul question assert that it is too strong, and should be further modified or go out of the bill. As it stands it is largely in the discretion of the commission, and as the whole scheme of national control is new in this country, in my judgment it is wisest to go no further than the committee proposes on so doubtful a point until we see the operation of the law, if it shall become one, and get a report from the commission on the question, if one shall be established.

SECTION 5.

The purpose of section 5 is to secure the greatest possible publicity of rates and charges. As I have said, investigation and experience show that this is the best remedy for the evils of unjust discrimination. But while this is generally believed to be the proper remedy, a practical difficulty is met with in attempting to apply it.

So far as any one railroad is concerned, or any one system of roads under the same management, there ought to be little difficulty. Even if there should be 10,000 miles of road under one management, that

corporation could post up or otherwise publish at each station on its line a complete schedule of its rates on all classes of freights to the hundreds of other stations on its roads. To do this it might perhaps become necessary to cover the walls of its stations with schedules of rates, or to print a very bulky volume to contain them, but it could certainly be done.

But when Congress orders this corporation to also publish rates from the hundreds of stations upon its lines to the thousands and thousands of stations upon all the other lines throughout the whole United States to which it may at some time or other be called upon to accept shipments, the practical difficulty of enforcing a sweeping requirement that all interstate rates shall be posted or otherwise published must be apparent. A sweeping requirement of this character would interfere with the freedom of commercial intercourse and work a great hardship to the public, because it would be in effect a prohibition of shipments to points to which rates had not been previously published. The only way in which the railroads could comply with such a requirement would be by publishing rates to the great competitive centers and by refusing to make through rates or give through bills of lading to the less important points throughout the country. This they would be free to do, because they are not compelled to act as forwarders, and it is only because it is to their interest to promote the convenience of the public by doing so that they issue through bills of lading and assume the responsibility of acting as forwarding agents. No matter how strong the statute might be made or how severe the penalties affixed, I do not see how an absolute requirement of that character could possibly be fully enforced. It is not a question as to the power of Congress to impose such a requirement upon the corporations, but simply the practical question of whether it is possible for the common carriers to comply with it if they were ready and willing to do so.

But this is not the only difficulty encountered when we attempt to apply such a provision to the more than 125,000 miles of railroad in the United States. No one road can make or publish rates over any other except by the consent of the latter. How, then, are the through rates under which perhaps half of the traffic of the country is transported to be published? They are now and must continue to be established by agreement between the roads interested. It would therefore be obviously unfair to hold one carrier responsible for the violation by another carrier of an agreement as to through rates.

But as a matter of fact it does not seem to be necessary to have every interstate rate actually included in the publication proposed in order to secure practical publicity. If each railroad should simply publish rates between the points on its lines and the principal places in the United States, the provisions of section 3, prohibiting discriminations against any locality and particularly those of section 4 as to the short haul, would, it seems to me, fix the rates at all other shipping points and would substantially protect the people at the interior and less important points. The provisions of this section recognize these practical difficulties in the way of securing the absolute publication of all interstate rates and only propose to require what it is possible to enforce. The section requires every carrier subject to the provisions of the act to file with the commission copies of its tariffs of rates and fares, and charges of every kind, and from time to time all changes in the same which are to be made public in such manner as the commission may direct and so far as in its judgment be deemed practicable.

The theory of these provisions is that the commision will require such rates to be made public as it is evident can be published without difficulty, and will then add by degrees to those to be published until as many as possible are included. The plan of doing the railroad business upon a system of established and published rates is entirely new in this country, and will revolutionize existing methods of business. It therefore seems to be the part of wisdom and prudence to put this new and untried system into operation gradually, and to feel our way along cautiously rather than to plunge into legislation of which we can not fully foresee the results.

Under the provisions of the section as it stands it is made unlawful to charge any person more or less than the published rate, and the carriers are required to adhere to such published rates until they have been changed in the manner specified. The published rates can not be increased except after ten days' public notice. They may be reduced without previous public notice, but immediate notice of such reductions must be given in such manner as the commission may direct. Regarding the publicity of rates as essential to the success of any plan of regulation and as of the first importance, the committee proposed a more radical and severe penalty for the violation of this section than of any other. The last paragraph, beginning in line 47, page 7, provides that a failure or refusal to file or publish its tariff shall subject a carrier to a writ of mandamus to compel compliance with the requirements of this section, and that failure to comply with the mandamus shall be punishable as for contempt. And if that should not answer to enforce compliance with the law, the courts are also authorized to restrain railroads from engaging in interstate business until they publish their rates as required.

SECTION 6.

Section 6 declares it to be unlawful for any common carrier to enter into any combination or agreement to prevent the carriage of freights from being continuous from the place of shipment to the place of destination, and provides that no breaking of bulk, stoppage, or interruption shall prevent the carriage of freights from being treated as continuous, unless made for some necessary purpose and not with the intention of evading the provisions of the act. The purpose of this section is to prevent evasions of the act by such devices as rebilling or transshipping at State lines, for instance, so as to make it appear that an interstate shipment was a State shipment and not affected by Congressional legislation.

SECTION 7.

Section 7 provides that any common carrier who shall willfully do or permit to be done any of the acts or things declared in the preceding sections to be unlawful shall be deemed guilty of a misdemeanor, and shall, upon conviction therof, be fined not more than $5,000. The purpose is to make the person responsible for the violation of the law subject to the penalty, and it is therefore provided that if the carrier is a corporation the officer, agent, or person guilty of any violation of the act shall be personally liable for the fine imposed.

SECTION 8.

Section 8 creates a commission of five members, who are to be appointed by the President and confirmed by the Senate, and to serve for terms of six years. It is provided that not more than three of the commissioners shall be selected from the same political party, and that they shall not own railroad stock or bonds or engage in any other employment.

SECTION 9.

Section 9 prescribes the general jurisdiction of the commission. It is given authority to inquire into the management of the business of all railroads and other common carriers subject to the provisions of the act, and to keep itself informed as to the manner and method in which the same is conducted. To this end the commission is given the right to obtain from such carriers all the information necessary to enable it to perform its duties, and may also invoke the aid of the courts in requiring the attendance of witnesses and the production of books and papers. Provision is made for the punishment by the courts of a common carrier or any person connnected therewith who shall refuse to obey a subpœna issued by the commission.

Sections 10, 11, 12, and 13 regulate the method of procedure by the commission in the settlement and investigation of differences arising between shippers and carriers. The experience of the State commissions has shown that a very large proportion of the complaints ordinarily made can be settled without special investigation or delay, and as a matter of fact by far the greater portion of them are promptly and satisfactorily adjusted when the commission calls the attention of the railroad officials to them. It is often difficult for the ordinary shipper to reach the head of a great railroad corporation with his grievances, but the existence of a commission gives the humblest shipper an assurance that his complaint will reach headquarters. It is easy to understand how in these great corporations the details of management must be left largely to subordinates, who may exceed their authority and perhaps successfully conceal from their official chiefs all knowledge of complaints that are made.

There are numerous ways in which differences may arise between shipper and carrier through mistakes or misunderstandings which are easily adjusted when the facts are understood. The method of procedure marked out for the commission is intended to provide for the speedy adjustment of all such complaints as I have indicated, as well as those based upon a state of facts which the carrier will not attempt to excuse or defend. In this way it is believed that a considerable share of the complaints submitted can be disposed of to the complete satisfaction of the complainants without unduly taxing the time of the commission, which would be blockaded with business if an investigation was required in every case.

SECTION 10.

I desire to call special attention to this section of the bill. It provides that any person, firm, corporation, or association, any mercantile, agricultural, or manufacturing society, any body politic or municipal organization, or any State railroad commission may complain in writing to the commission of anything done or omitted to be done by any common carrier in violation of law, or that the commission may institute investigations on its own motion. When complaint is made the commission is required to forward a statement of the charges to the carrier and to call upon the latter to adjust the matter or make answer within a specified time. If the complaint should be satisfied, that is the end of the matter. If it can not be thus disposed of, it becomes the duty of the commission to investigate the matters complained of in such manner and by such means as it shall deem proper. Such investigations may be conducted in any part of the United States by one or more of the commissioners, but a majority of the commission is required for the final determination of a case.

SECTION 11.

The next step in the proceedings is covered by the provisions of section 11, which requires the commission to make a report in writing when-

ever an investigation is made, which report shall include the findings of fact upon which the conclusions of the commission are based and its recommendations as to what reparation, if any, should be made by the carrier to the parties found to have been aggrieved. A copy of such report shall be furnished to the complainant and the carrier.

I desire to say that in the investigation we have made the most prominent and, so far as appearances have indicated in the States, the most influential commissions that we had any conversation with, and who were heard before us, are simply in the States to-day asking that provisions of law be passed by their States, prominently, for instance, the commission in the State of New York, which is a very able commission and which seems to be substantially satisfactory to the people of that State—are merely appealing to their Legislature to-day, I think, for that much more power than they have already under the law, which so far is simply the right to investigate and report, so that, whatever they find to be the facts, those findings of fact shall be made *prima facie* evidence in courts of law wherever the testimony may be heard. I regard that provision of this bill as a very important one and of great service to the people, because substantially the commission makes the case on which the party goes into court, if the case has to go there and is not settled by the action of the commission.

One of the most important features of the bill is the provision in this section that the findings of the commission in an investigation shall be taken in all judicial proceedings as *prima facie* evidence as to each and every fact found. The purpose and necessity of this change in the ordinary rules of evidence can perhaps be best illustrated by reading a few paragraphs from the report of the committee. In considering this branch of the subject the committee say:

> The simple fact that the shipper is now obliged to submit to the adjudication of his complaint by the other party in interest, the party by whom he supposes himself to have been aggrieved, is in itself sufficient to demonstrate the necessity of such legislation as will secure to the shipper that impartial hearing of his complaints to which he is entitled by all the recognized principles of justice and equity.
>
> Evidence is not wanting to prove that the remedy at common law is impracticable and of little advantage to the ordinary shipper. It has been found so by the people of the States in dealing with their local traffic, and, as has been shown, their recognition of the fact has been authoritatively recorded in nearly every State in the Union by statutory enactments, and in many of them by the establishment of commissions, in the effort to provide for the shipper that prompt and effective remedy which it has been found by experience that recourse to the common law has failed to afford. The reasons for this failure apply with even greater force to the more complicated transactions of interstate commerce than to State traffic, because the former involve more perplexing questions and are affected by a greater diversity of varying conditions. The legislation of the States, the reports of the State commissions, the records of the courts, the evidence of shippers, and, in short, the whole current of testimony, is to the same effect; and the fact stated is also admitted by some of the highest railroad authorities. Mr. Fink says:
>
> "In many cases where small amounts are involved, which do not justify legal proceedings against the company, the aggrieved parties are prevented from prosecuting their claims. * * * Ordinary courts are not properly constituted for that purpose, and the time required for the adjudication of claims is so long and the expenses so great as to defeat the very object for which proceedings are instituted." (Testimony, page 107.)
>
> Leaving out of consideration the natural disinclination of the average shipper to engage in litigation with a corporation which may have the power to determine his success or failure in business, and to enter the lists against an adversary with ample resources and the best legal talent at its command and able to wear out an opponent by the tedious delays of the law, it is plain that the shipper is still at a great disadvantage in seeking redress for grievances under the common law, which places upon the complainant the burden of proof and requires him to affirmatively establish the unreasonableness of a given rate or the fact of an alleged discrimination. What such an undertaking practically involves is indicated by the following extract from the statement of Mr. Kernan, the chairman of the New York commission, which sums up the whole case:
>
> "Assuredly there have been and do exist unreasonable rates and unjust discriminations. This much will be admitted by all; it will not be denied even by any carrier. Why, then, have not the courts enjoined the continuance of the wrongs and enforced the payment of damages? Why, again, is it that substantially no such suits ever have been brought and that so few decisions in this country exist? It is not because of defects in the law or in the constitution of the courts; but it is because the subject is one which neither client nor lawyer, judge nor jury, can unravel or deal with intelligently within the compass of an ordinary trial and with such knowledge of the matter as men generally well educated possess. Let a man take the testimony in five volumes before the Hepburn committee; read one hundred pages of the clear and able statements of Mr. Blanchard, for instance; con over the facts and figures he gives, and then let him try to reach a conclusion upon the question under discussion. Some conception will thus be obtained of what a lawsuit is which involves the reasonableness of rates, or the existence of an unjust discrimination, or a local rate as compared with a through rate. As the onus is upon the complainant, add to his difficulties the fact that his adversary has nearly all the evidence in his possession, locked up in books and in the memory and intelligence of experts who have made the subject their study. The expense involved, the uncertainty to be faced, and the difficulties to be overcome in an ordinary suit at law have made that remedy obsolete and useless."

SECTION 12.

The twelfth section points out the course to be taken subsequent to an investigation. If it be found that the law has been violated or that any injury has been sustained by the complainant or other parties aggrieved, it becomes the duty of the commission to notify the carrier to desist from the further violation of the law or to make reparation for the injury done, or both, according to the circumstances of the case. If the carrier shall be willing to accept the adverse finding of the commission and to settle with the complainant or those injured, without further contest, it is given an opportunity to do so. This is to the interest of the complainant, as it saves him the delay and uncertainty of litigation, and the basis of settlement is always under his control and must meet his approval. If, however, the carrier should decline to make settlement in accordance with the finding of the commission, or should presist in violating the law after notice to desist, the commission is required to certify that fact to the district attorney of the proper district, and to forward him a copy of its report in the case. If may be claimed that, if resort must finally be had to the courts, the complainant gains nothing by the creation of a commission or by appealing to it for relief, but that does not fairly state the case.

In the first place, we are justified by the experience of the State commissions in believing that the mere fact of the existence of such a tribunal would have the effect of materially diminishing the causes of complaint. In the second place, we are justified in believing that under the course of procedure which has been proposed, and with the aid of the great force of public opinion, the commission would be of great service to the people in bringing about an amicable adjustment of the larger portion of the complaints submitted promptly and to the entire satisfaction of the complainant. But, in the third place, even in those cases in which resort to the courts should happen to become necessary, the complainant would gain rather than lose by prosecuting his case before the commission. All he could lose would be the time occupied in the investigation, while he would gain an immense advantage by having a *prima facie* case established and by the summary methods provided for its prosecution, and by having his case prosecuted by the Government.

SECTION 13.

Section 13 provides that when a case has been certified to the district attorney he shall forthwith bring suit in the name and on behalf of the parties aggrieved for the recovery of the damages sustained. In cases in which the carrier has persisted in violating the law after notice from the commission to desist, it is also made the duty of the district attorney to apply for and of the court to grant a temporary injunction restraining the carrier from further violation of the law until the matter can be fully heard. Without this provision for a summary injunction upon the *prima facie* case established by the report of the commission, the railroad company could afford to continue violating the law and use all its energies to delay the litigation, and would have the same object in adopting these tactics that it has to-day. But under the provisions of this section the carrier would have nothing to gain by delay, and would in any event be immediately compelled by the courts to desist from what the commission declared to be a violation of law until the courts could determine the question.

THE REMAINING SECTIONS.

Section 14 relates to the conduct of the work of the commission.

Section 15 provides for the salaries and expenses of the commission and its employés.

Section 16 authorizes sessions in any part of the United States whenever necessary.

Section 17 requires annual reports to be made to the commission by the carriers, and specifies in detail particular information that such reports shall contain.

Section 18 requires an annual report to be made by the commission, which is to contain such information and data as may be considered of value in the determination of questions connected with the regulation of commerce, with such recommendations as to additional legislation as the commission may deem necessary.

Section 19 requires the commission to specially investigate the subject of pooling, and to report to Congress whether any legislation on that subject is advisable.

Section 20 exempts from the provisions of the act property carried for the United States, State or municipal governments, or for charitable purposes, or to fairs or expositions for exhibition, as well as mileage, excursion or commutation passenger tickets.

Section 21 relates to the appropriation that is asked to be made.

Mr. President, I have undertaken to state specifically the provisions of the bill in detail, with a mere suggestion of the reasons for each section of the bill.

I am led to believe that the bill as it stands is perhaps a more perfect bill on this subject than has ever been introduced in the Congress of the United States before. There may be many suggestions of amendment by honorable Senators during the consideration of the bill; and if any Senator has any suggestions of amendment to make, of course it is within the privilege of the Senate to adopt them; but I am very anxious that this bill shall be as promptly considered as possible and as promptly acted upon and passed as possible if in the judgment of the Senate it ought to be passed at all.

As the Senate know, this subject has been up for consideration from one term of Congress to another almost time out of mind, until the people of the United States have come almost to believe that there is no real purpose on the part of Congress to do anything more than introduce and report bills and discuss them awhile and then let them die before any final action is reached upon them.

I said in the outset that in my judgment there is no public question before the American people to-day about which there is greater unanimity of sentiment than there is upon the proposition that the Congress of the United States ought to enact some law looking to the regulation of commerce among the several States, and I trust without taking up the time of the Senate longer that every Senator will give attention to

this subject until we can pass some bill and get it to the other branch of Congress in the hope that before this session adjourns we shall get some legislation on this subject that will be of some service to the people and reasonably satisfy the public expectations.

Mr. PALMER. Mr. President, I expect to give my vote to this bill, not because its scope is all that I could approve, but because I regard it as looking in the right direction and because I trust that its operation will educate and prepare for more comprehensive legislation.

The necessity for the enactment of this measure recalls an Oriental tale which lingers in my memory from boyhood: Some fishermen one day drew to the shore in their nets a chest from which sounds proceeded, and on listening the sounds became articulate and intelligible. In reply to their questions a voice told them that its possessor was a dwarf endowed with wondrous powers, that he had been imprisoned by a wicked Genie, and if they would release him he could and would labor for them and enrich them. They forced open the lid and there emerged a misshapen being, black, feeble, and unattractive. Its docility and intelligence were remarkable. It showed the greatest eagerness to serve them. As its strength increased it brought coal, precious stones, and fragrant woods from the mountains, and fish and amber and coral from the sea. It evinced such capacity, tact, and tractability that they reasoned if he did so well as he was what would he do if they could increase his strength and stature.

Acting on this idea, they fostered him, brought the most nutritious food for him, and did everything they thought would conduce to the desired end. He thrived, and grew apace. He expanded, became erect, and in time towered above them all. Then there came a change in his demeanor, and instead of being their servant and benefactor, showing them hidden sources of wealth and teaching them how to cheapen the necessaries of life and multiply its luxuries, he proclaimed himself their master and compelled them to bring to him for his use gems, spices, and costly bales, and assumed all the pomp, circumstance, luxury, cruelty, and rapacity of an Indian prince.

THE BENEFICENCE OF RAILROADS.

Among the servants of our civilization none have approached in efficiency the railway. It has annihilated distance; it has not only made the wilderness blossom as the rose, but also has enabled the rose to be readily exchanged for the products of cities. It has conduced to the widest diffusion of labor and rendered nations measurably homogeneous. In our own country the cost of transportation of a year's food from the agricultural west to the seaboard has been reduced to the price of a day's labor, so that the mechanic of the manufacturing centers may by the sacrifice of a single holiday be said to practically live by the side of the farm.

It has rendered possible the establishment of great manufactories at centers of population, where labor is abundant and capital present to superintend, instead of the former necessity of placing the manufactory at the point of supply of raw material. The natural advantages of production in each locality have, by minimizing the cost of transportation, been allowed to be exercised to their utmost, and values added to cereals in remote and isolated districts. The surplus corn of the Northwest, which was formerly so cheap as to be used for fuel, has, by reduced transportation, been enabled to compete with that raised near the seaboard. Ores are profitably shipped from the mountain fastnesses, where a plant is undesirable, to Saint Louis, Detroit, Philadelphia, and Pittsburgh, for reduction.

Frederick List, in urging upon Germany a necessity for developing a railroad system in 1841, mentions among others the following advantages:

First. As a means of national defense, it facilitates the concentration, distribution, and direction of the army.

Second. It is a means for the improvement of the culture of the nation, as it facilitates the distribution and promotes the rapidity of distribution of all literary products and the results of the arts and sciences. It brings talent and knowledge and skill of every kind to market, increases the means of education and instruction of each individual and each class and age.

Third. It secures the community against dearth and famine, and against excessive fluctuations in the necessaries of life.

Fourth. It promotes the hygienic condition of the community, as it destroys the distance between the sufferer and his means of cure.

Fifth. It promotes sectional intercourse, and brings friend to friend, relative to relative.

Sixth. It promotes the spirit of the nation, as it has a tendency to destroy the Philistine spirit arising from isolation and provincial prejudice and vanity.

Seventh. It binds nations by ligaments and promotes an interchange of food and commodities, thus making it in effect to be a unit. The iron rails become the nerve of a system which on the one hand strengthens public opinion and on the other strengthens the power of the state for police and governmental purposes.

PRIMITIVE METHODS OF TRANSPORTATION.

It is within the lives of most of us that man was mainly dependent for the transportation of material and product for exchange or use upon water ways, natural and artificial. Primitive man was necessarily limited for the supply of all his wants to his immediate neighborhood. Shepherds and hunters moved in circumscribed areas, and it is probable that the exchange of products by personal intercourse was their only relief from self-supply. When man abandoned nomadic life and became a hewer of wood and drawer of water he sought a fixed habitation, where the wood, either hewn or crude, could be easily floated to its destination.

The first great commercial people, the Phœnicians, built no roads, but carried letters to and impressed their civilization on all the tribes, cities, and nations bordering upon the Mediterranean and Red Seas. The Persians built but limited roadways for commerce. The Romans were the first to appreciate the value of a vast system of roads to secure the permanency of their conquests and fasten their civilization on peoples rendered subject.

The conquered provinces were retained by her because she gave more than she took away, and chief among the benefits conferred was her system of roads. The history of the intellectual and commercial progress of Europe will show that its earliest and fullest development was along the line of the old military roads. They were not only the arteries of the empire, but also the conduits through which the wealth of the world flowed to Rome. They were the tentacles which grasped her territory and transmitted to and took from the Eternal City intelligence of the status of the provinces, political and otherwise. The saying that "all roads lead to Rome" was an epigrammatic assertion of her universal dominion.

The Incas of Peru developed a nation of thirty millions of people by establishing speedy intercommunication with all districts as soon as subjected by means of roads radiating from Cuzco, one of which was 1,000 Spanish leagues long, 20 feet broad, and built of heavy flags of freestone.

From the days of the Cæsars until the present, the substantial, the intellectual, and the moral progress of districts and of peoples has been clearly measured by their facilities for commerce, by canals, by improved water ways, and by substantial highways. The possibilities of exchange have been enlarged and the transfer of the best product of each people to the others has carried with it an elevation of laws, of manners, and of customs. The introduction of steam as a motor to ships and carriages has multiplied opportunities of development without changing the great commercial laws affecting the progress of mankind.

Railways and steamboat routes are improved highways, not a new but a developed feature of the advancement of the race. The question at the front to-day in this country and in Europe is not how to cripple or restrict railroad building or railroad operations; is not how to do away with the vast commercial power, extending over 265,000 miles of rails laid through developed and developing territory, but how best to promote them, that they may continue to serve rather than to rule the interests of individuals and communities.

REGULATION OF RAILROADS IN EUROPE.

That the experience of a little more than half a century under various conditions and under every civilized form of government has not been sufficient to remove the regulation of railways from the field of experiment is shown by the various methods of to-day on trial in Europe and America. In Belgium the government has either built or purchased the main trunk lines of the kingdom. Branch lines are allowed to be built and operated by private capital, the government guaranteeing 4 per cent. interest upon the investment and retaining the practical supervision of the management.

The competition of the canals and of the government lines, together with the obligations of the governmental guarantee, would seem to provide a system of checks and balances most desirable. It is reported that the roads are managed satisfactorily to the people, that the rates are fixed and stable; but an early absorption by the government under provisions in the charters of the private lines is predicted, which would indicate a dissatisfaction on the part of private capitalists.

In France the main trunk lines were originally assigned a district or field supposed to be profitable without competition on condition that they should build branch lines into the less productive districts. This proved impracticable, and the government was obliged to lend its aid for the development of the territory. The charters provide that at the expiration of ninety years all railways should revert to the state, the state purchasing the rolling-stock at an actual valuation. Already the government has advanced 600,000,000 francs to the railways, and its policy looks toward an earlier appropriation than that nominated in the charters.

Already a perpetual committee supervises the management, arranges the tariff of charges, and settles disputes between competing lines and between the public and the railways. Rates and time-cards are required to be published, and no change against the interests of forwarders or passengers can be made without thirty days' notice and the consent of the commission. No private arrangements with individuals or corporations are permitted.

In North Germany all concessions are made by the minister of commerce, unless there is to be a largess or guarantee of interest when an act is required. In Prussia, at the commencement of its railway system, each railway chartered was given a field without competition, the state reserving the right of purchase of the road after the lapse of thirty years. In 1882 there were 9,500 miles of State lines, 1,320 miles of private lines under state management, and 2,400 miles of private lines. The control of the government may be considered practically absolute, and

is given over to a special board at the head of which is the minister of public works. Special tariffs are prohibited, correspondence in time-cards in railways insisted upon, persons and merchandise conveyed in the order in which the application is made. No variation in rates or time-table can be had without the consent of the board.

Austria followed the course of France in allowing concessions for the period of ninety years, and in addition the government built several trunk lines, which it retains. It also maintains supervision over passenger and freight traffic. Switzerland has no state lines, but an effectual system of supervising the tariff charges and a perpetual commission to regulate the relations of the corporations to the stockholders and the public, and provide for the constant publicity of railway transactions. Italy owns a portion of its railways and is in negotiation for the remainder. The policy of the government is ownership by the state.

In the history of English legislation on railroads and its results we find the closest resemblance to our own. In 1836 England had, next to Holland, the most complete canal system and service in the world, and its restrictive endeavors were guided not by a proper conception of the problem before it, but by its experience in dealing with oppressive methods in canal management. The popular belief in the power of competition to cheapen rates and control commerce in the public interest was accepted, and in spite of the warning of the astute Morrison and the terse axiomatic statement of George Stephenson, that "where combination is possible competition is impossible," their early legislation was bent to increase competition between capitalists.

The natural consequences of combination, discrimination, secret-rate making, preferences, the building up of seaports, and the oppression of non-competing points followed in spite of the most stringent legislation, until, in 1872, after over 3,300 acts had been passed and the expenditure of about £80,000,000 imposed upon the companies, a joint select committee recommended and Parliament provided for a railway commission, which has since become permanent and been increased in executive and judicial power. The salaries of the commissioners are £3,000 each, and some progress has been made in the regulation of the interests of the general public.

RAILROAD MILEAGE OF THE WORLD.

The following table, taken from Spofford's Almanac for 1883, gives the statistics of the railways of the world to January 1, 1881:

	Miles.
1. North America:	
United States (1883)	117,717
Canada	7,894
Mexico	2,219
Total, North America	127,830
2. Middle America:	
Costa Rica	105
Cuba (Spanish)	850
Honduras	56
Jamaica (British)	25
Nicaragua	34
Trinidad	16
Total, Middle America	1,094
3. South America:	
Argentine Republic	1,619
Bolivia	31
Brazil	1,809
Chili	1,193
Colombia (United States of)	99
Ecuador	75
Guano (British)	21
Paraguay	44
Peru	2,030
Uruguay	235
Venezuela	70
Total, South America	7,316
4. Europe:	
Austria-Hungary	11,738
Belgium	2,597
Denmark	978
France	17,027
Germany	21,595
Great Britain and Ireland	18,168
Greece	7
Italy	5,410
Netherlands	1,227
Norway	946
Portugal	1,039
Roumania	916
Russia	14,067
Spain	3,849
Sweden	3,836
Switzerland	1,636
Turkey	889
Total, Europe	105,895
5. Asia:	
Ceylon (British)	136
China	
India (British)	9,872
Japan	96
Java (Dutch)	3,496
Phillipines (Spanish)	279
Turkey in Asia	250
Total, Asia	14,131
6. Africa:	Miles.
Algeria (French)	804
Cape Colony (British)	905
Egypt	942
Mauritius	66
Namaqualand	95
Natal (British)	101
Tunis	155
Total, Africa	3,068
7. Australia:	
New South Wales	1,183
New Zealand	1,258
Queensland	801
South Australia	832
Tasmania	178
Victoria	1,247
Western Australia	93
Total, Australia	5,592
Grand total	264,826

RAILROADS OF THE UNITED STATES.

According to the statement of H. R. Hobart, editor of the Railway Age, made before the Senate committee, the railway mileage of the United States and Territories at the commencement of 1885 was about 125,500 miles. This is the aggregate of distances between points on railroads, without taking cognizance of double or side tracks. The capital stock and bonded indebtedness show a value of $7,795,000,000, or more than four times the national debt, and 20 per cent. of the estimated wealth of the entire country. They employ about 725,000 persons, and thus support directly more than 3,000,000 of men, women, and children; and indirectly they aid in supporting many millions more concerned in the manufacturing, mercantile, and other interests of which the railways are very large patrons.

These figures appear magnified when the short period of their growth is considered. In 1828 there were 3 miles of railroad; in 1830, 41 miles; in 1840, 2,200 miles; in 1850, 7,500 miles; in 1860, 29,000 miles; in 1870, 49,000 miles; in 1880, 93,671 miles. These are the modern highways for commerce, and should differ only in extent and facilities from their predecessors back to the days of the Roman roads. The laws governing the Roman highways were the bases of the laws of the road to this day. They were built by sovereigns having the right of eminent domain, and their use was common and equal to all. They were supported by taxes upon the bordering people, or by tolls upon those who made use of them.

Under our somewhat complicated system of government the railroads were chartered by States, who bestowed upon them the right of eminent domain, and they were builded wholly or in part by contributions directly from the State or by the people along their line, and they were intended for the common and equal service of all who chose to make use of them. In their inception they were supposed to bear an analogy to the canal, and traces of this mistake appear in almost all of the early charters. It was believed that the railway, like the toll-roads of that day, would be built by one company and used by any and all who chose to prepare suitable carriages.

The charter of the Ithaca and Owego Railroad contains the following language:

Sec. 12. All persons paying the toll aforesaid may, with suitable and proper carriages, use and travel upon the said railroad subject to such rules and regulations as said corporators are authorized to make by the ninth section of this act.

Special charters were the rule up to the passage of a general act, regarded as a convenience, by the Legislature of New York, which was imitated by the other States, and in the acceptance of some provision of which nearly if not quite all of the roads holding special charters have brought themselves under its general provisions.

Liberal legislation and a speculative spirit among our people led to overbuilding and misbuilding, and upon emerging from the crisis of 1857 many railroads found themselves embarrassed and the mortgages upon them were foreclosed.

ORIGIN AND RESULT OF STOCK WATERING.

At this time, under a system of reorganization which appeared plausible and just to the people, to the stockholders, and to those holding other than first-mortgage claims, bankruptcy was given a novel and dangerous turn in railrord financiering, and "additional capitalization," discounted upon the markets of the world, paved the way for the absolute control of this vast value and interest by a handful of men irresponsible to the people for the condition and conduct of their highways.

To-day it is represented that half a dozen gentlemen meeting in an office on Wall street may, by the power derived from ownership in these railways and wealth not obtained by the development of the country or improved transportation but by financial jugglery, dictate the profits or losses of men and communities throughout the land. By their fiat Rochester must stop milling that Minneapolis may thrive. All manufacturing establishments at Niagara Falls save one must suspend that the one may become wealthy. The capital and labor invested in thousands of oil wells and refineries must be lost that one combination may be made powerful. Villages and cities as well as individuals have been selected for development or for destruction. Mr. Charles

Francis Adams, formerly of the Massachusetts commission, now president of the Union Pacific Railroad, before a committee of the Federal Congress in 1880, says:

I must ask you to dismiss all preconceptions from your minds and to fairly consider what is the real cause of the inequality, the injustice, the discriminations of the existing railroad service, those ills of the body-politic for which you are now undertaking to prescribe. I will not stop to dwell upon them or denounce them. It is not necessary to do so, for I hold them to be proven and their existence notorious. The record is full of evidence on the subject. We all know, every one knows, that discriminations in the railroad treatment and charges do exist between individuals and between places. We all know that the railroad tariffs fluctuate wildly, not only in different years, but in different seasons of the same year. We know that certain large business firms, the leviathans of modern business, can and do dictate their own terms between rival corporations, while the small concern must accept the best terms it can get.

It is beyond dispute that business is carried hither and thither to this point, away from that point, and through the other point; not because it would naturally go to, away from, or through those points, but because the rates are made on an artificial basis to serve ulterior ends. In regard to these things I regard the existing system nearly as bad as any system can be. Studying its operations as I have long and patiently, I am ready now to repeat what I have repeatedly said before, that the most surprising thing about it to me is that the business community sustains itself under such conditions. The principles of law governing common carriers are habitually violated; special contracts covering long periods of time are made every day with heavy shippers under which a common carrier, whose first duty it is to serve all equally, gives to certain parties a practical control of the markets. There is thus neither equality nor system, law nor equity, in the matter of railroad charges. A complete change in this respect is a condition precedent to any equitable system of railroad transportation.

DISCRIMINATION.

The Senate committee, whose investigations have resulted in the presentation of this bill, present in their report eighteen specific causes of complaint against the railroad system, which may nearly all be epitomized as "discrimination" in one form or another. They cite among the many instances the case of the Standard Oil Company, which has been enabled by railroad discrimination to practically control the oil supply of the continent, and who are reported to have realized $10,000,000 in a single season from diminished freights alone.

A single instance, given on page 199 of the report, is sufficient to condemn the system. It appears that the company operates the Macksburg pipe line which carries oil to the Cleveland and Marietta Railroad. This road was in the hands of a receiver, who was removed by Judge Baxter upon the investigation of the rates charged for the transportation of oil. It was found that he was charging all independent shippers 35 cents per barrel, and the rate to the pipe line was but 10 cents. It appears that the Standard Oil Company owned the pipes through which the oil is conveyed from wells owned by individuals, with the exception of certain pipes owned and used by one George Rice, carrying oil from his wells, and to get rid of this competition the assistance of the receiver was sought and obtained.

The company offered to give the railroad three thousand dollars' worth of business each month, while Rice could give but three hundred dollars' worth. If its demands were not complied with it threatened to extend its pipe line from Macksburg to Marietta, on the Ohio River. What those demands were was stated as follows in a letter filed by the receiver as part of his defense:

The Standard Oil Company threatens to store and afterward pipe all oils under its control unless you make the following arrangements, namely: You shall make a uniform rate of 35 cents per barrel for all persons except the Standard Oil Company. You shall charge them 10 cents per barrel for their oil, and also pay them 25 cents per barrel out of the 35 cents per barrel collected of other shippers.

THE RELIEF PROPOSED BY THIS BILL.

It is not necessary to multiply instances. The able report of the committee, with the testimony taken at fairly selected and widely distributed points, is before each Senator for his information. The bill, judiciously drawn and based upon the information impartially obtained, may be epitomized as legislating upon five points concerning which it appears to me that no disinterested difference of opinion can exist.

First. It provides that all charges shall be reasonable and just.

Second. That unjust discrimination shall be a misdemeanor, punishable by a penalty against the corporation and a personal penalty against the officer willfully violating.

Third. That facilities shall be furnished without unjust discrimination under similar penalties.

Fourth. Charging more for a shorter than a longer distance in the same direction shall be presumptive evidence of unjust discrimination which may be rebutted by the carrier, and the commission may establish rules to regulate this.

Fifth. That the rates and regulations shall be made public in such a manner as the commission shall prescribe, and ten days' notice is required of any advance in rates. The rates so established shall not be varied from, and violation shall subject the carrier to mandamus upon the relation of the commission and to an injunction to restrain further violation.

QUALIFICATIONS OF THE COMMISSIONERS.

For the carrying out and enforcement of these provisions, with authority to require reports and investigate all complaints and with power to proceed in the courts to enforce the law, a commission is provided, and upon the character and efficiency of this commission would seem to depend the real and specific value of the legislation. Holding in mind the fact that the estimated wealth of this nation is divided between the railroad corporations and all other property-owners in the proportion of 1 to 5; that the 20 per cent. represented in railways has become concentrated under the control of men who may be counted upon the ten fingers, while the 80 per cent. is diffused among individuals and companies of diverse interests; that our present action is taken because of the oppression of the 80 per cent. by the organized 20 per cent., it would seem that we fall short of our duty if by the terms of this bill we prevent the employment of the best talent attainable to represent the interests of the people.

This commission will be regarded as the people's attorneys, and should be composed of men at least the equals in legal acumen and practical force of those whose unjust schemes they are expected to thwart and whose unprecedented powers they are designed to direct. Concentrated capital never mistakes cheapness in the employment of its agents for economy, and salaries of from $12,000 to $25,000 for those intrusted with the business management of railways are not uncommon. This bill provides that the commissioners shall have no other business and that the main office shall be in Washington, thus necessitating or indicating a residence here and an income limited to the amount named in the bill. On this account I urge upon Senators and the committee having the bill in charge the serious consideration of an amendment of section 15 increasing the amount of compensation.

I do not expect that the passage of this bill and the appointment of any five gentlemen who might be named under its provisions for its enforcement will at once bring the millennium to American transportation. For forty years a constant struggle of wits has been going on between the grasping corporations and Legislatures endeavoring to restrain them, and to-day we are confronted with successful, legalized wrongs remaining uncontrolled and unredressed. But we shall have done our duty when we shall have done our utmost for the future security of the people. I do not believe that this bill will accomplish radical results, but it is a step in the right direction, both for the people and for honest railroad management. For many years a contest between the safe-maker and the burglar has been waged. Each failure of the safe to withstand its robber has begotten improvements believed to be final, and each in turn has yielded to human cunning and ingenuity. But it is not for the safe-maker to stop in his endeavors. If this bill becoming a law should fail utterly to supply a remedy, another attempt must be made. If it is partially successful, we shall have accomplished something and new remedies will be suggested by its partial failure.

THE COMPLAINT OF THE PEOPLE.

An examination of the report and testimony will not show that railroad corporations are making too much money, or that the average rates of transportation are too high. On the other hand they have been in the main unprofitable, and transportation between competing points in America is the cheapest in the world. The complaint of the people is of discrimination, uncertainty, and secret injury. The complaint of investors is that two-sevenths of the capitalized investment is water, and that through inside combinations the masters of Wall street are able to realize vast profits upon railroad wreckage and the depreciation of railroad property, as well as upon their prudent conduct and honest management. A great stride toward personal liberty was believed to have been made when our Government was organized with the prohibition of entail; but the sovereignty of trunk lines and railroad systems, imperishable as they are, present a more dangerous *imperium in imperio* for our consideration than the largest entailed interests of the world.

RAILROADS SERVANTS, NOT MASTERS.

Railroads are beneficent servants, but they must not become masters. The dwarf has grown large enough for us to impose restrictions upon his growth, else the old fable will be illustrated in practical life. If unchecked he bids fair to develop into an Afrite of gigantic stature and overwhelming and malignant influence. Railroads are no longer dull, insensate things. They are imbued with intelligence, and an intelligence that neither slumbers nor sleeps. They are no longer joint stock companies alone; they are dynasties.

They are already outlined, and in a few years if not supervised and controlled by legislation they will have become as firmly fixed in their grasp upon continued power, commercial, social, and political, as the Hapsborgs, the Hohenzollerns, or the Guelphs. These reigning houses were born of force. They were the triumph of the strong over the weak. These modern dynasties will have been born of law and of concession and will be the triumph of the creature over the creator.

The old cry of the mayor of the palace when he appeared at the window of the Tuilleries, "The king is dead, long live the king," may well be proclaimed when the railroad magnate goes to his long home. Not a schedule is changed, not a locomotive puffs less fircely, not a sardine less is sold in the restaurant. The same intelligence, fortified and intensified possibly by new blood, wields the scepter and utters its mandates.

The fact that the stock changes hands does not detract from its power or alter its purposes. It is more remorseless than man, for the responsibility is divided. The cabinet or ministers who shape its policy and carry out its behests justify their course by the plea of necessity, and

feel no tremors of conscience from the fact that their personality is merged in that of the corporation.

SPECIAL PRIVILEGES FOR NONE—EQUAL RIGHTS FOR ALL.

Hitherto content has come to the plain people of our land, to the mechanic, to the farmer, to the artisan, because, as he sat by his hearth noting the progress of his fellows who had outstripped him in life's race, his eye turned to the bright boy and the laughing girl with a knowledge that to them America offered every possibility of culture, wealth, and power. He knew that the history of the men whom America had delighted to honor had shown that from the humblest beginnings nothing restricted or directed the development of the American citizen outside of himself. To-day he sees the price of his labor determined not from his surroundings. He sees his village built up or destroyed by a foreign will. He sees the value of his little property decreased and that of the property of his fellow in an adjoining village increased without the action of either and beyond the control of any. He sees his neighbor, by secret arrangement with the railroad company, increasing his store with no extra labor or display of energy or ability, while his fellows are correspondingly depressed.

These things it is the object of this measure to correct.

All the American citizen has asked in the past or will ask in the future is a fair chance; no odds of the Government, but its protection, for which his life is pledged, and its schools, for which his money is paid. Special privileges for none, equal rights for all.

Mr. SEWELL. I wish to ask a question about one amendment which has been adopted. On page 14, in section 12, line 20, my memorandum has it an amendment was adopted inserting "and to the satisfaction of the party or parties complaining." I ask the Senator from Illinois if the word "and," at the beginning of line 20, should not be "or," because by that language you have first to satisfy the commission and get their judgment and then satisfy the parties afterward?

Mr. CULLOM. I am not sure but that the Senator is right. If the complainant is satisfied, of course the matter ends. I have no objection to that change.

Mr. SEWELL. I ask that that change be made.

The PRESIDING OFFICER. Will the Senator send it up in writing?

Mr. CULLOM. It is only a suggestion to change the word "and," at the beginnig of line 20 of section 12, to the word "or;" so as to read:

In compliance with the report and notice of the commission, or to the satisfaction of the party or parties complaining.

The PRESIDING OFFICER. If there is no objection the modification will be considered as agreed to.

Mr. ALLISON. I now move that the Senate proceed to the consideration of executive business.

Mr. SEWELL. I ask the Senator from Iowa to allow me to present some amendments to the pending bill and to have them printed.

The PRESIDING OFFICER. The amendments will be received and printed.

Mr. WILSON, of Iowa. I ask that the bill which has been under consideration be printed as amended, so that we may have it in its present state as proposed by the committee.

The PRESIDING OFFICER. If there be no objection that order will be made.

Mr. ALLISON. I renew my motion.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned.

NOMINATIONS.

Executive nominations received by the Senate the 14th day of April, 1886.

POSTMASTERS.

Frederick A. Ross, to be postmaster at Tuscumbia, Ala., *vice* John C. Goodloe, jr., to be removed:

H. C. Briley, to be postmaster at Dell Rapids, Dak., *vice* Albert C. Folsom, resigned.

Jacob P. Kerlin, to be postmaster at Warren, Ill., *vice* H. C. Gunn, to be removed.

W. C. Camp, to be postmaster at Guthrie Centre, Iowa, *vice* William Holsman, term expired.

Philip B. Spence, to be postmaster at Newport, Ky., *vice* Mary L. Ross, term expired.

William B. Beck, to be postmaster at Tekamah, Nebr., *vice* Peter F. Peterson, resigned.

Francis G. Boswell, to be postmaster at Phelps, N. Y., *vice* Samuel S. Partridge, term expired.

James P. Owen, to be postmaster at Camden, N. Y., *vice* Heman Snow, resigned.

John Shaw, to be postmaster at Van Wert, Ohio, *vice* David P. Dunathan, whose removal, for cause, is proposed.

James F. Robertson, to be postmaster at Culpeper, Va., *vice* John C. Bell, to be removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 29, 1886.

COLLECTORS OF INTERNAL REVENUE.

Samuel J. Tilden, jr., of New York, to be collector of internal revenue for the fifteenth district of New York.

The above confirmation was accompanied by the following report from the Committee on Finance, and ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 863) of Samuel J. Tilden, jr., of New York, to be collector of internal revenue for the fifteenth district of New York, in place of James S. Smart, suspended, and, so far as they have been able to obtain the information, they find that Mr. Tilden is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of James S. Smart, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 17, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of James S. Smart, late collector of internal revenue for the fifteenth district of New York, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions. But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary.*

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Tilden.

George A. Wilson, of Illinois, to be collector of internal revenue for the fifth district of Illinois.

The above confirmation was accompanied by the following report from the Committee on Finance, and ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 1267) of George A. Wilson, of Illinois, to be collector of internal revenue for the fifth district of Illinois, in place of Howard Knowles, suspended, and, so far as they have been able to obtain the information, they find that Mr. Wilson is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of Howard Knowles, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 17, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of Howard Knowles, late collector of internal revenue for the fifth district of Illinois, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions. But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary.*

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Wilson.

Maurice Kelly, of Illinois, to be collector of internal revenue for the fourth district of Illinois.

The above confirmation was accompanied by the following report from the Committee on Finance, and ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 849) of Maurice Kelly, of Illinois, to be collector of internal revenue for the fourth district of Illinois, in place of Richard Rowett suspended, and, so far as

they have been able to obtain the information, they find that Mr. Kelly is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of Richard Rowett, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 17, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of Richard Rowett, late collector of internal revenue for the fourth district of Illinois, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions. But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary.*

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Kelly.

William B. Anderson, of Illinois, to be collector of internal revenue for the thirteenth district of Illinois.

The above confirmation was accompanied by the following report from the Committee on Finance, and ordered by the Senate to be printed in the RECORD.

The Committee on Finance have had under consideration the nomination (No. 847) of William B. Anderson, of Illinois, to be collector of internal revenue for the thirteenth district of Illinois, in place of Charles W. Pavey, suspended, and, so far as they have been able to obtain the information, they find that Mr. Anderson is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of Charles W. Pavey, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 17, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of Charles W. Pavey, late collector of internal revenue for the thirteenth district of Illinois, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions. But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary.*

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Anderson.

Frank Schlaudecker, of Pennsylvania, to be collector of internal revenue for the nineteenth district of Pennsylvania.

The above confirmation was accompanied by the following report from the Committee on Finance, and ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 1308) of Frank Schlaudecker, of Pennsylvania, to be collector of internal revenue for the nineteenth district of Pennsylvania, in place of Jacob F. Walther suspended, and, so far as they have been able to obtain the information, they find that Mr. Schlaudecker is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of Jacob F. Walther, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 17, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of Jacob F. Walther, late collector of internal revenue for the nineteenth district of Pennsylvania, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions. But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary.*

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Schlaudecker.

Charles B. Staples, of Pennsylvania, to be collector of internal revenue for the twelfth district of Pennsylvania.

The above confirmation was accompanied by the following report from the Committee on Finance, and ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 1307) of Charles B. Staples, of Pennsylvania, to be collector of internal revenue for the twelfth district of Pennsylvania, in place of Edward H. Chase suspended, and, so far as they have been able to obtain the information, they find that Mr. Staples is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of Edward H. Chase, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 17, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of Edward H. Chase, late collector of internal revenue for the twelfth district of Pennsylvania, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions. But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully yours,

D. MANNING, *Secretary.*

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1866, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Staples.

John T. McGonigle, of Pennsylvania, to be collector of internal revenue for the ninth district of Pennsylvania.

The above confirmation was accompanied by the following report from the Committee on Finance, and ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 1306) of John T. McGonigle, of Pennsylvania, to be collector of internal revenue for the ninth district of Pennsylvania, in place of Andrew J. Kauffman, suspended, and, so far as they have been able to obtain the information, they find that Mr. McGonigle is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of Andrew J. Kauffman, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 17, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of Andrew J. Kauffman, late collector of internal revenue for the ninth district of Pennsylvania, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions. But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary.*

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. McGonigle.

Matthew H. Vanderveer, of New Jersey, to be collector of internal revenue for the third district of New Jersey.

The above confirmation was accompanied by the following report from the Committee on Finance, and ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 1301) of Matthew H. Vanderveer, of New Jersey, to be collector of internal revenue for the third district of New Jersey, in place of Culver Barcalow, suspended, and, so far as they have been able to obtain the information, they find that Mr. Vanderveer is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of Culver Barcalow, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 17, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of Culver Barcalow, late collector of internal revenue for the third district of New Jersey, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions. But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary*.

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Vanderveer.

Thomas M. Ferrell, of New Jersey, to be collector of internal revenue for the first district of New Jersey.

The above confirmation was accompanied by the following report from the Committee on Finance, and ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 1300) of Thomas M. Ferrell, of New Jersey, to be collector of internal revenue for the first district of New Jersey, in the place of William P. Tatem suspended, and, so far as they have been able to obtain the information, they find that Mr. Ferrell is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of William P. Tatem, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 17, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of William P. Tatem, late collector of internal revenue for the first district of New Jersey, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions. But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary*.

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Ferrell.

John Dowlin, of Pennsylvania, to be collector of internal revenue for the twenty-second district of Pennsylvania.

The above confirmation was accompanied by the following report from the Committee on Finance, and ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 868) of John Dowlin, of Pennsylvania, to be collector of internal revenue for the twenty-second district of Pennsylvania, in place of Frank P. Case, suspended, and, so far as they have been able to obtain the information, they find that Mr. Dowlin is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of Frank P. Case, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 17, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of Frank P. Case, late collector of internal revenue for the twenty-second district of Pennsylvania, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions. But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary*.

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Dowlin.

Edmund A. Bigler, of Pennsylvania, to be collector of internal revenue for the twenty-third district of Pennsylvania.

The above confirmation was accompanied by the following report from the Committee on Finance, and ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 867) of Edmund A. Bigler, of Pennsylvania, to be collector of internal revenue for the twenty-third district of Pennsylvania, in place of Samuel M. Jackson, suspended, and, so far as they have been able to obtain the information, they find that Mr. Bigler is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of Samuel M. Jackson, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 17, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of Samuel M. Jackson, late collector of internal revenue for the twenty-third district of Pennsylvania, suspended," is received.

In reply thereto I have the honor to state that so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions. But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary*.

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Bigler.

Samuel Klotz, of New Jersey, to be collector of internal revenue for the fifth district of New Jersey.

The above confirmation was accompanied by the following report from the Committee on Finance, and ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 859) of Samuel Klotz, of New Jersey, to be collector of internal revenue for the fifth district of New Jersey, in place of Robert B. Hathorn, suspended, and, so far as they have been able to obtain the information, they find that Mr. Klotz is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of Robert B. Hathorn, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 17, 1886.

SIR: Your communication on behalf of the Finance Committee of the Sen-

ate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of Robert B. Hathorn, late collector of internal revenue for the fifth district of New Jersey, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions. But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary.*

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Klotz.

William H. Yarborough, of North Carolina, to be collector of internal revenue for the fourth district of North Carolina.

The above confirmation was accompanied by the following report from the Committee on Finance, and ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 804) of William H. Yarborough, of North Carolina, to be collector of internal revenue for the fourth district of North Carolina, in place of Isaac J. Young, suspended, and, so far as they have been able to obtain the information, they find that Mr. Yarborough is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of Isaac J. Young, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 17, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of Isaac J. Young, late collector of internal revenue for the fourth district of North Carolina, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions. But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary.*

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Yarborough.

James F. Robinson, of Kentucky, to be collector of internal revenue for the seventh district of Kentucky.

The above confirmation was accompanied by the following report from the Committee on Finance, and ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 853) of James F. Robinson, of Kentucky, to be collector of internal revenue for the seventh district of Kentucky, in place of Charles H. Stoll, suspended, and, so far as they have been able to obtain the information, they find that Mr. Robinson is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of Charles H. Stoll, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 17, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of Charles H. Stoll, late collector of internal revenue for the seventh district of Kentucky, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions. But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary.*

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Robinson.

George L. Spear, of Vermont, to be collector of internal revenue for the district of Vermont.

The above confirmation was accompanied by the following report from the Committee on Finance, and ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 875) of George L. Spear, of Vermont, to be collector of internal revenue for the district of Vermont, in place of John C. Stearns, suspended, and, so far as they have been able to obtain the information, they find that Mr. Spear is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of John C. Stearns, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 17, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of John C. Stearns, late collector of internal revenue for the district of Vermont, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions. But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary.*

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Spear.

Thomas S. Bronston, of Kentucky, to be collector of internal revenue for the eighth district of Kentucky.

The above confirmation was accompanied by the following report from the Committee on Finance, and ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 852) of Thomas N. Bronston, of Kentucky, to be collector of internal revenue for the eighth district of Kentucky, in place of William J. Landram, suspended, and, so far as they have been able to obtain the information, they find that Mr. Bronston is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of William J. Landram, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 17, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of William J. Landram, late collector of internal revenue for the eighth district of Kentucky, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions. But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary.*

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Bronston.

Attilla Cox, of Kentucky, to be collector of internal revenue for the fifth district of Kentucky.

The above confirmation was accompanied by the following report from the Committee on Finance, and ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 1293) of Attila Cox, of Kentucky, to be collector of internal revenue for the fifth district of Kentucky, in place of Lewis Buckner, suspended, and, so far as they have been able to obtain the information, they find that Mr. Cox is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of Lewis Buckner, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 17, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of Lewis Buckner, late collector of internal revenue for the fifth district of Kentucky, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions. But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary.*

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Cox.

Renssalaer Stone, of Illinois, to be collector of internal revenue for the first district of Illinois.

The above confirmation was accompanied by the following report from the Committee on Finance, and ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 1286) of Renssalaer Stone, of Illinois, to be collector of internal revenue for the first district of Illinois, in place of Joel D. Harvey suspended, and, so far as they have been able to obtain the information, they find that Mr. Stone is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of Joel D. Harvey, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 17, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of Joel D. Harvey, late collector of internal revenue for the first district of Illinois, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions. But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary.*

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 17, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Stone.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April* 14, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

THOMAS SYMONS.

The SPEAKER laid before the House a letter from the Attorney-General, transmitting a statement and papers in support of the claim of Thomas Symons for services as counsel in defending the United States in the case of the Choctaw Nation of Indians in the Court of Claims; which was referred to the Committee on Appropriations, and ordered to be printed.

INDIAN APPROPRIATION BILL.

The SPEAKER also laid before the House the bill (H. R. 5543) making appropriation for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1887, and for other purposes, with the amendments of the Senate thereto.

Mr. WELLBORN. Mr. Speaker, I move that the bill, with the Senate amendments, be printed.

The SPEAKER. In the absence of objection the bill will be referred to the Committee on Indian Affairs, and the Senate amendments ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. STORM, until Tuesday next, on account of important business.

To Mr. GOFF, indefinitely, on account of sickness in his family.

To Mr. DAVIDSON, of Alabama, until the 1st of May, on account of important business.

To Mr. BURLEIGH, for one week, on account of important business.

ENROLLED BILLS SIGNED.

Mr. McRAE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 1476) to amend the act of Congress approved June 12, 1884, entitled "An act to authorize the construction of bridges across the Wisconsin, Chippewa, and Saint Croix Rivers, in the State of Wisconsin;"

A bill (S. 633) to change the name of Uniontown to Anacostia;

A bill (S. 1125) granting a pension to Noah Nelson;

A bill (S. 349) for the promotion of anatomical science, and to prevent the desecration of graves; and

A bill (S. 761) granting a pension to William Webster.

ORDER OF BUSINESS.

Mr. TURNER rose and was recognized.

Mr. TURNER. I yield to the gentleman from Illinois [Mr. MORRISON], who desires to make a report.

FORFEITURE OF LAND GRANTS.

Mr. MORRISON. I am directed by the Committee on Rules to present the report which I send to the Clerk's desk.

The Clerk read as follows:

The Committee on Rules has had under consideration several propositions intended to facilitate the consideration of bills reported from the Committee on Public Lands relating to the forfeiture of land grants, speculation in the public lands, and the reservation of public lands for actual and *bona fide* settlers, and in lieu of all the matter referred to it reports the resolution hereto attached and recommends its adoption:

"*Resolved*, That the Committee on Public Lands shall have leave at any time during the present session, after the morning hour and the hour for the consideration of bills reported by committees, to consider, in the order in which they stand on the Calendar, bills for the forfeiture of land grants to railroad and other corporations, bills preventing speculation in the public lands, and bills for the reservation of the public lands for the benefit of actual *bona fide* settlers; the same not to interfere with revenue or general appropriation bills."

Mr. HOLMAN. Mr. Speaker, before the gentleman calls the previous question I wish to inquire whether the terms "corporations," as used in the report, would embrace the States. Some of these bills cover grants made to States for the benefit of railroad corporations.

Mr. MORRISON. Mr. Speaker, the resolution is intended to reach the bills already reported by the Committee on Public Lands and referred to the House Calendar. The gentleman from Indiana [Mr. HOLMAN] will probably remember that when the Committee on Rules reported a code or system of rules an amendment was made by the House giving to the Committee on Public Lands the right to report at any time. In the exercise of that right the committee has permitted some of its bills to go on the House Calendar, and the committee now complains that its members are unable to reach the bills so referred to or placed on the House Calendar by them, and the Committee on Rules has reported this resolution to enable such bills to be reached and considered.

Mr. HOLMAN. I apprehend, however, that it will be found that some of those bills are bills declaring the forfeiture of lands granted not to corporations directly, but to States for the benefit of such corporations.

Mr. REED, of Maine. I did not understand the inquiry of the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. My question was whether the term "corporations," as used in this report, is broad enough to cover the States, because in some instances lands have been granted to States for the benefit of corporations.

Mr. REED, of Maine. The term "corporation" is usually broad enough in this House to cover the whole business. [Laughter.]

The SPEAKER. The Chair will state (if the gentleman from Indiana will permit) that the language of this resolution describing the character of bills embraced by it is precisely the language used in the

rule as it now stands, which was adopted by the House, giving the Committee on Public Lands the right to report at any time.

Mr. MORRISON. And written by the gentleman from Indiana [Mr. HOLMAN].

The SPEAKER. In other words, the resolution gives the right to have considered precisely the same character of bills which the committee has the right to report at any time.

Mr. REED, of Maine. I think "corporations" is broad enough to cover everything.

Mr. DUNHAM. I rise to a point of order. Can this resolution be printed and go over?

The SPEAKER. If the gentleman makes that point——

Mr. DUNHAM. I make the point.

Mr. RANDALL. It comes rather late.

The SPEAKER. Although the point raised by the gentleman from Illinois [Mr. DUNHAM] would have been good if raised earlier, the Chair thinks the point made on the other side that the question is made too late must, if insisted on, be sustained, as the resolution has now been considered.

Mr. RANDALL. I hope the gentleman will not delay the passage of a resolution designed to facilitate the consideration of these bills of forfeiture.

Mr. DUNHAM. I desire that this resolution shall go over and be printed, so that we may understand perfectly what it is.

Mr. HOLMAN. It is certainly too late to make the point now.

Mr. RANDALL. I make the point that the question of order of the gentleman from Illinois comes too late.

The SPEAKER. The Chair thinks that the point of the gentleman from Illinois is made too late, as the resolution has been considered and discussed.

Mr. REAGAN. I ask the gentleman from Illinois [Mr. MORRISON] to accept an amendment to this resolution so as to provide that this order of business shall not take precedence of prior orders.

Mr. MORRISON. I am not authorized to accept any amendment, but I do not object to the gentleman from Texas offering an amendment. I move the previous question on the report and the proposed amendment of the gentleman from Texas [Judge REAGAN], which may be considered as pending.

The SPEAKER. The gentleman from Texas [Mr. REAGAN], as the Chair understands, moves to insert the words "prior orders" before the words "revenue or general appropriation bills." The gentleman from Illinois demands the previous question upon agreeing to the amendment and adopting the resolution.

The previous question was ordered.

The question being taken on the amendment of Mr. REAGAN, it was agreed to; there being—ayes, 75, noes 16.

The resolution as amended was adopted.

Mr. MORRISON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHANGES OF REFERENCE.

Mr. REAGAN. I am instructed by the Committee on Commerce to ask that they be discharged from the further consideration of the bill (H. R. 4690) to equalize the right of fishing in the navigable waters of the United States which border on any State or Territory; and to ask that the bill be referred to the Committee on the Judiciary, as it involves an important legal question.

There being no objection, the Committee on Commerce was discharged from the further consideration of House bill 4690, and the same was referred to the Committee on the Judiciary.

On motion of Mr. RANDALL, by unanimous consent the Committee on Appropriations was discharged from the further consideration of the bill (S. 22) for the relief of Martin Murphy and P. B. Murphy; and the same was referred to the Committee on Claims.

ELECTION CONTEST—HURD VS. ROMEIS.

Mr. TURNER. I now call up the contested-election case on which the House was engaged yesterday.

Mr. ROBERTSON. I yield twelve minutes to the gentleman from Iowa [Mr. HALL].

Mr. HALL. Mr. Speaker, the contested-election case of Hurd vs. Romeis has attracted general attention all over the country, and its disposition is a matter of public interest. Occurring as it did in the memorable political reconnaissance in force, as it were, in Ohio, just preceding the national election of 1884, the marked political views of Mr. Hurd as an advocate of free trade rendered his canvass somewhat conspicuous, and the unfavorable result to him, and the succeeding contest, have all tended to keep alive public interest in the subject. Notwithstanding the record is not a very voluminous one, yet circumstances were such as to justify two arguments of the case before the Committee on Elections, and now the case comes before the House upon three reports from different segments of the committee, each differing from the other, the majority holding that Mr. Romeis is entitled to retain his seat, a report from four of the minority holding that Mr. Hurd was legally elected, and a second report from two of the minority holding that neither was elected and relegating the question back to the people.

The tenth Congressional district of Ohio is composed of the counties of Erie, Sandusky, Ottawa, and Lucas, in the latter of which is the active and commercial city of Toledo. Upon the face of the returns the sitting member was elected by a majority of 239. In the notice of contest a great many causes and specifications were assigned, but the whole case turns upon the evidence relating to the following four subjects:

1. Precinct B, ward 8, Toledo.
2. Precinct C, ward 3, Toledo.
3. Kelley's Island precinct, Erie County.
4. And about 220 illegal votes alleged to have been cast in Toledo.

It may be mentioned as an unusual circumstance in contests of this character that while in his answer the contestee set up charges of various kinds of quite as severe a character affecting the canvass of the contestant not an item of evidence has been introduced to support them. There was time, and there was surely occasion, even upon the old apothegm that misery loves company. But the contestant's canvass and the management of the election so far as he is concerned is left untouched and unquestioned. The inference is almost irresistible that it was not vulnerable to successful attack or impeachment. A consideration of the case then brings us to the charges and evidence relating to (1) Precinct B, in ward 8, in Toledo.

The charge made here is twofold: First, that in this precinct the election was tainted with wholesale corruption and bribery sufficient to exclude the vote of the precinct; and, second, that by reason of irregularities and illegalities on the part of the judges and others in counting the ballots and preparing the returns there is such uncertainty as to the vote of that precinct as must cause its rejection from the canvass.

(1) There is no doubt a wide distinction exists between individual bribery among several electors of a precinct and general bribery tainting the whole, so that the pure and unbribed can not be separated from the corrupt and bribed. In the former case the evidence must show individual corruption and for whom the corrupted vote was cast; thereupon it is cast out and eliminated from the count. In the latter case it is not necessary to specify or show the particular individuals corrupted, for that would only eliminate their individual votes; nor is it necessary to show how they voted; but having shown that a large corruption fund was raised, sent into the precinct, and generally distributed, in fact, as a fund to influence voters, the case is made out.

I do not stop to draw any parallel between the English law of elections relative to the agencies of the candidates there and their methods and the laws and methods in operation here. The candidate here who accepts a nomination from a convention under a drilled and disciplined organization, with its Congressional, county, city, ward, and township committees, chairmen, secretaries, &c., and whose whole campaign is managed and conducted by that agency, must be held to have adopted them as his agents, and for all purposes of the public interests should be bound by their conduct in matters of this character. Whenever through these agencies a large fund, sufficient in amount to affect a precinct in a general sense, has been sent into it and used upon it, we are not required to point out the individuals who received it—to segregate the good from the bad. Bribery and corruption will be presumed to have accomplished their intended purposes, and the vote of the precinct must be excluded. Especially will this be the case where the contestee, upon whom such facts cast the burden, makes no effort himself to limit the effects of his own corruption and save the innocent and guiltless from the consequences of his own contaminating conduct.

In the present case, however, while there is some slight evidence in the direction of such corruption, I am forced to hold that, in my judgment, it falls far short of establishing the necessary and essential fact. The only witness who speaks or even gives intimation of the use of any considerable sum of money is a Mr. Gerstmann. It is impossible in the brief space allowed to give anything like a satisfactory analysis of his evidence. It is enough to say that it does not satisfy the mind or give rest to conviction. He claims to have gone to Toledo, under the supervision or direction of the national Republican committee, "just to look about, to see how the campaign was progressing, how matters looked, not to look after any particular element; just to go through Ohio and see how matters looked." Then, finally, he puts it, "He was assigned to the German and Polish element." But, while his commission of authority covered the whole State, and he came to Toledo expressly to look after that city, which contains quite a number of precincts, composed very largely of Polanders and Germans, his whole attention seems to have been limited and contracted to this one small precinct of 426 voters. He did not familiarize himself with the wards sufficiently to know them. When he first went there he heard Frank Hurd stood a pretty fair chance, but it could be changed by dealing out a good many kegs of beer—keeping on the good side of fellows. He was not sent as a distributer; only to take a view and report. "Some said a pretty big amount would change things; some less; to approximate it, $2,000 or $3,000." He reported to headquarters it would require financial aid; did not go into details in what way it would require it; "presume they understood it at headquarters what for." He had a talk at New York with Mr. Elkins, who sent him out. "They could not give the funds to him, as it would be a bad precedent. It must come forward through

the committee." They said "the election in that district was of national importance, owing to Hurd's free-trade teachings." The conversation lasted about ten minutes. He supposed the fund was to go through the State committee. Mr. Elkins said, "You go ahead, and tell the State committee to do all they can."

Some five or six days before the election this witness went back to Toledo and found a change. They were then all for Romeis; had no need for him, the witness. From the conversation he had with these people, and "from the change of their feelings and countenances he could see, he supposed, that their desires had been satisfied, or something that way. Of course the people did not come expressly out, but from that he could infer that something was done to poison their minds or their ideas, and that can be done only with money, he supposes. Without stopping to note that he mentions the name of no people or locality where or from whom he obtained information, that his own account of himself is not as satisfactory as it should be, and that he is flatly contradicted by about the only person named by him as to circumstances and conversations between them, it is to be observed that he has no knowledge whatever that any sum of money was ever sent by the national committee, the State committee, or any other committee or agency. He makes no pretense that he saw or learned of any money used, distributed, or paid for treating; saw no kegs of beer. He gives no statements, confessions, or admissions of people to the effect that improper methods had been resorted to; and his inferences from conversations not repeated or stated, looks not described, and jargonings that were unintelligible even to himself, are as incompetent as evidence as they were probably unwarranted in fact. Now, when to the above I add the testimony of Louis Jahn, we will have the entire evidence relating to wholesale bribery. It is as follows:

22. Q. What, if anything, do you know about money being paid to voters there that day after the election?

A. Much as I know was about nineteen ticket peddlers around there, and Henry Gates paid them off the same night in Joe Boldt's grocery.

Whether the witness intended to give this as his own personal knowledge or did not understand the distinction between a narration of events which had been told him by others, it appeared very distinctly further on in his evidence that he had no personal knowledge of the transaction whatever, and that the whole foundation for his answer was a statement made to him some three weeks after the election by Henry Gates, a chairman of the Republican ward committee, to the effect that on the evening of the election he (Gates) had paid off some nineteen ticket peddlers, at from $5 to $10 each. While even this statement is not wholly uncontradicted, yet its competency is so certainly challenged, that it seems useless to dwell upon the consideration of its weight or effect. I have given it my most careful attention and find it impossible to hold it competent. Conceding all that is claimed in the matter of Gates's original agency in the campaign organization, and even that for some purposes that agency may have continued after the day of election, yet the conversation between Gates and Jahn was not in the exercise of any agency on the part of Gates.

The interview was not a business one; had no relation to accomplishing or perfecting any feature of the election or its result, but was simply a casual meeting and talk between two acquaintances; and the statement alleged to have been made by Gates was so entirely and purely a narrative of a past event that it is mere hearsay and incompetent. Some cases are cited from English authorities in cases of elections where declarations of individuals subsequent to the events and in explanation of them have been allowed. But they are required to be sufficiently recent and so naturally connected with the general bribery itself as to spring from it, and to be competent as showing a state of corruption at the day of the election. It proceeds upon the theory that just as swells and heaving of the waters are indications of a recent storm on the sea so where a community has been corrupted by general bribery its effects and consequences will remain and operate for some little time afterward. The men influenced will meet and talk over the matter, and say and do things with reference to the bribery, its circumstances, &c.; and such talk and conduct have been allowed as evidence under the peculiar system relative to elections there. But so far as I am aware such evidence has never been recognized here. It is for these reasons that I am of opinion this charge of bribery is not established.

(2) The objections to the returns of the election at this precinct is a much more serious subject. The statute of Ohio more immediately applicable to this matter provides—

[SEC. 2956.] At the close of the polls the poll-book shall be signed by the judges and attested by clerks, and the names therein contained shall be counted and the numbers set down at the foot of the poll-books in the manner hereinafter provided in the form of the poll-books.

SEC. 2957. After the poll-books are signed, in the manner hereinafter provided, the ballot-boxes shall be opened, and the ballots therein contained shall be taken out, one at a time, by one of the judges, who shall read aloud distinctly, while the ticket remains in hand, the name or names thereon contained, and then deliver it to the second judge, who shall examine the same and pass it to the third judge, who shall string it on a thread and carefully preserve it, and the same method shall be observed in respect to each of the tickets taken out of the ballot-box until the number taken out of the ballot-box is equal to the number of names in the poll-books; and any ballots in the box in excess of the number of names on the poll-books, together with the ballots strung as aforesaid, shall be deposited in the box and locked, and the box and contents delivered to the officer authorized to receive and keep the key or keys, and the box shall remain locked until the expiration of the time within which any legal notice of contest can be given, and if such notice be given shall remain locked until the trial of such contest.

It will be carefully observed that after the close of the polls and before the ballot-box shall be opened the judges are required to sign the poll-books and the clerks to attest them. The importance of this is obvious. When that record is thus perfected and completed, before the condition and number of ballots in the box are known, it is placed beyond the possibility of manipulation or alteration, unless it shall be open to the observation of all the judges and clerks. Until this is done the judges engaged in receiving votes are ignorant of the condition of the poll-book, and it may be easily changed or altered, tallies changed and balances altered. In the present case the poll-books were not thus signed until after several counts of ballots had been made, with ever-varying result, in total disregard of law. To this day there has never been a legal count of the ballots deposited in that ballot-box. But, on the other hand, everything was done which the statute prohibited to be done, and every opportunity was given for manipulation and substitution of ballots, to avoid which the statute was enacted. Instead of one judge taking out a ballot, announcing it, passing it to the next judge to scrutinize it, and the third stringing it on a string, where it must remain unchangeable for a second or third count if necessary, as required by the statute, the judges poured the ballots out on the table and there counted them in that loose and irregular manner. They then found there were 7 more ballots than there were names of voters on the poll-book. The ballots were again counted, and there were 3 more ballots. They then divided the ballots into straight and scratched tickets, and arranged them in fives, probably crosswise, as bank bills are sometimes counted. A more complete and perfect method to enable parties or bystanders to even up the ballots where there has been addition or subtraction, or to remove from the piles of one class of votes and add to the other a corresponding number, can not be imagined. And it was the success of fraud in just such methods of counting that induced the Legislature of Ohio to enact this statute, which was violated in every particular here. Finding in this count there were 4 ballots short, the judges very complacently divided them by giving to both sides of the ticket 2 imaginary ballots, and then strung the tickets and signed the poll-books. The return thus made of the vote of that precinct is an official document made *ex parte*, and until impeached is conclusive of the facts stated. But when impeached, shown to be false, as this is conceded to be, it loses its official character and ceases to be evidence. The judges themselves concede that this return is untrue, made so by them knowingly. It contains 2 more votes than were actually cast on each side.

Now, while the return must be excluded and discarded as evidence it is competent for the party to resort to any other competent evidence to show how many votes were actually cast and for whom. It may be done by producing the identical ballots, or proving it by the judges, or in any other proper manner. In this case it is attempted by the simple arithmetical process of striking off of each side 2 votes and accepting the balance as the true vote. Now, if the count had been regular and in accordance with law, and upon the ascertainment of the deficiency of 4 votes the judges had made this return, then that course of correction might be a safe one. But is it not absolutely necessary, after we have discarded the return itself, that we shall place ourselves in the position of the judges of election on that November night, know what they knew, and endeavor to ascertain with the necessary certainty what was the true result?

Well, sir, when we do that we find the judges, who testify, acknowledging that they did not know the result, or how many votes were cast. The return and tally-list as made out shows that adding the 4 votes there, 325 for Romeis and 105 for Hurd, of course omitting the 2 votes each, the vote would be, Romeis, 323; Hurd, 103; total, 426. But the count of votes which makes this result as between Hurd and Romeis, was made after the several previous counts just stated, showing a variation of 11 votes in the total number had been made. It may be said the first count, where there appeared an excess of 7 ballots, and also the next counts, were erroneous, a mistake was made. But no presumption of innocent mistake obtains in a proceeding conducted wholly in violation of law. On the contrary the presumption is that some wrongful purpose was contemplated, that the law was violated to enable the enactment of some such fraud upon the ballot-box which the statute was designed to prevent. Hence the burden rests upon the contestee to show by clear and unequivocal evidence that the ballots, which were finally counted after the several unlawful manipulations in the presence of bystanders, are the identical and unchanged and wholly unsubstituted ballots deposited by the electors, and that as the straight tickets lay piled up in such convenient and suitable shape to enable 25, 50, or 75 straight Democratic tickets to be abstracted and an equivalent number added to the other pile, some such legerdemain was not resorted to. There was a disappearance in some way of 11 ballots.

It is not shown to have been a mere error or discrepancy in count. And while it is true that no witness testified that votes were abstracted or changed, so no witness testified that it was not done or could not be done. No one sees the pickpocket abstract the watch, but this does not disprove that the watch is gone; and yet we have precisely the very ear-marks and *indicia* of such jugglery and fraud, namely, the illegal emptying of the ballots and placing them in the reach of fraud; piling

the tickets into small packages and arranging them for the nimble fingers of fraud; the disappearance of ballots and consequent confusion, and the final declaration of the judges that they did not know how many votes were cast.

Says Louis Jahn, one of the judges:

Q. The certificate did not contain the right number, did it?
A. No, sir; I think not.
Q. Well, after you had given Hurd 2 votes without examining the tickets to see whether he was entitled to them, he had, all told, 105, didn't he?
A. I don't know whether he did or not.
Q. Look at the tally-sheet and see?
A. Well, I couldn't tell that this is the correct number—that this is the votes which he got on the tally-sheets, cause everything was mixed up.
Q. Now, then, before you made that motion (to add 2 votes to each) Hurd had 103 votes, didn't he?
A. Don't know how many he had; couldn't tell; that was the right figure before.
Q. Well, before you made your motion your tally-sheet showed that Romeis and Hurd together had 426 votes, did it not?
A. It did, but that was not the right number of votes; that's where the clerks made mistakes.

The other judges and clerks are equally uncertain and indefinite as to the precise number of votes. But there is no uncertainty or doubt as to the irregular and unlawful conduct in conducting the count and exposing the ballots, the disappearance of ballots, the variation and confusion, and that no lawful count ever was or can be had of the ballots deposited in the box by the electors. It is not the mere discrepancy of 5 or 11 ballots. It is the uncertainty whether the ballots that were finally counted were the actual ballots cast, without which there can be no election. If 5 or 11 ballots changed, how many more were exchanged or substituted? There is the uncertainty—the genuineness of the ballots. And in aid of this uncertainty, developed thus in irregular and unlawful procedure, it may well be pondered if the phenomenal majority secured in this precint by the contestee—280 in a vote of 426, where Hurd has always had a majority of about 70—may not find some explanation quite as satisfactory as the supposed repellant free-trade doctrines of the contestant. While bribery and corruption are not proved to have aided in producing this phenomenal result, in my judgment an uncertainty, pointing in almost as serious a line, destroys the result and deprives the election of result in this precinct.

(2) Precinct C, ward 3, Toledo.

These observations, Mr. Speaker, are all pertinent to the conduct of the judges and third parties in the counting the ballots in Precinct C, ward 3, Toledo. Instead of complying with the statute and counting the ballots one by one out of the box here also, they took them out upon the table, arranged them in piles, and counted them. There is no evidence of variation in the count, or excess of tickets; but that a Mr. Bell, an unauthorized person, interfered with the ballots, put his hand over and took out some of the ballots and placed them on the table to be counted, and had a most excellent opportunity to change tickets is established by a clear preponderance of evidence. If he put in any improper tickets for one side, it only needed for him to succeed in withdrawing as they were piled on the table a corresponding number from the other side to keep the count right with the poll-book.

When charged in the evidence with this unwarranted and unjustifiable conduct, instead of acknowledging the fault and pleading zeal or anxiety to count out the result he denies the charge, alleging that what he did was at another election; but his defense not only fails, but is clearly shown to be untrue. It is a false defense made by one detected in a wrong and illegal act. It is a defense made under oath and persisted in. It is shown that Mr. Bell is a bitter and intense partisan, helps run the machinery in ward politics, has often acted as judge of the election, and knew what the law was, and on this occasion declared that he knew more about the election laws than any twenty men there. Yet he not only interfered with the ballots as stated in manner almost to bring it within the law of felony, but when confronted with the charge he denied it under oath, and thus by evasion and falsehood deprives the original act of the charitable construction of innocent purpose, and invests it with the necessary implication of fraud. It is true that he himself denies changing any votes, yet he is the only one who would know the extent of his own interference, and his statement is no longer reliable or trustworthy. There is nothing said against his personal character; but the plea of character will not avail as against conceded facts, and unfortunately there are said to be localities in Ohio where character seems not to be seriously impaired by sharp political qualifications in either corrupting the voter or manipulating the ballot-box. In any view here was a direct interference, not done through ignorance, but deliberately, and to it can be justly ascribed no other than an improper motive, and it casts a doubt and suspicion upon the genuineness of the ballots, rendering them uncertain.

(3) Kelley's Island precinct.

The consideration of this point in the contest involves a matter of grave importance, and illustrates the imperialism which men of capital are prone to exercise over laboring and dependent men. In this contest to-day it is concreted into the small and insignificant space of an unknown island in Lake Erie; but in the general extent of the pernicious evil thus illustrated it is as widespread as the continent, and it permeates deeper than the waters of that lake. In this case, Norman Kelley, a quarryman, had in his employ about seventy men. Hitherto he had not taken an active part in elections, but on this occasion the profound excitement had finally penetrated his indifference and he became zealous, not generally, but with reference to the laboring men in his employ. He did not go out among his acquaintances to discourse upon the advantages of protection, or to proselyte in so good a cause, but, with that assurance and patronizing countenance of fatherly care which such employers exhibit toward employés, he gave them the strong and cogent argument—a mere opinion—that the adoption of free trade would embarrass his business as a stone-dealer, and in that event he would not require over or to exceed one-half, or probably not one-third, of his present force of men, and he thought the interest of the men was the same as his own. In other words, they were given to understand with perfect distinctness that the election of Hurd and Cleveland would bring free trade, which would compel a reduction of the force, and in that event free-trade men, or men supporting Hurd and Cleveland, would be the first to go. The threat was all the more contemptible because of the thin and unmanly disguise in which it was attempted to be concealed. He did not stop to explain to them that free trade was pernicious, because it would enable the free importation of heavy rock or stone walls or foundations for houses, or would tend to reduce their wages and enable him to conduct a more profitable business. He did not stop to consider that possibly some of his men, laborers as they were, were broader in comprehension and character than he, and that his business would always be safer in the hands of the workman who voted as his judgment dictated and defied discharge and the consequent suffering, despite the threats of such small despots.

But, regardless of the skill, excellence, and faithfulness of the employé, whether he were single or a man of family, the advance of the season, or any such consideration, the employé's vote was to determine whether he should remain employed or go. To accomplish this threat and make the duress of poverty and necessity more forceful and successful, employer Kelley appears at the polls about 4 p. m., the time his men are to leave their work and vote. He stationed himself at a point where they would have to pass in approaching the judges, inspects the tickets in their hands, and when one of them had the hardihood and manliness to cast his own vote, and not that of the quarryman, the latter follows him and vehemently tells him he will be the first to go. Such things disgrace the precincts in which they occur, and the strong hand of public contempt and the stronger hand of the law should be laid heavily upon such men and such transactions wherever they occur. There was a time when the law recognized no duress except that which resulted from actual violence, the bludgeon, or the pistol; but we have come to recognize that a higher manhood quails sooner at beholding the hunger and suffering of wife and children than at the mere contemplation of personal pain or indignity. The threat of deprivation of honorable employment is more alarming and may be made more insidiously and covertly; there is less protection against it, and it is therefore more to be condemned than threats of violence. Men who threaten violence can be proceeded against and held to keep the peace. There is no remedy against discharge by a political "boss." This character of duress has been recognized in Congress and elsewhere.

In the legislation of Ohio, section 7065 of the Revised Statutes declares it to be a felony for an employer to threaten to withhold or reduce wages or to dismiss from his employ any laborer with the view of influencing his vote. Here, then, we have the law and the fact. What is the effect upon the vote? As to the employés thus sought to be affected it is not necessary to show how they voted. The burden of showing that the intimidation, once established, produced no results is upon the one authorizing it or to be benefited by it. It is presumed to have had its effect. If all the men voted for Hurd it could easily be shown. If all would have voted for Romeis anyhow, evidence of that fact could have been adduced. But the intimidation would naturally deter Democrats from voting their sentiments; it would close the ears and hearts of Republicans to reason and argument and deter them from change or conviction; and it is the inevitable consequence that it taints with illegality and uncertainty the vote of each one of the employés where it is not shown that he acted independently of it. There are important reasons why the burden of disproving the consequences of intimidation ought to be thrown upon the one who authorizes it or profits by it. The burden ought to rest upon him as a penalty for its use. It is much easier to establish its non-effect, where it produces no results, than to prove its affirmative consequences. It is unjust to require a contestant to resort to evidence of the employés to prove their own humiliation, which human nature is naturally unwilling to acknowledge. And this position is sustained by authorities.

Sir, we are beginning to realize that a feeling of unrest is seizing upon the great mass of the laboring men. Slowly but surely the great fact is dawning upon them, that they do not participate in a just distribution of the results and products of their own labor. An unknown artisan in Europe, standing at the head of a few brawny-armed grime-faced workmen, shouts to the crowned heads to beware and heed the cries of despair, for one of these days, when standing armies are sent to suppress the disorder of misery, even the armies will lay down their arms, or deliver them to labor; and his words echo around the world. Even here discontent and organization go hand in hand. The huge leviathan only moves and it shakes the land. The huge turmoil rests at no rivers and stops at no State lines, but fills the broad land. Resolutions of investigation and statutes for arbitration will avail nothing unless practicable and appreciable results follow.

Labor must be encouraged and protected, not upon any principle of socialism, or invasion of rights of property, but in the adequate reward and compensation for what it does and accomplishes. It must know and feel that in the enjoyment, comforts, privileges, and protection of a civilization which it practically creates, it receives a just and equitable participation, and is not cheated and defrauded, limited and starved at each turn, day and night. Here in this unimportant contested-election case labor may be not only protected and dignified, but, sir, whenever you elevate its ballot to the plane of intelligence and independence you also guard and fortify it. Congress may not have power to increase or regulate wages, but it can by guarding and protecting an independent ballot in the hands of wage-men put it in their power to accomplish those results. Power and capital may still exact. At their mills and factories and around the operations of great corporations and combinations they may grind down wages, but when they come in the presence of the urn where we cast the suffrages of freemen even these mighty forces must fall back and uncover in the presence of the humblest when he comes to exercise this right. And when it shall be made to appear that this right has been invaded, that power, success, and insolence stand at the very door and block the way to the urn, hold poverty, suffering, and deprivation above the heads of humble men as the consequences of freedom and independence, the judgment of condemnation should be as swift as are the bolts of Heaven, and as effective too. In the present case there is no remedy or redress except the rejection of at least 50 of the votes cast by these employés of Norman Kelly.

(4) I come now to the illegal votes cast at the city of Toledo. In October, 1884, for the last time, Ohio held an October election. The Presidential election occurring in November enabled a comparison between the voters as to name, number, residence, &c., at that and the October election. It soon became apparent that a large number of votes were cast by persons in October who did not vote in November; and a great many who voted in November who did not vote in October. Careful, thorough, and prompt investigation showed that most if not all these strange persons voting in October had disappeared. They had voted, and then "folded their tents, like the Arab, and as silently stolen away." Nobody knew them or of them. There were some 347 of this kind of voters in certain precincts specified in the record. When the contestant's evidence was completed a clear *prima facie* case was made out as to them. At once the contestee brought the whole party machinery into operation to help him. The local papers advertised the names of these unknown voters, and gave all the information descriptive of them possible; they were urged to come forward and disclose themselves. The citizens were urged to hold meetings and furnish information and aid in accounting for the unknown persons. And a most comprehensive search was made. It would be impossible to consider and state the evidence in all these cases, for nearly every case depends upon its own peculiar circumstances. But upon the whole record I think it may be fairly and justly declared that 200 of these voters are shown to have been illegal. Mr. Romeis insists that he has accounted for all but 72. But while there may be some 10 or 12 about which men might differ, I believe the evidence establishes the illegality of at least 200 votes.

The suggestion made in argument on the floor of the House that these illegal votes were cast for the contestant because there was an increase of the Republican vote of 105, while the Democratic increase was only 5, is too remote and inconsequential to be entitled to serious consideration. It is quite as likely that a large number of the fraudulent voters in October voted under other aliases in November, or that the Presidential contest brought out more voters and induced greater importation from across the borders. It is the very common case where it is not known for whom the votes were cast. But in view of the fact that no charge is made against Mr. Hurd's canvass, that serious and wholesale bribery is charged against that of Mr. Romeis; that the grossest violations of law are proved, it would be a strange conclusion to charge the whole consequences up to the credit of the innocent party.

There are sufficient of these votes to change the result if the illegal votes at Kelley's Island or Precinct B, ward 8, ought not to be counted. In such case what rule must be applied?

Mr. McCrary, in his valuable work, lays down three rules for the disposition of such votes:

1. Deduct such votes from the majority.

2. Apportion them between the candidates in proportion to their respective votes.

3. Declare the election void.

He says the rule of apportionment "is probably the safest that can be adopted in a court of justice, where there is no power to order a new election, and where great injury would result from declaring the office vacant."

Indeed an examination of authorities will show that this rule originated in courts of law in proceedings of *quo warranto* or other proceedings where the judgment of the court is without any discretion, proceeds wholly upon the evidence, and must go on behalf of one of the parties upon the preponderance of the testimony. But such is not the case in a legislative body. Even in matters of contested elections its proceedings are not wholly judicial. It possesses a discretion and a power of receiving and giving consideration to evidence of influences and operations effecting results in elections that can not be appreciated in courts. In concluding his consideration of his rules for guidance Mr. McCrary, speaking of the apportionment rules, says:

> In a legislative body having power to order a new election, and in any other tribunal having the same power, it will doubtless generally be safer and more conducive to the ends of justice to order such new election than to reach a result by the application of the rule above stated. (Section 299.)

Now, sir, according to my judgment, the House has this kind of a case before it. There is one precinct, B, in ward 8, which in a court of law would be absolutely rejected, making a change of 200 votes, on account of the grossest violation of law, accompanied with clear indications of a change and substitution of ballots. There is another precinct in which at least 50 votes should be rejected in consequence of intimidation. There are 200 illegal votes found in the single city of Toledo, enough to warrant the presumption of the grossest corruption and use of money. Over all these hangs some evidence of actual and wholesome bribery. It may not be in the minds of some sufficient to find a verdict unless it be the Scotch one, "not proved." In the minds of a number of the committee as well as of a number of members on the floor it does bring conviction, and they have so expressed themselves. No unbiased mind can fail to experience serious doubt whether it was a just and fair election or the result is the expression of the popular will. The purity of elections and the prompt suppression of bribery and substitution of ballots are paramount to the personal rights of either of the candidates. To relegate the controversy back to the people most interested can result in no injury, and may correct a gross outrage upon law and order. No great inconvenience can result. Such an order is not only the proper solution, but it will be hailed by men of all parties as an indication on the part of this body to uphold the integrity of the ballot, and the people will be thereby induced to guard with greater care and scrutiny the conduct of elections and to compel the observance of the laws under which they are conducted. In my judgment neither contestant nor contestee is entitled to a seat, and a new election should be ordered.

Mr. ELY. Mr. Speaker, it is agreed by the parties to this contest that the contestee's returned majority is 239.

The contestant claims that the following votes should be deducted from those counted for the contestee:

First. Illegal votes in Toledo	79
Second. The majority returned for contestee in Precinct B, ward 8, Toledo	220
Third. The majority returned for contestee in Precinct C, ward 3, Toledo	166
Fourth. Votes in Kelley's Island	60
Fifth. Illegal votes in Mendora Township, Lucas County	2
Sixth. Illegal votes in Milan Township, Erie County	5
Seventh. Illegal votes in Precinct A, ward 6, Toledo	2
Total	534

Were these deductions made the contestant's majority would be 295.

The alleged illegal votes in the fifth, sixth, and seventh items can not turn the scale in the decision of this case, and I pass them by without comment. Each of the other four may determine this contention, and concerning them I desire to make some observations for the consideration of the House.

The contestant in his argument before the committee expressed surprise that he should have been defeated at the October election, 1884, while the general Democratic ticket received a very considerable majority. This was not unnatural. Nor is it strange that he should charge the cause of his defeat to the wrongdoing of the party of his opponent and demand an investigation. No man takes kindly to self-examination or self-condemnation. No man is swift to believe that his own popularity does not keep step with that of his party. No man can contemplate with satisfaction a result humiliating to his pride, and it may be in conflict with his conscientious belief that he is deserving of better things. But this result is not so unusual or anomalous as to excite surprise in the minds of disinterested persons. It is by no means uncommon. Nearly every election is attended by a similar result. The latest reported State election, that of Rhode Island, is no exception to the rule. There the Republican candidate for attorney-general was defeated by a large majority in a poll which gave the other Republican candidates about 4,500 majority. He was a man of character and ability, but did not have the confidence of the people on one important issue. So it was in the case before us.

If we seek for the cause of Mr. Hurd's defeat in the last Congressional election, we find it not in mistakes of election officials, not in illegal votes, not in bribery, not in intimidation, but in the fact that he was not on one interesting question in harmony with a majority of the people in the tenth Congressional district of Ohio. The record before us not only tends to show but demonstrates the accuracy of this conclusion. Eminent Democrats of the city of Toledo openly and boldly opposed his election. Democratic newspapers gave him little or no support, and admitted to their columns articles hostile to his fortunes and ideas. Mr. Patrick A. McGahan, a Democrat and city clerk of Toledo, called by contestant, testifies to those facts, and other witnesses called by the contestee fully corroborate his testimony.

But the most conclusive and significant evidence on this point is furnished by an examination of the state of the ballot in those wards of the city of Toledo in which Mr. Hurd claims that illegal votes were received. Such examination demonstrates, first, that illegal votes were not cast, and second, that voters in large numbers, who supported the head of the Democratic ticket, substituted Mr. Romeis for Mr. Hurd as

their candidate for Congress. The head of the ticket at the October election, 1884, in Ohio, was the secretary of state. I invite your attention to the condition of the ballots in the wards of which Mr. Hurd complains:

Toledo ward 2, October election, 1884: Hurd ran behind Democratic secretary of state 36 votes; Romeis ran in advance of Republican secretary of state 33 votes.

Ward 3: Hurd ran behind Democratic secretary of state 11 votes; Romeis ran in advance of Republican secretary of state 14 votes.

Ward 4: Hurd ran behind Democratic secretary of state 98 votes; Romeis ran in advance of Republican secretary of state 106 votes.

Ward 5: Hurd ran behind Democratic secretary of state 113 votes; Romeis ran in advance of Republican secretary of state 122 votes.

Ward 7: Hurd ran behind Democratic secretary of state 80 votes; Romeis ran in advance of Republican secretary of state 40 votes.

Ward 8: Hurd ran behind Democratic secretary of state 80 votes; Romeis ran in advance of Republican secretary of state 74 votes.

Precinct B, ward 8: Hurd ran behind Democratic secretary of state 55 votes; Romeis ran in advance of Republican secretary of state 55 votes.

Entire district: Hurd ran behind Democratic secretary of state 1,509 votes; Romeis ran in advance of Republican secretary of state 1,436 votes.

What is the natural conclusion to be deduced from these returns? I will not affirm that it is impossible to account for them on one theory only. When I look into the record in this case and observe the paucity of facts therein contained and then listen to the huge and glittering argument constructed thereon, I am prepared to believe that all things are possible. I admit and admire the boundless possibilities of the ratiocination of the contestant, and no longer presume that others can not soar through the limitless realms of the air because I can not follow them in their flight.

But leaving the possibilities, and applying to these returns that ordinary common sense which serves us so well in the business of life, I respectfully submit that the probable, the natural, the reasonable inference to be drawn from this state of facts is that while a few of the Democrats who declined to vote for Mr. Hurd also failed to vote any Congressional ticket a sufficient number of them voted for Mr. Romeis to give him 239 plurality; to my mind it is the irresistible conclusion. No man has yet claimed in this case that a single illegal vote was cast for the Democratic secretary of state. Such a claim, if made, would be beyond the power of rational belief. The two great parties of the country struggled, I may say agonized, in the great October campaign in Ohio of 1884 because it was supposed that the result would in no small measure influence the Presidential election in the following November. But it was the result of the State and not the Congressional election that was to wield this influence. Therefore, no act would have been done by the Republican leaders to add one vote to the poll of the head of the Democratic ticket. If not, then 1,509 legal voters in that district voted for him who did not vote for Mr. Hurd. This number was more than sufficient to elect Mr. Romeis. Did they vote for him? Every fact in this record indicates that they did. This is the only natural explanation of the result of the election. Any other is constrained and illogical.

The same cause which leads a voter to discard his party candidate equally leads him to vote for the opposing candidate. No claim has been made that a single illegal vote was cast for the Republican secretary of state. The claim of illegality is confined to the 1,436 votes which Romeis received above the general Republican ticket. It seems to me unreasonable, I had almost said absurd, to say that those votes were not cast by the voters who voted for the Democratic secretary of state, but did not vote for Mr. Hurd.

I might well stop here and be content. But other considerations equally forcible govern my vote in this cause.

I invite the attention of the House to the character of the evidence which, it is claimed by the contestant, tends to prove illegal voting in the city of Toledo. To fully comprehend the weakness of this testimony it is necessary to refer to section 2945 of the Revised Statutes of Ohio, which is as follows, namely:

SEC. 2945. No person shall be permitted to vote at any election unless he shall have been a resident of the State for one year, resident of the county for thirty days, and a resident of the township, village, or ward of a city or village for twenty days next preceding the election at which he offers to vote, except where he is the head of a family and has resided in the State, and in the county in which such township, village, or ward of a city or village is situate, the length of time required to entitle a person to vote under the provisions of this title, and shall, *bona fide*, remove with his family from one ward to any other in such city or village, or from a ward of such city or village to a township or village, to a ward of a city or village in same county, or from one township to another in the same county, in which cases such person shall have the right to vote in such township, village, or ward of a city or village without having resided therein the length of time above described to entitle a person to vote: *Provided*, That such voter so removing with his family from a township to a village, or ward of city or village, in the same county, shall not have the right to vote at any municipal election held in such city or village unless he shall have resided therein twenty days prior to such municipal election.

By this law voters who are married men may remove from one ward or precinct of a city to any other ward or precinct in said city and vote without limit as to time, and voters unmarried may vote if they have been in the precinct for twenty days previous to the day of election. The contestant originally claimed 710 illegal votes. He claims to have offered testimony concerning 365 only. How did he arrive at this latest result? He compared a single poll-book of the October election with a single poll-book of the succeeding November election, and names which he finds on the October poll-list and not on the November poll-list, or spelled differently on the two lists, he sets down as illegal votes. He then calls witnesses who testify that they are residents of the precincts, that they do not know these voters, and think they are not voters or residents of the ward. These witnesses did not go personally from house to house, nor from their knowledge of the people of the precincts or from their investigations could they testify with any certainty about these voters.

If any gentleman doubts the fairness or the accuracy of this summary of the contestant's evidence on this part of his case I ask him to examine the testimony for himself. But as it conflicts with the statements of the report of the minority, which in this part of it is a *verbatim* copy of the contestant's brief, I desire in proof of my summary of this evidence to say what I think will not be denied, that this evidence applied with equal force to three hundred and sixty-five, or as I make it, three hundred and sixty-six voters, and that the contestant admits that the contestee proved to his satisfaction that one hundred and fifty-three of them were legal voters. I am sure that this admitted fact amply sustains our able and experienced chairman of the Committee on Elections in his statement that "in a busy and crowded city" such evidence "can not be safe however great the opportunities of the witnesses." I say in all sincerity that I have a profound respect for the gentlemen who compose the minority of this committee, and I commend their prudence in copying into their report from Mr. Hurd's brief the statement, *verbatim*, "This testimony is entirely competent and always makes out a *prima facie* case against the voters claimed to be illegal. This doctrine is well settled." But I know that in the goodness of their hearts they will forgive me if I follow Mr. Turner rather than Mr. Hurd.

The minority of the committee, again copying the brief of Mr. Hurd *verbatim* in their report, says:

> The contestee recognized the force of the rule of law and accepted the *onus* of the proof, and undertook to show that the persons whose names were presented by the contestant were not illegal voters but possessed the qualifications necessary to make them electors at the various precincts where they voted.

I do not so understand the fact to be. I understand that the contestee denies that this evidence is sufficient to throw the burden on him; but there being no tribunal to decide this question, he did show by competent evidence that all the voters claimed to be illegal voters were legal voters by investigations made from three to five months after the election, except seventy-nine. And I maintain and submit to this House that this fact that in the great city of Toledo, with its constantly shifting population, with its manifold industries, with its young men constantly coming and going, Mr. Romeis has been able to locate all voters who have been claimed to be doubtful except seventy-nine in a poll of 16,188; or, if we restrict it to the precincts contested, 9,008, is a result which no man would have ventured to foretell. In how many of the districts of the gentlemen on this floor could it probably be done? As showing still further how unreliable the contestant's evidence is, and how thoroughly his claim is disproved, I insert a table abstracted by me from the record, showing the illegal votes claimed, the illegal votes claimed to be testified to, those proved to be legal, and those concerning which no testimony has been offered, in each precinct of the city of Toledo:

Ward and Precinct.	Number of votes claimed by Hurd.	Number of votes testified to by Hurd's witnesses.	Number of votes proved by Romeis to be legal.	Balance.
Ward 1, precinct A	20	.....	.....	.....
Ward 1, precinct B	20	.....	.....	.....
Ward 1, precinct C	10	.....	.....	.....
Ward 2, precinct A	30	30	21	9
Ward 2, precinct B	40	43	29	14
Ward 2, precinct C	15	9	9	.....
Ward 3, precinct A	35	41	33	8
Ward 3, precinct B	45	21	17	4
Ward 3, precinct C	20	8	8	.....
Ward 4, precinct A	60	35	26	9
Ward 4, precinct B	20	18	17	1
Ward 4, precinct C	20	8	5	3
Ward 5, precinct A	25	25	13	12
Ward 5, precinct B	50	18	13	5
Ward 5, precinct C	75	18	15	3
Ward 6, precinct A	45	.....	.....	.....
Ward 6, precinct B	25	.....	.....	.....
Ward 7, precinct A	30	7	6	1
Ward 7, precinct B	30	16	16	.....
Ward 7, precinct C	15	.....	.....	.....
Ward 8, precinct A	25	21	25	4
Ward 8, precinct B	25	.....	.....	.....
Ward 8, precinct C	40	40	34	6
	710	366	287	79

Again, the case of the contestant is fatally defective in that he furnishes no evidence to prove for whom these votes were cast. This is admitted by the report of the minority. In the absence of such proof these votes can not be deducted from either candidate. This doctrine is well settled by this House in recent cases of Wigginton *vs.* Pacheco, Forty-sixth Congress; Massey *vs.* Wise, Forty-eighth Congress; O'Ferrall *vs.* Paul, Forty-eighth Congress; Garrison *vs.* Mayo, Forty-eighth Congress.

Every principle of justice and right requires that this rule should be adhered to firmly and strictly. The propriety and indeed necessity of this doctrine is established and emphasized by facts proved in this case. In ward 2, Precinct A, the contestant claims to have made out a *prima facie* case against 30 votes of which the contestee proved 21 to be legal. He also proved that 13 of these votes were Democratic. Now, according to the rule contended for by the contestant, he would have received the benefit of 13 votes and the contestee would have had 13 votes, which were never cast for him, deducted from his majority. Could anything be more unjust or iniquitous than this?

So much for the claim of illegal votes in Toledo. The contestant has utterly failed in law and in fact to establish his claim. The quotation from McCrary on Elections, which the contestant parades with so much ostentation, and which the minority of the committee copy, even to the varying type in which it is printed, is a boomerang full of danger to him. The learned author says: "If the district or territory within which the voter must reside is large or very populous and *the witness has not an intimate and extensive acquaintance with the inhabitants* the evidence will be of little value, and standing alone will avail nothing." The contestant admits that his witnesses were mistaken one hundred and thirty-five times out of three hundred and forty-seven, and it is the fact that they were mistaken two hundred and eighty-seven times out of three hundred and sixty-six. Such evidence is indeed "of little value, and standing alone will avail nothing."

I now come to consider the claim of the contestant that 220 votes for contestee in Precinct B of ward 8 should be thrown out. The argument already made applies to this claim, and I desire to emphasize but not repeat it. I pass on to refer to that part of the contestant's claim which is peculiar to this precinct.

He charges bribery and attempts to prove it by two witnesses, S. Gerstmann and Louis Jahn. The gravity of this charge, and, in this instance, its high improbability, demands ample proof to convince us of its truth. This precinct was composed almost entirely of German and Poles, voters who would be most likely to vote for Mr. Romeis. Frederick Warnke, an unimpeached and uncontradicted witness, says that Mr. Romeis had always had "a big majority in this precinct. * * * The voters were for Mr. Romeis from the start."

Let us look at the witnesses and the testimony on which the contestant relies.

S. Gerstmann says that he went to Toledo under supervision of the national Republican committee in the beginning of September; can't tell what precincts he visited, or what wards until asked directly by Mr. Hurd if it was ward eighth, then says he presumes it was (page 116 of the record); that the sentiment was for Hurd; "it could be changed by dealing out a good many kegs of lager beer;" "that would cost money;" "to approximate it, they said that two or three thousand dollars would change the whole thing, but if they had any for that purpose I don't know." Witness says that he reported at State and national Republican headquarters. What was said at State headquarters he is not asked by Mr. Hurd, and does not state. The only things said at national headquarters which witness reports is that Mr. Elkins said to him: "You go ahead and tell the chairman of the State committee to do all they can" (page 116); that witness went to Toledo "about five or six days," about the Wednesday before election, to wit, October 8, and found, as he says, the sentiment changed from Hurd to Romeis.

There is no proof of bribery. But who is the witness? His cross-examination shows as follows: He says "I have lived in Cincinnati since August, 1885; just prior to that lived in Savannah, Ga., thirteen years." (Record, page 117.) Was in United States Army from 1854 to 1859. (Record, page 118.) Lived in Savannah, Ga., at breaking out of the war and became a Jewish rabbi to avoid conscription in confederate army. Lived in Americus, Ga., from August, 1859, till February, 1860. Lived in Savannah, Ga., from February, 1860, till 1870. Declines to answer how long he lived in Savannah after 1870. Declines to answer where he lived after he left Savannah. (Record, page 119.) Did not belong to any political party "other than my own."

Q. What is that?
A. Myself; self-preservation is the first law of nature. (Record, page 119.)
Q. How many times have you been in prison since 1879?
A. I don't think I was any time in prison.
Q. Are you positive of that?
A. I am not positive of that.
Q. You would have known whether you were or not?
A. I suppose I would. (Record, page 120.)

Lived in Danville, Pa., seven months. Lived in Portsmouth, Ohio, in 1872 and 1873. Lived in Sacramento, Cal., in 1880. Lived in Helena, Ark., in 1881. (Record, page 120.) Had no business.

I was a candidate for Government office if General Hancock had been elected and I was a candidate under Garfield. (Record, page 121.)

The witness reiterates on cross-examination what he said on direct examination, that he was in Toledo twice, to wit, once early in September, and the second time five or six days before the election of October 14, after he had been in New York, and that it was this second time that he discovered the change of sentiment from Hurd to Romeis until he is confronted with these facts, drawn out of his own mouth by the hardest kind of cross-examination, to wit:

First. That on this visit to New York he went to the Democratic headquarters, saw and talked with Mr. Smalley, the secretary of the national Democratic committee. (Page 121.)

Second. That he shortly after received a letter from Mr. Smalley at Cincinnati, addressed to the chairman of the committee of the Democratic party in Ohio, with certain authority in it, which he first says he destroyed and then partially admits that he sent to the chairman or showed to the secretary of that committee. (Page 122.)

Third. That for some purpose he moved into the back part of the room with said secretary, but does not remember the conversation with him there. (Pages 122 and 123.)

Fourth. That on his arrival in Toledo, five or six days before election, he went directly to the house of Mr. Hyde or Hyne, a Democratic friend, and staid there until he went to see the secretary of the Democratic committee, and then returned to Mr. Hyde's house and remained there until he left Toledo. (*Vide* 123.)

After all this was shown the witness said he was in Toledo three times, and it was on this third visit, which was the second in order of time, that he discovered the change in sentiment. He now says this visit covered two days (pages 125 and 127), but in his direct examination only one. (Page 117.)

He will not say that the time between the first and second visit was more than one week, until he sees how absurd it is to say the sentiment changed in so short a time. (Page 126.)

This witness finally recontradicts himself by swearing that the interview with Mr. Elkins and the interview with Mr. Smalley were on the same day. (Page 128.)

In this man's interviews with the member of the Democratic State and city committee he carefully inquired into their financial condition. (Page 124.)

In his conversation with Mr. Jackson, the secretary of the Democratic county committee, this witness never mentioned to him that the Republicans were buying up this precinct or any other. (Pages 126 127.)

The only satisfaction to be got out of this witness's testimony is when he swears at the close of the cross-examination that he did not get any money out of either the Democratic or Republican committee. (Page 128.)

Although carefully questioned, this witness tells the name of only one person who told him what the sentiment of the precinct was, and says that person was Ferdinand Warnke, and that he had three conversations with Warnke.

Ferdinand Warnke is called by the contestee as a witness, and testifies that Gerstmann did have a conversation with him, in which he desired him to go and see one Sam Stettiner, the chairman of the Democratic county committee. Warnke contradicts Gerstmann in every particular. Mr. Warnke appears to be a fair and honest witness. His testimony is brief, and I insert it in full in my remarks as it appears in the record of the case:

MONDAY, *April* 13, 1885—2 p. m.

Mr. Romeis being present by his counsel, and Mr. Hurd in person, the taking of depositions in the above-entitled action was resumed, as follows:

Ferdinand Warnke, of lawful age, being first duly sworn to testify the truth, the whole truth, and nothing but the truth, as hereinafter certified, deposes and says:

808. State your name, age, and place of residence.
A. Ferdinand Warnke; 50 years; reside at the corner of Tecumseh and Elizabeth streets, in Toledo, Ohio.
809. In what precinct and ward did you reside during summer and fall of 1884?
A. In Precinct B of the eighth, Toledo, Ohio.
810. Of what nationality are the residents of that precinct generally?
A. Some Polanders, some Germans, and some Irish.
811. What business are you engaged in, and in what precinct and ward is that business located?
A. Groceries and provisions; in Precinct B of the eighth ward.
812. State whether during the month of September or the first two weeks in October, 1884, you at any time or at any place had an interview with a man by the name of Gerstmann, from Cincinnati, Ohio, and, if so, when and where that interview was.
A. I did; it was on a Sunday afternoon, between 3 and 4 o'clock, at my place of business; don't know just what date; it was some time before the election.
813. Have you ever seen him more than once?
A. No.
814. At the time you did see him did you state to him in words or in substance that the voters in your ward or precinct were all for Mr. Hurd?
A. No.
815. Did you state to him in words or in substance that beer, cigars, or money could induce them, or any of them, to vote for Mr. Romeis?
A. No.
816. Did you state to him that any sum of money whatever could induce them to vote for Romeis?
A. No.
(The last three questions and answers objected to by Mr. Hurd.)
817. Was the subject of money in connection with the election of Mr. Romeis mentioned between you?
A. No.
818. Was anybody present at the conversation you had with him?
A. No; we sat by a table in my saloon; just he and I.

819. Please now state what he said and all that took place between you.
A. When he came in at my place he said, "Is this Warnke's place?" I said "Yes." He then said, "What do you think about the election?" and I said, "I don't know." He says, "Are you acquainted with Stettiner and Landman? They sent me down to you, and that I should ask you how the election would be." And then told me I should go down to Sam Stettiner's the next Monday morning. I said, "I don't know if I will come or not." Then he says, "I haven't much time; I would like to go out to see the Pollocks in our precinct, down to groceryman's by the name of Bolter, Rudolph Bolter." Then he said, Give me a pony beer." He then went out and I staid in my saloon.
820. Was anything said by him as to how the vote would stand in that precinct between Mr. Hurd and Mr. Romeis; and if so, what?
A. He asked that. I told him "I guessed they were all for Romeis. Romeis is a good man; that we don't want free trade." He then said, "Don't forget to come down to Stettiner's at 10 o'clock to-morrow morning. I'll be there, too." That's all he said, and then went out.
821. Was the Sam Stettiner of whom you speak chairman of the Democratic county committee?
A. I guess he was.
822. Did you go down to Stettiner's the next day?
A. No.
823. Do you know who the majority of the voters in your precinct were in favor of when Messrs. Hurd and Romeis were first nominated for Congress?
A. For Romeis.
824. Did they continue to be in favor of Romeis until the election?
A. Yes; they kept it up until the election.
825. Has Mr. Romeis many friends among the Germans and Poles of that precinct?
A. Yes, sir; he has.
826. Have they voted for him often in that precinct?
A. Yes, sir; with a big majority.
827. When he has been a candidate, who has received a majority in that precinct, he or the man that opposed him?
A. I guess he (Mr. Romeis) has received a majority. This was the case when he was a candidate for mayor three times, and when he ran for Congress.

Cross-examination by Mr. Hurd:

828. Can you state more definitely how long before the election it was that you had this conversation with Mr. Gerstmann?
A. I don't know. It was a week or two weeks before; can't tell exactly.
829. How long did your conversation with him last?
A. May be ten minutes; may be not so long.
830. How many persons were present in the saloon while you were talking with him?
A. There were ten or twelve. They were in one part of the saloon and we were in another. Nobody heard what we spoke.
831. Did he tell you his name and where he came from?
A. No; he told me he came from Cincinnati.
832. Was anything said about the Presidential election, or about Cleveland and Blaine?
A. Yes; he said from this election we'll find out how the next will be.
833. Do you know how long he remained in that precinct that afternoon?
A. No, I do not.

Mr. Hurd here reserves the right to recall Mr. Warnke for further cross-examination.

FERDINAND WARNKE.

APRIL 21, 1885—2 p. m.

Both parties were present by counsel.
Thereupon Mr. Ferdinand Warnke was recalled, under agreement heretofore noted, and testified under cross-examination as follows:
1250. You are the same Ferdinand Warnke who has heretofore testified in this case, are you?
A. I am.
1251. In what precinct and ward is your business located?
A. In Precinct B of the eighth ward.
1252. Where is your place of business situated with reference to the voting place in that precinct?
A. It is on the opposite corner of the same block.
1253. Where do the people live, and to what class do they belong, who patronize or trade with you at your place of business?
A. Pollocks, Germans, and some Irish, living all around in said Precinct B of the eighth ward.
1254. Was any money spent by any one who was working in the interest of Mr. Romeis in the Congressional campaign in the fall of 1884 in treating the voters of your precinct or ward at your place of business in said Precinct B?
A. No.
Did Mr. Romeis, the contestee in this case, spend any money in said Congressional campaign in buying lager beer or other drinks at your place of business for the voters of your ward or precinct?
A. No.
1255. Did said contestee give you any money, or did any one for him give you any money, to pay for beer or other drinks to be furnished by you to the voters of your ward or precinct?
A. No.
1256. Did you have any money furnished you by any one during that campaign to pay for beer or other drinks to be furnished by you to the voters of your ward or precinct?
A. No.
1257. Was any money given you during said campaign to pay for groceries, provisions, or any such things to be by you furnished to the voters of your ward or precinct?
A. No.
1258. Was any money given you by Mr. Romeis, or by any one in his behalf, to pay for services rendered by you for Mr. Romeis during said Congressional campaign?
A. No.
1259. Was any money given to you by any one to pay for services rendered by any one during said Congressional campaign?
A. No.
1260. Was any money paid to you, or to any one for you, or to you for any one else, or did you have any agreement with any one to receive yourself, or that any one should receive money for you, or that you should receive money for any one else, or that you should pay money to any one to induce them or you to vote and work and to vote or work in the interest of said contestee during said Congressional campaign or on the day of election, October 14, 1884?
A. No.
1261. Did you pay any money yourself for services rendered at the polls in precinct B of the eighth ward on the 14th day of October, 1884?
A. No.
1262. You say in your examination-in-chief that Mr. Gerstmann asked you to meet him the next day at the store of Stettiner & Landreau, do you not?
A. Yes.
1263. Did you go there the next day to meet him?
A. I did not.
1264. Why did you not go?
A. I told him there was no need for me to go there; there was time enough before election.
1265. What did you mean by the expression that "there was time enough before election?"
A. I meant that I wouldn't go there Monday, the next day.
1266. Did you aid any one in getting their naturalization papers in the fall of 1884?
A. No.
1267. Did you furnish to any one money to pay for naturalization papers during the fall of 1884?
A. No.
1268. Did you pay money, or agree to pay money, to any one for the time they spent for obtaining their naturalization papers?
A. No.
1269. Do you know of any one in your ward or precinct who obtained his naturalization papers at any time during the fall of 1884?
A. No.
1270. Were you in any way connected with or consulted with about obtaining the naturalization papers of any one at any time during the fall of 1884?
A. I was not.

FERDINAND WARNKE.

Now, is it possible, that any man, in the face of this testimony, can believe, as the report of the minority asserts, that this Gerstmann's "testimony remains uncontradicted and unimpeached?" Moreover, this testimony is not competent, because it is hearsay. Hearsay evidence has been repeatedly held inadmissible in election cases, as in Duffy *vs.* Mason, Digest, 1876 to 1880, page 368.

Greenleaf on Evidence, in asserting that hearsay evidence is uniformly incompetent, says:

> Its intrinsic weakness, its incompetency to satisfy the mind as to the existence of the fact, and the frauds which may be practiced under its cover, all combine to support the rule that hearsay evidence is wholly inadmissible.

Yes, "the frauds which may be practiced under its cover." That leads me to inquire why this Gerstmann was selected as the only witness to prove these facts. He testifies, referring to himself, "self-preservation is the first law of nature." He tried to sell himself to both political parties and failed. Mr. Hurd well knew the character of this man after his cross-examination was completed, and yet called no witness to corroborate him. In this precinct 103 witnesses had voted for Mr. Hurd. Was there not one of this 103 who would sustain Gerstmann? The fair inference is that there was not.

If it be attempted to support this witness by Louis Jahn it will be found that the same observations may apply to him, though not for the same reasons. This man, it is true, was a Republican judge at this precinct, but he was a Republican only in name. It is evident that through some fancied or real grievance he did all he could to defeat Mr. Romeis and to elect Mr. Hurd. He testifies that he voted the split ticket, and when asked, "Whom did you vote for for secretary of state?" Mr. Hurd makes haste to tell him that he need not tell for whom he voted unless he pleases to. (Record, page 69.)

What is his testimony on this point? He says, and his expression is important:

> Much as I know nineteen ticket peddlers around there, * * * and Henry Gates paid them off the same night in Joe Boldt's grocery. * * * Much as I know some got $3, some $5, and a few $10.

On cross-examination he says that he knew nothing about it except what was told him by Gates and others. This is hearsay testimony beyond all question.

But were it evidence it does not prove either the number of ticket-peddlers or the amounts paid. Whatever was done was done openly. It was a perfectly legitimate transaction and is done everywhere. I have known it to be done for years, and I never heard it questioned. These ticket peddlers were paid for services and according to the value of their respective services. There is not a word of evidence tending to show that they were not Republicans.

The contestant claims that the election in this precinct is void for uncertainty in the count of the ballots. This I can not agree to. No precinct shall be disfranchised by my consent unless in a case of absolute necessity. No necessity for any such course of action exists in this case.

The election was honestly conducted, and the officers tried to do their duty. So testifies Louis Jahn at page 75 of the record. I have examined the poll-books and the tally-sheets and they bear the marks of honesty and accuracy. The poll-books of the two clerks agree and show 430 votes. A careful counting and tallying of the votes showed 426 votes. And of these votes, 323 were for Romeis and 103 for Hurd, giving Romeis a majority of 220 votes. Mr. James Kelley, the Democratic judge, says that the only uncertainty about the vote, as ascertained and counted and returned, grows out of the fact that the tally-sheet of the clerks showed 2 less votes than appeared on the poll-book. (*Vide* page 30 of the record.)

Now, the utmost that could by any possibility be claimed for Mr. Hurd is 12 votes. There is no evidence whatever of tampering with or corrupting the ballot, or destruction of ballots. If such allegations are founded on the testimony I am unable to discover it. To charge these judges and clerks with fraud and crime for what was at the utmost a mistake in counting seems to me to be utterly unfair and unjust. These men strove to do their duty. Why, I ask, should they be branded

as knaves and criminals? I emphasize again the testimony of Mr. Jahn: "The officers tried to do their duty." Mr. Jahn was strongly prejudiced in favor of Hurd, and yet he is obliged to testify, "The election was honestly conducted, and the officers tried to do their duty." Will honorable gentlemen on this floor declare that this man and his Democratic associate and the other judge and the clerks were guilty of such base and wicked crimes? I can not believe it.

It clearly appears to me that the first counts, which showed a difference of from 4 to 7 votes above the poll-list, and as to the number the witnesses differ, was probably incorrect; yet to give Mr. Hurd the benefit of every doubt, count 12 votes in his favor and reduce Romeis's majority in this precinct to 208 votes. It is all that he can fairly claim, and more than the testimony would fairly give him.

The contestant has sought out and made every legal objection to this precinct that possibly could be found, however small. While such a course of procedure does not commend itself to my mind, and while a seat in this House obtained on such grounds would not in my estimation be worth the having, I admit that it is his right to require the committee to consider these points of law, and without prejudice to give him the full benefit of them.

His first objection is that one of the judges did not reside in the precinct. The answer to that is, that he resided in the ward, which is all that the statute requires. (*Vide* Ohio Revised Statutes, section 2923.)

His second objection is that both clerks were Republicans, while the law requires that they should be of opposite political parties.

The decisions of this House and of the courts of the country show that this does not affect the validity of the election. I cited Baird *vs.* Bank (11 Sergeant and Rawle, 414, supreme court of Pennsylvania):

A person indisputably ineligible may be an officer *de facto* by color of election.

Pritchett *et al.* *vs.* The People (1 Gilman, 529, supreme court of Illinois):

It is a general principle of the law that ministerial acts of an officer *de facto* are valid and effectual when they concern the public and the rights of third parties, although it may appear that he has no legal or constitutional right to the office.

To the same effect are: McGregor *vs.* Balch, 14 Vermont, 428; People *vs.* Cook, 14 Barbour, 259 (N. Y.); Taylor *vs.* Taylor *et al.*, 10 Minnesota, 107; Saint Louis County Court *vs.* Sparks, 10 Missouri, 121; Whepley *vs.* McKune, 10 California, 352; and in this House, Barnes *vs.* Adams, 2 Bartlett, 760; Eggleston *vs.* Strader, 2 Bartlett, 897.

That officers conducting an election, canvassing boards and return judges, are ministerial officers is settled by the decisions in nearly every State.

In concluding my review of the numerous objections to the vote in this precinct, I have this much to say, that not one dollar is shown to have been used improperly in it; there is no evidence that anybody was bribed; not even so much as a glass of beer was given to any voter to influence his vote; that the vote was cast in favor of the man who had always carried the precinct by large majorities; that the ballots from the time they were cast until they were counted were in the custody of the duly elected officers of the precinct and of no other person whatever; that they were honestly counted, and that the result, so far as it affects this contest, is certain beyond a doubt; and that no valid legal objection has been shown why it should not be counted in favor of Mr. Romeis substantially as it was returned by the officers of that election.

I come now to consider the contestant's objections to the vote in Precinct C, ward 3, Toledo.

This precinct gave Romeis 166 majority.

The contestant claims that this majority should be discounted from Romeis's vote and this precinct disfranchised. For what reason? That one Robert H. Bell interfered with the ballots.

The report of the chairman of the committee truly states that this complaint is supported by the evidence of one of the clerks of the election, but is negatived by the judges and flatly denied by Bell.

One David Emerick, one of the clerks of the election, is the only witness who saw what the contestant here complains of. He testifies: "Mr. Bell stood at the head of the table, with his arm on the ballot-box, and as the tickets would exhaust he would put his hand in the ballot-box and put them on the table as the judges would sort them out." (*Vide* page 12 of the record.) And on cross-examination he testifies:

All he done was, he took them out of the ballot-box and threw them on the table, that I see.

This is the whole of his offending. It was done in the presence of the three judges and two clerks representing the two political parties.

Now, contestee claims that this occurred in November and not in October. But suppose it occurred in October, and suppose the rule of law is as stated in contestant's brief and copied with his argument thereon bodily and *verbatim* into the report of the minority of the committee; then on his own showing and on his own rule of law he has failed to make a case.

Mr. Hurd, at page 32 of his brief (page 20 of the report), states the rule of law governing the case, in the following words:

Any interference with them—

Meaning the ballots—

by an unauthorized person, any handling or taking them into possession by others than the proper officers, whereby an opportunity to tamper with them and alter them has been given, will be fatal to the count, unless the clearest and most satisfactory information has been made of the conduct of such person. The burden is shifted to the contestee to show that what was done did not interfere with the ascertainment of the true result.

Mr. Romeis has complied with this rule of law, and his compliance is found in the testimony of Mr. E. D. Potter, the Democratic judge of election in this precinct at the October and November elections, 1884. His cross-examination on pages 140 and 141 of the record was as follows, namely:

1. Q. You were the Democratic judge at the October election, 1884, at that precinct, were you not?
A. Yes, sir.
2. Q. How long have you known Robert H. Bell?
A. About forty years.
3. Q. He has been your immediate neighbor for a number of years, has he not?
A. Yes, sir.
4. Q. For how many years?
A. Oh, I have lived as near neighbor ever since he has lived here, for about forty years.
5. Q. It is true, is it not, that up until the October election, 1884, you and he had been upon the election board of that precinct at every election held therein from the time of the formation of the precinct?
A. We have ever since the appointments of judges of election were made by the city council.
6. Q. Whether the appointing power has been either Democratic or Republican you two have always been selected as two of the judges of that precinct, have you not?
A. Yes, sir.
7. Q. I will now ask you what his general reputation is in that precinct and in this city for honesty and integrity?
(Question objected to as irrelevant and incompetent.)
A. It has always been good.
(Answer objected to as irrelevant and incompetent.)
8. Q. In all your association with him in the conduct of elections in that precinct I will ask you if you have ever known him to do an unfair or dishonorable act?
(Question objected to as irrelevant and incompetent.)
A. I never have.
9. Q. I will now ask you if all the votes cast at Precinct C, third ward, on October 14, 1884, were taken from the ballot-box and counted?
A. Every one, and they corresponded with the tally-sheet.
10. Q. Were any ballots counted at that time which were not deposited in the ballot-box by the voters of the precinct?
A. I don't think there was: I saw every ballot taken from the box.
11. Q. At the time Robert H. Bell did take tickets from the box, as stated by you, did you see him while so doing?
A. Yes, sir.
12. Did he at that time place any tickets in the box?
A. I didn't see him put any in; I didn't see him if he did; I should have known it if he had.
13. Q. From what you know of him and his personal character as a man would you suspect him of doing so?
(Objected to as irrelevant and incompetent.)
A. I wouldn't believe it of him.
14. Q. Did he at that time place any tickets on the table which he did not get from the ballot-box?
A. I should think he did not; I should have been likely to have seen him if he had.
15. Q. From your knowledge of his personal character would you suspect him of doing so?
(Objected to as irrelevant and incompetent.)
A. I should not suspect him of it.
16. Q. Is it not true that between the spring election of 1884 and the October election 1884 he removed out of that precinct, and is not that the reason why he was not appointed judge with you for the October election?
(Objected to as incompetent and irrelevant and not proper cross-examination.)
A. He was appointed judge in June with me, and before the October election moved out of the precinct. Bob was a little officious and thought the new hands were not quite rapid enough and wanted to give them instructions, I suppose.
17. Q. I will now ask you if the canvass and declaration of the vote of Precinct C of the third ward of Toledo, on October 14, 1884, was not in all respects in accordance with the ballots deposited by the voters of that precinct on that day?
(Objected to as incompetent, irrelevant, and not proper cross-examination.)
A. Well, I think they were.
18. Q. Do you know of any act of deceit or fraud at that precinct on that day, either in the receiving of the ballots, their count, or the declaration thereof?
(Objected to as incompetent, irrelevant, and not proper cross-examination.)
A. I don't know of any deceit or fraud practiced at that election; I don't believe there was any.
19. Q. Do you know of any voter voting at that precinct who was not by law entitled to vote there; and, if so, who was he?
(Objected to as incompetent, irrelevant, and not proper cross-examination.)
A. There was one man who voted there who was not entitled to vote in that precinct, and only one. The third ward and the seventh ward are separated by Franklin avenue, and he lived on the seventh ward side, and about a half-hour after he came back and said that he had found that he had voted at the wrong precinct and wanted his vote back. I told him if he didn't vote at the other precinct there would be no harm done. I do not remember his name.
(Answer objected to as incompetent and irrelevant.)
20. Q. For whom did he vote for Representative in Congress?
(Objected to as incompetent, irrelevant, and not proper cross-examination.)
A. He voted the straight Democratic ticket, I think. My reason for thinking so was that he was brought there by one of our Democratic brethren. I did not see his ticket.

EMERY D. POTTER.

George W. Waterman, another judge of elections in this precinct, testified on page 221 of the record, as follows, namely:

878. Please state fully the process adopted from the time the ballot-box was unlocked until the count was completed.

A. We first counted the ballots without opening them. I took the ballots from the box and laid them on the table in a pile. All the judges and clerks proceeded to count from the pile to see if the number of ballots corresponded with the number of names on the poll-book. I think they corresponded exactly. We then proceeded to unroll them and assort them out. We laid them in separate piles, putting the unscratched Democratic tickets in one pile, the scratched Democratic tickets in another pile; then did the same with the Republican tickets—likewise with the Prohibition tickets. Then the tickets were called off, Mr. Kirk and Judge Potter, the other judge, taking turns in the reading. The tickets were then recorded by the clerks, and I strung them on the string. The

tickets were then placed back in the box and the poll-books were then completed and signed.

879. State whether all of the tickets in the box at the time it was first unlocked were counted?

A. Yes, sir; they were.

880. Were any tickets counted that were not in the box at the time it was first unlocked?

A. No, sir.

Here it is clearly shown that the acts of Mr. Bell, admitting that they took place at the October election, "did not interfere with the ascertainment of the true result." It was not fraudulent. Mr. Hurd never claimed any such thing nor did he charge it in his notice of contest. I do not understand the law to be as laid down by Mr. Hurd, nor does the case of Cary vs. Twombly, in New York, which he cites sustain him. The facts in that case so widely differ from those of this case that it is not in point. Even if Bell had violated the penal statutes of Ohio, and was liable to punishment, it by no means follows that the people of a whole precinct are to suffer. The people of the country have some rights which we are bound to respect. In this precinct 472 citizens deposited their ballots for Congressional candidates. All except 1, which was cast for Mr. Hurd, were legal votes. They were counted and corresponded with the poll-book. It is clear that the true result was declared. To disfranchise these honest citizens upon any such irregularity as the one here alleged will be a gross and unpardonable wrong to them, against which I most earnestly protest.

The last claim of contestant, to which I wish to refer, is that of Kelley's Island. The report of the minority say that 29 votes should be rejected on the ground of intimidation practiced by Norman Kelley. The claim is of little importance in the decision of this case, and my reference to it will be brief. Mr. Kelley worked a stone-quarry on Kelley's Island and employed about seventy men. The only conversation proved between Mr. Kelley and his men is thus stated in contestant's brief: 'He said to them that if Mr. Cleveland and Mr. Hurd should be elected, and Mr. Hurd's free-trade views should prevail, he would not want more than one-third of the men he was then employing, and that when he would be compelled to discharge men the first to go would be those who voted for Mr. Hurd and against his interest." This summary of the evidence is much stronger than the record will justify, but I pass it.

It is said that Mr. Kelley stood at the polls and asked to see the tickets of his men. "Some showed them and some did not." (Minority report, page 14.)

Was this intimidation? I asked Mr. Hurd at the first day's hearing before the committee to show me a case where it was held to be intimidation, and he has not yet done so. As I understand the law, it is necessary in order to throw out a precinct on the ground of intimidation to prove such acts as would intimidate men of ordinary firmness. If an employé is intimidated by being told by his employer that if he votes for a certain candidate and such vote ruin the employer's business he will be discharged, he must be a very weak man. The laboring man in our country is not to be turned from his course by any such talk. It is an insult to him to assert it. I rejoice that in our land of freedom the poor man, the laboring man, the mechanic, every worker with his hand, in the quarry, in the factory, in the fields, on the railroads, everywhere and at all times, can and does look every other man, however wealthy or powerful, squarely in the face, and proclaims by his voice, his pen, and his vote his principles, his needs, his hopes.

Again, the contestant has failed to show that any man was intimidated. The law governing this subject is well settled.

Where it is alleged that a large number of persons have been deterred from voting by violence or intimidation, the testimony of those persons, or some of them, should be produced. The opinions and impressions of others is not sufficient. (Norris vs. Handley, Forty-second Congress.)

As a matter of fact, in the case under consideration no voter was intimidated, nor has any employé of Mr. Kelley been discharged. Nicholas Smith mentions one only by name whom he claims to have been intimidated, one Peter Diffley. And Peter Diffley swears that Kelley never spoke to him, and further that he did not know and had not heard that any of the employés of Kelley were intimidated by anything Kelley said. Mr. George P. Bristol, who was a witness for Mr. Hurd, was at the time of the election, and now, superintendent for Mr. Kelley. He was a Democrat and one of the judges of the October election.

The whole matter of intimidation is summed up in one question and answer in the testimony of Garrett Howard, one of Mr. Hurd's witnesses, at page 100 of the record.

13. Q. Was it generally understood among the men that if Mr. Hurd were elected that Mr. Kelley's business would suffer, and some of them would be discharged?

A. It was just like anything else. Some were of one opinion, and some said it wouldn't, and some said it would.

I also called attention to the sixteenth question and answer of this witness's testimony, as showing Kelley's position in the matter:

16. Q. What did Mr. Kelley say that led you to believe that he was a Republican?

A. Mr. Smith was in the hall and accused him of bulldozing his men. He said he had as good a right to talk to his men and ask them to vote the Republican ticket as men that were in his employ had to electioneer for the Democrats.

Comment and argument are unnecessary. As in the material world so in the operations of the mind, given effects reveal and characterize the causes which produce them. In determining the quality and property of that action by which one mind influences or controls another, the language employed may, indeed, be deceptive, but the intent of the one and the effect upon the other can not fail to lead us into the paths of truth. In this case the intent, the language, and the effect are all in harmony. Mr. Kelley simply and solely expressed his opinion of the effect which Mr. Hurd's election would have on his business. It was so understood by his employés. They were not intimidated. I doubt if a single vote was changed. They voted according to what in their judgment would best subserve their interests.

Such are the conclusions to which I have arrived in the case. I have given to it the most careful and thorough study of which I am capable. I have not been conscious of partisan, certainly not of unfriendly, bias. If I have been unjust or unfair to Mr. Hurd I regret it. I believe the voice of the people was expressed at the polls in this district; that the votes were honestly cast by legal voters; that the vote was counted as cast; and that Mr. Romeis was elected by a substantial majority.

The SPEAKER. The time yielded to the gentleman from Massachusetts has expired.

Mr. ELY. I would like to have the privilege of extending my remarks in the RECORD.

There being no objection, it was so ordered.

Mr. ROBERTSON. Mr. Speaker, I now yield five minutes to the gentleman from North Carolina [Mr. GREEN].

The SPEAKER. The gentleman has fifteen minutes of his time remaining.

Mr. ROBERTSON. I think that is a mistake. The gentleman from North Carolina spoke twenty-seven minutes yesterday and——

The SPEAKER. How much time did the gentleman yield to the gentleman from Iowa?

Mr. ROBERTSON. Twelve minutes.

The SPEAKER. Then the gentleman has thirty-two minutes of his time remaining.

Mr. ROBERTSON. That is correct. I now yield fifteen minutes to the gentleman from North Carolina [Mr. GREEN].

Mr. GREEN, of North Carolina. Mr. Speaker, I do not flatter myself that a single vote will be affected by what I am about to say. But I propose to express my opinion of cant and contempt for moral lectures on party duty and patriotism, which, on each recurring occasion of this sort, are hurled at us from the other side of this House.

Mr. Speaker, Charles Greville, an acute observer of the politics of his time, speaking of the impeachment and trial of Lord Melville, makes this pertinent reflection in his admirable memoirs: "I was struck with the fact that every gentleman of his lordship's party thought and voted him innocent, while every one on the other side believed and voted him guilty." I quote from memory.

What a commentary that upon political bias and party passion. And yet, Mr. Speaker, a brief occupancy of a seat on this floor convinces me that it is in the main well grounded. We see it illustrated in Rome both in the forum and the capitol, and doubly so in the internecine conflicts ensuing, which were the forerunners of the empire. Doubtless, too, it was the case in antecedent states long before Marius and Sylla.

In spite of bathos and the golden rule, poor frail humanity is naturally prone to incline to the side of such as are of a kindred line of thought. At least it is and thus has ever been with our friends across the way. We see them forsooth in the plentitude of power seating Democratic contestants! We see them, "in my mind's eye, Horatio," scrupling to unseat those whom suffragans had seated to make room for others of more than questionable claim! We have seen them unseating Democrats who had been elected by thousands—ay, many thousands! But discarding sarcasm, we have seen a commission composed of Senators, Representatives, and Supreme Court judges overriding the expressed and manifest wish of the constitutional majority of this broad land, placing a pretender, a usurper, a sort of Perkin Warbeck, in the proud position—ay, the proudest when honestly won and worthily worn on this mundane sphere of ours—in utter disregard of the rights of the people and of him whom the people had chosen. Few believed it a righteous decision at the time, and still fewer will maintain it now. Of course party had nothing to do with it!

In view of this, Mr. Speaker, we are constrained to admit that with some at least party ties are not bound with liliputian threads, or party claim the figment of a disordered fancy. Ay, next to the ties which hold men together in the crisis of battle none are made of stronger cord. For one I lay no self-righteous claim to be unfettered by them, and what is more, I do not wish to be, as long as it is patent and apparent that they hold my political foes together with the tenacity of hooks of steel. I have always been afraid, Mr. Speaker, of being better than my neighbors; for next to the devil I hate, loathe, and detest a tyrant, and next to him their twin brother, the ill-begotten offspring of hypocrite and pharisee.

God forbid that I should out-Herod Herod or out-pharisee the pharisees.

Other things being equal, it behooves good, simple, and sinful man to be even like other men, and no better by mere assumption. Other things being equal, from my poor miserable standpoint it behooves him

to incline to the side of his friends when the issue is narrowed down and evenly balanced. Other things being equal, if he be a man of sense instead of an Arcadian dreamer, he will be content to walk the earth in his day and generation, and leave to others to attain to that plane of maudlin sentimentalism which enjoins self-immolation and party immolation to evoke the open acclaim but covert sneer of his friends—the enemy. Far be it from me, sir, to enjoin literal imitation of those who judged by the record hold party fealty paramount to the ten laws of Israel's inspired leader or the nine and thirty articles of a later epoch of injunction.

"*Fas est ab hoste doceri*" is an excellent rule in statecraft or party tactics. But mine be the teaching which in party strife or civil broil inculcates imitation of example instead of precept coming from the other side.

Ay, Mr. Speaker, I am not ashamed to proclaim myself a party man, or, if you prefer, a partisan, to the point that self-contempt would be my legitimate portion did party foes praise, pity, or otherwise cajole me. And so, Mr. Speaker, I approach this question with a degree of bias confessed, which some others feel, but fain would smother or conceal; and yet I trust I approach it dispassionately and with as honest purpose as any on this floor to be guided by facts and the rules of evidence. I approach it with a full conviction, sustained by the facts of the case, that the contestant is entitled to the seat he is claiming. But were I hampered with a doubt, Heaven forefend that I should stretch my conscience to give the benefit of that doubt to the other side.

Justice is justice, and should "be done though the heavens fall." But magnanimity is another thing after the requirements of justice have been answered. Prate not to me of party magnanimity. In man's dealings with his fellow-man, it is beautiful, it is sublime. In party concessions to opposing faction, it is folly—it is worse than folly, it is a blunder; and that, quoth Talleyrand, is worse than a crime. That party whose convictions are worth a pinch of salt should, where issue is joined and principles involved, "a hair divide betwixt the south and southwest side" before conceding the breadth of a hair. That party which wins in a national struggle should stickle for party unity and brotherly accord; and to insure it, should have its parts and props congenial. Antagonistic composition implies discord, and discord driveling, waver, and premature rot. He was a wise kindergarten teacher who, walking in the garden with the young king one day, was asked by his majesty whether he should retain in confidential trust the adherents of his unfriendly predecessor. Replying, not in words, he began to strike off with his cane the heads of the highest poppies. Leave not your enemies about you, and especially those of a larger growth, was the lesson inculcated. The lesson to-day is worthy of illustration, chimeras and cobwebs notwithstanding.

Off with the official heads of overgrown poppies and all such noxious weeds. In the enemy's lexicon, toleration of such implies timidity. In ours, it should import espionage upon those above and disregard of the claims of those below.

"In the name of the great Jehovah and the Continental Congress," I ask, is such vacillating conciliation sound statesmanship or genuine party policy? But, Mr. Speaker, in my zeal for party ends, which I trust imports "my country's, my God's, and truth's," I have been led into digression. Let us now come back to the case of Hurd *vs.* Romeis and sift the facts with due deliberation. I believe it will be conceded, Mr. Speaker, that fraud, intimidation, and irregularities are among the most essential elements in voiding and vitiating the election of him who employs such agencies, whether it is done by himself or by his adherents.

Now, sir, it has been shown to my entire satisfaction from evidence adduced that each and all of these are conspicuous in the election by which the contestee in this case was given the certificate of election, upon apparent returns, by the slight majority of 239.

Fraud and intimidation are euphonic terms on the tongues of Republicans, and seem to have been specially invented for their political vocabulary to hurl at the heads of us poor-devil Democrats whenever there is a chance of their stealing a seat on this floor or a President by their employment. On such occasions they roll them out with such unctuous fervor that the unthinking world is prone to take them at their claim as the party of high moral ideas and the ninety and nine capital virtues. What we poor sinful creatures consider only moral suasion is with the saints across the way the concentration of fraud, bribery, and corruption. A mild intimation to a "gentleman of color" that his services can be dispensed with after election day is intimidation of the shotgun type. Of course they scorn the use of such base agencies!

Of course railroad magnates, and cotton-spinning lords, and rolling-mill potentates, who are generally of the "unco guid" or Republican persuasion, employing their thousands and tens of thousand, never vote these under the lash of implied threat and starvation consequences sequent. Certainly your little stone-cutter, employing his three or four score of white dependents, would scorn to do it. Of a verity, ward politics in virtuous Ohio towns, like Toledo, for example, are not controlled by filthy shekels and the judicious manipulation of ballots by a blatant pot-house politician. But of course, if such things be, it is for the good of the wage-worker, who is not aware that he would otherwise vote against his true interest! But, sir, if such things be, I humbly submit that the law which applies to South Carolina and Louisiana under Republican potency shall none the less apply to New England, or Pennsylvania, or Ohio elections under the ruling of a Democratic House.

Let us have done with all such confusion of terms, which import one thing in one locality and an entirely different thing in another. Let Republican irregularities be measured by their own bushel. Then, Mr. Speaker, when the vote is taken there will be one more tenant on this side of the House and a corresponding vacancy across the main aisle.

[At the expiration of the fifteen minutes yielded to Mr. GREEN he asked and obtained leave to extend his remarks in the RECORD as above.]

Mr. HOPKINS. Mr. Speaker, the contest in this case arises in the tenth district of the State of Ohio, the returns from which district show that the sitting member, Mr. Romeis, was elected by a majority of 239 votes. That majority was sought to be overcome by the contestant, Mr. Hurd, in his notice of contest by attacking the twenty-three different voting precincts in the city of Toledo, and by attacking Kelley's Island precinct and several other precincts in the different counties throughout the district.

The argument before the committee, and especially the arguments of gentlemen upon this floor, however, have centered upon three distinct propositions. These are the votes in Precinct B of the eighth ward of the city of Toledo, the precinct upon Kelley's Island, and Precinct C in the third ward of the city of Toledo. During the time that I shall occupy the floor in this discussion, Mr. Speaker, I shall devote my remarks to these three propositions which have been raised by gentlemen who seek to secure the seating of Mr. Hurd upon this floor as a member from that district. I shall not take them up in the order in which they have been discussed by the gentleman upon the other side who has just preceded me, but shall first devote my attention to Kelley's Island. That seems to have been the chief point of attack made by the gentleman from Iowa in his remarks this morning.

As a member of the Committee on Elections I have given long and careful attention to the evidence which is adduced by Mr. Hurd in order to disfranchise voters upon that island, and have from that evidence come to a conclusion diametrically opposite that maintained by the gentleman from the State of Iowa in his remarks. I believe, Mr. Speaker, the evidence will not lead to the conclusion drawn by the gentleman from Iowa, by the contestant, Mr. Hurd, or by any of his advocates on this floor. It fails of that character which would warrant the House in disfranchising the voters of that precinct. The men who rely upon that must call in the aid of their imagination for their facts. In dealing with matters of this kind I know of no better guide than those which spring from experience and observation in the ordinary matters of life.

The charge is made that upon this island Mr. Kelley, a man who had a large number of laboring men in his employment, succeeded in intimidating them into voting against their own convictions and in voting for Mr. Romeis as against Mr. Hurd. It has been my good fortune, Mr. Speaker, for many years to reside in a city and Congressional district where large manufacturing interests are centered, and where many hundreds—ay, thousands—of men go daily to their employment, and it is my experience and observation that this class of men are the least susceptible to such influences.

I think the workingmen of America are more independent, that they have more integrity and more character, than is usually assigned to them by those who think they can be intimidated into voting against their convictions, or believe them capable of being influenced in favor of their employer by unworthy means. The glory of this country is its free institutions, and the fact that all the avenues in business, politics, and the professions are as open and inviting to the hod-carrier's son as to the son of his rich neighbor. It is a knowledge of this which makes the laborer a more enterprising and independent man. He looks forward to the day when his sons and daughters can take a little better and higher position in life than the one filled by himself. And as a result he reads more, thinks more, and is freer and more independent than the laborers of the Old World.

In my own home the men who are employed in the railroad shops and in the different mills and manufactories are a class of citizens whom any man may well be proud to represent in this House. The majority of those who have reached middle life own their own homes, their houses are well furnished, and their hearth-stones are the centers of comfort and happiness. Their children have grown up useful and intelligent citizens. Their boys and girls who have a taste for an education have the facilities under our splendid common-school system of acquiring it. And now some of our most prosperous young business men, brightest young lawyers, and successful physicians are sons of mechanics who work in the shops and mills. Such men, Mr. Speaker, can not be driven to the polls at the behest of any man or set of men. They realize and appreciate the dignity of labor, and act and think for themselves.

The evidence in this case when it is properly considered, in my judgment, will bear out the statement I have made. No man can read the testimony of any of the men who testified in regard to what took place on election day on Kelleys' Island without being impressed with the idea

that those men, long before the day of election, discussed this matter among themselves. They discussed the respective merits of Mr. Hurd and Mr. Romeis. They discussed the great economic questions which have divided parties since the earliest history of our Federal Government, and these men, in their plain, unpretentious way, came to the true and logical conclusion that the interests of the employer and employé are identical. They came to the conclusion that the opinions that were advocated by Mr. Hurd were not in harmony with the best interests of the laboring people of America; and that opinion of theirs was carried out on election day by voting against Mr. Hurd and for Mr. Romeis.

Now, Mr. Speaker, before I go into an examination of the evidence I desire to call the attention of the House to the law governing cases of this character. Mr. McCrary, in his able work on elections, in speaking on this subject, uses the following language:

> Where it is alleged that a large number of persons have been deterred from voting by violence and intimidation, the testimony of these persons, or some of them, should be produced. The opinions and impressions of others are not sufficient upon this point. The report of Norris *vs.* Handley, in the Forty-second Congress, is as follows:

I will not stop to read that. But it carries out the doctrine that is announced by Mr. McCrary.

I am aware that in the minority report, which bears the ear-marks of Mr. Hurd, they cite two cases in the Forty-fourth Congress which they claim bear out the doctrine that all that is necessary is to show an attempted intimidation. One is the case of Ford *vs.* Abbott; the other the case of Goode *vs.* Platt. I have examined both of those cases with great care, and I say, without fear of successful contradiction, that those cases are not in point, and that the principle of law which they announce is not applicable here. In the case of Goode *vs.* Platt, which arose from one of the Congressional districts in Virginia, the point raised was this: At the Norfolk navy-yard they employed nine hundred men regularly. Just before the Congressional election the Republicans added six hundred more men, with the understanding, as was claimed by the parties who testified, that those men were to vote for a certain candidate for Congress, and they voted and the contest was made upon that. They held that there was a bargain and sale between these employed men and the parties who put them there. That is not intimidation, but a species of bribery.

In the case of Ford *vs.* Abbott it was not a question as to whether the others had been intimidated, but the charge was made that bribery had influenced the votes.

I want to call the attention of gentlemen upon the Democratic side to this: that this law which I have read to you, as stated by Mr. McCrary, is the settled law in this country. It is the settled law of this House, and it is the law that you ought to take and by which every member ought to be guided in giving his vote on the issue that is presented in this case. If you do that, there is no need of my taking any further time in discussing the case so far as relates to the precinct on Kelley's Island.

No witness has been produced by Mr. Hurd to show that a single voter was intimidated on that island. No witness has been produced who has shown that by reason of the influence of Mr. Kelley any man was debarred from voting as he saw fit. On the contrary, the evidence of almost all the witnesses is to the effect that the men that were Democrats before voted the Democratic ticket. I know that one of the gentlemen who addressed the House yesterday, I think the gentleman from Alabama [Mr. MARTIN], cited the evidence of Peter Diffley. Mr. Diffley testified in this case, and if any member will take the time to read his evidence he will find he voted the Democratic ticket; and that is the only man upon Kelley's Island who was named. I shall take no further time on this question of Kelley's Island, but I call the attention of Democratic members to this principle of law and to the statement I have made that no proof has been brought to show that a single voter voted otherwise than according to his plain political convictions.

The next point to which I desire to call the attention of the House is in regard to Precinct B of the eighth ward of Toledo. The charges made in the notice are bribery of a general character, bribery of individual voters, and such uncertainty in the returns that the entire precinct ought to be thrown out. In that precinct there was a majority for Mr. Romeis of 220 votes.

I will take up these propositions which have been presented by Mr. Hurd and his adherents upon this floor in the order in which I have stated.

What is the evidence in regard to general bribery? I wish Democratic members to understand that this charge of bribery is something which affects the character of Democrats as well as Republicans. You gentlemen are as much interested in seeing that this charge is carefully looked into as any Republican.

If the Republican has been guilty of bribery, then according to the statement of Mr. Hurd it is the Democrat who has been bribed. Are you prepared to say by your votes to-day that the Democrats of the city of Toledo are so base and corrupt, and have become so politically debauched, that they can be bought and sold like sheep in the shambles? Are you prepared to say that the Democrats of the city of Toledo and the tenth Congressional district of the State of Ohio are so lost to all political principle that they can be driven hither and thither as the bosses may direct or as money may indicate? That is the proposition that is presented to you, and it is presented upon the evidence of a man by the name of Gerstmann. I would like to have every member of this House read the testimony of that man and trace the history of his life. The story as told by himself shows that the trail of the serpent is over it all. It shows that he has a worse character than that of Shylock as depicted by Shakspeare. A man without a country, as he himself confesses, without a home, without a religion, without a party, and without principle; that is the kind of witness that Mr. Hurd has brought here, and upon whose testimony he asks you to put the mark of Cain upon three or four hundred voters in the city of Toledo. I ask you Democrats of this House if you are prepared to disgrace three or four hundred fellow-Democrats in that fair city in the State of Ohio upon the evidence of a man of that character—a man who, during the late war, in order to escape conscription in the confederate army, took to himself the sacred robes of a Jewish rabbi.

That is the kind of man upon whose testimony Mr. Hurd relies on this point. Later on, from 1870 to 1884, he is like the bird of passage—you can not find him, his church, or his congregation. When he is cross-examined as to where he preached and who his congregation were, he pointed the examiner to a vacant church and a congregation that had all died.

That is the kind of man and that is the character of evidence that Mr. Hurd has introduced here to impeach Democratic voters and show that they were debauched by Republican money. I say that while Republicans upon this side would not believe from evidence of that character that fellow-Republicans were guilty of such an offense, you are equally interested to protect the fair name and fame of the Democratic party of the State of Ohio from the foul aspersions cast upon it by the evidence of this renegade Jew, Gerstmann.

Gentlemen, I shall occupy no more time on that branch of the case. This Gerstmann is the only witness that is produced in support of the charge. I have had some experience in courts of justice in the prosecution and in the defense of men charged with crime, but I have never seen a court of justice disgraced by such a disreputable witness.

The other branch of the charge, individual bribery, rests upon the evidence of a man named Louis Jahn. The gentleman from Alabama [Mr. MARTIN], in his remarks yesterday, stated that Jahn was a Republican. I deny that he is a Republican. He is a renegade; he is more of a Democrat than a Republican, and yet I would not disgrace the Democratic party by claiming that he is a Democrat. He has reached that high state known as Mugwumpism. From the time of Judas Iscariot down to the days of modern Mugwumpism, you will always find the most despicable characters among that class of men. Mr. Hurd could not get a Democrat to swear to individual bribery in that precinct. He had to go among the Mugwumps to get a man to give the testimony he desired.

Now, what is the evidence of Jahn? In his direct examination he swears like "the army in Flanders" upon the fraudulent use of money to carry the precinct, but when he was cross-examined his evidence showed that at the time when, as he undertook to testify, Mr. Gates, a Republican, was paying from $3 to $10 apiece to nineteen different men, he (Jahn) was off in some other locality, so that his testimony was entirely hearsay—he knew nothing about it. Every man that has looked into a law-book understands that hearsay evidence is not competent proof; and if you invoke the rules of law which usually govern proceedings of this kind, the evidence of this man Jahn must be entirely excluded. But I say, as did the gentleman from Pennsylvania [Mr. BOYLE] yesterday, that if you take this evidence and give it the highest coloring that Mr. Hurd or his adherents on this floor can give it, it simply means this: that in this large precinct in the city of Toledo, a city of from fifty to sixty thousand inhabitants, these nineteen men were employed as ticket peddlers, not to corrupt voters, but for the purpose of seeing that every man who desired to cast his ballot on that occasion was furnished with a ballot; not to corrupt the polls, but to see that the thugs and gutter-snipes, who have rendered the city of Cincinnati almost infamous, should be relegated to the rear, and that honest men could go to the polls and vote according to their convictions for the candidates whom they believed would carry out their political principles.

The third proposition that is made by Mr. Hurd and by the minority of the Committee on Elections is in regard to the question of uncertainty in this precinct. They claim the result is so uncertain that no man can tell the number of votes that were cast. Now, Mr. Speaker, let us for a moment look at the evidence on this point. In the testimony which was taken, the tally-sheet which I now hold in my hand was used as an exhibit. This tally-sheet shows that at that precinct 103 votes were cast for Mr. Hurd and 323 for Mr. Romeis, leaving a majority of 220 for Mr. Romeis. Now the trouble arose in this way: When the officers had finally counted the number of ballots in the box they found that there was a deficiency of 4 as compared with the number of names on the poll-book; and the only uncertainty is in regard to this deficiency of 4, and an excess of 7 which there was on the first count.

That excess of 7 in the number of ballots as compared with the num-

ber of names on the poll-book is accounted for in this way: The ballots were taken out and counted by two different judges and their results added together. Anybody who has had experience in matters of this kind knows the uncertainty of that character of count. Those tickets were then placed back in the box; and Mr. Kelley, the Democratic judge of the precinct, testifies that they were counted out one by one. Mr. Jahn took them and handed them to the other judge; and Mr. Kelley strung them on a string. When they took care in this way, they found that the ballots were 4 fewer than the number of names on the poll-book; and they found that the majority of Mr. Romeis was 220, just as I have indicated.

Now, there is no uncertainty there. It is plain from the evidence adduced, upon which the House can act, that the majority of Mr. Romeis, on the number of votes counted, was 220. But those judges of election desired to have the tally-sheet correspond with the poll-book; and on motion of this man Jahn, the man who has attempted to impeach and destroy the vote at that precinct, 2 votes were added to each of the candidates, increasing the 426 votes to 430. Now, that this did not operate at all to the injury of Mr. Hurd is apparent from this tally-sheet, which I hold in my hand. Members can see that upon this occasion there were some twenty candidates in all voted for, taking the Republicans and Democrats together; and what was true in Mr. Romeis's case was equally true in regard to the secretary of state, the judge of the supreme court, and all the other candidates. So that Mr. Romeis is in the same condition with these other men who received their certificates and are filling the offices to which they were elected by the suffrages of the people of that district.

On every principle of law and justice the vote of this precinct must stand.

Mr. Speaker, I yield the balance of my time to the gentleman from Tennessee [Mr. PETTIBONE].

Mr. PETTIBONE. Mr. Speaker, the poet Tennyson has said:

Better fifty years of Europe than a cycle of Cathay.

I do not want to talk to a House that does not listen to me; and I hope the time which may be consumed in bringing the House to order will not be taken out of my time.

The SPEAKER. The House will come to order.

Mr. PETTIBONE. Mr. Speaker, on yesterday we were treated to a very singular phenomenon. The gentleman from Missouri [Mr. BURNES] came forward voluntarily as a witness to the good character of one S. Gerstmann. That I may not do the gentleman from Missouri any injustice I propose to read what he said yesterday:

For several years—I will not say how many, but certainly as many as four—Rev. Mr. Gerstmann was the Jewish rabbi ministering to the people to whom I have alluded. He ministered ably and successfully, and, so far as I know, to the entire satisfaction of the citizens of Saint Joseph, especially of those who worshiped in his synagogue.

Now, that was a rare witness. I wish my friend from Missouri were present, because I propose to introduce a witness better even than himself in regard to the character of this man Gerstmann. Whom do you suppose I am about to introduce? Mr. Gerstmann himself. Mr. Gerstmann, take the stand! What do you say about yourself? Now, I ask every gentleman on the other side of the House to listen to what Gerstmann swears about Gerstmann:

Q. I understand you to say that you were in Savannah, Ga., in 1870. How long did you continue to live there?
A. I quitted it in 1870.
Q. Have you been back there since?
A. For a few months to visit my sister; I had a sister living there.
Q. What is her name?
A. I refuse to answer.

Why not? Do you suppose any decent man in America would be ashamed to tell the name of his sister? What does Gerstmann say?

A. She is in the graveyard.
Q. What was her name when she did live?
A. I decline to answer.
Q. What was there about your residence in Savannah, Ga., that leads you to refuse to answer these questions?
A. I decline to answer.

[Laughter.]

Hold on for a moment, gentlemen; that is not all. I wish my friend from Missouri [Mr. BURNES] was here now:

Q. Will the criminal records down there develop any reason why you had better not?
A. I decline to answer.

Mr. WOLFORD rose.

Mr. PETTIBONE. I have but a few moments myself, and can not yield to any interruption.

Now hear what Gerstmann swears about Gerstmann:

Q. Will the criminal records down there develop any reason why you had better not?

That is, will the criminal records down there when you resided in Savannah, Ga., give any reason why you had better not answer? Well, what was his answer?

A. I decline to answer.

But let us go on. Where have you been since 1860, when the war began, when you refused to go into the confederate service, when you assumed the robes of a Jewish rabbi to get out of it; where have you been? Well, I lived in Arkansas, at Helena. When? After I left Savannah. What other places did you live at? He could not tell.

And this is Gerstmann, and not my friend BURNES, of Missouri. What do you say, Gerstmann; where did you live? I do not know what other places I lived at. That is the only place I know of. [Laughter and applause.]

Gentlemen, do you tell me this man Gerstmann told the truth? Do you tell me he was honest?

Mr. BURNES says Gerstmann lived four years in Saint Joseph. Gerstmann swears he does not remember where he lived after 1870 except in Helena, Ark.

Gentlemen, I put it to the clear intellects of the men before me, do you believe that story? I will tell you I do not, and I do not believe any honest man on this floor believes what Gerstmann says.

We can rely on what our brother BURNES says. But recollect when you strike out Precinct B of ward 8 of the city of Toledo you have got to rely on this man Gerstmann.

Hold on for a moment. I am not dead yet, nor done yet. This is Gerstmann's statement about what he knows about Gerstmann:

Q. You did not enter the confederate service?
A. No, sir; I did not.
Q. You used your clerical robes to protect you from military duty?
A. Yes, sir.

[Laughter and applause.]

Let me go still further:

Q. You did preside over a church?
A. I presided over one; yes, sir.
Q. How long did you continue to preside over that church?
A. I decline to answer.

Think of it—a clergyman ashamed to tell how long he presided over a church. [Laughter.]

Q. How long did you continue in the clerical work at Savannah?
A. I decline to answer.

But let us go on and see what else we can find:

Q. Give us the names of the leading members of that congregation there.
A. They are all dead. I am the only living member left.

[Great laughter and applause.]

That is to be found on page 110 of the testimony. I turn over to the next page, and I find the following:

Q. How many times have you been in prison since 1870?
A. I don't think I was any time in prison.
Q. You don't, eh?

[Laughter and applause.]

Q. Are you positive of that?
A. I am not positive of that.

Oh, gentlemen! [Laughter and applause.] Gentlemen of this House, Americans, do you believe this Wandering Jew, who says he can not recollect whether he was in prison or not? I know you do not believe him, and you know we do not believe, any one of us, what he says.

Q. Where did you preach last? Is it anything to be ashamed of?
A. I decline to answer.

[Laughter.]

And this is your man Gerstmann! What does this man know about the fraud in that precinct (B) when he swears he went to the Republican headquarters in New York and they would not give him any money. And then he swears he went to the Democratic headquarters, and they would not give him any money. What do you know? How will you cast out the vote of Precinct B? I want you to listen to it, and then I hope as mere partisans you will find he is a saint among saints.

Now, thank God, this is not a political question. Honorable gentlemen, who are strong Democrats, are entirely united with me in saying we can not believe this creature Gerstmann. He is an Israelite of whom it could never be said: "Behold an Israelite indeed, in whom is no guile!"

What do you know about his evidence, for I am going to read you a sentence, upon which the case must turn, of your Gerstmann in regard to Precinct B of ward 8 in the city of Toledo—what do you think of it? And listen, if you please, while I read. You will find it on page 117 of the evidence.

A. From the conversations that I had with those people, and from the change of feelings and their countenances—

Mr. Speaker, I hope I may have the attention of the House for the few moments I have the floor.

The SPEAKER. The gentleman's time has expired. [Great laughter.]

Mr. PETTIBONE. I would like to read this by common consent. It is the answer of Gerstmann. [Cries of "Read!"] Then I will read.

Mr. TURNER. I have not interposed any objection myself to the gentleman proceeding with his remarks; but it must be the distinct understanding that the time he occupies shall not come from the side of the majority.

The SPEAKER. How long a time is the gentleman willing to yield?

Mr. PETTIBONE. I do not want more than half a minute.

Mr. TURNER. I can not yield any time to come out of the time of the majority.

The SPEAKER. How long will the gentleman yield, provided it does not come out of that time?

Mr. TURNER. I will not split hairs about a half a minute, but I think the debate ought to end at the time fixed.

The SPEAKER. If there be no objection the gentleman will proceed, the time taken not to come out of the eight hours.

Mr. PETTIBONE. I will read:

A. From the conversations that I had with those people, and from the change of feelings and their countenances, I could see, I supposed, that their desires had been satisfied, or something in that way. Of course they did not come expressly out, but from that I could infer that something was done to poison their minds, or to poison their ideas, and that can only be done with money, I suppose. That is according to my ideas, but I was not there, and I had nothing to do with the funds.

The SPEAKER. The gentleman's time has expired.

Mr. PETTIBONE. I have the unanimous consent of the House of course to extend my remarks.

The SPEAKER. The Chair hears no objection.

Mr. PETTIBONE. Then, sir, I conclude as follows: It appears that unless this witness Gerstmann can be believed—not only as to what he swears to, but also as to what he surmises—this case of Hurd *vs.* Romeis must practically go by the board. But it is evident that either he is a great liar, or he has a wofully incompetent memory. If he is a common liar, he can not be believed. If he can not recollect, as he swears, whether he has ever been in prison; if he can not recollect whether for four years he was a rabbi to the Jewish synagogue at Saint Joseph, Mo., as our brother BURNES swears he was; if he can not recollect any possible fact that would impeach his moral character, so that in decency he can not be believed, then it is evident he is nothing less than a driveling idiot. If he is not, then he is a knave and self-confessed perjurer.

I leave the dilemma to be solved by those who profess to believe him. I think that he is simply

A wandering mass of rank, unwieldy woe.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I think, saying it with entire deference, that the difference between the majority report and the arguments made on the floor in support of it, and the report of the minority and the arguments made on the floor in support of it, is the difference of looking at facts in detail and looking at them as a whole; between taking them up separately and ascertaining from a separate examination of them the value of each as an isolated fact, and taking them up in their concatenated relation as a whole.

I admit, after a most careful examination of these three reports and the briefs filed for the contestant and contestee, that if each fact be taken up by itself and isolated from all that went before and all that came after, it is not sufficient of itself standing alone to base a verdict upon. But upon the reading of all these papers I can not avoid the conclusion that taking them as a whole, concatenated as a series, it is beyond cavil that the seat occupied by the sitting member was not given to him by the voice of the people at an election held according to law.

Mr. HOPKINS. Will the gentleman from Kentucky permit me to ask him a question?

Mr. BRECKINRIDGE, of Kentucky. I have not time. If I have time left to do so, I will yield to the gentleman to ask me a question.

Now, Mr. Speaker, I judge if that celebrated and historic fox that stood at the mouth of the lion's den, hesitating as to whether he should accept the hospitable invitation to dinner, could have heard an argument of some friend of that lion that he ought not to put too much weight, attach too much importance to the individual tracks, that really no one track meant anything; that certainly no one of them ought to overturn the presumption that the royal lion was honest, and anyhow such evidence was illegal, not in accordance with the precedents in the books of the realm, he would have listened to an argument as acute, as keen, and as conclusive as the arguments we have heard on this floor.

But it was all the tracks, leading all in the same direction, that preserved that fox on that occasion from that celebrated feast; and so, Mr. Speaker, it is in this case.

Upon the doctrine of probabilities, Precinct B of ward 8 of the city of Toledo could by no accident have so many incidents that need explanation; and I desire, in what I intend to submit, merely to group these incidents which require explanation, and show that they are too numerous and that they are too much alike; that they follow each other in their logical order; that they belong in their proper places, and that necessarily they had but one result, and that result was accomplished. I care not who the witness Gerstmann is; but if a man were to come and say, "Watch Precinct B, ward 8; there is going to be something done there, and I know that is the ward that is selected," that is a fact wholly independent of the character of the witness, and he is sustained or he is refuted by what occurs subsequently thereto.

For if it be true that a particular ward is selected as the arena for a particular class of operations, if it be true that these operations are to be in a sequence, that in essence they are that money shall be put into the ward for the purpose of changing its ordinary political voice from one side to the other, then if that be successful certain results will follow.

Now the initial step of this proceeding, the very "beginning corner" of this survey, is that Precinct B of ward 8 was selected as the place where money was to be put and where the operations were to be performed. And the evidence is persuasive that the Republican committee of the city and the national Republican committee united in both the selection and the accomplishment of this purpose. I have not time to present that evidence; but it is positive, it is circumstantial, and it is corroborated by the silence of those accused, who knew of the accusation, had opportunity to testify, and failed so to do.

Secondly, upon the doctrine of probabilities, in any other ward in that whole district it would be equally likely that the judges and officers would be selected contrary to law; but if this ward had been selected, then it would follow that there you would expect to find an illegal selection, and we find two judges are Republicans and the Democratic judge is a non-resident of the precinct.

This is the beginning. But what next? We go a step further; and in that particular election in that district for this office there is a dissatisfied element of the Democratic party, so that the dissatisfied Democratic element may be the element from which the non-resident judge has been selected. And you further find that the two clerks in that particular precinct, instead of being of opposite and separate parties, were selected as belonging to the Republican party. It is said that this is not absolutely illegal, and that there is a hypothesis that makes it legal. I grant you that is true; but is it not remarkable that that unexplained and unproven hypothesis should happen to occur in connection with a ward which has been selected to be tampered with at an election at which the judges are selected contrary to the spirit of the law?

Let us go a step further. It would be if honestly done, if there was no design in it, that the election in that precinct would be like all the elections in all of the other precincts; that when the ballot-box is opened the law of Ohio, which is an exceedingly plain, well-drawn, and well-guarded system, would be obeyed. If, on the other hand, that had been selected for the attempted manipulation, that manipulation would be seen when the ballot-box is opened and even before it is opened; for by the law of Ohio the poll-book is to be signed before the ballot-box is opened. There was a mere irregularity, it is claimed, in this respect. Grant it. But this irregularity in all of the lines, in all of the tracks, was in the same direction—all going into the lion's den. It is an irregularity that opens the way to fraud.

The statute explicitly requires that the poll-book is to be signed by the two clerks before the ballot-box is opened, so that the book shall stand upon its own record and the ballot-box shall stand upon its own count. Now, I repeat, the poll-book is not signed, and the reason is obvious. It is that if these selected officials, these judges and these two clerks, both of the same party, failed to do their duty, and a fraud is contemplated, there may be the means of carrying it out, so if there be a manipulation of the vote there may be a method found for making that manipulation successful. Then the ballot-box is opened. The law of Ohio in this regard and with respect to counting the ballots is, in my judgment, mandatory. I submit to the great names in our profession that have drawn that distinction, which I have long considered dangerous, between directory and mandatory provisions, it is doctrine which puts the judge-made law above the legislative will. It is this doctrine, which has been so bent and twisted for those "hard cases," which makes shipwreck of the science of jurisprudence. But assuming that the law of Ohio in this respect is not mandatory, it does not weaken the force of the thought I desire to submit.

It is the duty of those judges when they open that box for one of them to take a ballot singly out of the ballot-box, open it before the crowd assembled there who may choose to witness the transaction, read it, pass it to his brother judge, who reads it aloud and passes it to the third judge, who strings it.

There have been words dropped in this argument which I do not understand. They speak of "an informal count of a ballot." And what is an informal count of a ballot but an illegal tampering with a ballot.

There is no such thing as an informal count of the ballot which represents the voice and will of the people. As I have said, all that these men can lawfully do is for one of them to take each ballot singly out of the box, read it, pass it to his brother judge, who reads it and passes it to the third, who strings it. Now, it might be according to the doctrine of probabilities that ignorant judges might be found in that precinct as well as in others. But how does it happen they are found in no other precinct than that; that in this particular precinct, selected, as Gerstmann says, for manipulation, there should be these judges (one a non-resident of the precinct), these clerks of the same party, these ballots counted illegally—that all this irregularity is found in that precinct?

Then we go one step further. Between that ballot-box and that unsigned poll-book is an irreconcilable discrepancy. And those ballots are taken out, laid on the table, put in piles, first, as one of the reports says, according to politics; then divided in subpiles of five, and then counted; every step being an illegal step; every step being a step open to fraud and giving opportunity to commit it.

And now see the result of all—a Democratic precinct giving a majority of 70 gives a Republican majority of 220. The selection was wise; the means effective; the result accomplished. Shall we now declare it to

have been legal, proper in its conception, lawful in its progress and execution, praiseworthy in its success?

I say when you group these series of facts there is but one fair conclusion to draw from them. When you look out of a window and see a feather floating by you do not need to have the swaying of a whole forest to know the wind is from the east. When the cook brings on the table bread beautifully risen, you do not need to be told about the yeast that has been used to produce this effect. And so at this feast, with these facts before you, you do not need to be told there has been leaven put in this measure of meal; you can well judge, from the form of bread that comes out, what culinary operation has been resorted to.

I say by every principle of law that ballot ought to be thrown out. Then if it is to be thrown out, ought the election to be declared void? I say, emphatically, no. The election in each precinct is a separate election. Each precinct holds its own polls. Each precinct has its separate judges, and the election which is void is the election about which we have been investigating, about which these things can be said. *Quoad hoc* the election is void, but only so far as that ballot-box and that precinct are involved.

I do not intend to go into the other questions, but they illustrate how what I have said about this precinct is corroborated by what happens in the others. In another precinct a gentleman by the name of Bell handles the ballots. In another there is the intimidation of Kelley. These acts in all of these precincts being in favor of the one candidate and all against the other, the contestant.

The question as to Kelly's Island stands upon a somewhat different footing; not hostile, but only dissimilar. For all these principles find their common root in the great principle that an election is the free deposit of the ballots of free voters in the ballot-box at a time designated by law, at a place appointed by law, in a mode prescribed by law. We must not lose sight of that principle amid our discussions. That is an election, and that only is an election, which is a deposit of the free ballot of a free voter freely exercising his choice, deposited on a prescribed day, at an appointed place, in accordance with designated modes. All these must concur. Of course there must be some flexibility in the application of the rules of law. There must be evidence to establish the great fact whether there has been such an election.

But the preliminary inquiry, the one that lies at the very beginning of all investigation, is this question: Are they the votes of those who deposited them, or are they the votes of somebody else who makes them be deposited? Now, that is the sole question of the Kelley's Island precinct. In my mind intimidation is a word of vast and irregular and uncertain meaning. What will intimidate one man has no effect upon another. It has been said in one of the old cases, and eloquently said, by a gentleman who is still on this floor, that "a threat to starve is a greater and meaner threat than a threat to murder." A bringing of the pressure of losing wages to the wage-earner out of whose sweat must be coined the bread and raiment of those who are dependent upon him is a worse intimidation than all the racks and tortures that ever were devised, the one most certain to break his spirit and break his heart. And they never come in these cases in direct language.

They are never so openly made as to be entirely taken hold of. You can not measure them; you can not exactly weigh them; you have to ascertain them by the ordinary means by which you ascertain subtile and invisible powers. The greatest forces in nature are those subtile and invisible forces which are so potential; and this power over the mind of man by this subtile appeal to his heart and to his necessities is not like a threat of personal violence; it is not like corporal punishment, capable always of exact proof; it is like the illustrations which I have tried to submit, capable of proof only by a series of connected links.

Here are the men in the employ of Mr. Kelley, here is Mr. Kelley saying that to vote in a certain way will be against his interests, here he is adding that those in his employ who vote that way will be the first to be discharged, here he is at the polls when the votes are deposited, here he is complaining that one of them is deposited against him; there is the majority against the man that he is against for the man that he is for, and that at a precinct habitually Democratic. What further proof is required? You do not have to eat the whole leg of mutton to get the taste of the meat or to know the quality of the cook; you do not have to enter every chamber to know the character of the house.

Agassiz from a single fin could construct the whole fish from which it came, and *ex pede Herculem* is an old Latin maxim expressing the same thought. Here is the employer, here is the employé, here are the necessities of the employé, here is the influence of the employer, here are his expressions, here is his conduct at the polls, here are the votes cast; there is the result—defeat for the man he is against, success for the man he is for. You may tear the argument to pieces; you may isolate the facts, and say there is nothing in this or in that; you can break each fagot; but I deny that there is any legal or intellectual acumen strong enough to break the whole bundle of fagots when you tie them together in your mind and examine them as a connected whole.

Mr. Speaker, it is for these reasons and these reasons alone that it seems to me that the contestant ought to be given his seat. I admit that we ought to be careful with the ballot-box. I not only admit it, sir, but I think the great crying danger of the American Republic is that the omnipotent power of the law seems hardly enough to keep sacred the ballot-box.

I would be glad if some divine power could always guard the ballot-box, in which and through which alone the voice of a free people can be freely heard, and when it is once established that the voice is the august voice of the free, it ought to be obeyed. But the way to keep it sacred is to say that when it is the voice of fraud, when it is made to utter a lie, when it is surrounded by those who manipulate it, when base priests nominally worship at that altar but worship for base purposes, that those for whom these outrages are perpetrated shall receive no benefit therefrom.

Let no title to a seat in this House be secured by such muniments. Let it be once more proclaimed that there can be no election to this House at the dictation of the employer to the employed. Once more solemnly declare that there is no place in American jurisprudence for rules of so-called law by means of which fraud can be successful and wrong triumphant. We will this day perform a righteous and far-reaching act if we determine that the voice of Jacob shall not deceive us into any surrender of our birthright. It is thus and thus alone that we can preserve the purity of the ballot-box; thus and thus alone can we make perpetual our determination that its voice shall be honestly heard and its behests loyally obeyed.

[Applause on the Democratic side.]

Mr. TURNER. Mr. Speaker, I am not in charge of the interests of the minority of the committee, but I desire now to advertise them that this is the last hour to which they are entitled, and if it is their wish, I will now ask unanimous consent that the contestant be heard for one hour.

There was no objection.

Mr. HURD (contestant). Mr. Speaker, in a cause in the result of which I have such a deep personal interest I hesitate to address this House. If it were a mere question of the occupancy of the seat of the sitting member from the tenth Congressional district of Ohio I should be silent; but I can not rest under the imputation of seeking a seat to which I have not been elected, relying upon a partisan friendly majority.

To vindicate the course I have pursued in making this contest, to show to this House and to the American people that I have good cause to claim that I have been elected to this Congress, a sense of duty to myself, to my friends, to the constituency which has so often honored me, and to the members of this House, compels me to speak to-day. Nor do I overlook the interest which the public has in the question which I shall discuss. Above and beyond the interest which either the sitting member or I have in this controversy is the interest of the public. It makes but little difference who the legislator is, provided the sources of his power be pure and uncontaminated. Vastly above and greater than the question, Who is the Representative? is that other question, Has the election on which he relies been free? For without pure and free elections the Republic is like the splendors of tropical bloom when the fragrance and the colors have departed.

In what I shall say to-day I shall indicate the penalty which offended selfishness attempted to impose upon the honest advocacy of a cause believed to be true. I shall point out the paths through which monopoly and ill-gotten wealth are pressing to throttle free discussion. I shall show the methods by which the public will, in one district at least, was attempted to be thwarted. And whatever the result of this contest to me personally, I shall not consider this occasion altogether lost if it shall enable me, even in the slightest degree, to arouse public attention to the great danger which is brooding over free institutions in the poisoning of the ballot-box through corruption and the enslavement of labor through terrorism at the polls.

Several grounds were assigned in the notice of contest on which my claim to a seat is based. I shall only consider two: those which grow out of the assailment of Precinct B, in ward 8, of the city of Toledo, and Kelley's Island.

There is no doubt of the power of this House to reject an entire precinct. Each election precinct is a separate and independent political division. It has its own machinery, its own officers, its own elections. When the voting is finished its return is made out and sent to the canvassing officers, who make a general return. This general return is based on these particular returns, and presupposes that each one of these is true. When the return so sent from a precinct is false or fraudulent or uncertain, or when it appears that no election has been held, then the entire return should be rejected by any tribunal which has jurisdiction to review the election.

There is no dispute as to the principles of law by which the conduct of the House should be governed in rejecting an entire poll. The return is merely the *prima facie* evidence of the result of the election. Unassailed it is sufficient to authorize it to be counted in the general return; but when attacked successfully for falseness or fraud or uncertainty, then it ceases to be evidence for any purpose whatever. Verity can never be imparted to falseness; definiteness can never be predicated of uncertainty; integrity can never be attributed to fraud; and therefore when the return has been attacked and impeached successfully, for either

of these reasons the entire poll must be rejected. Then he who relies upon the vote of the precinct is left to prove by other testimony what the result of the election is.

If he expects that the poll of the precinct shall be counted for him, the burden of proof is upon him to show by evidence *aliunde* what the true vote is; and this evidence must establish every material fact necessary to make a valid election. Applying these principles to the case in hand, I inquire is there anything in the election in this precinct in Toledo and in Kelley's Island which will justify this House in throwing out the entire vote of each?

First, I wish to call your attention to the conduct of the officers of election at Precinct B, ward 8, of Toledo, after the polls were closed. The law of Ohio provides, that as soon as the election is over the total number of votes shall be ascertained by the officers, who shall figure up the poll-books and sign and certify to the same. The tickets are to remain in the ballot-box until this has been done. Thereupon the box is to be opened and the tickets taken out one by one, and the names of the candidates read by one of the judges, while the ticket is in his hand. This shall be continued until a number of tickets shall have been taken from the box equal to the number of names on the poll-books. Then the counting ceases, and if more tickets are left they remain uncounted in the box.

In this case not one provision of the law on this subject was regarded. The poll-books were not signed until after the final count had been completed, so the foundation was never laid for the counting contemplated by the statute. Instead of the judges seeking to make the tickets agree with the poll-books, they endeavored to make the poll-books agree with the tickets. In other words, they learned the number of tickets before they had learned the number of voters.

The ballots did not remain in the box until the poll-books had been signed. But they were, immediately after the close of the polls, thrown upon the table, around which were crowded thirty persons. These ballots, while thus out of the place where they were required to be, were counted over informally twice. The result showed seven more tickets than names. After they had thus been unlawfully exposed for a considerable time, the judges put the tickets back into the box preparatory to beginning the general count—not the tickets, but "what was left of them," as stated by Jahn, a Republican judge.

Instead of taking the tickets out one by one, they were taken out in quantities and arranged in four piles on the table, from which they were counted by fives. At the end of the count they were five tickets short.

The judges, after considerable delay, added two tallies to each candidate without any tickets in the box to correspond to them.

This count, which ought to have been finished by 9 o'clock in the evening, was not concluded until 1 o'clock in the morning. The judges, tired and mad, at last signed the certificates, and it was then remarked that the whole vote would probably have to be thrown out.

These facts are not disputed, but it is said in the report of the majority of the committee that these are mere irregularities which do not avoid the election. But I answer, what confidence shall be given to the acts of officers who have violated every provision of the law which was intended to secure the purity of the election? The presumption on which official acts are received is that the officer has obeyed the law and done his duty; but when he is proved to have violated the law and not to have done his duty, then no trust is to be given to anything that he has done.

Of what value are laws governing elections if they are to be disregarded with impunity? Of what force is the obligation of an oath, if it imposes no duty on the conscience of an officer? Is the return of a man who does his whole duty and makes a perfect return to be of no more verity in the general count than the return of a man who has violated his oath and failed to do his duty? Is there no difference between public honesty and public crime in the conduct of an election?

It is said that these provisions of the Ohio statute are directory, and that the individual voters ought not to be punished for the mistakes of the officers of the election. This is true, I admit, if you can find the result of this election by other testimony than that of the officers of the election. Here is the duty which the law devolves upon the sitting member—that he shall show affirmatively, when the return has been impeached, what the true vote is.

I do not suppose there will be any difference between lawyers on the proposition that when these irregularities and this misconduct have resulted in uncertainty as to what the true vote was the return should not be counted; then it must be rejected; because, if the result has not been ascertained, there has been no election. In this case the return affords no evidence of the result of the election, because it is false. This is shown by the testimony of one of the judges:

Q. You say that this certificate is false, do you not?
A. Yes, sir.
Q. You knew that the certificate was false to the poll-book when you signed it, did you not?
A. Yes, sir.

No words of mine can add to the force of these statements. I do not care in what the falseness consisted. The return is fatally impeached. The maxim *falsum in uno, falsum in omnibus* applies especially to official acts. If a man charged with a public trust is shown to have been negligent of his duty and regardless of his oath, you can not put any confidence in anything that he may do.

To count this precinct for the sitting member, you must count this lie. His whole title to the majority here rests upon an uncontradicted falsehood. Shall the true returns from the honest precincts be overcome by the falseness of this one?

But it is said that this falseness consisted merely in adding 2 votes to each candidate, which did not change their relative votes.

But what relative vote? There is no relative vote, except that fixed by the very officers whose conduct is under impeachment. It is plain that nothing that they have done can be accepted as evidence for any purpose of the election.

But the falseness is more than in the addition of the two tallies. It affects every declaration which the officers of election were required to make. The statement it contained as to the total number of votes, both before and after the addition, was false. One of the judges testifies that the total vote was not as appeared on the poll-books, but considerably less. The statement of the vote given for me was false. The statement of the vote given for the sitting member was false. What declaration of the officers, therefore, which is material to the election, was true? Absolutely none. The whole return therefore must be rejected for every purpose of evidence as to the result of the election.

If the sitting member wishes this precinct counted for him he must show the vote by other testimony. This he has not done. He relies upon the admissions of the impeached officers, made on cross-examination, to show what the true vote was. But can the statements of men as witnesses be received when their certificates as officers as to the subject-matter are rejected as false? The same conduct which impeaches their official acts will also impeach their unofficial declarations.

But the statements of the officers themselves do not help the sitting member. Hahn, the clerk, testifies that he knew nothing of the vote except as he learned it from the judges. Kelley, the Democratic judge, stated that the result was so mixed up the judges could not tell which way it was. Jahn, a Republican judge, said that the return before the additions were made did not show the true result, and that none of the judges or clerks could tell what the true vote was.

Is there anything in this testimony, supposing it stood alone, to show the result in that precinct? Absolutely nothing. Yet this is all the evidence there is upon this point. No recount of ballots, no voter in the precinct called to testify as to his vote, no person put upon the stand, who knew the result, to state what it was.

Mr. Speaker, if ever there was a case of uncertainty resulting from the misconduct of election officers, it seems to me it is here. What more conclusive evidence of uncertainty than the statements of the officers themselves? If they say they did not ascertain the result and could not, who shall ascertain it for them? If the officers the night of election had signed a certificate stating that through their own violations of the law they could not ascertain the result, they would have told the truth. The contestee has given you no more evidence than they had. What, therefore, it was impossible for them then to do it is impossible for you to do now. This precinct must be rejected because its true vote never has been, and with the evidence before you never can be, ascertained or declared.

For another reason this entire poll should be thrown out. When these ballots were put upon the table and "what was left of them" was returned to the ballot-box, a preliminary count had shown there were 7 more tickets than there were names on the poll-books as they appeared. After the final count they were 5 tickets short. Therefore between the close of the election and the close of the count 12 tickets had disappeared. Not only was there an opportunity through exposure of the ballots in violation of law to tamper with them, but there was an actual tampering with them.

Remember what the judge of the election stated as to the disposition made of the tickets which had been unlawfully exposed on the table. The tickets were returned to the ballot-box preparatory to the final count. But what tickets? Not the tickets taken from the box—not the tickets which had been deposited by the voters, but "what was left of them."

Some of them had disappeared. How many? Who had caused their disappearance? What was the motive for destroying them? We have shown that twelve, at least, had disappeared, and how many more, who can tell?

It was said in the argument of this case before the Committee on Elections that the contestant ought to be satisfied if 12 votes were taken from the returned majority of contestee in this precinct. That proposition rests upon a misapprehension utterly of the law.

Mr. Speaker, there can be no verity in an election unless there is certainty that the votes counted are those cast; unless the ballots actually deposited by the voters are counted. The counting of other votes does not ascertain the result. There must be absolute assurance that the ballots are actually expressive of the sense of those who cast them. This can only be had when the tickets have remained in the places and in the custody of the officers appointed by law. To permit them to be handled by others than officers, to expose them in places where by law they are not permitted to be, is to invite improper interference from dishonest men. Large proportions of election frauds have been perpetrated

through these opportunities, and legislation has always imposed the severest penalties upon those who engage in them. The interest of pure elections demands that no exposed vote shall ever be counted unless it is clearly shown that no harm has been done through the exposure. If tampering has actually occurred, then the return should be rejected without hesitation. Popular government requires it, for unless the choice of the people can be honestly ascertained elections are worse than a mockery. To allow such practices at the source is as though a corpse were thrown into a fountain, from which all the outflowings afterward would savor of death.

But, Mr. Speaker, there is another ground for the rejection of this precinct. It is that these corrupt practices prevailed. It was a precinct which at the previous general election had given 70 Democratic majority. A stranger by the name of Gerstmann, a man of whom I had never heard until long after the election, visited the city of Toledo in relation to election matters, under the direction of the Republican national committee. He went to this precinct after he had reported to Mr. Brown, the chairman of the local Republican committee of Toledo, for service. Mr. Brown detailed him to this particular precinct to ascertain the sentiment of the community, chiefly because he spoke the language of its inhabitants, who were Germans and Poles. His work was supervised by Brown until it was finished. Under his direction Gerstmann went to the city of New York to report to the Republican national committee what he had ascertained.

This man Gerstmann went from house to house and from saloon to saloon throughout that district finding out the sentiment of the voters. He testifies that he found it all for me. It had been a Democratic precinct, and he wanted to know of some of the leaders there whether a change in the sentiment could be brought about. The answer was, "Yes, by the expenditure of two or three thousand dollars in money." When he returned to New York he carried that information with him and reported it to the Republican national committee.

Mr. Elkins said it was important that Mr. Hurd should be beaten; that his election involved a nationally important question; that he was a free-trader, and should be defeated on that account, and directed Gerstmann to go back to Toledo and instruct the Republican committee to do all that they could to defeat him. He said, "I will not give you the money, but it will be supplied, it will go there as soon as it will be necessary through the proper channels for the purposes for which you desire it." Gerstmann returned to Toledo a few days before the election, and went over the very same ground and talked with the very same people, with the voters there with whom he had conversed before, and learned that the sentiment had changed; from the admissions of the voters themselves he learned that the change had been made by the use of money among them, and which change he testifies had been accomplished in the time between his first and last visit. This testimony of Gerstmann is corroborated by the statement of another witness, Jahn, who testified that the Republican manager in that precinct boasted a few days after the election that he had paid nineteen men from $3 to $10 apiece for services as ticket peddlers on election day.

If these facts are true, is there any question as to what ought to be done with this precinct? If an actual conspiracy were entered into in this little precinct in the city of Toledo, with its 450 votes, to defeat me, a conspiracy between the Republican national and the local committees; if money were expended for the purpose of corrupting the voters of that district, and a precinct with 70 Democratic majority was changed to 290 Republican thereby; if, as the testimony shows, a large amount of money had been expended in the ward for services which were not required, what must be the result of a question as to the count in that district? There can be no doubt that the whole vote should be excluded from the general return. But the majority of the committee say, in the first place, that Gerstmann, who testifies on this point, is not to be believed; that he is not a credible witness; that his testimony is incompetent or hearsay, and, even if admitted, that it does not disclose the names of the bribers or the bribed. The claim that he is not a credible witness is based upon the ground that in his cross-examination he declined to answer certain questions.

But, Mr. Speaker, an examination of that testimony will show that the questions were so irrelevant and offensive that the witness felt insulted, and was justified in declining to answer.

Besides, all the cross-examination on which they rely to affect his credit relates to immaterial matters. It is not followed by an attempt at contradiction, nor is there anything in the testimony which affects his story as to the substantial matters. As to these, I will not ask this House to believe a word he has said if it be not fully corroborated by other facts which have been proven.

Let me show you the corroboration. What are the material facts? First, that there was a conspiracy between the national committee and the local committee in Toledo to corrupt Precinct B, ward 8, against me; second, that Gerstmann was the agent of the Republican party to inaugurate the scheme of corruption; and, third, that the money did actually go there to produce the dishonest result. As to all these he is fully corroborated. As to some of the matters to which he testifies, Mr. Warnke, a resident of the precinct, is put on the stand by contestee for purposes of contradiction. While denying certain statements of Gerstmann to which his attention was especially called in the interest of the contestee, he admits that Mr. Gerstmann came to his saloon and engaged in conversation with him about matters connected with the election at the very time that Mr. Gerstmann says he was there.

Here is a corroboration by their own witness of the important statement of Gerstmann that he was in Toledo at that precinct engaged in the work of the canvass.

Secondly, as to the important matter of a conspiracy, Mr. James M. Brown, of the city of Toledo, was chairman of the Lucas County, or perhaps of the city, committee managing the Republican campaign. Gerstmann testified it was to him he reported; that it was under his direction he visited this precinct and engaged in the work of ascertaining the feeling of the voters to lay the foundation for bringing the money there. This same James M. Brown was the attorney of Mr. Romeis, the sitting member, and was the very attorney engaged in the cross-examination of Gerstmann.

Now turn to Mr. Gerstmann's cross-examination. Does Brown ask him a question about what Gerstmann had said as to his interviews with him? Does he propound a question to him about the arrangement made between them in reference to that precinct about which Gerstmann had testified, or as to what was done in New York about carrying out the arrangement? Not one word.

Mr. Speaker, is it inconceivable that an attorney engaged in the cross-examination of a witness will sit quietly by and allow the witness to charge him with conspiracy and fraud and crime and not allude to it in the cross-examination if it be not that the witness is telling the truth? Brown could have gone on the stand himself to contradict him. But never did he testify. Never did he call the attention of Gerstmann to any one of the facts relative to the conspiracy to which he had testified.

It is a well established rule of law that when a man is present when a charge of crime is made against him and he is silent, the charge will be presumed to be true. And here, in this case, when Gerstmann charged there was a conspiracy to defraud me of my election, to debauch this precinct in the city of Toledo, in the presence of Mr. Brown, one of the alleged conspirators, and Brown does not deny it, he, by his silence, confesses it. And I ask no better corroboration of that important feature of the case than this silence of the attorney of the sitting member.

But there is a corroboration as to the other fact that money was sent to this precinct. Where did the Republican manager of the precinct get the money with which he paid the voters of that precinct, as he boasted he had done after the election?

It is not likely he paid it out of his own pocket. It is certainly a fair presumption that it came from a corruption fund which had been provided for that precinct.

I regretted to hear my friend from Pennsylvania say yesterday this was legitimate work, the paying of men for ticket-peddling. Why give one man $3 and another man $10? Why give nineteen men money for peddling tickets at an election in a little precinct containing less than 450 votes? If the same expenditure were made in the other precincts of the tenth Congressional district one thousand men would have been employed and from five to ten thousand dollars in money required. No such amount of money could ever be honestly used at an election.

It is said this testimony is hearsay. I deny it. It is the statement by the witness of a fact within his knowledge. The general sentiment of a community upon a particular subject is just as much a fact as anything else. And if you can not prove it by a man who declares he knows the fact, then you will be obliged to put every man in the community on the stand and show what his particular opinion was, so as to reach the general sentiment by the aggregate of individual opinions—a course which would be both impracticable and absurd.

But if there were any doubt upon this point that doubt is removed by a recent decision in an English contested-election case, the North Durham case. It is reported in 1 O'Malley and Hardcastle, page 152.

The petition contained the usual allegations of corrupt practices by agent, and also an allegation that the election was void on account of general riot and intimidation.

In the course of the case a witness who had been employed to canvass against the respondent was asked by Mr. A. L. Smith, for the petitioner:

Q. When you canvassed the tradesmen what was the feeling you found among them?

A. I found a reluctance to promise, and certain of them told me if they voted—

Mr. Sergeant Parry, for the respondent, objected to this as not being admissible. He submitted that the tradesmen themselves must be asked if it was sought to prove that they had been unduly influenced.

Mr. Baron Bramwell said:

I think you are at liberty to ask the question as to generals, but you may not ask as to particulars. You may ask the general question whether he found any particular difficulty in getting promises in a particular district, and if so whether he can attribue it to any cause.

The principle here established shows Gerstmann's testimony to be clearly competent.

But it is said the evidence does not disclose the names of the briber and the bribed. I did not intend to prove the briber and the bribed. If I had done that, I should have failed in the object I had in view.

I assail the whole precinct, endeavoring to show that it should be thrown out on account of general corruption. If I had proved the briber and the bribed, the poll could have been purged by the elimination of the illegal votes. The entire poll will never be rejected when you know the bribed votes. This will be done only where general bribery has been shown, and it is impossible to separate the good votes from the bad. It is like proving the general reputation of an individual to be bad.

It can not be shown by particular acts of misconduct, by proving what people generally say of the person assailed. It is that sort of impeachment that I have attempted to make of this precinct in this case. I claim that the testimony is competent to show it; that in all the material points the corroboration of Gerstmann is complete, and that if it were not, the failure of the sitting member to put a single witness on the stand to contradict any of the suspicions that have been proved makes out a case.

It is said that the proof I have given as to the declarations of the manager of the election in this precinct is not competent because it is also hearsay. It will be remembered that one of the witnesses testified that the Republican manager told him shortly after the election that he had paid nineteen men from three to ten dollars apiece for services as ticket peddlers the evening after the election. I admit that these declarations would not be competent to affect the sitting member with bribery, nor even to prove that nineteen persons had been bribed. But I claim that they are competent as the admissions of a confessed agent made shortly after the election as a circumstance tending to show the prevalence of corrupt practices on election day. Such evidence has been repeatedly admitted in recent English contested-election cases.

Mr. Speaker, it seems to me that for all these reasons the whole vote of this precinct ought to be rejected. It ought not to be counted because of the uncertainty of the result, because of the misconduct of the election officers, because of the tampering with the ballot-box, because of general bribery and corruption. If all this be not enough to affect a precinct, and to show that it ought to be thrown out, I do not know what testimony would be regarded as sufficient. Six out of the eight Democratic members of the committee who express an opinion upon it agree that it should be rejected, and I do not know upon what principle any other conclusion can be reached.

Mr. Speaker, the poll must go. The sanctity of the ballot-box has been invaded and no atonement can be made for it; the certificate has been stained, and no waters can purify it; the ballots have been poisoned and nothing can cleanse them, and the return itself is a lie, and neither this House nor any other power can make it true.

Kelley's Island is the next precinct to which I call attention. That is a little island in Lake Erie. It gave 55 Democratic majority in 1883, and 29 Republican majority against me in 1884. Mr. Norman Kelley was the leading man in the precinct. He employed seventy men, nearly one-third of the voters. The proof shows that he said to the men that if Frank Hurd were elected and free-trade were to prevail he would be compelled to reduce his force two-thirds, and that when the time for reduction came the first to go would be those who voted for me and against his interests and their own.

Not satisfied with that, he ordered his men to vote between 5 and 6 o'clock in the afternoon; he went down to the door of the hall where the election was held, and as the men passed in he required them to show their tickets to him; in two instances he went to the poll with men to see that they put in the tickets he had given them, and when one man dared to vote the Democratic ticket he said to him, in the presence of a crowd of his employés, "You shall be the very first to go." The Democrats protested against this interference, and begged him to let his men vote according to their own judgment, but he replied: "It is a matter of business with me, and I am going to protect my business." As I understand it, there is no dispute as to the facts. This is a clear case of intimidation, and certainly a clear violation of the Ohio statute, which expressly prohibits the employer from directly or indirectly interfering with or compelling his men to vote against their inclinations.

But it is maintained that the vote of the precinct shall not be affected, because there is no proof to show that the intimidation was effectual or that it produced the result of compelling the man to vote for Mr. Romeis. This implies that the burden of proof is upon me, not merely to prove the intimidation, but in addition to prove that the intimidation accomplished its purpose. Mr. Speaker, I do not so understand the law. Intimidation, when practiced, is a crime, and when proved on the part of a contestant, because it is a crime, devolves upon the contestee the duty of explaining what its results have been. It is sufficient for the contestant to show the violation of law.

When that is shown, when the organization of the intimidation has been proven, the presumption is that it would not have been practiced if it had not been necessary and that its natural results have followed in the way of influencing the election. And then, as all lawyers know, by the operation of that doctrine which in the progress of the trial of a cause shifts the burden of proof through presumptions, the burden is shifted from the contestant to the contestee. There are three presumptions, Mr. Speaker, which shift this burden from the contestant to contestee. One is that the natural consequences of an unlawful act have followed; and if a man in whose interest such unlawful act is done does not show that the natural consequences did not follow, the presumption will be that they have followed. The second is, that where a fact is proven in the case which is material, and the other party has such control over the witnesses as would enable him better to put them on the stand and produce the testimony, then if he does not do it the presumptions are that the suspicious circumstances which they might have explained if they testified are true.

In this case these employés were in the service of Mr. Kelley; and it was easier for him to put them on the stand than it was for the contestant. The third presumption is that all things are presumed against the unlawful doer. *Omnia præsumuntur contra spoliatorem.* He who despoils, who violates the law, shall have every presumption against him. Here I have proved a violation of law in the interest of contestee. All the presumptions therefore are against him, and he must prove that the intimidation did not result in its natural consequences or lose the votes which were sought to be influenced.

Mr. Speaker, this rule is laid down in the English cases. I will read only two extracts. In Cunningham on Elections, page 184, it is said:

> Another very important proposition of election law is established by the case, namely, that when the law has been violated and outraged, and intimidation organized, the onus is on the respondent of showing that that intimidation and violence have not produced their natural consequence.

I make one further citation. It is from the opinion of Mr. Baron Bramwell in the election case from the county of North Durham, already referred to:

> What the judge has to do in that case—that is, where intimidation is proved—is to say that the burden of proof is cast upon the constituency whose conduct is incriminated, and unless it can be shown that the gross amount of intimidation could not possibly have affected the result of the election, it ought to be declared void. * * * Besides, I am of the opinion that where there has been so large an amount of intimidation that it is uncertain whether the result would have been the same without it, it can not be said that the election was free, or that it represented the real opinion of the constituency, but that it must be held void on account of that intimidation.

This very doctrine was also declared by this House in the case of Goode *vs.* Platt. I wish members would read the speech made in that case by Hon. J. Randolph Tucker in defense of the proposition as I now maintain it; and it was his purpose to make the same statement to-day; but I understand he has been called away, so that he will not have the opportunity of saying to this House what he has said to me, that he heartily approves of the views I have expressed upon this point. The doctrine of the law maintained in that speech and sustained by the House in seating Mr. Goode was that after proof of intimidation the burden of proof is put upon the respondent, and unless he is able to show that the intimidation did not affect the result the election in the precinct where intimidation was practiced should be declared void. There can be no doubt that the rule laid down by these authorities is correct.

Intimidation is an exterior power that operates upon the mind, and no man can know its influence and extent except the person over whom it has been practiced. The proposition is therefore that I shall put the employés of Mr. Kelley on the stand, and show by them that intimidation affected their votes. But, sir, consider in the first place that these very men unless discharged would be under the same control in testifying that they were under when they voted. If they trembled before their employer when they cast their ballots, will they not fear him when they are called upon to testify against him and convict him of crime? It is a cruelty to compel weakness which has once yielded to coercion to be exposed to the temptation of perjury. It is an outrage to set a man's livelihood and that of his family against truth. But again, who is willing to admit that he has been intimidated? Who will willingly confess that he has been a coward?

Who will consent to say that his conduct, even under the most trying circumstances, has been controlled by the power of others? The respect which everybody has for the brave, courageous, determined man, and the contempt with which everybody regards the coward, attest the unwillingness with which witnesses will testify that they have been affected by intimidation. Do not adopt a rule which will compel men to go upon the stand and proclaim that they have been unmanly.

But, in the third place, who can measure intimidation? What is its height and depth, its length and breadth? Rarely does it operate alone upon the human mind. It is associated with other influences and powers; and then who shall testify what share it had in producing the result? Sometimes it is so hidden that you can scarcely trace it. Often it is so delicate or indeterminate that the man himself scarcely realizes that he has been influenced by it.

For these reasons, Mr. Speaker, it is apparent that if you put the burden of proof upon the contestant to show what intimidation has done, that it has affirmatively affected the result, you compel him to do an impossibility. There is no difficulty in the contestee showing that the intimidation did not affect the vote; and therefore under the rule of law I have already suggested the burden of proof must be upon him.

Mr. Speaker, there is something to me especially revolting in this kind of intimidation. How pitiful, how pathetic, the spectacle of the high-minded man who is strugging against its power! If he were alone he might make a struggle successfully, because with purpose unquailed

and will uncontrolled he could seek employment in new fields. But if he have a wife and home involved, then how strong the temptation to yield. On the one side are political convictions, sense of duty, party associations, party fealty; on the other the home his earnings have saved, his faithful wife, and his clinging children. Intimidation did not affect the result!

Mr. Speaker, there is something particularly revolting in this kind of intimidation to a generous and humane nature. Remember that it is only a corrupt man who can be bribed, but an honest man may be intimidated. The crime is all on the part of the intimidator. The law is so kind to human weakness and frailty that it holds him guiltless who has been coerced by superior power. Where intimidation is attempted, I can conceive of no spectacle more touching and pathetic than the struggle of the high-minded man against the coercive power. If alone he might make it successfully, for the world is wide, and with noble purpose and unquailed will he can seek employment in new fields. But it may be that his family and home are involved. When they are, how strong is the inducement to yield! On the one side are manhood, political convictions, party associations, partisan fealty; on the other the humble home his earnings have saved, the faithful wife and clinging children. His home and their happiness set against a single ballot! If he could, he would deceive his employer by voting the ticket of his choice. But the employer is on watch at the polls. His ticket is placed in his hands. It is voted.

The struggle is over. His manhood is gone. His self-respect is gone, his political convictions surrendered, his party ties sundered; but his home is safe, his wife shall not suffer, his children shall not starve.

Shame upon a cause which in its interest will perpetrate such crimes against labor. [Applause.] Shame upon a party that shall deliberately engage in the work of unmanning men. [Applause.]

This gentleman, Norman Kelley, said he was interfering with his men in the interest of his business to protect his business. I do not know of any business, Mr. Speaker, that requires violation of law for its protection. If there be, the quicker men engaged in it get out of it the better.

You may have enterprises that bloom into seeming prosperity; you may have your lines of trade cast in every direction; you may gather your wealth from every nation; but if your business must succeed through crime and violence the day will come when enterprise will fail and when the trade will be lost and the wealth shall not remain. [Applause.]

I want Mr. Kelley and every other employer in America like him to understand this: You may own your acres, you may own your plants, you may own your machine and your machinery, but you can not own your men. [Applause.] With your employés there is a line over which you shall not go. [Renewed applause.] You may persuade, you may argue, you may convince, if you will, but you shall not threaten, you shall not coerce, you shall not compel. That is the lesson which the law teaches. That is the lesson I would have this House to-day teach. Teach every employer in America that every vote attempted to be intimidated shall be lost to the person for whom it is attempted to be compelled unless such person shall affirmatively show that the intimidation did not affect it.

Teach them that they must respect the rights of labor and the dignity of manhood. Teach them that no wealth however great can rob the humblest citizen of his suffrage, and that no manufacturing interest however potential shall be permitted to interfere with the freedom of elections. [Applause.]

Mr. Speaker, if these two precincts are thrown out I shall be elected. Exclude the precinct in the eighth ward, and count this in Kelley's Island as returned, and you have given to one man on that island the power to elect a member of this House.

Reject it, as I propose, exclude it from the general return, and then the true majority of the honest, uncorrupted, and unintimidated precincts is for me.

Mr. Speaker, I do not deem it improper in conclusion to call attention to the election at which I was defeated. It was the October election in Ohio in 1884. The Democratic party of that State was engaged in the first great battle of a national contest. The efforts were concentrated upon its soil. The fate of the Republican party was held in its hands. If Ohio went against the Republican State ticket, then Ohio was lost to the Republican candidate for the Presidency. It is a matter of public notoriety that whatever wealth and power and organization could do to secure success for that party was done. Members of the different Departments at Washington here were in Ohio then. The campaign was managed under the eye of the great leader of the Republican party himself. The Republican candidate for President was in Ohio, and in my own district staid on the night before the election.

The eyes of the whole nation were turned to it. The whole country awaited the result with the keenest anxiety. The battle everywhere else was suspended, but it went on in the State of Ohio. And how it went on on the part of the Democracy, with its strain on nerve and vitality against fearful odds, especially in the larger cities, none know except the gallant Democrats of Ohio themselves who were engaged in the conflict. We were defeated; but, Mr. Speaker, who shall say that the day lost then was not the day won in November? It was in this battle, in the very forefront of it, in which I was stricken down. If I had been fairly stricken down I should have waited for the tender hand of a kindlier day to lift me up; but having been unfairly overcome, as I honestly believe, could I do less than to appeal to this House to give me the seat to which I am entitled, not through sympathy, not through partisanship—God forbid—but in punishment of wrong and in vindication of right? [Loud and prolonged applause.]

Mr. ROBERTSON. Mr. Speaker, I desire to modify the motion which I offered on yesterday, so as to make the first resolution offered by the minority a substitute for the first resolution of the committee, and the second a substitute for the second resolution of the committee, so that the vote can come up regularly.

Mr. TURNER addressed the House. [See Appendix.]

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 2239) authorizing the Secretary of the Treasury to deliver to the rightful owners the contents of certain boxes deposited in the Treasury Department by the Secretary of War.

CONTESTED ELECTION—HURD VS. ROMEIS.

The SPEAKER. The question is on the amendment proposed by the gentleman from Kentucky [Mr. ROBERTSON] to substitute the first resolution proposed by the minority for the first resolution proposed by the majority. The Clerk will read the first resolution proposed by the majority.

The Clerk read as follows:

Resolved, That Frank H. Hurd was not elected a member of the Forty-ninth Congress, and is not entitled to a seat in this House.

The SPEAKER. For that the gentleman from Kentucky proposes a substitute, which the Clerk will read.

The Clerk read as follows:

Resolved, That Jacob Romeis was not elected a member of the House of Representatives of the Forty-ninth Congress from the tenth Congressional district of Ohio.

Mr. ROBERTSON. I think we may as well have the yeas and nays.

Mr. TURNER. I desire to state that the other section of the minority had proposed a resolution, which I am entirely willing should be offered now as a substitute for those pending.

The SPEAKER. As the Chair understands the resolution referred to by the gentleman from Georgia is the same resolution as is proposed by the first branch of the resolution of the minority, namely, that the sitting member is not entitled to his seat, the first vote comes upon that proposition.

The yeas and nays were ordered.

Mr. ADAMS, of New York. Mr. Speaker, I ask that the resolution upon which we are going to vote be again read.

The SPEAKER. If there be no objection the Chair will cause the resolution to be again read. The Clerk will read first the resolution proposed by the majority of the committee.

The Clerk read as follows:

Resolved, That Frank H. Hurd was not elected a member of the Forty-ninth Congress, and is not entitled to a seat in this House.

The SPEAKER. For the resolution just read the minority of the committee propose a substitute, which the Clerk will read.

The Clerk read as follows:

Resolved, That Jacob Romeis was not elected a member of the House of Representatives of the Forty-ninth Congress from the tenth Congressional district of Ohio.

The SPEAKER. The question is on the adoption of the substitute which has just been read.

The question was taken; and there were—yeas 105, nays 168, not voting 50; as follows:

YEAS—105.

Adams, J. J.	Cox,	Johnston, T. D.	Pindar,
Anderson, C. M.	Crain,	Jones, J. H.	Reagan,
Ballentine,	Crisp,	Jones, J. T.	Reid, J. W.
Barbour,	Croxton,	King,	Reese,
Barksdale,	Culberson,	Kleiner,	Richardson,
Barnes,	Curtin,	Laffoon,	Robertson,
Barry,	Davidson, R. H. M.	Landes,	Sayers,
Belmont,	Dawson,	Le Fevre,	Seney,
Bennett,	Dougherty,	Mahoney,	Singleton,
Bland,	Dowdney,	Martin,	Skinner,
Bliss,	Eden,	Matson,	Springer,
Breckinridge, C. R.	Ellsberry,	Maybury,	Stone, W. J., Ky.
Breckinridge, W. C. P.	Ermentrout,	McCreary,	Stone, W. J., Mo.
Burnes,	Fisher,	McMillin,	Tarsney,
Bynum,	Forney,	McRae,	Taulbee,
Cabell,	Frederick,	Merriman,	Taylor, J. M.
Caldwell,	Geddes,	Miller,	Townshend,
Campbell, Felix	Gibson, Eustace	Mills,	Trigg,
Campbell, J. E.	Glass,	Mitchell,	Van Eaton,
Campbell, T. J.	Green, R. S.	Morrison,	Viele,
Carleton,	Green, W. J.	Muller,	Wellborn,
Clardy,	Hall,	Murphy,	Wheeler,
Clements,	Halsell,	Norwood,	Wilkins,
Cobb,	Hatch,	Oates,	Willis.
Compton,	Henderson, J. S.	O'Neill, J. J.	
Comstock,	Hill,	Outhwaite,	
Cowles,	Hutton,	Peel,	

NAYS—168.

Adams, G. E.	Foran,	Lanham,	Rowell,
Allen, C. H.	Ford,	Lawler,	Ryan,
Anderson, J. A.	Fuller,	Lehlbach,	Sawyer,
Atkinson,	Funston,	Lindsley,	Scranton,
Baker,	Gallinger,	Little,	Seymour,
Beach,	Gay,	Long,	Shaw,
Bingham,	Gibson, C. H.	Lore,	Smalls,
Blanchard,	Gilfillan,	Louttit,	Sowden,
Blount,	Grout,	Lovering,	Spooner,
Bound,	Guenther,	Lowry,	Spriggs,
Boutelle,	Hale,	Lyman,	Steele,
Boyle,	Hammond,	Markham,	Stephenson,
Brady,	Hanback,	McComas,	Stewart, Charles
Browne, T. M.	Harmer,	McKenna,	Stewart, J. W.
Brown, C. E.	Harris,	McKinley,	St. Martin,
Brown, W. W.	Hayden,	Moffatt,	Stone, E. F.
Brumm,	Haynes,	Morgan,	Strait,
Buchanan,	Heard,	Morrill,	Strubie,
Bunnell,	Hemphill,	Morrow,	Swope,
Burrows,	Henderson, D. B.	Neal,	Symes,
Butterworth,	Henderson, T. J.	Neece,	Taylor, E. B.
Campbell, J. M.	Henley,	Negley,	Taylor, I. H.
Candler,	Hepburn,	O'Donnell,	Taylor, Zach.
Cannon,	Herbert,	O'Ferrall,	Thompson,
Caswell,	Herman,	O'Hara,	Tillman,
Catchings,	Hewitt,	O'Neill, Charles	Turner,
Conger,	Hiestand,	Osborne,	Van Schaick,
Cutcheon,	Hires,	Owen,	Wade,
Dargan,	Hiscock,	Parker,	Wadsworth,
Davenport,	Hitt,	Payne,	Wait,
Davis,	Holman,	Payson,	Wakefield,
Dingley,	Holmes,	Perkins,	Ward, J. H.
Dockery,	Hopkins,	Perry,	Warner, A. J.
Dorsey,	Houk,	Peters,	Weaver, A. J.
Dunham,	Jackson,	Pettibone,	Weber,
Dunn,	James,	Plumb,	West,
Ely,	Johnson, F. A.	Price,	White, A. C.
Evans,	Johnston, J. T.	Randall,	White, Milo
Everhart,	Kelley,	Ranney,	Wilson,
Felton,	Ketcham,	Reed, T. B.	Wise,
Findlay,	La Follette,	Rockwell,	Wolford,
Fleeger,	Laird,	Rogers,	Worthington.

NOT VOTING—50.

Aiken,	Eldredge,	Phelps,	Swinburne,
Allen, J. M.	Farquhar,	Pidcock,	Thomas, J. R.
Arnot,	Glover,	Pirce,	Thomas, O. B.
Bayne,	Goff,	Pulitzer,	Throckmorton,
Bragg,	Grosvenor,	Rice,	Tucker,
Buck,	Howard,	Riggs,	Ward, T. B.
Burleigh,	Hudd,	Romeis,	Warner, William
Cole,	Irion,	Sadler,	Weaver, J. B.
Collins,	Libbey,	Scott,	Whiting,
Cooper,	McAdoo,	Sessions,	Winans,
Daniel,	Millard,	Snyder,	Woodburn.
Davidson, A. C.	Milliken,	Stahlnecker,	
Dibble,	Nelson,	Storm,	

The following pairs were announced:

Until further notice:

Mr. COLLINS with Mr. WARNER, of Missouri.

Mr. BRAGG with Mr. WHITING.

Mr. COLE with Mr. GOFF.

Mr. THROCKMORTON with Mr. LIBBEY.

Mr. DAVIDSON, of Alabama, with Mr. SWINBURNE.

Mr. SNYDER with Mr. GROSVENOR.

Mr. WARD, of Indiana, with Mr. BAYNE.

Mr. PIDCOCK with Mr. NELSON.

Mr. ALLEN, of Mississippi, with Mr. RICE.

Mr. WINANS with Mr. BUCK.

Mr. HUDD with Mr. THOMAS, of Illinois.

Mr. DARGAN with Mr. PIRCE.

Mr. SADLER with Mr. BURLEIGH.

For this day:

Mr. DIBBLE with Mr. MILLIKEN.

Mr. DANIEL with Mr. SESSIONS.

On the Hurd-Romeis case:

Mr. SCOTT with Mr. STORM.

Mr. ELDREDGE with Mr. COOPER. Mr. ELDREDGE would vote for Hurd, and Mr. COOPER for Romeis.

Mr. TUCKER with Mr. THOMAS, of Wisconsin.

Mr. ARNOT with Mr. FARQUHAR.

Mr. RIGGS with Mr. MILLARD. Mr. RIGGS would vote for Hurd, and Mr. MILLARD for Romeis.

Mr. DARGAN. Mr. Speaker, I am informed that I am paired with Mr. PIRCE, of Rhode Island, but I have voted upon the assumption that if he were present he would vote as I do upon this question.

Mr. FARQUHAR. I am announced as paired with Mr. ARNOT. Were he present, he would vote to seat Mr. Hurd and I would vote against it.

The result of the vote was then announced as above recorded.

The SPEAKER. The Clerk will now read the second resolution and the proposed substitute.

The Clerk read as follows:

Resolved, That Jacob Romeis was elected a member of the Forty-ninth Congress and is entitled to retain his seat.

The SPEAKER. The Clerk will read the proposed substitute for the resolution just read.

The Clerk read as follows:

Resolved, That Frank H. Hurd was elected a member of the Forty-ninth Congress from the tenth Congressional district of Ohio.

The question was taken on agreeing to the substitute, and it was rejected.

The SPEAKER. The question now is on the adoption of the resolutions reported by the Committee on Privileges and Elections. If no division is asked, a vote will be taken upon both resolutions jointly.

The question was taken, and the resolutions were agreed to. [Applause on the Republican side.]

Mr. TURNER moved to reconsider the vote by which the resolutions were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed without amendment the bill (H. R. 7632) to establish a light-ship off the entrance to Chesapeake Bay.

MESSAGES FROM THE PRESIDENT.

Several messages in writing from the President of the United States were communicated to the House by Mr. PRUDEN, one of his secretaries.

ORDER OF BUSINESS.

Mr. WILLIS. I move that the House resolve itself into Committee of the Whole on the state of the Union. My object is to call up the river and harbor bill.

Mr. HATCH. Mr. Speaker, I desire to give notice that the general appropriation bill for the Agricultural Department has precedence on the Calendar, and that I will not consent to its being laid aside to take up the river and harbor bill as proposed by the gentleman from Kentucky [Mr. WILLIS].

LEAVE TO PRINT.

Mr. PAYNE. Mr. Speaker, pending this question, the gentleman from Wisconsin [Mr. GUENTHER] desires leave to print some remarks in the RECORD on the case of Hurd *vs.* Romeis.

The SPEAKER. If there be no objection, leave will be granted.

There was no objection.

ORDER OF BUSINESS.

The motion of Mr. WILLIS was then agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. WELLBORN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union. The Clerk will report the first appropriation bill on the Calendar.

The Clerk read as follows:

A bill (H. R. 5986) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1887.

Mr. WILLIS. I ask unanimous consent that this bill be passed over.

The CHAIRMAN. Is there objection to passing over the bill the title of which has just been read? The Chair hears none. The title of the next bill in order will be read.

The Clerk read as follows:

A bill (H. R. 6392) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1887, and for other purposes.

Mr. WILLIS. I make the same request in regard to this bill. I will state that I have consulted with the chairman of the Committee on Foreign Affairs [Mr. BELMONT], and he is ready, as he has been for the last ten days, to proceed with this bill; but in view of the necessity of having the river and harbor bill at the other end of the Capitol as speedily as possible he waives any contest for priority, upon the understanding that if the river and harbor bill should occupy more than four or five days we shall yield two hours for the consideration of the diplomatic and consular bill.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that this bill be passed over. Is there objection? The Chair hears none. The Clerk will read the title of the next bill in order.

The Clerk read as follows:

A bill (H. R. 6395) making appropriations for the support of the Army for the fiscal year ending June 30, 1887, and for other purposes.

Mr. WILLIS. I ask unanimous consent that this bill be passed over.

There being no objection, it was ordered accordingly.

APPROPRIATIONS FOR AGRICULTURAL DEPARTMENT.

The Clerk read as follows the title of the next bill in order:

A bill (H. R. 7481) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1887, and for other purposes.

Mr. WILLIS. I move that this bill be passed over.

Mr. HATCH. I object. I insist upon its consideration.

The CHAIRMAN. Objection being made, the Committee of the Whole will rise and report the objection to the House.

The Committee of the Whole accordingly rose; and the Speaker having resumed the chair, Mr. WELLBORN reported that the Committee of the Whole House on the state of the Union having reached in regular order the agricultural appropriation bill, objection was made to the motion to pass it over.

Mr. WILLIS. I move that the Committee of the Whole House on the state of the Union be instructed to pass over the agricultural appropriation bill.

The SPEAKER. The question is, Shall the Committee of the Whole be instructed to pass the bill over?

The question was determined in the negative; there being—ayes 74, noes 89.

The Committee of the Whole House on the state of the Union resumed its session.

The CHAIRMAN. The House having refused to instruct the Committee of the Whole to pass over House bill No. 7481, the first reading of the bill is now in order.

Mr. HATCH. Mr. Chairman, I do not wish to occupy a single moment in any general discussion of this bill. I only ask unanimous consent that the first reading of the bill be dispensed with, and that it be now read by paragraphs for consideration under the five-minute rule. I will endeavor to answer any questions which may be asked in regard to the several paragraphs as they are reached.

There being no objection, the first reading of the bill was dispensed with; and the Committee of the Whole proceeded to the consideration of the bill by paragraphs under the five-minute rule.

The Clerk read as follows:

Bureau of Animal Industry:

For carrying out the provisions of the act of May 29, 1884, establishing the Bureau of Animal Industry, there is hereby reappropriated the unexpended balance of the sum appropriated under section 10 of said act of May 29, 1884; also the unexpended balance of the sum appropriated under the paragraph "investigating the diseases of animals," in the act of June 5, 1884, making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1885, and for other purposes; and also the unexpended balance of the sum appropriated under the paragraph "Bureau of Animal Industry," in the act of March 3, 1885, entitled "An act making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1886, and for other purposes."

Mr. DUNHAM. I ask the chairman of the Committee on Agriculture to state the amount of the unexpended balances referred to in this paragraph.

Mr. HATCH. The fiscal statement up to February 1 of this year showed that this Bureau had in round numbers—I have forgotten the exact figures—$150,000, which the committee considered sufficient for the wants of the bureau as now established by law. There is now upon the Calendar a bill from our committee proposing to amend the existing law. If that bill should be passed, it will increase or diminish the appropriation recommended, according to the form in which it may become a law.

Mr. DUNHAM. Is not $150,000 a great deal more than is really needed?

Mr. HATCH. The committee thought not. It is about what they consider right for the next fiscal year.

Mr. ANDERSON, of Kansas. Then I understand that this paragraph appropriates in round numbers $150,000.

Mr. HATCH. It does not appropriate it.

Mr. ANDERSON, of Kansas. It reappropriates it.

Mr. HATCH. We are advised that, according to the opinion of the accounting officers of the Treasury, it is really unnecessary to put this clause in the bill; but the committee were unanimous in favor of including it, so that the House might know the amount to the credit of the department; and the reappropriation will avoid the possibility of any question arising in the future as to the power to expend this money.

The Clerk resumed and concluded the reading of the bill.

Mr. HATCH. There is one amendment which the committee desire to offer to remedy an accidental omission. I ask unanimous consent to amend by inserting after the word "dollars," in line 33, page 2, the words "one assistant fireman, at $500," and to increase in accordance with this addition the aggregate appropriation made by the paragraph.

There being no objection, the amendment was agreed to.

Mr. McCREARY. I wish to ask the gentleman in charge of this bill what is the whole amount it appropriates? It is not stated in the bill; and I have not been able to get a copy of the report.

Mr. HATCH. The amount appropriated by the bill, as stated in the report, is $523,215.

Mr. McCREARY. That is less than was appropriated last year?

Mr. HATCH. Yes, sir. Mr. Chairman, I move that this bill be laid aside to be reported to the House with a recommendation that it do pass.

Mr. PRICE. Mr. Chairman, before being laid aside I desire to submit an amendment to the last section of the bill, which I will have read. I will state that it was considered by the Committee on Agriculture and received the commendation of the committee, and though it is not in the bill, it is embodied in the report. I think, however, it ought to be in the bill, and hence I offer the amendment.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

Amend by adding at the end of the second section:

"*Provided*, That the salaries and compensation herein provided for shall be for full service during the legal hours of labor of each secular day in the year, and any less service shall be entitled to a proportionately less compensation."

Mr. HATCH. I desire to state, Mr. Chairman, and I think the gentleman from Wisconsin will remember that that resolution was adopted by the committee and has been inserted to accompany the report, but is not a part of the bill.

Mr. PRICE. In reply to the gentleman from Missouri I will state that the subject——

Mr. HATCH. I will reserve the point of order upon the amendment.

Mr. PRICE. It was considered by the committee, who regarded it of sufficient importance to embody it in the report. I offered the amendment in the committee and was overruled there, but I distinctly reserved the right to present it here for the action of the House.

We found, Mr. Chairman, upon an examination of the facts, that there were persons employed there who never pretended to work over six hours a day, and on Saturdays only five and a half hours; we found seventy persons at work during the year, when the law prescribed that only twenty-seven should be employed; and that they, by a zealous expenditure of the time, were able to make an appearance of earning the money. Now I wanted to guard against the possibility of the continuance of that proceeding. I am perfectly willing to give a million of dollars if it be necessary for this work; but I do not want it to be paid out to political pets who do not earn their money. That is the reason I have offered the amendment. If the House is in accord with the sentiment they will sustain the amendment; if not, they can vote it down.

Mr. HATCH. In behalf of the Committee on Agriculture I wish to say a word in reply to the gentleman from Wisconsin, and that is, we have called the attention of the Commissioner of Agriculture, in the report of the committee and by this resolution, to the existing law, and all that is required is that the Commissioner of Agriculture shall execute the law as it is upon the statute-book.

Mr. PRICE. And I want to make it compulsory upon the Commissioner of Agriculture to do so. I want to compel him to do that which neither he nor his predecessors have done.

Mr. HATCH. I must insist upon the point of order against the amendment that it is new legislation.

The CHAIRMAN. The Chair thinks the amendment is not in order, upon the ground alleged by the gentleman from Missouri [Mr. HATCH], and rules it out.

Mr. TAULBEE. I wish to make the point of order that the objection made by the gentleman from Missouri comes too late. The gentleman from Wisconsin had offered the amendment and was proceeding to discuss it. It was under consideration by the House.

Mr. HATCH. Not at all. The point of order was made at once.

The CHAIRMAN. The Chair understood the point of order to be reserved.

Mr. TAULBEE. I submit if it is not true that the gentleman from Wisconsin was proceeding to discuss the amendment when the gentleman from Missouri made his point of order?

The CHAIRMAN. The Chair is of opinion that the point of order was made in time, as it was distinctly reserved by the gentleman from Missouri.

Mr. HATCH. I reserved it at the time.

Mr. CANNON. I rise to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CANNON. I wish to ask wherein the amendment of the gentleman from Wisconsin changes existing law? I understood the gentleman from Missouri to say that the law now provides that these employés in the Agricultural Department, seventy in number, should do certain work, and that seventy employés are only doing the work that twenty-seven should do, and the gentleman from Wisconsin says in effect by his amendment that we will direct the Commissioner to execute the law, and by executing it to discharge forty-three useless employés.

Mr. HATCH. It is all covered by the resolution of the committee. It is embodied in the report.

Mr. PRICE. Yes, in our report, which is binding upon no living man under heaven.

Mr. HATCH. We will see that it is after this fiscal year terminates.

Mr. CANNON. Upon that point, made by the gentleman from Missouri, that it does change existing law: It may be the present Commissioner of Agriculture may consider that the existing law, which requires twenty-seven persons to perform the work that he employs seventy persons to do, was passed under a Republican admistration, and that it does not bind this administration—the Democratic administration—at all. And if perchance by directing him, as the gentleman from Wisconsin says, to observe the existing law, you may possibly make him recognize that it is binding upon him.

Mr. HATCH. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. HATCH. I do not think the gentleman can speak to a point of order which has been already decided by the Chair.

The CHAIRMAN. The Chair was indulging the gentleman for his own information. If an improper ruling has been made, the Chair is perfectly willing to indulge the gentleman to point it out.

Mr. CANNON. I should not have attempted to argue the question were it not that I gather from the gentleman from Missouri himself, as well as the gentleman from Wisconsin, both agreeing upon the one point, that there is a distinct violation of the law which they had sought to correct not by the action of Congress but by a mere reference in the report of the committee, which binds nobody.

Now, the minds of the two gentlemen meeting upon the proposition that there is this violation of law, it occurred to me there could be no contravention of the rule by instructing the Commissioner of Agriculture to execute the law by legislative enactment. That is all.

Mr. SKINNER. I want to make a remark or two at this juncture. The gentleman from Wisconsin [Mr. PRICE] said what he wanted to do was to keep political pets from being put in office and kept there for political purposes. I want to say that the Commissioner of Agriculture, if he keeps any political pets in that office, keeps Republican political pets. He has got there, as I understand now, one private secretary, paid $1,800; one disbursing clerk, paid $1,800; superintendent of the folding-room, paid $1,200; three messengers, each $720; one laborer in folding-room, $600; two laborers on grounds, each $660; four or five laborers on the grounds, each $400; one coachman, $660; two firemen, each $720; none of whom are protected by the civil-service act. I merely wanted to say that it was not Democratic pets the Commissioner was protecting, but Republican pets.

Mr. McCREARY. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. McCREARY. The gentleman from Wisconsin [Mr. PRICE] offered an amendment, and the gentleman from Missouri [Mr. HATCH] raised the point of order that it was in violation of the rules of this House, inasmuch as it proposed to enact new legislation. The Chair promptly decided, and I think decided correctly, that the point of order was well taken. Now, sir, as the Chair decided that way, I submit there is nothing to be done except to go on with the consideration of the bill.

The CHAIRMAN. The point of order is well taken. The Chair will state again he listened to the gentleman from Illinois [Mr. CANNON] simply because he desired to hear him for his own information.

Mr. HATCH. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass with the amendment.

The motion was agreed to.

ORDER OF BUSINESS.

The CHAIRMAN. The Clerk will report the next general appropriation bill.

Mr. ANDERSON, of Kansas. I move that the committee rise.

Mr. WILLIS. I hope the gentleman will not press that motion.

The motion was not agreed to, there being—ayes 43, noes 71.

Mr. HEPBURN. I rise to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HEPBURN. I wish to ask what is the duty of the Chairman when in Committee of the Whole it is developed that a quorum is not present?

The CHAIRMAN. The Chair will state to the gentleman from Iowa that the motion in committee to rise is equivalent to a motion of adjournment in the House, and neither motion requires a quorum.

Mr. HEPBURN. Did not the vote show a quorum is not present?

The CHAIRMAN. The vote on a motion to rise does not show that. The Clerk will report the next general appropriation bill.

RIVER AND HARBOR APPROPRIATION BILL.

The Clerk read as follows:

A bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. WILLIS. I do not intend at this late hour to occupy the time of the House. But this bill appropriating a large amount of money should be explained, and, with the promise of the committee, I will to-morrow undertake to explain it. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WELLBORN reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 7481) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1887, and for other purposes, had directed him to report the same back with an amendment; and further, that the Committee of the Whole House on the state of the Union, having also had under consideration the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, had come to no resolution thereon.

AGRICULTURAL APPROPRIATION BILL.

Mr. HATCH. I demand the previous question on the bill (H. R. 7481) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1887, and for other purposes, and the amendment.

Mr. PRICE. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PRICE. If the previous question is ordered will that exclude all amendment?

The SPEAKER. That is the effect of the previous question. It stops all debate and amendment.

Mr. PRICE. Then I hope the House will not order the previous question till the amendment I offered in committee has been voted on.

The previous question was ordered.

Mr. PRICE. I rise to announce the fact that a quorum is not developed. I call for a division.

The SPEAKER. The Chair has announced the result on the motion for ordering the previous question. The gentleman can call for a division on the amendment.

Mr. PRICE. The amendment is not pending.

The SPEAKER. An amendment is reported by the Committee of the Whole House on the state of the Union. The question is on agreeing to that amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HATCH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELECTION CONTEST—PAGE VS. PIRCE.

Mr. GREEN, of New Jersey. I desire to present a privileged report from the Committee on Elections that it may be printed, intending to call it up on a future day.

The resolution accompanying the report was read, as follows:

Resolved, That WILLIAM A. PIRCE, sitting member from the second Congressional district of Rhode Island, be allowed thirty days from the passage of this resolution within which to resubpœna and cross-examine witnesses heretofore examined by Charles H. Page, the contestant, and to take any testimony he may desire, and that ten days thereafter be allowed to said Page to take evidence in rebuttal.

The resolution and accompanying report were ordered to be printed and laid over.

Mr. WILLIS. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. G. E. ADAMS: Petition for unlimited silver coinage—to the Committee on Coinage, Weights, and Measures.

By Mr. ARNOT: Petition of postmasters of the third and fourth class, asking for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. BOYLE: Papers relating to the bill for granting a pension to Martha J. McIlwain—to the Committee on Invalid Pensions.

By Mr. T. M. BROWNE: Protest of Local Assembly 3691, Knights of Labor, of Muncie, Ind., against the passage of the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

Also, memorial of Local Assembly No. 3691, Knights of Labor, of Muncie, Ind., protesting against the employment of convict labor—to the Committee on Labor.

By Mr. BUCHANAN: Papers in the claim of William H. May, of Chatham County, Georgia—to the Committee on War Claims.

By Mr. J. M. CAMPBELL: Protest of citizens of Martinsburg, Pa., against granting to foreign-built ships American registry—to the Committee on Commerce.

By Mr. CRAIN: Papers relating to bill for the relief of R. A. Haynes—to the Committee on Claims.

By Mr. DINGLEY: Petition of Jackson Whitehouse, of Thomaston, Me., for payment for ship timber used by the United States Army in constructing fortifications in Virginia in 1861—to the Committee on War Claims.

By Mr. ERMENTROUT: Memorial of the Board of Health of Philadelphia, Pa., against the abolition of the board of health of Washington, D. C.—to the Committee on Commerce.

By Mr. EVERHART: Petition of W. F. Bradbury and 103 others, members of the Massachusetts Association of Classical and High School Teachers, for the enactment of House bill 2119, to establish the metric system of weights and measures in the Departments of the Government—to the Committee on Coinage, Weights, and Measures.

By Mr. FLEEGER: Petition of citizens of Venango, Crawford County, Pennsylvania, for the passage of a pension law that will embody the recommendations of the national pension committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. GROUT: Evidence in support of House bill for increasing the pension of George L. Livingston—to the same committee.

Also, petition of Frank Martin and 83 others, citizens of Williamstown, Vt., praying for a tax upon the manufacture and sale of oleomargarine—to the Committee on Ways and Means.

By Mr. HEMPHILL: Petition of William M. Shannon and 128 others, citizens of Camden, S. C., in favor of a measure for the payment of rent, &c., of third and fourth class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. D. B. HENDERSON: Concurrent resolution of the General Assembly of Iowa, asking Congress to grant a pension to Sarah Young, of Des Moines, Iowa—to the Committee on Invalid Pensions.

By Mr. KLEINER: Petition of Catherine K. Barley, for a pension—to the same committee.

By Mr. LOVERING: Memorial of Local Assembly No. 3029, Knights of Labor, Lynn, Mass., in favor of liberal appropriation for the construction of internal works of national importance, and especially indorsing the plan for building the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. MATSON: Petition of James W. Watson and 193 others, citizens of Morgan County, Indiana, asking for additional pension legislation—to the Committee on Invalid Pensions.

By Mr. MILLER: Petition of citizens of Fayette County, Texas, for relief of third-class postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. MORRISON: Memorial of the Knights of Labor of Nashville, Ill., against the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. PETTIBONE: Petition of Jesse Y. R. Harrison, for increase of pension—to the Committee on Invalid Pensions.

Also, testimony to support bill for the relief of the heirs of Miranna Jennings, of Grainger County, Tennessee—to the Committee on War Claims.

By Mr. RYAN: Petition of Mrs. Snodgrass and others, of Dunlap, Kans., for the passage of the temperance educational bill—to the Committee on Education.

By Mr. SAWYER: Petition for an amendment to the Constitution prohibiting the making, &c., of distilled and fermented liquors—to the Committee on the Judiciary.

By Mr. SENEY: Petition of Ben. C. Harman for pension legislation—to the Committee on Invalid Pensions.

By Mr. SKINNER: Petition of Daniel Hayman for an appropriation to pay for schooner Mary Wood and cargo, taken during the late war—to the Committee on War Claims.

By Mr. W. J. STONE, of Missouri: Petition of Knights of Labor of Loomisville, Mo., against the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. SHAW: Petition of Jacob Mearing, asking for allowance of claim for provender furnished the United States Army during the late war—to the Committee on War Claims.

By Mr. ZACH. TAYLOR: Petition of Mildred S. Cash and others, heirs of Benjamin Cash, deceased, of Shelby County, Tennessee, asking that their war claim be referred to the Court of Claims—to the same committee.

By Mr. TUCKER: Papers relating to the claim of Samuel Glick, and of John B. Fauver, of Augusta County, and of Benton H. Goodloe, of Nelson County, Virginia—to the same committee.

By Mr. VAN SCHAICK: Petition of civilian clerks in the Army, protesting against the clause in the Army appropriation bill abolishing fifth-class clerkships—to the Committee on Military Affairs.

Also, petition of Milwaukee Assembly No. 4864, Knights of Labor, against the passage of the so-called free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

Also, memorial of Milwaukee Assembly No. 3927, with 670 members, asking for the repeal of existing treaties permitting Chinese immigration—to the Committee on Foreign Affairs.

Also, memorial of citizens of Milwaukee, Wis., against Chinese immigration—to the same committee.

Also, memorial of Milwaukee Assembly No. 4864, with 279 members, citizens of the fourth Congressional district, asking for the repeal of existing immigration treaties with China—to the same committee.

By Mr. WAIT: Papers relating to the claim of Milton B. Duffield—to the Committee on Claims.

By Mr. WHEELER: Petition of Stephen J. Matthews, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. WILSON: Of citizens of Morgantown, W. Va.

Also, of Rev. L. E. Peters and others, citizens of Mineral County, West Virginia.

SENATE.

THURSDAY, *April* 15, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair presents the report of a committee of the Cincinnati Chamber of Commerce, dated April 12, 1886, remonstrating against the construction of a railroad bridge over the Ohio River at Cairo, Ill., as proposed by Senate bill No. 1718 and House bill No. 6047, setting out the reasons why it should not be authorized. If there be no objection, the paper will be referred to the Committee on Commerce.

Mr. SAWYER presented memorials of Knights of Labor of Milwaukee and Neenah, in the State of Wisconsin, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

Mr. HARRISON presented memorials of Knights of Labor of Fort Wayne and Muncie, in the State of Indiana, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

He also presented a memorial of Knights of Labor of Muncie, Ind., remonstrating against the employment of prison contract labor; which was referred to the Committee on Education and Labor.

He also presented a petition of J. M. McCullough and 97 other citizens of Decatur County, Indiana, praying for the passage of an act granting pensions to soldiers and sailors in the Army and Navy of the United States of the war of the rebellion, and to their widows and orphans, and for other purposes; which was referred to the Committee on Pensions.

Mr. CULLOM presented a memorial of 128 members of Local Assembly No. 1757 of Knights of Labor of Cummings, Ill., and a memorial of 110 members of Local Assembly 271 of Knights of Labor of Springfield, Ill., remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

Mr. PIKE presented memorials of Knights of Labor of Nashua and Rollingsford, in the State of New Hampshire, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

He also presented resolutions of the New Hampshire State board of health, favoring the passage of the bill (H. R. 4959) to prevent the introduction of contagious and infectious diseases into the United States and to establish a bureau of public health; which were referred to the Committee on Epidemic Diseases.

Mr. MITCHELL, of Oregon, presented the petition of Herman Baumhager, of East Portland, Oreg., late a private of Company E, Fifth Regiment Minnesota Volunteer Infantry, praying to be allowed an increase of pension; which was referred to the Committee on Pensions.

Mr. HOAR presented petitions of Knights of Labor of Lynn and Georgetown, in the State of Massachusetts, praying for the construction by the Government of the Hennepin Canal; which were referred to the Committee on Commerce.

Mr. MANDERSON presented the petition of the Woman's Christian Temperance Union of Nebraska, praying for a sixteenth amendment to the Constitution prohibiting the disfranchisement of women on account of sex; which was ordered to lie on the table.

Mr. PALMER presented the petition of Hon. William B. McCreery and 36 others, citizens of Flint, Mich., praying for the adoption of a constitutional amendment providing for universal suffrage; which was ordered to lie on the table.

He also presented petitions of Knights of Labor of Grand Rapids, Muskegon, Cadillac, Essexville, Flint, Lapeer, Ionia, and East Saginaw, in the State of Michigan, praying that liberal appropriations be made for works of internal improvement, and especially the construction of the Hennepin Canal; which were referred to the Committee on Commerce.

Mr. SPOONER presented a memorial of Knights of Labor of Milwaukee, Wis., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. COCKRELL presented a memorial of Knights of Labor of Carthage, Mo., and a memorial of Knights of Labor of Jackson, Johnson, and La Fayette Counties, in the State of Missouri, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

Mr. WILSON, of Iowa, presented a memorial of Knights of Labor of Atlantic, Iowa, remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. CONGER presented memorials of Knights of Labor of Ionia and Mount Clemens, in the State of Michigan, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

He also presented a petition of Knights of Labor of Grand Rapids, Mich., praying that liberal appropriations be made for works of internal improvement, and especially the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. MILLER. I rise to present a memorial from the Saratoga Monument Association.

It will be remembered that Congress has made one or two appropriations to aid in the erection of a monument upon the battlefield of Saratoga. Moneys were also appropriated by the State of New York, and a very large sum, I think $100,000 or more, has been collected by private subscriptions. At all events the money thus collected and donated by the State of New York and by the Congress of the United States has been sufficient to finally complete this monument. It is one of the finest monuments in the United States to-day. The board of trustees of the association, who have had this matter in hand and have carried it to completion desire to have a public dedication of the monument some time during the present year. The funds of the monument association have been entirely consumed in the erection and completion of this great work, and they ask that a suitable appropriation may be made by Congress to aid in properly celebrating and dedicating the completion of the monument.

I ask that this memorial be read, as it is short, and that it be referred to the Committee on the Library; and I hope that the committee will be able to take speedy action in the matter.

There being no objection, the memorial was ordered to be read and referred to the Committee on the Library, as follows:

Memorial.

To the honorable the Senate and House of Representatives of the United States:

The Saratoga monument, which in ornate and enduring granite records the most important event of our Revolutionary annals, is now completed, and what in these days may be considered phenomenal, completed at the original estimated cost. No debt hangs over it. The Saratoga Monument Association, under whose supervision the structure has been erected, now wish to have the monument dedicated the coming autumn, by which time the bronzes for its interior and exterior adornment are expected to be in place—dedicated in a manner worthy of the great event which it commemorates.

The association propose to invite to be present on that occasion the President of the United States and his Cabinet, the foreign ministers accredited to this country, and also delegations from the different States of the Union.

It is also proposed to extend to the French Government a special invitation to send a representative delegation, since it was the surrender of Burgoyne which brought about the French alliance, and thus enabled the contest finally to be decided in favor of the Colonies.

But the Saratoga Monument Association, having exhausted all the available means at their disposal, find themselves entirely powerless to make the dedication worthy of a great nation. Accordingly, and bearing in mind the generous spirit which instigated Congress to appropriate $100,000 for the celebration of the surrender at Yorktown, which event would have been rendered impossible but for the surrender at Saratoga, the association respectfully ask from your honorable body an appropriation adequate to insure the success of the proposed dedication. The association, although believing that $20,000 would not be too much to ask for, yet willingly leave Congress to determine the sum which it thinks should be sufficient for the purpose indicated, praying that action be taken as soon as possible in order that the committee having the work in charge may know what can be depended upon, and make arrangements accordingly.

All of which is most respectfully submitted.

[SEAL.]

GEORGE WM. CURTIS,
JOHN H. STARIN,
JOHN WATTS DE PEYSTER,
ALGERNON S. SULLIVAN,
JOSEPH W. DREXEL,
J. MEREDITH READ,
P. C. FORD,
D. F. RICHIE,
E. F. BULLARD,
CHS. K. GRAHAM,
W. A. SACKETT,
WILLIAM L. STONE,

Committee on Design, Saratoga Monument Association.

Mr. VEST presented memorials of Knights of Labor of Carthage, Lamar, Rich Hill, Trenton, Stanberry, Lexington, Randolph, Festus, Warrensburg, Bevier, and Calhoun, in the State of Missouri, and a memorial of Knights of Labor of Jackson, Johnson, and La Fayette Counties, in the State of Missouri, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

He also presented petitions of citizens of Saint Louis and Oregon, in the State of Missouri, praying legislation to so amend the Constitution of the United States as to protect women in the enjoyment of the right of suffrage on equal terms with men; which were ordered to lie on the table.

He also presented petitions of Knights of Labor of Saint Louis, Clinton, Huntsville, and Springfield, in the State of Missouri, praying that liberal appropriations be made for works of internal improvement and especially the construction of the Hennepin Canal; which were referred to the Committee on Commerce.

He also presented a petition of the Short-Horn Breeders' Association of Saline County, Missouri, praying legislation for the suppression and control of contagious diseases of cattle, &c.; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Knights of Labor of Rockport, Mass., praying the construction of a harbor of refuge at Sandy Bay, Rockport, Mass.; which was referred to the Committee on Commerce.

He also presented a petition of Knights of Labor of Saint Louis and Kansas City, in the State of Missouri, praying for the restoration of the wages at the Government Printing Office to a certain former rate; which was referred to the Committee on Printing.

He also presented a memorial of Knights of Labor of Saint Louis, Mo., remonstrating against certain proposed legislation on the subject of pilotage; which was referred to the Committee on Commerce.

He also presented the petition of W. Smith Hedges and others, citizens of Barton County, Missouri, praying for the free coinage of silver and for the speedy payment of the national debt; which was referred to the Committee on Finance.

He also presented a petition of citizens of the United States, remonstrating against the passage of any bankrupt law; which was ordered to lie on the table.

He also presented a petition of wage-workers of the United States, praying for the unlimited coinage of silver; which was referred to the Committee on Finance.

He also presented a petition of the Merchants' Exchange of Saint Louis, praying for liberal appropriations to subsidize any steamship line establishing steam communication between the Mississippi Valley and the Central and South American states through the port of New Orleans; which was referred to the Committee on Commerce.

He also presented a petition of Knights of Labor, Local Assembly No. 107, of Missouri, praying for the restoration of wages at the Government Printing Office to a certain former rate; which was referred to the Committee on Printing.

He also presented a petition of the Clearing-House Association of Kansas City, Mo., praying for legislation giving jurisdiction to the United States courts in civil cases in the Indian Territory; which was referred to the Committee on the Judiciary.

He also presented a petition of the wholesale merchants of the city of Saint Louis, Mo., praying for the passage of Senate bill No. 1025 giving jurisdiction to the United States courts in civil cases in the Indian Territory; which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. PLATT, from the Committee on Patents, to whom was referred the bill (S. 380) for the relief of Mrs. Henrietta H. Cole, reported it without amendment, and submitted a report thereon.

Mr. VAN WYCK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 858) granting a pension to Lucy J. Mitchell;
A bill (H. R. 1292) granting a pension to Mrs. Kate Miller;
A bill (H. R. 3359) granting a pension to Henry S. Morgan;
A bill (H. R. 3399) to grant a pension to Philip Wagner;
A bill (H. R. 2939) granting a pension to Henry H. Green; and
A bill (H. R. 5234) granting a pension to Jesse H. Gaines.

Mr. PIKE, from the Committee on Claims, to whom was referred the bill (S. 668) for the relief of Charles de Arnaud, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (H. R. 2145) for the relief of Rebecca Eldridge, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 862) granting a pension to Matilda Ann Wiley, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the petition of Mrs. N. C. Cushman, widow of the late Commander Charles H. Cushman, United States Navy, praying for an increase of pension, submitted a report thereon, accompanied by a bill (S. 2148) granting a pension to Mrs. Nannie Cushman; which was read twice by its title.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4026) granting a pension to Algernon S. Flagg;
A bill (H. R. 4027) granting a pension to Sophia Y. Bixby;
A bill (S. 2025) granting a pension to James Butler;
A bill (H. R. 549) granting a pension to Enoch Goss;
A bill (H. R. 1108) granting a pension to Margaret Coffey;
A bill (H. R. 5884) to increase the pension of John A. Stewart;
A bill (H. R. 3019) to increase the pension of Abigail Smith;
A bill (S. 1290) granting a pension to David W. Hamilton;
A bill (H. R. 1858) granting an increase of pension to James McMullin;
A bill (H. R. 3562) for the relief of Peter Tower;
A bill (S. 1077) granting a pension to Newcomb Parker;
A bill (H. R. 3152) granting a pension to Eliza A. Fisher;
A bill (H. R. 1369) granting a pension to George H. Perkins;
A bill (H. R. 1152) for the relief of Mrs. Ellen S. Tolman; and
A bill (H. R. 1113) granting a pension to Walter S. Haynes.

Mr. DOLPH, from the Committee on Commerce, to whom was referred the bill (S. 1937) authorizing the city of Salem to construct a bridge across the Willamette River, in the State of Oregon, reported it without amendment, and submitted a report thereon.

Mr. WILSON, of Iowa. I report from the Committee on Post-Offices and Post-Roads an amendment to the Post-Office appropriation bill providing an appropriation of $36,000 "for compensation due the United States and Brazil Mail Steamship Company for carrying the United States mails during the fiscal year ending June 30, 1886," that it may be referred to the Committee on Appropriations. In submitting the re-

port I wish to state on behalf of the Committee on Post-Offices and Post-Roads that it is not committed to the precise sum stated in the amendment; but the subject it is deemed proper to send to the Committee on Appropriations for its consideration.

The amendment was referred to the Committee on Appropriations, and ordered to be printed.

ASSISTANT COMMITTEE CLERK.

Mr. FRYE, from the Committee on Foreign Relations, reported the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Foreign Relations be, and they are hereby, authorized to employ an assistant clerk, who shall be a stenographer, at an annual salary of $1,440; and that the Secretary of the Senate be, and he is hereby, authorized and directed to pay the said salary out of the miscellaneous items of the contingent fund of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 7481) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1887, and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 7632) to establish a light-ship off the entrance to Chesapeake Bay; and

A bill (H. R. 2239) authorizing the Secretary of the Treasury to deliver to the rightful owners the contents of certain boxes deposited in the Treasury Department by the Secretary of War.

BILLS INTRODUCED.

Mr. MITCHELL, of Oregon, introduced a bill (S. 2149) granting an increase of pension to Herman Baumhager; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CALL (by request) introduced a bill (S. 2150) in relation to cemeteries and churches or buildings used for religious worship located upon the public lands of the United States; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 2151) to pension Bartola Thebaut, a soldier in the Florida Seminole Indian war of 1849–'50; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WALTHALL introduced a bill (S. 2152) to amend chapter 218 of the acts of the first session of the Forty-seventh Congress, approved June 15, 1882; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Judiciary.

Mr. PALMER (by request) introduced a bill (S. 2153) to create a board of audit to adjust all claims for special damages to real estate by reason of public improvements in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HARRISON introduced a bill (S. 2154) granting a pension to George W. Menser; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CULLOM. I introduce a bill by request, as the Senator from Pennsylvania [Mr. CAMERON] is not present, that it may be referred to the Committee on Claims. It was previously introduced, but in the body of a memorial, so that it was not discovered.

The bill (S. 2155) for the relief of John Wightman was read twice by its title, and referred to the Committee on Claims.

PREMISES FOR THIRD-CLASS POST-OFFICES.

Mr. WILSON, of Iowa, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Post-Offices and Post-Roads be, and hereby is, instructed to inquire and report to the Senate what legislation is necessary to authorize the Postmaster-General to lease premises for the use of third-class post-offices.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. GORMAN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

NOTICES OF BUSINESS.

Mr. HOAR. I ask unanimous consent to give a notice. There are two matters on the Calendar which it seems to me common charity and common decency require that the Senate should dispose of, which will take but a very short time. One is the case of Alice C. Underwood, where a property in a claim which has been affirmed by two or three committees of the Senate in succession belongs to a young lady of great worth, known to several members of the Senate, and who is in very humble circumstances. The other is the case of Albert H. Emery, which has passed the Senate half a dozen times and failed to be disposed of in Congress.

I will not at this time interrupt the Senate, who desire to hear the Senator from Illinois [Mr. LOGAN], I know, unanimously, by asking to take up either of these cases, but I give notice that at a very early day, when the time for the Calendar is reached, I shall ask the Senate to hear those matters and to dispose of them one way or the other.

EXECUTIVE SESSIONS WITH OPEN DOORS.

The PRESIDENT *pro tempore*. According to the unanimous understanding of the Senate, the morning business being concluded, the Chair lays before the Senate the resolution submitted by the Senator from Connecticut [Mr. PLATT] in regard to the consideration of executive nominations in open session, on which the Senator from Illinois [Mr. LOGAN] is entitled to the floor.

Mr. LOGAN. Mr. President, I desire to discuss as fully as I can, without going over the ground which has already been occupied, the question so ably presented by the Senator from Connecticut [Mr. PLATT] and also by the Senator from South Carolina [Mr. BUTLER]. I desire, however, to direct my remarks to the resolution offered by myself, which differs only in a very slight degree from the one offered by the Senator from Connecticut. In fact, there is very little choice between the two, but I prefer the one that I introduced, for the reason that it provides that the Senate shall be open without reference to a vote of the Senate in regard to the confirmation and rejection of persons whose names are sent to the Senate by the President of the United States. The resolution submitted by me is as follows:

Resolved by the Senate of the United States, That the sessions of the Senate commonly known as executive sessions, so far as they apply to nominations, confirmations, or rejections, shall hereafter be held with open doors, and that a public record of the same shall be kept, the same as in legislative sessions.

At the end of the resolution I propose to add the following words:

And so much of section 2, Rule XXXVI, and section 2, Rule XXXVIII, of the standing rules of the Senate, as conflicts with or is inconsistent with the above is to the extent of such inconsistency rescinded.

Let me here state the rules that this applies to.

Rule XXXVI, sections 2 and 3, is as follows:

2. When acting upon confidential or executive business the Senate Chamber shall be cleared of all persons except the Secretary, the Chief Clerk, the Principal Legislative Clerk, the Executive Clerk, the Minute and Journal Clerk, the Sergeant-at-Arms, the Assistant Doorkeeper, and such other officers as the presiding officer shall think necessary; and all such officers shall be sworn to secrecy.

3. All confidential communications made by the President of the United States to the Senate shall be by the Senators and the officers of the Senate kept secret; and all treaties which may be laid before the Senate, and all remarks, votes, and proceedings thereon shall also be kept secret until the Senate shall, by their resolution, take off the injunction of secrecy.

Rule XXXVIII, section 2, is as follows:

2. All information communicated or remarks made by a Senator when acting upon nominations, concerning the character or qualifications of the person nominated, also all votes upon any nomination, shall be kept secret. If, however, charges shall be made against a person nominated, the committee may, in its discretion, notify such nominee thereof, but the name of the person making such charges shall not be disclosed. The fact that a nomination has been made, or that it has been confirmed or rejected, shall not be regarded as a secret.

Rule XXXVI, section 4, provides:

4. Any Senator or officer of the Senate who shall disclose the secret or confidential business or proceedings of the Senate shall be liable, if a Senator, to suffer expulsion from the body; and if an officer, to dismissal from the service of the Senate, and to punishment for contempt.

The first Congress was to meet March 4, 1789; the House of Representatives did not organize until April 1, 1789. On the 6th of April, 1789, a quorum of the Senate being present, the votes for President and Vice-President were counted. On the 8th of April the House of Representatives threw open the doors of the House for the transaction of all business, and, except in rare instances, those doors have never been closed since.

The Senate meeting in April, 1789, in the following April, 1790, on the 29th of the month, a resolution for open legislative sessions was offered by James Monroe, who took his seat in February, 1791, and on the 24th of February, 1791, he renewed the motion that the legislative sessions of the Senate should be with open doors. That was defeated by a vote of 9 to 17.

March 26, 1792, the motion was again renewed by Monroe; it was then defeated by a vote of 8 to 17.

On the 4th of February, 1793, a resolution was offered as follows:

Resolved, That the conducting of the legislative and judicial powers of the Senate in public, and suffering an account of their measures and deliberations to be published in the newspapers, is the best means of diffusing general information concerning the principles, motives, and conduct of individual members; and that, by withholding this information, responsibility becomes unavailing, the influence of their constituents over one branch of the Legislature in a great measure annihilated, and the best security which experience has devised against the abuse of power and a maladministration abandoned.

It was negatived by yeas 7, nays 21.

On the same day a motion was made to agree to another resolution, in these words:

Resolved, therefore, That it be a standing rule that the doors of the Senate Chamber remain open while the Senate shall be sitting in a legislative and judicative capacity, except on such occasions as, in their judgment, may require secrecy; and that this rule shall commence and be enforced on the first day of the next session of Congress.

That resolution got 10 votes in this body, and there were 18 against it.

I quote from Senator PLATT:

The first rule for requiring any secrecy in the matter of executive nominations was passed on the 3d of January, 1820. Up to the 3d of January, 1820, there

was no intimation or suggestion in the rules of the Senate that secrecy was enjoined or expected so far as action on nominations was concerned.

Mr. President, without going further into the history of the secret sessions of the Senate of the United States, I desire to state this one simple proposition, that there is not now nor has there ever been any necessity for the consideration of nominations in secret sessions. Before proceeding with my remarks, I will read from Story's Commentaries on the Constitution, page 580, what he says with regard to the particular clause of the Constitution upon which this proposition seems to rest, or at least is claimed to rest. Mr. Story quotes Article I, section 5, paragraph 3, of the Constitution, as follows:

Each House shall keep a Journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy, and the yeas and nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered on the Journal.

In discussing that paragraph of the Constitution, Mr. Story says:

The object of the whole clause is to insure publicity to the proceedings of the Legislature, and a correspondent responsibility of the members to their respective constituents. And it is founded in sound policy and deep political foresight. Intrigue and cabal are thus deprived of some of their main resources by plotting and devising measures in secrecy. The public mind is enlightened by an attentive examination of the public measure; patriotism, and integrity, and wisdom obtain their due reward; and votes are ascertained, not by vague conjecture, but by positive facts.

Why secret sessions were ever adopted I can not conceive, or what there is in the discussion of the character of an individual who may be nominated by the President of the United States for official position that should be kept secret from the people of this country is beyond my ken. What there is in connection with the public or private character of any individual who is to become an official, and responsible to the people for his conduct in his official capacity, that should be covered over by a veil is something that I can not understand. If the reputation of a man for honesty and ability to perform the duties of an office can not be examined in the open day, I would like some one to inform me whether such a man is a proper man to hold official position.

This resolution applies alone to nominations and confirmations. It was said in substance by the Senator from South Carolina that perhaps in the early days of the Republic a fear existed in the minds of those who represented the people, they being somewhat timid in the management of the affairs of a great republic—the question may have arisen in their minds as to whether or not the people at that time had full knowledge and understanding of the principles upon which their government was based. I differ as to the intelligence of the people, however, even at that time.

But, sir, the House of Representatives, legislating with closed doors for a short period, soon opened their doors, and why? Because they were directly the representatives of the people; they receive the votes of the people and are responsible directly to their constituents, and they could not stand against the desire and right of the people to know what the character of legislation was and the course pursued by their Representatives who were elected by their votes; so, for that reason at once the doors of the House were opened; but the Senate, claiming at that time not to represent the people but to represent the States, ignoring the idea that they were the representatives of the people, but of the States, continued secret sessions, legislative and executive. But the people of this country are as much interested in having a knowledge of what their representatives in the Senate do, and what their course of conduct has been and now shall be in reference to confirmations as in regard to the legislative acts of their immediate representatives.

We are the representatives of the people as well as of the States. The people are represented in their State Legislatures, and by their will and consent and by no other authority do Senators hold their seats on this floor. That being true, we are as much indebted to the people, and as much bound to give to them at all times, not the necessary secrets of the nation, but to give to them a chance to look in upon and examine into our course of conduct in reference to our investigating men who are selected from their midst to perform the functions of office, as in reference to any legislative act.

Sir, in this discussion I do not want to see, and I hope we shall not see, Senators who are in favor of secret sessions silent. I do not wish to see silence reign in this Chamber while the desire exists with them to close the doors and fasten the gates against giving the knowledge to the people. If there are reasons for secret sessions let us have them, let the people know what they are. There is certainly not a Senator on this floor who is ashamed or afraid to allow what he says in secret sessions to go before the country. Would he say anything in secret session that he would not say before the world? Would he perform any act in secret session that he would not in open session? Can he be a man in open session and less than a man in secret session?

Why, sir, what do you discuss in secret in reference to confirmations that might not be discussed anywhere? If a man who is nominated for an office has been indicted and tried and convicted for crime, why should that be kept secret from the world? If he is an honest man he should be delighted to have it known by the country. If his reputation is good, he is willing to have it investigated. If his reputation is bad, he should not be nominated for office. Sir, let the doors of this Chamber be open when men's names come before the Senate, and confirmations through the mysterious agency of "Senatorial courtesy" will give place to the honest man whose fair record boldly courts public inspection.

Not only so, sir, but we shall find that open executive sessions for the consideration of nominations must aid in purifying the public service.

The traducer of character and the condoner of bad records will both shrink before the free and open consideration of executive nominations. Then, too, sir—I will not say such a thing has existed—a course that might be pursued by men calculated to deceive the honest and the ignorant who may apply for confirmation would cease if existing. The treacherous stiletto of cowardly opposition would give place to open and manly warfare. The applicant for public place with crooked record who expects to steal his way through the mysteries of secret session to an official position would seek other places than the halls of the Senate of the United States.

Mr. President, in a great republic like this, where we claim that all there is of this Government rests upon the consent of the people, if that be true why shall the people not know what we do in giving our consent, which means their consent, to the occupancy of official position? Secret sessions in many respects are demoralizing, not only to Senators but to those outside the Senate Chamber. Who is there in the Senate without manhood enough when a man comes to him and says, "I wish to be confirmed," if he is opposed to him will not tell him that he can not vote for him? Is there one? I hope not; but yet I have known men who believed they would be confirmed, and who claimed to have reason to believe so, that were rejected by large majorities. How did this occur? I will not undertake to explain. Still such things have occurred.

I said it was demoralizing. What do I mean by "demoralizing?" I mean that secret sessions encourage Senators, if they are so disposed, to utter what they would not desire to do perhaps in other places. I will not say they falsify, but some man might possibly obtain a seat in the Senate who would be guilty of that character of conduct. It may not have frequently occurred, but it may occur. Why is it? We have a rule in which we declare that we will expel any member from the Senate who gives away the secrets of the Senate. Are they not given away? Have you ever held an executive session where there were important matters considered that something was not given away that took place in the Senate? Who does it? We always say, of course not Senators. Who then? As was well said by the Senator from Connecticut, I acquit the officers of the Senate.

Now, if the secrets are given away, why not open the doors and let the world know the truth? If they are not given away they are pretended to be. The newspapers are full of them every day, and they profess to give them correctly. If they do not give them correctly and practice a deception upon the country, is it not better for the country to have the honest version of the action of the Senate given than to be deceived and have a false statement in reference to it? Yet the newspapers say they give it correctly. I will not say that they do or that they do not, except in certain instances I am sure that they have not; but they do the best they can. They get here and there what they can. They get the statements from some one, I do not know from whom, probably from the spittoons, or desks, or cats, if there are any about the Capitol; but nevertheless they get something.

Is it honest, is it right for the Senate to do that which induces falsehood to be sent to the country, if they say it is falsehood? Is that proper? If there is no harm to come from opening the doors of the Senate, is there not good to come from it? How? By the country having the truth instead of having that the truthfulness of which they suspect. Is it not encouraging the men who are engaged in newspaper work to state things that are not true; and in that respect is not the moral of it bad? The newspaper men must have something to send to their papers; they send what they can get; and are we not thereby encouraging them to scatter over the country that which is not true unless they should in some way get the absolute truth? Is it the part of honorable men to so act as to justify falsehood, and not only justify it but induce it, encourage it, and in fact force it, because it is forced and compelled by reason of the fact that if they do not give the facts they are expected to give something and something is given, so that the Senate to-day is responsible for every falsehood that is uttered in the newspapers in reference to executive sessions for confirmations. And why? Because they maintain that there is something mysterious, something that requires secrecy, in the confirmation or rejection of men whose names may be sent to the Senate—something mysterious about it, so as to make the people believe that great consequences might grow out of the fact that what Senators say or do here shall be known by the people. There are no great consequences to grow out of what may be said, no great consequences to grow out of what may be done, and my judgment is that if the doors were opened there would be less said than there is said in secret sessions; that our sessions would be not only more orderly, but debate would be of a more dignified and elevated character than possibly under existing circumstances.

Ah, sir, I believe, and I think we all do, in honest and in fair dealing with the people that we represent. I am not afraid of any of my official acts being exposed to the people. I may not do what my constituents desire always; I may fail in many respects in representing their

wishes; I may fail to know what their wishes are; yet I am not afraid to have them see my votes, and I vote about as often as any Senator. I am perfectly willing they shall see my votes on confirmations, and if I dared do it I would tell every day what my vote was in every secret session; but I can not; this great and important secret must be locked up for all time in my breast.

I have spoken about the inducement to have the truth always go before the country and the people undeceived. Sir, truth is a jewel, though not possessed by all men; let us give encouragement to all men to adorn themselves with that jewel, by opening the doors and letting that truth that ought to go everywhere be sent out to the world, so that our course and our conduct may be open to inspection.

It was said centuries ago "Let your light so shine before men that they may see your good works." If we are to let our light so shine before men that they are to see our good works, we should not cover those acts in darkness; we should not throw over them the shade and darkness of night through which the light of truth can not penetrate; but, sir, we should let those acts be such that the light should flow from them, and our constituents determine whether they are good or whether they be bad.

But, Mr. President, let me state one other proposition. I intend to deal in general principles with reference to this question, as I do not wish to trespass upon the ground over which the Senator from Connecticut passed; but there is a great principle underlying this. There has never been a shackle that has fallen from men that has not been forced off either by the strong arm or by public opinion. Liberty comes by degrees, and not like a flood of light thrown instantly upon the world. It comes by constant pressure, it comes not from the source of kings or monarchs, but it comes from the class that requires to be released, who feel the oppressor's hand. It germinates there and grows until finally it bursts the bonds that confine it, and then those who have repressed it are apt to shout the loudest for it. Everything grows in reference to power, to peace, to government and all that there is connected with the affairs of man, except that particular system or policy which is believed in by a certain class that never yields, never grows, and never severs the bonds until by force of public opinion it is accomplished.

Look back for centuries; take governments instituted; where the power is or was in one head; his or her rule enforced upon the people, not through the people, enforced not by them but upon them. When the idea entered the minds of men that the modes, procedure, and laws and administration of government were too strong, too powerful, the people who were oppressed broke the bands and gave to themselves that measure of liberty which the times then demanded or would admit of.

So it is to-day, and so it is in all governments. Take the English Government to-day, where the queen sits enthroned with but little power. Much of that power once in the head of that government has been taken away step by step by that growth of liberty in the minds of the people, the knowledge which they have gained in reference to governmental affairs, and the intelligence they have acquired in regard to their own rights and the policy which is beneficial to them, until now that people have privileges unthought-of by them a century ago.

Take the case of Ireland to-day, downtrodden and trampled under foot for centuries. Why is it that the grandest statesman whom England has produced for half a century, perhaps, is to-day struggling in behalf of downtrodden Ireland? It is because of the growth of intelligence among the people; it is because of the expansion of the great idea of liberty; it is that light of intelligence breaking in upon the minds of the people, who are demanding certain privileges.

Ireland struggles for what? For a change, for more power to the people; in reference to government, more privileges, more independence. Why? Because the people have grown more intelligent and have now a better understanding of their rights.

So in our own country, everything has grown with this growth of intelligence, except in the fact of the Senate of the United States in reference to the right of the people to have a knowledge of what we are doing—the only part of the people to-day in this Government who have not advanced with the growth of the country, and who now stand back with a veil drawn between the people and themselves.

How have the privileges and rights of the people of this country grown? Step by step they have demanded and obtained rights from Congress; step by step they have demanded and obtained greater privileges and protection in the amendments of the Constitution of the United States, being fifteen amendments in all. Step by step this great Republic has moved forward; and the demands of the country have enlarged the boundaries of your Constitution. Step by step you have enlarged and expanded your laws. They must have a growth along with the intelligence of the people; they must expand with the necessities of the people. The only place where that growth has been stinted by its rules is in the Senate of the United States.

What was it that abolished slavery in this country? It was the immediate result of war all people say, but it was the intelligence of the people, their growth and advance in civilization, and the knowledge of the rights of man which caused that band which bound human beings to masters to be severed by war, and made the slave to leap forward ward as a free man before the civilized world.

While speaking of the advance in civilization and intelligence in the world we find here in our own midst another growth. While the idea of privileges to man has been in the advance, stimulated by the willingness of those in power to yield to their demands, on the other hand we find a growth in the power of money and corporations which has been unhealthy to the growth of republican ideas in our country. But whenever that growth becomes so overtowering, so colossal and powerful in its proportions that it becomes oppressive, then it is the duty of the representatives of the people to check and control that power. So it is with reference to everything else connected with the Government.

As we grow we must have our checks and our balances, in order that the idea of liberty and of privileges to men shall go along together and that one shall not be caused to shrink while the other grows, that all may move along harmoniously together. The way for us to do is to make wholesome laws and execute them to protect all lawful rights of every citizen. You will then have peace, prosperity, happiness, and fraternal feeling.

Let me go one step further. There are but two ways by which things are remedied when they become offensive and oppressive to the people. One is by revolution, which may and probably would destroy all government as well as liberty; the other is by reformation, which may amend all. So when the people in any land, I care not where, become oppressed or are denied rights they are entitled to enjoy, they will have them, and the legislation of the country must comport with the rights of the people or else one of two results must follow, either reformation or revolution. Reformation is my idea—law and order—reform as we move forward righting all the wrongs. That is the character of reformation which every man who is an honest man ought to desire instead of revolution.

Paul said, "When I was a child, I thought as a child; I spake as a child; but when I became a man, I put away childish things." We in the Senate of the United States are not children—we ought not to be; but when our Government was a child it dressed itself in a garb of secrecy. It was a child and it thought as a child, but when this great Government, majestic in all its proportions, became a man, why should it try to be a child any longer? Why should the Senate cling to the childish ways of the olden times that our acts may be obscured from the sight of men who gave us the places that we occupy? Let us put away childish things; let us put on the garb of a man, and assert the rights of the American people in this Senate Chamber to which they are entitled, for they are entitled to know what you and I do.

There is a strong desire on the part of a great many Senators to have secret sessions every day. It seems to bring joy to their very souls to see the people rushed out of these galleries, and the doors shut as if some great, mysterious thing was going to transpire, as if some great calamity was going to befall the country, and therefore the doors must be closed. In other words, you drive the people out of the galleries, and why? To show our importance? Is that it? To show that the Senate of the United States is a body of men who must have secrets of state? Is that it? Are we magicians? Will we turn sticks into snakes in secret, or something equally mysterious? Is there a Senator who does not know that it is a farce, an absolute farce? Nothing has ever transpired in the Senate in executive session in reference to the confirmation of a man, to my knowledge, that ought not to have been made public.

I want to see a vote on the pending resolution; I want to see Senators who announce that the world ought to know everything that is going on voting in executive sessions the same way that they talk on the floor when the doors are open. This mysterious thing of doing in secret what you will not do openly is not manly. It gives the chance for men to vote in secret one way and talk in open Senate another.

Mr. HOAR. May I ask the Senator a question suggested by a word which he used, and did not intend to use, I understand, whether the logic of the Senator's reasoning would not require that all committees of the Senate also should have their meetings openly and in public so far as conveniently may be done?

Mr. LOGAN. I beg the Senator's pardon; not at all. Why should the doors of committees not be open if the committees want them to be open? Is there any objection to it? I never did anything in a committee that I would not do in open day. It is a mere question for the committee themselves. If they do not want the public in to bother them they keep them out; but the public do not come into this Chamber to bother you. That is a very different proposition. You have no galleries in your committee-rooms, and what you do there is made public, is published every day. That is a mere question of convenience; but this is not a question of convenience, it is a question of the right of the people.

Mr. HOAR. I desire to draw the attention of the Senator to the point, because it seemed to me, though I probably misunderstood it, that the logic of his whole reasoning, and especially his last point, would make it the duty of the Senate committees as far as possible to open their doors. I suppose there is nothing which takes place in secret session so interesting and important to the people of this country as the proceedings of the Ways and Means Committee of the House and the Finance Committee of the Senate, and especially the proceedings of the

committees of conference from those two bodies when revenue questions are up. I wish to inquire of the Senator, if it does not divert him from his argument, whether he thinks that also should be made open and public.

Mr. LOGAN. I have always recognized the astuteness of the Senator from Massachusetts. Whenever a proposition is made that is not exactly in accord with his notion, if he can draw you off the track on to something else he is always anxious to do it. We are not discussing the question of committees, but we are discussing the question of executive sessions of the Senate of the United States, and committees have nothing whatever to do with this proposition. But there is this to be said in reference to it, a committee is raised for the purpose of transacting business that comes before the Senate. The nominations go before the committees, but here is the place where they are acted upon, and that action ought to be opened up. It is here in the Senate Chamber that the business is transacted; it is here in the Senate Chamber that the vote is taken; it is here in the Senate Chamber that nominations are passed upon and your final action determines the result. This is the place, and this is where the people want the doors opened, that they may see and know what we do.

The people have not asked you to open your committees, and they have not thought of it, unless you desire to open them; but they do say these Chamber doors should be opened, and not only that, but they will thunder at them until they are opened; and, mark what I tell you, they will be opened. It will not be long either. You gentlemen may revel in the dark for a while over nominations and delight yourselves to go out and know something that the people do not know. "Oh, it charms me so; I am filled with knowledge that I can not give to the world; I have a great secret in my bosom that I can not give you." Some man asks, "Did you confirm this little postmaster down at Athens, in Tennessee?" "I can not inform you; I am bound to secrecy." What an important secret that is, as to whether a postmaster to a little office has been confirmed, and whether I voted for his confirmation or not! Oh, what a great veil this is that is drawn between the Senator and the people in reference to a little post-office!

In darker days, when the minds of men were not illumined as they are to-day by the common school and by books which are found everywhere, you might fool somebody by talking about the secrets which you possess; but that time has passed. The people of this country know as much as we do, and a great many of them who are in the humbler walks of life would make better Senators than many of us, doubtless. We find to-day in the Senate people different from those with which the Senate was filled once, when it was filled exclusively with lawyers, who supposed that they had all the wisdom of the world, that they controlled everything, that they wrote all the constitutions and draughted all the laws. These things were then done in order to keep up the mystery and shroud their course of conduct in darkness and cause the people to stand off in awe of them, and have them imagine a greatness that they could not fathom.

To-day we find it different. To-day in the Senate Chamber we find lawyers, we find miners, merchants, bankers, lumbermen, and men in the different avocations of life. The people elect their men according to what they think is their business qualification for the purpose of legislating to advance their interests. No longer is this mystery thrown around the aristocracy of this country which once assembled for the purpose of blinding and keeping from the people that knowledge which they were entitled to have.

No, sir, this Government is growing, it is growing in republican ideas, in republican feelings, it is growing in the interest of the people.

Growth in the wrong direction must cease and it will cease. The growth in this country which has been in the direction of depriving men of their rights at the polls or their rights anywhere else will have to cease. The growth calculated to oppress will be checked. I warn my friends here that the people of this country will know what you do. They will open these doors and they will look in upon you. They are entitled to; and until these doors are opened the people of this country can not say that all have an opportunity of ascertaining a full knowledge of the workings of his Government; and the man who is deprived of the knowledge he ought to have in order to be well informed is deprived to that extent of the privileges he ought to be permitted to enjoy.

It is only by degrees that liberty comes. It is only by degrees that liberty is repressed, and the degree that you repress the intelligence of the people as to the action of their representatives to that extent you repress their liberties and the privileges they should enjoy.

Let the Senate turn its eye to the house of lords in England, where power comes not from the people, where they are born with certain rights and privileges, where they are made lords without the consent of the people. To-day they are trembling and tottering, and the time will soon come when the house of lords in England will be made by the people of England.

Let the Senate not pattern longer after the house of lords; let the Senate not pattern longer after its star-chamber proceedings, but let it, as a free, independent body of the representatives of a free and independent people, open the doors and let the light, if any can emanate from the Senate, flash across the continent, that every intelligent man in the land may understand how the duty as performed by the Senator is performed, whether in the direction of patriotic devotion to the interests of the country or not. In all these things let the country understand and know what is being done. Let the people be no longer misled; let them no longer be made to believe that there is some mystery about secret sessions; let them be made no longer to believe that there is something transpiring here which would not transpire with open doors; let them be made no longer to believe that they are not our equals. When we declare that the people of this country are our equals, that each and every man is the equal of each and every other man before the law, let not their representatives imagine that they are higher than the people, that they are better than the people, or that they have secrets of state which can not be imparted to the people who have trusted them.

You who are trusted by the people can not trust them. Is that the rule, that the man trusted can not trust the men who trust him? Whenever I fail to trust the people of my State who have trusted me, who have given me their confidence as a legislator for them, whenever I shall come to the conclusion that I am so far above them that I can not trust them with what I do as a legislative or executive act, then I will come to the conclusion that I myself have become aristocratic and that I am greater than those who made me what I am. Do not imagine yourselves greater than those who made you what you are; you are not. Those who make Senators can unmake Senators; those who make Representatives can unmake Representatives. So, too, with the President and all power in this land; the power that makes them can unmake them, and the power that makes them ought to unmake them if they have no confidence in that power.

Mr. President, open these doors! open these doors! Let the knowledge go out to the people. The people are outside; they wish to see inside. Ah, Mr. President, we are on the inside now, but political life is short at best; we may soon be on the outside and have a desire to look inside. Take away this mystery; stop this grand farce.

I thank the Senators for giving me so kind and courteous a hearing.

Mr. BLAIR. I move that the Senate proceed to the consideration of the pension bill, which was partially disposed of yesterday during the morning hour.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1886) for the relief of soldiers of the late war honorably discharged after six months' service, who are disabled and dependent upon their own labor for support, and of dependent parents of soldiers who died in the service or from disabilities contracted therein.

Mr. PLATT. I desire to say that I would have been glad to ask for a vote at this time on the resolution which has been under discussion this morning, but I am advised that one or two other Senators desire to speak upon it, and I trust we may go on with it to-morrow morning. I will ask the Senate to vote upon it at as early a day as is possible.

Mr. RIDDLEBERGER. Mr. President I wish to make a brief explanation of my substitute offered yesterday morning before the motion to take up the pension bill——

The PRESIDENT *pro tempore*. The pension bill has been taken up.

Mr. BLAIR. Did the Senator ask me a question?

Mr. RIDDLEBERGER. I said I wanted to make a statement to the Senate about the substitute I offered yesterday morning in the morning hour for the resolution of the Senator from Connecticut. I wish to withdraw it.

Mr. BLAIR. If the Senator desires to occupy a few moments I have no objection.

Mr. RIDDLEBERGER. I shall at the same time continue to contend for the consideration of this resolution during the morning hour as against all Calendar business. Even if I have to consume the morning hour in its discussion myself, I will do so. The pension bill is Calendar business. This resolution is peculiarly morning-hour business, and can be cut off at 2 o'clock by a mere rap of the gavel, as has been done time and again.

I was going to say, however, Mr. President, that yesterday morning I offered a substitute for the resolution of the Senator from Connecticut. I did it under the apprehension that it was the rule of the Senate that the adoption of his resolution in the form proposed by him requires a two-thirds vote. The substitute which I offered——

Mr. BLAIR. I should like to inquire of the Senator from Virginia what his proposal is at this time? I have only twenty-five minutes to complete the consideration of this bill, and I desire the Senate to complete it. I can not yield to a speech.

The PRESIDENT *pro tempore*. The Senator from Virginia has the floor on the pending bill.

Mr. BLAIR. Very well, if he is discussing the pending bill.

Mr. RIDDLEBERGER. As I said, and I hope the Senator from New Hampshire understood it, I offered a proposition as a substitute, believing that the resolution of the Senator from Connecticut required a two-thirds vote. On examination I find that the Senate has changed the rule which obtains in what is called Jefferson's Manual, and that a majority vote is sufficient to carry either proposition. Therefore I withdraw my substitute. That was my only object. A majority of the Senate can change a rule any morning they shall please to do so.

Now, sir, I am opposed to taking up the pension bill or any other bill in the morning hour until this resolution is disposed of. If I appear

to be forcing the fight (if I may so express it) on this matter I shall be excused for it. I presume that, when I recall the attention of the Senate to the fact that I think I introduced the original proposition some time in December, certainly within the first month of the session, and now if we give way in the morning hour with the intention on the part of certain Senators here to defeat it by any and all motions, if possible, there can be no chance of its passing during this session.

I shall therefore, as I have said, consume every minute of the morning hour rather than have this resolution run over again by those who are opposed to its passing by urging the consideration of bills which seem to be more patriotic. I believe that closed sessions and closed doors—secret sessions—are in violation of every principle upon which this Government is founded. I believe they are violative of the Constitution itself; and that there can be no authority found in the Constitution for executive sessions except for special purposes. The House of Representatives has a right to have its secret sessions, as named in the Constitution, for special purposes. Here we sit from 12 to 1, for instance, and two Senators can say that every citizen of the United States shall be expelled from the gallery in order to take up something that must be considered secretly. There is no such authority given in the Constitution under which we are acting and which is the limitation of our powers. Then the doors can be thrown open on the motion of some Senator to take up something else, or without the doors being thrown open—I give away no executive secret when I mention it—a Senator can rise here and say, "I ask that the doors shall be considered to be open (though they are closed) for the purpose of introducing a public bill." That is done here almost every day.

Now, sir, I undertake to say that either the resolution of the Senator from Connecticut or the resolution of the Senator from Illinois will leave it in the power of the Senate to open or close the doors, as the Constitution provides that a majority may do on any question. It only provides that and nothing more. It does not give two men a right to close the doors upon the people of this country. Why, sir, you bring a man in here and you put him on trial for felony when he is nominated by the President of the United States for an office, and you say that he has been a horse thief and a convicted felon, you say that he has served a term in the penitentiary; and he has no opportunity of being heard. You take a man who is guilty of murder, who is guilty of the highest crime known, and you would not dare to try him in a county courthouse unless he were confronted by his accusers and every witness was present and every word uttered for or against him during the progress of the trial was public. If it were done otherwise, he could set the whole proceedings aside. This is the Constitution and the constitutional provision for the protection of personal liberty; but it seems that the Senate of the United States assumes that it can try any American citizen and say that he is fit or unfit for an office, without giving that citizen an opportunity to be heard.

I tell you, Mr. President, addressing the Senate through you, sir, as I am obliged under the rules to do, that it smacks smartly of cowardice. I have never yet known a man to be put on trial before any jury of his countrymen—I have never yet known a jury that were willing to try a man—unless he were confronted by his accusers and had his witnesses present, until I got into the Senate of the United States. That this body—I may call it the supreme law-making body—should itself violate a fundamental principle of fair trial is remarkable to me. It is upon that principle mainly that I rested my proposition, in its inception, to open the doors and let every man know what was said for or against him, and let the country know the reasons for our action.

I have heard it said that the scandalous accusations brought against men would prolong the session. I do not believe it, sir. You open the doors and leave every man who makes an accusation responsible to him whom he has accused and you will find fewer of such subjects discussed and fewer men to take part in their debate. I will instance a case, if I can do so within the rules. I will take a man, for instance, who is nominated by the President of the United States to be a Solicitor-General or an Assistant Attorney-General. Let the doors be opened and accusations made and discussed in open session, and the debate will be concluded in much less time than if you have secret sessions, where no responsibility rests.

I believe moreover that open sessions would improve what we call the civil-service rules; we should have real civil service honestly and better when the nominations of civil-service commissioners were sent in here if we had open sessions to consider them. In secret session we all know that Senators make short speeches, and they disavow any purpose of accusation in what they say, saying things which are expressed in language that nobody understands. In open session a Senator has to express himself to the country, and not to the smoking congregation of this body.

I believe if you open the doors and let every nomination be fairly discussed here, every character be analyzed, every accusation against personal character be duly investigated, that you will have a better class of men performing the public service. Why, sir, the President himself, just prior to the meeting of this Congress, invited even the Republicans to come and state to him anything that they knew went to the fitness or the unfitness of any of his appointees. Who went? I do not know. I have never seen him. Republicans, he invited you to go there and tell him what you knew of the personal character and fitness of a man. Why should we not discuss both in this body and let the country know about them? You say that these secrets get out. Then why not let the facts go out without being secret? Why not let the truth go instead of falsehood? How do they get out? If I were permitted to guess I could tell. I have a private secretary, for instance, and I consider him particularly private. I walk down the Avenue with him and he asks me a question or two, and being smarter than I am, he knows more in five minutes than I learn in a week. Then he gives it to somebody else, and the whole newspaper fraternity get it; and my observation is that if you were to undertake to exchange intelligence the newspaper men would have the best of this Senate by a large majority. That is the way the secrets get out. That is the way the secrets of the executive sessions get out all the time.

Another reason why I am in favor of open sessions is that then they can not misrepresent you. The newspaper fraternity, like every religious denomination or the masonic fraternity or a temperance association or anything else will have some unreliable men among them, and an instance occurred here last week that I particularly noticed because I was most concerned in it. Almost all the papers which I saw stated nearly the exact facts. There was one here representing, or supposed to be hired to misrepresent—I would like to make it as moderate as possible—misrepresenting a Representative in the House of Representatives, and that just took the facts which all the others reported and reversed them, and put my name in the place of the other man. He would not have dared to do so if we had had open sessions.

Mr. President, I will yield the floor now to take up the pension bill. Will that deprive this resolution of its priority to-morrow morning?

The PRESIDENT *pro tempore*. There is no unfinished business of the morning hour; either the pending bill or the resolution in respect to secret sessions would have to be taken up on motion.

Mr. RIDDLEBERGER. If the pension bill is taken up, would that deprive this resolution of its priority to-morrow morning?

The PRESIDENT *pro tempore*. It would not. Neither of them has any priority in the morning hour, but must be taken up on motion.

Mr. RIDDLEBERGER. I yield the floor.

PENSIONS TO SOLDIERS AND DEPENDENT RELATIVES.

Mr. BLAIR. I remind the Senator that the pension bill is up. He has been speaking on the pension bill. Now I ask for a vote on the pension bill.

The PRESIDENT *pro tempore*. The bill (S. 1886) for the relief of soldiers of the late war honorably discharged after six months' service, who are disabled and dependent upon their own labor for support, and of dependent parents of soldiers who died in the service or from disabilities contracted therein, is before the Senate as in Committee of the Whole.

Mr. COCKRELL. Let the bill be read.

The PRESIDENT *pro tempore*. The bill has been read at length.

Mr. COCKRELL. To-day?

The PRESIDENT *pro tempore*. Yesterday. Does the Senator desire that it be read again?

Mr. COCKRELL. No. Is there a report with it?

Mr. HARRIS. Let the bill be read again.

The PRESIDENT *pro tempore*. The Chair is advised that there is no report, and that no amendment is reported. The bill will be read again at the request of the Senator from Tennessee.

The Chief Clerk began to read the bill.

Mr. BLAIR. Before the reading proceeds further I wish to say that the bill has been twice read to the Senate already since the debate commenced.

Mr. HARRIS. We can not hear the Senator.

Mr. HOAR. I should like to inquire of the Chair—I do not know whether the Chair can answer the question—whether it is the expectation that the interstate-commerce bill will proceed at 2 o'clock?

The PRESIDENT *pro tempore*. It comes up as the unfinished business at 2 o'clock.

Mr. HOAR. I appeal to my friend from New Hampshire that a bill of this great magnitude ought not to be dealt with in the three minutes left before 2 o'clock.

Mr. BLAIR. I will remind the Senator from Massachusetts that he has had ample opportunity to know in the present condition of the business of the Senate that the bill has been up three times. It has been kicked and buffeted about beyond any abuse I ever saw put on any pension legislation in this or the other body, and I am utterly disgusted at the manner in which this bill and all pension legislation at this session has been treated by the Senate. I have never seen anything like it in either House of Congress; and unless there can be some understanding that the Pension Committee is to be treated in regard to its reports in the Senate as it has been at former sessions, for one I shall feel under the necessity of asking to be entirely excused from further service on the committee.

Mr. HOAR. My honorable friend will exonerate me from any disrespect.

Mr. BLAIR. I exonerate the Senator from any disrespect certainly, but Senators seem to forget the course of procedure in reference to this

bill. In the first place, it was called up some three weeks ago and discussed, and by the exercise of the most malicious and ludicrous malignity on the part of several Senators they used up the few minutes we had then. It went over a fortnight. Senators wanted to be heard without reference to anything that was pending in the Senate, and this continuous babble about secret sessions and open sessions has interfered with it, and everything that all the dictionary nonsense that it was possible to concert seemed to be combined for the purpose apparently of defeating this pension legislation.

Mr. HOAR. My honorable friend will pardon me——

Mr. BLAIR. I would like a vote on this bill.

The PRESIDENT *pro tempore*. The Senator from Tennessee has called for the reading of the bill.

Mr. HARRIS. I want to hear the bill read.

Mr. BLAIR. That will make three times it has been read to the Senate already.

Mr. HARRIS. If it makes the fortieth time, I ask for the reading.

The PRESIDENT *pro tempore*. The bill will be read.

The Chief Clerk read the bill.

INTERSTATE COMMERCE.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, being the bill (S. 1532) to regulate commerce.

Mr. CAMDEN obtained the floor.

Mr. MORGAN. If the Senator from West Virginia will yield to me I will move that the Senate proceed to the consideration of executive business, in accordance with notice given yesterday.

Mr. CAMDEN. I yield.

HOUSE BILL REFERRED.

The PRESIDENT *pro tempore*. Before putting the question on the motion the Chair will present a House bill for reference.

HOUSE BILL REFERRED.

The bill (H. R. 7481) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1887, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of February 4, 1885, certain information relative to claims of Pottawatomie Indians; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills and joint resolution:

A bill (S. 82) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880;

A bill (S. 141) to extend the provisions of the act of June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," to the port of Omaha, in the State of Nebraska; and

Joint resolution (S. R. 10) to amend the statute in relation to the immediate transportation of dutiable goods, and for other purposes, approved June 10, 1880, so that the provisions of the same shall be extended to the port of Key West, Fla., and the provisions of the seventh section of the statute be extended to the port of Tampa, Fla.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 444) to amend section 3336 of the Revised Statutes of the United States;

A bill (H. R. 5789) to amend section 2552 of the Revised Statutes of the United States;

A bill (H. R. 6637) relating to contested-election cases; and

A bill (H. R. 7465) to amend section 3357 of the Revised Statutes of the United States as amended by section 2 of the act of June 9, 1880, and section 3389 of said Revised Statutes as amended by section 16 of the act of March, 1879.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. The Senator from Alabama [Mr. MORGAN] moves that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three hours and thirty-seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 44 minutes p. m.) the Senate adjourned.

NOMINATIONS.

Executive nominations received by the Senate the 15th day of April, 1886.

COLLECTOR OF CUSTOMS.

Charles A. Spofford, to be collector of customs for the district of Castine, in the State of Maine, *vice* William H. Sargent, term expired.

POSTMASTERS.

Gilbert W. Farrington, to be postmaster at Monson, Mass., *vice* Arthur D. Norcross, to be removed.

Hiram Foote, to be postmaster at Amesbury, Mass., *vice* J. W. Goodrich, term expired.

Charles N. Perley, to be postmaster at Danvers, Mass., *vice* Joseph E. Hood, resigned.

Patrick M. Shea, to be postmaster at Chicopee Falls, Mass., *vice* William P. McFarland, term expired.

Frank B. Patchen, to be postmaster at Silver Creek, N. Y., *vice* John I. Lamphere, whose term expires April 28, 1886.

CONFIRMATION.

Executive nomination confirmed by the Senate, April 15, 1886.

POSTMASTER.

R. E. Goodell, to be postmaster at Leadville, Lake County, Colorado.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April* 15, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

AMERICAN PORK.

The SPEAKER laid before the House the following message from the President of the United States; which was referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

In response to a resolution of the House of Representatives of the 6th instant, requesting the Secretary of State "to transmit, if not incompatible with the public interest, copies of all correspondence between his Department and the representatives of France, Germany, Austria, and any other European country which has partly or entirely restricted the importation of American pork," I transmit herewith the report of the Secretary of State on the subject.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, April* 14, 1886.

TAXATION OF PETROLEUM IN HOLLAND, ETC.

The SPEAKER also laid before the House the following message from the President of the United States; which was referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

In response to a resolution of the House of Representatives of the 17th ultimo, requesting the Secretary of State "to communicate to the House of Representatives, if not incompatible with the public interest, copies of the recent correspondence and dispatches between the Secretary of State and the minister of the United States at the Hague, touching the subject of taxation of petroleum in Holland and in the Dutch colonies, and that of the export therefrom of leaf-tobacco to the United States," I transmit herewith the report of the Secretary of State on the subject.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, April* 14, 1886.

UNITED STATES ASSISTANT TREASUREE, NEW YORK.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting an estimate of force and salary of assistant treasurer at New York, in lieu of estimates heretofore submitted, for the next fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

BUILDING, FORT LEAVENWORTH, KANS., ETC.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting an estimate from the Secretary of War of appropriations for building at Fort Leavenworth, Kans., purchase of land at Jeffersonville depot, Indiana, and purchase of land at Neptune Island, New York; which was referred to the Committee on Appropriations, and ordered to be printed.

HORACE P. HOBSON.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the order and findings of fact by that court in the case of Horace P. Hobson, administrator, &c., against the United States; which was referred to the Committee on War Claims.

HENRY BAZINSKY.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the order and findings of fact by that court in the case of Henry Bazinsky, administrator, &c., against the United States; which was referred to the Committee on War Claims.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. HENDERSON, of Illinois, for three days, to attend the funeral of his brother-in-law in New York.

To Mr. MILLARD, until April 24, on account of important business.

To Mr. PIDCOCK, for ten days, on account of sickness in his family.

To Mr. WARNER, of Missouri, for ten days, on account of important business.

To Mr. ELLSBERRY, for ten days, on account of important business.

WITHDRAWAL OF PAPERS.

Mr. FULLER, by unanimous consent, obtained leave to withdraw from the files of the Forty-third Congress the papers in the case of J. W. Habridge, without leaving copies.

ORDER OF BUSINESS.

Mr. BLOUNT. Mr. Speaker, I ask unanimous consent to offer a resolution for reference.

Mr. BEACH. I object.

CLAIMS ALLOWED BY TREASURY DEPARTMENT.

Mr. HENDERSON, of Iowa. Mr. Speaker, I rise to present a privileged report. I am instructed by the Committee on Appropriations to report the resolution which I send to the Clerk's desk, and to ask its immediate consideration.

The report was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, *April* 12, 1886.

Resolved, That the Secretary of the Treasury be requested to transmit to the House a schedule of all claims allowed by the accounting officers of the Treasury since the allowance of those embraced in House Executive Document No. 70.

The Committee on Appropriations, to whom was referred the resolution calling upon the Secretary of the Treasury for a schedule of all claims allowed by the accounting officers of the Treasury since the allowance of those embraced in House Executive Document No. 70, having considered the same, report it back herewith, and recommend its adoption with the following amendment: At the end of line 3, after the word "Treasury," insert the following words: "Under appropriations, the balances of which have been exhausted or carried to the surplus fund, under the provisions of section 5 of the act approved June 20, 1874."

The SPEAKER. The question is on agreeing to the amendment proposed by the committee.

The amendment was agreed to.

The resolution as amended was then adopted.

Mr. HENDERSON, of Iowa, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. ERMENTROUT. I ask unanimous consent to report a bill from the Committee on Military Affairs for reference to the Private Calendar.

Mr. BEACH. I shall have to object. That report can be made when the committees are called under the rules.

Mr. MURPHY. I ask unanimous consent to offer at this time for adoption the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That Saturday, May 1, after the reading of the Journal, be set apart for the consideration in the House as in the Committee of the Whole House on the state of the Union of House bill No. 5869.

Mr. DUNHAM. What is the bill?

Mr. HATCH. I object.

Mr. MURPHY. Does the gentleman object if the bill is referred to the Committee of the Whole? I do not understand that he does.

Mr. HAMMOND and Mr. SPRINGER called for the regular order.

Mr. WILLIS. After consultation with a number of gentlemen on the floor, I move to dispense with the first morning hour.

Mr. SPRINGER. I hope that will not be done.

Mr. DUNHAM. Let us have the regular order.

Mr. McCREARY. The committees have not been called for some time.

The SPEAKER. The motion is not debatable. A two-thirds vote is necessary for the adoption of this motion.

The question being taken, the motion was not agreed to.

The SPEAKER. The regular order is the call of committees for reports to be referred to the appropriate Calendars. The call rests with the Committee on War Claims.

ADMINISTRATORS OF S. H. HILL.

Mr. RICHARDSON, from the Committee on War Claims, reported back favorably the bill (H. R. 5849) for the relief of Henry H. Epping and Alexander M. Brannan, administrators of S. H. Hill; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

T. J. PITZER.

Mr. RICHARDSON, from the Committee on War Claims, also reported back favorably the bill (H. R. 932) for the relief of T. J. Pitzer; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ESTATE OF AYERS P. MERRILL.

Mr. RICHARDSON, from the Committee on War Claims, also reported a bill (H. R. 7878) for the relief of the heirs and estate of Ayers P. Merrill, deceased; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE CONWAY.

Mr. RICHARDSON, from the Committee on War Claims, also reported back adversely the bill (H. R. 4141) for the relief of George Conway; which was laid on the table, and the accompanying report ordered to be printed.

ELIZABETH HENDERSON.

Mr. HIESTAND, from the Committee on War Claims, reported back adversely the bill (H. R. 2178) for the relief of Elizabeth Henderson; which was laid on the table, and the accompanying report ordered to be printed.

BONDS OF EXECUTORS.

Mr. HEMPHILL, from the Committee on the District of Columbia, reported, as a substitute for H. R. 3189, a bill (H. R. 7879) to amend the law relating to the bonds of executors in the District of Columbia; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill 3189 was, by unanimous consent, laid on the table.

BOOK-MAKING, POOL-SELLING, ETC.

Mr. HEMPHILL, from the Committee on the District of Columbia, also reported back with amendments the bill (H. R. 5044) to prohibit book-making of any kind and pool-selling in the District of Columbia for the purpose of gaming; which was referred to the House Calendar, and the accompanying report ordered to be printed.

LOTTERIES.

Mr. HEMPHILL, from the Committee on the District of Columbia, also reported, as a substitute for H. R. 2294, a bill (H. R. 7880) to punish the selling and advertising of lottery tickets in the District of Columbia; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill 2294 was, by unanimous consent, laid on the table.

MEDICAL EXAMINERS.

On motion of Mr. WEAVER, of Iowa, the Committee on Expenditures in the Interior Department was discharged from the further consideration of a letter from the acting Secretary of the Treasury, transmitting a letter from the Secretary of the Interior in relation to an increase of number and salaries of medical examiners in the Pension Office; and the same was referred to the Committee on Appropriations.

BOARD OF PENSION APPEALS—SALARIES.

On motion of Mr. WEAVER, of Iowa, the Committee on Expenditures in the Interior Department was also discharged from the further consideration of a letter from the acting Secretary of the Treasury, transmitting a letter from the Secretary of the Interior recommending that the salaries of members of the board of pension appeals be increased; and the same was referred to the Committee on Appropriations.

OBJECTS OF VALUE AND ART.

Mr. SINGLETON, from the Committee on the Library, reported back favorably joint resolution (S. R. 46) accepting from Julia Dent Grant and William H. Vanderbilt objects of value and art presented by various foreign governments to the late General Ulysses S. Grant.

The SPEAKER. The gentleman will send up the report required by the resolution. The rule requires each bill to be accompanied by a written report.

Mr. SINGLETON. I will withdraw it, then, for the present.

The SPEAKER. The gentleman can present the report hereafter.

Mr. SINGLETON. Very well; I will do it.

The joint resolution was referred to the House Calendar, and ordered to be printed.

MANUSCRIPT BELONGING TO THE GOVERNMENT.

Mr. SINGLETON, from the Committee on the Library, also reported back favorably the bill (S. 1851) establishing a commission to report to Congress on manuscripts belonging to the Government; which was referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

The SPEAKER. The same order in reference to the accompanying report will be entered in this case as in the other.

INTERNATIONAL POLAR EXPEDITION.

Mr. BARKSDALE, from the Committee on Printing, reported back favorably Senate concurrent resolution to print report of international polar expedition to Lady Franklin Bay; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

EDUCATION.

Mr. BARKSDALE, from the Committee on Printing, also reported back favorably concurrent resolution to print 38,000 copies of report of Commissioner of Education for 1884-'85; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. CLEMENTS, from the Select Committee on Reform in the Civil Service, reported back adversely the bill (H. R. 5135) to classify labor and equalize the pay of employés under the Government of the United States; which was laid on the table, and the accompanying report ordered to be printed.

YACHTS.

Mr. BLISS, from the Select Committee on American Ship-building and Ship-owning Interests, reported back with amendment the bill (H. R. 1602) amending the Revised Statutes relating to yachts; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ELECTORS OF PRESIDENT, ETC.

Mr. CALDWELL, from the Select Committee on the Election of President and Vice-President, reported back with amendment the bill (S. 9) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon; which were referred to the House Calendar, and, with the accompanying report, ordered to be printed.

THOMAS R. WARE.

Mr. TUCKER, from the Committee on the Judiciary, reported back the bill (H. R. 7881) to remove the political disabilities of James R. Ware, of Virginia; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. TUCKER. Mr. Speaker, I have been directed by the Committee on the Judiciary to report back adversely the memorial of John McC. Perkins for the impeachment of Thomas L. Nelson, judge of the district court of the United States, Massachusetts. And I have thought it proper to call the attention of the House to it before I move to lay the memorial on the table, which I now do.

The memorial was laid on the table, and the accompanying report ordered to be printed.

PROOF OF LOYALTY.

Mr. OATES, from the Committee on the Judiciary, reported, as a substitute for H. R. 3184, a bill (H. R. 7882) to repeal in part and to limit sections 3480 and 4716 of the Revised Statutes of the United States; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill 3184 was laid on the table.

CAPTURED AND ABANDONED PROPERTY ACTS.

Mr. CULBERSON, from the Committee on the Judiciary, reported back, as a substitute for H. R. 4305, a bill (H. R. 7883) in relation to claims arising under the provisions of captured and abandoned property acts, and for other purposes; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill 4305 was laid on the table.

ESTABLISHMENT OF SUBTREASURY, LOUISVILLE, KY.

Mr. McCREARY, from the Committee on Coinage, Weights, and Measures, reported back with favorable recommendation the bill (H. R. 902) establishing a subtreasury at Louisville, Ky.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

INSPECTION OF LIVE STOCK, ETC.

Mr. DUNHAM, from the Committee on Commerce, reported back with favorable recommendation the bill (H. R. 3899) to provide for the inspection of live stock, hog-products, and dressed meats, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

BUSINESS FROM COMMITTEE ON AGRICULTURE.

Mr. HATCH submitted the following resolution; which was read, referred to the House Calendar, and ordered to be printed:

Resolved, That Tuesday, the 27th day of April, 1886, after the second call of committees, be set apart for the consideration of such business as may be presented by the Committee on Agriculture; this order not to interfere with general appropriation or revenue bills; and, whether interfered with or not, shall be a continuing order until the bills presented by said committee shall be disposed of.

ADVERSE REPORTS.

Mr. McCREARY, from the Committee on Foreign Affairs, reported back with adverse recommendation joint resolutions and a bill of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

Joint resolution (H. Res. 14) requesting the President to invite the co-operation of the governments of American nations in securing the establishment of free commercial intercourse among those nations and an American customs union;

Joint resolution (H. Res. 94) to authorize the President of the United States to invite the autonomic governments of America to send delegates to an international American congress to arrange for the arbitration of all national differences; and

A bill (H. R. 5444) for the encouragement of closer commercial relations in the interests of the perpetuation of peace between the United States and the Republics of Mexico and Central and South America and the Empire of Brazil.

INTERNATIONAL ARBITRATION.

Mr. McCREARY, from the Committee on Foreign Affairs, also reported, as a substitute for H. R. 7267 a bill (H. R. 7884) authorizing the President of the United States to arrange a conference for the purpose of promoting arbitration and encouraging reciprocal relations between the United States of America and the Republics of Mexico, Central and South America, and the Empire of Brazil; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill 7267 was ordered to be laid on the table.

Mr. BELMONT asked and obtained leave to file the report of the minority on said bill.

RIGHT OF WAY THROUGH ARSENAL GROUNDS, PHILADELPHIA.

Mr. ERMENTROUT, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (S. 880) granting the right of way to the Schuylkill River and East Side Railroad Company through the arsenal and naval asylum grounds at Philadelphia, Pa.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

KENSINGTON AND TACONY RAILROAD COMPANY.

Mr. ERMENTROUT, from the Committee on Military Affairs, also reported, as a substitute for H. R. 4243, a bill (H. R. 7885) granting the right of way to the Kensington and Tacony Railroad Company through the arsenal grounds at Bridesburg, Pa.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

House bill 4243 was ordered to be laid on the table.

MARTIN MURPHY.

Mr. ERMENTROUT, from the Committee on Military Affairs, also reported back with a favorable recommendation the bill (H. R. 2156) for the removal of the charge of desertion from the record of Martin Murphy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHNSON S. PRALL.

Mr. ERMENTROUT, from the Committee on Military Affairs, also reported back with a favorable recommendation the bill (H. R. 329) for the removal of the charge of desertion against the record of Johnson S. Prall; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. ERMENTROUT, from the Committee on Military Affairs, also reported back with an adverse recommendation the bill (H. R. 670) to authorize the Rio Grande, Mexico and Pacific Railroad Company to purchase certain land, and for other purposes; which was laid on the table, and the accompanying report ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. ERMENTROUT, the Committee on Military Affairs was discharged from the further consideration of the bill (H. R. 4446) for the repair of Fort Marion, at Saint Augustine, Fla., and the inclosure of the grounds attached to said fort, and the same was referred to the Committee an Appropriations.

ADVERSE REPORTS.

Mr. CUTCHEON, from the Committee on Military Affairs, reported back with an adverse recommendation bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed, namely:

A bill (H. R. 2125) for the relief of Francis J. Conlan;

A bill (H. R. 1777) to authorize the Secretary of War to correct the record of certain meritorious soldiers of the late war, and to secure to them an honorable discharge from the service, and to provide for the payment of the salary or bounty withheld from such soldiers by reason of their alleged desertion;

A bill (H. R. 5428) for the relief of George W. Meloy;

A bill (H. R. 3952) removing the charge of desertion from the record of John Knockelman;

A bill (H. R. 4613) for the relief of George Henry Parker from the charge of desertion; and

A bill (H. R. 1705) for the relief of W. P. Payne.

JAMES M. M'KAMEY.

Mr. HOUK, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 5775) for the relief of James M. McKamey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DONATIONS OF CANNON, ETC.

Mr. HOUK, from the Committee on Military Affairs, also reported back with a favorable recommendation the bill (H. R. 3020) donating condemned cannon and cannon-balls to the village of Albion, Orleans

County, New York; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. HOUK, from the Committee on Military Affairs, also reported back with a favorable recommendations the bill (H. R. 3021) donating condemned cannon and cannon-balls to the village of Nunda, Livingston County, New York; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. HOUK, from the Committee on Military Affairs, also reported back with adverse recommendations bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 3553) for the relief of Mannister Worts and others;

A bill (H. R. 3723) directing the Secretary of War to amend the record of Cyril Greenwood; and

A bill (H. R. 3599) for the removal of the charge of desertion from Marshall N. Murphy, late a private in Company A, Fourth Ohio Volunteer Infantry.

CHARLES W. FAUST.

Mr. ANDERSON, of Ohio, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 2704) for the relief of Charles W. Faust; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN F. S. HARDAWAY.

Mr. ANDERSON, of Ohio, from the Committee on Military Affairs, also reported back with a favorable recommendation the bill (H. R. 3696) to relieve John F. S. Hardaway from the charge of desertion; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PHILIP TAYLOR.

Mr. ANDERSON, of Ohio, from the Committee on Military Affairs, also reported back with a favorable recommendation the bill (H. R. 4727) to remove the charge of desertion from the military record of Philip Taylor; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EMANUEL KLAUSER.

Mr. ANDERSON, of Ohio, from the Committee on Military Affairs, also reported back with a favorable recommendation the bill (H. R. 3887) for the relief of Emanuel Klauser; which was referred to the Committee of the Whole House on the Private Calender, and, with the accompanying report, ordered to be printed.

JOHN H. WALTERS.

Mr. ANDERSON, of Ohio, from the Committee on Military Affairs, also reported back with a favorable recommendation the bill (H. R. 3214) for the relief of John H. Walters; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. ANDERSON, of Ohio, from the Committee on Military Affairs, also reported back with adverse recommendations bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 3480) for the relief of Desire B. Johnson;

A bill (H. R. 4065) for the relief of Charles E. Molen;

A bill (H. R. 4822) for the relief of Charles H. Hammond from the charge of desertion;

A bill (H. R. 4676) removing the charge of desertion against Charles Lowther;

A bill (H. R. 1909) to remove the charge of desertion from the military record of William C. Jones;

A bill (R. R. 3965) removing the charge of desertion from the military record of Thomas Bowles; and

A bill (H. R. 3299) for the relief of John Wells.

TELEGRAPH OPERATORS DURING THE WAR.

Mr. VIELE, from the Committee on Military Affairs, reported, as a substitute for H. R. 238, a bill (H. R. 7886) for the relief of telegraph operators during the war; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill 238 was laid on the table.

BUSINESS OF COMMITTEE ON NAVAL AFFAIRS.

Mr. HERBERT, from the Committee on Naval Affairs, reported back with a favorable recommendation the House resolution to fix a day for the consideration of the bill (H. R. 7635) to consolidate certain bureaus of the Navy Department; which was referred to the House Calendar.

Mr. HERBERT, from the Committee on Naval Affairs, also reported back with a favorable recommendation the House resolution to fix a day for the consideration of the bill (H. R. 6664) to increase the naval establishment; which was referred to the House Calendar.

NAVAL APPROPRIATIONS ACT, 1883.

Mr. BALLENTINE, from the Committee on Naval Affairs, reported back with a favorable recommendation the bill (H. R. 2557) limiting a portion of an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes;" which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. HERBERT obtained leave to present the views of the minority, to be printed with the report of the majority.

PRE-EMPTION OF PUBLIC LANDS, ETC.

Mr. COBB, from the Committee on the Public Lands, reported in lieu of sundry bills a bill (H. R. 7887) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber culture, the laws authorizing the sale of desert lands, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. ANDERSON, of Kansas, obtained leave to present the views of the minority, to be printed with the report of the majority.

LAND DISTRICTS, NEBRASKA.

Mr. STRAIT, from the Committee on the Public Lands, reported back with a favorable recommendation a bill (S. 1487) to establish two additional land districts in the State of Nebraska; which by unanimous consent was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LANDS IN RANDOLPH COUNTY, ILLINOIS.

Mr. PAYSON, from the Committee on the Public Lands, reported back with a favorable recommendation a bill (H. R. 334) granting the title of the United States to certain lands to the county of Randolph in the State of Illinois on certain conditions; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PEORIA AND MIAMI INDIANS.

Mr. SKINNER, from the Committee on Indian Affairs, reported, as a substitute for H. R. 739, a bill (H. R. 7888) to provide for the allotment of lands in severalty to united Peorias and Miamis in the Indian Territory; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill 739 was laid on the table.

INDIAN LANDS IN KANSAS AND NEBRASKA.

Mr. PERKINS, from the Committee on Indian Affairs, reported back with a favorable recommendation a bill (H. R. 7087) authorizing and directing the Secretary of the Interior to extend the time of the payment of the purchase-money on the sale of the reservation of the Otoe and Missouria tribes of Indians in the States of Nebraska and Kansas; which, by unanimous consent, was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

TERRITORY OF OKLAHOMA.

Mr. HILL, from the Committee on the Territories, reported back with a favorable recommendation a bill (H. R. 7217) to provide for the organization of the Territory of Oklahoma, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. BARNES, by unanimous consent, obtained leave to submit the views of the minority, to be printed with the report.

PENAL COLONIZATION.

Mr. BAKER, from the Committee on the Territories, reported back, with the recommendation that it lie on the table, a joint resolution of the Legislature of New Jersey relative to penal colonization; and it was so ordered.

PUBLIC BUILDING, NEWBURG, N. Y.

Mr. WILKINS, from the Committee on Public Buildings and Grounds, reported, as a substitute for H. R. 1569, a bill (H. R. 7889) to erect a public building at Newburg, N. Y.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill 1569 was laid on the table.

PUBLIC BUILDING, AKRON, OHIO.

Mr. WILKINS, from the Committee on Public Buildings and Grounds, also reported, as a substitute for H. R. 5734, a bill (H. R. 7890) for the erection of a building at Akron, Ohio; which was referred to the Committe of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill 5734 was laid on the table.

PUBLIC BUILDING, SEDALIA, MO.

Mr. WADE, from the Committee on Public Buildings and Grounds,

reported, as a substitute for H. R. 1376, a bill (H. R. 7891) to provide for the erection of a public building in the city of Sedalia, in the State of Missouri; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompaning report, ordered to be printed.

House bill 1376 was laid on the table.

PUBLIC BUILDING AT HELENA, MONT.

Mr. HENLEY, from the Committee on Public Buildings and Grounds, reported back favorably the bill (H. R. 2885) for the erection of a public building at Helena, Mont.; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

PUBLIC BUILDING AT PETERSBURG, VA.

Mr. JOHNSTON, of North Carolina, from the Committee on Public Buildings and Grounds, reported back favorably the bill (S. 480) for the improvement and enlargement of the public building at Petersburg, Va.; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

INVESTIGATION OF PACIFIC RAILROADS.

Mr. RICHARDSON, from the Committee on Pacific Railroads, reported, as a substitute for the resolution (Mis. Doc. 142) directing an investigation of books, accounts, &c., of the Union Pacific Railroad, a resolution (Mis. Doc. 225) authorizing an investigation of books and accounts and systems of accounts of the Pacific railroads which have been aided by the United States Government; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

LOUISA C. BEEZELEY.

Mr. MATSON, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 576) for the relief of Elizabeth C. Beezeley; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN M'GOWAN.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4032) granting a pension to John McGowan; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

NELSON MONROE.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 6088) granting an increase of pension to Nelson Monroe; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CHARLES SCHULER.

Mr. O'HARA, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7298) for the relief of Charles Schuler; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

RANDOLPH SEAMAN.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 7300) for the relief of Randolph Seaman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CALLIE WEST.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 7222) granting a pension to Callie West; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ISAAC N. HAWKINS.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported back with amendment the bill (H. R. 7519) to increase the pension of Isaac N. Hawkins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. MARGARET COLBATH.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 1585) for the relief of Mrs. Margaret Colbath; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SARAH A. VAUGHN.

Mr. SAWYER, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 1592) for the relief of Sarah A. Vaughn; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SAMANTHA A. SMITH.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6452) granting a pension to Samantha A. Smith; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MRS. SARAH CASTEEL.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 6795) for the relief of Mrs. Sarah Casteel; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARTIN J. REYNOLDS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 6453) granting a pension to Martin J. Reynolds; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SAMUEL ROBBINS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 6650) granting a pension to Samuel Robbins; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN H. WESTERHOUSE.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 6721) granting a pension to John H. Westerhouse, late of Company F, First Regiment Potomac Home Brigade (Thirteenth) Maryland Volunteers; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARY S. WOODSON.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 7073) granting a pension to Mary S. Woodson; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JAMES D. COTTON.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 6117) granting a pension to James D. Cotton; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 6802) restoring to the pension-roll James Watson;
A bill (H. R. 6805) to increase the pension of Michael Wetzel;
A bill (H. R. 6497) granting a pension to Charles H. Walford; and
A bill (H. R. 7085) granting a pension to Archibald Mathews.

ROBERT CHAWNER.

On motion of Mr. MORRILL, by unanimous consent, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 6719) to pension Robert Chawner; and the same was referred to the Committee on Pensions.

CHANGE OF REFERENCE.

On motion of Mr. PINDAR, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 6532) for the relief of the widow of the late Lieut. Col. Joseph A. Haskin, United States Army; and the same was referred to the Committee on Pensions.

On motion of Mr. PINDAR, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 5343) for the relief of Thomas Smith; and the same was referred to the Committee on Claims.

ANTOINETTE BIRNEY.

Mr. SWOPE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7156) to increase the pension of Antoinette Birney, widow of Maj. Gen. David B. Birney; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY A. THOMAS.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 6747) granting a pension to Mary A. Thomas; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REBECCA ALLEN.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 5645) granting a pension to Rebecca Allen; which was referred to the Committee of the Whole House on the Private Calendar, and, with the acompanying report, ordered to be printed.

NANCY B. BROWN.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 1997) granting a pension to Nancy R. Brown; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 5753) granting a pension to Eliza E. Berry; and

A bill (H. R. 2126) granting a pension to Mary E. Bryant.

CHANGE OF REFERENCE.

On motion of Mr. SWOPE, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 4800) for the relief of Matilda Caldwell, late Matilda Sparks; and the same was referred to the Committee on Military Affairs.

ADVERSE REPORTS.

Mr. ZACH. TAYLOR, from the Committee on Pensions, reported back adversely bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 5318) for the relief of John Sturgis; and

A bill (H. R. 5666) granting a pension to Arnold Carey.

NAVY PENSIONS, ETC.

Mr. HUTTON, from the Committee on Pensions, reported back favorably the bill (H. R. 4702) amending sections 4756 and 4757 of the Revised Statutes relating to pensions to certain disabled persons who have served in the Navy or Marine Corps; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORT.

Mr. LANDES, from the Committee on Pensions, reported back adversely the bill (H. R. 2592) for the relief of William H. Deery; which was laid on the table, and the accompanying report ordered to be printed.

HENRY H. SIBLEY.

Mr. TRIGG, from the Committee on Claims, reported back with amendments the bill (H. R. 2485) for the relief of Henry H. Sibley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. BUCHANAN submitted the views of the minority; which were ordered to be printed with the majority report.

CHANGE OF REFERENCE.

On motion of Mr. SPRINGER, the Committee on Claims was discharged from the further consideration of the bill (H. R. 1898) for the relief of the heirs of Martin Webb, deceased; and the same was referred to the Committee on War Claims.

ADVERSE REPORTS.

Mr. BARBOUR, from the Committee on the District of Columbia, reported back adversely bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 407) for the relief of the Adis Israel Hebrew congregation of the city of Washington, D. C.; and

A bill (H. R. 2194) to exempt the property of the Young Men's Christian Association of Washington, D. C., from taxation.

LOUISVILLE AND PORTLAND CANAL BASIN.

Mr. BROWN, of Pennsylvania, from the Committee on Public Buildings and Grounds, reported, as a substitute for H. R. 4927, a bill (H. R. 7892) authorizing the use of the Louisville and Portland Canal Basin, upon certain conditions; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill 4927 was laid on the table.

YOUNG WOMEN'S CHRISTIAN HOME, DISTRICT OF COLUMBIA.

Mr. GAY, from the Committee on the District of Columbia, reported back favorably the bill (H. R. 7083) to incorporate the trustees of the Young Women's Christian Home, in Washington, D. C.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MONUMENT TO U. S. GRANT.

Mr. STAHLNECKER, from the Committee on the Library, reported back favorably the bill (S. 1564) for the erection of a monument to the late Ulysses S. Grant; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SAMUEL NOBLE.

Mr. OATES, from the Committee on the Judiciary, reported a bill (H. R. 7893) to remove the bar of the statute of limitations, that Samuel Noble may prosecute a cotton claim before the Court of Claims; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

AMENDMENT OF INTERNAL REVENUE LAWS.

Mr. BENNETT, from the Committee on the Judiciary, reported, as a substitute for the bill H. R. 7549, a bill (H. R. 7894) to amend the internal-revenue laws; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (H. R. 7632) to establish a light-ship off the entrance to the Chesapeake Bay; when the Speaker signed the same.

INDIAN COMMISSION.

The SPEAKER. The next business is the call of committees for the consideration of bills; and the pending question is on a bill (H. R. 6973) to provide for the appointment of a commission to inspect and report on the condition of Indians, Indian affairs, and for other purposes, which comes over from a previous morning hour.

Mr. HOLMAN rose.

The SPEAKER. The gentleman from Indiana has sixteen minutes of his time remaining.

Mr. HOLMAN. That is, of the first hour.

The SPEAKER. The gentleman has sixteen minutes of his time. There is one hour afterward.

Mr. WEAVER, of Iowa. I would ask the gentleman if this can not be passed over by unanimous consent until to-morrow, retaining its place without prejudice?

Mr. MORRISON. No; to-morrow is private bill day.

Mr. HOLMAN. I will state that a request has been made by gentlemen connected with the Committee on Territories that this bill should be allowed to go over to a later date, Tuesday, perhaps, of next week is the latest, without losing its place under the call. If we can have the right of way on Tuesday for the consideration of the bill I shall make no objection to the request for the purpose of accommodating the gentlemen who make this suggestion. I therefore ask unanimous consent that this bill be passed over, to be entitled to consideration for one hour on Tuesday in the usual time.

There was no objection, and it was ordered accordingly.

Mr. HOLMAN. I further request that any gentlemen who desire to propose amendments to the bill may be permitted to present them and have them considered as pending.

There was no objection, and it was ordered accordingly.

PROPOSED AMENDMENTS TO HOUSE BILL 6973.

Mr. HOLMAN moved the following amendments to House bill 6973:

First. Fill up the blank in line 6, first section, with the word "major."

Second. Fill up the blank in third line of the fifth section with the word "ten," and in the fourteenth line of same section with the words "ten thousand."

Third. In line 16 of fifth section, after the word "commission," the following words: "not drawing salaries, nine thousand."

Fourth. Strike out the word "five," after the word "twenty," in twenty-second line of the fifth section.

By Mr. CUTCHEON:

1. Amend the title of the bill to read as follows:

"A bill to provide for reorganising and further defining the duties of the Board of Indian Commissioners, and for other purposes."

2. Amend section 1 of said bill so that it shall read as follows:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and he is hereby, authorized to reorganize the Board of Indian Commissioners, so as to make it to consist of seven persons, two of whom may be detailed from the officers of the Army, who shall report to the Secretary of the Interior for duty, the other members to be appointed from the existing board, from civil life, or detailed from officers in the service of the Department of the Interior. And when said Board of Indian Commissioners shall be so appointed, the organization and functions of the present Board of Indian Commissioners shall cease and determine. It shall be the duty of the said reorganized Board of Indian Commissioners to perform all duties heretofore intrusted to and performed by the Board of Indian Commissioners; and they shall inspect all goods and supplies purchased for the Indian service, and advise the Commissioner of Indian Affairs in regard to the purchase of such goods and supplies. It shall also be the duty of said commissioners, under the direction of the Secretary of the Interior, to inspect from time to time, as he may require, the condition of the Indians of the various tribes and bands on the different reservations under the care, control, or jurisdiction of the United States."

CONTESTED ELECTIONS.

Mr. TURNER. Mr. Speaker, I am authorized by the Committee on Elections to call up the bill (H. R. 6637) relating to contested elections and put it upon its passage.

The SPEAKER. The bill will be read.

The bill is as follows:

Be it enacted, &c., That section 127 of the Revised Statutes of the United States be so amended as to read as follows:

"All officers taking testimony to be used in a contested-election case, whether by deposition or otherwise, shall, when the taking of the same is completed, and without unnecessary delay, certify and carefully seal and immediately forward the same, by mail or by express, addressed to the Clerk of the House of Representatives of the United States, Washington, D. C.; and shall also indorse upon the envelope containing such deposition or testimony the name of the case in which it is taken, together with the name of the party in whose behalf it is taken, and shall subscribe such indorsement.

"The Clerk of the House of Representatives, upon the receipt of such deposition or testimony, shall file the same with the clerk of the Committee on Elections. As soon as all the testimony relating to any case is received by the clerk of the Committee on Elections he shall notify the contestant and the contestee by registered letter through the mails to appear at the committee-room at the Capitol, in person or by attorney, at a reasonable time to be named, not exceeding twenty days from the mailing of such letter, for the purpose of being present at the opening of the sealed packages of testimony and of agreeing upon the parts thereof to be printed. Upon the day appointed for such meeting the clerk of the committee shall proceed to open all the packages of testimony in the case in the presence of the parties or their attorneys, and such portions of the testimony as the parties may agree to have printed shall be printed by the Public Printer, under the direction of the clerk of the committee; and in case of disagreement between the parties as to the printing of any portion of the testimony, the said clerk shall determine whether such portion of the testimony

shall be printed; and the said clerk shall prepare a suitable index to be printed with the record.

"If either party, after having been duly notified, shall fail to attend, by himself or by an attorney, the clerk of the committee shall proceed to open the packages, and shall cause such portions of the testimony as he shall be of opinion ought to be printed.

"He shall carefully seal up and preserve the portions of the testimony not printed, as well as the other portions, when returned from the Public Printer, and lay the same before the Committee on Elections at the earliest opportunity. As soon as the testimony in any case is printed, the clerk of the Committee on Elections shall forward by mail, if desired, two copies thereof to the contestant and the same number to the contestee, and shall notify the contestant to file with the clerk of the committee within thirty days a brief of the facts and the authorities relied on to establish his case. The clerk of the committee shall forward by mail two copies of the contestant's brief to the contestee, with like notice.

"Upon receipt of the contestee's brief the clerk shall forward two copies thereof to the contestant, who may, if he desires, reply to new matter in the contestee's brief within like time. All briefs shall be printed at the expense of the parties respectively, and shall be of like folio as the printed record; and sixty copies thereof shall be filed with the clerk of the committee."

SEC. 2. That the clerk of the Committee on Elections shall hold his office until his successor is appointed and qualified. He shall receive for his services $2,000 per annum; and he shall prepare, when directed by the committee, for publication, a digest of election cases, but shall not be entitled to additional compensation therefor.

Mr. TURNER. I ask that the report be also read.

The report (by Mr. TURNER) is as follows:

The Committee on Elections, to whom was referred the bill relating to contested elections (H. R. 6037), have had the same under consideration, and recommend its passage.

By the present practice the printing of the evidence and preparation of the briefs in contested elections can not be done until the Committee on Elections is appointed and organized.

The object of this bill is to have the evidence printed and the briefs filed before the new Congress meets. By this arrangement it is believed that the work of the committee can be advanced at least two months, and the titles to the disputed seats can be determined before the other business of the House is ready for consideration.

Mr. TURNER. Mr. Speaker, I desire to offer an amendment to supply an omission which was made in the draught of the bill.

The Clerk read as follows:

Amend by adding at the end of line 37, section 1, the following words:

"And the notice of contest and the answer of the sitting member shall also be printed with the record."

Mr. SPOONER. I desire to ask the gentleman from Georgia a question, with his permission.

Mr. TURNER. I yield for a question.

Mr. SPOONER. I want to inquire if the Committee on Elections consider, if this bill be enacted into a law, it will be effective in securing the taking of testimony in the manner there provided?

Mr. TURNER. Has the gentleman concluded his question?

Mr. SPOONER. Yes, sir.

Mr. TURNER. I desire to state in reply to the gentleman from Rhode Island that this bill does not attempt to alter in any respect the present statute governing election contests, except in the particular that it requires the printing of the record by the Public Printer before the new Congress commences, and for that purpose I think the bill will be thoroughly effectual.

The SPEAKER. The question is on agreeing to the amendment proposed by the gentleman from Georgia.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TURNER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REAPPRAISEMENT OF CERTAIN IMPORTED MERCHANDISE.

Mr. HEWITT. Mr. Speaker, on behalf of the Committee on Ways and Means I ask immediate consideration of a resolution on the House Calendar, reported from that committee, in regard to the reappraisement of imported merchandise.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be requested to proceed to hear and determine the charges made by L. Lehmann, as he was proceeding to do at the time of the passage of the resolution of the House, and that he report the result thereof to the House of Representatives at the earliest possible date consistent with a proper determination of the question at issue.

Mr. HEWITT. There is a report also preceding this resolution, which I ask to have read.

The report (by Mr. HEWITT) was read, as follows:

The Committee on Ways and Means have had under consideration the letter from the Secretary of the Treasury, transmitted in response to a resolution of the House, adopted December 21, 1885, calling for copies of letters and documents relating to the application of L. Lehmann for a reappraisement of certain imported merchandise. They find that Lehmann has filed charges with the Secretary of the Treasury that there was collusion between the examiner and merchant appraiser in this case, by which his invoice was fraudulently raised, and he was compelled to pay duties not lawfully imposed by statute. They find further that the Secretary of the Treasury informed Lehmann that he had no power to set aside a reappraisement, unless it could be clearly shown that the appraising officers acted unlawfully or dishonestly.

It appears further that on the 26th of December Lehmann notified the Secretary of the Treasury that he was prepared to furnish proof of fraud or of a fraudulent conspiracy between the merchant appraiser and certain custom-house officers at the port of New York in respect to the appraisement and reappraisement of the merchandise in controversy.

Meanwhile, to wit, on the 21st of December, the House passed the resolution calling for the letters and documents in the case, whereupon Lehmann was informed by the Secretary of the Treasury that, pending the investigation of Congress, no further action would be taken by the Secretary in reference to his offer to prove fraud.

The committee are of opinion that a resolution calling for letters and documents ought not to delay or hinder an investigation by the Department of charges of fraud against its officials. They therefore recommend the adoption of the following resolution.

Mr. HEWITT. Unless some further information is demanded with respect to this resolution, I move that it be put upon its passage. It is unanimously reported from the Committee on Ways and Means.

The resolution was agreed to.

Mr. HEWITT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IMPORTATION OR LANDING OF MACKEREL.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, I am instructed by the Committee on Ways and Means to call up the bill (H. R. 5538) relating to the importing of mackerel caught during the spawning season. This is on the House Calendar, and the report is No. 343.

The bill was read at length.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, I now move to postpone the further consideration of this bill to the 18th day of May, after the second call of committees.

The SPEAKER. Does the gentleman from Arkansas desire to fix the hour? However, he will have control of that matter himself, in the event of the adoption of his motion, and can call it up at any time during that day.

Mr. BRECKINRIDGE, of Arkansas. I do not know that this committee will be called at that time.

The SPEAKER. The right of consideration would not be affected by that. Whether the committee is called or not the gentleman could call it up any time during the day.

Mr. REED, of Maine. Could its consideration be postponed simply to the 18th day of May and then be called up at any time during the day?

The SPEAKER. The motion of the gentleman from Arkansas, if adopted, would make it in order to call it up at any time on that day.

The question is on agreeing to the motion of the gentleman from Arkansas to postpone the further consideration of this bill to the time fixed.

The motion was agreed to.

Mr. BRECKINRIDGE, of Arkansas, moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PORT OF OMAHA, NEBR.

Mr. BRECKINRIDGE, of Arkansas. I call up from the House Calendar the bill (S. 141) to extend the provisions of the act of June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," to the port of Omaha, in the State of Nebraska.

The bill was read, as follows:

Be it enacted, &c., That the privileges of immediate transportation of dutiable merchandise conferred by the act of June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to the port of Omaha, in the State of Nebraska, as provided for as to the ports mentioned in section 7 of said act.

Mr. BRECKINRIDGE, of Arkansas. I will only say the committee addressed a communication to the Secretary of the Treasury, and he advised this extension of the privileges of the act to the port of Omaha be granted. Unless some gentleman wishes to make some inquiries or remarks I will ask for a vote on the bill.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. BRECKINRIDGE, of Arkansas, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PORTS OF PORTLAND AND PORT TOWNSEND.

Mr. BRECKINRIDGE, of Arkansas. I call up for consideration the bill (S. 82) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880.

The bill was read, as follows:

Be it enacted, &c., That the privileges of the first section of the act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to the port of Portland, Oreg.; and that the privileges of the first and seventh sections of said act be, and the same are hereby, extended to the port of Port Townsend, in Washington Territory.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. BRECKINRIDGE, of Arkansas, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PORTS OF KEY WEST AND TAMPA.

Mr. BRECKINRIDGE, of Arkansas. I call up for consideration the joint resolution (S. R. 10) to amend the statute in relation to the immediate transportation of dutiable goods, and for other purposes, approved June 10, 1880, so that the provisions of the same shall be extended to the port of Key West, Fla., and the provisions of the seventh section of the statute be extended to the port of Tampa, Fla.

The joint resolution was read, as follows:

Resolved, &c., That the provisions of the first and seventh sections of the act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, be extended to the port of Key West, Fla.; and that the provisions of the seventh section of the same act be extended to Tampa, Fla. And all the other provisions of said act shall apply to both said ports and to all goods and merchandise therein mentioned.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. BRECKINRIDGE, of Arkansas, moved to reconsider the vote by which the resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BRECKINRIDGE, of Arkansas. I call up for consideration the bill H. R. 4007.

The SPEAKER. The bill H. R. 4007 is on the Private Calendar, the Chair is advised. It is to admit free certain articles for the benefit of a church.

Mr. SPRINGER. Does a bill of that character go to the Private Calendar?

The SPEAKER. It does. It is for the benefit of a private institution.

Mr. SPRINGER. But it has relation to the revenue.

The SPEAKER. So has every bill which appropriates money; but if it is for the benefit of a private individual or corporation it is a private bill.

Mr. BRECKINRIDGE, of Arkansas. Is it in order to ask unanimous consent for the consideration of this bill?

The SPEAKER. Not in this hour, because this hour is devoted to business of a particular class.

BONDS OF BREWERS.

Mr. BRECKINRIDGE, of Kentucky. I am directed by the Committee on Ways and Means to call up for consideration from the House Calendar the bill (H. R. 444) to amend section 3336 of the Revised Statutes of the United States.

The bill was read, as follows:

Be it enacted, &c., That section 3336 of the Revised Statutes of the United States be, and is hereby, amended so as to read as follows:

"SEC. 3336. Every brewer, on filing notice as aforesaid of his intention to commence or continue business, shall execute a bond to the United States, to be approved by the collector of the district, in a sum equal to three times the amount of the tax which, in the opinion of the collector, said brewer will be liable to pay during any one month, and conditioned that he shall pay, or cause to be paid, as herein provided, the tax required by law on all beer, lager-beer, ale, porter, and other fermented liquors made by or for him, before the same is sold or removed for consumption or sale, except as hereinafter provided; and that he shall keep, or cause to be kept, a book, in the manner and for the purposes hereinafter specified, which shall be open to inspection by the proper officers, as by law required; and that he shall in all respects faithfully comply, without fraud or evasion, with all requirements of law relating to the manufacture and sale of any malt liquors aforesaid; and he shall execute a new bond, whenever required so to do by said collector, in the amount above named and conditioned as above provided, which bond shall be in lieu of any former bond or bonds of such brewer in respect to all liabilities accruing after its approval by said collector."

Mr. BRECKINRIDGE, of Kentucky. The only change in the law proposed by this amendment is that whereas, under the present law, the brewers give an annual bond for twice the amount of the tax that is supposed to be payable during any one month, this makes the bond a continuing perpetual bond for three times the amount, with power in the collector to require a new bond whenever in his judgment it should be demanded. The act was submitted to the Bureau of Internal Revenue and approved by it as being in every way equal to the present statute and removing an unnecessary burden from the brewer, and removing also the questions that occasionally arise as to the effect of the lapse of time and the failure to renew the bond upon the security. That is the sole object of it. If there is no further explanation demanded, I ask that the bill be put upon its passage.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BRECKINRIDGE, of Kentucky, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MANUFACTURERS OF TOBACCO.

Mr. BRECKINRIDGE, of Kentucky. I call up from the House Calendar for consideration the bill (H. R. 7465) to amend section 3357 of the Revised Statutes of the United States, as amended by section 2 of the act of June 9, 1880, and section 3389 of said Revised Statutes, as amended by section 16 of the act of March 1, 1879.

The bill was read, as follows:

Be it enacted, &c., That section 3357 of the Revised Statutes of the United States, as amended by section 2 of the act of June 9, 1880, be further amended and re-enacted so as to read as follows:

"Every collector shall keep a record, in a book or books provided for the purpose, to be open to the inspection of only the proper officers of internal revenue, including deputy collectors and internal-revenue agents, of the name and residence of every person engaged in the manufacture of tobacco or snuff in his district, the place where such manufacture is carried on, and the number of the manufactory; and he shall enter in said record, under the name of each manufacturer, a copy of every inventory required by law to be made by such manufacturer, and an abstract of his monthly returns; and he shall cause the several manufactories of tobacco or snuff in his district to be numbered consecutively, which numbers shall not be thereafter changed, except for reasons satisfactory to himself and approved by the Commissioner of Internal Revenue."

SEC. 2. That section 3389 of said Revised Statutes, as amended by section 16 of the act of March 1, 1879, be further amended and re-enacted so as to read as follows:

"Every collector shall keep a record, in a book provided for that purpose, to be open to the inspection of only the proper officers of internal revenue, including deputy collectors and internal-revenue agents, of the name and residence of every person engaged in the manufacture of cigars in his district, the place where such manufacture is carried on, and the number of the manufactory; and he shall enter in said record, under the name of each manufacturer, an abstract of his inventories and monthly returns; and he shall cause the several manufacturers of cigars in the district to be numbered consecutively, which number shall not thereafter be changed."

Mr. BRECKINRIDGE, of Kentucky. The sole change that is made by this bill in the present statute law is that in each of the sections as they stand now are the words, "to be open to the inspection of any person." Under the law as it now is, the manufacturers of snuff, tobacco, and cigars are compelled to file certain schedules, inventories, and reports, which taken together reveal all their private business, and the formulas under and by which all their manufactures are made, and which, if examined by a competitor or rival, give to that competitor or rival all the business secrets of the manufacturer. The committee did not think the Government ought to go partners in this improper sort of business method, and give to others the means of obtaining this secret information. They have therefore simply stricken out the words "to be open to the inspection of any person," and inserted the words, "to be open to the inspection of only the proper officers of internal revenue, including deputy collectors and internal-revenue agents;" this particular clause having been draughted by the Commissioner of Internal Revenue as being entirely ample for the purposes of revenue. If there is no further explanation desired, I shall ask that the bill be put upon its passage.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BRECKINRIDGE, of Kentucky, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PORT OF ENTRY, CAPE CHARLES CITY.

Mr. HEWITT. I am instructed by the Committee of Ways and Means to call up House bill No. 5789, to amend section 2552 of the Revised Statutes of the United States.

The bill was read, as follows:

Be it enacted, &c., That paragraph 1 of section 2552 of the Revised Statutes of the United States be amended by striking out "Cherrystone," in the sixth line, and inserting in lieu thereof "Cape Charles City;" so that it will read "Cape Charles City shall be the port of entry," &c.

Mr. HEWITT. This bill changes the port of entry from Cherrystone to Cape Charles City, because a railroad has been constructed and a new terminus made. It is approved by the Secretary of the Treasury.

The SPEAKER. Has the bill been reported from the committee?

Mr. HEWITT. It has been duly reported and the report filed.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HEWITT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EXPORT TOBACCO MANUFACTORIES AND DRAWBACK.

Mr. HARRIS. Mr. Speaker, I am instructed by the Committee of Ways and Means to call up from the Calendar the bill (H. R. 2522) to authorize the establishment of export tobacco manufactories, and for drawback upon imported articles used in manufacturing exported tobacco.

Mr. MORRISON. Mr. Speaker, as there is not much time left to be occupied by this committee, I ask unanimous consent that this bill be considered in the House without going to the Committee of the Whole. This will give us further time, so that we may complete or rather pass the bill.

The SPEAKER. There are twenty-two minutes left. The gentleman from Illinois [Mr. MORRISON] asks unanimous consent that the bill indicated be considered in the House without going to the Committee of the Whole.

Mr. McADOO. Mr. Speaker, I have an amendment to offer to this bill.

The SPEAKER. The course proposed will not prevent that unless the previous question is demanded and ordered by the House.

The Clerk will report the title of the bill.

The Clerk read the title of the bill as above.

The SPEAKER. The gentleman from Illinois [Mr. MORRISON] moves that the Committee of the Whole be discharged from the further consideration of the bill the title of which has just been read, and that the bill be considered in the House.

There was no objection, and it was so ordered.

The bill was read, as follows:

Be it enacted, &c., That it shall be lawful to establish export-tobacco manufactories for the manufacture of tobacco exclusively for exportation, under such regulations as the Secretary of the Treasury may prescribe; and that the provisions of section 3433 of the United States Revised Statutes, and sections 14 and 15 of the act of May 28, 1880, entitled "An act to amend the laws in relation to internal revenue," so far as applicable, shall be in force in respect to such export tobacco manufactories; and that the same drawback shall be allowed to a manufacturer who shall use sugar or molasses in his export tobacco manufactory upon which an import duty has been paid that would be allowed under existing laws to a person exporting the same, such drawback to be allowed and paid as now provided for by law.

SEC. 2. That exports of manufactured tobacco not produced in export tobacco manufactories shall be entitled to a drawback of 90 per cent. of the duty upon such imported articles as are actually used in the manufacture of such exported tobacco, upon such evidence and under such regulations as shall be prescribed by the Secretary of the Treasury.

Mr. HARRIS. Mr. Speaker, I ask for the reading of the report which accompanies the bill.

The report was read, as follows:

The Committee on Ways and Means, to whom was referred the bill (H. R. 232) to authorize the establishment of export-tobacco manufactories, report:

That the committee have had said bill under consideration, and find that for many years a large business has been done in the exportation of manufactured tobacco; that at this time more than 10,000,000 pounds per annum of tobacco manufactured in the United States is exported for consumption in foreign countries.

It also appears that in the course of manufacturing said tobacco large quantities of sugar, licorice, licorice-paste, rum, alcohol, and other articles are used, upon which customs duties or internal-revenue taxes are levied and collected by the United States.

It also appears that these duties and taxes add so materially to the cost of manufacture that American manufacturers of tobacco for export find themselves at great disadvantage in foreign markets in competition with manufacturers of other countries, who are relieved from such duties and taxes.

Upon a consideration of the facts, your committee have reached the conclusion that it will be wise to relieve American manufactured tobacco exported to foreign countries from this burden, as a means of stimulating and increasing our foreign trade in this important article of manufacture.

Your committee call attention to the fact that this subject was referred to the honorable Secretary of the Treasury for his opinion. The Secretary referred the subject to the Commissioner of Internal Revenue for his views, and that officer reported that—

"As it is evidently sound policy to favor the exportation of domestic products, I would recommend the enactment of the bill into law."

Secretary Folger, in transmitting the letter of Commissioner Evans, said:

"In further response to your inquiries, I will add that I see no practical difficulties in the way of executing the law if it be enacted, it appearing to be entirely consonant with the existing laws authorizing the establishment of manufacturing warehouses for the manufacture of medicines, preparations, compositions, perfumery, cosmetics, cordials, and other liquors exclusively for exportation.

"The interests concerned are shown to be now quite large, though placed at considerable disadvantage, and it would seem that they are equally as deserving of the fostering care of the Government as the other interests named."

And the bill also meets the approval of the present Commissioner of Internal Revenue.

Your committee therefore report said bill back to the House of Representatives, and recommend its passage."

Mr. WISE. Mr. Speaker——

The SPEAKER. The gentleman from Georgia [Mr. HARRIS] is entitled to the floor.

Mr. WISE. The gentleman has kindly yielded to me. I want to offer an amendment to the second section of the bill. I move to strike out, in the third line of the second section, the words "90 per cent." and insert the words "the whole amount;" so that it will read, "that exports of manufactured tobacco not produced in export tobacco manufactories shall be entitled to a drawback of the whole amount of the duty paid upon such imported articles as are actually used in the manufacture of such exported tobacco upon such evidence and under such regulations as shall be required by the Secretary of the Treasury."

Mr. Speaker, I will detain the House but a moment in support of the amendment which I have offered. I approve, of course, of the object of this bill. There are two classes of manufactories embraced in it. Those who manufacture tobacco exclusively for exportation get under the first section of the bill such imported articles as are used in the manufacture of their tobacco without the payment of any duty. Those manufacturers who are engaged in the manufacture of tobacco for home consumption as well as for exportation are required to pay the duty in the first instance, and under the provisions of the second section of this bill are entitled to a drawback of only 90 per cent. Thus it will be seen that the two classes of manufacturers are not put upon terms of equality. I understand the purpose of retaining the 10 per cent. to be to cover any probable cost which may be occasioned to the Government by the allowance of the drawback. Tobacco, Mr. Speaker, is taxed in three ways. There is a tax of 8 cents a pound upon all manufactured tobacco. The manufacturer pays in addition a special tax and the fees of the inspector of his tobacco. These inspectors can guard and protect the interests of the Government against the possibility of fraud if this bill be passed. These officers are in the manufactories every day, and they can perform every duty which is required under the provisions of this act, and I can see no necessity for the retention of 10 per cent. of the tax. I have said, Mr. Speaker, that tobacco is already taxed largely. Twenty-six millions have reached the Treasury as the result of taxation of tobacco during the present year, and the object of this bill is simply to enable these manufacturers of tobacco to go to the foreign markets and there enter into competition with tobacco manufactured in Canada, in Australia, and in other portions of the world.

Mr. DUNN. Will the gentleman yield for a question?

Mr. WISE. Certainly.

Mr. DUNN. The general law as to rebate applicable to all other articles exported reserves 10 per cent. to pay the expense of collecting and refunding the rebate. Now, why should we make an exception in this instance?

Mr. WISE. I have already told the gentleman from Arkansas [Mr. DUNN] that the retention of 10 per cent. is not necessary in this case, because the manufacturers are already taxed (I think unjustly) for the payment of the fees of the inspectors, who can and will perform all the duties mentioned by the gentleman, and the allowance of the drawback will entail no expense upon the Government. In the case of cosmetics and medicines the manufacturers are not called upon to pay the fees of the officers employed to protect the Government against fraud. But the tobacco manufacturers are already taxed to pay the fees of the officers of the Government.

Mr. McADOO. Mr. Speaker, the gentleman from Virginia [Mr. WISE] and myself represent probably the largest tobacco manufacturing interest in the world. I am entirely satisfied with this amendment. It would be very unfair to the large manufacturing interests of my district if they were compelled to erect separate buildings for making up this export tobacco. The Lorillards are located in my district, and pay I think a million dollars in revenue to the Government every year, besides employing thousands of people. To allow them the same rebate that will be given to manufacturers having separate buildings will be only a matter of justice. To pass this bill as it is now will be to revolutionize their entire establishment and that of the other tobacco manufactories. It will cause them more additional expense than any possible rebate to meet its requirements. It is not necessary to have a separate building, as the manufacture is now under thorough Government inspection in all its departments; and besides, the bill gives the Secretary of the Treasury full discretion to make all necessary rules to prevent frauds on the revenue. This invidious distinction of one factory against another will derange and damage the whole tobacco trade.

Mr. DUNN. They import in bond, do they not, articles they use in the manufacture of tobacco for export, and therefore avoid the expense of collection and refunding which would exist in the case of a rebate?

Mr. McADOO. My objection to the bill in its present form is that it would compel these manufacturers to erect separate buildings in which to manufacture their export tobacco, or they would lose the 10 per cent.

Mr. DUNN. That is, if they import in bond articles to be used in the manufacture.

Mr. McADOO. As they undoubtedly do. This bill will seriously damage many establishments and injure instead of aid the trade unless amended. If a person or company has a large establishment he or they must upset their works; if a small manufactory, the great expense of new buildings must be undergone. Fraud can be perpetrated in the one case as well as in the other.

Mr. HARRIS. Mr. Speaker, I desire the House to understand that this bill was maturely considered by a subcommittee and still more so by the full Committee of Ways and Means. The committee has presented the bill to the House without amendment. The bill is a bantling of the gentleman from Virginia [Mr. WISE], drawn by himself.

Mr. WISE. The gentleman will allow me to say that it was not drawn by myself. It was drawn, at the instance of a very large manufacturer, by another gentleman. I offered it at his request.

Mr. HARRIS. I speak by authority of the superscription of the bill. I know nothing of the details.

I wish to say to the House, as some members probably have not attended closely to the reading of the report, that we regard this as a business proposition solely in the interest of the exportation of manufactured tobacco to other countries. We are satisfied that those who are engaged in the manufacture of tobacco for export have resting upon them an incubus of taxation which does not apply to manufacturers in foreign countries; and the result, in one instance, has been to drive out of the city of Danville a capitalist having in plant and fixtures for the manufacture of tobacco for export several hundred thousand dollars. He has had to turn his back upon his home and move his establishment to Australia. This is the effect of this incubus as it attaches to all articles manufactured in this country for export.

Mr. DUNN. I did not know the tariff increased the price of anything.

Mr. HARRIS. That is a debatable question, and we remand it to a future day. I simply wanted to make this explanation in justification

of the Committee on Ways and Means, who reported the bill, I believe, without dissent.

Mr. MORRISON. Mr. Speaker——

Mr. DINGLEY. The gentleman will allow me to say I think this bill is right in principle, but I would like to inquire, why not extend it to all other manufacturing operations? There is a bill, I think, before the committee to that effect.

Mr. MORRISON. Well, neither the world nor all export manufacturing interests were created in a day. So let us do a little at a time. We are going just as fast as we can. This measure has merit, it is plain, and may be passed in the hour allotted and but a small part of which is left to us.

The gentleman from Georgia [Mr. HARRIS] has said about all I care to say. I wish to add, however, that our friend from Virginia [Mr. WISE] is rather hard to please in all that relates to tobacco. I did suppose, when we had reported after mature consideration his bill, word for word and letter for letter as he introduced it and asked us to report it, he would be satisfied; but it seems he is not. He now offers an amendment. His amendment gives a drawback of all duties paid on articles imported and used in tobacco for export. The bill as reported gives back but 90 per cent. if the tobacco is manufactured elsewhere than in an exporting manufacturing warehouse.

Now a word by way of explaining the discrimination made in the bill; I mean this difference of 10 per cent. in amount of drawback. The bill is intended to encourage the building of tobacco exporting warehouses; and where tobacco is manufactured for export in such an establishment we propose to remit all the taxes paid on articles imported and used in the manufacture. Where in any establishment tobacco is manufactured, part for export and part to be sold and consumed at home, we propose to retain 10 per cent. of the tax, so as to encourage the building of export warehouses. The reason is, where tobacco for export is made in the same establishment with tobacco manufactured for home consumption there may be some cheating. The object of retaining the 10 per cent. tax in the latter case is to offer inducement—10 per cent. of the tax—for the manufacture of export tobacco in separate warehouses, where no other tobacco is made, thus assisting in the prevention of fraud, as we believe. The bill also remits the tax on distilled spirits used in making the tobacco exported under the same conditions and limitations as now remitted in case of some other articles made for export.

Mr. HARRIS. Mr. Speaker, in my previous remarks I omitted one essential statement. The provisions of this bill are very similar to, and almost identical with, the provisions of a bill reported to the Forty-eighth Congress. That bill was approved by the Commissioner of Internal Revenue and the Secretary of the Treasury of the last administration, as this bill is approved by the Commissioner of Internal Revenue and the Secretary of the Treasury of the present administration, showing that it is not complicated in its administration, that it is wise in its provisions, and that it encourages the export trade of our tobacco manufacturers.

Mr. MILLS. I hope the gentleman from Georgia [Mr. HARRIS] will allow me just one minute.

The SPEAKER. To whom does the gentleman yield?

Mr. HARRIS. Mr. Speaker, I think it is hardy proper for me as the exponent of the committee to stand here and allow their bill to be mutilitated in this sort of way. We do not know whether with these proposed amendments the bill will meet the concurrence of those who are to administer and enforce the law.

Mr. MILLS. I hope the gentleman will allow me just one minute.

The SPEAKER. Will the gentleman indicate to whom he yields?

Mr. HARRIS. I call the previous question on the bill and amendments.

Mr. HISCOCK. Is it in order to offer an amendment to the bill?

Mr. MORRISON. The previous question has been moved on the bill and amendments, as I understand.

The SPEAKER. It has.

Mr. HISCOCK. I hope the gentleman will allow me to offer an amendment.

Mr. MORRISON. Oh, no.

The SPEAKER. Does the gentleman yield for an amendment?

Mr. HARRIS. No, sir.

Mr. HISCOCK. Let us have a division on ordering the previous question.

The House divided; and there were—ayes 80, noes 33.

So the previous question was ordered.

The question recurred on Mr. WISE'S amendment.

The House divided; and there were—ayes 39, noes 47.

Mr. McADOO. No quorum.

The SPEAKER. The hour under the rule has expired and the bill goes over, the pending question being on the amendment of the gentleman from Virginia [Mr. WISE].

Mr. SPRINGER. I call for the regular order of business.

SALE OF GOVERNMENT PROPERTY, CHICAGO.

Mr. WORTHINGTON. Mr. Speaker, I hope the gentleman from Illinois will withdraw the demand for the regular order of business until I have an opportunity to ask unanimous consent in behalf of the Committee on Public Buildings and Grounds to call up the bill (S. 1394) to provide for the ascertainment of the market value of certain property in the city of Chicago, and to authorize the Secretary of the Treasury to sell and convey said property.

Mr. MILLS. Has the other question been disposed of?

The SPEAKER. It has not. The hour has expired, and the bill will come up in the next morning hour.

Is there objection to the request of the gentleman from Illinois [Mr. WORTHINGTON]?

Mr. SWOPE. I object.

ORDER OF BUSINESS.

The SPEAKER. There are two or three gentlemen who were absent when their names were called, and if there be no objection their reports will be received.

Mr. DUNHAM. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

The DUNHAM. The bill referred to by the gentleman from Illinois [Mr. WORTHINGTON] relates to a matter in the district I represent on this floor. Is it in order for me to know, Mr. Speaker, what member made objection to taking it up?

The SPEAKER. The gentleman from Pennsylvania [Mr. SWOPE] objected.

Mr. WORTHINGTON. I hope the gentleman from Pennsylvania [Mr. SWOPE] will withdraw his objection.

SAMUEL NOBLE.

Mr. OATES, from the Committee on the Judiciary, reported a bill (H. R. 7889) for the relief of Samuel Noble; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

INTERNAL-REVENUE SYSTEM.

Mr. BENNETT, from the Committee on the Judiciary, reported, as a substitute for H. R. 7549, a bill (H. R. 7890) to amend the internal-revenue system of legislation, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill No. 7549 was laid on the table.

SALE OF GOVERNMENT PROPERTY, CHICAGO.

Mr. WORTHINGTON. I appeal again to the gentleman from Pennsylvania [Mr. SWOPE] to withdraw his objection to calling up Senate bill 1394, to provide for the ascertainment of the market value of certain property in the city of Chicago, and to authorize the Secretary of the Treasury to sell and convey said property.

Mr. SWOPE. I withdraw my objection.

The SPEAKER. Is there further objection?

Mr. HOLMAN. I do not rise to object to the measure. The question is one of some importance, and I would suggest, if the bill be allowed to come before the House, some agreement should be reached by which twenty minutes' debate will be allowed upon it.

Mr. WORTHINGTON. I think a moment's explanation will satisfy every gentleman it is an entirely proper measure.

Mr. HOLMAN. Does the gentleman agree to allow twenty minutes?

Mr. WORTHINGTON. Certainly.

Mr. WILLIS. I am compelled to object. Let my friend from Illinois make a five-minute statement, reserving the right to object.

Mr. HOLMAN. It can go over until to-morrow morning after the reading of the Journal.

Mr. RANDALL. There is no objection to calling the bill up with that understanding.

The SPEAKER. The Chair hears no objection to that understanding.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. WILLIS. So far as the Committee on Appropriations is concerned it is ready to go on with the consideration of that bill without any general debate whatever. I move, therefore, that the general debate be limited to one minute.

Mr. ANDERSON, of Kansas. I make the point, as there has been no debate on the bill, the motion to close debate is not in order.

The SPEAKER. It requires unanimous consent.

Mr. ANDERSON, of Kansas. I object.

Mr. WILLIS. I ask by unanimous consent, as the copies have been exhausted, there be a reprint of the bill and accompanying report.

The SPEAKER. The Chair hears no objection, and it is ordered accordingly.

Mr. WILLIS moved that the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of considering the river and harbor appropriation bill.

The motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union (Mr. WELLBORN in the chair).

The CHAIRMAN. The House resumes the consideration of the bill (H. R. 7480) making appropriations for the construction, repair, and

preservation of certain public works on rivers and harbors, and for other purposes.

Mr. WILLIS. Mr. Chairman, it is not the desire of the committee to discuss this bill, except under the five-minute rule. I have, representing the committee, made a report showing the rivers and harbors for which appropriations are recommended, and the amounts allotted to each. That report has been printed, and is before the House. The total amount is $15,120,000; for harbors aggregating $4,000,000, and for rivers nine or ten millions of dollars. In other words, two-thirds of the bill is estimated for rivers and about one-third for harbors.

And now, Mr. Chairman, having made this brief statement, in order to obtain the sense of the House, reserving the balance of my time if it shall be necessary to use it, I move that the committee do now rise, indicating that my purpose is to submit a motion to limit the general debate.

The question was taken; and on a division there were—ayes 114, noes 12.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WELLBORN reported that the Committee of the Whole House on the state of the Union, having had under consideration the river and harbor bill, had come to no resolution thereon.

Mr. WILLIS. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the river and harbor bill; and pending that motion I move that all general debate upon the bill be limited to ten minutes.

Mr. HISCOCK. I suggest to the gentleman from Kentucky that it would be better to let the general debate run for a short time, at least, before submitting that motion.

Mr. WILLIS. Well, what length of time would the gentleman suggest?

Mr. HISCOCK. I would suggest to the gentleman this, that I think it would facilitate the consideration of the bill if the gentleman would allow the general debate to go on and be exhausted. For my own part I do not think there will be any prolonged general debate. I think in all frankness that this should be done, so as not to let it appear at the outset as if it was an attempt on the part of the committee having charge of this bill to stifle debate. I repeat, in my opinion it would facilitate the consideration of the bill.

Mr. WILLIS. I will state to the gentleman from New York that there is no intention or desire on the part of the committee to shut off anybody from any reasonable opportunity of debating the bill. We have had no intimation, however, up to this time from anybody, except the objection made by the gentleman from Kansas [Mr. ANDERSON], that any member of the House desired to discuss the bill, and consequently we thought it useless to exhaust the time of the House.

Mr. HISCOCK. Why not let the general debate run for a short time, and then see if there is any disposition to continue it? I do not think there is any disposition on the part of the opponents of the bill to take up any length of time.

Mr. WILLIS. I am sure of that; and if the gentleman will indicate some time when the debate, in his opinion, might be closed——

Mr. HISCOCK. I have suggested that it be allowed to run without limit for a while.

Mr. WILLIS. I will state that in consequence of the illness of several members of the committee and those on the other side of the House some members are necessarily absent, and of course the committee is somewhat embarrassed, and we have not felt called upon to indulge in any general debate, but thought it proper to ask the House to take up and consider the bill under the five-minute rule, which I think will give all of the debate required, because in that manner every paragraph of the bill will be subject to explanation and discussion.

Mr. HISCOCK. I have no idea, as I have already said, who desires on this side of the House to speak for or against the bill; but for a bill carrying such a very large sum of money as this, it seems to me that the gentleman should go back into the committee and see what the disposition of the House is after debate has begun. And I say again that I believe there is no intention or purpose on the part of gentlemen, those who wish to discuss or criticise the bill, to embarrass its passage in any manner; but certainly ample time should be given for its consideration.

Mr. WILLIS. The gentleman from New York is better versed in these matters than I am, in consequence of his long experience here; and as we have no intimation of a desire on the part of anybody to discuss the bill, I should be glad if he would suggest some time.

Mr. HISCOCK. I do not know that my experience has been longer than that of the gentleman from Kentucky——

Mr. WILLIS. It has been better, at all events.

Mr. HISCOCK. And it is with a view to allowing the debate to continue for a while, and then to get an expression from the House as to the length of time, that I have made the suggestion to the gentleman from Kentucky. That being done, it will not look as if it was an attempt to stifle debate, and I am satisfied that we will make more rapid progress.

Mr. WILLIS. While I appreciate fully the grounds upon which the gentleman bases his suggestion, I would, in turn, suggest to him that many gentlemen are unwilling to be detained here by a general debate; and if there is to be a general debate, they will naturally want to know when it will terminate and when the bill is to be taken up for consideration. They will ask how long the general debate is to run, and I know, as the gentleman from New York is well aware, that there is always a desire, during the continuance of a prolonged general debate, on the part of gentlemen to absent themselves for convenience in attending to other business, for which the general debate offers the opportunity.

Mr. HISCOCK. I can only say to the gentleman from Kentucky that at the present time I am not advised of the name of a single gentleman who desires to make a speech upon the bill. I do not know that there is one. Likely, however, there may be; and, if so, the opportunity should be afforded to them. I repeat that in my opinion it would facilitate the bill.

Mr. REED, of Maine. Mr. Speaker, the object of general debate on such a bill is to give information to the House and country of the nature of the bill; and the object of continuing debate is to answer points and objections which may arise. It does seem to me unreasonable, before any debate has commenced, to limit the time, because until the subject begins to be discussed nobody can tell what is necessary to be said. Now, surely, the discussion of such a bill as this ought not to be an empty farce. It ought to grow naturally out of what is said at the commencement of the debate and during its continuance.

It ought to be such in its character as to satisfy the House that the items and the principle of the bill will commend themselves to the House and to the country.

Now, we ought not, if we are going to pass a bill like this, to have it followed by the usual tempest of misunderstanding which follows such a thing as this. It does appear to me the wisest course for the House, and the best thing for the country, is to give free rein to discussion within such limits as shall be made reasonable by the House after the commencement of the discussion.

What is the object of discussion except to bring out the points of the bill, to bring out the objections of members, and to afford an answer to them, if answer can be made, or to modify the bill if no answer can be made?

Mr. REAGAN addressed the Chair.

The SPEAKER. The motion is not debatable, but the Chair has permitted these remarks to be made to see if an understanding can be arrived at.

Mr. REAGAN. The privilege of general debate is insisted on by the gentleman from New York [Mr. HISCOCK] and the gentleman from Maine [Mr. REED]. For what purpose? They both avow they are not prepared to discuss this measure. They have no point to make against it. No one else has proposed to discuss it. Is the purpose simply to delay this House in its business and to show a Democratic House can not get through the public business? If that is it we had better understand it. If the object is to wear out time and delay public business, we had better understand it. The bill has been for a long time printed. It has been accessible to gentlemen, and if any desire to debate it they have the means of knowing its contents, and should be in a position to state their objections. But it is a different thing simply to beat about in the brush to see what objection can be raised against the bill.

Mr. HISCOCK. The words of the gentleman from Texas [Mr. REAGAN] deserve some answer. I shall speak for myself, and I have no doubt the gentleman from Maine can speak for himself. I certainly have not sought to delay legislation at this session of Congress. The gentleman from Texas knows it, and this House knows it; neither by long speeches nor by making any speech when it was not a proper occasion, nor by any improper methods. And I desire to say further to the gentleman from Texas, that this side of the House has not sought on any occasion to delay the orderly, regular, systematic, energetic, carrying out of the policy of the House, if it have one. We have done nothing to produce delay, and if we are to have a long session of Congress, I desire to say to the gentleman from Texas here and now he need not advertise to the country that we on this side of the House are responsible for it.

Mr. WILLIS. Just one word. I accept the statement the gentleman from New York makes in perfect good faith. I do not believe for a single moment that any one purposely designs to delay this bill. That is my personal conviction, and I believe it is well founded. But we come here and no one has offered to debate the bill and a number of members of the committee are absent. If any suggestion in regard to the debate is to be made let us hear it and consider it.

Mr. REED, of Maine. Does the gentleman from Kentucky mean to say that he proposes, with no explanation except what he can make in ten minutes, to present a bill of this sort to the House?

Mr. WILLIS. I will say to the gentleman from Maine, I have presented a report in which I have analyzed the bill from beginning to end. I have no idea the gentleman has done me the honor to read the report or that he will do so. But if he desires to know the contents of the bill he will read that report. But there is no wish on the part of any member of the committee to prevent any reasonable considera-

tion of this bill; none whatever. Let gentlemen, however, indicate some time. If they will say two hours, I will change my motion and make it two hours; and I will say further on the part of the committee that gentlemen on that side can have three-fourths of that time. Is not that fair?

Mr. ANDERSON of Kansas. I will say so far as I am concerned that that is fair.

Mr. WILLIS. Then I modify my motion, and will say two hours.

Mr. ANDERSON, of Kansas. And that this side of the House shall have three-quarters of that time?

Mr. WILLIS. I find as to that I have made a suggestion which my colleagues on the committee do not agree to. But I will change my motion so as to give the other side what amounts to three-fourths of the time, by making the whole time for general debate two and a half hours instead of two hours, with the understanding that if that length of time is not occupied in the general debate we will go ahead with the consideration of the bill by paragraphs.

The SPEAKER. The question of a division of the time is a matter of arrangement. The gentleman from Kentucky moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the river and harbor bill; and pending that motion he moves that general debate be limited to two and a half hours.

The motion to limit debate was agreed to.

The motion that the House resolve itself into the Committee of the Whole House on the state of the Union was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. WELLBORN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the river and harbor appropriation bill. By order of the House all general debate on this bill has been limited to two hours and a half. The Chair would inquire as to the arrangement touching the division of the time.

Mr. WILLIS. I will ask the Chair to stop me when I have occupied twenty minutes.

The CHAIRMAN. The gentleman from Kentucky will proceed.

Mr. WILLIS. Mr. Chairman, in compliance with the wishes of my colleagues on the committee, I desire to call attention to the amount and character of the appropriations recommended in this bill. I will also very briefly submit one or two remarks of a general nature. I will not stop at this late day to discuss any supposed constitutional objection to this class of appropriations. There is no question now more fully settled than the right and duty of the Federal Government, within proper limitations of economy and public necessity, to regulate and to facilitate commerce by all appropriate public works.

While all political parties are agreed as to this, there are in both parties upright, patriotic, and honorable men who object to bills of this kind unless the amount appropriated is reasonable and the objects national in their character. Our committee submits this bill as one coming within the description I have just stated. We think that it calls for no more than is imperatively demanded by the commercial interests of the country, and we are fully persuaded that the most critical scrutiny will show that both the rivers and harbors which are enumerated are worthy of improvement and a public necessity.

Coming then briefly to the first objection, which is that bills of this character sometimes appropriate for objects that are not national in their character, I desire to call the attention of the Committee of the Whole for a few minutes to an analysis of this bill in answer to that objection. The main divisions of the bill are of course between rivers and harbors. The amount recommended for harbors is $4,415,500, about one-third of the whole. Considerably more than one-half of that sum, or $2,705,000, is appropriated for fifteen harbors, the amounts therefor ranging from $100,000 to $435,000. The mention of those harbors will answer the question as to their national character. They are New York, Baltimore, Chicago, Toledo, Galveston, Cleveland, Mobile, and other harbors of equal importance and of like dignity.

There are eleven other harbors—such as Boston, Oswego, Milwaukee, Duluth, Erie, Oakland, &c.—the appropriations for which range from $50,000 to $95,000 each, aggregating $735,000. The appropriations for these twenty-six more important harbors aggregate $3,440,000; that is, over three-fourths of the whole amount are for harbors of the character which I have named and which are set forth in detail in the printed report accompanying this bill, and which I will print as a part of these remarks.

There are fifteen other harbors, the recommendations for which range in amount from $20,000 to $50,000 each, and which receive by this bill $420,000. The remaining harbors, eighty-one in number, receive $975,500.

Of river and channel items there are one hundred and sixty-five rivers and five channels recommended, amounting in the aggregate to $10,185,200, which is two-thirds of the whole bill. Of this amount, the Mississippi River from its headwaters to the passes receives $3,725,000, or over one-third of the whole. Sixteen other large rivers receive $3,831,500. Two channels, Hay Lake, in Michigan, and Saint John's, in Florida, receive $——. Adding these sixteen rivers and two channels to the Mississippi River we will have for seventeen great rivers and two channels $——, being nearly four-fifths of the amount recommended for such improvements. The national character of these rivers will be recognized from their names, Mississippi, Missouri, Ohio, Illinois, Delaware, Red, James, &c. (page 2 of report), and next as to the aggregate amount of the bill. How does it compare with similar bills, and if larger, is its increase justifiable before the country?

The first appropriation of this kind was in 1802, for the Delaware River, which received the sum of $30,000. Since then Congress has, with one or two exceptions, voted similar appropriations every year. These river and harbor bills have annually increased in amount, and keeping pace, but not equal pace, with the increase of the wealth, commerce, and population of the country.

Thus we find for the year ending June 30, 1871, the sum of $3,445,900 was appropriated; for 1872, $4,407,500; for 1873, $5,588,000; for 1874, $6,102,900. Passing to the year 1879, we find $8,323,700; 1880, $9,577,495; 1881, $8,976,500 was appropriated; in 1882, $11,451,300; for the year ending June 30, 1883, which is the largest bill ever passed by any Congress, the amount was $18,988,875; for the year ending June 30, 1884, there was no appropriation. For 1885 the amount was $14,948,300; and for the year 1886—this year—there was no appropriation. Thus it will be seen that the river and harbor bill has gone from $5,228,000 in 1873, to $14,948,300, in 1885, being an average increase during the past ten years of one and a quarter millions per annum. This increase may seem great, but we must bear in mind that during an equal period of time—ten years—our population increased from 38,000,000 to 50,000,000.

During the same period of time the increase of exports and imports was $240,000,000. The increase of aggregate exports of leading articles in 1883 over 1873 was: Cotton raw, $20,000,000; cotton manufactures, $10,000,000 (or four times as great); flour, $34,000,000 (or three times as great); wheat, $68,000,000 (or two and one-half times as much); and of other articles, correspondingly. These figures give some idea of the enormous increase of production and its corresponding demand for transportation during this period of time.

It may be well, also, to compare the wonderful progress of the railroad system, upon whose exactions this system is intended to be a check. The railroad system began in this country in 1830, when 23 miles were built.

Between 1830 and 1850, 9,000 miles of road were built. To-day we have the grand total of 128,407 in actual operation, whose capitalization is seven and a half billions of dollars. Deducting one-half of this for depreciation, there will remain $4,000,000,000, as representing the present market value of the railroad system—a system which in 1884 transported over 300,000,000 passengers and 400,000,000 tons of freight. The total amount appropriated for rivers and harbors from the beginning of the Government, March 4, 1789, to June 30, 1886, is $144,546,008 as against $4,000,000,000. In other words, the railroads which have been constructed within the last thirty or forty years have cost over thirty times the total amount expended for rivers and harbors from the foundation of the Government.

I need not stop to add that the value of the lands granted to some of these railroads has been over five times the value of these appropriations. The expenditures, therefore, for these two rival systems bear no comparison with each other, either in aggregate amount or annual increase.

In determining what our own country should appropriate for its water ways, it may not be improper, Mr. Chairman, to consider what individual States and other nations have expended for similar purposes. Compare our expenditures with those of our commercial rival, England.

We have 23,000 miles of dangerous coast line on the oceans alone; England has only 1,300; yet in one year she expended in her harbors alone $15,000,000. Had we expended an amount proportionate to our coast line we would have appropriated the enormous sum of $270,000,000 for one year, and this would not have included one dollar for our thousands of miles of navigable rivers. Look further at the appropriations which England has made. Ten years ago I stood upon the banks of that wonderful river the Clyde. Converted from a shallow rivulet into a magnificent river, filled with the merchant vessels of every nation, it was at once an index and monument of England's wise statesmanship and commercial greatness.

Up to June 30, 1875, there had been expended on that single river over $30,000,000, a sum nearly as great as we have expended upon all our rivers and harbors from the foundation of the Government up to the same year. Upon the Mersey River the outstanding debt in 1882 was over $82,000,000. The breakwater at Portland cost $5,043,870; at Holyhead, $6,500,000; at Plymouth, $7,214,000. These constitute but a small portion of the expenditures in England alone, while in the various provinces the British Government has made most lavish outlays in the same direction. Canada, on the Welland Canal and its branches alone, has expended $45,115,000. In the same direction of cheaper transportation England expended in the East Indies, up to the end of the fiscal year 1882 and 1883, $125,000,000.

Not only this, but subsidizing certain railroads the British Government had expended $741,500,000. The State investment in railroads for the same purpose was $156,800,000, making a grand total, in round numbers, of $900,000,000. The Government and State loss on all rail-

roads for twenty-four years—that is, from 1859 to 1883—was $124,725,000. In other words, England lost as much in twenty-four years in securing cheaper transportation in railroads alone nearly as much as we have expended altogether on our rivers and harbors for the same purpose. France has expended annually from fifteen to fifty millions of dollars, and yet the aggregate length of her water ways is not 7,000 miles, the cost of which has been over $400,000,000. Upon one of her harbors, that of Cherbourg, France has expended $100,000,000, or four times as much as our own Government has expended on all the great harbors of the Atlantic and Pacific seaboard and on the great lakes of the country.

Germany has just completed surveys for the improvement of her rivers and harbors and artificial water ways at an estimated cost of more than $100,000,000. She has also just built a ship-canal, connecting the Luebach Bay with the North Sea, thereby reducing the transportation on wheat 6 cents a bushel. Russia has just completed water ways connecting the Volga and the Don at an enormous expense, which will save in transportation 7 cents a bushel on wheat. It must be borne in mind also, as has been well said by the very intelligent gentleman, Mr. Dore, of Chicago, in presenting these statistics to the committee, that we should consider also the burdens under which these countries labor, their great standing armies, their large navies, their immense national debts.

France, with more than 500,000 soldiers in her standing army, 302 ships of war, and 40,000 marines, at an annual expense of $160,000,000, and a public debt of within a fraction of $6,000,000,000, three times the amount our national debt ever was, is not embarrassed, though having only a population of 37,000,000. Germany has a standing army of 445,000 men, supported at an annual expense of $85,000,000, 91 men-of-war, and 15,000 seamen, at a cost of $7,000,000, making a total of $92,000,000—population 45,000,000. Great Britain has a standing army of 181,000, costing $90,000,000 per annum, a navy of 246 vessels, with 57,000 men, costing $53,000,000; total cost of her army and navy, $140,000,000 annually. Her public debt is more than three and a half billions, and population 35,000,000. These are the nations which compete with the United States for the trade of the world.

The United States has an army of 26,000, costing $40,000,000, and a navy—largely on paper—of 93 so-called men-of-war, costing $17,000,000. Total cost of our Army and Navy, $57,000,000; population, 60,000,000. Upon these facts, to secure that cheap transportation without which competition with these nations, as I shall presently show, is useless, will it be thought extravagant, unwise, unbusiness-like to appropriate fifteen or sixteen millions of dollars for these great national works of the Federal Union?

The present bill appropriates a total amount of $15,120,700, which is within $52,000 of the last bill making appropriations of this character. That bill, like this, appropriates just 33⅓ per cent. of the estimates. The bill of the Forty-seventh Congress appropriated 56⅔ per cent. of the estimates. The estimates upon which the present bill is founded call for $42,332,100. In addition to the regular engineers' estimates, there were before the committee special reports for new improvements and new projects for old improvements calling for over $20,000,000 additional. The total demand upon the committee was therefore in round numbers $60,000,000. The amount allowed of this total is, as just stated, $15,000,000, or 25 per cent. thereof.

I submit, therefore, Mr. Chairman, in view of the immense amounts expended by our rivals and competitors in trade, in view of the rapid and enormous extension of the railway system and of the larger demands of our increased population and commerce, that the amount asked for in this bill is reasonable and proper.

Another and equally important fact to be borne in mind in this connection is that Congress failed to pass a river and harbor bill last year. For the present fiscal year, therefore, ending the 30th of next June, not one dollar was appropriated. It will be remembered that, while the first bill presented by this committee in the last session of the last Congress, appropriating twelve millions, met with opposition, a substitute appropriating five million was passed with practical unanimity. This was the very smallest amount which in the judgment of that Congress could with propriety be appropriated.

The committee which presents this bill has therefore been compelled to appropriate for two fiscal years.

THEORY OF THE BILL.

One of the criticisms usually and easily made upon river and harbor bills is what may be called the geographical criticism. I do not know that any gentleman will feel called upon to attack this bill in that way. I do know, however, that such an attack, if made, is utterly without foundation. I state here, what every member of the committee will confirm, that the question of State lines or district lines was never either directly or indirectly considered in the formation of this bill. For myself I declare now that I could not come within a hundred thousand dollars of stating the amount that any given State in the Union has received under this bill.

I venture to say that no member of our committee, unless his attention has been called to it since the bill was reported, could make any better guess than I have upon that subject. The single proposition upon which we have acted in recommending these appropriations has been the necessities of commerce. We have not stopped to inquire in what State or district a harbor or river was located. If it needed aid and the facts warranted our action we have given it, and given it as fully as the limits of a prudent bill would admit. We have unanimously regarded this bill as a bill for the execution under the Constitution of great national instrumentalities of commerce among the several States, and not as a bill of distributions, as of a dead man's estate among his heirs. The locality of the particular harbor or the particular river was of no consequence whatever.

Where the need was, where the disease was, there we have applied the remedy, whether it was in the North or South, the East or West, whether in a Territory or in a State, whether it was in a State with a half-dozen votes on the floor, as the great metropolis of New York, or in a State with only one, as the State of Oregon. It is true that some States, like Michigan, have an immense coast line, being 15 per cent. of the whole Union. The demands of commerce are greater, therefore, than in a land-locked State, like Kansas or Colorado. The internal commerce of Michigan is over one-half of the whole United States.

Will any member of Kansas be so unreasonable as to complain that Michigan with its immense coast line has received a greater per cent., if you please, in this bill than his own State? As well might he complain of any other one of the great appropriation bills of this House. Comparing his own State in these appropriation bills with that of Massachusetts, for instance, or Maine, he might criticise and refuse to vote to appropriate for life-saving stations, for light-houses, or fortifications, complaining that Congress had discriminated in favor of these States and against his people. The ready and complete answer to such an unreasonable and unjust complaint would be that the subject-matters of the bill were not included in the territorial limits of his State.

Proceeding upon this theory, ignoring State lines and State boundaries, and considering only the demands of commerce at each point, we took the reports of the engineers as the foundation of our examination, carefully investigated all the facts with reference to each harbor and each river in the country. We examined the original plans and estimates to find out how far they had been accomplished, and the total amount appropriated therefor; we took into consideration the amount of money on hand at the beginning of the fiscal year; and, finally, we inquired into the commercial statistics of the place, because we recognized the fact that a harbor which sheltered a thousand vessels was ten times more important than the harbor which sheltered a hundred, and that the river that bore upon its bosom the commerce of $20,000,000 was twenty times more important, the necessity for improvement being the same, than the river which bore a commerce of $1,000,000 in value. Thus availing ourselves of the reports of the engineers and of official documents, we invited and welcomed any supplementary information from any source whatever, whether oral or documentary.

In other words, Mr. Chairman, our committee—and when I say committee I mean all of them, because we referred none of these subjects to a subcommittee—our committee, as an entirety, sitting as a jury, if you please, heard all the testimony and rendered our verdict upon each proposition incorporated in the bill upon the specific and detailed facts presented in reference to it. We therefore laid down for ourselves no cast-iron rule; we were not bound by any regular per cent. In some instances, like that at the Muscle Shoals on the Tennessee River, we gave the full amount asked by the engineer for the completion of the work, and it was a large amount; but the committee were unanimously of the opinion that in an improvement which was so national in its character, and which had been pending since 1830, in which the Government had invested an immense sum of money, and where no benefit whatever could result until the work was open, we thought it wise economy and good business sense to make this investment return something as speedily as possible. There are other instances of a similar character, but I allude to this as being one of the most noted and most important.

And permit me to say further, and to challenge contradiction from any source, whether in the committee or out of the committee, that so far as this bill is concerned the charge so usually bandied about in regard to river and harbor bills, that they are matters of chance, industry, and push—that many appropriations are put in by reason of the activity and perseverance and zeal of members, whether represented in committee or elsewhere—such a charge is not sustained by any fact within my knowledge or the knowledge of my colleagues on the committee. We heard all and treated all with equal and exact justice.

INCIDENTAL PRESENT BENEFITS OF THE BILL.

It may not be improper, Mr. Chairman, to call attention to the present condition of the country and to the urgent demand for employment by hundreds of thousands of worthy men, not as a reason for the passage of this bill, but as one of the many benefits which will result from its passage. I repudiate as fully as any gentleman upon this floor the idea that this is a paternal government. I deny that it is either our duty or our right under the Constitution to take the taxes drawn from all classes of the people and distribute them as a charity or to afford employment to anybody who is in necessity in the country. The Federal Government is not an eleemosynary institution. It is not and ought not to become the common almoner for all who are in want.

I do not believe that our Government, imitating France under the

first Napoleon, should inaugurate great works of public improvement simply for the purpose of giving employment to those who can not find employment elsewhere. The cry of "*panem et circenses*" is the cry of imperial Rome, and not of republican, democratic America. But while holding to these doctrines shall we shut our eyes to the terrible facts which environ us? Poverty and want stalk abroad; the fires in our furnaces have been extinguished; many of the largest manufactories in the land have shut down; capital shrinks from investment, and labor is unemployed.

Under these circumstances will any one regret, will we not rather greatly rejoice, if this Federal Congress in the exercise of its legal and constitutional functions, building up and completing these great harbors whose outstretched arms and sheltering wings receive and protect the commerce of our people from storm and from ruin; widening and deepening these majestic rivers through whose veins pours the life-blood of our trade—shall we not gladly welcome the fact that while accomplishing these beneficent and necessary results we at the same time are furnishing employment to the millions of worthy workingmen, giving bread to their hungry children, and putting again life and hope and happiness in the darkened homes of poverty throughout the land?

Not, therefore, as an object, but as one of the results of these appropriations, seldom in the history of our country will the passage of a river and harbor bill, in my judgment, meet with a heartier support and warmer welcome than now. Certainly no one will regret if the Federal Government, which so often goes to the people as a tax-gatherer, enforcing its laws and collecting its revenue, to the oppression and hardship frequently of its people—no one will regret that that Federal Government should occasionally, at least, present itself to that people as in this bill in acts of beneficence, returning its exactions as the heavens return the moisture gathered from the earth, to the accommodation, benefit, and happiness of those from whom they were made.

In conclusion, Mr. Chairman, I feel that it is unnecessary to call attention to the urgency and commercial importance of this class of appropriations. If there was any doubt upon these questions it would be answered by the facts of the past year. We have had pending before the American people during that time many great public questions affecting their honor, their prosperity, and their happiness. The restoration and rehabilitation of our Navy, the adjustment of our external and internal taxes, the further or the free coinage of silver—these and many other questions have occupied and agitated the public mind. But in no one of them has the interest been as great as in the subject of cheaper transportation, involved in the improvement of the rivers and harbors of our country; in no one of them has public interest been sufficient to call together a large convention of even one State or Territory of this Union.

While upon this subject of the improvement of our water ways there has been not one but five largely attended conventions, representing more than half the people of the United States and more than two-thirds of its productive energies.

I have before me the reports of those conventions, at Saint Paul, at New Orleans, at Kansas City, and if any gentleman doubts the fact that our people are in earnest about this matter, let him read the declarations that have gone forth from those great conventions and he will see that the people of the United States are terribly in earnest upon this question of cheap transportation. And, sir, why should they not be? Do we not see yonder in England a movement for the opening of the Suez Canal which has brought directly in contact with the markets of England the cheap products of her great colony of India? Do we not see in Germany and in France the deepening of their rivers and the widening of their harbors and a general effort in the direction of securing competition with the United States? How are we to meet that competition? How, except by widening our rivers and by deepening our harbors, so that vessels of larger draught may pass through them, thus cheapening transportation and laying down the products of the teeming West in the seaports upon our Atlantic coast and in the markets of Europe at 15 or 20 cents per bushel less than they now cost? I have already occupied more time than I had intended, so I will not stop now to read the statistics, but I will incorporate in my remarks the figures showing the great decrease that has taken place in the cereal exports of this country.

Those exports are from sixty to eighty million dollars less to-day than they were this day a year ago. And your people, my friend from Kansas [Mr. ANDERSON], are more deeply interested in this question than mine or than those who reside upon the Atlantic coast, because your people are shut in by land, bound up by railroad monopolies, and unless you can offset those disadvantages, unless you can prevent the exactions of those monopolies you are, as you know, their slave, and every foot of land within the territorial limits of your State is mortgaged by their power.

Mr. Chairman, I can not close without expressing to the House, and to each individual member of it that appeared before our committee, my own thanks and the thanks of members of the committee for the courteous way in which they treated us, and we have endeavored, in reciprocation of that treatment, to be just and correct in our dealing with the subject committed to us by the House. [Applause.]

The CHAIRMAN. What disposition does the gentleman from Kentucky [Mr. WILLIS] desire to make of his remaining time—twenty-eight minutes?

Mr. WILLIS. I yield now to the gentleman from Alabama [Mr. JONES], if he desires to go on. If not, I reserve the time.

Mr. JONES, of Alabama. Unless it is agreeable to some one who wishes to oppose the bill——

The CHAIRMAN. Unless the gentleman from Alabama desires to go on now the Chair will recognize the gentleman from Kansas [Mr. ANDERSON] in his own right.

Mr. ANDERSON, of Kansas. Mr. Chairman, I desire to express my concurrence in what the gentleman from Kentucky [Mr. WILLIS] has just said in regard to the desirability of regulating railways by cheapening transportation through the opening of the water ways. Upon that there can be little difference of opinion, I fancy, among those who live in the interior; and, as for myself, no one will recognize more fully the effect which water navigation must in the nature of things have upon railway transportation. It is for that reason that I heartily favor the development of any water way, whether it be by river or by canal, which will have the result of giving to the people of the West, to those growing grain and raising stock, cheaper outlets than are now afforded by pooled railways.

But, Mr. Chairman, while men agree upon a priniciple, whether it be a principle of law or of theology, it happens often that there is a question about the application of that principle. I shake hands heartily with my friend from Kentucky [Mr. WILLIS] upon the proposition which he has enunciated with respect to the effect of water navigation upon railway transportation, and just because of the thoroughness of my belief in that proposition I have some little difference of opinion with the gentlemen who have framed this bill as to the application which they have made of the principle.

For instance, take the Mississippi River, upon which the central States of the continent will some day largely depend for transportation—I say central, because Kansas is the geographical center of the continent—that river in the future will undoubtedly be of immense value to the whole Missouri River basin. No one can doubt that; and if it were to-day an original question as to whether you should by an appropriation create the Mississippi River or not have it, I certainly would vote to have it.

But, Mr. Chairman, when the Great Architect planned and framed this continent, with wondrous foresight and with infinite sagacity throwing that stream up toward the lakes, throwing the lakes back from the Atlantic, providing by His own grand act those superb water ways, and indicating the future lines of cheap transportation when there shall be a hundred millions or two hundred millions of people upon this continent, one-half of whom will be west of the Mississippi River—when He did that, I recognize that He did something which may perhaps render unnecessary such large appropriations for the Mississippi River as are annually recommended by the Committee on Commerce.

And when He made the broad channel in that river, when He deepened it, when by the snows from the mountains and the rainfalls everywhere in the great basin he furnished the water to wash out that channel, I fancy He did something that might perhaps save the Government of the United States from the necessity of making appropriations to develop the levee system on the Mississippi River. In other words, I do not think the boats will run on the levees, and I do not think the levees will have any material effect either in deepening or preserving the channel.

I recognize, too, another fact—that for centuries before the white race had set foot on this continent the Mississippi River proper was a navigable stream, and is to-day a navigable stream in the sense that it is practically capable of carrying large steamers with large cargoes.

Mr. VAN EATON. I would like to know whether the gentleman meant to say that the Mississippi carried steamers centuries before the white man came here. [Laughter.] I understood him to say so.

Mr. ANDERSON, of Kansas. I am very much obliged to my friend for calling my attention to that point. If I have made any such statement, I withdraw it out of respect to my friend.

Mr. VAN EATON. I just "wanted to know, you know."

Mr. ANDERSON, of Kansas. No doubt it would be a mistake to say that there were steamers on the Mississippi before the white man came to this country; but as to there being water in this river sufficient to float steamers before the white man came here, that is not a mistake.

Mr. VAN EATON. How does the gentleman know that?

Mr. ANDERSON, of Kansas. Well, by logic.

Mr. VAN EATON. I just "wanted to know, you know." [Laughter.]

Mr. ANDERSON, of Kansas. I think that could be proven without much trouble.

Now, the question arises, in my mind at least, whether it is necessary in a bill appropriating in the aggregate $15,000,000 to make an appropriation of $3,600,000 for the Mississippi River; and while, as I said, no one on this floor is more ready than myself to favor anything which will cheapen railroad transportation by developing water transportation, yet, when I come to apply that proposition to the Mississippi River, I feel that this bill proposes to give a great deal too much for that river. In a bill appropriating $15,000,000 to the whole continent it

seems to me an appropriation of $3,600,000 for the Mississippi River, less than one-fifth of the total, is altogether too much, when, in fact, the Mississippi River to-day will carry all the vessels needed to transport your freight.

I do not wish to be misunderstood. If there are obstructions in the Mississippi River—if there be any points which should be deepened or protected in order to secure navigation—I am willing to vote liberal appropriations for that purpose; but I wish to know beforehand whether the proposed scheme will be effectual—whether if you expend $50,000,000 or $500,000,000 in this form of improvement there will be any improvement there at the end of five years from the termination of the expenditure. And I am frank to say, Mr. Chairman, that I regard the utility of the present expenditures for the deepening of the channel of the Mississippi River as, to say the least, exceedingly problematical. I should be inclined to go further, and say that I regard such expenditures very much in the same way as if some one should attempt to fill a rat-hole by pouring water in it.

Mr. VAN EATON. I will state to the gentleman that I have very often filled a rat-hole by pouring water in it. [Laughter.]

Mr. ANDERSON, of Kansas. Well, I am happy to know that my friend has been successful in that respect—more successful than he has been in some other things sometimes.

Now, there is another stream which concerns especially the States of Kansas, Nebraska, Minnesota, and a large group of States constituting, if not the finest, certainly as fertile and productive a grain region as there is upon the continent, and to this stream the committee has seen fit to pay very little attention. I find that the total appropriations for the Missouri River are $500,000 from the mouth to Sioux City, $80,000 from Sioux City to Fort Benton, and $30,000 for the removal of obstructions, making a total of $610,000. Compare this with the total of $3,630,000 for the Mississippi River, and it seems to me there is, to say the least, a lack of symmetry in the bill; because the Missouri River, if thoroughly developed and utilized, would furnish water transportation in competition with railways for a section of country that is more populous and raises larger crops than that of the Lower Mississippi.

Another defect in the bill is this: There are points along that river—for instance, Atchison and Leavenworth in my own State, Kansas City and Saint Joseph in Missouri, where there are populous and enterprising cities and where the banks are in danger of washing away. While no one of these points is in my district, yet I understand that my colleague from the first district [Mr. MORRILL] asked that a specific appropriation be made for Leavenworth and Atchison; and I think the gentlemen representing the districts in which Saint Joseph and Kansas City are located made similar applications. They were declined; and there are no specific appropriations in this bill, it being assumed by the committee that these points will be provided for out of the aggregate half million appropriation. Why the committee has reached that conclusion I do not know; probably because of some general rule, and as to many rivers they have evidently followed it, but there are several rivers to which the rule has not been applied.

I read:

Improving Saginaw River, Michigan: Continuing improvement, $45,000; of which $22,500 are to be used opposite Bay City.

Here is a specific appropriation. Also—

Improving Wabash River, Indiana and Illinois——

Mr. WILLIS. My friend from Kansas will permit me to call attention to the fact that in the last Congress he, with his colleagues and other Representatives from the Upper Missouri, requested the Committee on Rivers and Harbors to create a Missouri River commission and put the river under that commission, and yielding to their better judgment, although against the judgment of the committee, they created that commission. Therefore nothing specific is asked by this bill. At the Saginaw River there is no commission, and hence the committee is at liberty to make specific appropriation.

Mr. PETERS. Is not there a Mississippi River commission, and why not treat the Missouri as the Mississippi?

Mr. WILLIS. There is a specific recommendation on the part of the Mississippi River Commission for the improvement the gentleman refers to, and that is the only difference. There was no desire on the part of the committee, I will say to the gentleman, to do more than adhere to the commission of your own creation.

Mr. ANDERSON, of Kansas. So far as that is concerned I think when Congress creates a commission the House does not part with its right to designate specific points at which expenditures shall be made.

I do not know whether the Illinois River is under the authority of a commission or not, but at any rate here is a specific appropriation:

Improving Illinois River, Illinois: Continuing improvement, $100,000; of which sum $5,000 may be expended in dredging the river in front of Peoria.

Here is another one for the improvement of the Ohio River. Is that in charge of a commission?

Improving the Ohio River: Continuing improvement, $500,000; out of which sum $50,000 are to be expended at Grand Chain in extending the upper dike downstream and removing rocks and other obstructions to navigation at that locality; also $20,000 may be expended in constructing or aiding in the construction of such an embankment on the other side of the Great Miami River, near its junction with the Ohio, as may be necessary to confine the waters of the Great Miami in great floods to the general course of its channel at or near the Ohio, to the end that the formation of the bar in the Ohio River now forming and obstructing navigation may be arrested; also $30,000 of said appropriation shall be expended in constructing four ice-piers, pursuant to the plans of the Chief of Engineers, at or near the following places to wit: One at Pomeroy, Ohio; one at Middleport, Ohio; one at Gallipolis, Ohio; and one at Ironton, Ohio.

Here is our venerable friend again Davis Island Dam.

Also out of said appropriation for the Ohio River $5,865 shall be used in operating and keeping in repair the Davis Island Dam; and hereafter the Secretary of War is authorized to make requisitions from time to time on the Secretary of the Treasury for such sums as may be necessary to operate and keep in repair the works at the Davis Island Dam, to be paid out of any money in the Treasury not otherwise appropriated.

Here is the Mississippi River. That I believe is under a commission.

Improving Mississippi River from Saint Paul to Des Moines Rapids: Continuing improvement, $510,000; of which sum $8,000, or so much thereof as may be necessary, shall be applied to the removal of the rock at Duck Creek Chain, at the Rock Island Rapids.

Mr. MURPHY. The Mississippi River Commission only extends up to Saint Louis.

Mr. ANDERSON, of Kansas. I am obliged to the gentleman for the information. My point is that whether a stream be under the charge of a commission or not, it is within the province of this House to say that a specific sum shall be expended at given points.

Here is an appropriation for dry-dock at Des Moines Rapids, $65,000.

Then we have another, which I will read:

Improving Mississippi River from Des Moines Rapids to the mouth of the Illinois River, including the river at Quincy Bay and the removal of the bar at the mouth of Whipple Creek; including also the strengthening of Sny Island Levee where it crosses Snicarte Slough, and other sloughs referred to in the report of Engineer Maj. A. Mackenzie, dated the 26th of January, 1885, which work of strengthening said levee shall be performed according to the suggestions and estimates of said Mackenzie, as set forth in said report: Continuing improvement, $200,000: *Provided*, That not more than $16,500 shall be expended at Sny Island Levee.

Here is another:

Improving the Mississippi River from the mouth of the Illinois River to the mouth of the Ohio River, including the completion of the work at Alton, and, at the discretion of the Secretary of War, the protection of the Illinois shore opposite the mouth of the Missouri River: Continuing improvement, $500,000; of which $50,000, or so much thereof as may be necessary, to be expended in extending the work for the protection of the eastwardly bank of the Mississippi River at Cairo, and the prevention of its wash or erosion, commencing at the southerly end of the present Government revetment work and continuing downstream; and the river commission may, in their discretion, use so much of said sum of $500,000 as may be necessary to correct the current of the river and improve the channel at Saint Louis.

This latter is a point covered by the Mississippi River Commission. I think the appropriation is wise, and that the channel abreast such a city as Saint Louis ought to be improved, and I hold that this House has the right to say there should be specific appropriation at that point. That being so, Mr. Chairman, I do not see why there should not be specific appropriations for Kansas City, Leavenworth, Atchison, and Saint Jo.

Here in the Lower Mississippi we have an appropriation of—

Two hundred and fifty thousand dollars for the rectification of the Red and Atchafalaya Rivers by preventing further enlargement of the latter stream and restricting its outlet capacity, and for keeping open a navigable channel through the mouth of Red or Old River into the Mississippi.

Then—

One hundred thousand dollars in deepening the channel at Vicksburg by dredging through the bar existing there; but this last-named sum shall not be expended, unless after another examination or survey the commission shall deem it advisable; and if they shall not, then $50,000 shall be expended in the improvement of navigation at Vicksburg by constructing suitable dikes and other appropriate works.

The only point I wish to make by reading these items, Mr. Chairman, is that the committee has in many instances made specific appropriations where there is a commission and where there is not a commission, and I do not see why there should not be specific appropriations where they are needed upon the Missouri River.

I have no desire in the world to make any factious opposition to this bill. I have not had time to examine it, even to read it, until this morning. My point is that you have given too little to the Missouri River. Representing as I do in part that region of the country, looking to the importance of that stream, I wish frankly to say that if $600,000 be considered enough for the Missouri River improvement I certainly shall not vote and can not vote for $3,610,000 for the Mississippi River.

You see this money comes from the people of the United States. It should be expended, and I doubt not the committee desire it should be expended, for the benefit of the people of the United States in a broad, true sense, in an effective sense; and, looking at the present densities of population, looking at the relative industries and products of sections, looking at the value of water navigation to the people of the West, I certainly feel, and I think the gentlemen representing that region all along the Missouri River will feel, justified first in criticising this bill, and second in expressing themselves in opposition to an appropriation of $3,610,000 for the Mississippi River. I do not think it is a fair divide. [Laughter.]

Mr. BLANCHARD. Will the gentleman from Kansas permit a question?

Mr. ANDERSON, of Kansas. With pleasure.

Mr. BLANCHARD. It is a fact—I make the statement—it is a fact

that the amount appropriated in this bill for the Missouri River is greater in proportion, according to the estimates of the engineers, than that included in the bill for the Mississippi River. Is the gentleman aware of that fact?

Mr. ANDERSON, of Kansas. I am obliged to my friend from Louisiana, but he has much too high an opinion of the estimates of the engineers for me. His opinion is very much higher than mine.

Mr. BLANCHARD. That is the estimate of the commission.

Mr. ANDERSON, of Kansas. The engineers make their estimates for a specific point at which they have made their examination and surveys. I do not undertake to criticise their work in that respect, or criticise them in any manner in the sense that there is not a proper discharge of their duties. But I stand here representing a State with a large interest in cheap transportation upon an entirely different standpoint from that occupied by the engineers, and from this point I insist again that the appropriation for the Mississippi River is altogether too large if the appropriation for the Missouri River is a proper one.

I yield the remainder of my time——

Mr. VAN EATON. Will the gentleman from Kansas permit a question?

Mr. ANDERSON, of Kansas. Oh, yes.

Mr. VAN EATON. If I understand the gentleman from Kansas, his point is that the Mississippi River appropriation is entirely too large.

Mr. ANDERSON, of Kansas. Yes, sir.

Mr. VAN EATON. Do I understand the gentleman from Kansas to contend that upon the principles of hydraulics you can not fill a rathole with water? [Laughter.]

Mr. ANDERSON, of Kansas. I yield the remainder of my time to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Chairman, I have some objections to some of the features of this bill. I have no objection to a limited expenditure for the improvement of rivers and harbors—improvements that can and ought to be made; but I have very great objection to some of the wasteful features of this bill. I believe that some of its appropriations are without any justification or without any warrant whatever; that they are simply a prodigal, wasteful throwing away of the people's money. I find in this bill appropriations for works, without any change in the character of the work, without any proposition whatever to modify the plans of the engineers who are conducting the work, and without even a recommendation of a change, although a year ago gentlemen, then and now interested, were denouncing upon this floor these plans as leading to unwarranted extravagance.

Let me call the attention of the chairman of the committee to the appropriation that is asked for the improvement of Galveston Harbor. Last year, in the discussion of the bill, gentlemen representing that city and other gentlemen representing the State of Texas declared here that there was no possibility of accomplishing good by the continuation of the plans then adopted by the board of engineers. They were loud and lusty in their denunciation of the work.

Mr. STEWART, of Texas. Will the gentleman permit me to ask him a question?

Mr. HEPBURN. Yes, sir.

Mr. STEWART, of Texas. Do you not know that this appropriation is made under new recommendations and new plans of the engineers, and that a survey has been completed of Galveston Harbor, under which survey and the recommendation thereon by the Chief of Engineers this appropriation is made?

Mr. HEPBURN. Will you tell me the difference between the plan now and what was contemplated at that time?

Mr. STEWART, of Texas. There is a considerable difference. One difference is that at that time they were using brush for revetments. Now they propose to use stone. That is one of the changes, and of course it necessarily involves a greater expenditure, but the work is more permanent. I want to say further that another change is in the lines of the jetties; that they are placed nearer together under this plan than they were before.

Mr. HEPBURN. Will you tell me how much nearer?

Mr. STEWART, of Texas. Several hundred feet. I have sent for the report. I think it is six or eight hundred feet.

Mr. HEPBURN. Last year the objection was not that brush was being used; but it was claimed then that these jetties were 3,000 feet apart; that they were so wide that there was no possibility of securing the scouring process and no possibility of the deepening of the channel. And gentlemen told us there was loss of water on the bar after the expenditure of millions of dollars—loss of water on the bar than when the improvement was begun. And they read to us here from reports to show conclusively—and they were able to do it—that those statements were correct.

Not only that, but the gentleman representing the city of Galveston himself moved to strike out of the bill an appropriation of $250,000 for that work, saying, as he did so, that it was a waste of public money. Then gentlemen wanted seven and a half millions of dollars for this improvement. Are we to understand, and will the chairman of the committee state whether new plans have been adopted at Galveston in accordance with the scheme that was then upon the tapis, and that is to cost seven and a half millions of dollars by estimate and twenty-five millions in fact?

Mr. WILLIS. There is no such plan pending in Congress. There is a new plan, which lessens the width.

Mr. HEPBURN. Is it substantially the plan of Mr. Eads?

Mr. WILLIS. Not at all; and the gentleman will understand me when I say it is just the reverse. It is a plan of the United States engineers.

Mr. HEPBURN. Substantially the plan originally adopted, only slightly narrowing the channel——

Mr. WILLIS. There is that much of difference; the only objection to the original plan was the width.

Mr. HEPBURN. And changing from brush to stone.

Mr. Chairman, I find another appropriation here, an appropriation of more than $2,000,000, for the improvement of the Mississippi River. And yet the gentleman from Arkansas [Mr. BRECKINRIDGE]—and there is no one in this House, in my judgment, who is better informed on the subject of the Mississippi River improvement or knows more about it theoretically or practically—that gentleman last year told us that the plan upon which the commission was then at work was an absolute and total failure. The gentleman from Arkansas then told us that there was an absolute necessity for an immediate and entire change of the whole programme if benefit was to result from the expenditure of these large sums. Is there any change of the plans of the commission? Have they in any manner modified their views with regard to this great work? Are they not conducting the work now precisely as they proposed to do in their first plan submitted to Congress, namely, the building of levees, the revetment of the banks, and the narrowing of the channels for the purpose of scouring out the bottom of the river—the same plans that they were working upon last year, that the gentleman from Arkansas told us were to result in absolute failure and to make this appropriation a wasteful and prodigal expenditure of the public money?

I have no hostility, Mr. Chairman, to the improvement of the Mississippi River. I believe that its navigation ought to be improved. I have no faith in the pretense that it is an improvement of the navigation of that great river that these expenditures are for. Strike out of this appropriation and of the plan of the commission the levee feature, and in my humble judgment there is no gentleman from the Lower Mississippi River that will raise his hand to secure an appropriation.

Will you remember, sir, with what tenacity these gentlemen have clung upon all occasions to retaining the power upon the part of the commission to build the levees? And it seems to me that sometimes they have acted with something else than fairness and ingenuousness in their efforts to secure a continuation of that power. Let me call your attention to a clause of this bill. On page 47, I read this proviso:

That no portion of this appropriation shall be expended to repair or build levees for the purpose of reclaiming lands or preventing injury to lands by overflow.

That would seem to be a very proper provision. What right has the planter of Louisiana or the planter of Mississippi to demand that his private estate shall be protected; that it shall be enhanced in value at the cost of the Government? What right have you of Louisiana to tax the people of Iowa in order to raise your lands above the point of overflow? No one that I know of would have any objection to these lands being the most fertile of the earth; but we do not want their fertility purchased out of our pockets. There is difficulty in that region, and I recognize it.

In the old days and under the old system of labor each plantation was provided with watchful guardians of the levees. There was always a force there instantly to repair the first break in the levee. But it is not so now. I am told that the laborers there are unwilling to devote their energies and their time to the rebuilding of the levees or watching them. There must be some other power, some other authority for this purpose, and in my humble judgment the gentlemen who are the proponents of this measure have discovered in the Mississippi River Commission the watchful guardians that are constantly to look after and care for and rebuild when necessary the levees of that country that make it of value. I want to call your attention a little further to a second proviso which I find on the same page:

Provided, however, That the commission is authorized to pay and build levees, if in their judgment it should be done as a part of their plan to afford ease and safety to the navigation and commerce of the river, and to deepen the channel.

Why, gentlemen, every member of that committee knew that the Mississippi River Commission had declared that the building of levees was absolutely essential to their plan of improving the river, and when they put in the first provision prohibiting the commission from building levees and couple it with this other, it is the merest pretense of fairness. It is an attempt, it seems to me, to throw men off their guard to pretend to say that the public money shall not be expended in the building of levees for private uses, and yet to say that it shall be, because the commission have said that they deem it necessary to build them in order to improve the navigation.

Mr. BLANCHARD. Will the gentleman yield for a moment?

Mr. HEPBURN. I will yield for a question.

Mr. BLANCHARD. I want to ask the gentleman if it is not a fact that the language which he has just read has been used in every appropriation made by Congress for the Mississippi River from the time of the formation of the commission in 1879 down to the present time.

Mr. HEPBURN. I do not know that it has been in every one.

Mr. BLANCHARD. It has.

Mr. HEPBURN. I know that there has been a vigorous effort made to strike it out of some of them, and I know that the gentleman from Louisiana [Mr. BLANCHARD], while protesting all the time that the purpose was not to build levees, has been one of those who have insisted most strenuously upon keeping this ambiguous and disengenuous language in the law.

Mr. BLANCHARD. And the gentleman will do me the justice to state that I have never contended for the construction of levees at all except as a part of the plan of the commission for the improvement of the river.

Mr. HEPBURN. That is just what I am complaining of, Mr. Chairman. I remember that last year the gentleman wanted $200,000 to be carved out of the appropriations for the purpose of improving and perfecting the harbor of the city of New Orleans; in other words, to riprap one of the levees of the Mississippi River.

Mr. BLANCHARD. When the gentleman makes a statement of that sort he will surely allow me to correct him.

Mr. HEPBURN. Yes, sir.

Mr. BLANCHARD. Well, the gentleman from Louisiana did not do anything of the sort.

Mr. HEPBURN. I will appeal to the record. I will not dispute with the gentleman.

Mr. BLANCHARD. The Committee on Rivers and Harbors made an appropriation for the improvement of the harbor of New Orleans under plans submitted by the commission separate and apart from the appropriation for the improvement of the Mississippi River.

Mr. HEPBURN. What was the improvement?

Mr. BLANCHARD. It is stated there in the report.

Mr. HEPBURN. It was the riprapping of the levees of the river.

Mr. BLANCHARD. Not at all. It had nothing to do with the levees of the river.

Mr. HEPBURN. What harbor is there there, except the levees?

Mr. BLANCHARD. It was the improvement of the harbor where the ships anchor; the levees are on the bank.

Mr. HEPBURN. They come right to the bank, do they not?

Mr. BLANCHARD. It was the anchorage-ground of the city of New Orleans.

Mr. HEPBURN. Very well. I think we are both talking about the same thing. Now, Mr. Chairman, I am satisfied that there are improvements that are needed upon the Mississippi River, for in certain stages of low water there are several bars, perhaps twenty in all, from Saint Louis down, that inconvenience and sometimes interrupt the navigation of the river, and I would be perfectly willing that expenditure should be made for the purpose of rectifying those difficulties. They are local in their nature; they could be easily removed, it seems to me, and I would have no objection to the expenditure of a reasonable sum of money for that purpose; but I have been told, and I believe there is an abundance of authority for the assertion, that the contemplated improvement by the commission will cost hundreds of millions of dollars.

If any gentleman is doubtful with regard to that proposition, I refer him to the testimony that was taken by a special committee of this House about two years since; I refer him to the reports of some of the members of the commission—the disagreeing reports; I refer him to the entire absence, on the part of any one who is authorized to speak or who is supposed to understand the subject, of a contradiction of the statements that have been made from time to time of the immense cost of this improvement.

Mr. Chairman, I am not satisfied that this improvement will be of the transcendent benefit that some people seem to think it will. I remember being at one of the great river conventions in the city of Saint Louis, of which the gentleman from Kentucky [Mr. WILLIS] spoke a while ago. He was a guest of the city of Saint Louis at that time, and he will remember that the members of the convention were invited to take a trip on one of those splendid barge vessels and tows with which they navigate that river.

We went some twenty miles down the river. There were pointed out to us nearly a hundred of these large barges and twenty or thirty powerful steamers that propelled them tied to the bank of the river. Yet the river was then at flood. On that very morning there was published in the papers of Saint Louis a notice to all the agents of the railroads not to ship any grain to that city, that all the elevators were full, and that two thousand cars were standing upon the track waiting to be unloaded. Here were millions of bushels of freight seeking a market; here was the river with twenty or more feet of water on every bar from Saint Louis to New Orleans; here were a hundred of these barges and twenty or more steamers tied in idleness to the bank. There was no freight for New Orleans. It was not the direction this grain was seeking. There was no demand for the river, improved or unimproved. The gentleman from Kentucky [Mr. WILLIS] will remember the incident. What was the reason of that? Simply because at the city of New Orleans there are no vessels beyond those needed for the transportation of cotton that can be cheaply laden to Liverpool with grain.

Mr. BLANCHARD. If the gentleman will allow me a moment I will refute his statement that that is not the direction the grain takes. I desire to read some official statistics showing the grain shipments from New Orleans.

Mr. HEPBURN. You can do that after I am through.

The CHAIRMAN. Does the gentleman from Iowa yield?

Mr. HEPBURN. Not for that purpose. I know what I am talking about, because I witnessed the incident I have stated. The gentleman from Kentucky was there with me at the time, and he knows the truthfulness of my statement. I am perfectly willing to yield for a contradiction from the gentleman from Kentucky if he is disposed to make it.

Mr. WILLIS. I have no recollection of the circumstance; but I implicitly believe the statement which the gentleman makes.

Mr. KING. Will the gentleman from Iowa allow me to make one statement?

Mr. HEPBURN. I can not yield for a statement; I will yield for a question.

Mr. KING. Then I will ask a question. Does the gentleman mean to state that there were no ships at New Orleans to carry the grain?

Mr. HEPBURN. I say there is no such excess of transportation at the city of New Orleans as to produce the low rates which we obtain from New York to Liverpool.

Mr. KING. I simply wish to say that ships can and will come to New Orleans for just as much grain as will be delivered for shipment.

Mr. HEPBURN. Undoubtedly; but they will charge full rates; while at New York vessels are competing for this freight; they frequently take grain as ballast; and there have been shipments of it from Chicago to Liverpool at 10 cents a bushel.

These are some of the reasons, Mr. Chairman, why I do not want to vote for these extravagant appropriations. There is no proportion between the results accomplished and the expenses.

I remember, Mr. Chairman, I was able at one time to call the attention of the House to the Blue Book, in which I found the names of such a number of employés of the Mississippi River Commission above the grade of laborers as necessitated an expenditure of $509,000 a year in the way of salaries. I did not include one laborer in the estimate. Mr. Chairman, the Mississippi River Commission to-day owns twice as many vessels, large and small, as belong to the Federal Navy. They are not so expensive, I admit, and they are not all so large; but they are more than twice as numerous. There are more than 200 vessels, large and small, belonging to the Mississippi River Commission. The plant of that commission is wonderful. It shows that these gentlemen have a proper conception of the magnitude of the work upon which they are employed. They expect it to last many years, and expect it to involve an expenditure of hundreds of millions of dollars.

There is another objection I have to this improvement; and that is the imperative necessity of renewing it every five or six or eight years. Where timber is used in narrowing the channel they use the soft woods that grow along the margin of the river. The life of that kind of timber, exposed as it is to the alternations of wet and dry, is from four to five years; so that every four or five years this work will have to be renewed.

I presume every gentleman here is familiar with the method that the commission have adopted. They propose to narrow the channel to a uniform width of 3,000 feet, making it necessary for them to establish a bank nearly the whole length of that stream. They do this by driving two rows of piles a few feet apart, binding them together by wire ropes; then they interweave those with brush for the purpose of retarding the current, expecting that the sediment will be deposited, and in that way they will build up an artificial bank.

They then protect this by immense mattresses of willows and No. 8 wire, lying the mattresses from the bottom up along the sides to the top of this improvement, protecting the natural bank in the same way, and covering that with stone above the low-water mark. Then back of that, at a distance of a quarter or half a mile, they build their levees for the purpose of controlling the river at its flood. Any one can see that this necessitates the building of several thousand miles of levees, because every tributary must have a levee until a point is reached up the river where the bank is of the same height as the levee on the bank of the Mississippi. Thus the work has to be continued, involving the expenditure of hundreds of millions. There is the Saint Francis River, running parallel, which must also be so treated; there is the Atchafalaya, which must be so treated, with all the innumerable bayous and lagoons which are tributary to these streams.

This is the kind of expenditure, gentlemen of the committee, that you are invited to make; and every dollar that is invested, every appropriation that you make gives these gentlemen so much stronger hold upon you. Is it not time to stop this wasteful, prodigal expenditure of the people's money?

Mr. Chairman, there is one other matter I notice in this bill (I did not examine it until to-day) to which I wish to call attention, because there is something of novelty about it. I find it on page 20:

Improving Monongahela River, Pennsylvania and West Virginia: Continuing improvement, $121,200; and the Secretary of War is hereby authorized and directed to negotiate for the purchase of the works of the Monongahela Navigation Company, situated in the Monongahela River, in the States of Pennsylvania and West Virginia; and in order to ascertain the value of said works the Secretary of War shall appoint a commission of three competent engineers

from the Engineer Corps of the United States Army, who shall value and appraise the same and report to the Secretary of War. And if the said Monongahela Navigation Company shall offer and bind itself to take for said works a price deemed by the Secretary of War to be satisfactory and not excessive, he shall so report to the Congress at its next succeeding session; but if the said Monongahela Navigation Company refuses to sell its works, or demands a price therefor deemed to be excessive, then the Secretary of War shall be, and he is hereby, authorized and directed to acquire said works by condemnation for the United States; or, in the exercise of his discretion, the Secretary of War may, and he is hereby authorized to, take possession of said works in the name of the United States.

Mr. Chairman, is not that somewhat of a harsh method of proceeding? Is there not something of hardship in that, gentlemen of the committee? Here is a navigation company authorized to exist, authorized to possess certain property, possessing that property under sanction of law, which they do not want to sell perhaps, and here we give authority to take possession of that property, and if they can not agree on a price, or if the owner will not sell it for such sum as the Secretary of War thinks it ought to bring, then he is authorized to take it without price.

Is that Jeffersonian Democracy? Did Mr. Jefferson discover such ample authority on the part of the Federal Government in the Constitution? Gentlemen, it will not do for you to talk here about being Jeffersonian Democrats. You will have to limit your classification to Jackson men. Old Hickory might do that—Jefferson never.

There is one thing in this bill which perhaps in one sense I commend, and that is $15,000,000 and probably $18,000,000 will be in it before it passes through the two Houses. I am glad of that amount in one sense, because I remember something of history. Four years ago the Republican party in this House had a majority, I think, of 11 votes. That majority was seduced into passing a river and harbor bill appropriating $18,000,000, and it carried 81 majority of Democrats into the next House. I am hoping history will repeat itself, and if you gentlemen desire to pass a river and harbor bill of $18,000,000, grief will come to you as it came to us; and that would be the only solace I would have for the enormities I find in the bill. [Laughter.]

There is one other thing connected with this bill I can commend, and that is the very liberal manner in which the committee treated its membership. [Laughter.]

Here is a gentleman from Texas [Mr. STEWART], an amiable gentleman, who ought to have very largely whatever he asks for; and, by the way, he has asked largely, and secured nearly a round million for Texas. Here is the gentleman from New York [Mr. BURLEIGH], active, energetic, always around when anything for New York is to be secured, and he has been able to secure nearly $900,000 for the Empire State. Here is my friend from California [Mr. MARKHAM], who is modest and quiet and new to his duties here. Just look at the bill and see how amply he has provided for the State of California. What will he not do when he has served a score of years!

Mr. MARKHAM. He knows its necessities.

Mr. HEPBURN. Look at Michigan! She has been well represented in the committee; magnificently in the bill. [Laughter.] I doubt whether there is an inlet to the land from the surrounding lakes which has not a place in this bill. They are all named without regard to the unpronounceable character of their names. [Laughter.]

The CHAIRMAN. The time yielded to the gentleman, forty minutes, has expired. There remain thirty minutes to the opponents of the bill.

Mr. HEPBURN. Other gentlemen may need that time. [Cries of "Go on!"]

Mr. JONES, of Alabama. If I have the floor I will yield ten minutes to the gentleman from Louisiana [Mr. BLANCHARD].

The CHAIRMAN. The Chair was informed the gentleman from Maine [Mr. REED] might wish to be heard. If he does not, the Chair will recognize the gentleman from Iowa to control the time left to the opponents of the bill.

Mr. HEPBURN. I will extend my remarks in print and leave that time for other gentlemen.

Mr. BLANCHARD. Mr. Chairman, thanking my friend from Alabama for the few minutes yielded to me, I will endeavor to correct some of the statements made by the gentleman from Iowa [Mr. HEPBURN], the opportunity to correct which he denied me in the course of his speech.

When the gentleman from Iowa said he had gone down the river 20 miles from Saint Louis in 1880, and saw a number of barges belonging to the Mississippi River commerce lying there idle, and then went on to state that it indicated there was no grain from Saint Louis being shipped southward, I rose not for the purpose of contradicting his statement about seeing barges lying idle along the banks of the river, but to correct his assertion that the southward direction was not the one which any considerable amount of grain was taking. He denied me the opportunity to have read some figures which I now call his attention to.

Mr. Chairman, I hold in my hand a statement of the quantity of wheat shipped by the river route from Saint Louis to New Orleans prior to the construction of the jetties at the mouth of the river and a statement of the shipments made since the completion of the jetties there. I hope my friend from Iowa will give heed to these.

There were shipped before the construction of the jetties—this is the exports of grain from New Orleans—4,400,000 bushels of wheat. The depth of the channel on the bar at the mouth of the Mississippi River at that time was from 12 to 18 feet. There have been shipped since the construction of the jetties 48,700,000 bushels of wheat, and the depth of the channel at the mouth of the river has been increased to 26 and 30 feet.

Mr. HEPBURN. How many years since the jetties were completed?

Mr. BLANCHARD. It gives the amount in round numbers before and after the construction of the jetties.

Mr. HEPBURN. But how many years since the completion of the jetties?

Mr. BLANCHARD. My recollection is the jetties were completed in 1879.

Before the jetties were constructed the foreign steamship arrivals—in 1873—numbered 83, with an aggregate tonnage of 107,000 tons. After the construction of the jetties, in 1883, the number of foreign steamships aggregated 402; increasing from 83 per annum before the construction up to 402 per annum after the construction, while the aggregate tonnage was increased from 107,000 to 653,000 tons.

Mr. HEPBURN. Will the gentleman permit a question?

Mr. BLANCHARD. Yes, sir.

Mr. HEPBURN. How much of the aggregate of 48,000,000 bushels wheat was received by rail from California for shipment by way of New Orleans?

Mr. BLANCHARD. How much was shipped by rail from California?

Mr. HEPBURN. Yes, sir.

Mr. BLANCHARD. The statement does not show that, but I know it was comparatively very little.

Now, Mr. Chairman, pursuing the inquiry further: Before the jetties were built a vessel of 1,500 or 2,000 tons' capacity was above the average in arrivals at New Orleans. Now, since the success of the jetties, vessels of 5,000 tons' capacity are loaded at New Orleans. Before the jetties vessels were loaded to not over 15 feet draught; now vessels are laden to 26 and 27½ feet draught, and pass out to sea without difficulty. Before the jetties were completed skillful pilotage and management were of no avail, for the channels were ever shifting; now, where a vessel is kept within the jetty channel, detentions are unknown.

Before the jetties the tonnage on vessels was from $1.25 to $1.50 per ton. Now it can and has been had for 50 cents a ton, and a proportionate reduction in the rates of insurance on vessels and cargoes has also been made.

Before the jetties the exports of grain were 5,750,000 a year; now they are 14,250,000. The total exports were valued at $68,000,000; now they amount to $94,000,000; an increase of 50 per cent.

Before the jetties foreign freights were 18 to 24 cents per bushel; now they are from 8 to 12 cents. Nor is it true, as some suppose, that grain is liable to become musty and thereby injured by passing through the heated regions in transit through New Orleans to a foreign market. Here is a well-authenticated statement completely refuting that:

In 1879 or 1880 two barges were loaded with corn and wheat at Saint Paul, as an experiment to test this very question. Its transit at points was purposely delayed, and it was held in New Orleans in the month of July, and was several months on the way; yet on arrival at Liverpool it rated the same as to condition, upon inspection, that it did at Saint Paul. Another instance: a cargo of bulk grain and cotton was loaded upon a steamship; the steamer went ashore at or near the mouth, was brought back to the city, and with cargo intact was placed in dock, repaired, and again went to sea, and in about eighty days after shipment from New Orleans arrived at Liverpool in a perfectly sound condition; all of which proved not only that our Southern climate does not affect its condition, but, as claimed by Mr. Eads, a vessel with a full cargo can be taken from the water into a dock without injury.

Now as to freight rates. The difference is largely in favor of the river route. During the season of navigation of the Mississippi River the rate from Saint Louis to Liverpool, by rail to New York and by river to New Orleans, has been as follows for the last three years:

1883.	Via railroad to New York, per bushel	23 to 29
	Via river to New Orleans, per bushel	17 to 23
	Difference in favor of the river route	6
1884.	Via rail to New York, per bushel	15 to 29
	Via river to New Orleans, per bushel	11 to 20
	Difference in favor of the river route	4 to 9
1885.	Via rail to New York, per bushel	14 to 27
	Via river to New Orleans, per bushel	13 to 13
	Difference in favor of the river route	1 to 14

Here is an average difference for the three years of at least 6 cents per bushel in favor of the river route. The country affected by this difference produced in 1885, according to the estimate of the Agricultural Department, 357,112,000 bushels of wheat, which, at 6 cents per bushel, would be worth $21,466,720 more than it is. With this great difference and advantage in favor of the river route, a very considerable portion of the grain crops of the country will, undoubtedly, go southward, the statement of the gentleman from Illinois [Mr. DUNHAM] to the contrary notwithstanding.

It is useless, Mr. Chairman, to pursue the subject further. There is no indisposition on the part of the grain from the West to find an

outlet to sea through the Mississippi River at New Orleans, and the figures show it and refute the mere assertions of gentlemen to the contrary.

Again, the gentleman from Iowa made an extravagant statement concerning the number of vessels used by the Mississippi River Commission in the work of improving that stream. Now, as showing the true facts relative to this, I read from the report of the commission itself:

Mr. HEPBURN. What report?

Mr. BLANCHARD. The report for 1885.

Mr. HEPBURN. Take the report for 1884 and see what it says.

Mr. BLANCHARD. This statement embraces the entire plant belonging to the Government for the improvement of more than 1,500 miles of navigable water way on the great Father of Waters.

The present plant now in use by the Mississippi Commission comprises 14 steam towboats, 7 steam-launches, tugs, and survey boats, 49 quarter-boats, 83 pile-drivers, 6 hydraulic graders, 1 dredge, 6 dump boats, 2 pump boats, 3 derrick boats, 6 shop boats, 5 dock boats and store boats, 19 mattress boats, 2 ways, 8 screen boats, 263 barges, 25 coal boats, shells, and flats, and a number of skiffs, yawls, and sounding boats, tools, instruments, gauging apparatus, &c., aggregating in value $1,267,000.

However large that showing may make the number of boats belonging to the Government and the value of the plant in use, it is for the improvement of over 1,500 miles of navigable water way from the Des Moines Rapids to the Gulf of Mexico, and is not greater than the actual needs of the service.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRECKINRIDGE, of Arkansas. Will the gentleman from Alabama [Mr. JONES] allow me to make one statement in reply to the gentleman from Iowa [Mr. HEPBURN].

Mr. JONES, of Alabama. I yield to the gentleman if it does not come out of my time.

Mr. BRECKINRIDGE, of Arkansas. In regard to the rate of freight from New Orleans the gentleman from Iowa said there had been no reduction.

Mr. HEPBURN. Oh no; I did not say anything of the kind.

Mr. BRECKINRIDGE, of Arkansas. I understood the gentleman to say that. I will make this statement: I remember seeing two or three years ago a statement from the Cotton Exchange of New Orleans that the saving upon cotton freight to Liverpool and the East was a saving of a dollar a bale; and that the saving on freight rates to the commerce of the Mississippi Valley by the jetties had paid for the jetties every two years since they had been in existence.

Mr. HEPBURN. I have raised no question about that.

Mr. JONES, of Alabama. It seems to me, Mr. Chairman, that this general debate, as far as it has progressed, and the opposition, so far as made to the bill reported by the committee, have amply vindicated the wisdom of the proposition made by the chairman of the committee, that the general debate should be dispensed with. It seems to me that the opposition is perfectly trivial, and that it has amounted to nothing in the hour, or more than an hour, that has been occupied by the adversaries of the bill.

Why, sir, the gentleman from Kansas [Mr. ANDERSON] has made an objection to the bill on the ground of the perfection of the Mississippi River. He says that it has come from the hands of the Creator so perfect, so fit for navigation, that it was entirely useless to appropriate money for its improvement. Well, Mr. Chairman, the Mississippi River has come from the hands of its Creator in a very imperfect state. Like all natural blessings it has been bestowed upon us to be improved, to be perfected by human skill. The Mississippi River is no exception to that rule. On the contrary, it needs more improvement, it needs more work than any other river in this country on account of its peculiar nature and eccentric habits.

The gentleman assumes that the work that has been done and the work that is contemplated by the commission on that river consists of levees. That is very far from being the fact. The Congress of the United States saw fit several years ago to create a Mississippi River Commission, and to put this great river of 2,000 miles of navigable water under that commission. It was an experiment, and was conceded at the time to be an experiment. But they have gone further, and the results obtained justify the wisdom of that measure. They have attained a depth now at Providence reach and Plumb Point reach of about 13 feet to show for their work.

Mr. HEPBURN. May I ask the gentleman a question?

Mr. JONES, of Alabama. Yes, sir.

Mr. HEPBURN. What has it cost—how many millions—to get 13 feet of water at these two points?

Mr. JONES, of Alabama. The gentleman may have his opinion of the cost——

Mr. HEPBURN. It has cost a million of dollars a foot.

Mr. JONES, of Alabama. No matter if it has cost more than that, the results would justify it.

The gentleman from Kansas [Mr. ANDERSON] said they were taxing the people of his State to improve the Lower Mississippi and that the people of Kansas had no interest in that improvement. It is, Mr. Chairman, to the interest of the people of Kansas, a large wheat-growing State, that their grain should find its way to the seaboard at a low cost of transportation. That is a great wheat-growing country and greatly stands in need of cheap transportation.

Mr. DUNHAM. The grain does not want to go that way.

Mr. JONES, of Alabama. When the facilities are furnished it will go that way, and it has gone that way to the extent of millions and millions of bushels, as has been shown by the gentleman from Louisiana [Mr. BLANCHARD]. It will always follow the cheapest route.

Objection further was made that certain harbors are to be improved on that river and not on others. The answer is, this is part of the work of the commission. The gentleman from Kansas assumes the work by the commission consists in building the levees. This is not true. Their work consists of a contraction of the stream and making revetments where it is necessary to prevent cut-offs that might change the channel of the river. The commission does not hesitate to avail itself of levees already constructed, and to supplement them when it is necessary for channel improvement or for the benefit of navigation. It is no part of their business to reclaim lands. Why should the commission seek to reclaim lands when it is not to their interest and outside of their functions?

The gentleman from Iowa has made the same kind of attack upon the bill. These attacks are merely beating over again the old straw that has come down to us from the last session of Congress. It is that and nothing more. The gentleman from Iowa makes a concluding objection, that the bill amounts to $15,000,000, and perhaps more; and he has conjured up the apparition of the bill of 1882, which appropriated $18,000,000, and exhibited it here to "affright the souls of fearful adversaries." That bill has no terror for us. This bill is not like the bill of 1882, not even in amount. This is a bill which provides for two fiscal years, and dividing the aggregate amount between these two fiscal years it is only $7,500,000 for each. As long as eight years ago, in 1878, the appropriation by Congress for one fiscal year was over $8,000,000.

Since then the estimated wealth of this country has increased enormously, our population has increased wonderfully, and do we not need any larger appropriations to furnish transportation for this increased population and this increased wealth? And yet in point of fact we are now appropriating a smaller amount annually than in 1878. Why, sir, as for that bill of 1882, the House of Representatives in the December following its passage adopted a resolution calling upon the Secretary of War to furnish information about some portions of the bill, and, among other things, to inform the House "whether any money appropriated by that act was appropriated for works or objects that are not in the interest of, or for the benefit of, commerce or navigation." The Secretary of War, in response to the resolution, culled out from that eighteen million bill a number of objects and items which in his opinion were not for the interests of commerce or for the good of navigation.

I have taken the trouble to add them up, and they amount to less than 5 per cent. of the eighteen millions appropriated, and I undertake to say that if the unworthy objects in the bill that is now pending before this committee could be culled out they would not amount to 2 per cent. of the total appropriation made by the bill. That leaves 98 per cent. of this bill that is wholly beneficial to our commerce, foreign and internal. And, Mr. Chairman, what is that commerce? The report of the Bureau of Statistics, which I hold in my hand, shows that in the year 1884 the foreign commerce of the United States was valued at one billion four hundred and eight millions; and the same report goes on to declare that our internal commerce is beyond computation, that it can not be estimated, but that it is at least fifty times as great as our foreign commerce; so that it must be a good deal more than $50,000,000,000.

Now, sir, what is the use of these carping criticisms and these puerile attacks upon a bill of this character, whose object it is to furnish transportation for this enormous commerce? The country demands cheap transportation, and if this $15,000,000 here appropriated will reduce the cost of transportation one quarter of 1 per cent., it well give back to the people more than the amount appropriated in the saving to the producers and consumers of our widely extended country. Sir, the population of this country and the productions of this country have increased more rapidly than the means of transportation. Private capital and private enterprise have done much to furnish the required transportation.

Private enterprise, as the chairman [Mr. WILLIS] has stated, has built 128,000 miles of railroads in this country, and they represent an investment of $8,000,000,000. Those railroads carry, as he has stated, 400,000,000 tons of freight annually. And, sir, private enterprise would have improved our natural water ways if it had been permitted to do so, but whenever private enterprise undertook to do that, it was met by the stern injunction of the General Government, "Thus far shalt thou go and no farther." This Government has assumed exclusive jurisdiction over the harbors and the navigable waters of this country, and when it assumed that jurisdiction it assumed also the obligation to improve them.

Mr. Chairman, this country is peculiarly adapted to cheap and ample water communications. There is no other country on the face of the earth so highly favored in that respect, and it becomes us, representing such vast interests here, the interests of agriculture, the interests of

mining, the interests of the commerce to which I have referred, to assist nature, and to furnish the cheap transportation that the people demand. That is a duty that is devolved upon us, and we ought to meet it. Our agricultural interests are more important than any other. More people are engaged in agriculture. More capital is invested in agriculture than in any other occupation. Agriculture receives less protection and bears more burdens than any other interest, and one of the heaviest burdens now resting upon our farmers is the heavy cost of transporting their crops to market. Hence we find the farmers so unanimous and so earnest in asking for these appropriations and these improvements. Our wheat and our cotton are now engaged in a death-struggle with the cheap wheat and cotton of India. England and other countries have been building water communications to cheapen transportation. The consequence is a great increase in the production of cheap grain and cheap cotton to compete with American wheat and American cotton. Since the opening of the Suez Canal American cereal exports have diminished in proportion to the increase of Indian exports. We are therefore compelled in self-defense and on behalf of our farmers to follow the example of these countries and furnish cheaper transportation. Our exports will increase, prices will increase, prosperity will increase as carrying rates are cut down.

As I have said, the railroads do much to furnish transportation, but it is well known that they do it primarily for their own benefit, and that they charge high rates upon the freight that goes over them. The problem that is agitating State Legislatures, the problem that this Congress has been grappling with for eight or ten years, is how to regulate the railroads; but, sir, in my judgment, the best solution of that problem is to be found in cheap water transportation, in the competition of the water ways. Nothing excels water for cheap transportation. When our northern lakes and rivers are blockaded with ice and navigation is obstructed, up go the railroad rates; but when spring returns and the ice disappears, down go the railroad rates. The railroad lines between Cincinnati and New Orleans raise their rates from 50 cents per hundred pounds in high water to 80 cents per hundred pounds in low water. These facts show the influence of water transportation in controlling the railroads, and that is the most effectual way of regulating the charges of these railroads, which carry 400,000,000 tons of freight a year in this country.

But these appropriations, in regard to which gentlemen make complaint as to their amount, are not like other appropriations; they are for works which are permanent in their nature. The benefits are continuing. The appropriations for the support of the Army and Navy, for the Indians, for pensions, are consumed in their use; their expenditure leaves no trace behind; but the results of these appropriations for rivers and harbors remain with us; and, as I have shown, they are beneficent. Why, sir, according to the report of the Labor Bureau, one million laborers were recently out of employment, and in the debate on the labor-arbitration bill a few days ago it was stated that this number had increased to one million and a half.

Now, while I do not believe that it is one of the functions of this Government to furnish employment to its citizens, yet, when in times of depression and distress, and we can produce this beneficent result in the performance of a legitimate public duty, when expediency goes hand in hand with the Constitution, as it does in this case, it is our duty to make liberal appropriations for these public works, and thus benefit the labor of the country. In no bill that Congress passes do the expenditures go so directly to the people or benefit so directly the labor of the country as these appropriations for rivers and harbors. They furnish work to the laboring man and they give him wages for his work.

Mr. Chairman, if I have any time remaining I yield it to my colleague on the committee, the gentleman from Texas [Mr. STEWART].

The CHAIRMAN. There are five minutes of the gentleman's time remaining.

Mr. STEWART, of Texas. Mr. Chairman, inasmuch as the appropriation made for harbor improvement at Galveston, the largest commercial city upon the coast of the State which I have the honor in part to represent upon this floor, has been attacked by the gentleman from Iowa [Mr. HEPBURN], I feel it my duty to say a few words in reply. It is true that quite a number of the citizens of Galveston have not been satisfied with the progress of harbor improvement at that city under the supervision of the Government engineers, and they believed that better and more speedy results in the harbor improvement of that city could be obtained by this Government entering into a contract with the great engineer Capt. James B. Eads than would be accomplished by the Army engineers.

About this there was a division of sentiment among the people of Galveston. But a committee came from Galveston to this city during the first session of the Forty-eighth Congress and prevailed upon the Senators and Representatives from Texas to urge upon Congress the adoption of what was known as the "Eads plan" for harbor improvement at Galveston, and in doing this the Texas delegation who favored it believed that they were serving the best interests of Galveston and of the country.

A bill was introduced in this House which, in effect, was a contract with Captain Eads on the part of this Government for the improvement of Galveston Harbor, and it was commonly called the "Eads bill;" and one precisely like it was introduced in the Senate, and I am not sure, but think it was passed by that body. It may not be improper for me to say that although I never actively opposed the Eads bill, I was never friendly to it, and that I was very much opposed to its becoming a part of the river and harbor bill, and I was glad when it was not incorporated in said bill.

In this House the Eads bill was never acted upon, and I do not think it was reported to the House from the committee to which it had been referred. But it was during the pendency of the "Eads bill" that the gentleman from Iowa heard the declarations made that there was no possibility of accomplishing good at Galveston by the continuation of the plans then adopted by the board of engineers. I also remember what has been stated by the gentleman, that Mr. Ochiltree, who then was the immediate representative of the city of Galveston, moved to strike from the river and harbor bill the appropriation of $250,000 that had been made for the improvement of Galveston Harbor, and that he succeeded in having it done. I shall never forget it.

But, Mr. Chairman, the striking out of the appropriation made for Galveston in the bill of 1884 and the denunciations of the Government plans and of the Government engineers were but the indiscretions of a hot-tempered zeal for the success of the "Eads bill," and I beg you to consider the injustice of denying a sufficient appropriation for harbor improvement at Galveston because of what has been said by comparatively a few men, of whom it is not disrespectful to say that they knew no more about the matter than many others who differed with them in regard to it.

I never shared in the opinions that were then expressed about the work at Galveston. I then regretted, and I now regret, that in the zeal manifested for the Eads bill such opinions were expressed. Doubtless the gentlemen who expressed those opinions believed they were correct, but they were not, in my judgment, based upon established facts. What was the criticism made by Captain Eads upon the work at Galveston? In brief, he said the jetty walls were too far apart and not high enough, and for these reasons they could never accomplish the result predicted by the Government engineers. I thought if these objections were well founded that the correction could be as easily applied by the Government engineers and at less cost to the Government.

General Newton, the Chief of Engineers, has submitted during this session a supplemental report upon the improvement of the harbor at Galveston, in which it is shown that the changes proposed to be made at that point will remove all just cause for criticism, and I see no reason why the work of harbor improvement at that point should not be prosecuted, and why the Government engineers may not be relied upon to obtain all the success that could be secured by Captain Eads, or by any one else, and if you will but make as large appropriations for Galveston as were required by the provisions of the Eads bill they will secure such success quite as rapidly.

I beg to call the attention of the House to the fact that no appropriation has been made for the improvement of Galveston Harbor since the passage of the bill for river and harbor appropriations in 1882, and that no work has been done at Galveston since that appropriation was exhausted. The appropriation made for Galveston in the bill of 1884, amounting to $250,000, was, as I have before stated, stricken out, and the river and harbor bill for 1885 failed to pass the Senate, and for these reasons Galveston has been without an appropriation since 1882, and this fact should appeal strongly to the House for a liberal appropriation for Galveston at this time.

Galveston is the largest city upon the coast line of Texas, and has a population of not less than 35,000 and possibly 40,000 inhabitants, and it is now the largest commercial port in my State. I deny that money expended for harbor improvement at Galveston has been wasted.

I assert that the work done by the Government at Galveston has been of great benefit to that port and to the commerce of Texas. It has fixed the channel, and has given an increased depth of water upon the outer bar of not less than 18 inches if not 2 feet, and I make this assertion upon the testimony of experienced seamen and shipmasters who have been thoroughly acquainted with the entrance to Galveston Harbor for more than twenty years, and their testimony is corroborated by the pilot books kept at Galveston.

It is unfortunate that the work of harbor improvement at Galveston was stopped by the refusal to accept of the appropriation made in the river and harbor bill of 1884, but I trust that this appropriation may not be decreased, for it is no more than is necessary, and with it the work may be resumed, and with appropriations that may hereafter be made I trust that the work may be continued until all obstructions to navigation are permanently removed. My friend from Iowa said that I was amiable and ought to have largely what I ask for, and that I had asked largely and had obtained for Texas nearly a round million of dollars.

Will my friend permit me to suggest a better reason for the appropriations made for harbor improvement on that part of our coast which lies within the limits of Texas? In the first place, much is required to be done on that coast, and the estimates furnished by the Secretary of War are large, but not larger than are absolutely required, and no

greater proportion of those estimates have been allowed in the pending bill than have been given to other sections of the country, and in many instances they are not so great.

It must be remembered that Texas is a great State. Within her limits are more than 274,000 square miles, and this great area of territory is divided into more than two hundred counties, and the State is rapidly increasing in population. In 1870 the population of Texas was 819,000; in 1880 it was 1,597,618; in October, 1884, it had increased to 2,215,318, and now it is safe to assert that we have a population of not less than two and one-half millions.

It has been said, and I believe truly, that Texas has a cotton belt as large as the State of Mississippi, a sugar section as large as the State of Louisiana, a wheat region as large as the State of Ohio, a mineral bed as large as the State of Pennsylvania, and grazing grounds larger than the State of Kentucky. Texas produces one-fifth, if not one-fourth, of the cotton crop of the United States. In 1884 her cotton crop was 1,456,000 bales. In all the valuable woods she is without a rival.

In the report of forestry made by Mr. Sargeant to Census Bureau it is shown that in Texas there is growing a pine forest that if now cut into lumber would aggregate 65,000,000,000 feet. Large crops of corn and small grain are made, and much larger crops of grain would be made if cheap transportation could be had to carry the surplus to other markets. We have beef and mutton enough to feed all the people of the United States, and our live-stock of all kinds are estimated to be not less than twelve millions in number, and to-day Texas is the largest wool-growing State in this Union, Ohio to the contrary notwithstanding.

Mr. REED, of Maine. We will take care of the wool-growing interest for you. [Laughter.]

Mr. STEWART. We will discuss that when we reach the proper bill. Yet with all these vast products, with her increasing wealth and population, Texas, unlike other States of this Union, is almost entirely without navigable rivers to carry her products to the sea or to regulate and cheapen freights by rail. Within the State of Texas there are more than seven thousand miles of railway, and the agricultural interests of Texas are completely at the mercy of railroad combinations.

With a coast line of more than 400 miles in length, there is not a harbor in which a vessel drawing 18 feet of water can enter, and but one in which a vessel of 15 feet draught can safely venture. There is a pressing necessity not only for improvement of the harbor at Galveston but for all the harbors upon the coast of Texas.

[Here the hammer fell.]

Mr. HEPBURN. I yield five minutes of my time to the gentleman from Texas.

Mr. STEWART. I thank the gentleman.

Mr. Chairman, almost destitute as Texas is of navigable rivers there is but one practicable mode by which transportation may be cheapened in that State and her people liberated from the domination of corporate power, and that is to improve not only Galveston Harbor but all the harbors of the Texas coast. Let there be as many competitive points for freight by water as the coast will supply.

Short hauls by competitive lines of railway to these competitive points on the Gulf coast will do much to solve the problem, and I am sure it will result in benefit to every portion of the State. Nor is Texas alone interested in the development and improvement of the harbors upon her coast. All that vast extent of territory lying north of Texas between the Mississippi River on the east and the Rocky Mountains on the west have a very great interest in the improvement and development of those harbors, for they are their nearest outlet to the sea.

If a wise policy shall be adopted and pursued by this Government, which shall bring us into closer and better commercial relations with Mexico and the countries of Central and South America, the day is not far distant when the ports on the Texas coast will be the gateways through which a commerce will pass that now it is impossible to even approximate its great value, and in national importance those ports will be second to few others to be found in this Union. Deep water in Texas harbors is not only a necessity to the people of Texas, but it is equally so to a very large portion of the people of the United States.

I desire to emphasize what has been so well stated by the chairman of the committee, that in the preparation of this bill no attempt was made to divide the appropriations among the different States, geographical lines were not observed, and we did not consider any place merely with reference to its locality. We only looked to the commercial importance and necessities of each place as shown by the report of the officer of this Government having in charge its improvement, and to such other testimony tending to establish these facts as may have been brought to the attention of the committee.

I trust that the same rule which controlled the committee in the preparation of the bill will govern the House in its consideration, and that no sectional feeling will prevent any one from giving to the bill that fair and impartial consideration which should be accorded to a measure of so much importance to the entire people of this country.

Public sentiment in this country is far in advance of Congress upon the subject of internal improvements. This assertion may be strange, but it is nevertheless true; recent events show that it is true.

Large conventions have been held in different sections of this Union for the express purpose of considering the improvement of our water ways, and they have implored Congress to make sufficient appropriations. These conventions were held at Saint Paul, Kansas City, New Orleans, Savannah, and Tuscaloosa. They were not merely the representatives of special interests, but they were largely composed of men representing the entire business interests of the country.

At the Saint Paul convention it was declared to be the sense of the convention that an annual expenditure of $25,000,000 should be made for the improvement of our water routes, and in the other conventions which I have named it was declared that an enlightened policy demanded liberal appropriations from this Government for the improvement of its rivers and harbors.

Cheap transportation is the key to prosperity, and there is no question before the American people at this time of more vital importance to their prosperity than this question of cheap transportation. All admit that water routes furnish the cheapest transportation, but they do more; they regulate and cheapen transportation by railways. All the conventions to which I have alluded bear testimony to this fact, and it was abundantly sustained by the testimony of all who appeared before the committee during its deliberations.

But it must not be concluded that because water transportation is cheaper, and makes transportation by rail cheaper, that the improvement of our rivers and harbors will injure the railways of the country. It will not do it. It must be remembered that articles of light weight will always seek the more rapid transit by rail, while heavy, bulky articles can be transported with more convenience and at less cost by water, but the great and underlying cause of there being no destructive antagonism between water and rail transportation is to be found in the fact that the cheap transportation afforded by navigable waters to the heavy farm products of the country adds largely to the wealth of the producers and their increased ability to supply their wants and gratify their desires creates and expands commerce, manufactures, and all other industries which give employment to all kinds of carriers.

No class receive greater benefits from the increased prosperity of the country than do our common carriers.

From Poor's Manual for Railroads for 1885 I learn that at the close of last year there were in the United States 125,151 miles of railroads and also 156,496 miles of track, estimated to have cost $6,924,554,444, or but little less than $45,000 per mile. I suppose this estimate includes rolling-stock and all the equipments necessary for their operation, and as the amount is large it may also include watered stock, fictitious bonds, and other fraudulent devices too frequently connected with railroad management in this country.

Of one thing we may be sure, and it is that large interest upon this amount and perhaps more is annually exacted from the producers of this country by those who have the management and control of said railways. It is a burden upon the agricultural interests of this country, which can be lightened by the improvement of the rivers and harbors, and I believe more substantial good will result to the people from liberal expenditures for this purpose than for any other, save the necessary expense of maintaining the Government.

What interest upon the cost and equipage of these roads is annually expended in their maintenance and repair I do not know; I have frequently heard it asserted that not less than 50 per cent. of their earnings were thus expended. But for my purpose now I will assume that not more than 10 per cent. of their original cost is thus expended in the annual repair and equipment of these roads, and we have a sum of more than $600,000,000. How infinitesimal does the amount of this bill appear in comparison with the amount that is annually expended by corporations in the improvement of their railways.

Mr. Chairman, it is believed that we now have in this country more than sixty millions of people, and that the aggregate wealth of the country is not less than fifty billions of dollars. These two facts—the population and wealth of the country—should be properly considered in forming our judgment about the pending bill.

The great number of people who inhabit our vast area of territory, with their restless commercial energies, require the greatest and best facilities for the cheapest transportation to be obtained by means of our water ways, and the wealth of the country is abundantly large to enable the Government to have made such improvement of our water routes as will render them adapted to the ever-increasing demands of commerce, and I believe it is the imperative duty of the Government to do it.

Why should the Representatives of the people hesitate to make sufficient appropriations for the improvement of the rivers and harbors of this country, when they know that the improvement of our water routes will cheapen transportation and reduce the amount of money annually taken from the pockets of the people by corporations?

It is not a pleasant suggestion, but it is nevertheless true, that this Government has—in land and money—donated vastly more money for the construction of railways than it has from its foundation until now appropriated for the improvement of rivers and harbors. Navigable waters are free to all, and they are free from the oppression of corporate power, and, if properly protected and improved by the Government, they will be of incalculable value to the people. The people have asked

that sufficient appropriations shall be made, and I hope that this Congress will not fail to comply with their request.

Mr. HISCOCK. I am a seeker after information in reference to this bill, and I ask the attention of the chairman of the committee. I understand this bill appropriates $2,250,000 for the Lower Mississippi. Whereabouts will I find estimates and plans for the work at New Orleans?

Mr. WILLIS. It is in the fourth volume of the report of the Chief of Engineers.

Mr. HISCOCK. What year?

Mr. WILLIS. This present fiscal year. I hold it here in my hand.

Mr. HISCOCK. I would like to have the date of the estimate. I do not care what volume it is in.

Mr. WILLIS. It is before me and in a moment it will be given to the gentleman.

Mr. HISCOCK. I pass on from that while he is looking for it, and ask if he will tell me where I will find the report for the rectification of the Red and Atchafalaya Rivers?

Mr. WILLIS. The gentleman's question was in reference to the port of New Orleans. He will find that on page 2871 of the fourth volume of the report of the Chief of Engineers of the United States Army.

Mr. HISCOCK. What is the date of the estimate?

Mr. WILLIS. In December last, 1885.

Mr. HISCOCK. What is the estimate?

Mr. WILLIS. Six hundred and eighty-three thousand six hundred dollars.

Mr. HISCOCK. For the rectification of the Red and Atchafalaya Rivers, where will we find that?

Mr. WILLIS. In one second.

Mr. HISCOCK. Read in that connection also the estimate for the Greenville reach.

Mr. WILLIS. In regard to the Red and Atchafalaya Rivers the gentleman will find it on page 2868.

Mr. HISCOCK. What is the date of the recommendation?

Mr. WILLIS. It is in the last report; December, 1885.

Mr. HISCOCK. There is a recommendation of that date?

Mr. WILLIS. Yes, sir. In regard to the Greenville reach, about which the gentleman also inquires, he will find it on page 2871. The estimate is $186,000.

Mr. HISCOCK. That leaves a million and a half for the general improvement of the Mississippi River.

Mr. WILLIS. One million seven hundred thousand dollars.

Mr. HISCOCK. Where will I find estimates, plans, and recommendations for that amount?

Mr. WILLIS. I have them before me in the report of the committee.

Mr. HISCOCK. Give the date.

Mr. WILLIS. Page 2871. I will read it.

Mr. HISCOCK. Who is that by?

Mr. WILLIS. The Mississippi River Commission.

Mr. HISCOCK. What date?

Mr. WILLIS. Last report, December, 1885.

ESTIMATES OF FUNDS FOR THE IMPROVEMENT OF THE MISSISSIPPI RIVER FOR THE FISCAL YEAR ENDING JUNE 30, 1887.

For continuing the improvement of the Mississippi River from Des Moines Rapids to the mouth of the Illinois River	$500,000
For continuing the improvement of the Mississippi River from the mouth of the Illinois River to Cairo, Ill	1,000,000
For continuing the improvement of the Mississippi River from Cairo, Ill., to the Head of the Passes, including the improvement of the Red River at and below the head of the Atchafalaya	5,000,000

Mr. HISCOCK. In that report is there any recommendation this money should be appropriated and expended; and, if so, by whom?

Mr. WILLIS. Certainly.

Mr. HISCOCK. By whom?

Mr. WILLIS. The commission.

Mr. HISCOCK. The commission recommended it? Give me the names of the gentlemen who recommended it. And I ask these questions, if the gentleman will pardon me, in the light of the declarations made on the floor in the last Congress, I believe, that the plan of the Mississippi River Commission for the improvement of the Mississippi River had proved a failure, and that it had been demonstrated it was a failure and money was being wasted there. I understood these declarations to have been made with deliberation heretofore.

Mr. WILLIS. I do not wish to take up the time of the gentleman, but he will recollect there is a difference between the contraction system and the system of revetment.

Mr. HISCOCK. Has the Mississippi River Commission changed their plan?

Mr. WILLIS. They have not.

Mr. HISCOCK. From the declarations we had at the last session in reference to them it would appear they had. You leave it, then, to the Mississippi River Commission?

Mr. WILLIS. In their statement, if the gentleman will examine it, there would be no further appropriation in the direction he suggests. The gentleman asks who signed it? The following gentlemen:

Q. A. Gillmore, colonel engineers, brevet major-general, U. S. A., president Mississippi River Commission; Chas. R. Suter, major of engineers, U. S. A.; Henry Mitchell, Coast and Geodetic Survey; B. M. Harrod, R. S. Taylor, S. W. Ferguson.

Mr. Comstock files a supplemental report, in which he recommends two and a half millions.

Mr. REED, of Maine. What is his recommendation?

Mr. WILLIS. A million dollars for Plum Point reach; as much (that is a million) for the Lake Providence reach; half a million for Memphis and the Atchafalaya. That, he says, is ample for the prosecution of those works for the coming fiscal year, and we recommend a quarter million dollars less than Mr. Comstock, the dissenting engineer, recommends.

Mr. REED, of Maine. But you do not recommend its use in the way in which he says that it ought to be used.

Mr. WILLIS. Mr. Comstock, as the gentleman understands, files a minority report. The committee has been controlled by the views of the other members of the commission, constituting six out of the seven. In other words, we took the judgment of six in preference to the judgment of one. But the question put to me was in regard to the amount recommended by Mr. Comstock, and I have given it.

Mr. REED, of Maine. He recommends an appropriation of $2,000,000 for specific purposes, and you recommend that it be scattered all over the river.

Mr. WILLIS. He recommends two and a half millions.

Mr. HISCOCK. I wish to ask the gentleman from Kentucky [Mr. WILLIS] if the report he has before him is the one transmitted by the Secretary of War to Congress. Is it anything other than the report for 1885?

Mr. WILLIS. It is the last report; not the one that you are looking at.

Mr. HISCOCK. I have here the report of the Secretary of War for 1885, and I find in it the report of the Mississippi River Commission.

Mr. WILLIS. The gentleman has probably been misled by the fact that both the report for 1884 and the report for 1885 are in the same volume.

The last report he will find on page 2859. Then there is the supplemental report filed January 15, 1886, which is Executive Document 38, Forty-ninth Congress, first session.

Mr. HISCOCK. I have the document.

The CHAIRMAN. There are fifteen minutes remaining to the opponents of the bill.

Mr. WILLIS. If no one desires to occupy the time, I will call for the reading of the bill.

Mr. REED, of Maine. Mr. Chairman, I suppose that it would be useless to ask to reserve these fifteen minutes until to-morrow, and so I will say crudely to-night what perhaps I might say in better shape to-morrow. Although this debate has come upon me somewhat unexpectedly, yet I have a few general considerations which I should like to submit to the committee. My criticism upon the bill will be confined to the appropriations which are made for the benefit, it is said, of the Mississippi River. There are gentlemen in this House who will recollect the origin of this attempt to do something for the Mississippi River. It had its origin in two things: First, a general public clamor against the use of the public money for small creeks and inlets, and a desire that something should be done for what were called, in large language, "the great highways of commerce."

The second cause found its motive in an honest disposition on the part of this nation, especially in the North, to do something for the rehabilitation of the Southern States, their industry and commerce. Both motives were praiseworthy and deserve our highest respect. But if it shall prove, as it seems to me it has proved, that our efforts have resulted simply in a waste of public money, it is time that we call a halt to the transaction. My attention was first awakened to it by the action of members upon the last river and harbor bill but one. I recall the fact that the committee of the House of Representatives appointed and sent to examine and which actually did examine the Mississippi River problem upon the spot was not favorable to any such action as was taken by the House. On that committee were the present Speaker and other members not less distinguished and competent.

In the year 1884, I think it was, on the last river and harbor appropriation bill but one, the proposition was distinctly presented to this House that in all human probability, or, to put it mildly, that there was every reason to suppose, the attempt which had been made was a failure, and that the man who had proposed the plan, and who was specially relied upon to carry it out, Mr. Eads, seeing that failure, had withdrawn himself from any responsibility and resigned his position upon the commission. Under this state of facts the question was presented to this House as well as it could be in the hurry of the then shortened debate, that there was one plain duty for us to perform, and that was to confine this attempt to its experimental stage, to devote all the money that we were willing to spend to two reaches—the Plum Point reach and the Providence reach.

The idea of those who opposed that proposition, so simple and so just, was to scatter the money all up and down the river and make beginnings all around, which would force us to continue the appropriation before the result of the experiment had shown us whether it was a suc-

cess or a failure; and the unanimous mustering of gentlemen on that side first opened the eyes of the country to the character of this transaction.

To improve a great highway for navigation the United States was willing to spend money. To throw money into the Mississippi River with the sole result of reclaiming land upon the banks was something which the people of the United States did not want to do with their money. Precisely that plan, thus objectionable, is followed out in this report and in this bill. We are asked to spend $2,000,000 all over the river, when to-day no man knows whether the attempt to control that river will be a success or a failure, a fact which could be easily ascertained by carrying out the work in one reach of the river. Am I not right then in saying the purpose and object of this is to get the United States involved in an expenditure to which no man can see an end?

Look at this proviso of the bill which says there shall be no money expended on levees; provided, however, that the commission may expend it if they want to. I say—and I mean no disrespect, for I came very near being fined for disrespect to the committee the last time I spoke on the subject—I say this is a proviso that something shall not be done provided the very fellows who intend to do it shall not think it ought to be done; and we already know they think it ought.

Now, what is the object of all this? Commerce is beyond the control of the Government of the United States. Commerce takes its own way. It is our business to notice the movements of trade. We can help them; we can not change them; that is beyond our utmost power. What is the tendency of modern mercantile transportation? It is upon the lines of shortest time. No merchant to-day sends his ship off on a voyage of months and months, taking his chances that it may arrive when the markets are free from the goods which the ship may bring. To-day he never amasses for himself those sudden and large profits which were the happy fortune of the merchants of olden days. No, sir; the great merchant of to-day makes his money by small percentages upon great transactions, and, therefore, he wishes to eliminate from his business every element of loss. He demands the element of time, in which losses may happen and fluctuations may take place shall be cut off and as far as possible annihilated with space. That is his object. Hence it is that the movement of commerce in this country is from east to west, and largely by railroads, because they save time, eliminate loss, and enable the merchant to calculate his small percentages on his great transactions.

The result of this mercantile system under a great law of nature is that men day after day are obtaining at the least cost the products of the whole world. Look at the result upon one single railroad. I noticed the other day, in the report of the Chicago, Milwaukee and Saint Paul Railroad, some simple figures, to which I ask the attention of the committee. In 1865 every ton per mile cost 4.11 cents; in 1875 every ton per mile cost 2.10 cents; in 1885 it cost 1.28 cents. There is a law here visible which is working inevitably to the benefit of the consumer, working without the cognizance and apparently without the knowledge of Congress, if one could judge from speeches of members. These great laws of trade keep on without us, and we need not attempt here, by this bill, to make a change in them, because the result will be in this Mississippi part that we shall be only throwing away our money not in a change, but in a futile attempt to make a change.

If gentlemen on the other side believe that this Mississippi River improvement is a thing which is worth its cost, why do they not sit down, like patient and sensible men, and appropriate the money necessary to complete the experiment in one of these reaches, so that we may understand once for all whether it will be a failure or not? If we know what one reach costs we can than calculate the whole cost. But if the object is the mere spending of money in one locality, what better way of doing it can there be than this to get us involved in an expenditure extending over 1,500 miles of distance, with apparently no other purpose than to continue it until it reaches an enormous sum?

I am well aware that the public mind is filled with that old idea of the great highway of commerce. It is astonishing how this mouth-filling language doth beguile the people. Let us sit down and look at it with sense in our heads and light in our eyes, and ask ourselves if we are willing year after year to incur the opprobrium of the country by adding this sum to our bill without any more proof of its righteousness and its wisdom. Let us cut loose this great question from the general river and harbor appropriation bill and let it stand upon its own merits—it is big enough to do it—if there are merits in it. Surely this is a wise course. If we still intend to keep it in the general river and harbor bill, let us confine it to an appropriation for a single reach. Let us try the experiment, even though, as my friend from Chicago [Mr. DUNHAM] well says, the grain will want to go the other way. But if you gentlemen think otherwise, and I am bound to yield deference to the judgment of so many of you, let us see if the experiment we are undertaking is going to be a success, and not throw money away on an uncertainty. [Applause.]

The CHAIRMAN. There are three minutes' time still allowed to the opponents of the bill.

Mr. HEWITT. I wish to ask the chairman about the provision which I find in the bill (page 6, line 128) by which it appears that a marine hospital in the State of Pennsylvania is to be ceded to the United States. I did not know that a marine hospital was part of the river and harbor bill; but I suppose the chairman can explain the nature of this provision.

Mr. WILLIS. If the gentleman would read it over just once more I do not think he would ask the question. It is not a ceding of a marine hospital, but it is a provision to obtain from the marine hospital at Erie the title to the peninsula of Presque Isle, in order that the Government may own the property that it is improving.

Mr. HEWITT. Is not this part of a scheme that has been several times before the House, by which the whole of that property is to be ceded to the United States?

Mr. WILLIS. Not that I know of.

Mr. HEWITT. Does the gentleman know that it is not?

Mr. WILLIS. I know nothing about it except what I state. The Government is asked to improve that part of the navigable water in front of Erie, and before doing so it was thought prudent that the marine hospital, which was said to have certain rights there, should be required to surrender them.

Mr. HEWITT. I have risen for the purpose of giving notice to the chairman of the Committee on Rivers and Harbors that when this item is reached I hope he will be prepared to give the House some explanation of this provision, by which the United States is to come into possession of a certain marine hospital under an act of the Legislature of Pennsylvania. I think it is an old friend which comes up again in a new form.

Mr. WILLIS. I think the gentleman is mistaken.

The CHAIRMAN. The time fixed by the House for general debate has expired. The bill will now be read by paragraphs for amendment.

The Clerk, reading the bill by paragraphs, read as follows:

Improving harbor at York, Me.: Continuing improvement, $10,000.

An amendment reported by the Committee on Rivers and Harbors, striking out the words "continuing improvement," was agreed to.

Mr. ANDERSON, of Kansas. Mr. Chairman, it is obvious that this bill can not be completed to-day, and I wish to ask the gentleman in charge of the bill whether he is willing that the committee shall now rise.

Mr. WILLIS. We are willing to hold on as long as the Committee of the Whole is disposed to continue the consideration of the bill, but if it is the general desire, I shall not object to the committee now rising.

Several MEMBERS. Rise! Rise!

Mr. WILLIS. Mr. Chairman, before making the motion, however, I will ask leave to have printed in the RECORD the report of the committee upon this bill, as the supply seems to be exhausted.

There was no objection, and it was so ordered.

The report is as follows:

Mr. WILLIS, from the Committee on Rivers and Harbors, submitted the following report, to accompany bill H. R. 7480:

The Committee on Rivers and Harbors beg leave to report back to the House the accompanying bill (H. R. 7480) "making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes," with sundry amendments, and to recommend the passage of the same.

The last river and harbor act, which was passed 5th July, 1884, as it left the House appropriated $12,619,100, upon estimates by the engineers that $35,301,885 could be "profitably expended in the fiscal year," or 33⅓ per cent. of the estimates. The bill reported herewith appropriates $15,120,700, upon the engineers' estimates of $42,332,100.

PRINCIPAL ITEMS OF THE BILL.

The following is an itemized statement of the appropriations recommended in this bill:

165 rivers	$9,922,700
124 harbors	4,380,500
5 channels and inlets	262,500
2 ice-harbors	35,000
5 breakwaters	215,500
4 special surveys	139,500
1 dry-dock	65,000
Examinations, surveys, and contingencies	100,000
	15,120,700

Of this total amount the sum of $1,018,000 covers items not carried upon the Book of Estimates. Deducting this last sum from the total, as given above, leaves $14,102,700 as the amount appropriated upon the regular estimates, which is less than 33⅓ per cent. thereof.

NUMBER OF ITEMS REJECTED—NEW ITEMS.

The estimates called for appropriations for 201 rivers (including 8 channels and inlets). Of these the committee rejected 40. They also called for appropriations for 138 harbors (including 5 breakwaters and 2 ice-harbors). Of these the committee rejected 15. Thus, out of a total of 339 items for which appropriations were asked by the engineers, 55 have been refused by the committee. The principal new item is an appropriation of $250,000 for the construction of a new lock on the Saint Mary's River, which is the outlet for the great lake system. The immense increase of commerce on the lakes and the increased draught of vessels passing through this river fully justify the proposed work.

THE MISSISSIPPI RIVER AND ESTIMATES.

The largest appropriation in the bill is for the Mississippi River. The committee have appropriated to that river, from its mouth to its source, $3,725,000. This amount includes $50,000 for the reservoirs at its headwaters. An itemization of this aggregate sum is as follows:

Reservoirs at headwaters	$50,000
Snag-boat on Upper Mississippi	30,000
From Saint Paul to Des Moines Rapids	510,000
At Des Moines Rapids, to complete modified project	35,000
From Des Moines Rapids to mouth of Illinois River	200,000

From mouth of Illinois River to mouth of Ohio River	500,000
From Cairo to the Head Passes, including Red River at and below the head of the Atchafalaya	2,250,000
Survey of Mississippi River between Head Passes and headwaters	75,000
To remove obstructions, &c	75,000
Total	3,725,000

The estimates for above items were as follows:

Reservoirs at headwaters	150,000
Snag-boat on Upper Mississippi	30,000
From Saint Paul to Des Moines Rapids	1,500,000
At Des Moines Rapids, to complete modified project	101,700
From Des Moines Rapids to mouth of Illinois River	500,000
From mouth of Illinois River to mouth of Ohio River	1,000,000
From Cairo to the Head Passes, including Red River at and below the head of the Atchafalaya	5,000,000
Survey of Mississippi River, between Head Passes and headwaters	100,000
To remove obstructions, &c	161,000
Total	8,542,700

In addition to the Mississippi, other great rivers in the country receive the following amounts:

Missouri River	$610,000
Ohio River	500,000
Columbia River	460,000
Saint Mary's River and Hay Lake Channel	400,000
Tennessee River	357,500
Kentucky River	250,000
Delaware River	240,000
James River	150,000
Great Kanawha River	150,000
Cape Fear River	125,000
Monongahela River	121,500
Cumberland River	112,500
Illinois River	100,000
Red River	95,000
Arkansas River	75,000
Fox River	75,000
	3,831,500

RECOMMENDATIONS FOR SMALLER RIVERS.

There are in the present bill recommendations for other rivers, as follows.

20 at $5,000 each	$100,000
18 at $10,000 each	180,000
7 at $15,000 each	105,000
30 between $10,000 and $50,000	887,500
2 at $50,000	100,000
	1,372,500

APPROPRIATIONS FOR HARBORS AS RECOMMENDED IN THE BILL.

For harbors, &c., the recommendations of the bill are as follows:

2 ice-harbors, at	$55,000
5 breakwaters, at	215,500
124 harbors, at	4,380,500
	4,631,000

The following are the leading appropriations for harbors:

New York Harbor (Hell Gate, &c.)	$435,000
Galveston Harbor	400,000
Sabine Pass, Texas	265,000
Charleston Harbor	250,000
Mobile Harbor	120,000
Baltimore Harbor	100,000
Norfolk Harbor	150,000
Cumberland Sound	150,000
Toledo Harbor	150,000
Savannah Harbor	125,000
Cleveland Harbor	125,000
Chicago Harbor	100,000
Aransas Pass	135,000
Sand Beach Harbor	100,000
Humboldt Harbor	100,000
Total for fifteen harbors	2,705,000

The following harbors are recommended for appropriations ranging from $50,000 to $100,000:

Oswego	$95,000
Milwaukee	80,000
Oakland	80,000
Yaquina Bay	80,000
Wilmington	75,000
Boston	75,000
Newburyport	50,000
Erie	50,000
Pass Cavallo	50,000
Brazos Santiago	50,000
Duluth	50,000
Total amount for eleven harbors	735,000

In addition to the above there are fifteen harbors, for which recommendations have been made, ranging between $20,000 and $50,000, amounting in the aggregate to $420,000.

SUMMARY OF HARBOR APPROPRIATIONS.

Fifteen harbors, at $100,000 and upward	$2,705,000
Eleven harbors, from $50,000 to $100,000	735,000
Fifteen harbors, at and above $20,000	420,000

TWO RIVER AND HARBOR BILLS IN ONE.

Your committee think it proper to call attention to the fact that the present bill carries appropriations for two years. The last appropriation for rivers and harbors was by the act of July 5, 1884, which was for the fiscal year ending June 30, 1885. In the last session of the Forty-eighth Congress the Committee on Rivers and Harbors reported a bill recommending the appropriation of $12,323,700. This bill was discussed for several weeks, when another bill, appropriating $5,000,000, was substituted for it and passed the House, but failed in the Senate from want of time to consider it. The deliberate judgment of the representatives of the people was thus placed upon record that at least $5,000,000 was actually needed "for the construction, repair, and preservation of certain works on rivers and harbors for the fiscal year ending June 30, 1886."

The failure to secure this or any amount for such purposes excited great complaint, and when this committee commenced their work at the beginning of the present session they were confronted with numerous demands for immediate appropriations. The committee did not think it proper to yield to these demands, but they embrace in the present bill the total amount to be expended for the next fiscal year. The failure of the last House to make any appropriation has thrown on your committee the duty of combining two river and harbor bills in one.

Dividing the present amount recommended between the two fiscal years will give $7,500,000 as the amount of the present bill properly chargeable to this Congress.

No appropriation has been made for the improvement of the Potomac River and flats for the reason that the title to the reclaimed land is in dispute; and, until some satisfactory information on that subject has been furnished, it was not thought prudent to expend money in that direction.

GENERAL LEGISLATION.

The general legislation of the bill is confined to three or four provisions, touching the control, administration, use, and navigation of rivers and harbors. A report is required as to locks and dams now improved under authority, upon which tolls are charged, and as to the advisability of purchasing said improvements by the Government; and in one instance, that of the Monongahela River, the Government is authorized, if necessary, to acquire by condemnation the works of the Monongahela Navigation Company, to the end that the navigation of the river may be made free.

ANNUAL REPORT OF THE CHIEF OF ENGINEERS AND THE MISSISSIPPI RIVER COMMISSION.

The report of the Mississippi River Commission, together with the annual report and maps of the Chief of Engineers, are required to be made on or before the 1st of December in each year. In the annual report of the Chief of Engineers he is directed to report—

"All the instances in which piers, breakwaters, or other structures or works, built or made by the United States in aid of commerce or navigation, are used, occupied, or injured by a corporation or an individual, and the extent and mode of such use, occupation, or injury, and the facts touching the same. He shall also report whether any bridges, causeways, or structures, now erected or in process of erection, do or will interfere with the free and safe navigation of the rivers and other public works herein appropriated for, and if they do or will so interfere, to report the best mode of altering or constructing such bridges or causeways as to prevent any such obstructions."

CONTRACT SYSTEM PERMISSIBLE.

Another provision makes it the—

"Duty of the Secretary of War to apply the money herein appropriated for improvements, other than surveys and estimates, in carrying on the various works, by contract or otherwise, as may be most economical and advantageous to the Government. Where said works are done by contract, such contract shall be made after sufficient public advertisement for proposals, in such manner and form as the Secretary of War shall prescribe; and such contract shall be made with the lowest responsible bidders, accompanied by such securities as the Secretary of War shall require, conditioned for the faithful prosecution and completion of the work according to such contract, and for the prompt payment of all liabilities incurred in the prosecution thereof for labor and material."

OBSTRUCTING BRIDGES AND CAUSEWAYS.

Your committee have also recommended legislation touching the removal of bridges, causeways, and other structures which interfere with the free and convenient navigation of rivers and harbors, and providing that hereafter the drawings and description of such proposed works shall first be submitted to the Secretary of War for his approval.

SURVEYS AND EXAMINATIONS.

Your committee have directed the Secretary of War, at his discretion, to cause examinations or surveys, or both, and estimates of costs of improvement proper, to be made of fifty-six rivers and twenty-eight harbors. The wise provision of the act, placing these examinations and surveys under the supervision of the Secretary of War, and prescribing the conditions precedent therefor, have been adopted and made fuller and more specific in the present bill.

Before any money is ordered the local engineer is required to make a preliminary examination, and report to the Chief of Engineers—

"Whether, in his opinion, said river or harbor is worthy of improvement, and shall state in such report fully and particularly the facts and reasons on which he bases such opinion, including the present and prospective demands of commerce; and it shall be the duty of the Chief of Engineers to direct the making of such survey, if in his opinion the river or harbor proposed to be surveyed be worthy of improvement by the General Government, and he shall report to the Secretary of War the facts, and what public necessity or convenience may be subserved thereby, together with the full reports of the local engineer."

Such reports will place Congress in possession of all the facts, and prevent either partiality or prejudice.

Your committee finally recommend that such reports of preliminary examinations and surveys shall be made to this House and shall be printed. At present these reports are sent to the Senate, and the committee primarily charged with their consideration are thus frequently deprived of important and necessary information.

Your committee confidently believe that Congress will adopt these several legislative recommendations, as they are all approved by the Engineer Department, and have for their sole object the honest, faithful, and economical administration of the public moneys, and the proper regulation, maintenance, and construction of those great public works whose importance to commerce and navigation has been recognized from the foundation of our Government.

CONCLUSION.

Your committee, in bringing this report to a conclusion, can not refrain from briefly referring to the unusual and embarrassing circumstances under which the bill now reported was framed, and the efforts which they have made to discharge acceptably the arduous and responsible duties devolved upon them. The fact, already alluded to, that two river and harbor bills are embraced in the present bill, will suggest the increased responsibility, difficulty, and embarrassment in apportioning this small amount among a large number of works of improvement equally meritorious and important.

In discharging this duty your committee have availed themselves of all the information within their reach. Not only have the committee twice carefully considered all the facts contained in the special and general reports of the War Department, but every Member and Delegate was invited to appear, and over nine-tenths of them did appear and present additional facts touching the improvements within their respective districts. Numerous delegations, representing different works, were also heard.

Conscious that in the investigation of so many hundred public works, new and old, they may have in some instances done injustice, but trusting that in the main the conclusions arrived at will be found to be correct, the committee submit this bill as the result of their labors, with the hope that it will meet with the approval of Congress and of the country.

Mr. WILLIS. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WELLBORN, from the Committee of the Whole House on the state of the Union, reported that they had had under consideration the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

RELATIONS OF LABOR AND CAPITAL.

The SPEAKER announced the following-named members as the Select Committee to investigate the causes of the existing disturbed condition of the relations between railroad companies engaged in interstate commerce and their employés in certain States:

A. G. CURTIN, of Pennsylvania; J. N. BURNES, of Missouri; W. H. CRAIN, of Texas; J. H. OUTHWAITE, of Ohio; J. W. STEWART, of Vermont; A. X. PARKER, of New York; and JAMES BUCHANAN, of New Jersey.

LEAVE TO PRINT.

Mr. WILLIS. Mr. Speaker, at the request of a number of gentlemen, I ask unanimous consent for any member who desires to print in the RECORD remarks on the river and harbor bill.

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. J. W. STEWART, for one week from this date, on account of important business.

To Mr. TURNER, indefinitely.

ORDER OF BUSINESS.

Mr. KING moved that the House adjourn, but withdrew the motion at the request of Mr. GAY.

ALTARS ADMITTED FREE OF DUTY.

Mr. GAY. Mr. Speaker, I ask unanimous consent to take up House bill No. 4007 and put it upon its passage. It will take but a moment.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to admit free of import duty, at the custom-house in New Orleans, La., a set of altars for the Catholic church of Saint John the Evangelist, of the parish of La Fayette, imported by Rev. Ernest Forge, priest of said church, and M. T. Martin, P. Gerard, and Louis Gus Breaux, trustees of said church, and consigned to J. Nugrule, of New Orleans, La.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GAY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELECTORAL COUNT BILL.

Mr. CALDWELL. Mr. Speaker, when I reported the electoral count bill I forgot to ask leave that the views of the minority might be printed with the report of the committee. I now make that request.

There was no objection, and it was so ordered.

Mr. KING. Mr. Speaker, I renew my motion that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 20 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BLANCHARD: Petition of Mrs. Josephine Carlin, of Louisiana, praying compensation for quartermaster's stores taken by the Union forces during the late war—to the Committee on War Claims.

Also, papers relating to the claim of Josephine Carlin, of Terre Bonne Parish, Louisiana—to the same committee.

By Mr. BLAND: Petition of William T. Coleman and others, for tariff on borax and borates—to the Committee on Ways and Means.

By Mr. BRAGG: Papers relating to the claim of Catherine Odlam—to the same committee.

By Mr. BURNES: Petition in support of House bill 7740—to the Committee on the Post-Office and Post-Roads.

By Mr. BUTTERWORTH: Petition of Jacob Goetz, for relief and restoration to pension-roll—to the Committee on Invalid Pensions.

Also, petition of Phil. Erkel, of Cincinnati, Ohio, with accompanying papers—to the Committee on Military Affairs.

By Mr. COLE: Memorial of Knights of Labor of Baltimore, against the passage of the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. CRAIN: Petition of H. Stevens, of Brazoria County, Texas, for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. CUTCHEON: Memorial of civil employés of the Quartermaster General's Department, in regard to the Army bill—to the Committee on Military Affairs.

Also, memorial of civilian employés of the supply department of the Army, in regard to certain limitations contained in the bill for the support of the Army known as the Army appropriation bill—to the same committee.

Also, petition of citizens of Muskegon, Mich., asking for the submission of a constitutional amendment to protect women in the enjoyment of suffrage in the States and Territories—to the Committee on the Judiciary.

By Mr. DORSEY: Petition of the officers of the Woman's Christian Temperance Union of Nebraska, asking for submission of the sixteenth amendment to the Constitution—to the same committee.

By Mr. DUNHAM: Petition of the Chicago Live Stock Exchange, favoring legislation to relieve the hog-product of the United States against the unjust discrimination by foreign governments—to the Committee on Commerce.

By Mr. ERMENTROUT: Memorial against the sale of oleomargarine—to the Committee on Agriculture.

By Mr. EVERHART: Petition of citizens of Chester County, Pennsylvania, praying for a constitutional amendment prohibiting the sale, &c., of all intoxicating beverages—to the Committee on the Alcoholic Liquor Traffic.

By Mr. GAY: Papers relating to the claim of Antoine La Forest, of La Fourche Parish, Louisiana—to the Committee on War Claims.

By Mr. GILFILLAN: Memorial of Minneapolis monthly meeting of Friends of Minnesota, in favor of the bill to promote peace among nations—to the Committee on Foreign Affairs.

By Mr. R. S. GREEN: Petition of citizens of New Jersey, in favor of post-office savings-banks—to the Committee on the Post-Office and Post-Roads.

By Mr. GROUT: Petition of Frank E. Lawyer and 98 others, citizens of Greensborough, Vt., in favor of taxing the manufacture and sale of oleomargarine—to the Committee on Agriculture.

By Mr. HANBACK: Petition of Knights of Labor of Kirwin, Kans., praying for the construction by the United States of a double-track railway from New York to Kansas City—to the Committee on Commerce.

Also, a letter from William Baird, of Vesper, Lincoln County, Kansas, relative to legislation in behalf of soldiers of the Union in the late war of the rebellion—to the Committee on Invalid Pensions.

By Mr. HILL: Petition on expenses in the post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. F. A. JOHNSON: Petition of William Dempsey and others, of Franklin County, New York, for modification of existing laws so as to allow citizens living near the line to take their grain to mills in Canada to be ground and bring the flour and meal back into the States without paying duty thereon—to the Committee on Ways and Means.

By Mr. J. T. JOHNSTON: Petition of J. D. Galleher and 66 others, soldiers and citizens of Warren County; of E. M. Slottleman and 104 others, soldiers and citizens of Guernsey County; of soldiers and citizens of Wabash County, of Pike County, of Ford County, of Vermillion County, and of Sullivan County, Indiana, asking for the passage of House bill No. 3320, pensioning all Union soldiers—to the Committee on Invalid Pensions.

Also, resolution of Local Assembly No. 2281, Knights of Labor, of Terre Haute, Ind., in relation to public lands, and for other purposes—to the Committee on the Public Lands.

Also, petition of Thomas K. Cushman, lieutenant Company I, Sixth Regiment Indiana Volunteer Cavalry, asking for arrears of pension—to the Committee on Invalid Pensions.

Also, petition of Local Assembly No. 318, Knights of Labor, of Knightsville, Ind.; of Local Assembly No. 299, Knights of Labor, of Clay County; and of Local Assembly No. 456, Knights of Labor, of Carbon, Ind., asking for relief of labor—to the Committee on Railways and Canals.

Also, petition of Knights of Labor of Cardonia, Ind., against the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

Also, petition of Dr. W. H. Gillam, and 30 others, citizens of Parke County, Indiana, relating to public health—to the Committee on Commerce.

By Mr. LANG: Memorial of Knights of Labor Local Assembly No. 4638, of Bridgewater, Mass., in aid of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. LEHLBACH: Memorial of the Woman's National Indian Association of Newark, N. J., and other citizens, asking for the passage of the Dawes Sioux bill—to the Committee on Indian Affairs.

By Mr. O'DONNELL: Petition of Knights of Labor of Grand Rapids, Mich., in favor of the construction of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. O'HARA: Petition of citizens of Fayetteville, N. C., asking for a term of United States court, and for other purposes—to the Committee on the Judiciary.

By Mr. PAYNE: Petition of Knights of Labor of Auburn, N. Y., in favor of the passage of the Hennepin Canal bill—to the Committee on Railways and Canals.

Also, remonstrance of Knights of Labor of Auburn, N. Y., against the passage of the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. PERKINS: Communication from the president of the board of education of Cherryvale, Kans., and the president of the Woman's Christian Temperance Union, and others, for the passage of the temperance educational bill—to the Committee on Education.

By Mr. PRICE: Petition of John W. Haldeman and 88 others, citizens of Taylor County, Wisconsin, for the passage of the bill recommended by the national pension committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. T. B. REED: Petition of the Maine branch of the Woman's National Indian Association, in favor of Senate bill No. 52—to the Committee on Indian Affairs.

By Mr. SENEY: Protest of Cincinnati Chamber of Commerce against bridging the Ohio River at Cairo as proposed by Senate bill 1718 and House bill 6047—to the Committee on Commerce.

By Mr. SEYMOUR: Petition of 54 members of Local Assemby No. 2116 of Knights of Labor, of Atlantic City, Iowa, against the passage of the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. SPRINGER: Petition of Local Assembly No. 2511, Knights of Labor, of Pekin, Ill., against the free-ship bill—to the same committee.

By Mr. WADSWORTH: Petition of John P. Fraley, to be placed on the pension-roll—to the Committee on Invalid Pensions.

By Mr. J. H. WARD: Petition of Local Assemblies Nos. 522 and 4670, Knights of Labor, of Chicago, against the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

Also, memorial of Knights of Labor Local Assemblies Nos. 522 and 1307, of Chicago, Ill., in favor of the construction of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. WHEELER: Petition of James W. Rudgeforth, asking that his claim be referred to the Court of Claims—to the Committee on War Claims.

Bp Mr. WOODBURN: Six petitions of 237 citizens of Idaho Territory, praying for the passage of the bill introduced by Mr. WOODBURN, of Nevada, for the extirpation and suppression of polygamy in the Territories—to the Committee on the Territories.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, in the Military and Naval Academies, and in the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. G. E. ADAMS: Of citizens of Cook County, Illinois.

By Mr. T. M. BROWNE: Of citizens of Wayne and Henry Counties, Indiana.

By Mr. GLASS: Of citizens of Obion County, Tennessee.

By Mr. HANBACK: Of citizens of Osborne, Rooks, Jewell, and Mitchell Counties, Kansas.

SENATE.

FRIDAY, *April* 16, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The following bills, received yesterday from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Finance:

A bill (H. R. 444) to amend section 3336 of the Revised Statutes of the United States; and

A bill (H. R. 7465) to amend section 3357 of the Revised Statutes of the United States as amended by section 2 of the act of June 9, 1880, and section 3389 of said Revised Statutes as amended by section 16 of the act of March, 1879.

The bill (H. R. 5789) to amend section 2552 of the Revised Statutes of the United States, was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 6637) relating to contested elections, was read twice by its title, and referred to the Committee on Privileges and Elections.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a memorial of Knights of Labor of Toledo, Ohio, remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

He also presented resolutions adopted by the Board of Trade and Transportation of Cincinnati, Ohio, remonstrating against the construction of a bridge across the Ohio River at Cairo, Ill., as contemplated by Senate bill 1718 and House bill 6047; which were referred to the Committee on Commerce.

Mr. DAWES presented petitions of Knights of Labor of Georgetown and Lynn, in the State of Massachusetts, praying for the construction by the Government of the Hennepin Canal; which were referred to the Committee on Commerce.

Mr. DOLPH presented a petition of citizens of Lewiston, Idaho, praying for the annexation of Northern Idaho to Washington Territory; which was referred to the Committee on Territories.

Mr. PLATT presented a petition of Knights of Labor of Tariffville, Hartford County, Connecticut, praying for the construction by the Government of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. FRYE presented a petition of Knights of Labor of Bath, Me., praying that liberal appropriations be made for public works of internal improvement, and especially for the construction by the Government of a harbor of refuge at Sandy Bay, Rockport, Mass.; which was referred to the Committee on Commerce.

Mr. HARRIS presented a memorial of Knights of Labor of Madison County, Tennessee, remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. ALLISON presented a memorial of Knights of Labor of Atlantic, Iowa, remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. CAMERON presented a petition of citizens of Pennsylvania praying for the prohibition of the manufacture and sale of alcoholic liquors in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of citizens of Pennsylvania praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was ordered to lie on the table.

He also presented a petition of citizens of Pennsylvania praying for the adoption of a constitutional amendment prohibiting the manufacture and sale of alcoholic liquors throughout the national domain; which was referred to the Committee on Education and Labor.

Mr. COKE. I present a petition signed by ten or twelve colored people of Groveton, Trinity County, Texas, praying for the passage of a bill appropriating not exceeding $100 per capita, to be expended under the direction of the American Colonization Society, in paying the expenses of emigrants to Liberia and in providing there six months' shelter and support of themselves and children. I move that the petition be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. MILLER presented a petition of citizens of Sidney Plains, N. Y., praying for the passage of a law taxing imitations of butter; which was referred to the Committee on Agriculture and Forestry.

Mr. PALMER presented a petition of Knights of Labor of Grand Rapids, Mich., praying for the construction by the Government of the Hennepin Canal and other internal improvements; which was referred to the Committee on Commerce.

He also presented a memorial of 167 Knights of Labor of Coldwater; a memorial of 70 Knights of Labor of Ionia, and a memorial of 117 Knights of Labor of Mount Clemens, in the State of Michigan, remonstrating agaist the passage of the free-ship bill; which were referred to the Committee on Commerce.

Mr. CULLOM presented a memorial of 450 Knights of Labor of Springfield, Ill., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. PLUMB presented a memorial of Knights of Labor of Minersville, Kans., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

He also presented a petition of citizens of Kansas, praying for the passage of a bill providing for the organization of the Territory of Oklahoma; which was referred to the Committee on Indian Affairs.

He also presented a petition of Knights of Labor of Kirwin, Kans., praying that the Government purchase or construct an experimental double-track railroad from the city of New York to Kansas City, Mo.; which was referred to the Committee on Railroads.

He also presented a petition of citizens of Wyandotte County, Kansas, praying for the passage of a bill embodying the recommendations of the national pension committee of the Grand Army of the Republic in regard to pensions; which was referred to the Committee on Pensions.

Mr. BUTLER presented the petition of William H. F. Lee, of Fairfax County, Virginia, praying for the removal of his political disabilities; which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. DOLPH, from the Committee on Commerce, to whom was referred the bill (H. R. 4670) granting to the county of Clatsop, in the State of Oregon, the right to construct a bridge across Young's Bay, a navigable stream in said county and State, reported it with amendments.

Mr. HARRIS. For the Senator from Kansas [Mr. INGALLS], the chairman of the Committee on the District of Columbia, who is now absent, and in his name, I report from that committee the bill (S. 851) to amend the charter of the Metropolitan Railroad Company with amendments, and I ask that it be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. MILLER, from the Committee on Commerce, to whom was referred the bill (S. 762) to prevent obstructive and injurious deposits within the harbor and adjacent waters of New York city, by dumping or otherwise, and to punish and prevent such offenses, and making other provisions in connection therewith, reported a bill (S. 2157) to prevent obstructive and injurious deposits within the harbor and adjacent waters of New York city, by dumping or otherwise, and to punish and prevent such offenses, and making other provisions in connection therewith; which was read twice by its title.

Mr. WILSON, of Iowa, from the Committee on the Judiciary, to whom was referred the bill (H. R. 6661) to provide for closing up the business and paying the expenses of the Court of Commissioners of Alabama Claims, and for other purposes, reported it with an amendment, and submitted a report thereon.

Mr. BROWN. The Committee on the District of Columbia has had under consideration the bill (S. 1617) to incorporate the Union Passenger Railway Company of Washington, D. C. The question has been referred by the committee to the commissioners of the District, who say that the contemplated route is located in a section already very well supplied with street-railroad facilities, and the commissioners are unaware of any general demand of the residents along the line of it or elsewhere for the additional accommodation this road might afford. The commissioners say they are satisfied "that the establishment of the road proposed in the bill would not materially improve the public-conveyance service already existing, while it would greatly add to the public inconvenience along streets where there are now no railroads. There was also a strong protest sent to the committee by citizens residing upon C street against the construction of the road upon that street on account of the narrowness of the street.

The committee therefore report the bill back and recommend that it be indefinitely postponed.

The report was agreed to; and the bill was postponed indefinitely.

Mr. PLATT, from the Committee on Patents, to whom was referred the bill (S. 1909) for the relief of W. H. Ward, moved its indefinite postponement; which was agreed to; and he submitted a report accompanied by a bill (S. 2158) for the relief of W. H. Ward; which was read twice by its title.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 1047) for the relief of Patrick H. Estes, a veteran invalid soldier of the Mexican war, reported it with an amendment, and submitted a report thereon.

JOHN RANDOLPH HAMILTON.

Mr. EDMUNDS. I am authorized by the Committee on the Judiciary to report an original bill for the relief of John Randolph Hamilton, of North Carolina, from his political disabilities. He has filed a proper petition; it is found that he is not indebted to the United States; and according to our custom in such cases, I ask unanimous consent that the bill be now considered.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2156) for the relief of John Randolph Hamilton, of the State of North Carolina.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed; two-thirds of the Senators present voting in the affirmative.

JOHN TAYLOR WOOD.

Mr. EDMUNDS. I am also authorized by the Committee on the Judiciary to report favorably the bill (H. R. 5198) to remove the disabilities of John Taylor Wood, of Louisiana, and I ask unanimous consent that it be now considered. There is a proper petition, and the gentleman is not indebted to the United States.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed; two-thirds of the Senators present voting in the affirmative.

DINWIDDIE B. PHILLIPS.

Mr. EDMUNDS. From the Committee on the Judiciary I report favorably the bill (H. R. 5876) for the relief of Dinwiddie B. Phillips, in respect of whom there is a petition, and he is not indebted to the United States. I ask unanimous consent that the bill be now considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed; two-thirds of the Senators present voting in the affirmative.

DR. A. SIDNEY TEBBS.

Mr. EDMUNDS. From the Committee on the Judiciary I report also the bill (S. 1285) for the relief of Dr. A. Sidney Tebbs, and ask to be discharged from its further consideration. It is not a political disability bill, but is one in reference to a military disability, and I think it ought to go to the Committee on Military Affairs.

The PRESIDENT *pro tempore*. If there be no objection, the Committee on the Judiciary will be discharged, and the bill will be referred to the Committee on Military Affairs.

Mr. CONGER. The bill relates to an appointment in the Marine-Hospital Service and not in the Army service.

Mr. EDMUNDS. It is an Army provision. Otherwise he would be eligible to the Marine-Hospital Service if it is not a military appointment or a naval one.

Mr. CONGER. He has been serving in the Marine-Hospital Service, and the objection arose in that service. That matter is in charge of the Committee on Commerce, though I have no objection to the proposed reference.

Mr. EDMUNDS. But he wants to be appointed in the regular Army, and it comes under the Army provision; it does not touch the Marine-Hospital Service at all.

Mr. CONGER. Very well.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Military Affairs.

EDWARD G. W. BUTLER.

Mr. EDMUNDS. From the Committee on the Judiciary I report adversely the bill (S. 1220) for the relief of Edward G. W. Butler from political disabilities, and I ask that it be indefinitely postponed, for the reason that we have already at this session passed a House bill for his relief.

The report was agreed to.

BILLS INTRODUCED.

Mr. PLATT. I introduce a bill granting a pension to Mrs. Almira Ambler, a volunteer nurse.

The bill (S. 2159) granting a pension to Mrs. Almira Ambler was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 2160) granting a pension to Mary J. Hagerman; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. EVARTS introduced a bill (S. 2161) to increase the pension of Mrs. Rebecca A. Craw; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HARRIS introduced a bill (S. 2162) for the relief of Perez Dickinson, surviving partner of the late firm of Cowan & Dickinson; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL introduced a bill (S. 2163) granting a pension to Powhatan B. Short; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VAN WYCK introduced a bill (S. 2164) making an appropriation for the improvement of the Missouri River at or near Eastport, opposite Nebraska City, and at Plattsmouth and at Omaha; which was read twice by its title, and referred to the Committee on the Improvement of the Mississippi River.

Mr. CULLOM introduced a bill (S. 2165) for the relief of David Ryan; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2166) for the relief of John F. Cadwallader; which was read twice by its title, and referred to the Committee on Claims.

Mr. CAMERON introduced a bill (S. 2167) granting a pension to Mrs. Margaret Dunlap; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 2168) for the rewarding of Chief Engineer George W. Melville, United States Navy, for meritorious services, &c.; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. DOLPH introduced a bill (S. 2169) in relation to Indian depredations; which was read twice by its title.

Mr. DOLPH. I intend this bill to accompany Senate bill 1820 introduced by me, and I ask that it be laid on the table until after the remarks I propose to submit this morning. At the conclusion of my remarks I shall move to refer the bill to the appropriate committee.

The PRESIDENT *pro tempore*. The bill will lie on the table for the present.

Mr. PLATT introduced a bill (S. 2170) to increase the pension of Mrs. Elizabeth A. Barbour; which was read twice by its title, and referred to the Committee on Pensions.

Mr. EVARTS introduced a joint resolution (S. R. 61) authorizing the Secretary of War to erect at Stony Point, N. Y., a monument; which was read twice by its title, and referred to the Committee on the Library.

AMENDMENT TO RIVER AND HARBOR BILL.

Mr. DAWES submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, providing an appropriation of $100,000 for continuing improvement of the national harbor of refuge of the first class at Sandy Bay; which was referred to the Committee on Commerce, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. VANCE, it was

Ordered, That the papers in the case of Henry D. Coley be withdrawn from the files of the Senate and referred to the Committee on Claims, under the rules of the Senate.

On motion of Mr. CALL, it was

Ordered, That the papers in the case of H. Myers, on the files of the Senate, be referred to the Committee on the Judiciary, there being no adverse report.

COMMITTEE ON THE JUDICIARY.

Mr. BECK submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That Mr. JAMES Z. GEORGE be, and he hereby is, appointed a member of the Committee on the Judiciary in place of Mr. Howell E. Jackson, resigned.

ALLEN'S REPORT ON ALASKA.

Mr. BECK submitted the following resolution; which was read:

Resolved, That the Secretary of War be, and he is hereby, directed to transmit to the Senate the official report by Lieut. Henry T. Allen, Second United States Cavalry, of his exploration of the Copper, Tarona, and Koyukuk Rivers, of Alaska, in the year 1885, for reference to the Committee on Printing.

Mr. BECK. I desire to have the resolution passed now, so that the report may be referred to the Committee on Printing when it is received. It is the report of a very wonderful exploration, I think.

The resolution was considered by unanimous consent, and agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 15th instant approved and signed the following acts:

An act (S. 44) providing for the erection of a public building at San Antonio, Tex.;

An act (S. 197) to increase the pension of Florence Murray;

An act (S. 683) granting a pension to Henry O. Hill;

An act (S. 811) granting a pension to Mrs. Susan Gilman;

An act (S. 814) granting a pension to Mrs. Adaline M. Putnam;

An act (S. 1363) granting a pension to William Blanchard;

An act (S. 60) authorizing the construction of a bridge over the Mississippi River at or near Alton, Ill., and for other purposes; and

An act (S. 1127) to amend and correct the act approved March 3, 1885, granting a pension to Sarah Hague.

ORDER OF BUSINESS.

Mr. VOORHEES. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Senator from Indiana moves that the Senate proceed to the consideration of executive business.

Mr. DOLPH. May I say a word?

The PRESIDENT *pro tempore*. Does the Senator from Indiana yield to the Senator from Oregon?

Mr. VOORHEES. Certainly.

Mr. DOLPH. Some weeks since I introduced a bill, and last Tuesday I gave notice that I should desire to address the Senate to-day upon it. It relates to what I consider a very important matter——

Mr. VOORHEES. I desire to say at once to the Senator from Oregon that I was not aware his notice was for this morning, and that as a matter of course I would be guilty of no discourtesy; and so I yield to the right of the Senator to make his remarks.

Mr. DOLPH. I am much obliged for the courtesy.

The PRESIDENT *pro tempore*. What motion does the Senator from Oregon make?

Mr. DOLPH. I move to take up now for the purpose of submitting some remarks upon it the bill introduced by me this morning in connection with the one heretofore introduced.

The PRESIDENT *pro tempore*. The title of the bill will be stated.

The CHIEF CLERK. A bill (S. 2169) in relation to Indian depredations.

Mr. RIDDLEBERGER. The motion is to take up the bill, is it not?

The PRESIDENT *pro tempore*. The motion is to take up the bill named.

Mr. RIDDLEBERGER. It is a motion to take up in the morning hour a bill pending on the Calendar.

Mr. DOLPH. I gave notice——

Mr. RIDDLEBERGER. I have a notice pending here which antedates any other that can possibly be given.

Mr. DOLPH. If the Senator will allow me a moment I will state that my object simply is to take up the bill for the purpose of submitting some remarks—a courtesy always accorded to any member of the Senate when notice has been given.

Mr. RIDDLEBERGER. That notice was given this morning. I gave a notice four months ago nearly, and I find that there is every kind of endeavor made here to defeat the resolution for open executive sessions.

Mr. DOLPH. Mr. President, I inquire who has the floor?

The PRESIDENT *pro tempore*. The Senator from Oregon has the floor.

Mr. RIDDLEBERGER. He made a motion to take up a bill, and I am answering that motion. May I not do so?

Mr. DOLPH. I gave notice last Tuesday that after the conclusion of the morning business this morning I should ask leave to submit some remarks.

The PRESIDENT *pro tempore*. The question is whether the Senate will proceed to the consideration of the bill named by the Senator from Oregon.

Mr. COCKRELL and others. That motion is not debatable.

The PRESIDENT *pro tempore*. The motion is not debatable. The question is on agreeing to the motion to proceed to the consideration of the bill.

Mr. RIDDLEBERGER. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. FRYE. The question is on a motion to take up the bill referred to by the Senator from Oregon.

Mr. VOORHEES. Yes, simply for the purpose of allowing the Senator to make some remarks, of which he gave notice.

Mr. RIDDLEBERGER. And to take it up in the morning hour and defeat by indirection the resolution which I am trying to bring to a vote.

The Secretary proceeded to call the roll.

Mr. MILLER (when his name was called). I am paired with the Senator from North Carolina [Mr. RANSOM], but as this is not a political question I shall vote. I vote "yea."

Mr. SAWYER (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN].

The roll-call was concluded.

Mr. RIDDLEBERGER. May I ask the Chair whether a motion to reconsider would be debatable?

The PRESIDENT *pro tempore*. It would not be debatable under the rule.

Mr. RIDDLEBERGER. My purpose was to change my vote and make such a motion if it were debatable.

The result was announced—yeas 43, nay 1; as follows:

YEAS—43.

Allison,	Conger,	Harrison,	Pugh,
Beck,	Cullom,	Hoar,	Sewell,
Berry,	Dawes,	Jones of Arkansas,	Sherman,
Blackburn,	Dolph,	Manderson,	Spooner,
Brown,	Edmunds,	Maxey,	Teller,
Butler,	Eustis,	Miller,	Vance,
Call,	Evarts,	Morrill,	Voorhees,
Cameron,	Frye,	Palmer,	Walthall,
Cockrell,	George,	Payne,	Wilson of Iowa,
Coke,	Gray,	Pike,	Wilson of Md.
Colquitt,	Harris,	Plumb,	

NAY—1.

Riddleberger.

ABSENT—31.

Aldrich,	Hale,	Logan,	Ransom,
Blair,	Hampton,	McMillan,	Sabin,
Bowen,	Hawley,	McPherson,	Saulsbury,
Camden,	Hearst,	Mahone,	Sawyer,
Chace,	Ingalls,	Mitchell of Oreg.,	Stanford.
Fair,	Jones of Florida,	Mitchell of Pa.,	Van Wyck,
Gibson,	Jones of Nevada,	Morgan,	Vest.
Gorman,	Kenna,	Platt,	

So the motion was agreed to.

ADJOURNMENT TO MONDAY.

Mr. MILLER. Will the Senator from Oregon permit me to make a motion to adjourn to Monday?

Mr. DOLPH. Certainly.

Mr. MILLER. I move that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

INDIAN DEPREDATION CLAIMS.

The PRESIDENT *pro tempore*. The bill called up by the Senator from Oregon is now before the Senate.

Mr. DOLPH. As I desire to refer to Senate bill 1820 I ask to have it read as part of my remarks.

The PRESIDENT *pro tempore*. The bill will be read.

The Chief Clerk read as follows:

Be it enacted, &c., That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,000,000, or so much thereof as may be necessary, to pay the Indian depredation claims which have been heretofore filed and investigated under the direction of the Secretary of the Interior and reported by him to Congress, in pursuance of the laws of Congress and in accordance with the rules and regulations prescribed by the Secretary of the Interior.

Mr. DOLPH. I now ask to have read the bill which I introduced this morning concerning Indian depredations.

The PRESIDENT *pro tempore*. The bill will be read.

The Chief Clerk read the bill (S. 2169) in relation to Indian depredations, as follows:

Be it enacted, &c., That the Court of Claims shall have power to hear and determine all claims for depredations committed by Indians embraced within the terms of section 2156 of the Revised Statutes, whether the said claims have been heretofore presented to the Interior Department or Congress, or not.

SEC. 2. That the Secretary of the Interior, or the Secretary of the Senate, or the Clerk of the House of Representatives, as the case may be, shall immediately after the passage of this act transmit to the Court of Claims for adjudica-

tion all claims for Indian depredations heretofore presented to the Interior Department or to Congress, with all vouchers, papers, proofs, and documents pertaining thereto, and upon the presentation of a petition on behalf of any claimant within the time hereinafter limited the same shall be there proceeded in under such rules as said court may adopt.

SEC. 3. That the Attorney-General, or his assistants under his direction, shall appear therein to defend the United States and the Indians in all such actions, with the same power to interpose counter-claims, offsets, defenses for fraud, and other defenses as now given in said court.

SEC. 4. That the same right of appeal to the Supreme Court of the United States existing in other cases in the Court of Claims shall exist in the cases considered under this act.

SEC. 5. That no person shall be excluded from testifying in cases under this act on account of being a party or interested; and the affidavits and other evidence heretofore filed in Congress or in the Departments in such cases may be considered by said court, and such weight shall be given to such evidence as the court may deem proper.

SEC. 6. That the Court of Claims shall in every judgment rendered under this act find the tribe of Indians by which, or by members of which, the depredation was committed, and whether annuities or other funds are due to said tribe from the United States.

SEC. 7. That the amount of any judgment so rendered shall be charged against the tribes by which, or by members of which, the court shall find that the depredation was committed, and shall be deducted and paid in the following manner: First. From any annuities due said tribe from the United States. Secondly. If no annuities are due or available from any other funds due said tribe from the United States arising from the sale of their lands or otherwise. Thirdly. If no such funds are due or available from any appropriations for the benefit of said tribe, other than appropriations for their current and necessary support, subsistence, and education; and Fourthly. If no such annuity fund or appropriation is due or available, the amount of the judgment shall be paid from the public Treasury: *Provided*, That any amount so paid from the public Treasury shall remain a charge against such tribe and shall be deducted from any annuity, fund, or appropriation hereinbefore designated which may hereafter become due from the United States to such tribe.

SEC. 8. That in all said claims which have arisen prior to the passage of this act, whether heretofore presented or not, a petition on behalf of the claimant shall be presented to the court within three years from the date hereof, and not thereafter; and in all such claims arising less than six years prior to the date hereof, or which may hereafter arise, such a petition shall be so presented within six years from the date of such depredation, and not thereafter; and all claims for Indian depredations not so presented within the time limited by this section shall be forever barred, and shall not be considered by any Department of the Government.

Mr. DOLPH. Mr. President, by the two bills just read it is designed to provide for the adjudication and payment of that class of claims against the Government, known as Indian depredation claims. By the first of these bills an appropriation is proposed for the payment of all such claims as have been duly presented to the Interior Department, examined and approved and reported to Congress, and by the second it is proposed to provide for claimants whose claims for any reason have not been so examined and approved, a tribunal to which such claims can be presented and adjudicated according to law and the rules and practice of the court.

On the 16th day of January, 1884, I introduced and had referred to the Committee on Indian Affairs a bill to provide for ascertaining losses sustained by citizens of the United States in Oregon, Washington and Idaho Territories, and in Northern California, by reason of Indian depredations committed during the period from 1855 to 1878 inclusive. The bill provided in substance for the appointment of three commissioners to inquire into the extent and character of such depredations and the description and value of the property destroyed or carried away and the damage sustained by citizens by reason thereof; and it also further provided the manner in which testimony should be taken, and such claims should be examined and reported by the commissioners to the Third Auditor of the Treasury, and by him to the Secretary of the Treasury to be transmitted to Congress for an appropriation. That bill and a number of private bills for the relief of citizens for losses sustained by such depredations, introduced by me at the same session, were referred to the Committee on Indian Affairs, but none of them were ever reported.

Being desirous of presenting to the committee and to the Senate the reasons which, in my judgment, require that such claims should be paid without further delay, and fearing that if the bills which have just been read shall be first referred to the committee they will share the fate of those on the same subject, heretofore introduced by me and referred to the committee, I have concluded to address the Senate upon them before they are referred.

The civil status of the Indians in the United States has always been an anomaly. From an early period in the history of the Government the Indian tribes were treated in a degree as political bodies, and as possessing some of the functions of nationality, but as neither foreign nor domestic nations. Congress, however, by an act approved March 3, 1871, provided that thereafter no recognition by treaty or otherwise should be made by the United States of the claim of any Indian tribe as being an independent nation, tribe, or power. In the articles of confederation it was declared that "the United States in Congress assembled have the sole and exclusive right and power of regulating the trade and managing all the affairs with the Indians not members of the States."

Under this provision Congress issued a proclamation September 22, 1783, prohibiting and forbidding all persons from making settlements on lands inhabited or claimed by Indians within the limits or jurisdiction of any State, and from purchasing or receiving any gift or cession of such lands or claims without the authority of Congress, and declaring every such unauthorized settlement, purchase, or cession null and void. It has been settled by decisions of the highest judicial tribunal of the country that the Indian tribes are not the owners of the Territories occupied by them, but that the title to the same is in the United States, subject to the right of occupancy by the Indians, and that such tribes are incompetent to transfer any rights to the soil, and that any conveyances of their lands by them are void *ab initio*, the right to the property not subsisting in the grantor; that the General Government holds the right of eminent domain as well as the title to the soil in the public lands subject to the right of occupancy by the Indians, and that, as was said by Chief-Justice Marshall, in Johnson *vs.* McIntosh, 8 Wheaton, 543, "The Indian inhabitants are considered merely as occupants to be protected while in peace in the possession of their lands, but incapable of transferring an absolute title to others."

Acting upon this theory, the Government has never surveyed, sold, or disposed of the public lands prior to the extinguishment of the Indian right of occupancy, but has proceeded from time to time to terminate the occupancy of the Indians as the lands were needed for settlement, by conquest or purchase; and since the act of March 3, 1871, keeps up the form of purchase of the right of occupancy, although not recognizing the Indian tribes as independent powers, and although the Indians are treated in all other respects as mere wards of the Government. The more sensible and consistent position under existing laws would be to treat the right of occupancy as a privilege only, which the Government may withdraw when the interests of civilization and of such wards, in the opinion of the guardian, may demand it. Having assumed the absolute control of the Indians and treated them as personal wards, the Government should assume as absolute a control of their property and not permit the want of their consent to stand in the way of a disposition thereof, which, in the opinion of Congress, would be for their benefit.

The Indians in the United States are now, and have been for years upon reservations, the boundaries of which have been fixed by the Government and which are in charge of agents appointed by it and are maintained to a great extent by annual appropriations from the Federal Treasury. Congress under the Constitution has power to regulate commerce with the Indian tribes, and under this power the United States has at all times exercised the exclusive control of the trade and intercourse with the Indians, and no one has ever been permitted to deal with them except under license from it. The first act regulating trade and commerce with the Indians was passed May 19, 1796 (1. Statutes, 469). Section 14 of this act was as follows:

And be it further enacted, That if any Indian or Indians, belonging to any tribe in amity with the United States, shall come over or across the said boundary line into any State or Territory inhabited by citizens of the United States, and there take, steal, or destroy any horse, horses, or other property belonging to any citizen or inhabitant of the United States, or of either of the territorial districts of the United States, or shall commit any murder, violence, or outrage upon any such citizen or inhabitant, it shall be the duty of such citizen or inhabitant, his representative, attorney, or agent, to make application to the superintendent, or such other person as the President of the United States shall authorize for that purpose; who, upon being furnished with the necessary documents and proofs, shall, under the direction or instruction of the President of the United States, make application to the nation or tribe to which such Indian or Indians shall belong, for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction in a reasonable time, not exceeding eighteen months, then it shall be the duty of such superintendent or other person authorized, as aforesaid, to make return of his doings to the President of the United States, and forward to him all documents and proofs in the case, that such further steps may be taken as shall be proper to obtain satisfaction for the injury. And in the mean time in respect to the property taken, stolen, or destroyed, the United States guarantees to the party injured an eventual indemnification: *Provided always*, That if such injured party, his representative, attorney, or agent, shall, in any way, violate any of the provisions of this act, by seeking or attempting to obtain private satisfaction or revenge, by crossing over the line on any of the Indian lands, he shall forfeit all claim upon the United States for such indemnification: *And provided also*, That nothing herein contained shall prevent the legal apprehension or arresting within the limits of any State or district of any Indian having so offended: *And provided further*, That it shall be lawful for the President of the United States to deduct such sum or sums as shall be paid for the property taken, stolen, or destroyed by any such Indian, out of the annual stipend which the United States are bound to pay to the tribe to which such Indian shall belong.

This section was substantially re-enacted in the act of March 3, 1779 (1 Statutes, 747), in the act of March 30, 1802 (2 Statutes, 143), and in the act of June 30, 1834 (4 Statutes, 731). The changes from the original section made by the acts of 1779 and 1802 were merely verbal, and all of the acts contained the following clause, quoted from the act of June 30, 1834:

And, in the mean time, in respect to the property so taken, stolen, or destroyed, he United States guarantee to the person injured an eventual indemnification.

And the act of 1834 contained the following provision:

And if the nation or tribe to which such Indian may belong receive an annuity from the United States, such claim shall, at the next payment of the annuity, be deducted therefrom and paid to the party injured; and if no annuity is payable to such nation or tribe, then the amount of the claim shall be paid from the Treasury of the United States.

These provisions of the act of 1834 remained in force, and claims for losses from Indian depredations were paid by the United States in accordance therewith until the passage of the act of February 28, 1859, section 8 of which repealed the provision for the payment of these claims from the Treasury, and was in the following words:

And be it further enacted, That so much of the act entitled "An act to regulate trade and intercourse with the Indian tribes and preserve peace on the frontiers," approved June 30, 1834, as provides that the United States shall make indemnification out of the Treasury for property taken or destroyed in certain cases by Indians trespassing on white men, as described in the said act, be, and the same is hereby, repealed: *Provided, however*, That nothing herein contained shall be so construed as to impair or destroy the obligation of the Indians to make indemnification out of the annuities as prescribed in said act.

By joint resolution passed June 25, 1860 (12 Statutes, 120), it was provided:

That the repeal by the eighth section of the act of Congress approved the 28th day of February, 1859, of so much of the act of Congress entitled "An act to regulate trade and intercourse with Indian tribes, and to preserve peace on the frontiers," approved June 30, 1834, as provides that the United States shall make indemnification out of the Treasury for property taken or destroyed in certain cases by Indians trespassing on white men, as described in said act, shall not be construed to destroy or impair any right to indemnity which existed at the date of said repeal.

Claims for Indian depredations, arising prior to February 28, 1859, were therefore paid out of the Treasury, if there were no annuities payable to the tribes committing the depredations from which they could have been paid, and the payment of claims for depredations committed after February 28, 1859, was continued out of annuities due the tribe committing the depredations until the passage of the act of July 15, 1870, section 4 of which (now 2098 of the Revised Statutes) is as follows:

That no part of the moneys appropriated by this act, or which may hereafter be appropriated in any general act or deficiency bill making appropriations for the current and contingent expenses of the Indian Department to pay annuities due, or to be used and expended for the care and benefit of any tribe or tribes of Indians named herein, shall be applied to the payment of any claim for depredations that may have been or may be committed by such tribe or tribes, or any member or members thereof; and no claim for Indian depredations shall hereafter be paid until Congress shall make special appropriation therefor; and all acts and parts of acts inconsistent herewith are hereby repealed.

By an act passed May 29, 1872 (17 Statutes, 190, now section 466 R. S.), the Secretary of the Interior is required to prepare and cause to be published such regulations as he may deem proper, prescribing the manner of presenting claims arising under laws or treaty stipulations for compensation for depredations committed by the Indians, and the degree and character of the evidence necessary to support such claims, and to carefully investigate such claims as may be presented, subject to the regulations prepared by him; and it is provided that "no payment on account of said claims shall be made without a specific appropriation therefor by Congress."

Sections 2156 and 2157 of the Revised Statutes, being a part of the act of June 30, 1834, as modified by the act of February 28, 1859, and of July 15, 1870, provide:

SEC. 2156. If any Indian, belonging to any tribe in amity with the United States, shall, within the Indian country, take or destroy the property of any person lawfully within such country, or shall pass from Indian country into any State or Territory inhabited by citizens of the United States, and there take, steal, or destroy any horse or other property belonging to any citizen or inhabitant of the United States, such citizen or inhabitant, his representative, attorney, or agent may make application to the proper superintendent, agent, or subagent, who, upon being furnished with the necessary documents and proofs, shall, under the direction of the President, make application to the nation or tribe to which such Indian shall belong for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction in a reasonable time, not exceeding twelve months, such superintendent, agent, or subagent shall make return of his doings to the Commissioner of Indian Affairs, that such further steps may be taken as shall be proper in the opinion of the President to obtain satisfaction for the injury.

SEC. 2157. The superintendents, agents, and subagents within their respective districts are authorized and empowered to take depositions of witnesses touching any depredations within the purview of the preceding sections, and to administer oaths to the deponents.

These sections have remained in force, and numerous claims for Indian depredations have since 1859 been presented to and audited by the Interior Department, notwithstanding the Government had virtually ceased to appropriate money for the payment of the claims thus audited. If it was intended by Congress, by the act of 1859, to repudiate the obligation of the Government to its citizens to indemnify them for such losses it should have said so then, and not have held out to them delusive hopes by continuing to receive proofs of these claims and to audit them under regulations prescribed by its authority.

The claims examined and audited by the Interior Department have been reported at different times to Congress and are contained in the following executive documents, all being letters from the Secretary of the Interior to the House of Representatives:

House Executive Document No. 127, Twenty-fifth Congress, second session.

House Executive Document No. 311, Forty-first Congress, second session.

House Executive Document No. 11, Forty-second Congress, third session.

House Executive Document No. 65, Forty-third Congress, second session.

House Executive Document No. 147, Forty-fourth Congress, first session.

House Executive Document No. 135, Forty-seventh Congress, first session.

House Executive Document No. 10, Forty-seventh Congress, second session.

House Executive Document No. 23, Forty-eighth Congress, first session.

House Executive Document No. 102, Forty-eighth Congress, first session.

House Executive Document No. 132, Forty-eighth Congress, first session.

House Executive Document No. 20, Forty-eighth Congress, second session.

House Executive Document No. 86, Forty-eighth Congress, second session.

House Executive Document No. 182, Forty-eighth Congress, second session.

House Executive Document No. 197, Forty-eighth Congress, second session.

By act of March 3, 1885, the Indian appropriation bill, the sum of $10,000 was appropriated for the investigation of certain Indian depredation claims, and it is provided in said act that "in expending said sum the Secretary of the Interior shall cause to be made a complete list of all claims heretofore filed in the Interior Department and which have been approved in whole or in part, and now remain unpaid; and also such claims as are pending, but not yet examined, on behalf of citizens of the United States on account of depredations committed chargeable against any tribe of Indians by reason of any treaty between such tribe and the United States, including the name and address of the claimants," &c.

The first clause of this provision is construed by the Interior Department to comprehend all claims for Indian depredations, without reference to treaty obligations, which had been approved in whole or in part, and were unpaid and on file in this Department at the date of the passage of the act.

The latter clause is construed to comprehend, and to require the examination of such unexamined claims in favor of citizens of the United States, on account of Indian depredations as were pending at the passage of the act, and which are chargeable to Indians who were in amity with the United States and bound by treaty obligations to make satisfaction therefor.

So that unintentionally, probably, Congress has, in the claims directed to be reported, made a distinction between claims of the same class, filed under the same law, and audited under the same regulations of the Interior Department, by requiring those only which had been approved before the passage of the act, to be reported in cases in which they are not chargeable to the Indians under treaty stipulations.

By House Executive Document No. 125, being a letter from the Secretary of the Interior, dated March 11, 1886, to the Speaker of the House of Representatives, there was transmitted a report of the Commissioner of Indian Affairs made in pursuance of said act of March 3, 1885, containing a list of about forty-five hundred claims, approximating in amount, as is stated in the report, to about $15,000,000. Some idea of the magnitude of the question of the adjudication and payment of these claims can be obtained by an inspection of this report which I hold in my hand.

The list of claims with alphabetical indexes makes a volume of two hundred and ninety pages. Most of the claims which appear in this report have been heretofore reported to Congress from year to year by the Secretary of the Interior in his annual reports of depredation claims audited and allowed under the provisions of the Revised Statutes, and still the claimants have no assurance of the payment of their claims. We should temporize with this matter no longer. It can be better dealt with now than it ever can be hereafter.

Under the authority conferred upon the Secretary of the Interior by section 466 of the Revised Statutes, there was issued July 13, 1872, by the Department rules and regulations, still in force, of which the following is a copy:

Rules and regulations adopted by the Department of the Interior relative to the presentation and examination of claims on account of depredations committed by Indians.

By the seventh section of the act of Congress making appropriations for the Indian Department, approved May 29, 1872, it is enacted: "That it shall be the duty of the Secretary of the Interior to prepare and cause to be published such rules and regulations as he may deem necessary or proper, prescribing the manner of presenting claims arising under existing laws or treaty stipulations, for compensation for depredations committed by the Indians, and the degree and character of the evidence necessary to support such claims; he shall carefully investigate all such claims as may be presented, subject to the rules and regulations prepared by him, and report to Congress, at each session thereof, the nature, character, and amount of such claims, whether allowed by him or not, and the evidence upon which his action was based: *Provided*, That no payment on account of said claim shall be made without a specific appropriation by Congress."

In compliance with the requirement of the law as quoted above the following rules and regulations are prescribed:

1. Application for indemnity or satisfaction for the loss or injury sustained must be made by the claimant, his attorney or duly authorized agent, * * * to the United States * * * Indian agent, or subagent within whose jurisdiction or charge the nation, tribe, or band is to which the offenders or depredators belong.

2. The necessary documents and proofs must accompany the application of the claimant, his attorney, or agent, and should be in legal form, and consist—

First. Of the sworn declaration of the claimant, setting forth when and where the depredation was committed, and by what Indians, their tribe or nation being named; describing fully the property stolen or destroyed, and giving the quantity of each article or number, condition or quality thereof, and the just value of each article or piece of property at the time the same was so taken or destroyed. Should the depredation have been committed while the claimant was in the Indian country, he must state whether he was lawfully there, either having a license to trade with the Indians, a passport, or a permit from the proper Indian authorities, or was *en route* through said country to a place of ultimate destination at some point within the limits of any State or Territory not included within the limits of the reservation for any nation or tribe of Indians set apart by treaty provision or by executive order; and he in such declaration must further state whether any of the property so stolen or destroyed has subsequently been recovered by or for him, the claimant; and whether the claimant has at any time received part compensation therefor, and, if so, how much, when, and from what source; and further, that the claimant has in no way endeavored to obtain private satisfaction or revenge.

Second. Of depositions of two or more persons having personal cognizance of the facts or any of them as embraced in the declaration of the claimant, which depositions must set forth the means of knowledge which deponents have as to the fact of the depredation, when, where, by what Indians, and under what circumstances the depredation was committed, of what the property consisted that was so taken or destroyed by the Indians, describing it as fully as practicable, and stating the value thereof. If the deponents, or any of them, were at the time of the depredation in the employment of the claimant it must be so stated, and in what capacity. In addition to the foregoing the claimant must show, by his own evidence or that of other persons, that at the time the depredation was committed the property then stolen or destroyed was being properly guarded and cared for, and that the loss thereof was not occasioned by the negligence or carelessness of himself or employés.

3. The testimony adduced by the claimant must be taken before some officer authorized by law to administer oaths, or it may be taken before the proper * * * Indian agent, or subagent. If taken before a justice of the peace, the official character of that person should be certified by some proper officer empowered thereunto. All interlineations or changes that it may be necessary to make in the testimony of any person testifying in behalf of the claimant, either before or at the signing of the same, must be duly attested by the officer before whom the testimony is sworn to and subscribed.

4. When the application, documents, and proofs shall have been received by the * * * Indian agent, or subagent, said officer shall carefully investigate the case; shall ascertain, by inquiry of reliable persons, from advertised prices, or otherwise, whether the prices fixed by the claimant upon the articles of property mentioned in the claim are just and fair as compared with the market prices ruling at the time in the State or Territory in which the depredation was committed, with due allowance for enhancement of price by reason of transportation; and, where it is possible to procure it, said officer shall, if deemed advisable, take testimony as to the credibility of the claimant, or of any person testifying in his behalf; and also respecting the statements set forth in the application, documents, and proofs submitted by the claimant. Upon the performance of this duty, the * * * Indian agent, or subagent, will, without unnecessary delay, present the case to the proper nation or tribe assembled in council, according to the custom of such nation or tribe, and, after fully explaining it to them, he will then and there demand satisfaction for the claimant. If within a reasonable time the nation or tribe shall not have complied with such demand, the fact of the depredation by some of their people being admitted in such council, or if they deny the charge as made and peremptorily refuse to render any satisfaction, the * * * agent, or subagent, will in such case submit a report of the proceedings had, together with all the papers, to the Commissioner of Indian Affairs. Such report shall state whether the Indians in council recognized, remembered, and admitted the depredation charged; and, if so, how far and with what particularity the allegations of the claimant respecting such depredations were borne out by the recollections and acknowledgments of the Indians in reference thereto.

5. The Commissioner of Indian Affairs will cause all claims received by him as above noticed to be duly registered and filed in his office, and shall, as soon thereafter as practicable, cause the same to be carefully examined, and then forwarded, with a report of his views and opinion in each case, to the Secretary of the Interior for the action of the Department.

C. DELANO, *Secretary.*

DEPARTMENT OF THE INTERIOR, *July* 13, 1872.

And under the act of March 3, 1885, the Commissioner of Indian Affairs issued a circular, of which the following is a copy:

[Circular No. 159.]

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., ——, 188—.

To ——— ———,
——— ———,
——— ———:

By an item in the act of Congress approved March 3, 1885 (State. 23, page 376), the Secretary of the Interior is required to investigate certain depredation claims as therein indicated, and make report thereof to Congress at its next regular session.

The evidence on file in ——— depredation claim for $——— is not made in compliance with the rules prescribed by the Department, and is defective and inadequate to satisfactorily establish the claim. Any additional evidence in support of the claim must be submitted *immediately*, and if none is submitted within ——— days the case will be examined, adjudicated, and disposed of upon the testimony now on file and forwarded to the Secretary of the Interior for transmittal to Congress at its next session, as required by law.

All documents and proofs in support of the claim must be in legal form, consisting of:

First. Of the sworn declaration of the claimant, setting forth when and where the depredation was committed, and by what Indians, their tribe or nation being named; describing fully the property stolen or destroyed, and giving the quantity of each article, or number, condition, or quality thereof, and the just value of each article or piece of property at the time the same was so taken or destroyed. Should the depredation have been committed while the claimant was in the Indian country, he must state whether he was lawfully there, either having a license to trade with the Indians, a passport, or a permit from the proper Indian authorities, or was *en route* through said country to a place of ultimate destination at some point within the limits of any State or Territory not included within the limits of the reservation for any nation or tribe of Indians set apart by treaty provision or by executive order; and he, in such declaration, must further state whether any of the property so stolen or destroyed has subsequently been recovered by or for him, the claimant, and whether the claimant has at any time received part compensation therefor, and, if so, how much, when, and from what source; and further, that the claimant has in no way endeavored to obtain private satisfaction or revenge.

Second. Of depositions of two or more persons having personal cognizance of the facts or any of them, as embraced in the declaration of the claimant, which depositions must set forth the means of knowledge which deponents have as to the fact of the depredation, when, where, by what Indians, and under what circumstances the depredation was committed, what the property consisted of that was so taken or destroyed by the Indians, describing it as fully as practicable, and stating the value thereof. If the deponents, or any of them, were at the time of the depredation in the employment of the claimant, it must be so stated, and in what capacity. In addition to the foregoing, the claimant must show, by his own evidence, or that of other persons, that at the time the depredation was committed the property then stolen or destroyed was being properly guarded and cared for, and that the loss thereof was not occasioned by the negligence or carelessness of himself or employés.

———— ————,
Commissioner.

While the Government is thus, by neglecting to make appropriations, ignoring the claims of its own citizens it is careful to protect the rights of the Indians. Provision is made by law for the recovery from any white person of twice the value of any property of an Indian taken, injured, or destroyed by such white person and for the payment of the just value of such property from the Treasury of the United States if the offender is unable to pay the same or can not be apprehended and brought to trial. These provisions are found in sections 2154 and 2155 of the Revised Statutes, which are as follows:

SEC. 2154. Whenever, in the commission, by a white person, of any crime, offense, or misdemeanor within the Indian country, the property of any friendly Indian is taken, injured, or destroyed, and a conviction is had for such crime, offense, or misdemeanor, the person so convicted shall be sentenced to pay to such friendly Indian to whom the property may belong, or whose person may be injured, a sum equal to twice the just value of the property so taken, injured, or destroyed.

SEC. 2155. If such offender shall be unable to pay a sum at least equal to the just value or amount, whatever such payment shall fall short of the sum shall be paid out of the Treasury of the United States. If such offender can not be apprehended and brought to trial, the amount of such property shall be paid out of the Treasury. But no Indian shall be entitled to any payment out of the Treasury of the United States, for any such property, if he, or any of the nation to which he belongs, have sought private revenge, or have attempted to obtain satisfaction by any force or violence.

The Committee on Indian Affairs at the present session has reported upon two bills, one (S. 145) for the relief of James Bainter, and the other (S. 146, report No. 130) for the relief of George S. Comstock, upon what appears to me to be a new theory for getting rid of this class of claims. The reports in these two cases are substantially alike. The one in the case of George S. Comstock is as follows:

The Committee on Indian Affairs, to whom was referred the bill (S. 146) for relief of George S. Comstock, have considered the same, and in accordance with the views of the Commissioner of Indian Affairs, given in the inclosed letter, which is made part of this report, they recommend the indefinite postponement of the bill.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., February 11, 1886.

SIR: I am in receipt, by reference, of your letter of the 6th instant, addressed to the honorable Secretary of the Interior, referring bill (S. 146) for the relief of George S. Comstock, with a request for such information relative thereto as this Department may possess, and in reply I have the honor to report that it appears from the records of this office that a claim of George S. Comstock, amounting to $18,908.53, on account of depredations alleged to have been committed by Cheyenne and Sioux Indians, on the 9th and 10th days of August, 1864, was filed in this office June 22, 1882; on the 8th July following the claim was transmitted to United States Indian Agent McGillycuddy, at Pine Ridge agency, Dakota, with directions to carefully examine all the facts connected therewith, and, after submitting the same to the Indians in council, to report the result, together with his recommendation of allowance or disallowance. Under date of January 21, 1884, Agent McGillycuddy returned the claim with his report, recommending favorable action. On the 2d of February following, the report of this office, recommending an allowance of $12 404.36, to be paid from moneys due Sioux of different tribes, including Santee Sioux of Nebraska, was submitted to the honorable Secretary of this Department, and by him transmitted under date of February 15, 1884, to the Speaker House of Representatives, and appears, by Executive Document No. 102, Forty-eighth Congress, first session, to have been referred to the Committee on Indian Affairs

The claim was returned to this office for re-examination in pursuance to the provisions of the act approved March 3, 1885, and was again examined and reported to the honorable the Secretary of the Interior, under date of November 30 last, with the recommendation that the claim be dismissed as barred by force of the seventeenth section of the act approved June 30, 1834 (4 Statutes, 731, 732), and the recommendation for disallowance was concurred in by the honorable Secretary, under date of 10th December last.

The papers in the case are now on file in this office. Senate bill 146 is herewith returned.

Respectfully,

J. D. C. ATKINS, *Commissioner.*

Hon. H. L. DAWES,
Chairman Committee on Indian Affairs, United States Senate.

Section 17 of the act of June 30, 1834, referred to in this report, was what is now section 2156 of the Revised Statutes. It contained the clause by which the United States guaranteed to the party injured by the taking or destroying of his property by Indians an eventual indemnification, and also the following proviso:

Provided, That if such injured party, his representative, attorney, or agent, shall in any way violate any of the provisions of this act by seeking or attempting to obtain private satisfaction or revenge, he shall forfeit all claim upon the United States for such indemnification: *And provided also*, That unless such claim shall be presented within three years after the commission of the injury, the same shall be barred; and if the nation or tribe to which such Indian may belong receive an annuity from the United States, such claim shall at the next payment of the annuity be deducted therefrom and paid to the party injured, and if no annuity is due to such nation or tribe then the amount of the claim shall be paid from the Treasury of the United States.

These provisions for the payment of claims out of the Treasury and out of annuities were repealed by the acts of February 28, 1859, and July 15, 1870. When these provisions were repealed the limitation of the statute, in my judgment, ceased to be of force. After such repeal there could be no payment of such claims without the authority of Congress, and a statute of limitation against Congressional action would be useless. That part of the statute was not, therefore, included in the Revised Statutes, and if in force when the Revised Statutes were enacted was expressly repealed by section 5596. The Commissioner of Indian Affairs and the Secretary of the Interior, however, notwithstanding the claims in question were presented and audited by their predecessors under the rules prescribed by the Interior Department and reported to Congress for its action have, upon re-examination of the claims, discovered, as they supposed, that they are barred by a statute of limitations which originally applied to the payment of claims by the Department without Congressional action and which has long since ceased to be operative, and the Committee on Indian Affairs appears to have adopted the views of the Department.

Since the provisions for the payment of these claims out of the Treasury and out of annuities were repealed and claimants could only look to Congress for legislation authorizing their payment it would be palpably unjust to apply any statute of limitation to them or to discriminate between claims equally meritorious. If after the long delay of Congress to act upon these claims, and after the Government has, by a course of conduct continued for over a quarter of a century, induced these claimants to believe their claims are just and that they would be paid by the Government, they are not to be paid some better excuse should be found than that they were not presented in time.

I have examined the debates in Congress upon the subject of the obligation of the Government to protect its citizens against depredations by the Indian tribes and to pay them for losses incurred by such depredations, and I am surprised to find that neither when the general laws under which the Government indemnified its citizens for such losses prior to the passage of the act of 1859, providing that depredation claims should not thereafter be paid out of the Treasury, nor when the act of 1871 providing that such claims should no longer be paid from annuities due the tribes committing the depredations without the consent of Congress, or when any of the private acts for the payment of such claims which have been passed were under consideration, was there any considerable discussion of the principles upon which such indemnity should be made or withheld. Congress appears to have assumed that such an obligation existed and to have acted upon it for over sixty years after the organization of the Government and to have suddenly, without much consideration or discussion, changed its policy and repudiated its obligations to its citizens in this regard if one exists.

I find myself, therefore, compelled, in support of the proposition that it is the duty of the Federal Government to afford protection to its citizens against Indian depredations and to make good their losses arising from inadequate protection, except in so far as the uniform course of the Government prior to 1859 tends to show the existence of such an obligation, to resort to first principles. I admit that the obligation, if it exists, must be traced to the duty of the Government to afford protection to each of its citizens in the enjoyment of life, liberty, and property, which lies at the foundation of the social compact. I need not stop to show that such a general obligation exists. Government is organized society. The word designates the aggregate powers, whatever the form, to which the exercise of sovereignity belongs in a State. It can exist no longer than it can compel the submission of all the citizens of the State to its authority expressed in accordance with the fundamental law which constitutes the social compact.

Submission to the Government is the primary obligation of the citizen, and protection of the citizen is the correlative obligation of the Government. Theoretically, it is the duty of the Government to afford protection to all its citizens in the enjoyment of life, liberty, and property, not only within its borders, but everywhere they may lawfully go. While its obligation to afford protection is sometimes by law devolved by the State upon municipal corporations intrusted with certain powers of Government, the duty is the duty of the State, the power so exercised being derived from the State. The Government of the United States forms no exception to this general rule. Within the powers conferred upon it by the Federal Constitution and for the purposes of its creation it demands the allegiance of the citizen, and to the extent of those powers it owes every citizen protection. As Congress has power "to declare war," "to raise and support armies," "to provide and maintain a navy," and the States are prohibited from keeping ships or troops in time of peace, from entering into any agreement or compact with another State or with a foreign power or to engage in war, it becomes the evident duty of the General Government to protect the citizens of the United States in the enjoyment of life, liberty, and property against foreign powers and their citizens and subjects, and the obligation of the Government to do this has never been denied, and in the discharge of this obligation it has declared war, called into use the Army and Navy, taxed the people, and borrowed money upon the public credit.

The Senator from Georgia during the discussion of the educational bill cited an act of Congress approved by President Washington appropriating $4,539.06 to indemnify citizens of the United States for money paid by them as a ransom to the Government of Algiers (act approved May 30, 1796). This act was but a recognition of an obligation of the Government to its citizens, which, so far as I know, has never been repudiated in similar cases. The United States have never failed to demand of foreign nations satisfaction for injuries done by such foreign nations or their subjects to the persons or property of its citizens. The war with Algiers was waged for the purpose of punishing that state for depredations upon our commerce and the unlawful imprisonment of our citizens. The war of 1812 was caused by the interference of Great Britain with the rights of our merchant marine and of our sailors, and to-day, should the most powerful nation upon the earth, or the citizens of that nation upon the high seas or within the jurisdiction of such nation where our citizens under treaty stipulations have a lawful right to go for pleasure or profit, forcibly take or destroy the property of an American citizen and refuse to make restitution or submit the matter to arbitration, war would be declared against that nation, and the administration which should refuse to demand indemnity for such an outrage would be hurled from power by an indignant people.

The obligation of a government to protect its citizens in a foreign country is thus stated in Wheaton on International Law (Boyd's edition, page 207);

The American citizen who goes into a foreign country is entitled to the protection of our Government, and if without the violation of any municipal law he should be unjustly oppressed, he would have a right to claim protection of his Government, and the interference of the American Government in his favor would be considered a justifiable interference.

This is from Halleck (page 276):

If a state should neglect to enact the requisite laws to restrain its subjects and citizens from systematic and repeated aggressions upon the rights of others, and to enforce such laws when made, it not only exposes itself to the just hostility of the parties aggrieved, but virtually becomes an outlaw from the society of nations, and, by the well-established principles of international jurisprudence, is liable to be attacked and punished by all.

This is from another American authority, Woolsey (§ 62):

Foreigners admitted into a country are subject to its laws. They are * * * entitled to protection, and failure to secure this or any act of oppression may be a ground of complaint, of retortion, or even of war, on the part of their native country.

Vattel states the principle thus:

If a nation should refuse or fail to pass the laws necessary to restrain its citizens from aggression upon other states, or upon their citizens; or if, such laws being enacted, the officers of the state neglect to enforce them, and such aggressions by individuals result therefrom, the state is unquestionably responsible for the injury.

Hall, a recent writer in England, says:

Prima facie a state is of course responsible for all acts or omissions taking place within its territory by which another state or the subjects of the latter are injuriously affected. * * * If the acts done are undisguisedly open or of common notoriety, the state is obviously responsible for not using proper means to repress them; as obviously it becomes responsible by way of complicity after the act if it does not inflict punishment to the extent of its legal powers.

Phillimore says (volume 2, chapter 2):

The state to which the foreigner belongs may interfere for his protection when he has received positive maltreatment, or when he has been denied ordinary justice in the foreign country. The state of the foreigner may insist upon reparation immediately in the former case. In the latter the state must be satisfied that its citizen has exhausted the means of legal redress afforded by the tribunals of the country in which he has been injured. If those tribunals are unable or unwilling to entertain or adjudicate upon his grievance, the ground for interference is fairly laid. But it behooves the interfering state to take the utmost care, first, that the commission of the wrong be clearly established; secondly, that the denials of the local tribunals to decide the question at issue be no less clearly established. It is only after these propositions have been irrefragably proved that the state of the foreigner can demand reparation, and it is not until after the executive as well as the judicial authorities have refused redress that recourse can be had to reprisals, much less to war.

Our relations with the Indian tribes are as much under the exclusive power of the General Government as our relations with foreign nations. Congress has power under the Federal Constitution, and has always exercised it, to regulate commerce with the Indian tribes. If the relations between the United States and the Indians are in any sense similar to those between the United States and foreign nations, then it is the duty of the General Government to afford its citizens protection against the Indian tribes; but I shall proceed to show that such is not the true relation, and that the obligation of the Government in this regard rests upon stronger grounds.

Predicated upon the fourth section of the fourth article of the Constitution, which provides:

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the Legislature, or of the executive (when the Legislature can not be convened), against domestic violence—

And upon the latter part of the tenth section of the first article of the Constitution, which is as follows:

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

The States and Territories have always preferred claims against the General Government for expenses incurred by them on account of volunteers and militia called out for their protection against hostile Indians, and where the emergency was such as to require action before the United States could or did take effective measures for their protection there is an unbroken line of precedents for the payment of such claims by the General Government.

For every wrong there should be a remedy. If one citizen of a State injures another in person or property the State ought to provide for the redress of that wrong by legal methods; and whenever the State, or municipal corporation within a State, fails to afford such reasonable protection as is within its powers to the citizen, the State or municipal corporation upon the plainest principles of justice should be required to indemnify the citizen for any loss sustained by reason of such failure.

The States are powerless under the Federal Constitution to protect their citizens from the Indian tribes. It is true that in case of actual Indian hostilities they may repel invasion and drive the murderous savages back to their cities of refuge—the reservations—but within them they are safe under the protecting ægis of the Federal authority. The States can not demand or enforce satisfaction from the Indians for the losses sustained by their citizens. The Federal Government interposes itself between the States and their citizens to shield the Indians from

the ordinary and natural consequences of their acts. The citizen can not justly demand that recourse against the State which is allowed by the laws of many countries and many of the States for losses occasioned by lawlessness and violence, and can only look to the Federal Government for redress. Laws providing for making good at the public expense the losses of those who have been so unfortunate, as, without their own fault, to be injured and to suffer the loss of their property by acts of lawlessness and violence which it was the duty of the Government to prevent, have existed from an early period.

It was one of the institutions of Canute which was recognized by the Saxon laws that when any person was killed and the slayer had escaped, the ville should pay 40 marks for his death, and if it could not be raised in the ville then the hundred should pay for it.

In the statutes of Manchester (13 Edward I, chapter 1, page 1) provision is made touching the crimes of robbery, murder, and arson, that if the country, *i. e.*, the jury, would not answer for the bodies of the offenders, the people dwelling in the county were to be amenable for the robberies and the damage sustained, so that the whole hundred where the robbery was committed, with the franchise thereof, should be amenable.

An act for consolidating and amending the laws of England relative to remedies against the hundred (7 and 8 George IV, chapter 31) repealed several prior acts providing remedies against the hundred for damage occasioned by persons violently and tumultously assembled, and provided a new method of procedure. As the hundreds were not corporations the action was to be brought against the constable, and the judgment being rendered the sheriff was to draw his warrant on the county treasurer for the amount of the recovery, and the money was to be collected by taxation from the hundred liable.

An act of the Legislative Assembly of the State of New York entitled "An act for compensating parties whose property may be destroyed in consequence of mobs or riots," passed April 13, 1855, provides for the bringing of an action to be prosecuted to judgment according to the usual modes of prosecuting suits against cities and counties by persons sustaining losses by destruction of property by mobs or riots, and under its provisions judgments were recovered against New York city by citizens whose property was destroyed by the draft riots of 1863.

The Legislative Assembly of Pennsylvania, by an act approved May 31, 1841, made the city of Philadelphia liable for property destroyed by a mob, and that act was by an act approved March 20, 1849, extended to Allegheny County, and under its provisions parties whose property was destroyed by mobs at Pittsburgh during the riots of July, 1877, recovered judgments against the county.

Similar statutes are in force in the following States: Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, South Carolina, and Wisconsin.

The laws of these States, as we have seen, are based upon a policy which is coeval with the laws of England.

The United States have assumed the control and management of the Indians, and in any possible view of the case should be held liable for their torts. If it be made to appear that any domestic animal is vicious and accustomed to do hurt, and that the owner has been notified of the fact, a duty is then imposed upon him to keep the animal secure, and he is responsible for the mischief done by the animal in consequence of a failure to observe the duty, and the duty to protect against vicious animals is imposed upon the keeper irrespective of ownership. The duty of one who should undertake to keep a dangerous wild animal would be even greater than that imposed upon the keeper of a vicious animal.

The practical relation of the General Government to the Indian tribes has been for years and is now that of guardian and ward. The Government has taken and exercised control of the persons and estates of the Indians. The general rule is that an infant is responsible for his torts as any other person would be, and certainly the Indian wards of the Government are entitled to no greater immunity than infants under guardianship. The Indians to-day, whether they are considered as owners of the soil of the reservations occupied by them or only as having the right of occupation, which must be extinguished by purchase before it is open to settlement under the land laws, are wealthy. Their average individual wealth is probably far above the average wealth of the citizens of the United States and of any other civilized country.

The total number of Indian reservations in 1880 was 147; total acreage 154,436,302; total number of Indians exclusive of the natives of Alaska was 253,934, which gives about 603.41 acres of land to each Indian. The Government is from year to year extinguishing the right of occupancy of its Indian wards to these lands and paying large sums to the Indians therefor; it also makes large appropriations from the Treasury for their support and education, and at the same time shields their property from the just demands of its citizens for losses on account of property stolen or destroyed.

The obligation of the General Government to support and educate the Indian, whatever may be its origin or extent, is a national obligation. There is no reason or justice in assuming that it must be discharged at the expense of individual citizens, and whenever the National Government refuses to pay the just demands of its citizens against the Indian tribes out of moneys due from the Government to such tribes, and which by treaty stipulations with them the Government has a right to retain and pay to its citizens in satisfaction of their claims, or which according to international law it would, in the exercise of its duty to protect the rights of its citizens, have the power to retain, and pays such moneys to the Indian tribes or expends it for their support and education, it discharges a national obligation at the expense of individual claims and upon the plainest principles of justice must be substituted for the Indian tribes and is in duty bound to make satisfaction to its citizens.

By the treaty between the United States and France, promulgated by the President December 21, 1801, the United States was relieved from certain embarrassing obligations to France arising under the treaty of alliance with that country of February 6, 1778, and the treaty of amity and commerce of the same date, which obligations were no less than to guarantee the possessions of France in America, and of important privileges for the armed ships of France, and a promise of American convoy to French commerce, and in return set off and released the individual claims of her citizens against the French Government arising from the spoliation of our commerce by France. Eighty-four years afterward, at the last Congress, long after the original claimants and two succeeding generations had passed away, Congress provided for the payment of the private claims thus bartered away by the Government.

On January 17, 1870, Mr. Sumner made an exhaustive report upon these French spoliation claims, in which the grounds of the liability of the Government were clearly and forcibly stated, and from which I quote the following:

> Had the claims on each side been "national," no subsequent question could have occurred, for each would have extinguished the other in all respects forever. It was the peculiarity in this case that on one side the claims were "national," and on the other side "individual." But a set-off of "individual" claims against "national" claims must, of course, leave that government responsible which has appropriated the "individual" claims to this purpose. The set-off and mutual release is between nation and nation; but if the claims on one side are only "individual," and not "national," the nation which, by virtue of this consideration, is released from "national" obligations, must be substituted for the other nation as debtor, so that every "individual" whose claims are thus appropriated can confidently turn to it for satisfaction. On this point there can be no doubt, whether we regard it in the light of common sense, reason, duty, Constitution, or authority.
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> (1) According to common sense, any "individual" interest appropriated to a "national" purpose must create a debt on the part of the nation, still further enhanced, if through this appropriation the nation is relieved from outstanding engagements already the occasion of infinite embarrassment, and hanging like a drawn sword over the future.
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> (2) According to reason, any person intrusted with the guardianship of particular interests becomes personally responsible with regard to them, especially if he undertakes to barter them against other interests for which he is personally responsible. Thus, an attorney sacrificing the claims of his clients for the release of his own personal obligations becomes personally liable, and so also the trustee appropriating the trust fund for any personal interest becomes personally liable. All this is too plain for argument, but it is applicable to a nation as to an individual. In the case now before your committee, our Government was attorney to prosecute "individual" claims of citizens, and also trustee for their benefit, to watch and protect their interests, so that it was bound to all the responsibilities of attorney and trustee, absolutely incapacitated from any act of personal advantage, and compelled to regard all that it obtained whatever form of value it might assume, whether money or release, as a trust fund for the original claimants.
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> (3) Duty, also, in harmony with reason, enjoins upon government the protection of citizens against foreign spoliations and the prosecution of their claims to judgment. Claimants are powerless as "individuals." Their claims are effective only when adopted by the nation. This duty, so obvious on general principles, was re-enforced in the present case by the special undertaking of Mr. Jefferson, already adduced, when he announced that he "had it in charge from the President to assure the merchants of the United States concerned in foreign commerce and navigation that due attention will be paid to any injuries they may suffer on the high seas or in foreign countries." Such a duty, thus founded and thus openly assumed, could not be abandoned, on any inducement proceeding from France, without a corresponding responsibility toward those citizens whose interests were allowed to suffer. A waiver of national duty, especially where made for the national benefit, must entail national obligation.
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> (4) The Constitution also plainly requires what seems so obvious to common sense, reason, and duty, when it declares that "private property shall not be taken for public use without just compensation." Here, "private property," to a vast amount, was taken for "public use," involving the peace and welfare of the whole country; and down to this day the sufferers are petitioning Congress for that "just compensation" solemnly promised by the Constitution.
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> (5) Public law is also in harmony with the Constitution in this requirement. According to Vattel, the sovereign may, in the exercise of his right of eminent domain, dispose of the property, and even the person, of a subject, by a treaty with a foreign power; "but," says this eminent authority, "as it is for the public advantage that he thus disposes of them, the state is bound to indemnify the citizens who are sufferers by the transaction." (Vattel, Law of Nations, book 4, chapter 2, § 12.) Words more applicable to the present case could not be employed.

This reasoning applies with equal force to the case under consideration, in which the United States, guardian of the Indian wards and of the interests of its own citizens, to save expenditures from its Treasury on account of such wards, interposes its authority to prevent the appropriation of the property of its wards to compensate its own citizens for losses arising from the torts of such wards. The analogy is complete.

In the discharge of its obligation to protect its citizens from losses from Indian depredations the Government has in many instances in treaties with the Indian tribes stipulated for the payment, out of annuities coming to such tribes, of claims against them for depredations committed on the property of white men. In other treaties the Indians have been required to agree to use their best efforts to return stolen property and to punish offenders. In others the United States has stipulated that the Indians should be paid by the Government for depredations committed upon their property by white men. I will submit at the close of my remarks lists of these treaties.

Numerous special acts for the payment of the losses of citizens on

account of Indian depredations have been passed by Congress, extending from 1819 up to last session, so that precedents are not wanting for such payment, even since the provisions for the payment of such claims out of the Treasury and out of annuities without special appropriations were repealed.

I have prepared a list of such special acts (but which I am not certain contains them all) showing in each case whether payment was made out of the Treasury or from Indian annuities. The total amount of the appropriations from the Treasury is $1,604,028.25. The total appropriations from Indian annuities is $197,716.37. These totals do not include the sum paid under the general laws heretofore referred to.

The Senate amendment striking out of the Indian appropriation bill of last session the provisions for the payment of sundry depredation claims was adopted upon the ground that it was general legislation upon an appropriation bill. But with strange inconsistency the Senate Committee on Appropriations reported the sundry civil appropriation bill with a clause appropriating $46,770.21 to pay H. C. Oburn, out of annuities, for depredations committed by the Cheyenne and Arapaho Indians, and the bill passed with the provision.

Able reports have been made upon some of the private bills which have been passed by Congress for payment of such claims in which the grounds of the liability of the Government are stated with much force. From report No. 780, made by Mr. Comingo at the first session of the Forty-third Congress upon the bill (H. R. 3315) for the relief of John Fletcher, I quote the following:

Such being the facts in the case, is the Government liable to indemnify claimant for his said loss? That we may be able to arrive at a satisfactory and just conclusion in the premises, it may be well to consider the relations the Indians bear to the Government, and the legislation that affects that relation. Between them and the citizens of the United States legislation has interposed a "high wall and a deep ditch," and has thereby left the latter without remedy, if the Government is not liable for the depredations of those around whom it has thrown its protecting arms, and between whom and its citizens it has interposed insuperable barriers.

The Indians have long been regarded and treated as the wards of the Government. This relation was recognized and acted upon almost three-quarters of a century ago, and at no time since has it been disclaimed. As far back as 1802 our ancestors saw the propriety and necessity of protecting the citizens of the then feeble Republic from the rapacity and violence of that race, and provided means of indemnity for spoliations committed by such of them as were in "amity with the United States." (2 Statutes at Large, page 143.)

This liability and promise to indemnify continued as a part of the written law of the land from that time until 1859, when, as we shall presently see, the promise, but not the liability, was revoked by act of Congress. The liability, in the opinion of your committee, did not depend upon, nor was it created by, the promise. It existed independent of the latter—the latter being a simple recognition of the former; and, in the opinion of your committee, the liability has not yet been ignored, but to the contrary has been recognized in all subsequent legislation on the subject, although the express promise of indemnity has been recalled.

The trade-and-intercourse act of 1834 expressly repeals that of 1802 (4 Statutes at Large, page 734); but by the seventeenth section of said act (4 Statutes at Large, page 731) provisions are made for full indemnity, and the same is guaranteed by the Government. This statute remained in force from the 30th of June, 1834, to the 28th of February, 1859, at which time it was repealed. The repealing clause is as follows:

"*And be it further enacted*, That so much of the act entitled 'An act to regulate trade and intercourse with the Indian tribes and to preserve peace on the frontiers,' approved June 30, 1834, as provides that the United States shall make indemnification out of the Treasury for property taken or destroyed in certain cases by Indians trespassing on white men, as described in said act, be, and the same is hereby, repealed: *Provided, however*, That nothing herein contained shall be so construed as to impair or destroy the obligation of the Indians to make indemnification out of the annuities as prescribed in said act." (11 Statutes at Large, page 401, section 8.)

Let it be remembered that this leaves in force all of said act except the clause that guarantees indemnity out of the Treasury. The seventeenth section of the act of June 30, 1834, contains the following among other provisions:

"*Provided*, That if such injured party, his representative, attorney, or agent shall in any way violate any of the provisions of this act, by seeking or attempting to obtain private satisfaction or revenge, he shall forfeit all claims on the United States for such indemnification."

Thus, we find, the citizens of the United States are wholly without remedy for wrongs and injuries perpetrated by the Indians unless by reason of the peculiar relationship they sustain to the Government, and the exclusive guardianship over them assumed by the latter, it is responsible for their willful and unprovoked trespasses.

The act of July 15, 1870 (16 Statutes at Large, section 4, page 360), forbids the use of any part of the annuities then due, or thereafter to become due, the Indians designated in the act in payment of claims growing out of their depredations. It should be observed that it does not ignore the liability of the Government in such cases, but rather recognizes it by providing that claims of that character shall not be paid out of annuities, and that they may be paid by a special appropriation made for that purpose by an act of Congress.

The section last referred to reads as follows:

"That no part of the moneys hereby appropriated by this act, or which may hereafter be appropriated in any general act or deficiency bill making appropriations for the current and contingent expenses of the Indian Department, to pay annuities due to or to be used and expended for the care and benefit of any tribe or tribes of Indians named herein, shall be applied to the payment of any claim for depredations that may have been or that may be committed by said tribe or tribes, or any member or members thereof; and no claims for Indian depredations shall hereafter be paid, until Congress shall make special appropriations therefor; and all acts or parts of acts inconsistent herewith are hereby repealed."

By the 7th section of an act approved May 29, 1872 (17 Statutes at Large, page 190), the last clause of the foregoing section is re-enacted, and it is made the duty of the Secretary of the Interior to prepare and publish such rules and regulations as he may deem necessary, prescribing the manner of presenting claims for compensation for depredations committed by Indians, and the degree and character of the evidence necessary to support the same, and to report to Congress, at each session thereof, the nature and character, &c., of such claims, whether allowed by him or not, and the evidence on which the action was based.

Provisions are thus made for ascertaining the extent of injuries that may be inflicted on citizens of the United States; the result of these injuries we call claims, and we provide that they may be paid out of our general treasury, and that they shall not be paid out of the annuities due or to become due the Indians. If we do not thereby recognize a right on the part of those who suffer from the depredations of these people to recover the actual damages they may sustain, what is the meaning and effect of all this legislation? Why do we forbid the injured to redress their own grievances? and why lock up the annuities of those who despoil our citizens, and hold out a pretended promise of payment?

Congress may make appropriations to pay these losses. This is plain. But it is insisted by some that there is no legal liability to pay them. If this be true, when did the liability cease? Why have we continued to pay some of these claims, and why make provisions for prosecuting them in the manner in which we have done? and why do we provide for paying them out of the Treasury? If they are not valid claims, by what authority can we appropriate money out of the Treasury to pay them? The right of recovery depends, in each case, on the particular facts that bear upon it. In this respect it does not differ from the right of recovery in any civil action, such as assumpsit, covenant, or trespass.

And from Report No. 253, made by Mr. Mason in the House of Representatives at the Forty-seventh Congress upon the bill (H. R. 2824) for the relief of William Franklin Grounds, I quote the following:

Your committee are satisfied that the claim of Mr. Grounds is a just one, and that the Government is under obligations to compensate him for these losses. In arriving at these conclusions, your committee are guided by numerous legislative precedents in cases similar to this, and by the principles declared by eminent publicists. They believe that it would be in violation of the spirit of our institutions to impose on one citizen the burdens which should be borne by all, and that the citizen who pays taxes, bears arms, serves on juries, and bears his just proportion of the burdens of Government, and complies with all its exactions, is entitled to security in person and property, and to the prompt fulfillment by the Government of all the obligations it is under to him as a citizen.

The Committee on Indian Affairs of the United States Senate, first session Thirty-fourth Congress, to whom was referred a bill authorizing the payment of certain claims for Indian depredations, and in which the equities were not as clear and strong as those which exist in this case, say:

"The spoliations for which redress is now sought were caused by predatory expeditions, undertaken without lawful authority and without cause, as likewise without the usual formalities, and solely with the view to plunder, and is therefore excepted by Vattel and all the approved publicists from the principle under which redress is here sought to be derived, and brings it within the principle under which, by the practice of all civilized nations, the citizen or subject has been held entitled to indemnity, and under which this Government has uniformly extended redress." (Senate Report No. 244, first session Thirty-fourth Congress, volume 2.)

These great principles of government have been recognized and passed into a compact between this Government and the citizen in the several "trade and intercourse laws" enacted by Congress in 1802, 1834, and 1850. Since then it has repeatedly, in the hundreds of private acts for relief, recognized its obligations to pay the citizen out of the Treasury of the United States for losses sustained by Indian depredations. It has gone even further, and paid friendly Indians for losses sustained at the hands of hostiles of the same tribe when they (the hostiles) failed to make restitution of the property stolen, as stipulated in the articles of capitulation.

The law of 1859 repealing the provisions of the act of 1834, by which the United States guaranteed eventual indemnity for losses on account of Indian depredations, and which provided for the payment of such claims out of the Treasury, was an amendment to the Indian appropriation bill, and passed without much consideration and without debate. But the act of 1870 provoked more discussion. In the Senate, during the debate upon the bill, Mr. Thayer, of Nebraska, said:

Mr. THAYER. The honorable Senator from Iowa and the honorable Senator from Oregon say that in some cases the annuities of Indian tribes have been absorbed in meeting these claims. I tell those two Senators that the property, the all of settlers on the frontier has been destroyed by Indians; and I say to them also that the way to produce an effect upon the Indians is by letting them know that if they commit these depredations their annuities shall be taken to pay for them. That is the only way in which you will reach them. That is the only way in which you will have an effect on the Indians and compel them to cease their depredations on the settlers. The last remedy for a man whose property, whose crops, whose horses, and whose cattle have been taken from him by Indians is to tell him to come to Congress and wait until the day of doom before he can get satisfaction or compensation. I trust that this whole section will be stricken out.

Mr. Tipton said:

Every Senator here who knows anything about the new States knows that when a band of savages pass through our borders, or when the Indians who are on the reservations pass through our States, there is nothing that protects the property of the settler so well as a consciousness on the part of the chiefs and the headmen of the the Indians that if the stock of the settler is killed, if his crops are destroyed, their annuities may be reached and they will feel it in their pockets. Nothing so completely gives protection to the settler as that. Then, when their young men spread upon the prairies and roam about at will, when they come upon the cabin of a settler and his property is entirely in their power, they will have been warned by those in authority over them not to touch it or the value of the property will be taken out of their annuities. I tell you that gives us more protection when they pass through our inhabited counties and portions of our States than anything else that you can devise. But let it be understood that if they commit depredations, those who complain of them, if they can make a case, may come to Congress and get their pay out of the Treasury of the United States, and who cares what depredations are then committed? I say that unless this section be stricken out, or so amended that the redress shall be direct upon the tribe or upon the annuities of the tribe, we shall have very little protection.

Mr. Williams said:

It is a mistaken policy, in my judgment, that undertakes to throw around these Indian tribes the protection of law in robbery, a thing which they will understand just as well as white men. It will not be long before the Indians will know that they can with impunity make inroads upon the white settlers and steal their horses and cattle, and carry them away and make use of them, and that there is no remedy for the white persons so injured.

In the House of Representatives Mr. Degener said:

I am not a lawyer, but common sense teaches me that if any person chooses to keep a dangerous animal on his premises, say a rattlesnake in his room; if he chooses to feed it, chooses to provide a warm blanket for that rattlesnake, so that it may not suffer from cold, and if he does not choose to extract the poisonous fangs of that animal then he becomes responsible should that rattlesnake escape from his room and go upon the premises of his neighbor and there bite his neighbor, or his neighbor's wife, or children, or his cattle. I believe common sense teaches us that that is the correct principle.

Mr. Wilkinson said:

The principle is essentially just, and there is no reason for changing the existing law except the clamor which has risen on account of the reputation that the Indian Department has had before the country. If the Indian Department stood as well before the country as the Treasury Department there is not a man in this House who would think of making the change proposed by this amendment.

Mr. Paine said:

On the other hand, it is desirable, if possible, to so regulate the payment of our annuities to the Indians that we may avoid the difficulties, the animosities, and the troubles that will be sure to grow out of the collection of false and fictitious and sham claims against the Indians. If there were an absolute certainty that only just claims would be presented against these Indians, if we were sure that only the claims of honest frontiersmen whose property had actually been destroyed or stolen would be presented and paid out of the moneys which would otherwise be devoted to the payment of these annuities, then I would have no hesitation in allowing the law to stand as it now is. But there is the danger that, by permitting the law to stand as it now is, we shall give encouragement to the prosecution of unjust claims. I believe everybody understands that it has been true that large numbers of outrageous claims have been presented against the Indians; demands made by men who set themselves deliberately to work to trump up claims upon no substantial foundation, for the purpose of robbing these Indians. On the whole, for the purpose of avoiding that difficulty, I am willing to encounter another.

And during the debate upon the act of May 16, 1872, Mr. Harlan, of Iowa, said:

Under the amendment the Senate has agreed to, the last amendment preceding this offered by the honorable Senator from Nebraska, it will be the duty of the Secretary of the Interior to examine these claims and report them to Congress. Then Congress can make an appropriation to pay each claim that is specifically reported by the Department. It seems to me that would be much safer than to order their payment out of the appropriations made to feed and clothe these Indians that are now being supported by the Government and have no other resource whatever, except preying on the frontier settlements.

From these debates it is apparent that it was not the intention of Congress by the acts of 1859, 1870, and 1872 to repudiate its obligations to its citizens on account of these claims, but only to require that the same should not be paid without special appropriation by Congress for that purpose. The statement of Senator Thayer that "the last remedy for a man whose property, whose crops, whose horses, and whose cattle have been taken from him by the Indians is to tell him to come to Congress and wait until the day of doom before he can get satisfaction or compensation" was prophetic.

The discussion in the Senate of the amendment reported by the Committee on Appropriations, to strike out the provisions in the Indian appropriation bill of last session as it came from the House, for the payment of certain depredation claims which had been presented to the Department of the Interior, audited, and reported to Congress, was, I think, the most extended discussion which ever took place in Congress upon the subject of the payment of such claims, and no Senator during that discussion ventured to question or deny the obligation of the Government to pay such claims, but all the Senators who took any considerable part in the debate expressed the opinion that such an obligation exists.

Mr. PLUMB said:

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While I say that, I am as earnest as any one can be in favor of the Government adopting a rule which shall result in the payment of what I regard as justly an obligation against the Government as any other one which it is called upon to respond to. There are millions of dollars, I believe, certainly many hundreds of thousands of dollars, which the Government of the United States owes to claimants all over the country. I have no doubt the case of which the Senator from California speaks is one, to a certain extent at all events; possibly there may be some doubt about the amount; but in all these cases there ought to be a tribunal provided for the ascertainment of the amount due. I introduced a bill years ago, and have reintroduced it, to have an auditing of these claims in order that they might come before Congress not as objects of suspicion, but upon their true footing as genuine existing liabilities against the Government, and having had all the scrutiny that they ought to have preceding their allowance. The Committee on Appropriations, for the purpose of bringing about this result, seized upon an amendment offered to the bill in the House and so reframed it as they believe will result in establishing the validity or invalidity of these claims in such a way that they will not be subject to objection any longer.

Mr. DAWES said:

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Instead of committing the United States to the payment of particular claims by paying 15 per cent. upon them and letting all this vast amount remain back waiting for that provision to go through, the Committee on Appropriations have proposed, on page 47 of the bill, this amendment, which I beg leave to read:

"For the investigation of certain Indian depredations claims, $10,000; and in expending said sum the Secretary of the Interior shall cause a complete list of all claims heretofore filed in the Interior Department and which have been approved in whole or in part and now remain unpaid, and also all such claims as are pending but not yet examined, on behalf of citizens of the United States on account of depredations committed, chargeable against any tribe of Indians by reason of any treaty between such tribe and the United States, including the name and address of the claimants, the date of the alleged depredations, by what tribe committed, the date of examination and approval, with a reference to the date and clause of the treaty creating the obligation for payment, to be made and presented to Congress at its next regular session; and the Secretary is authorized and empowered, before making such report, to cause such additional investigation to be made and such further testimony to be taken as he may deem necessary to enable him to determine the kind and value of all property damaged or destroyed by reason of the depredations aforesaid, and by what tribes such depredations were committed; and his report shall include his determination upon each claim, together with the names and residences of witnesses and the testimony of each, and also what funds are now existing or to be derived by reason of treaty or other obligation out of which the same should be paid."

* * * * * * * *

The Secretary of the Interior is required to pass upon these claims. He has passed upon them in the past in the manner which I have suggested. He has not had the money to send anybody into the Territories where it has been alleged that these depredations have been made. He has the power under the statute, but he has not had the money; he has had no men that he could pay for that purpose. Therefore, whenever a man sent his claim up here or referred it to the agent of the tribe, when the agent of the tribe got the affidavits furnished by the claimant and sent them up here, without any hearing or cross-examination whatever, the Secretary of the Interior has written "approved;" and the claims come to Congress, thirty-one hundred of them in a single letter, amounting to more than a million and a half dollars, and a dozen of them were put upon a single page in this bill by the other branch with a stipulation that only 15 per cent. should be paid. Fifteen per cent. of them would take twice as much as the very Indians upon whom they are charged have got in the Treasury; and we are called upon in this bill, independent of that, to appropriate some $25,000 to support and feed these very Indians.

I submit that the safest way is the one proposed by the Committee on Appropriations, and that any other way is unsafe, unfair to other claimants, invidious, unjust, and groundless discrimination in favor of these claims.

Mr. COKE said:

I think, Mr. President, that a proper measure of justice to the claimants who have suffered from Indian depredations would suggest to the committee and to the Senate that the claims which have been investigated under acts of Congress prescribing the mode and manner of their investigation, which are on file in the Interior Department, and have been reported to Congress by the Secretary of the Interior, approved by him as just and honest claims, should be embraced in this bill, and appropriations made to pay them. The committee propose by their amendment that they shall be reinvestigated. Why reinvestigate claims which have already been fully investigated? We must presume that they have been fully investigated, because the Secretary of the Interior, the Commissioner of Indian Affairs, the agents and superintendents over the Indians, all had authority to make the investigations, to summon witnesses and take depositions, and upon their investigation, presumably correctly made, the Secretary of the Interior has reported a large number of these claims, belonging chiefly in Kansas, Colorado, and Texas, as just and approved by him.

The committee now propose to reinvestigate those claims after a lapse of from fifteen to twenty years, when all the testimony has gone, possibly when the facts upon which the claims are founded are necessarily obscured from loss of testimony and death of witnesses. There is no justice in such a course.

The people of the frontier States knew that they had no recourse against the Indians, except what Congress gave them, and Congress in the acts to which I have referred prescribed certain methods which they have pursued. They submitted themselves fully to the jurisdiction prescribed; and now, after their claims have been approved by the tribunal appointed by Congress, their witnesses dead or scattered, they are to be called upon to again come forward and resubstantiate the same claims already adjudicated and on file in the Department and reported approved to Congress.

* * * * * * *

I know something about these claims for Indian depredations. I know that the frontier of Texas was at one time driven back 75 miles by hostile Indians from the Fort Sill reservation, where they were under the care and control and management and protection of the Government of the United States. The people of Texas dared not go upon that reservation to retaliate. They could have gone there and wiped out the Indians, but the United States Government protected them. Whenever a full moon shone at night they came down upon Texas, drove off cattle and horses, burned houses and killed and scalped men, and carried women and children into captivity.

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I have no doubt that the same experience was realized by all the other frontier States. I have personal knowledge of the fact that until the State of Texas organized a battalion of State troops and sent them to the frontier and protected the settlers against the Indians, the frontier was almost abandoned. I know hundreds and hundreds of men in Texas who had thousands of head of cattle and hundreds of head of horses, who lost every dollar's worth of property they had by the depredations of those Indians. Yet the Senator from Massachusetts would cast an imputation upon the justice of these claims, examined and approved as they have been.

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As the Senate Committee on Appropriations determined that they would not appropriate the money now to pay these claims, that they would not put these claims thus approved and reported upon this bill, then I believe the next best thing for them to do was, as the committee has done, require a full report of all these claims to be made to Congress at the next session, and when this report comes in and we see what they all amount to I shall favor, and I believe that the honor of the Government will require, that Congress shall take steps to liquidate them at once. I do not see why those who have honest claims for Indian depredations should be sneered at. They are the pioneers of the country. They have gone westward until we have no frontier left, blazing the way for settlement and civilization.

Mr. MANDERSON said:

Mr. President, I certainly quite agree with the suggestions made by the Senator from Texas in regard to the duty of the Government to pay those who have suffered loss on the frontier of the country by reason of Indian depredations, and I wish to supplement his suggestion as to the claims mentioned in this bill, in that part of the bill which has already been stricken out by the action of the committee, by reading from a report of the Committee on Claims. It was stated by the Senator from Tennessee [Mr. JACKSON] that the claims presented in this bill had been reported adversely by the committee. That statement is truthful; but it does not tell all the truth. The inference might follow that these claims were rejected because of lack of merit, for fraud, or because the parties had not suffered the losses they pretended to have suffered; but that is not the finding of the committee. The Committee on Claims, following the action of the Interior Department, reports as to these claims, and I read from the report:

"The claimants are all citizens of Texas, generally engaged in agriculture or stock-raising, quietly and peaceably pursuing their avocations, having nothing to do with trade or traffic with the Indians, and in no way connected with any disturbance between whites and Indians there or elsewhere. They were all citizens of the State of Texas, and while engaged in peaceful pursuits were set upon by bands of Indians (who were supposed to be under the restraint and control of the Government on their reservations), their stock stampeded and driven off, and other property destroyed or carried away, and in many cases their herders killed or wounded. They have, as the evidence shows, at all times refrained from any violation of law by taking the remedy into their own hands and giving blow for blow, but have, in compliance with the laws which Congress has from time to time passed for their protection and indemnity, made out their claims, supported them by ample proof, both as to quantity and value, and have presented them to the officers designated by the Government to examine into their justness and the truthfulness of their statements; and those officers, after having sent the claims to the agents of the different tribes to be presented to the Indians for their statements in regard to them, and after hearing the reports of those agents and making a careful examination of the proofs offered by the claimants, have allowed them the various sums for payment of which the claimants now ask an appropriation by Congress."

So that these claims have not been allowed by the Department of the Interior upon mere *ex parte* affidavits, but upon full investigation and with a chance to the Indians themselves, through their agents, to be heard.

They are taken up in this report, and although the committee recognizes their

merit and the obligation upon the Government to pay this class of claims, it does report adversely to them, as suggested by the Senator from Tennessee, in this language:

"As stated in your committee's report upon the claim of Overton and Love, there are a large number of these claims, equally meritorious, on file in the office of the Commissioner of Indian Affairs. No good reason can be given for paying the claims under consideration without paying them all. This committee can not recommend the passage of such claims until Congress adopts some general policy of dealing with all these claims."

I admit that the suggestion of the committee is a wise one. All of these claims should be dealt with, but year after year rolls by and they are not paid. In my own State I know of existing claims, as valid and as meritorious as those that are stated in the report, that are nearly a quarter of a century old, for depredations committed by Indians upon frontiersmen who were invited by the Government to go upon Government land, and these men driven from their lands, their homes destroyed, and in frequent instances members of their families killed or treated worse by Indian depredators, remain with their serious losses yet unpaid.

I submit, Mr. President, that it is a crying shame that these claims have not been paid.

Mr. MAXEY said:

Mr. President, the general plan for efficient and prompt settlement of outstanding claims proposed by the Committee on Appropriations I think is wise; but I submit to that committee and to the Senate whether there is any reason why, because they propose to adopt that plan, the claims which have been allowed by the House and which come to us as approved claims shall be stricken out of the bill. In other words, the law has always favored the vigilant. If gentlemen who have claims have gone to the labor and the expense of gathering up their testimony, of laying it before the Secretary of the Interior, of having their claims examined and approved and recommended to Congress and Congress in its wisdom allows those claims and the bill comes to us with those claims thus allowed, I ask if there is any reason or propriety in striking out all the claims allowed, as found on pages 8, 9, 10, &c., of the bill which comes to us from the House, simply because a provision is made by the Appropriations Committee for a general settlement of all such claims? If the claims which are allowed are just in themselves, and the Senator in charge of this bill does not gainsay that proposition; if they are right why should they be struck out in order to take their place under the general plan of settlement when they have already been examined and approved and allowed by the proper committee of the House as just and proper claims? I can, therefore, see no reason why these claims shall be stricken out, nor do I see any conflict between the claims which are allowed by the House standing as a part of this bill and the proviso which is put in by the Appropriations Committee of the Senate in respect to those claims which are not as yet allowed or have not been sent up by the Secretary of the Interior.

Mr. President, it is to the interest of the Republic that there be an end of litigation, and if these men have had claims litigated and passed upon and they have been allowed by the House, why should they be stricken out of the bill by the Senate? It is not pretended that they are not just claims. If there was a shadow of suspicion cast on the claims there would be some reason in that, but there is none. They are admitted to be just, they are admitted to be right, but they are simply stricken out because they may conflict with the plan proposed for future settlements. These claims having been already settled, why should they be relegated to the future to be settled then? I can not see any reason for that. It does not seem to me to be a fair proposition.

Mr. MILLER, of California, said:

What I object to is this practice of the Government of the United States, which is unbecoming a great government, interposing technical objections to shilly-shally around and put off payment in the manner of a bankrupt debtor or a man who is not disposed to pay his debts. That is the position in which the Committee on Appropriations to-day are putting the Government of the United States in relation to the citizens who hold these claims. That there is an obligation to pay these claims out of the funds held in trust by the Government belonging to the Indians, there can be no doubt; but the Committee on Appropriations or the chairman of the Committee on Indian Affairs who has charge of this bill seems to desire to put off the payment continually. It is so year after year. This process has been going on for a great many years, and when we are confronted by the condition of things, then we invent some new scheme, some new plan by which these claims shall be put off; we have not got the report we want, or there is something lacking, and a man who has vigilantly prosecuted his claim and has had it adjudicated, and the amount found due shall not be paid because somebody who has not used the time diligently and whose claim has not been adjudicated is not paid, and that furnishes a reason why the man who has a just claim which has been adjudicated shall not be paid. That seems to me a strange position to take. I can not see why when a claim is adjudicated and found to be due this great Government should desire to put off the day of payment, and to bring up technical and other objections to avoid the payment. * * * We have said that these Indian disturbances were not wars, that Indians were not to be regarded as belligerents. They are wards of the nation. The Government of the United States has assumed to take care of them and to protect the frontier against them by placing them on reservations and under the control of the military; and they have thus invited people to go on the frontier, risk their lives, and risk their property.

The Government has invited them to do that and has placed agents over the Indians; but for all that they break out and they carry with them the torch; they burn, pillage, rob, destroy, murder, and carry into captivity; and when these unfortunate people come to Congress and ask for relief, because every man has not been prepared to bring forward his claim in the mode and manner which is required all others who have done so are to be relegated to some commission hereafter to be appointed to regulate these things. Sir, that is not just. Let "every tub stand upon its own bottom." If a man has an honest claim let it be brought forward, and if the claims amount to $8,000,000, as the Senator from Wisconsin says, if they are just claims for depredations committed by these wards of the nation upon the defenseless frontier people in the destruction and robbery of their property, this Government, as an upright and honorable and honest gentleman would do, ought to pay the last dollar of it if the Indians have not enough money of their own to pay that debt. I assume in the broadest form the position that it would be just and right and fair to do it.

Mr. COCKRELL said:

It is a matter of absolute necessity that we shall sift these claims, that we shall ascertain those that are properly chargeable against the nations and tribes that have annuities and with whom we have treaty stipulations and whose money we have, so that we can pay the claims. Now, I am for making these Indians pay every solitary dollar due for the actual depredations committed by them, whenever they have any money or whenever they have any lands out of which they can be paid. I want to hold them responsible to the fullest extent of the law; but I only want to pay what is actually due, the real value of the property destroyed or the real injury done to it, and not mere imaginative damages that may have resulted, and which should never be allowed in any court of justice. Therefore we put in the amendment, under the head of "Indian depredation claims," at page 47, requiring a thorough investigation of this whole matter. We appropriate $10,000 for it. The Secretary can take this money and he can have a thorough investigation made; he can report to us all the facts; he can show us the evidence upon which these claims are allowed, and the treaties and the funds. Then we can go to work and settle the cases intelligently and honestly and fairly; but we can not do it until we have that information, and it is idle to undertake to do it. We are simply making flesh of one and flesh of another. We are making a favorite of one, and we are doing great injustice and wrong to hundreds of others.

If it was not the intention of Congress that payment of these claims should be ultimately made by the United States the appropriation of $10,000 at the last session of Congress for the purpose of having such claims investigated and reported upon by the Secretary of the Interior, was a waste of money and useless legislation. I have a right, therefore, to assume that the provision of the act in question for the examination of such claims and requiring a report of those approved by the Secretary of the Interior to be transmitted to Congress, was for the purpose of providing a basis for an appropriation by Congress at a subsequent session for payment thereof. Congress should treat the report of the Secretary of the Interior as conclusive so far as the claims that are approved are concerned, and appropriate money for their payment. The bill presented by me to authorize suit in the Court of Claims would then be applicable to claims which have been heretofore disallowed by the Department, to claims which have been heretofore filed but have not been examined and reported, and to those which may hereafter be filed.

I think the Government is morally bound to pay the claims which have been proven under the laws and the rules and regulations prescribed by the Interior Department, approved by the Secretary of the Interior, and reported to Congress. I do not care, however, so much for the manner in which the object I have in view, which is, the payment of these claims, is accomplished as I do that some action shall be taken by Congress now, without further delay, which will accomplish it. The inaction and indifference of Congress in this matter is a disgrace to the Government and an injustice to its citizens which should be no longer permitted.

It is because I suppose the bill offered by me to refer claims of this character hereafter to the Court of Claims will not be subject to some of the objections which have been heretofore urged against the payment of these claims, and may therefore find favor with the majority of both Houses of Congress, that I have offered it.

By reference to the first section of the bill it will be seen that it does not create a new class of claims against the United States. It provides a more satisfactory method for the examination and determination of a class of claims already recognized. As I have shown, claims for Indian depredations are now considered in the Interior Department upon *ex parte* affidavits, filed by the claimants, and upon such further information as the agents of the Department are able to gather. When examined in the Department they are reported to Congress, which, instead of treating the approval of the claims by the Secretary of the Interior as conclusive, and making an appropriation to pay them, either takes no action or delays final action, and postpones the day of settlement and payment by expedients like that adopted at the last session, when provision for the payment of certain claims was stricken out of the Indian appropriation bill by the Senate, and an appropriation of $10,000 made for examination and report upon such claims by the Secretary of the Interior. The truth is that neither the Department of the Interior nor Congress is so situated as properly to examine claims of this character.

No greater objection has ever been urged to these claims than that the *ex parte* examination which they have hitherto undergone necessarily fails to separate the good from the bad, and indeed invites fraud. The provisions of the present bill answer any such objection.

In the Court of Claims the Government is represented by the Attorney-General through his assistants. All the machinery of the Department of Justice is at the disposal of the Government in securing evidence. No testimony can be taken *ex parte*, but under the rules governing the court the Government is present by its counsel at the examination of all witnesses and can call witnesses in defense. The methods of procedure in that court are simple, and there is no better way of securing an impartial and thorough examination and just decision of the claims for Indian depredations than by submitting them to it. The court is able, as I will presently show, to dispose of a much larger amount of business than is now before it. Probably the passage of this bill would necessitate the appointment of additional counsel to represent the Government in cases brought under it, as the force of attorneys for the Government has not heretofore been large enough. With a slight addition in this respect, cases arising under this bill could be promptly considered and decided.

Propositions to refer claims of this class to commissioners are open to objections. It would be difficult to obtain commissioners of sufficient learning and experience who would accept temporary official positions and who would dispose of interests so important in a manner acceptable to the claimants and the Government. Commissioners would be obliged also to act as counsel for the United States as well as judges. It need not be said that these two positions are incompatible and that a judge so situated is hardly able to render an impartial decision. If this work were done by commissioners Congress would be overwhelmed by petitions of unsuccessful claimants for relief. This has been the past experience with commissioners and special tribunals. Suitors against the Government should have the same right to trial in a judicial tribunal as other suitors.

The sixth and seventh sections of the bill are in harmony with the policy of the Government as expressed by the act of 1834. It is provided that judgments shall be paid out of Indian annuities, if any exist. An examination of the Indian treaties shows that a large proportion of all the treaties ever made with the Indian tribes contain provisions that claims for depredations shall be paid out of the annuities due such tribes. The course of legislation shows that where annuities have existed this has been the uniform rule from 1796 to the present time. In the absence of treaties especially designating this course the obligation of the Indian tribe is equally strong. A tribe committing depredations can not expect to receive trust funds from the Government while claims of its citizens arising out of their own misconduct are unpaid. The rights of the Indians are sacred, but no more sacred than the rights of innocent white citizens. The line must be drawn between justice and sentiment. The white man must be given justice as well as the Indian.

These principles are carried to their logical and proper extent by this bill by providing that, if there are no annuities and funds become due to the Indians from the sale of their lands, then they must pay out of such funds for their depredations, or out of any appropriations made for their benefit other than for their subsistence, support, and education. Should there be no funds in the hands of the Government due the Indians it is provided by the bill that the judgment of the court shall be paid out of the Treasury. This adopts the provisions upon this subject of the act of 1834, which was only a re-enactment of the provisions of the acts of 1796, 1799, and 1802. The provision is only a discharge by the Government of its just obligations arising out of peculiar relations of the Government, the citizen, and the Indians.

When the act of 1870 was passed directing that no claim should be paid out of annuities without the special authority of Congress, there were many annuities due to Indian tribes which have since been fully paid.

A reference to House Executive Document 5, Forty-first Congress, second session, page 182, shows that for the fiscal year ending June 30, 1870, $4,167,486.36 was appropriated for fulfilling treaties with various Indian tribes. All this sum was, under the laws and treaties, subject to the payment of claims for depredations committed by the Indians to whom annuities were due. The act of 1834 pledged the Government to such payments. But since then very few claims have been paid, while the annuities have been gradually exhausted with the lapse of years, until the Secretary of the Treasuary reports in 1884 that the sum of $1,420,150 only is necessary to carry out treaty stipulations for the year ending June 30, 1886.

The guarantor trustee has paid out the funds without regard to its own obligations as guarantor and must answer from its own estate.

Congress has at almost every session passed some bill for the payment of Indian depredation claims, and at every session claims as meritorious as those passed are presented and ignored. The passage of this bill would at once relieve Congress from further consideration of this class of claims. It would remove the objection made to their payment that they are exaggerated and have not been established with sufficient certainty to justify appropriations, and provide the most satisfactory way of ascertaining the amount of loss sustained by each claimant. While it would entail some expense upon the claimants, they would, I believe, gladly accept its provisions and be satisfied with the final adjustment of their claims under it.

The present system of auditing claims of the character under consideration is a delusion; it has outlived the purpose for which it was instituted; appropriations no longer follow as a matter of course, either for the payment of these claims, as audited, out of the Treasury, or from annuities due the Indians chargeable with the depredations.

I have considered the question of the ability of the Court of Claims to dispose of the additional business which would be imposed upon it by this bill should it become a law, and find that it will be able without any additional clerical or other force to dispose of such business. The expense of examining these claims under this bill would be no greater than the expense now caused by the examination of them by the Interior Department. In answer to a letter addressed by me to Hon. William A. Richardson, chief-justice of the Court of Claims, I received the following:

COURT OF CLAIMS CHAMBERS, *Washington, February* 23, 1886.

MY DEAR SIR: I have the honor to acknowledge the receipt of your letter of the 19th instant, with a copy of Senate bill No. 1407, "in relation to Indian depredations."

You say that you "have been informed that the impression is prevalent, to some extent, that the Court of Claims would be unable to dispose of any considerable addition to the business now before it," and you ask me to inform you whether it would be possible for the court to dispose promptly of cases which might arise under this bill should it become a law, and whether any changes in existing law would be necessary to enable the court to determine the causes which might go before it, should the bill be passed by Congress.

The impression to which you refer is an erroneous one. Although the business of the court has been largely increased of late, no difficulty has been or is likely to be found in disposing of it as fast as the parties are ready for trial.

Of course the judges are required to work somewhat harder, but of that they do not complain. They always hold themselves in readiness cheerfully and promptly to do whatever business Congress sees fit to put upon them.

When the Bowman bill, which became the "act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government" (22 Statutes at Large, 485), was before a committee of Congress the judges made reply to a similar request as follows:

"The business of the court has frequently been increased by special matters of jurisdiction referred to it by Congress, such as the abandoned and captured property cases, under the act of March 12, 1863; cases against the District of Columbia, under the act of June 16, 1880; and numerous cases and classes of cases referred by private acts. It is found that such cases bring in new litigants and new counsel, who prepare and submit their cases while others are in preparation and do not obstruct the general business. Litigants are always promptly heard whenever their cases are ready for submission, and the court promptly decides them, and the business has never been in arrears; so that the extent of business which the court may transact can hardly be estimated."

Further experience with the business of that act before the court has confirmed the views there expressed.

I have no doubt that the court, with no additional assistance, would be able to do promptly all the business that would come to it if the present bill becomes a law.

I send herewith a copy of the History, Jurisdiction, and Practice of the Court of Claims, from which you will get a full account of the business of the court.

I am, very truly, yours, &c.

WILLIAM A. RICHARDSON,
Chief-Justice.

Hon. J. N. DOLPH, *Senator, &c.*

I also addressed a letter to the honorable Commissioner of Indian Affairs, to ascertain the number of depredation claims and their aggregate amount, and received the following reply:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., March 3, 1886.

SIR: In reply to your interrogatories relative to number, amount, &c., of Indian depredation claims pending in this office, I have the honor to inform you that with the force employed and the amount of other duties devolving upon them, it has been impossible to collect the full and exact data you desire; such facts, however, as the office has been able to collect, and which are believed to be approximately correct, are given.

There are about forty-five hundred claims on file on account of Indian depredations, dating from 1850 to the present time, and they aggregate in amount $13,000,000. Prior to the act of July 15, 1870 (see Revised Statutes, section 2098), claims against Indians for depredations were paid by United States Indian agents. As to what amount was thus paid the office has not been able to ascertain. By an examination of the Statutes at Large, beginning with the act of March 3, 1819 (3 Statutes, page 517), and coming down to the act of March 3, 1885 (23 Statutes, 498), it will be seen that Congress has appropriated by special acts in payment of claims about the sum of $1,654,530.

As to what amount of claims has been allowed by and what amount has been rejected by the Commissioner of Indian Affairs or the Secretary of the Interior heretofore can not be ascertained within the time desired by you, if in fact it could be ascertained at all in a satisfactory manner, as in many instances the same claim has been disallowed by one Secretary of the Interior and allowed by his successor.

Very respectfully,

J. D. C. ATKINS, *Commissioner.*

Hon. J. N. DOLPH,
United States Senate.

It will be seen that the number of these claims which have been heretofore filed is about forty-five hundred and the total amount claimed about $13,000,000. Experience justifies the expectation that when these claims are required to undergo investigation in a court, and to be presented in accordance with the rule of pleading and established by evidence taken in such manner as to allow the cross-examination of witnesses, many of them will never be presented; and of those which are presented, when the claims without merit are winnowed out of the whole, their number and amount will be greatly reduced. I do not believe that the total amount of claims which would be allowed under this bill, should the whole thirteen millions be presented, would exceed $5,000,000. To show the probability of a large reduction in the amount of these claims if submitted to the Court of Claims under the provisions of this bill, I submit the following statement:

Claims presented, allowed, and disallowed in various claims tribunals, showing the proportions of claims to allowances.

I.

Southern Claims Commission, under act of March 3, 1871 (16 Statutes, 524):

Amount claimed	$60,258,150 44
Amount allowed	4,636,920 69
Amount rejected	55,621,229 75

(See House Miscellaneous Document No. 30, Forty-sixth Congress, second session.)

II.

Court of Claims, in cases decided from December term, 1867, to December term, 1880:

Amount claimed	$80,315,529 20
Amount allowed	19,770,540 98
Amount rejected	60,544,988 22

(See seventeenth volume Court of Claims Reports, page 11.)

III.

Claims commission under convention with Great Britain of February, 1853 (10 Statutes, 988):

Amount claimed, "millions."	
Amount allowed, about	$600,000 00

(See message of the President communicating the proceedings, printed by the Senate Printer, 1858, page 4.)

IV.

Claims commission under convention with Mexico of July 4, 1868 (15 Statutes, 679):

Amount of claims against the United States	$86,661,891 15
Amount allowed in claims against the United States	150,498 41
Amount rejected in claims against the United States	86,511,392 74
Amount of claims against Mexico	470,126,613 40
Amount allowed in claims against Mexico	4,123,622 20
Amount rejected in claims against Mexico	466,000,991 20

(See Senate Executive Document No. 31, Forty-fourth Congress, second session.)

V.

Claims commission under convention with France of January 15, 1880 (21 Statutes, 673):

Amount of claims against the United States	$17,368,151 27
Amount allowed in claims against the United States	625,566 35
Amount rejected in claims against the United States	16,742,584 92
Amount of claims against France	2,427,544 91
Amount allowed in claims against France, 13,659 francs 14 centimes, or about	2,732 00
Amount rejected in claims against France	2,424,812 91

(See House Executive Document No. 235, Forty-eighth Congress, second session, pages 191, 193.)

Claims under the act of July 4, 1864, filed in the office of the Quartermaster-General:

Amount claimed	$41,107,206 48
Amount reported to the Third Auditor under the second section of said act with recommendation for settlement up to March 6, 1886	5,730,119 71
Amount rejected	29,083,554 16
Amount of claims pending at said date	6,273,502 61

Claims filed in the office of the Commissary-General up to March 10, 1886:

Amount claimed	4,944,111 14
Amount recommended to the Third Auditor of the Treasury for settlement under said act to said date	429,533 47
Amount rejected	4,509,704 17
Amount of claims now pending	4,873 50

The bill under consideration is designed to provide a tribunal, open to the citizens of all the States and Territories, authorized to hear and determine their claims according to the law and the facts. It is a measure demanded by every principle of justice and good faith on the part of the Government.

The people of Oregon, Washington, and Idaho, in my judgment, have an exceptional claim upon the Government for indemnification for losses occasioned by Indian depredations, growing out of the causes which led to the settlement and occupation of the Oregon Territory by American citizens, the inducements held out by the Government to settlers in that Territory, and the causes which led to Indian hostilities there.

It is well known that the title to the territory which comprised what is now Oregon, Washington, and Idaho, lying west of the Rocky Mountains and north of latitude 42° north, was for a long time in dispute. It was claimed at different times by Russia, Spain, Great Britain, and the United States. Russia's claim rested on occupation by fur traders, and its southern boundary was undefined. She had established a fur-trading post in Northern California at an early day.

By a treaty ratified by the United States in 1825 the line between the territory claimed by the United States and that claimed by Russia was fixed at 54° 40′ north latitude. Great Britain, claiming the territory south of that line, made haste to negotiate a similar treaty, defining 54° 40′ north latitude as her northern boundary.

The claim of Spain to this country rested upon alleged discovery backed by occupation. Spain transferred her interests to France, and in 1803 Napoleon sold Louisiana to the United States, and by the Florida purchase latitude 42° north was fixed as the boundary between Spain and the United States on the Pacific coast, and thereafter the controversy concerning the title to the territory was between the United States and Great Britain. The claim of Great Britain to the country by discovery was indefensible, but as early as 1793 English fur traders in private employ pushed into the Oregon country and established trading posts there, but made no attempts at permanent settlement south of 49° north latitude.

The claim of the United States rested upon the doubtful claim acquired from Spain, the voyage of Capt. Robert Gray, of Boston, who in 1792 entered and explored to some distance from its mouth the River Saint Roque, the name of which he changed to Columbia, the name of his ship, and the exploration of Lewis and Clarke, who, under orders from President Jefferson, crossed the continent, floated down the Columbia, wintered at Young's River, near the mouth of the Columbia, and explored much of the Oregon country.

The treaty with Russia fixing, as against the Russian claim to the territory, latitude 54° 40′ north as the northern boundary of the possessions of the United States, created in the United States a belief that was our true boundary as against Great Britain, and the Oregon boundary was for many years an absorbing question in the politics of the country. It formed the subject of political platforms and political campaigns; it threatened to involve us in a war with Great Britain; the Monroe doctrine was invoked against allowing Great Britain's claim to any part of the Pacific coast. It became apparent to the people of the United States and to the Government that the question of title would be eventually determined by actual occupation. By the convention of August 6, 1827, the joint occupation of the Oregon country by the United States and Great Britain was continued indefinitely, with a provision that either party might annul and abrogate it upon giving twelve months' notice to the other, and from that time forward until the Northwestern boundary was finally settled by the treaty of 1846 occupation became an important factor in determining the question of title. The condition of the western half of North America at the time Captain Gray discovered and explored the Columbia River is thus graphically described in an article published in the Daily Morning Oregonian of Portland, January 1, 1886:

With the anniversary of another century, in the year 1792, exactly three hundred years after Columbus discovered the New World, and two hundred and fifty years after the first Spanish navigator sailed up the west shore of Oregon, an American shipmaster discovered the great river of the west.

Up to that time the western half of North America was so unknown that from the Gulf of California to the icy pole there was scarce a trace of civilization. That little was where Jesuit missions to the far south were striving to bring up from untold ages of vice and degradation the miserable native hordes that peopled the choicest regions of the West. These efforts were only then commenced. If one could have stood on the great divide from whence the melting snows turn westward, the view would have been unbroken by one single touch of enterprise, with not a trace of civilization to mar the perfection of its savagery. The Indian with bow and arrow followed the chase, or with spear and net sought a food-supply from the waters. And somewhere, on that vast expanse of wilderness, hostile bands were always on the war-path. The war-whoop and the savage yell waked many a scene of night, and flames of torture blazed to mark each victory. The Indian of this far West may have heard some rumor of the white man's coming, but on all the hills and plains and through all the mountain wastes, from Athabasca's snows to California's perennial summer times, the native tribes were, as their fathers had been before them, barbarian and savage beyond recall.

How great the change that time has wrought! Immigration has swept across the continent; civilization has taken the place of barbarism, the arts of peace of perpetual warfare; the then wilderness has become the home of millions of intelligent, law-abiding, and liberty-loving, industrious, and prosperous citizens, and the native hordes which then roamed over that vast territory are confined upon reservations and are kept under Government control. This change has not taken place, and in the nature of things could not take place, entirely peacefully. The conflict between civilization and savage life is irrepressible. It needs no prophet to foretell that one or the other must prevail. Civilization or extermination is the fate of the remnant of the Indians.

The occupation of the territory was favored by the Government. As we have seen, peaceful occupation by American citizens was provided for in the treaty with Great Britain; Government expeditions were sent to explore the country; Government protection was afforded to immigrants crossing the plains; the patriotism of the people was appealed to, and to induce immigration to aid the settlement of the country Congress passed an act, approved September 27, 1850, commonly known as the donation law, granting to every settler upon the public lands who was such prior to September 1, 1850, a donation of the quantity of a half-section, or 320 acres of land, if a single man, and, if married, the quantity of an entire section, or 640 acres, one-half to the husband and the other half to the wife in her own right, and to such as should become settlers between September 1, 1850, and December 1, 1855, the quantity of a quarter-section to a single man, and, if married, a half section, one-half to the husband and the other half to the wife in her own right.

Prior to 1830 several unsuccessful attempts were made by American fur companies to establish and maintain posts in the Territory, but they failed on account of the opposition and rivalry of established British companies. Immigration began in 1832, and after 1838 each year there were large additions to the permanent settlements of the country by companies of enterprising persons, who had braved the perils and endured the hardships of the long and tedious journey across the continent to establish homes for themselves and hold the country for the United States.

The increasing American immigration added to the perils of joint occupation, and it is firmly believed by many that some of the Indian massacres and depredations were incited by those unfriendly to American occupation of the Territory. While it was the policy of Congress to induce the settlement of Oregon by the whites and to continue the joint occupation until the United States should be able, with the aid of the American population of the Territory, to assert and maintain an exclusive right to it, the settlers were from the first left without adequate protection by the Government. The pioneer population of the region suffered greatly at first from the inability of the Government to afford them protection, and afterward from its indifference and inaction. From the commencement of American immigration for the purpose of permanent occupation, and from the time it became apparent that Great Britain could not compete with the United States in the settlement of the country, Indian massacres of emigrants commenced. In 1834, on the Umpqua River, a party of thirty white persons were treacherously and brutally murdered. This was followed by the massacre of Dr. Whitman and his twenty-seven companions, near Walla Walla, by the Cayuse and Walla Wallas in 1847. These outbreaks were followed by murders of immigrants by bands of Modocs in 1852, by the Southern Oregon Indian war in 1853, the Rogue River and Jacksonville wars in 1855 and 1856, raids of marauding bands of Snakes in Eastern Oregon in 1858–'59, the marauding massacres, murders, and thefts by the Snakes in Eastern Oregon and Washington in 1865–'70, the Modoc outbreak in 1872–'73, and the Nez Percé war of 1878.

In 1858 a committee was appointed by the Legislative Assembly of the Territory of Oregon and directed to examine and report in regard to depredations upon immigrants in 1854, the number and dates, places and names of persons killed by Oregon Indians in time of peace and those killed in time of war by Indians supposed to be friendly. The committee made a report February 3, 1858, giving the names and dates of persons killed and names of the tribes doing the killing. The following is taken from the concluding portion of the report:

It will be seen by the foregoing list that prior to 1851 upward of fifty citizens were murdered by Oregon Indians. Since 1851 upward of one hundred and fifty citizens have been murdered by the Indians of Southern Oregon and their immediate allies, and about fifty by the Indians of Northern Oregon and their

allies. Many more names could be obtained from papers and living witnesses, but your committee have not time to investigate any further.

Recapitulation: Killed in 1834, 30; in 1835, 4; in 1846, 1; in 1847, 16; in 1850, 8; in 1851, 12; in 1852, 50; in 1853, 11; in 1854, 29; in 1855, 51; in 1856, 45; in 1857, 5. Total, 263.

Isolated from civilization, neglected by the General Government, surrounded by savage foes, the pioneers of Oregon demonstrated to a remarkable degree the self-reliance, the undaunted courage, endurance, and capacity for self-government of the American people. It is for these brave men who penetrated the wilderness, took possession of the Oregon Territory and planted civilization there; who defended their hearth-stones against savage foes incited by the emissaries of foreign powers; who laid the foundation of prosperous States and Territories that are, and the powerful and wealthy States that are to be, and for the widows and orphans of those who lost their lives by the neglect of the Government that I plead to-day. I demand for them the same treatment accorded to all the citizens of the Republic for a period of over sixty years from the organization of the Government. The time will come when this demand will be heeded, and provision will be made for determining the amounts of their losses by Indian depredations and for the payment of their claims. How much better it would be to make such provision now, while the evidence can be found to sift the false from the true, and while the money will be available to relieve the necessities of the original claimants.

If the committee favora the payment of these claims and the bill offered by me does not provide the best means for ascertaining the amounts thereof, let them devise a better plan and speedily present it to the Senate. If it is proposed to repudiate all liability on the part of the Government for damages for such losses, I hope nevertheless a report will speedily be made, that the opinion of the Senate may be taken on the question. The present condition of these claims is very unsatisfactory. An occasional bill for relief is passed; other claimants do not understand why the Government should make a distinction between its citizens. They press their claims upon members of Congress at each session; bills are introduced for their relief; Congress takes no action; and the same thing is repeated at the next session. If an obligation on the part of the Government to pay these claims exists, a great injustice is being done to the claimants by the inaction of Congress. If there is, in the opinion of Congress, no obligation to pay them and no intention of paying them, let us say so and not evade the question longer. But, sir, as I have said, the obligation exists. The people whose cause I present to-day do not come as suppliants for the bounty of the Government, but as suitors for what, by every principle of justice, is theirs.

I do not beg, I demand for them what the Government justly owes them. I charge Congress with the virtual repudiation of an obligation of the Government as sacred as its obligation to pay its outstanding bonds. I charge it with having repudiated this obligation at a time and under circumstances which make a most unjust discrimination against the people of the far West, under circumstances which have the appearance of selfishness upon the part of the majority of Congress, and indifference to its obligation to the brave and loyal men by whose enterprise and energy civilization has been extended over the western slope of the continent. Their demand may not be granted; my feeble presentation of their claims may not even disturb the Committee on Indian Affairs in the even tenor of their way. The bill under consideration may be consigned, with the others introduced by me which have preceded it, to the files of the committee, to sleep the sleep of death; but I have done my duty in presenting the cause of as meritorious a class of claimants as ever sought relief from Congress. They will never understand why the Government so suddenly changed its policy, and why their claims have been repudiated. They will not cease to demand from Congress what they conceive to be their due; and if their claims shall be now ignored and relief denied them, let no one imagine that they will cease from troubling Congress. The claims are just. If not paid before, after the present claimants shall have passed from the stage of action and the claims are represented by their children and grandchildren, and when the Territories of the West have been admitted to the Union and are represented in both Houses of Congress, their united strength, backed by the uniform practice of the Government for so many years and the justice of these claims, will succeed in accomplishing what, from their numerical weakness, the delegation in Congress from the remote West is unable to accomplish to day.

Mr. President, I now submit as a part of my remarks a list of special appropriations for payment of Indian depredation claims, as follows:

SPECIAL LEGISLATION.

Appropriations for Indian depredation claims:

The following is a list of special appropriations for payment of Indian depredation claims. In each case it is stated whether payment is to be made from the Treasury or from the Indian annuities. The total of amounts appropriated from the Treasury is $1,604,028.25; the total appropriated from Indian annuities is $197,716.37. But these totals do not embrace the sums appropriated from the Treasury by several acts (March 2, 1827; May 31, 1830; June 30, 1834), in which the amounts are not specified:

By act of March 2, 1819 (section 5, 3 Statutes, 517), $4,000 is appropriated from the Treasury to satisfy claims of citizens of the United States for property stolen or destroyed by the Osages.

By act of March 2, 1827 (6 Statutes 361), William Morrison, late contractor for supplies to the Army, is allowed credit (out of the Treasury) for sixty-nine beef cattle taken from near the military post of Prairie Du Chien in July, 1814, by certain predatory tribes of Indians.

By act of March 25, 1830 (6 Statutes 408), the Secretary of War is directed to pay $6,703 from the Treasury to four persons for property taken by the Osage Indians from 1816 to 1823.

By act of May 31 1830 (4 Statutes 428), certain depredation claims are referred to the Third Auditor to be decided according to the provisions of section 14 of the act of March 30, 1802, the money to be paid out of the Treasury.

By act of March 2, 1831 (4 Statutes 470), $1,300 is appropriated from the Treasury for payment of sundry claims for Indian depredations.

By act of June 28, 1834 (4 Statutes, 705), $7,800 is appropriated from the Treasury to defray the expense of investigating claims against the Seminoles for property stolen or destroyed by them and for liquidating such as may be satisfactorily established.

By act of June 30, 1834 (4 Statutes, 721), payment not exceeding $250,000 is granted out of the Treasury to citizens of Georgia for claims founded upon the capture and detention or destruction of property by Creek Indians prior to the act of March 30, 1802.

By act of June 30, 1834 (6 Statutes, 531), certain claims for Indian depredation are referred to the Secretary of War, who is directed to pay out of the Treasury all which shall be established.

By act of July 1, 1836 (6 Statutes, 659), $403 is appropriated from the Treasury to James Alexander, and $375 to Ira Nash for losses sustained and depredations committed by Sac and Fox Indians in 1814.

By act of July 2, 1836 (6 Statutes, 671), the Secretary of War is directed to pay to Joesph Bogy $6,000 from the Indian annuities for his merchandise and property taken or destroyed by the Choctaw Indians in 1807.

By act of March 3, 1837 (5 Statutes, 158-162), the President is directed to report to Congress as to depredations committed by the Seminoles and Creeks, before and after the recent Indian war.

By act of March 3, 1841 (6 Statutes, 822), the Secretary of the Treasury is directed to pay out of the Treasury, to Avery, Saltmarsh & Co., mail contractors, $9,779, for property employed by them in transporting the mail, captured and destroyed by the Creek Indians in May, 1836.

By act of June 15, 1844 (6 Statutes, 913), the Secretary of War is directed to pay to George Wallis $3,000, out of the Indian annuities, for the destruction of cattle belonging to the said Wallis by the Sac and Fox and Iowa Indians.

By act of August 9, 1846 (9 Statutes, 24 Private), $1,500 is appropriated from the Indian annuities to pay to the legal representatives of Cyrus Turner for depredations committed by Sioux Indians.

By act of March 2, 1847 (9 Statutes, 41 Private), $1,081 is appropriated from the Treasury to pay Elijah White and others for property taken by the Pawnee Indians.

By act of March 3, 1847 (9 Statutes, 41 Private), $676.91 is appropriated from the Treasury to pay Joseph E. Primeau and Thomas J. Chapman for depredations committed by Yankton Indians.

By act of August 14, 1848 (9 Statutes, 90, Private), $800 is appropriated from the Treasury to pay Charles N. Gibson for a wagon captured and destroyed by the Seminole Indians in Middle Florida in February, 1839.

By act of March 3, 1849 (9 Statutes 141, Private), $4,155 is appropriated from the Treasury to pay Thomas Talbot and others for property taken by the Pawnee Indians.

By act of August 30, 1852 (10 Statutes, 41, 55), $1,200 is appropriated from the Treasury to pay James M. Marsh for losses for property taken by the Sioux Indians while extending the line of surveys under contract.

By act of January 18, 1855 (10 Statutes, 843), $500 is appropriated from the Treasury to pay Moses D. Hogan for cattle taken by the Indians.

By act of August 18, 1856 (11 Statutes, 65, 81), the Secretary of the Interior is ordered to investigate claims for depredations by Indians in New Mexico.

By act of March 16, 1858 (11 Statutes, 527), the sum of $230, with interest from the 1st day of June, 1852, was appropriated from the Treasury to pay John Hamilton, of Champaign County, Ohio, for his time and services during his imprisonment with the Indians in the war of 1812 with Great Britain.

By act of June 19, 1860 (12 Statutes, 44, 58), $16,679.74 is appropriated from the Treasury to pay for the loss and destruction of property of citizens of Minnesota and Iowa at Spirit Lake in 1857, by Sioux Indians.

By act of March 2, 1861 (12 Statutes, 203), $9,640.74 is appropriated from the Treasury to indemnify citizens of Iowa and Minnesota for destruction of property at or near Spirit Lake by Inkpadutah's band of Sioux Indians.

By act of February 16, 1863 (12 Statutes, 652, 658), provision is made for payment out of their forfeited annuities for damages done by Sioux Indians in Minnesota on the occasion of the Sioux massacre in 1862.

By act of May 28, 1864 (13 Statutes, 92), $928,411.is appropriated from the Treasury to pay the awards of the commission under the act of February 16, 1863, for damages done by the Sioux Indians in 1862, and a further sum of $241,963 is appropriated for additional claims.

By act of June 29, 1866 (14 Statutes, 609), $28,175 is appropriated from the Treasury for Elizabeth Woodward and George Chorpenning for destruction of property by Indians 1862, and by the second section of the same act $26,370 is appropriated from the Indian annuities to pay George Chorpenning for property destroyed by Indians prior to April 1, 1856.

By act of March 2, 1868 (15 Statutes, 356), $400 is appropriated from the Treasury to the widow of Maj. Gen. I. B. Richardson for one mule and four horses stolen from him by Apache Indians while on military duty in New Mexico.

By act of April 10, 1869 (16 Statutes., 13, 39), $10,906.34 is appropriated from the Treasury to pay for depredations committed by Indians in Northwestern Iowa in 1857.

By act of February 27, 1871 (16 Statutes., 704), $2,564.10 is appropriated out of any money appropriated for the benefit of the Cheyenne and Arapaho Indians, to Lucy A. Smith, for losses by depredations of said Indians in Nebraska.

By act of May 7, 1872 (17 Statutes, 395), commissioners are appointed to examine into depredations committed by Indians and Mexicans in Texas.

By act of May 21, 1872 (17 Statutes, 661), $14,650 is appropriated from the Treasury to indemnify Charles F. Tracy for depredations committed by Apaches in May, 1870.

By act of June 5, 1872 (17 Statutes, 675), $10,000 is appropriated from the Treasury to pay Mrs. Fanny Kelly for property taken and destroyed by Sioux Indians in 1864.

By act of June 10, 1872 (17 Statutes, 690), $30,000 is appropriated from the Treasury to pay the heirs of Alexander Watson for property lost, captured, or destroyed in Florida during the Indian hostilities commanding in 1835.

By act of June 10, 1872 (17 Statutes, 701), $13,200 is appropriated from the Treasury to Elbridge Gerry for valuable services rendered the Government in 1864, and for all claims for Indian depredations up to the date of the passage of this act.

By act of March 3, 1873 (17 Statutes, 766), $2,250 is appropriated from the Treasury to Mrs. Ann Marble, administratrix, for losses by depredations by Cheyenne Indians.

By act of April 28, 1874 (18 Statutes, 543), $1,095.37 is appropriated from the Treasury to pay Mrs. Siloma Dock for losses by depredations by Sioux Indians in 1862.

By act of March 3, 1875 (18 Statutes, 424), $2,500 each is appropriated to Adelaide German and Julia German, two white children captured in Kansas, the same to be withheld from annuities due the Cheyennes.

By act of March 3, 1877 (19 Statutes, 549), $2,283.92 is appropriated from the

Treasury to pay Hans C. Peterson for damages by Sioux Indians in Minnesota in 1862.

By act of March 3, 1879 (20 Statutes, 396), $2,915 with interest at 7 per cent. is appropriated from any treaty funds of the Kiowa Indians, to the heirs of Abel S. Lee for property taken and destroyed by the Kiowa Indians in 1872.

By act of March 3, 1879 (20 Statutes, 396), $5,000 is appropriated out of any money hereafter appropriated for the use and benefit of the Cheyenne Indians, to Mrs. Celia C. Short.

By act of June 8, 1880 (21 Statutes, 549), $15,867.50 is appropriated to pay Henry Warren for damages sustained by depredations of Indians in 1871, while Warren was a Government contractor, the same to be withheld from the amounts due the Indians.

By act of June 16, 1880 (21 Statutes, 588), $2,000 is appropriated from the annuities due the Cheyenne or Arapaho Indians to Amanda M. Cook, whose mother was killed and herself captured by the Indians in 1865.

By act of March 3, 1881 (21 Statutes, 640), $58,659.46 is appropriated from the Treasury to pay Dodd, Brown, & Co., assignees of E. M. Durfee & Co., and others, for depredations committed by various tribes of Indians, the amounts to be deducted from the annuities.

By act of May 17, 1882 (22 Statutes, 86), $9,870.10 is appropriated from unexpended balances of treaty funds to pay various claimants for damages caused by a raid of Northern Cheyennes.

By act of March 3, 1883 (22 Statutes, 504), $12,200 is appropriated from moneys due the Cheyenne and Arapaho Indians to Powers & Newman and D. and B. Powers for depredations committed by these Indians.

By act of March 20, 1884 (23 Statutes, 525), $5,400 was appropriated from the Treasury to pay Louisa Boddy for depredations committed by the Modoc Indians.

By act of March 3, 1885 (23 Statutes, 498), $46,770.21 is appropriated to pay W. C. Oburn out of annuities for depredations committed by the Cheyenne and Arapaho Indians.

List of all treaties by which the Indians agree to allow payment of claims against them, out of their annuities for depredations committed on the property of white men.

[The references by pages are to the "Revision of Indian Treaties," 1873.]

Tribes.	Date.	Article.	Page.
Blackfeet	Apr. 25, 1856	11	10
Calapooias	Apr. 10, 1855	6	22
Chastas	Apr. 10, 1855	6	25
Cherokees	Jan. 21, 1795	4	32
Cherokees	Oct. 2, 1798	9	35
Cheyennes and Arapahoes	Aug. 19, 1868	1	130
North Cheyennes and North Arapahoes	Aug. 25, 1868	1	136
Chippewas (see note *a* below)	May 5, 1854	4	255
Comanches and Wichitas	May 19, 1835	2, 5	304, 305
Comanches, Kiowas, Apaches	Feb. 12, 1854	4108	310, 311
Comanches, Kiowas	Aug. 25, 1868	1	319
Crows	July 25, 1868	1	328
Dwamish and Squamish	Apr. 11, 1859	9	381
Flatheads	Apr. 18, 1859	8	388, 389
Kansas (see note *b* below)	Dec. 30, 1825	7	412
Kansas	Dec. 30, 1825	10	413
Kiowas, Katakas, &c	Feb. 21, 1838	3, 5, 7	456, 457
Makahs	Apr. 18, 1859	9	463, 464
Navajoes	Aug. 12, 1818	1	528
Nez Percés	Apr. 29, 1850	8	557, 558
Nisquallies, Puyallups	Mar. 3, 1855	6	563
Omahas	June 21, 1854	10	567, 568
Osages (see note *c* below)	Jan. 7, 1819	1, 2	575, 576
Osages (see note *d* below)	Dec. 30, 1825	9	580
Osages (see note *e* below)	Mar. 2, 1839	6	584
Oregon, Middle	Apr. 19, 1850	7	627
Otoes and Missourias	June 21, 1854	9	640
Pawnees	May 26, 1858	5	653
Poncas	Apr. 11, 1859	7	664
Quapaws	July 15, 1818	6	717, 718
Quinaielts, &c	Apr. 11, 1859	8	725, 726
Sacs and Foxes	Feb. 12, 1823	5	738, 739
S'Klallams	Apr. 29, 1859	9	803
Snakes	July 10, 1863	4	805
Sioux, Yanktons	Feb. 26, 1859	11	861
Sioux, Mendawakanton, Wahpakoota	Mar. 31, 1859	6	88, 89
Sioux, Sisseton, Wahpeton	Mar. 31, 1859	6	907
Sioux, Brulé, Ogallallas	Feb. 24, 1869	1	914, 915
Shoshones, Eastern, and Bannacks	Feb. 24, 1869	1	932
Utahs	Dec. 14, 1864	6	972
Umpquas and Calapooias	Mar. 30, 1855	8	980, 981
Utes	Nov. 6, 1868	6	983, 984
Walla Wallas and Cayuses	Apr. 11, 1859	8	992
Yakamas	Apr. 18, 1859	8	1045

a The United States agrees to appropriate $100,000 to pay for depredations and forcible exactions.

b The United States agrees to pay for all depredations since 1815.

c Depredations committed since 1814 are to be paid by the United States, in consideration of the cession of Indian lands.

d The United States agrees to pay for all depredations since 1852.

e The United States agrees to pay all depredation claims.

List of all treaties by which the Indians agree to use their best efforts to return stolen property or to punish offenders, but do not provide for payment out of their annuities.

[The references by pages are to the "Revision of Indian Treaties," 1873.]

Tribe.	Date.	Article.	Page.
Belantse-Etoas, &c	Feb. 6, 1826	6	14, 15
Chippewas	Jan. 29, 1855	6	225, 226
Chippewas	Apr. 7, 1855	9	270
Comanches, Ionics, Anadacas, Caddoes, &c	Mar. 8, 1847	8	307
Crows	Feb. 6, 1826	5	326, 327
Delawares	Feb. 14, 1805	3	396
Iowas	July 17, 1854	11	406
Kaskaskias, Peorias	Aug. 10, 1854	10	429
Klamaths, &c	Feb. 17, 1870	9	436
Kickapoos	July 17, 1854	9	447
Makahs	Feb. 6, 1826	5	460

List of all treaties by which the Indians agree to use their best efforts to return stolen property or to punish offenders, &c.—Continued.

Tribes.	Date.	Article.	Page.
Miamis	Aug. 4, 1854	9	519
Mandans	Feb. 6, 1826	6	466
Osages	Dec. 26, 1815	9	573, 574
Osages	Jan. 21, 1867	10	588
Ottoes and Missourias	Feb. 6, 1826	5	632
Pawnees	Feb. 6, 1826	5	643
Poncas	Feb. 6, 1826	5	667, 668
Ricarns	Feb. 26, 1826	6	728, 729
Rogue Rivers	Apr. 12, 1854	6	731, 732
Sacs and Foxes	July 17, 1854	10	761, 762
Shawnees	Nov. 2, 1854	14	800
Sioux, Yanktons, Tetons, Yanktonais	Feb. 6, 1826	5	868
Sioux, Ogallallas	Feb. 6, 1826	5	872, 873
Sioux, Oncpapas	Feb. 6, 1826	5	874, 875
Umpquas	Feb. 5, 1855	6	976
Winnebagoes	May 23, 1855	10	1010

List of all treaties by which it is provided that the Indians shall be paid by the Government for depredations committed on their property by white men.

[The references by pages are to the "Revision of Indian Treaties," 1873.]

Tribe.	Date.	Article.	Page.
Blackfeet	Apr. 25, 1856	7	9
Belantse-Etoas	Feb. 6, 1826	6	14, 15
Cherokees	Oct. 2, 1798	9	35
Creeks	Aug. 28, 1856	18	112
Cheyennes and Arapahoes	Aug. 19, 1868	1	130
Number Cheyennes and number Arapahoes	Aug. 25, 1868	1	136
Choctaws and Chickasaws	Mar. 4, 1856	14	280
Comanches and Wichitas	May 19, 1835	3	304
Comanches, Kiowas, Apaches	Feb. 12, 1854	4108	310, 311
Comanches, Kiowas	Aug. 25, 1868	1	319
Crows	Feb. 6, 1826	5	326, 327
Crows	July 25, 1868	1	328
Kansas	Dec. 30, 1825	10	413
Kiowas, Katakas, &c	Feb. 21, 1838	3, 5, 7	456, 457
Makahs	Feb. 6, 1826	5	460
Mandans	Feb. 6, 1826	6	466
Navajoes	Aug. 12, 1818	1	528
Osages	Dec. 26, 1815	9	573, 574
Ottoes and Missourias	Feb. 6, 1826	5	643
Pawnees	Feb. 6, 1826	5	643
Poncas	Feb. 6, 1826	5	667, 668
Quapaws	July 15, 1818	6	717, 718
Ricarns	Feb. 26, 1825	6	728, 729
Rogue Rivers	Apr. 12, 1854	6	731, 732
Sacs and Foxes	Feb. 12, 1825	5	738, 739
Shawnees	Nov. 2, 1854	11	799
Sioux, Yantons, Tetons, Yanktonais	Feb. 6, 1826	5	868
Sioux, Ogallallas	Feb. 6, 1826	5	872, 873
Sioux, Oncpapas	Feb. 6, 1826	5	874, 875
Sioux, Ogallallas, Brulés	Feb. 24, 1869	1	914, 915
Shoshones, Eastern and Bannacks	Feb. 24, 1869	1	932
Utahs	Dec. 14, 1864	6	972
Umpquas	Feb. 5, 1855	6	976
Utes	Nov. 6, 1868	6	983, 984

I ask now that the bill introduced by me to-day be referred to the Committee on Appropriations, and if that is the proper reference for a bill to make an appropriation for the payment of claims audited and allowed I ask also that Senate bill 1820 go to the same committee.

Mr. ALLISON. I do not wish to interfere with the proper disposition of the Senator's bill, but it seems to me that it being a bill conferring jurisdiction over certain matters on the Court of Claims it is in the nature of a bill requiring the care of the Judiciary Committee. Would it not be well to refer it to the Committee on the Judiciary?

Mr. DOLPH. I think the controlling and important question is whether we are going to make provision for disposing of these claims. That I suppose ought to go to the Committee on Indian Affairs. But as far as regards the mere question of whether this is a proper tribunal or not, and whether the provisions of the bill are proper to enable the Court of Claims to dispose of the subject matter properly, probably that is a judicial question, but it is not the important question involved in the bill.

Mr. ALLISON. Of course after the proper laws have been passed and regulations provided for the investigation of these claims and they have been adjudicated, then I suppose it would be proper that a provision making an appropriation for their payment should go to the Committee on Appropriations.

Mr. DOLPH. I should like to hear from the chairman of the Committee on Indian Affairs.

Mr. DAWES. It seems to me there is very little in this measure that requires it to be considered by the Committee on Indian Affairs. It is not specially the relations of the Indians to the Government that would determine the question involved in the bill. It is a broader question, affecting the general duty of the United States to its own citizens, not growing out of any particular relation of the Indians to the United States, whether the United States will take money out of its Treasury to pay its own citizens for losses they have sustained at the hands of Indians. That is a question which I do not see that the Committee on Indian Affairs are especially called on to consider. It is a question

broader than anything that the Indian Committee considers. It considers as to the treatment of the Indians themselves. This is the treatment of citizens of the United States by the United States; and so far as the Indian Committee is concerned, I am quite certain it would prefer that the Senate should come to a conclusion, and the Judiciary Committee, of all other committees, it seems to me should consider that question.

Mr. DOLPH. I will consent that it shall go to the Committee on the Judiciary, and if that committee think it ought to be reported back and sent to the Committee on Indian Affairs, that will do.

Mr. EDMUNDS. I hope it will not go to the Committee on the Judiciary, first because I think it relates really to the general Indian question with which the Committee on Indian Affairs as at present constituted is more familiar than any former committee I have ever known in my experience here, and possesses the entire confidence of the Senate as to its thoroughness and impartiality. It is really an Indian question, or related to the Indian question.

Then as to the Committee on the Judiciary, I am bound to say that we are so overburdened with matters now under consideration that it could not be expected that we should be able to take this thing up out of its order, and probably we should be unable to do anything about it at this session at all.

Mr. DAWES. I want to say, Mr. President, that the Congress of the United States has separated the Indians from this question by statute. It has definitely, so far as I understand it, determined that the United States are not to take out of their Treasury money to pay for these depredations in the absence of funds in their possession belonging to Indians; and so far as these claims are concerned, in so far as I have been able to examine them, they lay against, if at all, Indians who have no funds in our hands; and it is a question, if they are to be paid at all, whether they are to be paid out of the Treasury of the United States, and that is a broad question of the duty of the United States to its citizens. The Indian has passed out of connection with it by a statute.

Mr. EDMUNDS. Then let it go to the Committee on Claims.

Mr. DAWES. So far as the examination of each claim goes, that is as to the extent of it, to ascertain whether it is a just claim and how much is due in each particular case, it would be just as impossible for the Indian Committee to discharge that duty as for the Judiciary Committee. I know the Judiciary Committee is crowded with business, and so is the Committee on Indian Affairs. There are at this moment forty-one bills before that committee which are styled Indian depredations claims, which have come here reported from the Secretary of the Interior, and the question at the bottom of them all is whether it is the duty of the United States to respond from its Treasury to meet such claims. The Committee on Indian Affairs are waiting the decision or recommendation of some proper committee upon that point, and will be governed by that; but for the Committee on Indian Affairs to put itself up as a committee on claims or a court of claims to revise these claims, it would be impossible for it to do so.

Mr. TELLER. I should like to say, in answer to the Senator from Massachusetts, that there is no necessity for that at all. The statute provides how these claims shall be proved, and all these claims that are recognized in the Interior Department as having any standing at all have been proved according to the provisions of the statute, and all claims not so proved are not certified or not treated as legitimate claims in behalf of the parties who are claiming. There is a great number of claims made informally that have never been proved up; but the list sent here is the list of claims proved according to the statute. That process has already been gone through. There is no necessity for any committee of this body to determine that question.

The point simply is, will the Government of the United States do what it did prior to 1859, make good these depredations either out of money belonging to the Indians or out of its Treasury? When that is determined, it is barely possible that there may be some necessity for a further scrutiny of some of these claims; but that can be had after the first question is determined; and the only matter I think that is worthy of consideration now is, shall the Government make good either out of the moneys it holds in trust for the Indians where it does hold any, or where it does not hold any such moneys out of its own Treasury, to the citizens of the Western country these losses growing out of Indian depredations which the Government always did pay prior to 1859.

Mr. DAWES. Without doubt the question presented by the Senator from Colorado stands at the front and must be decided to begin with, and therefore it had better be decided before any committee is charged with any duty of re-examining these claims. The Senator seems to think that as these claims are reported from the Interior Department, it will hardly be necessary to go back of that report. I have not gone into the late report—the report made at this session—enough to be able to express an opinion on that; but I heard the Senator from Oregon a little while ago speak of a report that was made to the other body, whereby I think he said $3,000,000 of claims had been reduced to $50,000.

Mr. TELLER. The Senator will allow me to interrupt him, unless the Senator from Oregon will explain that.

Mr. DOLPH. I should like to make a suggestion without repeating what I said. This is a question that we can not with safety to ourselves ignore much longer. In the volume before me [exhibiting], the special report of the Interior Department on this class of claims, there are four thousand five hundred claims, and they aggregate $15,000,000. As I said, most of these claims have been examined and reported favorably by the Secretary of the Interior to Congress in his annual reports on Indian depredation claims. At the last session of Congress in the Indian appropriation bill we made an appropriation of $10,000, and I think, although it is somewhat doubtful, authorized the Commissioner of Indian Affairs or the Secretary of the Interior to re-examine into them. In part response to that resolution he has sent this letter, embracing a list of all these claims, stating against what tribes they are preferred and the amount claimed. I understand that on the 3d of this month he sent another letter, in response to a resolution of the House of Representatives, in which he stated that he had examined claims amounting to $3,000,000 and had ruled out all but $50,000 of the $3,000,000.

That, however, is hearsay. I have not seen the report, but it is stated that he ruled them out on the ground that they were barred by the limitation contained in section 17 of the act of 1834, which was certainly expressly repealed by the Revised Statutes, and I think was impliedly repealed when we ceased to pay these claims out of the Treasury and out of the annuities. If that decision stands there will be not only forty-one bills, but there will be forty-one hundred bills before the Committee on Indian Affairs at the next session of Congress asking payment of these claims on the ground that they have been ruled out by this new ruling of the Commissioner of Indian Affairs, and are not to be reported as audited by the Secretary of the Interior to Congress, and they will all come here for private relief.

It is time Congress said, "We will not pay these claims at all; we will repudiate this obligation, although we have held out this hope all the while, although we have authorized these claims to be submitted to the Interior Department, and proved and audited and reported to Congress for the last quarter of a century;" we had better either stop now and say, "We will never pay any of them," and cease passing an occasional bill for private relief, or make some provision for paying. We are bound to do that for our own protection, because if this new ruling stands of the Secretary of the Interior ruling out on re-examination the claims audited and reported favorably, then the parties will come to Congress for relief; and that renders the creation of some tribunal which can treat these questions necessary, I think, to which all these claims may be submitted without regard to the question when they were submitted to the Interior Department. It is an important matter, and I am only desirous to have it go to a committee that will give it attention. As I say, the important question is, will we pay claims, or provide a tribunal to investigate and determine the amounts that are due? The mere machinery by which we do that is one thing and is a question of minor importance.

Mr. DAWES. I have no disposition to give this subject the go-by by any means. I have been appalled by the book that has been sent up here and by the oppressive burden of these claims that have been for years knocking at the door of the committee-room of the Committee on Indian Affairs, for there it seems they have gone; I do not know why; nor do I desire to reflect at all upon the labor heretofore expended by the Interior Department upon the examination of these claims. With the material at their command, and with the money appropriated for it, they have done all they could heretofore and this present year; but in the nature of the case, the longer they are investigated the less each one of these claims, speaking as a rule, will be likely to be. They are of a kind which, when you come to sift them, will bear a great deal of reduction. Yet there is a vast amount of honest claims on somebody by the citizens of the United States which demand a hearing and demand of the United States some sort of response to that application.

The applicants ought to know what to expect. They can not get any sum amounting to anything from any annuities in the Treasury or any trust funds there, for the claims as a general thing are against that body of Indians who have long since spent all their money that was in the Treasury, and they have got to come, if at all, out of the United States Treasury directly; and if we can once establish the policy of the United States toward them, if it be adverse to them, they ought to know it.

Mr. DOLPH. The Senator will allow me a word. He speaks about the Indians having spent their annuities. The annuities have been paid to the Indians from year to year and expended by them notwithstanding there are stipulations in the treaties that they should be applied on these claims.

Mr. DAWES. While claims enough to exhaust the annuities have been pending ten or fifteen years, we have paid out their annuities and trust funds all that time, and passed a law that there should be no moneys taken out of their trust funds except by a special appropriation passed under another law that would not pay them out of the Treasury or something of that kind. So we have left these people totally ignorant upon the question whether they were to be recompensed or not.

I am not saying a word against them, because I know that very many of them have honest claims against somebody. Whether the United States will ever feel that they can take the money out of their Treasury

and make these citizens whole I do not think ought to be a matter to be considered, in the first instance, by the Indian Committee; for whether that be wise or not has nothing to do with the treatment of the Indian; it is outside of that. While the Indian Committee—I do not speak for myself; all the rest of them—are very industrious and hardworking members and are willing to do their whole duty, they think that it will be utterly impossible for them to pay proper attention to this question involved *in limine*, upon the threshold, before we go into the examination of how much each claim is, whether it is a claim that anybody can pay after it is found out that the Indian has nothing. I want that settled. I want it settled before any committee is overwhelmed with the four thousand claims, every one of which they have got to examine to some extent.

Mr. DOLPH. I should like to make a statement in regard to the law which was passed for the payment of these claims out of the Treasury. We did not pass any law that they should not be paid out of the Treasury, nor could we, for we have been constantly paying them at every session by special bills. The law we passed was that the Secretary of the Treasury should not pay them out of the Treasury without an appropriation by Congress, as was done prior to 1859.

Mr. DAWES. That is the general law; but as the Senator says, sometimes a claimant who has the good fortune to have a friend in Congress that will press his claim has got his claim through to be paid out of the Treasury, and that is spread abroad among the other claimants and they come here, and two more in place of that one get a rebuff and are told they can not be paid out of the Treasury. That is the trouble. Once in a while we pay one of these claimants out of the Treasury and all the others want to know why they are not treated in the same way, and they come here and spend their money and their time in advancing what they think is an honest claim against somebody, and in the end they are turned off.

Mr. BUTLER. Mr. President, may I inquire what is the question before the Senate?

The PRESIDING OFFICER (Mr. SEWELL in the chair). The reference of the bill under consideration.

Mr. HARRIS. I desire to call the attention of the Chair to the fact that 2 o'clock has arrived and the unfinished business should be laid before the Senate.

The PRESIDING OFFICER. If there be no objection the bill of the Senator from Oregon will be referred to the Committee on Indian Affairs. The Chair hears no objection. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

Mr. DOLPH. I should like a reference of the other bill while we are upon it.

Mr. DAWES. I understood the President to announce that there was no objection to the reference of the bill to the Committee on Indian Affairs. I do not know but that it is too late to raise an objection now, but I should like the yeas and nays on that question. I do not think it is a matter that the Committee on Indian Affairs are called upon to consider.

Mr. VOORHEES. I would rather they should not do it if they are not called upon to do it.

Mr. DAWES. It belongs to the Judiciary Committee, I should think.

SENATE EMPLOYÉS.

Mr. CALL submitted the following resolutions; which were ordered to lie on the table and be printed:

Resolved, That R. A. Fennel, a Democrat, heretofore employed as a skilled laborer on the Senate roll of employés, who was discharged by the Sergeant-at-Arms without cause except to make place for a Republican, be reinstated on the roll of Senate employés.

2. *Resolved*, That the Republican majority of the Senate will allow the Democratic minority the same number of Senate employés with the same proportion of salaries as were allowed by the Democratic majority to the Republican minority in 1879.

INTERSTATE COMMERCE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1532) to regulate commerce.

Mr. VOORHEES. When the Senate adjourned yesterday it was the understanding that we should go into executive session at an early hour to-day. I yielded, however, for the purpose of allowing the Senator from Oregon [Mr. DOLPH] to make the remarks which he has made. The Senator from West Virginia [Mr. CAMDEN] appeals to me to postpone my motion to go into executive session until he submits some remarks on the interstate-commerce bill, which is the pending order.

Mr. CULLOM. Will the Senator allow me to make a remark?

Mr. VOORHEES. Certainly.

Mr. CULLOM. As a member of the Committee on Interstate Commerce which reported the bill before the Senate, I desire to give notice to the Senate that after to-day, at the next sitting, I shall ask the Senate to renew the consideration of the bill and to continue its consideration from day to day until it is disposed of, in the hope that we may get it out of the way so that it will not be in the road of other bills that are being pressed before the Senate. I hope the Senate will bear in mind and allow the bill to be taken up on Monday, if we shall adjourn over until then, and will continue its consideration from day to day, if it requires more than one day, until it is finally disposed of by the Senate.

Mr. EDMUNDS. I think it right to say, in the absence of the chairman of the Committee on Foreign Relations, that there are subjects of pressing importance for consideration of the Senate acting with closed doors, which all the Senators understand, that have been pending a great deal longer than interstate commerce has, and that ought to be attended to, and therefore I shall put in my caveat for one that, now that we are not bound by courtesy to yield to my friend from West Virginia, I trust we shall proceed from day to day until we dispose of the pressing matters in executive session. That will be for the Senate to determine when the motion is made.

Mr. CULLOM. So far as I have been able to perceive there is not very much disposition to discuss the bill before the Senate at length; and I think if the Senate would allow its consideration for a day or a little more we should soon be able to dispose of it; and the Senator from Vermont can then get the floor for executive business, so far as I am concerned, as long as he wants to.

Mr. VOORHEES. I share the anxiety which the Senator from Vermont manifests to dispose of the executive business before the Senate. I can not, however, resist the appeal which the Senator from West Virginia makes to me that he be allowed to occupy the floor for a short time on the pending bill, and I give notice that at the end of his remarks I will then move that the Senate proceed to the consideration of executive business.

Mr. CAMDEN. Mr. President, the remarks I propose to make relate chiefly to the provisions of the fourth section of this bill, which I conceive to be its most important feature, and as I have proposed an amendment which materially affects its general application, I prefer to introduce it into the general discussion now in order that it may have its share of consideration along with the provisions of the bill as a whole.

The committee appointed by the Senate to investigate and report upon the subject of interstate commerce has performed its duty laboriously and with marked ability, and has submitted with its report a large amount of most interesting and useful information upon this important subject.

There is no longer any doubt that the interests of commerce and the demands of the country require effective legislation to equalize and regulate transportation. Public opinion as well as the railroads themselves have made marked progress in this direction in the past few years. The report of the committee only echoes the almost unanimous sentiment upon this subject when it says—I quote from page 175 of report:

> It is the deliberate judgment of the committee that upon no public question are the people so nearly unanimous as upon the proposition that Congress should undertake in some way the regulation of interstate commerce. Omitting those who speak for the railroad interests, there is practically no difference of opinion as to the necessity and importance of such action by Congress, and this is fully substantiated by the testimony accompanying this report, which is a fair consensus of public sentiment upon the question. The committee has found among the leading representatives of the railroad interests an increasing readiness to accept the aid of Congress in working out the solution of the railroad problem which has obstinately baffled all their efforts, and not a few of the ablest railroad men of the country seem disposed to look to the intervention of Congress as promising to afford the best means of ultimately securing a more equitable and satisfactory adjustment of the relations of the transportation interests to the community than they themselves have been able to bring about.
>
> The evidence upon this point is so conclusive that the committee has no hesitation in declaring that prompt action by Congress upon this important subject is almost unanimously demanded by public sentiment.

I assume, therefore, that there is no longer much difference of opinion upon the wisdom and necessity of Congress passing a bill to regulate interstate commerce, and, in my judgment, the committee has submitted with its report a bill which, in its main features, will meet the approbation of the country.

The methods for carrying out and enforcing the provisions of the bill by creating a Government bureau in the Interior Department for that purpose will, I think, be regarded with particular favor for the reason that it establishes a tribunal under the control of the Government to enforce its provisions without cost to individual shippers. No matter how wise and efficient any law for this purpose may be in its provisions, if its execution depends upon the efforts of individuals to enforce it many violations would be submitted to rather than incur the expense and trouble of seeking redress in the courts.

But, Mr. President, it is not my object to discuss the general features of the bill that has already occupied the attention of the Senate. My object is to call the attention of the Senate to the fourth section of the bill as reported by the committee, and to urge the adoption of the amendment proposed by me to that section.

I will ask the Secretary to report the amendment.

The Chief Clerk read as follows:

> Strike out all of section 4 from the first to the eighteenth lines, inclusive, and insert in lieu thereof:
>
> "SEC. 4. That it shall be unlawful for any common carrier, as provided in the first section of this act, to charge or receive any greater compensation for a similar amount and kind of property, for carrying, receiving, storing, forwarding, or handling the same, for a shorter than for a longer distance, which includes the shorter distance, on any one railroad; and the road of a corporation shall include all the road in use by such corporation, whether owned or operated by it under a contract, agreement, or lease by such corporation."

Mr. CAMDEN. The fourth section as it now stands in the bill is as follows:

> SEC. 4. That it shall be unlawful for any common carrier to charge or receive any greater compensation in the aggregate for the transportation of passengers

or property subject to the provisions of this act for a shorter than for a longer distance over the same line, in the same direction, and from the same original point of departure: *Provided, however*, That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time make general rules covering exceptions to any such common carrier, in cases where there is competition by river, sea, canal, or lake, exempting such designated common carrier in such special cases from the operation of this section of this act; and when such exceptions shall have been made and published they shall have like force and effect as though the same had been specified in this section.

Any common carrier who shall violate the provisions of this section of this act shall be deemed guilty of extortion, and shall be liable to the person or persons against whom any such excessive charge was made for all damages occasioned by such violation.

The provision contained in the section, as reported, to prohibit charging more for a shorter than a longer haul does not go far enough to provide against the evils of discrimination most largely complained of by shippers all over the country.

At the last session of the Forty-eighth Congress, when a bill somewhat similar to the one now under consideration was before the Senate, but which did not contain any provision to regulate charges for long and short hauls, I advocated an amendment substantially the same as the one now proposed.

I have always been of the decided opinion that a provision prohibiting the charging more for a shorter than a longer haul, which embraced the shorter haul, embodied the most important feature that could be embraced in any bill for the regulation of transportation, and I am more and more impressed every day with the comprehensive justice and importance of such a provision, unqualified by limitations and exceptions. In my opinion it is the key to the whole transportation problem to prevent discriminations and to force the railroads to properly adjust rates from competing points. The principle is fair to both railroads and shippers under all circumstances, and there should be no exceptions to the rule.

The fourth section of the bill as reported is intended to recognize this principle, but its limitations and provisos destroy its force and value, and renders it inadequate to meet the universal demands of all sections of the country upon this subject. The committee in its report recognizes this principle.

I quote from page 195:

RATES ON LONG AND SHORT HAULS.

The most popular remedy proposed for the prevention of unjust discriminations between places and persons on account of distance has been what is called a "short-haul law," or the prohibition of a greater aggregate charge for a shorter than for a longer distance as between shipments of the same kind over the same road and going in the same direction.

No question connected with the problem of railroad regulation has given the committee more perplexity than that relating to the utility and expediency of legislation prohibiting a carrier from charging more for a shorter than for a longer haul under any circumstances; not that we have any doubt as to the injustice of such a charge under most circumstances, but because it seems inexpedient to enforce such a regulation under all circumstances.

Palpable discriminations, peculiar to no State or locality, but too common, apparently, to all, would seem to be remedied by such a provision. It is asked for and urged to preclude the carriers from reimbursing out of local rates and shippers what they lose by reckless and needless competition upon through rates. It is too plain to be made plainer by argument that, within certain limits and under certain oft-occurring conditions, the provision would be a useful and fair one.

It does not seem as if there could be any justification for charging one shipper more for hauling a car of grain 50 miles than he or another is at the same time charged for hauling another car of grain 100 miles over the same road and in the same direction. The unfairness of the greater charge for a shorter distance is apparent, and yet when careful consideration is given to such instances and illustrations as have been cited to the committee it is difficult to avoid the conclusion that, while the principle that no greater charge should be made for a shorter than for a longer distance is just and right, exceptions to the general rule may sometimes be warranted, even in the case of individual roads. And when the effect of the proposed prohibition is considered with reference to the whole internal commerce of the United States, and especially with reference to the necessity of preserving the prevailing cheap rates for long-distance transportation, there is reason to fear that the result of rigidly enforcing the proposed regulation would be to stifle competition in numberless cases where it now exists and is to the general public interest, and perhaps to deprive the country of the benefits of the low through rates now and for years given to and from the tide water, without practical or appreciable advantage to intervening points.

The purpose to be accomplished by prohibiting greater charges for shorter than for longer hauls is to equalize the existing differences between through and local rates. It is intended for the protection of those most in need of protection, the shippers at interior non-competitive points, and to prevent corporate carriers from charging such shippers unreasonable rates in order to recoup the losses sustained in reckless rate wars and by carrying through freights at less than cost.

The accomplishment of the purpose aimed at is a "consummation most devoutly to be wished," and the necessity of remedying the discriminations complained of is apparent. The real question to be considered is, therefore, whether an absolute prohibition of a greater charge for a shorter than for a longer distance would accomplish the result desired by those who favor such legislation.

Mr. President, I think the committee would have been fully justified in saying that it is too plain to be made plainer by argument, that such a rule is susceptible of universal application, and would, under all circumstances, be a useful and fair one. The justice of the general principle seems now to be admitted on all sides. The extent and manner of its application seem to be the only question.

If the fourth section had stopped at the end of the provision prohibiting charging more for a shorter than a longer haul over the same road and in the same direction, leaving out the words, "from the same original point of departure," in lines 5 and 6, and then had left out the entire proviso following, the section would have accomplished the object intended to be provided for by the proposed amendment, and the object which ought to be provided for and without which any bill will fail to meet the widest field of necessity for the passage of a law regulating interstate commerce.

The section as it stands limits the provisions against charging more for a shorter than a longer haul to shipments from the same original point of departure. Why should this limitation be made? What justice is there in it?

Take, for instance, Chicago as the great starting-point from the West, in which all the trunk-line roads leading to the seaboard are in competition—this provision limiting its operations to the same original starting-point would mean, that if a car-load of grain, live stock, or any other product was shipped to the seaboard at a given rate, the rates on all other shipments of the same kind of freight from Chicago to the same points or to intermediate points should not be charged more than the through rate from Chicago to the seaboard, but as soon as you get out of Chicago the roads have arbitrary discretion to charge the whole country outside of Chicago to the seaboard any arbitrary rates they choose.

This would insure to Chicago and other great competitive shipping points cheap and uniform rates of transportation in all directions, but would deny the same advantages and protection to intermediate points and all other sections not blessed with large commerce and competing roads. Such a provision might aptly be termed "A bill to increase the wealth and population of commercial cities at the expense of the country at large," for it not only discriminates against shippers, who are generally the producers, at intermediate and non-competitive points, but it does more—it discriminates against sections of country, it discriminates against the thrift and enterprise of towns and the distribution of manufacturing interests, the value of real estate, and of the general interest and enterprise of the whole country outside of the large cities and competitive shipping points. It regulates arbitrarily the interstate commerce of the country, and usurps a function which the Constitution confides to Congress alone. It amounts to an abuse; and abuses will find a correction sooner or later, especially where great popular interests are involved.

A town or section of country may have manufacturing advantages of certain kinds that would enable it to manufacture to advantage in competition with larger places at the same rate of freight. But manufacturers and shippers at such points may be either forced into bankruptcy or compelled to remove their business to the cities or competitive railroad centers by being charged higher rates on short hauls than competitors in the same line of business are charged for longer hauls. It has the effect of driving population and business enterprise from the country and the towns to the cities and centers of railroad competition, and of creating for one section over another section commercial advantages which no power ought to be permitted to exercise.

In order to show the workings of the provision as it stands in the bill, let us start with a shipment from Chicago or Saint Louis and follow it through to the seaboard, and for the purpose of this illustration we will assume the average distance to be 800 miles and divide it into sections of 50 miles each.

A car-load of freight starts, billed through to the seaboard at $50. The provision limits the rate to all other shippers of the same kind of freight over the same road from that point to the same destination, or to intermediate points over the same road to the same rate, or in case of the shorter haul not to exceed the same charge; but after you get out 10 miles from the original point of departure the limitation is removed and shippers may be charged in the first 50 miles 20 per cent. more than was charged from Chicago or Saint Louis to any point in the same direction; and shippers in the next section of 50 miles may be charged 30 per cent. more, and so on for any succeeding section, there being no limitation as compared with the shipments from other points of departure. The right to charge is unlimited except by the capacity of the freight to bear the charges.

But let us assume that at the end of the sixth section, or 300 miles from the first point of departure, the car reaches another important shipping center where competition forces a recognition of the 300 miles shorter haul, and the rate from that point is $35 for the car-load, but as soon as you get out of that point on the next section of 50 miles the limitation is again removed and the conditions may favor charging for the sections covering the next 200 miles double the rate charged in any of the preceding sections. In other words, the provision extends only to shipments from the same points—and leaves all other points and sections open to the same palpable discriminations that now exist, for local rates to go up or down as circumstances and location permit. Competition fixes rates for cities and centers of trade; individual railroad lines fix it for the country and towns through which they pass.

Mr. President, we will now go back over the illustration to point out the practical features of the discriminations to which shippers so much object and so earnestly demand shall be corrected by legislation. The charge to the shippers on the first section of 50 miles after leaving the original starting-point is not governed by the rates for the longer haul,

and may be charged $20, or even $30, more per car than was charged for the longer haul. They therefore see passing their doors car-loads of the same products from a greater distance going to the same markets at a less rate of freight; and this same feature of discrimination may and does continue with increased aggravation and injustice at various points as the distance increases from the starting-point and diminishes toward the markets, until in the States occupying the geographical position, like the one which I have the honor in part to represent, situated in the line of transit two-thirds of the distance nearer the Eastern market, is often charged considerably more for the same products for one-third or one-fourth the haul than was charged to others from the original point of departure in the far West.

But, Mr. President, the evils of this kind of discrimination complained of are not confined by any means to the long hauls from the West. The far greater proportion, I would say 80 per cent., originates along the lines of railroads from non-competitive points as compared with competitive points throughout the country in all directions, and the illustration drawn from the longer haul is applicable to all points and distances on every road to which legislation by Congress could apply. Take, for instance, competitive points along the Ohio River—where low rates prevail by reason of competition—and the non-competitive points 50 and 100, or even 200 miles nearer the market, the same products going in the same direction are often charged 50 per cent. more, and sometimes double the amount of the longer haul from the Ohio River or beyond it.

Mr. President, this is not theory, nor is it the statement of imaginary cases that might exist; it is the every-day experience. It is a notorious fact that men engaged in agricultural and stock-raising pursuits in West Virginia and other States near the Eastern markets, who ship their products from points one-half to three-fourths nearer the markets, will be met in the same markets with the same kind of products shipped two or three times the distance, coming by their own doors at greatly less rates, often as much as one-half less. And it sometimes happens that shippers living in these States ship their own products to market and at the same time purchase products of the same kind in Chicago and the West and ship to the same market at the same time at less freight than is paid for their own products almost at the market gates.

In support of this assertion I beg to read a letter, received only a few days ago from one of the most substantial, intelligent, and reputable farmers of the South Branch Valley, in my State. I do not give his name, for the reason that I have no authority to give it publicity, but the letter is only the repetition of complaints received by Senators and Representatives almost daily on this subject. The letter says:

> I believe you are opposed to the interstate-commerce bill. I believe the people of our State are almost unanimously in favor of it. I know of none who are opposed to it, except those who are interested in special rates and in railroads.

I will stop here to remark in this connection that I do not know how the writer could have imagined this to be my position unless he has been deceived by misrepresentations, or imagines that because I have some railroad interests in my own State I can not rise to the level of a disinterested conviction on this important subject. I have that conviction, and this is not the first time I have expressed it on this floor. But let that pass; that is not the point to which I wish to call the attention of Senators.

The letter goes on to say:

> Our people complain very much of discriminations; it costs us more to get our cattle to market (from the point named in West Virginia), often as much as double, as from farther west. I was in Philadelphia in December, with cattlemen from Ohio and farther west, who were paying about one-half the rate of freight I paid. I buy more or less cattle in Chicago every spring, and it costs me a great deal more to get my cattle home than to ship them to the seaboard. Our State can never prosper unless we can compete with the West in transportation. They get to market so much cheaper than we do. We would be better off if we were 500 miles farther west. I own one of the best farms in this part of the State, and am offering it for sale in order to go west, where I can get cheaper transportation, and many others are doing the same thing and leaving our State.

Now, Mr. President, why should we legislate to perpetuate this discrimination, that affects the great body of shippers all over the country, instead of providing for its relief? I challenge any satisfactory reason for it. If we are in earnest about passing a bill that will reach the greatest evils of discrimination let us meet the question fairly and squarely. If you limit the provisions "to the same original point of departure," instead of covering the most important principle in long and short hauls, it only adds to the evils of the discriminations complained of by practically sanctioning its most objectionable feature.

Such a bill discriminates in favor of discrimination, for it discriminates against whole sections of country, and would give to large cities the monopoly of nearly all kinds of business by reason of the guarantee that would be offerred for cheap and uniform transportation charges. This principle was most eloquently expressed by the Senator from Iowa [Mr. WILSON], although I believe he voted against the amendment then pending. I quote from the remarks of the Senator, page 438, second session of the Forty-eighth Congress:

> The people of this country can not be brought to an acceptance of the abnormal system of forced combination and centralisation with which the transporting corporations have bound to their own real or supposed convenience the industries of the country. I am glad to feel assured that this is so; for I can not believe that the present tendency to drive the manufacturing industries and all who employ and are employed therein to a comparatively few localities will tend to conserve the best public interests, whether we regard them from the standpoints of moral, material, or political consideration, singly or combined. The system is repressive and unjust. A body-politic can no more thrive under a system which confines the vital forces represented by its employments, its business, its commerce to a few points than can a natural body whose life currents are obstructed and denied their normal action. A self-reliant man, whose independence and individuality assert themselves in his ways of life, is always a conquering force. A nation thrives by multiplication of such men; it weakens and dwarfs as their numbers diminish. The rule is not confined to individuals. It applies to communities as well as to men. A self-reliant, energetic, prosperous, contented community is a national force. Multiply this force, and the nation grows in strength, prosperity, contentment; and so long as these conditions exist its power will increase and its institutions endure.
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> Mr. President, a diffusion of industries will multiply such communities as will give us the results I have indicated, and this diffusion will transpire whenever the transportation shackles shall have been stricken from the willing limbs of communities now impatient of the restraints which hold them to inaction. They want to move, but they can not. They witness the processes of forced centralization going on, and feel and know that the vast concentration of capital, and work, and workers in the ponderous cities gives back no augury of encouragement to us to let this system go on unchallenged. I do not mean by this that we should so legislate that cities shall cease to grow; but I do mean that the practices of the transporting corporations whereby abnormal growth is forced upon a few cities at the expense of the equal rights of other communities shall cease by voluntary action or be reformed by law, and in saying this I look beyond the field covered by the material interests of those other communities as they may be affected by a diffusion of industries throughout the country, and into that even more intricate one where the action of political forces tends to resolve the weal or woe of this Republic. Nor do I make the suggestion in any sense from the standpoint of partisan consideration, but from that better view which takes in the public good, the general welfare and stability of our institutions, regardless of the effect which may fall to any party organization or association of men.

The committee admit, within certain limitations and oft-occurring conditions, that the provision prohibiting charging more for a shorter than a longer haul, which includes the shorter haul, would be a useful and fair one.

Mr. President, there should be no limitations to these conditions. Railroad experts may, and do, advance plausible theories for retaining this unlimited control over shipments along the lines of their roads, but there can be no just and equitable reason for it. A railroad company may say that it can haul a loaded car twice the distance under certain conditions for the same amount that it would haul another car, similarly loaded, one-half the distance. That means that a loaded car can be hauled a given distance for nothing, but no railroad company can demonstrate that a loaded car can be hauled a given distance *for less than nothing*.

The amendment proposed does not provide that the charge shall be in proportion to the distance, or at a rate per mile; it simply requires that railroads shall not charge a greater sum for the same kind of freight for a shorter haul than it does for a longer haul, which includes the shorter. Shippers are willing that the railroads shall receive fair and remunerative rates; they do not complain so much of the rates as they do of the unfairness of discriminations that gives one section advantages over another section, one town over another town, and one set of manufacturers over other manufacturers; that makes lands in one locality worth more than in another locality less eligibly situated with reference to the markets. And they especially complain to see car-loads of the same kind of freight passing their doors from more distant points to the same markets at less cost than they pay for transporting the same class of freight to the same market a less distance.

Albert Fink, trunk-line commissioner, and perhaps the highest authority on railroad traffic in this country, says in his evidence before your committee, on page 91:

> The local charges can always be properly regulated when proper through tariffs are maintained; hence the first object should be to secure the maintenance of properly adjusted through tariffs that are reasonable to the public and to the railroads. This done there will be no difficulty in adjusting local tariffs and preventing unjust discrimination. It is a rule generally adopted by all railroads to properly adjust local tariffs to the through tariffs when the latter are reasonable and fairly remunerative. For example, the tariffs of the Pennsylvania Railroad are so arranged that no higher charge is made from any station east of Pittsburgh to Philadelphia than from Pittsburgh to Philadelphia, nor from any station this side of Chicago than from Chicago. That is a rule generally adopted by all roads.
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> Senator HARRIS. Never to charge more for a short than for a long distance?
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> Mr. FINK. I do not say "never," because there are conditions under which this may be done without any injustice; but it is the general rule, in making tariffs, that whenever a proper through tariff is established, under which the railroads can live, they regulate all the local charges so as not to cause any unjust discrimination between the through and local rates; but when the railroads get into a fight, as some of them are at present, and when they charge 10 or 12 cents a hundred on grain from Chicago to New York, less than the cost of transportation, not because such low rates are a commercial necessity, but simply because the companies can not control the maintenance of reasonable rates on account of dissension among themselves, then the local rates can not be graded down to suit those through rates, and unjust discrimination between local and through rates is the unavoidable result.
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> The CHAIRMAN. You say the local rates can not be graded down?
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> Mr. FINK. They can be, of course; but the result would be that the roads would very soon have to stop running, because they would not make enough money to pay their operating expenses; and it is in this way that the great difficulty arises, which has given just cause to much complaint, that in times of war between the railroads, when proper, well-regulated tariffs are not maintained, the local interests suffer, and unjust discrimination exists. The remedy, however, is not to put down the local rates, but to put up the through rates to a proper basis which would be just and reasonable both to the public and the railroads.
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> The CHAIRMAN. Do you mean by the Government?
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> Mr. FINK. That is the question. There can be no doubt that there must be some control exercised over the railroad tariffs that will prevent unjust discrimination. If the railroads can not govern themselves, then I think it is

proper that the Government should step in and give aid to the railroads. In that case the question would be whether the Government can give any aid at all, and what that aid should be.

It will be observed that Mr. Fink, who speaks with as much knowledge and authority from a railroad standpoint as any man in this country, concedes the justice of the long and short haul principle, but assumes that through rates must control the local rates; and as the railroads, by reason of competition, rate-cutting, and rate wars, can not control the through rates, that the local rates must not be controlled. That is to say, that railroad managers must be allowed to cut each other's throats on long hauls from competing points and make up the deficiency on the balance of the country by higher rates on shorter hauls.

Mr. President, is it not plain that if Mr. Fink will reverse his proposition and give stability and something like uniformity to local rates he will solve the problem of uniformity and stability to through rates? For if railroads are prohibited from charging more for a short than for a longer haul, which includes the shorter haul, and they know that competition and rate-cutting at distant points means rate-cutting all through to the end of the line in the same direction, would the roads not be forced in self-preservation to maintain uniform and fair through rates in order to maintain proportionate local rates? And why should not the local rates be made to govern the through rates to the extent that the charge for a short haul should not exceed the charge for the longer haul? The more especially so since the intermediate points supply so much the larger proportion of the freight.

All railroads must depend chiefly for support on the traffic originating along the lines of their roads, and for that reason ought to encourage and build up their local business. This is a well-recognized fact. Then why should this great preponderance of local traffic be subordinated to the caprices of a comparatively small amount of traffic from through competitive points?

Take, for instance, the tonnage over the Pennsylvania Railroad on its main line east of Pittsburgh, and the statistics for the past four years show that a fraction over 90 per cent. originated on its line, and only about 10 per cent. of what is called through freight originated and came to it from lines west of Pittsburgh. And what is true of the Pennsylvania Railroad is true to a greater or less extent of all other railroads.

This statement differs greatly from the general impression in regard to the extent and volume of what is called through freights, and I call the attention of Senators to it; that 90 per cent. of the freight traffic passing over the Pennsylvania Railroad east of Pittsburgh originates on its line, and that only 10 per cent. comes from west of Pittsburgh—the proportion may vary on other roads. And yet this small percentage of through freight is the subject of nearly all the railroad wars and rate-cuttings that disturb the transportation of the country. Is it not therefore fair, Mr. President, to shippers, and good policy on the part of the railroads, that the 90 per cent. of local freights originating along the line of the road should, within certain limits, govern the rates on the 10 per cent. of through business?

Mr. Fink says that the tariffs on the Pennsylvania Railroad are so arranged that no higher charge is made from any station east of Pittsburgh to Philadelphia than is charged from Pittsburgh to Philadelphia, nor from any station this side of Chicago than from Chicago, and that this is the rule generally adopted by all railroads.

Now, that is just what is asked to be fixed by the proposed amendment, and it is precisely what is demanded by the great body of shippers of the country. It embodies a principle of fairness to shippers and security to railroads that is beginning to be recognized by nearly all railroad men, and I believe that all well-managed railroads would be ready to adopt and be controlled by this principle if, as Mr. Fink says, they could control themselves; but as it is conceded they can not control themselves Congress ought, in passing an interstate-commerce bill, to interpose and assert and maintain the principle for shippers and railroads alike.

Mr. President, this is no new position with me. I advocated the same principle in the Forty-eighth Congress when an amendment similar to the one now proposed only received 11 votes in this body. I quote from my speech in the CONGRESSIONAL RECORD, pages 886 and 887:

> In my judgment, many of the evils complained of against the railroads are the result of unwise and undue competition between the roads which forces them to do things which are unnatural and unhealthy in a business point of view, and I believe that careful and progressive legislation will result in great advantage to the railroads as well as to the people by protecting the roads from the necessities of their own errors, for in nine cases out of ten the unwise action of one road in making undue discrimination forces all the other competing roads not only to do the same thing and to adopt for the time being the same policy, but even at times to go to a further extreme in the same direction.
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> It is now a well-established principle in railroading that the movement of carloads of freight costs the railroad so much per ton per mile on the average. This amount is ascertained and known by each road with almost mathematical exactness. We may assume, if you please, for illustration, that this cost is at the average rate of 1 cent per ton per mile for all the freight hauled over the whole line of road, and it is equally well known that long hauls can be made at somewhat less cost in proportion than short hauls. It is, therefore, a fundamental principle in railroading that the average rates of tonnage per mile must be kept up to a point necessary to yield the road a fair profit on its capital from its gross business. Now, when a road takes its through freight from competitive points on a long haul at less than it can afford to do the business per mile and make a profit, or at less than it can afford to do the business and pay actual expenses, it must make up the deficiency on its average business from non-competitive points between the starting place and the market to be reached, and the lower it is forced to take through freight the higher it must charge on its local freight.
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> This is the result of competition forced upon railroads by themselves rather than their voluntary action. For it is fair to presume that railroads as a matter of business would not of choice discriminate unjustly between shippers, but would equalize rates to a reasonable extent to produce the average earnings per mile required if they could follow out their own judgment of what would be equitable and fair and their own inclinations to do it.

And again:

> There can be no good reason assigned to justify railroads in making these discriminations, and I do not think they do make them from choice, but from necessity, to bring up their average earnings. There can be no more reason for a railroad charging more for half the labor than for twice the amount of labor than there would be for any other interest governed by the rules affected by machinery and labor, or than there would be for charging more for making one plow than for making two plows, or for a cart to charge more for carrying a load half a mile than it would for a mile over the same road; or for a hod-carrier to charge more to carry brick to the first story of a house than he would to carry the same brick to the second story over the same ladder by which he reached the first story. The cost of transportation to a railroad is measured by the wear and tear of the road and equipment, and the expenses per mile for fuel and labor in moving the train; and there is no theory that I have ever seen advanced that satisfies my mind that these physical conditions are varied to any great extent per mile in proportion to the distance.

It may be urged by Senators from the Western States that this amendment will tend to increase the through rates from Chicago, Saint Louis, and other large Western competitive points. I admit that on its face it will have this tendency, but it will have the counterbalancing effect in reducing the rates to shippers in the same States outside of the large cities. Under the operation of the amendment they will be relieved of burdens now borne on shipments into these centers from the interior, and so the principle will in the end adjust itself without detriment to the consumers or unjust influences on the large commercial centers. I have no complaint to make of the cheap rates given to the Western cities. I have no objection to that. What I want is that the nearer shipper shall not be charged more than the more distant shipper, and to that extent be made to assume and bear his burdens. But why should shippers from the far West, cultivating cheaper and more productive lands, ask to receive cheaper transportation for the same kind of products than is given to persons nearer the market, cultivating less productive and more expensive lands?

Why should the shipper of the same kind of products in the States of Indiana, Ohio, Tennessee, Kentucky, West Virginia, Virginia, Maryland, Pennsylvania, and other States similarly situated geographically be discriminated against and compelled to pay more than is charged from Chicago or Saint Louis? I think it is too plain for argument that the true principle is, that the nearer shippers should not be charged more than the shipper at a greater distance under any circumstances or under any conditions.

Mr. President, I have directed my remarks mainly to that clause in the section limiting its provisions to the same original point of departure, because that limitation embraces by far the widest range of exceptions in the application of the long and short haul principle. Its application, embracing all sections of the country, gives it almost universal application, and for that reason is of much greater importance than the provision extending discretionary power to vary the rule where there are competing water ways. This only affects comparatively few localities, but that provision, in my judgment, is also very objectionable, for it discriminates against water transportation by allowing the railroads to compete against such transportation at ruinous rates in order to take the freight that naturally belongs to such modes of transportation.

If a railroad can not afford to take freight from competitive points, that might otherwise go by water transportation, at rates that justify the same roads in taking freights of the same kind from nearer points, then the water routes should be allowed to carry it without legislative interference against their interests. To make this exception would in some cases interfere with equality and justice as between railroads. Thus New York, Philadelphia, Baltimore, and Norfolk are competitive points for exportation; the railroads leading to all these cities are in competition at the same points in many sections where limited water transportation exists.

The railroads leading to one of these exporting cities may have water competition, while the roads leading to another export city may not have water competition. The effect of this proviso would be either to allow railroads to compete upon an unequal basis to seaboard cities by reason of one point having competing water transportation while another point did not have it, or else, by conceding the competitive rates governed by water transportation to all the roads leading to the seaboard, it would destroy the long and short haul principles at intermediate points on all the roads.

The proportion of the amount of freight carried by water is fast being diminished, and steel rails and other improvements in operating railroads tending to cheapen transportation, added to the certainty of quicker time and diminished risk, is enabling railroads to do the general business cheaper than the water ways. Railroads will in time become almost the sole carriers, but there are still large interests and investments in the equipments for water transportation, and the water ways still serve a most useful purpose in commerce. The speed of its destruction and disuse should not be hastened faster than fair, legitimate competition produces it. Therefore, whenever it will not pay railroads to take

any kind of freight at rates that water ways can afford to take it, then the water ways should take it if the shipper prefers it. Railroads are now being built along the chief water courses, because it has been demonstrated that they can do the business cheaper than it can be done by water. Commerce should be left to follow its natural channels, and the railroads and water ways should be left to compete without discrimination.

In framing a general law for the benefit of the whole people of this country to regulate its vast carrying interests, is it not better to make the rule uniform and of general application, in which the interests of the vast body of the whole people are to be affected, rather than to make exceptions that apply only to isolated cases, and which exceptions may affect so materially the purposes of the bill?

In order to get at the exceptions it becomes necessary to delegate to the commission appointed under the provisions of the bill a dangerous discretion, which virtually places in their hands the essence of the whole question of discriminations intended to be remedied by the bill. It will also impair the usefulness and high reputation which the commission ought to possess for disinterested fairness and subject it to suspicions and imputations; for every exception the commission may make must be in the interests of the railroads, and it will subject it to embarrassing criticisms, from which it ought to be exempt.

Mr. President, I wish it understood that I have no war to make upon railroads or corporations within the proper limit of their usefulness. I only aim at fair and just regulations, such as will correct the unwisdom of their own acts and produce approximate stability and fairness in rates to their patrons. I know there are in many communities men whose hobby it is to denounce railroads, men who are neither laborers, producers, nor shippers themselves, and who never aided with encouragement or contributed by their means to the employment of labor, the building of railroads, or the development of any other useful public enterprise; men who do not create employment or "make two blades of grass grow where only one grew before."

If the development of the country in which they live had depended upon their exertions we would have had little interstate commerce to regulate, and we and our children perhaps for generations to come would have found our way from our forest homes by means familiar to the pioneers. In the eyes of such men, the man who invests his means or gives his energies to public enterprises is the subject of suspicion, denunciation, and abuse.

Mr. President, I have no sympathy with this class of agitators. They agitate, not because they have ever felt or known the effects of discriminations or the oppression of corporations, but agitate and denounce because it is their political stock in trade—a capital that costs nothing, an investment which if it pays is all clear gain to them, and leaves the development and thrift of the country to take care of itself or be taken care of by those who are willing to labor for it and be advertised as enemies to the public good.

Our railroads have been of untold benefit. They have been the means of opening up and developing this country as no other country has ever been developed in the same space of time before. They are "the arteries through which flows the life-blood of the world's commerce." They are the means of civilization and of progress in all the material aims and purposes of life. They have become so necessary to the development of every section of country, that emigration and capital will not go beyond the lines of transportation, and in the very nature of things all enterprises of magnitude, whether of railroad, mining, or manufacturing interests, must be built up and operated by the aggregation of capital in the form of corporations.

This capital, except in rare instances, can not be obtained in the communities to be benefited most by their construction. It is therefore not only unwise but unjust to foster the impression that such corporations are public enemies, to be denounced and legislated against as such.

This country has more capital invested in railroads than the aggregate of all other investments, and these securities are owned throughout the country indiscriminately, and they have precisely as much right to protection and no more than any other class of property that exists.

There is no community without the facilities of railroad transportation that does not hail with satisfaction the prospect of obtaining it, with all its accompanying advantages and conveniences. Without transportation manufacturing can not exist, mines can not be operated, forests can not be turned to value, labor is without demand and forced to seek employment where thrift and enterprise follow in the wake of transportation and commerce. We feel this in the State which I have the honor in part to represent, a State which lacks only railroad facilities to penetrate and develop its mines of hidden wealth and carry off its forests of valuable timber to make it one of the foremost States of the Union in wealth, prosperity, and increasing population. For these reasons I would ask no unjust or oppressive legislation to retard developments or imperil the capital already invested. I would treat all such corporations with the same fairness I would treat individuals, but I would require from them equal fairness to their patrons.

I would invite capital and enterprise and labor with the hospitality of friendship to come and make their homes with us, and would assure them fair and generous protection instead of proclaiming them enemies seeking to intrude unbidden and unwelcome into our territory. And, Mr. President, whatever may be said or done by the few who may be prompted by motives of their own, political or otherwise, I am sure that in the statement of this spirit of broad-minded and liberal fairness I represent the general sentiment on this subject which characterizes the great body of the good people of my own State and of the country at large.

This spirit is just to all—it is this spirit which has marked and made the progress of mankind. It will continue to promote the development of the country at large, and no State in all classes of its citizenship, with fair adjustment of the relations of labor and capital, will profit more largely by it than my own.

EXECUTIVE SESSION.

Mr. VOORHEES. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and fifty-three minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 1487) to establish two additional land districts in the State of Nebraska.

The message also announced that the House had passed the bill (S. 1394) to provide for the ascertainment of the market value of certain property in the city of Chicago and to authorize the Secretary of the Treasury to sell and convey said property, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H. R. 4007) to admit free of duty a certain set of altars for the Catholic church of St. John the Evangelist, in the parish of La Fayette, Louisiana, in which it requested the concurrence of the Senate.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. CALL, it was

Ordered, That the papers in the case of Silvia Wilford be taken from the files and referred to the Committee on Revolutionary Claims, there being no adverse report.

Ordered, That the papers in the case of Perry G. Wall and the executors of O. B. Hart, deceased, be taken from the files and referred to the Committee on Claims, there being no adverse report.

Ordered, That the papers in the case of Caroline M. Seton and Mary Jeannette Sibbald be taken from the files and referred to the Committee on Private Land Claims, there being no adverse report.

Ordered, That the papers in the case of Matthew Smith be taken from the files and referred to the Committee on Claims, there being no adverse report.

Ordered, That the papers in the case of Laura Prine be taken from the files and referred to the Committee on Public Lands, there being no adverse report.

Ordered, That the papers in the case of Herman Ruge be taken from the files and referred to the Committee on Claims, there being no adverse report.

Ordered, That the papers in the case of Julia A. Ross be taken from the files and referred to the Committee on Pensions, there being no adverse report.

Ordered, That the papers in the case of Ann Leddy be taken from the files and referred to the Committee on Pensions, there being no adverse report.

Ordered, That the papers in the case of Arvah Hopkins be taken from the file and referred to the Committee on Claims, there being no adverse report.

Ordered, That the papers in the case of Cyprian T. Jenkins be taken from the files and referred to the Committee on Claims, there being no adverse report.

Ordered, That the papers in the case of James Filor, William Curry, and William Pinckney be taken from the files and referred to the Committee on Claims, there being no adverse report.

Ordered, That the papers in the case of Jane L. Donelly be taken from the files and referred to the Committee on Revolutionary Claims, there being no adverse report.

Ordered, That the papers in the case of Francis Denmead be taken from the files and referred to the Committee on the District of Columbia, there being no adverse report.

ADJOURNMENT.

Mr. EDMUNDS. I move that the Senate adjourn.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business, being the bill (S. 1532) to regulate commerce; pending which the Senator from Vermont moves that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 58 minutes p. m.) the Senate adjourned until Monday next, the 19th instant.

NOMINATIONS.

Executive nominations received by the Senate the 16th day of April, 1886.

POSTMASTERS.

Mrs. Virginia Campbell Thompson, to be postmaster at Louisville, Jefferson County, Kentucky, whose commission expired March 31, 1886.

John C. Riley, to be postmaster at Cincinnati, Hamilton County, Ohio, *vice* S. A. Whitfield, commission expired.

CONFIRMATIONS.

Executive nominations confirmed by the Senate, April 14, 1886.

INTERNAL-REVENUE COLLECTORS.

William T. Bishop, of Ohio, to be collector of internal revenue for the first district of Ohio.

The above confirmation was accompanied by the following report from the Committee on Finance; which was ordered by the Senate to be printed in the RECORD:

The Committee on Finance, to whom was referred the nomination of William

T. Bishop, of Ohio, to be collector of internal revenue for the first district of Ohio, in place of Clark B. Montgomery, suspended, beg leave to report as follows:

It appears, from all the information that the committee can obtain under the recent order of the President, that the former incumbent of the office, Col. Clark B. Montgomery, was an excellent officer, faithfully discharged his duties in all respects, has maintained his office in the front rank, and that he has been suspended without any charge or complaint reflecting upon his official or moral character or conduct. This information is derived from the uncontradicted testimony of those who know him best, and from his official record in the Treasury Department. It is not in the least impaired by the letter of the Secretary of the Treasury, hereto annexed, which, fairly construed, fully vouches for Colonel Montgomery's official and moral character and conduct, covered under some ambiguous phrases, which were no doubt intended to save the President from the charge of insincerity in his official declaration in suspending so excellent an officer. It fairly appears that he was suspended for political reasons, and because he was a Republican, and that Mr. Bishop was appointed because he was a Democrat, and, as such, would, in the language of the Secretary, "better promote the policy of the present administration."

In this aspect of the case, and in view of the manly declaration of Colonel Montgomery that he has settled up his accounts, has the statement of the Department that they are correct and are closed, and has no desire to be restored to the office, and does not contend against the appointment of his successor, and your committee being satisfied, from other information, that Mr. Bishop is a man of good character and probably able to discharge the duties of the office, do recommend his confirmation.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., March 16, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 3, 1886, asking whether or not "there are any charges on file against the official or moral character of Clark B. Montgomery, late collector of internal revenue for the first district of Ohio, suspended," is received.

In reply thereto, I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions. But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your comunication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary.*

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

James W. Newman, of Ohio, to be collector of internal revenue for the eleventh district of Ohio.

The above confirmation was accompanied by the following report from the Committee on Finance; which was ordered by the Senate to be printed in the RECORD:

The Committee on Finance, to whom was referred the nomination of James W. Newman, of Ohio, to be collector of internal revenue for the eleventh district of Ohio, in place of Marcus Boggs, suspended, beg leave to report as follows:

It appears, from all the information that the committee can obtain under the recent order of the President, that the former incumbent of the office, Maj. Marcus Boggs, was an excellent officer, faithfully discharged his duty in all respects, had an honorable record as an officer of the Union Army in the late war, has maintained his office in the front rank, and that he has been suspended without any charge or complaint reflecting upon his official or moral character or conduct. This information is derived from the uncontradicted testimony of those who know him best, and his official record and conduct. It is not in the least impaired by the letter of the Secretary of the Treasury, hereto annexed, which, fairly construed, fully vouches for Major Boggs's official and moral character and conduct, covered under some ambiguous phrases, which were no doubt intended to save the President from the charge of insincerity in his official declarations in suspending so excellent an officer. It fairly appears that he was suspended for political reasons, and because he was a Republican, and that Mr. Newman was appointed because he was a Democrat, and, as such, would, in the language of the Secretary, "better promote the policy of the present administration."

In this aspect of this case, and in view of the manly declaration of Major Boggs that he has settled up his accounts, has the statement of the Department that they are correct and are closed, and has no desire to be restored to the office, and does not contend against the appointment of his successor, and your committee being satisfied, from other information, that Mr. Newman is a man of good character and probably able to discharge the duties of the office, do recommend his confirmation.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., March 16, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 3, 1886, asking whether or not "there are any charges on file against the official or moral character of Marcus Boggs, late collector of internal revenue for the eleventh district of Ohio, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions. But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully yours,

D. MANNING, *Secretary.*

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

Christian J. Knecht, of Ohio, to be collector of internal revenue for the sixth district of Ohio.

The above confirmation was accompanied by the following report from the Committee on Finance; which was ordered by the Senate to be printed in the RECORD:

The Committee on Finance, to whom was referred the nomination of Christian J. Knecht, of Ohio, to be collecter of internal revenue for the sixth district of Ohio, in place of George P. Dunham, suspended, beg leave to report as follows:

It appears from all the information the committee can obtain under the recent order of the President that the former incumbent of the office, Col. George P. Dunham, was an excellent officer, faithfully discharged his duties in all respects, had an honorable record as an officer of the Union Army in the late war, has maintained his office in the front rank, and that he has been suspended without any charge or complaint reflecting upon his official or moral character or conduct. This information is derived from the uncontradicted testimony of those who know him best, and his official record and conduct. It is not in the least impaired by the letter of the Secretary of the Treasury hereto annexed, which, fairly construed, fully vouches for Colonel Dunham's official and moral character and conduct, covered under some ambiguous phrases, which were no doubt intended to save the President from the charge of insincerity in his official declarations in suspending so excellent an officer. It fairly appears that he was suspended for political reasons, and because he was a Republican, and that Mr. Knecht was appointed because he was a Democrat, and as such would, in the language of the Secretary, "better promote the policy of the present administration."

In this aspect of this case, and in view of the manly declaration of Colonel Dunham that he has settled up his accounts, has the statement of the Department that they are correct and are closed, and has no desire to be restored to the office, and does not contend against the appointment of his successor, and your committee being satisfied, from other information, that Mr. Knecht is a man of good character and probably able to discharge the duties of the office, do recommend his confirmation.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., March 16, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 3, 1886, asking whether or not "there are any charges on file against the official or moral character of George P. Dunham, late collector of internal revenue for the sixth district of Ohio, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspension. But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully yours,

D. MANNING, *Secretary.*

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

Frederick Gerker, of Pennsylvania, to be collector of internal revenue for the first district of Pennsylvania.

The above confirmation was accompanied by the following report from the Committee on Finance; which was ordered by the Senate to be printed in the RECORD.

The Committee on Finance have had under consideration the nomination (No. 869) of Frederick Gerker, of Pennsylvania, to be collector of internal revenue for the first district of Pennsylvania, in place of William J. Pollock, suspended, and, so far as they have been able to obtain the information, they find that Mr. Gerker is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of William J. Pollock, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 17, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of William J. Pollock, late collector of internal revenue for the first district of Pennsylvania," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions.

But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary.*

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

Resolved, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Gerker.

Asa Ellis, of California, to be collector of internal revenue for the first district of California.

Thomas H. Simms, of Arkansas, to be collector of internal revenue for the district of Arkansas.

The above confirmation was accompanied by the following report from the Committee on Finance; which was ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 845) of Thomas H. Simms, of Arkansas, to be collector of internal revenue for the district of Arkansas, in place of Henry M. Cooper, suspended, and, so far as they have been able to obtain the information, they find that Mr. Simms is a fit

and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of Henry M. Cooper, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 17, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of Henry M. Cooper, late collector of internal revenue for the district of Arkansas, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions.

But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary.*

HON. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Simms.

William D. H. Hunter, of Indiana, to be collector of internal revenue for the sixth district of Indiana.

The above confirmation was accompanied by the following report from the Committee on Finance; which was ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 850) of William D. H. Hunter, of Indiana, to be collector of internal revenue for the sixth district of Indiana, in place of Horace McKay, suspended, and, so far as they have been able to obtain the information, they find that Mr. Hunter is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of Horace McKay, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 17, 1876.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of Horace McKay, late collector of internal revenue for the sixth district of Indiana, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions.

But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully yours,

D. MANNING, *Secretary.*

HON. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Hunter.

John B. Malony, of Michigan, to be collector of internal revenue for the first district of Michigan.

The above confirmation was accompanied by the following report from the Committee on Finance; which was ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 857) of John B. Malony, of Michigan, to be collector of internal revenue for the first district of Michigan, in place of James H. Stone, suspended, and, so far as they have been able to obtain the information, they find that Mr. Malony is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of James H. Stone, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 17, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of James H. Stone, late collector of internal revenue for the first district of Michigan, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions.

But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully yours,

D. MANNING, *Secretary.*

HON. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Malony.

Robert M. Henderson, of Texas, to be collector of internal revenue for the fourth district of Texas.

The above confirmation was accompanied by the following report from the Committee on Finance; which was ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 873) of Robert M. Henderson, of Texas, to be collector of internal revenue for the fourth district of Texas, in place of Webster Flanagan, suspended, and, so far as they have been able to obtain information, they find that Mr. Henderson is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of Webster Flanagan suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 17, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of Webster Flanagan, late collector of internal revenue for the fourth district of Texas, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions.

But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary.*

HON. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Henderson.

MINT MELTER AND REFINER.

Leonard Magruder, of Louisiana, to be melter and refiner of the mint of the United States at New Orleans, in the State of Louisiana.

The above confirmation was accompanied by the following report from the Committee on Finance, which was ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 887) of Leonard Magruder, of Louisiana, to be melter and refiner of the mint of the United States at New Orleans, in place of Frank F. Claussen, suspended, and, so far as they have been able to obtain the information, they find that Mr. Magruder is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of Frank F. Claussen, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 17, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of Frank F. Claussen, late melter and refiner of the mint of the United States at New Orleans, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions.

But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary.*

HON. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of officers, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Magruder.

MINT COINER.

Allen Thomas, of Louisiana, to be coiner of the mint of the United States at New Orleans, in the State of Louisiana.

The above confirmation was accompanied by the following report from the Committee on Finance; which was ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 839) of Allen Thomas, of Louisiana, to be coiner of the mint of the United States at New Orleans, in place of Frederick K. Jones, suspended, and, so far as they have been able to obtain the information, they find that Mr. Thomas is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of Frederick K. Jones, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 17, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of Frederick K. Jones, late coiner of the mint of the United States at New Orleans, suspended," is received

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions.

But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary*.

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of officers, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Thomas.

COLLECTOR OF CUSTOMS.

Eliphalet A. McWhortern, of Georgia, to be collector of customs for the district of Saint Mary's, Ga.

REGISTER OF LAND OFFICE.

John L. Price, of Topeka, Kans., to be register of the land office at Topeka, Kans.

APPOINTMENTS IN THE ARMY.

Col. Joseph H. Potter, of the Twenty-fourth Infantry, to be brigadier-general, April 1, 1886.

Col. Thomas H. Ruger, of the Eighteenth Infantry, to be brigadier-general, March 19, 1886.

Rev. William H. Pearson, of Ohio, to be post chaplain, April 1, 1886.

Rev. John S. Seibold, of New York, to be post chaplain, April 1, 1886.

Rev. Allen Allenworth, of Ohio, to be chaplain Twenty-fourth Infantry, April 1, 1886.

PROMOTION IN THE ARMY.

Second Lieut. Philip P. Powell, of the Ninth Regiment of Cavalry, to be first lieutenant, January 12, 1886.

INDIAN AGENT.

James T. Gregory, of Ashland, Wis., to be agent for the Indians of the La Pointe Agency, in Wisconsin.

POSTMASTERS.

William Wood, to be postmaster at Middletown, New Castle County, Delaware.

Willard Wright, to be postmaster at Atlantic City, Atlantic County, New Jersey.

Wesely E. Hughes, to be postmaster at Fresno City, Fresno County, California.

John McCann, to be postmaster at Martinez, Contra Costa County, California.

James Tyson, to be postmaster at Placerville, El Dorado County, California.

Granville R. Rider, to be postmaster at Salisbury, Wicomico County, Maryland.

W. H. L. Pepperell, to be postmaster at Concordia, Cloud County, Kansas.

Eugene C. Wilson, to be postmaster at Clay Centre, Clay County, Kansas.

G. J. Evans, to be postmaster at Hastings, Adams County, Nebraska.

Herndon C. Travers, to be postmaster at Rockdale, Milan County, Texas.

Jamesetta H. Dixon, to be postmaster at Harrodsburg, Mercer County, Kentucky.

Asahel Willison, to be postmaster at Cumberland, Alleghany County, Maryland.

Henry C. Hunt, to be postmaster at Delavan, Walworth County, Wisconsin.

Francis C. Sharpe, to be postmaster at Oconto, Oconto County, Wisconsin.

POSTMASTER AT KEOKUK.

Patrick Gibbons, to be postmaster at Keokuk, in the county of Lee and State of Iowa.

The above confirmation was accompanied by the following report from the Committee on Post-Offices and Post-Roads; which was ordered by the Senate to be printed in the RECORD:

The Committee on Post-Offices and Post-Roads, to which was referred the nomination of Patrick Gibbons to be postmaster at Keokuk, Iowa, *vice* S. M. Clark, suspended, reports:

That the suspension of Mr. Clark was made on purely political grounds. The entire files of the Post-Office Department relative to the case were communicated to the committee by the Postmaster-General in response to its request for the same. There is nothing in the papers on file that tends in the slightest degree to injuriously affect the character, reputation, or integrity of Mr. Clark either as an officer or as a man. Moreover, Mr. Clark does not desire to retain the office or to obstruct Mr. Gibbons's confirmation. On the contrary, he has addressed a letter to a member of the committee, in which he says:

"As Mr. HALL, Representative in Congress from the district in which the office is located, seems to have asked for Mr. Gibbons's appointment on purely political grounds, which I deem admissible, and not upon grounds in any way prejudicial to me, and as Mr. Gibbons may be injured in a personal and business way by present incertitude, I take the liberty to ask you at your earliest convenience to call up his case and have him confirmed."

The committee thereupon report the case to the Senate with a recommendation that Patrick Gibbons be confirmed.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April* 16, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

PASSED ASSISTANT PAYMASTER FRANCIS J. PAINTER.

The SPEAKER laid before the House a letter from the Secretary of the Navy, transmitting copies of proceedings in that Department relative to the retirement from active service of Passed Assistant Paymaster Francis J. Painter; which was referred to the Committee on Naval Affairs, and ordered to be printed.

SALE OF GOVERNMENT PROPERTY IN CHICAGO.

Mr. WORTHINGTON. In accordance with the consent obtained yesterday I now call up for consideration the bill (S. 1394) to provide for the ascertainment of the market value of certain property in the city of Chicago, and to authorize the Secretary of the Treasury to sell and convey said property.

Mr. HOLMAN. I suggest that the bill be read before the twenty minutes allowed for debate begin. According to the understanding of yesterday, I believe it was intended there should be twenty minutes for debate exclusive of the time occupied in the reading of the bill.

The SPEAKER. That seems to have been the understanding yesterday morning.

Mr. HOLMAN. So that there will be twenty minutes for debate after the bill is read.

The SPEAKER. Is the reading of the bill demanded?

Mr. HITT. Will it be in order to offer amendments when the bill comes up for consideration?

The SPEAKER. It will be unless the previous question should be ordered.

Mr. HITT. I desire to offer an amendment.

Mr. FELTON. Has unanimous consent been given for the consideration of this bill?

The SPEAKER. Consent was given yesterday morning that the bill be taken up to-day immediately after the reading of the Journal.

Mr. HOLMAN. There will be twenty minutes for debate after the bill is read.

The SPEAKER. The Chair will state that this bill has once been read to the House. Is the reading again demanded?

Mr. HAMMOND. It had better be read.

The bill was read, as follows:

Whereas the Chicago and Great Western Railroad Company, a corporation chartered under the laws of the State of Illinois, is constructing its railroad within the city of Chicago, and possesses, under its charter and under the ordinances of said city, a franchise to construct, maintain, and operate its railroad to Harrison street, in said city, for which purpose it has acquired, and is acquiring, by purchase and otherwise, the real estate lying between Taylor street and said Harrison street, and west of Fifth avenue; and

Whereas the United States owns the south half of block 87, in school section addition to Chicago, which is in the center of the property so acquired and being acquired by said railroad company for terminal facilities, and is vacant, and is

indispensable to said company in exercising said franchise and affording to the public the terminal facilities for which said company has so purchased the property as aforesaid: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, directed to name, within ten days after the passage of this act, a commission, to consist of three persons, officers of the United States, whose duty it shall be to ascertain and report to said Secretary, within twenty days after their appointment, the cash market value of the lot above mentioned in the city of Chicago; and the said Secretary is hereby authorized and empowered to sell and convey the said lot to the said Chicago and Great Western Railroad Company, at such price, not less in any event than the value thereof as appraised and reported by said commission, as he and said railroad company shall agree upon; the said price, when agreed upon, to be paid in cash: *Provided, however*, That if said Secretary and said railroad company shall be unable to agree upon the price to be paid for said property, the same shall be finally fixed by a board of three commissioners to be appointed as follows: One, upon the application of the railroad company, on notice to the district attorney of the United States for the northern district of Illinois, by the district judge of the United States in and for said district; another to be designated by the Secretary of the Treasury; and the two thus chosen to select a third, who shall be competent and disinterested. The said board thus constituted, or a majority thereof, shall fix the price (not to be less, however, than the first appraisal thereof hereinbefore provided for) at which the same shall be sold to said company, and upon payment to the Secretary of the Treasury of said price the title to said property shall vest in said company, its successors and assigns. If the purchase-price of said land, as agreed upon or finally fixed as hereinbefore provided, is not paid within ten days after the same shall have been so agreed upon or fixed as aforesaid, this act shall be null and void.

SEC. 2. That all costs incurred under the provisions hereof in appraising said property, or ascertaining the price to be paid therefor, shall be added to the said price as agreed upon, or as the same may be finally fixed hereunder, and paid by said railroad company.

SEC. 3. That the Secretary of the Treasury shall invest the purchase-money of said lot so paid to him, or so much thereof as may be necessary therefor, in a suitable lot within the corporate limits of the city of Chicago, and shall cause to be erected upon said lot a building for Government uses, with the appropriation made by and in accordance with the provisions of the act entitled "An act for the erection of a public building at Chicago, Ill.," approved March 3, 1885.

The amendments reported by the committee were read, as follows:

In section 1, strike out the words "officers of the United States."

In section 1, between the words "three" and "persons," insert the word "disinterested."

Amend by inserting after the word "assigns," in the first section, the following:

"Upon the following express conditions, that all non-competing railroads not now having right of way into Chicago, desiring to use the tracks, switches, depots, and terminal facilities of said Chicago and Great Western Railroad, shall be by said company or its assigns permitted to do so, to the extent of the capacity of said company to furnish railroad terminal facilities, upon fair and equitable terms and regulations; and in the event the companies interested can not agree upon such terms and regulations, then the same shall be fixed and determined by three disinterested persons, one of whom shall be selected by said Chicago and Great Western Railroad Company, one by such other company as may desire to use said tracks, switches, and terminal facilities, and the third by the two persons so selected."

Strike out section 3, and insert the following section in its stead:

"SEC. 3. That the Secretary of the Treasury shall invest the purchase-money of the said lot received by him, or so much thereof as may be necessary, in the purchase or acquisition by condemnation of a site, and in the erection thereon of a suitable and commodious warehouse, for the use of the United States local appraiser of customs, and other Government uses in the city of Chicago. The site and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the purchase-money received by the Secretary of the Treasury for the lot mentioned in the first section of this act; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site, nor plan for said building, shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said purchase-money received by the Secretary of the Treasury under this act for site and building; and the site purchased shall leave the building unexposed to danger from fire by an open space of at least 40 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, nor until the State of Illinois shall cede to the United States exclusive jurisdiction over the same during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

"And the act entitled 'An act for the erection of a public building at Chicago, Ill.,' approved March 3, 1885, is hereby repealed."

Mr. WORTHINGTON. At the suggestion of the gentleman from Indiana [Mr. HOLMAN] I desire to offer, with the consent of the committee, the amendment which I send to the desk.

The SPEAKER. It can be read now for information; the first question will be upon the amendments reported by the committee.

The Clerk read as follows:

Strike out all after the word "however," in line 15, down to and including the word "company," in line 28, and insert in lieu thereof the following:

"That nothing in this act shall be so construed as to direct said Secretary to make said sale, unless he shall deem the price fixed by the commission or agreed to be paid by said railroad company to be a fair and reasonable price and that the interests of the Government will not suffer by said sale."

Mr. WORTHINGTON. The object of this amendment, Mr. Speaker, as every gentleman can see by a moment's examination, is to take from the bill its mandatory character and leave it discretionary with the Secretary of the Treasury whether or not to make the sale after the appraisement shall have been made by the three appraisers to be appointed by him. A single remark as to the bill. It has been very carefully considered by the Committee on Public Buildings and Grounds and is unanimously reported by them with the amendments, because they believe that the public interests will be materially promoted by the passage of the bill. A railroad company, having already completed 600 miles of railroad, is seeking to gain an entrance into the city of Chicago, having purchased the right of way at a cost, I am informed, of nearly $3,000,000. This piece of land, belonging to the Government, is the only piece of land now blocking that right of way. It can not be condemned, because it is Government property. It is of no peculiar value to the Government any more than any other lot similarly situated; and the railway company is perfectly willing to pay every cent that any disinterested men may say the property is worth. I think every possible guard has been thrown about the bill in order to protect the interests of the Government.

Mr. MILLS. I notice that by the provisions of the bill the proceeds of the sale of this land are to go to the construction of a public building in the city of Chicago. Will this be in addition to the appropriation already made?

Mr. WORTHINGTON. No, sir. I will explain that. The bill repeals the act of the last Congress, which appropriated $50,000 for building an appraisers' warehouse, and turns that money back into the Treasury; but it is believed that from the proceeds of the sale proposed by this bill sufficient money will be obtained to purchase a lot suitable for an appraisers' warehouse and to erect that building. This, I believe, is the whole proposition of the bill.

Mr. FELTON. Does this bill make that appropriation?

Mr. WORTHINGTON. It authorizes the use of the proceeds of this lot, when sold, for the purchase of another lot and the erection of a building; but it repeals the act of the last Congress, and turns the $50,000 then appropriated back into the Treasury.

If no further debate is desired I will ask the previous question upon the bill and amendments, reserving the remainder of my time.

Mr. HOLMAN. I trust this bill will receive at least a few moments' careful attention. The Government owns part of a block in the city of Chicago, known, I believe, as the Bridewell lot. Two years ago we made an appropriation of $50,000 to erect an appraisers' warehouse upon that lot. For some reason or other the erection of that warehouse has not commenced; and now this bill is brought forward proposing to sell this lot to a railroad corporation and to buy ground elsewhere in the city of Chicago upon which to erect the appraisers' warehouse.

The history of the ownership of this property by the Government indicates the importance of some care in disposing of public property where other property is to be purchased in its stead. In 1873 we acquired this Bridewell property from the city of Chicago by an even exchange. We transferred to that city certain real estate we owned in that city for this Bridewell lot—an even transaction, property for property, an even exchange.

It was supposed at that time the transaction was favorable or at least fair to the Government. It now appears the property we transferred to the city of Chicago is worth from $600,000 to $650,000, while this property we acquired in lieu of it is said now to be worth only $125,000. In this single transaction affecting this real estate the Government would seem to be a loser, if that statement is correct, by over half a million of dollars.

Now it is proposed that the Government dispose of that Bridewell property with a view of adding to the convenience of the commerce of that city and at the same time purchasing other property in that city to be applied to the use for which the property sold was intended to be applied.

I will state briefly the objection I have to this measure. I have not felt justified, inasmuch as the gentlemen representing the State of Illinois, and especially the gentlemen representing the city of Chicago, believe that this is a proper measure, to interpose further objection to its consideration; and yet the gentleman from Illinois [Mr. WORTHINGTON] knows very well I do not favor the passage of this bill, even as proposed to be amended. I understood from him that he is willing to go a step further and throw the entire responsibility of the ascertainment of the value of this property upon the Secretary of the Treasury, the appraisers to be appointed by him. I wish to avoid any divided responsibility. I wish the whole responsibility to remain with the Secretary of the Treasury.

Mr. WORTHINGTON. He alone is to be responsible for the appointment.

Mr. HOLMAN. That is in the appointment of these three appraisers who are to ascertain the value of this property?

Mr. WORTHINGTON. Yes; it leaves with him the entire responsibility of that matter.

Mr. HOLMAN. It leaves with the Secretary of the Treasury the responsibility as to the mode of ascertaining the value and whether or not he will dispose of this property. In that view I admit the bill is a safer measure than as originally proposed.

But, Mr. Speaker, the fact can not be overlooked that it is not in the interest of the Government to sell property where other property must be purchased for the same purpose to which the property to be sold was designed to be applied. The Government always sells at a low price and buys at a high one.

It is said in a statement which has come to me from the city of Chicago that the corporation to which this property is to be sold has not the right of way in the county of Cook, in which the city of Chicago is situated. That the attorney representing the board of county com-

missioners, at the instance of that board, has instituted proceedings in the proper court in the city of Chicago to enjoin that corporation from entering that county and crossing its roads and public highways as not being a railroad corporation vested with such rights. As to that I know nothing except from the statement made, but of which I wish the House to be informed.

Mr. REED, of Maine. If that be true, then they will not want this land.

Mr. HOLMAN. That does not follow. The statement I refer to is clipped from the Chicago Times of the 3d of April. The statement made is this: that the corporation acquiring this property is to furnish terminal facilities, not to one particular corporation, but for the purpose of leasing out its property to other corporations; a speculative measure that a number of corporations are interested in. Yet that fact of itself does not necessarily diminish the force of the suggestion that the Government should not interpose its authority and its property against a public improvement. It must be admitted that the Government ought not to occupy the position of interposing unnecessarily between a proper public improvement in its ownership and control of property.

But I have thought it necessary to submit these matters to the consideration of the House, so the whole facts, so far as I am informed of them, may be known to the House.

Our experience has been not only in the city of Chicago, in the instance I have mentioned, but in New York and elsewhere, that we have generally sold property at a low price where we have sold it, and purchased at an exorbitantly high price where we have purchased it. It seems to me, therefore, the fair mode of procedure in this matter would be to leave the Secretary of the Treasury in condition to say to this corporation, "You furnish a given body of land as valuable as this and equally adapted as this for the purpose of the Government and the Government will make an exchange with you."

Mr. ADAMS, of New York. He can do that now.

Mr. HOLMAN. In that way the Government might possibly acquire property adapted to its purposes of equal value with the property in question and no loss would be sustained.

I reserve the remainder of my time.

Mr. WORTHINGTON. I yield now one minute, or two, if he wishes it, to the gentleman from Illinois [Mr. MORRISON].

Mr. MORRISON. Mr. Speaker, I am too far away from Chicago——

Mr. HITT. Will the gentleman allow me to offer an amendment to have it read for information, so that he can consider that also in the course of his remarks?

Mr. MORRISON. Let the proposed amendment be read.

Mr. HITT. I move to amend by striking out——

Mr. MORRISON. I yield to my colleague [Mr. HITT] that his amendment may be read for information—not to be offered now. Neither do I propose to discuss it. I have only a minute for reply to the gentleman from Indiana [Mr. HOLMAN].

Mr. HITT. I will offer the amendment hereafter.

Mr. MORRISON. I was about to say, Mr. Speaker, that I am too far away from Chicago when at home to know much, personally, of the merits of this question; but after very diligent inquiry into the facts I am convinced that there is so much merit in the proposition as to justify us in passing this bill. The Illinois members representing the city of Chicago all favor the bill. The statements of the gentleman from Indiana [Mr. HOLMAN], as I believe and from what I do know of the matter, are misleading, if not unfair. He says, truly maybe, the State exchanged property with the Government heretofore, and then estimated equal in value to this property, and that this property so taken in exchange is now estimated to be worth $125,000 only, while the other given in exchange to the State has advanced in value to $600,000. In that I think the gentleman was not quite fair. I think he should have stated further that this lot now in question is a sort of dumping-ground for the city.

Mr. LAWLER. That is just what it is.

Mr. MORRISON. And the property which the city of Chicago got in exchange for it has been improved by the expenditure of vast sums of money, expended on public or costly and splendid buildings on the property itself and the adjacent property. In these splendid structures and improvements are to be found the causes for increased value of the grounds on which they are built, as well as adjacent grounds. No doubt a like expenditure on or in the immediate vicinity of this Bridewell lot would raise its present value, and it, too, would be worth $600,000.

If the improvements had been made and the money expended upon the property we now offer to sell, it would have increased in value in the same proportion as that we exchanged for it. These are the facts as stated to me by the Chicago members here, as well as by other gentlemen from Chicago who have no personal interest involved.

Mr. WORTHINGTON. I now ask the previous question upon the bill and amendments.

The SPEAKER. The Chair will state that the time fixed for the general debate by the House has not yet expired; the gentleman from Indiana has four minutes of his time remaining.

Mr. HOLMAN. Mr. Speaker, in reply to the statement of my friend from Illinois I will say that my understanding is different from his. My understanding is that this property, which was transferred to the city of Chicago by the United States in equal exchange for the property now under consideration, bears a ground-rent upon a valuation of $600,000, so that the amount expended for improvements and buildings upon it is not taken into account in estimating its value on that statement. I repeat, the ground-rent is based upon an actual valuation of the real estate at $600,000. If so, the loss to the Government in that transaction is apparent.

But I only mention this to show the importance of caution when it is proposed that the Government shall dispose of real estate which it needs, and when it will be called upon to purchase other property for the same purposes in the same locality. In such case the Government will most certainly be the losing party.

Mr. MILLIKEN. Will the gentleman allow me to ask him a question?

Mr. HOLMAN. Yes, sir.

Mr. MILLIKEN. If it be true that the Government made a bad trade in swapping some other property for this, I would like to ask if that is any reason why the Government should not dispose of this property at a fair price?

Mr. HOLMAN. That is a very fair question, and my answer is, inasmuch as experience has taught us that usually governments sell at a low price and buy at a high price, we ought to guard carefully such transactions, and not sell except where public interests really require it. Three or four just such transactions have taken place within the last few years in the city of New York alone; and in view of the facts that these transactions are never favorable to the Government, I submit that Congress can not overlook the probable result of this transaction.

Mr. ADAMS, of Illinois. Is not the Government well guarded in this bill?

Mr. HOLMAN. I admit that it is so far as the direct responsibility of the Secretary of the Treasury is concerned, as proposed to be amended.

Mr. MILLIKEN. And if it is not guarded, then the amendment which the gentleman in charge of the bill has offered would seem to be a sufficient protection.

Mr. HENDERSON, of Iowa. Will the gentleman permit a question?

Mr. HOLMAN. Yes, sir.

Mr. HENDERSON, of Iowa. Can you state whether the Representatives of the people in this House are in favor of this bill; those representing the people of Chicago?

Mr. HOLMAN. I understand they are.

Mr. HENDERSON, of Iowa. I only wanted to get the admission of that fact from the gentleman.

Mr. HOLMAN. I understand that they are in favor of the bill, but they are not alone responsible for our legislation; but that is a reason I did not feel justified to further interpose objection to at least a consideration of the bill by the House. But I wish to see the rights of the Government properly protected and guarded in whatever may be determined upon in connection with the disposition of this property, as you are not proposing to sell for the benefit of the Government—for the Government does not desire to sell—but for the benefit of other parties.

Mr. HITT. Mr. Speaker, I desire now to submit an amendment.

The SPEAKER. The Chair will state that there are amendments to this bill already proposed by the committee, and one proposed by the gentleman from Illinois [Mr. WORTHINGTON]; so that other amendments would not now be in order, except that they may be read by consent of the House for information.

Mr. HOLMAN. I hope the amendment proposed by the gentleman will be read.

The SPEAKER. It can be read for information.

Mr. WORTHINGTON. I can not consent to the amendment which I understand the gentleman proposes to offer. It is a matter that was considered fully, and was rejected by the committee in its present shape.

Mr. HITT. I ask that the amendment be read.

The Clerk read as follows:

In line 1, of the second amendment of the committee, strike out the words "non-competing."

Mr. HOLMAN. I now yield the balance of my time, if I have any, to the gentleman from Illinois [Mr. HITT] to explain his amendment.

The SPEAKER. The gentleman has only half a minute.

Mr. HITT. The amendment would permit any road hereafter built by the people into Chicago to enter upon fair and equitable terms into this depot, and to do it under such conditions and restrictions as would work no injustice to the road that now proposes to enter there. It would save the people, who ultimately pay all that goes to build and run the railroad, the paying of $10,000,000 for a new entry into Chicago. It would do in this case exactly what has been done by five competing roads in another part of the city of Chicago, where they all harmoniously enter and work together at the Polk-street Depot. The assertion which may be made that these roads are in strife and can not meet together peacefully in a depot has no foundation in fact and in practice, as shown by the history of the Chicago and Western Indiana road, which is actually the terminal of five great competing roads which enter the city together upon just such terms as I now propose for this station. It should be left open to the entry, upon fair terms, of any new roads that may be built to serve the people in the country and con-

tribute to the commerce of Chicago, not forcing them to buy their way by the expenditure of many millions for other and entirely new terminals. It would be just to the people whose property we are parting with to this corporation, because we think it is for the public good; and in behalf of the people, who want all the railroad facilities they can get, this entry to Chicago should be open to future roads upon their paying their share.

[Here the hammer fell.]

Mr. WORTHINGTON addressed the Chair.

The SPEAKER. The gentleman from Illinois [Mr. WORTHINGTON] has two minutes of his time remaining.

Mr. WORTHINGTON. Two competing roads can no more use the terminals and depot at the same time than they can use the same track. The ordinance which permits this road to enter into Chicago provides it comes in on the condition that it allows other roads to the capacity of the terminals and depots to use them. But a railway is valuable just as it makes its connections. If it is so hampered by limitations that a competing road can come in and destroy the use it has of terminals, the utility of the road is destroyed. The roads that are permitted to use the company's terminals must be connecting roads that continue its track in different directions. It is for this reason that after very carefully considering the matter suggested by the gentleman from Illinois [Mr. HITT] the committee believe the word "non-competing" should be inserted in the bill. I now demand the previous question.

Mr. HITT. Has the gentleman from Illinois any time left in which he could answer a question?

The SPEAKER. The time of the gentleman has expired. The gentleman demands the previous question on the amendments and ordering the bill to be read a third time.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendments proposed by the committee. Is a separate vote demanded on any amendment?

Mr. HOLMAN. I should like to have the amendments read in their order.

The Clerk read the first amendment recommended by the committee, as follows:

In section 1, line 5, strike out the words "officers of the United States."

The amendment was agreed to.

The Clerk read the next amendment recommended by the committee, as follows:

In section 1, line 5, after the word "three," insert the word "disinterested."

The amendment was agreed to.

The Clerk read the next amendment recommended by the committee, as follows:

In section 1, line 30, after the word "assigns," insert the following:

"That all non-competing railroads not now having right of way into Chicago, desiring to use the tracks, switches, depots, and terminal facilities of said Chicago and Great Western Railroad, shall be, by said company or its assigns, permitted to do so, to the extent of the capacity of said company to furnish railroad terminal facilities, upon fair and equitable terms and regulations; and in the event the companies interested can not agree upon such terms and regulations, then the same shall be fixed and determined by three disinterested persons, one of whom shall be selected by said Chicago and Great Western Railroad Company, one by such other company as may desire to use said tracks, switches, and terminal facilities, and the third by the two persons so selected."

Mr. HOLMAN. There is an amendment to that, the amendment of the gentleman from Illinois.

The SPEAKER. But that amendment was not in order, as the Chair stated at the time.

Mr. HITT. I offer it now.

The SPEAKER. The previous question has been ordered; the gentleman from Illinois [Mr. WORTHINGTON] refused to admit that amendment.

Mr. HOLMAN. I refer not to the proposed amendment of the gentleman from Illinois [Mr. HITT] but to the amendment offered by the gentleman from Illinois in charge of the bill.

The SPEAKER. That is an amendment to the bill.

Mr. HOLMAN. Then this amendment ought not to be adopted, because this amendment provides for the appointment of these appraisers by divided authority.

Mr. WORTHINGTON. That is so. The amendment I offered strikes out a part of this amendment recommended by the committee. I ask that my amendment be reported.

The SPEAKER. The amendment will be reported. It is an amendment to the bill.

The Clerk read as follows:

In section 1, line 15, after the word "however," strike out all to and including the word "company," in the twenty-eighth line, and insert in lieu thereof the following:

That nothing in this act shall be construed so as to direct said Secretary to make said sale unless he shall deem the price fixed by the commissioners or agreed to be paid by the said company to be a fair and reasonable price, and that the interests of the Government will not suffer by said sale.

Mr. WORTHINGTON. That strikes out the second commission entirely and leaves the appraisers only.

Mr. HOLMAN. Appointed by the Secretary of the Treasury?

Mr. WORTHINGTON. Appointed by the Secretary of the Treasury.

Mr. HOLMAN. If that is the effect of it, I have no objection.

The SPEAKER. That is an amendment to the bill. The question is now on the amendment recommended by the committee, which the Clerk will report.

The Clerk read as follows:

Strike out section 3, and insert in lieu thereof the following:

"SEC. 3. That the Secretary of the Treasury shall invest the purchase-money of the said lot received by him, or so much thereof as may be necessary, in the purchase or acquisition by condemnation of a site, and in the erection thereon of a suitable and commodious warehouse, for the use of the United States local appraiser of customs and other Government uses, in the city of Chicago. The site and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the purchase-money received by the Secretary of the Treasury for the lot mentioned in the first section of this act; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site nor plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said purchase-money received by the Secretary of the Treasury under this act for site and building; and the site purchased shall leave the building unexposed to danger from fire by an open space of at least 40 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, nor until the State of Illinois shall cede to the United States exclusive jurisdiction over the same during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein. And the act entitled 'An act for the erection of a public building at Chicago, Ill.,' approved March 3, 1865, is hereby repealed."

The amendment was agreed to.

The SPEAKER. The Clerk will now report the amendment of the gentleman from Illinois [Mr. WORTHINGTON] to the first section.

The amendment was again read; and was agreed to.

The bill as amended was ordered to a third reading.

Mr. HOLMAN. I believe the bill is subject to be read again at this stage.

The SPEAKER. It is.

Mr. HOLMAN. I should like to have the first part of the first section read as amended.

The first portion of section 1 as amended was read.

The SPEAKER. The question is, Shall the bill pass?

Mr. HITT. I move to recommit the bill to the Committee on Public Buildings and Grounds with instructions to report the same back with the amendment which I send to the desk.

The Clerk read as follows:

Strike out in the third amendment proposed by the committee the word "non-competing."

Mr. WORTHINGTON. I hope that motion will not prevail. The matter has been very carefully considered.

The question being taken on the motion of Mr. HITT, there were—ayes 51, noes 95.

So (further count not being called for) the motion was not agreed to.

The bill was passed.

Mr. WORTHINGTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADDITIONAL LAND DISTRICTS, NEBRASKA.

Mr. DORSEY. Mr. Speaker, I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of Senate bill 1487, which is on the Private Calendar, and that the bill be taken up and put upon its passage.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, &c., That all that portion of the State of Nebraska bounded and described as follows: Commencing on the west boundary of the State of Nebraska at the intersection of the township line between townships numbered 23 and 24 north, sixth principal meridian; thence east along the township line between said townships to the fifth guide meridian west; thence north along said guide meridian to the north boundary of the State of Nebraska; thence west along said boundary to the northwest corner of the State; thence south along the west boundary of the State to the place of beginning, be, and is hereby, constituted a new land district, to be called the northwest land district of the State of Nebraska, the land office for which shall be located at such place as the President may direct.

SEC. 2. That all that portion of the State of Nebraska bounded and described as follows: Beginning on the west boundary of the State of Nebraska at the point of the intersection of the township line between townships numbered 23 and 24 north, sixth principal meridian; thence east along the township line between said townships to the fifth guide meridian west; thence south on said fifth guide meridian to the southeast corner of township 12 north, range 41 west; thence west on the township line between townships 11 and 12 north to the west boundary of the State of Nebraska; thence north to the northeast corner of the State of Colorado; thence west along the north boundary of Colorado to the west boundary of the State of Nebraska; thence north along the west boundary of the State of Nebraska to the place of beginning, be, and is hereby, constituted a new land district, to be called the Sidney land district of the State of Nebraska, the land office for which shall be located at such place as the President may direct.

SEC. 3. That the President, by and with the advice and consent of the Senate, is hereby authorized to appoint registers and receive for such land districts, who shall discharge like and similar duties and receive the same amount of compensation as other officers discharging like duties in the other land offices of said State.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. RANDALL. Mr. Speaker, I do not desire to object, but I wish to reserve the right to do so until I ask the gentleman in charge of the bill one or two questions, the answers to which may determine whether I shall object or not. I desire to ask the gentleman what number of acres of the public lands in Nebraska remain unsurveyed?

Mr. DORSEY. None, sir. All the public lands in the State of Nebraska have been surveyed and opened to settlement. This bill is recommended by the Secretary of the Interior and by the Commissioner of the General Land Office. These two new land districts will be about 125 miles in length from east to west, and 75 miles in width from north to south.

There are thousands of people pouring in there daily, and I have petitions on file from thousands of settlers asking that these districts be created, because some of those people are compelled now to go over 200 miles to a land office.

Mr. RANDALL. The reason I asked the question is that information had come to me that all the public lands in Nebraska had been surveyed, as the gentleman states they have been. The object of this bill, I suppose, is to afford additional facilities to people who desire to take up those lands for settlement.

Mr. DORSEY. I can say to the gentleman that this bill is in the interest of the people, and will tend to prevent frauds by giving the people land offices nearer their homes.

Mr. RANDALL. I make no objection, Mr. Speaker.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DORSEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CANADIAN FISHING REGULATIONS.

Mr. WILLIS. Regular order.

The SPEAKER. The regular order is called for.

Mr. CLEMENTS. Mr. Speaker, I rise to present a privileged report. I am instructed by the Committee on Foreign Affairs to submit the report which I send to the Clerk's desk, and to ask its present consideration.

The report was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, *April* 5, 1886.

Whereas the minister of marine of the Dominion of Canada has issued a proclamation directing the enforcement of an act of the Dominion parliament which prohibits any fishing vessel of the United States from entering any Dominion harbor except for the purpose of shelter, repairing damages, and purchasing wood and obtaining water; and

Whereas press dispatches announce that under this proclamation Dominion officers have denied to fishing vessels of the United States the right to enter ports of entry in said Dominion for the purpose of purchasing supplies or landing fish caught in deep water for shipment in bond to the United States or doing other acts which Canadian and other British vessels are freely permitted to do in ports of the United States; and

Whereas these acts of the authorities of the Dominion of Canada are in contravention of the principles which regulate the intercourse of friendly civilized nations and in direct conflict with a legislative arrangement between the Governments of the United States and Great Britain which went into effect the 1st of January, 1850, by which Great Britain, in view of similar privileges conditionally conceded to her vessels by the United States, placed the vessels of the United States on the same footing in British ports, including British colonies, as that on which British vessels are placed in the ports of the United States, the coasting trade only excepted: Therefore,

Resolved, That the President be requested to furnish the House, if compatible with the public interests, with any information in his possession relative to the exclusion of American fishing vessels from the ports of entry of the Dominion of Canada for the purpose of trading, purchasing supplies, or landing fish caught in deep water for shipment in bond to the United States, or doing other acts which Canadian and other British vessels are freely permitted to do in ports of the United States; and also to inform the House what steps have been taken or are proposed to bring such unwarrantable and unfriendly acts of the Dominion authorities to the attention of the British Government.

For which the committee propose the following substitute:

Resolved, That the President be requested to furnish the House, if compatible with the public interest, with any information in his possession relative to the exclusion of American fishing vessels from the right of entering ports of entry of the Dominion of Canada for the purpose of trading, purchasing supplies, or landing fish caught in deep water, for shipment in bond to the United States, or doing other acts which Canadian and other British vessels are freely permitted to do in ports of the United States, and also to inform the House what steps have been taken to bring such unwarrantable and unfriendly acts of the Dominion authorities to the attention of the British Government—

Mr. DINGLEY. Mr. Speaker, the pending resolution of inquiry was offered by myself for the purpose of bringing before the House and the country the unwarrantable and unfriendly course of the Canadian authorities toward American fishing vessels, and emphasizing the fact that our Government enters its protest against such proceedings, and intends to follow up the protest until the vessels of the United States are accorded the same privileges in Canadian ports that are freely conceded to Canadian vessels in the ports of this country. The following correspondence shows that the Secretary of State is in accord with this view:

PORTLAND, *April* 9, 1886.

To Hon. Secretary of State, Washington, D. C.:

Having several fishing vessels ready for the Banks, we desire to know if they can enter Canadian ports for men and be protected in so doing.

CUSHING & McKENNEY.

WASHINGTON, D. C., *April* 9, 1886.

To Cushing & McKenney, Portland, Me.:

The question of the right of American vessels engaged in fishing on the high seas, or entering the Canadian ports for the purpose of shipping crews, may possibly involve construction of treaty with Great Britain. I expect to attain such an understanding as will relieve our fishermen from all doubt or risk in the exercise of the ordinary commercial privileges in friendly ports, to which, under existing laws of both countries, I consider their citizens to be mutually entitled free from molestations.

T. F. BAYARD.

The right of an American fishing vessel, provided with a custom-house permit, to touch and trade, as authorized by section 4364 of the Revised Statutes of the United States, to enter and purchase supplies of all kinds offered for sale, and ship fish in bond to the United States, is as clear as the right of any other American vessel. This right to touch and trade and buy whatever may be offered for sale in a Canadian port has nothing to do with the fishing rights under the treaty of 1818. We claim no right to fish within the 3-mile limit of Canadian shores, although we decline to accede to the Canadian construction of that limit.

The present difficulties, however, have nothing to do with any dispute as to the proper line of demarkation between fishing grounds exclusively belonging to Canada and fishing grounds open to us and to the world. Canada has undertaken to exclude American vessels intending to fish in waters beyond even Canadian jurisdiction from Canadian ports for the purpose of purchasing supplies, including bait and ice, landing fish caught in deep water to be shipped in bond to the United States, and doing other acts which Canadian fishing and other vessels are freely permitted to do in our ports.

The following proclamation of the minister of marine of the Dominion of Canada shows what is the unwarrantable and unfriendly course which the Dominion authorities have mapped out:

PROCLAMATION BY THE CANADIAN MINISTER OF MARINE AND FISHERIES.

The Government of the United States having by notice terminated articles 18 to 25, both inclusive, and article 30, known as the fishery articles of the Washington treaty, attention is called to the following provision of the convention between the United States and Great Britain, signed at London on the 20th October, 1818:

"Article 1. Whereas differences have arisen respecting the liberty claimed by the United States for the inhabitants thereof to take, dry, and cure fish on certain coasts, bays, harbors, and creeks of His Britannic Majesty's dominions in America, it is agreed between the high contracting parties that the inhabitants of the said United States shall have forever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands on the western and northern coast of Newfoundland, from said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbors, and creeks, from Mount Joly, on the southern coast of Labrador, to and through the Straits of Bell Isle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson's Bay Company; and that the American fishermen shall also have liberty forever to dry and cure fish in any of the unsettled bays, harbors, and creeks of the southern part of the coast of Newfoundland hereabove described, and of the coast of Labrador; but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled, without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground.

"And the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America not included within the above-mentioned limits: *Provided, however*, That the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter and of repairing damages therein, of purchasing wood and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any manner whatever abusing the privileges hereby reserved to them."

Attention is called to the following provisions of the act of the parliament of Canada, chapter 61 of the acts of 1868, an act respecting "fishing by foreign vessels."

2. Any commissioned officer of Her Majesty's navy, serving on board of any vessel of Her Majesty's navy, cruising and being in the waters of Canada for purpose of affording protection to Her Majesty's subjects engaged in the fisheries, or any commissioned officer of Her Majesty's navy, fishery officer, or stipendiary magistrate on board of any vessel belonging to or in the service of the government of Canada and employed in the service of protecting the fisheries, or any officer of the customs of Canada, sheriff, magistrate, or other person duly commissioned for that purpose, may go on board any ship, vessel, or boat, within any harbor in Canada, or hovering (in British waters) within 3 marine miles of any of the coasts, bays, creeks, or harbors in Canada, and stay on board so long as she may remain within such place or distance.

3. If such ship, vessel, or boat be bound elsewhere, and shall continue within such harbor, or so hovering for twenty-four hours after the master shall have been required to depart, any one of such officers or persons as are above mentioned may bring such ship, vessel, or boat into port and search her cargo, and may also examine the master upon oath touching the cargo and voyage; and if the master or person in command shall not truly answer the questions put to him in such examination he shall forfeit $400; and if such ship, vessel, or boat be foreign, or not navigated according to the laws of the United Kingdom or of Canada, and have been found fishing, or preparing to fish, or to have been fishing (in British waters) within 3 marine miles of any of the coasts, bays, creeks, or harbors of Canada, not included within the above-mentioned limits, without a license, on or after the expiration of the period named in the last license granted to such ship, vessel, or boat under the first section of this act, such ship, vessel, or boat, and the tackle, rigging, apparel, furniture, stores, and cargo thereof shall be forfeited.

4. All goods, ships, vessels, and boats, and the tackle, rigging, apparel, furniture, stores, and cargo liable to forfeiture under this act, may be seized and secured by any officers or persons mentioned in the second section of this act, and every person opposing any officer or person in the execution of his duty under this act, or aiding or abetting any other person in any opposition, shall forfeit $800, and shall be guilty of a misdemeanor, and upon conviction be liable to imprisonment for a term not exceeding two years.

Therefore be it known that, by virtue of the treaty provisions and act of parliament above recited, all foreign vessels or boats are forbidden from fishing or taking fish by any means whatever within 3 marine miles of any of the coasts, bays, creeks, and harbors in Canada, or to enter such bays, harbors, and creeks

except for the purpose of shelter and of repairing damages therein, of purchasing wood, and obtaining water, and for no other purpose whatever; of all of which you will take notice and govern yourself accordingly.

GEORGE E. FOSTER,
Minister of Marine and Fisheries.

DEPARTMENT OF FISHERIES,
Ottawa, 5th March, 1886.

Canada undertakes to justify her unfriendly acts toward American fishing vessels by reference to a provision of the old treaty of 1818, in which it is provided that—

American fishermen shall be admitted to enter Canadian bays or harbors for the purpose of shelter, and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever.

Whatever may have been intended by this provision in 1818, when all American vessels were excluded from the commercial privileges enjoyed by British vessels in Canadian ports and all Canadian and other British vessels from the privileges enjoyed by American vessels in the ports of the United States, it should be borne in mind that since that time there has been reciprocal legislation by both countries, culminating with a reciprocal legislative arrangement which took effect January 1, 1850, having all the force of a solemn treaty, by which Great Britain and the United States have placed the vessels of each nation, respectively, on the same footing in all their ports, including the colonies of Great Britain.

Granting that the treaty of 1818 did exclude American fishing vessels from Canadian ports except for the four purposes named, yet these legislative arrangements and reciprocal agreements have swept away the discriminations of both nations against each other's vessels, and placed American fishing vessels, which have all the privileges of touching and trading at foreign ports accorded to other American vessels on the same footing in Canadian ports that Canadian vessels are placed in the ports of the United States. Canadian fishing vessels are freely permitted to enter our ports to purchase whatever they may want, including bait and ice, to ship fish in bond to Canada, and to do other acts which national comity permits.

The United States demands of Great Britain that the reciprocal arrangements as to the rights of vessels of either nation in the ports of the other shall be faithfully observed by her Canadian dependency. I can not doubt that Great Britain, on representation which will be made to her by our Government, will recognize the reciprocal rights of American fishing vessels and put an end to the vexatious and unwarrantable course of the Canadian authorities toward them. If she should refuse to do so, then I trust we shall act promptly in withdrawing from Canadian vessels in our ports privileges which she refuses to vessels of the United States. Without further legislation the President is authorized by the act of 1823 to issue his proclamation withdrawing the privileges now granted the vessels of any foreign country which discriminates against American vessels in her ports.

The object of the Canadian authorities in their vexatious and unwarrantable treatment of American fishing vessels which have no intention of fishing in Canadian waters is so plain that no one can fail to understand it. They are seeking to force the American people and the American Congress to admit Canadian fish free of duty into the United States. The Canadian market wants but a small portion of the fish caught by Canadian fishermen. The United States has a most valuable market, and the Canadians desire the privilege of bringing their fish here and selling them without paying a duty. The exports of Canadian fish to the United States rose from eighty-four and one-half thousand dollars in 1871 to three and three-fourths millions in 1884. Twice have they driven the United States to enter into a treaty admitting Canadian fish free of duty—in 1854 and again in 1871—by vexing and troubling our fishing vessels until our Government was wheedled into making bargains which seriously damaged American fishing interests. To be sure the treaty of 1871, which admitted American fishermen to Canadian waters for the purpose of fishing, was thought at the time to be favorable to our fishing interests, but the result proved far otherwise.

On the 1st day of July last the United States got rid of the last bad bargain, and since that time Canadian-cured fish have been charged a duty when brought into our markets. Before even the last arrangement terminated the Canadians set to work to secure a commission to make another arrangement by which their fish should be admitted to our markets free of duty. They even persuaded the President and Secretary of State to recommend such a commission, but the protests of the fishing interests of the country have been so earnest and strong against another sacrifice of our fishermen, that it is now evident that Congress will not carry out the plan. The emphatic vote of the Senate on Senator FRYE'S resolution disapproving a commission settles this point.

Angered by our refusal, the Canadian authorities have commenced the vexatious course toward our fishing vessels to which I have alluded. They have sent an armed schooner to the fishing grounds to annoy and seize our fishing vessels on various pretexts, and they have warned our vessels not to enter Canadian ports for commercial purposes, to purchase bait or ice, or for other objects, which their vessels are freely permitted to pursue in our ports.

When it is borne in mind that American fishing vessels are not seeking to fish in Canadian waters, but in waters in which it is admitted they have a right to pursue their calling, and that their visits to Canadian ports have reference only to purchasing supplies for their legitimate business, the attempt of the Canadians to deprive them of ordinary commercial privileges in their ports in order to annoy our fishermen and make this legitimate business impracticable is not only inexcusable but unfriendly. If Canada persists in this course and Great Britain declines to interfere, nothing remains but to take the remedy into our own hands. We prefer to avoid retaliation, but nothing else would be left to us. If American fishing vessels, duly authorized to touch and trade and pursuing a legitimate business in waters outside of Canadian jurisdiction are not to be permitted to enter Canadian ports for the purpose of purchasing supplies of any kind offered for sale and shipping fish in bond to the United States, then Canadian vessels should be denied similar privileges in the ports of the United States.

It can not be admitted for a moment that Canada has any right to interfere in the tariff policy of this country so long as we impose no higher duties on her products than we do on the similar products of any other foreign country. We claim no right on the other hand to interfere in the tariff policy of Canada, and she would justly regard any such interference on our part as an impertinence.

The policy of this country, except in the periods when so-called reciprocal treaties have provided otherwise, has always been to impose duties on imported fish as a measure of protection to our own fishermen. So long as the general policy of the country has been protective, simple justice has demanded that the fishing interests should receive the same measure of protection as other industries. The hardy fishermen who man our fishing vessels deserve our protection and encouragement.

But there has been a reason beyond this which has led our Government in the past to have special regard for our fishing interests. The sea fisheries have ever been the nursery of seamen—the school in which have been trained the men who have manned our cruisers in time of war. The value of this school has been attested in every war in which we have been engaged. It was New England fishermen who manned our naval vessels in the war of 1812, and wrung victory from British cruisers in many a bloody contest. Every naval nation has encouraged the sea fisheries as a resource in time of war. For many years we gave a large bounty to encourage the fishing interests. That bounty was withdrawn twenty years ago, but we can not take away the inducement to maintain the fisheries offered by exclusive possession of our markets without destroying the sea fisheries and depriving the country of an invaluable school for seamen to man our vessels in time of war.

In view of these considerations it is to me a matter of great surprise that the majority of the Committee on Ways and Means have reported a bill to admit all imported fish free of duty. If such a step was contemplated it should be done by a reciprocal treaty, which would give us something from Canada in return. She stands ready to-day to give us a bonus for a privilege which makes her fisheries prosperous.

But such a step should not be taken on any consideration. It would assuredly destroy our sea fisheries. It would do grave injustice to the hardy fishermen who pursue a calling so hazardous and yet so beneficial to the country. It would deprive us of the most valuable school for seamen to man our vessels in time of war that any nation can possess. I can not believe that Congress will adopt so unjust and unwise a policy.

Instead of placing all kinds of imported fish on the free-list, as is proposed, a law should be enacted imposing a duty upon fresh fish of all kinds, herring only excepted, which are now admitted free of duty when intended for immediate consumption, or at least a law giving a proper construction to the term "fresh fish." Under the present law the Treasury Department has ruled that fish preserved by freezing and ice are still "fresh fish." Under this construction fish preserved by freezing and ice are being brought into our markets by Canadians in large quantities free of duty. With modern methods of freezing and preserving this decision is seriously interfering with our fishing interests. Obviously, instead of placing all fish on the free-list a measure should be passed, as I have already proposed, to construe fresh fish as not including frozen fish or fish preserved by the use of ice, salt, freezing, smoking, or other preservative process.

I trust, Mr. Speaker, that the Secretary of State will not only at once bring to the attention of the British Government the unwarranted course of the Canadian authorities in endeavoring to deprive American fishing vessels of the rights in Canadian ports which belong to us under reciprocal "legislative arrangement," but will also follow this up by securing a just settlement of the disputed question of the proper construction of the 3-mile limit within which only Canadian vessels are entitled to fish. I take it for granted that a just decision of this controversy will dissipate the absurd headland claim under which Canadians have sometimes endeavored to claim the exclusive right to fish in waters of great gulfs and arms of the ocean. This claim is so preposterous that British ministers have repeatedly declined to enforce it. It is important, however, that the line of demarkation between Canadian fishing-grounds and those that belong to us and the world should no longer be in doubt, and thus give to Canada a pretext for annoying American fishing vessels in deep water on the false claim that they were fishing in Canadian waters.

It is time that the interests of American fishermen should be as

scrupulously and persistently guarded as the similar interests of other nations are guarded by them. In 1880, according to the last census, the number of persons employed in the fisheries of the United States was 131,426, of whom over one hundred thousand were schooled in the management of boats and other vessels; and 80 per cent. of those were American citizens. There were employed 6,605 vessels and 44,804 boats, with a capital of nearly $40,000,000 invested. The value of the products of the fisheries was $44,546,063. The value of the products in a marketable condition of the 606 fishing vessels and 5,920 boats of the State of Maine, which I have the honor to represent in part on this floor, was $3,614,178.

It will be seen, therefore, that, considered simply as an industry supplying food to our people, our fisheries are of great importance. But important as is their commercial value, their value as a nursery of seamen for our merchant marine and for our Navy, especially as a resource in time of war, can not be overestimated. I appeal confidently to the sense of justice and the patriotism of the House to protect and encourage the fishing interests of the United States.

Mr. RANDALL. Mr. Speaker, for myself I have no objection to the suggestion that this legislative branch of the Government shall indicate by its action in favor of this proposition that we mean, so far as the power rests here, to watch carefully and to maintain firmly all the rights of the American fishermen who are engaged in the trade to which the resolution relates.

Mr. CLEMENTS. I desire to state that the many recitals contained in the preamble of the original resolution are not embodied in the substitute, which is merely a resolution of inquiry in regard to this question. Seeking for information looking to the protection of the rights of American fishermen in Canadian waters, I do not deem a discussion of the question necessary in advance of the official information sought.

The question being taken, the substitute proposed by the committee was agreed to, and the resolution as amended adopted.

Mr. CLEMENTS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WILLIS. After consultation with a number of gentlemen on both sides of the House I feel it to be my duty, although with reluctance, to test the disposition of the House as to going on to-day with the general appropriation bill now pending in preference to private business. With this view I move to dispense with private business for this day.

Mr. SPRINGER. Before that question is put I hope the gentleman will yield to me to have read for information a resolution I desire to offer on this subject and upon which I would like to have a vote. It pertains to the private business, and will not interfere with the gentleman's proposition. I desire to see whether we can not reach some agreement in regard to private business.

The SPEAKER. Is there objection to reading the proposition of the gentleman from Illinois [Mr. SPRINGER]?

Mr. FELTON. I object.

Mr. DUNHAM. Have we not the right to hear it read before objection is made?

The SPEAKER. The gentleman asks unanimous consent; and as the proceeding is not regular, no part of it can take place unless by unanimous consent.

Mr. SPRINGER. Unless it is read, the House can not tell what the request is.

The SPEAKER. Still gentlemen have the right to insist on the regular order and to object to the reading of anything which is not included in the regular order.

Mr. SPRINGER. Then I make no opposition to the motion of the gentleman from Kentucky [Mr. WILLIS], for I think that the Private Calendar in the ordinary method of its consideration ought not to stand in the way of important public business.

The question being taken on the motion of Mr. WILLIS, there were—ayes 67, noes 83.

Mr. WILLIS. I have great respect for the opinion of this House, and I shall not attempt to press my motion any further.

So the motion of Mr. WILLIS was not agreed to.

The SPEAKER. This being Friday, the Chair will proceed to call the standing and select committees for reports of a private nature.

SARAH ANN WILLIAMS.

Mr. HAYNES, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 6919) granting a pension to Sarah Ann Williams; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. HAYNES, from the Committee on Invalid Pensions, reported back adversely bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 6503) granting a pension to Storer E. Stiles; and

A bill (H. R. 7333) for the relief of Ann Cowan.

WILLIAM H. STARR.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6718) granting a pension to William H. Starr; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ELANDER M. MOONEYHAN.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with amendment the bill (H. R. 6801) granting a pension to Elander M. Mooneyhan; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

RICHARD HORRIGAN.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with amendment the bill (H. R. 6120) for the relief of Richard Horrigan; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

STOKELEY D. DAGLEY.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 6655) granting a pension to Stokeley D. Dagley; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 7309) granting a pension to Charles M. Hamilton;

A bill (H. R. 6798) granting a pension to William D. Acuff; and

A bill (H. R. 6447) granting a pension to Daniel F. Mack.

MARGARET MADDEN.

Mr. PINDAR, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 4143) for the relief of Margaret Madden; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CATHARINE S. TODD.

Mr. PINDAR, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 4166) to increase the pension of Catharine S. Todd; which was laid on the table, and the accompanying report ordered to be printed.

ROBERT GRAY.

Mr. CONGER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 620) granting a pension to Robert Gray; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

HENRY BOLLMAN.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 3366) granting a pension to Henry Bollman; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SARAH BROOKS.

Mr. SWOPE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 3645) granting a pension to Sarah Brooks; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back adverely bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 2092) granting an increase of pension to Isaiah W. Bunker;

A bill (H. R. 6244) granting a pension to Henry Berry;

A bill (H. R. 4711) granting a pension to John W. Blake; and

A bill (H. R. 6374) for the relief of Henrietta Harman.

JAMES MADISON PRUITT.

Mr. O'HARA, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 5051) to place the name of James Madison Pruitt on the pension-roll; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 6103) granting a pension to George Chambers; and

A bill (H. R. 1263) granting a pension to Jared D. Wheelock.

CHANGE OF REFERENCE.

On motion of Mr. O'HARA, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 7484) for the

relief of Algernon M. Cook; and the same was referred to the Committee on Pensions.

LEVI JONES.

Mr. REID, of North Carolina, from the Committee on War Claims, reported back favorably the bill (H. R. 4629) for the relief of Levi Jones; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HEIRS OF THOMAS BLACK.

Mr. PERRY, from the Committee on War Claims, reported back with amendment the bill (H. R. 2214) for the relief of the heirs of Thomas Black; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JESSE H. STRICKLAND.

Mr. KLEINER, from the Committee on War Claims, reported back adversely the bill (H. R. 1623) to muster Jesse H. Strickland as colonel of cavalry in the service of the United States, and to pay him for his services from January 30, 1863 to March 31, 1864, inclusive.

Mr. JAMES and Mr. RICHARDSON both asked the adverse report be referred to the Committee of the Whole House on the Private Calendar.

The adverse report was referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

WASHINGTON T. OTEY.

Mr. NEECE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4882) granting a pension to Washington T. Otey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RELIEF FOR VOLUNTEER OFFICERS, ETC.

Mr. LAIRD, by unanimous consent, from the Committee on Military Affairs, reported, as a substitute for H. R. 1427, a bill (H. R. 7895) for the relief of certain officers of the volunteer army, and for other purposes; which was read a first and second time.

The SPEAKER. Does this make or require an appropriation to be made?

Mr. LAIRD. I believe not.

The bill was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

SAMUEL NOBLE.

Mr. OATES. Mr. Speaker, yesterday, when I submitted the report from the Judiciary Committee of the bill (H. R. 7889) for the relief of Samuel Noble, I forgot at the moment my agreement to notify the gentleman from Ohio [Mr. SENEY], as he desired to submit the views of the minority.

Mr. SENEY, by unanimous consent, presented the views of the minority in that case; and they were ordered to be printed with the majority report.

EVENING SESSIONS FOR THE CONSIDERATION OF PRIVATE BILLS.

Mr. SPRINGER. Mr. Speaker, pending the motion to go into committee, I ask that the resolution which I send to the desk be read.

The Clerk read as follows:

Resolved, That on each Tuesday during the remainder of this session the House shall take a recess from 5 o'clock p. m. until 7.30 p. m., at which evening sessions private bills, other than pension bills, shall be considered. And that on each Friday during the session, after this day, public business shall be in order until 5 o'clock p. m.

Resolved further, That when the House at such evening sessions shall resolve itself into Committee of the Whole to consider bills on the Private Calendar, as herein provided, it shall be in order to take up bills in their order, and after five minutes' time given to an explanation thereof the question shall be put to the committee whether there is objection to the present consideration of the bill; and if five persons object to its consideration, such bill shall be passed over informally and the next bill shall be taken up for consideration in like manner. Bills to the consideration of which there are not five persons objecting shall be subject to ten minutes' debate, five minutes in favor of the bill and five minutes against it; when the question shall be put upon laying the bill aside to be reported to the House.

After the Calendar has been called through once under this order, private bills shall thereafter be considered under the rules of the House, as heretofore provided.

Mr. SPRINGER. This does not relate to the day at all.

The SPEAKER. The only request made by the gentleman from Illinois was it should be read for information.

Mr. DUNHAM. I suggest it be printed in the RECORD and brought up some other day.

Mr. SPRINGER. Very well; if there be no objection let it lie over.

The SPEAKER. It will be printed in the RECORD.

Mr. REED, of Maine. It is understood it has no right to consideration.

The SPEAKER. Certainly not. It is only asked to be read and printed in the RECORD.

Mr. SPRINGER. If there be no objection I will move it be referred to the Committee on Rules.

Mr. REED, of Maine. If the gentleman desires to call it up hereafter he will have to ask unanimous consent.

Mr. SPRINGER. I will ask to have it referred to the Committee on Rules.

Mr. REED, of Maine. Let it be printed in the RECORD.

Mr. SPRINGER. I will accommodate the gentleman from Maine if I can.

Mr. DUNHAM. There is no objection to its going to the Committee on Rules.

The SPEAKER. There is objection made by the gentleman from Maine.

Mr. SPRINGER. Nothing gives me more pleasure than to accommodate the gentleman from Maine. If it offends him, I will never mention it again.

ORDER OF BUSINESS.

Several members demanded the regular order.

Mr. SPRINGER. I move that the House resolve itself into Committee of the Whole for the consideration of business upon the Private Calendar.

Mr. BUCHANAN. Mr. Speaker——

The SPEAKER. This is not debatable.

Mr. BUCHANAN. I know it is not debatable, but I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BUCHANAN. On Friday last a number of bills were reported favorably from the Committee of the Whole, and my inquiry is when and in what manner they will be reached for final action by the House?

The SPEAKER. They will be the first bills taken up for consideration when the committee rises to-day—the first in the class of business to which they belong reported from the Committee of the Whole.

The motion of Mr. SPRINGER was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. HATCH in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of bills upon the Private Calendar. The Clerk will report the title of the bill under consideration when the committee last rose.

M'MINNVILLE AND MANCHESTER RAILROAD.

The Clerk read as follows:

A bill (H. R. 5194) directing the Quartermaster-General to settle with the M'Minnville and Manchester Railroad Company, and for other purposes.

The CHAIRMAN. When the committee rose on Friday last it was dividing on the question submitted by the gentleman from Illinois [Mr. SPRINGER] of laying this bill aside to be reported to the House with the recommendation that it do lie on the table.

Mr. SPRINGER. There having been no decision of the committee upon that subject, I ask to withdraw the motion. I understand the gentleman from Tennessee [Mr. RICHARDSON] in charge of the bill desires to reply to some remarks made by the gentleman from Ohio [Mr. GEDDES] at that time. Had I known the fact I should not have submitted the motion; and since I do not desire to deprive him of any advantage which he might have by replying to those remarks, I withdraw the motion.

The CHAIRMAN. If there be no objection the motion will be considered as withdrawn.

Mr. SPRINGER. I think I have a right to withdraw it, there being no decision.

The CHAIRMAN. But the Chair will state to the gentleman from Illinois that the committee was dividing upon the question at the time the committee rose.

Mr. SPRINGER. But no quorum having appeared, and no decision having been reached, I have the right to withdraw it.

The CHAIRMAN. The Chair hears no objection to the withdrawal of the motion.

Mr. RICHARDSON. On last Friday I submitted the considerations which I thought ought to move the committee to favor the passage of this bill. I must confess that I was somewhat surprised at the very fierce onslaught made on the measure by the chairman of the Committee on War Claims, the gentleman from Ohio [Mr. GEDDES]. I was somewhat astonished at the earnestness with which he made the attack and the zeal he then displayed. I think, with all due respect to my able friend, that he was rather extravagant in his assertions as to why the bill should not pass and the reasons he assigned in opposition to it. He starts out, Mr. Chairman (and I read from his remarks), as printed in the RECORD, by saying:

It is one of the most obnoxious measures that could be presented as an entering-wedge for a class of claims which in amount would aggregate a sum equal to the national debt at the close of the war.

Now, Mr. Chairman, at the same time he told the committee that of the fifty railroads in the South that became involved in their accounts with the General Government, every one had settled its indebtedness with the exception of four. Then by his own statement, sir, there are but four roads whose accounts have not been settled, adjusted, paid, or compromised; and yet we have the remarkable statement from the able chairman of this committee that the accounts of these four railroads amount in the aggregate to an indebtedness greater than the war debt at its close, or over $2,600,000,000.

Mr. GEDDES. Let me interrupt by asking my colleague to recognize at once the fact that the class of claims to which I referred is by no means limited to these railroads. It embraces many others.

Mr. RICHARDSON. What other can possibly stand upon such a footing as this? If there is any other case, Mr. Chairman, in which the Government of the United States, by its authorities, took the property of a citizen, artificial or real, and appropriated it to its own use, and then sold it to a third party and obtained money for it, it seems to me that we can not make a better precedent than to pay this. I say that there are no such claims in existence to the amount indicated by the gentleman in his remarks.

Now, he said, and I take his statement as true, because the Quartermaster-General's report shows it, that there are about four roads whose accounts are unsettled, and which amount in the aggregate to about $1,000,000, so that would hardly swamp the Government financially if we undertake to pay all of them. But that is not so. There is no other railroad whose affairs are in that condition or who came here asking for such relief.

But, Mr. Chairman, in the line of the extravagant statement of the gentleman, and the zeal he displayed in opposing the payment of a just claim like this, he says further:

That you Tennessee people have already got two bills passed through this House making large appropriations.

And when he is reminded that these bills included claims in a large number of States, New York and others, he replied:

"Yes; in New York there is $1.50 allowed." Now, I have the bill before me, and it shows $150 to the State of New York, so that the gentleman is out only about 1,000,000 per cent. in his estimate of the amount that goes to that State.

Now, Mr. Chairman, I do not care to go further at this time into an answer to many of the statements made by my friend from Ohio; but I may do so before my time is up. I wanted to say that much. And now I shall yield to my friend from South Carolina [Mr. PERRY], who, I understand, desires the floor, and I ask him to yield to the gentleman from Tennessee [Mr. MCMILLIN] that I may reserve the remaining few minutes I am entitled to.

The CHAIRMAN. How much time does the gentleman from Tennessee [Mr. RICHARDSON] yield?

Mr. RICHARDSON. The gentleman from South Carolina can take the floor in his own right.

Mr. JOHNSTON, of Indiana. Before the gentleman from Tennessee takes his seat I ask him, as he reported this bill, to read that part of the petition of the McMinnville and Manchester road which asks Congress to take this action, and also to show from the records he has had control of the right that the Memphis and Charleston road has to this appropriation, and also to show the order upon which the McMinnville and Manchester road was sold and the amount for which it was sold by the State of Tennessee.

Mr. RICHARDSON. I would do anything in the world to please the gentleman from Indiana, but I do not understand his inquiry. The Memphis and Charleston road has nothing to do with this. The gentleman has got the record and can read it in his own time.

Mr. JOHNSTON, of Indiana. I have not got the record. I ask this question because those facts are not shown by the record. If they are in the record, I can not find them.

Mr. RICHARDSON. I can not answer the gentleman's question. The Memphis and Charleston road has no connection with this road or its claim.

Mr. JOHNSTON, of Indiana. I know the gentleman can not answer it.

Mr. RICHARDSON. I think it is wholly immaterial.

The CHAIRMAN. The gentleman from South Carolina [Mr. PERRY] is recognized.

Mr. PERRY. I yield the floor to the gentleman from Tennessee [Mr. MCMILLIN] for such time as he desires it.

Mr. MCMILLIN. I shall not, Mr. Chairman, trespass long upon the patience of the House in the discussion of this case, because the facts upon which it turns, and upon which payment is to be made, if made at all, may be put in a nutshell. What are they?

Under an act of Congress passed the 31st January, 1862, the President of the United States was authorized to direct the taking of the railroads of the country for the use of the Government during the mighty struggle that was then in progress whenever it became necessary. The Government did take possession of this McMinnville and Manchester road and the Nashville and Chattanooga road. What did it do when it got possession? Not needing the road in controversy because it was only an arm of the Nashville and Chattanooga road, it proceeded to take up the iron from this road, the switches, the chairs, and spikes, and carried them to the Nashville and Chattanooga road, which needed rails, &c., and put them down upon that road and used them. Now it will not be denied by the most strenuous opponent of this bill that the Government took the road, that it took up the rails, that it carried the material to the Nashville and Chattanooga road; that, having done so, it put it down there, and used it as long as it wanted it. That is incontrovertible.

What is the next step in the case? The next action of the Government was when the war was over that it returned the Nashville and Chattanooga road to its management. Before doing so it said, "We have added valuable improvements to this road; we have placed more rolling-stock upon it, we have put down more rails, and we ask you in accepting this road to pay us for the rails so put down and material furnished."

Mr. GEDDES. Where do you find that?

Mr. MCMILLIN. It is in the record of the case.

Mr. GEDDES. Just read me one line on that subject.

Mr. MCMILLIN. I will read you more than one line.

Mr. GEDDES. Read from the proof in the case—not from any speech.

Mr. MCMILLIN. I will read from the evidence of this case, and that can not be successfully disputed. Employés who originally worked upon the McMinnville and Manchester road were sent and made an investigation of the property after it was taken to the Chattanooga road and identified it.

Mr. GEDDES. That is correct.

Mr. MCMILLIN. The gentleman does not deny that. I will read their testimony:

A. Powers and S. S. Mahoney, being sworn, depose and say: That they are now, and before the late war were well acquainted with the line of the McMinnville and Manchester Railroad, its road-bed, and the iron laid upon the same; that during the late war the said road, with the greater part of its machinery and property, was occupied by the United States forces; that previous to said capture the said affiants were employed on the said road; that a large amount of the iron rails of said road were by the forces and authority of the United States taken up and removed. That said affiants have carefully examined a quantity of the iron rails now held by the United States in the hand of Capt. and Bvt. Maj. S. S. Hammill, assistant quartermaster at Nashville, Tenn., and from such examination they find that of rails so held by the United States two hundred and seventy rails or bars belong to the McMinnville and Manchester Railroad Company, and are, as affiants believe, part and parcel of the same rails taken up and removed from the road-bed of the said company as above stated.

Then there was the report of the Quartermaster-General, made years afterward, which recited and admitted the fact that the rails were laid down on the Nashville and Chattanooga Railroad track. The Nashville and Chattanooga road was improved by their use, and I have never heard any man deny it before. I have been over the road dozens of times, and it is the history of the country there, undisputed and indisputable.

Now, having got through with the use of the property, what does the Government do? It calls upon the Nashville and Chattanooga road, as I have stated, to pay for all of the property that it had added to that road while in its possession.

Mr. GEDDES. There is the trouble. Show me the proof of that. Now you strike it.

Mr. MCMILLIN. The bond of that company shows it. Does not the Government of the United States to-day hold the bond of the Nashville and Chattanooga Railroad Company for the property placed there by the Government? Does not that establish the fact beyond controversy? Who would want better proof? Who could give better?

Mr. GEDDES. Not at all. Not for one cent's worth.

Mr. MCMILLIN. It does not?

Mr. GEDDES. I will read from the record if you will allow me.

Mr. MCMILLIN. The gentleman is wholly in error. If the gentleman desires to ask a question, I will yield for that, but not for his speech.

Mr. GEDDES. Well, for a question: Have you read the record containing the evidence upon which this claim is based? If you have, do you not find in that record proof of the direct reverse of your claim here—proof that instead of asking pay of either of these roads for any of the iron taken off, they returned to the McMinnville and Manchester road gratuitously every rail that could be identified, and never charged the other road one penny for anything that they received?

Mr. MCMILLIN. There was not, so far as I have been able to see, one single rail returned. On the contrary, ex-judge and ex-Congressman H. H. Harrison, one of the directors of the road, called upon General Thomas for a settlement of the accounts. General Thomas had an investigation made, and a report was made by his officers in which they admit the taking and carrying away and using of 25½ miles of the rails of the McMinnville and Manchester road.

Mr. GEDDES. No one denies that.

Mr. MCMILLIN. That is the history of the case.

Mr. GEDDES. You do not come to the point of trouble.

Mr. MCMILLIN. No; the point of trouble with you is paying for that which the Government took.

Mr. GEDDES. Yes.

Mr. MCMILLIN. You hesitate to pay for it.

Mr. GEDDES. Certainly.

Mr. MCMILLIN. Now the Government has obtained from the Nashville and Chattanooga company a bond for that property. And I do unhesitatingly say that when the Government got the rails of this company, used them on the Nashville and Chattanooga road, turned the road over to the Chattanooga management after the close of the war, and got a bond from that company to pay for that property, the Government can not afford to refuse to give that bond, or a fair proportion of it, to pay for the 25½ miles of rail which belonged to the McMinnville

and Manchester company. That is what I say, and that is the strength of this case, and it is justice.

Mr. GEDDES. Let me read from the record.

Mr. McMILLIN. I would rather the gentleman would read it in his own time, as my time is limited. The gentleman has an opportunity to read whatever he wishes. These are the facts. Much of the record has been read here. I have in my pocket the order made by General Thomas for the appraisement of the value of the property, the return of the officers who made the appraisement; and the amount in this bill is less than they said was actually due; yet gentlemen hesitate to make payment. Much has been said, Mr. Chairman, about this case establishing a bad precedent. It is a late day to talk about precedents when you have settled with forty-six of the fifty roads that were used by the Government already. The gentleman from Ohio [Mr. GEDDES] has said that the management of the road, or perhaps the road itself, was rebellious—in other words, had committed treason. It is the first time that I have heard a claim resisted in Congress upon so flimsy a pretext.

It is known to all men that during the war, when the confederates were in that country and wanted to pass over any road or any part of it they passed over it, and that when the United States forces wanted to travel over any road they did it. Whichever army was occupying the country used the existing facilities for transportation, and all the powers then in existence, either corporate or individual, would have been ineffectual to prevent that. Therefore, to say that this claim should not be paid because at some time this road was used by those who were in the military service of the confederacy and whom the Government of the United States itself was not able to expel, is to place argument upon a puerile ground that is unworthy of Congress and untenable in any tribunal that pretends to act justly.

Much has been said too about this property being taken by the Army. Why, sir, the Army took horses, and you paid for them; it took provisions, and you paid for them; it took fuel, and you paid for that; and to say that you will not pay for anything because it was captured is just to say that you will not pay for anything at all. Where is the distinction?

Mr. HOLMAN. We did not pay for horses captured.

Mr. McMILLIN. You did not?

Mr. HOLMAN. No.

Mr. McMILLIN. Why, I have voted to pay for hundreds of horses taken in your own State during the Morgan raid for the use of the Army.

Mr. HOLMAN. Oh, I think my friend is mistaken about that.

Mr. McMILLIN. I am not mistaken.

Mr. HOLMAN. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Tennessee yield?

Mr. McMILLIN. If the gentleman [Mr. HOLMAN] wants to make his record straight I have no objection. [Laughter.]

Mr. HOLMAN. There is no necessity for making my record straight or crooked. It is the crooked record which my friend is making that I am trying to straighten out.

Mr. McMILLIN. The crookedness is in my friend's vision, not in the record. [Laughter.]

Mr. HOLMAN. The Government has paid for all horses taken and appropriated to the uses of the Government——

Mr. McMILLIN. Exactly; that is what I have stated.

Mr. HOLMAN. In States like Indiana and Ohio——

Mr. McMILLIN. And Tennessee, and West Virginia, and Maryland, and Kentucky, and Missouri. In all those States the Army would come along and capture the horses of citizens——

Mr. HOLMAN. My friend talks about "capturing" and about "captured" property. The Government has never paid for any property captured.

Mr. McMILLIN. My friend says the Government pays for property when it "takes" it, but not when it "captures" it. I would like to know the difference between taking and capturing.

Mr. HOLMAN. The difference is very marked. When the Army passing through the country found it necessary to take horses from loyal people for the use of its troops the Government has paid for horses so taken; but the idea of paying for captured property has never been even suggested.

Mr. McMILLIN. I have not insisted nor has any other man in his senses insisted that property captured as an act of war from parties actually in arms against the Government has been the subject of payment.

Mr. HOLMAN. Now my friend sees the importance of the correction which I made.

Mr. McMILLIN. Here is the distinction which I draw: The Government does not pay ravages of war—mere ravages. But when the property is taken for the use of the Army, and the owner is not barred by disloyalty, or statutes of limitations, then the Government does pay for the actual use and benefit which it gets out of the property. That is the distinction, and it is drawn in this very case. Where the turn-tables were destroyed, this report does not propose to pay for them; where bridges were burned, they are not to be paid for; the depot buildings destroyed are not to be paid for—why? Upon our distinction that these were "ravages" of war. But where property was taken and converted by the Government to Government use, and part of it sold to another party and a bond taken for the purchase-money, the Government having drawn interest upon that bond for twenty years, the claim for compensation can not be rejected without flagrant violation of every principle of justice.

Mr. HOLMAN. Will my friend allow me a question?

Mr. McMILLIN. With pleasure.

Mr. HOLMAN. My friend has referred to the act of January 31, 1862, authorizing the military authorities to take possession of all the railroads of the United States; that act has been referred to by the gentleman as the law underlying this claim. At the time now under consideration this railroad property was in the hands of men waging war against the United States. The Government captured that property, did it not, by its Army, and then did not that property come under the law touching captured and abandoned property, and not under the act of January 31, 1862?

Mr. McMILLIN. Not at all. It was immovable property, used by who ever occupied the country it ran through. General Albert Sidney Johnson, commanding the confederate forces, occupied the city of Bowling Green, Ky., and all of the Louisville and Nashville Railroad south of Bowling Green to Nashville. He used that road for the transportation of his troops; he carried his supplies over it; he used it in every way in which a railroad could be used by a belligerent force. But the man has not yet been born who will say that because that road was so used therefore the Government when it obtained possession of the road could confiscate it or did confiscate it.

Mr. HOLMAN. The Government captured it, however.

Mr. McMILLIN. The Government "captured" it just as it did this road. And what did it do when it got it? It entered into a contract with the management of the road, if I remember correctly, to pay large rates over the road, and thereby made it one of the richest corporations in the world having the same length of road.

Mr. GEDDES. That was after the war was over.

Mr. McMILLIN. During the war.

Mr. GEDDES. Oh, no.

Mr. McMILLIN. During the war. I speak only from memory, but think the gentleman will find that the Government paid for it.

Mr. HOLMAN. I guess not.

Mr. McMILLIN. Gentlemen will observe that the stock of this road rose during the war, instead of falling; I mean the Louisville and Nashville road. And I wish to state further, in order to show that that case was as strong as this can possibly be, that the Louisville and Nashville road was composed of two corporations, one under the law of the State of Kentucky, extending to the Kentucky line in the direction of Nashville, the other under the law of Tennessee, extending to Kentucky in the direction of Louisville. Tennessee was a seceding State. Yet the Government never confiscated the Lousville and Nashville road. That is the history of the matter. I insist that the plainest principles of justice and fair dealing between the citizen and his Government demand that the Government shall pay for the benefits which it obtained from this McMinnville and Manchester road by the use and sale of its iron, &c.

What hardship will be wrought by doing even the best that it is proposed to do here? The Nashville and Chattanooga Railroad Company has had to pay interest on its bonds from the date of the settlement, soon after the war, down to the present time—about twenty years—and they will have paid in interest upon these bonds more than the amount of the principal. Yet under this bill, giving to this road only the value of these rails, only the value of property which the Government obtained and used, not what it destroyed, it is proposed not to pay one cent of interest. I am not complaining of this, for it is the policy which the Government has pursued with all claimants—to pay no interest. But I am showing the hardship to which this railroad is subjected even if compensation be made as now proposed.

Mr. GEDDES. My friend I know wants to be accurate, but he would leave on my mind, if I did not know all about this record, this impression: That this Nashville and Chattanoga road had incurred an indebtedness to the Government upon which they had paid interest for upward of twenty years; when the record shows this to be the fact, that their purchase from the Government aggregated one million seven hundred and odd thousands of dollars, and the Government afterward compromised with the company, and gave up seven hundred and odd thousand dollars, and insisted only upon the payment of a million of dollars of that indebtedness upon $1,700,000.

Then I wish to state this other additional fact: That bill for rolling-stock, and iron, and property furnished new after the war was no part of the iron and other property taken from that or any other company.

Mr. McMILLIN. In the latter part of his statement is where the gentleman is in error. There he certainly is.

Mr. GEDDES. Furnish the evidence.

Mr. McMILLIN. I admit his case so far as he has accurately stated it. The Government did demand of that road such bond as no conscionable officer, after the excitement of war had gone and prices had fallen, would exact the payment of. One million seven hundred thousand dollars was demanded after using the company's rolling-stock and road-bed for years. After the clouds had passed away it was admitted on all hands that was an exorbitant demand on the part of the Government. The rolling-stock obtained had been badly worn, and the rails put down

had been in a great measure worn out by the Government itself. It was, therefore, a claim of that kind, and not as a set-off against payment of interest that any such remission was made. That is the fact of the case. I do not understand that for the part claimed there is a dollar of interest remitted which can be claimed as a set-off for this. I do not understand the fact to be that way. However that may be, the fact, as I said in the beginning, is at least in a nutshell. Is it not a fact that the property was taken by the Government from that corporation? Is it not a fact that the officers of the Government have not returned the road in the condition in which it was when they took it? This difference of value is what the Government owes.

Gentlemen on the other side have said that General Thomas did not recognize it. Ought it not to be considered a recognition by him of the justice of this claim when he issued his order for a report as to what was the value of the material taken off, and what it would cost to place it in the condition it was in when the Government took possession of it?

When gentlemen come to vote on this bill the only question for them to determine is whether they will make restitution of the property the Government took and kept or sold.

We ask no pay for burned-down houses, we ask no pay for destroyed depots, we ask no pay for torn-up bridges, we ask no pay for the mutilations and ravages of war, but only for that the Government took, kept, and used or sold; and we do insist this great country would do itself a great wrong by standing back and declining to do even-handed justice to one or more of the citizens it was organized to protect.

Mr. PERRY. I yield ten minutes of my time to the gentleman from Tennessee.

Mr. CALDWELL. Mr. Speaker, the ground of opposition to the payment of this claim, as stated by the gentleman from Ohio [Mr. GEDDES] the other day, is that it would be more manly for this corporation to come here and say, by the ravages of war you got our property, by right of capture you had it; and now we want you to pay us for it. In order to establish his proposition he assumes that we are here demanding pay for property taken as an act of war; he takes the deposition of an employé of the railroad who used the word "captured," and stands on that. I submit to any man who wants to be fair whether this is not straining and wresting the testimony, to say this man used the word "captured" in any sense which would justify a lawyer of any prominence in holding it would include us in the category of demanding pay for captured and abandoned property. The expression was used by this employé in the common parlance of the time, and in no other sense.

There is no tribunal to decide for us or anybody else this property was captured. You will have to decide how this property came into the possession of the Government, not by the unlettered and unguarded expression of a couple of railroad hands, but by the facts of the case and the law which governs them.

How did this road get into the hands of the Government? Did it come into the hands of the Government like the salt-works to which General Grant alludes in his message? Certainly not. Those salt-works were destroyed to keep the confederate forces from getting the benefit of them. It was the destruction of property as an act of war to decrease the power of resistance on the part of the public enemy.

That was not a case where private property was taken and applied to public uses in any sense of the Constitution, he says; that was an open and flagrant act of destruction in the carrying on of the war then in progress.

Now, what are the facts? How did this property get into the hands of the Government at all? Did it come into its possession by seizure or capture actually upon the theater of war, or did it come into its hands under the act of 1862? Let us examine the question now for a moment.

The gentleman from Ohio expresses great alarm if this case shall be allowed by the Congress of the United States that it would form a precedent for a raid upon the Treasury that would bankrupt the Government; for, he said, it would probably result in demands upon the Treasury equal in amount to the national debt at the close of the war.

Mr. Chairman, I can not help the fact of the gentleman's getting alarmed, but let us see how he is scared and what he is scared at. I have, in my own experience, seen many men with defective vision get scared at objects at night, and let us see for a moment if this is not an imaginary apprehension which the gentleman from Ohio has conjured up in his own brain to get frightened about.

It is a matter of great regret, sir, in the history of this country that the gentleman from Ohio did not get scared soon enough, and that he was not in Congress at the time the act of January 31, 1862, was passed, that he might then have taken on the tremendous scare which now afflicts him.

The gentlemen who passed that act, I imagine, in that Congress knew exactly what was alarming and what was not. They probably understood at that time the exact condition of affairs. The country was then absolutely engaged in war, and these men, with the full knowledge of the facts before them, were putting into the hands of the President of the United States every power that they could safely place there in order to crush out the civil strife then progressing in the country; and in furtherance of that idea among other things they provided that in certain contingencies, wherever the President of the United States in his judgment should approve, or where the public safety required it, he was authorized to seize and take possession of railroads, and they further provided that three commissioners should be appointed by the President of the United States, by and with the advice and consent of the Senate, to assess and determine the damages suffered by such seizure. They did not see that there would be any great danger to the Government in that fact, but simply regarded such a proceeding as one of the most effective means of safety and public defense. In pursuance of that policy this railroad got into the hands of the General Government; and the fact stands that way, notwithstanding the strained argument of the gentleman from Ohio upon the unguarded expression of two railroad hands. The idea of capturing a railroad is not embodied in this case. The idea of seizing a railroad in order to use it for the public good, in any way the department commanders might see proper, is just exactly what is in this case.

But what else, Mr. Chairman? The gentleman is alarmed, I say, too late. General Thomas was not alarmed about this case; for after the war was over and this railroad asked that its rights should be considered, he absolutely authorized a commission to inquire as to how much it would take to rehabilitate the road. Was he alarmed? Did he see the terrible danger that the gentleman from Ohio finds? Is it possible that that great soldier and loyal man General Thomas would stand there and have men come up to him asking him to put them upon a basis to settle with the Government of the United States, or rather to go on and rehabilitate the road, when he knew them to be red-handed rebels, and demanding, as the gentleman from Ohio said, to be paid for the ravages of war? The gentleman from Ohio should have been there to get scared then. He should have been there to frighten General Thomas. Was General Thomas, that able officer, a man to be imposed upon? Was that clear-headed general, that active, vigilant officer a man to have given under any circumstances aid to men who were endeavoring to impose upon the Government? Would not he drive such men from his presence, saying you are coming here to attempt to get me to assist you in the rehabilitation and rebuilding of this road when you are not entitled to a cent, when you are in flagrant rebellion against the Government, and in your effort to impose upon the Government you are here first trying to impose upon me?

It is a great pity, I repeat, that the gentleman from Ohio was not there to tell General Thomas what he should get scared at. Why General Meigs, I suppose about as intolerant as any man who ever lived to what he considered an unjust claim, certainly one of the most faithful, vigilant, and just officers with reference to these claims, guarding the Government's interest in every respect where questions were submitted to him, taking for granted many things against a claim which I am not disposed to criticise, but it is singular that when the question of the return of this iron was referred to him, his answer is not that he was frightened, but he says it is impossible to return it; it is impracticable to return the same iron, and that only compensation could be made for it. Is it possible that that officer would not have had his indignation aroused by an attempted imposition upon him or by such an attempted raid upon the Treasury? Is it possible that he would not have had sense enough and sufficient nerve certainly to have said to those men: You are making a most preposterous demand; you are, in the language of the gentleman from Ohio, simply asking us to pay you for your property which was injured by the ravages of war. But he says no such thing.

The clear implication from what he says is, that if they had had the identical iron, and it had been practicable, they would have returned it to the road. But only compensation could be made for it. The fact is, as appears in the record, the reason why the claim was not paid was that the Government itself failed to appoint the commissioners to make the assessment provided by the act of January 31, 1862.

The gentleman says no such claim as this was ever in Congress and he hoped none ever would be. I will tell you why no such claim has been here. It was because in all such cases the Government was not guilty of any laches, but appointed commissioners and assessed the damages, and the amount was paid through the Department. In this case the Government did not do this, and we have no other resource than to come here and say: "You have taken the iron, sold and converted it to your own use, and we ask you to pay for it, as you got it under the act of January 31, 1862, and as that corporation could not commit treason, and, in fact, did not." I reserve the balance of my time, if I have any.

MESSAGE FROM THE SENATE.

The committee informally rose, and Mr. GEDDES took the chair as Speaker *pro tempore*.

A message from the Senate, by Mr. COOK, its Secretary, informed the House that the Senate had passed the bill (S. 2156) for the relief of John Randolph Hamilton, of the State of North Carolina, in which the concurrence of the House was requested.

The message further announced that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. 5198) to remove the disabilities of John Taylor Wood, of Louisiana; and

A bill (H. R. 5876) for the relief of Dinwiddie B. Phillips.

M'MINNVILLE AND MANCHESTER RAILROAD COMPANY.

The Committee of the Whole resumed its session.

Mr. RICHARDSON. If there is to be no further debate I move that the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. SMALLS addressed the Chair.

The CHAIRMAN. The gentleman from South Carolina [Mr. PERRY] has twenty-five minutes remaining. Does he reserve his time?

Mr. PERRY. Yes, sir.

Mr. SMALLS. I am in favor of this bill, and did intend to take some part in the debate. But I find that the gentlemen from Tennessee know more of the case than I do. I have, therefore, agreed to yield to the gentleman from Ohio [Mr. GROSVENOR] twenty-five minutes of my time, and I will then yield thirty minutes to the gentleman from Tennessee [Mr. HOUK].

Mr. GROSVENOR. Mr. Chairman, I approach the discussion of this question with no feeling of hostility to the payment of any proper claim against the Government growing out of the seizure of property in the South. On the contrary, the first utterance I made in the House of Representatives was in favor of the passage of a bill which covered a large number of small claims in my own State and a much larger number of claims in Kentucky and Tennessee.

I should be glad if every legal citizen—and in using the word citizen I give it its broadest and most comprehensive meaning and application, bringing within the scope of the word the corporations of the South—I should be glad if all loyal citizens could be paid and indemnified for all of their losses out of which the Government of the United States made anything during the recent war. I agree with the distinguished gentleman from my own State [Mr. GEDDES], the chairman of this committee, that this bill carries within it possibilities of danger that no man can comprehend until he has gone through the details of the claims which must arise out of and upon the structure that the passage of this bill would create and erect.

Now I am actuated in my own course upon this bill by some knowledge of many of the pertinent facts connected with what is now called the seizure of the McMinnville and Manchester Railroad by the Government. I deny that in any proper sense that railroad was ever seized by the Government.

Mr. HOUK. That is true; it never was.

Mr. GROSVERNOR. And while it may not be strictly proper to apply the term "captured," there is a greater error in the attempt made by a certain report in connection with the statute of 1862 to put the Government in the attitude of having seized this property for the purposes of the Government pursuant to the terms of that statute.

And right here, Mr. Chairman, I want to say in answer to the argument of the gentleman from Tennessee [Mr. MCMILLIN] that when he undertakes to stand upon the fact that the Quartermaster-General or any of his deputies appraised this property and made an inventory of it he stands upon a proposition that is without materiality to his side of the case.

Mr. MCMILLIN. Will the gentleman allow me to interrupt him for a moment?

Mr. GROSVENOR. Yes, sir.

Mr. MCMILLIN. I desire to correct the gentleman so far, to say that I did not refer to an appraisement by the Quartermaster's Department, but to the appraisement ordered by General Thomas, the commanding general.

Mr. GROSVENOR. It is all one thing, and I am going to show the act of General Thomas in making the order of appraisement was long after all the acts complained of by the complainant had been done and performed.

Mr. MCMILLIN. That is all true, but the order was made with a view to payment. General Thomas recognized the propriety of payment by the appraisement.

Mr. GROSVENOR. The gentleman must not put a construction on the conduct of General Thomas which is not authorized by contemporaneous acts and history. The authorities of the War Department ordered officers in the South whenever they took possession of any property wholly regardless of the condition of the mind of the owner, whether he was a rebel or a Union man, to give a receipt for it, and in all proper circumstances to have it appraised. I remember, and will give the gentleman the name of one of his constituents possibly, although I am not cognizant of the lines of his district, and I imagine there never will be a claim presented here on behalf of a gentleman named Childers, who lived in the immediate neighborhood of Murfreesborough, and yet I know as a fact, within my personal knowledge, that as to every part of his property taken the officers gave him receipts for it and made an appraisement of it.

Mr. MCMILLIN. If my friend will permit me to suggest, this appraisement was not of that class; but the directors of the road, who were loyal men, called upon General Thomas after the close of the war to make the appraisement, and it was done at their instance, and not in the *pro forma* way suggested by the gentleman from Ohio.

Mr. GROSVENOR. I understand the facts, and what I wish to deduce from them is that that was simply the act of General Thomas in pursuance of the general policy of the Government, in order to show, as a matter of permanent record, the value of the property, leaving every other question to be decided in the future; and that the mere act of making an inventory and appraisement did not, for any purpose, commit the Government to the recognition of a claim for payment. That is what I say. I put myself upon no stronger ground than that, and if my friend from Tennessee [Mr. MCMILLIN] attempts to occupy any other ground than that the appraisement was made for this purpose and for no other, then, as a mere matter of fact, he will make a mistake.

In the summer of 1862 the command to which I had the honor to belong marched over this railroad line from Tullahoma to Manchester. There were no cars upon it; the road was dismantled; a large proportion of of the ties had been destroyed. Afterward, during the progress of the summer and some time prior to our evacuation of that region, we rebuilt a portion of the road; and the United States Government furnished, out of its supplies at Nashville the iron that was used in the reconstruction of the road between Tullahoma and Manchester. We never did rebuild the road higher up than that, but we sent our troops as far as McMinnville over it.

Mr. HOUK. Can the gentleman state what is the distance from Tullahoma to Manchester?

Mr. GROSVENOR. It depends entirely upon the condition of the road. [Laughter.] I traveled it once when I thought it was 100 miles. I think, however, that in good weather it is about 15 or 16 miles.

Mr. RICHARDSON. I think the distance is 12 miles.

Mr. GROSVENOR. Well, we will compromise on 12 miles. We staid at Manchester and occupied that 12 miles of the road, and the spoliations on the balance of it had been done by the rebels. We staid there until McCook's retreat took the Union Army out of that part of the country and concentrated it at Nashville. There we staid until after the battle of Stone River, and the whole of that country along the Nashville and Chattanooga road south from Murfreesborough was in the hands of the Southern confederacy. When we got back the road was still further dismantled. We made our appearance there again about the 2d of July, and found communication totally cut off and the road wholly wrecked. From that time on the rebel cavalry cut the Nashville and Chattanooga Railroad upon every possible occasion; and if this bill is to pass, I would like to amend it so as to have a commission appointed to ascertain how much of the amount my amiable friend from Alabama [Mr. WHEELER] ought to pay for the destruction which he perpetrated upon it during the time that we were holding a sort of tentative position along the line of that road. [Laughter.] For I never knew him to strike at that railroad that he did not hit it, and I never knew him to leave it without having destroyed from 1 to 5 miles of it, and he understood the business of destruction better than we did, for he destroyed not only the wood but the iron. [Laughter.] When we got back upon that line and thought we had got a final position we were still mistaken, for as late as the fall of 1864, when the Union Army was cooped up inside of Nashville, and Schofield and Cox and Stanley were being driven back from Franklin, the same gentleman, with his coadjutors, struck the main line of that road, and destroyed it in the rear of the command with which I came to Chattanooga to try to rescue the falling fortunes of my countrymen at Nashville. After that, when we again got into position, what did we have?—and here is the turning-point, my friend from Tennessee. The rebel army had destroyed the iron upon the Nashville and Chattanooga Railroad. We never destroyed a single bar of it. Our purpose was to build up and complete and hold; theirs was to wreck and destroy. They were right from the war standpoint, as we were. We were in possession; it was our line of communication; they struck it and destroyed it. Now, we took from one of these railroads iron enough to make good the waste of war upon the other. We simply placed in position the rails—old, worn rails many of them were—and much of that material was railroad iron which the Government had bought, which the Government had paid for, which the Government had laid down upon the McMinnville road. It was our iron, and we took it and put it over on the Nashville and Chattanooga main line, abandoning the little branch, because we could not hold anything but the main line.

Mr. RICHARDSON. Will the gentleman yield for a question?

Mr. GROSVENOR. Certainly.

Mr. RICHARDSON. I understand you to say that the Federal Army placed iron upon the McMinnville and Manchester road only between Tullahoma and Manchester?

Mr. GROSVENOR. So far as I know.

Mr. RICHARDSON. Now I beg to call your attention to the fact that the line of road between Tullahoma and McMinnville is 34 miles, and therefore there are 8½ miles there for which there is no charge in this bill. The charge is only for 25½ miles, which would not include any iron placed on the road by the General Government.

Mr. GROSVENOR. But the gravamen of your claim is that this was iron placed there by the Nashville and Chattanooga road, and that the Government in that indirect way got the value of it. Now I am assuring you that the Government had already placed that same iron, or its equivalent, on the McMinnville and Manchester road, and afterward used the same material on the Nashville and Chattanooga road to make good the ravages of war committed by the Southern confederacy. That is my ground.

Mr. Chairman, I shall not recount the proceedings by which the Nashville and Chattanooga road acquired title to the McMinnville and Manchester branch. That has been already discussed more fully than I could discuss it now. I desire now to call attention to the facts connected with the suit in the United States court, and I desire to set right my friend from Iowa [Mr. LYMAN], if he has not already repented.

Mr. LYMAN. I have not.

Mr. GROSVENOR. The gentleman says he has not. I desire to set him right upon the subject of the moral effect—not the legal effect but the moral effect—of the failure of the McMinnville Railroad Company to make answer in the action brought by the Government against them on the bond on which this judgment of $90,000 was predicated. I admit that it is not conclusive evidence that a defendant has no counter-claim or set-off that he does not set it up; but it must be admitted that throughout the whole country we punish with some penalty a defendant who allows a judgment to be rendered against him upon a claim against which he has a lawful set-off or counter-claim. In all countries, and certainly in our country, it raises a strong suspicion that the claim alleged is not understood to be one which would stand in a court of justice.

Now, the gentleman from Iowa, as I understood, said that this was not a claim that could be set off against the Government in its suit against the McMinnville and Manchester Railroad Company. I do not so understand. I desire to refer to the code of the State of Tennessee; and, as I understand the practice in the United States courts upon a question like this, the civil code of the State in which the action is pending in a United States court is the law of the case. I read from page 681 of the code of Tennessee of 1884, and I find by the decisions of the supreme court of that State that the code is older than that:

The defendant may plead by way of set-off or cross-action:
1. Mutual demands held by the defendant against the plaintiff at the time of action brought, and matured when offered in set-off.
2. Any matter arising out of the plaintiff's demand and for which the defendant would be entitled to recover in a cross-action.
3. Any matter growing out of the original consideration of any written instrument, for which the defendant would be entitled to recover in a cross-action.
4. Any equities between the defendant and the original party under whom the plaintiff claims which by law have attached to the demand in the plaintiff's hands, and for which the defendant would be entitled to a recovery against such original party.

Mr. HOUK. I desire to ask the gentleman from Ohio what court the railroad company could have found having jurisdiction of their action against the Government?

Mr. GROSVENOR. Ah, that point would be worthy of the ambitious efforts made at some of the cross-roads justices' offices in my friend's district. He asks me what court the railroad company could have gone into to sue the United States. That does not make any difference. When the United States selected its forum and brought its suit, that was the place where the railroad company could have set up its defense. It is not worth while for my friend to stultify his good history as a lawyer by undertaking to raise such a question as that.

Mr. RICHARDSON. I recognize the plausibility of the argument the gentleman is making. I was not counsel in that case, although the court sat at Nashville, where I live. I remember the litigation, however; and since this question has been up I addressed a communication to the gentleman who was counsel in the case, and I asked him the direct question now propounded by the gentleman: why set-off was not pleaded in the action against the McMinnville and Manchester Railroad Company. His reply by telegram was that, under the law, the claim being for unliquidated damages, it could not be pleaded as a set-off. Such is the law of Tennessee. A claim for unliquidated damages can not be set-off against an ascertained amount.

Mr. GROSVENOR. Let us see whether that is the law or not.

Mr. RICHARDSON. That is the statement of counsel in the case.

Mr. GROSVENOR. I read from a decision of the supreme court of Tennessee:

Unliquidated damages to be ascertained by a jury can not be set off, but in all cases where *indebitatus assumpsit* will lie the damages may be set off.

Now, Mr. Chairman, here is an action for the value of iron taken by the Government. When I pressed this matter a little the other day some of my friends got into some confusion about the law, and one gentleman insisted that this was a claim for unliquidated damages. Then I said it is a war claim, a claim for the ravages of war. Thereupon another gentleman said it is not a claim for unliquidated damages, but for the unascertained value of goods taken. "Very well, then," said I, "there stands the decision of your court that where the action of *indebitatus assumpsit* would lie under the common-law practice, that is a subject of set-off or counter-claim in such an action." I ask the gentleman, as a lawyer, would the old common-law declaration of *indebitatus assumpsit* lie if your statement is true that this is an action to recover the value of a certain number of tons of iron taken and appropriated? He will not deny it.

So my point remains triumphantly sustained that it was within the proper equitable power of that court to have adjudicated this claim and rendered a judgment at least to extinguish the claim made by the McMinnville and Manchester Railroad Company, if not to have given a judgment for the full amount claimed.

Mr. CALDWELL. This was an action by the United States against the railroad company.

Mr. GROSVENOR. Certainly.

Mr. CALDWELL. This set-off, you say, could have been pleaded there. Of course you know as a lawyer that the Government can not be sued even by cross-action except by virtue of some statute. Now show the statute by which this could have been pleaded against the Government.

Mr. GROSVENOR. Any man who would write such a statute would at once be a proper subject for disbarment from practicing law.

Mr. CALDWELL. Why?

Mr. GROSVENOR. Wherever the Government, or anybody else, asserts a claim, there is no law that prevents a claim of the defendant from being asserted as an answer.

Mr. CALDWELL. Can the Government be sued at all in any form of action except by express provision of statute?

Mr. GROSVENOR. My friend is talking about something which I have conceded. But when the Government seeks to maintain its claim by an action, the Government can be defeated in that action just as though it were a private individual. It has invoked its own processes; it has invoked the operation of its own statutes; it has invoked the procedure of its courts, and may be met by all the defenses with which a private individual could be met.

Mr. HAMMOND. Can the gentleman show a line of law in any book to sustain that proposition?

Mr. GROSVENOR. Can the gentleman show a line of law in any book sustaining his position?

Mr. HAMMOND. I can show a thousand.

Mr. GROSVENOR. Very well, then the gentleman will have an opportunity to do so. The position of the gentleman is that the Government can make a claim against the citizen for money, and the citizen can not answer it by pleading as a set-off a debt which the Government owes him. Let the gentleman sustain that position by any law-book.

Mr. HAMMOND. My proposition is that no sovereign can be sued except by its own consent. In every case where set-off can be pleaded against the Government it is by virtue of a statute which authorizes it. The Government can only be sued in the Court of Claims by virtue of the statute allowing suits in that court.

Mr. GROSVENOR. But in this case the Government selected its own forum, and submitted itself to a court governed by the code of Tennessee; and when it did so, it submitted itself to the operation of the code of Tennessee.

Mr. HAMMOND. The gentleman does not take my point. Whenever one individual sues another in any forum, that other can set up a cross-action. But where a sovereign like our Government is not subject to suit except by its own consent and can only give consent by statute, then it may enforce collection of claims against individuals without liability to any cross-action. The Government may levy on my property for taxation, and I can not resist by any counter-claim. But if I levy on your property by virtue of a judgment and you have a counter-claim, you can set it up, because you and I as individuals are able to sue each other; but the Government can not be sued without its consent.

Mr. GROSVENOR. The gentleman has taken the floor for the purpose of asking me a question and holds the floor apparently for the purpose of making a speech, in which he seems to be making a statement about the difficulty of doing things which do not exist. [Laughter.] The sovereignty may take my property, but I may set up a counter-claim. The Government owes me; but when the Government comes into court and says I am indebted to the Government, the Government must meet all the terms of the statute which it has itself invoked. Sovereignty of the Government may be waived by the Government in coming into a State court to sue.

The very doctrine I assert underlies the whole of the controversies where there is conflict of jurisdiction with the Government.

Is it possible my friend from Georgia [Mr. HAMMOND] has taken such advanced ground in favor of the consolidation of power, and such advanced ground in opposition to the rights of the States, that he holds a citizen may be sued in court and yet the sovereignty of the State can strip the citizen of the right to show he paid the debt for which he is sued? That is a position which is calculated to make the old State-rights men rattle in their coffins.

Mr. HAMMOND. It may be they might rattle in their coffins, but it would depend very much on whether they were lawyers or not. [Laughter.] Now, if the gentleman from Ohio [Mr. GROSVENOR] will look at the nineteenth volume of Georgia reports he will find there a case, the law reviewed and the authority laid down, that the State, that no sovereign government, can ever be sued except by virtue of its own statutory consent.

Mr. GROSVENOR. Precisely.

Mr. HAMMOND. And particularly that every one of the restrictions placed on the privilege of suing must be complied with.

A set-off is but a cross-action. The test of the case read by the gentleman from Ohio [Mr. GROSVENOR] was that wherever you could maintain *indebitatus assumpsit* you could plead set-off. But you can not main-

tain the action of *indebitatus assumpsit* against the United States anywhere except in the Court of Claims under the statute which organizes that court and in other cases according to the terms of permissive statutes, as on official bonds and the like or under the post-office laws. These statutes expressly authorize a person to set up claims in cutting down a claim of the Government against him. In other words, it is the perfect right of every State of the United States, of the United States, and of every government in the world, that you can not sue it originally or by cross-action without its consent by statute and according to the statutory consent.

Mr. GROSVENOR. I have yielded to these gentlemen for the purpose of asking me questions, and it has resulted in the whole of my time being occupied by them.

Mr. RICHARDSON. I want to ask the gentleman a question if he will allow me.

The CHAIRMAN. The time yielded the gentleman from Ohio has expired.

Mr. GROSVENOR. Is that the way gentlemen on the other side do? I have yielded my time to them to ask questions, and now when it comes to my time to reply there is no time left for that purpose. [Laughter.]

Mr. CALDWELL. I believe I did not consume all of the time yielded to me by the gentleman from South Corolina [Mr. PERRY], and whatever I have left of that time I will willingly yield to the gentleman from Ohio to continue his remarks.

The CHAIRMAN. The gentleman from South Carolina [Mr. SMALLS] took the floor and yielded thirty minutes to the gentleman from Tennessee [Mr. HOUK], who took the floor. The gentleman from Ohio [Mr. GROSVENOR] entered the Hall, and the gentleman from South Carolina [Mr. SMALLS] yielded to him twenty-five minutes, and that twenty-five minutes the gentleman from Ohio has occupied. The Chair therefore now recognizes the gentleman from Tennessee [Mr. HOUK] to occupy the half-hour which has been yielded to him.

Mr. CALDWELL. The time of the gentleman from Ohio [Mr. GROSVENOR] has been taken up by interruptions from this side, and it is only fair, as we have consumed most of his time, further time should be yielded to him if possible from this side.

Mr. PERRY. If I have any time remaining I will yield it to the gentleman from Ohio.

Mr. HOUK. I will allow the gentleman to continue his remarks, but I do not wish it taken out of my time. How much time does the gentleman want?

Mr. GROSVENOR. Ten minutes is all I want.

Mr. CALDWELL. If the gentleman is allowed to proceed, I hope he will speak to the facts of the case, which he has not done heretofore, and let the law alone, as it seems to burn him. [Laughter.]

Mr. GROSVENOR. The gentleman from Ohio will stand on his position, and will not import anybody into the case to help him out, as the gentleman from Tennessee did. He will not be helped out by bringing in somebody else. [Laughter.]

The CHAIRMAN. Does the gentleman yield?

Mr. GROSVENOR. I can not yield. The trouble about these gentlemen is they take up all my time with their questions, and in that way make my speech for me, and I now prefer to hold the floor and make my own. [Laughter.]

I maintain, sir, that my proposition of law is sound to-day. But I will turn from it, simply claiming the right when Judge HAMMOND comes back again to show him precisely what his supreme court did decide, as reported in 19 Georgia; and I will make the further proposition, no matter what the law may be, no matter what technical construction may have been likely to grow out of a claim like this, the gentlemen can not afford to deny that they have at least prejudiced their claims by their own actions; their long silence, their consenting to a judgment, their failure to appeal to the executive branch of the Government, failure to come to Washington and see the Attorney-General and take advantage of that boasted sovereignty of the United States, which the gentleman from Georgia says has now obliterated all power of the State courts and all rights of the citizens, which has become all dominant, all pervading, breaking down the rights of the citizens everywhere, all of which has grown out of a simple construction of the sovereign power vested in the United States. I say their failure to come is a circumstance against the case. They did not come here; they did not understand that they had any claim; they did not understand that there was a court of law to which they could appeal; they did not come to a court of conscience; they did not enter the forum of equity, nor did they come here to treat with the Government, and say you are asking us to pay you $90,000 when you owe us $240,000. I do not say that this is conclusive of the right of these parties, but I do say that it is a powerful suggestion against the equity—the stale equity—of the claim asserted here twenty-two years after the cause of action had accrued.

A claim of this kind now set up here in any one of the States of this country would long ago have been barred; a title to real property would have accrued; the statute of limitations would intervene; for it is a claim so stale that it bears upon its face the suggestion of doubt at least as to its equity.

Now, if our friends over there desire to pay this claim I have no objection; I only want them to do it with their eyes wide open. I want it to be understood that it is done on the ground that corporations in the South were incapable of bringing down upon their heads the inhibition of the statute against paying the claims of disloyal citizens; and that all a man had to do there was to take his certificate of stock in a rolling-mill or a foundry and he was safe, no mattter what he did.

Then he could make cannon and bayonets, or make powder to shoot down the Union soldiers who came down to the South, and if he could only show that the foundry, the armory, or the arsenal was the property of a corporation, the members of it could shield themselves behind their certificates of stock and go unwhipped under the statute forbidding the payment of this class of claims. I want them to pay it on the further ground that the Government of the United States is now called on to divide up the responsibility with the South for the destruction of their private property; that wherever property was seized or destroyed, no matter by what party, the Government of the United States shall undertake to pay the whole claim, and that it shall look to the Southern confederacy to contribute its proportion for the wrong which they themselves did. That is the position I plant myself upon. I am opposed to the payment of this claim for the reason that it is, first, a claim shrouded in mystery as to its details, and, second, a claim resting upon State equity; and when its nature and its history are developed it stands in the attitude of a Southern war claim, sugar-coated by certain circumstances that the people of this country can not draw the line upon.

I reserve the remainder of my time, or five minutes of it, until I can get hold of the Georgia case.

Mr. CALDWELL. It is a pity the gentleman did not get somebody to help him.

Mr. HOUK. Mr. Chairman, I beg the House to let us proceed in the consideration of this claim with one fact constantly prominent in our minds: Every man on this floor knows, whatever gentlemen on the other side may have felt, that during the time of the entire war, from the hour it was proclaimed until the close with the surrender of Lee at Appomattox, the entire war from the beginning to the end of it was fought on the theory that all the States were in the Union. I call your attention to the fact now, for I shall have occasion to use it a little further on. But the gentleman from Ohio [Mr. GEDDES] and others, and I include also my distinguished friend from Ohio [Mr. GROSVENOR], have discussed this bill as though Jefferson Davis was standing at the door of this House of Representatives demanding pay for the negroes taken from him by Benjamin F. Butler and put to work upon the fortifications on the Mississippi.

My friend from Ohio on the left [Mr. GEDDES] especially managed the other day to work himself up into a perfect frenzy. He succeeded in reorganizing the armies, placed them confronting each other in battle array, mounted, booted and spurred, and made as gallant a charge on the rebel brigadiers and their constituents as was ever made during the rebellion upon the field.

I had thought, Mr. Chairman, that the war was ended. I had thought that nobody attempted to arouse the passions and prejudices in debate either in Congress or out of it except occasionally we Southern radicals. But I find it takes a Northern Democrat to do absolute justice to the subject, and become a bloody-shirt rampanter. As I listened to the gentleman from Ohio [Mr. GEDDES] the other day making his earnest and eloquent appeal for the purpose of arousing the patriotic sentiment on this side of the House, and perhaps in his own party, for the purpose of defeating a claim which I will show in the progress of what I have to say has no more to do with the rebellion than the gentleman drawing his salary at the Sergeant-at-Arms's room—as I listened to him I could not help but ponder and think to myself, putting this and that together, what queer people some of these Northern Democrats are. They are very singular. Why, about election-time I will venture to say the gentleman from Ohio would hug the rebels to his bosom. And he would come here and vote for almost anything to keep the Democratic party in power in the South. But just let a Southern corporation, composed as it was of Union men, its president being a man than whom never a better Union man drew breath—let a Southern corporation composed largely of Union men come here, and then the gentleman from Ohio is ready to raise the bloody shirt in order to drive men from voting to do justice and pay an honest debt.

I am glad the gentleman from Ohio who has last spoken [Mr. GROSVENOR] made the admission he did. All the argument against this bill thus far, until the argument of that gentleman, has proceeded upon the idea that this railroad was captured by the Federal Army. All the defense that has been set up against this debt is that it was a destruction; that it was a devastation of war; that it was one of the rights inhering in a military movement to take this property. Why, sir, do gentlemen know what they are talking about? Where is the law-book, where is the judge, where is the lawyer that will lay it down as a proposition of law that a military commander has a right to take private property, except in the midst of conflict and while the war is flagrant and raging at the time? How was it in this case? What is the distinction between this and other Southern railroads? I say, and I have waded through this entire record for the purpose of seeing what

the facts are, there is not another railroad case in the whole South parallel with this or like it.

What is the difference between this road and the Chattanooga road? And why should you pay the one and not the other? The Chattanooga road was being operated and used by the rebels. We had to fight for every inch of the road of which we afterward took possession. There was not a yard of it but flagrant, actual, persistent war was waged in order to recover it.

Here comes in this principle of law that in time of war the law is silent, and the military commander has the right to do what he pleases. In seizing the Chattanooga road or any other road like it, it was not only the right but the duty of the military to take it for the use of the Army. What are the facts about this road? Was this road being used by the rebels at the time this property was taken? Not a bit of it. Could this road be a wicked instrument in the hands of the rebellion? Not a bit of it.

Why, sir, originally it was 34 miles long—running where? Running from Tullahoma up into the gorges of the mountains. It had started but had not got anywhere. Perhaps in the beginning they transported a hog or a beef or a company of soldiers over it. That is probably true. But does that justify the Government seizing this property afterward, when war had ceased in that community, and appropriating, selling it, and taking the money for it? Why, sir, what are the facts? And I vouch for every fact I state being found in this record. When we approached Tennessee—and when I say "we" I mean the Union forces—the Nashville and Chattanooga road was still operating, and as we gathered ready to march on the line of that road the rebel army seized, took, stole, and carried away every particle of the rolling-stock on that road and left nothing but the road-bed, taking the iron rails, chairs, and other property.

I invite to this question the attention of the distinguished lawyers of this House who like to show their wit and legal acumen. I say if war was actually existing on the line of the road at that time the Government would have had the right to take the iron without compensation. But what were the facts? Our forces had driven the rebels out of the country from ten to twelve months before. At the time this property was taken there was not an organized force within 100 or 150 miles of the place. Society all over that country was as tranquil as it was possible for it to be after the civil convulsion through which we had passed. Courts were then being reorganized under acting Governor Johnson. Peace, except for the doings, it may be, of a robber or a straggler here and there, prevailed throughout all that region. There was no flagrant war; there was no enemy. How could there be a war authorizing a commander to take private property unless there was more than one army there? I never heard of one army carrying on a war by itself.

I come now to another question, Mr. Chairman. The military authorities that took this property never thought of its being an act of war. I invite the attention of this House to this great fact.

Not a single man, from General Thomas or General Rosecrans down through all their subordinates, ever raised the point that it was taken as an act of war. I may as well in this connection try to show what this claim is for.

Mr. JOHNSTON, of Indiana. Will the gentleman give way for a moment?

Mr. HOUK. I can not give way. You have all had your say.

Mr. JOHNSTON, of Indiana. I understand that you are stating the record.

Mr. HOUK. You have all made your speeches, and I can not yield. I am making HOUK'S speech now. [Laughter.]

I state that there was not a single Government officer who ever thought about claiming that this was an act of war, done under the authority vested in the military commander by the principle that where actual hostilities exist the will of the military commander is supreme. I say that no officer of the Army or of the Government ever took that ground. Now, Mr. Chairman, what is this claim for? Here [illustrating] is the Nashville and Chattanooga road; here is the McMinnville and Manchester road, running off for 36 miles, from 34 of which the Government of the United States, through its military officers, took the iron rails, bridges, and spikes, burned all the buildings (we ask nothing for that), and used the iron taken from that road to repair the Nashville and Chattanooga Railroad, and afterward, instead of turning it back, as somebody has stated, to the McMinnville and Manchester road, the Government never did return one pound of it, but sold it to the Nashville and Chattanooga Railroad at $120 per ton, as the record shows.

When the officers of the McMinnville and Manchester road made application to General Thomas to restore this railroad to them, what did he say and do? There is a great big thought in this; it is a powerful argument to enforce this claim. What did General Thomas say when they went to him and made that application? They said to him: "You have taken the iron off our road, and we want you to restore it to us." When they made that application, did General Thomas reply: "Why, we captured that property; we took possession of it under the power vested in the military authorities in time of war?" He said nothing of the sort, but he proceeded at once to instruct his quartermasters and deputy quartermasters to do what? To go on and ascertain the value of the property, not only how much iron there was and the value of it, not only what it would take to reconstruct the buildings that were burned (for which no pay is asked), but also to ascertain what it would cost to place the road in the condition in which it was when the iron was taken from it.

I have not time to read the record, but I have it here, and it shows that General Thomas gave such instructions to his officers, and that they proceeded to make that investigation. You will find the opinion of the engineer in the record—I speak from the record; I do not speak outside of the record—you will find the report of this engineer saying that they have not got the iron on hand to place the road in that condition, and that therefore they can not comply with that part of the order. The suggestion runs through every order and every conversation and every deposition that was ever taken in relation to this matter that the Government felt itself bound to place that road in the condition in which it found it.

Now, Mr. Chairman, when was this? My friend from Ohio [Mr. GROSVENOR] is not aged; you would think him a young man if it were not for his hair [laughter]; but I think he is very forgetful, because he has spoken here of events as happening in 1864 that really took place in 1863—the use of that road by the rebels in connection with the battles along that line.

But it was in the latter part of 1864 that this iron was taken from the one road and placed on the other. Now, I do not want to appeal to any man's party prejudice or passions; but I do appeal to every man, Republican or Democrat, to rise above party and vote for honesty and right. Gentlemen have taken occasion to use by way of illustration cases coming under the 4th of July act. Now, what is the difference between such cases and this? In one case you take corn out of a man's field; in another case you take this iron. After we occupied the insurrectionary country did we not send out files of soldiers with trains of wagons to go into men's fields and take their corn, and did we not pass a law to pay men for property taken in that way when they were proved to be loyal? Do we not vote here all the time to do that? Now, in this case you send out a file of soldiers to take up this property in the peaceable possession of its owners and appropriate it, and afterward you sell it and get the money. Is not the principle precisely the same?

Mr. GEDDES. The gentleman will remember that I allowed him to interrupt me several times——

Mr. HOUK. I do not so understand.

Mr. GEDDES. And I would like to make a single remark.

Mr. HOUK. Very well, if it is brief.

Mr. GEDDES. I want to call the attention of the House——

Mr. HOUK. I did not give way for the gentleman to make a speech

Mr. GEDDES. Well, I will ask a question. The gentleman will remember I challenged every man on our side of the House to show me from the record one word or sentence to prove that the Government ever sold any portion of this property to any one or ever received a penny for it. None of them could produce such proof. The gentleman now repeats that assertion, and I repeat my challenge for him to show any such thing in the record.

Mr. HOUK. I have not time to read; but I say if it is not shown in this record that one hundred and seventy-two pieces of this iron were afterward identified, I will agree to go out and be hung by the meanest Democrat you have got. [Laughter.]

Mr. GEDDES. I will not be your executioner.

Mr. HOUK. You might officiate at the funeral.

Mr. GEDDES. If the gentleman will read from the record I will give him the page.

Mr. HOUK. I know the page, but I have not time to read. I make the assertion on my honor (and if any gentleman disputes it, let him come up here and take this record and read it—my colleague [Mr. RICHARDSON] can point out the page)—that one hundred and seventy-two pieces of this iron were identified by two witnesses.

The learned gentleman from Ohio [Mr. GROSVENOR], who I presume in Ohio is a good lawyer but he would not be in my State if he did not make stronger points than he did to-day, says it is an absurdity to talk about this property having been taken under the act of July 1, 1862. Let me call the attention of every lawyer in the House to the fact that at the time of these occurrences, the confederate army having gone, peace prevailing so far as that country was concerned, it was back in the Union on the ground that we were all fighting and claiming and clamoring for; and there being no active hostilities there, there being but one army in the vicinity, substantial peace prevailing, there were two ways by which that property could be taken. One was to seize it under the act of 1862; the other was, in imitation of others, to go and pillage it, to go and plunder people after they had been restored under the flag of their country. Take either horn of the dilemma you please, I say this property ought to be paid for.

For fear that there may be some misapprehension I wish to say (as there has been so much talk thrown in about "rebels") that I know a part of the directory of that road were loyal; I personally know its president was loyal; and I know, and this record shows it, that General Thomas treated with them on that basis. Even though they had been the vilest rebels that ever went unhung, being a corporation, the question of loyalty could not enter into the case. The argument of the gen-

tleman of Ohio would make churches "rebels" and schools "rebels," and I believe some gentlemen do go that far. I have even had it insinuated that because I happened to live in a rebel State I was a rebel. I wish you were all rebels just like me, you would stand a better chance of glory than you do. [Laughter.]

Now I desire to read from the record of General Thomas. Hear what General Thomas says about it. He does not talk of capture, confiscation, and the rights of war. Oh, no. He says:

Respectfully forwarded to Mr. Horace Harrison and others for their information. The original papers have been referred to the Quartermaster-General, and the recommendation that the articles taken from the road be returned.
By command of Maj. Gen. George H. Thomas.

J. L. DONALDSON,
Brevet Maj. Gen., and Chief A. Q. M. M. D. T.

They did not return them, but sold them and got pay for them. And all we ask here is that what the Government got for them shall be returned to this company. Now the original articles have been referred to.

Mr. GEDDES. Further on it shows they were returned.

Mr. HOUK. Why do you not show it?

Mr. GEDDES. You read it all through and you know it.

Mr. HOUK. I have not been able to find any such record there. That is a question which can be settled by everybody.

Let me read this order:

GENERAL SUPERINTENDENT'S OFFICE,
UNITED STATES MILITARY RAILROADS,
Nashville, July 20, 1865.

Respectfully returned to Bvt. Maj. Gen. J. L. Donaldson, chief quartermaster Military Division of the Tennessee, calling attention to the inclosed report and estimates of A. Hibard, chief engineer of construction and repairs, who estimates the cost of repairing and putting the road in running order at $346,880, but to restore the property removed and destroyed by military order will probably cost not to exceed $285,000. No trestle-works or culverts were destroyed by the United States forces. No cross-ties were removed, and only 300 feet of bridges burned by order of the United States officers.

W. J. STEVENS,
General Superintendent.

Then follows General Thomas's order, which I have read.

Now we come down to General McCallum. He repeats another fact which I had nearly forgotten, and it is also repeated by nearly every one of these officers, that they make application under the act of 1862. General McCallum and General Meigs recognize it was not robbery, but seizure in the sense of the act of 1862.

Now, there are a few things in this record which ought to be known to every man on this floor. I am sorry it has not been printed and distributed in the House so that every man could read it and see them for himself. I spent sleepless nights over it to discover what were the facts set up by the gentleman from Ohio, and I was unable to discover them. Every Government officer who had anything to do with this transaction recognized this property as taken under the act of July, 1862. The act of 1862 was not complied with, and what do we do now? Simply ask the Government to do us justice. Suppose it had been in court and we had failed to plead a set-off and the law recognized a set-off, which I deny; but suppose the lawyer neglected it, where is the place to invoke justice better than here; and what right have we to say: "Here, you did not get the right lawyer; your lawyer ought to have pleaded a set-off and he forgot to do so?" The difficulty is, the company did not have a lawyer like the gentleman from Ohio, or else they would have been all right, would they not? [Laughter.]

Now, there never was a claim before this House more just and equitable, never a claim before this House which deserved to be recognized quicker than this one.

The argument of the gentleman that the material was taken from the Nashville and Chattanooga Railroad, and therefore the Government had the right to take this property to make up that which was lost, is a strange one. Where on earth did he learn such law? I never read it in the Bible or in Blackstone or in Story or in any other book, that because the first party did wrong you may take the property of a second party out of which to repair that wrong, and let the wrongdoer (which was the United States in this case) escape!

I expected to get an hour on this subject, and therefore have not covered all the ground I intended, because it was impossible in the short period to which I have been limited.

And now, in conclusion, I have only to make this further remark. I am not here as a friend of corporations, and certainly nobody will accuse me of being partial to rebels. But, sir, I am here to do right, as I see the right when called upon to do it. Any business man who should conduct himself in a precisely similar transaction to this as the Government has done would cover himself all over with infamy, so far as the business men of this country are concerned.

[Here the hammer fell.]

The CHAIRMAN. The gentleman from Indiana has twenty-five minutes remaining.

Mr. JOHNSTON, of Indiana. This is an important question, and we ought to consider it calmly and dispassionately. If, as I said in my remarks before, the Government owes the McMinnville and Manchester road or anybody else it should pay its debt. The gentleman from Tennessee [Mr. HOUK] who has just taken his seat says the record shows in this case the McMinnville and Manchester Railroad Company is here asking this bill be passed. I defy the gentleman to turn to it and show me where the road he has pleaded for asks any relief at the hands of Congress.

Gentlemen on the other side argue very ingeniously by making this plea, which they put upon the ground that the McMinnville and Manchester road have this right of recovery on their own demand, when as a matter of fact the McMinnville and Manchester road are not asking a dollar at the hands of this Congress.

Mr. HOUK. Will the gentleman permit me?

Mr. JOHNSTON, of Indiana. I will not, because you would not permit us, and you have the close of this argument.

Mr. HOUK. I did permit you to interrupt me.

Mr. JOHNSTON, of Indiana. Well, what is it?

Mr. HOUK. I wanted to say that I had expected to occupy an hour in the argument of this case, but that time was very much reduced, as the gentleman knows. I had a note of that point and I want to show that the facts are these——

Mr. JOHNSTON, of Indiana. Well, now, I can not afford to yield to the gentleman to make a speech. It is the gentleman's own fault if he did not state the facts.

Mr. HOUK. If the gentleman would state the facts as they are I would not ask leave.

Mr. JOHNSTON, of Indiana. That is just what I expect to do.

Mr. HOUK. That is just what you have not done.

Mr. JOHNSTON, of Indiana. I will state the facts in the case, just what the gentleman has not done.

Mr. HOUK. That is not true.

Mr. JOHNSTON, of Indiana. Well, we will have no question about that. I suppose the gentleman from Tennessee is honestly mistaken, and he is too small a man for me to have a personal conflict with. [Laughter.]

Mr. HOUK. The "gentleman from Tennessee" can take care of himself.

Mr. JOHNSTON, of Indiana. I say, Mr. Chairman, and I reiterate it now, that this record from the beginning to the end shows one state of facts, and that is that in 1870, or about that time, this road applied to General Thomas to have that railroad made good; and that General Thomas had his quartermaster to estimate what it would cost; that the quartermaster and the Government refused to make it good, because they said they held it as captured property; and if you will turn to page 37 and page 87 of that record you will find it there. Again, afterward the road was sold under authority of the government of the State of Tennessee, whereby it was sought to rob the General Government of her lien for rolling-stock and iron, and since that time the McMinnville and Manchester road has been dissolved, and they have never asked either in or out of Congress to make this claim.

Mr. HOUK. Now tell it all; tell all the facts.

Mr. JOHNSTON, of Indiana. I will, sir, if you will keep your seat; I can not talk while you are on end. [Laughter.]

Mr. HOUK. All I want is that you will tell the whole story; do not tell a part, but tell it all.

Mr. JOHNSTON, of Indiana. I say the further fact that the road was sold under decree of the State court of Tennessee, whereby they sought to rob the General Government of her loss for iron and rolling-stock; and that that act of the State of Tennessee, when they sold that road, compelled this road to make all legal defense that they had to the claim of the Government upon it. When they sold the road to the Charleston road they bound themselves to stand between them and the General Government, and provided they would interpose every legal defense they had to this claim, and bound them up by the law requiring them to make all legal and equitable defense to the ninety-eight-thousand-dollar demand of the General Government. Did you find that in the record?

Mr. HOUK. Did they not propose to pay that $98,000 to the General Government, provided the Government would settle its indebtedness to the road? Did they not agree to let that be deducted from the amount due to the road by the General Government? Does the gentleman know what became of that road? Does he know who owns it, with all of its rights and franchises?

Mr. JOHNSTON, of Indiana. Where is the McMinnville and Manchester road now? It has gone where "Ward's ducks" went, I suppose, and you are here asking the General Government to pay you over $240,000 to a defunct corporation which has no legal existence whatever.

Mr. HOUK. Does the gentleman from Indiana state all the facts?

Mr. JOHNSTON, of Indiana. That is just what I am doing.

Mr. HOUK. Does not the gentleman know the road-bed and all the franchises that the McMinnville and Manchester road had were sold to the Memphis and Charleston road first, and that subsequently, under a decree of the court, its franchises, rights, and assets were sold to the Nashville and Chattanooga road, which assets embraced this claim now set up here? The gentleman does not state all the facts.

Mr. JOHNSTON, of Indiana. Let me answer this first, and I shall refer to the record to show the state of facts to which I am referring. That record shows that from the time that road came into the posses-

sion of the Memphis and Charleston Railroad, under the decree, they refused utterly to carry out the contract with the Government for carrying the mails. They refused on the ground that they bought nothing but the naked road, and whatever there was left of the rolling-stock and iron. They did not agree that they had bought any part of any contract previously existing, and set up no claim against the Government.

Mr. STRUBLE. Let me ask the gentleman from Indiana if he considers this a calm consideration of the question?

Mr. JOHNSTON, of Indiana. I hope, since that comes from a friend of mine, that he is asking a pertinent question. I do not know what you mean by a "cawm" consideration of the question. If you say "calm" consideration, I might understand you. [Laughter.]

Mr. STRUBLE. It was suggested to me to ask the question in that form; but if the gentleman does not desire to answer it I will withdraw it. [Renewed laughter.]

Mr. JOHNSTON, of Indiana. I hope these interruptions will not come out of my time. I say this record shows (instead of showing what the gentleman from Tennessee says it shows) that this corporation bought that road with all of its rights. I say the record shows us that they bought it and whatever rights and equities it had; but they acknowledged none of the liabilities of the McMinnville and Manchester road. And did they refuse to carry the mail?

Mr. HOUK. I do not know.

Mr. JOHNSTON, of Indiana. The gentleman says he does not know. The gentleman has made a speech without knowing a scintilla of the facts in that record—not one of them. He has made a speech that would do justice—I would say without wishing to create any feeling—that would do justice to a man arguing a case before some justice of the peace at some cross-road.

Mr. HOUK. That is where you passed as a lawyer, no doubt.

Mr. JOHNSTON, of Indiana. This record shows a further state of facts. It shows that this company bought the road as it was then, that it turned the road over as it was at the time, and the Government said, "We will turn these roads over, leaving you to settle these disputed questions yourselves." And in place of the McMinnville road thinking it held a claim against the Government it sued in the State courts of Tennessee the Chattanooga road. They settled it between themselves, not looking to the Government. After this sale it went into the hands of another corporation. That corporation, which did not pay a dollar for it, comes in now and seeks to collect this claim, and invokes the aid of the gentleman from Tennessee to help through a claim for a corporation that never paid a dollar for it in the world; and this record does not show that it did.

Mr. HOUK. That is not the fact.

Mr. JOHNSTON, of Indiana. I asked the gentleman from Tennessee [Mr. HOUK] and the other gentleman from Tennessee [Mr. RICHARDSON] what did the Chattanoga road pay for the Manchester road? They did not answer the question. They are as dumb as oysters on that point, and they do not propose to tell. I presume it was less than $100,000, because I see by the record they claim the State should deposit $125,000 of State bonds as a guarantee to them. Suppose they bought it for $125,000, they got $20,000 of rolling-stock the Government had there, and $46,000 of iron the Government had there—they got 27 miles of railroad for $125,000. And now they come and ask the Government to pay $268,000 for what they could not have paid over $125,000 for, and yet leave them the property. That is the condition of this case.

I ask the gentleman from Tennessee as he closes this argument to show by this record by what right the Chattanooga and Nashville road can make this claim. There is not a word in that record to show they ever bought this road. If the decree was set out, if the execution was there, if the return of the officer was there, and a deed from the marshal or sheriff to the Chattanooga road, for this line of road, we might have some data from which to form an estimate. But I say if we owe a single solitary dollar on that road we owe it to the McMinnville and Manchester road, to whom this bill does not give a dollar. And if you acknowledge your liability by the passage of this bill as soon as this is paid they can recover the $246,000, and you have no defense to it, unless these people bring an assignment here of some kind.

If you pass this bill you can not prevent the McMinnville and Manchester road from afterward asking the Government to pay for this property. It amounts to asking the Government to pay a debt to a party when the third party concerned is not in court. That will be the result of this whole transaction. We will have admitted that we owe the debt, and we will have paid it to the Chattanooga and Nashville road without any request upon the part of the McMinnville road and without any agreement on their part that the payment of this shall be a satisfaction of the debt. And I say that this record from the beginning to the end does not disclose that they have got any title to the road at all. All that we can do is to rely upon the very fertile imagination of the gentleman from Tennessee as to what ought to be in that record.

Now I want to say to our Democratic friends that there is one other consideration that makes me oppose this bill very strenuously. Two years ago in the campaign my constituents were told from every stump that there was $8.75 in the Treasury for each one of them and that they should have it if the Democratic party was successful. But if you vote the money in the Treasury away to these corporations I will never get done answering questions when I get home from my people why they have not got their money. [Laughter.] You ought to be true to them. I oppose this because in this record—and I, like the gentleman from Tennessee, have spent sleepless nights over it—I can not find an affirmative proposition there as the gentleman stated it on the other side. I could read to you, but I have not got time, paragraph after paragraph where the Government claimed they held this as captured property and where they refused to turn it over.

How much time have I?

The CHAIRMAN. The gentleman has seven minutes remaining.

Mr. JOHNSTON, of Indiana. I yield it to the gentleman from Ohio [Mr. GEDDES].

Mr. GEDDES. It was not my purpose to say a word in addition to what I have already submitted to the House in regard to this case, and I would only now endeavor to emphasize two propositions. One of them was evidently regarded as important by the friends of this measure on both sides of the House. They started out on our side of the House to make it appear this was an equitable and a fair claim, by asserting that the record discloses the fact that the iron for which they now sought payment was put down on the Nashville and Chattanooga road and the Nashville and Chattanooga road charged with it, and that they entered into an obligation to pay for it, and that that enters into the obligation now resting upon that road. I regarded that as important. It would be an equitable consideration. I am not at liberty to say how it would overcome my judgment as I now stand. I followed with anxiety the gentlemen in their statements. I challenged the first one, the second one, and the third one that made the assertion a week ago, and they have had one whole week to spend sleepless nights with my friend here over the record to discover that matter.

But he saw proper to come here and boldly repeat the declaration in the face of the record without referring to a word or a line in it. I extracted from that record this morning what I think will clearly show that this was not so. The Quartermaster-General, in speaking of the action of the Government in that matter, says:

> The iron taken from the road was laid upon the Nashville and Chattanooga Railroad, and I am informed that a suit is pending against that company with a prospect, it is said, that a judgment will be rendered in favor of the McMinnville and Manchester Railroad Company.

After the war and after all these acts, the McMinnville and Manchester Company sued the Nashville and Chattanooga Company (they are now in combination) to seek to recover this money, and what does this officer say about it?

> In restoring the road to the companies the United States did not undertake to settle questions of property between the different companies or to give title thereto, but left that matter to be settled by the judicial tribunals.

That is, "Recover, if you can, of the Nashville and Chattanooga road; we settled no question of property; we gave no title thereto; do the best you can; so far as the Government is concerned, it was ravages of war, nothing more, and we do not interfere as between you." There is the declaration, plainly and clearly made, that the title to the property taken from the one road during the war and placed upon the other during the war was left just where the Government found it—that the Government left all legal questions to the courts. Now, that is the record that is staring my friends here in the face, and staring in the face the good, earnest gentleman on the other side of the House [Mr. HOUK]. I had the honor to serve as a subordinate under that gentleman when he was chairman of the Committee on War Claims, and if this claim had been presented to that committee I know what his judgment then was in regard to similar claims. But the presentation of this claim was left to this Congress, when I have the responsibility of the action of that committee; it was not presented under my good friend on the other side when he was chairman of the committee. Now, all I ask is that our friends on this side of the House shall not do what they on the other side were ashamed to do.

Mr. GROSVENOR. Mr. Chairman, I only desire to supplement the remarks I have already made by putting into the RECORD the authorities relied upon by those who support the proposition that in the State courts of Tennessee the claim of the McMinnville and Manchester Railroad Company would not have been a proper subject of set-off against the claim of the Government, and it may be that it is better for me to admit now that in so far as that railroad company might have sought a judgment against the Government, the authorities are that it could not have maintained its position. In 11 Howard, page 290 (following a subdivision of the syllabus, is the following words: "To sanction judgment under a plea of set-off would virtually be allowing the United States to be sued, which the laws do not allow"), the court used this language:

> To permit a demand in set-off against the Government to be proceeded on to judgment against it would be equivalent to the permission of a suit to be prosecuted against it. And however this may be tolerated between individuals by a species of reconvention, when demands in set-off are sought to be recovered, it could not be as against the Government, except by a mere evasion, and must be as useless in the end as it would be derogatory to judicial fairness. A set-off or reconvention is often to be treated as a new suit by the defendant, and the pleadings and judgment are to be made to correspond. (See Louisiana Code of Practice, 374, section 371-377.) In Perry vs. Gerbeau and wife, 5 Martin, Revised

Statutes, 18, the court say, "The claim set up in the answer was one in reconvention, and too general. Such demands should have the same certainty as a petition."

It would present, also, the inconsistency of the officers of a government issuing precepts against it, and seizing and selling the property under their own charge and protection. Or it would present the other alternative, of entering a judgment against a party which it could not enforce by execution, and which none of its officers had been authorized to discharge.

The court there say that it would be folly to render judgment against the Government when they would not collect the judgment. Now, let it be borne in mind that my position does not necessarily involve the proposition that there might have been a judgment in the Tennessee court for the balance over and above the claim of the Government, but I call upon gentlemen on the other side to produce any authority that will justify them in saying that the presentation by plea in the Tennessee court of a greater claim against the Government would not have been a sufficient answer to the claim of the Government for judgment there. This authority, which seems to be the strongest one within my reach, goes only to the proposition that the set-off should not be allowed to be proceeded upon to judgment against the Government.

Mr. HAMMOND. Because the United States could not be sued.

Mr. GROSVENOR. I leave that proposition where the distinguished gentleman from Georgia [Mr. HAMMOND] has already placed it.

But I desire to put into the record another authority which sustains the proposition I make, so far as the equity of it is concerned. I read from 9 Cranch, page 235:

The act of Congress providing for the settlement of accounts between the United States and the receivers of public moneys is so explicit as to preclude every difficulty in deciding on the first question. The third section of the law provides that where a suit shall be instituted against any person indebted to the United States, the court shall grant judgment at the return term, on motion, unless the defendant shall in open court make oath or affirmation that he is equitably entitled to credits, which had been, previous to the commencement of the suit, submitted to the consideration of the accounting officers of the Treasury and rejected, specifying each particular claim so rejected in the affidavit. The next section declares that in suits between the United States and individuals no claim for a credit shall be admitted upon trial but such as shall appear to have been submitted to the accounting officers of the Treasury for their examination and by them disallowed, unless it shall appear that the defendant at the time of trial is in possession of vouchers not before in his power to procure, and that he was prevented from exhibiting a claim for such credit by absence from the United States, or by some unavoidable accident.

I think this settles the proposition that these defendants when this demand was made against them might have made their claim to the accounting officers of the Treasury, and then when it was disallowed they could have set it up as a set-off in the court in Tennessee to the extent of defeating the claim of the Government for judgment.

Mr. RICHARDSON. I yield for a moment to the gentleman from Georgia [Mr. HAMMOND].

Mr. HAMMOND. Mr. Chairman, I have not attempted to argue the merits of this case. But in the debate to-day I challenged a statement of the gentleman from Ohio [Mr. GROSVENOR] by a declaration that according to the law as settled everywhere a sovereign can not be sued without its statutory consent. The gentleman after he finished speaking asked me to cite him a case. I cited the one in 9 Cranch, the one in 11 Howard, and another in 103 United States Reports. As to the State authorities, I was not extravagant when I said I could cite a thousand lines of them. That is all I have to say.

Mr. RICHARDSON. Mr. Speaker, I shall not detain the Committee of the Whole by further discussion of the questions arising on this bill. Last Friday I presented very fully what I thought was a fair and clear statement of the facts involved. If I were disposed to occupy time now for the purpose of running over and answering all the arguments made by my friend from Indiana and others who have opposed the bill, I think I could do so in detail to the satisfaction of every member. I can not undertake to answer all the questions propounded by the gentleman from Indiana, because they have no relevancy or connection with the matters involved in this controversy. The circumstances of the case are simply these: The Government took this iron from the McMinnville and Manchester road; it took it when there was not an armed confederate soldier within 100 miles of that place. The officers of the United States laid this iron upon the Nashville and Chattanooga road and used it there a few months, until the war closed; they then sold to the Nashville and Chattanooga Railroad Company more than $1,500,000 worth of property; and included in that sale, as we assert, was the very iron which had been taken from the McMinnville and Manchester road and laid down on the Nashville and Chattanooga road.

These facts appearing to the subcommittee of the Committee on War Claims which investigated this case, the subcommittee assumed, as did the Committee on the Judiciary of the Forty-eighth Congress, that the Government having taken this iron from the McMinnville and Manchester road, having placed it upon the Nashville and Chattanooga road, and then having sold it to the latter road, the Government ought to account to the McMinnville and Manchester Railroad Company for the iron.

My friend from Ohio [Mr. GEDDES] says that the facts do not so appear in the record. Mr. Chairman, we did not know until he spoke in this debate that that question would be controverted. If we had anticipated such a thing I could have piled testimony upon testimony until the most skeptical man would never have questioned the matter. But the gentleman did not give me notice that he would make that objection to this bill. It had passed our committee; it had been on the Calendar for two long months; and I did not know until last Friday that this objection would be raised by the opponents of the bill.

Mr. GEDDES. Now, I think my colleague on the committee, as he has referred to the action of the committee, ought to state the additional fact as to how the bill passed the committee.

Mr. RICHARDSON. Yes, sir; it passed, as I remember, by a unanimous vote, except that the chairman voted against it, saying that he did not understand it. I do not want to state what occurred in the committee, but the gentleman has challenged me to do so.

Mr. GEDDES. I make no objection to the statement.

Mr. RICHARDSON. I say that the gentleman voted against the bill there, with the statement that he did not understand it.

Mr. GEDDES. Was not this the fact——

A MEMBER. How did the gentleman from Indiana [Mr. JOHNSTON] vote?

Mr. RICHARDSON. I do not know how the gentleman from Indiana voted. I do not want to divulge these matters which occurred in committee——

Mr. HAMMOND. I rise to a point of order, that the gentleman has no right to disclose what occurred in committee.

Mr. RICHARDSON. Then I take it all back.

I have in my hand a telegram from the president of the Nashville and Chattanooga road. I say I was surprised at the formal objection raised here; and I sent to this gentleman a copy of the RECORD containing the debate last Friday. His telegram in reply says:

On page 3371, CONGRESSIONAL RECORD, Mr. BUCHANAN wishes to know why the Nashville and Chattanooga Railroad should be paid for the iron which was taken from the McMinnville road and laid upon our track, seeming to think that we want pay for that which we have already received. The answer to this is that the United States laid the iron belonging to the McMinnville road upon our track and then sold to us at the close of the war this iron.

Mr. Chairman, I am aware this is not evidence——

A MEMBER. From what does the gentleman read?

Mr. RICHARDSON. A telegram sent to me by John W. Thomas, president and general manager of the Nashville and Chattanooga road.

The gentleman from Indiana says the Nashville and Chattanooga road is not here asking for relief. That is true. This bill proposes to settle with the McMinnville and Manchester road. The conclusion reached by the gentleman from Kentucky [Mr. STONE], the gentleman from Iowa [Mr. LYMAN], and myself—a conclusion which I think the record abundantly sustains—was that this iron having been used as I have stated, the Government ought to settle with the McMinnville and Manchester road. But it does appear that the McMinnville and Manchester road expresses its entire willingness to take, in settlement of this indebtedness, the obligation of the Nashville and Chattanooga Railroad to the General Government.

Now, I say you have no right to complain of that. If the McMinnville and Manchester road, the beneficiary in this bill, is willing to take the obligation of the Nashville and Chattanooga road to the Government in part payment for the very iron out of which this indebtedness arises, we say no one has the right to complain.

I say, in conclusion, the proof shows this very iron sold by the Government to the Nashville and Chattanooga road in 1865 was sold at $125 per ton, and the statement upon which the calculation was made here and the allowance to the McMinnville and Manchester road is at the rate of $85 a ton.

The Judiciary Committee of the last House, having investigated this claim, reported it unanimously, as far as I know; the subcommittee of the Committee on War Claims having carefully examined it at this session, the committee having reported it, and there being no dissenting report—two committees having examined the complicated facts presented in this record, it does seem to me the House ought to be satisfied with it and make the settlement that is asked to be made.

I am reminded it does not take money out of the Treasury, but is simply a settlement of accounts. I move the bill be laid aside to be reported to the House with the recommendation that it do pass.

The committee divided; and there were—ayes 57, noes 62.

Mr. RICHARDSON. I make the point that no quorum has voted.

The CHAIRMAN appointed as tellers Mr. RICHARDSON and Mr. GEDDES.

The committee again divided.

Mr. RICHARDSON. I withdraw my point of no quorum.

Mr. GEDDES. I renew it.

Mr. MILLS. I move the committee rise, as it is apparent there is no quorum in the House.

The CHAIRMAN. That motion can not be entertained.

Mr. RICHARDSON. There is no quorum in the committee at present, and I ask by unanimous consent the bill go to the House with report of the facts as they have occurred, and when we go into the House the vote can be taken.

Mr. GEDDES. It must be recommended one way or the other.

Mr. HOLMAN. The usual practice in such cases is to report the bill to the House without recommendation.

Mr. RICHARDSON. I have no objection to that if the record shows how the fact is.

The CHAIRMAN. The tellers reported—ayes 74, noes 68.

Mr. HOLMAN. I ask unanimous consent to report the bill to the House without recommendation.

The CHAIRMAN. If there be no objection the bill will be laid aside to be reported to the House without recommendation.

Mr. BAYNE. Upon the understanding the yeas and nays are to be called upon its passage.

The CHAIRMAN. If there is no objection that will be done.

Mr. SPRINGER. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HATCH reported back without recommendation either way the bill (H. R. 5194) directing the Quartermaster-General to settle with the McMinnville and Manchester Railroad Company, and for other purposes.

CHANGE OF RANK ON RETIRED-LIST.

The first business coming over from a previous day was the bill (H. R. 37) to change the rank of an officer on the retired-list of the Army.

The SPEAKER. This bill was reported to the House on the 9th of April with an adverse recommendation.

Mr. STEELE. I ask that this bill go over in the absence of the chairman of the Committee on Military Affairs.

Mr. PRICE. I object.

Mr. WHEELER. That bill comes from the Committee on Military Affairs, and I ask the gentleman to withdraw his objection.

Mr. STEELE. I move that it be laid aside, to come up in its proper order on next Friday.

Mr. McMILLIN. I object to that.

Mr. STEELE. The chairman of the committee on Military Affairs is absent.

Mr. WARNER, of Ohio. The previous question is not pending upon the bill, I believe.

The SPEAKER. It is not.

Mr. PRICE. This bill is in charge of the gentleman from Alabama [Mr. WHEELER], not the chairman of the Committee on Military Affairs.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Indiana to lay aside the bill, to be acted upon next Friday.

The motion was agreed to.

EMMA H. FISH.

The next bill reported from the Committee of the Whole with a favorable recommendation was the bill (H. R. 1185) for the the relief of Emma H. Fish, with amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LYMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FERRY ACROSS THE MISSOURI RIVER, FORT BUFORD.

The next bill reported from the Committee of the Whole with a favorable recommendation was the bill (H. R. 1280) to authorize Frank W. Hunt to erect and maintain a ferry across the Missouri River at the military reservation of Fort Buford, Dakota Territory, with amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WAKEFIELD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

THOMAS F. PURNELL.

The next bill reported from the Committee of the Whole with a favorable recommendation was the bill (H. R. 2397) for the relief of Thomas F. Purnell.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LANHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALEXANDER SMILEY.

The next bill reported from the Committee of the Whole with a favorable recommendation was the bill (S. 221) for the relief of Alexander Smiley.

The bill was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

Mr. WILLIS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MRS. FANNIE S. CONWAY.

The next bill reported from the Committee of the Whole with a favorable recommendation was the bill (H. R. 914) for the relief of Mrs. Fannie S. Conway, with amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

Mr. WILLIS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN FRASER.

The next bill reported from the Committee of the Whole with a favorable recommendation was the bill (H. R. 1982) for the relief of John Fraser.

The bill was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

Mr. BUCHANAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

H. H. FAULKNER AND MARY WOODLEE.

The next bill reported from the Committee of the Whole with a favorable recommendation was the bill (H. R. 2357) for the relief of H. H. Faulkner and Mary Woodlee.

The bill was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

Mr. NEAL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

M'MINNVILLE AND MANCHESTER RAILROAD.

The next bill reported from the Committee of the Whole, without recommendation, was the bill (H. R. 5194) directing the Quartermaster-General to settle with the McMinnville and Manchester Railroad, and for other purposes.

Mr. RICHARDSON. It will be necessary to have a yea-and-nay vote on this bill, and inasmuch as it is evident there is no quorum present, I move that the House take a recess until 7.30 o'clock this evening for the consideration of pension bills under the special order.

Mr. WARNER, of Ohio. I think there is a quorum present.

Mr. RICHARDSON. Then I withdraw the motion.

CONTESTED ELECTION—PAGE VS. PIRCE.

Mr. ELY, from the Committee on Elections, presented the views of the minority of the committee on the contested-election case of Page vs. Pirce; which were ordered to be printed, to accompany the report of the committee.

ORDER OF BUSINESS.

Mr. HALSELL. I ask consideration of the resolution which I send to the desk.

The SPEAKER. The resolution will be read, subject to objection.

The Clerk read as follows:

Resolved, That Tuesday, April 20, 1886, after the reading of the Journal, be fixed for the consideration of House bill No. 2851, to provide for ascertaining and settling private land claims in the Territories of New Mexico and Arizona and the State of Colorado, reported from the Committee on Private Land Claims; this order, however, not to interfere with general appropriation and revenue bills, or special orders heretofore made by the House.

The SPEAKER. Is there objection to the consideration of the resolution?

Mr. WILLIS. I will ask the gentleman to include in that also the river and harbor appropriation bill.

Mr. HOLMAN. I would suggest a further exception, that bills reported from the Committee on Public Lands be excepted.

Mr. HALSELL. I accept the suggestion.

The SPEAKER. Is there objection?

Mr. OATES. I object.

JOSEPH W. M'CLURG.

Mr. BLAND. I ask unanimous consent to take from the table and have referred to the Committee on War Claims the bill (H. R. 3521) for the relief of Joseph W. McClurg. The bill was tabled on an adverse report, and I ask that it be taken from the table and recommitted to the War Claims Committee.

There was no objection, and it was so ordered.

PUBLIC BUILDINGS.

Mr. DIBBLE, by unanimous consent, from the Committee on Public Buildings and Grounds, reported back with amendments the bill (H. R. 6873) relating to the construction of public buildings; which was referred to the Committee of the Whole House on the state of the Union,

and, with the amendments and accompanying report, ordered to be printed.

WASHINGTON MONUMENT GROUNDS.

Mr. DIBBLE, by unanimous consent, from the Committee on Public Buildings and Grounds, also reported back with amendments the bill (H. R. 5097) to regulate the use of the grounds of the Washington National Monument, known as public reservation No. 3 of the city of Washington, D. C.; which was referred to the House Calendar, and, with the amendments and accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. RICHARDSON. I move that the House do now take a recess until half past 7 o'clock for consideration of business under the special order.

The question being taken, there were—ayes 92, noes 24.

The SPEAKER. The gentleman from Tennessee [Mr. MCMILLIN] will occupy the chair at the evening session as Speaker *pro tempore*.

The result of the vote was announced; and accordingly (at 4 o'clock and 40 minutes p. m.) the House took a recess until 7 o'clock and 30 minutes p. m.

EVENING SESSION.

The recess having expired, the House reassembled (at half past 7 o'clock p. m.), and was called to order by Mr. MCMILLIN as Speaker *pro tempore*.

ORDER OF BUSINESS.

Mr. SWOPE. I move that the House resolve itself into Committee of the Whole House for the consideration of the Private Calendar under the special order of the House for Friday evening.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. HATCH in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of bills upon the Private Calendar under the special order of the House. The Clerk will report the first bill under the order.

The first business on the Private Calendar was the bill (H. R. 5693) for the relief of Maria K. Ritter.

The bill was read.

Mr. MORRILL. I ask that this bill be passed over informally for the present.

There was no objection, and it was so ordered.

The next business on the Private Calendar was the bill (H. R. 4097) for the relief of William J. Owings.

The Clerk commenced to read the bill.

Mr. MORRILL. I ask that this bill be passed over informally for the present.

There was no objection, and it was so ordered.

Mr. SWOPE. I ask unanimous consent that the members present may be permitted to call up bills out of their regular order on the Calendar, such bills as are in order under the special order for Friday sessions, as they may see proper.

Objection was made.

Mr. HIESTAND. I desire to call up——

The CHAIRMAN. The Chair will state to the gentleman from Pennsylvania [Mr. HIESTAND] that the request that bills may be called up out of their order has been objected to. Some members prefer that the bills on the Calendar shall be called in their regular order, believing that in this way all the bills on the Calendar embraced in the special order may be disposed of to-night.

The next business on the Private Calendar was the bill (H. R. 1201) for the relief of Mary Howard Farquhar.

The CHAIRMAN. This is one of the bills that were passed over informally at the last Friday evening session.

Mr. MCMILLIN. I move that it be passed over informally for the present.

The motion was agreed to.

SANFORD C. WILLHOITE.

The next business on the Private Calendar was the bill (H. R. 3972) granting a pension to Sanford C. Willhoite.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sanford C. Willhoite, late a private in Company E, Thirtieth Regiment of Kentucky Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ROBERT H. STAPLETON.

The next business on the Private Calendar was the bill (H. R. 4797) granting a pension to Robert H. Stapleton.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Robert H. Stapleton, late colonel of the Third Regiment New Mexico Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES A. CHASE.

The next business on the Private Calendar was the bill (H. R. 6372) to pension Charles A. Chase.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws of the United States, the name of Charles A. Chase, of Fairfield, Me., late of Company C, Thirteenth Maine Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

EMELINE F. ROBERTS.

The next business on the Private Calendar was the bill (H. R. 3741) granting a pension to Emeline Roberts.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby directed to place on the pension-roll the name of Emeline Roberts, widow of James Roberts, late of Company D, of the Twenty-ninth Regiment of Wisconsin Volunteers, in the late war, at the rate of $8 per month, subject to the rules and regulations of the Interior Department.

The Committee on Invalid Pensions recommended the following amendment:

In line 4, insert after the word "roll" the words "subject to the provisions and limitations of the pension laws."

In line 6, insert the initial "F."

In lines 7, 8, and 9, strike out the words "in the late war, at the rate of $8 per month, subject to the rules and regulations of the Interior Department."

The amendments were adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM ANTES.

The next business on the Private Calendar was the bill (H. R. 5329) granting a pension to William Antes.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Antes, late of Company C, First Regiment United States Artillery Volunteers.

The Committee on Invalid Pensions recommended the following amendment:

In line 7, strike out the word "volunteers."

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ROBERT BEARD.

The next business on the Private Calendar was the bill (H. R. 5899) to place the name of Robert Beard on the pension-roll.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, directed to place the name of Robert Beard, late of Company B, One hundred and first Regiment United States Colored Troops, on the pension-roll, subject to the provisions and limitations of the pension laws.

The Committee on Invalid Pensions recommended the following amendment:

In line 3, strike out the word "Treasury" and insert in lieu thereof "Interior."

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

CHARLOTTE ALGIER.

The next business on the Private Calendar was the bill (H. R. 4229) granting a pension to Charlotte Algier, widow of Samuel Algier.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Mrs. Charlotte Algier, widow of Samuel Algier, late a private in Company G, Thirty-first Regiment Pennsylvania Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES F. WARD.

The next business on the Private Calendar was the bill (H. R. 5643) granting an increase of pension to Charles F. Ward.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to pay to Charles F. Ward, formerly of the ship Vermont, United States Navy, a pension of $50 a month from and after the passage of this act, in lieu of the pension now received by him.

The Committee on Invalid Pensions recommended the following amendment:

In line 6, strike out "$50" and insert "$24."

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

BRIDGET M. CULLEN.

The next business on the Private Calendar was the bill (H. R. 6183) for the relief of Bridget M. Cullen.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions of the pension laws, the name of Bridget M. Cullen, widow of Patrick Cullen, late a private in Company B, Ninetieth New York Volunteers, at the rate of $12 per month.

The Committee on Invalid Pensions recommended the following amendment:

In lines 7 and 8, strike out the words "at the rate of $12 per month."

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

SYLVESTER ROOT.

The next business on the Private Calendar was the bill (H. R. 3054) granting a pension to Sylvester Root.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sylvester Root, late of Company E, Twenty-seventh Regiment Massachusetts Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. BRADY. Would it be in order to move that members be permitted to call up bills out of their regular order?

The CHAIRMAN. That request has already been made and has been objected to.

H. L. KYLER.

The next business on the Private Calendar was the bill (H. R. 1818) granting a pension to H. L. Kyler.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and instructed to restore to the pension-roll the name of H. L. Kyler, under pension-certificate numbered 117536.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LEMUEL ADAMS.

The next business on the Private Calendar was the bill (H. R. 7468) granting a pension to Lemuel Adams.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lemuel Adams, a private in Capt. John Tremble's company, Major Russell's battalion, war of 1812.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

SOLOMON MESSER.

The next business on the Private Calendar was the bill (H. R. 3166) granting a pension to Solomon Messer.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby directed to place the name of Solomon Messer, late of Nathaniel Kelsey's company, North Carolina troops, in removing the Cherokee Indians, on the pension-roll, subject to the limitations of the pension laws.

The committee recommended amending the bill by inserting after the words "late of" the words "Nathaniel Kelsey's," so as to read "late of Nathaniel Kelsey's company, &c.

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JENNETTE S. KENT.

The next business on the Private Calendar was the bill (S. 231) granting a pension to Jennette S. Kent.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jennette S. Kent, dependent mother of James S. Kent, late a corporal in Company G, Second Regiment of United States Sharpshooters.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

CATHARINE WHITESELL.

The next business on the Private Calendar was the bill (H. R. 6590) granting a pension to Catharine Whitesell.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Catharine Whitesell, widow of Dr. George L. Whitesell, as if the said Dr. George L. Whitesell had been mustered into the military service of the United States during the war of the rebellion as an assistant surgeon with the rank of captain.

The Committee on Invalid Pensions recommended an amendment striking out, after the word "rebellion," the words "as an assistant surgeon with the rank of captain" and inserting the words "and pay her the pension of the widow of an assistant surgeon."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARGARET J. REIGHTER.

The next business on the Private Calendar was the bill (H. R. 5761) granting a pension to Margaret J. Reighter.

The bill was read, as follows:

Be it enacted, &c. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret J. Reighter, widow of Andrew J. Reighter, late of Company H, First Regiment Pennsylvania Reserve Volunteers, and that her pension shall date from February 4, 1863.

The Committee on Invalid Pensions recommended an amendment striking out the words "and that her pension shall date from February fourth, eighteen hundred and sixty-three."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ANN E. COONEY.

The next business on the Private Calendar was the bill (H. R. 4544) granting a pension to Ann E. Cooney.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ann E. Cooney, who served as a hospital nurse during the late rebellion, at the rate of $25 dollars per month.

The Committee on Invalid Pensions recommended an amendment striking out the words "twenty-five" and inserting in lieu thereof "twenty."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ISAAC N. MINSHALL.

The next business on the Private Calendar was the bill (S. 283) granting a pension to Isaac N. Minshall.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Isaac N. Minshall, late of Company F, Eleventh Ohio Volunteers, and Company C, Seventy-fifth Ohio Volunteer Infantry.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES WOLFE.

The next business on the Private Calendar was the bill (H. R. 1768) granting a pension to James Wolfe.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James Wolfe, late a private in Company F, Second Pennsylvania Volunteer Infantry.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ANNIE BAGLEY.

The next business on the Private Calendar was the bill (H. R. 1627) granting a pension to Annie Bagley.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Annie Bagley, widow of Robert F. Bagley, late a sergeant of Company F, Fifty-first New York Volunteers, as though her said husband had contracted the disability of which he died in the military service of the United States.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

SOPHRONIA WITHAM.

The next business on the Private Calendar was the bill (H. R. 7641) granting a pension to Sophronio Witham.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Sophronia Witham, widow of Robert McGill, late a private in Company A, Twelfth Regiment Maine Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

HENRY BROOKS.

The next business on the Private Calendar was the bill (H. R. 5472) to increase the pension of Henry Brooks.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of Henry Brooks, late of Company E, Fifth Vermont Volunteers, to $18 per month.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN F. CHASE.

The next business on the Private Calendar was the bill (H. R. 4382) to increase the pension of John F. Chase.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of John F. Chase, late of the Fifth Maine Battery, to the sum of $50 per month.

The Committee on Invalid Pensions recommended striking out the word "fifty" and inserting "forty-six," so as to make it read "forty-six dollars per month."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN M. MATTINGLY.

The next business on the Private Calendar was the bill (H. R. 5951) granting a pension to John M. Mattingly.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John M. Mattingly, late a private in Company A, Tenth Regiment Kentucky Volunteers, at the rate of $8 per month.

The Committee on Invalid Pensions recommended an amendment striking out the words "at the rate of $8 per month" and inserting "subject to the provisions and limitations of the pension laws."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

LARKIN G. MEAD.

The next business on the Private Calendar was the bill (H. R. 5283) granting a pension to Larkin G. Mead.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll the name of Larkin G. Mead, late assistant surgeon of the Eighteenth Wisconsin Volunteers, at the rate of —— dollars a month, subject to the provisions and limitations of the pension laws.

The Committee on Invalid Pensions recommended striking out the words "at the rate of —— dollars a month," and inserting "subject to the provisions and limitations of the pension laws."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ARETUS F. LOOMIS.

The next business on the Private Calendar was the bill (H. R. 7018) granting a pension to Aretus F. Loomis.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, directed to place the name of Aretus F. Loomis on the pension-roll, subject to the provisions and limitations of the pension laws.

The Committee on Invalid Pensions recommended inserting after the name "Loomis," in line 4, the words "late a private in Company K, One hundred and twenty-fifth New York Volunteers."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARY A. SHANNON.

The next business on the Private Calendar was the bill (H. R. 1766) granting a pension to Mary A. Shannon.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations and restrictions of the pension laws, the name of Mary A. Shannon, widow of Criner C. Shannon, late a private in Company G, One hundred and eighteenth Regiment Ohio Volunteer Infantry.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARTIN JACOBY.

The next business on the Private Calendar was the bill (H. R. 4699) granting a pension to Martin Jacoby.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Martin Jacoby, of Lancaster County, Pennsylvania, for the loss of his two sons, David Jacoby, of Company C, Seventeenth Regiment Pennsylvania Cavalry, and Martin Jacoby, jr., of the Seventy-ninth Regiment Pennsylvania Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

DAVID L. M'DERMOTT.

The next business on the Private Calendar was the bill (H. R. 5435) granting a pension to David L. McDermott.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of David L. McDermott, late a private in Company K, of the One hundred and seventh Regiment of Pennsylvania Volunteers, and pay the said David L. McDermott a pension at the rate of $8 per month, commencing from the 4th day of March, 1862, the date of the wounding of the said David L. McDermott.

The amendment reported by the committee was read, as follows:

At the end of the bill strike out all after the words "Pennsylvania Volunteers."

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOSIE H. BABB.

The next business on the Private Calendar was the bill (H. R. 7330) granting a pension to Josie H. Babb.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Josie H. Babb, widow of John W. Babb, late a private in Company I, Fifteenth Regiment New Hampshire Volunteers.

The amendment reported by the committee was read, as follows:

In line 6 strike out the word "private" and insert "musician."

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

PATRICK M'KEAN.

The next business on the Private Calendar was the bill (H. R. 7329) granting a pension to Patrick McKean.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Patrick McKean, formerly of Company K, Eighth Regiment New Hampshire Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

FERDINAND KOEHLER.

The next business on the Private Calendar was the bill (H. R. 6770) granting a pension to Ferdinand Koehler.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ferdinand Koehler, late of Company C, Second Regiment Missouri Artillery (pension claim No. 272760).

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

HENRY B. HAVENS.

The next business on the Private Calendar was the bill (H. R. 6780) granting a pension to Henry B. Havens.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henry B. Havens, late of Company I, Twenty-third Regiment Missouri Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

SAMUEL W. BOWLING.

The next business on the Private Calendar was the bill (H. R. 6797) to place the name of Samuel W. Bowling on the pension-roll.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, instructed to place the name of Samuel W. Bowling, late a private in Company D, of the Eleventh Regiment of Kansas Volunteer Cavalry, on the pension-roll, subject to the limitations and provisions of the pension laws of the United States.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM M. SWARTZ.

The next business on the Private Calendar was the bill (H. R. 6725) granting a pension to William M. Swartz.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the pension laws, the name of William M. Swartz, late of Company F, Forty-sixth Regiment Ohio Infantry Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARIA KILE.

The next business on the Private Calendar was the bill (H. R. 4145) granting a pension to Maria Kile.

The bill was read, as follows:

Be it enacted &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Maria Kile, mother of Nathaniel Kile, late a member in Company K, Fifty-sixth Regiment, New York Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MISS REBECCA MILLER.

The next business on the Private Calendar was the bill (S. 813) granting a pension to Miss Rebecca Miller.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Miss Rebecca Miller, daughter of the late Brigadier-General Miller, at the rate of $50 per month.

Mr. PETERS. I would like to hear the report in this case.

The report (by Mr. ELDREDGE) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 813) granting a pension to Miss Rebecca Miller, make the following report:

The father of the lady for whose benefit this bill is introduced was the Colonel Miller who, at the battle of Lundy's Lane, in Canada, in the war of 1812, when asked if he could capture a certain battery of the enemy that was doing great damage to our forces, replied, "I'll try, sir," and instantly charged the battery with his regiment, a most desperate undertaking, and in an almost incredibly short space of time took and silenced the battery, and the battle of Lundy's Lane was won.

His laconic as well as patriotic reply has ever since been the battle-cry of our soldiers, and he has inspired many a heroic deed by officers and men.

Colonel Miller became a general, and performed faithful and gallant service until the conclusion of peace with Great Britain.

He died leaving two maiden daughters, with no property but a homestead, a small farm, which afforded them but a meager support. Congress passed an act granting to these two sisters a pension of $15 per month each some years since.

In September, 1855, the younger sister died, leaving Rebecca Miller, the one mentioned in this bill, now seventy-two years old and terribly crippled by rheumatism, entirely unable by age and disease to perform any kind of work, and without any means of support except the small pension heretofore granted her and the little (and which is very slight, often not paying expenses of cultivation), which she receives from the little farm which she occupies.

It is true that when her father performed the gallant acts as a soldier which made him famous throughout the whole civilized world, she was but an infant, and had nothing to do with her father's grand soldierly conduct or the benefits he gave his country, but your committee deem it no more than just, at least magnanimous in a great country as this has now become, to give this only surviving child—now old, decrepit, and needy—of a soldier who performed such gallant service to his country a sum sufficient to render her life comfortable during the short time she will be likely to live.

Attached hereto are two petitions, signed by men of high standing.

The committee are also in possession of several affidavits of leading citizens, including medical evidence of her enfeebled condition.

The committee do therefore recommend its passage.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ALLEN P. JACOBS.

The next business on the Private Calendar was the bill (H. R. 5622) granting a pension to Allen P. Jacobs.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place the name of Allen P. Jacobs, a soldier of the war of 1812, on the pension-roll, subject to the provisions of the act entitled "An act granting pensions to certain soldiers and sailors of the war of 1812, and the widows of deceased soldiers," approved February 14, 1871, as of February 14, 1871.

The amendment reported by the committee was read, as follows:

Strike out all after the word "pension-roll," in line 6, and insert "and pay him a pension at the rate of $25 a month from and after the passage of this act.

Mr. BRADY. I ask that the report in this case be read.

The report (by Mr. BRADY) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 5622) granting a pension to Allen P. Jacobs, having had the same under consideration, submit the following report:

That Allen P. Jacobs, of Owen County, Kentucky, before he was sixteen years of age, was sent by his father to attend his sick brother, Elijah —. Jacobs, who was a soldier in Captain Williams's company, Colonel Whistler's regiment, in the war of 1812; that upon his arrival at Dayton, Ohio, where the United States troops were then located, he, the said Allen P. Jacobs, finding that his brother had recovered from his sickness, joined Col. R. M. Johnson's regiment in its pursuit of the Indians and British, and that on the 5th day of October, 1813, this command was engaged with the enemy at the battle of the River Thames; that young Allen P. Jacobs was conspicuous for his bravery in said battle, in which he was severely wounded by a bullet-shot through the thigh, about midway between the hip joint and the knee. It does not appear from the records of the War Department that he was regularly mustered into the service of the United States, and therefore the Pension Office have not acted upon his application for pension; but that as a boy he volunteered, served gallantly in the field with the United States Army, and was severely wounded, as above stated, is clearly shown by the testimony filed with the papers in the case and examined by the committee.

This veteran is now nearly eighty-nine years of age, he is almost helpless, and still a great sufferer from the wound he received in his country's service seventy-three years ago, and now in his old age he is compelled to live on the charity and kindness of friends.

Your committee recommend that the bill be amended, and as amended that it do pass.

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARY MURPHY.

The next business on the Private Calendar was the bill (H. R. 4730) for the relief of Mary Murphy.

The bill was read, as follows:

Be it enacted, &c., That the name of Mary Murphy, widow of Thomas Murphy, late a private of marines, may be placed on the pension-roll of the United States Pension Office, together with such of her children as were minors at the date of the death of the said Thomas Murphy, November 29, 1874, subject to the limitations and provisions of the pension laws, and to commence from the date of the death of the said Murphy.

The amendment reported by the committee was to make the bill read as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Mary Murphy, widow of Thomas Murphy, late a private of marines, on the pension-roll of the United States, subject to the limitations and provisions of the pension laws.

Mr. BRADY. I ask that the report in this case be printed in the RECORD.

There being no objection, it was ordered accordingly.

The report (by Mr. BRADY) was as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4730) granting a pension to Mary Murphy, having had the same under consideration, respectfully submit the following report:

That Mary Murphy is the widow of Thomas Murphy, late a private of the United States Marine Corps, and her application for pension was rejected by the Pension Office on the ground that the immediate cause of her said husband's death was typhoid fever and gastritis, as shown by the death certificate of the health officer of Washington, D. C.

It appears from the evidence that the said Thomas Murphy, while in the service of the United States as a marine in the year 1866, contracted pneumonia, from which he never recovered.

Abbie Paul and Anna Parker, who knew him well, swear:

"That from the time Murphy came home he coughed badly; that the cough never left him; that the difficulty in his chest seemed to grow worse; he became weaker, until he finally died."

Arthur Flynn, a brother marine, swears:

"Murphy was disabled in service; that on account of illness he was sent to hospital, and never recovered his health, and during all the time had a bad cough, and raised a large quantity of phlegm.

Dr. G. S. Magruder, of Washington, D. C., swears:

"That he attended Thomas Murphy for pneumonia about March, 1873, and attended him through the attack."

Dr. J. E. Bracket, of Washington, D. C., swears:

"That he attended Murphy; that his condition was bad, having contracted pneumonia in the service, from which he never fully recovered, and that he died from the effects of said disease."

Dr. Bracket, at the time of Murphy's death, gave a certificate for burial to the effect that he died of typhoid fever, and upon this and the certificate of the health officer the Pension Office rejected the widow's application for pension.

In a letter dated March 4, 1866, to Hon. W. H. PERRY, Representative in the present Congress from the State of South Carolina, Dr. Bracket frankly acknowledges his error in issuing said death certificate, and is clear and positive in stating that Murphy died of consumption, contracted in the United States service. The records of the Washington naval hospital show that he was there treated for "pneumonia; duty exposure."

From the testimony herein given, the committee is of the opinion that Thomas Murphy died of disease contracted while in the service of the United States as a marine; and therefore they report back the bill with amendments, and as amended recommend that the same do pass.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with a recommendation that it do pass.

THOMAS R. WARE.

The next business on the Private Calendar was the bill (H. R. 7881) to remove the political disabilities of Thomas R. Ware, of Virginia.

The bill was read, as follows:

Be it enacted, &c., (*two thirds of each House concurring therein*), That Thomas R. Ware, of the State of Virginia, is hereby relieved of all political disabilities imposed upon him by the third section of the fourteenth amendment to the Constitution of the United States, and the same are hereby removed.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

I. G. FLOURNOY.

The next business on the Private Calendar was the bill (H. R. 7650) to remove the political disabilities of I. G. Flournoy, of Mississippi.

The bill was read, as follows:

Be it enacted, &c. (*two-thirds of each House concurring therein*), That I. G. Flournoy, of the State of Mississippi, is hereby relieved of all political disabilities imposed upon him by the fourteenth amendment to the Constitution of the United States.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

The CHAIRMAN. The Chair will state that all the pension bills in the hands of the Clerk have now been disposed of. There are other pension bills on the Calendar, but the bills and reports, having been presented yesterday, have not yet been received from the Printer.

ORDER OF BUSINESS.

Mr. MORRILL. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having resumed the chair as Speaker *pro tempore*, Mr. HATCH reported that the Committee of the Whole House, having had under consideration bills upon the Private Calendar, had directed him to report sundry bills to the House with various recommendations.

BILLS PASSED.

The following bills, reported from the Committee of the Whole without amendments, were severally ordered to be engrossed for a third reading; and being engrossed, were accordingly read the third time, and passed; namely:

A bill (H. R. 3972) granting a pension to Sanford C. Willhoite;

A bill (H. R. 4797) granting a pension to Robert H. Stapleton;

A bill (H. R. 6372) to pension Charles A. Chase;

A bill (H. R. 4229) granting a pension to Charlotte Algier, widow of Samuel Algier;

A bill (H. R. 3054) granting a pension to Sylvester Root;

A bill (H. R. 1818) granting a pension H. L. Kyler;

A bill (H. R. 7468) granting a pension to Lemuel Adams;

A bill (H. R. 1768) granting a pension to James Wolfe;
A bill (H. R. 1627) granting a pension to Annie Bagley;
A bill (H. R. 7641) granting a pension to Sophronia Witham;
A bill (H. R. 5472) granting a pension to Henry Brooks;
A bill (H. R. 1766) granting a pension to Mary A. Shannon;
A bill (H. R. 4699) granting a pension to Martin Jacoby;
A bill (H. R. 7329) granting a pension to Patrick McKenn;
A bill (H. R. 6770) granting a pension to Ferdinand Koehler;
A bill (H. R. 6780) granting a pension to Henry B. Havens;
A bill (H. R. 6797) to place the name of Samuel W. Bowling upon the pension-roll;
A bill (H. R. 6725) granting a pension to William M. Swartz; and
A bill (H. R. 4145) granting a pension to Maria Kile.

Bills of the following titles were severally reported from the Committee of the Whole with amendments, the amendments were agreed to, and the bills as amended were ordered to be engrossed for a third reading; and, being engrossed, were accordingly read the third time, and passed, namely:

A bill (H. R. 3741) granting a pension to Emeline Roberts;
A bill (H. R. 5329) granting a pension to William Antes;
A bill (H. R. 5899) to place the name of Robert Beard on the pension-roll;
A bill (H. R. 5643) granting an increase of pension to Charles F. Ward;
A bill (H. R. 6183) for the relief of Bridget M. Cullen;
A bill (H. R. 3166) granting a pension to Solomon Messer;
A bill (H. R. 6590) granting a pension to Catharine Whitesell;
A bill (H. R. 5761) granting a pension to Margaret J. Reighter;
A bill (H. R. 4544) granting a pension to Ann E. Cooney;
A bill (H. R. 4382) to increase the pension of John F. Chase;
A bill (H. R. 5951) granting a pension to John M. Mattingly;
A bill (H. R. 5283) granting a pension to Larkin G. Mead;
A bill (H. R. 7018) granting a pension to Aretus F. Loomis;
A bill (H. R. 5435) granting a pension to David L. McDermott;
A bill (H. R. 7330) granting a pension to Josie H. Babb;
A bill (H. R. 5622) granting a pension to Allen P. Jacobs; and
A bill (H. R. 4730) for the relief of Mary Murphy.

The following Senate bills, reported from the Committee of the Whole, were severally ordered to a third reading; and were accordingly read the third time and passed, namely:

A bill (S. 231) granting a pension to Jennette S. Kent;
A bill (S. 283) granting a pension to Isaac N. Minshall; and
A bill (S. 813) granting a pension to Mrs. Rebecca Miller.

The following bills for the removal of political disabilities were passed (two-thirds voting in favor thereof), namely:

A bill (H. R. 7650) to remove the political disabilities of I. G. Fournoy, of Mississippi; and
A bill (H. R. 7881) to remove the political disabilities of Thomas R. Ware, of Virginia.

Mr. BRADY moved to reconsider the several votes by which pension bills were passed; and also moved to lay that motion on the table.

The latter motion was agreed to.

And then, on motion of Mr. MORRILL (at 8 o'clock and 12 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: Petition of W. L. B. Wheeler, to be paid for articles taken for the United States Army during the late war—to the Committee on War Claims.

By Mr. BOUTELLE: Petition of the Woman's National Indian Association of Bangor, Me, and citizens of the fourth Congressional district of Maine, in favor of the passage of Senate bill No. 52—to the Committee on Indians Affairs.

By Mr. W. W. BROWN: Resolutions of the Board of Trade and Transportation of Cincinnati, Ohio, against the building of a bridge across the Ohio River at or near Cairo—to the Committee on Commerce.

By Mr. BUTTERWORTH: Petition of Charles H. Wiltberger, executor for reference of claim to the Court of Claims—to the Committee on War Claims.

Also, memorial of Local Assembly No. 1781, Knights of Labor, of Cincinnati, Ohio, in favor of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. CANDLER: Papers relating to the claim of B. P. Rogers, of Atlanta, and Ambrose Chewsing, of De Kalb County, Georgia—to the Committee on War Claims.

By Mr. COMSTOCK: Petition of 10 members of the Samuel Judd Post, of 15 members of the John A. Dix Post, and of 8 members of Zach Chandler Post, No. 35, Grand Army of the Republic, of Michigan, asking that an increase of pension be granted Mary E. Champlin, widow of the late Brig. Gen. Stephen G. Champlin—to the Committee on Invalid Pensions.

By Mr. DINGLEY: Petition of Labor Assembly No. 2734, Knights of Labor, of Grape Creek, Ill., against the passage of the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. EVERHART: Petition of citizens of Chester County, Pennsylvania, praying for the abolition of the liquor traffic in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. GAY: Resolutions by commissioners of the States and Territories at the last meeting of the North, Central, and South American Exposition—to the Select Committee on American Ship-building and Ship-owning interests.

By Mr. GIFFORD: Petition of Mrs. C. M. Cloud and others, for temperance education in the District of Columbia and Territories—to the Committee on Education.

Also, petition of Lieut. Col. E. M. Foster and others, praying that a pension be granted Mary L. Bradley, formerly Mary L. Smith—to the Committee on Invalid Pensions.

By Mr. GROUT: Testimony in support of House bill granting a pension to Sally B. Bent—to the same committee.

Also, petition of J. B. Sanderson and 86 others, citizens of Highgate, Vt., asking for a tax upon the manufacture and sale of oleomargarine—to the Committee on Agriculture.

By Mr. HOLMAN: Petition of Mrs. Thomas Smith and 13 other ladies of Versailles, Ripley County, Indiana, in favor of the passage of the temperance educational bill—to the Committee on Education.

Also, petition of George Crilly, for relief against the frauds perpetrated on the settlers, under patent from the United States, of lands on the Des Moines River, Iowa—to the Committee on the Public Lands.

Also, petition of Joseph F. Klemme and 30 others, citizens of Blue Creek, Franklin County, Indiana; and of Adam Stenger and 42 others, citizens of Southgate, Ind., in favor of the bill providing for payment for rent, light, and fuel of third and fourth class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. KELLEY: Petition of the executive board of the Woman's National Indian Association, praying for the passage of Senate bill 52, known as the Dawes Sioux bill—to the Committee on Indian Affairs.

Also, petition of Isabel L. Chamberlain, guardian of Isabel M. Evans, minor child of John J. Evans, for rerating and reissue of pension—to the Committee on Pensions.

By Mr. LA FOLLETTE: Petition of the Woman's Indian Relief Association of Madison, Wis., praying for the passage of Senate bill No. 52, opening a portion of the Sioux reservation of Dakota to settlement—to the Committee on Indian Affairs.

By Mr. McADOO: Petition of shippers of cattle in New Jersey—to the Committee on Commerce.

By Mr. McCOMAS: Petition of Knights of Labor of Cumberland, Md., against the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. MURPHY: Petition from Davenport, Iowa, in favor of a national board of health—to the Committee on Appropriations.

By Mr. NEECE: Petition of 100 citizens of Burnside, Ill., asking for a law embodying the recommendations of the Grand Army of the Republic—to the Committee on Invalid Pensions.

Also, resolutions of the Grand Army of the Republic of Illinois, praying for an appropriation to procure tombstones for soldiers' graves—to the Committee on Military Affairs.

By Mr. J. J. O'NEILL: Memorial of the Merchants' Exchange of Saint Louis, urging subsidies for South and Central American steamship lines from New Orleans—to the Committee on Commerce.

By Mr. PERKINS: Resolutions of the Veterans' Rights Union, of Kansas, asking for legislation giving to all honorably discharged Union soldiers preference in matters of appointment and employment by the Government in the civil service—to the Select Committee on Reform in the Civil Service.

By Mr. PRICE: Memorial of the board of supervisors of Erin, Wis., on interstate commerce—to the Committee on Commerce.

Also, memorial of Knights of Labor of Black River Falls, Wis., for Territorial government for Indian Territory, and opening up to settlement under the homestead law all public lands—to the Committee on the Territories.

Also, memorial of Knights of Labor of Black River Falls, Wis., in favor of the Oates bill, making it impossible for aliens to obtain title to United States lands—to the Committee on the Public Lands.

By Mr. RANDALL: Petition of Robt. J. Mitchell for compensation for preparing digest of the decisions of the Second Comptroller—to the Committee on Appropriations.

By Mr. REAGAN: Petition and remonstrance of merchants and traders, of Baltimore, Md., setting forth the frauds committed in the District of Columbia by the renting of licenses to sell goods as drummers, and by persons fraudulently transacting business of drummers under pretense of being partners in local business houses in the District of Columbia—to the Committee on Commerce.

By Mr. RIGGS: Petition of T. F. Leeper, of Linn, Ill., for the passage of House bill 3973—to the Committee on Ways and Means.

Also, petition of citizens of Scott and other counties of Illinois, praying for a pension for Marshall Smith, of Oxville, Ill.—to the Committee on Pensions.

By Mr. ROMEIS: Petition of Knights of Labor Local Assembly, No.

2529, of Toledo, Ohio, against free ships—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. SENEY: Paper of W. F. Shuman, for the passage of House bill 3973—to the Committee on Ways and Means.

By Mr. SPRINGER: Petition of W. S. Warner, of Lowder, Ill., in favor of the Arthur Kill bridge—to the Committee on Commerce.

By Mr. W. J. STONE, of Kentucky: Petition of Mary Henderson to have the name of James L. Henderson placed on the muster roll of Company B, Sixteenth Regiment Kentucky Volunteers—to the Committee on Military Affairs.

By Mr. ——— TAYLOR: Papers in the case of Corrona, Taussig & Co.—to the Committee on Claims.

By Mr. TUCKER: Petition of P. B. Young, administrator, praying that the war claim of Daniel W. Kennedy, deceased, of Nelson County, Virginia, be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WHEELER: Petition of Samuel C. Pointer, asking that papers in his claim be referred to the Court of Claims—to the same committee.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. NEECE: Of Knights of Labor of Bushnell, Ill.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. MORRISON: Of citizens of Washington, Saint Clair, and Madison Counties, Illinois.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April* 17, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

WEATHER MAP OF SIGNAL BUREAU.

The SPEAKER, under the rule, laid before the House a letter from the Secretary of War, transmitting, with inclosures, a letter from the Chief Signal Officer concerning the claim of the American Graphic Company for publishing a weather map of the Signal Bureau, and recommending its payment; which was referred to the Committee on Appropriations, and ordered to be printed.

JOHN RANDOLPH HAMILTON.

The SPEAKER also laid before the House the bill (S. 2156) for the relief of John Randolph Hamilton, of the State of North Carolina; which was read a first and second time, and referred to the Committee on the Judiciary.

CHANGES OF REFERENCE.

The SPEAKER. The bill (H. R. 1851) granting a pension to Mrs. M. Z. Gilman, the Chair finds, on examination, should have been referred to the Committee on Pensions. In the absence of objection the Committee on Invalid Pensions will be discharged from its further consideration, and it will be referred to the Committee on Pensions.

There was no objection.

The SPEAKER. The Chair also finds that certain executive communications have been improperly referred. If there be no objection the Chair will direct the Clerk to change the reference of each to the Committee on Appropriations.

There was no objection, and the following changes of reference were accordingly made:

The Committee on Expenditures in the Treasury Department was discharged from the further consideration of the letter from the acting Secretary of the Treasury, transmitting correspondence recommending that provision be made for four additional watchmen at the silver vaults in the new post-office building, Philadelphia; and it was referred to the Committee on Appropriations.

The Committee on Expenditures in the Interior Department was discharged from the further consideration of the letter from the acting Secretary of the Treasury, transmitting letter from the Secretary of the Interior recommending that the salaries of members of the board of pension appeals be increased; and it was referred to the Committee on Appropriations.

The Committee on Expenditures in the Treasury Department was discharged from the further consideration of the letter from the Secretary of the Treasury, transmitting a letter from the Director of the Mint and asking that the salaries of the examiner of mints and the comptuter of bullion be increased to $2,500 per annum; and it was referred to the Committee on Appropriations.

The Committee on Military Affairs was discharged from the further consideration of the letter from the Secretary of the Treasury, transmitting an additional estimate from the Secretary of War of an appropriation for the Signal Service for the fiscal year ending June 30, 1887; and it was referred to the Committee on Appropriations.

The Committee on Expenditures in the Treasury Department was discharged from the further consideration of the letter from the Secretary of the Treasury, transmitting a letter from the Comptroller of the Currency relative to the inadequacy of the salary of the deputy comptroller of the currency, and recommending that it be increased; and it was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. JAMES, for four days, on account of business.

To Mr. LANDES, for one week, on account of important business.

To Mr. CRISP, for ten days.

To Mr. JOHNSON, of New York, for ten days, on account of important business.

To Mr. WADSWORTH, for ten days; and

To Mr. HEARD, for ten days, on account of important business.

CAPTAIN JOHN BURKHART.

Mr. HOLMAN. I ask unanimous consent that the House take up from the Private Calendar and pass a very small bill, involving three or four hundred dollars, for the benefit of a soldier of the late war. It is a meritorious measure. The settlement of the claim has been delayed unfortunately for many years. I am satisfied that when the bill shall have been read there will be no objection to it.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to pay to John Burkhart, late captain of Company F, One hundred and forty-sixth Regiment Indiana Volunteers, in the late war, out of any money appropriated for the pay of the Army, the pay and emoluments of captain of said company from March 1, 1865, to June 22, 1865, deducting from the sum found due him as the pay and emoluments of captain of said company for the period above specified the sums of money that have been paid to the said John Burkhart for military service, either as a private or otherwise, rendered by him during the period above specified.

Mr. BEACH. I shall not object to the consideration of the bill, but I trust my friend from Indiana will furnish the House with an explanation.

Mr. HOLMAN. Certainly. I ask that the report of the Committee on War Claims be read.

The report (by Mr. GEDDES) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 446) for the relief of Capt. John Burkhart, having considered the same and accompanying papers, submit the following report:

John Burkhart, the claimant, enlisted as a private, Company F, One hundred and forty-sixth Regiment, Indiana Volunteers, March 1, 1865, at Greensburg, Ind., to serve one year.

On regimental returns for March, April, and May he is reported as captain Company F of said regiment, president; he was mustered out with his company as private August 31, 1865, at Baltimore, Md. The military history of said claimant, obtained from the War Department, further shows that Barton W. Cole was mustered in as captain of said Company F, to date June 23, 1865, to fill original vacancy.

The claimant organized Company F at Camp Carrington, Indianapolis, Ind., and was commissioned as captain by the governor of said State on the 1st day of March, 1865, and had charge of the company from that time until the 22d day of June, 1865, during which time he was recognized and obeyed as such, and performed all the duties as captain of said company. Merrett C. Welch, the colonel of said regiment, in his testimony, says:

"During the time said Burkhart was in command of said company he was one of the most efficient company commanders in the regiment, a good disciplinarian, and the best drill officer in my regiment. He was always pleasant, yet prompt to duty, and after he ceased to command said company his bearing and conduct as a private soldier was unexceptionally good."

Your committee find from the exhibits and testimony in the case that claimant performed all the dutifes of a captain of said Company F from the date of his commission by the governor of Indiana, March 15, 1865, to the 22d of June, 1865, and failed to be mustered in on a purely technical ground. On February 24, 1865, the governor of Indiana requested of the War Department the removal of the disability occasioned by the resignation caused by John Burkhart as of the Sixty-eighth Indiana Volunteers with a view of his accepting a new commission in the One hundred and forty-sixth Indiana Volunteers. Anticipating a favorable reply, the governor, on March 1, 1865, issued a commission to said Burkhart as captain of Company F, One hundred and forty-sixth Indiana Volunteers, but said disability was not removed, and claimant was not therefore mustered in as captain, and his commission as such was on that account canceled by the governor of Indiana, and the said Barton W. Cole commissioned in his stead.

Your committee therefore recommend that claimant be allowed the pay and emoluments of a captain of said company from said 1st day of March, 1865, to said 22d day of June, 1865, deducting therefrom the sums of money that have been paid to him for military service during that period either as a private or otherwise, and for that purpose report the accompanying bill as a substitute for bill H. R. 446, and recommend the passage of the same.

Mr. REAGAN. I do not understand just what is meant by the "disability" under which this officer seems to have labored.

Mr. HOLMAN. If my friend from Texas will allow me to explain I will state that Captain Burkhart had been a lieutenant in the Sixty-eighth Indiana Regiment. He had resigned that office. Afterward, at the instance of the governor of Indiana, he raised Company F of the One hundred and forty-sixth Indiana Regiment. The governor, assuming that the objection to his being commissioned in the new regiment

would be readily removed by the War Department, gave Captain Burkhart his commission on the 1st of March, 1865. He went with his company to the seat of war, and continued to act as captain in the service till June 22, 1865. But finally the War Department declined to remove the objection on account of the former resignation, and therefore he was not mustered in and his commission was withdrawn. The service was rendered for the entire period named—three or four months—at the end of which time he resumed his post in the ranks, and served until the regiment was mustered out. Mr. Cole was appointed captain and assumed the command of the company on the 23d of June, 1865. Captain Burkhart, alike as captain and private soldier, made a most honorable and gallant record in the Union Army.

Mr. BLOUNT. I wish to ask the gentleman from Indiana a question. I see the bill directs the payment of this person to be made out of the appropriations for the pay of the Army. That is an annual appropriation, and contemplates the pay of the Army as it stands. It does not occur to me that this payment ought to be provided for in that way.

Mr. HOLMAN. I do not think my friend will find there will be any trouble about that. If there is, it will be corrected hereafter.

Mr. BLOUNT. I submit to the gentleman from Indiana himself if this would not take the money from a fund devoted to another purpose?

Mr. REAGAN. This seems to be a case in which this man resigned his position in the Army, and, having asked authority from the Government to raise an additional company, went and raised a company, and now demands the pay of captain.

Mr. HOLMAN. He not only raised the company under commission as second lieutenant, but was commissioned captain by the governor of Indiana, and actually performed the service for nearly four months.

Mr. REAGAN. He was not commissioned by the Government?

Mr. HOLMAN. He was commissioned by the governor of the State. He is reported as captain for three or four successive months. The Government had the benefit of his services for that time, and he surely is entitled to be paid for his services notwithstanding the action of the War Department.

Mr. BEACH. Will the gentleman from Indiana yield to me for a question?

Mr. HOLMAN. Yes, sir.

Mr. BEACH. I would like to know why the beneficiary of this bill can not receive the money that may be due him under the act that passed last Congress?

Mr. HOLMAN. Because of the technical objection which I have stated.

Mr. SPRINGER. Mr. Speaker, I think the objection made by the gentleman from Georgia [Mr. BLOUNT] is a valid one. The appropriations for the Army are made upon estimates of the cost of the support of the Army. This is simply a claim, and should be paid out of any money in the Treasury not otherwise appropriated.

Mr. BLOUNT. We might as well direct the Secretary of War to pay any other claim out of the Army appropriation.

Mr. SPRINGER. Certainly. Therefore I think the bill should be amended so as to direct payment to be made out of any money in the Treasury not otherwise appropriated.

Mr. HOLMAN. I consent to that amendment, although it is unnecessary, as the sum appropriated for the pay of the Army always exceeds the sum required. Let the amendment be made.

The SPEAKER. If there be no objection the amendment proposed by the gentleman from Illinois [Mr. SPRINGER] will be adopted.

There was no objection, and it was so ordered.

Mr. TAULBEE. Mr. Speaker, I would like to ask the gentleman in charge of this bill what rank this man held on the Army roll at the time for which this claim is made.

Mr. HOLMAN. The reports show that he ranked as a captain and performed duty as such.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HOLMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELIZUR B. HALL.

Mr. RYAN. Mr. Speaker, I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (H. R. 5891) to authorize a patent for the south half of the southeast quarter of section 34, in township 22, of range 15, east of the sixth principal meridian, to Elizur B. Hall, as administrator of the estate of William Frederick Schlagel, and that the House proceed to consider the same.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, &c., That a patent shall issue to Elizur B. Hall, as administrator of the estate of William Frederick Schlagel, for the south half of the southeast quarter of section 34, in township 22, of range 15, east of the sixth principal meridian, in the usual form and with the usual covenants, as far as may be practicable.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RYAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RIGHT OF WAY, ARSENAL GROUNDS, PHILADELPHIA.

Mr. ERMENTROUT. Mr. Speaker, I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of Senate bill 880, granting the right of way to the Schuylkill River East Side Railroad Company through the arsenal and naval asylum grounds at Philadelphia, Pa.

Mr. BEACH. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BEACH. I desire to know whether the bill whose consideration is now asked is on the House Calendar or on the Private Calendar.

The SPEAKER. The Senate bill is on the Private Calendar.

Mr. BEACH. I find a bill here with the same title on the House Calendar.

The SPEAKER. Yes; that is a bill reported from the Committee on Military Affairs, which the Chair thinks was erroneously put upon the House Calendar. It is a bill for the benefit of a private corporation, and properly belongs to the Private Calendar, as the Chair thinks. The Senate bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, &c., That the Schuylkill River East Side Railroad Company is hereby authorized to construct its railroad across the grounds of the United States forming a part of the grounds of the naval asylum and of the arsenal at Philadelphia, in the State of Pennsylvania; and for that purpose said company is hereby granted a width of 60 feet across said grounds for its right of way through the grounds aforesaid: *Provided*, That the location of said road through said grounds shall be approved by the Secretary of War and the Secretary of the Navy; and the damages for the use and occupation of the right of way herein granted shall be fixed by a board of two Army officers appointed by the Secretary of War and one officer of the Navy appointed by the Secretary of the Navy, and the payment of said damages so fixed shall be a condition precedent to the exercise of the rights by this act granted: *And provided further*, That in the construction of said road through said grounds the said company shall be required to construct thereon a bulkhead upon the bulkhead line on the Schuylkill River, as fixed by the port-wardens of the city of Philadelphia. As soon as the damages have been assessed by said board in the manner hereinbefore provided, the same shall be paid by said company into the Treasury of the United States: *And provided further*, That no trains of said company shall be allowed to stop or stand on said naval asylum grounds, except under such regulations as may be prescribed by the Secretary of the Navy; and that no bells or whistles shall be sounded upon any train or engine of said company while on said grounds; and that the tracks of such railroad on said naval asylum grounds shall be so arranged and paved and kept always in good order, so as to permit the easy passage of vehicles across the same; and that such watchman or watchmen shall be kept by said railroad company on said grounds, at its expense, as the Secretary of the Navy shall deem necessary for the protection of persons or property on or in the neighborhood of said railroad on said grounds: *And provided further, also*, That the said company shall construct a proper switch and siding upon said arsenal grounds, and suitable means for crossing to the wharf on said arsenal grounds, for the purpose of receiving and shipping freight by water. Any violation of any of the provisions of this act by said company, or its successors or assigns, shall work a forfeiture of all rights granted by this act.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. Mr. Speaker, I do not wish to object. I desire, however, that the bill be considered for a few moments with reference to the question of the measure of damages.

The SPEAKER. It is open to amendment. The question is upon ordering the bill to be engrossed and read a third time.

Mr. HOLMAN. Mr. Speaker, a bill for the purpose indicated in this bill was introduced in the House and contained a provision that the benefit resulting to the Government by the construction of this railroad through its grounds should be taken into consideration in the assessment of the damages. It seems to me that that is not a sound principle in a case like this, but I am told that that provision is not contained in the bill as now presented. If it is not, I am not aware of any other objection to the bill, but I ask that that portion of it which provides for the appointment of the appraisers by the Secretaries of War and the Navy may be read again.

The SPEAKER. The Clerk will read again that portion of the bill.

The Clerk read as follows:

Provided, That the location of said road through said grounds shall be approved by the Secretary of War and the Secretary of the Navy; and the damages for the use and occupation of the right of way herein granted shall be fixed by a board of two Army officers appointed by the Secretary of War and one officer of the Navy appointed by the Secretary of the Navy, and the payment of said damages so fixed shall be a condition precedent to the exercise of the right by this act granted.

Mr. HOLMAN. I see that the provision in the other bill which I thought objectionable is not in the bill as now presented.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ERMENTROUT moved to reconsider the vote by which the bill

was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WILKINS. I call for the regular order.

Mr. DIBBLE. I move to dispense with the morning hour for the call of committees.

The SPEAKER. That will require a two-thirds vote.

The question being taken, there were—ayes 95, noes 14.

Mr. O'NEILL, of Pennsylvania. I make the point that no quorum has voted, and I call for tellers.

Tellers were ordered under the rule; and Mr. O'NEILL, of Pennsylvania, and Mr. DIBBLE were appointed.

Mr. DUNHAM (during the count by tellers). I hope my colleague on the Committee on Commerce, that committee having been treated so well a week ago, will withdraw the point that no quorum has voted.

Mr. O'NEILL, of Pennsylvania. There is a quorum present, and I want the vote to show it.

The House again divided; and the tellers reported—ayes 140, noes 24.

So (two-thirds voting in favor thereof) the motion of Mr. DIBBLE was agreed to.

EXPORT TOBACCO MANUFACTORIES.

The SPEAKER. The Chair, under the rule, will proceed to call the committees for the consideration of bills. The call rests with the Committee on Ways and Means. The Clerk will read the title of the pending bill.

The Clerk read as follows:

A bill (H. R. 2522) to authorize the establishment of export tobacco manufactories, and for drawback upon imported articles used in manufacturing exported tobacco.

The SPEAKER. The pending question is upon the amendment proposed by the gentleman from Virginia [Mr. WISE], upon which no quorum voted. The Clerk will again report the amendment.

The Clerk read as follows:

In line 3 of section 2, strike out "90 per cent." and insert "the whole amount."

Mr. MCADOO. Mr. Speaker, the gentleman from Georgia [Mr. HARRIS] has agreed to yield me two minutes.

The SPEAKER. The previous question has been ordered, and debate is not in order except by unanimous consent.

Mr. MCADOO. I ask unanimous consent to make some remarks on this amendment, not to exceed three minutes.

The SPEAKER. Is there objection? The Chair hears none; and the gentleman will proceed.

Mr. MCADOO. Mr. Speaker, I feel reluctant to object to this bill, because I believe in every measure calculated to facilitate our export trade with the rest of the world; but as the bill is now framed it will create a monopoly in favor of those tobacco manufacturers who are engaged solely in the export trade. A tobacco concern making tobacco regardless of where it is to be sold—in New York or in Melbourne—will under this bill get a rebate of 90 per cent. on the imported articles entering into the tobacco so made. But the manufacturer who makes tobacco solely for export gets 100 per cent., a difference of 10 per cent. in favor of those establishments making tobacco solely for export, a monopoly being thus created in their favor by Government action.

One word as to the practical operation of this bill if passed in its present form; and I sincerely hope, if the amendment be not agreed to, that in justice to the great tobacco manufacturing interests of this country the bill will be defeated. A large establishment engaged in the manufacture of tobacco and snuff must, if this bill passes, in order to meet its requirements, revolutionize its entire trade; it must erect a new building, introduce a new set of machinery, and a new foreman. Any establishment, however small, in order to take advantage of this bill, will be obliged to erect a separate building.

Gentlemen have spoken of the necessity of separate establishments for the manufacture of export tobacco with the view of preventing fraud. But if they will look at the first and second sections of the bill they will see it is provided that the act is to be carried out under such rules and regulations as the Secretary of the Treasury may prescribe, so that, if the amendment of the gentlemen from Virginia be adopted, there will be no opportunity for fraud, because the Secretary of the Treasury can adopt such rules and regulations as will prevent any such possibility.

One other point. It has been said here that the object of retaining this 10 per cent. rebate is to pay the Government for expenses it may incur in the detection of fraud. Now, that argument might be good if applied to articles the manufacture of which is not supervised by the Government—cosmetics, perfumery, and the like. But the tobacco business is supervised directly by the Government, an agent being located at the factory; and there will be no additional cost to the Government in the prevention of fraud under this bill. So that the argument in favor of retaining this 10 per cent. rebate does not apply. I sincerely hope the amendment of the gentleman from Virginia will be adopted or that the bill will be defeated.

Mr. HARRIS. Mr. Speaker, how much time is left for debate?

The SPEAKER. The previous question has been ordered, and no debate is in order.

Mr. MILLS. How did the gentleman from New Jersey [Mr. MCADOO] obtain the floor?

Several MEMBERS. By unanimous consent.

Mr. MILLS. Then I ask unanimous consent to speak for a few moments upon this amendment. I ask three minutes—the same time occupied by the gentleman from New Jersey.

The SPEAKER. If there be no objection the gentleman from Texas [Mr. MILLS] will proceed.

Mr. CABELL. If there is to be any further discussion I think the debate ought to be open to all, so that every gentleman interested may have an opportunity to express his views.

The SPEAKER. Does the gentleman object?

Mr. WISE. I object.

Mr. MORRISON. As the gentleman objects to debate, I will only say that I disagree with the gentleman from New Jersey [Mr. MCADOO]. I think the bill ought to be voted down if the amendment is adopted, because in that form it will tend to promote fraud or make the perpetration of fraud easy. The gentleman from New Jersey wants the bill voted down if the amendment is not made part of the bill. He thinks this necessary, to place all manufacturers for export, whether in exporting warehouses or in other warehouses.

Mr. CABELL. I say the bill ought to be passed, as it is a very proper one.

Mr. MILLS. Who objected?

Mr. WISE. I did.

Mr. MILLS. The gentleman spoke for ten or fifteen minutes on the amendment, and now objects to my being heard for two or three minutes in opposition to it. I hope the House will vote the amendment down and be in favor of the bill reported by the committee.

The question recurred on the amendment.

The House divided; and there were—ayes 30, noes 83.

Mr. MCADOO. No quorum has voted.

The SPEAKER appointed as tellers Mr. MCADOO and Mr. HARRIS.

Mr. MCADOO. I withdraw the point of no quorum.

So the amendment was rejected.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question recurred on the passage of the bill.

Mr. MCADOO demanded a division.

The House divided; and there were—ayes 99, noes 13.

So, no further count being demanded, the bill was passed.

Mr. HARRIS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RELIEF OF SUFFERERS FROM OVERFLOW, ALABAMA.

Mr. FORNEY. I am directed by the Committee on Appropriations to call up the bill (H. R. 7645) for the relief of the sufferers by the overflow of the rivers in Alabama, and move that the House now resolve itself into the Committee of the Whole on the state of the Union for the purpose of proceeding to the consideration of that measure.

The House divided; and there were—ayes 41, noes 67.

Mr. FORNEY. No quorum has voted.

Mr. FORNEY and Mr. BEACH were appointed as tellers.

Mr. BEACH. Is it in order to call for the yeas and nays?

The SPEAKER. It is.

Mr. BEACH. I think that is the best way to dispose of this matter.

Mr. MCMILLIN. Let us first try it by tellers.

Mr. BEACH. I withdraw my demand for the yeas and nays.

The House again divided; and the tellers reported—ayes 44——

Mr. HERBERT. This only provides for $150,000, and I think at least we should be granted a hearing on the subject.

The tellers reported—ayes 73, noes 71.

So the motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The pending question is on the bill (H. R 7645) for the relief of the sufferers by the overflow, which the Clerk will read.

The Clerk read as follows:

Be it enacted, &c., That the sum of $150,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended by and under the direction of the Secretary of War in the purchase and distribution of subsistence stores and other necessary articles to such destitute persons as may require assistance in the districts recently overflowed by the rivers in Alabama; and he is authorized to co-operate with the authorities of the said State and of the cities situated in said overflowed districts in making distribution of the same; and he is authorized, in his discretion, to use any steamers and other boats and vessels belonging to or now employed by the Government in the transportation and distribution of the supplies furnished by the United States or individuals to and among said destitute and suffering people; and he may employ such other means of transportation as he may deem necessary to carry the purpose of this act into effect.

Mr. FORNEY. Mr. Speaker, I ask for the reading of the report of the Committee on Appropriations, and I hope its reading will receive

the attention of the members of the committee, as it contains the telegrams received by the committee and upon which the pending measure was reported.

The Clerk read as follows:

Mr. FORNEY, from the Committee on Appropriations, submitted the following report:

[To accompany bill H. R. 7645.]

The Committee on Appropriations, to whom was referred the joint resolution (H. Res. 155) appropriating $300,000 for the relief of the sufferers by the overflow of the rivers in Alabama, having considered the same, recommend the passage of the accompanying bill, which appropriates $150,000, as a substitute therefor.

The following telegrams were submitted to the Committee on Appropriations during their consideration of the question of relief to the sufferers by the overflow of the rivers in Alabama:

MONTGOMERY, ALA., *April* 5, 1886.

Hon. H. A. HERBERT, *House of Representatives:*

City and county authorities unable to cope with the distress from overflow; principally colored people. Can't you help us with the Government?

C. L. MATTHEWS. W. L. CHAMBERS.
JOSHUA MORRIS. W. W. ALLEN.
F. C. RANDOLPH. JOS. GOETTER.
H. C. MOSES. E. B. JOSEPH.
K. M. P. LEGRAND.

MONTGOMERY, ALA., *April* 5, 1886.

Hon. J. L. PUGH, JOHN T. MORGAN, H. A. HERBERT, A. C. DAVIDSON, and J. M. MARTIN:

Our information is that suffering from flood is so great impossible for local authorities to relieve.

H. R. SHORTER.
W. C. TANSTALL.
H. C. TOMPKINS.

SELMA, ALA., *April* 5, 1886.

The Senators and Representatives of Alabama, Washington, D. C.:

This flood has been more destructive than any we have ever heard of in Alabama. Thousands of people along the river are without food, clothing, or shelter; mostly colored people. We are supplying all we can. This is a case of extreme necessity. Can not the Government aid these helpless people?

E. W. PETTUS,
H. S. D. MALLARY,
F. BOYKIN, JR.,
Committee of Citizens' Meeting.

MONTGOMERY, ALA., *April* 5, 1886.

Hon. H. A. HERBERT,
Washington, D. C.:

The distress among the colored people in the overflowed district is terrible to contemplate, and while the county and municipal authorities and the citizens generally are responding nobly, they can not relieve the necessities of the unfortunate. Please, therefore, urge an immediate appropriation by Congress.

W. R. WESTCOTT,
W. D. BROWN,
A. H. HUBBARD,
Members Board Revenue, Montgomery County.

[Copy of telegram to governor of Alabama.]

WASHINGTON, D. C., *April* 5, 1886.

Governor E. A. O'NEAL,
Montgomery, Ala.:

Does the situation in Alabama require relief for the people injured by the flood which the State can not furnish?

What is needed—rations or money; at what points and what quantities?

Will the State undertake to distribute if Congress grants relief?

I telegraph by direction of the delegation.

WM. H. FORNEY.

MONTGOMERY, ALA., *April* 6, 1886.

Hon. WILLIAM H. FORNEY,
House of Representatives:

There is distress and destitution in all the river counties of the State. The State can not give relief without a special session of the Legislature, which can not be had in time to meet the emergency. If Congress makes an appropriation, let it be in money, and if thought best I will undertake its distribution. As at present advised, my opinion is that $150,000 will be sufficient.

A. E. O'NEIL, *Governor.*

During the year 1884 similar aid was granted to the sufferers by the overflow of the Ohio and Mississippi Rivers, and $500,000 was appropriated therefor. (See Statutes at Large, volume 23, pages 267-269 and 273.)

Mr. FORNEY. Mr. Speaker, the precedent was established during 1884 in the case of the overflow of the Ohio and Mississippi Rivers. The overflow of the rivers in Alabama has been greater than ever known before, and there are to-day thousands of people in that State destitute and suffering.

We have quite a number of rivers in Alabama. In the northern portion of the State there is the Tennessee River, where there has been an overflow. In the eastern portion the Coosa River also was overflowed. The overflow reached 9 feet higher than ever before. Then comes the Tallapoosa. The confluence of those two rivers forms the Alabama, where the overflow has been unprecedented. Numbers of plantations have been covered with water. The rivers have reached the highest point in fifty years.

To-day, fellow-citizens [laughter]—yes, Mr. Chairman, we are to-day all fellow-citizens. [Applause.]

Now, sir, I want to say at this time from Elmore County down to the bay of Mobile there are over 25,000 people suffering on account of this flood. As evidence of that I desire the Clerk to read a telegram from most respectable gentlemen, which will furnish some idea of the condition of that country at this time. I ask for its reading the attention of the House.

The Clerk read as follows:

SELMA, ALA., *April* 9, 1886.

To Hon. Alex. C. Davidson, Washington, D. C.:

Twenty-five thousand people live within the overflowed district of Dallas, Wilcox, and Lowndes Counties. Twelve thousand of these are absolutely destitute. Other counties in this State along the Alabama, Coosa, and Tallapoosa Rivers will average with those of the fourth Congressional district, above named. The overflowed area along the Tombigbee, Warrior, and Cahaba Rivers is not extensive, but the suffering is great.

E. W. PETTUS.
H. S. D. MALLARY.
F. BOYKIN, JR.

Mr. FORNEY. That telegram refers to three counties in the State, where twenty-five thousand people are sufferers from the overflow; twelve thousand five hundred of whom are to-day destitute and suffering. They reside in Lowndes, Dallas, and Wilcox Counties. The greatest suffering no doubt is in Montgomery County. There are at least five or six thousand people who are in destitution, caused by the overflow of the Alabama River. The counties where the greatest suffering prevails are Coosa, Elmore, Autauga, Montgomery, Lowndes, Dallas, and Wilcox.

The amount we ask is only $150,000. The people of the State have been contributing largely of their own means, but the distress is so great and so widespread that they can not supply all, and they come now and appeal to Congress, asking that the Government will at least assist them in this emergency in view of the fact that the Legislature can not be called together in time, and the citizens are unable to render the assistance that is demanded.

Now, as my colleague from the second Congressional district [Mr. HERBERT] represents a section of the State which is perhaps more seriously injured than any other by these freshets, and is more in need of assistance, and since my district is not suffering so greatly—we are not asking relief, as we are higher up the country—I yield to him such length of time as he may desire.

Mr. BLANCHARD. Let me ask the gentleman from Alabama [Mr. FORNEY] a question.

Mr. FORNEY. Certainly.

Mr. BLANCHARD. Have the waters subsided, or do they still cover the country?

Mr. FORNEY. The waters have subsided, but the people have been left destitute.

Mr. BLANCHARD. I wanted to know that fact, because——

Mr. FORNEY. But before I conclude I desire now to have another telegram read bearing upon this same question, which comes from a mass meeting of the colored citizens of Dallas County. The people who are mainly suffering now are the colored population, for in that region of country where these floods have been most disastrous that class of the population outnumbers the white perhaps 4 to 1.

I ask to have this telegram read.

The Clerk read as follows:

SELMA, ALA., *April* 9, 1886.

To Alabama Representatives in Congress, Washington:

We, the colored citizens of Selma, Ala., in mass meeting, to the honorable the House of Representatives, in session in Washington, D. C. We urge immediate appropriation for at least seventy-five thousand persons, rendered homeless and utterly destitute in the flooded districts of Alabama. Unless aid come immediately the suffering will be great—beyond calculation. One hundred and fifty thousand dollars is not half enough to relieve the destitution until we can help ourselves.

R. M. CHEEKS, *Chairman.*
C. O. BOOTH, *Secretary.*

Mr. HISCOCK. I would like to inquire of the gentleman from Alabama if he is willing to accept an amendment appropriating a further sum for the relief of the cyclone sufferers in Minnesota?

Mr. HAMMOND (from his seat). Yes.

Mr. FORNEY. I do not know anything about that; I have never heard of it before. I did not know that assistance was needed.

I think you ought to let our little matter go through, however, without any incumbrance; and if this is a matter which demands our attention, and the gentleman brings it before the committee, I can assure him that it will have prompt consideration.

Mr. CUTCHEON. I would like to ask the gentleman from Alabama how long it has been since this flood took place; and if the destitution was so apparent, why this bill has not been presented before?

Mr. FORNEY. This was considered by the committee and passed immediately upon the information reaching us. It was considered as promptly as we could get at it in the committee. This has been before the House for several days, as the gentleman will remember.

Mr. CUTCHEON. I ask the question because I notice that these telegrams are not of very recent date.

Mr. FORNEY. The class of persons most afflicted are those belonging to the farming community. They are the persons who work on shares or rent the lands. They are principally dependent upon the commission merchants and landlords for supplies, and the commission merchants have already furnished them with supplies for this year; they have drawn upon the commission merchants for this season, and now all of their supplies and all of their means of making their crops have been swept away. Their stock has been carried away, and the landlords are not able to furnish them with the means to make a crop. The result is an immense amount of destitution, which, unless aid is given to them,

will be greatly increased in the future, because all they can now rely upon is the charity of the public and the aid of Congress; and being without means of making a crop, of course the condition will be worse next fall and winter.

Mr. BRECKINRIDGE, of Arkansas. Let me ask the gentleman from Alabama how long this condition of affairs has been going on?

Mr. FORNEY. About two weeks.

Mr. BRECKINRIDGE, of Arkansas. How much stock has been lost?

Mr. FORNEY. I suppose millions of dollars' worth of stock and other property have been lost in the State.

Mr. BRECKINRIDGE, of Arkansas. What information have you or your committee as to the amount of stock actually lost?

Mr. FORNEY. I am informed that cattle, mules, and horses in large numbers have been swept away, and many of the colored people themselves have been drowned. The flood has rendered thousands of people not only homeless but absolutely destitute.

Mr. BRECKINRIDGE, of Arkansas. But has the gentleman from Alabama any written information as to the exact condition of affairs and the actual extent of the losses there?

Mr. FORNEY. Why, every newspaper in the State of Alabama shows that this condition of affairs exists, and that the floods have been unprecedented and the damage greater than ever has been known before from such a source. It shows that from the Tennessee River down to Mobile Bay every water course in the State has been swollen to an unprecedented extent, bridges swept away, culverts destroyed, plantations flooded, stock carried off; the Coosa River was 9 feet higher than was ever known before, and the Alabama 6 feet higher than the highest record within the last fifty years.

Mr. BRECKINRIDGE, of Arkansas. That is not what I desired to ask the gentleman. I asked the gentleman if he had any information, or if he was in possession of any facts, showing the extent of the destruction to working stock. Nothing has been read here indicating that a single mule or a single work-horse has been lost. That is the information I would like to get.

Mr. FORNEY. My understanding is that it is almost universal along these streams. On one plantation alone I have information that twenty-five mules were swept away, and all the cattle and horses. Down upon the Warrior River the information is that there have been vast losses in stock and plantation supplies, and the same condition of affairs exists on the Alabama River as well as other streams throughout the State. The Alabama River extended at one time to 10 miles wide in many places.

Mr. BRECKINRIDGE, of Arkansas. How wide is this bottom-land region which has been overflowed?

Mr. FORNEY. The Alabama River extended at one time 10 miles wide.

Mr. BRECKINRIDGE, of Arkansas. I mean what is the width of that region?

Mr. FORNEY. I say the river extended to 10 miles wide in some places; from 1 mile up to 10.

Mr. BRECKINRIDGE, of Arkansas. That I suppose does not represent the greatest width of that region of the country?

Mr. FORNEY. That region, I will state to the gentleman, is a kind of delta——

Mr. BRECKINRIDGE, of Arkansas. I am not asking the gentleman as to its condition. We have had remarks upon that. What I want now is information as to the width of that alluvial region.

Mr. FORNEY. It is all lowland country, extending from 20 to 30 miles wide.

Mr. BRECKINRIDGE, of Arkansas. I have often crossed that region of country myself.

Mr. HERBERT. Let me state to my colleague that this questioning will take up all the time allotted to the committee, and it is important that action should be taken on this measure.

Mr. BRECKINRIDGE, of Arkansas. These are questions which are important, because they bring out information that we ought to have.

Mr. FORNEY. I have only this to say in response to the gentlman from Arkansas, that from one side to the other this whole region is an alluvial plain, undoubtedly once the bed of a sea.

Mr. BRECKINRIDGE, of Arkansas. You are talking now of the prairie region?

Mr. NELSON. I ask the gentleman from Alabama if he will permit an amendment making provision for the cyclone sufferers in Minnesota?

Mr. FORNEY. I do not know anything about that. I am not authorized to accept any such amendment.

Mr. HISCOCK. I will say to the gentleman from Alabama I do not see that we have any way of providing relief to the sufferers by the cyclone unless we bring it by way of an amendment to the bill.

Mr. FORNEY. You can introduce a bill for that purpose. But I would suggest that the path of a cyclone is very narrow as compared with the extent of this devastation. This overflowed district is 400 miles in length, extending from one end of the State to the other.

Mr. NELSON. I would suggest to the gentleman that by increasing the appropriation to $100,000 the bill could be made to include the sufferers by the cyclone. Three towns have been almost destroyed.

Mr. FORNEY. The bill, I suppose, will be open to amendment.

Mr. NELSON. Does the gentleman accept the amendment?

Mr. DUNHAM. If the gentleman from Alabama had ever seen a cyclone he would have known it is something worse than the overflow of water.

Mr. OATES. I ask my colleague to yield to me.

Mr. FORNEY. For how long?

Mr. OATES. I may want not exceeding ten minutes.

Mr. FORNEY. I yield five minutes to my colleague [Mr. OATES].

Mr. HISCOCK. If the gentleman from Alabama [Mr. FORNEY] does not accept the amendment which has been suggested to provide for the relief of the sufferers by the cyclone, I hope he will give his views on the constitutional question involved. Certainly that ought to be discussed.

Mr. OATES. Mr. Chairman, I regret to differ with my colleagues upon this measure. Since I have had the honor to be a member of the House of Representatives of the United States I have, with uniformity, whenever measures similar to this have been presented, cast my vote against them; and, sir, I can not make an exception in favor of my own State. This measure is confessedly outside of the Constitution. I believe that the oath of office I took to support that instrument would be violated if I went outside of it and usurped authority to appropriate the people's money. [Applause.] And I shall never do it knowingly.

It is true, sir, that there was a great overflow of these rivers in Alabama and much destruction of property and much suffering; but, sir, that was two or three weeks ago. The people who suffered most, temporarily, were the colored people residing on the plantations in the river bottoms. The people who lost the property were the owers of the plantations, and to-day the rivers of Alabama are within their banks if I am correctly informed by the newspaper press; and in consequence of the destruction of the houses and fences there is more work needed and more employment for those who labor and at better wages than they are accustomed to get. They have but to work and the supplies will be abundant, and they will be paid well for their labor.

During the period of their suffering the generous people of Alabama who had it to give contributed with liberal hands to their relief all along those streams which had overflowed. But to-day I apprehend the suffering amounts to little, although it has been very considerable.

The last telegram which was read, the House will note, was dated on the 9th instant. This is the 17th. There is a marked difference between the state of the water to-day and what it was when that telegram was sent.

And now, sir, as indicative of public opinion on this subject in the State of Alabama, I have retained two—I had four—of the daily papers speaking out on that subject, and I will ask that extracts from editorial articles of two of those leading papers be read to the House. I first send to the desk a copy of the Daily Dispatch, published in Montgomery, Ala.

The Clerk read as follows:

THE RESULT OF FEDERAL AID.

Aside from the constitutional question as to the right of Congress to grant Federal aid to the overflowed sufferers, there is another feature to be considered in this matter which concerns more directly the farming interests.

If such an appropriation should be made by Congress, as soon as it is known by the negroes in the overflowed districts they will drop their plow-handles and the grubbing-hoe, lose all interest in the farm, and flock to the cities, or the the supply depots, no matter where located, to get their share of the Government "perwisions." Labor will be completely demoralized, and farm work will be neglected and delayed. Nothing can be done on the farm till everybody has secured his full share of the "overflowed bacon," and has used it up and made his second trip for another supply, and then learned that there is no more for him, and that he must go to work and earn his own bread by the sweat of his brow.

If the present appropriation bill of $150,000, agreed on by the House committee yesterday, passes Congress, it will prove a curse rather than a blessing to the farming interests of Alabama. Our Congressmen should take warning from Strobach's "overflowed bacon." It did him as little good as it did the people who were supposed to get it.

Mr. FORNEY. What paper is that?

Mr. OATES. The Montgomery Daily Dispatch. I now ask the Clerk to read a passage I have marked, being an editorial in the Selma Morning Times.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OATES. I ask unanimous consent that this short editorial be read from the Daily Times of Selma, where the dispatch came from which was read from the desk.

Mr. FORNEY. I yield my colleague time to have the extract read.

The Clerk read as follows:

We think it very likely that Mr. HERBERT'S resolution appropriating $150,000 for the flooded district will pass. If the Alabama delegation asks it the House will grant it almost as a matter of course, and the old woman from New Hampshire will see it through the Senate. The President need not stickle, and will not probably, to sign it. After that comes the deluge. We trust that the first man who gets hand on the fund will steal it and run off to Siam. If it is ever distributed it will do a million dollars of damage by demoralizing labor in the river counties. We used to think some disease and disaster was the portion of every man born into the world, and he was expected to stand up under it as best he could. In the great grab game, now so popular, nature herself is outwitted and each man lives at the expense of others. The General Government shoulders all disasters, private and public, and by the grab game we are all made happy.

[Much laughter.]

Mr. OATES. I would like to say more, but the five minutes yielded to me by my colleague have expired. I shall not insist.

Mr. FORNEY. As an offset to what has just been read I send to the desk, to be read, an editorial from the Daily Advertiser of Montgomery, a leading paper of the State, having an extensive circulation. It is of the 15th instant, after the flood had subsided.

The Clerk read as follows:

DISTRESS ON ACCOUNT OF THE FLOOD.

Some newspapers, criticising the action of Alabama's Representatives in introducing a bill appropriating money for sufferers by the recent unexampled flood in this State, are not altogether just in their remarks. Let it be understood once for all that fully fifteen thousand people have been put practically on the charity list. They will have to remain there until they can make a crop or get one under such headway as to obtain advances. Many of them had already strained their credit to the utmost in getting mules and supplies. These have been swept away, and they are left in a pitiable condition. Merchants have done all they could to start them, and could not try to support them for three or four months without running the risk of bankrupting themselves. The State of Alabama is forbidden by its constitution to borrow money for any purpose except to pay existing debts. It could not make an appropriation to meet the present extraordinary suffering without running the risk of leaving her debts unpaid and her charitable institutions in trouble. Private charity, with the best plan arranged, could not in months reach the people deserving of succor and for these reasons the appeal was made to Congress.

Under similar circumstances other sections of the country, with a more prosperous population than ours, and in States with great cities and millions of property, have been relieved, and it was thought similar action would be taken for the benefit of the poor unfortunates who live along the banks of the Coosa, Tallapoosa, Warrior, Alabama, and other rivers in this State. There would have been no "overflowed-bacon" business like that of 1873. The actually needy would have been supplied. The relief would not have gone to places remote from water courses and even high up in the hills, but to those who had lost their all by the raging waters.

Some refer to Chattanooga's refusal of aid. So would Montgomery and Selma, so far as the relief of those in their territory were concerned. This city and our neighbor down the river looked after their destitute and sent expeditions to the overflowed districts to relieve those who were suffering. The distress is in the country. It is among a class who are not working by the day or week, and who as soon as the waters subsided received their pay regularly. They have to wait until the seed is planted and the crop harvested before they can see a cent of money with which to buy the necessaries of life. It is for them that the appeal was made, and not for town or city negroes, who have suffered some, but who can supply all their wants as they have heretofore done with their regular wages.

Mr. FORNEY. I yield now to my colleague [Mr. HERBERT].

The CHAIRMAN. How much time does the gentleman yield?

Mr. FORNEY. As much time as my colleague desires.

Mr. HERBERT. This bill, Mr. Chairman, provides that the sum of money to be appropriated shall be expended under the direction of the Secretary of War. It will be expended only for the destitute, if there are any. The gentlemen who have written these articles which have been read at the desk, the editor of The Selma Times and the editor of the Dispatch, are entitled to great respect; but with all due respect to them there are people living in the overflowed districts in Alabama who have been left destitute by this flood. There can be no sort of doubt about it, that though this flood has subsided it has left desolation in its tracks. Fodder, corn, fences, houses, cattle, horses, mules, all have been swept away by a flood absolutely unprecedented in that country—just such a flood as produced the suffering in Ohio which this House voted to relieve, just such a flood as that which occurred on the Mississippi when Congress came to the relief of the sufferers.

Mr. OATES. Will my colleague yield to me for a question?

Mr. HERBERT. What is the question?

Mr. OATES. Suppose this appropriation made, can it be used to replace any of the mules or horses or other property destroyed? Is it not merely for the relief of the people who are suffering for want of food to eat and clothes to wear?

Mr. HERBERT. This money will be applied to the relief of the destitute, and it is the loss of these things that has left them destitute.

It is argued that the sufferers are all colored people, the employés of white men, and that the landlords have sufficient means to employ them at larger wages and better remuneration than they were getting before. That I understand to be about the substance of the argument of my colleague [Mr. OATES], and it is not a fair statement of the case. The fact is that many of these colored people were in partnership with white men and owned a part of the stock, owned corn and fodder and other property that has been entirely swept away. Others were farming for themselves, mostly on rented lands, and have lost everything they had.

It is not for me, in answer to my colleague's question, to say just in what way it will seem proper to the Secretary of War to set about relieving this distress. The bill proposes that the money shall be voted for the relief of the sufferers, and it is to be put in charge of that officer. He is to see that it is properly applied, and if we have confidence in him that is a sufficient answer at this time to the question of my colleague.

Mr. Chairman, so far as the Constitution is concerned I believe myself in adhering to that instrument; but, sir, when suffering is at my door crying for relief I do not deem it my duty to be more rigid in the construction of the Constitution that John C. Calhoun, the great apostle of strict construction, than John Randolph of Virginia, than Felix Grundy of Tennessee, than Richard M. Johnson of Kentucky, than Nathaniel Macon of North Carolina, than William R. King of Alabama. These men voted (in 1812 I believe it was) to relieve the sufferers by an earthquake in Caracas, in South America, and the bill for the relief of those sufferers was signed by James Madison, who has been called the father of the Constitution.

Mr. OATES. Will my colleague allow me a word in answer to what he has just said?

Mr. HERBERT. No, sir; not in answer. I will yield for a question.

Mr. OATES. I will put it in the form of a question, then. Does not my colleague know, as a well-educated State-rights Democrat, that when the Government of the United States deals with other nations or with outside communities it is a nation, and that its action is not controlled by the Constitution, but only by the discretion of Congress and the President? And the instance he cites was an outside instance.

Mr. HERBERT. Mr. Chairman, I answer that I do know that there is a difference in this respect and to this extent: that so far as foreign nations are concerned these States and the people of these States constitute but one nation, covered by but one flag; but I do not know of any difference under the Constitution that would justify the expenditure of money for the relief of people abroad and at the same time would inhibit similar relief for our own people at home. Where is the provision of the Constitution which says that this Federal Government, which has the right to go into the States to administer justice, to go into the States to clean out rivers, to go into the States to regulate commerce, to go into the States to tax every citizen of a State, has the right to apply those taxes to the relief of the people in South America and to the relief of the people in Ireland, as was done in 1847, yet has no right to relieve with those same taxes the suffering people in the State of Alabama?

Mr. OATES. I will answer you.

Mr. HERBERT. I can not see it. There is no distinction. This Government, it is true, is a government of limited powers; the powers not granted to the Federal Government are reserved. It is true the States made no express grant of power to the Federal Government to vote money for charitable objects inside a State, but it is also true that there is no express grant to do such things abroad. There is also the doctrine that we may imply all powers necessarily incident to the granted powers, but, Mr. Chairman, out of this can not come the distinction the gentleman makes, because it is no more necessary that the Federal Government should have the power to do charitable deeds in Ireland than in Alabama.

Mr. OATES. Will the gentleman permit one more question?

Mr. HERBERT. Yes, sir.

Mr. OATES. Do you believe that Congress has the constitutional power to make this appropriation? If so, under what clause of the Constitution?

Mr. HERBERT. Mr. Chairman, I am perfectly willing to admit, in answer to my colleague, that if this were an original question I should most unhesitatingly say no. But it is not. The precedent has been set, not only twice in this House since I have been a member of it, but, as I have stated, it was set years ago by great men who are looked upon as apostles and defenders of the Constitution away back in 1812 and again in 1848.

Mr. OATES. Can any number of violations of the Constitution make such action constitutional?

Mr. HERBERT. Mr. Chairman, I will simply rest this constitutional point with those great men whose names I have cited.

Mr. DUNHAM. I would like to ask the gentleman one question. How may times must the Constitution be violated in order to make the violation right? [Laughter.]

Mr. HERBERT. I leave this constitutional question just there.

Mr. DUNHAM. Do not leave it with me.

Mr. HERBERT. No, I will not leave it with the gentleman; but I leave it with this House. It is a question we have already decided.

Mr. BARKSDALE. Before the gentleman takes his seat, I would be glad to be permitted to ask him a question.

Mr. HERBERT. I yield to the gentleman for that purpose.

Mr. BARKSDALE. Mr. Chairman, remembering that under precisely similar circumstances Congress came to the relief of the suffering people of my own State and of Arkansas and along the valley of the Ohio River, it would be ungracious on my part to oppose the pending bill. I wish to inquire of the gentleman, however, for information, whether the larger part of the sufferers by the floods in Alabama are colored or white people.

Mr. HERBERT. I think the larger part of them are colored people, but not all; but that makes no difference. I make no appeal for white or for black, but for the destitute—for those who have lost all they possess. I do not care to discuss the constitutional question. The appeal is based on precedents.

Here we are again in the presence of suffering. We have relieved suffering before. Shall we stop now? Shall we draw the line here—draw it at Alabama? Will men who voted for the Ohio River resolution and the Mississippi River resolution draw the line on Alabama?

The CHAIRMAN. The hour for the consideration of bills under this order has expired; the committee under the rule will now rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration the

bill (H. R. 7645) for the relief of the sufferers by the overflow of the rivers in Alabama, had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 5198) to remove the disabilities of John Taylor Wood, of Louisiana; and

A bill (H. R. 5876) for the relief of Dinwiddie B. Phillips.

ORDER OF BUSINESS.

Mr. DIBBLE. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering, in accordance with the order heretofore made, bills reported from the Committee on Public Buildings and Grounds. Pending that motion I move that debate on each of the bills in Committee of the Whole be limited to ten minutes.

The SPEAKER. Including the reading of the report?

Mr. EDEN. How many of these bills are there?

Mr. DIBBLE. There are about ten bills, scarcely any of them involving any considerable amount of money.

Mr. EDEN. I do not remember the terms of the order. What is the limit as to amount?

Mr. DIBBLE. Twenty-five thousand dollars is the largest amount in any of the bills.

Mr. EDEN. I will insist upon the right to have the report read in any case where it may be desired, without deducting it from the time allowed for debate.

Mr. McMILLIN. I think it would be best to leave this matter to the determination of the Committee of the Whole. I suppose some of these bills will not consume even ten minutes.

The SPEAKER. Objection is made. The question is upon the motion of the gentleman from South Carolina that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of business from the Committee on Public Buildings and Grounds under the former order of the House.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. McMILLIN in the chair.

COURT-HOUSE AT KEOKUK, IOWA.

The first business in order was the bill (H. R. 4498) authorizing an additional appropriation of $15,000 for the court-house at Keokuk, Iowa, and to make the same fire-proof.

The bill was read, as follows:

Whereas by an act of Congress approved February 25, 1885, the Secretary of the Treasury was authorized to purchase a site for a court-house at Keokuk, Iowa, and to erect thereon a building suitable for said purpose, and by an act approved March 3, 1885, there was appropriated the sum of $100,000 for said purpose; and

Whereas said site has been selected and acquired, subject to the conditions of said acts, and the plans and specifications for said building prepared by the Supervising Architect, but said appropriation is insufficient, as shown by said plans, to provide a building of sufficient capacity for the purpose required and complete the same as a fire-proof building: Therefore,

Be it enacted, &c., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the further and additional sum of $15,000, or so much thereof as may be necessary, to construct and finish said building at Keokuk, Iowa, as a fire-proof building, in accordance with said plans and specifications in the office of the Supervising Architect.

Mr. DIBBLE. I yield five minutes to the gentleman from Iowa [Mr. HALL].

Mr. HALL. I desire to submit an amendment, which I ask the Clerk to read.

The Clerk read as follows:

In line 5, strike out "15" and insert "40."

Strike out all after the word "necessary," in line 6, and insert "to enlarge and complete said building and to finish the same as a fire-proof building at Keokuk, Iowa; the sum of $140,000 to be the limit of the cost of said building."

Mr. EDEN. I make a point of order on that amendment.

Mr. HALL. I desire to state that this amendment——

The CHAIRMAN. The gentleman from Illinois [Mr. EDEN] makes a point of order, which he will state.

Mr. EDEN. My point of order is, that under the order of the House the consideration to-day of bills for the erection of public buildings was to be confined to measures in which the appropriation does not exceed $25,000. This amendment proposes to increase the appropriation in this bill beyond the amount limited by order of the House. If the appropriation can be increased in this way to $40,000 it might be increased to a million. It certainly was the intention of the House when this leave was given that no appropriation exceeding $25,000 should be made to-day for any public building. I, for one, would not have consented to this order upon any other condition.

Mr. HALL. I desire the consent of the House to make a statement in opposition to the order, and with a view to asking unanimous consent that this amendment may be considered. In support of that I wish to state the amendment itself is authorized by a letter and request of the Secretary of the Treasury. It is suggested by the Government itself. Before offering the amendment I submitted the facts to the various members constituting the Committee on Public Buildings and Grounds, and I understood not one of them personally made objection to it.

Mr. DIBBLE. Will the gentleman yield to me?

Mr. HALL. Yes, sir.

Mr. DIBBLE. I wish to state, Mr. Chairman, that this amendment does not come from the committee.

Mr. HALL. That is correct, and if the House will indulge me for a moment I will explain the exact circumstances. This bill originally appropriated $15,000 to construct this building, and as a fire-proof building was required there, the committeee reported it back favorably. On the morning that committee first obtained the floor of the House for the consideration of bills thus reported a letter was presented, by my hands, from the Secretary of the Treasury suggesting, owing to the space required by the Government, the appropriation was insufficient, and that $40,000 instead of $15,000 should be fixed as the amount. With the permission of the committee I will ask the letter of the Secretary of the Treasury be read for the information of the House.

Mr. EDEN. Has the point of order been disposed of?

The CHAIRMAN. Nothing is in order now, except by consent, but debate on the point of order raised by the gentleman from Illinois. The gentleman from Iowa can withhold the reading of the communication until the point of order has first been disposed of.

Mr. EDEN. The question as to whether it is important the appropriation should be increased beyond the amount limited for consideration in to-day's session is not a matter before us at this time. If this is a case requiring a larger sum than $25,000 let it be considered at some other time.

Mr. HENDERSON, of Iowa. I suggest to my colleague that he modify his amendment so as to make the sum $25,000 and take the chance of having it increased to a proper amount in the Senate for the construction of this public building. I concede he ought to have $40,000, and if he does not get it because of these complications it is not his fault, but it can be made all right in the Senate.

Mr. HALL. I do not understand this bill is not within the order of the House. That order covered the bills reported from the committee not exceeding in amount $25,000. This was reported for $15,000. Now, it is impossible to proceed with the consideration of any bill unless that bill is open to the ordinary amendments.

The CHAIRMAN. The Clerk will read the special order under which the committee is sitting.

The Clerk read as follows:

Resolved, That Saturday, April 17, 1886, after the morning hour for consideration of bills reported from committees, be fixed for the consideration of such bills reported from the Committee on Public Buildings and Grounds as involve no expenditure from the Treasury or an expenditure not exceeding $25,000 in any one bill, not to interfere with prior special orders or general revenue or appropriation bills; but if displaced by such, then to continue a special order for each Saturday thereafter until consideration of such bills be had.

The CHAIRMAN. It will be observed that the order under which the committee is in session limits the amount of the appropriation in the bill to be considered. But it does not, the Chair thinks, in the action it shall take upon the bill after consideration has been entered upon.

It may be true that those who consented to this rule thought the committee, even in amendments, would be governed by the limit fixed as to the amount of appropriation in the bills to be considered. However the Chair may be inclined to hold that way, it is constrained to hold the limitation is in the amount that shall be embraced in the bill as a prerequisite to its consideration, and that the Committee of the Whole is not limited in the method of disposing of a bill or the amount they shall add to it after its consideration has been entered upon.

Mr. REAGAN. Mr. Chairman, if, under the unanimous consent granted the other day, members believed we would be called upon to consider bills beyond the limit of the amount of appropriation then agreed upon, that consent never would have been granted. So believing, if in order, I now move the bill and amendment be recommitted to the committee. I believe it is a clear violation of the intention of the House in granting unanimous consent for to-day's sitting.

Mr. HALL. I wish to be heard for a moment.

The CHAIRMAN. As this is a new question, the Chair will hear the gentleman from Iowa.

Mr. HALL. I do not wish to put the committee or any members of the House who were instrumental in procuring the order for to-day in any condition of bad faith, and I therefore will ask leave to withdraw my amendment. I supposed, in view of the fact it had been recommended by the Secretary of the Treasury, I would have unanimous consent to its being acted upon, and I ask that I shall have unanimous consent for its consideration.

The CHAIRMAN. The Chair holds, and thinks it well to state it again as there seems to be some misunderstanding, that the amendment offered is in order, but in view of the feeling in the House the gentleman who offered it can take such course as he sees proper.

Mr. NEECE. Mr. Chairman, I would like to have an opportunity of being heard for a moment upon this point. In the Forty-eighth Congress we passed a bill appropriating $95,000 for the construction of a public building in the city of Keokuk. They then went to work under the appropriation and bought the ground, and the plans and

specifications were prepared for the erection of a building which was not contemplated to be fire-proof.

The Secretary of the Treasury recommended, however, that it should be made fire-proof, for the reason that the Government ought not to put up a building that is not fire-proof; and hence my friend got into this trouble over his bill. He got some understanding, by some means or other, that an increase of $15,000 would accomplish the object that the Secretary of the Treasury had in view—that is, to make it a fire-proof building; but after the bill was reported the Secretary of the Treasury sent, I own, a letter to the committee stating that $15,000 would be insufficient, and that it would require an appropriation of $40,000 to do this work; and if there is any objection to the bill passing with that increase, which ought to be put into it, while this is right close to my district and my people are interested in it, I would suggest that he offer an amendment to increase it to $25,000, the limit fixed by the order of the House, although I think it is right and proper that we should appropriate the $40,000. However, if that can not be done, I would suggest to him that he take the $25,000.

Mr. REAGAN. If it could be understood that this action shall not be taken as a precedent for the increase to an indefinite amount to other bills which may be presented to-day, and if this might be considered by unanimous consent, I should not interpose any objection to the increase with that understanding.

Mr. NEECE. I ask unanimous consent, Mr. Chairman, that this increase be allowed to come up for consideration in the committee. This is not in my district, but it is a matter of importance. I know the necessity for it, and this amendment by unanimous consent, as the gentleman from Texas suggests, can be considered in this case, but with the understanding that objection shall be made to any such increase hereafter I myself will interpose an objection if no one else does.

Mr. EDEN. I shall not give unanimous consent to this increase.

Mr. NEECE. I do not understand that it will be necessary to ask unanimous consent to consider it under the ruling of the Chair.

Mr. EDEN. I certainly will not give consent.

Mr. NEECE. Then let us take a vote on the amendment.

The CHAIRMAN. The Chair understood that the gentleman from Iowa, desiring to accommodate the feelings of the committee, indicated his purpose to withdraw the amendment if there was objection made to its consideration. The Chair understands that there is objection.

Mr. EDEN. I object to it.

Mr. HALL. Then I ask to withdraw the amendment fixing the amount at $40,000.

Mr. NEECE. No, I hope that will not be done; let it stand at $40,000. I understand that consent will be given if this is the only case of the kind.

The CHAIRMAN. But objection is made.

Mr. NEECE. I thought the objection would not be made if it was insisted that this case was to be considered as an exceptional one, and the same rule was not to be allowed in reference to the other bills.

Mr. DIBBLE. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. DIBBLE. My point of order is that this is now considered under the five-minute rule, and that the five minutes have been exhausted.

The CHAIRMAN. The point of order is well taken.

Mr. HALL. I withdraw the amendment.

The SPEAKER. Then the question is on the bill as reported from the committee.

Mr. WORTHINGTON. Mr. Chairman, if I can be recognized, I desire to renew the amendment of the gentleman from Iowa, for as I think it is an eminently proper one, and if I can have the attention of the committee for a moment I believe they will agree with me. This is an isolated case, and it is very important that this building should be made fire-proof. The amount asked is very moderate; and I do not think there is any other bill to be considered to-day where such an amendment will be offered.

Mr. EDEN. But it ought not to come in by practicing a deceit upon the House.

Mr. WORTHINGTON. I submit the case in that respect; and if any other amendment should come in on another bill, this being considered an isolated case by consent, there would be opposition to it. I myself should oppose it.

Mr. WEAVER, of Iowa. Let us have a vote on the amendment.

Mr. HAMMOND. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. HAMMOND. Under the special order limiting bills to be considered to-day to $25,000, is it in order to amend and pass a bill above that amount?

The CHAIRMAN. The Chair will state, in response to the point of order suggested by the gentleman from Georgia, that the same point was made when the amendment was first offered. The Chair held then, as it now holds, that it is not in order to enter upon the consideration of a bill carrying an appropriation of more than $25,000, the limitation in the order of the House being simply as to the consideration. But the Chair holds that this does not prevent the committee from amending above that amount if they see proper.

Mr. HAMMOND. I was temporarily absent, and did not know that the question had been raised.

The CHAIRMAN. The question is now upon the amendment proposed by the gentleman from Illinois [Mr. WORTHINGTON].

The question was taken; and upon a division there were—ayes 35, noes 13.

Mr. EDEN and Mr. HAMMOND made the point that no quorum had voted.

Mr. WORTHINGTON. If in order I shall withdraw the amendment.

There being no objection, the amendment was withdrawn.

Mr. HAMMOND. I did not object to the amount of the bill, but I made the point, my purpose being to confine this business to the limit as understood by the House.

Mr. NEECE. Mr. Chairman, I now move to amend the bill by striking out "$15,000" and inserting "$25,000."

The amendment was agreed to.

Mr. DIBBLE. I move that the bill be laid aside to be reported favorably to the House.

The motion was agreed to.

PUBLIC BUILDING IN DALLAS, TEX.

The next business under the special order was the bill (H. R. 2410) for the addition of a third story to the public building in Dallas, Tex.

The bill was read, as follows:

Be it enacted, &c., That the Supervising Architect of the Treasury be, and hereby is, authorised and directed to add a third story to the public building in the city of Dallas, Tex.

SEC. 2. That for the purpose named in the preceding section there be, and hereby is, appropriated the sum of $25,000, out of any moneys in the Treasury not otherwise appropriated.

The Committee on Public Buildings and Grounds recommended the following amendment:

In line 3, strike out the words "Supervising Architect" and insert in lieu thereof the word "Secretary."

Mr. DIBBLE. I yield five minutes to the gentleman from Texas [Mr. WELLBORN].

Mr. WELLBORN. I have nothing to say in support of this bill further than to ask the reading of the report. The report gives a clear statement of the reasons for the proposed legislation, and I believe will be satisfactory to every member of the House.

The report (by Mr. DIBBLE) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 2410) for the addition of a third story to the public building at Dallas, Tex., having considered the same, submit the following report:

The bill authorizing the erection of this building was enacted into law some four years ago, the amount of the appropriation being $75,000. The Supervising Architect designed a building within this limit, plain and without ornamentation, and began its erection some twelve or eighteen months ago. During the Forty-seventh Congress $25,000 was added to the original appropriation for the purpose of having the building of fire-proof construction. The walls are now finished up to or near the second story, and this bill is for the addition of a third story. The needs of the public service in Dallas imperatively demand this enlargement. The building is small, being 55 by 84 feet. The post-office will occupy the first floor, while the second floor is designed for the uses of the United States courts. The first floor is barely sufficient to meet the present demands of the postal service, while the second floor is wholly inadequate to the uses for which it is contemplated.

The dimensions of the court-room, as planned, are but 25 by 46 feet, and even the reduction of the court-room to these small and contracted proportions does not leave sufficient space for the necessary offices pertaining to the court, while no provision is made for the office of deputy collector of internal revenue.

Dallas is one of the most important cities in Texas, both in the number of its inhabitants and the extent of its commerce.

The territory within the municipality is quite limited, being only 1¼ miles square. The population within the municipality is about 15,000. Immediately contiguous to these chartered limits, however, and in reality a part of Dallas for all practical business purposes, is a population estimated at 10,000.

Since the construction of the building was authorized, some four years ago, the gross revenues of the post-office have increased from $30,201.29 to about $42,000, the latter amount being the revenues for the fiscal year ending June 30, 1885, and are largely and rapidly increasing. The post-office has the free-delivery system, with ten carriers.

Dallas has five railroads, and is the point of intersection of the two great trunk lines, one from the Atlantic to the Pacific Ocean, and the other from the great lakes to the Gulf of Mexico.

United States courts are held at Dallas. The court was established some six years ago; its business has assumed large proportions.

Without any reference to the future rapid growth of Dallas, which will require enlarged accommodations, the capacity of the building, as designed, is wholly inadequate to the pressing needs of the public service. The addition of a third story is an urgent necessity.

The committee report back the bill and recommend its passage with the following amendment: In third line of first section strike out the words "Supervising Architect" and insert in lieu of them the word "Secretary."

The amendment was agreed to.

Mr. DIBBLE. I move that the bill as amended be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

PUBLIC BUILDING AT FRANKFORT, KY.

The next business under the special order was the bill (H. R. 868) appropriating money for the completion of the public building at Frankfort, Ky.

The bill was read, as follows:

Be it enacted, &c., That the sum of $15,000 be appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of completing the public building at Frankfort, Ky.

Mr. DIBBLE. I yield five minutes to the gentleman from Kentucky [Mr. BRECKINRIDGE].

Mr. BRECKINRIDGE, of Kentucky. This is an appropriation to complete a building that is almost completed. The necessity for it arises mainly out of the bankruptcy of the contractor who originally contracted to construct the building. Unless some member desires the report to be read, I will merely state there is in the report a letter from the Supervising Architect showing that the amount the committee has reported is recommended by the Supervising Architect and the Secretary of the Treasury.

Mr. DIBBLE. I would state there is $7,000 which is to go to the surplus fund, an unexpended balance of an appropriation which has been given heretofore; $7,000 go back, and we give $15,000, which just completes the building.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

The next business under the special order was the bill (H. R. 6980) making an appropriation to complete the public building at Jackson, Tenn., and to reappropriate an unexpended balance therefor.

The bill was read, as follows:

Be it enacted, &c., That for the completion of the public building for a court-house and post-office at Jackson, Tenn., there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $7,000, together with an unexpended balance of $2,525.25 appropriated by the sundry civil act approved March 3, 1885, for the approaches, grading, fencing, and paving for said building.

Mr. DIBBLE. I yield five minutes to the gentleman from Tennessee [Mr. JOHN M. TAYLOR].

Mr. JOHN M. TAYLOR. I have no disposition to take up the time of the House in discussing this proposition. The public building at Jackson is almost completed, and only requires the additional sum of $10,000 for its completion. The committee in their bill report $9,500. That is the amount we ask. Unless some gentleman desires the report to be read I will move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

UNITED STATES GROUNDS IN CHATTANOOGA.

The next business under the special order was the bill (H. R. 7467) to grant for the use of the public a street across the United States grounds in the city of Chattanooga, in the State of Tennessee.

The bill was read, as follows:

Be it enacted, &c., That there is granted to the city of Chattanooga and county of Hamilton, in the State of Tennessee, for the use of the public, a street or roadway, 60 feet in width and about 860 feet in length, to be located, subject to the approval of the Secretary of War, over and across the lands of the United States reservation in the city of Chattanooga, formerly occupied for barracks and parade-ground, extending from the Western and Atlantic Railroad on the north to and connecting with what is known as Hooke street, and thence about 800 feet southward over said Hooke street to Montgomery avenue; but this grant is made upon condition that the city of Chattanooga shall construct and keep in repair a good road on the proposed line, equal to that which the United States Government constructed connecting the city with the national cemetery.

Mr. DIBBLE. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. DIBBLE. I believe those are all of the bills that are in the Committee of the Whole House on the state of the Union. There is one that, by inadvertence, went on the Private Calendar. If the Chair rules it is in order to call that up now I will do so.

The CHAIRMAN. The Chair observes that the order does not impose a limit as to the Calendar to which the committee can go. The gentleman, therefore, in the opinion of the Chair, can move to take up the bill if it is within the limit prescribed by the order.

CARROLLTON ROAD COMPANY, KENTUCKY.

Mr. DIBBLE. Under the ruling of the Chair I call up the bill (H. R. 4503) to authorize the Secretary of War to permit the Carrollton and Lock No. 1 Turnpike Road Company to locate and construct its road on land belonging to the United States at lock No. 1, on the Kentucky River, in the State of Kentucky.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and is hereby, authorized and empowered to permit the Carrollton and Lock No. 1 Turnpike Road Company to locate and construct its road through the land belonging to the United States at lock No. 1, on the Kentucky River, in the State of Kentucky, upon such terms and conditions as he may consider proper: *Provided*, That said road shall not be so located or constructed as to obstruct the use of the said land by the United States for public purposes.

Mr. DIBBLE. I move that the bill be laid aside with the recommendation that it do pass.

Mr. HOLMAN. Is this land which belongs to the United States in connection with the work of improvement on the river?

Mr. DIBBLE. Yes, sir. I will yield to the gentleman from Kentucky [Mr. BRECKINRIDGE] to give an explanation.

Mr. BRECKINRIDGE, of Kentucky. Does the gentleman from Indiana desire any further explanation?

Mr. HOLMAN. If it is that land, I am satisfied.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. DIBBLE. I move that the committee rise and report the various bills which have been acted upon to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MCMILLIN reported that the Committee of the Whole House on the state of the Union, having had under consideration various bills, had instructed him to report them back to the House with various recommendations.

BILLS PASSED.

The bill (H. R. 4498) authorizing an additional appropriation of $15,000 for the court-house at Keokuk, Iowa, to make the same fire-proof, was reported from the Committee of the Whole House on the state of the Union with the following amendment:

In the fifth line of the bill strike out "$15,000" and insert "$25,000."

Mr. HALL. I desire to ask unanimous consent to offer an amendment changing this bill to an appropriation for $40,000.

Mr. DIBBLE. I object.

The SPEAKER. The question is on agreeing to the amendment reported by the Committee of the Whole House on the state of the Union.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DIBBLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. DIBBLE. I move to amend the title so as to make it conform to the body of the bill as amended.

The motion was agreed to.

The next business reported from the Committee of the Whole was the bill (H. R. 2410) for the addition of a third story to the public building in Dallas, Tex. The committee proposed to amend in the third line by striking out the words "Supervising Architect" and inserting the word "Secretary."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DIBBLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next business reported from the Committee of the Whole was the bill (H. R. 864) appropriating money for the completion of the public building at Frankfort, Ky.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DIBBLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next business reported from the Committee of the Whole was the bill (H. R. 6980) making appropriation to complete the public building at Jackson, Tenn., and reappropriate an unexpended balance therefor.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DIBBLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next business reported from the Committee of the Whole was the bill (H. R. 7467) to grant for the use of the public a street across the United States grounds in the city of Chattanooga, in the State of Tennessee.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DIBBLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next business was the bill (H. R. 4503) to authorize the Secretary of War to permit the Carrollton and Lock No. 1 Turnpike Road Company to locate and construct its road on land belonging to the United States at lock No. 1 on the Kentucky River, in the State of Kentucky.

The SPEAKER. This bill is on the Private Calendar; but if there be no objection the Committee of the Whole House will be discharged from its further consideration, and the bill will be considered in the House.

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DIBBLE moved to reconsider the vote by which the bill was

passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LOUISVILLE AND PORTLAND CANAL.

Mr. DIBBLE. Mr. Speaker, I now call up Senate bill No. 481, authorizing the partition of certain land in Louisville, Ky., belonging jointly to John Echols and the Government of the United States.

The bill was read, as follows:

Whereas a tract of ground situated in Louisville, Ky., adjoining the Louisville and Portland Canal, and known as "Rowan's Basin," is owned by the United States of America and by John Echols in the following proportion and under the following conveyances, to wit: The United States, as the proprietor of the Louisville and Portland Canal and the owner of all the stock of the Louisville and Portland Canal Company, owns an undivided three-eighths of said real estate by virtue of the following deeds: One from R. H. Campbell and others to the Louisville and Portland Canal Company, recorded in deed-book numbered 135, page 423, and one from George H. Douglas to said canal company, recorded in deed-book numbered 137, page 402, both in the Jefferson County (Kentucky) clerk's office; and said John Echols owns an undivided five-eighths of said real estate under and by virtue of the following deeds to him, to wit: One from Eliza H. Boone and others, recorded in deed-book numbered 255, page 134; one from Rebecca B. Rowan, trustee, and others, recorded in deed-book numbered 254, page 382; one from Rowan Buchanan and others, recorded in deed-book numbered 254, page 382, and one from Samuel J. Broadwell and others, recorded in deed-book numbered 254, page 602, all in the Jefferson County (Kentucky) clerk's office; and it is to the interest of both parties that partition shall be made of said real estate: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War of the United States is hereby authorized and empowered to agree with said Echols, his heirs or his assigns, upon such partition of said real estate as may seem to the Secretary of War to be just and proper, and may, in the name of and on behalf of the United States of America, make, execute, and deliver to said Echols, his heirs or his assigns, and receive from him or them, such deed of conveyance as many effectuate the partition herein provided for.

SEC. 2. That this act shall take effect from its passage.

Mr. DIBBLE. I yield five minutes to the gentleman from Kentucky [Mr. WILLIS].

Mr. WILLIS. Mr. Speaker, this bill has been very fully considered. It was considered in the last Congress, and it passed the Senate. It then came to the House, was referred to the Committee on Public Buildings and Grounds in the last Congress, and was unanimously reported by that committee, but failed to pass because it was not reached on the Calendar. In this Congress it was unanimously passed by the committee and by the Senate, and it comes back an act—the act that is now before the House. It has also been unanimously reported by the present Committee on Public Buildings and Grounds. The bill simply proposes to partition between the Government and Mr. Echols certain property lying near the canal basin in Louisville, Ky. The United States attorney reports that it is to the interest of the Government to make this partition.

The Government has no use for that part of the property which Mr. Echols has, and Mr. Echols has no use for that part which ought to belong to the United States, and it is to the interest of both parties that this partition should be made. Unless some gentleman desires to ask a question, I will submit the bill upon this statement.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WILLIS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CANAL BASIN, LOUISVILLE, KY.

Mr. DIBBLE. Mr. Speaker, I call up House bill No. 4927.

The SPEAKER. The Chair is advised that the Committee on Public Buildings and Grounds reported a substitute for that bill, and that the original bill was laid on the table. The substitute is pending; its number is 7892.

The bill (H. R. 7892) authorizing the use of the Louisville and Portland Canal basin upon certain conditions was read, as follows:

Be it enacted, &c., That the written contract made and entered into by and between the city of Louisville and the Louisville and Portland Canal Company, and the written contract by and between the city of Louisville, the Louisville and Portland Canal Company, and John P. Byrne, under which the firm of Byrne & Speed, of Louisville, Ky., has constructed a basin on the south side of the Louisville and Portland Canal, above Fifteenth street, and has also erected buildings, with elevator machinery therein, on land then the property of the Louisville and Portland Canal Company, now the property of the United States, are ratified and confirmed, subject, however, to the following modifications and provisions, to wit: Byrne & Speed, their assignees and grantees, are hereafter to pay to the United States of America, for the use of the land, an annual rental of $250, to be paid semi-annually, through the officer in charge of the canal, to the Secretary of War.

SEC. 2. That when, in the opinion of the Secretary of War, the public interests require the vacation of the Government land now occupied by the firm of Byrne & Speed, the Secretary of War shall give to the said firm of Byrne & Speed, their assignees or grantees, at least six months' notice to vacate the premises in question, and thereupon the aforesaid premises shall be vacated within such time; and no claim for damages or costs of any description shall lie against the United States.

Mr. DIBBLE. Mr. Speaker, I yield to the gentleman from Kentucky [Mr. WILLIS].

Mr. WILLIS. Mr. Speaker, this is a bill reported by the gentleman from Pennsylvania [Mr. BROWN]. The firm of Byrne & Speed, under a contract with the old Portland and Louisville Canal Company, had the right to use a portion of the canal basin for elevator purposes. They presented a bill to this House in which they asked Congress to confirm them in the right, and to say that when they were required to remove certain damages should be allowed to them, and also that a certain notice should be given them of the expiration of their user. The Engineer Department do not agree to that. They say that there ought to be no damages allowed when the Government calls upon this firm to surrender its use, and they say also that something ought to be paid for the use of these elevator privileges, and upon that suggestion the bill has been amended.

I do not know that the bill in its present form meets with the favor of Byrne & Speed, but I accept it as the result of the committee's investigation and the suggestions of the Department. It requires that this firm shall pay $250 per annum rental, and shall remove upon six months' notice, and that when they do remove they shall receive no damages whatever because of removal. The committee have reported back the bill in this form, and while it probably is not what Mr. Speed wants, I think it is the best that can be obtained, and I trust the bill will pass.

Mr. HOLMAN. Will my friend please explain the origin of this right? Was there a lease or contract between these parties and the Louisville and Portland Canal Company, and was there any rent paid?

Mr. WILLIS. Probably the best answer to the gentleman will be to refer to the report of Colonel Merrill, the engineer in charge. I read from a communication of the Chief of Engineers, dated March 3, 1886:

HON. WILLIAM C. ENDICOTT,
Secretary of War:

SIR: I have the honor to acknowledge the receipt, by reference to this office, of the letter of Hon. C. P. Snyder, of the Committee on Public Buildings and Grounds of the House of Representatives, dated the 16th ultimo, inclosing, for views of the War Department, H. R. 4927, a bill "authorizing the use of the Louisville and Portland Canal basin upon certain conditions"—

That is the original bill, which the committee has amended—

and to state that it was referred to Lieut. Col. W. E. Merrill, Corps of Engineers, who reports thereon as follows, under date of February 23, 1886:

"Respectfully returned to the Chief of Engineers.

"I would recommend that in line 17, page 2, the words 'two hundred and fifty' be inserted in the blank space, and that the whole of section 2 be stricken out.

That refers to section 2 of the original bill. The $250 is for rental.

"I have always maintained that Byrne & Speed have obtained possession of the property in question without consideration, and that they are merely tenants at will of the United States. Under these circumstances, I can not see any justice in requiring the United States to pay a large sum, or any sum whatever, in the event of its being found necessary to remove them from the tract which, in my opinion, they now occupy without legal authorization. I think, however, that it would be but just to guarantee them six months' notice in case they should be required to vacate the premises.

"A similar bill was introduced into the last Congress upon which I made a like report.

"I would therefore recommend a new section 2, to read:

"'SEC. 2. That when, in the opinion of the Secretary of War, the public interest requires the vacation of the Government land now occupied by the firm of Byrne & Speed, the Secretary of War shall give to the said Byrne & Speed, their assignees or grantees, at least six months' notice to vacate the premises in question, and thereupon the aforesaid premises shall be vacated within such time, and no claim for damages or costs of any description shall lie against the United States.'

That is the second section as now in the bill.

"In this connection I would refer to previous reports from this office." * * *

I beg also to inclose a copy of a report of Colonel Merrill on a bill of the same purport (H. R. 7891, Forty-eighth Congress, second session), introduced in the last Congress. His views and recommendations are concurred in by this office.

The letter of Hon. C. P. Snyder is herewith respectfully returned.

Very respectfully, your obedient servant,

JOHN NEWTON,
Chief of Engineers, Brig. and Bvt. Maj. Gen.

Mr. HOLMAN. I shall not raise any further question. Colonel Merrill is an entirely reliable gentleman, and thoroughly competent to act on such a subject. I had supposed, however, that originally some rent was reserved; but it seems such was not the case.

Mr. WILLIS. There was no rent reserved. This bill proposes to give the Government $250 rent for property which has been occupied without the payment of any rent.

Mr. HOLMAN. Colonel Merrill, I think, is one of the best officers in that service.

Mr. WILLIS. Unless there be some further question, I ask a vote on the bill.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. DIBBLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONSTRUCTION OF PUBLIC BUILDINGS.

Mr. DIBBLE. I now call up the bill (H. R. 6873) relating to the construction of public buildings.

The SPEAKER. This bill appears to be in the Committee of the Whole House on the state of the Union.

Mr. DIBBLE. It contains no appropriation nor anything that can call for an appropriation.

Mr. RANDALL. It ought to be on the House Calendar.

The SPEAKER. The Chair on examining the bill finds that it seems

to embrace restrictions on the Secretary of the Treasury and contains no appropriation. It was reported late yesterday afternoon at the moment of adjournment, and was erroneously referred to the Committee of the Whole House on the state of the Union. Is there objection to discharging that committee from its further consideration?

Mr. BAYNE. I reserve points of order till we understand what the bill is.

Mr. DIBBLE. I ask that the bill be read.

The bill was read, as follows:

Be it enacted, &c., That hereafter no plan shall be prepared or approved by the Secretary of the Treasury for any public building authorized by Congress to be erected until after the site therefor shall have been purchased and paid for; and he shall not authorize or approve of any plan for any such building which shall involve a greater expenditure in the completion of such building and approaches thereto than the amount that shall remain of the sum specified in the law authorizing the erection of such building as the limit of the cost of the site and building after the site shall have been paid for.

SEC. 2. That hereafter the United States shall not be responsible for or chargeable with any expense attending the paving or repaving of any streets surrounding or adjacent to any public building constructed by the United States outside of the District of Columbia.

Mr. BAYNE. I have no objection to the bill.

The SPEAKER. If there be no objection the Committee of the Whole House on the state of the Union will be discharged from the further consideration of the bill, and it will be considered in the House. The Chair hears no objection.

Mr. RANDALL. Mr. Speaker, this bill, which was introduced by myself and has been favorably reported by the Committee on Public Buildings and Grounds, has only two objects. It is the result of experience in connection with our appropriations for public buildings. Its object, in the first place, is that the limitation on the cost of these buildings should always include the expense of the approaches. Sometimes where a building has been authorized at an expenditure of, for instance, $50,000, there has subsequently been called for a further expenditure of $10,000 for approaches of the building. The expense of these approaches has in many cases been excessively disproportionate to the original limit of the cost of the building—about 20 per cent. in some instances.

The second section of the bill speaks for itself. It is designed to avoid any responsibility on the part of the Government for the cost of paving or repaving the streets and carriage-ways around public buildings.

Mr. ADAMS, of Illinois. On the very point now suggested by the gentleman from Pennsylvania I would like some explanation from that gentleman, who I understand introduced this bill, or from the committee. In making this inquiry I have no particular building in view, but am speaking upon general principles. If the Government owns a building surrounded by public streets, those streets must be paved; and if paved, by whom?

Mr. RANDALL. In the original dedication in almost every instance where the Government of the United States accepts property it does so upon the express stipulation the property ceded to the Government shall be free from taxation or other charge. Yet, sir, there has been in this House constant controversies on this subject. And it will be remembered the Committee on Appropriations have always resisted, when their attention has been called to it, this mode of compelling the Government indirectly to submit to taxation of this sort.

There is not a city or a town in the United States which secures a public building that is not greatly benefited by such construction. It never was in contemplation, I think, the Government of the United States should pay in addition these sums which have now come to be a very serious charge in the aggregate. In the estimates for this year we have $11,000 asked of the United States for this character of expenditure.

Mr. LONG. Let me ask the gentleman, perhaps in furtherance of his argument, what is the rule in regard to county and State buildings in a city?

Mr. RANDALL. The same rule, so far as I know. I would not like to state, as a general proposition, that in all instances such is the case; but the gentleman knows, having been the governor of a great commonwealth, that such is the practice in his State.

Mr. LONG. And the same rule should apply to the United States.

Mr. RANDALL. Yes; the same rule should apply to the Federal Government.

Mr. ADAMS, of Illinois. In my own city of Chicago the question will never become a practical one, because the streets around the public building or half of the streets next to the public building have been solidly paved with granite. But I can readily imagine there may be a city where this would apply. This bill prohibits Congress from appropriating hereafter for the pavement of a street.

Mr. RANDALL. As I have said, in the original dedication to the Government it has been with the express understanding the property was to be ceded free of all tax or other charge.

Mr. ADAMS, of Illinois. That is, the Government shall refuse to pave the street. The question is whether we will pass a law prohibiting Congress from paving a street hereafter.

Mr. RANDALL. I have been confronted with appropriation acts which have made appropriations for this character of work, charged against the Federal Government by the municipality wherein the public building is located.

Mr. ADAMS, of Illinois. But the gentleman has always held the right of a State to tax the property of the United States is invalid.

Mr. RANDALL. I certainly hold it.

Mr. ADAMS, of Illinois. And then the gentleman from Pennsylvania having the law at his back, and having considerable moral courage to support him to resist such appropriations when he sees fit, the question is why we should pass a law compelling Congress to agree to refuse hereafter.

Mr. RANDALL. Congress has occasionally thought otherwise.

Mr. ADAMS, of Illinois. I will yield to the gentleman from Georgia [Mr. HAMMOND].

Mr. HAMMOND. Mr. Speaker, because I happen to know a case in which such a payment is needed I would oppose that section. It is in the city in which I live. We donated seventy-odd thousand dollars' worth of land to the United States upon which to erect a public building. It put up a public building costing some $200,000. They are exempt from taxation, that building and the ground upon which it stands.

But the city of Atlanta chose to have courts there. They would have been there anyhow. The United States accepted the donation of the land in the particular locality because it was tendered to them, and taken as naturally as water takes its level. [Laughter.]

The court had been held in a small town some 16 miles away. It was moved to Atlanta and held in a rented building, and a new courthouse had to be built in Atlanta.

We can not tax land under the Constitution of Georgia for the improvement of streets unless we tax all property uniformly; but, under the exceptions which have been made throughout the United States, the improvement of streets around public buildings is not regarded in the nature of a tax or within the constitutional prohibition.

Land-owners in that city have been assessed to pave the various streets with Belgian blocks and other material. Upon the streets around this public building Belgian blocks have been laid.

At one point the present capitol of the State faces this public building. The State has paid its quota, as a private owner of property at that point would have done, and the city has paid its share. But the United States has not paid its quota, and we are asking now to have it paid by a bill, pending, I believe, in the Senate.

Mr. RANDALL. I would like to ask the gentleman from Georgia whether the grant of land made by the city of Atlanta was not made to the Federal Government because the Federal Government proposed to build thereon a public building which would greatly add to the convenience of the court and the public officials, as well as to the general ornamentation of the city; and whether the grant itself did not contain the clause to which I have already alluded, that the Government of the United States should be free thereafter from all taxes or charge of any kind?

Mr. HAMMOND. I will answer both questions of the gentleman from Pennsylvania as well as I can. It is impossible for me to know what were the motives of those who gave this land to the United States. I was not one of them.

I suppose one motive was to get some work—to build the house. I suppose the adjacent land-owners anticipated thereby an increased value of their property; but what may have been the views of the mayor and common council of that municipality who voted the donation I do not know. One thing I do know, they gave away $70,000 for something that I think we would have gained without the expenditure of the $70,000. That is my opinion. But whether true or not that the United States takes the property with a condition of perpetual exemption from taxes, grant for the sake of argument, and I do not know it to be true, but grant for the sake of argument that we agreed it should not be taxed. If this is not a tax—and the books lay down that it is not—if this is not a tax, then the United States, if it made the acceptance with a critical examination of the gift, understood it was not to be relieved from its share of this charge.

Mr. RANDALL. On the contrary——

Mr. HAMMOND. Yes, on the contrary; and the gentleman from Pennsylvania has no more right to determine what the United States understood than I have.

Mr. RANDALL. No; but the dedication itself shows.

Mr. HAMMOND. Did the gentleman from Pennsylvania ever read the dedication?

Mr. RANDALL. I have examined numbers of them, and believe, as far as I have examined them, that they are uniformly alike. We had this matter discussed in the last Congress.

Mr. HAMMOND. I have never read one of them in my life, and I do not suppose there is a gentleman here upon this floor who can repeat ten words consecutively contained in any one of them.

Mr. RANDALL. It is a matter of record; the gentleman may have been absent or his memory may have failed him.

Mr. HAMMOND. Both of which are possible.

Mr. RANDALL. Yes, sir; because this matter was fully discussed before this House in the gentleman's presence.

Mr. HAMMOND. Now, Mr. Speaker, I am not saying that the Federal Government can be taxed by a State, or that it can be made

passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LOUISVILLE AND PORTLAND CANAL.

Mr. DIBBLE. Mr. Speaker, I now call up Senate bill No. 481, authorizing the partition of certain land in Louisville, Ky., belonging jointly to John Echols and the Government of the United States.

The bill was read, as follows:

Whereas a tract of ground situated in Louisville, Ky., adjoining the Louisville and Portland Canal, and known as "Rowan's Basin," is owned by the United States of America and by John Echols in the following proportion and under the following conveyances, to wit: The United States, as the proprietor of the Louisville and Portland Canal and the owner of all the stock of the Louisville and Portland Canal Company, owns an undivided three-eighths of said real estate by virtue of the following deeds: One from R. H. Campbell and others to the Louisville and Portland Canal Company, recorded in deed-book numbered 135, page 423, and one from George H. Douglas to said canal company, recorded in deed-book numbered 137, page 402, both in the Jefferson County (Kentucky) clerk's office; and said John Echols owns an undivided five-eighths of said real estate under and by virtue of the following deeds to him, to wit: One from Eliza H. Boone and others, recorded in deed-book numbered 255, page 134; one from Rebecca B. Rowan, trustee, and others, recorded in deed-book numbered 254, page 382; one from Rowan Buchanan and others, recorded in deed-book numbered 254, page 362, and one from Samuel J. Broadwell and others, recorded in deed-book numbered 254, page 602, all in the Jefferson County (Kentucky) clerk's office; and it is to the interest of both parties that partition shall be made of said real estate: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War of the United States is hereby authorized and empowered to agree with said Echols, his heirs or his assigns, upon such partition of said real estate as may seem to the Secretary of War to be just and proper, and may, in the name of and on behalf of the United States of America, make, execute, and deliver to said Echols, his heirs or his assigns, and receive from him or them, such deed of conveyance as many effectuate the partition herein provided for.

SEC. 2. That this act shall take effect from its passage.

Mr. DIBBLE. I yield five minutes to the gentleman from Kentucky [Mr. WILLIS].

Mr. WILLIS. Mr. Speaker, this bill has been very fully considered. It was considered in the last Congress, and it passed the Senate. It then came to the House, was referred to the Committee on Public Buildings and Grounds in the last Congress, and was unanimously reported by that committee, but failed to pass because it was not reached on the Calendar. In this Congress it was unanimously passed by the committee and by the Senate, and it comes back an act—the act that is now before the House. It has also been unanimously reported by the present Committee on Public Buildings and Grounds. The bill simply proposes to partition between the Government and Mr. Echols certain property lying near the canal basin in Louisville, Ky. The United States attorney reports that it is to the interest of the Government to make this partition.

The Government has no use for that part of the property which Mr. Echols has, and Mr. Echols has no use for that part which ought to belong to the United States, and it is to the interest of both parties that this partition should be made. Unless some gentleman desires to ask a question, I will submit the bill upon this statement.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WILLIS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CANAL BASIN, LOUISVILLE, KY.

Mr. DIBBLE. Mr. Speaker, I call up House bill No. 4927.

The SPEAKER. The Chair is advised that the Committee on Public Buildings and Grounds reported a substitute for that bill, and that the original bill was laid on the table. The substitute is pending; its number is 7892.

The bill (H. R. 7892) authorizing the use of the Louisville and Portland Canal basin upon certain conditions was read, as follows:

Be it enacted, &c., That the written contract made and entered into by and between the city of Louisville and the Louisville and Portland Canal Company, and the written contract by and between the city of Louisville, the Louisville and Portland Canal Company, and John P. Byrne, under which the firm of Byrne & Speed, of Louisville, Ky., has constructed a basin on the south side of the Louisville and Portland Canal, above Fifteenth street, and has also erected buildings, with elevator machinery therein, on land then the property of the Louisville and Portland Canal Company, now the property of the United States, are ratified and confirmed, subject, however, to the following modifications and provisions, to wit: Byrne & Speed, their assignees and grantees, are hereafter to pay to the United States of America, for the use of the land, an annual rental of $250, to be paid semi-annually, through the officer in charge of the canal, to the Secretary of War.

SEC. 2. That when, in the opinion of the Secretary of War, the public interests require the vacation of the Government land now occupied by the firm of Byrne & Speed, the Secretary of War shall give to the said firm of Byrne & Speed, their assignees or grantees, at least six months' notice to vacate the premises in question, and thereupon the aforesaid premises shall be vacated within such time; and no claim for damages or costs of any description shall lie against the United States.

Mr. DIBBLE. Mr. Speaker, I yield to the gentleman from Kentucky [Mr. WILLIS].

Mr. WILLIS. Mr. Speaker, this is a bill reported by the gentleman from Pennsylvania [Mr. BROWN]. The firm of Byrne & Speed, under a contract with the old Portland and Louisville Canal Company, had the right to use a portion of the canal basin for elevator purposes. They presented a bill to this House in which they asked Congress to confirm them in the right, and to say that when they were required to remove certain damages should be allowed to them, and also that a certain notice should be given them of the expiration of their user. The Engineer Department do not agree to that. They say that there ought to be no damages allowed when the Government calls upon this firm to surrender its use, and they say also that something ought to be paid for the use of these elevator privileges, and upon that suggestion the bill has been amended.

I do not know that the bill in its present form meets with the favor of Byrne & Speed, but I accept it as the result of the committee's investigation and the suggestions of the Department. It requires that this firm shall pay $250 per annum rental, and shall remove upon six months' notice, and that when they do remove they shall receive no damages whatever because of removal. The committee have reported back the bill in this form, and while it probably is not what Mr. Speed wants, I think it is the best that can be obtained, and I trust the bill will pass.

Mr. HOLMAN. Will my friend please explain the origin of this right? Was there a lease or contract between these parties and the Louisville and Portland Canal Company, and was there any rent paid?

Mr. WILLIS. Probably the best answer to the gentleman will be to refer to the report of Colonel Merrill, the engineer in charge. I read from a communication of the Chief of Engineers, dated March 3, 1886:

Hon. WILLIAM C. ENDICOTT,
Secretary of War:

SIR: I have the honor to acknowledge the receipt, by reference to this office, of the letter of Hon. C. P. Snyder, of the Committee on Public Buildings and Grounds of the House of Representatives, dated the 16th ultimo, inclosing, for views of the War Department, H. R. 4927, a bill "authorizing the use of the Louisville and Portland Canal basin upon certain conditions"—

That is the original bill, which the committee has amended—

and to state that it was referred to Lieut. Col. W. E. Merrill, Corps of Engineers, who reports thereon as follows, under date of February 23, 1886:

"Respectfully returned to the Chief of Engineers.

"I would recommend that in line 17, page 2, the words 'two hundred and fifty' be inserted in the blank space, and that the whole of section 2 be stricken out.

That refers to section 2 of the original bill. The $250 is for rental.

"I have always maintained that Byrne & Speed have obtained possession of the property in question without consideration, and that they are merely tenants at will of the United States. Under these circumstances, I can not see any justice in requiring the United States to pay a large sum, or any sum whatever, in the event of its being found necessary to remove them from the tract which, in my opinion, they now occupy without legal authorization. I think, however, that it would be but just to guarantee them six months' notice in case they should be required to vacate the premises.

"A similar bill was introduced into the last Congress upon which I made a like report.

"I would therefore recommend a new section 2, to read:

"'SEC. 2. That when, in the opinion of the Secretary of War, the public interest requires the vacation of the Government land now occupied by the firm of Byrne & Speed, the Secretary of War shall give to the said Byrne & Speed, their assignees or grantees, at least six months' notice to vacate the premises in question, and thereupon the aforesaid premises shall be vacated within such time, and no claim for damages or costs of any description shall lie against the United States.'

That is the second section as now in the bill.

"In this connection I would refer to previous reports from this office." * * *

I beg also to inclose a copy of a report of Colonel Merrill on a bill of the same purport (H. R. 7891, Forty-eighth Congress, second session), introduced in the last Congress. His views and recommendations are concurred in by this office.

The letter of Hon. C. P. Snyder is here with respectfully returned.

Very respectfully, your obedient servant,

JOHN NEWTON,
Chief of Engineers, Brig. and Bvt. Maj. Gen.

Mr. HOLMAN. I shall not raise any further question. Colonel Merrill is an entirely reliable gentleman, and thoroughly competent to act on such a subject. I had supposed, however, that originally some rent was reserved; but it seems such was not the case.

Mr. WILLIS. There was no rent reserved. This bill proposes to give the Government $250 rent for property which has been occupied without the payment of any rent.

Mr. HOLMAN. Colonel Merrill, I think, is one of the best officers in that service.

Mr. WILLIS. Unless there be some further question, I ask a vote on the bill.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. DIBBLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONSTRUCTION OF PUBLIC BUILDINGS.

Mr. DIBBLE. I now call up the bill (H. R. 6873) relating to the construction of public buildings.

The SPEAKER. This bill appears to be in the Committee of the Whole House on the state of the Union.

Mr. DIBBLE. It contains no appropriation nor anything that can call for an appropriation.

Mr. RANDALL. It ought to be on the House Calendar.

The SPEAKER. The Chair on examining the bill finds that it seems

to embrace restrictions on the Secretary of the Treasury and contains no appropriation. It was reported late yesterday afternoon at the moment of adjournment, and was erroneously referred to the Committee of the Whole House on the state of the Union. Is there objection to discharging that committee from its further consideration?

Mr. BAYNE. I reserve points of order till we understand what the bill is.

Mr. DIBBLE. I ask that the bill be read.

The bill was read, as follows:

Be it enacted, &c., That hereafter no plan shall be prepared or approved by the Secretary of the Treasury for any public building authorized by Congress to be erected until after the site therefor shall have been purchased and paid for; and he shall not authorize or approve of any plan for any such building which shall involve a greater expenditure in the completion of such building and approaches thereto than the amount that shall remain of the sum specified in the law authorizing the erection of such building as the limit of the cost of the site and building after the site shall have been paid for.

SEC. 2. That hereafter the United States shall not be responsible for or chargeable with any expense attending the paving or repaving of any streets surrounding or adjacent to any public building constructed by the United States outside of the District of Columbia.

Mr. BAYNE. I have no objection to the bill.

The SPEAKER. If there be no objection the Committee of the Whole House on the state of the Union will be discharged from the further consideration of the bill, and it will be considered in the House. The Chair hears no objection.

Mr. RANDALL. Mr. Speaker, this bill, which was introduced by myself and has been favorably reported by the Committee on Public Buildings and Grounds, has only two objects. It is the result of experience in connection with our appropriations for public buildings. Its object, in the first place, is that the limitation on the cost of these buildings should always include the expense of the approaches. Sometimes where a building has been authorized at an expenditure of, for instance, $50,000, there has subsequently been called for a further expenditure of $10,000 for approaches of the building. The expense of these approaches has in many cases been excessively disproportionate to the original limit of the cost of the building—about 20 per cent. in some instances.

The second section of the bill speaks for itself. It is designed to avoid any responsibility on the part of the Government for the cost of paving or repaving the streets and carriage-ways around public buildings.

Mr. ADAMS, of Illinois. On the very point now suggested by the gentleman from Pennsylvania I would like some explanation from that gentleman, who I understand introduced this bill, or from the committee. In making this inquiry I have no particular building in view, but am speaking upon general principles. If the Government owns a building surrounded by public streets, those streets must be paved; and if paved, by whom?

Mr. RANDALL. In the original dedication in almost every instance where the Government of the United States accepts property it does so upon the express stipulation the property ceded to the Government shall be free from taxation or other charge. Yet, sir, there has been in this House constant controversies on this subject. And it will be remembered the Committee on Appropriations have always resisted, when their attention has been called to it, this mode of compelling the Government indirectly to submit to taxation of this sort.

There is not a city or a town in the United States which secures a public building that is not greatly benefited by such construction. It never was in contemplation, I think, the Government of the United States should pay in addition these sums which have now come to be a very serious charge in the aggregate. In the estimates for this year we have $11,000 asked of the United States for this character of expenditure.

Mr. LONG. Let me ask the gentleman, perhaps in furtherance of his argument, what is the rule in regard to county and State buildings in a city?

Mr. RANDALL. The same rule, so far as I know. I would not like to state, as a general proposition, that in all instances such is the case; but the gentleman knows, having been the governor of a great commonwealth, that such is the practice in his State.

Mr. LONG. And the same rule should apply to the United States.

Mr. RANDALL. Yes; the same rule should apply to the Federal Government.

Mr. ADAMS, of Illinois. In my own city of Chicago the question will never become a practical one, because the streets around the public building or half of the streets next to the public building have been solidly paved with granite. But I can readily imagine there may be a city where this would apply. This bill prohibits Congress from appropriating hereafter for the pavement of a street.

Mr. RANDALL. As I have said, in the original dedication to the Government it has been with the express understanding the property was to be ceded free of all tax or other charge.

Mr. ADAMS, of Illinois. That is, the Government shall refuse to pave the street. The question is whether we will pass a law prohibiting Congress from paving a street hereafter.

Mr. RANDALL. I have been confronted with appropriation acts which have made appropriations for this character of work, charged against the Federal Government by the municipality wherein the public building is located.

Mr. ADAMS, of Illinois. But the gentleman has always held the right of a State to tax the property of the United States is invalid.

Mr. RANDALL. I certainly hold it.

Mr. ADAMS, of Illinois. And then the gentleman from Pennsylvania having the law at his back, and having considerable moral courage to support him to resist such appropriations when he sees fit, the question is why we should pass a law compelling Congress to agree to refuse hereafter.

Mr. RANDALL. Congress has occasionally thought otherwise.

Mr. ADAMS, of Illinois. I will yield to the gentleman from Georgia [Mr. HAMMOND].

Mr. HAMMOND. Mr. Speaker, because I happen to know a case in which such a payment is needed I would oppose that section. It is in the city in which I live. We donated seventy-odd thousand dollars' worth of land to the United States upon which to erect a public building. It put up a public building costing some $200,000. They are exempt from taxation, that building and the ground upon which it stands.

But the city of Atlanta chose to have courts there. They would have been there anyhow. The United States accepted the donation of the land in the particular locality because it was tendered to them, and taken as naturally as water takes its level. [Laughter.]

The court had been held in a small town some 16 miles away. It was moved to Atlanta and held in a rented building, and a new courthouse had to be built in Atlanta.

We can not tax land under the Constitution of Georgia for the improvement of streets unless we tax all property uniformly; but, under the exceptions which have been made throughout the United States, the improvement of streets around public buildings is not regarded in the nature of a tax or within the constitutional prohibition.

Land-owners in that city have been assessed to pave the various streets with Belgian blocks and other material. Upon the streets around this public building Belgian blocks have been laid.

At one point the present capitol of the State faces this public building. The State has paid its quota, as a private owner of property at that point would have done, and the city has paid its share. But the United States has not paid its quota, and we are asking now to have it paid by a bill, pending, I believe, in the Senate.

Mr. RANDALL. I would like to ask the gentleman from Georgia whether the grant of land made by the city of Atlanta was not made to the Federal Government because the Federal Government proposed to build thereon a public building which would greatly add to the convenience of the court and the public officials, as well as to the general ornamentation of the city; and whether the grant itself did not contain the clause to which I have already alluded, that the Government of the United States should be free thereafter from all taxes or charge of any kind?

Mr. HAMMOND. I will answer both questions of the gentleman from Pennsylvania as well as I can. It is impossible for me to know what were the motives of those who gave this land to the United States. I was not one of them.

I suppose one motive was to get some work—to build the house. I suppose the adjacent land-owners anticipated thereby an increased value of their property; but what may have been the views of the mayor and common council of that municipality who voted the donation I do not know. One thing I do know, they gave away $70,000 for something that I think we would have gained without the expenditure of the $70,000. That is my opinion. But whether true or not that the United States takes the property with a condition of perpetual exemption from taxes, grant for the sake of argument, and I do not know it to be true, but grant for the sake of argument that we agreed it should not be taxed. If this is not a tax—and the books lay down that it is not—if this is not a tax, then the United States, if it made the acceptance with a critical examination of the gift, understood it was not to be relieved from its share of this charge.

Mr. RANDALL. On the contrary——

Mr. HAMMOND. Yes, on the contrary; and the gentleman from Pennsylvania has no more right to determine what the United States understood than I have.

Mr. RANDALL. No; but the dedication itself shows.

Mr. HAMMOND. Did the gentleman from Pennsylvania ever read the dedication?

Mr. RANDALL. I have examined numbers of them, and believe, as far as I have examined them, that they are uniformly alike. We had this matter discussed in the last Congress.

Mr. HAMMOND. I have never read one of them in my life, and I do not suppose there is a gentleman here upon this floor who can repeat ten words consecutively contained in any one of them.

Mr. RANDALL. It is a matter of record; the gentleman may have been absent or his memory may have failed him.

Mr. HAMMOND. Both of which are possible.

Mr. RANDALL. Yes, sir; because this matter was fully discussed before this House in the gentleman's presence.

Mr. HAMMOND. Now, Mr. Speaker, I am not saying that the Federal Government can be taxed by a State, or that it can be made

to pay an assessment for street improvements. I know that it can not be. I simply meant to second the idea of the gentleman from Illinois [Mr. ADAMS], that as the game is all in our own hands, there is no use of throwing up this barrier or saying by law that we shall never hereafter even make an exception in any particular case.

I have been talking about two main streets on the front and end of this building. To show you to what a ridiculous extent these restrictions may go, there is behind this public building an alley of 9 feet width.

I believe it was given half by the adjoining land-owner and one-half by the United States when this building was put up to make a joint alley between the two. The adjoining land-owner is willing to put macadam or Belgian blocks on his side of the alley, which runs clear across the square in the rear of this public building. He is willing to put it down at his own expense on his own property, but not on that of the Government; but the United States is too poor to put down its share of it; and consequently that alley remains unpaved and is a mere mud-hole, through which all the mails are carried, and you can not go to the house in the rear with any degree of comfort or convenience by reason of the state of affairs there.

Mr. MORRISON. Will the gentleman from Georgia allow me a moment?

Mr. HAMMOND. Yes, sir.

Mr. MORRISON. I wish to say that I do not know which side I am on, because this is a question I do not clearly understand. If I am correctly informed, we are going to pass a law now which will prevent the State or citizen from presenting claims against the Government for expenditures of the character suggested here and will also prevent us from paying them. Now I want to know from the gentleman from Georgia, or somebody else who can tell, for I do not know how we can prevent these claims from being presented, or, in case they are presented, how we can prevent the next House from paying them.

Mr. HAMMOND. I will answer that by saying that the city of Atlanta, I believe, under the Constitution, has the right of petition, but if it has not, its citizens have; and therefore you can not prevent their coming here. This law, if you pass it, simply reads thus:

That hereafter the United States shall not be responsible for, or chargeable with, any expense attending the paving or repaving of any streets surrounding, or adjacent to, any public building constructed by the United States, outside of the District of Columbia.

Mr. MORRISON. It is not responsible now.

Mr. HAMMOND. It is not chargeable now to the Government unless Congress makes it so. That is just what I say. It is not responsible now; it is not chargeable now; this is to put an obstacle in the way of these claims, and for what purpose?

Mr. RANDALL. It would be in the nature of a notice that the United States ought not to pay anything outside of what was stipulated when the deed of grant was made.

Mr. HAMMOND. I do not mean to be disrespectful, but I will say I consider it a piece of impertinence for this Congress to serve notice on future Congresses as to whether they should pay for the improvement of streets around buildings belonging to the United States.

Let us look at the other side of this thing. Here was a street between the capitol of the State of Georgia and this public building, 70 feet wide, that needed a good macadam or something of that kind. We put down Belgian block to make it good. Suppose it had been known in advance that the United States was bound by a law never to contribute to making that street, and suppose Atlanta was as niggardly as it is proposed the United States shall make itself on the statute-book to-day, the approach to your building would have been left just as it was before perhaps, an eye-sore to the community—disagreeable to us and disagreeable to the United States so far as approaching this building was concerned. It would have been a nuisance.

Now, the United States can never be asked to pay anything more than its proper proportion for the fixing of a street; it could never be made to pay a dime without a majority vote of both Houses of Congress and the signature of the President of the United States to the act that required the payment. And for us to undertake to say that we are going to determine in advance that there shall never be any improvement made on the streets opposite public buildings unless the city itself will pay for those improvements seems to me to be wrong. It is unnecessary.

The gentleman from Pennsylvania [Mr. RANDALL] talked as if a little town could slip up on the United States and get its hand into the Treasury whether it was unlocked or not. We have the key; the future Congresses will hold the treasure of the Government. To undertake to save in this way is saving at the spigot when the bung-hole is open all the time.

Mr. RANDALL. It may be impertinent for the Government of the United States to stand upon the rights which were given to it when the property was handed over by the municipality or State; or it may be niggardly. But there is one thing certain, this would prevent the extraordinary spectacle of the United States being a tax-payer all over this Union, when every one of these public buildings was erected for the convenience of the people of the State and the locality; and there is not an instance where, in my judgment, if the Government of the United States had said, "We will construct the building provided you supply a lot for that object," the lot would not have been given. We have had experience of this thing, and this House voted by an enormous majority—a vote of two-thirds—that they were unwilling to pay this kind of taxation.

Mr. HAMMOND. Can not they do it again?

Mr. RANDALL. Never mind; you are through.

The other body thought otherwise, and the bill went to a committee of conference. We were compelled to yield or let the bill fail. That was the spectacle that was presented, and the object of this bill is to prevent that or provide a remedy in the future.

Mr. HAMMOND. Will the gentleman yield to me for a question?

Mr. RANDALL. Yes, sir.

Mr. HAMMOND. Will this second section prevent it?

Mr. RANDALL. It is notice to all hands, and it is a restriction on the Supervising Architect.

Mr. HAMMOND. Then let it read "and the country is hereby notified that hereafter we do not want to do this."

Mr. RANDALL. When this is a growing evil in every part of the country, and claims are coming in as they are this year for the payment of these expenses, I think it is time to meet it by some sort of notice that will prevent it. I care nothing, however, about it personally. If the House does not want to pass this it need not.

Mr. BLOUNT. The question of whether or not the Federal Government shall contribute a proportionate share to the expense of improving streets is not a new one in Congress. It has been raised by various gentlemen at different sessions of Congress ever since I have been a member, and the claim has been uniformly rejected. I remember a case from Indiana in which the special plea was made that the Government should pay a proportion of the expense of paving the street. The circumstances were that they were inhibited from raising beyond a given rate of taxation; that the public building was on a great thoroughfare of the city, the most important street, and that unless Congress paid its proportion the citizens of that city would be subject to the inconvenience of not having that street paved. Such special reasons as these have attended most of the applications I have known made to Congress for aid in the construction of streets, and, as I have said, the claim has been uniformly rejected.

I see no objection to placing in this bill a declaration on the part of Congress in conformity with its uniform practice on the subject. As suggested by the gentleman from Pennsylvania [Mr. RANDALL], the public buildings themselves were placed where they are largely for the convenience of the public. The streets passing and adjoining them are used for the business of the city largely, almost wholly.

The little access that becomes necessary for the Government to have to the public building for handling mails, &c., is but a small part of the use of those streets. It seems to me, therefore, there can be no objection to this declaration. As the gentleman from Pennsylvania has said, it is notice to the several cities of this Union where these building have been constructed and are to be constructed that the Government does not contemplate any more than furnishing convenient buildings for the purposes of the Government. And I trust, sir, that we shall never have to be involved with the various cities in this Union in struggles on this floor on *ex parte* statements with respect to the cost of streets.

There is nothing in the nature of the case or in the relation of these buildings to the communities where they are located to justify those communities in asking the Government to bear this expense. Of course they will make such applications. The right of petition, as has been suggested, exists, and they will come with unreasonable demands. But while we are lavishly providing for expenditures on public buildings, it is a fit time to couple with such expenditures an express declaration that we will do nothing more more than what is legitimate.

Mr. RANDALL. I would like to ask the gentleman whether the Government of the United States has any voice whatever in determining the necessity of this taxation for street improvements, or the method of its expenditure?

Mr. BLOUNT. I think the gentleman's question carries its answer with it. The improvement of streets is a local matter, intended for the benefit of the community in its business intercourse.

Mr. HOLMAN. I would like to inquire of the gentleman whether it is not true that in quite a number of cases cities where the Government owned considerable real estate have made street improvements for which, so far as the Government was concerned, there was no necessity. The bills in such cases, I admit, have not generally been allowed by us, yet they have been pressed upon Congress, and will undoubtedly be ultimately paid unless it is understood as a rule that the Government does not pay any portion of the cost of constructing or repairing streets.

Mr. BLOUNT. I not only think it probable such has been the fact, but there are a great many cases all over the United States where the Government has constructed buildings and where pavements have been laid at the expense of the localities without any question being raised as to the propriety of the Government bearing that expense; and if we should adopt the policy of sharing these expenditures with the different cities, it would be but natural that we should not only contribute to such expenditures in the future, but, as an equitable obligation, go back and pay our pro rata share where the expenditures have been already incurred.

Mr. BYNUM. May I ask the gentleman one question?

Mr. BLOUNT. Certainly.

Mr. BYNUM. The gentleman alluded to a case in Indiana. Now, in that State these improvements are held to be an improvement of the particular property, not a general tax, and in the case to which the gentleman alluded, the pavement around the Indianapolis post-office——

Mr. BLOUNT. I did not allude to the Indianapolis post-office.

Mr. HOLMAN. The arsenal grounds.

Mr. BYNUM. I was about to say that in the case of the improvement around the Indianapolis post-office, although the contract is made by the city, the city is not liable, but the particular property is chargeable with the expense. The city can not be held liable; and the man who did that work is without his money for one-fourth of the improvement.

Mr. BLOUNT. The man never had any claim against the Government of the United States for it. The Government has uniformly declined to make compensation in such cases; and if the contractor, in the face of the policy of the Government and in the face of the plain justice of the case, has gone on and made a bad bargain with the authorities in reference to street improvements, that is his misfortune. While it may be true that each citizen should be required to contribute in reference to the amount of his property, the same consideration does not apply to the Government of the United States, which has but little occasion to use these streets, and has no voice or vote or influence in determining whether there shall be local improvements or what shall be their character.

Mr. ADAMS, of Illinois. Mr. Speaker, it has been asserted here that this is a question of taxation. Now, in some parts of the country it may be so; but it is not so in Illinois. I infer it is not so in Georgia or Indiana. In Illinois, and I believe in these other States, when a street is improved it is improved at the expense of adjoining owners. Therefore when the gentleman from Pennsylvania [Mr. RANDALL] says that in the grant of property to the Government there was an agreement that the United States should be exempt from the burden of taxation, if he applies that to this particular case he must mean that there was an implied understanding that where there is a Government building the citizens owning adjoining property shall pave the whole width of the street, or else that half of the street which bounds any Government building shall not be paved at all.

Mr. RANDALL. The deeds in such cases provide that the Government shall be exempt from all taxation for such purposes.

Mr. ADAMS, of Illinois. But the citizen who owns property opposite a Government building is not a party to such a deed; and the question is simply whether the street shall be improved or whether it shall not be improved? The question is not whether it shall not be improved by the State or the city, because in my own State and in Georgia, Indiana, and perhaps other States, it can not be so improved.

Mr. RANDALL. The State makes laws governing her citizens and governing all contracts.

Mr. ADAMS, of Illinois. I do not say that the United States Government is bound by any law or ordinance of any city or any State. The question is whether the Appropriations Committee, whose duty it is to consider every case on its own merits, shall get this provision on the statute-book, and thereafter decline to consider any such question that shall hereafter arise.

Mr. BLOUNT. I would like to know under what circumstances and by what authority the Committee on Appropriations, even without a law of this kind, would place upon an appropriation bill any provision for paying expenses of paving in front of public buildings in any part of this country?

Mr. ADAMS, of Illinois. I can not answer that question——

Mr. BLOUNT. It has always been held on questions of order that there was no authority to insert such provisions in an appropriation bill, and they have always been ruled out.

Mr. ADAMS, of Illinois. That is not the question before the House, but whether that committee shall be enabled to put a certain provision of this kind on the statute-book.

I yield to the gentleman from Georgia [Mr. HAMMOND], who I believe desires to offer an amendment.

Mr. HAMMOND. I move to amend by striking out the second section of the bill. My object in this motion is simply to prevent what seems to me a useless and, if for no other reason, a mischievous proposition from being put into the form of a statute.

Everybody admits that the mere declaration that the United States shall not be subject to any such charge will not prevent anybody from asking payment and will not prevent payment, and therefore it is useless. The United States are not subject to such charge now. They never can be made subject to such charge in future except by their consent; but this Congress can not bind any future Congress not to make such a concession. Whenever anything is suggested on the score of taxation or charges the gentleman from Pennsylvania [Mr. RANDALL] adds another word to the deed. I never saw one of those deeds, but I am very much like Mr. Petigru, of South Carolina, on an occasion when somebody was bothering him about the "decree of Providence;" he simply said, in his squeaky little voice, "Show me the decree." [Laughter.]

So I say show me the deeds. I never saw one of those deeds, and I do not believe the gentleman from Pennsylvania [Mr. RANDALL] knows five words in any one of them.

Mr. RANDALL. Well, I have read them often enough to know.

Mr. HAMMOND. No doubt you have; but I would like to see "the decree." And suppose I saw it, it would be simply, at last, a statement that the United States should not be subject to any tax or charge by any State, county, city, or municipality, and the United States are not subject now to any such charge, and would not be even if the words were not in the deed. It is the mere asking by the citizens of a corporation, "Will you share in this expense?"

Now there seems to be a great deal of alarm here lest the cities should combine to get something out of the United States Treasury. Since I have been in this Congress, without any application from the city of Atlanta, I suppose on the mere motion of somebody on the Appropriations Committee, $15,000 was appropriated for the "approaches" to the public building in the city of Atlanta. Those approaches were just as good as the approaches to any other building at the time the appropriation was made, and the $15,000 was used in taking up good brick pavements and putting down stone. Where is the principle that allows the United States every day to appropriate money for approaches to buildings, and yet says that they ought to make a law that the approaches are confined to sidewalks?

There is not a statute-book for the last twenty-five years that has not in it some appropriation for the approaches to some public building. That means that when the Government erects a public building it will provide a way to get to it. You are here passing bills every Congress to make ways to get to your cemeteries, bills that make miles of road and frequently improve private property, yet such a road is simply an approach to your cemetery. That is all. Take the streets of any city, what are they? They do not belong to the city for city purposes. The city can not sell them; it can not mortgage them; it can use them only for streets; and the streets in Atlanta are just as free to a citizen of New York as they are to me, and the streets in New York are just as free to me as to a New Yorker.

The streets of a city are for public uses. The Government may help me to make a street over which I can ride pleasantly in a carriage, but if it does, it gets the advantage of having its carriages come up unbroken to its doors. It may make a street to help Atlanta in some regards, but if so it is helping all the people in the nearly fifty counties that come to the courts of Atlanta. It is all a mistake to suppose that the United States court building is put up in the city of Atlanta for the benefit of Atlanta.

Atlanta as a corporation would be better off without it. She would have more property to tax. She would have some other structure where that building stands, or the United States would have bought some other place and erected its building anyhow. Atlanta is $70,000 out, eternally, for the location of that building. I do not expect you to help us pay for the street. It may be that these gentlemen who have always defeated such things can draw a distinction between the street and the approaches, and will draw it in the future; but I would not sit silent and see such a petition, when I come here asking such an appropriation, forestalled by a piece of legislation that means nothing but buncombe.

Mr. DIBBLE. Mr. Speaker, I move the previous question on the bill and amendments.

Mr. RANDALL. I ask the gentleman to withdraw the motion for a moment.

Mr. DIBBLE. I withdraw the motion.

Mr. RANDALL. Mr. Speaker, I want to say that in the remarks I have made on this bill and in the argument I have made in its favor I have discussed it solely from a Federal standpoint. I have not introduced the question of what was one city's interest or another city's interest. The cities should be all treated alike, and when you come to consider the question I should like to know how many towns there are in the country that have no Federal public buildings, yet are asked to contribute to repairing the streets in the towns that have such buildings.

Mr. ADAMS, of Illinois. Not repairing them.

Mr. DIBBLE. Mr. Speaker, I now yield five minutes to the gentleman from Pennsylvania [Mr. BAYNE].

Mr. BAYNE. Mr. Speaker, I feel that the United States Government ought to treat communities as decently as citizens are compelled to treat each other. When a man owns property abutting on a street he owns the fee to the middle of the street, and it is made the duty of the property-owner to pay for the paving to the middle of the street. The Government of the United States owns the fee to the middle of the street, and the Government of the United States, it seems to me, ought to pay for the paving of that portion of the street of which it owns the fee, and which would revert to the Government if the street were abolished. I do not see why the Government should not do that, and I know very well that in my State, unless the Government is required to do so, it will lead to complications, because in some of the cities there is no provision made for paving the streets except by taxing the owners of the abutting property. That is the only method provided; and if the Government fails to pave the street in front of its property out to the middle, the result will be that that part of the street will go unpaved.

The first section of the bill I believe to be all right. The second sec-

tion I believe to be entirely too parsimonious, altogether too economical to be fair in the transactions of this Government with the people. I hope that the motion of the gentleman from Georgia will prevail and that that section will be stricken out.

Mr. BLOUNT. Mr. Speaker, so far as the economy is concerned to which my colleague [Mr. HAMMOND] has referred which is to result to the Government from having a good roadway for the approach of its wagons to the public buildings, I wish to remind him that the Government does not own those wagons at all. The wagons in which the mails are carried are owned by the contractors, so that that argument does not apply. So far as Atlanta is concerned, my colleague thinks the city has been injured by the erection of that public building.

Mr. HAMMOND. Oh, no; I said in a pecuniary sense.

Mr. BLOUNT. Well, I do not care. I will take it in any sense the gentleman wishes. It is quite clear and fresh in my mind that the city council of Atlanta voted $50,000——

Mr. HAMMOND. Seventy thousand dollars.

Mr. BLOUNT. My colleague corrects me and makes the amount larger. That city voted $70,000 for a site, and kept its mayor here for weeks trying to induce Congress to provide for the construction of a public building in Atlanta, and, through the efforts of the representatives of the city here, that object was attained. Therefore, although my colleague may be correct, the authorities of the city of Atlanta, who may be presumed to have represented the general sentiment of the people there at that time, took an entirely different view of the matter, and if I am not mistaken the people of that city now take great pride in the public building that has been erected there.

Now, sir, as I have said before, it is rarely the case the Government uses it. Those streets, if they are paved, are paved largely in the interest of the trade and business of the city, after a determination by the people who represent the tax-payers as to the interest of those tax-payers that it is in the interest of that property.

Mr. RANDALL. And the adjacent property, too.

Mr. BLOUNT. And the adjacent property, too.

My friend from Pennsylvania [Mr. BAYNE] says it is too economical. Mr. Speaker, it is not the habit of Congress to be too economical. The cry from the country has always been the other way, that there was too much extravagance and log-rolling and waste of public treasure, and too few who would stand the odium of being called economists in the interests of the United States. There is no reason on the face of the earth, in equity or in any other way, why the Government should go into the cities where they need streets paved, and because they have given a public building there which they have been begged for, and be subjected, without their consent, without consultation, to the will of the citizens in the matter of taxation.

Mr. DIBBLE. I yield for three minutes to the gentleman from Ohio [Mr. WARNER].

Mr. WARNER, of Ohio. If this bill becomes a law, then any grant or deed from a municipality to the General Government will be accepted hereafter subject to that condition. It will come under the provisions of this bill, which will prohibit any contribution toward the payment of this tax or making the Government liable for any assessment for paving streets.

Mr. HAMMOND. How much stronger prohibition can you get than the Constitution of the United States?

Mr. WARNER, of Ohio. This is a declaration in addition. If the Constitution already provides for this prohibition, then certainly the bill itself can not be charged with being unconstitutional.

Mr. HAMMOND. You may petition.

Mr. WARNER, of Ohio. It settles this question: That after we have constructed public buildings all over the country, then the Government of the United States is not to be taxed thereafter for the purpose of putting down sidewalks and paving the streets around those buildings; that hereafter we are not to be annoyed with bills, petitions, and requests for appropriations by the hundreds, as otherwise we would be. When we put up buildings now by the hundred and they may hereafter be by the thousand, this bill will have the effect of protecting us against such annoyances as petitions and bills asking for the paving of streets and sidewalks, I think it is a very proper measure and ought to pass.

Mr. DIBBLE demanded the previous question on the bill and amendment.

The previous question was ordered.

The question first recurred on the following amendment of the committee:

After the words "paid for," in line 6, insert the following:

"Nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury."

The amendment was agreed to.

The question next recurred on the amendment of Mr. HAMMOND, to strike out section 2, as follows:

SEC. 2. That hereafter the United States shall not be responsible for or chargeable with any expense attending the paving or repaving of any streets surrounding or adjacent to any public building constructed by the United States outside of the District of Columbia.

The House divided; and there were—ayes 39, noes 62.

Mr. HAMMOND. No quorum has voted.

The SPEAKER appointed as tellers Mr. HAMMOND and Mr. DIBBLE.

Mr. RANDALL. Mr. Speaker, I have a suggestion to make to the gentleman from South Carolina. He has some other bills to bring forward, and as I do not desire to prevent their passage I suggest, as there is no quorum present and it is hardly worth while to disturb gentlemen who have gone home, that this bill shall go over until we can have a full House to vote upon it.

Mr. HAMMOND. Let us finish it this afternoon.

Mr. RANDALL. The gentleman knows best what he will do, but I think my suggestion is a fair one.

Mr. HAMMOND. There being such a large majority against me, I do not think I should postpone the vote to another day or insist further on my point of no quorum, and therefore will withdraw it.

The tellers reported ayes 28, noes 82.

So the amendment was rejected.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DIBBLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REGULATION OF GROUNDS, WASHINGTON NATIONAL MONUMENT.

Mr. DIBBLE. I now call up the bill (H. R. 5097) to regulate the use of the grounds of the Washington National Monument, known as public reservation No. 3, in the city of Washington, D. C.

The bill was read, as follows:

Be it enacted, &c., That public travel in and occupancy of the grounds in and about the Washington National Monument, known as public reservation No. 3, shall be restricted to the roads, walks, and places prepared for the purpose, by paving, flagging, or otherwise.

SEC. 2. That it is forbidden to occupy the roads in such manner as to obstruct or hinder their public use; to drive violently upon them, or with animals not under perfect control; or to use them for the conveyance of goods or merchandise, except on Government service.

SEC. 3. That it is forbidden to offer or expose any article for sale; to display any sign, placard, or other form of advertisement; to solicit fares, alms, subscriptions, or contributions.

SEC. 4. That it is forbidden to step or climb upon, remove, or in any way deface, disfigure, or injure any statue, seat, wall, or other structure, or any tree, shrub, plant, or turf.

SEC. 5. That it is forbidden, unless upon permission granted by proper authority, to discharge any fire-arm, firework, or explosive; set fire to any combustible; make any harangue or oration; or utter loud, threatening, or abusive language.

SEC. 6. That it is forbidden, unless upon permission granted by proper authority, to parade, stand, or move in procession or assemblages, or display any flag, banner, or device designed or adapted to bring into public notice any party, organization, or movement.

SEC. 7. That it is forbidden to mark, scratch, stain, or in any way deface or disfigure any surface or part of the monument, or to chip off fragments or pieces from any of the stone, iron, or other parts of the completed structure, or its surrounding and accompanying buildings.

SEC. 8. That offenses against this act shall be triable before the police court of the District of Columbia, and shall be punishable by fine or imprisonment, or both, at the discretion of the judge of said court, the fine to be not less than $5, the imprisonment not less than fifteen days; but in the case of heinous offenses, by reason of which public property shall have suffered damage to an amount exceeding $100 in value, said judge of the police court may commit or hold to bail the offender for trial before the supreme court of the District of Columbia, where the offense shall be punishable by imprisonment in the penitentiary for a period of not less than six months nor more than five years.

SEC. 9. That it shall be the duty of all persons employed in the service of the Government at the Washington National Monument, or upon its surrounding grounds, known as public reservation No. 3, to prevent, as far as may be in their power, offenses against this act, and to aid the said police and watchmen, by information or otherwise, in securing the arrest and conviction of offenders.

Mr. DIBBLE. The committee recommend an amendment to section 9.

The Clerk read as follows:

After the words "known as public reservation No. 3," in section 9, insert "including persons there employed under the United States Fish Commission."

Mr. DIBBLE. I will state that this bill has been carefully prepared and that the Washington National Monument Association asks its passage. The amendment is requested by Professor Baird, in charge of the Fish Commission, as some of the employés in the service of the Government in that commission have also to do with these grounds.

Mr. HAMMOND. I am not sure that I heard the reading of this bill correctly, and I ask the gentleman from South Carolina for information. I understand that it forbids the making of any harangue or oration or other threatening remarks. [Laughter.]

Mr. DIBBLE. No, sir; the gentleman is entirely mistaken. The bill reads:

To make any harangue or oration, or utter loud, threatening, or abusive language.

Mr. BUCHANAN. Let me ask the gentleman whether this would not prohibit an oration on some public occasion when it was desirable to use the grounds for this purpose?

Mr. DIBBLE. It would not prevent that; it prohibits orations except by permission granted by the proper authorities.

The SPEAKER. The question is on agreeing to the amend ment proposed by the committee.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third

time; and being engrossed, it was accordingly read the third time, and passed; there being on a division—ayes 66, noes 3.

Mr. DIBBLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HAMMOND. I move that the House do now adjourn.

Mr. DIBBLE. I will state that these are all the bills which I have been instructed by the committee to report.

The motion of Mr. HAMMOND was then agreed to; and accordingly (at 4 o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARKSDALE: Petition of Elias Unger, praying for the reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. BRADY: Petition of Lettie Myers, of Prince George County, Virginia, asking to be paid for property taken and destroyed by the United States Army during the late war—to the same committee.

Also, petition of citizens of Petersburg, Va., of Prince George and Dinwiddie Counties, Virginia, for road to be built from the city of Petersburg, Va., to Poplar Grove National Cemetery—to the Committee on Military Affairs.

By Mr. J. M. CAMPBELL: Petition of citizens of Blair County, Pennsylvania, asking for such laws and appropriations as will enable the National Board of Health to employ all the powers of the Government in the prevention of epidemics and to prosecute investigations tending to improve and preserve the public health—to the Committee on Commerce.

By Mr. CLARDY: Petition of citizens of Graniteville, Mo., to open Oklahoma Territory—to the Committee on the Territories.

Also, petition of Knights of Labor of Festus, Mo., and Saint Louis, Mo., against the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

Also, petition of the citizens of Jefferson County, Missouri, in favor of opening Oklahoma Territory—to the Committee on the Territories.

By Mr. EVERHART: Petition of citizens of Chester County, Pennsylvania, praying for a commission to inquire into the effects of alcoholic liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. D. B. HENDERSON: Petition of J. E. Eldredge and 67 others, citizens of Delaware County, Iowa, urging legislation to tax bogus butter—to the Committee on Agriculture.

By Mr. HEPBURN: Petition of Nancy J. Cline, of Centerville, Iowa, praying that a pension be granted to her; also of 200 citizens of Centerville, asking for the same—to the Committee on Invalid Pensions.

By Mr. J. T. JONES: Petition of Local Assembly No. 4033, Knights of Labor, at Whistler, Ala., asking for the passage of the Blair educational bill—to the Committee on Education.

By Mr. MITCHELL: Petition of the Woman's National Indian Association of New Haven, Conn.—to the Committee on Indian Affairs.

By Mr. NELSON: Resolutions of Farmers' Alliance of Grant County, Minnesota—to the Committee on Commerce.

By Mr. OSBORNE: Protest of John Ray against House bill No. 4941—to the Committee on Private Land Claims.

Also, resolution of the Board of Trade and Transportation of Cincinnati, Ohio, protesting against the construction of a bridge over the Ohio River—to the Committee on Commerce.

By Mr. PEEL: Petition of 60 citizens of Baxter County, Arkansas, asking for the passage of the Blair educational bill—to the Committee on Education.

By Mr. PETERS: Petition of Knights of Labor of Dodge City, Kans., favoring construction of harbor of refuge at Rockport, Mass.—to the Committee on Rivers and Harbors.

Also, petition of same, opposing the passage of the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

Also, petition of Knights of Labor of Harper, Kans., opposing the free-ship bill—to the same committee.

By Mr. PRICE: Memorial of board of supervisors of Hammond, Wis., in favor of the interstate-commerce bill—to the Committee on Commerce.

By Mr. ST. MARTIN: Resolution of the Chamber of Commerce of New Orleans, La., in favor of a bankrupt law—to the Committee on the Judiciary.

Also, resolution of the same in favor of aid to American steamship lines—to the Committee on the Post-Office and Post-Roads.

By Mr. SENEY: Joint resolution of the General Assembly of Ohio, asking an appropriation to erect a monument at Marietta, Ohio—to the Committee on Military Affairs.

By Mr. STEPHENSON: Petition of 77 citizens of Surry and 49 citizens of Towne, Wis., in favor of free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. VIELE: Petition of the Womans' National Indian Association, of New York, for the passage of Senate bill No. 52—to the Committee on Indian Affairs.

By Mr. WHEELER: Petition of John W. McGuire, of Lauderdale County, Alabama, asking that his claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WILSON: Petition of Jacob C. Harper, of Randolph County, West Virginia, asking that his war claim be referred to the Court of Claims—to the same committee.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. FINDLAY: Of citizens of State of Maryland.

SENATE.

MONDAY, *April* 19, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Friday last was read and approved.

HOUSE BILL REFERRED.

The bill (H. R. 4007) to admit free of duty a certain set of altars for the Catholic church of Saint John the Evangelist, in the parish of La Fayette, Louisiana; was read twice by its title, and referred to the Committee on Finance.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of January 27, 1886, a report of the Adjutant-General as to the organization and maintenance of the bands of the United States Army; which was read.

The PRESIDENT *pro tempore*. The communication, with the accompanying report, will be referred to the Committee on Military Affairs and printed if there be no objection.

Mr. PLUMB. I should be glad to have the report lie upon the table until I can examine it with a view of making some statement to the Senate concerning it.

The PRESIDENT *pro tempore*. If there be no objection the order to refer will not be made. The Senator from Kansas moves that the communication lie on the table.

The motion was agreed to.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair presents a preamble and resolutions of the United Labor League of America, tendering their thanks to Mr. Gladstone for his home-rule measure to Ireland, and asking the Senate to pass a vote of thanks to him for the measure; also asking that the preamble and resolutions be published in the RECORD for the information of the Senate. The preamble and resolutions will be referred to the Committee on Education and Labor if there be no objection.

The PRESIDENT *pro tempore* presented a joint resolution of the General Assembly of the State of Ohio; which was referred to the Committee on the Library, and ordered to be printed in the RECORD, as follows:

Joint resolution relative to the building of a memorial structure at Marietta, Ohio.

Whereas the acquisition of the territory northwest of the Ohio River, by conquest from the British Crown, was an object of great national importance to the United States; and

Whereas this acquisition was effected by the wisdom and patriotism of the Continental Congress in conducting the affairs of the Confederacy through the memorable Revolutionary struggle, and also to the valor, endurance, and sacrifice of the army; and

Whereas the Congress representing the old thirteen States, comprising the Confederacy, succeeded in quieting all claims to adverse titles to this territory, so that it became common property to be used and disposed of for our common benefit; and

Whereas by the laws and ordinances of that Congress the blessings of civil and religious liberty, with full guarantees of personal freedom, and personal rights, have been forever secured to posterity; and

Whereas the first settlement of the territory of the northwest was made at Marietta, Ohio, in April, 1788, where it is now proposed to hold a centennial celebration, April 7, 1888, in commemoration of that historic event, and regarding this as an appropriate occasion for the nation to express its gratitude for the services rendered, both by the Continental Congress and the army under its control: Therefore,

Be it resolved by the General Assembly of the State of Ohio, That our Senators in Congress be instructed, and our Representatives requested, to use their efforts to obtain an appropriation for the erection of a suitable monumental structure at said city of Marietta, Ohio, to commemorate this historic event.

Resolved, second, That the governor be requested to transmit a copy of these resolutions to our Senators, and to each member of the House of Representatives of Congress of the United States from Ohio.

JOHN C. ENTREKIN,
Speaker of the House of Representatives.
ROBERT KENNEDY.
President of the Senate.

Adopted March 31, 1886.

Mr. MORRILL presented a petition of canners and exporters of Boston, Mass., a petition of the Atlantic Refining Company and other firms of Philadelphia, Pa., a petition of the Board of Trade of Kansas City, Mo., and a petition of the Board of Trade of Baltimore, Md., praying for the repayment in full by the United States of duties originally paid on imported material when manufactured and exported; which were referred to the Committee on Finance.

Mr. WILSON, of Iowa, presented a joint resolution of the General Assembly of Iowa; which was read, and ordered to lie on the table, as follows:

Concurrent resolution.

Be it resolved by the house of representatives of the State of Iowa (the senate concurring), That our Representatives in Congress be requested and our Senators instructed to use all proper means within their power to procure the speedy passage of the bill known as the "Cullom bill, regulating interstate commerce," and to protest against the amendment thereto proposed by the freight bureau of Chicago, abrogating car-load rates, which are so essential to the business interests of the State of Iowa.

Resolved, That a copy of this resolution be forwarded to each of our Representatives at Washington by the secretary of state, duly attested.

STATE OF IOWA, *Polk County, ss:*

I hereby certify that above resolution has passed both branches of Twenty-first General Assembly.

FRANK S. RICE, *Assistant Clerk.*

I hereby certify that the foregoing is a true and correct copy of the original concurrent resolution of the Twenty-first General Assembly as the same appears on file in this office.

In witness whereof I hereunto set my hand and affix the great seal of the State. Done at the capitol, in Des Moines, this 14th day of April, A. D. 1886, of the Independence of the United States the one hundred and tenth, and of the State of Iowa the fortieth.

FRANK D. JACKSON,
Secretary of State.

Mr. CULLOM presented a memorial of 95 Knights of Labor of Cable, Ill., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. PALMER presented a memorial of 95 Knights of Labor of Essexville, Mich., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. HARRISON presented a memorial of Knights of Labor of Snoddy's Mill, Ind., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

He also presented a memorial of Knights of Labor of South Bend, Ind., remonstrating against the employment of convict labor on public works; which was referred to the Committee on Education and Labor.

Mr. CAMERON presented a memorial of Grange No. 434, of Pennsylvania, and a memorial of Grange No. 151, of Pennsylvania, Patrons of Husbandry, remonstrating against the admission of agricultural raw materials free of duty; which were referred to the Committee on Finance.

He also presented a petition of the Pennsylvania Woman's Suffrage Association, praying for woman suffrage; which was ordered to lie on the table.

Mr. MILLER presented a petition of Knights of Labor of Bolivar, N. Y., praying that liberal appropriations be made for works of internal improvement, and especially for the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. DAWES presented a petition of Knights of Labor of Beverly, Mass., praying that an appropriation be made for the construction of a harbor of refuge at Sandy Bay, Rockport, Mass.; which was referred to the Committee on Commerce.

Mr. PLUMB presented memorials of Knights of Labor of Harper and Caldwell, in the State of Kansas, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

He also presented a petition of citizens of Garden City, Finney County, Kansas, praying that a patent may be issued to George Beck for a tract of land in Finney County, Kansas; which was referred to the Committee on Public Lands.

Mr. FAIR presented a resolution of the Nevada Live-Stock Association, favoring such legislation as will prevent the introduction and spread of pleuro-pneumonia; which was referred to the Committee on Agriculture and Forestry.

Mr. INGALLS presented memorials of Knights of Labor of Burlingame, Concordia, and Caldwell, in the State of Kansas, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

He also presented a petition of citizens of Kansas, praying for the formation of the Territory of Oklahoma; which was referred to the Committee on Indian Affairs.

He also presented a petition of Knights of Labor of Kirwin, Kans., praying for the construction and ownership by the United States of an experimental double-track railroad from New York city to Kansas City, Mo.; which was referred to the Committee on Railroads.

Mr. VEST presented a memorial of the Stamford Manufacturing Company, S. V. & S. P. Scudder, and other firms, of Saint Louis, Mo., remonstrating against the passage of House bill 2522, in regard to the export of tobacco; which was referred to the Committee on Finance.

He also presented resolutions of the Board of Trade of Saint Joseph, Mo., remonstrating against certain amendments proposed by merchants of Chicago to Senate bill 1532, to regulate commerce, known as the Cullom bill; which were ordered to lie on the table.

He also presented additional papers to accompany the bill (S. 675) for the relief of E. B. McPherson, jr.; which were referred to the Committee on Claims.

Mr. COCKRELL. I present a memorial similar to the one presented by my colleague [Mr. VEST], signed by the Stamford Manufacturing Company, S. V. & F. P. Scudder, Weaver & Sterry, limited, Young & Smylie, and Mellor & Rittenhouse, of Saint Louis, Mo., remonstrating against the passage of House bill 2522, in regard to the rebate on tobacco. I move that the memorial be referred to the Committee on Finance.

The motion was agreed to.

Mr. COCKRELL presented a memorial of the board of directors and transportation committee of the Board of Trade of Kansas City, Mo., remonstrating against the amendments proposed by the merchants of Chicago to the bill (S. 1532) to regulate commerce, known as the Cullom bill; which was ordered to lie on the table.

He also presented additional papers to accompany the bill (S. 210) for the relief of Charles P. Chouteau; which were referred to the Committee on Claims.

Mr. WILSON, of Maryland, presented memorials of Knights of Labor of Baltimore and Westernport, in the State of Maryland, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 1985) to provide for inquests under national authority, to move its indefinite postponement and to report a new bill. The new bill is in substance the same as the old one. There is but one unimportant amendment.

The bill (S. 2171) to provide for inquests under national authority was read twice by its title.

Mr. COKE. I desire to state that a minority of the Judiciary Committee dissent from that report and wish that their dissent be entered upon the record.

Mr. HOAR. I move that Senate bill 1985 be indefinitely postponed.

The motion was agreed to.

Mr. INGALLS, from the Committee on the Judiciary, to whom was referred the bill (S. 867) to amend section 714 of the Revised Statutes, reported adversely thereon; and the bill was postponed indefinitely.

Mr. DOLPH, from the Committee on Public Lands, to whom was referred the bill (S. 1999) to establish an additional land district in the State of Oregon, reported it without amendment.

Mr. DOLPH. The same committee having had under consideration the bill (S. 1869) to establish an additional land district in the State of Oregon, which is a duplicate of the bill just reported, instruct me to move that it be indefinitely postponed.

The motion was agreed to.

Mr. DOLPH, from the Committee on Public Lands, to whom was referred the bill (S. 66) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes, moved its indefinite postponement; which was agreed to; and he reported a bill (S. 2172) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes; which was read twice by its title.

Mr. DOLPH. I ask unanimous consent that I may hereafter submit a written report to accompany the original bill just reported, if I shall conclude to do so.

The PRESIDENT *pro tempore*. The Senator will have a right to do that at any time.

Mr. MORGAN. I give notice that in that case I shall file a dissenting opinion.

Mr. EVARTS, from the Committee on the Judiciary, to whom was referred the bill (S. 1599) for the relief of the Phœnix National Bank of the city of New York, reported it without amendment, and submitted a report thereon.

Mr. PIKE. The Committee on Claims, to whom was referred the bill (H. R. 4731) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, commonly known as the 4th of July bill, have directed me to report it with one amendment.

Mr. VAN WYCK, from the Committee on Public Lands, to whom was referred the bill (S. 666) to create two additional land districts in the Territory of Dakota, and to define the boundaries of the Deadwood land district, in said Territory, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 934) making an appropriation to enable the Secretary of the Interior to settle the accounts of Norman Thacher, late a receiver of public moneys at Menasha, Wis., reported it with amendments, and submitted a report thereon.

COURT OF ALABAMA CLAIMS.

Mr. HOAR. The Senator from Iowa [Mr. WILSON], from the Committee on the Judiciary, presented a report last week in relation to the bill (H. R. 6661) to provide for closing up the business and paying the

expenses of the Court of Commissioners of Alabama Claims, and for other purposes. That report was inadvertently made by that honorable Senator. There had been an understanding with the chairman of the committee, which he had for the moment forgotten, that a minority report should accompany the majority report and that the latter should be withheld until the former was prepared. I ask the unanimous consent of the Senate for leave to present the views of the minority, which I will endeavor to do to-morrow, and that they may be printed with the majority report. That has not yet come from the Printer, and the two can be printed together without any reconsideration.

The PRESIDENT *pro tempore*. If there be no objection that order will be made.

Mr. WILSON, of Iowa. I have no objection of course to the order being made; but the report on my part was not made through any inadvertence whatever. This is the first notice which I have had of such an understanding in regard to the views of the minority.

Mr. HOAR. The inadvertence was on the part of the chairman of the committee, who authorized me to make this statement, as he had for the moment forgotten an arrangement which he had made with me. It was not the inadvertence of the Senator from Iowa, but of the chairman of the committee.

The PRESIDENT *pro tempore*. The order will be made as requested, there being no objection.

HALL OF RECORDS.

Mr. VEST. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 103) making appropriation for the purchase of ground and the erection thereon, in the city of Washington, of a building to be used as a hall of records, to report it favorably.

I hope I may be permitted to make a single remark in regard to the bill, as I propose to ask for its immediate consideration. It is a bill providing for a hall of records in the city of Washington. It has passed the Senate unanimously twice. Both President Arthur and President Cleveland have recommended the passage of the bill; and the Senator from Connecticut [Mr. PLATT], during my illness, offered a resolution asking why the committee had not reported the bill. It is now reported favorably, and I ask for its immediate consideration.

By unanimous consent, the Senate as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $200,000 for the purchase of a site near the War Department and erection thereon of a brick and metal fire-proof building, to be used for the safe-keeping of records of the executive, legislative, and judicial departments not required in the present executive, legislative, or judicial offices for constant reference; the building to be erected under the supervision and direction of the Supervising Architect of the Treasury Department, on plans and specifications approved by the Secretary of the Treasury, the Secretary of War, and the Secretary of State.

The bill was reported to the Senate without amendment.

Mr. HOAR. Is the building to be used for the numerous private papers of the President, or merely for the public records? [Laughter.]

Mr. VEST. It is for the public records of the executive, legislative, and judicial departments.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE PENSION BILLS.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1627) granting a pension to Annie Bagley;
A bill (H. R. 1766) granting a pension to Mary A. Shannon;
A bill (H. R. 1768) granting a pension to James Wolfe;
A bill (H. R. 1818) granting a pension H. L. Kyler;
A bill (H. R. 3054) granting a pension to Sylvester Root;
A bill (H. R. 3166) granting a pension to Solomon Messer;
A bill (H. R. 3741) granting a pension to Emeline Roberts;
A bill (H. R. 3972) granting a pension to Sanford C. Willhoite;
A bill (H. R. 4145) granting a pension to Maria Kile;
A bill (H. R. 4229) granting a pension to Charlotte Algier, widow of Samuel Algier;
A bill (H. R. 4382) to increase the pension of John F. Chase;
A bill (H. R. 4544) granting a pension to Ann E. Cooney;
A bill (H. R. 4699) granting a pension to Martin Jacoby;
A bill (H. R. 4730) for the relief of Mary Murphy;
A bill (H. R. 4797) granting a pension to Robert H. Stapleton;
A bill (H. R. 5283) granting a pension to Larkin G. Mead;
A bill (H. R. 5329) granting a pension to William Antes;
A bill (H. R. 5435) granting a pension to David L. McDermott;
A bill (H. R. 5472) to increase the pension of Henry Brooks;
A bill (H. R. 5622) granting a pension to Allen P. Jacobs;
A bill (H. R. 5643) granting an increase of pension to Charles F. Ward;
A bill (H. R. 5761) granting a pension to Margaret J. Reighter;
A bill (H. R. 5899) to place the name of Robert Beard on the pension-roll;
A bill (H. R. 6183) for the relief of Bridget M. Cullen;
A bill (H. R. 6372) to pension Charles A. Chase;
A bill (H. R. 6590) granting a pension to Catharine Whitesell;
A bill (H. R. 6725) granting a pension to William M. Swartz;
A bill (H. R. 6770) granting a pension to Ferdinand Koehler;
A bill (H. R. 6780) granting a pension to Henry B. Havens;
A bill (H. R. 6797) to place the name of Samuel W. Bowling on the pension-roll;
A bill (H. R. 7018) granting a pension to Aretus F. Loomis;
A bill (H. R. 7329) granting a pension to Patrick McKean;
A bill (H. R. 7330) granting a pension to Josie H. Babb;
A bill (H. R. 7468) granting a pension to Lemuel Adams; and
A bill (H. R. 7641) granting a pension to Sophronia Witham;

The above thirty-five pension bills were severally read twice by their titles, and referred to the Committee on Pensions.

BILLS INTRODUCED.

Mr. SEWELL introduced a bill (S. 2173) granting a pension to Benjamin Obekiah; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 2174) to equalize the pensions paid to soldiers and sailors who become totally disabled; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2175) granting an increase of pension to Robert A. Crites; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CAMERON introduced a bill (S. 2176) granting a pension to Joanna W. Turner; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VAN WYCK introduced a bill (S. 2177) to provide for the erection of a public building in the city of Plattsmouth, in the State of Nebraska; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BLACKBURN introduced a bill (S. 2178) to authorize the Covington and Cincinnati Elevated Railway and Bridge Company to erect a bridge across the Ohio River; which was read twice by its title, and referred to the Committee on Commerce.

He also (by request) introduced a bill (S. 2179) for the relief of Lewis W. Bruster; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. MILLER introduced a bill (S. 2180) granting an increase of pension to William Wallace Young; which was read twice by its title, and referred to the Committee on Pensions.

Mr. INGALLS introduced a bill (S. 2181) granting a pension to Rhoda Williams; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2182) to restore Isaac Ransam to the pension-rolls; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PALMER (by request) introduced a bill (S. 2183) granting a pension to Hiram R. Ellis; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 2184) for the relief of Rev. Smith P. Gannage; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

AMENDMENT TO DISTRICT APPROPRIATION BILL.

Mr. CALL submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill, appropriating $15,000 for the Homeopathic Hospital and $15,000 for the Providence Hospital; which was referred to the Committee on Appropriations, and ordered to be printed.

COMMITTEE SERVICE.

Mr. HARRIS was, on his motion, excused from further service upon the Committee on Fisheries.

Mr. PAYNE was, on his motion, excused from further service upon the Committee on Pensions.

Mr. GEORGE was, on his motion, excused from further service upon the Committee on Privileges and Elections and upon the Committee on Territories.

Mr. EUSTIS was, on his motion, excused from further service upon the Committee on Railroads.

Mr. WALTHALL was, on his motion, excused from further service upon the Committee on Manufactures.

Mr. BECK was, on his motion, excused from further service upon the Select Committee to Inquire into Claims of Citizens of the United States against the Government of Nicaragua.

Mr. BECK submitted the following resolutions; which were considered by unanimous consent, and agreed to:

Resolved, That Mr. HEARST be appointed a member of the Committee on Railroads, of the Committee on Manufactures, of the Committee on Fisheries, and of the Select Committee to Inquire into the Claims of Citizens of the United States against Nicaragua.

Resolved, That Mr. WILSON, of Maryland, be appointed a member of the Committee on Pensions; that Mr. EUSTIS be appointed a member of the Committee on Privileges and Elections; and that Mr. GRAY be appointed a member of the Committee on Territories.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 211) for the relief of Alexander Smiley;

A bill (S. 231) granting a pension to Jennette S. Kent;

A bill (S. 283) granting a pension to Isaac N. Minshall;

A bill (S. 481) authorizing the partition of certain land in Louisville, Ky., belonging jointly to John Echols and the Government of the United States;

A bill (S. 813) granting a pension to Mrs. Rebecca Miller; and

A bill (S. 880) granting the right of way to the Schuylkill River East Side Railroad Company through the arsenal and naval asylum grounds at Philadelphia, Pa.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 868) appropriating money for the completion of the public building at Frankfort, Ky.;

A bill (H. R. 914) for the relief of Mrs. Fannie S. Conway;

A bill (H. R. 1185) for the relief of Emma H. Fish;

A bill (H. R. 1280) to authorize Frank W. Hunt to erect and maintain a ferry across the Missouri River at the military reservation of Fort Buford, Dakota Territory;

A bill (H. R. 1982) for the relief of John Fraser;

A bill (H. R. 2357) for the relief of H. H. Faulkner and Mary Woodlee;

A bill (H. R. 2397) for the relief of Thomas F. Purnell;

A bill (H. R. 2410) for the addition of a third story to the public building in Dallas, Tex.;

A bill (H. R. 2522) to authorize the establishment of export tobacco manufactories, and for drawback upon imported articles used in manufacturing exported tobacco;

A bill (H. R. 4498) authorizing an additional appropriation of $25,000 for the court-house at Keokuk, Iowa, to make the same fire-proof;

A bill (H. R. 4503) to authorize the Secretary of War to permit the Carrollton and Lock No. 1 Turnpike Road Company to locate and construct its road on land belonging to the United States at lock No. 1, on the Kentucky River, in the State of Kentucky;

A bill (H. R. 5097) to regulate the use of the grounds of the Washton National Monument, known as public reservation No. 3, in the city of Washington, D. C;

A bill (H. R. 5891) to authorize a patent for the south half of the southeast quarter of section 34, in township 22, of range 15, east of the sixth principal meridian, to Elizur B. Hall, as administrator of the estate of William Frederick Schlagel;

A bill (H. R. 6873) relating to the construction of public buildings;

A bill (H. R. 6980) making an appropriation to complete the public building at Jackson, Tenn., and to reappropriate an unexpended balance therefor;

A bill (H. R. 7467) to grant for the use of the public a street across the United States grounds in the city of Chattanooga, in the State of Tennessee;

A bill (H. R. 7643) for the relief of Capt. John Burkhart;

A bill (H. R. 7650) to remove the political disabilities of I. G. Flournoy, of Mississippi;

A bill (H. R. 7881) to remove the political disabilities of Thomas R. Ware, of Virginia; and

A bill (H. R. 7892) authorizing the use of the Louisville and Portland Canal basin upon certain conditions.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. If there be no further morning business, the Calendar is now in order.

Mr. FRYE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After four hours and ten minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 4232) to reimburse the National Home for Disabled Volunteer Soldiers for losses incurred through the failure of the Exchange National Bank of Norfolk, Va., and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 5198) to remove the disabilities of John Taylor Wood, of Louisiana; and

A bill (H. R. 5876) for the relief of Dinwiddie B. Phillips.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. CALL submitted an amendment intended to be proposed by him to the Post-Office appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Public Buildings and Grounds:

A bill (H. R. 868) appropriating money for the completion of the public building at Frankfort, Ky.;

A bill (H. R. 2410) for the addition of a third story to the public building in Dallas, Tex.;

A bill (H. R. 4498) authorizing an additional appropriation of $25,000 for the court-house at Keokuk, Iowa, to make the same fire-proof;

A bill (H. R. 4503) to authorize the Secretary of War to permit the Carrollton and Lock No. 1 Turnpike Road Company to locate and construct its road on land belonging to the United States at lock No. 1, on the Kentucky River, in the State of Kentucky;

A bill (H. R. 5097) to regulate the use of the grounds of the Washington National Monument, known as public reservation No. 3, in the city of Washington, D. C.;

A bill (H. R. 6873) relating to the construction of public buildings;

A bill (H. R. 6980) making an appropriation to complete the public building at Jackson, Tenn., and to reappropriate an unexpended balance therefor; and

A bill (H. R. 7467) to grant for the use of the public a street across the United States grounds in the city of Chattanooga, in the State of Tennessee.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 1185) for the relief of Emma H. Fish; and

A bill (H. R. 7643) for the relief of Capt. John Burkhart.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 914) for the relief of Mrs. Fannie S. Conway; and

A bill (H. R. 2397) for the relief of Thomas F. Purnell.

The following bills were severally read twice by their titles, and referred to the Committee on Finance:

A bill (H. R. 1982) for the relief of John Fraser;

A bill (H. R. 2357) for the relief of H. H. Faulkner and Mary Woodlee;

A bill (H. R. 2522) to authorize the establishment of export tobacco manufactories, and for drawback upon imported articles used in manufacturing exported tobacco; and

A bill (H. R. 4232) to reimburse the National Home for Disabled Volunteer Soldiers for losses incurred through the failure of the Exchange National Bank of Norfolk, Va., and for other purposes.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 1280) to authorize Frank W. Hunt to erect and maintain a ferry across the Missouri River at the military reservation of Fort Buford, Dakota Territory; and

A bill (H. R. 7892) authorizing the use of the Louisville and Portland Canal basin upon certain conditions.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 7650) to remove the political disabilities of I. G. Flournoy, of Mississippi; and

A bill (H. R. 7881) to remove the political disabilities of Thomas R. Ware, of Virginia.

The bill (H. R. 5891) to authorize a patent for the south half of the southeast quarter of section 34, in township 22, of range 15, east of the sixth principal meridian, to Elizur B. Hall, as administrator of the estate of William Frederick Schlagel, was read twice by its title, and referred to the Committee on Public Lands.

Mr. MCPHERSON. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 15, 1886.

INDIAN AGENT.

Thomas Jennings, of Shawano, Wis., to be agent for the Indians of the Green Bay agency, in Wisconsin.

MINT ASSAYER.

Frank F. Claussen, of Louisiana, to be assayer of the mint of the United States at New Orleans, in the State of Louisiana.

COLLECTOR OF INTERNAL REVENUE.

John Whiteaker, of Oregon, to be collector of internal revenue for the district of Oregon.

The above confirmation was accompanied by the following report from the Committee on Finance; which was ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 1305) of John Whiteaker, of Oregon, to be collector of internal revenue for the district of Oregon, in place of John C. Cartwright, suspended, and, so far as they have been able to obtain the information, they find that Mr. Whiteaker is a fit and proper person to discharge the duties of the office, and that there are no

charges or papers on file reflecting upon the character of John C. Cartwright, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 19, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 17, 1886, asking "whether or not there are any papers or charges on file reflecting against the official or moral character of John C. Cartwright, late collector of internal revenue for the district of Oregon, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down by the President's recent message to the Senate upon the general subject of such suspensions. But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such a change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary.*

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Whiteaker.

POSTMASTERS.

M. Eugene Barlow, to be postmaster at Canastota, Madison County, New York.

Bruce Gibson, to be postmaster at Winchester, Frederick County, Virginia.

The above confirmation was accompanied by the following report from the Committee on Post-Offices and Post-Roads; which was ordered by the Senate to be printed in the RECORD:

In this case of Bruce Gibson, nominated to be postmaster at Winchester, Va., *vice* John H. Dean, suspended under the provisions of the 1768th section of the Revised Statutes of the United States, it appears—

(1) That at the date of Dean's suspension the statutory term had yet to run thirteen months.

(2) That in response to request made of the Post-Office Department for all papers, embracing charges, recommendations, and petitions on which was based the same, only such papers as relate to the nominee, Gibson, were furnished.

(3) That as there can be no charges against the character of Dean or his efficient administration of the office other than such as may have been surreptitiously preferred and are held under covenant of the Vilas letter, and there is no objection to Gibson, the nomination of Gibson is reported to the Senate with the recommendation that it be confirmed.

John A. R. Varner, to be postmaster at Lexington, Rockbridge County, Virginia.

The above confirmation was accompanied by the following report from the Committee on Post-Offices and Post-Roads; which was ordered by the Senate to be printed in the RECORD:

In this case of John A. R. Varner, nominated to be postmaster at Lexington, Va., *vice* Charles E. Deaver, suspended under the provisions of the 1768th section of the Revised Statutes of the United States, it appears—

(1) That at the date of Deaver's suspension the statutory term of his office had yet to run some nine months.

(2) That in response to request made of the Post-Office Department for all papers embracing charges, recommendations, and petitions on which was based the same, only such papers as are recommendatory of the nominee, Varner, charging at the same time the unfitness of Deaver, by reason of bad habits and non-attention in person to the duties of the office, are given.

(3) That the nomination of Varner is reported to the Senate with the recommendation that it be confirmed.

William W. Herbert, to be postmaster at Alexandria, Alexandria County, Virginia.

The above confirmation was accompanied by the following report from the Committee on Post-Offices and Post-Roads; which was ordered by the Senate to be printed in the RECORD:

In this case of William W. Herbert, nominated to be postmaster at Alexandria, Va., *vice* David A. Windsor, suspended under the provisions of the 1768th section of the Revised Statutes of the United States, it appears—

(1) That at the time of the suspension of Windsor his statutory term of office had yet to run something over one year.

(2) That in view of the persistent refusal of the Post-Office Department to furnish such papers as may have been filed in other cases of suspension, and on which suspensions are pretended to have been made, no request for such papers on which this suspension is pretended to have been made was preferred.

(3) That while the annexed letter of Windsor, addressed to the President, and received by him, as evidenced by the registered receipt attached, discloses the fact that his suspension was to be made on charges as solicited by the Vilas circular letter, it is not believed that any charges were preferred against Windsor affecting either his character as a man or his administration of the office, other than such as may have been preferred surreptitiously, in response to the Vilas circular letter.

(4) That there is no objection to the appointee.

(5) That the nomination of Herbert be reported to the Senate with the recommendation that it be confirmed.

ALEXANDRIA, VA., *February* 19, 1886.

SIR: I most respectfully beg leave, through you, to submit the accompanying papers, with the facts therein contained, to the honorable members of the Postal Committee of the United States Senate, and ask at their hands an investigation into the causes and facts relating to my suspension and removal from the position of postmaster of the city of Alexandria, State of Virginia; also, into the standing and condition of said office at that time and prior thereto.

Among the papers hereto submitted is a copy of a letter dated May 23, 1885, from me to his excellency the President, which will give you all of the detailed facts as gathered by me; also the post-office registered receipt to insure safe transit and delivery, and the President's receipt for the said letter. Since that time the only communication received from the President was his order of suspension and removal, dated July 6, 1885, which I also submit.

I am to-day totally ignorant of the cause of my removal, and know of none save that I am a Republican, and ask at your hands a vindication of my character and the manner in which I filled the position intrusted to my care and confidence, and earnestly desire that the good character that I have always borne in a community where I have lived all my life—over fifty years—be relieved from the taint and insinuation that I am a rascal and have been turned out.

I am, most respectfully, your obedient servant,

DAVID A. WINDSOR.

Hon. WILLIAM MAHONE,
Member United States Senate Postal Committee.

ALEXANDRIA, VA., *May* 23, 1885.

SIR: In a conversation with Hon. John S. Barbour, of this State, on the 21st instant, I was informed by him that charges had been preferred against me as postmaster of my native city, Alexandria, Va. I asked him if I would be entitled to a copy of them for investigation. His reply was, "Certainly." I immediately called upon Postmaster-General Vilas, introducing myself, and informed him of the conversation and information obtained from Mr. Barbour, and requesting to be furnished with a copy of charges and the names of my accusers. The answer received from the Postmaster-General was, that he did not propose to make his Department a court of inquiry. I then asked him to be allowed to see the charges and the names of the accusers; this he positively declined to do. I then asked him if he intended to inaugurate a star-chamber tribunal under civil-service reform, to invite and receive charges against officials, to convict and execute without giving them an opportunity of knowing that they were even accused, and in all probability by partisans of disreputable character; to this his only reply was that it was only necessary for him to know that charges were made and that he would act accordingly. I then invited him to an examination and the standing of my office. That was, he said, left to the examiners.

This was all I could obtain in the way of satisfaction, information, or justice from the Postmaster-General. I then informed him that I was sorry that I should be compelled to call upon one higher in authority than himself. I have endeavored to correctly quote the conversation between the Postmaster-General and myself, and, knowingly, would not misrepresent him. I do, therefore, Mr. President, with the great respect to which your exalted position entitles you, make this my appeal, and lay before you the above statement of facts. I desire to say further that the administration of my office stands unassailed and unassailable. I received my office at the hands of a Republican administration, and while I would not out of self-respect violate the proprieties of my official relations with an administration of opposite politics, I did not suppose it was intended to remove term officers merely because they were Republicans, and if my removal is to be made simply for that reason, I have nothing more to say, as I have no concessions to make of my political faith, but if for any better cause, then I most respectfully suggest I certainly have a right to know it. I would make no compromise of my political convictions to retain my position, and the man who would, in my judgment, is unworthy the respect and confidence of any party.

Surely the highest attribute of a wise and honest ruler should be a guarantee of justice to the most humble citizen, and, Mr. President, I can not believe that one occupying the exalted position of yourself, and upon whom so much depends, will allow your subordinates to convert the Government Departments into star-chamber tribunals under the guise of "civil-service reform," for the purpose of inviting and receiving charges, trying, convicting, and depriving citizens of their rights upon *ex parte* evidence.

I ask, therefore, respectfully the opportunity of seeing and meeting my accusers and the right of defense. Certainly the humblest citizen is entitled to this privilege; otherwise, it can not but appear that I am removed wholly upon political grounds, by secret charges, without an opportunity of defense.

I am, most respectfully,

DAVID A. WINDSOR, *Postmaster.*

His excellency GROVER CLEVELAND,
President United States.

[Registry return receipt sent May 25, 1885. Registered number 265 from post-office at Alexandria, Va. Registered letter addressed to Grover Cleveland, President, Washington, D. C.]

(After obtaining receipt below, the postmaster will mail this card, without cover and without postage, to address on the other side.)

(When delivery is made to other than addressee, the name of both addressee and recipient must appear.)

Received the above-described registered letter.

[Addressee.] THE PRESIDENT.

[Recipient.] THOS. DOLAN.

Name of sender, Postmaster, Alexandria, Va.

REGISTRY RECEIPT.

[Post-office at Alexandria, Va.]

Registered letter No. 265.—Received May 25, 1885, of D. A. Windsor, addressed to his excellency Grover Cleveland (President U. S.), Washington, D. C.

DAVID A. WINDSOR, *P. M.*

HOUSE OF REPRESENTATIVES.

MONDAY, *April* 19, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of Saturday's proceedings was read and approved.

MINORITY REPORTS, OHIO ELECTION CASE.

Mr. ROBERTSON. Mr. Speaker, I desire to ask consent to have the views of the minority of the Committee on Elections, reported by me in the Hurd *vs.* Romeis election case, printed in the RECORD.

There was no objection, and it was ordered accordingly.

The reports are as follows:

Mr. ROBERTSON, from the Committee on Elections, submitted the following as the views of the minority:

The undersigned dissent from the opinion of the majority of the Committee on Elections in this case, and submit the following as the views of the minority:

The returned plurality for the sitting member is 239. To overcome this the

contestant assails the returns in three precincts and asks that the whole vote of each shall be rejected from the count. He also claims that there were cast in the city of Toledo a large number of illegal votes, of which he asks that the precinct where they were cast shall be purged.

There is no doubt of the power of the House to reject for sufficient reasons the entire poll of an election district. In every precinct the election is a separate and independent one. The machinery for carrying it on is complete in itself. The election of a precinct when conducted and returned according to law is a finished work, which is to be taken by the officer upon whom the law imposes that duty and put in its proper place in the general return. But the law looks to a general return made up of precinct returns that are in themselves true, and has provided that if one or more of these separate elements, of which the structure of a general return is constituted, is untrue, it shall be stricken from the count. This results inevitably from a universal principle governing alike official acts and private conduct that verity shall never be imparted to falseness. The power of rejecting an entire poll has been repeatedly exercised by the House of Representatives, by legislative bodies of the various States, and by the courts.

When the vote of a whole precinct is rejected, the result is the same as though no election at all had been held there, and the vote cast for each candidate will be deducted from his total vote, or, what is the same thing, the majority returned in such precinct will be taken from the aggregate majority of him for whom it was given.

The principles upon which an entire poll will be rejected are well settled. "To validate an election," says Mr. Lamar in the case of Spencer vs. Morey, Election, Digest of 1870-'79, page 447, "there must be votes legally deposited by legal voters, and legally counted, and the result legally declared."

When these things are done the result will remain, although there may be misconduct on the part of the officers by failing to comply with the provisions of directory statutes. The will of the people will not be disappointed because of irregularities which do not prevent the true result from being ascertained.

The rule is stated correctly in Covode vs. Foster, page 600:

"It has long been held by all judicial tribunals of the country, as well as by the decisions of Congress and the Legislatures of the several States, that an entire poll should always be rejected for any one of the three following reasons:

"(1) Want of authority in the election board.

"(2) Fraud in conducting the election.

"(3) Such irregularities or misconduct as render the election void."

In Wheelock's case, 83 Pennsylvania State, page 299, it was held:

"Where, however, it is alleged that there was actual fraud in the election, or that the ballot-box was tampered with or illegal votes received, or the careless or fraudulent acts of the officers have mixed and confused the ballots, the duty of the court is equally plain, and every legal facility should be afforded to purge the poll, and when the acts of the officers are so fraudulent and irregular that the result can not be ascertained, then the entire poll is rejected."

In Finley vs. Bisbee, Digest of 1876-'80, page 76, it is said:

"It being conceded, as we have already said, that the returns must be thrown out on the ground that they are false and forged, and your committee agreeing with that view, we are compelled to look to the other evidence in the case, in order to ascertain if possible what the true vote was. If the true vote can be ascertained with reasonable certainty, it must be counted. If it can not be so ascertained and determined, then the entire vote of the precinct should be thrown out, and nothing counted for either contestant or contestee."

These doctrines have been affirmed in many cases, so that it can be safely said there is no controversy about them. They may be succinctly stated as follows:

The return of the officers is *prima facie* evidence of the result of the election in the precinct where it was held. Unassailed it is sufficient to be counted in the ascertainment of the general result. It may be impeached by anything which will show it to be untrue in fact or unworthy of credit because of the improper conduct of the officers of the election. The return is accepted as the act of sworn officers, to whose acts confidence is to be given upon the presumption that they have regarded the law and done their duty. But if they are shown to have disregarded the law and violated the statutes which have been adopted to preserve the purity of the election, then their return shall be rejected, because it is no longer entitled to the credit which is given to acts of officers who have done their duty.

The misconduct of the officers must be such as to make the result uncertain, for if, notwithstanding their irregularity, the true vote can be ascertained it shall be counted. But where the condition of the poll is such that the result can not be reached with reasonable certainty then the entire poll must be rejected.

Upon the impeachment of the return the party relying upon it may show the true vote by other evidence. This may be done by a recount of the ballots, or by the testimony of the voters, or of any one who was present at the election and is able to establish the true result. When this can not be shown, no vote from the precinct for any of the candidates can be counted.

The cases therefore show that a return may be rejected and the entire poll thrown out—

1. Where the return is proven to be false, and no satisfactory evidence is given of the result *aliunde*.

2. Where the irregularities of the officers of the election have been such as to involve the result in uncertainty.

3. Where the ballots have been taken from the place where they are required by law to be kept and exposed to being tampered with, especially if the testimony shows that they have actually been tampered with.

4. Where general bribery has been practiced in the precinct, rendering it impossible to separate the bribed votes from the honest ones. The rule on this point is clearly stated in the report in case of Goode vs. Platt, Digest of 1876, page 79: "These bribed votes should not be counted. * * * Their acceptance can only be avoided by applying the rule of law, so well known and of such general adoption that it need scarcely be repeated here, that when illegal or fraudulent votes have been proven, and the poll can not be purged with reasonable certainty, the whole vote must be rejected.

It is forcibly laid down in the minority report in Donnelly vs. Washburn, presented by ex-Speaker Keifer:

"The rule undoubtedly is in this country that where bribery, fraud, or intimidation is so interwoven with the vote of any voting precinct that it can not be eliminated from the aggregate vote with certainty, the whole vote of the precinct may and perhaps should be rejected. The unassailed vote on other voting places would, however, still stand. Fraud and bribery do not vitiate what they do not impregnate."

Applying these principles to the facts in this case we think there can be no difficulty in reaching a conclusion in favor of the contestant.

PRECINCT B, WARD 8, TOLEDO.

He assails first Precinct B, ward 8, of the city of Toledo, and asks that the whole poll be rejected. The vote returned was 325 for contestee and 105 for contestant, giving to the former a majority of 220. At the last general election preceding the precinct gave a Democratic majority of about 70.

We are of opinion that this precinct should be rejected on all the grounds which we have shown have been deemed sufficient to warrant the throwing out of entire polls in other cases.

(1) The return is false. As to this there is no dispute. In the argument of counsel for contestee it was conceded. Louis Jahn, page 73 of record, one of the judges of the election, says:

"Q. You say that the certificate is false, do you not?

"A. Yes, sir.

"Q. You knew that the certificate was false to the poll-book when you signed it, did you not?

"A. Yes, sir.

"Q. Then you signed it knowing it was false, didn't you?

"A. Yes, sir."

This testimony is corroborated by one of the other judges and one of the clerks.

The falseness consisted in this, that there were five tickets short at the end of the count, and the judges ordered 2 votes to be added to every candidate, with no tickets in the box to correspond to the votes so added.

This of itself is enough to bring discredit upon this return, as no confidence is to be reposed in the acts of officers who are willing to certify under oath, in a solemn matter of that kind, that to be true which they know to be false. But with this standing alone, while we might hesitate to exclude this whole poll, we have no doubt on the subject when we consider the conduct of these officers in other particulars.

(2) Their irregularities were such as to leave the result in an uncertainty in which it is impossible to ascertain the true result. The following are the statutes of Ohio relating to the counting of the vote:

Page 2956:

"At the close of the polls the poll-books shall be signed by the judges and attested by clerks, and the names therein contained shall be counted and the numbers set down at the foot of the poll-books in the manner hereinafter provided in the form of the poll-books."

Page 2957:

"After the poll-books are signed, in the manner hereinafter provided for, the ballot-boxes shall be opened, and the ballots therein contained shall be taken out, one at a time, by one of the judges, who shall read aloud distinctly, while the ticket remains in the hand, the name or names thereon contained, and then deliver it to the second judge, who shall examine the same and pass it to the third judge, who shall string it on a thread and carefully preserve it, and the same method shall be observed in respect to each of the tickets taken out of the ballot-box until the number taken out of the ballot-box is equal to the number of names in the poll-books; and any ballots in the box in excess of the number of names on the poll-books, together with the ballots strung as aforesaid, shall be deposited in the box and locked, and the box and contents delivered to the officer authorized to receive and keep the key or keys, and the box shall remain locked until the expiration of the time within which any legal notice of contest can be given, and if such notice be given shall remain locked until the trial of such contest."

The testimony shows that the poll-books were not signed until after votes had been counted. (Page 73 of the record.) This made it impossible to do the counting as the statute prescribed. It was the intention of the law that the number of the vote should be ascertained before the counting began, in order that the judges might know the number of tickets to be taken out of the box. But in this case the number of votes was not attempted to be ascertained until the count had been finished.

The ballots were required to remain in the ballot-box until the poll-books had been signed and the total vote ascertained. Instead of that, immediately after the polls were closed the ballots were emptied onto the table in the room where the election had been held, and where there were twenty-five to thirty people present. That the ballots for several hours were away from the place in which, under the law, they ought to have been, out of the legal custody of the election officers, and exposed to the possibility of being tampered with, is clear. (See pages 28-9 and 68-9 of the record.)

The statute required that the judges should take the tickets from the box one by one and read the name on each. Instead of this, the tickets were arranged into four piles upon the table, from which the judges counted them by fives. The board also was illegally organized. Two of the judges were Republicans, while the third Democratic judge was a non-resident of the precinct. We think that a fair construction of the Ohio statute requires the judge to be a resident of the district in which the election is held. Both clerks were Republicans, while the law expressly provides that they should belong to different political parties.

From this it will appear that every important provision of the statute of Ohio as to conducting the election and counting the vote was violated.

It would have been singular if this misconduct had not brought confusion and uncertainty.

The testimony of the two judges upon this point is very clear.

James Kelley, one of the judges, says (page 29):

"Q. State whether or not the return, as made up by the officers of the election, stated truly the result of the election in that precinct.

"A. Well, that I could not say; the way it was mixed up, we could not say which way it was.

"Q. State, from what you know, whether or not there was any certainty in the vote as ascertained and counted that day.

"A. No; I couldn't give no certainty to it."

Louis Jahn, one of the judges, says (page 28):

"Q. State whether the returns, as signed by the judges, contain a true statement of the votes cast at that election.

"A. To tell the truth, I do not think none of us could tell what was the true vote cast.

"Q. State whether the return, as made, states the result at that precinct.

"A. It is not the true poll."

The counsel for contestee admitted that the return was not true, but claimed it could be amended by striking off the 2 votes which were added to each candidate.

If the addition of these votes had caused the uncertainty there might be force in the suggestion, but the uncertainty preceded the adding of the votes, the addition being to remove the uncertainty.

It is conceded that this act of the judges should not be regarded, and this House finds itself in the same position as the judges of the election on the night of the controversy.

The question therefore arises, Has the House evidence sufficient to enable it to determine the true result in that precinct?

It is clear that the return of the judges can not be regarded as evidence. It fails as an official act to have any power whatever. It is impeached, and its *prima facie* force is destroyed.

Other evidence must be produced to show the true vote, nor should the statement of the officers themselves be accepted. When the official act of one holding public place is rejected because he has violated the law and neglected his duty, what he himself says to sustain this act is entitled to little credit. The same evidence which impeaches his official acts will also impeach his unofficial declarations.

The contestee has failed to put a single witness on the stand to show the vote of this precinct. He has not asked a recount of the ballots. He has not proven a single vote for himself by the production of a voter.

It is claimed, however, that the statements of the judges and clerk show the true state of the vote independently of the return. This is not true, as a reference to the testimony will show.

James Kelley (page 30):

"13. Q. Do you remember the number of names that appeared on the poll-sheet at the close of the election as having voted?

"A. Four hundred and thirty."

Page 36:

"35. Q. Can you state now how many tickets you put on the string?

"A. No; I did not count them.

"36. Q. How did the number of tickets on the string, then, compare with the number that the poll-book showed had voted?

"A. I don't know; I didn't count the votes on the string."

Page 31.

"49. Q. Do you remember how many votes it was finally declared by you judges that Mr. Hurd had received in that precinct for Representative in Congress?

"A. I don't remember now what it was."

Louis Jahn (page 73):

"127. Q. The poll-book had a certificate to it in words as follows: 'It is hereby certified that the number of electors who voted at this election is 430,' did it not?

"A. I could not tell how many votes was polled; it was over 400.

"128. Q. The certificate did contain the correct number, did it not?

"A. No, sir; I think not.

Page 74:

"214. Q. Well, after you had given to Mr. Hurd 2 votes, without examining the tickets to see whether he was entitled to them, he had all told 105, didn't he?

"A. I don't know whether he did or not.

"215. Q. Look on the tally-sheet and see——

"A. Well, I couldn't tell that this is correct number, that this is the votes which has got on the tally-sheets, cause everything was mixed up."

Page 76:

"230. Q. Now, then, before you made that motion, Mr. Hurd had but 103, didn't he?

"A. Don't know how many he had. I couldn't tell that that was the right figure before."

Page 77:

"229. Q. Well, before you made your motion the tally-sheet showed Mr. Romeis and Mr. Hurd together to have 426 votes, didn't it?

"A. It did; but was not the right number of votes—that's where the clerks made the mistakes."

Page 77.

"234. Q. Well, answer me this now: when the tally-sheet, before your motion was made, showed the aggregate vote of Romeis and Hurd to be only 426, and there were 431 names on the poll-book, and you claimed there were extra uncounted tickets, why did you not proceed on counting enough tickets to equal the number of names on the poll-book?

"A. It did not show the number of votes. That is where the clerks made the mistakes."

Page 80.

"279. Q. At the time that those 2 votes were added to each candidate could any one tell the exact vote which any candidate had?

"(Objected to by contestee as calling for an opinion from the witness and being immaterial.)

"A. No, sir; none of us, judge or clerks, could tell the true number of votes."

Mr. Hahn (page 232):

"1162. Q. Who counted the ballots?

"A. The judges.

"1163. Q. You do not know, then, of your own knowledge, how many ballots there were?

"A. Nothing more than what I stated before. I have to take the judges' word for that."

There is nothing in this testimony which relieves the precinct from the uncertainty into which the illegal acts of these officers plunged it.

Kelley does not undertake to say of his own knowledge how many votes were cast. He says he did not count them. He only says that the impeached poll-book showed 430 votes. This proves nothing, as the poll-book speaks for itself, and that this is shown by it is not denied. He also states that he does not remember the vote declared for contestee.

Jahn, another judge, says that the return did not state truly the total vote; that it was not 430, but something over 400. He also states that 103 was not the true vote of contestant, and that 426 was not the true number of votes before the two votes were added to each candidate. But what is decisive upon this point is his answer when he is asked whether he could tell the exact vote of the candidate at the time of the addition of the two votes. He says:

"No, sir; none of us, judges or clerks, could tell the true number of votes."

Hahn, the clerk, states that he did not count the ballots, and knew nothing of the result, except that the judges told him.

In our judgment this testimony fails utterly to relieve this precinct from uncertainty. If the judges, that election night, had signed a certificate stating that, through their own acts of misconduct, they were unable to ascertain and declare the true result, they would have told the truth.

This House has no more evidence to act upon than it had; nor, indeed, as much. We can not undertake to do that which they could not truthfully have done, and we therefore are of opinion that this precinct should be thrown out on the ground of irregularities of the election officers which have rendered the result uncertain.

3. We recommend the rejection of this precinct for another reason.

After the ballots had been unlawfully thrown upon the table, an informal count of them was had. This showed seven tickets more than there were names on the poll-books. Another informal count followed, which showed the same result, one witness says, and three tickets more, as testified to by another.

When the final count was made they were five tickets short. Thus there disappeared, according to the statement of the judges themselves, between the beginning of the count and the end of it, at least twelve tickets. Not only were the ballots placed in a situation where they were liable to be tampered with, but they were actually tampered with to the extent of at least 12 votes. This would have been impossible if they had been retained in the ballot-box, where they were required by law to be kept.

Counsel for contestee insists that substantial justice will be done by taking from his majority these 12 votes. We do not so understand the law. Because the testimony does not show a tampering with more than 12 ballots, it is not to be presumed that all the other votes were honestly counted. We think that the presumption is, unless proof is given to the contrary, that the whole vote has been corrupted. He who would destroy ballots would not hesitate to make substitutions. After proof of tampering there can be no confidence in the ballots remaining, and the whole poll must be rejected, without the most satisfactory evidence that the tickets counted were the tickets actually deposited by the voters.

The rule established in such cases is well approved. In Bisbee, jr., *vs.* Findley (Digest of 1880-'82, page 180) it is said:

"These ballots can not be entitled to much weight as evidence of the result of the election where it has been shown that the acts and conduct of the election officers are unworthy of credit and their returns set aside. Having created for themselves, in violation of law and their official oaths, opportunities for tampering with the box, it is legitimate to infer that they would endeavor to put ballots in the box that would support the return."

In Spencer *vs.* Morey (Digest of 1877, page 447) the following text from McCrary is approved:

"If, for example, an election officer, having charge of a ballot-box, prior to or during its canvass, is caught in the act of abstracting certain ballots and substituting others, although the number shown to have been abstracted be not sufficient to change the result, yet no confidence can be placed in the contents of a ballot-box which has been in his custody."

In Cox *vs.* Stewart (Digest of 1871-'76, page 428) it is said:

"Your committee regard the conduct of the judges of election at this place, in leaving the ballot-box for the space of an hour unsealed and unguarded, as highly reprehensible. It is of the highest importance that the ballot-box should be guarded and protected in the most careful manner; that all the promises of the law made for the security of the ballot should be strictly obeyed; there should not be the least opportunity for tampering with the ballots.

"It is certainly a serious question whether such an irregularity as this ought not to vitiate the election, but your committee, under all the circumstances, have not felt compelled to reject the entire poll, there being no evidence that the ballot-box was actually tampered with, but, on the contrary, there is some negative testimony that it was not tampered with. Your committee, were there any facts tending to show that the ballot-box has been tampered with, would have decided to reject the return from this poll."

As we are satisfied from the testimony in this case that these ballots were actually tampered with, we are of opinion that for this reason also the whole vote of this precinct should be thrown out.

(4) Upon still another ground the poll of this precinct should be rejected.

The testimony satisfies us that there was a conspiracy to corrupt the precinct by money in the interest of contestee, and that it was successfully carried out. The evidence of Gerstmann, (pages 115 and 128 of the record), shows the plan to defeat the contestant and the methods by which it was executed.

He testifies that he was agent of the Republican national committee sent to Toledo for the purpose of finding the sentiment of people in certain districts before the October election of 1884. He, being able to speak the Polish and German languages, was assigned to this precinct, which was almost entirely inhabited by Germans and Poles. He was deputed to work in this precint by Captain Brown, who was the chairman of the Republican committee in the city of Toledo, and also the attorney of contestee in the contest.

He visited the precinct in pursuance of his instructions and went through it to find the sentiment of the people. He found them all for Hurd.

After some consultation he learned from them that the sentiment might be changed by the use of money. They informed him that from two to ten thousand dollars would be required to change the precinct.

After having obtained this information he reported to the local committee and then went to New York to report to the national committee. There he had an interview with S. B. Elkins, in which he reported the condition and the necessity of money for this precinct.

Mr. Elkins said that the election of Mr. Hurd was a nationally important question; that he was a free-trader, and that it was necessary he should be defeated. He said also that the money needed would be sent through the regular channels. He was directed to go to Toledo and tell them to do all they could to defeat Hurd.

In the work of his agency, Gerstmann returned to Toledo a few days before the election.

He visited the same persons and places he had visited before. He found the sentiment all changed. It was then against Hurd and for the contestee.

He learned from the voters there that the change had occurred through the use of money; that their wants had been satisfied; and he left Toledo before the election, as there was nothing more for him to do.

We call attention to the testimony of Gerstmann on page 128:

"4. Q. What was said, at your last visit to Toledo before the election, by Warnke and other voters in Precinct B, in ward 8, as to money or other considerations having been satisfactorily furnished to the voters of that precinct to carry it for Romeis?

"A. From the general conversations with Warnke and others living in that neighborhood there was no doubt in my mind that money and other materials were furnished to defeat Mr. Hurd in that precinct. There was no further use for me, and I left Toledo. My reasons for leaving, no doubt, is from the conversations which I had on that subject with Warnke and other voters of that precinct. I was satisfied in my own mind that Romeis would carry that precinct, notwithstanding at my first visit everything was for Hurd there. Had it not been for the use of money and other considerations used in the political machinery Hurd would certainly have carried the precinct.

"S. GERSTMANN."

To corroborate Gertsmann the testimony of Louis Jahn is offered, who swears that shortly after the election Henry Gates, the vice-president of the Republican organization in that precinct, boasted that he had paid on the night of election at a saloon in that precinct nineteen persons from $3 to $10 apiece for services as ticket peddlers.

Jahn also heard others say that the money had been so paid.

We think that if the statements of these witnesses are to be accepted as true, there can be no doubt that this precinct should be rejected.

If there were a conspiracy to send from $2,000 to $3,000 to a little precinct of less than 450 votes; if the voters were changed in sentiment, by their own confession, within two or three weeks by the use of this money; if the officers of the Republican organization, from the national down to the local committee, interested themselves to carry out this conspiracy, and if the corruption were so open and public that the local Republican manager in that precinct boasted shortly after the election that he had paid unusually large sums for a day's work to many more men than the legitimate expense of an election could possibly have required, it would be an outrage upon justice and fair dealing to permit the returns from this precinct to be counted.

The only answer made to this evidence by the contestee is that (1) the witness Gerstmann is not credible, and (2) that the testimony is not competent, as it is hearsay.

As to the first part, we reply that Gerstmann declared himself to be the agent of the Republican committee to do the work to which he was assigned, and stated that he was deputed to the special work in this precinct by Mr. Brown, the chairman of the Republican committee, the very man who was cross-examining him. He mentioned the name of Mr. Elkins and Mr. Schenck, two Republican managers, who had engaged him and to whom he reported. How easy it would have been for one of them to have gone onto the stand and testify that he was not their agent. They knew his testimony and realized its importance, and yet not one man undertook to contradict him.

Neither was there any effort to impeach him.

His testimony remains uncontradicted and unimpeached. There is nothing to affect his credibility, unless it shall be found in his cross-examination, and after the more thorough examination of that we are satisfied that there is nothing in it to weaken the force of the statement he makes as to the great points of his testimony.

The only question remaining is, Is the evidence competent?

It is said it is not, because it is hearsay. We are not of this opinion. The rule as to evidence in contested-election cases is stated in Cushing's Parliamentary Law, section 210:

"The same general rules by which courts of law are governed in regard to evidence in proceedings before them prevail also in the investigation of cases of contested elections; but inasmuch as a legislative assembly touching things appertaining to its cognizance is 'as well a council of state and court of equity and discretion as a court of law and justice,' the legal rules of evidence are generally applied by election committees more by analogy and according to their spirit than with the technical strictness of the ordinary judicial tribunals."

The testimony in this case is not offered to prove the bribery of individual voters, but to show the prevalence of corrupt methods in an election precinct. It is sought to throw out an election district because of general bribery. If individual acts were to be proved, the poll could be easily purged by the elimination of the bribed votes, which would disappoint the object in view. It is as though one were attempting to show the general reputation to be bad. You can not do this by proof of individual acts of bad conduct. It must be done by proof of what people generally say. When you would impeach a precinct for general bribery you must prove by analogy to the rule of courts of justice the fact in the same way. The general sentiment of a community, the changing it, and the common reports of the method by which it is done are all facts to be established as any other fact of common reputation.

In Buckwood Croft's Election Manual, page 43, Mr. Justice Willes says:

"General bribery, the prevalence of corrupt practices, whether by the member, whether by his agent, or whether by any undiscoverable person, bribery so general that the court should be satisfied that there was no free election, that there was only an apparent choice and not a real one, will vitiate the election."

The exact question as to the competency of this kind of testimony arose in the North Durham case, decided in 1874 by Mr. Baron Bramwell, reported in 2 O'Malley and Hardcastle, page 152.

In the course of the case a witness, who had been employed to canvass against respondents, was asked by the attorney for the petitioners:

"Q. When you canvassed the tradesmen what was the feeling you found among them?

"A. I found a reluctance to promise, and certain of them told me if they voted——

"Mr. Serjeant Parry objected to this as not being admissible. He submitted that the tradesmen must be asked if it was sought to be proved that they had been unduly influenced."

Mr. Baron Bramwell said:

"I think that you are at liberty to ask the question as to generals, but may not ask as to particulars. You may ask the general question whether he found any particular difficulty in getting promises in a particular district, and, if so, whether he can attribute it to any cause."

In the Westminster case, 1 O'Malley and Hardcastle, page 95:

"A witness called by the respondents stated that he was employed on behalf of a canvassing association to take down, day by day, the returns by the canvassers employed by the association of the promises they obtained, and to enter them in a book. He was then asked what was the total number of promises.

"Mr. Stephens, for the petitioners, objected to the question, on the ground that it involved hearsay on hearsay."

Mr. Baron Martin admitted the question on the ground that the information which the agent had thus received might have influenced his conduct in the management of the election.

In these recent English cases the very testimony which is objected to here has been admitted to show the general state of the sentiment of the district, and that it might have exerted influence upon the canvass. We think, for the same reasons, that the evidence of Gerstmann, the confessed agent, as to what he learned in this precinct is admissible.

The testimony of Jahn as to the declaration of Gates, the Republican manager, to the effect that he had paid nineteen men from $3 to $10 apiece on the night of the election, is said to be incompetent. The ground is that the declaration of an agent after his agency is over, narrative of what he did, is not competent. We admit this to be the rule, when it is being sought to charge the principal with the agent's declaration or acts.

In this case the proof is not offered to show that the sitting member was guilty of bribery, nor even that nineteen persons were bribed at that precinct, but as tending to show the condition of sentiment on election day at that precinct.

Will any one say that the declaration of a proved agent that he had bribed a number of men on election day, made a few days afterward, is not a circumstance tending to show the condition of feeling there that day?

Contestant denies that there was general corruption prevalent in that precinct on that day. He offers the boast of the election manager, made shortly after the election, that he had corrupted nineteen men on that day. We are clearly of the opinion that the testimony is admissible as tending to show the fact of general corruption at the election.

In the Southampton case (1 O'Malley and Hardcastle, page 221), the declaration of an agent to a man who had been discharged for voting against the will of his employers, made after the election, was admitted.

The question was—

"Q. When you went back to your work after the election did you see your employers' foreman?

"A. Yes, sir.

"Q. What did he say to you?

"(Mr. Gifford, for the respondents, objected.)"

Mr. Justice Willes said:

"My impression is that what is done after the election can only be material as throwing light upon some transaction before the election, and so leading to the supposition that there was before the election some violation of the corrupt-practices act. * * * I think the evidence is clearly admissible."

In two cases cited in Woolfenstan on Elections, 83, declarations of admitted agents were held competent, made several weeks after the election.

Many other cases could be cited to maintain the same doctrine, but we do not deem it necessary to refer to them.

We do not think that the objection that this is hearsay evidence is well taken for the reason already suggested. This testimony is admissible on another ground, that it is a statement of a co-conspirator as to the methods of the conspiracy, before the conspiracy was over, and while the work was incomplete in which he was engaged, of preventing the election to the House of the contestant.

Believing the evidence of these witnesses to be true, and that it is entirely competent, and finding that their statements, so detrimental to the contestee, are uncontradicted and unexplained by him, we reject the poll of this precinct because of the general bribery which prevailed there.

KELLEY'S ISLAND.

The next precinct assailed by contestant is Kelley's Island. Here the vote was 126 for contestee and 97 for contestant, making the majority for the former 29. At the last general election preceding this precinct had given a Democratic majority.

The ground of objection to this precinct is the intimidation practiced by one Norman Kelley, who employed seventy men, nearly one-third of the voters on that island. The intimidation consisted in threats of loss of employment to his men in case they voted for contestant, together with personal inspection of the tickets of the men on the election day by him.

Section 7065 of the Revised Statutes of Ohio declares it to be a felony for an employer to threaten to withhold or reduce wages of or to dismiss from service any laborer in his employ with a view of influencing his vote.

The effect of intimidation upon the result of an election is stated in the report made by ex-Speaker Keifer in the case of Donnelly vs. Washburn, already quoted.

"The rule undoubtedly is in this country that when bribery, fraud, or intimidation is so interwoven with the vote of any voting precinct that it can not be eliminated from the aggregate vote cast with certainty, the whole vote of the precinct may and perhaps should be rejected."

To show the nature and extent of the intimidation practiced in this precinct, we call attention to the testimony of Norman Kelley and the other witnesses.

Mr. Norman Kelley (page 308):

"Q. Did you have any conversations with any of your men upon the subject of the contestant's (Mr. Hurd's) candidacy for Congress?

"A. I did.

"Q. Did you have any conversation with your employés as to the subject of free trade and the effect which its adoption in this country would have upon their employment?

"A. I did, so far as my opinion on that question is concerned.

"Q. Did you say to your employés, or any of them, that the effect of the adoption of free trade would be, in your opinion, to embarrass the business in which you were engaged and they were employed?

"A. I think I did.

"Q. Did you say to your employés, or any of them, that in the event of embarrassment coming to your business by the adoption of free trade and the consequent necessary reduction of the force you employed, the persons to be first discharged would be those voting for the advocates of free trade?

"A. No, sir; I have never told any one in my employ so unconditionally.

"Q. Did you conditionally, and if so, with what conditions?"

"A. I said to two or three of my employés that in case Mr. Hurd was elected to Congress and Mr. Cleveland was elected President, and if free trade was adopted in this country, the effect would be to materially injure our business, and in that event, in my opinion, we would undoubtedly [not] require over or to exceed one-half and probably not over one-third of our present force of men, and that we thought the interest of our men was the same as our own.

"Q. What, if anything, did you say to these employés with whom you talked as to the discharge of employés in the event of a reduction being made necessary by the election of Hurd and Cleveland and the adoption of free trade?

"A. I have not a distinct recollection of what I said.

"Q. Can you give it generally and in substance?

"A. I said in the event of the adoption of free trade that, our employés knowing that their interest was identical with our own, we would naturally expect to retain those who voted for our interest and their own."

Fred W. Alvord (page 95):

"Q. State your name in full, and your place of residence.

"A. Fred W. Alvord. Reside in Sandusky, Ohio.

"Q. State your business.

"A. Fish dealer.

"Q. How long have you resided in Sandusky?

"A. Thirty-five years.

"Q. Do you know Norman Kelley, of Kelley's Island?

"A. Yes, sir.

"Q. What is Mr. Kelley's business?

"A. Dealer in stone; has a stone-quarry, which he owns and operates.

"Q. You may state whether you had a conversation with Mr. Norman Kelley, about the time of the October election of 1884, in which he stated to you his conduct at that election; and, if so, you may state when and what that conversation was.

"(Objected by contestee's counsel.)

"A. This conversation occurred not about the time of the October election, but about three weeks ago, in Mr. Graham's drug-store. The conversation turned upon Mr. Hurd's contest, and he wanted to know of me what I thought Mr. Hurd expected to make of it. I told him I thought he would make a success of it. He expressed some surprise he should come on to Kelley's Island for testimony, and said that he did not believe he would be successful in finding any there. I told him that I believed that Mr. Hurd was going to set up intimidation. He answered very emphatically that there had not been anything of the kind there during either of the elections. He said he heard it stated he had himself tried to intimidate his men, but he said it was false. He then voluntarily related to me what he did say. He said he had never been in the habit of going around the polls at election, but, I think he said, John Woodford sent word to him that things were not going very well at the polls, and he must come up. He said he went up to the polls and said to his men that came up to vote and that were there that he considered Mr. Hurd's views on the tariff very detrimental to his interests, and that if Mr. Cleveland and Mr. Hurd were elected, and Mr. Hurd's views should prevail under a Democratic administration, he should not probably want over one-third as many men in his business as he was then employing; and that if he was compelled to discharge any of his men he should discharge those who were not voting or working for his interests. He then said he did not consider it intimidation, but that it was a matter of business with him; that he had to protect his own interests."

Nicholas Smith (page 97):

"Nicholas Smith, being sworn, testified as follows:

"Q. State your name and place of residence.

"A. Nicholas Smith; Kelley's Island, Ohio.

"Q. How long have you resided on Kelley's Island?

"A. I came here in 1880. Was employed here two years before I became a resident.

"Q. State your business.

"A. Mason, stone-cutter, and cementer.

"Q. You may state whether you were present at the polls at the election held on the 14th day of October, 1884.

"A. Yes, sir.

"Q. You may state what duty, if any, you had at that election.

"A. Was there as a challenger and worker for the party.

"Q. You may state whether you are acquainted with Mr. Norman Kelley.

"A. I am, sir.

"Q. You may state whether Mr. Kelley was at the polls on the 14th day of October last.

"A. He was.

"Q. You may state what Mr. Kelley did at the polls.

"A. Kelley was standing outside, on the steps of the hall. I stood alongside of him. Some of his men came up; one in particular—Pete Diffley. He either handed out a ticket or Kelley gave one to him; the ticket was in sight. Kelley said, 'Put it in! put it in!' Diffley advanced toward the voting-box. Kelley followed him and I followed Kelley in rotation through the crowd. Kelley came out toward the steps again. I said to him, 'Why don't you let your men have their own free will? None of your bulldozing here;' and he says, 'None of your damn business,' and he called me a liar. I said 'It is my business.' I think I used the term, 'This is played out.' He hauled off and made an attempt to strike me. There was more words used besides that, which I don't recollect. After that he left. This was about 5 or 6 o'clock, just before the polls closed. I know it was quite dark in the hall.

"Q. What is Mr. Kelley's business?

"A. He is carrying on stone-quarry.

"Q. How many men does Mr. Kelley employ?

"A. He employs—not that I know exactly—as much as fifty men this—did last summer; I can't tell exactly.

"Q. Was Pete Diffley in the employment of Mr. Kelley?

"A. I should think he was; he had been employed for years previous to this election; he is now.

"Q. You may state whether there is more than one voting precinct at Kelley's Island or not?

"A. Only one; it is all I know of."

George P. Bristol (page 98).

"George P. Bristol, being sworn, testified as follows:

"Q. State your name in full, residence, and business.

"A. George P. Bristol; residence, Kelley's Island, Ohio; superintendent for Norman Kelley & Co.

"Q. How long have you resided on Kelly's Island, and do you still reside there?

"A. Since 1860 permanently, and I still live there.

"Q. What is Mr. Norman Kelley's business?

"A. He is carrying on the stone-quarrying and grape-growing.

"Q. How many men had Mr. Kelley in his employment at the time of the October election, held October 14, 1884?

"A. As near as I can recollect, somewhere between fifty and sixty men.

"Q. Were you familiar and did you meet frequently the men engaged in his employment?

"A. I was familiar with them, and met them frequently every day.

"Q. You may state what, if anything, the men employed by Mr. Kelley said to you that Mr. Kelley had said or done to them to influence their vote at the Congressional election held in October last.

"(Attorney for contestee objects to this question.)

"A. He had told them that they should not vote for Mr. Hurd, or ought not to vote for Mr. Hurd. The men told me this. I did not hear Mr. Kelley say this.

"Q. You may state what he said to the men.

"A. The men told me that Mr. Kelley said to them that they ought not to vote for Mr. Hurd because he was a free-trader, and that free trade would ruin his business; that if Mr. Cleveland and Hurd were elected that we would have free trade, and he would be forced to discharge some of his men. He told one of the men, who told me, that if we had free trade those who voted the Democratic ticket would be the first to go. Only one man told me this.

"Q. Does Mr. Kelley take an active interest in political matters?

"A. Not generally.

"Q. Was he active in political matters at the time of the October elections, 1884?

"A. He was on the day of election.

"Q. You may state what Mr. Kelley did on the day of election.

"A. I really could not state. I was on the board. There was a large crowd in the room and I was busy writing.

"Q. In what capacity did you act at that election?

"A. Was one of the clerks of the board.

"Q. At what time did you first notice Mr. Kelley about the voting place?

"A. I think he was down and voted early in the morning; am not positive.

"Q. Did he remain during the day?

"A. I think not.

"Q. When did you next notice him around the polls?

"A. It was some time in the afternoon. It may have been 4 o'clock, or it may have been still later. It was some time late in the afternoon.

"Q. After what time did the men employed by him vote?

"A. I should say between 5 and 6 o'clock p. m.

"Q. Did Lester Carpenter or John Woodford, at any time during the day of that election, to your knowledge, go to the quarry and request Mr. Kelley to come to the polls?

"A. I don't know anything about whether they did or not.

"Q. Do you know whether anybody on that day went to the quarry and made that request?

"A. I do not."

Michael Hughes:

"Michael Hughes, being sworn, testified as follows:

"Question. State your name in full.

"Answer. Michael Hughes.

"Q. State your business and place of residence.

"A. Reside on Kelley's Island; my business is farming.

"Q. You may state if you were present at the polls at the election held on the 14th of October last.

"A. I was.

"Q. Do you know Norman Kelley?

"A. I do.

"Q. Do you know the men in the employ of Norman Kelley?

"A. I could not say I know them all. I know some of them.

"Q. You may state whether Mr. Kelley was present at the voting place at the election held on the 14th of October last.

"A. I did not notice him in the forenoon. He was there in the afternoon pretty much all the time.

"Q. You may state what Mr. Kelley was doing at the polls that day.

"A. I did not see him electioneering with anybody but his own men. He stood at the door of the hall where they went in to vote; told his men he would like to see their tickets. Some showed them, some did not. I did not know that he wanted them to scratch anybody but Frank H. Hurd.

"Q. Do you know how Mr. Kelley came to be at the polls in the afternoon?

"A. My reason is, he was very strongly opposed to Frank Hurd's election. I do not know any other reason. It was a very unusual thing to see Mr. Kelley at the polls.

"Q. You may state whether or not Mr. Kelley was very bitter in his opposition to Mr. Hurd.

"A. He worked very hard against Mr. Hurd with his own men. I objected once to his electioneering with his men in the building where they were voting. He told me it was none of my business. I said no more to him."

A. P. Duysing (page 152):

"Mr. A. P. Duysing, of lawful age, being duly sworn, testified as follows:

"Question. State your name, residence, and occupation.

"Answer. A. P. Duysing; Kelley's Island; am a saloon-keeper.

"Q. How long have you lived on the island, Mr. Duysing?

"A. Twenty-six years.

"Q. Were you on the island about the time of the October election, 1884?

"A. Yes, sir.

"Q. State what you know, if anything, of any conversations about the time of said election in your place of business in regard to any intimidation by any person.

"A. All I know is, I heard some of Norman Kelley's men say that he tried to intimidate them, but to mention names I can not recollect. That's the truth. I heard it several times.

"Q. What is your impression as to the time; was it before or after election?

"A. Soon after election.

"Q. Mr. Duysing, were you at the polls that day?

"A. Yes, sir.

"Q. Give the time when you came there, as near as you remember, and state how long you remained there.

"A. Came there at 6 in the morning and left at half past 6 in the morning.

"Q. Did you see Mr. Norman Kelley at the polls when you were there?

"A. No, sir.

"Q. Now, Mr. Duysing, state if you know or heard of Norman Kelley's being at the polls for the purpose of intimidation at said election.

"A. Certainly I heard that.

"Q. About how long did you hear he was there?

"A. I don't know.

"Q. Did you hear of his intimidating or attempting to intimidate any one?

"A. I did not hear Mr. Kelley say so himself.

"Q. Did you hear any one say that Mr. Norman Kelley intimidated or attempted to intimidate any one?

"A. I heard several persons say so in my saloon."

Homer H. Woodford (p. 153):

"Question. State your name, residence, and occupation.

"Answer. Homer H. Woodford; am a grape-grower and carpenter; reside on Kelley's Island.

"Q. How long have you lived on the island?

"A. About forty-four years.

"Q. Were you on the island at the time of the State election in October, 1884?

"A. Yes, sir.

"Q. Were you present at the polls on the day of said election; and, if so, at what time did you come to the polls, and how long did you remain there?

"A. I was there; came at the opening of the polls at 6 o'clock, and remained there until the polls closed, excepting about three hours.

"Q. When did these three hours come in?

"A. From 10 till 1 in the afternoon.

"Q. Did you see Mr. Norman Kelley at the polls?

"A. Yes, sir.

"Q. Did you hear Mr. Norman Kelley make any remarks to any of his employés during said day?

"A. Yes, sir.

"Q. State, according to the best of your recollection, what the substance of any remark was which Mr. Norman Kelley made and to whom he addressed it.

"A. He addressed the remark to several of the parties that were with him. He made the remark to some men that passed along, 'You will be one of the first ones that will have to go.'

"Q. Before said election did you know or hear of Mr. Norman Kelley attempting to influence any voter to vote the Republican ticket?

"A. No, sir.

"Q. Can you recollect the names of any of the men to whom Mr. Kelley addressed this remark? If so, give them.

"A. One of them was Mr. Casey that was in the crowd together. That is the only name I can give; the others I know when I see them.

"Q. How many others were there as you remember?

"A. There were four or five as they came back from voting.

"Q. Now, Mr. Woodford, please state what, in your opinion, was the motive of Mr. Kelley in making this remark.

"A. I should suppose it was because they did not vote to suit him; I don't know what else it could be. That is my opinion.

"Q. Please state whether or not there was a general opinion in the island that Mr. Kelley was attempting to influence his employés.

"A. I have no way of knowing that.

"Q. Have you ever heard such a statement made either before or after this election?

"A. Yes, sir.

"Q. Now, Mr. Woodford, please state how it was you happened to be so long at the polls on the day of said election.

"A. I had a cut foot—crippled.

"Cross-examination by Mr. SCHENCK:

"Q. You say that you never heard Mr. Norman Kelley speak to any of his employés about their voting before the election, and that all you heard him say was after Casey had voted. He said to him, 'You will be one of the first ones to go.' Now, what time of the day was it that Norman Kelley said this to Casey, and was it inside or outside of the building where the voting took place?

"A. It was not far from 5 o'clock p. m.; it might have been a little before or a little after. This was said to Casey inside the hall."

Jacob Rauft (page 155):

"Q. State your name, residence, and occupation.

"A. Jacob Rauft; Kelley's Island; am a cobbler.

"Q. How long have you lived on Kelley's Island?

"A. As long as I have lived.

"Q. Were you in Kelley's Island at the time of the last election?

"A. Yes; I voted.

"Q. You mean the State election for Congressman, in October, 1884, do you?

"A. Yes, sir.

"Q. State what, if anything, you know in regard to Mr. Norman Kelley taking a ticket from a voter on the day of said election.

"A. Well, what I know about is this: I went up to vote some time in the afternoon, and I seen Mr. Norman Kelley standing there looking at a ticket. Whether it was a Republican ticket or a Democratic ticket I don't know. That's all I know about it. I don't know where he went or anybody else. I went to vote.

"Q. Did you, or did you not, see him take the ticket from any person?

"A. I did not see him take it; I don't know whether the man showed it to him or he took it; he was looking at it; that's all I saw.

"Q. Give the name of the man.

"A. Anwander, I think, was his name."

We think this testimony clearly shows that Mr. Kelley intended to intimidate his employés, that he made the men acquainted with his purpose, and that he carried it out by his presence and conduct at the polls on election day.

It is urged by counsel for contestee that the proof does not show that; the intimidation is not shown to have made the result different from what it otherwise might have been. It was claimed that contestant was bound to prove that the intimidation compelled the employés to vote for contestee.

We do not think this is the law. We are of the opinion that where intimidation is practiced over men sufficient in number to affect the result the burden of proof is devolved upon him in whose interest the intimidation was done, to show that the intimidation did not affect the result. If this proof be not made, the intimidation is so interwoven with the vote that it is impossible to separate with reasonable certainty the good from the bad vote, and the whole precinct must be rejected.

In Cunningham on Elections (page 184) it is said:

"Another very important proposition of election law is established by the case, namely: That when the law has been violated and outraged, and intimidation organized, the onus is on the respondent of showing that that intimidation and violence have not produced their natural consequence."

In Rogers on Elections (page 240) it is said:

"In same case a petitioner has been called on to show that but for the riot he would have been in a majority—a course of proof which, even if the interests of the petitioner and sitting member were alone involved in the inquiry, would not be satisfactory, but the public has an interest in protecting the freedom of election (Glan., 58, 108, 118), which principle is as much violated by the intimidation and coercion of the minority as of the majority. Besides, by what course of proof is such a fact to be established? Are voters to be called to prove that but for their fears they would or they would not have voted in a particular way? How few men have courage voluntarily to admit their want of firmness on any trying occasion, and if willing to make such admission, who, speaking of his own conduct, can tell how far fear may have influenced it? Besides, if such an inquiry is to be resorted to at all, it seems reversing the order of proof to require the complaining party to show what would have been the result of the election? As soon as a serious riot has been proved, the freedom of election has been vio-

lated, *prima facie;* therefore the election and return are void, and it is for those who uphold the election and return to show that the disturbance did not, in fact, alter what would have been the result of the election, supposing no riot had taken place."

In the Drogheda case, 10 O'Malley and Hardcastle, page 225.

"In this case it was argued for the respondent that the onus of proof was upon the petitioner to show that undue influence was exercised by the respondent in such a way that he thereby obtained a majority, because (it was said) it was impossible for the respondent to prove the negation of this; in other words, that the respondent had the right to say to the petitioner, 'You are in a minority, and you must show that the mind of each voter who made up my majority has been unduly influenced.'"

Mr. Justice Keogh said in his judgment:

"I may say at once that the argument put forward by the respondent is one from which I wholly and entirely dissent. It is subversive in my mind of the whole principle of freedom of election. It is said by the counsel for the respondents that freedom of election is secured provided the majority are shown to have had the power of recording their vote. I deny that altogether. This was not solely a contest between the respondent and the petitioner. There is another and greater interest than belongs to either of them; there is the public interest. The humblest individual in the whole of this constituency has as good a right, without fear or intimidation, to come to the court-house on the day of election as the richest man upon the register, and as good a right as the great majority of the community."

As to the part of the argument above quoted he said:

"Even if this argument were applied to the case of bribery, it might be hard, if there was an extensively organized system, to trace it to each individual voter, and in the case of treating detection would be still more difficult. But in both these cases you have something to lay your hands upon; you have money, you have food, you have drink. But when you come to intimidating, who is there would venture to gauge its influence? Who can tell what is its effect upon the human mind?

"It is not possible to give evidence in a court of justice which would carry out the proposition which has been laid down by the counsel for the respondent here, and if at all it is to be made a matter of evidence, the onus of proof should be thrown upon them to show that when the law has been violated, when gross outrage and intimidation have been organized, that intimidation and that violence have not produced their natural consequence, namely, terrifying the people from the exercise of their legitimate practices."

The county of North Durham, 2 O'Malley and Hardcastle, page 156.

In this case the election was sought to be avoided on account of intimidation. In the county there were numerous voting precincts. In some of them it did not appear that intimidation was practiced. Mr. Baron Bramwell decided that if the majorities in the precincts affected were not sufficient to change the general result, while the election would be void in the precincts affected, yet the sitting member would not be disturbed. If, however, they did affect the majority, the sitting member would be unseated.

In the course of the opinion Mr. Baron Bramwell said:

"But besides this [statutory intimidation] there is another intimidation that has been called a common-law intimidator, and it applies to a case where the intimidation is of such a character, so general and extensive in its operation, that it can not be said that the polling was a fair representation of the opinion of the constituency. If the intimidation was local or partial—for instance, if in this case it had been limited to one district, as Hetton is, I have no doubt that in that case it would have been wrong to have set aside this election, because one could have seen to demonstration that the result could not possibly have been brought about by that intimidation, and that the result would not have been different if it had not existed. I do not mean the result of the polling in that particular district, but the general result of the majority for the respondent. But when it is of such a general character that the result may have been affected, in my judgment it is no part of the duty of a judge to enter into a kind of scrutiny to see whether possibly, or probably even, as a matter of conclusion upon the evidence, if that intimidation had not [been] exerted, the result would have been different. What the judge has to do in that case is to say that the burden of proof is cast upon the constituency whose conduct is incriminated, and unless it can be shown that the gross amount of intimidation could not possibly have affected the result of the election, it ought to be declared void. * * * Besides, I am of the opinion that where there has been so large an amount of intimidation that it is uncertain whether the result would have been the same without it, it can not be said that the election was free, or that it represented the real opinion of the constituency, but that it must be held void on account of that intimidation."

The same doctrine has been approved by this House in the case of Ford vs. Abbott and Goode vs. Platt, in the Forty-fourth Congress. In these cases the poll of the precincts where the navy-yard vote was cast was thrown out on account of intimidation practiced by the officers in the yard. The burden of proof was held to be upon the contestee to show that the violation of the law had not affected the result.

The contestee has failed to show that the intimidation practiced in his interest did not affect the result, and as that intimidation was great enough to affect the majority in the precinct, we are of the opinion that the return from this precinct should be excluded.

PRECINCT C, WARD 3, TOLEDO.

Here the vote was 319 for contestee and 153 for contestant.

In this precinct the testimony shows that Robert H. Bell, not an officer of the election, repeatedly put his hands into the ballot-box, while the count was going on, and handled the ballots, in several instances taking them out and placing them upon the table.

Mr. Bell is shown to be a partisan Republican, taking an active interest in politics and the management of elections.

The testimony of one clerk of the election, David Emerick, is offered to show that this interference was made with the ballots by Mr. Bell. He is corroborated by Judge Potter, the Democratic judge, who reproved Bell for his unwarranted handling of the ballots.

The contestee puts Mr. Bell upon the stand, who denies that he in any way interfered with the ballots at the October election, but admits that he did at the November election.

It is attempted to sustain his testimony by the evidence of one Republican judge, Mr. Waterman, and the Republican clerk, Mr. Wilhelm. The other judge, Mr. Kirk, is not produced as a witness. Both these witnesses admitted that Mr. Bell attempted to take the ballots out of the box at one of the two elections, for which Judge Potter reproved him. Mr. Waterman says that he had an indefinite recollection of something occurring at the November election (page 222). The other says (page 271):

"I don't know whether it was at the October or November election that he [Mr. Bell] attempted to remove ballots from the box, but at that time Judge Potter interceded and told him not to do so. My impression is that it was in November, but it might have been in October."

These uncertain impressions of these two witnesses can not overcome the positive and clear statement of Mr. Emerick that Mr. Bell did repeatedly take tickets out of the box and handle them at the October election before the counting was done.

If, however, any doubt existed upon this point it is removed by the testimony of Mr. C. A. Smith (page 146) and George B. Boone (page 145).

These witnesses both testify that on the next evening after the October election Mr. Emerick told them that Mr. Bell had interfered with the ballots the day before while the counting was going on, handled them in the box, and took them out and placed them on the table. He also showed them how easy it would be for a person, under such circumstances, to perpetrate a fraud, and said that there ought to be Democrats at the poll at the November election to prevent a repetition of such acts. Mr. Smith said that he would be present, and at the November election was present and watched the counting until the ballots had all been taken from the box and until Mr. Bell left the room. He said that Mr. Bell did not in any way interfere with the ballots at the November election.

The testimony establishes beyond all doubt that the handling of the ballots was done by Mr. Bell at the October election. As, therefore, the attempt of the contestee to explain the conduct of Mr. Bell has failed, the statement of Mr. Emerick must be accepted as true, with all the presumptions against Mr. Bell's conduct and the contestee.

We submit the testimony of David Emerick, which we think is fully corroborated by the other evidence.

David Emerick (page 11):

"Q. What is your name, and where do you reside?

"A. David Emerick; I reside in Precinct C, third ward, Toledo.

"Q. In what capacity did you act at the State election held on the 14th of October last?

"A. Clerk at the election.

"Q. Were you present at the poll during the whole day?

"A. I was; all [day], with the exception of going to dinner and to supper.

"Q. Who were the judges of election, and who was your associate clerk?

"A. Emory Potter, sr., was one judge; Waterman (I don't know what his initials are), and Kirk (I don't know what his initials are); those were the judges. H. W. Wilhelm was the other clerk.

"Q. Who kept your poll-books while you were absent at dinner? State if you know.

"A. I don't know who kept them.

"Q. Were they kept in the handwriting of your associate, Mr. Wilhelm.

"A. They were not.

"Q. Were you present when the polls were closed and the opening of the ballot-boxes occurred?

"A. I was.

"Q. You may go on and state in what manner the ballots were taken from the box and counted, and what occurred worthy of note in process of counting.

"A. Mr. Kirk unlocked the ticket-box and threw probably one hundred and fifty or one hundred and seventy-five tickets on the table, and the judges proceeded to open them up and assort them. They open up and assort them by piling the straight Republican tickets on one pile, the scratched Republican tickets on another pile, the straight Democratic tickets on one pile, and the scratched Democratic tickets on one pile. While they were assorting those tickets Mr. Kirk took out of the box and put on the table, a man they call Bob Bell took his position at the head of the table, standing up, leaning on the ballot-box, and as the tickets were exhausted which Mr. Kirk threw out, this man Bell would take them out of the box and throw them on the table. He would continue that as often as the tickets were exhausted. I can't tell how many times he did this.

"Q. What was his position with reference to the ballot-box and the officers of the election?

"A. The ballot-box stood on the end of the table; Mr. Waterman, the Republican judge, sat on the right at the side of the table, and Mr. Kirk sat on the left at the side of the table. The Republican judge, Mr. Potter, sat next to Mr. Kirk and I sat next to Mr. Waterman. Mr. Wilhelm sat next to me. Mr. Bell stood at the head of the table with his arm on the ballot-box, and as the tickets would exhaust he would put his hand in the ballot-box and put them on the table as the judges would sort them out.

"Q. What, if anything, was said by you or any one else at the time as to that course of procedure?

"A. I think Mr. Potter said something to him; I don't remember what it was. I made the remark that it wasn't according to law to count out tickets in that way. Mr. Bell says, 'That is the way we always counted them here; sorted them out and counted them afterward.' I told him that I didn't care how they had done; I didn't think it was the proper way to do it. In reply he said he forgot more about elections than I ever knew. I told him that it didn't make any difference to me; that there were three judges sworn to count the votes and that I had nothing to say about it, neither had he, as I was merely a clerk there.

"Q. How many times did Mr. Bell open the box and take the ballots out, approximately?

"A. Several times; I don't remember just how many. I think he took all the tickets, with the exception of those that Mr. Kirk took out first.

"Q. How many tickets would you say, then, that Mr. Bell handled?

"A. I couldn't say the number, because Mr. Kirk took out a handful. I think that Mr. Kirk took out about one hundred and seventy-five or two hundred; there might have been more and there might have been less, and Mr. Bell threw the balance of the tickets on the table.

"Q. To what political party does Mr. Bell belong?

"A. He is a Republican, I think.

"Q. State, if you know, whether or not he has been an active Republican politician in this city.

"A. He has that reputation.

"Q. State whether or not the tickets were all taken from the box one by one.

"A. They were not.

"Q. How were the tickets counted from these assorted piles of which you have spoken?

"A. They were counted in fives; the Republican straight tickets were counted first, and then the Democratic straight tickets were counted; then the scratched were counted in the same way, *i. e.*, they were counted one by one."

Same witness (page 137):

David Emerick, of lawful age, being by me duly sworn, as hereinbefore certified, deposes and says:

"Q. You are the same David Emerick, are you, whose deposition has been heretofore taken in this matter by the contestant?

"A. I am.

"Q. You may state who took the tickets from the ballot-box at the time of the October election of 1884 just prior to their being counted.

"(Question objected to as not being rebuttal.)

"A. Robert Bell and Kirk.

"Q. Who was Mr. Kirk that you refer to?

"A. He was one of the judges.

"Q. Did Mr. Waterman, one of the judges of election, take any tickets from the ballot-box?

"(Question objected to for the reason that the same is leading and not rebuttal.)

"A. He did not.

"Q. You may state what occurrence, if any, enables you to determine definitely that the facts that you stated in your former deposition in this case occurred at the October election of 1884, and not at the November election of that year.

"(Question objected to as not being rebuttal.)

"A. The next night after the October election I related to Mr. C. A. Smith and Mr. Boone what Mr. Bell had done the evening before while we were counting out the votes. Mr. Smith asked me if there wasn't anybody there to look after the Democratic party's interest besides me and Judge Potter. I told him there

were not; so he said he would see that there would be somebody there next election; so he came up to the polls in November, and remained there while we were counting out the vote.

"(Answer objected to as not being rebuttal, and being incompetent and immaterial.)

"Q. Was Mr. Smith, whom you refer to, present during the counting of the vote in Precinct C, third ward, at the October election of 1884?

"(Objected to as immaterial and not rebuttal.)

"A. He was not present.

"Q. At what time did he reach the polls at the time of the November election of 1884?

"(Question objected to as immaterial and not rebuttal.)

"A. I should judge about half past 6 or 7 o'clock.

"Q. State in what way, if any, Robert H. Bell interfered at the time of the October election, 1884, in Precinct C of the third ward, with the work of the judges and clerks in polling and counting the vote of that election.

"(Question objected to as leading and not rebuttal.)

"A. He took tickets out of the ballot-box, put them on the table, took my polling-sheet, and wrote a lot of names while I was gone to dinner."

The only explanation of the conduct of Bell, as already stated, attempted was to show that the tampering with the box occurred in November. We are of opinion that contestee has failed in the explanation. The act of Bell is therefore without anything to extenuate or justify it.

In all elections the most important thing to be shown is that the votes counted were those cast. There can be no assurance of this fact, except that the ballots have been preserved in the exclusive custody of the officers charged with the duty of keeping them. Any interference with them by an unauthorized person, any handling or taking them into possession by others than the proper officers, whereby an opportunity to tamper with them and alter them has been given, will be fatal to the count, unless the clearest and most satisfactory explanation has been made of the conduct of such persons. The burden is shifted to the contestee to show that what was done did not interfere with the ascertainment of the true result. This doctrine is declared in Duffy's case, *supra*, where it is said:

"Besides, where the officers of an election board, as shown by the evidence in this case, have, either through design or ignorance, neglected to comply with some of the essential requirements of the law, * * * presumption in favor of the legality, fairness, and regularity of the election predicated upon a return and tally-sheet ought not to weigh heavily with a tribunal seeking to vindicate and administer the law. The burden of proof must be shifted to the other side. Those who are advantaged by such an election must show affirmatively its general fairness, otherwise it will become the duty of the court to throw it out altogether."

Here no proof was offered upon this point by the contestee, except to attempt to show that the interference with the ballots by Mr. Bell occurred at the November election. This attempt having failed, the conduct of Mr. Bell remains without extenuation, indeed fuller of suspicion because of the effort to set up a false explanation of it.

The rule of the law in disposing of a return made where the ballots have been taken from the custody of the proper officers is laid down in a case decided in the New York senate, hereafter cited.

The penalty for interference with ballots in Ohio before counting is very severe.

Section 7059 of the Revised Statutes provides:

"Whoever at any election unlawfully, either by force, fraud, or other improper means, obtains or attempts to obtain possession of any ballot-box, or any ballots therein deposited, while the voting at such election is going on, or before the ballots are duly taken out of such ballot-box and enumerated by the judges of the election, according to law, shall be imprisoned in the penitentiary not more than three years nor less than one year."

The act here prohibited is not merely the fraudulent taking possession of ballots, but the illegal taking of them by any improper means. This shows the view in which the Ohio statute holds the giving of any opportunity to unauthorized persons to tamper with the votes.

The New York case above referred to is the case of Cary *vs.* Twombly, New York Contested-Election Cases, page 474.

There it is said:

"The irregularity urged before the committee on protest of the board of canvassers, and * * * before the committee of this house, in relation to the eighteenth district of the sixteenth ward, consists in the fact that Mr. William Terhune, a person not an inspector, participated in the canvass of the votes for members of assembly, and performed acts and duties allowed by law to be performed only by an inspector of election.

"The fact of the participation of the said Terhune in handling the ballots before they were opened was * * * fully established before your committee. It was also shown by the evidence. * * *

"It also appeared that a person occupying the position of Mr. Terhune, and handling the ballots as he was known to have handled them, could have substituted ballots of the contesting member for the sitting member. In other words, that he could have substituted one ballot for another. It further appeared before your committee that said Terhune was a friend and partisan of the contestant, and a Republican in politics, holding the position of Republican supervisor under the late statutes of the United States relating to elections. It further appeared that said Terhune took no part in the canvass of the general or Congressional ballots, but only took part in the canvass of the assembly ballots. It was not pretended or claimed that Terhune's appointment by Judge Woodruff as a United States supervisor gave him any authority to interfere or take part in the canvass of the assembly ballots.

* * * "While your committee do not desire to cast any imputation on Mr. Terhune more than appears in the evidence, your committee can not fail to suggest that while Mr. Terhune had an opportunity to appear and testify before the committee, * * * and was also subpœnaed, * * * in both instances he has failed to present himself to make any excuse or explanation for his participation in the canvass of the assembly ballots of the eighteenth district of the sixteenth ward.

"Your committee have carefully considered the evidence on this branch of the case, and while they would be unwilling to reject any poll upon mere technicalities, yet in the case of the poll of the eighteenth district of the sixteenth ward, in the judgment of your committee, the violation of the law in allowing Mr. Terhune, not an inspector, to handle the votes of member of assembly is palpable, as it offered an opportunity for the commission of fraud.

"Your committee, therefore, upon due deliberation, have rejected the poll or votes for each of the parties in said district, which are as follows:"

After quoting the statutes of New York prohibiting persons from interfering with the canvass of votes:

"There is a distinct and positive prohibition against all persons from engaging in * * * the canvass or estimate of votes, except inspectors of election and poll clerks. Can it be pretended that the act of Terhune * * * was not a direct violation of the statute, and being so, the propriety of throwing out the poll of that district can not, with due regard to the right of suffrage, be for one moment questioned. * * * It seems to your committee that it would be a most dangerous precedent to establish, that the chairman of a board of inspectors, or even a majority of the board, can call in any person to canvass the votes. If they can call in one, they can call in two, five, or ten. Under such a construction of the law, what security would there be to the ballot?"

This report was signed by Hon. David B. Hill, present governor of the State of New York.

All of the remarks contained in it apply, with at least equal force, to the case under consideration. This indeed would seem to be a stronger case, because of the attempt to set up a false explanation of the conduct of the person who interfered with the ballots.

It is urged that Mr. Bell was a man of good reputation, and that this of itself should rebut the presumption that his conduct affected the result. The same plea was urged for Terhune in the case just cited, but it availed him nothing.

While the testimony as to his reputation might have great weight in case he were on trial under indictment for his unlawful act, it will avail contestee nothing in this inquiry. The law requires him to show affirmatively that Bell's unlawful act did not affect the result of that election. This can not be done by showing Bell's good reputation, especially as we find in this case that he has attempted to make a false explanation of the conduct complained of.

ILLEGAL VOTES IN THE CITY OF TOLEDO.

In the direct examination of his witnesses the contestant presented the names of three hundred and forty-seven persons who had voted in the different precincts of Toledo, who were claimed to be illegal voters.

It was proven as to these that they had voted at the October State election, and had not voted at the November Presidential election, a few weeks afterward. A thorough comparison was made between the poll-books of the two elections in each precinct, and in nearly all there were found many who had voted at the first and not at the second election.

Lists were prepared of the names of these voters and put into the hands of people living in the precinct. These persons were placed upon the stand to testify as to whether those whose names had been given them were electors or not in the pricincts where they had voted. The witnesses called upon from each precinct were persons who were residents; had in some cases lived many years there, and in many cases had been born there; were acquainted with the people; had been doing business with them, and had held offices, such as assessors and councilmen, among them. Besides, they had taken the lists and called in from the neighborhood a number of prominent persons from every part of it to consider the names. They made comparison with the directory, and in most cases went personally from house to house to learn whether the parties were voters.

With this information, possessed as to each precinct, the witnesses went upon the stand and testified that the three hundred and forty-seven persons were not residents of the precinct at the time of October election, and were not legal voters there at that time. This testimony will be found on pages 18, 20, 22, 24, 26, 31, 40, 47, 50, 53, 56, 60, 62, 64, 82, 84, 89, 93, 102, 106, 108, 111, and 113.

This testimony is entirely competent, and always makes out a *prima facie* case against the votes claimed to be illegal. This doctrine is well settled.

In Blair *vs.* Barrett, May 22, 1860 (1 Bartlett, 30), it is said:

"Many voters were charged to be non-residents—some of the State, and more of the particular precinct in which they voted. The very nature of the charge shows the difficulty of the proof. It involves to a great extent proof of a negation respecting persons whose names are not even known, and, except in a few instances where there may be a personal acquaintance with the man in another State, or in a distant part of the same State, the proof can hardly be, from the nature of the case, of a positive and direct character. In these cases the committee based their conclusions upon evidence that these men had never voted in that precinct before; were strangers to the old residents of the precinct, to individuals who had acted as judges and clerks of election for a great number of years; had no home or business in the precinct known to their best acquaintance, its home and business, and that they have disappeared from the day of the election, their whereabouts not having been discovered since even by the canvass-takers. With this evidence on the one side so easy of rebuttal by the production of the voter, if a resident, or of some one else who knew him to be a resident, yet left uncontradicted, the committee could come to no other conclusion than to reject all such voters as illegal."

It is competent for the contestant to prove that search had been made for persons alleged to have voted illegally, and the result thereof, but what was said at a peculiar time is not evidence. (Brightly, page 414.)

Section 356 in McCrary, page 301, is as follows:

"For the purpose of showing that non-residents have voted, witnesses are often called to testify that persons whose names appear upon the roll as having voted are not known to them as residents of the county or voting precinct, as the case may be. This kind of evidence is admissible for what it is worth; but it is manifest that its value must depend upon circumstances. If the district or territory within which the voter must reside is large or very populous, and the witness has not an intimate and extensive acquaintance with the inhabitants, the evidence will be of little value, and, standing alone, will avail nothing. But on the other hand, if such district or territory is not large or populous, and if the witness shows that his acquaintance with the inhabitants is such that he could scarcely fail to know any person who may have resided therein long enough to become a voter, his evidence may be quite satisfactory, especially if it further appears that soon after the election the alleged non-resident voter could not be found in the district within the limits of which all voters must reside. Proof of this character must at least be regarded sufficient to shift the burden upon the parties desiring that the vote of such alleged non-resident be counted, and require him to show affirmatively that he is a *bona fide* resident."

The contestee recognized the force of the rule of the law and accepted the *onus* of the proof, and undertook to show that the persons whose names were presented by the contestant were not illegal voters, but possessed the qualifications necessary to make them electors at the various precincts where they voted.

It is claimed that many of the persons alleged to have voted illegally were Germans, whose names were misspelled by the clerks of the election on the poll-books. In some other precincts the same thing occurred. But, allowing for all mistakes of this kind, and for all proved by the contestee to be actual residents of Toledo and the precincts where they polled, we find that contestant shows that there were 212 illegal votes cast in Toledo at that election.

In the list of names printed in the majority report this was true. This was a Democratic precinct, giving a large majority for contestant, where contestee was able to show in this way that few illegal votes were cast.

It is admitted that there is no evidence to prove for whom these votes were given.

The question thus directly presented is, What disposition shall be made in a contested election of illegal votes where there is no proof as to how they were cast?

McCrary says that there are three methods of disposing of such votes. These are—

(1) To declare the election void; *i. e.*, the election at the precinct where the illegal votes were cast; (2) to subtract the votes from each proportionally, and (3) to deduct them from the majority.

In disposing of these ballots we think that each precinct should take care of its own illegal vote. Where an election is declared void, it should be that held in the precinct where the illegal votes are cast. This is the rule laid down in the case of Goode *vs.* Platt, page 679:

"When illegal or fraudulent votes have been proven, and the poll can not be purged with reasonable certainty, the whole vote must be rejected."

Where the illegal votes are not numerous enough to change the result in the precinct, they must either be subtracted from the candidate proportionally or deducted from the majority.

The first method is unsatisfactory. It is practically dividing the illegal votes

between the candidates, upon the principle that the illegal voters have voted as the lawful voters did. This is not a fair presumption, as from the fact that large numbers of illegal votes are cast in a precinct it may well be inferred that it was intended by those who cast them to prevent the natural division of the votes from being effectual. Besides, when the majority in a precinct for a candidate is small, it would require a very large illegal vote to affect the result; *i. e.*, under this rule large numbers of illegal votes could be cast with impunity, providing they left only a small majority for the successful candidate.

We think that the rule of deducting the votes from the majority candidate in each precinct is the correct one. It is on this theory only that the election can be avoided where there are enough illegal votes to affect the result.

It will make each candidate take care of his own precinct. It will make it for the interest of judges to prevent illegal votes which may injure their friends. It will cause that candidate to lose the votes who through his friends might have prevented their being cast.

This rule is approved in the case of Le Moyne *vs.* Farwell, Digest of 1871, page 442, and Goode *vs.* Platt, Digest of 1871, page 686.

In Commonwealth *vs.* McCloskey, Brightly's Cases, page 211; in Marblehead case, reported in Cushing's Manual, Election Cases; and in In *re.* Duffy, 4 Brewster, page 173.

The doctrine is also approved in Massachusetts Reports of Contested Elections, pages 52, 63.

In the recent case of In *re.* Barker, 10 Phila., 506, the syllabus is as follows:

"When legal and illegal votes have been counted indiscriminately and a majority have resulted in various districts, embraced in the general return, whether for one candidate or the other, the only means whereby even approximate justice may be reached is to requre him for whose advantages such majority inure to lift the curse which the law has imposed upon the illegal ballots; otherwise they will be deducted from his count."

Applying this rule, we find that contestee will lose 135 votes and contestant 56, making a total of 79 votes, after the polls are purged, to be deducted from the vote of the sitting member.

From the following precincts in Toledo, which gave a majority for Mr. Romeis, the following deductions should be made:

From Precinct A, ward 2	22
From Precinct B, ward 2	11
From Precinct C, ward 2	4
From Precinct A, ward 3	29
From Precinct B, ward 3	13
From Precinct C, ward 3	7
From Precinct B, ward 4	10
From Precinct C, ward 5	12
From Precinct B, ward 7	12
From Precinct C, ward 8	15
	135

From the following precincts in Toledo, which gave Mr. Hurd a majority, the following deductions should be made:

From Precinct A, ward 4	14
From Precinct C, ward 4	6
From Precinct A, ward 5	14
From Precinct B, ward 5	9
From Precinct A, ward 7	3
From Precinct A, ward 8	10
	56

The views we have expressed will result in the following change in the count:

Exclude Precinct B, eighth ward, Toledo	220
Kelley's Island	29
Precinct C, third ward, Toledo	166
	415
Deduct also illegal votes in Toledo	79
	494
Deduct contestee's majority	239
	255

We therefore find that the majority for contestant is 255.

We therefore offer for adoption the following resolutions:

Resolved, That Jacob Romeis was not elected a member of the House of Representatives of the Forty-ninth Congress from the tenth Congressional district of Ohio.

Resolved, That Frank H. Hurd was elected a member of the House of Representatives of the Forty-ninth Congress from the tenth Congressional district of Ohio.

Respectfully submitted.

THOMAS A. ROBERTSON.
JOHN S. HENDERSON.
THOMAS CROXTON.
JOHN M. MARTIN.

Mr. R. S. GREEN, from the Committee on Elections, submitted the following as the views of a portion of the minority:

The undersigned, being unable to entirely agree with the conclusions and recommendations of the majority, or of the minority presented by Mr. ROBERTSON, submit the following:

In our judgment the certificate of the judges of Precinct B, eighth ward of the city of Toledo, is successfully impeached. We must, therefore, resort to other evidence to ascertain if possible the true result of the election in that precinct. The testimony taken shows that the ballots, after the close of the election, instead of being taken one by one from the ballot-box, counted, and strung, as required by law, were emptied upon the table, opened, classified, bunched in fives of straight tickets, the scratched ones also assorted, and then counted and recounted with ever-varying result as to the aggregate number; at one time there being 7 more than the names on the poll-book, and finally 4 less than the proper number, and after this handling, "those that were left," in the words of one witness, were returned to the box, to be taken out and canvassed as required by law.

The statutes of Ohio are ample to secure accuracy of count and certainty of determination. It is true that their provisions are directory and their disregard not sufficient, of itself, to avoid an election. But this violation is not now invoked for such purpose. We are in search of reliable testimony outside the certificate to ascertain with reasonable certainty what was the vote for each candidate. The final count might furnish this if these irregularities did not raise a suspicion, and the actual loss of eleven ballots did not conclusively show that they had been tampered with. If twelve, how many more? In the light of this testimony there is no certainty that the ballots at last counted were those which were deposited in the box by the voters, and we are without evidence to remove the uncertainty. In this emergency there is no other course to pursue than to reject the poll.

The evidence, in our opinion, shows that enough illegal votes were cast at other points in the district to affect the result after the elimination of the poll at Precinct B, eighth ward, city of Toledo. There is no proof whatever in the case for whom such illegal votes were cast. We are unable to agree with either the majority or minority in their conclusions as to what should be done with this vote.

McCrary, in his work on elections, second edition, page 265, says:

"In a legislative body having power to order a new election, or in any other tribunal having the same power, it will doubtless, generally, be regarded as safer and more conducive to the ends of justice to order such new election than to reach a result by the application of the rule just stated, [namely, to deduct the illegal votes proportionately from both candidates, according to the entire vote returned for each. He continues:] It would seem, therefore, that in a case where the number of bad votes proven is sufficient to affect the result, and in the absence of any evidence to enable the court to determine for whom they were cast, the court must decide upon one of the three following alternatives, namely:

"(1) Declare the election void.

"(2) Divide the illegal votes between the candidates in proportion to the whole vote of each.

"(3) Deduct the illegal vote from the candidate having the highest vote.

"And it is clear, also, that where in such a case no great public inconvenience would result from declaring the election void and seeking a decision by an appeal to the electors, that course should be adopted."

In our opinion the present is eminently a case for the application of this rule. The testimony in the case, while it does not in our judgment go to the extent of establishing that the contestant received a sufficient number of the legal votes cast to justify a decision that he was elected and is entitled to his seat, does show on the part of the adherents of the sitting member such a violation of the safeguards prescribed by the statutes of Ohio to protect the ballot-box and secure a correct count of the ballots cast, and a determination of the true result, an attempt at least on the part of an employer to interfere with the free exercise of the elective franchise by those in his employment, as well as a resort to practices which, if not constituting bribery, tend to impair the purity of the ballot, and make a case where such rule should be applied.

We are of opinion that neither the said Frank H. Hurd or Jacob Romeis was lawfully elected, and recommend the passage of the following resolution declaring such determination.

ROBERT S. GREEN.
BENTON J. HALL.

Resolved, That neither Frank H. Hurd nor Jacob Romeis was lawfully elected to the Forty-ninth Congress from the tenth Congressional district of Ohio, nor is either of them entitled to a seat in said Congress.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the Chair will proceed to call the States and Territories for the introduction and reference of bills and joint resolutions. Under this call resolutions and memorials of State and Territorial Legislatures will be in order, and also resolutions of inquiry addressed to the heads of Departments.

AMENDMENT, PUBLIC LAND LAWS.

Mr. McRAE introduced a bill (H. R. 7896) to grant additional rights to certain homestead settlers on the public lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CLAIMS OF STATE OF CALIFORNIA.

Mr. MORROW submitted concurrent resolutions of the Legislature of the State of California, asking for reimbursement on account of money paid as interest on the funds borrowed and advanced to the United States during the late war and for the return of the money paid as direct taxes under the provisions of the act of August 5, 1861; which was referred to the Committee on the Judiciary.

ANN H. CUNNINGHAM.

Mr. MORROW also introduced a bill (H. R. 7897) granting an increase of pension to Ann H. Cunningham; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLAIMS FOR INTEREST ON WAR LOANS.

Mr. LOUTTIT submitted a concurrent resolution of the Legislature of the State of California, requesting the Senators and Representatives in Congress from that State to give their support to certain measures now pending in Congress, or to such as may hereafter be presented, designed to effect the proper adjustment of the accounts of different States and Territories and the District of Columbia with the United States arising out of the proceedings of the direct-tax law of August 5, 1861; which was referred to the Committee on the Judiciary.

MARY D. PERSONS.

Mr. DAVIDSON, of Florida, introduced a bill (H. R. 7898) for the relief of Mary D. Persons; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MOSES BEESLEY.

Mr. DAVIDSON, of Florida, also introduced a bill (H. R. 7899) for the relief of Moses Beesley; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC BUILDING, KEY WEST, FLA.

Mr. DAVIDSON, of Florida, also introduced a bill (H. R. 7900) making an appropriation for the erection, in the city of Key West, Fla., of fire-proof buildings, to be used as warehouses at Key West, Fla.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

BUSINESS OF THE POST-OFFICE COMMITTEE.

Mr. BLOUNT submitted a resolution setting apart Tuesday and Wednesday, April 27 and 28, for the consideration of bills reported

from the Committee on the Post-Office and Post-Roads; which was referred to the Committee on the Post-Office and Post-Roads.

JOHN S. DILL.

Mr. CANNON introduced a bill (H. R. 7901) for the relief of John S. Dill, late a private in Jonathan Mayo's company, First Regiment Illinois Volunteers, in the Black Hawk war; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

W. S. CARPENTER.

Mr. CANNON also introduced a bill (H. R. 7902) for the relief of W. S. Carpenter, late an employé in the Railway Mail Service; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FRANCIS DENMEAD.

Mr. ROWELL introduced a bill (H. R. 7903) for the relief of Francis Denmead; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

GEORGE COOK.

Mr. TOWNSHEND introduced a bill (H. R. 7904) for the relief of George Cook, Company B, Thirty-second Regiment Ohio Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM POWERS.

Mr. TOWNSHEND also introduced a bill (H. R. 7905) for the relief of William Powers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES W. CREWS.

Mr. TOWNSHEND also introduced a bill (H. R. 7906) for the relief of Charles W. Crews; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SAMUEL BURRELL.

Mr. TOWNSHEND also introduced a bill (H. R. 7907) for the relief of Samuel Burrell, Company M, Fifth Illinois Cavalry Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FANNIE PEMBERTON.

Mr. TOWNSHEND also introduced a bill (H. R. 7908) for the relief of Fannie Pemberton, formerly Fannie Glass; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CALVIN STEPHENS.

Mr. TOWNSHEND also introduced a bill (H. R. 7909) for the relief of Calvin Stephens; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL JOHNSON.

Mr. TOWNSHEND also introduced a bill (H. R. 7910) granting an increase of pension to Samuel Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL SCHULTHEIS.

Mr. MORRISON introduced a bill (H. R. 7911) granting a pension to Daniel Schultheis, late of Company H, Forty-fifth Illinois Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALICE MULLAN.

Mr. OWEN introduced a bill (H. R. 7912) granting a pension to Alice Mullan and her minor children; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET HOUTS.

Mr. KLEINER introduced a bill (H. R. 7913) granting a pension to Margaret Houts; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID M. RENNOE.

Mr. FORD introduced a bill (H. R. 7914) to increase the pension of David M. Rennoe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID W. HAYWOOD.

Mr. BYNUM introduced a bill (H. R. 7915) to authorize the Secretary of the Treasury to pay to David W. Haywood, of the city of Indianapolis, Ind., the sum of $320.32 for improvement of the street in front of Indianapolis post-office and court-house, and making an appropriation therefor; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ELIZABETH A. WOODY.

Mr. COBB introduced a bill (H. R. 7916) for the relief of Elizabeth A. Woody; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET A. DODD.

Mr. COBB also introduced a bill (H. R. 7917) for the relief of Margaret A. Dodd; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. LUCRETIA V. GARDNER.

Mr. STEELE introduced a bill (H. R. 7918) for the relief of Mrs. Lucretia V. Gardner, widow of Hospital Steward F. R. Gardner, United States Army; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JAMES E. RAILSBACK.

Mr. JOHNSTON, of Indiana, introduced a bill (H. R. 7919) for the relief of James E. Railsback; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HARRIS PHILPOT.

Mr. JOHNSTON, of Indiana, also introduced a bill (H. R. 7920) for the relief of Harris Philpot; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SOLDIERS' HOME, MARSHALLTOWN, IOWA.

Mr. FREDERICK introduced a bill (H. R. 7921) locating a branch home for disabled soldiers and sailors for Nebraska, Dakota, and Iowa at Marshalltown, Iowa; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THE "CULLOM" INTERSTATE-COMMERCE BILL.

Mr. FREDERICK also presented concurrent resolutions of the General Assembly of the State of Iowa, asking the Congress of the United States to pass the bill known as the Cullom bill, regulating interstate commerce; which was referred to the Committee on Commerce.

Mr. FULLER presented a concurrent resolution of the Legislature of Iowa, favoring the passage of the Cullom bill, regulating interstate commerce, and protesting against the amendment proposed by the freight bureau, of Chicago, abrogating the car-load rates; which was referred to the Committee on Commerce, and ordered to be printed.

MRS. SARAH YOUNG.

Mr. FULLER also presented a concurrent resolution of the General Assembly of Iowa, asking that a pension be granted Mrs. Sarah Young for valuable services rendered during the civil war as an army nurse; which was read a first and second time, and referred to the Committee on Invalid Pensions.

THE "CULLOM" INTERSTATE-COMMERCE BILL.

Mr. MURPHY presented a memorial and joint resolution of the Legislature of Iowa, asking the passage of the Cullom bill; which was referred to the Committee on Commerce.

BRIDGE NEAR DUBUQUE, IOWA.

Mr. HENDERSON, of Iowa, introduced a bill (H. R. 7922) authorizing the construction of a bridge across the Mississippi River at or near Dubuque, in the State of Iowa; which was referred to the Committee on Commerce, and ordered to be printed.

THE CULLOM INTERSTATE-COMMERCE BILL.

Mr. HENDERSON, of Iowa, also presented a concurrent resolution of the Legislature of Iowa, favoring the passage of the Cullom bill, regulating interstate commerce, and opposing the proposed amendment of the freight bureau, of Chicago, proposing to abrogate the car-load rate; which was referred to the Committee on Commerce.

HANNAH E. WILSON.

Mr. WEAVER, of Iowa, introduced a bill (H. R. 7923) granting a pension to Hannah E. Wilson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JULIA A. CORNELL.

Mr. WEAVER, of Iowa, also introduced a bill (H. R. 7924) granting a pension to Julia A. Cornell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. MOSS.

Mr. WEAVER, of Iowa, also introduced a bill (H. R. 7925) removing the charge of desertion from the military record of George W. Moss, late private Company D, Fifteenth Iowa Volunteer Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NICHOLAS HOIT.

Mr. WEAVER, of Iowa, also introduced a bill (H. R. 7926) removing the charge of desertion from the military record of Nicholas Hoit, late of Company C, Seventh Iowa Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

INCREASE OF MUTILATION PENSIONS.

Mr. LYMAN introduced a bill (H. R. 7927) to amend an act entitled "An act to amend the pension laws by increasing the pensions of soldiers and sailors who lost an arm or a leg in the service, and for other pur-

poses," approved March 3, 1883; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THE CULLOM BILL.

Mr. LYMAN also presented a concurrent resolution of the General Assembly of the State of Iowa, in favor of the bill known as the Cullom bill, regulating interstate commerce, and protesting against the amendments thereto proposed by the freight bureau of Chicago.

Mr. LYMAN. Mr. Speaker, I ask that that concurrent resolution of the Legislature of Iowa be read.

The resolution was read, and was then referred to the Committee on Commerce.

MICAH FRENCH.

Mr. HOLMES introduced a bill (H. R. 7928) granting a pension to Micah French; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOHN S. KARNS.

Mr. HEPBURN introduced a bill (H. R. 7929) granting a pension to John S. Karns; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NANCY J. CLINE.

Mr. HEPBURN also introduced a bill (H. R. 7930) granting a pension to Nancy J. Cline, of Centerville, Iowa; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLARK BOON.

Mr. CONGER introduced a bill (H. R. 7931) increasing the pension of Clark Boon, Company H, Thirty-third Iowa Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. H. M'CLURE.

Mr. PERKINS introduced a bill (H. R. 7932) granting a pension to J. H. McClure; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADOLPH L. LOWE.

Mr. RYAN introduced a bill (H. R. 7933) for the relief of Adolph L. Lowe, alias Alfred Love; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

MARTIN SMILEY.

Mr. RYAN also introduced a bill (H. R. 7934) granting a pension to Martin Smiley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. H. PHILLIPS.

Mr. RYAN also introduced a bill (H. R. 7935) granting a pension to W. H. Phillips; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PHILIP KNOBLOCK.

Mr. FUNSTON introduced a bill (H. R. 7936) for the relief of Philip Knoblock, Company B, Kansas Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATHANIEL L. ARD.

Mr. FUNSTON also submitted the following resolution; which was referred to the Committee on Private Land Claims:

Resolved, That the Secretary of the Interior be, and is, requested to transmit to the House all papers in the General Land Office relating to the application of Nathaniel L. Ard for a patent on his pre-emption claim for the west half of the southeast quarter of section 2, township 26 south, range 20, in Allen County, Kansas; and that said Secretary also be, and is, requested to inform the House whether in his opinion said land has been unlawfully patented to any grantee, and, if so, what, if any, provision should be made in relation to lands so unlawfully patented.

EXPLORATION OF ALASKA.

Mr. BRECKINRIDGE, of Kentucky, introduced a bill (H. R. 7937) to provide for an exploration of the Territory of Alaska; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BRIDGE ACROSS OHIO RIVER.

Mr. STONE, of Kentucky, introduced a bill (H. R. 7938) to authorize the Covington and Cincinnati Elevated Railway Company to erect a bridge across the Ohio River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

EDWARD LEE SMITH.

Mr. STONE, of Kentucky, also introduced a bill (H. R. 7939) to authorize the Secretary of War to remove the charge of desertion from the record of Edward Lee Smith, late private Company A, Sixth Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. BELLE M. BAKER AND CHILDREN.

Mr. STONE, of Kentucky, also introduced a bill (H. R. 7940) granting a pension to Mrs. Belle M. Baker and her minor children; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES L. HENDERSON.

Mr. STONE, of Kentucky, also introduced a bill (H. R. 7941) authorizing the Secretary of War to place the name of James L. Henderson on the roll of Company B, Sixteenth Kentucky Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM A. M. BREWER.

Mr. STONE, of Kentucky, also introduced a bill (H. R. 7942) granting a pension to William A. M. Brewer, late a private in Company C, Third Kentucky Volunteer Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL F. TUDER.

Mr. TAULBEE introduced a bill (H. R. 7943) granting a pension to Daniel F. Tuder; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUBSTITUTES IN TREASURY DEPARTMENT.

Mr. TAULBEE submitted the following resolution; which was referred to the Committee on Reform in the Civil Service:

Whereas by a report to this House by the Secretary of the Treasury bearing date April 5, 1886, it is shown that quite a number of persons holding positions as employés in the Treasury Department are carried on the rolls of employés and not required to perform any service, and whose places are filled by substitutes designated to positions within the classified civil service, and who have not been certified for appointment to said positions by the United States Civil Service Commission, and who are paid a less rate of compensation than the salary allowed the said regular employés: Therefore,

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform this House by what authority these practices are had, and by what authority persons are paid salaries when they do not perform any service to the Government.

ANDREW J. DURGIN.

Mr. DINGLEY introduced a bill (H. R. 7944) to increase the pension of Andrew J. Durgin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES A. CHASE.

Mr. MILLIKEN introduced a bill (H. R. 7945) granting a pension to Charles A. Chase; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH BRIDGES.

Mr. MILLIKEN also introduced a bill (H. R. 7946) granting a pension to Elizabeth Bridges; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN ADAMS.

Mr. REED, of Maine, introduced a bill (H. R. 7947) for the relief of John Adams; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANKLIN C. ADAMS.

Mr. REED, of Maine, also introduced a bill (H. R. 7948) granting an increase of pension to Franklin C. Adams; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD N. POMEROY.

Mr. REED, of Maine, also introduced a bill (H. R. 7949) for the relief of Edward N. Pomeroy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAPT. CHARLES THOMAS.

Mr. COLE introduced a bill (H. R. 7950) for the relief of Capt. Charles Thomas, of the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

BURR L. WILLIAMS.

Mr. ROCKWELL (by request) introduced a bill (H. R. 7951) restoring to the pension-rolls Burr L. Williams; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY PARROTT.

Mr. LOVERING introduced a bill (H. R. 7952) granting a pension to Mary Parrott; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUPREME COURT, DISTRICT OF COLUMBIA, AND COURT OF CLAIMS.

Mr. COLLINS introduced a bill (H. R. 7953) to increase the salaries of the justices of the Court of Claims and the justices of the supreme court of the District of Columbia; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CHARLES H. FERNALD.

Mr. COLLINS also introduced a bill (H. R. 7954) for the relief of Charles H. Fernald, alias Charles Gould; which was read a first and

second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM T. TRASK, JR.

Mr. STONE, of Massachusetts, introduced a bill (H. R. 7955) granting an increase of pension to William T. Trask, jr.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TIMOTHY SULLIVAN.

Mr. ALLEN, of Massachusetts, introduced a bill (H. R. 7956) granting a pension to Timothy Sullivan, late a sailor in the naval service of the United States; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROSELLA E. HIBBERT.

Mr. LONG (by request) introduced a bill (H. R. 7957) for the relief of Rosella E. Hibbert; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DIVISION OF RIVERS AND HARBORS COMMITTEE.

Mr. LONG also submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That the Committee on Rules report such amendments to the rules of the House as will change the Committee on Rivers and Harbors into two committees, one on rivers and one on harbors, and make such other changes in the said rules as will necessarily follow therefrom.

LIGHT-SHIP, GROSSE POINT, LAKE SAINT CLAIR, MICHIGAN.

Mr. TARSNEY introduced a bill (H. R. 7958) to establish and construct a light-ship to be stationed and maintained off Grosse Point, Lake Saint Clair, Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ROYAL J. HIAR.

Mr. COMSTOCK introduced a bill (H. R. 7959) granting a pension to Royal J. Hiar; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN SNYDER.

Mr. COMSTOCK also introduced a bill (H. R. 7960) to pay arrears of pension to John Snyder; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HORATIO N. NORTON.

Mr. CUTCHEON introduced a bill (H. R. 7961) granting a pension to Horatio N. Norton; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

SOLDIERS RESTORED TO PENSION-ROLL.

Mr. BURROWS introduced a bill (H. R. 7962) for the relief of soldiers restored to pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PERSONS RESTORED TO PENSION-ROLLS.

Mr. BURROWS also introduced a bill (H. R. 7963) for the relief of persons restored to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN DIMERS.

Mr. STRAIT introduced a bill (H. R. 7964) for the relief of John Dimers, late private Company G, Sixth Minnesota Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANCES MOSHER.

Mr. STRAIT also introduced a bill (H. R. 7965) for the relief of Frances Mosher, widow of Hiram A. Mosher; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOUIS W. BUCKLEN.

Mr. GILFILLAN introduced a bill (H. R. 7966) granting a pension to Louis W. Bucklen; which read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EUGENE E. LUCE.

Mr. NELSON introduced a bill (H. R. 7967) to place Eugene E. Luce on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. BRANT.

Mr. WAKEFIELD introduced a bill (H. R. 7968) granting a pension to George W. Brant; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADAM PRY.

Mr. BARKSDALE introduced a bill (H. R. 7969) granting a pension to Adam Pry, a private of Company K, Fifth Regiment United States Colored Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. ANN WOLFE AND OTHERS.

Mr. BURNES introduced a bill (H. R. 7970) for the relief of Mrs. Ann Wolfe and others; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AGRICULTURAL REPORT, 1885.

Mr. HATCH introduced a joint resolution (H. Res. 159) to authorize the printing of 100,000 additional copies of the Annual Report of the Commissioner of Agriculture for the year 1885; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

MARY WOOD.

Mr. HATCH also introduced a bill (H. R. 7971) granting a pension to Mary Wood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES M. MILLIRON.

Mr. HATCH also introduced a bill (H. R. 7972) for the relief of James M. Milliron; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN L. HOLLOWAY.

Mr. HEARD introduced a bill (H. R. 7973) for the relief of John L. Holloway; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALEXANDER R. BYRUM.

Mr. HEARD also introduced a bill (H. R. 7974) for the relief of Alexander R. Byrum; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ISAAC A. DAVIS.

Mr. HEARD also introduced a bill (H. R. 7975) for the relief of Isaac A. Davis; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MORGAN WELSH.

Mr. HEARD also introduced a bill (H. R. 7976) granting a pension to Morgan Welsh; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ZEPHANIA STOUT.

Mr. DOCKERY (by request) introduced a bill (H. R. 7977) granting a pension to Zephania Stout; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

T. J. LOCEY.

Mr. STONE, of Missouri, introduced a bill (H. R. 7978) granting a pension to T. J. Locey, of Barton County, Missouri; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACKSON STEWARD.

Mr. STONE, of Missouri, also introduced a bill (H. R. 7979) granting a pension to Jackson Steward, of Barton County, Missouri; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

S. M. JAMISON.

Mr. WOODBURN introduced a bill (H. R. 7980) for the relief of S. M. Jamison, formerly postmaster of the town of Reno, State of Nevada; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DRAWBACK PRIVILEGE.

Mr. GREEN, of New Jersey (by request), introduced a bill (H. R. 7981) to extend the privilege of drawback and remove restrictions thereon; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

COURT OF CUSTOMS.

Mr. HEWITT introduced a bill (H. R. 7982) to create a court of customs and to provide for the speedy trial of customs-revenue cases; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MRS. ANNA SCHIER.

Mr. HEWITT also introduced a bill (H. R. 7983) granting a pension to Mrs. Anna Schier; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM M'BRIDE.

Mr. ADAMS, of New York, introduced a bill (H. R. 7984) for the relief of William McBride; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN ALLEN.

Mr. MAHONEY (by Mr. MERRIMAN) introduced a bill (H. R. 7985) for the relief of John Allen; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ANDREW LUTZ.

Mr. TIMOTHY J. CAMPBELL (by Mr. MERRIMAN) introduced a bill (H. R. 7986) for the relief of Andrew Lutz, of New York city; which

was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MATTHEW BRODY.

Mr. BLISS (by Mr. DOWDNEY) introduced a bill (H. R. 7987) for the relief of Matthew Brody; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BRYANT WATERS.

Mr. SKINNER introduced a bill (H. R. 7988)) granting a pension to Bryant Waters; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOHN F. PENDLETON.

Mr. SKINNER also introduced a bill (H. R. 7989) for the relief of John F. Pendleton of North Carolina; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS C. DICKEY.

Mr. JOHNSTON, of North Carolina, introduced a bill (H. R. 7990) for the relief of Thomas C. Dickey; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

NAOMI E. M'COURY.

Mr. JOHNSTON, of North Carolina, also introduced a bill (H. R. 7991) for the relief of Naomi E. McCoury; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

STEPHEN RICE.

Mr. JOHNSTON, of North Carolina, also introduced a bill (H. R. 7992) to place the name of Stephen Rice on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. BROWN.

Mr. COWLES introduced a bill (H. R. 7993) granting a pension to George W. Brown; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MOSES TRIPLETT.

Mr. COWLES also introduced a bill (H. R. 7994) granting a pension to Moses Triplett, late private Company B, Third Regiment North Carolina Mounted Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DONATION OF CONDEMNED CANNON.

Mr. COOPER introduced a bill (H. R. 7995) granting condemned cannon to the Soldiers and Sailors' Monumental Association of Marion, Ohio; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM J. MULVEY.

Mr. THOMPSON introduced a bill (H. R. 7996) for the relief of William J. Mulvey, late second lieutenant Company D, Second West Virginia Veteran Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PENSIONS.

Mr. ANDERSON, of Ohio, introduced a bill (H. R. 7997) for the relief of soldiers of the late war, honorably discharged after six months' service, who are disabled and dependent upon their own labor for support; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT J. SHARP.

Mr. HERMAN introduced a bill (H. R. 7998) to provide a pension to Robert J. Sharp, late private Company G, Eleventh Iowa Infantry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IMPROVEMENT OF COLUMBIA RIVER.

Mr. HERMAN also submitted the following resolution; which was read, and referred to the Committee on Commerce:

Whereas the great Columbia River has a drainage area estimated at 245,000 square miles, embracing portions of Oregon, Nevada, and Washington, Idaho, Wyoming, Utah, and Montana Territories, and exceeding all the New England and Middle States, with Maryland, Virginia, and West Virginia combined, and being larger than Germany or France and twice the area of Great Britain and Ireland; and

Whereas the productions of the larger portion of this immense empire must find the cheapest transportation adown the Columbia River to the high seas; and that the surplus of said productions for export from the Columbia basin alone amounted in 1884 in value to $6,000,000, and for the past year the surplus wheat export exceeded 350,000 tons, and 12,000,000 pounds of wool; and that with the vast fertile region yet unoccupied, and with immigration pouring in from the American States as well as Europe, it is estimated that in ten years the surplus grain export alone will equal 25,000,000 bushels; and

Whereas serious obstructions to Columbia River navigation exist for 13 miles in said river, extending above the city of The Dalles, in Oregon—the whole of said water way being choked by an accumulation of fixed rock and lava—and to open a channel or canal through or around the same is estimated by the United States engineers to cost $11,000,000; whereas by the construction of a ship railway the estimated cost is $1,373,000, as per report of W. A. Jones, major of United States engineers, submitted by Secretary of War to United States Senate, Executive Document No. 114, and it appears therefrom that said railway of 13 miles will connect the continuous navigation of 430 miles above and about 200 miles below to the sea; and

Whereas much doubt exists as to the practicability of the proposed Eads ship-railway across the Isthmus of Tehuantepec, not only as to the required strength of the railway to bear the immense weight upon it, but particularly as to the perils to the ship when loaded and with the great strain it must incur in its transportation when suspended on a car; and

Whereas the proposed ship-railway on the Columbia River in Oregon, while being a success for transportation of the smaller shipping there needed and adding permanent wealth to that section of our own nation, giving labor to our countrymen, will also demonstrate the feasibility of the proposed and more gigantic plan of isthmian ship-railway: Therefore,

Resolved, That the Committee on Commerce be instructed to report the following substitute for H. R. No. 5885:

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That the sum of $1,373,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War, for construction of a ship-railway from deep water in the Columbia River, in the State of Oregon, at the city of The Dalles, to deep water in said river at Celilo, in said State. * * *

ELIZABETH DENGES.

Mr. JACKSON (by request) introduced a bill (H. R. 7999) granting a pension to Elizabeth Denges; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM A. SMITH.

Mr. WHITE, of Pennsylvania, introduced a bill (H. R. 8000) for the relief of William A. Smith; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHILDREN OF JOHN NELSON.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. 8001) granting a pension to Archibald Nelson and John Nelson, minor children of John Nelson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOREN BURRITT.

Mr. OSBORNE introduced a bill (H. R. 8002) to increase the pension of Loren Burritt, late lieutenant-colonel Eighth Regiment United States Colored Troops; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN NELSON.

Mr. CAMPBELL, of Pennsylvania, introduced a bill (H. R. 8003) granting an increase of pension to First Lieut. John Nelson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EXTENSION OF JUDICIAL PRIVILEGES.

Mr. HEMPHILL (by request) introduced a bill (H. R. 8004) to authorize the United States courts to take cognizance of cases in which a citizen of the District of Columbia is a party, the same as if he were a citizen of a State; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HARRIET C. ADAMS.

Mr. RANDALL introduced a bill (H. R. 8005) granting a pension to Harriet C. Adams; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH CHISHOLM AND OTHERS.

Mr. SMALLS introduced a bill (H. R. 8006) for the relief of Mrs. Sarah Chisholm and others, of Beaufort, S. C.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

OFFICIAL BONDS.

Mr. RICHARDSON introduced a bill (H. R. 8007) to provide for the execution of bonds of all officials by their sureties in aliquot parts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOHN T. BANDY.

Mr. McMILLIN (by request) introduced a bill (H. R. 8008) for the relief of John T. Bandy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN W. SPRADLIN.

Mr. McMILLIN also introduced a bill (H. R. 8009) for the relief of John W. Spradlin; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

VESSEL FISHERIES OF THE UNITED STATES.

Mr. REAGAN introduced a bill (H. R. 8010) for securing statistics of the extent and value of the vessel fisheries of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JOHN D. TINNEY.

Mr. CATCHINGS introduced a bill (H. R. 8011) for the relief of John D. Tinney, of Vicksburg, Miss.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HENRY HALFIN.

Mr. CRAIN introduced a bill (H. R. 8012) for the relief of Henry Halfin, of Victoria, Tex.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LUCAS DUBOIS.

Mr. CRAIN also introduced a bill (H. R. 8013) for the relief of Lucas

Dubois; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. CATHERINE ALLEN.

Mr. CRAIN also introduced a bill (H. R. 8014) for the relief of Mrs. Catherine Allen; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM BILLINGS.

Mr. CRAIN also introduced a bill (H. R. 8015) for the relief of William Billings; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SUBTREASURY AT GALVESTON, TEXAS.

Mr. CRAIN also introduced a bill (H. R. 8016) to provide for the establishment of a subtreasury at Galveston, Tex.; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

PUBLIC LANDS FUND FOR EDUCATION.

Mr. CRAIN also introduced a bill (H. R. 8017) to provide for the distribution of the proceeds of the sales of public lands among the States and Territories for educational purposes; which was read a first and second time.

Mr. CRAIN. I move that that bill be referred to the Committe on Labor.

The question was taken; and upon a division there were—ayes 26, noes 47.

So the motion was not agreed to.

The bill was then referred to the Committee on Education.

ISAAC D. JOHNSON.

Mr. WELLBORN introduced a bill (H. R. 8018) for the relief of Isaac D. Johnson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY S. PATRIDGE.

Mr. GROUT introduced a bill (H. R. 8019) granting a pension to Mary S. Patridge; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TAXES ON LIQUORS DISTILLED FROM FRUITS.

Mr. CABELL introduced a bill (H. R. 8020) to reduce taxes upon liquors distilled from fruits, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PUBLIC BUILDING, FREDERICKSBURG, VA.

Mr. CROXTON introduced a bill (H. R. 8021) to purchase a site and erect a public building in the town of Fredericksburg, Va.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

HOUR OF MEETING, HOUSE OF REPRESENTATIVES.

Mr. GIBSON, of West Virginia, offered the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That on and after Monday next the House of Representatives meet at 11 o'clock a. m. on each day.

SAMUEL BROTZMAN.

Mr. PRICE introduced a bill (H. R. 8022) for the relief of Samuel Brotzman; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BRIDGE OVER MENOMONEE RIVER.

Mr. STEPHENSON introduced a bill (H. R. 8023) to give the assent of Congress to the construction of a bridge by the municipalities of Menomonee, Mich., and Marinette, Wis., over the Menomonee River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LEWIS LEROY.

Mr. STEPHENSON also introduced a bill (H. R. 8024) granting a pension to Lewis Leroy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACQUES NEUVILLE.

Mr. STEPHENSON also introduced a bill (H. R. 8025) granting a pension to Jacques Neuville, alias Terion; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK DEGNER.

Mr. STEPHENSON also introduced a bill (H. R. 8026) granting a pension to Frederick Degner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HUFF JONES.

Mr. STEPHENSON also introduced a bill (H. R. 8027) for the relief of Huff Jones; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MICHAEL D. HARRISON.

Mr. THOMAS, of Wisconsin, introduced a bill (H. R. 8028) granting a pension to Michael D. Harrison; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY L. WILLIAMS.

Mr. CASWELL introduced a bill (H. R. 8029) granting a pension to Mary L. Williams; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CREDIT TO DAKOTA FOR ORDNANCE, ETC.

Mr. GIFFORD introduced a bill (H. R. 8030) to authorize the Secretary of War to credit the Territory of Dakota with certain sums for ordnance and ordnance stores issued to said Territory, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RAPID CITY, DAK.

Mr. GIFFORD also introduced a bill (H. R. 8031) granting to Rapid City, Dak., fractional section 16, township 2 north, range 7 east, Black Hills meridian of said Territory, for a public park; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

MILLER & HARDIN.

Mr. JOSEPH introduced a bill (H. R. 8032) for the relief of Miller & Hardin; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FAUSTIN VIGIL.

Mr. JOSEPH also introduced a bill (H. R. 8033) for the relief of Faustin Vigil; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RAFAEL ARMIJO & CO.

Mr. JOSEPH also introduced a bill (H. R. 8034) for the relief of Rafael Armijo & Co.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MANUEL AND RAFAEL ARMIJO.

Mr. JOSEPH also introduced a bill (H. R. 8035) for the relief of Manuel and Rafael Armijo; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

VETO POWER, UTAH TERRITORY.

Mr. CAINE presented a memorial of the Legislative Assembly of the Territory of Utah, setting forth the evils arising from the sweeping exercise of the absolute veto power of the governor, by which much needed legislation, including the general appropriation bill, has been defeated, and asking that this prerogative of the executive of the Territory be withdrawn and measures adopted for immediate relief; which was referred to the Committee on the Territories, and ordered to be printed.

UNION PACIFIC RAILROAD COMPANY.

Mr. CAREY introduced a bill (H. R. 8036) conferring certain powers on the Union Pacific Railroad Company with respect to connecting lines of railroad; which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

CHEYENNE AND NORTHERN RAILWAY COMPANY.

Mr. CAREY also introduced a bill (H. R. 8037) to authorize the Cheyenne and Northern Railway Company to build its road across the Fort Russell and Fort Laramie military reservations; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SITE FOR INSANE HOSPITAL, WYOMING.

Mr. CAREY also introduced a bill (H. R. 8038) to withdraw from settlement and sale a quarter section of land in Wyoming Territory, to be used as a site for an insane hospital; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

The SPEAKER. If there be no objection the Chair will now recognize for the introduction of bills and resolutions gentlemen who were not in their seats when their States were called.

There was no objection.

REUEL COLT GRIDLEY.

Mr. LOUTTIT introduced a bill (H. R. 8039) to compensate Reuel Colt Gridley for services rendered during the late war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CONGRESSIONAL ELECTIONS.

Mr. LAFFOON introduced a bill (H. R. 8040) to repeal certain sections of the Revised Statutes relating to Congressional elections; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

NATIONAL BANKS.

Mr. LAFFOON also introduced a bill (H. R. 8041) to amend section 5198 of the Revised Statutes relating to national banks; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

EXTRA LOCK ON BONDED WAREHOUSES.

Mr. LAFFOON also introduced a bill (H. R. 8042) allowing distillers an extra lock on their United States bonded warehouses; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

HENRY SOMMERS.

Mr. KELLEY introduced a bill (H. R. 8043) granting a pension to Henry Sommers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL G. M'LOUGHLIN.

Mr. WINANS introduced a bill (H. R. 8044) granting a pension to Samuel G. McLoughlin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANK FREUND.

Mr. WINANS also introduced a bill (H. R. 8045) granting a pension to Frank Freund; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ERASTUS W. KENNEDY.

Mr. WINANS introduced a bill (H. R. 8046) granting a pension to Erastus W. Kennedy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MAPS OF THE UNITED STATES.

Mr. DUNN introduced a joint resolution (H. Res. 160) to authorize the Commissioner of the General Land Office to cause 15,000 copies of the map of the United States and Territories to be printed; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

SARAH POOLE.

Mr. BINGHAM introduced a bill (H. R. 8047) granting a pension to Sarah Poole; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

READJUSTMENTS OF THE SALARIES OF POSTMASTERS.

Mr. BINGHAM also submitted the following resolution; which was read, and referred to the Committee on the Post-Office and Post-Roads:

Resolved by the House of Representatives, That the Postmaster-General be requested to submit to the House of Representatives, through the Secretary of the Treasury, estimates of the amount of money required during the fiscal year ending June 30, 1887, to pay postmasters and late postmasters between July 1, 1864, and July 1, 1874, upon the basis of actual commissions, in those cases wherein it shall appear that such postmasters and late postmasters of the third, fourth, and fifth classes have been allowed salaries 10 per cent. more or less than commissions, and of the amount of money required for such additional clerical force as may be necessary to promptly complete readjustments of salaries of such postmasters and late postmasters under the act of March 3, 1883.

RED RIVER EXPEDITION.

Mr. GLOVER (by request) introduced a bill (H. R. 8048) for the relief of the officers and crews of the United States steamers Forest Rose and Argosy, late of the Red River expedition; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PETER KUMPF.

Mr. GLOVER also introduced a bill (H. R. 8049) for the relief of Peter Kumpf; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RAILROAD AND TELEGRAPH, MISSOURI RIVER TO PACIFIC OCEAN.

Mr. STRUBLE introduced a bill (H. R. 8050) to amend section 17 of an act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure the Government the use of the same for postal, military, and other purposes,'" approved July 1, 1862; which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

STENOGRAPHERS' CLAIMS.

Mr. ZACH. TAYLOR (by Mr. BALLENTINE) introduced a bill (H. R. 8051) for the relief of James O. Clephane, R. S. Boswell, and E. D. Easton; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

NATHANIEL RUSTEN.

Mr. STONE, of Kentucky, introduced a bill (H. R. 8052) granting a pension to Nathaniel Rusten, father of James Rusten, late of Company —, Seventeenth Kentucky Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATENTED INVENTIONS FOR PUBLIC USE.

Mr. HOLMAN introduced a bill (H. R. 8053) to secure to the public the use of patented inventions; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

JOHN C. WALLS.

Mr. MATSON introduced a bill (H. R. 8054) granting a pension to John C. Walls; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

UNITED STATES PAPER CURRENCY.

Mr. TIMOTHY J. CAMPBELL introduced a bill (H. R. 8055) to improve the paper currency of the United States; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

ANDREW LUTZ.

Mr. TIMOTHY J. CAMPBELL also introduced a bill (H. R. 8056) for the relief of Andrew Lutz, of New York city; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THEODORE DUNMIRE.

Mr. SYMES introduced a bill (H. R. 8057) for the relief of Theodore Dunmire; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM COLLINS.

Mr. SYMES also introduced a bill (H. R. 8058) for the relief of William Collins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM COLLINS.

Mr. SYMES also introduced a bill (H. R. 8059) for the relief of William Collins; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

WILLIAM F. MERRIFIELD.

Mr. SYMES also introduced a bill (H. R. 8060) for the relief of William F. Merrifield; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ERNEST BARTH.

Mr. McCOMAS introduced a bill (H. R. 8061) granting a pension to Ernest Barth, late sergeant Company C, Sixty-eighth New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMELIA ANDERSON.

Mr. McCOMAS also introduced a bill (H. R. 8062) granting a pension to Amelia Anderson, widow of David Anderson, late of Company I, First Maryland Cavalry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES MERTENS.

Mr. McCOMAS also introduced a bill (H. R. 8063) granting a pension to Charles Mertens, late private Company G, Second Maryland Infantry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PETER GIFFIN.

Mr. McCOMAS also introduced a bill (H. R. 8064) to remove the charge of desertion against Peter Giffin, Company A, Third Regiment Maryland Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DANIEL KILLIGAN.

Mr. McCOMAS also introduced a bill (H. R. 8065) for the relief of Daniel Killigan, late private Company G, Thirty-seventh New York Volunteers; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MARTHA VORHEES.

Mr. NEECE introduced a bill (H. R. 8066) to pension Martha Vorhees; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANDREW J. VANORDER.

Mr. NEECE also introduced a bill (H. R. 8067) to pension Andrew J. Vanorder; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EBENEZER GRAY.

Mr. NEECE also introduced a bill (H. R. 8068) granting a pension to Ebenezer Gray; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

T. C. GREENHILL.

Mr. WHEELER introduced a bill (H. R. 8069) for the relief of T. C. Greenhill; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN ASKEW.

Mr. WHEELER also introduced a bill (H. R. 8070) for the relief of John Askew; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN MARTIN FENNELL.

Mr. WHEELER also introduced a bill (H. R. 8071) for the relief of John Martin Fennell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENDERSON C. LEACH.

Mr. HUTTON introduced a bill (H. R. 8072) for the relief of Henderson C. Leach; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ELLEN MAY BROWN.

Mr. SPOONER introduced a bill (H. R. 8073) for the relief of Ellen May Brown and her minor children, and to increase their pensions; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

STATUES OF GENERAL WAYNE AND WILLIAM PENN.

Mr. EVERHART introduced a bill (H. R. 8074) for the erection of statues to Anthony Wayne and William Penn; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

TRANSPORTATION OF MAILS BY AMERICAN STEAMSHIPS.

Mr. BURROWS introduced a bill (H. R. 8075) to provide for the transportation of the foreign mails on American steamships; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

NAVIGATION AND FISHERY INTERESTS.

Mr. BURROWS also submitted the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That a select committee, to be composed of nine members, shall be appointed, to which shall be referred all propositions relating to the subjects of navigation and fishery interests of the United States.

GEORGE W. BRANT.

Mr. WAKEFIELD introduced a bill (H. R. 8076) to increase the pension of George W. Brant; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREEMAN, RICHARDSON & CO.

Mr. BARBOUR (by request) introduced a bill (H. R. 8077) for the relief of Freeman, Richardson & Co.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LYDIA S. JOHNSON.

Mr. SAWYER introduced a bill (H. R. 8078) for the relief of Lydia S. Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PIROMIS H. BELL.

Mr. HAMMOND introduced a bill (H. R. 8079) for the relief of Piromis H. Bell, administrator of Marcus A. Bell, deceased, and others; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PAYMENT OF INDIAN DEPREDATION CLAIMS.

Mr. HENLEY introduced a bill (H. R. 8080) making an appropriation for the purpose of paying Indian depredation claims which have been audited and approved by the Secretary of the Interior and reported to Congress; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

T. J. HURLBUT.

Mr. HENLEY also introduced a bill (H. R. 8081) for the relief of T. J. Hurlbut; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INDIAN DEPREDATIONS.

Mr. HENLEY also introduced a bill (H. R. 8082) in relation to Indian depredations; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

UNION PACIFIC RAILROAD.

Mr. HENLEY also submitted a resolution asking an investigation by a special committee of the relations of the Union Pacific Railroad Company with the United States Government; which was read, and referred to the Committee on Rules.

W. A. GROSS, M. D.

Mr. BLAND introduced a bill (H. R. 8083) for the relief of W. A. Gross, M. D.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The Chair will proceed to call committees for motions to suspend the rules. The call rests with the Committee on Foreign Affairs.

BUSINESS OF COMMITTEE ON FOREIGN AFFAIRS.

Mr. BELMONT. I am instructed by the Committee on Foreign Affairs to move to suspend the rules and adopt the resolution which I send to the desk.

The Clerk read as follows:

That Tuesday, May 18 next, after the expiration of the hour for the consideration of bills under clause 5 of Rule XXIV, be, and the same is hereby, set apart for the consideration of such general bills as may then be upon the Calendar of the House, reported from the Committee on Foreign Affairs, the consideration to be in the order designated by the committee, not to interfere with the general appropriation or revenue bills, and if so interfered with on that day this shall be a continuing order until one day has been occupied by said committee.

The SPEAKER. Is a second demanded?

Mr. McMILLIN. I ask whether this includes reports from the Committee on Public Lands?

The SPEAKER. The resolution has been read. It does not.

Mr. MORRISON. Does it confine the privilege to one day?

The SPEAKER. It is confined to one day, but if interfered with on that day the resolution provides the committee shall have another day.

Mr. HENLEY. How many days?

The SPEAKER. One day.

Mr. HENLEY. And then in a certain contingency another day.

The SPEAKER. Debate is not in order unless a second is demanded. The question is on adopting the resolution.

The House divided; and there were—ayes 94, noes 9.

So (further count not being demanded and two-thirds having voted in the affirmative) the rules were suspended and the resolution was adopted.

SOLDIERS' HOME, NORFOLK, VA.

The Committee on Military Affairs was called.

Mr. NEGLEY. I am instructed by the Committee on Military Affairs to move that the rules be suspended, and that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 4232) to reimburse the National Home for Disabled Volunteer Soldiers for losses incurred through the failure of the Exchange National Bank of Norfolk, Va., and for other purposes, and that the same be passed.

The bill was read, as follows:

Whereas at the time of the failure of the said bank it was one of the designated depositories of the United States, and held on deposit from the treasurer of the National Home, in accordance with the special instructions of the Secretary of the Treasury, the sum of $27,604.82; of this amount there has been refunded by dividends the sum of $7,342.36, leaving a balance of $20,262.46 due said National Home; and

Whereas the proper accounting officers, upon the advice of the Solicitor of the Treasury, have decided that the home can not be reimbursed for the balance due it from the proceeds of the sale of the bonds pledged for the security of public moneys held by said bank; and

Whereas the treasurer of said home is in no wise responsible for said loss, and it would be an act of the grossest injustice to withhold the money due to pensioners and other inmates of the home: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, or cause to be paid, to the treasurer of the National Home for Disabled Volunteer Soldiers the sum of $20,262.46, out of any moneys in the Treasury not otherwise appropriated, to be held and expended by him as originally intended.

SEC. 2. That from and after the passage of this act it shall be the duty of the Treasurer of the United States to require from the president and cashier of all banks used as depositories by the treasurer of the home a deposit of bonds sufficient in amount to fully secure all moneys pertaining to said home left on deposit with any such bank.

Mr. MILLS. In order that an explanation may be given of the bill I demand a second. But I suggest that the second be considered as ordered.

There was no objection, and the second was considered as ordered.

The SPEAKER. Under the rules thirty minutes are allowed for debate; fifteen in support of the proposition and fifteen against it.

Mr. NEGLEY. I ask the Clerk to read the report of the committee. It gives a history of the whole case, and when it is read I am sure it will satisfy every doubting mind in the House.

The SPEAKER. The report will be read in the time of the gentleman from Pennsylvania [Mr. NEGLEY].

The report (by Mr. NEGLEY) was read, as follows:

The Committee on Military Affairs, to whom was referred House bill 4232, have carefully considered the same, and submit the following report:

The facts upon which this claim is based were found to be as follows:

Pursuant to the regulations of the board of managers and the special instructions contained in a letter of the Secretary of the Treasury, a copy of which is made a part of this report—

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., November 2, 1882.

SIR: Referring to that part of your letter of the 30th ultimo, addressed to the Treasurer of the United States, in which you ask whether deposits made by the treasurers of the several branches of the National Home for Disabled Volunteer Soldiers are public moneys, I have to inform you that all moneys pertaining to the accounts with the United States of the officers referred to are public funds, and should be deposited with the Treasurer, an assistant treasurer, or a designated depository of the United States only.

Very respectfully,

CHAS. J. FOLGER, *Secretary.*

General WILLIAM B. FRANKLIN,
President National Home for Disabled Volunteer Soldiers, Hartford, Conn.—

William Thompson, treasurer of the southern branch of the National Home for Disabled Volunteer Soldiers, had on deposit with the Exchange National Bank of Norfolk, Va., April 3, 1885, the day of its failure, the sum of $27,604.82, credited to the following accounts:

For the support of the home	$2,276 73
Pension fund (unexpended)	17,419 98
Store fund	7,713 83
Posthumous fund	194 28
Total	27,604 82

There has been realized from the assets of said bank since its failure the sum

of $7,342.36, leaving due the home the sum of $20,262.46, with no prospect of collecting the same.

The president of the board of managers addressed a communication to the Secretary of the Treasury under date of June 11, 1885, requesting that the said balance should be made good by the bank. Again, on July 31, 1885, he submitted a brief of the case to the Secretary of the Treasury, asking speedy action. The subject-matter was referred by the Secretary to the Solicitor of the Treasury for an opinion. This officer decided that the unpaid balance due the home could not be legally paid out of the proceeds of the sale of the bonds heretofore pledged for the security of public moneys by the bank. The president of the board of managers filed exceptions to this decision, and received in reply the following:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., December 28, 1885.

SIR: I have received your letter of the 23d instant, requesting that there be referred to the Department of Justice all the papers in the matter of the decision of this Department that the pension-money of pensioners of the Southern Branch of National Home for Disabled Volunteer Soldiers in the Exchange National Bank of Norfolk, Va., when that public depository failed, is not public money.

In reply you are informed that the receiver of the bank having formally protested against the payment of this account from the proceeds of the sale of the United States bonds held in trust as security for public deposits, the matter was referred to the Solicitor of the Treasury for his opinion as to whether it would be proper for me to pay from the proceeds of the sales of the security bonds the amount standing on the books of the bank to the credit of the treasurer of the home.

The Solicitor, after three times carefully considering the matter, decided that only $2,276.73, the amount to the credit of the National Home for which returns were rendered to the Department, could be so paid. This amount was paid in full from the proceeds and the remainder turned over to the Comptroller of the Currency for the benefit of the creditors and merged with the general funds of the bank.

Since then the Comptroller has paid the first dividend of 20 per cent. on claims proved against the Exchange National Bank, including those of Mr. William Thompson, treasurer, as follows, namely:

	Amount of claim.	Dividend of 20 per cent.
Pension fund	$17,419 98	$3,484 00
Home store	7,713 83	1,542 77
Dead soldiers' effects	194 28	38 86
Trustee Robert Mallow	513 75	102 75
Trustee Charles Schott	105 75	21 15

Having disposed of the proceeds of the bonds, and the treasurer of the home having received the first dividend of 20 per cent., I must now decline to refer the papers to the Attorney-General, as requested by you.

Respectfully, yours,

D. MANNING, *Secretary.*

General WILLIAM B. FRANKLIN,
President of the Board of Managers
National Home for Disabled Volunteer Soldiers, Hartford, Conn.

It will appear from the tenor of the Secretary's letter that the present system of making deposits of the funds of the Home with United States depositories is defective and open to misuse and misconstruction, and that it is advisable to provide against all future emergencies of this character by requiring that all the moneys of the home deposited in public institutions should be secured by a pledge of bonds in an amount satisfactory to the Secretary of the Treasury. This your committee recommends.

Waiving all consideration of the view taken of the responsibility of the Exchange National Bank to pay the balance due the home out of the sale of its securities, it is conceded that the president and treasurer of the home acted in strict conformity with the instructions of the Secretary of the Treasury; also, that he has shown proper vigilance in endeavoring to secure the payment of the deficit; and it is equally clear and conclusive that the beneficiaries were without any volition in the premises, and to withhold under any pretense the moneys due the old, infirm, and helpless inmates of the home, or their dependents, would be a travesty of the principles of humanity, patriotism, and common honesty.

With this view of the case your committee unhesitatingly recommend and ask for the passage of the bill.

Mr. NEGLEY. How much time have I left?

The SPEAKER. Seven minutes.

Mr. NEGLEY. This is a very simple proposition. Under the organic act establishing the Soldiers' Home the inmates are obliged to assign their pension certificate, and the moneys collected thereupon to be held by the treasurer of the home and disbursed as they require them. These moneys were deposited in the United States depository in Norfolk, and while there, outside the care or volition of the inmates or owners of the pension-moneys, they were lost. This is simply directing the reimbursement of this pension-money and also of the store fund. It would be a great wrong on these old soldiers to compel them to lose the money while in the hands of the agents of the Government.

There is no probability of their ever being paid by the bank, which failed for a very large amount. We ask this act of justice for these old soldiers. I reserve the remainder of my time.

The SPEAKER. The gentleman has five minutes of his time remaining.

Mr. MILLS. I understand under the law wherever public deposits are made in banks bonds are required to be deposited to secure these deposits. Now, were these deposits public deposits?

Mr. NEGLEY. Yes, sir.

Mr. MILLS. Then why were not the bonds in the bank to secure them?

Mr. NEGLEY. The Secretary of the Treasury decided these were not public moneys in the sense to require the deposit of bonds, and therefore that they were not to be paid out of the proceeds of bonds pledged for the security of public moneys. For that reason we ask that instructions should be given to the Secretary of the Treasury hereafter to require bonds to be pledged for the security of this money.

Mr. MILLS. Does not the Secretary of the Treasury hold that the bonds are not sufficient to secure the public deposits in that bank?

Mr. NEGLEY. No, sir; but that they were not applicable.

Mr. MILLS. Not sufficient to cover this particular character of deposits?

Mr. NEGLEY. Yes; and he declined to refer the matter to the Attorney-General.

Mr. MILLS. Then the Secretary does not hold these are public deposits. He must hold if they are public deposits the bonds are liable. He must hold that they are private deposits.

Mr. NEGLEY. No, he does not hold that they are not public deposits, but he states that the receiver of the bank declined to admit them as part of the public moneys, and hence he declined to refer the matter to the Attorney-General because the home had received a 20 per cent. dividend.

Mr. STEELE. But the law requires that these funds shall be placed in the hands of the treasurer.

Mr. NEGLEY. Yes, under the organic act establishing the home.

Mr. MILLS. Mr. Speaker, if these are private deposits, while I would regret very much that the old soldiers should lose them (if they are to be lost), yet they stand on no higher ground than the deposits in national banks of any other citizens of the United States. If they are public deposits they ought to have bonds there to secure them. That is the whole question.

Mr. NEGLEY. But I beg to state to the gentleman that the veterans had no control of their own money at all. They were compelled by the organic act establishing the home to transfer their certificates, and hence they had no control over them. They did not make the deposits themselves of their own volition; the money was under the control of the treasurer, who was an agent of the Government.

The SPEAKER. If there be no further debate, the question is on the motion of the gentleman from Pennsylvania [Mr. NEGLEY] to suspend the rules, discharge the Committee of the Whole from the further consideration of this bill, and pass it.

The House divided; and there were—ayes 86, noes 12.

So (more than two-thirds having voted in the affirmative) the motion was agreed to and the bill was passed.

ORDER OF BUSINESS.

Mr. HERBERT. Mr. Speaker, I move to suspend the rules and pass the resolution which I send to the Clerk's desk.

The SPEAKER. The resolution will be read, after which the Chair will ask whether a second is demanded.

The Clerk read as follows:

Resolved, That Tuesday, the 20th day of April, 1886, and from day to day thereafter until disposed of, except Mondays and Fridays—not to interfere with the consideration of revenue bills or regular appropriation bills, nor with the morning hour, nor with the hour for the call of committees for the consideration of bills, nor with prior orders—be set apart for the consideration of House bill No. 6664, entitled "A bill to increase the naval establishment;" and, if said bill shall not have been previously disposed of, that Tuesday, the 27th day of April, 1886, immediately after the reading of the Journal, be set apart for the exclusive consideration thereof in the House, as in Committee of the Whole, and that the previous question on said bill and all amendments which may be offered thereto be considered as ordered at half past 5 o'clock p. m. of said 27th day of April.

The SPEAKER. Is a second demanded?

Mr. COBB. Mr. Speaker, I demand a second. I trust that this resolution will not pass.

The SPEAKER. A second is demanded. The Chair will appoint the gentleman from Indiana [Mr. COBB] and the gentleman from Alabama [Mr. HERBERT] to act as tellers.

Mr. HERBERT. Mr. Speaker, I will modify the resolution.

Mr. DUNHAM. Mr. Speaker, what is the title of the bill to which this resolution refers?

The SPEAKER. The resolution refers to the bill for the increase of the naval establishment.

Mr. ROGERS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ROGERS. Was not a second demanded?

The SPEAKER. It was.

Mr. ROGERS. Then I ask unanimous consent that it be considered as ordered.

The SPEAKER. The gentleman from Alabama [Mr. HERBERT] proposes to modify the resolution. As soon as that is done, it will be read as modified.

Mr. COBB. I rise to a parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. COBB. I desire to inquire whether or not this resolution, if adopted as read, would not interfere with the right of way of the Committee on Public Lands.

The SPEAKER. It would, unless the modification provides otherwise. The gentleman from Alabama [Mr. HERBERT] has modified the resolution, but the Chair has not heard it read as modified. The Clerk will now report it.

The Clerk read as follows:

Resolved, That Thursday, the 22d day of April, 1886, and from day to day thereafter until disposed of, except Mondays and Fridays, not to interfere with the consideration of revenue bills, regular appropriation bills, nor with the morning hour, nor with the hour for the call of committees for the consideration of bills

nor with prior orders, nor with reports from the Committee on the Public Lands, be set apart for the consideration of House bill 6664, entitled "A bill to increase the naval establishment;" and if said bill shall not have been previously disposed of, that Tuesday, the 27th day of April, 1886, immediately after the reading of the Journal, is set apart for the exclusive consideration thereof in the House, as in the Committee of the Whole, and that the previous question on said bill and all amendments which may be offered thereto be considered as ordered at half past 5 o'clock p. m. of said 27th day of April.

Mr. DUNHAM. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DUNHAM. Is the river and harbor bill a "regular appropriation bill?"

The SPEAKER. No such thing is known to the rules of the House as a "regular appropriation bill." The Chair supposes that by the term "regular appropriation bills" the gentleman means general appropriation bills. The river and harbor bill is not a general appropriation bill.

Mr. DUNHAM. Then under this resolution the bill to increase the naval establishment will have preference over the river and harbor bill.

Mr. HERBERT. No, sir.

Mr. DUNHAM. According to the ruling of the Speaker it will.

Mr. HERBERT. I meant to except the river and harbor bill; and if there is any doubt as to the construction of the resolution I will ask to modify it in that particular.

Mr. COBB. I demand to have the resolution so modified as to give the Committee on Public Lands the right to have their bills considered.

The SPEAKER. Upon a rereading of the resolution the Chair thinks it would not interfere with the consideration of reports from the Committee on Public Lands.

Mr. COBB. Will the resolution as it now stands prevent the Committee on Public Lands from taking up in the House any bill already reported by them?

The SPEAKER. The Chair thinks that the resolution as now modified will not interfere with the consideration of any such bill.

Mr. HERBERT. I ask unanimous consent that a second may be considered as ordered on the motion to suspend the rules, so as to give me an opportunity to explain the resolution.

Mr. JONES, of Alabama. Has the river and harbor bill been excepted?

The SPEAKER. Is there objection to the request of the gentleman from Alabama [Mr. HERBERT] that a second be considered as ordered?

Mr. MORRISON. I object.

The SPEAKER. Under the rule the question upon ordering a second will be taken by tellers, and the Chair appoints the gentleman from Illinois [Mr. MORRISON] and the gentleman from Alabama [Mr. HERBERT].

Mr. HERBERT. I want a chance to explain the resolution. It appears to be misunderstood. The House will not vote down the resolution if it understands it.

The tellers proceeded to make the count.

Mr. HERBERT (during the count). I ask that the resolution may be read again. It is not understood. It offers the fullest and fairest opportunity for discussion.

The SPEAKER. Is there objection to having the resolution read again?

Several members objected.

Mr. MORRISON (when the count had continued some time). Mr. Speaker, a majority of those voting seem to be in the affirmative, and I will not contend about the matter any longer.

The SPEAKER. Is a further count insisted upon? [A pause.] No further count being demanded, a second will be considered as ordered. Under the rules, thirty minutes are now allowed for debate on this proposition. The gentleman from Alabama [Mr. HERBERT] will be recognized as entitled to control the time in support of the proposition, and the gentleman from Illinois [Mr. MORRISON] to control the time in opposition.

Mr. HERBERT. Mr. Speaker, there are several ways of opposing successfully any proposition in this House. One of the most successful is, when there are but fifteen minutes on each side for debate to confuse the House and prevent it from understanding the provisions of the proposition. I desire that the House shall understand what the resolution is upon which it is called to vote. It simply proposes to fix a day for the consideration of the bill for the increase of the naval establishment. As originally introduced it provided that the discussion on this bill should be begun on Tuesday, April 20 (to-morrow), and should go on from day to day except Friday and Monday—not to interfere with the consideration of revenue bills, regular appropriation bills (meaning general appropriation bills), nor with the morning hour, nor with the hour for the call of committees for the consideration of bills, nor with prior orders—until Tuesday, the 27th instant, a week from to-morrow.

The resolution further provides that on that day immediately, after the reading of the journal, the bill if not previously disposed of shall be called up and be entitled to consideration to the exclusion of everything else for that one day, and that the previous question be considered as called at 5 o'clock and 30 minutes that evening; thus securing on that day five hours at least of full discussion; also giving the fullest right of amendment. The provision declaring that the previous question shall be considered as ordered at that time on the bill and on all amendments, of course, shows that the right to amend is not taken away.

Mr. BROWN, of Pennsylvania. Might not this order result in preventing the discussion of the bill at any time except on that special day?

Mr. HERBERT. That might possibly be the case.

Mr. BROWN, of Pennsylvania. Is it not likely to be the case?

Mr. HERBERT. I think not.

Mr. BROWN, of Pennsylvania. With all the exceptions in the resolution?

Mr. HERBERT. I think not. The resolution fixes Tuesday of next week for the final disposition of the bill.

Here we are at this stage of the session, and here is this bill to provide for the common defense—a purpose which, as we read in the Constitution, was one of the prime purposes of the Union. To-day we are utterly defenseless. Our long line of coast, our cities by the sea, are absolutely at the mercy of any foreign power. Brazil could to-day successfully bombard any city on your Atlantic coast. Chili could successfully bombard San Francisco. Both parties on this floor are committed to an increase of the naval establishment. Shall we on any pretext whatever—on the pretext by one man that the day does not suit him or that the time allowed is not long enough, and on the pretext by another that it is too long—shall we manage that this bill shall fail and not have consideration here? Who is it that will oppose the consideration of this measure, and undertake to justify himself before the country, caviling and saying that the resolution does not exactly suit him? The Committee on Naval Affairs could not have drawn the resolution so as to suit everybody. The consideration of this bill at any time must of course conflict with the consideration of some bills; the resoltion has been so worded that the conflict shall be as little as possible.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman has ten minutes remaining.

Mr. HAMMOND. Will the gentleman before he takes his seat yield for a question?

Mr. HERBERT. Yes.

Mr. HAMMOND. I would like to know whether, under your resolution, you do not absorb the day already set apart for the Judiciary Committee.

Mr. TUCKER. Of course it will.

Mr. HERBERT. No, sir.

Mr. HAMMOND. Which is the 24th.

Mr. HERBERT. We do not, because that is a prior order.

Mr. TUCKER. But the gentleman's resolution does not say prior order.

Mr. HERBERT. It is on the Calendar so printed and so ordered, and there can be no doubt about it.

Mr. PERKINS. You suggest that very day be set apart for debate?

Mr. HERBERT. No; the 27th is the day set apart for final debate under the resolution.

Mr. HAMMOND. Are prior orders excepted here in the resolution?

Mr. HERBERT. They are expressly.

Mr. TUCKER. I see it does say previous orders and saves the Judiciary Committee.

Mr. HERBERT. It does say so.

Mr. HAMMOND. As that is a prior order upon the Calendar.

Mr. HERBERT. Certainly, and when gentlemen come to understand the resolution I am sure there can be no objection to it. Now I reserve the remainder of my time.

Mr. HAMMOND. That will save the Committee on the Judiciary, I believe.

Mr. MORRISON. Mr. Speaker, I object to this proposition, because if it means anything, with all the exceptions it contains, it means that on the next Tuesday, after to-morrow at a fixed hour, with or without previous debate—and debate can not be had under this resolution—the vote shall be taken. It proposes to begin on next Thursday, and then it gives precedence to the committees having appropriation bills in charge. It excepts Saturday, because there is a prior order.

Monday it excepts or leaves out; and then Tuesday, the day on which the vote is to be taken, another appropriation bill has the right of way or precedence. Notwithstanding all these exceptions, it provides on that day, whether we have had any debate or not, the previous question, without further action on the part of the House, shall stand as ordered; and we then, in that condition of preparation or advisement, will be called upon to vote on this bill to increase the naval establishment, involving many millions of money—nobody knows how many, and if anybody does know he will have no opportunity of telling us. This is in fact to be the beginning of a new navy, the inauguration of a new policy. Besides the three or four ships already authorized but not built, this is a proposition to start ten others with $6,000,000, which is to be but a beginning.

Mr. HERBERT. Let me ask if it was not at the gentleman's instance or not that it took too much time I modified the resolution and changed it from Tuesday to Friday, and having done it the gentleman now comes in here and says it does not take time enough. Did you not do that?

Mr. MORRISON. Tuesday you propose to take the time given already to an appropriation bill, which I am anxious to have disposed of. I did suggest from my seat here that ought not to be done.

Mr. HERBERT. Did you not make the objection the resolution took too much time? and now your objection is, after it has been modified in accordance with your wish, that it does not take time enough.

Mr. MORRISON. I did, and still do, object to the obstruction of or taking the time of the unfinished appropriation bill which went over to Tuesday. I object to this and to the balance of it. It means that the previous question shall be ordered on Tuesday of next week whether there is any debate or not, and we all know there can be none. If my suggestion, that Tuesday and Wednesday ought to be left to finish the unfinished appropriation bill, was acted upon it did not change the merit of this proposition nor its effect, for these two days would be so used with or without the modification made by the gentleman from Alabama.

Mr. HOLMAN rose.

The SPEAKER. How much time does the gentleman from Illinois yield?

Mr. MORRISON. All he wants. I am done. The gentleman can occupy the remainder.

Mr. HOLMAN. Only a moment.

The SPEAKER. The gentleman will proceed.

Mr. HOLMAN. Mr. Speaker, there is nothing in this measure which should take it out of the regular routine of the business of the House. There are a great many measures of the highest importance now pending before the House, and however the resolution may be regarded, the gentleman from Alabama is certainly aware it will interfere to some extent, or is likely to interfere, with other important bills pending in the House which have been perhaps unavoidably, yet unfortunately, already delayed too long. I trust no measure will be forced before us under a suspension of the rules which will give any measure priority over that class of bills.

But, referring to the particular measure pending, I trust the House will not overlook the fact we have four ships of war already in process of construction, and four others authorized by law and not yet under contract for their construction, while this bill provides for the construction of ten more vessels of war before any steps have been taken for the construction of the four already authorized. In addition to all this, the bill provides $3,000,000 for the completion and armament of the four ironclads commenced years ago. The bill, then, without reference to its future operations, involves a direct appropriation of $6,400,000 of money.

And yet clearly the only appeal which has been or can be made for this haste and for giving this measure this advantage over other important and pressing measures—more important and more pressing—is the supposed defenseless condition of our country. It was never in as perfect a condition of defense as it is now, and every day that passes only strengthens the defense of our country against any possible assault. There is no alarm in the country. We do not represent a timid people. Congress has not represented a people apprehensive of coming danger at any time through all the century.

Such a bill as that named in the resolution I trust will not be voted into a position of undue advantage, thus postponing measures of high moment to the American people upon such an argument. I hope the House will not postpone the consideration of measures of special benefit to our industries and permanent safety in behalf of a measure of doubtful expediency, for we are entering a new field of naval construction. None of our new ships are completed; we have no such satisfactory experience in the construction of steel war-vessels by testing those already authorized as will enable us to proceed with safety in this new field of naval architecture. I agree that with reasonable rapidity the present wooden vessels of our Navy should be superseded and vessels in harmony with the naval architecture of the period should take their place. The occasion for haste in increasing our Navy is less now than at many periods in former years. We never had less occasion for haste than now, and the occasion for it is disappearing with every succeeding day. There is now certainly no occasion for it. We are in the midst of no peril.

Mr. HERBERT. Will the gentleman agree to fix any day? If he will fix any particular day for the consideration of the bill I will consent to it.

Mr. HOLMAN. I am willing that this bill shall come up in its regular order and have all the privileges to which bills of its character are entitled; but it is entitled to no priority over more important measures of the House. Bills of the highest moment to the American people are pending and should not be jostled out of the way or imperiled by a bill of no pressing importance.

Mr. BOUTELLE. Do I understand the gentleman from Indiana to say that this is not a bill of the highest moment?

Mr. HOLMAN. I hold that it is not. If it be a matter of such vital importance, as gentlemen would seem to indicate now, I would ask how it happens that four war vessels, authorized long since, have not been even commenced or any steps taken toward their construction?

Mr. BOUTELLE. They are provided for in this bill.

Mr. HOLMAN. By former law. But I repeat, all this time since that act was passed even the initial steps have not been taken for their construction, and yet the very same condition of affairs to which gentlemen refer has existed. In fact, there is less need for them now than ever. We can, as all men know, construct them at our leisure.

Mr. BROWN, of Pennsylvania. If the initial steps have not been taken let us make a beginning now.

Mr. HOLMAN. If it was so important, why have they not been commenced? Why have not some steps been taken, some beginning looking to their construction?

Mr. BOUTELLE. That is a question to be answered by another department of the Government over which we have no control.

Mr. HOLMAN. That is very true; but has the gentleman heard of any public complaint or clamor, any public demand for their construction, any great apprehension expressed by our people which would demand the immediate construction of new war vessels? Does he hear any expression of fear uttered by the people because of our defenseless condition? Our defenses are already complete against any peril from abroad.

Mr. BOUTELLE. I think there has been a great deal of that apprehension and a great deal of uneasiness, and especially because of our condition in regard to the fisheries.

Mr. HOLMAN. I have no such information. I have heard no real expressions of anxiety on the part of the people. I have not heard their voices raised for an increase of our Navy as a measure of pressing moment. Our people do not seem at all alarmed.

Mr. BOUTELLE. Is the gentleman from Indiana opposed to the passage of any bill at all, or is it to this particular bill?

Mr. HOLMAN. I am opposed, by the adoption of a resolution like this, to give precedence to a measure which is of less public consequence than many bills which would be to a greater or less degree postponed—bills of the greatest interest to our people, which are now pending.

I insist, therefore, that no step be taken by the House which will hamper or interfere with that series of bills now pending which are in my opinion the most important measures before Congress and demand consideration at the earliest moment.

Mr. BOUTELLE. What bills do you refer to?

Mr. HOLMAN. I refer to bills relating to the public lands.

Mr. HERBERT. They are expressly excepted by this resolution.

Mr. HOLMAN. Certainly they are, and by the terms of the resolution; but it is easily seen that the tendency of the pending resolution and proposed special order is to jostle them out of the way.

Mr. HEWITT. But the question of consideration could be raised. The House can reach them any time it may desire to do so.

Mr. HOLMAN. Certainly the question of consideration can be raised, but to-day one-third of the House can defeat the passage of this resolution and the proposed special order; whereas if it passes it will require a majority of the House to proceed to the consideration of the public-land bills, to which I have referred, as against this special order if it is made.

Mr. HERBERT. Now, Mr. Speaker, I think it has developed itself very clearly in this debate that I was correct when I said the opposition to this resolution was captious; that it was not to the day fixed or to the length of time proposed for the discussion of the measure, but that it was to the bill itself. The gentleman from Illinois [Mr. MORRISON] admitted on the floor of the House, when I asked the question if I had not modified and changed that resolution from Tuesday to begin on Thursday thereafter, thus giving up at his request two days, because he said the time was too long, that I was right and that he had made the objection on that ground. And yet in the face of that admission he now begins his argument against the passage of the resolution by saying that the time to be occupied in the discussion is too short!

Mr. REED, of Maine. Do I understand the gentleman from Alabama to admit that this resolution may result in coming to a vote on such an important bill as that to which it refers without any discussion at all?

Mr. HERBERT. No; I do not admit that.

Mr. REED, of Maine. What debate is it expected will be given?

Mr. HERBERT. Beyond all doubt five hours on Tuesday, the 27th.

Mr. REED, of Maine. Five hours. What time is the previous question to be regarded as ordered?

Mr. HERBERT. At 5.30 o'clock on that day.

Mr. REED, of Maine. We never get five hours on any day for the consideration of business in this House under such a resolution.

Mr. HERBERT. The resolution provides that on that day its consideration shall begin immediately after the reading of the Journal, and is to be taken up to the exclusion of everything else.

Mr. REED, of Maine. An appropriation bill may crowd it out of the way then.

Mr. HERBERT. No; I will read that part of the resolution:

> And if said bill shall not have been finally disposed of, that Tuesday, the 27th day of April, 1886, immediately after the reading of the Journal, be set apart for the exclusive consideration thereof in the House, as in Committee of the Whole, and that the previous question on said bill, and all amendments which may be offered thereto, be considered as ordered at 5.30 p. m. on said 27th day of April.

Now, not only is that whole day, until half past 5 o'clock, secured for the discussion of this bill, but we shall have more time than that if a majority of the House wants it.

If when it comes up on Thursday there is a question of consideration between this and any other bill—if this House believes, as I am sure a majority of it does believe, that this is an important measure which ought to be considered and passed, all we have to do when Thursday comes, if we want to discuss it on that day, is to take it up and debate it.

Mr. REED, of Maine. But under this resolution we have no debate under the five-minute rule, which is the most valuable debate there is. We get no consideration of particular measures.

Mr. HERBERT. We do.

Mr. REED, of Maine. The gentleman from Alabama knows as well as anybody else that in the consideration of a bill like this in the House the best debate is the five-minute debate, because otherwise there is no consideration of particular points.

Mr. HERBERT. I do not know any reason why when you consider a bill as in Committee of the Whole you can not discuss any particular feature of it just as well as you can do in the Committee of the Whole.

Mr. REED, of Maine. It can not be done except under the five-minute rule.

Mr. HERBERT. The real question is, Do we want to pass any bill of this kind this session? I yield two minutes to the gentleman from Pennsylvania [Mr. BAYNE].

Mr. BAYNE. I can only say I want a navy; and I am willing to get that navy, whether by a long or a short debate. I feel our Government is the only great government in the world that has no adequate protection, and it is our bounden duty to provide an adequate navy to defend our country in the event of war. Debate may be all very well and I am in favor of debate; I should be glad if abundant opportunity should be given for debate on this important subject. But I want the Navy, whether we have long debate or short debate. But I presume the Committee on Naval Affairs has given this matter very full and fair consideration, and have reported a bill which will meet the approval of the House and the country. Therefore I hope this proposition to fix a day, and thus secure some tangible result in this direction, will be adopted.

Mr. HERBERT. How much time have I remaining?

The SPEAKER. The gentleman has three minutes of his time remaining.

Mr. HERBERT. I yield the remainder of my time to the gentleman from New York [Mr. HEWITT].

Mr. HEWITT. Mr. Speaker, I think it is to be regretted that this measure, which is of very considerable consequence on its merits, should have got involved in a discussion as to whether under the resolution there will be time enough for the consideration of the bill, because if it should turn out when the final day named arrives that the bill has not received proper consideration, I think it would be the disposition of the committee and the House then to enlarge the time. But now for this House to refuse to fix a day upon the request of one of the most important committees of the House, that has given very careful consideration to a measure commended to it by the President of the United States, and which has been recognized in the platform of both political parties as a burning question to be disposed of, the question, namely, of the creation of a navy—to refuse to fix a day to take up the subject on the ground that there is not sufficient time when my friend from Illinois [Mr. MORRISON] knows he can readily arrange for an extension of the time if it be desired, it seems to me would be trifling with a very grave and important question.

My friend from Indiana [Mr. HOLMAN] is mistaken when he says, this country is in a state of defense. Three reports are now in print before this House—one from the Senate committee on defense, one from the fortifications board, and one from the committee of this House—on the subject of national defense, all recognizing the fact that the country is lamentably deficient in the means of defense. It is the great embarrassment to-day in our negotiations with foreign nations whether we can take our stand firmly on any great international question demanded by the dignity, the interests, and the welfare of this country.

The Naval Committee ask to be heard upon this question. They ask to be heard in the fulfillment of a solemn pledge given by both the great parties represented in this House. They ask it in response to the recommendation of the President. And I should say but little reliance could be placed upon the patriotism and upon the wisdom of this House if this demand to discuss and consider a measure of great national importance should be refused. If it be granted, and the proposition of the committee be not acceptable, then let it be voted down, but at least give it a hearing.

[Here the hammer fell.]

Mr. REED, of Maine. It is the House that wants a hearing on this subject as well as the committee.

Mr. DINGLEY. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DINGLEY. I desire to know whether under the terms of this order by which on Tuesday the bill is to be considered as in Committee of the Whole, whether on that day there will be a debate under the five-minute rule?

The SPEAKER. That will depend entirely on the action of the House. General debate can go on until the House stops it.

Mr. REED, of Maine. If we can have the five-minute debate on Tuesday with the right of amendment, that is one thing; but if we are merely to hear from the committee, that is not enough.

Mr. HERBERT. I will do all in my power to extend the time, and the majority of the House can extend it. I will do everything I can.

The question being taken on the motion to suspend the rules and adopt this resolution, there were—ayes 69, noes 7.

Mr. BAYNE. I call for the yeas and nays.

The affirmative having been counted, there were ayes 35—more than one-fifth of the last vote.

Mr. HOLMAN. Count the other side.

The negative vote being taken, there were noes 116.

So (the affirmative being more than one-fifth of the whole vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 121, nays 102, not voting 100; as follows:

YEAS—121.

Allen, C. H.	Everhart,	Louttit,	Seymour,
Ballentine,	Farquhar,	Lovering,	Smalls,
Barksdale,	Felton,	Markham,	Sowden,
Barry,	Fleeger,	Martin,	Spooner,
Bayne,	Funston,	McAdoo,	Stahlnecker,
Beach,	Gay,	McKenna,	Steele,
Belmont,	Gibson, Eustace	McKinley,	Stephenson,
Blount,	Glass,	McRae,	Stewart, Charles
Bound,	Glover,	Merriman,	Stone, E. F.
Brady,	Green, R. S.	Miller,	Strait,
Bragg,	Guenther,	Milliken,	Tarsney,
Buchanan,	Hayden,	Mills,	Taulbee,
Buck,	Haynes,	Mitchell,	Taylor, E. B.
Butterworth,	Hemphill,	Morgan,	Taylor, I. H.
Campbell, Felix	Henderson, T. J.	Morrow,	Tillman,
Campbell, J. M.	Henley,	Murphy,	Townshend,
Campbell, T. J.	Herbert,	Neal,	Viele,
Caswell,	Herman,	Neece,	Wait,
Comstock,	Hewitt,	Negley,	Wakefield,
Crain,	Hill,	Norwood,	Ward, J. H.
Croxton,	Hitt,	O'Donnell,	Wheeler,
Cutcheon,	Hutton,	Osborne,	White, A. C.
Dargan,	Irion,	Pindar,	Wilkins,
Davidson, R. H. M.	Jackson,	Price,	Wilson,
Dibble,	Jones, J. T.	Randall,	Wise,
Dingley,	Ketcham,	Reagan,	Wolford,
Dockery,	Lanham,	Reese,	Woodburn,
Dougherty,	Lawler,	Rice,	Worthington.
Dowdney,	Little,	Romeis,	
Dunn,	Long,	Sayers,	
Ermentrout,	Lore,	Scranton,	

NAYS—102.

Allen, J. M.	Culberson,	Hudd,	Richardson,
Anderson, J. A.	Daniel,	Johnston, J. T.	Robertson,
Bingham,	Davis,	Johnston, T. D.	Rockwell,
Bland,	Dorsey,	Jones, J. H.	Rogers,
Boutelle,	Dunham,	Kelley,	Rowell,
Breckinridge, C. R.	Ely,	Laffoon,	Ryan,
Browne, T. M.	Evans,	La Follette,	Sawyer,
Brown, C. E.	Fisher,	Lehlbach,	Scott,
Brown, W. W.	Ford,	Lindsley,	Singleton,
Bunnell,	Forney,	Lowry,	Skinner,
Burleigh,	Frederick,	Lyman,	Springer,
Burnes,	Fuller,	Matson,	Stone, W. J., Mo.
Burrows,	Gallinger,	Maybury,	Struble,
Bynum,	Geddes,	McCreary,	Swope,
Cabell,	Green, W. J.	McMillin,	Symes,
Caldwell,	Grosvenor,	Morrison,	Taylor, Zach.
Campbell, J. E.	Grout,	Oates,	Thomas, O. B.
Cannon,	Halsell,	O'Ferrall,	Van Schaick,
Carleton,	Hammond,	O'Hara,	Wade,
Clardy,	Harris,	O'Neill, Charles	Weaver, A. J.
Clements,	Hatch,	Outhwaite,	Weaver, J. B.
Cobb,	Henderson, D. B.	Owen,	Weber,
Conger,	Hepburn,	Perkins,	West,
Cooper,	Hiestand,	Perry,	Willis.
Cowles,	Holman,	Peters,	
Cox,	Holmes,	Reed, T. B.	

NOT VOTING—100.

Adams, G. E.	Eden,	Le Fevre,	Sessions,
Adams, J. J.	Eldredge,	Libbey,	Shaw,
Aiken,	Elsberry,	Mahoney,	Snyder,
Anderson, C. M.	Findlay,	McComas,	Spriggs,
Arnot,	Foran,	Millard,	Stewart, J. W.
Atkinson,	Gibson, C. H.	Moffatt,	St. Martin,
Baker,	Gilfillan,	Morrill,	Stone, W. J., Ky.
Barbour,	Goff,	Muller,	Storm,
Barnes,	Hale,	Nelson,	Swinburne,
Bennett,	Hall,	O'Neill, J. J.	Taylor, J. M.
Blanchard,	Hanback,	Parker,	Thomas, J. R.
Bliss,	Harmer,	Payne,	Thompson,
Boyle,	Heard,	Payson,	Throckmorton,
Breckinridge, WCP.	Henderson, J. S.	Peel,	Trigg,
Brumm,	Hires,	Pettibone,	Tucker,
Candler,	Hiscock,	Phelps,	Turner,
Catchings,	Hopkins,	Pidcock,	Van Eaton,
Cole,	Houk,	Pirce,	Wadsworth,
Collins,	Howard,	Plumb,	Ward, T. B.
Compton,	James,	Pulitzer,	Warner, A. J.
Crisp,	Johnson, F. A.	Ranney,	Warner, William
Curtin,	King,	Reid, J. W.	Wellborn,
Davenport,	Kleiner,	Riggs,	White, Milo
Davidson, A. C.	Laird,	Sadler,	Whiting,
Dawson,	Landes,	Seney,	Winans.

So (two-thirds not having voted in the affirmative) the rules were not suspended.

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent that the reading of the names of those voting be dispensed with.

There was no objection.

The following-named members were announced as paired until further notice:

Mr. HEARD with Mr. SESSIONS.
Mr. CRISP with Mr. JOHNSON, of New York.
Mr. LANDES with Mr. JAMES.
Mr. LE FEVRE with Mr. WADSWORTH.
Mr. COLE with Mr. GOFF.
Mr. ELLSBERRY with Mr. MILLARD.
Mr. TURNER with Mr. HOPKINS.
Mr. THROCKMORTON with Mr. LIBBEY.
Mr. DAVIDSON, of Alabama, with Mr. SWINBURNE.
Mr. ELDREDGE with Mr. PAYNE.
Mr. PIDCOCK with Mr. ADAMS, of Illinois.
Mr. REID, of North Carolina, with Mr. THOMAS, of Illinois.
Mr. SADLER with Mr. WHITING.

The following pairs for this day were announced:

Mr. MULLER with Mr. HIBES.
Mr. BLISS with Mr. HARMER.
Mr. HENDERSON, of North Carolina, with Mr. DAVENPORT.
Mr. SNYDER with Mr. STEWART, of Vermont.
Mr. SENEY with Mr. HISCOCK.

Mr. RICHARDSON. My colleague, Mr. JOHN M. TAYLOR, is detained at home by reason of sickness in his family.

The result of the vote was then announced as above recorded.

IMMEDIATE POSTAL-DELIVERY SYSTEM.

Mr. DOCKERY. Mr. Speaker, I am instructed by the Committee on Post-Offices and Post-Roads to move to suspend the rules, and take from the House Calendar the bill (H. R. 4865) to extend the system for the immediate delivery of letters and pass the same.

The SPEAKER. The Clerk will report the bill, after which the Chair will ask for objections. The Chair understands that the motion of the gentleman from Missouri [Mr. DOCKERY] is to pass the bill as an amendment reported by the committee.

Mr. DOCKERY. Yes.

The bill was read, as follows:

A bill to extend the system for the immediate delivery of letters, and amendatory of sections 3, 4, and 5 of the act approved March 3, 1885, entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes."

Be it enacted, &c., That every article of mailable matter upon which the special stamp provided for by section 3 of the act of Congress approved March 3, 1885, entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes," shall be duly affixed, shall be entitled to immediate delivery, according to said act, within the carrier-delivery limit of any free-delivery office and within one mile of any other post-office which the Postmaster-General shall at any time designate as a special-delivery post-office. The postmaster shall be responsible for such immediate delivery of every such article, and shall cause delivery to be made of all such articles received at his office bearing such stamp and entitled to delivery thereat; and may employ any persons, including clerks and assistants, at third and fourth class offices, as messengers, on such terms as he shall fix as compensation for such delivery; and to defray the expense thereof such postmaster shall be entitled, upon the adjustment of his quarterly account, to 80 per cent. of the face value of all such special-delivery stamps received at his office and recorded, according to said act and regulations of the Post-Office Department, during the quarter; and such allowances shall be in full of all the expenses of such delivery: *Provided*, That the Postmaster-General may, in his discretion, direct any free-delivery office to be excepted from the foregoing provision, and require the delivery to be made entirely by special messengers, according to the provisions of the act to which this is amendatory: *And provided further*, That he may contract for the immediate delivery of all articles from any post-office at any price less than 8 cents per piece when he shall deem it expedient.

SEC. 2. That the Postmaster-General shall prescribe suitable regulations, not inconsistent with law, for the performance of the immediate-delivery service, the keeping of the records and rendering of accounts thereof, and all matters connected therewith, and may prescribe the hours within which such immediate delivery shall be made at any post-office.

SEC. 3. That any postmaster, or any assistant postmaster, clerk, or employé of a postmaster, who shall make any false return or record of the receipt or delivery of any article of mailable matter as being stamped with a special-delivery stamp, or shall make any false return of the number of articles specially delivered from his office, for the purpose of increasing his compensation under the provisions of this act, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than $100 nor more than $500, or imprisoned for a term of not less that thirty days nor more than one year, or both such fine and imprisonment, at the discretion of the court; and whenever, upon evidence deemed satisfactory to him, the Postmaster-General shall determine that any such false return has been made, he may, by order, fix absolutely the compensation of the postmaster for such special delivery during any quarter or quarters which he shall deem affected by such false return, and the Auditor shall adjust the postmaster's account accordingly.

SEC. 4. That any person employed to make immediate delivery of letters or other mail matter under the provisions of this act, or the act of which the same is amendatory, shall be deemed an employé of the postal service, whether he may have been sworn or not, or temporarily or permanently employed, and as such employé shall be liable to any penalties or punishments provided by law for the improper detention, delay, secretion, rifling, embezzlement, purloining, or destruction of any letter or other article of mail matter, or the contents thereof, intrusted to him for delivery or placed in his custody.

The SPEAKER. Is a second demanded? If not, the question is on the motion made by the gentleman from Missouri [Mr. DOCKERY] to suspend the rules and pass the bill.

Mr. DOCKERY. Mr. Speaker, the special-delivery system was authorized by the act of March 3, 1885, sections 3, 4, 5, and 6, which are in the following words:

SEC. 3. That a special stamp of the face valuation of 10 cents may be provided and issued, whenever deemed advisable or expedient, in such form and bearing such device as may meet the approval of the Postmaster-General, which, when attached to a letter, in addition to the lawful postage thereon, the delivery of which is to be at a free-delivery office, or at any city, town, or village containing a population of 4,000 or over, according to the Federal census, shall be regarded as entitling such letter to immediate delivery within the carrier limit of any free-delivery office which may be designated by the Postmaster-General as a special-delivery office, or within 1 mile of the post-office at any other office coming within the provisions of this section which may in like manner be designated as a special-delivery office.

SEC. 4. That such specially stamped letters shall be delivered from 7 o'clock ante meridian up to 12 o'clock midnight at offices designated by the Postmaster-General under section 3 of this act.

SEC. 5. That to provide for the immediate delivery of letters bearing the special stamp, the postmaster at any office which may come within the provisions of this act may, with the approval of the Postmaster-General, employ such person or persons as may actually be required for such service, who, upon the delivery of such letter, will procure a receipt from the party addressed, or some one authorized to receive it, in a book to be furnished for the purpose, which shall, when not in use, be kept in the post-office and at all times subject to examination by an inspector of the Department.

SEC. 6. That to provide for the payment of such persons as may be employed for this service, the postmaster at any office designated by section 3 of this act shall keep a record of the number of letters received at such office bearing such special stamp, which number shall correspond with the number entered in the receipt-books heretofore specified; and at the end of each month he may pay to such person or persons employed a sum not exceeding 80 per cent. of the face value of all such stamps received and recorded during that month: *Provided*, That in no case shall the compensation so paid to any one person exceed $30 per month: *And provided further*, That nothing in this act shall in any way interfere with the prompt delivery of letters as now provided by law or regulation of the Post-Office Department.

The amendatory act is a proposition to enlarge the usefulness of the special-delivery system by adding to the public convenience and at the same time profiting the revenues of the Postal Department.

A few days since I submitted a report upon this measure which fully sets forth the reasons that induced the committee to recommend its passage; and I shall give in substance the body of that report, so that the House may be fully advised.

Mr. Speaker, the special-delivery system was put into operation under appropriate regulations by the Postmaster-General on the 1st of October, 1885, at all the post-offices to which the law authorized him to extend it, namely, those at places having a population of 4,000 and over, and embracing 555 in number. From the annual report of the Postmaster-General for the fiscal year ending June 30, 1885 (pages 32–35), and from the further experience gained since that report was submitted, it appears that the special-delivery system has proved to be a most useful adjunct to the postal service; but at the same time certain defects in the system as at present organized have manifested themselves.

RESTRICTIONS.

Under the third section of the act of March 3, above quoted, the privilege of immediate delivery is restricted to "letters," or, as construed, to mail matter of the first class. There would appear to be no good reason in principle or policy for this limitation. If it be right to transmit by mail at all a newspaper, book, or packet of merchandise, it is difficult to see why such article should be denied any of the special facilities afforded by the mails, the more particularly when the fee charged for the special service is in excess of the cost of doing the work. There would be as much reason for confining the registry system to letters; but so popular has the registration of third and fourth class matter become, that the fees from that source amounted to $98,330.30 during the last fiscal year. No practical difficulties exist in the way of extending the special-delivery system to all articles of mail matter; indeed, the delivery of parcels by special messenger is not open to the objection that might be urged against their delivery by regular carrier at the free-delivery offices, that of a liability to hinder the delivery of letters and to overload a carrier on a trip.

The committee, therefore, unhesitatingly recommend that the privileges of immediate delivery be extended to embrace all classes of mail matter, believing that thereby the utility of the system would be greatly enhanced and the postal revenue correspondingly benefited. The proposed step would go far to justify a still more important enlargement of the system, the extension of the privileges of special delivery, within the discretion of the Postmaster-General, to all the post-offices in the country. Though letters bearing special-delivery stamps may be mailed at any post-office, they may be specially delivered only when addressed to one of the limited number of places embraced within the present list of special-delivery offices. At the great mass of the offices the people are denied a facility in the receipt of mail matter that they are given in dispatching it; and it so happens that the people from whom the privilege of immediate delivery is withheld are those who would be likely to appreciate it the most highly.

At the large offices where the free-delivery system is in use the difference in time between delivery by regular carrier and by special messenger is at most a question of a few hours only, while at the smaller towns and in the country where mail matter must be called for, it might lie undelivered for days or even weeks. The certainty of prompt delivery at such places, in cases of urgency, would undoubtedly contribute greatly to the use of the mails. Under the present working of the system the uncertainty as to what post-offices are special-delivery offices, and the necessity of consulting a list, which may not be conveniently at hand, doubtless operates to prevent the use of special-delivery stamps in many cases in which the system would be patronized if it were known to prevail at all post-offices.

I am fully convinced that the chief value of the special-delivery sys-

tem depends upon its general application, and the committee urgently recommend that authority be given to the Postmaster-General to extend the privilege of immediate delivery to all post-offices.

FEES FOR THE SERVICE.

It is not believed that any serious obstacles will occur to prevent the execution of the system under its proposed extension. It will be necessary, however, to modify existing legislation with regard to the method of applying the fees allowed for special-delivery service. The amount of business at other than the principal offices would not of course justify the employment of messengers whose time was required exclusively in connection with that service. If, however, the postmaster is given the commissions authorized by law and held responsible for the work, he will doubtless be able to secure its performance with reasonable promptness and safety. He might do the work himself or intrust it to his clerk or other reputable person who may be conveniently at hand, under such restrictions as may be imposed by the Postmaster-General. In many of the third and fourth class offices the time of the clerks is only partially occupied, and in their intervals of leisure they would gladly perform special-messenger service, if, in addition to their regular compensation, they could be paid the commissions allowed the messengers for the work.

At the largest post-offices there has been so far no difficulty in providing suitable messengers in sufficient force to do the required work with reasonable promptness and efficiency, but at many of the smaller of the present special-delivery offices, constituting probably a majority of the whole number, the business has not been found sufficient to maintain messengers in regular employment. Under the law neither a postmaster at such an office, nor any of his clerks, can be paid anything additional on account of special-delivery service; so that where a regular messenger can not be procured, there is either a failure to make prompt delivery of letters arriving at the office or there is a hardship imposed upon the employé who is called upon to perform that service. It is evident that unless the proposed change be made in the method of compensating for the service it will be necessary to abandon the system at all other than the large offices, where the amount of business transacted will justify the employment of a regular messenger force, and hence the provision for granting the fees to the postmaster and making him responsible for conducting the work, and allowing postmasters of the third and fourth classes to use their clerks for this service.

FREE-DELIVERY OFFICES.

The free-delivery offices are in the discretion of the Postmaster-General excepted from the operations of the proviso allowing postmasters 80 per cent. of the face value of the special-delivery stamps received and recorded at their offices, because the committee believe that the Postmaster-General should have the authority to make contracts with individuals or with companies properly organized for the work, and under appropriate safeguards and regulations to have all special-delivery matter arriving at said offices immediately delivered at any price less than 8 cents per piece—the price allowed by law to the messengers—if he shall deem such contracts expedient.

The committee think, from propositions which they are informed have been made to the Post-Office Department for the performance of this service by local telegraph or messenger companies in several of the larger cities, that there will be no difficulty in making contracts for the service in question which will secure quite as reliable service as the Department could otherwise provide, and at considerably less cost.

HOURS FOR CLOSING.

A defect in the present system, which is the occasion of unnecessary hardship, and which is sought to be remedied by section 2 of the bill, is the requirement to make immediate delivery at all special-delivery offices up to midnight of each day. As the law is construed to comprehend the immediate delivery of local letters as well as letters arriving from other post-offices, the special-delivery offices are required to be kept open until the hour named, and in many cases long after the arrival of the last mail, upon the chance that a local letter may be deposited for immediate delivery. Reports received at the Post-Office Department from postmasters show that the number of local special-delivery letters deposited after the close of business hours at most of the special-delivery offices is very trifling; so that, without any serious inconvenience to the public, the privilege of immediate delivery at a majority of the offices might be restricted to business hours, or, say, from 7 a. m. to the time when the last mail arrives before midnight. As the time of arrival of such mail varies at different offices, the establishment of the hours of delivery could properly be prescribed by the Postmaster-General.

With the modifications suggested, the committee believe that a wide field of usefulness will be opened up for the special-delivery system, and therefore recommend the passage of the amendatory act.

CONCLUSION.

Mr. Speaker, in conclusion, I will briefly summarize the changes as proposed in the pending bill.

The present law requires all special-delivery offices to be kept open until midnight; this bill proposes to repeal that law and leave the matter to departmental regulations.

The present law prohibits the employment of clerks for this service at all post-offices; this bill allows the postmasters at third and fourth class offices to use their clerks and assistants.

The present law allows all messengers 8 cents on each package received and delivered; this bill makes the postmasters responsible for the delivery of packages bearing special stamps and allows them 80 per cent. of their face value; it further authorizes the Postmaster-General to contract with individuals or companies for the service in large cities, if in his discretion he deems it advisable, for a less sum than 80 per cent. of their face value.

The present law restricts the service to all free-delivery offices and cities having a population of 4,000 or over; this bill extends its benefits to all post-offices in the United States, in the discretion of the Postmaster-General.

The present law restricts the privilege of the service to letters, or, as construed, to mail matter of the first class; this bill extends the benefits of the service to all classes of mail matter.

The amendatory act has the hearty support of the Postmaster-General and his Third Assistant, and I may also add, the approval of every member of the Committee on Post-Offices and Post-Roads. The bill not only provides for this service without cost to the Government, but under its provisions 20 per cent. of the gross receipts go into the Treasury as a net profit to assist in defraying the expenses of the Post-office Department.

[Here the hammer fell.]

The question was taken, and more than two-thirds having voted in the affirmative, the motion was agreed to.

So the rules were suspended and the bill was passed.

LEAVE TO PRINT.

Mr. DOCKERY. Mr. Speaker, some members of the committee desire to submit remarks upon this bill, and on their behalf I ask that they may have leave to do so.

There was no objection, and it was so ordered.

CHEROKEE RESERVATION, ARKANSAS.

Mr. McRAE. Mr. Speaker, I am directed by the Committee on Public Lands to move to suspend the rules and take from the House Calendar the bill (H. R. 138) to provide for the sale of the Cherokee reservation in the State of Arkansas.

The SPEAKER. The bill will be read, after which the Chair will ask for a second.

The bill was read, as follows:

Be it enacted, &c., That the lands known as the old Cherokee reservation, in townships 7 and 8 north, of range 21 west of the fifth principal meridian, in the State of Arkansas, be, and are hereby, placed under the control of the General Land Office, to be sold and disposed of in the same manner and under the same regulations as other public lands of the United States, except as hereinafter provided.

SEC. 2. That such homestead and pre-emption entries as have been made, under instructions from the General Land Office, upon the odd-numbered sections of said reservation, as shall appear to be in all respects fair and regular, except as to time of sale, are hereby confirmed, and patents shall be issued thereon as in other cases.

SEC. 3. That all actual settlers, and settlers upon adjoining lands, who are duly qualified to make entries under the homestead laws of the United States, and who settled upon or improved either odd or even numbered sections of said reservation at any time prior to the date of this act, and are now residing thereon, or cultivating the same and residing upon adjoining lands, shall be entitled to a preference right of entry under said laws, not to exceed 160 acres, including the tract on which they reside, if residing on adjoining lands, with credit for actual settlement and residence or cultivation heretofore made in computing the time necessary to perfect title; but in no case shall actual settlers on adjoining lands be permitted to abandon any part of their claims upon which settlements have been made to secure a larger or increased amount of the reservation: *Provided*, That all such parties shall file their applications under the homestead laws within three months from date of receipt by the local land officers of instructions under this act from the Commissioner of the General Land Office and make proof and payment as in other cases.

The SPEAKER. Is a second demanded? If not, the question is on the motion of the gentleman from Arkansas.

The motion was agreed to; and two-thirds having voted in the affirmative, the rules were suspended, and the bill was passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed the bill (S. 103) making an appropriation for the purchase of ground and the erection thereon in the city of Washington of a building to be used as a hall of records; in which the concurrence of the House was requested.

BUSINESS OF COMMITTEE ON INDIAN AFFAIRS.

Mr. WELLBORN. By instruction of the Committee on Indian Affairs, I move to suspend the rules and adopt the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That Thursday, the 27th day of May, and Saturday, the 29th day of May, after the morning hour, for the consideration of bills reported from committees, be set apart for such business as may be presented or indicated by the Committee on Indian Affairs; this order not to interfere with revenue or general appropriation bills, or prior orders of the House, or bills reported by the Committee on Public Lands.

The SPEAKER. If there be no objection a second will be considered as ordered on the motion to suspend the rules. The Chair hears no objection. Under the rules thirty minutes are now allowed for de-

bate, fifteen minutes in favor of and fifteen minutes against the resolution.

Mr. HOLMAN. I suggest that the gentleman from Texas [Mr. WELLBORN] indicate the character of the bills which the committee propose to bring forward.

Mr. WELLBORN. There have been reported to the House by this committee three classes of measures, which to my mind are matters not of local interest but of general concern. First, there is a bill providing for the allotment of Indian lands in severalty. In the next place, there has been reported to the House a bill providing for opening a part of the Great Sioux reservation in Dakota. In the third place, there are a number of bills—one general bill and some of a special character—granting rights of way under certain circumstances across the Indian Territory. While of course I have no authority to indicate what measures the Committee on Indian Affairs will call up, I state my own personal judgment when I say that the measures I have enumerated, and probably in the order in which they have been stated, will be presented for the consideration of the House.

The SPEAKER. If no further debate be desired, the question will be taken on the motion of the gentleman from Texas to suspend the rules and adopt the resolution.

The motion was agreed to, two-thirds voting in favor thereof.

BUSINESS OF COMMITTEE ON THE TERRITORIES.

Mr. HILL. I am instructed by the Committee on the Territories to move to suspend the rules and adopt the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That Saturday, May 1, and Saturday, May 8, 1886, be set apart, after the morning hour, for the consideration of such business as may be reported and called up by the Committee on the Territories, not to interfere with general appropriation bills, revenue bills, or bills reported from the Committee on Public Lands; but this order shall be continued from day to day until two days have been occupied.

Mr. RANDALL. I suppose under this resolution it is intended to bring up bills now on the Calendar. Does the resolution so state?

The SPEAKER. The Clerk will read the resolution again.

The Clerk again read the resolution.

Mr. RANDALL. I would like to have that resolution amended or modified so as to confine it to reports now on the Calendar from the Committee on the Territories.

The SPEAKER. The resolution is not subject to amendment; but the gentleman from Ohio [Mr. HILL] has the right to modify it.

Mr. BLAND. Under this resolution will the bills for the admission of Dakota and Washington Territories into the Union be called up?

Mr. HILL. If it be in order, I will state for the information of the House——

The SPEAKER. If there be no objection a second will be considered as ordered. The Chair hears none. The gentleman from Ohio [Mr. HILL] is now entitled to fifteen minutes; and fifteen minutes, if desired, will be allowed in opposition to the resolution.

Mr. HILL. Mr. Speaker, there are on the Calendar a number of bills from the Committee on the Territories. They are all of a local nature, except one, which provides for the organization of the Territory of Oklahoma; and from the character of that bill I am satisfied that it and the bills already on the Calendar will require far more time than the committee ask for in this resolution. I propose hereafter to ask for further time for other business to be reported from the Committee on Territories, but I do not make that request now.

Mr. RANDALL. I suggest to the gentleman from Ohio that he modify the resolution so as to include merely what it really means according to the statement he has just made.

A MEMBER (to Mr. HILL). Insert the words "heretofore reported."

Mr. HILL. I have no objection to that, except that there are two or three bills of a local and non-partisan character which we hope to report next week—bills which do not concern the admission of any Territory into the Union as a State; and I am sure the gentleman from Pennsylvania would have no objection to the consideration of those bills if he knew what they are.

Mr. RANDALL. I do not object to any bill in particular; I object to the loose manner in which the resolution is worded. If the gentleman will modify it so as to include only bills now on the Calendar, I shall have no objection to it.

Mr. SPRINGER. I desire to state to the gentleman from Pennsylvania and the House that the Committee on the Territories, having jurisdiction of legislation pertaining to eight Territories of the Union, legislation in which perhaps as many as two million people are interested, has not yet had an opportunity to present more than one bill for the consideration of this House—the bill which related to the annexation of the Pan Handle of Idaho to the Territory of Washington. There are many questions of interest to the people of the Territories which ought to receive at once the attention of Congress. The fact that we have so long neglected these great interests of our Territories is certainly to be regretted, and further delay ought not to be tolerated if it can be avoided. We ask, therefore, that some time be set apart when this House can give due consideration to these vast interests; and I assure the gentleman from Pennsylvania that the bill to which he refers perhaps will not be called up under this particular order. There are enough bills ahead of it to occupy the whole time which this resolution proposes to give us.

Mr. RANDALL. I have not referred to any particular bill.

Mr. RYAN. I desire to ask this question——

Mr. SPRINGER. I know he did not mention any.

Mr. RYAN. What bills do you refer to as those you will not call up?

Mr. HILL. I refer to the bill for the admission of Dakota as a State into the Union, as that bill has not been considered in committee with a view to final action. We are still considering it, and we will not be able to report the measure in time to have that bill considered under this order. We have business ready from that committee—more than enough to consume all the time allowed under this order.

Mr. WEAVER, of Iowa. Does this embrace Oklahoma?

Mr. HILL. It does; and the chief desire is to reach that important question.

The SPEAKER. The resolution has been modified to the 1st and 8th of May, covering those two Saturdays after the morning hour.

Mr. HILL. If we properly consider Oklahoma and other bills on the Calendar there will be no time for anything else.

Mr. RANDALL. Let it be confined to that, then.

Mr. HILL. I am perfectly willing to confine it to those bills, unless by unanimous consent there should be some request made as to matters of detail about which there would be no objection.

Mr. WEAVER, of Iowa. Let the order so read.

Mr. HILL. Rather than have the resolution fail, I agree to the amendments which have been suggested.

Mr. RANDALL. It is to embrace only those bills now upon the Calendar to which the gentleman has referred.

Mr. MORRISON. That is the understanding; only those bills now on the Calendar.

Mr. HILL. And also those which may be taken up by unanimous consent.

Mr. RANDALL. Unanimous consent can take care of itself.

Mr. SPRINGER. All right, then.

Mr. BURROWS. Why does the gentleman from Pennsylvania insist upon the restriction?

Mr. RANDALL. Because I wish to be aware now of the legislation which the committee mean to present under the suspension of the rules for the consideration of the House. I am always candid and frank. The gentleman from Michigan knows how I stand as to Dakota, because he and I contended over that a good many years ago.

Mr. BURROWS. I think I remember it.

The SPEAKER. Is there objection to the modification?

Mr. BURROWS. Yes; I object to the modification.

Mr. RANDALL. I hope the gentleman from Michigan will withdraw his objection.

Mr. HILL. I hope the gentleman from Michigan will withdraw his objection. He will simply delay the consideration of the Dakota question by delaying the consideration of all this other business. These bills have to be disposed of, and they ought to be disposed of at once.

Mr. BURROWS. Will the gentleman say there is no probability a bill for the admission of Dakota will be reported at that time and be ready for action?

Mr. HILL. I do not say so; I am not disposed to smother any bill before that committee, but if you delay the committee in the work they have already on the Calendar you necessarily delay everything else.

Mr. RANDALL. There is no disposition to delay the gentleman in considering the business of that committee so far as I am concerned.

Mr. BURROWS. I think I will withdraw my objection. I wished to find out the feeling of the House on the subject.

The SPEAKER. The Clerk will report the resolution as it has been modified.

The Clerk read as follows:

Resolved, That Saturday, May 1, and Saturday, May 8, A. D., 1886, be set apart, after the morning hour, for the consideration of such business now on the Calendar as may be called up by the Committee on the Territories, not to interfere with general appropriation bills, revenue bills, or bills reported from the Committee on the Public Lands; but this order shall be continued from day to day until two days have been occupied.

The rules were suspended and the resolution adopted (two-thirds voting in favor thereof).

ILLINOIS AND MISSISSIPPI RIVER CANAL, ETC.

Mr. MURPHY. I am directed by the Committee on Railways and Canals to move to suspend the rules and offer the following resolution.

The Clerk read as follows:

Resolved, That Thursday, May 6, after the reading of the Journal, be set apart for the consideration in the House, as in the Committee of the Whole House on the state of the Union, House bill 5869, to provide for the acceptance by the United States of the proposed grant of the Illinois and Michigan Canal, and all its appurtenances, from the State of Illinois, and for the construction of the Illinois and Mississippi River Canal, and if said bill shall not be disposed of on that day, this shall be a continuing order until said bill is disposed of; this order not to interfere with the consideration of revenue and general appropriation bills and all prior special orders.

The SPEAKER. Is there a second demanded of the motion to suspend the rules?

Mr. BROWNE, of Indiana, and Mr. HOLMAN demanded a second.

Mr. BROWNE, of Indiana, and Mr. MURPHY were appointed as tellers.

Mr. MURPHY. I ask a second be considered as ordered.

The SPEAKER. Is there objection?

Mr. HOLMAN, Mr. HATCH, and Mr. RANDALL objected.

The House divided, and there were—ayes 111, noes 57.

So the motion to suspend the rules was seconded.

The SPEAKER. Under the rule thirty minutes are allowed for debate; fifteen for and fifteen against it. The gentleman from Iowa [Mr. WEAVER] will be recognized to control the time in support of the motion.

Mr. MURPHY. Mr. Speaker, I do not believe I desire to occupy the time of the House after the vote we have already taken, because I am satisfied there is a disposition on the part of the House to give us a fair hearing, and that is all we ask. I only ask for a brief moment while I relate a fact which all will acknowledge as soon as stated, and that is, we have sat in that Committee on Railways and Canals for the last three years and considered this matter, and this is the third time it has been reported to the House, and in addition I simply ask in all candor and fairness whether we are not entitled at least to have an opportunity to present our case, and if upon presentation it appears we have no case, then let gentlemen on this floor vote as they think proper.

But that committee, composed as it is, sitting there week after week, as it has done, and presenting unanimous reports to this House, I say is not receiving that justice to which its labor is entitled if it shall be refused even the privilege of a hearing.

Sir, I desire to call attention to the fact that there has been no improvement which has received such a general indorsement as has the construction of this canal, and the facts justify me in that statement. I do not deem it necessary to occupy any further time, and will listen to what can be said on the other side, reserving my time.

The SPEAKER. The gentleman has thirteen minutes of his time remaining.

Mr. BROWNE, of Indiana. Mr. Speaker, if the House intends to inaugurate this system of internal improvements at the national expense, it can do no better than to set down a hearing for the project known as the Hennepin Canal. I have objected to the consideration of this measure because I believe it ought not to pass, and not because I have the slightest objection to the fullest, freest possible consideration of the project.

But this House does not need to be informed in that regard; we have heard it frequently during the last three or four sessions——

Mr. MURPHY. Will the gentleman allow me to interrupt him for a question?

Mr. BROWNE, of Indiana. All of the necessities of the case have been presented in the most elaborate speeches by the gentleman from Iowa [Mr. MURPHY] and others. I apprehend that there is not one provision even of the minutest detail with which the members of this House are not fully informed, at least those of them who feel any interest whatever in the matter.

Now, Mr. Speaker, the summer is fast coming on, and business of importance is on our Calendars which ought to be taken up and considered before the final adjournment. I am, therefore, opposed to wasting the time of the House in the consideration of a measure that cannot by any possibility pass; a measure that inaugurates a system that would lead to the most prodigal extravagance, the inauguration of a class of legislation that is in the face of the Constitution, if the Constitution means anything. I have sometimes doubted, indeed, whether it had any meaning that could be interposed between legislation and the national Treasury. Whenever we want money, it seems as if we can find some provision of the Constitution under which it may be taken.

Mr. HATCH. Will the gentleman from Indiana yield to me for a few minutes?

Mr. BROWNE, of Indiana. I will, with pleasure. How much time does the gentleman want?

Mr. HATCH. Only a few minutes.

The SPEAKER. The gentleman from Indiana has twelve minutes of his time remaining.

Mr. BROWNE, of Indiana. I yield four minutes to the gentleman from Missouri [Mr. HATCH].

Mr. HATCH. Mr. Speaker, I desire to call the attention of the House to the provision of this resolution, providing this bill, now in Committee of the Whole, and which I regard as the most important measure in many respects to come before this Congress, shall be taken out of the Committee of the Whole and considered in the House, where the friends of the measure can demand the previous question upon it at any stage of its discussion. Three several times within the last ten days the gentleman from Iowa [Mr. MURPHY] has attempted by unanimous consent to get this resolution through the House taking this bill out of the Committee of the Whole and to have it considered in the House, where the previous question will cut off all discussion. And what is it?

The bill is a new departure for this Congress, inaugurating as it does a system of internal improvement which, in my judgment, in its ultimate consequences will involve an expenditure of $100,000,000, and with no more merit than is possessed by a dozen or so different canal bills that will be pressed upon us and upon future Congresses if this passes. The whole object of this resolution is clear. It is not the consideration of the Hennepin Canal bill, but the object is that bill shall be taken out of the Committee of the Whole, brought into the House, and passed under the previous question. If two-thirds of the members on this floor are to-day willing to relinquish their rights and the rights of their people in that regard they will do so with full knowledge of the facts before them. If we pass this resolution it is the last fair consideration of that bill. It is simply a gag. We will tie our hands and enslave this Congress, so far as it can be done, by passing a bill like this under the whip and spur of the previous question.

I say to you, gentlemen, just as earnestly as I have ever opposed any proposition in this House in my life, that I believe this is the most dangerous bill introduced into any of the four Congresses in which I have had the honor to sit upon this floor. Are you simply going to pass the Hennepin Canal bill? Is there only one canal project in the United States that has merit in it? Will you refuse to connect the waters of the Ohio and the mouth of the Savannah River? Will you refuse an appropriation to the Delaware and Lackawanna Canal? Will you decline to appropriate money to build scores of canals and pass scores of bills that have been pending before Congress for the last twenty-five years?

[Here the hammer fell.]

Mr. BROWNE, of Indiana. I yield the remainder of my time to the gentleman from Tennessee Mr. [McMILLIN].

Mr. McMILLIN. I shall only occupy a portion of the time, Mr. Speaker, for the purpose of saying that I heartily concur in what the gentleman from Missouri [Mr. HATCH] has said concerning the effect of the passage of the resolution on the future consideration of the bill, and in what both gentlemen who have spoken have said as to its effect on future legislation and the country.

What is the condition of the Treasury and of the country to-day? There are a number of your harbors all around this country that can not be entered because of the sands that have washed into them from the rivers of the continent. The amount that could be appropriated for river and harbor and canal purposes is limited, and hence if you increase the number of canals that are to share in this appropriation you to that extent destroy the legitimate work and the necessary work of cleaning out the harbors by which the country is approached. Are gentlemen ready to do it?

We have all seen the different appropriation bills for the purpose of constructing water ways come before Congress, and we have seen one Congress die, and the party which went out a majority return a minority as much because of appropriating $18,000,000 for that purpose as anything else. I am in favor of legitimate river and harbor improvements. I have favored them all along the line. I oppose this because I do not believe it is wise policy to abandon the channels that the Great Architect of the universe made and go out to make channels that He did not see fit to make for commerce.

I concur in what the gentleman from Missouri has said concerning what will be the result upon this House. You tie your hands, and whenever a majority of the House sees fit to gag the balance it can do it under the resolution. If this new policy of appropriations is to be entered upon, if this new method of expending the public money, this new method of getting into the Treasury, this new method of laying the foundation of new taxes is to be entered upon, why not do it as is required in the case of other bills? Why not approach this object under the rules of the House? Why not consider this bill in the House in place of in Committee of the Whole?

I do not believe this proposition is wise. Whatever the future may require we may trust confidently that future generations will be able to give. But to-day the necessities for this measure in our present tax-ridden condition are not sufficient to justify the Representatives of the people in entering upon a system of appropriations that are not limited by the Hennepin Canal, that are not limited by five millions, that are not limited by ten millions, nor by twenty millions, nor even by fifty millions, but that means the construction of canals all over the country to be controlled by the Government and to demand new officers and new appropriations annually.

I oppose the resolution fixing a day for consideration because I do not believe the bill ought to be passed. I believe there are other more important measures before this Congress. There are over a hundred million of acres of public land that ought to be reclaimed for the people. Shall we set aside that work, that can only be done now, and that must be done soon if ever done, and go into one of most doubtful expediency? For one I protest we should not. I yield what time is left to the gentleman from Georgia [Mr. HAMMOND].

Mr. HAMMOND. I only desire to say that this bill has had its usual two hours under the rule and has gone to the Calendar. It is the second bill on that Calendar. The first bill on the Calendar is one to pay a debt long due to the State of Georgia, and which has had the unanimous report of two if not more Judiciary Committees of the House of Representatives. I am not willing, if I had no other objection to this bill, to give it the precedence over that one. I think its friends should let it stay on the Calendar and help me to get up the Georgia case and dispose of it first. I yield to the gentleman from Virginia [Mr. TUCKER].

Mr. TUCKER. I shall oppose the proposition to consider this bill,

because I am irreconcilably opposed to its passage. If this bill passes it will open a new chapter in the history of appropriations in this House for this class of expenditures.

The Constitution as it was adopted was proposed to be amended in the Federal convention by giving the express power to dig canals where considered necessary. That power was expressly forbidden by a vote of three States in its favor and seven in opposition.

This Hennepin Canal is not only not an improvement between States, but it is an improvement exclusively within one State. If you have a right to dig a canal in Illinois, you have a right to dig a canal in another State which does not go beyond the boundaries of the State; and if to dig a canal, you have the right to build a railroad. So that if this bill passes it is the opening of a new chapter of appropriations for all internal improvements inside of a State which can have what my friend from Iowa [Mr. MURPHY] calls any national benefit. My doctrine is *obsta principiis*. I oppose the beginning of this thing.

Mr. MURPHY. How do you justify the canals already constructed by the Government?

Mr. TUCKER. The canals that have already been constructed have been in furtherance of a natural avenue of commerce between States. If the Government has done anything else it has done what I believe to be wrong, and I will not follow that precedent.

As I said the other day in reference to another matter, I hope that if there is any such precedent it will have no progeny, and this would be a progeny that would be very fruitful of future ills to this country. I shall oppose it in the beginning and in the end.

The SPEAKER. The gentleman from Iowa [Mr. MURPHY] has thirteen minutes of his time remaining.

Mr. MURPHY. I yield ten minutes to the gentleman from Illinois [Mr. HENDERSON].

Mr. HENDERSON, of Illinois. Mr. Speaker, if what my friend from Indiana [Mr. BROWNE] says be correct, then I would like to know what force is to be given to the objection made by my friend from Missouri [Mr. HATCH]. The one says this question has been fully discussed, and that every detail of it is understood by the members of this House. If that be so, what is there to hinder us from coming to a vote directly on the proposition without any further discussion?

Mr. Speaker, I have not time in the ten minutes allowed me to meet the objections that have been raised by the gentleman from Missouri [Mr. HATCH], supplemented by the objections of the gentleman from Virginia and others. Ten minutes will not do for a constitutional argument, but I will make one answer to the gentleman from Virginia [Mr. TUCKER], who says that the constitutional convention expressly refused to include in the Constitution the power to construct canals. That statement has been made before, and a gentleman as distinguished in the annals of our statesmanship as any other in our history has said that it was not well authenticated.

And the same distinguished gentleman said further that even admitting there was an attempt in the constitutional convention to include this power in the Constitution and it failed, that that was no argument against the power, because the power might have been considered as already included in the Constitution. That was the view taken by Henry Clay when a member of this House in the year, I believe, in which I was born. Mr. Speaker, every objection which we hear urged against this measure on constitutional grounds has been urged against the improvement of every river and of every harbor in the United States in days that are gone by. If you will go to President Polk's veto message of the river and harbor bill in, I think, 1848, to General Jackson's veto of the Maysville road bill, or to any other of the messages of Presidents of the United States vetoing internal-improvement bills, you will find that the same objections which are urged here as constitutional objections against this bill and bills of this class have been urged against the improvement of rivers and harbors, and if good, to be consistent, we should vote against the improvement of all rivers or harbors in the United United States; and I want to make the assertion here and now, that if there is any power in the Constitution under which Congress can improve a river or a harbor it is in my opinion under that provision of the Constitution which confers upon Congress the power to regulate commerce between the States and with foreign nations and the Indian tribes.

That is the provision under which we have improved the Mississippi River and all the other rivers and harbors of the country, although Mr. Calhoun, when president of the river convention at Memphis in 1845, expressed the opinion that Congress might improve the Mississippi on the ground that it was a great inland sea. But, sir, all those ideas have been exploded long since. They have been exploded by the action of Congress, and we have the very best authority for saying that the power under the Constitution is full and complete in Congress to authorize the construction of a canal, if it facilitates commerce or regulates commerce between the States and with foreign nations by facilitating it, as it is to improve a river. But the gentleman from Missouri [Mr. HATCH] complains that the friends of this bill seek to consider it in the House as in Committee of the Whole. What is the objection to that? What is the objection to it, Mr. Speaker? We propose to consider this bill as we often in the House consider other bills, and if, as the gentleman from Indiana [Mr. BROWNE] states, we have taken up so much time in the discussion of this bill and the House so well understands it, then we ought to be permitted to come to a vote upon it and settle the question one way or the other, and that is what we ask to-day.

Mr. BROWNE, of Indiana. That is what we propose to do.

Mr. HENDERSON, of Illinois. Give the friends of this measure an opportunity to consider it on the floor of the House. Give us an opportunity to meet all your objections, whether constitutional or otherwise; for I think they can be successfully met. At any rate, give to the people who are interested in this great internal improvement—and I declare here that there is none greater presented for your consideration, in my opinion—give them an opportunity to be heard; give us an opportunity to present our reasons for the passage of this bill. Do not stop to consider that one hundred millions or five hundred millions may be expended in other directions. That kind of argument would defeat every bill which appropriates a dollar from the Treasury. If this bill has merit in it, let it stand or fall upon its own merits.

The argument made by the gentleman from Missouri [Mr. HATCH] would prevent the improvement of the Mississippi River, which runs by his own city, as effectually as it would prevent the construction of this canal. I appeal to members of this House, if there is a disposition to be fair, if there is a disposition to give the people interested in this national enterprise any sort of a hearing upon this floor—I ask that you will give us an opportunity to consider this bill, and then vote as your judgment and your consciences dictate. I say to members of this House that in my opinion this is a meritorious measure. It is a measure in which more than one-tenth of the people of this entire country, as I believe, are deeply interested; it is a measure in which millions of the commerce of this country are interested. I do not care if the canal is wholly in the State of Illinois, the wheat and other products that will pass over it will go from Minnesota and from the entire Northwest to Boston and to New York, and the construction of this canal would benefit the people of Minnesota and Iowa and the people of New York and Massachusetts, and I may say of all New England, if it would benefit anybody. Illinois, where the canal would be located if constructed, would not be any more interested in or benefited by its construction than many, very many, other States.

This canal would put the people of the city of New York and of the Atlantic seaboard in direct communication by a line of water transportation with the people at the head of navigation on the Mississippi River; and if this is not an important work, in which people outside of the State of Illinois are interested, I do not know what can be such a work. All I ask is that this House shall show a disposition to be fair and just to the people of this country in the consideration of public measures, and that we shall have a fair opportunity, as well as other parts of the country interested in improvements, to be heard.

My friend from Tennessee [Mr. MCMILLIN] does not stop to consider the danger of improving the Cumberland River by locks and dams. He has never stopped to consider the danger of improving the Tennessee River by the construction of a canal at a cost of four or five millions of dollars; nor has the House stopped to consider objections to other measures of this character, even when they were far less meritorious.

But, Mr. Speaker, I have said more than I intended to say, and will close by again appealing to members of the House for a fair hearing. If I have any time left I yield it to the gentleman from Iowa [Mr. HEPBURN].

The SPEAKER. There is one minute of the gentleman's ten minutes remaining.

Mr. NEECE. I would like to occupy two minutes.

The SPEAKER. There are four minutes remaining of the time in favor of the resolution.

Mr. MURPHY. Mr. Speaker, if I have any knowledge of the object of internal improvements, they are for the purpose of facilitating the commerce of the country, so that it may be carried at the cheapest possible rate. Now will any gentleman on this floor deny the proposition that all internal improvements, no matter of what kind or character, are in the interest of commerce and are made for that purpose and that alone? And will it be denied that water transportation is cheaper than transportation by rail or any other means?

We all know that this question of interstate commerce has been agitated on the floors of Congress and before the people by resolution upon resolution, the purpose of such legislation being simply to exercise some control over the charges for railroad transportation, which can only be effectually done by improving our means of water transportation, removing bars that obstruct navigation, connecting this water way with that water way, thus giving continuous water connection from the far interior to the seaboard.

When my friend from Missouri [Mr. HATCH] states with an earnestness that is characteristic of him that this work will cost $100,000,000, he simply makes an open confession that he at least, if no other member on this floor, ought to have an opportunity to give thought and consideration to this subject; for I do know that if he would take the report of the civil engineers he would find that this canal would not cost for deepening and enlarging the old channel and constructing the new more than $9,000,000, and it seems to me there is considerable difference between $9,000,000 and $100,000,000.

Mr. HATCH. I suppose the gentleman would not purposely misrepresent me. Did he understand me to say that this canal would cost $100,000,000?

Mr. MURPHY. I so understood the gentleman.

Mr. HATCH. Did the gentleman understand me as saying that the Hennepin Canal would cost $100,000,000?

Mr. MURPHY. Yes, sir; I so understood the gentleman.

Mr. HATCH. I did not say any such thing; but in my opinion it would lead to an expenditure of not only $100,000,000 but $500,000,000.

Mr. MURPHY. There it is again! The gentleman has got off on the same extravagant line of thought.

Mr. NEECE. I would like to ask——

Mr. MURPHY. I have not time to yield.

Mr. Speaker, I do know that while this canal, according to the report of the engineers, will cost about $9,000,000, it can be demonstrated, if I have an opportunity, that its construction will save to the producers of the West and the consumers of the East over $30,000,000 per annum. Furthermore, it will give to the Knights of Labor, whose interests we are all seeking to promote and harmonize, some bread and meat, in consideration of labor, for the poor and the needy. That is what it will do.

The SPEAKER. The gentleman's time has expired. The question is on the motion to suspend the rules and adopt the resolution of the gentleman from Iowa [Mr. MURPHY].

Mr. HOLMAN. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 114, nays 102, not voting 107; as follows:

YEAS—114.

Anderson, J. A.	Foran,	Miller,	Scranton,
Baker,	Frederick,	Milliken,	Skinner,
Barry,	Fuller,	Mills,	Smalls,
Bayne,	Funston,	Mitchell,	Spooner,
Boutelle,	Gallinger,	Morgan,	Springer,
Brown, C. E.	Gay,	Morrow,	Stephenson,
Brown, W. W.	Gilfillan,	Murphy,	Stewart, Charles
Bunnell,	Hall,	Neal,	St. Martin,
Burleigh,	Hanback,	Neece,	Stone, E. F.
Butterworth,	Haynes,	Negley,	Strait,
Campbell, J. M.	Henderson, D. B.	Nelson,	Struble,
Campbell, T. J.	Henderson, T. J.	O'Donnell,	Symes,
Cannon,	Hepburn,	O'Hara,	Tarsney,
Carleton,	Herman,	Osborne,	Taylor, Zach.
Caswell,	Hitt,	Owen,	Townshend,
Catchings,	Holmes,	Parker,	Van Eaton,
Comstock,	Hudd,	Peters,	Wade,
Conger,	Irion,	Perkins,	Wait,
Cooper,	Jackson,	Pettibone,	Wakefield,
Crain,	Johnston, J. T.	Pirce,	Weaver, J. B.
Cutcheon,	Jones, J. T.	Plumb,	Weber,
Dorsey,	Lindsley,	Price,	West,
Dougherty,	Lovering,	Reed, T. B.	Wheeler,
Dowdney,	Lyman,	Rice,	White, A. C.
Dunham,	Markham,	Rockwell,	White, Milo
Dunn,	Martin,	Romeis,	Willis,
Farquhar,	Maybury,	Rowell,	Worthington.
Felton,	McKenna,	Ryan,	
Fleeger,	McKinley,	Sawyer,	

NAYS—102.

Allen, J. M.	Daniel,	Hiestand,	Randall,
Anderson, C. M.	Dargan,	Hill,	Reagan,
Barksdale,	Davidson, R. H. M.	Holman,	Richardson,
Barnes,	Dawson,	Hutton,	Rogers,
Beach,	Dockery,	Johnston, T. D.	Sayers,
Belmont,	Ermentrout,	Jones, J. H.	Scott,
Bennett,	Everhart,	Ketcham,	Seymour,
Bland,	Fisher,	Laffoon,	Shaw,
Blount,	Forney,	La Follette,	Singleton,
Bound,	Geddes,	Lanham,	Sowden,
Bragg,	Gibson, Eustace	Lehlbach,	Spriggs,
Breckinridge, WC P.	Glass,	Little,	Steele,
Browne, T. M.	Glover,	Lore,	Stone, W. J., Ky.
Buck,	Green, R. S.	Lowry,	Stone, W. J., Mo.
Burnes,	Green, W. J.	Matson,	Swope,
Bynum,	Grosvenor,	McAdoo,	Thomas, O. B.
Cabell,	Guenther,	McComas,	Tillman,
Campbell, Felix	Halsell,	McCreary,	Trigg,
Candler,	Hammond,	McMillin,	Tucker,
Clements,	Harris,	McRae,	Viele,
Cobb,	Hatch,	Merriman,	Wilkins,
Collins,	Hayden,	O'Ferrall,	Wilson,
Cowles,	Henphill,	O'Neill, Charles	Winans,
Cox,	Henderson, J. S.	Outhwaite,	Wolford.
Croxton,	Herbert,	Perry,	
Curtin,	Hewitt,	Pindar,	

NOT VOTING—107.

Adams, G. E.	Buchanan,	Eldredge,	Hopkins,
Adams, J. J.	Burrows,	Elsberry,	Houk,
Aiken,	Caldwell,	Ely,	Howard,
Allen, C. H.	Campbell, J. E.	Evans,	James,
Arnot,	Clardy,	Findlay,	Johnson, F. A.
Atkinson,	Cole,	Ford,	Kelley,
Ballentine,	Compton,	Gibson, C. H.	King,
Barbour,	Crisp,	Goff,	Kleiner,
Bingham,	Culberson,	Grout,	Laird,
Blanchard,	Davenport,	Hale,	Landes,
Bliss,	Davidson, A. C.	Harmer,	Lawler,
Boyle,	Davis,	Heard,	Le Fevre,
Brady,	Dibble,	Henley,	Libbey,
Breckinridge, C. R.	Dingley,	Hires,	Long,
Brumm,	Eden,	Hiscock,	Louttit,
Mahoney,	Phelps,	Stahlnecker,	Van Schaick,
Millard,	Pidcock,	Stewart, J. W.	Wadsworth,
Moffatt,	Pulitzer,	Storm,	Ward, J. H.
Morrill,	Ranney,	Swinburne,	Ward, T. B.
Morrison,	Reid, J. W.	Taulbee,	Warner, A. J.
Muller,	Reese,	Taylor, E. B.	Warner, William
Norwood,	Riggs,	Taylor, I. H.	Weaver, A. J.
Oates,	Robertson,	Taylor, J. M.	Wellborn,
O'Neill, J. J.	Sadler,	Thomas, J. R.	Whiting,
Payne,	Seney,	Thompson,	Wise,
Payson,	Sessions,	Throckmorton,	Woodburn.
Peel,	Snyder,	Turner,	

So the rules were not suspended, and the resolution was not adopted, two-thirds not having voted in favor thereof.

The following additional pairs were announced from the Clerk's desk:

Mr. MORRILL (who, if present, would vote "ay") with Mr. GROUT, (who would vote "no").

Mr. CAMPBELL, of Ohio, with Mr. KELLEY, for the rest of the day.

Mr. CALDWELL with Mr. BINGHAM, for the rest of the day.

Mr. WARNER, of Ohio, with Mr. ALLEN, for the rest of the day.

Mr. WARD with Mr. DAVENPORT, for the rest of the day.

Mr. ROBERTSON with Mr. ATKINSON, for the rest of the day.

Mr. MORRISON with Mr. BOYLE, on this vote.

The vote was then announced as above recorded,

Mr. RANDALL moved that the House do now adjourn.

The House divided; and there were—ayes 73, noes 97.

So the House refused to adjourn.

CAMPBELL VS. WEAVER.

Mr. PAYNE, by unanimous consent, presented the views of the minority of the Committee on Elections in the case of Campbell against Weaver; which were ordered to be printed with the report of the majority.

PUBLIC BUILDINGS.

Mr. DIBBLE. I am directed by the Committee on Public Buildings and Grounds to move to suspend the rules and adopt the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That Tuesday, May 4, 1886, after the hour for consideration of bills reported from committees, be fixed for the consideration of such bills as may be indicated by the Committee on Public Buildings and Grounds of the bills reported by said committee, and that this order shall continue from day to day until the bills so indicated shall have been disposed of by the House; not to interfere with revenue or general appropriation bills or prior special orders or the order in favor of the Committee on the Public Lands.

The SPEAKER. Is a second demanded?

Mr. MORRISON. I demand a second.

The SPEAKER appointed as tellers Mr. MORRISON and Mr. DIBBLE.

Mr. DIBBLE. I ask by unanimous consent the second be considered as ordered.

Mr. MORRISON. Oh, no; let us see how many we have.

The House divided; and the tellers reported—ayes 142, noes 44.

So the motion to suspend the rules was seconded.

The SPEAKER. Under the rules thirty minutes are allowed for debate; fifteen minutes in favor of the resolution and fifteen minutes in opposition to it.

The gentleman from South Carolina will be recognized to control the time in support of the motion, and the gentleman from Illinois, who demanded the second, the time in opposition to it.

Mr. DIBBLE. I will reserve the time in favor of the motion. I do not think there is any necessity for debate.

The SPEAKER. If no further time is to be taken up, the Chair will put the question to the House.

Mr. MORRISON. Mr. Speaker, I do not wish to delay the proceedings of the House further than to say these gentlemen immediately and locally interested understand each other. [Laughter.] We know from the beginning all these bills for the construction of public buildings embraced in the order, already reported or not, are to be passed when this order is made. To make the order is to pass the bills, because it is an omnibus. The friends of the meritorious will then need the help of such as have no merit, and to get it must help in return. In that way good measures will be made to help the bad.

Mr. RANDALL. I ask the gentleman from South Carolina what are the number of bills and the amount of money involved in them?

Mr. DIBBLE. The number of bills on the Calendar is thirty-seven, and the amount involved about $4,000,000. They include one-half Senate bills and one-half House bills.

Mr. OWEN. The average amount appropriated in the last seven or eight years has been nearly $7,000,000, and all we ask now is about $4,000,000. [Cries of "Vote!" "Vote!"]

Mr. BLOUNT. I ask the gentleman from Illinois to yield me the floor.

The SPEAKER. How much time does the gentleman from Illinois yield?

Mr. MORRISON. All he wants.

Mr. BLOUNT. Mr. Speaker, I think the House would do well to pause and consider the result of the adoption of this resolution. I know there is a general desire for the consideration of bills for public build-

ings at various places in the country, but I am also aware that the tendency to multiply them is increasing beyond the growth of any other expenditure, even that of the river and harbor bill itself.

I looked at the appropriation bill for 1878 to see the number provided for there and it was only nineteen. It continued to range about that point for quite a number of years until it received an impetus in the Forty-seventh Congress. Then there were a large number authorized to be constructed. In the Forty-eighth Congress there was a great struggle for the construction of public buildings. Seven or eight millions were authorized to be passed in addition to works then going on. Quite a number of statutes have passed in this House authorizing the construction of public buildings, and at one time the rage for these public building was so intense and reckless, I am informed, the Senate sent in one batch thirty-seven of them.

Mr. McMILLIN. There were two for every State as regularly as they came up.

Mr. BLOUNT. I suppose they are hereafter to come in the same way. Nevertheless, Mr. Speaker, we have in addition to these a notice from the chairman of the Committee on Public Buildings and Grounds that as the Calendar now stands we are to be invited to the consideration of $4,000,000 more of these buildings all around the country, and that many more will be on the Calendar by the time we shall reach the day fixed by this resolution. How many they can pass under this order, continuing as it does from day to day until they get tired or disgusted with the whole performance, no human being can tell. But I do know there has been a greater disposition to pass public building bills during this Congress than any I have ever known.

I do not see why the committee can not be content with the hour fixed by the rules for this purpose. Experience up to this time has disclosed the fact that we are able under the new rules to pass a great many bills of this character; and it does seem to me as if we were going to strike down all restraints, to throw open the door and pass building after building, involving expenditure after expenditure out of the Federal Treasury, without any discretion whatever. Where is it to end? If this had been a proposition to limit the number of bills to a reasonable sum, if we had any specific number upon which we are called to pass, it would be better; but we are to vote blindly on thirty now on the Calendar and all the balance that can be placed there from now until this resolution takes effect, never stopping until the whole subject has been exhausted or the Treasury has been exhausted.

Mr. Speaker, it is easy to rush forward and do this thing. The House has the power to throw open the door and let all of these bills go through; but there was a time in this House, through Congress after Congress, when a proposition of this kind could not be passed.

In the Forty-fourth Congress——

Mr. DIBBLE. Will you permit a question?

Mr. BLOUNT. Certainly.

Mr. DIBBLE. I want to know if that was before the Macon bill was passed. [Laughter.]

Mr. BLOUNT. I expected just that appeal. Is that a reasonable answer to the question, whether or not we shall go forward and pass bills erecting building after building; to lay aside important business and work day after day until we shall have given everybody, not only at Macon but everywhere else, all they want?

Mr. DIBBLE. It is to be presumed that the places are at least as meritorious as Macon.

Mr. BLOUNT. Ah! I am glad that my friend got all this in. I hope he is content, but I wish to say that the Macon building was never passed in this manner. There never was a House—even the last House of Representatives did not pursue any such order as this in connection with this business. It is furnishing a facility beyond anything in the past for getting such bills through. The Macon building took its chances as all buildings have done heretofore; and if the gentleman from South Carolina shall bring any inconsistency to my door, and if he shall prove that while appealing to others to do right I have not been willing to do so myself, I ask if the gentleman is satisfied that that answers the public demand and the public interests? If he thinks it will, he will find when this great array of public buildings shall have been brought forward for expenditure from the public Treasury there will be others away from here who will not readily accept his conclusions.

Mr. DIBBLE. I would like to ask another question.

Mr. BLOUNT. Certainly, all you want; but I only ask, when you come to refer to this question and take your own time, that you will tell this House whether a proposition to invite gentlemen to march forward to the Federal Treasury has ever been supported by any Congress heretofore? Now, ask anything you want.

Mr. DIBBLE. I would like to ask whether the gentleman voted for a proposition as broad as this in the last Congress?

Mr. BLOUNT. I did not.

Mr. MILLIKEN. Did not the gentleman from Georgia sustain just such a proposition?

Mr. BLOUNT. No, sir.

Mr. MILLIKEN. Did he not vote for just such a resolution in the Forty-eighth Congress?

Mr. BLOUNT. No, sir.

Mr. MILLIKEN. Did he raise his voice and vote against it or protest against it as loudly as he does now?

Mr. BLOUNT. There was no such proposition pending. They asked a day for the consideration of their bills, and that was the most they asked.

Mr. MILLIKIN. Was that resolution not just as broad and sweeping as this?

Mr. BLOUNT. No, sir.

Mr. McMILLIN. And let me remind the gentleman from Georgia, too, that even that order was broken down and could not be enforced, although it was not as radical by one-fourth as this is.

Mr. BLOUNT. It never was, and the proposition was different. You do not ask here for a day. You ask that all the legislation for this great country for every department of the Government shall be suspended and that you shall be allowed to go on and continue from day to day voting for every public building that anybody wants.

This House is too intelligent for my inconsistency, if there be inconsistency, to help these gentlemen forward with this scheme. I have regretted that it was necessary for me to say anything. I have not obstructed the wishes of gentlemen. There has been great liberality displayed in this regard. But when I heard this proposition, and when I remembered the declarations made by my party in favor of public economy, and when I remembered its antecedents, I was not willing to keep silent and perhaps to bring mockery on the professions we have made. The Democratic party has never obtained popular favor on any other idea so much as it has done from its regard for economy in public expenditures. That idea may be laughed at here, and oftentimes by some gentlemen it has been made a term of reproach. But it is not so when they go forth through the land bidding the people to approve of this or that action of their party. All of these gentlemen, however much they may have ridiculed economy in expenditures here, have gone to every hustings and proclaimed they were *par excellence* the guardians of the Treasury.

I have no objection to a reasonable consideration of these bills. I have no objection to the passing of the usual number, or if need be even of more than that. But I beg to say that at this time the force in the Treasury Department necessary to do the work is entirely inadequate. Even now if you get your plans, and commence the construction of the buildings you have on hand, you can make no progress, vote as many bills through as you please, until you have increased immensely the number of employés in the Architect's Office.

Mr. McMILLIN. Will the gentleman allow me to make a suggestion? This resolution is not confined to one day, to one week, or even to this session, but its operation may run to the 4th of next March.

Mr. BLOUNT. Certainly it may.

Mr. McMILLIN. There is no limit to it.

Mr. BLOUNT. I reserve the balance of my time.

Mr. DIBBLE. The gentleman from Georgia [Mr. BLOUNT] labors under a misapprehension as to the facts in relation to the order made in the last Congress. To save time I will read from the RECORD instead of sending it to the Clerk's desk.

Mr. STOCKSLAGER. I move to suspend the rules and pass the resolution which I send to the Clerk's desk.

The Clerk read as follows:

"*Resolved*, That Wednesday, April 2, 1884, be set apart for the consideration of such bills reported from the Committee on Public Buildings and Grounds and Senate bills upon the Speaker's table relating to the erection of public buildings as the committee shall designate, and that this special order continue from day to day until all such bills on the House Calendar and the Speaker's table shall have been considered and acted upon by the House, not to interfere with appropriation and revenue bills and special orders heretofore made."

Mr. LANHAM. Will the gentleman turn to the ay-and-no vote on that proposition?

Mr. DIBBLE. I find the question was taken by yeas and nays, and by some accident, I suppose, the name of the gentleman from Georgia [Mr. BLOUNT] is recorded in the affirmative. [Laughter.]

Mr. McMILLIN. Will my friend from South Carolina allow me to ask him a question?

Mr. DIBBLE. Yes, sir.

Mr. McMILLIN. The gentleman has quoted this as a precedent, and relies on it as an argument that this resolution of similar character should go through.

Mr. DIBBLE. Not at all; the gentleman misapprehends me.

Mr. McMILLIN. I ask him as a member of that Congress if it is not a fact that they attempted to enforce that resolution and were engaged for two days in enforcing it, and then it broke down of its own rottenness when only three bills had been reported from the Committee of the Whole and none had passed the House?

Mr. WHEELER. If that is the case it can not do much harm now.

Mr. McMILLIN. I hope it can not. But now is the time to prevent its harm by defeating its adoption.

Mr. DIBBLE. I will answer the gentleman from Tennessee. The House did take up the consideration of those bills and a small minority, just enough to call the yeas and nays in the House, filibustered on the passage of those bills, and after they had tired the House for two days the special order was abandoned.

Mr. HAMMOND. Will not the same thing occur again?

Mr. DIBBLE. No, sir. I give the House credit for better intelligence. After the lessons of the last days of the last Congress I believe this House will never consent that its business of this nature should not be considered in a business-like way. In the closing hours of the session, when every one is rushing to the floor, bill after bill for public buildings is passed without deliberation whether the case has been investigated or not. In the interest of public business being deliberately done I ask whether it is not better to devote two or three days—and I assure the House according to my estimate it will not consume more than two or three days at the furthest—whether it is not better to take up these propositions one by one and let them be thoroughly understood before being acted upon.

Is the House afraid of itself? Is the gentleman from Georgia afraid the House will run away with the Treasury on its back? Why, sir, look at the record of the last Congress. I have it here; every bill that was passed; every increase of limit that was made. We have reported four millions here for the consideration of this House. In the last Congress over six and a half millions—nearly seven millions—were passed in a manner entirely indefensible. Of that legislation $3,235,000 passed in appropriation bills, one of those appropriation bills passing without being read in the House, at the very close of the session.

Mr. HOLMES. Will the gentleman allow me to ask him a question?

Mr. DIBBLE. Yes, sir.

Mr. HOLMES. I understand the gentleman to make a comparison between the appropriations for public buildings in the last Congress and in this. Do I understand that these bills contain all the recommendations to be made by the Committee on Public Buildings and Grounds at this session?

Mr. DIBBLE. Not at all, sir. I will speak of that point in a few moments. Bills that were separately recommended by the committee and passed amounted to $3,652,000,000. That made $6,900,000, nearly. That was the work of the last Congress. Numbers of meritorious bills that should have passed that Congress were obstructed by the small filibustering minority to which I have alluded; and while, in answer to the question directed to me by the gentleman from Iowa [Mr. HOLMES], I do not mean to say that this is all the legislation of this kind recommended or to be recommended by the Committee on Public Buildings and Grounds at the present session, I do say that whatever legislation that committee present they will endeavor to put before the House so that it may know what it is doing and may act deliberately.

Past Congresses have been in the habit of inaugurating new public buildings to the extent of between seven and eight millions per Congress. It must be remembered, Mr. Speaker, that the first session of a Congress is the only time when these measures can be discussed and considered with deliberation. When the second session comes it lasts only three months, and the appropriation bills, if properly treated, occupy nearly the entire time. This House will always be informed by the present Committee on Public Buildings and Grounds as to what amount it has appropriated for these purposes. We will endeavor to keep the House informed upon that point at all times. We desire now to present this measure and let the House act. We realize that we are the servants of the House, bound to present our business for its consideration in a business-like way. I now yield to the gentleman from Pennsylvania [Mr. BAYNE].

Mr. BAYNE. Mr. Speaker, I am in favor of this resolution. I think it well enough to appropriate money for the construction of these proposed new buildings. They are needed, I presume; the Committee on Public Buildings and Grounds would not recommend them if they were not. Moreover, this kind of legislation will have a tendency to shut out legislation of a very much worse character. The Committee on Ways and Means is proposing a certain measure here, and I am in favor of occupying as much time as possible with other measures to the exclusion of that. [Laughter.]

Mr. MCMILLIN. Is that your object in favoring the passage of this resolution?

Mr. BAYNE. Mr. Speaker, we have a spectacle here which the country should witness. Only a few moments ago we voted upon a resolution reported by the Committee on Naval Affairs fixing a time for the consideration of a bill which looks to the construction of a navy. That resolution was defeated. The bill which it was designed to bring before the House for action has the cordial and earnest support of the Secretary of the Navy. He has recommended the building of war ships. But the resolution was voted down. On the other side of the Atlantic such a vote would be construed as a vote of want of confidence in the Secretary of the Navy.

We do not get the ships. But when we are called upon to vote for a resolution fixing a day for the consideration of public-building bills, we carry it by 140 against 24, thus voting confidence in ourselves, although we may not have so much confidence in the branch of the Government at the other end of the Avenue. [Laughter.]

The situation is somewhat suggestive. On the question of constructing public buildings we seem to be substantially undivided, while upon the question of constructing a navy there appears to be much diversity of opinion. I am glad to believe that a majority of the votes cast in favor of taking up the naval bill comes from my Republican associates.

Mr. HEWITT. Has the gentleman made the count?

Mr. BAYNE. I have not time to be interrupted. Now, Mr. Speaker, there is another suggestion which applies to many of my friends on this side of the Chamber and to some on the other side. In the last Congress we passed a large subsidy ostensibly for the merchant marine. Not one dollar if it had been expended would have been likely to have been put into a plank in a ship; but now when we have an opportunity to vote authority and money for the construction of ships which the Government would own, when we have a chance to make an appropriation, every dollar of which would go into the construction of ships, we fail to do so.

For myself, I am in favor of the construction of ships which the Government will own; I am in favor of voting money for the building of a navy. We have a defenseless coast; we have a number of defenseless cities along that coast which are at the mercy of every third-rate nation in the world; yet we refuse to promote a measure to put our Navy in a condition to defend our coast; we refuse to trust a Democratic Secretary of the Navy (in whom, I confess, I have confidence), to make preparations to defend our cities, although, as I have said, we have heretofore voted a large amount of money which would have gone into the pockets of a wealthy syndicate under the guise of promoting the merchant marine.

Mr. BLOUNT rose.

The SPEAKER. The gentleman from Georgia [Mr. BLOUNT] has three minutes.

Mr. BLOUNT. Mr. Speaker, so far as the pending resolution and the one adopted in the last Congress are concerned, I have made an examination of them, and I do not think they are identical. The resolution adopted in the last Congress provided, as I understand, for the consideration of bills upon the House Calendar and upon the Speaker's table, and that is what we all understood we were voting on.

We were informed by the Committee on Public Buildings and Grounds at that time of the number of bills they proposed to pass. They had made a calculation which they showed in debate, and the debate disclosed that, so far as the opinion of the committee was concerned, the appropriations they contemplated did not exceed the appropriations of the preceding Congress.

But, sir, suppose the resolutions were identical. Is the situation of to-day identical with that in the last Congress? At the time the House passed the resolution referred to, four months had elapsed, and not a public-building bill had been considered; it had been impossible to obtain the consideration of such bills. Such was the announcement of the chairman of the committee at that time, and the matter is within the knowledge of the House. So that the only method left for securing the consideration of those bills was to adopt such a resolution. What is the case in this House? The Committee on Public Buildings and Grounds has already had several hours and will have more. The favorable disposition of the House has been shown by demanding very little time for debate. Yet with all the facilities the committee has for passing these bills—facilities equal to those of most of the committees of the House—we are invited to repeat the resolution adopted in the last House, and give this additional facility of going on from day to day, and passing not only bills now on the Calendar and Speaker's table but all that may go there thereafter.

Now, Mr. Speaker, whether my position on this question is consistent or not it does not affect the merits of this question. Whatever the fact may be as to my consistency, the question will come back whether this is a reasonable thing to do, whether it is not extravagant, whether it will not be so regarded by the country; and it should be remembered that this House may have to meet extravagance not only from this quarter but from other quarters in respect to other items.

The SPEAKER. The time allowed for debate in opposition to the motion has now expired.

Mr. RANDALL. Is there no more time for debate against the resolution?

The SPEAKER. The gentleman from Georgia [Mr. BLOUNT] has just consumed the last three minutes.

Mr. NEECE. I move that the House do now adjourn.

The motion was not agreed to, there being—ayes 68, noes 96.

The SPEAKER. The gentleman from South Carolina [Mr. DIBBLE] is entitled to three minutes.

Mr. DIBBLE. Mr. Speaker, I have only this to say, that the Committee on Public Buildings and Grounds may be depended on to keep in due observance all the precedents of the previous Congress and to endeavor not to exceed them, and they will be willing to inform the House as to the amount authorized to be expended at any time.

Mr. EDEN. Last Saturday we could hardly keep the House within the limits of the order.

Mr. DIBBLE. On Saturday last we passed bills to the amount of less than $100,000.

The SPEAKER. The question is now on the motion of the gentleman from South Carolina [Mr. DIBBLE] to suspend the rules and adopt the resolution which has been read.

Mr. RANDALL. I call for the yeas and nays.

The yeas and nays were ordered, 52 voting in favor thereof.

The question was taken; and there were—yeas 142, nays 77, not voting 104; as follows:

YEAS—142.

Anderson, C. M.	Dunham,	Ketcham,	Rogers,
Anderson, J. A.	Dunn,	Laffoon,	Romeis,
Arnot,	Ely,	La Follette,	Rowell,
Baker,	Ermentrout,	Lanham,	Ryan,
Barksdale,	Evans,	Little,	Sawyer,
Barnes,	Farquhar,	Long,	Sayers,
Barry,	Fleeger,	Lovering,	Scott,
Bayne,	Foran,	Lyman,	Scranton,
Beach,	Ford,	Markham,	Smalls,
Bennett,	Frederick,	Martin,	Sowden,
Blanchard,	Fuller,	Maybury,	Spooner,
Bound,	Funston,	McKenna,	Stahlnecker,
Boutelle,	Gallinger,	McKinley,	Stephenson,
Brown, W. W.	Gay,	McRae,	Stewart, Charles
Buck,	Gilfillan,	Milliken,	St. Martin,
Bunnell,	Green, W. J.	Mills,	Stone, W. J., Ky.
Burleigh,	Grosvenor,	Mitchell,	Strait,
Burrows,	Groat,	Morgan,	Struble,
Bynum,	Guenther,	Morrill,	Tarsney,
Campbell, T. J.	Hall,	Morrow,	Taylor, Zach.
Carleton,	Hatch,	Neal,	Thompson,
Catchings,	Haynes,	Nelson,	Tillman,
Comptos,	Hemphill,	Norwood,	Van Eaton,
Comstock,	Henderson, D. B.	O'Donnell,	Wade,
Conger,	Henderson, J. S.	O'Hara,	Wakefield,
Cooper,	Henderson, T. J.	O'Neill, Charles	Warner, William
Crain,	Hepburn,	Osborne,	Weaver, J. B.
Culberson,	Herman,	Owen,	Wellborn,
Curtin,	Hiestand,	Perkins,	Wheeler,
Cutcheon,	Holmes,	Perry,	White, A. C.
Davidson, R. H. M.	Hutton,	Peters,	White, Milo
Davis,	Irion,	Price,	Wilkins,
Dibble,	Jackson,	Reed, T. B.	Willis,
Dingley,	Johnston, J. T.	Reese,	Worthington.
Dorsey,	Jones, J. H.	Rice,	
Dougherty,	Jones, J. T.	Rockwell,	

NAYS—77.

Belmont,	Dockery,	Hudd,	Richardson,
Bland,	Dowdney,	Kleiner,	Seymour,
Blount,	Eden,	Lehlbach,	Shaw,
Boyle,	Everhart,	Lore,	Skinner,
Bragg,	Forney,	Matson,	Spriggs,
Breckinridge, C. R.	Geddes,	McAdoo,	Springer,
Breckinridge, W. C. P.	Gibson, Eustace	McComas,	Stone, W. J., Mo.
Browne, T. M.	Glass,	McCreary,	Swope,
Campbell, Felix	Glover,	McMillin,	Taulbee,
Candler,	Green, R. S.	Merriman,	Thomas, O. B.
Cannon,	Hale,	Morrison,	Townshend,
Caswell,	Halsell,	Neece,	Trigg,
Clements,	Hammond,	Oates,	Viele,
Cobb,	Harris,	O'Ferrall,	West,
Collins,	Hayden,	Outhwaite,	Wilson,
Cowles,	Herbert,	Parker,	Winans,
Cox,	Hewitt,	Peel,	Wise.
Croxton,	Hill,	Pindar,	
Daniel,	Hitt,	Randall,	
Dargan,	Holman,	Reagan,	

NOT VOTING—104.

Adams, G. E.	Eldredge,	Lindsley,	Singleton,
Adams, J. J.	Ellsberry,	Louttit,	Snyder,
Aiken,	Felton,	Lowry,	Steele,
Allen, C. H.	Findlay,	Mahoney,	Stewart, J. W.
Allen, J. M.	Fisher,	Millard,	Stone, E. F.
Atkinson,	Gibson, C. H.	Miller,	Storm,
Ballentine,	Goff,	Moffatt,	Swinburne,
Barbour,	Hanback,	Muller,	Symes,
Bingham,	Harmer,	Murphy,	Taylor, E. B.
Bliss,	Heard,	Negley,	Taylor, I. H.
Brady,	Henley,	O'Neill, J. J.	Taylor, J. M.
Brown, C. E.	Hires,	Payne,	Thomas, J. R.
Brumm,	Hiscock,	Payson,	Throckmorton,
Buchanan,	Hopkins,	Pettibone,	Tucker,
Burnes,	Houk,	Phelps,	Turner,
Butterworth,	Howard,	Pidcock,	Van Schaick,
Cabell,	James,	Pirce,	Wadsworth,
Caldwell,	Johnson, F. A.	Plumb,	Walt,
Campbell, J. M.	Johnston, T. D.	Pulitzer,	Ward, J. H.
Campbell, J. E.	Kelley,	Ranney,	Ward, T. B.
Clardy,	King,	Reid, J. W.	Warner, A. J.
Cole,	Laird,	Riggs,	Weaver, A. J.
Crisp,	Landes,	Robertson,	Weber,
Davenport,	Lawler,	Sadler,	Whiting,
Davidson, A. C.	Le Fevre,	Saney,	Wolford,
Dawson,	Libbey,	Sessions,	Woodburn.

So the rules were not suspended and the resolution was not adopted (two-thirds not having voted in favor thereof).

During the roll-call,

Mr. RANDALL moved to dispense with the reading of the names.

Mr. WILKINS objected.

Mr. FELTON. I ask leave to vote. I was in the Hall when my name was called, but did not hear it.

Mr. BRAGG. I object.

The following additional pairs were announced from the Clerk's desk:

Mr. LOWRY with Mr. STEELE, on this vote.

Mr. BALLENTINE with Mr. WAITE, for the rest of the day.

The vote was then announced as above recorded.

LAKE SUPERIOR AND PUGET SOUND RAILROAD.

Mr. RICHARDSON. I am directed by the Committee on Pacific Railroads to move to suspend the rules and pass the following bill.

The Clerk proceeded to read the bill.

Mr. RICHARDSON. Perhaps if I am permitted to make an explanation it will save the necessity of reading the bill.

Mr. HEWITT. The bill ought to be read.

Mr. RICHARDSON. I only wanted, if possible, to avoid the detention of the House by the reading of the bill.

Mr. HEWITT. I insist upon the reading of the bill.

Mr. RICHARDSON. I withdraw the request.

The bill was read, as follows:

Mr. RICHARDSON, from the Committee on Pacific Railroads, reported the following bill as a substitute for H. R. 3752:

A bill to amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget's Sound, on the Pacific coast, by the northern route," requiring said Northern Pacific Railroad Company to pay the costs of surveying, selecting, and conveying the lands granted to said railroad.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget's Sound, on the Pacific coast, by the northern route," approved July 2, 1864, be, and the same is hereby, amended as follows: After the twentieth section of said act add the following:

"That before any land granted by the United States to said Northern Pacific Railroad Company shall be conveyed to any company or party entitled thereto, there shall first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same by the said company or party in interest, which amount shall, without any further appropriation, stand to the credit of the proper account, to be used by the Commissioner of the General Land Office for the prosecution of the survey of the public lands along the line of said road, and so from year to year until the whole shall be completed as provided by law; that the said Northern Pacific Railroad Company, its successors and assigns, shall, within ninety days from the passage of this act, or within sixty days from the date of the receipt at the respective district land offices of the approved plat or plats of townships embracing lands within the established limits of the grant or grants, make and file in the said district land office, under existing regulations, their lists of selections of the land claimed by them under their respective grants, and to deposit therewith in such district land office, or the Treasury of the United States, as the Secretary of the Interior may designate, the cost of surveying, selecting, and conveying the same; that in the event of the failure of said company to pay the cost of surveying, selecting, and conveying such land within the time prescribed by this act, then the Secretary of the Interior shall immediately notify the president or treasurer of said company of the amount of land which it is entitled to patent, and the amount of the cost of surveying, selecting, and conveying the same, and that he is ready to deliver to the company, or its successors or assigns, patents for all said tracts or parcels of land then surveyed and platted upon the payment of such costs; and if such company shall not, within sixty days after the receipt of said notice, pay such costs, then and thereupon the Secretary of the Interior shall notify the Attorney-General of the United States of such failure or default, and of the amount of such costs, as nearly as may be; whereupon said Attorney-General is authorized and directed to institute forthwith, in the name of the United States of America, in a circuit court of the United States having jurisdiction of suits against the company so in default, any and all legal proceedings against said company necessary and proper to secure the payment of all said costs, and of the further costs of all such legal proceedings; and upon the voluntary payment or collection of said costs of surveying, selecting, and conveying, the Secretary of the Interior shall issue patents conveying to said company, or its successors or assigns, title to the lands to which it or they may be entitled, and shall place said patents upon record in his Department, and shall notify the president of such company that said patents have been so issued and recorded, and are ready for delivery to said company."

SEC. 2. That all the lands granted by the act of July 2, 1864, entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget's Sound, on the Pacific coast, by the northern route," and any act amendatory thereof, which have been surveyed, and to which said company has become entitled to receive patents upon payment of the cost of surveying, selecting, and conveying the same, notwithstanding such company has not made such payment, shall be subject to all legal taxes imposed under authority of any State or Territory in which such lands are located to the same extent as they would have been had such costs been paid and the lands conveyed to said railroad company: *Provided*, That this act shall not be construed as applying to lands already forfeited by said railroad company, nor shall it operate to relieve the company from any forfeiture heretofore incurred: *And provided further*, That prior to the payment of such costs of surveying by said railroad company no taxes shall be imposed except in organized counties.

SEC. 3. That in any sale of such lands for taxes the moneys due or to become due the United States under said acts for such costs, fees, &c., shall be and remain a first lien on such lands, and shall be paid by the purchaser at such tax-sale to the receiver of public moneys in the land district wherein such lands are situate; whereupon, his title under the tax-sale being complete, such purchaser shall receive a patent for the land so purchased by him, and which patent shall operate only as an evidence of the tax-title, which title shall be subject and subordinate to all the rights of the United States in respect of such lands growing out of the lien and security on such lands created in respect of the subsidy bonds issued by the United States in aid of the construction of said railroad, which facts and reservations shall be stated in such patents.

SEC. 4. That nothing in this act shall be construed or taken in any wise to affect or impair the right of Congress, at any time hereafter further to alter, amend, or repeal the said acts hereinbefore mentioned, as in the opinion of Congress justice or the public welfare may require, or to impair or waive any right or remedy in the premises now existing in favor of the United States. This act shall be subject to alteration, amendment, or repeal.

The SPEAKER. Is a second of the motion demanded?

Mr. HEWITT. I demand it.

Mr. FORNEY. I move the House do now adjourn.

The House divided; and there were—ayes 82, noes 36.

CAMPBELL AGAINST WEAVER.

Mr. HALL. Before the vote is announced I wish to give notice that Wednesday next, after the morning hour, the Committee on Elections will call up the contested-election case from the State of Iowa of Campbell *vs.* Weaver.

The motion to adjourn was agreed to; and accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. H. ALLEN: Papers in the case of Timothy Sullivan, applicant for a pension—to the Committee on Invalid Pensions.

By Mr. C. M. ANDERSON: Petition of Franklin Moore, Company H, One hundred and twenty-fourth Ohio Volunteer Infantry, for relief—to the Committee on War Claims.

By Mr. BARBOUR: Petition of Nievas Aguilar de Serrano, for relief—to the Committee on Private Land Claims.

Also, petition of Mariana G. Day, for relief—to the same committee.

By Mr. BARNES: Petition of certain citizens of Georgia, for the passage of the Blair educational bill—to the Committee on Education.

By Mr. BRAGG: Petition of J. G. Allard and other citizens, asking for a law putting oleomargarine and other imitations of and substitutes for butter under control of the revenue department—to the Committee on Ways and Means.

By Mr. T. M. BROWNE: Petition of A. T. Beckett and 122 others, citizens of Fayette County, Indiana, for the free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. BURLEIGH: Petition of the Women's National Indian Association, of Troy, N. Y., praying Congress to protect the rights of Indians and to advance their civilization—to the Committee on Indian Affairs.

By Mr. J. M. CAMPBELL: Remonstrance of tobacco manufacturers of the United States against the passage of an act allowing a rebate or drawback on ingredients used in the manufacture of tobacco for export—to the Committee on Ways and Means.

By Mr. T. J. CAMPBELL: Papers relating to the claim of Andrew Lutz, of New York—to the Committee on War Claims.

By Mr. CANNON: Papers to accompany bill for the relief of W. S. Carpenter—to the Committee on Claims.

By Mr. CAREY: Joint resolution and memorial of the Legislature of Wyoming Territory, praying for the establishment of a military post near Evanston, Uinta County, Wyoming Territory—to the Committee on Military Affairs.

Also, joint resolution of the same, praying that the compensation of the members of said Legislature be increased—to the Committee on the Territories.

Also, joint resolution of the same, praying that the Fort Sanders military reservation be thrown open to settlement—to the Committee on the Public Lands.

By Mr. COMSTOCK: Petition of 25 members of Andrews Post, Grand Army of the Republic, of Big Rapids, Mich., praying for increase of pension to Mary E. Champlin, widow of the late Brig. Gen. Stephen G. Champlin—to the Committee on Invalid Pensions.

By Mr. CUTCHEON: Petition of the State and district officers of the Woman's Christian Temperance Union of Michigan, in favor of conferring the elective franchise upon women—to the Committee on the Judiciary.

Also, petition of Horatius N. Norton, for a special-act pension—to the Committee on Invalid Pensions.

By Mr. ERMENTROUT: Memorial for the passage of House bill 2936—to the Committee on War Claims.

By Mr. EVERHART: Three petitions of citizens of Pennsylvania, praying for a law allowing all citizens of the United States to fish in the navigable bays and rivers of the United States dividing States and Territories—to the Committee on the Judiciary.

Also, petition of citizens of Chester County, Pennsylvania, praying for a constitutional amendment against the sale, importation, and manufacture of alcoholic beverages—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. DINGLEY: Petition of Andrew J. Durgin, late private in Company I, Twenty-ninth Maine Volunteers, for increase of pension—to the Committee on Invalid Pensions.

Also, petition of the Maine branch of the Woman's National Indian Association, for the passage of Senate bill No. 52—to the Committee on Indian Affairs.

By Mr. DOCKERY: Memorial in reference to the salary of assistant United States attorney of the western district of Missouri—to the Committee on Appropriations.

Also, petition of Zephaniah Stout, for a pension—to the Committee on Invalid Pensions.

By Mr. DORSEY: Petition of Patrick J. Winston—to the same committee.

By Mr. FELTON: Resolutions of the Legislature of California, to accompany House bill No. 2776—to the Committee on the Judiciary.

By Mr. FINDLAY: Papers relating to the claim of Shipley, Smith & Co.—to the Committee on Claims.

Also, papers relating to claim of Francis T. King, of James H. Tagart, and of George M. Gill—to the same committee.

Mr. FUNSTON: Petition of B. R. Porter and 150 others, citizens of Mound City, Kans., for the passage of the Weaver bill—to the Committee on War Claims.

By Mr. GAY: Petition of Prewitt McBride, for Euphrazee Carlin, deceased, of Saint Mary's Parish; of Richard Henry Allen, of La Fourche Parish; and of Jefferson J. Coffery, of Iberia Parish, Louisiana, requesting that their war claims be referred to the Court of Claims—to the same committee.

Also, papers relating to the claims of Euphrazee Carlin, of Richard H. Allen, and of Jefferson J. Coffery—to the same committee.

By Mr. GLASS: Memorial from citizens of Rieves, Tenn., praying that the Postmaster-General pay house-rent, &c., for third and fourth class postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. W. J. GREEN: Papers in the claim of James R. Lee, of Fayetteville, N. C.—to the Committee on War Claims.

By Mr. GROSVENOR: Remonstrance of Knights of Labor of Shawnee, Ohio, against the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

Also, petition of Thomas Carroll and 60 others, of Thomas G. Beach, and of Jacob Wisu and 69 others, of Ohio, for free and unlimited coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, petition of James W. Dawes and others, of Lincoln, Nebr., in favor of the Blair bill—to the Committee on Education.

By Mr. GROUT: Testimony in support of House bill granting a pension to Mary S. Patridge—to the Committee on Invalid Pensions.

By Mr. GUENTHER: Petition of citizens of Princeton and Saint Marie, Wis., praying for scientific temperance instruction in the public schools—to the Committee on Education.

Also, memorial concerning the abolition of the Presidency, from citizens of Appleton, Wis.—to the Committee on the Judiciary.

Also, petition of wool-growers of Columbia County, Wisconsin, praying for a higher tariff on wool—to the Committee on Ways and Means.

By Mr. HALL: Resolution of the General Assembly of Iowa, requesting the passage of the Cullom bill, for regulation of interstate commerce, and for other purposes—to the Committee on Commerce.

Also, resolution of the same, favoring the granting of a pension to Mrs. Sarah Young, of Iowa—to the Commitee on Invalid Pensions.

By Mr. HAMMOND: Memorial of Ben. H. Doster, master workman, and M. T. La Hatte, recording secretary, of Local Assembly No. 2514, Knights of Labor, of Atlanta, Ga., in favor of liberal expenditures of public funds, and especially for the Hennepin Canal—to the Committee on Railways and Canals.

Also, petition of Rev. M. F. Mabby and others, citizens of Walton County, and of William N. Nelson and others, citizens of Henry County, Georgia, in favor of Federal aid to education—to the Committee on Education.

By Mr. HENLEY: Resolutions of the Legislature of California, to accompany House bill No. 164—to the Committee on the Judiciary.

By Mr. HERMAN: Petition of Hermann Baumhagen, late a private of Company E, Fifth Regiment Minnesota Volunteer Infantry, of Oregon, for a pension—to the Committee on Invalid Pensions.

Also, protest from Oregon against placing flax-seed on the free-list—to the Committee on Ways and Means.

By Mr. HIRES: Three petitions of citizens of New Jersey, for the passage of House bill No. 4690, equalizing the right of all citizens to fish in the tide waters of the United States—to the Committee on the Judiciary.

By Mr. IRION: Papers relating to the claim of Whitley M. Larsen, of Rapides Parish, Louisiana—to the Committee on War Claims.

By Mr. J. T. JOHNSTON: Petition of James E. Railsback, for relief, to accompany bill—to the Committee on Military Affairs.

Also, petition of Harris Philphot, asking for relief for service of his son as a soldier—to the Committee on War Claims.

By Mr. J. H. JONES: Petition of citizens of Tyler, urging consideration of Mr. HEWITT's bill to carry into operation the commercial treaty of the United States with Mexico—to the Committee on Ways and Means.

By Mr. JOSEPH: Petition of Local Assembly No. 4636, Knights of Labor, of Las Vegas, and of Local Assembly No. 1882, Knights of Labor, of Colfax County, New Mexico, against the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. KELLEY: Petition of the Pennsylvania Woman's Suffrage Association, praying for constitutional amendment granting suffrage to women—to the Committee on the Judiciary.

By Mr. LOUTTIT: Petition of 100 citizens of Amador County, California, favoring amendment to the Constitution as to election of Senators, and asking that the same be elected by a direct vote—to the same committee.

Also, protest of J. A. Filcher, J. M. Fulweiler, and others, citizens of El Dorado County, California, against the passage of a national bankrupt law—to the same committee.

By Mr. McRAE: Petition of Theo. Grant and 31 others, citizens of Little River County, Arkansas, asking for the relief of postmasters of the third and fourth classes—to the Committee on the Post-Office and Post-Roads.

Also, petition of G. W. Sadler and 34 others, of the third Arkansas district, for the opening of Oklahoma Territory—to the Committee on the Territories.

By Mr. MERRIMAN: Petition from citizens, real-estate owners, of

the District of Columbia, for the passage of House bill 4694, incorporating the Washington Traction Railway—to the Committee on the District of Columbia.

By Mr. MILLIKEN: Petition of Elizabeth Bridgers, for widow's pension—to the Committee on Invalid Pensions.

Also, petition of D. C. Hall and others, to grant a pension to Charles A. Chase, of Fairfield, Me.—to the same committee.

By Mr. NEECE: Petition of 60 citizens of Cable, Ill., against the change of the present law in reference to pilots—to the Select Committee on American Ship-building and Ship-owning Interests.

Also, protest of Knights of Labor of Cable, Ill., against the free-ship bill—to the same committee.

By Mr. NEGLEY: Papers relating to the claim of David Clark, administrator of Samuel Clark, of New Orleans, La.—to the Committee on War Claims.

By Mr. NELSON: Resolution of the Board of Trade of Red Wing, Minn., against unjust discriminations on the part of common carriers—to the Committee on Commerce.

By Mr. OSBORNE: Petition of manufacturers of licorice paste and of plug-tobacco, remonstrating against the passage of House bill No. 2522—to the Committee on Ways and Means.

By Mr. PARKER: Petitions, &c., in favor of granting a pension to William Hicks—to the Committee on Invalid Pensions.

Also, petition for a pension to John Richardson, late of Company H, Twentieth New York Cavalry—to the same committee.

By Mr. PEEL: Petition of G. W. Mitchell and of John Miser, of Benton County, Arkansas, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. PERKINS: Petition of E. L. Barnes and 136 others, citizens of Neosho County, Kansas, praying for legislation that will embody the recommendations of the national pension committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. PETERS: Petition of Dr. J. R. Duncan and others, citizens of Harvey County, Kansas, favoring the creation of a national board of health—to the Committee on Commerce.

By Mr. PRICE: Memorial of the board of supervisors of Stanton, Wis., on interstate commerce—to the same committee.

By Mr. ROCKWELL: Petition of Burr L. Williams, for restoration to the pension-rolls—to the Committee on Invalid Pensions.

By Mr. ROMEIS: Petition of Knights of Labor of Fremont, Ohio, against the passage of the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. RYAN: Petition of citizens of Reese, Kans., for the relief of third and fourth class postmasters—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Madison, Kans., for the relief of third and fourth class post-offices—to the same committee.

By Mr. SAWYER: Petition for amendment of the patent laws—to the Committee on Patents.

By Mr. SENEY: Remonstrance of Cincinnati Board of Trade and Transportation against Senate bill and House bill to build a bridge at Cairo, Ill.—to the Committee on Commerce.

By Mr. SKINNER: Petition of Bryant Waters, of Washington County, North Carolina, for relief—to the Committee on Pensions.

Also, papers in the case of John F. Pendleton, of Pasquotank County, North Carolina—to the Committee on War Claims.

Also, papers in the claim of William Chester, of Hyde County, North Carolina—to the same committee.

By Mr. STAHLNECKER: Memorial asking an investigation of State debts, and a remedy therefor—to the Committee on the Judiciary.

By Mr. STEELE: Concurrent resolution of the Legislature of Indiana, asking the passage of a bill giving a pension to soldiers who were prisoners of war—to the Committee on Invalid Pensions.

Also, petition of Martin Coughlin, Company A, Thirty-fifth Indiana Volunteers, asking to have the charge of desertion removed—to the Committee on Military Affairs.

By Mr. STEPHENSON: Petition of Huff Jones, asking for relief for expenditures made under an agreement with the Indian agent at Green Bay, Wis.—to the Committee on Indian Affairs.

Also, petition of 610 citizens of Marietta, Wis., requesting the passage of an act for the construction of a bridge across the Menominee River, within 1½ miles of its mouth, said river being the boundary between the States of Wisconsin and Michigan—to the Committee on Commerce.

By Mr. CHARLES STEWART: Petition of certain citizens of Trinity County, Texas, asking for appropriations to transport negroes to Liberia—to the Committee on Foreign Affairs.

By Mr. E. F. STONE: Memorial of Knights of Labor, of Beverly, Mass., relating to harbor of refuge at Sandy Bay, Massachusetts—to the Committee on Rivers and Harbors.

Also, memorial of Knights of Labor of Essex, Mass., relating to the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. W. J. STONE, of Kentucky: Petition of Nathaniel Reuster and of Martha A. Lewis—to the Committee on Invalid Pensions.

By Mr. SYMES: Petition of William Collins, for a pension land-warrant—to the Committee on Pensions.

Also, memorial of Knights of Labor of Junction, of Denver, and of Boulder, Colo., against the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

Also, memorial of Knights of Labor of South Pueblo, of Stout, of Salida, of Williamsburg, and of Boulder, Colo., in favor of the construction of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. TARSNEY: Petition of Mrs. Anne Mattocks, for a pension—to the Committee on Invalid Pensions.

Also, memorial of the Knights of Labor of Grand Rapids, Mich., in favor of the construction of the Hennepin Canal—to the Committee on Railways and Canals.

Also, resolutions of the United Labor League of America, for continuance of street improvements and sewers in the District of Columbia—to the Committee on Appropriations.

By Mr. ZACH. TAYLOR: Resolutions of the Merchants' and Cotton Exchange of Memphis, Tenn., requesting an increase in the appropriation for the Signal Service—to the same committee.

By Mr. THOMPSON: Petition of citizens of Pike and Scioto Counties, Ohio, for the passage of a bill embodying the recommendations of the national pension committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

Also, petition of John P. Lacy, for payment for services in the capture of steamer Lady Washington during the late war—to the Committee on War Claims.

By Mr. TOWNSHEND: Petition for relief of George Cooke, Company B, Thirty-second Regiment Ohio Volunteers, to accompany bill—to the Committee on Military Affairs.

Also, petition of Samuel Burwell, First Lieutenant Company M, Fifth Regiment Illinois Cavalry Volunteers, for removal of charge of desertion—to the same committee.

Also, papers and evidence in support of the bill for relief of Fannie Pemberton, formerly Fannie Glass—to the Committee on Claims.

By Mr. WHEELER: Petition of James a Patterson, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WILKINS: Memorial from Samuel W. Osborn, master workman of Knights of Labor, No. 2444, of Zanesville, Ohio, for construction of public works of internal importance—to the Committee on Railways and Canals.

By Mr. WINANS: Petition of C. E. Osborn, A. W. Mathews, and 60 others, citizens of Otisville, Oakland County, Michigan, for a pension to Samantha Alexander, widow of W. E. Alexander—to the Committee on Invalid Pensions.

By Mr. WOODBURN: Petition of John Hunter and 106 others, citizens of Bingham County, Idaho, requesting the passage of the bill introduced by Mr. WOODBURN, of Nevada, to regulate the right of voters in the Territories—to the Committee on the Territories.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. BOUND: Of citizens of Dauphin and Northumberland Counties, Pennsylvania.

By Mr. HALL: Of citizens of Buena Vista and Washington Counties, Iowa.

By Mr. KETCHAM: Of citizens of Putnam and Columbia Counties, New York.

By Mr. A. J. WEAVER: Of citizens of Gage County, Nebraska.

SENATE.

TUESDAY, *April* 20, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of February 23, 1886, a report of the Commissioner of the General Land Office relative to the payment by the Northern Pacific Railroad Company of the cost of selecting, surveying, and conveying or patenting lands granted to that company by act of Congress to aid in the construction of its road, &c.; which, with the accompanying papers, was, on motion of Mr. DOLPH, ordered to lie on the table and be printed.

COLUMBIA INSTITUTION FOR THE DEAF AND DUMB.

Mr. DAWES presented the annual report of E. M. Gallaudet, president of the Columbia Institution for the Deaf and Dumb, situated at Kendall, near Washington, D. C., made in pursuance of the requirements of section 4867 of the Revised Statutes; which was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a memorial of Knights of Labor of Shawnee, Ohio, remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. HOAR presented petitions of Knights of Labor of Stoughton and Malden, in the State of Massachusetts, and of Providence, R. I., praying that an appropriation be made for the construction of a harbor of refuge at Sandy Bay, Rockport, Mass.; which were referred to the Committee on Commerce.

Mr. VEST presented a memorial of the Liggett & Myers Tobacco Company of Saint Louis, Mo., and other manufacturers of Saint Louis, Mo., and Louisville, Ky., remonstrating against the passage of House bill 2522, allowing rebate on ingredients used in manufacturing tobacco for export; which was referred to the Committee on Finance.

Mr. RIDDLEBERGER presented a petition of citizens and real-estate owners in the District of Columbia, praying for the passage of Senate bill 1338, incorporating the Washington Traction Company; which was referred to the Committee on the District of Columbia.

He also presented a petition of the common council of the city of Fredericksburg, Va., praying that an appropriation be made for the erection of a public building in that city; which was referred to the Committee on Public Buildings and Grounds.

Mr. MILLER presented a memorial of Knights of Labor of New York city, remonstrating against the passage of certain bills now pending relative to pilots and pilotage; which was referred to the Committee on Commerce.

He also presented a petition of Knights of Labor of New York city, praying for the restoration of wages at the Government Printing Office to a certain former rate; which was referred to the Committee on Printing.

Mr. LOGAN presented the petition of Thomas Martin, late a private in Company F, Twelfth Regiment West Virginia Volunteers, praying for an increase of pension; which was referred to the Committee on Pensions.

He also presented resolutions adopted by J. K. Taylor Post, No. 182, Grand Army of the Republic, of Bethlehem, Pa., praying for the passage of the bill providing for the pensioning of ex-prisoners of war; which were referred to the Committee on Pensions.

He also presented a petition of citizens of Washington County, Iowa, praying for the opening of Indian lands to homestead settlement; which was referred to the Committee on Indian Affairs.

He also presented a memorial of Knights of Labor of Cummings, Ill., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. MANDERSON. I present a petition of citizen of Estelle, Hayes County, Nebraska, praying for national aid to education. As that matter has been acted upon by the Senate, I move that the petition lie on the table.

The motion was agreed to.

Mr. CAMERON presented a petition of John W. Rife and other citizens of Middletown, Pa., praying for the passage of a law granting a pension to Henry Hipple; which was referred to the Committee on Pensions.

He also presented a petition of citizens of Allegheny County, Pennsylvania, praying that increased appropriations be made to extend the powers of the National Board of Health; which was referred to the Committee on Appropriations.

He also presented a memorial of Grange No. 506, of Pennsylvania, Patrons of Husbandry, remonstrating against the admission of agricultural raw materials free of duty; which was referred to the Committee on Finance.

He also presented a petition of Grange No. 151, of Pennsylvania, and a petition of Grange No. 434, of Pennsylvania, Patrons of Husbandry, praying for the suppression of the manufacture and sale of imitation dairy products; which were referred to the Committee on Agriculture and Forestry.

Mr. INGALLS presented a petion of residents and property-owners of the city of Washington, praying for favorable action upon the bill to incorporate the North Washington Cable Railway Company; which was referred to the Committee on the District of Columbia.

He also presented a petition of W. M. Poindexter and other owners and occupants of property on Fifteenth street, opposite the Treasury Department, praying that the Washington and Georgetown Railroad Company be required to replace their present rails in that locality with steel rails of the most approved pattern and to pave the road-bed with Belgian block; which was referred to the Committee on the District of Columbia.

Mr. INGALLS. I present resolutions adopted at a meeting of the United Labor League of America, held in this city on the 18th instant, in favor of certain appropriations in connection with improvements of streets in this District. I move that the resolutions be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. BLAIR presented a petition of the Woman's National Indian Association of Allegheny, Pa., praying for the passage of the bill (S. 52) to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder; which was referred to the Committee on Indian Affairs.

He also presented a petition of veteran ex-Union soldiers, praying for the passage of a bill granting pensions to all honorably discharged soldiers and sailors of the war of the rebellion; which was referred to the Committee on Pensions.

Mr. BECK. I present the petition of James O. Harrison, of Lexington, Ky., praying to be allowed compensation for use and occupation of his property near New Orleans, La., by the United States forces. I ask leave to have the petition printed, and, if the Senate desire, I will state the reason why I make the request.

The PRESIDENT *pro tempore*. Does the Senator wish to have it printed as a document or in the RECORD?

Mr. BECK. I ask that it be printed as a document for the use of the committee.

The PRESIDENT *pro tempore*. If there be no objection the petition will be referred to the Committee on Claims, and printed as a document.

Mr. CONGER presented the memorial of John Q. McKennon, J. B. Smith, and E. L. Mason, citizens of L'Anse, Mich., remonstrating against the passage of the bill providing for the forfeiture of the Marquette, Houghton and Ontonagon Railroad land grant; which was referred to the Committee on Public Lands.

REPORTS OF COMMITTEES.

Mr. SAWYER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 1416) granting a pension to Eliza Smith, to report it adversely, because a pension has been allowed at the Pension Office since the bill was introduced here. I move that the bill be postponed indefinitely.

The motion was agreed to.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 422) granting a pension to Eliza Francesco; and

A bill (S. 1126) granting a pension to William H. Moore.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 327) granting a pension to James E. O'Shea;

A bill (S. 363) granting a pension to Edward Ayers;

A bill (S. 376) granting a pension to L. V. Hollyfield;

A bill (S. 785) granting a pension to George Ham;

A bill (S. 791) granting a pension to George W. De Motte;

A bill (S. 824) granting a pension to Mrs. Ida Davenport;

A bill (S. 853) granting a pension to Reuben Crowday;

A bill (S. 864) to grant a pension to Mrs. Martha F. Woodrum;

A bill (S. 973) granting an increase of pension to Mrs. Sarah P. McKean, of Marion, Linn County, Iowa;

A bill (H. R. 5074) to provide increase of pension to James Waters;

A bill (H. R. 4461) granting a pension to Stevens W. Merrill;

A bill (H. R. 1278) granting a pension to Ann Bird;

A bill (H. R. 4077) granting a pension to Frederick Korth;

A bill (H. R. 6638) granting a pension to William Gordon;

A bill (H. R. 6044) granting a pension to Eliza Francesco;

A bill (H. R. 3303) to restore to the pension-roll the name of Joseph McMillan;

A bill (H. R. 6012) to increase the pension of Leander W. Corey;

A bill (H. R. 6225) granting a pension to Abigail H. Carey;

A bill (H. R. 1275) granting a pension to William Turville;

A bill (S. 1584) for the relief of Cornelia R. Schenck;

A bill (S. 1400) granting a pension to William H. Beck;

A bill (S. 1509) granting a pension to William H. Moore;

A bill (S. 1467) granting a pension to Mrs. Margaret Smith;

A bill (S. 1586) granting a pension to Maria Hollands;

A bill (S. 1124) granting a pension to William Bethuren;

A bill (S. 1841) granting a pension to Joseph Shull;

A bill (S. 1648) granting an increase of pension to William Collinsworth;

A bill (S. 1217) for the relief of Henry Bellion;

A bill (S. 1288) granting a pension to Robert Holsey;

A bill (S. 1303) granting a pension to John Ross;

A bill (S. 1304) granting a pension to William Reynolds;

A bill (S. 1289) granting a pension to Thomas J. Owen;

A bill (S. 1520) granting a pension to Henry Domeyer;

A bill (S. 1797) granting a pension to John S. Kirkpatrick;

A bill (S. 1726) granting a pension to Augustus Field Stevens;

A bill (S. 1224) granting a pension to Henry H. Stutsman;

A bill (S. 1292) granting a pension to Nathan Z. Bailey;

A bill (S. 1214) granting a pension to Reamus G. Morris;

A bill (S. 1191) granting a pension to Theresa Schleyer;

A bill (S. 1618) granting a pension to John G. Nicholas;

A bill (S. 1287) granting a pension to William L. Clarke;

A bill (S. 1357) granting a pension to Sarah A. Thomas;

A bill (S. 1720) granting a pension to John Thrasher;

A bill (S. 1930) granting a pension to John Duffy;
A bill (S. 1788) granting a pension to William S. More;
A bill (S. 1253) granting a pension to J. D. Haworth;
A bill (S. 1770) granting a pension to J. H. Thornbury; and
A bill (S. 1830) granting a pension to Mrs. C. A. Bailey.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 822) authorizing the Secretary of the Interior to pay the pension allowed to Nancy Titus, deceased, mother of Josiah C. Titus, deceased, late first lieutenant of Company D, Sixty-second Regiment Illinois Volunteers, to George Titus, the dependent father of said soldier, moved its indefinite postponement; which was agreed to; and he submitted a report, accompanied by a bill (S. 2185) for the relief of George Titus; which was read twice by its title.

He also, from the same committee, to whom was referred the petition of Louis Melcher, praying to be allowed a pension, submitted a report thereon, accompanied by a bill (S. 2186) granting a pension to Louis Melcher; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 1462) for the relief of the widow of the late Lieut. Col. Joseph A. Haskin, United States Army, moved its indefinite postponement; which was agreed to, and he submitted a report, accompanied by a bill (S. 2187) for the relief of Rebecca E. Haskins; which was read twice by its title.

He also, from the same committee, to whom was referred the petition of Ann Smith, praying to be allowed a pension, submitted a report thereon, accompanied by a bill (S. 2188) granting a pension to Ann Smith; which was read twice by its title.

He also, from the same committee, to whom was referred the petition of Rebecca Marchant, dependent mother of Henry A. Marchant, praying to be allowed a pension, submitted a report thereon, accompanied by a bill (S. 2189) granting a pension to Rebecca Marchant; which was read twice by its title.

He also, from the same committee, to whom was referred the petition of Isaac G. Reed and other citizens of Wellington, Sumner County, Kansas, praying that a pension be granted to William Dobbs, late a private in Company K, One hundred and nineteenth Regiment Illinois Volunteers, submitted a report thereon, accompanied by a bill (S. 2190) granting a pension to William Dobbs; which was read twice by its title.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with an amendment, and submitted reports thereon:

A bill (S. 823) granting a pension to Captain Elihu Jones;
A bill (S. 1466) granting an increase of pension to Stephen Smith;
A bill (S. 1666) granting a pension to Edward Corning;
A bill (S. 678) for the relief of Mary Howard Farquhar;
A bill (S. 1843) granting a pension to Dr. John W. Mitchell;
A bill (S. 1235) granting an increase of pension to Joseph W. Rhinehalt;
A bill (S. 1257) granting a pension to Henry Shively;
A bill (S. 1446) granting a pension to Anna Nation; and
A bill (S. 1431) granting a pension to Jane Carr.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 1481) granting an increase of pension to Col. Charles C. Capehart, reported it with amendments, and submitted a report thereon.

Mr. GRAY, from the Committee on Patents, to whom was referred the bill (S. 999) to provide for the extension of letters patent for an "improvement in insulating submarine cables," submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. ALDRICH, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 342) granting a pension to Marrilla Parsons, of Detroit, Mich.;
A bill (S. 1571) granting a pension to Abbie M. Hay;
A bill (S. 1570) granting a pension to Mary Ann Vars;
A bill (S. 1065) granting a pension to Emeline J. Babson; and
A bill (S. 1625) granting a pension to Rebecca Hollingsworth Humphreys.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom were referred the following bills, reported them severally with an amendment, and submitted reports thereon:

A bill (S. 1592) to change the limit of appropriation for the public building at Denver, Colo.;
A bill (S. 1550) to provide for an addition to the United States building at Jackson, Miss.;
A bill (S. 1457) to increase the appropriation for the erection of the public building at Marquette, Mich.; and
A bill (S. 430) to change the limit of appppropriation for the public building at Terre Haute, Ind.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom were referred the following bills, reported them severally without amendments, and submitted reports thereon:

A bill (S. 2058) to complete the public building at Harrisonburg, Va.; and
A bill (S. 1611) for the erection of a public building at Fort Dodge, Iowa.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom the subject was referred, submitted a report, accompanied by a bill (S. 2191) to complete repairs and alterations of the public building at Parkersburg, W. Va.; which was read twice by its title.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (S. 1717) for the relief of Robert H. Montgomery, a captain in the Fifth Cavalry, United States Army, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4413) for the relief of the legal representatives of William Clift, deceased, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. CHACE, from the Committee on Patents, to whom was referred the bill (S. 1803) for the relief of William H. Akins and Jacob D. Felthousen, reported it without recommendation, and submitted a report thereon.

Mr. SEWELL, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2173) granting a pension to Benjamin Obekiah;
A bill (S. 2067) for increase of pension to Zebulon S. Tompkins;
A bill (H. R. 3990) to restore to the pension-roll the name of Sarah J. Prater;
A bill (H. R. 844) granting a pension to Daniel T. Ferguson;
A bill (H. R. 2254) for the relief of Jane M. Langley;
A bill (H. R. 846) granting a pension to Samuel V. Holland;
A bill (H. R. 2193) granting a pension to Amelia M. Green;
A bill (H. R. 1138) to increase the pension of Mary E. Fillebrown;
A bill (H. R. 1228) granting a pension to Harry B. Harrington and Grace A. Harrington;
A bill (H. R. 1508) for the relief of Marcus A. Hamilton;
A bill (H. R. 4287) to grant a pension to Nancy J. Freels, widow of Pleasant M. Freels, late of Company E, Third Tennessee Infantry Volunteers; and
A bill (H. R. 1543) granting a pension to Margaret Kearns.

Mr. BLAIR. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 4112) granting a pension to Lizzie Kenamore, to report it adversely. The case has been allowed at the Pension Office. I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the petition of Abby L. Burbank, praying for an increase of pension, submitted a report thereon, accompanied by a bill (S. 2192) granting a pension to Abby L. Burbank; which was read twice by its title.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally with an amendment, and submitted reports thereon:

A bill (H. R. 3463) granting a pension to Mrs. Hannah Babb Hutchins;
A bill (H. R. 1462) granting a pension to Addie L. Macomber;
A bill (S. 860) granting an increase of pension to John N. Runyan;
A bill (S. 1152) granting a pension to Sarah E. Bassett; and
A bill (S. 701) for the relief of the legal representatives of Peter Lyle, deceased.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6504) granting a pension to Nathan Magoon; and
A bill (S. 1102) granting an increase of pension to Dr. A. Laning.

Mr. PLATT, from the Committee on Patents, to whom was referred the bill (S. 1143) to direct the Secretary of the Navy to purchase for the United States the right to make and use a certain "improvement in machines for bending metal links," and to provide for the payment thereof, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1361) for the relief of Robley D. Evans and Richard M. Green, reported it with an amendment, and submitted a report thereon.

Mr. VAN WYCK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1539) granting a pension to Eveline Hunt, widow, and the minor children of Lewis Hunt, deceased;
A bill (H. R. 4370) granting a pension to M. S. Towne;
A bill (H. R. 5000) to place the name of John W. Logan on the pension-roll;
A bill (H. R. 4999) to place the name of James B. Wilde on the pension-roll;
A bill (H. R. 746) granting a pension to J. W. A. Bennett;
A bill (H. R. 1396) to pension Martin Kirk;
A bill (H. R. 3946) to increase the pension of Alexander Forsyth;
A bill (H. R. 6019) granting a pension to Maria Hollands;
A bill (H. R. 686) to grant a pension to John G. Shawbell;
A bill (H. R. 1344) granting a pension to William H. H. Gillespie;
A bill (H. R. 4405) for the relief of William F. Miller;

A bill (H. R. 3100) granting a pension to Samuel Hanson;
A bill (H. R. 4101) granting a pension to Martha A. Silkey;
A bill (H. R. 4580) to grant a pension to William Taylor;
A bill (H. R. 4813) granting a pension to Perry Johnson;
A bill (H. R. 715) granting a pension to Tunis J. Roosa;
A bill (H. R. 4410) for the relief of John C. Clark;
A bill (H. R. 2179) granting a pension to Henry Barr;
A bill (H. R. 4579) granting an increase of pension to Thomas S. Owens;
A bill (H. R. 1361) giving a pension to Nira D. Gwynne;
A bill (H. R. 6125) granting a pension to W. C. Davis;
A bill (H. R. 4992) restoring Leander C. Twitchell to the pension-roll;
A bill (H. R. 1345) granting a pension to Nathaniel H. Blakely;
A bill (H. R. 1348) for the relief of Pernetta Hendley;
A bill (H. R. 4111) granting a pension to Minerva T. Thompson;
A bill (H. R. 6130) granting a pension to Frank Manhart;
A bill (H. R. 4572) granting a pension to Willis W. Fink;
A bill (H. R. 4824) granting an increase of pension to James Morgan;
A bill (H. R. 5259) granting a pension to William E. Hardy;
A bill (H. R. 6134) granting a pension to Hugh Mulholland; and
A bill (H. R. 6023) for the relief of Frank Sherbonaw.

Mr. VAN WYCK, from the Committee on Pensions, to whom was referred the bill (H. R. 3390) to place the name of William G. Schoonozer on the pension-roll, reported it with an amendment, and submitted a report thereon.

WIDOW OF SAMUEL V. NOYES.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted on the 8th of February, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay out of the miscellaneous items of the contingent fund of the Senate to the widow of Samuel V. Noyes, deceased, late messenger of the Senate, the sum of $720, being an amount equal to six months' salary as messenger aforesaid; said sum to be considered as including funeral expenses and all other allowances.

BILLS INTRODUCED.

Mr. BUTLER introduced a bill (S. 2193) to retire disabled officers of the Army; which was read twice by its title.

Mr. BUTLER. I should like to call the attention of the Committee on Military Affairs to the urgency of some legislation to relieve the active-list of the Army from quite a number of officers who are now disabled, and who are eligible to retirement, but can not be placed on the retired-list because the present retired-list of four hundred is full. This is a special bill, providing for the retirement of some sixty or seventy officers who have been recommended by boards to be placed upon the retired-list. I will furnish the Committee on Military Affairs with a list of the officers and the dates and the number of years they have been absent from their commands on account of their disabilities. It seems to me that such a measure is in the interest of the service, and certainly an act of justice to the subordinate officers who are deprived of rank and emolument by reason of these superior officers being absent from their commands.

I move that the bill be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. HOAR introduced a bill (S. 2194) for the erection of a public building at Haverhill, Mass.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. INGALLS (by request) introduced a bill (S. 2195) for the relief of Mrs. Catharine P. Culver; which was read twice by its title, and referred to the Committee on Appropriations.

Mr. HARRISON introduced a bill (S. 2196) granting a pension to Dillian Vandeventer; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LOGAN introduced a bill (S. 2197) granting a pension to Henry Daner; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2198) granting a pension to Charles Brundridge; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2199) to increase the efficiency of the Army of the United States; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MAHONE introduced a bill (S. 2200) for the relief of Henry Corbin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 2201) to extend the streets and avenues of the city of Washington, D. C.; which was read twice by its title.

Mr. MAHONE. I ask that the memorial accompanying the bill be read, and referred, with the bill, to the Committee on the District of Columbia.

The PRESIDENT *pro tempore*. The Senator from Virginia asks the unanimous consent of the Senate that the memorial which accompanies the bill be read. If there be no objection it will be read.

The memorial was read, as follows:

To the Congress of the United States, assembled:

We, the undersigned, citizens of Washington city and the United States, recognize the fact that the capital city of the nation has been laid out on a plan unsurpassed for beauty and magnificence, and now this plan is threatened with complete destruction owing to various subdivisions of land without the city limits into narrow and irregular streets, so that to-day every avenue is chopped off at the boundary, and not a single street is extended into the county in conformity with the present existing plan of the city. The rectification of this growing evil is imperatively demanded, and even now will cost a large sum of money, increasing with every year's delay. This lack of uniform subdivision impedes greatly the growth of the suburbs and obstructs the extension of street railroads into the county.

Your petitioners respectfully pray that your honorable bodies will take such immediate steps as in your judgment will continue the present grand plan of our capital in the extension of its streets and avenues. And ever pray, &c.

The PRESIDENT *pro tempore*. The bill and memorial will be referred to the Committee on the District of Columbia.

Mr. CONGER introduced a bill (S. 2202) to establish and construct a light-ship to be stationed and maintained off Grosse Point, Lake Saint Clair, Michigan; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2203) granting a pension to Mrs. Emily M. Swift, of Dexter, Mich.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. HOAR submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. TELLER, it was

Ordered, That the papers in the case of Thomas H. Norton and James McLean, on the files of the Senate, be transmitted to the Committee on Claims of the House of Representatives for use by that committee.

On motion of Mr. VOORHEES, it was

Ordered, That Cecilia C. McKenna have leave to withdraw the papers in her case from the files of the Senate.

EXECUTIVE SESSIONS WITH OPEN DOORS.

Mr. GIBSON. I give notice that to-morrow morning, when the morning business is closed, I shall ask the indulgence of the Senate for not to exceed twenty minutes to make some remarks on the resolution of the Senator from Connecticut [Mr. PLATT] respecting open sessions. I give the notice at this time because it may not be possible for me to be present when the resolution is under consideration for final action. I will not occupy more than twenty minutes.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 4865) to extend the system for the immediate delivery of letters, and amendatory of sections 3, 4, and 5 of the act approved March 3, 1885, entitled, "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes;" and

A bill (H. R. 138) to provide for the sale of the Cherokee reservation in the State of Arkansas.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions" the morning business is closed.

Mr. FRYE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After four hours and twenty-five minutes spent in executive session the doors were reopened.

STREET IN CHATTANOOGA.

On motion of Mr. HARRIS, it was

Ordered, That the vote by which the bill (H. R. 7467) to grant for the use of the public a street across the United States grounds in the city of Chattanooga, in the State of Tennessee, was referred to the Committee on Public Buildings and Grounds be reconsidered, and that the bill lie on the table.

HOUSE BILLS REFERRED.

The bill (H. R. 4865) to extend the system for the immediate delivery of letters, and amendatory of sections 3, 4, and 5 of the act approved March 3, 1885, entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes," was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 138) to provide for the sale of the Cherokee reservation in the State of Arkansas was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. EDMUNDS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned.

NOMINATIONS.

Executive nominations received by the Senate the 20th day of April, 1886.

NAVAL OFFICER.

Henry O. Kent, of New Hampshire, to be naval officer of customs in the district of Boston and Charlestown, in the State of Massachusetts, *vice* Daniel Hall, commission expired, in lieu of previous nomination in place of the suspended officer.

POSTMASTERS.

Barclay P. Smith, to be postmaster at Deadwood, Lawrence County, Dakota Territory, in place of James Carney, resigned.

Frank Shields, to be postmaster at Wilmington, Will County, Illinois, in place of Erastus W. Willard, whose commission expired April 11, 1886.

George Washington, to be postmaster at Bay City, Bay County, Michigan, in place of F. L. Westover, whose commission expired March 29, 1886.

John A. Thomas, to be postmaster at Moravia, Cayuga County, New York, in place of Charles A. Hinman, resigned.

J. Bennett Weyant, to be postmaster at Haverstraw, Rockland County, New York, in place of Isaac M. Purdy, whose commission expired April 17, 1886.

Thomas N. Youngblood, to be postmaster at Chester Court House, Chester County, South Carolina, in place of Samuel B. Lumpkin, whose commission expires May 16, 1886.

A. E. Blakeslee, to be postmaster at Thomaston, Litchfield County, Connecticut, in place of Edward T. Gates, whose commission expires April 26, 1886.

George P. Blair, to be postmaster at Black Hawk, Gilpin County, Colorado, in place of Elam C. Beach, resigned.

WITHDRAWALS.

Nominations withdrawn April 20, 1886.

POSTMASTERS.

William T. Hall, to be postmaster at Beloit, in the State of Wisconsin.

John Warner, to be postmaster at Peoria, in the State of Illinois.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 16, 1886.

SECRETARY OF LEGATION.

Frederick S. Mansfield, of Tyler, Tex., to be secretary of the legation of the United States to Japan.

CONSUL-GENERAL.

Jacob Mueller, of Cleveland, Ohio, to be consul-general of the United States at Frankfort-on-the-Main.

CONSULS.

William W. Lang, of Marlin, Tex., to be consul of the United States at Hamburg.

Edward Camphausen, of Erie, Pa., to be consul of the United States at Naples.

Charles P. Kimball, of Chicago, Ill., to be consul of the United States at Stuttgart.

Charles W. Wagner, of Kansas City, Mo., to be consul of the United States at Toronto.

Henry M. Keim, of Reading, Pa., to be consul of the United States at Charlottetown, Prince Edward Island.

Frank H. Pierce, of Hillsborough, N. H., to be consul of the United States at Matanzas.

Victor A. Sartori, of Philadelphia, Pa., to be consul of the United States at Leghorn.

Mortimer A. Turner, of Arkansas, to be consul of the United States at St. Thomas.

Samuel R. Millar, of Davenport, Iowa, to be consul of the United States at Leipsic.

Albert Roberts, of Tennessee, to be consul of the United States at Hamilton, Canada.

J. Cecil Legaré, of Donaldsonville, La., to be consul of the United States at Tampico.

COLLECTORS OF CUSTOMS.

Charles C. Hubbard, of Connecticut, to be collector of customs for the district of Middletown, Conn.

John E. Grady, of Florida, to be collector of customs for the district of Apalachicola, in the State of Florida.

SURVEYORS OF CUSTOMS.

Frank I. Phelps, of Wisconsin, to be surveyor of customs for the port of La Crosse, in the State of Wisconsin.

Edwin Warfield, of Maryland, to be surveyor of customs for the port of Baltimore, Md.

REGISTER OF THE LAND OFFICE.

William Bayard, of Pueblo, Colo., to be register of the land office at Pueblo, Colo.

RECEIVERS OF PUBLIC MONEYS.

James McCluer Ellis, of Denver, Colo., to be receiver of public moneys at Denver, Colo.

Charles A. Coryell, of Denver, Colo., to be receiver of public moneys at Del Norte, Colo.

Jonathan B. Kilbourn, of Pueblo, Colo., to be receiver of public moneys at Pueblo, Colo.

SURVEYOR-GENERAL.

J. Cabell Breckenridge, of Kentucky, to be surveyor-general of Washington Territory.

INDIAN AGENT.

James H. Davis, of Mount Vernon, Tex., to be agent for the Indians of the Ouray agency in Utah.

PENSION AGENTS.

Robert L. Taylor, of Johnson City, Tenn., to be pension agent at Knoxville, Tenn.

Robert McKinstry, of Jackson, Mich., to be pension agent at Detroit, Mich.

POSTMASTERS.

Ker Boyce, to be postmaster at Augusta, in the county of Richmond and State of Georgia.

James B. Blackwell, to be postmaster at Marietta, in the county of Cobb and State of Georgia.

John F. Smith, to be postmaster at Freeport, in the county of Stephenson and State of Illinois.

John Taliaferro, to be postmaster at Winchester, in the county of Clark and State of Kentucky.

S. N. Horneck, to be postmaster at Detroit City, in the county of Becker and State of Minnesota.

Richard N. Hall, to be postmaster at Grenada, in the county of Grenada and State of Mississippi.

Charles E. Gallagher, to be postmaster at Salamanca, in the county of Cattaraugus and State of New York.

Archibald H. Boyden, to be postmaster at Salisbury, in the county of Rowan and State of North Carolina.

Matthias Manly, to be postmaster at New Berne, in the county of Craven and State of North Carolina.

John A. Young, to be postmaster at Charlotte, in the county of Mecklenburg and State of North Carolina.

Frederick A. Schiffley, to be postmaster at Orangeburg Court-House, in the county of Orangeburg and State of South Carolina.

Jeptha M. Fowlkes, to be postmaster of Memphis, in the county of Shelby and State of Tennessee.

Charles G. Hagnauer, to be postmaster at Highland, in the county of Madison and State of Illinois.

S. Barclay Radebaugh, to be postmaster at Urbana, in the county of Champaign and State of Illinois.

John D. Waterman, to be postmaster at Rockford, in the county of Winnebago and State of Illinois.

R. E. Cook, to be postmaster at Henderson, in the county of Henderson and State of Kentucky.

James H. McConnell, to be postmaster at Catlettsburg, in the county of Boyd and State of Kentucky.

G. R. Rodman, to be postmaster at Frankfort, in the county of Franklin and State of Kentucky

R. C. Speed, to be postmaster at Madisonville, in the county of Hopkins and State of Kentucky.

Henry F. Taylor, to be postmaster at Fulton, in the county of Fulton and State of Kentucky.

Timothy Killian, to be postmaster at Escanaba, in the county of Delta and State of Michigan.

James J. Casey, to be postmaster at Weehawken, in the county of Hudson and State of New Jersey.

Docteur L. La Grange, to be postmaster at Port Richmond, in the county of Richmond and State of New York.

David G. Hackney, to be postmaster at Fort Plain, in the county of Montgomery and State of New York.

Andrew J. Odell, to be postmaster at Rhinebeck, in the county of Dutchess and State of New York.

Joseph H. Allen, to be postmaster at Durham, in the county of Durham and State of North Carolina.

Warren J. Barrett, to be postmaster at Kinston, in the county of Lenoir and State of North Carolina.

J. A. Bennett, to be postmaster at Reidsville, in the county of Rockingham and State of North Carolina.

William M. Gay, to be postmaster at Wilson, in the county of Wilson and State of North Carolina.

George H. Gregory, to be postmaster at Greensborough, in the county of Guilford and State of North Carolina.

John H. Hill, to be postmaster at Goldsborough, in the county of Wayne and State of North Carolina.

Oscar G. Parsley, to be postmaster at Wilmington, in the county of New Hanover and State of North Carolina.

Mrs. M. F. Pender, to be postmaster at Tarborough, in the county of Edgecombe and State of North Carolina.

James B. Smith, to be postmaster at Fayetteville, in the county of Cumberland and State of North Carolina.

Samuel H. Smith, to be postmaster at Winston, in the county of Forsyth and State of North Carolina.

J. A. Taylor, to be postmaster at Oxford, in the county of Granville and State of North Carolina.

W. T. Weaver, to be postmaster at Asheville, in the county of Buncombe and State of North Carolina.

W. R. Andrews, to be postmaster at Union City, in the county of Obion and State of Tennessee.

James M. Keys, to be postmaster at Richland Centre, in the county of Richland and State of Wisconsin.

J. H. Donkersley, to be postmaster at Laramie City, in the county of Albany and Territory of Wyoming.

John C. Friend, to be postmaster at Carbon, in the county of Carbon and Territory of Wyoming.

R. Chauncey Fisher, to be postmaster at White Plains, Westchester County, New York.

Lewis H. Mills, to be postmaster at Carthage, Jefferson County, New York.

George P. McKenney, to be postmaster at Saco, York County, Maine.

Carlos A. Holcomb, to be postmaster at New Hartford, Litchfield County, Connecticut.

Frederick J. Melvin, to be postmaster at Cape May, Cape May County, New Jersey.

James W. Rand, to be postmaster at Weymouth, Norfolk County, Massachusetts.

J. H. Woodman, to be postmaster at Northville, Wayne County, Michigan.

Clayton F. Collins, to be postmaster at Homer, Calhoun County, Michigan.

Alice M. Crabtree, to be postmaster at Belmont, Allegany County, New York.

William J. Moses, to be postmaster at Auburn, Cayuga County, New York.

Hartford D. Nelson, to be postmaster at Oneonta, Otsego County, New York.

Frederick P. Newkirk, to be postmaster at Oxford, Chenango County, New York.

Samuel Chamberlain, to be postmaster at Waupun, Fond du Lac County, Wisconsin.

George Roe, to be postmaster at Vallejo, in the county of Solano and State of California.

Robert R. McBride, to be postmaster at Thibodeaux, in the parish of La Fourche and State of Louisiana.

John Flynn, to be postmaster at Duluth, in the county of Saint Louis and State of Minnesota.

William J. Whipple, to be postmaster at Winona, in the county of Winona and State of Minnesota.

James D. Corcoran, to be postmaster at Rome, in the county of Oneida and State of New York.

Richard Mooney, to be postmaster at Rondout, in the county of Ulster and State of New York.

George W. Martin, to be postmaster at Chattanooga, in the county of Hamilton and State of Tennessee.

Drummond G. Craig, to be postmaster at Fort Atkinson, in the county of Jefferson and State of Wisconsin.

Charles M. Hilliker, to be postmaster at Durango, in the county of La Plata and State of Colorado.

INTERNAL-REVENUE COLLECTORS.

Freeman Barnum, of Missouri, to be collector of internal revenue for the first district of Missouri.

John T. Hillsman, of Tennessee, to be collector of internal revenue for the fifth district of Tennessee.

Charles E. Hasbrook, of Missouri, to be collector of internal revenue for the sixth district of Missouri.

James Shields, to be collector of internal revenue for the district of Montana.

Joseph M. Morrow, of Wisconsin, to be collector of internal revenue for the sixth district of Wisconsin.

The above confirmation was accompanied by the following report from the Committee on Finance; which was ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 876) of Joseph M. Morrow, of Wisconsin, to be collector of internal revenue for the district of Wisconsin, in place of Leonard Lottridge, suspended, and, so far as they have been able to obtain the information, they find that Mr. Morrow is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of Leonard Lottridge, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 18, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of Leonard Lottridge, late collector of internal revenue for the sixth district of Wisconsin, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions. But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary*.

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Morrow.

Alfred C. Parkinson, of Wisconsin, to be collector of internal revenue for the second district of Wisconsin.

The above confirmation was accompanied by the following report from the Committee on Finance; which was ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 877) of Alfred C. Parkinson, of Wisconsin, to be collector of internal revenue for the second district of Wisconsin, in place of Henry Harnden, suspended, and so far as they have been able to obtain the information, they find that Mr. Parkinson is a fit and proper person to discharge the duties of the office; and that there are no charges or papers on file reflecting upon the character of Henry Harnden, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 18, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 17, 1886, asking "whether or not there are any papers or charges on file reflecting against the official or moral character of Henry Harnden, late collector of internal revenue for the second district of Wisconsin, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions. But in order that I may surely act within the requirements of the statutes relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary*.

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Finance Committee.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations, made in good faith, that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Parkinson.

"We request early action of the Committee on Finance upon the confirmation of the nomination of A. C. Parkinson, collector of internal revenue, in place of Henry Harnden, at Madison, Wis.

"General Harnden, who is removed, was a gallant soldier, and so is the gentleman who has been appointed to take his place.

"General Harnden has held the office for over ten years.

"Mr. Parkinson is a gentleman of intelligence, ability, and integrity.

"PHILETUS SAWYER.
"JOHN C. SPOONER."

Edward C. Wall, of Wisconsin, to be collector of internal revenue for the first district of Wisconsin.

The above confirmation was accompanied by the following report from the Committee on Finance; which was ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 878) of Edward C. Wall, of Wisconsin, to be collector of internal revenue for the first district of Wisconsin, in place of Irving M. Bean, suspended, and, so far as they have been able to obtain the information, they find that Mr. Wall is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of Irving M. Bean, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 18, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of Irving M. Bean, late collector of internal revenue for the first district of Wisconsin, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions. But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incum-

bency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary.*

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Wall.

Owen A. Wells, of Wisconsin, to be collector of internal revenue for the third district of Wisconsin.

The above confirmation was accompanied by the following report from the Committee on Finance; which was ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 879) of Owen A. Wells, of Wisconsin, to be collector of internal revenue for the third district of Wisconsin, in place of Howard M. Kutchin, suspended, and, so far as they have been able to obtain the information, they find that Mr. Wells is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of Howard M. Kutchin, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 18, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of Howard M. Kutchin, late collector of internal revenue for the third district of Wisconsin, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions. But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary.*

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Wells.

John O. Henderson, of Indiana, to be collector of internal revenue for the eleventh district of Indiana.

The above confirmation was accompanied by the following report from the Committee on Finance; which was ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 1289) of John O. Henderson, of Indiana, to be collector of internal revenue for the eleventh district of Indiana, in the place of Thomas M. Kirkpatrick, suspended, and, so far as they have been able to obtain the information, they find that Mr. Henderson is a fit and proper person to discharge the duties of the office and that there are no charges or papers on file reflecting upon the character of Thomas M. Kirkpatrick, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 18, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of Thomas M. Kirkpatrick, late collector of internal revenue for the eleventh district of Indiana, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions. But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary.*

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Henderson.

Adolph Bierman, of Minnesota, to be collector of internal revenue for the district of Minnesota.

The above confirmation was accompanied by the following report from the Committee on Finance; which was ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 1296) of Adolph Bierman, of Minnesota, to be collector of internal revenue for the district of Minnesota, in place of William Brickel, suspended, and, so far as they have been able to obtain the information, they find that Mr. Bierman is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of William Brickel, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 19, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of William Brickel, late collector of internal revenue for the district of Minnesota, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions. But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official and moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary.*

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Bierman.

Calvin Page, of New Hampshire, to be collector of internal revenue for the district of New Hampshire.

The above confirmation was accompanied by the following report from the Committee on Finance; which was ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 1299) of Calvin Page, of New Hampshire, to be collector of internal revenue for the district of New Hampshire, in place of Henry M. Putney, suspended, and, so far as they have been able to obtain the information, they find that Mr. Page is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of Henry M. Putney, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 19, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of Henry M. Putney, late collector of internal revenue for the district of ——, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions. But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary.*

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Page.

Archibald Skillman, of Nevada, to be collector of internal revenue for the district of Nevada.

The above confirmation was accompanied by the following report from the Committee on Finance; which was ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No.

1332) of Archibald Skillman, of Nevada, to be collector of internal revenue for the district of Nevada, in place of Frederick C. Lord, suspended, and, so far as they have been able to obtain the information, they find that Mr. Skillman is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of Frederick C. Lord, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 13, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of Frederick C. Lord, late collector of internal revenue for the district of Nevada, suspended," is received.

In reply thereto I have the honor to state that, as far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions. But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary*.

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Skillman.

Samuel B. Cooper, of Texas, to be collector of internal revenue for the first district of Texas.

The above confirmation was accompanied by the following report from the Committee on Finance; which was ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 1309) of Samuel B. Cooper, of Texas, to be collector of internal revenue for the first district of Texas, in place of William H. Sinclair, suspended, and, so far as they have been able to obtain the information, they find that Mr. Cooper is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of William H. Sinclair, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 19, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 17, 1886, asking "whether or not there are any papers or charges on file reflecting against the official or moral character of William H. Sinclair, late collector of internal revenue for the first district of Texas," suspended, is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions. But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communications are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary*.

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Cooper.

DALLAS, TEX., *March* 4, 1886.

DEAR SIR: I write to say that I have been visiting officially the first and fourth collection districts of Texas, and have met the respective collectors of these districts, the Hon. S. B. Cooper and Hon. R. M. Henderson, and found them to be exemplary officials as well as courteous gentlemen. They (in short) are good enough to be Republicans, and if you can aid their confirmation you will not only contribute to benefit the civil administration, but will render a personal service to me.

Very respectfully,

L. A. THRASHER.

Hon. J. J. INGALLS,
United States Senate, Washington, D. C.

GALVESTON, TEX., *January* 1, 1886.

DEAR GENERAL: I am an old soldier is my excuse for presuming to write you. You have before the Senate for confirmation the name of S. B. Cooper as collector of internal revenue of the first district of Texas.

One of our old comrades, Col. W. H. Sinclair, late assistant adjutant-general on General David Stanley's staff, was removed to give place to this party. The honorable Commissioner of Internal Revenue stated to the agent of the Associated Press that Sinclair was removed "in the interest of reform and for the good of the service," and this was spread throughout the Union by the press. The fact is that Sinclair had one of the best records in the Internal Revenue Department. Ask Green B. Raum.

This man Cooper, in order to raise a bond, came to Galveston and attempted to blackmail the merchants here into going on his bond by threatening to remove the office to Houston (50 miles away) unless they made him his bond. They wouldn't be blackmailed, especially as he was known as a poker player and a man who drank too much, and so he went to Houston and raised his bond by promising to bring the office there. He got permission to remove the office, but through the protests of our merchants his order was countermanded. Protests were filed both with the Commissioner and Secretary of the Treasury. If you will call for them, I think you will find that these merchants charge blackmail, or words to that effect, on his part. Sinclair don't want the place, but it would be a satisfaction to your comrades here to see an old soldier vindicated, and it is only right in the interest of good government that this party should not be confirmed.

Trusting that you will see to this, or place the matter in charge of the right Republican Senator,

I remain,

YOUR COMRADE.

General JOHN A. LOGAN,
United States Senate, Washington, D. C.

Executive nominations confirmed April 20, 1886.

POSTMASTERS.

George P. Blair, to be postmaster at Black Hawk, Gilpin County, Colorado.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April* 20, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Clerk proceeded to read the Journal of yesterday's proceedings.

Mr. BEACH. Mr. Speaker, I ask unanimous consent to dispense with the reading of so much of the Journal as relates to the introduction and reference of bills and joint resolutions.

There was no objection, and it was so ordered.

The remainder of the Journal was read and approved.

FEES OF WITNESSES IN UNITED STATES COURTS.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, transmitting a communication from the Attorney-General, and submitting an estimate of an appropriation for fees of witnesses in United States courts for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

CONSTRUCTION OF STEEL CRUISERS.

The SPEAKER also laid before the House letters from the Secretary of the Navy, in response to a resolution of the House calling for information concerning progress made in the construction of the steel cruisers; which was referred to the Committee on Naval Affairs.

CASES DISMISSED BY COURT OF CLAIMS.

The SPEAKER also laid before the House letters from the assistant clerk of the Court of Claims, transmitting a copy of the order of that court dismissing each of the following cases, namely: George W. Morris; Newton C. Perkins, administrator; Joseph S. McNulty; J. Q. Shaw; T. W. Adamson, administrator; James C. Newman, administrator, and W. C. Reeves *vs.* The United States; which were referred to the Committee on War Claims.

REFERENCE OF SENATE BILL.

The SPEAKER also, in accordance with the rule, laid before the House a bill of the following title; which was read a first and second time, and referred to the Committee on Public Buildings and Grounds, namely:

A bill (S. 103) making an appropriation for the purchase of ground and the erection thereon, in the city of Washington, of a building to be used as a hall of records.

WITHDRAWAL OF PAPERS.

On motion of Mr. HOLMAN, by unanimous consent leave was granted to withdraw papers in the claim of John Holloran without leaving copies on file.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. HOUK, for four days, on account of important business.

To Mr. JOHNSTON, of North Carolina, for two days, on account of important business.

REPRINT OF TARIFF BILL.

On motion of Mr. HEWITT, by unanimous consent, the bill (H R. 7652) known as the tariff bill, with the accompanying report, numbered 1620, was ordered to be reprinted.

On motion of Mr. MCKINLEY, it was ordered that the minority views be also reprinted.

PROGRESS OF THE UTAH BILL.

Mr. REED, of Maine. I would like to inquire for the information of the House of the gentleman from Virginia, the chairman of the Committee on the Judiciary, if he will give me his attention, when the

Senate bill numbered 10, known as the Utah bill, is to be reported from the committee over which he presides for the action of the House.

Mr. TUCKER. For the information of the gentleman I will state that the bill is under consideration in the committee, and when the committee have come to a determination upon it the bill will be reported adversely or otherwise.

Mr. REED, of Maine. Can the gentleman give no information as to the time? It has been in committee a long while, and is a matter in which the country is somewhat interested. [Cries of "Regular order!"] Can the gentleman give no further information?

Mr. TUCKER. No further information.

Mr. REED, of Maine. I am sorry to hear it.

TERMINATION OF THE HAWAIIAN TREATY.

Mr. MILLS, from the Committee on Ways and Means, reported back with a favorable recommendation the joint resolution (H. Res. 74) to give notice to terminate the convention of June 3, 1875, with His Majesty the King of the Hawaiian Islands; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. BRECKINRIDGE, of Kentucky (by consent), submitted the views of the minority of the committee on said bill; which were ordered to be printed to accompany the report of the committee.

SURVIVORS OF THE ARCTIC STEAMER JEANNETTE.

Mr. LINDSLEY. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the Private Calendar from the further consideration of the bill (H. R. 1659) for the relief of the survivors of the exploring steamer Jeannette, and the widows and children of those who perished in the retreat from the wreck of that vessel in the arctic seas, and put the same upon its passage. I ask that the bill and report be read.

The SPEAKER. The bill will be read, after which objection will be called for.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. OATES. I object.

ORDER OF BUSINESS.

Mr. WEAVER, of Nebraska. I desire to call up a bill from the Private Calendar, and to ask for its present consideration.

Mr. BEACH. I demand the regular order.

The SPEAKER. The regular order being called for, the Chair will proceed to call the standing and select committees of the House for reports.

JOHN RANDOLPH HAMILTON.

Mr. TUCKER, from the Committee on the Judiciary, reported back with a favorable recommendation the bill (S. 2156) for the relief of John Randolph Hamilton, of the State of North Carolina; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JUDGES OF UNITED STATES DISTRICT COURTS.

Mr. COLLINS, from the Committee on the Judiciary, reported back with a favorable recommendation the bill (S. 6) fixing the salaries of the several judges of the United States district courts at $5,000 per annum, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. SENEY obtained unanimous consent to present the views of the minority, to be printed with the report of the majority.

COMMERCIAL SALES.

Mr. CALDWELL, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. 1621) to regulate commercial sales of goods and merchandise by samples, catalogue, card, price-list, description, or other representation, between residents of the several States and Territories; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. REAGAN. I desire to reserve the right to file the views of the minority hereafter, to be printed with the report of the majority.

There was no objection, and leave was granted.

ASSISTANT COMMISSIONER OF INDIAN AFFAIRS.

Mr. STORM, from the Committee on Indian Affairs, reported back with a favorable recommendation the bill (H. R. 5787) to create the office of assistant commissioner of indian affairs; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

WILLIAM M'GARRAHAN.

Mr. CLARDY, from the Committee on Mines and Mining, reported, as a substitute for H. R. 3918, a bill (H. R. 8084) to submit to the Court of Claims for adjudication the title of William McGarrahan to the Rancho Panoche Grande tract of land in the State of California, and for other purposes; which was read a first and second time.

House bill No. 3918 was laid on the table.

The SPEAKER. The substitute bill, under the rule, will be referred to the Private Calendar.

Mr. CLARDY. I move that it be referred to the Committee of the Whole House on the state of the Union.

Mr. HAMMOND. Why should not that bill go where the rules would take it?

Mr. CLARDY. The bill does not propose, either directly or indirectly, to appropriate money. It provides a contingency, however, in which the Government may be liable for a considerable sum of money.

Mr. HAMMOND. Still it is a mere private bill and appropriates no money the gentleman states.

Mr. CLARDY. It is a private bill and appropriates no money.

Mr. HAMMOND. Then it should go to the Private Calendar.

Mr. CLARDY. But I have said it provides a contingency in which the Government may be liable for a considerable sum of money. I do not see any reason why this bill should not be considered in Committee of the Whole House on the state of the Union, as the more important public bills must be considered under the rules of the House; and I make that motion.

The SPEAKER. The gentleman from Missouri moves to refer the bill to the Committee of the Whole House on the state of the Union, the Chair having stated that under the rules it would go to the Committee of the Whole House on the Private Calendar.

Mr. SPRINGER. Is it in order to refer private bills to the Committee of the Whole House on the state of the Union?

The SPEAKER. If the House chooses to do so, the Chair thinks it may.

Mr. HAMMOND. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMMOND. If this bill, instead of being placed on the Private Calendar, is sent to the Committee of the Whole House on the state of the Union, then can it not be called up in the consideration hour and thereby get precedence over private bills?

The SPEAKER. The rule of the House as to that is very plain. It provides that when committees are called in the hour for the consideration of bills they may be taken from the Calendar of the Committee of the Whole House on the state of the Union or from the House Calendar.

Mr. MORRISON. The reference of a bill does not change its character.

Mr. HAMMOND. But it changes the opportunity of getting it up for consideration.

The question being taken on Mr. CLARDY'S motion, there were—ayes 47, noes 54.

So (further count not being called for) the motion was not agreed to.

The SPEAKER. The bill will be referred to the Committee of the Whole House on the Private Calendar, and will be printed.

EFFECTS OF ALCOHOLIC LIQUORS.

Mr. O'DONNELL, from the Committee on Education, reported back with the recommendation that it be indefinitely postponed the bill (H. R. 3496) to provide for the study of physiology and hygiene with reference to the effect of intoxicating, narcotic, and poisonous substances upon the life, health, and welfare by the pupils in the public schools of the Territories and of the District of Columbia and in the Military and Naval Academies, Indian and colored schools supported in whole or in part from the Federal Treasury; and the same was laid on the table.

Mr. O'DONNELL, from the Committee on Education, also reported back with a favorable recommendation the bill (S. 1405) to provide for the study of the nature of alcoholic drinks and narcotics and of their effects upon the human system in connection with the several divisions of the subject of physiology and hygiene by the pupils in the public schools of the Territories and of the District of Columbia and in the Military and Naval Academies and Indian and colored schools in the Territories of the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. MAYBURY obtained unanimous consent to present hereafter the views of the minority, to be printed with the report of the majority.

ADVERSE REPORT.

Mr. MATSON, from the Committee on Invalid Pensions, reported back with an adverse recommendation the bill (H. R. 3900) granting a pension to Mrs. Lina Alford; which was laid on the table, and the accompanying report ordered to be printed.

MICHAEL M'GRAYEL.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 5975) to increase the pension of Michael McGrayel; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NANCY BATTORFF.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 364) granting a pension to Nancy Battorff; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY A. TIBBETTS.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 135) granting a pension to Mary A. Tibbetts; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. MORRILL, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 681) granting a pension to John D. Childs, and the same was referred to the Committee on Pensions.

ADVERSE REPORTS.

Mr, MORRILL, from the Committee on Invalid Pensions, reported back with an adverse recommendation bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 7022) granting a pension to Margaret Butler;
A bill (H. R. 7258) granting an increase of pension to Samuel Parkhurst;
A bill (H. R. 7541) granting a pension to Bridget Ryan;
A bill (H. R. 5325) granting a pension to John Watson; and
A bill (H. R. 6766) granting a pension to Charles H. Anthony.

BRUNO SCHULTZ.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6774) granting a pension to Bruno Schultz; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM P. CARLETON.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 7074) granting a pension to William P. Carleton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORSON W. SEARS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 7075) granting a pension to Orson W. Sears; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES W. SANFORD.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6135) granting a pension to James W. Sanford; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY G. BALLINGER.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6126) granting a pension to Henry G. Ballinger; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CATHERINE THEUN.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6776) granting a pension to Catherine Theun; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SOLOMON J. GRISSOM.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 7617) granting a pension to Solomon J. Grissom; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. M. A. LEWIS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 5174) granting a pension to Mrs. M. A. Lewis; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HEZEKIAH TILLMAN.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 7614) granting an increase of pension to Hezekiah Tillman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY MANES.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 2800) granting a pension to Mary Manes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

AMOS C. WEEDEN.

Mr. LOVERING, from the Committee on Invalid Pensions, reported a bill (H. R. 8085) granting a pension to Amos C. Weeden; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 1110) granting a pension to Stephen Flynn;
A bill (H. R. 1111) granting a pension to Charles Douglass; and
A bill (H. R. 1091) for the relief of Laura A. Turner.

CHANGE OF REFERENCE.

On motion of Mr. HAYNES, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 3185) for the relief of Charles L. Lewis; and the same was referred to the Committee on Military Affairs.

ADVERSE REPORTS.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 7332) granting a pension to David W. Bagley; and
A bill (H. R. 6963) granting a pension to Giles Shurtleff.

CUMMINS PORTER.

Mr. TAULBEE, from the Committee on Invalid Pensions, reported a bill (H. R. 8086) granting a pension to Cummins Porter; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. SALLIE ANCRUM.

Mr. O'HARA, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7168) for the relief of Mrs. Sallie Ancrum; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NANCY FRANKLIN.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 7365) for the relief of Nancy Franklin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SUSAN MALONE.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 6670) granting a pension to Susan Malone; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 7067) granting a pension to Mary Grace Smith; and
A bill (H. R. 7064) granting a pension to Abbott B. J. Bent.

MANHATTAN PICKETT.

Mr. SWOPE, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 7165) to increase the pension of Manhattan Pickett; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN BUTLER.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 5411) granting a pension to John Butler; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 2091) granting a pension to Abraham Howard; and
A bill (H. R. 2182) granting a pension to Ellen Decker.

HENRY N. HUGGINS.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 1678) for the relief of Henry N. Huggins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WIDOW OF CAPTAIN DOMINICK LYNCH, UNITED STATES NAVY.

Mr. PINDAR, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 1630) to increase the pension of the

late Capt. Dominick Lynch, of the United States Navy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ERDMUTHE KIRCHNER.

Mr. NEECE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 5931) granting a pension to Erdmuthe Kirchner; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM BISHOP.

Mr. NEECE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 6688) for the relief of William Bishop; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH A. ROBBINS.

Mr. NEECE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 426) granting a pension to Elizabeth A. Robbins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. NEECE, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 3288) for the relief of Elmer Decker; which which was laid on the table, and the accompanying report ordered to be printed.

WILLIAM J. HEADY.

Mr. ZACH. TAYLOR, from the Committee on Pensions, reported back favorably the bill (H. R. 5635) granting a pension to William J. Heady; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LEWIS W. SCANLAND.

Mr. STRUBLE, from the Committee on Pensions, reported back favorably the bill (H. R. 3043) granting a pension to Lewis W. Scanland; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PHŒBE H. MEECH.

Mr. WHITE, of Pennsylvania, from the Committee on Pensions, reported back favorably the bill (H. R. 1649) granting a pension to Phœbe H. Meech; which was referred to the Committee of the Whole House on the Private Calendar, and, with accompanying report, ordered to be printed.

JAMES M. HOGAR.

Mr. WARNER, of Missouri, from the Committee on Claims, reported back with amendment the bill (H. R. 7507) for the relief of James M. Hogar; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report ordered to be printed.

AMERICAN GROCER ASSOCIATION, NEW YORK.

Mr. BUCHANAN, from the Committee on Claims, reported back with amendment the bill (H. R. 3176) for the relief of the American Grocer Association of the City of New York; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE T. NEWMAN.

Mr. BUCHANAN, from the Committee on Claims, also reported back favorably the bill (H. R. 5400) for the relief of George T. Newman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MALITTY ROSE.

Mr. BUCHANAN, from the Committee on Claims, also reported back favorably the bill (H. R. 2585) for the relief of Malitty Rose; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HEIRS OF ERSKINE S. ALLIN.

Mr. GALLINGER, from the Committee on Claims, reported back with amendment the bill (H. R. 4961) for the relief of the heirs of Erskine S. Allin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

P. A. LEATHERBURY.

Mr. TRIGG, from the Committee on Claims, reported back favorably the bill (H. R. 7455) for the relief of P. A. Leatherbury, of Accomack County, Virginia; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM C. DODGE.

Mr. TRIGG, from the Committee on Claims, also reported back with amendment the bill (H. R. 4649) for the relief of William C. Dodge; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MILO M'CRILLIS.

Mr. TRIGG, from the Committee on Claims, also reported back favorably the bill (H. R. 6550) for the relief of Milo McCrillis; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN J. COUGHLIN.

Mr. SHAW, from the Committee on Claims, reported a bill (H. R. 8087) for the relief of John J. Coughlin; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY BAZSINSKY.

Mr. RICHARDSON, from the Committee on War Claims, reported a bill (H. R. 8088) for the relief of Henry Bazsinsky, administrator of Abraham Bazsinsky; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH GRIGGS.

Mr. RICHARDSON, from the Committee on War Claims, also reported a bill (H. R. 8089) for the relief of Elizabeth Griggs, administratrix of Charles Murphy; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM ERVIN.

Mr. RICHARDSON, from the Committee on War Claims, also reported back favorably the bill (H. R. 3713) for the relief of William Ervin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE A. NORTON.

Mr. GEDDES, from the Committee on War Claims, reported back favorably the bill (H. R. 183) for the relief of George A. Norton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH CULBERTSON.

Mr. GEDDES, from the Committee on War Claims, also reported back favorably the bill (H. R. 7010) for the relief of Joseph Culbertson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN B. REID.

Mr. GEDDES, from the Committee on War Claims, also reported a bill (H. R. 8090) for the relief of John B. Reid; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HORACE P. HOBSON.

Mr. GEDDES, from the Committee on War Claims, also reported a bill (H. R. 8091) for the relief of Horace P. Hobson, administrator of John O. Graves; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY A. BLACKWELL.

Mr. GEDDES, from the Committee on War Claims, also reported a bill (H. R. 8092) for the relief of Mary A. Blackwell; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH P. DYER.

Mr. GEDDES, from the Committee on War Claims, also reported a bill (H. R. 8093) for the relief of Elizabeth Dyer; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EDWARD FITZGERALD.

Mr. LYMAN, from the Committee on War Claims, reported, as a substitute for H. R. 93, a bill (H. R. 8094) for the relief of Edward Fitzgerald; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 93 was ordered to be laid on the table.

CHANGE OF REFERENCE.

On motion of Mr. BARBOUR, the Committee on the District of Columbia was discharged from the further consideration of the bill (H. R. 7315) to provide for the continuance of street improvements and sewers in the District of Columbia; and the same was referred to the Committee on Appropriations.

JAMES G. WINTERSMITH.

Mr. GIBSON, of Maryland, from the Committee on Accounts, re-

ported back with amendments the joint resolution (H. Res. 112) for the relief of the estate of the late James G. Wintersmith, late Doorkeeper of the House of Representatives; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

REFERENCE TO SOLDIERS IN PUBLIC APPOINTMENTS.

Mr. STORM, from the Select Committee on Reform in the Civil Service, reported back with a favorable recommendation the bill (H. R. 1562) to amend section 1754 of the Revised Statutes so as to give honorably discharged soldiers and sailors preference in public appointments; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. CLEMENTS asked and obtained leave to file the views of the minority to accompany the report of the committee on said bill.

PUBLIC ACCOUNTS AND CLAIMS.

Mr. OATES, from the Committee on the Judiciary, reported back with a favorable recommendation the bill (H. R. 5281) relating to public accounts and claims; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, DES MOINES, IOWA.

Mr. HENLEY, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (H. R. 5251) making an appropriation for the repairs and enlargement of the post-office and court-house at Des Moines, Iowa, and fixing a limit therefor; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, CHEYENNE, WYO.

Mr. HENLEY, from the Committee on Public Buildings and Grounds, also reported, as a substitute for H. R. 2926, a bill (H. R 8095) for the erection of a public building at Cheyenne, Wyo.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill No. 2926 was ordered to be laid on the table.

FLORIDA KENNERLY.

Mr. HIESTAND, from the Committee on War Claims, reported a bill (H. R. 8096) for the relief of Florida Kennerly; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THEODORE TEED.

Mr. TRIGG, from the Committee on Claims, reported a bill (H. R. 8097) for the relief of Theodore Teed; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALLOTMENT OF LANDS IN SEVERALTY.

Mr. SKINNER, from the Committee on Indian Affairs, reported back with favorable recommendation the bill (S. 54) to provide for the allotment of lands in severalty to Indians on the various reservations and to extend the protection of the laws of the United States and Territories over the Indians, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

SIGNAL STATIONS, WEST INDIA ISLANDS.

Mr. WHEELER, from the Committee on Military Affairs, reported back with amendments the bill (H. R. 7656) to authorize and direct the Secretary of War to establish signal stations on the West India Islands; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same, namely:

A bill (S. 283) granting a pension to Isaac N. Minshall;

A bill (S. 231) granting a pension to Jennette S. Kent;

A bill (S. 813) granting a pension to Miss Rebecca Miller;

A bill (S. 221) for the relief of Alexander Smiley;

A bill (S. 481) authorizing the partition of certain land in Louisville, Ky., belonging jointly to John Echols and the Government of the United States;

A bill (S. 1487) to establish two additional land districts in the State of Nebraska;

A bill (S. 880) granting the right of way to the Schuylkill River East Side Railroad Company through the arsenal and naval asylum grounds at Philadelphia, Pa.;

Joint resolution (S. R. 10) to amend the statute in relation to the immediate transportation of dutiable goods, and for other purposes, approved June 10, 1880, so that the provisions of the same shall be extended to the port of Key West, Fla., and the provisions of the seventh section of the statute be extended to the port of Tampa, Fla.;

A bill (S. 82) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880; and

A bill (S. 141) to extend the provisions of the act of June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," to the port of Omaha, in the State of Nebraska.

ORDER OF BUSINESS.

The SPEAKER. The hour for the consideration of bills begins at eight minutes past 1 o'clock, and by order of the House that hour of this day is set apart for the consideration of the bill reported from the Committee on Expenditures for Indians and on the Yellowstone Park, the title of which will be read.

Mr. FORNEY. I ask the gentleman from Indiana if he will not give way to-day and allow the consideration of this bill to come up to-morrow, so as to continue the consideration of the bill granting relief to the sufferers by the overflow in Alabama, which is a pressing emergency demanding immediate relief?

I ask unanimous consent that the bill for the relief of the sufferers by the overflow of the Alabama rivers be taken up, and that the bill in charge of the gentleman from Indiana be taken up to-morrow.

The SPEAKER. The gentleman from Alabama [Mr. FORNEY] asks unanimous consent that the bill set for consideration in this hour to-day be postponed until to-morrow, and that the House proceed to the consideration of the bill for relieving the sufferers by the overflow of the rivers in Alabama.

Mr. DANIEL. I object.

INDIAN COMMISSION.

The SPEAKER. The Clerk will report the title of the bill assigned for consideration during this hour.

The Clerk read as follows:

A bill (H. R. 6973) to provide for the appointment of a commission to inspect and report on the condition of Indians, Indian affairs, and for other purposes.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] has sixteen minutes of his time remaining.

Mr. WEAVER, of Iowa. I rise to a point of order. This bill, I submit, properly belongs to the Committee of the Whole House on the state of the Union, and should be considered there.

The SPEAKER. But the Committee of the Whole House on the state of the Union was discharged from the further consideration of the bill, by unanimous consent of the House, when it was up the other day for consideration.

Mr. WEAVER, of Iowa. I was not aware of that. Then I would like to understand from the gentleman in charge of the bill what arrangements he proposes about the time to be occupied and the division of time.

Mr. HOLMAN. I hope there will be no further time occupied over the bill. This is the second hour, and the subject has been somewhat discussed. Unless it is disposed of during this hour, it goes over indefinitely.

Mr. WEAVER, of Iowa. I regard this as a very important bill, and one that the House should understand. We should have some time to discuss it.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] is entitled to the floor.

Mr. HOLMAN. There are quite a number of amendments pending by unanimous consent; and all I desire to add to what has been already said is that the measure is recommended by the Secretary of the Interior and suggested by the President of the United States in his last annual message. The object of the bill is to avoid a large number of commissions which have been proposed, which it is believed would create great confusion in the adjustment of the Indian question. It is proposed to have one commission of high character instead of a number—one commission of high character and standing, composed of three gentlemen designated from the Army and three from civil life.

I think the gentleman from Iowa will see that if the bill should be thrown open to extended debate as he proposes it would only result in the defeat of the measure. I therefore feel compelled to call the previous question on the bill and pending amendments, adding further, in accordance with the agreement made some days ago, a motion to strike out——

Mr. WEAVER, of Iowa. Do I understand the gentleman to demand the previous question?

Mr. HOLMAN. Yes, sir; except that I wish to interpose a motion to strike out all of the fifth section after line 16. I will state that the portion proposed to be stricken out appropriates the sum of $25,000 for the survey of lands to be allotted to the Indians in severalty. That is an appropriation provided for by an amendment of the Senate to the Indian appropriation bill carrying that sum, so that it is not necessary to be retained in this bill, and it more properly belongs to the general appropriation bill. I therefore enter a motion, under the agreement made by unanimous consent some days ago that motions might be pending, to strike out all after line 16, in the fifth section of the bill. How much time does the gentleman from Iowa desire?

Mr. WEAVER, of Iowa. This bill is one of the most important bills

pending now before the House concerning the Indian question. To my mind it is a very pernicious measure.

Mr. HOLMAN. I am not yielding to the gentleman now to make a speech. The gentleman desired to debate, and I simply asked how much time he wanted.

Mr. WEAVER, of Iowa. I am prefacing a remark so that I can answer the gentleman's questions.

Mr. HOLMAN. I decline to yield for that.

Mr. WEAVER, of Iowa. I propose to ask the House to vote down the gentleman's motion for the previous question if he does not yield to me for an explanation and to state my objections to the bill.

Mr. HOLMAN. If the gentleman will state how much time he desires I will yield him any reasonable amount of time.

Mr. WEAVER, of Iowa. I can not properly discuss this bill or explain it to the House under one hour.

Mr. HOLMAN. At the gentleman's own instance the bill was laid aside when formerly before the House. I was anxious to accommodate the gentleman; but it is manifest that if the House does not see proper to sustain the demand for the previous question the bill is postponed. If the gentleman wishes five or ten minutes, I will yield that time to him.

Mr. WEAVER, of Iowa. The gentleman from Indiana has been very kind, and I make no complaint. But after a careful examination of the bill I think it should not pass without a thorough discussion.

Mr. HOLMAN. Will ten minutes answer the gentleman's purpose?

Mr. WEAVER, of Iowa. Certainly not. This bill puts the whole Indian question in the hands of the Secretary of the Interior, and I will not make any agreement by which such a measure shall be hurried through the House. It should have been thoroughly examined in the Committee of the Whole House on the state of the Union. Without a proper understanding of what was in the bill unanimous consent was obtained to have it considered in the morning hour. That unanimous consent should not have been given. I for one will not consent that this bill shall be hurried through the House in this way.

Mr. HOLMAN. Inasmuch as the gentleman from Iowa declines to take such time as I have at my disposal I have no other course to pursue except to call the previous question. I leave the matter with the House after making this remark only——

Mr. CUTCHEON. Will the gentleman yield to me for a question?

Mr. HOLMAN. Not at this moment. This measure, as I have already said, comes before the House with the approval of the Interior Department. It has been very carefully considered by the House select committee on the subject to which it refers. It has already been debated and the House can determine its merits.

Mr. WEAVER, of Iowa. I care not whether it comes from the Secretary of the Interior or not. The Secretary of the Interior has no right to legislate.

Mr. HOLMAN. The gentleman from Iowa is taking up my time.

The SPEAKER *pro tempore* (Mr. MCMILLIN). Does the gentleman from Indiana decline to yield?

Mr. HOLMAN. Yes; I decline to yield.

Mr. Speaker, this bill is very carefully drawn, as every gentleman is aware; it has been pending now for weeks, and it was postponed at the instance of the gentleman himself [Mr. WEAVER, of Iowa] until to-day, and the matter is now with the House.

Mr. WEAVER, of Iowa. It was postponed in order that there might be an opportunity of examining the bill. That was the only reason.

Mr. HOLMAN. Certainly. The bill provides for referring to Congress every question that may arise where legislation or the modification of a treaty becomes necessary. It is a bill to protect the interests of the Indians and at the same time settle the numerous and important questions of our Indian relations.

Mr. CUTCHEON. Mr. Speaker, I have asked the gentleman from Indiana [Mr. HOLMAN] to yield to me for a few minutes, that I may explain an amendment which I desire to offer to the first section of the bill in regard to the organization of the committee, and which has been printed in the RECORD.

Mr. HOLMAN. How much time does the gentleman desire?

Mr. CUTCHEON. I think ten minutes will be sufficient.

Mr. HOLMAN. I hope the gentleman will not ask so much time as that.

Mr. CUTCHEON. Well, say five minutes—sufficient to explain the amendment.

Mr. HOLMAN. I will yield the gentleman five minutes.

Mr. CUTCHEON. Mr. Speaker, I have asked the gentleman from Indiana [Mr. HOLMAN] to yield to me in order to explain the amendment which, at his suggestion and invitation, I have had printed in the RECORD. The amendment will be found on page 3516 of the RECORD. This bill, as reported by the committee, proposes a commission, to consist of six members, three of whom may be detailed from the Army and the remainder from civil life or from the Indian service in the Interior Department.

Mr. DUNHAM. That includes members of Congress?

Mr. CUTCHEON. Yes, members of Congress. We have at the present time a board of Indian commissioners, which has been in existence I think since 1869, consisting of ten members. It is what was known originally as the Quaker board, and was appointed through the instrumentality of President Grant. That board has been doing very excellent service in a limited sphere.

At the present time its labors are confined principally to the inspection of Indian supplies, purchases for the Indian service, visiting the Indian reservations, and making recommendations to the Secretary of the Interior. That board is still in existence. There is nothing in this bill which purports to do away with it in any manner.

Now, if we pass this bill we shall have the spectacle of that old board of Indian commissioners (consisting of ten members), of which General Clinton B. Fish is president, and General Whittlesey is secretary, and also this new board of Indian commissioners, both boards running to some extent parallel, having in charge like interests, with jurisdictions to some extent overlapping. The object of the amendment which I propose is simply to consolidate these two boards, so as practically to do away with the old one, leaving but one board of Indian commissioners, which shall be charged with the jurisdiction that would belong to both as they would exist under this bill.

The amendment which I propose is simply to the first section of the bill, and would carry with it, of course, an amendment of the title. The amendment provides that—

> The President of the United States be, and he is hereby, authorized to reorganize the board of Indian commissioners, so as to make it to consist of seven persons, two of whom may be detailed from the officers of the Army, who shall report to the Secretary of the Interior for duty, the other members to be appointed from the existing board, from civil life, or detailed from officers in the service of the Department of the Interior. And when said board of Indian commissioners shall be so appointed, the organization and functions of the present board of Indian commissioners shall cease and determine. It shall be the duty of the said reorganized board of Indian commissioners to perform all duties heretofore intrusted to and performed by the board of Indian commissioners; and they shall inspect all goods and supplies purchased for the Indian service, and advise the Commissioner of Indian Affairs in regard to the purchase of such goods and supplies. It shall also be the duty of said commissioners, under the direction of the Secretary of the Interior, to inspect from time to time, as he may require, the condition of the Indians of the various tribes and bands on the different reservations under the care, control, or jurisdiction of the United States.

[Here the hammer fell.]

Mr. CUTCHEON. I ask the gentleman from Indiana [Mr. HOLMAN] to yield me two or three minutes more.

Mr. HOLMAN. I have not the time. The gentleman's amendment is pending.

Mr. CUTCHEON. In one word, then (if the gentleman will permit), I will say that the scope of my amendment is to consolidate the two boards of Indian commissioners and make one, with jurisdiction covering the whole field.

Mr. BUTTERWORTH. Do you think it is possible to give this bill due consideration in the time allowed?

Mr. CUTCHEON. I do not.

Mr. WEAVER, of Iowa. It is utterly impossible to give the bill proper consideration in the time allowed here.

Mr. CUTCHEON. This is a very important bill. It covers the whole Indian question.

Mr. HOLMAN. Mr. Speaker, I now ask the previous question on the bill and pending amendments.

Mr. WEAVER, of Iowa. I hope that will be voted down.

Mr. CUTCHEON. I hope the previous question will be voted down.

The question was taken; and there were—ayes 39, noes 52.

Mr. HOLMAN. No quorum has voted.

The SPEAKER *pro tempore*. The point being made that no quorum has voted, the Chair will appoint the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Iowa [Mr. WEAVER] to act as tellers.

The House again divided; and the tellers reported—ayes 48, noes 68.

Mr. HOLMAN. I will not consume the hour by insisting on a further count.

So the previous question was not ordered.

Mr. RANDALL. I suggest to the gentleman from Indiana [Mr. HOLMAN] that he ask the House to fix a day for the more deliberate consideration of this bill.

Mr. HOLMAN. I shall be very glad to comply with the gentleman's suggestion. The measure is a very important one; and gentleman can see the probabilities are that if this measure should not pass no measure to adjust and settle the Indian question can pass during the present Congress. Every member must recognize the importance of some measure for the adjustment of the Indian question. I therefore ask unanimous consent that some future day—I would say as late as the 25th of May, if it be thought advisable—be set apart for the consideration of this subject.

Mr. RANDALL. I do not see that there exists any opposition to this bill, except as to details. Everybody agrees as to the necessity of some legislation on this subject.

The SPEAKER. The bill is now before the House for consideration, and is subject to any parliamentary motion.

Mr. HOLMAN. I move that the bill be postponed——

Mr. WEAVER, of Iowa. I will make no objection to the 25th of May.

Mr. HOLMAN. I suggest the 20th of May.

Mr. WEAVER, of Iowa. I prefer the 25th.

Mr. RANDALL. That will give plenty of time, and will allow every member the opportunity to prepare and offer amendments.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] moves that the further consideration of this bill be postponed, as the Chair understands, until the 25th of May.

Mr. WELLBORN. Will that interfere with prior orders?

The SPEAKER. The Chair is causing the Calendar to be examined——

Mr. DINGLEY. I notice that there is an assignment already made for the 25th of May.

Mr. HOLMAN. I am willing to except prior orders.

Mr. WELLBORN. And revenue and general appropriation bills.

Mr. BLOUNT. Is it proposed to confine the consideration of the bill to one day?

Mr. HOLMAN. The proposition is to consider the bill until disposed of.

Mr. BLOUNT. I would like to know whether there is anything in this proposed order which would except this bill from the rule requiring its consideration in Committee of the Whole.

The SPEAKER. The gentleman from Indiana moves to postpone the consideration of the bill, which is a legitimate motion under the rules of the House.

Mr. WEAVER, of Iowa. I suggest to the gentleman from Indiana to add to his motion the clause "and that the bill be considered in the Committee of the Whole House."

Mr. HOLMAN. I can not consent to that. The bill is now in the House.

The SPEAKER. The Chair thinks that the 27th of May is set apart for the consideration of bills reported from the Committee on Indian Affairs.

Mr. HOLMAN. I would like to name some earlier day, subject to all prior orders.

Mr. WELLBORN. And to revenue and appropriation bills.

Mr. HOLMAN. And to revenue and general appropriation bills. I propose the 15th of May.

The SPEAKER. The gentleman from Indiana moves to postpone the further consideration of this bill until Saturday, the 15th of May, not to interfere with prior orders or with revenue or appropriation bills.

Mr. WEAVER, of Iowa. This bill is one of such far-reaching importance that it ought to be considered in the Committee of the Whole.

Mr. SPRINGER. It will be in order to refer it to the Committee of the Whole when we reach it.

Mr. HOLMAN. No; it is already in the House.

Mr. WEAVER, of Iowa. I suggest it be agreed by unanimous consent that the bill be considered in Committee of the Whole.

Mr. BLOUNT. Before the question is submitted I wish to make a parliamentary inquiry. As I understand, the pending motion is to postpone the consideration of this bill till a given day. Now, when the bill is reached at that time will it not, unless some further action is taken, be considered necessarily in Committee of the Whole?

The SPEAKER. The Committee of the Whole House on the state of the Union has been discharged from the further consideration of this bill; but it is always in order, except when the previous question is pending, to move to recommit a bill either to a standing committee or to the Committee of the Whole.

Mr. DUNHAM. When the time arrives for the consideration of this bill, will it then be considered in the morning hour or will it have the whole day?

The SPEAKER. It will come up at any time the gentleman in charge of it may call it up, subject, however, to the question of consideration.

Mr. DUNHAM. Will it be confined to the morning hour?

The SPEAKER. It is not confined to the morning hour.

Mr. HOLMAN. I demand the previous question on my motion.

The previous question was ordered; and under the operation thereof the motion of Mr. HOLMAN was agreed to.

Mr. HOLMAN moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUFFERERS BY OVERFLOW IN ALABAMA.

The SPEAKER. There are thirty minutes of this hour remaining. The Chair supposes, and makes the suggestion to the House, that as the gentleman from Alabama [Mr. FORNEY] would have been entitled to sixty minutes to-day for business of his committee if it had not been interfered with by the other order, he will still be entitled to sixty minutes; thirty minutes to-day and thirty minutes to-morrow.

Mr. FORNEY. I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the bill (H. R. 7645) for the relief of the sufferers by the overflow of the rivers in Alabama; and pending that motion, I move that all general debate in Committee of the Whole on this bill be limited to ten minutes.

Mr. OATES. I desire to suggest to my colleague he withdraw the latter part of his motion. I had no disposition myself to consume the time of the House, but ten minutes is too short a time for debate.

Mr. FORNEY. I only propose to limit to ten minutes the general debate. There will be left under the rules the five-minute debate on amendments.

Mr. OATES. Under the ruling of the Chair we will have sixty minutes. I suggest to my colleague he limit the time of debate to fifty minutes.

Mr. FORNEY. I am afraid I can not agree to that. I insist on my motion to limit debate to ten minutes.

Mr. OATES demanded a division.

The House divided; and there were—ayes 59, noes 40.

Mr. BRECKINRIDGE, of Arkansas, and others. No quorum.

The SPEAKER appointed as tellers Mr. FORNEY and Mr. BEACH.

Mr. BAYNE. I rise to make a parliamentary inquiry. If general debate be limited to ten minutes, will not the proposition then be open to the five-minute debate?

The SPEAKER. It will.

Mr. BAYNE. Under that you can have as long as you choose.

Mr. FORNEY. I withdraw the motion to limit debate to ten minutes.

The SPEAKER. The question then recurs on the motion to go into committee.

Mr. BRECKINRIDGE, of Arkansas. Is the point of no quorum withdrawn?

The SPEAKER. The gentleman from Alabama withdrew his motion to limit debate.

Mr. BRECKINRIDGE, of Arkansas. I insist on the point of no quorum.

The SPEAKER. The motion to limit debate has been withdrawn, and the question now is on the motion to go into committee.

Mr. FORNEY demanded a division.

The House divided; and there were—ayes 48, noes 41.

Mr. BRECKINRIDGE, of Arkansas. No quorum.

Mr. FORNEY. I believe this does not reach the Mississippi River or the waters of the Mississippi.

The SPEAKER appointed as tellers Mr. FORNEY and Mr. BRECKINRIDGE, of Arkansas.

The SPEAKER. The hour for the consideration of the bill has expired, and it goes over.

MESSAGE FROM THE PRESIDENT.

A message in writing was received from the President, by Mr. PRUDEN, one of his secretaries, which announced the approval of the following bills and joint resolutions:

An act (H. R. 1151) authorizing the President of the United States to appoint Lieut. William P. Randall a lieutenant-commander on the retired-list of the Navy, which bill was received by the President on April 5, 1886, and, not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, has become a law without his approval;

An act (H. R. 1270) to authorize the Mississippi River Water-Power and Boom Company of Brainerd, Minn., to construct a dam across the Mississippi River;

An act (H. R. 1297) authorizing the construction of a building for the accommodation of the Congressional Library;

Joint resolution (H. Res. 18) for the further distribution of the report of the Public Land Commission; and

Joint resolution (H. Res. 73) authorizing the printing of committee reports.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. WILLIS moved that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of resuming the consideration of the river and harbor bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. WELLBORN in the chair.

The CHAIRMAN. The House resumes the consideration of the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The Clerk proceeded to read the bill:

Strike out "for" and insert "by;" so it will read: "Improving harbor at Oak Orchard, N. Y.: Continuing improvement by repairs, $2,500."

The amendment was agreed to.

Strike out "no part of which shall be expended on the channel in front of the city" and insert "which, together with the amount on hand, is to be used in removing obstructions from the mouth of the Oswegatchee and continuing the excavation at the lower harbor upstream;" so it will read: "Improving harbor at Ogdensburg, N. Y.: Continuing improvement, $10,000; which, together with the amount on hand, is to be used in removing obstructions from the mouth of the Oswegatchee and continuing the excavation at the lower harbor upstream."

The amendment was agreed to.

The Clerk read as follows:

Improving harbor of New York at Gedney's Channel, New York: Continuing improvement, $150,000; of which sum $50,000, or so much thereof as may be necessary, shall be used by the Chief of Engineers and the Coast and Geodetic Survey to ascertain the best outlet to the ocean: *Provided*, That in the judgment of the War Department such survey is necessary.

Mr. HENDERSON, of Illinois. I move to strike out, in line 113, the words "and fifty," so it will read "one hundred thousand," instead of "one hundred and fifty thousand dollars."

Mr. Chairman, I was not present the other day when the general discussion was had on this bill, and regret that I was necessarily absent, as I had intended to submit some remarks upon the bill when taken up for general debate. But not being present at that time, I avail myself of the opportunity now to make a few remarks. Of course under the five-minute rule I can say but little, but I have made this motion to amend for the purpose of noticing some criticisms which have been made upon the river and harbor bill by that excellent newspaper the New York Tribune.

In the Tribune of Friday, April 16, I find the following article:

The river and harbor bill is now before the House, and a majority of the Representatives seem to be making ready to vote with an eye single to the wishes of their constituents. Over fifteen millions are called for by the measure, an immense part of which is made up of appropriations for projects which can not claim national or even real local importance. The money is to be put apparently where it will do the most good politically. Here, for instance, is one million for that great maritime State, with its great bays and tide-water harbors, Kentucky, and another for Missouri; but for this entire State of New York, into which is poured so much of the commerce of the nation, only $875,000 is allowed.

Mr. Chairman, I am surprised that so good a newspaper as the New York Tribune, and usually so fair, should make complaint of the Committee on Rivers and Harbors for having appropriated only the sum of $875,000 for the State of New York, in which it says is poured so much of the commerce of the nation.

Let me ask the New York Tribune or the members of this House from the State of New York, where does that commerce come from and where does it go? Does it not come from the West and the Northwest? Does it not come from foreign countries and go out largely through the lakes and rivers of the North? Is not the State of New York, and especially the city of New York, deeply interested in the improvement of all the channels of transportation in the country through which is carried the immense commerce that comes to and goes from that great city and State? Is not the State of New York interested in the Sault Ste. Marie Canal; in Hay Lake Channel; in the Detroit River, which is sometimes absolutely choked up with the immense commerce which passes through it, and much of which finds its way to New York, that great commercial city of the country?

Why, it seems to me very short-sighted for a New York paper to complain that the State has only $875,000, when there is no other city in this country and no other State so much interested in all improvements which benefit the commerce of the country as the city and State of New York.

Now, Mr. Chairman, I have not made this motion for the purpose of decreasing this appropriation, and will not insist upon its adoption; but I have made it to give me an opportunity of saying what I have now said. And when they complain of the State of Michigan, and say that Michigan has nearly a million of dollars appropriated by this bill, is it not known to every one who has given the least attention to the subject that there is not a harbor on Lake Michigan, whether it be a harbor of refuge or for commercial purposes, in which the city of New York and the State of New York is not deeply interested—quite as much so as the people of Michigan? So are the people of Illinois interested in these improvements quite as much as the people of Michigan.

Mr. Chairman, all the appropriations in this bill for Michigan are as much in the interest of Illinois, Wisconsin, Minnesota, Iowa, and other States west as they are for Michigan; and so are they of interest to New England, New York, Pennsylvania, and Ohio.

[Here the hammer fell.]

Mr. DINGLEY was recognized, and, by consent, yielded his time to Mr. HENDERSON, of Illinois.

Mr. HENDERSON, of Illinois. I am very much obliged to the gentleman from Maine for the courtesy extended to me in permitting me to continue my remarks.

There is not a city or State east or west, especially in the North, but has a common interest in the improvement of the harbors on the great lakes of the North. If there is anything in which the people of this country would seem to have a common interest, it is the improvement of our harbors and means of transportation, by which the great commercial interests of the country are promoted and benefited. It is by the commerce of the country that the great city of New York has been built up and enriched; and her people and her great newspapers should be among the last to complain of improvements which are to benefit and encourage that commerce.

But it has been stated that Illinois gets some $600,000 and more in this bill. I do not know how this amount is ascertained, or what appropriations are included to make up this amount. But I do know that you must include a portion of the appropriation for the Mississippi River, in which the people of the entire Mississippi Valley are as much interested as the people of the State of Illinois, to make up that amount.

If there are $640,000 in this bill chargeable to Illinois, the amount must be made up in part by taking a part of the appropriation for the improvement of the Ohio River, in which Pennsylvania is as much or more interested than the State of Illinois, or perhaps any other State of the Union; and a part of the Mississippi River, in which, as I said before, the entire Mississippi Valley is interested. And so, sir, I might go on and allude to other improvements in this bill in other States in which the city and State of New York are as deeply interested as the States in which such improvements are located.

Mr. Chairman, I will say here that I do not believe there is a member of the Committee on Rivers and Harbors who could have told within $100,000 of what any State had appropriated for it in the river and harbor bill when we finished its consideration and reported it to this House; and I believe if there has ever been a river and harbor bill carefully considered by any committee of the House this has been by the present Committee on Rivers and Harbors. If there has ever been a river and harbor bill when members of the House from all parts of the country have had fuller and fairer consideration in its preparation and formation—and this is the fifth bill which I have helped to formulate—I am not aware of it. I regard this as a fair bill, well and carefully considered.

We have given to Senators and Representatives and to commercial bodies from all sections of the country a patient and faithful hearing, and the committee has done the best it could do without reference to geographical limitations or geographical boundaries to make a bill which would benefit the whole country. We have known no North, no South, nor have we recognized any East or West in the consideration of the bill. All have been treated as far as we could with equal fairness and justice, and every case has been considered upon its individual merits. We have only studied the commercial advantages to be promoted by the improvement of the particular river and harbor under consideration, and I speak for myself when I say that my work has been done as well as I knew how to do it; and while these appropriations are for improvements located in one State and another, I have regarded the States and the people of the States as parts of one great country and people, and I believe that spirit actuated every member of the committee.

Mr. Chairman, I do not know whether it be true that the fifteen members of the River and Harbor Committee have got $10,000,000 for their respective States or not in this bill. I have not figured it out. But I do say that the State of New York is interested in the harbor at Chicago and in the harbor at Calumet, in the Detroit River, in the Hay Lake Channel, in the Sault Ste. Marie's Canal, in Portage Lake Canal, in the harbor at Duluth, and in all of the other harbors in the Northwest for which appropriations are made in this bill as much so as the people of the Northwestern States are themselves. And now, having said this much, I withdraw the amendment.

Mr. HEWITT. I can not renew it, and the gentleman from Illinois, by withdrawing it, has cut me off from my speech. [Laughter.]

The Clerk read as follows:

Improving harbor at Erie, Pa.: Continuing improvement, and also for the improvement of said harbor as recommended by the Chief of Engineers January 13, 1885, $50,000: *Provided*, That the Secretary of War be, and he is hereby, authorized and directed to receive and accept for the United States from the marine hospital of Erie, Pa., the title to the peninsula of Presque Isle, at Erie, Pa., as tendered by the said marine hospital, agreeably to the provisions of an act of the Legislature of the State of Pennsylvania approved May 11, 1871: *And provided further*, That $30,000 of said sum shall not be expended until the aforesaid title shall be accepted by the Secretary of War.

Mr. HAMMOND. I desire to make a point of order upon these two provisos to that section. This is a river and harbor bill, and properly has in it nothing that does not belong to the improvement of rivers and harbors. There is nothing in this bill that discloses that the acceptance of this gift in any way will benefit a harbor or river. We have heard something of a cognate subject here in past years. Bill No. 1440 was reported on in the first session of the Forty-seventh Congress by report No. 126. It was to give to the United States 102 acres of land, known as Garrison Hill, on this peninsula. The enacting clause was stricken out by a vote of 82 to 36. Mr. BAYNE demanded the yeas and nays, but only 18 supported his demand.

Now, it was said the other day by the gentleman from New York [Mr. HEWITT] that this was a covert way to give to the United States something that we had declined by that majority to accept before. But as that is upon the merits of the question I do not care to go into it.

Let us see just what this is. It is to allow the United States to accept certain property, and upon acceptance to pay $30,000 or to use $30,000 of this appropriation on certain terms:

As tendered by the said marine hospital, agreeably to the provisions of an act of the Legislature of the State of Pennsylvania approved May 11, 1871.

Let us see just what that is. We are to accept it from the Erie Hospital Company, that was created by the act of 27th March, 1867, which was to establish at or near the city of Erie a hospital. It exempted all the buildings, &c., from taxation, and then in section 13 it is declared that the hospital shall be on that part of garrison grounds south of Philadelphia and Erie Railroad, now occupied by small-pox hospital and given for hospital and park. Any other society may have 5 acres for hospital, and none shall be established elsewhere in the city of Erie.

Section 14 gave it certain water rights, extending out 1,000 feet from the mainland, and vested them in the hospital corporation, thereby created, for the use, benefit, and advantage of said corporation.

Section 19 declared that if the property of the corporation were used for any other purpose not therein authorized it should all revert to the State of Pennsylvania.

That was the act of 1867. It was amended on the 4th of March, 1869, to this effect, that whereas the councils of Erie had not been able to

make that peninsula pay its expenses, therefore they should turn it all over to the directors of the hospital association, to be controlled according to the purposes of the act of 1867, which I have just read, that is, for hospital purposes and for parks, and with the privilege of any other hospital company or society building a hospital and having 5 acres upon it.

Then comes the act of 1871, under the terms of which this gift is proposed to be accepted. First, the act appropriates $30,000 to the Erie hospital to pay its debts and furnish its building so as it will be in proper condition to take in patients. And then it declares:

But only on condition—

That $30,000 is to be given—

only on condition that the said marine hospital corporation shall reconvey to the said State of Pennsylvania by good and sufficient deeds, to be approved by the attorney-general, of lands in any way granted to said marine hospital by its grant of incorporation approved March 22, 1867, and the buildings now thereon, with the appurtenances, to be held by the city for the use and purpose defined by said act incorporating said hospital at Erie, and on the further condition that the said marine hospital shall convey to the United States of America all title it shall have to the peninsula of Presque Isle, obtained from the State of Pennsylvania by act of March 4, 1869, entitled "A supplement to an act incorporating a marine hospital at Erie," to be held by the United States, as near as may be, in its present condition and only for the purpose of national defense, and for protection to the harbor of Erie; but in all other respects to be subject to the civil and criminal jurisdiction, of the State of Pennsylvania; and the consent of the State of Pennsylvania is hereby given to such transfer of title only for the purposes and under the limitations hereinbefore mentioned.

The other two sections in the act are foreign to the matter now under inquiry.

Now, you will observe when the United States is asked to accept the title to this property by this proviso—

That the Secretary of War be, and he is hereby, authorized and directed to receive and accept for the United States from the marine hospital of Erie, Pa., the title to the peninsula of Presque Isle, at Erie, Pa., as tendered by the said marine hospital agreeably to the provisions of an act of the Legislature of the State of Pennsylvania approved May 11, 1871—

that it is giving our consent in a river and harbor bill that we shall accept that peninsula on condition that we keep up all the buildings that are on it and the parks that are on it, for that is the only way to keep it in its present condition "as near as may be;" and on the further condition that we shall use it only for the purposes of public defense and for the defense of Erie, Pa. Those are the words of the statute. If we accept it on those conditions we morally, and I would say legally but for the fact that the United States can not be compelled by law to do anything—we accept it upon the moral promise that we will build defenses on that peninsula for the public defense and for the defense of the harbor of Erie. It can mean nothing else, therefore, but the committing of the United States in the river and harbor bill to the building up of a fort or some other public defense at that place. The building of forts belongs to the Military Committee and not to the River and Harbor Committee, and the point of order I make is that the committee had no jurisdiction over the matter.

Mr. BAYNE. The gentleman from Georgia [Mr. HAMMOND], like the gentleman from New York [Mr. HEWITT] the other day, wholly misconceives this proposition and does not understand it at all. I was a little surprised at the attack made upon the bill before the proposition came up for consideration during the general debate on this bill while I was absent by the gentleman from New York, who thought he saw an old scheme in this and opposed it because he suspected there was something wrong in the proposition. If the gentleman had made an examination of the facts he would have ascertained there was no old scheme in this at all and no scheme that had ever been considered by Congress in connection with the establishment of soldiers' homes; and his suspicion arose from some other cause than from what is set forth in this proposition. No point of order such as is suggested by the gentleman from Georgia lies against it. If I understand the position he takes, he makes the point of order because it contains original legislation.

Mr. HAMMOND. Oh, no; I took no such position as that.

Mr. BAYNE. Then I do not understand your point of order.

Mr. HAMMOND. That may be. The point was this: that inasmuch as the act which tenders this property says that it shall be accepted by the United States only on condition that it shall be kept in its present condition as near as may be, and used for public defense and the defense of Erie, therefore it is not a matter for the improvement of a harbor, but at best is nothing but a matter of public defense, which belongs not to this committee but to the Committee on Military Affairs.

Mr. BAYNE. Mr. Chairman, even though the contention of the gentleman from Georgia [Mr. HAMMOND] were just as he sets it forth, I should still deny that this proposition is not germane to the bill and properly within its limits. The jurisdiction of the Committee on Rivers and Harbors is not a limited jurisdiction in the sense suggested by the gentleman. That committee can originate legislation—such legislation as may be necessary to promote the commerce of the country, or to promote the interests of navigation and thereby promote the commerce of the country. This proposition has been wholly misunderstood, and the gentleman from New York [Mr. HEWITT] was entirely mistaken when he said that it was the same proposition which was pending before the last Congress, to cede to the United States property worth $250,000. That was a munificent gift on the part of Pennsylvania to the National Government, for the purpose of establishing a soldiers' home, and it was refused by Congress because, I presume, of its munificence; for many a bill goes through this House by a large majority that will extract from the Treasury $250,000, but when a proposition comes here to donate to the National Government property worth $250,000, without one cent of consideration, it seems to excite a suspicion that there is something wrong in it. That sort of suspicion originates in minds that are not familiar with munificent donations, whether on the part of governments or individuals.

Mr. CUTCHEON. Will the gentleman yield for a question?

Mr. BAYNE. In a moment. The proposition in this bill, Mr. Chairman, is intended for no other purpose in the world than to improve navigation, or rather to preserve the harbor at Erie. It is not intended to give lands to the United States at all. Its object is merely to cede to the United States the control of what is called Presque Isle, a peninsula which runs out into the lake, and the preservation of which is equivalent to the construction of a jetty for the purpose of holding the waters of the harbor at Erie within their bounds, and thereby making it a harbor—for it is that very peninsula Presque Isle which makes the harbor at Erie. The land which was proposed to be donated to the National Government has already been taken by the State of Pennsylvania, and upon it has been established a soldiers' home at the expense of the State of Pennsylvania, and it is going to be kept up by that State; for, unlike New York, Pennsylvania is not going to call upon the Grand Army of the Republic to make voluntary contributions to sustain its home, but will support it by taxation.

Mr. HEPBRUN. Will the gentleman yield to me for a question?

Mr. BAYNE. Not just at this moment. Let me state the case first, and then you can ask questions. Mr. Chairman, there was an act passed by Congress in 1872 which I hold in my hand, and which reads as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and empowered to receive and accept from the marine hospital, Pennsylvania, a corporation duly incorporated by the Commonwealth of Pennsylvania, the title to a piece or parcel of land, being the peninsula lying to the northward of and inclosing the bay of Presque Isle, containing 2,024 acres, more or less, to be held by the Government of the United States for the protection of the harbor at Erie: *Provided*, That the deed conveying the same shall not be received or accepted until the title to the same is complete and indefeasible, nor unless the acceptance thereof shall be recommended by a board of officers of the Corps of Engineers appointed by the President.

The transaction contemplated by that proposition was that Presque Isle should go the United States Government in order that the Government might have it for the purpose of protecting the harbor at Erie. The Secretary of War, upon an examination of the tender made by the State of Pennsylvania, ascertained, or rather concluded, that the title was not indefeasible, and he refused to accept the deed that was tendered by the marine hospital; but upon further consideration by the War Department, the President of the United States recommended to the Forty-seventh Congress that the title tendered by the marine hospital be accepted. That recommendation was based upon the report of the local engineer, who reported that the preservation of the peninsula of Presque Isle was necessary to the preservation of the harbor at Erie. He made that report to the Chief of Engineers, and the Secretary of War made the report to the President, and the President, by a special message, recommended the acceptance of the title tendered of the marine hospital to the United States. That message is embodied in Executive Document No. 4 of the Forty-seventh Congress, which I hold in my hand. The language of the President is:

I transmit herewith a communication from the Secretary of War, dated the 4th instant, setting forth certain facts respecting the title to the peninsula of Presque Isle, at Erie, Pa., and recommending that the subject be presented to Congress, with the view to legislation by that body modifying the act of May 27, 1882, "An act to authorize the Secretary of War to accept the peninsula in Lake Erie, opposite the harbor of Erie, in the State of Pennsylvania (17 Statutes, page 162), so as to authorize the Secretary of War to accept the title to said peninsula proffered by the marine hospital of Pennsylvania, pursuant to an act of the Legislature of that State, approved by the governor May 11, 1871."

The act which the gentleman from Georgia [Mr. HAMMOND] read.

And the Secretary of War recites the proposition of the act of 1871 making a tender of Presque Isle to the Government of the United States and recommends the acceptance of that proposition. A board of engineers from the Engineer Corps, convened in 1873, reported:

That whereas the Presque Isle peninsula at Erie, Pa., is in constant need of protection by the Government to prevent its being breached by the action of the waves in storms; and

Whereas it is also valuable in part for light-house purposes, and is now so occupied by the United States; and

Whereas it appears that at present it is not only the resort of disorderly persons, but subject to depredations by cutting of timber and otherwise, thereby endangering its maintenance as a protection to the harbor of Erie:

We respectfully recommend that the United States accept the title to this peninsula from the marine hospital of the State of Pennsylvania, that it be placed in the custody of the Engineer Department, United States Army, so far as relates to the preservation of the land from change by cutting trees, carrying away sand, or otherwise interfering with the natural features of the peninsula, and that no such change should be permitted to be made without authority from the Chief of Engineers, United States Army, &c.

Then the Secretary of War recites the facts which I have stated, and recommends, as I have said, the acceptance of the proposition from the marine hospital of Pennsylvania. That is all there is in this proposition. It is to cede Presque Isle to the Government of the United States for the purpose of preserving and keeping it in condition as a

part of the harbor of Erie, and for no other purpose. Pennsylvania does not care for it in the least, except so far as it promotes the preservation of that harbor. Pennsylvania has no interest in it, nor has a single citizen of Pennsylvania any interest in it, except so far as to secure a good, safe harbor to Erie. There is not a line or a word in this acceptance or in the act of 1871, or in anything connected with this whole affair, which points to anything except that this property shall be taken by the Government to protect that harbor and place Presque Isle under the jurisdiction of the United States. It may be that this proposition is looked upon with disfavor by certain gentlemen because it involves no outlay by the Government. If this were a proposition that the Government should pay a hundred thousand dollars for this property, it would not perhaps excite so much suspicion. But there is no such purpose. We do not want any pay for it.

Mr. CUTCHEON. I would like to ask the gentleman whether there is any park or anything of that kind upon this island which the Government will be bound to maintain under the terms of this cession.

Mr. BAYNE. Nothing of the kind. My colleague [Mr. SCOTT] can tell all about the matter, for he knows every foot of the territory in question.

Mr. SCOTT. As gentlemen, I presume, are aware, the harbor of Presque Isle, in the city of Erie, is the only connection or inlet or outlet that Pennsylvania has with the great chain of lakes. My friend from Georgia [Mr. HAMMOND] has evidently been misinformed or does not correctly understand what the clause in the bill proposes to accomplish. That the House may fully understand the subject I would state that the harbor of Erie is formed by a low peninsula, containing about 2,500 acres of land, extending from the main shore eastwardly for about 2 miles. This peninsula constitutes the harbor of Erie, the protection against the lake. It is a low, sandy beach, varying in width from one-half to three-quarters of a mile; it is grown up with timber, which has heretofore formed the principal barrier against the storms and prevented them from destroying the peninsula, and consequently our harbor.

Of the large amount of money which the Federal Government has disbursed for the protection of the harbor of Erie, more than half of it has been expended upon this peninsula; and any further appropriations for the protection of that harbor must be expended there. There is not a single building upon this peninsula of any value except Government light-houses and the necessary buildings for light-house keepers. There are no parks there, nor was it ever intended or expected that there should be, as the main protection for the harbor is the undergrowth of trees and timber upon this peninsula.

Some years ago a scheme of a kind not unknown in legislative bodies was gotten up in our State by which this peninsula and certain property on the mainland were to be donated by the State of Pennsylvania to what was known as the marine hospital. The people of my city were not aware of what was really going on until we woke up one morning and discovered that our harbor was in danger of being ruined by the peninsula passing into private hands and being sold and parceled out to a lot of speculators. This gift to the marine hospital included not only the peninsula, but a considerable portion of the mainland. The marine hospital which was erected by this association or company was on the mainland, and the parks which it was proposed to establish were to be on the mainland.

Some of our citizens, myself among the number, appealed to the Legislature and got an act donating this peninsula to the General Government. We believed it was essentially necessary that the General Government should own it, because the Government was expending money to protect the harbor; and if it owned it, could do with it as it might be thought necessary and proper. Another object in the donation was the public defense, if the General Government should ever require it for that purpose.

The title to the peninsula at the time I refer to was vested in the marine hospital. The State of Pennsylvania had made large appropriations toward the construction of this hospital, and it was still uncompleted, and the necessary funds to complete it could only be obtained through State aid. The Legislature of our State, realizing the error which had been committed in vesting the title to the peninsula in the marine hospital, and appreciating its importance not only so far as the interests of the city of Erie were concerned but of the whole State of Pennsylvania, passed an act appropriating conditionally the sum of $30,000 for the completion of the marine hospital, provided the trustees of the hospital executed a deed for the peninsula to the United States Government, and at the same time the Legislature passed the necessary act vesting the title to the peninsula in the United States Government if the same was accepted by the United States.

Congress, during the administration of President Grant, passed a law authorizing the Secretary of War to accept title to the peninsula provided the board of officers, composed of members of the Engineer Corps of the United States Army, recommended the same. This board met, and, after a careful examination and investigation into the whole subject, recommended that the Government should accept the title to the peninsula, and in accordance with this recommendation the marine hospital executed a deed for the peninsula to the United States. This deed was placed on record in favor of the United States in our county, and was tendered to the Government, or the Secretary of War, who referred it to the Attorney-General for his approval. The Attorney-General, in rendering his opinion, raised some technical objections to the deed, and the Secretary of War decided that he could not accept the title until the objections raised by the Attorney-General were remedied. In the mean time the marine hospital, as an association, had gone out of existence, and there was no power left in that body to rectify this difficulty.

Mr. Brewster, who was then the Attorney-General, told me that it was simply a technical matter. My colleague [Mr. BAYNE] has referred to the special message of President Arthur calling the attention of Congress to this subject, and recommending that Congress should accept the title as made by the marine hospital. As the matter now stands the State of Pennsylvania is absolutely divested of any power or authority over the peninsula, and the Federal Government, while it has not absolutely accepted the title, has assumed more or less control over it, and in fact the peninsula, like Mahomet's coffin, has been hanging between heaven and earth, without an owner who can assert any positive authority over it and protect it from the depredations of those who may feel inclined to destroy it. The State of Pennsylvania, and my city especially, has a large interest in the protection and preservation of this peninsula, for upon its existence depends the only port Pennsylvania has upon the great chain of lakes, and I trust this House will not now strike out the clause which will perfect the title in the United States to the peninsula, but will accept the deed as tendered, which will enable the Government in its own way, without the interference of any other parties, to do whatever may be necessary for the protection of our harbor.

Mr. HEWITT. Mr. Chairman, this is a question of order, and I am sorry to say both the gentlemen from Pennsylvania have chosen to argue it as if it were a question on its merits.

The question is simply this: Whether a river and harbor bill is the proper place in which to rectify what my friend from Pennsylvania calls the lack of a technical delivery in the way of taking a deed. From the report, which the gentleman from Pennsylvania read in part, I ascertain that the Attorney-General of the United States declined to take the deed to this property on the ground it was a defeasible deed, and upon that ground the title was declined. In other words, it was a deed upon condition, and the condition required the United States to engage in the work of military defense.

If a proposition is made to this House to convey this property without any condition whatever, simply on its merits and in accordance with the recommendation of the Secretary of War, as not read by my friend from Pennsylvania but contained in the report, I will cheerfully vote for it, because I am satisfied, from the explanation the gentleman has made, this matter has no relation to the matter of the marine hospital which was up two years ago.

But still it is none the less obnoxious to the point of order, in that in a river and harbor bill we are required to pass upon a question of title, which is a law question, and must come up in the proper way in the form of a bill to pass this title to the United States.

Allow me to read:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of War, dated the 4th instant, setting forth certain facts respecting the title to the peninsula of Presque Isle, at Erie, Pa., and recommending that the subject be presented to Congress with the view to legislation by that body modifying the act of May 27, 1862, entitled "An act to authorize the Secretary of War to accept the peninsula in Lake Erie, opposite the harbor of Erie, in the State of Pennsylvania" (17 Statutes, page 102), so as to authorize the Secretary of War to accept the title to said peninsula proffered by the marine hospital of Pennsylvania, pursuant to an act of the Legislature of that State approved by the governor May 11, 1871.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *December* 6, 1882.

WAR DEPARTMENT, *Washington City, December* 4, 1882.

SIR: By an act of the Legislature of the State of Pennsylvania, approved by the governor on May 11, 1871, an appropriation of the sum of $30,000 was made for the benefit of the marine hospital of Pennsylvania at Erie, Pa., one of the conditions of the appropriation being thus expressed:

"And on the further condition that said marine hospital corporation shall convey to the United States of America all title it may have to the peninsula of Presque Isle, obtained from the State of Pennsylvania by act of February 4, A. D. 1869, entitled 'A supplement to an act incorporating the marine hospital at Erie,' to be held by said United States, as near as may be, in its present condition, and only for the purposes of national defense and for the protection of the harbor of Erie, but in all other respects to be subject to the civil and criminal jurisdiction of the State of Pennsylvania, and the consent of the State of Pennsylvania is hereby given to such transfer of title only for the purposes and under the limitations hereinbefore mentioned."

By an act approved May 27, 1872, Congress authorized the Secretary of War to accept said land with the following provisions:

"*Provided*, That the deed conveying the same shall not be received or accepted until the title to the same is complete and indefeasible, nor unless the acceptance thereof shall be recommended by a board of officers of the Corps of Engineers appointed by the President." (17 Statutes, page 102.)

A board of officers of the Corps of Engineers convened in accordance with the foregoing provisions reported July 9, 1873:

"That whereas the Presque Isle peninsula at Erie, Pa., is in constant need of protection by the Government to prevent its being breached by the action of the waves in storms; and

"Whereas it is also valuable in part for light-house purposes, and it is not now so occupied by the United States; and

"Whereas it appears that at present it is not only the resort of disorderly persons, but subject to depredations by cutting of timber and otherwise, thereby endangering its maintenance as a protection to the harbor of Erie:

"We respectfully recommend that the United States accept the title to this peninsula from the marine hospital of the State of Pennsylvania; that it be placed in the custody of the Engineer Department, United States Army, so far as it relates to the preservation of the land from change by cutting trees, carrying away sand, or otherwise interfering with the natural features of the peninsula; and

that no such change should be permitted to be made without authority from the Chief of Engineers, United States Army," &c.

The deed to the land in question proffered by the marine hospital pursuant to the above-mentioned act of the Legislature of Pennsylvania of May 11, 1871, not having been accepted, the subject was, under date of May 2, 1882, submitted by this Department to the honorable the Attorney-General, with request that, if said deed be found to be properly drawn and conveyed to the United States a complete and indefeasible title, the proper United States district attorney be instructed to assist the United States engineer officer in charge of the public works at Erie in procuring an abstract of the title held by the marine hospital of Pennsylvania at the date of the deed, and such other papers as were necessary in the premises.

The matter was accordingly referred to the United States district attorney for the western district of Pennsylvania, who, under date of October 31, last, submitted a report, in which he expressed the view—concurred in by the honorable the Attorney-General—that under the provisions of the above cited act of Congress of May 27, 1872, the Secretary of War can not accept the deed proffered by the marine hospital corporation.

In consideration of these facts and of the importance of the peninsula of Presque Isle in connection with the improvement and maintenance of the harbor of Erie, Pa., I have the honor to recommend that the subject be presented to Congress, with the view to legislation modifying the aforementioned act of May 27, 1872, so as to authorize the Secretary of War to accept the title to the land as offered by the marine hospital, if such legislation shall seem proper to Congress.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War.

The PRESIDENT.

Now, there is no doubt legislation is proper; but I respectfully submit to the chairman it is not proper in a river and harbor bill, although it is proper as an independent measure, to which I shall give my hearty assent.

[Here the hammer fell.]

Mr. SPRINGER. This is not an appropriation; it is a provision of law—new legislation—and is, therefore, obnoxious to the rule, clause 3 of Rule XXI.

Mr. HAMMOND. This is not a general appropriation bill.

Mr. LONG. Does the gentleman claim that the rule is applicable to this as a general appropriation bill?

Mr. SPRINGER. Do gentlemen say that it is not a general appropriation bill?

Mr. RANDALL. It has not been so ruled.

Mr. HAMMOND. It never has been so held by anybody. The Speaker has held that it is not.

Mr. SPRINGER. It is not, of course, a general appropriation bill in the sense of being a bill heretofore recognized for the support of the Government; but so far as the legislation is concerned it is a general appropriation bill, and the gentleman from Pennsylvania will find that there is no rule allowing amendments of this character upon a river and harbor appropriation bill which would not be in order upon other appropriation bills.

Mr. SCOTT. This is not an amendment. It is a report from the Committee on Rivers and Harbors.

Mr. SPRINGER. I understand that; it is a part of the river and harbor bill.

Now, Mr. Chairman, if this proposition may be reported upon this bill, there is no legislative proposition whatever which you could not put upon it in the same way. What is this proposition, and I ask the attention of the committee for a moment:

That the Secretary of War—

There is a naked, legal, substantive proposition embraced in the bill—

That the Secretary of War be, and he is hereby, authorized and directed to receive and accept for the United States, from the marine hospital of Erie, Pa., the title to the peninsula of Presque Isle, at Erie, Pa., as tendered by the said marine hospital, agreeably to the provisions of an act of the Legislature of the State of Pennsylvania approved May 11, 1871.

We are required to accept this donation agreeably to an act of the Legislature of the State of Pennsylvania, and by adopting this provision we adopt that act of the Pennsylvania Legislature and complete the contract between the United States and the State of Pennsylvania, as contemplated in that act and in this appropriation bill; and therefore this is the naked proposition which we are called upon to enact: to embody the terms of a proposition embraced in an act of the Legislature of Pennsylvania which has not even been read in our presence and the conditions of which we do not know.

Mr. HAMMOND. Oh, yes, we do.

Mr. OATES. Will the gentleman from Illinois permit me to ask him to state how or under what authority this Committee on Rivers and Harbors acquired jurisdiction at this session of that proposition?

Mr. SPRINGER. That is just what I want to find out. I have intended to imply that they have no jurisdiction upon the subject. It has no relation itself to the Committee on Rivers and Harbors; it is a question of purchasing land in the vicinity of a harbor—purchasing or accepting a donation of land with conditions which amount to a purchase, because I am informed by the gentleman from New York [Mr. HEWITT] that if we accept the donation we accept it with conditions requiring certain appropriations to be hereafter made on the harbor in that vicinity.

So that this is not only a substantive proposition of general legislation entirely independent of and having no relation whatever to the subject of rivers and harbors, but it ratifies and makes us adopt an act of the Pennsylvania Legislature which has not been read in the presence of the House.

Mr. HAMMOND. The gentleman is mistaken in that; I read it here myself.

Mr. SPRINGER. I was not present at the time.

Mr. BAYNE. Let me ask the gentleman from Illinois a question, or rather permit me to correct my friend from Illinois, as I am sure he wants to be fair.

Mr. SPRINGER. Certainly.

Mr. BAYNE. This whole matter is referred to the Committee on Rivers and Harbors by the Engineer Department, and by the recommendation of that department in their reports they recommend that this improvement be made at Presque Isle to preserve the harbor at Erie.

Mr. HEWITT. Does it appear in the printed recommendation?

Mr. BAYNE. It does in that of 1884; and I think——

Mr. HEWITT. But does it appear in the present recommendation?

Mr. BAYNE. I am not aware that it does, although it is likely.

Mr. HEWITT. There is no such recommendation in this year's report.

Mr. BAYNE. I am not certain of that. I know it is in the report for 1884, and I am inclined to think it is embodied in the present report.

Mr. REAGAN. In the report to which the gentleman refers it simply submits the matter for consideration and recommends that it be accepted in accordance with the act of the Pennsylvania Legislature.

Mr. SPRINGER. I was mistaken, Mr. Chairman, in saying that the act of the Pennsylvania Legislature had not been read in the presence of the committee. I am informed by the gentleman from Georgia that it was read, but I was not in the committee at the time and did not hear it. That, however, does not change the force of the statement I make, that this is a substantive proposition so far as this discussion is concerned; for by it we ratify the act of the Pennsylvania Legislature, and it is all legislation outside of an appropriation bill and outside of the jurisdiction of the Committee on Rivers and Harbors. I do not care whether the Engineers' Department have spoken of this subject or discussed it, or whether they recommend it, or whether that discussion and recommendation have, under the general order referring these reports to the Committee on Rivers and Harbors, gotten it before that committee. All that has nothing whatever to do with the subject now before us. It may be that in that manner it came before the Committee on Rivers and Harbors; but that is not material. The committee had no jurisdiction to report a general law upon the subject. If a bill had been introduced in the House and referred to the committee especially with reference to this subject that would probably have changed the status, but even then it would not have been reported as a part of an appropriation bill.

Mr. BAYNE. Will the gentleman from Illinois allow me to read one part of the recommendation of the engineers with reference to this improvement?

Mr. SPRINGER. Certainly.

Mr. BAYNE. Reference is made to this harbor at Erie, as will be seen in this report.

The engineers say:

The only work done during the fiscal year was minor repairs to the north pier and the south breakwater, amounting in all to $206.78.

In September and October, 1884, a survey was made of the peninsula.

That is the point in question here.

PROTECTION OF THE WESTERN NECK OF THE PENINSULA.

Most of the protection fences and pile jetties are in a dilapidated condition, but the narrowest parts of the peninsula are from 400 to 500 feet wide, with a crest rising about 5 feet above ordinary water.

The board of engineers of June 14, 1882, recommended that $10,000 be set apart from the amount available for Erie harbor to provide for the prompt construction of a dike at the neck in case of necessity.

The fact is, although the jurisdiction of the United States has not been ceded by the State of Pennsylvania, the Engineer Department has been exerting over that peninsula the very control which we propose in this bill.

Mr. SPRINGER. I beg the gentleman's pardon. I thought I was yielding for a question merely.

Mr. BAYNE. I was stating the fact that the Engineer Department has been exercising that control, and this is recommended by the report of the engineer on which we are acting.

Mr. SPRINGER. I did not yield the floor.

The CHAIRMAN. The Chair will remind gentlemen that the sole question now pending is as to the point of order.

Mr. FELTON. Before the gentleman from Illinois [Mr. SPRINGER] proceeds I wish to ask him this question: Is it not in the province of this committee to recommend such improvements as it may think necessary for the preservation of the harbor?

Mr. SPRINGER. I do not understand that the jurisdiction of the United States to improve a harbor authorizes the Government to buy the lands that surround the harbor. I do not see that the ownership of land that surrounds a harbor has anything to do with improving it for the purpose of commerce.

Mr. RANDALL. I ask the gentleman from Illinois whether the

rules do not permit the largest latitude in connection with the river and harbor bills, and whether it is not the fact that intentionally or otherwise there is not any restraint on that committee in this connection except a sense of public propriety?

Mr. SPRINGER. But no appropriation should be in order except in continuation of works already begun. And there has been no work begun of purchasing ground in connection with harbors.

Mr. REAGAN. I want to say in response to the suggestion of the gentlemen from Pennsylvania [Mr. RANDALL], that neither the River and Harbor Committee nor any other has original jurisdiction or any jurisdiction except for matters referred to it by the House.

Mr. HAMMOND. The River and Harbor Committee has jurisdiction over legislation for the improvement of rivers and harbors. The Military Committee has jurisdiction over matters affecting the public defense. The Committee on Commerce has jurisdiction over the matter of arranging where there shall be light-houses. The Committee on Appropriations has jurisdiction over the appropriation of money for light-houses and for the purchasing of land for public defense and appropriating money for public defense.

I did not make the point of order that this was general legislation, because that point is not well taken in my opinion. In a very elaborate opinion by Speaker CARLISLE in the Forty-seventh Congress he held that this was not a general appropriation bill, and that the restrictions in Rule XXIII that applied to the general appropriation bills could not be made applicable to this. The present occupant of the chair [Mr. WELLBORN] so held on this bill four years ago. When I had the honor of occupying the chair on this bill two years ago the same thing was held over and over. You may put new legislation on this bill so far as that rule is concerned. But where all points of order were reserved, as they were on this bill, you can not put in this bill anything that does not belong to the subject-matter of the improvement of rivers and harbors, because that committee has the right of way for its appropriations only upon those objects, and as to all other matters they must come in like any other committee, by having bills referred to them and report on them as separate bills.

Now, on the point of order I did not know when I began that the Attorney-General of the United States had ever held that this was a deed conditioned that the United States should build forts, and that for that reason it was a defeasible title. I thank the gentleman from New York [Mr. HEWITT] for bringing that to my aid. It only supports the view I gave that we can not accept this gift without binding ourselves to build a fort or other work of public defense.

I do not care whether it is to get us into the acceptance of a hospital or anything of that kind. But is it to improve the harbor or is it to accept the land to erect fortifications? If it is the latter, then this committee has no jurisdiction unless this House chooses to vote them jurisdiction by referring to them a bill for that purpose. But the Committee on Military Affairs would have that jurisdiction.

I repeat, and with that I will conclude what I have to say, the provision I ask to have ruled out is this:

Provided, That the Secretary of War be, and he is hereby, authorized and directed to receive and accept for the United States, from the marine hospital of Erie, Pa., the title to the peninsula of Presque Isle, at Erie, Pa., as tendered by the said marine hospital, agreeably to the provisions of an act of the Legislature of the State of Pennsylvania approved May 11, 1871.

Now, the provisions of that act are these in short:

To be held by said United States, as near as may be in its present condition, and only for the purposes of national defense and for the protection of the harbor of Erie, but in all other respects to be subject to the civil and criminal jurisdiction of the State of Pennsylvania; and the consent of the State of Pennsylvania is hereby given to such transfer of title only for the purpose and under the limitations hereinbefore mentioned.

If, therefore, we accept this gift, we accept it of course on condition that we will make no use of the land but for public defense and for the defense of the harbor of Erie. In other words, then, we accept it for that purpose.

Mr. REAGAN. And we exclude the idea, of improving the harbor.

Mr. HAMMOND. We exclude every other idea, because the statute says "you are authorized to tender for that and for nothing else;" and when we accept it, we will have simply done over again what the learned Attorney-General told us we had done before—we will have agreed to accept a defeasible title on terms on which we do not desire to accept it.

Mr. LONG. Is not that an argument against the merits of the provision?

Mr. HAMMOND. Certainly, it is an argument against the merits, but the other is an objection to the proposition being here at all on this bill.

Mr. LONG. Suppose we had referred to the Committee on Rivers and Harbors a proposition for the construction of a fort, do you hold that in that case the Committee on Rivers and Harbors would not be entitled to report on the subject?

Mr. HAMMOND. Oh, no; because I have said that if a bill for this purpose had been introduced and referred to that committee it would have gotten jurisdiction by the reference. But even then it could not report such a proposition on the river and harbor bill, which, because it is for the improvement of rivers and harbors, has the right of way. The committee could have reported the subject in another bill, but not on this. Suppose the gentleman from Kentucky [Mr. WILLIS], who has the honor of being chairman of the Committee on Rivers and Harbors, instead of referring his education bill to the Committee on Labor, had had it referred by a vote to the Committee on Rivers and Harbors, could they have brought in that bill as part and parcel of this? Not at all; but because jurisdiction would have been given to the committee by the vote of the House referring the subject to them they could have reported a separate bill for education.

Mr. LONG. Has not the subject-matter of Presque Isle been referred to the Committee on Rivers and Harbors in the letter of the Secretary of War and the report of the engineer?

Mr. HEWITT. I would like to answer that.

Mr. HAMMOND. No; there is not a word on the subject in the letter of the Secretary of War to which the gentleman refers, for I have examined that letter.

Mr. LONG. I understood the gentleman from Pennsylvania [Mr. BAYNE] to read from it.

Mr. HAMMOND. There is not a word in it on that subject.

Mr. LONG. I understood the gentleman from Pennsylvania [Mr. BAYNE] to read the letter in the report of 1885, which was referred in 1886.

Mr. HAMMOND. There is not a word in that letter on the subject, so far as I know, and I have sought to get information.

Mr. SCOTT. Mr. Speaker, in the bill to which the gentleman from Georgia [Mr. HAMMOND] refers, by which the State of Pennsylvania undertakes to convey this property to the General Government, there is an express provision that it is deeded to the General Government for two objects—one the protection of the harbor of Erie, the other military purposes. In discussing this point of order, gentlemen have referred to obligations resting upon the Government in regard to fortifications at that place. The gentleman from New York [Mr. HEWITT] referred to fortifications in connection with the Attorney-General's opinion. Now, I say here that the word "fortifications" is not mentioned in the Attorney General's opinion.

Mr. HEWITT. I have read the Attorney-General's opinion.

Mr. SCOTT. I have got the opinion.

Mr. HEWITT. I have read it, and the word "fortifications" is not in it, and I did not say it was.

Mr. SCOTT. And yet the gentleman says that the Attorney-General refers to fortifications.

Mr. HEWITT. He refers to the conditions of the grant.

Mr. SCOTT. He refers to the conditions of the grant, but he does not use the word "fortifications," as if there was an obligation resting upon this Government, if it accepted this grant, to deplete the Treasury in erecting military fortifications for the protection of the city of Erie.

Mr. BURLEIGH. Mr. Chairman, I sincerely hope that my distinguished colleague [Mr. HEWITT] will get into no controversy with the State of Pennsylvania on this matter, as I understand that they have come to a complete agreement by striking coal off the free-list and putting wool on. [Laughter.]

The CHAIRMAN. The Chair is prepared to decide this question. Two points of order are raised against this proviso, one by the gentleman from Illinois [Mr. SPRINGER] on the ground that it is new legislation, and therefore, under clause 3 of Rule XXI, is not in order on this bill. It has been uniformly held ever since the present occupant of the chair has been a member of this House that the river and harbor bill is not a general appropriation bill, and that therefore new legislation is in order on a river and harbor bill. The Chair, therefore, has no difficulty in disposing of that point, and holds it to be not well taken.

The other ground urged against this proviso is that it is not within the jurisdiction of the River and Harbor Committee——

Mr. HAMMOND. On this bill.

The CHAIRMAN. That it is not within the jurisdiction of the River and Harbor Committee on this bill, and is therefore out of order. If that statement of fact were correct, the Chair would have no difficulty in coming to the conclusion that the point of order is well taken. But the Chair is of opinion, from what has been submitted to him touching that peninsula of Presque Isle in the harbor of Erie, that the title to it is needful to the Government for purposes of navigation and for the improvement of the harbor for the uses of navigation. Now, it may be true that the conditions on which the Government is to accept the title to this property are very onerous, and that it would be unwise to accept the title upon such onerous conditions. On that point the Chair expresses no opinion. That is a question which addresses itself to the discretion of the committee. The only question for the Chair to determine is, Is the title to this piece of land needful to the Government in order to improve the harbor of Erie for purposes of navigation? The Chair is satisfied that it is. As he has already stated, if the conditions are so onerous as to make the acceptance of the title by the Government unwise, that is a matter which addresses itself to the discretion of the committee and not to the judgment of the Chair. The Chair overrules the point of order.

Mr. HAMMOND. I move to amend by striking out the proviso.

Mr. HEPBURN. I desire to call the attention of the Committee of

the Whole to the language of the last proviso, that "$20,000 of said sum shall not be expended until the aforesaid title be accepted by the Secretary of War." Gentlemen have assured the committee that the adoption of this provision would in no wise increase the necessary expenditures, yet evidently they must be mistaken. This bill undoubtedly appropriates for this purpose no more money than is necessary. Here are $50,000 appropriated, but $30,000 of this is to be expended upon the contingency of securing this title. If the title be not secured, $20,000 will be sufficient for this harbor; but if we do secure this title, then the other $30,000 are to be expended, making a total of $50,000. If this is true, how can gentlemen state that no additional expense is to result from the securement of the title to this little neck of land? We save $30,000 by not getting the title; we expend $30,000 as soon as we do secure the title.

The question being taken on the amendment of Mr. HAMMOND to strike out the proviso, it was rejected.

Mr. HEWITT. I move to amend by striking out the word "fee," in line 131, and inserting in lieu thereof the words "an indefeasible;" so as to read:

Provided, That the Secretary of War be, and he is hereby, authorized and directed to receive and accept for the United States from the marine hospital of Erie, Pa., an indefeasible title to the peninsula of Presque Isle, at Erie, Pa.

I also move to amend by striking out all after the word "Pennsylvania," in line 132.

The CHAIRMAN. The question will be taken on the amendments separately.

The question being taken on the amendment of Mr. HEWITT to strike out "fee" and insert "an indefeasible," there were—ayes 54, noes 59.

Mr. HEWITT. I make the point that no quorum has voted.

The CHAIRMAN, under the rule, ordered tellers; and Mr. HEWITT and Mr. BAYNE were appointed.

The committee again divided; and the tellers reported—ayes 54, noes 59.

Mr. HEWITT. I do not press further the point that no quorum has voted.

So the amendment was not agreed to.

The question being then taken on the amendment of Mr. HEWITT to strike out all after the word "Pennsylvania," in line 132, down to and including line 137, it was not agreed to.

The Clerk read as follows:

The Secretary of War is authorized to cede to the city of Chester, Pa., the upper and lower piers located in said city and extending into the Delaware River, and formerly used as an ice-harbor, if in his opinion said piers be useless to the Government and their present condition be dangerous to navigation.

Mr. BUCHANAN. I move to amend by inserting after the paragraph just read the following:

Improving harbor at Atlantic City, $23,000: *Provided, however*, That none of this money shall be expended until the plans for said improvement shall have been submitted to and approved by the Secretary of War.

Mr. Chairman, with the permission of the committee I will occupy a few moments in stating the reasons which lead me to offer this amendment. The coast line between Sandy Hook and Cape May is about 125 miles in length. The distance from Sandy Hook to Atlantic City is about 75 miles, and from Cape May to Atlantic City about 50 miles. It will be seen that the proposed harbor is nearly half way between Sandy Hook and Cape May. It is well known to those who reside upon the seacoast that all the commerce which comes out of the harbor of New York by way of Sandy Hook, bound southerly, passes close to the New Jersey coast. It is also known that this is a low, sandy coast, with outlying sand-bars, and is extremely dangerous to navigation, especially during the prevalence of easterly winds. The extent of that commerce is hardly appreciated.

The keeper of the Atlantic City light-house reports that during one year there passed within the range of his observation, and of which he took actual count during the daytime, eleven thousand four hundred and fifty vessels, or about one every twenty minutes of daylight. This commerce is carried on very largely in sailing vessels, vessels which during the prevalence of easterly storms are largely at the mercy of the elements.

Along this whole line of coast there is no harbor of refuge at low tide for vessels drawing over 8 feet of water, or at high tide for vessels drawing over 12 feet. At Atlantic City there is an inlet, upon the bar of which there is 8 feet at low water and about 12 feet at high water. Just outside of the bar the depth increases very rapidly, and inside of the bar the low-water depth, as reported by Colonel Ludlow, of the Corps of Engineers, reaches 60 feet.

The provision which I have offered is for the purpose of improving the entrance to this harbor, so that it may serve as a harbor of refuge for the commerce passing up and down that coast. All along the coast the wrecks of vessels are to be seen standing like weird sentinels of danger.

A report in favor of this improvement was made by Colonel Ludlow. I feel bound to state that subsequently another report, adverse to the improvement, was made by Major Heuer. But Major Heuer had proposed a certain method of improvement, an arrangement which I do not hesitate to say does not upon inspection at least strike favorably the average lay mind. I have therefore drawn my amendment so as to provide that none of the money shall be spent until the plans for the improvement shall be submitted to and approved by the Secretary of War.

One objection which Major Heuer has to the improvement is, there is not found sufficient anchorage ground within the harbor after it is reached. I have in my possession a letter from Hon. J. J. Gardner, State senator from that county nine years, who is perfectly familiar with the facts, in which he says:

During my first years of acquaintance with the harbor at Absecon Inlet and until 1854 or 1855 the channel went out straight about a southeast course. All the water went out the one channel. There was then over one bar at two-thirds flood from 16 to 17 feet of water. It was not unusual, as I am impressed, to see sixty vessels in that harbor at one time, and among them many "square riggers." I see no reason to doubt that a training jetty, throwing the water into one channel, would restore the channel and harbor of 1854. The great need of a harbor, especially for smaller vessels, for which the breakwater at Delaware Bay is unfit anchorage in a storm, I presume is not denied.

I also have a letter from Capt. John C. Fifield, one of the oldest sea-faring men on that part of the coast, which I should like to read:

BAKERSVILLE, N. J., *February* 10, 1886.

DEAR SIR: About the years 1844 to 1847 I was frequently in Absecon Inlet for a harbor of refuge from storms; have frequently seen from forty to fifty vessels there at a single time. The most vessels I have known there at a single time was 1851 or 1852, I am not sure which; there were sixty-three, and two of them were square-rigged. That probably was the largest fleet ever known in that harbor. At that time there was about 18 feet at high water. It is a well-known fact that when there are two or three channels out over our bar inlets the water in the main channel is shallow, and when there is only one the channel cuts out deep.

Yours, most respectfully,

JOHN C. FIFIELD.

Hon. JAMES BUCHANAN,
Washington, D. C.

The CHAIRMAN. The gentleman's time has expired.

Mr. WILLIS. I rise to oppose the amendment——

Mr. ANDERSON, of Kansas. I will take the floor, and yield my time to the gentleman from New Jersey [Mr. BUCHANAN].

Mr. BUCHANAN. I ask by unanimous consent to be permitted to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Kansas has yielded his time to the gentleman from New Jersey.

Mr. BUCHANAN. Very well; then I will reserve that time.

Mr. WILLIS. I rise to oppose the amendment, and in two minutes I can state the reason why this improvement was rejected.

The committee, by unanimous consent, rejected it, first, because it can not be made; second, if it were made, it would not accomplish the object in view; third, if it were made, the engineer reports it would destroy Atlantic City as a bathing-place; and, fourth, it is not a public necessity.

I will call attention, briefly, to the report of the Chief of Engineers, sustaining these four points.

First. It can not be done.

He says:

It is also probable that, owing to the shifting sands of which the beaches and bottom are composed, two jetties, if constructed and extending nearly two miles to seaward, would soon cause the shore lines of both beaches to build out toward the ends of the jetties, and in this event it would not be a very long time before another bar would again form before the outer ends of the jetties.

Second. If they were built they would be of no use.

It is said that during severe storms on this coast the sea sometimes breaks in 6 or 7 fathoms depth of water. It does not require an extraordinarily heavy storm to produce breakers in 3 fathoms depth, and as the outer ends of the jetties will not be in water more than 18 to 20 feet deep, it follows that during such storms, when vessels are most desirous of making a harbor, it would be impracticable for them to enter the comparatively narrow and long channel between the jetties.

Third. It would destroy Atlantic City.

The engineer reports:

It is also probable that the jetties, if built, would destroy, for a considerable time at least, the surf in front of Atlantic City, one of the most attractive features of the place.

Indeed the most attractive feature of the place.

He also says:

The improvement, if made, would be of great local commercial benefit to Atlantic City, but might ruin the fine surf bathing there for several years.

That is a strong appeal on the threshold of a hot summer.

Fourth. It is not a public necessity.

I am not prepared to say that the harbor is not worthy of improvement, but as the cost of making the improvement is far greater than the benefits to be derived therefrom, and as the works, if constructed, would not necessarily effect a permanent improvement, and as there is no public necessity for the works, the deduction from the facts must be that the harbor is not worthy of improvement.

Mr. BUCHANAN. Mr. Chairman, in reply to what the gentleman has said I will say, if I had simply asked for an appropriation, without putting in qualifying words, a portion of his remarks might be in point. I would do nothing to destroy the fine surf bathing at Atlantic City. It is reputed to be the best on the coast, and people come from far and near to enjoy the luxury. It, together with the mild and salubrious climate, has built up a city that is marvelous in beauty, teeming with life and enterprise, and a source of pride to our citizens. I would be

the last one to advocate anything that would do that city harm. But in this matter I act in obedience to the request of her mayor and leading citizens, including some of those most interested in maintaining the surf bathing. The gentleman says that if the jetties were built out a bar would form beyond them.

That contingency did not prevent us from voting the erection of the Eads jetties at Port Eads; but I am not favoring this proposition without guarding it, for I have provided that the plans shall be submitted to and approved by the Secretary of War before the money is spent. That is a security against the adoption of any improper plan. When the gentleman says that we can not make this improvement in the way Major Heuer proposes, I admit that his statement is correct. But we do not want the two long jetties he proposes.

When he says that the improvement can not be operative, he assumes that the plans are the same as those proposed by Major Heuer. I am perfectly willing to admit that Major Heuer's plans are not desirable. I do not admit, though, Mr. Chairman, that a proper improvement would destroy the bathing at Atlantic City; I admit that it would, perhaps, if the improvement were carried on as Major Heuer proposes, but not if the improvements are made as the other engineers propose. As to its being a public necessity, I have cited the figures here, which show incontestably that a harbor of refuge on our coast is a public necessity.

By the way, I may remark in passing that it is not always considered, in adopting items in a river and harbor bill, whether there is any public necessity for the work or not. I see many items in the bill of very doubtful necessity.

But in this case I do not hesitate to say, and the figures I have adduced will show it, for they are incontestable, that there is a public necessity for this improvement. We do not advocate it as a local matter solely. It is for the benefit of our commerce which comes out from Sandy Hook and runs down along the coast to enter the Delaware or farther down to enter the Chesapeake, and, in fact, the rivers and inlets all along our Southern shores.

I ask permission, Mr. Chairman, in this connection to also read as a part of my remarks an extract from a memorial prepared by the citizens of that vicinity and signed by the mayor and others of Atlantic City asking for this improvement.

I sincerely hope that, guarded as it is and being a matter of so much interest to our people and importance to our commerce, the amendment will be adopted by this committee.

The extracts referred to by Mr. BUCHANAN are as follows:

To the honorable Committee of the United States House of Representatives on River and Harbor Improvements:

GENTLEMEN: The undersigned, a committee of citizens of Atlantic City, N. J., and representing the signers to a petition to Congress, asking that an appropriation be made to improve the harbor of that city, respectfully set forth some of the facts and reasons for the improvement and protection to the entrance of the harbor of Atlantic City and the public necessity for the immediate commencement of the work.

LOCATION OF HARBOR AND CITY.

Atlantic City is located on Atlantic Island, one of the long beaches on the New Jersey coast. The island has an ocean front of 9 miles, and is divided from Brigantine beach by Absecon Inlet, the inlet being the entrance to the harbor, which the citizens of Atlantic City and owners of vessel property and others residing in the adjacent towns on the mainland desire to have improved.

The improvement sought is to have the channel-way over the bar at the entrance of the inlet dredged and deepened, and to be protected and straightened by the prolongation of a stone training wall or jetty along the southwesterly side of the channel, beginning at such a point on the city beach near the inlet as in the judgment of the engineers in charge may determine, extending the same to and over the bar, which has now 8 to 9 feet of water, in a straight line, or nearly a straight line, to deep water outside, say 18 feet.

PRESENT APPROACHES TO THE HARBOR.

To facilitate the entrance to the harbor the Government has erected one first-class light-house, near which is located a Government signal station and a life-saving service station.

SIZE AND PRESENT IMPORTANCE OF THE CITY.

The rapid improvement and extension of Atlantic City within the last fifteen years is unequaled on the coast, covering with beautiful avenues over 3 miles of ocean front. The city contains one hundred and twenty city squares, nearly all improved with fine rows of genteel dwellings, handsome cottages, costly hotels, besides numerous schools, churches, theaters, banks, and other public buildings. This city is also the railroad terminus of three lines of railroads, connecting Philadelphia and New York with this popular resort.

ITS CAPACITY AS A SUMMER RESORT.

Atlantic City accommodates during the summer months, with comfortable residences, over seventy thousand inhabitants and guests. Its winter residents and business population number according to recent returns eight thousand persons. Its active business population during the summer months augments this number to about twenty thousand.

IMPORTANCE TO COMMERCE.

The importance of this city to the general commerce of the great business centers of our country, in which Philadelphia derives by means of its three direct railroad lines the largest share, can not be overestimated. From ten to fifteen trains daily arrive during the spring and summer months freighted with provisions, furniture, house-furnishing goods, dry goods, clothing, and miscellaneous merchandise.

ENCOURAGEMENT TO THE COASTING TRADE AND RAILROAD TRAFFIC.

The vessels engaged in the lumber trade bringing lumber to this port average fifty vessels a year of an aggregate tonnage of 20,000 tons capacity. A competent authority, Mr. Richard Turner, estimates the receipts of building lumber by railroads for the same period to be not less than 50,000 tons measurement.

THE BRICK TRADE.

Bricks carried in vessels and delivered at this port are placed at 10,000 tons per annum.

ICE TRADE.

The ice arriving by vessels from eastern ports and conveyed to persons doing business here aggregates 11,000 tons per season.

OYSTER TRADE.

Oyster cargoes are mainly confined to incoming vessels loaded at Virginia ports and other points below the capes with seed oysters for planting, summing up 10,000 tons per year. Of the immense outgoing shipment at present carried on by railroad good authorities place it at 100,000 tons per year.

GROWING VALUE TO COMMERCE AND AGRICULTURE.

The value of this harbor to the commerce of the city and to the commerce of the towns along this part of the coast can not be overestimated. A thousand square miles of fair farming and fruit-growing lands can be brought within reach of two of the largest markets, New York and Boston, by steamboat conveyance, as soon as the bar can be removed or deepened to admit steamers drawing from 15 to 18 feet of water to pass safely over, within which they can find a harbor averaging from 30 to 60 feet of water.

A daily line of steamboats were offered recently, belonging to the New York Iron Steamboat Company, to open this trade, had the water at the entrance of the inlet been found deep enough to admit the passage of these vessels.

ATLANTIC CITY AS A NATURAL HARBOR OF REFUGE.

To Atlantic City as possessing a natural harbor of refuge your main attention is respectfully called. From the very full report made by Col. William Ludlow, United States Engineer Corps, furnished through his chief to the War Department and printed in the reports of that department to Congress in 1881, page 831, we extract the following:

"EXTRACTS FROM COL. WILLIAM LUDLOW'S REPORT.

"Section 2 of the river and harbor act of June 14, 1880, directed a survey of this (Absecon) inlet with a view to an examination of its capacity as a harbor.

"The coast of New Jersey from Sandy Hook to Cape May is 125 miles, and presents the characteristics of a long narrows, and beach, separated from the main land by interior bays and thoroughfares. The tidal currents traversing them maintain a depth sufficient for a restricted navigation.

"The long narrow sea beach is broken at intervals into separate beaches by inlets through which the tide ebbs and flows.

"The principal are five in number, with low water ranging from 7 to 10 feet. Of these Absecon Inlet ranks second.

"The great increase in the number of coasters passing the New Jersey coast and the frequent disasters to shipping from being forced upon the beach in gales suggest the desirability and future necessity for some harbors of refuge, that by means of permanent engineering works shall be so fixed both in position and depth as to admit of their being suitably lighted and entered with safety by at least the smaller classes of trading vessels.

"Absecon Inlet is about 75 miles south of Sandy Hook and 50 miles north of Cape May and separates Absecon beach from Brigantine beach. Its channel of entrance has 8 or 9 feet at least depth at low water, and for three years past has exhibited

AN UNUSUAL STABILITY IN DEPTH AND DIRECTION.

"After crossing the bar the channel deepens until, between the beaches, the low-water depth is 60 feet. The comparatively sheltered area bounded by the 25-foot contour is some 1,200 yards in length by 175 yards in width, and constitutes the present harbor; thence the water diverges westward into Absecon Channel and has a long stretch of 17 to 20 feet draught of water. The main thoroughfare continues the ship-channel, giving good wharfage sites for nearly 3 miles, to Arkansas avenue bridge, where three-masted schooners are frequently seen unloading.

"In 1878 the dangerous encroachment of the sea led the Light-House Establishment to construct a stone jetty. The effect was almost immediate in arresting the erosion of the shore.

POSSIBLE TO IMPROVE THE ENTRANCE BY MEANS OF SUITABLE JETTIES.

"It may be stated that even if improvement shall not be immediately contemplated, a certain care might be exercised to protect these few natural inlets against avoidable injury.

"As it is, this inlet is one of the best natural harbors on the New Jersey coast, the channel depth being about 8 to 9 feet at low water and exhibiting a very considerable degree of permanency both in depth and position for the last two or three years.

"WILLIAM LUDLOW,
"*Colonel Corps of Engineers.*"

[Extracts from accompanying letters of Mr. James Brady.]

ATLANTIC CITY, N. J., *September* 19, 1884.

ATLANTIC CITY AS A HARBOR OF REFUGE.

Statistics bearing upon the importance of this harbor as a harbor of refuge have been but partially collected. I am convinced that there would be such an array of figures that would place our harbor as the best site for a harbor of refuge. From information gathered this harbor has been known and used by mariners as a natural harbor of refuge for vessels passing or coming on this coast ever since the days of William Penn's settlement at New Castle.

Wrecks succeeding wrecks have occurred along this coast in almost monotonous succession, marking the calendar nearly every year with the sad tale of those melancholy monuments. No printed record reaches further back (known to me) than the year 1830, with the exception of three wrecks that happened during the war periods between our country and Great Britain. Those dusty annals begin with the name of one vessel, the ship Andrew, on Long Beach, from Liverpool, laden with a rich assorted cargo. The vessel was a total loss and the fate of the unfortunate crew remains unknown.

In those years of greatest activity of our merchant marine, when it was proudly claimed that our ships equaled in numbers that of all other maritime nations combined, a period when large, square-rigged vessels were extensively employed in the coasting trade, as many living must have witnessed among the forest of masts in New York Harbor, canvas banners flying from their foreyards, marked, "For Charleston," "For New Orleans," "Savannah," "Mobile," "Galveston," &c., there appears of record but one or two vessels each succeeding year, when it was well known by people residing along the coast that ten times that number were lost on the sand beaches of New Jersey.

THREE HUNDRED AND EIGHTEEN VESSELS LOST ON THIS COAST.

When a ship struck in those times the vessel, cargo, and crew were generally lost. Not so now, thank Providence and the Life-Saving Service. In Dr. T. T. Price's Historical Atlas of New Jersey I find authentic accounts of the loss of three hundred and eighteen vessels, lost on this coast within the period of fifty years, ending in 1877.

Included in this number is the packet ship John Mintern, then on a voyage from New Orleans to New York, resulting in great loss of life. She went on the beach in a snow storm. The writer lost a much esteemed school mate, Mr. Hartle, one of the officers of the ship. After swimming ashore he perished, frozen to death.

Major Wolf, keeper of the Atlantic City light-house, has furnished me with authentic record of the loss, within the limits of his light-house district (10

miles sea front) of twenty-one vessels lost within the period of ten years last past, of which number he furnished the names, dates, and location of the wrecks for the objects intended by this letter.

The same authority also furnished a memorandum of an important record kept by him up to a recent period of the number of vessels seen passing in and out of Absecon Inlet during the year 1882 (since which time these duties devolved on the officer in charge of the life-saving service here), to wit: During the eight storm months, in which the employment of life-saving crews were required, there passed in and out 1,800 vessels, or its equivalent, vessels making in all eighteen hundred runs, and during the four summer months in the same year he noted 2,534 vessels as entering or departing this harbor, or, as before stated, vessels making that many runs. Many of these vessels were large vessels; some were steamers. Of the large numbers mentioned in the winter months, many were in addition to the vessels employed in the freighting business, fishing vessels engaged in the ocean fisheries, and as deserving of protection as freight vessels.

Number of coasters and foreign vessels, as seen by him passing his light during daylight, in clear weather, for the period of one year, counted 11,450.

In this connection I must here recall your remembrance of the statement made by the above-named gentleman, that on the day preceding your arrival here to examine the harbor, the 13th instant, a caution signal displayed at the United States signal station brought into this natural harbor of refuge, in quick succession, no less than seven laden schooners, one steamer, and two barges in tow, some of which squadron remained here until after your departure. All others sighting the signal that could not enter had to stand off the coast.

I have the honor to remain, &c.,

JAMES BRADY.

To Major HEUER, *Engineer Corps, U. S. A.*:

ANSWER TO MAJOR HEUER'S OBJECTION TO INCUR THE EXPENSE NECESSARY TO IMPROVE THIS HARBOR FOR THE PROTECTION OF ONLY THE SMALLER CLASS OF COASTING VESSELS.

While the smaller class of coasting vessels are admitted, by the testimony of Colonel Ludlow and other competent authority, to be the most numerous of our coasting trade, and least capable, when loaded, to cope with stormy weather and the common dangers of the sea, this report seems to take no account. This officer leaves them outside, as if they had no business there in bad weather, to the makeshift of their too often short-handed crews, perhaps to founder, going down with all on board (as known to have frequently happened), or fortunately beached, thankful to the Life-Saving Service that the vessel and cargo are the only loss! If it is unfortunate for Atlantic City, it is nevertheless fortunate for the owners and crews of this useful class of vessels to find in the citizens of Atlantic City men generous enough to plead the cause of the distressed mariner without regard to the size of the vessel in which he may have ventured his life and fortune.

Major Heuer's compound objection "is that the improvement, if made, would be of great local commercial benefit to Atlantic City, but might ruin the fine surf-bathing there for several years."

The answer to the first part of this singular sentence can only be that Atlantic City can take care of her own commerce, but if she received but a moiety of the favors that other harbors of less commercial importance receive at the hands of the Government, in the nature of improvements, she would improve her opportunities with much more certainty than many so favored, which is just the pith and purpose of nearly all such undertakings.

To the second part of his sentence of condemnation, which might be taken as one of the Major's hygienic jokes, which says, "might ruin the fine surf-bathing," &c., we have but to answer, according to his judgment, the jetties may prove of doubtful utility in protecting the harbor from the violent encroachment of the sea, it nevertheless seems to him certain that the jetties, if constructed, would becalm the troubled waters of the ocean outside. For this last dreamed-of blessing we invoke no sympathy! The destruction of public and private property along the Boardwalk (beach front) by the violent action of the sea at times for the last five or six years would equal a considerable moiety of the proposed cost of the work. Even a partial relief from the constant anxiety entailed would be a grateful boon to the sufferers.

AN IMPORTANT ADMISSION.

The concluding remarks of this report contain the following important admission: "I am not prepared to say that the harbor is not worthy of improvements."

A SINGLE TRAINING WALL ONLY REQUIRED.

A single training wall or jetty here recommended by this committee is consistent with the present wants of the harbor and economy of construction. The method proposed calls for not over one and a half miles of jetty (instead of some four miles of stone walls, as suggested by Major Heuer's report). His estimate called for $900,000 to finish the work; our estimate can not equal one-third of that sum, with the cost of dredging added, which can not be considerable, as the ebb-current when the material is once loosened must carry out a large percentage of the silt, which fact is known to take place; the ebb-tide carrying to sea over the bar the sand that may enter the channel during the flood. For confirmation of this phenomena we respectfully refer to Capt. C. W. Howell's report and that of his assistant, H. C. Collins (vol. 2, part 1, pages 936 and 937, W. D. reports 1879), referring to Aransas Pass, in which he briefly says: "The fact that so large a quantity of sand deposited each day at flood tide on this mile of channel and that the channel does not fill up but remains 25 to 35 feet deep, proves that the sand brought in at the flood (by this and another contributing channel) is carried out at the ebb-tide over the bar."

Other important data bearing on this subject is derived from part of Col. William Ludlow's report, page 511, where his assistant, Mr. G. Daubeney, gives in substance, that nearly one-fourth of the tide water entering by the way of Brigantine channel, the northeasterly channel at the Inlet, does not return to the sea by that channel.

The sand entering by the channel way on the Brigantine side at the flood, is carried along with what it erodes or cuts from Brigantine beach (which to common observers is being rapidly washed away), must pass out as it were syphoned, by the way of the greater channel of the Inlet. Two shore jetties of say about 200 yards each in length if placed on the Brigantine side, could not fail to diminish this unusual deluge of sand that passes out of the harbor by the main channel, or obtain lodgment along its westerly bank and on the beach front, by way of an outlet over the westerly shoal near the bar, making considerable land.

For about a mile east of the main channel this new branch of the ebb current, as it passes along the beach in front of the city, drops the thick of the sand drift, when it at once recommences the work of destruction, lowering the beach, cutting the front of some very valuable property. From the course it is taking it promises to divide the island in a diagonal line north of west, bidding fair to leave the Excursion House and its surroundings in the near future outside of the city Boardwalk. "The timely erection of the proposed jetty would no doubt avert this impending disaster."

AN APPROPRIATION OF $75,000 ASKED TO COMMENCE THE WORK.

In conclusion your committee would respectfully ask for an appropriation of $75,000, or such sum as may be alloted by Congress, to commence the work. No other place on the coast can be selected more suitable for a harbor of refuge possessing the advantages it possesses for repairs and transportation by railroad.

We have the honor to be, &c.,

Committee: T. C. Garrett, mayor, Harry L. Slape, esq., Joseph A. Barstow, Capt. James McGuire, Charles Evans, R. D. Kent, Dr. T. K. Reed, George F. Currie, Albert W. Irving, Lewis Evans, Charles McGlade, Col. J. O'Reilly, Col. John M. Clark, John B. Champion, F. W. Hemsley, Col. Daniel Morris, George F. Lee, James Brady, Richard H. Turner, Henry Wootton, John R. Doughty, L. C. Albertson, Thomas Brady, A. M. Heston, John Mehrer, Hon. John J. Gardner, Wm. Albrecht, Joseph H. Borton, Somers Lake, Isaac Collins, Mark Townsend, Wm. Robinson, James Lahgham, Peter Tilton, John Steuber.

Mr. BURLEIGH. Mr. Chairman, I sincerely hope the amendment of the gentleman from New Jersey will not prevail. There is no business done that is demanding the improvement he suggests. This has been considered carefully by the committee, and they did not deem it worthy of an appropriation. It is utterly impossible for a member of the committee to vote for this proposition on this report of the engineers.

The amendment of Mr. BUCHANAN was not agreed to.

The Clerk read as follows:

Improving harbor at Wilmington, Del.: Continuing improvement, $20,000.

The comittee recommend the adoption of the following amendment:

Strike out "twenty" and insert "twenty-five;" so that it will read "twenty-five thousand dollars."

Mr. LORE. I move to amend by striking out "twenty-five," as proposed by the committee, and inserting "seventy-five," so that it will read $75,000 for improving harbor at Wilmington, Del.

I want to say, sir, that there were some facts which came to my notice after I had had an opportunity of appearing before the committee, and which of course I could not at that time lay before them. I need hardly say to a House as intelligent as this that the city of Wilmington in this regard is entitled at least to some little consideration. We pay over $233,000 annually into the national Treasury. It is a city of about 50,000 people. It employs eight thousand men in our workshops and pays annually in wages over $3,000,000, with a capital invested of over $10,000,000, and yearly in our workshops products of a value in excess of $13,000,000 are turned out.

We have, sir, there four large ship-building establishments—that of Enoch Moore, jr., the Jackson and Sharp Company, the Pusey and Jones Company, and the Harlan and Hollingsworth Company. Two of these, the Harlan and Hollingsworth Company and the Pusey and Jones Company, compete successfully with the builders of steam-vessels on the Clyde, and they have taken from those builders much of the work. the Pusey and Jones Company have constructed in their shops large numbers of river steamers, which ply to-day on the South American waters. They are acknowledged to be models of beauty, speed, and utility, excelling in all respects their English competitors. They are fit types of the enterprise of Wilmington mechanics and builders under most adverse circumstances, and manifest the possibilities of American ship-building under equal conditions. I need scarcely refer to so well-known an establishment as the Harlan and Hollingsworth Company.

It is known all over the country. Members from the Pacific coast doubtless know the steamer Olympia, built by this company, one of the finest vessels that plies on Puget Sound. On Long Island Sound we have the City of Worcester, one of the very finest that plies on any waters, a floating palace in fact, while I think our friends on the Gulf have there the Excelsior, a vessel of like character, all built by this company. These are only three of the great number of these vessels now floating in all the waters of our country. Mr. Chairman, we have over two hundred vessels that are documented in the port of Wilmington engaged in commerce in the district. We have over five hundred thousand in tonnage.

The condition of the harbor to-day is this: If you appropriate $25,000 for us as the harbor now stands, with the jetty which has proved somewhat imperfect, it will not enable us to accomplish the work that is required. Seventy-five thousand dollars will enable us to do it all. Twenty-five thousand dollars I think would enable us to do but little of the work, and the work thus incomplete and subject to injury while waiting for further appropriations——

[Here the hammer fell.]

Mr. RANDALL obtained the floor and yielded his time to Mr. LORE.

Mr. LORE. I beg to thank the member from Pennsylvania [Mr. RANDALL] for his courtesy. It is very rarely, Mr. Speaker, that I trespass upon the time of the House, but I desire to present this question most earnestly, because it is a matter of importance to my people. I do not present this amendment in any factious spirit toward the committee. They have done, I know, what they believe to be just and equitable in all cases; but I do not believe that the condition of that work has been fully or fairly apprehended by the committee. For $25,000 we could accomplish something. In proper cases there should be an exercise of discretion. This is one of them. With $75,000 we can do the work in such a way that it will not be necessary to come here and ask dribs from year to year.

You may do work in such a way by partly completing it as to leave much of it in a condition to be destroyed before you succeed in doing the entire work. By dribbing out little by little, year after year, you accomplish little, if anything, in the end. An appropriation of $75,000 given now for that port to permit the finishing and cleaning out of the channels and the completion of the jetties, which will be perfect in themselves when thus done, will be better than $150,000 or $200,000 spread over several years, $20,000 or $25,000 at a time.

There is an economy in doing what you have to do promptly and at once. If the work be a necessary work, then the sooner it can be done

for a reasonable expenditure the better. And I do say to this committee that from a conference with a local engineer I am satisfied that if $25,000 be given to-day and used in that work, ten thousand dollars' worth of the work would have to be done over again in another year. The engineers report $166,000 are necessary to complete the work. They recommend $75,000 for this year; $25,000 is the amount reported by the committee. I ask again of this House for $75,000, and I ask it with a sincere desire to provide that the public money shall not be used improperly or wasted. Give us now the $75,000, and I think we shall not be likely to trouble the committee again for some time.

Two steam freight and passenger lines—the Charles Warren Company and George W. Bush & Sons—employing propellers, tugs, and tenders, are connecting the port with Philadelphia and New York, running daily lines. There are also three passenger steamers making daily trips to Philadelphia and to points in New Jersey.

The receipts from the different Federal offices at Wilmington during the past fiscal year were as follows:

RECEIPTS.

From customs		$26,101 22
From internal revenue		298,536 48
From steamboat fees		1,374 25
From marine-hospital tax		2,946 52
From labor, drayage, and storage		50
From service of officers		5 00
From fines, penalties, and forfeitures (customs)		1,286 23
From immigrant fund		1 00
		325,445 20

EXPENSES.

Collecting customs	$8,408 86	
Internal revenue	12,009 59	
		20,418 45
Net revenue		305,026 75

RECEIPTS FROM PORT.

Office	$49,627 46	
Expenses	22,470 76	
Net		27,157 70
Total net revenue		332,184 45

WILMINGTON MANUFACTORIES.

Number of employés	7,852
Wages paid	$3,174,821
Raw material used	7,884,817
Capital employed	10,744,389
Annual product	13,205,370

VESSEL INTERESTS.

Number of vessels documented at Wilmington.

	Number.	Tonnage.
Steam	26	4,299.43
Sail	158	13,740.35
Total		18,039.78

Number of vessels built and repaired at Wilmington in 1884.

Built	24
Repaired	98

Mr. GROSVENOR. The argument that if an appropriation of $25,000 only is made it is bad economy and that an appropriation now of $75,000 is of more value than of $25,000 a year for three years to come is an argument you will find applicable perhaps to one-half of all the items in this bill. While I fully appreciate the force of it, I desire to call the attention of the committee to the fact that if we had made our appropriation on the basis claimed by the gentleman from Delaware [Mr. LORE] this bill would reach $43,000,000. The item at Wilmington, the item under consideration, is put upon the basis of 33⅓ per cent. of the engineers' estimate. If the other items were put upon the same basis the total of this bill would be greater than its present aggregate. There is nothing shown in the case of Wilmington that makes it a stronger case for deviating from some sort of adherence to a necessary rule than might be shown in every instance in the whole line of the estimates. It is true that in some cases we have proposed to appropriate all that is required, in others we have rejected the whole, and in some cases we have made the total appropriation less than 20 per cent. of the estimate.

In this particular case, while it may be true the port of Wilmington is a profitable one to the Government, there is nothing shown to justify going outside of the percentage that we are compelled to be limited by. The argument which the gentleman from Delaware makes, if applied to the port of New York, would give to that port most of the money that is appropriated in this bill.

Mr. LORE. I ask the gentleman whether other ports are not in this condition—that much of the work already done will be lost if a sufficient expenditure to continue it is not made?

Mr. GROSVENOR. That is a statement by the engineers in two-thirds of the estimates, and made for the consideration of the Committee on Rivers and Harbors. This appropriation had to its credit $17,000. We proposed for $20,000 additional and have changed that to $25,000. I have no feeling or interest in it. But the argument that it would be more economical in the long run to appropriate the larger amount is an argument we can give very little weight to except in special cases.

Mr. WILLIS. I desire to say only a word. I fully recognize the commercial importance of this harbor, and this case only illustrates, as my colleague on the committee has stated, the embarrassment of the committee. The estimate of the engineers is $75,000. We recommend $25,000. There were $17,000 on hand on the 1st of July. So that there will be a greater amount than has been expended in the last four fiscal years. I therefore say to the gentleman from Delaware that within the limits of a small bill, small as compared with the estimates of the engineers, we have done the best we could.

The CHAIRMAN. The question is on the amendment of the gentleman from Delaware to the amendment recommended by the committee.

The question being taken on Mr. LORE'S amendment to strike out "$25,000" from the committee's amendment and insert "$75,000," it was not agreed to.

The amendment of the committee to strike out "$20,000" from the bill and insert "$25,000" was agreed to.

The Clerk read the following paragraph

Improving harbor at Baltimore, Md.: Continuing improvement, $100,000.

Mr. COMPTON. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 153, strike out "$100,000" and insert "$170,000."

Mr. COMPTON. I desire to say just a word. I believe in the theories of the old men who in former times held that bills having such provisions as this were not strictly in keeping with the provisions of the Constitution. But the policy of Congress under this Government has determined that question otherwise, and I am therefore in line with those who favor liberal appropriations for general improvements. It strikes me, however, that these appropriations should be made with reference to the national character of the point proposed to be improved.

What do we find in this appropriation bill? We find in the State of West Virginia the Kanawha River asking and receiving at the hands of this committee an appropriation of $125,000; this for a local stream affecting only one State and the people of one State, so far as I am informed. I am not disposed to quarrel with my friends from West Virginia. I give them credit for having obtained so much for their gallant little State, and I shall vote for the appropriation.

I find, sir, that the city of Charleston receives at the hands of the committee in this bill $250,000; improving Cumberland Sound, in Florida and Georgia, $150,000; improving the harbor of Savannah, $125,000; improving the harbor of Mobile, $120,000. Now, gentlemen may say that the city of Baltimore has received already $2,000,000 for the improvement of its harbor. That is true, sir; but the city of Baltimore has also received from the State of Maryland and appropriations of the city itself largely over half a million dollars. Baltimore is emphatically a port in which all the West and Northwest and the Southwest is directly interested. Her great railroad, penetrating to your extreme Northwest and West and South and Southwest, brings to that port the trade and commerce of the whole country. I have made the amendment cover $170,000, because the engineers in reporting upon this proposition say that they have $30,000 on hand and that $200,000 can be used judiciously during the coming year. This amendment will make the available sum $200,000. In my humble opinion that is not more than is required, nor more than should be received from this Government for the improvement of that great harbor, and I submit it to the fair judgment, the candor, the liberality, the sense of justice of this House. I appeal to the Representatives of all sections of the country, because this is a national improvement, in which the entire country is interested.

Mr. WILLIS. Mr. Chairman, I desire to say in behalf of the Committee on Rivers and Harbors that, fully recognizing the great importance of the port of Baltimore, although it has no representative on the committee, we gave it as much in proportion to the estimate as any other harbor in the United States. We gave Baltimore 50 per cent., while to the harbor in South Carolina which the gentleman from Maryland [Mr. COMPTON] has mentioned we allowed but 33 per cent., and to the Great Kanawha 33⅓ per cent. We have done more for Baltimore than for two-thirds of the harbors of the country and as much as we have done for any harbor in the United States. The engineer reports that $200,000 will complete the existing project for the improvement of the harbor. There is $30,000 already on hand; the harbor itself is in good condition; we have given half the amount that is called for by the report of the engineer, and the next river and harbor bill will probably give the other half. Then my friend's occupation, so far as river and harbor bills are concerned, will be gone forever, and we took that into consideration in dividing the appropriation. [Laughter.]

Mr. COMPTON. Why make two bites of one cherry?

Mr. WILLIS. Because the cherry in this instance was too large for the mouth of the House. [Laughter.]

Mr. COMPTON. May I ask the gentleman what percentage he gives the Great Kanawha?

Mr. WILLIS. Seven hundred and fifty thousand dollars was the estimate.

Mr. McCOMAS. I understand the chairman of the Committee on Rivers and Harbors to say that the amount on hand for the improvement of the harbor of Baltimore is $30,000. I have no doubt he thought that was correct.

Mr. WILLIS. Not now on hand, but on hand at the beginning of the present fiscal year.

Mr. McCOMAS. That amount has been very much reduced, and the small sum that is now on hand has been retained only because of the apprehension that there might be a failure to appropriate here.

Mr. Chairman, I only want to add to what my colleague has said, that Baltimore is one of the great harbors of the country, and that its improvement is in the hands of a most competent, careful, and moderate engineer; so that when Colonel Craighill after years of experience says it will require an appropriation of $200,000, that does not mean that they ask $200,000 in the hope of getting $100,000, but it means that $200,000 is actually needed. That estimate is veritable, *bona fide*, not inflated, and therefore I trust that the amendment of my colleague will prevail. The new cut-off channel, which shortens the channel between the Craighill and Brewerton channels, is now being excavated, deepened, and enlarged. I shall most heartily vote for the amendment proposed by my colleague, and I am confident that no wiser act can be done in connection with this bill than the adoption of that amendment.

Mr. FARQUHAR. Mr. Chairman, I want to make just one general remark as to the scaling of this forty millions of appropriations. I have no words of deprecation for any member on this floor looking to his own local interest and the interest of his constituency in respect to appropriations. The item in which I am more directly interested—the appropriation for Buffalo Harbor—has by some means been scaled down to about 26½ per cent. of the estimate. I want to present to members of the House, and particularly to members of the committee, this fact, that as a Representative upon this floor looking to the object of passing this bill now, I have not raised any point against any appropriation where the committee have seen fit to give 33 per cent., or even, as in the case of Baltimore, 50 per cent. The harbor of Buffalo in the last thirty years has turned into the Treasury of the United States, free of all dues and cost of collection, over $10,000,000; yet I, as its Representative, find no ground on which to cavil at the action of the Committee on Rivers and Harbors; I take the appropriation as it comes from that committee, being only 26½ per cent. of the estimate, and I accept it, hoping that all other conservative members of this House will do likewise, so that we may progress the bill and reach a conclusion without stump-speeching every creek and every harbor as it comes up. [Applause.]

Mr. STONE, of Massachusetts. Mr. Chairman, I wish to say a word in support of the view taken by the chairman of the Committee on Rivers and Harbors. We have allowed the city of Baltimore 50 per cent. of the entire amount asked for by the engineers, and there is no port upon the Atlantic coast to which so large an appropriation has been given in proportion to the estimates as to Baltimore. That fact, sir, comes of the judgment of the committee, that there is no port which can properly make a larger claim upon Congress for an appropriation. But it will be found by gentlemen who examine the report of the engineers that the harbor of Baltimore is already nearly completed.

One reason, sir, why the committee was willing to deal liberally with Baltimore is that she has done very much for herself. Baltimore is one of the places on our coast where the citizens themselves have, from the beginning, very liberally appropriated from their own means for work of this kind. We have found that in the case of Baltimore there was no special exigency, no pressing need. The engineer himself says that the depth required at this harbor—27 feet—has been obtained, and only a little more width of channel is necessary. It is admitted by Colonel Craighill himself, one of the most competent engineers on the whole coast, that the sides of the channel are composed of material so soft that vessels suffer no injury if they happen to impinge upon the borders of the channel. Therefore there is no pressing reason why this work should be hurried and finished earlier than work of a similar character which is proceeding under the appropriations of Congress.

Mr. McCOMAS. The gentleman will allow me to say that the channel of that harbor is intended to be 27 feet——

Mr. STONE, of Massachusetts. Twenty-seven feet in depth.

Mr. McCOMAS. When the channel was first cut there was not a sufficient appropriation to make the channel of the width naturally required by the scheme of the work, and it was cut about one-half the contemplated width. Since that time it has been by degrees cut wider and wider, but at no point in the four branches of the channel have they yet been able to reach the natural and necessary width as projected by Colonel Craighill.

Mr. STONE, of Massachusetts. It is entirely true, as the gentleman from Maryland says, that these channels have not yet the width which it is the desire of the engineer that they should have.

Mr. McCOMAS. And the width which is needed.

Mr. STONE, of Massachusetts. No doubt the interest of commerce would be promoted if they were widened, but it is equally true that a depth of 27 feet, which is the main object, has been obtained, and it is stated in the report that the lack of the necessary width is not a material obstacle to commerce, because if vessels happen to impinge upon the sides of the channel no damage is done, as those sides are of soft material, and a vessel which happens to touch them in passing is not injured. If the work be continued on the plan proposed, it will be completed in about two years, and this, when we take into consideration the other work conducted by the Government, is doing liberally for the city of Baltimore.

Mr. COMPTON. The engineer says that when a steamer touches the sides of the channel no injury results if the steamer is traveling at a low rate of speed, but there might be and would be injury if the steamer were traveling at the ordinary and proper speed.

The question being taken on the amendment, it was not agreed to, there being—ayes 34, noes 56.

The Clerk read as follows:

Improving harbor at Breton Bay, Maryland: Continuing improvement, $6,500.

Mr. McADOO. I move to strike out lines 151 and 152.

Mr. WILLIS. I make the point of order that we have passed those lines.

Mr. McADOO. I tried to get the attention of the Chair before the Clerk had passed those lines.

The CHAIRMAN. Did the gentleman address the Chair?

Mr. McADOO. Yes, sir.

Mr. WILLIS. I make the point of order that we had passed that portion of the bill.

The CHAIRMAN. The gentleman states that he addressed the Chair as soon as those lines were read; and under these circumstances his motion is in order.

Mr. McADOO. Mr. Chairman, my objection to this item is not because I specially oppose the improvement of this harbor at Breton Bay, Maryland, but I object to it in order to call attention to this as one of the typical mistakes, if not blunders, of this bill. I have in my hand the report of the Secretary of War, and referring to page 145 I find this appropriation relates to the improvement of a harbor for a town of twelve hundred inhabitants, drawing the commerce for about 18 miles around, I think. There is really no great interstate commerce at this place. There is no constitutional right for Federal interference and outlay. In fact, so far as I can learn from this report, there is no interstate commerce such as would allow this Government to spend money for this purely local or State improvement. The report of the engineer states that to carry out this improvement will cost $26,000. Now, if this is a fact, an appropriation of $6,500 in this bill to begin this $26,000 improvement at this small, obscure harbor is entirely inadequate, and is just $6,500 of public money wasted—taken from the whole people and thrown away in the waters of sweet Breton Bay.

There are in this bill many legitimate interstate projects; but, as the gentleman from Maryland frankly admitted a moment ago, there has grown up in Congress the custom of being perfectly oblivious to the constitutional provision that only interstate commerce and waters of general importance shall be improved, and little local harbors like this in Maryland, of no national importance, obscure rivers that were scarcely ever heard of by even the most advanced and adventurous geographers, are brought into this bill in conjunction with legitimate improvements which ought to pass. Casey's Creek, Buncombe Bay, Rollaway River, private mill-ponds, and local drains or canals are not legitimate constitutional Federal improvements. So gentlemen like myself, in favor of every legitimate, honest improvement that will benefit labor and the country at large, find ourselves, by the solemnity of our oaths to support the Constitution and a sense of honest dealing with the people obliged to vote against bills of this character. I deeply regret it. In the reading of this bill I singled out this particular item somewhat at random and with no especial reference to Breton Harbor, Maryland, not because I have any opposition to it in particular, but as typical of the way in which the river and harbor bill is running to seed and as illustrating how this House, whenever it finds the Constitution of the United States interposing between it and the Treasury, jumps through it with the facility of a circus acrobat through a paper-covered hoop. Let us, especially on this side of the House, cry "Halt!" and return to the Constitution, in the interest of good, honest, and economic government. If we do not, popular vengeance will soon overtake us. The people do not, let us hope, want powerful, paternal, and extravagant government. There is one thing sure, the Constitution is against it.

Mr. COMPTON. Mr. Chairman, I stated briefly what my general views were when I was up before. Now, my friend from New Jersey [Mr. McADOO] does not seem to know the whereabouts of this harbor, Breton Bay, Maryland. I will tell him it is a harbor where three steamers, as I am informed, ply regularly. It is the county town of the old mother county, Saint Mary's. It drains a fertile and populous region, and if any provision in this bill can be considered outside of general provisions for harbors of national importance and those kept within the interpretation of the Constitution which the practice of the Government has adopted, then this is one of them.

We have not reached New Jersey yet, but when we do I hope my friend will be consistent. When we reach that portion of the bill I trust he will give some reason for improving the very many small rivers and harbors in that State for which appropriations are spread out.

Mr. McADOO. When we come to that portion of the bill the gentleman will find that my action will be consistent.

Mr. COMPTON. In looking over the bill I find a great many little rivers entirely unknown to me, although it was my good fortune for four years to dwell in old Nassau Hall. I have a weakness for the old State, and yet, although I have studied its geography carefully, I find here the names of rivers which I never heard of before.

[Here the hammer fell.]

Mr. MCADOO'S amendment was rejected.

The Clerk read as follows:

Strike out the words "Commencing at Lambert's Point Light;" so it will read:

"Continuing improvement by widening the channel of Elizabeth River to the port-warden's line on the eastern side, between Lambert's Point light and Fort Norfolk, $50,000."

The amendment was agreed to.

The Clerk read as follows:

Improving harbor at Beaufort, N. C.: Continuing improvement, $15,000.

Mr. SKINNER. I move to strike out "$15,000" and in lieu thereof to insert "$84,000."

The last engineer report recommends that $84,000 be appropriated to finish this work. As a general thing the policy of the Committee on Rivers and Harbors in making horizontal cuts of estimates of the engineers may possibly do, yet I believe I can show this item is entirely outside of any such rule. Its importance is of such a character as to make it an exception. It is the first harbor south of Cape Hatteras; and it is not only necessary as a harbor of refuge for the commerce of North Carolina, but indeed for the commerce of the whole world. Last winter, during the coldest snap we had, a schooner along that coast in attempting to get into the harbor was wrecked and six of the crew were frozen to death in sight of the people of Beaufort, who were looking on and unable to get there to render assistance. If this harbor had been improved, that schooner could have entered the harbor safely and this loss of life would have been prevented.

In the report of the engineers it is said this amount ought to be appropriated at once in a single sum to finish this important work. Why did they say so? Because, Mr. Chairman, this is tide water; and to adopt the policy of the committee, as it has been doing for years, I make this point, that to continue that policy is merely nip and tuck between the engineers and the tide—nip with the engineers and tuck with the tide. [Laughter.] That is each year doing away with what the engineers did the year before. [Renewed laughter.] It is like the policy of the man who has plenty of money in his pocket, and yet prefers giving his note at 18 or 20 per cent. interest to taking the money out of his pocket and paying with the funds which he has on hand and saving that interest. The economical way here in my judgment would be to appropriate money enough to complete this important work, and have at the earliest practicable moment a safe harbor at this point for the shipping of the country.

The amendment was rejected.

The Clerk read as follows:

Improving harbor at Edenton Bay, North Carolina: Continuing improvement, $2,000.

Mr. SKINNER. As the committee will not favor me in adopting my amendment for a large addition, I propose in this case to make a small one, but quite as necessary. I move to strike out "$2,000" and insert in lieu thereof "$5,000."

The engineers report that $5,000 will finish that work, and yet the committee only appropriate here $2,000. That is a very large horizontal cut on $5,000. If we only appropriate $2,000 here, it will be with the prospect of spending $2,000 next year and so on, and at the end it will cost far more than it would if we had appropriated $5,000 and finished this work.

Mr. WILLIS. The gentleman from North Carolina is mistaken in his statement that the engineers have stated $5,000 would complete the work. According to that statement more than enough has been spent already on the work to complete it. Now there will be available on the 1st of July $3,742, and the committee gives $2,000 in addition—making $5,742 for this work. They asked really for $8,000 instead of $5,000.

Mr. SKINNER. But why, if the recommendation is so small, is not enough given to finish the work at once?

Mr. GROSVENOR. Mr. Chairman, I have no objection to the increase in this bill to forty or fifty millions of dollars if gentlemen so insist, for I can say to them that before we get through, by doubling up little amounts, little appropriations, it will increase the bill to a large sum, perhaps larger than they even dream of, in the end.

Mr. Chairman, the policy of the committee has been to try to make appropriations in proportion to the needs of the particular work under consideration. Now it is true, when a great government has a job in view to complete which will cost $8,000, that to appropriate but $2,000 would seem to be a small business; but it is equally true that the gentleman from North Carolina does not give any possible reason, from the report of the engineers, why the report of the committee should be abandoned and this increase made; and if he will carefully consider the report of the engineers he will discover that he has been treated pretty well after all by getting this appropriation rather than having it rejected altogether.

The question being taken on the amendment of Mr. SKINNER, it was rejected.

The Clerk read as follows:

Improving harbor at Charleston, including Sullivan's Island, South Carolina: Continuing improvement, $250,000.

Mr. SPOONER. Mr. Chairman, I move to amend, in lines 171 and 172, by striking out "two hundred and fifty thousand" and inserting "one hundred thousand."

We seem now to have reached that portion of the bill where expansion of appropriations is the order of the day. When I first took up this river and harbor bill and commenced to read it I fancied that perhaps the Committee on Rivers and Harbors had this year attempted to report to the House an economical river and harbor appropriation bill. To that I did not at all object. If this is an era of economy and reform, I am quite satisfied to join in that policy. If, on the other hand, it is desirable to make a fairly liberal appropriation bill, providing for these rivers and harbors which are legitimate matters for national appropriations, I am also quite glad to join in a policy looking to that end. But I do most earnestly and seriously object to the character of a bill which, like the bill which was so severely criticised in the last session of the last Congress, discriminates in the same manner concerning these appropriations.

No one who has followed the course of this bill as it has been read in this committee has failed to observe that all along the North Atlantic coast the appropriations have been of an extremely limited and meager character. I did not even presume to present to the House any amendments increasing appropriations provided by this bill for works under construction in my own State. But I do ask the committee to earnestly and fairly consider whether the great appropriations which this bill proposes shall be made throughout the sections of the country where they are provided for, when equally deserving objects of appropriations along our Northern coasts are left to starve, as it were, for want of a somewhat commensurate appropriation.

We have now struck, as it seems to me, I repeat, the expansive portion of the bill. I wish gentlemen to understand that I am not attacking the particular harbor of Charleston. I am not intending to say that the amount that this bill proposes to appropriate can not be properly expended in the mode proposed in the improvement of that harbor; but I do say that in the great harbor in my own State, where we have been limited to the paltry amount of $35,000 by this bill, the commercial necessities and the commercial interests are vastly in excess not only of this Charleston Harbor but of other harbors following along in almost consecutive succession here under this appropriation bill; for instance, the harbor at Brunswick, Ga., $30,000; improvement of Cumberland Sound, Georgia and Florida, $150,000——

[Here the hammer fell.]

Mr. GIBSON, of West Virginia, was recognized.

Mr. ANDERSON, of Kansas. If I can be recognized I will yield to the gentleman from Rhode Island.

Mr. GIBSON, of West Virginia. Mr. Chairman, the criticism of the gentleman from Rhode Island——

Mr. LONG. I suppose the gentleman from West Virginia would not object to allowing the gentleman from Rhode Island to continue for five minutes longer, which would enable him to conclude his remarks, after which the gentleman can resume the floor.

Mr. GIBSON, of West Virginia. I should have no objection if I do not lose my time.

The CHAIRMAN. The gentleman will lose his time if he yields it.

Mr. GIBSON, of West Virginia. The action of the Committee on Rivers and Harbors I say, Mr. Chairman, is not subject to the criticism of the gentleman from Rhode Island. There is not a single feature in this bill, or that has been left out of this bill, that will justify the remarks which he has made. There has been no sectional appropriation. If the gentleman will look at the reports of the engineers in relation to his Northern harbors he will find that there is not a single harbor of the North that has been treated with less consideration or justice than has been done to those at Charleston and elsewhere to which he refers. But while it is true that there has not been as much appropriated for Northern harbors in the main, it is because the engineers have recognized such appropriations as unnecessary and have not recommended them, and for the good reason that the water in those harbors is much deeper, that commerce has nearly all the facilities which it desires, and consequently there was no need for the expenditure of vast sums of money.

Why do gentlemen want money expended on harbors not recommended by the engineers, as in the case of the gentleman from Rhode Island for the particular harbor to which he refers? We are simply making the appropriations, not for the purpose of giving to each section just so much money, but for the purpose of improving those harbors that need them, in accordance, as far as we can, with the recommendations, to the end that commerce may be benefited and harbors and rivers improved where needed.

The gentleman well knows that in the harbor of Charleston a great deal of money is required to afford anything like half the amount of facilities for commerce that he has in his harbor. The harbor is stopped up. It was injured during the war and can not be improved without this expenditure.

The committee has acted upon the advice of engineer officers submitted to it and has undertaken to deal fairly with all sections of the country, and any one who will raise here now a sectional cry not only does the committee injustice but does himself injustice.

Mr. GROSVENOR. I regret very much that the gentleman from Rhode Island should make the sort of objection he does to this appropriation. For myself, born in New England and raised just over the Alleghany Mountains, I have no wish to do injustice to that great section of country. But I want to say to the gentleman from Rhode Island, if we are to discuss this river and harbor bill like two children quarreling about the division of the candy and cake, we shall exhibit a spectacle to the American people that will be unseemly and improper.

There is not an item of this appropriation that I am not more or less familiar with, and I undertake to say when the committee examines all the circumstances and all the history of this appropriation it will be disposed to give its approval at the point where the gentleman from Rhode Island undertook to turn away the calm judgment of this committee from the consideration of the real questions before it into a controversy about geographical lines. The harbor that the gentleman complains about in his own State began to have appropriations made for it as far back as in 1852. Some of the works in the Southern States I agree have apparently large appropriations or large estimates. This is because they are comparatively new, or else they are affected by some special circumstances, as in the case of Charleston Harbor. We give on the gentleman's harbor a percentage quite above the standard we were compelled to adopt generally. If we had given in the same proportion to Charleston Harbor it would have received a much larger amount. The estimates of the engineers for the Charleston Harbor were $1,750,000. They asked for the current year $750,000 and we gave $250,000, or 33⅓ per cent., much less than in the case of the Baltimore appropriation, which the committee refused to disturb.

I beg the committee on this point will make a careful scrutiny of this appropriation on the basis of the business circumstances which surround them; and let us fight out this Northern and Southern question and this rebel-brigadier question upon some other issue than the improvements of the water ways of the country, in the improvement of which, I thank God, I have a common interest with the Representative from Brazos Santiago. And whenever the time comes that I feel any different interests in the appropriations of money for the common improvement of the water ways of this country, I want to have a voice in the distribution of the fund. [Applause.]

Mr. DIBBLE. The harbor of Charleston, to which the gentleman from Rhode Island [Mr. SPOONER] has alluded, and in regard to which he proposes this amendment, is a harbor of national importance, which has been recognized as such by the applications to this House of the Chamber of Commerce of New York, of the Chamber of Commerce of Baltimore, and of the boards of trade and transportation of Cincinnati, Ohio, of Louisville, Ky., and other prominent centers of trade in this country, uniting with the citizens of Charleston to ask in the interest of interstate commerce and of international commerce that this harbor shall be improved. The project is one that was initiated by one of the finest engineers of the Army—one whose reputation this House fully recognizes without any eulogium from me—I mean General Q. A. Gillmore, of the Army It has been approved by a board of engineers composed of the highest officers of the service.

But more than that, with the disadvantages of interrupted appropriations in an improvement that goes out into the ocean, subject to wind and wave, despite interruptions and disadvantages, the practical results already achieved in the work of the engineers indicate that the project will be completely successful. The engineer in charge says that while it was at first a tentative project, there is now no doubt of its success. It will give to Charleston deep water. And Charleston to-day has her lines of railroad by way of Augusta, Ga.; by way of Charlotte and of Asheville, N. C., going across the Blue Ridge and stretching to the West; she has her coast lines, reaching along the whole Atlantic seaboard; and she opens up an ocean harbor, which, if the gentleman from Rhode Island will consult a globe and take a point like Chicago, Cincinnati, or Louisville, and trace to Rio Janerio and other points on the great South American coast, he will find is exactly in the line of that traffic—an air line. And Charleston furnishes the terminal point of a route south of the icebergs, secure at all seasons of the year, for ocean travel to and from European ports; while it is also the largest city on our Atlantic coast south of Hatteras, and has a large coastwise trade. There is no controversy about the success of the improvement with any one who has examined the project and the facts stated by the engineers. I therefore confidently leave the harbor of Charleston in the hands of this committee, being satisfied that the amendment offered by the gentleman from Rhode Island will be rejected.

Mr. BURLEIGH. Mr. Chairman, this is a small river and harbor bill, and who is interested in it if New England and New York are not? Who wants the Southern ports opened and improved if New York and New England do not? We receive all their lumber; three-fourths of all their products go to New York and New England. Some of the strongest letters I have received as a member of this committee, asking for the improvement of Southern rivers and harbors, have been from New York men. New York is interested in this bill more than any other State in the Union. Michigan, too, has been mentioned. Every New York man wants the great water ways of Michigan and of all the West improved. I do not believe that this short-sighted method of dealing with this question will win. It ought not to win, for it is not right. [Cries of "Vote!" "Vote!"]

Mr. HEPBURN. Mr. Chairman, I move to strike out the last word. I do not wonder that the gentleman from Ohio [Mr. GROSVENOR] is entirely in favor of the distribution made by this river and harbor bill. He suggests that it would be very unwise for us to quarrel over the distribution of these appropriations like children quarreling over the distribution of candy. It certainly would be very unwise for the child that has absorbed all the candy to quarrel over the distribution of it, and in that sense the gentleman's comparison is perhaps a correct one. The gentleman from West Virginia [Mr. GIBSON] suggests that there have been no localities considered in framing this bill, no sectionalism. In a sense that may be true, but in another sense the gentleman is wofully mistaken. There are $10,000,000 appropriated to States and improvements within the limits of States, and eleven gentlemen upon the committee that draughted this bill have secured more than six millions out of a total of ten millions. And yet we are told that there is no locality favored, no sectionalism in this bill.

The gentleman [Mr. JONES] from Alabama, that great commercial State, was exceedingly indignant the other day that any one should venture to criticise this bill, yet that gentleman, with his usual modesty, has secured for his State over $600,000 of the appropriations that have been made for States. Mobile, which in 1884 paid at its custom-house $52,000 of revenue all told, has in this bill an appropriation of $120,000 for the improvement of its harbor. There has been already expended upon that valuable commercial mart $558,000, and the estimate for the completion of the harbor is a million and a half—more than $2,000,000 to improve the great harbor of Mobile where $52,000 of revenue are annually collected. Why, if gentlemen will stop to think, they will find that it would take forty years of all the collections made at that port to pay for the improvement of the harbor, to say nothing about repairs. It is the improvement of a harbor 23½ miles long, and it requires nearly $100,000 each year to keep it in its ordinary condition, merely to make it passable for vessels drawing 17 feet of water. In other words, you would have to have another Mobile harbor just like the present one in order to pay the expenses of keeping one of them in repair, even if you appropriated the total of the collections of revenue from both.

Mr. HENDERSON, of Illinois. I desire to ask my friend from Iowa [Mr. HEPBURN] if he knows whether the revenue is any indication of the amount of the commerce. The internal commerce and the coastwise commerce are much more important at some ports than the foreign imports.

Mr. HEPBURN. I have said nothing about that. I have simply spoken of the revenues collected at that port as furnishing at least some indication of the importance of the port to the general commerce of the country.

Now, Mr. Chairman, there is no doubt that a barbor can be made at Mobile; but what is the use of our expending these vast sums where there is no commerce or prospect of commerce? Why attempt to force commerce through these extraordinary expenditures to places apparently not intended by nature for commercial purposes? If it was practicable within reasonable limits to give Mobile a harbor, I would be glad that it might be done.

Mr. FARQUHAR. Will the gentleman from Iowa [Mr. HEPBURN] permit one question—and he knows well the locality to which it applies? He speaks of nature not having provided for this harbor of Mobile. My question is, What would be the condition of Chicago and its commerce to-day if there had been nothing done there to make a harbor and the port had been left to depend upon the old slough?

[Here the hammer fell.]

Mr. JONES, of Alabama. Mr. Chairman, the gentleman from Iowa [Mr. HEPBURN] has done me too much honor. He has attributed to my ability and industry on the Committee of Rivers and Harbors the result of obtaining some $600,000 for the State that I have the honor in part to represent. Now, sir, the appropriations I have obtained for the rivers and the only harbor in that State amount to $275,000 instead of $600,000. I only wish the amount were $600,000. [Laughter.] The gentleman from Iowa [Mr. HEPBURN], in making his estimate, may have included the appropriation for the Muscle Shoals; but that, sir, is not for Alabama. The Muscle Shoals are located in Alabama, it is true, but that is an obstruction of the great Tennessee River; and when the improvement there is completed it will open up a navigation of 1,000 miles in extent. But it is an improvement that is put down in the Book of Estimates and in the report of the engineers as a Tennessee improvement and not at all an Alabama improvement. The gentleman from Iowa may have included the Chattahoochee River in his calculation as an Alabama river. It happens to flow between Alabama and Georgia, but it flows out of Georgia into Florida, and is not an Alabama improvement at all. So with the Choctawhatchee River and the Conecuh-Escambia River, which are Florida rivers. And, sir, the gentleman, in order to make up the $600,000, may charge against Alabama the Coosa River, which in this bill receives $60,000.

Why, sir, that is a Georgia river, and is so put down in the Book of Estimates and in the report of the engineers. The State of Alabama receives only $275,000 for improvements that are legitimately Alabamian.

The gentleman has made an assault upon Mobile. He either displays great ignorance of this place or has some design in belittling it. Why, sir, that is a city of 40,000 inhabitants. It has a bay 15 miles wide and 26 miles long, the most beautiful bay on this continent, the most lovely this side of the Bay of Naples. The work proposed and contemplated there is to cut a channel through that length of 26 miles. The engineers make estimates and specifications for getting a channel 26 miles long, 200 feet wide, and 17 feet deep.

And I may say that channel is nearly completed. Is it asking too much of the Government that this work shall be done? Some 300,000 bales of cotton now pass out there annually. When I say that this cotton is worth $50 a bale the gentleman, though not very good at calculations, can work out the sum. He will find that it reaches millions of dollars. The lumber that goes out of that port amounts also to millions. Before this improvement was made we had only 9 feet of water there; and this lumber and this cotton had to be lightered down to the vessels in the lower bay. We have now 17 feet of water.

I wish to say a word about the alleged discriminations in this bill.

[Here the hammer fell.]

Mr. WILLIS. I hope we shall now have a vote on the amendment.

The question being taken on the motion of Mr. SPOONER, it was rejected.

Mr. GLOVER. I move to amend by striking out the last word of this clause. I think that a portion of the remarks made by the gentleman from Iowa are worthy of a reply, because this is the third or fourth time that statements conveying the same idea have been repeated in this House. I think such statements contain a very unfair reflection upon members of the committee, and must spring perhaps from an obscurity in the gentleman's mind as to the real cause of the alleged disparity between these different appropriations.

I understood the gentleman to insinuate, or rather to charge, that the members of the committee have been more liberal toward the States which they represent than toward others. Now, the gentleman ignores the fact that there enters into this matter the question of the original constitution of that committee; and I think he will agree with me that he has the cart before the horse, because it is customary, I understand, to select for any committee men who are especially familiar with the subject-matter referred to the committee, or men whose constituents are especially identified in interest with that subject. Therefore the members of this committee have been selected from the great States of the Mississippi Valley. They were selected from the States having harbors and rivers which required the largest degree of attention. Therefore it follows naturally that upon the merits of the propositions a large part of the appropriations should fall to these particular States.

The residue of the gentleman's remarks simply take issue, as I understand, with the United States engineers, who have in every case recommended a very much larger appropriation for these specific enterprises than has been granted.

Mr. CUTCHEON. Mr. Chairman, the gentleman from Iowa [Mr. HEPBURN] in the course of the general debate on this bill took occasion to direct a portion of his remarks against the State of Michigan, which I have the honor to represent in part on this floor, as being one of the States unduly appropriated for in this bill. I read his language:

> Look at Michigan! She has been well represented in the committee, magnificently in the bill. I doubt whether there is an inlet to the land from the surrounding lakes which has not a place in this bill. They are all named without regard to the unpronounceable character of their names.

Mr. BROWN, of Pennsylvania. Do you deny that? [Laughter.]

Mr. CUTCHEON. Now, Mr. Chairman, what are the facts in regard to Michigan? It happens, and it may be our misfortune, that the State of Michigan has more coast line than any other State in this entire Union; I think I might say almost double the coast line of any other State—a coast of nearly 1,600 miles, including the head of Lake Erie, the Detroit River, Lake Saint Clair, the Saint Clair River, the entire coast of Lake Huron and Saginaw Bay, the entire southern coast of Lake Superior, the entire southern and eastern coast of Lake Michigan, and a good portion of the western and all the northern coast of that lake.

But for what objects are these appropriations made? To begin with, there is the appropriation of $250,000 (the only very large appropriation for Michigan) for the Sault Ste. Marie Canal—a canal which last year carried a commerce amounting to 3,200,000 tons—a commerce that is increasing at an enormous and constantly accelerating ratio. Included in this commerce during the last season, according to the report of the engineer having charge of the canal—General O. M. Poe—there were 15,695,194 bushels of wheat and 1,440,093 barrels of flour, which came largely from Minnesota, from Dakota, and from Northern Iowa, the State which the gentleman himself represents. Next comes the Hay Lake channel in the Saint Mary's River, another great interstate and international thoroughfare, through which all the vast commerce from Lake Superior finds its way to the seaboard. For this, $150,000 is appropriated. Next is the Sand Beach harbor of refuge upon Lake Huron—a harbor constructed expressly and solely for the benefit of the general commerce of the lake. This receives $100,000. Next, as we pass down, we come to the appropriations for the Saint Clair Flats Canal, another of the great highways of commerce, through which all the commerce of the upper lakes—Lake Michigan, Lake Superior, Lake Huron—grain, ores, lumber, coal, &c., from the great West pass to market.

Then after the Saint Clair Flats Canal comes the Lime Kiln Crossing in the Detroit River, that magnificent river which has no equal on the continent, which bears on its bosom the mighty commerce of an empire in wealth and in extent; and yet in that river was a ledge of rocks at Lime Kiln Crossing making it impossible for vessels of great tonnage to pass, and this appropriation of $50,000 is to remove the remainder of that ledge of rocks. Thus we have $575,000 of total appropriation for the State of Michigan of no local character, but as national in its application and benefits as the improvement of New York Harbor or the jetties at the mouth of the Mississippi.

In addition to these strictly national objects are two appropriations for harbors of refuge which are not at all local in their character, but designed for the benefit of the general commerce of the two upper lakes—Superior and Michigan. These are the harbors of refuge at Grand Marais, on the south shore of Lake Superior, and Ludington, near Great Point au Sable, the most dangerous point on Lake Michigan.

When these appropriations are deducted there remains but a trifling sum for Michigan's enormous coast line, which would girdle the great State of Iowa.

Lake Erie gets one petty appropriation of $3,000. Lake Huron, with hundreds of miles of stormy coast, gets one small local appropriation. Superior, that "great unsalted sea" of the North, gets two small allowances for Marquette and Ontonagon, while Lake Michigan and Green Bay, with fully 500 miles of coast, aside from its harbors of refuge, gets scarcely $100,000.

If other States are as free from objectionable appropriations in this bill as Michigan is, I can conscientiously testify that it is a bill that will bear most searching scrutiny.

If the committee has erred, it has been in my judgment in the direction of economy and not of extravagance.

For instance, the engineers recommended $150,000 for completing the harbor of refuge at Portage Lake, between Points au Sable and aux Becs Scies. This bill grants but $15,000, only 10 per cent. The engineer recommends $50,000 for Manistee, one of the great commercial ports of Lake Michigan, a port whose entrances and clearances last season aggregated thirty-five hundred and seventy-two, and whose commerce amounted to many millions of dollars, and yet the committee has allowed but $10,000—barely enough to keep the harbor from deteriorating.

These harbors on Lake Michigan are the outlets through which Michigan sends to the world her magnificent product of iron, lumber, and salt.

I hear talk in this House of cheapening salt and lumber to the consumer by repealing the duty and putting them on the free-list and opening our already overstocked labor markets to the untrammeled competition of Canadian woods and mills and salt-works. It is a delusion, and would prove a snare.

But if you want to cheapen salt and lumber to the consumer you can do it by completing our harbors, reducing the obstacles and perils of navigation, creating cheaper freights, and thus while protecting labor from overcompetition and affording relief by the construction of the works you will bring cheaper iron, cheaper lumber, and cheaper salt to every consumer in the land.

The CHAIRMAN. The gentleman's time has expired.

Mr. WILLIS. Before making the motion to rise, I ask respectfully of the friends of the bill, as far as they can—and I know it is a hard request to comply with, in view of the number of items and the vast opportunity for debate afforded—they will limit themselves on points of explanation in order to get on with the bill. There are plenty of things the committee could answer which they do not answer. What I have said has proceeded from the kindest spirit and only in the hope of making progress with the bill. I now move the committee rise.

Mr. CUTCHEON. I shall take the liberty of completing my remarks in the RECORD.

Mr. WILLIS. I had no reference to the gentleman from Michigan.

Mr. CUTCHEON. This is the third river and harbor bill, and I have not taken up five minutes in debate upon them heretofore.

Mr. WILLIS's motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WELLBORN reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

BANKRUPT LAW.

Mr. BUTTERWORTH moved, by unanimous consent, that the bankrupt bill and report be reprinted, as the number heretofore printed was exhausted.

The motion was agreed to.

And then, on motion of Mr. KING (at 5 o'clock and 10 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARRY: Petition of Farmers of Calhoun County, Mississippi, for unlimited coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. T. M. BROWNE: Petition of 345 citizens of the sixth district of Indiana, against the passage of Senate bill No. 1715 to regulate the transportation of live-stock—to the Committee on Commerce.

By Mr. J. M. CAMPBELL: Petition of Jacob Dull, for an original pension—to the Committee on Invalid Pensions.

By Mr. CLARDY: Petition of citizens of Bismarck; of Farmington; of Blackwell, and of Washington County, Missouri, asking for the opening of Oklahoma Territory—to the Committee on the Territories.

Also, two remonstrances from certain manufacturers of licorice paste, of Saint Louis, Mo., against the passage of House bill No. 2522—to the Committee on Ways and Means.

By Mr. CLEMENTS: Memorial of the Women's National Indian Association of Rome, Ga., for the passage of the Dawes bill, relating to Indian Affairs—to the Committee on Indian Affairs.

By Mr. DORSEY: Petition of citizens of Madison, Nebr., asking for the passage of the scientific temperance bill—to the Committee on Education.

By Mr. FINDLAY: Papers relating to the claim of James E. Thumlert, administrator of estate of John Yewell—to the Committee on Claims.

By Mr. HALSELL: Petition of Melvina M. Walker, executrix of Algernon S. Walker, for relief—to the Committee on War Claims.

By Mr. HIESTAND: Resolution of the Board of Trade of Lancaster, Pa., in favor of a public building at Lancaster—to the Committee on Public Buildings and Grounds.

By Mr. HOLMAN: Statement of members of the Utah commission in behalf of an industrial home for dependent and helpless women and children in Salt Lake, Utah—to the Committee on the Territories.

By Mr. J. T. JOHNSTON: Petition of William A. Henderson and others, residents of the District of Columbia, asking for the passage of a bill requiring the Washington and Georgetown Railroad Company to make certain improvements in the manner of constructing their road—to the Committee on the District of Columbia.

By Mr. LYMAN: Petition of 25 citizens of Iowa, asking for legislation in favor of free coinage of silver, and for other purposes—to the Committee on Coinage, Weights, and Measures.

By Mr. McKENNA: Papers relating to the claim of John S. Luff—to the Committee on Claims.

By Mr. NEAL: Petition of Thomas J. Green, of Rhea County, Tennessee, asking pay for services, &c., rendered the Government during the war—to the Committee on War Claims.

By Mr. NEECE: Petition of Knights of Labor of Monmouth, Ill., against the free-ship bill—to the Select Committee on American Shipbuilding and Ship-owning Interests.

By Mr. OWEN: A resolution granting a service pension to soldiers of the late war, and for other purposes—to the Committee on Invalid Pensions.

By Mr. PRICE: Petition of L. L. Dimmick in favor of House bill No. 4902—to the same committee.

By Mr. RICHARDSON: Petition of George L. Gray, of Franklin County, Tennessee, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. ROGERS: Papers in the claim of Charles H. Wiltberger and of James A. Brown, of Pulaski County, Arkansas—to the same committee.

By Mr. SENEY: Memorial of H. A. Axline, adjutant-general of Ohio, favoring the passage of the Senate militia bill—to the Committee on Military Affairs.

By Mr. WAKEFIELD: Petition of J. L. Shaw and 54 others, citizens of Vivian, Waseca County, Minnesota, praying for the passage of a law punishing the crime of adulteration of human food, especially butter—to the Committee on Agriculture.

By Mr. WILKINS: Petition of citizens of Muskingum County, Ohio, protesting against the passage of Senate bill No. 1715—to the Committee on Commerce.

By Mr. WORTHINGTON: Petition of Daniel Gould, for increase of pension—to the Committee on Pensions.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance insruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. BUCK: Of citizens of Hartford and Tolland Counties, Connecticut.

By Mr. ROMEIS: Of citizens of Erie and Lucas Counties, Ohio.

By Mr. WAIT: Of citizens of Windham County, Connecticut.

SENATE.

WEDNESDAY, *April* 21, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting, in answer to a resolution of February 8, 1886, a report of the Commissioner of the General Land Office furnishing information relative to land-grant wagon-roads in the State of Oregon; which was read.

The PRESIDENT *pro tempore*. The communication will be printed, and referred, with the accompanying papers without printing, to the Committee on Public Lands, if there be no objection.

Mr. DOLPH. The letter of the Secretary of the Interior is a mere formal letter, transmitting the report of the Commissioner of the General Land Office. I suggest that probably it would not be worth while to print that, but that the whole be referred to the Committee on Public Lands, and if it should be found necessary to have the accompanying papers printed a motion can be reported back to the Senate for that purpose. The committee in making a report upon the general question as to what shall be done with these grants may conclude to embody part of this communication in their report, and it may be printed in that manner.

The PRESIDENT *pro tempore*. If there be no objection the order to print will be withheld, although it is the courtesy and custom to print all executive communications. Still, if there be no objection, the order to print will be withheld in this case.

Mr. DOLPH. I will merely say that there is no intentional discourtesy in my suggestion at all. The report is accompanied by some maps, and it may not only be quite expensive to print them, but cause a long delay before we can get it in a printed form. As I am desirous of securing early action on the part of the Committee on Public Lands on this question, my object in having it referred without printing is to get the information before the committee at once.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to the requirements of the act of July 22, 1854, a supplemental report of the surveyor-general of New Mexico on the alleged private land claim designated as Canada de Cochiti; which, with the accompanying papers, was referred to the Committee on Private Land Claims, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior transmitting, pursuant to the act of July 22, 1854, a supplemental report of the surveyor-general of New Mexico on the alleged private land claim designated as Salvador Gonzales, No. 82; which, with the accompanying papers, was referred to the Committee on Private Land Claims, and ordered to be printed.

TERRITORIAL LAWS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the secretary of Wyoming Territory, forwarding, as required by section 1844 of the Revised Statutes, two copies of the laws enacted by the Ninth Legislative Assembly of that Territory; which, on motion of Mr. PLATT, was referred to the Committee on Territories, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented resolutions adopted by the Philadelphia (Pa.) Maritime Exchange, remonstrating against the passage of the bill giving American registers to the ten foreign steamers of the International Navigation Company; which were referred to the Committee on Commerce.

He also presented resolutions adopted by the Philadelphia (Pa.) Maritime Exchange, urging the abrogation of the Hawaiian reciprocity treaty; which were referred to the Committee on Foreign Relations.

Mr. CAMERON presented petitions of Granges No. 569, No. 650, No. 368, No. 506, and No. 551, Patrons of Husbandry, in the State of Pennsylvania, praying for the suppression of the manufacture and sale of all imitation dairy products; which were referred to the Committee on Agriculture and Forestry.

He also presented memorials of Granges No. 569, No. 650, No. 368, and No. 551, Patrons of Husbandry, in the State of Pennsylvania, remonstrating against the admission of all agricultural raw materials free of duty; which were referred to the Committee on Finance.

Mr. DOLPH presented a petition of citizens of Idaho, praying for the annexation of Northern Idaho to Washington Territory; which was referred to the Committee on Territories.

Mr. TELLER. I present a memorial of the Legislative Assembly of the Territory of Utah, setting forth the evils arising "from the sweeping exercise of the absolute veto power of the governor, by which much needed legislation, including the general appropriation bill, has been defeated," and asking that this prerogative of the executive of the Territory be withdrawn and measures adopted for immediate relief. I think from examination of this memorial it should go to the Committee

on Territories, because the legislation which it urges would properly come from that committee.

I also present certain papers, being copies of bills passed by the Legislature of the Territory of Utah at its session commencing the 11th day of January, 1886, which were vetoed or failed to be acted upon by the governor, to accompany the memorial which I have just submitted. I ask that the memorial be printed in the RECORD. I do not care about its being read.

The PRESIDENT *pro tempore*. If there be no objection the memorial will be inserted in the RECORD, and it will be referred, with the accompanying papers, to the Committee on Territories.

The memorial is as follows:

Memorial to Congress.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

GENTLEMEN: We, your memorialists, the Legislative Assembly of the Territory of Utah, respectfully represent that, having been elected by the citizens of this Territory, duly qualified as voters under the provisions of the act of Congress known as the Edmunds law, we have met and labored diligently during the term of sixty days required by law, and have passed such measures as were necessary to the welfare of our constituents and to comply with the requirements of section 9 of the Edmunds act. But in the discharge of our duties we have met with persistent obstruction from the governor, who, exercising arbitrary and extraordinary powers, has nullified the chief labors of the session and has thrown the affairs of the Territory into perplexing confusion. We therefore memorialize your honorable body, and earnestly ask your attention to the following facts and grievances:

It has been well understood from the opening of the present Legislature that a deep-laid conspiracy has been formed for the purpose of effecting a revolution in Utah, by which the entire control of the Territory should be wrested from the large majority of its citizens and placed in the hands of a small minority, who have for a long time by misrepresentations and falsehoods sought to prejudice the Government and people of the United States against Utah and its people.

Unable by reason of numerical insignificance to wield any influence of importance at the polls, this conspiring minority have planned to obtain the entire disfranchisement of the majority, or the concentration of political power in a commission of their own number, so that in either event the few shall rule while the vast majority shall be placed in the position of subjugated slaves.

At the head and front of this conspiracy stands Eli H. Murray, governor of Utah, who has openly advocated the disruption of the Territory by depriving its citizens of every vestige of local self-government, and who has from the commencement of his administration allied himself to the plotters against the peace of the people, and has persistently abused and insulted and maligned the majority in private, in public documents, and through the medium of the press.

By the most atrocious falsehoods, by attempted usurpations, by insolent messages, he has sought to provoke a conflict between the people and the Federal authority, which he claims to represent, and between the legislative and executive branches of the local government.

During the present session he has vetoed twenty bills sent to him for signature, and thirteen bills he has contemptuously ignored. The excuses offered, where any have been given, have been in most instances of the flimsiest character, and in no case have contained vital objections or reasons that raised a pertinent issue. Every one of those measures would have been beneficial to the whole people of Utah, and, while framed in response to the wishes of our constituents, were in harmony with the Constitution and laws of the United States. Among the most important of those measures were bills for the following purposes:

To allow bail as a right in cases of appeal from the lower courts to the higher, except in capital offenses; to provide for an increased jury list and the payment of jurors; to regulate the legislative apportionment of the Territory for the support of the Deseret University; creating a Territorial board for the equalization of taxes, for the support of the Territorial insane asylum; prescribing the qualifications of electors and office-holders; appropriating funds for Territorial expenses, &c. The bill allowing bail was necessary to the ends of justice, for it is a farce to grant the right of appeal and then inflict the punishment appealed from while the appeal is pending. The bill increasing the jury list was required, because the Poland law provides for only two hundred jurors for each year, and these have been found insufficient, necessitating a resort to the open venire system, which has been so shamefully abused that juries have been packed with persons chosen intentionally from the enemies of defendants. The bill followed strictly and exactly the provisions of the Poland law in the manner of selecting the jurors, but increased the number so as to meet every possible requirement without recourse to the open venire. It also provided for the payment of jurors and witnesses, and the veto not only continues the system by which juries may be packed, but deprives jurors, who are compelled to serve, of any pay for their services for the ensuing two years. The bill apportioning the legislative representation of the Territory was framed in accordance with the following recommendation of the governor:

"I recommend that the districts be so constructed that each shall have a voice without being overborne by a larger neighbor which may be combined with it as now." At the last session of the Legislature he vetoed a bill drawn up at his suggestion, but stated that if the Legislature would pass an act apportioning the Territory into twelve council districts and twenty-four representative districts on the basis of one councilor to every 12,000 and one representative to every 6,000 of population, he would be pleased to approve it. The bill was passed exactly in the form proposed, but he neither signed nor approved it nor mentioned it further, so it died a natural death. The bill we have passed is strictly in conformity with his expressed wishes, but he has refused to append his signature. The bill for the support of the Deseret University is essential to the welfare of the only college sustained by Territorial funds. It appropriated for the gratuitous tuition of normal students the sum of $10,000 per annum instead of $5,000, which has been the annual amount, but which is now insufficient to the growing educational needs of the Territory and the rapid growth of the institution.

The bill creating a Territorial board of equalization was passed at his suggestion and is a needed measure to secure equal taxation in the several counties. The bill for the support of the Territorial insane asylum is a public necessity, not only to maintain a praiseworthy establishment but to pay liabilities contracted at the governor's instance as one of its directors; no provision now exists by which the unfortunates cared for in the asylum may be maintained. The bill prescribing the qualifications of electors and office-holders was framed in pursuance of the following clause of section 9 of the Edmunds act, to wit:

"And at or after the first meeting of said Legislative Assembly, whose members shall have been selected and returned according to the provisions of this act, said Legislative Assembly may make such laws conformable to the organic act of said Territory and not inconsistent with other laws of the United States, as it shall deem proper concerning the filling of the offices in said Territory declared vacant by this act."

The Legislature of 1884 passed an election law, as authorized by the foregoing, but it was vetoed by the governor, who specified a number of very trifling reasons for rejecting it. We framed a bill upon the groundwork of the former measure but avoiding the points objectionable to the governor as presented in his former veto message. He has peremptorily refused to sign it. The only reason that we know of for this refusal is the desire to continue in office the five commissioners appointed under the Edmunds law to select proper persons to fill the registration and election offices in the Territory. The design of the Edmunds law, as indicated in section 9, was to have those offices filled as the Legislature should provide, and thus abolish the commission. It was only designed to be temporary. As soon as a Legislature elected under the provisions of the Edmunds law should meet and provide for the filling of those offices the object of appointing the commission would be accomplished. And the specific purpose of their appointment and of the election of a Legislative Assembly under their auspices was to prevent bigamists, polygamists, and persons practicing unlawful cohabitation from voting or holding office in Utah. This was secured by the election bill that the governor has vetoed, which provides for the registration of voters and imposes the following oath upon all applicants for registration:

TERRITORY OF UTAH,
County of ——, *ss:*

I, —— ——, being first duly sworn (or affirmed) depose and say, that I am over twenty-one years of age, and have resided in the Territory of Utah for six months, and in the precinct of —— one month immediately preceding the date hereof, and I am a native born or naturalized (as the case may be) citizen of the United States, and a tax-payer in the Territory; and I do further swear (or affirm) that I am not a bigamist or a polygamist, and I do not cohabit with more than one woman.

—— ——.

Subscribed and sworn to before me this —— day of ——, 188-.

—— ——.

Registration officer for —— precinct.

Or if a female the following oath or affirmation:

TERRITORY OF UTAH,
County of ——, *ss:*

I, —— ——, being first duly sworn (or affirmed) depose and say, that I am over twenty-one years of age, and have resided in the Territory of Utah for six months, and in the precinct of —— one month immediately preceding the date hereof, and am a native born or naturalized, or the wife, widow, or daughter (as the case may be) of a native born or naturalized citizen of the United States; I do further solemnly swear (or affirm) that I am not cohabiting with a bigamist, polygamist, or any person cohabiting with more than one woman.

—— ——.

Subscribed and sworn to before me this —— day of ——, 188-.

—— ——.

Registration officer for —— precinct.

This is the same oath formulated by the commissioners and taken by all persons who voted at the election which returned us to office. The commissioners had no authority in law to impose any oath whatever. Their act in doing so was legislation. While they remain in office that oath is imposed without authority of law. But by the bill which the governor has vetoed the oath would become legal and the object of the Edmunds law in its political portion would be fully accomplished. The veto of that bill nullifies one of the purposes of the Edmunds act, and continues in office a useless commission costing the Government an average of $30,000 per annum, not including the $25,000 per annum for their salaries or the large amount for their personal expenses. This Territory under the bill we passed could attend to its own election business at a cost of not more than $5,000, which would be paid out of its own treasury. The veto of that bill then costs the United States Treasury about $75,000 per annum unnecessarily and without any good result.

The appropriation bill was closely economical and provided the necessary funds for the local government, for educational purposes, for the improvement of roads and bridges, for the fees of jurors and witnesses and other expenses of the courts, and to meet obligations lawfully contracted. But it created no public debt, fostered no private scheme, and kept within the limits of the current revenue. The reason assigned for vetoing this bill, which was absolutely necessary for the conduct of public affairs, is that the officers to handle the funds are not *de jure* officers, because they are not appointees of the governor. For twenty-six years the Territorial auditor and treasurer were elected by the Legislative Assembly in joint session. The law was then changed, making them elective by the people. The bill rendering the offices elective was signed by Governor Murray's predecessor, and was not disapproved by Congress. The present incumbents were duly elected and qualified, and hold their commissions from Governor Murray himself. But the governor contends that he has the right to nominate these officers, to be confirmed by the council of the Legislative Assembly. And because this right is disputed by the council who have not confirmed his nominees—persons obnoxious to the great majority of the citizens—he has refused to sign the appropriation bill, and has thus cut off the motive power which turns the wheels of the Territorial machinery, stopping all public improvements and demoralizing business generally. In the face of this law standing upon our statute books, the council could not accept the dictum of the executive, who is not endowed with judicial powers. In declaring the law invalid which provides for the election of the auditor and treasurer, he has assumed judicial functions; and in vetoing the appropriation bill on the pretext that those officers were elected under an invalid law, he has acted the part of a tyrant and an obstructionist, placing a barrier in the way of all Territorial advancement. Even if the governor's view of the law is correct and our predecessors for thirty-four years have been mistaken—and this can only be properly decided by a competent court—that does not justify an executive in destroying the combined labors of both houses of the Legislature. As well might the President of the United States refuse to sign all the appropriation bills of Congress because the Senate refused to confirm his nominees to office.

The power of absolute veto which is vested in the governor of Utah is the principal evil that suggests and makes possible the obstruction of the executive. It stands as an anomaly and a solecism in this great Republic. It is a menace to freedom and a relic of monarchical absolutism. In every State and Territory of the Federal Union except Utah a two-thirds majority vote of the Legislature will pass any duly enacted bill over the governor's veto. Even Arizona, once suffering under the same disability as Utah, was, July 19, 1876, freed from this unjust and needless despotism. If the one man who wields this extraordinary power were of the people, or a friend to the people, whose expressed will at the polls he can annul by a stroke of the pen, or by dogged refusal to sign his name, it would not be so thoroughly oppressive. But he is usually not identified with the people nor with their interests, but is arbitrarily appointed, by those in whose authority the people affected have no voice or vote, from a distant place and with aims and purposes foreign to theirs. Thus one man who is unfriendly, in this case strongly antagonistic to the masses, can render null and void by simply acting as an obstructionist the entire labors for sixty days of thirty-six legislators elected at the polls by nearly all the voting citizens of the most populous Territory of the Union.

Measures are pending in your honorable body to deprive of the elective franchise the industrious, peace-loving, thrifty, and self-supporting citizens of Utah who are free from all the disabilities of the Edmunds act, and can not be convicted of crime, essential or constituted by law. In some matters of belief they

differ from other citizens. Is this an offense which should render them voteless in a land of religious liberty? The Supreme Court of the United States has enunciated the doctrine that governments can only legislate against actions; that matters of faith, and opinion, and worship are beyond their control, and that it is time for them to interfere when beliefs break out into overt acts against peace and good order. Your honorable body is urged to pass laws in violation of this principle and of the first amendment of the Constitution of the United States. The only results that can be expected from such a revolution in the affairs of this Territory are the complete control of the many by the conspiring few—85 per cent. of the population dominated by the other 15 per cent.; seven-tenths of the voting citizens deprived of the ballot to please and enrich the remaining three-tenths, the latter now holding all the offices in the Federal gift, and plotting and conspiring to grasp all the local offices and the local finances. It is an error to suppose that this will tend to solve the religious problem peculiar to this Territory. It will but confirm the faith of those who adhere to tenets which they will deem assailed by unfair and unprecedented weapons, and render more solid and compact the ranks of the people so unjustly despoiled.

Disfranchisement for unorthodox belief or for membership in an unpopular church will be something entirely new under the Government of the United States, and a stride backward toward the cruel intolerance and religious bondage of mediæval times. Its proposal is not in the interest of the nation, but of a few adventurers who lust for place, power, and pelf, and are taking advantage of common prejudice against a misunderstood community to effect their nefarious personal ends. Through the toils, privations, and daring of the pioneers of this people the whole Rocky Mountain region has been opened to civilization and the extension of the power and increase of the wealth of this great Republic. Shall the sons and daughters of those brave and loyal pioneers, many of whom aided in wresting this vast section on the Pacific Slope from the dominion of Mexico, now be rewarded by total disfranchisement and by subjugation to a handful of adventurers who have come here to take advantage of their labors and sacrifices?

We respectfully ask that the bills which we have named, copies of which are herewith forwarded, may receive the authority of law, either by enactment of Congress or by other means deemed suitable by your honorable body. We would urge this especially in regard to the election, jury, and appropriation bills, which are absolutely essential to the welfare of the Territory.

That the veto power of the executive in this Territory of nearly two hundred thousand people be made conformable to that in every other section of this great Republic, so that a two-thirds majority vote of the Legislature may prevail over a single voice, and that an arbitrary, irksome, and anomalous one-man power shall no longer be absolute in opposition to the expressed wishes of the people who suffer from this more than monarchical authority.

That the conspiracy to revolutionize the Territory and reverse the rule that majorities shall govern may not prevail, but that your honorable body will view this matter in the light of justice and an understanding of the facts, postponing action until full inquiry into both sides of the question shall enable intelligence and calm judgment to take the place of prejudice and the unseemly haste that is born of it.

That the cumbersome, useless, and expensive Utah Commission, which has fully served the purpose for which it was created and which has in addition exercised both legislative and judicial functions without the slightest authority in law, be at once abolished and the voting citizens be permitted to regulate their own election affairs, at their own expense, under the laws of Congress and of the Territory.

That a commission of disinterested persons be appointed to quietly and fully investigate the affairs of this Territory, so that accurate information may be obtained concerning the people, their condition, progress, sentiments, prospects, and attitude toward the General Government, with a view to determine their qualifications for the responsibilities and duties of self-government under the liberal constitution which they have framed and to which they invite the careful scrutiny of your honorable body.

And that, in the event of Statehood being still further postponed, the people of the oldest, wealthiest, most populous, and most progressive Territory of the United States be relieved of the incumbrances and hindrances with which special legislation has weighted them down, and that the citizens who have broken no law may be permitted, like those of other Territories, to legislate for themselves and to demonstrate their good qualities, their ability to regulate their local affairs, and their fitness for their high destiny as a vigorous Commonwealth which shall prove a strength and support to the Federal Union.

Let not our prayers be disregarded. We ask no special favor. We only appeal for fair treatment, for equal rights with other citizens, for common liberties, for simple justice. And while the God of nations will approve your fearless action in support of reason and of right in opposition to abuse and wrong, a grand and united people, redeemed from oppression, will vindicate your good judgment and glorify your patriotism.

And your memorialists, as in duty bound, will ever pray, &c.

ELIAS A. SMITH,
President of the Council, Twenty-seventh Session of the Utah Legislature.

Attest:

HEBER M. WELLS,
Chief Clerk.

W. W. RITER,
Speaker of House of Representatives, Twenty-seventh Session of the Utah Legislature.

Attest:

HORACE G. WHITNEY,
Chief Clerk.

Mr. BLAIR presented a memorial of Knights of Labor of Rollinsford, N. H., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. PALMER presented a petition of the State Assembly Knights of Labor of Michigan, praying for universal suffrage; which was ordered to lie on the table.

Mr. SPOONER presented a petition of Knights of Labor of Eau Claire, Wis., praying that liberal appropriations be made for works of internal improvement, and especially for the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. INGALLS presented a memorial of Knights of Labor of Lawrence, Kans., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

He also presented a petition of citizens and tax-payers of the District of Columbia, praying for a reduction in the license tax upon hucksters from $25 to $15; which was referred to the Committee on the District of Columbia.

Mr. HARRISON presented a memorial of Knights of Labor of Elkhart, Ind., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

He also presented a memorial of Knights of Labor of Elkhart, Ind., remonstrating against the employment of convict labor on public works; which was referred to the Committee on Education and Labor.

Mr. WILSON, of Iowa. I present a petition of the Woman's Christian Temperance Union of Welton, Iowa, and various other residents of that place, praying for the passage of a law making education compulsory relative to the effects of alcohol upon the human system. Inasmuch as that subject has been acted on by the Senate, I move that the petition lie on the table.

The motion was agreed to.

Mr. CULLOM presented a memorial of 60 Knights of Labor of Chicago, Ill., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. MITCHELL, of Oregon, presented a memorial of citizens of Washington Territory remonstrating against the granting of the petition of the members of the late Legislature of that Territory, praying for a change in the time of holding its sessions; which was referred to the Committee on the Judiciary.

Mr. PLUMB presented a memorial of Knights of Labor of Lawrence, Kans., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. MILLER, from the Committee on Finance, to whom was referred the bill (S. 1278) to provide for the adjustment of certain accounts of Edwin A. Merritt, late consul-general at London, for storage and care of the archives at that consulate-general, reported it without amendment, and submitted a report thereon.

Mr. MILLER. From the Committee on Agriculture and Forestry, I report three amendments intended to be proposed to the agricultural appropriation bill. I desire that these amendments be referred to the Committee on Appropriations at once, as that committee is now acting upon that bill.

The PRESIDENT *pro tempore*. The amendments will be printed and referred to the Committee on Appropriations.

Mr. MILLER, from the Committee on Commerce, reported an amendment intended to be proposed to the bill (H. R. 4838) to abolish certain fees for official services to American vessels, and to amend the laws relative to shipping commissioners, seamen, and owners of vessels, and for other purposes; which was ordered to lie on the table and be printed.

Mr. GEORGE, from the Committee on Agriculture and Forestry, to whom was referred the bill (S. 372) to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto, reported it without amendment.

He also, from the same committee, reported an amendment intended to be proposed to the agricultural appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CULLOM. I am instructed by the Committee on Territories, to whom was referred a joint resolution of the Legislature of New Jersey relative to penal colonization, to report that from the information the committee now has in its possession it believes that it would not be proper to take any action on the matter. I ask that the memorial lie on the table, and that the committee be discharged from the further consideration of the subject.

The report was agreed to.

Mr. CAMERON, from the Committee on Naval Affairs, to whom was referred the bill (S. 1262) for the relief of Thomas G. Corbin, reported it without amendment, and submitted a report thereon.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4517) granting a pension to Timothy Driscoll;
A bill (H. R. 4516) granting a pension to Harriet M. Larrabee;
A bill (H. R. 4031) granting a pension to Rachel W. Heard;
A bill (H. R. 3516) granting a pension to Fanny Collins;
A bill (H. R. 6466) granting a pension to Mrs. Eliza Humes;
A bill (H. R. 5583) granting a pension to John G. Burrill;
A bill (H. R. 4592) granting a pension to Agnes Renz; and
A bill (S. 2096) granting a pension to Charles C. Hill.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 1498) granting a pension to John G. Burrill, reported adversely thereon; and the bill was postponed indefinitely.

Mr. McPHERSON, from the Committee on Naval Affairs, to whom was recommitted the bill (S. 882) to equalize the pay of graduates of the Naval Academy, reported it with amendments, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 1360) to authorize the construction of a bridge across the Missouri River at some accessible point within 10 miles below and 5 miles above the city of Kansas City, Mo., reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 3369) authoring the construction of a bridge across the Missouri River at or near the city of Council Bluffs, Iowa, and for other purposes, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 4569) to authorize the construction of a bridge across the Missouri River at a point to be selected either in the counties of Clay and Jackson, in the State of Missouri, or in the county of Clay or Platte, in said State, and the county of Wyandotte, in the State of Kansas, and to make the same a post-route, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 1151) to authorize the construction of a bridge across the Missouri River at a point to be selected either in the counties of Clay and Jackson, in the State of Missouri, or in the county of Clay or Platte, in said State, and the county of Wyandotte, in the State of Kansas, and to make the same a post-route, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 6013) to authorize the construction of a bridge across the Missouri River at some accessible point within 2 miles north and 2 miles south of the city of Atchison, in the county of Atchison, in the State of Kansas, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 1379) to authorize the construction of a bridge across the Missouri River at some accessible point within 2 miles north and 2 miles south of the city of Atchison, in the county of Atchison, in the State of Kansas, reported adversely thereon; and the bill was indefinitely postponed.

He also, from the same committee, to whom was referred the bill (H. R. 41) to authorize the construction of a bridge across the Missouri River at or near the city of Saint Joseph, in the State of Missouri, and to establish it as a post-road, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 713) to authorize the construction of a bridge across the Missouri River at or near the city of Saint Joseph, in the State of Missouri, and to establish it as a post-road, reported adversely thereon; and the bill was indefinitely postponed.

He also, from the same committee, to whom was referred the bill (H. R. 5684) to authorize the construction of a bridge over the Missouri River at the most accessible point between the mouth of the Femme Osage Creek and a point 2 miles above the city of Saint Charles, in the county of Saint Charles, in the State of Missouri, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 5685) to authorize the construction of a bridge over the Missouri River at the most accessible point in Saline City, or within 5 miles above or 5 miles below the same, in the county of Saline, in the State of Missouri, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 1668) to authorize the construction of bridges over the Missouri River at the most accessible point between the mouth of the Femme Osage Creek and a point 2 miles above the city of Saint Charles, in the county of Saint Charles, and also at the most accessible point in Saline City, or within 5 miles above or below the same, over the said Missouri River, in the county of Saline, in the State of Missouri, reported adversely thereon; and the bill was indefinitely postponed.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (S. 609) for the relief of the legal representatives of Henry S. French, reported it without amendment, and submitted a report thereon.

Mr. FAIR, from the Committee on Claims, to whom was referred the bill (S. 1117) for the relief of Emanuel Mason, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. PIKE. A statement from the clerk of the Court of Claims of a judgment rendered in that court was sent to the Committee on Claims by mistake. The committee asks to be relieved from its consideration, and that it be referred to the Committee on Appropriations.

The report was agreed to.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 1962) to amend section 461 of the Revised Statutes of the United States, reported it with an amendment.

Mr. STANFORD, from the Committee on Naval Affairs, to whom was referred the joint resolution (S. R. 14) authorizing the appointment and retirement of Samuel Kramer as a chaplain in the Navy of the United States, reported it without amendment, and submitted a report thereon.

Mr. SEWELL, from the Committee on Pensions, to whom was referred the bill (S. 1390) for the relief of B. Frank Patterson, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. COCKRELL introduced a bill (S. 2204) to provide for the repairing and improvement of the old custom-house and post-office building in Saint Louis, Mo.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

Mr. HARRIS introduced a bill (S. 2205) for the relief of T. L. Owens, administrator *de bonis non*, with the will annexed, of the estate of T. G. Owens, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. BLACKBURN introduced a bill (S. 2206) providing that the trade-dollars coined by the United States shall hereafter be a legal tender; which was read twice by its title, and referred to the Committee on Finance.

Mr. MORGAN introduced a bill (S. 2207) to amend and enlarge the act approved June 18, 1878, entitled "An act to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico, concluded on the 4th day of July, 1868;" which was read twice by its title, and referred to the Committee on Foreign Relations.

He also introduced a bill (S. 2208) to amend and enlarge the fifth section of an act approved June 18, 1878, entitled "An act to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico, concluded on the 4th of July, 1868;" which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. DAWES introduced a bill (S. 2209) for the erection of a milling shop at the national armory at Springfield, Mass.; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SEWELL introduced a bill (S. 2210) granting a pension to Anna Wright; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HARRISON introduced a bill (S. 2211) granting a pension to Julia A. Rhoads; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2212) granting a pension to Christiana Tichenor; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT (by request) introduced a bill (S. 2213) for the relief of John Ellis; which was read twice by its title, and referred to the Committee on Claims.

Mr. RIDDLEBERGER introduced a bill (S. 2214) to repeal section 1218 of the Revised Statutes of the United States; which was read twice by its title.

Mr. RIDDLEBERGER. I wish to call the attention of the Senate to the fact that the section of the Revised Statutes referred to in the title of the bill is the one which prohibits the enlistment of soldiers of the late confederate army in the Army of the United States. I have marked on the bill "for reference to the Judiciary Committee." If in the opinion of the Chair the appropriate committee is the Committee on Military Affairs I shall make no objection to that reference.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on the Judiciary if there be no objection.

Mr. VOORHEES introduced a bill (S. 2215) granting a pension to Mary G. Todd, widow of the late Dr. R. N. Todd, of Indianapolis, Ind.; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PALMER introduced a bill (S. 2216) for the relief of Mrs. Elizabeth Rice; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2217) for the relief of Andrew T. McReynolds; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 2218) for the relief of Lucy A. Washburn; which was read twice by its title, and referred to the Committee on Pensions.

Mr. INGALLS introduced a bill (S. 2219) to reduce the license tax of produce dealers at large and in the several markets; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. COCKRELL introduced a bill (S. 2220) granting a pension to James G. Mathes; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BROWN introduced a bill (S. 2221) for the relief of chaplains in the Army of the United States; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MANDERSON introduced a bill (S. 2222) to authorize the Cheyenne and Northern Railway Company to build its road across the Fort Russell and Fort Laramie military reservations; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BLACKBURN submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. EUSTIS submitted an amendment intended to be proposed by him to the Post-Office appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

RAILROADS IN HANDS OF COURT RECEIVERS.

Mr. CALL. I offer the following resolution and ask for its present consideration:

Resolved, That the Committee on the Judiciary be, and are hereby, instructed to inquire whether any legislation is needed, and, if so, what, to require the courts of the United States when they take possession of the railroad property of corporations in the several States to carry into effect the obligations of the charter of incorporation granted by such States and to prevent violations of the

same by such courts or the officers thereof, and the waste and wrongful appropriations of the assets and receipts of such corporations in the interest of individuals; and to report by bill or otherwise.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. CALL. Mr. President, on the 7th of April, when a resolution which I had the honor to introduce on the forfeiture of railroad land grants was under consideration, I used the following language:

I call the attention of the Judiciary Committee to this foul wrong, by which a judge of the United States court, without proof or knowledge of the facts, without contest, upon an application made by certain parties professing to hold securities without investigation of how those securities were issued, what consideration was given for them, without any controversy whatever, appoints a receiver and imports him from another State, irresponsible to the people of the State, suspending the charter contract between the State and the parties holding the franchise, coming into the court and asking of the court to take possession of the public lands of the United States for an insolvent corporation under a grant which expired twenty years ago.

I observe in a Florida paper the following:

Judge Settle granted permission to-day to H. R. Duval, receiver of the court in the case of W. B. Cutting *et al. vs.* The Florida Railway and Navigation Company, to change the gauge of railroads of which he is receiver to correspond with the standard gauge of 4 feet 9 inches at such time as he may direct.

The claim of R. Fulton Cutting against the Florida Railway and Navigation Company, amounting to $141,937.27, was referred to J. H. Durkee, master, to inquire into the duty of the defendant property to pay the same and the propriety of the court instructing the receiver to make such payment, and report to the court.

The same order was made in the matter of the taxes in arrears assessed against the property of the railroad company for the years prior to 1882 and due for 1885.

In the same speech I read and printed as an appendix a record of the United States circuit court at Jacksonville, Fla., which exhibited the fact that the lands of the grant had been encumbered with a mortgage for the $140,000 which is here proposed to be paid by this company. I read the following statement:

Mr. Wailes states as follows in the bill of complaint, to which he has made oath, in the cause now pending in the circuit court of the United States for the northern district of Florida:

"Your orator avers that, disregarding the premises and the rights of your orator hereinbefore stated, the said company recently, to wit, on or about the 9th day of June, A. D. 1885, obtained a loan of about $140,000, and secured the payment of the same by encumbering or conveying about 85,000 acres of its most valuable lands situate south of Panasoffkee aforesaid, by executing to defendant, J. A. Johnson, trustee, an instrument in writing, of which a copy is hereto annexed or filed herewith marked Exhibit E, and which your orator prays may be taken as a part of this bill, and applied said moneys, to wit, said $140,000, to the payment of several years of arrears of taxes due the State of Florida and assessed upon its constructed road and property appurtenant thereto, not including, however, the said 85,000 acres of land."

That this road after twenty years should be taken possession of by the court, stopped in its course of construction, and its proceeds and earnings applied to make the road a broad-gauge and of a different standard after being built with the lands of the United States, without any payment of the subscription of the stockholders, making it a mere plaything for parties without any substantial and lawful interest, is a matter I think that requires the attention and consideration of the Judiciary Committee; and some legislation should be devised by which the people of the State may be protected and recognized in the courts, and by which the charter contract may be enforced and carried into effect, and the road completed to Tampa. It is time that this matter should receive a full and fair investigation by the proper committees of Congress. The facts as stated in these records are of an extraordinary character, and the proceedings had are of a nature under the circumstances which demand a careful consideration.

I desire to bring this matter to the attention of the Senate, in order that the people may have some rights and some protection in the courts of the United States, and that they shall be required to take judicial notice of the obligation of State laws in connection with corporate interests, and that suits which have no just foundation, which are not predicated upon substantial interests, may not be allowed without investigation and proof to take possession of these large properties and suspend their construction to the point required by the charter obligation, encumber them with a great indebtedness, and expend it for purposes other than its completion to the terminal point required by its charter.

As a matter of personal privilege I think it my duty to bring before the Senate a telegram which I have just received.

Mr. BLAIR. I should like to ask the Senator from Florida whether he expects to consume much time. If so, I feel under the necessity of objecting to the consideration of the resolution to-day. I desire to ask the Senate to go on with the private pension bills on the Calendar.

Mr. CALL. I do not think the Senator will have a right to interpose an objection at this stage, as the Senate agreed by unanimous consent to consider the resolution. However, I do not propose to occupy five minutes more.

I stated in the course of the remarks which I made on the 7th of April that a letter was in my hands from Dr. Stringer, a highly respectable citizen of Brooksville, Fla., stating that the persons circulating the petition for confirmation of the grant said that the receiver threatened to take up the iron from the road unless the people petitioned Congress to confirm the entire grant. The statement I made was as follows:

Not content with this $5,500,000 of securities held by them on a property built by the State and the United States with public lands, and the proceeds of their sales, under a contract with the State for its completion in eight years and with the United States in ten years, this grant of 576,000 acres, with the homes of settlers, is claimed, and it is stated in a letter of Dr. Stringer, a highly respectable gentleman of Brooksville, that the persons circulating the petition for confirmation of the grant stated that the receiver threatens to take up the iron from the road unless the people petition Congress to confirm this expired grant. What a commentary do these facts make on the administration, not of law, but on the exercise of judicial power by your courts! Is it beyond the power of the Judiciary Committees of Congress, of both judges and legislators, to find some means by which a charter contract to which the people of a State and corporations are parties can have some recognition in the courts and by the judges of the United States?

I have a telegram just received from the receiver which I think it fair and just to him to read. The telegram is as follows:

JACKSONVILLE, FLA., *April* 21, 1886.

Hon. WILKINSON CALL:

The information upon which you charge in the Senate that the petitions adverse to forfeiture of F. R. and N. land grant are coerced by any threats of mine or any of my officers are unqualifiedly false and malicious as to myself personally and an aspersion on the thousands of signers, understood by me to be gentlemen of the highest character and leading influence in their respective localities. Will you do them and me the justice to make this statement as public as your charge was made? Please answer.

H. R. DUVAL, *Receiver.*

I now make his statement public as requested by Mr. Duval, the receiver, and state that I have no reason to suppose that this receiver is not an honorable man and a truthful man; but I have also a knowledge of the fact that Dr. Stringer, upon whose authority this statement was made, is equally respectable and equally honorable, and that if the fact be true that any persons have made such statements under color of authority from the United States court or its officials it is a matter which should receive the serious consideration of the Judiciary Committee of the Senate, and I further state that some legislation should be enacted by which bills pending before Congress should not be interfered with or sought to be interfered with by the action of parties standing in any official relation to the courts of the United States.

Mr. BLAIR. I will move that the Senate now proceed to the consideration of pension bills on the Calendar.

Mr. CALL. I ask for the reference of the resolution to the Committee on the Judiciary.

The PRESIDENT *pro tempore.* That reference will be made if there be no objection.

Mr. BLAIR. Mr. President——

The PRESIDENT *pro tempore.* "Concurrent or other resolutions" are still in order.

CENTENNIAL CELEBRATIONS AT WASHINGTON.

Mr. GORMAN submitted the following resolution; which was read:

Resolved, That the Committee on Foreign Relations be instructed to consider the subject of a celebration in 1889, at Washington, of the centennial anniversary of the formation of the Government under the Constitution of the United States, and also of the four hundredth anniversary of the discovery of America in 1892; and to report what, if any, action by Congress is advisable in relation thereto.

Mr. GORMAN. I ask for the present consideration of the resolution.

The PRESIDENT *pro tempore.* Is there objection to the present consideration of the resolution?

Mr. HAWLEY. I submit that before the adoption of the resolution it would be wise to have it referred to a committee.

The PRESIDENT *pro tempore.* Is there objection to the present consideration of the resolution?

Mr. HOAR. Let it be read again.

The Chief Clerk again read the resolution.

Mr. HARRIS. Let it go over and be printed.

The PRESIDENT *pro tempore.* Objection being made, the resolution goes over.

Mr. HAWLEY. I supposed that it related to the appointment of a committee. I see that it proposes to instruct a committee of the Senate.

Mr. GORMAN. I desire to say——

Mr. HOAR. I wish to ask——

The PRESIDENT *pro tempore.* Objection being made, the resolution is not before the Senate.

Mr. HOAR. It has gone over, but——

Mr. HARRIS. I withdraw my objection if the Senator from Massachusetts wishes to make a suggestion.

The PRESIDENT *pro tempore.* The Senator from Tennessee withdraws his objection, and the resolution is before the Senate.

Mr. HOAR. I simply desire to suggest to the author of the resolution that that class of resolutions have always gone to the Committee on the Library and not to the Committee on Foreign Relations. They seem to relate peculiarly to the domestic relations of the United States.

Mr. GORMAN. I desire to say to the Senator from Massachusetts that some days since I introduced a resolution providing for the appointment of a special committee upon this subject, but upon conference with some of the older Senators it was suggested that in view of the fact that various bills have already been introduced, one of them looking to a celebration both in 1889 and 1892, which have been referred to the Committee on Foreign Relations, that would be the proper committee to take the subject into consideration. It is not alone to be confined to this country, but all the South American countries are to be invited to join in the celebration.

Mr. HOAR. I do not exactly see what the celebration of the foun-

dation of our Government and our Constitution has to do with foreign relations. There have been quite a number of similar resolutions which have always gone to the Committee on the Library.

Mr. GORMAN. I have no objection to such a reference. My only desire is to get the matter before the proper committee.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution? The Chair hears none, and the question is on agreeing to the resolution.

Mr. HOAR. I move to amend by substituting "the Committee on the Library."

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. In line 2, it is moved to strike out the words "Foreign Relations" and insert "the Library," so as to read:

That the Committee on the Library be instructed, &c.

Mr. GORMAN. I have no objection to that. I accept the amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

Mr. GORMAN. I present to the Senate in the same connection a memorial setting forth the reasons for this celebration very fully; and as it is very ably drawn, and signed by a great number of prominent citizens of this city and of other sections of the Union, I ask, in view of its importance, that it may be printed in the RECORD.

The PRESIDENT *pro tempore*. If there be no objection the order to print the memorial in the RECORD will be made, and it will be referred to the Committees on the Library.

The memorial is as follows:

[Permanent Exposition of the Three Americas: To be located at the capital of the United States. Constitutional Centennial Celebration in 1889: By the sixteen American republics, in honor of the one hundredth anniversary of the Constitution of the parent republic, the United States. World's Exposition in 1892: In honor of the four hundredth anniversary of the discovery of America by Columbus.]

OFFICE OF THE BOARD OF PROMOTION,
Willard's Hotel, Washington, D. C., April 21, 1886.

To Congress, the press, and public:

In three years from the 4th of last March the Constitution of the United States will have completed the first century of its existence.

Six years from the 12th of next October will be the four hundredth anniversary of the discovery of America by Columbus.

These are great historical events of national, hemispherical, and world-wide importance, which should be celebrated in a manner becoming the dignity, wealth, and grandeur of the United States, and of the three Americas. Pride, as well as self-interest, in the success and advancement of republican and American institutions, require that all Americans unite in paying tribute to these anniversaries.

Your attention is therefore respectfully invited to some suggestions in regard to the ceremonies which it seems to us would be appropriate, and to a proposed permanent exposition which should remain as a lasting monument in honor of these events. They are simply suggestions thrown out to attract other suggestions, and to stimulate discussion of a subject which is of transcendent political and practical importance to the whole western hemisphere.

To prevent any possible misunderstanding it may be well to state, at the outset, that we, who are advocating the proposed celebration and exposition at the national capital, desire that they be entirely under the auspices and control of the General Government. Both the magnitude and dignity of the project forbid its management by a private corporation.

The subject of an exposition in 1892 has already been carefully considered in several American cities besides Washington.

More than a year ago a committee of representative and progressive citizens was appointed in Saint Louis to take steps toward its acquisition for that metropolis of the Mississippi Valley. They secured the indorsement of a national convention of fair and exposition managers, and have, since then, kept the subject prominently before the press and public.

During the past four or five months Chicago, with its usual enterprise, has held several meetings to arrange for an exposition there in 1892, which movement is cordially indorsed by the press and public of that city.

During the past four months a promoting organization has been perfected in the City of Mexico, composed chiefly of members of the press, to capture the same exposition. They have already appealed to the general government of their republic, and an early and favorable response is expected.

A year ago a meeting of some two or three hundred Spaniards and Spanish Americans was held at Tammany Hall, New York city, to take preliminary steps toward a celebration in 1892 in honor of Columbus.

Recently the subject of a world's fair in New York, in honor of the centennial of the adoption of the Constitution of the United States, has been discussed in that city.

Recently, also, a bill was introduced in the United States Senate providing for a constitutional centennial celebration at Washington in 1889 by the sixteen American republics, in honor of the one hundredth anniversary of the Constitution of the parent Republic—the United States.

In brief, two points are already settled by public opinion: first, that these great historic events must be duly celebrated in some American city; and, second, that the exposition proposed in their honor should be the greatest the world ever witnessed.

Now, it is evident that great world's fairs can not be successfully held in four American cities at the same time. In this connection the mind naturally turns toward Washington, the capital of the United States—the capital of the leading nation of the three Americas—the Paris of America in attractions and beauty, and a city destined to be the Berlin of America in educational advantages. It is, therefore, a city upon which all others can unite—the truly representative city of the western hemisphere.

Let us briefly consider a few of its many advantages:

It is near the great centers of population, and easily accessible both by rail and water, as may be seen by a glance at the accompanying diagram.

Within a radius of 200 miles there are 10,000,000 people who could, if ample transportation facilities were provided, reach Washington within one night.

Washington is also a favorite resort for the tourist. It is a half-way house for the annual exodus of Americans to Europe, and a stopping place on their return.

Its climate is mild in winter, and in summer it is within easy reach of the many surrounding and attractive summer resorts.

It is the center of scenes of great historic interest, such as Mount Vernon, Arlington Heights, Yorktown, and other places. These attractions and advantages may also be seen by reference to the diagram.

But more important than all these is its park, or governmental reservation, extending from the Capitol to the national observatory, and including the Potomac flats—soon to be reclaimed and beautified—containing in all about 1,000 acres. Situated, as it is, in the heart of the city, and within a few steps of Pennsylvania avenue and the principal hotels, it has a great advantage for exposition purposes over the parks of other cities located, as they frequently are, 5 or 6 miles out in the suburbs.

This park, its contents and immediate surroundings, such as Washington Monument, the National Museum, Smithsonian Institution, the Botanic Garden, the Capitol buildings facing it on the east, the Treasury Department, Executive Mansion, Department of Justice, State, War, and Navy Departments, and the Corcoran Art Gallery, facing it on the north, are an exposition in themselves—a plant which has already cost $50,000,000—a magnificent nucleus for the still grander exposition of 1889 and 1892.

Upon this park is ample room for a permanent exposition of all the nations of the three Americas.

In the center of the Smithsonian grounds could be located a grand American museum, a building which will, in 1889 and 1892, be greatly needed when Mexico, Chili, Peru, Brazil, and the other states of Central and South America join with the United States in exhibits of their antiquities, civilization, and progress.

On the White Lot could be located a State and Territorial building, with equal space for each of the forty-six States and Territories to display their respective resources. The expense of this building could, if desired, be borne by the several States and Territories.

On the grounds of the Agricultural Department could be located an American hall, a building greatly needed for national and scientific conventions, inauguration balls, international congresses, &c.

Also, on the same grounds an American art gallery, as the nucleus for rare works of art, the portraits of the Presidents and leading statesmen of the sixteen American republics, and other paintings of historic value which those governments would doubtless contribute; also the nucleus for rare collections which wealthy private citizens may desire to bequeath.

On the Smithsonian grounds could be located a patent building for working models—something greatly needed for the use of inventors and others.

On the reclaimed flats is ample room for an American zoological garden.

On the reservation surrounding the Washington Monument could be assigned space for each of the fifteen sister republics of Spanish America and the Empire of Brazil to erect a permanent building for a display of its resources and attractions. Each being small and highly artistic, like the beautiful Mexican mineral building of iron and glass at the World's Exposition at New Orleans, they would together form an appropriate surrounding for the monument without obstructing its view from the Capitol and Executive Mansion.

Or, if preferred, these foreign buildings could be located on the north, east, and west sides of the Smithsonian grounds, or on the space extending from the White Lot to the National Observatory.

On the reclaimed flats could be located the various temporary buildings which will be needed for private exhibits at the World's Fair in 1892.

The adaptability and advantages of this national park for the various purposes mentioned may readily be seen by reference to the diagram prepared to illustrate the suggested location of the exposition buildings.

But a few of the buildings need be erected by the United States, and the expense of those few would be a safe investment, for such buildings as an American museum, American hall, and American art gallery are absolutely needed by the Government, and would remain permanently as its own property.

Looking down from Capitol Hill upon the park thus improved one would witness a panorama of nations, and on the other hand the American sister nations there encamped could look up to the Washington Monument, the Capitol, the Executive Mansion, and the various other surrounding edifices of the Federal Government and see the capital of the United States in all its grandeur and glory.

It would, in effect, be a permanent congress of the three Americas, something in harmony with the spirit of the times, as is evidenced by the numerous bills recently introduced in the Senate and House providing for a temporary convention of American nations.

For the first time in the four hundred years since their discovery by Columbus the three Americas are beginning to appreciate the transcendent importance of a more intimate acquaintance with each other. Both political parties in the United States are committed to this idea in their recent national platforms, and public sentiment demands the inauguration of an hemispherical policy based upon more intimate social and commercial relations between the various sister states of all the Americas.

The business necessity for a permanent exposition of the three Americas can best be appreciated by reference to a few trade statistics.

Of our total annual manufactures, which during the census year ending 1880 were $5,369,579,191 in value, but 2 per cent. find foreign markets. This is, indeed, an astonishing state of affairs, a defect in our commercial relations with the outside world which must be remedied.

But we need not look to Europe for adequate outlets for manufactures, for it is well supplied and has a surplus of its own for export. We must rather look to the open, unsupplied, and inviting markets of Spanish and Portuguese America and the countries surrounding the Pacific Ocean.

Looking in that direction, what do we find?

On the continent, south of the United States, are fifteen Spanish-American republics, the Portugese-American Empire of Brazil, and four European colonies.

They have a total population of 45,000,000 consumers, and an area of about 8,000,000 square miles, or more than double that of the United States.

In climate, resources, supply, and demand they are the reverse and complement of the United States. Commercial exchanges with such countries are therefore in accordance with sound laws of trade and political economy.

They are exceedingly deficient in manufactures.

They need our railway iron and supplies, farming implements, cotton and woolen goods, boots and shoes, sewing-machines, telegraph and telephone supplies, clocks and watches, notions, and a thousand and one articles of our invention and skill.

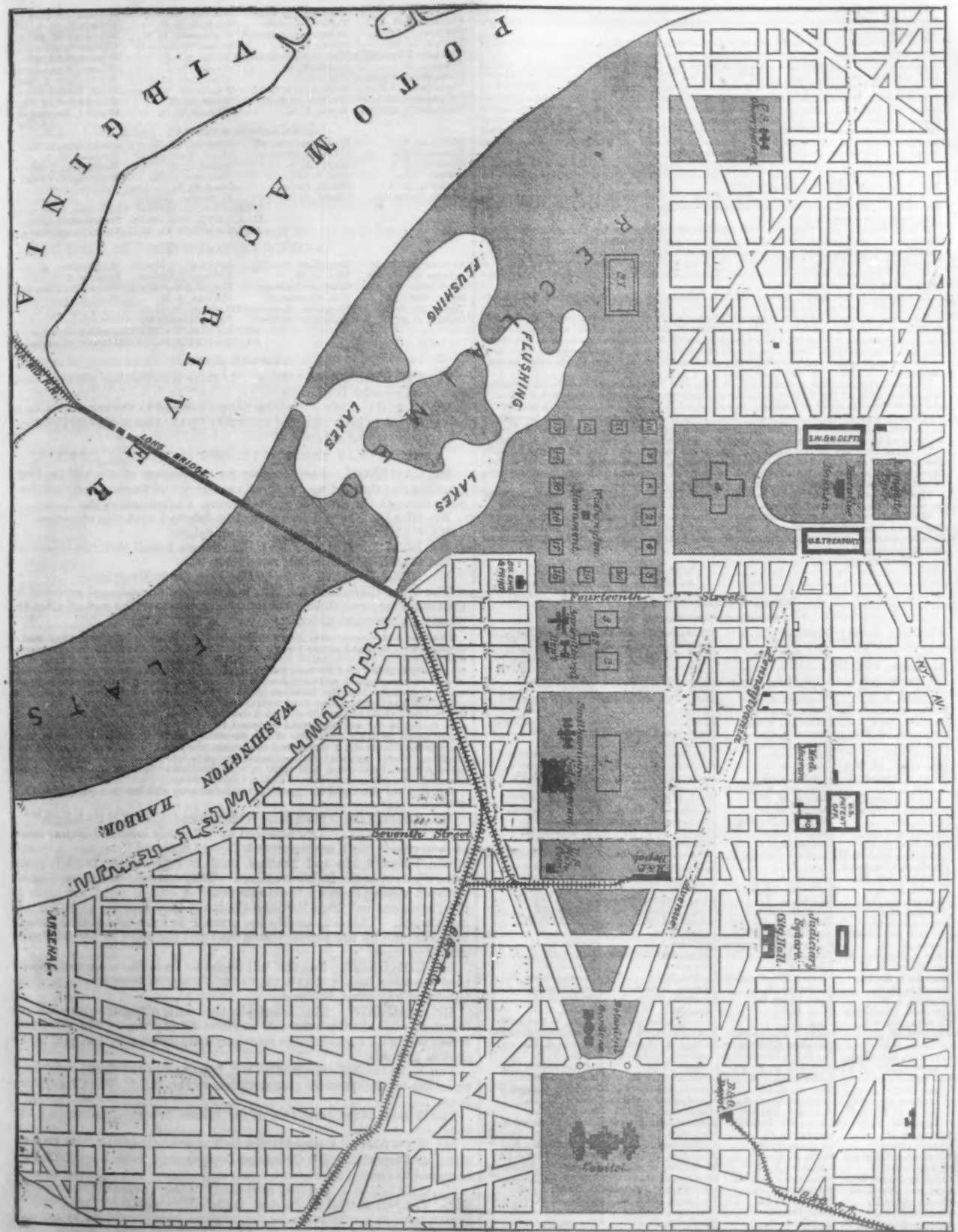
We need their coffee and sugar, tropical fruits, hard woods, fiber plants, and other raw materials.

In brief, these countries represent twenty American Indias whose unsupplied and inviting trade-fields we will find most profitable to occupy with our surplus energy, skill, products, and manufactures. At present, however, our share of that trade is disgracefully small. Their total foreign commerce, exports and imports of merchandise combined, is in value as follows:

The Republic of Mexico	$55,000,000
The five Central American republics	24,428,000
The nine South American republics	348,646,000
The four European colonies	31,950,000
The Empire of Brazil	215,061,000
Total	675,085,000

Of this total trade the United States controls but $126,822,000, or less than one-fifth part, the lion's share being monopolized by Great Britain, France, and other European powers.

Of the total annual imports of these twenty countries, which amount to $333,812,000 in value, we supply but one-seventh part.



PERMANENT EXPOSITION GROUNDS OF THE THREE AMERICAS.

1. American Museum. 2. American Art Gallery. 3. American Hall. 4. State and Territorial Building. 5. Mexico. 6. Peru. 7. Chili. 8. Argentine Republic. 9. Venezuela. 10. Brazil. 11. Bolivia. 12. Guatemala. 13. Costa Rica. 14. Nicaragua. 15. Salvador. 16. Honduras. 17. Paraguay. 18. Uruguay. 19. Ecuador. 20. United States of Colombia. 21. American Zoological Garden. 22. Statue of Columbus.

There is no better way to cure this serious defect than by inviting the several American nations together under one roof to a grand exposition of their respective resources and industries.

But new markets for surplus manufactures are only a portion of the benefits which the United States will derive from the proposed exposition.

According to a recent and elaborate report to the State Department by one of our consuls abroad, citizens of the United States alone spend each year in Europe for travel, pleasure, art, education, and similar purposes upward of $100,000,000. The Spanish-American republics and Brazil do the same thing on a smaller scale, but perhaps nearly as much in the aggregate. Why not make the art, educational, and other attractions and advantages of Washington such that a large portion of this enormous capital will be kept at home, and European travel and capital attracted here? It can be done if the permanent exposition is carried out on the scale and in the manner proposed.

The capitals of most of the prominent European nations have had world's fairs: London in 1851, Dublin in 1853, London in 1862, Paris in 1867, London in 1871, Vienna in 1873, and Paris in 1878.

It is time the capital of the United States should profit by their example in this respect, and there is no time to lose if we are to have an exposition in 1889, 1892, and permanently thereafter.

It will require one year for the necessary legislation by Congress, at least another for legislation by the forty-six States and Territories and the various nations of the other Americas, leaving but one year before the centennial of the Constitution, and four years before the four hundredth anniversary of the discovery of America, for the erection of permanent buildings, the collection of exhibits, and other necessary work.

It is evident, therefore, we can do but little more than inaugurate the enterprise in 1889, leaving the grand consummation for 1892.

No occasion could be more appropriate for such an inauguration than the 4th of March, 1889, the one hundredth birthday of the Constitution, and the date of the inauguration of the next President of the United States, in which celebration the presidents of the fifteen American sister republics, whose organic laws are, to a greater or less extent, copied from our Constitution, should be invited to participate.

When the exposition is complete, in 1892, the President of the United States, the presidents of the fifteen American sister republics, the Emperor of Brazil, the Governor-General of Canada, the King of Italy, where Columbus was born, and the Queen of Spain, from which country he sailed, should unite in unveiling a colossal statue of the illustrious discoverer of America, which statue should be located in the center of the permanent exposition grounds at Washington.

The first century of the Republic has been mainly devoted to home affairs, the formation and perfection of constitutional government, the material development of the great interior, the adjustment of sectional disputes, and the construction of transportation routes to the seaboard.

The time has now arrived when the United States is entering upon what may be termed the international era of its existence and a broader field of action.

We therefore respectfully submit that the proposed permanent exposition of the three Americas is in accord with the spirit of the times, and that it will exert an educational, industrial, commercial, and political influence of great practical importance and value.

Very respectfully,

WM. B. WEBB, *Chairman.*
ALEX. D. ANDERSON, *Secretary.*

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Sypher, J. Hale	Townshend, Smith	Watterson, D. A.	Williams, W. B.
Taylor, R. H.	Tyrer, T. W.	Webb, William B.	Wilson, A. A.
Temple, Edward	Van Vliet, Stewart	Welling, J. C.	Wilson, J. M.
Tenney, F.	Verdi, T. S.	West, J. R.	Wilson, J. O.
Thompson, Charles	Vogt, J. L.	Wheatley, Sam'l E.	Witherbee, A. Scott
Thompson, J. Ford	Waggaman, T. E.	Wheatley, William	Wolf, Simon
Thompson, John W.	Walker, D. S.	White, E. E.	Woodward, S. W.
Thompson, Phil. B.	Ward, F. K.	Willard, C. C.	Wright, Marcus J.

BALTIMORE MEMBERS.

Abell, A. S.	Dulany, John M.	Hooper, W. J.	Pangborn, J. G.
Agnus, Felix	Garrett, Robert	Hunt, Germon H.	Powell, W. S.
Bartlett, D. L.	Gary, J. A.	Hurst, J. E.	Robinson, J. M.
Bland, J. R.	Gill, O. A.	Jackson, L. L.	Supplee, J. Frank
Conklin, D. E.	Hoen, Ernest	Lord, C. K.	
Dixon, John B.	Hood, J. M.	McShane, Henry	

WILLIAM B. WEBB, *Chairman.*
E. KURTZ JOHNSON, *Treasurer.*
ALEXANDER D. ANDERSON, *Secretary.*

EXECUTIVE COMMITTEE.

Abraham, Lewis	Douglass, Fred'k	Johnson, E. Kurtz	Richardson, F. A.
Adams, George W.	Fox, E. W.	Kilbourn, Hallet	Sowers, Z. T.
Anderson, Alex. D.	Gorham, George C.	Magruder, John H.	Webb, William B.
Baker John A.	Hill, Charles S.	Mullett, A. B.	Wolf, Simon
Chandler, Jeff.	Hopkins, Archibald	Ordway, N. G.	
Cooke, H. D.	Hutchins, Stilson	Page, Horace F.	

WILLAM B. WEBB, *Chairman.*
ALEXANDER D. ANDERSON, *Secretary.*

* The project being both national and international in its scope, additions to the board will be made from the various States and Territories, principal cities, and boards of trade throughout the United States.

PENSION BILLS.

The PRESIDENT *pro tempore*. If there is no further morning business the Calendar is in order.

Mr. BLAIR. I move that the Senate proceed to the consideration of private pension bills reported favorably by the Committee on Pensions.

The motion was agreed to.

RIGHT OF WAY THROUGH BRIDESBURG ARSENAL GROUNDS.

Mr. CAMERON. I ask consent for the passage of the bill (S. 1105) granting the right of way to the Kensington and Tacony Railroad Company through the grounds at Bridesburg, Philadelphia, Pa.

Mr. BLAIR. If it does not lead to debate I make no objection.

Mr. CAMERON. It will not cause debate.

Mr. BLAIR. If it does not lead to debate I shall make no objection.

Mr. CAMERON. I shall not debate it.

Mr. EDMUNDS. Let the bill be read for information.

The Chief Clerk read the bill, and also the amendment reported by the Committee on Military Affairs; which was to strike out all after the enacting clause and to insert:

That the Kensington and Tacony Railroad Company is hereby authorized to construct its railroad across the grounds of the United States forming a part of the grounds of the arsenal at Bridesburg, in Philadelphia County, in the State of Pennsylvania; and for that purpose said company is hereby granted a width of 30 feet across said grounds for its right of way through the grounds aforesaid: *Provided*, That the location of said road through said grounds shall be outside of the present inclosing-wall of said arsenal on the Delaware River; and the railroad shall be provided with a draw-bridge of sufficient size on the creek, and facilities for crossing said railroad to wharves, &c., all of which shall be constructed to the satisfaction of the Secretary of War: *Provided further*, That the United States shall have, free of charge, the right to connect with said railroad any tracks laid within the arsenal grounds for Government uses: *And provided further*, That when said right of way shall cease to be used for the purpose aforesaid the same shall revert to the United States.

SEC. 2. That the right to repeal, alter, or amend this act is reserved to Congress.

Mr. EDMUNDS. How long is this tract? What is its length?

Mr. CAMERON. Two hundred or 300 yards long and 30 feet wide. It is to enable the Kensington and Tacony Railroad Company, a branch of the Philadelphia and Trenton road, to build a side track to reach some wharves on the Delaware River. They can not reach those wharves without passing through these grounds. A similar right was given to the Baltimore and Ohio Railroad Company the other day to build their main track. This will enable the arsenal to have two outlets for any business, one by the Pennsylvania road and the other by the Baltimore and Ohio road.

Mr. EDMUNDS. But the bill ought to have the same restrictions that the other had in it as to the use of this space for cars passing, without doing any other business.

Mr. CAMERON. This is outside the walls altogether and can not interfere with the Government business in any way. The other provision was with regard to the naval asylum, and not with regard to the arsenal grounds.

The PRESIDING OFFICER (Mr. INGALLS in the chair). Is there objection to the present consideration of the bill? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HAWLEY. I should like to know whether the War Department, and especially the Ordnance Department, have been consulted in regard to this?

Mr. CAMERON. Not only consulted but they prepared this amended bill. The bill as read at the desk is the bill prepared by the Ordnance Department as a substitute for the original bill introduced by my colleague.

Mr. HAWLEY. I presume it is all right, but we passed a bill within a fortnight which allowed a railway track across the entire water front

of the Schuylkill arsenal grounds; and now this proposes to take a slice of another arsenal in that vicinity.

Mr. CAMERON. The advantage to the arsenal is that it gives it two outlets, one by the Baltimore and Ohio and another by the Pennsylvania Railroad, and I think it is a benefit to the Government to have that advantage.

Mr. HAWLEY. If the War Department is satisfied I shall make no objection.

Mr. CAMERON. It is perfectly satisfied.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Military Affairs to strike out all after the enacting clause of the bill and insert the substitute which has been read.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RIGHT OF WAY THROUGH FORT LEAVENWORTH.

The PRESIDING OFFICER. The first pension bill on the Calendar will be reported.

Mr. PLUMB. I should like to appeal to the Senator from New Hampshire for a moment. I shall be obliged to be out of the Chamber after a short time, during all day probably. I wish to call up Senate bill 1352, to grant a right of way through a military reservation in the State of Kansas to a railroad, and I will state that it is important the bill should pass soon if it passes at all, because the time for the construction of the railroad is running on and the parties concerned are very anxious to go ahead with it. I am satisfied it will take but a moment.

Mr. BLAIR. I made an agreement that I would, as far as I was concerned, give way to the Senator from Pennsylvania and to the Senator from Tennessee.

Mr. HARRIS. I will state to the Senator from New Hampshire that I will not trespass on his courtesy this morning. I will let my matter go over until to-morrow.

Mr. BLAIR. Is the bill of the Senator from Kansas likely to lead to debate?

Mr. PLUMB. If it does, I shall withdraw the application for its consideration.

Mr. BLAIR. Very well.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1352) granting the right of way to the Leavenworth, Northern and Southern Railway Company through the military reservation at Fort Leavenworth.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BENJAMIN F. KELLEY.

The PRESIDING OFFICER. The first pension bill on the Calendar will be stated.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 838) granting an increase of pension to General Benjamin F. Kelley. It proposes to place on the pension-roll the name of Benjamin F. Kelley, late a brigadier-general in the Army, at the rate of $100 per month, in lieu of the pension which he now receives.

Mr. COCKRELL. Let the report in that case be read.

The Secretary read the following report, submitted by Mr. CAMDEN March 22, 1886:

The Committee on Pensions, to whom was referred the bill (S. 838) for the increase of the pension of Benjamin F. Kelley, late brigadier-general, and major-general by brevet, United States Army, have had the same under consideration, and report:

It appears from the record that B. F. Kelley was commissioned colonel of the First Virginia Regiment, United States Army, May 25, 1861, and was mustered into the service.

That on August 6, 1861, he was commissioned as brigadier-general of volunteers, to rank as such from May 17, 1861; and that he resigned June 1, 1865.

At the battle of Philippi, the first fought during the war, he was severely wounded and permanently injured by a gunshot wound, fracturing the bones of the breast and shoulder and injuring his lungs. The following extracts from his military history furnish information in regard to his services:

"General B. F. Kelley, of West Virginia, raised the very first regiment of loyal troops south of Mason and Dixon's line during the late war, and was commissioned colonel of the regiment May 25, 1861, and mustered into the service of the United States.

"By order of General McClellan, then commanding the Department of the Ohio, Colonel Kelley was directed to assume command of all the loyal troops then in Virginia, and all other troops that had been ordered to report to him.

"On the 27th of May, 1861, Colonel Kelley left Wheeling with his regiment for Grafton, on the Baltimore and Ohio Railroad, followed the next day by the Sixteenth Ohio and Ninth Indiana.

"Grafton, at that time, was held by a confederate force under command of Colonel Porterfield.

"On June 1, 1861, Kelley's forces reached Grafton and occupied the place, Colonel Porterfield having retreated to Philippi on the approach of the Union forces.

"On the afternoon of the 2d of June Kelley moved on to Philippi, marching all night through a drenching rain, and attacked the enemy at 4 o'clock on the morning of the 3d.

"The enemy was completely taken by surprise and routed; some were killed and many captured. A large amount of stores, arms, and ammunition, horses, wagons, &c., fell into the hands of the Union forces.

"Colonel Kelley, commanding, was severely, and at first thought to be mortally, wounded, having been shot, whilst making the charge, through the right breast and the upper part of the lung.

"As an evidence of the high appreciation of his conduct, attention is called to the following telegrams from Generals McClellan and Morris:

"CINCINNATI, *June* 3, 1861.

"To Gen. T. A. MORRIS:

"Say to Colonel Kelley that I can not yet believe it possible that one who has opened his career so brilliantly can be mortally wounded. In the name of the country I thank him for his conduct, which has been the most brilliant episode of the war thus far. If it can cheer him in his last moments, tell him I can not repair his loss, and that I only regret that I can not be by his side in person.

"God bless him.

"GEORGE B. McCLELLAN."

"GRAFTON, *June* 3, 1861.

"To Colonel KELLEY:

"SIR: I am extremely pleased and greatly gratified at your gallant and soldierly conduct in the expedition which owes its success to your gallant conduct. I feel that your country owes you a deep debt of gratitude for your services on the occasion, and a grateful people can not but render to you that honor you so richly deserve.

"T. A. MORRIS, *Brigadier-General*."

[Extract from General Morris's report.]

"I am extremely sorry to report that the gallant Colonel Kelley, of the First Virginia Regiment, while leading the attack of his column, fell severely wounded by a shot in the breast. The wound, at first supposed to be mortal, I am glad to know will only deprive us of his valuable counsels and assistance for a few weeks. Much of the success of our attack is due to him. His thorough knowledge of the country, his skill in rendering that knowledge available, his cool and unflinching courage will deprive us for the time of a great support."

[Extract from General McClellan's report.]

"Colonel Kelley, who conducted the movement on Philippi with marked ability and zeal, received a severe wound early in the action, which at the time was supposed to be mortal, but I am now happy to say he is considered out of danger."

"From the moment he received my orders at Wheeling to move on Grafton up to the time he was wounded he has exhibited in an eminent degree the qualities of an efficient commander, and I take this opportunity of renewing my recommendation for his promotion to the rank of brigadier-general."

It will be observed that General Kelley not only organized the first loyal regiment in the entire South, but that he fought and won the first victory achieved on Southern soil, in which he was severely wounded. The war record shows an unbroken series of brilliant achievements by him during the whole war.

General Kelley is now in his seventy-ninth year, and for the want of means necessary to the support of himself and family he has been forced to seek and accept a subordinate position in the Pension Office, where he is subject to all the rigid rules and exactions incident to the conduct of that department.

He is frequently disabled for duty in consequence of an almost constant cough and other effects of his wound, which necessarily involve loss of time and pay, and in the course of nature will soon be totally disabled for clerical duty.

Your committee, in view of the marked and peculiar services rendered by General Kelley, which makes his case an exceptional one—considering the fact that he raised the first Union regiment south of Mason and Dixon's line, fought the first battle, and was the first officer wounded in the war, and that after recovering he continued in the service with marked ability to the close of the war, receiving many testimonials of approbation from his commanding officers and the Government, and considering his age and necessities—your committee are of the opinion that, now in his advanced age and still suffering from the effects of his wound, he should be relieved from the necessity of daily physical labor for his support, and therefore recommend the passage of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY HELENA MAHAN.

The bill (S. 1463) granting arrears of pension to Mary Helena Mahan, was considered as in Committee of the Whole. It directs the Secretary of the Interior to readjudicate the pension claim of Mary Helena Mahan, widow of Dennis H. Mahan, as if her application had been filed in the office of the Commissioner of Pensions prior to the 1st of July, 1880, and to pay her a pension at the rate prescribed by law from the date of death of Dennis H. Mahan.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

MARGARET HUNTER HARDIE.

The bill (S. 1133) granting an increase of pension to Margaret Hunter Hardie was considered as in Committee of the Whole. It proposes to increase the pension of Margaret Hunter Hardie, widow of Bvt. Maj. Gen. James A. Hardie, formerly Inspector-General of the Army, to $50 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SARAH E. HENRY.

The bill (S. 1348) granting a pension to Sarah E. Henry was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah E. Henry, widow of George Henry, late of Company E, Second United States Cavalry and general service, United States Army.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DAVID M'KINNEY.

The bill (S. 892) granting a pension to David McKinney was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of David McKinney, late a private in Capt. Nathan Boon's company, serving under General Dodge, in the Black Hawk war.

Mr. COCKRELL. I move that in lieu of that bill the Senate take up House bill 792, which has passed the House, is now pending, and

is identical with this bill. I do not find it on the Calendar, but I have sent for the bill and will have it here in a minute. This bill was reported by the Senate committee just about the time the House bill got here.

The PRESIDING OFFICER. Perhaps this bill had better be passed over informally.

Mr. COCKRELL. I now send to the desk the bill (H. R. 792) granting a pension to David McKinney, which is the same as Senate bill 892. I presume it has not been acted upon by the Committee on Pensions, and I move that the Committee on Pensions be discharged from its further consideration, and then let it be taken up.

Mr. BLAIR. I remember the case. It is all right.

The PRESIDING OFFICER. If there be no objection the Committee on Pensions will be discharged from the further consideration of the House bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 792) granting a pension to David McKinney.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. The Senate bill No. 892 will be indefinitely postponed.

DANIEL KAIN.

The bill (H. R. 1821) granting a pension to Daniel Kain was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Daniel Kain, late a private in Company K, Twenty-seventh Ohio Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MERRITT LEWIS.

The bill (S. 1950) granting an increase of pension to Merritt Lewis was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll the name of Merritt Lewis, late a private in Company K, Seventh Michigan Cavalry, at the rate of $60 a month, in lieu of the sum he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY E. CRIMMINS.

The bill (S. 160) granting a pension to Mary E. Crimmins, widow of Patrick Crimmins, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary E. Crimmins, widow of Patrick Crimmins, late a machinist's helper in the United States Navy, in service at the naval torpedo station, Goat Island, Rhode Island.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AUGUSTA M. RICHARDS.

The bill (H. R. 1107) granting a pension to Augusta M. Richards was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Augusta M. Richards, a volunteer nurse in the late war, at $25 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM P. SQUIRES.

The bill (S. 1227) granting an increase of pension to William P. Squires was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the words "in lieu of," to strike out "what" and insert "the pension;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William P. Squires, late of Company C, Seventy-fifth Illinois Volunteer Infantry, at the rate of $50 per month, in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET FLAHERTY.

The bill (H. R. 1475) granting a pension to Margaret Flaherty, was considered as in Committee of the Whole. It proposes to place on the pension-roll, at the rate of $8 per month, the name of Margaret Flaherty, dependent stepmother of Bartlett Flaherty, late a private in Company F, Thirty-first Maine Volunteers, to commence March 3, 1885.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN P. DAVIS.

The bill (H. R. 1468) increasing the pension of John P. Davis was considered as in Committee of the Whole. It proposes to increase the pension of John P. Davis, late a sergeant of Company H, Twelfth Regiment New Hampshire Volunteers, from $12 to $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M. MILTON.

The bill (H. R. 4125) granting a pension to John M. Milton was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John M. Milton, dependent father of Charles A. Milton, late a private in Company B, Second Regiment New Hampshire Volunteers, and at the time of his death a medical cadet, and pay him a pension at the rate of $8 per month from March 3, 1885.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOIS HOLT.

The bill (H. R. 1469) granting a pension to Lois Holt was considered as in Committee of the Whole. It proposes to place on the pension-roll, at the rate of $8 per month, the name of Lois Holt, mother of Harvey Holt, late a private in Company I, Second Regiment New Hampshire Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARIE LOUISE CRAVEN.

The bill (S. 670) to increase the pension of the widow of the late Commander T. A. M. Craven was considered as in Committee of the Whole. It proposes to increase the pension now allowed by law to Marie Louise Craven, widow of the late Commander T. A. M. Craven, from $30 to $50 per month.

Mr. HAWLEY. Can the chairman of the committee inform me whether or not a House bill to the same effect has been sent here?

Mr. BLAIR. I have no recollection of seeing such a House bill. I do not think it has come to the committee, and I do not think it has passed the House.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANN ATKINSON.

The bill (S. 1156) granting an increase of pension to Ann Atkinson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ann Atkinson, late widow of Hopeful Toler, who was a soldier in Capt. Henry Saint George Tucker's company of mounted rifles, of Virginia, war of 1812, at the rate of $16 per month, in lieu of what she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ABEL COMSTOCK.

The bill (S. 1016) granting an increase of pension to Abel Comstock was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Abel Comstock, late a private in Company C, Twenty-first Regiment Ohio Veteran Infantry Volunteers, at the rate of $30 per month, in lieu of what he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY MARSH.

The bill (S. 685) granting a pension to Mary Marsh was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Marsh, daughter of the late Charles Marsh, of Company A, Fifth New Hampshire Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF PROCEEDING.

Mr. HOAR. I would suggest that by unanimous consent, as it would save a good deal of fatigue to the Secretary, the formal parts of the bills may be omitted in the reading, and that he merely announce what the bill is. They are all bills granting pensions or arrears of pensions. Let him merely read, "Mary Merritt," "Nancy B. Leach," &c.

The PRESIDING OFFICER. That suggestion will be followed if there be no objection.

Mr. COCKRELL. I should like to hear the suggestion.

Mr. HOAR. The suggestion merely was that the number of the bill and the order of business be stated and that it is a bill granting a pension to so-and-so, omitting all the rest. That course has been taken at former sessions.

Mr. HAWLEY. The order of business ought to be announced each time, so that we may keep on the track of the Calendar.

The PRESIDING OFFICER. No objection being made, the course suggested will be pursued.

NANCY B. LEACH.

The bill (S. 357) granting arrears of pension to Nancy B. Leach was considered as in Committee of the Whole.

The preamble recites that Nancy B. Leach, mother of Bradford Leach, late of Company I, Twelfth New Hampshire Volunteers, was placed on the pension-roll on the 25th of June, 1881.

The bill directs the Secretary of the Interior to pay to Nancy B. Leach a pension at the rate prescribed by law from the date of the death of Bradford Leach.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

CHARLES J. ESTY.

The bill (S. 810) granting a pension to Charles J. Esty was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Charles J. Esty, late a private in Company H, Tenth New Hampshire Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES N. SEBASTIAN.

The bill (S. 686) granting a pension to Charles N. Sebastian was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Charles N. Sebastian, late of Company A, Second New Hampshire Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

M. LOUISE BUTLER.

The bill (S. 773) granting a pension to M. Louise Butler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of M. Louise Butler, widow of George Butler, late a major of marines in the service of the United States, and pay her a pension at the rate of $40 per month; said pension to be in lieu of any she may hereafter receive.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMELIA J. GILL.

Mr. BLAIR. The next case, Order of Business 398, a bill (S. 684) granting a pension to Amelia J. Gill, has been acted on by the House, and its bill is Order of Business 615. I ask that that be now taken up and acted on.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3489) granting a pension to Amelia J. Gill. It proposes to place on the pension-roll the name of Amelia J. Gill, a volunteer nurse in the late war, at the rate of $25 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (S. 684) granting a pension to Amelia J. Gill was indefinitely postponed.

SIDNEY B. TULLAR.

The bill (S. 483) to restore Sidney B. Tullar to the pension-roll was considered as in Committee of the Whole. It directs the Secretary of the Interior to restore to and place on the pension-roll the name of Sidney B. Tullar, late first lieutenant of Company B, Sixteenth Wisconsin Infantry, and to pay him at the same rate, $12 per month, that he received before, and to be paid from the time he was suspended from the roll.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS S. HOPKINS.

The bill (S. 183) for the relief of Thomas S. Hopkins, late of Company C, Sixteenth Maine Volunteers, was considered as in Committee of the Whole. It provides that Thomas S. Hopkins, late a private in Company C, Sixteenth Maine Volunteers, now on the pension-roll, shall be exempted, by reason of mental incapacity, from the limitation prescribed in section 2 of the act of Congress approved March 3, 1879, entitled "An act making appropriations for the payment of the arrears of pensions granted by act of Congress approved January 25, 1879, and for other purposes," and that there shall be paid to him the same rate of pension and the same arrears as if his application for a pension had been filed with and allowed by the Commissioner of Pensions prior to June 16, 1880.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMY A. LEWIS.

The bill (H. R. 1579) for the relief of Amy Lewis was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of Amy A. Lewis, widow of J. H. Lewis, late of the Twelfth Battalion New York Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH KAHLER.

The bill (H. R. 1575) granting a pension to Elizabeth Kahler was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth Kahler, widow of Christian Kahler, late a private in Lieut. William F. Martin's company, Second Battalion Veteran Reserve Corps Cavalry, and who was discharged the 27th of July, 1865, at Annapolis, Md., by reason of a gunshot wound received in battle.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NEWTON O. BAKER.

The bill (H. R. 1589) for the relief of Newton O. Baker was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Newton O. Baker, of Lockport, N. Y., late of the Twenty-third Independent Battery, New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELEANOR C. BANGHAM.

The bill (H. R. 1582) for the relief of Eleanor C. Bangham, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 4, after the word "pension-roll," to strike out "de novo;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll, subject to the provisions and limitations of the pension laws, the name of Eleanor C. Bangham, widow of John S. Bangham, late a private in Company M, First Regiment New York Light Artillery.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

THOMAS G. NEWNAM.

The bill (H. R. 1367) to place the name of Thomas G. Newnam on the pension-roll was considered as in Committee of the Whole. It proposes to place the name of Thomas G. Newnam, late of Company K, Ninth Missouri Regiment State Militia Cavalry, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH L. BRAGG.

The bill (H. R. 1574) granting a pension to Sarah L. Bragg was considered as in Committee of the Whole. It proposes to place on the pension-roll, at the rate of $12 per month, the name of Mrs. Sarah L. Bragg, late an Army hospital matron, and the widow of George Bragg, formerly a private in Company A, One hundred and fifty-first Regiment of New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELMIRA M. DORMAN.

The bill (H. R. 5192) granting a pension to Elmira M. Dorman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elmira M. Dorman, minor child of James Dorman, late of Company A, First Regiment Kansas Volunteers, and to pay to her legally constituted guardian, for her sole use and benefit, $10 per month until she arrives at the age of sixteen years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN D. HAM.

The bill (S. 1998) for the relief of John D. Ham was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John D. Ham, late a private of Company M, First Regiment Wisconsin Cavalry, also a private in Company G, First Regiment Wisconsin Cavalry, and in Company E, Twenty-first Regiment Wisconsin Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LYDIA O. HUTCHINGS.

The bill (S. 1382) for the relief of Lydia O. Hutchings was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lydia O. Hutchings, mother of George T. Pomeroy, late a private in Company C, One hundred and eighty-sixth Regiment New York Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HARRIET WELCH.

The bill (S. 1383) granting a pension to Harriet Welch was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, after the word "Volunteers," in line 6, to strike out the words "at the rate of eight dollars per month, and two dollars per month for each of her children under the age of sixteen years," and to insert the words, "and her minor children;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Harriet Welch,

widow of Cyraneous Welch, late a private in Company C, Thirty-eighth Regiment Wisconsin Volunteers, and her minor children, subject to the provisions and limitations of the pension laws.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MICHAEL DALY.

The bill (S. 983) granting a pension to Michael Daly was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Michael Daly, late of Company B, Eleventh Regiment Wisconsin Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MATHIAS WONDRAK.

The bill (S. 1384) granting a pension to Mathias Wondrak was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mathias Wondrak, late a private in Company K, Twentieth Regiment United States Infantry, who served eleven years in the United States Army and was honorably discharged for disability incurred in the service.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

DAVID C. PAULLUS.

The bill (H. R. 19) for the relief of David C. Paullus was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of David C. Paullus, late a private in Company D, Second Regiment of Ohio Volunteers, in the war with Mexico.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL CONNOLLY.

The bill (H. R. 225) granting a pension to Daniel Connolly was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Daniel Connolly, late of Company K, Second Regiment Connecticut Artillery Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES MORGAN.

The bill (H. R. 618) granting a pension to James Morgan was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James Morgan, late a private in Company E, Fiftieth Regiment Illinois Infantry, now a resident of Allerton, Iowa.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSAN WOOLLEY.

The bill (H. R. 443) granting a pension to Susan Woolley, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Susan Woolley, of Indiana, widow of Benjamin Woolley, late a private in Company C, Ninetieth Regiment of Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. MARY C. RINGGOLD.

The bill (S. 516) granting an increase of pension to Mrs. Mary C. Ringgold was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary C. Ringgold, and pay her a pension at the rate of $40 per month, in lieu of the pension she now receives.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NATHANIEL TAYLOR.

The bill (H. R. 1568) granting a pension to Nathaniel Taylor was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Nathaniel Taylor, late a private in Company L, Fifty-sixth New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY G. COLBY.

The bill (H. R. 1474) granting a pension to Mary G. Colby was considered as in Committee of the Whole. It proposes to place on the pension-roll, at the rate of $8 per month, the name of Mary G. Colby, widow of Amos C. Colby, late a private in Company I, Third Regiment New Hampshire Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. MARTHA E. TURNEY.

The bill (H. R. 226) granting a pension to Mrs. Martha E. Turney was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Martha E. Turney, widow of James M. Turney, late a private in Company H, First Regiment of Connecticut Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN DEFENBAUGH.

The bill (H. R. 634) granting a pension to John Defenbaugh was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Defenbaugh, late a private in Company K, Eighty-second Regiment Pennsylvania Volunteer Infantry, now a resident of Creston, Iowa.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHERINE COLLINS.

The bill (H. R. 613), for the relief of Catherine Collins, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Catherine Collins, the dependent mother of John Collins, late of Company G, Eighth Veteran Reserve Corps.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. ANNA D. W. EICHMAN.

The bill (H. R. 602) granting a pension to Mrs. Anna D. W. Eichman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Anna D. W. Eichman, of Dubuque city, Iowa, widow of Nicholas Eichman, late second sergeant of Company G, Sixteenth Regiment of Iowa infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

A. SCHUYLER SUTTON.

The bill (H. R. 1937) for increase of pension to A. Schuyler Sutton was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of A. Schuyler Sutton, late acting lieutenant-colonel of the Ninety-fifth Regiment of Ohio Volunteers, at the rate of $40 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. AMY A. HURST.

The bill (H. R. 3538) granting a pension to Mrs. Amy A. Hurst was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Amy A. Hurst, widow of Oliver P. Hurst, late a sergeant of Company B, Forty-fifth Regiment Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DILLON BRIDGES.

The bill (S. 652) granting a pension to Dillon Bridges was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Dillon Bridges, late captain of Company M, One hundred and thirty-first Regiment Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN S. WILLIAMS.

The bill (S. 789) granting a pension to John S. Williams was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John S. Williams, late of Company K, Twelfth Regiment Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM WEIGHTMAN.

The bill (S. 612) granting a pension to William Weightman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Weightman, dependent father of Albert Weightman, late of Company L, Seventh Regiment Michigan Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BENJAMIN F. SHIELDS.

The bill (S. 651) granting a pension to Benjamin F. Shields was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Benjamin F. Shields, late of Company H, Eleventh Tennessee Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANK LIGHTNER.

The bill (H. R. 4118) granting a pension to Frank Lightner was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Frank Lightner, late of Company C, Sixty-fifth Regiment United States Colored Troops.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEIRS OF MICHAEL O'BRIEN.

The bill (S. 1249) for the relief of the heirs of Michael O'Brien was read.

The PRESIDING OFFICER. This seems not to be strictly a pension bill, and will be passed over.

Mr. BLAIR. It is a matter that has been before the Pension Committee at the last Congress as well as this. It is a very trifling matter, and I hardly think it is worth while, unless it be insisted upon by some one, to delay the consideration of the case. It is nothing but a land-warrant.

Mr. COCKRELL. One moment. Let that bill be read again.

The bill was read.

Mr. COCKRELL. Let the report be read.

The Chief Clerk read the following report, submitted by Mr. BLAIR from the Committee on Pensions March 30:

The Committee on Pensions, to whom was referred the bill (S. 1249) for the relief of the heirs of Michael O'Brien, have examined the same and report:

This bill was reported favorably by this committee during the last Congress (Senate report No. 766, Forty-eighth Congress), which your committee adopt, and recommend the passage of the bill.

"That Michael O'Brien enlisted as a private in Company E, Second United States Infantry, January 19, 1819, and served continuously until finally discharged, by expiration of service, September 8, 1838; that he was promoted to corporal and sergeant, respectively, holding a sergeant's commission at the date of his final discharge.

"In consideration of this long and faithful service, and the fact that the heirs are in need of the relief asked for, the committee recommend the passage of the bill."

Mr. COCKRELL. This is establishing an entirely new principle, and I hope the Senator will not insist upon it. It is establishing the principle of granting land-warrants to soldiers in the regular Army, which has never been done.

The PRESIDING OFFICER. The Senator from Missouri has the right to object, as the bill does not come within the understanding.

Mr. COCKRELL. I object.

The PRESIDING OFFICER. The bill will be passed over.

CHARLOTTE D. CROCKER.

The bill (H. R. 650) granting an increase of pension to Charlotte D. Crocker was considered as in Committee of the Whole. It proposes to increase the pension of Charlotte D. Crocker, widow of Brig. Gen. Marcellus M. Crocker, from $30 to $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE CLARK.

The bill (S. 827) granting a pension to George Clark was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George Clark, late of Company D, Second Regiment Pennsylvania Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RACHEL NICKELL.

The bill (H. R. 925) to amend an act entitled "An act granting a pension to Rachel Nickell," approved March 3, 1885, was considered as in Committee of the Whole. It proposes to amend the act of March 3, 1885, so as to read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Rachel Nickell, mother of Asbury Nickell, late of Company I, Forty-seventh Regiment Kentucky Mounted Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC MOORE.

The bill (H. R. 1255) granting a pension to Isaac Moore was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Isaac Moore, late a private in Company F, Thirty-sixth Wisconsin Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

D. P. SIMMONS.

The bill (H. R. 2159) granting a pension to D. P. Simmons was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of D. P. Simmons, late a private in Company F, Eighty-first Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH K. GALLAGHER.

The bill (H. R. 3627) granting a pension to Mrs. Elizabeth K. Gallagher, widow of Bvt. Brig. Gen. Thomas F. Gallagher, deceased, late colonel of the Eleventh Regiment Pennsylvania Reserve Corps, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Elizabeth K. Gallagher, widow of Bvt. Brig. Gen. Thomas F. Gallagher, deceased, late colonel of the Eleventh Regiment Pennsylvania Reserve Corps.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE H. CAMPBELL.

The bill (H. R. 291) granting a pension to George H. Campbell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George H. Campbell, late lieutenant-colonel of the One hundred and sixth Illinois Infantry Volunteers, of the late war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JEPTHA HORNBECK.

The bill (H. R. 788) granting a pension to Jeptha Hornbeck was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jeptha Hornbeck, late a private in Company I, One hundred and fifty-sixth Regiment Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

E. B. SWEENY.

The bill (H. R. 3633) granting a pension to E. B. Sweeny was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of E. B. Sweeny, late a member of the Signal Corps of the United States Army.

Mr. COCKRELL. Let the report be read in that case.

The Chief Clerk read the following report, submitted by Mr. SEWELL, from the Committee on Pensions, March 30:

The Committee on Pensions, to whom was referred House bill 3633, submit the following report:

This committee present the following extracts from the report of the House Committee on Invalid Pensions submitted by them on this bill:

"The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3633) granting a pension to E. B. Sweeny, report that they have carefully considered this claim, and find that E. B. Sweeny, the claimant, enlisted for nine months in Company F, One hundred and thirty-fifth Regiment Pennsylvania Volunteers, and at the expiration of this term of service he returned home, and re-enlisted December 25, 1863, in the Signal Service, from which he was discharged August 22, 1865.

"Claimant alleges that in June, 1865, in the night, on the march from Winchester to Berryville, he was crushed against the pommel of his saddle; that he could scarcely retain his seat until the next morning, when the detachment returned to Winchester; that he was relieved from duty and was unable to perform any service from that time until his final discharge. He alleges great difficulty in procuring the necessary proof on account of the nature of the service in which he was engaged, the detachment being detailed for special duty, consisting frequently of six men from various organizations, with no regular surgeon to whom they could apply.

"The evidence of his father and that of companions who knew him well in his earlier days, together with that of an Army comrade, sufficiently prove that he was entirely sound when he entered the service. Of this there is no question.

"Charles F. Cross testifies that he was late chief signal officer in the United States Army; that claimant was in his command in the Shenandoah Valley, Virginia, in 1865, and that he is satisfied that claimant was injured in the discharge of his duty.

"C. R. Morehead testifies that he was a member of the signal corps and attached to Lieutenant Cross's detachment, and part of the time he tented with claimant. That he remembers he returned to camp from some detached duty disabled in such a manner as to disqualify him for duty. This was in the early summer of 1865. That the claimant was furloughed home for a time in consequence of said disability. He further states that the injury was received while in the line of duty. This is about all the evidence which the claimant, for the reasons above stated, is able to procure as to the time and manner in which his disability was received.

"Dr. D. D. Taylor affirms that he has attended claimant a number of times during the last four years for acute diseases, and that in every case there was derangement of the liver and a lack of biliary secretion. He believes that the liver and the duodenum are the parts injured; that there is induration of the right lobe of the liver, which has been the exciting cause of his acute attacks, and affiant thinks he will always be subject to these attacks.

"Dr. John C. Taylor testifies that he made an examination of the claimant; that he has an enlargement in the right lumbar region, which he testifies to be due to a partial rupture of the abdomen, and that his belief is that no surgical skill can avail in the way of cure.

"An analysis of the evidence shows (1) that claimant was undoubtedly a sound man when he entered the service, and that he remained so until the alleged injury was received near Winchester; (2) that the injury was severe at the time, and that it disabled him from further active service; (3) that the effects of the injury continued, disabling him from hard work, frequently laying him up, and requiring the attendance of a physician. He is also poor and in great need of the help which the pension asked for would afford him.

"In view of these facts your committee are of the opinion that this claim for a pension is a just one, and they therefore recommend the bill to the House for its favorable consideration."

Upon the foregoing statement of facts, and from a careful examination of papers, the committee are of the opinion that this bill should pass, and therefore recommend the same.

The bill was reported to the Senate without amendment, ordered to a third reading; read the third time, and passed.

SAMUEL C. PECK, JR.

The bill (H. R. 4131) granting a pension to Samuel C. Peck, jr., was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Samuel C. Peck, jr., of Plainfield, N. J., late captain of Company A, Sixth Regiment Connecticut Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading. read the third time, and passed.

LOUISA J. M'FARLAND.

The bill (H. R. 1940) granting a pension to Louisa J. McFarland was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Louisa J. McFarland, of Richland County,

Ohio, widow of Allen McFarland, late of Company E, One hundred and twenty-eighth Regiment Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALICE S. HOLBROOK.

The bill (H. R. 1084) granting a pension to Alice S. Holbrook was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Alice S. Holbrook, daughter of James S. Holbrook, late of Company E, Twenty-ninth Massachusetts Volunteers, and to pay her a pension of $18 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBERT L. ALLEN.

The bill (H. R. 3530) granting a pension to Albert L. Allen was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Albert L. Allen, who was wounded while serving as a special agent of the Quartermaster's Office.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RHODA DANE.

The bill (H. R. 551) granting a pension to Rhoda Dane was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Rhoda Dane, mother of George W. Dane, late of Company A, Thirty-third Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELISE BURKI.

The bill (S. 843) granting a pension to Elise Burki was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elise Burki, widow of John Burki, late captain of Company E, Fifteenth Regiment Missouri Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CATHERINE DOYLE.

The bill (S. 1367) granting an increase of pension to Catherine Doyle was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Catherine Doyle, widow of Michael Doyle, late of Company B, First Regiment of District of Columbia Cavalry, and pay her a pension at the rate of $40 a month, in lieu of the pension she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM CHRISTIE.

The bill (H. R. 5024) granting a pension to William Christie was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of William Christie, late of Company A, Seventh Regiment New York Heavy Artillery Volunteers, to commence from the date when his name was dropped from the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK BAUMAN.

The bill (H. R. 4589) granting a pension to Frederick Bauman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Frederick Bauman, late a corporal of Company B, of the One hundred and third Regiment New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHILLIP D. CAMPBELL.

The bill (H. R. 698) granting a pension to Phillip D. Campbell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Phillip D. Campbell, late of Company D, Twenty-second Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET A. CASWELL.

The bill (H. R. 1634) granting a pension to Margaret A. Caswell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Margaret A. Caswell, widow of Egbert H. Caswell, formerly of Company K, Thirty-fourth Regiment of New York Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. ELIZABETH STEWART.

The bill (H. R. 5253) granting a pension to Mrs. Elizabeth Stewart was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Elizabeth Stewart, widow of Lieut. Thomas L. Stewart, late of Company E, Fourth Pennsylvania Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN DUBACH.

The bill (H. R. 704) granting a pension to Benjamin Dubach was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Benjamin Dubach, dependent father of Adolph Dubach, deceased, late a private in Company K, Tenth Kansas Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. B. ALFERS.

The bill (H. R. 3945) for the relief of Mrs. B. Alfers was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 5, to strike out "Bretano" and insert "Brentano;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to pay to Mrs. B. Alfers (his mother) the pension allowed to James R., minor child of Antoine Brentano, late a sergeant of Company B, Thirteenth Kansas Volunteers.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MRS. LIZZIE E. COONEY.

The bill (H. R. 3402) granting a pension to Mrs. Lizzie E. Cooney was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lizzie E. Cooney, widow of George W. Cooney, late of Company C, Twenty-second Regiment Iowa Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. FRANCIS HOPPER.

The bill (H. R. 4918) granting a pension to J. Francis Hopper was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of J. Francis Hopper, late captain of Company C, Sixth Missouri Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. SMITH.

The bill (H. R. 5254) to increase the pension of George W. Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "dollars," to strike out "sixteen" and insert "twenty-four;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to increase the pension of George W. Smith, late of Company E, Fortieth Regiment of Iowa Volunteers, to $24 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN W. THORNTON.

The bill (H. R. 5252) granting a pension to John W. Thornton was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John W. Thornton, of Lawrence, Kans., for gunshot wounds received in defending the city of Lawrence during the Quantrill raid.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SILAS S. WHITE.

The bill (H. R. 1398) to grant a pension to Silas S. White was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to add to the bill the words "at the rate of $18 per month;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to place on the pension-roll the name of Silas S. White, late a private in Company G, Seventy-seventh Regiment of New York Volunteers, subject to the conditions and limitations of the pension laws, at the rate of $18 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

EMELINE CRAWFORD.

The bill (H. R. 5527) granting a pension to Emeline Crawford was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Emeline Crawford, widow of Daniel S. Crawford, late a private in Company A, Forty-seventh Regiment of Pennsylvania Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SIMMONS W. HARDEN.

The bill (H. R. 1406) granting a pension to Simmons W. Harden was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to add, "at the rate of $16 per month;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to place on the pension-roll the name of Simmons W. Harden, late a private in Company L, First Regiment of Iowa Cavalry Volunteers, subject to the conditions and limitations of the pension laws, at the rate of $16 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MRS. M. A. BICKERDYKE.

The bill (H. R. 700) granting a pension to Mrs. M. A. Bickerdyke was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. M. A. Bickerdyke, a noted Army nurse during the late war of the rebellion, at $25 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DR. J. F. BRUNER.

The bill (H. R. 702) granting a pension to Dr. J. F. Bruner, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Dr. J. F. Bruner, late assistant surgeon of the Seventh Regiment of Missouri Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GERIAH COLLINS.

The bill (S. 891) granting a pension to Geriah Collins was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Geriah Collins, formerly of Company D, Thirty-third Regiment Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PHILOMENA E. NOLAN.

The bill (H. R. 3481) granting a pension to Philomena E. Nolan was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Philomena E. Nolan, of Stoneham, Mass., a disabled daughter of John Nolan, late a private in Company D, Thirty-third Massachusetts Volunteers, at $18 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE A. ROBERTS.

The bill (H. R. 4076) for the relief of George A. Roberts was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George A. Roberts, of Mankato, Minn., for disabilities incurred, as a member of Capt. William Bierbauer's company of Mankato State Militia, in repelling an attack of hostile Sioux Indians upon the village of New Ulm, in Minnesota, during the outbreak of the Indians in August, 1862.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. FLINT.

The bill (H. R. 5323) granting a pension to George W. Flint was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George W. Flint, late a member of Company D, Fifty-seventh Regiment Enrolled Missouri Militia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT MORAN.

The bill (H. R. 5551) for the relief of Robert Moran was considered as in Committee of the Whole. It proposes to increase the pension paid to Robert Moran, late lieutenant-colonel of the Second Regiment of West Virginia Volunteers, to $45 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC CHENOWETH.

The bill (H. R. 1352) granting a pension to Isaac Chenoweth was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Isaac Chenoweth, late first sergeant of Company F, Thirtieth Regiment Missouri Enrolled Militia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW J. FULLER.

The bill (H. R. 1351) to restore to the pension-roll the name of Andrew J. Fuller was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of Andrew J. Fuller, late a member of Company I, First Missouri State Militia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAPT. ANTHONY HARSEL.

The bill (H. R. 4114) granting a pension to Capt. Anthony Harsel was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Capt. Anthony Harsel, late of Company D, Forty-eighth Regiment Missouri Enrolled Militia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH LEFFMAN.

The bill (H. R. 5706) for the relief of Elizabeth Leffman was considered as in Committee of the Whole House. It proposes to place on the pension-roll the name of Elizabeth Leffman, widow of Lewis Leffman, late an ordnance sergeant in the United States Army, and to pay her a pension of $25 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH MANZ.

The bill (H. R. 1593) for the relief of Sarah Manz was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah Manz, dependent mother of Christian G. Manz, alias John Stevens, formerly of Company H, Sixty-seventh Regiment New York State Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TIMOTHY PAIGE.

The bill (H. R. 1590) for the relief of Timothy Paige was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Timothy Paige, father of Wilkinson W. Paige, late captain of Company M, of the Tenth Regiment of New York Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SHADRACH BROWN.

The bill (S. 134) granting an increase of pension to Shadrach Brown was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Shadrach Brown, late a private in Company F, Seventh Regiment Indiana Volunteers, at the rate of $50 per month, in lieu of the $37.50 per month heretofore allowed him.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS M. COMMUCK.

The bill (H. R. 646) granting a pension to Thomas M. Commuck was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Thomas M. Commuck, late a private in Company H, Twenty-ninth Regiment Wisconsin Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LYDIA A. NELSON.

The bill (H. R. 1456) granting a pension to Lydia A. Nelson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lydia A. Nelson, widow of the late John W. Nelson, of Company K, Fourteenth Regiment of New Hampshire Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KATE AMANN.

The bill (H. R. 441) granting a pension to Kate Amann was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Kate Amann, widow of Philip Amann, late a private in Company D, Seventy-fifth Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

POLLY BELDEN.

The bill (H. R. 4400) granting a pension to Polly Belden was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Polly Belden, of Westmore, Vt., dependent mother of Hemam Belden, late of Company E, Ninth Regiment Vermont Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. LOU GOBRIGHT M'FALLS.

The bill (S. 1267) granting an increase of pension to Mrs. Lou Gobright McFalls was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, &c., That the pension of $30 per month heretofore granted and now allowed to Mrs. Lou Gobright McFalls, widow of Capt. Thaddeus B. McFalls, be, and the same hereby is, increased to the sum of $40 per month; and that the Secretary of the Interior be, and he hereby is, directed to pay to her the sum last mentioned per month from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BETSEY MARTIN.

The bill (H. R. 4395) granting a pension to Betsey Martin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Betsey Martin, widow of Jesse Martin, late of Capt. John Wheatley's company of Vermont militia, in the war of 1812.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHARD GEAR.

The bill (H. R. 3921) granting an increase of pension to Richard Gear was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Richard Gear, late a private in Company G, Twentieth Iowa Volunteers, at the rate of $72 per month, in lieu of the pension heretofore allowed him.

Mr. COCKRELL. I should like to know what will be the effect of the language used in the bill? Will it not be to give arrears at the increased rate? I fear so.

Mr. BLAIR. I did not observe the reading of the bill. Let it be read again.

The bill was read.

Mr. COCKRELL. I am fearful that the word "heretofore" would take it back and give arrears. I think we had better put in a clause limiting it, as that is evidently not the intention of the committee.

Mr. BLAIR. I have no objection.

Mr. COCKRELL. I move to add:

To take effect from and after the passage of this act.

Mr. BLAIR. There should be a general law, and a bill is being considered by the committee which will guard all cases. There is no reason why this should be made an exception to it, and I have no objection to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MARY ANN MURPHY.

The bill (H. R. 4538) granting a pension to Mary Ann Murphy was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Ann Murphy, widow of John Murphy, deceased, late a landsman in the United States Navy.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS FERGUSON.

The bill (H. R. 533) for the relief of Thomas Ferguson was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of Thomas Ferguson, formerly a member of Company B, Ninety-first Regiment Indiana State Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RINALDO R. SOMES.

The bill (H. R. 5284) granting a pension to Rinaldo R. Somes was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Rinaldo R. Somes, late a lieutenant of Company I, Fifth New Hampshire Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM BRIDGES, JR.

The bill (H. R. 4389) granting a pension to William Bridges, jr., was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Bridges, jr., of Grafton, Vt., late a private in Company I, of the Twelfth Regiment Vermont Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CORNELIA W. ELLIS.

The bill (H. R. 1782) granting a pension to Cornelia W. Ellis was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Cornelia W. Ellis, widow of Edmund C. Ellis, late of the United States Navy.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. SNOW.

The bill (H. R. 4122) granting a pension to Mary E. Snow was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary E. Snow, widow of Thomas Snow, late a captain in the Second New Hampshire Regiment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed

ANDREW J. HILL.

The bill (H. R. 1471) increasing the pension of Andrew J. Hill was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Andrew J. Hill, late adjutant of the Third New Hampshire Regiment, at the rate of $17 per month, in lieu of the sum now paid him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH A. GETTIS.

The bill (H. R. 2196) granting a pension to Sarah A. Gettis was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah A. Gettis, dependent mother of Lewis J. Gettis, deceased, late a private in Company I, Thirtieth Iowa Infantry Volunteers, who enlisted under the name of Lewis J. McCoy.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM J. SUFFALL.

The bill (H. R. 553) granting a pension to William J. Suffall was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William J. Suffall, late of Company B, Twenty-first Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES W. MINNIX.

The bill (H. R. 934) granting a pension to Charles W. Minnix was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Charles W. Minnix, late a private in Company I, Fourteenth Regiment Kentucky Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHEBE SAUNDERS.

The bill (H. R. 1564) granting a pension to Phebe Saunders was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Phebe Saunders, widow of John B. Saunders, late of Company K, One hundred and forty-third New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEWIS A. THORNBURY.

The bill (H. R. 928) granting a pension to Lewis A. Thornbury was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lewis A. Thornbury, late a sergeant in the Thirty-ninth Regiment Kentucky Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES T. CASKEY.

The bill (H. R. 936) granting a pension to James T. Caskey was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James T. Caskey, late a private in Company G, Forty-fifth Regiment Kentucky Mounted Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS ASKEW.

The bill (H. R. 1742) for the relief of Thomas Askew was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Thomas Askew (colored), of Tyrrell County, North Carolina, who was wounded at Plymouth, North Carolina, in the year 1864.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANSON B. SAMS.

The bill (H. R. 1701) granting a pension to Anson B. Sams was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Anson B. Sams, of Madison County, North Carolina, late of the Second North Carolina Mounted Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETER F. SAEMAN.

The bill (H. R. 1988) granting a pension to Peter F. Saeman was considered as in Committee of the Whole. It proposes to place on the pen-

sion-roll the name of Peter F. Saeman, late of Company I, Seventh Pennsylvania Reserves.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FIDELIA A. CHENEY.

The bill (H. R. 2197) granting a pension to Fidelia A. Cheney was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Fidelia A. Cheney, widow of Charles S. Cheney, deceased, late a soldier of Company G, Ninth Pennsylvania Reserves.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M. YOUNG.

The bill (S. 1248) granting a pension to John M. Young, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John M. Young, late of Company D, One hundred and twenty-ninth Regiment Ohio Volunteers, and Company B, Seventeenth Regiment Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIBBIE C. MONTIS.

The bill (S. 1836) for the relief of Libbie C. Montis was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of Mahlon D. Montis, late a private in Company G, Second Regiment of Ohio Volunteers, and to place the name of Libbie C. Montis on the pension-roll as his widow.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SIMPSON S. SKIRVIN.

The bill (S. 858) granting a pension to Simpson S. Skirvin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Simpson S. Skirvin, late of Company A, Third Regiment Indiana Volunteers, Mexican war.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DUDLEY B. BRANCH.

The bill (S. 857) granting a pension to Dudley B. Branch was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Dudley B. Branch, late of Company F, Seventh Regiment Indiana Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CAROLINE E. FRENCH.

The bill (S. 1103) granting a pension to Caroline E. French was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Caroline E. French, dependent mother of Lieut. Hayden T. French, late of the United States Navy.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH BARKER.

The bill (S. 977) granting a pension to Elizabeth Barker was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth Barker, widow of Henry Barker, who served in Capt. Paul French's company of Indiana militia during the early part of the war of 1812.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DELILAH KNILL.

The bill (H. R. 2689) granting a pension to Delilah Knill was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Delilah Knill, widow of Thomas H. Knill, late of Company D, Second Regiment of Wisconsin Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY S. DOUGLAS.

The bill (H. R. 2805) granting a pension to Mary S. Douglas was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary S. Douglas, mother of Thomas Douglas, late of Company C, Second Regiment of Maine Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLAYTON E. ROGERS.

The bill (H. R. 2804) granting a pension to Clayton E. Rogers was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Clayton E. Rogers, late a captain in the Fiftieth Regiment of Wisconsin Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH A. LOVELL.

The bill (H. R. 2802) granting a pension to Sarah A. Lovell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah A. Lovell, mother of Richard B. Lovell, late of Company F, of the First Wisconsin Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRUNER D. HYATT.

The bill (H. R. 2798) granting a pension to Bruner D. Hyatt was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Bruner D. Hyatt, late of Company D, Twelfth Regiment of Wisconsin Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN L. HUNTER.

The bill (H. R. 2797) granting a pension to John L. Hunter was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John L. Hunter, late of Company I, First Regiment of Minnesota Mounted Rangers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE WELLS.

The bill (H. R. 2791) granting an increase of pension to George Wells was considered as in Committee of the Whole. It proposes to place the name of George Wells, late a member of Company I, One hundred and ninth Regiment of New York Volunteers, on the pension-roll, at such an increased rate of pension as he may be entitled to under the provisions and limitations of the pension laws, on account of disability caused by paralysis.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT MONAHAN.

The bill (H. R. 2755) granting a pension to Robert Monahan was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Robert Monahan, late of Company B, Twenty-third Regiment Wisconsin Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. ROBSON.

The bill (H. R. 2753) for the relief of John W. Robson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John W. Robson, late a private in the Sixth Wisconsin Battery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIJAH W. PUTNEY.

The bill (H. R. 4346) granting a pension to Elijah W. Putney was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elijah W. Putney, late of Company I, Second Regiment of Minnesota Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SILAS JAMES.

The bill (H. R. 2793) granting a pension to Silas James was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Silas James, late of Company D, Thirteenth Regiment of Michigan Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL J. BROWN.

The bill (H. R. 1273) for the relief of Samuel J. Brown was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Samuel J. Brown, late an inspector of scouts in the United States Army.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES C. CHANDLER.

The bill (S. 1630) granting a pension to James C. Chandler was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James C. Chandler, late of Company A, Ninth Indiana Volunteers and Eleventh Indiana Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. EMILY M. WYMAN.

The bill (S. 358) granting an increase of pension to Mrs. Emily M. Wyman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Emily M. Wyman, widow of the late Real-Admiral Robert H. Wyman, United States Navy, at the rate of $50 per month, in lieu of her present pension.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. HATTIE A. BURNETT.

The bill (S. 2022) granting an increase of pension to Mrs. General Ward B. Burnett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "Mrs.," to strike out "H." and insert "Hattie;" in line 6, after the words "pay her," to strike out "her late husband's invalid pension of one hundred" and insert "a pension at the rate of fifty;" and in line 8, after the word "receiving," to strike out "to date from June 24, 1884, the date of the general's death;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place the name of Mrs. Hattie A. Burnett, widow of Maj. Gen. Ward B. Burnett, on the pension-roll, and pay her a pension at the rate of $50 per month, in lieu of the pension she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Mrs. Hattie A. Burnett."

FREDERICK BOTTJER.

The bill (H. R. 777) granting a pension to Frederick Bottjer was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Frederick Bottjer, late a private in Company I, Eighth Regiment New York Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHILDREN OF SURG. ALFRED M. OWEN.

The bill (S. 1204) for the relief of the children of the late Surg. Alfred M. Owen, and to increase their pensions, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments. The first amendment was, in line 7, after the word "month," to strike out "to date from the 22d day of August, 1883, on which day the said Surg. Alfred M. Owen died, and;" so as to read:

That Alfred C. Owen, Christine Q. Owen, Kathleen D. B. Owen, and Albert T. Owen, minor children of the late Surg. Alfred M. Owen, United States Navy, be, and they are hereby, granted and allowed a pension of $25 each per month, to continue until each child shall respectively attain the age of twenty-one years; and the Secretary of the Interior be, and he is hereby, authorized and directed to place the names of the said Alfred C. Owen, Christine Q. Owen, Kathleen D. B. Owen, and Albert T. Owen on the pension-roll at said rates, in lieu of the pensions now paid them.

The amendment was agreed to.

The next amendment was, after the word "them," in line 15, to strike out:

In paying the pensions from the day of Surg. Alfred M. Owen's death to the date of the passage of this act, the Secretary of the Interior is directed to deduct from the amounts herein allowed the sums already received by the said Alfred C. Owen, Christine Q. Owen, Kathleen D. B. Owen, and Albert T. Owen, or their lawful guardian.

The amendment was agreed to.

Mr. COCKRELL. Let the report be read in that case.

The Chief Clerk read the following report, submitted by Mr. BLAIR from the Committee on Pensions on April 7:

The Committee on Pensions, to whom was referred the bill (S. 1204) for the relief of the children of the late Surg. Alfred M. Owen, and to increase their pensions, have examined the same and report:

The four children named in this bill are the minor children of Alfred M. Owen, late a surgeon in the United States Navy. They were pensioned by the Department from August 23, 1883, at the rate of $25 per month, which sum is divided among them at the rate allowed by the general law for officers of this grade; and an additional sum of $2 per month for each child until they arrive at the age of sixteen years.

A careful examination of the evidence in this case shows that the life of Surgeon Owen was sacrificed, not only to his own extraordinary devotion to duty, but that apparently there was no good reason why he should have been subjected to such risk and exposure, unless the dread disease which seemed to nerve him to unusual heroism and sacrifice intimidated the other officers who might have been sent to his relief. Of course it is impossible to say what might have been the result had he been furnished with proper assistance by the Department and seasonably relieved, but nearly every representative man in the Navy, from the highest to the lowest, as though conscious that this officer's life had been culpably put at risk, if not sacrificed, has petitioned Congress for the passage of this bill. The least reparation that the country can make for this fatal neglect is to provide reasonably for the support and education of his little children.

The report of the House committee is hereto appended, and is referred to as a truthful statement of the facts of the case.

Your committee recommend the passage of the bill with the following amendments: Strike out, in the seventh, eighth, and ninth lines, the words "to date from the 22d day of August, 1883, on which day the said Surg. Alfred M. Owen died, and," and also after the word "them," in the fifteenth line.

Mr. COCKRELL. Let the report of the House committee appended to the report be printed.

The report referred to is as follows:

The naval career of the deceased officer, which began in May, 1869, was one of exceptional credit, and was made conspicuous by an unusually wide range of duties by sea and land. From his entry into the service until his death he was constantly employed, exercising professional attainments of a very high order, and that he dignified every duty assigned him by the zeal, courage, fidelity, and intelligence displayed in its execution, is the testimony of all who knew him.

He was always conscientious, earnest, skillful, kind, and courteous, commanding thereby the affection and confidence of the sick and the respect and admiration of his superiors.

In February, 1882, he reported for duty at the navy-yard, Pensacola, and a few months later was combating the much-dreaded yellow fever. By his judicious sanitary provisions and personal force and courage he established a cordon of environment which preserved the naval station from the plague which devastated the neighboring city. At the height of the epidemic, when the physicians had been cut off by the fell disease, he bravely volunteered to go into the city to attend the afflicted.

In the following summer (1883) he was, without medical assistance, performing the quadruple duty of surgeon of the navy-yard, surgeon of the naval hospital, surgeon of the reservation, and quarantine officer of the lower bay.

A return of the fever was looked for. Every officer who could be spared was permitted to leave, and this brave officer could have been detached upon application, but he scorned the thought.

August 14, 1883, the fever reappeared. Overexertion and exposure to the sun had caused Surgeon Owen a partial sun-stroke in July, and while yet suffering from this, he was on August 16 himself seized with the fever. For two days there was no one on land to treat the hero, and on the 22d he died. His faithful wife was untiring in her efforts at his bedside, and within a day or so after his death she was stricken with the same disease; at midnight on the 29th she was buried by his side.

They left behind them four children between the ages of three months and eight years, each of whom and their nurse also had the fever.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NORMAN S. BULL.

The bill (H. R. 2740) for the relief of Norman S. Bull was considered as in Committee of the Whole. It proposes to place the name of Norman S. Bull, late a sergeant of Company C, Sixth Regiment Wisconsin Volunteers, upon the list of pensioners, at the rate of $50 per month, to be in lieu of the pension now paid to him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. BARRY.

The bill (H. R. 1109) granting a pension to John H. Barry was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John H. Barry, late a private in the Thirteenth Massachusetts Battery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW J. PUTNAM.

The bill (H. R. 2161) granting a pension to Andrew J. Putnam was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Andrew J. Putnam, late of Company A, One hundred and eighty-seventh Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSIAH B. SNELL.

The bill (H. R. 1032) granting a pension to Josiah B. Snell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Josiah B. Snell, father of Alonzo W. Snell, late a private in Company G, Thirtieth Regiment of Maine Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH SULLIVAN.

The bill (H. R. 1104) granting a pension to Elizabeth Sullivan was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth Sullivan, widow of John Sullivan, late a private in Company H, Third Massachusetts Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY MURPHY.

The bill (H. R. 1472) granting a pension to Mary Murphy was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Murphy, widow of John Murphy, late a private in Company K, Sixteenth Regiment New Hampshire Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUIS ABEAR.

The bill (H. R. 1198) granting a pension to Louis Abear was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Louis Abear, late a private in Company H, Fifth Michigan Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AUGUST SCHINDLER.

The bill (H. R. 802) granting a pension to August Schindler was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of August Schindler, late a private in Company A, One hundred and ninety-eighth Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY J. NOTTAGE.

The bill (S. 2005) granting a pension to Mary J. Nottage was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary J. Nottage, widow of Thomas Nottage, late a sergeant of Company F, Third New Hampshire Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AGNES M. EDWARDS.

The bill (H. R. 1286) granting a pension to Agnes M. Edwards, infant daughter of Harvey H. Edwards, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Agnes M. Edwards, infant daughter of Harvey H. Edwards, late a private in Company C, Seventh Regiment Wisconsin Volunteers, at $10 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. MARY E. SAWYER.

The bill (H. R. 3452) granting a pension to Mrs. Mary E. Sawyer was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary E. Sawyer, widow of the late Samuel Sawyer, late of Company K, Twenty-third Massachusetts Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM B. KEITH.

The bill (H. R. 693) to restore to the pension-roll the name of William B. Keith was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of William B. Keith, late second lieutenant of Company E, Tenth Regiment Kansas Volunteers, the pension to commence from the date when his name was dropped from the roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY HOFF.

The bill (H. R. 1254) granting a pension to Mary Hoff was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Hoff, the widow of Squire H. Hoff, late a private in Company F, Second Regiment of Minnesota Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH R. CRAVENS.

The bill (H. R. 3308) to increase the pension of Joseph R. Cravens was considered as in Committee of the Whole. It proposes to increase the pension of Joseph R. Cravens to $24 per month in lieu of the pension now received by him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL B. CLARK.

The bill (H. R. 414) granting a pension to Daniel B. Clark was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Daniel B. Clark, late of Company A, First Ohio Cavalry, now residing in Fandon, McDonough County, Illinois.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM CONDON.

The bill (H. R. 415) granting a pension to William Condon was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Condon, late a member of Company F, Ninth Regiment Iowa Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN P. BRINEGAR.

The bill (H. R. 4116) increasing the pension of John T. Brinegar was considered as in Committee of the Whole. It proposes to increase the pension of John P. Brinegar, late a corporal of Company E, Fourth Regiment of Kentucky Volunteers, to $40 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMANDA RODGERS.

The bill (H. R. 4224) for the relief of Amanda Rodgers was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Amanda Rodgers, widow of Matthew B. Rodgers, late of Company C, First Regiment United States Dragoons.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISABILITY PENSIONS.

The bill (S. 1526) amending sections 4756 and 4757 of the Revised Statutes, relating to pensions to certain disabled persons who have served in the Navy or Marine Corps, was announced as next in order.

Mr. COCKRELL. That is not a private bill.

The PRESIDING OFFICER. The bill, not being a private pension bill, will be passed over.

Mr. BLAIR. It applies to certain individuals, but perhaps it had better be passed over on this call.

The PRESIDING OFFICER. The bill will be passed over.

JOHN B. SKAGGS.

The bill (S. 861) granting a pension to John B. Skaggs was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John B. Skaggs, an employé of the Quartermaster-General's Department in the late war.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN MOORE.

The bill (S. 1399) granting an increase of pension to John Moore was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Moore, late a private in Company A, Tenth Regiment Indiana Volunteers, at the rate of $24 a month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH S. MOODY.

The bill (S. 948) granting a pension to Joseph S. Moody was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Joseph S. Moody, late a private in Company B, Fourth Regiment United States Artillery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CAROLINE E. PRATT.

The bill (S. 1326) granting a pension to Caroline E. Pratt was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Caroline E. Pratt, widow of the late James A. Pratt, of the Fifty-third Regiment Massachusetts Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MILTON P. SHOCKLEY.

The bill (S. 1398) granting a pension to Milton P. Shockley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Milton P. Schockley, late a member of Company C, Second Regiment of Ohio Volunteers, in the Mexican war.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NANCY C. SMITH.

The bill (S. 1170) granting a pension to Nancy C. Smith was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Nancy C. Smith, widow of Jeptha N. Smith.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

H. R. DUKE.

The bill (S. 1098) granting a pension to H. R. Duke was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of H. R. Duke, late a member of Company K, Seventh Regiment of Iowa Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ISOM WILKERSON.

The bill (S. 1438) granting a pension to Isom Wilkerson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Isom Wilkerson, late of Company I, Second California Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REUBEN FARNUM.

The bill (S. 787) granting a pension to Reuben Farnum was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Reuben Farnum, late of Company E, Thirteenth Iowa Drafted Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES C. LEDBETTER.

The bill (S. 786) granting a pension to James C. Ledbetter was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James C. Ledbetter, late of Company C, Fourth Illinois Infantry, Mexican war.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HARRISON W. MOORE.

The bill (H. R. 6339) for the relief of Harrison W. Moore was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Harrison W. Moore, late a private in Company A, First Regiment Wisconsin Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE SLACK.

The bill (H. R. 1836) granting a pension to George Slack was considered as in Committee of the Whole. It proposes to place the name of George Slack, late a private in Company C, Eighty-ninth Regiment Ohio Volunteer Infantry, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. MARTHA A. MARBLE.

The bill (H. R. 5678) for the relief of Mrs. Martha A. Marble was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Martha A. Marble, widow of George F. Marble, late hospital steward of Company C, First Regiment of Minnesota Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGET O'BRIEN.

The bill (H. R. 3919) granting a pension to Bridget O'Brien was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Bridget O'Brien, widow of James O'Brien, late a member of Company I, Fourteenth Regiment of Illinois Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. BLAKE.

The bill (H. R. 3520) granting a pension to William H. Blake was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William H. Blake, late of Company A, Sixty-sixth Regiment Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEVI KOONTZ.

The bill (H. R. 5193) granting a pension to Levi Koontz, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Levi Koontz, dependent father of Alfred Koontz, deceased, formerly of Company D, Thirty-ninth Regiment of Iowa Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. ADA O. KREPPS.

The bill (H. R. 3632) granting a pension to Mrs. Ada O. Krepps, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Ada O. Krepps, widow of Lieut. John B. Krepps, deceased, late of Company K, Second Regiment Pennsylvania Heavy Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS WARD.

The bill (H. R. 3309) to increase the pension of Thomas Ward was considered as in Committee of the Whole. It proposes to increase the pension of Thomas Ward, late of Company B, Eighty-ninth Regiment of Illinois Infantry Volunteers, to $40 per month, in lieu of the pension now received by him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN PRUITT.

The bill (H. R. 4835) to place the name of John Pruitt on the pension-roll was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Pruitt, formerly of Company H, Tenth Kansas Volunteer Infantry, at the rate of $40 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS G. BARTON.

The bill (H. R. 5199) to increase the pension of Thomas G. Barton was considered as in Committee of the Whole. It proposes to increase the pension of Thomas G. Barton to $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES A. UNDERWOOD.

The bill (H. R. 805) to increase the pension of James A. Underwood was considered as in Committee of the Whole. It proposes to increase the pension of James A. Underwood, late of Company B, Eighth Indiana Volunteer Infantry, to $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PATSEY JACKSON.

The bill (H. R. 5191) to increase the pension of Patsey Jackson was considered as in Committee of the Whole. It proposes to increase the pension of Patsey Jackson, widow of James S. Jackson, late a brigadier-general in the volunteer forces of the United States, to $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SIDNEY SHERWOOD.

The bill (H. R. 3387) granting a pension to Sidney Sherwood was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sidney Sherwood, late a private in Company E, Tenth Regiment of Iowa Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MINTON PRALL.

The bill (H. R. 626) granting a pension to Minton Prall was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Minton Prall, late a private in Company C, Thirty-third Regiment Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. MAGDALENA REHKOFF.

The bill (H. R. 3351) granting a pension to Mrs. Magdalena Rehkopf was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Magdalena Rehkopf, mother of Augustus B. Rehkopf, deceased, late a private in Company I, Nineteenth Iowa Volunteers.

Mr. WILSON, of Iowa. There is a mistake in the name in that case. The "p" in the name should be stricken out and "f" inserted. It should be "Rehkoff."

The PRESIDING OFFICER. The amendment will be agreed to, if there be no objection, and the title accordingly amended.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Mrs. Magdalena Rehkoff."

JOHN CLARK.

The bill (H. R. 3375) granting a pension to John D. Clark was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John D. Clark, late a private in Company D, Twenty-eighth Regiment New York Volunteer Infantry.

The bill was reported from the Committee on Pensions with an amendment, in line 5, to strike out "D" in the name "John D. Clark."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to John Clark."

FRANCIS H. KIRMAYER.

The bill (H. R. 1083) granting a pension to Francis H. Kirmayer was considered as in Committee of the Whole. It proposes to increase the pension of Francis H. Kirmayer, late of Company G, Fifty-fourth Ohio Volunteers, to $40 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL BAKER.

The bill (H. R. 5061) granting an increase of pension to Samuel Baker was considered as in Committee of the Whole. It proposes to increase the pension of Samuel Baker, a soldier of war of 1812, to $20 per month, on account of wounds received in the line of duty while a volunteer in that war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES E. BOLLES.

The bill (H. R. 1136) granting a pension to Charles E. Bolles was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Charles E. Bolles, of Vineyard Haven, Mass., late a seaman in the United States Navy.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WALTER A. PHILLIPS.

The bill (H. R. 3117) granting a pension to Walter A. Phillips was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Walter A. Phillips, late first lieutenant of Company F, Second Regiment Vermont Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. ANN J. CONWELL.

The bill (H. R. 3177) for placing the name of Mrs. Ann J. Conwell on the pension-roll was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Ann J. Conwell,

widow of Matthew Conwell, late a private in Company I, First Indiana Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AURELIA F. ROBBINS.

The bill (H. R. 1024) granting a pension to Aurelia F. Robbins was considered as in Committee of the Whole. It proposes to place on the pension-roll, at the rate of $12 per month, the name of Aurelia F. Robbins, dependent daughter of the late Daniel Robbins, a private in Company B (Second Battery), First Regiment of Maine Light Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH STOCKSDALE.

The bill (H. R. 4022) granting a pension to Elizabeth Stocksdale was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth Stocksdale, widow of Aaron Stocksdale, deceased, late of the Thirty-sixth Maryland Militia, war of 1812 to 1814.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN OWENS.

The bill (H. R. 1117) granting a pension to John Owens was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Owens, late an acting ensign in the United States Navy.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISABELLA J. RAMSDELL.

The bill (H. R. 5022) increasing the pension of Isabella Ramsdell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, after the word "month," in line 7, to strike out:

And that the same begin at the death of her said husband, deducting therefrom the amount she has received under act of Congress approved July 1, 1884.

So as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the rate of pension of Isabella J. Ramsdell, widow of David D. Ramsdell, who for over thirty years was a marine in the United States service, to $30 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

STEPHEN D. SMITH.

The bill (S. 1494) granting an increase of pension to Stephen D. Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, before the word "dollars," in line 8, to strike out "seventy-two" and insert "sixty;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Stephen D. Smith, late a private in Company C, Seventh New Hampshire Volunteers, at the rate of $60 per month, in lieu of that which he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ANNIE C. OWEN.

The bill (S. 1850) granting a pension to Mrs. Annie C. Owen was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Annie C. Owen, widow of Capt. Mortimer B. Owen, late of Company G, Fifty-seventh Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES E. B. DALZELL.

The bill (S. 1607) granting an increase of pension to James E. B. Dalzell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James E. B. Dalzell at the rate of $72 per month, instead of $50 per month now paid him.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY MORTIMER SEMMES.

The bill (S. 489) granting a pension to Mary Mortimer Semmes, widow of Commodore Alexander A. Semmes, United States Navy, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Mortimer Semmes, widow of Commodore Alexander A. Semmes, late of the United States Navy, at $50 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PETER FALKNER.

The bill (H. R. 5779) granting a pension to Peter Falkner was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Peter Falkner, late a member of Company C, also of Company D, United States Engineer Battalion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH CHALFANT.

The bill (H. R. 2011) granting a pension to Joseph Chalfant was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Joseph Chalfant, late a private in Company L, Sixth United States Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN C. FREES.

The bill (H. R. 1989) granting a pension to John C. Frees was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John C. Frees, late of Company I, One hundred and twenty-eighth Regiment Pennsylvania Volunteers, at $15 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHILIP JACOBS.

The bill (H. R. 1567) granting a pension to Philip Jacobs was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Philip Jacobs, late of Company F, Fifty-first Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES M'ANNY.

The bill (H. R. 1506) granting a pension to James McAnny was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James McAnny, late quartermaster-sergeant of Company C, First Regiment New Jersey Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. JOHNSON.

The bill (H. R. 4132) granting a pension to Mary E. Johnson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary E. Johnson, widow of John W. Johnson, late a private in Company G, Tenth New Jersey Volunteers, and to pay her such pension as is provided by law to the widow of a private soldier in the late war, and the additional pension for each child of John W. Johnson and Mary E. Johnson until he or she die or arrive at the age of sixteen years, the child's pension to be at such rates as is allowed by law in similar cases.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSANNAH CARMICHAEL.

The bill (H. R. 3902) for the relief of Susannah Carmichael was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Susannah Carmichael, widow of John W. Carmichael, deceased, late captain of Company C, Ninety-seventh Regiment of Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ASAHEL MIDDLETON.

The bill (H. R. 3364) granting a pension to Asahel Middleton was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Asahel Middleton, late a private in Company F, Sixty-fifth Regiment of Indiana Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. HANNAH M. CHAPMAN.

The bill (H. R. 3539) granting a pension to Mrs. Hannah M. Chapman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Hannah M. Chapman, widow of Charles Chapman, late a private in Company K, Sixth Minnesota Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARIA MIBORD.

The bill (H. R. 3524) granting a pension to Maria Mibord was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Maria Mibord, widow of Isadore Mibord, deceased, late a private in Company H, Tenth Regiment Missouri Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE C. HAYNIE.

The bill (H. R. 1711) for the relief of George C. Haynie was consid-

ered as in Committee of the Whole. It proposes to place on the pension-roll the name of George C. Haynie, late captain of Company A, Second North Carolina Mounted Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY B. SMITH.

The bill (H. R. 3505) for the relief of Mary B. Smith was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary B. Smith, mother of Leonard A. Smith, late a private in the Seventh Wisconsin Battery of Light Artillery Volunteers, who died from the effects of starvation while a prisoner at Andersonville and other Southern prisons, and to pay her a pension as provided by law for dependent widows and mothers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH WILLIAMS.

The bill (H. R. 1703) granting a pension to Joseph Williams was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Joseph Williams, late a private in Batteries K and F, Second United States Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

C. W. I. PUGH.

The bill (H. R. 3419) granting a pension to C. W. I. Pugh was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of C. W. I. Pugh, late a private in Company G, Forty-fifth Kentucky Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

N. M. MILLER.

The bill (H. R. 737) granting a pension to N. M. Miller was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of N. M. Miller, late of Company B, Ninety-first Regiment Indiana Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT F. H. GOODE.

The bill (H. R. 619) granting a pension to Robert F. H. Goode was considered as in Committee of the Whole. It proposes to place the name of Robert F. H. Goode, late second lieutenant of Company F, Fifty-first Regiment Enrolled Missouri Militia, now residing in Centerville, Iowa, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TAYLOR VOSS.

The bill (H. R. 3903) granting a pension to Taylor Voss was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Taylor Voss, late a private in Companies I and G, Eleventh Regiment Kentucky Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDGAR PAYNE.

The bill (H. R. 837) granting a pension to Edgar Payne was considered as in Committee of the Whole. It proposes to place the name of Edgar Payne, late of Company B, One hundred and ninth Regiment United States Colored Infantry, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. LOUISA NOLAND.

The bill (H. R. 1824) granting a pension to Mrs. Louisa Noland was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Louisa Noland, widow of Augustus Noland, late a private in Company F, One hundred and ninety-sixth Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALFRED DENNY.

The bill (S. 1192) granting a pension to Alfred Denny was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, after the word "quartermaster," in line 5, to strike out "at the rate of $20 per month," and insert "subject to the limitations and provisions of the pension laws;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll the name of Alfred Denny, late a captain and assistant quartermaster, subject to the limitations and provisions of the pension laws.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BENJAMIN M. FISHER.

The bill (S. 1190) granting an increase of pension to Benjamin Fisher was considered as in Committee of the Whole.

The Committee on Pensions reported to amend the bill, in line 5, by changing the name "Benjamin Fisher" to "Benjamin M. Fisher;" and in the same line, after the name "Fisher," striking out "in accordance with his application filed in the Pension Office" and inserting "subject to the provisions and limitations of the pension laws;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the amount allowed as pension to Benjamin M. Fisher, subject to the provisions and limitations of the pension laws.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Benjamin M. Fisher."

JOHN S. BRIDGES.

The bill (S. 1169) granting a pension to John S. Bridges, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John S. Bridges, late of Company C, One hundred and twentieth Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LAWRENCE A. HUDSON.

The bill (S. 1113) granting a pension to Lawrence A. Hudson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lawrence A. Hudson, late a private in Company I of the Third Regiment of Cavalry of the Missouri State Militia.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HARRIET M. RIDER.

The bill (S. 963) granting a pension to Harriet M. Rider was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Harriet M. Rider, widow of Van Ranselaer Rider, late a corporal of Company K, Third Regiment Iowa Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

M. ROMAHN.

The bill (S. 1441) granting a pension to M. Romahr was considered as in Committee of the Whole. The bill was reported from the Committee on Pensions with an amendment, in line 6, to strike out "Romahr" and insert "Romahn;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of M. Romahn, late a private in Company K, Thirty-seventh Regiment of Iowa Volunteer Infantry.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to M. Romahn."

WILLIAM POWELL.

The bill (S. 1420) granting a pension to William Powell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Powell, late a private in Company D, Sixth Regiment of Indiana Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN L. BRUCE.

The bill (S. 788) granting a pension to John L. Bruce was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John L. Bruce, late of Company H, Third Kentucky Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PATRICK A. CALLANAN.

The bill (S. 2134) granting a pension to Patrick A. Callanan was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Patrick A. Callanan, late a member of the First Massachusetts Heavy Artillery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RACHEL FLEMING CELLAR.

The bill (S. 895) granting a pension to Rachel Fleming Cellar was considered as in Committee of the Whole. It proposes to place on the

pension-roll the name of Rachel Fleming Cellar, widow of George Cellar, late a private in Captain Norton's company of Ohio militia, war of 1812.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. KATE MILLER.

The bill (H. R. 1292) granting a pension to Mrs. Kate Miller was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Kate Miller, widow of Joseph H. Miller, late a private in Company D, Second United States Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY S. MORGAN.

The bill (H. R. 3359) granting a pension to Henry S. Morgan was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Henry S. Morgan, late of Company D, First Regiment United States Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCY J. MITCHELL.

The bill (H. R. 858) granting a pension to Lucy J. Mitchell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lucy J. Mitchell, widow of Joseph Mitchell, deceased, late captain of Company I, Forty-eighth Regiment Kentucky Mounted Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHILIP WAGNER.

The bill (H. R. 3399) granting a pension to Philip Wagner was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Philip Wagner, late of the Second Ohio Heavy Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY H. GREEN.

The bill (H. R. 2939) granting a pension to Henry H. Green was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Henry H. Green, late a private in Company E, Forty-fifth Regiment Enrolled Missouri Militia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JESSE H. GAINES.

The bill (H. R. 5234) granting a pension to Jesse H. Gaines was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jesse H. Gaines, late first lieutenant of Company G, Second Regiment Michigan Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALGERNON S. FLAGG.

The bill (H. R. 4026) granting a pension to Algernon S. Flagg was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Algernon S. Flagg, late of Company D, Thirty-seventh Massachusetts Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SOPHIA F. BIXBY.

The bill (H. R. 4027) granting a pension to Sophia F. Bixby was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sophia F. Bixby, mother of George A. Bixby, late of Company H, Twenty-fifth Massachusetts Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REBECCA ELDRIDGE.

The bill (H. R. 2145) granting a pension to Rebecca Eldridge was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, to strike out "eight" and insert "twelve;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, directed to have the name of Rebecca Eldridge, as widow of Wilber H. Eldridge, late of Company G, First Maine Heavy Artillery, placed on the pension-roll at the rate of $12 per month, subject to the limitations and provisions of the pension laws, to take effect from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JAMES BUTLER.

The bill (S. 2025) granting a pension to James Butler was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James Butler, late a private in Company F, First New Hampshire Heavy Artillery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ENOCH GOSS.

The bill (H. R. 549) granting a pension to Enoch Goss was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Enoch Goss, late of Company D, Fifty-first Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET COFFEY.

The bill (H. R. 1108) granting a pension to Margaret Coffey was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Margaret Coffey at $20 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN A. STEWART.

The bill (H. R. 5884) to increase the pension of John A. Stewart was considered as in Committee of the Whole. It proposes to increase the pension of John A. Stewart, late a private in Company A, Sixty-first Regiment Pennsylvania Volunteers, to $45 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABIGAIL SMITH.

The bill (H. R. 3019) to increase the pension of Abigail Smith was considered as in Committee of the Whole. It proposes to increase the pension now allowed by law to Abigail Smith, widow of the late John E. Smith, deceased, formerly a private in Company G, One hundred and sixtieth Regiment New York Volunteers, from $8 to $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID W. HAMILTON.

The bill (S. 1290) granting a pension to David W. Hamilton was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of David W. Hamilton, late of Company E, Seventh Regiment Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MATILDA ANN WILEY.

The bill (S. 862) granting a pension to Matilda Ann Wiley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments: in line 7 before the word "volunteer" to insert "assistant," and in line 8 before the word "surgeons" to insert "assistant;" so as to make the bill read:

Be it enacted, &c., That from and after the passage of this act the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Matilda Ann Wiley, widow of Dr. Delany Wiley, deceased, late an acting assistant volunteer surgeon, and to pay her a pension at the same rate as the widows of assistant surgeons of volunteers are now paid.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES M'MULLIN.

The bill (H. R. 1858) granting an increase of pension to James McMullin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James McMullin, late of Company I, One hundred and eighteenth Regiment New York Volunteer Infantry, and the Sixth Regiment United States Cavalry, at the rate of $20 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETER TOWER.

The bill (H. R. 3562) for the relief of Peter Tower, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Peter Tower, late a member of the Eighth New York Heavy Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

NEWCOMB PARKER.

The bill (S. 1077) granting a pension to Newcomb Parker was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Newcomb Parker, late of Company K, Eleventh Regiment of Vermont Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZA A. FISHER.

The bill (H. R. 3152) granting a pension to Eliza A. Fisher was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Eliza A. Fisher, widow of William H. Fisher, deceased, late a private in Company H, Sixty-first Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE H. PERKINS.

The bill (H. R. 1369) granting a pension to George H. Perkins was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George H. Perkins, late a private in Company I, Third Regiment Massachusetts Heavy Artillery Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. ELLEN S. TOLMAN.

The bill (H. R. 1152) for the relief of Mrs. Ellen S. Tolman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Ellen S. Tolman, late an Army nurse, at the rate of $25 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WALTER S. HAYNES.

The bill (H. R. 1113) granting a pension to Walter S. Haynes was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of Walter S. Haynes, late a private in Company F, Thirty-sixth Massachusetts Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. NANNIE CUSHMAN.

The bill (S. 2148) granting a pension to Mrs. Nannie Cushman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Nannie Cushman, widow of Charles H. Cushman, late lieutenant-commander in the United States Navy.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PATRICK H. ESTES.

The bill (S. 1047) for the relief of Patrick H. Estes, a veteran invalid soldier of the Mexican war, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out the preamble and all after the enacting clause and to insert in lieu thereof:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Patrick H. Estes, a veteran invalid soldier of the Mexican war, and pay him a pension at the rate of $12 a month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. The committee report the bill with an amendment to strike out the preamble. The question now is on the preamble.

The preamble was rejected.

JAMES WATERS.

The bill (H. R. 5074) to provide increase of pension to James Waters was considered as in Committee of the Whole. It provides for increasing the pension of James Waters, formerly a member of Captain Weatherbye's company of Pennsylvania militia, and who was in the military service in the war of 1812, to $25 per month, in lieu of the $8 per month he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STEVENS W. MERRILL.

The bill (H. R. 4461) granting a pension to Stevens W. Merrill was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Stevens W. Merrill, late lieutenant and quartermaster of the Thirty-sixth Regiment of Iowa Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANN BIRD.

The bill (H. R. 1278) granting a pension to Ann Bird was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ann Bird, widow of Thomas Bird, for services as nurse during the late war, at $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK KORTH.

The bill (H. R. 4077) granting a pension to Frederick Korth was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Frederick Korth, of Henderson, Minn., late a teamster in the United States service, who was permanently disabled by gunshot wounds received at the hands of hostile Sioux Indians, at the Lower Sioux agency, during the Sioux outbreak in 1862 in Minnesota.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM GORDON.

The bill (H. R. 6638) granting a pension to William Gordon was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Gordon, father of William A. Gordon, deceased, late of Company H, Eleventh Iowa Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA FRANCESCO.

The bill (H. R. 6044) granting a pension to Eliza Francesco was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Eliza Francesco, mother of Alexander Francesco, late a volunteer in Company D, Forty-fifth Regiment Kentucky Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH M'MILLAN.

The bill (H. R. 3303) to restore to the pension-roll the name of Joseph McMillan was considered as in Committee of the Whole. It provides for restoring to the pension-roll the name of Joseph McMillan, late of Company K, Sixty-seventh Indiana Volunteers, and who held certificate numbered 94899.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEANDER W. COREY.

The bill (H. R. 6012) to increase the pension of Leander W. Corey was considered as in Committee of the Whole. It proposes to increase the pension to $40 per month of Leander W. Corey, late a private in Company F, Sixteenth Iowa Veteran Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABIGAIL H. CAREY.

The bill (H. R. 6225) granting a pension to Abigail H. Carey was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Abigail H. Carey, widow of E. M. Carey, late major of the Twenty-third Regiment Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM TURVILLE.

The bill (H. R. 1275) granting a pension to William Turville was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of William Turville, late a private in Company H, Fifth Regiment Wisconsin Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REBECCA E. HASKINS.

The bill (S. 2187) for the relief of Rebecca E. Haskins was considered as in Committee of the Whole. It provides for paying to Rebecca E. Haskins, widow of Lieut. Col. Joseph A. Haskins, United States Army, the pension provided by law for the widow of a lieutenant-colonel in the Army, in lieu of the pension she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM DOBBS.

The bill (S. 2190) granting a pension to William Dobbs was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Dobbs, late of Company K, One hundred and nineteenth Regiment Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REBECCA MARCHANT.

The bill (S. 2189) granting a pension to Rebecca Marchant was announced as next in order.

Mr. SAWYER. I move to substitute the House bill for that, which covers precisely the same ground. It passed the House since that was introduced here.

Mr. COCKRELL. I suggest that the Senator move that the Committee on Pensions be discharged from the consideration of the House bill and that it be taken up and acted upon, and then postpone the Senate bill indefinitely.

Mr. SAWYER. I will make that motion.

The PRESIDING OFFICER. If there be no objection that order will be taken, and the Senate bill will be indefinitely postponed.

The bill (H. R. 2054) granting a pension to Rebecca Marchant was

considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Rebecca Marchant, mother of Capt. Henry A. Marchant, late captain of Company I, Twenty-third Regiment Pennsylvania Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANN SMITH.

The bill (S. 2188) granting a pension to Ann Smith was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ann Smith, widow of Levi Smith, late a private in Company A, Third Heavy Artillery, in the war of the rebellion.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LOUIS MELCHER.

The bill (S. 2186) granting a pension to Louis Melcher was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Louis Melcher, late a private in Company A, Second Michigan Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE TITUS.

The bill (S. 2185) for the relief of George Titus was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George Titus, dependent father of Josiah C. Titus, late first lieutenant of Company D, Sixty-second Illinois Volunteers, and to pay him the amount that would have been paid to Nancy Titus, his wife, on a certificate numbered 203877, granted January 10, 1884, issued to her a few days after her death, as dependent mother of Josiah C. Titus, late first lieutenant of Company D, Sixty-second Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CAPT. ELIHU JONES.

The bill (S. 823) granting a pension to Capt. Elihu Jones was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment to the bill to add "and pay him a pension at the rate of $24 a month, in lieu of the pension he is now receiving;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elihu Jones, late captain of Company G, Eighth Regiment Illinois Infantry Volunteers, and pay him a pension at the rate of $24 a month, in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STEPHEN R. SMITH.

The bill (S. 1466) granting an increase of pension to Stephen R. Smith was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, in line 7, after the words "rate of," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Stephen R. Smith, late a private in Company C, Thirty-first Regiment Iowa Infantry, at the rate of $30 per month, in lieu of the pension he is now receiving, to commence from the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COL. CHARLES E. CAPEHART.

The bill (S. 1481) granting an increase of pension to Col. Charles E. Capehart was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the words "rate of," to strike out "seventy-two" and insert "fifty," and in line 8, after the word "month," to insert "in lieu of the pension he now receives;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles E. Capehart, late lieutenant-colonel of the First Regiment of West Virginia Cavalry, at the rate of $50 per month, in lieu of the pension he now receives.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD CORNING.

The bill (S. 1666) granting a pension to Edward Corning was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, to add "and pay him a pension at the rate of $20 per month," so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Edward Corning, late a lieutenant in the Eighty-fifth New York Volunteers, and afterward commissioned captain and assistant quartermaster of volunteers, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY HOWARD FARQUHAR.

The bill (S. 678) for the relief of Mary Howard Farquhar was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, in line 9, after the words "rate of," to strike out "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, &c., That from and after the passage of this act the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll the name of Mary Howard Farquhar, widow of the late Maj. and Bvt. Lieut. Col. Francis U. Farquhar, Corps of Engineers, United States Army, and daughter of the late Maj. Gen. A. S. Williams, United States Volunteers, at the rate of $40 per month, in lieu of the pension which she now receives.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DR. JOHN W. MITCHELL.

The bill (S. 1843) granting a pension to Dr. John W. Mitchell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Dr. John W. Mitchell, late of the Fourth United States Colored Troops.

The bill was reported from the Committee on Pensions with an amendment, in line 4, after the words "directed to," to strike out "place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dr. John W. Mitchell, late of the Fourth United States Colored Troops," and insert "pay to John W. Mitchell, late of the Fourth United States Colored Troops, the sum of $50 a month, from and after the passage of this act, in lieu of the sum he is now receiving;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to John W. Mitchell, late of the Fourth United States Colored Troops, the sum of $50 a month, from and after the passage of this act, in lieu of the sum he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH W. RHINEHALT.

The bill (S. 1235) granting an increase of pension to Joseph W. Rhinehalt was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "Infantry," to strike out "in accordance with his application on file in the Pension Office," and insert "to the sum of $20 per month, in lieu of the amount he is now receiving;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the amount of pension allowed Joseph W. Rhinehalt, late of Company D, Thirty-fourth Ohio Volunteer Infantry, to the sum of $20 per month, in lieu of the amount he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CORNELIA R. SCHENCK.

The bill (S. 1584) for the relief of Cornelia R. Schenck was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Cornelia R. Schenck, widow of Daniel F. Schenck, late captain of the Fiftieth New York Engineer Corps.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. BECK.

The bill (S. 1400) granting a pension to William H. Beck was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William H. Beck, late of Company K, Eighth Iowa Veteran Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. DE MOTTE.

The bill (S. 791) granting a pension to George W. De Motte was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George W. De Motte, late of Company K, Fifty-third Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. MOORE.

The bill (S. 1509) granting a pension to William H. Moore was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William H. Moore, late of Company F, Thirtieth Regiment of Iowa Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. MARGARET SMITH.

The bill (S. 1467) granting a pension to Mrs. Margaret Smith was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Margaret Smith, widow of Joseph Smith, late a sergeant of Company H, Fourth United States Infantry, Company H, Sixth United States Infantry, and Company B, Tenth Regiment Kansas Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD AYERS.

The bill (S. 363) granting a pension to Edward Ayers was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Edward Ayers, late of Company F, Fifty-first Indiana Veteran Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARIA HOLLANDS.

The bill (S. 1586) granting a pension to Maria Hollands was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Maria Hollands, widow of Joshua Hollands, late a private in Company D, Second Regiment Kansas Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. IDA DAVENPORT.

The bill (S. 824) granting a pension to Mrs. Ida Davenport was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Ida Davenport, widow of William W. Davenport, deceased, formerly a provost-marshal of United States volunteers, who was pensioned by certificate numbered 182299.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM BETHUREN.

The bill (S. 1124) granting a pension to William Bethuren was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Bethuren, late of Company I, Fourteenth Regiment Kansas Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES E. O'SHEA.

The bill (S. 327) granting a pension to James E. O'Shea was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James E. O'Shea, late of Company F, Twenty-third Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SARAH P. M'KEAN.

The bill (S. 973) granting an increase of pension to Mrs. Sarah P. McKean, of Marion, Linn County, Iowa, was considered as in Committee of the Whole. It increases the pension of Mrs. Sarah P. McKean to $50 per month, in lieu of all other pensions heretofore granted.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH SHULL.

The bill (S. 1841) granting a pension to Joseph Shull was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Joseph Shull, late a private in Company G, Seventy-seventh Regiment Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM COLLINSWORTH.

The bill (S. 1648) granting an increase of pension to William Collinsworth was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Collinsworth, late a private in Company G, One hundred and eleventh Regiment Illinois Infantry Volunteers, at the rate of $24 a month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY BELLION.

The bill (S. 1217) for the relief of Henry Bellion was considered as in Committee of the Whole. It proposes to place the name of Henry Bellion, of Portland, Oreg., on the pension-roll, on account of disability contracted in the service of the United States Army, in Company E, First Regiment United States Dragoons.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT HOLSEY.

The bill (S. 1288) granting a pension to Robert Holsey was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Robert Holsey, late of Company H, Ninth Regiment Kansas Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN ROSS.

The bill (S. 1303) granting a pension to John Ross was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Ross, who enlisted in Company G, First Kansas Regiment Colored Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM REYNOLDS.

The bill (S. 1304) granting a pension to William Reynolds was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Reynolds, late of Company H, Forty-first Regiment Missouri Militia.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS J. OWEN.

The bill (S. 1289) granting a pension to Thomas J. Owen was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Thomas J. Owen, late of Company B, Twelfth United States Infantry, in the war with Mexico.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

L. V. HOLLYFIELD.

The bill (S. 376) granting a pension to L. V. Hollyfield was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of L. V. Hollyfield, late a scout and guide, with the rank of lieutenant-colonel, under the command of General Sigel, of the United States Army, in the late war of the rebellion.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY DOMEYER.

The bill (S. 1520) granting a pension to Henry Domeger was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Henry Domeger, late a private in Company F, Fourth Regiment Missouri Infantry Volunteers.

The Committee on Pensions reported an amendment, in line 7, to change the name "Domeger" to "Domeyer."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Henry Domeyer."

JOHN S. KIRKPATRICK.

The bill (S. 1797) granting a pension to John S. Kirkpatrick was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of John S. Kirkpatrick, late a private in Company K, First Colorado Regiment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AUGUSTUS FIELD STEVENS.

The bill (S. 1726) granting a pension to Augustus Field Stevens was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Augustus Field Stevens, late a private in Company L, Second Regiment Illinois Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY H. STUTSMAN.

The bill (S. 1224) granting a pension to Henry H. Stutsman was considered as in Committee of the Whole. It proposes to place on the

pension-roll the name of Henry H. Stutsman, late a private in Company F, Thirteenth Regiment Iowa Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. MARTHA F. WOODRUM.

The bill (S. 864) to grant a pension to Mrs. Martha F. Woodrum was considered as in Committee of the Whole. It proposes to place the name of Mrs. Martha F. Woodrum on the pension-roll, at the rate of —— dollars per month.

The PRESIDING OFFICER. The Chair would call the attention of the Senator from Wisconsin [Mr. SAWYER] who reported this bill to the fact that the sum is left blank.

Mr. SAWYER. Let the bill be recommitted to the committee. I do not recollect about it now. There must be some error. I will look over it again.

The bill was recommitted to the Committee on Pensions.

NATHAN Z. BAILEY.

The bill (S. 1292) granting a pension to Nathan Z. Bailey was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Nathan Z. Bailey, late a private in Company B, Third Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REAMUS G. MORRIS.

The bill (S. 1214) granting a pension to Reamus G. Morris was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Reamus G. Morris, late of Company H, First Illinois Volunteers, Mexican war.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REUBEN CROWDAY.

The bill (S. 853) granting a pension to Reuben Crowday was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Reuben Crowday, late a private in Company G, Fifty-seventh Regiment United States Colored Troops.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THERESA SCHLEYER.

The bill (S. 1191) granting a pension to Theresa Schleyer was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Theresa Schleyer, widow of Charles Schleyer, late captain of Company F, One hundred and sixth Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN G. NICHOLAS.

The bill (S. 1618) granting a pension to John G. Nicholas was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John G. Nicholas, late of Company F, Ninety-third Regiment of Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM L. CLARKE.

The bill (S. 1287) granting a pension to William L. Clarke was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William L. Clarke, late of Company B, First Regiment Indiana Volunteers, Mexican war.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANNA NATION.

The bill (S. 1446) granting a pension to Anna Nation was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "pension-roll," to strike out "at the rate of $25 per month" and insert "subject to the provisions and limitations of the pension laws;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place the name of Anna Nation, widow of Thomas Nation, deceased, of Captain Doak's company of Tennessee militia in the war of 1812, on the pension-roll, subject to the provisions and limitations of the pension laws.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SARAH A. THOMAS.

The bill (S. 1357) granting a pension to Sarah A. Thomas was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah A. Thomas, widow of Samuel H. Thomas, late of Company D, Sixtieth Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN THRASHER.

The bill (S. 1720) granting a pension to John Thrasher was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of John Thrasher, late of Company E, One hundred and thirty-second Regiment Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN DUFFY.

The bill (S. 1930) granting a pension to John Duffy was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Duffy, late of Company L, First Ohio Light Artillery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM S. MORE.

The bill (S. 1788) granting a pension to William S. More was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William S. More, late of Company B, Thirty-second Regiment Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

J. D. HAWORTH.

The bill (S. 1253) granting a pension to J. D. Haworth was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of J. D. Haworth, late a member of Company H, Thirty-third Regiment of Iowa Volunteer Infantry, and who was transferred, on account of disability, to Company H, Twenty-first Veteran Reserve Corps.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE HAM.

The bill (S. 785) granting a pension to George Ham was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George Ham, late first sergeant of Company D, Second United States Artillery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JANE CARR.

The bill (S. 1431) granting a pension to Jane Carr was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 4, after the word "name," to strike out "in" and insert "of;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Jane Carr, widow of Colwell Carr, late a private in Company F, Thirtieth Regiment of Pennsylvania Volunteers, and Company E, Twentieth Regiment of the Veteran Reserve Corps, on the pension-roll, subject to the provisions and limitations of the pension laws.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

J. H. THORNBURY.

The bill (S. 1770) granting a pension to J. H. Thornbury was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of J. H. Thornbury, late of Company D, Eighth Regiment of Iowa Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. C. A. BAILEY.

The bill (S. 1830) granting a pension to Mrs. C. A. Bailey was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. C. A. Bailey, widow of Albert Bailey, deceased, late a private in Company H, Forty-sixth Regiment of Illinois Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARRILLA PARSONS.

The bill (S. 342) granting a pension to Marrilla Parsons, of Detroit, Mich., was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Marrilla Parsons, of Detroit, Mich., dependent stepmother of Daniel P. Parsons, late captain of Company D, Eleventh Missouri Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ABBIE M. HAY.

The bill (S. 1571) granting a pension to Abbie M. Hay was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Abbie M. Hay, widow of Thomas H. Hay, late a captain in the United States Army.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY ANN VARS.

The bill (S. 1570) granting a pension to Mary Ann Vars was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Ann Vars, widow of Frank A. Vars, late master's mate on the United States steamer Reliance.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EMELINE J. BABSON.

The bill (S. 1065) granting a pension to Emeline J. Babson was considered as in Committee of the Whole. It proposes to place the name of Emeline J. Babson, widow of Erastus W. Babson, late of Company A, Twelfth Regiment Rhode Island Volunteers, on the pension-roll, to begin from and after the date of his death.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REBECCA HOLLINGSWORTH HUMPHREYS.

The bill (S. 1625) granting a pension to Rebecca Hollingsworth Humphreys was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Rebecca Hollingsworth Humphreys, widow of Brig. Gen. Andrew Atkinson Humphreys, deceased, late Chief of Engineers and brevet major-general of the United States Army, at the rate of $50 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BENJAMIN OBEKIAH.

The bill (S. 2173) granting a pension to Benjamin Obekiah was considered as in Committee of the Whole. It proposes to place the name of Benjamin Obekiah, late of Company K, Twenty-second United States Colored Infantry, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ZEBULON S. TOMPKINS.

The bill (S. 2067) for increase of pension to Zebulon S. Tompkins was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Zebulon S. Tompkins, late of Company E, Sixth New Jersey Volunteers, at the rate of $12 per month, in lieu of the amount now received by him under the law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SARAH J. PRATER.

The bill (H. R. 3990) to restore to the pension-roll the name of Sarah J. Prater, was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of Sarah J. Prater, widow of William Prater, deceased, late of Company I, Fourteenth Regiment Kentucky Volunteers, from the 9th of September, 1878.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL T. FERGUSON.

The bill (H. R. 844) granting a pension to Daniel T. Ferguson was considered as in Committee of the Whole. It proposes to place the name of Daniel T. Ferguson, late of Company K, Fifth Regiment of Kentucky Cavalry, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JANE M. LANGLEY.

The bill (H. R. 2254) for the relief of Jane M. Langley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jane M. Langley, widow of Loudon L. Langley, late sergeant-major of the Thirty-third United States Colored Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL V. HOLLAND.

The bill (H. R. 846) granting a pension to Samuel V. Holland was considered as in Committee of the Whole. It proposes to place the name of Samuel V. Holland, late of Company C, Fifty-second Kentucky Regiment of Mounted Infantry, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMELIA M. GREEN.

The bill (H. R. 2193) granting a pension to Amelia M. Green was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Amelia M. Green, widow of Rev. John M. Green, late a chaplain in the Army of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. FILLEBROWN.

The bill (H. R. 1138) to increase the pension of Mary E. Fillebrown was considered as in Committee of the Whole. It proposes to increase the pension of Mary E. Fillebrown, widow of the late Commodore Thomas Scott Fillebrown, from $30 to $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRY B. AND GRACE A. HARRINGTON.

The bill (H. R. 1228) granting a pension to Harry B. Harrington and Grace A. Harrington, was considered as in Committee of the Whole. It proposes to place on the pension-roll the names of Harry B. Harrington and Grace A. Harrington, children of Henry M. Harrington, late second lieutenant of Company C, Seventh Regiment United States Cavalry, at the rate of $15 per month each, to be paid to their legal guardian for their use and benefit, until they are sixteen years of age.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARCUS A. HAMILTON.

The bill (H. R. 1508) for the relief of Marcus A. Hamilton, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Marcus A. Hamilton, formerly of Company K, first Regiment New Jersey Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NANCY J. FREELS.

The bill (H. R. 4287) granting a pension to Nancy J. Freels, widow of Pleasant M. Freels, late of Company E, Third Tennessee Infantry Volunteers, was considered as in Committee of the Whole. It proposes to place the name of Nancy J. Freels, widow of Pleasant M. Freels, late of the Third Tennessee Infantry Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET KEARNS.

The bill (H. R. 1543) granting a pension to Margaret Kearns was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Margaret Kearns, mother of James Kearns, late a sergeant of Company G, Ninety-fourth New York Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABBY L. BURBANK.

The bill (S. 2192) granting a pension to Abby L. Burbank was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Abby L. Burbank, widow of Charles H. Burbank, late a surgeon in the United States Navy, at the rate of $40 per month, in lieu of the amount she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDIE L. MACOMBER.

The bill (H. R. 1462) granting a pension to Addie L. Macomber was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the words "sum of," to strike out "twelve" and insert "twenty-five;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mrs. Addie L. Macomber, a volunteer nurse in the late war, giving her the sum of $25 a month from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

NATHAN MAGOON.

The bill (H. R. 6504) granting a pension to Nathan Magoon was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Nathan Magoon, late a private in Company H, Seventh Regiment New Hampshire Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PENSION BILLS NOT ACTED ON.

The PRESIDING OFFICER. The Chief Clerk informs the Chair that several bills on the Calendar are not in the files, probably not having been returned from the Printer.

PETER LYLE.

The bill (S. 701) for the relief of the legal representatives of Peter Lyle, deceased, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay, out of the proper appropriation for payment of invalid pensions, to Vincent P. Donnelly, administrator of Peter Lyle, deceased, $3,724.

The PRESIDING OFFICER. The Committee on Pensions report the bill with an amendment to strike out the preamble. The question is on that amendment.

The amendment was agreed to.

Mr. EDMUNDS. I should like to hear the report read in that case.

The PRESIDING OFFICER. The Chair is informed that the report was sent to the Printer yesterday and has not yet been returned.

Mr. EDMUNDS. That is a very large sum. I think we had better wait for the report.

The PRESIDING OFFICER. The bill will be passed over.

EVELINE HUNT.

The bill (S. 1539) granting a pension to Eveline Hunt, widow, and the minor children of Lewis Hunt, deceased, was considered as in Committee of the Whole. It proposes to place on the pension-roll the names of Eveline Hunt, as the widow of Lewis Hunt, deceased, late of Company C, Seventy-sixth Regiment Enrolled Missouri Militia, and the minor children and heirs of Lewis Hunt, deceased.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

M. S. TOWNE.

The bill (H. R. 4370) granting a pension to M. S. Towne was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of M. S. Towne, late a private in Company H, One hundred and forty-third Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. LOGAN.

The bill (H. R. 5000) to place the name of John W. Logan on the pension-roll was considered as in Committee of the Whole. It proposes to place the name of John W. Logan, dependent father of Clinton M. Logan, late a private in Company F, of the Eighty-fifth Regiment of Illinois Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES B. WILDE.

The bill (H. R. 4999) to place the name of James B. Wilde on the pension-roll was considered as in Committee of the Whole. It proposes to place the name of James B. Wilde, late second lieutenant of Company C, Sixty-first New York Volunteer Infantry, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. W. A. BENNETT.

The bill (H. R. 746) granting a pension to J. W. A. Bennett was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of J. W. A. Bennett, late an ensign in the United States Navy.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTIN KIRK.

The bill (H. R. 1396) to pension Martin Kirk was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Martin Kirk, late a private in Company E, Eighth Regiment Missouri State Militia Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALEXANDER FORSYTH.

The bill (H. R. 3946) to increase the pension of Alexander Forsyth was considered as in Committee of the Whole. It proposes to increase the pension of Alexander Forsyth, late of Company K, Eleventh Wisconsin Volunteers, to $20 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARIA HOLLANDS.

The bill (H. R. 6019) granting a pension to Maria Hollands was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Maria Hollands, widow of Joshua Hollands, late a private in Company D, Second Regiment Kansas Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN G. SHAWBELL.

The bill (H. R. 686) to grant a pension to John G. Shawbell, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John G. Shawbell, late an assistant surgeon in the service of the United States, of the Ninth Regiment of Kansas Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. H. GILLESPIE.

The bill (H. R. 1344) granting a pension to William H. H. Gillespie was considered as in Committee of the Whole. It propose to place on the pension-roll the name of William H. H. Gillespie, formerly of Company I, First Regiment Missouri State Militia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM F. MILLER.

The bill (H. R. 4405) for the relief of William F. Miller was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William F. Miller, late a private in Company B, Sixteenth United States Infantry, at $40 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL HANSON.

The bill (H. R. 3100) granting a pension to Samuel Hanson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Samuel Hanson, late a private in Company D, Thirty-fourth Regiment of Iowa Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA A. SILKEY.

The bill (H. R. 4101) granting a pension to Martha A. Silkey was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Martha A. Silkey, widow of William Silkey, deceased, late a private in Company B, Sixty-fifth Regiment Enrolled Missouri Militia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM TAYLOR.

The bill (H. R. 4580) to grant a pension to William Taylor was considered as in Committee of the Whole. It proposes to place the name William Taylor, late a private in Company B, First Regiment of Nebraska Militia, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN C. CLARK.

The bill (H. R. 4410) for the relief of John C. Clark was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to readjudicate the pension claim of John C. Clark, late a private in Company A, Thirtieth Regiment of Illinois Volunteers, as though the application under which it was granted had been filed on the 20th of June, 1880.

Mr. BLAIR. The bill on the Calendar is a different name.

Mr. COCKRELL. Let it be passed over.

Mr. BLAIR. Perhaps it is a mere mislaying of papers that can be corrected on the spot.

The PRESIDING OFFICER. The Chair is informed that the error is in the print of the Calendar, that the bill as read is the correct one.

Mr. BLAIR. Very well; then there should be substituted on the Calendar "John C. Clark" for "Henry Barr." Is there such a bill as one for Henry Barr?

The bill (H. R. 4410) for the relief of John C. Clark was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS S. OWENS.

The bill (H. R. 4579) granting an increase of pension to Thomas S. Owens was considered as in Committee of the Whole. It proposes to increase the pension of Thomas S. Owens, late a private in Company A, First Nebraska Veteran Volunteers, to $24 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NIRA D. GWYNNE.

The bill (H. R. 1361) granting a pension to Nira D. Gwynne was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Nira D. Gwynne, widow of the late N. M. L. Gwynne, a private in Company H, Thirteenth Regiment of Ohio Cavalry.

Mr. COCKRELL. I move to strike out the words "subject to the conditions and limitations of the pension laws" and to insert "and pay her a pension at the rate of $25 per month."

Mr. BLAIR. The Senator knows the facts, I suppose, and will state them.

Mr. COCKRELL. I will read a part of a report that was made in the House of Representatives.

The PRESIDING OFFICER. The Chair hears no objection to the amendment.

Mr. EDMUNDS. It ought to be explained. Will the amendment increase or diminish what the bill now proposes to give?

Mr. COCKRELL. It will increase the pension somewhat, and I will give the reasons why it should be increased. I read now a statement from Hon. WILLIAM WARNER, a member of the House of Representatives, and late the United States district attorney for the western district of Missouri, residing in Kansas City, Mo., and an intimate friend and acquaintance of Captain Gwynne:

Major WARNER says:

Permit me to state that for many years I was intimately acquainted with Mr. Gwynne. He lost his arm at Petersburg, July 30, 1864; at the same time he received a gunshot wound in the knee. For two years before his death I was, through business connected with the Grand Army of the Republic, in company

with the deceased nearly every day. He was a great sufferer from his wounds, that in the knee being a running sore. Time and time again he has told me of his sufferings from these wounds. His nervous system was broken down, so much so that at times he had no more control over himself than a child. He often said to me that he knew his injuries would cause his death, yet if he had his life to live over again, if his country needed his services, he would cheerfully give them, even with the absolute knowledge that he would be thus mangled. This I believe, for no braver man than Gwynne ever entered the Army. As a beardless soldier boy, on July 20, 1864, he daringly rescued the flag of his country from the very jaws of the enemy's guns; in returning with it to his regiment his arm was almost torn from its shoulder, but he held on to the flag, returning it to the Union line baptized with his blood. For his heroic conduct on that day he received one of the few gold medals which Congress ordered to be presented for distinguished bravery on the battlefield. I do not entertain a doubt that but for his wounds he would have been alive and well to-day. He has left a wife and one child, a boy, in destitute circumstances.

I believe he was one of probably five, if I am not mistaken, private soldiers who received the thanks of Congress and a gold medal.

Mr. BLAIR. He was a captain in rank at his death, was he not?

Mr. COCKRELL. Not at the time the wound was received.

Mr. EDMUNDS. Did this man receive the thanks of Congress?

Mr. COCKRELL. He did, and a gold medal, and was one I think of only five who did.

Mr. EDMUNDS. Twenty-five dollars is little enough. It would be better to make it $30 while we are about it.

Mr. BLAIR. That is all well enough. I am not ordinarily accused of any tendency to hold on to the purse-strings of the country, and I am not disposed to object to the amendment as the Senator from Missouri proposes that it be made. The widow, if she were the widow of a captain, would be entitled to $20 per month as the bill now stands. It has passed the House and has come here, and it will have to be returned for concurrence in the amendment.

Mr. EDMUNDS. There will be no trouble about that.

Mr. COCKRELL. There will be no trouble about concurrence in the amendment. We always called him "captain." I knew him well. He was not a captain in the volunteer service, but a captain afterward in a militia organization.

Mr. EDMUNDS. But if his conduct as a private soldier had been so conspicuous that he received the thanks of Congress, that ought to be enough to entitle this poor woman to $25.

Mr. BLAIR. But the Senator from Vermont suggests $30. Suppose we call it $40. The amendment of the Senator from Missouri proposes $25.

Mr. COCKRELL. Twenty-five dollars will be satisfactory to her.

Mr. EDMUNDS. Very well.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri [Mr. COCKRELL].

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

W. C. DAVIS.

The bill (H. R. 6125) granting a pension to W. C. Davis was considered as in Committee of the Whole. It proposes to place the name of W. C. Davis, late of Company I, First Regiment of West Virginia Veteran Volunteers, in the war of the rebellion, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PERRY JOHNSON.

The bill (H. R. 4813) granting a pension to Perry Johnson was considered as in Committee of the Whole. It proposes to place the name of Perry Johnson on the pension-roll at the rate of $72 per month, instead of the pension now allowed and paid him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TUNIS J. ROOSA.

The bill (H. R. 715) granting a pension to Tunis J. Roosa was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Tunis J. Roosa, late a private in Company H, Seventh Iowa Volunteers, at $40 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEANDER C. TWITCHELL.

The bill (H. R. 4992) restoring Leander C. Twitchell to the pension-roll was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of Leander C. Twitchell, of Chariton County, Missouri.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATHANIEL H. BLAKELY.

The bill (H. R. 1345) granting a pension to Nathaniel H. Blakely was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Nathaniel H. Blakely, formerly of Company F, Third Regiment Missouri Mounted Volunteers, in the war with Mexico.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PERNETTA HENDLEY.

The bill (H. R. 1348) for the relief of Pernetta Hendley was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of Pernetta Hendley, widow of Capt. Israel Hendley, who lost his life at the battle of Moroe, in the war with Mexico, in 1847.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MINERVA T. THOMPSON.

The bill (H. R. 4111) granting a pension to Minerva T. Thompson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Minerva T. Thompson, widow of Joseph Thompson, deceased, late a private in Company D, Sixth Regiment Missouri Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANK MANHART.

The bill (H. R. 6130) granting a pension to Frank Manhart was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Frank Manhart, late a private in Company A, Second Regiment Missouri Artillery Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIS W. FINK.

The bill (H. R. 4572) granting a pension to Willis W. Fink was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Willis W. Fink, late of Company D, Forty-fourth Regiment Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES MORGAN.

The bill (H. R. 4824) granting an increase of pension to James Morgan was considered as in Committee of the Whole. It proposes to grant an increase of pension to James Morgan, late of Company C, Fourteenth Regiment Illinois Infantry Volunteers, and to pay him $25 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM E. HARDY.

The bill (H. R. 5259) granting a pension to William E. Hardy was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William E. Hardy, late of Company D, Thirty-ninth Indiana Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HUGH MULHOLLAND.

The bill (H. R. 6134) granting a pension to Hugh Mulholland was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Hugh Mulholland, formerly of Company K, Seventy-first Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANK SHERBONAW.

The bill (H. R. 6023) for the relief of Frank Sherbonaw was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Frank Sherbonaw, formerly a member of Company G, Fourteenth Regiment Michigan Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY BARR.

The bill (H. R. 2179) granting a pension to Henry Barr was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Henry Barr, father of Jacob Barr, late a private in Company A, One hundred and third Regiment Pennsylvania Volunteers.

Mr. COCKRELL. That seems to be a bill we had up before.

Mr. BLAIR. It is all right this time.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

B. FRANK PATTERSON.

Mr. BLAIR. There were several pension bills reported this morning, and I ask that they be now considered.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1390) for the relief of B. Frank Patterson. It proposes to place on the pension-roll the name of B. Frank Patterson, late of Company F, Fourteenth New Jersey Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TIMOTHY DRISCOLL.

By unanimous consent the bill (H. R. 4517) granting a pension to Timothy Driscoll was considered as in Committee of the Whole. It proposes to place on the pension-list the name of Timothy Driscoll, late a private in Company A, First Maine Light Artillery Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the time, and passed.

HARRIET M. LARRABEE.

By unanimous consent the bill (H. R. 4516) granting a pension to Harriet M. Larrabee was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Harriet M. Larrabee, widow of L. H. Larrabee, late a private in Company A, Sixth Regiment Maine Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RACHEL W. HEARD.

By unanimous consent the bill (H. R. 4031) granting a pension to Rachel W. Heard was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Rachel W. Heard, widow of Nathan Heard, a second lieutenant in the service of the United States in the war of 1812.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FANNY COLLINS.

By unanimous consent the bill (H. R. 3516) granting a pension to Fanny Collins was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Fanny Collins, widow of Louis Collins, deceased, late a private in Company H, Fifty-eighth United States Colored Troops.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. ELIZA HUMES.

By unanimous consent the bill (H. R. 6466) granting a pension to Mrs. Eliza Humes was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Eliza Humes, mother of George W. Humes, deceased, late a private in Company E, Second Maine Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES C. HILL.

By unanimous consent the bill (S. 2096) granting a pension to Charles C. Hill was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Charles C. Hill, late of Company D, Eleventh Regiment New Hampshire Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AGNES RENZ.

By unanimous consent the bill (H. R. 4592) granting a pension to Agnes Renz was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Agnes Renz, widow of Henry Renz, a musician in the One hundred and nineteenth Regiment of New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN G. BURRILL.

By unanimous consent the bill (H. R. 5583) granting a pension to John G. Burrill was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John G. Burrill, late first lieutenant of Company G, Fourteenth Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ZEBA S. AYER.

Mr. BLAIR. I ask leave to make four reports from the Committee on Pensions, which should have been made this morning during the morning hour. I send the bills to the desk, and ask the Senate to proceed to their consideration under the existing order.

The PRESIDING OFFICER. Is there objection to the consideration of the bills now reported by the Senator from New Hampshire from the Committee on Pensions? The Chair hears no objection, and the bills will be stated in their order.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5277) granting a pension to Zeba S. Ayer. It proposes to place on the pension-roll the name of Zeba S. Ayer, dependent father of Zeba A. Ayer, deceased, late a private in Company A, Twenty-ninth Regiment Maine Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY B. HOOK.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2095) granting an increase of pension to Mary B. Hook. It proposes to place on the pension-roll the name of Mary B. Hook, widow of Lieut. Col. James H. Hook, at $50 per month, in lieu of the amount she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY S. WEBSTER.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4960) granting a pension to Mary S. Webster. It proposes to place on the pension-roll the name of Mary S. Webster, dependent mother of Charles T. Webster, late a private in Company H, Forty-second United States Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH S. DE KRAFFT.

The bill (S. 2223) granting a pension to Elizabeth S. de Krafft was read twice by its title.

The PRESIDING OFFICER. This bill is reported as an original bill from the Committee on Pensions.

Mr. BLAIR. The report is made on a petition.

By unanimous consent, the Senate as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension-roll the name of Elizabeth S. de Krafft, widow of Charles Philip de Krafft, late commodore and rear-admiral in the United States Navy.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSION BILLS PASSED OVER.

Mr. BLAIR. I should like to call attention to the several cases upon the Calendar in which it was said that the papers were not on the files. I should like to know if the clerks have been able to find those bills as yet.

The PRESIDING OFFICER. The Chair is informed that the bills have been sent to the Printer and have not yet been returned, and so they are not on the files.

Mr. BLAIR. All the cases that have been passed which have been reported since those were must have been sent to the Printer also, and they were subsequent reports.

Mr. COCKRELL. Just a moment ago I sent up to the document-room to see if they had come in, and then I telephoned for them to be sent here.

Mr. BLAIR. They are cases which it is desirable to have disposed of. Will the Secretary be so kind as to specify the orders of business where the papers are absent? The first is Order of Business 802, as I have the memorandum.

Mr. COCKRELL. I think they run from Order of Business 802 to 808, inclusive, if I have it correctly.

The PRESIDING OFFICER. The bills referred to will be stated.

The CHIEF CLERK. Order of Business 743, a bill (S. 1257) granting a pension to Henry Shively.

Mr. BLAIR. Those papers have not been found, I understand.

The PRESIDING OFFICER. The Chair is informed that the bill in that case is not on the files. The next bill in the class will be stated.

The CHIEF CLERK. Order of Business 805, a bill (S. 860) granting an increase of pension to John N. Runyan.

Mr. BLAIR. How is it with Order of Business 802? That, I understand, is missing also.

The CHIEF CLERK. Order of Business 802, a bill (H. R. 3463) granting a pension to Mrs. Hannah Babb Hutchins.

Order of Business 806, a bill (S. 1152) granting a pension to Sarah E. Bassett.

Mr. BLAIR. How is it with Order of Business 803, House bill 1462? Was that passed?

The PRESIDING OFFICER. That has been passed. The next bill in the list will be stated.

The CHIEF CLERK. Order of Business 807, a bill (S. 1102) granting an increase of pension to Dr. A. Lanning.

The PRESIDING OFFICER. The bills in the cases just reported by the Secretary are not on the files.

Mr. BLAIR. Then I suppose they must be passed over. I move that the Senate now proceed to the consideration of the bill (S. 1886) for the relief of soldiers of the late war honorably discharged after six months' service, who are disabled and dependent upon their own labor for support, and of dependent parents of soldiers who died in the service or from disabilities contracted therein.

INTERSTATE COMMERCE.

Mr. CULLOM. I understand that the bill (S. 1532) to regulate commerce is now before the Senate regularly.

Mr. BLAIR. Does the Senator from Illinois insist on going on with that bill now?

Mr. CULLOM. I think I shall insist on it now. The Senator from New Hampshire will come in with his bill after the interstate-commerce bill is disposed of.

Mr. BLAIR. I do not propose to have any collision with the Senator from Illinois if he desires to go on with the interstate commerce bill to-day.

Mr. CULLOM. I prefer that course.

The PRESIDING OFFICER. The Senate resumes the consideration of the unfinished business, which will be stated.

The CHIEF CLERK. A bill (S. 1532) to regulate commerce.

Mr. HARRIS. I ask the Senator from Illinois to allow the unfinished business to be informally laid aside for a moment in order that I may ask the Senate to consider House bill 7467.

The PRESIDING OFFICER. What is the Calendar number?

Mr. HARRIS. It is not on the Calendar; it has just come from the House of Representatives. On the 2d of March the Committee on Military Affairs reported Senate bill 557, which is precisely the same as the House bill. The Senator from Mississippi [Mr. WALTHALL] and myself compared them yesterday. I therefore ask the Senate to proceed to consider the House bill at this time, and if it leads to any debate or consumes any time, then I shall not ask to trespass upon the Senator from Illinois.

Mr. CULLOM. With that understanding I hardly feel at liberty to deny the request of the Senator from Tennessee.

STREET IN CHATTANOOGA.

The PRESIDING OFFICER. The bill indicated by the Senator from Tennessee will be read for information.

The Chief Clerk read the bill (H. R. 7467) to grant for the use of the public a street across the United States grounds in the city of Chattanooga, in the State of Tennessee; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. MCMILLAN. Is there any communication from the War Department on the subject?

Mr. HARRIS. The Senator from Mississippi [Mr. WALTHALL], who made the report from the Committee on Military Affairs, informs me that the bill was modified to meet the precise view of the Secretary of War.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. HARRIS. I now move to indefinitely postpone the bill (S. 557) to grant for the use of the public a street across the United States grounds in the city of Chattanooga, in the State of Tennessee.

The motion was agreed to.

COLUMBIA INSTITUTION FOR DEAF AND DUMB.

The PRESIDENT *pro tempore*, in compliance with section 4863 of the Revised Statutes, appointed Mr. WALTHALL a director on the part of the Senate of the Columbia Institution for the Instruction of the Deaf and Dumb, to fill the vacancy caused by the resignation of Mr. JACKSON.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 4968) to authorize and direct the registry and enrollment of the barge Michigan, of Alpena, Mich., in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 82) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880;

A bill (S. 141) to extend the provisions of the act of June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," to the port of Omaha, in the State of Nebraska;

A bill (S. 283) granting a pension to Isaac N. Minshall;

A bill (S. 231) granting a pension to Jennette S. Kent;

A bill (S. 813) granting a pension to Miss Rebecca Miller;

A bill (S. 221) for the relief of Alexander Smiley;

A bill (S. 481) authorizing the partition of certain land in Louisville, Ky., belonging jointly to John Echols and the Government of the United States;

A bill (S. 1487) to establish two additional land districts in the State of Nebraska;

A bill (S. 880) granting the right of way to the Schuylkill River East Side Railroad Company through the arsenal and naval asylum grounds at Philadelphia, Pa.; and

Joint resolution (S. R. 10) to amend the statute in relation to the immediate transportation of dutiable goods, and for other purposes, approved June 10, 1880, so that the provisions of the same shall be extended to the port of Key West, Fla., and the provisions of the seventh section of the statutes be extended to the port of Tampa, Fla.

ENGINEER MENOCAL'S REPORT.

On motion of Mr. MILLER, it was

Ordered, That the order to print the report of Chief Engineer A. G. Menocal, received by the Senate on March 16, on the Nicaraguan Canal, be rescinded, and that the question of printing be referred to the Committee on Printing.

HOUSE BILL REFERRED.

The bill (H. R. 4968) to authorize and direct the registry and enrollment of the barge Michigan, of Alpena, Mich., was read twice by its title, and referred to the Committee on Commerce.

GOVERNMENT GROUND IN NEWPORT.

Mr. ALDRICH. I move to take up the bill (S. 1154) to authorize the city of Newport, R. I., to use the site of Fort Greene as a public park.

The PRESIDING OFFICER (Mr. INGALLS in the chair). That can only be done by unanimous consent.

Mr. ALDRICH. I think there will be no objection to the bill.

Mr. CULLOM. With the understanding that it will lead to no debate, I have no objection to its consideration.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

S. W. MARSTON.

Mr. COCKRELL. I ask the Senator from Illinois to yield just one moment while I call up the bill (S. 220) to authorize the Secretary of the Interior to settle the claims of S. W. Marston, late United States Indian agent at Union agency, Indian Territory, for services and expenses. If the bill leads to any discussion, I shall not insist upon it.

Mr. CULLOM. Three or four Senators have made a similar request. With the understanding that if any measure which is called up in this way leads to debate it shall not be pressed, I am willing to yield to the Senators who have spoken to me.

Mr. COCKRELL. I call up Senate bill 220, and ask unanimous consent that it be put upon its passage. It has been reported repeatedly by the Senate committee and has passed the Senate twice.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TIMBER ON WISCONSIN INDIAN LAND.

Mr. SAWYER. I ask unanimous consent for the consideration of the bill (S. 55) to authorize the sale of timber on certain lands reserved for the use of the Menomonee tribe of Indians in the State of Wisconsin. It is a bill which has twice passed the Senate. I think there will be no objection to it.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Indian Affairs with an amendment, in section 1, line 7, after the word "Wisconsin," to strike out the words "excepting the sixteenth sections, which have been reserved to the State for school purposes;" so as to read:

That the Secretary of the Interior is hereby authorized to cause to be appraised and sold the timber, or such portion thereof as in his judgment is for the interest of the tribe, upon the lands reserved for the use of the Menomonee tribe of Indians in the State of Wisconsin.

Mr. DAWES. I think on further examination of the subject that the amendment ought not to be adopted. The Supreme Court have decided that all such land belongs to the State and we should not except it.

The amendment was rejected.

Mr. DAWES. In section 1, beginning in line 12, I think the proviso should be stricken out, which reads as follows:

Provided, That such appraisal shall not include any growing tree or trees of less than 12 inches in diameter at the butt.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts to strike out the proviso which he has indicated.

The amendment was agreed to.

The PRESIDING OFFICER. The colon in line 12 will be changed to a period to make it conform.

Mr. DAWES. Striking out the proviso requires an amendment in the second section. After the word "thereof," in line 8 of the second section, I move that the following words be stricken out:

Said notice shall state, and the timber be offered for sale with the express understanding, that growing timber of less than 12 inches in diameter at the butt is not to be included in the sale.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PHŒNIX NATIONAL BANK OF NEW YORK.

Mr. EVARTS. I ask the unanimous consent of the Senate to take up the bill (S. 1599) for the relief of the Phœnix National Bank of the city of New York, a bill reported by the Judiciary Committee without amendment, and to which I suppose no objections will be made.

Mr. CULLOM. I make no objection with the understanding that there will be no debate.

Mr. EVARTS. That is the understanding.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $29,624.35

to enable the Secretary of the Treasury to reimburse the Phœnix National Bank of the city of New York the amount paid by that bank in satisfaction of two judgments obtained against the bank in the supreme court of the State of New York on the 14th of February, 1878, and on the 20th of November, 1879, in an action brought against the bank by David Risley to recover a certain deposit which had been illegally seized and confiscated by the United States of America.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MOUNT DESERT FERRY PORT OF ENTRY.

Mr. FRYE. I ask leave to call up the bill (S. 1013) providing for the establishment of a port of entry at Mount Desert Ferry, in the town of Hancock, in the State of Maine. The bill has been reported unanimously twice by the Committee on Commerce and passed the Senate unanimously once.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment.

Mr. MCPHERSON. I should like to ask the Senator from Maine if there is any particular necessity for the establishment of a port of entry there?

Mr. FRYE. There is an absolute necessity. The Maine Central Railroad has just established freight depots there, and there is a very large amount of freight coming from foreign countries which otherwise would have to go 40 miles up the river. The bill has passed the Senate before, and it was reported from the Committee on Commerce unanimously.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TENODOR TEN EYCK.

Mr. HAMPTON. I appeal to the good-nature of the Senator from Illinois and ask unanimous consent to take up a bill which he introduced. I think it will lead to no discussion. It has passed the Senate twice.

Mr. CULLOM. I recognize the propriety of yielding to the request of the Senator from South Carolina, as he has been unavoidably absent for some time. I will do so with the understanding that the bill will lead to no discussion.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 519) to authorize the President to restore Tenedore Ten Eyck to his former rank in the Army and to place him upon the retired-list of Army officers.

Mr. MILLER. Is there a report in that case?

The PRESIDENT *pro tempore*. There is a report. The bill was reported from the Committee on Military Affairs with an amendment. The amendment will be first stated, after which the report will be read.

The CHIEF CLERK. In line 4, after the word "empowered," it is proposed to strike out the words "to restore" and insert "to nominate and, by and with the advice and consent of the Senate, to appoint;" so as to read:

That the President be, and he is hereby, authorized and empowered to nominate and, by and with the advice and consent of the Senate, to appoint to his former rank in the Army, and to place upon the retired-list of Army officers, Tenedore Ten Eyck, late a captain in the Eighteenth United States Infantry.

The amendment was agreed to.

The PRESIDENT *pro tempore*. Does the Senator from New York ask for the reading of the report?

Mr. CULLOM and others. Oh, no.

Mr. INGALLS. I should like to hear the report read.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. HAMPTON January 14:

The Committee on Military Affairs, to whom was referred the bill (S. 1300) to authorize the President to restore Tenodor Ten Eyck to his former rank in the Army and place him upon the retired-list of Army officers, have considered the same, and they beg leave to adopt the report made by the committee at the last session, as follows:

"That an examination of the papers submitted shows the following facts:

"Captain Ten Eyck entered the volunteer service as a private, and in 1862 he was commissioned a captain in the Eighteenth United States Infantry. In 1863 he was brevetted major for gallant conduct, and at the battle of Chickamauga he was taken prisoner. On account of illness he was paroled in 1864, and joined his regiment as soon as his health permitted him to do so, serving with it on the Western frontier until 1871, when he was dropped from the rolls under the provisions of the act of July 15, 1870. In this latter year, while on sick leave and a confirmed invalid on account of diseases contracted in the line of duty, he was ordered before a medical board for examination, with a view to his retirement. This board, composed of two Army surgeons, while admitting the chronic character of the diseases from which Major Ten Eyck was suffering, reported him, in their opinion, as "not incapacitated for active service." But certificates from many prominent physicians, who had known and attended Major Ten Eyck for years, show that his diseases were not temporary in 1870, but chronic, and that he was not only not fit for duty then, but has been unfit ever since.

The testimony of these physicians and of other parties who know Major Ten Eyck intimately, given under oath, have brought your committee to the conclusion that the examining board were mistaken in the opinion expressed in his case. Had they pronounced him unfit for active service, he would then have been placed on the retired-list, and it seems but justice to him that this should be now done. His health has gradually grown worse since 1870, and he is now a confirmed invalid. As a general rule your committee have not recommended the restoration to the Army of officers dropped under the operation of the act of 1870, but regarding the case of Major Ten Eyck as an exceptional one, they recommend the passage of the bill for his relief, as amended by the committee.

The affidavits submitted to the committee in reference to the health of Major Ten Eyck are transmitted herewith, to be appended to this report.

1806 MICHIGAN AVENUE, *Chicago, May* 14, 1880.

This is to certify that I, John E. Owens, M. D., a practicing physician in the city of Chicago, Ill., treated at various times during the years 1871, 1872, 1873, 1874, Capt. Tenodor Ten Eyck, of the city of Chicago, Ill., for chronic diarrhea, complicated at one time with scurvy and great general debility, and at other times with rheumatic gout; that said Capt. Tenodor Ten Eyck has been a great sufferer during this time, and that he has, in consequence of said suffering, been unable to perform manual labor.

JNO. E. OWENS, M. D.

Subscribed and sworn to before me this 15th day of May, A. D. 1880.
[SEAL.] JACOB GROSS,
Clerk Circuit Court of Cook County, Illinois.

RAILWAY MAIL SERVICE,
OFFICE OF SUPERINTENDENT SIXTH DIVISION,
Chicago, Ill., May 8, 1882.

This is to certify that I have intimately known Capt. (Battalion Major) Tenodor Ten Eyck, late Eighteenth United States Infantry, since early in 1868, and that I know him now to be, and always during that period to have been, a constant sufferer from chronic diarrhea, hemorrhoids, and inflammatory rheumatism; unfitted for any manual labor whatever. I further certify that at the time he appeared before the retiring board, in 1870, he was an invalid, and had just arisen from a terrible sickness, and was, by his physicians (Drs. Nash and Dyas), considered totally unfitted to make the journey in order to appear before that board.

WM. P. CAMPBELL,
Chief Clerk Railway Mail Service, Sixth Division.

Subscribed and sworn to before me this 8th day of May, A. D. 1882.
[SEAL.] FRED. MEYER, *Notary Public.*

STATE OF ILLINOIS,
County of Cook, ss:

On this 15th day of May, 1880, personally appeared before me, a clerk of the superior court in and for the county and State above written, William P. Campbell, who, being duly sworn, deposes and says: That he is chief clerk of the Railway Mail Service at Chicago, Ill.; that he has been personally and very intimately acquainted with Tenodor Ten Eyck, of said city of Chicago and State of Illinois, and late a captain in the Eighteenth Regiment of United States Infantry, since the year 1868, and that said Tenodor Ten Eyck has, during all of this time, been and still is a constant sufferer from chronic diarrhea and hemorrhoids, complicated at times with rheumatism, and that said Tenodor Ten Eyck has been during all of this time, and still is, unfitted for manual labor by reason of these infirmities. He further deposes and says that, while said Tenodor Ten Eyck has during a portion of this period of sickness not been under direct and personal medical supervision, he, the said Tenodor Ten Eyck, has been obliged to continuously take medicines previously prescribed for said ailments.

Affiant further states that he has no interest, directly or indirectly, in the prosecution of claim for pension on the part of said Tenodor Ten Eyck.

WM. P. CAMPBELL.

Sworn to and subscribed before me this 15th day of May, 1880, and I hereby certify that affiant is personally known to me; that he is of good moral character, a man of truth and veracity, and that I have no interest, direct or indirect, in the prosecution of this claim for pension on the part of Tenodor Ten Eyck.
[SEAL.] JOHN J. HEALY, *Clerk.*

STATE OF ILLINOIS,
County of Cook, ss:

E. R. P. Shurley, being first duly sworn, on oath deposes and says that he was lieutenant in the Twenty-seventh United States Infantry, Second Battalion, formerly Eighteenth United States Infantry; that he is acquainted with and personally knows Capt. Tenodor Ten Eyck, late of the Eighteenth United States Infantry; that in the month of July, A. D. 1867, he relieved Captain Ten Eyck of his command at Fort Phil. Kearny, Wyo., who was then suffering from diarrhea and quite ill; that afterward, in the fall of said year, this deponent saw Captain Ten Eyck at Fort Fetterman, Wyo., and that at that time he was so prostrated with said disease that he was compelled to come East on sick leave for medical treatment; that this deponent has resided in the city of Chicago and State of Illinois since the year A. D. 1870, and up to the present time continuously; that during said period he has been on intimate terms with said Captain Ten Eyck, and knows the condition of his health, as he saw him nearly every two or three days, and that during all of said time said Captain Ten Eyck has suffered continuously with severe chronic diarrhea, as this deponent was informed and believes from his appearance and illness, and has been incapacitated from all exertion, and been disabled from obtaining his subsistence by manual labor by reason of said disease. And this deponent further says that he has no interest, direct or indirect, in the prosecution of his claim for pension.

E. R. P. SHURLEY,
Bvt. Capt. and First Lieut., U. S. A.

Subscribed and sworn to before me this 10th day of February, A. D. 1879.
[SEAL.] LAFAYETTE L. JONES,
Notary Public.

Since the year 1868, when first I prescribed for Major Ten Eyck, I have repeatedly been called on to prescribe for him. He has suffered from chronic diarrhea, hemorrhoids, and chronic rheumatism, with few intermissions of the latter, but continuously from the two former. I have, since I first knew him, considered him a man of shattered constitution, and unable to perform efficiently any duty requiring even an inconsiderable application of physical power.

W. GODFREY DYAS,
Fellow of the Royal College of Surgeons, Ireland.

May 13, 1880.

Subscribed and sworn to before me this 13th day of May, A. D. 1880.
[SEAL.] JOHN J. HEALY, *Clerk.*

I certify that I have been acquainted since 1868 with Maj. T. Ten Eyck. He was then suffering from chronic diarrhea and hemorrhoids. He was under my professional care for three years after that year. I considered him then, and since, as a man of shattered constitution. In addition to other affections, he has been laid up with chronic rheumatism, the result of previous hardships and privations.

W. GODFREY DYAS, M. D.,
Fellow of the Royal College of Surgeons, Dublin.

CHICAGO, *May* 3, 1882.

STATE OF ILLINOIS,
County of Cook, ss:

John H. Hollister, being first duly sworn, deposes and says, that he is a physician and surgeon, practicing in the city of Chicago and State of Illinois; that he professionally attended Capt. Tenodor Ten Eyck in the years 1877 and 1878, and that at the present time said Captain Ten Eyck is under his professional care, and that he was then, and now is, prostrated from the effects of severe diarrhœa, which has continued in a chronic form, alternating with hemorrhoids, and wholly incapacitating him from all exertion, and disabling him from attending to any business; and that I have no interest, direct or indirect, in the prosecution of this claim for pension.

JOHN H. HOLLISTER, M. D.

Subscribed and sworn to before me this 10th day of February, A. D. 1879.
[SEAL.] LAFAYETTE L. JONES,
Notary Public.

STATE OF ILLINOIS,
County of Cook, ss:

W. Godfrey Dyas, being first duly sworn, deposes and says, that he is a physician and surgeon, practicing in the city of Chicago and State of Illinois; that he professionally attended Maj. T. Ten Eyck from the month of August, A. D. 1868, up to September, A. D. 1870; that during all of said period said Maj. T. Ten Eyck was prostrated from the effects of severe diarrhœa, which continued in a chronic form, alternating with hemorrhoids, and incapacitating him from all exertion; and that I have no interest in his application for a pension.

W. GODFREY DYAS, M. D.

Subscribed and sworn to before me this 10th day of February, A. D. 1879.
[SEAL.] HENRY B. MASON,
Notary Public.

This certifies that I, the undersigned, am a practicing physician in the city of Chicago, and that I have personally known Tenodor Ten Eyck, formerly a captain in the Eighteenth United States Infantry, since October 11, 1872; that I have seen him frequently during that time, and know his health to be so seriously impaired from rheumatism and chronic diarrhœa as to unfit him during a great part of the time for the performance of manual labor.

Witness my hand this 13th day of May, A. D. 1880.

A. REEVES JACKSON.

STATE OF ILLINOIS,
County of Cook, ss:

Subscribed and sworn to before me this 13th day of May, A. D. 1880.

E. P. C. KLOKKE,
Clerk of the County Court of Cook County, Illinois.

STATE OF ILLINOIS,
County of Cook, ss:

On this 17th day of May, 1880, personally appeared before me, a clerk of the superior court in and for the county and State above written, Tenodor Ten Eyke, who, being duly sworn, deposes and says: That he is the identical person whose claim for pension is now before the Department of Pensions at Washington, D. C., numbered 268320. He further deposes and says that from and since his release as a prisoner of war (being at the time a captain in the Eighteenth Regiment of United States Infantry), to and including the date afore written, he has been and is a constant sufferer from chronic diarrhœa and hemorrhoids; that since the date of his discharge from the Army he has been and continues to be unfitted for manual labor by reason of these disorders, complicated at times by rheumatism. He further deposes and says that, while it has not been necessary or convenient for him at all times to have personal medical attendance, he has, since the date of his discharge from the Army (being January 1, 1871), been compelled constantly and continuously to use medicines prescribed at different periods to check and restrain said diarrhœa.

TENODOR TEN EYCK.

Sworn to and subscribed before me this 17th day of May, 1880; and I hereby certify that I have no interest, directly or indirectly, in the prosecution of this claim.

[SEAL.] JOHN J. HRALY, *Clerk.*

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

ALICE C. UNDERWOOD.

Mr. HOAR. I ask unanimous consent to take up Order of Business No. 2, being the resolution to pay Alice C. Underwood.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read the resolution, reported by Mr. CHACE from the Committee to Audit and Control the Contingent Expenses of the Senate March 19, 1885, as follows:

Resolved, That there be allowed and paid, out of the contingent fund of the Senate, to Alice C. Underwood, executrix of the last will and testament of Maria G. Underwood, administratrix of John C. Underwood, deceased, the sum of $5,000, in full compensation for the time and expenses of the said John C. Underwood in prosecuting his claim to a seat in the Senate as a Senator from the State of Virginia.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolution.

The resolution was agreed to.

ROCHESTER PUBLIC BUILDING.

Mr. MILLER. I ask unanimous consent to call up the bill (H. R. 5549) limiting the cost of the erection of a public building at Rochester, N. Y.

Mr. CULLOM. With the understanding that it will be withdrawn if it leads to debate I have no objection.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill. It increases the amount heretofore fixed as the limit of cost for the erection of a public building by the United States Government at Rochester, N. Y., to $500,000.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISS ROSA WALLACE.

Mr. JONES, of Arkansas. I ask unanimous consent to call up the bill (S. 1805) for the relief of Miss Rosa Wallace. It is a local matter, and the bill was reported unanimously by the Committee on Post-Offices and Post-Roads.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. JONES, of Arkansas. I move to strike out all after the enacting clause, and to insert:

That the Postmaster-General be, and he is hereby, authorized, in his discretion, to credit the accounts of Miss Rosa Wallace, postmaster at Washington, Ark., with the sum of $381, which sum was lost by robbery of the mails at or near Hope, Ark., on or about November 30, 1884.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES G. MARTIN.

Mr. VANCE. I ask unanimous consent to take up the bill (S. 1533) for the relief of James G. Martin, late captain and assistant quartermaster and assistant commissary of subsistence, United States Army, and his heirs and legal representatives.

No objection was made.

Mr. VANCE. I understand that a House bill, of which this is a precise copy, has been passed by that body. I move to substitute the House bill for the Senate bill.

The PRESIDENT *pro tempore*. What is the number of the House bill?

Mr. VANCE. I have not the number before me, but it is *verbatim* with the Senate bill.

The PRESIDENT *pro tempore*. The Chair can not proceed without the bill. The bill is not on the Calendar, but is still in the Committee on Military Affairs.

Mr. VANCE. Very well; then I will let it go; I prefer to have the House bill passed.

INDIAN LANDS IN COLORADO.

Mr. TELLER. I ask unanimous consent to take up the bill (S. 770) relating to the lands in Colorado lately occupied by the Uncompahgre and White River Ute Indians.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that actual and *bona fide* settlers on lands subject to pre-emption under existing laws within the late Uncompahgre and White River Ute Indian reservation, in Colorado, who have previously taken land under the pre-emption laws, may take an additional 160 acres, by paying therefor $1.25 per acre, at any time after a *bona fide* residence on the land of two years, and within thirty-three months after filing declaratory statement therefor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

METHODIST PROTESTANT FOREIGN MISSIONS BOARD.

Mr. BROWN. I ask the Senate to proceed to the consideration of Senate bill 1008, which has been unanimously recommended by the Committee on the District of Columbia. There will not be any discussion on the bill. It will take but a moment to pass it.

Mr. CULLOM. I do not know that it is necessary for me to state every time that I am yielding with the understanding that the consideration of these bills does not interfere with the unfinished business, which is the interstate commerce bill, and that there is to be no discussion on the bills which are called up in this way.

Mr. BROWN. I will withdraw the bill if it leads to any discussion. I ask unanimous consent to proceed to the consideration of the bill (S. 1008) to empower the board of foreign missions of the Methodist Protestant Church to hold property in the District of Columbia.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause and to insert:

That the Board of Foreign Missions of the Methodist Protestant Church, which is incorporated by the laws of Pennsylvania, is hereby empowered to hold real and personal property in the District of Columbia, acquired, or that shall be acquired, by gift, devise, or bequest, and the same enjoy, rent, or convey at pleasure as freely as any person or body corporate can do: *Provided*, That the net incomes of the property to be held by said company shall not exceed $20,000 per annum.

Mr. HOAR. I think there should be a limitation on the amount of property as a permanent policy in dealing with such corporations. It is the policy in all the States. It should not exceed the amount of $150,000 or $250,000.

Mr. BROWN. Not to exceed $20,000 is the provision of the bill.

Mr. HOAR. That is the income.

Mr. BROWN. Almost all the other Churches have more.

Mr. HOAR. I move to amend the bill by inserting that the value of the property shall not exceed at any one time $250,000.

Mr. BROWN. I make no objection to that amendment. It can be considered hereafter if it is necessary to make any change.

The PRESIDENT *pro tempore*. The Senator from Massachusetts will repeat his amendment.

Mr. HOAR. I move to add at the end of the bill:

And that the value of the property so held shall not exceed at any one time the sum of $250,000.

Mr. BROWN. I do not object to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

SPRINGFIELD PORT OF DELIVERY.

Mr. DAWES. I ask unanimous consent to take up the bill (S. 1397) to establish a port of delivery at Springfield, in the State of Massachusetts. It is a unanimous report from the Committee on Commerce, and the bill is recommended by the Secretary of the Treasury.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES F. BOWERS.

Mr. SEWELL. I ask unanimous consent to take up the bill (S. 224) for the relief of Charles F. Bowers.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill. The preamble recites that about the 9th of August, 1862, Charles F. Bowers, then first lieutenant and regimental quartermaster of the Eighth Regiment New Jersey Volunteers, received from George H. Weeks, then captain and assistant quartermaster of United States volunteers, $230, being funds of the United States belonging to the Quartermaster Department of the Army, and was unable technically to "account" for the same as required by the rules of the Treasury Department, because of the loss and destruction of his official books and papers during the campaign of 1862 under General John Pope, and that it appears by the evidence on file in the Third Auditor's Office of the Treasury Department that the money was nevertheless actually and lawfully disbursed by Bowers in the execution of the duties of his office, though unable to furnish formal vouchers therefor because of the loss and destruction of his books and papers. The bill directs the accounting officers of the Treasury to allow a credit for $230 to Bowers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

BRIDGES IN OREGON.

Mr. MITCHELL, of Oregon. I ask the unanimous consent of the Senate to proceed to the consideration of the bill (H. R. 4670) granting to the county of Clatsop, in the State of Oregon, the right to construct a bridge across Young's Bay, a navigable stream in the said county and State. It is a local matter.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, line 3, after the word "Oregon," to strike out the words "and its court and duly authorized officers and agents, in the name of said county and under the authority of said court are" and to insert "is," and in line 7, after the word "State," to insert "at such point as said county may select and may be approved by the Secretary of War;" so as to read:

That the county of Clatsop, in the State of Oregon, is hereby authorized and empowered to construct a bridge across Young's Bay, a navigable stream in said county and State, at such point as said county may select and may be approved by the Secretary of War, with such channel-spans, draws, safeguards, and auxiliary works as shall cause the bridge not unduly to obstruct or injure the navigation of the waters crossed by it.

The amendment was agreed to.

The next amendment was, in section 1, line 13, after the word "prescribe," to insert:

And also to construct, establish, and maintain a bridge across Skipanon Creek, in the county of Clatsop, in the State of Oregon, by permanent embankment or otherwise, as the Secretary of War may approve.

The amendment was agreed to.

The next amendment was, in section 1, line 21, to strike out the word "bridge" and insert "bridges."

The amendment was agreed to.

The next amendment was, in section 2, line 11, after the word "said," to strike out "bridge" and insert "bridges;" in line 12, after the word "said," to strike out "bridge" and insert "bridges;" in line 14, after the word "bay," to insert "and Young's Creek;" so as to read:

And the United States shall have the right of way for a telegraph across said bridges; the said bridges to be built and located under and subject to such regulations for the security of navigation on said bay and creek as the Secretary of War shall prescribe.

The amendment was agreed to.

The next amendment was, in section 2, line 18, after the word "bridge," to insert "across Young's Bay."

The amendment was agreed to.

The next amendment was, in section 2, line 30, after the word "floats," to insert "also showing the Skipanon Creek to the head of usual navigation."

The amendment was agreed to.

The next amendment was, in section 3, line 4, after the word "bay," to insert "and said creek;" in line 4, after the word "said," to strike out "bridge" and insert "bridges;" in line 5, before the word "accessory," to strike out the word "its," and after the word "said," in the same line, to strike out "bridge" and insert "bridges;" and in line 7, after the word "said," to strike out "bridge" and insert "bridges;" so as to read:

That Congress shall have power, at any time, to alter or amend this act so as to prevent or remove all material and substantial obstructions to the navigation of said bay and said creek by the construction of said bridges and accessory works; and the expense of altering said bridges or removing such obstructions shall be borne by the owner of said bridges.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN A. MORRIS.

Mr. COLQUITT. I ask unanimous consent to take up the bill (H. R. 274) for the relief of John A. Morris.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to John A. Morris $117.10, that being the amount of a draft issued by the Third Assistant Postmaster-General, which has not been paid, and which draft is now held by Morris.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGE IN VERMONT.

Mr. HOAR. I ask to take up Senate bill 929, Order of Business No. 123.

Mr. VAN WYCK. Let me suggest to the Senator from Massachusetts that there are others who desire to present bills for consideration if he will pause a moment until we get around and each one has a chance. The Senator has already been in on this Calendar.

Mr. HOAR. The other was not a bill but a resolution. However, I will yield.

Mr. VAN WYCK. No; I do not object. Proceed.

Mr. HOAR. It is fair that I should yield. I will yield to the Senator from Vermont [Mr. MORRILL].

Mr. MORRILL. I ask unanimous consent to take up the bill (S. 63) to authorize the construction of a highway bridge across that part of the waters of Lake Champlain lying between the towns of North Hero and Alburg, in the State of Vermont. There is no amendment to the bill and it will take but a moment to dispose of it.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. CROOK.

Mr. GRAY. I ask unanimous consent to take up the bill (S. 100) for the relief of William H. Crook.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Claims with an amendment, in line 6, before the word "thousand," to strike out "six" and insert "four;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William H. Crook, out of any money in the Treasury not otherwise appropriated, the sum of $4,000, as compensation for services as secretary to the President to sign land patents for the fiscal years of 1879, 1880, 1881, and 1882, inclusive, and which services were additional to his regular duties as executive clerk and disbursing agent, the amount being the same as was formerly paid for such service.

The amendment was agreed to.

Mr. COCKRELL. I think we had better have the report read or a statement of the bill made. I think I recollect that old case. It is a case where a man is attempting to draw two salaries.

Mr. GRAY. Does the Senator from Missouri ask for the reading of the report?

Mr. COCKRELL. If it is short let the report be read.

Mr. GRAY. Yes, it is short.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. GRAY January 13:

The Committee on Claims, to whom was referred the bill (S. 100) for the relief of William H. Crook, having considered the same and accompanying papers, submit the following report:

The committee find the facts to be as stated in Senate report No. 144, Forty-

eighth Congress, first session, which said report is hereto annexed and made a part of this report, and is as follows:

"By the act of July 4, 1836 (Revised Statutes, section 450), Congress authorized the President to appoint a secretary with the title of "secretary to the President to sign land patents," at a salary of $1,500 per annum. This officer was continued down to 1878, having no other duty imposed upon him except to sign, in the President's name, the patents issued by the Government on the sales and grants of public lands. Under the act above cited this officer, although in name a secretary to the President, was, in fact, and was recognized by the law as, an officer of the Land Department, and during the greater part at least of the period above stated he occupied a room and desk in the General Land Office, having no duties to perform and no place at the Executive Mansion.

"By act of June 20, 1878 (20 Statutes, page 183), the appropriation for payment of the salary of this officer was omitted, and the President was directed to designate one of his executive clerks to perform the duty of signing land patents.

"Mr. William H. Crook was then, and had been since 1871, an executive clerk, acting as disbursing officer of the Executive Mansion, and also in charge of the reception room. All of these duties he has continued to perform down to the present time. In addition to them he was designated by the President, July 1, 1878, as secretary to sign land patents, and since that time all the patents issued on sales and grants of public lands have passed under his hand.

"The number of patents issued since July 1, 1878, has averaged about forty thousand each year, and has steadily increased. The labor of the secretary in executing same has been very onerous, each patent having two signatures attached, and all having to be checked off and accounted for. On account of his regular duties at the Executive Mansion, Mr. Crook has been compelled to perform most of this extra work of signing patents out of office hours; but, notwithstanding this fact, we are assured that the work has been done more promptly and efficiently than when an officer was charged with the performance of this duty alone. In fact, Mr. Crook has, in addition to the other duties of his position, since July 1, 1878, performed, without compensation in any form, labor for which from 1836 to 1878 the Government paid $1,500 per annum.

"We attach hereto, as exhibits, letters of Hon. J. A. Williamson, late Commissioner of the General Land Office, and Hon. W. K. Rogers, private secretary to President Hayes, both of whom from their official positions were familiar with the labor performed by Mr. Crook, and the time and manner of its execution.

"It seems to your committee that he is in justice and equity entitled to a fair compensation.

"Your committee therefore recommend that the bill be passed with the following amendment, viz: In line 6, strike out the word 'six' and insert in lieu thereof the word 'three.'"

The committee, therefore, adopt said Senate report as the report of this committee, and recommend the passage of the accompanying bill as amended.

WASHINGTON, D. C., *September* 30, 1881.

SIR: Your note of this date is at hand. I fully agree with you that you should have extra compensation for signing land patents. Before this additional duty was assigned to you the President's secretary to sign land patents was allowed $1,500 a year for that service, and I think the service was worth the amount. The responsibility of the position, in addition to the clerical labor, is very considerable, and should be paid for. I think you are fully entitled to extra compensation, and sincerely hope that it may be given you.

Very sincerely, yours,

J. A. WILLIAMSON.

Col. W. H. CROOK,
Executive Mansion, City.

WASHINGTON, D. C., *November* 18, 1881.

DEAR SIR: I entirely agree with you that you should receive extra compensation for signing land patents. During the four years while I was private secretary to the President your regular duties as executive clerk and disbursing officer were sufficient to keep you employed all the time during office hours. The additional service you render in signing land patents was necessarily performed out of office hours, the greater part of it night-work. Upon the omission by Congress (the act of June 30, 1878) of the usual provision for the salary of the secretary of the President to sign land patents, and the requirement that the President should designate one of the executive clerks to discharge the duties of the office, you were selected by President Hayes because of your familiarity with the work, having temporarily filled the position during the illness of the secretary appointed for the purpose by President Grant. It is a laborious and responsible position, and the work was carefully, diligently, and faithfully performed. I earnestly trust Congress will allow you full compensation for the service rendered.

Very truly, yours,

W. H. ROGERS.

W. H. CROOK,
Executive Clerk to the President.

DEPARTMENT OF THE INTERIOR,
Washington, June 26, 1884.

DEAR SIR: It gives me pleasure to say in behalf of Mr. William H. Crook that while in the Senate I had occasion to examine into the merits of his claim for services as secretary to the President to sign land patents, and that I consider it a proper claim and favored it at that time. I think Mr. Crook is justly entitled to the compensation allowed by the bill as it passed the Senate in April last.

Very respectfully,

H. M. TELLER.

Hon. BENTON MCMILLIN,
Chairman of the Committee on Claims, House of Representatives.

Mr. COCKRELL. It seems impossible for Congress to prevent certain parties in Washington from drawing two salaries. Here was a clerk in the executive office drawing a certain salary. It was thought that there was no necessity for that office and for that salary to be paid, and that the clerks at the Executive Mansion could perform the duty. The office was discontinued and no appropriation was made for it——

Mr. CULLOM. I believe the understanding was that there should be no discussion on bills called up.

Mr. COCKRELL. I will only take two minutes.

The PRESIDENT *pro tempore*. There being objection, the bill will go over.

Mr. COCKRELL. I must object to it then.

Mr. GRAY. I am very sorry. If the Senator will withhold his objection I think in a single word I can remove it.

Mr. COCKRELL. I will state to the Senator that this is an old resident with the Committee on Claims. We have had it here for ten years, and it has been reported adversely.

Mr. GRAY. You could not have had it here for ten years.

Mr. COCKRELL. Well, we have had it here for eight years.

Mr. GRAY. No, sir, not for eight years.

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. COCKRELL. It has been reported adversely by the Committee on Claims and defeated.

Mr. GRAY. It was reported favorably.

Mr. CONGER. I think it was never reported adversely.

Mr. GRAY. Never, sir.

Mr. CONGER. But it was reported favorably and passed the Senate. I must correct the Senator from Missouri.

The PRESIDENT *pro tempore*. There being objection, the bill must go over.

TAXATION OF RAILROAD-GRANT LANDS.

Mr. VAN WYCK. I ask unanimous consent to put on its passage the bill (S. 1812) to provide for taxation of railroad-grant lands, and for other purposes.

The PRESIDENT *pro tempore*. If there be no objection, the bill will be read for information.

Mr. BLAIR. I object to the disposition of the bill without debate. It is a very important bill, and it can not be disposed of under the terms under which bills are taken up at the present time, as I understand. The Senator from Nebraska certainly can not expect that this bill, which relates to the taxation of all lands held by land-grant railroads, is to pass without discussion.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. BLAIR. I object.

The PRESIDENT *pro tempore*. Objection is made.

Mr. VAN WYCK. I give notice that to-morrow after the routine morning business I shall move that the Senate proceed to the consideration of the bill.

CAPT. ANDREW W. JOHNSON.

Mr. MCPHERSON. I ask unanimous consent to call up the bill (S 747) for the relief of Capt. Andrew W. Johnson.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Naval Affairs with an amendment, to strike out all after the enacting clause and insert:

That the President of the United States be, and he is hereby, authorized to appoint Andrew W. Johnson, now a captain on the retired-list of the Navy, by and with the advice and consent of the Senate, a commodore upon the retired-list of the Navy from the date of his retirement as a captain.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALBERT H. EMERY.

Mr. HOAR. I now ask unanimous consent to call up the bill (S. 929) for the relief of Albert H. Emery.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Albert H. Emery, of Stamford, Conn., in full settlement of all claims, legal or equitable, which he has in any way against the United States on account of the cost of, and the time spent by him, and use of all patents and inventions in designing and constructing the testing-machine built and erected by him for the United States, or otherwise, in any way, on account of the machine, $200,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOMESTEAD SETTLERS WITHIN RAILWAY LIMITS.

Mr. BERRY. I ask consent of the Senate to proceed to the consideration of House bill No. 129.

By unanimous consent the bill (H. R. 129) to protect homestead settlers within railway limits, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, in line 12, after the word "cultivation," to strike out "and in all such entries patents shall issue as soon as reported to and approved by the General Land Commissioner;" so as to read:

That all homestead settlers on public lands within the railway limits restricted to less than 160 acres of land, who have heretofore made or may hereafter make the additional entry allowed either by the act approved March 3, 1879, or the act approved July 1, 1879, after having made final proof of settlement and cultivation under the original entry, shall be entitled to have the lands covered by the additional entry patented without any further cost or proof of settlement and cultivation.

The amendment was agreed to.

The next amendment was to strike out section 2, in the following words:

SEC. 2. That all laws or parts of laws inconsistent with this act be, and the same are hereby, repealed; and this act shall take effect from and after its passage.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

JAMES G. MARTIN.

Mr. VANCE. I ask the Senate now to take up Order of Business 211.

Mr. CULLOM. I think I have been yielding now long enough, and I give notice that after the bill of the Senator from North Carolina is disposed of, if there is no discussion connected with it, I shall ask for the regular order.

The PRESIDENT *pro tempore*. The Senator from North Carolina asks for the consideration of Order of Business 211, being the bill (S. 1533) for the relief of James G. Martin, late captain and assistant quartermaster and assistant commissary of subsistence, United States Army, and his heirs and legal representatives. Is there objection? The Chair hears none.

Mr. VANCE. I move to substitute the House bill, in charge of the Committee on Military Affairs, which is a precise copy of this.

Mr. COCKRELL. Let the Senator ask that the Committee on Military Affairs be discharged from the further consideration of the House bill and that the House bill be taken up and passed and the Senate bill indefinitely postponed.

The PRESIDENT *pro tempore*. The Chair understands that to be the suggestion of the Senator from North Carolina.

Mr. VANCE. That is what I design.

The PRESIDENT *pro tempore*. It is moved that the Committee on Military Affairs be discharged from the further consideration of the bill (H. R. 5539) for the relief of James G. Martin.

The motion was agreed to; and by unanimous consent the bill was considered as in Committee of the Whole. It proposes to relieve James G. Martin, late captain and assistant quartermaster and assistant commissary of subsistence, United States Army, and his heirs and legal representatives, from liability to the United States on account of any moneys disbursed by Martin as assistant commissary of subsistence; and the proper accounting officers of the Treasury are directed to close the accounts of Martin as assistant commissary of subsistence. The amount for which credit shall be given is not to exceed $325.

Mr. EDMUNDS. Are the House and Senate bills in the same terms?

Mr. COCKRELL. The identical language.

Mr. VANCE. The two bills are in identical language.

Mr. EDMUNDS. Now let the report be read.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. WALTHALL February 16:

The Committee on Military Affairs, to whom was referred a bill for the relief of Hetty Martin, widow of Capt. James G. Martin, deceased, having considered the same, report as follows:

Your committee present the following communication from the honorable Secretary of War:

WAR DEPARTMENT, *Washington City, February 5, 1886.*

SIR: Referring to your letter of the 21st ultimo, requesting to be furnished with any information on file in this Department bearing on Senate bill 560, for the relief of Hetty Martin, widow of Capt. James G. Martin, deceased, late assistant quartermaster, United States Army, I have the honor to inclose copies of the papers submitted to the House Committee on War Claims on the 28th ultimo (in response to a similar inquiry), which, it is believed, will afford the information desired.

Very respectfully, your obedient servant,

WM. C. ENDICOTT,
Secretary of War.

Hon. E. C. WALTHALL,
Of Committee on Military Affairs, U. S. Senate.

The copies of papers referred to are as follows:

WAR DEPARTMENT,
OFFICE COMMISSARY-GENERAL OF SUBSISTENCE,
Washington, D. C., January 23, 1886.

SIR: I have the honor to return herewith the letter dated January 14, 1886, from the Committee on War Claims of the House of Representatives, requesting information relative to a claim for the relief of the estate of the late Capt. James G. Martin, assistant quartermaster, United States Army.

The voucher referred to is supposed to be voucher No. 3, second quarter 1861, abstract of purchases, which voucher appears from the records of this office to have been returned to Maj. J. G. Martin, assistant quartmaster, by letter of June 11, 1861 (copy inclosed), for correction. It appears that the voucher was signed only "Robert Wilson," whereas it should have been signed "Robert Wilson & Co.," as required by regulations.

I have the honor also to inclose a copy of my indorsement of November 3, 1885, referring to the Third Auditor a letter of October 30, 1885, from Mr. J. G. Martin, relating to this matter, in which I recommend that, if practicable, credit be given for the amount of the voucher.

Respectfully, your obedient servant,

R. MACFEELY,
Commissary-General of Subsistence.

The SECRETARY OF WAR.

J. G. Martin, Asheville, N. C., October 30, 1885, in reference to his efforts to obtain for his mother three months' extra pay due his father, late brevet major, United States Army; also to a stoppage of $325 by the Third Auditor.

[First indorsement.]

WAR DEPARTMENT,
OFFICE COMMISSARY-GENERAL OF SUBSISTENCE,
Washington, November 3, 1885.

Respectfully referred to the Third Auditor of the Treasury, remarking that the records of this office show that the voucher No. 3, referred to in the within statement of differences, was returned June 11, 1861, as shown by the accompanying copy of letter of Commissary-General of Subsistence of that date, and they do not show that it has ever been received back.

From the facts stated in the inclosed letter of October 30, 1885, from Mr. J. G. Martin to the Commissary-General of Subsistence, it is regarded as highly probable that the letter of June 11, 1861, never reached the officer.

The corn for which payment was made by the voucher No. 3, second quarter 1861, having been accounted for by the officer, as will be shown by his return of provisions for April, 1861, on file in the Third Auditor's Office, it is recommended that, if practicable under the circumstances, credit be allowed therefor in the settlement of Maj. James G. Martin's accounts as A. C. S.

R. MACFEELY,
Commissary-General of Subsistence.

OFFICE COMMISSARY-GENERAL OF SUBSISTENCE,
Washington, D. C., June 11, 1861.

MAJOR: Inclosed you will receive voucher No. 3, of your abstract of purchases for the second quarter 1861. The purchase was made of "Robert Wilson & Co.," but the voucher was signed only by Robert Wilson. You will please make the necessary correction, and return the paper at your earliest convenience.

Respectfully, your obedient servant,

J. P. TAYLOR.
Commissary-General of Subsistence.

Maj. J. G. MARTIN, *A. Q. M.*,
Fort Riley, Kansas.

On the facts appearing in the foregoing papers your committee are of opinion that the credit provided for in the bill should be given, and they submit herewith an original bill in lieu of the bill under consideration, which they consider preferable for the purpose in view.

Your committee recommend the passage of the new bill.

Mr. EDMUNDS. I am satisfied.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The Senate bill will be indefinitely postponed.

INTERSTATE COMMERCE.

Mr. CONGER. I move that the Senate proceed to the consideration of executive business.

Mr. CULLOM. Before that question is put I desire to make a statement. I have been disposed to yield to the consideration of various bills where there has been no discussion this afternoon in the hope that when the Senate resumes the consideration of the bill in relation to commerce it will be disposed to continue its consideration from day to day until it is acted on. So far as I am advised, I do not believe the consideration of the bill will require very much time, and I hope we may be able to dispose of it to-morrow. I shall ask the Senate to proceed with its consideration at 2 o'clock to-morrow and continue with it until it is disposed of.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business, being the bill (S. 1532) to regulate commerce.

The Senator from Michigan moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-four minutes spent in executive session the doors were reopened, and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April* 21, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

MANUFACTURE OF MILK SUGAR IN SWITZERLAND.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying documents, referred to the Committee on Agriculture, and ordered to be printed:

To the House of Representatives:

I transmit herewith a report of the Secretary of State on the manufacture of milk sugar in Switzerland.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April 20, 1886.*

ADDITIONAL SURGEON-GENERAL, MARINE HOSPITAL.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, recommending that provision be made for an additional surgeon-general of the Marine Hospital Service; which was referred to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

DISCRIMINATION AGAINST DENVER AND NEW ORLEANS RAILROAD.

The SPEAKER also laid before the House a letter from the acting Secretary of the Interior, transmitting, in response to a resolution of the House, a letter from the Commissioner of Railroads, inclosing copies of correspondence and documents relating to discriminations against the Denver and New Orleans Railroad by other land-grant railroads; which was referred to the Committee on Pacific Railroads, and ordered to be printed.

PRIVATE LAND CLAIM, CANADA DE COCHITI.

The SPEAKER also laid before the House a letter from the acting

Secretary of the Interior, transmitting a supplemental report from the surveyor-general of New Mexico upon the private land claim Canada de Cochiti; which was referred to the Committee on Private Land Claims.

PRIVATE LAND CLAIM, SALVADOR GONZALES.

The SPEAKER also laid before the House a letter from the acting Secretary of the Interior, transmitting a supplemental report from the surveyor-general of New Mexico upon the private land claim Salvador Gonzales; which was referred to the Committee on Private Land Claims.

JOHN HEFLEBOWER.

The SPEAKER also laid before the House a letter from the acting clerk of the Court of Claims, transmitting a copy of the order and findings of fact by that court in the case of John Heflebower vs. The United States; which was referred to the Committee on War Claims.

COLUMBIA INSTITUTION FOR THE DEAF AND DUMB.

The SPEAKER also laid before the House the annual report of the president of the Columbia Institution for the Deaf and Dumb; which was referred to the Committee on Appropriations, and ordered to be printed.

EXPLANATION OF A PAIR.

Mr. JOHNSTON, of North Carolina. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. JOHNSTON, of North Carolina. On Monday last I was called out of the Hall to give attention to a matter of public concern in which my constituents were much interested, but before leaving arranged with my friend from Pennsylvania [Mr. SWOPE] to pair with me on the vote on the resolution which was then pending, presented by the Committee on Public Buildings and Grounds, giving that committee a day for a hearing before the House. After making that arrangement I remained in the Hall as long as possible, hoping that a vote would be reached before it was necessary for me to leave. Before a vote was reached, however, I was compelled to leave the Hall, and left under the impression that the pair was arranged and was in force. I find that the pair is not recorded, and I am reported as absent and not voting on that resolution. My friend from Pennsylvania [Mr. SWOPE] is recorded as having voted in the negative. I should have voted in the affirmative. I wish to make this statement in justice to myself.

Mr. SWOPE. I desire to say, Mr. Speaker, that my colleague on the committee from North Carolina had spoken to me in reference to this pair, and I agreed to pair with him in case he was obliged to leave the Hall before the vote was taken. But as the question of his leaving was somewhat uncertain, and, as on looking around several times afterward I saw he was still in the Hall, I naturally concluded, as the pair was conditional, he had not left, and that it was not in force. The matter afterward escaped my attention, and when the roll was called I voted under the impression that Mr. JOHNSTON was here and had voted.

The SPEAKER. The Chair will state that the pair of the gentleman from North Carolina appears to have been made with the gentleman from Kentucky [Mr. TAULBEE] and was to take effect on the 20th. The vote to which he refers was on the 19th.

Mr. JOHNSTON, of North Carolina. Yes, sir; but that pair is on the river and harbor bill. My pair with the gentleman from Pennsylvania was on the other resolution, giving a day to the Committee on Public Buildings and Grounds.

ORDER OF BUSINESS.

Mr. SINGLETON. Mr. Speaker, I ask unanimous consent to take up Senate bill 1851, establishing a commission to report to Congress on manuscripts belonging to the Government, and put the same upon its passage.

This, I will say, is simply a bill which provides for creating a commission to look into and edit the papers which have been bought and which have been donated to the Government from time to time—manuscripts belonging to the Government which have never been edited—and devise some plan by which they may be given to the world, such papers as the Franklin papers, the Rochambeau papers, and others of that kind. It will not involve a dollar of expense.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The Clerk proceeded to read the bill.

Mr. BEACH. Mr. Speaker, that bill I suppose can be called up by the committee in the morning hour.

The SPEAKER. It is a public bill.

Mr. BEACH. Then I think it had better come up in its regular order.

Mr. SINGLETON. I hope the gentleman will not object. It is simply to create this commission and does not involve a dollar of expense.

Mr. BEACH. I desire to have the rules of the House enforced and for that reason I must object.

REGISTRY OF BARGE MICHIGAN.

Mr. TARSNEY. I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 4968) to authorize and direct the registry and enrollment of the barge Michigan, of Alpena, Mich.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized and directed to register and enroll, according to the provisions of title 48 of the Revised Statutes of the United States, the vessel or barge called Michigan, now in process of rebuilding at Alpena, Mich., and to issue to the owners thereof certificates of registry and enrollment, as provided in said title; and that hereafter the said vessel or barge shall be subject to all the provisions of said title.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TARSNEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. CONGER. I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 606) authorizing the removal of the statue of Maj. Gen. John A. Rawlins from its present location to a site to be selected by the Secretary of War, and that it be considered now.

The bill was read.

Mr. BEACH. I suggest that the gentleman can call that bill up for consideration in the second morning hour. I object to its present consideration.

Mr. BROWNE, of Indiana. Why did not the gentleman object to the bill just passed, which was called up on his side of the House?

The SPEAKER. The gentleman from New York objects.

CONSIDERATION OF ELECTORAL-COUNT BILL.

Mr. CALDWELL. I ask unanimous consent to submit for present consideration the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That Tuesday, the 4th of May, 1886 (and from day to day thereafter until disposed of), immediately after the hour for the consideration of bills and resolutions, be set apart for the consideration of Senate bill No. 9, to provide for and regulate the electoral count; not to interfere with revenue or general appropriation bills, the river and harbor bill, nor with prior orders, nor with consideration of reports from the Committee on Public Lands under the special order; and if the consideration of said Senate bill No. 9 be displaced, then the next day not previously set apart shall be devoted to its consideration until the same shall be disposed of, subject to the above-mentioned interferences.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BRAGG. Yes, sir. I object. The only reason I have for objecting is that I have a similar resolution on the Calendar, assigning time for the consideration of bills from the Military Committee.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to Mr. WARD, of Illinois, for four days, on account of important business, and to Mr. HENDERSON, of North Carolina, until Friday next.

GRAIN STATISTICS.

Mr. HATCH. I desire to make a privileged report. I am instructed by the Committee on Agriculture to report back with a favorable recommendation the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Commissioner of Agriculture be, and he is hereby, directed to report to this House at his earliest convenience the amount of wheat and corn now on hand in this country, where they are located, with the probable home requirements of each until September 1, 1886, as compared with amounts on hand and domestic requirements at similar periods during the past five years; the number of acres of winter and spring wheat each, respectively, now in the ground to make the coming crop, as compared with the past five years at date of his report; the amount of wheat and corn each, respectively, likely to be required by each importing country, with the present surplus on hand in each exporting country to supply such requirements until September 1, 1886; the amount of wheat sown in all other countries for this year's crop, with their probable surplus or shortage during the coming year; said report to be confined to the questions asked in this resolution, and all of its statements of amounts given in bushels and acres according to American measurement.

The resolution was adopted.

Mr. HATCH moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EXPENSES OF AGRICULTURAL DEPARTMENT.

Mr. HATCH. I am also instructed by the Committee on Agriculture to report back with a favorable recommendation the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Commissioner of Agriculture be instructed to furnish, for the information of the House, a statement showing what portion of the $51,500 appropriated for the "chemical division" and "laboratory" for the present fiscal year has been expended, and for what purpose, giving a detailed statement of all expenditures, and of the balance on hand.

The resolution was adopted.

Mr. HATCH moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WILLIS. To save time, I ask unanimous consent that gentlemen having reports to present may present them without a formal call of the committees.

There was no objection.

GEORGE W. COUSINS.

Mr. WOLFORD, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 2173) for the relief of George W. Cousins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BUSINESS OF POST-OFFICE COMMITTEE.

Mr. BLOUNT, from the Committee on the Post-Office and Post-Roads, reported a resolution fixing Tuesday and Wednesday, the 1st and 2d days of June, for the consideration of such business as may be reported and called up by the Committee on the Post-Office and Post-Roads; which was referred to the House Calendar.

COLUMBIA SPALDING.

Mr. BRAGG, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 5586) to correct the military record of Columbia Spalding; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

POWDER DEPOT, DOVER, N. J.

Mr. BRAGG, from the Committee on Military Affairs, also reported back with a favorable recommendation the bill (S. 1377) to grant a right of way for railroad purposes through the lands of the United States powder depot near Dover, N. J., to the Morris County Railroad Company; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. BRAGG, from the Committee on Military Affairs, also reported back with adverse recommendations bills and a joint resolution of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 6415) for the relief John Young;

A bill (H. R. 5236) to remove the charge of desertion against Isaac R. Kemp;

A bill (H. R. 5308) to correct the Army record of certain officers;

A bill (H. R. 3023) for the relief of Samuel Burrell;

A bill (H. R. 5859) for the relief of Holman Anderson;

A bill (H. R. 6014) to correct the Army record of certain officers named therein;

A bill (H. R. 6245) to provide for the correction of the military record and pay of Robert Hedian;

A bill (H. R. 1828) for the relief of Charles L. Campbell;

A bill (H. R. 3743) for the relief of Andrew Martin;

A bill (H. R. 5101) to remove the charge of desertion against David A. Green from the records in the Adjutant-General's office;

A bill (H. R. 6341) to remove the charge of desertion against the Army record of Thomas Douglass;

A bill (H. R. 5609) for the relief of David H. Thompson;

A bill (H. R. 5526) for the relief of James K. Kennedy;

A bill (H. R. 6342) to remove the charge of desertion from the Army record of Andrew Kelly;

Joint resolution (H. Res. 122) to authorize the erection of a rostrum in the national cemetery near Memphis, Tenn.;

A bill (H. R. 5758) to remove the charge of desertion from the record of Alonzo Lake;

A bill (H. R. 6264) to correct an officer's record;

A bill (H. R. 3939) for the relief of Samuel T. Evey;

A bill (H. R. 5300) for the relief of I. C. Heath; and

A bill (H. R. 6195) for the relief of Isaac M. Shepherd.

ORDER OF BUSINESS.

Mr. BOUTELLE. Mr. Speaker, I am directed by the Committee on Naval Affairs to report the bill which I send to the Clerk's desk and ask its present consideration.

The SPEAKER. That can not be done during this hour. If the gentleman desires to have immediate consideration of the bill he must report it at some other time.

JURISDICTION OF UNITED STATES COURTS IN PATENT CASES.

Mr. TOWNSHEND, from the Committee on Patents, reported back with a favorable recommendation the bill (H. R. 4458) to limit the jurisdiction of United States courts in patent cases, and to protect persons who, without notice, are *bona fide* manufacturers, purchasers, venders, and users of articles, machines, machinery, and other things for the exclusive use, manufacture, or sale of which a patent has been or may hereafter be granted; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

STATE UNIVERSITY, CALIFORNIA.

Mr. FORAN, from the Committee on the Public Lands, reported back with amendments the bill (H. R. 3220) for the relief of the State University of California; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

D. O. ADKINSON.

Mr. McKENNA, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 1452) for the relief of D. O. Adkinson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HEIRS OF HENRY LEEF.

Mr. McKENNA, from the Committee on Claims, also reported back with a favorable recommendation the bill (H. R. 1069) for the relief of the heirs of Henry Leef, deceased, owner of the bark Mary Teresa, illegally seized by Alexander H. Tyler at Bahia, Brazil; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REMOVAL OF CHARGE OF DESERTION.

Mr. BOUTELLE. Mr. Speaker, I ask unanimous consent to present a report from the Committee on Naval Affairs for present consideration.

The SPEAKER. The report will be read, after which the Chair will ask for objections.

Mr. BOUTELLE, from the Committee on Naval Affairs, reported, in lieu of the bills hereinafter indicated, a bill (H. R. 1017) to relieve certain appointed or enlisted men of the Navy or Marine Corps from the charge of desertion.

Mr. BOUTELLE. Mr. Speaker, this bill is one which I have no idea will excite the slightest discussion. It is a measure which was favorably reported in the last Congress, and the object of which was on several occasions supposed to have been accomplished by an amendment to a bill providing for the removal of charges of desertion affecting soldiers of the United States. The object of this bill and its entire scope is to apply to appointed and enlisted men of the Navy and Marine Corps precisely the provisions and conditions of the act of July 5, 1884, as applied to the soldiers of the United States. The measure has been considered by the Naval Committee and reported by that committee unanimously. It has the approval of the Navy Department, and in the report accompanying the bill is embodied the letter of the Judge-Advocate-General, who was consulted on the subject, and in accordance with whose suggestions the bill has been framed. It simply applies to the appointed and enlisted men of the Navy and the Marine Corps the familiar provisions of the act of July 5, 1884, providing for relief from charges of desertion in certain instances.

Mr. BEACH. I think this bill had better take the usual course.

Mr. BOUTELLE. I suggest to the gentleman from New York [Mr. BEACH] that the principle of this measure as affecting soldiers has been thoroughly debated, and the only possible question involved here is as to the propriety of extending to the Navy the same relief which has already been extended to the Army.

Mr. HAMMOND. I demand the regular order.

The SPEAKER. The gentleman from Maine [Mr. BOUTELLE] has the right to report the bill for reference to the Calendar but not for consideration. The bill will be considered as read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed. There appear to be many other bills reported along with this.

Mr. BOUTELLE. The bill which I have presented is reported as a substitute for a number of private relief bills relating to cases which are covered by the provisions of the general bill.

The SPEAKER. The bill already reported is then in lieu of these various other bills, which, if there be no objection, will be laid on the table.

There being no objection, bills and petitions of the following titles were laid on the table:

A bill (H. R. 764) to relieve certain sailors from the charge of desertion;

A bill (H. R. 1498) extending the provisions and benefits of the act approved August 7, 1862, entitled "An act to relieve certain soldiers of the late war of the charge of desertion," to certain naval recruits serving in the said war;

A bill (H. R. 1916) to remove the charge of desertion from the naval record of Owen McCaffrey;

A bill (H. R. 1917) to remove the charge of desertion from the naval record of John Murtuck;

A bill (H. R. 2770) for the relief of Andrew Barton;

A bill (H. R. 2786) to remove the charge of desertion which now stands against the name of Thomas Cummings;

A bill (H. R. 3127) to remove the charge of desertion and to correct the naval record of John J. Card, erroneously enrolled as John Carder;

A bill (H. R. 3449) to remove the charge of desertion against William P. Farmer, late of the United States Navy;

A bill (H. R. 3450) to remove the charge of desertion from the record of Dennis B. Munsey, late of the United States Navy;

A bill (H. R. 4602) to amend an act to relieve certain soldiers from the charge of desertion;

A bill (H. R. 6365) to remove the mark of desertion against the naval record of Edward Allen Morehouse;

A bill (H. R. 7720) for the relief of George P. Haven;

A petition of Josiah Wardwell, for removal of mark of desertion of Hiram F. Wardwell from the United States steamship Shenandoah; and

A petition of Andrew H. Barton, praying for the removal of the charge of desertion standing against him on the records of the Navy Department.

PUBLIC BUILDING IN PATERSON, N. J.

Mr. BROWN, of Pennsylvania, from the Committee on Public Buildings and Grounds, reported back with amendment the bill (H. R. 1483) for the erection of a public building in Paterson, N. J.; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

PENSIONS FOR PRISONERS OF WAR.

Mr. MORRILL, from the Committee on Invalid Pensions, reported, as a substitute for H. R. 641, a bill (H. R. 8098) for pensioning prisoners of war who were confined in confederate military prisons during the late war; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill No. 641 was, by unanimous consent, laid on the table.

MONUMENT TO GENERAL DANIEL MORGAN.

Mr. SINGLETON, from the Committee on the Library, reported back with amendment the bill (H. R. 2528) to preserve the grave of General Daniel Morgan and erect a monument over the same; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

JOHN M. M'CLINTOCK.

Mr. SHAW, from the Committee on Claims, reported back favorably the bill (S. 936) for the relief of John M. McClintock; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

PUBLIC BUILDING AT MONTPELIER, VT.

Mr. WILKINS, from the Committee on Public Buildings and Grounds, reported back favorably the bill (S. 1360) to change the limit of appropriation for the public building at Montpelier, Vt.; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

JAMES R. CARTER.

Mr. TRIGG, from the Committee on Claims, reported a bill (H. R. 8099) for the relief of James R. Carter; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REBECCA REESE M'KEE.

Mr. THOMPSON, from the Committee on Pensions, reported back with amendment the bill (H. R. 6323) granting a pension to Rebecca Reese McKee; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MEDIATION BETWEEN FRANCE AND CHINA.

Mr. WORTHINGTON, from the Committee on Foreign Affairs, reported back the following resolution with the recommendation that it be adopted.

The Clerk read as follows:

Resolved, That the Secretary of State be instructed to transmit, if not incompatible with the public interests, to the House of Representatives copies of all documents and correspondence between the State Department and the representatives of the Chinese, French, and American Governments with the State Department, and especially all dispatches, letters, or other communications passing between the representatives of said governments where the said correspondence relates to the good offices exerted by the United States to bring about an amicable arrangement of the questions lately in dispute between the Republic of France and the Empire of China, or relates to any other good offices or things done under that section of the treaty of peace, amity, and commerce between the United States of America and China, concluded June 18, 1858, which provides that "they shall not insult or oppress each other for any trifling cause, so as to produce any estrangement between them, and if any other nation should act unjustly or oppressively, the United States will exert their good offices, on being informed of the case, to bring about an amicable arrangement of the question, thus showing their friendly feelings."

The resolution was adopted.

Mr. WORTHINGTON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The hour for the consideration of bills begins thirteen minutes before 1 o'clock, and the call rests with the Committee on Appropriations. The first business in order is the bill (H. R. 7645) for the relief of the sufferers by the overflow of the rivers in Alabama, and the pending question is on the motion of the gentleman from Alabama [Mr. FORNEY] that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill.

On this question tellers were ordered, as no quorum had voted. The tellers, Mr. FORNEY and Mr. BRECKINRIDGE, of Arkansas, will resume their places.

A MEMBER. Mr. BRECKINRIDGE, of Arkansas, is not present.

The Speaker appointed Mr. BEACH in place of Mr. BRECKINRIDGE, of Arkansas.

Mr. BEACH. In order to save time I will withdraw the point of no quorum.

Several MEMBERS. The point of no quorum was made by the gentleman from Arkansas.

Mr. SPRINGER. I will withdraw the point of no quorum.

The SPEAKER. Unless the point of no quorum is insisted upon the vote will be announced.

Mr. BRECKINRIDGE, of Arkansas. It is insisted upon.

The House divided; and the tellers reported—ayes 119, noes 44.

The SPEAKER. Exactly a quorum.

So the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House resumes the consideration of the bill (H. R. 7645) for the relief of the sufferers by the overflow of the rivers in Alabama, on which the gentleman from Alabama [Mr. FORNEY] is entitled to the floor for twenty-three minutes.

Mr. FORNEY. I will yield five minutes of my time to the gentleman from Illinois [Mr. CANNON].

Mr. OATES. The gentleman has controlled all the time so far on this bill in this House. No one has been recognized in opposition to it.

Mr. FORNEY. The opponents of this bill took up a half an hour yesterday by opposing the House going into committee to resume its consideration.

Mr. OATES. Ah! but not in debate.

Mr. FORNEY. I insist upon the regular order. I have yielded five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. OATES. I insist that the time be equally divided between the two sides.

The CHAIRMAN. The gentleman who reported the bill was entitled to an hour, and of that hour twenty-three minutes still remain.

Mr. OATES. He occupied that time on Saturday last.

Mr. FORNEY. I insist upon the regular order. I propose, after the gentleman from Illinois has been heard, to yield to the gentleman from New York [Mr. BEACH].

Mr. CANNON. I believe I am entitled to the floor.

The CHAIRMAN. To whom did the gentleman from Alabama yield?

Mr. FORNEY. I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Chairman, on the 7th day of April this bill was reported by the gentleman from Alabama [Mr. FORNEY]. It provides for an appropriation of $150,000, or so much thereof as may be necessary, to be expended by the Secretary of War for subsistence stores to such destitute persons as require assistance in the districts recently overflowed by the rivers of Alabama; the object being to give rations to those destitute persons, and those only, who were suffering for food, starving, and could not be relieved in any other way. At the time this bill was reported two weeks ago the committee ascertained from a part of the delegation from Alabama, from telegrams from relief committees and from mayors of cities and eminent citizens of Alabama, that the floods, especially in the Alabama rivers, were more severe than ever known, and extended for hundreds of miles in their destructive course; that many people had been drowned, thousands of people had lost their homes and all their property, unable to get food, unable even to escape the floods. Most of these suffering people were negroes. True, their worldly possessions did not amount to much, but all they had was destroyed, and they were starving. The committee was also informed that the governor of Alabama, from constitutional scruples or otherwise, was slow to make an appeal to Congress for relief. Finally, on the 5th day of April, the gentleman from Alabama [Mr. FORNEY] sent the following telegram to the governor of the State:

[Copy of telegram to governor of Alabama.]

WASHINGTON, D. C., *April* 5, 1886.

Gov. A. E. O'NEIL,
Montgomery, Ala.:

Does the situation in Alabama require relief for the people injured by the flood which the State can not furnish?

What is needed—rations or money; at what points and what quantities?

Will the State undertake to distribute if Congress grants relief?

I telegraph by direction of the delegation.

WM. H. FORNEY.

On the next day he received from the governor the following reply:

MONTGOMERY, ALA., *April* 6, 1886.

Hon. WILLIAM H. FORNEY,
House of Representatives:

There is distress and destitution in all the river counties of the State. The State can not give relief without a special session of the Legislature, which can not be had in time to meet the emergency. If Congress makes an appropriation let it be in money, and if thought best I will undertake its distribution. As at present advised, my opinion is that $150,000 will be sufficient.

A. E. O'NEIL, *Governor.*

Two weeks ago the bill was reported. Unanimous consent was asked to consider it at once. Objection was made. Subsequently the power under the Constitution to make the appropriation was discussed and every parliamentary obstruction was offered to the consideration of the bill. We may expound the Constitution, and gentlemen may resort to parliamentary obstruction, but the floods pay no attention to us; and in the mean time those unfortunate people were starving. I understand from the statement of some of the members from Alabama that the floods have somewhat subsided and that the immediate pressing necessity for this appropriation, so far as food is concerned, has passed; that those who could not get relief have starved and survived or starved and died. There was no intention upon the part of the Committee on Appropriations to recommend anything but immediate relief by furnishing food for those who could get it in no other way. This bill in a few minutes will go to its tomb on the Calendar of unfinished business.

Mr. Chairman, how different was the action of the last Congress touching the floods of the Ohio River two years ago! We appropriated then $500,000 for the relief of the flood sufferers. The citizens of the great States of Pennsylvania, West Virginia, Ohio, Kentucky, and Indiana were relieved by that appropriation. Sir, I have no hesitation in saying if you take into consideration the condition of the flood sufferers of the Ohio as compared with the condition of the flood sufferers in Alabama that there was greater need of relief in the latter than in the former case. The States of Pennsylvania, Indiana, Kentucky, and Ohio are thickly settled, strong, and wealthy, while Alabama is sparsely settled, and the population affected by the flood poor, many of them ignorant, and, in the light of their great affliction, helpless. Besides, when we appropriated for the relief of the Ohio flood sufferers the Legislature of that great State was in session.

I wish I had time to read from the debate touching that bill. Nearly all of us were satisfied that under the general-welfare clause of the Constitution, or some other clause, we had the right to make the appropriation, and substantially all of us were satisfied that in the presence of that great calamity humanity required a liberal construction of the Constitution, and we voted the aid; especially the gentlemen from Georgia [Mr. BLOUNT] and from Texas [Mr. REAGAN] ably advocated the appropriation. That bill passed—yeas 234, nays 12. Among the ayes were Messrs. BLOUNT, REAGAN, BURNES, CABELL, HEMPHILL, DUNN—substantially everybody on both sides of the House; nor do I want to fail to mention among the ayes the gentleman from Arkansas, whom I do not now see in his seat, Mr. BRECKINRIDGE.

Among the twelve gentlemen voting "no" was Mr. OATES, from Alabama.

Mr. Chairman, if we are to take a new departure, to make a new precedent, I regret that we selected these poor flood-stricken people along the rivers of Alabama, most of them colored people.

[Here the hammer fell.]

Mr. BEACH. Mr. Chairman, when the gentleman from Alabama the other day asked unanimous consent in the House for the immediate consideration of this resolution I felt it to be my duty to object. I objected at that time because it was not in order under the rules of the House. I object now because I am unalterably opposed to the passage of the resolution.

I will yield, Mr. Chairman, to no one in the matter of sympathy for the wants of suffering humanity. I am willing to put my hand in my own pocket as deep as any member on the floor of this House for the purpose of extending relief to the Alabama sufferers; but I am not willing to indulge my sympathy and benevolence at the expense of the public by putting my hand into the pockets of others.

The money in the Treasury belongs to the country; it has been gathered from the great body of tax-payers throughout the country; it is there for governmental purposes, and not to be dispensed in charity at the whim, caprice, will, or favor of Congress. The proposition here is to take $150,000 out of the public Treasury for the benefit of the flood sufferers in Alabama. It is a proposition not only unconstitutional in itself, but an act of the grossest injustice toward hundreds and thousands of wage-workers throughout the land who to-day are just as poor and destitute as these Alabama sufferers.

Mr. Chairman, it is time that we should put a stop to this kind of legislation, and the party now in power is the party to stop it. It is to the Democratic party the people at this time look for relief in all these matters. The Democratic party has always insisted upon a strict construction of the Constitution, and it has declared over and over again that the powers of Congress are limited to the legitimate objects and functions of government. It is this feature more than any other which has distinguished the Democratic party from the numerous other parties which from time to time have arisen in this country in opposition to its principles. On the other hand, the Republican party has always favored a loose construction of the Constitution and has maintained that Congress could do pretty much as it pleased.

Under the Republican theory, which has prevailed during the last twenty-five years, Congress has reveled in a license of legislation never before attempted in the history of the Government. It has given away millions upon millions of acres of the public land—the people's heritage—in aid of private enterprises. It has loaned the credit of the National Government to the extent of over $50,000,000 to railroad corporations; it has appropriated hundreds of thousands of dollars in aid of charity for the benefit of sufferers by flood and fire; it has spent thousands of dollars in establishing and maintaining a so-called national park at the headwaters of the Yellowstone River, the sole object of which was to benefit the Northern Pacific Railroad Company and to furnish a summer resort for European nabobs and American snobs [laughter], and not content even with this, it has been trying its hand at running a hotel down at the Hot Springs of Arkansas; and it seems that it does not know how to "run a hotel" either. If we are to believe the reports of gentlemen sent there in the last Congress as a special commission for the investigation of affairs at that point, it does not succeed even in that. [Laughter.]

It is time, Mr. Chairman, that we should put a stop to this system of legislation; and now I claim is the time. Let us commence this day and this hour by defeating the resolution now under consideration.

I would like to remind the House—and in particular this side of it—that we have now in the executive chair one who has declared "public office to be a public trust;" one who has never favored this kind of legislation, neither while acting as mayor of the city of Buffalo nor as governor of the great Empire State; and let me say, in conclusion, for I see the hammer is about to fall, that if this resolution becomes a law it will, in my opinion, only be after it shall have received a two-thirds vote of this House.

[Here the hammer fell.]

The CHAIRMAN. The time——

Mr. BEACH. I would like just a moment longer. [Cries of "Regular order!" and laughter.]

The CHAIRMAN. The time allowed for the consideration of this bill has expired, and under the rule the committee will now rise.

The committee accordingly rose, and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 7645) for the relief of the sufferers by the overflow of the rivers in Alabama, had come to no resolution thereon.

ORDER OF BUSINESS.

The SPEAKER. Thirty minutes of the hour for the consideration of bills still remain. The call is with the Committee on the Judiciary.

Mr. TUCKER. As only thirty minutes remain of the hour for the consideration of bills I ask unanimous consent that the call of the Committee on the Judiciary be postponed until to-morrow.

The SPEAKER. The gentleman from Virginia asks unanimous consent to dispense with the remaining part of the hour for the consideration of bills for to-day.

Mr. SPRINGER. I object.

Mr. OATES. I understood the request of the gentleman from Virginia was to postpone the call of the Judiciary Committee until to-morrow.

The SPEAKER. But the Committee on the Judiciary has been called, and under the rules of the House must proceed now unless unanimous consent is given to dispense with the remaining part of the hour.

Mr. SPRINGER. I withdraw my objection.

The SPEAKER. The remaining part of the hour is dispensed with.

CONTESTED ELECTION—CAMPBELL VS. WEAVER.

Mr. HALL. On Saturday I gave notice that the Committee on Elections would call up to-day the contested-election case of Campbell *vs.* Weaver, from the State of Iowa. I propose now to call up that case so as to enable the minority to give some explanation of their views as to proceeding to the disposition of the case.

Mr. PAYNE. The gentleman having charge of the river and harbor bill has requested us to postpone the consideration of this case and not call it up to-day. It would suit the convenience of the minority, if it is not called to-day, that it should be postponed until a week from to-morrow. We have made that suggestion to the majority of the committee, and I understand they accede to it.

The SPEAKER. It is not necessary to postpone the case till a particular day, because it is a matter of the highest privilege and can be called up any day.

Mr. PAYNE. We simply want that to be the understanding.

RIVER AND HARBOR BILL.

Mr. WILLIS. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of resuming the consideration of the river and harbor appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. WELLBORN in the chair), and resumed the consideration of the bill (H. R. 7480) making appropriation for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The CHAIRMAN. The Clerk will report the paragraph under consideration and the amendment thereto.

The Clerk read as follows:

Improving the harbor at Charleston, including Sullivan's Island, S. C.: Continuing improvement, $250,000.

The pending amendment was to strike out the last word.

The amendment was rejected.

Mr. SPOONER. I move to strike out the word before the last. The gentleman from Ohio [Mr. GROSVENOR], in replying to my remarks yesterday, entirely misapprehended or misstated my position. I certainly have drawn no sectional lines. If any sectional lines have been drawn, they have been drawn by the committee which reported this bill.

The gentleman from Ohio says that the reason why the appropriation should be much larger in the case of Charleston Harbor than in the case of Providence River and Narragansett Bay is because that locality in my own State has had the benefit of very large appropriations in the past, and Charleston Harbor has had very small appropriations.

Mr. GROSVENOR. Mr. Chairman——

Mr. SPOONER. I hope the gentleman will not take up my five minutes.

Mr. GROSVENOR. I will give them to you if you can find any such utterance of mine in the RECORD, or anything that sounds like it, or anything that by any fair use of language can be tortured into it.

Mr. SPOONER. I call the gentleman's attention to it, for I certainly understood him to say so in his remarks yesterday.

The fact is that the appropriations which have been expended in the past in Charleston Harbor, as reported in the Engineer's Report, part 2, page 1181, amount to $1,197,732.08; whereas the amount that has heretofore been expended upon Providence River and Narragansett Bay in the improvement which has been there progressing amounts to but the sum of $416,805.83. I call the gentleman's attention to that as the record of the facts.

As illustrating to some extent the necessities of improvement of these two ports, in view of facts to which I have heretofore had occasion to refer, I desire to state that the amount of duties collected in the year 1884 at the port of Charleston, S. C., was only $36,624.76, while during the same year the amount of duties collected at the port of Providence was $201,977.87.

As I have said before, I am making no attack upon the harbor of Charleston. I am drawing no sectional lines, and desire to raise no sectional issues. But I do protest that if the rule of economy which was adopted toward all my section of the country is to be the rule in the framing of the river and harbor bill, the same rule should be adopted in other localities. I have no objection to a reasonable economy, in which all States bear their part. I do object to an economy which is to be imposed upon one section alone to the improper advantage of another section of the country.

Gentlemen tell me that 35 per cent. of the appropriation recommended for Providence River and Narragansett Bay has been allowed by the committee. They are mistaken in that statement. The amount recommended in the Engineer's Report for the improvement there going on and projected amounts to more than $200,000, of which the sum of but $35,000 has been provided in this bill. Gentlemen, put yourselves in our place, and ask yourselves if you would quietly submit to this same rule if applied to your own localities. For improving the harbor at Savannah, Ga., $125,000 is provided in this bill. For improving the harbor at Mobile, Ala., $120,000 is provided.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SPOONER. I withdraw the amendment.

The Clerk read as follows:

Improving Cumberland Sound, Georgia and Florida: Continuing improvement, $150,000.

Mr. SPOONER. Mr. Chairman, I move to strike out "one hundred and fifty" and insert "one hundred." I am not making any factious opposition to this bill. I have no disposition to delay its consideration. I find myself in the position in which I understand many of my colleagues upon this floor find themselves, of being unable to vote for this bill in its present form. It is, therefore, manifestly my duty to submit such amendments with regard to these unreasonable and disproportionate appropriations as may give the committee and the House an opportunity of reducing the same and making this bill a legitimate and reasonable one, which can fairly and properly receive the favorable vote of the House—a bill which will commend itself to the good judgment not only of the House but of the country. I was referring a few moments ago to the appropriations in this expansive part of the bill where for improvements at Mobile, Ala., there is given $120,000; where the improvement of Aransas Pass and Bay up to Rockport and Corpus Christi, Tex., is given $135,000; where for the improvement of the harbor of Brazos Santiago, Tex., $50,000 are given; where for the improvement of the entrance to Galveston Harbor, Texas, there is an appropriation provided of $400,000!

Compare these figures, gentlemen, with the scanty appropriations that have been given all along the North Atlantic coast. I know it is true of the North Atlantic coast that improvements made there are generally of a permanent character. The rocky nature of the coast, the hard nature of the land, facilitates the making of improvements which will be lasting; and the improvements in my own State have been of that character. On the southern coast, on the contrary, many of the so-called improvements have been far from permanent in character, and large appropriations of money have been asked and granted, nominally for the purpose of "continuing" improvements, but really in many cases for the purpose of replacing works that have been washed away, owing to the peculiarly sandy and shifting nature of the soil and coast. I say, Mr. Chairman, that in making the improvements called for by a bill of this character it should be the aim of Congress to provide for such improvements as will be of substantial benefit to existing commerce. I will not attempt at this stage of the discussion to enter into any extended comparison between the commercial necessities and commercial interests of the different sections of this country; but I do ask gentlemen to give their attention to the framework of this bill, and to assist me, if they can, in bringing it within such limits that it may be fairly entitled to our support.

Mr. GROSVENOR rose.

Mr. WILLIS. Mr. Chairman, I hope we shall have a vote on this amendment.

The CHAIRMAN. Does the gentleman from Ohio desire to be heard?

Mr. GROSVENOR. No.

The question was taken on the amendment proposed by Mr. SPOONER, and it was rejected.

The Clerk read, as follows:

Improvement of entrance to Galveston Harbor, Texas: Continuing improvement, $400,000.

Mr. HEPBURN. Mr. Chairman, I move to strike out that paragraph. I want to again call the attention of the committee to the action of this House last year in considering the appropriation for this same work. I want to call attention to what was then said by Representatives from the State of Texas with regard to this improvement. And right here I want to correct a statement that was made by my friend from Texas [Mr. STEWART] when we were considering this bill the other day. I then understood him to say that the present plan of the engineers was substantially different from the plan upon which they were working at the time the improvement received the bitter denunciation of the Texas delegation. I want to correct the gentleman with regard to that. I had read the report bearing upon this subject and found that there was no difference whatever. I was then told by the gentleman [Mr. STEWART] that there was a supplemental report which sustained fully all that was said by that gentleman, but he is evidently mistaken.

Mr. Chairman, the plans of the engineers which they are working upon, or proposing to work upon, are substantially the same as those that were adopted in 1880 and that have been pursued from that time to this. There is an inconsiderable narrowing of the channel; there is a very considerable addition to the cost. Heretofore they have been using for the purposes of the south jetty mattresses of brush weighted with stone. Experience has shown that that material is not desirable. Certain members of the board say that the teredo attacks the brush in such a way as to render it unfit for use, and hence that they must use either stone or concrete, thus very largely increasing the cost; the stone costing $4 a cord, while the brush costs but $1 a cord.

I desire also to correct the gentleman from Texas [Mr. STEWART] with regard to another point on which he has fallen into an error.

A year ago when we were discussing the plan of Captain Eads, when the gentlemen from Texas were advocating that plan, it was claimed, or it was estimated by him, that the cost would be seven and a half million dollars, although a gentleman in the other end of the Capitol added nearly a million dollars to that in his estimate. The gentleman from Texas [Mr. STEWART] stated here that this plan would not cost so much. I want to call his attention to the estimate of the engineers, who say that it will cost $7,000,000. I wish the House to be in possession of these facts.

[Here the hammer fell.]

Mr. STEWART, of Texas. Mr. Chairman, I adhere to the statement I made the other day. I say there have been material changes made by the supplemental report of the Chief of Engineers. In the project adopted some years ago the walls were to be parallel at a distance of 10,500 feet apart. By the recent report of the engineer they are to be contracted at their outer ends to 7,000 feet. One of the criticisms made upon this work before was that the walls were so far apart as not to give the scouring power necessary to deepen the bar.

Another change made in the report is, that instead of using brush mattresses as formerly, the engineer now proposes to use stone, which the gentleman says will increase the cost. That is admitted. But does the gentleman know that the Chief of Engineers now submits a plan to give 20 feet of water at a cost of $3,000,000, and to extend it further, so as to give 30 feet, at a cost of $7,000,000? There are two estimates made by the engineer. These changes which have been made by the engineer obviate I think the objections raised by those who opposed the work as it was carried on by the Government engineers. This is the statement I made the other day.

Now I call the attention of this House to the fact that there has been no appropriation for the improvement of Galveston Harbor since 1882; and I doubt whether there can be found another instance where a member representing a district in this House voluntarily surrendered an appropriation of $250,000 which had been reported for the improvement of the harbor of his city. I explained why that was done. I do not wish to occupy time now in repeating my former statements; but it

was in consideration of these facts, doubtless, that the committee reported an increased appropriation in this bill.

I wish to call the attention of the gentleman from Iowa to another fact: That the very least amount of money which can be profitably expended upon this work is stated by the engineer to be $320,000, although he says $1,000,000 can be profitably expended during the coming fiscal year.

I do not wish to go over ground that I traveled the other day. Galveston is one of the chief commercial ports, in fact the chief commercial port, upon our Texas coast. And I understand that coast does not belong exclusively to the State of Texas. Such an impression may have been entertained at one time, about which there was a little "unpleasantness," but I believe now we all concede it is part of this Government and within the jurisdiction of the United States; and although it happens to fall within the limits of the State of Texas, I trust no objection will be made to the improvement of this harbor upon the ground that it is so far south as the Mexican Gulf. That port is of commercial importance not only to the people of Texas but to the people of the entire Union. The products of that State are seeking an outlet. We have no other means of getting an outlet than by rail or by the improvement of our harbors on the Gulf coast; and why should this House deny us an appropriation which is but little more than the proportional amount allowed every other section of this Union?

[Here the hammer fell.]

Mr. HEPBURN. Mr. Chairman, I would not have the gentleman from Texas suppose that I oppose this improvement solely because it lies within the State of Texas. I have no such feeling. But I know this means an expenditure of a good many millions of dollars. We are now just entering upon this work; for practically all that has been done for the harbor of Galveston up to this time has been a total loss. One of the piers erected is now buried in the sand; it has entirely disappeared as a factor in this improvement; the other one has sunk and been displaced by the elements, so that in very many places it is now 10 feet below the surface of the water. Practically the work already done amounts to nothing. We are, in fact, upon the verge of this improvement and upon the threshold of an expenditure, in my judgment, not of $7,000,000, but of three times that amount. I am justified in this statement; and I call upon gentlemen to look to the reports of the engineers, which sustain me. In almost every instance the gentlemen who make these estimates fall far below the real cost of the work.

This improvement is substantially the same as that which was so bitterly denounced in the last Congress, not merely by the gentleman who then represented the city of Galvestion, but by other gentlemen from the State of Texas, among whom notably was the chairman of the Committee on Commerce [Mr. REAGAN]. These gentlemen were as severe in their criticisms upon the plans which were then being carried out and upon the incapacity of the engineer then in charge and the one now in charge as was the Representative from Galveston. You then thought that these plans were an utter failure, and so declared. You now insist that substantially the same plans shall be carried out.

There is one other matter to which I want to call attention. This plan proposes an invasion of the Gulf from the shore line a distance of 54,000 feet—nearly 10 miles. You propose to go out upon the high seas, upon the highway of nations, a distance of 10 miles, 7 miles beyond the jurisdiction of the United States. What right have you to go there?

Mr. MILLIKEN. Does the gentleman take the ground that Galveston Harbor can not be improved by the expenditure of money by the General Government?

Mr. HEPBURN. I take the ground that Galveston Harbor can not be improved by the United States going out for that purpose 7 miles beyond the marine league, which is the limit of our jurisdiction.

Mr. CRAIN. Will the gentleman permit me to ask him a question?

Mr. HEPBURN. Yes, I will yield for a question.

Mr. CRAIN. Do you not know there are two jetties contemplated, and it is the aggregate length of the two that constitutes the 10 miles, and consequently they do not go out 7 miles?

Mr. HEPBURN. I do not know that. Then say it is 2 miles out.

Mr. CRAIN. Excuse me.

Mr. HEPBURN. What right have you to go out 2 miles?

Mr. CRAIN. You do not go out 2 miles. You commence in the harbor and you go out 5 miles from where you commence, and in going 5 miles you do not go out to sea 2 miles, as the gentleman alleges.

Mr. HEPBURN. In the engineer's report it is stated that you can not reach a depth of 30 feet until you get 7 miles from shore.

The CHAIRMAN. The gentleman's time has expired. [Cries of "Vote!" "Vote!"]

Mr. CRAIN. I move to strike out the last word.

Mr. Chairman, when this attack was made on the improvement contemplated for Galveston Harbor I happened to be absent from the Chamber, engaged in my labors as a member of the investigating committee on the strike in the Southwest. By accident I learned what was going on here, and now I rise in defense of the principal port on the coast of Texas and the most important city within that State.

But it is not Galveston alone which will be affected by this contemplated improvement. The city of Houston is just 50 miles by railroad from the city of Galveston. It has a population of about 30,000, while Galveston has a population of 40,000, making in all 70,000 people in the two cities. The assessed valuation of property in Houston and in Galveston amounts to nearly $40,000,000. There are several national banks and some forty-seven wholesale firms in Galveston, doing an annual business of $20,000,000.

But, sir, not only Galveston, and Houston, and the entire State of Texas demand a port on the coast of Texas, but nineteen States west of the Mississippi River demand it, the principal cities in which are nearer to Galveston than to New York by from 50 to 1,000 miles, respectively.

The city of San Francisco is 1,000 miles nearer to deep water outside of the city of Galveston than it is to the city of New York. There is an extensive area outside of Texas which is demanding an outlet for the products of its soil at the city of Galveston or somewhere along the Texas coast. The States embraced in that area constitute one-ninth of the entire population of the United States. They embrace one-seventh of the wealth of this country. They are interested in this problem.

Yet the gentleman says because it may cost $3,000,000, according to the Government engineers, to supply from 15 to 25 feet of water on the bar of Galveston, it is expending too much money. It is the first time, Mr. Chairman, I have ever heard a representative Republican complaining that this country was spending too much in public improvement.

He says, further, it costs the country too much if we obtain 30 feet of water at Galveston, because $7,000,000 may perforce be expended. If the results shall be what we have a right to expect, then the country can afford to spend five times $7,000,000 in order to give 30 feet of water upon the Galveston bar.

I say to the gentleman that Galveston Harbor has from 26 to 50 feet in what is known as Bolivar Channel. In front of Galveston you will find from 25 to 30 feet of water. Right in front of the wharves we have at least 30 feet of water.

But the gentleman says, what right have we to go 10 miles from shore—7 miles out to sea—a highway over which we have no control? If he will examine the chart of the city of Galveston and its vicinity, he will discover these jetties do not begin at the Gulf shore, but at what is called Bolivar Point, 4 miles inside the bar. Instead of there being 10 miles of one jetty, there are 10 miles of two jetties, each one being 5 miles in length.

The CHAIRMAN. Debate is exhausted upon this amendment.

Mr. WILLIS. I will state for the information of gentlemen that general leave has already been given several days ago to print upon this bill.

Mr. REAGAN. Mr. Chairman——

The CHAIRMAN. Debate has been exhausted upon this amendment.

Mr. HEPBURN. I move to strike out the last two words.

Mr. REAGAN. If debate is exhausted I will move a formal amendment to strike out the last word.

The CHAIRMAN. The gentleman from Texas.

Mr. HEPBURN. I rise to a question of order; I submit that I was on the floor and was recognized.

The CHAIRMAN. The Chair was of impression that no gentleman could speak but once upon a pending question until all others desiring to do so had had an opportunity of being heard.

Mr. HEPBURN. But I moved another amendment.

The CHAIRMAN. The Chair understands the gentleman from Iowa to propose the same formal amendment.

Mr. REED, of Maine. An amendment to strike out two words is different from an amendment to strike out one word. The moral effect is different. [Laughter.]

Mr. REAGAN. I have no objection to the gentleman from Iowa proceeding now, and I will ask to be heard afterward.

Mr. HEPBURN. Mr. Chairman, I just want to read a sentence or two from a report made at the other end of the Capitol, by a Senator from the State of Texas, upon the subject of the improvement of Galveston Harbor upon the Eads plans, in which he says:

> In view of the risk of injury to the works during their construction and of their failure to produce the stipulated depths, the committee is of opinion that 25 per cent. should be added to the total estimated cost to cover contingencies. This would amount to $1,791,960, which, added to the cost of the work, makes a total sum of $8,959,800.

Or nearly, Mr. Chairman, $9,000,000.

Now, sir, it is plain that this plan is substantially the Eads plan, except that there is not the same measure of contraction, although the length of the jetties is the same. They are more expensive than the Eads plan, because Eads proposed to use matresses made of brush, while this plan proposes to use concrete or stone, which would increase the cost of material at least fourfold. A Senator from the State of Texas then thought, last year, that this cost would be nearly $9,000,000, and I place his word against the gentleman who now represents more particularly Galveston.

Mr. CRAIN. Will the gentleman permit an inquiry?

Mr. HEPBURN. I will yield for a question.

Mr. CRAIN. You place it against the word of the engineers, or as against my word?

Mr. HEPBURN. I say the engineer puts the cost at $7,000,000. He says he can extend the jetties out to the crest of the bar at a cost of

$3,000,000, but to go through that and get free access to deep water the cost will be $7,000,000. That is the engineer's report.

Now, Mr. Chairman, the gentleman has told us that this is to be the entrepôt for one-ninth of the people of the United States. Why, sir, this is not the port for even Texas alone, and the commerce from Texas, a large part of it, passes right through the city of Houston and finds its way to the Atlantic seaboard at Boston.

[Here the hammer fell.]

Mr. CRAIN. That is because we have not deep water there. If we had it would not go through.

Mr. REAGAN. Mr. Chairman, I am not aware of what I said on this point during the last Congress with reference to the plans for this improvement. The gentleman from Iowa may be correct, but I do not remember having discussed the question at that time.

I state now, sir, that there are two objections to the plan then recommended by the Engineer Department; one that the jetties were too wide apart to produce the necessary scour of the bar, and another was developed by time showing that building submerged jetties allowed the water to flow over, producing a washing and destroying the works. I believe the construction of the jetties, making them above the surface of the water, was necessary to the successful improvement of the harbor or the channel there. We were influenced partly by that consideration, but more by the fact that the plan was submitted by Captain Eads, by which he proposed to give us 30 feet of water for seven and a half millions of dollars, and he proposed to make the payment of that work dependent upon the completion of the work itself.

The delegation from Texas were very anxious to secure the making of that contract, which we felt was best for the Government, best for Texas and all that extensive region of country to which Galveston and the Texas ports afford the only outlet to tide water. The gentleman then representing the district in which Galveston is situated feared that the asking of an appropriation for this work in the river and harbor bill would compromise the chance of securing the adoption of the plan proposed by Captain Eads and the acceptance of his proposition, and therefore he consented to ask that the appropriation be stricken out. That was the main reason, and not because of any doubt about the success of the work, but because it was believed that if the appropriation was named in the river and harbor bill it would show a divided opinion among those representing the interests of that State upon the question as to whether the plan proposed by Captain Eads or that presented by the Government engineers was to be preferred.

The question of deep water there is important, I think, to any one who understands the geography of this country, its conformation; to any one who understands that the Gulf extends far back from the general Atlantic-shore line, and that this port is brought nearer to one-half of this Union than any other seaport. It is material to any one who understands the embarrassments that now exist in Texas on account of the want of deep water—the necessities of our harbors, which open the gateway to the markets of the world for the Indian Territory, Kansas, New Mexico, Arizona, Colorado, Western Arkansas, Missouri, and all this Western country. All will understand the vast importance of securing deep water there, and we come back to the problem which has been suggested as to whether a successful improvement of the harbor is possible.

I can not in five minutes go into a discussion of this question. I can only say the greatest living engineer in this or in any other country has been willing to stake his reputation as an engineer and the money necessary to complete the work on the successful obtaining of 30 feet of water in Galveston Harbor; and however much argument I might enter upon, not being an engineer, I could make no argument equal in force to that made by Captain Eads to give 30 feet of water for seven and a half millions of money.

[Here the hammer fell.]

Mr. WILLIS. I ask unanimous consent that all debate on the pending paragraphs and amendments thereto be limited to five minutes.

Mr. HEPBURN. Make it ten minutes.

Mr. WILLIS. I will say ten minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that all debate on the pending paragraph and amendments thereto be limited to ten minutes.

There was no objection, and it was so ordered.

Mr. CRAIN. I would like to know how much money the district which the gentleman from Iowa [Mr. HEPBURN] has the honor to represent gets from this bill. Can the gentleman tell me?

Mr. HEPBURN. There is no navigable river in my district; and in Iowa we do not improve unnavigable rivers.

Mr. CRAIN. That is the milk in the cocoanut, undoubtedly. If the gentleman was getting a share of the pork we would hear no complaint from him. I asked him that question that I might make an attack on the appropriation for his district. He says he has nothing; and perhaps that is the reason why he assumes to attack every appropriation of any consequence in this bill.

The gentleman has charged on the Texas delegation that at the last session of the Forty-eighth Congress a motion was made by the Representative of Galveston to strike out the appropriation on the regular river and harbor bill of $250,000 for the benefit of Galveston Harbor. Instead of blaming the Texas delegation and the Galveston Representative for their action on that occasion he ought to have thanked them for their consistency, because they could not consistently take $250,000 in the river and harbor bill for a continuing improvement under the engineer's plan, which they then condemned, and at the same time ask for the passage of what was known as the Eads bill. The gentleman from Iowa also states that there is no difference between the plan now proposed by the Army engineers and the old plan and that the same engineer is retained in charge of the work. In that statement, with all due respect to him, he is mistaken.

The original plan contemplated, as was claimed by the engineer in charge of the Galveston work, one jetty—the south jetty. Subsequently that plan was changed so as to have a north jetty. In the language of Colonel Mansfield at Galveston, you might as well have a fiddle without a bow as a south jetty without a north jetty. It was claimed that about 18 feet of water were contemplated as the result of the original plan. Under the old plan mattresses were used. There was a layer of mattresses, then a deposit of stone; alternate layers of mattresses and stone. Those mattresses were subject to the action of the teredo, a marine animal about which doubtless the gentleman from Iowa knows nothing, as he has not even a navigable river in his State. The teredo preys on wood when put in the waters of the Gulf of Mexico.

Under the original plan the jetties were to be submerged; and as one of the results the water rushing over the top formed an excavation under the jetty and undermined it. And from the two causes, namely, the ravaging effects of the teredo and also the cut under the jetty, and from another cause, urged by General Newton, namely, that Galveston has not received a dollar of appropriation since 1882, and therefore the work has been exposed to the action of the elements, it is true, as reported by General Newton, Chief of Engineers, that 61 per cent. of the original work has gone.

This appropriation is not sought for the money, because Galveston put in $100,000 of her own money when the Government appropriation was exhausted and the engineer in charge said that he needed the money to carry on the work.

Under the new plan there are to be two jetties. Those jetties are to be built above low-water mark—in fact, they will be above high-water mark. They will be drawn more closely together and will be solid concrete and rubble, and a new engineer will be put in charge.

The differences, therefore, are in the distances apart of the jetties, in that the old ones were to be submerged and the new ones are to be built above water, and in the character of the material to be used; and, moreover, a new engineer is to be placed in charge of the work.

[Here the hammer fell.]

Mr. HEPBURN. The gentleman from Texas [Mr. CRAIN] suggests that I oppose this bill because I have no interest in it, because it contains no appropriations to Iowa; and he seems to be discontented with the fact that I oppose it.

Why, Mr. Chairman, does the gentleman really mean by that suggestion that no man has anything to do with this bill and no right to talk about it except those that have got interests in it, except those that have got appropriations for their own States, that have some of the pork in the barrel? I have some interest here as a Representative, although my district has no interest directly in this bill.

The gentleman suggests if there were appropriations for the State of Iowa I might favor this improvement. Is it because there are appropriations to the State of Texas that the gentleman favors the bill? Are his ideas of constitutional law, of constitutional power, and of the propriety of public expenditures dependent solely upon the local benefit that results to his own district, thus affecting his own popularity with his own constituents?

Mr. CRAIN. Do you want an answer?

Mr. HEPBURN. The gentleman does not do justice to himself when he makes that suggestion to me.

Mr. Chairman, this plan that is now being adopted—the plan of Eads and the old plan—were substantially alike. Each one of them contemplated a brace of jetties through which there was to be outflow and inflow from the bay, scouring out the bottom and securing a channel. The only difference in the plans is in the extent, the duration, the distance which the jetties are to be apart and the material of which constructed.

Mr. CRAIN. And above the water.

Mr. HEPBURN. The old plan was to be up to low tide, and no higher.

Mr. CRAIN. And the new one is to be above the water.

Mr. HEPBURN. This one is to be several feet above high tide.

Mr. CRAIN. That is a very material difference.

Mr. HEPBURN. Those are the differences. Gentlemen talk about the transcendent importance of the port of Galveston, and say that nineteen States are dependent upon it for their commerce. There never was a greater blunder made by a blunderer. There is not a shadow of truth in the statement. The port of Galveston does not even do the business of the State of Texas, does not even begin to do it.

Mr. CRAIN. Give us deep water, and she will.

Mr. HEPBURN. Besides, sir, there is but little commerce there. You do not raise wheat enough in the State of Texas to feed yourselves. The average consumption of wheat in the United States is 5 bushels per

capita, and Texas has never raised more than 2½ bushels per capita. The average consumption of corn in the United States is 35 bushels per capita, and Texas has never raised that.

Mr. CRAIN. Will the gentleman yield a moment?

Mr. HEPBURN. I have not the time. You talk about your cattle, your eight million cattle; and yet in 1883 you shipped from Galveston only about sixteen thousand dollars' worth. You have no cattle in Texas to ship; you have no corn-fed cattle; you have none that can bear shipment, and therefore you do not need a harbor for that. Leaving out five articles, your total imports at Galveston in 1883 did not reach $300,000 in value.

Mr. CRAIN. But the whole imports and exports were over $30,000,000, as shown by statistics.

Mr. HEPBURN. Yes; and the Government, if it loaned you this money that you want at 4 per cent., could take the interest, pay for shipping everything you have there to New Orleans by rail, and save $65,000 a year. [Laughter.]

[Here the hammer fell.]

The question was taken on the amendment offered by Mr. HEPBURN, and there were—ayes 33, noes 82.

Mr. HEPBURN. No quorum voting.

Mr. WILLIS. I respectfully ask my friend from Iowa [Mr. HEPBURN] to withdraw the call for a quorum.

Mr. HEPBURN. I do not want to be captious, but I want a vote upon this question. There are several amendments upon which we want a vote, and if you will give us a vote in the House I will withdraw the call.

Mr. WILLIS. I will agree to that.

The Clerk read as follows:

Improving ice-harbor at the mouth of the Muskingum River, Ohio: Continuing improvement, $30,000.

Mr. WARNER, of Ohio. I move to amend in line 235 of the bill by striking out "thirty thousand" and inserting "fifty thousand." I do not complain, Mr. Chairman, of the rule adopted by committee of apportioning the appropriations for the different items in the bill according to the estimates of the engineers. Some rule is doubtless necessary, and perhaps a better one could not be adopted. But there are exceptions to all rules, and it is manifest that such a rule could not be applied rigidly, or works would never be completed.

Take a work which requires $30,000 to complete it and make an appropriation of $10,000, and finally when it requires but $1,000 to complete it, if you appropriate only $333, and so on in successive years, it would require an application of the differential calculus to tell when the work would be completed. There must certainly be some stage in the prosecution of these works when their completion must be fully provided for. Furthermore, in carrying on these public improvements it is necessary at times to prosecute them in parts, and when a part of a given work, as for instance the construction of a lock, is undertaken, that part ought to be completed without delay, and that is this case. I send to the Clerk's desk to be read a letter received from the Chief Engineer too late for presentation to the Committee on Rivers and Harbors, and I ask for it the attention of the House, and especially the attention of the chairman of the committee having this bill in charge.

The Clerk read as follows:

UNITED STATES ENGINEER OFFICE, CUSTOM-HOUSE,
Cincinnati, April 15, 1886.

SIR: I see that the Muskingum ice-harbor gets but $30,000 in the proposed river and harbor bill.

It will be practically useless for us to commence work on the lower section of the lock unless there is a reasonable prospect of getting the structure above low water before we have to quit. To do this will require at least $55,000, as you can see from the following estimate, which is based on the one in my last annual report, although the latter was for entire completion:

Coffer-dam and pumping	$10,000
Excavation	2,500
Foundation piles and flooring	13,000
Concrete	8,000
Stone-cutting and masonry	15,000
Crib-work	1,000
Contingencies and emergencies	5,500
	55,000

Unless, therefore, the appropriation is raised to the sum named it is hardly worth while to attempt anything. We can probably get as far as the foundation flooring, but to leave this flooring over winter without weighting it down with concrete would be absurd.

Work like that at Marietta can not be expanded or contracted at will; unless a certain minimum is appropriated it is folly to go ahead at all, and these facts should be explained to the Committee on Rivers and Harbors.

Respectfully, your obedient servant,

WM. E. MERRILL,
Lieutenant-Colonel of Engineers.

Hon. A. J. WARNER, M. C.,
Washington D. C.

That letter shows that this is one of the cases where when a work is undertaken a sum sufficient should be appropriated to finish it, to prevent the loss of the work or to save what has been expended.

Mr. WILLIS. Mr. Chairman, this work is two-thirds completed. The amount recommended by the Committee on Rivers and Harbors will complete the coffer-dam and the foundation piles and flooring and also the concrete, and that is exactly within the terms of the requisition of the engineer.

Mr. WARNER, of Ohio. But which the engineer says can not be left safely in that condition.

Mr. WILLIS. It can be left just as safely as any other part of the work. Of course it would be better to complete all these works at once if we had the money; but to do that would require a bill of $50,000,000. Having reference to the limited amount included in this bill, we have appropriated to this work, after careful examination of the facts, as much as we thought could be allowed in this bill.

Mr. WARNER, of Ohio. I recognize all that, Mr. Chairman; but this is not like the cases where much or little can be expended at discretion. That is the point I make.

Mr. WILLIS. I ask for a vote.

The question being taken on the amendment of Mr. WARNER, of Ohio, it was rejected.

The Clerk read as follows:

Improving harbor at Kewaunee, Wis.: Continuing improvement, $10,000; of which $5,000 shall be expended in improving the inner harbor between the dry-dock and the mouth of the river.

The amendment reported by the committee, to strike out all of the paragraph after the words "ten thousand dollars," was agreed to.

The Clerk read as follows:

Improving harbor at Superior Bay and Saint Louis Bay, Wisconsin: Continuing improvement, $30,000; and the engineer in charge, in his next annual report, shall submit an estimate of the cost of a dredge-boat or other facilities that may be needed for dredging the harbors of Duluth and Superior. Eighteen thousand dollars of the money hereby appropriated are to be expended in dredging in said Superior Bay and Harbor and in repairing piers at natural entry, and $12,000 in dredging Saint Louis Bay from deep water at Connor's Point toward deep water at Grassy Point.

Mr. PRICE. I move to amend by inserting after the words "Saint Louis Bay," in lines 337 and 338, the words "along the dock line on the Wisconsin shore."

Mr. WILLIS. There is no objection to that amendment.

The amendment was agreed to.

Mr. ANDERSON, of Kansas. I desire to inquire of the gentleman from Kentucky [Mr. WILLIS] whether any part of this appropriation is to be used in deepening the channel in the canal or at the mouth of the canal known as the Portage and Lake Superior Canal. I wish to know whether this appropriation refers to the point where that canal is located.

Mr. WILLIS. No, sir.

Mr. ANDERSON, of Kansas. Will the gentleman tell me whether there is any appropriation in this bill for that work?

Mr. WILLIS. There is not, so far as I know. It is a different matter from that now pending.

Mr. ANDERSON, of Kansas. Is it in the bill?

Mr. WILLIS. Not to my knowledge.

The Clerk read as follows:

Improving harbor at Sheboygan, Wis.: Continuing improvement, $15,000; of which $5,000 shall be expended in improving the inner harbor between Pennsylvania avenue bridge and the mouth of the river.

The amendment reported from the committee to strike from the paragraph all after the words "fifteen thousand dollars" was agreed to.

The Clerk read as follows:

Improving harbor at Duluth, Minn.: Continuing improvement, also enlarging basin between Minnesota and Rice's Points, $50,000; and the consent of the United States is hereby given to a change of the legal dock line on the east side of Rice's Point by the muncipal authorities of Duluth.

The amendments reported by the committee were to make the paragraph read as follows:

Improving harbor at Duluth, Minn.: Continuing improvement and enlarging basin between Minnesota and Rice's Points, $50,000; and the consent of the United States is hereby given to a change of the existing dock line on the east side of Rice's Point by the municipal authorities of Duluth: *Provided*, That such change meets the approval of the Secretary of War.

The amendments were agreed to.

The Clerk read as follows:

Improving harbor at Agate Bay, Minnesota: Continuing improvement, $30,000.

The amendment of the committee to strike out the words "continuing improvement" was agreed to.

The Clerk read as follows:

Improving harbor and bay at Humboldt, Cal.: Continuing improvement, $100,000; and the Secretary of War is hereby authorized to cause suit to be instituted for the condemnation of the 12 acres of land said to be necessary to said improvement, and to report the result of such legal proceedings to the next succeeding session of Congress for its action thereon.

The amendment of the committee to insert after the words "hereby authorized" the words "at his discretion" was agreed to.

The Clerk read as follows:

Improving harbor at Oakland, Cal.: Continuing improvement, $80,000.

The amendment of the committee was to insert the following after the paragraph just read:

The sum of $30,000, or so much thereof as may be necessary, is hereby appropriated for a survey of San Francisco Harbor, San Pablo Bay, Suisun Bay, Strait of Carquinez, mouth of San Joaquin River, and mouth of Sacramento River, California, to be used by the Chief of Engineers and the Coast and Geodetic Survey.

Mr. MARKHAM. I move to amend the amendment of the committee by striking out "30," in line 371, and inserting "11," so as to make the amount of the appropriation $11,000; and also to strike out at the end of the amendment the words "and the Coast and Geodetic Survey."

Mr. WILLIS. I will state that since the report first made to this House a supplementary report has been made by the same officer revising his estimate, and upon a review of the situation reducing the amount from $30,000 to $11,000. It is upon this supplementary report which has just come in that my colleague on the committee offers this amendment. The committee have no objection to it.

Mr. JONES, of Alabama. I suggest to the gentleman from California [Mr. MARKHAM] that the second branch of his amendment should strike out "to be used by the Chief of Engineers and the Coast and Geodetic Survey." The words "be used by the Chief of Engineers" would be surplusage if the amendment as proposed by the gentleman should be adopted.

Mr. WILLIS. In other words, all this will be used by the Chief of Engineers unless otherwise designated.

Mr. MARKHAM. I modify my amendment as suggested by the gentleman from Alabama.

The question being taken on the amendment of Mr. MARKHAM as modified, it was agreed to.

The Clerk read as follows:

Improving Saco River, Maine: Continuing improvement, $12,500.

The amendment of the committee striking out the words "continuing improvement" was agreed to.

The Clerk read as follows:

Improving Narraguagus River, Maine: Continuing improvement, $10,000.

The amendment of the committee striking out the words "continuing improvement" was agreed to.

Mr. HAYNES. I move the following amendment:

Improving Cocheco River, New Hampshire: Completing improvement, $19,000

Now, Mr. Chairman, I hope no member of this House will assume that I have any idea this amendment will pass. [Laughter.] I am very well aware by the course of events that this river and harbor bill is the great white elephant of this House. It has been curried, rubbed down, and polished by the members of the committee, and the rest of us are expected to fall down and worship it from afar off, and to admire its just proportions according to the amount of pork we have in the Government barrel. [Renewed laughter.] If it had been like other bills, open to amendment early in its consideration, I would have moved to increase the paltry sum of $8,000 provided in the bill for continuing the improvement of the harbor at Portsmouth, N. H., to a sum sufficient for that important work. I find the other water way in my bailiwick has been treated even more shabbily than Portsmouth. So far as the Cocheco River is concerned, the bottom of it appears to have dropped out and it disappears from the bill altogether.

I am told the improvement of the Cocheco River was not included in the Book of Estimates at all. Furthermore, it has been said that in some paper, which the committee had before it, I suppose, it was reported as a work which had already been completed. Well, in regard to the first proposition, I have only to say that over $1,000,000 of the fifteen millions included in this bill are for items not covered by the Book of Estimates. And to show whether the improvement of the Cocheco River has been completed or not, I desire to read an extract from the report of Colonel Blount, which will explain the matter. It will be found on page 475 of the Chief of Engineers' Report:

An appropriation of $28,000 was made in the act of July 5, 1884, for "completing the improvement" of the river. As soon as possible after it became available a careful examination, including borings, was made of the upper channel. The new estimate based thereon proved that the necessary improvement could not be executed with the available funds. Contract was, therefore, made September 22, 1884, with Thomas Symonds, of Leominster, Mass. (a very reliable and competent contractor), for widening and deepening the channel from the point where the work of 1883 stopped as far toward the city as possible. The line (36) limiting this work is shown on the drawing which accompanies this report.

Then, further down, he says:

On the 18th of February, 1885, I submitted to the Engineer Department a special report on the improvement of this river, from which I make the following extracts:

* * * "It was found that the improvement asked for could only be carried to a line just below Collins's wharf, leaving the upper part of the channel to Packet Landing, its termination, untouched. Of course the additional depth and width which will be gained when the contractor has finished will be of little advantage unless they are continued up through the whole channel above."

The whole situation is this: That the work of opening up the Cocheco River to Dover has been conducted by sections. They have arrived at what is in fact the bulkhead of the work, and $19,000 is asked to complete the work in order to open up the channel and make what has been done practicable and of some value. That appropriation has been omitted from the bill, and the work, unless my amendment be adopted, will necessarily be suspended.

[Here the hammer fell.]

Mr. BAYNE. I have only a word to say, Mr. Chairman. My friend from New Hampshire is entirely mistaken in assuming there is a single, solitary appropriation in this bill which has not come with the recommendation of the War Department. It may not be they were all included in the estimates for this year, but came at different times. The Book of Estimates sets forth the bulk of them, while in other documents the others will be found to have been recommended by the Engineer Corps. There is not a solitary appropriation in the bill which has not the sanction, I believe, of the War Department as well as of the Engineer Corps. I know my friend would not intentionally state the fact to be otherwise if he knew the real facts of the case.

Mr. HAYNES. I would say nothing can be plainer than the recommendation of the Engineer Corps in favor of Cocheco River, which I have read. It is my opinion, and the opinion of the engineer who made the survey, this work should be done.

Mr. MARKHAM. There are a great many recommendations made by the Engineer Corps which are not included; but of those which are included there is not one which has not been recommended by the War Department.

Mr. BAYNE. Many we did not include which were recommended, but none were included which were not recommended.

Mr. BOUTELLE. Have the committee any knowledge of any objection to granting the appropriation asked for?

Mr. BAYNE. I know nothing about the improvement at all. I do not recall the matter, and my only object in rising was to correct the statement of the gentleman from New Hampshire.

Mr. WILLIS. Mr. Chairman, in response to my very amiable friend from New Hampshire I desire to say that the committee in the last Congress exhibited its inclination most especially to take care of the Cocheco River, for which he now asks this additional appropriation. It is about the only river in the United States that the committee has yet completed.

Upon the official statement of the Chief of Engineers last year we appropriated $28,000 for the completion of this river. That was the full amount asked, while in every other portion of the country we were compelled, because of the small size of the bill, to give 10, 20, or 25 per cent. of the estimates; but for this Cocheco River our desire was so great we gave every dollar that was asked for, and the river was completed and laid away and we did not expect ever to hear of it again; the engineer never brought it to our attention in this Congress. We not only completed it, but we gave it a new channel to run in. Out of this $28,000 a part was expended in making a cut-off through Alley's Point—

Avoiding an inconvenient bend and in deepening and in widening adjacent parts of the channel—

As the engineer in charge reports.

There is no further recommendation from the Chief of Engineers for this river, and there is yet $10,000 unexpended on hand. These are the special reasons why we took no further action in that case.

The amendment proposed by Mr. HAYNES was not agreed to.

The Clerk read as follows:

Improving Ipswich River, Massachusetts: Continuing improvement, $2,500.
Improving Warren River, Rhode Island: Continuing improvement, $2,500.

The committee recommend the striking out of the words "Continuing improvement."

Mr. ANDERSON, of Kansas. I would like to know why the committee makes this recommendation.

Mr. WILLIS. For the reason that this is new work. It has never been appropriated for before, and hence it was not a continuing appropriation.

The amendment proposed by the committee was agreed to.

The Clerk read as follows:

Improving Providence River and Narragansett Bay, Rhode Island: Continuing improvement, $35,000.

Mr. SPOONER. Mr. Chairman, I move to strike out, in line 417, the words "thirty-five" and insert "one hundred."

The CHAIRMAN. The Clerk will report the amendment proposed by the gentleman from Rhode Island.

Mr. SPOONER. As it seems to be impossible, by the reduction of what seems to me to be a very large appropriation, to somewhat equalize the appropriations given to different localities by this bill, I propose to submit to the committee the opportunity of attempting the equalization to some extent in the other directions.

I have, therefore, moved to increase the appropriation provided for by this bill for the improvement of Providence River and Narragansett Bay by providing that $100,000 shall be appropriated for that purpose. This is a less amount, as I have already had occasion to call to the attention of the committee, than is provided for the harbors at Charleston, Mobile, Savannah, and several others which I have particularized, neither of which have commercial necessities, nor are they of as much commercial importance, as this river and harbor.

This is the great harbor not only of my own important State, but also of the great central portion of New England, to which it is a conduit. The amount that is required, according to the report of the engineers, for the completion of the work, which has been under way, of widening and deepening the channel, is $235,000. In addition to that the engineer has reported the necessity of an appropriation for the re-

moval of what is known as Green Jacket shoal, in the harbor of $112,346.25, which is the estimate placed upon it. The engineer says:

The major part of the larger class of vessels engaged in the commerce of Providence are from 16 feet to 20 feet draught, and there is a constant tendency to an increase in the size of vessels arriving at this port and a corresponding reduction in the cost of freights. There are several vessels already that draw more than 20 feet, and the number would be larger, but at present there is no anchorage for such vessels, except in such positions that they rest in the mud at low water or they occupy and obstruct our newly excavated 25-foot channel, the upper end of which lies just west of the shoal, and the whole of which is nearly completed to the deep water of Narragansett Bay.

When, at low water, these vessels rest in the mud near the channel, they crush down its banks, and our recent surveys show that much damage has been done to the channel in this way.

In consideration of these facts and the comparative economy of making the whole depth in one contract, it will doubtless be advisable to dredge the shoal at once to the depth of 25 feet at mean low water.

I have but a few words more which I wish to say in this connection. This is no unimportant harbor; it has no unimportant commercial interests that are to be provided for. The works of improvement which have been progressing, and which I hope may progress still further until they are completed, do not provide for a problematical commerce in the future, but they do provide for a commerce which is existing to-day and is seeking facilities there to-day.

By the report from the custom-house there were in the year 1884 (arrivals and departures from that port) 11,948 vessels, with a total tonnage of 3,907,146 tons.

These figures do not convey very much of an idea to any one who does not compare them with the figures of the same character relating to the other harbors with which I have been attempting to draw some comparison, in order that the legitimacy of this appropriation which I now seek may be fairly estimated. The revenue collected in the district of Providence from customs in the fiscal year last past was $201,977.87, and yet our foreign commerce is but a trifle as compared with our immense domestic commerce seeking facilities in that port.

The removal of this Green Jacket shoal is an important matter, as is stated clearly by the engineer in what I have already read from his report. I ask that this river and harbor in my own State, not a matter of local interest alone but a matter of national interest and importance, may receive some consideration commensurate with its importance and necessities. I ask that the amendment may be adopted. I ask that we may be put on something like an equality with gentlemen who, by reason of being members of the committee or otherwise, have obtained in other sections of the country much larger appropriations than I now seek for objects of much less importance and worth.

[Here the hammer fell.]

Mr. WILLIS. I wish to say only a word as to this amendment. This river is 7 miles in length. Up to the present time it has had appropriations of $60,000 for each mile. In 1882 there was an improved plan adopted, and that plan is nearly completed; so that the facilities for commerce are as fully extended at that point as at any point in this bill. There is now a channel from 200 to 300 feet wide and from 25 to 27 feet in depth, being the full amount of what is called for by the plan. There is therefore no emergency. Notwithstanding that, the committee have given, upon a recommendation of $100,000, an appropriation of $35,000, which is more than four-fifths of what the other points receive. The committee, therefore, has not declined to recognize the importance of this place, but has fully recognized it, and has given as much as could be given within the limits of this bill.

Mr. SPOONER. I wish to ask the gentleman whether the committee has not entirely passed over without recognition the matter of the removal of Green Jacket shoal.

Mr. WILLIS. I was about to come to that. The matter of the removal of Green Jacket shoal is now pending, and is not reported upon by the Chief of Engineers. It is not, therefore, on the Book of Estimates. I presume, in the coming year, the engineer will examine the report and put it on the Book of Estimates. It will then be before the committee, and I have no doubt it will receive the same liberal treatment that has been given to the river.

The question being taken on the amendment offered by Mr. SPOONER, there were—ayes 39, noes 64.

So (further count not being called for) the amendment was rejected.

The Clerk read the following:

Improving Pawcatuck River, Rhode Island: Continuing improvement, $12,000.

The committee recommended the following amendment:

Strike out the words "Continuing improvement."

The amendment was adopted.

The Clerk read the following paragraph:

Improving narrows at Lake Champlain, New York, from Benson, Vt., to canal locks at Whitehall, N. Y., $40,000.

Mr. ANDERSON, of Kansas. I move to strike out the last word for the purpose of asking the gentleman from Kentucky for an explanation as to this appropriation of $40,000 for improving narrows at Lake Champlain, New York. I find the appropriation here made is 80 per cent. of the estimate of the engineer. I would like to be informed by the gentleman from Kentucky why this variation is made from the rule which I understand the committee has adopted. I notice also that for the Newtown Creek improvement there is an allowance of 50 per cent. of the estimate. At East Chester Creek there is an allowance of 50 per cent. on the estimate of the engineer. In the case of many other important improvements there is a much less ratio than that. I should like to have an explanation.

Mr. WILLIS. As I undertook to state in my opening remarks on this bill in the general debate the committee adopted no cast-iron rule in regard to the amounts to be allotted to these improvements. We did not think medicine that would be necessary for a child would have any effect on a giant. When we found a place like Newtown Creek, with a commerce of twenty or thirty millions, we thought in the public interest a larger amount should be given because a larger amount of commerce would be benefited. The same remark applies to the appropriation for East Chester Creek, which carries a commerce of five and a half millions of dollars, and also to the narrows of Lake Champlain.

Mr. ANDERSON, of Kansas. I am not familiar with the relative commerce of Providence and the commerce of these two creeks; but I understand the appropriation for Providence River, of which the gentleman from Rhode Island has just spoken, is 25 per cent. of the estimate.

Mr. WILLIS. If the gentleman from Kansas will examine the report he will find in one case the amount is $200,000 and in the other five and one-half million dollars. Therefore the reason for the difference will suggest itself at once.

The amendment was withdrawn.

The Clerk read the following paragraph:

Improving Passaic River, New Jersey: Continuing improvement, $35,000; of which $3,000 are to be used above Newark.

Mr. LEHLBACH. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out "$35,000" and insert "$100,000."

Mr. LEHLBACH. Mr. Chairman, the sum of $35,000 is insufficient to make such an improvement of the Passaic River as the commerce of that river demands. I ask to have read as part of my remarks an extract from the engineer's report.

The Clerk read as follows:

IMPROVEMENT OF PASSAIC RIVER, BELOW NEWARK, AND REMOVING SHOALS IN NEWARK BAY, NEW JERSEY.

The project of this improvement was adopted in 1880, and provides for the formation and maintenance, by means of dredging and a system of training-dikes, of a channel 200 feet in width and 10 feet in depth at mean low water from the Pennsylvania Railroad bridge, Center street, Newark, to Newark Bay, the original navigable depth being 7½ feet at mean low water. The range of tides at Newark is 4.7 feet, approximately. The project was revised in 1884, so as to extend the improvement southward into Newark Bay by the construction of 8,000 feet of diking in extension of the existing dike at the mouth of the river and the opening of a channel 2,000 feet long, 200 feet wide, and 10 feet deep, low stage, through the shoal in Newark Bay, abreast of Passaic Light. Up to June 30, 1884, the amount expended on the project was $122,991.47.

Sealed proposals, invited by public advertisement, were opened September 17, 1884, and the contract was awarded to Messrs. H. Du Bois's Sons, the lowest bidders, for building 700 feet, more or less, of diking in Newark Bay, at $18 per linear foot, and for dredging 70,000 cubic yards, more or less, of material from the bay, at 10 cents per cubic yard. Work under the contract was begun November 13, 1884, and by the 15th of May, 1885, 699 feet of the diking were completed and filled with stone, making the aggregate length of the dike extending from the mouth of the river into Newark Bay, abreast of Elbow Beacon, 4,705 feet.

Work under the contract for dredging was extended to September 1, 1885. Up to June 30, 1885, 34,509 cubic yards of material were removed from the shoal in Newark Bay immediately south and east of Passaic Light, making the channel 2,000 feet long, 100 feet wide, and 10 feet deep, mean low water. All the material removed will be deposited behind the dike. The dike, at a point about 2,000 feet from the shore end, was injured by ice-jams early in the spring of 1885. The repairs, which will be made under a written agreement with the present contractors, will include 6,000 feet B. M. of oak sheathing, furnishing and driving 50 piles, putting into place and bolting 250 piles, replacing 800 feet B. M. of pine walling timbers, and supplying 400 cubic yards of stone.

The commerce of the river is now so large that it has been found imperative to provide 10 feet depth, mean low water, in a narrow channel, as early as possible, from the lower Newark Bay to the city wharves at Newark.

The small appropriations available have not been sufficient to give everywhere the full channel width of 200 feet required by the project, nor to begin any of the diking projected for the protection of the banks or the contraction of the channel, except at the entrance. The small width of 100 feet to which the channel has necessarily been limited in places has caused a slight deterioration of depths by the leveling and wearing of the banks of the cuts, which would have been avoided had the cuts been made wider, and the total cost of execution of the original project would have been reduced. Now that 10 feet at low stage can be carried to the city, it will be advisable to begin some of the dike-work for the better maintenance of the improved channel.

The dike at the entrance should be extended south through Newark Bay, beyond Passaic Light, a distance of 4,000 feet, and northward at the shore end, by a light structure to protect the banks, for a distance of 1,000 feet. Four thousand feet of the dike projected for the left bank between zinc works and the toll bridge (page 537, Annual Report Chief of Engineers, 1880, part I), opposite Point no Point, should also be built, and the channel along its front should be widened 50 feet and deepened 2 or 3 feet. The estimated cost of these necessary improvements is $125,000.

An appropriation of $125,000 is recommended. The river is used principally by vessels drawing over 10 feet. Twenty-two thousand vessels passed the draw of the New York and Newark Railroad bridge during the year. The city of Newark has a population of over 150,000 souls, 1,400 manufacturing establishments, employing 40,000 hands, and the total annual product of the diversified industries is estimated at $70,000,000.

Mr. PHELPS. I suppose no member fails to think that his river or harbor is the most important in this sacred book; that no one fails to wonder at the harsh treatment his interests have received at the hands of the committee. And this is my belief, and I ask the committee to listen to the reasons for it. The city of Newark has 150,000 inhabit-

ants, all at work except those who are in the cradle or the grave. There are fourteen hundred large factories, and in them or about them labor forty thousand workmen every day. Most of them may be Knights of Labor. If they are, I hope they are watching the votes of Representatives here to-day. This hive of industry gives to commerce every year seventy million dollars' worth of a varied industry. But this vast trade and commerce call for better accommodations. Newark lies on the banks of the Passaic, three or four miles from Newark Bay. The river is broad, but its channel is narrow. Up and down this river passed last year twenty-two thousand vessels. They have to pass each other painfully and slowly, as in a canal. A canal may be picturesque, but it is not fitted for a business like this.

The Chief Engineer proposes to make it a practicable water way. He says for $125,000 he will make it 200 feet wide and 10 feet deep. It ought to be done. This committee ought to vote the appropriation.

I ask it not for this State or this city only. I ask it for a general commerce. Maine brings ice and lumber, North Carolina tar and turpentine, Louisiana sugar, and Georgia and the Carolinas their cotton. The captains of all these vessels will approve the increased appropriation, and I hope the amendment will carry.

Mr. MCADOO. Mr. Chairman, my friend from Maryland [Mr. COMPTON] challenged me yesterday to be consistent in discussing this bill when I came to the appropriations for New Jersey. I have carefully examined the bill, and find I am unable to find a provision for the improvement of any river in the State of New Jersey the improvement of which would not be perfectly constitutional and legitimate. I find, moreover, so far as the State of New Jersey is concerned, that while the engineer asked for twenty-seven different specific improvements in that State, the committee have appropriated for only seven. In so far as I have investigated, I can not see but what the State of New Jersey has got less from the Committee on Rivers and Harbors, taking into consideration the report of the engineers, than any other State represented on this floor. Why, Mr. Chairman, the engineers of the Government asked that over $4,500,000 should be expended in the improvement of the rivers and harbors of that State, and the committee have recommended the appropriation of only $88,000.

Mr. GIBSON, of West Virginia. Does not the gentleman know——

Mr. MCADOO. I am not complaining about it.

Mr. GIBSON, of West Virginia. Will the gentleman let me ask him a question?

Mr. MCADOO. No, I can not yield; my time is too limited. Now, Mr. Chairman, I am not complaining, for I say to the House and to the gentleman from Maryland, after reading the report of the engineers, that there are a number of items there which, if they had been put in the bill, I would have voted against, because they would not be legitimate constitutional improvements for which this House would have a right to expend the people's money.

Mr. WILLIS. Will the gentleman allow me to remind him that those appropriations were taken out of this bill upon the request and with the advice of the New Jersey delegation in the last House, and upon the report of the engineer stating that they ought not to be made?

Mr. MCADOO. Mr. Chairman, I have stated that I am not complaining of the action of the committee. I have said, and I repeat, that so far as some of those items are concerned the committee did what was right and just. Those items ought not to be in the bill, and the House would have no right to take the people's money and put it into the improvement of those creeks. But, Mr. Chairman, I say, on the other hand, that the State of New Jersey has been extremely modest, and has been provided for in an extremely modest manner in this bill. I have examined four or five items of appropriation for her benefit, and if any one of them comes under the inhibition of the Constitution as expounded by Chief-Justice Marshall in the famous case of Gibbons vs. Ogden, the great steamboat case, in which he laid down the doctrine of the rights of the United States in regard to the internal commerce of the States in this language:

> The genius and character of the whole Government seem to be that its action is to be applied to all the external concerns of the nation, and to those internal concerns which affect the States generally, but not to those which are completely within a particular State, which do not affect other States, and in which it is not necessary to interfere for the purpose of executing some of the general powers of the Government.

The completely internal commerce of a State, then, may be considered as reserved for the State itself. Now that does not apply to this stream, the appropriation for which my colleague is endeavoring to have increased. This is an interstate stream, as much as the Mississippi River—the gentleman from West Virginia [Mr. GIBSON] smiles—ay, more than the great roaring Kanawha [laughter], and it is perfectly legitimate, under the Constitution of the United States, that this stream should be improved.

Now, Mr. Chairman, as to the business aspect of the matter: It is one of my principal objections to this bill for rivers and harbors that we do not proceed with it as a business concern would do. What is the use of every two years taking a certain amount of money and putting it into the improvement of a stream and then waiting until the stream has washed that away before we make any further appropriation? If the improvement is legitimate, if it is called for, if the Constitution authorizes it, if the Congress of the United States should make it, then we should make an honest appropriation to make the improvement and carry it to completion. This dribbling of appropriations from year to year is simply stealing the people's money, wasting it, and giving them no benefit.

Mr. WILLIS. The commercial importance of this river is fully recognized, I presume, by every one who knows anything at all about it. Having considered the condition of the river and the recommendation in regard to it, we have reported this appropriation of $32,000. Now, the Committee of the Whole must bear in mind that this a very short river; that the part of the river for which we propose to give $32,000 is only 2 or 3 miles long. I am informed by a friend in front of me that it is 3 miles long. Now, we are proposing in this bill to give for these 3 miles an appropriation of $10,000 a mile.

Mr. LEHLBACH. The gentleman will allow me to say that the part of the river which is to be improved by this appropriation of $32,000 is over 6 miles long.

Mr. WILLIS. My friend corrects me by stating that the portion of the river to which the bulk of this appropriation is to be applied is 6 miles long. Grant it. What other river in the United States receives in this bill that much per mile? It is a short river. True, its commerce is important; and the Government has heretofore very properly been liberal in appropriating for it. In this bill we have done the best we could for this river. The bill is now larger than some of my friends from New Jersey think it ought to be. Taking into consideration the limitation upon the appropriations in the bill, and considering also the shortness of this river, the committee has done the very best it could.

The question being taken on the amendment of Mr. LEHLBACH, it was rejected; there being—ayes 41, noes 67.

Mr. HIRES. I move to amend by striking out in line 447 the word "five" and inserting "ten;" so as to make the appropriation for the improvement of Maurice River, New Jersey, $10,000.

Mr. GIBSON, of West Virginia. I rise to a point of order, that the paragraph to which this amendment relates has been passed.

The CHAIRMAN (Mr. WELLBORN). The Chair will state that the gentleman from New Jersey [Mr. HIRES] endeavored to obtain recognition from the Chair at the proper time, but through inadvertence the Chair did not recognize him, and now accords him the recognition to which he is fairly entitled. The question is on the amendment as stated by the gentleman from New Jersey.

Mr. HIRES. Mr. Chairman, in support of this amendment I desire to say that Maurice River is a considerable stream, about 24 miles in length. On either side of it are several thriving towns, and at its head is the city of Millville, one of the most thriving cities in the State of New Jersey, having a population of ten or twelve thousand. Some of the largest manufacturing establishments in our State are at Millville, and the largest glass manufacturing establishment in the United States is located there. Besides the trade which the towns on this river naturally bring to it, there are large deposits of sand, which are now being shipped to all parts of the Eastern and Middle States.

The engineers in their report state that $35,000 could be profitably expended on this improvement during the fiscal year ending June 30, 1887. I sincerely hope that the Committee of the Whole will grant the amount asked in this amendment, which I consider but a pittance at best.

Mr. WILLIS. The amount of money on hand, unexpended, for this river is in round numbers $19,000. This is one of the reasons why the committee did not give more.

Mr. HIRES. In reply to the gentleman from Kentucky, I will say that the amount estimated to complete this work is $92,000.

The question being taken on the amendment of Mr. HIRES, it was rejected; there being—ayes 38, noes 52.

Mr. SWINBURNE. I ask unanimous consent to offer an amendment to the clause relating to the improvement of the Hudson River, having been called out of the House at the time that paragraph was reached.

Mr. WILLIS. I hope consent will be given.

The CHAIRMAN. The Chair hears no objection.

Mr. SWINBURNE. I offer the amendment which I send to the desk.

The Clerk read as follows:

> After the word "dollars," in line 431, insert "and $40,000 for the removal of the rock in the channel at Van Wie's Point."

Mr. SWINBURNE. Mr. Chairman, in asking to have this amount for continuing improvements on the Hudson River increased and this additional $40,000 appropriated it can not be said that it is for any local interest, but rather for the benefit of a vast country lying north, east, and west of the State of New York, as well as the State itself. The State of New York, at a cost of $51,609,200 for construction, has opened and thrown free to commerce one of the greatest interior water ways in the world, and for the purpose of keeping this channel between the lakes and the navigable outlet to the ocean in proper condition expended in 1884 for ordinary repairs and operating expenses the sum of $718,325.66.

This connecting link between the vast producing western section of the country and the avenues of trade with all the nations of the world empties a traffic in commerce on the Hudson River which makes that river the greatest inland commercial water way in the nation, and de-

mands at least a generous recognition by the General Government to keep it free from interruption to all legitimate navigation. The 460 miles of canals, with over a hundred locks, besides feeders and branches, connecting the Hudson River with Lake Champlain and the vast territories of Canada and the States bordering the lakes and tapping the Grand Trunk Railway at Oswego with the West and the trade of the St. Lawrence River and the Requo Canal, and at Buffalo with Lake Erie and the chain of lakes in the West, are far-reaching in resources and important in commercial interests.

Over these canals during the ten years, including 1884, 14,280,727 tons of merchandise, valued at $1,732,879,725, were carried; a very large proportion of this amount going and coming from New York by the Hudson River. Over these canals in 1884 the value of the merchandise transported was $162,097,069. Of this amount $53,551,968 was from the West and went direct to New York. In four of the staple articles of the West—wheat, rye, corn, and barley—thus transported, the value represented was $27,215,055.

For the year 1885 there were carried over these canals 4,731,784 tons of merchandise, of which 3,476,134 tons went East and 1,255,650 tons West, the total value of merchandise and property thus moved aggregating $119,536,189. The property arriving at tide water during the year from the West amounted to 2,715,219 tons, while the total value of all property arriving at tide water from the canals was $55,130,473; the value of property left in the city of New York being $49,955,934.

These canals are the great natural outlet for the immense trade of the West, and during the season the boats engaged on the canal carry a third of all the cereals shipped from the West to New York during the year. It is a means of reducing the rates of transportation and preventing exorbitant charges, and thus materially assisting in placing the produce of the West on foreign markets at greatly reduced prices and directly benefiting the Western producer. The people of New York have made this water way free to all commerce passing over it at an annual expense of hundreds of thousands of dollars, and propose to render it still more useful and profitable to commerce and a valuable means of transporting vessels of war to the Western lakes in the emergencies arising from war, and it is nothing more than a proper recognition of these facts that Government should be just, if not liberal, in fostering the trade of so important an outlet from our vast grain fields and stock-raising industries to the ocean.

The reshipments from the port of Albany last year were:

	Value.
Grain, 1,800,000 bushels	$10,500,000
Lumber, 500,000,000 feet	10,000,000
Coal (received) 300,000 tons	1,125,000

The miscellaneous freight received and shipped by steamer was 260,000 tons.

All this trade leaves the canals at and in the neighborhood of Albany, and during some seasons of the year meet with more obstructions in the Hudson River than in the canals. Between the mouth of the canal and New York city the State of New York expends large amounts of money to keep an open channel, and appropriates to that end $30,000 annually. As much of this sum as is necessary is expended in dredging and in keeping open the channel in the river, but at Van Wie's Point, a short distance below Albany, a ledge of rocks extends out into the channel, and during the season of low tide an embargo is almost sure to take place. At this point numerous vessels have been compelled to stop and unload at a great cost in money and sacrifice in time. There is no plausible reason why the Government should not remove this permanent obstruction to trade as well as prevent the annoyances of delay to passenger steamers.

This obstruction at Van Wie's Point (Austin's Rock) is a ledge of rocks extending out into the channel, and to render the channel safe and open will require the removal of about 1,200 yards of rock. This, because of the interruptions that must unavoidably occur through the narrowness of the channel in allowing steamers and other vessels to pass up, can not be safely undertaken at a lower figure than $30 per yard.

This ledge is a continual cause of expense to the State of New York in causing the lodging and forming of sand bars in the spring of the year. It is, in addition, an important factor in assisting the ice gorges that make at this point on the breaking up of the ice in the Upper Hudson and its tributaries every year, causing a backing of water, overflowing the docks, piers, and lands on both sides of the river several feet deep. The least deviation from the center of the channel during the season of low water is often attended with the grounding of the steamer or canal-boat and an interruption of trade.

From Southern and Eastern ports there is a regular trade in sailing vessels in this channel, and to the owners of vessels who do not feel like employing tugs to tow the passage is always dangerous.

In addition to the regular commerce over the canals the heavy freight and passenger transportation is carried on by steamers navigating this river and passing this point to Albany and Troy, where several lines of railways for the East, North, and West center, and from which points a large distributing trade is carried on by the railways.

The appropriation asked for by the committee will effect but slight relief and will require to be repeated from year to year. This may and can be obviated by the appropriating of $40,000.

This additional appropriation is asked for with more than ordinary confidence, because it is in reality a reform, and because it is recommended by General Newton, the head of the Engineer Corps of the War Department, who understands the necessity for having this bar (Austin's Rock) removed, and has recommended $35,000 for the purpose. In his report he states the fact, known to every person conversant with the Upper Hudson River, that it has always been obstructed by bars and shoals, due to the existence of numerous islands and sloughs. The other $15,000 recommended by the committee will be required in other improvements in the 20 miles of channel between Troy and New Baltimore. [Applause.]

Mr. BURLEIGH. In reply to the remarks of my colleague [Mr. SWINBURNE] I will state that $15,000 was appropriated for the place referred to, and the last report showed the sum of $31,000 to be on hand, making a little more than the full amount which the engineer stated to be necessary—$45,000. I presume my colleague did not understand this to be the fact, but it is.

The question being taken on the amendment of Mr. SWINBURNE, it was rejected; there being—ayes 65, noes 75.

Mr. KELLEY. I beg leave to inquire of the Chair whether the rule which prohibits smoking in the body of the House applies also to the galleries. If it does, I should like the gentleman near that end [indicating] to quit.

The CHAIRMAN. The Sergeant-at-Arms will see that the grievance is corrected.

The Clerk read as follows:

The Secretary of War is hereby authorized and directed to negotiate for the purchase of the works of the Monongahela Navigation Company, situated in the Monongahela River, in the States of Pennsylvania and West Virginia; and in order to ascertain the value of said works the Secretary of War shall appoint a commission of three competent engineers from the Engineer Corps of the United States Army, who shall value and appraise the same and report to the Secretary of War. And if the said Monongahela Navigation Company shall offer and bind itself to take for said works a price deemed by the Secretary of War to be satisfactory and not excessive, he shall so report to the Congress at its next succeeding session; but if the said Monongahela Navigation Company refuses to sell its works, or demands a price therefor deemed to be excessive, then the Secretary of War shall be, and he is hereby, authorized and directed to acquire said works by condemnation for the United States; or, in the exercise of his discretion, the Secretary of War may, and he is hereby authorized to, take possession of said works in the name of the United States, to the end that the navigation of said Monongahela River may become free and said works be brought within the provisions of section 4 of an act of Congress entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved 5th day of July, 1884. And for the purpose of carrying into effect these provisions the sum of $20,000, or so much thereof as may be necessary, are hereby appropriated out of any money in the Treasury not otherwise appropriated, to be paid on the warrant of the Secretary of War.

Amendment of the committee: Insert before the word "the" the following:

Improving Monongahela River, Pennsylvania and West Virginia: Continuing improvement, $121,200; and.

Mr. REAGAN, Mr. WILLIS, and others sought the floor.

The CHAIRMAN. The Chair has extended recognition to the gentleman from Pennsylvania [Mr. NEGLEY], who wishes to raise a point of order upon the paragraph in the bill which has been read.

Mr. WILLIS. If the gentleman will permit me, I will ask by unanimous consent general debate on this paragraph be limited to half an hour.

Mr. NEGLEY. I am satisfied when you have considered the point of order which I will raise it will dispose of the whole question.

Mr. WILLIS. Very well; then I will reserve that request until after the gentleman's point of order has been stated.

Mr. NEGLEY, Mr. Chairman: First, because this provision is extraordinary in its scope, unconstitutional, and without precedent.

Second. Congress has not the power to refer a constitutional function to a subordinate officer of the Government, wherein it is proposed to seize a State franchise, the rights of a corporation, and property without observing all the requirements of law.

Third. That no expenditure can be legally made by the Government upon any public improvement until the State in which this improvement is situated gives a general cession of jurisdiction over the lands in question.

Fourth. This is not an improvement of the Monongahela River, but the purchase by the Government of an improvement already existing.

Fifth. There has been no report or recommendation received from the Department having charge of the interests of navigation upon which to base an estimate of the cost of this property.

Sixth. That it would not be an exercise of prudent judgment on the part of the members of this House, or in keeping with a wise policy, to incur a large indebtedness, and, at the same time, create a long and expensive litigation.

Mr. Chairman, it is not my purpose to antagonize the demand for the unobstructed navigation of the Monongahela River, and I advocate that it should be made free of all taxation or impositions upon commerce, but we should proceed orderly, with a full knowledge of all the facts. We not only should conform with the requirements of the statutes bear-

ing on the question of the right of eminent domain, but not attempt to confiscate private property by coercive, mandatory, and unconstitutional proceedings.

Mr. GIBSON. Will the gentleman allow me to ask him a question?

Mr. GIBSON. I do not suppose your point of order extends to the first three lines appropriating $121,200 for the improvement of the Monongahela River in Pennsylvania and West Virginia, but only to the provision in reference to the purchase of the Monongahela Navigation Company's works?

Mr. NEGLEY. That is all. I am in favor of the appropriation for the improvement of the Monongahela River.

In support of my point of order I read from Article V of the Constitution the following:

No person * * * shall be deprived of life, liberty, or property without due process of law, nor shall private property be taken for public use without just compensation.

Again, in Article IX the following language occurs:

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

The owners of this property had lawful possession of it under a charter of the State of Pennsylvania for a period exceeding fifty years. They have expended a large sum in the work of construction and repairs. For the greater portion of the time it returned no interest on the investment, but was obliged to contribute to the revenue of the State by taxation an annual sum which now amounts to $12,000 per year. The owners are willing to concede the necessity of the Government controlling the navigation of the river and assume charge of their improvements, but they wish to have accorded to them a fair hearing, with a proper adjudication of their rights and a just measure of compensation when the Government takes the property.

Mr. BAYNE. I do not apprehend the point of order which has been made. I did not hear any rule referred to by my colleague.

Mr. NEGLEY. I regret that I can not afford my colleague a better hearing, but I will repeat for his information that in my judgment the provision of the bill under consideration is unconstitutional and oppressive, for it undertakes to seize corporate rights and private property without the due process of law, or providing an appropriation sufficient to pay a fair measure of compensation therefor. Furthermore, we have no reliable data upon which we can intelligently estimate the probable cost of the improvements, or how much it will require to adapt them to a more convenient and extended use.

I also hold that it is not technically an improvement of a river, but the purchase of an improvement already existing and in successful operation.

Mr. BAYNE. I do not see any point in the point of order. There is unquestionably power in the River and Harbor Committee to originate legislation.

Mr. NEGLEY. But the committee must keep within the provisions of the Constitution and the rules of the House.

Mr. BAYNE. I wish to be heard on this subject. The general debate was had on the bill when I was absent, as I did not apprehend it would be called up at that time.

Mr. REAGAN. Let the Chair decide the point of order, and then we can determine who is entitled to the floor.

The CHAIRMAN. The Chair thinks the point of order that has been made goes merely to the question of the expediency of the proposed legislation, and therefore rules it is not well taken.

Mr. REAGAN obtained the floor.

Mr. WILLIS. I ask that debate on the proposed paragraph be limited to thirty minutes.

Mr. KELLEY. I object.

Mr. BAYNE. I hope the gentleman from Kentucky will not limit the debate at this time.

Mr. WILLIS. Say one hour, to be divided equally.

Mr. BAYNE. I ask my colleague on the committee to allow the debate to run along for the present.

Mr. WILLIS. One hour is certainly long enough.

Mr. BAYNE. You can move the committee rise at any time and close the debate when it is found necessary to do so.

Mr. REAGAN. This does not come out of my time.

The CHAIRMAN. Does the gentleman yield the floor?

Mr. REAGAN. I do not. I demand the floor.

I move to strike out this paragraph which has been read in reference to the Monongahela Navigation Company. This river is one improved in part by a private corporation and in part by the Government of the United States. The appropriations heretofore made for the improvement of this river by the Government were wholly improper, and were intended to benefit a corporation instead of the commercial interests of the river.

Mr. Chairman, the Government is already engaged in providing slackwater navigation at different points; for instance, on the Fox and Wisconsin Rivers, the channel between Mississippi River and Green Bay and Lake Michigan, Wisconsin. It is also engaged in constructing slackwater navigation on the Great Kanawha River, in West Virginia, and for the Kentucky River; and in addition to this, provision has been made for slackwater navigation for the Sault Ste. Marie Canal, to accommodate the commerce of the great lakes; also at the Des Moines Rapids; for the improvement of the Mississippi; for the Louisville and the Welland Canals; for the Ohio River; and it is now proposed to increase these works that are provided for by slackwater navigation by extending it to this river embraced in this bill.

It is to be remembered, on entering upon this work, that we have about 28,000 miles of navigable waters in the United States outside of the necessities for the improvement of the harbors to accommodate our great ocean commerce. It should be remembered also that the money that would be required to provide slackwater navigation on a river for 50 or 100 miles would contribute immensely to the improvement of the harbors of the country to accommodate the general commerce of the country, and it seems to me a wise policy would require us, in the first place, to improve the open waters before commencing the expenditure of vast sums of money in the improvement of water ways by means of slackwater navigation.

But this bill is all wrong in this: It proposes first to authorize the Secretary of War to appoint three commissioners to condemn the property of this navigation company; first, to assess its value, and demands that on that valuation the company shall make a sale of the work; but it makes no provision that this company shall be represented on the board that is provided for this assessment or condemnation; and after providing this one-sided arrangement for the assessment of the value of the works and the property of the company, it is to be purchased by the Government at the cost so fixed. The bill goes on to say:

But if the said Monongahela Navigation Company refuses to sell its works, or demands a price therefor deemed to be excessive, then the Secretary of War shall be, and he is hereby, authorized and directed to acquire said works by condemnation for the United States; or, in the exercise of his discretion, the Secretary of War may, and he is hereby authorized to, take possession of said works in the name of the United States, to the end that the navigation of said Monongahela River may become free and said works be brought within the provisions of section 4 of an act of Congress entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved 5th day of July, 1884.

Now that law of 1884, having reference to the great works that I have referred to where slackwater navigation is provided, simply meant to throw upon the Government of the United States the expense of operating them. I will read a section from the law:

SEC. 4. That no tolls or operating charges whatsoever shall be levied or collected upon any vessel or vessels, dredges, or other passing water craft through any canal or other work for the improvement of navigation belonging to the United States; and for the purpose of preserving and continuing the use and navigation of said canals, rivers, and other public works without interruption, the Secretary of War, upon the application of the chief engineer in charge of said works, is hereby authorized to draw his warrant or requisition from time to time upon the Secretary of the Treasury to pay the actual expenses of operating and keeping said works in repair.

[Here the hammer fell.]

Mr. BAYNE was recognized.

Mr. REAGAN. I should like to have a few minutes additional time.

Mr. BAYNE. If I can be recognized afterward I have no objection to the gentleman from Texas continuing, if some gentleman will yield him his time.

Mr. JONES, of Alabama, was recognized, and by consent yielded his time to Mr. REAGAN.

Mr. REAGAN. This is a provision of law looking to the fact that because slackwater navigation was provided on the water courses mentioned by the Government, therefore the expense of operating these works should also be upon the Government of the United States; levying a toll upon the commerce on them by the Government—a policy which I always dissented from. But it is the law, and that ends it.

But you will see, Mr. Chairman, by the provisions of this bill that it is a plain proposition to confiscate the property of that company. It is to the effect that if they will not take the price at which the property is assessed by three persons, neither one of whom they have had any privilege of selecting, if they will not take the price, then the Secretary of War may have it condemned under the law, and can take possession of it and control the navigation of the river under a law which simply relieves their improvements—the Slack-Water Navigation Company—from the expense of operating the work.

Mr. KELLEY. Does it not ignore the property rights of the company?

Mr. REAGAN. Certainly. Just as the gentleman has suggested; it does ignore those rights.

Mr. KELLEY. They are not taken into consideration at all.

Mr. REAGAN. This river, as I find by a circular which was placed upon my desk, has a slackwater navigation for about 50 miles. It then states that they are carrying coal over it at 4½ cents a ton, or ½ of a cent a bushel. If it be alleged that this river, by reason of the fine coal fields upon it, should be improved, we might answer that there are many streams in the country with many times the volume of water of the Monongahela River, which pass through countries producing wheat, cotton, and other products many times greater in value than the commerce accommodated by the works of this river, which would be more entitled to improvement by slackwater navigation than it is.

I trust the House will consider well before they enter upon new works of slackwater navigation. If we desire to improve the open water ways of this country and to secure a continuance of the passage of bills for

the improvement of rivers and harbors, we had better not load down such a bill with works which require the expenditure of an immense amount of money for the accommodation of a very small amount of commerce. We had better go on and improve, as we ought to do in my judgment and as I favor doing, by liberal appropriations the water ways of the country, deepen the rivers, removing obstructions, deepen the harbors, removing obstructions, give cheap freights by carrying deep-draught vessels, give cheap freights by obviating high rates of insurance, and do what we can with the few millions of dollars which public sentiment tolerates for such a purpose—better do that than destroy the usefulness of the bill by forcing into it additional works for slackwater navigation, where millions of dollars would be expended for small rivers with comparatively little benefit to the commerce of the country.

[Here the hammer fell.]

Mr. STONE, of Massachusetts. I rise to a question of order. I ask to be informed by the Chair what amendment is now pending?

The CHAIRMAN. The amendment will be reported by the Clerk.

The amendment was again read.

Mr. BAYNE. Mr. Chairman, the Monongahela River is navigable from Morgantown, in the State of West Virginia, to its mouth at Pittsburgh, in the State of Pennsylvania, at which point the Monongahela and Allegheny Rivers unite and form the head of the Ohio River.

The Monongahela River has been repeatedly recognized by Congress as a navigable river of the United States. It comes within the judiciary act of 1789, conferring admiralty and maritime jurisdiction in the district courts in cases where seizures are made on waters which are navigable from the sea by vessels of ten or more tons burden. Vessels navigating this river are embraced by the act of February 18, 1793, which provides for the registering, enrolling, and licensing of vessels.

The act of August 30, 1852, relating to the inspection of steamboats and boilers, the licensing of pilots and engineers, &c., and the various acts establishing ports of entry, are applicable. And the act of February 13, 1807, declaring Pittsburgh a port of entry, provides:

That from and after June 13, 1807, all the shores and waters of the river Ohio, and the several rivers and creeks emptying into the same, are hereby annexed to, and and shall make a part of, the district of Mississippi, and a surveyor shall be appointed for Pittsburgh, Charleston, Marietta, Cincinnati, &c.

And, in addition to all, that Congress has authorized and appropriated at different times money for the construction of locks and dams in the Monongahela River to promote the commerce and navigation of that river.

Under the power conferred to regulate commerce with foreign nations and among the States, Congress has the right to protect, improve, and control the Monongahela River. The exercise of this authority is not only paramount, but exclusive. This proposition has been decided by the United States courts over and over again.

In United States *vs.* Duluth, 1 Dillon, 469, the United States filed a bill for injunction to protect improvements made by the United States in the navigable waters between Wisconsin and Minnesota from injury to be caused by improvements in the same waters made under State authority. The United States was proceeding to narrow one channel in order to deepen another, and the State was engaged in cutting a canal which would render the work of the United States abortive. The injunction was granted by Mr. Justice Miller, who said:

That the protection, improvement and general control of navigable waters of the United States are within the constitutional competency of Congress there can be no doubt. This power has been so often asserted both in Congress and in the Supreme Court, that reference to the adjudged cases would be an affectation of learning. No one had denied this for many years past and it is not denied by counsel on the present occasion. It is, however, asserted that the States have concurrent right to authorize improvements on the navigable waters of the United States in which their citizens are interested so far as these waters lie within their territorial limits. That such a power can be exercised by the States may be admitted when it does not injure the general interest of commerce, and when it does not conflict with any control assumed by the Federal Government over the same locality. But all the reported cases which concede this power agree that it exists only while the United States refrains from the assertion of its authority, and that when the latter is called into exercise, it is not only paramount, but exclusive.

In Transportation Company *vs.* Parkersburg, 107 United States, 691, Mr. Justice Bradley says:

Our system of Government is of a dual character, State and Federal. The States retain general sovereignty and jurisdiction over all local matters within their limits, but the United States, through Congress, is invested with supreme and paramount authority in the regulation of commerce with foreign nations and among the several States. This has been held to embrace the regulation of the navigable waters of the United States, of which the Ohio River is one. In the exercise of this authority over navigable waters, Congress has from the commencement of the Government erected light-houses, breakwaters, and piers, not only on the seacoast, but in navigable rivers of the country; and has improved the navigation of rivers by dredging and cleaning them and making new channels and jetties, and adopting every other means of making them more capable of meeting the growing and extending demands of commerce. It has extended its supervision in an especial manner to the Ohio River. * * * It has regulated the bridges which have been thrown across the river by authority of the States. It authorized the Wheeling Bridge to stand after this court had declared it to be a nuisance. It required the Newport and Cincinnati Bridge to be removed or placed at a greater height above the water, after having been constructed in accordance with the laws of the States and of the United States.

Now, wharves, levees, and landing places are essential to commerce by water, no less than a navigable channel and a clear river. But they are attached to the land; they are private property, real estate; and they are primarily, at least, subject to the local State laws.

Congress has never yet interposed to supervise their administration; it has hitherto left this exclusively to the States. There is little doubt, however, that Congress, if it saw fit, in case of prevailing abuses in the management of wharf property, abuses materially interfering with the prosecution of commerce, might interpose and make regulations to prevent such abuses.

This decision recognizes the principle that the improvement of a river by Congress is the exercise of authority over it as a navigable water way, and thus brings the Monongahela River within the scope of ample power on the part of Congress to remove or abate any interference with or obstruction of the free navigation of that river.

Now, the commerce and navigation of the Monongahela River is interfered with and obstructed, and the proposition in the bill under consideration looks to the early and effectual removal of that obstruction.

A number of years ago—in 1836, I believe—a number of enterprising gentlemen in Pittsburgh procured a charter from the State of Pennsylvania for the incorporation of the Monongahela Navigation Company. Under this charter the company constructed a series of locks and dams, and from that time on has collected tolls from the entire commerce of the river. The tolls, according to the last report of the company, aggregated for the year 1885 $215,675.31.

The report shows that in that year nearly 86,000,000 bushels of coal and coke passed through one or more of the seven locks of the company, which was almost wholly I suppose in barges and flatboats. The steamboats and other craft pay tolls, but the amount derived from these is small compared with the tribute the coal and coke pay. The cost to the coal interest is pretty well illustrated by some figures prepared by Captain Dravo, of Pittsburgh, who appeared before the Committee on Rivers and Harbors in behalf of the free navigation of the Monongahela River. This statement is as follows:

Pool.	Bushels per acre.	Lockage tolls per 1,000 bushels.	Equivalent per acre to—
No. 1	115,000	$0 90	$115 00
No. 2	115,000	1 80	207 00
No. 3	120,000	2 45	294 00
No. 4	130,000	2 65	344 50
No. 5	130,000	2 85	370 50
No. 6	130,000	3 05	396 50

These figures and the aggregate receipts of the company, however, but faintly illustrate the possibilities yet in store for the company if it be permitted to continue the levying of tribute on the commerce of the Monongahela.

I have not the data at hand to show the expanse of these possibilities, but I have here a specimen, from the report of Colonel Merrill, published in the engineers' reports submitted to the Forty-eighth Congress.

I should say that the Youghiogheny River is a tributary of the Monongahela, and empties into it above the second lock of the Monongahela Navigation Company.

The report sets forth this fact:

The coal lands lying within 5 miles of the Youghiogheny River, from its mouth to Ohio Pyle, are estimated at 830 square miles, with an aggregate workable thickness of 30 feet. The total amount of workable coal is therefore about 15,000,000,000 tons, whose value at $3 per ton is $30,000,000,000.

There are, I believe, 25 bushels in a ton of coal. At this rate the coal lying within the described area amounts to 375,000,000,000 bushels, an almost inconceivable quantity. The aggregate national wealth is reported in the census of 1880 to be less than $47,000,000,000; yet here in this strip of the coal fields of Western Pennsylvania there is coal worth $30,000,000,000, or more than three-fifths of the accumulated wealth of the nation.

Now, the gentlemen interested in the Monongahela Navigation Company improved the navigation of the Monongahela because the Government then would not appropriate money for such purposes. That private corporation has provided locks and dams. There are two locks and dams belonging to the United States, one of which is finished and the other in progress of construction by the Government of the United States, and for which appropriation after appropriation has been made, and for which the gentleman from Texas voted when he was a member of the Committee on Commerce without protest, so far as I know.

Mr. REAGAN rose.

Mr. BAYNE. The gentleman can correct me later if I do him injustice. The gentleman voted for appropriations to construct dams in the Monongahela River.

Mr. REAGAN. I voted for the general appropriation bill rather than see it defeated, but always fought the items for that river in committee.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIS was recognized, and yielded his time to Mr. BAYNE.

Mr. BAYNE. I thank the gentleman for his courtesy. Now, the proposition in this bill gives them the opportunity to sell by amicable negotiation. If they make a fair proposal the Secretary of War will

doubtless favorably report it to Congress under this provision. If they will not, the authority is conferred on the Secretary of War to condemn their works. I regard this provision, however, as of doubtful application. I fear the courts would say that condemnation is supererogatory.

The United States now has the right to take possession and control and to remove the obstruction to the commerce and navigation of the river as a nuisance. It was therefore considered wise by the committee to include the third provision authorizing the Secretary of War to take possession and control. This at once obviates the implication, somewhat established by the authority to condemn, that Congress recognizes a valid property right in the company to occupy the river with its works. That the committee was not willing to admit. And in addition to that the committee means and meant to say by this provision that the navigation of the Monongahela River shall be free.

If the motion of the gentleman from Texas prevails it is obvious that the immense tonnage of this river will have to pay tribute to this private corporation. The coal lying adjacent to the river is of incalculable value, and the tax put upon every acre of that coal by this corporation amounts to an average of $250. Here is a nuisance in the eye of the law—a nuisance that can be abated now in the courts of the United States to-day, because it is an obstruction to commerce upon a navigable highway of the United States.

The question before the House is whether all these vast resources shall pay tribute to this private corporation. Why, sir, the wealth of the great State of Texas pales before the magnitude of the wealth of that section of Pennsylvania. Yet the gentleman asks over a million of dollars for that State. I have voted money for that State, but its wealth and its commerce are insignificant compared to the wealth and the commerce that is adjacent to that Monongahela River; it is a live commerce, too.

As I have said, the Supreme Court of the United States has decided time after time that the jurisdiction and control of the Federal Government over the navigable water ways of the United States is not only paramount, but is exclusive when asserted. I have here decision after decision of the Supreme Court to that effect, which I will incorporate in my remarks.

Now, sir, does anybody suppose that this private corporation, which is making this coal land pay a tribute of $250 an acre, and will continue to make it pay that tribute, thus reducing the power of the producers, making coal dearer to the consumers, keeping down the wages of the operatives—does anybody suppose that this corporation, enjoying this franchise and these benefits, will relinquish them unless some steps are taken by Congress to compel the relinquishment?

All that I propose here is that the Government of the United States shall inform itself, through the Secretary of War, by a commission; that he shall then report to Congress, and then, if this corporation is willing to take a reasonable price, that the Government shall purchase its property. It will claim a valuation for its franchises, but I deny that it has any right or franchise there to collect tolls, or that that is properly an element in the valuation. It is obstructing commerce in a national highway of the United States, and it has no more right to collect tolls there than the gentleman from Texas [Mr. REAGAN] would have to establish a toll-house down here on Pennsylvania avenue and make every pedestrian pay 2 cents and every vehicle 5 cents toll.

Mr. WARNER, of Ohio. Will the gentleman permit me to ask him a question?

Mr. BAYNE. Yes.

Mr. WARNER, of Ohio. I wish to ask the gentleman whether the commerce that originates on the part of the river above these improvements, the part on which the Government has made improvements, pays toll?

Mr. BAYNE. It all pays toll; this corporation levies a tribute on everything; it collects about $200,000 a year in tolls.

Mr. REED, of Maine. Can you tell about how much the United States would have to pay for this property?

Mr. BAYNE. Its plant is worth about a million dollars. It says three millions; but in that estimate it counts its franchise as of value. I, on the other hand, deny that the State of Pennsylvania ever had the right to locate that corporation in that stream any more, as I suggested a while ago, than the gentleman from Texas [Mr. REAGAN] would have a right to locate a toll-house on Pennsylvania avenue and levy a toll on all the people passing along that street.

[Here the hammer fell.]

Mr. BLANCHARD was recognized.

Mr. BROWN, of Pennsylvania, rose.

The CHAIRMAN. The Chair has recognized the gentleman from Louisiana [Mr. BLANCHARD].

Mr. BLANCHARD. If I can be recognized later I will yield to the gentleman from Pennsylvania [Mr. BROWN] in order that he may yield to his colleague, although I desire to speak on the same side.

The CHAIRMAN. If there is no objection the gentleman will be recognized for the purpose indicated.

Mr. BROWN, of Pennsylvania, was recognized and yielded to Mr. BAYNE.

Mr. BAYNE. Mr. Chairman, having a little more time, I will read from one of the decisions of the Supreme Court I have here bearing upon this point. It is in the case of South Carolina *vs.* Georgia, 93 United States, page 4. The summary of the opinion is all that I will have time to read now. It is in this language:

> When it is insisted, that although Congress could remove obstructions, it had no power to authorize placing obstructions in the bed of a stream, the court denied the position, and said if it were true every structure erected in the bed of a river, whether in the channel or not, would be an obstruction. It might be a light-house erected on a submerged sand-bank, or a jetty pushed out into the stream to narrow the way, or a pier of a bridge standing where vessels now pass.

And then, without going further into it, the court held that the United States had the power to do that, but no other authority had the power to do it, and although the United States had that authority, if it were a navigable river of the United States, any other person or corporation undertaking to do that thing committed a nuisance and might be indicted in the courts of the United States, because the jurisdiction, control, and authority of the United States over the navigable water ways of the United States was paramount and exclusive.

Mr. REAGAN. I ask the gentleman whether that was ever at any time a navigable stream for steamboats?

Mr. BAYNE. It has been a navigable stream ever since the Ohio River was navigable and partakes of the same navigable quality of that river.

Mr. REAGAN rose.

Mr. BAYNE. I do not yield. I know what the gentleman is going to say, and I will answer him. This company claims that it made this river a navigable stream. But it was navigable before the works of the company were located there. The great tonnage which now goes down the Ohio River would do so though the Monongahela Navigation Company had never put a lock or dam there. This company asserts in a printed memorial which has been circulated here that it built up the tonnage of this river, that it created an immense tonnage by constructing these locks and dams. That is an unfounded allegation.

Mr. REAGAN rose.

Mr. BAYNE. I can not yield unless I have more time.

The fact is, the tonnage of that river has increased because the coal from a point called Sawmill Run up to where the first dam is located had been exhausted. Mining operations have been moving up and up the river, but, like Bitter Creek, the farther you go up the worse the tolls get, and by the time you get to the fifth or sixth pool the tax levied by this corporation amounts to nearly $400 per acre.

I want to treat this corporation fairly and justly by paying it a fair price for its plant, but I want the navigation of that river free.

[Here the hammer fell.]

Mr. BLANCHARD. Mr. Chairman, what is this proposition? It is simply that the Government of the United States shall assume control of its own property. The Monongahela is now and ever has been a navigable water of the United States, and as such the property of the United States. In 1836 the State of Pennsylvania chartered the Monongahela Navigation Company; for what purpose? To improve the navigation of a river which belonged, not to the State of Pennsylvania, but to the United States. The Supreme Court of the United States has defined what is a navigable water way of the United States.

Mr. REAGAN. I hope the gentleman will read that decision of the Supreme Court.

Mr. BLANCHARD. I have only five minutes; but I have here the syllabus of the decision, and will read it. The case is in 11 Wallace, 411:

> A river is a navigable water of the United States when it forms by itself or by its connection with other water ways a continuous highway over which commerce is or may be carried on with other States or foreign countries in the customary modes in which such commerce is conducted by water. If a river is not of itself a highway for commerce with other States or foreign countries, or does not form such highway by its connection with other waters, and is only navigable between different places within the State, then it is not a navigable water of the United States, but only a navigable water of the State.

Now, the Monongahela River by its junction with the Allegheny forms the great Ohio, and the Ohio flows into the Mississippi, which in turn connects with the ocean. Thus it will be seen that these rivers and all their tributaries are, under this decision of the Supreme Court, navigable water ways of the United States.

Mr. Chairman, it is said that this river was not navigable until it was improved by this navigation company. I deny it. I hold in my hand the memorial of this company, in which they admit that the Monongahela in times of freshet—in other words, in high stages of the water—was always navigable for boats and coal-barges.

Mr. REAGAN. When coming downstream.

Mr. BLANCHARD. It does not make any difference whether they ran down stream or up. If the river at any time before this navigation company began its improvement was navigable for boats, it was a navigable water way of the United States.

Mr. NEGLEY rose.

Mr. BLANCHARD. I can not yield. This river being a navigable water way of the United States, being the property of the United States, why can not the Congress of the United States assert the ownership of the Federal Government and assume control of the river? In doing so, it is proposed to pay this navigation company for the value of their works and their plant. So long as the Government of the United States

saw fit to allow this navigation company to hold control of the river it (the company) could do so. But the moment Congress steps in and says, "This is the property of the United States and the Government will assume control of it," where is the authority to say the Government shall not do it? Where is the provision of the Constitution or the laws which says "nay" to this proposition?

It is not a proposition to take private property without due compensation. On the contrary, it is provided in the bill that the property shall be condemned if the navigation company will not consent to take a reasonable price for it——

Mr. NEGLEY. Who is to determine what is a reasonable price?

Mr. BLANCHARD. The property is to be condemned in the manner pointed out by law. There is an alternative provision declaring that if it should be impossible to get the navigation company to accept a reasonable price, the Secretary of War, in the exercise of the authority of the Government over its property, to wit, the Monongahela River, can take possession of that river. This does not mean that we are to take possession of the works and plant of the company without payment. Under the jurisdiction conferred upon the Court of Claims this navigation company could go to that court under the implied contract resulting from the act of taking and prove the amount of damages sustained by reason of this act of the Government, and the Congress of the United States would make an appropriation to cover the judgment thus recovered.

[Here the hammer fell].

Mr. KELLEY. Mr. Chairman, I wish to say it may be an old-fashioned notion of mine, but I can not help thinking Congress should recognize the rights of property, and, rather than judge the infinite number of important questions decided by my colleague [Mr. BAYNE] and the gentleman from Louisiana [Mr. BLANCHARD], should also recognize the rights of the judiciary.

Here is a property held by charter of the State of Pennsylvania for half a century. Here is a stream upon which no boat floated, except in time of a freshet, downstream, and over which and at the peril of freshets 20,000 tons of coal was all that could be extracted from beds so eloquently depicted by my colleague. A company of energetic business men, with one of whom I served the first ten years of my Congressional life, engaged in its improvement, and but for generous friends would all have been bankrupted. They have made seven dams, eleven cut-stone locks, and the 20,000 tons of coal have come to be millions of tons moved annually. And instead of being carried at the risk and the cost they were, they are carried for .17 cent per bushel for 56 miles at all seasons of the year when a river in that latitude may be navigated at all.

But now it is proposed to say to three Army engineers: Tell the Secretary of War what you think that property is worth. You are not to take the corporate franchise into consideration. You are not to take the fact that for twenty years and more no dividend was paid to anybody who had all his industry and his means in it. You Army engineers are to take up the practical business question, and say what the works would cost if they had been constructed by economical Army engineers.

I say to you, Mr. Chairman, and to my colleagues here, if there be questions involved they are judicial questions. They are questions which the Government of the United States could raise in its own courts and have decided decently and in order. Why, the lord high executioner himself could not dispose of petty messes and states of things more promptly or with less decorum than my colleague and the gentleman from Louisiana are doing here in handling millions of invested capital and treating a highway over which countless hundreds of millions of property find their outlet and market.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EVANS. I will take the floor and yield my five minutes to my colleague.

Mr. KELLEY. I have heard of a great many propositions here in this Hall. In twenty-five years I have seen some strange sights. I have seen a Speaker of the House forget an ex-governor was on the floor and recognize another gentleman and put his bill through, and then apologize to the ex-governor of Maryland. [Laughter.]

I have seen to-day an amendment adopted especially by votes on that side, when a gentleman sitting next to the Speaker did not know on what subject he was speaking. [Renewed laughter.] But, sir, I have never seen anything more astounding than this proposition, that such subtle, intricate, complex, and far-reaching questions of law should be thrown out like fireworks, and then disposed of at once by proposing that a Congressional vote should settle them. If the gentleman is disposed to raise any question by which the individual property of citizens can be guarded against his socialistic tendencies I will go with him and help get the question into the courts. But I have known the story of this work for forty-five years almost. I have seen the desperate struggle of J. R. Moorhead and his energetic brothers to build this work and to complete it. I think the proposition embodied in the bill is little short—I dare not say the word, but I will say I think the arguments by which it has been sustained are not short of infamous in their proposition to dispose of individual rights of citizens of Pennsylvania by town meeting, which seems to be the proposition here to-day.

Gentlemen on both sides of this House, I ask you whether you want to agree to take this property at such price as either a board of engineers or as the Secretary of War shall assess its value; whether you want to agree to buy an improved river, a corporate estate, without having a voice as to what the price shall be; or whether you want to shock the owners of property on rivers that may be made, or have been made, navigable by saying that the doctrines of socialism control Congress, and that their rights are no longer sacred?

Mr. WILSON. Mr. Chairman, I desire to call the attention of the committee to the full scope of the amendment of the gentleman from Texas [Mr. REAGAN]. That amendment has a double operation. First, it proposes to strike from this bill an appropriation for continuing the improvement of the Monongahela River in the States of West Virginia and Pennsylvania.

I desire now to call the attention of the committee to the fact that this is not a new feature in a river and harbor bill, but that this is in the line of appropriations which have been contained in every river and harbor bill which this House for the last fourteen years has passed——

Mr. NEGLEY. Let me ask the gentleman a question. Can he find, and if he can I wish he would find, upon the page of any bill introduced since the organization of this Government a proposition so infamous in its purposes as that embodied here?

Mr. WILSON. The gentleman from Pennsylvania entirely misapprehends the scope of my remarks. I have not yet alluded to that portion of the bill which so excites his ire and to which he is so much opposed. I take it my friend and neighbor from Pittsburgh is as much in favor as I am of continuing the improvement of the Monongahela River.

Mr. NEGLEY. Then make it in the proper way.

Mr. WILSON. I ask the attention of the committee to the fact that the appropriation the gentleman from Texas desires to strike from the bill, along with the provisions which look to the acquisition of the works of the Monongahela Navigation Company by the Government, is not a new departure, but is simply a continuance of a work which has been carried on by the Government since 1872, and for which appropriations have been continued in every river and harbor bill which has passed this Congress since that time. Many of these river and harbor bills were passed when my distinguished friend from Texas [Mr. REAGAN] was chairman of the Committee on Commerce and intrusted with their preparation.

Now, sir, Congress began as far back as 1872 to continue the improvement of slackwater navigation on the Monongahela River, with the purpose of carrying that slackwater navigation from dam No. 6, where it ceased, under the improvements of this company, down to Morgantown, in the State of West Virginia, near the head of the falls upon that river. In the course of that improvement the Government has had constructed and entirely completed, and has to-day in successful operation, the ninth in number of these dams reckoning from the city of Pittsburgh. The amount which is contained in this bill, in the appropriations for this purpose, is designed to be a final and concluding appropriation for the completion of dam No. 8, upon which, according to the report of the engineers, a large amount of work has already been done, and which dam is now from 2 to 4 feet above the level of the pool of lock No. 7.

This committee will find in the river and harbor bill of 1881, when an appropriation of $25,000 was made for this particular work, that it was made upon condition that this Monongahela River Improvement Company should satisfy the Secretary of War before that appropriation became available that it intended to complete dam No. 7. I take it that the company did so satisfy the Secretary of War. Dam No. 7 has been completed, and the amount to be appropriated in this bill is simply the conclusion of the entire work undertaken by the Government to complete slackwater navigation of the Monongahela River up to the falls in that river.

I want the committee in voting upon the motion of the gentleman from Texas—and I shall ask for a division upon that—to understand that the money appropriated in this bill is entirely distinct from the proposition contained in it to acquire free for the use of shippers upon the river the works now owned by this particular company.

Mr. Chairman, I need hardly say, perhaps, in view of what has been the action of this House for many years in the past, that this river is one of the important lines of interstate commerce. All of these improvements undertaken by the Government are undertaken in the State of West Virginia. Those which are down in the State of Pennsylvania are under the auspices and at the expense of this navigation company. It is the State of West Virginia, the northern section of that State, along the upper waters of the Monongahela River and along the waters of Cheat River, the chief affluents of the Monongahela, that is particularly and vitally interested in this appropriation and in the completion of the slackwater navigation of that river. It is a country which is rich in agricultural resources as well as in its resources of timber.

[Here the hammer fell.]

Mr. WILLIS. With the view of coming to something practical in this discussion, I call attention of the committee to the fact that there are four things embraced in this paragraph. First, there is an appropriation for the benefit of slackwater navigation on the Monongahela River, the proposition to which the gentleman from West Virginia [Mr. WILSON] has just addressed himself. There are three parts of the re-

maining portion of the paragraph. One is to obtain by voluntary purchase these works of the Monongahela Company. I suppose nobody objects to that, my friend from Pennsylvania or anybody else. The company does not object. The second proposition is that in the event an agreement can not be had in regard to the purchase of those works they shall be acquired by condemnation. The third proposition is to give authority to the Secretary of War to enter upon these works and take possession of them.

I desire, in order to get to something practical, to offer an amendment, to strike out that portion of the paragraph which authorizes the Secretary to enter into and take possession of these works. I move to strike out from line 477, after the semicolon, to the end of line 486, after "1884." That strikes out the whole paragraph which relates to the Secretary of War taking possession of these works in the name of the United States.

Mr. REAGAN. I desire to discuss the amendment just offered by the gentleman from Kentucky.

The CHAIRMAN. Does the gentleman from Kentucky [Mr. WILLIS] yield to the gentleman from Texas [Mr. REAGAN]?

Mr. WILLIS. I would rather yield to a vote.

Mr. HEWITT. I rise to a point of order.

The CHAIRMAN (Mr. MCCREARY). The gentleman will state it.

Mr. HEWITT. An amendment is already pending which was offered by the gentleman from Texas [Mr. REAGAN] and has not been withdrawn. I submit therefore that the amendment offered by the gentleman from Kentucky [Mr. WILLIS] is not in order at the present time.

The CHAIRMAN. The Chair understood the gentleman from Texas [Mr. REAGAN] offered an amendment, and then the gentleman from Kentucky proposes to amend what would be stricken out by the amendment of the gentleman from Texas.

Mr. HEWITT. The motion of the gentleman from Texas was to strike out the entire paragraph.

Mr. WILLIS. And the friends of the paragraph, before a vote is taken upon that, have a right to perfect it by offering an amendment.

Mr. REAGAN. And upon that I desire to say a word.

Mr. STONE, of Massachusetts. I make the point of order that the amendment offered by the gentleman from Kentucky should be reported from the desk.

The CHAIRMAN. The Chair will direct that to be done.

The Clerk read as follows:

Strike out all after the word "States," in line 477, down to and including "1884," in line 486; namely, these words: "Or in the exercise of his discretion, the Secretary of War may, and he is hereby authorized to, take possession of said works in the name of the United States, to the end that the navigation of said Monongahela River may become free and said works be brought within the provisions of section 4 of an act of Congress entitled 'An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes,' approved July 5, 1884."

Mr. REAGAN. I desire now, in response to the argument that the proposed act would be the Government of the United States taking possession of a navigable river, to say that under no statement of facts that has ever been made on this subject could the Monongahela be held to be one of the rivers recognized as a navigable river. It was never navigated by steamboats, and surely it can not be assumed that a river is a navigable river in the view of the Constitution that can only be navigated in high water by flatboats running downstream. It does not matter that it connects with the Ohio and that with the Mississippi and that with the ocean, as has been suggested. It is one of the small tributaries of the Ohio River, and one of those rivers that the State of Pennsylvania recognized as subject to be controlled by the authority of that State, and it incorporated a private company to make it navigable by costly works of locks and dams.

That is what I have to say on that subject, that this is not and never was a navigable river in the sense of the Constitution. And the attempt to assert the power of Congress over it is to place Congress in the ridiculous position of being overruled by the first court that should try the question.

Now, a word as to the suggestion of the gentleman from West Virginia and the amendment of the gentleman from Kentucky. As I stated in my former remarks, the Government has gone on to build some locks and dams which that private corporation gets the benefit of. This appropriation, with that property in the hands of a private corporation—and I wish this House to understand it—is a proposition for the Government to go on building slackwater navigation for the benefit of a private corporation and nothing else. The works are proposed to be put above the company's works, and the commerce to come over them must go over the company's works and pay toll to them.

One or two gentlemen have mentioned that because this river is partly in West Virginia and partly in Pennsylvania it is an interstate-commerce river. Why, sir, there is no such thing as an interstate-commerce river or railroad. There is interstate commerce, but there are no interstate rivers. And so not only the political action of this country but the decisions of the courts have held over and over that it is the commerce passing out of a navigable stream by proper connection with navigation into other States or foreign countries and to and fro that makes it a navigable stream under the Constitution. In the case which occurred long ago from Michigan in relation to a river wholly within the State and but 40 miles in length, the court held that was a river under the jurisdiction of Congress, because the commerce that passed over it went into other States and into Canada, which made it interstate commerce and commerce with a foreign country. It is the commerce we can regulate, not the river. It is the commerce we can regulate, not the railroads. And if the committee chooses to appropriate this $120,000 for the benefit of a private corporation no doubt the corporation will be obliged to them, but the people will have to pay the same tolls on the commerce that passes over these works that they pay now and as they would have to pay if the company finished its own works according to the original plan.

What I want to protest against is any appropriation for this purpose so long as this property belongs to a private company. The House has been told by two or three gentlemen that I have voted on former occasions for the improvement of this river. I desire to repeat now, in my own time, that there never has been an appropriation made for it while I have been on the Committee on Commerce that I did not resist with all my power, although I was never willing to give up the whole bill because the committee overruled me on that particular item; and now, sincerely as I would regret to see such a step taken by this Congress as undertaking to make a stream "navigable," and to bring it under the maritime jurisdiction of the United States, because flatboats could be floated down it during freshets, or to take this company's property from them in an improper way, yet if this provision is adopted I shall still feel constrained to vote for the bill. But I again warn the committee and the friends of rivers and harbors that if they desire to continue to improve the rivers and the lakes and the harbors of the country they had better keep jobs of this kind off their river and harbor bill.

[Here the hammer fell.]

Mr. HEWITT. Mr. Chairman, I should like to ascertain what became of the point of order which I had the merit of raising. [Laughter.]

The CHAIRMAN. The Chair was about to decide the point of order when the gentleman from Texas [Mr. REAGAN] took the floor. The original motion was to strike out the paragraph. It has been held repeatedly by those who have occupied this chair, that when a proposition is made to strike out a paragraph, the friends of the paragraph are first to make it as perfect as they can. The Chair would state, however, that the first question before the House is upon the amendment proposed by the committee, which takes precedence, and the Clerk will now report that amendment.

The Clerk read as follows:

Improving Monongahela River, Pennsylvania and West Virginia: Continuing improvement, $121,200.

The CHAIRMAN. That is the amendment proposed by the committee, and that is the question now before the House.

Mr. HEWITT. Can I be recognized upon that amendment?

The CHAIRMAN. Yes.

Mr. HEWITT. Mr. Chairman, I agree with my friend from Pennsylvania [Judge KELLEY] that a great many extraordinary propositions have been made in this House, but that this is perhaps one of the most remarkable and most indefensible, when it is considered either from the constitutional point of view or from the judicial point of view, or as to its results upon the personal interests of private individuals. I shall deal only with this latter aspect of the case.

We have had the unusual spectacle of a committee apologizing to this House, item after item, for the fact that they are compelled to cut down appropriations for useful works in order that this bill may not "pan out" to an aggregate too great for the House to adopt; yet they bring in here a provision which is not defined in amount, but which, if I understand correctly the figures of the circular which has been sent out by the owners of the Monongahela navigation works, will absorb not less than three and a half millions of dollars. And more than that, the cost of maintaining those works amounts to $100,000 a year, which is the interest of over $3,000,000 more, besides the extraordinary expenses caused by freshets, which always amount to a large sum, assumed to be about $50,000 a year, being the interest on nearly two millions more. So that this proposition practically amounts to this—the appropriation of between eight and nine million dollars of the public money for one item in a bill which professes to carry only $14,000,000.

Mr. BAYNE. Oh, my friend is grievously mistaken.

Mr. HEWITT. I did not interrupt the gentleman from Pennsylvania [Mr. BAYNE], but I will thank him if he will get me five minutes' time when I am through with my own, in order to prove that he, and not I, is mistaken.

Now, Mr. Chairman, for whose benefit is this huge expenditure to be made? Is it for public or private advantage? We were told by the gentleman from Pennsylvania [Mr. BAYNE] that this river is the outlet of 850 square miles of territory underlaid by coal 30 feet thick, aggregating 15,000,000,000 tons of coal, which must all pass through this outlet, and the value of which he computed at $30,000,000,000. That coal pays to-day about 5 cents a ton for the use of this outlet to market.

Five cents a ton upon 15,000,000,000 tons is $750,000,000, the modest sum which, according to the gentleman's own figures he triumphantly shows to me as the evidence of his accuracy, we are coolly asked to present to the owners of these 850 square miles of coal lands for their private ben-

ofit, and not for the benefit of any consumer whatever; for it is a law of trade that no man can controvert that things are not sold by what they cost, but at their market value in the market in which they are sold. The place where this coal is sold is Pittsburgh. Its price is made there. This coal land, which is worth to-day a thousand dollars an acre, would be raised by this act, according to one computation of the memorial on our desk, to $1,250 an acre, aggregating on the whole area an advance, as I have said, of $750,000,000.

Mr. BROWN, of Pennsylvania. Do you object to that?

Mr. HEWITT. Yes, I do, if I and my constituents have got to pay for it by appropriations out of the public Treasury, yielding no benefit to them in return.

[Here the hammer fell.]

Mr. RANDALL was recognized, and yielded to Mr. HEWITT.

Mr. HEWITT. I am very much obliged to the gentleman from Pennsylvania [Mr. RANDALL].

Mr. Speaker, it is the owner of these lands alone who will get the benefit of this appropriation from the United States Treasury and of this vast saving which in all time to come is to inure to their advantage, for it is preposterous to claim that the consumer will get any reduction in the price of coal, because the owners of these coal lands now sell 4,000,000 tons annually at the current price, and they are not going to throw away 5 cents per ton, amounting to $200,000 a year, simply because Congress has increased their profits to that extent.

Now, if they want to enhance the value of their land, why do they not go and buy out these owners of these works, pay the three and a half millions of dollars, if that be the sum necessary for the purchase, and make the navigation free, maintaining it at their own expense out of the magnificent fund of value which the gentleman from Pennsylvania has told the House his constituents possess in that vast property? Thirty thousand millions of dollars was the sum named; and the owners of thirty thousand millions of dollars come to this House and ask us to vote away three and a half millions and the equivalent of five millions more of the public money in order that they may profit at our expense. Why, it is the most impudent proposition that in all my knowledge of public affairs I have ever heard. It has but one redeeming feature, and that is its audacity. It is the application of a colossal mendicant, who comes here and asks us to still further enrich the coffers of wealth which are already overflowing from the vast endowments of nature, of which it enjoys a practical monopoly. It is in this region that the labor troubles have been most aggravated, bitter, and desolating. It is the owners of these vast coal fields who are unwilling, out of this great fund, to pay decent wages to their miners. It is there that foreign laborers—Hungarians, Poles, Italians, and others—have been imported from all quarters of the habitable globe in order to protect American labor! Heaven save the mark! And yet the men who are reveling in this great wealth come here seeking to put their hands into the Treasury of the United States, and ask my constituents and your constituents to tax themselves in order to roll up their already overgrown fortunes. I protest against such an outrage of all justice on behalf of the tax-payers of this country; and I trust this House will not consent to this legislation because the committee has been misled in reporting it. [Applause.]

Mr. GIBSON, of West Virginia. Mr. Chairman, the question now to be voted on has no relation to the matter of condemnation at all. The motion before the Committee of the Whole is the amendment of the Committee on Rivers and Harbors making an appropriation for the continuation of this work. The gentleman from Texas [Mr. REAGAN] opposes any appropriation. He resists the adoption of this amendment for reasons which it seems to me can not be maintained. I undertake to say there can be no improvement of any public stream unless at the same time you incidentally help some private interests; and I am astonished at the position now taken by a gentleman who has so eloquently and so persistently advocated the improvement of the harbor of Galveston when every foot of mud that is dug out helps to let in a ship to the private wharves of a private corporation that is taxing the commerce there. You can not improve a single harbor unless you thereby let ships come into some private pier or wharf where they are to be taxed and the commerce tolled. Why, then, simply because a part of this stream has been already improved by private enterprise for good, honorable, and upright purposes, building up the commerce of the country, should we deny to those who have done this the incidental benefit of some of the fostering care of this Government in the development of the interests of commerce?

There was a time when this Government refused to carry on improvements of this character. It then became necessary for private interests to improve this water way; and they did so only so far as their own advantage was concerned, leaving above their improvement miles of stream and thousands of people that could receive no benefit from their work. If these individuals have improved that property they have but done that which the General Government would now do if it were not already done; and I want to appeal to this House not to let the works which have been carried on there so long stop now. Those works are nearly completed; it will take but a little more to finish them. I beg the House also to remember in voting upon this amendment that it does not embrace the proposition of condemnation, purchase, or acquirement, but simply the question whether you shall insert in this bill an appropriation for this work.

[Here the hammer fell.]

Mr. WILLIS. I hope we shall have a vote. [Cries of "Vote!" "Vote!"]

Mr. GROSVENOR. Mr. Chairman, if I understood the argument of the gentleman from Pennsylvania [Mr. KELLEY], his position is that he desires this matter of the Monongahela River to stand as it does now. For one I am not content that that shall be so; and I wish to call attention to the present condition of that river.

Mr. KELLEY. As the gentleman has referred to me, I ask leave to interrupt him so far as to restate my position. I desire that this matter shall stand as it is now, or be changed legally and by due forms of law.

Mr. GROSVENOR. I am not willing that it should stand as it is now for a single hour, and for this reason: The private corporation for which the gentleman has spoken so pathetically has acquired a semblance of title, by occupation and without any authority of law, to 56 miles of that river, and year after year the Congress of the United States—I assume with the consent at least of the distinguished gentleman from Pennsylvania—has been putting locks and dams into the river above those 56 miles and extending the navigation up into a very valuable country. What has been the effect of all this?

Mr. KELLEY. The rights of the company were granted by the State of Pennsylvania half a century ago.

Mr. GROSVENOR. I am not discussing the question of the rights of the company. I am protesting against the action of Congress in putting money into the pockets of a private corporation that has acquired some sort of title to a navigable river of the United States.

It has been provided in bills for which the gentleman, I assume, has always voted that this improved navigation shall not be charged for. What does that mean? It means the Government has extended its work over a great stretch of the river and made it navigable and poured this commerce down upon the locks and dams of a private corporation, thereby making their property valuable. I do not wonder the gentlemen who projected it did not get rich sooner, but I am not surprised they did get rich when they got the Government of the United States to improve the navigation of that river and pour that commerce down in order they might tax it in the lower part of the river.

I hope the House will not consent to the improvement of private property in that river, and for one I shall vote against any proposition to improve the Monongahela River in the future, because I am wholly and unalterably opposed to putting the money of the Government into partnership with a private corporation and thereby improving the property of that corporation.

Mr. BLANCHARD. This is an important question the committee is considering, and because it is, is my apology for appearing the second time before the committee.

The gentleman from Texas, my friend Judge REAGAN, in his last remarks claimed that the Monongahela River prior to this improvement had not been a navigable water way of the United States under any law or decision of the courts of the United States defining what is a navigable water of the United States.

And he stated, which I think was conjecture merely on his part, that prior to this improvement the only navigation on this river had been by means of flatboats. I deny that. But conceding it to be true, I hold in my hand a decision of the Supreme Court of the United States, which shows beyond peradventure the learned gentleman from Texas was mistaken even in that. In the case of the Montello, decided in 1874 by the Supreme Court of the United States (20 Wallace, 430), on this very question of the navigability of a stream in order to bring it within the meaning of the words "navigable waters of the United States," the court held thus, and I call it particularly to the attention of my friend from Texas:

THE MONTELLO.

1. The navigability of a stream for the purpose of bringing it within the terms "navigable waters of the United States" does not depend upon the mode by which commerce is conducted upon it, as whether by steamers or sailing vessels or Durham boats, nor upon the difficulties attending navigation, such as those made by falls, rapids, and sand-bars, even though these be so great as that while they last they prevent the use of the best means, such as steamboats, for carrying on commerce. It depends upon the fact whether the river in its natural state is such as that it affords a channel for useful commerce.

2. These doctrines applied to the Fox River, in Wisconsin, a river whose navigability was originally so much embarrassed by rocks, rapids, &c., as that only Durham boats could use the stream, but which afterward, by canals, locks, and other artificial means, was so much improved as that steamboats could use it freely, the river having, however, never in its natural state been a channel for useful commerce.

The Durham boats referred to in the syllabus read are described in the decision as long, narrow boats, from 70 to 100 feet long and 12 broad, drawing when loaded from 2 to 2½ feet, which men would push with poles or propel with oars or have dragged by horses or mules, sometimes in very shallow water, wading alongside and pushing the boats onward themselves.

In the decision referred to the court held that a tributary of the Mississippi River susceptible of navigation only by such craft was nevertheless a navigable water of the United States.

[Here the hammer fell.]

Mr. WILLIS. I hope that we will vote now on the clause making

an appropriation. There are other propositions which will allow ample time for debate.

Mr. STONE, of Massachusetts. I consent, with the understanding I may be heard on those propositions when they come up.

The CHAIRMAN. The gentleman will be recognized afterward.

Mr. WILLIS. I ask for a vote on the proposition.

Several MEMBERS. Read it.

The CHAIRMAN. The Clerk will read the amendment of the committee on which the vote is now to be taken.

The Clerk read as follows:

Improving Monongahela River, Pennsylvania and West Virginia: Continuing improvement, $121,200.

Mr. TAULBEE. I rise to a question of information. Is the amendment of the committee to strike out the words which have been read?

The CHAIRMAN. No, but to insert them.

The committee divided; and there were—ayes 102, noes 13.

So the amendment was agreed to.

The question next recurred on Mr. WILLIS'S amendment, as follows:

Strike out the following words:

"Or, in the exercise of his discretion, the Secretary of War may, and he is hereby authorized to, take possession of said works in the name of the United States, to the end that the navigation of said Monongahela River may become free and said works be brought within the provisions of section 4 of an act of Congress entitled 'An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes,' approved 5th day of July, 1884."

Mr. NEGLEY. I wish to offer a substitute for that amendment.

Mr. WILLIS. I hope my friend will allow this to be voted on.

Mr. NEGLEY. It contains an objectionable feature; there should be a civilian on that commission.

Mr. WILLIS. It does not interfere with that.

Mr. NEGLEY. I want to make an amendment to perfect it.

Mr. REAGAN. I have an amendment pending to strike out that section.

The CHAIRMAN. That motion will be in order after the committee has perfected the section. The question is on the amendment which has been offered by the gentleman from Kentucky [Mr. WILLIS].

The amendment was agreed to.

Mr. STONE, of Massachusetts. Mr. Chairman, I desire to offer the amendment I send to the desk.

The Clerk read as follows:

Insert in line 468, after the word "war," the words "who shall transmit the same to Congress," and strike out the remainder of the paragraph down to line 491.

Mr. STONE, of Massachusetts. My object in making this amendment is simply to provide that the Government should not be committed by this enterprise to the purchase of the works at the price which may be fixed by this commission until a report is made and Congress may exercise its judgment as to the probable value. As the matter now stands, notwithstanding the amendment of the chairman of the committee, it will be competent for the Secretary of War to take the works upon the river after they have been condemned and impose the cost upon the Government without an opportunity on the part of Congress to revoke or control the award.

I wish to call the attention of the committee, having devoted some time to this work, to three or four features of this bill which are quite extraordinary, and I ask the attention of the committee for a moment while I point out the provisions of the bill which, as I have said, mark something like a new departure in this entire business.

This is a proposition, as has been well said by the Representative from Texas [Mr. REAGAN], for this Government to engage in the purchase of works upon rivers which heretofore have been supposed to be entirely within the jurisdiction of the States.

Now, I have to say, in reply to some law which has been cited here, after some study and reflection, I challenge proof that the Supreme Court of the United States have ever held that a stream such as the Monongahela was, before the works in question were erected, in the sense of the law a navigable stream. In the case decided more than forty years ago—the case of Veazie *vs.* Moor—the Supreme Court held that the jurisdiction of the State over that part of the Penobscot River where the stream was not navigable at its natural stage for any useful purposes of commerce was exclusively within the control of the State. And it is quite probable, in fact it is clear and demonstrable, that there is authority in the State to deal with a river, and to expend money for its navigation, in relation to that part of the river which is not navigable, in the ordinary sense of the word, for commercial purposes. The case, therefore, which has been cited by the gentleman from Louisiana [Mr. BLANCHARD] is not a case in point. That is a case where the Supreme Court held, and held simply that and no more, that the river was navigable when it could be used in its natural state as a channel for any useful purposes of commerce.

[Here the hammer fell.]

Mr. WILLIS. I hope we will now have a vote.

Mr. STONE, of Massachusetts. I would like to have a word or two further.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ELY was recognized, and yielded his time to Mr. STONE.

Mr. STONE, of Massachusetts. I call the attention of the committee to the fact that they are entering upon new legislation without realizing it. They are attempting in this bill to adopt works which have been undertaken by citizens or by the States and impose the expense of operating them upon the General Government; and, as has been well said by the gentleman from Texas [Mr. REAGAN], we have quite enough to do in dealing with cases which have been already considered by the Government before we undertake to enter upon the unlimited field which would be opened up if we attempt to deal with rivers that heretofore have been exclusively within the jurisdiction of the State. I therefore ask that you hesitate before engaging in this or any other similar improvement.

All I ask now is that the amendment I have offered may be considered by the committee before the Government is committed to this work, so that it shall have a report from the commission appointed for the purpose, which report shall be considered by Congress, with the probable cost, and that is all. I say that is sound administration, and everything else is bad administration. It is certainly bad administration to adopt this provision as it is, since it would involve the Government in consequences that we do not now realize. I therefore ask a vote upon the amendment.

Mr. WILLIS. I have an amendment which I believe is in order before that of the gentleman from Massachusetts. It is to prescribe or modify the method of this condemnation, leaving of course the question of whether we order it or not afterward.

The CHAIRMAN. The question is on the amendment of the gentleman from Massachusetts.

Mr. WILLIS. His amendment is to strike out that which I propose to amend.

The CHAIRMAN. The amendment proposed by the gentleman from Kentucky will be first read.

The Clerk read as follows:

Insert after the word "State," in line 477:

"By proceedings in the district court of the United States for the western district of Pennsylvania, in the manner provided for the taking and condemning of lands for railroad purposes, under the provisions of an act of the General Assembly of the Commonwealth of Pennsylvania, entitled 'An act regulating railroad companies,' approved February 19, 1849, and the supplement thereto, so far as the same may be applicable."

Mr. SPRINGER. I reserve the point of order upon the amendment.

Mr. REAGAN. I want to suggest to the gentleman from Kentucky that if this property is to be condemned it would have to be condemned under the laws of Pennsylvania. That is the course pursued in all the States where it has been necessary to condemn property for the use of the Government and its public works. It is condemned under the laws of the States.

Mr. WILLIS. If the gentleman had listened to the amendment he would have found that it is in harmony with his suggestion. It gives the courts jurisdiction under the laws of the State.

Mr. REAGAN. But if you are to proceed under the laws of the State you can not give the Federal court jurisdiction.

Mr. STONE, of Massachusetts. I want to say a word or two on this amendment. I submit that the amendment of the gentleman from Kentucky does not materially change the proposition as it stands. The bill as it stands provides this property shall be taken and condemned.

Mr. WILLIS. If my friend will permit me, I will say my amendment leaves that question still open to be voted on.

Mr. STONE, of Massachusetts. I want to put this in such a shape that this Government shall have some control over it.

Mr. WILLIS. My friend and I are not in conflict. The other proposition will come up after this is disposed of. My amendment is not intended to take the place of his.

The CHAIRMAN. The question is on the amendment of the gentleman from Kentucky [Mr. WILLIS].

The committee divided; and there were—ayes 76, noes 46.

Mr. HOLMAN. No quorum.

Mr. WILLIS. I hope the gentleman from Indiana will not insist on the point of no quorum.

Mr. HAMMOND. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WELLBORN reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, had come to no resolution thereon.

Mr. WILLIS. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: Petition of the Chamber of Commerce of Pittsburgh, Pa., in favor of the Lowell bankrupt bill—to the Committee on the Judiciary.

Also, resolution of same relative to bridges across the Ohio River—to the Committee on Commerce.

By Mr. J. M. CAMPBELL: Petition of State Grange No. 799, of Pennsylvania, asking for legislation to prohibit the manufacture and sale of all imitation dairy products—to the Committee on Agriculture.

By Mr. CLEMENTS: Petition and papers relating to the claim of James A. Jefferson, of Bartow County, Georgia—to the Committee on War Claims.

By Mr. CURTIN: Memorial of Grange No. 434, State of Pennsylvania, praying for legislation to suppress the manufacture and sale of all imitation dairy products—to the Committee on Agriculture.

Also, memorial of Grange 151, State of Pennsylvania, praying Congress to enact such legislation as will suppress the manufacture and sale of all imitations of dairy products—to the Committee on Ways and Means.

By Mr. ERMENTROUT: Memorial of Cincinnati Chamber of Commerce and of the Board of Trade and Transportation against the passage of House bill No. 6047 and Senate bill No. 1718—to the Committee on Commerce.

Also, memorial of Welcome Home Grange, Berks County, Pennsylvania, Edward K. Bohn, master, for legislation for the suppression of the manufacture and sale of impure dairy products—to the Committee on Agriculture.

Also, memorial of Penn National Bank, of Reading, Pa., asking for the redemption of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

Also, memorial of David T. Davis, president National Association of ex-Union Prisoners, asking for the passage of pension bill for same—to the Committee on Invalid Pensions.

Also, memorial of civil employés of the Army, against the passage of H. R. 6395—to the Committee on Military Affairs.

By Mr. GROUT: Petition of George W. Cleveland and 14 others, citizens of Georgia, praying for a tax on the manufacture and sale of oleomargarine—to the Committee on Agriculture.

By Mr. HALSELL: Petition of V. M. Metcalf and others, of Kentucky, for the passage of the bill introduced by Mr. SCOTT to tax imitations of butter 10 cents on the pound, &c.—to the same committee.

By Mr. HEWITT: Petition of the Women's National Indian Association of New York, in favor of the passage of Senate bill 52—to the Committee on Indian Affairs.

By Mr. J. T. JOHNSTON: Petition of William McVey and 66 others, soldiers and citizens of Muskingum County, Ohio, asking for the passage of House bill 3320, pensioning Union soldiers, and for other purposes—to the Committee on Invalid Pensions.

By Mr. MILLIKEN: Petition of Knights of Labor of Lincolnville, Me., in favor of the construction of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. MORGAN: Papers relating to the claim of Charles G. Sanders, of Madison County, Mississippi—to the Committee on War Claims.

By Mr. MORRISON: Memorial of citizens of the eighteenth Illinois Congressional district, for the opening of Oklahoma for settlement—to the Committee on the Territories.

By Mr. NORWOOD: Petition of 75 citizens of Wayne County, Georgia, for the passage of the Blair bill—to the Committee on Education.

By Mr. J. J. O'NEILL: Memorial of the board of education of Kansas City, Mo., urging the passage of the Blair educational bill—to the same committee.

Also, memorial of civilian employés of the Army, protesting against that portion of House bill 6395 prohibiting payment of salaries in excess of $1,600 per annum—to the Select Committee on Reform in the Civil Service.

Also, remonstrance of tobacco manufacturers of Saint Louis, Mo., against the passage of House bill 2522—to the Committee on Ways and Means.

By Mr. OWEN: Petition to grant a pension to Martha Page—to the Committee on Invalid Pensions.

By Mr. RYAN: Petition of Dr. W. L. Schenck, of Osage City, Kans., against a national board of health—to the Committee on Appropriations.

By Mr. STORM: Remonstrance of Pennsylvania Grange No. 146, against the tariff bill now pending in the House—to the Committee on Ways and Means.

By Mr. J. M. TAYLOR: Petition of Mary Ann Pipkin, of John B. Inman, of Napoleon Miller, of F. A. Riplogle, of A. R. Thomas, of Felix G. Gibbs, and of Felix G. Gibbs, administrator of John W. Robinson, of Madison County; of Moses Smith, of John C. Trice, of Thomas G. Lipscomb, Allen K. Jones, and of James H. Trice, administrator of V. H. Trice, of Chester County; of R. J. Bomer, administrator of William Odam, of A. J. Williams, of F. L. McClanahan, of Decaturville, and of Quinby McFarland, of Spring Creek, Tenn., asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims

By Mr. STAHLNECKER: Paper of the committee of the Maritime Association of New York, and of the National Board of Steam Navigation, on the revival of shipping—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. VAN SCHAICK: Memorial of citizens of the fourth Congressional district of Wisconsin, including 323 members of Milwaukee Assembly No. 5716 Knights of Labor, against Chinese immigration—to the Committee on Foreign Affairs.

By Mr. A. J. WARNER: Joint resolution of the Legislature of Ohio relative to the building of a memorial structure at Marietta, Ohio, to commemorate the ordinance of 1787 and the settlement of the Northwest Territory—to the Committee on the Library.

By Mr. WHEELER: Petition of Mary A. Allen, widow of N. G. Allen, asking that her war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WHITING: Petition of citizens of Shelburne Falls, Mass., in favor of the redemption of the trade dollar—to the Committee on Coinage, Weights, and Measures.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. COMSTOCK: Of citizens of Kent County, Michigan.

By Mr. GILFILLAN: Of citizens of Anoka County, Minnesota.

By Mr. KING: Of citizens of Morehouse, Claiborne, and Bienville Counties, Louisiana.

SENATE.

THURSDAY, *April* 22, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

ADJOURNMENT TO MONDAY.

Mr. EDMUNDS. Mr. President, I rise to a privileged motion. To-morrow being Good Friday, I move that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of March 29, information relative to the injury to Government works near Battery Island light by the recent ice flow from the Susquehanna River, together with an estimate of cost for repairs; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a resolution of the General Assembly of the State of Ohio, favoring the passage of House bill 4902, increasing the pension of soldiers who have lost a leg or arm or hand, or part thereof, in the line of duty; which was ordered to lie on the table.

Mr. HARRISON presented the petition of H. B. Whittenberger and 126 others, ex-Union soldiers and citizens of Whitley County, Indiana; the petition of O. N. Mowrer and 311 others, ex-Union soldiers and citizens of Grant County, Indiana, and the petition of David Spencer and 185 others, ex-Union soldiers and citizens of Henry County, Indiana, praying for the passage of the bill (H. R. 3320) granting a pension to all United States soldiers of the war of the rebellion, and for other purposes; which were referred to the Committee on Pensions.

He also presented a memorial of Knights of Labor of Logansport, Ind., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. HALE presented the petition of Thomas Benson, late a private in Company A, Thirty-second Regiment Maine Volunteers, praying to be allowed an increase of pension; which was referred to the Committee on Pensions.

Mr. MCMILLAN. I present a resolution of the board of directors of the Saint Paul Chamber of Commerce, which, although not formally directed to the Senate, is evidently intended for their action, containing as it does information in regard to a matter pending before Congress. I ask that it may be received and read.

The PRESIDENT *pro tempore*. It will be read, if there be no objection.

The paper was read, and referred to the Committee on Post-Offices and Post-Roads, as follows:

THE SAINT PAUL CHAMBER OF COMMERCE,
SECRETARY'S OFFICE,
Saint Paul, Minn., April 19, 1886.

DEAR SIR: At the meeting of the board of directors of the Saint Paul Chamber of Commerce, held this day, the following resolution was adopted, namely:

"*Resolved*, That in the interest of the trade between the Mississippi Valley and the Central and South American states, we recommend that direct mail communication be encouraged between the United States and those countries, and that for the promotion of this object we urge upon our Congressmen, with those representing the other States in the Mississippi Valley, that Congress

make liberal appropriations to subsidize any steamship line that will establish such communication from the most available points."

Respectfully,

W. F. PHELPS, *Secretary.*

Mr. DOLPH presented a petition of the Chamber of Commerce of Tacoma, Wash., praying that an appropriation of $10,000 be made to be expended by the United States Fish Commission in the introduction into the waters of Washington Territory of lobsters, Eastern oysters, shad, and other aquatic food products, and for the purpose of developing the native fish industry of the Territory; which was referred to the Committee on Fisheries.

Mr. CAMERON presented a petition of Grange No. 680, Patrons of Husbandry, of the State of Pennsylvania, praying for the suppression of the manufacture and sale of all imitation dairy products; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Grange No. 680, Patrons of Husbandry, of the State of Pennsylvania, remonstrating against the admission of all agricultural raw materials free of duty; which was referred to the Committee on Finance.

Mr. CONGER presented memorials of Knights of Labor of Iron River and Fort Gratiot, in the State of Michigan, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

Mr. BLACKBURN presented a memorial of Knights of Labor of Louisville, Ky., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. HARRIS presented a memorial of Knights of Labor of Memphis, Tenn., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. VOORHEES. I present a petition numerously signed by citizens of, I think, every State and Territory in the United States, stating that the wage workers of the United States ask for the unlimited coinage of silver; that 412½ grains of silver be fixed in value as $1; that that price be maintained without regard to the transactions of Wall street, New York; that the volume of currency be not contracted in any manner; that the power to contract the same be kept out of the hands of the national banks; and that silver certificates of the denomination of $5 be issued on all silver stored iif the mints in the form of standard dollars and subsidiary coin.

I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. VOORHEES presented memorials of Knights of Labor of Frankfort, South Bend, Fort Wayne, and Snoddy's Mill, in the State of Indiana, and memorials of Knights of Labor of Daviess and Delaware Counties, in the State of Indiana, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

He also presented a memorial of citizens of Muncie, Ind., remonstrating against the employment on public works of prison labor under the contract system; which was referred to the Committee on Education and Labor.

Mr. HAWLEY presented the petition of John Costello and 43 others, citizens of New Britain, Hartford County, Connecticut, praying for the passage of the bill opening the Oklahoma territory to settlement; which was referred to the Committee on Indian Affairs.

PLYMOUTH NATIONAL MONUMENT.

Mr. HOAR. I am directed by the Committee on the Library to report an original bill in aid of the national monument at Plymouth, Mass.

The bill (S. 2224) in aid of the national monument at Plymouth, Mass., was read the first time by its title.

Mr. HOAR. I ask that the bill may be read at length for information, and then I shall ask unanimous consent that it may be put upon its passage at this time.

The bill was read the second time at length, as follows:

Whereas a national monument to the Pilgrim forefathers is in process of construction at Plymouth, Mass., consisting of a central figure of Faith and of four subordinate statues representing Morality, Education, Law, and Liberty, of which five the first three have already been erected: Therefore,

Be it enacted, &c., That the sum of $15,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of erecting said statue of liberty and the bas-relief accompanying the same, under the direction of the Secretary of State.

Mr. HOAR. I ask consent to say one word in explanation of the bill. The policy which the Committee on the Library have adopted, and which Congress has ratified wherever there has been a national appropriation in aid of these monuments, has been to require at least one-half the expense to be paid by the State or other locality or from private sources. Toward this monument I am told the sum of about $120,000 has already been raised or is to be raised and expended for that purpose. The central figure has been contributed by a public-spirited citizen of the State of Massachusetts; and Connecticut and citizens throughout the country have contributed, as I am told, about $120,000. I am not prepared to be exact in that statement. I have a list of the contributors here, but I have not footed it up. All that Congress is asked to do is to provide one of the four smaller statues at an expense of $15,000.

The PRESIDENT *pro tempore.* Is there objection to the present consideration of the bill?

Mr. VEST. I think it had better go to a committee. I do not understand it.

The PRESIDENT *pro tempore.* It is reported from the Committee on the Library.

Mr. VEST. Reported now?

The PRESIDENT *pro tempore.* Reported at this time.

Mr. MAXEY. I only want to say that very large appropriations of money have been paid out of the Treasury for monuments and I know of no good reason for it. I think we have carried it far enough. I suppose this is just as good as the rest of them. It would be useless to interpose objection to each bill, but I desire to place myself on record as opposed to the practice.

Mr. HOAR. Will the Senator speak a little louder, if he pleases?

Mr. MAXEY. I was simply remarking that we have in the last several years been making large appropriations out of the Treasury for the purpose of building monuments. In my judgment any great event in history which is worthy to be perpetuated in the memory of the American people will be perpetuated just about as well without a monument as with it, and so of the memory of any distinguished man.

I think that to be true, and I know of no reason why these appropriations should be made at all. I have never seen any stated. I have interposed no objection because I have thought it would be useless. This town is covered over with statues and monuments, for what good purpose I have never yet been able to see; and Congress is spreading them out now all over the country, wasting as I think the money of the people without good and sufficient reason and without good and sufficient consideration.

I only desire to say that much, not so far as this particular monument is concerned but generally. I suppose this is just about as good as any of the rest.

Mr. HOAR. Mr. President, I think I can make a statement which I am quite sure will remove the objection of any Senator in regard to this particular monument.

Congress has already appropriated for some fifteen or twenty public monuments of this kind, at Yorktown and all over the country, as Senators know. The State of Massachusetts, which has had within her limited territory certainly her fair share of such historic spots, has never appealed to Congress for any aid in commemorating them. Bunker Hill monument, at a cost of some sixty or eighty thousand dollars, the beautiful monument at Concord, that superb statue of the minute-man, the monuments at Lexington and monuments at other places have been built by the citizens of that State from their own resources, although they have contributed heartily and without hesitation to all the national monuments erected by the nation all over the country.

Mr. MORRILL. And at Bennington?

Mr. HOAR. And at Bennington among others, and Yorktown, and so on. I did not undertake to name them.

Now, this monument at Plymouth commemorates what everybody agrees is one of the most interesting and important events in the history of the human race. It is not merely national; it is universal. It is the landing of the spirit of liberty and the spirit of religion upon this new continent, those two spirits to which this continent is forever to be dedicated. As I have already said, the large cost of this superb monument has been contributed by the State of Massachusetts and by private sources, except the contribution of the State of Connecticut, and Congress is asked to contribute simply this one statue of liberty at the small cost of $15,000. It is not that Massachusetts needs any help in erecting this monument to a great event in the history of humanity. It is that the nation may be fairly represented and may have a part in the commemoration that this bill is suggested.

Mr. COCKRELL. I have uniformly opposed appropriations for these monuments and celebrations. When the Yorktown monument project was before the Senate, which was among the first since I have been a member of the body, I opposed that, and opposed it to the best of my ability, but failed to defeat its passage. One or two subsequent cases came before the Senate and I opposed them. I am opposed to the whole system and plan of the National Government appropriating the people's money for the purposes contemplated by the Yorktown and other monuments.

Mr. MAXEY. I wish to add only this to what I said before: I remember in Victor Hugo's Notre Dame the most graphic and beautiful description of the relative merits of the book of granite, as he styles it, that is to say, the perpetuation of great deeds and the history of great men through statues and monuments and great achievements in architecture, and a comparison of that with the wonderful art of printing, or, as he styles it, the great battle between the book of granite and the book of paper, the work of Guttenberg four hundred and fifty years ago.

Now, that which is attempted to be perpetuated by a monument, by architecture, by a statue, is in its very nature local. It applies only to the immediate class of people who can see the object and can comprehend the lessons attempted to be taught by that work, by that book of granite as he styles it. But, sir, when it is put in print it is scattered to the four winds of the earth, and every nation of the earth may find the description, may read and comprehend the purpose and design of that which is attempted and designed to be perpetuated, whether it be the

memory of a man or of a great event. So I think that practically the book of paper has slain the book of granite. As was said in that work, while the whole world was whitened with works of architecture, which was then the only book, the book before printing was discovered, yet to-day the world learns through books and not through works of granite or of marble.

The money which is placed in the Treasury of the United States is to be taken out of the hard earnings of the people for wise purposes—to carry on and conduct this Government; not, as I think, for the purpose of being expended in works of art, however valuable they may be in and of themselves, but for the purpose of carrying on the Government.

I desire to assure the Senator from Massachusetts that what I say has no reference whatever to his special measure. I am speaking because I do not believe in the principle at all, and I have never believed in it. I have no doubt this is as worthy as any of the rest, and I interpose no objection whatever to the consideration of the bill. I only desired to say what I have said that my own views may be placed on record.

Mr. HARRIS. I desire to say, and I do it chiefly because I think in respect of these appropriations there has seldom if ever been a division of the Senate, that from the beginning of my service here I have been in sympathy with the views expressed by the Senator from Texas [Mr. MAXEY] and the Senator from Missouri [Mr. COCKRELL] in respect of these appropriations.

This proposition has quite as much merit, if indeed not more merit, in my judgment, than any one of those which have preceded it. While I have no desire to see the State of Massachusetts discriminated against in respect of this or any other measure, I have habitually opposed these appropriations and expect to oppose them. If this were a proposition to erect a monument in my own State I should actively and earnestly oppose it.

That is all I desire to say, simply to put myself right upon the record.

Mr. VOORHEES. Mr. President, it is difficult for me to conceive of a civilized government without monuments. I can not comprehend a civilization of that kind, marking no place and perpetuating the memory of no one who has achieved great deeds. With the greatest possible respect for the sentiments which have just been uttered, they would reach a conclusion appalling to my mind; the Washington Monument would never have stood where it stands now, and all the things that the American people most cherish in and about this Capitol and elsewhere would not be here.

I can not understand the sentiment which would deny to Saratoga a monument to the great achievements there performed. I can not understand opposition to the Yorktown celebration, nor can I understand opposition to an appeal, not, as the Senator from Massachusetts well said, because his State needs this money, but an appeal to this Government to be represented in a monument at Plymouth Rock. The Senator from Massachusetts said correctly that it is not a matter of money; but looking back to the history of this country and all that has come from the event that this monument proposes to commemorate, it would seem strange to the student of history if the United States Government let pass such an opportunity to have some part in commemorating that great event which has done so much for the civilization of the world.

I know very well it is not necessary to make these remarks, but being upon the Committee on the Library, from which the bill emanates, I did not feel that it was right to remain silent while this measure seems to receive some opposition. I am quite sure that the Senators on this side of the Chamber who have expressed themselves are acting upon a general principle which does not exceptionally develop itself against a monument at Plymouth Rock. But whether their ideas apply to one measure or to all, I do not share them. I believe this Government is engaged in a noble work when it is adorning and perpetuating the places where human virtue has had its highest illustrations. I believe the time will come when the encampment at Valley Forge will be made a national park and kept as it is now with its lines of intrenchments and fortifications just as visible and as well defined as they were when Washington's suffering troops marched out of them; and I believe that in adorning and perpetuating these places we are teaching the generations who will come after us the wisest lessons possible; we are teaching them pages of splendid history. When the eye salutes a statue or a towering monument marking where men gave their lives for liberty, for justice, for law, it is an instruction which elevates and glorifies the nature of man and makes better citizens and wiser legislators.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The question is on the adoption of the preamble.

The preamble was agreed to.

REPORTS OF COMMITTEES.

Mr. McMILLAN, from the Committee on Commerce, to whom were referred the following bills, reported them without amendment:

A bill (H. R. 7651) to authorize the Chicago, Milwaukee and Saint Paul Railway Company to construct, operate, and maintain a bridge across the Missouri River near or in the vicinity of Chamberlain, in the Territory of Dakota;

A bill (H. R. 2993) to authorize the Chicago, Freeport and Saint Paul Railroad Company to construct a bridge across the Saint Croix River (or lake) at any accessible point between Prescott, Wis., and Stillwater, Minn.;

A bill (H. R. 3370) authorizing the construction of a bridge across the Mississippi River at or near Keitsburg, in the State of Illinois, and for other purposes;

A bill (H. R. 3371) authorizing the construction of bridges across the Illinois River, in the State of Illinois, and the Des Moines River, in the State of Iowa, and for other purposes;

A bill (H. R. 5673) to authorize the construction of a railroad and wagon bridge across the Mississippi River from Winona, Minn., to the opposite shore in Wisconsin; and

A bill (H. R. 6358) to authorize the construction of a bridge across the Yellowstone River, in Montana.

Mr. McMILLAN, from the Committee on Commerce, to whom were referred the following bills, reported them severally with amendments:

A bill (H. R. 7646) to authorize the construction and maintenance of a bridge by the Dakota Central Railway Company across the Missouri River at Pierre, Dak.; and

A bill (H. R. 2309) to give the assent of Congress to the construction of a bridge by the Nashville, Jackson and Memphis Railroad Company over the Tennessee River.

Mr. McMILLAN, from the Committee on Commerce, to whom were referred the following bills, reported them severally with an amendment:

A bill (H. R. 5677) to authorize the construction of a pile and ponton railway and wagon bridge across the Mississippi River from the city of Red Wing, Minn., to the opposite shore, in the State of Wisconsin; and

A bill (H. R. 3519) authorizing the Interstate Rapid Transit Railway Company to build a bridge across the Kansas River.

Mr. McMILLAN, from the Committee on Commerce, to whom were referred the following bills, reported adversely thereon; and they were postponed indefinitely:

A bill (S. 1123) to authorize the Chicago, Milwaukee and Saint Paul Railway Company to construct, operate, and maintain a pile ponton railway bridge across the Missouri River near or in the vicinity of Chamberlain, in the Territory of Dakota;

A bill (S. 985) to authorize the construction and maintenance of a bridge by the Dakota Central Railway Company across the Missouri River at Pierre, Dak.; and

A bill (S. 1230) authorizing the Interstate Rapid Transit Railway Company to build a bridge across the Kansas River.

Mr. McMILLAN. I desire to give notice to the Senate that on Tuesday next, at the conclusion of the morning business, I shall ask the Senate to take up and dispose of the bridge bills upon the Calendar, those which I have just reported and some other bills reported from the same committee on former days.

Mr. COKE, from the Committee on Commerce, to whom was referred the bill (H. R. 4765) to authorize the Red River Bridge Company of Texas to maintain a bridge across Red River, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 1306) to authorize the Red River Bridge Company of Texas to maintain a bridge across Red River, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 5786) granting to the Gainesville and Chickasaw Bridge Company the consent of the United States to construct and maintain a bridge over Red River at or near Brown's Ferry, in Cooke County, Texas, reported it with amendments.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (S. 780) to regulate appointments in the Marine-Hospital Service of the United States, reported it with amendments.

Mr. MORGAN, from the Committee on Foreign Relations, to whom was referred the message of the President of the United States relative to certain outrages committed upon subjects of China in Wyoming Territory in September last, reported a bill (S. 2225) to indemnify certain subjects of the Chinese Empire for losses sustained by the violence of a mob at Rock Springs, in the Territory of Wyoming, in September, 1885; which was read twice by its title.

Mr. MORGAN. I shall ask the Senate at an early day to consider the bill. It is a matter of importance to the two governments.

Several SENATORS. Let us consider it now.

Mr. MORGAN. I prefer to have it printed before it is considered.

Mr. PIKE, from the Committee on Claims, to whom was referred the bill (S. 2127) for the relief of Jonathan D. Stevenson, of California, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. BOWEN, from the Committee on Indian Affairs, to whom was referred the bill (S. 1916) authorizing the removal of the Southern Ute Indians from the State of Colorado to the Territory of Utah, reported it with amendments, and moved that it be recommitted to the Committee on Indian Affairs as amended; which was agreed to.

Mr. SEWELL, from the Committee on the Library, reported an

amendment intended to be proposed to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CAMDEN, from the Committee on Military Affairs, to whom was referred the bill (S. 388) to grant the right of way through the Fort Bliss military reservation to the Rio Grande and El Paso Railroad Company, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon:

A bill (S. 677) for the relief of Seth Calvin; and

A bill (S. 826) granting a pension to Charles W. Beeman.

The PRESIDENT *pro tempore*. The bills will be placed on the Calendar with the adverse reports of the committee.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them without amendment, and submitted reports thereon:

A bill (H. R. 4688) granting a pension to Josephine Da Costa Thomas; and

A bill (H. R. 6502) granting a pension to Lucy Ann Drew.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 924) granting a pension to Ellen Shea, reported it with an amendment, and submitted a report thereon.

Mr. HOAR. I submit the views of the minority of the Judiciary Committee on the bill (H. R. 6661) to provide for closing up the business and paying the expenses of the Court of Commissioners of Alabama Claims, and for other purposes, which by order of the Senate the other day is to be printed with the report of the majority.

The views of the minority were received and ordered to be printed.

SEUL CHOIX POINT LIGHT-HOUSE.

Mr. CONGER. By order of the Committee on Commerce I report back the bill (H. R. 7647) to establish a light-house at Seul Choix Point, Michigan. A similar bill, a Senate bill, passed the Senate a few days ago, and as the bill is very short and the report is very brief, I ask for its consideration at this time.

Mr. COCKRELL. Let the bill be read for information.

The PRESIDENT *pro tempore*. The bill will be read for information.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That there be established a light-house at or near Seul Choix Point, on the northern shore of Lake Michigan, Michigan, the cost of which shall not exceed the sum of $15,000.

Mr. CONGER. The report of the Light-House Board is but a few lines, and I ask that that be read.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill? The Chair hears none, and the bill is before the Senate as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORT ON INTEROCEANIC CANAL.

Mr. MANDERSON, from the Committee on Printing, to whom the subject was referred, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the usual number of Senate Executive Document No. 99, first session Forty-ninth Congress, being the report of Mr. Menocal on the interoceanic canal, be printed, omitting the photographic illustrations.

BILLS INTRODUCED.

Mr. McMILLAN introduced a bill (S. 2226) granting a pension to Archibald Mooney; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MAXEY introduced a bill (S. 2227) for the relief of the estates of Henry and Grenville K. Cheatham; which was read twice by its title, and referred to the Committee on Claims.

Mr. SAWYER introduced a bill (S. 2228) granting a pension to Samuel F. Rowe; which was read twice by its title, and referred to the Committee on Pensions.

Mr. INGALLS introduced a bill (S. 2229) for the relief of William C. Shimonech; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ALLISON introduced a bill (S. 2230) granting a pension to Mrs. Sarah Young; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HARRIS (by request) introduced a bill (S. 2231) for the relief of John L. Rhea, executor of Samuel Rhea, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. ALDRICH introduced a bill (S. 2232) granting a pension to Mary Martin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 2233) granting a pension to John P. McElroy; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VOORHEES introduced a bill (S. 2234) granting a pension to Sarah Canaday; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2235) granting a pension to Polly Brown; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 2236) to amend an act entitled "An act to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming for university purposes;" which was read twice by its title, and referred to the Committee on Public Lands.

Mr. TELLER (by request) introduced a bill (S. 2237) to provide for ascertaining and settling private land claims in the Territories of New Mexico and Arizona and the State of Colorado; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. MITCHELL, of Oregon (by request), introduced a bill (S. 2238) providing for an additional associate justice of the supreme court of Wyoming, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. MAXEY, it was

Ordered, That the petition of Henry and Grenville K. Cheatham be withdrawn from the files and referred to the Committee on Claims.

On motion of Mr. COCKRELL, it was

Ordered, That the papers in the case of James Fountain on the files be transmitted to the Committee on War Claims of the House of Representatives for use by that committee.

Ordered, That the papers in the case of John Howze on the files be transmitted to the Committee on War Claims of the House of Representatives for use by that committee.

Mr. COCKRELL. I have been informed that there have been no adverse reports in those cases.

PURCHASE OF GUTHERS'S PAINTING.

Mr. McMILLAN submitted the following resolution; which was referred to the Committee on the Library:

Resolved, That the Committee on the Library be, and is hereby, instructed to inquire into the propriety and expediency of purchasing for the Government the picture painted by Carl Guthers, "Farming in Dakota."

REPORT ON INTEROCEANIC CANAL.

Mr. MANDERSON submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 additional copies of the report of Mr. Menocal on the Interoceanic Canal, Senate Executive Document No. 99, first session, Forty-ninth Congress; of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House, and 2,000 copies for the use of the Navy Department; and such additional number shall contain the plates, maps, and photographic illustrations.

REPRINTING A BILL.

Mr. BLAIR. The print is exhausted of the bill (S. 1495) to limit ownership of lands now belonging to the public domain. I give notice to the Senator from Nebraska [Mr. VAN WYCK] that I desire to move the bill as an amendment to the bill (S. 1812) to provide for taxation of railroad grant lands and for other purposes. I ask that the bill may be reprinted.

Mr. VAN WYCK. I have no objection to its being reprinted, but I do not desire to have that bill considered by the Senate without considering the bill of which I shall ask the consideration this morning.

Mr. BLAIR. Oh, no; the Senator does not understand me. I shall propose Senate bill 1495 as an amendment to the Senator's bill.

The PRESIDENT *pro tempore*. The order to reprint the bill will be made if there be no objection.

HENRY SHIVELY.

Mr. BLAIR. I move that the Senate proceed to the consideration of the pension bills which by mistake were left over yesterday.

Mr. VAN WYCK. I desire to amend that motion by——

Mr. ALLISON and others. You can not amend it.

Mr. BLAIR. That is not in order. I will say, which I presume will relieve my friend, that there were five or six pension cases omitted yesterday, against the passage of which, as far as I know, there is no objection. They were passed over because the papers were not in possession of the Chief Clerk. They are now in his possession, and I only wish to occupy the attention of the Senate while those bills are being disposed of.

Mr. VAN WYCK. Very well, I yield for that purpose.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks the unanimous consent of the Senate to proceed to the consideration of five or six pension bills which were not at the desk yesterday at the proper time. Is there objection? The Chair hears none and the bills will be stated in their order.

The bill (S. 1257) granting a pension to Henry Shively was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Henry Shively, late first lieutenant of Company D, Twelfth Kansas Volunteer Cavalry.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Kansas," to strike out the words "volunteer cavalry" and insert "volunteers."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. HANNAH BABB HUTCHINS.

The bill (H. R. 3463) granting a pension to Mrs. Hannah Babb Hutchins was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "dollars," to strike out "twelve" and insert "twenty-five;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mrs. Hannah Babb Hutchins, late an Army nurse, and to pay her a pension of $25 per month from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN N. RUNYAN.

The bill (S. 860) granting an increase of pension to John N. Runyan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "dollars," to strike out "sixty" and insert "fifty;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of John N. Runyan, late of Company A, Seventy-fourth Regiment Indiana Volunteer Infantry, at the rate of $30 per month, in lieu of the $30 per month heretofore allowed him, as specified in pension certificate 38361.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SARAH E. BASSETT.

The bill (S. 1152) granting a pension to Sarah E. Bassett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, to insert the word "twelve" in the blank before dollars; so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Bassett, daughter of Julius Bassett, late captain of Company A, Fifteenth Regiment Connecticut Volunteers, and to pay her a pension of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DR. A. LANNING.

The bill (S. 1102) granting an increase of pension to Dr. A. Lanning was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "dollars," to strike out "sixty" and insert "fifty;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Dr. A. Lanning, late of Company F, Ninety-third Regiment Indiana Volunteer Infantry, at the rate of $50 per month, in lieu of the $30 per month heretofore allowed him.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM G. SCHOONOVER.

The bill (H. R. 3390) to place the name of William G. Schoonozer on the pension-roll was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment in line 6, to change the name "Schoonozer" to "Schoonover," so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William G. Schoonover, father of James C. Schoonover, late of Company E, One hundred and fourth Illinois, who died of wounds at Chattanooga, on the 27th day of June, 1864, in general hospital, ward numbered 6.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to place the name of William G. Schoonover on the pension-roll."

LIQUOR TRAFFIC.

Mr. BLAIR. I desire to give notice that on Monday next, at the conclusion of the ordinary morning business, I shall ask the indulgence of the Senate to proceed to the consideration of the joint resolution (S. R. 6) proposing an amendment to the Constitution in relation to alcoholic liquors and other poisonous beverages, for the purpose of making a few remarks upon the subject.

DANIEL B. CLARK.

Mr. CULLOM. I have discovered since yesterday that the Senate passed then a bill (H. R. 414) granting a pension to Daniel B. Clark, and it turns out that the person named has died since the bill was introduced in the other House and passed there. I desire to move to reconsider the vote by which the bill was passed, and then I wish to ask the Senate to put upon its passage the bill (H. R. 6429) granting a pension to Eunice E. Clark, which is a bill giving the pension to the widow.

The PRESIDENT *pro tempore*. If there be no objection the motion to reconsider will be entered and the bill will be recalled from the other House. When the bill is here the Senator can call it up at any time.

Mr. CULLOM. The bill is held in the Secretary's office.

TAXATION OF RAILROAD-GRANT LANDS.

Mr. VAN WYCK. I move that the Senate proceed to the consideration of Senate bill 1812, Calendar number 313.

Mr. BLAIR. I ask unanimous consent to say a word before the motion is put.

The PRESIDENT *pro tempore*. The Senator from Nebraska moves that the Senate proceed to the consideration of the bill (S. 1812) to provide for taxation of railroad-grant lands. This motion not being debatable, the Senator from New Hampshire asks unanimous consent of the Senate to make some observations on the motion. Is there objection? The Chair hears none.

Mr. BLAIR. I do not desire to detain the Senate, and I certainly do not ask for any unreasonable delay in the consideration of this bill, but I am satisfied that it has not attracted the attention of the Senate at all. It is, however, I think, one of the most important bills that we are likely to discuss and dispose of. It is one which in its operation, as I believe, in its present form will practically sequestrate the land grants which have been made to the various corporations that have received those grants and have availed themselves of their credit for the construction of their several roads. Before a bill of that importance is disposed of it should be discussed at length.

I myself desire to offer several vitally important amendments, and I wish to discuss the main bill itself. My engagements have been such that I have found it entirely impossible to prepare myself in any suitable way for the discussion of the subject. I am confident that I am as well prepared as the Senate can be for its consideration, because I hardly think that the bill has as yet been considered outside of the committee at all.

The Senator from Nebraska was anxious to pass the bill yesterday without discussion, and I suppose he is in haste for its disposition now, but it concerns the action of the Government with the great transcontinental railways. During the last twenty years millions upon millions of money have been invested in them, very largely by those who live in the portion of the country which I come from myself. Much of it has already been lost for the development of the great West, and this bill is calculated to shake, as I think, in a great degree the public faith and public credit and to bring discredit upon the Government.

Mr. HARRIS. I should like to ask the Senator from New Hampshire, if he will allow me to do so, whether he thinks it proper to avail himself of the unanimous consent asked upon a motion to proceed to consider a bill to consume the time of the Senate in debating the merits of the proposition?

Mr. BLAIR. I am certainly giving my reasons why I think this bill ought not to be taken up, as I have a right to do by the unanimous consent of the Senate. I do not understand that I am pursuing a course at all unusual when a consent of this kind is given. I hope the Senate will not proceed at this time to the consideration of this bill.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Nebraska [Mr. VAN WYCK] to take up the bill (S. 1812) to provide for taxation of railroad-grant lands.

The motion was agreed to.

OLD COUNTY JAIL PREMISES IN DUBUQUE.

Mr. ALLISON. Before the bill is read I ask the Senator from Nebraska to yield to me for a moment that I may call up for passage a bill which passed the House unanimously and is purely of a local character and will only take a moment to pass the Senate. It is Calendar number 415, House bill 4493. It is a unanimous report of the Committee on Public Lands.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4493) to amend the act of June 15, 1844, and for other purposes.

The preamble recites that by an act of Congress approved June 15, 1844, a grant was made to the county of Dubuque, Territory of Iowa, in the following words: "That the following-described pieces or parcels of land are hereby granted and given to the county of Dubuque, in the Territory of Iowa, to wit: Two lots and a half lying and being situate in the town of Dubuque, on the northwest corner of Seventh and Locust

streets, in said county, being the same land upon which the old county jail now stands, and is designated on the Government plat of said town as 'public square;'" that through a clerical error, the jail lot or public square was described as being on the northwest corner of Seventh and Locust streets, when it was in fact on the northeast corner thereof; and that the county of Dubuque, under the powers conferred by the act, sold to John and Thomas Burton the tract situated on the northeast corner of Seventh and Locust streets on which the old county jail stood, and designated on the Government plat of the town as "public square," the same being a rectangular tract fronting 114 feet on Seventh street and 127 feet and 11 inches on Locust street; but in the deed from the county to John and Thomas Burton the same clerical error was made as to the corner on which the tract was situated as was made in the act.

As curative of the error, the bill provides that the rectangular tract of land on the northeast corner of Seventh and Locust streets, in the city of Dubuque, fronting 114 feet on Seventh street, and 127 feet and 11 inches on Locust street, being the premises on which the old county jail formerly stood, and designated on the Government plat as "public square," shall be granted and the title thereto confirmed in and to the county of Dubuque, and its grantees, John and Thomas Burton, their heirs and assigns forever.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The question now is on agreeing to the preamble.

The preamble was agreed to.

EUNICE E. CLARK.

Mr. CULLOM. The bill to which I referred a while ago has been procured by the Secretary, and I should like to move to reconsider the vote by which that bill was passed yesterday and have it disposed of.

The PRESIDENT *pro tempore*. The Senator from Illinois moves to reconsider the vote by which the bill (H. R. 414) granting a pension to Daniel B. Clark was passed.

The motion was agreed to.

Mr. CULLOM. I move now to postpone the bill indefinitely.

The motion was agreed to.

Mr. CULLOM. Now I move to discharge the Committee on Pensions from the further consideration of House bill 6429, which is to give to the widow the pension that the bill just disposed of granted to the soldier.

Mr. BLAIR. I should like to ask the Senator the cause of death?

Mr. CULLOM. I have not learned the facts. The man has recently died. I believe it was from paralysis, from which he was suffering for years.

Mr. BLAIR. Does the Senator understand that the disease was the result of service?

Mr. CULLOM. The result of service. I have the report in my hand, which shows the facts.

There being no objection, the Committee on Pensions were discharged from the further consideration of the bill (H. R. 6429) granting a pension to Eunice E. Clark, and the Senate, as in Committee of the Whole, proceeded to consider it. It proposes to place on the pension-roll the name of Eunice E. Clark, widow of Daniel B. Clark, late of Company A, First Ohio Cavalry.

Mr. EDMUNDS. Is that reported just now? I should like to hear the report read.

Mr. HARRIS. I ask if the whole bill was read?

The PRESIDENT *pro tempore*. It was.

Mr. HARRIS. Then I think the bill is very imperfect. Let it be read again.

The Chief Clerk read the bill.

Mr. HARRIS. It does not specify what rate or according to the limitations of law.

Mr. CULLOM. I do not know but that the bill ought to be amended. Let it be amended so as to give her the pension that the husband was given by the bill just disposed of.

Mr. BLAIR. The Senator will allow me. To cover everything let him say, "according to the provisions and limitations of the pension laws."

The PRESIDENT *pro tempore*. The usual language is, "subject to the provisions and limitations of the pension laws."

Mr. CULLOM. I have no objection to that. I move that amendment.

The amendment was agreed to.

Mr. EDMUNDS. Now let us hear the report read.

The Chief Clerk read the following report, submitted by Mr. NEECE in the House of Representatives April 6, 1886:

The Committee on Invalid Pensions, to whom was referred House bill No. 6429, having considered the same, report:

That this committee, on January 12, 1886, reported favorably on House bill 414, a bill to pension Daniel B. Clark, which bill has since passed this House and is now pending in the Senate; that since the passage of said bill 414 the said Daniel B. Clark has died from his disease, which was fairly traceable to his Army service. The said Eunice E. Clark being his wife, and who has nursed said soldier, who had been helpless for the last four years, requiring her entire time to care for him, your committee is of the opinion that she should be placed on the pension-roll, and therefore recommend that said bill do pass. Said report made on House bill 414 is hereby adopted and made a part hereof.

"The Committee on Invalid Pensions, to whom was referred bill H. R. 414, beg leave to submit the following report:

"Daniel B. Clark enlisted in Company A, First Regiment of Ohio Cavalry, and was discharged at Nashville, Tenn., for disability, September 17, 1864. He was a prisoner of war from August 29, 1862, to September 13, 1862. A pension is claimed for heart disease and piles contracted while a prisoner of war. The evidence is as follows: Simon Dorran, a private of the same company and regiment, and also a fellow-prisoner, testifies said Clark had diarrhea and piles while he was a prisoner of war. Capt. Noah Jones, who was the captain of Clark's company, also William P. Cleaveland, a member of said company, both testify that Clark, after he returned from prison, was unable to do duty on account of disease or disability, which disease they understood Clark contracted while a prisoner of war. Dr. Milton Dunlap, of Greenfield, Ohio, testified that he treated said Clark in 1862, but he can not now remember for what disease. It also appears that after Clark was a prisoner of war he returned to his home near Greenfield, Ohio, on furlough. John Blain testifies that Clark was a sound man at the time of enlistment; that he was at Clark's home in Ross County, Ohio, in 1862; that Clark was at home sick, and complained of pain in his breast, and that at that time Dr. Dunlap treated him.

"Dr. W. H. Wear testifies that he met said Clark in 1865, and had frequent talks with him about his trouble, and that Clark at the time was suffering from heart disease, pleuritis, and piles; and that since 1872 he has been said Clark's family physician, and has treated him for said diseases, and that said diseases still continue, and that said Clark is totally disabled. Doctor McDavitt testifies that he treated said Clark in 1880 for heart disease and pleuritis. Doctor Compton says he knows said Clark, and that he treated him since 1872 frequently for heart disease and piles.

"Dr. A. F. Eidson testifies that he treated said Clark from August, 1865, to April, 1871, for heart disease and piles. The board of medical examiners who examined him in 1881 say he is totally disabled from the effects of heart disease and piles. A number of witnesses testify to Clark's soundness at the time of his enlistment, and to his being sick ever since he was a prisoner of war. Evidence introduced before the committee show said Clark to be totally disabled at this time, confined to his bed or invalid chair, and unable to walk, or to talk so he can be understood without great difficulty.

"Your committee recommend that said bill do pass with the following amendment:

"Strike out the words 'at the rate of thirty dollars per month' and insert 'subject to the provisions and limitations of the pension laws.'"

Mr. EDMUNDS. Now I should like to hear the bill read to see whether it is in such a form that the poor woman will get anything.

The Chief Clerk read the bill as amended.

Mr. EDMUNDS. It appears—and I speak for inquiry—that under the limitations and provisions of the pension laws her husband in his lifetime was not entitled to a pension, because he did not come within the strict provisions of the pension laws on the evidence. Now therefore it is not like the case of a widow of a soldier who died from wounds or disease contracted in the service, but it is the widow of a private citizen who had been a soldier, as I understand it, and therefore I am afraid if you leave it as it is now that the Secretary of the Interior and the Secretary of the Treasury will not pay her anything. I think the sum ought to be stated, for safety.

Mr. BLAIR. That is the universal form, but it will do no harm to state the sum if it seems better to the Senator from Vermont. I suppose five thousand bills have passed in precisely the same form since the war.

The PRESIDENT *pro tempore*. It is manifest on the face of the bill that as the husband himself would not have been entitled to a pension, the widow will not get the pension as it now stands.

Mr. CULLOM. I was inclined to fear that myself. I will move to insert "at the rate of $12 per month."

Mr. BLAIR. The rank of the officer was captain. As the bill now stands she would get pension at the rate of $20 per month. I hope the Senator will not amend it so as to reduce the amount.

Mr. CULLOM. I supposed he was a private soldier. I move to make the rate $20 per month.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. The amendment is to insert before the words "subject to the provisions and limitations of the pension law" the words "at the rate of $20 per month."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

TAXATION OF RAILROAD-GRANT LANDS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1812) to provide for taxation of railroad-grant lands, and for other purposes.

Mr. ALLISON. I think the bill is of sufficient importance to require some explanation. I hope the Senator from Nebraska will give us a brief explanation, at least, of what is the purpose of the bill.

Mr. VAN WYCK. The question presented in this bill has been the subject of consideration by Congress for many years. In the Forty-seventh Congress bills for this purpose were introduced in both branches, and in one branch not only reported favorably, but I think passed. In the Forty-eighth Congress action was taken by both Houses, and in the Senate a favorable report was made upon the subject and the bill was made a special order and was placed upon the Calendar and was subject to consideration, and was the next bill in order at the time of the expiration of the Forty-eighth Congress. In this, the Forty-ninth Congress, bills were introduced in both Houses, and the other House has already passed a bill upon the subject, not the same bill as this, but a bill to reach this object, the taxation of unpatented railroad lands.

The Committee on Public Lands, having had several bills under consideration, after an ample and full discussion reported the bill now under consideration.

So it is not correct, as the Senator from New Hampshire [Mr. BLAIR] has said, to suppose that this matter has not been considered by Congress, when in the Forty-seventh, Forty-eighth, and Forty-ninth Congresses it has been considered. It has not only been considered during that time by Congress, but it has been considered by the people of the United States for many years before that time; and the non-action of Congress has been a marvel, only explainable by reason of that subtile and mysterious influence which has so often controlled subjects of this kind. It has been a matter of deep concern and consideration and mystery on the part of the American people that railroad companies should hold undisputed title to millions of acres and yet be exempt from taxation, and not only themselves exempt from taxation, but actually allowed to sell the lands to which for years they had title, and as a consideration for a greater price say to the purchasers, "These lands for years shall be exempt from taxation," and why? Because, unfortunately, in the early history of railroad-grant legislation it was provided that the railroad companies should not obtain patents for the lands granted until they had paid the cost of surveying, selecting, and conveying the lands. Instead of being a burden to the railroad companies, it was a great benefit to them, because while under the previous acts the companies might have been compelled to take their patents by the existing provision, railroad companies are not forced to take their patents, and all they have to do is to remain quiet and refuse to pay the two or three cents per acre required by the law, and still be in the undisturbed possession, mortgage the lands, sell them in the market, the purchasers receiving the same benefit that the companies were entitled to until the railroad companies take their patents, which will be in their discretion, when they can do it conveniently.

The question is now to remedy this great evil. The proposition of the House of Representatives is confined, as some of the propositions in this body were, to the roads organized in 1862, extending across the State of Iowa, known as the Union and Central Pacific Railroads. There is no reason why the same provision should not extend to all the land-grant roads. Therefore it is that the committee of the Senate adopted a bill providing that this principle should extend to all railroad companies having land grants from the United States, and that only such lands should be taxed as are conterminous to the finished road, not going beyond it, and that only such lands should be taxed as lie in organized counties, so that all possible rights are secured to the railroad companies.

I do not understand the suggestion of the Senator from New Hampshire when he says that this bill is confiscation. No confiscation follows. If property is used, it is only asked that it shall be subject to the same rate of taxation at the same valuation as the land of individuals, nothing more.

Mr. President, I do not deem it necessary to say anything further on this subject. I believe I have explained why and how this difficulty originated which we seek to remedy, that the remedy is merely subjecting the property of railroad companies to taxation as the property of a citizen, no more, and we trust it will be no less.

Mr. BLAIR. Mr. President——

Mr. VAN WYCK. The Senator will allow me a moment more. I desire to say that in the same connection I shall ask the consideration of the House bill to which I have referred in order that the Senate bill may be adopted as a substitute for the House bill.

Mr. BLAIR. Mr. President, the discussion of this matter by the Senator from Nebraska would seem to indicate that it is one of very trifling importance, and that the astonishment must be that the bill was not enacted years ago rather than at this late day it should be subjected to even the slightest criticism.

There is a certain superficial appearance of propriety in the Senator's suggestion that the lands of these corporations held under grants from the General Government should be subjected to taxation, because the lands of individuals holding from the Government whenever the title passes from the Government to individuals are subjected to that burden. But I believe that a little thought on this point will indicate how slight is the real substance of it.

The great mass of these lands to-day are in precisely the same condition as are the sections of land still remaining a portion of the public domain; and no human being can suggest any reason why the local communities just being initiated should have the general and indefinite power of taxation upon these railroad lands unless they should also be allowed the same unlimited right of taxation upon the public lands with which they are connected, being of precisely the same general character.

Only a few years ago the entire national domain west of the Mississippi River, with a very few exceptions, was a vast waste, unimproved, almost uninhabited by man, and if inhabited, by reason of the lack of transportation, almost inaccessible; and we all remember how the circumstances of the war made it almost imperative upon the Government that we should establish by land immediate connection with our Western possessions. We remember how the great European powers threatened an alliance with the confederacy and were likely by their maritime supremacy to take from us the Pacific coast. That stimulated and resulted in the construction of the first great transcontinental line of railroad. All the way from its eastern terminus to the Pacific coast, as we all remember, it was in a comparatively uninhabited country. It was over public land, a portion of the public domain, all of which was subject to disposition at the rate of $1.25 per acre, but there was nobody to take possession of it. It was unimproved property; it yielded no income, and was a source of benefit to nobody, to the nation or to individuals, and it was of course not subject to any taxation. No principle upon which taxation could be levied on property at all was applicable to this vast portion of the national domain. Before the necessary connection could be made with the Pacific coast, by which this territory could be preserved as an integral part of the Union at large, it was necessary that either by public expenditure imposed upon the entire country, all the property of the entire country, or by the encouragement of private capital, this vast region should be traversed by some form of communication, and the only available form was by way of railroad transportation. The Government elected, and I presume every one believes elected wisely, that its first route of transportation—and the same was continued further on—should be stimulated and encouraged in its construction by inviting private capital; and the land grant adjoining the line of the Union Pacific and the Central Pacific Railroad was made for that purpose. On the strength of the land grant as a security money was raised with which the railroad was constructed. The same plan was adopted with regard to the Northern Pacific Railroad, the same with the Atlantic and Pacific now in process of construction. The great line by way of New Orleans, Texas, and the Southern Territories to San Francisco and to other points on the Pacific coast was encouraged in its construction and the construction was accomplished by the same pledge of a portion of the public lands.

These corporations were authorized necessarily to place the lands granted them as security, and those securities were sold on the market, and thus capital was obtained with which the roads themselves were built. Until recently, until these roads were substantially constructed, until every incumbrance was created upon the land grants connected with all these lines of communication, until these incumbrances were fastened upon the grants and money had been raised on the faith thereof, I venture to say that no human being ever heard a suggestion that these lands were under any circumstances, so long as the title remained in the corporations, at least, to be subject to Federal or to State taxation. In that way the public faith became pledged, as I think, to the corporations, to the assignees of the corporations, to the bondholders, to the persons interested in the various companies' mortgages—pledged that the security of the lands should be available for the discharge of these incumbrances without subjection to local taxation or State taxation so long as the lands remained in the legal possession of the corporations themselves.

In regard to one great transcontinental railroad, as is known by the Senate, the country itself has taken a very heavy pecuniary liability—is practically liable for the first mortgage of the company, as well as for its own bonds issued to the company. Under these circumstances this bill now comes to the front, and it proposes to take all these land grants, whether their value has been enhanced by the improvement which results from the construction of the roads or not, and to subject all these land grants indiscriminately to an undefined and unrestrained power of local taxation.

What may be the motive behind this every Senator is at liberty, of course, to surmise for himself. It must be seen that whatsoever value there is to these grants has been placed there by the enlistment of capital obtained in the way I have spoken of.

It is also an apparent and undisputed fact that a very large proportion, much the larger proportion, of all these lands are as yet practically out of the market. It is known to be the fact that it is the policy of every one of these great roads to dispose of the land grant as rapidly as it possibly can and make the proceeds of the sections disposed of available in the discharge of the land-grant bonds. That is the general policy pursued by these companies, and so far as I know there is but a very slight danger of abuse in this direction on the part of any of the companies. So there is not any general complaint, there is no cause of general complaint, existing of the character which the Senator from Nebraska has adduced before the Senate.

It was shown before the committee in evidence or in citations from the public records of the country, from the reports of the Land Office, and from other reliable sources, that the Central Pacific Railroad, which is one largely affected by this bill, has been clamoring for years for the conveyance of its land grant more rapidly than it could receive it from the General Government, and that it has made its deposits rather in excess of the actual charge for the surveying and selection and conveyance of lands. It is in no imaginable sense under any default in this regard; nor has the Government, so far as I know or believe, any serious right of complaint in regard to any of these corporations for any delinquency in their having advanced the necessary funds to defray the slight expenses of surveying, of selection, and of conveyance to the companies.

These delays have arisen from various causes. Almost universally the causes have been owing to the lack of a sufficient working force in the land offices to transact the necessary business, and many delays have arisen by reason of the further fact that serious questions have arisen

as to the character of the lands to be conveyed under the land grants themselves. It will be remembered that the Government reserved to itself all mineral lands, reserved from the operation of the grants all lands where rights by homestead or pre-emption had been initiated. In some other cases there were reservations, and the land grants were not operative where these conditions existed.

Now, the question whether land is of a mineral character or not, and so is or is not conveyed by the grant, has been in many instances one that has led to protracted disputes, and vast masses of land have as yet not been conveyed to the companies although all the conditions have been complied with on the part of the companies, for the reason that the United States has not yet been able to say whether those lands were properly selected or not on the part of the companies. So generally the fact that the lands have not been conveyed more rapidly is not the fault of the companies, but it is a fault inherent in the nature of things because of controversies arising by reason of these reservations in the original grants.

Now, sir, let us consider this matter a little more closely. I have alluded to the fact that this vast extent of country was valueless to the General Government, valueless save as a portion of the earth itself to the people of the United States without development, and without development such as is dependent on lines of transportation. I have alluded to the further fact that the great mass of this country still remains in its original condition, practically public land not as yet marketable, purchasers not there, purchasers not available, as valueless to the companies to-day as it was when the original grants were made for the realization of money to pay taxes or pay bonds, valuable only as it is a pledge of faith, a security for the future. The whole policy of the Government was based on the idea that these companies were to hold the lands, that they were to be subject to no burdens in the way of taxation, either national or State, until such period of time as they should be able to find a market for them so that they might realize something from them themselves.

I am anxious that this bill shall be so framed that whenever it is shown that by reason of the construction of these roads and the disposition of adjoining or adjacent property to settlers, the value of the land is enhanced beyond the price fixed by the Government, that is, $2.50 an acre, at which the companies are allowed to sell their lands, whenever there has been an increase of valuation beyond that sum, at which it must be held by the railroad until it can be disposed of at that rate, whenever there is a creation of values beyond that $2.50 an acre, it should be taxed, and I would be glad to support such an amendment. Indeed I will offer an amendment to this bill that shall make any valuation by a proper tribunal beyond the $2.50 an acre subject to taxation in behalf of the State or Territory or the local community; but anything beyond that, I think, would be a violation of the public faith, and a thing which ought not to be done.

The Senator from Nebraska found some fault with my expression that this bill proposes a practical sequestration of these public lands. Why is it not a sequestration? Wherever the companies are able to sell, almost without exception they sell at the price limited by law already. As I stated, the bill should be amended, and I do not suppose there will be any objection anywhere that the bill should be amended so that any excessive valuation of lands not disposed of should be subject to taxation; but the great mass of this land can not be sold as yet. Under the stimulus of the utmost effort of the corporations to increase settlement they have been unable to sell these lands. Now, suppose that they are subject to taxation as the bill proposes, that they are subjected to taxation according to the will of the local community in an organized county. The Senator talks as though the fact that the bill restricts this taxation to such communities as have been legally organized was a protection. The Senator knows even better than I, for he lives there, that these Territories are already almost universally organized into counties. What is the first thing done in a Territory as inhabitants gather? Any dozen or fifteen inhabitants petition for the organization of a county, have their limits defined by the local Legislature, and the first thing they do after they have perfected their county organization is to locate the county seat. They proceed next to provide for the erection of expensive public buildings, and they issue their bonds, and they make all the land included in the county by virtue of local laws subject to the taxation necessary to construct these buildings and to discharge other debts of the local community. The worst frauds we have heard of in the Territory of Dakota and in other Territories have grown out of this action, legal in form but vicious and hurtful and fraudulent in practice, on account of these county organizations. And the Senator proposes that these land grants, not in the States to be sure, where the ordinary processes of the law and the ordinary methods of procedure would be likely to be more equitable, but throughout the Territories, where the great mass of these lands lie, land grants owned by corporations and individuals living at a great distance, having no part in local action, shall be subjected to such impositions as the local communities may see fit to place upon them.

Take this idea in connection with the abuses which we know have hitherto existed and been perpetrated time and time again by these county organizations upon the property in which others were interested as well as themselves locally, what would be likely to be their course of action in the imposition of taxes for the purpose of actually sequestrating these vast tracts of land which as yet the companies can not dispose of under any circumstances? Any one can see that these corporations will be taken at the utmost disadvantage.

I think it is proper to state here in connection with the imposition likely to be placed upon them the probable fact, which is a public fact, that nearly all these corporations to-day have great difficulty in paying their running expenses, to say nothing of any income on the stock of the corporations. Take the Northern Pacific Railroad, for instance, which has now reached Puget Sound, with the exception of some 25 miles I believe of the main line. The main line is now 2,400 or 2,500 miles in length. That corporation, if I recollect aright, after paying its running expenses and after discharging the interest on its bonds, had remaining for distribution only $100,000 last year. Take that as an illustration of the operation of this act generally. They have $100,000, say, remaining which should be available for dividends to the stockholders after paying running expenses and interest on bonds. If their lands, their grant amounting I think to nearly 50,000,000 acres, of which I suppose not more than one-fifth, probably not one-fifth, has been disposed of—if the 40,000,000 acres remaining are subject to local taxation under the provisions of this bill, what will be the effect? I have not had time, as I stated earlier when I asked a little delay, to make a calculation with sufficient accuracy so that I can say to the Senate just what would be the effect of taxation upon the 40,000,000 acres of the land grant of the Northern Pacific; but we will suppose that the land is valued by the local communities at the sum which the United States valued it at and at which it is required to be sold, $2.50 an acre, and if the tax imposed should be no more than 2 mills on the hundred dollars of value it will be found that the actual taxation imposed upon that road from year to year would not be less than half a million dollars. At all events the amount of taxation would be largely in excess of the surplus remaining to the corporation after paying running expenses and the fixed charges on its bonds.

Suppose these lands are taxed at the local valuation to the amount of a half million dollars a year—and in all human probability it would exceed that sum—how is the corporation to pay it? The result would be that the very first year the company would be bankrupt, unless the bondholders, unless outside parties or the Government itself interested in the matter, saw fit to raise the money, or the corporation itself should increase its charges for transportation of freight and passengers, so that the whole community would virtually pay the taxation. The result would be that the very first year every acre of this vast land grant would be confiscated under the power of local taxation, and confiscated in the interest of whom?

The complaint is that these vast tracts of land are now locked up in the hands of these corporations. Who is to appear at the tax sales and bid off these lands? The corporation is not able to do it. Individuals resident in all parts of the country would appear at these sales and would obtain the title to the lands; capitalists, land-grabbers, and speculators from all parts of the country would find under the practical operation of this bill a perfect bonanza; and if a man were at liberty to surmise motives and to point out the direction from which this bill may possibly have come, he would be justified, I think, in suggesting that this is a bill in the interest not of the people locally, not of the corporations, not of the Government, but of individuals—wealthy individuals who desire through its provisions to accumulate in themselves the ownership of these vast tracts of land; for you will observe, Mr. President, that under this tax title all other sorts of title are cut off, and these lands will inevitably become vested in comparatively a few individuals—it may be in great syndicates of capitalists—and we shall therefore have parted with all claim upon these lands and have vested substantially in these individuals the enormous amounts of lands, coming, as I recollect, in all to nearly 200,000,000 acres, in men who are likely to use them simply for speculative purposes.

I know a little of the operation of this sort of thing in my own State. To be sure, there is not a great deal of land there, but what there is is of some account to us. The time is rapidly coming in this country when land, even in the smallest quantities, is to be of great consequence to the individual here in the United States. The individual non-resident landholder is the worst form of hindrance that there is to the development of any country. It is from him and his ownership that are developed all the evils of what is called landlordism abroad, and it is from him that we have to apprehend precisely the same evils, and they are rapidly developing already in our own country.

I think the Senate should pause and the country should pause and consider whether, even in the interest of "the dear people" themselves, it is not worth while to examine more carefully into the provisions and the unavoidable results of this bill. The Senator from Nebraska is himself a very considerable land-holder and himself a gentleman of wealth. I wish he were present to tell us how much he is interested or will be likely to be interested in the practical working and results of this bill. I insist that it should be ascertained how many heavy capitalists in all parts of the country are interested in the practical operations of this bill and the confiscation of these land grants for the benefit of wealthy individuals. I wish that could be ascertained exactly. If it could be and the masses of the people of this country

came to understand the land-grant question as it is and not as it is put by designing men who are behind this agitation and robbery as I believe—if the masses of the people came to understand, as they will understand when the bill gets into operation, that the effect, to say nothing of the motive, is to lock up these lands interminably in the hands of speculators and land sharks, they would hold Congress, they would hold the whole Government, hereafter to a more rigid accountability than we are at present apprehending.

I do not want to take a great deal of time; it is nearly 2 o'clock, when I suppose another order of business will be before the Senate; but I desire before this bill is disposed of to offer sundry amendments, and in order that they may be printed and taken under the consideration of the Senate, I will now read them during the few moments of time which are remaining before 2 o'clock.

I wish all the public lands now remaining in the United States to be subjected to provisions that shall forever insure them to small individual owners. I am persuaded that there is a tendency in this country, which is illustrated by alarming facts, to the accumulation of the land, which is the liberty of the people, in the hands of comparatively few individuals. We find these illustrations in the States. The evil is developing enormously in the Territories through the public lands outside these grants. I some time since introduced and had referred to the Committee on Public Lands a bill the provisions of which I propose to attach to the one under discussion as an amendment.

SEC. —. That no natural person or persons or partnership shall hereafter acquire, hold, or own, either by virtue of the laws relating to the disposition of the public lands, or by grant, assignment, purchase, descent, or by any other method by which title to land may be acquired, more than 320 acres of agricultural lands nor more than 640 acres of any description of lands which shall belong to the public domain, on or after the passage of this act; and hereafter all patents and evidences of title to any portion of the public domain to which this act shall apply shall recite the provisions hereof.

SEC. —. That all lands acquired, held, or owned in violation of the provisions of this act shall be forfeited to the United States, and it shall be the duty of the Attorney-General to enforce every such forfeiture by due process of law.

Of course, Mr. President, where the title has already been parted with and vested in individuals, it is impossible for the Government to exercise any control over it save by the power of taxation. It has become a vested right. All the force of the country, moral force and physical force, must be and always will be concentrated for the protection of vested rights in this country or in any country subject to the government of law. But the provisions which I propose to offer as an amendment to this bill are wider than simply the land grants concerned. They cover the entire public domain and will insure to our population in all time to come these small holdings which are indispensable to the vigorous, hardy yeomanry which is the surest defense of a State.

A provision of that kind of course can not reach the land grants themselves, and so I desire that other amendments may be made to the bill so as to reach the land grants in case they are to be sequestrated or in any way are to be eliminated from their present control and pass to that of individuals. I will not undertake to state now the amendment on that point, because that will have to be determined as the bill is discussed and as amendments are offered. But before the bill is passed I shall desire to offer this amendment:

Tax titles derived under this act shall be subject to any valid mortgage made by authority of the United States prior to the passage of this act.

I think anything like due consideration of the public faith requires that the mortgages already made, by virtue of which the money was obtained that built the roads and made the adjoining sections available at all, that created the local communities whom it is now proposed to endow with this power of confiscation—that those mortgages, those incumbrances should be protected as against the imposition of taxes under the provisions of this bill. I desire also to offer the following amendment:

The power of taxation on the part of the State or Territory exercised by virtue of the provisions of this act shall apply only to a just valuation of the land as compared with other like property adjacent thereto and in excess of $2.50 per acre, the price fixed for the adjacent sections of the public lands.

I have adverted very briefly to the reasons which will induce me to offer that amendment. I desire also to offer this further amendment:

The provisions of this act shall not apply to sections of land which do not lie adjacent to other sections of land actually occupied and improved, or to sections of land entry upon which has been made under the land laws of the United States.

The principle involved in this amendment I have adverted to, and it is this: That the lands must not be subjected to taxation until there is improvement by virtue of the grant itself, the building up of the community which results from the grant itself. Where there has been such improvement, the Government lands will be likely to have been occupied, as they have been occupied, and there is for that reason increased valuation; there let the land of the railroad corporation be subjected to taxation like that of the individual who is improving his land, because in such case there is undoubtedly an enhancement of value beyond the $2.50 per acre and the corporation should be held subject to taxation for that; but nothing should be done to encourage the corporation in withholding the land from market for the purpose of a future rise. They ought to sell it to individuals and for the improvement of the community, as rapidly as that can be done, at $2.50 per acre.

I also desire to offer the following proviso, to be inserted at the proper place:

That in any sale of lands under the provisions of this act the United States may become a purchaser, and in such case the land sold shall be restored to the public domain and disposed of as now provided by the laws relating thereto.

Under the provisions of this bill the United States will be no purchaser, land-grabbers will get every acre, and it will be in a much worse condition so far as the public——

The PRESIDENT *pro tempore*. The Senator from New Hampshire will please suspend. It is the duty of the Chair to lay before the Senate the unfinished business of yesterday, being the bill (S. 1532) to regulate commerce.

Mr. BLAIR. I ask leave to read my amendment. I will make no comment.

Mr. EDMUNDS. I want to offer an amendment and have it read.

Mr. BLAIR. Is not the Senator willing I shall put in mine in connection?

Mr. EDMUNDS. Oh, yes.

Mr. BLAIR. I wish to add this proviso:

That the valuation of this land on which the same shall be subjected to taxation shall be subject to revision by the Secretary of the Interior.

I also propose the following amendment:

That under the provisions of this act no individual purchaser shall acquire more than 160 acres of land, nor shall any of the land so disposed of ever be sold in larger parcels than 160 acres unless the same shall be used for agricultural purposes.

The other amendments make the amount 320 in one case, and in cases of pasture land 640. I shall also offer this amendment:

The provisions of this act shall apply only to lands within the jurisdiction of a State and not to lands within any of the Territories.

Mr. TELLER. I move that all these amendments be printed.

The motion was agreed to.

Mr. EDMUNDS. I ask unanimous consent to now offer, before this bill goes over, an amendment, which I send to the desk, to come after the word "provide," in line 12.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In line 12 of section 1, after the word "provide," it is proposed to insert:

And to all liens of the United States, all mortgages of the United States, and all rights of the United States in respect of such lands.

Mr. EDMUNDS. That will be the pending question.

Mr. ALLISON. I desire to offer an amendment in line 4. It may not be necessary on a further explanation of the bill. I propose to insert, after the word "taxation," the words "hereafter levied."

The PRESIDENT *pro tempore*. The pending amendment is the amendment offered by the Senator from Vermont [Mr. EDMUNDS]. The Senator from Iowa [Mr. ALLISON] gives notice of another amendment.

Mr. VAN WYCK. I give notice that I shall ask for the consideration of this bill on the next legislative day, on Monday morning.

INTERSTATE COMMERCE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1532) to regulate commerce.

Mr. CULLOM. I do not desire to address the Senate to-day, as the bill now before the Senate for consideration has been three times read I believe and is before the Senate for amendment. I have explained the provisions of the bill as far as I was able to do so a few days ago, and do not care to make any further remarks upon it at present.

Mr. ALLISON. I believe a number of amendments have been proposed.

The PRESIDENT *pro tempore*. None of the amendments of which notice has been given have been proposed.

Mr. SEWELL. I desire to have the amendments read which I submitted.

The PRESIDENT *pro tempore*. Which amendment does the Senator offer?

Mr. SEWELL. I should like to have them all read.

The PRESIDENT *pro tempore*. The amendments will be read.

The CHIEF CLERK. It is proposed to add as a new section the following:

SEC. —. That no person or corporation shall have authority to engage in interstate commerce, after three months from the passage of this act, without having procured a license for that purpose from the board of commissioners herein provided; and one of the conditions of such license shall be the acceptance of this act by such person or corporation, and of such regulations as said board may lawfully make in pursuance thereof. And where any route over which interstate commerce shall be carried between the several States and Territories of the United States includes as a part thereof a railway or water route outside of the United States, no license shall issue for the transportation of interstate commerce over such route unless the railway company or companies controlling the portions of such route situated within the United States become responsible for and guarantee the observance by those controlling the portion of the route outside thereof of the terms and conditions of such license. And when any transportation company or companies shall carry traffic between any points over a route or routes located entirely within one State, in competition with other companies whose lines between said points are located in more than one State, such company shall, as a condition precedent to the granting of such license, agree to establish the rates between such points, and post schedules thereof, in the manner prescribed in and be subject to the provisions of the fifth section of this act. Such license shall be renewable each year, and may be suspended by the said board for cause, after full hearing, and upon the final judg-

ment of a court of competent jurisdiction may be revoked by the said board for a violation of its terms or of the provisions of this act.

The PRESIDENT *pro tempore*. The Senator from New Jersey offers the amendment which has been read.

Mr. CULLOM. I understood that the Secretary was to read all the Senator's amendments for information. Which amendment is now before the Senate?

The PRESIDENT *pro tempore*. Only one amendment can be offered at a time. The one pending is that just read.

Mr. PLATT. I should like to make a suggestion to the Senator from New Jersey. I see that he uses in line 4 of his amendment the language "the board of commissioners," and in several other places "the board," but the word used all through the bill is "commission." I think he ought to change his amendment.

Mr. SEWELL. I will put it in that form and I will substitute the amendment I now send up for the one offered, which conforms to the language used in the bill generally.

Mr. CULLOM. The Senator had better withdraw the amendment already offered.

Mr. SEWELL. I will substitute this for it.

The PRESIDENT *pro tempore*. The Senator from New Jersey withdraws the amendment which has been read and offers a modified amendment, which will be read.

The CHIEF CLERK. The proposed amendment is to insert after section 5, as a new section, and change the numbers of succeeding sections accordingly, the following:

SEC. 6. That from and after ninety days after this act shall take effect it shall be unlawful for any common carrier, subject to the provisions of this act, to engage in the transportation of passengers or property without having first procured from the commission established by this act a license authorizing such carrier to engage in such transportation, and one of the conditions of such license shall be the acceptance of this act by such common carrier and of such regulations as said commission may lawfully make in pursuance thereof. And where any route over which traffic shall be carried between the several States and Territories of the United States includes as a part thereof a railway or water route outside of the United States, no license shall issue for the transportation of passengers or property over such route unless the common carrier or carriers controlling the portions of such route situated within the United States become responsible for and guarantee the observance by those controlling the portion of the route outside thereof of the terms and conditions of such license. And when any common carrier or carriers shall carry traffic between any points over a route or routes located entirely within one State in competition with other companies whose lines between said points are located in more than one State, such carrier or carriers shall, as a condition precedent to the granting of such license, agree to establish and publish the rates between such points in the manner prescribed in, and be subject to all the provisions of, the fifth section of this act. All licenses issued shall be renewable each year, and may be suspended by the said commission for cause after full hearing, and upon the final judgment of a court of competent jurisdiction may be revoked by the said commission for a violation of its terms or of the provisions of this act.

Mr. SEWELL. The changes between that and the amendment I first offered are simply to conform to the language used in the bill, changing "corporation" to "common carrier," and matters of that kind. The general scope of the amendment is to bring within the provisions of the act railroad lines that traverse Canada in competition with our lines running east and west, without which an act of this kind would be burdensome on the interstate commerce of our routes. We should be left at the mercy of competition by Canadian lines if they were not governed by our laws, as they would not be without the adoption of this amendment. If the bill were passed as it is, it would tie the hands of our great lines running east and west under the charters of our States, and surrender the field to the Canadian lines.

In addition to that, this amendment would bring within the provisions of this interstate-commerce act as proposed the lines that run through one State in competition with lines that run through two or three States to the same point. I will give the instance of the New York Central running to a point on the lakes, both its starting-point and its terminus being within one State. It would not be within the provisions of the act without this amendment. There are lines running through New Jersey, New York, and Pennsylvania to and from the same points which come within the provisions of the act. That would be one instance where it would work to the disadvantage of the general railroad interests of the country. The New York line would be governed by the State law, while the lines running through New Jersey and other States would be governed by the interstate-commerce act of Congress. I submit that it would be a great injustice to those lines to oblige them to come under this act, and leave the line running in one State to be perfectly free to act in the matter of competition, in the matter of rates, and in the changes of their schedules as they saw fit.

Mr. INGALLS. Is this amendment in print?

The PRESIDENT *pro tempore*. It has been somewhat modified, but the original is in print. The question is on the amendment proposed by the Senator from New Jersey [Mr. SEWELL].

Mr. MILLER. I suggest that this amendment lie over and be printed. Undoubtedly there will be another day for this bill. I confess I do not entirely understand the scope of the amendment. Certainly the case cited by the Senator as to a road in New York running from New York city to the lakes is not exactly correct, because the bill as it now stands controls the transportation of all interstate commerce wherever the railroad company connects with or forms a continuous line to another State, or where part of it is by rail and part of it by water. So any New York line connecting with a line of steamers upon the lakes would come directly under the provisions of the bill as it now stands, and it is not subject to the objection presented by the Senator.

Mr. SEWELL. The Senator from New York fails to understand my explanation. There are some lines that run through one State to a given point, while another line reaching the same competing point runs through two or three States. The latter would come under the provisions of this interstate-commerce bill, while the line running through one State would not come under the provisions of the bill without this amendment.

Mr. MILLER. May I ask the Senator a question? Is it possible that Congress can legislate upon a line confined entirely to the limits of one State for the business upon that line not going any farther or connected with any line beyond it? If the object of the amendment is to produce that result, it seems to me that it should have a good deal of consideration before Congress shall undertake to assume any such authority as that. If the amendment proposes to do that thing, it had better be considered very carefully by the Senate before it acts upon it, or it had better reject it at the start.

Mr. MCMILLAN. If this amendment is to go over and be printed, I desire to offer another amendment.

The PRESIDING OFFICER (Mr. FRYE in the chair). An amendment to the pending amendment?

Mr. MCMILLAN. No, sir, an amendment to the bill, so that it can be printed.

The PRESIDING OFFICER. The Senator from Minnesota proposes an amendment which he asks to have printed. That order will be made.

Mr. ALLISON. Let it be read.

The PRESIDING OFFICER. The proposed amendment will be read for information.

The CHIEF CLERK. The proposed amendment is to insert after the word "lake," in line 13 of section 4, the words:

Or by a parallel railroad not within the jurisdiction of the United States.

Mr. CULLOM. The amendment offered by the Senator from New Jersey [Mr. SEWELL] is exactly the printed amendment that is upon the tables of the Senators, except that as now presented it is amended to conform in the use of terms with the other provisions of the bill. So I think there is no difficulty in Senators seeing what the amendment means without having any delay on account of it. I would like to proceed with the consideration of this bill and dispose of amendments either by rejecting them or adopting them as rapidly as a proper consideration of them will justify. If we are going to call up these amendments now and have them printed and laid over, substantially we adjourn the consideration of the subject.

Mr. MILLER. I do not desire to make any request that the bill be postponed or that the amendments lie over. So far as I am concerned, I am prepared as one of the committee to meet them now. If the Senator from New Jersey thinks his amendment is one of great importance and should be acted on, it certainly can not be acted on intelligently by the body at this time. It is not understood by the Senate at all.

Mr. CULLOM. I will make another suggestion, if the Senator from New York will allow me. If this amendment should be adopted at all, it would be an entirely new section. It can be put in the bill, if the Senate sees proper to put it in, at some future stage of the consideration of the bill as well as at present.

Mr. INGALLS. Will the Senator permit me to ask him if this amendment has received the consideration of the committee?

Mr. CULLOM. This amendment substantially was before the committed and rejected.

Mr. INGALLS. Then I understand this amendment is here with an adverse report from the committee.

Mr. CULLOM. I state the simple truth.

Mr. INGALLS. I mean has it been reported upon by the committee to the Senate?

Mr. CULLOM. The committee simply considered the amendment, or the substance of it, and rejected it.

Mr. INGALLS. In committee?

Mr. CULLOM. In committee.

Mr. INGALLS. And reported it to the Senate rejected?

Mr. CULLOM. And reported the bill without any such provision in it. The bill now before the Senate for consideration does not contain such a provision.

Mr. INGALLS. Did the bill as originally introduced contain a provision similar in terms to this?

Mr. CULLOM. The proposition was originally before the committee and was considered by the committee and rejected, if I may be allowed to refer to what was done in committee.

I desire to indicate again that if there is any hesitation in reference to the consideration of this provision to-day, it will form, if adopted, an entirely new section, and can be considered at a future time if the bill is not disposed of to-day, so that we may go on now with the consideration of the bill as it stands.

Mr. INGALLS. Will not the Senator be good enough, as this matter has been considered by the committee of which he is chairman, to

state the grounds upon which it was adversely considered by the committee?

Mr. CULLOM. The committee did not believe that such a provision was practicable and that it could be put into execution within any reasonable time. Therefore the committee believed that as this was an initiatory measure, the first bill proposing to regulate interstate transportation, we ought not to undertake to incorporate all the provisions which anybody might think were necessary in order to make a perfect bill.

So far as I am individually concerned, I will take the liberty of saying that I was inclined to believe that if such a provision could be executed it might be of public utility, in the light of what the Senator from New Jersey suggests, so that the roads running through Canada should not get any advantage on account of our attempt to regulate interstate commerce in the United States.

Mr. INGALLS. May I ask the Senator upon what ground in the opinion of the committee it could be claimed that Congress could exercise jurisdiction over a railroad both of whose termini were within the limits of a State?

Mr. CULLOM. The committee has not undertaken to exercise any such jurisdiction.

Mr. MILLER. I will suggest to the chairman that that portion of the amendment certainly never was considered by the committee favorably, or, as I understand, by any member of the committee.

Mr. CULLOM. Not at all, so far as that feature of it is concerned. The only subject that was considered by the committee in connection with the license question was in view of the fact, taking the Grand Trunk road for instance, which begins in Chicago, runs to the Detroit River, then runs through Canada, and then down to Portland, Me., whether there ought not to be some provision which would require license at the ends of the road in the United States to do interstate business, so that when a through bill of lading was issued at Chicago by the Grand Trunk Railroad for goods to be shipped to Portland, running through Canada, whether by such a provision we could not get control of that through bill of lading so as to take away the advantage which a Canadian road would have over an American road in case there was no such legislation enacted.

Mr. ALLISON. Did the committee decide that Congress could take no note of these foreign corporations acting in connection with our own roads?

Mr. CULLOM. Not at all.

Mr. ALLISON. There is no provision in the bill relating to that subject?

Mr. CULLOM. Not any further than will be found in the first section of the bill in undertaking to regulate foreign commerce so far as interstate shipments by rail are concerned, which is mentioned in the first section of the bill.

Mr. SEWELL. Will the Senator from Illinois state to the Senate that he expects a through line on our side to compete with a Canadian line unless we have some control over the termini of that line? How is it possible with a line in the center giving rebates and drawbacks which you wish to govern by this bill for the lines chartered by our States running parallel to compete for our interstate business?

Mr. CULLOM. It is pretty difficult to control a road in a foreign country, I admit, and it may be that there is no possible legislation which will accomplish that end; but I am not inclined to believe there is that danger to American commerce resulting from the fact that there is a Canada road which very many interested in railroad operations here believe will underbid our lines. So far as I am concerned I am anxious to throw around the American roads all possible safeguards that we can consistently enforce to protect them from injury while we are regulating them, knowing the fact that there are roads outside of this country for which we can not legislate. I do not know myself, even if we should adopt a license system, whether after that were done it would be possible to control shipments going through Canada so that the shippers might not if they desired to do it get some advantage; but the committee thought that while there might be some merit in this amendment, yet there are fifteen hundred railroads in this country, and that if we undertake to start the operation of this law by a system of licensing all the roads in this country it would be probably another year before we could get ready to operate under the law at all; so that the judgment of the committee was that it would be impolitic to insert such a provision in the bill at this time.

Mr. CONGER. Mr. President, my attention has just been called to this amendment. Without thoroughly understanding its provisions, it seems to me the amendment may be made to control almost every water communication for the transportation of freight in the United States. That is probably its object. The Senator from New Jersey undoubtedly desires to throw on all-rail routes the immense products of the West and compel shipments to go through the magnificent State of New Jersey, whether the shippers will or not. That is a very commendable object for the Senator from New Jersey. Unfortunately for New Jersey the dimensions of the State were made originally so small that there are other ways of getting from the great West to the great East without going through New Jersey.

All here will bear witness to the fact, every man who has thought at all upon the subject or has traveled a little must say, that wherever New Jersey could control any traffic or any passenger fare through that State, it has laid its mailed hand upon the people and compelled contributions to the State of New Jersey to carry on its government, feed its paupers, educate its people, and do all by charging contributions upon men, women, and children passengers. All the human family who have been happy enough to travel through that delightful region of the universe New Jersey used to pay tribute to New Jersey for all possible and conceivable objects of State government. They ran along for years charging a dollar a head for going through that paradise of the world, I do not know but more, on any railroad. If a foot-passenger had to cross a bridge that belonged to a railroad company, he had to pay his dollar to the railroad company for the benefit of the State or else go around several miles in that delectable State, and he must either ford the stream if fordable, swim across it if he were a swimmer, drown if he attempted it without being a swimmer, or pay his dollar to the railroad company for the benefit of the State.

Within the limited and comparatively well-known dimensions of the State of New Jersey, stretching as it does, unfortunately for the rest of the people of the United States, north and south so that we must go through part of it or go around a good deal of it, I would be perfectly willing that the State of New Jersey should control its own railroads, arrange its own freights, impose its own fares, tax passengers or tax articles of commerce and production even from the West, from my own State, that go through it, without let or hinderance, because in the dispensations of Divine Providence it was thought expedient to have some other outlet to the rest of the world that could be made available outside of New Jersey. In regard to such subjects as this the only redeeming thing there is about New Jersey is that it does not swell to such magnificent proportions as to compel everybody to go through it.

I speak with all respect for old New Jersey, the home of my ancestors. By all the associations of kindred and ancestry and old home residence I should be glad to join the Senator from New Jersey in his attack upon all the great and beneficial industries and communications and transportations of all the vast country lying to the west if I could do it without such detriment and such injury to the interest of every producer, of every shipper, of every consumer of the United States and in the markets of the world as could possibly be borne at all. But his proposition, as Dogberry said about a similar proposition a great many years ago, is "tolerable and not to be endured." No man can even glance over this amendment without seeing that it is sacrificing the whole country to New Jersey.

What will be the effect of the first provision?

That no person or corporation shall have authority to engage in interstate commerce after three months from the passage of this act—

Perhaps I ought to express in passing the extreme gratification I feel that there is a limit of three months' existence without the enforcement of this law—

without having procured a license for that purpose from the board of commissioners herein provided.

No man away far up the Tennessee can load his barge and pursue his journey down among the mountains and the valleys and over the Muscle Shoals and past Chattanooga and into the Ohio and down to New Orleans, engaged in interstate commerce as that would be, running through several States, without going first somewhere and getting a license from the commission provided for in the bill which is reported by the Senator from Illinois. No man dare load a boat on any river in the United States with the produce of a State to take into another State, whether it is a canoe or a dugout, a batteau, a barge, a steamboat, or a scow—I speak of a scow with great respect, for scows are common on the Western rivers, at any rate—without getting this license. That may or may not be possible to do; it would be unfortunate to these small traders, certainly; and yet they are in the bill. No ship-owner on our great lakes could start from Duluth, or Ontonagon, or Marquette, or Green Bay, or Milwaukee, or Racine, or Chicago even, with his little hooker loaded with produce there, and go down to Toledo, or Cleveland, or Buffalo, or Detroit, or Oswego with the freight which he had on board his vessel without first getting a license to go.

Mr. PLATT. One could not drive a stage from Wheeling to Bellaire without a license.

Mr. CONGER. No; one could not drive a stage across the Ohio there; but I am not talking now about land companies. I made some remarks about passengers getting through New Jersey. I tried to avoid the culminating point of that argument by saying that there were other ways to go around New Jersey of which the good people of the United States have availed themselves and are availing themselves year by year. They did so at least until some of the old restrictions imposed upon freights and passengers were removed, perhaps by the advice of my friend the Senator from New Jersey. Controlling as he does the railroads of that State with his influence over them in the councils of the administration of railroad men in that State, perhaps by his advice he so made the laws of New Jersey, modified, civilized, regenerated, almost Christianized, as to enable New Jersey to come back into the family of States again with some decent laws in regard to the rest of the citizens of the United States.

But I am now on the subject of water transportation and I leave the

subject of land transportation to the Senator from Connecticut who made the happy suggestion to me just now. I was saying that no man could, without a license from these commissioners, take his vessel, or barge, or bateau, or steamboat on any of the navigable waters of the United States. By a law of the United States those are navigable waters which have navigable water communication with other parts of the country and other States; that is under our law for the security of life on steamboats. No man can use the property he has in boats to transport freight from one State to another on any navigable river, or any river not navigable, in the interstate and common-law sense, a highway under the laws of the United States and of the States, on any of our great lakes, on the Mississippi, on the Missouri, on the Columbia, on the Blackwater, on any river anywhere, without first going to these commissioners and, on some terms, I do not know what or how or at what expense, getting a license from them to trade.

Sir, has it come to this, that the narrow, restricted views of New Jersey in regard to passengers and freight are to be extended over the broad domain? Is that the evolution theory by which hinderances and obstructions and impositions are to be placed upon the growing and increasing commerce and intercommunication between the States of this Union? Is that the evolution theory by which New Jersey shall evolve this idea, dear to itself at one time, dear to itself now I should suppose from the manner in which this amendment is presented here, and shall extend it over the great mass of the domain of the United States, from the Atlantic to the Pacific, and become the law of the land, and put under subjection every vessel-owner, yes, every cartman who goes over the boundary of a State, every common carrier; for the amendment is comprehensive in its language.

I will say for the Senator from New Jersey that without going into any details whatever he has the gift with one sweeping clause of overturning all the statute laws and reaching out to control all manner of subjects with the smallest number of words and in the most hidden and occult manner of any Senator on this floor. It is a common remark among my brother Senators that in the little nutshell of a paragraph the Senator from New Jersey introduces, in connection with railroads and with transportation, comparatively innocent little remarks or propositions that no one can understand, which make sweeping changes in the whole commercial interests of the country. He has done it before and tries to do it again. If I had that adroitness and that skill in the construction of sentences which the Senator from New Jersey has evinced in the preparation of this amendment, I could rival Talleyrand any day, who said that the object of language was to conceal thought, to conceal the truth. The object of this amendment is to revolutionize and put under control and compel the procuring of licenses by every ship and every vessel-owner on all the waters, rivers, lakes, and the ocean itself, because we have to go out 3 miles by the common law on water to get out into the ocean.

I do not think the Senator from New Jersey can satisfy the Senate the amendment applying to all common carriers, carriers of freight, transporters of produce—that it is for the interest of the people of our States, of those who navigate our lakes and our rivers, of those who carry as cheaply as can be carried the vast produce of the West and of the South to market—that it is for the interest of our constituents that they be subjected to any such restriction, to any such requirement as that. Under the common laws and obligations of commerce and transportation in the United States, well known and well defined, men carry on their business and carry the productions of the vast West to the East and return the productions of the East to the West with a constantly diminishing expense, cheaper and cheaper, so that the producer may receive profits which would otherwise go to the transporter, and that the consumer may receive from the vast granaries of the West the overflowing provisions of that region for the support of himself and his family at a cheaper rate in the East.

I do not know that I understand the proposition. Hidden beneath the soft, flowing language which scarcely casts a ripple upon the shore of this amendment, there seems to me to be an absolute revolution of all our old, accustomed laws, and modes, and measures of transportation. Except that it is printed, except that it seems to have been printed under the authority of Congress, except that it has been introduced with a name attached to it of an honorable Senator, I could scarcely believe that any man would have the temerity, unless by way of a joke, to present such a proposition to the Senate, to say nothing of fastening on the vast body of the American people such a proposition. I take it that it is a joke. I take it that it is a quiet, pleasant, gentlemanly way of throwing ridicule upon the bill itself perhaps, or upon the subject-matter. I take it that not seeing any other way to prevent some little provision being made by which the transportation of commerce by great railroad corporations may be to a small extent modified and controlled by the National Government, as it has been modified and controlled to some extent by the States, the railroad magnates have taken this way and induced my friend here to present a proposition so ridiculous in itself, so overflowing with ridicule, so swelling and enlarging and bursting its bounds by the inherent ridiculousness of the proposition, that it shall in some manner float over and fasten itself upon the bill, which is supposed to be a serious one, now in the hands of the Senator from Illinois.

If that be its object it is an inopportune time for the great evolution theory. It is not a matter of unconcern to my constituents; it is not a matter of little concern to the States of the great Northwest, teeming with produce, whose fields furnish the millions of bushels of wheat and corn and oats and grain of other kinds for the markets of the world and for the consumption of our Eastern brethren; it is not a matter of unconcern to the miners who delve beneath the ground in the dark caves of the earth and procure the copper and the iron which they ship to the markets of the world; it is not a matter of unconcern to the fishermen on the borders of our lakes; it is not a matter of unconcern to the hardy men who spend the winter in bringing down from its lofty heights the towering pine, and cutting it into logs and driving it down the rivers, and manufacturing it in the mills, and preparing it for market and for use for all the various purposes of the community, for homes, for barns, for store-houses, for all those things for which the lumber of the Northwest is used; it is no matter of unconcern to them that their industry and their products, that all these men and hundreds of others that I could name, shall be subject to the little paltry restriction in the amendment, that whoever takes from the place where they have labored to produce these products and carries them to the market where they can sell them and realize the price of their labor must hunt up somewhere a commission and humbly beg of them a license to travel on the great highways which God meant for man to go upon without let and without hinderance, ay, and without license too, from anybody on earth. That is what this amendment says—they shall have a license, a license to go on God's highway, a license to float down the rivers which have been forming through the past ages for the use of man, a license to move their vessels and their steamboats and carry the produce of themselves or their neighbors to market.

I have heard of many kinds of restrictions upon the freedom and ability of men to follow their ordinary pursuits. I do not speak of star chambers, I do not speak of bulldozing, I do not speak of kukluxism, I do not speak of mobs, I do not speak of strikes, and I do not speak of the suppression of laboring men here and of laboring men there; those things are local; they may be, thank God, temporary, and we hope they will; they may be avoided; they may be controlled; they affect but a part of our citizens at a time; but I never yet have known of any legal clause which compelled a vast body of the American people, the whole of them interested either in production and cheap transportation or in consumption and the cheap acquirement of property, to be subjected to the license system of three commissioners appointed by the President, I think, in this bill and confirmed by the Senate—three commissioners. "Five commissioners," I am told.

So much the worse. I never heard of all the vast industries of the nation being submitted for control to a license to trade or not trade, to go or not go, to point the prow onward or inward, to turn the helm this way or that, to go in on the great waters of the land where the winds or the powers of steam or the more humble man who propels his boat laden with freight by a pole as he gets it down the rivers—I never before heard that all that great vast system of industry and all the productions of this vast land should be made subject to the caprice or to the will or even to the sober judgment of any five men that the President might select or any five men that this Senate might confirm, composed of the great men of the land it is true, composed of men who, when they die, our country will find that wisdom has died with them undoubtedly—but sometimes men make mistakes, not intentionally of course, but from lack of information and knowledge. So the Senate may confirm men from New Jersey—think of it!—with such views as are embodied in this amendment, thinking it their duty to stick this man on this lake and that man on that river, interfering with the flatboat and even with the Senator from North Carolina as he is taking the phosphates down the Cape Fear River and the French Broad and all those rivers that he has urged Congress to make appropriations to improve so that the overflowing productions of that land may not lie idle in the glorious State of North Carolina, but may get by these water communications to the market. With the trouble already on the poor boatman there, he is asked to vote to compel his constituent before he starts from away up the waters at the uttermost navigable portions of those rivers, as far up as the rivers themselves have capacity for valuable floatage on barges, to get a license! The Senator has persuaded Congress to make appropriations to make available those streams up among the mountains of his State, and now a man must send out from Carolina to his Senator, humbly beseeching him to procure from this commission a permit to go down the French Broad! Or perhaps the Senator from Georgia will get that permission for one of his constituents to go down the Cape Fear River.

I know the people of that country are intelligent, as they are all over the nation, but it would take more than three months for the laboring men on those rivers, with their boats of whatever dimensions, to find out that there was such an irreconcilable folly perpetrated by the Congress of the United States as should compel them to go away off and use all the diplomatic arts and powers and influence of their Senators and Representatives to find out first where these five men were and then to bring influence to show that they were not offensive partisans and were worthy of a license.

I am drawing a picture I know that horrifies the Senator from North

Carolina. I see by his countenance already that no such proposition as that will be allowed to affect the navigation of the Cape Fear or the French Broad, because I have been upon the Committee on Commerce with the Senator from North Carolina long enough to know that if he has any one thing dear to his heart it is the improvement of the navigation of the rivers of his own State, so that men may carry their produce cheaply and without license from anybody. Contrary to his old convictions, the Senator from North Carolina has of late years seen the importance of cheap transportation and cheap navigation, so that it has overcome his old life-long constitutional scruples about internal improvements in his State. The time was when Carolina would not receive money from the General Government. But my friend from Carolina has overcome that scruple. He does not ask it himself, because he is too modest to do that, but if the Committee on Commerce force appropriations to improve these rivers so that his people can bring down their boats, he is willing quietly to let them pass and let them go into the bill. But neither he nor any other man through whose State runs a river, or on whose borders is a lake, or whose shores are laved and washed by the ocean itself—none of those people can vote for such a proposition as this.

If the appeal were to the Senator from Nevada, away up in the mountains above the storm-clouds, in a region where there is neither river, nor lake, nor rain, nor dew, nor transportation—plenty of hollows in which there might be lakes and might be rivers, but no water—it would not be unreasonable to ask him to vote for such a proposition as this. Some of my friends from the prairies, if there be any such, through which no river runs, might be willing to forego the old transportation of boats through the dew and let this provision pass, but they would have to get a license.

But, sir, I rose without fear of the result and I feel that there is no necessity for further remark upon the knowledge which every Senator on this floor has. Nevada is a State which is perched up too near heaven and has too much gold and silver to need anything else; and there they have no rivers, and no water, and no rain, and no dew, but clear, naked, glittering gold and silver. No other State has a Senator here that would vote for this thing except the Senator from New Jersey, who is in a State where rivers run and where the ocean laves the shore and where it has all the privileges and blessings of water communication that any State can have in this Union, but which has not its representative here of rivers, which has no representative here of its steamboats, which has no one here to call the long roll of the classical names of its canal-boats, but has here the spirit which would prompt an amendment like that now offered. Nevada and New Jersey may possibly vote for such a proposition. If there is any other Senator whose State has no rivers, and no lakes, and no seashore, and no water communication, we may lose a vote or two for this amendment; otherwise this amendment is doomed to the sleep that knows no waking, not even to be honored by funeral obsequies; and so I leave it.

Mr. SEWELL. Mr. President, the Senator from Michigan covered a wide field in his remarks on this subject, in which I will not attempt to follow him. The bent of my mind runs in a business line and right to the point to which I wish to arrive.

The only object of this amendment was to bring the competing lines in Canada, so far as their termini within our States are concerned—was in order to have their business which originates within our States under the same control that the bill places upon the American roads.

I had no idea of touching water communication, not a particle of it. I represent a State that, next to the State of Maine, builds more vessels than any other State in the country and that has the largest water transportation running through it of any State in the Union at the present day, not excepting the Mississippi River, and certainly I should not do anything to interfere with my constituents in that way. We build more vessels and carry more freight on our vessels than any State in this Union to-day through our own waters.

As I said before, if you take the four great trunk lines which terminate in New Jersey, constituting say 40,000 miles of railroad, one-third of all your mileage; taking these lines and their connections, they represent a capital, in the proportion that the number of miles bears to the whole, of probably $2,500,000,000. Those great corporations have their termini in my State. Their employés alone amount to not less than twenty-five thousand people; and the families that they support are not much less than 10 per cent. of our population. So we get a living for 10 per cent. of the population in New Jersey indirectly through the great corporations that traverse our State and that spread out all the way from New Jersey to Cincinnati, Saint Louis, Chicago, and so on farther west.

This bill, if it becomes a law without some control of the competing lines in Canada which I suggest and which is the only thing I desire to attain by this amendment, would depreciate that property to such an extent that it would be a public calamity.

A large portion of the population of this country to-day exists on the securities issued by railroad corporations, which I suppose amount to seven or eight billion dollars; and every man who has anything for himself or for his family must necessarily have a small amount of investments of that kind.

Now, is it reasonable to suppose that the American Congress will deliberately sacrifice the rights and the investments of those citizens when it has the power to place the same restrictions on connecting lines through Canada under this amendment that it has on the roads chartered by its own States? I did not suppose there would be any objection to this part of the amendment. I think one part that I referred to in relation to the lines in New York running through one State is a fair subject for a difference of opinion, and I expected to have that attacked by some of the Senators who think differently from myself as far as that part of the amendment is concerned; but the main proposition, to control the competing lines in Canada, I did not suppose would meet with any opposition.

The Senator from Michigan has alluded to the State of New Jersey, as he has been in the habit of doing on former occasions, and her system of taxation. I beg to say that what he has said would leave a false impression. The State of New Jersey never taxes anybody unequally. The State of New Jersey to-day is as free as any State in the Union for any set of men to build railroads, and her taxation is just as light as that of any other State. In the early days of railroads, when the first charters were issued, it was considered a fair mode of taxation that a railroad corporation should pay taxes in proportion to the business it did, and I consider it so to-day. It is only a means of arriving at the basis of taxation. New Jersey once taxed her own passengers and the passengers who passed through the State 10 cents each, and 10 cents a ton on freight going through the State. She did not tax outsiders as much as her own people, because if a citizen went 30 miles in the State he paid just as much as the man who went from Philadelphia to New York, 90 miles. That is true of all other taxes. But the matter was agitated all over the country, and the State changed her mode of taxation, and is getting just as much tax now as she did then, although some other States, I understand, still retain this mode of computing railroad taxation. New Jersey never charged, as stated by the Senator from Michigan, a dollar a head on passengers.

As I said, Mr. President, I had no idea of interfering in any way with the class of traffic mentioned by the Senator from Michigan, and I shall be glad, so far as this amendment is concerned, if the main features of it that I refer to may be adopted, and eliminate from it anything that would interfere with what he desires to protect, and which I have fully as much interest in protecting as he possibly has.

Mr. MILLER. Mr. President, the Senator from Michigan [Mr. CONGER] undoubtedly demolished the proposition which he spoke against, and I do not think that any further argument upon that line would be needed if any such proposition was now before the Senate; but the proposition of the Senator from New Jersey [Mr. SEWELL] was not the one which the Senator from Michigan discussed. We are all delighted with his eloquence and his argument in destroying the man of straw which he had set up. I think he was entirely successful in so doing. The amendment of the Senator from New Jersey, however, does not meet with my approval, even in the modified shape in which it is now before the Senate. Undoubtedly his chief object in offering it was to secure control over the trunk lines of railroads which enter the territory of the United States and then pass through the Dominion of Canada. But it was believed by the committee that we had secured that object substantially by the bill as it now stands, and I think it is quite as well secured in the bill as it now stands as it would be if the amendment of the Senator from New Jersey should be adopted.

The objections to and the difficulties in the way of issuing a license to every common carrier under this bill it seems to me would be so great as to prevent the commission ever successfully carrying out the provisions of the bill if the amendment should be adopted. It will be seen that the first section of this bill provides that all railroad companies doing an interstate-commerce business or doing a business which extends from the United States into any of the adjacent foreign countries is brought under its control. The language is:

> That the provisions of this act shall apply to any common carrier or carriers engaged in the transportation of passengers or property by railroad, or partly by railroad and partly by water when both are used for a continuous carriage or shipment, from one State or Territory of the United States to any other State or Territory of the United States, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States, and also to the transportation in like manner of property shipped from any place in the United States to a foreign country and carried from such place to a port of transshipment, or shipped from a foreign country to any place in the United States and carried to such place from a port of entry either in the United States or an adjacent foreign country.

It was believed by the committee that that would control all through shipments passing over the trunk-lines of Canada. For instance, what is known as the Grand Trunk Railroad, receiving its freight in the United States at Chicago and carrying it through Canada to Portland, Me., or to Boston, on to New York over connecting railroads in the United States, would be as thoroughly controlled by all the provisions of this bill as any of the great through trunk-lines which are entirely located within the bounds of the United States. Quite likely it would not be able to reach freights which starting from Chicago should stop at some point in Canada, and I do not know that we are at all concerned in attempting to reach or control such transportation as that. But I have no doubt that all the other provisions of this bill can be enforced against those companies or their agents and their connecting lines in the United

States, for certainly the Grand Trunk Railroad of Canada can do nothing in transporting grain from Chicago to Portland, Me., save as it operates through connecting lines running from Chicago to the Canadian frontier and again from Canada to Portland, Me. After a shipment leaves the Dominion of Canada our control over it, it seems to me, is absolute and perfect.

Mr. SEWELL. Will the Senator allow me to interrupt him there?

Mr. MILLER. Certainly.

Mr. SEWELL. How can you control the Grand Trunk Railroad outside of the United States, unless you have a provision of this kind in the bill?

Mr. MILLER. This bill, of course, would cover the shipments of freight through Canada starting in the United States, passing through Canada, and coming again into the United States. As I have said before, it probably can not be made to apply to the transportation of freight from Chicago, for instance, to some point in Canada and there stopping. If the Grand Trunk Railroad saw fit to give a drawback or a rebate to freight thus disposed of, stopping within its own territory, I doubt very much if we could reach it; but if freight should be transported through Canada into the United States, coming into any of our States, I have not any doubt at all that the provisions of this bill can be enforced against the connecting line in the United States and that they would be held under this bill, and if they were punished under it they would see to it that the connecting line in Canada carried out rigorously the provisions of this act. I do not see how the Grand Trunk Railroad is to allow any rebate to a shipper in the United States when the grain starts from some point in the United States and is landed at another point in the United States; its transactions are entirely with the connecting roads; they are not with the individual shipper at all. The agents of the American line make the rate in Chicago, and the produce is delivered to the agent of a United States road at Portland or at Boston or at New York, and I think there can be no difficulty about reaching such shipments.

Mr. SEWELL. But that does not cover the point. The Grand Trunk road could give a drawback, while the terminal lines in the United States would say they had nothing at all to do with it.

I will state as a matter of information to-day that this line is picking up at Chicago all the dressed-meat business of the West and is doing it through two individuals, making the greatest monopoly in this country to-day by the very system of drawbacks which this bill is designed to reach. It is throwing all that business in the West to-day into the hands of two men, and the sellers of beef have to go and pay their price for it simply because they can transport it on better terms than others.

Mr. MILLER. Of course the Senator from New Jersey is speaking of a condition of affairs which exists now when this bill is not in force, as it has not been passed and is not the law of the land. I am speaking of what I believe will be the condition of affairs if this bill should become a law. Under section 5 of this bill—

> Every common carrier subject to the provisions of this act shall, within sixty days after this act shall take effect, file with the commission appointed under the provisions of this act copies of its tariffs of rates and fares.

They are otherwise compelled by the commission to publish their rates so that they may be known to all our people. In that section it will be seen how the common carriers or railroads are to be punished for refusing or failing to publish their tariff rates. Let me read, commencing at line 46:

> If any common carrier shall neglect or refuse to file or publish its tariffs of rates, fares, and charges, as provided in this section, or any part of the same, such common carrier shall be subject to a writ of mandamus, to be issued by any circuit court of the United States within the jurisdiction where the principal office of said common carrier is situated, and if such common carrier be a foreign corporation, in the judicial circuit wherein such common carrier accepts traffic and has an agent to perform such service, to compel compliance with the aforesaid provisions of this section; and such writ shall issue in the name of the people of the United States, at the relation of the commissioners appointed under the provisions of this act; and failure to comply with its requirements shall be punishable as and for a contempt; and the said commissioners, as complainants, may also apply, in any such circuit court of the United States, for a writ of injunction against such common carrier—

And that includes foreign common carriers—

> to restrain such common carrier from receiving or transporting property among the several States and Territories of the United States, or between the United States and adjacent foreign countries, or between ports of transshipment and of entry and the several States and Territories of the United States, as mentioned in the first section of this act, until such common carrier shall have complied with the aforesaid provisions of this section of this act, &c.

Then let me say further in this connection that it is forbidden under severe penalties that any greater rate shall be charged for the transportation of freight to any person or corporation than is provided for in these published rates. Thus in this one particular at all events this bill gives complete control in the matter, and in section 2 all common carriers, including the agents of foreign corporations and foreign corporations themselves, are forbidden to give "any special rate, rebate, drawback, or by any other device to charge, demand, collect, or receive from any person or persons a greater or less compensation for any service rendered, or to be rendered, in the transportation of passengers or property, subject to the provisions of this act, than it charges, demands, collects, or receives from any other person or persons for doing for him or them a like and contemporaneous service in the transportation of a like kind of traffic under substantially similar circumstances and conditions."

But, Mr. President, the committee desired most effectually to guard this point, and if it can be shown that it can be more thoroughly and carefully guarded than we have done it I have no doubt the entire committee will welcome any such amendment, but the amendment of the Senator from New Jersey proposes to require of all common carriers as described under this bill that they shall procure a license before they can engage in the business of interstate commerce. It seems to me that that is an unnecessary and a burdensome charge upon commerce and upon the lines. This subject was fully considered by the committee, and after full consideration it was decided that the license provision should be entirely left out. It might of course be provided that corporations doing business between the United States and adjacent foreign countries should receive a license before engaging in that business, and should thereby bind themselves to carry out all the provisions of this act. I doubt, however, if it would be found of any avail if such a provision as that should be put into the bill. In my judgment the bill contains in its present condition regulations which are sufficient for the protection of the interests of our own lines; certainly it was the desire of all the members of the committee to thus carefully guard it, and I would suggest to the Senator from New Jersey that the provisions of his amendment as he has now altered them would be of little avail in this matter. I believe that they are unnecessary and therefore unwise.

Mr. President, I may say at this time of this bill that the committee which was appointed by the Senate a little more than a year ago upon this particular subject and was given full power to investigate the question in all its bearings, to call before it whomsoever it saw fit and to travel wherever it saw fit for the collection of information, did, after a long time spent in the collection of testimony, come almost unanimously to the conclusion that this bill and its provisions were the wisest that could be suggested at the present time. In that investigation the committee had before it not only many of the leading railroad men of the country, but in nearly every one of the principal cities of the Union it called and did hear the leading merchants and transporters of the country. It called also a large number of manufacturers and farmers, who are directly interested, of course, in the question of transportation. In addition it called to its aid the best legal talent, or I may say the best legal theoretical talent, on the question of railroad transportation to be found in this country, and it advised with them all, and its reports show, if they are carefully read by the Senate, that a vast majority of all those who were called before the committee did, in one way or another, substantially approve of nearly all the provisions of this bill. Not only the railroad men, but the shippers and the producers and the theorists almost unanimously came to the conclusion that this bill, as it is now before the Senate, was probably the best legislation which could be had upon the subject at the present time.

I need not here speak of the difficulties of legislation of this kind; they are well known to us all. The problem of the control of the railroad and transportation interests of this country is to my mind one of the most difficult questions which ever have been presented to a legislative body. Within the life of the majority of the members of this body the entire railroad system of this country has been created. In less than fifty years it has grown from nothing to its present magnitude, when we have nearly 130,000 miles of railroad. It has completely changed the methods of business and of commerce and of manufacture. It has also changed the value of our farm lands. It has made the West possible; it has substantially obliterated distance; and it has made us one people. This great interest has grown thus rapidly until to-day it is estimated by statisticians that the value of our railroads is nearly, if not quite, one quarter of the value of the entire material wealth of all our people. Certain it is that the railroad securities to-day of all kinds, including stocks, bonds, and other evidences of debt, equal in round numbers, $8,000,000,000. It is believed, however, that this is fully double the actual cost of the lines, and thus that commerce is burdened to-day by an attempt at least to pay a fair rate of interest upon a capital twice that actually invested in the business. But this great injury has been done, and it may be true that the railroad companies and those who have organized them are not entirely to blame in the matter, for this could never have been if there had been wise legislation at the beginning, but neither Congress nor any of our State Legislatures had any fair or proper conception of what the railroad system of this country was to be when railroads were in their infancy, and as a result charters were given without limitations, and in nearly all of the States general railroad laws were passed which permitted any five individuals to organize, file a map, and proceed to build a railroad wherever they saw fit.

This system has gone on, and the injustice which has grown up under it by favoritism to persons, by favoritism to particular towns, by a thousand and one forms of unjust discrimination against individuals and places, has been such that at the present time the principal question before the people is how this vast power shall be properly controlled, shall be so controlled as to bring the greatest benefit to all our people, and at the same time to neither destroy nor unjustly injure railroad property itself. Many efforts have been made. We know of

the efforts that were made in the West and of the result under what was called the granger laws, that by applying exact and iron-bound rules and regulations as to their tariffs and by the passage of pro rata freight laws not only the railroads themselves were greatly injured, but all the people of the States who expected to be benefited by them were equally injured, and in most cases those rigorous laws were abandoned.

In the East in the study of this question the State of Massachusetts first led off with a railroad-commission law, which has been in operation now for many years, and which is admitted on all hands, by the railroads and by the people of Massachusetts, to have been of great benefit to them. The railroad-commission law of Massachusetts, as is well known, is a law which gives to a commission the power to investigate all complaints made against the railroads for any or all causes and report thereon. It has no power of enforcing its decisions. The decisions are enforced only by the power of public opinion, which is called into force by the recommendations which are made by the commission. The investigation in Boston when the commission was called before our committee and when the principal shippers of Boston were called before it brought out the fact that this commission had succeeded in settling nearly all the difficulties arising between the shippers and the railroad companies in Massachusetts, and that it had brought about a settlement of many questions which had before caused great trouble and which had brought about great hardship to the shipping interests of Massachusetts. I believe that the whole people of Massachusetts are to-day substantially satisfied with their railroad commission.

Some other States have followed in the same line, notably the State of New York, which within the last few years has adopted substantially the Massachusetts law with equally good results. For many years the railroads of New York fought against any commission bill. They claimed and demanded the right to manage their own affairs as they saw fit. Claiming for themselves the same privileges in the control of their own affairs as comes to the ordinary private citizen in the management of his private business, for many years they prevented the Legislature of the State of New York from legislating upon this question at all. But finally all parties were satisfied that some tribunal was necessary, that there must be some common ground found where the complaints of the shippers, the manufacturers, and the farmers could be heard, and where the railroads could be heard, and where there could be given some judgment upon the question. Finally New York passed her railroad-commission law, which, as I have stated, is substantially the law of Massachusetts. It has been accepted by every railroad corporation within its borders; and I do not believe that there is to-day a railroad corporation in the State of New York or any of the officers of any of the railroads who would consent to the repeal of that law. The commission has heard the complaints, it has adjusted them by making public its decisions, and in nearly all cases the railroad companies have carried into effect the recommendations of the railroad commission.

Many of the States are adopting substantially this system; and reasoning from the beneficial effects which have come from the adoption of these laws in many of the States of the Union, it has seemed to the committee and to all who have considered the subject that perhaps a similar law, which should take into consideration all interstate commerce, which certainly is of greater importance than the commerce of any particular State or any number of our States, would be equally beneficial; for to-day the principal complaints which are made against the railroad companies of the country are made in regard to interstate commerce. The complaints are that particular great shippers of grain and produce are favored by the great transportation companies, that they are given lower rates than the ordinary shipper, and that therefore the men who have grown rich by these discriminations can and do crush out all single individuals of moderate capital who attempt to engage in the transportation of the great produce of our country.

The investigation before the committee showed conclusively that complaints of this kind were being constantly made, and they were of great force and weight with the committee. It was for that reason that the committee in preparing this bill went further than any of the State laws have gone. This bill undertakes to enact as a statute and to provide that there shall be no unjust discriminations between shippers, great or small, that there shall be no such thing as drawbacks or rebates, and that the great injustice which has been done to many of our people by a railroad company undertaking to give to one firm or to one individual a drawback or rebate upon the amount of freight shipped over its road, which was so great as to prevent all other shippers from engaging in the business, will be entirely removed if this bill shall become a law.

The committee has undertaken also to provide that there shall be no unjust discriminations as between different portions of our country. Many complaints have been made, and great have been the complaints, that railroad companies have given rates to the shippers of a particular town which were so much more favorable than the rates given to the shippers of another or adjacent town, that one town was ruined entirely for the advantage of another town. You may to-day travel over our land and you will find that where twenty-five or thirty years ago there were young cities starting up with great promise of growth, by the unjust system of discrimination which has been pursued by railroads they have either been destroyed or prevented from further growing, and in their place at competing points have grown up great cities, absolutely created by the unjust discrimination of railroad companies. The committee believed that this was all wrong, and it has undertaken to provide by a positive enactment that it shall not be done.

In my judgment, notwithstanding all the benefits which railroads have conferred on our people by almost destroying distance and time in the transportation of passengers and freight, still they have done our country a great wrong in destroying the value of large portions of it and increasing the value of other portions of it by unjust discriminations given to particular towns. The abnormal growth of our great cities, our manufacturing centers, during the past thirty years can be attributed almost entirely to the discriminations of railroad companies. If it had not been for this, instead of a few great and overgrown centers where wealth is accumulated enormously and where crime and misery have accumulated in a like proportion, there would now be scattered all over this broad country in every little village and hamlet the great industries which collect around a few great competing points.

If we believe that the chief benefit which comes to our country from a protective tariff is to be found in the fact that it brings diversified industries to our people, is it not equally true that these diversified industries should be spread all over the country and not brought together in a few great centers? I can show you, if you will travel with me in New England, in New York, and in Pennsylvania, the ruins of many heretofore successful establishments which have been abandoned and given up, the proprietors finding it necessary to transfer their plant to some great railroad center in order that they might there have the benefits of railroad competition. Has this been any benefit to our people at large? Not at all. Wherever you seize upon the powers of nature, wherever you occupy a water-power and establish a manufactory, you there increase the value of the surrounding farm lands; but when you make it impossible for our people to use these forces of nature, when you compel them by your railroad rates to give up water power and move to great cities and there use steam power only in order that they may have the benefit of a cheap transportation, you are making a few great centers rich—rich not out of newly created wealth, but rich simply because you transfer wealth from other portions of our country to those great centers. Thus great injury has been done to our country, not intentionally, by the railroads, but because heretofore being left to compete among themselves they have found it necessary to make discriminating rates at competing points.

Our investigation shows that the great bulk of the transporters of this country, the bulk of the railroad men of this country, are to-day being aroused to the injustice of this operation. The railroads are finding that it is for their advantage to cultivate and foster local traffic, and therefore it is that they are willing to give up the great power of thus discriminating against persons and places. But one railroad line says that it can not abandon this power which it has used heretofore unless all the other railroad lines are compelled to abandon it at the same time. We must acknowledge the force of that argument. It can not be carried out except it be carried out as a whole, and it is for this reason that it has been thought wise that we should attempt to bring over the great interstate commerce of this country a control similar to that which has been brought over the transportation of many of the individual States.

I said that this bill goes further than many of our State laws. Let me read the provision of section 4:

> That it shall be unlawful for any common carrier to charge or receive any greater compensation in the aggregate for the transportation of passengers or property subject to the provisions of this act for a shorter than for a longer distance over the same line, in the same direction, and from the same original point of departure: *Provided, however*, That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time make general rules covering exceptions to any such common carrier, in cases where there is competition by river, sea, canal, or lake, exempting such designated common carrier in such special cases from the operation of this section of this act.

The committee believed that that section was absolutely necessary if we were to prevent unjust discrimination between different persons or between different towns. It is undoubtedly a question of the very first importance not only to the railroad companies but to the producers and the shippers.

While some of our States have gone so far as to provide that under no circumstance shall any railroad charge more for a short than a long haul, the committee did not believe it wise in this early stage of its legislation to make so rigid a provision as that. Therefore it is provided that upon an application to the commission an exception may be made if there shall be found good reason for it. Provision is also made that this shall apply to all freights starting from the same point and going in the same direction. The Senator from West Virginia [Mr. CAMDEN] has made a very able argument against the provision as to starting from the same initial point. I must confess that I was greatly inclined to that opinion when the matter was being considered in the committee, but after full consideration and investigation the committee adopted the language which we find in the fourth section, and it is substantially the Massachusetts law.

I have no doubt that that fact was to a large extent controlling with the committee in presenting the language as we find it here. I can

see, however, very little danger if the amendment of the Senator from West Virginia should prevail so long as the proviso is maintained in the bill. I do not believe it would be safe to enact in the bill an absolute provision that there should under no circumstances be a greater charge for a short than for a long haul, because, as we all know, during a large portion of the year when the great lakes and the canals and the rivers are open, it is quite probable that such a provision might work at times severe hardship to some particular railroad company, or to some particular community; but so long as the provision shall be permitted to remain in the bill allowing the commission upon application by any of the railroad companies to make an exception in a particular case, I believe that no great harm can come to the railroad companies, even if the amendment or a portion of the amendment of the Senator from West Virginia should be adopted.

The law in Pennsylvania has been equivalent to that for the past twenty-five years, and I believe that the whole railroad business of that great State has adapted itself to the provisions of that law and that none of the railroad officials and none of the shippers of that State would to-day desire to change it. Substantially the same law prevails in Ohio, I think precisely the same law, and in a number of other States of the Union; just how many I am not able to say.

That provision, to my mind, either amended or not amended as suggested by the Senator from West Virginia, is by far the most important provision in the bill. Take that out and the bill is of very little use; the commission would be able to accomplish but very little. True they might investigate and report to Congress, but their powers in preventing unjust discriminations between persons or between different shipping points would be almost nothing. I trust that the Senate will agree with the committee and leave that section substantially as it is.

The bill does not attempt to fix rates. The committee did not believe that it was wise for Congress to undertake to do that with its present imperfect knowledge. It did not believe that it was wise to give that power to any commission which might be organized under the bill. I believe that the history of all railroad legislation, not only of this country but of Europe, will bear the committee out in that judgment. We have not yet so far advanced in the science of transportation and of the management of railroads that we can say by exact statute what shall be the limit of railroad charges; but when we provide that there shall be no unjust discrimination between persons, without regard to whether they are large or small shippers, when we undertake to provide that there shall be no unjust discrimination against particular places, and when we undertake to say that there shall be no greater charge for a short than for a long haul, we shall have gone very far toward remedying and removing all the complaints which are made against the railroad companies at the present day.

There was no doubt in the minds of the committee as to the power of the Federal Government to enact this legislation, and in that respect I may notice that there has been a great change in public opinion and in the laws of our country by the decisions of the courts within the last ten or fifteen years. Ten years ago undoubtedly a majority of the railroad lawyers of the country and the railroad officials of the country held that there was no power whatever in the Federal Government to exercise any control over railroads, and no power to in any way affect their management. Only a few years previous to that there was no admission on the part of any railroads of this country that there was any power in a State government to regulate their charges or in any way control their business. Gradually, as the matter has been brought before the courts of the country, commencing with the lower courts until finally it has reached to our highest courts, it has been shown that the power of State governments over the railroads within their bounds is undoubtedly absolute and complete, and that the various States could, if they saw fit, enact laws fixing absolutely the rate of charges.

Undoubtedly at the present time also it is admitted by nearly all engaged in transportation that the Federal Government through the power given it in the Constitution can use and exercise the powers which are conferred on the commission under the provisions of the bill. I believe that no one will be found to deny it. The question then is simply one of advisability, whether it is wise to pass this legislation, to give our people this measure of relief and to provide a court where all the people may come with their complaints, where they may be heard, where there may be a thorough investigation, where testimony may be taken, and where there shall be a decision by a commission of disinterested men, Government officials; and then if the railroads refuse to carry out the recommendations of the commission the shipper still has his remedy at law; he may still appeal to the common law and to the courts to give him justice.

I have no doubt myself, if this bill shall be enacted into a law and the commissioners shall be appointed under it, the same beneficial results will come from it as have come from the enactment of similar laws in various States. I belive it is as far as we can go at the present time in this matter, and until a commission shall have been established and shall have made its reports to Congress I believe it would be unwise to go further in the direction of making absolute and iron-clad regulations for the transportation of freight.

The bill provides, and one of its chief provisions is, that there shall be publicity of rates. It has been found in various States that publicity was the great corrector of all the evils complained of. If a railroad company were not permitted to make secret rates, if the rates were published to all, then every shipper, no matter what his importance or unimportance might be, would know precisely what the railroad was doing, and he would be able to manage his business accordingly. Thus it is that in this bill we have provided under severe penalties for a publishing of rates, and then we have forbidden that rates shall be raised except upon ten days' notice. Some have believed, and some of the committee believed, that longer notice ought to be given; some thought that it might be done on shorter notice; but finally the committee decided upon ten days as a proper limit of notice. If the Senate shall think that a longer notice would be better it can express that opinion by so voting.

It was not thought wise by the committee that there should be any limit of time as to notice of the reduction of rates. If in the competition of railroad and water routes it should be found necessary that a railroad should reduce its rates, it was believed to be in the interest of the people that the railroad should be left free to reduce its rates, but when it had once reduced its rates that it should not raise them again except upon ten days' notice. These provisions in the judgment of the committee are of very great importance.

I do not know that many amendments are to be suggested to the bill, or that there is any desire to materially change it, and therefore I shall not go into any larger discussion of the measure; but if amendments materially changing the character of the bill shall be proposed, I may then undertake to present my views more fully upon any of the particular points which may be raised.

Mr. SEWELL. Mr. President——

The PRESIDENT *pro tempore*. If the Senator from New Jersey will yield the Chair will lay before the Senate a message from the President of the United States.

Mr. SEWELL. Certainly.

LABOR ARBITRATION.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

The Constitution imposes upon the President the duty of recommending to the consideration of Congress from time to time such measures as he shall judge necessary and expedient.

I am so deeply impressed with the importance of immediately and thoughtfully meeting the problem which recent events and a present condition have thrust upon us, involving the settlement of disputes arising between our laboring men and their employers, that I am constrained to recommend to Congress legislation upon this serious and pressing subject.

Under our form of government the value of labor as an element of national prosperity should be distinctly recognized, and the welfare of the laboring man should be regarded as especially entitled to legislative care. In a country which offers to all its citizens the highest attainment of social and political distinction its workingmen can not justly or safely be considered as irrevocably consigned to the limits of a class and entitled to no attention and allowed no protest against neglect.

The laboring man, bearing in his hand an indispensable contribution to our growth and progress, may well insist, with manly courage and as a right, upon the same recognition from those who make our laws as is accorded to any other citizen having a valuable interest in charge; and his reasonable demands should be met in such a spirit of appreciation and fairness as to induce a contented and patriotic co-operation in the achievement of a grand national destiny.

While the real interests of labor are not promoted by a resort to threats and violent manifestations, and while those who under the pretext of an advocacy of the claims of labor wantonly attack the rights of capital, and for selfish purposes or the love of disorder sow seeds of violence and discontent, should neither be encouraged nor conciliated, all legislation on the subject should be calmly and deliberately undertaken, with no purpose of satisfying unreasonable demands or gaining partisan advantage.

The present condition of the relations between labor and capital are far from satisfactory. The discontent of the employed is due in a large degree to the grasping and heedless exactions of employers and the alleged discrimination in favor of capital as an object of governmental attention. It must also be conceded that the laboring men are not always careful to avoid causeless and unjustifiable disturbance.

Though the importance of a better accord between these interests is apparent, it must be borne in mind that any effort in that direction by the Federal Government must be greatly limited by constitutional restrictions. There are many grievances which legislation by Congress can not redress, and many conditions which can not by such means be reformed.

I am satisfied, however, that something may be done under Federal authority to prevent the disturbances which so often arise from disputes between employers and the employed, and which at times seriously threaten the business interests of the country; and, in my opinion, the proper theory upon which to proceed is that of voluntary arbitration as the means of settling these difficulties.

But I suggest that instead of arbitration chosen in the heat of conflicting claims, and after each dispute shall arise, there be created a commission of labor, consisting of three members, who shall be regular officers of the Government, charged among other duties with the consideration and settlement, when possible, of all controversies between labor and capital.

A commission thus organized would have the advantage of being a stable body, and its members, as they gained experience, would constantly improve in their ability to deal intelligently and usefully with the questions which might be submitted to them. If arbitrators are chosen for temporary service as each case of dispute arises, experience and familiarity with much that is involved in the question will be lacking, extreme partisanship and bias will be the qualifications sought on either side, and frequent complaints of unfairness and partiality will be inevitable. The imposition upon a Federal court of a duty so foreign to the judicial function as the selection of an arbitrator in such cases is at least of doubtful propriety.

The establishment by Federal authority of such a bureau would be a just and sensible recognition of the value of labor, and of its right to be represented in the departments of the Government. So far as its conciliatory offices shall have relation to disturbances which interfere with transit and commerce between the States, its existence would be justified under the provisions of the Consti-

tution which gives to Congress the power "to regulate commerce with foreign nations and among the several States." And in the frequent disputes between the laboring men and their employers of less extent, and the consequences of which are confined within State limits and threaten domestic violence, the interposition of such a commission might be tendered upon the application of the Legislature or executive of a State under the constitutional provision which requires the General Government to "protect" each of the States "against domestic violence."

If such a commission were fairly organized the risk of a loss of popular support and sympathy resulting from a refusal to submit to so peaceful an instrumentality would constrain both parties to such disputes to invoke its interference and abide by its decisions. There would also be good reason to hope that the very existence of such an agency would invite application to it for advice and counsel, frequently resulting in the avoidance of contention and misunderstanding.

If the usefulness of such a commission is doubted because it might lack power to enforce its decisions, much encouragement is derived from the conceded good that has been accomplished by the railroad commissions which have been organized in many of the States, which, having little more than advisory power, have exerted a most salutary influence in the settlement of disputes between conflicting interests.

In July, 1884, by a law of Congress, a Bureau of Labor was established and placed in charge of a Commissioner of Labor, who is required to "collect information upon the subject of labor, its relations to capital, the hours of labor, and the earnings of laboring men and women, and the means of promoting their material, social, intellectual, and moral prosperity."

The commission which I suggest could easily be ingrafted upon the bureau thus already organized by the addition of two more commissioners and by supplementing the duties now imposed upon it by such other powers and functions as would permit the commissioners to act as arbitrators when necessary between labor and capital, under such limitations and upon such occasions as should be deemed proper and useful.

Power should also be distinctly conferred upon this bureau to investigate the causes of all disputes as they occur, whether submitted for arbitration or not, so that information may always be at hand to aid legislation on the subject when necessary and desirable.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April* 22, 1886.

Mr. HARRIS. I move that the message be printed, and I suppose it should be referred to the Committee on Education and Labor. I presume that would be the proper committee.

Mr. GRAY and others. It should be referred to the Committee on the Judiciary.

Mr. HOAR. Mr. President——

The PRESIDENT *pro tempore*. The Chair will first state the question. The Senator from Tennessee moves that the message be referred to the Committee on Education and Labor.

Mr. HOAR. I did not rise to address the Chair upon that question, but to move an executive session.

Mr. HARRIS. It is suggested, and it is quite in accordance with my view, if the Senator from Massachusetts thinks it is proper, that the message had better go to the Committee on the Judiciary.

Mr. HOAR. I did not rise to speak upon that subject. I rose to move an executive session. I supposed the question of reference had been disposed of.

Mr. HARRIS. I move that the message be referred to the Committee on the Judiciary.

Mr. MILLER. I move as an amendment that it go to the Committee on Education and Labor.

Mr. BLAIR. I was rising to ask that the message be referred to the appropriate committee.

Mr. GEORGE. It ought to go to the Committee on Education and Labor.

The PRESIDENT *pro tempore*. The motion made by the Senator from Tennessee is that the message be printed and referred to the Committee on the Judiciary.

Mr. GEORGE. I move as a substitute that the message be referred to the Committee on Education and Labor.

The PRESIDENT *pro tempore*. The Chair is of the opinion that the motion is not amendable. The Senator can ask for a division on the question of printing.

Mr. HOAR. As there seems likely to be some difference of opinion in the Senate upon the reference of the message, I will make my motion now that the Senate proceed to the consideration of executive business.

Mr. EDMUNDS. Let the message be printed. I am sure there will be no objection to that.

The PRESIDENT *pro tempore*. If there be no objection the message will be printed.

Mr. HARRIS. The motion to refer will remain pending?

The PRESIDENT *pro tempore*. Pending the question of reference, the Senator from Massachusetts moves that the Senate proceed to the consideration of executive business.

EXECUTIVE SESSION.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and ten minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to some and disagreed to other amendments of the Senate to the bill (H. R. 5543) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1887, and for other purposes, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. WELLBORN, Mr. PEEL, and Mr. PERKINS managers at the conference on the part of the House.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1249) for the relief of Margaret F. Ryan;

A bill (H. R. 1597) to amend section 2805 of the Revised Statutes of the United States so as to allow oaths to be administered by notaries public;

A bill (H. R. 2996) to amend the Revised Statutes of the United States establishing the times, places, and provisions for holding terms of the district court in the northern district of New York;

A bill (H. R. 3013) to provide terms of court in Colorado;

A bill (H. R. 4841) to change the eastern and northern judicial districts of Texas, and for other purposes;

A bill (H. R. 5221) to change the time of holding United States circuit and district courts in the southern district of the State of Florida; and

A bill (H. R. 7216) to provide for holding terms of United States district and circuit courts in the district of Nebraska.

INDIAN APPROPRIATION BILL.

The Senate proceeded to consider the action of the House of Representatives on its amendments to the bill (H. R. 5543) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1887, and for other purposes.

On motion of Mr. DAWES, it was

Resolved, That the Senate insist on its amendments disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. DAWES, Mr. PLUMB, and Mr. CALL as the conferees on the part of the Senate.

HOUSE BILLS REFERRED.

The bill (H. R. 1249) for the relief of Margaret F. Ryan was read twice by its title, and referred to the Committee on Military Affairs.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 1597) to amend section 2805 of the Revised Statutes of the United States so as to allow oaths to be administered by notaries public;

A bill (H. R. 2996) to amend the Revised Statutes of the United States establishing the times, places, and provisions for holding terms of the district court in the northern district of New York;

A bill (H. R. 3013) to provide terms of court in Colorado;

A bill (H. R. 4841) to change the eastern and northern judicial districts of Texas, and for other purposes;

A bill (H. R. 5221) to change the time of holding United States circuit and district courts in the southern district of the State of Florida; and

A bill (H. R. 7216) to provide for holding terms of United States district and circuit courts in the district of Nebraska.

INTERSTATE COMMERCE.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business, being the bill (S. 1532) to regulate commerce.

Mr. SPOONER. I submit an amendment intended to be proposed by me to the bill, and I move that it be printed.

The PRESIDENT *pro tempore*. The amendment will be printed.

Mr. HARRIS. I submit an amendment intended to be proposed by me to the pending amendment of the Senator from New Jersey.

The PRESIDENT *pro tempore*. The amendment to the amendment will be printed.

Mr. HARRIS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 20, 1886.

TERRITORIAL GOVERNOR.

Edmund G. Ross, of Albuquerque, New Mexico, to be governor of New Mexico.

ASSISTANT ATTORNEY-GENERAL.

Zach. Montgomery, of California, to be Assistant Attorney-General.

REGISTER OF THE TREASURY.

William S. Rosecrans, of California, to be Register of the Treasury.

CONSUL.

Robert E. Withers, of Virginia, to be consul of the United States at Hong-Kong.

REGISTERS OF LAND OFFICE.

Joseph D. Bethune, of San Bernardino, Cal., to be register of the land office at Los Angeles, Cal.

William K. Ramsey, of Camden, Ark., to be register of the land office at Camden, Ark.

William T. Barney, of Oregon, to be register of the land office at Oregon City, Oreg.

Charles W. Johnston, of Oregon, to be register of the land office at Roseburg, Oreg.

RECEIVERS OF PUBLIC MONEYS.

William H. Bickford, of Shasta County, California, to be receiver of public moneys at Shasta, Cal.

John T. Outhouse, of La Grange, Oreg., to be receiver of public moneys at La Grange, Oreg.

John R. Thornton, of Hampton, Ark., to be receiver of public moneys at Camden, Ark.

Edmund James, of Nevada, to be receiver of public moneys at Carson City, Nev.

SURVEYOR OF CUSTOMS.

John T. Gathright, of Kentucky, to be surveyor of customs for the port of Louisville, in the State of Kentucky.

COLLECTORS OF CUSTOMS.

William T. Carrington, of Louisiana, to be collector of customs for the district of Teche, in the State of Louisiana.

John J. Higgins, of Mississippi, to be collector of customs for the district of Natchez, in the State of Mississippi.

Isaac B. Poucher, of New York, to be collector of customs for the district of Oswego, in the State of New York.

Otto L. Threlkeld, of Texas, to be collector of customs for the district of Saluria, in the State of Texas.

INDIAN INSPECTOR.

George R. Pearsons, of Fort Dodge, Iowa, to be an Indian inspector.

INDIAN AGENTS.

James I. David, of Michigan, to be agent for the Indians of the Osage agency in the Indian Territory.

John S. Ward, of San Bernardino, Cal., to be agent for the Indians of the Mission agency in California.

William H. Black, of Montour, Tama County, Iowa, to be agent for the Indians of the Sac and Fox agency in Iowa.

James McLaughlin, of Fort Totten, Dak., to be agent for the Indians of the Standing Rock agency in Dakota.

POSTMASTERS.

A. Y. Wood, to be postmaster at Corsicana, Navarro County, Texas.

C. F. Colyer, to be postmaster at East New York, Kings County, New York.

Executive nomination confirmed by the Senate April 21, 1886.

William Stapleton, of Colorado, to be melter of the mint of the United States at Denver, in the State of Colorado.

Executive nominations confirmed by the Senate April 16, 1886.

[The following four confirmations appear in the RECORD of April 21, 1886, page 3779, but the reports of the Finance Committee accompanying them were inadvertently omitted, and are now inserted:]

INTERNAL-REVENUE COLLECTORS.

Freeman Barnum, of Missouri, to be collector of internal revenue for the first district of Missouri.

The above confirmation was accompanied by the following report from the Committee on Finance; which was ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 856) of Freeman Barnum, of Missouri, to be collector of internal revenue for the first district of Missouri, in place of Isaac H. Sturgeon, suspended, and, so far as they have been able to obtain the information, they find that Mr. Barnum is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of Isaac H. Sturgeon, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 17, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of Isaac H. Sturgeon, late collector of internal revenue for the first district of Missouri, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions.

But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully yours,

D. MANNING, *Secretary.*

HON. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Barnum.

John T. Hillsman, of Tennessee, to be collector of internal revenue for the fifth district of Tennessee.

The above confirmation was accompanied by the following report from the Committee on Finance; which was ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 872) of John T. Hillsman, of Tennessee, to be collector of internal revenue for the fifth district of Tennessee, in place of Archelaus M. Hughes, suspended, and so far as they have been able to obtain the information, they find that Mr. Hillsman is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of Archelaus M. Hughes suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 17, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the the official or moral character of Archelaus M. Hughes, late collector of internal revenue for the fifth district of Tennessee, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions.

But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary.*

HON. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Hillsman.

Charles E. Hasbrook, of Missouri, to be collector of internal revenue for the sixth district of Missouri.

The above confirmation was accompanied by the following report from the Committee on Finance; which was ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 1296) of Charles E. Hasbrook, of Missouri, to be collector of internal revenue for the sixth district of Missouri, in place of Philip Doppler, suspended, and, so far as they have been able to obtain the information, they find that Mr. Hasbrook is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of Philip Doppler, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 17, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of Philip Doppler, late collector of internal revenue for the sixth district of Missouri, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions.

But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary.*

HON. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Hasbrook.

James Shields, of Montana, to be collector of internal revenue for the district of Montana.

The above confirmation was accompanied by the following report

from the Committee on Finance; which was ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 1487) of James Shields, of Montana, to be collector of internal revenue for the district of Montana, in place of Thomas P. Fuller, suspended, and, so far as they have been able to obtain the information, they find that Mr. Shields is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of Thomas P. Fuller, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 17, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of Thomas P. Fuller, late collector of internal revenue for the district of Montana, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions.

But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

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D. MANNING, *Secretary.*

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A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

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Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Shields.

POSTMASTER AT HAMBURG, IOWA.

The Senate, on the 22d of April, 1886—

Ordered, That the report of the Committee on Post-Offices and Post-Roads on the nomination of George Wise, to be postmaster at Hamburg, Iowa, be printed in the CONGRESSIONAL RECORD, as follows:

The Committee on Post-Offices and Post-Roads, to whom was referred the nomination of George Wise to be postmaster at Hamburg, Iowa, *vice* H. C. Coolbaugh, suspended, submit the following report:

The suspended officer had been postmaster at Hamburg for several years, and was reappointed January 22, 1885, for the term of four years. During the recess of the Senate he was suspended by the President, who designated George Wise to discharge the duties of the office.

The suspension of Mr. Coolbaugh was induced by Mr. Wise, who applied to the President for the appointment, and filed charges and specifications against the incumbent. The letter of application for appointment of Mr. Wise, and the charges and specifications presented by him, are here given as follows, namely:

HAMBURG, FREMONT COUNTY, IOWA, *May* 6, 1885.

SIR: I respectfully solicit appointment as postmaster at this place. Am fifty-two years old, and believe myself competent in all respects to fill the position. Education not classic, but fair. As to general character, habits, &c., I refer to letters from our best business men, herewith transmitted.

GEO. WISE,
Editor Democratic News.

Hon. W. F. VILAS,
Postmaster-General, Washington, D. C.

I submit the following argument:

(1) I desire the postmastership as a means to an honorable end.

(2) The present incumbent, H. C. Coolbaugh, is part owner of the Hamburg Times, an uncompromising Republican newspaper, and the emoluments of the post-office go in a measure to its support, the income of the Times and the post-office being pooled in common.

(3) H. C. Coolbaugh was reappointed by President Arthur from February 18, 1885—at the close of his administration—for four years.

(4) I have a consciousness that the Democracy will be pleased with a change of postmasters, and that Republicans generally expect it, and will neither be surprised nor disappointed.

(5) For reasons herein given, on the following page, I believe the postal service here demands a change of postmasters.

(6) I have in view a very suitable building, with regular bank vault for the safety of all Government property and money, at a very reasonable rental.

(7) I submit a series of charges herewith, which have developed casually, and which are susceptible of proof on investigation. I simply ask that an inspector be sent here to fathom the facts.

CAUSE FOR REMOVAL.

In 1881 (or possibly 1882) Samuel Holmes, lawyer, and H. C. Coolbaugh, music dealer, bought of Peter St. Clair, then postmaster, the Times newspaper office. It was of no value beyond its material worth. A condition of that bargain and sale was that the postmastership should go with the newspaper office; and in consummation thereof Peter St. Clair resigned, having first secured a pledge from W. P. Hepburn, then, as now, a member of Congress (at that time representing a district in which this county was included), that H. C. Coolbaugh would be appointed postmaster at Hamburg. The compact was kept in good faith, as Mr. Coolbaugh was made postmaster *without petition*. For substantiation I refer to Peter St. Clair, now of Osceola, Nebr., and A. B. Noble, of this city. Others can also be found who were cognizant of the transaction.

(2) Ever since Mr. Coolbaugh has been postmaster there has been great complaint that letters and packages were not promptly delivered. This has become so common that people speak of it daily almost. The fault is mainly attributable to incompetent help. My paper (the Democratic News) is carefully mailed by a machine that can not miss a name, and yet scarcely a week passes without complaint of non-delivery.

Mrs. M. K. Arnold, milliner, complains that letters have been detained, and, she thinks, tampered with while in this office. Two packages were detained, the contents of one spoiling and the other (a piece of goods) being kept until after she had bought elsewhere, and after she had called for them and been notified of their transmission. When obtained finally, the clerk admitted that they had been there some time but were forgotten.

John Towns has two letters, one of which laid here several days, and the other (an important business letter) was sent to the Dead-Letter Office at Washington, returned to the writer, and again sent to Dr. Towns. Mr. Towns has been here all the time, and is a daily caller for mail matter. He has these letters, with the original envelopes to show dates.

Ed. Reals, of this city, was recently standing by the general-delivery window, waiting his turn, when he heard the following conversation: "Anything for me?" "Nothing," was the reply of the clerk. "Well, there ought to be," said the stranger, "and I know there is." Mr. Coolbaugh, who was standing near the window, spoke up and said, "How do you know?" The stranger replied, "Because I always get a letter about this time in the month." "I think we ought to know something about it if there is one here," said Mr. C. "Well, suppose you look," said the man. And they found two letters for the gentleman.

I frequently get mail from my box that does not belong to me. Plenty of cases can be found proving incompetency.

Respectfully submitted,

GEO. WISE.

SUPPLEMENTAL CHARGES.

Recently, Mrs. Mary Lane, while at Tabor, this county, sent a letter to relatives near Hamburg, containing a sum of money, addressed to W. T. Lane, Hamburg, Iowa. A week or two afterward she came down and, in speaking thereof, found that the letter had never been received by W. T. Lane. She then went to the post-office to make inquiry and was told it had not come. She called again in another week and was again told it was not there. She insisted that search be made, and the letter was found pigeon-holed in a place remote from where it should have been, and had been there for several weeks. References: Mary Lane and W. T. Lane.

C. W. Davey, important letter sent to Dead-Letter Office.

S. M. Moss, Hamburg, had letters held twenty days as above, substantially.

Respectfully submitted,

GEO. WISE.

Having forwarded the foregoing application for appointment, accompanied by the charges and specifications preferred by him, Mr. Wise, at subsequent date, addressed to the President the following letter, namely:

HAMBURG, IOWA, *June* 19, 1885.

MY DEAR PRESIDENT: I am an applicant for the Hamburg postmastership. My application is on file in the Post-Office Department, backed by nearly all of the best business men of this place, including two banking houses and our largest merchants.

Valid charges of incompetency against our present postmaster are also on file.

As to my Democracy and competency, I refer to the personal letters on file. Please appoint me.

Very respectfully,

GEO. WISE.

The foregoing papers were communicated to the committee in compliance with its request by the Postmaster-General prior to the resolution of the Executive Departments not to furnish papers on file affecting suspended officers.

An examination of the papers communicated induced the committee to inform the suspended officer of the character of the charges and specifications made against him, and he was given opportunity to make such answer thereto as he might deem proper. This course seemed to the committee to be, in view of the character of the charges and specifications, demanded by the principles of fair dealing and common justice. Mr. Coolbaugh availed himself of the opportunity afforded him and made specific answer to each charge and specification, and forwarded to the subcommitteeman, who by authority of the committee had communicated with him, the following response, namely:

HAMBURG, FREMONT COUNTY, IOWA, *January* 23, 1886.

DEAR SIR: In answer to interrogatories Nos. 1 and 2, I refer you to letter No. 1, from Samuel Holmes, editor of Hamburg Times.

No. 3. I, H. C. Coolbaugh, postmaster at that time, was reappointed postmaster by President Arthur on or about January 22, 1885, for four years.

Nos. 4 and 5. I am satisfied that the Democracy of this town did not want a change of postmasters, except some five or six, who wanted the position. I refer to letters Nos. 2, 3, and 4 (J. P. Beach, Dr. D. W. Swiggart, and Dr. Sanborn).

No. 6. He may have had such a building in view. If so, it was "so near and yet so far" he never reached it. On the contrary, his office is not well protected, and has been once broken into since his occupancy of the same.

No. 7. I should have been pleased at any time to have had an investigation made by post-office inspector.

In answer to causes for removal:

No. 1. I think some time in December, 1880, Peter St. Clair, postmaster at Hamburg, Iowa, sent in his resignation. About the same time I made application for the appointment, and was appointed February 18, 1881. P. St. Clair is now living in Nebraska. I have not received his reply to letter sent him in regard to this matter. I refer you to letters No. 1 (S. Holmes and Hon. W. P. Hepburn).

No. 2. In reply I refer you to the following letters—all good business men of this town: Nos. 2, 3, and 4 (J. P. Beach, Dr. Swiggart, and Dr. Sanborn).

Mrs. M. K. Arnold's letter and packages are explained by her letter, No. 5.

John Towns explains by letter No. 6.

Ed. Reals. In this case the man called for his uncle's mail, expecting his own mail would be in the same box. He got his mail the first time he called for it.

Mrs. Mary T. Lane. In this case a letter came to this office addressed to "Mrs. Lane." The mail called for was W. T. Lane. They were strangers to me, consequently the letter to Mrs. Lane was not handed out until I learned who Mrs. Lane was, and then it was delivered.

C. W. Davey's letter sent to dead-letter office is explained by his letter No. 7.

S. M. Moss, bridge-builder, was often out of town for thirty days at one time, and he always left orders not to forward or deliver his mail to any one during his absence.

In conclusion, let me say while I was postmaster I gave the business of the office my whole time and attention personally, and am satisfied I gave general satisfaction, and by a vote of Democratic patrons of the office alone I should have been elected to hold the office. While I am not a politician, and never have been, yet I am a Republican and an old soldier, and

Yours, obediently,

H. C. COOLBAUGH.

Hon. JAS. F. WILSON,
Washington, D. C.

The letters referred to in the foregoing statements are here given in the order in which they are therein named, and in addition thereto one since received from Mr. St. Clair, mentioned in paragraph 1 of Mr. Coolbaugh's answer to "causes for removal." The letters are as follows, namely:

HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., January 19, 1886.

MY DEAR SIR: I am in receipt of your letter of January 15.

I did not know of Mr. Coolbaugh's appointment or candidacy for the post-office at Hamburg, Iowa, until I saw a statement of the same in the newspapers. A charge by certain persons, some four or more years ago, that there was a bargain between St. Clair, the predecessor of Coolbaugh, and the latter, by which a payment was made to St. Clair to step out in the interest of Coolbaugh,

was investigated by an inspector from the General Post-Office Department, and found to be without any foundation. At that time no one pretended that I had participation, knowledge, or interest in the matter. The statement is a lie suggested by some of the later liars of Fremont County.

I am satisfied that no such arrangement was made by Messrs. St. Clair and Coolbaugh, but that the whole story is a malicious fabrication.

Your friend,

W. P. HEPBURN.

SAMUEL HOLMES, Esq., *Hamburg, Iowa.*

HAMBURG, IOWA, 1 (16), 1886.

I bought the Hamburg Times and paid for it individually before H. C. Coolbaugh was appointed postmaster at this place. He afterward became associated with me in the office, and remained so for a year or so. The Times Publishing Company was organized with Holmes, Nelson Brothers, and Coolbaugh. Mr. Coolbaugh never had a controlling interest and never was authorized and never did dictate the policy of the paper, and was at no time responsible for its policy. I never had anything to do with any compact or anything else with Hon. W. P. Hepburn., M. C., whereby Mr. Coolbaugh should be appointed postmaster at this place. I know that during his term of office Mr. Coolbaugh kept almost aloof from politics, save the casting of his ballot at elections. I know further that he attended personally and strictly to the duties of the office all the time, and to no other business whatever. I know further that I heard of no complaints of any kind about the office until after Cleveland's election, and then from nobody but applicants for the position and half a dozen of their assistants. I thought then, and think now, they were gotten up for the occasion.

I know further that there has been more complaint of incompetency in the Hamburg post-office since the present incumbent took charge than all the time Coolbaugh was in office.

SAM'L HOLMES.

P. S.—I also know that a more bitter, uncompromising, and inconsistent partisan could not be found in this county than the present incumbent.

SAM'L HOLMES.

[Letter No. 2.]

HAMBURG, IOWA, *January* 19, 1886.

DEAR SIR: I have lived in Hamburg eighteen years; have known H. C. Coolbaugh, ex-postmaster at this place, for twenty-two years.

Am agent for twenty-six fire and life insurance companies, and cashier of the Farmers and Merchants' Bank of Hamburg, and undoubtedly send and receive the largest mails of any firm in the city.

I simply mention these facts that I may say, in justice to Mr. Coolbaugh, that his management of the Hamburg post-office was always efficient; that at no time before or since his service has there been so few errors in our mails. He is regarded, alike by Republicans and Democrats, as the best man that has filled the office in the history of the town.

He gave personal attention to all the details of the office, bringing to his work a tireless energy, courtesy, and a conscientiousness that made him invaluable to the public.

I am confident there is not a prominent Democrat in Hamburg that would not indorse every word of this letter.

Most respectfully, yours,

J. P. BEACH.

Hon. JAMES F. WILSON,
Washington, D. C.

[Letter No. 3.]

HAMBURG, IOWA, *January* 16, 1886.

To all whom it may concern:

That I have lived in Hamburg, Iowa, for twenty years and have been intimately acquainted with H. C. Coolbaugh for sixteen years, and know him to be an accommodating, active, good business man, honest, just, and upright in all his transactions. I make this statement because there have been false charges made in order to get him removed from the post-office. I have made some inquiry in regard to the charges, and am satisfied that there is not one word of truth in them, and am also free to say that there never has been a postmaster in Hamburg since I have lived here who has given as good satisfaction as H. C. Coolbaugh has. I do not say this because he is a Republican, for I am of a different persuasion, but I say it because it is the truth (and sometimes I find honest Republicans).

D. W. SWIGGART.

[Letter No. 4.]

HAMBURG, IOWA, *January* 15, 1886.

HONORABLE SIR: In the matter of the efficiency of Mr. H. C. Coolbaugh, until recently postmaster in this place, I have to say that I have an extensive correspondence, by virtue of my office as a member of the State board of dental examiners, to say nothing of my private mail matter.

I have occasion to visit the post-office on the arrival of every mail, so that I write whereof I know when I say Mr. Coolbaugh was a most efficient public officer, and that he filled the place with honor, and with as universal satisfaction as falls to the lot of man.

The trouble with Mr. Coolbaugh was that he was too loyal to the Union during the rebellion, and was and is to-day a member of the Grand Army of the Republic, which is an unpardonable sin in the eyes of the Democracy, and the real cause for the charge of "partisan" so universally preferred against every Union-loving postmaster who was holding office at the advent of the present administration.

I have read the charges preferred against Mr. Coolbaugh, and I have reason to believe they have been like the mole-hill that was magnified into a mountain; they have little or no foundation in fact.

I am, most respectfully, yours,

J. F. SANBORN.

Hon. JAMES F. WILSON.

[Letter No. 5.]

HAMBURG, IOWA, *January* 14, 1886.

In regard to the letter being tampered with, as referred to in the charges against postmaster Coolbaugh, I have to say that I sometimes sent other members of the family for my mail, and they brought the letter referred to, but did not hand it to me until next morning. The box detained was not detained in the post-office, but by the shippers until the third mail after I looked for it. I did not buy elsewhere before I got it. The box entirely spoiled was some bulbs and roots. I cast no blame on Mr. Coolbaugh for it. I have known him for twelve years, and believe he is honorable and honest in all his dealings and an efficient and obliging postmaster.

MRS. M. K. ARNOLD.

[Letter No. 6.]

I, John Towns, say that I am the John Towns referred to in the charges against Postmaster Coolbaugh. I had a letter lie in the post-office for a few days, but I find no fault with Mr. Coolbaugh, because I was away from this place to Riverton, Rock Point, and other places longer than that at a time, and I presume I was away then. Nobody was authorized to get my mail but myself, and I never gave orders to forward my mail. I had a letter sent to the Dead-Letter Office. It was sent by me from Hamburg to John Samuels, Riverton, Iowa. Samuels did not get it, and it went from Riverton, Iowa, to the Dead-Letter Office, and from the Dead-Letter Office back to me. This is all the letters I had sent to the Dead-Letter Office.

JOHN TOWNS.

Mr. Coolbaugh's manner of conducting the post-office in Hamburg was always satisfactory to me, and I never heard others find any fault with him.

JOHN TOWNS.

[Letter No. 7.]

HAMBURG, IOWA, *January* 26, 1886.

To whom it may concern:

Whilst Mr. H. C. Coolbaugh was postmaster at this place a letter addressed to C. W. Downey was sent to Dead Letter Office. It proved afterwards to be mine; but I attached no blame whatever on Mr. Coolbaugh. Can not give any reason for its use against him. I consider him one of the best and most efficient postmasters I have ever had any dealings with.

C. W. DAVEY.

[Letter of Peter St. Clair.]

OSCEOLA, NEBR., *January* 12, 1886.

DEAR SIR: As to the matter you write about, I would just say that I sold the Fremont Times to you unconditionally, and the sale of the post-office boxes had nothing to do with it. Had Coolbaugh not been appointed postmaster at Hamburg, still you would have owned the Times. Mr. Coolbaugh had nothing to do with the sale of the Times, nor in the purchase of it, so far as I know. Mr. Hepburn was not yet a member of Congress when the sale was made of either the paper or the post-office fixtures, and was never consulted by me, directly or indirectly, about the appointment of H. C. Coolbaugh as postmaster. The sale of the boxes made in January or February of 1881, however, was conditional. The condition was that if he was not appointed postmaster the bargain of sale was null and void.

I sold boxes, &c., to Coolbaugh conditionally for $350, and to you the Fremont Times unconditionally. I have referred to no notes, but am positively certain that these statements are substantially true.

Yours, &c.,

P. ST. CLAIR.

S. HOLMES.

It was fortunate for the suspended officer that his case reached the committee before the executive department resolved not to place the papers upon which suspensions are based in its possession for inspection. The papers in this case were communicated to the committee by the Postmaster-General. This enabled the committee to inform the suspended officer of the nature of the charges lodged against him, and afforded him an opportunity to respond to the same. The effectiveness of the suspended officer's response to the charges and specifications presented to the President and Postmaster-General will not be questioned by any impartial mind. He did not rest his defense on his own personal denial, nor qualify its force by the introduction of counter-charges against his accuser. He went directly to the parties upon whose alleged grievances the person nominated to the Senate as his successor had based his charges, and the result of his action is given in the letters of said parties hereinbefore set out. These letters he forwarded to the committee in support of his specific answers to the charges and specifications upon which he was suspended. These are autograph letters of the parties, and disclose the fact that the said charges and specifications have no foundation of truth on which to rest.

In view of the foregoing state of facts, the committee can but conclude that George Wise, the person nominated by the President, is not entitled to favorable consideration by the Senate. For the Senate to advise and consent to his appointment by the President would but encourage the presentation of unfounded charges against public officers. The practice is bad enough when the office is sought by a person not a party to the formulation and presentation of the false charges. It is much worse when the applicant for the office is also the accuser, as in the present case

The nomination of George Wise to be postmaster at Hamburg, Iowa, *vice* H. C. Coolbaugh, suspended, is herewith reported to the Senate with a recommendation that it be not confirmed.

REJECTION.

Executive nomination rejected by the Senate April 20, 1886.

A. B. Keith, nominated to be postmaster at Denison, in the county of Crawford and State of Iowa.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April* 22, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

MARYLAND CLERGYMEN VS. UNITED STATES.

The SPEAKER laid before the House a letter from the assistant clerk of the Court of Claims, transmitting copy of order and findings of fact by that court in the case of the corporation of Roman Catholic clergymen of the State of Maryland against the United States; which was referred to the Committee on War Claims.

AMERICUS V. WARR VS. THE UNITED STATES.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting copy of order and findings of fact by that court in the case of Americus V. Warr, administrator, &c., against the United States; which was referred to the Committee on War Claims.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. MAYBURY, for ten days, on account of important business.

To Mr. VIELE, to attend to important business, till Tuesday morning next.

To Mr. PAYNE, for one week, on account of important business.

ORDER OF BUSINESS.

Mr. GIBSON, of Maryland. I ask for the present consideration of two reports from the Committee on Accounts.

The SPEAKER. Are they privileged reports?

Mr. GIBSON, of Maryland. I presume they are not.

The SPEAKER. The gentleman from Maryland asks unanimous consent to make two reports from the Committee on Accounts for present consideration. The reports will be read, and unless they are privileged the Chair will ask for objections.

MAURICE RUDDLESDEN.

Mr. GIBSON, of Maryland, from the Committee on Accounts, reported back with a favorable recommendation the following resolution; which was read:

Resolved, That the Committee on Appropriations be requested to provide for the payment to Maurice Ruddlesden in one of the general appropriation bills the difference between the pay of a laborer and that of a messenger, at the rate of $3.60 per day, from January 1, 1886, to June 30, 1886.

The SPEAKER. This is not a privileged report. Is there objection to its present consideration?

There was no objection.

The resolution was adopted.

Mr. GIBSON, of Maryland, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HARRY BARTON.

Mr. GIBSON, of Maryland. I am also instructed by the Committee on Accounts to report back the resolution which I send to the desk with a substitute therefor.

The resolution was read, as follows:

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay to Harry Barton $600, being the difference between his pay as a folder at $900 per annum and that of a clerk in the folding-room at $1,200, from March 10, 1884, to March 10, 1886; and the amount herein authorized and directed shall be paid out of the contingent fund of the House, and shall be immediately available, subject to the approval of the Committee on Accounts.

The proposed substitute was read, as follows:

Resolved, That the Committee on Appropriations be requested to provide for the payment to Harry Barton, in one of the general appropriation bills, the sum of $600, it being the difference between his pay as a folder and that of a clerk in the office of the folding-room, from March 10, 1884, to March 10, 1886.

The SPEAKER. This is a privileged report, as the resolution provides for payment out of the contingent fund of the House.

Mr. HOLMAN. Mr. Speaker, I hope there will be a word of explanation of this resolution, though I do not understand it to be imperative, but rather in the nature of a request.

Mr. GIBSON, of Maryland. Mr. Speaker, the only word of explanation which I have to offer, in accordance with the suggestion of the gentleman from Indiana [Mr. HOLMAN], is that this resolution is in pursuance of the course which has governed the House in similar cases heretofore, notably the case of Patrick Dolan. In that case the Committee on Appropriations was requested to provide in one of the general appropriation bills for paying to Patrick G. Dolan the difference between his pay as a laborer and the pay of a messenger. This resolution is strictly in accordance with the precedents that have governed the House in similar cases.

Mr. OATES. Will the gentleman please state the reason for this proposed appropriation claim? Did this man perform the services of a clerk, and is that the reason this pay is to be given to him, or is it a gratuity?

Mr. GIBSON, of Maryland. He performed the service, as I am advised. There was value received by the House for the compensation which is claimed.

Mr. WARNER, of Ohio. Mr. Speaker, I care very little for precedents. We have precedents for every expenditure—bad precedents. I desire to ask the gentleman from Maryland whether this man got pay for the labor he performed?

Mr. GIBSON, of Maryland. Not as a clerk.

Mr. WARNER, of Ohio. Why not?

Mr. GIBSON, of Maryland. I do not know. It appears that he was assigned to certain duty, and was paid in accordance with the standing which that service gave him on the roll; but he performed other services for which he has not been paid.

Mr. GIBSON, of West Virginia. Mr. Speaker, I can answer the question of the gentleman from Ohio [Mr. WARNER]. This man was appointed on the rolls of the House as a laborer. It became necessary, in order to carry on the business of the House, that he should be assigned to the discharge of a higher and more responsible duty, and he was so assigned, and he performed that duty. This is simply a proposition to pay for services according to their value—services actually rendered to the House.

Mr. WARNER, of Ohio. Then, Mr. Speaker, according to the gentleman's statement, this man was appointed to a place when there was no authority to make the appointment.

Mr. GIBSON, of Maryland. On that point I am not advised. This resolution sets forth the character of the service rendered and the amount of compensation asked for. I assume, and I think it can be shown, that the service for which this compensation is asked was rendered strictly and entirely in accordance with requirements of the business of the House, and that the duties to which the claimant was assigned were of a much more onerous character than those belonging to the position to which he was originally appointed. I submit the resolution with this word of explanation; but if any further explanation is desired I shall be glad to make it if I can.

Mr. WARNER, of Ohio. Mr. Speaker, this resolution is objectionable, first, because it appears clearly that the assignment of this employé to duties which did not belong to the place to which he was appointed was made without authority. If, as stated here, he was assigned to perform the duties of one grade when he was carried on the rolls as of another grade, that is a kind of precedent which we do not want repeated.

When he accepted a place on the roll in the grade to which he was appointed, he accepted it, I presume, knowing what the pay was and knowing that he was entitled to the pay of that grade and not of a higher one, even though he might perform other services. I think we should adhere to our own rules and require the officers of the House to adhere to them also.

Mr. GIBSON, of Maryland. Mr. Speaker, of the circumstances governing the employment of this particular party I am not advised. It is apparent, however, and it is set forth in the resolution itself, that he did discharge faithfully the services which were required of him in a different capacity from that in which he was originally employed and for which he received pay. I assume further that it was not at his own voluntary instance that he performed the duties of a clerk, but that he was required to do so by the exigencies of the case. It is simply a question for the House whether or not the laborer is worthy of his hire. The service appears to have been faithfully rendered, and I sincerely hope that this resolution will pass.

The question was taken on the substitute proposed by the committee, and it was agreed to.

The SPEAKER. The question is on the adoption of the resolution as amended.

The question was taken; and the Speaker declared that the noes seemed to have it.

Mr. GIBSON, of West Virginia, called for a division.

The House divided; and there were—ayes 42, noes 18.

The SPEAKER. No quorum having voted, the Chair appoints the gentleman from Indiana [Mr. COBB] and the gentleman from Maryland [Mr. GIBSON] to act as tellers.

Mr. ANDERSON, of Kansas. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ANDERSON, of Kansas. I ask that the resolution, or whatever is before the House, be read for information.

The SPEAKER. If there be no objection, the Clerk will again report the substitute.

The substitute was again read.

The House again divided; and the tellers reported—ayes 72, noes 26.

Mr. COBB. For the purpose of saving time, I withdraw the point that no quorum has voted.

So the resolution was adopted.

Mr. GIBSON, of Maryland, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SALARIES OF UNITED STATES DISTRICT JUDGES.

Mr. SENEY, in pursuance of leave heretofore granted, submitted the views of the minority of the Committee on the Judiciary upon House bills Nos. 88, 594, 3704, and Senate bill No. 6 relative to increasing the salaries of United States district judges; which were ordered to be printed with the report of the majority of the committee.

MARGARET F. RYAN.

Mr. STRAIT. I ask unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill (H. R. 1249) for the relief of Margaret T. Ryan, and that the same be now put on its passage.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropiated, to Margaret T. Ryan, late widow of George F. Cole, late a private in Company F, Fifty-first Regiment of New York Infantry Volunteers, the amount due the said George F. Cole for military services rendered by him from the 15th day of August, 1864, to the 25th day of July, 1865; also commutation for rations and clothing not drawn by him while a prisoner of war, from the 30th day of September, 1864, to the date of the discharge of his regiment

from the service, July 25, 1865; and, further, to pay to her such bounty as she is by existing law entitled on account of the services of the said George F. Cole as aforesaid.

There being no objection, the Committee of the Whole House on the Private Calendar was discharged from the further consideration of the bill, and the House proceeded to its consideration.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was read the third time.

Mr. STRAIT. The name which appears in the title and the body of the bill, "Margaret T. Ryan," should be "Margaret F. Ryan." I ask that the correction be made.

The SPEAKER. If there be no objection the correction will be made.

There was no objection.

The bill was passed.

Mr. STRAIT moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONSIDERATION OF ELECTORAL-COUNT BILL.

Mr. CALDWELL. I ask unanimous consent to submit for consideration the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That Thursday, the 6th day of May, 1886, and from day to day thereafter until disposed of, immediately after the morning hour for the consideration of bills and resolutions, be set apart for the consideration of Senate bill No. 9, to provide for and regulate the electoral count; not to interfere with revenue or general appropriation bills, the river and harbor bill, nor with prior orders, nor with the consideration of reports from the Committee on Public Lands under the special order; and if the consideration of said Senate bill No. 9 be displaced, then the next day not previously set apart shall be devoted to its consideration until the same shall be disposed of, subject to the above-mentioned interference.

There being no objection, the House proceeded to consider the resolution; which was adopted.

Mr. CALDWELL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed without amendment House bills of the following titles:

A bill (H. R. 7467) to grant for the use of the public a street across the United States grounds in the city of Chattanooga, in the State of Tennessee;

A bill (H. R. 5539) for the relief of James G. Martin;

A bill (H. R. 5549) limiting the cost of the erection of a public building at Rochester, N. Y.; and

A bill (H. R. 274) for the relief of John A. Morris.

The message further announced that the Senate had passed, with amendments in which the concurrence of the House was requested, House bills of the following titles:

A bill (H. R. 129) to protect homestead settlers within railway limits, and for other purposes; and

A bill (H. R. 4670) granting to the county of Clatsop, in the State of Oregon, the right to construct a bridge across Young's Bay, a navigable stream in said county and State.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 55) to authorize the sale of timber on certain lands reserved for the use of the Menomonee tribe of Indians in the State of Wisconsin;

A bill (S. 63) to authorize the construction of a highway bridge across that part of the waters of Lake Champlain lying between the towns of North Hero and Alburg, in the State of Vermont;

A bill (S. 220) to authorize the Secretary of the Interior to settle the claims of S. W. Marston, late United States Indian agent at Union agency, Indian Territory, for services and expenses;

A bill (S. 224) for the relief of Charles F. Bowers;

A bill (S. 519) to authorize the President to restore Tenedore Ten Eyck to his former rank in the Army, and to place him upon the retired-list of Army officers;

A bill (S. 747) for the relief of Capt. Andrew W. Johnson;

A bill (S. 770) relating to lands in Colorado lately occupied by the Uncompahgre and White River Ute Indians;

A bill (S. 929) for the relief of Albert H. Emery;

A bill (S. 1008) to empower the Board of Foreign Missions of the Methodist Protestant Church to hold property in the District of Columbia;

A bill (S. 1013) providing for the establishment of a port of entry at Mount Desert Ferry, in the town of Hancock, in the State of Maine;

A bill (S. 1105) granting the right of way to the Kensington and Tacony Railroad Company through the arsenal grounds at Bridesburg, Philadelphia, Pa.;

A bill (S. 1154) to authorize the city of Newport, R. I., to use the site of Fort Greene as a public park;

A bill (S. 1352) granting the right of way to the Leavenworth Northern and Southern Railway Company through the military reservation at Fort Leavenworth;

A bill (S. 1397) to establish a port of delivery at Springfield, in the State of Massachusetts;

A bill (S. 1599) for the relief of the Phœnix National Bank, of the city of New York; and,

A bill (S. 1805) for the relief of Miss Rosa Wallace.

ORDER OF BUSINESS.

Mr. WILLIS. I ask unanimous consent that the formal call of committees for reports be dispensed with, and that the Chair recognize such gentlemen as may desire to present reports.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky [Mr. WILLIS]? The Chair hears none, and it is ordered accordingly.

SENATE AMENDMENTS TO INDIAN APPROPRIATION BILL.

Mr. WELLBORN, from the Committee on Indian Affairs, submitted the following privileged report:

The Clerk read as follows:

The Committee on Indian Affairs, to whom was referred Senate amendments to H. R. 5543, being an act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1887, and for other purposes, beg leave to report the following:

They recommend concurrence in the following amendments, namely:

No. 4, page 7; No. 5, page 7; No. 6, page 7; No. 17, page 15; No. 18, page 16; No. 19, page 16; No. 29, page 30; No. 31, page 31; No. 34, page 37; No. 35, page 37; No. 38, page 37; No. 42, page 38; No. 60, page 46; No. 61, page 46; No. 63, page 46; No. 70, page 48; No. 74, page 49; No. 75, page 50.

They recommend non-concurrence in the following amendments, namely:

No. 1, page 4; No. 2, page 4; No. 3, page 6; No. 7, page 8; No. 8, page 8; No. 9, page 8; No. 10, page 8; No. 11, page 8; No. 12, page 9; No. 13, page 9; No. 14, page 10; No. 15, page 14; No. 16, page 14; No. 20, page 18; No. 21, page 18; No. 22, page 18; No. 23, page 21; No. 24, page 21; No. 25, page 29; No. 26, page 29; No. 27, page 30; No. 28, page 30; No. 30, page 31; No. 32, page 36; No. 33, page 36; No. 36, page 37; No. 37, page 37; No. 39, page 38; No. 40, page 38; No. 41, page 38; No. 43, page 39; No. 44, page 39; No. 45, page 40; No. 46, page 41; No. 47, page 43; No. 48, page 42; No. 49, page 42; No. 50, page 43; No. 51, page 43; No. 52, page 43; No. 53, page 44; No. 54, page 44; No. 55, page 45; No. 56, page 45; No. 57, page 45; No. 58, page 45; No. 59, page 45; No. 62, page 46; No. 64, page 46; No. 65, page 47; No. 66, page 47; No. 67, page 47; No. 68, page 47; No. 69, page 47; No. 71, page 48; No. 72, page 48; No. 73, page 49; No. 76, page 50; No. 77, page 50.

The SPEAKER. Is the reading of the Senate amendments demanded? [After a pause.] The Chair hears no demand for the reading of the amendments, and the question recurs upon the adoption of the report of the Committee on Indian Affairs.

The report was adopted.

Mr. WELLBORN. I now move, Mr. Speaker, that a message be sent to the Senate requesting the appointment of a committee of conference on the disagreeing votes of the two Houses on the Indian appropriation bill.

The motion was agreed to.

The SPEAKER appointed as the managers of said conference on the part of the House Mr. WELLBORN, Mr. PEEL, and Mr. PERKINS.

FUNERAL EXPENSES OF LEANDER A. ROBB.

Mr. ISAAC H. TAYLOR from the Committee on Accounts, submitted the following report:

The Clerk read as follows:

The Committee on Accounts, having had under consideration House Miscellaneous Document No. 31, a resolution "that the Clerk of the House be directed to pay out of the contingent fund of the House to the widow of Leander A. Robb, late an employé of this House, a sum equal to his salary for six months, and also the necessary funeral expenses, not to exceed $250," report the same back with the following amendments: In the fourth line, strike out the words "necessary funeral," and insert after the word "expenses" the words "of his last illness and funeral."

The deceased had been employed for several years in the Clerk's document-room and was a faithful and intelligent servant of the House. He died on April 10, 1885, and the allowance proposed to be made to his widow, who is in needy circumstances, and for funeral expenses, is the usual allowance made by the House in case of the death of any of its employés. Captain Robb had been a brave soldier in the Union Army, and left a leg on the battlefield as a proof of his courage and patriotism.

Your committee recommend the passage of the resolution as amended.

The amendments of the committee were agreed to; and the resolution as amended was adopted.

Mr. IKE H. TAYLOR moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FUNERAL EXPENSES OF JOHN F. TWOMEY.

Mr. ST. MARTIN, from the Committee on Accounts, reported back favorably the following resolution; which was adopted.

The Clerk read as follows:

Resolved, That the Clerk of the House be directed to pay out of the contingent fund of the House to the family of John F. Twomey, late an employé of this House, a sum equal to his salary for six months, and also the expenses attending his last illness and funeral, not to exceed $250.

Mr. ST. MARTIN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The Chair will now recognize gentlemen to submit reports from their committees.

JOHN F. CADWALLADER.

Mr. SPRINGER, from the Committee on Claims, reported back favorably the bill (H. R. 7622) for the relief of John F. Cadwallader; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PROBATE COURTS, WYOMING TERRITORY.

Mr. SPRINGER, from the Committee on the Territories, also reported back with amendment the bill (H. R. 3760) to enlarge the jurisdiction of the probate courts in the Territory of Wyoming; which was referred to the House Calendar, and, with the accompanying reports, ordered to be printed.

Mr. SPRINGER, from the Committee on the Territories, also reported back adversely the bill (H. R. 4365) to confer upon the probate courts of Wyoming additional jurisdiction; which was laid on the table, and the accompanying report ordered to be printed.

ADDITIONAL COURTS, MISSISSIPPI.

Mr. ROGERS, from the Committee on the Judiciary, reported, as a substitute for H. R. 6762 a bill (H. R. 8100) to create additional courts in the State of Mississippi, and to regulate the terms thereof; which was referred to the Committee of the Whole House on the State of the Union, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS THE OHIO RIVER.

Mr. WEAVER, of Nebraska, from the Committee on Commerce, reported back with favorable recommendation the bill (H. R. 7938) to authorize the Covington and Cincinnati Elevated Railway Company to erect a bridge across the Ohio River; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. TUCKER, from the Committee on the Judiciary, reported back with adverse recommendation joint resolutions and bills of the following titles; which were severally ordered to be laid on the table and the accompanying reports printed, namely:

Joint resolution (H. Res. 77) proposing an amendment to the Constitution authorizing the President to veto items of bills appropriating money;

Joint resolution (H. Res. 66) proposing an amendment to the Constitution in relation to appropriations;

Joint resolution (H. Res. 17) to amend the Constitution of the United States to permit the President to veto items in a general appropriation bill;

Joint resolution (H. Res. 56) proposing an amendment to the Constitution of the United States authorizing the President to veto any item or items of an appropriation bill, while approving of other portions of the bill;

Joint resolution (H. Res. 49) proposing an amendment to the Constitution of the United States, so as to give the President power to veto one or more items in appropriation bills;

A bill (H. R. 4809) to prevent the adulteration or imitation of food;

A bill (H. R. 4171) to check frauds in the make-up of articles of diet, drink, and medicine;

A bill (H. R. 4172) to prevent a counterfeit or imitation article being sold as genuine butter; and

A bill (H. R. 1054) to prevent the adulteration of food or drugs.

DIRECTOR OF GEOLOGICAL SURVEY.

Mr. SYMES, from the Committee on Mines and Mining, reported, as a substitute for H. R. 5689, a bill (H. R. 8101) to further define the duties of the Director of the Geological Survey; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 5689 was ordered to be laid on the table.

J. HARRY ADAMS.

Mr. NEAL, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 3698) for the relief of J. Harry Adams; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAMUEL B. SEAT, ADMINISTRATOR.

Mr. NEAL, from the Committee on Claims, also reported back with amendments the bill (H. R. 2325) for the relief of Samuel B. Seat, administrator of Christian Kropp, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WIND RIVER VALLEY, WYOMING.

Mr. WARNER, of Missouri, from the Committee on Claims, reported back with amendments the bill (H. R. 2920) for the relief of certain settlers in the Wind River Valley, Wyoming Territory; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN W. MEARS.

Mr. TRIGG, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 5477) to restore to John W. Mears a fine improperly imposed upon him; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ISAAC R. TRIMBLE.

Mr. SHAW, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 7048) for the relief of the trustees of Isaac R. Trimble; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. There being no further reports from committees, the hour for the consideration of bills begins at one minute before 1 o'clock. The call rests with the Committee on the Judiciary.

TERMS OF COURT IN COLORADO.

Mr. CASWELL. I call up for consideration from the House Calendar the bill (H. R. 3014) to provide for terms of court in Colorado.

The bill was read, as follows:

Be it enacted, &c., That terms of the circuit and district courts of the United States for the district of Colorado shall be held at the times and places hereinafter designated, namely: At Denver, on the first Tuesday in May and the first Tuesday in November in each year; at Pueblo on the first Tuesday in April in each year; at Del Norte on the first Tuesday in August in each year.

SEC. 2. That acts inconsistent with this act are hereby repealed, but such repeal shall not affect any term of court now in progress. Any court now being held in said district pursuant to any act of Congress may be continued in the same manner and with like effect as if this act had not been passed.

Mr. CASWELL. The only change made in the present law is to postpone the October term of court to November. There can be no possible objection to the bill. The committee were unanimous, and if there be no questions asked, I will call for a vote.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CASWELL moved to reconsider the motion by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNITED STATES COURTS IN SOUTHERN FLORIDA.

Mr. OATES. I call up from the House Calendar for present consideration the bill (H. R. 5221) to change the time of holding United States circuit and district courts in the southern district of the State of Florida.

The bill was read, as follows:

Be it enacted, &c., That the United States circuit and districts courts for the southern district of Florida, at Tampa, shall hereafter be held on the second Monday in February of each year, instead of the first Monday in March; and so much of the act entitled "An act to extend the jurisdiction of the district and circuit courts of the United States for the southern district of Florida," approved February 3, 1879, as provides that the said courts shall be held on the first Monday in March, is hereby repealed.

Mr. OATES. Both the Representatives from the State of Florida, all the lawyers practicing in that court, and the people interested desire this bill to be passed. It merely changes the time of holding court. The report from the committee is unanimous.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. OATES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TEXAS JUDICIAL DISTRICTS.

Mr. CULBERSON. I call up from the House Calendar for consideration the bill (H. R. 4841) to change the eastern and northern judicial districts of Texas, and for other purposes.

The bill was read, as follows:

Be it enacted, &c., That the counties of Lamar, Fannin, Red River, and Delta, in the State of Texas, be, and they are hereby, detached from the northern judicial district of the said State, and that the same be, and are hereby, attached to the eastern judicial district of said State.

SEC. 2. That the portion of the Choctaw Nation within the following boundaries, to wit: Beginning on Red River at the southeast corner of the Choctaw Nation; thence north with the boundary line between the said Choctaw Nation and the State of Arkansas to a point where Big Creek, a tributary of the Black Fork of the Kimishi River, crosses the said boundary line; thence westerly with Big Creek and the said Black Fork to the junction of the said Black Fork with Buffalo Creek; thence northwesterly with said Buffalo Creek to a point where the same is crossed by the old military road from Fort Smith, Ark., to Boggy Depot, in the Choctaw Nation; thence southwesterly with the said road to where the same crosses Pernville Creek; thence northwesterly up said creek to where the same is crossed by the Missouri, Kansas and Texas Railway track; thence with the center of the main line of the said railway in a southerly direction to where the said road crosses North or Muddy Boggy; thence down said stream to its junction with Middle Boggy; thence down Middle Boggy to where it crosses the western boundary line of Kimishi County, Choctaw Nation; thence southerly with the western boundary line of said county to Red River; thence down said Red River to the place of beginning; and all that territory in the said Choctaw Nation included within the boundaries hereinbefore set out be, and the same is hereby, attached to the eastern judicial district of the State of Texas for judicial purposes.

SEC. 3. That the counties of Lamar, Fannin, Red River, and Delta, of the State of Texas, and all that part of the Choctaw Nation attached to the eastern judicial district by the provisions of this act, shall constitute a division of the eastern judicial

district of Texas; and terms of the circuit and district courts of the United States for the said eastern district of the State of Texas shall be held twice in each year at the city of Paris, on the first Mondays in June and December; and the United States courts herein provided to be held at Paris shall have exclusive original jurisdiction of all offenses committed within the limits of that portion of the Choctaw Nation attached to the eastern judicial district of the State of Texas by the provisions of this act against the laws of the United States now or that may hereafter be operative therein.

SEC. 4. That all process, civil and criminal, issued against citizens of the said counties of Lamar, Fannin, Red River, and Delta, cognizable before the United States courts, be made returnable to the courts respectively, to be held at the city of Paris, Tex.

SEC. 5. That the territory of the Indian Territory occupied by the Chickasaw Indians, and that part of the Territory of the Choctaw Nation embraced in the following limits, to wit: Beginning on Red River at the point where the western boundary line of Kimishi County, Choctaw Nation, reaches said river; thence north along the western boundary line of the said county to the point where the same crosses Middle Boggy River; thence up the said stream to its junction with the North or Muddy Boggy; thence up said last-mentioned stream to the Missouri, Kansas and Texas Railway track; thence northerly up the center of the main track of the said road to the South Canadian River; thence up the center of the main channel of the said river to the western boundary line of the Chickasaw Nation, the same being the northwest corner of the said nation; thence south on the boundary line between the said nation and the reservation of the Wichita Indians; thence continuing south with the boundary line between the said Chickasaw Nation and the reservations of the Kiowa, Comanche, and Apache Indians to Red River; thence down said river to the place of beginning, and all that territory of the Chickasaw and Choctaw Nations embraced within the boundaries set forth in this section, be, and the same is hereby, attached to the northern judicial district of the State of Texas for judicial purposes.

SEC. 6. That the counties of Grayson, Montague, and Cooke, in the State of Texas, and all of the Chickasaw Nation, and that portion of the territory of the Choctaw Nation embraced within the limits of the boundaries set out in section 5 of this act, shall hereafter constitute a division of the northern judicial district of the State of Texas; and that a term of the circuit and district courts of the United States for said northern district shall be held twice in each year at the city of ——, State of Texas, on the first Mondays of March and September; and the United States courts herein provided to be held at the city of —— shall have exclusive original jurisdiction of all offenses committed within the limits of the Chickasaw Nation, Indian Territory, and in that part of the territory of the Choctaw Nation embraced within the limits of the boundaries set out in section 5 of this act, against the laws of the United States that are now or that may hereafter be operative therein.

SEC. 7. That all process, civil and criminal, issued against citizens of the counties of Grayson, Cooke, and Montague, in the State of Texas, cognizable before the courts of the United States, shall be made returnable to the said courts at the said city of ——, Texas.

SEC. 8. That all laws or parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed; and this act shall take effect and be in force from and after its passage.

The Committee on the Judiciary reported the following amendments:

In section 2, line 13, strike out "Pernville" and insert "Perryville."
In section 6, line 9, insert the word "Denison."
In section 6, line 11, insert the word "Denison."
In section 7, line 5, insert the word "Denison."

The amendments were agreed to.

Mr. CULBERSON. I am authorized by the committee to offer additional amendments, which I send to the desk.

The Clerk read as follows:

In line 1, section 6, strike out the words "Montague and."
Strike out the word "Cooke," in line 2 of section 6.
Strike out the words "Cooke and Montague," in line 2, section 7.
Strike out the word "counties," in line 1, section 6, and in line 2, section 7, and insert the word "county."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CULBERSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNITED STATES COURTS IN NEBRASKA.

Mr. CASWELL. I call up from the House Calendar the bill (H. R. 7216) to provide for holding terms of United States district and circuit courts in the district of Nebraska.

The bill was read, as follows:

Be it enacted, &c., That the United States district and circuit courts for the district of Nebraska shall be held at the following places: Omaha, Lincoln, Hastings, Nebraska City, Norfolk, and Falls City. At Omaha, two terms each year, to begin on the first Tuesday in January and June; at Lincoln, two terms each year, to begin on the first Tuesday in March and September; at Hastings, two terms each year, to begin on the first Tuesday in April and October; at Nebraska City, two terms each year, to begin on the third Tuesday in April and October; at Norfolk, one term each year, to begin on the first Tuesday in November; and at Falls City, one term each year, to begin on the first Tuesday in December. One grand and one petit jury shall be summoned to serve at each term herein provided for.

Mr. CASWELL. I desire, by instructions of the Judiciary Committee, to offer two amendments.

The Clerk read as follows:

After the word "December," in line 14, insert "and at Kearney, one term each year, to begin on the second Tuesday of May."
After "Falls City," in line 6, add "Kearney."

Mr. HOLMAN. I am not able to tell from the rapid reading of the bill how many places there are at which courts are to be held in the State of Nebraska.

Mr. CASWELL. Four or five. At the present time there are only two. They were established at a very early day near the eastern line of the State. Since that time population has spread out and the business of the courts has so enlarged that it is thought necessary that provision should be made for these additional terms of court in the interest of economy and convenience. I think the bill is unanimously agreed upon by the delegation and by the Committee on the Judiciary.

Mr. HOLMAN. But is not the gentleman mistaken as to the number of places? I think there are six.

Mr. DORSEY. Yes, six.

Mr. HOLMAN. I admit that where there is admiralty business to be transacted there is a reason for the establishment of a Federal court, but I think experience demonstrates in most of the States where courts have been multiplied, where there is no maritime jurisdiction, nothing to require the presence of the United States court or to exclude the authority of the State courts, the system does not operate beneficially. I concede that while we admit non-resident corporations to go into our Federal courts without restriction, there is here and there some excuse for inland Federal courts at points away from the borders of lakes or seas, but as a general proposition it seems to me that instead of multiplying Federal courts with their attendant expenses unnecessarily, we ought rather to reduce the number. The expenses of such courts are quite large; there has got to be a building rented in which the court shall be held, a clerk's office, and a marshal's office, and of course, in the progress of time and at quite an early day, there must be a public building erected for the accommodation of the courts. The expense of the judicial system grows steadily, and it seems to me that our policy should be the reverse of that. I think the policy of establishing so many Federal courts as six in the State of Nebraska, eight in the State of Iowa, and four in the State of Indiana is wrong; I think it is moving in the wrong direction. We seem to be magnifying the Federal jurisdiction year after year at the expense of the proper local State jurisdiction. I must say that I regret very much to see this tendency to the multiplication of Federal courts and to the rapid increase of the expense of the Federal judicial system.

When we have no bankrupt law to administer, when the cases growing out of the revenue system are diminishing year by year, I think that instead of an increase there should be a steady decrease of the appliances connected with the Federal judicial system. A State like Nebraska, it seems to me, does not require so many Federal courts. That State is bordered on one side, it is true, by a great river, but four of these courts are to be at places entirely inland. In Indiana there are four places where Federal courts are held, three more than are necessary, although the State is bordered by the Ohio River and at one point by Lake Michigan. Instead of encouraging the increase of Federal courts I think our policy ought to be to restrict the jurisdiction of those courts to what is fair and reasonable in view of the rights of the States and the importance of having the judicial power exercised as far as possible at home among the people in the local State courts.

Mr. CASWELL. Mr. Speaker, the committee considered all those points, and yet were of opinion that on the whole expense would not be increased, while these additional courts would greatly add to the public convenience. I call for the previous question.

The question was taken, and the amendment submitted by Mr. CASWELL was agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CASWELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADMINISTRATION OF CUSTOM-HOUSE OATHS.

Mr. COLLINS. Mr. Speaker, I call up the bill (H. R. 1597) to amend section 2805 of the Revised Statutes of the United States so as to allow oaths to be administered by notaries public.

The bill was read, as follows:

Be it enacted, &c., That section 2805 of the Revised Statutes of the United States be, and the same hereby is, amended so that the said section shall read as follows:

"SEC. 2805. All oaths to be taken upon making of any of the reports or entries or respecting any of the acts mentioned in this chapter, whether by a master of any vessel or the owner or consignee of any merchandise, his factor or agent, or by any other person, shall be administered by the collector or officer to or with whom the report or entry is made, or by any notary public, and shall be reduced to writing and subscribed by the person taking and by the person administering the oath."

Mr. COLLINS. The only change in the law contemplated is to allow notaries public to administer custom-house oaths.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. COLLINS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COURTS IN CALIFORNIA.

Mr. TUCKER. I call up House bill No. 5196, reported by the gentleman from Iowa [Mr. HEPBURN].

The bill (H. R. 5196) to detach certain counties from the United States

judicial district of California and create the United States judicial court of Southern California, was read.

Mr. HEPBURN. Mr. Speaker, this bill has received the approval of the entire delegation from California. It was reported from the Judiciary Committee without dissent. I do not know that I desire to say anything in regard to the bill, but am ready to answer any question. If no gentleman desires discussion, I will ask the previous question.

Mr. BENNETT. Mr. Speaker, I suppose it is hardly worth while to call the attention of the House to the fact that this bill provides for an increase in the number of United States judges; and the payment of the salaries of this increased number of judges involves, of course, an additional expenditure of public money. It is not amiss, perhaps, for me to say that the Committee on the Judiciary has reported a bill which provides for increasing to $5,000 the salaries of judges of the United States where the amount is less than that sum, this increase involving an increased expenditure of about $40,000 in round figures.

Mr. OATES. Mr. Speaker, I rise to a question of order. My point of order is that this bill, as it involves an increase of expenditure, can not be considered in the House, but must be first considered in Committee of the Whole.

The SPEAKER. If that point had been made immediately after the reading of the bill, and before the House had entered upon its consideration, the Chair thinks he would have been obliged to sustain it; but the consideration of the bill in the House has been entered upon.

Mr. BENNETT. We have provided for an increase of salaries—not a graduated increase proportioned to the labor performed, but an absolute increase all along the line; and we have treated this question as if the rights of men as salary earners were to be determined by their wants as salary spenders. I want this House to understand that we are lighting the candle at both ends——

Mr. HEPBURN. If the gentleman will permit, as we do not desire the entire hour consumed in the discussion of this bill, I will withdraw it for the present.

The SPEAKER. The gentleman from Iowa withdraws the bill.

NORTHERN JUDICIAL DISTRICT OF NEW YORK.

Mr. TUCKER. I call up House bill No. 2996, reported by the gentleman from New York [Mr. PARKER].

The bill (H. R. 2996) to amend the Revised Statutes of the United States establishing the times, places, and provisions for holding terms of the district court in the northern district of New York, was read, as follows:

Be it enacted, &c., That that paragraph of section 572 of the Revised Statutes declaring the times and places and provisions providing terms of the district court in the northern district of New York be amended so as to read as follows:

"In the northern district of New York, at Albany, on the third Tuesday in January; at Utica, on the third Tuesday in March; at Rochester, on the second Tuesday in May; at Buffalo, on the third Tuesday in September; at Auburn, on the third Tuesday in November; at Binghamton, on the third Tuesday in December; and, in the discretion of the judge of the court, one term annually at such time and place within the counties of Onondaga, Saint Lawrence, Clinton, Jefferson, Oswego, and Franklin as he may from time to time appoint. Such appointment shall be made by notice of at least twenty days, published in the State —— of New York, and in one newspaper published at the place where said court is to be held."

Mr. PARKER. There is a verbal amendment reported from the Committee on the Judiciary.

The amendment was read, as follows:

After the word "State," in the seventeenth line, insert "paper."

The amendment was agreed to.

Mr. HOLMAN. I wish to inquire whether this bill increases the number of places at which courts are to be held.

Mr. PARKER. It does; but it involves no additional expense whatever.

Mr. HOLMAN. How many new courts are provided for?

Mr. PARKER. One, at the city of Binghamton, which is to accommodate the southern tier. The bill calls for no expense.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. PARKER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JUDICIAL DISTRICT IN ILLINOIS.

Mr. TUCKER. I call up the bill (H. R. 367) to amend section 536 of the Revised Statutes of the United States, relating to the division of the State of Illinois into judicial districts, and to provide for holding terms of the court of the northern district at the city of Peoria.

The bill was read.

Mr. HOLMAN. I reserve points of order on the bill.

Mr. BLAND. I make the point of order that this bill creates a new office, and otherwise provides for the expenditure of money. Under the rule, it must receive its first consideration in Committee of the Whole.

The SPEAKER. The point of order is well taken.

Mr. TUCKER. I ask unanimous consent that the bill may be considered in the House without going into Committee of the Whole.

Mr. HOLMAN. I think it ought to go to the Committee of the Whole.

The SPEAKER. Objection is made.

Mr. TUCKER. Then I withdraw the bill.

The SPEAKER. The bill is withdrawn, but under the point of order it will be referred to the Committee of the Whole House on the state of the Union.

UNORGANIZED TERRITORY SOUTH OF KANSAS.

Mr. TUCKER. I call up House bill No. 679, to extend the laws of the United States over certain unorganized territory south of the State of Kansas; and I yield the floor to the gentleman from Ohio [Mr. EZRA B. TAYLOR].

Mr. EZRA B. TAYLOR. The Committee on the Judiciary has authorized me to ask that Senate bill No. 624, relating to this same subject, be substituted for this bill of the House.

The SPEAKER. If the Senate bill has been reported, the gentleman moves to consider the Senate bill?

Mr. EZRA B. TAYLOR. Yes, sir.

The SPEAKER (after a pause). The Chair finds on examination that the Senate bill has never been reported to the House or referred to the committee.

Mr. EZRA B. TAYLOR. I supposed it had been reported.

The SPEAKER. The gentleman can call up the House bill, and if unanimous consent be given that bill can be laid aside and the Senate bill be considered in its place.

Mr. EZRA B. TAYLOR. I ask that that be done.

The SPEAKER. The gentleman asks unanimous consent to lay aside the House bill and consider the Senate bill upon the same subject.

Mr. HOLMAN. Let the bill be read.

The SPEAKER. The House bill will be read, and after that the Senate bill.

The Clerk read as follows:

A bill (H. R. 679) to extend the laws of the United States over certain unorganized territory south of the State of Kansas.

Be it enacted, &c., That the laws of the United States are hereby extended over the unorganized territory south of the States of Kansas and Colorado and between the Indian Territory and the Territory of New Mexico, known as the Public Land strip; and that for the purpose of the execution of said laws said Public Land strip is annexed to the judicial district of Kansas and to the southwestern land district in said State; and the Secretary of the Interior is authorized to cause the subdivisional lines of townships in said Public Land strip to be surveyed under current appropriations for the surveying service.

The SPEAKER. The Clerk will now read the amendment proposed by the committee.

The Clerk read as follows:

Provided, however, That said lands shall be subject to entry only by actual settlers under the homestead laws; and that no patent shall be issued for any lands so entered until after five years' actual residence thereon, to be ascertained under such rules and regulations as may be prescribed by the Commissioner of the General Land Office and approved by the Secretary of the Interior.

The SPEAKER. The Senate bill is now pending before the Committee on Public Lands of the House. The gentleman asks to discharge that committee from its further consideration, lay aside the House bill, and consider the Senate bill.

Several members objected.

The SPEAKER. Objection having been made, the House bill is before the House, together with the amendment of the committee.

Mr. EZRA B. TAYLOR. Very well; then I ask for the consideration of the House bill and the amendment at this time.

Mr. RYAN. Is the House bill or the Senate bill before the House?

The SPEAKER. Objection having been made to laying it aside, the House bill is before the House, with the amendment of the committee.

Mr. RYAN. I suggest to my friend from Ohio the bill be amended so as to strike out all after the words "homestead laws," in the proviso. The proviso is these lands shall be subject to entry only by settlers under the homestead laws, and then there is some additional matter which should be stricken out.

Mr. EZRA B. TAYLOR. That is the reason why I wished to get at the Senate bill, in order to make the change proposed.

Mr. RYAN. I move then to strike out these words:

And that no patent shall be issued for any lands so entered until after five years' actual residence thereon, to be ascertained under such rules and regulations as may be prescribed by the Commissioner of the General Land Office and approved by the Secretary of the Interior.

Mr. SPRINGER. As this bill provides for disposing of public lands, must it not have its first consideration in the Committee of the Whole House on the state of the Union?

The SPEAKER. The Chair does not understand it proposes to donate public lands.

Mr. SPRINGER. It provides, as I understand, for the disposition of them.

The SPEAKER. That is not the rule.

Mr. HOLMAN. Has the bill been read?

The SPEAKER. It has.

Mr. HOLMAN. And the Senate bill?

The SPEAKER. No; the House bill has been read, but the Senate bill has not been read.

Mr. HOLMAN. Does not the bill provide for expenditure for survey of public lands?

Mr. RYAN. All the bill proposes to do is to extend the laws of the United States over this Public Land strip, where there is no law now whatever, and to attach it to Kansas for judicial purposes. It opens that little strip to settlement exclusively under the homestead laws.

The SPEAKER. The bill provides that the Secretary of the Interior is authorized to cause the subdivisional lines of townships in said Public Land strip to be surveyed under current appropriations for the surveying service.

Mr. SPRINGER. It goes to the Committee of the Whole House on the state of the Union if it makes appropriation.

The SPEAKER. But it makes no appropriation.

Mr. HOLMAN. I trust that portion of the bill, if there is such a provision, requiring all these lands to be disposed of under the homestead laws will be read.

The SPEAKER. That is in the proviso.

Mr. EZRA B. TAYLOR. That is the amendment proposed by the committee and recommended by the Interior Department.

Mr. HOLMAN. Let it be read.

The Clerk read the proviso, as follows:

Provided, however, That said lands shall be subject to entry only by actual settlers under the homestead laws; and that no patent shall be issued for any lands so entered until after five years' actual residence thereon, to be ascertained under such rules and regulations as may be prescribed by the Commissioner of the General Land Office and approved by the Secretary of the Interior.

The SPEAKER. The gentleman from Kansas moves to strike out that portion of the committee's amendment just read, after the words "homestead laws."

The Chair is informed objection is withdrawn to taking up the Senate bill in place of the House bill. Is it renewed?

Mr. SPRINGER. Yes; I renew it.

Mr. PAYSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAYSON. I understand the last proposition read by the Clerk is an amendment proposed by the Committee on the Judiciary. I wish to inquire of the gentleman having the matter in charge whether he proposes to renew that amendment to the Senate bill.

The SPEAKER. The Senate bill is not before the House.

A MEMBER. The Senate bill contains it.

Mr. PAYSON. I beg pardon, it does not.

The SPEAKER. The Senate bill is not before the House, objection having been made.

Mr. RYAN. I move to strike out all after the words "homestead laws," in the amendment of the Committee on the Judiciary, for the reason that what follows provides there must be an actual residence of five continuous years. That would exclude the soldiers.

Mr. PAYSON. They may be excepted.

Mr. RYAN. If my friend is going to require a new system in addition to the homestead law, I should like to hear some good reason for it.

Mr. HOLMAN. Allow me to suggest to the gentleman from Kansas that the homestead law now allows the taking of the title by a soldier within a comparatively short period. The effect of this would be to require a legal residence of five years upon the land. Now I admit that an exception should be made in favor of the soldiers as the law stands; and I suggest, therefore, that he modify his amendment so as to provide that the law touching the rights of soldiers who served in the Army of the United States shall not be impaired.

Mr. EZRA B. TAYLOR. There seems to be no difference between the gentlemen in reference to the bill, but they are consuming a great deal of time.

Mr. HOLMAN. I move to amend as I have suggested.

Mr. RYAN. That meets my approval.

Mr. EZRA B. TAYLOR. That is entirely satisfactory to me.

Mr. RYAN. In view of the suggestion of the gentleman from Indiana I withdraw my amendment, with the understanding that his amendment is pending.

The SPEAKER. The amendment proposed by the gentleman from Indiana will be read.

The Clerk read as follows:

Provided, further, That the provisions of law touching the rights of soldiers to enter public lands under the homestead law shall not be impaired.

Mr. DUNHAM. Can the bill be read as proposed to be amended? I would like to have it read.

Mr. MILLER. I have an amendment pending——

The SPEAKER. If there be no objection, the bill will be read as proposed to be amended.

The bill was again read.

Mr. REAGAN. I would like to ask the gentleman from Indiana what is the occasion of the proviso he has added?

Mr. HOLMAN. The occasion is——

Mr. TUCKER. Mr. Speaker, I withdraw the bill.

Mr. RYAN. I do not believe there is any objection to the bill, and if the gentleman will not withdraw it I am sure it can be passed.

Mr. TUCKER. I will call it up hereafter. I now withdraw it.

The SPEAKER. The gentleman withdraws the bill.

DISTRICT JUDGE, SOUTHERN DISTRICT, ALABAMA.

Mr. TUCKER. I now call up House bill No. 28.

The SPEAKER. It is in Committee of the Whole House on the state of the Union.

Mr. OATES. I move that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill, and that it be considered in the House.

The SPEAKER. The rules of the House require it to be considered there. The gentleman might ask unanimous consent.

Mr. OATES. Then I ask unanimous consent that the committee be discharged from the further consideration of the bill, and that it be considered in the House.

The SPEAKER. The title of the bill will be read, after which the Chair will ask for objections.

The Clerk read as follows:

A bill (H. R. 28) to provide for the appointment and compensation of a district judge for the southern district of Alabama.

Mr. HOLMAN. I hope the bill will be read.

The SPEAKER. The hour for the consideration of bills has expired.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. WILLIS. I move that the House resolve itself into Committee of the Whole on the state of the Union, for the further consideration of the river and harbor appropriation bill; and pending that I move that all debate upon the paragraph under consideration and all amendments thereto be limited to ten minutes.

The motion to limit debate was agreed to.

The motion to go into Committee of the Whole was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. WELLBORN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the state of Union for the further consideration of the river and harbor bill; and by order of the House all debate upon the pending paragraph and amendments thereto is limited to ten minutes.

Mr. WILLIS. I yield to the gentleman from Pennsylvania [Mr. BOYLE] five minutes.

The CHAIRMAN. The Chair is advised that the pending question is on the motion of the gentleman from Kentucky [Mr. WILLIS] to the amendment offered by the gentleman from Massachusetts [Mr. STONE], upon which the committee was dividing.

The Clerk will report the amendment on which the division was being taken.

The Clerk read as follows:

Insert after the word "State," in line 477:

"By proceeding in the district court of the United States for the western district of Pennsylvania in the manner provided for the taking and condemning of lands for railroad purposes under the provisions of an act of the General Assembly of the Commonwealth of Pennsylvania entitled 'An act regulating railroad companies,' approved February 19, 1849, and the supplement thereto, so far as the same may be applicable."

Mr. BAYNE. I ask unanimous consent to offer the following addition to that amendment, in order that the committee may vote upon the two together.

The CHAIRMAN. It will be read from the desk, after which the Chair will submit the request of the gentleman.

The Clerk read as follows:

It is proposed to add, after the word "applicable" in the amendment, the following:

"*Provided*, That no title to the condemned property shall vest in the United States, nor shall the United States be bound to pay the value fixed thereon until report of such condemnation proceedings has been made to and approved by Congress."

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. REAGAN. I shall object to anything that looks to the adoption of that provision of the bill.

The CHAIRMAN. Then the question is on the pending amendment, upon which the point of order was made that no quorum had voted.

The Chair will appoint the gentleman from Indiana, Mr. HOLMAN, and the gentleman from Kentucky, Mr. WILLIS, as tellers.

Mr. GIBSON, of West Virginia. The gentleman who raised the point of order was Mr. COBB, as I understand it, who is not present.

The CHAIRMAN. The Chair is advised that it was the gentleman from Indiana [Mr. HOLMAN].

Mr. GIBSON, of West Virginia. I think Mr. COBB raised the point of order, and as he is not present pressing it, I presume that it would not be considered as insisted upon.

The CHAIRMAN. The Chair is informed that the gentleman from Indiana made the point of order, and insists upon it.

Mr. DINGLEY. Let the amendment be again reported before the vote is taken.

The amendment was again read.

The committee divided; and the tellers reported—ayes 88, noes 35.

Mr. HOLMAN (one of the tellers). I do not insist on further count.

The CHAIRMAN. The point as to a quorum is withdrawn, and the amendment is agreed to.

Mr. BOYLE addressed the Chair.

Mr. BAYNE. Has my colleague any objection to my offering my amendment at this time?

Mr. BOYLE. I have no objection if it does not come out of my time.

Mr. BAYNE. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "applicable," in the amendment just adopted, insert:

"*Provided*, That no title to the condemned property shall vest in the United States, nor shall the United States be bound to pay the value fixed thereon until the report of said condemnation proceedings has been made to and approved by Congress."

Mr. BOYLE. Mr. Chairman, the paragraph of this bill looking to the acquisition by the United States of title to the property of the Monongahela Improvement Company has excited a good deal of feeling, and has provoked some gentlemen who have engaged in the debate to use strong words in opposition to it. One gentleman [Mr. HEWITT] has characterized it as the most "impudent" proposition he has known to be introduced into Congress during his long term of service; and another gentleman, I am sorry to say a Pennsylvanian [Mr. KELLEY], has characterized the arguments made in favor of the provision as "infamous."

Mr. KELLEY. If my colleague will permit me to say it, I was referring to the provision which has been stricken from the bill, and I reaffirm what I stated.

Mr. BOYLE. I will say to my respected friend that his use of that word as applicable to an argument made by any member of this House appears to me to be unwarranted.

Mr. STONE, of Massachusetts. I rise to a point of order.

Mr. BAYNE. I submit that the gentleman can not raise a point of order while another gentleman is on the floor.

The CHAIRMAN. The gentleman from Massachusetts will state his point of order.

Mr. STONE, of Massachusetts. I wish to know what amendment is now pending, whether the amendment submitted by the gentleman from Pennsylvania [Mr. BAYNE], or the amendment which I submitted yesterday; because as I understood the statement made by the Chair the amendment which has just been submitted by the gentleman from Pennsylvania was to be received as taking precedence of mine.

The CHAIRMAN. In response to the inquiry of the gentleman from Massachusetts the Chair will cause the Clerk to read the pending amendment.

The Clerk read the amendment offered by Mr. BAYNE.

Mr. STONE, of Massachusetts. I make the point of order that my amendment takes precedence.

Mr. GIBSON, of West Virginia. The gentleman from Massachusetts has no amendment before the committee. When the gentleman proposed his amendment on yesterday and the gentleman from Kentucky [Mr. WILLIS] offered his amendment the gentleman from Massachusetts withdrew his until the amendment offered by the gentleman from Kentucky could be acted upon.

Mr. STONE, of Massachusetts. No, sir.

Mr. GIBSON, of West Virginia. I know what I am talking about. He withdrew it with the statement that he would offer it afterward. Now he has not reoffered it, and before he reoffers it the gentleman from Pennsylvania [Mr. BAYNE] offered his amendment.

Mr. STONE, of Massachusetts. If I may make an explanation, I will state that this is the posture of this matter: When I first proposed to offer my amendment there were two amendments pending, that of the gentleman from Kentucky [Mr. WILLIS] being second. I offered to withdraw mine until a vote was taken on the amendment which appears in the italics in the bill. When that vote was taken I handed in my amendment.

The CHAIRMAN. The Chair will state that the gentleman from Massachusetts has correctly stated the situation. The gentleman from Pennsylvania [Mr. BOYLE] will proceed.

Mr. BOYLE. The gentleman who characterized this as an impudent proposition went further, and made what appears to me to be an unjustifiable attack on the persons engaged in the mining of coal along the Monongahela River. He spoke of it as the region where the strikes had recently taken place and of the coal operators as the persons responsible for the introduction of Hungarian and other pauper labor. The gentleman from New York [Mr. HEWITT] knows a good deal, but he does not know much about the Monongahela River coal region. There is no Hungarian labor employed on the Monongahela River, nor in the mining of the coal carried on on that river.

Mr. HEWITT. I will state to the gentleman that I was assured by three directors of that company that the Hungarian laborers were there and in pool No. 4.

Mr. BOYLE. That is in my county. If they are there, they must have come at a very recent date.

Mr. HEWITT. General or Colonel Sweitzer, Mr. Wood, and another, whose name I do not remember, were the three gentlemen who assured me that was true.

Mr. BOYLE. I know the gentlemen named very well.

Mr. HEWITT. I give my authority.

Mr. BOYLE. The gentleman made his statement yesterday and has his authority to-day. That, however, Mr. Chairman, is not very material, and I do not see how it should affect this proposition.

The gentlemen from New York went further. I remember having heard him make a speech in the last Congress in which he said he was informed of the fact—perhaps he said he knew the fact—that miners were working in the mines of Pennsylvania for 75 cents a day.

Mr. HEWITT. I know it.

Mr. BOYLE. It is not and has not been the fact as to the Monongahela region. The gentleman knows something about Pennsylvania because he himself employs labor in that State; and he may therefore know that in his locality miners work for 75 cents a day; but in this region which the gentleman has spoken of so harshly they make double that amount of wages, and still, perhaps, not as much as they ought to receive; and they are not Hungarians or Italians or "pauper" laborers of any kind, but intelligent, industrious American citizens.

Mr. HEWITT. Why did they strike?

Mr. BOYLE. Because they wanted more.

Mr. HEWITT. That is right.

Mr. BOYLE. That was right; and so far as I know that was the only reason for the strike.

Mr. HEWITT. Are they satisfied now?

Mr. BOYLE. I hope they are, as I see by yesterday's papers that the "operators," the men on whose account the gentleman from New York [Mr. HEWITT] would defeat this measure, have voluntarily and without solicitation made an increase in wages of from 5 to 16 per cent.

Mr. HEWITT. How long did the strike last before they agreed to make the advance?

Mr. BOYLE. They made the advance demanded by the men; and now I am glad to see that they have made this additional advance voluntarily.

Mr. HEWITT. How long were the men out before they got any advance?

Mr. BOYLE. I do not know. Perhaps not longer than the car-drivers were out in the city of New York. [Laughter.]

Mr. HEWITT. They were out about four months.

Mr. BOYLE. Well, sir; that is not material.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BRUMM was recognized, and yielded to Mr. BOYLE.

Mr. BOYLE. Mr. Chairman, I want to state one or two facts that are material. The Monongahela River runs through the States of West Virginia and Pennsylvania. The part of it in Pennsylvania has been improved by the Monongahela Navigation Company, under a charter granted by the Pennsylvania Legislature in 1836. The original capital was fixed at $180,000, with the right of indefinite increase. I understand it is now over $1,000,000.

One of the provisions of that charter was that after a lapse of a certain time, a few years, the State of Pennsylvania should have the right to take the improvements of the company upon paying the cost of their construction and interest at the rate of 6 per cent. up to the time of the taking, deducting therefrom the earnings of the company; so that this company, when it took possession of this river and improved it, did so with the understanding and agreement that the improvements might be taken from it for public use upon being reimbursed, as before stated. Therefore we do it no wrong and no injustice if we now take the property in the manner proposed. The company has had it many years longer than it supposed it would be allowed to hold it under the terms of its charter. True, it is not proposed that the State of Pennsylvania shall take possession. But as the General Government has the undoubted right to take charge of this improvement by virtue of the right to control the navigable rivers of the country, and as the company must have contemplated the surrender of its property and franchises, I can not see that it matters to it whether the works go to the State or to the United States, provided it is compensated in the manner provided in the charter.

The gentleman from Texas [Mr. REAGAN] has spoken of this river as if it were not navigable. Why, sir, it was navigable before the Monongahela improvement was thought of. It is navigable in certain seasons of the year, and a good part of the year, far above the improvements made in West Virginia; and in the fall and spring and winter steamboats run to Morgantown, and sometimes as far as Fairmount, on the Baltimore and Ohio road, without the aid of locks and dams. So that up to the Pennsylvania State line, to which the improvements of this company extend, and far above it, the river is and has always been navigable for steamboats.

The commerce on the Monongahela is strictly interstate commerce. I thought that fact would commend this proposition to the gentleman from Texas [Mr. REAGAN]. It is hardly anything but interstate commerce. The gentleman from Texas, whom I know to hold that a State can not levy taxes or tribute of any kind on commerce between the States, is sustaining the occupancy of the lower Monongahela River by a corporation which levies tolls and taxes upon every pound of freight that passes on this river from West Virginia to Pennsylvania and from Pennsylvania to the States of the West and Southwest.

Mr. REAGAN. I do not want the gentleman to assume that I sustain a proposition to appropriate $120,000 in this bill for the benefit of a private corporation. That is practically what he proposes.

Mr. BOYLE. This bill would give to this corporation not one cent. If this whole provision should be adopted the corporation would be wiped out of existence. If the gentlemen opposing it should prevail as to that part providing for the acquisition of the works of the company and the appropriation should be made, it would benefit the company incidentally, but not a dollar of the money appropriated would go to it.

Mr. Chairman, I wish to state another fact. A great reason for making that river free is this—it has not, I believe, been stated, but it was the operative reason with the committee: The Kanawha River has been improved by the General Government, and it is open and free, so that coal from that region comes down and goes out to the lower rivers without paying any tax or toll, while the coal on the Monongahela is taxed enormously for the benefit of a private corporation.

If you compute the toll levied upon the amount of coal taken from an acre you will find that it is an enormous tax; and coal goes out of this river by the acre. Now, the people in the Monongahela Valley desire to be put on an equality with those on the Kanawha. There is no reason why they should not be. The gentleman from New York [Mr. HEWITT] says that only the coal-land owners will be benefited by this measure. He states it as a proposition not to be questioned or controverted that "things are not sold by what they cost, but at their market value in the market in which they are sold." They are undoubtedly sold "at their market value in the market in which they are sold," but surely their cost is one of the elements which determine that market value. Are not articles carried to the great markets of the world and there sold cheapened by a reduction in the cost of production and in the cost of transportation?

The rule which the gentleman now lays down as axiomatic is not in accordance with the gentleman's present views on the tariff, as I understand them. He certainly maintains that the removal of duties on imported goods will reduce the cost to the consumer. If it will not, who is to be benefited, and why remove them? If we remove the tolls to which this coal is now subject, and thus reduce the cost of taking it to market, certainly upon his tariff views, but not upon his views as to this bill, the consumer will get the benefit of the reduction, as he maintains the consumer would get the benefit if duties were removed.

Mr. HEWITT. The price is made by demand and supply.

Mr. REAGAN. How much would it cost the Government to do that?

Mr. BOYLE. I do not know how much, but not near as much as gentlemen have been made to believe. It will not cost the Government more to take those improvements on the plan proposed than it would to improve the river originally; and there certainly is as much reason for improving the Monongahela as for improving the Kanawha, or any of the other rivers named in the bill, or even the harbor of Galveston. The commerce of the Monongahela is greater and more important than that of Galveston.

Mr. REAGAN. Oh! There is enough cotton shipped from Galveston every year to buy the whole Monongahela.

Mr. BOYLE. Now, the gentleman from New York [Mr. HEWITT] says that this coal is sold at Pittsburgh.

Mr. HEWITT. I said that the price was made at Pittsburgh.

Mr. BOYLE. Well, the gentleman is mistaken. Only a small part of the coal is sold at Pittsburgh. There is no reason why the price should be fixed there. Four-fifths of it goes down the Ohio and the Mississippi, and reaches all the country along the streams that flow into those rivers. In fact, it is the people in Kentucky and the people along all the Western rivers who are principally interested in having the Monongahela opened up as the Kanawha has been and in having competition between these producing regions.

Mr. HEWITT. Is not the price made at Pittsburgh?

Mr. BOYLE. It is not. The coal passes Pittsburgh without stopping, and goes to all points on the lower rivers.

Mr. HEWITT. But the market value is made in the big market.

Mr. BOYLE. Pittsburgh is not the big market. It is made at the points where the coal is sold. That is shown by the fact that the price differs materially at different points.

Mr. GROSVENOR. It strikes other competition lower down and has to meet it.

Mr. BOYLE. Yes. If we make the Monongahela free, it will enable the people on the lower rivers to get their coal cheaper, because it will put the Monongahela coal producers in a position where they can compete on equal terms with those on the Kanawha and on other rivers.

The Kanawha is several hundred miles nearer to those markets; the coal passes from it without toll, and the Monongahela people, thus handicapped by tolls and distances, are not in condition to compete. The difference in the quality of the coals will compensate for the difference in the length of carriage; but it is asking too much that this coal carry the additional weight of tolls.

Take possession of this improvement and throw open the river. Pay only what the improvement is worth. The terms of the charter provide that the company shall sell its works for what they cost, with interest, deducting the dividends. Pay the company according to the terms of the charter, and you will pay no more than you would have paid, not as much as you would have paid, if the improvement of the river had been made by the General Government.

This is an interstate stream. It carries interstate commerce. I know the gentleman from Texas denies the right of a State to levy a tax or toll on interstate commerce; but if he allows this Monongahela Improvement Company to retain possession of that river, he permits the levying of an onerous toll and tax upon interstate commerce—commerce that is nothing but interstate.

[Here the hammer fell.]

Mr. REAGAN. I move to amend by striking out the last word. We are now about to vote upon this proposition, and I want the House to understand——

The CHAIRMAN (Mr. HAMMOND). Debate on this paragraph and amendments thereto was limited to ten minutes, which time has expired.

Mr. REAGAN. I wanted to state that this is a proposition to vote $120,000 to a private corporation that has already received more than $100,000 from the Government.

Mr. GIBSON, of West Virginia. The gentleman is entirely mistaken about that.

Mr. REAGAN. I know what I say. It is the truth.

Mr. GIBSON, of West Virginia. Others know the truth as well as yourself.

Mr. WILLIS. I rise to a point of order. The only thing in order is a vote.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, is it in order to have a restatement of the information which the gentleman from Pennsylvania [Mr. BOYLE] gave the House, but which some of us did not fully catch, as to the provisions of the charter by which the State of Pennsylvania has the right to repossess itself of this property upon certain terms?

The CHAIRMAN. Nothing is in order but a vote.

Mr. REED, of Maine. I think that by striking out the entire paragraph we can get effectually all the information we want.

The CHAIRMAN. The first question is on the amendment of the gentleman from Massachusetts [Mr. STONE], which will be read.

The Clerk read as follows:

After the word "war," in line 468, insert "who shall transmit the same to Congress," and strike out the remainder of the paragraph down to and including line 490.

The question being taken, there were—ayes 48, noes 46.

Mr. ANDERSON, of Kansas. No quorum.

The CHAIRMAN. No quorum having voted, tellers will be ordered; and the Chair appoints the gentleman from Massachusetts [Mr. STONE] and the gentleman from Kentucky [Mr. WILLIS].

The committee again divided; and the tellers reported—ayes 34, noes 84.

So the amendment was rejected.

The CHAIRMAN. The next question is upon the amendment of the gentleman from Pennsylvania [Mr. BAYNE].

Mr. WILLIS. I hope there will be order while that amendment is read.

The Clerk read as follows:

Insert after the word "applicable," in the amendment last adopted, the following:

"*Provided*, That no title to the condemned property shall vest in the United States, nor shall the United States be bound to pay the value fixed thereon until report of said condemnation proceeding has been made to and approved by Congress."

The amendment was agreed to, there being—ayes 73, noes 8.

Mr. EVERHART. I move to amend by inserting after the word "works," where it occurs in line 404 and also in line 473, the words "franchises and property connected therewith."

The amendment was rejected.

Mr. WARNER, of Ohio. I move to amend by inserting after the word "dollars," in line 459, the following:

Provided, That the commerce originating along or above the improvements herein appropriated for shall not be subject to tolls on any other part of the river.

Mr. WARNER, of Ohio. This amendment is on the theory——

The CHAIRMAN. Debate is out of order.

The amendment was rejected.

Mr. REAGAN. I move to amend by inserting at the end of the paragraph the following:

Provided, That the money hereby appropriated shall not be expended on said river until the navigation shall be made free to the use of all people.

The amendment was adopted, there being ayes 95, noes 21.

Mr. GIBSON, of West Virginia. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GIBSON. I desire to know whether it would be in order to offer an amendment reciting that no appropriation for the harbor at

Galveston shall be used until the wharf company releases its franchise and ceases to charge toll on commerce at that harbor. [Laughter.]

The CHAIRMAN. The Chair will entertain the amendment when we reach that portion of the bill.

Mr. HEWITT. I move to strike out all after the word "dollars," in line 459. It includes all after the word "dollars," in line 459, down to and including line 490, or, in other words, the original text of the bill.

Mr. REAGAN. I rise for the purpose of making an inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. REAGAN. Does not that amendment leave the appropriation in the bill naked—without the other provision?

The CHAIRMAN. That is not a parliamentary inquiry. The question is on the amendment of the gentleman from New York [Mr. HEWITT]. [After a pause.] The ayes have it, and the amendment is agreed to.

Mr. REAGAN. I rose to demand a division before the Chair announced the result.

The CHAIRMAN. The Chair announced the ayes had it and the amendment was agreed to.

Mr. REAGAN. As soon as the Chair announced the vote, and before announcing the result, I asked for a division.

The CHAIRMAN. In the great confusion prevailing on the floor the gentleman from Texas was not heard.

Mr. HOLMAN. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOLMAN. Does the motion of the gentleman from New York [Mr. HEWITT] to strike out embrace anything more than the text of the bill?

Mr. RANDALL. Was not the vote declared to be carried in the affirmative?

Mr. REAGAN. I desire to have some understanding about this matter. My amendment was to strike out the whole section, including the appropriation. My amendment to add to the text that no money appropriated under this paragraph should be used until the commerce there was made free was adopted and has been added to the text; but ——

The CHAIRMAN. If the gentleman will yield to the Chair the whole matter is easily explainable. The gentleman from Texas has a motion pending to strike out, but before the vote is taken on that amendment all motions looking to the perfection of the text are in order. Pending that motion to strike out he submitted an amendment to add to the section——

Mr. REAGAN. That is it; but it was adopted.

The CHAIRMAN. The Chair decided the amendment of the gentleman from New York to strike out was carried, not hearing in the confusion prevailing on the floor the demand of the gentleman from Texas [Mr. REAGAN] for a division. The demand being insisted on, the Chair will recognize it.

Mr. REAGAN. I desire to correct the Chair. My amendment was adopted, and then the gentleman from New York [Mr. HEWITT] moved to strike out the text from line 459 to line 490, which does not include the words added on my motion.

The CHAIRMAN. The Chair stands corrected. A division is demanded.

Mr. WARNER, of Ohio. I do not understand the force of the motion. The House adopted the amendment of the gentleman from Texas. Now, does this motion of the gentleman from New York strike that out?

The CHAIRMAN. It does not.

Mr. KING. I rise to a point of order, and that is that this House is out of order.

The CHAIRMAN. The point is well taken.

Mr. BAYNE. It is impossible to proceed unless we have better order.

The CHAIRMAN. The Chair agrees most thoroughly with the gentleman from Pennsylvania and hopes the House will come to order.

Mr. WILLIS. I rise to a parliamentary inquiry.

The CHAIRMAN. Gentlemen in the aisles will be seated.

Mr. WILLIS. I rise to a parliamentary inquiry, to know what the committee is now voting on. I desire to ask if all that is now remaining is not the three lines making an appropriation?

The CHAIRMAN. If the proposed amendment of the gentleman from New York be adopted that will be the result, retaining also the words added by the gentleman from Texas.

Mr. HOLMAN. I rise to a parliamentary inquiry.

The CHAIRMAN. The Chair announced the amendment of the gentleman from New York was adopted, but the gentleman from Texas stated he demanded a division. On account of the confusion the Chair could not hear the gentleman, and under the circumstances it deems it but fair and just to allow the division to take place.

Mr. HOLMAN. Is the motion to strike out all of the original text of the bill after the word "dollars," in line 459? If so, then of course it did not reach the portion added to the text on the motion of the gentleman from Texas.

Mr. WILLIS. I hope we will go on with this bill.

The CHAIRMAN. The Chair desires to be informed what was the exact motion of the gentleman from New York.

Mr. HEWITT. I have been trying to get the attention of the Chair for that purpose. The Clerk properly announced my amendment, which was to strike out all of the text after the word "dollars," in line 459. It does not cover the amendment offered by the gentleman from Texas and which was adopted.

Mr. DIBBLE. I wish to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DIBBLE. Whether that motion, if adopted, would strike out any more than the word "and?" Because that is all the rest of that line.

The CHAIRMAN. The proposition is to strike out all after the word "dollars," in line 459, down to and including line 490.

Mr. REAGAN. I withdraw the call for a division.

Mr. BAYNE. I renew it.

Mr. REED, of Maine. How would that leave the paragraph if adopted? Will the Clerk read the paragraph as it will stand if the motion shall be adopted?

The Clerk read as follows:

Improving Monongahela River, Pennsylvania and West Virginia: Continuing improvement, $121,200: *Provided*, That the money hereby appropriated shall not be expended on said river until the navigation shall be made free to the use of all people.

Mr. BOYLE. I rise to a parliamentary inquiry.

The CHAIRMAN. What is it?

Mr. BOYLE. Whether the effect of that motion, if adopted, would not be to make an appropriation of $120,000 and provide that it shall not be expended until the river is made "free," with no provision to make it free?

The CHAIRMAN. That is not a parliamentary inquiry.

Mr. BOYLE. Then it is a fraud. [Laughter.]

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from New York, upon which a division is asked.

Mr. HEMPHILL. That demand has been withdrawn.

The CHAIRMAN. It was renewed upon the other side of the House.

Mr. HEMPHILL. But too late.

The CHAIRMAN. The Chair thinks not.

The question was taken on the motion of Mr. HEWITT; and on a division there were—ayes 80, noes 37.

Mr. BAYNE. No quorum.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. HEWITT, and Mr. BROWN, of Pennsylvania, were appointed tellers.

The committee again divided; and the tellers reported—ayes 97, noes 69.

So the amendment was adopted.

Mr. REAGAN. I now ask a vote upon my motion to strike out the whole section.

Mr. WILSON, of West Virginia. I wish to make a parliamentary inquiry. When the motion of the gentleman from Texas was made on yesterday, which, as I understand, is the motion upon which we are now to vote, the words in Italics had not been inserted in the bill. These words were subsequently inserted on motion of the committee and by a vote of the House. My inquiry is whether the motion to strike out would include those words in Italics also?

The CHAIRMAN. The Chair thinks the motion, being a motion to strike out the whole paragraph, and the amendment having been added simply to the paragraph, the motion would include all.

The motion to strike out was not agreed to.

Mr. BRECKINRIDGE, of Kentucky. Before passing from that paragraph I want to make an amendment, which I will read myself.

Add after the word "free," in the amendment of the gentleman from Texas [Mr. REAGAN], the words:

By the State of Pennsylvania under the charter granted by that State to the Monongahela Navigation Company.

Mr. BAYNE. I ask the gentleman from Kentucky to allow me to suggest a further amendment by adding after the word "Pennsylvania" in his amendment the words "or the United States."

Mr. SPRINGER. There is no objection to the amendment of the gentleman from Kentucky.

The CHAIRMAN. The question is not debatable.

Mr. BAYNE. I offer an amendment to the amendment.

Mr. BRECKINRIDGE, of Kentucky. I understood the gentleman from Pennsylvania [Mr. BOYLE] to say that the State of Pennsylvania had the right to do this, and this amendment is for the purpose of trying to point out the mode by which the paragraph may be made effective.

Mr. BAYNE. I ask the gentleman to accept my amendment, that this be made free, by the State of Pennsylvania or by the United States.

Mr. HEMPHILL. We may have to pay for the whole of it in that case.

Mr. BAYNE. No. The effect would be that the United States would destroy the charter, while the State would not.

Mr. HEPBURN. I ask that the entire amendment be again read as it will stand if adopted.

The Clerk read as follows:

Provided, That the money hereby appropriated shall not be expended on said

river until the navigation shall be made free (by the State of Pennsylvania, under the charter granted by that State to the Monongahela Navigation Company) to the use of all people.

Mr. BAYNE. If the gentleman from Kentucky will not accept the amendment as I suggest, I offer it as an amendment to the amendment; that is, to add the words "or the United States," after the word "Pennsylvania," in the amendment of the gentleman.

Mr. GROSVENOR. I think there is a grammatical error in the placing of this amendment. It would seem that it has been inserted by the Clerk at the wrong place.

The CHAIRMAN. The Chair has nothing to do with grammatical errors. [Laughter.]

The question is on the adoption of the amendment to the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division there were—ayes 40, noes 42.

So the amendment of Mr. BAYNE was rejected.

The amendment of Mr. BRECKINRIDGE, of Kentucky, was then adopted; there being on a division—ayes 48, noes 41.

MESSAGE FROM THE SENATE.

The committee informally rose, and Mr. MILLS took the chair as Speaker *pro tempore*.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed bills of the following titles with amendments; in which the concurrence of the House was requested:

A bill (H. R. 1361) giving a pension to Mira D. Gwynne;
A bill (H. R. 1398) to grant a pension to Silas T. White;
A bill (H. R. 1406) granting a pension to Simmons W. Harden;
A bill (H. R. 1462) granting a pension to Addie L. Macomber;
A bill (H. R. 1582) for the relief of Eleanor C. Bangham;
A bill (H. R. 2145) for the relief of Rebecca Eldridge;
A bill (H. R. 3351) granting a pension to Mrs. Magdalena Rehkoff;
A bill (H. R. 3375) granting a pension to John D. Clark;
A bill (H. R. 3390) to place the name of William C. Schoonover on the pension-roll;
A bill (H. R. 3463) granting a pension to Mrs. Hannah Babb Hutchins;
A bill (H. R. 3921) granting an increase of pension to Richard Gear;
A bill (H. R. 3945) for the relief of Mrs. B. Alfers;
A bill (H. R. 5022) increasing the pension of Isabella J. Ramsdell; and
A bill (H. R. 5254) to increase the pension of George W. Smith.

RIVER AND HARBOR APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. WILSON. I offer an amendment which I send to the desk. I hope it will meet the views of both the gentleman from Kentucky [Mr. WILLIS] and the gentleman from Texas [Mr. REAGAN].

The Clerk read as follows:

After the word "dollars," in line 459, strike out all and insert:
"But no charges or tolls shall be collected on any other part of the river on any commerce on said river which originates above the works herein appropriated for."

The committee divided; and there were—ayes 74, noes 14.

So (further count not being called for) the amendment was adopted.

The Clerk read the next paragraph, as follows:

Improving Allegheny River, Pennsylvania: Continuing improvement, $40,000.

Mr. WILLIS. I move to strike out the last word. I have not occupied much time on this paragraph which has just been passed, but I am sure every gentleman will recognize the propriety of my making a brief statement, not to exceed, perhaps, two or three minutes, about this item for the improvement of the Monongahela River.

A MEMBER. That paragraph is passed.

Mr. WILLIS. I am aware it is, and I ask the indulgence of the committee for a few moments, not, however, with the view of reversing the vote.

The Committee on Rivers and Harbors found the Monongahela River in this condition: There are seven locks and dams owned by a private company at the mouth of the river. For many years the Government of the United States, notwithstanding that fact, has gone ahead and appropriated money for the improvement of the Monongahela River above those seven locks until now. Up to the present date there has been expended by the Government on that work $307,000.

The Government, therefore, was committed to this project before this committee took charge of it. During the present session a delegation came to us from the city of Pittsburgh, headed by the president of the Chamber of Commerce, Mr. Dravo, and said the burdens on the people of that part of the State because of the monopoly of these charges by this corporation were very heavy, and they asked the committee in the interest of the public to put something in the bill to purchase that franchise from the company. The committee undertook to do this. They believed it was a navigable river, and that the Government had a right to take possession of it, but they did not expect that the Government would take it without paying for it.

Mr. BROWN, of Pennsylvania. Is it not a fact that the expenditures of the Government have increased the tonnage carried?

Mr. WILLIS. That is true, and because of that fact the people living there ask Congress to relieve them of the burden.

Supposing it was an original proposition, and a claim should be made for the Monongahela, as for the Great Kanawha and other rivers, that Congress should purchase the seven locks owned by the Monongahela Company, it would be a question of expediency. There is nothing dark, deceptive, and monstrous in this proposition, unless you say it is monstrous for the Federal Government to resume control of a river which belongs to it. I submit, the only object the committee had in view was to get a price set upon this improvement that it might be turned over to the free navigation of the country.

Mr. NEGLEY. I wish to ask the gentleman from Kentucky a question——

Mr. REAGAN. Mr. Chairman, is a motion to reconsider in order?

The CHAIRMAN. The gentleman from Kentucky, chairman of the committee, has yielded to the gentleman from Pennsylvania for a question.

Mr. NEGLEY. I desire to state to the chairman of the committee that I, in common with all other friends of commerce, earnestly desire the removal of all tolls or burdens upon the commerce on the Monongahela or any other water highway. We have differed with the committee only as to the method proposed at the end of the provision relating to the Monongahela River.

Mr. WILLIS. Then it is only as to the method?

Mr. NEGLEY. Not alone as to the method, but as well to the coercive, mandatory, and illegal terms used in the proposition. Also, that these objectionable requirements have not been applied to similar improvements on the Kanawha and the Barren and Green Rivers.

Mr. WILLIS. I am not attempting to offer any criticism on the action of the House. I merely thought the statement I have made was due on the part of the Committee on Rivers and Harbors.

Mr. NEGLEY. Will not the gentleman [Mr. WILLIS] have the courtesy to state why this objectionable feature, which has provoked all this controversy and interfered with the purpose of the friends of cheap navigation from voting for the measure, was omitted in the case of similar propositions?

Mr. WILLIS. It was put in here because it was believed that it was wanted by the people of Pennsylvania. We see now that there is a difference among themselves, and I heard nothing from my friend [Mr. NEGLEY] till yesterday.

Mr. NEGLEY. I was not consulted or advised with, although I had a bill bearing on this subject before the committee, and I had no opportunity of seeing this provision until it was reported to the House and in print. I was denied the right to represent my constituents interested in the intended improvement, and because I favored impartial justice to every citizen have been charged with opposing the measure, which I indignantly deny.

The CHAIRMAN. The time of the gentleman has expired.

Mr. REAGAN. Is it in order to move a reconsideration of the last vote?

The CHAIRMAN. There is no such thing as a reconsideration in the Committee of the Whole. By the last vote an amendment was adopted which may be voted down in the House if the House does not agree to it.

Mr. NEGLEY. I offer the following amendment to the paragraph last read:

The Clerk read as follows:

In line 462 strike out $40,000 and insert $140,000, that it will read: Improving the Allegheny River, Pennsylvania: Continuing improvement, $140,000.

Mr. NEGLEY. It will be readily seen by any one who will take the time to examine the provisions of this bill that none of the important water highways in Western Pennsylvania have received any appropriations, although the most liberal provisions have been made for other sections of the country where the commerce is absolutely insignificant compared with that of the Allegheny and Monongahela Rivers.

I desire to here put upon record the substantial reasons I have for increasing the amount allotted to the Allegheny River, and I hope that every member of the House will appreciate the justness of my proposition.

I also wish to claim the attention of the committee to the importance and the public necessity for this improvement.

The great system of water ways which unite at Pittsburgh, and there, forming one of the greatest avenues of commerce in the entire country, possess a tonnage of immense proportions and more varied in character than pours out of any inland harbor in the world.

Its floating tonnage amounts to quite 2,000,000 tons, numbering four thousand steam vessels and barges. It represents a capital of fully $10,000,000 and employs 4,000 men, and puts in circulation from three to five million dollars annually.

It furnishes the valleys of the Ohio and Mississippi five million tons of fuel and manufactured products, receiving in exchange one-third as much of the productions of other regions.

It is the source of 16,000 miles of navigation, and it has saved the National Government millions of dollars in transportation in time of war.

It is the best-adapted site for military defense, the storing and manufacture of heavy ordnance, and the construction of light-draught iron and steel vessels on the continent.

Four thousand cannons of the heaviest caliber used by the Government prior to 1865 were manufactured at Pittsburgh and shipped to the forts on the seaboard.

Steam craft are constructed here for all the navigable rivers in South and Central America. One of the first and most notable iron steamers used by the Government upon the great lakes was also built at this point.

In no other city in the Union is there so large an employment of capital and labor, business enterprise, inventive skill, and mechanical aptitude as can be found in the workshops which front these three great rivers.

Over one hundred and ten thousand employés earn their bread in the four thousand industrial establishments located in Pittsburgh and Allegheny City.

Four-fifths of the total manufacture in the United States, or $25,000,000 in value, of glassware is made here and sold yearly.

There is an annual output of 500,000 tons of pig-iron from its blast furnaces and a product of 400,000 tons of crucible and Bessemer steel. There is a capital of $40,000,000 invested in other branches of trade, which gives employment to eighteen thousand men and women, with an average yearly business of $140,000,000.

The fruits of these great and varied industries find consumers and contribute prosperity and comfort to the inhabitants resident in an expanse of territory continental in its extent and zones of climate.

All honor and praise to the wisdom of the men who have yearly advocated the improvement of our natural highways, thereby creating an irresistible competition, without favoritism, pools, or syndicates, but which rewards enterprise alike and bestows its benefits upon rich and poor without man's dictation.

Mr. WILLIS. I ask for a vote.

The question was taken; and the chairman stated that the ayes seemed to have it.

Mr. NEGLEY. Mr. Chairman, I ask for a division.

The House divided; and there were—ayes 26, noes 65.

Mr. NEGLEY. I demand tellers.

Mr. WILLIS. I hope my friend will not insist upon tellers.

Mr. NEGLEY. I shall not only do that, but I shall oppose the bill. It is an act of iniquity.

The CHAIRMAN. The Chair appoints the gentleman from Pennsylvania [Mr. NEGLEY] and the gentleman from Kentucky [Mr. WILLIS] to act as tellers.

The House again divided; and the tellers reported—ayes 23, noes 73.

So the amendment was not agreed to.

MESSAGE FROM THE PRESIDENT.

The committee rose informally to receive a message from the President.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.

RIVERS AND HARBORS.

The Committee of the Whole resumed its session.

Mr. ROGERS. Mr. Chairman, I offer an amendment which I send to the desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all after the word "dollars," in line 459, and insert "*Provided*, That no money hereby appropriated shall be expended in said Monongahela River."

Mr. WILLIS. Mr. Chairman, I make the point of order that the section to which that relates has been passed.

Mr. GIBSON, of West Virginia. And I make the point of order, Mr. Chairman, that not only has that section been passed, but that the subsequent section has been read, debated, and passed.

The CHAIRMAN. The Chair thinks the point of order well taken.

The Clerk read as follows:

Improving Delaware River, Pennsylvania and New Jersey: Continuing improvement from Trenton to its mouth, $240,000.

Mr. LORE. Mr. Chairman, I offer an amendment which I ask to have read:

The Clerk read as follows:

Amend by inserting after line 497 as follows:
"Improving Saint Jones River, Delaware: Continuing improvement, $7,000.
"Improving Broad Creek, Delaware: Continuing improvement, $7,000."

Mr. LORE. Mr. Chairman, in the peninsula between Chesapeake Bay and Delaware Bays, a considerable portion of which is occupied by the State of Delaware, there are seven rivers and creeks—Appoquinimink Creek, Duck Creek, Saint Jones River, Mispillion Creek, Broadkiln River, Broad Creek, and Indian River. All of these rivers have heretofore been recognized by Congress. Appropriations have been made from time to time for their improvement, and the work on them is in various stages of progress. I have made every effort to get appropriations for their improvement from the committee. I have selected only two of them to be embraced in my amendment in order to test the sense of the House. I suppose it was the modesty of the committee that prevented them from putting these appropriations in the bill.

For Saint Jones River, $20,000 is estimated; for Broad Creek, $20,000 is estimated by the engineer; and I have asked $7,000 for each of those rivers or creeks, which bears about the usual proportion to the estimates on the basis laid down by the committee.

Mr. FINDLAY. Will the gentleman yield for a question?

Mr. LORE. I hope the gentleman will not occupy my time.

Mr. FINDLAY. I simply wanted to know the proportion the creeks bear to the rivers. [Laughter.]

Mr. LORE. Out West these creeks would be called rivers. They are not streams of the class that dry up in summer so that it takes a snake to find out their contortions or evolutions, nor of that sort which require a spring freshet to float a 6-inch log. They are rivers on which a large number of sailing vessels and, in some instances, steam-vessels ply day after day.

Again, Mr. Chairman, it will be remembered that this peninsula has but one railroad running down from one extreme to the other, with branches in different directions. That is the sole medium of communication with Philadelphia, New York, and the other large cities for many of the people; but if we can have these rivers improved somewhat by dredging (and it will not cost much), we shall then have a rival method of getting to Philadelphia and other cities. I am sure that this amendment will have the support of my friends from Philadelphia, New York, and New England, when I remind them that this peninsula is the great peach-growing region, for everybody knows that the moment it is mooted abroad that the peaches are killed in Delaware there is a panic in those large cities. [Laughter]. Recent archæological opinions have been advanced that the Delaware peach was the original "apple" with which Eve tempted Adam in the Garden of Eden, and if that is so, I do not wonder that Adam fell. [Laughter.] Saint Jones River connects Dover, capital of the State of Delaware, with the waters of Delaware Bay. Upon that stream a large number of vessels ply to and fro, connecting that portion of Delaware with the Philadelphia markets.

One private citizen has expended a very large portion of his fortune in the improvement of the river. Heretofore there have been two appropriations made for it by Congress. For the Broad River there have been three appropriations, in 1880, 1881, and 1882. The exports of Dover are $1,000,000 annually, the imports between two and three million dollars; and in the Broad River there is about the same amount of traffic. The amount we ask for is a very modest one, and I trust the committee will not hesitate to give it. I desire to add the following facts and data regarding these rivers:

IMPROVEMENT OF DUCK CREEK, DELAWARE.

Nothing has been done here during the past fiscal year.

From page 830, Annual Report of Chief of Engineers, I make the following extract:

"Considerable difficulty is experienced in maintaining the proper depth of water in the cuts which have been made owing to tidal action, which can only be prevented by an extended system of deflective dikes, which would cost more than the extent of the commerce to be benefited would warrant.

Duck Creek is in the collection district of Delaware. Wilmington is the nearest port of entry, and the amount of revenue collected there during the past fiscal year was $21,147.95. The nearest fort is Fort Delaware, and Bombay Hook light is the nearest light-house.

Total appropriation to June 30, 1885	$10,000
Total expenditure to June 30, 1885	10,000

Money statement.

Amount (estimated) required for completion of existing project..... $12,000 00

Submitted in compliance with requirements of section 2 of river and harbor acts of 1866 and 1867."

COMMERCIAL STATISTICS.

OFFICE PHILADELPHIA AND SMYRNA TRANSPORTATION COMPANY,
Smyrna, Del., July 25, 1885.

DEAR SIR: Your letter of 13th instant to Hon. Walter Cummins, asking for statistics covering the approximated aggregate of business done in Duck Creek, has been handed us by Mr. Cummins. We therefore submit the following estimate:

Coal	tons...	5,000 to	6,000
Iron and steel	do....	500 to	600
Salt and hay	do....		500
Fertilizers	do....	12,000 to	13,000
Lumber	feet...	1,000,000 to	1,500,000
Grain	bushels...	200,000 to	300,000
Lime	do....		100,000
Fruit—peaches, &c.	baskets...	200,000 to	300,000
Peach baskets	number...	400,000 to	500,000
Live stock	head...	4,000 to	6,000
Agricultural implements		$50,000 to	$60,000
Merchandise		$600,000 to	$700,000

The "draught, number, character, &c., of craft which sail the river" are as follows:

Say three to five schooners and two sloops, with capacities of 30 to 80 tons, with 5 to 6½ feet draught water.

Three to five barges, with capacities of 100 to 250 tons, 3 to 6 feet draught water.

One iron propeller steamboat, 200 tons' capacity, and drawing 6½ feet water.

Respectfully submitting the above, we are, very truly,

PHILADELPHIA AND SMYRNA TRANSPORTATION COMPANY.

General WM. F. SMITH,
United States Agent.

IMPROVEMENT OF SAINT JONES RIVER, DELAWARE.

A project for deepening and straightening the channel, including a straight cut across one bend from the head of navigation at Dover, Del., to the bar at the mouth of the river, was approved, and a contract was entered into with Mr. Thomas Draper, of Dover, Del., on the 24th of December, 1884.

Before this was done two companies incorporated to improve the river under State laws ceded their rights to the United States, and a title to the land through which the cut was made was also made to the United States free of charge.

The work was commenced late, owing to delays in building a new dredge.

Saint Jones River is in the collection district of Delaware, the nearest port of entry being Wilmington, Del., at which the revenue collected during the past fiscal year amounted to $21,147.95. Fort Delaware is the nearest fort, and Mahon's River light is the nearest light-house.

Total amount appropriated to June 30, 1885	$15,000 00
Total amount expended to June 30, 1885	837 89
Money statement.	
July 1, 1884, amount available	$4,882 10
Amount appropriated by act approved July 5, 1884	10,000 00
	14,882 10
July 1, 1885, amount expended during fiscal year, exclusive of outstanding liabilities July 1, 1884	719 99
July 1, 1885, amount available	14,162 11
Amount (estimated) required for completion of existing project	20,000 00
Amount that can be profitably expended in fiscal year ending June 30, 1887	20,000 00

Submitted in compliance with requirements of section 2 of river and harbor acts of 1866 and 1867.

COMMERCIAL STATISTICS.

DOVER, DEL., *July* 16, 1885.

DEAR SIR: At your request I herewith transmit to you, as nearly as I well can, a statistical account of the business and shipping interest of Saint Jones River for the year ending June 30, 1885:

EXPORTS.

Articles.	Quantity.	Value.
Oak lumber.....feet...	800,000	$20,000
Wheat.....bushels...	125,000	100,000
Do.....do.....	175,000	80,000
Railroad ties.....	10,000	4,000
Wood.....cords...	500	3,000
Canned goods.....	.....	400,000
Evaporated goods.....	.....	80,000
Peaches.....baskets...	500,000	250,000
Pears.....do.....	4,000	4,000
Berries.....crates...	20,000	40,000
Total.....	.....	951,000

IMPORTS.

Fertilizers.....tons...	4,000	$100,000
Lime.....bushels...	100,000	8,000
Lumber.....feet...	3,800,000	950,000
Coal.....tons...	6,000	36,000
Shingles.....	800,000	40,000
Amount of general mercandise (about).....	.....	1,000,000
Building and curbing stone.....perch...	600	3,000
Total.....	.....	2,137,000

In addition to the above, there are many minor matters, such as poultry, eggs, fish, and oysters, that I have not taken in the account that would very greatly advance the above amounts.

There are trading regularly in Saint Jones River seven schooner-rigged vessels, aggregating about 500 tons burden, beside many transient ones, and one tug-boat; and I have no doubt the fleet will be very much increased when our improvements are completed.

THOMAS DRAPER.

General W. F. SMITH.

IMPROVEMENT OF MISPILLION CREEK, DELAWARE.

No work has been done on the improvement of this creek during the past fiscal year. The improvement was begun in 1879 under a project to obtain a mean low-water channel of 6 feet in depth and 40 feet in width from Milford, Del., to the bar at the mouth of the creek, which project has not been changed.

This work is in the collection district of Delaware, with Wilmington as its nearest port of entry, at which the revenue collected during the past fiscal year was $21,147.95. The nearest light-house is Mispillion light, and Fort Delaware is the nearest fort.

Total amount appropriated to June 30, 1884	$13,000
Total amount expended to June 30, 1884	13,000
Money statement.	
Amount (estimated) required for completion of existing project	$58,500

Submitted in compliance with requirements of section 2 of river and harbor acts of 1866 and 1867.

COMMERCIAL STATISTICS.

MILFORD, DEL., *July* 4, 1885.

DEAR SIR: From different sources I learn that the freight in aggregate carried in and out Mispillion Creek and back is from $45,000 to $50,000. This is much smaller than formerly. The railroad carries largely; and, further, the creek needs cleaning out. Work was begun some years ago, but the appropriations were too small for the work contemplated.

About eight or ten vessels, fifty to one hundred tons average—I am told 80 tons; draught, 5 feet 3 inches. A steamboat has lately been put on, and reports a very profitable business in the matter of freights. The present is unusually dull, no vessels being built. Generally four or five on the stocks, some for foreign trade, of tonnage 300 to 1,000.

I would advise you to consult Mr. Ludlow, of Philadelphia, who was formerly in charge of this department. He has surveys and estimates of this river. We think it should be represented to the authorities as a river. The Mispillion has always been regarded as of great importance by Philadelphia. It is one of the best harbors between the breakwater and Philadelphia.

* * * * * * *

Yours, truly,

WILLIAM F. CAUSEY.

General W. F. SMITH,
United States Agent.

IMPROVEMENT OF BROADKILN RIVER, DELAWARE.

The early history of this improvement is given in the Annual Report of the Chief of Engineers for 1881, beginning at page 780.

With the approval of the Chief of Engineers examinations were begun about the 20th of November, 1884, and continued to February 7, 1885, to determine at what point, if any, on the southern shore of Delaware Bay the effect of the storms and waves was to cut into the shore in place of adding to it. Such a place was found opposite a point on Lewes Creek, about 1,600 feet above its junction with the Broadkiln River. Should this action be lasting, it will eventually give a new mouth to the Broadkiln River and would naturally be selected as a point for the jetty heretofore recommended for deepening the channel from the Broadkiln River into Delaware Bay.

Upon the representation of some of the prominent citizens of Milton, and with the authority of the Department, an examination of the river from Lewis Creek to Milton was made to ascertain the present condition of the channel and see what filling-in had taken place since the last improvement was made in 1874. The examination showed that at all the places dredged in 1874 the channel is still in good condition, very little filling-in having taken place. A project was then submitted and approved to dredge to give the channel a minimum width of 40 feet and a depth of 6 feet at mean low water, also cutting off some sharp bends which seriously interfere with navigation. This, when carried out, will allow vessels to proceed up or down the river at all stages of the tide and save much loss of time to vessels dropping down from Milton. The proposals for doing the work will be opened July 16, 1885.

The work is in the collection district of Delaware, Wilmington being its nearest port of entry. The amount of revenue collected here was $21,147.95 during the past fiscal year. The nearest fort and light-house are, respectively, Fort Delaware and Delaware Breakwater light.

Amount appropriated to June 30, 1885	$25,000 00
Amount expended to June 30, 1885	11,745 92
Money statement.	
July 1, 1884, amount available	$13,977 58
July 1, 1885, amount expended during fiscal year, exclusive of outstanding liabilities July 1, 1884	723 50
July 1, 1885, amount available	13,254 08
Amount (estimated) required for completion of existing project	31,500 00

Submitted in compliance with requirements of section 2 of river and harbor acts of 1866 and 1867.

COMMERCIAL STATISTICS—EXPORT TRADE.

12,000 cords of pine wood, at $5	$60,000
Charcoal, 40,000 bushels, at 15 cents	6,000
Lumber	1,000
Corn, 50,000 bushels, at 50 cents	25,000
Fruit	30,000
General merchandise	1,000
Total	123,000

IMPORTS.

General merchandise	$125,000
Permanent vessels	14
Transient vessels	10
Total number of vessels	24
Amount of tonnage.....tons...	2,000
Draught of water.....feet...	6
Amount of capital invested in ship-building	$60,000
Number of ship-yards	5
Number of mills on river	4
Amount of tonnage built in one year	2,000
Brick-yards	2

IMPROVEMENT OF BROAD CREEK FROM ITS MOUTH TO LAUREL, DEL.

The history of this improvement and of the existing project are given in the Annual Report of the Chief of Engineers for 1883.

No appropriation has been made since then and no work has been done.

Money statement.	
Amount (estimated) for completion of existing project	$32,000 00
Amount that can be profitably expended in fiscal year ending June 30, 1886	20,000 00

COMMERCIAL STATISTICS.

DEAR SIR: In reply to your communication to Mr. Benjamin F. Fooks, dated June 24, we, citizens of Laurel, interested in the improvement of Broad Creek, would respectfully represent: That the appropriation already expended on the creek has been of great advantage to us in widening and deepening the channel of said creek for the greater part of its course, but fails in performing what was intended, in that the appropriation was all expended before the business portion of the town was reached, and left about one-fourth of a mile of the creek with no improvement whatever in the channel. As the appropriation failed to improve the channel to the head of navigation, there was no basin dug for vessels to turn in, and they now, as before, have to stop at Bethel, 3 miles below us, and all our produce and merchandise have to be lightered to and from our town. This leaves us in practically the same condition as before, in that it does not lessen the cost of transportation, although it greatly benefits us in enabling us to move our lighters at any time, while before the improvement we were only able to do so at extreme high water. Had the improvement been continued to completion we believe that by this time our imports and exports by water would have been double what they were when the work commenced, and that ship-building would again have been begun on the same extensive scale as it was carried on a few years ago, but which has ceased entirely on account of the vast trouble and expense of floating the vessels to deep water, and that we would have regained our shipping trade in grain, lumber, wood, &c., which the increased cost of shipping, caused by our poor water communication, has driven from this place to those points which, by more liberal appropriations from Congress, have been made capable of shipping the same at less cost.

From statistics, carefully prepared about the time Congress made our first appropriation, it was found that there were owned and controlled by citizens of

Laurel and the country bordering on Broad Creek thirty-three vessels, with a carrying capacity of 5,438 tons. Since that time some few have been lost, but others have been built, and we believe the number and tonnage will remain about the same. At that time there were thirty-one water-mills and twenty-four steam-mills making lumber, for which Laurel would be the most convenient market. The number of steam-mills has been increased, but our disadvantage in water communication has driven the greater portion of the lumber to other markets. The country fed by Broad Creek extends east 20 miles from Bethel, with an average width of 15 miles, making 300 square miles of territory, which was estimated to import each year $500,000 worth of merchandise; $45,000, fertilizers; $5,000, lime and bricks; $2,000, coal, and to export 120,000 bushels grain, 16,000,000 feet lumber, 10,000 cords wood, 200,000 dozen eggs, and 100,000 pounds poultry. In addition to this is our extensive shipment of fruit, which will average 150,000 baskets peaches, apples, and pears, over 200,000 quarts berries, 1,000 barrels potatoes, and 28,000 melons, much of which would be sent by Broad Creek would the water communication permit the running of steamers.

We believe that if Congress would give us $15,000 more it would complete the work and give us the same advantages that are enjoyed by our neighboring towns. We will cite you to the town of Salisbury. Before Congress made an appropriation for deepening Wicomico River her navigation was as poor as ours, but liberal appropriations have made the stream navigable and Salisbury is enabled to offer advantages to shippers that we can not, and has succeeded in drawing largely our trade from us. Believing that our Government does not wish to benefit one section at the expense of another, and believing that the amount necessary to complete the work is small in comparison to the great benefit this section would derive from the improvement, we respectfully but earnestly request you to use your influence in obtaining for us the necessary appropriation required to widen and deepen Broad Creek to the head of the stream.

[Signed by J. L. Long and fifty-nine others.]

WM. F. SMITH, Esq., *United States Agent.*

IMPROVEMENT OF INDIAN RIVER, DELAWARE.

The original project for the improvement of this river contemplated a cut through the Bulkhead Shoal, and from thence to the inlet to the ocean with the necessary dikes. For this an estimate was made of $50,000 as a sufficient sum. In 1882 an appropriation of $10,000 was made for the river, and to expend it a project was submitted and approved for dredging through the Bulkhead Shoal, and under this a contract was made by which a channel of 80 feet wide and 4 feet deep at mean low water through two-thirds of the shoal and 60 feet wide through the remainder, giving a clear cut of about 3,300 feet.

It was then estimated that $60,000 would be required to complete the work. That estimate was made under the belief that the channel had remained as improved.

In 1884 Mr. C. M. Bird, then engaged in making a survey with a view to forming a continuous inland navigation from Chincoteague Bay, in Virginia, to Delaware Bay, at or near Lewes, Del., had occasion in the line of his examinations to take soundings on the Bulkhead Shoal, and reports as follows:

"I found upon examination in December, 1884, that this channel had filled again at its seaward end, having only a depth of 2 feet at low water, leaving the channel in about the same condition as before the dredging was done.

This work is in the collection district of Delaware. The nearest port of entry is Wilmington, at which the revenue collected during the last fiscal year amounted to $21,147.95. The nearest fort is Fort Delaware, and the nearest lighthouse is Cape Henlopen light.

Total amount of appropriations to June 30, 1885	$10,000 00
Total amount of expenditures to June 30, 1885	10,000 00
Money statement.	
July 1, 1884, amount available	300 00
July 1, 1885, amount expended during fiscal year, exclusive of outstanding liabilities July 1, 1884	300 00
Amount (estimated) required for completion of existing project	50,000 00

Submitted in compliance with requirements of section 2 of river and harbor acts of 1866 and 1867.

Mr. WILLIS. Mr. Chairman, I sincerely hope that we shall go on with this bill as rapidly as possible. We all want to leave this Capitol before the middle of August. There are several special orders immediately ahead for which days have been set apart, and I respectfully request that the friends of this bill will, as far as possible, restrain their exuberant element. I ask for a vote.

The question being taken on the amendment of Mr. LORE, it was rejected.

The Clerk read as follows:

Improving Delaware River, Pennsylvania and New Jersey: Continuing improvement from Trenton to its mouth, $240,000.

Mr. BUCHANAN. I move to amend by inserting after the paragraph just read the following:

Of which $10,000, or so much thereof as may be needed, shall be expended on the said river and its tidal tributaries above Bridesburg.

This amendment does not increase the amount in the bill one penny. It has been agreed upon by the Representatives from that section; and, as I understand, it is satisfactory to the committee which reported this bill, a similar provision having been inserted in previous bills.

Mr. WILLIS. That is true; this provision has heretofore been put in. I see no objection to it.

The amendment was agreed to.

The Clerk read as follows:

Improving Choptank River, Maryland: Continuing improvement, $10,000.

Mr. BAYNE. I move to amend by striking out the last word. I shall not long detain the Committee of the Whole, but, like my friend the chairman of the committee, I desire to say a word or two with reference to the provision of this bill relating to the Monongahela River. The matter has been fully discussed; the situation is pretty well understood. The proposition to recover jurisdiction and control of this property by the United States, in order that we might have free commerce on that river, has been defeated. It was done under a peculiar leadership. The great champion of interstate commerce, the gentleman from Texas [Mr. REAGAN], was one who led to that defeat. The great champion of free raw materials from New York, who gets the benefit of ocean traffic for that harbor and for the cities bordering on the coast, helped to lead in that defeat. I refer to the gentleman from New York [Mr. HEWITT]. My democratic colleague from the State of Pennsylvania, uncertain in attitude toward the great economic question at this time, as I understand, also participated in leading the hosts of those who brought about that defeat. The great champion of the revision of the tariff, the gentleman from Illinois [Mr. MORRISON], whose bill is now agitating the whole country, unsettling business, and disturbing values, participated in leading to that defeat. And last, but not least, the great champion of protection, yclept "Pig-Iron" all over the country, my colleague and associate, the gentleman from Philadelphia [Mr. KELLEY], participated in leading to that defeat.

Thus do these leaders and sponsors for the two great parties succeed in sustaining a private corporation and a monopoly at the expense of free commerce in this country. The leadership thus displayed I commend to the country and to the constituencies of these gentlemen. We made here but an honest, earnest struggle for free commerce and free navigation on a river that has a greater tonnage than any other river in the United States; yet these gentlemen from these respective localities supported the private corporation, and in the struggle with free commerce the private corporation and monopoly won.

[Here the hammer fell.]

Mr. WILLIS. In reply to my friend's speech I ask a vote on Choptank.

The CHAIRMAN. Does the gentleman from Pennsylvania withdraw his formal amendment?

Mr. BAYNE. I withdraw the amendment.

The Clerk read as follows:

Improving Susquehanna River, Maryland and Virginia: Continuing improvement, $6,000; to be expended above the Baltimore, Philadelphia and Wilmington Railroad Bridge.

The amendment of the committee to strike out "Virginia" and insert "Pennsylvania" was agreed to.

Mr. SHAW. I move to amend by striking out "Baltimore, Philadelphia and Wilmington" and inserting "Philadelphia, Wilmington and Baltimore."

Mr. WILLIS. There is no objection to that.

The amendment was agreed to.

The Clerk read as follows:

Improving Great Kanawha River, West Virginia: Continuing improvement, $150,000.

The amendment of the committee was, to add after the paragraph just read the following:

Improving Elk River, West Virginia: Continuing improvement, $1,500.

The amendment was agreed to.

The Clerk read as follows:

Improving Little Kanawha River, West Virginia: Continuing improvement, $22,500. But no toll shall be collected by any person or corporation for this improved navigation. If the right to collect toll is claimed to exist, the person or corporation so claiming shall relinquish the same in a manner satisfactory to the Secretary of War before any part of this appropriation shall be expended. Two thousand five hundred dollars of the sum hereby appropriated shall be used in continuing the improvement of navigation above the west fork.

Mr. ANDERSON, of Kansas. I would like a little information in regard to this paragraph. The Committee of the Whole have agreed, as I understand, as to the Monongahela River that a corporation there shall continue to collect tolls. It seems to me this is a similar case, and that the committee should be consistent.

Mr. WILLIS. This paragraph contains a clause providing that—

If the right to collect toll is claimed to exist, the person or corporation so claiming shall relinquish the same in a manner satisfactory to the Secretary of War before any part of this appropriation shall be expended.

The money which we appropriate can not be expended until this matter is settled.

Mr. GIBSON, of West Virginia. This appropriation is simply to complete some work that the Government has been carrying on since 1876.

Mr. BROWNE, of Indiana. And will be carrying on for the next hundred years. [Laughter.]

Mr. PERKINS. In order to avoid any possible ambiguity, I move to amend by inserting after the word "exist," in line 554, the words "on any part of the river," so that the entire river may be embraced in the provision.

Mr. GIBSON, of West Virginia. No; the gentleman does not mean that. [Laughter.] The gentleman means for the commerce originating above the improvement.

Mr. PERKINS. I want to have the language comprehensive enough so it may pertain to this entire subject.

Mr. GIBSON, of West Virginia. I understand that, but the gentleman does not mean until the whole river is made free. He means to put in here the same language as was applied to the Monongahela River.

Mr. PERKINS. Yes, substantially.

Mr. GIBSON, of West Virginia. That is as I understand it. Then in addition to your words if you include commerce originating above the improvement, I think there will be no objection to it.

Mr. PERKINS. I am willing such should be the language of the amendment. It should be on any part of the river above the improvement.

Mr. REED, of Maine. Are tolls collected below the improvement?

Mr. PERKINS. They are. Let the amendment be read as modified.

The Clerk read as follows:

On any part of the river above these improvements.

Mr. WARNER, of Ohio. Why limit it to any part above? If the Government improves above them there should be no toll on commerce anywhere.

Mr. GIBSON, of West Virginia. That is the amendment.

Mr. WARNER, of Ohio. Let the amendment be again reported.

The amendment was again read.

Mr. ANDERSON, of Kansas. I understand my colleague accepts the amendment of the gentleman from West Virginia.

Mr. GIBSON, of West Virginia. And the gentleman from West Virginia accepts the amendment of your colleague.

Mr. HEPBURN. Why is it improvements at other places are limited to either $15,000, $20,000, or $25,000, when in this case $100,000 is given?

Mr. WILLIS. The only answer I am able to make is this was peculiar work filled with rocks and bars, and this amount was thought to be necessary.

The amendment was agreed to.

Amendment of the committee to strike out the following:

Improving Monongahela River, West Virginia and Pennsylvania: Continuing improvement, $121,200.

The amendment was agreed to.

The Clerk read as follows:

Improving Cape Fear River, North Carolina: Continuing improvement, $125,000; of which sum $15,000 are to be expended above Wilmington.

Mr. BENNETT moved the following amendment:

After the word "Wilmington," in line 565, insert:

"The remainder below and opposite the city of Wilmington, including as much of its northeast branch as lies in front of Wilmington within the city limits."

Mr. WILLIS. There is no objection to that amendment.

Mr. BENNETT. I am glad of it, but the gentleman has lost a good speech. [Laughter.]

The amendment was agreed to.

The Clerk read as follows:

Improving Neuse River, North Carolina: Continuing improvement, $10,000.

Mr. GREEN, of North Carolina. I offer the following amendment:

The Clerk read as follows:

Improving Bogue Sound from Beaufort to Swansborough, $10,000.

Mr. GREEN, of North Carolina. Mr. Chairman, for fifty years the importance, nay the necessity, of an inland line of navigation along the coast of the two Carolinas, Georgia, and Florida has been a recognized necessity, not only for commercial but for military and strategic purposes. In casting your eye upon the map you will see a succession of long narrow banks extending over the area named, shutting in to a great extent shallow salt-water lagoons. At present these are unnavigable for purposes of commerce except to crafts of the lightest draught.

Various engineers have reported that by dredging they could be rendered available for heavier tonnage, and thus in course of time a continuous line could be established from the Virginia capes almost all the way down to Cape Sable. Captain Bixby, the engineer in charge, in his last report recommends that a minimum appropriation of $10,000 should be made to improve Bogue Sound from Beaufort to the mouth of White Oak River, and I am convinced that it is a wise suggestion, if for nothing else, to test the feasibility of the idea being carried out on a more extensive scale. The assistant engineer in charge in his report to Captain Bixby states that it is at present the natural outlet for some two hundred thousand dollars' worth of produce, which he thinks could be readily doubled if the facilities for getting out were improved.

The population living contiguous to the stretch of water named are dependent almost entirely upon this mode of egress of their produce, and hence I think that common justice as well as sound policy dictates this small appropriation. As before said, in the event of war it would be of incalculable advantage to the Government in the way of coast defense, and hence, all things considered, I sincerely trust that the proposed amendment may be adopted.

Mr. SKINNER. Mr. Chairman, I prepared an amendment similar to that offered by my colleague, and had intended to offer it at this place. The claim of that section of the country to consideration in the preparation of this bill is a very strong one. Its claims for the improvement of this river are very meritorious, and demand consideration.

In addition to what my colleague [Mr. GREEN] has said, these people down there need an outlet for what they raise. They are cut off entirely from the rest of the world. They are 35 or 40 miles from any market, and have the finest country in North Carolina and the most fertile lands.

That river around Swansborough, White Oak River, runs through a body of the finest timber lands in the United States. Around that section are 40,000 acres of the best oyster land in the world, and with a declining and disappearing supply of oysters this region ought to be cultivated and brought into the market. Every man who loves the delicious bivalve ought to feel bound to aid that section in the development of those lands.

Mr. McADOO. Let me ask the gentleman from North Carolina if you shake the oyster trees on that land? [Laughter.]

Mr. SKINNER. Oh, yes! We gather them from September to May; every month that has an "r" in it will do to gather oysters in, and very frequently when we get a little hungry we spell May with an "r" and August with an "r."

But, Mr. Chairman, I think this amendment ought to pass. It is an important point and one which ought not to be overlooked. It has been recommended, as my colleague has said, in several reports of the engineers, and by the last Corps of Engineers, who have submitted a report. This is as meritorious as any other portion of this bill.

The question being taken on Mr. GREEN'S amendment, on a division there were—ayes 43, noes 62.

So the amendment was rejected.

The Clerk read as follows:

Improving Black River, North Carolina: Continuing improvement, $3,000: *Provided*, That all claims of private parties to the navigation of the river shall be ceded to the United States, free of charge, before the commencement of said improvement.

The committee recommend the adoption of the following amendment:

Strike out, in lines 578 and 579, the words "continuing improvement."

Mr. LA FOLLETTE. Mr. Chairman, it is very doubtful whether any one can say anything to prevent the passage of this bill. I wish nevertheless to express my objections to the general plan upon which it is proposed to expend these $15,000,000. I have made my motion, sir, to strike out this paragraph because it appropriates a sum of money for the commencement of a new improvement for which no recommendation has been made in the Book of Estimates. It thus forcibly illustrates the dangerous principles upon which the bill is constructed. As no one has yet condemned these faults in its general plan, I venture to call the attention of the House to them at this time.

It needs no argument to prove that if any public good is to result from the improvement of rivers and harbors the direction of the engineers must be followed. They may not be infallible, indeed we know their projects sometimes miscarry. But they are skilled men; they have carefully surveyed these different rivers and harbors; they know far better than any one else what amount of money can be profitably expended upon them, and furthermore their recommendations are not colored by selfish interest. With them neither salary nor tenure of office depends in any manner on the continuation, the success, or failure of these improvements. We must of necessity rely on their judgment and confide in their skill. Any money appropriated under this bill not in accordance with their recommendations to satisfy the clamor of local interests is hazarded on the merest speculation.

Now consider this measure for a moment, comparing the engineers' estimates with the appropriations provided in the bill, and note the policy of the committee. In a few instances the amount appropriated is equal to the amount recommended. In one or two cases more is given than has been asked for. But the general policy has evidently been to allow less than one-third of the engineers' estimate. Even if the discussion had not indirectly called our attention to this fault our everyday experience teaches the wasteful extravagance of such a course. Already several gentlemen have asserted that the appropriations for particular improvements are too small to be of any service; have urged with much reason, that unless the sum fixed by the engineers be given in this or that particular case, the amount which has been appropriated will be actually lost. What reason, I ask, is there to suppose in any improvement already in progress, where the engineers say $10,000 can be profitably expended, that two thousand may not be actually wasted in thus subjecting unfinished work to long continued wear and tear of the elements.

It is true that it would be impossible to follow the estimates of the engineers in all these various improvements; that had it been done by the committee this bill would have reached the enormous proportions of $42,000,000—an expenditure at which every man on this floor would be appalled; which every man here would hasten to condemn; an expenditure which would stagger the tax-payers of this country; and yet we have upon our hands at this moment a plan, and we are committing this Government to a system, year by year in this legislation, which will sooner or later force an appropriation for this very work by the side of which that appropriation of forty-two million would pale into insignificance. And, sir, I say right here that if the revenues of the country would permit it—which, of course, they do not—it would be much wiser, much more economical, to expend that sum at once and end it than to expend five or six times that amount for the same work on identically the same improvements when spread over eight or ten years.

We know that the resources of the Government will not permit such a colossal appropriation; and waiving all consideration of whether they will warrant even so much as this bill carries, I simply call the attention of this House to the evil tendencies, the glaring imperfections, of river and harbor bills framed upon this plan.

Let us analyze this particular measure more closely. I find that it makes appropriations for two hundred and eighty-four different rivers and harbors. Included in that number are sixty-three on which the engineers recommend that the work be completed with the coming fiscal year. A careful reading of the bill discloses that this recommendation has been followed in only five instances.

Now, I admit that if after appropriating the amount necessary to preserve works already begun the revenues would not warrant completing more than five improvements, then the committee has acted wisely. But they have pursued no such course. While provision has been made for completing only five works out of the sixty-three that ought to have been completed, twenty-three new improvements have been incorporated in the bill.

[Here the hammer fell.]

Mr. CANNON. Mr. Chairman, I desire to be recognized for the purpose of yielding my time to the gentleman from Wisconsin [Mr. LA FOLLETTE].

Mr. LA FOLLETTE. I assure the gentleman from Illinois [Mr. CANNON] that I appreciate his kindness.

Mr. Chairman, as I was saying when my time expired, the committee has provided for the commencement of twenty-three new improvements, while they have left unfinished fifty-eight demanding completion. While in most cases only about one-third of the amount necessary to successfully prosecute the work has been allowed, while in many instances enough has not been given to save works from actual destruction, while fifty-eight improvements that ought to have been completed are to drag along subject to the destroying influences of heat, frost, floods, currents, and tides, while this is the case the bill before us makes appropriation to break ground in twenty-three new places.

Not only this, but directly in the same line, illustrating and emphasizing further the faults of the system upon which this bill is constructed, is the provision for ninety-eight new surveys. Judging the effect of this portion of the measure upon next year's bill by the effect of like provisions upon similar legislation in the past, the result will be the incorporation of at least twenty-five new improvements in the bill for next session.

There is but one conclusion to be drawn from these facts, that under this plan improvements begun will continue each year to exceed those finished in the ratio of five new avenues of expenditure to each one completed and closed up.

My time will not allow extended illustrations of the objections to which I have called your attention; but, in passing, a few instances gathered from an examination of the Chief Engineer's report emphasizes sufficiently the vicious wastefulness of this system of piece-work legislation.

In 1866 the work at Plymouth Harbor, Massachusetts, was directed with a view to rendering it more permanent. This work progressed with as good results as the appropriations could yield till in 1884 when the engineers asked for the sum of $19,000 with which to complete the improvement by June, 1885. But Congress, instead, appropriated $10,000 to continue the work. (The next river and harbor bill failed to pass.) And this year, after having spent the $10,000 provided for 1885, in an endeavor to hold their own with the tides and storms which assailed the unfinished works, the engineers are obliged to ask for $20,000 to complete the improvement by June, 1887. But our committee, falling into line with the errors of the past, only appropriate in this bill $6,000 to continue the improvement.

Stonington (Conn.) Harbor of Refuge is another case in point. Our engineers asked for the sum of $50,000 to complete this improvement in 1885. Congress responded by appropriating $10,000 to continue the work. (Next bill failed to pass.) Again this year the engineers urge that they be allowed to complete this harbor, saying:

> It is very desirable that the whole amount required to finish the breakwater be granted.

And we find from their figures that the $10,000 expended in 1885 to continue the work has been absolutely wasted, for they now tell us it will take $53,000 to complete this improvement.

I can only take time for one more sample of this improvident plan of spending the public money.

Wapoo Cut, South Carolina, is a "sheltered inland route for the transportation of the products of a considerable area of country south of Charleston." The engineers seeing the importance of bringing this work to a close, asked for $15,000 with which to complete it in 1885. Congress, with a view to scattering the money in driblets over enough territory to give the bill strength in the House, appropriated only $3,000 to continue the work. (No appropriation for 1886.) After spending this $3,000 in patching up the destruction caused by the elements, the engineers are compelled to ask this Congress for the sum of $15,000 to complete the improvement in 1887. And walking blindfold on in the wake of wicked, thriftless precedent, we are passing a bill now which appropriates $5,000 to continue this work. This, too, unmindful of these words, which accompany the estimates of the engineers, touching this very improvement:

> The delays in providing funds for carrying on the work, and the small amounts appropriated, have rendered it impossible to complete the work at every point. The unfinished cuts are therefore partially filled up from caving banks, during the unavoidable and prolonged suspension of operations. A considerable increase in the total ultimate cost of the improvement is therefore unavoidable.

I venture to say there is not a man on this floor who would stand up and defend a system yielding such results, as wise or economical. There may be those who deem it necessary and expedient, but I think there are none who will contend that it rests on sound business principles. No individual, no corporate interests could stand such management for a day. Is there any very good reason why the public interests should not be managed upon business principles?

And now, gentleman, why is it that year after year Congress has been willing, nay, eager, to spend the money of the Government in this wildly extravagant manner? It is not necessary to go far back in the history of this kind of legislation to get all of the enlightenment we want on this point. The last two days' discussion has disclosed the origin of all the faults in this bill, has made plain the selfish motives which sustain and control this pernicious system. Compare the amount of time which has been devoted to the real merits of any of these improvements, to that spent in complaint of the work of the committee because they have given that State too much and this one not enough, because they have treated that river or harbor too well and neglected this one. Yesterday when the able gentleman from Iowa [Mr. HEPBURN] criticized the plan of improvement at Galveston Harbor, the gentleman from Texas [Mr. CRAIN] sought to meet the criticism by asking how much the district represented by the gentleman from Iowa [Mr. HEPBURN] got from the bill, intimating that if he were getting a "share in the pork" no complaint would be heard from him. This form of argument in itself reveals the real inwardness of the river and harbor bill.

[Here the hammer fell.]

Mr. BOUTELLE. Mr. Chairman, I move to strike out the last five words, and I yield my time to the gentleman from Wisconsin [Mr. LA FOLLETTE].

Mr. GUENTHER. I move to amend by striking out the last line, and yield my time to my colleague [Mr. LA FOLLETTE].

Mr. LA FOLLETTE. I thank the gentlemen for their courtesy. I appreciate the indulgence of the House and I would not trench upon the valuable time were it not that I have sat here five months without intruding my views upon any public question, and I therefore feel warranted in proceeding. [Laughter.]

And now, sir, a few words of explanation, as to the purpose of this criticism, the spirit in which it is made, and I am done. I would not be understood as impugning the motives of any man, much less would I cast any reflections on the intentions of the committee or the integrity of the House as a whole.

I would not be understood as saying that this bill is designed as a piece of jobbery. Judged from the standpoint of what is wise and economical, of what is for the national interest, it is a most unfortunate measure. This does not mean that there is any actually fraudulent purpose in the bill. But it does mean this: People all over this country in localities to be benefited by this expenditure of money are clamoring for it. Representatives yield to this clamor, forgetting that this is a national question, and not one of local interest. They besiege the committee just as they are besieged by the people. The committee yields just as the representative yields.

I make this criticism for no cheap partisan purpose. This committee has but followed the precedent of former committees. This Congress is going to do just what former Congresses have done. They are actuated by the same motives and governed by the same reasoning. I believe that there is need of an entire change of system. I believe there is need of reform in the method and principle of expenditure. I believe that the tendency of such legislation is to debauch the country and dull the moral instincts of the American Congress.

Every trade, every profession has a code of ethics peculiar to itself, because every calling in life has its own peculiar relations, its own peculiar responsibilities.

No class of men need such acute ethical discernment as men in public service. There could be no better illustration of the complex and trying character of public duties than is presented by this bill.

For the most part it is not only right but it is incumbent on every man to look after the interests of his constituency. It is easy to carry this habit of thought and action into questions of national importance. It costs a moral struggle to resist the selfish tendency. But I tell you, gentlemen, there is but one right course. Not one dollar of this money belongs to any State, any district, any locality. It all belongs to the United States, and whatever is appropriated with any other view is a misappropriation of public funds. I might use a severer term. No man can shirk the responsibility. He can not place it upon the people of his district. He can not say my constituents want this money, and I will therefore vote for it though I do not approve of the measure. The money is neither his nor theirs. So far as this money is concerned, when by his vote he takes it from the Treasury he becomes, in a liberal use of the word, a trustee of the money and he is bound to expend it for the benefit of national commerce. His responsibility is as different from that of his constituency as is that of the lawyer from the judge.

In the same degree as the Representative is more responsible than his constituents, is the committee more responsible than the House. They

shape this legislation, and the reform must begin with them. Just as I hold it to be the duty of every member to resist the importunities of his constituency in regard to any improvement that is not of real national importance, so I hold it to be the duty of this committee to resist the importunities of members of this House concerning any river or harbor of doubtful inter-state importance.

Let the committee report a bill for the improvement of only such rivers and harbors as the interest of national commerce demands. Let them complete improvements already begun before they commence new ones. Let them break away from this plan of making a hundred new surveys each year. Let them adopt a sound business policy, such as any individual or corporation having the same work in charge would adopt. In short, give us a national measure, regardless of the votes necessary to carry it, and invest this subject with the dignity and importance which belong to it. If this House is not loyal and patriotic enough to approve of it the people in general are; and the committee finally adopting this plan will achieve a great triumph. [Applause.]

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIS. I hope we will have a vote now upon the amendment.

Mr. GREEN, of North Carolina, was recognized.

Mr. ANDERSON, of Kansas. If I can be recognized I will yield my time to the gentleman from Wisconsin.

Mr. GREEN, of North Carolina. I have an amendment I desire to offer.

The CHAIRMAN. The Chair will state that the first question is on agreeing to the amendment proposed by the committee.

The Clerk will now report the amendment of the gentleman from North Carolina.

The Clerk read as follows:

Strike out all after "improvement," in line 579 to line 583, and insert:
"That all claims of private parties to the exclusive navigation of said river shall be ceded to the United States upon the payment of $2,000, which amount is hereby appropriated therefor, before the commencement of said improvement."

The CHAIRMAN. The first question is on agreeing to the amendment proposed by the committee.

The amendment was agreed to.

The CHAIRMAN. The question is now on the amendment of the gentleman from North Carolina [Mr. GREEN]. The gentleman from North Carolina is entitled to the floor.

Mr. GREEN, of North Carolina. Mr. Chairman, I do not propose to increase the appropriation recommended by the committee, for I know that that is virtually an impossibility, but I do wish to make the small amount recommended by them available for use, and therefore I send up the proviso just read as substitute for the other. Captain Bixby, the engineer in charge of the eastern rivers of our State, recommends in his report that at least $10,000 shall be appropriated for the improvement of Black River. The committee has seen fit to cut down this amount to less than one-third, and to saddle it with a proviso that would render even this small amount entirely nugatory and of no avail. Permit me to explain.

The Legislature of North Carolina, in its session of 1876-'77, granted a charter to certain parties extending through fifty years for the exclusive navigation of this stream in consideration of services to be rendered in cleaning it out and putting it in navigable shape. Whether they have complied with the full requirement of the act or not is not for me to say. At all events they enjoy the *prima facie* right to hold exclusively, and hence would not be likely to surrender it without an equivalent unless their claim is declared invalid by judicial decision. It is to cover this contingency that the small appropriation recommended to quiet their claim is submitted, so that the other may be utilized.

I will say, Mr. Chairman, that in my opinion there is not a more deserving clause in the bill under consideration. So believing, I last fall took a trip up the river in company with Captain Bixby, the engineer in charge, and his assistant, Mr. Humphreys, in order to judge for myself. We were on a slow craft, moving at about 2 miles an hour, and so had ample opportunity to make a thorough cursory examination, and I am sure that the small amount of money asked for could not be more judiciously expended than for the improvement of this stream. The assistant engineer reports that the commerce going out under the adverse state of the case aggregates $750,000 a year at a transportation cost of over $50,000.

This amount of produce, he holds, could be greatly increased and the rate of freights diminished with increased facilities of navigation. Of this I have not the shadow of a doubt. I will further add that the people of the counties of Sampson and Pender are dependent almost entirely upon Block River for their means of access to market, owing to the absence of railroads in the greater part of these two counties. I therefore most strongly and strenuously urge that the small amount recommended to quiet the claim of parties holding or claiming to hold under State charter may be appropriated, believing that no money could go out of the Treasury that would yield more beneficent results.

Mr. WILLIS. I desire briefly to say that the committee did not feel authorized to make this appropriation without the proviso for the reason that by the statute law of the State of North Carolina the Black River Navigation Company is given the exclusive control of this river. It was represented to the committee this charter was worthless, and in order to test the matter we recommended this appropriation with the desire to improve the river if that were the fact. We have allowed not a large appropriation, but as large as could be given within the limits of the bill, and with a proviso that this matter should be tested before the commencement of the improvement, and that the franchise should be declared void before the Government would undertake to spend any money.

The question being taken on the amendment of Mr. GREEN, of North Carolina, it was rejected; there being—ayes 35, noes 69.

Mr. HEPBURN. I desire to call the attention of the chairman of the Committee on Rivers and Harbors to the language of this proviso:

Provided, That all claims of private parties to the navigation of the river shall be ceded to the United States, free of charge, before the commencement of said improvement.

It seems to me by the use of this language the committee has provided that no improvement shall be made until everybody has surrendered the right to use the river.

Mr. WILLIS. That is rather a broad construction. [Laughter.]

Mr. HEPBURN. The proviso does not stipulate that the right to collect tolls shall be relinquished, but the right to navigate the river.

Mr WILLIS. I have great confidence in the ability of the other branch of Congress to correct any imperfection there may be in this language, and I believe I will stand by it.

The Clerk read as follows:

Improving Roanoke River, North Carolina: Continuing improvement, $10,000.

Mr. O'HARA. I move to amend by inserting after the paragraph just read the following:

Two thousand five hundred dollars, or so much thereof as may be necessary of the aforesaid $10,000, shall be used for the purpose of removing obstructions in the Thoroughfare and Cohoke Creek.

Mr. WILLIS. There is no objection to that.

The amendment was agreed to.

The Clerk read as follows:

Improving Santee River, South Carolina: Continuing improvement, $25,000; no part of which sum to be used for the construction of any road bridge across the Mosquito Creek Canal.

The amendment of the committee was to add to the paragraph the ollowing:

Provided, That if salt water be found flowing into said Mosquito Creek, $5,000 of said sum, or so much thereof as may be necessary, shall be used for the construction of a flood-gate at upper end of the canal, to prevent the same.

Mr. CANNON. I do not quite understand this amendment, and would like to have some explanation of it.

Mr. GROSVENOR. This is a project to connect the waters of Santee River and the Santee system with Winyaw Bay. In order to avoid the necessity of navigating over the bar at the mouth of Santee Creek, it is proposed to turn aside the water of the river into Mosquito Creek, and thence into Winyaw Bay. Certain persons interested in rice lands there came up here and said that this improvement might have the effect of backing up the salt water upon those rice lands. From the best information the committee could obtain we were satisfied this was not true; but for the sake of safety and to avoid any controversy we propose to insert this provision, so that if the Engineer Department discover that in point of fact by reason of the improvement the salt water is conducted upon the rice lands this flood-gate shall be established.

Mr. BEACH. I would like to know whether it is expected to keep the mosquitoes out by making a flood-gate?

Mr. GROSVENOR. That depends upon whether any gentleman from New York emigrates down there during the coming summer. [Laughter.]

The question being taken on the amendment, it was agreed to.

The Clerk read as follows:

Improving Congaree River, South Carolina: Continuing improvement, $7,500.

The amendment of the committee to strike out the words "continuing improvement" was agreed to.

The Clerk read as follows:

Improving Altamaha River, Georgia: Continuing improvement, $20,000; of which $10,000 are to be used on Doboy Bar, or so much thereof as may be necessary.

Mr. SPOONER. For the purpose of addressing an inquiry to the committee, I move to strike out the last word. I should like to inquire whether the amount provided for in this appropriation is not 50 per cent. of the estimate.

Mr. WILLIS. That is true.

Mr. SPOONER. Then I desire to know why in this case there should be appropriated more than 33⅓ or 35 per cent., which, as the gentleman stated yesterday, was the rule adopted in reference to my own locality.

Mr. WILLIS. If the gentleman will examine the report of the engineers he will find that there are two works provided for here—one upon the Doboy Bar, the other upon the river. In this way the gentleman has been misled.

Mr. SPOONER. I might inquire whether the case was not similar in regard to the appropriation for my own locality. But I withdraw the amendment.

The Clerk read as follows:

Improving Flint River, Georgia: Continuing improvement, $20,000.

The amendment of the committee was to add to the paragraph the following:

Of which sum $5,000 are to be expended between Albany and Montezuma and $15,000 below Albany.

Mr. SPOONER. I move to strike out the last word for the purpose of inquiring of the chairman of the committee whether the amount provided in this appropriation is not 100 per cent. of the estimate.

Mr. WILLIS. That is true and not true. It is true upon one of the reports of the engineers. But I will state that Major Hoxie, who has been recently transferred to that part of the country and with whom doubtless the gentleman from Rhode Island [Mr. SPOONER] is personally acquainted, sent us a supplementary report, in which he said that he had made a mistake in his previous estimates for this and four or five other rivers which he named; that he intended Congress should give the full amount; that he expected every dollar he asked for should be allowed. He therefore amended his estimates, and upon those amended estimates, a copy of which I have in the committee-room, this appropriation is based. The same remark is true in regard to the five or six other rivers in Major Hoxie's department, the Chattahoochee, the Flint, the Ocmulgee, and the Oconee. If the gentleman desires it, I will send to the committee-room for Major Hoxie's report.

Mr. SPOONER. If it is a proper matter of inquiry, I would ask whether it is applicable to the improvements on the coast now under consideration.

Mr. WILLIS. It is not; but only to this appropriation.

Mr. JONES, of Alabama. I will say in addition that the engineer in charge made an estimate of $75,000 for the improvement of this Chattahoochee River. But Major Hoxie, who succeeded, instead of adopting his estimate, took the amount in the preceding river and harbor appropriation bill, which was $20,000. It has been provided for annually for several years, sometimes $20,000, and sometimes $25,000.

Mr. HARRIS. Mr. Chairman, in view of what the chairman of the Committee on Rivers and Harbors has said I desire to make an additional statement. The improvement of the Chattahoochee River began in the Forty-third Congress, when the commerce of the river was less than $1,000,000. And yet with the meager annual appropriation, never beyond $30,000 and occasionally as low as $10,000, the trade of that river has been developed from less than $1,000,000 to $7,314,261. I make this statement from the certified report of the Board of Trade of the City of Columbus, which is at the head of navigation on this stream.

I desire to make the additional statement that when the proposition was made in committee to scale the recommendations and estimates of the War Department the engineer of this work was written to, and he replied that $20,000 was indispensably necessary to the preservation of the work as it then stood and to continue the improvement of the river. In addition, he stated the dredging-boat employed in the improvement of the river was lying on the banks of the stream entirely useless from the fact they had no money to put it into operation.

I hope the committee will vote advisedly and not withhold this appropriation. I will state the appropriation made in this bill is the usual amount for this improvement. Major Hoxie having taken recent possession of the improvement, his report has been made from a different standpoint from former engineers, who made estimates with reference to their being scaled and only a certain percentage of their estimates being allowed in the general appropriation bill. Indeed, Major Hoxie predicated his estimate of the demands of this work upon the amount hitherto actually allowed, and not upon the estimates of his predecessor, Major Damrell.

[Here the hammer fell.]

Mr. SPOONER. If the ordinary and usual appropriation should be made here, why not in the cases of Providence and Narragansett Bay?

Mr. WILLIS. I will state to the gentleman from Rhode Island we acted upon the estimates of the engineers in those cases, which have never been corrected.

Mr. BROWN, of Pennsylvania. In those cases the gentleman failed to get in a corrected report from the engineers.

Mr. WILLIS. We acted on the latest report, and there was no report in those cases subsequent to the one on which we acted.

Mr. McCOMAS. The inquiry propounded by the gentleman from Rhode Island [Mr. SPOONER] makes the question which I wish to ask in my judgment a pertinent one. When we spoke yesterday of the harbor of Baltimore, the chairman replied in that case there was 50 per cent. of the appropriation given, and that to give the amount proposed in the amendment would be to give 100 per cent. Now, in this little river for many years this sum has been given, and the amount given here seems to be 100 per cent. We desire to be informed, for I have great respect for the committee, when in the case of Baltimore and Maryland that city and State had expended $1,000,000 of their own money on that harbor, and the $200,000 with all its great commerce was part of the sum promised at least eight years ago, why yesterday it was given as a sufficient answer that would be 100 per cent. of the present requirement of the engineer? I ask for information, not in any critical spirit, why, unless there can be shown greater public need of the commerce of this river, the committee has allowed 100 per cent. in this case and not in others?

I have heard a statement just now there was an amended estimate. Mr. Chairman, these varying estimates bewilder me. It is urged in behalf of many appropriations there has been such amended estimate, and the one here seems to be in point. Gentlemen say we should pass the item because it is only 33 per cent. of the engineer's report, and again we should pass the estimate because it is a certain other percentage, and, forsooth, the bill is an excellent bill because the people who were charged with giving information upon which we are to vote public money meets it by 66 per cent. Therefore we are told the bill is a good one.

Now, sir, I can not understand this discrimination. It seems to me that if these estimates are in these cases so wide of the mark, if the estimates vary so much, the result must be a bill which is bad, or the engineers, so competent and accurate as we are told they are, make some extraordinary mistakes.

I wander about in absolute bewilderment when I see a great commercial harbor like Baltimore cut down to 50 per cent. of the estimates, while this little river gets the full amount—100 per cent. I lose all the *rationale* of the proceedings; I am lost, and nothing but my great confidence in the gentlemen on this committee and my knowledge of the difficulties which beset them in the preparation of the bill can console, enlighten, or reconcile these contradictions.

[During the delivery of the foregoing remarks the hammer fell.]

Mr. ANDERSON, of Kansas, was recognized, and yielded his time to Mr. McCOMAS, who resumed and concluded his remarks as above.

Mr. WILLIS. Mr. Chairman, in response to the gentleman from Maryland I will say but a word, for I admit that without some explanation this would seem to be a strange departure on the part of the committee, and I am prepared to give, I think, an explanation that would satisfy all fair-minded men, and I know the gentleman from Maryland belongs to that class. I hold in my hand the estimates given for the improvement of this Chattahoochee River which will serve as an illustration of the point I desire to make, the estimates given at the last session of the last Congress, when, as gentlemen will remember, we passed no bill.

We all know, by inference at least, that the demands of that river are as great if not greater now than they were then. At that time the matter was under the charge of an able and efficient engineer, Major Damrell, who made his report, and the committee last year revised that report, which, instead of asking $30,000, asked for $75,000, as gentlemen will find upon examination, and we scaled it down in proportion with other such items.

Subsequently, it will be remembered, and too late to make a personal survey and examination, Major Hoxie was placed in control of the improvements there.

Gentlemen will find on page 769 of the second volume of the report of the Chief of Engineers of the last session of Congress what the estimates were.

What I intended to say was that Major Hoxie, not being personally familiar with the subject, going on and taking charge just before the reports were sent in, without having a familiar acquaintance with the necessities of the river, made his estimate on the basis of the last bill; whereas I have said the committee has already reduced the estimate required by the engineers very considerably in that bill. Instead of reporting $75,000 for the Chattahoochee River, he took the bill which at the last Congress proposed to appropriate only $30,000, which was the amount as it had been scaled down by the committee.

Subsequently he comes in with a supplemental report, on which the committee base this appropriation, and it is not based upon the report to which the gentleman has referred. I give this river as an illustration of the reason why there seems to be this discrepancy. The gentleman from Maryland is now in possession of all the facts, and I am convinced that they will be satisfactory.

Mr. McCOMAS. Only one more word in response to the gentleman from Kentucky. I would like to know whether it is customary in the long run of the matter for the engineers to take up the estimates of appropriations or the last bill upon which to make their reports, or to make further inquiry upon which the supplemental estimates are based. If they do so, it ought to be inquired into. I would also like to know, further, whether we do not find frequently in the books published as the engineers' reports that the engineers make chronic mistakes, sometimes amounting to 400 per cent.?

Mr. WILLIS. I think not. I think the estimates of the Corps of Engineers are as fair and just as they possibly can be. I believe where they are stationed, and make their examinations, they undertake to say to the House exactly what they can profitably expend during the year, and I am satisfied we could accept their recommendations to the full extent, and if we did so that it would be in the nature of wise economy. But we know from the results of the past that we could not appropriate all the money in the bill that can profitably be expended without endangering its passage by making it seemingly excessively large.

In regard to another question as to whether this case is an exceptional one, I say it only refers to the reports which have been submitted by Major Hoxie. I think after close examination we have found that to be the only instance, the single instance, where a mistake had been made,

and the reason for that mistake I have endeavored to point out. The committee, with a view that no injustice should be done to the rivers and harbors of communities whose commerce should have fair access and facilities, reformed the bill in accordance with the last estimate; and I think the gentleman from Maryland himself will approve of that provision of the bill when he is placed in possession of these facts.

Mr. McCOMAS. Mr. Chairman, just one word in conclusion, and I have done. The explanation of the distinguished chairman of the committee was not needed to convince me of his eminent fairness, because all the world knows that. It has failed, however, to convince me of the merits and methods of such appropriations.

Mr. HENDERSON, of Illinois. I will inquire, Mr. Chairman, the exact condition of the question. Was the motion of the gentleman from Maryland, if he made a motion, withdrawn?

Mr. SPOONER. I withdraw the motion I made.

Mr. HENDERSON, of Illinois. I move to strike out the last word. I do not desire to detain the committee but a single moment. It seems to me that a great deal is made of this matter, when in fact there is really but little to complain of. Now, as has been stated by the chairman, Lieutenant Hoxie took charge of this work, as I understand it, when it was perhaps too late for him to make such actual examination of the work as was necessary in order to make an estimate of the amount which could be profitably expended during the next fiscal year; and he simply took the appropriation which had been made the last year as the amount which could be profitably expended, and reported that amount, which, as he says, he thought would be again appropriated.

Therefore if we had scaled that down it would have given a very small appropriation for this river.

On this explanation, which the committee accepted in good faith, a larger percentage, according to his estimates, was allowed in several cases under Lieutenant Hoxie's charge than were generally allowed in other cases by the committee. The estimate, as I have said, was not what it should have been, being based on the appropriations which had been made previously rather than on the amount which could be profitably expended. There is really, I think, very little to find fault with where the matter is properly understood, so far as these appropriations referred to are concerned, and that is all I desire to say.

The Clerk read the following paragraph:

Improving Flint River, Georgia: Continuing improvement, $20,000.

The committee recommended the following amendment:

Add to the paragraph the following:
"Of which sum $5,000 are to be expended between Albany and Montezuma and $15,000 below Albany."

Mr. SPOONER. I move to strike out the last word for the purpose of suggesting to the chairman that 100 per cent. of the amount recommended is appropriated here. Is there the same explanation in this case?

Mr. WILLIS. I have a list of five or six or seven improvements, all in charge of Major Hoxie, and all subject to the explanation I have made. The Flint River is one of them. In the last Congress Major Denman, who was in charge, reported $75,000. But this engineer, coming in without time to examine, made an estimate of $20,000. There are five or six other points all under Major Hoxie which are in the same predicament.

Mr. SKINNER. I wish to ask the gentleman from Kentucky [Mr. WILLIS] a question. Is it not a fact that this man Hoxie is a fashionable man of Washington city, and gets these things in his mind while leading the german? [Laughter.]

Mr. WILLIS. I leave that to the gentleman, who is himself a leader of fashion. [Laughter.]

Mr. SPOONER. Will the chairman of the committee, if it be quite convenient, state to the committee now the names of the rivers to which this same principle applies? It might save time.

Mr. WILLIS. There are the Chattahoochee River, Georgia and Alabama; the Flint River, Georgia; the Escambia and Conecuh Rivers, Florida and Alabama; the Cahawba River, Alabama; the Tallapoosa River, Alabama; the Choctawhatchee River, Florida and Alabama; the Oconee River, Georgia, and the Ocmulgee River, Georgia. I will send the list over to the gentleman from Rhode Island.

Mr. SPOONER. I withdraw the formal amendment.

The amendment recommended by the committee was adopted.

The Clerk read the following paragraph:

Improving Romely Marsh, Georgia: To complete improvements, $14,000.

The committee recommended the following amendment:

Add at the end of the paragraph as follows: "And so much of said sum as may be necessary may be applied by the engineer in charge, with the approval of the Secretary of War, to pay for work done on said improvement, under the direction of the War Department, since the last appropriation was exhausted."

Mr. SPOONER. I do not find Romely Marsh in the list the gentleman has sent me, and yet I find the appropriation there is 100 per cent. of the estimate.

Mr. WILLIS. In two or three instances where there was a small amount that would absolutely complete the improvement we have given the whole amount. In this instance we have it stated in the engineer's report that unless the full amount was given, this being sandy soil, it would fill in and cost the Government $5,000 or $6,000 more. Therefore following the report of the engineer, in order to prevent that unnecessary expense, we gave the whole amount.

The amendment recommended by the committee was adopted.

The Clerk read the following paragraph:

Improving Escambia-Conecuh River, Florida and Alabama: Continuing improvement, $12,000; no part of which is to be used above Indian Creek.

The committee recommended the following amendment:

In line 647 strike out "Escambia-Conecuh" and insert "Conecuh-Escambia."

The amendment was adopted.

The Clerk read the following paragraph:

Improving Pease or Davidson River, Florida: Continuing improvement, $3,000.

The committee recommended the following amendment:

In line 655 strike out the words "or Davidson."

The amendment was agreed to.

The Clerk read the following paragraph:

Improving Volusia Bar, Florida: To complete improvement, $7,500.

Mr. SPOONER. I would like to ask the chairman of the committee why the amount appropriated for improving Volusia Bar, Florida, is 100 per cent. of the amount recommended?

Mr. WILLIS. The only reply is what I gave a while ago. The amount is very small, and the committee thought it as well to get this out of the way.

The Clerk read the following paragraph:

Improving Black Warrior River from Tuscaloosa to Daniels Creek, Alabama, $75,000, together with the $45,000 on hand; to be expended in accordance with the plan adopted by the board of engineers.

The committee recommended the following amendment:

In line 670 strike out "$45,000" and insert "$47,000."

The amendment of the committee was agreed to.

Mr. SPOONER. I find that in this item 60 per cent. of the amount recommended is provided to be appropriated. May I inquire of the chairman of the committee if there is any special reason for this large percentage in this case?

Mr. JONES, of Alabama. I will furnish the explanation desired by the gentleman from Rhode Island. There is a special reason in this case. The work to be done is the construction of locks and dams, and it requires a certain specific amount of money to complete a dam. At the last Congress the sum of $30,000 was appropriated for this improvement; but this was not used, because it was not adequate for the purpose and could not be efficiently used. The committee in this bill proposes to add $75,000 to that amount.

A board of engineers met month before last, under the direction of the Secretary of War, at Tuscaloosa, and examined the locality with reference to the work to be done. I have their report here. It is made by Major Merrill, Major King (who has had charge of the Muscle Shoals improvement), Major Damrell, and Captain Post, names that are known to members of Congress as the names of successful engineers, standing high in their profession. They say, in this report, $245,000 will complete this work, the object of which is to open the navigation of the Black Warrior to the coal fields in its basin and establish water communication between these coal-measures and the Gulf of Mexico through the port of Mobile.

I will state while I have the floor that one of the conditions on which the State of Alabama was admitted into the Union was that all the navigable rivers in that State should belong to the United States. The constitution of the State contains a provision making this concession. These rivers were thus dedicated to the public use. The Congress of the United States accepted that cession, and in the year 1828 Congress passed an act, which is found in section 5244 of the United States Revised Statutes, which reads thus:

The Tennessee, Coosa, Cahawba, and Black Warrior Rivers, within the State of Alabama, shall be forever free from toll for all property belonging to the United States, and for all persons in their service, and for all citizens of the United States, except as to such tolls as may be allowed by act of Congress.

Now those four rivers of the ten rivers of Alabama penetrate the coal regions of the State; and for that reason they seem, by a wise provision on the part of Congress, to have been put under the regulation referred to that no toll should ever be charged upon them. Private enterprise was forbidden to improve them. There was thus imposed upon the General Government an obligation to improve the Black Warrior River. The Government has been tardy in discharging this obligation, but now proposes to do it; and the engineers estimate that with $245,000 the river can be improved above Tuscaloosa to these coal fields, which extend 5,500 miles in the basin of that river.

The coal-measures there are 2,600 feet in depth—500 feet more than any where else in the United States; the supply is inexhaustible, the quality unexcelled; and the Black Warrior seems designed by nature to furnish cheap water transportation to tide water. Within the last ten or twelve years a town has sprung up there as if by magic, which has increased from a population of 4,000 in 1880 to 25,000 at this time. In 1869 11,000 tons of coal was the output in this locality. Last year the output in this Warrior basin had increased to 2,000,000 tons. This coal is loaded on the cars at present for $1 a ton, and is carried to Mobile at the seaboard for a freight charge of $2 a ton. Sir, a few years

ago this Government was paying at Mobile $12 a ton for coal transported round from Pittsburgh all the way to Mobile. In 1878 it was paying this price for coal for the revenue-cutters and for other Government uses there. At the present time coal is transported by rail from the Warrior basin to Mobile and is selling in Mobile at $4 a ton—a saving to this Government on account of the consumption by Government vessels and buildings of $14,000 a year. The late collector of customs at the port of Mobile, General Burke, stated that by reason of the reduction of the cost of Alabama coal the United States Government was saved in the cost of coal consumed by United States vessels coaling at Mobile $70,000 in the space of five years.

The CHAIRMAN. The time of the gentleman from Rhode Island [Mr. SPOONER] has expired. [Laughter.]

Mr. RANDALL obtained the floor and said: I yield my five minutes to the gentleman from Alabama [Mr. JONES], who speaks for the Alabama coal fields.

Mr. JONES, of Alabama. I thank the gentleman from Pennsylvania.

Mr. Chairman, the improvement of this river, which this Government has taken charge of, and which it has declared shall not be improved by private enterprise, opens up navigation to these vast coal fields. When this improvement is completed—and the engineer says it can be completed for $245,000—this very coal of which I speak can be carried by water to Mobile at a charge, according to the opinion of experts, of 28 cents a ton, and it will be sold and delivered at Mobile for $1.75 a ton, thus being cheaper than any other coal on the seaboard of the United States.

We have been told to-day that vast quantities of coal pass over the Monongahela and down the Great Kanawha. Six hundred and fifty thousand tons of coal went down the Great Kanawha in the year 1883-'84; and this Government has expended nearly $2,000,000 in improving the Kanawha River and developing that immense coal business; and it was well expended. Six million tons of coal annually go down the Ohio River; and this Government has expended $5,000,000 in the improvement of that river; and that was well expended and was a good business investment. The engineers only ask for completing this improvement in Alabama $245,000. I believe this House, if fully informed of the situation and of the marvelous development and activity in that Warrior River country, would be willing to vote us the whole amount estimated for this purpose, but we are modest people in Alabama, and we only ask 38½ per cent. of the amount recommended by the engineer, as my friend from Rhode Island has suggested.

With the appropriation we now ask, and the $48,000 appropriated by act of July 5, 1884, we expect to commence this important improvement, and in a few years be able to get out this coal and furnish it not only for the revenue service and other Government purposes at Mobile but to the Gulf squadron coaling at Mobile. Sir, at this time British coal—and that is the only soft or bituminous coal sold in the Gulf of Mexico, for this country does not export a bushel—British coal is selling at St. Thomas and Aspinwall for $12 a ton. I think the Pittsburgh bituminous coal is selling in New Orleans for nearly the same price. When we are able to transport our coal down this river it will be sold in Mobile at $1.75 a ton, and it will then be exported. It will be the only American coal exported from this country. It will undersell British coal in the West Indies and in Central America. It will drive British coal from those markets, tariff or no tariff; and with improved facilities for transit across the isthmus what a future there will be for the coal trade of this country!

But coal is not the only product of this Warrior basin. We have iron also, as my distinguished friend from Pennsylvania [Mr. RANDALL], who has been there and witnessed it can testify—iron which, being made at a cost of about $9 a ton, is now sent by rail to Savannah, and from there in cargoes to the city of Philadelphia, and it is shipped also to Pittsburgh.

Mr. RANDALL. That is true.

Mr. JONES, of Alabama. This coal is carried now at a freight charge of $5 a ton, but with cheap water transportation it can be sent to Philadelphia and Pittsburgh at much less freight; and our friends in Pennsylvania can get all this iron for their purposes more cheaply than they can manufacture it.

Mr. RANDALL. And we do not object to that kind of competition.

Mr. BROWN, of Pennsylvania. No; that is the kind of competition we want; that is the kind of competition we can stand.

Mr. CUTCHEON. I would like to inquire whether the "Warrior basin" had anything to do with the transformation of the tariff bill in the Committee on Ways and Means.

Mr. JONES, of Alabama. I am not able to say.

Mr. MARTIN. Mr. Chairman, I can not forego the opportunity of urging upon this House the great importance of making liberal appropriations for the purpose of developing the system of water ways within the territory of the State of Alabama. Other friends of this bill will urge its passage as a measure of national importance and will discuss its provisions as a whole. I will only speak of the wonderful capacities for wealth in Alabama, for the development of which we need outlets to the sea.

The State of Alabama to-day is asking you to make her navigable streams of greater benefit to the commerce of the country. Appropriations for that purpose have been made by Congress from year to year, but the great work is progressing in a feeble, ineffectual manner, owing to the inadequacy of those appropriations.

The value and importance of these streams, should they ever be opened up and given to unobstructed commerce, can scarcely be realized. The Congresses which have heretofore considered the subject had no idea of the marvelous mines of minerals and metals whose output should be distributed through the Gulf of Mexico to the shores of two oceans, and they failed to appropriate the means to effectuate this great commercial achievement. The measure of appropriation heretofore for Alabama seems to have been in proportion to the revenue derived directly from the South, if not from that State; a policy which is simply as unwise as it is unjust and too narrow to be indulged in at this day. Such a policy proceeds upon the assumption that one portion of the body-politic may enjoy a state of perfect financial health and vigor, while another portion is in great measure cut off from the commercial circulation of the Union.

In every natural gift Alabama is, I think, the equal of any sister State. If the rich and prosperous North has carried her treasures to the markets of the world and exchanged them for other products, no one who knows the true condition of Alabama's resources will deny that, with equal facilities, the wealth of this Southern sister would rival that of any other State. What we need, and must have, are the means of transportation for the carriage of our minerals and metals to the Gulf. I remember reading some years ago the story of the loss of a vessel freighted with the gold of California. In the midst of the frightful storm, as related by one who escaped the wreck, the yellow dust and coined money were thrown about the vessel like so much rubbish. Those who shared the horrors of the scene had little use for the precious metal when the question of saving life was at issue. Treasures locked up in the bowels of the earth and treasures about to be swallowed up in the maw of the great deep are alike valueless.

What we want to see are the rich products of Alabama floating upon the bosom of her rivers into her port at Mobile. Such a spectacle should quicken the pulse of every American citizen, for it would accelerate beyond measure the pulsations of the great heart of commerce.

The efforts made to open up and develop the great water ways of the North, the deepening of the Northern harbors, and the facilities thus furnished to the enterprising and industrious people of that section have realized remarkable results. The people of the North who enjoy the results of such labors have been enabled to bring about the highest state of development and progress; and at this good hour there is no lack of means of transportation, both by land and by water, for all their productions of field and mine. Energy and capital, enterprise and genius, have conspired, with the favor of this great Government, to make the North a teeming hive of wealth. But the prosperity so far secured has not proven of the most satisfactory character. The effect of it, under the operation of class legislation, has been to make the rich man richer, but has not left the poor man even in his normal condition; for, if we may judge of the true status of things by the numberless strikes and frequent acts of mob violence, and if the anxiety to find new works upon which to expend the Government's money has any meaning whatever, we must conclude that there is some great underlying cause for all these troubles; and for which, as I maintain, there is a safe and certain remedy.

One cause of the trouble is this: By extravagantly developing one section and denying development to another trade is weakened by contracting her limits, and every industry is impaired. I do not hesitate to assert that we can never secure for trade a healthy, vigorous flow until every artery for it is opened and unobstructed from Maine to the Florida Keys.

I have always believed in the doctrine of internal improvement by the General Government in all matters affecting general welfare. My views upon this subject have received a full expression in an able and exhaustive paper prepared by Senator Morgan, and recently read before the river and harbor convention held in Alabama in November last.

In the matter of improving our navigable streams, he maintained that, whenever Congress had declared a stream to be a public highway, and the survey of the public lands had been stopped upon its banks—in such a case the river becomes a part of the public domain, exclusively under the control of the Government, and as free to the citizens of one State as to those of another; that the right to the exclusive enjoyment of such a stream was taken away from the people of any one State, and that no one else could improve such a stream should the Government decline so to do.

Coming now to the Alabama streams, which you are asked to improve, you find that all of them are public highways, which must remain unimproved until this or some succeeding Congress sees proper to open them to the demands of commerce.

Since I have attributed many of the troubles of the country to the abnormal condition of her trade and commerce, so now I am willing to assert that it would only be adding fuel to the flame if by opening up our Southern rivers we did nothing more than spend the people's money in that section of the Union. No spendthrift was ever improved, morally or physically by wasting his patrimony, and no government ever grew in vigor and importance by taxing one man to provide means

to support another. The public money must be spent for the well-being of the whole country or we betray our trust, and, as trustees, waste the beneficiaries' estate.

Why is it that Alabama so earnestly appeals to you to open her rivers; why was it that so many of the brightest intellects, so many of her most enterprising and intelligent citizens, met in convention last autumn and formulated her language of entreaty?

Take the map of Alabama in your hands and look at it from a commercial standpoint and tell me, what do you see? By neglect of her water ways, and by means of railroad systems now in the hands of a few capitalists, Alabama, like many another Southern and Western State, is being bled to death by means of those arteries of steel. The productions of our State are enriching, in some measure, nearly every other State except Alabama. Our lands are being impoverished by being denied a change of crops, and by means of guano and other like fertilizers which exhaust the soil under the operation of "intensive farming," as it is termed, and by the system of railway monopoly, now so firmly fixed upon us, the productions of our State are taken away to Northern markets at an incredible expense to the producer, and the too-celebrated aphorism of the manager of the Central Pacific Railroad, "of charging all the traffic will bear," is carried out in Alabama to the very letter.

The whole current of trade is reversed, is forced to flow upstream; and the grievous spectacle is now to be seen of the South paying tribute out of her own productions to enrich a class already so highly favored by the Government (the railroad magnates) because of transportation. Only think of it; upon every bale of cotton carried by rail to New York city we are paying, over and above what it should cost our people, the sum of two dollars and a half, taken from him who earned it in the sweat of his face under the blistering rays of a Southern sun, and taken, too, without any pretense of compensating advantages ever to be realized.

See the effect of all this. We are impoverished, and none but the wealthy, favored few are benefited. The evil result is upon us; there is financial gloom throughout the agricultural sections of the South; and it is only a question of time when the present owners will be stripped of their lands by their mortgagees and other creditors, the same financial tragedy re-enacted, and the families of their successors left destitute.

I submit, sir, that the calamity of the South is a progressive calamity, and that we are in the frightful condition of him in the story who saw, day by day, one window after another disappear from his prison cell, which was contracting hourly to crush him. The South, unaided, is powerless to put an end to her calamity. She has no money; no, not even the hated and despised silver; she is in the grasp of a power as selfish and inexorable as death. But this Congress has the power, and the way is open to deliver her, and as the Representatives of this great people it is our duty to do it. Open the water ways of Alabama if you would relieve the depression and the great financial distress of her people. It is the duty of the Government, as I have shown, to do this, so that upon the bosom of her streams we may float down those public highways to the sea her then immense yield from forest, field, and mine.

Remember that railroad syndicates may and do defy competition. But the right of way upon the bosom of a stream is as free to him who floats his raft of logs upon it as to him who owns a craft of a thousand tons.

Remember, also, that railroads can never compete with water courses in the carrying of heavy freights, whether they be of minerals or of ores—in fact, with no freights of any kind or description except it be those things requiring instant delivery at market.

It is asserted by competent authorities as a fact that the drawing capacity of one tugboat is equal to that of twenty locomotives drawing each forty freighted cars, or the equivalent of eight hundred freight cars. Bear this in mind, and you will readily perceive how much cost and labor will be saved and how much more of every kind of yield and production will be carried to market. It is this wonderful hauling capacity, this power to haul her productions of field and mine, however prodigious they may be, which will enable Alabama to restore her fortunes and to rival the most favored regions of earth in riches and prosperity.

In addition to what I have said, there is another and controlling reason which should influence this House to grant the aid demanded for opening the Alabama rivers. It is this: That the office or function those rivers would perform is in every way exceptional. Take the Coosa or Warrior River for illustration, and you will find that by developing either one of those rivers you open to market beds of the richest bituminous coal in inexhaustible quantity. Nor is this all. You would furnish easy and cheap transportation for valuable lumber and for agricultural products from localities which are now shut out from market.

The most serious objection seemingly to making ample appropriations for opening those rivers is this: That the present demand is so small in comparison to the amount of money needed for such purpose.

Those who urge this objection forget a momentous circumstance in the history of the South. Formerly the cotton-compress cost thousands of dollars to erect; now the same, it is reliably stated, may be put up for a few hundreds; and our Southern cities see and feel that they must become manufacturing centers or their doom is sealed. In view of this, and to keep abreast with that wonderful progress which so greatly distinguishes this era, those who have the interest of the South at heart, and who have reflected well over the matter, can see but one thing to hope for her. We must revolutionize everything of a business nature down South. We must in large measure manufacture our cotton. We must manufacture our iron and steel, and not be content as at present to furnish the raw materials to mills more than a thousand miles away. We must do something for ourselves, and not labor, as we have been doing, solely to enrich others.

But, sir, under the construction of the law relating to navigable streams, even if we were able, we are not now permitted to help ourselves. The Federal Government must do the work, not to benefit Alabama alone, but the whole Union, so that we may invite successfully the hundreds of thousands of industrious, enterprising people who stand ready to aid in developing and in sharing with the people of Alabama the untold wealth waiting to be created when the means of transportation are supplied.

Mr. Speaker, the highest ambition of my life has ever been to do something which would benefit the people of Alabama. Upon the soil of that State I was born, and there I have grown to manhood and from manhood to maturity. Her people are my people, and her interests are dearer to me than life itself. I know of no means by which I could benefit my people more efficacious than to place within their reach the power to help themselves. This power they will have when the restraints upon the transportation of their commodities are removed, when they are relieved from the tyranny of transportation monopoly; and for these reasons my vote must be cast in favor of the bill.

Mr. SPOONER. Mr. Chairman, I have been not only interested but greatly pleased with the remarks of the gentleman from Alabama [Mr. JONES] who last occupied the floor. I am delighted to learn of the prosperity of any part of this great country of ours; and I am glad to assist in facilitating, so far as I can, the opening up of transportation facilities for the products of our mines and manufactories in all parts of this land. The object of my inquiry has been not to arouse any antagonism toward Alabama or any of our sister States. I have simply followed out the line of my remarks heretofore made concerning the manner in which, it seems to me, this bill has been framed and the improper and unjust discrimination which has been made in applying the appropriations as they have been. All along the coast to which the appropriations now under consideration apply I find an entirely different rule acted upon from that which was adopted with regard to our North Atlantic coast. It is this to which I object. It is the sectionalism pervading this bill against which I protest. I do not object to the development of great water ways in any part of the country; but I do say that equal claims in other portions of the United States are entitled to equally fair consideration. I do not complain, as I before said, of an economy which bears in a justly proportionate manner upon the various districts and States of the Union; but I do object to 100 per cent., 75 per cent., 60 per cent., 50 per cent. of the amounts recommended by the engineers being given to certain sections, while deserving works—I will content myself by simply designating them equally deserving works—in my own State are left unprovided for in the action which the committee has taken in framing this bill.

[Here the hammer fell.]

I withdraw the *pro forma* amendment.

The Clerk read as follows:

Improving Tombigbee River, Alabama and Mississippi: Continuing improvement, $25,000; to be expended below Vienna, $15,000, and between Vienna and Fulton, $10,000.

Mr. ALLEN, of Mississippi. I move to amend, in line 685, by striking out "twenty-five thousand" and inserting "forty thousand dollars;" and in line 687, by striking out "ten thousand" and inserting "twenty thousand dollars." Add to the paragraph the following words:

And $5,000 to be expended in the improvement of the river from Fulton to Walker's Bridge.

Mr. WILLIS. Pending that amendment, I desire to say, wishing to consult the pleasure of the committee, and after talking with a number of our friends on the floor, it has been suggested we rise now and take a recess until half past 10 o'clock to-morrow morning. I make the motion that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WELLBORN reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed bills of the following titles:

A bill (H. R. 19) for the relief of David C. Paullus;

A bill (H. R. 225) granting a pension to Daniel Connolly;

A bill (H. R. 226) granting a pension to Mrs. Martha E. Turney;

A bill (H. R. 291) granting a pension to George H. Campbell;
A bill (H. R. 415) granting a pension to William Condon;
A bill (H. R. 441) granting a pension to Kate Amann;
A bill (H. R. 443) granting a pension to Susan Woolley;
A bill (H. R. 549) granting a pension to Enoch Goss;
A bill (H. R. 533) for the relief of Thomas Ferguson;
A bill (H. R. 551) granting a pension to Rhoda Dane;
A bill (H. R. 553) granting a pension to William J. Suffall;
A bill (H. R. 602) granting a pension to Mrs. Anna D. W. Eichman;
A bill (H. R. 613) for the relief of Catherine Collins;
A bill (H. R. 618) granting a pension to James Morgan;
A bill (H. R. 619) granting a pension to Robert F. H. Goode;
A bill (H. R. 626) granting a pension to Minton Prall;
A bill (H. R. 634) granting a pension to John Defenbaugh;
A bill (H. R. 646) granting a pension to Thomas M. Commuck;
A bill (H. R. 650) granting an increase of pension to Charlotte D. Crocker;
A bill (H. R. 686) granting a pension to John G. Shawbell;
A bill (H. R. 693) to restore to the pension-roll the name of William B. Keith;
A bill (H. R. 698) granting a pension to Phillip D. Campbell;
A bill (H. R. 700) granting a pension to Mrs. M. A. Bickerdyke;
A bill (H. R. 702) granting a pension to Dr. J. F. Bruner;
A bill (H. R. 704) granting a pension to Benjamin Dubach;
A bill (H. R. 715) granting a pension to Tunis J. Roosa;
A bill (H. R. 737) granting a pension to N. M. Miller;
A bill (H. R. 746) granting a pension to J. W. A. Bennett;
A bill (H. R. 777) granting a pension to Frederick Bottjer;
A bill (H. R. 788) granting a pension to Jeptha Hornbeck;
A bill (H. R. 792) granting a pension to David McKinney;
A bill (H. R. 802) granting a pension to August Schindler;
A bill (H. R. 805) to increase the pension of James A. Underwood;
A bill (H. R. 837) granting a pension to Edgar Payne;
A bill (H. R. 844) granting a pension to Daniel F. Ferguson;
A bill (H. R. 846) granting a pension to Samuel V. Holland;
A bill (H. R. 858) granting a pension to Lucy J. Mitchell;
A bill (H. R. 925) to amend an act entitled "An act granting a pension to Rachel Nickell," approved March 3, 1885;
A bill (H. R. 928) granting a pension to Lewis A. Thornburg;
A bill (H. R. 934) granting a pension to Charles W. Minnix;
A bill (H. R. 936) granting a pension to James T. Caskey;
A bill (H. R. 1024) granting a pension to Aurelia F. Robbins;
A bill (H. R. 1032) granting a pension to Josiah B. Snell;
A bill (H. R. 1083) granting a pension to Francis H. Kirmayer;
A bill (H. R. 1084) granting a pension to Alice S. Holbrook;
A bill (H. R. 1104) granting a pension to Elizabeth Sullivan;
A bill (H. R. 1107) granting a pension to Augusta M. Richards;
A bill (H. R. 1108) granting a pension to Margaret Coffey;
A bill (H. R. 1109) granting a pension to John H. Barry;
A bill (H. R. 1113) granting a pension to Walter S. Haynes;
A bill (H. R. 1117) granting a pension to John Owens;
A bill (H. R. 1136) granting a pension to Charles E. Bolles;
A bill (H. R. 1138) to increase the pension of Mary E. Fillebrown;
A bill (H. R. 1152) for the relief of Mrs. Ellen S. Tolman;
A bill (H. R. 1198) granting a pension to Louis Abear;
A bill (H. R. 1228) granting a pension to Harry B. Harrington and Grace A. Harrington;
A bill (H. R. 1254) granting a pension to Mary Hoff;
A bill (H. R. 1255) granting a pension to Isaac Moore;
A bill (H. R. 1273) for the relief of Samuel J. Brown;
A bill (H. R. 1275) granting a pension to William Turville;
A bill (H. R. 1278) granting a pension to Ann Bird;
A bill (H. R. 1286) granting a pension to Agnes M. Edwards, infant daughter of Harvey H. Edwards;
A bill (H. R. 1292) granting a pension to Mrs. Kate Miller;
A bill (H. R. 1344) granting a pension to William H. H. Gillespie;
A bill (H. R. 1345) granting a pension to Nathaniel H. Blakely;
A bill (H. R. 1348) for the relief of Pernetta Hendley;
A bill (H. R. 1351) to restore to the pension-roll the name of Andrew J. Fuller;
A bill (H. R. 1352) granting a pension to Isaac Chenoweth;
A bill (H. R. 1367) to place the name of Thomas G. Newnam on the pension-roll;
A bill (H. R. 1369) granting a pension to George H. Perkins;
A bill (H. R. 1396) to pension Martin Kirk;
A bill (H. R. 1456) granting a pension to Lydia A. Nelson;
A bill (H. R. 1468) increasing the pension of John P. Davis;
A bill (H. R. 1469) granting a pension to Lois Holt;
A bill (H. R. 1471) increasing the pension of Andrew J. Hill;
A bill (H. R. 1472) granting a pension to Mary Murphy;
A bill (H. R. 1474) granting a pension to Mary G. Colby;
A bill (H. R. 1475) granting a pension to Margaret Flaherty;
A bill (H. R. 1506) granting a pension to James McAnny;
A bill (H. R. 1508) for the relief of Marcus A. Hamilton;
A bill (H. R. 1543) granting a pension to Margaret Kearns;
A bill (H. R. 1564) granting a pension to Phebe Saunders;
A bill (H. R. 1567) granting a pension to Philip Jacobs;
A bill (H. R. 1568) granting a pension to Nathaniel Taylor;
A bill (H. R. 1574) granting a pension to Sarah L. Bragg;
A bill (H. R. 1575) granting a pension to Elizabeth Kahler;
A bill (H. R. 1579) for the relief of Amy A. Lewis;
A bill (H. R. 1589) for the relief of Newton O. Baker;
A bill (H. R. 1590) for the relief of Timothy Paige;
A bill (H. R. 1593) for the relief of Sarah Mantz;
A bill (H. R. 1634) for the relief of Margaret A. Caswell;
A bill (H. R. 1701) granting a pension to Anson B. Sams;
A bill (H. R. 1703) granting a pension to Joseph Williams;
A bill (H. R. 1711) for the relief of George C. Haynie;
A bill (H. R. 1742) for the relief of Thomas Askew;
A bill (H. R. 1782) granting a pension to Cornelia W. Ellis;
A bill (H. R. 1821) granting a pension to Daniel Kain;
A bill (H. R. 1824) granting a pension to Mrs. Louisa Noland;
A bill (H. R. 1836) granting a pension to George Slack;
A bill (H. R. 1858) granting an increase of pension to James McMullin;
A bill (H. R. 1937) for increase of pension to A. Schuyler Sutton;
A bill (H. R. 1940) granting a pension to Louisa J. McFarland;
A bill (H. R. 1988) granting a pension to Peter F. Saeman;
A bill (H. R. 1989) granting a pension to John C. Frees;
A bill (H. R. 2011) granting a pension to Joseph Chalfant;
A bill (H. R. 2054) granting a pension to Rebecca Marchant;
A bill (H. R. 2159) for the relief of D. P. Simmons;
A bill (H. R. 2161) granting a pension to Andrew J. Putnam;
A bill (H. R. 2179) granting a pension to Henry Barr;
A bill (H. R. 2193) granting a pension to Amelia M. Green;
A bill (H. R. 2196) granting a pension to Sarah A Gettis;
A bill (H. R. 2197) granting a pension to Fidelia A. Cheney;
A bill (H. R. 2254) for the relief of Jane M. Langley;
A bill (H. R. 2689) granting a pension to Delilah Knill;
A bill (H. R. 2740) for the relief of Norman S. Bull;
A bill (H. R. 2753) for the relief of John W. Robson;
A bill (H. R. 2755) granting a pension to Robert Monahan;
A bill (H. R. 2791) granting an increase of pension to George Wells;
A bill (H. R. 2793) granting a pension to Silas James;
A bill (H. R. 2797) granting a pension to John L. Hunter;
A bill (H. R. 2798) granting a pension to Bruner D. Hyatt;
A bill (H. R. 2802) granting a pension to Sarah A. Lovell;
A bill (H. R. 2804) granting a pension to Clayton E. Rogers;
A bill (H. R. 2805) granting a pension to Mary S. Douglas;
A bill (H. R. 2939) granting a pension to Henry H. Green;
A bill (H. R. 3019) to increase the pension of Abigail Smith;
A bill (H. R. 3100) granting a pension to Samuel Hanson;
A bill (H. R. 3117) granting a pension to Walter A. Phillips;
A bill (H. R. 3946) to increase the pension of Alexander Forsyth;
A bill (H. R. 3152) granting a pension to Eliza A. Fisher;
A bill (H. R. 3177) placing the name of Mrs. Ann J. Connell on the pension-roll;
A bill (H. R. 3303) to restore to the pension-roll the name of Joseph McMillan;
A bill (H. R. 3308) to increase the pension of Joseph R. Cravens;
A bill (H. R. 3309) to increase the pension of Thomas Ward;
A bill (H. R. 3359) granting a pension to Henry S. Morgan;
A bill (H. R. 3364) granting a pension to Asahel Middleton;
A bill (H. R. 3382) granting a pension to Sidney Sherwood;
A bill (H. R. 3399) to grant a pension to Philip Wagner;
A bill (H. R. 3402) granting a pension to Mrs. Lizzie E. Cooney;
A bill (H. R. 3419) granting a pension to C. W. I. Pugh;
A bill (H. R. 3452) granting a pension to Mrs. Mary E. Sawyer;
A bill (H. R. 3481) granting a pension to Philomena E. Nolan;
A bill (H. R. 3489) granting a pension to Amelia J. Gill;
A bill (H. R. 3505) for the relief of Mary B. Smith;
A bill (H. R. 3516) granting a pension to Fanny Collins;
A bill (H. R. 3520) granting a pension to William H. Blake;
A bill (H. R. 3524) granting a pension to Maria Mibord;
A bill (H. R. 3530) granting a pension to Albert L. Allen;
A bill (H. R. 3538) granting a pension to Mrs. Amy A. Hurst;
A bill (H. R. 3539) granting a pension to Mrs. Hannah M. Chapman;
A bill (H. R. 3562) for the relief of Peter Tower;
A bill (H. R. 3627) granting a pension to Mrs. Elizabeth K. Gallagher, widow of Bvt. Brig. Gen. Thomas F. Gallagher, deceased, late colonel of the Eleventh Regiment Pennsylvania Reserve Corps;
A bill (H. R. 3632) granting a pension to Mrs. Ada O. Krepps;
A bill (H. R. 3633) granting a pension to E. B. Sweeney;
A bill (H. R. 3902) for the relief of Susannah Carmichael;
A bill (H. R. 3903) granting a pension to Taylor Voss;
A bill (H. R. 3919) granting a pension to Bridget O'Brien;
A bill (H. R. 3990) to restore to the pension-roll the name of Sarah J. Pratt;
A bill (H. R. 4022) granting a pension to Elizabeth Stocksdale;
A bill (H. R. 4026) granting a pension to Algernon S. Flagg;
A bill (H. R. 4027) granting a pension to Sophia F. Bixby;
A bill (H. R. 4031) granting a pension to Rachel W. Heard;

A bill (H. R. 4076) for the relief of George A. Roberts;
A bill (H. R. 4077) granting a pension to Frederic Korth;
A bill (H. R. 4101) granting a pension to Martha A. Silkey;
A bill (H. R. 4111) granting a pension to Minerva T. Thompson;
A bill (H. R. 4114) granting a pension to Capt. Anthony Harsel;
A bill (H. R. 4116) increasing the pension of John P. Brinegar;
A bill (H. R. 4118) granting a pension to Frank Lightner;
A bill (H. R. 4122) granting a pension to Mary E. Snow;
A bill (H. R. 4125) granting a pension to John M. Milton;
A bill (H. R. 4131) for the relief of Samuel C. Peck, jr.;
A bill (H. R. 4132) granting a pension to Mary E. Johnson;
A bill (H. R. 4224) for the relief of Amanda Rogers;
A bill (H. R. 4287) to grant a pension to Nancy J. Freels, widow of Pleasant M. Freels, late of Company E, Third Tennessee Infantry Volunteers;
A bill (H. R. 4346) granting a pension to Elijah W. Putney;
A bill (H. R. 4370) granting a pension to M. S. Towne;
A bill (H. R. 4389) granting a pension to William Bridges, jr.;
A bill (H. R. 4395) to grant a pension to Betsey Martin;
A bill (H. R. 4400) granting a pension to Polly Belden;
A bill (H. R. 4405) for the relief of William F. Miller;
A bill (H. R. 4410) for the relief of John C. Clark;
A bill (H. R. 4461) granting a pension to Stevens W. Merrill;
A bill (H. R. 4516) granting a pension to Harriet M. Larabee;
A bill (H. R. 4517) granting a pension to Timothy Driscoll;
A bill (H. R. 4538) granting a pension to Mary Ann Murphy;
A bill (H. R. 4572) granting a pension to Willis W. Fink;
A bill (H. R. 4579) granting an increase of pension to Thomas S. Owens;
A bill (H. R. 4580) to grant a pension to William Taylor;
A bill (H. R. 4589) granting a pension to Frederick Bauman;
A bill (H. R. 4835) to place the name of John Pruit on the pension-roll;
A bill (H. R. 4824) granting an increase of pension to James Morgan;
A bill (H. R. 4813) granting a pension to Perry Johnson;
A bill (H. R. 4493) to amend the act of June 15, 1844, and for other purposes;
A bill (H. R. 4592) granting a pension to Agnes Renz;
A bill (H. R. 4918) granting a pension to J. Francis Hopper;
A bill (H. R. 4960) granting a pension to Mary S. Webster;
A bill (H. R. 4992) restoring Leander C. Twitchell to the pension-roll;
A bill (H. R. 4999) to place the name of James B. Wilde on the pension-roll;
A bill (H. R. 5000) to place the name of John W. Logan on the pension-roll;
A bill (H. R. 5024) granting a pension to William Christie;
A bill (H. R. 5061) granting an increase of pension to Samuel Baker;
A bill (H. R. 5074) to provide increase of pension to James Waters;
A bill (H. R. 5191) to increase the pension of Patsy Jackson;
A bill (H. R. 5192) granting a pension to Elmira M. Dorman;
A bill (H. R. 5193) granting a pension to Levi Koontz;
A bill (H. R. 5199) to increase the pension of Thomas G. Barton;
A bill (H. R. 5234) granting a pension to Jesse H. Gaines.
A bill (H. R. 5252) granting a pension to John W. Thornton;
A bill (H. R. 5253) granting a pension to Mrs. Elizabeth Stewart;
A bill (H. R. 5259) granting a pension to William E. Hardy;
A bill (H. R. 5277) granting a pension to Zeba S. Ayer;
A bill (H. R. 5284) granting a pension to Rinaldo R. Somes;
A bill (H. R. 5323) granting a pension to George W. Flint;
A bill (H. R. 5527) granting a pension to Emeline Crawford;
A bill (H. R. 5551) for the relief of Robert Moran;
A bill (H. R. 5563) granting a pension to John G. Burrill;
A bill (H. R. 5678) for the relief of Mrs. Elizabeth A. Marble;
A bill (H. R. 5706) for the relief of Elizabeth Leffman;
A bill (H. R. 5779) granting a pension to Peter Falkner;
A bill (H. R. 5884) to increase the pension of John A. Stewart;
A bill (H. R. 6012) to increase the pension of Leander W. Corey;
A bill (H. R. 6019) granting a pension to Maria Hollands;
A bill (H. R. 6023) for the relief of Frank Sherbonaw;
A bill (H. R. 6044) granting a pension to Eliza Francesco;
A bill (H. R. 6125) granting a pension to W. C. Davis;
A bill (H. R. 6130) granting a pension to Frank Manhart;
A bill (H. R. 6134) granting a pension to Hugh Mulholland;
A bill (H. R. 6225) granting a pension to Abigail H. Carey;
A bill (H. R. 6339) for the relief of Harrison W. Moore;
A bill (H. R. 6466) granting a pension to Mrs. Eliza Humes;
A bill (H. R. 6504) granting a pension to Nathan Magoon;
A bill (H. R. 6638) granting a pension to William Gordon;
A bill (H. R. 7647) to establish a light-house at Seul Choix Point, Michigan; and
A bill (H. R. 6429) [with an amendment] granting a pension to Eunice E. Clark;

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 134) granting an increase of pension to Shadrack Brown;
A bill (S. 160) granting a pension to Mary Crimmins, widow of Patrick Crimmins;
A bill (S. 183) for the relief of Thomas S. Hopkins, late of Company C, Sixteenth Maine Volunteers;
A bill (S. 327) granting a pension to James E. O'Shea;
A bill (S. 342) granting a pension to Marilla Parsons, of Detroit, Mich.;
A bill (S. 357) granting arrears of pension to Nancy B. Leach;
A bill (S. 358) granting an increase of pension to Mrs. Emily M. Wyman;
A bill (S. 363) granting a pension to Edward Ayers;
A bill (S. 376) granting a pension to L. V. Hollyfield;
A bill (S. 483) to restore Sidney B. Fullar to the pension-roll;
A bill (S. 489) granting a pension to Mary Mortimer Semmes, widow of Commodore Alexander A. Semmes, United States Navy;
A bill (S. 516) granting an increase of pension to Mrs. Mary C. Ringgold;
A bill (S. 612) granting a pension to William Weightman;
A bill (S. 651) granting a pension to Benjamin F. Shields;
A bill (S. 652) granting a pension to Dillon Bridges;
A bill (S. 670) to increase the pension of the widow of the late Commander T. A. M. Craven;
A bill (S. 678) for the relief of Mary Howard Farquhar;
A bill (S. 685) granting a pension to Mary Marsh;
A bill (S. 686) granting a pension to Charles N. Sebastian;
A bill (S. 773) granting a pension to M. Louise Butler;
A bill (S. 785) granting a pension to George Ham;
A bill (S. 786) granting a pension to James C. Ledbetter;
A bill (S. 787) granting a pension to Reuben Farnum;
A bill (S. 788) granting a pension to John L. Bruce;
A bill (S. 789) granting a pension to John S. Williams;
A bill (S. 791) granting a pension to George W. DeMotte;
A bill (S. 810) granting a pension to Charles J. Esty;
A bill (S. 823) granting a pension to Capt. Elihu Jones;
A bill (S. 824) granting a pension to Mrs. Ida Davenport;
A bill (S. 827) granting a pension to George Clark;
A bill (S. 838) granting an increase of pension to General Benjamin F. Kelly;
A bill (S. 843) granting a pension to Elise Burki;
A bill (S. 853) granting a pension to Reuben Crowday;
A bill (S. 857) granting a pension to Dudley B. Branch;
A bill (S. 858) granting a pension to Simpson S. Skirvin;
A bill (S. 860) granting an increase of pension to John N. Bunyan;
A bill (S. 861) granting a pension to John B. Skaggs;
A bill (S. 862) granting a pension to Matilda Ann Wiley;
A bill (S. 891) granting a pension to Geriah Collins;
A bill (S. 895) granting a pension to Rachel Fleming Cellar;
A bill (S. 948) granting a pension to Joseph S. Moody;
A bill (S. 963) granting a pension to Harriet M. Rider;
A bill (S. 973) granting an increase of pension to Mrs. Sarah P. McKean, of Marion, Linn County, Iowa;
A bill (S. 977) granting a pension to Elizabeth Barker;
A bill (S. 983) granting a pension to Michael Daly;
A bill (S. 1016) granting an increase of pension to Abel Comstock;
A bill (S. 1047) for the relief of Patrick H. Estes, a veteran invalid soldier of the Mexican war;
A bill (S. 1065) granting a pension to Emeline J. Babson;
A bill (S. 1077) granting a pension to Newcomb Parker;
A bill (S. 1098) granting a pension to H. R. Duke;
A bill (S. 1102) granting an increase of pension to Dr. A. Lanning;
A bill (S. 1103) granting a pension to Caroline E. French;
A bill (S. 1113) granting a pension to Lawrence A. Hudson;
A bill (S. 1124) granting a pension to William Bethuren;
A bill (S. 1133) granting an increase of pension to Margaret Hunter Hardie;
A bill (S. 1152) granting a pension to Sarah E. Bassett;
A bill (S. 1156) granting an increase of pension to Ann Atkinson;
A bill (S. 1257) granting a pension to Henry Shively;
A bill (S. 1169) granting a pension to John S. Bridges;
A bill (S. 1170) granting a pension to Nancy C. Smith;
A bill (S. 1190) granting an increase of pension to Benjamin M. Fisher;
A bill (S. 1191) granting a pension to Theresa Schleyer;
A bill (S. 1102) granting a pension to Alfred Denny;
A bill (S. 1204) for the relief of the children of the late Surg. Alfred M. Owen, and to increase their pensions;
A bill (S. 1214) granting a pension to Reanus G. Morris;
A bill (S. 1217) for the relief of Henry Bellion;
A bill (S. 1224) granting a pension to Henry H. Stutsman;
A bill (S. 1227) granting an increase of pension to William P. Squires;
A bill (S. 1235) granting an increase of pension to Joseph W. Rhinehalt;
A bill (S. 1248) granting a pension to John M. Young;
A bill (S. 1253) granting a pension to J. D. Haworth;
A bill (S. 1267) granting an increase of pension to Mrs. Lou Gobright McFalls;

A bill (S. 1287) granting a pension to William L. Clark;
A bill (S. 1288) granting a pension to Robert Holsey;
A bill (S. 1289) granting a pension to Thomas J. Owen;
A bill (S. 1290) granting a pension to David W. Hamilton;
A bill (S. 1292) granting a pension to Nathan Z. Bailey;
A bill (S. 1303) granting a pension to John Ross;
A bill (S. 1304) granting a pension to William Reynolds;
A bill (S. 1326) granting a pension to Caroline E. Pratt;
A bill (S. 1348) granting a pension to Sarah E. Henry;
A bill (S. 1357) granting a pension to Sarah A. Thomas;
A bill (S. 1367) granting an increase of pension to Catherine Doyle;
A bill (S. 1382) for the relief of Lydia C. Hutchings;
A bill (S. 1383) granting a pension to Harriet Welsh;
A bill (S. 1384) granting a pension to Mathias Wondrak;
A bill (S. 1390) for the relief of B. Frank Patterson;
A bill (S. 1398) granting a pension to Milton P. Shockley;
A bill (S. 1399) granting an increase of pension to John Moore;
A bill (S. 1400) granting a pension to William H. Beck;
A bill (S. 1420) granting a pension to William Powell;
A bill (S. 1431) granting a pension to Jane Carr;
A bill (S. 1438) granting a pension to Isom Wilkerson;
A bill (S. 1441) granting a pension to M. Romahn;
A bill (S. 1446) granting a pension to Anna Nation;
A bill (S. 1463) granting arrears of pension to Mary Helena Mahan;
A bill (S. 1466) granting an increase of pension to Stephen R. Smith;
A bill (S. 1467) granting a pension to Mrs. Margaret Smith;
A bill (S. 1481) granting an increase of pension to Col. Charles E. Capehart;
A bill (S. 1494) granting an increase of pension to Stephen D. Smith;
A bill (S. 1509) granting a pension to William H. Moore;
A bill (S. 1520) granting a pension to Henry Domeyer;
A bill (S. 1570) granting a pension to Mary Ann Vars;
A bill (S. 1539) granting a pension to Eveline Hunt, widow, and the minor children of Lewis Hunt, deceased;
A bill (S. 1571) granting a pension to Abbie M. Hay;
A bill (S. 1584) for the relief of Cornelia R. Schenck;
A bill (S. 1586) granting a pension to Maria Hollands;
A bill (S. 1607) granting an increase of pension to James E. B. Dalzell;
A bill (S. 1618) granting a pension to John G. Nicholas;
A bill (S. 1625) granting a pension to Rebecca Hollingsworth Humphreys;
A bill (S. 1630) granting a pension to James C. Chandler;
A bill (S. 1648) granting an increase of pension to William Collinsworth;
A bill (S. 1666) granting a pension to Edward Corning;
A bill (S. 1720) granting a pension to John Thrasher;
A bill (S. 1726) granting a pension to Augustus Field Stevens;
A bill (S. 1770) granting a pension to J. H. Thornbury;
A bill (S. 1788) granting a pension to William S. More;
A bill (S. 1797) granting a pension to John S. Kirkpatrick;
A bill (S. 1830) granting a pension to Mrs. C. A. Bailey;
A bill (S. 1836) for the relief of Libbie C. Montis;
A bill (S. 1841) granting a pension to Joseph Shull;
A bill (S. 1843) granting pension Dr. John W. Mitchell;
A bill (S. 1850) granting a pension to Annie C. Owen;
A bill (S. 1930) granting a pension to John Duffy;
A bill (S. 1950) granting an increase of pension to Merritt Lewis;
A bill (S. 1998) for the relief of John D. Ham;
A bill (S. 2005) granting a pension to Mary J. Nottage;
A bill (S. 1022) granting an increase of pension to Mrs. Hattie A. Burnett;
A bill (S. 2025) granting a pension to James Butler;
A bill (S. 2067) for increase of pension to Zebulon S. Tompkins;
A bill (S. 2095) granting an increase of pension to Mary B. Hook;
A bill (S. 2096) granting a pension to Charles C. Hill;
A bill (S. 2134) granting a pension to Patrick A. Callanan;
A bill (S. 2148) granting a pension to Nannie Cutchman;
A bill (S. 2173) granting a pension to Benjamin Obekiah;
A bill (S. 2185) for the relief of George Titus;
A bill (S. 2186) granting a pension to Louis Melcher;
A bill (S. 2187) for the relief of Rebecca E. Haskins;
A bill (S. 2188) granting a pension to Ann Smith;
A bill (S. 2190) granting a pension to William Dobbs;
A bill (S. 2192) granting a pension to Abby L. Burbank;
A bill (S. 2223) granting a pension to Elizabeth S. De Krafft; and
A bill (S. 2224) in aid of the national monument, at Plymouth, Mass.

JUDICIAL DISTRICTS, PENNSYLVANIA.

Mr. BENNETT. I ask by unanimous consent to report back from the Committee on the Judiciary in behalf of Mr. Parker, who is necessarily absent, a bill (H. R. 2124) amendatory of and supplementary to "An act to alter the judicial districts of Pennsylvania, and for other purposes," approved May 26, 1824, and providing an additional place for holding the several courts thereof.

The SPEAKER. Does it require an appropriation?

Mr. BENNETT. I understand not.

Mr. RANDALL. I want to retard it all I can.

Mr. BENNETT. It changes a couple of counties in Pennsylvania from one judicial district to another.

The SPEAKER. The Chair understands it provides for attaching certain counties to another judicial district and the holding of another term of court, but requires the present marshal and clerk shall perform the duties.

There was no objection; and the bill and amendment were referred to the House Calendar, and, with the accompanying report, ordered to be printed.

FREE PARLIAMENT FOR IRELAND.

Mr. O'NEILL, of Missouri. I ask, by unanimous consent, to submit the following resolution.

The Clerk read as follows:

Resolved, That the House of Representatives of the United States earnestly sympathizes with the right honorable William E. Gladstone and his associates in their efforts to secure a free parliament for the people of Ireland, and congratulates the people of that hitherto unhappy country upon the prospect of an early and successful termination of their long and patriotic struggle for the right of local self-government.

Resolved, That the Speaker of the House is directed to communicate a copy of this resolution to Mr. Gladstone.

The SPEAKER. Is there objection to the consideration of the resolution at this time?

Mr. SWOPE. I object.

Mr. O'NEILL, of Missouri. I hope no one will object to this resolution.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 274) for the relief of John A. Morris;
A bill (H. R. 5539) for the relief of James G. Martin;
A bill (H. R. 5549) limiting the cost of the erection of a public building at Rochester, N. Y.; and
A bill (H. R. 7467) to grant for the use of the public a street across the United States grounds in the city of Chattanooga, in the State of Tennessee.

RECESS.

Mr. WILLIS. I move the House take a recess until to-morrow morning at half past 10 o'clock.

Mr. HISCOCK. I move the House adjourn.

Mr. O'NEILL, of Pennsylvania. The gentleman from Pennsylvania [Mr. SWOPE] withdraws his objection to my resolution.

The SPEAKER. The motion to adjourn is insisted upon, and that cuts off all unanimous consent.

Mr. HISCOCK. I ask for a division on the motion to adjourn

The House divided; and there were—ayes 51, noes 75.

Mr. HIESTAND. I call for the yeas and nays.

The yeas and nays were not ordered.

Mr. SWOPE. I withdraw my objection to the resolution of the gentleman from Missouri. [Cries of "Vote!"]

Mr. O'NEILL, of Missouri. The gentleman from Pennsylvania has withdrawn objection to my resolution.

The SPEAKER. The pending motion to adjourn cuts off all unanimous consent.

The yeas and nays were not ordered.

So the House refused to adjourn.

Mr. COMPTON. To-morrow being Good Friday, I move that when the House adjourns to-day it adjourn to meet Saturday morning at half past 10 o'clock.

The motion was disagreed to.

The SPEAKER. The question recurs on the motion of the gentleman from Kentucky [Mr. WILLIS] that the House take a recess until to-morrow morning at half past 10.

The House divided; and there were—ayes 88, noes 28.

Mr. HEPBURN. No quorum.

The SPEAKER appointed as tellers Mr. HEPBURN and Mr. WILLIS.

Mr. O'NEILL, of Pennsylvania. Make it 11 o'clock instead of half past 10.

INDIAN APPROPRIATION BILL.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced it had agreed to the request for a conference on the disagreeing votes of the two Houses on the Indian appropriation bill, and had appointed as managers of said conference on its part Mr. DAWES, Mr. PLUMB and Mr. CALL.

RECESS.

Mr. WILLIS. At the suggestion of gentlemen who differ with me I modify the motion by consenting to make it 11 o'clock.

Mr. HISCOCK. That is, with the understanding at 12 o'clock the House shall adjourn.

Mr. WILLIS. Yes, sir.

The motion was agreed to; and accordingly (at 5 o'clock and 20 minutes p. m.), the House took a recess until 11 o'clock a. m. to-morrow.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. H. ALLEN: Petition of George D. Robinson, governor, and A. E. Pillsbury, J. Q. A. Brackett, Alexander H. Rice, and 38 members of the Massachusetts senate; of G. G. Frothingham, George J. Burns, and 54 others, members of the Massachusetts house of representatives; of Edward Everett Hale, James Russell Lowell, Oliver Wendell Holmes, Nathan Allen, H. E. Scudder, and 33 others; of William Claflin, Rufus S. Frost, Ezra Farnsworth, and others; of Frederick O. Prince, Leverett Saltonstall, Hugh O'Brien, William Gaston, John B. O'Reilly, and others; of James F. Hyde, Thomas Peters, C. H. Burrage, Edward Atkinson, Dana Estes, and others; of Robert R. Bishop, J. W. M. W. Hall, Arthur W. Tufts, and others; and of Congregational ministers and of Baptist ministers of Boston and vicinity, Massachusetts, in aid of the enactment of Senate bill No. 54, a bill to provide for the allotment of lands in severalty to Indians on reservations, and for other purposes—to the Committee on Indian Affairs.

By Mr. ATKINSON: Memorial of Grange No. 569, of Pennsylvania, for legislation to suppress fraudulent imitations of dairy products—to the Committee on Agriculture.

Also, memorial of the same protesting against the removal of duties upon wool, jute, hemp, and other farm products—to the Committee on Ways and Means.

By Mr. BEACH: Concurrent resolution of the State Assembly of New York in favor of House bill 5720 to tax imitation butter—to the same committee.

By Mr. BOUND: Remonstrance of Grange No. 277, of Northumberland County, Pennsylvania, against the manufacture and sale of all imitation dairy products in this country—to the Committee on Agriculture.

Also, remonstrance of the same against the importation, free of duty, of any agricultural raw materials, such as wool, hides, jute, tobacco, raw sugar, rice, &c.—to the Committee on Ways and Means.

By Mr. BOYLE: Papers in the claim of Dr. James B. Grooms, for difference in pay as surgeon—to the Committee on Claims.

By Mr. C. R. BRECKINRIDGE: Petition of colored citizens of Arkansas, for an appropriation to send them to Liberia, and to support them for six months—to the Committee on Foreign Affairs.

By Mr. BUNNELL: Petition of citizens of Philadelphia, asking support of the Blair educational bill—to the Committee on Education.

Also, petition of Rising Sun Grange of Patrons of Husbandry, of Forest Lake; and of Grange No. 200, Patrons of Husbandry, of Bradford County, Pennsylvania, asking protection from imitation dairy products—to the Committee on Agriculture.

Also, petition of Grange No. 200, Patrons of Husbandry, of Bradford County; and of Rising Sun Grange, Patrons of Husbandry, for protection to agricultural interests and products—to the Committee on Ways and Means.

Also, petition of merchants, banks, manufacturers, and citizens of the United States, against the bankrupt bill—to the Committee on the Judiciary.

Also, an appeal from the wage-workers of the United States—to the Committee on Coinage, Weights, and Measures.

Also, letter to be filed with House bill No. 7814, for the relief of Leman D. Forrest, first lieutenant Company P, Thirty-fifth Pennsylvania Reserved Volunteer Corps—to the Committee on Military Affairs.

By Mr. BURLEIGH: Resolution of the New York State Legislature, praying Congress to pass House bill 5720, entitled "A bill to protect the producers and consumers of dairy products, and for other purposes"—to the Committee on Agriculture.

By Mr. J. M. CAMPBELL: Petition of Grange No. 799, of Pennsylvania, asking for increased protection on wool—to the Committee on Ways and Means.

By Mr. CARLETON: Petition of Labor Association No. 2461 Knights of Labor, of Fort Gratiot, Mich., against the passage of the free-ship bill—to the Select Committee on American Ship-building and Shipowning Interests.

By Mr. EVANS: Memorial of Patrons of Husbandry, of Edgewood (Pa.) Grange No. 6888, for the suppression of the manufacture and sale of imitation dairy products—to the Committee on Agriculture.

Also, memorial of Patrons of Husbandry, of Edgewood, Pa., against any reduction of duties on wool, hides, jute, tobacco, sugar, rice, &c.—to the Committee on Ways and Means.

By Mr. EVERHART: Memorial of Grange No. 67, Patrons of Husbandry, against the admission free of agricultural raw products—to the same committee.

Also, memorial of same for a law suppressing the sale of imitation butter—to the Committee on Agriculture.

By Mr. FUNSTON: Petition of William F. Millican and 100 others, for the passage of House bill No. 1579 for the suppression of the liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. GLASS: Petition of A. H. Taylor, son and agent of Mrs. Margaret Taylor, of Gibson County, Tennessee; and of A. H. Taylor, administrator of Mrs. Theodocia Turner, of Gibson County, Tennessee, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. GROUT: Petition of Samuel Kinkead and 80 others, citizens of North Hero, Vt., praying for a tax on oleomargarine—to the Committee on Agriculture.

By Mr. HAMMOND: Petition of J. S. Steward and others, citizens of Newton County, Georgia, in favor of Federal aid to education—to the Committee on Education.

By Mr. J. S. HENDERSON: Memorial of members of the Yadkin County (North Carolina) monthly meeting of Friends, signed by Lewis Norman, clerk, praying for the passage of Senate bill No. 335, to promote peace among the nations—to the Committee on Foreign Relations.

By Mr. HILL: Petition of S. H. Radebaugh and 150 others, citizens of Sumner County, Kansas, asking for the passage of the bill organizing Oklahoma Territory—to the Committee on Territories.

By Mr. LIBBEY: Petition of Samuel Kraft, of Company E, United States Voltigeurs, war with Mexico, for an invalid pension, being totally disabled—to the Committee on Pensions.

By Mr. LONG: Petition of John Jacob Astor, John Hall, W. M. Taylor, D. A. Mills, and others, for the enactment of Senate bill No. 54, for the allotment of lands in severalty to Indians—to the Committee on Indian Affairs.

By Mr. MORGAN: Petition of Maggie R. Lofton, and others, heirs of Robert Raiford, deceased, and Margaret B. Raiford, of Marshall and Tate Counties, Mississippi, asking that their war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. NEAL: Petition of A. M. Cate, W. T. Cate, T. L. Cate, and others, for services during the war—to the same committee.

By Mr. PERKINS: Communication from J. P. Baden, of Winfield, Kans., asking for legislation taxing oleomargarine and butterine—to the Committee on Agriculture.

By Mr. PETERS: Affidavit of Samuel Lee, and of B. F. Arnold, in support of claim of D. McArthur—to the Committee on War Claims.

By Mr. PETTIBONE: Petition of Mrs. Rebecca Bowers, for payment for a horse taken and used by the United States forces—to the same committee.

By Mr. RICHARDSON: Petition of J. W. Vanzant, of Franklin County, Tennessee, asking that his war claim be referred to the Court of Claims—to the same committee.

By Mr. SENEY: Resolution of General Assembly of Ohio, favoring House bill 4902 increasing soldiers' pensions—to the Committee on Invalid Pensions.

By Mr. SESSIONS: Petition of citizens of Alleghany County, New York, in favor of constitutional amendment prohibiting the manufacture and sale of intoxicating liquors—to the Select Committee on the Alcoholic Liquor Traffic.

Also, petition of farmers of Chautauqua County, New York, in favor of the bill to prevent the manufacture of fraudulent butter and cheese—to the Committee on Agriculture.

By Mr. J. B. WEAVER: Petition of Encampment No. 1, Union Veteran Legion, of Pittsburg, Pa., praying that a portion of the public domain be granted to soldiers of the Union Army in the late war, and also that they be paid the difference in value between paper money and gold at various dates of payment—to the Committee on Military Affairs.

By Mr. WELLBORN: Memorial of Knights of Labor and members of Farmers' Alliance of Johnson County, Texas—to the Committee on Labor.

Also, papers relating to the claim of Ulysses Merchants—to the Committee on War Claims.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. DORSEY: Of citizens of Holt County, Nebraska.

By Mr. T. J. HENDERSON: Of citizens of Whiteside and Lee Counties, Illinois.

By Mr. LOUTTIT: Of citizens of Nevada, Stanislaus, Mercer, and Butte Counties, California.

By Mr. MOFFATT: Of citizens of Chippewa and Benzie Counties, Michigan.

By Mr. MURPHY: Of citizens of Jackson County, Iowa.

By Mr. PAYSON: Of citizens of Livingston County, Illinois.

By Mr. SCOTT: Of citizens of Warren, Venango, and Erie Counties, Pennsylvania.

AFTER THE RECESS.

The recess having expired, the House, at 11 o'clock a. m. Friday, April 23, 1886, resumed its session.

ORDER OF BUSINESS.

Mr. WILLIS. I move that the House now resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. WELLBORN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole

House on the state of the Union for the further consideration of the river and harbor appropriation bill.

The Clerk will report the unfinished business coming over.

The Clerk proceeded to read as follows:

It is proposed to amend in line 685——

Mr. WILLIS. To save time, Mr. Chairman, I will state that my friend from Mississippi agrees to withdraw the amendment pending last evening, with the understanding that it shall be offered at another part of the bill.

Mr. ALLEN, of Mississippi. That is correct.

The CHAIRMAN. The Clerk will read the next paragraph of the bill.

The Clerk read as follows:

Improving Big Sunflower River, Mississippi: Continuing improvement, $5,000; of which $2,000 to be expended between Woodburn and Lehartan.

Mr. CATCHINGS. With the consent of the committee I desire to move an amendment in line 691 to correct the spelling of the name. This should be "Lehrton" instead of "Lehartan."

The amendment was agreed to.

The Clerk read as follows:

Improving Yazoo River, Mississippi: Continuing improvement, $15,000; of which $5,000 to be used in repairing snag-boat.

Mr. WILLIS. I move to amend in line 719, adding the words, after the word "dollars," "or so much thereof as may be necessary."

The engineers report that it will not take so much.

The amendment was agreed to.

The Clerk read as follows:

Improving Bayou Bartholomew, Louisiana: Continuing improvement, $5,000.

Mr. McRAE. I move, Mr. Chairman, in line 727, to amend by adding after the word "Louisiana" the words "and Arkansas."

The amendment was agreed to.

The Clerk read as follows:

Improving Bayou Courtableau, Louisiana: Continuing improvement, $5,000.
Improvement Bayou D'Arbonne, Louisiana: Continuing improvement, $2,000.
Improving Bayou Terre Bonne, Louisiana: Continuing improvement, $5,000.
Improving Cypress Bayou and the lakes between Jefferson, Tex., and Shreveport, La., Texas and Louisiana: To complete improvement, $18,000.

Mr. ANDERSON, of Kansas. I would move to strike out the last word for the purpose of getting some information as to the character of the work on these bayous from the chairman of the committee, as well as the volume of commerce upon them.

Mr. BRECKINRIDGE, of Arkansas. To which do you specially refer?

Mr. BLANCHARD. If the gentleman will permit me, I think I can answer.

Cypress Bayou in Texas and the lakes between Jefferson, Tex., and Shreveport, La., form a navigable water way about 150 miles long. Jefferson, Tex., is an important town in Eastern Texas, in the Congressional district represented by my friend from Texas [Mr. CULBERSON]. There is a very considerable commerce in cotton every season coming from Jefferson down Cypress Bayou and into the lakes through Red River on to New Orleans.

Mr. ANDERSON, of Kansas. What is the character of the improvement?

Mr. BLANCHARD. It is the removal of stumps, logs, snags, and other obstructions.

Mr. ANDERSON, of Kansas. There are no rapids to be improved?

Mr. BLANCHARD. No, sir; but some dredging to be done.

Mr. HEPBURN. Can the gentleman tell us how much cotton is floated through this bayou to which he refers?

Mr. BLANCHARD. I am unable to state from memory, but the report of the engineers shows it. Jefferson is the shipping point of about ten or fifteen thousand bales, and there are other shipping points on the lakes.

Mr. HEPBURN. On this Cypress Bayou?

Mr. BLANCHARD. Jefferson, Tex., is the head of navigation on this bayou, which flows into the lakes, and the lakes discharge into the Red River.

The Clerk read as follows:

Improving Tensas River and Bayou Macon, Louisiana: Continuing improvement, $4,000.

Mr. BUTTERWORTH. Mr. Chairman, I move to strike out the last word in line 739 for the purpose of making an inquiry.

I desire to ask the chairman if he knows how many snag-boats are used in improving the navigation of the Mississippi and these several bayous—snag and dredge boats?

Mr. WILLIS. I do not recollect the exact number. I will say to the gentleman, however, that this improvement, to which the paragraph just read relates, is not immediately connected with the Mississippi. There are only one or two snag-boats here, which are used on three or four different rivers. Three, I think, is the total number employed on three or four rivers in this immediate vicinity.

Mr. BUTTERWORTH. So far as this is immediately connected with the Mississippi River that is true; but it has reference to its improvement, because all of these bayous are connected with that system of navigation, all of them opening into the river. The bayous may be called, and are, to a certain extent, navigable rivers, being the only highways to the Mississippi from these regions.

But I desire to have this information for a purpose, to be used later on, and for that reason I asked the question.

Mr. WILLIS. I will give the gentleman the information later on, but it is not immediately at hand.

Mr. BLANCHARD. If the gentleman will permit me a moment. The Tensas River and Bayou Macon are navigable tributaries of the Ouachita River. That river has a navigable length of about 400 miles and floats a large commerce. Upon it snag-boats are operated, and from the parent river they ascend the bayous and are used in their improvement. Thus, by making an appropriation for the improvement of these navigable tributaries the snag-boats can be utilized upon them and be of service in clearing out obstructions in their channels.

Mr. BUTTERWORTH. I had no motive in asking the question to make opposition, but to obtain information to be used later on.

The Clerk read the following paragraph:

Improving Red River, Louisiana and Arkansas: Continuing improvement from Fulton, Ark., to the Atchafalaya River, Louisiana, including completing the work at Alexandria, $95,000; of which sum $45,000, or so much thereof as may be necessary, shall be used in making a thorough survey of the river from Fulton, Ark., to the Atchafalaya River, and in completing the survey of Bayou Pierre, Louisiana.

Mr. ANDERSON, of Kansas. I would be obliged for information as to the character of this work to be completed; and also while $95,000 is to be appropriated for this work, a portion of it, $45,000, is to be used in making a thorough survey of the river from Fulton, Ark., the remainder including the completing of the work at Alexandria. What is that work?

Mr. BLANCHARD. I will answer the gentleman from Kansas. Alexandria is an important town on the Red River, and just above the town are the falls of the Red River. The Government has been improving these falls of the river for years; and in connection with this improvement certain work has been done in the river at the upper end of the town of Alexandria. This work was ordered in the river and harbor bill of 1884, has been partially done, and its completion is provided for in this appropriation for the Red River.

Mr. ANDERSON, of Kansas. What will be the aggregate cost?

Mr. BLANCHARD. The engineers in their report require $10,000 to complete the work there.

Mr. ANDERSON, of Kansas. Is this survey of the upper part of the river a different work from the other surveys which are mentioned?

Mr. BLANCHARD. The Chief of Engineers for years has been asking Congress to make an appropriation for the survey of the Red River. The Red River of the South is the third river in the United States in point of navigable length. Steamboats have traversed it from its mouth 1,200 miles up. This survey is to be from Fulton, Ark., to the mouth of the river, a distance of 700 miles. It has never been surveyed. The $45,000 mentioned in the bill is the estimate of the Chief of Engineers for its survey. We spend hundreds of thousands of dollars every year in continuing the surveys on the Mississippi, the Missouri, and the Ohio Rivers. The Red River, which is a longer river than the Ohio in navigable length, and the valley of which has a commerce of twenty-five millions per annum, has not hitherto been surveyed.

Mr. HEPBURN. I would like to ask the chairman of the committee why it is in this particular case the entire amount asked for is granted by the committee—100 per cent. of the recommendation?

Mr. WILLIS. In reply to the gentleman from Iowa, I will state that this has not been done. If the gentleman will examine the Book of Estimates which I hold before me he will find the estimate for the survey was $45,000 and for the improvement $90,000. We combine the two.

Mr. HEPBURN. It was the survey I was speaking of. It is recommended that $45,000 shall be used in making a thorough survey of the river, and that amount is appropriated.

Mr. WILLIS. So far as the survey is concerned, the gentleman is correct. I thought he alluded to the aggregate of both appropriations. The reason why the full amount for the survey is recommended is that the committee, in its judgment, thought if any survey was made it could be less expensively made by being completed at once; and that was the request of the engineer.

The Clerk read the following paragraph:

Improving Tickfaw River, Louisiana: Continuing improvement, $2,000; to be expended on its navigable tributaries.

Mr. HENDERSON, of Iowa. I should like to be informed into what river this river and its tributaries enter. My geography is not equal to an acquaintance with all these streams.

Mr. BLANCHARD. The Tickfaw River is a river which empties into Lake Pontchartrain, which is a body of salt water contiguous to the city of New Orleans, touching the rear of that city, and navigated by vessels of all kinds. The vessels which navigate the Tickfaw reach New Orleans over Lake Pontchartrain.

Mr. HENDERSON, of Iowa. It strikes me this paragraph is rather blind. It makes an appropriation for tributaries of the Tickfaw. What are its tributaries? There is an appropriation for tributaries, but they are not named.

Mr. BLANCHARD. The Tickfaw River in past river and harbor bills has been included among the rivers for which appropriations have been made. The engineer now states the Tickfaw River does not itself need a further appropriation, but certain tributaries named in the report should have a small appropriation for clearing out snags and other obstructions.

Mr. HENDERSON, of Iowa. Will the gentleman name those tributaries?

Mr. WILLIS. They are the Blood, the Natalbany, and the Ponchatoula. For the purpose of saving the ears of the committee we put these in the bill as tributaries of the Tickfaw.

The engineer says:

It is therefore recommended that no further appropriation be made for the Tickfaw unless the money so appropriated can be applied to the branches referred to.

We have recommended this appropriation in accordance with the report of the engineer.

Mr. HENDERSON, of Iowa. These are navigable branches of the river?

Mr. WILLIS. Yes, sir.

Mr. ANDERSON, of Kansas. Have there been surveys made for this work?

Mr. WILLIS. Yes, sir; they are stated here in the engineer's report.

The Clerk read the following paragraph:

Improving Ouachita and Black Rivers, Louisiana: Continuing improvement, including bank protection at harbor of Monroe, $17,500; of which $7,500, or so much thereof as may be necessary, for repairing snag-boat Wagner.

The committee recommended the following amendment:

In lines 756 and 757 strike out these words, "including bank protection at harbor of Monroe."

Mr. BLANCHARD. I offer the amendment which I send to the desk. It is merely a verbal correction.

The Clerk read as follows:

Strike out the words "Improving Ouachita and Black Rivers, Louisiana," in line 755, and insert "Improving Ouachita River, Louisiana and Arkansas, and Black River, Louisiana."

The CHAIRMAN. The question is first on agreeing to the amendment proposed by the committee.

The amendment was agreed to.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Louisiana [Mr. BLANCHARD].

Mr. CANNON. I would like to ask wherein it differs from the recommendation of the committee.

Mr. BLANCHARD. It differs only in this respect. The Ouachita River is an interstate river, and we do not wish to confine the improvement to the portion of the river in Louisiana. The river is navigable 150 miles beyond the Louisiana State border.

The amendment was agreed to.

The Clerk read as follows:

Improving Calcasieu River and Pass, Louisiana: Continuing improvement to secure a navigable channel 8 feet deep over the bars at the Calcasieu Pass; for this purpose the money on hand heretofore appropriated for improvement of Calcasieu River is to be used.

The Committee on Rivers and Harbors recommended an amendment striking out, in line 762, the words "at the Calcasieu Pass" and inserting in lieu thereof the words "affecting the entrance to said river and pass, and."

The amendment was agreed to.

The Clerk read as follows:

Improving Saint Francis River, Arkansas: Continuing improvement, $9,000.

Mr. DAWSON. Mr. Chairman, the report of the engineer, upon which this appropriation is based, recommends improving the river up as far as the town of Saint Francis. That is the object of the provision in the bill; but in order to make it clearer I move to amend by inserting in line 770, after the word "Arkansas," the words "and Missouri to the town of Saint Francis."

Mr. CANNON. Mr. Chairman, I rise to oppose the amendment, or rather to propound an inquiry for the purpose of obtaining some information. I must confess that I am not as competent to discuss this clause or many other clauses in the bill as perhaps I should be. I have not read the report of the engineers touching the Saint Francis River. Some years ago, however, it was my fortune to pass through that section of country in Arkansas, and while my recollection is that the White River is a magnificent river, from anything I could see or learn about the Saint Francis River in Arkansas (to say nothing of the portion in Missouri) my impression is that it is not of much account. I must say, therefore, that I am surprised to see this item in the bill, and unless the committee have evidence of some recent revolution which has affected the bed of that river, whatever may be the judgment of the committee, I must confess that to my mind this is not a meritorious appropriation.

Mr. BRECKINRIDGE, of Arkansas. Will the gentleman please state what part of the Saint Francis River he is familiar with?

Mr. WILLIS. Mr. Chairman, the gentleman from Illinois is undoubtedly in error—honestly so, I have no question. I will read some figures from the official report of the engineers, which will show at once that this is one of the most important rivers in the United States.

Mr. CANNON. If so, I shall be very glad to be informed and to withdraw my amendment.

Mr. WILLIS. Twenty-eight thousand bales of cotton and 15,100 tons of cotton-seed have been transported upon that river annually, and that alone, to say nothing of other commerce, would seem to justify the appropriation the committee has recommended, which the gentleman sees is a small one.

Mr. BRECKINRIDGE, of Arkansas. I will say further to the gentleman from Illinois [Mr. CANNON] that I know this river well, and it has, speaking roughly, about 250 miles of navigable water. There is a commerce carried upon it and regulated by it of several million dollars annually. In fact, it is one of the most important medium-sized rivers in the Southwestern system.

Mr. CANNON. I am very much gratified to hear it. I must say, I had got a contrary impression.

Mr. BLANCHARD. Let me add that I personally have gone up the Saint Francis River by boat about 150 miles from its mouth.

Mr. CANNON. A gentleman near me suggests that the river is growing, and I am gratified to be informed of that fact. [Laughter.]

The amendment was agreed to.

The Clerk read as follows:

Improving Arkansas River, Arkansas: Continuing improvement, $75,000; of which there are to be expended $8,000 at Pine Bluff, $13,000 at Fort Smith, and $10,000 at Dardanelles, or so much thereof under those sums respectively as may be necessary at those points.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, in order to define more clearly the purpose of the committee, I move to amend that paragraph by inserting after the word "improvement," in line 773, the words "according to plans and recommendations in Appendix V 13, Executive Document 1, Forty-ninth Congress, first session."

Mr. WILLIS. There is no objection to that.

Mr. HEPBURN. I would be glad to learn why it is necessary to indicate these particular points where this money is to be expended. Why can not the engineers in charge be trusted to determine these questions? Is not this appropriation for the purpose of improving wharves at these different places named, and fixing up the river banks for the convenience of the people of these various towns?

Mr. BRECKINRIDGE, of Arkansas. I will answer the gentleman's question. What is specified for localities is not embraced in the amendment. That which is specified for Dardanelle has nothing to do with any wharf, but is to correct the channel of the river, which is now abandoning the port at that point. That which is specified for Fort Smith relates to repairing a dike which was constructed by the Government a good many years ago to keep the river over on the city side, that dike being now in need of repair. The specification in the amendment which I have introduced is simply to make perfectly clear what is recommended by the engineer, so as to show that we are not appropriating for any general and distributive purposes, but for the specific object enumerated in the report. That object has relation exclusively to the general channel improvement over a particular section of the river, 176 miles in length, where the great body of the commerce must pass. The effect of the amendment is to prevent the carrying out of any such purpose as the gentleman is disposed to attribute to it.

The amendment of Mr. BRECKINRIDGE, of Arkansas, was agreed to.

Mr. BRECKINRIDGE, of Arkansas. I move further to amend by striking out "s" at the end of the word "Dardanelles," so as to correct the spelling.

The amendment was agreed to.

The Clerk read as follows:

For the removal of snags, wrecks, and other obstructions in the Arkansas River, $26,500; of which sum $1,500, or so much thereof as may be necessary, shall be used to complete the survey of the Arkansas River between Fort Gibson and Wichata.

Mr. PETERS. I desire to ask where "Wichata" is.

Mr. BRECKINRIDGE, of Arkansas. We would be very glad to have the gentleman give us some information about Wichata. He and his constituents have been getting appropriations for it for a long time. It is said to be in his State.

Mr. PETERS. If it were spelled correctly, I should recognize it as being in Kansas.

Mr. WILLIS. I ask to have a verbal amendment made so that the name may read "Wichita."

Mr. PETERS. In addition to the correction of the spelling, I ask that the word "Kansas" be inserted after "Wichita" so as to designate it.

Mr. WILLIS. I hope that will be done. I modify my amendment accordingly.

The amendment of Mr. WILLIS, to strike out "Wichata" and insert "Wichita, Kans.," was agreed to.

The Clerk read as follows:

Improving Red River, Arkansas, above Fulton: Continuing improvement, $7,000.

The amendment of the committee to strike out the words "continuing improvement" was agreed to.

Mr. BRECKINRIDGE, of Arkansas. I desire to offer a verbal amendment, with the concurrence of the chairman of the committee. It is to insert after "Arkansas," in line 785, the words "Texas and the Indian

Territory," and to insert after the word "Fulton" the word "Arkansas;" so as to make the paragraph read:

Improving Red River, Arkansas, Texas, and the Indian Territory above Fulton, Ark., $7,000.

The amendment was agreed to.

The Clerk read, as follows:

Improving Little Red River, Arkansas: Continuing improvement, $3,000.

The amendment of the committee to strike out "continuing improvement" was agreed to.

The Clerk read as follows:

Improving Petit Jean River, Arkansas: Continuing improvement, $3,500.

The amendment of the committee was to strike out the words "continuing improvement."

Mr. HEPBURN. I desire to ask the chairman of the committee whether in these cases where the words "continuing improvement" are stricken out by the committee the appropriations are for new works?

Mr. WILLIS. They are; and it is for that reason we strike out the words "continuing improvement."

Mr. HEPBURN. In the case of all these amendments that is true?

Mr. WILLIS. Yes, sir.

Mr. CUTCHEON. Are there any of these cases in which the improvements have been made heretofore, but the appropriation is for further improvement?

Mr. WILLIS. No, sir; these are matters recommended by the engineers upon later surveys, works which have not heretofore received appropriations.

The amendment was agreed to.

The Clerk read as follows:

Improving White River, Arkansas: Continuing improvement, $18,000; to be used in completing the survey and improvement of the river.

Mr. PEEL. I desire to offer an amendment which is acceptable to the committee, as it simply directs the method in which this appropriation is to be divided.

The amendment was read, as follows:

Strike out all after the word "dollars," in line 793, and insert "$13,000 of which, or so much thereof as may be necessary, to complete the survey of said river; the remainder for general improvement."

Mr. WILLIS. That is exactly in accord with the recommendation of the engineer. The committee has no objection.

The amendment was agreed to.

The Clerk proceeded with the reading of the bill until the following paragraph was read:

Improving French Broad River, Tennessee: Continuing improvement, $6,000.

Mr. JOHNSTON, of North Carolina. I rise, Mr. Chairman, for the purpose of moving an amendment to that paragraph.

Mr. WILLIS. I hope the gentleman, after having indicated the amendment which he wishes to submit to this paragraph, will allow it to go over for the present, so we may, in the time remaining before 12 o'clock, go over those parts of the bill which will give rise to no debate. The understanding is that we shall not take up any matter which any one member will object to.

Several MEMBERS. Let the amendment be read.

Mr. JOHNSTON, of North Carolina. With the understanding that I shall have full opportunity to offer the amendment hereafter, I will withhold it for the present.

Mr. WILLIS. I ask by unanimous consent, Mr. Chairman, that amendments which are indicated by gentlemen may be offered hereafter for action, and that in the mean time we may go over those parts of the bill which will give rise to no debate.

Mr. ANDERSON, of Kansas. I should like to know when we reach the Michigan and Minnesota parts of this bill whether it is intended by this arrangement to close debate upon those paragraphs.

Mr. WILLIS. I have no such intention. I do not propose to take up those matters until we get on the bill again. My proposition now is to take up only those parts of the bill which will give rise to no debate and to which there is no objection. When we get to the Mississippi River, if a single member wishes it passed over, it will be passed over.

Mr. WEAVER, of Nebraska. And the Missouri River?

Mr. WILLIS. It is not the purpose either to take up the Missouri River. Those portions of the bill which may give rise to debate, and to which there may be objections, are to be passed over for the present, and only those portions are to be taken up and acted upon which will give rise to no debate, and to which there is no objection.

Mr. ANDERSON, of Kansas. But gentlemen may wish to offer amendments.

Mr. WILLIS. There is no intention to deprive any member of his right to offer an amendment. All that is asked is that the member on reaching the paragraph shall indicate his amendment, and then at the proper time we will come back and consider it.

Mr. ANDERSON, of Kansas. It is then included in the unanimous consent that any gentleman may return to offer amendments?

Mr. WILLIS. Embraced in this morning's action—yes, sir.

Mr. ANDERSON, of Kansas. I do not object to that.

Mr. BUTTERWORTH. As I understand it, any gentleman desiring to offer an amendment, all he has to do is to indicate it, and the committee will return to it in order hereafter for consideration and action.

Mr. BRECKINRIDGE, of Arkansas. I do not agree to that.

The CHAIRMAN. The Chair will state the request so it may be clearly understood. The gentleman from Kentucky asks by unanimous consent to go over that part of the bill on to the close to which there may be no objection and which will give rise to no debate. Any gentleman, by simply indicating his desire to submit an amendment, may be permitted to return to that particular part in proper order, although for the present it has been passed over.

Mr. ANDERSON, of Kansas. I would like to know what reason there is for this new proceeding.

Mr. WILLIS. It is in order to save the time of the House.

Mr. ANDERSON, of Kansas. How does it save the time of the House?

Mr. WILLIS. There is very little more time remaining between now and 12 o'clock, when, by agreement made yesterday, an adjournment is to take place. And by the arrangement I propose we may be able to get through with all that portion of the bill to which there is no objection and which will give rise to no debate.

Mr. ANDERSON, of Kansas. Let us have some understanding as to the time when a member may indicate that he may desire to offer an amendment.

Mr. STONE, of Massachusetts. When we come to that part of the bill all he has to do is to rise and say that he wishes to offer an amendment at the proper time to that part of the bill.

Mr. WILLIS. When we come to the portion of the bill to which the gentleman wishes to offer an amendment if he will rise at that point and say I have an amendment to offer the Clerk will make a memorandum and so will I, so that it may be taken up in order when we return to the portions which have been passed over for future action.

Mr. ANDERSON, of Kansas. But suppose some gentlemen who are now absent may desire to offer amendments?

Mr. FARQUHAR. Those members who are not here now of course could not offer amendments, and they will not lose anything by this arrangement.

Mr. WILLIS. Those who are now absent would have no chance to offer amendments.

The CHAIRMAN. Is there objection to the unanimous consent asked by the gentleman from Kentucky?

Mr. WILLIS. It will not take advantage of anybody.

Mr. LONG. Why not settle the whole matter at this time?

Mr. WILLIS. The object is to save the time of the House.

Mr. LONG. No time will be saved; but, on the contrary, time will be lost.

Mr. FARQUHAR. It is perfectly evident that no time will be saved by the arrangement, and I object to it.

Mr. JOHNSTON, of North Carolina. I ask the Clerk to read my amendment.

The CHAIRMAN. The Clerk will read the pending paragraph.

The Clerk read as follows:

Improving French Broad River, Tennessee: Continuing improvement, $6,000.

Mr. JOHNSTON, of North Carolina. I ask the Clerk to read the amendment which I offer to that paragraph.

The Clerk read as follows:

Add after words "six thousand dollars," in line 810, the words "and continuing improvement on same river in North Carolina, $16,000, of which eight thousand are to be expended at and above Big Buck Shoals."

Mr. JOHNSTON, of North Carolina. Mr. Chairman, I offer this amendment to continue the improvement of the French Broad River in North Carolina. The Government has already expended $43,000 there, and I do not see any good reason why that improvement should be abandoned.

I was informed by the chairman of the Committee on Rivers and Harbors that that committee had determined to leave out all rivers not connected with navigable streams. And yet I find they have excluded not only this river but several others of a similar character. In the engineers' report it is estimated the whole cost of the work would be $122,000. They have expended $43,000, and $79,000 is still required. My amendment only provides for $16,000; and I can not see why the French Broad River, which has heretofore received appropriations from the Government, shall be turned aside while other rivers are granted appropriations in this bill which, in my judgment, are not of equal merit. I hope the amendment will be adopted.

Mr. WILLIS. The only reason that actuated the committee in its recommendation was that we stood face to face with a decision of the Supreme Court which said that this was not a navigable river; and we have too much respect for the court, notwithstanding our desire to improve this beautiful river, to attempt to improve it while this decision stood.

Mr. JOHNSTON, of North Carolina. If the gentleman will show me that decision I will give up this amendment. On the contrary, I will show that the decision he refers to relates to a river which is included in this bill. It is a decision in 11 Wallace in regard to a ship

called the Montello. The court decided that that river was not navigable.

Mr. BLANCHARD. I desire to state the case to which I suppose the gentleman from North Carolina refers. The case of the Montello is in 20 Wallace, page 430. The decision in that case referred to the Fox River, Wisconsin, and not to the French Broad River. The French Broad was included in the report of the Secretary of War, that under the decision of 11 Wallace the French Broad was not a navigable water way of the United States.

Mr. JOHNSTON, of North Carolina. If the French Broad River is not a navigable water way why do the committee report an appropriation to improve it in Tennessee and not in North Carolina?

The question being taken on the amendment, there were—ayes 42, noes 00.

So (further count not being called for) the amendment was not agreed to.

Mr. JOHNSTON, of North Carolina. I move to strike out the last word. The gentleman from Louisiana [Mr. BLANCHARD] referred, as I understood him, to a decision in 20 Wallace. The Montello decision is in 11 Wallace, page 414. The river there referred to is the Fox River; and in this bill is included the Fox River to which the committee give an appropriation. Why should the French Broad River be excluded when there is nothing to show that this river is not navigable?

Mr. GIBSON, of West Virginia. I make the point of order that there is nothing before the committee.

The CHAIRMAN. A formal amendment is pending.

Mr. JOHNSTON, of North Carolina. I am not surprised at the point of order being made by the gentleman from West Virginia, who has got two or three rivers in his country exactly like mine and for which appropriations are made. One of his rivers is the Buckhannon, which is used for no other purpose than to raft lumber down. There is the New River, belonging to the same class, and several other rivers exactly like the French Broad River, except that on the French Broad there are many products which can not be hauled out and it can be made a navigable river, while the Buckhannon can not be made serviceable except for the purpose of rafting logs.

Mr. SKINNER. I move to strike out lines 809 and 810. I do so because I think that an invidious distinction has been made between North Carolina and Tennessee. This is exactly the same river that the Committee on Rivers and Harbors and this Committee of the Whole refused to appropriate for in North Carolina. I want this appropriation stricken out, unless the Committee on Rivers and Harbors can give a good reason for that invidious distinction.

Mr. WILLIS. I desire simply to say in all kindness to the gentleman from North Carolina [Mr. SKINNER] that French Broad River is divided by a fall, which is not navigable, and in a decision of the Supreme Court, to which the Secretary of War calls attention in Executive Document 142, no river is improvable by the United States that is cut off by a fall. The lower part of the river is navigable up to the fall. That is the whole of it.

Mr. BRECKINRIDGE, of Arkansas. I wish to ask the gentleman from Kentucky a question. Is no part of the river above the falls an interstate river?

Mr. WILLIS. It is not.

Mr. SKINNER. I desire also to ask the chairman of the committee a question. Is there no river appropriated for in this bill that is not an interstate river? Is there no river appropriated for that does not run through more than one State?

Mr. WILLIS. If there is I will join the gentleman in striking it out.

Mr. SKINNER. I could point out a hundred. There is the Osage River in Missouri.

The question being taken on Mr. SKINNER'S amendment, it was rejected.

The Clerk read the following paragraph:

Improving Hiawassee River, Tennessee: Continuing improvement, $2,500.

Mr. JOHNSTON, of North Carolina. I wish to ask the gentleman from Kentucky if the appropriation for the French Broad River does not apply to the portion of the river above the navigable falls?

Mr. WILLIS. Not a dollar of it. I will state to the gentleman that a river may be navigable in a State and not navigable in the United States. This river passes out of North Carolina, goes into Tennessee, and below the falls becomes an interstate river.

Mr. JOHNSTON, of North Carolina. Below what falls?

Mr. WILLIS. Below the falls you represent.

Mr. JOHNSTON, of North Carolina. I do not represent any falls there. [Laughter.]

The Clerk read the following paragraph:

Improving South Fork of Forked Deer River, Tennessee: Continuing improvement, $5,000.

Mr. GLASS. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to the paragraph the following:

"Improving the North Forked Deer from Dyersburg to the junction of the South Forked Deer, $10,000."

Mr. GLASS. This little stream is a meritorious object for national appropriation. The north and south forks make up the main stream in Tennessee, known as the Forked Deer River. The commerce of the North Fork to its junction with the South Fork is greater than the commerce of the South Fork above that junction. A survey was made in 1874 and appropriations were recommended by the engineers. Another survey was made in 1880 and appropriations were recommended by the engineers and estimates given for this stream for which I now ask an appropriation of $10,000. By some means the appropriation was made for the South Fork and not made for the North Fork. I can not understand why this difference should be made, because the business done on the North Fork for the last forty years has been considerable, and for many years past has been larger than the business done on the South Fork. I ask now, in view of the importance of this stream, which is very deep in high water and is now navigable for five months of the year, with a business on it amounting in the aggregate to more than one and a half million dollars, that this appropriation shall be made for it.

I see no reason, sir, why a discrimination should be made against this fork of the river while provision is made for the improvement of the South Fork, and for that reason I ask this appropriation.

Mr. HAMMOND. As this is a forked stream I move to give them one-half—$5,000 instead of $10,000.

Mr. WILLIS. The only difficulty here is that this river has not been surveyed, nor has an estimate been made for it in the present report. It is a stream, as the gentlemen from Tennessee says, of considerable importance; there is a large amount of business done upon it, in fact it is a much more important stream than gentlemen would imagine without an examination, but not having been surveyed, and no recommendation having been made for it, the committee has not felt warranted in proposing an appropriation.

Mr. BROWNE, of Indiana. Will the gentleman from Kentucky give the date of discovery of this river? I notice the Committee on Rivers and Harbors are constantly discovering new rivers unknown before.

Mr. WILLIS. Our telescope has not yet reached that point.

Mr. ANDERSON, of Kansas. If this river is so important; if it has a considerable amount of commerce upon it, as gentlemen seem to concede and as the gentleman from Tennessee has stated, I would like to ask if this House is precluded from making an appropriation for it simply because the engineers have not made any estimate? In other words, are we hedged in by the reports of the engineers, and have we no power to go beyond them?

Mr. GLASS. Estimates for this improvement were made in 1880, but no action was taken upon them at that time.

Mr. ANDERSON, of Kansas. I favor the amendment of the gentleman so far as I am concerned; and I do not think it is a valid reason to oppose it that there has been no report upon it from the engineers if the necessities of commerce demand its improvement. I do not see why we should wait upon the engineers.

Mr. WILLIS. Mr. Chairman, one of the conditions upon which the House consented to take a recess was on a promise that I would move that the committee rise for the purpose of adjourning and beginning a new legislative day on Friday. I therefore move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WELLBORN reported that the Committee of the Whole House on the state of the Union, having had under consideration the river and harbor bill, had come to no resolution thereon.

And then, on motion of Mr. WILLIS (at 11 o'clock and 58 minutes a. m., Friday), the House adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April* 23, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

LABOR ARBITRATION.

The SPEAKER laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

The Constitution imposes upon the President the duty of recommending to the consideration of Congress from time to time such measures as he shall judge necessary and expedient.

I am so deeply impressed with the importance of immediately and thoughtfully meeting the problem which recent events and a present condition have thrust upon us, involving the settlement of disputes arising between our laboring men and their employers, that I am constrained to recommend to Congress legislation upon this serious and pressing subject.

Under our form of government the value of labor as an element of national prosperity should be distinctly recognized, and the welfare of the laboring man should be regarded as especially entitled to legislative care. In a country which offers to all its citizens the highest attainment of social and political distinction its workingmen can not justly or safely be considered as irrevocably consigned to the limits of a class and entitled to no attention and allowed no protest against neglect.

The laboring man, bearing in his hand an indispensable contribution to our growth and progress, may well insist, with manly courage and as a right, upon

the same recognition from those who make our laws as is accorded to any other citizen having a valuable interest in charge; and his reasonable demands should be met in such a spirit of appreciation and fairness as to induce a contented and patriotic co-operation in the achievement of a grand national destiny.

While the real interests of labor are not promoted by a resort to threats and violent manifestations, and while those who under the pretext of an advocacy of the claims of labor wantonly attack the rights of capital, and for selfish purposes or the love of disorder sow seeds of violence and discontent, should neither be encouraged nor conciliated, all legislation on the subject should be calmly and deliberately undertaken, with no purpose of satisfying unreasonable demands or gaining partisan advantage.

The present condition of the relations between labor and capital are far from satisfactory. The discontent of the employed is due in a large degree to the grasping and heedless exactions of employers and the alleged discrimination in favor of capital as an object of governmental attention. It must also be conceded that the laboring men are not always careful to avoid causeless and unjustifiable disturbance.

Though the importance of a better accord between these interests is apparent, it must be borne in mind that any effort in that direction by the Federal Government must be greatly limited by constitutional restrictions. There are many grievances which legislation by Congress can not redress, and many conditions which can not by such means be reformed.

I am satisfied, however, that something may be done under Federal authority to prevent the disturbances which so often arise from disputes between employers and the employed, and which at times seriously threaten the business interests of the country; and, in my opinion, the proper theory upon which to proceed is that of voluntary arbitration as the means of settling these difficulties.

But I suggest that instead of arbitration chosen in the heat of conflicting claims, and after each dispute shall arise, there be created a commission of labor, consisting of three members, who shall be regular officers of the Government, charged among other duties with the consideration and settlement, when possible, of all controversies between labor and capital.

A commission thus organized would have the advantage of being a stable body, and its members, as they gained experience, would constantly improve in their ability to deal intelligently and usefully with the questions which might be submitted to them. If arbitrators are chosen for temporary service as each case of dispute arises, experience and familiarity with much that is involved in the question will be lacking, extreme partisanship and bias will be the qualifications sought on either side, and frequent complaints of unfairness and partiality will be inevitable. The imposition upon a Federal court of a duty so foreign to the judicial function as the selection of an arbitrator in such cases is at least of doubtful propriety.

The establishment by Federal authority of such a bureau would be a just and sensible recognition of the value of labor, and of its right to be represented in the departments of the Government. So far as its conciliatory offices shall have relation to disturbances which interfere with transit and commerce between the States, its existence would be justified under the provisions of the Constitution which gives to Congress the power "to regulate the commerce with foreign nations and among the several States." And in the frequent disputes between the laboring men and their employers, of less extent, and the consequences of which are confined within State limits and threaten domestic violence, the interposition of such a commission might be tendered upon the application of the Legislature or executive of a State, under the constitutional provision which requires the General Government to "protect" each of the States "against domestic violence."

If such a commission were fairly organized the risk of a loss of popular support and sympathy resulting from a refusal to submit to so peaceful an instrumentality would constrain both parties to such disputes to invoke its interference and abide by its decisions. There would also be good reason to hope that the very existence of such an agency would invite application to it for advice and counsel, frequently resulting in the avoidance of contention and misunderstanding.

If the usefulness of such a commission is doubted because it might lack power to enforce its decisions, much encouragement is derived from the conceded good that has been accomplished by the railroad commissions which have been organized in many of the States, which, having little more than advisory power, have exerted a most salutary influence in the settlement of disputes between conflicting interests.

In July, 1884, by a law of Congress, a Bureau of Labor was established and placed in charge of a Commissioner of Labor, who is required to "collect information upon the subject of labor, its relations to capital, the hours of labor, and the earnings of laboring men and women, and the means of promoting their material, social, intellectual, and moral prosperity."

The commission which I suggest could easily be ingrafted upon the bureau thus already organized by the addition of two more commissioners and by supplementing the duties now imposed upon it by such other powers and functions as would permit the commissioners to act as arbitrators when necessary between labor and capital, under such limitations and upon such occasions as should be deemed proper and useful.

Power should also be distinctly conferred upon this bureau to investigate the causes of all disputes as they occur, whether submitted for arbitration or not, so that information may always be at hand to aid legislation on the subject when necessary and desirable.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April* 22, 1886.

Mr. SPRINGER. I move that the message of the President be referred to the Committee on Labor, with instructions to report thereon by bill or otherwise on or before the 15th day of May next.

Mr. HAMMOND. Mr. Speaker, there is no reason for supposing that the committee will not report at as early a date as practicable, and I think it is somewhat unusual to instruct the committee to report by a given day. I therefore hope the gentleman will not insist upon the motion.

Mr. SPRINGER. I do insist, because if this passes the committee will be required to make their report, and it will be in order to submit the report for consideration; otherwise it will have to be submitted under the rules of the House and may not be reached for consideration within a reasonable time.

Mr. BUTTERWORTH. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BUTTERWORTH. I am not sure that I caught the motion of the gentleman from Illinois correctly——

The SPEAKER. The gentleman from Illinois moves to refer the message of the President of the United States to the Committee on Labor, with instructions to report thereon by bill or otherwise on or before the 15th day of May next.

Mr. KELLEY. Is this motion divisible?

Mr. BUTTERWORTH. I move to substitute the Committee of the Whole on the state of the Union.

Mr. ROGERS. If that amendment should be adopted where would it place the report when it comes in?

The SPEAKER. It will take its place on the Calendar with other business.

Mr. SPRINGER. In which case we can never reach it.

Mr. KELLEY. I ask if the motion of the gentleman from Illinois is divisible? I desire a vote first on referring it and afterward on the instructions.

The SPEAKER. The Chair will answer in a moment. The first question is on the motion of the gentleman from Ohio to refer the message to the Committee of the Whole House on the state of the Union.

The question was taken; and on a division there were—ayes 51, noes 40.

Mr. SPRINGER. I ask for tellers, no quorum having voted.

The SPEAKER. No quorum having voted, the Chair will appoint tellers.

Mr. SPRINGER and Mr. BUTTERWORTH were appointed tellers.

The House again divided; and the tellers reported—ayes 87, noes 76.

Mr. TOWNSHEND. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 76, nays 147, not voting 100; as follows:

YEAS—76.

Anderson, C. M.	Funston,	O'Neill, Charles	Strait,
Baker,	Gilfillan,	Osborne,	Symes,
Boutelle,	Grosvenor,	Owen,	Taylor, E. B.
Browne, T. M.	Guenther,	Perkins,	Taylor, I. H.
Brown, C. E.	Henderson, D. B.	Pettibone,	Taylor, Zach.
Brown, W. W.	Henderson, T. J.	Pirce,	Thompson,
Bunnell,	Hepburn,	Plumb,	Van Schaick,
Burleigh,	Herman,	Price,	Wade,
Butterworth,	Hiestand,	Reed, T. B.	Wait,
Bynum,	Hires,	Rice,	Wakefield,
Campbell, J. M.	Holmes,	Romeis,	Warner, William
Candler,	Kelley,	Sawyer,	Weaver, A. J.
Cannon,	Laird,	Scranton,	Weber,
Caswell,	Lindsley,	Sessions,	West,
Conger,	Lyman,	Smalls,	White, A. C.
Cooper,	Markham,	Spooner,	White, Milo
Davis,	McComas,	Steele,	Whiting,
Dorsey,	Mitchell,	Stephenson,	Wilkins,
Farquhar,	Morrill,	Stone, E. F.	Woodburn.

NAYS—147.

Anderson, J. A.	Dibble,	Kleiner,	Randall,
Arnot,	Dockery,	Laffoon,	Reagan,
Bayne,	Dowdney,	La Follette,	Reid, J. W.
Beach,	Dunham,	Lanham,	Reese,
Belmont,	Ely,	Lawler,	Richardson,
Bennett,	Everhart,	Libbey,	Robertson,
Bingham,	Felton,	Little,	Rockwell,
Blanchard,	Fisher,	Long,	Rogers,
Bland,	Fleeger,	Louttit,	Ryan,
Bliss,	Foran,	Lovering,	Seney,
Blount,	Ford,	Lowry,	Shaw,
Bound,	Forney,	Mahoney,	Skinner,
Brady,	Frederick,	Martin,	Springer
Bragg,	Fuller,	Matson,	Stahlnecker,
Breckinridge, C. R.	Gay,	McAdoo,	Stewart, Charles
Breckinridge, WCP.	Geddes,	McCreary,	St. Martin,
Buchanan,	Gibson, C. H.	McKenna,	Stone, W. J., Ky.
Buck,	Gibson, Eustace	McMillin,	Stone, W. J., Mo.
Cabell,	Glass,	McRae,	Storm,
Caldwell,	Halsell,	Milliken,	Swope,
Campbell, Felix	Hammond,	Mills,	Tarsney,
Campbell, T. J.	Harris,	Morgan,	Taulbee,
Carleton,	Hatch,	Morrow,	Taylor, J. M.
Catchings,	Hayden,	Muller,	Thomas, O. B.
Clardy,	Haynes,	Murphy,	Tillman,
Clements,	Hemphill,	Neal,	Townshend,
Compton,	Hill,	Neece,	Trigg,
Comstock,	Holman,	Nelson,	Tucker,
Cowles,	Howard,	Norwood,	Van Eaton,
Crain,	Hudd,	Oates,	Weaver, J. B.
Culberson,	Hutton,	O'Donnell,	Wellborn,
Cutcheon,	Irion,	O'Ferrall,	Wheeler,
Daniel,	Jackson,	O'Neill, J. J.	Willis,
Dargan,	Johnston, T. D.	Peel,	Wilson,
Davenport,	Jones, J. H.	Perry,	Winans,
Davidson, R. H. M.	Jones, J. T.	Peters,	Wolford.
Dawson,	King,	Pindar,	

NOT VOTING—100.

Adams, G. E.	Collins,	Green, R. S.	Johnston, J. T.
Adams, J. J.	Cox,	Green, W. J.	Ketcham,
Aiken,	Crisp,	Grout,	Landes,
Allen, C. H.	Croxton,	Hale,	Le Fevre,
Allen, J. M.	Curtin,	Hall,	Lehlbach,
Atkinson,	Davidson, A. C.	Hanback,	Lore,
Ballentine,	Dingley,	Harmer,	Maybury,
Barbour,	Dougherty,	Heard,	McKinley,
Barksdale,	Dunn,	Henderson, J. S.	Merriman,
Barnes,	Eden,	Henley,	Millard,
Barry,	Eldredge,	Herbert,	Miller,
Boyle,	Ellsberry,	Hewitt,	Moffatt,
Brumm,	Ermentrout,	Hiscock,	Morrison,
Burnes,	Evans,	Hitt,	Negley,
Burrows,	Findlay,	Hopkins,	O'Hara,
Campbell, J. E.	Gallinger,	Houk,	Outhwaite,
Cobb,	Glover,	James,	Parker,
Cole,	Goff,	Johnson, F. A.	Payne,

Payson,	Sadler,	Spriggs,	Viele,
Phelps,	Sayers,	Stewart, J. W.	Wadsworth,
Pidcock,	Scott,	Struble,	Ward, J. H.
Pulitzer,	Seymour,	Swinburne,	Ward, T. B.
Ranney,	Singleton,	Thomas, J. R.	Warner, A. J.
Riggs,	Snyder,	Throckmorton,	Wise,
Rowell,	Sowden,	Turner,	Worthington.

So the amendment was rejected.

Mr. TOWNSHEND. Mr. Speaker, I ask unanimous consent that the reading of the names of members voting be dispensed with.

Mr. WEST. I object.

The names were read.

The following-named members were announced as paired:

Mr. CRISP with Mr. JOHNSON, of New York, until further notice.

Mr. LANDES with Mr. JAMES, until further notice.

Mr. LE FEVRE with Mr. WADSWORTH, until further notice.

Mr. COLE with Mr. GOFF, until further notice.

Mr. ELLSBERRY with Mr. MILLARD, until further notice.

Mr. TURNER with Mr. HOPKINS, until further notice.

Mr. DAVIDSON, of Alabama, with Mr. SWINBURNE, until further notice.

Mr. SADLER with Mr. THOMAS, of Illinois, until further notice.

Mr. ELDREDGE with Mr. PAYNE, until further notice.

Mr. PIDCOCK with Mr. ADAMS, of Illinois, until further notice.

Mr. MAYBURY with Mr. HISCOCK, on this vote.

Mr. BALLENTINE with Mr. HOUK, on this vote.

Mr. SNYDER with Mr. PAYSON, for this day.

Mr. WARD, of Illinois, with Mr. GROUT, for this day.

Mr. WARD, of Indiana, with Mr. STRUBLE, for this day.

Mr. GREEN, of New Jersey, with Mr. MOFFATT, for this day.

Mr. VIELE with Mr. HANBACK, for this day.

Mr. ADAMS, of New York, with Mr. LEHLBACH, for this day.

Mr. SCOTT with Mr. PARKER, for this day.

Mr. THROCKMORTON with Mr. BURROWS, for this day.

Mr. HEARD with Mr. ATKINSON, for this day.

Mr. CAMPBELL, of Ohio, with Mr. EVANS, for this day.

The result of the vote was then announced as above recorded.

Mr. SPRINGER. Now, Mr. Speaker, I move the previous question upon my motion to refer the message of the President to the Committee on Labor, with instructions to report by bill or otherwise before the 15th day of May next.

Mr. REED. I think it a great pity, Mr. Speaker, that we have not referred this measure to the Committee of the Whole, for that would have resulted in more speedy and more useful legislation.

Mr. GIBSON, of West Virginia. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GIBSON, of West Virginia. Is the question on the motion of the gentleman from Illinois susceptible of division?

The SPEAKER. It has been decided three or four times by the House in previous Congresses, on an appeal from the decision of the Chair, that a motion to commit with instructions is not divisible, and although the present occupant of the Chair can see no good reason for the decision, that seems to be the settled practice of the House. However, the result which the gentleman has in view can be reached by voting down the motion to refer with instructions and adopting a simple motion to refer.

Mr. LONG. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LONG. Is it in order to move to amend the motion by striking out the part which relates to instructions?

The SPEAKER. If the demand for the previous question is not sustained that will be in order.

Mr. CUTCHEON. If this motion should be voted down, would not the message go, under the rules, to the Committee on Labor?

The SPEAKER. It would.

Mr. BRADY. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BRADY. Under the rules of the House, does the power exist to instruct a committee to report at a given time upon any measure referred to or pending before it?

The SPEAKER. The motion to commit to a committee with or without instructions is in order.

Mr. BRADY. Whether the subject is pending before the committee or not?

The SPEAKER. This matter is pending before the House. The proposition now is to send it to the Committee on Labor with instructions.

The question was taken on the motion of Mr. SPRINGER for the previous question upon his motion to commit, and there were—ayes 87, noes 49.

So the previous question was ordered.

The SPEAKER. The question now is on the motion to refer the message to the Committee on Labor with instructions, as already stated.

Mr. REED, of Maine. Is debate admissible?

The SPEAKER. The Chair thinks that under the rules of the House there are now thirty minutes for debate.

Mr. SPRINGER. I call the attention of the Chair to the fact that the original motion to commit was not debatable at all.

The SPEAKER. This is a motion to commit a proposition which has not been reported by a committee; and if unaccompanied with instructions it would not be debatable at all under the rules, but the Chair upon reflection is inclined to think that inasmuch as this is not a mere motion to commit, but includes instructions, it is debatable, there having been no debate upon it heretofore. A simple motion to commit, without instructions, a proposition which has not been reported to the House by a committee would not be debatable. The Chair thinks there are thirty minutes for debate—fifteen minutes in support of the motion and fifteen in opposition.

Mr. BUTTERWORTH. Mr. Speaker, I made a motion a few moments ago to refer this message of the President to the Committee of the Whole House on the state of the Union. It was objected by some gentlemen that this motion was not wisely conceived, because this very important subject could not be reached for consideration at an early day. Sir, the time for the consideration of every question is within the control of this House. Every gentleman on this floor affects to believe (whether he does or not) that the subject-matter of this message is of vast consequence to the people of this country. There is no dissent, I take it, from that proposition. We all agree as to the importance of the question of which the message treats. If my motion to refer it to the Committee of the Whole House on the state of the Union had prevailed, it was my purpose to ask unanimous consent to fix an early day for its consideration, in the hope and expectation that it might be fairly and fully considered—not with a view to controlling the elections in November, but with a view to getting at a right solution of a great question.

I wish the people of this country could read what is passing in the minds of their assembled legislators here, and segregate the desire to do that which is best for the country—and by the country I mean the people and the whole people—from that which savors too much of a mere expedient to catch votes. I protest in the name of the manhood and the intelligence of the American people against any policy, purpose, or organization which segregates one part of my fellow-citizens and sets them apart as if they had any just interest or rightful claim properly in conflict with the great mass of this people. Who is there on this floor who hopes or expects that his children will eat bread except in accordance with God's ordinance, in the sweat of their faces. I have at my hearth-stone three boys, one of whom has suffered from the hand of affliction, and will fight the battle of life against fearful odds. I know that those boys must get their bread in accordance with the Divine command, in the sweat of their faces; and, speaking for my own hearth-stone and all others in my country, I protest against any legislation, against any resolution, against any organization, that shall segregate one of those boys or two, and set him or them apart as belonging to a peculiar portion of the great constituency that we represent; as belonging to a class possessing under the laws of our country less or fewer rights and privileges and fewer opportunities than their fellows, whoever and wherever they may be.

Gentlemen, you can not elevate labor. It is above and beyond your reach. God blessed labor in the beginning. We may and should do that which tends to ennoble and elevate the laborer, but we can not elevate labor. God blessed that in the beginning, when by His holy ordinance He commanded that in the sweat of our faces we should eat bread. Labor is not only noble but ennobling. I have no sympathy with that demagogism which seeks to catch votes, not by asking what is best for the hearth-stones of this land and those who assemble thereat, but what can we do to induce the struggling masses to believe that we are devoted to securing their happiness without crossing any plan, purpose, or inclination they cherish.

Mr. Speaker, I submit that this is a nation of laborers; that it is not of consequence where or how we labor to honorably fill life's mission, but do we live and labor worthily and well. We recognize no idlers save the gamblers, the loafers, and those who subsist by lawlessness, and they are few. We all get our bread in the sweat of our faces, whether our efforts are bestowed in one capacity or another. And this creates one great bond of sympathy between all our people. I am in favor of all those organizations which call together men of kindred sympathies, who, recognizing the universal brotherhood of mankind and the equal rights of all, seek to do that which will lift men up, make them better, and which gives them to understand that in this country, to those who practice industry, economy, and sobriety, the road to competence and excellence is open.

I submit that the bill we passed the other day, while probably not so intended, was still a hollow mockery and a sham. It was not even calculated to benefit those who labor; and when I say those who labor, I speak of every man who breathes the free air and treads the free soil of my country. The bill, as it seemed to me, was not intended to be anything but a "mere tub to a whale," a deliberate endeavor to catch votes. And it was evil in this, that it conveyed to the country the impression that "there rests in this Government the power to do away, and at once, by legislative enactment, with the attrition which unhappily exists between employer and employé." Your committee did not investigate the great subject they had in hand, and hence did not deal

with it in a fitting manner. There was no endeavor, so far as appears, to ascertain the superinducing causes which create the necessity for a frequent redistribution of labor and consequent disturbance between employer and employé. There was no effort, so far as the bill and accompanying report disclose, to ascertain how encroachments upon the rights of the many by the efforts of the few were brought about; nor was a remedy suggested or hinted at. It occurred during the brief consideration which was accorded that bill that if an advocate of the measure had fifteen minutes to address this House he occupied eight minutes in abusing Jay Gould, six minutes in abusing corporations in general, and then surrendered the other minute in view of the fact that he could come no nearer to meeting the requirements of the occasion, being unable to suggest any remedy which ought to commend itself to the consideration of any intelligent legislative body.

Mr. O'NEILL, of Missouri. Why did you not suggest a remedy?

Mr. BUTTERWORTH. You would not give me even time to say a word, much less to suggest a remedy.

Mr. O'NEILL, of Missouri. You got all the time you wanted.

Mr. BUTTERWORTH. Your report kept pace line by line, *pari passu*, with the intelligence that gave it birth.

Mr. BLAND. We had a bill here which proposed to set the laborers of the country to work; and I would like to know how the gentleman voted on that. That is at the bottom of this whole trouble.

Mr. BUTTERWORTH. "Still harping on my daughter!"

Mr. BLAND. It is the contraction of the currency, the want of money, that is impoverishing the people to-day.

Mr. BUTTERWORTH. If this House should go into a discussion of the doctrine of infant baptism, my friend from Missouri [Mr. BLAND] would spring up and want to know why we should not baptize the children out of a basin purchased with standard silver dollars. [Great laughter, during which Mr. BLAND addressed a remark to Mr. BUTTERWORTH which could not be heard.]

What I desire, and what I think the country desires of this House, is intelligent investigation to ascertain how and why it is that it becomes necessary so often to redistribute labor, since it is in the redistribution of labor or effort that enforced idleness comes upon us, and consequent want. Intelligent investigation to ascertain the just relation between the producing capacity, as the means are employed to-day, and the needs of or necessary consumption by our people. To ascertain as well, if you please, how it occurs that when a grant of power is made to a corporation to exercise the right of eminent domain and all that appertains thereto, the prime object of the grant being to secure benefits to the public, the corporation which is the grantee of such power succeeds almost uniformly in making the public benefit, if any, the mere incident, while the greater benefit results to the corporation to whom the grant of power is made instead of to those who were intended to be the chief beneficiaries, the great public. These particular questions should be investigated, and without such investigation and the possession of the facts to be thereby ascertained there can be no wise and judicious solution of the problems involving the use and abuse of corporate power.

Relief will not be found in appeals to the prejudices and passions of men, but in calmly studying existing conditions and operating causes, and providing for them so far as it is within our power to do so.

I say to this House and to the country that any organization which has for its object and seeks to segregate, set apart, and divide into classes the citizens of this free country must spring from roots pulled at the very feet of the monarchs of Europe, and are the natural and inevitable outgrowth of the influence of monarchical power, and can have no proper place in the free soil of America. They are transplants from the Old World, where laws are unfriendly to the struggling masses, and where the people are not, as here, the sovereigns—sovereigns whose will is law.

Organization and concert of action are indispensable to successful effort, and where the people are sovereign rebellion against the law is rebellion against themselves.

There is no wrong that time, investigation, and manly effort can not and will not peaceably and lawfully redress.

Mr. Speaker, the organization of labor was founded by the fathers of this Republic. Every child born beneath the flag is a member of that organization, and can only forfeit his right to sit in its councils and share the blessings its efforts secure by idleness or crime, one or both. Any organization, no matter what its name, which excludes from its ranks any worthy citizen for any other cause must come to grief, or else by its efforts render unstable, if it does not overthrow, this Government.

Now, what I desire in this country, feeling interested as a toiler among my fellow-men, is that our children shall have a fair chance in the battle of life under equal and impartial laws; what I desire, Mr. Speaker, is that this House shall, at the earliest practicable day, give intelligent consideration to the great question to which attention is called in the message before us, instead of referring it to a committee which, without investigation, so far as appears, indicated its appreciation of the subject to an extent which enabled it in four hours to draught a bill, and in ten minutes to formulate a report on a question which had engaged the attention of the leading thinkers and workers of the world for more than a century; a bill which at most recognized that the struggling millions of our people had the right to arbitrate differences, a right as old as the Pandects and Code of Justinian, which was formulated that far back, and, having hinted at that right, the bill then proceeded to render it inexpedient to resort to it; and finally it was provided that if the parties did arbitrate it should not amount to anything.

This House, in the midst of threatened labor struggles in this country, growing out of alleged invasion of the just claims of the wage-workers, will have to study coolly the situation out of which grow the grievances we are called upon to redress. I had hoped, sir, by referring the President's message to this House sitting in Committee of the Whole on the state of the Union, that we would secure that full, free, and fair discussion and consideration of the subject-matter of the message as its importance deserves, and that from such deliberation there might be evolved legislative action adequate to the needs of the hour, and not simply material deemed essential to meet the exigencies of the approaching campaign.

I regret having consumed so much time, but I could not refrain from giving the reasons which impelled me to move to refer the President's message to the Committee of the Whole House on the State of the Union. I yield the balance of my time to the gentleman from Maine [Mr. REED].

The SPEAKER. The gentleman from Ohio has four minutes of his time remaining.

Mr. BUTTERWORTH. I yield those four minutes to the gentleman from Maine [Mr. REED].

Mr. REED, of Maine. I will reserve it for the present.

Mr. SPRINGER. I yield to the gentleman from Pennsylvania [Mr. RANDALL].

Mr. RANDALL. Mr. Speaker, I must confess to a great deal of surprise at the heat and temper with which the gentleman from Ohio [Mr. BUTTERWORTH] has met this subject, and desire to direct his attention to one or two facts in this connection.

In the first place, it is made the duty of the President of the United States by the Constitution itself from time to time to communicate to Congress his views touching the condition of the country.

Mr. BUTTERWORTH rose.

Mr. RANDALL. I did not interrupt the gentleman from Ohio, and I do not wish to be interrupted myself.

How does the Constitution read in this particular? It is as follows:

> He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient.

When the President has seen proper to comply with this constitutional injunction by communicating to Congress his opinion, how is he met here? He is met by an assault upon his motives. There is not one word uttered against the proposition he makes, and which in his judgment requires the attention of Congress. On the contrary, there is not an intelligent man in this country but knows the present condition of labor in the country should not only command the best attention of Congress, but that the Constitution imperatively demands of the President he should communicate his views touching this matter to the Congress of the United States. It is easy to question men's motives. I always supposed the right to question the motives of human beings rested with a higher power.

We ask in connection with this message that it shall have due consideration and the proper remedy be found, and, if possible, enacted into law as promptly as may be. There is not a word, so far as I have been able to find, in this message, and I have read it with some attention, that appeals to any party or to any class or to any sect of men in the United States. On the contrary, the President appeals in a broad, statesmanlike manner to this Congress as a body of American citizens charged with legislation for the public welfare. [Great applause.]

Mr. SPRINGER. I now yield two minutes to the gentleman from Iowa [Mr. WEAVER].

Mr. WEAVER, of Iowa. Mr. Speaker, I am in favor of this motion to commit this message with instructions, so that a matter of such vital importance may be first calmly considered in committee and reported to the House for its action.

I was quite surprised at the remarks of the gentleman from Ohio [Mr. BUTTERWORTH], who takes the position that this message should be first submitted to this House as a Committee of the Whole for what he calls a calm and deliberate consideration. Now, what kind of an example did the gentleman from Ohio set to the House himself a few moments since? Did he give it a calm and fair consideration? Why, sir, the very kind of consideration the gentleman gave it is that consideration which it would receive in the House if it was first considered here. The gentleman from Ohio also complains that no suggestion has been made that meets the difficulty involved in our present labor troubles. I ask, did he in the course of his remarks make any suggestions to meet the difficulties? Not one.

Mr. Speaker, it is a very easy thing to find fault; it is much easier to carp and criticise than to suggest remedies; but it requires a high order of statesmanship and calm deliberation to meet the underlying causes of the present labor troubles in this country; and the question should be first referred to a committee, there carefully considered, and

then, when their report comes in, let the House consider it in Committee of the Whole, and amply consider it.

Mr. SPRINGER. I now yield two minutes to the gentleman from West Virginia [Mr. GIBSON].

Mr. GIBSON, of West Virginia. Mr. Speaker, I share with others who have addressed the House the surprise that has been expressed by them, that in an effort on the part of the administration to meet so great a question as now presents itself to the American Congress gentlemen upon the other side of the House should deliberately undertake to turn this purpose into a political discussion; for there was that and nothing else upon the part of the gentleman from Ohio. He has undertaken here to assail this House, or to charge the majority of it with not being willing to deal deliberately with the question which is suggested in this message; and yet he has suggested no proposition that would produce practicable results. He asks why we do not investigate the troubles which are existing, when he must know as a matter of fact that Congress has already appointed an investigating committee to investigate and report upon the troubles which his party has by twenty years of bad legislation brought upon the country, the trouble from which we are suffering to-day.

Yes, sir, the troubles we are suffering from, I repeat, have been brought upon this country by corrupt Congresses, by permitting combinations of corporations to oppress labor, by the watering of stocks; and it is the unjust abuse of the powers granted by Congress under which labor is suffering all over this country. All of these are the results of bad legislation; and yet gentlemen on the other side, when we undertake to consider this question with a view of affording relief, assail the House and the administration because we could not bring in a better remedy in a day for the troubles now existing and which will correct the abuses of their twenty-odd years of corrupt legislation. On the contrary, Mr. Speaker, it should be their duty to come to our assistance, confess the crimes and sins of that corrupt period of misdoing, and try and devise a remedy.

Mr. SPRINGER. I now yield two minutes to the gentleman from Missouri, the chairman of the Committee on Labor, Mr. O'NEILL.

Mr. O'NEILL, of Missouri. Mr. Speaker, the discussion in this House upon the arbitration bill ranged over a period of four days. By a remarkable circumstance not one single word of partisan bias was injected into that discussion. It passed the House by a four-fifths vote. That bill has been considered and unanimously reported by the Senate Committee on Education and Labor, and has been indorsed by the principal journals and the intelligence of the country; and it rested solely with the gentleman from Ohio [Mr. BUTTERWORTH] to take advantage of the presentation of this message to indulge in a political harangue. He is so full of that subject that he could not resist the temptation. The gentleman from Ohio is like a man I once knew, who was particularly fond of telling a gun story, and if the conversation would not justify the introduction of it, this individual would stamp violently upon the floor with his heel, and then say, "Did you hear that noise? Didn't it sound very much like the report from a gun? And, by the way, speaking of guns, that reminds me of a story!" [Laughter.] My friend from Ohio has but the one speech, full of partisan bile and venom.

Mr. SPRINGER. I reserve the remainder of my time.

The SPEAKER. The gentleman has seven minutes remaining.

Mr. REED, of Maine. How much time?

The SPEAKER. The gentleman yielded two minutes to the gentleman from West Virginia and two to the gentleman from Missouri, but neither of them consumed the full time.

Mr. REED, of Maine. I think the other side ought to finish, as the opening was made on this side. [Cries of "Regular order!"]

Mr. SPRINGER. I reserve the time.

Mr. REED, of Maine. Mr. Speaker, I voted for the bill reported from the Committee on Labor and I am satisfied with my vote.

I desire to say now that the gentleman from Pennsylvania [Mr. RANDALL], in undertaking to excuse the President for his message, is the only man who accused him. Nobody on this side of the House has found any fault with him, nor have we complained of the lateness of his arousing to the subject. [Laughter.]

The question before the House is not a question of who is to blame, what he ought to have done, or anything else of the kind. The question concerns the sensible order of the business of this House. What we desire to do, if we are honest men, is to fairly consider the questions which are stirring among the people.

It may be that we can afford some remedy. It may be that in the nature of things we can not. We are all bound to consider the question, and bound if we are honest men to consider it with reference to something else besides the November elections.

Here are new subjects for our consideration. Here are three hundred and twenty-five men, almost all of them—absolutely all of them, I will say—intelligent; nevertheless no one man knows everything. These new subjects need discussion. The President of the United States has seen fit to send us a message with a detailed plan and proposition, out of which must spring legislation if it is to do any good or non-action if we conclude we can do nothing. How shall we get at it? By an interchange of views and opinions, by the presentation of arguments pro and con, by discussing point by point the message, and then transmitting it to the committee to formulate it into a bill.

Now, surely that was a business proposition. I voted to refer the message to the Committee of the Whole in order that we might have that full discussion and that immediate discussion which the subject needed; and then when the bill was presented, if we concluded a bill ought to be presented, by an appropriate committee, then there would be a discussion of the details of the bill to make it conform with principles of sensible legislation. That is all I wish to say.

The SPEAKER. The time of the gentleman has expired.

Mr. SPRINGER. I yield three minutes to the gentleman from Kentucky [Mr. MCCREARY].

Mr. MCCREARY. I voted a few days ago for what is known as the arbitration bill, and I was gratified when I read this morning the message of the President of the United States. That message contains a wise and thoughtful presentation of one of the most important problems now before the country. We are all compelled to admit that the relations between labor and capital are not as harmonious as we would like them to be. And I dare say we all desire that those relations shall be made more harmonious than they are now. The President's message looks to the attainment of that end, and the question now before the House is, shall the message be referred to the Committee on Labor? It seems very clear that this is the committee to which the message should be referred.

Like the gentleman from Maine, I desire wise legislation on this subject and desire full discussion when the proper time arrives, but I can see no reason why the President's message should not be referred now to the Committee on Labor, which was appointed to consider such subjects as are therein referred to. I believe when that committee reports a bill there should be the freest discussion in this House.

The true interests of labor are not promoted by threats or violence, neither are the best interests of capital advanced by oppression, reduction of wages, or unfair exactions. Labor and capital are dependent on each other and should stand together in the most friendly and peaceful association. Recent events and present conditions present to us a problem involving the settlement of disputes arising between laboring men and corporations.

I believe arbitration should be given a fair trial. Public sentiment and fair arbitration of disputes will often restore harmony and good feeling. We should recognize in this country that laboring men have rights, and we should recognize also that those who have capital have rights, and the proper way to increase prosperity and happiness is by cultivating harmony and pleasant relations between both classes. Under our system of government the laboring man and the capitalist are entitled to equal recognition.

When the Congress of the United States, by its enactments, indicates to laboring men a desire to protect them in their rights and encourages their industry and furnishes an avenue for the settlement of their disagreements with their employers, I believe good results will follow.

[Here the hammer fell.]

Mr. SPRINGER. I made the motion to commit this message of the President to the Committee on Labor for the reason that that committee was created for the express purpose of considering propositions of this kind. I made the motion to commit with instructions, because I desire to respond promptly to the recommendations of the President of the United States contained in the message which is under consideration.

The President makes this statement in his message:

> I am so deeply impressed with the importance of immediately and thoughtfully meeting the problem which recent events and a present condition have thrust upon us, involving the settlement of disputes arising between our laboring men and their employers, that I am constrained to recommend to Congress legislation upon this serious and pressing subject.

This is the first instance, I believe, in the history of our country in which the President of the United States has made the rights and welfare of workingmen the subject of a special message to Congress. He has grasped the whole problem of labor, and asked the representatives of the people to meet, by appropriate legislation, immediately and thoughtfully, the problem which recent events and the present condition of the country have thrust upon us. Will Congress respond in the spirit which has actuated the President in calling attention to this important subject? That is the question which is involved in my motion. An ordinary reference of the message to the Committee on Labor would not enable the committee to secure a consideration of its report during this session, owing to the crowded condition of our Calendars; a reference to the Committee of the Whole House on the state of the Union would consign it to the tomb of dead legislative measures; but by referring, as my motion proposes, with instructions to report thereon by bill or otherwise on or before the 15th of May next, the bill or measure reported will be before the House for final consideration and adoption.

I desire to meet this wise and thoughtful message of the Executive in the proper spirit, and for the purpose of having it considered with the view of reporting legislation I have made the motion now pending before the House.

The proposition to refer the message to the Committee of the Whole House on the state of the Union was in effect a motion to refer it to a committee that had no power to reach it under the rules of the House, and if it should be reached under the rules of the House that commit-

tee had no power to do anything except to discuss it and report it back to the House again. It was simply a place to bury this measure where it could not possibly be reached under the rules of the House and in the present condition of our business.

Mr. CUTCHEON. I should like to ask the gentleman from Illinois a question. Is it not a fact that during the debate on the labor arbitration bill this very proposition was fully discussed by the Committee of the Whole?

Mr. SPRINGER. The report of the Committee on Labor was discussed, but the President of the United States has submitted another and in my judgment a much more effective means of meeting this great difficulty. We know the present condition of the country. We know how many of the great cities of the country are now in a disturbed condition on this subject.

Laborers are striking in Illinois, in New York, in Kansas, in Texas, in Arkansas, all over the country these difficulties are occurring, and every man knows that we ought to meet this question now. It will not do, as gentlemen upon the other side seem to think, to put this matter off by simply talking about it. We must act. I have no patience with that statesmanship which continually says "you are doing nothing," when those who raise that cry propose to do nothing themselves. If gentlemen upon the other side have a better proposition to make than that which the President of the United States has submitted in the message just read, they will have an opportunity to submit their proposition to the House and have it duly considered when this question is again brought up for discussion and action.

Mr. Speaker, I hope this motion will be adopted, and that the House will at once enter upon the consideration of this greatest of all the questions which are now agitating the American people and arrive at a proper and sensible solution of the great labor problem. If this House will properly settle and dispose of that great question at this session of Congress, we shall have done more to benefit our constituents and the great mass of people of this country than has been accomplished by any previous Congress in the last twenty years.

Mr. MORRISON. Mr. Speaker, had I been in the House when his motion was made to commit the President's message to the Committee on Labor with instructions to report as early as the 15th of May I would have suggested to my colleague [Mr. SPRINGER] a longer time or later day. He can hardly have forgotten that we have appointed and sent out a committee to get some information which may be of service to us in the consideration of this question. It may be impossible for that committee to complete its work and report to the House as early as the 15th of May, and therefore I suggest that if we commit with instructions as to any time at all the time ought to be extended. There should be time for information and thoughtful consideration.

The SPEAKER. The time for debate has expired.

Mr. SPRINGER. When the committee reports its bill the discussion of it can be postponed if that is found to be desirable.

Mr. REED, of Maine. That is, they can report the bill first and get the information afterward. That is a good idea.

The question was taken on the motion of Mr. SPRINGER to refer the message to the Committee on Labor with instructions to report by bill or otherwise before the 15th of May next.

The motion was agreed to.

Mr. SPRINGER moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMMISSIONS TO COLLECTORS OF INTERNAL REVENUE.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, urging the immediate passage of a bill to amend section 3314 of the Revised Statutes repealing commissions to collectors of internal revenue; which was referred to the Committee on Ways and Means, and ordered to be printed.

CENSUS BUREAU.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the acting Secretary of the Interior of an appropriation for the force in the census division of that Department for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

DEPARTMENT OF JUSTICE BUILDING.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting an estimate from the Solicitor-General of an appropriation for fitting up a portion of the building occupied by the Department of Justice; which was referred to the Committee on Appropriations, and ordered to be printed.

MAGDALENA REHKOFF.

The SPEAKER also laid before the House the bill (H. R. 3351) granting a pension to Mrs. Magdalena Rehkopf, with Senate amendments.

The amendments were read, as follows:

In line 4, strike out "Rehkopf," where it occurs the first time, and insert "Rehkoff;" in line 4, strike out "Rehkopf," where it occurs the second time, and insert "Rehkoff." Amend the title so as to read, "An act granting a pension to Mrs. Magdalena Rehkoff."

On motion of Mr. DOCKERY, the Senate amendments were concurred in.

JOHN CLARK.

The SPEAKER also laid before the House the bill (H. R. 3375) granting a pension to John D. Clark, with Senate amendments.

The amendments proposed to strike out the name "John D. Clark," where it occurred in the bill and in the title, and to insert "John Clark."

On motion of Mr. LYMAN, the Senate amendments were concurred in.

WILLIAM G. SCHOONOVER.

The SPEAKER also laid before the House the bill (H. R. 3390) to place the name of William G. Schoonover on the pension-roll with Senate amendments.

The amendments proposed to strike out the name "Schoonozer," where it occurs in the bill and also in the title, and to insert the name "Schoonover," making the title read, "An act to place the name of William G. Schoonover on the pension-roll."

The Senate amendments were concurred in.

HOUSE BILLS REFERRED.

The SPEAKER also laid before the House bills of the following titles returned from the Senate with amendments; which were severally referred to the Committee on Invalid Pensions:

A bill (H. R. 1361) giving a pension to Mira D. Gwynne;
A bill (H. R. 1398) to grant a pension to Silas T. White;
A bill (H. R. 1406) granting a pension to Simmons W. Harden;
A bill (H. R. 1462) granting a pension to Addie L. Macomber;
A bill (H. R. 1582) for the relief of Eleanor C. Bangham;
A bill (H. R. 2145) for the relief of Rebecca Eldridge;
A bill (H. R. 3463) granting a pension to Mrs. Hannah Babb Hutchins;
A bill (H. R. 3921) granting an increase of pension to Richard Gear;
A bill (H. R. 3945) for the relief of Mrs. B. Alfers;
A bill (H. R. 5022) increasing the pension of Isabella J. Ramsdell; and
A bill (H. R. 5254) to increase the pension of George W. Smith.

The SPEAKER also laid before the House bills of the following titles returned with Senate amendments; which were respectively referred as indicated:

The bill (H. R. 4670) granting to the county of Clatsop, in the State of Oregon, the right to construct a bridge across Young's Bay, a navigable stream in said county and State—to the Committee on Commerce.

The bill (H. R. 6429) granting a pension to Eunice E. Clark—to the Committee on Pensions.

MISS ROSA WALLACE.

The SPEAKER also laid before the House the bill (S. 1805) for the relief of Miss Rosa Wallace; which was read a first and second time.

Mr. McRAE. A House bill identical with this has been reported favorably from the Committee on the Post-Office and Post-Roads. I ask unanimous consent that this bill be now put upon its passage.

There being no objection, the House proceeded to consider the bill; which was read, as follows:

Be it enacted, &c., That Miss Rosa Wallace be, and she is hereby, released from all liability for the sum of $381 which was lost by a robbery of the mails at or near Hope, Ark., on or about the 30th day of November, A. D. 1884.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

Mr. McRAE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House Senate bills of the following titles; which were read twice, and referred as indicated:

The bill (S. 55) to authorize the sale of timber on certain lands reserved for the use of the Menomonee tribe of Indians in the State of Wisconsin—to the Committee on Indian Affairs.

The bill (S. 63) to authorize the construction of a highway bridge across that part of the waters of Lake Champlain lying between the towns of North Hero and Alburg, in the State of Vermont—to the Committee on Commerce.

The bill (S. 220) to authorize the Secretary of the Interior to settle the claims of S. W. Marston, late United States Indian agent at Union agency, Indian Territory, for services and expenses—to the Committee on Claims.

The bill (S. 224) for the relief of Charles S. Bowers—to the Committee on War Claims.

The bill (S. 519) to authorize the President to restore Tenedore Ten Eyck to his former rank in the Army, and to place him upon the retired-list of Army officers—to the Committee on Military Affairs.

The bill (S. 747) for the relief of Capt. Andrew W. Johnson—to the Committee on Naval Affairs.

The bill (S. 770) relating to lands in Colorado lately occupied by the Uncompahgre and White River Ute Indians—to the Committee on the Public Lands.

The bill (S. 929) for the relief of Albert H. Emery—to the Committee on Claims.

The bill (S. 1008) to empower the Board of Foreign Missions of the Methodist Protestant Church to hold property in the District of Columbia—to the Committee on the District of Columbia.

The bill (S. 1013) providing for the establishment of a port of entry at Mount Desert Ferry, in the town of Hancock, in the State of Maine—to the Committee on Commerce.

The bill (S. 1105) granting the right of way to the Kensington and Tacony Railroad Company through the arsenal grounds at Bridesburg, Philadelphia, Pa.—to the Committee on Military Affairs.

The bill (S. 1154) to authorize the city of Newport, R. I., to use the site of Fort Greene as a public park—to the Committee on Military Affairs.

The bill (S. 1352) granting the right of way to the Leavenworth Northern and Southern Railway Company through the military reservation at Fort Leavenworth—to the Committee on Military Affairs.

The bill (S. 1397) to establish a port of delivery at Springfield, in the State of Massachusetts—to the Committee on Commerce.

The bill (S. 1599) for the relief of the Phœnix National Bank of the city of New York—to the Committee on Claims.

NATIONAL MONUMENT AT PLYMOUTH, MASS.

The SPEAKER also laid before the House the bill (S. 2224) in aid of the national monument at Plymouth, Mass.

Mr. LONG. As this bill, after consideration by the Joint Committee on the Library, has been reported unanimously, and has passed the Senate, I ask unanimous consent for its present consideration.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

A bill (S. 2224) in aid of the national monument at Plymouth, Mass.

Whereas a national monument to the Pilgrim forefathers is in progress of construction at Plymouth, Mass., consisting of a central figure of Faith and of four subordinate statues representing Morality, Education, Law, and Liberty, of which five the first three have already been erected: Therefore,

Be it enacted, &c., That the sum of $15,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of erecting said statue of liberty and the bas-relief accompanying the same, under the direction of the Secretary of State.

The SPEAKER. Is there objection?

There was no objection, and the bill was taken up, read a first and second time, and ordered to a third reading, and accordingly read the third time.

The SPEAKER. The question is on the passage of the bill. [After a pause.] The Chair thinks the noes have it.

Mr. LONG. I demand a division.

The House divided; and there were—ayes 71, noes 10.

Mr. GREEN, of North Carolina. No quorum has voted.

The SPEAKER. The point of order being made, the Chair will appoint as tellers Mr. GREEN, of North Carolina, and Mr. LONG.

Mr. LONG. Mr. Speaker, I ask unanimous consent that I may be permitted to say a word on this matter, inasmuch as there has been no debate, and perhaps something should have been said before the vote was taken.

The SPEAKER. If there be no objection the gentleman from Massachusetts will be permitted to proceed. [After a pause.] The Chair hears no objection.

Mr. LONG. I simply desire to say this is not a new enterprise which the United States is asked to undertake and pay for. Request is made for aid in the erection of a monument to commemorate the landing of the Pilgrim Fathers at Plymouth Rock, Massachusetts—a monument already in process of construction and nearly finished. The State of Massachusetts has appropriated $10,000. The State of Connecticut has appropriated $10,000. Contributors all over the Union have given to the fund various sums. Mr. Oliver Ames gave, although nobody knew of it until after his death, a very much larger sum for the central figure of Faith, 36 feet high. That colossal figure is to be surrounded by four subordinate figures, two of which have been already finished. Two more, those of Law and Liberty, are desired, and it was thought proper to ask the United States to contribute one of these to complete the group. I think it is the only case in which the General Government has contributed toward the erection of a monument in the State of Massachusetts.

It is unnecessary, sir, to refer to the event which this monument commemorates, the landing of the Pilgrim Fathers and the consequent foundation of our free institutions. This matter is one which I would not like to urge upon the House if Congress had not in several instances taken similar action. But inasmuch as we have entered upon the policy of erecting monuments in certain cases, this is certainly a case where I take it the General Government will be glad to join to the modest extent of this bill.

Mr. GREEN, of North Carolina. I do not object, Mr. Speaker, to the people of the State of Massachusetts erecting a monument to the Pilgrim Fathers upon Plymouth Rock, and perhaps it is suitable they should do so, but I do object to such a monument being erected in Massachusetts at the expense of the whole nation. If such a monument be erected in Massachusetts at the public expense, then I hold the people of my State have the same right to come here and demand that a monument shall be erected to the first settlers of North Carolina who landed on Roanoke Island in the ships of the gallant Sir Walter Raleigh. But inasmuch as I would make no such demand in behalf of the people of North Carolina, I shall oppose to the bitter end any appropriation being voted in this House for the purpose of constructing a monument in Massachusetts to commemorate the landing of the Pilgrim Fathers. [Applause.]

The SPEAKER. The point of no quorum having been made, the Chair will appoint as tellers Mr. GREEN, of North Carolina, and Mr. LONG.

Mr. GREEN, of North Carolina. It is apparent, Mr. Speaker, there is no quorum in the House, and I will therefore withdraw my point of order.

The SPEAKER. On a division there were 71 in the affirmative and 10 in the negative. The point of no quorum having been withdrawn, the bill is passed.

Mr. LONG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ISABELLA J. RAMSDELL.

Mr. JAMES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 5022) granting an increase of the pension of Isabella J. Ramsdell, and move to concur in the Senate amendment. I would say that the amendment in question was made in the House, but through some error in engrossing the bill went to the Senate without being so amended. As the bill comes back from the Senate it is exactly as it would have left the House except through the mistake of the engrossing clerk. I therefore move that the amendment be concurred in.

The SPEAKER. The Chair hears no objection, and the bill (H. R. 5022) increasing the pension of Isabella J. Ramsdell, returned from the Senate with amendments, will be taken up for present consideration, and the Clerk will read the amendment of the Senate.

The Clerk read as follows:

Strike out the following:

"And that the same begin at the death of her said husband, deducting therefrom the amount she has received under act of Congress approved July 1, 1834."

So it will read:

"*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the rate of pension of Isabella J. Ramsdell, widow of David D. Ramsdell, who for over thirty years was a marine in the United States service, to $30 per month."

The amendment was concurred in.

Mr. JAMES moved to reconsider the vote by which the Senate amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SENATE BILLS REFERRED.

The SPEAKER. There are one hundred and forty-four Senate bills granting pensions, and instead of the Clerk reading the title of each one separately, the Chair will see they are properly referred to the Committee on Invalid Pensions and the Committee on Pensions and placed in the Journal and in the RECORD.

There was no objection, and it was ordered accordingly; and the Senate bills included in the message from the Senate yesterday were referred to the Committee on Invalid Pensions and the Committee on Pensions in accordance with the rules of the House.

QUESTION OF PRIVILEGE.

Mr. VOORHEES. I rise to a question of privilege, and send up to the Clerk's desk a resolution which I ask to have read.

The Clerk read as follows:

Resolved, That the Committee on Rules be instructed to inquire and report to the House whether Hon. L. D. M. Swett, or any other ex-member of the House, who has availed himself of the privilege of admission to the floor, under Rule XXXIV, is interested as agent or attorney for any railroad or other corporation or any other interest in any claim or bill pending before Congress, and to report to the House the result of such inquiry with such recommendations as may be necessary.

Mr. VOORHEES. Mr. Speaker, it has been an open secret that ever since the beginning of this Congress a lobby, powerfully organized in the interest of various railroad corporations in this country, has infested this Capitol, and that the rules of this House have been openly, repeatedly, and notoriously set at defiance by some members of said lobby. Ever since I took my seat upon this floor as a Delegate in this House I have encountered upon the floor during the sessions of the House an ex-member of Congress whose acquaintance I first made while he was appearing as an attorney for the Northern Pacific Railroad Company before the Committee on the Public Lands, of which I am a member. He appeared before that committee in the capacity of an attorney, and made a lengthy argument antagonizing the favorable consideration of any measure looking to the forfeiture of the land grant of the Northern Pacific Railroad Company. Since that time repeatedly he has been on the floor of the House, and his appearance here has been almost of daily occurrence.

I have hesitated, Mr. Speaker, before obtruding myself upon the at-

tention of this body in connection with this question, in the hope that some one older in service and better able to present it than I would do so. I have been disappointed in this hope, and I am unwilling longer to shrink from so plain and so manifest a duty.

Again, Mr. Speaker, in the early part of this month I introduced a resolution, which was referred to the Committee on the Pacific Railroads, directing the Secretary of the Interior to obtain from the Northern Pacific Railroad Company certain information in connection with certain alleged violations of law on the part of said company.

I appeared before the committee and explained the scope and purport of the resolution, after which it was referred to a subcommittee. Yesterday afternoon I was advised by the chairman of the subcommittee that the president of the Northern Pacific Railroad Company would be heard, and I was invited to be present on that occasion. I availed myself of that invitation, and upon appearing before the subcommittee found the president of the Northern Pacific Railroad Company flanked by the Hon. L. D. M. Swett, the ex-member of Congress referred to. Upon the conclusion of the remarks of the president of the Northern Pacific Railroad Company Mr. Swett, after advising the subcommittee of his status as one of the representatives of the Northern Pacific Railroad Company in Washington, resisted the favorable consideration of this resolution.

Now, Mr. Speaker, is it within the contemplation of Rule XXXIV that ex-members of this House, having exhausted their resources in behalf of their clients before the committees of the House, are to be permitted to serve them upon this floor? I do not believe it will be seriously contended that such is the scope and intent of this rule. I insist, Mr. Speaker, that if there is any integrity whatever in Rule XXXIV every appearance of Mr. Swett or any other ex-member of this House upon this floor holding the relation to this corporation or to any other corporation or interest that this gentleman does is an assault upon the safety, dignity, and integrity of the proceedings of this House, and a total subversion of its rules. I am aware, sir, that this rule for some years past has "been more honored in the breach than in the observance" thereof; and yet a more salutary rule has no place in the code of the rules of this House.

To permit the presence upon this floor, during the sessions of the House, of any attorney representing pending interests, and especially such interests as those of the Northern Pacific Railroad Company, is a deadly thrust at the independence of the legislator and an unhealthy indication of the potency of corporate influence in the halls of legislation.

I, Mr. Speaker, as a very humble member of the House, desire here and now to protest against the continuance of this rank and crying abuse, and I ask the adoption of this resolution as the first step in the direction of this much-needed reform.

Mr. BLOUNT. Will the gentleman from Washington Territory permit me to ask him if he would not be willing to modify his resolution so as to make it a select committee? It will be a difficult matter for the Committee on Rules to consider it. The Speaker of the House, the chairmen of the Committee on Ways and Means and the Appropriations Committee, and other gentlemen composing the Committee on Rules, are very much engaged in other public matters.

Mr. VOORHEES. I am entirely willing to accept a modification.

Mr. BLOUNT. I would suggest, say, a select committee of five members.

Mr. VOORHEES. I am perfectly willing to adopt that suggestion, and will modify the resolution accordingly.

Mr. DUNHAM. Let the resolution be read as it will stand if modified.

The amendment was again read.

Mr. DUNHAM. I want to make an inquiry of the gentleman from Washington Territory; but I want to say first, as to this Mr. Swett, that I have never heard of him before. I want to ask the gentleman if he knows of any instance where this man Swett has attempted to corrupt any member of this House on the floor of the House or to use his influence on the floor of the House for or against any measure. The true way to make known a virtue is to advertise it, and I want to see where it comes in.

Mr. VOORHEES. I will answer the gentleman from Illinois that so far as the scope of this investigation is concerned it is a matter entirely foreign to it as to whether or not Mr. Swett has been engaged in purchasing members of Congress. Rule XXXIV, after enumerating other persons who are entitled to the floor, reads as follows:

Ex-members of Congress who are not interested in any claim or directly in any bill pending before Congress.

I have stated here, on my personal responsibility, that Mr. Swett stated in my hearing that he appeared in Washington as one of the representatives of the Northern Pacific Railroad Company; and it makes no difference to the scope of the inquiry as to whether he has been engaged in this business on the floor of the House or not. He has been in a committee.

Mr. DUNHAM. Where did the gentleman say he appeared?

Mr. VOORHEES. He appeared before the Committee on Pacific Railroads and the Committee on the Public Lands, and resisted the legislation to which I have referred.

Mr. DUNHAM. He appeared on behalf of a railroad company?

Mr. VOORHEES. He appeared on the side on which the president of the Northern Pacific Railroad Company appeared.

Mr. DUNHAM. Before a committee of the House?

Mr. VOORHEES. Yes, sir. I have no objection to striking out Mr. Swett's name as far as that is concerned. I want to get at the evil, and merely mentioned his name as being a matter within my personal knowledge.

Mr. DUNHAM. I do not ask the gentleman to strike out the name. My object was to have it come out, if it was true, that this gentleman had done anything wrong on the floor of the House. If he has appeared before a committee as an attorney, he probably had a right as an American citizen to do so. If he has been on the floor attempting to corrupt any member of this House as a representative of this railroad, or even attempting to do it in his own private capacity as a citizen, it would be all well enough to investigate. But as the matter stands, it looks to me as nothing more or less than a little sort of buncombe.

Mr. VOORHEES. I desire to be permitted one word in response to the gentleman from Illinois. I disclaim any intention to reflect on any gentleman who has been previously a member of this House. That is not my purpose. I am seeking to get at and strike at a gross and crying abuse, which has in years past made this House a laughing-stock to the country.

Mr. WILKINS. I guess not.

Mr. DUNHAM. I still think there is more buncombe in this than anything else.

Mr. REAGAN. It is notorious that the violation of this rule has been habitual. Whenever questions come up involving the interests of the railroad corporations, gentlemen who have been ex-members of the House have appeared before committees and advocated their claims and are found upon the floor. We either ought to abolish the rule or to enforce it. I hope this resolution will be adopted, and that the effect of it will be to have the rule enforced.

Mr. RANDALL. I want to be fair to every human being. I would like to know whether there is anything that the gentleman from Washington Territory knows wherein this gentleman whose name appears in the resolution has on this floor violated the privileges of the House. I served with that gentleman in a past Congress and I have seen him here from time to time, but he has never in any instance spoken to me on the subject of railroad matters.

Mr. DUNHAM. And probably to nobody else on this floor.

Mr. VOORHEES. I will settle this whole question by moving to strike out the name of Hon. L. D. M. Swett, and make the resolution comprehensive enough to include everybody who has infringed the rule.

The SPEAKER. The resolution will be so modified.

Mr. RANDALL. So far as my voice and vote are concerned they will go to exclude every ex-member of Congress from this floor who exercises an attorneyship here for the benefit of a corporation. But I do not like this mode of mentioning names till the whole story on each side has been told.

The SPEAKER. The resolution has been modified.

Mr. REED, of Maine. I think after an investigation has taken place we will possibly have to come to some understanding in the House as to what should be done in this matter. The evil to be remedied is the taking advantage by ex-members of their right to the floor to urge measures on the floor of the House. But it is perfectly notorious ex-members have often appeared before the Elections Committee and then upon the floor of the House; but as long as they do not ply their vocation in any way on the floor of the House their rights as ex-members should not be interfered with. The evil we want to prevent is not ex-members appearing before committees; it is ex-members talking to members on the floor of the House for or against a measure. There is no charge any such thing has been done in this instance, and I am glad to see the resolution modified so as to make this thing general and not undertake to stigmatize any one by name.

Mr. BLOUNT. I demand the previous question.

Mr. VOORHEES. Before the gentleman insists on the previous question, will he permit me to disclaim any purpose to stigmatize Mr. Swett? As I stated before, I put his name in the resolution because I knew of instances within my own knowledge where he had appeared before a committee. I did not put his name in the resolution as stigmatizing him.

Mr. BLOUNT. I demand the previous question.

The previous question was ordered.

Mr. WILKINS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILKINS. Is it in order to move to lay the resolution on the table?

The SPEAKER. It is.

Mr. WILKINS. Then I make that motion.

The motion was not agreed to.

The question was then taken; and the resolution of Mr. VOORHEES was adopted.

Mr. BLOUNT moved to reconsider the vote by which the resolution

was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The Chair will state to the House that there are two House bills with Senate amendments of a formal character, and if there be no objection they will be disposed of now.

MRS. B. ALFERS.

The SPEAKER laid before the House the bill (H. R. 3945) for the relief of Mrs. B. Alfers.

The amendment of the Senate was read, as follows:

In line 3, strike out "Bretano" and insert "Brentano."

The Senate amendment was concurred in.

PROTECTION OF HOMESTEAD SETTLERS.

The SPEAKER also laid before the House the bill (H. R. 129) to protect homestead settlers within railroad limits, and for other purposes.

The amendments of the Senate were read, as follows:

Strike out all after the word "cultivation," in line 8, down to and including line 10. Strike out section 2.

The SPEAKER. The gentleman from Arkansas [Mr. MCRAE] will please give his attention. One of the amendments to this bill appears not to be a merely formal amendment. It proposes to strike out an entire section of the bill.

Mr. MCRAE. If it is not merely a formal amendment it is certainly unimportant and unobjectionable, Mr. Speaker. It in no way changes the force and application of the bill as this House passed it. The section which it proposes to strike out simply provides that all previous laws in conflict or inconsistent with this act are hereby repealed, and the Senate thought this unusual, unnecessary, and superfluous, as is shown by the report of the Senate committee. I do not attach any importance to this general repealing section, and in drawing the bill added it because I thought it was customary to add it as a precaution, and in order to put at rest the legislative intention to repeal any law that might be in conflict with it. Since the Senate are disposed to be hypercritical about such matters, I am perfectly willing that section may be stricken out, and I hope the House will concur in the amendment without any delay.

Mr. HOLMAN. Mr. Speaker, I should like to hear what it is proposed to strike out.

The SPEAKER. The amendment will be reported.

The Clerk read as follows:

Strike out the following words in section 1: "And in all such entries patents shall issue as soon as reported to and approved by the General Land Commissioner."

Mr. HOLMAN. That seems to be an important amendment, and I think it had better be considered more carefully.

Mr. MCRAE. It has been considered, Mr. Speaker, and that amendment is suggested for the reason that they do not desire in the Land Office to give precedence to entries of this character over others. It does not interfere with the policy of the bill. The patents will issue in due course, but the Senate Committee on the Public Lands insists that if the bill passes in the form in which I drew it and in which it passed the House entries of this kind would have precedence, and patents under this law would have to be issued out of order. I do not insist upon that, and never intended that the language used should have any such meaning.

Mr. HOLMAN. Mr. Speaker, I ask to have the bill read.

The bill was read.

The SPEAKER. Is there objection to the present consideration of the amendments?

There was no objection.

The Senate amendments were then concurred in.

ORDER OF BUSINESS.

Mr. SPRINGER. Mr. Speaker, I send to the desk a special order which I desire to have adopted for the consideration of bills on this day.

The SPEAKER. The Chair thinks the gentleman must first move to dispense with the morning hour.

Mr. SPRINGER. Then, Mr. Speaker, I make the motion to dispense with the morning hour for the call of committees. I move that the formal call be dispensed with, but that any gentleman who desires to present a report of a private character may be permitted to do so.

Mr. HENLEY, from the Committee on the Public Lands, reported, as a substitute for H. R. 5208, a bill (H. R. 8102) to amend an act entitled "An act to provide for the sale of desert lands in certain States and Territories."

The SPEAKER. Does this bill make an appropriation or require an appropriation to be made?

Mr. HENLEY. It does not.

The bill was referred to the House Calendar.

The original bill (H. R. 5208) was laid on the table.

JOHN FARLEY.

Mr. GEDDES, from the Committee on Claims, reported a bill (H. R. 8103) for the relief of John Farley; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. GEDDES, from the Committee on Claims, also reported back adversely the following; which were laid on the table, and the accompanying reports ordered to be printed:

Claim of John Irwin;
Claim of William Porter;
Claim of J. Q. Shaw;
Claim of Eugene Circuit;
Claim of John Vantrese;
Claim of Amzi W. Byers, executor;
Claim of Fidel Spah;
Claim of Fendall Carpenter;
Claim of W. W. McDowell's administrator,
Claim of Samuel Sherrill; and
Claim of William C. Reeves.

EDWARD BRADEN & CO.

Mr. BROWN, of Ohio, from the Committee on Claims, reported back favorably the bill (H. R. 2816) for the relief of Edward Braden & Co.; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

HENRY C. DE AHNA.

Mr. BROWN, of Ohio, from the Committee on Claims, also reported back favorably the bill (H. R. 2465) for the relief of Henry C. DeAhna; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ROBERT CLARKE & CO.

Mr. BROWN, of Ohio, from the Committee on Claims, also reported back favorably the bill (H. R. 1786) for the relief of Robert Clarke & Co.; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JAMES H. DARLING.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7257) granting a pension to James H. Darling; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOSEPH GUY.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 7253) for the relief of Joseph Guy; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SPENCER W. TRYON.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7249) granting a pension to Spencer W. Tryon; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 7533) granting a pension to Hulda Hiner;
A bill (H. R. 7076) granting a pension to George W. Hambaugh;
A bill (H. R. 7245) granting a pension to John W. Baynum;
A bill (H. R. 7521) granting a pension to James D. Cotton;
A bill (H. R. 7319) for the relief of T. W. Cotton;
A bill (H. R. 2943) granting a pension to Ralph H. Tucker;
A bill (H. R. 7532) granting a pension to Jacob Brenninger;
A bill (H. R. 7250) for the relief of James A. Snyder;
A bill (H. R. 7246) to increase the pension of Charles H. Masten;
A bill (H. R. 6016) granting a pension to Joseph Perkins; and
A bill (H. R. 6451) granting a pension to Martin Shoppa.

MAYBERRY VANCE.

Mr. SWOPE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6247) granting a pension to Mayberry Vance; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARIA CUNNINGHAM.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 5414) granting a pension to Maria Cunningham; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SARAH HARBAUGH.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 6895) granting a pension to Sarah Harbaugh; which was referred to the Committee of the Whole House on

the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 7473) for the relief of Linus Toles; and

A bill (H. R. 5628) granting a pension to Mary Ann Bryson.

SAMUEL A. B. WOODFORD.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back with amendment the bill (H. R. 6737) for the relief of Samuel A. B. Woodford; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ANDREW G. HILLBERG.

Mr. O'HARA, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 7066) for the relief of Andrew G. Hillberg; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

GREEN CHAMBERS.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 7299) for the relief of Green Chambers; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 4979) for the relief of Hiram M. Ranney; and

A bill (H. R. 7065) granting an increase of pension to George W. Wetherell.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 792) granting a pension to David McKinney;

A bill (H. R. 1711) for the relief of George C. Haynie;

A bill (H. R. 3489) granting a pension to Amelia J. Gill;

A bill (H. R. 4516) granting a pension to Harriet M. Larabee;

A bill (H. R. 4589) granting a pension to Frederick Bauman;

A bill (H. R. 4835) to place the name of John Pruit on the pension-roll;

A bill (H. R. 4813) granting a pension to Perry Johnson;

A bill (H. R. 5061) granting an increase of pension to Samuel Baker;

A bill (H. R. 5074) to provide increase of pension to James Waters;

A bill (H. R. 5191) to increase the pension of Patsy Jackson;

A bill (H. R. 5192) granting a pension to Elmira M. Dorman;

A bill (H. R. 5193) granting a pension to Levi Koontz;

A bill (H. R. 5199) to increase the pension of Thomas G. Barton;

A bill (H. R. 5234) granting a pension to Jesse H. Gaines;

A bill (H. R. 5252) granting a pension to John W. Thornton;

A bill (H. R. 5253) granting a pension to Mrs. Elizabeth Stewart;

A bill (H. R. 5259) granting a pension to William E. Hardy;

A bill (H. R. 5277) granting a pension to Zeba S. Ayer;

A bill (H. R. 5284) granting a pension to Rinaldo R. Somes;

A bill (H. R. 5323) granting a pension to George W. Flint;

A bill (H. R. 5527) granting a pension to Emeline Crawford;

A bill (H. R. 5551) for the relief of Robert Moran;

A bill (H. R. 5583) granting a pension to John G. Burrill;

A bill (H. R. 5678) for the relief of Mrs. Elizabeth A. Marble;

A bill (H. R. 5706) for the relief of Elizabeth Leffman;

A bill (H. R. 5779) granting a pension to Peter Falkner;

A bill (H. R. 5884) to increase the pension of John A. Stewart;

A bill (H. R. 6012) to increase the pension of Leander W. Corey;

A bill (H. R. 6019) granting a pension to Maria Hollands;

A bill (H. R. 6023) for the relief of Frank Sherbonaw;

A bill (H. R. 6044) granting a pension to Eliza Francesco;

A bill (H. R. 6125) granting a pension to W. C. Davis;

A bill (H. R. 6130) granting a pension to Frank Manhart;

A bill (H. R. 6134) granting a pension to Hugh Mulholland;

A bill (H. R. 6225) granting a pension to Abigail H. Carey;

A bill (H. R. 6339) for the relief of Harrison W. Moore;

A bill (H. R. 6466) granting a pension to Mrs. Eliza Humes;

A bill (H. R. 6504) granting a pension to Nathan Magoon;

A bill (H. R. 6638) granting a pension to William Gordon; and

A bill (H. R. 7647) to establish a light-house at Seul Choix Point, Michigan.

JESSE H. STRICKLAND.

Mr. SMALLS, by unanimous consent, filed the views of the minority on the bill (H. R. 1623) for the relief of Jesse H. Strickland; and the same were ordered to be printed with the majority report, and referred to the Committee of the Whole House on the Private Calendar.

OSCAR EASTMOND AND JAMES W. ATWILL.

Mr. DOCKERY. I ask unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill (S. 214) for the relief of Oscar Eastmond and James W. Atwill, and the same be put on its passage.

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and hereby is, authorized and directed to cause to be issued and delivered to Oscar Eastmond a commission as colonel and to James W. Atwill a commission as lieutenant-colonel of the First Regiment North Carolina Volunteers, to date as of June 20, 1865, and to cause them to be duly mustered out as of date June 27, 1865: *Provided*, That this act, and the said commissions and musters-out issued thereunder, shall not entitle said Eastmond and Atwill, or either of them, or any person claiming by, through, under, or from them, or either of them, to any pay, compensation, or allowance of any kind whatever, and shall only entitle them respectively to the rank of colonel and lieutenant-colonel of said regiment.

The SPEAKER. Is there objection?

Mr. HOLMAN. I hope there will be a word of explanation first.

Mr. DOCKERY. If there be no objection I will make a brief statement.

The SPEAKER. The Chair hears no objection.

Mr. DOCKERY. After a word of explanation, Mr. Speaker, I think there will be no objection urged on the part of any gentleman to the passage of the bill. These parties were commissioned on the 20th of June, 1865, but their commissions failed to reach them before their regiment was mustered out. The bill merely gives them the honorary rank to which they were entitled, and which they would have had if their commissions had promptly reached them by mail. It does not cost the Government a single cent.

Mr. STEELE. That is true; it will not cost the Government a single cent.

Mr. DOCKERY. I may also add that it has been unanimously reported from the Committee on Military Affairs.

Mr. HOLMAN. Is it a Senate bill?

Mr. STEELE. It is; and that Senate bill was referred to the Committee on Military Affairs of this House, and by that committee reported unanimously.

Mr. DOCKERY. I do not believe, Mr. Speaker, there is further objection, and I ask for a vote on my motion.

Mr. DOCKERY's motion was agreed to; and the Committee of the Whole House was discharged from the further consideration of the bill, and it was brought before the House for present consideration.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

Mr. DOCKERY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SPRINGER. Mr. Speaker, there are a great number of gentlemen who have private claims they desire to call up, and if the House will adopt the order which I send to the desk to be read it will enable us to take them up and dispose of them.

The Clerk read as follows:

Ordered, That when the House on this day resolves itself into the Committee of the Whole for the consideration of bills on the Private Calendar it shall be in order to take up bills in their order, and, after five minutes' explanation, the question shall be put to the committee whether there is objection to the present consideration of the bill; and if five persons object to its consideration, such bill shall be passed over informally and the next bill shall be taken up for consideration in like manner. Bills to the consideration of which there are not five persons objecting shall be subject to ten minutes' debate, five minutes in favor of the bill and five minutes against it, when the question shall be put upon laying the bill aside to be reported to the House.

Mr. WARNER, of Ohio. That is proposed for this day.

The SPEAKER. That is all.

Mr. JONES, of Alabama. I object.

Mr. SPRINGER. Then I move the House resolve itself into Committee of the Whole House on the Private Calendar.

Mr. BUCHANAN. I hope the gentleman will withdraw his motion until I can present a request for unanimous consent.

Mr. SPRINGER. I will withdraw it for that purpose for a moment.

Mr. BUCHANAN. Mr. Speaker, I shall be compelled to be absent from the House for some time in execution of an order of the House, and I would like to have unanimous consent in order that a bill may be taken up for action at this time.

Mr. SPRINGER. I hope the gentleman from Alabama will withdraw his objection to my proposition, and then all these bills can be acted upon promptly.

Mr. BUCHANAN. I would not ask for unanimous consent but for the circumstances in which I am placed.

Mr. SPRINGER. Under the circumstances I think the gentleman should have unanimous consent.

D. L. BRAINARD.

Mr. BUCHANAN. I ask by unanimous consent to discharge the

Committee of the Whole House from the further consideration of the bill (H. R. 1541) for the relief of David L. Brainard and others.

The bill was read, as follows:

Be it enacted, &c., That there be paid from money in the Treasury not otherwise appropriated the sum of $703.75 cents, this sum to be in lieu of commutations of fuel and quarters and extra-duty pay, as follows: Commutation for fuel from July 1, 1881, to June 30, 1884 (thirty-six months), at $9 per month, $324; commutation for quarters from July 1, 1881, to June 30, 1882 (twelve months), at $21 per month, $252; extra-duty pay from July 1, 1883, to June 30, 1884, at 25 cents per diem, $127.75, and to be paid to each of the following persons, namely: David L. Brainard, Julius R. Frederick, Henry Biederbick, Francis Long, Maurice Connell, David Linn, Joseph Elison, Nicholas Salor, William A. Ellis, Charles B. Henry, William Whistler, Jacob Bender, Roderick R. Schneider, David C. Ralston, Hampden S. Gardner, Edward Israel, Winfield S. Jewell, George W. Rice, and William H. Cross, of the United States Army, who were on duty with Lieut. A. W. Greely in the arctic regions from July 1, 1881, to June 30, 1884: *Provided, however*, That if any of said men shall have died before the passage of this act, or shall die before the actual payment of the sum herein named, the sum hereby directed to be paid shall, in each such case, be paid to the widow of such deceased man, if any him surviving; if no widow, then to his children, if any; if no widow or children, then to the next of kin.

Mr. BRAGG. I object; and the ground of my objection is the bill does not belong to the war claims, as it relates to fuel and rations since the war.

Mr. BUCHANAN. I did not hear what was said by the gentleman from Wisconsin.

Mr. BRAGG. I said that it does not belong to the war claims.

Mr. BUCHANAN. I did not say it did.

Mr. SPRINGER. I move to go into Committee of the Whole House to resume the consideration of the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, Mr. HATCH in the chair.

Mr. SPRINGER. The first four bills on the Calendar were reported from the Committee on Private Land Claims, and I have been requested by the chairman of that committee [Mr. HALSELL] to ask that those bills be passed over informally, not to lose their place upon the Calendar.

The CHAIRMAN. The titles of the bills will be read.

The titles were read, as follows:

A bill (H. R. 4840) to confirm a certain private land claim in the Territory of New Mexico.

A bill (H. R. 218) to confirm a certain private land claim in the Territory of New Mexico.

A bill (H. R. 3216) to confirm the title to that certain land grant "Tres Alamos," in Arizona Territory.

A bill (H. R. 3235) to confirm title to certain private land claims in Arizona Territory.

There was no objection, and the bills were passed over informally.

CHRISTOPHER SCHAEFNOCKER.

The first business on the Private Calendar was the bill (H. R. 2195) for the relief of Christopher Schaefnocker.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to Christopher Schaefnocker, late second lieutenant of Company D, One hundred and ninth Pennsylvania Infantry Volunteers, the pay and allowances of a second lieutenant of infantry from the 24th day of May, A. D. 1862, to the 4th day of August, 1862.

Mr. GEDDES. I move the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. IKE H. TAYLOR. Let the report be read.

The report (by Mr. GEDDES) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 2195) for the relief of Christopher Schaefnocker, late second lieutenant of Company D, One hundred and ninth Pennsylvania Volunteers, having considered the same and accompanying papers, submit the following report:

From the records of the War Department it appears that Christopher Schaefnocker entered the service May 24, 1862, as a second lieutenant, Company D, One hundred and ninth Pennsylvania Volunteers, and served in that capacity until August 4, 1862; that he has not been paid for said services for the reason that the paymaster decided that his muster was not legal.

It appears from the sworn statement of the officers of the company and regiment of which the said Schaefnocker was a second lieutenant, and other reliable witnesses, that said Christopher Schaefnocker did actually serve in the capacity and discharged the duties of second lieutenant from the 24th of May, 1862, to August 4, 1862.

A bill granting relief and authorizing and directing pay for said services passed this House in the Forty-eighth Congress, but was not reached in the Senate.

In view of the fact that the Government justly owes the claimant the pay and allowances of a second lieutenant during the time he so served, your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES M. BACON.

The next business on the Private Calendar was the bill (H. R. 3384) for the relief of James M. Bacon.

The bill is as follows:

Be it enacted &c., That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed, in the settlement and adjustment of the accounts of James M. Bacon, late a lieutenant in the First Regiment Dakota Cavalry Volunteers, to allow credit for the disbursement of the public funds disbursed by him as acting assistant quartermaster on account of the expenses incurred by the Northwest Indian expedition in the months of July, August, September, October, and November, 1864, and for the disbursement of which proper vouchers were taken, but which were lost or destroyed through no fault or neglect of said officer, upon satisfactory evidence being furnished of the actual disbursements of said funds for the benefit of the public service.

The report (by Mr. GEDDES) is as follows:

The facts out of which this claim for relief arises will be found stated in House Report No. 581, of the Committee on War Claims, first session Forty-eighth Congress, a copy of which is hereto appended.

Your committee adopt the said report as their own, and report back the bill and recommend its passage.

The Committee on War Claims, to whom was referred the bill for the relief of James M. Bacon, have had the same under consideration, and submit the following report:

A bill similar in all respects to this was, at the last session of Congress, referred to this committee, and the following report thereon was submitted to the House by Mr. GEDDES:

"That in the month of June, 1864, Bvt. Maj. Gen. Alfred Sully, in command of the first military district of the department of the Northwest, organized an expedition against the hostile Sioux Indians in the Upper Missouri River country. About the time said command started on its march, James M. Bacon, late first lieutenant First Regiment Dakota Volunteers, cavalry, was by General Sully assigned to duty as acting assistant quartermaster for said expedition, and he joined the command at Fort Randall. There were a large number of citizen employés with the expedition. With the concurrence of General Sully, a man by the name of William S. Linn, who had been in the employ of the quartermaster's department at Saint Louis, was employed on similar service with said command; and, as said Bacon had had no experience in such duties, and, as stated by himself, had little aptitude for them, almost the entire business, so far as the clerical affairs of office were concerned, was confided to this clerk. He was esteemed both honest and competent, but addicted to occasional excessive dissipation.

"The expedition was not supplied with quartermaster's funds, and a pay-roll was made out, and by order of General Sully, a sufficient sum was borrowed of the sutler to pay the employés on their arrival at the Yellowstone River. The same process was repeated at Forts Rice, Sully, and Randall on the return trip. The amount so paid out was reimbursed by Bacon on the arrival of the command at Sioux City from funds furnished by the district quartermaster, upon the presentation of a proper pay-roll and receipts. Lieutenant Bacon, with the assistance of his clerk, then set about the work of preparing his accounts for transmissal to the proper accounting officers at Washington, and when so prepared in duplicate they were sent by the hands of the clerk (Linn) to Dubuque, then General Sully's headquarters, for his approval. The general, however, being absent in Chicago on special duty, Linn proceeded to that place and presented the accounts to General Sully, by whom they were approved. From that time to this Lieutenant Bacon states, and all the facts corroborate his statement, that he has neither seen nor heard of said Linn directly, nor has he ever been able to gain any trace of the missing papers.

In May, 1865, only some two months subsequent to said approval of the vouchers, General Sully certified to the fact of said examination and approval, and, further, that, to the best of his recollection and belief, these papers and vouchers closed the accounts of said Lieutenant Bacon. Maj. William Myers, quartermaster, United States Army, states that Lieutenant Bacon's account of the transaction, which is much more in detail than the foregoing, is correct, except that he (Myers) had no knowledge of the special assignment of Linn to duty as clerk with the expedition. Hon. Sylvester Bagg, now, or at the time of the making of his affidavit, judge of the circuit court of the ninth judicial district of Iowa, but at the time of the transactions referred to chief quartermaster of the military district, testifies that Lieutenant Bacon was assigned to duty with the expedition at his (Bagg's) instance; that he furnished Lieutenant Bacon the funds as stated above, and that the pay-rolls and accounts were correct and properly receipted; that subsequently Lieutenant Bacon prepared his returns for submission to the accounting officers of the Government, and that he (affiant) personally and carefully examined the same and found that they were correct and corresponded with the reports submitted to him, and that they showed that the funds had been properly expended by Bacon, as shown by the receipted vouchers filed with the returns; that he notified General Sully of such examination; that said accounts were sent to General Sully, as stated above, and that subsequently General Sully told him (Bagg) that he had examined and approved the same. Affiant further states that to his knowledge the clerk, Linn, never returned to Sioux City, nor in any manner accounted for the papers intrusted to him; and that it was currently reported and believed that said Linn 'got on a drunken spree and absconded,' and that he (affiant) has not since seen or heard of him. This affidavit is dated November 14, 1878. An affidavit of General Sully is also submitted, dated August 5, 1878, which is corroborative of the statements made in the foregoing. He says 'that it is impossible for him at this late date to recollect the number of citizens employed by Lieutenant Bacon, or the amounts paid them, but he knows that by Lieutenant Bacon's accounts the number and prices paid were correct.'

"The Quartermaster-General and Secretary of War both recommended that Lieutenant Bacon be relieved of this accountability. The committee are entirely satisfied from all the testimony that the amount for which this claimant is held was properly disbursed and accounted for, and that the failure of the returns and vouchers to reach their destination at Washington was through no fault of his. They find that he is not indebted to the Government in any sum whatever; and, further, they do not hesitate to express their belief, from all the evidence submitted, and all the facts brought to their knowledge, that Mr. Bacon is a man of undoubted integrity, and that his claim to be relieved of this recorded accountability is one that commends itself to the prompt action of Congress.

"The committee therefore recommend the passage of the bill."

The committee believe the foregoing to be a fair and correct statement of the facts in this case, and therefore report the accompanying bill, and recommend its passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HENRY GEE.

The next business on the Private Calendar was the bill (H. R. 248) for the relief of Henry Gee.

Mr. ELY. Mr. Chairman, I move that this bill No. 248 be passed over informally in consequence of the absence of the gentleman from New Jersey [Mr. GREEN] who reported it.

There was no objection, and it was so ordered.

WILLIE S. HOWARD.

The next business on the Private Calendar was the resolution introduced by Mr. HOLMAN on the 26th of January:

Resolved, That the Committee on Accounts be directed to inquire into the propriety of Willie S. Howard being employed as a page or folder under the Doorkeeper during the residue of the present session of Congress, and to report by resolution or otherwise.

Mr. HOLMAN. That subject has been disposed of. I suggest, there-

fore, that it be reported back to the House with the recommendation that it do lie on the table.

The motion was agreed to.

MOBILE AND OHIO RAILROAD COMPANY.

The next business on the Private Calendar was the joint resolution (H. Res. 72) to provide for the settlement of accounts with the Mobile and Ohio Railroad Company.

The resolution is as follows:

Whereas by act of Congress approved February 27, 1875, entitled "An act to provide for settlement with certain railway companies," the Secretary of War and the Attorney-General were authorized to make such abatements in the accounts of the companies named in said act as they might find just; and

Whereas the Secretary of War and the Attorney-General having determined and agreed upon a basis for such abatements and settlements, it was found that the Mobile and Ohio Railroad Company had so far paid its accounts that the abatements determined upon would not only extinguish the balance claimed against said company, but would also require the return of a portion of the money already paid by it; and

Whereas the said act not making any appropriation or provision for the return of any money, no settlement was made with the Mobile and Ohio Railroad Company as contemplated by said act, and its accounts still remain unadjusted and unsettled: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War and the Attorney-General be, and they are hereby, authorized and directed, jointly, to adjust and finally settle the accounts of the United States with the Mobile and Ohio Railroad Company for property received from the United States in the years 1865 and 1866, as provided for in the act of Congress approved February 27, 1875, and upon the same basis of settlement and upon the same terms and conditions as was done with other companies included in said act.

SEC. 2. That when said accounts have been adjusted, if it shall be found that the adjustment upon the basis herein provided for requires the return of any money heretofore paid by the Mobile and Ohio Railroad Company on said accounts, the Secretary of War be, and he is hereby, authorized and directed to issue his warrant on the Treasury of the United States in favor of said company for the amount of money so to be returned; and the amount necessary for such purpose is hereby appropriated out of any moneys in the Treasury of the United States not otherwise appropriated.

Mr. HOLMAN. This reading of the resolution does not give much information of the purport, extent, or scope of the measure. I suggest at least that before the gentleman from Alabama proceeds with his remarks the report be read for the information of the committee.

Mr. OATES. In the course of my remarks I will state the substance of the report, which I think will save the time of the committee.

About the close of the war, I believe in the latter part of 1865 or early in 1866, the Government sold to a number of railroad companies, among them the Mobile and Ohio road, a quantity of rolling-stock and other materials useful to them in the operation of their roads, and which in the case of the road in question amounted in the aggregate to something over $500,000.

Time was allowed to the company to pay this amount. Payments were made in money and by the transportation of troops and mails of the Government from year to year until 1875. There being a number of other railroad companies similarly situated in the Southern States, having purchased rolling-stock of the Government at prices placed upon it then which were deemed exorbitant, Congress passed an act which I will request the Clerk to read in order that the committee may fully understand it.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War and Attorney-General are hereby authorized and empowered jointly to adjust and settle the claims of the United States against

The Alexandria, Loudoun and Hampshire,
The Edgefield and Kentucky,
The Knoxville and Kentucky,
The McMinnville and Manchester,
The Mobile and Ohio,
The Memphis, Clarksville and Louisville,
The Memphis and Little Rock,
The Nashville and Northwestern,
The Southwestern Branch Pacific Railroad of Missouri, and
The Selma, Rome and Dalton Railroad Companies, and all persons and corporations having any interest in the subject growing out of the sale and transfer by the United States of any rights or property to said railway companies above named, respectively, in the years 1865 and 1866, or both, by making such abatement in the amount of such claims, respectively, as shall be deemed just, in respect of an overvaluation, if any, of the property sold, not exceeding 25 per cent. of the valuation of the property in each case, as made under the authority of the War Department on the occasion of such sales: *Provided*, That such settlements shall be made within one year next after the passage of this act; and that good and sufficient security be given to the United States by or on behalf of the parties in interest, respectively, who do not pay in cash at the time of settlement, for the payment, with interest, of such sums as shall, on such settlements, be so found due, at such times within ten years as may be agreed upon.

SEC. 2. That this act shall not be construed so as to produce or authorize any delay in the prosecution of said claims respectively other than as aforesaid, and each of said claims not so settled and disposed of as aforesaid shall be prosecuted and enforced according to existing obligations. In such settlements no allowance shall be made in respect of any matter occurring prior to such sales and transfers, nor otherwise, except such payments as may have been made in cash, and such credits for transportation as the general course of the business regulations of the Departments authorizes. And in any such settlements, the said Secretary and Attorney-General shall, as a condition thereof, take a full release from the other parties, respectively, of all claims and demands of every name and nature theretofore existing, if any such there be, against the United States.

Approved February 27, 1875.

Mr. OATES. This railroad company was one of the roads referred to in the act which accepted the terms of the act. In the report made by the board it is stated that the only companies which made application to have their debts adjusted and sold under the law which I have caused to be cited were the Alexandria, Loudoun and Hampshire Railroad Company, the Mobile and Ohio Railroad Company, the Selma, Rome and Dalton Company, and the Memphis and Little Rock Company. The report also shows that the board, "after a full consideration of the subject in all of its bearings, finds that the valuation of the property was intended and was considered at the time (of the sale) by those who made it to be a fair valuation; yet if measured by the value of the property, had it been sold for cash at the time, the board is brought to the conclusion and reports as its opinion that there was an overvaluation of nearly 25 per cent. in the appraised price."

And all this time, mark you, interest was running against the company upon the contract, which shows that it was equitable for the Government to make an abatement down to the plain rule of cash valuation of the property at the time of the sale. Now the reason why there was not an adjustment made by this board with this company is shown in the report, as follows:

No settlement has been made of the debt of the Mobile and Ohio Railroad Company. The balance due the United States from that railroad company is now about $69,000; and a deduction of 25 per cent. from the appraised value of the property purchased by it, and an adjustment of the account on the basis of the settlement with other roads, would have brought the Government in debt to the company from $200,000 to $300,000.

Now mark you, the act I have caused to be read did not authorize the board, in the event that they found that the aggregate of payments and services rendered by any one of these companies would exceed the amount of the original debt when they applied the rule and made the deduction of 25 per cent., or whatever they agreed upon less than that, did not authorize them to draw their warrant upon the Treasury for settlement or payment to the company.

Now, the scope and object of the joint resolution is simply to authorize a board, composed of the same officers, to proceed with the settlement and adjustment with this company upon such basis as they think right and proper under this law.

I will state here there is some dispute about some of the claims of the company for services rendered; at least they have not been audited, have been accepted by the Government at the prices claimed by the railroad company.

Mr. SPRINGER. Will the gentleman allow me to ask him what kind of claims were those? What was the nature of the service the company rendered?

Mr. OATES. Carrying mails, the transportation of troops, &c.

Mr. SPRINGER. During the war?

Mr. OATES. Since the war. The rolling-stock was sold to the company after the war. It was mainly rolling-stock which had been captured by the Union forces during or at the end of the war, and for which the Government had no use, much of it being worn and not serviceable to the Government. They sold that rolling-stock to this and to quite a number of other railroad companies that were in so broken down a condition that they could not start business again with the resources at their disposal.

This Company got $500,000 worth of it, and agreed to pay interest at 6 per cent., I believe, till the money was paid, and all the carrying it did for the Government was to be credited or set off by the Government on that debt.

This particular company made many payments as well as rendered service to the Government; so that if this commission, composed of the Attorney-General and the Secretary of War, undertake to apply what the board considered was a just rule in this case, a deduction of 25 per cent. on the original amount of something over a half million dollars—if they apply that rule, the amount of payments made and the service rendered aggregate a larger sum than the company was due to the Government, and therefore upon that basis an amount would be due from the Government back to the company.

Mr. SPRINGER. Is the point at issue here that the property which the Government sold to the railroad company was sold for too much?

Mr. OATES. That is what the Government itself determines. This act of 1875 created this board to pass upon the property sold to a number of railroads in the South; and when they examined the question, as appears from their report they said this property sold to the company was sold for 25 per cent. above its cash valuation.

Mr. SPRINGER. Why did the company agree to buy it at that price?

Mr. OATES. They bought just after the war, in 1865 and 1866, when all prices were inflated, when cotton was worth 50 and 60 cents a pound, and all through the Southern States everything was proportionately high. This board, under the authority of this act of Congress, were authorized if they saw proper, if they deemed it just and equitable, to make a deduction not to exceed 25 per cent. from the amount of these sales.

Mr. SPRINGER. Then the only point in this bill is that the railroad company agreed to give more for the property purchased from the Government than it was worth to the extent of 25 per cent.; and you desire another adjustment, by which the property will be estimated at 25 per cent. less than it was at the time the estimate was made. Is that it?

Mr. OATES. The board which was appointed by this act of Con-

gress found that this company was entitled to a deduction of 25 per cent. But if the 25 per cent. should be deducted the amount of payments made and services rendered by this company aggregate a sum greater than it was due the Government after the 25 per cent. deduction was made. And therefore no settlement was reached by the board with this company.

The resolution before the committee is to renew that board, or rather to invest it with the power and authority to go on with their settlement. They are not concluded absolutely by the finding by the board heretofore that the rate of deduction should be 25 per cent. They could, I apprehend, reduce it so as to make it 15 or 10 per cent. if they saw proper. The object and purpose of the resolution is simply to authorize this board to go on, adjust the matter, and make a settlement with the company, and if it is found on equitable principles there is an overpayment after the rule of scaling is applied to it, they may have the power to draw their warrant on the Treasury for that difference in favor of the railroad company.

Mr. HENDERSON, of Iowa. May I ask the gentleman from Alabama one or two questions?

Mr. OATES. Certainly.

Mr. HENDERSON, of Iowa. Do I understand the rule which the gentleman asks to apply in this case was applied to other railroad companies?

Mr. OATES. Yes, sir.

Mr. HENDERSON, of Iowa. And you are asking no different rule now from what has been applied heretofore?

Mr. OATES. No, sir.

Mr. HENDERSON, of Iowa. Though the operation of the rule might result in a refund to this company; but it will be precisely the same rule as that on which adjustments were reached with other companies. Is that correct?

Mr. OATES. In answer to that inquiry, I will say, I hold in my hand a report which that commission made of its settlement with the Selma, Rome and Dalton road, under authority of that act, and with the Memphis and Little Rock Railroad Company. They reported after an examination against the deduction in behalf of the other one of the four which accepted the terms of the settlement.

Mr. HENDERSON, of Iowa. Then the Government is already committed to that policy?

Mr. OATES. Oh, I think so, clearly.

Mr. SPRINGER. Will the gentleman allow me to ask him how much the Government would probably be required to refund to this railroad company if the matter were adjusted upon the terms suggested in his resolution?

Mr. OATES. If all were to be allowed that the railroad company claims it would be a considerable sum; but that is left to the discretion of this board.

Mr. SPRINGER. That is rather indefinite. What would be that "considerable sum" in the gentleman's estimation?

Mr. OATES. I am unable to pass upon that question, because I have not examined it. That is a question for the Attorney-General and the Secretary of War.

Mr. SPRINGER. Will the gentleman allow me to read from the Quartermaster-General's report upon this very case?

Mr. OATES. In your own time; not in mine.

Mr. HOLMAN. Mr. Chairman, I was going to suggest——

Mr. OATES. Mr. Chairman, having explained the object and purpose of the resolution, I now desire to reserve my time, and other gentlemen can take the floor in their own time.

Mr. SPRINGER. Mr. Chairman, I desire to read from the report of Quartermaster-General Meigs in relation to this very case. What I read will be found at page 163 of the Quartermaster-General's report for the year ending June 30, 1885. He says:

> The case of the Mobile and Ohio Railroad Company is a peculiar one. It is not believed that this railroad company can properly be charged with an attempt to evade payment of its just obligations in this matter. In 1876 the railroad company had paid in cash and transportation services, according to the books of this office, the large sum of $535,159.07. It has made no cash payments since.

That is, it has made no cash payments since 1876.

Mr. FELTON. Do you know what amount it owed the Government?

Mr. SPRINGER. I will come to that in a moment. The Quartermaster-General says:

> It has made no cash payments since, but suspended the settlement and withheld the presentation of its Government transportation accounts and declined to pay over its postal earnings in liquidation. The reasons for this course are that by act of Congress of February 27, 1875, the Secretary of War and the Attorney-General were authorized to adjust and settle the indebtedness of a number of Southern railroads, including the Mobile and Ohio, and make such abatements as might be just, not exceeding 25 per cent. of the valuation of the property.

At that time the balance due from the railroad company, principal and interest, was about $69,000, and it was discovered that an adjustment of the accounts on the basis of the settlement under the law with the other railroads involved would bring the Government in debt to the Mobile and Ohio Railroad Company between two and three hundred thousand dollars. The United States officers charged with the compromise doubted that the terms of the law authorized a settlement involving the payment of money to the company, and declined to make such a decision without further legislation, but made an offer to the company to relieve it of the balance claimed by the United States, which offer was refused.

Mr. FELTON. Then, if that is correct, for the property which the Government sold for $500,000 it would get about $200,000. That would be about what it would amount to, as I understand the case.

Mr. SPRINGER. It would result in this, that at that time, by this adjustment, the railroad company would have owed the Government $69,000, the balance having been paid in transportation service; but if this bill passes, the Secretary of War and the Attorney-General will be authorized to adjust the matter upon the basis upon which the accounts of these other companies were adjusted, and such an adjustment, the Quartermaster-General says, would result in this company obtaining a verdict against the United States to the amount of from two hundred thousand to three hundred thousand dollars. So that if this bill passes, the transaction of the Government with this railroad company will turn out to have been a very unfortunate one, because, while the Government sold this company property worth $500,000 and has had a running account with the company for transportation services since that time, it will now have to pay them two hundred or three hundred thousand dollars in order to get out of the trade.

Mr. HENDERSON, of Iowa. Does not the gentleman understand that there is no new rule being applied to this company different from the rule that was applied in 1875 to the other companies? Is not that true?

Mr. SPRINGER. The Quartermaster-General says it was discovered that on the basis of the adjustment made with the other railroad companies the Government would owe this company between two hundred thousand and three hundred thousand dollars.

Mr. OATES. Suppose the debt had not existed, and this amount was earned in transportation by this company, would not the Government have had to pay the company that much money?

Mr. REED, of Maine. This is one of the companies included in the original act.

Mr. SPRINGER. I think this resolution should be amended so as to authorize the Secretary of War to give a receipt in full to this railroad company; in other words, to remit the payment of the $69,000 which that railroad company now under the law owes to the United States.

It was not contemplated by Congress when the bill to which the gentleman refers was passed that it would result in bringing the Government in debt to any of these railroad companies, because there was no provision by which payment was to be made by the Government if the amount of the set-off proved by the railroad company should exceed the amount of its indebtedness. It was not contemplated by Congress that we were opening up a means to relieve railroad companies by enabling them to get a judgment against the United States in large sums of money. The Quartermaster-General himself concedes that it was not contemplated the adjustment should result in bringing the Government in debt to any of the railroad companies, but simply that the indebtedness of the companies, so far as justice might require, should be canceled.

Mr. REED, of Maine. Is it not true that this company would have had the whole benefit of the adjustment but for the fact that it paid its dues to the Government regularly and fully? Does not the fact that there is now a balance due by the Government to this company result from its having met its obligations fully and frankly? If so, ought the company to suffer for this?

Mr. SPRINGER. The company is not suffering.

Mr. REED, of Maine. If the company had not paid its debts would it not have obtained the benefit of not paying?

Mr. SPRINGER. That is begging the question.

Mr. REED, of Maine. That is what I want to do. I want to "beg the question" of my friend from Illinois. I want him to answer.

Mr. SPRINGER. I will answer. Congress assumed that the Government had estimated at too high a figure some of the property sold to these railroad companies, and for the purpose of enabling that question to be thoroughly adjusted provision was made for appointing a commission. The result of the examination, however, in the case of this railroad company was the discovery of the fact that, if the rule were applied to this company as it was to all others, the Government would be indebted to the company in the sum of from $200,000 to $300,000. It was believed by the Attorney-General and the Secretary of War that Congress intended not to inaugurate a proceeding which would result in a judgment against the Government, but merely to enable these railroad companies to cancel their indebtedness; and I think if this company succeeds in canceling its indebtedness to the Government and holding the Government to its original bargain on the other matters it will have substantial equity done to it.

Mr. STONE, of Kentucky. I would like the gentleman to explain why there should be a difference made between this company and other companies that were allowed to settle on the same basis?

Mr. SPRINGER. Mr. Chairman, it does not follow because we allow relief to certain railroad companies on account of transportation done for the Government that we are to grant equity to other railroad companies. The relief was granted in these cases because the Government

was holding liabilities against insolvent corporations; and we desired to relieve them of that indebtedness. But here was a railroad company that was able to pay; and we asked this company simply to keep the contract which had been made in good faith between it and the Government.

Mr. OATES. The gentleman falls into error in reference to a matter of fact. These were not insolvent railroad companies, because they were required to secure these debts to the Government, and had done so.

Mr. SPRINGER. No; not on that account; I did not so state. But the gentleman said they were embarrassed, and unable to meet their indebtedness.

Mr. OATES. At the close of the war they were unable to go into business until they obtained this rolling-stock, until they bought it at whatever the Government asked for it.

Mr. SPRINGER. They passed their dividends and failed to meet the interest on their bonds, did they not?

Mr. OATES. I do not suppose they paid any dividends until their debts were paid.

Mr. SPRINGER. They were practically insolvent at the close of the war.

Mr. OATES. There were four companies that accepted the terms of this act and applied for an adjustment of their accounts. This board found that one of these companies was not entitled to any deductions, while three others, including this company, were so entitled. With two of these companies a settlement was effected, but no settlement was effected with this company, because upon taking into account the payments made and the service rendered the Government would be in debt to the corporation. The board had no power to make settlement in cases of this kind and to draw their warrant on the Treasury for the difference.

Mr. SPRINGER. I yield ten minutes to the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. Mr. Chairman, when the act of 1875 was passed it proceeded upon the assumption that the railroad corporations named were not able to pay their full indebtedness to the Government. I think the debates had at that time on this question will show very clearly that the bill was put substantially on this footing: That these corporations had bought a large amount of property belonging to the Government—rolling-stock and the like—and were not able to pay for it; that they were greatly embarrassed. This turned out to be true as to all these corporations, if I understand the matter correctly, except the Mobile and Ohio. This corporation had done a large amount of transportation for the Government, and, if my memory is correct, a large portion of their payment on account of the property they purchased was made in the form of transportation. It was admitted when this subject was discussed that the property had been sold at the then current prices; and the rates of transportation, by which the purchases were largely paid, were correspondingly high. The Mobile and Ohio Railroad, on account of its location with reference to the operations of the Government during the years 1865, 1866, 1867, and 1868, was able to make very heavy payments in the form of transportation. There was another element which was taken into account; though not discussed, it certainly was taken into account by members of the House; and that was, that while the same was true in some degree as to one of the other corporations—it may be, too——

Mr. HENDERSON, of Iowa. Is the gentleman discussing the elements that entered into the act of 1875?

Mr. HOLMAN. Yes, sir; I am saying that this matter entered into the question at that time, although I admit no attempt was made to strike out the Mobile and Ohio Railroad Company. It was a road highly favored by the Government. It was in the main constructed upon the credit of the land grant made in 1852. I believe I am correct as to the date. It was made at the same time as the land grant to the Illinois Central. If I understand the facts correctly, both of these roads, being a continuation of a system, were built upon the basis of the land grants made by the Government.

Considerable grants of public lands were made by the Government. I do not pretend that entered into the case at all, but I know it was thought there should be distinction between the Mobile and Ohio and other corporations. While it was manifest as to the others, it was not manifest as to this one. I am quite confident Congress did not dream we were entering into an arrangement by which money should be taken from the public Treasury. I think I can say with safety from the history of the act of 1875 that act would not have been passed and a liberal policy adopted upon the idea money was to come out of the Treasury. It was supposed that this corporation owed the Government considerably more after the deduction of 25 per cent. It turns out in this particular case, in consequence of the large transactions the Government had on these roads in the adjustment, allowing the 25 per cent. on property purchased at its current value, the road became heavily in debt.

Mr. HENDERSON, of Iowa. Do I understand the gentleman in citing the act of 1875 and the discussion which led to its enactment as between the Government and these railroad companies to say it was the intention of the lawmakers, where the balance was in favor of the Government, the Government would take that balance, and where the balance was against the Government the Government would not consent to refund it?

Mr. HOLMAN. It is impossible to tell what entered into the first grant.

Mr. HENDERSON, of Iowa. That is the gentleman's position.

Mr. HOLMAN. Oh, no; that is not my position.

Mr. HENDERSON, of Iowa. That is my understanding of the rule of the lawmakers, according to the gentleman from Indiana.

Mr. HOLMAN. That is not the view I was seeking to express. I may have been unfortunate in expressing my idea. The idea I sought to express was that it was understood these were insolvent institutions. That was the general idea. The Government exercised a magnanimous policy toward them. It was not alleged, and it can not be alleged now, this property was all consumed. It was sold at the current value. The Government necessarily stocked these roads when they fell into its hands, not only with new iron but with rolling-stock. It was not understood we were selling that property, but it was understood the Government to encourage the South should adopt a liberal policy in view of the large indebtedness of these corporations to the United States. Therefore Congress allowed in the act of 1875 a deduction not exceeding 25 per cent.

And gentlemen will hardly be surprised, I imagine, that the maximum sum of the deduction named by Congress has been allowed in this case. The deductions are always to the full extent of the privilege; and it seems to be generally understood that the full measure will be accorded in every case if it is against the Government. Executive officers and others authorized to execute the powers of Congress in making such awards seem to consider that every proposition unfavorable to the Government shall be carried to its fullest and final extent. So with this case, the Attorney-General and the Secretary of War adopted the maximum sum named as the amount to be deducted from the obligations of these corporations. They allowed every cent that the law permitted.

Now, Mr. Chairman, the very fact that Congress provided for fixing a maximum sum, ought to have conveyed to the board at least the idea that it did not necessarily follow that it should make the whole deduction, or that these roads should all be placed upon the same footing. There were certain circumstances which might materially modify such award. If the Government had been throwing a large amount of its transportation and large business upon some one of the roads, and not upon another, giving a particular road an advantage over the others, that is a question that might have been taken into account. If in former years the Government had by its assistance built one road and not the other, that might also have been taken into account; and it may be said the inability of one to pay and of the other to meet its obligations might have been taken into account.

This, however, was an act of magnanimity on the part of the Government, and the question is how far an act of mere magnanimity toward these bankrupt corporations to enable them to get out of their indebtedness to the Government and proceed successfully with their business shall compel us now, in the interest of a corporation, which as it turns out was not insolvent, to extend this beneficence on the part of the Government.

Mr. OATES. Will the gentleman permit a question?

Mr. HOLMAN. Certainly.

Mr. OATES. I wish to ask if this had any effect upon an insolvent corporation, that they paid a part of the indebtedness? Would it make any difference as against them?

Mr. HOLMAN. Unquestionably; if it had been an insolvent corporation, and it could not have carried on its business without liberal aid on the part of the Government, it would seem to be some excuse for this line of policy——

Mr. OATES. It had been insolvent and made the payments by service upon it.

Mr. HOLMAN. The gentleman knows this was a mere act of magnanimity on the part of the Government. It was not a matter of contract. We were not doing a mere act of equity to these corporations by reducing the amount of the indebtedness 25 per cent., but it was an act of benevolence, a beneficence on the part of the Government under peculiar circumstances.

Mr. REED, of Maine. For which you hold we had better be sorry. [Laughter.] Is that it?

Mr. HOLMAN. I insist, Mr. Chairman, that this corporation was enjoying no further right than others before Congress. You compromise with the bankrupt debtor for two reasons: First, to do the best you can for yourself; and second, to do the best you can for him; but it does not follow that this act of magnanimity of the Government toward one of the roads should be taken as a basis for according it to another under different circumstances and conditions. I do not think the Moblie and Ohio Railroad Company can with fairness ask that we should pay them Government money out of the Treasury. Let us look at the matter for a moment and meet the case squarely. I ask the gentleman's attention now. He will not say that we sold that property too high or that they agreed to pay more than it was worth to begin with.

Mr. OATES. Will you allow another question?

The CHAIRMAN. The time of the gentleman has expired.

Mr. SPRINGER. I yield ten minutes more to the gentleman from Indiana.

Mr. OATES. Will the gentleman now allow an interruption?

Mr. HOLMAN. Yes, sir.

Mr. OATES. An answer to the gentleman from Indiana on this point will be found in the report of the board in these words:

The board, after full consideration of the subject in all of its bearings, think that the valuation of the property was intended, and so considered at the time by those who made it, to be a fair valuation; yet if measured by the value of the property, had it been sold for cash at the time, the board is brought to the conclusion, and reports as its opinion, that there was an overvaluation of fully 25 per cent. in the appraised price.

That shows whether or not the property was sold them too high.

Mr. HOLMAN. Yes, sir; that is to say, an overvaluation on the property sold on the terms on which it was sold if cash was to be paid; but it should be remembered that it was to be paid for by transportation and was not an actual cash sale.

Mr. OATES. And yet the roads have been paying interest upon it.

Mr. HOLMAN. But they were not compelled to pay cash; and a large amount of transportation was put into their hands by the Government for which a high price was paid. That question no doubt entered into the purchase of the property and also into the value of it.

Mr. OATES. Would not the Government have paid the company in money for this transportation if it had not taken this property?

Mr. HOLMAN. Certainly, but not at such high rates; and I think the basis on which the negotiations for that transportation was conducted would have been very different had there not been this sale of property which was to be paid for in transportation as a sort of set-off.

But if the proposition is true, as stated in the report, that it was a fair valuation of the property, then is it proper that a particular corporation which has grown up and whose wealth comes out of the public wealth of the country shall come now and ask us to pay them back out of the money in the Treasury two or three hundred thousand dollars? I am willing to treat the corporations with entire fairness and equity. It bought our property and I think it ought to be paid for, notwithstanding certain bankrupt corporations obtained better terms from the Government.

I submit the following amendment. I believe it is in order now to offer amendments. For myself I have no objection to a further examination of the subject; but I am anxious when Congress acts upon the subject that it shall act with a full knowledge of the situation. Therefore I move to strike out all of this bill after the words "twenty-five," in the tenth line, down to the end of the bill, and insert "and make report thereon to Congress."

I will send up the words.

The CHAIRMAN. The Chair will state to the gentleman from Indiana that the amendment will be considered as pending, general debate not having yet closed on the bill. Does the gentleman reserve the balance of his time?

Mr. HOLMAN. Yes, sir.

Mr. REED, of Maine. At the close of the war the United States Government found itself in the South in possession of a very large amount of material. The United States Government did not want it and the railroads did, and accordingly they were permitted, on certain terms, to make purchases of this material. Among other railroads that purchased were four that were named in the original act. They came before Congress and said that the price was too high, and asked for an adjustment by a board of United States officers. That adjustment was made under a law passed by Congress. It was discovered that the other three railroads, by reason of not having paid as they went the price which the Government demanded, could have their accounts canceled; but one railroad, the Mobile and Ohio, had right along paid cash for what it had received, and the board of adjustment decided that they could not bring the United States Government into debt and pay money out of the Treasury. So that the result was that this road, by reason of faithfully fulfilling its obligations, lost a large sum of money, and it comes before Congress to-day asking that it shall be put in the same condition as those railroads which had not fulfilled their obligations.

Now, can there be any objection to that on the scorce of honesty and decent treatment? On the question of adjustment the Congress of the United States has passed. Upon the details of its execution it is now called upon to pass. In other words, we have paid a similar sum of money to railroads that did not fulfill their obligations. The gentleman from Indiana now asks us to refuse to do the same thing to a railroad which in good faith did fulfill its obligations. It may be that it was an act of magnanimity on the part of Congress to pass the original act, but I think the whole world will agree that it would not be an act of magnanimity to do as the gentleman from Indiana desires shall be done.

The only reason I have felt any interest in this matter was because I had occasion once to investigate this whole question of rebates on purchases by Southern railroads. I am perfectly frank to say that I opposed and assisted in defeating a re-examination on the part of other roads, because I believed a contract once made ought to be regarded as consummated and ended; and I do not believe the original bill ought to have passed. Congress proclaimed its will with regard to those roads; and having done so, I think it is very poor business for Congress to refuse the same measure of relief which it granted to roads that did not do what they ought to have done to a road which did.

Mr. JONES, of Alabama. The gentleman from Indiana [Mr. HOLMAN] seems to think, and in fact he says, that this act of 1875 was passed out of a spirit of magnanimity toward insolvent railroad companies, and that it was so passed on account of their being insolvent and unable to pay the debts they owed the Government. Now, sir, that was not the object of the law, and that was not the origin of the law. This is apparent by reference to the provisions of the law itself.

This act of 1875 provides:

That the Secretary of War and the Attorney-General are hereby authorized and empowered jointly to adjust and settle the claims of the United States against—

Ten railroads that are named in the act. How?

By making such abatement in the amount of such claims, respectively, as shall be deemed just in respect of an overvaluation—

Not on account of their insolvency, but—

in respect of an overvaluation of the property sold, the abatement not to exceed 25 per cent. of the valuation of the property in each case, as made under the authority of the War Department on the occasion of such sales.

Mr. HOLMAN. The motive of the whole transaction was to relieve these corporations.

Mr. JONES, of Alabama. We have to construe a law by its terms as we find them, and not by what the gentleman may have said in the Congress which passed it, or what any one else in that Congress may have said. Here is the law. It is not surprising it was found in the year 1875 that the property sold in 1865 had been sold at excessively high prices. In 1865, cotton that now sells for 9 cents a pound sold for 50 and 60 cents a pound; iron that is now but a few dollars a ton sold for eighty and one hundred dollars a ton, and I believe for more. All prices were inflated in that year, and this railroad property was no exception. It was sold under executive orders of the Government. The Government had no use for it, as the gentleman from Maine correctly said. The railroads had use for it. Executive orders were made for its sale to these railroads. Ten of them bought this property, consisting of rolling-stock and railway material; millions of this property were sold. The Mobile and Ohio Railroad Company bought at this sale to the extent of $500,000 and a little more, and gave its bonds with 7.3 per cent. interest, with security.

After giving those bonds and getting the property the company commenced to make payment on its obligation by carrying the mails and transporting troops and by making large cash payments. That is a fact in this case. But it was found this sale was very onerous on those companies. Whether they were solvent or insolvent, they found it was a great hardship, and they appealed to Congress for relief; and here is the act granting relief, declaring that the Secretary of War and the Attorney-General should make settlement with these roads and an abatement in this overvaluation on such terms as would be deemed just, not exceeding 25 per cent. After that law was passed creating this board four of these companies applied to get the benefit of it, namely, the Selma, Rome and Dalton Railroad in Alabama, the Memphis and Little Rock Company, the Alexandria, Loudoun and Hampshire Company in Virginia, and the Mobile and Ohio Railroad Company.

The board proceeded to settle with these companies. As to the Alexandria, Loudoun and Hampshire Company, they found that the property which that company had bought was not bought at too high a valuation, because the same material had been sold at auction for the same prices that were paid by that company. For that reason the board refused to make any abatement as to that company. As to the Selma, Rome and Dalton Company and the Memphis and Little Rock Company, the board found that they were entitled to this abatement of 25 per cent., and as those companies had failed to pay their debts to the Government and were then largely in arrears, after deducting the 25 per cent. there was still something coming to the Government, and settlements were made with those companies upon that basis.

But as to this Mobile and Ohio Company, it was found that they had bought this property at excessive prices, at an overvaluation, and therefore the board came to the conclusion that they were justly and equitably entitled to this 25 per cent. deduction. Yet they could not make a settlement with them. Why? Because they reported that this company alone, of all the ten, had met its obligations and paid them to such an extent that it was very slightly indebted to the Government, the balance due amounting to $69,000; and consequently if the same rule were applied in this case as in the others it would bring the Government in debt to the company. And the board reported that under this law they were not authorized to pay out any money. That was their award and that was their report. Now, I submit, Mr. Chairman, for the consideration of this committee, whether this company, which was the only one that had met its obligations to the Government, ought to be denied the benefits of that law? Why, sir, that would be to reward those companies that were delinquent and to punish the only one that was diligent in meeting its obligations.

This joint resolution is designed to carry out the spirit and the intent of the act of 1875. The intention of that act clearly is and was to apply the same rule of settlement to all these companies, and that all should get the benefit of it. Certainly this Mobile and Ohio Company, which was diligent in performing its obligations to the Government, ought not to be denied the benefits of that act. All the company asks is to be put upon an equal footing with the others, to be accorded the benefit of the same law, and to have a settlement like that which has been

made with them. It is true, and it is well known, that this Government can deny the company this relief. It is powerful enough to do it. It is sovereign, and can deny this; but, Mr. Chairman, "it is excellent to have a giant's strength, but it is tyrannous to use it like a giant."

Mr. HOLMAN. Will the gentleman allow me a question?

Mr. JONES, of Alabama. Yes, sir.

Mr. HOLMAN. Last year, I believe, a judgment was rendered against this corporation in behalf of the Government for something over a hundred thousand dollars, and it turns out that from the beginning the corporation was insolvent. This act to which the gentleman refers did not contemplate the payment by the Government of any money to any of these corporations, for, of course, if any such thing was in contemplation some provision would have been made for it. Now, would it not be acting in a very liberal manner if the Government should release this corporation from the payment of that debt of over a hundred thousand dollars, and would not that be enough for the Government to do without going on and paying the company two or three hundred thousand dollars in addition?

Mr. JONES, of Alabama. Mr. Chairman, it is not a fact that any judgment was rendered against the Mobile and Ohio Railroad Company in favor of the Government. Why should this Government seek in this case to avoid the plain provisions of a law of its own enactment? Why should the line be drawn at the Mobile and Ohio Railroad Company when the Government has settled on these terms and made these abatements in the cases of these other companies? This is not a new case in Congress. It was reported upon favorably by the Judiciary Committee in the last House; it was reported favorably in the Senate in two Congresses, and I believe it is a fact that it was passed by the Senate at one time. Repeatedly the Quartermaster-General has reported to Congress that the claim of this company is a just one and ought to be paid, and has appealed to Congress to pass such legislation as is embodied in this joint resolution.

Mr. HOLMAN. If the gentleman will allow me, I believe I was mistaken as to the rendition of a judgment against the company. There was no judgment, but the amount due the Government on the original contract on the 30th of last June was $114,397.74.

Now, if according to the spirit of the original act, which does not contemplate paying any money, a rebate or deduction be made on the price which the railroad company paid to the Government for this property, will not the Government be acting liberally toward a solvent corporation whose wealth has grown largely out of a grant made by Congress years ago if we release it from payment of this claim of $114,000? Would not this be quite magnanimous to a solvent corporation?

Mr. JONES, of Alabama. The gentleman from Indiana at one time represents this company as being insolvent and at another as being solvent. The balance due from this company is not $114,000, but $69,000. The object of this resolution is not to appeal to the magnanimity of the Government. The company comes here and asks simply that the law be carried out in its case as it was carried out in the others. It does not appeal for charity; it asks for equity and justice. That is the whole case.

The CHAIRMAN. The question is on the amendment of the gentleman from Indiana [Mr. HOLMAN], which will be read.

The Clerk read as follows:

In the fifth line of the first section strike out the word "finally."

Strike out all of the first section after "1875," in line 10, and insert "and make report thereof, with a full statement of the value of the property sold by the United States to said company, to Congress."

Mr. HOLMAN. I ask that the Clerk report the first section as it will read if these amendments be adopted.

The Clerk read as follows:

Resolved, &c., That the Secretary of War and the Attorney-General be, and they are hereby, authorized and directed, jointly, to adjust and settle the accounts of the United States with the Mobile and Ohio Railroad Company for property received from the United States in the years 1865 and 1866, as provided for in the act of Congress approved February 27, 1875, and make report thereof, with a full statement of the value of the property sold by the United States to said company, to Congress.

Mr. OATES. Mr. Chairman, the only effect of the first amendment offered by the gentleman from Indiana is to strike out the word "finally," before the word "settle," in the fifth line, so as to leave this matter still open. I trust that amendment will not be adopted, for this question ought to be finally settled; and certainly the Congress of the United States can trust two of its highest officers to make this adjustment and settlement according to the law which it enacts. As to the other branch of the amendment, the latter part of it, it is objectionable for two reasons. In the first place, it contemplates making this board composed of the Secretary of War and the Attorney-General a mere court of inquiry to report the valuation of the property to Congress, leaving the question still open in accordance with the idea of the first amendment. In the second place, to require these officers to report back to Congress is entirely unnecessary, since the act of 1875 under which the board is created requires a report of its action. If the gentleman will modify his amendment so as merely to strike out of the first section all after "1875," allowing this board to proceed in the execution of the law of 1875, I shall be willing, so far as I am concerned, to accept that amendment. The effect of the amendment in this form would be to strike out the words "and upon the same basis of settlement and upon the same terms and conditions as was done with other companies included in said act."

This would leave the question open for the Secretary of War and the Attorney-General to investigate and ascertain whether the estimates of the value of this property were correctly made or not. To such a proposition I have no objection. All that we desire is that equity may be done under the law to this corporation and that this long-standing account may be settled. With this amendment it seems to me there could be no reasonable objection made to the joint resolution. If the gentleman from Indiana will not accept my amendment as a modification of his I will move as a substitute for his amendment to strike out all after "1875." The whole effect of the resolution will then be to refer this question under the act of 1875 to this board, which can institute a new inquiry into the value of the property sold by the Government to this corporation. If the present Attorney-General and Secretary of War should find that the board heretofore organized erred in the amount of deduction allowed—25 per cent.—let them place it where they may think equitable. If they find that no deduction is to be made, then the Government is not injured to the extent of a dollar. If they find that the $69,000 which the Government claims is still owing from this corporation upon its contract ought to be remitted—whatever this board may find, I venture to affirm, the corporation will most cheerfully conform to the finding. But it seems to me no valid objection can be urged against the resolution with the amendment I suggest. It proposes nothing but to do pure and simple equity between the Government and a corporation with which it is dealing. Ought any Representative on this floor to ask any more?

[Here the hammer fell.]

The CHAIRMAN. The question is on the substitute of the gentleman from Alabama [Mr. OATES].

Mr. HOLMAN. His amendment proposes to strike out a portion of the same matter I propose to strike out. Of course he has a right to perfect the original text before my amendment is voted upon.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Alabama as a substitute.

The Clerk read as follows:

In section 1, after the word "seventy-five," in line 10, strike out "and upon the same basis of settlement, and upon the same terms and conditions as was done with other companies included in said act."

Mr. OATES. I hope that will be adopted.

The amendment was agreed to.

The CHAIRMAN. The question now recurs upon the first amendment suggested by the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. I withdraw the first amendment for the present and offer the second only.

I will state, Mr. Chairman, that the only effect of my pending amendment is, if adopted, that instead of allowing a payment of the sum found due upon the award or settlement which may be made by the Attorney-General and the Secretary of War, the award, whatever it may be, shall be reported to Congress; and that will be carrying out the spirit of the act of 1875, for that, I claim, did not contemplate the payment of any money. It was claimed that no such purpose was in view, so that this is merely a supplemental act, not merely carrying out the provisions of the act of 1875, but largely extending that act unless the amendments which I have suggested be adopted.

This contemplates the payment of a large sum of money, while the act of 1875 did not contemplate any payments.

Mr. OATES. My friend from Indiana is willing to trust the Attorney-General and the Secretary of War to settle, provided that they do not have any money to pay. [Laughter.]

Mr. HOLMAN. Yes, because I know then exactly what we are doing; I know then you are giving this corporation $114,000, and I repeat we know what we are doing; but when you confer not only the power to release the corporation from about $114,000, but also the power to make a raid upon the Treasury to the extent of two or three hundred thousand dollars more, I am unwilling to place that power in the hands of any body except the Congress of the United States, because Congress alone is authorized to appropriate money out of the public Treasury. That is the objection I have to the legislation proposed by this bill as it stands, and therefore insist upon my amendment.

From necessity, in some instances, we have been making permanent appropriations; but seldom indeed do we allow an executive officer of the Government to make a drain upon the Treasury, as proposed here, and almost without limitation or restriction. When it is done it is always with restrictions; whereas in this bill there is no restraint except that growing out of the amount of property originally sold.

Mr. HENDERSON, of Iowa. If the proper amount can be ascertained by this commission, is the gentleman willing that it shall be paid or is it to come back and be again discussed here?

Mr. HOLMAN. I wish to know what, if any, deductions are to be made, and not act blindly on a case of this importance. I want to know the basis on which the settlement is to be made. We are calling upon officers of the Government to ascertain what the property is worth, and report that fact to Congress for its action. They make that

award and Congress passes whatever it regards as proper. We have a proposition here to release them on certain conditions from the obligation which they are under to the Government to an extent not perhaps exceeding 25 per cent.; but I want to know the basis of that settlement. Under the act of 1875 we only conferred upon them the authority to make deductions in the amount of the indebtedness to the United States. Here we go far beyond that, not only allowing them to make a rebate of the indebtedness, but to pay hundreds of thousands out of the public Treasury. For one, I repeat, I am not willing to legislate in that blindfold manner.

Mr. HENDERSON, of Iowa. Did you not vote for the act of 1875, which allowed the same mode to be pursued?

Mr. HOLMAN. The act of 1875 did not allow the same mode to be pursued; and whether I voted for it or not I am not now able to recollect, but I think not.

Mr. SPRINGER. I move to strike out the last word. I have endeavored to go back to the proceedings of the Forty-third Congress for the purpose of getting the report upon which this bill was based in that Congress, but I am not able, owing to the bad indexing of these volumes, to get any trace of this particular bill. But I have found the bill which passed at the same session, or was then pending, which gave substantially the same facts—a bill entitled "A bill for the collection of debts due from certain railroad companies," and which was reported for that purpose; that is, to enable the Government to collect its debts against certain railroad companies. The report in that case, and the exhibits attached, show that the whole subject now before Congress was before it at that time. Exhibit A, for instance, contains a statement of the indebtedness of the Southern railroad companies to January 1, 1867, among which I see the Mobile and Ohio Railroad Company, showing an indebtedness of $505,000 all the way through. But there is a remarkable statement appended that possibly the transportation service will pay the debt within one year.

Now, the roads asked relief, and the relief that was claimed under that report, which was submitted to the House by Hon. Benjamin F. Butler in a previous Congress and adopted in that, asked that the suits against certain railroads which are insolvent be dismissed and the matters arbitrated, in order, by so doing, that the companies could meet their indebtedness to the United States.

Mr. OATES. Is not the gentleman willing to trust the Secretary of War and the Attorney-General to make an award, when it is in their discretion to allow 25 per cent. or less or nothing?

Mr. SPRINGER. We are exercising discretion now. Congress is called upon to exercise its discretion, and it is for us to determine whether a bill originally brought forward in the interest of railroad companies to enable them to pay in an easier way their indebtedness to the Government should be turned upon the Government and made the means of mulcting the Government in large sums of money to pay the railroad companies.

Mr. OATES. This resolution is merely to carry out the law which is on the statute-book.

Mr. SPRINGER. A law passed for the benefit and relief of the railroad companies. This is a bill to give a judgment against the United States for a large sum.

Mr. OATES. Not at all. It is discretionary with that board composed of the Attorney-General and the Secretary of War to allow 25 per cent. or any less sum—whatever they think right and just.

Mr. HOLMAN. I will ask the gentleman is it wise legislation to confer such extraordinary discretion on two officers of the Government? In what case have we done it before?

Mr. OATES. It might have been well to have addressed that question to members at the time of the passage of the original act, but it is not applicable here.

Mr. SPRINGER. This discretion is like the discretion conferred on the President when he is authorized to name some person, and put him on the retired-list. It is made subject to his discretion, but it is accompanied by a legislative recommendation, and the President acts in accordance with that. And this bill is intended for that purpose and will have that effect. I withdraw my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. HOLMAN], which the Clerk will read.

The Clerk read as follows:

Strike out all of the bill after the word "1875," in line 10, and insert:
"And make report thereof, with a full statement of the value of the property sold by the United States to said company, to Congress."

The question being taken on the amendment, there were—ayes 16, noes 77.

Mr. HOLMAN. A quorum has not voted, and I do not think there is a quorum present. In order that other business on the Calendar may be proceeded with I make this suggestion: I am willing this matter should go to the House for a yea-and-nay vote on the amendment.

Mr. OATES. Let it be on the bill.

Mr. HOLMAN. I wish to have it on the amendment.

Mr. OATES. I do not think I can agree to that.

The CHAIRMAN. What motion does the gentleman from Indiana submit?

Mr. HOLMAN. A quorum has not voted, but I am willing the bill should go to the House with an understanding that there shall be a yea-and-nay vote in the House.

Mr. OATES. If it is agreed that the bill shall be reported favorably with the understanding that there shall be a yea-and-nay vote on the amendment, I will not object to that.

The CHAIRMAN. That can only be done by unanimous consent.

Mr. OATES. I propose to ask unanimous consent.

Mr. HOLMAN. The form in which the bill should be reported to the House is quite unimportant. I do not think I shall object to the bill going to the House in that form with the understanding the yeas and nays shall be ordered.

The CHAIRMAN. Unanimous consent is asked that the bill be laid aside to be reported to the House with the recommendation that it do pass, with the understanding that a yea-and-nay vote be had in the House on the amendment of the gentleman from Indiana.

Mr. DUNHAM. I wish to ask the Chair does unanimous consent in the Committee of the Whole bind the House to a yea-and-nay vote?

Mr. HOLMAN. It has always been held that in honor it does.

Mr. OATES. I ask the gentleman from Illinois [Mr. DUNHAM] not to object.

Mr. DUNHAM. The Chair has not answered my question.

The CHAIRMAN. The Chair will state that under the rule the agreement in committee will not bind the House. The House can refuse the yeas and nays or it can carry out the agreement made in the committee, as the House sees fit.

Mr. HOLMAN. I have never known a case where such an agreement had been made that there was any objection to carrying it out.

The CHAIRMAN. The Chair simply speaks of the power of the committee to bind the House. Is there objection to the request for unanimous consent?

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass, and with the understanding that there shall be in the House a yea-and-nay vote on Mr. HOLMAN'S amendment.

E. ETHERIDGE AND W. B. STOKES.

The next business on the Private Calendar was the bill (S. 506) for the relief of Emerson Etheridge and William B. Stokes, reported by Mr. SHAW from the Committee on Claims.

The bill was read, as follows:

Be it enacted, &c., That Emerson Etheridge and William B. Stokes, sureties upon the official bond of James T. T. Carter, given as security for the faithful performance by said Carter of his duties as secretary of the Territory of Arizona, and dated June 13, 1866, be, and said sureties are hereby, released and discharged of and from all and every obligation and liability whatsoever on account of said bond or any breach thereof.

Mr. GLASS. I will state for the information of the committee that this bill was considered by the Senate committee; that a favorable report was made upon it, and that after discussion it was passed by the Senate by an almost unanimous vote. It is before this committee now upon the unanimous report of the committee of this House that considered it. I think there will be no objection to it, and if there is not, I ask that it be laid aside to be reported favorably to the House. I reserve my time, if any one wants to speak on the other side.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOSEPH C. IRWIN & CO. AND OTHERS.

Mr. SPRINGER. I move that the committee rise.

Mr. WARNER, of Missouri. I hope the gentleman will withhold that motion for a moment. I wish to call up by unanimous consent a bill that passed the Senate in the last Congress—a bill to refer certain claims to the Court of Claims.

Mr. SPRINGER. I have no objection to that.

The CHAIRMAN. The gentleman from Missouri [Mr. WARNER] asks unanimous consent that the bill (H. R. 1357) authorizing the Court of Claims to hear and determine certain claims be taken up out of its regular order and considered by the committee.

The bill was read, as follows:

Be it enacted, &c., That the claims of Joseph C. Irwin & Co. and C. A. Perry & Co., for property taken and impressed into the service of the United States, in the year 1857, by orders of Col. Albert Sidney Johnston, in command of the Utah expedition, be, and the same are hereby, referred, with all the papers relating thereto, to the Court of Claims, for adjudication on the proofs heretofore presented and such other proofs as may be adduced.

Mr. HOLMAN. I do not think there ought to be any objection to this bill, except that the House is not aware of the character of the proofs mentioned. Is it legal proof?

Mr. WARNER, of Missouri. The court is to pass upon the claim—to render a judgment upon the claim. This is the same bill that passed the Senate at the last Congress.

Mr. HOLMAN. The bill speaks of "proofs." Now, if that be legal evidence——

Mr. WARNER, of Missouri. It will not bind the court if it be not legal evidence.

Mr. HOLMAN. Oh, yes.

Mr. WARNER, of Missouri. Well, I have no objection to an amendment which will meet the gentleman's objection.

Mr. WARNER, of Ohio. I wish the gentleman would state why this case cannot go in under the Bowman act.

Mr. WARNER, of Missouri. Because of the statute of limitations.

Mr. WARNER, of Ohio. I do not wish to make any objection, but I supposed we were going to have a bill that would send all these claims for adjudication.

Mr. HOLMAN. I suggest that the bill be amended by adding the words "provided they are competent evidence."

Mr. WARNER, of Missouri. I do not object to that.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

LEVI JONES.

Mr. JOHNSTON, of North Carolina. Mr. Speaker, I ask unanimous consent to call up the bill (H. R. 4629) for the relief of Levi Jones.

Mr. JOHNSTON, of Indiana. Mr. Speaker, I do not want to object, but I have a bill or two that I should like to have considered.

The CHAIRMAN. The Chair can not entertain more than one request at a time. Is there objection to the present consideration of the bill indicated by the gentleman from North Carolina?

Mr. JOHNSTON, of Indiana. I object.

Mr. SPRINGER. Mr. Chairman, I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HATCH, from the Committee of the Whole, reported that they had had under consideration bills upon the Private Calendar, and had instructed him to report sundry bills with various recommendations.

CHANGE OF RANK.

The SPEAKER. The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 37) to change the rank of an officer on the retired-list of the Army.

The SPEAKER. This bill was reported from the Committee of the Whole House with an adverse recommendation. The question is upon ordering the bill to be engrossed and read a third time.

Mr. SPRINGER. The gentleman from Wisconsin [Mr. BRAGG] has charge of that bill, and I observe that he is not in his seat at this moment.

Mr. MORRISON. Mr. Speaker, I suggest that by unanimous consent this bill be passed over for the present.

Mr. PRICE. I object.

The SPEAKER. Objection is made. If there be no motion to postpone the question is upon ordering the bill to be engrossed and read a third time.

Mr. SPRINGER. I move that the further consideration of this bill be postponed until next Friday.

Mr. PRICE. I move to lay the bill on the table.

The SPEAKER. That motion has precedence over the motion of the gentleman from Illinois [Mr. SPRINGER]. The question is on the motion of the gentleman from Wisconsin [Mr. PRICE] to lay the bill on the table.

The House divided; and the Speaker stated that the noes seemed to have it.

Mr. McMILLIN. I ask for a division.

The House divided; and there were—ayes 53, noes 21.

Mr. BRAGG. No quorum, Mr. Speaker.

The SPEAKER. The point is made that no quorum has voted. The Chair will appoint the gentleman from Wisconsin [Mr. BRAGG] and the gentleman from Wisconsin [Mr. PRICE] to act as tellers.

Mr. DOCKERY. Mr. Speaker, I ask unanimous consent that this bill be passed over informally until next Friday.

The SPEAKER. That request has been made and objected to.

Mr. DOCKERY. I renew it.

The SPEAKER. The motion to postpone until next Friday is now pending, and will be voted upon as soon as the motion to lay on the table is disposed of, unless that motion carries.

The House again divided; and the tellers reported 45 in the affirmative.

Before the count was completed,

Mr. BRAGG said: Mr. Speaker, by consent, if unanimous consent can be obtained, this bill will go over, to be voted upon in the House on Monday next immediately after the reading of the Journal. With that understanding I withdraw the call for a quorum.

A MEMBER. I object.

The SPEAKER. Objection is made. The tellers will resume their places. No quorum has yet voted.

Mr. SPRINGER. Mr. Speaker, is it in order to move that the House do now adjourn?

The SPEAKER. It is.

Mr. ROGERS. Mr. Speaker, I move that the House do now adjourn.

EMERSON ETHERIDGE AND WILLIAM B. STOKES.

Mr. SPRINGER. Mr. Speaker, the gentleman from Tennessee [Mr. GLASS], who has charge of the bill for the relief of Emerson Etheridge, states that a court is to meet soon in Tennessee, which is about to render judgment for the amount due to the Government which this bill proposes to release. I therefore ask unanimous consent that that bill be taken up and put upon its passage.

Mr. RANDALL. Is this Mr. Etheridge the gentleman who was formerly a member of this House?

Mr. SPRINGER. Yes, sir.

Mr. RANDALL. And Clerk of the House?

Mr. SPRINGER. And Clerk of the House. I ask unanimous consent that the bill be now put upon its passage.

There was no objection.

The bill (S. 506) for the relief of Emerson Etheridge and William B. Stokes was ordered to a third reading; and was then read the third time, and passed.

Mr. GLASS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WARNER, of Missouri. I ask unanimous consent that House bill No. 1357, authorizing the Court of Claims to hear and determine certain claims, be taken up and passed, it having been favorably reported from the Committee of the Whole.

Mr. SMALLS. I object.

Mr. JOHNSTON, of North Carolina. I ask unanimous consent——

Several MEMBERS. Regular order.

Mr. WARNER, of Missouri. The gentleman from South Carolina [Mr. SMALLS] withdraws his objection to my request.

The SPEAKER. But the regular order is demanded by several gentlemen.

Mr. ROGERS. Mr. Speaker, is a motion to adjourn in order?

The SPEAKER. It is.

Mr. ROGERS. I make that motion.

The SPEAKER. No quorum has yet voted on the motion of the gentleman from Wisconsin [Mr. PRICE]. The gentleman from Arkansas [Mr. ROGERS] moves to adjourn.

Mr. MORRILL. An adjournment will cut off the evening session for pension business. Let us take a recess.

The motion to adjourn was not agreed to; there being—ayes 45, noes 58.

Mr. DUNHAM. I move that the House take a recess until half past 7 o'clock this evening.

Mr. BRAGG. Mr. Speaker, if the House now takes a recess will any business be considered at the evening session except pension cases under the special order?

The SPEAKER. Under the order of the House, the only business will be pension bills and bills removing political disabilities.

The motion of Mr. DUNHAM was agreed to; and accordingly (at 4 o'clock and 40 minutes p. m.) the House took a recess until half past 7 o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at half past 7 o'clock p. m.

ORDER OF BUSINESS.

Mr. MORRILL. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole for the consideration of bills under the special order for Friday evening sessions.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, Mr. HATCH in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration, under the special order of the House, of pension bills and bills for the removal of political disabilities.

MARIA K. RITTER.

The first business on the Private Calendar was the bill (H. R. 5693) for the relief of Maria K. Ritter.

Mr. MORRILL. I ask that this bill and House bill 4097, next on the Calendar, granting a pension to William J. Owings, be laid aside informally, retaining their places on the Calendar.

The CHAIRMAN. If there be no objection the order will be made.

There was no objection.

MARY HOWARD FARQUHAR.

The next business on the Private Calendar was the bill (H. R. 1201) for the relief of Mary Howard Farquhar.

The bill was read, as follows:

Be it enacted, &c., That from and after the passage of this act the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mary Howard Farquhar, widow of the late Maj. and Bvt. Lieut. Col. Francis V. Farquhar, Corps of Engineers, United States Army, and daughter of the late Maj. Gen. Alpheus S. Williams, United States Volunteers, at the rate of $50 per month, in lieu of the pension which she now receives.

The amendment reported by the committee was to strike out "fifty" and insert "forty," so as to provide for a pension of $40 a month.

Mr. MORRILL. I move to amend the amendment by striking out "forty" and inserting "thirty."

Mr. RANDALL. Oh, let it be "forty."

Mr. MORRILL. Thirty dollars is the same amount that other widows of officers of similar rank now receive.

Mr. STRAIT. I hope the amendment of the committee proposing $40 will be agreed to.

Mr. ZACH. TAYLOR. I ask that the report be read.

The report (by Mr. SCOTT) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1201) granting a pension to Mary H. Farquhar, after duly considering the same, report it back, and recommend its passage with the following amendment: Strike out the word "fifty" and insert the word "forty."

In consideration of the long and faithful services of Maj. and Bvt. Lieut. Col. Francis M. Farquhar, and the necessities of his widow, Mary H. Farquhar, your committee believe that a pension of $40 per month is not excessive under the circumstances, and respectfully recommend that it be granted.

Mr. RANDALL. The committee recommend a pension of $40.

Mr. MORRILL. But they do not state any special circumstance entitling this case to be made an exception to the general rule.

Mr. RANDALL. I think this lady receives $30 now.

Mr. MORRILL. If she gets $30, she gets all she is entitled to under the law.

Mr. RANDALL. That is a matter of opinion. I hope there will be no adverse action on this bill to-night, in the absence of the gentleman from Michigan [Mr. MAYBURY] who has the matter in charge.

Mr. MORRILL. I am willing that the bill go over, retaining its place on the Calendar.

The CHAIRMAN. If there be no objection that order will be made.

There being no objection, it was ordered accordingly.

LOUISA C. BEEZELEY.

The next business on the Private Calendar was the bill (H. R. 576) for the relief of Louisa C. Beezeley.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Louisa C. Beezeley, widow of Nathaniel Beesely, deceased, formerly a member of Company B, Second Indiana Cavalry.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN M'GOWAN.

The next business on the Private Calendar was the bill (H. R. 4032) granting a pension to John McGowan.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John McGowan, late of Company K, Twenty-seventh Massachusetts Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

NELSON MONROE.

The next business on the Private Calendar was the bill (H. R. 6088) granting an increase of pension to Nelson Monroe.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Nelson Monroe, and pay him at the rate of $50 per month, in lieu of the pension now received by him.

The amendment of the committee was to strike out "fifty" and insert "forty," so as to provide for a pension of $40 per month.

Mr. BRAGG. Let us hear the report.

The report (by Mr. SCOTT) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the House bill 6088, submit the following report:

Nelson Monroe was first sergeant of Company H, One hundred and fifty-seventh Pennsylvania Volunteers. He is borne upon the pension-roll (certificate 35110) at the rate of $30 per month, for paralysis of left side, bladder, and rectum, the result of typhoid fever, contracted in the service and line of duty.

Dr. James Cummisky, examining surgeon, Philadelphia, in 1869, finds:

"Claimant suffering from complete paralysis of left lower limb and partial paralysis of left upper limb, result of typhoid fever. He is necessarily obliged to use crutches in moving about. The lower limb possesses no power whatever, and it were better for him if it were amputated, as it is very much in the way. The left arm and hand have some power, though not sufficient to depend on for manual labor."

The Boston board of examining surgeons, 1883, find:

"Paralysis, as above described, and also hemorrhoids, consequent upon same disease, which bleed to such an extent that he is obliged to wear a diaper all the time. We find them large and protruding, bleeding and ulcerated."

Dr. Wilson Jewell, examining surgeon, Philadelphia, says:

"His disease was lingering and finally terminating in paralysis of left side, as also of the bladder and rectum. Not likely to recover. He is unable to pursue any business."

Claimant has also varicose veins of right leg, which, together with his paralysis of left side, disable him in such a degree that, while in a measure he is able to attend to himself, renders him entirely disabled to earn anything for the support of himself and his family; and, while he is not in that state of complete helplessness requiring the constant care and attendance of another person which would entitle him to $50 per month, your committee feel that he is entitled to an increase upon the amount now received by him. They therefore recommend the passage of the accompanying bill with the following amendment:

Strike out the word "fifty," in the fifth line of the bill, and substitute therefor the word "forty."

The amendment reported by the committee was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES SCHULER.

The next business on the Private Calendar was the bill (H. R. 7298) for the relief of Charles Schuler; which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll the name of Charles Schuler, late a private in Company K, Fourth Minnesota Volunteers, subject to the provisions and limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

RANDOLPH SEAMAN.

The next business on the Private Calendar was the bill (H. R. 7300) for the relief of Randolph Seaman; which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll the name of Randolph Seaman, late a private in Company H, Sixth Minnesota Volunteers, subject to the provisions and limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CALLIE WEST.

The next business on the Private Calendar was the bill (H. R. 7222) granting a pension to Callie West; which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Callie West, widow of Burris C. West, late of Company G, Sixty-sixth Regiment Illinois Infantry, on the pension-roll, subject to the provisions and limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ISAAC N. HAWKINS.

The next business on the Private Calendar was the bill (H. R. 7519) to increase the pension of Isaac N. Hawkins; which was read, as follows:

Be it enacted, &c., That the pension now granted to Isaac N. Hawkins, late a captain in the Seventy-third Regiment Ohio Volunteer Infantry, be increased to $40 per month from and after the passage of this act, said pension to be in lieu of the one he is now receiving.

The amendment of the committee was to strike out "forty" and insert "thirty-six."

Mr. PETERS. I had the honor of being the adjutant in the command in which this officer served, and was in the battle in front of Atlanta in which he was wounded. He went out on the skirmish line, and in a few minutes afterward came out, having received a very serious wound.

In the first place, I call attention to the photograph which will be found in the report made by the committee; and, in the second place, I will say it is one of those instances where if the arm had been amputated at the shoulder-joint he would have received $37.50, but as the arm was not amputated, although almost entirely useless, he could only receive under the law $24 a month. He was a brave and gallant young officer, about my own age at that time. His entire life was ruined by this wound, and he deserves the increased pension which the bill proposes to give him.

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. MARGARET COLBATH.

The next business on the Private Calendar was the bill (H. R. 1585) for the relief of Mrs. Margaret Colbath; which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret Colbath, widow of John D. Colbath, late a private in Company B, Eighth Regiment New York Heavy Artillery Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH A. VAUGHN.

The next business on the Private Calendar was the bill (H. R. 1592) for the relief of Sarah A. Vaughn; which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Sarah A. Vaughn, dependent mother of Delos A. Graves, late of the Seventeenth Independent Battery Light Artillery, New York Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SAMANTHA A. SMITH.

The next business on the Private Calendar was the bill (H. R. 6452) granting a pension to Samantha A. Smith; which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mrs. Samantha A. Smith, widow of Lewis Y. Smith, late of Company C, Sixteenth Regiment Indiana Infantry Volunteers, and pay her a pension from and after the passage of this act, subject to the provisions and limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass

MRS. SARAH CASTEEL.

The next business on the Private Calendar was the bill (H. R. 6795) for the relief of Mrs. Sarah Casteel; which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place the name of Mrs. Sarah Casteel, widow of Abram C. Casteel, late a private in Company F, Twelfth Regiment Missouri State Militia Cavalry, on the pension-roll, subject to the limitations and provisions of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARTIN J. REYNOLDS.

The next business on the Private Calendar was the bill (H. R. 6453) granting a pension to Martin J. Reynolds; which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Martin J. Reynolds, late a private in Company K, Third Regiment Iowa Infantry Volunteers, subject to the provisions and limitations of the pension laws, and to pay him a pension from and after the passage of this act.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SAMUEL ROBBINS.

The next business on the Private Calendar was the bill (H. R. 6650) granting a pension to Samuel Robbins; which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Samuel Robbins, late of Company A, Twelfth Regiment Missouri State Militia.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN H. WESTERHOUSE.

The next business on the Private Calendar was the bill (H. R. 6721) granting a pension to John H. Westerhouse, late of Company F, First Regiment Potomac Home Brigade (Thirteenth) Maryland Volunteers; which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions of the pension laws, the name of John H. Westerhouse, late of Company F, First Regiment Potomac Home Brigade (Thirteenth) Maryland Volunteers.

Mr. BRAGG. Let the report be read.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6721) granting a pension to John H. Westerhouse, late of Company F, First Regiment Potomac Home Brigade (Thirteenth) Maryland Volunteers, submit the following report:

The papers on file in this case show that claimant enlisted August 23, 1861, and was discharged May 29, 1865. In April, 1880, he applied for a pension, alleging that at Gettysburg, July 3, 1863, he incurred injury to his ankle, and that he also contracted lung disease in the service. The case was rejected on the ground of no record and no evidence of treatment in service or at discharge. Claimant assigns as a reason for his inability to furnish evidence of surgeon that there were so many wounded that he did not receive the care of that officer. Comrades John H. Clark, Lewis Mannahan, William D. Knepper all testify as to injury to ankle at battle of Gettysburg, and that at time of discharge he was suffering from hemorrhage of the lungs. Dr. H. M. Laney testifies to treating claimant upon his return from the Army for disease of lungs; found him spitting blood. James H. C. Burner, F. Eichelberger, and W. D. Knepper testify as to his disease of lungs from time of discharge, and that he has been lame since the war. Dr. H. M. Laney also adds:

"His case is a just one, and he is deserving of a pension. I knew him, before he entered the Army, as a stout, rugged boy, and when he returned he was used up for all time, as I supposed."

Dr. Thomas M. Huffman testifies to treating him for lung disease from 1871 to 1876. Dr. Cyrus A. Loose testifies to treating him for hemorrhage of the lungs from 1878 to 1882. The examining board of surgeons at Emporia, Kans., in 1883, after describing his disabilities, rate him one-half disabled. The case has three times been submitted for admission, but has been rejected by board of review on account of no record and no medical treatment.

The case is an unusually strong one; careful inquiry has been made as to credibility of the witnesses, and all are vouched for as truthful and reliable.

Your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY S. WOODSON.

The next business on the Private Calendar was the bill (H. R. 7073) granting a pension to Mary S. Woodson; which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary S. Woodson, widow of Henry B. Woodson, late a private in Company E, Twenty-sixth Regiment Missouri Volunteer Infantry.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES D. COTTON.

The next business on the Private Calendar was the bill (H. R. 6117) granting a pension to James D. Cotton; which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James D. Cotton, father of Thomas J. Cotton, deceased, late a private in Company H, Twenty-first Missouri Volunteer Infantry.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ANTOINETTE BIRNEY.

The next business on the Private Calendar was the bill (H. R. 7156) to increase the pension of Antoinette Birney, widow of Maj. Gen. David B. Birney; which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Antoinette Birney, widow of Maj. Gen. David B. Birney, from $30 to $50 a month, subject to the provisions and limitations of the pension laws.

Mr. JOHNSTON, of Indiana. I ask for the reading of the report.

The report (by Mr. SWOPE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7156) granting an increase of pension to Antoinette Birney, widow of Maj. Gen. David B. Birney, having had the same under consideration, respectfully report:

This bill proposes to increase the pension of Antoinette Birney, widow of Maj. Gen. David B. Birney, from $30 to $50 a month. Your committee has rigidly adhered to the rule, which they have prescribed, not to increase the pensions of widows of officers below the rank of general officers to the amount asked for in this bill, but they have recommended in many instances the increase of the pensions of the widows of general officers to the amount indicated in this bill.

They do not consider it necessary to specify the military services of General Birney. They are well known and have become no unimportant part of the history of his country. His widow is represented to be in impoverished circumstances. Your committee therefore, in view of this fact and the meritorious services of her deceased husband, report favorably, and recommend the passage of the bill.

A record of the military career of General Birney is hereto appended.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, April 1, 1886.

Statement of the military service of David Bell Birney, late of the United States Army, compiled from the records of this office:

He entered the service as lieutenant-colonel Twenty-third Pennsylvania Infanty, April 21, 1861, and served with his regiment in General Patterson's column, on the Upper Potomac, until honorably mustered out, July 31, 1851.

He re-entered the service as a colonel of the Twenty-third Pennsylvania Infantry (three-years' regiment), August 31, 1861; was appointed brigadier-general, United States Volunteers, February 17, 1862, and major-general, United States Volunteers, May 20, 1863.

He commanded his regiment in the Army of the Potomac to February, 1862; the Second Brigade, First Division, Third Corps, to September 1, 1862; the First Division, Third Corps, to October 17, 1862; the Second Brigade, First Division, Third Corps, to November 16, 1862; the First Division, Third Corps, to March 26, 1864; the Third Division, Second Corps, to July 23, 1864, and the Tenth Army Corps to October 10, 1864. He was on sick-leave from the latter date until he died, at Philadelphia, Pa., October 18, 1864.

R. C. DRUM, *Adjutant-General.*

Mr. JOHNSTON, of Indiana. I do not intend to enter any factious opposition to this bill, but only to enter my protest to this species of legislation.

Mr. RANDALL. I wish to enter my commendation of the bill.

Mr. BINGHAM. I desire at the same time to say this woman was left a widow with six children, and has had the care and attention of them ever since.

Mr. CANNON. Did the husband die from disease or wounds in the Army?

Mr. BINGHAM. He died during the war, in 1864, from sickness contracted in the service. He was a major-general.

Mr. CANNON. What prevents her from getting a pension at the Pension Office?

Mr. BINGHAM. It is an increase of pension. She already draws a pension.

Mr. NEECE. I do not see any reason for discriminating between these cases. I can not see why one man's widow is better than another. I am opposed to this class of legislation. This whole land is filled with widows whose husbands went out under the first call for seventy-five thousand men. They staid in the service and followed Sherman to the sea, and when they died left little families of children to be cared for and educated. I object to making any distinction between them, as I am not able to see any good reason for doing so.

I do not want to enter any factious opposition to the passage of this bill, but I do want to enter a protest against this class of legislation, this kind of discrimination. I think it is doing a great wrong to the entire country. I favor pensioning every soldier or soldier's widow in the land who is entitled to a pension, but if a few are to be singled out and have a greater pension or an extra pension, why then there is wrong done to the others or to somebody. Besides we are building up a favored class by legislation at the expense of the masses of the people. Hence, Mr. Chairman, I enter my protest against the whole system.

Mr. BRAGG. Would not that apply to salaries of members of Congress as well?

Mr. NEECE. If you are going to take up the case of a single member of Congress and give him a special salary in excess of the others, I agree with you that it would apply to him. If my friend thinks that members of Congress as a class get too much salary, or that their pay is too high, let him show his hand to reduce their pay.

Mr. BRAGG. I am ready to show my hand now, and I say that I do not think they get enough pay. [Laughter.]

Mr. NEECE. We will have no quarrel about that.

Mr. PRICE. I fully agree with the gentleman from Illinois [Mr. NEECE] and the gentleman from Indiana [Mr. JOHNSTON] that these discriminations in granting pensions ought not to exist. I think the time has come when such legislation ought to be stopped. I agree with them further that we ought not to vote for them; but I disagree in this, that any opposition to the passage of this bill will be factious, and that they will not take advantage of and make effective any principle of

parliamentary law by which they can defeat the passage of the bill. I propose to go a little further than that, and say that no minority of this House can pass any more of these bills while I am here. Therefore I object to this being laid aside with a favorable recommendation. When the question is taken upon laying it aside I shall ask that a quorum vote upon it, and if there is no quorum present I shall certainly object to its passage.

We might as well understand this thing now and be done with it. I have nothing against this lady, the widow of General Birney. I have nothing but kind feelings for her and her children. I am glad to know that she is on the pension-roll; but I do not know that there is such a difference between her case and thousands of other widows who are trying to bring up their children on a pension of $12 a month as would justify this increase.

Mr. DOCKERY. If the gentleman from Iowa insists upon his objection it will operate to suspend the passage of any more pension bills to-night.

Mr. PRICE. I can not help that; the bill can not pass without a quorum.

Mr. DOCKERY. It will obstruct the passage of all other pension legislation.

Mr. PRICE. I have examined the bill and the report thoroughly, and when it comes up on its passage I shall certainly make the objection that I have suggested. We might as well put a stop to it now.

Mr. BRADY was recognized.

Mr. RANDALL. I would like to ask the gentleman from Kansas [Mr. MORRILL] whether there are not a great number of the widows of major-generals now upon the pension-roll receiving $50 a month?

Mr. MORRILL. Yes, sir, there are quite a number; at least forty. The Committee on Invalid Pensions of this Congress have simply been following the precedents laid down by several Congresses heretofore; and while many members of the committee are opposed to the principle, yet they can see no reason why a discrimination should be made against the widow of General Birney; and for that reason this bill was recommended favorably by the committee. They think she should have the same pension as the widows of other officers of the same rank.

Mr. BINGHAM. Let me ask the gentleman from Kansas if there has been in this House at its Friday sessions or at any other time the defeat of any proposition increasing the pension of the widow of a major-general from $30 to $60 a month?

Mr. MORRILL. There have been several occasions, and I think the chairman of the committee will bear me out, where objections have been made to the passage of the bill on account of the want of a quorum, and by consent they have been referred to the full House, and invariably the full House has sustained the committee.

Mr. RANDALL. Has recognized the general principle?

Mr. MORRILL. Yes, sir.

Mr. BRADY. I believe I have the floor.

Mr. CANNON. Allow me to ask another question in this connection. I understand the gentleman from Kansas to say that there are some forty cases of pensions which have been increased in this manner of widows of major-generals, and that the committee has invariably granted such relief, such being their practice. That being the case, may I ask why the committee does not report a general bill covering all this class of cases?

Mr. JOHNSTON, of Indiana. That is just the question I intended to ask.

Mr. MORRILL. They have not deemed it their duty to do so, and no general bill looking to that end has been introduced; but when bills have been referred to the committee they have invariably reported them to the House, and the House has invariably without a solitary exception adopted their reports.

Mr. RANDALL. I presume the committee had not introduced a general bill, trusting rather to the necessities of each invidual case, and let those widows who are in need make their appeal to Congress.

I have been informed by two persons in whom I have the utmost confidence, whose statements are implicitly reliable, that the necessities of this lady are greater than we can well imagine here, and there has not been, as I hear, a pension ever granted yet to the widow of a major-general which would bring greater relief to a most worthy family than the pension in this case.

Mr. NEECE. Is she not drawing a pension now, and are not her children entitled to a pension?

Mr. RANDALL. The children are over age. She is drawing a pension of $30, of course.

Mr. PRICE. By permission of the gentleman from Virginia I desire to ask a question myself. The gentleman from Pennsylvania [Mr. RANDALL] asked my friend from Kansas if it is not true that there are many precedents for this legislation, and the answer was that there are at least forty widows of general officers upon the pension-rolls by special act receiving this rate of pension. Now, I would like to ask him if there are not forty thousand widows throughout this land, widows of soldiers, who are not getting any pension whatever?

Mr. MORRILL. I presume there are forty thousand widows of private soldiers who are only receiving $12 a month. But Congress has always recognized a distinction on account of rank in the Army, as it did during the war. The private soldiers during the war received $13 a month, and the brigadier-generals $200 a month, because their services were considered more valuable. They required a higher order of talent, and the distinction of rank has been always recognized by this Congress and all preceding Congresses. We have established the precedent of giving widows of major-generals $50 per month; and I am at a loss to understand how any gentleman should insist upon making an exception of this particular case.

Mr. PRICE. We have established bad precedents, and we should make better ones. I propose to struggle for better precedents to guide the future than have been laid down by you gentlemen in the past.

Mr. MORRILL. I can not easily understand what the gentleman's object can be in obstructing the passage of this bill when the House has universally sustained us in giving widows of major-generals $50 a month.

Mr. PRICE. The course I am taking brings the light of discussion on the subject, and I hope there is enough common sense and honesty in Congress, when its attention is directed to it, to adopt a better policy.

Mr. MORRILL. I regret that the rest of the House have not as much honesty and common sense as the gentleman from Wisconsin claims for himself.

Mr. PRICE. I want to educate you up to the proper standard if you have common sense enough to understand the argument against this distinction.

Mr. BINGHAM. I have no intention to discuss the question of either the intelligence or the honesty of the House. I believe the House, as well at its sessions on Friday evenings as when assembled in a full body, has the necessary intelligence and the necessary honesty for the discussion and conclusion of any question that may be submitted to it.

I have simply this to say, however, in connection with this case: Major-General Birney was not a graduate of West Point. He was a volunteer soldier and a volunteer officer, and at the age of thirty-nine years reached the rank and command of major-general of volunteer troops, commanding an army corps embracing over thirty thousand men. That he valiantly, ably, courageously, and patriotically performed his duty the records of the War Department exhibit, and it is a part of this report. That is the record.

This woman to-day absolutely needs all the generous gifts that this Government can give her.

Mr. NEECE. I will ask the gentleman from Pennsylvania why does this make this widow any better than any other soldier's widow?

Mr. BINGHAM. I am not discussing that question, and perhaps, if the gentleman will allow me to say so, I would agree with him. But, as the gentleman on my right says, the House has not been educated up to that standard yet. Let us go by degrees and let us accept the patriotic position that the House has taken, that when the widows who are in distress and in want are the widows of general officers it is wise and proper to follow the precedent established and followed by the Committee on Invalid Pensions without an exception to advance their pensions from $30 to $50 per month. When we reach the condition the gentleman proposes I may be with him; but I want him to be with me to-day in that position that the House on Friday nights and on every other occasion during this session of Congress has taken, that when the widow of a general officer is in distress and in want the judgment, the generosity, and the patriotism of this House have always conceded an increase of pension from $30 to $50.

Mr. NEECE. I just want to say that so far as I am concerned those precedents do not govern me, and will not so long as my judgment remains as it is now. I believe a precedent that makes a distinction between citizens of this country before the law is wrong, and I will not follow it in any instance.

Mr. ROWELL. Mr. Chairman, I do not like to delay the House in disposing of pension legislation, but I can not let this discussion pass without entering my protest against the theory which seems to be entertained by some gentlemen here that there is no distinction between the losses sustained by the widows of soldiers. Nor will I let this occasion pass without asserting that there is value in precedents, because a long line of precedents is a long line of decisions upon questions affecting the public judgment. I learn wisdom by studying the actions of men in the past, and well-considered precedents are the enunciations of that wisdom. I know that there are vastly more private soldiers than there are major-generals, and I know it is very easy to let a sentiment go out uncontradicted to educate men into the belief that they have been wronged because of the distinctions that are made in pensions; but I caution gentlemen here, when they assert superior wisdom, to examine into the motives which influence them.

I undertake to say that a pension is granted for the purpose, as nearly as may be, of supplying the loss suffered as the result of the war. I do not think we grant large enough pensions to the rank and file of the Army. I do not think we grant any too large pensions to the widows of general officers. I deny that a man who was fit to command a division in the Army was not better able to earn a pension for his wife and children than the man who ordinarily commanded a company; and I assert as a general proposition that when the man who commanded a division laid down his life upon the battlefield or in the hospital, the

financial loss to his widow and family, and to their prospects in life, was greater than the loss in the case of a man lower in command or in the ranks. This is not always true, to be sure, but it ought to be always true that men who reach high command are fitted for their positions, and therefore we make a general rule.

Mr. BRADY. More valuable to the country too.

Mr. ROWELL. Yes; more valuable to the country; but the question here is not so much about value to the country; the point here is the greater loss to the widow and children of such a man. I will go as far as any gentleman in this House in voting pensions to soldiers—I was one of them. But I will not stand here and stultify myself by letting it go out that I think the widow of General Grant or of General Sherman, if those distinguished officers had died upon the battlefield, would suffer no greater financial loss than the widows of other men who went into the Army as I went—men not competent to earn as much salary or to procure as many comforts for their wives and families. I think those of us who are willing to do justice by the widows of general officers are just as willing to do justice to the widows of the rank and file, and I will be found side by side with my brother from Wisconsin [Mr. PRICE] in trying to do them all justice; but I will not attempt to stir up prejudice among the rank and file or to teach them that the Congress of the United States is not willing, as far as the nation is able, to do justice to them all. [Applause.]

Mr. TAULBEE. Mr. Chairman, as a member of the Committee on Invalid Pensions, I thought it proper to oppose all such measures as this until it became apparent to me that my opposition to them in common with other members of this House who see the matter as I do could not amount to anything. At former Friday night sessions when similar bills were presented to the House I for one was ready to make the point of no quorum rather than see such bills pass when so few members were present. I regarded it as an abuse of the courtesy which the full House has shown to those who are interested in pensions by giving them this special order and encouraging pension legislation. But when the point of no quorum was made and those bills were passed over to the full House, the full House having sustained this kind of legislation, its decision became, to that extent, the common law for my guidance; and while I sympathize and agree fully with the sentiment of the gentleman from Wisconsin [Mr. PRICE] that this kind of legislation indicates a tendency to extravagance which we ought not to encourage, I can not agree with him in his conception of duty when he goes so far as to make the point of no quorum and thus retard the progress of the business of these Friday evening sessions. I can not regard that as wise when we have before us the decision of the full House, plain and unmistakable, that it is the sentiment of this Congress that such legislation shall be had. My opposition, Mr. Chairman, to this kind of legislation arises from a sense of duty. When I contemplate the tendency of our pension legislation it becomes appalling. When I realize that we, by our extravagant action in this direction—and I do not believe any man will question the statement that it is extravagant—when I realize that we, as the trusted servants of the citizens of this country, the tax-payers of this country, are profligately piling upon them burdens of taxation which they must discharge by sweat and toil, I am unwilling to encourage it; yet I propose to oppose it in what I deem to be a legitimate and proper way.

So far as the extravagance of our pension legislation is concerned, no man who has had experience as a member of the Committee on Invalid Pensions or the Committee on Pensions or who undertakes to look over the legislation introduced into this House on the subject of pensions can doubt it. Not only has our committee been asked to recommend and the House to pass a bill removing the limitation upon arrearages of pensions, a measure involving the ultimate expenditure of $500,000,000—not a dollar short of it—but we have been asked to grant a pension to every soldier who bore arms during the late rebellion in defense of the Union. These measures, together with every other class of pension legislation which could be thought of by the extravagant fancy of any man who some might be so uncharitable as to suppose was tempted to angle for the soldiers' vote, have been presented here.

I am opposed to this extravagance. If we had money to spend on the soldiers of the late war without burdening the honest laborers of the country to pay this money I perhaps would be as willing as any gentleman on this floor to grant ample pensions. I believe I have as high regard as any other member can have for the valor that prompted men to leave their homes and their families, to sever the ties with which they were surrounded, in order to respond to the call of their country's need—to rally to the battlefield, and with that true American manhood follow the flag of their country to the cannon's mouth on the reddened field of death, not counting the cost, but ready to sacrifice their lives at the demand of duty. When it comes to rewarding such men or undertaking to measure the appreciation which this country ought to extend to them my mind staggers; I am unable to calculate the debt of gratitude which the country owes to these soldiers.

But, Mr. Chairman, this country has never proposed to pay to these men an ample recompense for their services. That is not the principle of pensions. If we should undertake to pay to the widow of every soldier who lost his life in battle a just recompense for the loss she sustained, it would bankrupt the world to pay for the life of one man. When you undertake to measure in dollars and cents the worth of that man who tore himself loose from the embrace of his wife and family when they met around the family altar to ask the benedictions of Heaven upon that family soon to be parted—when you undertake to measure the womanhood and the courage which induced that mother or wife to kiss her husband or son farewell and deliver him up to the cause of the country—I say money becomes worthless, acres of fertile land become worthless compared with such valor. We do not propose to measure in money that great debt.

This Government has undertaken, so far as it can, to recognize services of this kind by providing a competency for the widows and dependent relatives of the soldiers whose lives were lost in defense of their country. To remunerate them with a competency, or something like an adequate support for their necessities, is as far as this country has ever promised to go. If I have any disposition to extravagance, Mr. Chairman, it is in the direction of granting liberal pensions to those soldiers who yet remain among us, who carry their empty sleeves and whose forms are emaciated in consequence of injuries received in battle. The members of the Committee on Invalid Pensions will bear me witness that I have always been in favor of granting liberal pensions to the soldiers who are yet among us but whose lives have been wrecked in their service to their country.

In reference to the repeal of the limitation on arrears I will say I believe it to be my duty as a member of Congress to support each and every reasonable measure looking to the relief of our needy and disabled soldiers, but I do not believe any gentleman on this floor will deny that extravagance can be reached even in the matter of pensions. An annual pension for physical or mental disability as a result of service in the Army is a debt against the Government, and should be paid promptly and fully.

This bill proposes to extend what is commonly known as the limitation clause of the arrears-of-pension act to January 1, 1888.

The present pension laws provide that pensioners admitted to the rolls shall be paid from the date of filing in the Pension Office their application for a pension at the rate to which the degree of their disabilities entitles them.

In other words, the law provides that every soldier or sailor of the Army or Navy who incurred a disability while in the service of the United States and in the line of duty shall be paid a pension in proportion to the degree of such disability. No claim for pension, however meritorious, can be adjusted or paid unless the claimant avails himself of the remedies which the law affords. In fact, no consistent law could do more than furnish the opportunity to the claimant of putting himself in the way of receiving the relief which the law affords.

This bill, however, proposes to do more; it proposes to grant arrears of pension to claimants for that period of time to which they claim to be entitled and in which they declined or failed to avail themselves of the remedies afforded by the then existing laws. It is hardly fair to presume that any man would not be conscious of such existing disabilities as would entitle him to the benefits of a pension. I take it for granted that no man would consider it dishonorable to apply for a pension for wounds or other disabilities incurred in the service of his country. In fact I do not consider it the duty of Congress to provide for either of these emergencies. If a man is entitled to pension, and will comply with the laws in such cases made and provided, there would be no necessity for a law authorizing the payment of arrears of pensions, even granting that such a law would be a proper one, which I deny.

The most plausible argument which I have heard offered in favor of the proposed bill is the statement that those who applied for pension prior to July 1, 1880, received the benefits of the arrears act, while those who applied after that date were deprived of the benefits of arrears, and that this is unjust to the latter class. Before this argument can be admitted with any degree of consideration it must be first established that the principle of arrears of pension is right, and when that fact is established it exposes this bill as one productive of the same hardships and unfair discriminations which it proposes to correct.

If arrears of pension is right, I take it for granted that it is entirely so. If it is wrong, I take it for granted that it is entirely so. This bill would indicate that the law would be right until January 1, 1888, after which time it would be wrong, or that it is altogether wrong. If it is wrong, the discrimination in favor of those who applied for pension prior to July 1, 1880, does not amount to an injustice to those who applied after that date. No man is done an injustice in this matter unless he is deprived of something to which he is entitled.

When I was appointed as a member of the Invalid Pensions Committee I found a long-established custom prevailing in the case of private bills not to recommend the passage of a bill granting back pay save in cases where the claim was filed in the Pension Office, fully proven and well established, and the papers and proof were lost or misplaced in the office, and these cases were rare indeed. I believe each member of the committee, as well as each member of the House who has taken the pains to examine the reports of the committee, or has done us the honor to attend on the Friday night sessions of the House, will bear me witness in the statement that the cases reported from that committee are of the most meritorious class; yet these claimants, who because of some mere technicality have been unable to com-

ply with the requirements of the Pension Office, and are compelled to come to Congress for relief, are deprived by this long-established custom of any pension of date prior to the passage of the bill for their relief. One of the very first suggestions which I made to the committee was to alter that custom, and give these claimants a pension from the date of filing their application. The committee have not as yet adopted that policy.

Now, how can it be that this bill and that custom, rigidly adhered to both by the committee and this House, are right? They can not both be right; but I can easily understand how they are both wrong; this bill is wrong in that it gives a pension prior to the filing of the application; the custom is wrong in that it does not give pension from the date of filing; this custom does amount to an injustice and can not be defended. If the beneficiaries of these private bills are entitled to pension at all they are entitled to it from the filing of their applications, and if they are not entitled to it you ought to quit passing bills for their relief.

I do not want to be so uncharitable as to believe that if this unfortunate class of claimants were greater in number, or wielded a more potent influence in the election of members of Congress, their wants would very soon become the hobby of members of Congress and they the beneficiaries of more liberal legislation, but unless this apparent inconsistency is explained I fear that some may become so very naughty as to entertain that belief.

I have heard it whispered in undertones that no member who opposed any pension bill could be returned to Congress. If I, as the Representative of an honorable constituency, conceived it to be my duty to bring about my re-election at the sacrifice of my honest convictions of right, and that the very respectable soldier constituency which I have the honor to represent on this floor could be swayed by such considerations, then such utterances might tend to terrorize me; but knowing as I do that the soldiers of our country who so gallantly defended our flag form a part of our truest, best, most honorable, and intellectual citizenship, and believing as I do that it is my duty to act in all matters of an official character as my judgment dictates and the best interests of my constituents and the whole country demand, regardless of future consequences, I have taken the attitude which I now occupy with reference to this bill.

I believe in liberal and just pensions, but I believe in distributing the benefits of pension equally among our worthy disabled soldiers. Under our present laws it is impossible for a very considerable class of our most worthy soldiers and their widows and dependent relatives to receive any benefits from the pension laws. I give one case to illustrate this idea. I read the decision in the case of Henrietta Fisher:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3954) granting a pension to Henrietta Fisher, having considered the same, submit the following report:

We do not consider it necessary to elaborate the report beyond the following decision of the Pension Office in this case, which we give entire, to wit:

"Certificate 155354. Henrietta Fisher, widow of Thaddeus Fisher, Company B, Fourth United States Colored Troops.

"The soldier was a pensioner on account of amputation of the right thigh from a gunshot wound received at Petersburg, Va., June 15, 1864, and died September 26, 1870. The cause of death is shown by the statement of Dr. S. D. Gross, as follows: 'Died under my care, of hemorrhage, consequent upon an operation performed upon him for the cure of aneurism of a stump of the right thigh, amputated, as I am informed, during the late war on account of a gunshot injury.'

"The widow was pensioned and continued to draw her pension until September 4, 1875, when payment thereof was suspended pending an investigation of the merits of the case in common with all Philadelphia claims. During this investigation Dr. Gross made the following statement before Special Examiner Sprague: 'That he performed an operation upon the stump of one of his (Fisher's) thighs at the Jefferson Medical College some years ago on account of an aneurismal state of the main artery and veins of said stump, and that he attended said Fisher up to the time of his death, about ten days after said operation. He does not believe that the affection of the vessels for which he performed the operation in question had any connection with or dependency upon the gunshot injury for the relief of which the limb was amputated.'

"Upon this statement the widow's name was dropped, on the ground that the soldier's death was not chargeable to his military service.

"Upon appeal to the honorable Secretary of the Interior this action was affirmed March 25, 1878, and again June 15, 1880.

"The medical referee, under date of May 9, 1882, questioned the correctness of the action of the office upon the mere opinion of the doctor, and expressed the opinion that the chances are that the aneurism on which Dr. Gross operated was an outgrowth of the amputation. In a subsequent opinion that office states that unless the opinion of Dr. Gross, who is authority upon surgical questions, can be set aside the action of dropping the widow's name from the rolls must be adhered to.

"Dr. Gross is dead; his conflicting statements can not now be reconciled. The fact remains the same; the soldier died because of an operation performed on an amputated limb. Would the artery and vein at the point of the operation have become aneurismal but for the amputation of the limb, necessitated by the wound received in line of duty?

"There must have been cause for this diseased condition, and no other element is apparent. How can the opinion of Dr. Gross be overcome? It is not at all probable that it could be done; at least a professional mind could not be satisfied on that point by lay testimony, in particular such as could be expected in the case of a colored claimant.

Yet the case appears meritorious upon its face.

The case having been settled by the Department, the office is estopped from taking action except upon the filing of the new and material evidence.

Respectfully submitted.

April 4, 1885.

A. VANGEUDER.

The foregoing statement was prepared at my request, and I concur in the views therein expressed.

N. P. LOVERIDGE, *Q. D. C.*

Your committee recommend the passage of the bill.

This case stood rejected until Congress afforded relief by special act. Many soldiers who served faithfully through the entire war, having been exposed to all kinds of weather and hardships incident to soldier life, came home only to find their homes destroyed and their health ruined; yet they are unable to procure pensions because there is no record evidence of medical treatment in the service and they are unable to furnish competent medical evidence of the incurrence of a specific disability in the service and line of duty.

Some of the best soldiers have the poorest hospital record, yet it is held by our laws and the regulations had thereunder to be an almost indispensable condition precedent to granting pension.

All over our country there are worthy men with honorable discharges in their pockets from long and faithful service in the wars of our Republic, whose health has failed and who are old and poor, suffering day by day for the common necessaries of life.

There are also widows of worthy soldiers who can not procure pensions because their husbands' service was not the immediate cause of their death, yet they have no money, are unable to labor, and are now eking out a miserable existence in woe and want. The long bony fingers of famine have plucked the rose bloom from their cheeks and left them pale and emaciated; nay more, our poor-houses are full of these worthy benefactors of our country, and day by day the potter's field is made the resting place of those who in the vigor of life and full of hope and promise placed their all upon their country's altar. Who cares for them? Who comes in the day of their adversity as a guardian angel to scatter on their scanty board the offerings of gratitude, or to clear away the clouds of anguish and allow a few rays of sunshine bless their closing day?

This bill does not propose to do it; no man receives a dollar of the money to be expended under this bill who is not placed on the pension-roll at the rate to which their disability entitles them, and who, in the absence of this proposed law, would receive pension from the date of filing their application. Annuity in the way of pension is a relief; but there is no relief in this bill. If you would offer relief by pension legislation, place your arms beneath the poor soldiers and lift them out of the poor-houses, and withhold your lavish hand before you wring from the brow of honest toil so vast a sum of money when its expenditure will not relieve a serious want.

Granting that all concede to the correctness of paying all honorable pensions, may I, Mr. Chairman, be allowed to submit, without being considered prejudiced against the interest of honest and fair pensions, that there is another question beside the abstract proposition of paying out the money that is interwoven into this controversy, affecting not only the people of the district which I have the honor to represent, but the people of the whole country; that question, Mr. Chairman, is the cost entailed on the Treasury by the passage of this bill. It is true we have in round numbers $200,000,000 now in the Treasury, and we are in the habit of calling that a surplus. There is no reasonable excuse for that money being in the Treasury. It ought to have been paid out long since on the national debt, on which we are paying interest at the rate of millions per annum. How can we claim to have a surplus with $200,000,000 available and a debt hanging over us of $1,500,000,000?

The country is groaning under a system of high taxation from which it is our duty to relieve the toiling and oppressed masses. How, I ask in the name of sixty millions of people, can we hope to be able to afford any relief to the tax-payer if we spend all our time in extravagant legislation, hunting a way to get rid of the money in the Treasury without paying the bonded debt?

Have the people a right to know what this bill will cost? Has anybody any rights in this matter save those to be benefited by it? I answer yes, and the answer may be read in the face of every man whose toil and sweat have earned the money now in the Treasury and whose toil and sweat in the future are mortgaged to national banks and bondholders as collateral for the payment of the public debt. We have a right to ask what the proposed bill will cost and how it is to be paid.

Grant, for the sake of argument, that the $200,000,000 now in the Treasury is not needed to pay the public debt, and that we do not want our taxes reduced, then let us see if we are prepared to enact this bill into a law.

We have in the Treasury $200,000,000; of that amount one hundred million is necessary to redeem or stand as a basis of the greenback circulation. This leaves available $100,000,000.

This bill will involve the immediate expenditure of $222,000,000, which will leave to be raised by increased taxation $122,000,000 to meet the payment of arrears—a deficit of over $2 for every man, woman, and child in the United States.

This bill proposes to tax each person in the United States $3.75, or $15 for each voter. Besides this, a deficit of twenty-five millions for the current fiscal year is now staring us in the face, which augments the additional revenues to be raised by sweat and labor.

If we pass this bill we deplete the Treasury, increase the taxes, and must abandon all hope of affording any aid for educational purposes, and fasten on our children a debt for which they will never rise up and call us blessed.

He who lives for himself and the present only lives to but little purpose. He who would have the world better by his having lived in it must not lay burdens on those to come after him which he would not

himself bear. In the name of your children I warn you, beware of how you burden them with responsibilities. The day of their adversity will come surely and swiftly. The national debt, however badly managed, increased by gratuitous legislation in favor of the bondholder, whether by changing the nature of his demand by fixing it on a specie basis, making the interest thereon payable semi-annually in gold, demonetizing silver, driving it from our circulation, or increasing the value of debts and securities by contracting the volume of our circulating medium by retiring one-half of our metal money, it is a debt that must be paid or the fair name of our Republic must be tarnished by repudiation.

So far as concerns the case immediately before us, I know we ought to appreciate the services and the rank and the ability of these general officers who led the soldiers of this country to victory in the late war; but I can not see why the widow of a major-general or a brigadier-general has any more title to the respect of this country than the widow of that poor soldier who during the heat of summer and the blasts of winter bore the knapsack and the musket and bared his breast to the pelting storm of bullets from the ranks of the enemy.

[Here the hammer fell.]

Mr. TAULBEE. Mr. Chairman, is my time out?

The CHAIRMAN. The Chair will state to the gentleman that there was no general debate on this bill, and the debate is proceeding now upon the amendments, subject in the opinion of the Chair to the five-minute rule.

Mr. TAULBEE. As a parliamentary question, Mr. Chairman, I would like to ask by what rule is debate limited on this bill?

The CHAIRMAN. The Chair will cause the rule to be read.

Mr. TAULBEE. I am, of course, subject to the rules.

Mr. BINGHAM. I think, Mr. Chairman, there is no amendment, and the debate is proceeding upon the bill as reported favorably from the committee.

The CHAIRMAN. The Chair finds he was under a misapprehension. He was under the impression that the committee had reported an amendment to this bill, but finds it was the preceding bill. The gentleman from Kentucky will proceed.

Mr. TAULBEE. I am through with my remarks. I merely wanted to know the rule under which we were proceeding.

Mr. DOCKERY. Mr. Chairman, whether or not there be any rule to limit debate on this and other bills at these evening sessions, it seems to me, in view of the fact that the question under discussion has been so thoroughly discussed heretofore, it is a hardship upon members to consume time in discussing this bill. There are other bills on the Calendar in which members representing the interest of their constituents are interested, and we want to vote.

Mr. JOHNSTON, of Indiana. Mr. Chairman, before this vote is taken I merely want to compliment the gentleman from Illinois [Mr. ROWELL] for tendering the issue squarely. It is the first time in this discussion that the issue has been fairly tendered that the wife of a major-general is better than the wife of a private soldier.

Mr. ROWELL. I beg the gentleman's pardon. I did not say any such thing. I said her financial loss was greater. The widow of a private soldier is entitled to just as much respect as the widow of a President.

Mr. JOHNSTON, of Indiana. The gentleman's remark will show his position is that which he first took. That is, if it is not changed between now and when it appears in print.

Mr. ROWELL. It will not be changed.

Mr. JOHNSTON, of Indiana. The gentleman takes the ground that it takes more ability to command than to follow, and that consequently the widows of those who commanded are entitled to more consideration than the widows of those who followed them.

Mr. DOCKERY. Do you question that?

Mr. JOHNSTON, of Indiana. I wish to say in reply to the gentleman that he tenders the issue fairly, and it is an issue which this House has got to meet, whether or not there is to be rank established in this country by law. Whether or not because a man gets a certain position in the country he is better than the man who has much more brains than he has, but who does not occupy a position of the same character that he does; that is the question.

Mr. BINGHAM. That is the law pertaining to the question of pensions, whether the pension of a widow of a private soldier or the pension of an officer. It makes distinction between the grade of private soldier and the respective rank held by the officers.

Mr. JOHNSTON, of Indiana. As I say, the law holds that, but the gentleman gets clear away from the position we are discussing. I ask you now, is the law right?

Mr. BINGHAM. Absolutely right.

Mr. JOHNSTON, of Indiana. You tender the issue fairly.

Mr. BINGHAM. Absolutely right.

Mr. JOHNSTON, of Indiana. That is a fair way to tender the issue. The gentleman says the law is right.

Mr. BINGHAM. Absolutely right.

Mr. JOHNSTON, of Indiana. That is the way to tender the issue; that the law is absolutely right. Now let me say you are driving on, as I said before, to create an aristocracy in this country by force of legislation. We have had it in years past, and we have it now, between ladies at this capital, as to who shall be considered the first lady in the land. Because she happens to be the wife of this or that Cabinet officer she is to outrank every other woman in this land. We not only have it here, but we are to have it understood by means of the law. It must ultimately become ingrafted in the law of the land that the wife of a Senator is better than the wife of a humble Representative, and the latter must call first upon the wife of a Senator and the latter can return that call by means of a card, simply because she is the wife of a United States Senator. It is all going in the line of rank—all going in the line there can be such a thing in this country, because in position one person outranks another. It is obnoxious to the common people of the country and to the spirit of our free institutions. It is an imitation of the rank in society of the Old World, and is wholly obnoxious to our principles of government. It is law only so far as we consent to agree to it, but it will ultimately become law in this country unless we refuse to recognize it in every shape and form. It will ultimately become the fixed law of the land, and will be another step onward, until finally it will become ingrafted upon our statute-books in the solemn legislation of the country that there is such a thing as rank among us.

The gentleman says that because a man happens to be a major-general he is entitled to more consideration and more compensation for himself and family than another who does not happen to be a major-general. I have the history of a man who started in the war as a private. By means of his ability, by means of his bravery, he was promoted to lieutenant, then to captain, next to colonel, and finally he became a brigadier-general. To-day that man is filling a position down here at the Treasury Department as messenger at a salary of $700 a year. If that man had more ability than men who carried the musket under him he would not be in that position to-day.

The rule is not a good one, nor in accordance with the past history of this country. It is true that if a man while in the Army happens to get shoulder-straps a great many people in the country hold because he happens to have that high rank he is better than the private soldier, and it has actually got to be that if a man in Congress happens to get here he must never under any circumstances rank lower than a colonel, and if he does not rank up to a colonel, then he must be a judge at least. [Laughter.]

Mr. CANNON. Will the gentleman yield to me?

Mr. JOHNSTON, of Indiana. Yes; I will yield to the gentleman from Illinois.

Mr. CANNON. Does not the gentleman think it follows in the Army as in civil life the desire in every minor officer is to obtain promotion? Does not that desire to attain promotion bring about good relations through the whole Army just as the desire to advance in civil life spurs the individual to greater exertion in order to occupy the higher position? It keeps spurring him on from the cradle to the grave. If the result is worth anything it is worth striving for, and society is so arranged the higher position and the larger reward belong to those who fairly earn them.

Mr. BINGHAM. That is all there is worth living for.

Mr. JOHNSTON, of Indiana. Now, I will answer my friend's speech, not his question, because he said he wanted to ask a question, and then rose and made a speech. I say that the same motive actuated the private soldier in the field that actuated the gentleman from Illinois. He was born in the county that I live in—no, I believe he was born in North Carolina. I ought not, perhaps, to have told that [laughter]; but he emigrated from my county, and by his ambition and the power of his intellect he has got into position among men with a national reputation. Now, answer me a question. Do you want it ingrafted upon the statute-books of the land that you are the superior of the boy you started out with, or do you want to leave it to the people and to the country to determine?

Mr. SYMES. That is not the question at all of the gentleman from Illinois. The question is whether his services as a member of Congress are entitled to $5,000 a year now, or whether he ought to be placed upon an equality with a nine-hundred-dollar clerk in the Departments. The gentleman from Indiana gets away from the question. It is a pecuniary question exclusively.

Mr. JOHNSTON, of Indiana. Yes, sir; I appreciate that. But I fear if we measure our salaries by the amount of ability we bring that some of us would get very small salaries indeed. I admit that.

Mr. SYMES. I thought some would probably get rich before we got away from here. [Laughter.]

Mr. JOHNSTON, of Indiana. But the clerk in the Department has no expenses of a campaign. [Great laughter.] He merely performs a clerical work.

Mr. BRADY. Does the gentleman think that the pay ought to be regulated by the expense of the campaign?

Mr. JOHNSTON, of Indiana. It has something to do with it.

Mr. TAULBEE. Will the gentleman allow me to ask a question?

Mr. JOHNSTON, of Indiana. What is it?

Mr. TAULBEE. I wish to ask how long it has been since the clerks in the Departments were exempt from bearing a portion of the expense of political campaigns?

Mr. JOHNSTON, of Indiana. I do not suppose they are yet exempt from it, as far as that is concerned.

Mr. TAULBEE. But I understand you to say that they are not at

any expense on account of the campaign. Now I want to know when that ceased?

Mr. JOHNSTON, of Indiana. But that issue is not a fair one, Mr. Chairman.

Mr. TAULBEE. If it is not a fair one, why did you make it?

Mr. JOHNSTON, of Indiana. I have no doubt that there are clerks in the Departments who have more ability, upon some questions at least, than many members on this floor possess.

But you are not here fixing the compensation of a major-general. The question is an entirely different one. You are fixing the compensation of the widow of a general officer who has made no more sacrifices for the country than thousands of other women have done. If the pension is to be granted for the sacrifices made, then one should have just as much as the other. If you are now to make it on the ground of the rank held by the officer and because this lady is the general's wife—the wife of a major-general—and you say that she is entitled to a higher pension than the wife of an inferior officer or of a soldier, then I want that to be distinctly understood. Let it be understood that she gets the higher pension on account of higher rank.

I want to answer the gentleman from Kentucky a little further. He is upon the Pension Committee. He says that he is a friend of the soldier. I want to call his attention to how carefully he guards his remarks. He says he thinks there is not a man upon this floor who has more respect for the Union soldier than he has; and says if the Treasury was full to overflowing that perhaps he might be in favor of granting pensions to these men. He couples his statement with a condition that if we were able to pay these pensions perhaps he would be in favor of doing so.

Mr. ROWELL. I think the gentleman has interpolated a word there.

Mr. JOHNSTON, of Indiana. What is it?

Mr. ROWELL. The word "perhaps."

Mr. JOHNSTON, of Indiana. In whose language?

Mr. ROWELL. Mine.

Mr. JOHNSTON, of Indiana. I was not talking of the gentleman from Illinois. I got past that some time ago. I was referring to the gentleman from Kentucky.

Mr. TAULBEE. Then I think the gentleman has interpolated two or three periods into my speech.

Mr. JOHNSTON, of Indiana. As I said before, I do not intend to offer any factious opposition to the passage of this bill. Let gentlemen put it upon the ground of right, and not say because it has been done here and there that consequently we must follow the precedent. If you do, I ask where reform in legislation is to come from? If this Congress is here merely to sit and follow precedents passed by former Congresses, then I ask the gentleman from Kentucky where the great principles of economy and reform are to come in? We had just as well break loose from these precedents first as last. If they are right follow them. The gentleman admits the principle is vicious. The Committee on Invalid Pensions each and every one of them admits that they have offered no general bill.

Mr. TAULBEE. Will the gentleman allow me a suggestion?

The CHAIRMAN. Does the gentleman from Indiana yield?

Mr. TAULBEE. I think if I am permitted to correct a misapprehension which the gentleman has of my remarks, that might obviate all this speech on which he has entered.

Mr. JOHNSTON, of Indiana. I am not entering on my speech. I am just quitting. [Laughter].

Mr. TAULBEE. If the gentleman is now ready to quit, I am ready to let the matter rest where it is.

Mr. JOHNSTON, of Indiana. I am just going to quit.

Mr. TAULBEE. Very well; if you will quit I will say nothing more.

Mr. MORRILL. I suggest that we take a vote on this bill in committee, and then agree to submit it to a full House.

The CHAIRMAN. The question is on laying the bill aside to be reported with a favorable recommendation.

The question being taken, it was decided in the affirmative.

MARY A. THOMAS.

The next business on the Private Calendar was the bill (H. R. 6747) granting an increase of pension to Mary A. Thomas.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mary A. Thomas, a volunteer nurse and superintendent of nurses in the late war, and to pay her the sum of $50 per month from and after the passage of this act.

Mr. SWOPE. An amendment was directed by the committee, but by some inadvertence has not been attached to the bill. The amendment was to strike out "$50" and insert "$25."

The CHAIRMAN. The gentleman from Pennsylvania [Mr. SWOPE] moves to amend the bill by striking out "$50" and inserting "$25."

Mr. ZACH. TAYLOR. I call for the reading of the report.

Mr. McCOMAS. It is a very long report. I hope the gentleman will not insist upon his demand.

Mr. ZACH. TAYLOR. I do not insist.

Mr. CUTCHEON. I call for the reading of the report. When we are asked to vote $25 per month I want to know the reason why we do so.

The Clerk commenced to read the report.

Mr. ZACH. TAYLOR (interrupting the reading). I beg to state that I withdraw the call for the reading of the report.

The CHAIRMAN. The gentleman from Michigan [Mr. CUTCHEON] called for the reading.

Mr. CUTCHEON. I do not insist on the further reading of the report. I want to know simply whether this pension is for service or for disability. If the gentleman in charge of the bill will make a short statement he can give us that information.

Mr. SWOPE. Mrs. Thomas, I understand, is old and feeble and poor, suffering from the effects of her service in nursing the wounded and sick soldiers. The Committee on Invalid Pensions directed that the $50 in the bill should be reduced to $25, which is the ordinary sum recommended by the committee for volunteer nurses. By some inadvertence the report was neglected to be altered in accordance with that direction, and the bill also.

The case of Mrs. Thomas, so far as I am acquainted with it, is exactly parallel with those of many others who have been allowed a similar pension. The Committe on Invalid Pensions have had it in serious consideration whether this amount, for which there are already a great many precedents, should not be diminished; whether, in fact, it is not too large. They have not yet arrived at a conclusion with respect to that, but they propose to give it immediate consideration. In the mean while this bill has been reported for the action of the House.

Mr. CUTCHEON. I do not wish to make any opposition to this bill, but I wish to call the attention of the Committee on Invalid Pensions to the desirability of having a general law in regard to the matter of pensioning Army nurses. This bill gives to this woman a pension equivalent, I believe, to the pension of a lieutenant-colonel. There were different grades of nurses, superintendent nurses, regular nurses, volunteer nurses, and irregular nurses. Some served for a long time, some for a short time. Some were disabled and some were not disabled.

I thipk it is altogether wrong to create a dead level and to put every one of these ladies who applies for it, and whose case passes the committee, on the pension-roll at $25 per month. I do not desire, however, to offer any opposition to this bill, because I do not know enough about its merits. But we should certainly proceed with this pension legislation in a proper and orderly and sensible manner. Let us have general legislation covering every possible class, and then let us act up to the general law, and not be coming in with a special bill for every woman that happened to serve in the Army for a greater or less time as a nurse. I called for the reading of the report in order to ascertain whether this lady was simply pensioned as a nurse without reference to disability or whether she had rendered any particular service or suffered any disability that entitled her to a pension.

Mr. NEECE. I desire to say on behalf of the Committee on Invalid Pensions that the committee have adopted a rule that they would not pension a nurse simply because she was a nurse, but she must show a disability that grew out of the service. And where the committee give $25 a month, it is to those nurses who were superintendents and worked without pay. Where this was not the case, the pension is $12.

Mr. McCOMAS. As I introduced this bill, and as this lady is from Maryland, I wish to say that as regards her disability it is here vouched for in the strongest terms by the surgeon who was in charge of the general army hospital at Frederick, Md., for several years, Dr. Weir, of New York, an eminent specialist; and Dr. Murray, Surgeon-General of the United States Army, also attests the same condition of disability and recommends this pension.

This lady was a superintendent of nurses in a large general army hospital. She received the wounded from South Mountain, from Antietam, and from Gettysburg, the hospital being between those three battlefields. She was there from 1862 to 1865. This pension is asked for her as a superintendent of nurses in a general hospital, for her most unremitting care and for her most faithful services.

This pension is not to be given because of the services of somebody else. It is not the case of the widow of a major-general, a matter which seems to excite gentlemen here who are opposed to that policy. But the pension is for her own services, which were arduous and constant during those years of the war.

The report and the exhibits make it conclusive and clear that this is one of the strongest possible cases of personal service of great merit and of injury received and well attested.

Now, Mr. Chairman, as regards the amount, the amount here given is that which is given in lesser cases, as I understand from the discussion, but this lady nurse belonged to the highest grade.

This lady was the general superintendent of the nurses in that very extensive general hospital. I hope this pension will be voted without a single voice of opposition. [Cries of "Vote!" "Vote!"]

Mr. JOHNSTON, of Indiana. I wish to ask the gentleman [Mr. McCOMAS] if this lady is not now in the employ of the Government in one of the Departments here and drawing a good salary?

Mr. McCOMAS. This lady is, I believe, for the present—I do not know how long she will remain—in some position. I do not know exactly what the position is, but I presume she receives a very modest

salary, and whether she is to retain it for a few months more or less matters not here. This service is twenty years old; it extended over four years; and this pension is for the remainder of her life if her case is to be treated like that of a pension for a private soldier.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. SWOPE] striking out "50" and inserting "25;" so as to make the provision read:

And pay her a pension of $25 per month from and after the passage of this act.

The question was taken; and the chairman announced that the ayes seemed to have it.

Mr. BRAGG. I ask for a division.

The committee again divided; and there were—ayes 24, noes none.

Mr. BRAGG. Mr. Chairman, I shall have to insist upon the point that no quorum has voted. I make the point simply for the reason that we have had such a thorough discussion of the question of pensions and of the details of rank in Washington society, that I think it behooves us all, before we proceed any further in granting pensions, to consider this subject carefully and to thoroughly digest the immense amount of learning in regard to it which has been furnished us this evening. [Laughter.]

Mr. TAULBEE. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. TAULBEE. Is debate in order?

The CHAIRMAN. It is not. The Chair sustains the point of order. The point being made that no quorum has voted, the Chair appoints the gentleman from Wisconsin [Mr. BRAGG] and the gentleman from Maryland [Mr. MCCOMAS] to act as tellers.

Mr. CANNON. Pending that, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CANNON. It is addressed partly to the Chair and partly to the gentleman from Wisconsin [Mr. BRAGG]. A number of us have come up here this evening to get some meritorious bills through, and we are very busy and do not want to come here again next Friday night if we can help it. I hardly think the gentleman from Wisconsin is serious, and I hope he will not insist upon his point, but will let us go through these bills about which no question is made.

Mr. BRAGG. I propose to make a question on all of them. It has been distinctly announced that there are gentlemen here who oppose giving any increase of pension to the relicts of soldiers who were officers, and if there is nobody else in this House who is willing to take up the gauntlet in defense of officers I will do it myself, and when the question is pending here whether a major-general's widow shall receive the pension that has always been awarded to the widows of officers of that rank, and notice is given to this committee that that pension shall not pass without the point of "no quorum" being raised, I propose to step right down and stop the progress of this little coterie of citizens assembled here as Representatives until we can have that question settled.

Mr. TAULBEE. Now, Mr. Chairman, if the gentleman is through with his speech I will insist again upon my point of order.

The CHAIRMAN. The tellers will take their places.

Mr. MCCOMAS. I want to say to the gentleman from Wisconsin [Mr. BRAGG] that this bill is not the case in which the gauntlet is thrown down. This is the case of a poor volunteer nurse; and if the gentleman feels bound to make the point of no quorum, let him make it in a case where the question is raised upon the pension of the widow of a general officer, and not in this case.

Mr. BRAGG. I have made the point; I have made it advisedly, and I shall insist upon it. No more bills shall be passed by this body until that question is settled.

Mr. CANNON. If my friend from Wisconsin [Mr. BRAGG] will bear with me, I think he is mistaken as to a matter of fact. He does not seem to be aware that the bill to which he refers granting a pension to the widow of a major-general has passed the committee. Because that major-general's widow's pension bill has passed the committee, therefore the bills for the benefit of private soldiers shall not pass. That seems to be the gentleman's point.

The House again divided; and the tellers reported—ayes 22, noes —.

Mr. BRAGG (during the count by tellers). Mr. Chairman, I do not desire to persist in my point. If the Committee of the Whole will rise and the House pass the bill for the relief of Mrs. Birney I have no objection to going on with other business.

Mr. TAULBEE. Mr. Chairman, I understand that the gentleman from Wisconsin [Mr. BRAGG], who made the point that no quorum was present, has proposed that if the committee will rise and report the bill recommended by the committee for the benefit of Mrs. Birney——

The CHAIRMAN. The Chair will state to the gentleman from Kentucky that that bill has been laid aside to be reported to the House with a recommendation that it do pass.

Mr. TAULBEE. Yes, sir; that is in the line of what I was saying. The gentleman's proposition is now that the committee rise, that the House pass the bill, and that then we can proceed to relieve all those one-legged soldiers to whom we are trying to grant pensions to-night. I wish to submit to him a modification of his proposition. If he will withdraw the point that no quorum has voted, and will allow these other bills to be put by this Committee of the Whole in the same position in which the bill for the relief of Mrs. Birney has been placed by the action of the committee, then when we go into the House to pass these bills I will use what endeavors I can in a legitimate way to bring about the passage of his bill.

A MEMBER. That is fair.

The CHAIRMAN. Does the gentleman from Wisconsin withdraw the point that no quorum has voted?

Mr. BRAGG. No, sir.

Mr. BINGHAM. I move that the committee rise.

The CHAIRMAN. The Chair can not entertain that motion so long as the point that no quorum has voted is insisted upon.

Mr. CUTCHEON. I rise to a parliamentary inquiry. When the report of the tellers discloses the fact that there is no quorum present, should not the committee under the rule rise and report that fact to the House after a roll-call?

The CHAIRMAN. After the roll-call.

Mr. CUTCHEON. Then I suppose the roll-call is the only thing in order.

The CHAIRMAN. If the point made by the gentleman from Wisconsin is insisted upon, the Chair will direct the Clerk to call the roll.

Mr. TAULBEE. Is a motion that the committee rise in order?

The CHAIRMAN. It is not. [Cries of "Regular order!"] The Clerk will call the roll.

Mr. TAULBEE. Believing as I do that a call of the roll would be a waste of time and that the only way out of this difficulty is for the committee to rise by unanimous consent, I will ask—— [Cries of "Regular order!"]

Mr. RANDALL. Does the Chair hold that the Committee of the Whole can not rise in the absence of a quorum?

Mr. TAULBEE. That is my understanding of the position of the Chair.

The CHAIRMAN. The Chair will direct the Clerk to read clause 2 of Rule XXIII.

The Clerk read as follows:

2. Whenever a Committee of the Whole House finds itself without a quorum, the Chairman shall cause the roll to be called, and thereupon the committee shall rise, and the Chairman shall report the names of the absentees to the House, which shall be entered on the Journal; but if on such call a quorum shall appear, the committee shall thereupon resume its sitting without further order of the House.

Mr. RANDALL. Now, Mr. Chairman, the meaning of the rule just read is that where the Committee of the Whole desires to procure the attendance of a quorum, it shall be able to resort for that purpose to the procedure prescribed in that rule; but I submit that the Committee of the Whole has at any time the power to rise upon a motion for that purpose, the motion that the committee rise being analogous in committee to the motion to adjourn in the House.

The CHAIRMAN. With great deference to the judgment of the gentleman from Pennsylvania [Mr. RANDALL] upon any question connected with the rules, the present occupant of the Chair will state he has heretofore held that when the point of no quorum is made pending a division in the Committee of the Whole and is insisted upon, the rule is imperative and the Chair has no alternative, but must insist upon the roll being called, unless the point of no quorum be temporarily withdrawn so that the motion that the committee rise may be made.

Mr. TAULBEE. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TAULBEE. Is it in order for the committee to rise at this time by unanimous consent?

The CHAIRMAN. In the opinion of the Chair it is.

Mr. TAULBEE. I understand that the gentleman from Wisconsin is willing to withdraw the point of no quorum so that the committee can rise.

The CHAIRMAN. The Chair will ask the gentleman from Wisconsin whether he is willing to withdraw the point made by him for the purpose of allowing the motion to be made that the committee rise?

Mr. BRAGG. I am.

Mr. CANNON. The gentleman from Wisconsin certainly can not control this committee by his supreme will. If the point of no quorum is withdrawn I hope we will proceed with the business of the committee.

The CHAIRMAN. The Chair understands the gentleman from Wisconsin to withdraw his point of no quorum. On the vote upon the question submitted the ayes have it and the amendment is adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

Mr. MORRILL moved that the committee rise.

The committee divided; and there were—ayes 7, noes 22.

So the committee refused to rise.

REBECCA ALLEN.

The next business on the Private Calendar was the bill (H. R. 5645) granting a pension to Rebecca Allen.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, di-

rected to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Rebecca Allen, widow of John E. Allen, deceased, late a landsman on the United States steamer Atlanta.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

NANCY R. BROWN.

The next business on the Private Calendar was the bill (H. R. 1997) granting a pension to Nancy R. Brown.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll the name of Nancy R. Brown, widow, mother of Robert M. Brown, late a lieutenant of Company K, One hundred and forty-fifth Pennsylvania Volunteers (who was killed at the battle of Fredericksburg, Va., December 13, 1862), at the rate of $25 per month, to continue during her widowhood; and that her pension may date from the application now on file in the office of the Commissioner of Pensions (numbered 232610, dependent mother).

The amendment of the committee was read, as follows:

Strike out all after the word "volunteers," in line 7, and insert in line 4, after "pension-roll," "subject to the provisions and limitations of the pension laws."

The amendment was agreed to, and the bill as amended was laid aside to be reported to the House with the recommendation that the bill do pass.

NAVY MARINE CORPS.

The next business on the Private Calendar was the bill (H. R. 4702) amending sections 4756 and 4757 of the Revised Statutes relating to pensions to certain disabled persons who have served in the Navy or Marine Corps.

Mr. BRADY. As to this bill I move by unanimous consent it be informally passed over, not to lose its position on the Calendar.

Mr. MORRILL. It is not a private bill and ought not to be here.

The motion was agreed to; and the bill was passed over.

SARAH ANN WILLIAMS.

The next business on the Private Calendar was the bill (H. R. 6919) granting a pension to Sarah Ann Williams.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah Ann Williams, dependent mother of Kneeland Badger, late a soldier of Company K, Fourth Vermont Volunteers.

The amendment of the committee is to strike out "soldier" and insert "sergeant."

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM H. STARR.

The next business on the Private Calendar was the bill (H. R. 6718) grating a pension to William H. Starr.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be directed to place the name of William H. Starr, late a private in Company D, Eighth Illinois Infantry Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELANDER M. MOONEYHAN.

The next business on the Private Calendar was the bill (H. R. 6801) granting a pension to Elander M. Mooneyhan.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elander M. Mooneyhan, widow of Thomas J. Mooneyhan, late first lieutenant of Commany I, Twenty-fourth Regiment of Missouri Volunteers, and pay her a pension from and after the passage of this act.

The amendment of the committee is as follows:

Strike out, in line 6, the words "late first lieutenant."

Mr. CUTCHEON. I ask the gentleman why the words "late first lieutenant" are stricken out. Was he not first lieutenant?

Mr. MORRILL. He was acting as first lieutenant, but had not been commissioned or mustered. The committee make it an invariable rule that the man must have been commissioned and mustered.

The amendment was agreed to, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

RICHARD HORRIGAN.

The next business on the Private Calendar was the bill (H. R. 6120) for the relief of Richard Horrigan.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Richard Horrigan, at the rate per month, which the medical examination entitles him to, by reason of rupture received while a member of Company A, Sixty-third Regiment New York Volunteers, to date from his discharge from the service of the United States; that the pension granted by this act shall be in addition to the one he is now receiving for another disability.

The amendment of the committee was read, as follows:

Strike out in lines 8 and 9 the words "to date from the discharge from the service of the United States."

The amendment was agreed to, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

STOKELEY D. DAGLEY.

The next business on the Private Calendar was the bill (H. R. 6655) granting a pension to Stokeley D. Dagley.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Stokeley D. Dagley, late a member of the Clay County (Missouri) enrolled militia.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARGARET MADDEN

The next business on the Private Calendar was the bill (H. R. 4143) for the relief of Margaret Madden.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret Madden, of Long Island City, in the county of Queens, in the State of New York, widow of Christopher Madden, late a private in Company B of the Eighty-fourth Regiment New York Volunteers.

The amendment of the committee was read, as follows:

Strike out, beginning in line 9, the following:

"And to pay her a pension at the rate of $8 per month, and the allowance provided for minor children under sixteen years of age, from and after the 10th day of August, A. D. 1856, the date of the death of her said husband."

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ROBERT GRAY.

The next business on the Private Calendar was the bill (H. R. 620) granting a pension to Robert Gray.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place the name of Robert Gray, of Lucas, Iowa, late of Company A, Thirteenth Regiment West Virginia Infantry, on the pension-roll, subject to the requirements and limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HENRY BOLLMAN.

The next business on the Private Calendar was the bill (H. R. 3366) granting a pension to Henry Bollman.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place the name of Henry Bollman, late of Company L, Fourteenth Regiment Pennsylvania Cavalry, and now a resident of Harwood, Wayne County, Iowa, on the pension-roll, subject to the provisions and limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH BROOKS.

The next business on the Private Calendar was the bill (H. R. 3645) granting a pension to Sarah Brooks.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah Brooks, mother of William Brooks, jr., deceased, late a private in Company D, Sixty-first Regiment Pennsylvania Vounteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JACOB MADISON PRUITT.

The next business on the Private Calendar was the bill (H. R. 5051) to place the name of James Madison Pruitt on the pension-roll.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James Madison Pruitt.

SEC. 2. That this act shall be in force from and after its passage.

The committee recommend the substitution of the name "Jacob" instead of "James."

Also amend the title so as to read:

A bill to place the name of Jacob Madison Pruitt on the pension-roll.

The amendments recommended by the committee were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WASHINGTON T. OTEY.

The next business on the Private Calendar was the bill (H. R. 4882) granting a pension to Washington T. Otey.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Washington T. Otey, late a lieutenant of Company F of the Sixty-second Regiment Illinois Infantry Volunteers, on the pension-roll at the rate of $8 per month, subject to the provisions and limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN RANDOLPH HAMILTON.

The next business on the Private Calendar was the bill (S. 2156) for the relief of John Randolph Hamilton, of the State of North Carolina.

The bill was read, as follows:

Be it enacted, &c., That John Randolph Hamilton, of the State of North Carolina, is hereby relieved of all political disabilities imposed upon him by the third section of the fourteenth amendment to the Constitution of the United States.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MICHAEL M'GRAYEL.

The next business on the Private Calendar was the bill (H. R. 5975) to increase the pension of Michael McGrayel.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of Michael McGrayel, late of Company B, Ninety-eighth Illinois Volunteers, to $40 per month, in lieu of the pension now received by him under certificate 70625.

The committee recommend to strike out "forty" and insert "thirty-six."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

NANCY BATTORFF.

The next business on the Private Calendar was the bill (S. 364) granting a pension to Nancy Battorff.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Nancy Battorff, widow of James Battorff, late a private in Company F, Thirty-eighth Regiment Indiana Volunteer Infantry.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY A. TIBBETS.

The next business on the Private Calendar was the bill (S. 135) granting a pension to Mary A. Tibbets.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Tibbets, mother of Edward I. Tibbets, late a private in Company K, Eighty-second Regiment Indiana Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

BRUNO SCHULTZ.

The next business on the Private Calendar was the bill (H. R. 6774) granting a pension to Bruno Schultz.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Bruno Schultz, late of Company F, Twenty-second Regiment Illinois Volunteers (pension claim No. 195125).

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM P. CARLETON.

The next business on the Private Calendar was the bill (H. R. 7074) granting a pension to William P. Carleton.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William P. Carleton, late of Company B, Second Regiment Illinois Artillery.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORSON W. SEARS.

The next business on the Private Calendar was the bill (H. R. 7075) granting a pension to Orson W. Sears.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Orson W. Sears, of Macon County, Missouri, late a private in Company B, One hundred and twenty-eighth Regiment Ohio Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES W. SANFORD.

The next business on the Private Calendar was the bill (H. R. 6135) granting a pension to James W. Sanford.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James W. Sanford, late of Company G, Second Ohio Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HENRY G. BALLINGER.

The next business on the Private Calendar was the bill (H. R. 6126) granting a pension to Henry G. Ballinger.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henry G. Ballinger, late captain of Camden County (Missouri) militia, and pay him a pension from and after the passage of this act.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CATHARINE THENN.

The next business on the Private Calendar was the bill (H. R. 6776) granting a pension to Catharine Thenn.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Catharine Thenn, widow of George M. Thenn, late of Company D, Second Regiment Missouri Artillery (pension claim No. 304977).

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SOLOMON J. GRISSOM.

The next business on the Private Calendar was the bill (H. R. 7617) granting a pension to Solomon J. Grissom.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Solomon J. Grissom, late of Company E, Twentieth Regiment Kentucky Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HEZEKIAH TILLMAN.

The next business on the Private Calendar was the bill (H. R. 7614) granting an increase of pension to Hezekiah Tillman.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to grant an increase of pension to Hezekiah Tillman, late of Company B, Sixth Indiana Infantry, and to pay him $30 per month from and after the passage of this act.

The committee recommend the striking out of "thirty" and the insertion of "twenty;" so it will read $20 per month.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. M. A. LEWIS.

The next business on the Private Calendar was the bill (H. R. 5174) granting a pension to Mrs. M. A. Lewis.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. M. A. Lewis, mother of Thomas Lewis, late of Company L, Second Regiment Illinois Volunteer Cavalry, and to pay her a pension as dependent relative from the passage of this act.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY MANES.

The next business on the Private Calendar was the bill (H. R. 2800) granting a pension to Mary Manes.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Manes, mother of William Manes, late a member of Company D, Fourth Regiment of Wisconsin Cavalry Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

AMOS C. WEEDEN.

The next business on the Private Calendar was the bill (H. R. 8085) granting a pension to Amos C. Weeden.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Amos C. Weeden, on account of disabilities contracted while serving under a commission as a captain in the Sixth Regiment of Rhode Island Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CUMMINS PORTER.

The next business on the Private Calendar was the bill (H. R. 8086) granting a pension to Cummins Porter.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the Pension Office, the name of Cummins Porter, late a private in Company F, Second Regiment Ohio Heavy Artillery.

Mr. BRADY. I notice that this bill has the expression "subject to

the provisions and limitations of the Pension Office." It ought to be "pension laws." I move to amend by substituting the word "laws" for the word "office."

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. SALLIE ANCRUM.

The next business on the Private Calendar was the bill (H. R. 7168) for the relief of Sallie Ancrum.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Sallie Ancrum, widow of Aaron Ancrum, late of Company G, Thirty-fourth Regiment United States Infantry.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

NANCY FRANKLIN.

The next business on the Private Calendar was the bill (H. R. 7365) for the relief of Nancy Franklin.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the conditions and limitations of the pension laws, the name of Nancy Franklin, of Madison County, North Carolina, dependent mother of Balis Norton and James Norton, late of Second Regiment of North Carolina Volunteers, United States Army, and Josiah Norton, late of the Third North Carolina Regiment, United States Volunteers, all of whom were killed in fight on Laurel, North Carolina, September, 1864.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SUSAN MALONE.

The next business on the Private Calendar was the bill (H. R. 6670) granting a pension to Susan Malone.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Susan Malone, widow of William Malone, late a private in Company H, One hundred and tenth Regiment United States Colored Troops, who died during the war of 1861 to 1865.

The Committee on Invalid Pensions recommended the following amendment:

In line 6, strike out the word "private" and insert the word "sergeant."

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. NEECE. I ask unanimous consent to call up out of its order the bill (H. R. 426) granting a pension to Elizabeth A. Robbins.

Objection was made.

MANHATTAN PICKETT.

The next business on the Private Calendar was the bill (H. R. 7165) to increase the pension of Manhattan Pickett.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorised and directed to increase the pension of Manhattan Pickett, late a sergeant of Company B, One hundred and twelfth Regiment New York Volunteers, to $50 per month, in lieu of the pension now received by him.

The Committee on Invalid Pensions recommended the following amendment:

In line 6, strike out $30 and insert $36.

Mr. CUTCHEON. I ask for the reading of the report.

The report (by Mr. SWOPE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7165) to increase the pension of Manhattan Pickett, respectfully report:

This soldier is now in receipt of a pension for gunshot wound, described as follows by J. L. Stewart, president board of examining surgeons:

"Gunshot wound of posterior surface of left leg, leaving an ulcerated, discharging wound 3½ inches long over the lower part of the gastrocnemius muscle, the lower third of which muscle has been removed by inflammatory action and discharges, producing pain and weakness of the leg and ankle, and impairing his ability for manual labor, causing a disability equal to the loss of a hand or foot."

Dr. Pickett has appeared personally before your committee, and, having examined him carefully, they find the leg atrophied, with a large ulceration, which is evidently incurable.

The leg requires bandaging to be constantly renewed, and is offensive to the smell. This has impaired his general health and reduced it to so low an ebb that an amputation of the leg, though very much to be desired, would now be exceedingly dangerous and probably fatal.

Taking all things into consideration, your committee think that this pensioner would be better off had his leg been amputated.

They recommend that the bill be amended by striking out "$30" and inserting "$36," and that so amended it do pass.

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN BUTLER.

The next business on the Private Calendar was the bill (H. R. 5411) granting a pension to John Butler.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Butler, late of Company E, Fourteenth Regiment Pennsylvania Cavalry.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HENRY N. HUGGINS.

The next business on the Private Calendar was the bill (H. R. 1678) for the relief of Henry N. Huggins.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Henry N. Huggins, dependent father of Andrew P. Huggins, deceased, late a private in Company K, Twenty-fourth Regiment New York Volunteer Infantry, on the pension-roll, subject to the conditions and limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. ANTONIA B. LYNCH.

The next business on the Private Calendar was the bill (H. R. 1630) to increase the pension of the widow of the late Capt. Dominick Lynch, United States Navy.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to increase the pension now allowed Mrs. Antonia B. Lynch, widow of the late Capt. Dominick Lynch, United States Navy, from twenty-five to fifty dollars per month.

The Committee on Invalid Pensions recommended the following amendment:

In line 6, strike out "$50" and insert "$30."

Mr. ZACH. TAYLOR. I call for the reading of the report.

The report (by Mr. PINDAR) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1630) to increase the pension of the widow of the late Capt. Dominick Lynch, United States Navy, have had the same under consideration, and beg leave to submit the following report:

Mrs. Antonia B. Lynch, widow of Capt. Dominick Lynch, United States Navy, was granted a pension at the rate of $25 per month, from October 11, 1884, the date of the officer's death. The rate granted is that of the widow of a lieutenant in the Navy, the rank held by the officer at the time of the incurrence of the fatal disease, according to the interpretation by the Pension Office of the evidence filed in support of the widow's claim.

Dominick Lynch was appointed a midshipman in the Navy February 2, 1829, promoted to passed midshipman July 3, 1835, to lieutenant September 8, 1841, to commander on the reserved-list July 21, 1861, to captain on the reserved-list April 4, 1867, to captain on the active-list January 20, 1871, and died at Brooklyn, N. Y., October 10, 1884.

During the late war he served on the Daylight, and later commanded the Bainbridge, the naval station at Beaufort, S. C., and the steamer Saint Lawrence, of the North Atlantic blockading squadron.

Dr. Henry N. Read, who attended the officer in his last illness, testifies that his death was due immediately to cerebral hemorrhage, depending upon intracranial rupture of artery, degenerated from attrenomatous deposit. His heart had been affected for years with valvular disease due to acute endocarditis, the origin of which was inflammatory rheumatism, brought on by exposure.

The report of the Navy Department of the medical history of this officer during nearly fifty years of service is unusually complete. From this it appears that he was under treatment for rheumatism seven days in 1847 and two days in 1851, but at no time thereafter.

The widow is over sixty years of age, and an invalid, having the care of a daughter physically unable to earn a support. Her only son, who contributed to the support of the claimant and her invalid daughter, has been taken from her recently by death, thus leaving her entirely dependent upon the small pension now paid to her by the Government.

For nearly forty years claimant has been the true and faithful wife of a gallant officer, who, as heretofore stated, has honorably served his country for a half century on sea and land. Her present pension is entirely inadequate for her support and the maintenance of a physically disabled daughter, and therefore comes to Congress for relief, asking that her pension be increased from $25 to $50 per month, in order that she may be able to retain the station in life in which her late husband's official position has placed her.

There are several precedents to which your committee desire to invite attention, in cases no more meritorious, or entitled to more favorable consideration than the one at issue. The widow of Maj. Levi Twiggs, of the Marine Corps (relative rank with that of lieutenant in the Navy), was granted an increase from $25 to $50 per month by a recent Congress; as was also the widow of Capt. John Gallagher, United States Navy, and in the Forty-seventh Congress a bill passed giving the widow of Frederick Collins, United States Navy, an increase from $25 to $40 per month.

Recent action on the part of the House in similar cases, however, is deemed by your committee sufficient to indicate that such precedents should no longer govern us in the consideration of bills asking for rates of pension in excess of those provided by the general law, and therefore must decline to grant the rate asked for in the bill under consideration; but believing that the cause of the officer's death originated after he became a captain instead of being traceable to the slight attacks of rheumatism, from which he is shown to have suffered many years previously and while holding the rank of lieutenant, we are of opinion that the claimant is entitled to the pension provided for the widow of a captain in the Navy, namely, $30 per month, and therefore recommend that the bill be amended by striking out the word "fifty," in line 6, and inserting instead thereof the word "thirty;" and thus amended, be passed.

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ERDMUTHE KIRCHNER.

The next business on the Private Calendar was the bill (H. R. 5931) granting a pension to Erdmuthe Kirchner.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Erdmuthe Kirch-

ner, dependent mother of Carl Kirchner, late a private in Company G, Twenty-fourth Regiment Illinois Volunteers, subject to the provisions and limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM BISHOP.

The next business on the Private Calendar was the bill (H. R. 6688) for the relief of William Bishop.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and instructed to place the name of William Bishop, late a private in Company E, Seventy-ninth Regiment Illinois Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH A. ROBBINS.

The next business on the Private Calendar was the bill (H. R. 426) granting a pension to Elizabeth A. Robbins.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth A. Robbins, mother of William Henry Robbins, deceased, late a private in Company E, Seventh Regiment Iowa Infantry Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM J. HEADY.

The next business on the Private Calendar was the bill (H. R. 5635) granting a pension to William J. Heady.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of William J. Heady on the pension-roll, for gallant and meritorious services in the Mexican war, subject to the provisions and limitations of the pension laws.

The Committee on Pensions recommended an amendment inserting after the name "Heady," in the body of the bill, the words "as captain," so as to make it read: "To place the name of William J. Heady as captain on the pension-roll," &c.

The amendment was agreed to.

Mr. SWOPE. Mr. Chairman, I would like to have the report in that case read.

Mr. WILLIS. Mr. Chairman, if my friend from Pennsylvania will hear a brief statement I am sure he will not question the justice and propriety of this proposed legislation.

Captain Heady is well known to the State of Kentucky. In the prime of young manhood he responded to the call of his country in the war with Mexico. The record of his gallant services is a part, and a noble part, of the history of his country. After serving with bravery and distinguished ability, facing death upon many a field of danger, he was captured by the enemy, and for nine months lingered in a loathsome dungeon. But, without attempting to recapitulate all the services of Captain Heady as a soldier, I desire to say that they were well known then and have been recognized since by his fellow-citizens, who have honored him with their confidence by elevating him to distinguished positions in her legislative councils.

Now, sir, after a long and honorable life, he finds himself in his old age broken in fortune and in health, without means, but not without friends. I say not without friends, for I hold in my hand a petition in his behalf signed by several hundred of the worthiest and best citizens of my district—lawyers, physicians, judges, and merchants—in which they say:

His advanced age, want of health, eminent services and sufferings during nine months' imprisonment in the Mexican war, entitle him to a liberal pension that he may live comfortably for the balance of his life.

Captain Heady is now, Mr. Chairman, an old man, past three score years and ten. Shall we not—shall not the Government which he has so faithfully served, give from its abundance this little pittance, that his declining years may be free from care and want?

I submit this question with full confidence that it will be favorably responded to.

Mr. SWOPE. I withdraw the request for the reading of the report.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

LEWIS W. SCANLAND.

The next business on the Private Calendar was the bill (H. R. 3043) granting a pension to Lewis W. Scanland.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lewis W. Scanland, late of Colonel Burbank's regiment of Illinois volunteers in the Black Hawk war.

The Committee on Pensions recommended amending the bill by striking out, in line 6, the name "Burbank's" and inserting the name "John Thomas's;" and inserting in line 7, after the word "regiment," the words "Captain Barnsback's company;" so as to make it read "Lewis W. Scanland, late of Col. John Thomas's regiment, Captain Barnsback's Company, &c."

The amendments were agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

PHŒBE H. MEECH.

The next business on the Private Calendar was the bill (H. R. 1649) granting a pension to Phœbe H. Meech.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Phœbe H. Meech, widow of Horace J. Meech, late a second lieutenant in the Second Regiment New York Volunteers, in the Mexican war, and to pay to her, from and after the passage of this act, a pension at the rate of $15 per month, in lieu of the pension she is now receiving.

Mr. ZACH. TAYLOR. Mr. Chairman, I am opposed to that bill. I opposed it in committee, and I would like to have the report read. I do not think there is a particle of evidence to sustain the claim.

The report (by Mr. WHITE, of Pennsylvania) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1649) granting a pension to Phœbe H. Meech, respectfully submit the following report:

Phœbe C. Meech is the widow of Horace J. Meech, who was a soldier in the Mexican war, serving gallantly and faithfully. By the records of the adjutant-general's office at Albany, N. Y., he is shown to have been commissioned second lieutenant in the First Regiment Volunteers on the 19th day of February, 1848, with rank from that date. Also, the same fact is shown by quite a number of witnesses. Whether he was mustered or served as a second lieutenant is not clear. He was honorably discharged on the 28th day of June, 1848. He applied for a pension, but died in 1851, before receiving the same. The applicant was pensioned in 1875, but only from that date and only at the rate of $8 per month.

From all the facts in the case your committee are of the opinion that she is entitled to receive pension as a widow of a second lieutenant. They therefore recommend the passage of the bill.

Mr. ZACH. TAYLOR. Mr. Chairman, there is no proof to show that that officer, if he was an officer, ever served as such, and that is my ground of objection to the bill. We asked the gentleman who reported the bill, and he said that the records, even the records in the office at Albany, did not establish the fact that this man was ever mustered in or served as a lieutenant. There was simply some indefinite testimony by outside parties.

Mr. BRADY. Mr. Chairman, in the absence of Mr. WHITE, of the Committee on Pensions, who reported that bill, I ask unanimous consent that it be passed by informally, and be permitted to retain its place on the Calendar.

There was no objection; and it was so ordered.

REBECCA REESE M'KEE.

The next business on the Private Calendar was the bill (H. R. 6323) granting a pension to Rebecca McGee.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Rebecca McGee, the widow of Captain McGee, a soldier of the war of 1812, at the rate of $25 per month.

The Committee on Pensions recommended amendments striking out, in line 6, the name "Rebecca McGee" and inserting "Rebecca Reese McKee;" striking out, in line 7, the name "McGee" and inserting "John McKee," and changing the title so as to read, "A bill granting a pension to Rebecca Reese McKee."

The amendments were agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

Mr. MORRILL. Mr. Chairman, I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. DOCKERY having taken the chair as Speaker *pro tempore*, Mr. HATCH, as chairman of the Committee of the Whole, reported that they had had under consideration, under the special order of the House, business upon the Private Calendar, and had instructed him to report to the House sundry bills with various recommendations.

The SPEAKER *pro tempore*. The Clerk will report the first bill.

Mr. CUTCHEON. Mr. Speaker, I rise to a parliamentary inquiry. I want to know how it is, when every vote here to-night has disclosed the fact that we have no quorum present, that this committee has been able to rise. [Laughter.]

The SPEAKER *pro tempore*. That is not a parliamentary inquiry.

Mr. PRICE. Mr. Speaker, I am asked the question by a friend on my left if I am going to ask a separate vote upon the bill granting an increase of pension to the widow of General Birney. I desire to say to the House in connection with that inquiry, in order to set myself right before the House, that I did announce the determination to object to the passage of that bill until there should be a quorum present to act upon it. I made that announcement because I believed it was wrong to pass the bill, and I believed it was proper for me to interpose every objection that the law would permit to defeat its passage. I think so yet.

But it is one of a series of bills, three or four hundred in number, all more or less meritorious, and it has been announced by another gentleman upon this floor that he intends to take advantage of that circumstance to call for a quorum in every case—a course of action which must necessarily be fatal to each and all of these bills. I can not afford, Mr. Speaker, right as I am in my position, to defeat this objectionable

bill by furnishing a pretext—a flimsy pretext—upon which to break down these other bills, the merits of which no man on this floor doubts. Therefore, I now state that I have reconsidered the determination which I announced a while ago to raise the question of a quorum on the passage of the Birney bill.

I will refrain from raising that question in the interest of harmony and in order that these other meritorious bills in which so many gentlemen on this floor and so many soldiers are interested may have proper recognition. [Applause.]

Mr. ZACH. TAYLOR. Mr. Speaker, I ask that House bill 7156 be laid aside for a separate vote.

The SPEAKER *pro tempore*. When the Clerk reaches the bill indicated that action can be taken.

The Clerk began to read the title of the first bill reported from the Committee of the Whole without amendment.

Mr. BRAGG. One moment. Mr. Speaker, I desire that the bills be taken in their order.

The SPEAKER *pro tempore*. They will be called in their order under the rule. The Clerk is now, in accordance with the usual practice, reporting first the bills reported from the Committee of the Whole without amendment. After those are disposed of, the bills that have been reported from the Committee of the Whole with amendments will be taken up in their order. That has been the invariable rule.

Mr. BRAGG. I want to understand the proposition made by the gentleman who requested that a certain bill be laid aside. I want to know what it is.

Several MEMBERS. Regular order!

The SPEAKER *pro tempore*. The regular order is demanded.

Mr. BRAGG. The regular order does not prevent me from addressing an inquiry to the Chair as to what the proposition was in regard to laying a certain bill aside——

The SPEAKER *pro tempore*. The proposition of the gentleman from Wisconsin on the left?

Mr. BRAGG. No, sir; of the gentleman from Tennessee [Mr. ZACH. TAYLOR].

The SPEAKER *pro tempore*. It was that a separate vote be had on House bill No. 7156.

Mr. ZACH. TAYLOR. I will state my proposition when that bill is reached.

The SPEAKER *pro tempore*. The Chair advises the gentleman from Tennessee that he will have the right when that bill is reached to ask a separate vote.

The Clerk read the titles of the following bills, reported from the Committee of the Whole on the Private Calendar without amendment and with the recommendation that they do pass:

A bill (H. R. 576) for the relief of Louisa C. Beezeley;
A bill (H. R. 4032) granting a pension to John McGowan;
A bill (H. R. 7298) for the relief of Charles Schuler;
A bill (H. R. 7300) for the relief of Randolph Seaman;
A bill (H. R. 7222) granting a pension to Callie West;
A bill (H. R. 1585) for the relief of Mrs. Margaret Colbath;
A bill (H. R. 1592) for the relief of Sarah A. Vaughn;
A bill (H. R. 6452) granting a pension to Samantha A. Smith;
A bill (H. R. 6795) for the relief of Mrs. Sarah Casteel;
A bill (H. R. 6453) granting a pension to Martin J. Reynolds;
A bill (H. R. 6650) granting a pension to Samuel Robbins;
A bill (H. R. 6721) granting a pension to John H. Westerhouse, late of Company F, First Regiment Potomac Home Brigade (Thirteenth) Maryland Volunteers;
A bill (H. R. 7073) granting a pension to Mary S. Woodson;
A bill (H. R. 6117) granting a pension to James D. Cotton;
A bill (H. R. 7156) to increase the pension of Antoinette Birney, widow of Maj. Gen. David B. Birney;
A bill (H. R. 5645) granting a pension to Rebecca Allen;
A bill (H. R. 6718) granting a pension to William H. Starr;
A bill (H. R. 6655) granting a pension to Stokeley D. Dagley;
A bill (H. R. 620) granting a pension to Robert Gray;
A bill (H. R. 3366) granting a pension to Henry Bollman;
A bill (H. R. 3645) granting a pension to Sarah Brooks;
A bill (H. R. 4882) granting a pension to Washington T. Otey;
A bill (H. R. 6774) granting a pension to Bruno Schultz;
A bill (H. R. 7074) granting a pension to William P. Carleton;
A bill (H. R. 7075) granting a pension to Orson W. Sears;
A bill (H. R. 6135) granting a pension to James W. Sanford;
A bill (H. R. 6126) granting a pension to Henry G. Ballinger;
A bill (H. R. 6776) granting a pension to Catharine Thenn;
A bill (H. R. 7617) granting a pension to Solomon J. Grissom;
A bill (H. R. 5174) granting a pension to Mrs. M. A. Lewis;
A bill (H. R. 2800) granting a pension to Mary Manes;
A bill (H. R. 8085) granting a pension to Amos C. Weeden;
A bill (H. R. 7168) for the relief of Mrs. Sallie Ancrum;
A bill (H. R. 7365) for the relief of Nancy Franklin;
A bill (H. R. 5411) granting a pension to John Butler;
A bill (H. R. 1678) for the relief of Henry N. Huggins;
A bill (H. R. 5931) granting a pension to Erdmuthe Kirchner;
A bill (H. R. 6688) for the relief of William Bishop;
A bill (H. R. 426) granting a pension to Elizabeth A. Robbins;

When the bill in the foregoing list (H. R. 7156) to increase the pension of Antoinette Birney, widow of Maj. Gen. David B. Birney, was reached,

Mr. ZACH. TAYLOR said: I desire a separate vote on this bill. The custom has been heretofore to pass these bills in gross where no objection has been made. But I will wait till we come to the question of final passage.

Mr. BRAGG. I object to laying the bill aside.

The SPEAKER *pro tempore*. As there is objection——

Mr. HATCH. The Chair did not hear the remark of the gentleman from Tennessee [Mr. ZACH. TAYLOR], who said that he withdrew any objection to the engrossment and third reading of this bill.

The SPEAKER *pro tempore*. But the gentleman from Wisconsin [Mr. BRAGG] objected to laying the bill aside.

Mr. HATCH. But the gentleman from Tennessee withdrew the request that the bill be laid aside. There is no objection to the engrossment and third reading of the bill.

The Clerk then resumed and concluded the reading of the titles as above recited.

The SPEAKER *pro tempore*. If there be no objection, the bills which have been read by their titles will be considered as engrossed and read a third time. The Chair hears no objection; and it is so ordered. Did the gentleman from Tennessee withdraw the demand for a separate vote on House bill No. 7156?

Mr. ZACH. TAYLOR. I would like to have a separate vote on the passage of that bill.

Mr. RANDALL. Let us vote on that first.

The SPEAKER *pro tempore*. The Chair will first put the question on the passage of the bill (H. R. 7156) to increase the pension of Mrs. Antoinette Birney.

Mr. BRADY. Does it require unanimous consent to take this bill up out of its regular order? If it does, I object, because I desire that before we reach that bill we may pass other bills which have been engrossed.

The SPEAKER *pro tempore*. If the gentleman from Virginia objects, the bills will have to be taken up in their order until we reach that bill.

Mr. BRAGG. I ask a separate vote on the passage of each bill.

The SPEAKER *pro tempore*. The first bill in order is the bill (H. R. 576) for the relief of Louisa C. Beezeley.

Mr. TAULBEE. In view of the possibility of the question of no quorum being made—— [Cries of "Regular order!"] I wish to submit——

The SPEAKER *pro tempore*. The regular order is demanded.

Mr. TAULBEE. In order to obviate the necessity of a separate vote on each bill, which I think will unnecessarily consume time——

The SPEAKER *pro tempore*. The regular order is demanded.

Mr. TAULBEE. I have no more to say,

The SPEAKER *pro tempore*. The question is on the passage of House bill No. 576.

Mr. BRAGG. I believe I have the floor; have I not?

The SPEAKER *pro tempore*. The gentleman from Wisconsin has the floor.

Mr. BRAGG. I only desire to say that if the understanding is there is to be no call for a quorum on any of these bills, I do not desire that they shall be voted on separately.

Mr. TAULBEE. That is the proposition I wished to submit in order to obviate the consumption of time.

Mr. BRAGG. But if the purpose of the gentleman who desires a separate vote on the bill for the relief of Mrs. Birney is to raise the question of no quorum, we may as well meet the question now as later.

The SPEAKER *pro tempore*. If the Chair might be permitted to make a suggestion——

Mr. ZACH. TAYLOR. If the gentleman from Wisconsin wants to call for a quorum, he can do it; I have no objection.

Mr. BRAGG. That does not answer my question.

Mr. ZACH. TAYLOR. I will answer it. When we get to your bill I will make the motion I desire to make.

Mr. BRAGG. All right.

Mr. BYNUM. I hope gentlemen will let this little bill pass.

The SPEAKER *pro tempore*. Does the gentleman from Wisconsin require a separate vote on each of the bills?

Mr. BRAGG. I require a separate vote on each bill, and I announce that I shall call for a quorum.

The SPEAKER *pro tempore*. The question is on the passage of the bill (H. R. 576) for the relief of Louisa C. Beezeley.

Mr. BYNUM. I demand the previous question on the passage of that bill.

Mr. RANDALL. That is not necessary.

The SPEAKER *pro tempore*. The question is on the passage of the bill.

The question being taken, there were—ayes 26, noes 0.

Mr. BRAGG. No quorum.

Mr. RANDALL. I move that the House do now adjourn.

The motion of Mr. RANDALL was not agreed to, there being—ayes 6, noes 18.

Mr. TAULBEE. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. TAULBEE. If I heard the statement of the Chair correctly in submitting the question to the House on which a division was called, it stated it was on the passage of the bill. Now, is it not a fact the question really was on ordering the previous question? The gentleman from Indiana [Mr. BYNUM] demanded the previous question on the passage of the bill, and of course that had first to be disposed of before the question could be taken on the passage of the bill.

Mr. BYNUM. The previous question I understood was treated as though it had been ordered, no objection having been made.

The SPEAKER *pro tempore*. Does the gentleman insist on his demand for the previous question?

Mr. BYNUM. I did demand the previous question, and now insist upon it as the point has been made.

Mr. BRAGG. What is the point now particularly before the House?

Mr. TAULBEE. I make the point of order that the division of the House which took place was out of order, because the previous question was called for by the gentleman from Indiana, while the question submitted to the House was on the passage of the bill. The division ought to have been upon ordering the previous question, which was demanded by the gentleman from Indiana. As I have stated already, the Chair put the question to the House as being on the passage of the bill.

The SPEAKER *pro tempore*. The point is well taken, and the question ought to have been stated to the House on ordering the demand for the previous question. The Chair will now submit that question.

Mr. BRAGG. I demand a division on that vote.

Mr. TAULBEE. I rise to a point of order, that the Chair announced the vote before the gentleman called for a division.

Mr. RANDALL. He could not make demand for a division until he knew by the statement of the Chair how he believed the vote had gone.

The House divided; and there were—ayes 21, noes none.

Mr. BRAGG. No quorum has voted.

Mr. BRADY. In regard to the question of a quorum it seems to me the position of the gentleman from Tennessee [Mr. ZACH. TAYLOR] is misunderstood. I understood him to state in my presence he did not intend to raise the question of a quorum.

Mr. HATCH. Then why does he not state it himself?

Mr. BRADY. I understand he has stated it on the floor of the House.

Mr. HATCH. Nobody has heard it.

Mr. ZACH. TAYLOR. The gentleman from Virginia misapprehended me. I have not stated whether I would or would not call for a quorum.

Mr. BRADY. I understood you to say you would not raise the question of a quorum.

Mr. ZACH. TAYLOR. I said I wanted a separate vote on that particular bill, and my object in doing so, as gentlemen can easily understand, was to have it go over until we had a full House. I have never yet called a quorum on any bill in these Friday sessions. The precedent was set by the chairman of the Committee on Invalid Pensions in reference to bills in which I was interested, not by virtue of being the author of them, but because I had reported them. Those bills, because of the point of no quorum having been made upon them, were postponed until they could be voted upon in a full House.

Mr. TAULBEE. So far as the precedent for calling for a quorum is concerned, I believe I express the sentiment of the chairman of the Committee on Invalid Pensions when I say that in concert he and others agreed the legislation under consideration should not proceed further until those cases were decided in a full House. That was agreed to that we would decide those pension cases of the nature to which the gentleman from Tennessee has referred by a vote in a full House.

Mr. ZACH. TAYLOR. Why not let these bills in like manner go over to be voted on in a full House?

Mr. TAULBEE. So far as I am concerned, having been in sympathy with the movement on the part of the chairman, I am not willing to make the point of no quorum and so obstruct legislation. I am quite satisfied if the chairman were present he would not make the point. But, so far as referring the question to a full House is concerned, if that be the wish of the members here present I am willing to agree to it.

Mr. RANDALL. I make my motion again, that the House adjourn.

The motion was disagreed to.

The SPEAKER *pro tempore*. The point of no quorum having been made on ordering the previous question, the Chair will appoint as tellers Mr. BRAGG and Mr. BYNUM.

The House divided; and there were—ayes 12, noes none.

Mr. BRAGG. No quorum has voted.

Mr. TAULBEE. Does it not require a jury to order a call of the House?

Mr. BRAGG. No; but it requires a quorum to be present before you can get on further with this business.

Mr. TAULBEE. It has become perfectly apparent no legislation can be had here to-night unless gentlemen on the one side and the other can come to some agreement, and as there seems to be no indication on the part of those insisting on calling for a quorum, I move the House take a recess until 10 o'clock to-morrow morning.

Mr. BRAGG. You can not take a recess when no quorum is present.

Mr. WARNER, of Missouri. I ask whether the differences can not be arbitrated under the new bill?

Mr. BRAGG. Perhaps they may be as soon as the new bill passes. [Laughter.]

Mr. CUTCHEON. I rise to a parliamentary inquiry; at least I think it is such.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. CUTCHEON. If a resistless body come in contact with an immovable body what will the consequence be? [Laughter.]

Mr. BRADY. An all-night session.

The SPEAKER *pro tempore*. The Chair does not feel called upon to answer.

Mr. NEECE. Mr. Speaker, I want to ask unanimous consent that we now take up the Birney bill and take a vote upon it.

Mr. McCOMAS. I object.

Mr. PETERS. I would like to inquire if it is in order to move a call of the House?

The SPEAKER *pro tempore*. It is.

Mr. PETERS. Then I move a call of the House.

Mr. TAULBEE. Pending that motion, I move that the House adjourn.

The motion to adjourn was not agreed to.

The motion for a call of the House was not agreed to; there being on a division—ayes 3, noes 21.

Mr. BRADY. Regular order.

The SPEAKER *pro tempore*. The tellers will resume their places.

Mr. CUTCHEON. Would a motion to take a recess be in order?

The SPEAKER *pro tempore*. It would not.

Mr. CUTCHEON. Then I won't make it. [Laughter.]

Mr. TAULBEE. Mr. Speaker, for the purpose of a quorum, I ask unanimous consent that the pairs be reported and considered as present.

The SPEAKER *pro tempore*. That request can not be entertained.

Mr. MORRILL. Mr. Speaker, I ask unanimous consent that the vote be taken on the Birney bill first. I understand the gentleman from Tennessee will not object to that now.

Mr. BYNUM. I object. [Cries of "Too late!"]

Mr. MORRILL. I hope the gentleman will not insist on that.

Mr. BYNUM. I withdraw the objection.

The SPEAKER *pro tempore*. Is there further objection?

There was no objection.

The SPEAKER *pro tempore*. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 7156) to increase the pension of Antoinette Birney, widow of Maj. Gen. David B. Birney.

The SPEAKER. This bill having been read a first and second time, and ordered to be engrossed and read the third time, the question recurs on the passage of the bill.

The question was taken, and the Speaker *pro tempore* decided that by the sound the ayes seemed to prevail.

Mr. ZACH. TAYLOR. I wanted to make a motion in reference to that bill. I understand the Chair to say that the bill is passed. Now, I wanted to move to lay it aside with the previous question upon it to be taken up and considered in a full House.

Mr. RANDALL. This is the House.

The SPEAKER *pro tempore*. The Chair has announced the vote, that the ayes seemed to have it.

Mr. ZACH. TAYLOR. Then I call for a division.

Mr. MORRILL. I ask consent that the motion of the gentleman from Tennessee be submitted to the House, and I understand that he will abide by the result of the vote.

Mr. ZACK. TAYLOR. Unless that motion is entertained I shall object to the passage of the bill without a quorum.

The SPEAKER *pro tempore*. What motion?

Mr. ZACH. TAYLOR. I insist that a motion be entertained that this bill be laid over with the previous question upon it to be referred to a full House.

Mr. CANNON. I rise to a parliamentary inquiry. Would it be in order for the gentleman from Tennessee to move to postpone the consideration of this bill until a day certain, say to-morrow? That will reach what he desires.

The SPEAKER *pro tempore*. That motion is in order.

Mr. ZACH. TAYLOR. Then I make that motion, that the further consideration of this bill be postponed until to-morrow.

The SPEAKER *pro tempore*. What time to-morrow?

Mr. ZACH. TAYLOR. I understand that an order was made that a certain bill was to come up for consideration immediately after the reading of the Journal to-morrow. If so, I would make the motion to postpone until Monday immediately after the reading of the Journal.

The question was taken; and on a division there were—ayes 7, noes 18.

So the motion was not agreed to.

The question was taken on the passage of the bill; and on a division there were—ayes 18, noes, 4.

So the bill was passed.

Mr. BRAGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

Mr. ZACH. TAYLOR. On that I ask a separate vote.

The motion to lay on the table was agreed to.

The SPEAKER *pro tempore*. Is there a demand for the previous question upon the other bills?

Mr. BRADY. I withdraw that and ask to proceed in the usual way.

The SPEAKER *pro tempore*. Is there a separate vote demanded upon any other bills?

Several MEMBERS. No.

BILLS PASSED.

The following bills, reported from the Committee of the Whole with amendments, in addition to those reported without amendments above, were severally considered, the amendments agreed to, and the bills as amended ordered to be engrossed for a third reading; and being read the third time, were passed, namely:

A bill (H. R. 6088) granting an increase of pension to Nelson Monroe;

A bill (H. R. 7519) to increase the pension of Isaac N. Hawkins;

A bill (H. R. 6747) granting a pension to Mary A. Thomas;

A bill (H. R. 1997) granting a pension to Nancy R. Brown;

A bill (H. R. 6919) granting a pension to Sarah Ann Williams;

A bill (H. R. 6801) granting a pension to Elander M. Mooneyhan;

A bill (H. R. 6120) for the relief of Richard Horrigan;

A bill (H. R. 4143) for the relief of Margaret Madden;

A bill (H. R. 5975) to increase the pension of Michael McGrayel;

A bill (H. R. 7614) granting an increase of pension to Hezekiah Tillman;

A bill (H. R. 8066) granting a pension to Cummins Porter;

A bill (H. R. 6670) granting a pension to Susan Malone;

A bill (H. R. 7165) to increase the pension of Manhattan Pickett;

A bill (H. R. 1630) to increase the pension of the late Capt. Dominick Lynch, United States Navy;

A bill (H. R. 5635) granting a pension to William J. Heady;

A bill (H. R. 3043) granting a pension to Lewis W. Scanland;

A bill (H. R. 5051) to place the name of Jacob Madison Pruitt on the pension-roll; and

A bill (H. R. 6323) granting a pension to Rebecca Reese McKee.

The titles of bills Nos. 5051 and 6323 were amended to conform to the action of the committee.

Senate bills of the following titles were read the third time, and passed:

A bill (S. 364) granting a pension to Nancy Battorff; and

A bill (S. 135) granting a pension to Mary A. Tibbets.

Mr. MORRILL moved to reconsider the various votes by which the pension bills had been passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The bill (S. 2156) for the relief of John Randolph Hamilton, of the State of North Carolina, was read the third time, and passed (two-thirds voting in favor thereof).

Mr. MORRILL. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 10 o'clock and 37 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: Petition for a pension to Mrs. Mary P. Thompson—to the Committee on Invalid Pensions.

By Mr. C. E. BROWN: Petition of Knights of Labor, Local Assembly No. 4824, of Cincinnati, Ohio, against the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. J. M. CAMPBELL: Papers relating to House bill 6571, granting a pension to John D. M. Amburst—to the Committee on Invalid Pensions.

By Mr. CANNON: Petition of various citizens of Sidney, Ill., to place on the pension-roll the name of John C. Carpenter—to the same committee.

By Mr. CRAIN: Petition of citizens of Corpus Christi, Tex., in regard to House bill 1513—to the Committee on Ways and Means.

By Mr. CURTIN: Petition of citizens of Clearfield County, Pennsylvania, praying for the passage of the bill for the suppression of the traffic in intoxicating liquors in the District of Columbia, and for the scientific educational bill—to the Committee on Education.

Also, memorial of citizens of Pennsylvania, against the admission of wool and other materials free of duty—to the Committee on Ways and Means.

Also, memorial of G. D. Hess and O. P. Reese; of Joseph Brady and Daniel Mapes; of Grangers Nos. 96 and 157 of Pennsylvania, for legislation to prevent the manufacture and sale of imitation dairy products—to the Committee on Agriculture.

Also, memorial of Patrons of Husbandry, Granges Nos. 215, 534, and 109, praying for legislation to prevent the manufacture and sale of imitation dairy products—to the same committee.

Also, memorial of Patrons of Husbandry, Granges Nos. 215, 534, and 109, of Pennsylvania, against the admission free of raw material—to the Committee on Ways and Means.

By Mr. DAVENPORT: Petition of citizens of Corning, N. Y., to amend section 2, Schedule F, tariff of 1883—to the same committee.

By Mr. ERMENTROUT: Memorial of Isaac W. Keim, president, and others, citizens of Reading, Pa., for legislation in favor of redeeming trade-dollars—to the Committee on Coinage, Weights, and Measures.

Also, memorial of Welcome Home Grange, Berks County, Pennsylvania, against all legislation favoring the admission free of duty to the ports of the United States of agricultural products, such as wool, jute, sugar, &c.—to the Committee on Ways and Means.

By Mr. EVERHART: Memorial of Grange No. 271, Patrons of Husbandry, protesting against the admission of agricultural raw materials free of duty—to the same committee.

Also, memorial of Grange No. 271, Patrons of Husbandry, asking for the suppression of the sale of imitation dairy products—to the Committee on Agriculture.

By Mr. FLEEGER: Memorial of Grange No. 244, of Pennsylvania, protesting against legislation favoring the admission to our ports free of duty of all agricultural raw materials such as wool, hides, raw sugars, tobacco, &c., and asking for agriculture the same protection that is afforded other industries—to the Committee on Ways and Means.

Also, memorial of same, for the passage of a bill to protect the dairy interests of the country—to the Committee on Agriculture.

By Mr. GROUT: Petition of 108 citizens of Vermont, New Hampshire, and Maine praying for a tax on oleomargarine—to the same committee.

By Mr. HILL: Petition of J. M. Welker and 1,000 others, citizens of Williams County, Ohio, asking for the passage of House bill No. 6570 to prevent the sale of imitation butter—to the same committee.

By Mr. HISCOCK: Petition in regard to Indians—to the Committee on Indian Affairs.

By Mr. LAIRD: Petition of J. B. Dinsmore and 416 others, for a revenue tax on oleomargarine and other imitations of butter—to the Committee on Agriculture.

By Mr. LIBBEY: Petition of Soldiers and Citizens' National League, praying the pensioning of all honorably discharged soldiers and sailors of the late war—to the Committee on Invalid Pensions.

Also, petition of John Holston, praying reimbursement for property taken by Union troops during the late war—to the Committee on War Claims.

Also, papers relating to the claim of Mary E. Parker and others—to the same committee.

By Mr. LINDSLEY: Petition of the people of Delaware County, New York, to tax imitation butter—to the Committee on Agriculture.

By Mr. LONG: Petition of New England conference of the Methodist Episcopal Church, composed of 193 ministers and 27,688 members, Edw. G. Andrews, president, for protection of the Chinese—to the Committee on Foreign Affairs.

By Mr. LOWRY: Memorial of James McCabe, for relief—to the Committee on Claims.

By Mr. LYMAN: Petition of 51 citizens of Mills County, Iowa, in favor of the passage of a bill regulating interstate commerce—to the Committee on Commerce.

By Mr. MORGAN: Petition of A. F. and T. W. Potts, of Panola County, Mississippi, for reference of their war claims to the Court of Claims—to the Committee on War Claims.

By Mr. MORRISON: Memorial of Daniel Schultheis, late of Company H, Forty-ninth Illinois Volunteers—to the Committee on Invalid Pensions.

By Mr. NEECE: Petition of the Knights of Labor of Moline, Ill., against the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

Also, memorial of the same, in favor of the construction of the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. CHARLES O'NEILL: Statement of the views of the Pennsylvania Association of Ex-Union Prisoners of War, favoring the passage of the bill pensioning said prisoners—to the Committee on Invalid Pensions.

By Mr. RANDALL: Petition of Grange No. 675, Patrons of Husbandry, of Pennsylvania, protesting against the admission free of duty of wool and other raw materials—to the Committee on Ways and Means.

Also, memorial of the same, for legislation to prevent the manufacture and sale of imitation dairy products—to the Committee on Agriculture.

By Mr. STAHLNECKER: Resolutions of the Assembly of New York,

for the protection of producers and consumers of dairy products—to the same committee.

By Mr. STORM: Memorial of Grange No. 216, Patrons of Husbandry, of Pennsylvania, against the admission of certain articles free of duty—to the Committee on Ways and Means.

By Mr. SYMES: Petition of citizens of Christman and of Empire, Colo., regarding pay of third and fourth class postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. TUCKER: Memorial of members of the bar of Washington, D. C., in regard to the business of the Court of Claims and matters connected therewith—to the Committee on the Judiciary.

By Mr. A. J. WEAVER: Petition of the Woman's Indian Association, and citizens of Omaha, Nebr., asking the passage of Senate bill No. 52—to the Committee on Indian Affairs.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. BUCHANAN: Of citizens of Atlantic County, New Jersey.

By Mr. FUNSTON: Of citizens of Johnson County, Kansas.

By Mr. LAIRD: Of citizens of York, Franklin, and Hamilton Counties, Nebraska.

By Mr. SYMES: Of citizens of Greeley and Denver, Colo.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April* 24, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

EXPENSES FOR SEAMEN AT LIVERPOOL.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of State of an appropriation for expense of shipping and discharging seamen at Liverpool for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

APPROPRIATIONS FOR ARMY.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, transmitting a letter from the Secretary of War, with inclosure, asking that the sum of $200,000 of the appropriation for pay, &c., for the Army for the fiscal year ended June 30, 1885, be transferred to the same appropriation for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. JACKSON, indefinitely, on account of important business.

To Mr. BENNETT, for ten days, on account of important business, including to-day.

MAGDALENA REHKOPF.

Mr. CONGER. I move to reconsider the vote by which the Senate amendment to the bill (H. R. 3351) granting a pension to Mrs. Magdalena Rehkopf was concurred in. The Senate amendment simply changed a letter in the name; and it appears the bill was correct in the first instance.

The SPEAKER. This was an amendment correcting, as was supposed, an error in the name of the pensioner. It was ascertained on examination that the name as the bill passed the House was correct. If there be no objection, the vote will be reconsidered, and the House will non-concur in the Senate amendment.

There was no objection.

BUSINESS OF POST-OFFICE COMMITTEE.

Mr. BLOUNT. I ask unanimous consent to submit for present consideration the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That Tuesday and Wednesday, the 1st and 2d days of June, immediately after the morning hour for the consideration of bills and resolutions, be set apart for the consideration of such business as may be reported and called up by the Committee on the Post-Office and Post-Roads, not to interfere with revenue or appropriation bills, nor with prior orders, nor with the consideration of reports from the Committee on Public Lands, under the special order. And if the consideration of such business shall be displaced, then the next days not previously set apart shall be devoted to the consideration of the same until it shall be disposed of, or until two days shall have been consumed, subject to the above-mentioned interference.

The resolution was adopted.

Mr. BLOUNT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE OVER OHIO RIVER.

Mr. WEAVER, of Nebraska. I ask unanimous consent to call up from the House Calendar for present consideration the bill (H. R. 7938) to authorize the Covington and Cincinnati Elevated Railway and Bridge Company to erect a bridge across the Ohio River.

The bill was read, as follows:

Be it enacted, &c., That the Covington and Cincinnati Elevated Railway, Transfer and Bridge Company, and its successors or assigns, are hereby authorized and empowered to erect a bridge across the Ohio River between Covington, Ky., and Cincinnati, Ohio, subject to the limitations and restrictions of the general law regulating the construction of bridges over the Ohio River: *Provided, however*, That said bridge shall not be of less elevation than the Covington and Cincinnati suspension bridge, and may be constructed without a pivot draw-span.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TOWNSHEND. I desire to ask the gentleman from Nebraska whether there is not power enough under the general law to construct this bridge without a special act? I reserve the right to object until the gentleman makes an explanation.

Mr. WEAVER, of Nebraska. The general law provides for a 500-foot opening between the piers over the main channel and requires a "pivot draw-span." This bridge is to be as high as the suspension bridge, and the proof before the committee shows that it is sufficiently high not to impede navigation, and there is no necessity for the "pivot draw."

Mr. HOLMAN. I ask that the bill be again read.

The bill was again read.

Mr. HOLMAN. In view of the general law as to bridging the Ohio River, I wish to inquire what is the necessity for the passage of this bill?

Mr. WEAVER, of Nebraska. The bill provides that the bridge may be constructed without a "pivot draw." It is to be as high as the suspension bridge, and there is proof before the committee that the suspension bridge is no impediment to navigation. This is a unanimous report of the committee.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TOWNSHEND. After the explanation of the gentleman from Nebraska, I make no objection.

There being no objection, the bill was brought before the House for consideration; and it was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WEAVER, of Nebraska, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

E. P. THOMPSON.

Mr. BYNUM. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 570) for the relief of E. P. Thompson, and that the same be passed.

The bill was read, as follows:

Be it enacted, &c., That the Postmaster-General be, and he is hereby, authorized and directed to pay to E. P. Thompson, assistant postmaster at Indianapolis, Ind., out of any money in the Treasury not otherwise appropriated, the sum of $338, for postage-stamps and postal cards stolen and destroyed February 1, 1881, for which he was held liable by the postmaster and paid said amount.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TOWNSHEND. I ask my friend from Indiana if this case does not fall within the general law?

Mr. BYNUM. The Postmaster-General held that this case did not fall within the law, the stamps having been stolen and then destroyed. The law covers those stolen and also those burned; but the Department held that as these stamps were first stolen and then burned the law did not cover the case, and this party failed to obtain relief. The case, therefore, had to be referred to Congress for its action by a special bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BYNUM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. TUCKER. I call for the regular order.

The SPEAKER. The regular order is called for. The regular order is, under the prior order of the House, the consideration of such bills reported from the Committee on the Judiciary as may be called up or indicated by that committee.

Mr. BRAGG. During the morning hour?

The SPEAKER. Immediately after the reading of the Journal.

JUDICIAL DISTRICTS, ARKANSAS.

Mr. TUCKER. Mr. Speaker, I call up the bill (H. R. 5910) to detach the counties of Howard, Little River, and Sevier from the western

and add them to the eastern district of Arkansas; and I yield to the gentleman from Ohio [Mr. EZRA B. TAYLOR].

The bill was read, as follows:

Be it enacted, &c., That so much of section 533 of the Revised Statutes as provides that Howard, Little River, and Sevier Counties shall be embraced in the western judicial district of Arkansas be, and the same is hereby, repealed, and the said counties are hereby added to and placed in the eastern judicial district of said State; and all process issued against defendants residing therein shall be returned to Little Rock until otherwise provided, and all causes of action which have accrued or may hereafter accrue in said counties of which the courts of the United States have jurisdiction shall be cognizable in the court at Little Rock until otherwise provided by law.

SEC. 2. That all actions or proceedings now pending against parties residing in either of said counties in the court for the said western district may, on the application of either party, be transferred to the court for the eastern district at Little Rock; and in case of such transfer, all papers and files therein, with copies of all record entries, shall be transferred to the office of the clerk of such court; and the same shall proceed in all respects as though originally commenced in said court at Little Rock.

SEC. 3. That all laws and parts of laws in conflict with this act are hereby repealed.

Mr. EZRA B. TAYLOR. Mr. Speaker, this bill simply seeks the convenience of the people of these three counties. It is acquiesced in as necessary by the members of the Arkansas delegation and approved by the unanimous report of the committee.

I trust that no time will be taken up in the discussion of it—in fact, I do not think any one wishes to discuss it.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. EZRA B. TAYLOR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CLERKS OF UNITED STATES COURTS, CALIFORNIA, OREGON, AND NEVADA.

Mr. TUCKER. I call up the bill (H. R. 3593) to repeal section 840 and to amend section 839 of the Revised Statutes of the United States; and I yield to the gentleman from Ohio [Mr. EZRA B. TAYLOR].

The bill was read, as follows:

Be it enacted, &c., That section numbered 840 of the Revised Statutes of the United States be, and the same is hereby, repealed.

SEC. 2. That section 839 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 839. No clerk of a district court or clerk of a circuit court shall be allowed by the Attorney-General, except as provided in section 842, to retain of the fees and emoluments of his office, or in case both of the said clerkships are held by the same person, of the fees and emoluments of said offices, respectively, for his personal compensation, over and above his necessary office expenses, including necessary clerk-hire, to be audited and allowed by the proper accounting officers of the Treasury, a sum exceeding $3,500 a year for any such district clerk or for any such circuit clerk, or exceeding that rate for any time less than a year."

Mr. EZRA B. TAYLOR. I ask for the reading of the report.

The report (by Mr. EZRA B. TAYLOR) was read, as follows:

The Committee on the Judiciary, having had House bill 3593 under consideration, beg leave to report:

That section 840 of the Revised Statutes provides that the clerks of the several circuit and district courts in California, Oregon, and Nevada shall be allowed double fees. This bill proposes to repeal that section, and to so amend section 839 that those officers shall receive the same compensation as is provided for the clerks of like courts in other States.

Whatever reasons once existed for the additional allowance to clerks of these courts have ceased to exist, and your committee recommend the passage of said bill.

Mr. EZRA B. TAYLOR. There is a general impression in the minds of members that this bill has reference to the fees of the clerks of United States courts generally. It refers only to the clerks of the courts in California and Nevada. The statute originally, and until now, provided that those clerks should have double fees. This is to repeal section 840 of the United States Statutes, which makes that provision, and to conform section 839 to the fact. With that understanding there will be no objection to the passage of the bill.

Mr. HENDERSON, of Iowa. Does this bill make any provision for the compensation of deputies of the clerks of these United States courts?

Mr. EZRA B. TAYLOR. It does not change the law in that respect.

Mr. HENDERSON, of Iowa. Then they are left to be covered by the general law.

Mr. EZRA B. TAYLOR. Yes, sir; the same as now.

Mr. TOWNSHEND. This puts the clerks of the courts to which it relates upon the same footing with the clerks of the United States courts in other States.

Mr. EZRA B. TAYLOR. Yes.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. EZRA. B. TAYLOR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ROBBERY IN THE INDIAN TERRITORY.

Mr. TUCKER. I call up the bill (H. R. 4849) to punish robbery in the Indian Territory; and I yield to the gentleman from Arkansas [Mr. ROGERS].

The bill was read, as follows:

Be it enacted, &c., That every person who commits any robbery in the Indian Territory shall be punished by a fine of not exceeding $1,000, or by imprisonment not exceeding ten years, or both, at the discretion of the court: *Provided*, That this act shall not be so construed as to apply to any offense committed by one Indian upon the person or property of another Indian, or so as to repeal any former act in relation to robbing the mails or any person of property belonging to the United States.

Mr. ROGERS. Mr. Speaker, I call for the reading of the report.

The report (by Mr. ROGERS) was read, as follows:

The Committee on the Judiciary, having had under consideration bill H. R. 4849, respectfully submit the following report:

There are statutes of the United States punishing the robbing of the mails and the robbing of persons of property belonging to the United States, and also in a few other instances robbery is punishable under existing law. It is not intended by this bill to interfere in any way with any existing statutes relating to the crime of robbery.

There is no statute punishing robbery in the Indian country, except as stated. This crime is not unfrequently committed in that country. Sometimes the railroad trains are stopped, and the railroad companies and express companies and passengers robbed, and the perpetrators can only be punished under the general statute for larceny, the maximum punishment of which is $1,000 fine and one year's imprisonment. This punishment the committee think incommensurate with the character of offenses stated. The surrounding States have found it necessary to punish this offense much more severely, and the committee think a severer punishment should be inflicted for this class of crimes when committed in the Indian Territory, where lawless and bad men have congregated in great numbers.

Your committee therefore urge the passage of this bill.

Mr. ROGERS. Mr. Speaker, that report, I assume, is a sufficient explanation of the reasons for the passage of this bill. Therefore, if no gentleman desires to put any question or to discuss the matter, I move that the bill be put upon its passage.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ROGERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HORSE-STEALING IN INDIAN TERRITORY.

Mr. TUCKER. I call up the bill (H. R. 5188) prescribing the punishment of horse-stealing in the Indian Territory, and yield to the gentleman from Arkansas [Mr. ROGERS].

The bill was read, as follows:

Be it enacted, &c., That whoever shall be convicted in any court of the United States of stealing any horse, mare, gelding, filly, foal, or mule, and where said theft is shown to have been committed in the Indian Territory, shall be punished by a fine of not more than $1,000, or by imprisonment not more than five years, or by both such fine and imprisonment, at the discretion of the court: *Provided*, That this act shall not affect or apply to any prosecution now pending or the prosecution of any offense already committed.

SEC. 2. That all acts or parts of acts inconsistent with this act are hereby repealed: *Provided*, That said acts shall remain in force for the punishment of all persons who have heretofore committed the crime of larceny.

Mr. ROGERS. I call for the reading of the report.

The report (by Mr. ROGERS) was read, as follows:

The Committee on the Judiciary, having had under consideration House bill 3858, recommend the accompanying bill as a substitute therefor.

Section 5356 of the Revised Statutes of the United States prescribes the punishment for larceny. The maximum punishment is $1,000 fine and one year's imprisonment. This has been found inadequate to suppress horse-stealing in the Indian Territory. The States surrounding that country have found it necessary to inflict much severer punishment—the maximum punishment in one State, and perhaps others, being fifteen years' imprisonment in the penitentiary. The result is, the horse-thief follows his vocation in the Territory. It is believed the passage of this bill will go far toward deterring his operations in that country.

The committee therefore urge the passage of this bill.

Mr. ROGERS. The report explains the object of this bill, and, unless some one desires further explanation, I ask that the bill be put upon its passage.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ROGERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CLAIMS AGAINST THE UNITED STATES.

Mr. TUCKER. I call up the bill (H. R. 5189) limiting the time for the presentation and payment of claims against the United States.

The bill was read, as follows:

Be it enacted, &c., That all claims for back pay or bounty due to officers, soldiers, or to any other persons for services in the late civil war, or any previous war, shall be presented to the accounting officers of the Treasury Department, or other proper tribunal, for adjustment and payment, within four years after the passage of this act; and all other existing claims against the United States, excepting claims for pensions, shall be presented within four years from the passage of this act; and all claims against the United States originating hereafter shall be presented within six years from the time they originate to the accounting officers of the Treasury Department, or other proper tribunal, for settlement and payment. No claim shall be acted upon or paid unless presented within the time herein named. In computing the years of limitation herein fixed no time shall be included when the person entitled to present the claim shall be a lunatic, a minor, or under any other legal disability: *Provided*, That the claims herein mentioned shall not be construed to include the accounts of paymasters or disbursing officers, or other persons disbursing money or accountable to the United States for property: *Provided*, That nothing herein contained shall be construed to revive any claim now barred by the statute of limitations.

Mr. TUCKER. On behalf of the committee, I move to amend the

bill by striking out "originating," in line 11, and inserting "accruing;" so as to make the clause read, "and all claims against the United States accruing hereafter shall be presented within six years," &c.

The amendment was agreed to.

Mr. BEACH. I wish to ask the chairman of the Committee on the Judiciary whether, in his opinion, this bill will amount to anything; whether it will be effectual to accomplish the purpose in view?

Mr. TUCKER. I will say to the gentleman from New York and other members of the House that this bill was prepared two years ago by Judge Ferriss, who was then the Second Auditor of the Treasury. There is accompanying the report a statement made by the present Auditor of the Treasury, commending the bill as absolutely necessary for the transaction of the business of that Department. The Department is crowded with these claims, purporting to have originated at various dates. The purpose of this bill is that, so far as concerns any claim against the Government before the Departments, there shall be this limitation. If the party, notwithstanding this limitation, has a good claim, let him come before Congress or go before the Court of Claims, under a bill which has been before this House. We think it wise that, so far as these Departments are concerned, there shall be this limitation on the presentation and payment of these claims.

Mr. BEACH. The gentleman does not answer my question. I desire to know whether this bill will operate as a statute of limitations and prevent the introduction of bills in future Congresses.

Several MEMBERS. Oh, no!

Mr. TUCKER. It will not.

Mr. BEACH. Then in this connection I desire to ask the chairman of the Judiciary Committee whether there was not referred to his committee a resolution introduced by myself proposing an amendment to the Constitution so as to establish a statute of limitations against claims of this character?

Mr. TUCKER. And that will be acted upon in due time.

Mr. BEACH. I am sorry to hear that, because "due time" means no time at all.

Mr. TUCKER. I beg the gentleman's pardon; with the Judiciary Committee it means always the right time.

Mr. BEACH. With the Judiciary Committee it is the fact that "Man never is, but always to be blest."

Mr. TUCKER. No, sir; we are blessing you to-day. [Laughter.]

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. TUCKER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CIVIL JURISDICTION IN INDIAN TERRITORY.

Mr. TUCKER. I call up the bill (H. R. 5545) conferring civil jurisdiction in certain cases arising in the Indian Territory on the United States courts which now or may hereafter exercise criminal jurisdiction over said Territory; and I yield the floor to the gentleman from Arkansas [Mr. ROGERS].

The bill was read, as follows:

Be it enacted, &c., That the courts of the United States which now or may hereafter exercise criminal jurisdiction over the Indian Territory, or any part thereof, or over any Indian reservation, under the provisions of any statute of the United States, shall have and exercise civil jurisdiction also within the limits of the judicial district in which said courts are held: *Provided*, That this act shall not be so construed as to vest said courts with jurisdiction over controversies between Indians.

SEC. 2. That all original mesne and final process issued by any United States court which now has or may hereafter have criminal jurisdiction in the Indian Territory shall extend to and be executed in said Territory in like manner as in the district from which the process issued.

Mr. ROGERS. Mr. Chairman, the chambers of commerce and other public bodies in nearly all the States surrounding the Indian Territory have memorialized Congress for the establishment of civil jurisdiction over that Territory. In the early part of this session I introduced a bill on this subject, which was referred to the Judiciary Committee. That committee has given to this subject as full, careful, and mature consideration as can be bestowed by the committee on any subject; and the committee has reported this bill as meeting the requirements of the case so far as, in the opinion of the committee, they could be met. The report is unanimous; and, unless there is some occasion for discussion, I will, in view of the importance of other measures to be called up by the committee, consume no further time. I ask the House to pass the bill.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. ROGERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM L. DUNLOP, TRUSTEE.

Mr. TUCKER. I call up the joint resolution (H. Res. 79) for the relief of William L. Dunlop, trustee; and I yield the floor to the gentleman from Massachusetts [Mr. COLLINS].

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States, in favor of the said William L. Dunlop, of the District of Columbia, as trustee of the estate of George Lowry, late of said District, deceased, his heirs and assigns, hereby surrender, abandon, and forever release all right or claim they may have, by reason of any escheat, to part of lot numbered 13, in square numbered 75, in the city of Washington, in the District of Columbia, as the same is known and distinguished on the plan or plat of said city, and included in the following lines and bounds, to wit: Beginning for the same at a point on the line of the southwest side of Pennsylvania avenue 79 feet 3 inches from the stone planted at the northwest corner of the square, and running thence along the line of Pennsylvania avenue toward said corner-stone 20 feet; thence at right angles to the avenue back to an alley 9 feet wide, heretofore laid off in a lease to Thomas Y. Sprogell; thence with the line of said alley due east till it intersects with said Sprogell's line; thence with said Sprogell's line to the place of beginning, with the free use and privilege of the said alley of 9 feet in width, and with the brick dwelling-house and buildings thereon.

The SPEAKER. This resolution appears to be for the benefit of a private individual, and has been referred to the Committee of the Whole House on the Private Calendar.

Mr. COLLINS. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the resolution, and that it be now considered in the House.

There being no objection, it was ordered accordingly; and the House proceeded to consider the joint resolution.

An amendment reported by the Committee on the Judiciary, to insert before the words "part of lot," in line 8, the word "any," was agreed to.

The joint resolution as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. COLLINS moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DISPUTED HANDWRITING EVIDENCE.

Mr. RANNEY, from the Committee on the Judiciary, moved to take from the House Calendar the bill (H. R. 7212) providing for evidence in cases involving disputed handwriting.

There was no objection; and the bill was taken up and read, as follows:

Be it enacted, &c., That in all cases, civil or criminal, comparison of a disputed writing with any writing proved to the satisfaction of the judge to be genuine, shall be permitted to be made by witnesses; and such writings, and the evidence of witnesses respecting the same, may be submitted to the court and jury as evidence of the genuineness or otherwise of the writing in dispute.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RANNEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JUDGMENTS AND DECREES, UNITED STATES COURTS.

On motion of Mr. TUCKER, the House Calender was discharged from the further consideration of the bill (H. R. 2497) to regulate the effects of judgments and decrees of courts of the United States in the several States.

The bill was read, as follows:

Be it enacted, &c., That judgments and decrees rendered in a circuit or district court of the United States within any State shall take effect, by way of lien or otherwise, to the same extent and in like manner, and not otherwise, as judgments and decrees of the courts of such State: *Provided, however*, That whenever, by the laws of any State, judgments and decrees rendered in the courts thereof are made to depend for their effect, as liens or otherwise, upon the docketing, registry of the same, or upon any other requirement of law, the same shall not be held to apply to the judgments and decrees of the circuit and district courts of the United States, unless now, or until hereafter, the laws of such State shall authorize them to be docketed or registered, or compliance with any other of said requirements, in the same manner as judgments and decrees of the courts of such State: *Provided, however*, That ninety days from the rendition of any judgment or decree of said courts of the United States hereafter rendered, or from the passage of this act as to any such judgment or decree heretofore rendered, be allowed to any party for compliance with the laws of any State as to the docketing or registry, or other requirements relating to judgments and decrees of the courts thereof; and such compliance shall be held sufficient to give full effect thereto according to said laws, anything to the contrary notwithstanding.

SEC. 2. That in all other respects the judgments and decrees of the said courts of the United States shall be enforced and carried into effect according to the laws of said State as if they were rendered in the courts of said State.

SEC. 3. That all laws and parts of laws inconsistent herewith be, and are hereby, repealed.

The SPEAKER. The bill has been reported back from the Committee on the Judiciary with an amendment, which the Clerk will read.

The Clerk read as follows:

Strike out the second section, as follows:

"SEC. 2. That in all other respects the judgments and decrees of the said courts of the United States shall be enforced and carried into effect according to the laws of said State as if they were rendered in the courts of said State."

Mr. BUCHANAN. This is a bill affecting judgments and decrees of the Federal courts, and the amendment reported from the Committee on the Judiciary seems to be of some importance. I hope, therefore, the chairman of the Committee on the Judiciary will state the effect of the bill and proposed amendment.

Mr. TUCKER. Mr. Speaker, I will make a short statement of the purpose of the bill and what I consider its effect. As the law now stands, Federal judgments in a State have the same effect by law as judgments in a State. The House will find by referring to the original statute that the statute refers to the law of the State at the time of the passage of the United States law, or any subsequent law which shall be passed by the State. The consequence is, there is lack of uniformity in the operation of judgments of the Federal courts and those of the State courts.

Of late years in my own State and in many others it has become an abuse that the effect of a judgment as a lien is only from the time it is docketed upon what we call the judgment docket as against a purchaser for value without notice. I understand the same law has been passed in a great many other States. The consequence is, as the Federal judgment is left without such docket because the State law does not allow Federal judgments to be docketed, this proposes the Federal judgments shall stand upon the same basis as a lien as a State judgment by being docketed if the State law permits it to be docketed. Therefore the bill provides Federal judgment in States notwithstanding they shall not be docketed shall become liens unless and until the State shall pass a law authorizing the docketing of Federal judgments as well as State judgments.

Then the other question raised before the committee, and which is as I understand to be the subject of amendment offered by the gentleman from Iowa, is this, which is, I think, a fair question for the consideration of the House: If a judgment is rendered to-day in a Federal court at common law it would be a lien in every State by virtue of its rendition; but as the law now stands it will not be a lien in any other county than where it is rendered unless it is docketed. The effect of that is where a man, who purchased property upon which the judgment would be a lien, would get a good title if it were not docketed in that county.

Mr. STRUBLE. As it is now.

Mr. TUCKER. But it seemed to the committee it was fair in case of Federal judgments, which were now a lien all over the State, that the judgment creditor should have a short time, and we have given ninety days to docket his judgment in various portions of the State. Otherwise the judgment debtor might make an alienation of his property to some purchaser for value. We therefore, as I have said, have given ninety days for that purpose. That has been done in my own State, and I understand it has been done in a great many other States.

The only question is whether there shall be any time allowed the judgment creditor to docket his judgment in the different counties of the State, or whether it shall be only a lien from the time it is docketed.

Mr. REAGAN. I do not understand exactly what is meant by the word "docketed" in this connection.

Mr. OATES. It should be docketed or registered.

Mr. TUCKER. The language of the bill is docketed, registered, or any other requirement, as the case may be. This was done because I did not know in preparing this what the requirements in some of the States were in that regard.

Mr. BUCHANAN. Suppose the amendment of the committee to this bill is adopted. I wish to ask the gentleman from Virginia what effect would that have upon the rights of the purchaser who purchases the property between the time of the rendition of the judgment and the docketing of the judgment?

Mr. TUCKER. If there was no judgment docketed the purchaser would be protected.

Mr. REAGAN. Just at this point let me interrupt the gentleman from Virginia. This is a very important part of the bill and needs careful consideration. I would like to know——

Mr. BUCHANAN. The gentleman from Virginia has not answered my question; I mean, what is the protection of the purchaser who purchases after the rendition of the judgment and within the ninety days? Would he secure a clear title to the property or not?

Mr. TUCKER. If ninety days are allowed it will relate back to the date of the judgment.

Mr. REAGAN. I understand that judgment liens run for ninety days; by this provision, and that being the case, there is no notice to the purchaser within the ninety days, and if he purchased within that time he might lose his property or his money.

Mr. BUCHANAN. That is just the point I am making, and is one that should be carefully guarded. The provision may be in the bill, but if so I have not seen it.

Mr. TUCKER. I think, sir, that I will not compliment the committee, but it is only proper to say that the bill is carefully drawn in every respect and is well guarded upon every point except, perhaps, the particular one to which the amendment of the gentleman from Iowa relates.

Mr. REAGAN. Will you yield to me a moment?

Mr. TUCKER. Yes, sir.

Mr. REAGAN. I wish to call the attention of the House to that provision of this bill which gives effect to a judgment outside of the county in which the record is made for a term of ninety days before it is recorded, and to ask the House to consider what the effect of that provision will be. It is apparent that if a judgment is rendered in any particular county in a State by the Federal court, if the judgment lien takes effect from that particular date and continues in effect for ninety days until it can be recorded in another county, you will see its effect will be that any one purchasing that property, in however good faith, at any time within the three months would be likely to lose his money. He would have no record evidence, and would purchase without any constructive notice, though purchasing in good faith, and yet this would have the effect of taking his money from him. That can not be right.

I do not know how it is generally in other States, but in my State the judgment of the court is a lien in the county in which the judgment is rendered after the date of its rendition and in any other county from the date of the record; and it becomes a constructive lien upon the property from that date. So that by this provision of our law no one can be defrauded by purchasing under the provision of our law without a constructive notice.

It seems to me we should not lay a trap to enable the fraudulent debtor, if he sees proper to do so, to sell his property in fraud of the creditor or the purchaser. He would have actual notice that his property was in danger, but that notice does not protect the man who in good faith should purchase the property in that time, so that it is obvious it would give the fraudulent debtor, if he chooses to swindle any person out of the price of the property, the period of three months to do so; and I trust, therefore, the committee will admit an amendment to perfect the bill in that regard.

Mr. TUCKER. I would like to say a word, Mr. Speaker, on this point, as I may have been misunderstood, or may not have fully explained the provision of the bill in question.

This bill does not make any new law in reference to liens of judgment. It simply gives to the Federal judgment the same lien, and none other, that it would have if the judgment were rendered in a State court. I understand in Vermont, the State of my friend and colleague on the committee [Mr. STEWART], that a judgment is no lien upon land at all. Is not that so? This bill does not propose to make it a lien in Vermont. It simply says that the judgment shall have the same effect, by way of lien, if rendered in a Federal court that it would have if rendered in a State court; or if the State law requires, in order to the validity and efficiency of the lien, that it shall be docketed, registered, or any other requirement, that that requisition shall not be made of the judgment creditor in the Federal court unless the State law permits the creditor to docket the lien and judgment.

Mr. REAGAN. But does it not have the effect of giving, within the ninety days, to the fraudulent debtor the opportunity of swindling the purchaser of the property?

Mr. SYMES. Let me ask the gentleman from Virginia if the judgments in the Federal courts in the States are not now, in effect, the same as judgments in the State courts?

Mr. TUCKER. I will answer my friend from Texas by saying that it may be in some States that the lien is only a lien from the end of ninety days. If so, the bill does not make it otherwise.

But I would say, in the State of Virginia the lien goes back to the date of the judgment if it is docketed any time within the ninety days, and that would be the effect of this bill, if it passes, on all judgments in the Federal courts of Virginia.

Mr. HOLMES. May I ask the gentleman from Virginia who pays the expense of this indexing of the judgment?

Mr. TUCKER. The judgment creditor.

Mr. OATES. The bill does not create any lien at all?

Mr. TUCKER. Not at all.

Mr. OATES. It only provides for the registration of judgments and decrees, whereby under the State laws there is a lien.

Mr. TUCKER. In other words, and I want to be distinctly understood, the whole effect of the bill is to make uniform the effect on liens of judgments in the Federal and State courts; it is to make them uniform according to State law. But we provided in this case—and that is the point to which the amendment of the gentleman from Iowa will be presented—we provided in this case that as the Federal judgment creditor had a lien all over the State without any limitation, without even the limitation of requiring it to be docketed, we said we will require you to docket it if the State law requires it; but we will give you ninety days, and the only question is whether that period of ninety days will be allowed or not.

Mr. BAYNE. May I ask the gentleman a question?

Mr. TUCKER. Yes, sir.

Mr. BAYNE. Suppose the State law allows an exemption of $1,000, would not the effect of this be to reduce the lien obtained in the Federal court $1,000?

Mr. TUCKER. Not at all. On the contrary, the second section of the bill originally seemed to lean in that direction, and for fear it would injure the lien we struck out the second section.

Mr. REAGAN. Before the previous question is called I want to enter a motion to strike out the proviso beginning at line 17 of the first section.

Mr. STRUBLE. I wish to ask the gentleman from Virginia if he has any objection to fixing the time at sixty days instead of ninety days?

Mr. TUCKER. I yield five minutes to the gentleman from Ohio [Mr. EZRA B. TAYLOR].

Mr. EZRA B. TAYLOR. The object of this bill is not to make a new lien or to enforce more rigidly the old one. It is solely for the benefit and convenience of the people. A lien can be obtained now on real estate in most of the districts to the extent of the district, and commences the moment the judgment is entered and docketed. This provides a way whereby the knowledge of those judgments and liens may be brought home to each county and district. This bill provides when the State passes such laws as to authorize the docketing of the judgments of the United States courts in the various counties, so that the people can go to their own county seats and know what liens are entered there coming down from the district courts for the convenience of the judgment creditor he may have ninety days in which that docketing in the State court may take place. If that is not done the judgment remains still a lien, if this law is not passed, during that ninety days, and that is not to the disadvantage of the creditor. But if this law should be so changed because of amendments as to interfere with the lien during the ninety days, then the creditor has lost what he now has, a lien during the critical ninety days, and by the alienation of the property to which the lien should attach the ends of justice are defeated.

Mr. HISCOCK. May I ask the gentleman from Ohio a question?

Mr. EZRA B. TAYLOR. Yes, sir.

Mr. HISCOCK. Have you thought of this question, What effect the stay laws would have in reference to suspending the enforcement of a judgment, whether this law that you have here would open the judgments and decrees of a court of the United States to those laws?

Mr. EZRA B. TAYLOR. We did not have that point suggested in committee, and I am not prepared to answer definitely, although I may say that was not intended.

Mr. HISCOCK. I suppose not; but I ask you to look carefully at the language here, and see if possibly the effect of this language is not to make the judgment subject to the laws of the States respectively as to the time and manner of collection.

Mr. EZRA B. TAYLOR. I should suppose it refers only to the matter of the lien and no other.

Mr. HISCOCK. The language is quite broad—

That judgments and decrees rendered in a circuit or district court of the United States within any State shall take effect by way of lien or otherwise—

Or otherwise—

to the same extent and in like manner, and not otherwise, as judgments and decrees of the courts of such State.

Now, I suggest to the gentleman from Ohio whether the effect of this section is not to put all judgments and decrees of the United States courts under the State statutes in reference to the time and manner of their collection?

Mr. EZRA B. TAYLOR. It was not so understood; but I can not answer the question further.

Mr. HISCOCK. I would like the gentleman's judgment on it, as a lawyer, now.

Mr. BAYNE. I would like to ask the gentleman from Ohio a question. Suppose the State enacts a law authorizing the docketing or registering of judgments obtained in the United States courts in the several counties of the State, and suppose the judgment creditor in the Federal court fails to enter that of record, what then?

Mr. EZRA B. TAYLOR. He has no lien under this law.

Mr. BAYNE. It does not nullify the judgment?

Mr. EZRA B. TAYLOR. It does not nullify the judgment; but there is no other law that gives a lien, and this lien is given conditional upon his doing that.

Mr. BAYNE. I do not see anything here that makes the judgment void or determines the lien.

Mr. EZRA B. TAYLOR. There is no pretense of making it void, but there is no other law but this that makes the lien. The lien exists by reason of this law, and that is a condition of the law.

Mr. HISCOCK. I wish to ask the gentleman from Virginia [Mr. TUCKER] whether this bill does not subordinate these Federal judgments to the State law with reference to the time when they can be collected.

Mr. TUCKER. Not at all, sir.

Mr. HISCOCK. I would like to have the gentleman read the language of the bill carefully.

Mr. LYMAN addressed the Chair.

Mr. TUCKER. Mr. Speaker, I will answer the gentleman from New York [Mr. HISCOCK] later, but I now yield the floor for a moment to the gentleman from Iowa [Mr. LYMAN], that he may offer an amendment which he proposes.

Mr. LYMAN. Mr. Speaker, I am in full accord with what is attempted to be reached by the provisions of this bill. Its object, as I understand it, is to make the judgments of Federal courts and the judgments of the State courts in the same State or district of the same effect; and it is for the reason that I think the bill does not entirely meet that purpose that I propose to offer an amendment, and will now offer it, if it be in order. The amendment is to strike out the last proviso of the first section of the bill, the portion of the section which provides that the judgment creditor shall have ninety days after the rendition of the judgment in which to file a transcript of his judgment in the various counties of the State. In Iowa we have a statute the substance of which I can repeat. It provides that the judgments of courts of record are liens upon real estate in the county within which they are rendered from the date of their rendition. They are not liens in any other county in the State until a transcript is filed in the county in which the land lies upon which it is sought to enforce the lien and docketed upon the judgment docket of that county. The inquiry is made by a gentleman near me whether the judgment is a lien anywhere until docketed. It is a lien in the county in which it is rendered from the date of its rendition, but in no other county until the transcript has been filed.

There are two objects to be met by this bill; at least I have two objects in view in supporting it, as I shall do if it shall be perfected so as to attain those objects. One is to protect the judgment creditor. The other is to protect those who may become *bona fide* purchasers of real estate. Now, if this ninety-day provision shall stand in the bill, then, when a party desires to obtain an abstract of the title to a piece of real estate in any particular county, he will be compelled to apply to the clerk of every Federal court in the State to ascertain whether within the past ninety days a judgment has been rendered against the defendant. It seems to me that that destroys the uniform operation of the Federal and State judgments. The State judgment is not a lien until it has been adopted, and why should the Federal judgment be a lien during those ninety days any more than the judgment of a State court? No relief is afforded, as I understand it, during those ninety days. There is no certainty about the title during that period. Let the judgment of the Federal court stand upon the same footing as the judgment of a State court.

Mr. CANNON. If I understand the gentleman from Iowa [Mr. LYMAN], notwithstanding the passage of this bill, it would be just as necessary to examine the records of the Federal courts as it is now.

Mr. LYMAN. Yes, sir.

Mr. TUCKER. With this difference: At present, a party has to examine the dockets of the Federal courts for years and years back; but under this law his examination would be limited to ninety days.

Mr. CANNON. That does not furnish much relief.

Mr. LYMAN. We have a statute in Iowa providing for the docketing of these Federal judgments just like judgments in State courts; and the object of this bill being to make both classes of judgments of uniform operation, it appears to me that we meet it, not only in Iowa but in every State, by saying that the judgment of a Federal court in any particular district or State shall have exactly the same effect that a judgment of a State court has when the same proceeding shall have been taken. I think the object will be met by striking out the last proviso in the first section of the bill, and I now move that amendment.

Mr. GILFILLAN. Would not the gentleman be willing to modify his amendment so as to provide that the judgment of a Federal court should become a lien only from the date of docketing it in the various counties?

Mr. LYMAN. That is what I mean to do.

Mr. GILFILLAN. Then why not make it a little more definite?

Mr. LYMAN. I will modify my amendment so as to express that proposition clearly.

Mr. CASWELL. Mr. Speaker, it will never do to adopt this amendment. Should it be ingrafted upon the bill it would make it possible for a debtor, as soon as judgment was rendered against him and before it could be perfected and docketed in any county, to convey every foot of his real estate within the boundaries of that county, and thus put it beyond the reach of the judgment.

Mr. GILFILLAN. Is not the same proposition true with reference to judgments of the State courts now?

Mr. CASWELL. Why, Mr. Speaker, where judgments are rendered in a county by the State courts the judgment can be docketed almost instantly. In some cases it may be open for a day or two; but it can be perfected and docketed within a reasonable time. But as to the judgment of a Federal court located at some distance away, it might be impossible to perfect the judgment and send a transcript to the several counties in time to prevent the debtor from conveying his real estate.

Now, what the bill proposes to do is this: In all cases where the laws of a State require that the judgment of the State court shall be docketed in the several counties of the State in order to become a lien upon real estate located therein, the bill provides that Federal judgments shall also be docketed in the same way in order to make them a lien in the respective counties, allowing ninety days for perfecting the judgment and completing the docketing.

Mr. GILFILLAN. Why not give judgments of the Federal courts and judgments of the State courts the same privileges and benefits?

Mr. CASWELL. Because the Federal court is often held at a distance from the county where the land is located.

Mr. LYMAN. As to my own county, the Federal court rendering a judgment is not farther away than the State court.

Mr. CASWELL. Why, frequently the Federal court is 200 or 300 miles away.

Mr. LYMAN. So are the State courts as to many counties.

Mr. CASWELL. In many cases the United States judicial district embraces a whole State.

Mr. DORSEY. When a creditor brings an action in the Federal court he does so on his own volition; he can bring the action in the State court within whose jurisdiction the land upon which he wants to acquire a lien is situated, can he not?

Mr. CASWELL. Certainly.

Mr. DORSEY. Then let him bring his action in the State court, and he will have his judgment operative there.

Mr. CASWELL. Then you virtually say to persons living in other States, "You must go into the State court, if you would perfect your judgment before the debtor can place his real estate beyond the reach of the judgment."

Mr. MCKENNA. As to the conveyance which the gentleman says might be made to dodge the judgment of the Federal court, would it not be void as a fraud on creditors?

Mr. CASWELL. It might or it might not be. The party purchasing the property from the debtor might act in entire good faith, while the debtor would put the money in his pocket and evade the operation of the judgment.

Mr. MCKENNA. Hardly so. The laws of all the States, as I understand, provide that that can not be done.

Mr. CASWELL. The suggestion amounts simply to this, that the creditor must have two suits instead of one.

Mr. TUCKER. I resume the floor.

Mr. WEAVER, of Nebraska. I desire to offer an amendment.

The SPEAKER. There is an amendment pending reported by the committee. No further amendment is in order unless it be an amendment to that amendment or a substitute for the bill.

Mr. WEAVER, of Nebraska. I offer a substitute for the entire bill.

Mr. TUCKER. I understood I had resumed the floor.

The SPEAKER. If the gentleman from Virginia claims the floor he is entitled to it till the hour expires.

Mr. TUCKER. Did I understand the Chair to say that there is pending an amendment offered by the committee?

The SPEAKER. There is. It is an amendment proposing to strike out the second section.

Mr. TUCKER. Let the vote be taken on that amendment.

The amendment was agreed to.

Mr. TUCKER. I now call the previous question.

Mr. WEAVER, of Nebraska. Is it in order to call for the reading of my substitute?

The SPEAKER. The gentleman from Virginia demands the previous question.

Mr. WEAVER, of Nebraska. I hope that will be withdrawn.

Mr. TUCKER. For what purpose?

Mr. WEAVER, of Nebraska. That I may offer a substitute for the bill.

Mr. TUCKER. I can not withdraw it for that. I yield to my colleague on the committee [Mr. OATES], who desires to offer an amendment.

The SPEAKER. Does the gentleman withdraw the demand for the previous question? While that is pending no amendment can be offered.

Mr. TUCKER. I do.

The amendment of Mr. OATES was read, as follows:

In line 10, insert the word "or" between the words "docketing" and "registry."

Mr. TUCKER. I now call the previous question upon the amendment and upon ordering the bill to be engrossed for a third reading.

Mr. EZRA B. TAYLOR. I desire to suggest an amendment to which I think the chairman of the committee will assent.

The SPEAKER. The amendment can only be offered by unanimous consent unless the demand for the previous question is withdrawn.

Mr. TUCKER. I withdraw the demand.

Mr. EZRA B. TAYLOR. The amendment which I suggest is designed to obviate the objection of the gentleman from New York [Mr. HISCOCK]. It is to strike out the words "or otherwise," in the fifth line.

The SPEAKER. There is one amendment pending, which will preclude any other amendment to the text of the bill until that is disposed of, except by unanimous consent. The gentleman from Nebraska proposes a substitute for the entire bill, which is in order.

Mr. WEAVER, of Nebraska. I ask that my substitute be read.

The Clerk read as follows:

Strike out all after the enacting clause and in lieu thereof insert the following:

"That no judgment entered in any circuit, district, or other court of the United States shall be a lien upon the real estate of the judgment debtor, in any organized county in any State or Territory, until the judgment creditor, his assigns, executors, administrators, or other legal representatives, shall have filed a certified transcript of such judgment with the clerk of the district or circuit court, or other officer having in charge the judgment records of the county wherein the real estate sought to be subjected to the judgment so rendered is situate.

"SEC. 2. That such transcript filed as aforesaid shall be transcribed by the officer aforesaid into a record to be called 'The United States Judgment Lien Record for ——— County, ——— State,' to which record shall be kept an index of each case, entered in alphabetical order, under the name both of the plaintiff and defendant; and the officer with whom the said transcript is filed shall forthwith notify the clerk of the court in which said judgment was rendered of the date of the filing of said transcript in said county and State, giving the title of the case and the date of the rendition of said judgment; and the clerk of the United States court where said judgment was rendered shall keep an index, in alphabetical order, under the name of both plaintiff and defendant, showing the county or counties where said transcript or transcripts have been filed, and the date of said filings.

"SEC. 3. That the clerk of the United States court from which said transcript is procured shall be entitled to the same fees for a certified transcript of said judgment as is now provided by law for similar services.

"SEC. 4. That the clerk or other officer of the county with whom the said transcript is filed shall be entitled for the services rendered to the same compensation as is allowed by State or Territorial law for similar services.

"SEC. 5. That the party procuring said transcript and having it filed and recorded shall, in the first instance, pay all the costs incident thereto, and shall take the receipt of the county official for the expense of filing and recording said transcript, and file such receipt with the clerk of the court from which the said transcript was taken, which amount so paid, as evidenced by said receipt, together with the amount originally paid the clerk of the United States court for said transcript, shall be taxed as increased costs in the case.

"SEC. 6. That when a judgment, or any part thereof, is satisfied of record in the court where the same was rendered, the clerk of said court, under the seal of said court, shall certify the same to the proper officer of the county or counties where the transcript has been filed, which shall be entered of record across the entry of such recorded judgment, and be attested by the officer making said entry, and to the extent of such satisfaction shall release the lien.

"SEC. 7. That all laws in conflict with this act are hereby repealed."

Mr. REAGAN. I ask the gentleman from Nebraska [Mr WEAVER] to change the word "rendered," in line 11 of the first section, to "recorded."

Mr. WEAVER, of Nebraska. I will so modify the substitute by adopting that amendment.

Mr. TUCKER. Mr. Speaker, I hope that substitute will not be adopted. I understand from it by law of Congress a State officer is required to discharge certain duties in the way of docketing and recording United States judgments. The original bill simply provides, the clerk of a Federal court shall not be compelled to do any docketing of State judgments, or before the clerk of a State court, unless the State will authorize its officers to accept them. The substitute, on the contrary, proposes a law of Congress shall go into the clerk's office of every clerk and require that clerk to make and docket United States judgments. I object to any such doctrine, and hope the substitute will be voted down.

Mr. HISCOCK. I hope the gentleman will give me five minutes of his time.

Mr. WEAVER, of Nebraska. How much time have I?

The SPEAKER. The gentleman is entitled to the floor, having offered the substitute; and if he proposes to occupy the floor he is entitled to an hour.

Mr. TUCKER. But, Mr. Speaker, I did not yield the floor for any other purpose than to allow the gentleman to move his substitute to the bill.

The SPEAKER. But when the gentleman from Virginia yielded the floor he yielded it absolutely. He took the floor, and after addressing the House called for the previous question. He afterward withdrew the previous question and yielded the floor that amendments might be offered. The gentleman from Nebraska has submitted the substitute which has just been read by the Clerk, and he is now entitled to the floor for one hour.

Mr. WEAVER, of Nebraska. I yield for five minutes to the gentleman from Colorado [Mr. SYMES].

Mr. SYMES. Mr. Speaker, in order to determine how best to aid titles to real estate in different States of the Union growing out of liens arising from Federal judgments we should first look, it seems to me, to the object of our registry laws. What are they? I understand the efforts of the best lawyers who have written on this subject for years have been to try to adopt a system of registry laws whereby A, B, or C, when he desires to purchase a piece of real estate in any county in any State, may, in plain language, go himself or send an agent before breakfast in the morning and determine whether there is at that time, on that day, any lien against that real estate.

We may wade through without any benefit, sir, long, complicated questions of real estate titles and incumbrances, but I understand that to be the true theory of the advance we are trying to make in our registry laws. How shall we do it with the complications which arise under a system making Federal judgments liens at the present time? We can only do it by substantial enactment to carry out the theory of registry laws in States where they are supposed to be somewhat perfect, and that is, to avoid complication of judgments—something similar to what has been presented in the amendment of the gentleman from Iowa. His amendment provides, and the substitute of the gentleman from Nebraska follows in the same line, but seems to be a little long and complicated, that any Federal court, so far as a lien on real estate is concerned, shall be placed upon an equality with the judgment of a State court, by compelling the clerk to file and docket that judgment in the registry office of the State before it becomes a lien upon real estate in any of those counties. It is just and right and in accordance with the true theory of American registration.

Now, I will admit for one moment that there is considerable force in the suggestions that have been made by the distinguished gentlemen who have told me that when a judgment is rendered in favor of a judgment creditor the judgment debtor might run off into another county of the State and sell the property to an innocent purchaser before a copy of the docket could be obtained and sent to the county to prevent such fraudulent sale. Be it so. It is there when

the judgment is rendered; his attorney can go to the clerk of the Federal court and procure a copy of the judgment docket; he can send it by mail to the county in which the transaction occurs immediately; and what lawyer will take the position that a sale to a pretended innocent purchaser intermediate between the date of the rendition of the judgment and the day when the mail shall carry a copy of the judgment docket to the register's office in the county will avail anything as a plea in a court of justice? Therefore, the true theory is to put the bill upon an equality with the statutes of the different States, which require at the present time that a copy of the judgment docket shall be on file in any county where real estate is situated before it can be a lien; otherwise it will operate very unjustly; otherwise we will have secret liens turning up three months after a man has bought real estate and paid for it, unless he goes to the expense of sending an agent all over the State to the different towns where the Federal courts are held throughout a great State, and perhaps for long journeys, to determine what date the judgment was rendered. I say, Mr. Speaker, it is contrary to our theory of registry law.

Mr. WEAVER, of Nebraska. I now yield five minutes to the gentleman from New York [Mr. HISCOCK].

Mr. HISCOCK. Mr. Speaker, I believe it to be entirely proper that there should be Federal legislation upon this subject declaring how judgments of the Federal courts shall be liens and the extent to which they shall be liens. The objection I have to this bill, however, is that it surrenders the whole question of the extent of the liens of a judgment of the United States to the Legislatures of the different States, which I do not think is right.

I think Congress is entirely competent to deal with and take care of the question for itself, and to declare the extent to which these judgments shall be liens, what method shall be adopted for making them liens, and the manner in which they shall be enforced. I repeat, the objection I have to this bill is that it abrogates, or rather Congress surrenders to the Legislatures of the several States of the Union the jurisdiction to legislate upon this subject. While I do not think a State will do it—because, of course, any legislation in reference to a judgment of the United States would be also legislation in reference to the judgment of the State courts and have the same effect upon both; yet, nevertheless, while the State may not take such action, it puts it within the power of a Legislature of a State to declare that a judgment shall not be a lien at all. It may absolutely impair the validity of the lien within the State.

Mr. EZRA B. TAYLOR. Will the gentleman permit me a question?

Mr. HISCOCK. Yes, sir; but I shall want more time if I yield for questions, which I hope the gentleman from Nebraska will yield to me.

Mr. EZRA B. TAYLOR. I simply want to know what the gentleman from New York understands the law to be now upon that subject: whether the lien of United States judgments does not depend wholly upon the condition of the lien laws in the several States where such judgments are rendered?

Mr. HISCOCK. I do not understand that to be the case.

Mr. EZRA B. TAYLOR. The only section of the Revised Statutes which I find bearing upon the subject provides just that thing.

Mr. HISCOCK. I do not so understand.

Mr. EZRA B. TAYLOR. That is just what the law is now.

Mr. HISCOCK. My point is this, and I do not know whether his question is addressed to that point or not; but my point is that under this act you absolutely surrender to the Legislatures of the several States power to make them liens or not. Do I understand that so far as the existing law is concerned to-day the Legislature of the State has absolute jurisdiction over it?

Mr. EZRA B. TAYLOR. Under the law of the United States as it exists now it is provided that liens upon judgments of the United States courts shall have the same force and be discharged just in the same way as those of the State courts.

Mr. HISCOCK. It does not go to that extent.

Mr. EZRA B. TAYLOR. Precisely; it does.

Mr. HISCOCK. And provided that the Legislature shall still further make enactments in reference to it?

Mr. EZRA B. TAYLOR. Precisely so.

Mr. HISCOCK. I do not understand that to be the case. If that be the law I would like to have it read.

[Here the hammer fell.]

Mr. WEAVER, of Nebraska. I yield now five minutes to the gentleman from Texas [Mr. REAGAN].

Mr. REAGAN. Mr. Speaker, I desire now, in view of all of the amendments which have been presented, to give consideration to the first part of the committee's bill, and I ask the attention of members of the House to this provision:

> That judgments and decrees rendered in circuit or district courts within any State shall take effect by way of lien or otherwise to the same extent, in like manner, and not otherwise, as judgments and decrees of the courts of such State.

If the committee had stopped there it appears to me they would have accomplished their object and done all that was required to be done by this bill. The gentleman from Virginia [Mr. TUCKER] and the gentleman from Ohio [Mr. EZRA B. TAYLOR] object to the amendment of the gentleman from Nebraska because it provides for State legislation for the registration of these decrees. The committee's bill does exactly the same thing.

Mr. EZRA B. TAYLOR. Will the gentleman allow me to interrupt him?

Mr. REAGAN. I have only five minutes.

Mr. EZRA B. TAYLOR. The gentleman misunderstood my objection. It is not that. It is this, that by this bill of the gentleman from Nebraska it is proposed by an act of Congress to make the officers of the State our agents, or else there will be no lien at all.

Mr. REAGAN. If Congress sees proper to do it——

Mr. EZRA B. TAYLOR. Congress can not do it. The Constitution, which the gentleman from Texas and myself think so much of, prohibits that.

Mr. REAGAN. We differ in opinion about that; but I will proceed. The very same objection lies to the committee's bill. The first proviso is:

> That whenever, by the laws of any State, judgments and decrees rendered in the courts thereof are made to depend for their effect, as liens or otherwise, upon the docketing, registry of the same, or upon any other requirement of law, the same shall not be held to apply to the judgments and decrees of the circuit and district courts of the United States, unless now, or until hereafter, the laws of such State shall authorize them to be docketed or registered, or compliance with any other of said requirements, in the same manner as judgments and decrees of the courts of such State.

Then the second proviso goes on to make other provisions about the registration or what may authorize registration by the State officers. So that if the argument used against the amendment offered by the gentleman from Nebraska is good, it is a good argument against the two provisos of the committee's bill.

But what I want especially to ask the attention of the House to is the fact that the first part of the committee's bill ending at the word "State," in line 7, accomplishes all that is necessary to do; and the provisos simply becloud and confuse the matter, and they do a great deal worse.

While by the first part of the bill a judgment rendered in a circuit court has all the advantages of a judgment in a State court, which makes a lien everywhere, wherever recorded, the second proviso exempts the Federal court lien, saves the judgment creditor in the Federal court from the necessity of recording the lien for ninety days, during which time a citizen outside of the judicial circuit court in which the judgment is recorded, where there are two or more districts in a State, may purchase property any time within the ninety days without actual notice or constructive notice of a registration, and be defrauded out of his property. The law that will lead to such consequences defeats all the policy of the law, which is intended to protect persons by constructive notice against fraudulent conveyance. And I trust very much that I may be allowed, if my amendment was entered, to modify it so as to embrace both provisos, and strike out all after the word "State," in the seventh line of this bill. We shall then have a clear bill; we shall have Federal legislation declaring what the effect of a decree will be, and we will be doing all that it seems to me we can rightly do.

Mr. WEAVER, of Nebraska. I yield to the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. I hope the gentleman from Texas will read his proposition as he now proposes to make it.

Mr. REAGAN. It is to strike out all after the word "State," in line 7 of the first section.

The SPEAKER. The Chair did not understand whether the gentleman from Nebraska [Mr. WEAVER] yielded to the gentleman from Texas to offer an amendment.

Mr. REAGAN. I asked permission to offer an amendment early in the discussion. I do not know whether it was entered.

The SPEAKER. That amendment was not in order at the time. Does the gentleman from Texas propose to amend the substitute.

Mr. REAGAN. No sir; I propose to strike out all after the word "State," in the seventh line of the committee's bill. Early in the discussion I asked permission to enter an amendment to strike out the second proviso in the committee's bill.

The SPEAKER. But the Chair stated the gentleman could not offer his amendment then, because there was one amendment to the text of the bill then pending proposed by the committee.

Mr. REAGAN. Were not two amendments in order?

The SPEAKER. An amendment to an amendment would be in order.

Mr. REAGAN. Would it be in order to enter that amendment now? Does the amendment of the gentleman from Iowa [Mr. LYMAN] cover both provisos?

The SPEAKER. The original bill is one proposition and the substitute proposed is a different one. While the substitute is pending there may be pending to the original proposition an amendment and an amendment to the amendment.

Mr. REAGAN. I move then to amend the amendment of the gentleman from Iowa so as to strike out both provisos.

The SPEAKER. The gentleman from Iowa has no amendment pending. When the gentleman from Iowa [Mr. LYMAN] proposed his amendment to strike out the proviso in the committee's bill it was not

in order then, for the reason that there was at that time an amendment pending offered by the committee. Subsequently the amendment offered by the committee was voted on and sustained. Then the gentleman from Virginia yielded to the gentleman from Alabama [Mr. OATES], who offered an amendment. Pending that the gentleman from Nebraska [Mr. WEAVER] proposed a substitute for the original bill, which is now pending. These are the only propositions now pending.

Mr. REAGAN. Is it in order for me to move to perfect the original bill?

The SPEAKER. It is whenever the gentleman gets the floor for that purpose; and the Chair asked the gentleman from Nebraska [Mr. WEAVER] whether he yielded the floor to the gentleman from Texas for the purpose of offering an amendment.

Mr. REAGAN. I ask the gentleman to yield the floor to me to enter that amendment.

Mr. WEAVER, of Nebraska. I will do so.

Mr. REAGAN. Then I enter that amendment.

The SPEAKER. That will be in order as soon as the amendment of the gentleman from Alabama is disposed of.

Mr. HOLMAN. It seems to me, Mr. Speaker, that the principle embodied in the amendment submitted by the gentleman from Nebraska [Mr. WEAVER] is a correct one, and is in harmony with the legislation of most of the States. In most of the States of the Union, so far as my information extends, a judgment rendered in a Federal court or a judgment rendered in a given other county in the State, takes effect in a county other than the one in which it is rendered as a lien on real estate only from the time a transcript of it is filed or a docket entry of it is made in the clerk's office of the county in which the lien is sought to be made—where the real estate is situated on which a lien is sought.

That is a perfect safeguard against fraud and affords the greatest security to the purchaser of real estate. It is also a perfectly just provision, and should not be departed from, unless you wish to extend some special favor to the judgments of Federal courts which the States do not extend to the judgments rendered in the several counties within their jurisdiction.

Mr. SOWDEN. Will the gentleman permit me to ask him a question?

Mr. HOLMAN. Please excuse me. I have only five minutes. I suggest to the gentleman from Nebraska [Mr. WEAVER] that he make modification of his amendment as follows: In the sixth line, after the word "Territory," insert the words "except the county in which it was rendered." Then strike out all of his substitute after the eighth line of the first section and insert these words: "A court of record in such county, the judgments of which, under the laws of the State or Territory, are liens on real estate;" so that it will read, that "no judgment entered in any circuit, district, or other court of the United States shall be a lien upon the real estate of a judgment debtor in any organized county in any State or Territory except the county in which it was rendered, until the judgment creditor, his assigns, executors, administrators, or other legal representatives shall have filed a certified transcript of such judgment with the clerk of a court of record in such county, the judgments of which, under the laws of the State or Territory, are liens upon real estate."

That presents the simple proposition whether or no the lien shall extend constructively beyond the time when actual notice is given by filing a transcript in a court of general jurisdiction the judgment of which is a lien upon real estate.

Mr. MILLS. Why not have it recorded?

Mr. HOLMAN. The recording would require State legislation perhaps.

Mr. MILLS. The same point will be good against the filing.

Mr. HOLMAN. The act of filing in a public office would not seem to require the sanction of State legislation. If it did, it would be readily granted.

Mr. EZRA B. TAYLOR. How can we direct the officer to mark it "filed?"

Mr. HOLMAN. In your original bill you provide that it shall be registered.

Mr. EZRA B. TAYLOR. But under State law.

Mr. HOLMAN. There is not a State in this Union that has not made some such provision, or would not if the occasion arose.

Mr. EZRA B. TAYLOR. I know one that has not.

A MEMBER. There are several.

Mr. HOLMAN. I suggest to the gentleman from Nebraska [Mr. WEAVER] to avoid that point of State entirely, except as to the mere act of filing. You have then presented the simple question whether we shall go further than giving an effectual lien to a judgment of Federal courts from the time notice of the rendition of the judgment is actually given.

Mr. WEAVER, of Nebraska. I accept the amendment suggested by the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. Mr. Speaker, I believe an amendment to the substitute is now in order.

The SPEAKER. An amendment to the substitute is in order whenever the gentleman has the floor, but it will not be voted upon until the original text is perfected.

Mr. HOLMAN. I have the floor now. The gentleman from Nebraska [Mr. WEAVER] yields to me for that purpose.

Mr. TUCKER. Does the gentleman from Indiana [Mr. HOLMAN] offer an amendment to the bill?

The SPEAKER. The gentleman from Nebraska [Mr. WEAVER] allows him to present an amendment to the substitute at this time. The Clerk will report the amendment.

The amendment was read, as above.

Mr. ROGERS. Mr. Speaker, I ask the attention of the House to the law as it now stands, and especially do I invite the attention of my friend from Texas [Mr. REAGAN], as well as my friend from New York [Mr. HISCOCK].

I read from the Revised Statutes, section 716:

> The party recovering a judgment in any common-law cause in any circuit or district court shall be entitled to similar remedies upon the same, by execution or otherwise, to reach the property of the judgment debtor, as are now provided in like cases by the laws of the State in which such court is held, or by any such laws hereafter enacted which may be adopted by general rules of such circuit or district court. And such courts may from time to time, by general rules, adopt such State laws as may hereafter be in force in such State in relation to remedies upon judgment as aforesaid by execution or otherwise.

Under that statute, which comes from the original judiciary act, the following is announced by Abbott in his United States Practice as the correct construction of the rule of law:

> Judgments and decrees of the national courts become liens upon the real property of the defendant lying within the district in which they are rendered; but it is not easy to state from the adjudications precisely how far this lien is regulated by the local law.
>
> The existence of this lien, it has been held, does not result from any direct legislation of Congress on the subject. But under the judiciary act of September 24, 1789, the courts of the United States have uniformly adopted the principles of State jurisprudence relative to the lien of judgments, so far as applicable. The extent of the lien, or the question what judgment or decree may form a lien, and what kinds of property may be holden, appears to depend upon the State law. The judgment or decree is a lien upon the property claimed, if a similar judgment or decree rendered in the State court would be a lien upon the like property. The duration of the lien was expressly made, by act of July 4, 1840, dependent on the State law. That act declared that "judgments and decrees hereafter rendered in the circuit and district courts of the United States, within any State, shall cease to be liens on real estate or chattels real, in the same manner as judgments and decrees of the courts of such States now cease by law to be liens thereon."
>
> But it is not to be understood that regulations of State law requiring a judgment of a State court to be registered or docketed in a particular manner or in a certain office must be followed in respect to United States judgments. In those States where a judgment in the State courts creates a lien, a judgment in a court of the United States has that operation throughout the district to which the jurisdiction of the court extends; and State legislation modifying the lien of judgments or restricting their operation can not affect the lien. Moreover, the lien extends, irrespective of State restrictive laws, to all lands of the defendant throughout the district. The act of 1840, above cited, does not operate as an adoption of all the provisions which may prescribe conditions requisite to render a State judgment a lien, such as a statute requiring a judgment to be recorded in the county where the land lies, but only refers to the State law to determine when the lien shall cease.

Mr. Speaker, the gentleman from New York [Mr. HISCOCK], it will be seen, is unduly apprehensive. This bill surrenders nothing to the States that they have not always had.

Now, Mr. Speaker, the trouble which has sprung up in this matter grows out of the difference in the laws of the various States. For instance, by virtue of the law which I have read, a judgment rendered in a Federal court becomes in my State *eo instanti* a lien upon all real estate throughout the judicial district. In a circuit court of the State the judgment is a lien throughout the county in which it is rendered. The bill which the committee propose will limit the lien of Federal judgments in States which have laws for registering the judgments of the United States courts to ninety days, unless the judgment plaintiffs, or their representatives, avail themselves of that statute and file copies of the lien in the counties in pursuance thereof. This can only be done, as we have seen, when the Federal judges in their respective districts have, by rules of court, adopted that legislation.

There is no law in Arkansas for the registry of the judgments of the United States courts anywhere. It is not the practice. Such I understand is the law in Virginia, Illinois, and a number of other States. As I construe this bill, it does not affect those States unless they may hereafter enact laws for the registry of the judgments of the United States courts, when the Federal judges may then adopt them and conform to the practice in such States.

Now, the amendment suggested by the gentleman from Texas would simply leave the law precisely what it is now, with this exception—the power would then be withdrawn from the Federal judges to make rules of court adopting such legislation as the States have, or may hereafter pass, for the regulation of liens.

[Here the hammer fell.]

Mr. ROGERS. I ask the gentleman from Nebraska for two minutes more.

Mr. WEAVER, of Nebraska. I yield to the gentleman two minutes.

Mr. ROGERS. In some other States than those I have mentioned the State laws have provided for docketing or registering judgments of Federal courts in the several counties before the liens attach in those counties. As to those States, the committee's bill will make the lien operative from the passage of the bill, but will limit it to ninety days unless the judgment plaintiffs avail themselves of the statute.

Now, can we not agree upon a compromise, so as to make this bill satisfactory to all parties, leaving the law as it has been from the founda-

tion of the Government, with the single exception that the lien of the judgment of a Federal court shall not be operative for more than ninety days in those States where the laws provide for registering the judgment of the Federal courts in the several counties, unless the parties plaintiffs avail themselves of such statutes? If ninety days is too long, make it thirty or sixty days, as may be deemed best. If that can not be done, the bill should be recommitted, so that it may be matured, keeping in view the different statutes of the several States.

Mr. HOLMAN. Does my friend know of any State of the Union where a judgment rendered in one county is permitted to be a lien on real estate in any other county without some transcript of the record, or some other notification of the existence of the judgment?

Mr. ROGERS. No; but that question has no relevancy to the present discussion. The lien of the judgment of a Federal court operates in every county in that district by virtue of the law as it has existed from the foundation of the Government.

Mr. HOLMAN. But is it not manifestly unjust in many cases, giving judgments of the Federal courts an undue advantage over judgments of the State courts?

Mr. ROGERS. No; I think not. I think it right, and that no advantage is now given to the Federal courts. The lien is coextensive with the jurisdiction in each case.

Mr. HENDERSON, of Iowa. I see that by section 6 of the substitute proposed by the gentleman from Nebraska [Mr. WEAVER] the clerk of a United States court in which judgment is rendered is required, in case of full or partial payment, to notify the clerk of the court in which the transcript of the judgment shall be filed by the judgment creditor. I would like the gentleman from Nebraska to explain how the clerk of the United States court is to know the county in which the transcript is filed. When the judgment creditor takes his transcript he can file it where he pleases, and the clerk of the United States court has no evidence as to where it is filed.

Mr. WEAVER, of Nebraska. The gentleman will find that in another portion of my substitute that matter is fully provided for. I yield five minutes to the gentleman from California [Mr. MCKENNA].

Mr. MCKENNA. I think we all can concur in the wisdom of adding to the strength of a Federal judgment the security of a lien, if it be necessary under existing law. The only point of dispute between us is how we can bring knowledge of that judgment to those concerned to know it. According to the present law we bring that knowledge by various county organizations and records, to which persons who have a concern about it have access.

Now, sir, do you want to extend higher privilege to the Federal judgment creditors than to State judgment creditors? I think not. Under the present system a judgment of a State court is a lien in the county where rendered and from the time it is docketed, but in no other county until that judgment is registered or recorded there. Now, sir, why extend any greater privilege to the judgment of a Federal court?

Mr. Speaker, in the State which I have the honor in part to represent on this floor we passed a law, or appeared to do so, that the mortgagee should have a certain time to record his mortgage, estimated by the distance from the county seat of the county. After that law went into effect there were great embarrassments felt in transfers of property, and the people were not relieved from those embarrassments until the supreme court of the State by a wise construction remitted the section away as to the old law, which provided that at the moment of time you examined the records if you found nothing there affecting property you could pass upon the title to it with safety.

If you enact into law the bill introduced by the committee you will introduce that same embarrassment into every State of this Union which we discovered in California. Therefore, from the experience we have had there, I think this House can take warning against this bill and strike out at least that portion which provides for ninety days' time to record a judgment as embarrassing to every one who shall be concerned with titles or have dealings with debtors. If I understand the argument of the gentleman from Arkansas, there is no necessity for legislation, because the laws of the States can respectively be adopted by rules and regulations in the Federal courts, and the purpose of this bill be thereby accomplished.

I think therefore, if the substitute of the gentleman from Nebraska be not adopted, we should at the proper time vote for the amendment of the gentleman from Iowa.

Mr. WEAVER, of Nebraska. I yield now for five minutes to the gentleman from Minnesota [Mr. GILFILLAN].

Mr. GILFILLAN. Mr. Speaker, it seems to us the proposition is one of common fairness that a judgment creditor in a Federal court should be entitled to the same privileges and rights, and be subjected to the same conditions and requirements, as a creditor in the State courts. The steps required to be taken in order that the judgment shall become a lien upon real estate should be the same in both instances. I think this is a proposition of such common fairness it must meet with the approval of every one.

It is important not only to the creditor that he should be secured, but it is also of importance to the people at large throughout the State that they should have every facility in their daily business transactions for ascertaining what property is encumbered by these judgment liens, and the facility for obtaining that knowledge should be the same in case of a judgment of a Federal court as in the case of a judgment of a State court. It would certainly be a great convenience as well as a protection to the citizen if the requirement should apply to all judgments alike, of both Federal and State courts, that no lien should attach to real estate until the docketing thereof in the county where such real estate may be.

I believe the proposition embraced in the substitute is a fair one. It gives the judgment creditor in a Federal court the same facility for maturing his lien as a judgment creditor in a State court. There is no possible objection which can be urged against the requirement that the judgment of a Federal court shall be recorded or filed and docketed in the various counties of a State before the lien thereof shall attach in such counties that would not apply with equal force to the same requirement in respect to the judgment of a State court.

Mr. EZRA B. TAYLOR. By what authority can Congress impose this duty upon State officers?

Mr. GILFILLAN. That is the point I was coming to. The original bill reported by the committee undertakes to remedy that difficulty by providing that this provision prescribing the duties of the county officers of a State shall not be operative so as to prescribe such duties to such State officers until the Legislature of the State shall provide therefor. But suppose the Legislature of a State should refuse or neglect to enact any such provision? Shall the judgment creditor have no lien?

I will say that, as it seems to me, the objection that we have no power to legislate so as to control State officers, or county officers of a State, may be overcome or obviated by providing that until the Legislatures of the several States shall, by suitable enactments, prescribe the duties of such officers in relation to Federal judgments, the judgment of the Federal courts shall become a lien upon the property of the judgment debtor within the State by being docketed in the office of the clerk of the Federal courts.

Mr. EZRA B. TAYLOR. And when you overcome that difficulty you will abandon that substitute.

Mr. GILFILLAN. We think not.

Mr. EZRA B. TAYLOR. It will not be this substitute.

Mr. GILFILLAN. I do not agree with the gentleman as to his construction of the provisions of the substitute nor of the bill reported by the committee. I shall be satisfied with either the bill reported by the committee or the substitute if it embrace such provisions as will carry out the idea I have attempted to advance.

But the importance of this bill, Mr. Speaker, is so great that we should not pass it in a crude form, and I will suggest at the proper time—I will propose myself, if no one else will do so—that the bill be recommitted to the Committee on the Judiciary with the view and for the purpose of reforming and perfecting the bill; for it seems there is not so much difference of opinion after all as to what ought to be accomplished by this measure.

Mr. WEAVER, of Nebraska. I now yield two minutes to the gentleman from Tennessee [Mr. HOUK].

Mr. HOUK. Mr. Speaker, this is a very important bill, more important, perhaps, than gentlemen would imagine. All we have in view is to see that the people are protected in their rights of property. The purpose of registration is to give notice to the people so they might not become purchasers of property against which there is a lien.

Now, I would suggest, as I have heard nobody else do so, that the Federal court is not a court for the masses of the people, nor is it a court with which they are familiar. The State court is the people's court. The jurisdiction of the Federal court is limited to foreign creditors, people from abroad, and a few distinctive cases which find lodgment and jurisdiction within the Federal tribunals in the States; and if we are going to give notice to the masses of the people that they may not be imposed upon in the purchase of property against which there is a lien, no bill should be passed except one that causes a judgment against the property to be registered in the county where the property lies, so that all may have access to it.

When a man goes to purchase real estate in my State or county the first place he goes to is what we call the register's office of the county; then to the clerk's office of the State circuit court. He never dreams of going to the Federal court to see whether there is a lien registered there; and to enact any law that permits a lien upon a person's property and requires it to be recorded in a court with which the people are not familiar is to do absolute injustice to the people, and to every other court as well, and subject them at any time to the purchase of property on which these liens exist, by which means they will lose their money. It is a mistake, in my judgment, to enact such a bill into a law; and, therefore, it seems to me that the substitute of the gentleman from Nebraska is the right thing to pass, if you are going to pass anything.

There is not one man out of a hundred thousand who ever heard of the recording of a lien in the Federal court.

Mr. WEAVER, of Nebraska. I now yield three minutes to the gentleman from Pennsylvania [Mr. BAYNE].

Mr. BAYNE. Mr. Speaker, I think the substitute which is presented by the gentleman from Nebraska is much better than the original prop-

osition, because I think the substitute is more simple, more easily understood, and much more practical in its effect. It seems to me that this original measure is susceptible of a variety of constructions, and must lead to confusion. It may be to the astute acumen and legal finesse of the Judiciary Committee is due the fact that it has been enabled to steer it safely through the labyrinth of difficulties between these joint jurisdictions of the State and Federal courts; but I for one can not fully comprehend this proposition, unless it attaches to the judgments obtained in the Federal courts whatever disqualifications may be incident to judgments in the State courts, and does not attach to them any advantage which they do not have by being obtained in Federal courts.

Neither of these bills removes what is the serious inconvenience to the profession and to creditors in the various States of the Union. That is, judgments obtained in the Federal courts in one section of the State are liens all over the State. That is the difficulty of the situation, as I understand it, and there should be formal legislation to remedy it. But it strikes me that the better way to effect the purpose contemplated by this bill would be to require the liens of the Federal courts to be transmitted to the county courts, as provided by the substitute, as I understand it, upon request, and let them be entered there and take effect from the date of their entry, giving the time for that purpose allowed by the substitute. And I think, as this is a matter of much concern, and inasmuch as it involves the consideration of a subject that is necessarily complicated, that the substitute of the gentleman from Nebraska should be preferred to the original bill, and for that reason I favor it.

Mr. WEAVER, of Nebraska. I now yield three minutes to the gentleman from Maryland [Mr. MCCOMAS].

Mr. MCCOMAS. Mr. Speaker, in the three minutes I would like to call the attention of the chairman of the committee to the fact that under the first section of the bill, with very great effort and use of language, it is provided—

That judgments and decrees rendered in a circuit or district court of the United States within any State shall take effect, by way of lien or otherwise, to the same extent and in like manner, and not otherwise, as judgments and decrees of the courts of such State.

Now, I say with great deference that this does not touch all the provisions that may exist in the several States, as, for instance, the supersedeas of judgments.

In the State courts the entry alone often makes a judgment effective, and there the supersedeas must take place. Now if that condition of supersedeas attaches to the judgment of the circuit and district courts, where shall the superseding take place—where the copy goes, or in the district courts? Must the man that will stay it go to the United States court and there make the acknowledgment which stays the judgment, or shall he go where it is recorded?

Now the substitute of the gentleman from Nebraska [Mr. WEAVER] in its first section seems to go more directly to the point of practical difficulty in all the counties of the vast Union, by providing that the copy shall go where the land is, and the effect which follows is that it enters a recorded copy. It does seem to me that under the bill which comes from the very learned committee the employment of the language "and not otherwise" would attach new conditions. If I had a judgment in a United States court, and lived in the State of Maryland, and obtained a judgment, say in the district court of Baltimore, and somebody desired to supersede or stay that judgment, where should he go—to Baltimore, or to the county where the land lay, my own county, to acknowledge it? There is no machinery there for that purpose. Shall he go to Baltimore? There is no machinery there. How is it to be made? That is a most important question and one which I know no other committee could so well grapple with. I do not see how that objection is removed. I think the amendment of the gentleman from Iowa is very much better than the original bill. But as the alternative I prefer taking the amendment of the gentleman from Nebraska [Mr. WEAVER], and especially the first section, which extends no further than the recording of the copy in the local jurisdiction and the entering of it where it is intended to affect lands—in the county. That is all I desire to say. I yield the remainder of my time, if I have any, back to the gentleman from Nebraska.

Mr. WEAVER, of Nebraska. I yield two minutes to the gentleman from Pennsylvania [Mr. BOYLE].

Mr. BOYLE. In my judgment the passage of the committee's bill may work great hardship and have a different effect from what seems to be contemplated. The first clause of the bill will have the effect to put judgments of the United States and State courts on an equality and require them to be entered in like manner. Then follows this proviso:

That whenever, by the laws of any State, judgments and decrees rendered in the courts thereof are made to depend for their effect, as liens or otherwise, upon docketing, registry of the same, or upon any other requirement of law, the same shall not be held to apply to the judgments and decrees of the circuit and district courts of the United States, unless now, or until hereafter, the laws of such State shall authorize them to be docketed or registered, or compliance with any other of said requirements, in the same manner as judgments and decrees of the courts of such State.

I can but make the point I desire to by stating what would be the effect in Pennsylvania. In the Federal courts of that State judgments become liens, so as to give them preference to liens subsequently entered, by registry in a "judgment docket." They then continue to be liens on real estate for five years. If Pennsylvania shall fail to enact the legislation contemplated by the clause of the bill I have quoted, providing for the registration of the judgments of Federal courts in the several counties, then all the provisions as to "docketing, registry of the same, or any other requirement of law," and the effect of such registration, &c., "as to lien or otherwise, shall not be held to apply to the judgments and decrees of the circuit and district courts of the United States." That is to say, these Federal judgments in Pennsylvania shall cease to be liens, unless Pennsylvania shall enact the legislation before referred to. Pennsylvania may not enact it. The judgment creditors in those judgments can not compel such legislation. Under the law and as it stands they can not file their judgments in the State courts. Their liens by virtue of their Federal judgments will be gone without any fault of theirs. In other words, if Pennsylvania fails to pass the laws required, judgments in Federal courts in that State will not be liens on real estate.

Mr. WEAVER, of Nebraska. I yield two minutes to the gentleman from Iowa [Mr. WEAVER].

Mr. WEAVER, of Iowa. It seems to me, Mr. Speaker, that if this bill could stop with the word "State," in the seventh line, it would be a perfect bill. It would then provide—

That judgments and decrees rendered in a circuit or district court of the United States within any State shall take effect, by way of lien or otherwise, to the same extent and in like manner, and not otherwise, as judgments and decrees of the courts of such State.

Now, why should a suitor in a Federal court have any advantage over one in the State courts? If he chooses the State forum and gets a judgment there in my State it is only a lien within the county in which the court was held and the judgment rendered. My brother here chooses the Federal forum and he gets a judgment, and his judgment under the present construction of the law is coextensive with the judicial district. Now, I do not know why he should have any advantage over me. It seems to me the proper policy is to encourage suits to be brought in the States; that a man may be tried by a jury of the district by his neighbors, and that the lien ought to be restricted precisely as the lien in the State courts. I shall vote for the substitute of the gentleman from Nebraska and for the amendment or substitute offered by the gentleman from Indiana.

Mr. WEAVER, of Nebraska. I yield two minutes to the gentleman from Iowa [Mr. HALL].

Mr. HALL. It is a well-settled rule of the jurisdiction of the Federal courts that the lien of their judgments in the absence of positive law is coextensive with the process they may issue. This contemplated legislation, which practically restricts the effect of the lien of judgments to the county in which they may be rendered, may be said in effect to take away the liens of Federal judgments. That will be the result of it unless some subsequent step be taken by the judgment creditor.

Now, so far as I am concerned, I think the proper solution, if the House is disposed to take that view of the subject, is to so amend the substitute offered as to deny to judgments of Federal courts the effect of liens except as a consequence of some subsequent act on the part of the creditor, and by the rule of the common law, as recognized in the Federal courts, that should be the levy of an execution. If this legislation is to obtain, there is no solution, there is no method, by which the lien of the judgments of Federal courts can be effected through the instrumentality of State courts; there is no authority on the part of the clerks of State courts to attempt to give validity or force to Federal judgments, and if this legislation is to obtain, the true rule should be to say and declare that Federal judgments shall not be a lien anywhere except after execution has been issued and levied. That will solve the whole question.

[Here the hammer fell].

Mr. WEAVER, of Nebraska. I yield two minutes to the gentleman from Texas [Mr. MILLS].

Mr. MILLS. Mr. Speaker, I will utilize that little time by saying that in what we are doing in reference to this question of liens we ought to have some reference to the rights of innocent purchasers. I believe that all secret liens are a relic of barbarism. I believe they are against the genius and spirit of our institutions. Like entailment and perpetuity and limitations upon property, they are mere obstructions in the way of progress, and prevent the easy, speedy transmission of property from one person to another. But if we are determined that we will have these liens, then it is necessary that we should give the greatest possible publicity to the assertion of them, and that can be done only by having the liens recorded in books in offices where the people who are likely to purchase the property can have free and easy access to them.

Mr. WEAVER, of Nebraska. Mr. Speaker, the objection that has been urged to the substitute is that it proposes to use a State officer for filing these transcripts. The only difference in that respect between the substitute and the bill of the committee is that the bill of the committee proposes the same thing, but in such language that they think nobody will discover it. What does the committee's bill say? It says that such judgments shall take effect by way of lien to the same extent and in like manner as judgments and decrees of courts of such States, and

not otherwise. Now, I would like to know how they will get a lien in any county where they propose to file a transcript without filing it with the State officers, unless they set up in every county a United States official whose duty it shall be to file these liens. If such a proposition as that were made, no one would for a moment support their bill; no one would entertain the idea that in every county there should be erected a United States official whose duty it should be to file these transcripts. The substitute proposes in plain language, leaving no doubt as to what is to be done, that these transcripts are to be filed with the State officer whose duty it is to take charge of judgments, and shall not become liens until they are filed with that officer.

Mr. DIBBLE. Will the gentleman permit me to ask him a question?

Mr. WEAVER, of Nebraska. Yes, sir.

Mr. DIBBLE. When the creditor carries his judgment transcript to the clerk of the State court, and the clerk says to him, "I have no judgment-book for United States judgments," how are you going to carry your act into operation.

Mr. WEAVER, of Nebraska. There is a provision in the bill whereby these judgment record books are to be furnished.

Mr. DIBBLE. But you have to provide for making it in some way the duty of the clerk to use the book.

Mr. WEAVER, of Nebraska. Under the bill proposed by the committee who is required to file these transcripts? Is it not the county official?

Mr. TUCKER. Unquestionably, when the law of the State authorizes him to do so.

Mr. WEAVER, of Nebraska. There is an amendment to be offered to this bill which will provide that until such laws shall have been enacted by the State this shall not go into effect.

The SPEAKER. The gentleman's hour has expired.

Mr. TUCKER. Mr. Speaker, I call for the previous question on the amendment of the gentleman from Alabama [Mr. OATES].

Mr. OATES. Mr. Speaker, I desire to be heard briefly.

The SPEAKER. The gentleman can not be heard while the demand for the previous question is pending.

Mr. WEAVER, of Nebraska. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WEAVER, of Nebraska. I want to know if it is not proper that the vote be taken first on the substitute?

The SPEAKER. Just exactly the contrary is proper under the rules and the practice of the House. The original text must be perfected before the House is called upon to vote as between that and some other proposition.

Mr. CANNON. I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANNON. I desire at some time before the substitute of the gentleman from Nebraska [Mr. WEAVER] is voted upon to offer an amendment to the substitute. Must that amendment be offered before the previous question is ordered?

The SPEAKER. The previous question is demanded on the amendment of the gentleman from Alabama [Mr. OATES], which is the first proposition to be voted upon by the House.

The previous question was ordered on the amendment offered by Mr. Oates, inserting the word "or" between the word "docketing" and the word "registering," in line 10 of the bill.

Mr. ROGERS. Will the gentleman from Virginia [Mr. TUCKER] permit me to offer at this point——

The SPEAKER. The previous question is ordered upon the amendment of the gentleman from Alabama, and the amendment must be voted upon.

The amendment of Mr. OATES was adopted.

Mr. TUCKER. Mr. Speaker, what is the question before the House?

The SPEAKER. There being no further amendment to the bill, the question is upon the amendment proposed by the gentleman from Indiana [Mr. HOLMAN] to the substitute of the gentleman from Nebraska [Mr. WEAVER].

Mr. HOLMAN. I believe the gentleman from Texas [Mr. REAGAN] moved an amendment to strike out the last proviso of the first section of the original bill.

The SPEAKER. The Chair stated the amendment of the gentleman from Texas would be in order when the amendment proposed by the gentleman from Alabama was disposed of.

Mr. STRUBLE. I desire to offer an amendment.

The SPEAKER. Does the gentleman from Texas now move his amendment?

Mr. TUCKER. I believe I have the floor.

Mr. REAGAN. My amendment is to strike out the second proviso.

Mr. TUCKER. My friend from Arkansas desires to offer an amendment, as he says, to perfect the bill.

The SPEAKER. The gentleman from Texas proposes an amendment which he claims is also to perfect the bill. As soon as this is disposed of another amendment will be in order, unless the previous question should be demanded and ordered.

Mr. REAGAN. I do not care to debate my amendment.

The SPEAKER. The gentleman from Texas moves to strike out the proviso, which the Clerk will read.

The Clerk read as follows:

Provided, however, That ninety days from the rendition of any judgment or decree of said courts of the United States hereafter rendered, or from the passage of this act, as to any such judgment or decree heretofore rendered, be allowed to any party for compliance with the laws of any State as to the docketing or registry or other requirements relating to judgments and decrees of the courts thereof; and such compliance shall be held sufficient to give full effect thereto according to said law, anything to the contrary notwithstanding.

Mr. TUCKER. I now call the previous question.

The SPEAKER. The gentleman from Virginia demands the previous question on the amendment of the gentleman from Texas.

The previous question was ordered.

Mr. TUCKER. As I understand, the amendment of the gentleman from Texas proposing to strike out the last proviso is equivalent to the amendment which was offered by the gentleman from Iowa.

The SPEAKER. So the Chair understands.

The amendment of Mr. REAGAN was agreed to; there being—ayes 49, noes 25.

Mr. TUCKER. As I understand, the substitute of the gentleman from Nebraska [Mr. WEAVER] is now before the House.

The SPEAKER. It is.

Mr. TUCKER. I take the floor, and yield ten minutes to the gentleman from Alabama [Mr. OATES].

Mr. OATES. Mr. Speaker, it seems to me there has been much misunderstanding as to the purpose and effect of this bill. It does not propose either to enlarge, confirm, or restrict any existing liens of judgments of the Federal courts, except so far as to make them conform to the regulations prescribed by the laws of the several States. The first section provides:

That judgments and decrees rendered in a circuit or district court of the United States within any State shall take effect, by way of lien or otherwise, to the same extent and in like manner, and not otherwise, as judgments and decrees of the courts of such State.

This simply makes the liens of judgments of Federal courts conform to the liens conferred by State laws upon judgments of the State courts. That is clear. The bill then goes on to declare:

Provided, however, That whenever, by the laws of any State, judgments and decrees rendered in the courts thereof are made to depend for their effect, as liens or otherwise, upon the docketing, registry of the same, or upon any other requirement of law, the same shall not be held to apply to the judgments and decrees of the circuit and district courts of the United States, unless now, or until hereafter, the laws of such State shall authorize them to be docketed or registered, or compliance with any other of said requirements, in the same manner as judgments and decrees of the courts of such State.

These provisions constitute all of the bill that now remains. They provide simply for registration, and are intended to protect innocent purchasers from a secret lien. Every one knows the harsh injustice which is many times worked through the sale of property by a debtor against whom judgments have been rendered, the property having upon it a lien of which the purchaser is not aware. This bill is intended to bring the knowledge of such liens home to the locality of the property, so that the purchaser may readily refer to the registry-list and ascertain whether there be such a lien on the property or not.

The substitute offered by the gentleman from Nebraska is most fatally defective. All the conditions specified in it are made conditions precedent to the lien. In other words, it should be entitled "A bill for the destruction of the liens of judgments in the Federal courts;" for its language is that "No judgment entered in any circuit, district, or other court of the United States shall be a lien on the real estate of the judgment debtor in any organized county of the State or Territory until the judgment creditor" shall do a great number of things, which are specified. If, for instance, there should be a failure on the part of the clerk to provide an index to the registry-book, or to do many other things which the substitute proposes to require, the judgment creditor will have no lien, for no judgment is to be a lien until all these things specified shall have been done. The creditor may use diligence to have his decree or judgment recorded, but if there should be any accidental failure on his part, or if the clerk by inattention should fail to perform any one of the requirements specified in the bill, there would be no lien in favor of that judgment creditor.

They are indeed made conditions precedent, for the declaration in the beginning is that no judgment rendered by any Federal court shall have any effect until the things enumerated in the bill are done and performed. Therefore I say that a failure to do any one of them takes away from that judgment the lien it would otherwise be. I can not think for a moment, therefore, the House will adopt any such substitute.

The bill of the committee, the ninety days' provision having been stricken out, is for the protection of innocent purchasers from secret liens, which often work injustice.

Mr. HOLMAN. Will the gentleman permit me to ask him a question?

Mr. OATES. Certainly.

Mr. HOLMAN. I hope the gentleman from Alabama will be able to tell us something about the extent of this language, if this bill should go into effect. I read from the committee's bill:

That judgments and decrees rendered in a circuit or district court of the United States shall take effect, by way of lien or otherwise, to the same extent and in like manner, and not otherwise, as judgments and decrees of the courts of such State.

Now, a judgment rendered in a circuit or district court of the United States in the State my friend represents, under the laws of that State, becomes a lien in the county in which it was rendered. It becomes a lien from the day execution is levied under it. Liens in his State are upon lands in the county where the judgment is rendered, or transferred, filed, or some notice given under the law. Is it the meaning of this language that a judgment rendered in a Federal court shall not be a lien on real estate of any other county, or does it extend it beyond the county to all other counties?

Mr. OATES. The language is very plain that it makes it conform to the State lien.

Mr. HOLMAN. Does it have territorial limit? Does it extend Federal judgments as liens where State judgments are liens?

Mr. TUCKER. Just exactly.

Mr. OATES. Exactly so.

Mr. TUCKER. If my friend from Alabama will allow me to answer the gentleman from Indiana, I will say the mistake of gentlemen on this floor in reference to this bill is in supposing it proposes to change the extent of liens of Federal judgments beyond that of State judgments. The purpose is to put them upon the same platform.

Mr. HOLMAN. Will the gentleman let me ask him what is the object of the provision of the bill?

Mr. TUCKER. What provision?

Mr. HOLMAN. This provision:

Provided, however, That whenever, by the laws of any State, judgments and decrees rendered in the courts thereof are made to depend for their effect, as liens or otherwise, upon the docketing, registry of the same, or upon any other requirement of law, the same shall not be held to apply to the judgments and decrees of the circuit and district courts of the United States, unless now, or until hereafter, the laws of such State shall authorize them to be docketed or registered, or compliance with any other of said requirements, in the same manner as judgments and decrees of the courts of such state.

Mr. TUCKER. At present without that provision the lien of the judgment of a Federal court would be so without the requirement of being docketed.

Mr. COLLINS. And perfectly secret.

Mr. TUCKER. Yes; and perfectly secret. The State judgment would have to be docketed in order to be a lien, but a Federal judgment would be a lien without being docketed.

The SPEAKER. The gentleman from Alabama is entitled to the floor.

Mr. TUCKER. He has yielded to me to answer the question, and I will give him more time.

The whole purpose of the bill is to put a Federal judgment on the same platform with a State judgment; that is to say, if the State law did not allow the holder of a Federal judgment to put his judgment on the docket it should be a lien without being docketed; but that as soon as the State did permit it he would be required to docket it as in the case of a State judgment, so that if he did not he would lose his lien.

Mr. HOLMAN. If this becomes the law, that then will be the provision.

Mr. TUCKER. If I understand the force of the language; and I will say to the gentleman that it is my language, and I know the gentleman is ingenious, but I do not believe he can get any other meaning from it.

Mr. McMILLIN. The gentleman from Alabama yields to me to ask the gentleman from Virginia a question. Let me ask the gentleman from Virginia [Mr. TUCKER] whether it is not the object of the bill to place a Federal judgment on the same footing as a State judgment? What I wish to know is, whether it extends it beyond the privilege now possessed by a State judgment.

Mr. TUCKER. Not in the slightest degree, because at present a Federal judgment without being docketed is a lien all through the State. If this be adopted, a Federal judgment can not be a lien until it is docketed.

Mr. McMILLIN. Then it restricts instead of extending it.

Mr. TUCKER. Of course it does.

Mr. OATES. The gentleman from Virginia has explained with more force and clearness than I could have done the purpose and object of this bill. Its only effect is that it requires judgments in the Federal courts to conform to liens given by State laws to State judgments in reference to being registered, and is for the protection of innocent purchasers. That is the operation and effect of it. Now, in States like mine, where judgments have no lien but only the execution, at the time it comes into the hands of the sheriff this law would be without operation or effect. It seems to me there has been an unusual amount of misunderstanding upon a measure the language of which is perfectly clear.

Mr. EZRA B. TAYLOR. Mr. Speaker, I had intended to say a word to call back the attention of the House to the necessity of the question that has been suggested, but under the circumstances I feel as though I ought not to take up any time at all, and will simply say now that in my judgment this bill, that was intended to do just what every member of the House wanted to have done, has been utterly destroyed by the amendment which has been adopted, so that I, a member of the committee, and one earnestly in the interest of the bill from the beginning, having seen the want of such legislation, shall be compelled to vote against it. As to the substitute, it is absolutely, unconstitutionally absurd. [Laughter.]

The SPEAKER. The question is upon agreeing to the amendment proposed by the gentleman from Indiana to the substitute.

Mr. HOLMAN. The original bill, as it now stands, seems to accomplish the purpose, and I am inclined to withdraw the amendment, unless the gentleman from Nebraska prefers to have a vote upon it.

Mr. WEAVER, of Nebraska. Let us take a vote.

Mr. HOLMAN. I ask to have the substitute read as it will stand if amended.

Mr. LITTLE. If in order, I move to strike out of the first section of the bill reported by the committee all after the words "provided, however," in line 7, and insert what I send to the desk.

The Clerk read as follows:

In any State wherein provision by law is or shall be made for entering and preserving in a public record in every county thereof the titles of actions and suits, including the name of the proper court and the amount claimed or recovered in each case, brought in any court of the United States therein, no judgment of any such court shall operate as a lien upon real estate in any such county outside of the one wherein rendered until the title of the proper action or suit shall be entered in such public record thereof: *Provided*, No such judgment shall operate as such lien in any county from a date prior to the time of its rendition and entry.

Mr. TUCKER. I call the previous question upon the adoption of the amendment.

The previous question was ordered.

The amendment was rejected.

Mr. TUCKER. I now call the previous question upon the engrossment and third reading of the bill and all pending amendments.

Mr. CANNON. Before that I would like to offer an amendment to the bill.

Mr. TUCKER. I think I can not yield for any more amendments.

Mr. EVERHART. Is it in order now to offer amendments?

The SPEAKER. Not pending the demand for the previous question. The gentleman from Virginia in charge of the bill, in accordance with the universal practice of the House, has been recognized by the Chair and demands the previous question. If that is voted down it will be in order for the gentleman to offer an amendment.

The previous question was ordered.

Mr. HOLMAN. I ask that the first section of the substitute be read as it will stand if amended.

The first section was again read.

The SPEAKER. The question is on the adoption of the amendment to the substitute.

The amendment was rejected.

The question recurring upon the substitute proposed by Mr. WEAVER, of Nebraska, the question was taken; and on a division there were—ayes 11, noes 63.

So the substitute was rejected.

Mr. EVERHART. It is in order to offer an amendment to the first section of the bill?

The SPEAKER. It is not. The previous question has been ordered upon the engrossment and third reading of the bill, upon which the question now recurs.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time.

Mr. EVERHART. I desire to make a motion to recommit the bill.

The SPEAKER. That is in order.

Mr. EVERHART. I move to recommit the bill with the following instructions.

The Clerk read as follows:

Recommit the bill to the Committee on the Judiciary with instructions to insert, in line 5 of section 1, after the word "otherwise," the words:

"In all counties of said State in which said district or circuit court has jurisdiction."

The motion to recommit was not agreed to.

Mr. TUCKER. I now demand the previous question upon the passage of the bill.

Mr. ROGERS. I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ROGERS. Is it in order to move to recommit this bill without instructions?

The SPEAKER. It would be in order. The motion to recommit made by the gentleman from Pennsylvania was made before the previous question was demanded; and under the rules of the House it will be in order, pending the demand for the previous question or after it is ordered, to move to recommit the bill with or without instructions.

Mr. ROGERS. Pending the demand for the previous question, I move to recommit the bill to the Committee on the Judiciary.

The question was taken; and on a division there were—ayes 31, noes 56.

So the motion was not agreed to.

Mr. TUCKER. I renew the demand for the previous question upon the passage of the bill.

The previous question was ordered; and under the operation thereof the bill was passed.

Mr. TUCKER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ILLINOIS JUDICIAL DISTRICTS.

Mr. TUCKER. I call up for consideration the bill (H. R. 367) to amend section 536 of the Revised Statutes of the United States, relating to the division of the State of Illinois into judicial districts and to provide for holding terms of court of the northern district in the city of Peoria. I yield the floor to the gentleman from Illinois [Mr. EDEN].

Mr. EDEN. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of this bill and that it be considered in the House; and I will state that I shall move to strike out the eleventh section, making the appropriation which caused the bill to be referred to the Committee of the Whole.

The SPEAKER. The Clerk will read the bill.

The bill was read, as follows:

Be it enacted, &c., That the counties of McDonough, Fulton, and Tazewell be detached from the southern district of Illinois and be included in the northern district of Illinois.

SEC. 2. That the northern district of Illinois shall be divided into two divisions, to be known as the northern and southern divisions. The counties of Peoria, Stark, Henry, Rock Island, Mercer, Henderson, Warren, Knox, McDonough, Fulton, Putnam, Marshall, Woodford, Tazewell, Livingston, and Iroquois shall constitute the southern division of said northern district of Illinois, the courts for which shall be held at the city of Peoria.

SEC. 3. That the terms of the circuit and district courts in and for said northern district of Illinois shall be held at the city of Chicago, as now provided by law, and at the city of Peoria, in the southern division of said district, on the third Mondays of April and October of each year.

SEC. 4. That all civil suits not of a local nature, and criminal prosecutions, must be brought in the division of the said northern district of Illinois where the defendant or defendants reside or the offense is committed; but if there are two or more defendants in civil suits residing in the different divisions or districts, the action may be brought in either in which either of the defendants may reside. When the defendant is a non-resident of the district, action may be brought in either division of said district wherein the defendant may be found.

SEC. 5. That the clerks of the circuit and district courts of the northern district of Illinois shall be respectively clerks of the courts of both divisions of the said district; that each of said clerks, or his deputies, shall keep an office open at all times at each of the places of holding said court, and shall there keep the records, files, and documents pertaining to the court of that division; and said clerk shall be entitled to the same fees now allowed him by law. In addition to his powers to appoint deputies, as now prescribed by law, each of said clerks shall be required to appoint a chief deputy for the court of that division in which he himself may not reside, who shall have all the powers of the clerk in his absence.

SEC. 6. That the marshal and district attorney for said northern district of Illinois shall respectively appoint at least one deputy residing in the said southern division, unless he shall reside there himself, and also maintain an office at that place of holding court.

SEC. 7. That all causes and proceedings in law, equity, admiralty, or bankruptcy now pending in the circuit or district court of the northern district of Illinois, where all the defendants (or the plaintiffs, when the jurisdiction is derived from the residence of the plaintiff or complainants within the district) shall reside in the southern division of said district, shall be transferred to the court of such division, said transfer to be made in vacation or in term-time; if made in vacation, only on the affidavit that all the said parties plaintiff or defendant, as the case may be, are residents of said southern division, and ten days' notice of the purpose and time of the hearing of said motion; but if made in term-time, then on motion and affidavit only

SEC. 8. That all civil causes now pending in the United States circuit or district court for the southern district of Illinois against parties residing in that portion of said district by this act annexed to and incorporated in the said northern district may remain and be finally disposed of, respectively, in the court in which they are now pending, unless the defendants therein shall desire to have the same transferred to the appropriate division of said court in the district in which they reside, as provided by this act; in which last event such transfer shall be applied for and made to the court for the division of the residence of such defendant in said northern district, or to the court of the said southern district, as the case may be, in the manner above provided in the seventh section hereof for the transfer of pending causes from the court of the northern division of said northern district to that of the southern division thereof, *mutatis mutandis*.

SEC. 9. That when a cause shall be transferred as above provided by the seventh and eighth sections hereof, either from the northern division of said northern district to the southern division thereof, or from the southern district of Illinois to the southern division of said northern district, it shall be the duty of the clerk of the court from which the transfer is made to carefully transmit to the clerk of the court to which the transfer is made the entire files of papers in the cause, and all documents and deposits in his court pertaining thereto, together with a certified transcript of the record of all orders, interlocutory decrees, or other entries in said cause; and he shall also certify, under the seal of the court, that the papers sent are all which are on file in said court belonging to said cause; for the performance of which duties said clerk so transmitting and certifying shall receive the same fees as are now allowed by law for similar services, to be taxed in the bill of costs and regularly collected with the other costs in the cause; and such transcript, when so certified and received, shall thenceforth constitute a part of the record of the cause in the court to which the transfer shall be made.

SEC. 10. That the judge of the United States circuit or district court for said northern district of Illinois may, by order, from time to time appoint and hold additional special terms of said court in said southern division of said district, for the disposal of the unfinished business thereof, whenever the interest of the public and condition of the docket shall so require.

SEC. 11. That until the completion of the public building of the United States at the city of Peoria, the marshal of the said northern district of Illinois shall procure suitable rooms for holding courts in said city, and offices for the clerk, marshal, and district attorney, at a cost to the United States not to exceed $2,000 per annum.

The SPEAKER. The gentleman from Illinois asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of this bill, and that it be considered in the House.

There was no objection.

Mr. EDEN. I apprehend it is not worth while to make any remarks about the bill unless some gentleman desires an explanation. I move to amend by striking out the last section of the bill, as I understand the public building will be completed by the time the court is established.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

Mr. EDEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

The SPEAKER. The gentleman from Illinois [Mr. NEECE] reports one hundred and ninety-six bills as duly enrolled. Having been signed by the Speaker, the Chair will cause them to be entered on the Journal without having the titles read, and also in the RECORD.

If there be no objection that order will be made.

There was no objection.

The titles of the bills are as follows:

A bill (H. R. 19) for the relief of David C. Paullus;

A bill (H. R. 129) to protect homestead settlers within railway limits, and for other purposes;

A bill (H. R. 225) granting a pension to Daniel Connolly;

A bill (H. R. 226) granting a pension to Mrs. Martha E. Turney;

A bill (H. R. 291) granting a pension to George H. Campbell;

A bill (H. R. 415) granting a pension to William Condon;

A bill (H. R. 441) granting a pension to Kate Amann;

A bill (H. R. 443) granting a pension to Susan Woolley;

A bill (H. R. 533) for the relief of Thomas Ferguson;

A bill (H. R. 549) granting a pension to Enoch Goss;

A bill (H. R. 551) granting a pension to Rhoda Dane;

A bill (H. R. 553) granting a pension to William J. Suffall;

A bill (H. R. 602) granting a pension to Mrs. Anna D. W. Eichman;

A bill (H. R. 613) for the relief of Catherine Collins;

A bill (H. R. 619) granting a pension to Robert F. H. Goode;

A bill (H. R. 626) granting a pension to Minton Prall;

A bill (H. R. 634) granting a pension to John Defenbaugh;

A bill (H. R. 646) granting a pension to Thomas M. Commuck;

A bill (H. R. 650) granting an increase of pension to Charlotte D. Crocker;

A bill (H. R. 686) to grant a pension to John G. Shawbell;

A bill (H. R. 693) granting a pension to William B. Keith;

A bill (H. R. 698) granting a pension to Philip D. Campbell;

A bill (H. R. 700) granting a pension to Mrs. M. A. Bickerdyke;

A bill (H. R. 702) granting a pension to Dr. J. F. Bruner;

A bill (H. R. 704) granting a pension to Benjamin Durach;

A bill (H. R. 715) granting a pension to Tunis J. Roosa;

A bill (H. R. 737) granting a pension to N. M. Miller;

A bill (H. R. 746) granting a pension to J. W. A. Bennett;

A bill (H. R. 777) granting a pension to Frederick Bottger;

A bill (H. R. 788) granting a pension to Jeptha Hornbeck;

A bill (H. R. 802) granting a pension to August Schindler;

A bill (H. R. 805) to increase the pension of James A. Underwood;

A bill (H. R. 837) granting a pension to Edgar Payne;

A bill (H. R. 844) granting a pension to Daniel T. Ferguson;

A bill (H. R. 846) granting a pension to Samuel V. Ballard (title amended so as to read, "A bill granting a pension to Samuel V. Holland");

A bill (H. R. 858) granting a pension to Lucy J. Mitchell;

A bill (H. R. 925) granting a pension to Rachel Nickell;

A bill (H. R. 928) granting a pension to Lewis A. Thornbury;

A bill (H. R. 936) granting a pension to James T. Caskey;

A bill (H. R. 934) granting a pension to Charles W. Minnix;

A bill (H. R. 1024) granting a pension to Amelia F. Robbins;

A bill (H. R. 1032) granting a pension to Josiah B. Snell;

A bill (H. R. 1083) granting a pension to Francis H. Kirmayer;

A bill (H. R. 1084) granting a pension to Alice S. Holbrook;

A bill (H. R. 1104) granting a pension to Elizabeth Sullivan;

A bill (H. R. 1107) granting a pension to Augusta M. Richards;

A bill (H. R. 1108) granting a pension to Margaret Coffey;

A bill (H. R. 1109) granting a pension to John H. Barry;

A bill (H. R. 1113) granting a pension to Walter S. Haynes;

A bill (H. R. 1117) granting a pension to John Owens;

A bill (H. R. 1136) granting a pension to Charles E. Bolles;

A bill (H. R. 1138) to increase the pension of Mary E. Fillebrown;

A bill (H. R. 1152) for the relief of Mrs. Ellen S. Tolman;

A bill (H. R. 1198) granting a pension to Louis Abear;

A bill (H. R. 1228) granting a pension to Harry B. Harrington and Grace A. Harrington;

A bill (H. R. 1254) granting a pension to Mary Hoff;

A bill (H. R. 1255) granting a pension to Isaac Moore;

A bill (H. R. 1273) for the relief of Samuel A. Brown;
A bill (H. R. 1275) granting a pension to William Turville;
A bill (H. R. 1278) granting a pension to Ann Bird;
A bill (H. R. 1286) granting a pension to Agnes M. Edwards, infant daughter of Harvey H. Edwards;
A bill (H. R. 1292) granting a pension to Mrs. Kate Miller;
A bill (H. R. 1344) granting a pension to William H. H. Gillespie;
A bill (H. R. 1345) granting a pension to Nathaniel H. Blakely;
A bill (H. R. 1351) to restore to the pension-roll the name of Andrew J. Fuller;
A bill (H. R. 1352) granting a pension to Isaac Chenoweth;
A bill (H. R. 1367) to place Thomas G. Newman on the pension-roll;
A bill (H. R. 1348) for the relief of Pernetta Hendley;
A bill (H. R. 1369) granting a pension to George H. Perkins;
A bill (H. R. 1396) to pension Martin Kirk;
A bill (H. R. 1456) granting a pension to Lydia A. Nelson;
A bill (H. R. 1468) increasing the pension of John P. Davis;
A bill (H. R. 1469) granting a pension to Louis Holt;
A bill (H. R. 1471) increasing the pension of Andrew J. Hill;
A bill (H. R. 1472) granting a pension to Mary Murphy;
A bill (H. R. 1474) granting a pension to Mary G. Colby;
A bill (H. R. 1475) granting a pension to Margaret Flaherty;
A bill (H. R. 1506) granting a pension to James McAnny;
A bill (H. R. 1508) for the relief of Marcus A. Hamilton;
A bill (H. R. 1564) granting a pension to Phebe Saunders;
A bill (H. R. 1567) granting a pension to Philip Jacobs;
A bill (H. R. 1568) granting a pension to Nathaniel Taylor;
A bill (H. R. 1543) granting a pension to Margaret Kearns;
A bill (H. R. 1574) granting a pension to Sarah L. Bragg;
A bill (H. R. 1575) granting a pension to Elizabeth Kohler;
A bill (H. R. 1579) for the relief of Amy A. Lewis;
A bill (H. R. 1589) for the relief of Newton O. Baker;
A bill (H. R. 1590) for the relief of Timothy Paige;
A bill (H. R. 1593) for the relief of Sarah Manz;
A bill (H. R. 1634) for the relief of Margaret A. Caswell;
A bill (H. R. 1701) granting a pension to Anson B. Sams;
A bill (H. R. 1703) granting a pension to Joseph Williams;
A bill (H. R. 1742) for the relief of Thomas Askew;
A bill (H. R. 1732) granting a pension to Cornelia W. Ellis;
A bill (H. R. 1821) granting a pension to Daniel Kain;
A bill (H. R. 1824) granting a pension to Mrs. Louisa Noland;
A bill (H. R. 1836) granting a pension to George Slack;
A bill (H. R. 1858) granting an increase of pension to James McMullin;
A bill (H. R. 1937) for increase of pension to A. Schuyler Sutton;
A bill (H. R. 1970) granting a pension to Louisa J. McFarland;
A bill (H. R. 1988) granting a pension to Peter F. Saeman;
A bill (H. R. 1989) granting a pension to John C. Frees;
A bill (H. R. 2011) granting a pension to Joseph Chalfant;
A bill (H. R. 2054) granting a pension to Rebecca Marchant;
A bill (H. R. 2159) for the relief of D. P. Simmons;
A bill (H. R. 2161) granting a pension to Andrew J. Putnam;
A bill (H. R. 2179) granting a pension to Henry Barr;
A bill (H. R. 3193) granting a pension to Amelia M. Green;
A bill (H. R. 2196) granting a pension to Sarah A. Gettis;
A bill (H. R. 2197) granting a pension to Fidelia A. Cherry;
A bill (H. R. 2254) for the relief of Jane M. Langley;
A bill (H. R. 2689) granting a pension to Delilah Knill;
A bill (H. R. 2753) for the relief John W. Robson;
A bill (H. R. 2740) for the relief of Norman S. Bull;
A bill (H. R. 2755) granting a pension to Robert Monohan;
A bill (H. R. 2791) granting an increase of pension to George Wells;
A bill (H. R. 2793) granting a pension to Silas James;
A bill (H. R. 2797) granting a pension to John L. Hunter;
A bill (H. R. 2798) granting a pension to Bruner D. Hyatt;
A bill (H. R. 2802) granting a pension to Sarah A. Lovell;
A bill (H. R. 2804) granting a pension to Clayton E. Rogers;
A bill (H. R. 2805) granting a pension to Mary S. Douglass;
A bill (H. R. 2939) granting a pension to Henry H. Green;
A bill (H. R. 3019) to increase the pension of Abigail Smith;
A bill (H. R. 3100) granting a pension to Samuel Hanson;
A bill (H. R. 3117) granting a pension to Walter A. Phillips;
A bill (H. R. 3152) granting a pension to Eliza A. Fisher;
A bill (H. R. 3177) for placing the name of Mrs. Ann J. Connell on the pension-roll;
A bill (H. R. 3303) to restore to the pension-roll the name of Joseph McMillan;
A bill (H. R. 3308) to increase the pension of Joseph R. Cravens;
A bill (H. R. 3309) to increase the pension of Thomas Ward;
A bill (H. R. 3359) granting a pension to Henry S. Morgan;
A bill (H. R. 3367) granting a pension to Ashael Middleton;
A bill (H. R. 3375) granting a pension to John D. Clark;
A bill (H. R. 3387) granting a pension to Sidney Sherwood;
A bill (H. R. 3390) to place the name of William G. Schoonover on the pension-roll;
A bill (H. R. 3399) to grant a pension to Philip Wagner;
A bill (H. R. 3402) granting a pension to Mrs. Lizzie E. Cooney;
A bill (H. R. 3419) granting a pension to C. W. I. Pugh;
A bill (H. R. 3452) granting a pension to Mrs. Mary E. Sawyer;
A bill (H. R. 3505) for the relief of Mary B. Smith;
A bill (H. R. 3516) granting a pension to Fanny Collins;
A bill (H. R. 3520) granting a pension to William H. Blake;
A bill (H. R. 3524) granting a pension to Maria Mibard;
A bill (H. R. 3530) granting a pension to Albert L. Allen;
A bill (H. R. 3538) granting a pension to Mrs. Amy A. Hurst;
A bill (H. R. 3539) granting a pension to Mrs. Hannah M. Chapman;
A bill (H. R. 3562) for the relief of Peter Tower;
A bill (H. R. 3627) granting a pension to Mrs. Elizabeth K. Gallagher, widow of Bvt. Brig. Gen. Thomas F. Gallagher, deceased, late colonel of the Eleventh Regiment Pennsylvania Reserve Corps;
A bill (H. R. 3632) granting a pension to Mrs. Ada O. Knepps;
A bill (H. R. 3633) granting a pension to E. B. Sweeny;
A bill (H. R. 3481) granting a pension to Philomena E. Nolan;
A bill (H. R. 3902) for the relief of Susannah Carmichael;
A bill (H. R. 3903) granting a pension to Taylor Voss;
A bill (H. R. 3919) granting a pension to Bridget O'Brien;
A bill (H. R. 3945) for the relief of Mrs. B. Alfers;
A bill (H. R. 3976) to increase the pension of Alexander Forsyth;
A bill (H. R. 3990) to restore to the pension-roll the name of Sarah J. Prater;
A bill (H. R. 4022) granting a pension to Elizabeth Stocksdale;
A bill (H. R. 4026) granting a pension to Algernon S. Flagg;
A bill (H. R. 4027) granting a pension to Sophia F. Bixby;
A bill (H. R. 4031) granting a pension to Rachel W. Heard;
A bill (H. R. 4076) for the relief of George A. Roberts;
A bill (H. R. 4077) granting a pension to Frederick Korth;
A bill (H. R. 4101) granting a pension to Martha A. Silkey;
A bill (H. R. 4111) granting a pension to Minervia T. Thompson;
A bill (H. R. 4114) granting a pension to Capt. Anthony Harsell;
A bill (H. R. 4116) increasing the pension of John P. Brinegar;
A bill (H. R. 4118) granting a pension to Frank Lightner;
A bill (H. R. 4122) granting a pension to Mary E. Snow;
A bill (H. R. 4125) granting a pension to John M. Milton;
A bill (H. R. 4131) for the relief of Samuel C. Peck, jr.;
A bill (H. R. 4132) granting a pension to Mary E. Johnson;
A bill (H. R. 4224) for the relief of Amanda Rodgers;
A bill (H. R. 4287) to grant a pension to Nancy J. Freels, widow of Pleasant M. Freels, late of Company E, Third Infantry Volunteers.
A bill (H. R. 4346) granting a pension to Elijah W. Putney;
A bill (H. R. 4370) granting a pension to M. S. Towne;
A bill (H. R. 4389) granting a pension to William Bridges;
A bill (H. R. 4395) granting a pension to Betsey Martin;
A bill (H. R. 4400) granting a pension to Polly Belden;
A bill (H. R. 4405) for the relief of William F. Miller;
A bill (H. R. 4410) for the relief of John C. Clark;
A bill (H. R. 4461) granting a pension to Stevens W. Merrill;
A bill (H. R. 4493) to amend the act of June 15, 1844, and for other purposes;
A bill (H. R. 4517) granting a pension to Timothy Driscoll;
A bill (H. R. 4538) granting a pension to Mary Ann Murphey;
A bill (H. R. 4572) granting a pension to Willis W. Fink;
A bill (H. R. 4579) granting an increase of pension to Thomas S. Owens;
A bill (H. R. 4580) to grant a pension to William Taylor;
A bill (H. R. 4592) granting a pension to Agnes Renz;
A bill (H. R. 4824) granting an increase of pension to James Morgan;
A bill (H. R. 4918) granting a pension to J. Francis Hopper;
A bill (H. R. 4960) granting a pension to Mary S. Webster;
A bill (H. R. 4992) restoring Leander C. Twichell to the pension-roll;
A bill (H. R. 4999) to place the name of James B. Wilde on the pension-roll;
A bill (H. R. 5000) to place the name of John W. Logan on the pension-roll;
A bill (H. R. 5022) increasing the pension of Isabella J. Ramsdell; and
A bill (H. R. 5024) granting a pension to William Christie;

JUDICIAL DISTRICTS IN CALIFORNIA.

Mr. TUCKER. I call up for consideration the bill (H. R. 5196) to detach certain counties from the United States judicial district of California and create the United States judicial district of Southern California; and yield to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. This bill was read the day before yesterday. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from its further consideration and that it be considered in the House.

The SPEAKER. The bill (H. R. 5196) is on the House Calendar, unless it has been sent to the Committee of the Whole House on the state of the Union since it was reported. The Chair is advised it has not been.

Mr. HOLMAN. I suppose there will be no objection to the bill being considered in the House if an amendment is allowed to reduce the judge's salary.

Mr. HEPBRUN. I will agree to that.

The SPEAKER. The Chair will state that on investigation he finds that the bill against which the point of order was made the other day and which was referred to the Committee of the Whole House on the state of the Union was the bill in charge of the gentleman from Illinois [Mr. EDEN], which has just been passed. The present bill is subject to the same point of order if made. If the point of order is not made the bill will be considered in the House. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

Mr. HEPBURN. The bill has been read before.

Mr. WARNER, of Ohio. Let it be read again.

The bill was read, as follows:

Be it enacted, &c., That all that portion of the State of California now comprised in the counties of San Diego, San Bernardino, Los Angeles, Ventura, Santa Barbara, San Luis Obispo, Fresno, Tulare, and Kern is hereby detached from the United States judicial district of California, and made a separate judicial district, called the southern district of California.

SEC. 2. That the regular terms of the circuit and district courts of the United States, respectively, shall be held at Los Angeles, in said southern district of California, beginning on the second Monday in August and the second Monday in January in each year.

SEC. 3. That the district of California shall hereafter consist of all of the counties of said State not named in this act, and shall hereafter be called the northern district of California; and the circuit and district courts shall be held therein at San Francisco, as follows: Beginning on the first Monday in February, the second Monday in July, and the fourth Monday in November in each year.

SEC. 4. That the circuit or district court for either of said districts may, in its discretion, order special terms, and order a grand or petit jury, or both, to attend the same, by an order to be entered of record twenty days before the day at which said special term shall be ordered to convene; and said courts, respectively, at such special terms shall have all the powers that they have at a regular term appointed by law: *Provided, however*, That no special term of said circuit court for either district shall be appointed except by and with the concurrence and consent of either the circuit judge or circuit justice.

SEC. 5. That all suits and other proceedings of every kind and nature now pending in the circuit or district court of the United States for the district of California shall be tried and disposed of in the circuit and district courts respectively, for said northern district of California as the same would have been if this act had not been passed, and for that purpose jurisdiction is reserved to said courts in the said northern district of California; and the clerks of the circuit and district courts of the present district of California shall retain the records and files of said courts at the city of San Francisco, and do and perform all the duties appertaining to the said offices, respectively, within said northern district, except as hereinafter provided; and all process returnable to or proceedings noticed for any term of the present circuit or district court of California shall be deemed returnable to the next term of said courts, respectively, in the said northern district, as fixed by this act.

SEC. 6. That upon application of any party to any suit or proceeding now pending in the present circuit or district court of the present district of California, which would have been commenced in the proper court for the southern district of California if this act had been in force at the time of the commencement thereof, the proper court shall order that the same be removed for further proceedings to the proper court for said southern district, at the cost of the party applying for such removal; and thereupon the clerk shall transmit certified copies of all the papers, and of all orders and records made therein, to the clerk of the court to which suit or proceedings shall be removed, and all other proceedings shall be had in said court to which the same shall be removed as if said suit or proceeding had originally been commenced therein.

SEC. 7. That the passage of this act shall not have the effect to destroy or impair the lien of any judgment or decree rendered in the circuit or district court of the United States for the present district of California prior to this act taking effect; and final process on any judgment or decree entered in the circuit or district court of the United States for the district of California, or which shall be entered therein prior to this act taking effect, and all other process for the enforcement of any order of said courts, respectively, in any cause or proceeding now pending therein, except on proceedings removed as herein provided, shall be issued and made returnable to the proper court for the said northern district of California, and may be directed to and executed by the marshal of the United States for the said northern district in any part of the State of California.

SEC. 8. That there shall be appointed a district judge for said southern district of California, who shall reside therein, and who shall receive an annual salary of $5,000, payable quarterly from the Treasury; and there shall also be appointed a marshal and attorney of the United States for said southern district of California, who shall, respectively, receive such fees and compensation and exercise such powers and duties as are now fixed and enjoined by law.

SEC. 9. That the circuit and district judges of said southern district of California shall each, respectively, appoint a clerk for their respective courts, who shall reside and keep their office at Los Angeles, in said district, and who shall receive such fees and compensation for services performed by them, respectively, as are now fixed by law. The same person may be appointed clerk of both courts.

SEC. 10. That either of the clerks of the circuit and district courts for the said northern district of California is hereby authorized, at the request of the district judge of said southern district, and at the cost of the parties requiring the same, to make transcripts of any of the records, files, or papers of the district and circuit courts of the United States remaining in the office of the clerks of the present district of California, and of all matters and proceedings which relate to or concern liens upon or titles to real estate situated in said southern district; and such transcripts, when so made by either of said clerks, shall be certified to be true and correct by the clerk making the same, and the same, when so made and certified, and filed in the proper court, shall constitute the record in such court, and shall be evidence in all courts and places equally with said originals.

SEC. 11. That nothing in this act shall in any manner affect the tenure of office of the judge, marshal, United States attorney, or other officers of the present district of California, who shall, respectively, be entitled to the same salaries, fees, and emoluments now received by them.

SEC. 12. That this act shall take effect from and after its passage.

Mr. HOLMAN. Mr. Speaker, I desire to offer an amendment to the eighth section of the bill. That section provides "that there shall be appointed a district judge for such southern district of California, who shall reside therein, and who shall receive an annual salary of $5,000, payable quarterly from the Treasury." I wish to move to reduce the salary there to $4,000. I think that $3,500 would be the proper sum; but I suggest that the amount be made $4,000.

Mr. HEPBURN. I think there will be no objection to that on the part of the committee.

The amendment was agreed to.

Mr. HEPBURN. Mr. Speaker, I move to strike out the word "quarterly," in line 4 of section 8, and to substitute "monthly," so as to make the payment in this case conform to the usual rule.

The amendment was agreed to.

The previous question was ordered upon the engrossment and third reading of the bill; and being engrossed, the bill was accordingly read the third time, and passed.

Mr. HEPBURN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CLAIMS OF CERTAIN STATES.

Mr. TUCKER. Mr. Speaker, I call up Senate bill No. 71, for the benefit of the States of Texas, Colorado, Oregon, Nebraska, California, Kansas, and Nevada, and the Territories of Washington and Idaho, and Nevada when a Territory, and I yield to the gentleman from Texas [Mr. CULBERSON].

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the Secretary of the Treasury and the Secretary of War, in adjusting the claims of the States of Texas, Colorado, Oregon, Nebraska, California, Kansas, and Nevada, and the Territories of Washington and Idaho, and Nevada when a Territory, arising under acts of Congress approved July 27, 1861, and June 27, 1882 (United States Statutes, volume 12, page 276, and volume 22, page 111), shall find that any original paper relating to the claims of said States, as provided for in said acts, shall have been lost, destroyed, or missing, upon proof thereof a copy thereof, and copies of all documents and papers relating thereto, may be certified by the proper State officers of such State having custody of such papers under their seals of office; and such evidence, and all other competent secondary evidence, when filed with the Secretary of the Treasury or Secretary of War, shall be received by them in lieu of such lost original papers, and used in evidence in the adjustment of their said claims in all respects as said original.

The Committee on the Judiciary proposed to amend the bill as follows:

1. Strike out the words "and copies of documents and papers relating thereto" where they occur in the bill.

2. Strike out the following words where they occur in the bill: "and all other competent secondary evidence."

3. Add as a second section of the bill the following words:

That the Secretary of War is hereby authorized to detail three Army officers to assist him in examining and reporting upon the claims of the States and Territory named in the act of June 27, 1882, chapter 241 of the laws of the Forty-seventh Congress; and such officers, before entering upon said duties, shall take and subscribe an oath that they will carefully examine said claims, and that they will, to the best of their ability, make a just and impartial statement thereof, as required by said act.

The amendments proposed by the committee were severally agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CULBERSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JUDICIAL DISTRICTS IN MISSOURI.

Mr. TUCKER. Mr. Speaker, I call up the bill (H. R. 2929), and yield to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent that the reading of the original bill be dispensed with.

Mr. BLAND. I object. I shall raise the point of order on this bill that it ought to go to Committee of the Whole. I ask that the bill be read.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the city of Saint Louis and the following-named counties in the State of Missouri shall constitute the eastern judicial district of Missouri, to wit: Saint Louis, Franklin, Gasconade, Jefferson, Crawford, Washington, Saint François, Sainte Genevieve, Dent, Iron, Madison, Perry, Bollinger, Cape Girardeau, Shannon, Reynolds, Wayne, Scott, Carter, Oregon, Ripley, Butler, Stoddard, New Madrid, Mississippi, Dunklin, Pemiscot, Montgomery, Lincoln, Warren, Saint Charles, Macon, Adair, Audrain, Clark, Knox, Lewis, Marion, Monroe, Pike, Ralls, Schuyler, Scotland, Shelby, Putnam, and Randolph. And all the other counties in the State of Missouri shall constitute the western judicial district of Missouri.

SEC. 2. That the eastern judicial district of Missouri is hereby divided into two divisions, which shall be known respectively as the northern and eastern divisions of said eastern district. The city of Saint Louis and the counties of Saint Louis, Franklin, Gasconade, Jefferson, Crawford, Washington, Saint François, Sainte Genevieve, Dent, Iron, Madison, Perry, Bollinger, Cape Girardeau, Shannon, Reynolds, Wayne, Scott, Carter, Oregon, Ripley, Butler, Stoddard, New Madrid, Mississippi, Dunklin, Pemiscot, Montgomery, Lincoln, Warren, and Saint Charles shall constitute the eastern division of said district, the courts for which are now established and held and shall be continued at the city of Saint Louis. The remaining counties within the eastern district shall constitute the northern division of said district, and the courts therefor shall be held at the city of Hannibal, and shall be styled the district court (or the circuit court, as the case may be) of the United States for the northern division of the eastern district of Missouri. The western judicial district of Missouri shall be divided into four divisions, to be known as the Saint Joseph, the western, the

central, and the southern divisions. The counties of Clay, Ray, Carroll, Charlton, Sullivan, Jackson, La Fayette, Saline, Cass, Johnson, Bates, Henry, Vernon, and Saint Clair shall constitute the western division, the courts for which shall be continued at Kansas City. The counties of Atchison, Nodaway, Holt, Andrew, Buchanan, Platte, Clinton, Caldwell, Livingston, Grundy, Mercer, Harrison, Daviess, De Kalb, Gentry, Linn, and Worth shall constitute the Saint Joseph division, and the courts therefor shall be held at the city of Saint Joseph, and shall be styled the district court (or the circuit court, as the case may be) of the United States for the Saint Joseph division of the western district of Missouri. The counties of Barton, Cedar, Polk, Dallas, Laclede, Pulaski, Jasper, Dade, Greene, Webster, Wright, Texas, Lawrence, Christian, Douglas, Howell, Newton, Barry, McDonald, Stone, Taney, and Ozark shall constitute the southern division of said western district, the courts for which shall be held at the city of Springfield, and they shall be styled the district court (or circuit court, as the case may be) of the United States for the southern division of the western district of Missouri. The remaining counties within the said western district shall constitute the central division of said district, and the courts therefor shall be continued and held at Jefferson City.

SEC. 3. That there shall be, and there are hereby, established a district and circuit court of the United States in each of the several divisions of the said districts herein created, and in each district there shall be held two terms of both the district and circuit courts in each and every year. The times of holding said terms in each of said divisions shall be fixed without delay by the judge of the district court of the proper district. The district judges for the eastern and western districts of Missouri, each in the divisions of his proper district, and the circuit judge of the United States for the eighth judicial circuit, are hereby required to hold the courts aforesaid. Juries shall be summoned for the additional courts hereby created as now provided by law for the summoning of juries in the said districts.

SEC. 4. That hereafter all suits to be brought in the courts of the United States in Missouri, not of a local nature, shall be brought in the division where the defendants, or either of them, reside; but if there be more than one defendant, and a part of them reside in different divisions or districts of said State, the plaintiff may sue in either division or district where one of such defendants resides, and send duplicate writs to the other division or district, directed to the marshal of said district, on which said writs shall be indorsed, by the plaintiff or his attorney, that the same is a duplicate of the original writ sued out of the court of the proper division and district. Any cause may, by the written consent of both parties or their attorneys of record, be transferred to the court of either division or district, without regard to the residence of the defendants, and whether such cause be now pending or be instituted hereafter. All civil causes now pending in any of the courts in said eastern or western district, or any division thereof, against parties residing in some other division hereby created, may remain and be finally disposed of in the court in which they are now pending, respectively, unless the defendants therein shall desire to have the same transferred to the appropriate court of the division in which they reside, in which last event such transfer shall be applied for to the court of the division in which the cause is pending; and when a cause shall be ordered to be transferred, as above provided, to a court in any other division, it shall be the duty of the clerk of the court from which the transfer is made to carefully transmit to the clerk of the court to which the transfer is made the entire file of papers of the cause, and all documents and deposits in his court pertaining thereto, together with a certified transcript of the record of all orders, interlocutory decrees, or other entries in the cause; and he shall also certify, under seal of the court, that the papers sent are all which are on file in said court belonging to the cause, for the performance of which duties said clerk so transmitting and certifying shall receive the same fees as now allowed by law for similar services, to be taxed in the bill of costs and regularly collected with the other costs of the cause; and such transcript, when so certified shall henceforth constitute a part of the record of the cause in the suit.

SEC. 5. That there shall be appointed a clerk for each of said courts at Hannibal, Saint Joseph, and Springfield, and each clerk shall be a resident of the division in which the court of which he is clerk is held; he shall keep an office, and the records, files, and documents pertaining to the court of his division, and he shall discharge all the duties and receive the fees required or allowed by law. And the marshals and the district attorneys for the said eastern and western judicial districts shall be the marshal and attorney, respectively, for the divisions for their respective district, and shall be allowed the same fees and be subject to the same duties and liabilities as may be provided by law; that process issuing out of the courts of either division of said districts shall be directed to the marshal of the district in which the division is located, and may be executed by him or his deputies upon the party or parties against whom issued wherever found within his district; and the marshal of each district shall keep an office and at least one general deputy residing at the place of holding courts in each division, excepting the division in which he may himself reside.

SEC. 6. That all causes and proceedings in law, equity, or bankruptcy now pending in any district or circuit court of the United States in the State of Missouri, where all the defendants (or plaintiffs, where the jurisdiction is derived from the residence of the plaintiffs) shall reside in either of the divisions in which courts are hereby established, shall be transferred to the court of the division in which the defendants (or plaintiffs, where the jurisdiction is derived from their residence) reside; and the transfer may be made in vacation or in term-time. If made in vacation, an affidavit of all the parties defendant that they are resident in said division shall be filed, and ten days' notice of the purpose and time of hearing of said motion shall be given the opposite party or his attorney of record; but if made in term-time, then on motion and affidavit only. And the said circuit and district courts for said divisions shall have the same powers and jurisdiction, with the same right to parties to prosecute appeals and writs of error thereupon, as now pertain to the district and circuit courts for said eastern and western judicial districts. All prosecutions for crimes and offenses heretofore committed shall be commenced and prosecuted in the division where they were committed.

SEC. 7. That before the judge shall fix the terms of courts at Saint Joseph he shall have satisfactory evidence that the county court of Buchanan County has provided and set apart for the use of said courts a court-room, clerk's office, marshal's office, and attorney's office, free of expense to the United States for rent therefor, to be used and occupied until the completion of the public building of the United States Government now in process of construction at said city of Saint Joseph, at which time the courts shall be held and said offices established in said public building; and before the judge shall fix the terms of courts at Hannibal he shall have satisfactory evidence that the county court of Marion County has provided and set apart for the use of said courts a court-room, clerk's office, marshal's office, and attorney's office, free of expense to the United States for rent therefor, to be used and occupied until the completion of the public building belonging to the United States Government now in process of construction at said city of Hannibal, at which time the courts shall be held and said offices established in said public building; and before the court or judge shall fix the terms of said courts at Springfield he shall have satisfactory evidence that the county court of Greene County has provided and set apart for the use of said courts a court-room, clerk's office, marshal's office, and attorney's office, free of expense to the United States for rent therefor.

Mr. HATCH. Mr. Speaker, before the gentleman makes his point of order, I desire to state that one or two members of the Missouri delegation did not expect that this bill would be considered to-day, and have asked the friends of the bill to consent that it be postponed to a day to be named, in order that they may have an opportunity of looking into it and conferring further among themselves in relation to it. With the view of securing harmony in the delegation in regard to this bill, which affects the State of Missouri alone, I now ask unanimous consent that the bill be postponed to a day in the near future. I will name a day that will not interfere with any special order already fixed. I hope that the House will consent to this postponement, and when we come to consider the bill I think a very few minutes will dispose of it. I now ask unanimous consent that this bill be postponed to a day in May which we will agree upon later.

The SPEAKER. The Chair will state that if unanimous consent is given for the postponement of the bill without the point of order being presented, it will then be too late to present the point of order, because postponement will be consideration of the bill.

Mr. BLAND. I think we had better dispose of the bill now, Mr. Speaker.

The SPEAKER. The bill can be postponed with the point of order pending.

Mr. BLAND. I object to any postponement of the bill.

The SPEAKER. The gentleman from Missouri [Mr. BLAND] objects. The gentleman will state his point of order.

Mr. BLAND. Mr. Speaker, this bill provides for holding additional courts, and for impaneling additional juries, which will involve additional expense to the Federal Government; and I therefore make my point of order under the third clause of Rule XXIII:

All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole.

The expense of summoning and paying these jurors will of course require an appropriation of money and necessitate a tax upon the people. The bill further provides that cases shall be commenced in these new districts, and that cases in the present district shall be transferred. The bill is peremptory in that respect. The last clause of the bill, however, as if with the purpose of avoiding expense for court-houses or places of holding courts, provides that unless the county courts in the counties designated shall provide places for holding court the circuit and district judges may refuse to fix terms of court there. But the bill itself is peremptory in regard to the bringing of suits in these new districts, and also peremptory as to the transfer of cases from the present districts to the new districts.

The SPEAKER. Does the bill provide that the United States shall pay the expense of the transfer?

Mr. BLAND. It provides that these cases shall be transferred, and simply leaves it to the county courts to provide the places of holding court. This may necessitate or involve an expense to the Government in providing places for holding these courts. Certainly Congress has no jurisdiction over the county courts of the States; and the officers of the United States whose duty it may be to provide for holding courts will be compelled to provide these places in order to give litigants an opportunity of being heard, for the bill specifically says that criminal cases shall be tried in these districts when the crime has been committed there, and that civil cases shall be begun there, and that cases in the existing district shall be transferred to these courts. Consequently, whether these county courts provide the places for holding the courts or do not do so, the bill imposes expense upon the Federal Government, and hence it "involves a tax or charge upon the people," and should receive its first consideration in Committee of the Whole. It will be impossible to carry out the provisions of this bill without an appropriation for that purpose. As I have remarked, it will be discretionary with the county courts to provide places for holding court, and if these county courts should refuse to make provision for the purpose the expense must fall upon the United States and thereby a tax be imposed upon the people.

The SPEAKER. The bill seems to provide that terms of court shall not be held in these counties unless the county court shall provide the necessary accommodations.

Mr. HATCH. That is a provision of existing law, and one which has always been enforced.

Mr. BLAND. The bill provides simply that the judges may not fix terms of court at these points until places for holding the court are provided. But other portions of the bill, as the Speaker will observe, are peremptory as to the holding of courts; and cases must be brought within the limits of the jurisdiction fixed.

The SPEAKER. The seventh section provides that—

Before the court or judge shall fix the terms of said courts at Springfield he shall have satisfactory evidence that the county court of Greene County has provided and set apart for the use of said courts a court-room, clerk's office, marshal's office, and attorney's office, free of expense to the United States for rent therefor.

And a similar provision is made in regard to holding terms of court at Hannibal.

Mr. HATCH. The provision is mandatory. It provides that terms

of court shall not be held there until the necessary accommodations are provided by the county court.

Mr. BLAND. But the bill also provides for the summoning of jurors and the payment of deputy marshals, for which, of course, appropriations must be made, and thereby a charge imposed upon the people.

Mr. HATCH. That is already provided for by law.

Mr. BLAND. The third section provides that—

Juries shall be summoned for the additional courts hereby created as now provided by law for the summoning of juries in the said districts.

The SPEAKER. The Chair desires, however, to call the attention of the gentleman from Missouri [Mr. BLAND] to the rule which has heretofore been adhered to in the decision of questions of this kind. It has been uniformly held that before a point of order of this character can be sustained it must appear with certainty that an additional appropriation will be required to execute the law if the bill should be passed. Now, it is true that this bill provides for summoning jurors and for holding courts at these additional places in certain contingencies; that is in case the county authorities provide the necessary rooms, offices, &c. But all these courts are to be held merely for the purpose of transacting the judicial business in what now constitutes one district. Civil and criminal proceedings are to be commenced in these courts; but the Chair has no means of determining that the creation of these courts will not in fact diminish the cost of litigation instead of increasing it.

It often, as the Chair knows, diminishes the costs of litigation to the citizens and the Government to have courts convenient to litigants and convenient for the trial of criminals and penal cases.

The Chair is not able to see in this bill any provision which makes it absolutely certain the cost of judicial proceedings in this Territory will be increased. On the contrary, it may be contended, and probably would be, by gentlemen it will be diminished. When it does not appear on the face of the bill that additional appropriations will be required, but is merely a matter of argument, the Chair can not decide that such will necessarily be the case.

Mr. BLAND. Only three grand juries are required now and this bill requires six.

The SPEAKER. The Chair thinks the point of order is not well taken.

Mr. HATCH. I hope my colleague will now withdraw his objection, and allow the bill to be postponed until Saturday, May 29.

The SPEAKER. That has already been assigned.

Mr. HATCH. Then say Wednesday, the 26th.

The SPEAKER. That day also has been assigned.

Mr. BLAND. We had better conclude this bill; and I send up to the Clerk's desk a memorial to be read as a part of my remarks.

The Clerk proceeded to read the memorial.

Mr. HATCH. I rise to a question of order. My colleague did not have the floor for the purpose of having anything read.

The SPEAKER. The gentleman asked to have it read, and there was no objection. The gentleman from Iowa [Mr. HEPBURN] is entitled to the floor.

Mr. HATCH. The gentleman yielded the floor to me, but the Chair did not hear it.

Mr. HEPBURN. For as much time as the gentleman should need.

The SPEAKER. The gentleman rose to ask to have a certain memorial read, no other gentleman seeking the floor.

Mr. BLAND. My desire was to show the House the nature of the opposition to the bill.

The SPEAKER. The gentleman from Iowa, by the usage of the House, is entitled to be heard first in support of the bill.

Mr. BLAND. I will have the memorial read in my own time.

Mr. HEPBURN. I yielded the floor to the gentleman from Missouri.

The SPEAKER. Does the Chair understand the gentleman from Iowa desired to present a substitute?

Mr. HEPBURN. I do.

The SPEAKER. The substitute, then, will now be read.

The Clerk read as follows:

[Substitute for H. R. 2929.]

A bill to amend the act dividing the State of Missouri into two judicial districts and to divide the eastern and western districts thereof into divisions, establish district and circuit courts of the United States therein, and provide for the times and places for holding such courts, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the city of Saint Louis and the following-named counties in the State of Missouri shall constitute the eastern judicial district of Missouri, to wit: Saint Louis, Franklin, Gasconade, Jefferson, Crawford, Washington, Saint Francois, Saint Genevieve, Dent, Iron, Madison, Perry, Bollinger, Cape Girardeau, Shannon, Reynolds, Wayne, Scott, Carter, Oregon, Ripley, Butler, Stoddard, New Madrid, Mississippi, Dunklin, Pemiscot, Montgomery, Lincoln, Warren, Saint Charles, Macon, Adair, Audrain, Clarke, Knox, Lewis, Marion, Monroe, Pike, Ralls, Schuyler, Scotland, Shelby, and Randolph. And all the other counties in the State of Missouri shall constitute the western judicial district of Missouri.

SEC. 2. That the eastern judicial district of Missouri is hereby divided into two divisions, which shall be known, respectively, as the northern and eastern divisions of said eastern district. The city of Saint Louis and the counties of Saint Louis, Franklin, Gasconade, Jefferson, Crawford, Washington, Saint Francois, Sainte Genevieve, Dent, Iron, Madison, Perry, Bollinger, Cape Girardeau, Shannon, Reynolds, Wayne, Scott, Carter, Oregon, Ripley, Butler, Stoddard, New Madrid, Mississippi, Dunklin, Pemiscot, Montgomery, Lincoln, Warren, and Saint Charles shall constitute the eastern division of said district, the courts for which are now established and held and shall be continued at the city of Saint Louis. The remaining counties within the eastern district shall constitute the northern division of said district, and the courts therefor shall be held at the city of Hannibal, and shall be styled the district court (or the circuit court, as the case may be) of the United States for the northern division of the eastern district of Missouri. The western judicial district of Missouri shall be divided into four divisions to, be known as the Saint Joseph, the western, the central, and the southern divisions. The counties of Clay, Ray, Carroll, Chariton, Sullivan, Jackson, La Fayette, Saline, Cass, Johnson, Bates, Henry, Vernon, Putnam, Caldwell, Livingston, Grundy, Mercer, Linn, Barton, Jasper, and Saint Clair shall constitute the western division, the courts circuit and district for which shall be continued at the city of Kansas. The counties of Atchison, Nodaway, Holt, Andrew, Buchanan, Platte, Clinton, Harrison, Daviess, De Kalb, Gentry, and Worth shall constitute the Saint Joseph division and the courts therefor shall be held at the city of Saint Joseph and shall be styled the district court (or the circuit court, as the case may be) of the United States for the Saint Joseph division of the western district of Missouri. The counties of Cedar, Polk, Dallas, Laclede, Pulaski, Dade, Greene, Webster, Wright, Texas, Lawrence, Christian, Douglas, Howell, Newton, Barry, McDonald, Stone, Taney, and Ozark shall constitute the southern division of said western district, the courts for which shall be held at the city of Springfield, and they shall be styled the district court of the United States for the southern division of the western district of Missouri. The remaining counties within the said western district shall constitute the central division of said district, and the courts circuit and district therefor shall be continued and held at Jefferson City.

SEC. 3. That there shall be, and there are hereby, established a district and circuit court of the United States in each of the several divisions of the said eastern and western districts herein created, except the southern division of the western district in which a district court shall be and is hereby created. That in each division there shall be held two terms of the district and circuit courts in each and every year except said southern division of the western district, in which there shall be held two terms of the district court in each and every year. The times of holding said terms of court in the city of Saint Louis, the city of Kansas, and the city of Jefferson shall be held at the times now established by law, and in the other divisions herein named the times of holding said terms of court shall be fixed without delay by the judge of the district court of the proper district. That the counties of Cedar, Polk, Green, Dade, Lawrence, Newton, McDonald, Barry, and Stone of the southern division of the western district aforesaid be, and they are hereby, attached to the western division of the western district for circuit court purposes and that all other counties in said southern division of the western district be, and they are hereby, attached to the eastern division of the western district for circuit court purposes. The district judges for the eastern and western districts of Missouri, each in the divisions of his proper district, and the circuit judge of the United States for the eighth judicial circuit, are hereby required to hold the courts aforesaid. Juries shall be summoned for the courts hereby created as now provided by law for the summoning of juries in the said districts.

SEC. 4. That hereafter all suits to be brought in the courts of the United States in Missouri, not of a local nature, shall be brought in the division having jurisdiction over the county where the defendants, or either of them, reside or may be found; but if there be more than one defendant, and a part of them reside in different divisions or districts of said State, the plaintiff may sue in either division of either district where one of such defendants resides, and send duplicate writs to the other division or district directed to the marshal of said district, on which said writs shall be indorsed by the plaintiff or his attorney, that the same is a duplicate of the original writ sued out of the court of the proper division and district. Any cause may, by the written consent of both parties or their attorneys of record, be transferred to the court of either division or district without regard to the residence of the defendants, and whether such cause be now pending or be instituted hereafter. All civil causes now pending in any of the courts in said eastern or western district, or any division thereof, against parties residing in some other division hereby created, may remain and be finally disposed of in the court in which they are now pending, respectively, unless the defendants therein shall desire to have the same transferred to the appropriate court of the division in which they reside, in which last event such transfer shall be applied for to the court of the division in which the cause is pending; and when a cause shall be ordered to be transferred, as above provided, to a court in any other division it shall be the duty of the clerk of the court from which the transfer is made to carefully transmit to the clerk of the court to which the transfer is made the entire file of papers of the cause, and all documents and deposits in his court pertaining thereto, together with a certified transcript of the record of all orders; interlocutory decrees, or other entries in the cause; and he shall also certify under seal of the court that the papers sent are all which are on file in said court belonging to the cause, for the performance of which duties said clerk so transmitting and certifying shall receive the same fees as now allowed by law for similar services, to be taxed in the bill of costs and regularly collected with the other costs of the cause; and such transcript, when so certified and received, shall thenceforth constitute a part of the record of the cause in the court to which the transfer shall be made.

SEC. 5. That there shall be appointed a clerk for each of said courts at Hannibal, Saint Joseph, City of Kansas, and Springfield, and each clerk shall be a resident of the division in which the court of which he is clerk is held; he shall keep an office, and the records, files, and documents pertaining to the court of his division, and he shall discharge all the duties and receive the fees required or allowed by law. And the marshals and the district attorneys for the said eastern and western judicial districts shall be the marshal and attorney respectively for the divisions for their respective district, and shall be allowed the same fees and be subject to the same duties and liabilities as may be provided by law; that process issuing out of the courts of either division of said districts shall be directed to the marshal of the district in which the division is located, and may be executed by him or his deputies upon the party or parties against whom issued wherever found within his district; and the marshal of each district shall keep an office and at least one general deputy residing at the place of holding courts in each division, excepting the division in which he may himself reside.

SEC. 6. That all causes and proceedings in law, equity, or bankruptcy now pending in any district or circuit court of the United States in the State of Missouri, where all the defendants (or plaintiffs, where the jurisdiction is derived from the residence of the plaintiffs) shall reside in either of the divisions in which courts are hereby established, shall be transferred to the court of the division in which the defendants (or plaintiffs, where the jurisdiction is derived from their residence) reside; and the transfer may be made in vacation or in term time. If made in vacation, an affidavit of all the parties defendant that they are resident in said division shall be filed, and ten days' notice of the purpose and time of hearing of said motion shall be given the opposite party or his attorney of record; but if made in term time, then on motion and affidavit only. And the said circuit and district courts for said divisions shall have the same powers and jurisdiction, with the same right to parties to prosecute appeals and writs of error thereupon, as now pertain to the district and circuit courts for the said eastern and western judicial districts. All prosecutions for crimes and offenses, now pending in any of the courts of said eastern and western districts, or any division thereof, shall be terminated by final adjudication therein, and all

such prosecution hereafter commenced shall be commenced and prosecuted in the division where the offenses were committed.

SEC. 7. That before the judge shall fix the terms of courts at Saint Joseph he shall have satisfactory evidence that the county court of Buchanan County has provided and set apart for the use of said courts a court-room, clerk's office, marshal's office, and attorney's office, free of expense to the United States for rent therefor, to be used and occupied until the completion of the public building belonging to the United States Government now in process of construction at said city of Saint Joseph, at which time the courts shall be held and said offices established in said public building; and before the judge shall fix the terms of courts at Hannibal he shall have satisfactory evidence that the county court of Marion County has provided and set apart for the use of said courts a court-room, clerk's office, marshal's office, and attorney's office, free of expense to the United States for rent thereof, to be used and occupied until the completion of the public building belonging to the United States Government now in process of construction at said city of Hannibal, at which time the courts shall be held and said offices established in said public building; and before the court or judge shall fix the terms of said court at Springfield he shall have satisfactory evidence that the county court of Greene County has provided and set apart for the use of said court a court-room, clerk's office, marshal's office, and attorney's office, free of expense to the United States for rent therefor.

Mr. CLARDY. I would like to have some gentleman explain wherein that differs from the bill of the committee.

Mr. HATCH. I will undertake to do that. Now, to carry out the suggestion made by me when I asked unanimous consent and in order that I may do everything in my power with the friends of the bill to secure harmonious action on the part of the delegation, I will move the bill be postponed until Thursday, the 13th day of May, and be made the special order for that day. There is no other special order for that day, and I hope it will be agreed to. Of course it is not to interfere with revenue or appropriation bills.

The SPEAKER. The only motion which can be made is a simple motion to postpone indefinitely or to a day certain. It rests with the gentlemen having charge of the bill when the day arrives to say whether they will call it up or not.

Mr. HATCH. I move its postponement until the 13th day of May next.

Mr. BLOUNT. Not to be called up if it interferes with existing prior orders.

Mr. HATCH. Do you mean prior orders?

Mr. BLOUNT. Yes, sir.

Mr. HATCH. Of course, I will not.

Mr. BLAND. Is this motion debatable?

The SPEAKER. It is.

Mr. BLAND. I rise for the purpose of debating it, and ask that the memorial be read in my time.

Mr. HATCH. I have not yielded the floor, Mr. Speaker. I was simply answering the question of the gentleman from Georgia, who wanted to know the scope of the motion made by me. I am not through.

I move the postponement of the bill to Thursday, May 13, with the statement I have made; and upon that I demand the previous question.

Mr. BLAND. Mr. Speaker, I hardly think the gentleman had the floor for that motion.

The SPEAKER. The gentleman had not yielded the floor, as he states. If the previous question is ordered there will be thirty minutes for debate, fifteen on each side.

Mr. BLAND. I would prefer to have an hour.

The SPEAKER. The question is on the demand for the previous question.

The House divided; and there were—ayes 80, noes 3.

Mr. BLAND (from his seat). No quorum.

Mr. HATCH. I make the point that no gentleman rose in his place and addressed the Chair.

Mr. BLAND. I now rise and make the point that no quorum has voted.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. BLAND and Mr. HATCH were appointed tellers.

Mr. GLOVER. I move that the House do now adjourn.

The House divided; and there were—ayes 43, noes 64.

So the motion was not agreed to.

The SPEAKER. The tellers will resume their places.

ISSUE OF SMALL BILLS FOR CIRCULATION.

Before the count was completed,

Mr. MILLER. While this count is going on I ask unanimous consent to offer a resolution for reference.

The SPEAKER. The gentleman from Texas asks unanimous consent to suspend the present proceedings and introduce a resolution, which will be read, after which the Chair will ask for objection.

The Clerk read as follows:

Resolved, That Thursday, May 20, 1886, be set apart for the consideration of House bill 5788, reported from the Committee on Banking and Currency, to be considered in the House as in Committee of the Whole House, not to interfere with general appropriation bills, bills raising revenue, or previous orders; and if for any reason said bill should not be considered, or the consideration thereof completed on that day, that this order shall continue from day to day until said bill is finally disposed of.

There being no objection, the resolution was referred to the Committee on Banking and Currency.

PRIVATE LAND CLAIMS.

Mr. HALSELL. Mr. Speaker, pending the count I ask unanimous consent for the present consideration of the resolution I send to the desk.

The SPEAKER. The resolution will be read, subject to objection.

The Clerk read as follows:

Resolved, That Tuesday, the 11th day of May, 1886, after the reading of the Journal, be fixed for the consideration of House bill 2851, to provide for ascertaining and settling private land claims in the Territories of New Mexico and Arizona and the State of Colorado, reported from the Committee on Private Land Claims, the order not to interfere with general appropriation or revenue bills or special orders heretofore made by the House.

The SPEAKER. Is there objection to the present consideration of the resolution.

There was no objection.

Mr. STONE, of Missouri. The business from the Committee on the Public Lands should also be excepted.

Mr. HALSELL. All prior orders are excepted.

Mr. DUNHAM. What is the title of the resolution?

The SPEAKER. It refers to certain private land bills.

The resolution was adopted.

Mr. HALSELL moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. STORM. I move that the House do now adjourn.

The question was taken; and upon a division there were—ayes 53, noes 45.

Mr. HATCH. Mr. Speaker, before announcing the result of the vote, I wish to say that the friends of the bill have no desire to antagonize this motion so late in the evening of Saturday and punish our own friends in the effort to secure a quorum; but I want to give notice to the House and to these four gentlemen, or to the two only, who are obstructing the bill, that neither two nor four men can beat a worthy and meritorious bill such as this when the entire House of Representatives is against them; and I give notice that I will call it up at the first opportunity for consideration. [Cries of "Regular order!"]

The result of the vote was then announced as above recorded; and accordingly (at 4 o'clock and 40 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: Petition of Pennsylvania Association of Ex-Union Prisoners of War, favoring the passage of the bill for pensioning prisoners of war—to the Committee on Invalid Pensions.

By Mr. BUCHANAN: Petition of Grange No. 36, of New Jersey, asking for agricultural products the same protection by tariff as accorded other commodities—to the Committee on Ways and Means.

Also, petition of same for the passage of bill to suppress imitation dairy products—to the Committee on Agriculture.

By Mr. BUNNELL: Petition of Granges Nos. 342, Susquehanna County; 309, of Bradford County; 214, of Bradford County; and 237, of Bradford County, Pennsylvania, against the reduction of the tariff on certain agricultural products—to the Committee on Ways and Means.

Also, petition of the same granges, praying for a law to prevent the adulteration of food, especially butter—to the Committee on Agriculture.

By Mr. J. M. CAMPBELL: Petition of Grange No. 602, of Pennsylvania, asking that the proposed tariff bill be so amended as to afford to wool and other agricultural products the same protection that is accorded to other industries—to the Committee on Ways and Means.

Also, petition of Grange No. 602, of Pennsylvania, asking for such legislation as will suppress the manufacture and sale of all imitation dairy products—to the Committee on Agriculture.

By Mr. ERMENTROUT: Memorial of Young Men's Democratic Club, of New York, in favor of the reduction-of-tariff bill—to the Committee on Ways and Means.

By Mr. EVERHART: Memorial of Grange No. 63, Patrons of Husbandry, protesting against the admission free of duty of agricultural raw materials—to the same committee.

Also, memorial of Grange No. 63, Patrons of Husbandry, asking for a law to suppress the traffic in imitation dairy products—to the Committee on Agriculture.

By Mr. FLEEGER: Memorial of Grange No. 442, of Pennsylvania, protesting against legislation favoring the admission to our ports free of duty of all agricultural raw materials, such as wool, hides, raw sugars, tabacco, &c., and asking the same protection that is afforded other industries—to the Committee on Ways and Means.

Also, memorial of Grange No. 442, of Pennsylvania, asking for the passage of bill to protect the dairy interests of the country—to the Committee on Agriculture.

By Mr. GROUT: Testimony in support of House bill granting increase of pension to W. H. H. Buck—to the Committee on Invalid Pensions.

Also, petition from Walter Buchanan and 105 others, citizens of Antrim, N. J., for a revenue tax of at least 10 cents per pound on all forms of adulterated butter—to the Committee on Agriculture.

By Mr. McCOMAS: Petition of Daniel C. Gilman, Enoch Pratt, George W. Brown, C. J. Bonaparte, and many others, citizens of Baltimore, Md., for the establishment of postal savings banks as a part of the Post-Office Department—to the Committee on the Post-Office and Post-Roads.

By Mr. NEAL: Papers relating to the claim of Oliver M. Thurman, of Warren County, Tennessee—to the Committee on War Claims.

By Mr. RYAN: Petition of Local Assembly No. 4089, Knights of Labor, of Burlingame, Kans., against the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. STORM: Memorials of Patrons of Husbandry of Pennsylvania, against certain articles on the free-list—to the Committee on Ways and Means.

By Mr. TAULBEE: Protest of the Board of Trade of Louisville, Ky., against the passage of a bill to authorize the construction of a bridge across the Ohio River at Cairo, Ill.—to the Committee on Commerce.

By Mr. TUCKER: Petition of the widow of Edmund Randolph, deceased, praying for compensation for legal services in the New Almaden Quicksilver mine case—to the Committee on the Judiciary.

By Mr. WILLIS: Petition of citizens of Louisville, Ky., in favor of H. R. 5635, for the relief of Capt. William J. Heady—to the Committee on Pensions.

By Mr. WOODBURN: Petition of C. J. Bassett and 44 others, citizens of Idaho, and of 155 citizens of Oneida and Cassia Counties, Idaho, praying for the passage of the bill introduced by Mr. WOODBURN for the suppression of polygamy in the Territories—to the Committee on Territories.

SENATE.

MONDAY, *April* 26, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Thursday last was read and approved.

SENATOR FROM TENNESSEE.

Mr. HARRIS. Mr. President, I present the credentials of Hon. Washington C. Whitthorne, appointed a Senator by the governor of Tennessee to fill the vacancy occasioned by the resignation of Mr. Jackson, late a Senator from that State.

The PRESIDENT *pro tempore*. The credentials will be read.

The Chief Clerk read the credentials, as follows:

The State of Tennessee, William B. Bate, governor, to all who shall see these presents, greeting:

Know ye that, whereas a vacancy in the Senate of the Congress of the United States from Tennessee exists, by reason of the resignation of Hon. Howell E. Jackson, a duly elected and qualified Senator from Tennessee, and the same having been officially certified to me by the Clerk of the Senate of the United States:

Now therefore I, William B. Bate, governor of the State of Tennessee, by virtue of the power and authority in me vested, do commission Hon. Washington C. Whitthorne, a citizen and inhabitant of Tennessee, to fill said office of Senator in the United States Congress, agreeably to the Constitution and laws, during the term, with all the powers, privileges, and emoluments thereunto appertaining by law.

In testimony whereof I, William B. Bate, governor as aforesaid, have hereunto set my hand, and caused the great seal of the State to be affixed, at the department in Nashville, on this 16th day of April, A. D. 1886.

[SEAL.] WM. B. BATE.

By the governor:

JOHN ALLISON, *Secretary of State.*

The PRESIDENT *pro tempore*. The Senator appointed will please come forward and take the oath of office prescribed by law.

Mr. WHITTHORNE advanced to the chair of the President *pro tempore*, escorted by Mr. HARRIS, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

Mr. HOAR. Mr. President, it did not seem to me proper to make any objection to the taking of the oath by the Senator appointed who has just presented himself, because the authority of the governor is unquestioned; but I wish to call public attention to the fact that this credential (and I think the same is true of past credentials presented to the Senate in the case of an appointment by a State executive) sets forth an assumption of authority by the executive beyond the time for which it is conferred upon him by the Constitution and laws of the United States. This is a certificate that the governor has appointed a successor of Mr. Jackson during his "term," when it should read "until the next meeting of the Legislature."

Mr. HARRIS. Still does it not refer to the term as fixed by law?

Mr. HOAR. That is not a "term" in the ordinary sense of the word. I merely thought it better to call attention to it. The Senator from Mississippi [Mr. GEORGE] had a form of credential prepared and carefully submitted, for an election, which I think it would be well for the State Legislatures to follow; and there are forms in the Senate for an appointment by a State executive which I think it would be well for the governors of States to follow.

This is a very unimportant matter now, and I did not call attention to it until after the Senator had taken the oath; but at some period of a close contest for party supremacy in the Senate when points of this kind are started there might a considerable difficulty arise by following this precedent.

The PRESIDENT *pro tempore*. The credentials will be placed upon file.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Attorney-General, transmitting a letter from the Solicitor-General, recommending an appropriation of $3,500 to place the fifth floor of the Department of Justice building in a condition for occupancy; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented two memorials of Knights of Labor of Cincinnati, Ohio, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

Mr. DOLPH presented a petition of citizens of Northern Idaho, praying for the annexation of the Pan Handle of Idaho Territory to Washington Territory; which was referred to the Committee on Territories.

He also presented a petition of the Board of Trade of Dalles City, Oreg., praying that increased appropriations be made for the construction of the canal and locks at the Cascades of the Columbia River; which was referred to the Committee on Commerce.

Mr. WILSON, of Iowa, presented a memorial of Knights of Labor of Grand Junction, Iowa, remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

He also presented a petition, signed by 160 citizens of Fairfield, Iowa, and a petition, signed by 50 citizens of Fairfield, Iowa, praying for the passage of the bill to organize the Territory of Oklahoma and for the opening up of unoccupied lands therein to settlement; which were referred to the Committee on Indian Affairs.

Mr. WILSON, of Iowa. I present a petition, signed by the board of supervisors of Monroe County, Iowa, and several county officers of that county and a large number of citizens of the county, praying for the passage of House bill No. 4792, for the relief of purchasers and other grantees of the United States, of certain swamp and overflowed lands, and to reimburse and indemnify certain States for claims thereunder. I move that the petition be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. STANFORD presented a memorial of the California and Oregon Land Company, assignee of the Oregon Central Military Road Company, setting forth that the conditions upon which the Congressional grant of lands was made to the State of Oregon to aid in the construction of its road were duly performed, and praying that the title be not disturbed; which was referred to the Committee on Public Lands.

Mr. HOAR presented a petition of Knights of Labor of North Adams, Mass., praying that liberal appropriations be made for works of internal improvement, and especially for the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

He also presented a petition of Knights of Labor of Mechanic's Falls, Me., praying for the construction of a harbor of refuge at Sandy Bay, Rockport, Mass.; which was referred to the Committee on Commerce.

Mr. PLUMB presented a petition of citizens of Kansas, praying for the passage of a bill providing for the organization of the Territory of Oklahoma and that the unoccupied lands therein be opened to homestead settlement; which was referred to the Committee on Indian Affairs.

Mr. PLUMB. I also present a petition of the delegates to District Assembly No. 66, Knights of Labor, of the city of Washington, D. C., in regard to the pay of firemen in this District; and as the petition is short I ask that it be read, omitting the names. I will state that the matter to which it refers is under consideration now by the Committee on Appropriations, and I ask that the petition be referred to that committee.

The petition was read, and referred to the Committee on Appropriations, as follows:

DISTRICT ASSEMBLY No. 66, KNIGHTS OF LABOR,
Washington, D. C., April 22, 1886.

To the Senate of the United States:

The undersigned, delegates to District Assembly No. 66, Knights of Labor, request the Senate to fix the pay of the fire department of the District of Columbia at $1,000 per annum for privates, firemen, tillermen, and drivers, and at $1,200 per annum for foremen, engineers, and fire marshal.

This service demands and has secured the best of courage, strength, intelligence, and moral character; it exacts unceasing duty and involves extreme personal danger.

The present pay is below the earnings of capable mechanics in many of our trades and much lower than it is in other cities. Justice requires that the moderate increase above specified should be granted.

If a democratic system existed here we, as employers of the men in the fire department, would be willing and able to give them fair pay. In the absence of such a system we respectfully request the Senate to do what the employés of the fire department and their fellow-citizens mutually desire.

Mr. HEARST presented resolutions of the Legislature of California; which were referred to the Committee on Claims, and ordered to be printed in the RECORD, as follows:

Senate concurrent resolution No. 25 (adopted March 5, 1885).

Whereas the law of July 27, 1861, and the "Joint and declaratory resolution" of March 8, 1862, provided for the reimbursement to the States of all sums by them expended in defense of the United States; and

Whereas under the interpretation of said original act of 1861, made two days

after its passage by the Secretary of the Treasury, the States were led to believe that if they, respectively, borrowed money on their own account and advanced it to the United States, under the conditions mentioned in said law, that said sums, together with the interest paid thereon, would be refunded to them, that having been the practice of the United States in such cases for more than sixty years; and

Whereas acting under this impression and belief, many of the States did borrow moneys and advance them to the United States, and paid interest thereon from their own resources; and

Whereas the principal has, in a great measure, been refunded by the United States to the States advancing said moneys; still, the interest paid by such States, as aforesaid, has not been refunded; and

Whereas it is held by the Treasury Department, through which such reimbursement settlements are made, that specific legislation will be required to justify the payment of such interest; and

Whereas Congress has always heretofore provided, specifically, for the payment of interest on such advances made in any war, either foreign or Indian, beginning with the act of March 3, 1825, to reimburse Virginia for interest on advances made during the war of 1812, to that of March 3, 1881, to reimburse California on account of similar expenditures made in one of her Indian wars; and

Whereas during the late war, and under authority of said "reimbursement" acts of 1861, and 1862, the State of California advanced to the United States money which she borrowed, and on which she paid interest, and which interest has in no part been refunded by the United States, but is now justly due the State; and

Whereas there are now pending in both branches of the present Congress measures designed to authorize the settlement of the claims of the several States for such interest (being S. 2000 and H. R. 2465), and which said measures have been reported on by the committees to which they were referred, in both Houses, in unanimously favorable reports: Therefore,

Be it resolved by the senate (the assembly concurring), That our Senators and Representatives in Congress be, and they are hereby, requested to give their active support to said bills, or to others having the same object in view, and to use their best endeavors, in co-operation with the agent of this State and in support of his efforts, to thus secure to the State the amounts by her expended, as aforesaid.

Be it further resolved, That a copy of the above preamble and resolution be sent by the governor of this State to our Senators and Representatives in Congress, and to our State agent.

Senate concurrent resolution No. 26, requesting our Senators and Representatives in Congress to give their support to certain measures now pending in Congress, or such as may hereafter be presented thereto, designed to effect the proper adjustment of the accounts of the different States, Territories, and the District of Columbia with the United States arising out of the proceedings under the "direct-tax" law of August 5, 1861 (adopted March 3, 1885).

Whereas under the provisions of the law of August 5, 1861, a direct tax of $20,000,000 was levied for war purposes by the United States and apportioned to the various States and Territories of the Union and the District of Columbia, according to their respective populations; and

Whereas the amount of said tax so apportioned to the State of California was paid by the State in conformity with the provisions of said law; and

Whereas while part of the other States and Territories and the District of Columbia have, like California, paid in full the tax thus apportioned to them, respectively, many of those remaining have only paid in part, and some have paid nothing at all; and

Whereas by reason of such partial collection of said taxes (as shown by the official letter of the Secretary of the Treasury dated June 14, 1884) over $5,000,000 of the same remains unpaid, and now stands charged on the books of the Treasury against the States and Territories delinquent, according to the measure of their respective delinquencies; and

Whereas while, by act of Congress, the operation of said law as to the collection of said tax has long been suspended, still the interest and penalties thereby required to be collected have been permitted to accumulate, until now the amount of the original levy, where delinquent, has almost quadrupled; and

Whereas to enforce collection of such unpaid tax, penalties, and costs would, in the language of the Secretary of the Treasury, "put a grievous burden upon the people of the States which are in default of payment;" and therefore, in the words of the Comptroller of the Treasury, "it is believed that there is no desire now, on the part of any class of citizens, that the payment of this tax should be enforced;" and

Whereas it is contemplated by the Constitution of the United States, and is required by the principles of common justice, that "taxes shall be uniform throughout the United States," and that it would be violative of both to compel the payment of such levy by part of the United States and Territories while others were exempt from such burden; and

Whereas measures are now pending in both branches of the present Congress (being House bill No. 110 and Senate No. 795) which provide for the adjustment of this whole question, by authorizing the refunding to the States and Territories which have paid any or all of said tax the amount so paid, and the cancellation of all charges on account of delinquency against such States and Territories as have not paid the same; and

Whereas the method of adjustment proposed by said bills has the hearty approval and indorsement of the Secretary and Comptroller of the Treasury, to whom said bills were referred by the committees of Congress considering the same for their efficient examination and report; and

Whereas approving said plan of adjustment as being in its nature a measure of relief to the States in default and one of simple justice to those which have paid, and in view of the important interests therein involved to the State of California: Therefore,

Be it resolved by the Senate (the assembly concurring), That our Senators and Representatives in Congress be requested to urge the passage of the bills hereinbefore referred to, or other measures having the same object in view, and to use their best endeavors, in co-operation with the agent of this State and in support of his efforts, to thus secure to the State the amount paid by her on account of said tax.

Be it further resolved, That a copy of the above preamble and resolution be sent by the governor of this State to our Senators and Representatives in Congress, and to our State agent.

STATE OF CALIFORNIA, *Department of State.*

I, Thomas L. Thompson, secretary of state of the State of California, do hereby certify that I have carefully compared the annexed copy of senate concurrent resolutions Nos. 25 and 26, adopted by the Legislature of the State of California March 5, 1885, with the original now on file in my office, and that the same is a correct transcript therefrom and of the whole thereof. Also that this authentication is in due form and by the proper officer.

Witness my hand and the great seal of State, at office in Sacramento, Cal., the 9th day of April, A. D. 1885.

[SEAL.]

T. L. THOMPSON,
Secretary of State.

By A. E. SHATTUCK, *Deputy.*

Mr. HAMPTON presented a petition of citizens of Kershaw County, South Carolina, praying for the passage of the educational bill; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 2410) for the addition of a third story to the public building in Dallas, Tex., reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 6980) making an appropriation to complete the public building at Jackson, Tenn., and to reappropriate an unexpended balance therefor, reported it without amendment.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (H. R. 453) to forfeit the lands granted to the Atlantic and Pacific Railroad Company to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast, and to restore the same to settlement, and for other purposes, reported it with amendments.

Mr. MORGAN. In behalf of the minority of the committee I submit an amendment to the bill, which I ask be printed.

The PRESIDENT *pro tempore*. The amendment will be received and printed; and the bill will be placed on the Calendar.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 319) to forfeit the unearned lands granted to the Atlantic and Pacific Railroad Company "to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast," and to restore the same to settlement, and for other purposes, reported adversely thereon; and the bill was postponed indefinitely.

COURT OF ALABAMA CLAIMS.

Mr. HOAR. I am directed by the Committee on the Judiciary to report a bill extending the time for the completion of the records of the clerk of the Court of Commissioners of Alabama Claims and the transfer of the same to the Department of State.

The bill (S. 2239) extending the time for the completion of the records of the clerk of the Court of Commissioners of Alabama Claims and the transfer of the same to the Department of State, was read the first time by its title.

Mr. HOAR. It is very important that that bill should become a law before the 1st of May, and I ask leave to have it considered at the present time. Let it be read for information.

The bill was read the second time at length, as follows:

Be it enacted, &c., That the powers of the clerk of the late Court of Commissioners of Alabama Claims, as extended by section 2 of the act of Congress relating thereto, approved June 3, 1884, be, and they hereby are, extended for an additional period, not to exceed two months from and after the 30th day of April, 1885, for the purpose of closing up the business of his office, and for depositing the records, documents, and all other papers of the court or its officers in the office of the Secretary of State, as provided in the act re-establishing said court, and the act therein referred to, and said clerk is hereby authorized to employ such assistants as he may deem necessary for the purpose of enabling him to carry into effect the provisions of this act, not to exceed in number those heretofore employed, said assistants to be paid monthly, at the same rate of compensation heretofore paid them, on vouchers certified by said clerk, under the direction of the Secretary of State, from said Geneva award fund; and all disbursements shall be made by said clerk, under the direction of the Secretary of State.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BONDS OF BREWERS.

Mr. MORRILL. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 444) to amend section 3336 of the Revised Statutes of the United States, to report it with an amendment.

As it is very important that this bill should pass before the 1st of May, the time when the bonds are given by brewers to which the bill relates, I ask unanimous consent for its present consideration.

The PRESIDENT *pro tempore*. Is there objection?

Mr. INGALLS and others. Let it be read for information.

The bill was read, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to consider it. It proposes to amend section 3336 of the Revised Statutes of the United States so as to read:

SEC. 3336. Every brewer, on filing notice as aforesaid of his intention to commence or continue business, shall execute a bond to the United States, to be approved by the collector of the district, in a sum equal to three times the amount of the tax which, in the opinion of the collector, said brewer will be liable to pay during any one month, and conditioned that he shall pay, or cause to be paid, as herein provided, the tax required by law on all beer, lager-beer, ale, porter, and other fermented liquors made by of for him, before the same is sold or removed for consumption or sale, except as hereinafter provided; and that he shall keep, or cause to be kept, a book, in the manner and for the purposes hereinafter specified, which shall be open to inspection by the proper officers, as by law required; and that he shall in all respects faithfully comply, without fraud or evasion, with all requirements of law relating to the manufacture and sale of any malt liquors aforesaid; and he shall execute a new bond whenever required so to do by said collector, in the amount above named and conditioned as above provided, which bond shall be in lieu of any former bond or bonds of such brewer in respect to all liabilities accruing after its approval by said collector.

Mr. MORRILL. I wish to say that the only change in the House bill proposed by the Committee on Finance is to provide that instead of the bonds being given every year they shall be given whenever required by the collector, and that the bonds shall be given as often as once in four years. It is a very short time for the bill to go back to the other House and be acted upon there before the 1st of May. It may

be somewhat questionable whether the amendment of the committee ought to be adhered to, but I leave it for other members of the committee to say what they choose about it.

Mr. INGALLS. The Senator has explained how the bill as amended by the Committee on Finance changes the proposition as it came from the other House. Will he explain how the proposition submitted by the House differs from the existing statute?

Mr. MORRILL. The proposition of the House of Representatives differs from the existing statute in this, that the existing law provides that these bonds shall be given every year on the 1st of May. That is thought to be a great inconvenience for parties continuing in business. The amendment proposed by the Committee on Finance is that the bonds shall not only be renewed at the demand of the collector, but that they shall be certainly renewed once in four years.

Mr. DAWES. The bill as passed by the other House proposes that the brewers shall give a bond once for all unless required to give a new one.

Mr. MORRILL. Yes; and the bill also increases the sum from twice the amount that is supposed will be collectible every month to three times the amount. So it makes the bond a very good one.

So far as I have been able to consult the members of the Finance Committee since reporting the bill they adhere to the amendment made. I shall therefore ask a vote upon the amendment.

Mr. BECK. I desire to hear the amendment read before the vote is taken.

The PRESIDENT *pro tempore*. The amendment reported by the Committee on Finance will be stated.

The CHIEF CLERK. In line 22, after the word "bond," the committee report to insert the words "once in four years and;" so as to read:

> And that he shall in all respects faithfully comply, without fraud or evasion, with all requirements of law relating to the manufacture and sale of any malt liquors aforesaid; and he shall execute a new bond once in four years, and whenever required so to do by said collector, in the amount above named and conditioned as above provided, which bond shall be in lieu of any former bond or bonds of such brewer in respect to all liabilities accruing after its approval by said collector.

Mr. BECK. I believe that amendment was passed by the committee last Saturday morning.

Mr. MORRILL. It was on Friday.

Mr. BECK. It so happened that I was called to the Committee on Appropriations and the Committee on Finance at the same time, and did not reach the Committee on Finance to hear the amendment discussed, and I was not aware until this moment that it had passed. I thought when the committee met at its regular meeting we had agreed to pass the brewers' bill, as it is called, just as it came from the other House, because the bonds have to be renewed by the 1st of May or great confusion will then ensue. The report of the House committee accompanying the bill reads thus:

> The Committee on Ways and Means, to which was referred the bill (H. R. 444) entitled "An act to amend section 3336 of the Revised Statutes of the United States," respectfully reports:
>
> That it has considered said bill, and hereby reports it with the recommendation that it do pass. It relieves the brewers from an unnecessary renewal of bonds without in any sense impairing the security given to the United States.
>
> The committee appends hereto the letter of Mr. Rogers, deputy commissioner, then acting Commissioner.
>
> TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
> *Washington, March* 3, 1886.
>
> SIR: I have the honor to inclose herewith copy of H. R. 444, "A bill to amend section 3336 of the United States Revised Statutes," together with letter of Hon. WILLIAM C. P. BRECKINRIDGE, of the Committee on Ways and Means of the House of Representatives, inclosing said copy to me, with request for my recommendation concerning same.
>
> In respect to this matter I have to say, that the purpose of this bill is to relieve brewers from giving annual bonds to the United States to secure the payment of the tax upon fermented liquors as well as to insure the performance of divers other duties, such bonds to be given in a sum equal to twice the amount of tax which in the opinion of the collector the brewer will be liable to pay during any one month, and to substitute for this provision a requirement for the giving of a continuing bond to the United States for like purposes, in a sum equal to three times the amount of the tax which in the opinion of the collector the brewer will be liable to pay in any one month, with a further provision that the brewer shall execute a new bond whenever required so to do by the collector, to be in lieu of any former bond or bonds in respect to all liabilities accruing after its approval.
>
> In reference to a similar bill introduced into the last previous House of Representatives, the opinion expressed by the then Commissioner was to the effect that such a bond, with the right to call for a new bond whenever desirable, was an equivalent for the yearly bond now required by law.
>
> Upon full consideration of this matter I am of the opinion that the view heretofore expressed by this office, above referred to, is correct, and I therefore recommend the passage of this bill.
>
> Respectfully,
>
> H. C. ROGERS, *Acting Commissioner.*
>
> Hon. DANIEL MANNING,
> *Secretary of the Treasury.*

With that recommendation the Committee on Finance, as I understood, agreed to order the bill to be reported as it came from the House so that final action could be taken before the 1st day of May and the brewers could go on with their business. This amendment, agreed upon in committee last Friday and now asked to be voted upon, would make it impossible for brewers to comply with that requirement before the 1st day of May, when their business begins. I have a letter, which I expected to lay before the committee to-morrow at their regular meeting, from an exceedingly well-informed man in regard to this business, which reads thus:

> WASHINGTON, D. C., *April* 25, 1886.
>
> Hon. JAMES B. BECK, *United States Senate:*
>
> DEAR SIR: H. R. bill No. 444, which passed the House unanimously last Friday, has been amended in Committee by Senator SHERMAN so as to make the bond renewable every four years instead of at the option of the collector. The amendment makes the bill almost valueless, as it compels the brewers to give during the first four years three bonds, with higher instead of four bonds with smaller securities. Senator MORRILL is instructed to call up the amended bill to-morrow. If thus amended it passes the Senate it is nigh impossible that it will go through the House before May 1, and the brewers have before that day to renew their bonds under the present law. If the new bill passes after May 1 they will have to give a new bond, and before the expiration of four years another one, making three altogether. That would be hardly worth the trouble.
>
> The bill before the Senate was drawn two years ago by Solicitor Chesley, and recommended by two Secretaries (Folger and Manning) and two Commissioners (Evans and Miller). It gives the collectors power to call for new bonds at any time. Besides, the bond is to be one-third larger, thus securing the Government more strongly. They are satisfied, and why should not Senator SHERMAN be? I inclose report from Ways and Means Committee.
>
> Since 1862 only $3,200 have been collected on brewers' bonds, and that was during the first two years from some small brewers. The bonds are entirely superfluous, as the Government has ample security otherwise.
>
> I beg you to endeavor to pass the bill as it came from the House.

I thought that view was agreed to by the committee. That is what I shall vote for. I believe the reasons given by both Commissioners and by the Committee on Ways and Means make it unnecessary to adopt the amendment, because the Commissioner can call for a new bond at any moment, without making a compulsory demand upon those people and unnecessarily delaying the passage of the bill until after the 1st of May, when all would be thrown into confusion. Instead of aiding those people the amendment now offered by the Committee on Finance absolutely deprives them of the benefit which we thought they ought to have and which the other House was endeavoring to give them.

Mr. DAWES. Will the Senator before he takes his seat—perhaps he has already done it—explain the hardship which the bill proposed to remedy? I am a little rusty.

Mr. BECK. The brewers every year on the 1st of May renew their bonds, which is sometimes a very troublesome matter.

Mr. DAWES. Under existing law the bond is renewed every year?

Mr. BECK. Under existing law they have to renew their bonds every year. The bill requires them to give a bond for one-third more than they give at present, or for three times the monthly capacity instead of twice, and it authorizes the Commissioner to require a new bond whenever, in his judgment, one is needed to protect the Government, so that they shall not be required to go over the country every year to work up securities before the 1st of May when there is no necessity for doing so, or at any other given time, but leaves it to the Secretary and his Commissioner to require a new bond whenever he thinks proper.

Mr. MCPHERSON. I ask to have the amendment reported, that I may know what it is.

The PRESIDENT *pro tempore*. It will be again reported.

The Chief Clerk read the amendment, which was, in line 22, after the word "bond," to insert the words "once in four years and."

Mr. ALLISON. I do not think there will be any difficulty in getting the bill through with the amendment before the 1st day of May. If we pass the bill this morning, it can go to the other House and be agreed to this afternoon. These brewers have hitherto been compelled to give a bond once a year. They think, as I understand, that that is too often, and it is proposed now that they shall only give a bond when required to do so by the collector of the district. That might be very well where collectors are vigilant and active, but suppose a collector is a little negligent of his duties?

Mr. INGALLS. Is the proposition that they shall give a bond whenever thereto required by the Commissioner the House proposition or the proposition of the Senate committee?

Mr. ALLISON. That is the House proposition.

Mr. INGALLS. How does the Committee on Finance propose to amend it?

Mr. ALLISON. We add that it shall be done once in four years.

Mr. INGALLS. At least once in four years?

Mr. ALLISON. At least once in four years. So it seems to me that the brewers can without any great difficulty give this bond once in four years, and thus enable the Commissioner of Internal Revenue to overhaul at that time the entire range of the bonds of the brewers. I think the amendment is a just one, and I hope it will pass.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Finance.

Mr. BECK. I call for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. JONES, of Arkansas (after having voted in the negative). I am paired with the Senator from Indiana [Mr. HARRISON], and withdraw my vote.

Mr. BUTLER (after having voted in the negative). I am paired generally with the Senator from Pennsylvania [Mr. CAMERON]. As I see he is not in his seat I withdraw my vote.

Mr. RANSOM (after having voted in the negative). I voted, but seeing that the Senator from New York [Mr. MILLER], with whom I am paired, is not here, I withdraw my vote.

Mr. BLACKBURN. Upon this question I am paired with the Sen-

ator from Nebraska [Mr. MANDERSON]. If he were present, I should vote "nay."

Mr. MAXEY. The Senator from Connecticut [Mr. HAWLEY] is detained at home on a very sad occasion, and I am paired with him. If he were present, I should vote "nay." I withhold my vote, being paired.

Mr. SABIN. I am paired with the Senator from West Virginia [Mr. KENNA], and I do not see him in his seat. I therefore withhold my vote.

The result was announced—yeas 27, nays 19; as follows:

YEAS—27.

Allison,	Frye,	Morrill,	Sherman,
Blair,	Hale,	Palmer,	Spooner,
Conger,	Hoar,	Pike,	Stanford,
Cullom,	Ingalls,	Platt,	Teller,
Dawes,	McMillan,	Plumb,	Van Wyck,
Dolph,	Mahone,	Sawyer,	Wilson of Iowa.
Edmunds,	Mitchell of Oreg.,	Sewell,	

NAYS—19.

Beck,	Coke,	McPherson,	Vest,
Berry,	Eustis,	Morgan,	Voorhees,
Brown,	George,	Payne,	Walthall,
Call,	Hampton,	Pugh,	Whitthorne.
Cockrell,	Harris,	Vance,	

ABSENT—30.

Aldrich,	Evarts,	Jones of Arkansas,	Mitchell of Pa.,
Blackburn,	Fair,	Jones of Florida,	Ransom,
Bowen,	Gibson,	Jones of Nevada,	Riddleberger,
Butler,	Gorman,	Kenna,	Sabin,
Camden,	Gray,	Logan,	Saulsbury,
Cameron,	Harrison,	Manderson,	Wilson of Md.
Chace,	Hawley,	Maxey,	
Colquitt,	Hearst,	Miller,	

So the amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PUBLIC BUILDING AT JACKSON, TENN.

Mr. HARRIS. The Committee on Public Buildings and Grounds reported this morning a bill (H. R. 6980) making an appropriation to complete the public building at Jackson, Tenn., and to reappropriate an unexpended balance therefor. The bill appropriates $7,000 and reappropriates $2,500 more, making in the aggregate $9,500 for the completion of a court-house and post-office in the town of Jackson, Tenn. The work is suspended and can not be resumed until the bill is passed. I ask the unanimous consent of the Senate to consider the bill this morning.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks unanimous consent to consider the bill named by him. The bill will be read for information.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That for the completion of the public building for a court-house and post-office at Jackson, Tenn., there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $7,000, together with an unexpended balance of $2,525.25 appropriated by the sundry civil act approved March 3, 1885, for the approaches, grading, fencing, and paving for said building.

Mr. ALLISON. I should like to inquire how the bill comes from the Committee on Public Buildings and Grounds. It seems to be an appropriation bill.

Mr. HARRIS. It is a public building bill.

Mr. ALLISON. I make no point about it, but a bill of that character, making purely an appropriation, certainly ought to go to the Committee on Appropriations.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill? The Chair hears none, and the bill is before the Senate as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

POTOMAC RIVER FLATS.

Mr. INGALLS. The bill (S. 335) to provide for protecting the interests of the United States in the Potomac River Flats, in the District of Columbia, passed the House of Representatives April 12 with amendments, and on the 13th of April the bill with the House amendments was referred to the Committee on the Judiciary for further consideration. The committee direct me to report the bill back with the recommendation that the Senate do not agree to the amendments made by the House of Representatives, and that a conference be asked, the conferees to be appointed by the Chair.

The PRESIDENT *pro tempore*. The Senator from Kansas, from the Committee on the Judiciary, reports the bill named by him, and moves that the Senate disagree to the amendments of the House of Representatives, and ask for a committee of conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. INGALLS, Mr. WILSON of Iowa, and Mr. VEST were appointed.

Mr. INGALLS. Accompanying this report are certain papers which it is necessary should be before the conference. I ask that they may be printed.

The PRESIDENT *pro tempore*. The order to print the accompanying papers will be made if there be no objection.

HOUSE PENSION BILLS.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 426) granting a pension to Elizabeth A. Robbins;
A bill (H. R. 576) for the relief of Louisa C. Beezeley;
A bill (H. R. 620) granting a pension to Robert Gray;
A bill (H. R. 1585) for the relief of Mrs. Margaret Colbath;
A bill (H. R. 1592) for the relief of Sarah A. Vaughn;
A bill (H. R. 1630) to increase the pension of the widow of the late Capt. Dominick Lynch, United States Navy;
A bill (H. R. 1678) for the relief of Henry N. Huggins;
A bill (H. R. 1997) granting a pension to Nancy R. Brown;
A bill (H. R. 2800) granting a pension to Mary Manes;
A bill (H. R. 3043) granting a pension to Lewis W. Scanland;
A bill (H. R. 3366) granting a pension to Henry Bollman;
A bill (H. R. 3645) granting a pension to Sarah Brooks;
A bill (H. R. 4032) granting a pension to John McGowan;
A bill (H. R. 4143) for the relief of Margaret Madden;
A bill (H. R. 4882) granting a pension to Washington T. Otey,
A bill (H. R. 5051) to place the name of Jacob Madison Pruitt on the pension-roll;
A bill (H. R. 5174) granting a pension to Mrs. M. A. Lewis;
A bill (H. R. 5411) granting a pension to John Butler;
A bill (H. R. 5635) granting a pension to William J. Heady;
A bill (H. R. 5645) granting a pension to Rebecca Allen;
A bill (H. R. 5931) granting a pension to Erdmuthe Kirchner;
A bill (H. R. 5975) to increase the pension of Michael McGrayel;
A bill (H. R. 6088) granting an increase of pension to Nelson Monroe;
A bill (H. R. 6117) granting a pension to James D. Cotton;
A bill (H. R. 6120) for the relief of Richard Horrigan;
A bill (H. R. 6126) granting a pension to Henry G. Ballinger;
A bill (H. R. 6135) granting a pension to James W. Sanford;
A bill (H. R. 6323) granting a pension to Rebecca Reese McKee;
A bill (H. R. 6452) granting a pension to Samantha A. Smith;
A bill (H. R. 6453) granting a pension to Martin J. Reynolds;
A bill (H. R. 6650) granting a pension to Samuel Robbins;
A bill (H. R. 6655) granting a pension to Stokeley D. Dagley;
A bill (H. R. 6670) granting a pension to Susan Malone;
A bill (H. R. 6688) for the relief of William Bishop;
A bill (H. R. 6718) granting a pension to William H. Starr;
A bill (H. R. 6721) granting a pension to John H. Westerhouse, late of Company F, First Regiment Potomac Home Brigade (Thirteenth) Maryland Volunteers;
A bill (H. R. 6747) granting a pension to Mary A. Thomas;
A bill (H. R. 6774) granting a pension to Bruno Schultz;
A bill (H. R. 6776) granting a pension to Catharine Thenn;
A bill (H. R. 6795) for the relief of Mrs. Sarah Casteel;
A bill (H. R. 6801) granting a pension to Elander M. Mooneyhan;
A bill (H. R. 6919) granting a pension to Sarah Ann Williams;
A bill (H. R. 7073) granting a pension to Mary S. Woodson;
A bill (H. R. 7074) granting a pension to William P. Carleton;
A bill (H. R. 7075) granting a pension to Orson W. Sears;
A bill (H. R. 7156) to increase the pension of Antoinette Birney, widow of Maj. Gen. David B. Birney;
A bill (H. R. 7165) to increase the pension of Manhattan Pickett;
A bill (H. R. 7168) for the relief of Mrs. Sallie Ancrum;
A bill (H. R. 7222) granting a pension to Callie West;
A bill (H. R. 7298) for the relief of Charles Schuler;
A bill (H. R. 7300) for the relief of Randolph Seaman;
A bill (H. R. 7365) for the relief of Nancy Franklin;
A bill (H. R. 7519) to increase the pension of Isaac N. Hawkins,
A bill (H. R. 7614) granting an increase of pension to Hezekiah Tillman;
A bill (H. R. 7617) granting a pension to Solomon J. Grissom;
A bill (H. R. 8085) granting a pension to Amos C. Weeden; and
A bill (H. R. 8088) granting a pension to Cummins Porter.

The above fifty-seven pension bills were severally read twice by their titles, and referred to the Committee on Pensions.

BILLS INTRODUCED.

Mr. PIKE introduced a bill (S. 2240) to increase the appropriation for the erection of the public building at Concord, State of New Hampshire; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. DOLPH introduced a bill (S. 2241) providing in certain cases for the forfeiture of wagon-road grants in the State of Oregon; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. SPOONER introduced a bill (S. 2242) to change the limit of appropriation for the public building at La Crosse, Wis.; which was read

twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. SAWYER introduced a bill (S. 2243) to increase the rate of pension for deafness; which was read twice by its title, and referred to the Committee on Pensions.

Mr. RIDDLEBERGER introduced a bill (S. 2244) for the relief of Rachael Dyer, of Fairfax County, Virginia; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 2245) to amend section 162 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. McPHERSON (by request) introduced a bill (S. 2246) to amend rule 12 of section 4233 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SHERMAN introduced a bill (S. 2247) granting a pension to Manon Vangordon; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2248) for the relief of Adam L. Epley, which was read twice by its title, and referred to the Committee on Pensions.

Mr. INGALLS (by request) introduced a bill (S. 2249) to authorize the Secretary of War to credit the Territory of Dakota with certain sums for ordnance and ordnance stores issued to said Territory, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2250) to amend the law regulating license tax of commercial salesmen in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BECK. I have been requested to introduce a bill without being advised as to its merits.

The bill (S. 2251) for the relief of the Mobile and Girard Railroad Company was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL introduced a bill (S. 2252) granting a pension to Susan A. Duncan; which was read twice by its title, and referred to the Committee on Pensions.

REPORT ON INTEROCEANIC CANAL.

Mr. HALE submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 additional copies of drawings and report of a recent survey of the Nicaraguan Canal route, made by Engineer A. G. Menocal, United States Navy; of which 1,000 copies shall be for the use of the Senate and 2,000 copies for the use of the House of Representatives.

TAXATION OF RAILROAD-GRANT LANDS.

Mr. BLAIR. Last Thursday I gave notice that this morning at the conclusion of the morning business I should ask the Senate to consider Senate joint resolution No. 6, for the purpose of submitting some remarks upon it.

The PRESIDENT *pro tempore*. If there are no further "concurrent or other resolutions" the morning business is closed. The Senator from New Hampshire asks that a joint resolution be taken up; which will be read by its title.

Mr. VAN WYCK. Will the Senator from New Hampshire yield to me for a moment?

Mr. BLAIR. I yield for a moment.

Mr. VAN WYCK. I merely rise to say that the bill (S. 1812) to provide for taxation of railroad-grant lands, and for other purposes, was under consideration in the morning hour at the last sitting of the Senate, and I proposed to renew its consideration this morning, but the Senator from New Hampshire had given notice that he desired to occupy the morning hour to-day with some remarks on another subject. Under the circumstances, of course, I can not press the consideration of the bill to-day, but I should very much like to have the consent of the Senate that it may be placed as a special order for Tuesday, the 11th day of May, at 2 o'clock. I think the bill will then be out of the way of everything and can be taken up and immediately passed.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks the unanimous consent of the Senate to make the bill (S. 1812), to provide for taxation of railroad-grant lands and for other purposes, a special order for May 11, at 2 o'clock. Is there objection?

Mr. HARRIS. A special order for when?

The PRESIDENT *pro tempore*. For Tuesday, the 11th day of May. Is there objection to the request?

Mr. ALLISON. I shall not object to the consideration of the bill either on the day named by the Senator from Nebraska or on an earlier day, but I object now to making special orders. The Senator from Nebraska will have no difficulty in getting up the bill at any time, because I think it is the sentiment of the Senate that the bill should be considered at as early a day as practicable; but we have already, I may say by almost unanimous consent, agreed to certain orders of business, and I wish to have that order of business first completed before we enter upon any other special order. So I will say to the Senator from Nebraska that I should be glad to have him take up his bill at an earlier day than he has named.

Mr. VAN WYCK. Very well; with that understanding I shall not insist on the request.

CHINESE IMMIGRATION.

Mr. MITCHELL, of Oregon. On the 8th of April the Senator from New York [Mr. MILLER] presented a memorial from the New York Annual Conference of the Methodist Episcopal Church relating to the Chinese question, and at my instance it was laid on the table for the time being. I give notice that to-morrow morning after the morning business I shall call up the memorial and move its reference to the appropriate committee, and I should like to detain the Senate for a very short time in making some suggestions in regard to it.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 367) to amend section 536 of the Revised Statutes of the United States, relating to the division of the State of Illinois into judicial districts, and to provide for holding terms of court of the northern district at the city of Peoria;

A bill (H. R. 570) for the relief of E. P. Thompson;

A bill (H. R. 2497) to regulate the effect of judgments and decrees of courts of the United States in the several States;

A bill (H. R. 3593) to repeal section 840 and to amend section 839 of the Revised Statutes of the United States;

A bill (H. R. 4849) to punish robbery in the Indian Territory;

A bill (H. R. 5188) prescribing the punishment of horse-stealing in the Indian Territory;

A bill (H. R. 5189) limiting the time for the presentation and payment of claims against the United States;

A bill (H. R. 5196) to detach certain counties from the United States judicial district of California and create the United States judicial district of Southern California;

A bill (H. R. 5545) conferring civil jurisdiction in certain cases arising in the Indian Territory on the United States courts which now or may hereafter exercise criminal jurisdiction over said Territory;

A bill (H. R. 5910) to detach the counties of Howard, Little River, and Sevier from the western and add them to the eastern district of Arkansas;

A bill (H. R. 7212) providing for evidence in cases involving disputed handwriting;

A bill (H. R. 7938) to authorize the Covington and Cincinnati Elevated Railway and Bridge Company to erect a bridge across the Ohio River; and

Joint resolution (H. Res. 79) for the relief of William L. Dunlop, trustee.

The message also announced that the House had passed the following bills:

A bill (S. 135) granting a pension to Mary A. Tibbets;

A bill (S. 214) for the relief of Oscar Eastmond and James W. Atwill;

A bill (S. 364) granting a pension to Nancy Battorff;

A bill (S. 506) for the relief of Emerson Etheridge and William B. Stokes;

A bill (S. 1805) for the relief of Miss Rosa Wallace;

A bill (S. 2156) for the relief of John Randolph Hamilton, of the State of North Carolina; and

A bill (S. 2224) in aid of the national monument at Plymouth, Mass.

The message further announced that the House had non-concurred in the amendment of the Senate to the bill (H. R. 3351) granting a pension to Mrs. Magdalena Rehkopf.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 129) to protect homestead settlers within railway limits, and for other purposes;

A bill (H. R. 3375) granting a pension to John D. Clark;

A bill (H. R. 3390) to place the name of William G. Schoonözer on the pension-roll;

A bill (H. R. 3945) for the relief of Mrs. B. Alfers; and

A bill (H. R. 5022) increasing the pension of Isabella J. Ramsdell.

The message further announced that the House had passed the bill (S. 71) for the benefit of the States of Texas, Colorado, Oregon, Nebraska, California, Kansas, and Nevada, and the Territories of Washington and Idaho, and Nevada when a Territory, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 19) for the relief of David C. Paullus;

A bill (H. R. 129) to protect homestead settlers within railway limits, and for other purposes;

A bill (H. R. 225) granting a pension to Daniel Connolly;

A bill (H. R. 226) granting a pension to Mrs. Martha E. Turney;

A bill (H. R. 291) granting a pension to George H. Campbell;
A bill (H. R. 415) granting a pension to William Condon;
A bill (H. R. 441) granting a pension to Kate Amann;
A bill (H. R. 443) granting a pension to Susan Woolley;
A bill (H. R. 533) for the relief of Thomas Ferguson;
A bill (H. R. 549) granting a pension to Enoch Goss;
A bill (H. R. 551) granting a pension to Rhoda Dane;
A bill (H. R. 553) granting a pension to William J. Suffall;
A bill (H. R. 602) granting a pension to Mrs. Anna D. W. Eichman;
A bill (H. R. 613) for the relief of Catherine Collins;
A bill (H. R. 618) granting a pension to James Morgan;
A bill (H. R. 619) granting a pension to Robert F. H. Goode;
A bill (H. R. 626) granting a pension to Minton Prall;
A bill (H. R. 634) granting a pension to John Defenbaugh;
A bill (H. R. 646) granting a pension to Thomas M. Commuck;
A bill (H. R. 650) granting an increase of pension to Charlotte D. Crocker;
A bill (H. R. 686) to grant a pension to John G. Shawbell;
A bill (H. R. 693) granting a pension to William B. Keith;
A bill (H. R. 698) granting a pension to Philip D. Campbell;
A bill (H. R. 700) granting a pension to Mrs. M. A. Bickerdyke;
A bill (H. R. 702) granting a pension to Dr. J. F. Bruner;
A bill (H. R. 704) granting a pension to Benjamin Dubach;
A bill (H. R. 715) granting a pension to Tunis J. Roosa;
A bill (H. R. 737) granting a pension to N. M. Miller;
A bill (H. R. 746) granting a pension to J. W. A. Bennett;
A bill (H. R. 777) granting a pension to Frederick Bottjer;
A bill (H. R. 788) granting a pension to Jeptha Hornbeck;
A bill (H. R. 802) granting a pension to August Schindler;
A bill (H. R. 805) to increase the pension of James A. Underwood;
A bill (H. R. 274) for the relief of John A. Morris;
A bill (H. R. 7467) to grant for the use of the public a street across the United States grounds in the city of Chattanooga, in the State of Tennessee;
A bill (H. R. 5539) for the relief of James G. Martin;
A bill (H. R. 5549) limiting the cost of the erection of a public building at Rochester, N. Y.;
A bill (H. R. 4579) granting an increase of pension to Thomas S. Owens;
A bill (H. R. 792) granting a pension to David McKinney;
A bill (H. R. 1711) for the relief of George C. Haynie;
A bill (H. R. 3489) granting a pension to Amelia J. Gill;
A bill (H. R. 4516) granting a pension to Harriet M. Larrabee;
A bill (H. R. 4589) granting a pension to Frederick Bauman;
A bill (H. R. 4835) to place the name of John Pruit on the pension-roll;
A bill (H. R. 4813) granting a pension to Perry Johnson;
A bill (H. R. 5061) granting an increase of pension to Samuel Baker;
A bill (H. R. 5074) to provide increase of pension to James Waters;
A bill (H. R. 5191) to increase the pension of Patsy Jackson;
A bill (H. R. 5192) granting a pension to Elmira M. Dorman;
A bill (H. R. 5193) granting a pension to Levi Koontz;
A bill (H. R. 5199) to increase the pension of Thomas G. Barton;
A bill (H. R. 5234) granting a pension to Jesse H. Gaines;
A bill (H. R. 5252) granting a pension to John W. Thornton;
A bill (H. R. 5253) granting a pension to Mrs. Elizabeth Stewart;
A bill (H. R. 5259) granting a pension to William E. Hardy;
A bill (H. R. 5277) granting a pension to Zeba S. Ayer;
A bill (H. R. 5284) granting a pension to Rinaldo R. Somes;
A bill (H. R. 5323) granting a pension to George W. Flint;
A bill (H. R. 5527) granting a pension to Emeline Crawford;
A bill (H. R. 5551) for the relief of Robert Moran;
A bill (H. R. 5583) granting a pension to John G. Burrill;
A bill (H. R. 5678) for the relief of Mrs. Martha A. Marble;
A bill (H. R. 5706) for the relief of Elizabeth Leffman;
A bill (H. R. 5779) granting a pension to Peter Falkner;
A bill (H. R. 5884) to increase the pension of John A. Stewart;
A bill (H. R. 6012) to increase the pension of Leander W. Corey;
A bill (H. R. 6019) granting a pension to Maria Hollands;
A bill (H. R. 6023) for the relief of Frank Sherbonaw;
A bill (H. R. 6044) granting a pension to Eliza Francesco;
A bill (H. R. 6125) granting a pension to W. C. Davis;
A bill (H. R. 6130) granting a pension to Frank Manhart;
A bill (H. R. 6134) granting a pension to Hugh Mulholland;
A bill (H. R. 6225) granting a pension to Abigail H. Carey;
A bill (H. R. 6339) for the relief of Harrison W. Moore;
A bill (H. R. 6466) granting a pension to Mrs. Eliza Humes;
A bill (H. R. 6504) granting a pension to Nathan Magoon;
A bill (H. R. 6638) granting a pension to William Gordon;
A bill (H. R. 7647) to establish a light-house at Seul Choix Point, Michigan;
A bill (H. R. 837) granting a pension to Edgar Payne;
A bill (H. R. 844) granting a pension to Daniel T. Ferguson;
A bill (H. R. 846) granting a pension to Samuel V. Holland;
A bill (H. R. 858) granting a pension to Lucy J. Mitchell;
A bill (H. R. 925) to amend an act entitled, "An act granting a pension to Rachel Nickell," approved March 3, 1885;
A bill (H. R. 928) granting a pension to Louis A. Thornbury;
A bill (H. R. 936) granting a pension to James T. Caskey;
A bill (H. R. 934) granting a pension to Charles W. Minnix;
A bill (H. R. 1024) granting a pension to Aurelia F. Robbins;
A bill (H. R. 1032) granting a pension to Josiah B. Snell;
A bill (H. R. 1083) granting a pension to Francis H. Kirmayer;
A bill (H. R. 1084) granting a pension to Alice S. Holbrook;
A bill (H. R. 1104) granting a pension to Elizabeth Sullivan;
A bill (H. R. 1107) granting a pension to Augusta M. Richards;
A bill (H. R. 1108) granting a pension to Margaret Coffey;
A bill (H. R. 1109) granting a pension to John H. Barry;
A bill (H. R. 1113) granting a pension to Walter S. Haynes;
A bill (H. R. 1117) granting a pension to John Owens;
A bill (H. R. 1136) granting a pension to Charles E. Bolles;
A bill (H. R. 1138) to increase the pension of Mary E. Fillebrown;
A bill (H. R. 1152) for the relief of Mrs. Ellen S. Tolman;
A bill (H. R. 1198) granting a pension to Louis Abear;
A bill (H. R. 1228) granting a pension to Harry B. Harrington and Grace A. Harrington;
A bill (H. R. 1254) granting a pension to Mary Hoff;
A bill (H. R. 1255) granting a pension to Isaac Moore;
A bill (H. R. 1273) for the relief of Samuel J. Brown;
A bill (H. R. 1275) granting a pension to William Turville;
A bill (H. R. 1278) granting a pension to Ann Bird;
A bill (H. R. 1286) granting a pension to Agnes M. Edwards, infant daughter of Harvey H. Edwards;
A bill (H. R. 1292) granting a pension to Mrs. Kate Miller;
A bill (H. R. 1344) granting a pension to William H. H. Gillespie;
A bill (H. R. 1345) granting a pension to Nathaniel H. Blakely;
A bill (H. R. 1351) to restore to the pension-roll the name of Andrew J. Fuller;
A bill (H. R. 1352) granting a pension to Isaac Chenoweth;
A bill (H. R. 1367) to place the name of Thomas G. Newman on the pension-roll;
A bill (H. R. 1348) for the relief of Pernetta Hendley;
A bill (H. R. 1369) granting a pension to George H. Perkins;
A bill (H. R. 1396) to pension Martin Kirk;
A bill (H. R. 1456) granting a pension to Lydia A. Nelson;
A bill (H. R. 1468) increasing the pension of John P. Davis;
A bill (H. R. 1469) granting a pension to Lois Holt;
A bill (H. R. 1471) increasing the pension of Andrew J. Hill;
A bill (H. R. 1472) granting a pension to Mary Murphy;
A bill (H. R. 1474) granting a pension to Mary G. Colby;
A bill (H. R. 1475) granting a pension to Margaret Flaherty;
A bill (H. R. 1506) granting a pension to James McAnny;
A bill (H. R. 1508) for the relief of Marcus A. Hamilton;
A bill (H. R. 1564) granting a pension to Phebe Saunders;
A bill (H. R. 1567) granting a pension to Philip Jacobs;
A bill (H. R. 1568) granting a pension to Nathaniel Taylor;
A bill (H. R. 1543) granting a pension to Margaret Kearns;
A bill (H. R. 1574) granting a pension to Sarah L. Bragg;
A bill (H. R. 1575) granting a pension to Elizabeth Kahler;
A bill (H. R. 1579) for the relief of Amy A. Lewis;
A bill (H. R. 1589) for the relief of Newton O. Baker;
A bill (H. R. 1590) for the relief of Timothy Paige;
A bill (H. R. 1593) for the relief of Sarah Manz;
A bill (H. R. 1634) for the relief of Margaret A. Caswell;
A bill (H. R. 1701) granting a pension to Anson B. Sams;
A bill (H. R. 1703) granting a pension to Joseph Williams;
A bill (H. R. 1742) for the relief of Thomas Askew;
A bill (H. R. 1782) granting a pension to Cornelia W. Ellis;
A bill (H. R. 1821) granting a pension to Daniel Kain;
A bill (H. R. 1824) granting a pension to Mrs. Louisa Noland;
A bill (H. R. 1836) granting a pension to George Slack;
A bill (H. R. 1858) granting an increase of pension to James McMullin;
A bill (H. R. 1937) for increase of pension to A. Schuyler Sutton;
A bill (H. R. 1940) granting a pension to Louisa J. McFarland;
A bill (H. R. 1988) granting a pension to Peter F. Saeman;
A bill (H. R. 1989) granting a pension to John C. Frees;
A bill (H. R. 2011) granting a pension to Joseph Chalfant;
A bill (H. R. 2054) granting a pension to Rebecca Marchant;
A bill (H. R. 2159) for the relief of D. P. Simmons;
A bill (H. R. 2161) granting a pension to Andrew J. Putnam;
A bill (H. R. 2179) granting a pension to Henry Barr;
A bill (H. R. 2193) granting a pension to Amelia M. Green;
A bill (H. R. 2196) granting a pension to Sarah A. Gettis;
A bill (H. R. 2197) granting a pension to Fidelia A. Cheney;
A bill (H. R. 2254) for the relief of Jane M. Langley;
A bill (H. R. 2689) granting a pension to Delilah Knill;
A bill (H. R. 2753) for the relief of John W. Robson;
A bill (H. R. 2740) for the relief of Norman S. Bull;
A bill (H. R. 2755) granting a pension to Robert Monohan;
A bill (H. R. 2791) granting an increase of pension to George Wills;

A bill (H. R. 2793) granting a pension to Silas James;
A bill (H. R. 2797) granting a pension to John L. Hunter;
A bill (H. R. 2798) granting a pension to Bruner D. Hyatt;
A bill (H. R. 2802) granting a pension to Sarah A. Lovell;
A bill (H. R. 2804) granting a pension to Clayton E. Rogers;
A bill (H. R. 2805) granting a pension to Mary S. Douglass;
A bill (H. R. 2939) granting a pension to Henry H. Green;
A bill (H. R. 3019) to increase the pension of Abigail Smith;
A bill (H. R. 3100) granting a pension to Samuel Hanson;
A bill (H. R. 3117) granting a pension to Walter A. Phillips;
A bill (H. R. 3152) granting a pension to Eliza A. Fisher;
A bill (H. R. 3177) for placing the name of Mrs. Ann J. Conwell on the pension-roll;
A bill (H. R. 3303) to restore to the pension-roll the name of Joseph McMillan;
A bill (H. R. 3308) to increase the pension of Joseph R. Cravens;
A bill (H. R. 3309) to increase the pension of Thomas Ward;
A bill (H. R. 3359) granting a pension to Henry S. Morgan;
A bill (H. R. 3364) granting a pension to Asahel Middleton;
A bill (H. R. 3375) granting a pension to John Clark;
A bill (H. R. 3387) granting a pension to Sidney Sherwood;
A bill (H. R. 3390) to place the name of William G. Schoonover on the pension-roll;
A bill (H. R. 3399) to grant a pension to Philip Wagner;
A bill (H. R. 3402) granting a pension to Mrs. Lizzie E. Cooney;
A bill (H. R. 3419) granting a pension to C. W. I. Pugh;
A bill (H. R. 3452) granting a pension to Mrs. Mary E. Sawyer;
A bill (H. R. 3505) for the relief of Mary B. Smith;
A bill (H. R. 3516) granting a pension to Fanny Collins;
A bill (H. R. 3520) granting a pension to William H. Blake;
A bill (H. R. 3524) granting a pension to Maria Mibord;
A bill (H. R. 3530) granting a pension to Albert L. Allen;
A bill (H. R. 3538) granting a pension to Mrs. Amy A. Hurst;
A bill (H. R. 3539) granting a pension to Mrs. Hannah M. Chapman;
A bill (H. R. 3562) for the relief of Peter Tower;
A bill (H. R. 3627) granting a pension to Mrs. Elizabeth K. Gallagher, widow of Bvt. Brig. Gen. Thomas F. Gallagher, deceased, late colonel of the Eleventh Regiment Pennsylvania Reserve Corps;
A bill (H. R. 3632) granting a pension to Mrs. Ada O. Krepps;
A bill (H. R. 3633) granting a pension to E. B. Sweeny;
A bill (H. R. 3481) granting a pension to Philomena E. Nolan;
A bill (H. R. 3902) for the relief of Susannah Carmichael;
A bill (H. R. 3903) granting a pension to Taylor Voss;
A bill (H. R. 3919) granting a pension to Bridget O'Brien;
A bill (H. R. 3945) for the relief of Mrs. B. Alfers,
A bill (H. R. 3946) to increase the pension of Alexander Forsyth;
A bill (H. R. 3990) to restore to the pension-roll the name of Sarah J. Prater;
A bill (H. R. 4022) granting a pension to Elizabeth Stocksdale;
A bill (H. R. 4026) granting a pension to Algernon S. Flagg;
A bill (H. R. 4027) granting a pension to Sophia F. Bixby;
A bill (H. R. 4031) granting a pension to Rachel W. Heard;
A bill (H. R. 4076) for the relief of George A. Roberts;
A bill (H. R. 4077) granting a pension to Frederick Korth;
A bill (H. R. 4101) granting a pension to Martha A. Silkey;
A bill (H. R. 4111) granting a pension to Minerva T. Thompson;
A bill (H. R. 4114) granting a pension to Capt. Anthony Harsell;
A bill (H. R. 4116) increasing the pension of John P. Brinegar;
A bill (H. R. 4118) granting a pension to Frank Lightner;
A bill (H. R. 4122) granting a pension to Mary E. Snow;
A bill (H. R. 4125) granting a pension to John M. Milton;
A bill (H. R. 4131) for the relief of Samuel C. Peck, jr.;
A bill (H. R. 4132) granting a pension to Mary E. Johnson;
A bill (H. R. 4224) for the relief of Amanda Rodgers;
A bill (H. R. 4287) to grant a pension to Nancy J. Freels, widow of Pleasant M. Freels, late of Company E, Third Tennessee Infantry Volunteers.
A bill (H. R. 4346) granting a pension to Elijah W. Putney;
A bill (H. R. 4370) granting a pension to M. S. Towne;
A bill (H. R. 4389) granting a pension to William Bridges, jr.;
A bill (H. R. 4395) granting a pension to Betsy Martin;
A bill (H. R. 4400) granting a pension to Polly Belden;
A bill (H. R. 4405) for the relief of William F. Miller;
A bill (H. R. 4410) for the relief of John C. Clark;
A bill (H. R. 4461) granting a pension to Stevens W. Merrill;
A bill (H. R. 4493) to amend the act of June 15, 1844, and for other purposes;
A bill (H. R. 4517) granting a pension to Timothy Driscoll;
A bill (H. R. 4538) granting a pension to Mary Ann Murphey;
A bill (H. R. 4572) granting a pension to Willis W. Fink;
A bill (H. R. 4579) granting an increase of pension to Thomas S. Owens;
A bill (H. R. 4580) to grant a pension to William Taylor;
A bill (H. R. 4592) granting a pension to Agnes Renz;
A bill (H. R. 4824) granting an increase of pension to James Morgan;
A bill (H. R. 4918) granting a pension to J. Francis Hopper;
A bill (H. R. 4960) granting a pension to Mary S. Webster;
A bill (H. R. 4992) restoring Leander C. Twichell to the pension-roll;
A bill (H. R. 4999) to place the name of James B. Wilde on the pension-roll;
A bill (H. R. 5000) to place the name of John W. Logan on the pension-roll;
A bill (H. R. 5022) increasing the pension of Isabella J. Ramsdell; and
A bill (H. R. 5024) granting a pension to William Christie.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 637) to amend section 536 of the Revised Statutes of the United States, relating to the division of the State of Illinois into judicial districts, and to provide for holding terms of court of the northern district at the city of Peoria;
A bill (H. R. 2497) to regulate the effect of judgments and decrees of courts of the United States in the several States;
A bill (H. R. 3593) to repeal section 840 and to amend section 839 of the Revised Statutes of the United States;
A bill (H. R. 4849) to punish robbery in the Indian Territory;
A bill (H. R. 5188) prescribing the punishment of horse-stealing in the Indian Territory;
A bill (H. R. 5196) to detach certain counties from the United States judicial district of California and create the United States judicial district of Southern California;
A bill (H. R. 5545) conferring civil jurisdiction in certain cases arising in the Indian Territory on the United States courts which now or may hereafter exercise criminal jurisdiction over said Territory;
A bill (H. R. 5910) to detach the counties of Howard, Little River, and Sevier from the western and add them to the eastern district of Arkansas;
A bill (H. R. 7212) providing for evidence in cases involving disputed handwriting; and
A bill (H. R. 5189) limiting the time for the presentation and payment of claims against the United States.

The bill (H. R. 570) for the relief of E. P. Thompson was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 7938) to authorize the Covington and Cincinnati Elevated Railway and Bridge Company to erect a bridge across the Ohio River was read twice by its title, and referred to the Committee on Commerce.

The joint resolution (H. Res. 79) for the relief of William L. Dunlop, trustee, was read twice by its title, and referred to the Committee on the District of Columbia.

EVIDENCE IN CERTAIN STATE CLAIMS.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 71) for the benefit of the States of Texas, Colorado, Oregon, Nebraska, California, Kansas, and Nevada, and the Territories of Washington and Idaho, and Nevada when a Territory.

Mr. DOLPH. I move that the Senate non-concur in the amendments of the House, and that a committee of conference be appointed on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. DOLPH, Mr. SPOONER, and Mr. GRAY were appointed.

LIQUOR TRAFFIC.

Mr. BLAIR. I now move that the Senate proceed to the consideration of the joint resolution (S. Res. 6) proposing an amendment to the Constitution in relation to alcoholic liquors and other poisonous beverages.

The motion was agreed to.

Mr. BLAIR. I ask that the joint resolution be read.

The Chief Clerk read the joint resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution be, and hereby is, proposed to the States, to become valid when ratified by the Legislatures of three-fourths of the several States, as provided in the Constitution:

ARTICLE —.

SECTION 1. From and after the year of our Lord 1900 the manufacture and sale of distilled alcoholic intoxicating liquors, or alcoholic liquors any part of which is obtained by distillation or process equivalent thereto, or any intoxicating liquors mixed or adulterated with ardent spirits or with any poison whatever, except for medicinal, mechanical, chemical, and scientific purposes, and for use in the arts, anywhere within the United States and the Territories thereof, shall cease; and the importation of such liquors from foreign states and countries to the United States and Territories, and the exportation of such liquors from and the transportation thereof within and through any part of this country, except for the use and purposes aforesaid, shall be, and hereby are, forever thereafter prohibited.

SEC. 2. Nothing in this article shall be construed to waive or abridge any existing power of Congress, nor the right, which is hereby recognized, of the peo-

ple of any State or Territory to enact laws to prevent the increase and for the suppression or regulation of the manufacture, sale, and use of liquors, and the ingredients thereof, any part of which is alcoholic, intoxicating, or poisonous, within its own limits, and for the exclusion of such liquors and ingredients therefrom at any time, as well before as after the close of the year of our Lord 1900; but until then, and until ten years after the ratification hereof as provided in the next section, no State or Territory shall interfere with the transportation of said liquor or ingredients, in packages safely secured, over the usual lines of traffic, to other States and Territories wherein the manufacture, sale, and use thereof for other purposes and use than those excepted in the first section shall be lawful: *Provided*, That the true destination of such packages be plainly marked thereon.

SEC. 3. Should this article not be ratified by three-fourths of the States on or before the last day of December, 1890, then the first section hereof shall take effect and be in force at the expiration of ten years from such ratification; and the assent of any State to this article shall not be rescinded nor reversed.

SEC. 4. Congress shall enforce this article by all needful legislation.

Mr. BLAIR. Mr. President, I have had the honor to introduce a joint resolution proposing an amendment to the Constitution which, after it has become a part thereof, will confer the power and impose the duty upon the General Government to co-operate with the States in the suppression of the evils which result from the use of alcohol as a beverage, and which, when ratified by the States, would constitute an express national prohibition of the manufacture and traffic in the more potent forms of that poison and of all admixtures and adulterations of the same, except for medicinal, mechanical, chemical, and scientific purposes, and for use in the arts anywhere within the United States and the Territories thereof.

In addition to this, the proposed amendment would confer upon the States (now fettered by the national Constitution, which gives protection to alcohol in all forms, including of course fermented drinks, wine and cider and all adulterations thereof as articles of property and of interstate and foreign commerce, so that the States are comparatively helpless in the effort for their extinction as dangerous beverages) all the powers of independent nations for expulsion, seizure, and destruction over fermented drinks and adulterations thereof, which are considered by some as less dangerous than the more powerful products of distillation, and which many now believe the States with such enlarged powers could restrain without interference of national law. Should this belief prove to be ill-founded by experience, still further national restriction will be imposed by the people.

This proposition has been pending in Congress since December, 1876. On the 27th day of December in that year, being then a member of the House of Representatives, I discussed the subject at considerable length, and will not trouble the Senate with a repetition of the facts and arguments advanced upon that occasion, and which are so easily accessible to any one who cares to examine them. It will be proper, however, to call attention to the text of the joint resolution and to a statement of certain fundamental propositions upon the truth of which I believe the right and expediency of this change in the Constitution, as well as all legislation, State or national, upon the subject must depend.

The joint resolution is as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution be, and hereby is, proposed to the States, to become valid when ratified by the Legislatures of three-fourths of the several States, as provided in the Constitution:

ARTICLE —.

SECTION 1. From and after the year of our Lord 1900 the manufacture and sale of distilled alcoholic intoxicating liquors, or alcoholic liquors any part of which is obtained by distillation or process equivalent thereto, or any intoxicating liquors mixed or adulterated with ardent spirits or with any poison whatever, except for medicinal, mechanical, chemical, and scientific purposes, and for use in the arts, anywhere within the United States and the Territories thereof, shall cease; and the importation of such liquors from foreign states and countries to the United States and Territories, and the exportation of such liquors from and the transportation thereof within and through any part of this country, except for the use and purposes aforesaid, shall be, and hereby is, forever thereafter prohibited.

SEC. 2. Nothing in this article shall be construed to waive or abridge any existing power of Congress, nor the right, which is hereby recognized, of the people of any State or Territory to enact laws to prevent the increase and for the suppression or regulation of the manufacture, sale, and use of liquors, and the ingredients thereof, any part of which is alcoholic, intoxicating, or poisonous, within its own limits, and for the exclusion of such liquors and ingredients therefrom at any time, as well before as after the close of the year of our Lord 1900; but until then, and until ten years after the ratification hereof, as provided in the next section, no State or Territory shall interfere with the transportation of said liquors or ingredients, in packages safely secured, over the usual lines of traffic to other States and Territories wherein the manufacture, sale, and use thereof for other purposes and use than those excepted in the first section shall be lawful: *Provided*, That the true destination of such packages be plainly marked thereon.

SEC. 3. Should this article not be ratified by three-fourths of the States on or before the last day of December, 1890, then the first section hereof shall take effect and be in force at the expiration of ten years from such ratification; and the assent of any State to this article shall not be rescinded nor reversed.

SEC. 4. Congress shall enforce this article by all needful legislation.

I now repeat the propositions referred to, and upon the truth of which I rely:

"In order to justify legislation of any kind restricting the manufacture and use of alcoholic liquors, I believe it to be necessary to maintain these propositions:

"First. That it is the duty of society, through the agency of government, which is the creature of society, to enact and enforce all laws which, while protecting the individual in the full possession and enjoyment of his inalienable rights, tend to promote the general welfare; and especially whenever that welfare is impaired or threatened by any existing or impending evil, it is the duty of society to enact and enforce laws to restrict or destroy that evil. It may be proper to observe that no law can promote the general welfare which deprives an individual of an inalienable right, when that right is properly defined, or which impairs the enjoyment thereof, whether of life, liberty, property, or the pursuit of happiness. But society has inalienable rights as well as individuals, and the right to such legislation as will promote the general welfare, in its true sense, is one of them; and the inalienable rights of individuals and the inalienable rights of society at large are limited by, and must be construed and enjoyed with reference to, each other.

"Second. While society has no right to prevent or restrict the use of an article by individuals for purposes which are beneficial only, yet if that use, beneficial to some, is found by experience to be naturally and inevitably greatly injurious in its effects upon others and upon society in general, then it becomes the duty of society, in the exercise of its inalienable right to promote the general welfare and in self-defense to social life, just as the individual may defend his natural life, to prohibit, regulate, or restrict the use of that article, as the case may require. This principle is daily applied in laws which control the manufacture and use of gunpowder, nitro-glycerine, dynamite, and other things of great and dangerous potency, the unrestrained use of which, even for useful purposes, has been shown by experience to be destructive to the inalienable rights of others. This results from the common principle of law that every man must so enjoy his own rights as neither to destroy nor impair those of another, and it is the great end for which government is instituted among men to compel him so to do.

"Third. No person has a right to do that to himself which impairs or perverts his own powers; and when he does so by means of that which society can reach and remove by law to such extent as to become a burden or a source of danger to others, either by his example or by his liability to commit acts of crime, or to be essentially incapacitated to discharge his duties to himself, his family, and society, the law, that is, society, should protect both him and itself. A man has no more right to destroy *his* inalienable rights than those of another, or than another has to deprive him of his own. The laws restraining the spendthrift in the destruction of his inalienable right in property and punishing suicide (as the common law did, by forfeiture of estate, &c.), or *attempted* self-murder (as the law does now), are familiar examples of the application of this principle.

"These are elementary principles of law and of common sense. They are corner-stones of all just government. To these principles every member of society is held to have given his assent. They are unquestioned, so far as I know, by any one who believes in any law. They are axiomatic and indestructible as the social organization itself.

"Fourth. The use (unless medicinally) of alcoholic liquors to the extent of intoxicating or poisoning—which, as will hereafter be seen, is the same thing as intoxication—is an injury to the individual; it inflicts great evils upon society at large; it is destructive to the general welfare; it is of a nature which may be greatly restricted if not destroyed by the enforcement of appropriate laws; consequently such laws should be enacted and enforced; and this should be done in our country either by the States or by the General Government, or by *both*, if such laws can be made more efficient thereby."

GENERAL CONSIDERATIONS.

I desire at this time less to attempt a summary of fact and argument directly in support of the joint resolution than to offer a few considerations touching the present condition of the great debate upon the liquor traffic which for many years has been so active in all parts of the country; and with the consent of the Senate I will venture a few suggestions which seem likely to compel attention, whether willing or reluctant, from politicians and statesmen and patriots and parties, as well as of this great nation, which embraces them all.

It must be conceded that the use of intoxicating (that is to say, of poisonous) liquors as a beverage is the chief source and immediate cause of more hurt to society and to individuals than any other one agency which can be named. The war of the rebellion cost us fewer lives and less treasure year by year during its term of death and devastation than the nation has sacrificed annually to the Moloch of alcohol during the period which has elapsed since its close. Pestilence has not slain sixty thousand victims in any one year since the settlement of this country. If cholera and small-pox combined should sweep away one hundred thousand of our countrymen in a season, the nation would organize as one vast funeral procession and hang the heavens with the emblems of despair. Famine is with us unknown, or at least unnecessary, and whenever it exists is a crime either of the victim or of the community, and not an excusable misfortune in any case whatever; but in other civilized lands starvation, even during the last fifty years, has occasionally taught mankind that the terrible word can not yet be dropped from the human vocabulary as descriptive of an evil liability to which is extant among men.

Yet it may safely be said that since the battle of Waterloo, now the full period of the life of man, there has been no one year in which the combined suffering and pecuniary losses inflicted upon the Caucasian race by war, pestilence, and famine has equaled the total of destruction

chargeable to alcohol in the same lapse of time. Beyond this, the curse of alcohol has been not intermittent and occasional, but perpetual and inexorable, and I think on the whole increasing like the everlasting and unyielding pressure of gravitation and depravity. I have no heart and no time to repeat the familiar mathematical statements which come to us from municipal authorities, from the leading luminaries of all the professions, and from every source of authentic information, by which we learn that at least three-fourths of the pauperism, insanity, and crime, and of the public and private burdens which these great evils impose upon us are directly chargeable to intoxicating drink. Such facts are as familar as corpses upon a battlefield, and seem to attract no more attention.

I hazard nothing in appealing to the consciousness of every one who listens to me to attest that he has seen more of evil flowing from this than from any other one cause during his whole lifetime, and I should hardly fail if I asserted that the personal sorrows and afflictions which he has most to bewail among friends, kindred, and the community where he may dwell are traceable to the same omnipresent curse. Those who preach, preach against it, and those who pray, pray against it. The press recounts its daily crimes and deviltries, and those who drink as well as those who abstain vie with each other in stigmatizing rum as the worst thing there is extant. Yet somehow the old king does most wonderfully hold his own. He is a popular curse. He has a round billion of money invested in his business, one-fortieth of the property and labor of the country producing and distributing death and misery to the American people. His market is as sure as that for cotton, corn, or beef. The unnatural appetite which constitutes the demand has become as insatible and almost as universal as the demand for healthy foods. This appetite descends with the blood, and the parent thus becomes bar-tender, even after death, for his child.

Multitudes bewail the evils of intoxication, attend temperance meetings, sing temperance songs, and pay a dollar a year to help along the blessed cause, and then lease their real estate for saloons, protest against the insertion of prohibition planks in political platforms, lest remonstrance against evil shall upset party supremacy, or, it may be, with upright purpose, influenced by profound discouragement and disgust, they break down and destroy an organization which they created and which belongs to them, and which they might control and save and use as a mighty power for the removal of the evils which they deplore. So it goes; and the evil expands, until we are told, no doubt truly, that the production which in the year 1862 was said to have been 16,000,000 gallons of distilled liquors and 62,000,000 gallons of beer, perhaps an exceptionally unproductive year, was, according to the just-published report of the Commissioner of Internal Revenue, 69,000,000 gallons of distilled spirits, 19,000,000 barrels or 700,000,000 gallons of malt liquors, and over 2,000,000 gallons of wine, all gone into the consumption of this country during the fiscal year ending June 30, 1885. Really we do not seem to be getting ahead very rapidly, according to these figures; but I suspect that the returns of 1862 were imperfect. There is, however, I think, no doubt that the consumption of all kinds of intoxicating liquors has increased quite as rapidly as population in the United States during the last quarter of a century. This is especially true of malt liquors and perhaps of wines. I believe the rum traffic now to be the great menacing danger of America and of civilization.

REVIEW OF PROGRESS DURING THE LAST CENTURY.

The thought which I have in mind for discussion upon this occasion is embodied in the question, What had we better do? I do not assume that I can answer this question. I can state what seems to my vision to be the better way—that is all that any man can do—and the Supreme Ruler of events will direct the pathway of action, as He has from the beginning until now.

Sir, we stand upon an elevation to-day at the end of the first century of the temperance reform. It is an hour of retrospect and of forecast. Something is revealed by the lamp of experience for the guidance of our feet in the century to come. What has been done in the last hundred years? By what means has it been accomplished? What remains to do, and by what means and methods shall the remaining work be wrought? In the first place, during the century just closed we have learned that the use of intoxicating liquors as a beverage—simply as a beverage and not as a medicine—is an evil always useless and hurtful. We have learned that alcohol is a poison and not a food; that it is not useful to the human system save under circumstances when a poison may be useful; never to produce or improve health only as it may remove an obstruction to the natural and proper action of this vital machine so fearfully and wonderfully made. Science has become our ally and fortifies our cause impregnably with her demonstrations. The Byronic phrase, "Rum and true religion," was hardly blasphemous sixty years ago.

A venerable Christian once told me that when he was six years old his sainted mother became converted and joined the church in one of the best towns of my own State. Among his most vivid recollections was the memory of the visit of the distinguished divine who came on two or more occasions to his father's house for the purpose of testing the theological soundness as well as practical piety of his mother during the probationary period which preceded her admission to the church, every such interview in the discharge of his sacred calling being opened by a liberal drink of New England rum, administered by the hands of the candidate for admission. It was not only the way of the world, but it was the way of the church. Drinking which did not result in actual helplessness was hardly considered an offense, while as a social custom its indulgence was as universal as it was delightful, and its dangerous tendency was overlooked most strangely and wickedly by the great majority of the best of men. Now the Christian ministry, Protestant and Catholic, is almost a unit against rum. The medical profession is against rum; the judiciary is against rum; science, religion, the learned professions as a whole, which one hundred years ago were for rum, are now against it. The substantial press of the country is against it; intelligence, conscience, all the great forces and agencies of society are against it.

Whenever and wherever any of them advocate its cause the work is accompanied by a concession of the evil, and the hypocritical or ignorant pretense that it can best be suppressed by some policy which increases the evil. You can not conceive of a political platform which advocates or justifies the liquor traffic because it does any good. All opposition to the evil is deprecated, or its license is sought only upon the ground that stringent and prohibitory measures increase the evil, or that such invasions of personal liberty are dangerous to individuals or to the State. It seems to be forgotten that the very essence of all government is an invasion of personal liberty to do wrong or injury, and there can be no personal liberty to perform any action hurtful to society and to the State which is beyond the jurisdiction and the power of the government established for the preservation of both. In short, this much, and it is everything in that it is the major premise of the syllogism whose conclusion is the destruction of the traffic, has been established by the agitation of the century just closed, that the manufacture, sale, and use of alcohol as a beverage is the greatest crime and curse of modern times. All the great conservative and preservative forces of society are now arrayed against it. That means its ultimate and inevitable extinction.

There never was an evil which has passed away that was not destroyed by public opinion. There is not, there never will be, an evil which can withstand the assaults of the enlightened condemnation of a free people who suffer from it. Then, Mr. President, we have this impregnable fact and supreme consolation which the past century has bequeathed to us—more precious to humanity than a diadem of morning stars—that the liquor traffic is doomed and shall be destroyed. The demon has been tried and condemned to death in the highest court, the court of public opinion. To us is assigned the work of execution. Let us proceed to perform that duty faithfully, relentlessly, and now.

FORMS WHICH LEGISLATION HAS TAKEN.

For a moment let us consider the means by which the achievements of the past have been won. There seem to be two agencies which influence human action, persuasion and force—the action of individuals upon each other and upon the community by facts and motives addressed to the understanding and to the will, or, in other words, moral suasion, and the will of the community, the result of moral suasion, embodied in law. The law itself becomes in its turn the fortress and re-enforcement of the moral sentiment and opinions of the community; and by the sanctions which belong to its administration and the reverence which a free people must always entertain for the laws which have once been enacted, even when the reasons therefor have become forgotten or obscured in the agitation of fresh issues concerning the public weal, the law preserves and maintains the good to secure which it was enacted. After popular enthusiasm has passed away the enemy comes in again like a flood. Then it is that a vigilant and determined minority can rally under the ægis of an existing law and summon its sanctions as a means of recalling the former acuteness of a now blunted public sentiment, as well as to directly suppress or restrain the evil prohibited.

True it is that when a law is really wrong or by the nature of things has become obsolete, the reason thereof failing, it is impossible for a minority long to enforce it; but on the other hand if the evil remain and the law be right, the fact that it is on the statute-book is a very great advantage, especially in times of declension in public zeal for the right. Both these forces, moral suasion and public law, have been employed in the promotion of the temperance reform during the century past. It is so patent that moral suasion, by education and argument, has been and always must be the great preliminary all-causing and controlling agency in molding public opinion, which alone makes laws and gives permanent efficiency after their enactment, that for my present purpose I need not press its importance to the future as well as the past further upon your attention. I wish to speak, however, for a few moments upon the character of the legal enactments which in the past have been relied upon to promote the temperance reform. These have been by license or by prohibition of the sale for immediate consumption, either by the State or by some subdivision of the State, as a town or county, by authority derived from the State. The General Government has never passed, as it might do, for the District of Columbia and the Territories, any form whatever of prohibitory law against the rum traffic.

All license laws are based upon the idea of taxation for revenue, and

imply a sanction of the trade as well as participation in the profits thereof by the whole people, who, for the general good, alone can exercise the taxing power. A license gives the right to sell in consideration of the fee paid to the people, and prohibits such right to those who will not or are not permitted to pay the tax. The same sum imposed as a penalty for selling in violation of a prohibitory law is payable for each and every sale, and there is no consent to the act on the part of the public whatever. The fact that the penalty, like the fee for the license, goes into the public treasury is of no consequence at all.

These license laws, or excise laws, although for a while they may restrain, are of no ultimate help to the temperance reform. They are, in fact, one of the chief defenses of the traffic, and whether high or low are of most pernicious final tendency. They bribe the public conscience, they bewilder the public intelligence, and they never are long enforced in those provisions which are sometimes honestly, but more generally with bad design, attached for the apparent purpose of restriction. The licensee soon violates all these restrictions, and then is as liable to prosecution at the instigation of the common seller without any license at all as is the latter at the suit of the licensee himself. One violator of law will not prosecute another violator of law.

Then where is the motive for prosecution on his part, the creation of which is said to be the great excellence of the license law as a means of regulating the trade? It has disappeared and the license law is no law at all in its practical effect, save only as it does the general coffers fill with the price of blood. So far as it promotes the gilded saloon by closing the low groggery I have only to say the latter is far more respectable and a lesser curse in the community than the former. Ten groggeries will not work the ruin wrought by a single palace of strong drink. Every lover of his country should vote for the groggery as against the gilded saloon. The license law, high or low, is no device of the temperance reform nor of the temperance agitation. It was not developed by it. The moral sentiment of the community had nothing to do with its origin, nor, unless under a grievous misapprehension, with its present support. It has existed ever since there was a traffic, and for the sole purpose of getting money out of it for the public pocket, and might just as well be applied to the commission of any other offense against the public welfare by those who would pay for the liberty as to the trade in rum. A license law seems to me to be radically wrong in principle, pernicious in practice, and, so far as I know, no such law has ever imposed any real or permanent restraint upon the gigantic evil with which civilization is now called upon to contend. There remains to be considered only the State and local option laws, which have assumed to prohibit the sale of alcohol for drinking purposes. The amendments to State constitutions have as yet become hardly an operative force.

These prohibitory laws have partially succeeded and they have partially failed. Why have they so far succeeded? Because they were founded upon the right principle, and hence rallied conscience and humanity to their support. Why have they so far failed? Because they were, save in the principle involved, in no just sense prohibitory laws at all. They did not and they do not and they can not, when enacted by a State only, prevent the traffic in intoxicating liquor. The liquor traffic comprises vastly more than the retail sale, or even the wholesale and retail transaction. The liquor traffic is practically independent in a large degree of any State, and in an absolute degree of most of the States. True, if the drinking habit were not so powerful and universal, it might be somewhat different. But now every little hamlet, not to say almost every house, sends forth its cry and holds out its money to the whole land and to the whole earth, begging for strong drink. The supply can be made everywhere, and under the protection of the armies and navies of the nation, and of the world if it come from beyond the seas; alcohol, in the original packages, can be rolled into every cabin as well as every palace in the country. But how inadequate and what a misnomer as a prohibitory law is that which can only forbid the sale to the consumer in a State, and how much more so one which is operative only for the same purpose in a county or town. Even the State constitutional amendments, which prohibit the manufacture as well as the sale, must fail—inevitably fail. In the very nature of things there is and there can be no adequate and permanent remedy but in a national constitutional prohibitory law. It will be time enough to cry that prohibition does not prohibit when prohibition has been tried.

The State of Maine has very greatly improved the condition of her people by the operation of her quasi prohibitory law; so of New Hampshire and Vermont. Ask any old resident of any one of these States and he will tell you yea. A politician with a flask in his pocket or a liquor-drummer from Boston might bewail the failure of the prohibitory law in those States; but these laws in their practical operation are miracles of good; and considering the existing appetite, which antedated the law and the existence of which was the cause of the attempted reform, the enormous and concentrated capital and action protected by nearly all State and the overwhelming power of national law which makes the stuff anywhere and carries it everywhere, I say deliberately that not even the law against murder is any better enforced than these poor halting paragraphs of infantile legislation, nicknamed prohibitory laws.

THE SITUATION NOW AND ITS REQUIREMENTS.

We have been one hundred years convincing science; religion, the professions, the judges who administer the criminal laws, and the great mass of the people that alcohol is poison, and that its manufacture, sale, and use is the organized destruction of individuals and of the body-politic. The nature of the legislation which is to remove and renovate all is now to be considered and enacted and enforced. Whoever believes that the destruction of the liquor traffic is not a national issue has made a mistake. Whoever does not comprehend that the removal of that evil is a duty which the nation is about to perform fails to discern the signs of the times. Everywhere the question is up. In the North and in the South; in Massachusetts, New York, and Ohio; throughout the West and Southwest, and all over the sunny South; in every State the agitation is irrepressible, because the evil is gigantic and omnipresent. It is impossible to suppress these convulsive efforts of the social system to free itself of this foreign and destructive element. It must be eliminated or society will die. It is of no use to cry peace, for there is no peace. Peace without a complete cure would be the most dangerous symptom. It would indicate the destruction of vital power, presaging decline and death.

The American people must do something. What shall we do?

The Washingtonian movement swept over the country some forty years ago like a tidal wave from the sea of life. That movement was moral suasion in its most powerful manifestation. The great wave subsided and the enemy came in once more like a flood of fire, and there be those who believe that the last state was worse than the first. Was, then, the Washingtonian movement wrong? Nay, verily, but it was incomplete. The tremendous public opinion which the discussion evoked should have been crystallized into the enduring forms of State and national law. The triumph then would have been complete and the work secure. We have at last learned something, and we are still learning more and more, that it is what we save that makes us rich. Deposit all savings in the solid banks of constitutional and statutory legislation, State and national, and the liquor traffic will not pauperize this generation of laborers in the field of temperance reform. We shall have a most precious inheritance to leave to the generation which comes after us. We shall not repeat the mistake of our fathers. Whatever we advance we shall hold by the authority of law. The one all-essential thing to be done is to put forth every effort to secure political action. All political action is partisan political action where there is opposition. State political action is important, but national political action is all-important.

I have endeavored to indicate why it is indispensable, and the only action which can render that of the States either permanent or efficient. If either should wait for the other, by all means let the States wait on the nation; let all the people of all the States concentrate upon one grand effort to amend the national Constitution so as to prohibit the manufacture, the sale, the importation, the exportation, and the transportation of alcoholic beverages anywhere within the limits of the national domain. That is the way to rescue and preserve the States. It is easy thus to create the popular sentiment which must exist within the States in order that legislation may be secured in their several jurisdictions. The evil is national, and the war which saves the nation must be fought by the nation. The Constitution, now the charter of the rum power, is to be amended by securing a two-thirds vote of both Houses of Congress, submitting a proposition for that purpose to the States for their action, and its approval by three-fourths of the entire number of the States. The President has nothing to do about the submission of the proposed amendment to the States, because he legislates only by veto, which is nullified by a two-thirds vote of the two Houses, and a two-thirds vote must be secured in its favor in the first place. Between the submission to the States and ratification by three-fourths of the States a considerable period might, undoubtedly would, elapse, but we should succeed in the end. All the energy of the reform throughout the nation could be concentrated upon the States one after another, and I sincerely believe that, once before the people, we can complete the work in five years' time. Nationally nothing comparatively important can be done now but to get two-thirds of both Houses of Congress to vote to submit the proposed amendment to the people. It is nothing to us whether a Senator or Representative be a Democrat or a Republican, a St. John man or a Greenbacker, whether he is for license or prohibition, provided that he will vote to take the sense of the people upon such a proposed amendment. That is what we want of him now. Only this and nothing more.

What honest man can say that this request is unreasonable? What political party which cares for political freedom can deny to the millions who desire to be heard upon this tremendous question of the amendment of the Constitution of the country, so as to preserve the existence of our nation and of our civilization before the only tribunal which can decide it, the exercise of this fundamental right? We ask no man or party now to pledge himself to advocate the amendment before the people; we will take care of that when we get to the people. But we demand that he shall give to us, and that political parties shall give to us, a chance to be heard in the proper forum—the forum of the people—which is our right. It is our concern, not now his or theirs, whether we are defeated or successful when we reach the people of the several States. This is the temperance issue now arising in the whole land, and until this is decided no party, man, or faction can project one of comparatively serious importance into national politics. There is tem-

perance sentiment enough to choose a two-thirds vote, in favor of submitting such an amendment to the people, in the very next House of Representatives, provided it would go into the primaries and the conventions of one or both of the great political parties now existing, and who are sure for years to divide chiefly between them the membership of both Houses, and then support in good faith at the polls the man who should have been pledged to submit the amendment to the people of the States. This amendment might be thus submitted to the people in 1888, or at the latest by 1890, and the amendment itself become a part of the law of the land before the close of the century. But, sir, how long before a third party can elect a single representative against the old parties upon this issue or any other? When shall we get our two-thirds vote? When shall we get the Senate, if we postpone all until one or the other of the great political parties is destroyed and its rival is in a minority with the triumphant prohibitionists in control of the Capitol? You and I will die without the sight.

It seems to be the fashion among our third-party friends to find all the fault possible with the Republican party and to excuse the Democratic party, which is its only real antagonist for the control of national affairs. A Republican might retort that this is natural and all right if the Republican party sustains the same relation to politics which the church does to religion. If any party does good we must look to the Republican party for it; and it is, I suppose, a consciousness and concession of this fact which enables public opinion to hold the Republicans to that higher standard of conduct in politics which in morals and religion is enforced by sinners against the church. We must accept this responsibility or abandon "the grand old party" and return to the beggarly elements of the Democratic world. That we can not do. Therefore it is that the Republican party must and will promote this great temperance reform in that way and with such rapidity of aggressive action as shall be deemed consistent with successful results. As others speak from their several standpoints, so do I from that of a Republican who is in the party and proposes to stay there. If I can accomplish nothing in the party I know very well that I can nothing out of it. I helped to create the Republican party. I have in my humble way participated in its great deeds. I have shed my little share of blood in its career of glory, and there I am at home. Parties can not be made to order, and this great organic force is ours. I realize its tremendous power, and believe that under God it holds in its hands the better fate and higher destiny of America and of the world.

Flaws and specks there be on the sun; they would be invisible but for his own supreme effulgence. What light save his own could reveal his imperfections?

This great work is easier than it seems. I made a serious effort to secure the adoption of a proper plank for the purpose in the Republican platform at Chicago in 1884, and draughted a resolution to that end, which was introduced at my request by Hon. E. H. Rollins, my late colleague in the Senate, and referred to the committee upon resolutions. In its terms it was perfectly satisfactory to Miss Willard, the president of the Woman's Christian Temperance Union, the chief agency in all this temperance reform, simply pledging the party to take the sense of the people upon the amendment of the national Constitution, as I have already indicated. Miss Willard talked for thirteen minutes to the committee like an angel from heaven, and we retired. The committee gave no sign, and the platform was as dumb as a block of wood, and the party was beaten, as I fear it will be every time in the future until that plank is inserted along with other great issues which concern the welfare of the American people and mankind.

But you are not to infer from all this that no one on that committee was in favor of the adoption of the proposition. A member told me that many of the committee were for its adoption there and then, and more than a majority favored the proposed amendment in principle and believed that by 1888 the Republican party would go to the people with the resolution for submission to the people in its platform. I think the failure to do so then was the one fatal mistake in that campaign. There was no trouble with the German vote. Half of the Republican German vote is for such an amendment to-day, and the all-important industrial issues would have kept the whole of that intelligent suffrage with the Republican party so far as it ever is with us in any campaign. God and conscience would have been for us, and they count for something in a close campaign. The whole camp-meeting element of the country would have been aroused for Blaine and Logan, and we should have carried all the Northern and more than one of the Southern States.

No more such mistakes should be made. The working people of this country are naturally with the Republican party, and substantially the whole temperance vote will be with the party which adopts this issue the next time. Should there be wisdom in the councils of the Republican party the division of forces fighting for a common cause will be over, and for the all-sufficient reason that the Democratic party is on the other side, and that there are but two sides to this temperance question possible, the right side and the wrong side; the Republican party, if true to itself and to its high mission, will in the next general election favor taking the popular sense upon this all-important proposition. I can but hope that many individual Democrats will cast their influence and their suffrage in the same direction. It ought not to be a party question; there should be unanimity in a matter like this, but perhaps we can not hope so much as this for our country. It would be the millennium.

Let the temperance people of this country consider how the labor organizations, with their one great purpose—the amelioration of the condition of those whose lives are spent in manual toil, by dictating nominations inside the two great parties to which they belong and one of which must always succeed—have obtained in the past and are certain in the immediate future to obtain in the nation and in the States legislation most promotive of their welfare.

I have thus endeavored to answer the question, what had better next be done in the temperance reform. Every man, woman, and child is interested in the answer; future generations depend upon that answer for their destiny of weal or of woe. Without undervaluing local and State agitation and legislation, let us concentrate every energy and effort upon the one great work of securing the submission of a proposed national amendment to the people of the States. Then we shall have before us a period of agitation in the States for its ratification there. That accomplished, we shall have regenerated the Constitution, and the tremendous powers of the nation will soon throttle this giant Despair, who is feeding by day and by night upon the bodies and souls of our countrymen. Let us wisely conserve our forces and our votes. Let us be misled by no false analogies between this struggle and the great transition which destroyed the slave power. The analogy is an unfortunate one, which can only be realized and made pertinent by consummation in a terrible war. Peaceful agencies, if wisely employed, will accomplish the grand result. Numerous issues essential to the public welfare are always pending, and great parties which are intrusted with national control must embrace and simultaneously deal with them all. We most influence those with whom we are in harmonious relations. The man who owns an interest in the machine gains nothing if he throws it away, especially if it be a good one, and he who abandons the church has a poor chance to reform it. Stay in the ship and help to sail her to the port of joy.

But, after all, each man must decide for himself the method of his action. Let us, however, at least concentrate on the things to be done, that the tremendous forces now dissipated in the sand may become a mighty torrent of beneficence and sweep away the nation's curse. Abating no whit of effort in the way of instruction or persuasion, increasing the activity of all the agencies now employed to influence individuals, municipal organizations, and States, let us lift up the mighty banner of national constitutional prohibition. Let us ourselves contemplate the subject from this higher elevation.

The nation refuses to permit the importation of criminals; then let us prohibit the importation of the cause of criminals and of crimes; We refuse to receive the paupers and outcasts of surrounding nations; then let us repel from our borders the primal source of poverty, wretchedness, and despair. What we refuse to receive from abroad, shall we continue to manufacture and export? What we refuse or ought to refuse to import or export because of its malignant and destructive work, shall we as a nation continue to manufacture, distribute, and consume among ourselves? Shall we longer divide and destroy the result of our most zealous efforts among the people and in the States by permitting the national Constitution and national power, within their sphere the supreme law of the land, to protect the manufacture, the distribution, and the wholesale trade in this merchandise of death? Nay, verily, if the new century is to complete the temperance reform there is but one way to accomplish it—national prohibition must be our watchword.

Let this issue be carried into every caucus and primary for choice of delegates and into every Congressional convention of every party which has any chance of success at the next Congressional election—the election of 1886. Let the same issue be made in the caucuses which nominate the Legislatures who make Senators of the United States, and thus choose members of both Houses of Congress, who will demand for the people whom they represent the opportunity to be heard in the forum of the States for the amendment and regeneration of the Constitution of the country, so that this sacred instrument shall become the warrant for destruction, and no longer the charter of life and liberty, to the most terrible curse and crime of civilization. This seems to me to be what we had better do next.

Sir, I will beg your indulgence to repeat the recapitulation and conclusion of my remarks upon the joint resolution made in the House of Representatives ten years since, which constitute a summary of considerations to which I respectfully ask the attention of the Senate and of the country.

RECAPITULATION.

"Sir, I only wish further to say that by the indulgence of the House I have thus at great but I hope not at unnecessary length endeavored to call the attention of Congress and of the country to the vast and increasing public evils which exist in the land, whose origin lies in the excessive use of that most powerful poison, known as alcohol. I have not dealt in specific instances, but in masses of fact, as they have been gathered and accumulated here and there by the statistician, the census-taker, the official investigator, and most of all by that noble profession which comprises so many of the ablest and best of men—a profession whose theory is the gospel of man's physical and mental nature, and whose practice is philanthropy applied to the details of all human

woe—the medical profession, which by its researches in the chemical world and its incessant and protracted pursuit of the recondite origin of disease and of the philosophy of suffering and despair, as well as of the sources of vigor and hope and happiness to mankind, has placed civilization under the largest debt that is due to any of the learned orders or society; that profession, sir, has not failed to stamp upon alcohol the mark of Cain among poisons. It is the murderer of men. That noble profession has brought it to the doors of the Capitol, and charged it with the wholesale death of our people. They assail it as the pestilence which walketh in the darkness and which wasteth in the noonday—as the parent of every crime, as the cup of misery ever full; the prolific source of ignorance, poverty, squalor, idiocy, insanity in all its dreadful forms, personal ruin, social destruction, national ruin—the prime agency of hell on the earth. And with them come all classes and conditions of men. These are not witnesses whose testimony can be denied or gainsaid. I will not speak of woman in rags and disheveled hair, with her wan cheek and hollow voice, nor of her children shivering on the corners of the street, starving within the shadow of churches built to the Most High with the price of their blood. It is not fitting here to be sentimental, nor would I attempt it if permitted. The gravity of the occasion has passed beyond all necessity of resort to touching tales and strokes of pathetic imagery. The evil is before us. Its infinite extent must be admitted. There is nothing to be considered but the remedy and its application. I have endeavored to present one that seems to me to have been born of hope.

"This measure is not proposed by any party that now exists. I trust that it will encounter opposition from no party whatever. It has been prepared with the knowledge of scarcely any one. I am alone responsible for it. It is not the project of "temperance men," as they are sometimes called, whether derisively or otherwise. On the contrary, mistaking its true character and misconceiving its far-reaching consequences and its avoidance of conflict with the interests and passions of the present time, "temperance men" have complained that it is an evasion of the conflict. I fear that fifteen years of agitation will convince such of us as may then be alive that this objection does not recognize the great power of existing forces which must be overcome. It should be remembered that no battle is won until the enemy is driven from his position. He is now intrenched in the Constitution of this country. The battle may go on, as it has gone on for fifty years, without one single blow being struck at the manufacture of alcohol. And, as hitherto, "men may come and men may go" and thousands may continue to fall on either side, yet the battle remain forever undecided, because the struggle, however violent, is renewed forever by the recruits of successive generations. There is no concentration of forces upon the main position. Effort is lost because misdirected. Much of it, to be sure, is not wholly lost. Moral suasion—that is, argument and precept and exhortation, from the pulpit, the rostrum, the press, and private admonition—molds public opinion and accomplishes wonders for individual men, but it lacks the powerful re-enforcement of national law. That it can never get until it asks for and demands it.

"This revolution in national law can be wrought only by years of agitation and effort. Local sentiment must be awakened almost everywhere. In at least two-thirds of the country existing opinion must be reversed before the Constitution of the country in this respect can be changed. Meanwhile each State retains all the power it now has over both fermented and distilled liquors, and as soon as this measure has been ratified there would be conferred upon the States largely increased control over both. Discussion and effort would demand the attention of the nation as such, and a concentration of the whole army upon a comprehensive plan of battle to carry the citadel would be substituted for isolated and sporadic warfare. And when the battle is once gained it is won for all time. This form of effort is infinitely the best way in which to accomplish local reform. The facts and arguments upon which the temperance reform is based are the same, whether urged to influence the action of the individual, the local opinion, or Legislature of a single State, or the nation at large; and the modification of the national Constitution involves that universal local effort and the creation of that public sentiment everywhere which will result in the enactment and enforcement of prohibitory State and Territorial laws.

"Temperance men object because the first clause of this amendment if adopted does not become operative until 1900. They fear that they will die without the sight. So they may, but how can they object until they have tried to see whether they can obtain even *this?* Consider the past. Be admonished by history. Do not lose everything by attempting the impracticable. Remember that this is an effort to procure the enactment of a *law*, which must carry the heads and hearts of conservative jurists, of dignified and unconvinced legislators, and the *popular vote*. This is a different thing from enthusing a popular assembly under the magnetism of Mr. Gough. Do not forget either that it is to be the act of the *nation;* that, however it may be as between God and alcohol, however it may be between the maker of alcohol and the higher law, yet *we* as a *nation* have assured the maker and dealer in liquor that he might vest his capital in permanent forms, that he might manufacture this article for all purposes whatever, and that we would protect him in the enjoyment of his capital and the production of his still. We take from his industry yearly vast sums in the way of taxation for the support of the Government. True this legalized destruction of national wealth infinitely transcends the advantage of the tax, but nevertheless we have *legalized* the traffic for a century Now, have we as a *nation* any *right* at once to destroy his industry and turn the distiller and his family upon the street to starve? Is he not entitled to reasonable notice of the change in the national policy, that he may gradually divert his capital and turn his business capacity in some other direction and train his son in some other employment? And if this view does not strike you with force, then consider the further fact that there are more than $500,000,000, probably $1,000,000,000, vested in this traffic to-day in the United States, and that such an interest will for many years to come have sufficient *power* to defeat any measure which destroys it at once.

"But liquor makers and sellers are *men*. Great numbers of them are respectable and honest men. I have no sympathy with the wholesale denunciation of them as a criminal class. Many of them recognize the dreadful consequences which flow from the business in which they are engaged; yet it is a lawful business. Circumstances over which often they have no control have identified them with it just as others have found their way into the pulpit, into Congress, or into other avocations of life. It is no more just to denounce them as cold-hearted villains, intent upon nothing but the destruction of mankind, than it is to assail the personal integrity of every man who ever owned a slave. If approached in a proper spirit with a proposed reform in which they should be recognized as men and invited and urged upon considerations which must influence any humane being, and which would give them a chance to save themselves and their families, I believe that the actual *co-operation* of many liquor makers and sellers could be secured.

"Since the introduction of this resolution it has been attacked as a palpable effort to curry favor with the prohibitory sentiment of the country and at the same time avoid offense to the 'beer element.' It is no such thing. This measure is not of that radical nature to command the vehement approbation of what are known as prohibitory men, though it must and I trust will command increasingly their approval. But the question of the manufacture and use of fermented liquors is left where it now is, with the *States*, because it is *medically* still an open question whether the restricted use of such liquors is not beneficial to the people, although their use is fast becoming excessive and an abuse. But there is very slight difference of opinion as to the destructive tendency of *distilled* liquors as administered by the "laity," and all agree that the great mass of the evils of intemperance arise from their manufacture and use as a beverage. And if the ban of the law can be placed upon the manufacture and use of distilled alcoholic liquors as a beverage, the minor abuses resulting from fermented liquors can well be left wholly to the restraining powers of the States, as enlarged by the second clause of the proposed amendment. While by no means of a callous organization, I certainly do not complain of criticism which attacks my personal motives, some of which has been brought to my attention. Those motives are not relevant to the measure itself. And whatever may be said by others, I am consoled by the consciousness that this step is taken after long reflection, that my motives are satisfactory to myself, and that they will be judged by the only tribunal to whom they can be surely known, and whose approval is of much consequence.

"The opposition of the consumer to any national measure which should at once deprive him of his beverage would be found to be very serious and I fear decisive. But there is no class of men who have a stronger desire to see their children saved from the chains which hold them to their own dreadful doom than the drunkards of this country. This measure has been sneered at as a proposed reform—*for posterity*. So it is; and as such it ought and I think will enlist the overwhelming force of parental feeling in its favor whenever the public mind has studied its peculiar features and elements of strength.

"I think that existing parties may well hesitate to oppose this measure. The cause it represents is one of moral reform, and it must be re-enforced by legislation. In due time it will be. If neither of the great parties now dividing the country sees fit to antagonize it, this measure will force its way without being made the source and object of political strife. Becoming operative so long in the future, it ought not to provoke the opposition of any political organization, and all men should be able to consider this subject calmly and to decide upon its merits.

"If it is a measure enlisting the moral convictions and humane sentiments of the people, and especially of that nucleus of able, conscientious, and aggressive men who are ultimately the ruling power in every progressive nation, although for years they may struggle on fighting and dying under the banner of defeat, it will be well for all parties that would live to beware how they oppose this proposition. At least let it have fair consideration by the House and the country, for it is a subject which *will have* consideration. It is not a ghost, nor will it "*down*." I ask for it the considerate attention of all men now, for the time is coming when it will be forced upon them. The political exigency which absorbs and distracts the country will pass away, but this evil will not pass away. Its extirpation will be imperiously demanded long after the question of the succession to the Presidency shall have been settled whether by peace or by war. Public men will be destroyed who touch it, but the cause will survive. Stronger arms will uphold and advance the banner until victory floats on its ample folds; and the Constitution

of the country shall yet become the pledge of sobriety and temperance among the people, the ally of virtue, and not the charter of this great source of ignorance, misery, and crime."

IMPORTANCE OF STATE AND LOCAL-OPTION MOVEMENTS.

May I be pardoned a further word? The movements of the present time for prohibitory amendments of State constitutions and for statutory prohibition and regulation, including the system of "local-option" effort, are of great importance, especially as the means of temporary restraint and as the centers of agitation and means of creating enlightened public opinion; but such is the nature and scope of the evil and such are the relations of the general and special or State governments to each other, that nothing but a movement based upon the national idea presents a clear prospect of permanent success. The same and greater difficulties arise in all action for the permanent or even temporary suppression of the liquor traffic that does not include aggressive co-operation of the National Government which ruined the country under the Articles of Confederation, and which did not abate until the whole subject of commerce, foreign and between the States, was placed under the control of one sovereign power. The combination of local and national effort is indispensable to the desired end. Neither can prevail without the other; neither can be postponed for the other without harm. Let everybody throw a stone at the liquor traffic, each in his own way, when he is so organized that he can not or will not use prepared ammunition nor shoot with the regulation gun.

But still the fact will remain, that to ignore or delay the movement for a prohibitory amendment of the national Constitution so that it may be reserved to be a Yorktown rather than a Bunker Hill—that is to say, a crowning rather than a preliminary battle—is to decide to fight as a mass of individuals or an isolation of States rather than as a trained army with a general plan of campaign and a national concentration of organized power for the destruction of an organized national curse.

It is a division and misdirection of power, where combination and definite aim are required to give substantial success. It is time that the prohibitory idea should assume that control of national parties, at least of the Republican party, which belongs to a sentiment that is the conviction of three-fourths of the people in that party. The Republican party can not remain permanently three-fourths for prohibition and one-fourth against it. That is less possible than it once was for the nation to remain permanently half slave and half free. Ideas never compromise. They contend for mastery, but they never conciliate nor coalesce. We are at the dividing of the ways—

> The crisis presses on us,
> Face to face with us it stands,
> With its solemn lips of question,
> Like the Sphinx on Egypt's sands.

ACTION.

But I feel like indicating my own inclination for action on the subject. For one I have been down here in this hole long enough. Sooner or later, and I trust not much later, I hope we may come to ourselves, like the prodigal, and proceed to climb up and out. I will remain here so long as I think I can persuade others to climb with me, in order that we may stand on each other's shoulders and that those first out may lift the remainder with proper tackle—for the hole is very deep. Only for this will I remain longer in the hole, and for this I will remain if need be a great while. Others may if they will—and they will—stay here permanently; but, sir, they will find that the masses of the Republican party and of the American people of all parties prefer to be on top of the ground, where there is less dirt, plenty of fresh air, something good to eat and fit to drink, and one can see across the country. Besides, it may interest some to observe that this hole has already begun to cave in, and that the gravel is disagreeable in one's mouth and eyes.

Why not let the order be given to rally on top of the ground? But there are too many who like, or at least think it best, to stay in the hole, and are even now busy drawing the hole in after them.

To this in their cases I do not object. It is well that the dead be buried, and if they can be induced to perform the work for themselves it will prove that they can still be useful to mankind.

But who that is alive desires to be buried alive?

Emerson advised the young man to "hitch his wagon to a star." To follow such advice might be dangerous for conservative parties like us, but to mortals who still breathe even this would have advantages over a permanent location under forty feet of soil. All the great living issues of the day—industrial, social, educational, political—are one; they stand or fall together. Temperance is one with them and they are one with it. It is even now the chief practical remedial issue for the workingmen and working women of this land. The temperance reform and the labor reform are the same reform, and you can not long separate the agencies which promote them nor prevent the inevitable union of those whose salvation depends upon them—the common people of the world.

It may be suggested in reply to this that it is better for the party to eject these pestilent fellows at once, that peace may return. But I know of some who are not thus to be disposed of and who are inclined to claim their rights to remain, and to insist that if anybody is to quit they shall go who would use the party as a means to curse and not to bless mankind. Besides, the issue is not raised by individuals, and no matter who is driven from the ranks the evil is the same; the issue is open, and must be met and decided by the American people all the same. On this occasion I have spoken partly as a Republican. But, sir, I do this only because I believe that thus do I speak most as an American, most as a man. That party, with all its faults and shortcomings and failures to reach unto its own ideals, I revere as the great agency which, under God, saved the country and secured its future. That party will yet, from the laws of its superior being and unfinished mission, concentrate its tremendous energies and perfected equipment upon this gigantic national evil until it is destroyed and for the promotion of every other cause which concerns the national welfare.

But, sir, we must advance. Our generation is passing away. Let not those of us who have chiefly done our work forget that the nation will survive us, and that the tree of liberty will be full of sap after we have passed away. Let us die in the direction of hope. If the victory come not in our time nor to our advantage, let those who bury us have reason to embalm our hearts, that in the thick fight which is between us and the holy land chieftains who command our children shall, like the crusader, cast the sacred relics far forward into the ranks of the foe. So may the armies of the Cross win victories from the memory of our devotion to the right.

Let us, at least, leave behind the example of unflinching and unselfish valor put forth in a sublime cause—a cause which it is duty to uphold even though complete success may linger until our warfare is ended, and our sacrifices and calamities, if any there be, endured for its promotion, shall be long overpast.

I move that the joint resolution be referred to the Committee on Education and Labor.

The motion was agreed to.

[During the delivery of Mr. BLAIR'S remarks the hour of 2 o'clock arrived, when, by unanimous consent, the regular order was postponed and Mr. BLAIR allowed to conclude his speech.]

BODIES FOR DISSECTION—VETO MESSAGE.

The PRESIDING OFFICER (Mr. SEWELL in the chair) laid before the Senate the following message from the President of the United States; which was read, and ordered to lie on the table, and be printed:

To the Senate of the United States:

I herewith return Senate bill No. 349, entitled "An act for the promotion of anatomical science and to prevent the desecration of graves," without my approval.

The purpose of this bill is to permit the delivery of certain dead bodies to the medical colleges located in the District of Columbia for dissection.

Such disposition of the bodies of unknown and pauper dead is only excused by the necessity of acquiring by this means proper and useful anatomical knowledge; and the laws by which it is permitted should, in deference to a decent and universal sentiment, carefully guard against abuse and needless offense.

The measure under consideration does not with sufficient care specify and limit the officers and the parties who it is proposed to invest with discretion in the disposition of dead bodies remaining in the institutions and places mentioned in the bill. The second section indicates an intention to prevent the use of said bodies for any other purpose than the promotion of anatomical and surgical knowledge within the District of Columbia, and to secure, after such use, the decent burial of the remains. It declares that a bond shall be given providing for the performance of these conditions. But instead of exacting the bond from the medical colleges, to which alone by the terms of the first section the bodies are to be delivered, such bond is required of "every physician or surgeon before receiving such dead body."

The bill also provides that a relative by blood or marriage, or a friend, may, within forty-eight hours after death, demand that any body be buried, upon satisfying "the authorities of the relationship claimed to the deceased."

The "authorities" to be thus satisfied should be clearly defined; and the determination of a question so important should be left with those only who will perform this duty with proper care and consideration.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April* 26, 1886.

FRENCH SPOLIATION CLAIMS.

The PRESIDING OFFICER also laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, ordered to lie on the table, and be printed:

To the Senate of the United States:

I transmit herewith a communication from the Secretary of State, accompanied by a report of Mr. Somerville P. Tuck, appointed to carry out certain provisions of section 5 of an act entitled "An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801," approved January 20, 1885.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April* 26, 1886.

STATEN ISLAND BRIDGE.

Mr. FRYE. I desire to give notice that as early next week as possible I shall move that the Senate proceed to the consideration of the bill (S. 121) known as the Staten Island bridge bill. I am glad that one of the Senators from New Jersey is now presiding in the Senate, and he will of course take notice.

POST-OFFICE APPROPRIATION BILL.

Mr. PLUMB. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. 5887) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887, to report it with certain amendments and to submit a written report thereon. I give notice that on Wednesday morning, after the

conclusion of the morning business, I shall ask the Senate to proceed to the consideration of the bill.

The PRESIDING OFFICER. The bill will be placed on the Calendar.

MAGDALENA REHKOPF.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives non-concurring in the amendment of the Senate to the bill (H. R. 3351) granting a pension to Mrs. Magdalena Rehkopf.

Mr. WILSON, of Iowa. I move that the Senate recede from its amendment to the bill, as the name was correct in the bill as it originally came from the other House.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 327) to enable national banking associations to increase their capital stock and to change their names and locations.

The message also announced that the House had passed the bill (S. 1377) to grant the right of way for railroad purposes through the lands of the United States powder depot near Dover, N. J., to the Morris County Railroad Company.

The message further announced that the House had passed a bill (H. R. 28) to provide for the appointment and compensation of a district judge for the southern district of Alabama; in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED.

The bill (H. R. 28) to provide for the appointment and compensation of a district judge for the southern district of Alabama was read twice by its title, and referred to the Committee on the Judiciary.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 22d instant, approved and signed the following acts:

An act (S. 633) to change the name of Uniontown to Anacostia; and

An act (S. 1476) to amend the act of Congress approved June 12, 1884, entitled "An act to authorize the construction of bridges across the Wisconsin, Chippewa, and Saint Croix Rivers, in the State of Wisconsin."

The message also announced that the President had, on this day, approved and signed the following acts:

An act (S. 761) granting a pension to William Webster; and

An act (S. 1125) granting a pension to Noah Nelson.

LABOR ARBITRATION.

Mr. HARRIS. Before proceeding to the consideration of the unfinished business, I should be glad to have the Senate dispose of the motion I submitted on Thursday, to refer the message of the President in regard to the creation of a labor commission to the Committee on the Judiciary. The message came in on Thursday, and I moved that it be printed and referred to the Committee on the Judiciary. The motion to print was agreed to, but the motion to refer remains suspended.

The PRESIDING OFFICER. Does the Senator from Tennessee move the reference?

Mr. HARRIS. I did make that motion on Thursday; the motion is doubtless of record. If it is not, I now move that the message be referred to the Committee on the Judiciary.

Mr. CULLOM. I have no objection to a vote on the motion of the Senator from Tennessee being put now, but I do not desire to have anything interfere with the consideration of the interstate-commerce bill until it is finished. I do not wish to have anything that will take any time to come up.

Mr. BLAIR. Is a motion pending to refer the message to the Committee on the Judiciary?

The PRESIDING OFFICER. That is the pending motion.

Mr. BLAIR. I hope that motion will not prevail. Of course it is the same subject-matter for the consideration of which the Committee on Education and Labor was created. This identical proposition will be found——

Mr. CULLOM. If there is to be any discussion I shall have to object to the consideration of the matter at this time.

The PRESIDING OFFICER. Objection being made, the motion will go over, and the unfinished business will now be proceeded with.

INTERSTATE COMMERCE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1532) to regulate commerce.

The PRESIDING OFFICER. The pending amendment is that offered by the Senator from New Jersey now occupying the chair. The Chair will state that as the amendment proposes an additional section its consideration is not necessary to the text of the bill at this time. The Chair therefore asks that the amendment lie on the table for the present.

Mr. CULLOM. Then all the amendments offered by the Senator from New Jersey will be passed over for the present.

The PRESIDING OFFICER. That course will be taken.

Mr. VAN WYCK. Before making a few remarks on the bill under consideration, I desire to suggest a few amendments to be printed and considered in their proper order. It is not necessary that I should read them all, but I should like to call the attention of the chairman of the Committee on Interstate Commerce to one or two. In section 19, line 3, after the word "pooling," I propose to insert:

Also the system known as stock-watering.

Then I propose to add as an additional section the following:

All suits for damages and penalties when brought by individuals may be brought in the State courts of the State where cause of action originated or penalty was incurred, and the railroad corporations against whom suit is so brought are hereby prohibited from transferring the same to any Federal court.

Mr. SPOONER. Would such a provision be valid?

Mr. VAN WYCK. I suppose that is a matter which can be corrected by statute. I apprehend the power to prohibit the removal of suits from State courts is within the reach of statute.

Mr. CULLOM. If the Senator will allow me, I understood that the amendment of the Senator from West Virginia [Mr. CAMDEN] is to be the amendment now before the Senate for consideration.

The PRESIDING OFFICER. The amendment pending was that offered by the Senator from New Jersey, the present occupant of the chair, and that has gone over.

Mr. CULLOM. I will ask the Senator from West Virginia if he understands his amendment to be now pending?

The PRESIDING OFFICER. The Chief Clerk informs the Chair that the amendment has not been formally offered. The Senator from West Virginia gave notice that he would offer the amendment and addressed the Senate upon the question.

Mr. CAMDEN. I understand my amendment to be pending.

Mr. CULLOM. It is not pending, according to the statement of the Chair.

The PRESIDING OFFICER. The Senator can move it now. There is no record to show that it is pending at this time.

Mr. CAMDEN. Then I move the amendment of which I gave notice.

The PRESIDING OFFICER. The amendment proposed by the Senator from West Virginia will be stated.

The CHIEF CLERK. Strike out all of section 4, from line 1 to line 18, inclusive, and insert:

SEC. 4. That it shall be unlawful for any common carrier, as provided in the first section of this act, to charge or receive any greater compensation, for a similar amount and kind of property, for carrying, receiving, storing, forwarding, or handling the same, for a shorter than for a longer distance, which includes the shorter distance, on any one railroad; and the road of a corporation shall include all the road in use by such corporation, whether owned or operated by it under a contract, agreement, or lease by such corporation.

Mr. CAMDEN. I also desire to offer another amendment, which is to strike out, in lines 5 and 6 of section 4, the words "and from the same original point of departure."

The PRESIDING OFFICER. The Senator from Nebraska [Mr. VAN WYCK] has the floor on the pending amendment.

Mr. VAN WYCK. Mr. President, the people have reason to take courage that some advance has been made, at least in sentiment, during the last year on the question of transportation.

The report of the Committee on Interstate Commerce and the speeches thus far delivered have recognized the great wrongs done the producing interest of the nation by railroad corporations, and have shown their violation of human laws and utter disregard of everything sacred.

The committee are inducing the people to expect some radical and effective legislation, which is not entirely sustained by the bill presented.

Last session I was antagonized by this committee and many Senators on the proposition that no greater charge should be made for a short haul than a long one.

I have a right to feel rejoiced that the proposition then advocated against great odds has been fully adopted by the committee, and indulge the hope that Senators who so persistently denied its justice will see it as the committee do and give it their cheerful support.

LONG AND SHORT HAUL.

We need it in the West for local shippers. A prorate charge is not asked; only that for hauling 50 miles they shall not charge more than for hauling 500. It seems idle to say this will necessarily raise the through rate. That can not possibly be done.

The through rate is now nearly confiscation. Another raise would amount to prohibition.

The producer now realizes barely the cost of producing. When two bushels are taken to get the third to market, it is demonstrated that the farmer, after cost of producing and paying taxes and interest money, has not sufficient left to make good the necessary wear and tear of the farm.

THROUGH RATES EXCESSIVE.

Already the rates in some cases are prohibition. During last session that charge was established when I alleged that in portions of Nebraska the people were compelled to burn corn for fuel; that in some sections it required 150 bushels of corn to purchase 1 ton of hard coal. People in the East were startled by the fact, while in Nebraska some of the

editorial fraternity, who think the highest position in life is to do the bidding of railroad corporations, and proud to be ordered by the magnates, aided, no doubt, by their own innate cussedness, having no feeling in common with the Syrian when he humbly protested "Is thy servant a dog that he should do this great thing?" But these fellows rejoice to be not only servant, but dog.

For stating this fact they charged that I was an enemy of the State; that immigration would cease where such gross oppression, extortion, and injustice were allowed; but immigration did not cease. The whole country realized that a State with soil so rich and productive, with people so industrious, standing at the head of all the States in intelligence, with a less percentage of those unable to read and write, with more soldiers of the late war to its population than any other State—where such men, on such soil, with such extortions, could live and toil and be happy, was one of the best places to find a home, and they came by hundreds and thousands, and will aid in the work of emancipating labor and breaking the gyves of corporations on the limbs of that young and growing Commonwealth.

A year has passed; the world denounced the heartlessness of corporations that would force the necessity of using

FOOD FOR FUEL;

but what effect did that have with those who had forged the chains, fastened them on the limbs of the young giant, and hold, as they think, the key securely? No concession to humanity, no yielding to the entreaties of toil.

The homesteader, with his wife and children, toiling long months and weary days, plow and sow, cultivate and gather, and then haul 150 bushels of corn to the depot and take home barely 1 ton of hard coal. In other portions of the State more fortunate he can exchange probably 100 bushels or less of corn for 1 ton of hard coal. This does not apply to the entire State; but during the last winter in more than one half its territory the people were compelled to

BURN CORN FOR FUEL BECAUSE OF EXCESSIVE THROUGH RATES.

Then millionaire officers and well-paid attorneys and frail editors will argue that the rates are not excessive, because not as much so as more excessive rates charged in other places. But here is the fact that to a large section the coal dug out of the earth by the hand of labor in Pennsylvania can not be exchanged for corn raised by the hand of labor in Nebraska. The rate must be excessive, because it is prohibitory.

The farmers in Western States during the last winter have been converting their corn into beef and pork, and now the through rates are so excessive that they will scarcely realize in return the meager price or value of the corn.

If the farmer in Nebraska can find a better market farther west for corn, the railroad actually charges him on 300 miles' transportation the same freight as for 800 miles east, so that now the basis of charges is "all the traffic will bear." The railroad rulers, stronger than Government, are determined that the farmer shall have only the privilege of

WORKING HIS OWN FARM ON SHARES,

they taking the lion's share, and allowing for himself the usual third, and if that will furnish him beyond ordinary subsistence then his share is made still less.

We are in the midst of depression, and all other pursuits must be laid under contribution so that full dividends shall be declared on watered stocks and fraudulent bonds; grain, beef, and pork may be reduced one-half in price; no abatement in charges on transportation. All industries must not only sustain their loss, but help make good the losses of corporations. No sympathy for the laborer, whose pay is reduced; no sympathy for producers, whose products are reduced one-third to one-half; but a dismal groan ascends for ever and ever from a portion of the press and from legislative halls if railroad bonds and stocks do not receive full returns. The people have been patient and long-suffering, and the cry is even now going up, "How long, O Lord, how long!"

When Senators who delight to be called conservative, when a committee free from radicalism or demagogism boldly acknowledge and proclaim the great wrongs and violations and robberies committed by corporations, that would seem to be the "end of the law and the testimony."

Then the great question comes, to redress these wrongs, to prevent their repetition, and give the people a remedy against the extortions.

NO COMMISSION.

This bill in declaring certain principles is well. Annexing a commission with large salaries and little power is not what the people are demanding.

The commission will be no better informed to declare what legislation and punishment are needed than this committee of distinguished Senators after visiting important points and conferring with persons of different views and giving a year to its careful consideration.

The results from State commissions are too meager to induce a high admiration for that tribunal. The corporations are becoming earnest advocates for a national commission, expecting it to prevent them from being too severely squeezed in the tender embraces of each other, with no power to protect the people from their rapacity.

EXTORTION IN RATES WEST OF THE MISSOURI RIVER.

You would suppose the Pacific road, built by the generosity of the nation, so that in its construction millions were divided in profits, then cities, precincts, and counties often bonded to build branches, depots, and machine-shops, would allow the people of small means but great courage, contending with the privations of pioneer life, to share in the beneficence of the nation. But not so. West of the Missouri River the rates are about fourfold greater than east of the river.

In their early history, Kansas and Nebraska were told there are but few people to transport, but little of freight to haul, you must be charged for railroad and telegraph service fourfold; but now those States are populous, the productions marvelous, but the discrimination continues. The imports are equally marvelous. All the lumber must be transported from the Northern pineries; they can obtain none within their own borders.

The Government protects the labor of the farmer west of the Missouri by imposing a tariff of from one to three dollars on a thousand feet, which goes into the pockets of the pine barons of the North, and then tolerates a charge to the dwellers west of the Missouri fourfold, and this goes into the pockets of the millionaire lords of the rail, with no protection to the people from State or national legislation. In this Government of the people, by the people, for the people, the people have really but small voice. True, they have the right to vote; that is for the men whom corporations, through the machinations of ring politicians and manipulations of county and State conventions, put in nomination; and then the same corporations shirk the honest portion of taxation by owning or controlling State boards, and at the first demonstration against their robberies the civil power must be called, then the military ordered out to protect their stolen millions, and all this expense, even the transportation of troops over their own roads, must be borne by the toiling millions, who can not shirk the burdens of taxation.

THE IRREPRESSIBLE CONFLICT.

Every year by slow stages the opposing ideas and forces and camps are nearing each other. For years capital has been organized—bold, unscrupulous, rapacious, God and law defying—moving as did Gould, according to his sworn testimony, in New York; and Huntington, by the evidence of his own written history, upon State Legislatures, upon the courts, and the Congress of the United States, unblushingly purchasing judges and legislators. In any monarchy or kingdom in Europe their "sins would have found them out" and punishment followed; in a republic, they despise the people and control its representatives.

But the issue is approaching. Labor heretofore, in scattered and incoherent forces, was easily captured, driven from the field, and trampled beneath the feet of organized capital.

But the impending crisis is coming. As in the days of slavery and in all the past and will be in the future, there has been and ever will be an irrepressible conflict between freedom and slavery, between right and wrong.

The greater the effort to smother and subdue the demand for justice and right the more certain and determined the struggle, and, no matter at what cost, the final victory. The feeling of injustice and wrong in the human heart of the one or the multitude can never be quenched. The heavier the burden the more certain and violent will be the outbreak. As well expect the hidden, seething fires in the earth's bosom could be restrained or checked from eruption by piling mountain after mountain upon them, as to attempt to deaden in the heart the fires kindled by extortion and avarice, or seek to check by piling a greater volume of atrocities.

This dynamite thus generated in the human heart will explode by reason of the great burden by which you seek to repress it, and will produce the very disasters you pretend to fear. Can you make the men of this nation or any other believe that the four billions—a sum greater than ever was our national debt—of watered stocks and bonds is honest property and really deserves protection from courts or Legislatures?

Can you make the men of America believe that the three hundred millions claimed by Vanderbilt and the two hundred millions claimed by Gould were honestly obtained?

WHAT THEN?

This fiction of property above all things needs that protection which can only be secured by recognition and manly concessions to other interests that are real and to labor. A huge volume of fictions, printed on paper by conspirators against the nation's prosperity, and then called values, property, inverted and standing upon the small end, reeling and vibrating, as quotations among the gamblers in Wall street attest, by the least breath of discontent—the owners of these fictions, of all men, should accord decent treatment to the remainder of mankind from whom they expect to force dividends and interest on the stolen four billions.

History in the annals of crime always repeats itself; and the holders of illicit gains always presume that bold, aggressive conduct will insure abject submission. Slavery made that fatal mistake. The English lords who stole Ireland's land made that mistake. Now the plutocrats of America will not profit by their example. Do not say that I judge harshly. The Senate committee have incorporated these facts substan-

tially in their report. But they fail at the point where the monster evil should be grappled by the strong arm of the law.

If the industries of this nation were only required to pay fair dividends on the real cost of railroads we would be prosperous to-day. Certainly, the committee's report says we were prosperous when roads were building and money being spent, just as the individual improving his property by borrowing and spending $10,000, but in order to raise the $10,000 has given a mortgage of $30,000, on which he is to pay yearly interest. You will not wait long to see the end and ruin of that man.

The committee point with pride to the many miles of rails within our borders as evidence of wealth. So it would be if the nation was not charged up and taxed for sufficient to build triple the number of miles.

Then they assert too many roads have been built on parallel lines to make a pretext for speculation and fraudulent issue of stocks and bonds; that the people must be taxed to support two lines instead of one. Finally they recommend, what would increase the very evils they point out, as the only remedy to the people, to build more rival lines in the shape of canals and improving water ways, while they know the Pacific road, which the Government controls, is allowed to buy up the Atlantic and Pacific Oceans by paying over a million dollars yearly to the Pacific Mail line to prevent the very competition the committee desire by expending millions on canals and rivers.

A remarkable position indeed. I would cheerfully vote millions to dig canals and clean rivers if I could be assured we had a government that could protect the people and prevent creature corporations of its own creation from stealing millions from the pockets of the people to deny them access to two oceans which require no digging or dredging for commerce.

The bill denounces discrimination against persons or places, against more for a short than long haul. Now if we add limiting the dividends to the actual cost of roads, and then that for any claim for damages to the person or penalties to the public the corporation may be prosecuted in the State courts and be prohibited from removing such suits to federal courts, then a fair beginning will have been made.

The people will never be relieved of these evils if we are content to sit down before them and lament they are too large to handle.

AN EXAMPLE FOR THE NATION.

The nation can take an example from Jay Gould. The Senate Committee on Education and Labor industriously obtained from that worthy individual a complete history of his life, presumably for the youth of America to imitate. If this Republic had as much persistence in right as a single individual had in wrong the remedy would soon be effected; neither courts, Legislatures, nor law stood in his way. It seems the courts, the law, Legislatures, Congress, and the people can not rend the spoiler of his prey or obtain relief against his villainies.

That biography is an amusing chapter in the testimony referred to. The committee tremblingly and beseechingly implored him to give a minute detail of his daring exploits and wonderful life, and he most blushingly consented. Early in life, when he was hard pressed for dinner, he adopted, he says, his sister's method, and went behind the blacksmith-shop and prayed. Only one prayer was necessary, for the blessing came in great measure; so much so that in a few years the tanning business in which he and his partner were engaged was in financial stress and peril so overwhelming that the partner was driven to suicide, and Gould, the other distressed partner, at once bought a railroad nearly 100 miles in length. For the prosperity of the country the wrong partner suicided.

Still the Committee on Education and Labor delicately forced the blushing Gould to proceed with stories rivaling Aladdin's lamp, he omitting the millions stolen from Erie during his lively management, and the dark shadows that lowered on Black Friday when he could not gloat over the financial disaster of a great Republic, although thousands were ruined, but was voluble as to Union Pacific. How the innocent, guileless creature was inveigled into purchasing the stock, and when he was really forced into the ownership that his only ambition was to put that enterprise on a substantial foundation, and to accomplish that immediately pumped so much water into the concern that he succeeded admirably in placing it on a foundation so liquid that its weight submerged it from the hopes and almost the sight of men.

He bought worthless roads and unloaded them on the Union Pacific at an advance of millions to himself, when he triumphantly and with great emphasis exclaimed that he surprised every one by paying dividends; a most wonderful feat, when it was equally evident to every one that the dividends were never earned. He was only preparing the way to capture the surplus millions of Massachusetts and other New England colonies.

Then the grand achievement of purchasing at a nominal price the bankrupt Kansas Pacific and consolidating with the dividend-paying Union Pacific, whereby he and his pals realized from twelve to fifteen million dollars. Then, as there were no more worlds to conquer, he generously consented that the widows and orphans of Massachusetts should be allowed the golden opportunity, and he unloaded at par and upward, and turned over the wreck to the management of Mr. Adams.

No wonder the Committee on Education were dazed, doubtless as much so as by reading the exploits of Jack the Giant Killer or the life of Kidd the Pirate. The recital was fearfully exciting, but between the long-drawn breath of admiration of the committee they could beg of him to proceed, that the world, as they, were breathlessly waiting to hear still more. When he regained his own breath, after detailing the Union Pacific marvel, he proceeded with the tale of the Missouri Pacific. He gently stated that in this, as all other projects, from the time he prayed behind the blacksmith-shop and his partner committed suicide, he desired to do some great and good thing, and that he obtained the Missouri Pacific, not higgling about the price, but paying the owner his own figure, and, he adds, taking no longer time to make negotiations than in relating it to the committee. Not to make money. Oh, no! But to see what good he could accomplish, and at once with great energy commenced pumping into it water as he did into Union Pacific.

Gould through modesty refrained from telling a portion of what was the current history at the time. At Kansas City he was overtaken with another religious spasm, and he wrestled for the second time in prayer, and told the people how happy he felt; that he wanted no more money; that filthy lucre led to death; that he had purchased the Missouri Pacific only for good to mankind, and should use it only for the glory of God and the benefit of the people.

As he was contemplating another raid, he seemed to feel the necessity of another installment of Divine grace; so he went short on the promise by pretending he would not benefit himself by the blessing.

How well he kept his promise is evinced by cruel treatment and breach of faith to the thousands of employés on the same road in the determination to force them into absolute starvation or abject submission to his demands.

Theologians have never fully understood this feature in the wonderful history. There is no mystery, they say, in the prayer and getting religion behind the blacksmith-shops, but why he should seek a new installment of Divine assistance and reasonably hope to expect it from Kansas City is past finding out.

For the comfort of the present and future residents of the New Jerusalem it is to be hoped he will not indulge in a third prayer on earth, for that might tide him through this life, and should he in the end secure an entrance into the Celestial City he would soon be conspiring there to lay a railroad from force of habit; when he tore up the shining avenues the angels could not restrain him from stealing the golden pavements.

PROTECTION TO LABOR.

To secure by legal and proper methods that protection which is due to labor it is organizing, impelled by the avarice and exactions and power of organized capital; and a portion of the pulpit and press, as usual, are imploring peace and observance of the laws. Certainly labor is not proposing to violate either. To-day it has but little more power to do so than the slave in his chains. His advancement is through peace, his protection through the law.

Such appeals are always made to the weak; they were made to the slave. The sacredness of the law and the sanctions of religion were duly preached into him even to submitting quietly to chains and stripes. At that time there was no preaching to the slaveholder, as there is to-day but little preaching to the corporation monsters in iniquity. Why not implore them to restore what they have stolen from the nation; to relinquish their unjust demands; to emancipate labor from a despotism as grinding as that which the colored man endured?

The object of the organization of labor is to preserve peace, to obtain concentrated and intelligent action, to obtain redress through the ballot and not the bullet. The strong arms of labor have always protected the nation in the day of peril. There need be no fear to the Republic from that source. Bold, wealthy slavery precipitated the war, but the men from the ranks of toil preserved the life of the Union. I hope not to grate too harshly on Senatorial nerves, and will break the story gently in this solemn presence, that not many of the names of Gould, Vanderbilt, and the millionaires of the money centers appear on the rolls of the Union Army.

The ranks of the Union Army were recruited from those who were delving in our mines, toiling in our factories, filling our prairies with bountiful crops, running our railway trains, and when the nation is again in peril from within or without the brave hearts and strong arms of the same class of laborers will rescue it again.

Far better turn your entreaty to overgrown corporations and beg them to regard the sacredness of law. Go to the Standard Oil Company, which transgresses all law and honor in its methods to crush out smaller industries, conspiring with great railroad corporations, who seek to set at defiance the statutes and the courts.

So the money-lenders, who seek to violate and nullify the Constitution and law which make silver and gold a legal tender, by requiring in their contracts notes and mortgages to be paid in gold alone.

These are the great criminals, who would imperil the prosperity of the nation to feed their own greed. Yet Congress is paralyzed, not so much by the great transgressions as the giant wrongdoers, with whom they fear to grapple.

The wealth of this nation is made alone by the toiling hands. The

power of this nation is alone in the ballots in the same toiling hands. And to make that wealth, abstracted into the pockets of the few, subservient to the prosperity of the nation the ballot must represent the men who hold it and not their enemies.

Mr. STANFORD. Mr. President, I desire to occupy the attention of the Senate briefly in explanation of what I believe to be the principles involved in the bill under consideration.

This bill purports to be an act to regulate commerce between the different States. I have read it with a good deal of care and I do not find anything in it that regulates commerce. Everything in it is as to the carrier only. The word commerce has a well-defined meaning. It means trade, barter, interchange of commodities, with which the carrier in the transaction of his legitimate business has no concern whatever. I therefore think the title of the bill ought to be changed to express its true meaning, and, instead of reading "A bill to regulate commerce," it should be "A bill to regulate carriers."

If it were a bill to regulate shippers and owners, whose material the carrier moves, the title would be more appropriate. I may be told perhaps that there are judicial decisions that the regulation of the carrier is the regulation of commerce, but here when we propose legislation it is entirely legitimate to discuss the question as to the original matter and to determine it upon the principles which seem to be involved. There is a great difference between the possession of a power and its exercise.

Of course the Constitution plainly gives Congress the right to regulate commerce between the States. But as the carrier has nothing to do with the control of the shipment of goods, wares, and merchandise, with their ultimate disposal or destination, therefore regulating him or determining the price he may receive for his services can have no relation in determining the commerce between States. As a national question why should the price fixed for carrying freight across a non-physical line between the States be different from what is charged for the same service on either side of that line? Would it not be making of our State lines more or less obstacles to free intercourse? Would it not be converting every State line into something very nearly akin to a frontier? What do my friends say who have been always so anxious to claim that we are of right one great family with free business intercourse between ourselves, and what do my State rights friends say to the General Government interfering and controlling their local institutions?

It has been said that the right to regulate the railroad carrier is peculiar, in that the corporation operating the railroad is the creature of the State.

If there is anything in this argument it can not apply here in Congress, as Congress has had nothing whatever to do with creating the corporation. Its existence is entirely by virtue of State laws and has under those laws the right only to operate within the jurisdiction of the State. Of course I except some Pacific roads.

It is pertinent for us to inquire into the wisdom of this kind of legislation, assuming that the authority for it exists. The right of association is a natural one and it is the duty of the National and State Legislatures to aid that natural right, and that I contend is what legislation by the various States providing for the incorporation of railroad companies has done. The incorporation is made by individual incorporators as much so as a partnership between individuals is established by the partners themselves. The character of railroad investment as compared with others is set forth by the fact that States can and do exercise the right of eminent domain in order that railroads may be constructed.

The State can not exercise this right for the benefit of the railroads. It only exercises it because the investment is of that peculiarly beneficial character to the public that it may be said to be a public good. The rule is, moreover, that the railroad companies must pay individuals deprived of the control of their property under the right of eminent domain whatever may be the value of that property. The State pays nothing.

Now, then, if the investment in railroads is so beneficial to the public, why should not the investors be permitted to reap the same full rewards of the wisdom of their investment and of their industry and the management and direction thereof as though the same capital, the same wisdom, and the same industry had been employed in a business so much less important to the interests of the State that the State could not, if solicited, exercise the right of eminent domain in its behalf?

In discussing this question of the right to regulate railroad fares and freights in a manner which will necessarily impair the earning capacity of these roads we should not forget that the investments were made by individuals. If the railroads are so important to the public, surely these individual investors ought not to be discouraged by the apprehension that the value of their investment may be lessened by adverse legislation.

Furthermore, inasmuch as labor enters very largely in the construction of railroads and continues in their operation, any attempt on the part of Congress to fix the rates of railroad companies tends to fix the price of labor.

Further, in all these efforts at regulation I find no protection to the railroad companies, no guarantee against impairment of income. Therefore if legislation interferes to decrease income, surely the value of the property is affected to the extent of the diminution of the income. This is taking property without compensation. It is confiscation.

I think there never has been a bill introduced into any Legislature purporting to regulate railroads against which the owners of the roads did not find occasion to protest on the ground that it diminished the income-producing quality of their property.

Now, then, the investment being a legitimate one and a desirable one, as is established by the exercise of eminent domain not in behalf of the railroad company, for the State has no right to do that, but in behalf of the people, and the State being justified in regarding railroads as public benefits, why should they after their completion have less protection from the laws than other property, or why should they be made the objects of direct and injurious legislation? And in this connection I think it proper to remark that railroads have no legal monopoly of business, since they have no exclusive privileges.

Practically this bill denies to the various railroad companies the right of competition. It precludes the shippers from reaping their rightful advantage of competition, and causes to them and to the railroad companies absolute loss. If the low rates for the long distance mean a reduction for the shorter, the carrier must submit to a loss from the usual rates on the shorter distance, or else abandon the business at the competing points.

Under the force of competition the carriers are often compelled to take business over their roads long distances at a lower rate than they receive for shorter distances. No railroad company would do this if the rate to be charged was a matter under its control.

For this reason rates are oftentimes below the average cost of transportation, and freight of a low value in the market is often moved at less than average cost. Low rates, if they pay anything above the direct expenses consequent upon movement, aid to sustain the railroads and the better enable them to move the traffic at non-competing points. Railroad companies can not ignore the various circumstances that establish competition, much of which depends on the geographical condition of the country. The shipper for a short distance is not charged more, but the shipper for a long distance is charged less because the carriers can not help themselves.

All will admit that no legitimate enterprises should be discouraged, particularly those that add most to the convenience and comfort of the people, and to the wealth, strength, and dignity of the nation.

Mr. BROWN. Mr. President, the committee which has reported the present bill to the Senate has performed a very important service to the country. They have at great labor investigated the question of transportation in its different bearings; they have traveled over different parts of the country, honestly seeking after the truth and striving to learn the experience of those engaged in transportation, as well as those engaged in production or trade. They have heard evidence in different States from men of a high order of ability and long experience, and they have grouped together many facts that are most important for the guidance of future legislators in their efforts to promote the public interest. The chairman of the committee has been indefatigable in his exertions to produce something that would be of lasting benefit to the community. He has shown himself to be conservative, laborious, and wise.

There are, however, a few points in the bill presented by the committee which I do not think if they should become law will operate beneficially to the great interest involved, or that the working of some one or two of them at least will be satisfactory to the railroad companies, the commercial interests, or the great producing interests of the country. I shall now address myself to the objections which occur to my mind to the parts of the bill to which I will proceed to call attention, in the hope that the committee will consent to such amendments as may modify, if not overcome, the objections which seem to lie against the practicability and wisdom of that part of their production. In section 4, on page 4 of the bill, I find the following language:

> That it shall be unlawful for any common carrier to charge or receive any greater compensation in the aggregate for the transportation of passengers or property, subject to the provisions of this act, for a shorter than for a longer distance, over the same line in the same direction and from the same original point of departure.

There is a proviso that, upon application to the commission appointed under the provisions of this act, such common carrier may in special cases be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time make general rules covering exceptions to any such common carrier in cases where there is competition by river, sea, canal, or lake, and exempt such designated common carrier in such special cases from the operation of this section of this act.

In section 1 it is provided that the provisions of this act shall apply to any common carrier or carriers engaged in the transportation of passengers or property by railroad, or partly by railroad and partly by water, when both are used for a continuous carriage or shipment from one State or Territory of the United States to any other State or Territory of the United States, or from any place in the United States to an adjacent foreign country or other place in the United States through a foreign country to any other place in the United States, &c.

Section 5 provides that in cases where passengers and freight traffic

pass over lines or routes operated by more than one common carrier, and the several common carriers operating such lines or routes establish joint tariffs of rates, or fares, or charges, it shall be deemed a compliance with the requirements of this act in respect to the filing of such tariffs if copies of such joint tariffs shall be filed by any one of said common carriers, &c.

Section 6 provides that it shall be unlawful for any common carrier, subject to the provisions of this act, to enter into any combination, contract, or agreement, expressed or implied, to prevent by change of time schedule carriage in different cars, or by other means or devices, the carriage of freights from being continuous from the place of shipment to the place of destination, and no break of bulk, stoppage, or interruption made by such common carrier shall prevent the carriage of freights from being and being treated as one continuous carriage from the place of shipment to the place of destination, unless such break, stoppage, or interruption was in good faith for some necessary purpose, and without any intent to avoid or unnecessarily interrupt such continuous carriage or to evade any of the provisions of this act.

It seems to my mind very clear that the intention of this act is to make each line of railroad or of railroad and water transportation, where the water transportation makes part of the line between any two points where a through bill of lading is given from one to the other, a continuous line, subject to all the provisions of the act. Take, for instance, the railroad connections from Philadelphia to Chicago. A through bill of lading is given over a continuous line between said cities, and bear in mind this law knows no State line, but the whole is treated as one transportation between the point of shipment and the point of destination. Here the freight is shipped from Chicago to Philadelphia upon a bill of lading and the rate is 50 cents per hundred pounds between the two cities. Now, I understand it is contended that the Pennsylvania Railroad can charge 50 cents per hundred pounds from Pittsburgh to Philadelphia, being the same rate charged from Chicago to Philadelphia, because the freight passes all the way from Pittsburgh to Philadelphia in the State of Pennsylvania and over the Pennsylvania Railroad, and that it is therefore no violation of the act to charge as much from Pittsburgh to Philadelphia as from Chicago to Philadelphia.

I confess I can not quite understand how this can be done without a violation of the act, which forbids the charging of a less rate for a longer than for a shorter distance. If the bill when properly construed means that, the rate being 50 cents per hundred pounds from Chicago to Philadelphia, the Pennsylvania Railroad may charge 50 cents from a station 20 miles from Philadelphia to the latter place, then I do not see how the passage of this provision of the bill into a law remedies complaints of inequality in rates, or how such a law could be claimed to be equitable and just; and if the construction mentioned be the true one—that you may charge as much between any two stations on the line as you charge for the whole length of the line—then the bill would legalize greater inequality than any that is now practiced by the railroads against which the greatest complaint is made.

But in this connection I desire also to refer to and comment upon the amendment of the honorable Senator from West Virginia [Mr. CAMDEN], which is not doubtful as to its meaning. It provides that it shall be unlawful for any common carrier, as provided in the first section of this act, to charge or receive any greater compensation for a similar amount and kind of property for carrying, receiving, storing, forwarding, or handling the same for a shorter than for a longer distance which includes the shorter distance on any one railroad, and the railroad of a corporation shall include all the railroad in use by such corporation, whether owned or operated by it under a contract, agreement, or lease.

Now it is very obvious that the honorable Senator intends, as his argument shows, that the rate per mile shall be the same without regard to distances. In other words, that the company should not receive a less compensation for carrying freight a hundred miles than it receives for carrying it 90 miles over the same line of road.

Now, Mr. President, with the provision of the bill to which I have referred, and especially with the amendment of the Senator from West Virginia, enacted into a law and strictly carried out, it is impossible for the railroads of this country to transact the business of the country. If they attempt it they will either be driven into bankruptcy or a large part of the best territory of the United States will be driven from market and be unable to reach either Eastern cities or foreign markets with their produce. In other words, the railroads must put their local freights so low that they can not pay fixed expenses and run, or they must put the through business at so high a figure as to prohibit the shipment of produce for a longer distance than five or six hundred miles.

I discussed this question at some length on a former occasion, and I shall make no apology to the Senate for reproducing substantially part of what I then said, as I think it has a direct bearing upon the question now before the Senate.

The constant cry is that the railroads are oppressing the people—that they are great monopolies growing rich by their oppression. The fact is that a very large proportion of them have gone, and are going, into bankruptcy, and those who are weak enough to put their capital in them are losing the amount invested on account of the clamor of the populace for the control and use of the railroads without anything like just compensation to the owners.

But great stress is put by the advocates of stronger measures of reform upon the fact that railroad companies often carry through freights longer distances for less money than they carry local freights for shorter distances. That practice is vehemently condemned by the advocates of virtual confiscation of railroad property. If we should pass the interstate-commerce bill and should prevent that practice, the people, when they saw the workings of it, would very soon be clamorous for the repeal of the obnoxious law. You must permit through freights to be carried longer distance for less money than local freights are carried shorter distances, or you exclude through freights from your lines of road entirely, and then the railroad companies must fall back upon their home productions and make their money, if they make any, out of local freights. The same rate of freight per mile will not do.

Let me illustrate. Suppose a farmer brings 10 tons of corn to the railroad depot at Marietta, 20 miles from Atlanta, which he desires transported to Atlanta. The railroad company takes charge of it, receives the corn into the depot, the employés take the trucks, roll it to the car, and load it in at Marietta; then the company hauls it to Atlanta, takes the trucks, runs it out, unloads it, and delivers it to the consignees. What would be a reasonable charge for the transportation? Would any reasonable man object to $5 for carrying the 10 tons of corn 20 miles? I presume not. It would be less than a cent and a half a bushel. It would be 2½ cents per ton per mile. None can question that the freight for so short a distance is reasonable.

Now, suppose another farmer brings 10 tons of corn and delivers it at the depot of the same road at Dalton, 100 miles from Atlanta. It must be carried at the same rate per mile from Dalton to Atlanta at which it was carried from Marietta to Atlanta, which is 2½ cents per ton per mile. This would make a car-load of 10 tons cost the shipper $25 between Dalton and Atlanta.

Now, suppose another farmer in Kansas City, Mo., delivers 10 tons of corn to the railroad to be shipped to Atlanta. The same rate per ton per mile must be charged for the longer distance which is charged for the shorter distance. What would be the freight between Kansas City and Atlanta, which is in round numbers a thousand miles? It would be $250 on a car-load of 10 tons or 350 bushels. This would be a fraction over 71 cents per bushel freight from Kansas City, Mo., to Atlanta. What say the Western planters to this rule as applied to the transportation of their produce to market, and what say the cotton-planters of Georgia to the application of the rule as applied to the production of the West which they purchase for home consumption? No one will complain that the rate charged between Marietta and Atlanta in the case supposed is unreasonable, and yet if we apply the same rule to freights for longer distances it soon reaches a point where it amounts to a prohibition to carry it at all. In the case supposed the freight on a bushel of corn between Kansas City, Mo., and Atlanta, Ga., would be more than the corn would bring in either market. The rule which produces this sort of inconvenience, this sort of absurdity and injustice, can not be a wholesome or wise rule.

But other patriotic persons engaged in the regulation of interstate commerce will disavow this rule, and will declare that it is not their purpose to require the same rate of freight per mile on local and through shipments, but that they only intend to prevent the carrying of the same quantity and quality of through freight a longer distance for less money than is charged on the same line for a like quantity and quality of local freights for a shorter distance. On first presentation the reasonableness and equity of this rule seem to be apparent, but when we apply to it the test of practical experience it will not bear examination, and its absurdity becomes obvious.

As already stated, a large majority of the railroad companies who have built the railroads in this country have gone into bankruptcy, and the railroads when sold have been purchased at prices greatly below the cost of construction by companies which have consolidated them into a few long trunk lines, which now run in competition with each other, and which have become necessary in conducting the business of transportation. And many of them purchased at prices far below cost do not pay dividends upon the purchase price.

As long as competition can be maintained without ending in consolidation competition seems to be conducive to public prosperity, but if you apply the rule that railroads shall in no case carry freights of like quantity and quality a longer distance for less money than they carry similar freights a shorter distance, you will soon check and destroy a great deal of the competition which now exists.

The position amounts to this: that a car-load of corn when conveyed as through freight shall not be carried 25 miles for less money than a like car-load of corn conveyed as local freight is required to pay for 20 miles. Now, if you will fix a reasonable rate of local freight for 20 miles, such as will enable any railroad company to pay even the fixed expense of keeping its road in repair and running it, and you will then fix a through rate for the same car-load for 25 miles at the same rate charged for 20 miles of local transportation and extend that rate to 1,000 miles, you will find in every instance that the rate of freight will amount to a prohibition, and you can not transport the goods and pay the rate. To maintain the rule you must either fix the local rate below the point absolutely necessary to pay the running expenses or you must fix the through rate so high it will prohibit the transportation of the commodity.

Take the case already supposed of a car-load of corn shipped from

Marietta to Atlanta, charging a local rate of $5 per car-load for 20 miles. Then suppose a through shipment over the same road at a rate that would carry the car-load of corn 25 miles for $4. This would be a violation of the proposed legislation, as it would be a case where a like commodity is shipped a longer distance for less money. Or if you discriminate even more than this between local and through freight, carrying the through freight a still greater distance for less money than you carry the local, unless you extend it very materially it will amount to a prohibition, and you can not ship through freight at all.

In the case supposed we carry a car-load of local freight for 20 miles for $5 and a car-load of through freight 25 miles for $4. For 100 miles this would be $16, and from Kansas City, Mo., to Atlanta, 1,000 miles, it would be $160 for transporting a car-load of 350 bushels of corn. This would be about 45 cents a bushel on the corn for freight. What say the farmers of Missouri and Kansas? Would their corn bear this freight? Clearly not. A great deal of corn is now shipped from Kansas City into Georgia. Such a law would at once prohibit further shipments of corn for so long a distance.

But to meet the objection of the hypercritical as to rates, let us suppose the case that the local rate on a car-load of corn from Marietta to Atlanta, 20 miles, is only two dollars and a half—and no railroad can keep long out of the insolvent court which carries its local freights as low as that; then suppose the rate on a car-load of through freight between Kansas City and Atlanta should be $2 for every 25 miles. This again would violate the law if the proposed legislation should be enacted. The car-load of corn carried as local freight from Atlanta to Marietta being charged two dollars and a half for 20 miles, and the car-load of through freight being charged only $2 for 25 miles, we would be carrying the same commodity a longer distance for less money; but even the low rate of two dollars and a half per car-load for 20 miles of local freight would, when we apply the rule to through freight, be prohibitory. If we charge $2 for 25 miles on a car of through freight, this would be $8 per hundred miles and $80 for a thousand miles. This would be a fraction over 22 cents a bushel freight on corn from Kansas City, Mo., to Atlanta.

Now, if we may credit the newspapers, I believe a bushel of corn is worth but little more than that in Kansas City at the present time. Even at this ruinously low rate of local freight (which no railroad company can afford to charge and continue to do business) the rule applied to through freight makes it prohibitory before it reaches a thousand miles distance. It would probably be prohibitory in the case supposed at 500 miles or less distance.

If you enact such a law as this you will derange the whole transportation of the country, and you will either drive the railroads generally into bankruptcy on account of the low rate you permit them to charge for their local freights, upon which they rely mainly for their support, or you will prohibit the interchange of commodities at a greater distance than five or six hundred miles. As the figures plainly show, it could not possibly stand the rate for a thousand miles.

Under such a rate of freight how would the farmers of the teeming West ever reach European markets with their productions? It would be simply an impossibility.

Such a law would destroy not only the interstate commerce of the country, but utterly ruin our foreign commerce by prohibiting the exportation of our productions to foreign markets. I take it that wise men will not be guilty of enacting into a law a proposition so manifestly absurd.

Some of the Southern lines of railroad and steamships are trying to build up competition with the Northern roads for the Western business.

For a long time the Northern roads have had a monopoly of that business. They run four trunk lines, as you are aware, from the Eastern cities into the great West—the Baltimore and Ohio, the Pennsylvania, the Erie, and the New York Central. These are the four great trunk lines that penetrate the West in every direction, going to Chicago, Saint Louis, and other central points in that section, and they do the business between the East and the West.

They frequently, while at war with each other, carry freights for almost nominal prices from the West through to New York, and thence by steamer to Charleston and Savannah. Then they load their steamers with cotton and other productions back to New York, and load their cars in New York with Western-bound freights. Now that freight landed in Savannah by the steamers from New York can be taken and carried to Louisville, Ky., at a very low rate, and the railroads still make money on it.

This shows the feasibility of opening another great trunk line between New York and the other Eastern cities and the great West. In prorating freights railroad men count 1 mile of rail equal to 3 miles of water. Why so? The company has to secure the right of way, grade the road, lay down the track and prepare it for the cars, which is a heavy expense for each mile.

God has prepared the ocean, and it is ready to receive the burden of transportation without the construction of a track, and all man has to do is to put on the rolling-stock—in other words, build the ship—and the road is already prepared for use.

It is very evident, therefore, that freight can be transported 3 miles by water as cheaply as it can be carried 1 mile by rail. Now we have a splendid line of steamers running between New York and Savannah, which make their trips with great regularity and carry passengers and cargoes of freight. Then we have a line of railroad from Savannah through to Louisville, Ky., connecting at different points with other roads penetrating the West and reaching Saint Louis, Chicago, and Kansas City, and other commercial centers. Now apply the prorating rule to the portion of the distance which includes conveyance by water, and counting 3 miles of water for 1 of rail, and the line from New York to Louisville is shorter by way of Savannah than by any one of the four great Western trunk lines from New York to Louisville. The same is true as to Memphis, Saint Louis, Kansas City, and in fact to all cities of any importance west of Cincinnati and Chicago.

There is an immense section of the West which should have the benefit of a competing line between that section and the Eastern cities, which is the shortest of the five competitors. Then it has this additional advantage so far as the transportation of freight from the East to the West is concerned: Of the immense number of trains which run from the West into Georgia and the South Atlantic States to supply the cotton planters with Western productions, seven out of every ten of the cars go back empty when they return to the West for another load. Now, a cargo of goods in New York intended for Saint Louis has the advantage of the shortest line by Savannah; it has the advantage of transportation by ocean from New York to Savannah, and of transportation from Savannah to Saint Louis in cars that would otherwise go back empty.

There are four links, composed of different companies, in the line of rail between Savannah and Saint Louis. Now, suppose each of these receives but $5 on a car-load of goods going from New York to Saint Louis, it makes money on the shipment, because the car would go empty if it were not permitted to carry the goods.

It is nearly 300 miles from Savannah to Atlanta. Suppose the Central road receives but $5 for the car-load for that distance. As the car was going back empty, it is $5 made. But if you lay down the rule that the Central shall charge $5 a car only for carrying the local freight 300 miles, it ceases to be able to pay fixed expenses and goes into bankruptcy in a single year.

Therefore you can not reduce the rate of local freight on the Central to $5 a car; but if the Central undertakes to carry a car-load of goods in transit between New York and Saint Louis from Savannah to Atlanta for $5, when the car would otherwise go empty, you prohibit it, by establishing the rule that no company shall carry on its own road the same freight for a longer distance for less money than like freight is carried for a shorter distance, and the Central is excluded from carrying this freight at all. The people of the West are deprived of the competition while it lasts of a fifth great line between them and the Eastern cities, and deprived of a cheaper rate of freight which they could secure by the shipment over the line referred to.

Now, what good, let me ask, does it do any one, except the great trunk lines, to prohibit the opening and operating of a fifth great line between the East and the West?

And what good does it do any one but trunk lines to drive this freight around upon the trunk lines by establishing the rule that you can not carry the like freight a longer distance for less money? In this case you must carry this great through business a longer distance for less money than you carry local freights a shorter distance, or you must prohibit the use of the line for the purpose of carrying through freights.

But you may say it is unjust to the people of Georgia to permit this through business going from New York to Saint Louis to pass over the railroads in Georgia a longer distance at less rates than they pay for the shorter distance. What harm, let me ask, does this do any citizen of Georgia?

The freight goes to Savannah by steamer; it is loaded on a car that would otherwise go empty to Saint Louis, and it passes rapidly over the soil of Georgia, doing nobody any harm but really doing a service to the people of Georgia. But you may ask how? I reply that the railroads of Georgia must make out of some business money enough to keep them in good condition and run them for the benefit of the community, to say nothing of the justice of paying dividends to their stockholders.

Now if we can not conduct through business over these lines as cheaply as it is done in other sections, or can not be permitted to compete with other long lines for the business, then we must levy the amount that we would make on through freight as an additional charge on the local business.

In other words, each $1,000 that the through line makes in carrying return freights on cars that would otherwise go empty is that much that goes into the support of the railroads forming the line, and that much which must be levied upon the local business, if we are not permitted to collect it on this class of through business.

What good sense, let me ask, what sound policy, what statesmanship, would justify the exclusion of this freight from the soil of Georgia, driving it around on some other line, because it must pass through the State, if at all, on account of the great distance it has to travel, at a lower rate than we can charge for local freights and continue to live? These freights between New York and Saint Louis must go over some line.

What injury does it do any man, woman, or child in Georgia for it to pass on a Western and Atlantic Green Line car loaded in Savannah across the soil of the State to Saint Louis, which car would otherwise go back empty? None possibly that I can perceive.

If the freight does not go in a car that would otherwise go empty over the line between Savannah and Saint Louis it will go in a car that runs between New York and Saint Louis over one of the trunk lines. If it goes in a car over our Southern line that would otherwise go back empty, and we make $5 for each company on it, it is that much clear profit to the people of Georgia. Then why should it be prohibited?

But you may say that an act of Congress prohibiting transportation of that character will apply as well to the other trunk lines. True; and if so, then it would disturb the whole through business between Eastern cities and the West, and the people would be clamorous for its repeal as soon as they saw the mischievous and injurious impediments which the rule throws in the way of the business of the country.

But it may be said in the case supposed, in carrying the through freight from New York to Saint Louis over the Central road of Georgia, if the company carries it from Savannah to Atlanta for $5, in its transit across the territory the company should not charge more than $5 if the consignee should require it to be taken off the train and delivered at Jonesborough, 20 miles before reaching Atlanta.

In other words, that car-load of the same character of freight going from New York to Jonesborough, Ga., should only be charged $5 if the company carries a like car-load of through freight consigned to Saint Louis from Savannah to Atlanta, which is 20 miles farther, for $5. In the one case the freight shipped from New York by steamer to Savannah and then shipped by the Central road from Savannah to Jonesborough would be local freight, so far as the Central road is concerned; and if the Central road should be required to transport like freight by car-load from Savannah to Jonesborough and to put all its local freights at the same rate, its income would not pay one-half of the fixed expense of maintaining and running the road, and bankruptcy would follow.

Then no reasonable man would insist that the Central road should be required to put its local freight at $5 a car-load between Savannah and Jonesborough, as all must admit that the railroad could not run and charge such rates. In the other case, the through consignment from New York to Saint Louis reaches Savannah by steamer, and it is put upon a car that is going by the next train from Savannah to Saint Louis for a load of bacon. The car is going empty, as the company has no freight with which to load it. By receiving the consignment from New York to Saint Louis on board the car and charging $5 for transporting it to Atlanta and delivering it to the Western and Atlantic road the company makes $5 clear money, which goes into its general income for its support, and of course charges $5 less on account of local freights. Where is the injustice? Where is the wrong?

But, says the objector, if the company only charges $5 on the through freight from Savannah to Atlanta, 300 miles, it should not be permitted to charge more than $5 on a car-load of local freight from Savannah to Jonesborough, 20 miles less distance. Why not? It actually costs the company more to deliver it at Jonesborough than at Atlanta.

You may ask me how? I reply that a car-load of through freight hitched on by the Central at Savannah to a train going to Atlanta is carried through without any necessary stoppage at Jonesborough, and when it reaches Atlanta it is simply uncoupled from the Central train and is coupled to a Western and Atlantic train, which takes it in charge and carries it to Chattanooga, and there delivers it to the Nashville, Chattanooga and Saint Louis Railroad. The transfer is made by the simple operation of uncoupling it from one train and coupling it to the other, and the Central road in that case has no delay or stoppage at Jonesborough, and no trouble or expense of switching off the car and delivering the freight; but if it is required to deliver the freight at Jonesborough instead of Atlanta, the train must be stopped at Jonesborough and the car must be switched off from the track to a side track, causing several minutes' delay and consequent expense; for every minute of time lost by a train costs something in the salaries of persons managing the train, in the fuel consumed, in the engine, and other necessary expense. Then the agent at Jonesborough must take the car in hand, and unload the freight upon a platform, place it in the depot, and roll it out again, and deliver it to the consignee when it is called for.

In the case supposed it actually costs the Central Railway decidedly more to deliver the car at Jonesborough than it would to run the train through to Atlanta, uncouple the car, and turn it over to the Western and Atlantic, which couples it to its train and carries it along. But, the more important point is that the Central can not maintain itself and put its local freights as low as $5 a car-load from Savannah to Jonesborough, and it must break down and go into the hands of a receiver if it attempts it, while in the case supposed it can take the car-load of through freight consigned to Saint Louis in a car that would otherwise go empty from Savannah to Atlanta and carry it for $5 and make money on it, and all the money it makes by carrying freight of that character goes to aid in supporting the road and paying its expenses, and to that extent lightens the burdens which have to be put upon local freights for its support.

No citizen of Georgia is injured in the slightest particular by the action of the Central Railroad in loading the Saint Louis freight into the car that would otherwise go empty, and transporting it across the territory of the State; while, on the other hand, every citizen who is a patron of the Central Railroad, and has to pay local freights upon it, is to that extent relieved, as his local freights can to that extent be placed at a lower rate. While, therefore, the rule that you shall not carry the same quality and quantity of through freights a longer distance for less money than you carry the like quality and quantity of local freight for a shorter distance is plausible, and appears to be right in itself, all railroad experience shows it to be impracticable, seriously disturbing the operations of through transportation, and to be highly detrimental to the commerce of the country.

No railroad company can continue to run long unless it is permitted to make its fixed expenses, and if it is limited to fixed expenses it can pay no dividends nor can it pay interest upon the capital invested. By the fixed expenses I mean all the expenditure necessary to the purchase of cross-ties, new rails when those upon the track are being too much worn, to keep the bridges and culverts and everything pertaining to the track in good order, to purchase a sufficient number of engines and cars to transact the business of the road, to keep them in good repair and replace them with new ones when worn out.

This includes the expense that every railroad company has to incur in its repair shops, where a large number of machinists and mechanics are necessary to keep the engines and cars in good running order. Fixed expense also includes the salaries or compensation paid train hands, conductors, engine-runners, firemen, track-hands, flagmen, &c. It also includes the salaries of all the officers and agents connected with the company. All these expenses are necessary to keep the road in good running order, so that it can serve the public, and unless the company is permitted to make an amount large enough to cover all these expenses it can not be said to pay fixed expense, and any company that fails to pay the fixed expenses must of course soon go into the hands of a receiver, or it must let the road run down until it becomes too much dilapidated and too dangerous to serve the country longer by the transportation of freight and passengers.

But if you establish the rule that railroad companies shall only be permitted to collect enough for the transportation of freights and passengers to pay fixed expenses, you confiscate the capital invested in the enterprise to the public use without any compensation, as the railroad company that can pay no more than its fixed expenses neither pays interest upon the capital invested in the enterprise nor does it pay any dividends to the stockholders.

Every railroad which is built with the consent of the State under a charter given by the State for transportation in a particular section of country where it has been honestly built and the stock not watered (and I do not justify speculation by watering stock) should be permitted to charge enough to pay all fixed expenses and to pay a reasonable amount as dividends to the stockholders, or to pay interest with a reasonable sinking fund, so as to extinguish the debt of the company within a reasonable time. I presume few men will deny that every railroad company ought to be permitted to charge enough to meet the expenses of the company and to pay reasonable interest or dividends on the capital invested.

Under the present practice, where the Legislatures, the courts and juries, and the public, and indeed everybody, are in favor of robbing railroads or treating them as public enemies, much the larger proportion of them have gone into bankruptcy, or have found themselves wholly unable to pay the interest on their debt or to pay any reasonable dividends to the stockholders. I do not know half a dozen railroads in the whole Southern country from Washington to the Mississippi River and from the Atlantic to the Ohio River that are paying dividends to the stockholders on the original cost of constructing the road. Then there is no encouragement to capitalists for the future to put their money into the construction of new railroads, and as long as there is a general dispositions to make war upon them men of sense will decline to invest more money in railroad stocks or in the construction of railroads.

Some of the leading European governments have grappled with this question years since and have, after long experience, condemned the very proposition contained in the fourth section of this act and the amendment. They have found that it will not work in practice, that they are obliged to permit freights and passengers on many occasions to be transported a greater distance for less money. If a railroad company is to pay fixed expenses and dividends to the stock-holders, it must clear the money necessary to meet such expenses either out of local freights or through freights or both.

Experience has shown in such case that the best that can be done is to fix the local freights at reasonable rates, with a view to meeting the necessary expenses of the company, and then rather than exclude through freights for long distances, and rather than have part of their employés and rolling-stock idle for a portion of the time, it has been found better to carry through freights in competition with other lines long distances at rates which are many times but little more than the actual cost of transportation. If it exceeds the cost of transportation a small amount is made by the company, which aids it in meeting its necessary expenses and relieves local freight from that much additional charges.

Probably not more than one-tenth of the freight carried is through

freight over some of the long competing lines. The company can not afford to carry the other nine-tenths of its freight at the rates charged for the through freight, as it can not do so and pay necessary expenses, and if it is prohibited from carrying one-tenth or more of its freights long distances in competition with long through lines, it prevents those who are located far in the interior from reaching coast cities at all with their produce, and takes away from the company the small amount of clear money it realizes on such freights.

As already stated, experience has shown in foreign governments that it is unwise to restrict railroads within the limits prescribed by the proposed legislation.

Mr. E. B. Stahlman, one of the vice-presidents of the Louisville and Nashville Railroad Company, who appeared before the House committee and discussed this great question, made an argument so able and interesting that I shall make no apology for making quotations from it, as I can produce nothing better, and I have heard nothing better produced in the Senate.

Mr. Stahlman had looked into the action of the English, French, and German Governments upon this very question, and I quote from his speech.

He first refers to Great Britain, and says:

In 1865 a royal commission, created to consider the entire railway question, in an elaborate report made in 1867, said:

"Inequality of charge in respect of distance, besides being a necessary consequence of competition, is an essential element in the carrying trade; that is to say, the principle which governs the railway company in fixing the rate is that of creating a traffic by charging such a sum for conveyance as will induce the product of one district to compete with another in the same market. The power of granting special rates thus permits a development of trade which would not otherwise exist; and it is abundantly evident," continues this able commission, "that a large portion of the trade of the country at the present time has been created by and is continued on the faith of special rates. The conditions under which such rates are granted are so numerous that no special law could be framed to meet them."

In 1872 another commission was appointed upon the much vexed question of special rates, and after concluding that the enforcement of equal rates was "impracticable and inexpedient," says:

"It would prevent railway companies from lowering their rates so as to compete with traffic by sea, by canal, or by a shorter or otherwise cheaper railway, and would thus deprive the public of the benefits of competition and the company of a legitimate source of profit. It would prevent railway companies from making perfectly fair arrangement for carrying at a lower rate than usual goods bought in large and constant quantities, or for carrying for long distances at lower rates than for short distances."

In introducing the bill based upon this report to the house of commons, the Right Hon. Chichester Fortesque, chairman, said:

"There was the question whether the unlimited power of varying their charges to the public which the railway companies now use (note this, notwithstanding former legislation) certainly with great freedom and in a manner which led to complaint and sometimes to suspicion ought not to be limited, and whether the system of equal mileage rates exactly according to distance should not be imposed upon the companies. They were carefully considered, and in all these cases the committee came to the conclusion unanimously that they were not conditions which it were either practicable or for the public interest to impose on railway companies."

Let us now look to France. M. de la Gournerie, inspector-general of the French corps of bridges and highways, in a report published in 1879, says:

"In spite of some peculiar circumstances the operation of railroads, like all other industries, is subject to the great law of economics. * * * The prices should be regulated according to the value of the transportation, as determined by the action of supply and demand, and when different bases are adopted, such as the length of haul or the amount of cost, we are led into contradiction and impossibilities."

Again:

"A railroad in its own interest, and in that of the country, ought not to neglect any traffic of a kind that will increase its receipts more than its expenses.

"The different units of transportation carried by a company are far from giving equal profits. If, because some of them leave as net profits only a very small part of the receipts, we assume to regulate the tariff so that it shall get only the same proportion of the whole gross receipts, it will not be able to meet the obligations which it has contracted. The certain results of requirements of this kind would be to lead the companies to refuse all shipments in which they could not make a high profit, and consequently to abandon a considerable income, while depriving the country of cheap transportation for a great quantity of merchandise."

The president of the French board of public works, commenting upon higher rates for short haul rather than for long haul, declared:

"These anomalies, so much charged against the railroads, were not, however, a new event in the transportation business. Before the establishment of railroads the carters likewise imposed a higher rate from Paris to Angiers (191 miles) than from Paris to Nantes (246 miles), and we see that over this route the railroad had only followed the old cartage irregularities. The boats on their part formerly took more from Chalon-sur-Saone to Ville-Franche (60 miles) than from Chalon to Lyons (81 miles); more from Lyons to Tarascon (156 miles) than from Lyons to Arles (165 miles)."

Commenting upon this report, M. de la Gournerie says:

"The railroads are under the same conditions as the carters and the boatmen. I do not see how it could be possible to establish that transportation never has a less value for a longer than a shorter distance, or that each separate transportation should not be paid for according to its value.

A good deal is said of uniformity of tariffs, of regulating the rates according to the distance carried, without taking into account the value of the transportation. Good results can be attained only by fixing rates closely in conformity to the value of transportation. If they exceed it, the road is of little utility to the country and yields small receipts. If they are less than it, they are a gift to the community. Except for grave reasons an arrangement contrary to the rules universally admitted in commerce ought not to be adopted. Uniformity of tariff would occasion much greater inconveniences in France than in a smaller country, all parts of which would be under nearly the same economical condition.

Mr. Chairman, if uniformity should occasion inconvenience and hardships in France, what may not be said of the vast continent of America?

Closing this able and exhaustive report, M. de la Gournerie says:

"I had sought to combat this widely spread opinion that in the commercial operations of railroads everything is artificial; that instead of observing, we must invent; that instead of habitually leaving the different interests to react upon each other through supply and demand, it is necessary to be regulated continually. If we were certain that the men who manage railroad business would always have a perfect understanding of these questions, my conclusion would be to leave the matter to them entirely; I think, then, that the state should preserve its powers, watch attentively, but prescribe little."

In referring to Germany, Mr. Stahlman says:

In Germany the same difficulties have been experienced, so that the fixed policy of that empire has been to purchase the lines by just negotiations with their owners with a view thereafter of managing and controlling them.

Prior to this conclusion a royal commission reported upon the whole subject of regulation, from which I quote as follows:

"In the course of forty years of development the enormous importance of railroads for traffic and the entire modern civilization has been shown, so that the legal regulation of the state's supervision over the railroad system is acknowledged to be one of the most difficult problems to solve. It is not yet everywhere understood that an efficient regulation of the state's supervision over the railroad system is impossible for any length of time; that the indirect attention of the state for the public interests concerned is not to be regarded as sufficient means to solve the task of their protection and promotion. The existing order of the railroad system in the different states still presents a queer picture of the most differing systems. A closer study of the important public interests concerned in the railroad system and of the task the state has to fulfill in their protection and promotion will prove that the direct and unlimited attention of the state, the uniting of the property, of the traffic, and of the management of inland main lines, under the strong arm of the state, are the only efficient and proper means to solve that task."

Again, upon the subject of freight tariffs:

The regulation of tariffs moves in a broad margin between the expenses of running the road, which it is difficult and uncertain to determine, and the value of transportation to the stockholders.

A forcible reduction of freight offers, for legitimate regulation, difficulties almost impossible to overcome, without, of course, referring to reductions conditioned by competition or pressing liabilities. A legitimate regulation contains not only a weighty and direct encroachment on the management, but also on the financial affairs of the enterprises concerned.

Mr. Stahlman adds:

Here then, Mr. Chairman and gentlemen, we have the great powers of England, France, and Germany, after years of thoughtful investigation and legislation, rejecting *in toto* every important provision of the Reagan bill, and yet the distinguished chairman of this committee continues to vigorously press this measure for passage.

But we are told that a greater necessity exists for legislation in America than in Europe.

I hold in my hand, Mr. Chairman, a few tables, hastily prepared, but correct in the main, and sufficiently full to illustrate what I am about to say. Take the freight tonnage per mile carried, and the comparison stands:

	Tons.
United Kingdom	14,200
France	5,500
Germany	7,100
Belgium	10,200
America	3,280

PASSENGERS.

	Per mile carried.
Great Britain	41,100
France	10,600
Belgium and Holland	19,900
Switzerland	13,750
America	2,860

Passenger tariffs per mile charged, two classes:

	First class.	Second class.	Average.
Great Britain	4.60	3.20	3.90
France	3.84	2.88	3.26
Germany	3.08	2.30	2.69
Russia	3.64	2.72	3.18
Austria	4.60	2.70	3.15
Spain	4.00	3.08	3.54
America	2.76	2.10	2.43

The table of freight earnings I have not been able to make up, but the comparison in freight is even more in favor of American roads than the exhibit in passenger rates, while the total gross and net earnings, including passenger, freight, and miscellaneous receipts, run from 200 to 600 per cent. in excess of the earnings of American roads, and yet we are told there is more need for legislation in this country than in Europe, and that the legislation here should be more rigid.

Take the question of passenger rates alone, compare the two, please, Mr. Chairman, and tell me (when you know, or at least ought to know, that the facilities furnished in America, even in smoking-cars, are equal if not superior to the first-class coaches of European railways), why the people of America should complain of a rate of 2.43 per mile, against a rate of 3.90 in Great Britain, 3.26 in France, 2.69 in Germany, 3.18 in Russia, 3.15 in Austria, and 3.54 in Spain; and this too when the travel in America is only 2,860 passengers per mile against 10,600 in France, 17,900 in Belgium and Holland, 13,750 in Switzerland, and 41,100 in Great Britain.

Now, Mr. President, a few words in reference to the second section of this bill. It provides that if any common carrier shall directly or indirectly, by any special rate, rebate, drawback, or other device demand, collect, or receive from any person or persons a greater or less compensation for any service rendered or to be rendered in the transportation of passengers or property, subject to the provisions of this act, than it charges, demands, collects or receives from another person or persons for doing him or them a like and contemporaneous service in the transportation of a like kind of traffic under substantially similar circumstances and conditions, such common carrier shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared unlawful. And any common carrier who shall violate the provisions of this section as aforesaid shall be liable to all persons who have been charged a higher rate than was charged another person or persons for the difference between such higher rate and the lowest rate charged upon like shipments during the same period, or if such lower rate was made on

any time contract or understanding, the said common carrier shall be liable to pay a like rebate or drawback to all other shippers over the same route, between the same points, who have shipped goods during the time that such contract or understanding was in operation.

Now, Mr. President, this is a very strong provision against rebates or drawbacks or special rates. As a general rule, rebates should be prohibited. In other words, all rebates which are intended unjustly to discriminate between two or more persons in the ordinary transaction of their business are highly improper and are seldom ever practiced by a railroad company that has regard for its own interest and the interest of the community. And still there are exceptions in the ordinary transaction of business where it is not only proper but important, where it is not only the interest of the railroad company but the interest of the community, that rebates should be given. In the various transactions which arise in the development of our country and in conducting its great commercial affairs no stubborn iron rule that is inflexible can be applied without working not only injury to the transportation companies but great detriment to the public.

I beg leave to illustrate this by a quotation from the speech of Mr. Stahlman, above referred to, as he has put the case clearly and intelligently, so as to show the hardships which must arise to the community and the transportation companies if an unbending rule, forbidding rebates, should become the law of the land. In illustrating this he takes a very cheap, yet a very important commodity, produced largely in this country, and needed for use in foreign countries, and often shipped there. He illustrates his meaning by the cost of the transportation on staves shipped from the timber regions of the West to the Eastern seacoast and part of them shipped abroad, and on coal shipped from Indiana and Illinois to the States northwest of Chicago.

On page 28 of his argument Mr. Stahlman discusses this question, and I must ask the Clerk to read that portion of it, as I think it very important.

The Secretary read as follows:

The facts with reference to the rebate on staves are about these: Much the largest percentage of the staves shipped in this country find a market at the Eastern seaboard. These staves pay a rate, say, of $70 per car to New York. The shipper of the staves in the West is satisfied with this rate; he does not ask for any concession; the purchasers in the East are content, but the markets of the East are not quite sufficient to consume the quantity the Western shipper produces. He, therefore, looks beyond to see if he may not find a market elsewhere. He finds that he may send staves to England, but can not afford to do so based on a rate of $70 per car to New York. Staves are very low-class traffic; they will not bear shipment by regular steamers to Europe, consequently no through bill of lading can be given from the original point of shipment in the West to Europe. The stave producer must look to sailing vessels or schooners for cheap transportation.

The railroad says to the shipper, "We are willing to make you a concession of $10 per car on shipments to England in competition with staves from Norway. We are perfectly willing to make the concession you or any other shipper who may desire to avail himself of this rate; but inasmuch as no through bills of lading can be given, and the reshipment from New York is made through some New York parties or agency, we are not in a position to know whether the shipment goes through or not. While we are willing to aid you, we can hardly afford to reduce our rates $10 per car on 90 per cent. of our business in order to gain 10 per cent. more on your shipments to England. Therefore, pay us the full rate on all shipments to New York or Boston, and upon presentation of ship's bills of lading showing certain quantities shipped to England we will refund you $10 per car on the quantities thus shipped."

This arrangement is not designed to give one shipper an advantage over another. It is, as I understand it, open to everybody; it is simply designed to prevent a general reduction on 90 per cent. of the business which does not require the concession, and to assure the company that only such shipments as require the concession receive the benefit of them.

The impression that rebates are given to build up one shipper to the injury of another is an entirely erroneous one. The rebates, when given at all, are largely due to just such transactions as I have explained, and frequently to a desire of one railroad company to secure shipments against a competing line. I know that there are institutions which have been favored with rebates, but the committee will find all fair-minded railway managers opposed to such abominable practices; and while on that point I desire to emphatically declare myself for the interest I represent, and railway interests generally, in favor of the most rigid and exacting law, which will prevent rebates for the purpose of unjust discrimination, or to prevent discrimination or extortion in any form whatever. No matter how rigid or exacting the law may be, I am more than satisfied that the railway managers of this country, who are as a rule fair-minded and inclined to do what is right, will most heartily approve of the enactment of such a measure. But there are conditions which necessitate rebates, and when such rebates or drawbacks are given they should be open to all shippers under like circumstances. While the company which I represent is not largely given to such practices, certainly in no case for the purpose of discriminating in favor of one shipper as against another, or for the purpose of robbing a rival line of its legitimate share of business, it does give some rebates, the nature of which I desire briefly to explain.

Take a point on the line of our road, say Franklin, Tenn., for example. A gentleman comes to us and says, "I want to build a grain elevator." The railway company's financial condition does not warrant the railroad in building the elevator, although many Western railroads have done so largely at their own expense. Elevators are nothing more nor less than increased station facilities. We say to the gentleman: "We can not build this elevator, but we will do what we can to aid you. We have the timber on the line of our road required for that purpose. We will carry it for you at the actual cost of transportation. We will not bill it at an open rate, because to do so would open the door to every shipper, no matter for what purpose he might desire to use the lumber, to avail himself of it. But you buy the lumber, ship it, erect the elevator, and send us your freight bills with a certificate showing that it was put into the elevator, and we will refund you the difference between the amount charged and the actual cost of transportation."

A man at Columbia, Tenn., comes to us. He says, "I want to build a flouring mill and warehouse on the line of your road. What can you do to aid me?" The railroad people appreciate the fact that the erection of a mill and warehouse will make an increased demand for grain, resulting in increased production of grain, and consequent increase of business at that point. In addition to all of this, the mill and warehouse on the tracks increase its facilities for doing business. We say to this man, as in the case of the man at Franklin, Tenn., "Build your mill, and send us your freight bills, and we will refund you the difference between the amount charged and the actual cost of transportation."

Later on this man approaches us and says, "I have been running my mill for five months on the wheat produced in this section. The wheat is exhausted. I have a good trade in the South which I desire to keep up. If I let it go, it will require hard work to recover it when the next crop comes in. I must keep going even though I work at bare cost. I can buy wheat in Kentucky, Indiana, or Illinois, bring it here and continue to grind, but I can not do this and pay local rates into Columbia and then pay the rate on the product out." The Louisville and Nashville Railroad Company realizes the force of the miller's claim, and says to him, "Go ahead, buy your wheat in Kentucky, Indiana, Illinois, or elsewhere, bring it to Columbia, grind it up and ship the flour to supply your customers; at the end of each month send us a statement of the wheat shipped in and the flour shipped out, and we will give you a rebate on the wheat so that the total rates on the wheat and flour combined shall equal the rates from the original point of shipment of the wheat to the point of destination of the flour."

I submit if this is calculated to injure any one. This arrangement is open to the millers on the line of the Louisville and Nashville Railroad from one end to the other. The millers all understand it, and they are satisfied with it. It brings business to the roads, it keeps the mills going, it feeds people employed by the millers, builds up a business at the different towns, and enables the miller to hold his customers.

For the information of the committee I will say, that quite extensive milling interests have been developed and fostered in this way at all points on the line of the Louisville and Nashville road, and the general public understands that any one who wants to engage in the milling business may do so on the same terms.

There is another large interest on the line of the Louisville and Nashville Railroad, particularly in Kentucky, which has been fostered in a like manner—that of the manufacture of whisky. The grain is hauled into the distilleries at the current rates; the railroad people know how much whisky a bushel of grain will make, and concessions in the way of rebates on grain are made upon presentation of certificates showing the proper proportion of whisky shipped out. I am illustrating the rebate system particularly so far as it applies to the Louisville and Nashville road, and what I say of the Louisville and Nashville will apply to all of the Southern railroads, for all are endeavoring to build up local industries on the line of their roads.

At Nashville we have a large number of lumber-yards, planing-mills, sash, door, and blind factories, which buy their pine lumber hundreds of miles distant from Nashville. It is brought there in the rough. We say to these people, "Dress your lumber or manufacture it into sash, doors, or blinds, reship it, and in proportion to the amount reshipped we will make concession in the way of rebate on the lumber shipped in." This hurts nobody, and tends to help build up an industry which engages the labor of a large number of worthy people, and helps to make the city prosperous.

I will carry these illustrations to Judge BYNUM'S district, and I speak now from experience, because I was at one time connected with the management of a railroad in Indiana.

The Louisville, New Albany and Chicago Railway Company, when it finished its Chicago line into Indianapolis, about three years ago, had no terminal facilities. All of the manufacturing institutions were located on the side tracks of other railroads. A gentleman came to me and said, "I want to establish a stave and barrel factory at Indianapolis; you have the raw material on the line of your road; I wish you would aid me in bringing lumber from some point on Lake Michigan to Indianapolis to build my factory." I said to him, "Certainly; it is an industry which railroads ought to encourage. Your staves are made in the rough on the line of our road; I will undertake to carry the lumber to build your factory at the cost of transportation. It will be billed to you at full rates; pay the freight bills, and when your factory is done, send me your freight bills and I will give you a rebate between the amount charged and the actual cost of transportation."

Another Indianapolis gentleman comes and says, "I want to establish a sash, door, and blind factory at Indianapolis. There is quite a demand for sash, doors, and blinds on the line of your road. What can you do toward helping me to bring in the lumber to build my factory." I said to him, as I did to the stave-and-barrel man, "Ship your lumber, build your factory, send in your freight bills, and I will give you a rebate so that the rate of transportation shall not exceed the actual cost of the service."

Another said, "I want to build an elevator at Sheridan, on your line. I would be glad if your company would do so, but I know that it is not able. What can you do to help me?" I said to him, "Ship your lumber, build your elevator, send in the freight bills you have paid, and I will make you a rebate between the amount paid and the actual cost of transportation." Others came for the same purpose at other points on the line of the road; all were met with like encouragement.

Now I ask if this is unjust discrimination? Is this building up one shipper or manufacturer to the injury of another?

In connection with this I will return to the discussion of the coal question and that portion of it which relates to an effort of the Indiana and Illinois mines to sell bituminous and block coal in the Northwest. The rates from the mines to Chicago, as stated, are perfectly satisfactory to the miner and the Chicago dealer and consumer. The shipments of coal to reach the Northwestern States pass through Chicago. A concession, as stated, of 25, perhaps 50, cents per ton is considered necessary to enable the Indiana and Illinois miner to sell coal in the States of Minnesota, Wisconsin, Iowa, &c.

Some of the mines of Illinois and Indiana are owned and controlled through Chicago parties. The shipments to the Northwest are largely made through Chicago parties. Therefore to prevent any fraud upon the transportation companies the railroad companies say to the miners and the Chicago dealers, "You ship all of your coal to Chicago locally; we can not tell what goes to the Northwest or what is consumed in the city of Chicago. Therefore we will charge our full rates to Chicago on all of the coal, and if you ship 10, 15, or 20 per cent. of the coal to the Northwest, upon the presention of the bills of lading of the Northwestern roads at the end of each month we will refund you 25 or 50 cents per ton, as the case may be, on all such shipments."

This will serve as a fair illustration of the system of rebates indulged in by railway companies, and will serve to show also that they are not given for the purpose of discriminating in favor of one shipper to the injury of another, but as a means of increasing traffic, building up the industries on the line of the road, and preventing the practice of frauds upon railway companies.

If the committee were to go to the bottom of the complaints so generally and so sweepingly made of discriminations by means of drawbacks or rebates, I am quite well assured that it would find them largely, if not almost exclusively, confined to shipments made under such circumstances.

Why should such a practice be prohibited? Why not legalize rebates and drawbacks with a proviso that they shall be open to every shipper under like circumstances, and prohibit the practice only in cases where it is designed for the purpose of unjust discrimination?

Mr. BROWN. Now, Mr. President, it seems to me that no reasonable man would object to the rebate paid on the staves in the case above supposed. It simply enables the Western timber-man to find sale for probably one-tenth more staves than he could get market for in the

East by shipping them to England or other foreign countries. He could not get them to the foreign market without a reduction of rates from the West to the Eastern cities. If they should give that reduction on all the staves shipped from the Western forests to the Eastern cities it would amount to a reduction of the freights so far as those for home consumption are concerned, which is a reasonable freight, and at which neither the producer nor consumer of the staves complains.

The best way of reaching the case properly is to charge all Western staves the same price to the Eastern cities, and then, as stated by Mr. Stahlman, on the production of the ship's bills of lading, showing that a certain quantity of them have been shipped abroad, say one-tenth for instance, to rebate or refund to the owner of those shipped abroad the concession made in the price of transportation to enable him to send them abroad. Bear in mind, Mr. President, there is no unjust discrimination in this matter, as the same rate for staves to be used in the Eastern cities is given to every shipper, and the same rebate is given to each shipper who desires to send them abroad.

In the matter of the erection of elevators, mills, factories for manufacturing doors, sash, blinds, &c., nobody will question that the community is interested. The location of one of these establishments in a community increases the production, helps to create a home market, gives wages to labor that might otherwise be unemployed, and gives a daily freight of considerable quantity to the railroad company upon which the establishment is located. Who can doubt, in such case, that it is the interest not only of the railroad, whose regular freight is increased, to make a concession in freights on the building material which it does not make to other consumers, but that it is also the interest of the community, which is greatly benefited by the construction and use of such factories, elevators, &c., which might not otherwise be erected.

Again, who can doubt the wisdom and the benefit not only to the transportation companies but to the community of a concession made by the transportation companies to the coal shipped from Indiana or Illinois west of Chicago, when the Chicago market is not sufficient to take all which can be successfully mined, and when the coal is needed in Wisconsin and Minnesota by consumers who can not afford to use it if it is charged the same rate of freight per mile from the mines to the place of consumption in those extreme Northwestern States which it is now charged from the mines to Chicago? In such case Chicago suffers no injury by the reduction in favor of those three or four or five hundred miles farther west, as the Chicago prices have not increased.

And as but a limited proportion of the productions of the mines are shipped to the far West, a railroad company could not afford to put down the rates of eight-tenths of its whole production to secure the patronage at the lower rate of two-tenths of it; and yet, as there are periods when the demand is not sufficient at Chicago to take the whole output of the mines, it is the interest of the miners to keep their employés at work and to sell the remnant of the amount produced farther west at a lower price rather than fail to work full time. Consequently all interests are served by the rebate. The miner gets regular employment from the owner of the mine; the owner of the mine makes a small amount of profit on the coal that is sold at the reduced price; the transportation companies realize a small profit on that which goes beyond Chicago. The people of Chicago are no way in danger, because the price of their coal is not increased. They pay just what they would have to pay if the arrangement farther west were not made, and the people farther west secure the coal at a price at which they can afford to use it, and they are benefited. But you may say, why make the rebate? Why not make a lower rate from the mines to the consumer? For the reason that if you should do this all who ship to Chicago would claim that they were going to ship west, and you would have no means of ascertaining whether the coal went west or whether it was consumed in Chicago; but when it is shipped to Chicago at the regular rate and is then reshipped by bill of lading to the far West, the quantity sent west can be readily ascertained by such bills of lading, and freight can then be put at the reduced rate on what is really in good faith shipped west by a rebate, paying the difference in freight which is allowed by the reduction of price for that going farther west. This results in mutual and general benefit, as all shippers engaged in the same business get the same benefit, and it is no injury to anybody. Then why should we make a stringent rule or law prohibiting it?

Mr. President, it is as difficult to undertake to regulate by inflexible rules of law the transportation of commerce as it is to regulate commerce itself. In other words, it is as difficult to regulate transportation by fixed rules as it is to regulate prices in the daily traffic business of the community. If you should undertake to fix by stubborn rules of law the price of wheat, corn, bacon, lard, butter, and the like in the different cities and communities where a trade and traffic in these articles are conducted, you would find little less embarrassment than you do when you undertake to regulate the transportation of commerce by fixed, inflexible rules of law. It can never be successfully accomplished, and probably the best that can be done if we can get a conservative, intelligent well-balanced commission is to leave all these delicate and difficult matters in their hands, giving them the power to make the rules governing transportation elastic, as the exigencies may require.

After they have investigated the question thoroughly and looked into it in all its bearings they will usually be able to determine what is necessary or what is the best that can be done for the transportation companies and the communities under the circumstances by which they may be at the time surrounded. But if you bind them "fast as fate" by unbending rules of law that have no elasticity you will find the machine will not work, the wheels will be screaking in a hundred places, different interests will be suffering, and there will be a general outcry and clamor against laws which operate so unjustly, which cripple commerce, embarrass manufacturing interests, discourage production at points far in the interior, seriously injure, if they do not destroy, important branches of our foreign trade, and prevent that general and free interchange of commodities which is essential to the well-being and prosperity of a great country like the United States. We had better hasten slowly in this matter, doing as little as possible to cripple and as much as possible to build up all the great interests of a great and prosperous people. Let us profit by the experience of other nations who have thoroughly investigated these questions, and learn wisdom by their example.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from West Virginia [Mr. CAMDEN].

Mr. CULLOM. Before taking a vote on the amendment of the Senator from West Virginia, I wish to ask the Senate to make one or two formal amendments in the reprint of the bill.

In section 2, line 1, after the word "carrier," I move to insert the words "subject to the provisions of this act." Those words were dropped out in the printing.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In section 2, line 1, after the word "carrier," insert the words "subject to the provisions of this act;" so as to read:

That if any common carrier, subject to the provisions of this act, shall directly or indirectly, &c.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Illinois.

The amendment was agreed to.

Mr. CULLOM. In section 5, line 2, after the word "after," I move to strike out the words "this act shall take effect" and insert the words "the appointment of the commission hereinafter provided for;" and in line 3, to strike out "the" and insert "said," before the word "commission."

The reason for this amendment lies in the fact that it may be sixty days or thereabouts after the act shall take effect before the President of the United States could select a commission whose duty it will largely be to put the section in force. As I propose to amend the section the sixty days will apply to the time after the appointment of the commission.

The PRESIDENT *pro tempore*. The Senator will send the amendment to the desk.

Mr. CULLOM. I will send up the bill with the amendment marked on it.

Mr. HARRIS. I have it here, Mr. President.

Mr. CULLOM. The Senator from Tennessee has it also.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In section 5, line 2, after the word "after," it is moved to strike out the words "this act shall take effect" and to insert "the appointment of the commission hereinafter provided for;" and in line 3, to strike out the first word "the," between the words "with" and "commission," and insert the word "said;" so as to read:

That every common carrier subject to the provisions of this act shall, within sixty days after the appointment of the commission hereinafter provided for, file with said commission appointed under the provisions of this act copies of its tariffs of rates, &c.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the amendment proposed by the Senator from West Virginia [Mr. CAMDEN].

Mr. CULLOM. I do not know whether the Senate understands that the Senator from West Virginia desires the last amendment he offered to be first voted upon.

Mr. ALLISON. Let the amendment be reported that we are to vote on.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In section 4, line 5, after the word "direction," it is proposed to strike out "and from the same original point of departure;" so as to read:

SEC. 4. That it shall be unlawful for any common carrier to charge or receive any greater compensation in the aggregate for the transportation of passengers or property subject to the provisions of this act for a shorter than for a longer distance over the same line in the same direction.

Mr. HARRIS. That is the amendment first to be acted on, because it perfects the text and it is in order before the motion to strike out is put.

Mr. CULLOM. So I understand.

Mr. HARRIS. In order that the Senate may comprehend the precise effect of that amendment I will say a single word.

Under the provisions of the bill as it now stands common carriers are

prohibited from charging more in the aggregate for the short than the long haul over the same line of road going in the same direction and from the same point of departure. To illustrate: From the city of Chicago to New York, from the point of departure, Chicago, the through rate being to New York say 10 cents a hundred pounds of grain, all shipments from Chicago to any point on that line could not exceed 10 cents a hundred pounds from Chicago to the point of destination. But leaving Chicago and taking up freight 10 miles or 50 miles or 500 miles away from Chicago on the line to New York, under the provisions of the bill as it stands the transportation company would have a right to charge as much, twice as much, or thrice as much from this midway point to New York as from Chicago to New York.

By adopting the amendment and striking out this language, my understanding is that it will mean, no matter whether you make your shipment from Chicago to some point in the direction of New York or to New York, you shall not charge more in the aggregate for the short haul than for the long haul; that if you make your shipment from any point between Chicago and New York to New York you shall not charge more for that shorter distance than you charge for the transportation over the whole line of road.

I think that explanation shows precisely what the amendment means and the effect it is intended to have; and believing that effect to be just and desirable, I shall vote for the amendment as proposed by the Senator from West Virginia.

Mr. CAMDEN. In addition to what has been said by the Senator from Tennessee I wish to call the attention of the Senate to the fact that the provision which relates to the long and the short haul limits it to the same original point of departure, which would leave the section to affect only shipments from the same points and would not affect shipments from any intermediate points. In other words, from a given point at a long distance, at a given rate to the seaboard or to the market, all shipments from that point must be at the same rate; but the limitation in the bill, "from the same original point of departure," does not affect the thousand other places which may be nearer to the market than the original point of departure.

This particular limitation in the fourth section, "from the same original point of departure," is a limitation which affects most largely the shipping interests of the whole country. That provision would control nine-tenths of all the shipments to which the section could apply. That was the basis chiefly upon which I addressed the Senate a few days since in urging an amendment to strike out all the limitations and all the exceptions contained in the section. I have concluded to first submit an amendment to strike out the words "and from the same original point of departure" as covering the main point I desired to reach by the previous amendment.

I have given considerable thought to this subject, and I am firmly convinced in my own mind that this provision is not only of the greatest importance to the whole country of any provision which could be inserted in a bill to regulate interstate commerce, but I am, moreover, fully satisfied that the amendment would be in the interest of the railroads, for the reason that it would produce a uniformity in transportation and in the charges of railroads, which would enable a railroad to make such general tariff rates as to produce from the earnings of the road an amount to cover the fixed charges and the amount necessary for the road to make.

Mr. PLATT. I do not think I shall want to vote for a short-haul clause which does not have the words in which are proposed to be stricken out. Last year I voted against a proposition to insert a short-haul clause in a similar bill for the reason that I thought we might leave that whole subject to the commission to deal with it under the power which is given to them to prevent discrimination, and for the additional reason that I thought it might be a very dangerous experiment to try in an interstate-commerce bill, where so much of the freight consists in getting the produce of the far West to the seaboard. But subsequent reflection has convinced me that there ought to be a short-haul provision in the bill. However, I think that the clause "and from the same original point of departure" ought to be retained in the bill. To strike it out assumes that there are no points which by reason of the concentration of business at those points can do the freighting business for any less than at other less important points. It assumes, too, that you must charge the same rate over all the branches of the railroad which it affects without reference to the cost of construction or the amount of business which is to be upon those branches.

I think it is essential to keep this clause in the bill for the purpose of allowing cheap freights from the West to the East, and that under the present system of railroads to strike it out and oblige a railroad to charge from every point a thousand miles distant upon its various branches to New York as little as it would charge from the great distributing center a thousand miles away from New York would result in very great difficulty about transportation in this country. Let me illustrate by a diagram. Here is a road which is a main line and there are two branches [indicating]. One branch really forms a part of the great main line. One end of the Y I call A, the other B, and the point of destination to the seaboard C. The great bulk of the shipments on that road owned by the railroad company, of its two branches, go from A to C; but B is equally distant from C that A is. The road can afford to do its business for less, carrying great quantities of grain or other produce to market from A to C, than it can from its terminus at B, for, as I suppose in this illustration, the branch which runs up there [indicating] has cost a great deal more to build and the business on it is a great deal less. It runs through a sparsely populated country, and yet if this clause is taken out of the section it can charge no more from the great point of distribution, where the bulk of the business goes, than it is allowed to charge from the termini of the road, which is in a sparsely settled community and where there is very little business and over a road which it has cost no less to build. I think that simple illustration shows the difficulty of applying any rigid iron-bound rule per mile to this question.

Mr. CAMDEN. The Senator from Connecticut has presented an extreme case for illustration, one which perhaps does not exist in this country; and even in that case I beg to say that the Senator is mistaken in the supposition he makes. He and my friend from Georgia [Mr. BROWN] both construe the amendment into a provision that the rate shall be so much per mile. That is not the object nor the meaning of the amendment. A railroad may charge as much for 500 miles as it does for a thousand miles, and because a railroad may have two branches, as illustrated by the Senator from Connecticut, it does not limit the rate per car from the two points but simply limits the charges, by providing that the charge for the longer haul shall not be greater than the charge for the shorter haul.

Mr. HARRIS. If the Senator will allow me to call his attention to a fact, I will state that the bill in explicit terms confines the provision to the same line of road and going in the same direction. The Senator from Connecticut held up two different lines of road belonging to the same company, but they can not be called the same line of road.

Mr. CAMDEN. I am very much obliged to the Senator from Tennessee for making that explanation. I was going to make it, but the Senator has made it better than I could have done myself.

The principle in the bill does not apply to the illustration made by the Senator from Connecticut. I will say further, that the fourth section, in limiting it to "the same original point of departure," does not mean anything. It does not mean legislation at all upon the long and short haul question. Take a car leaving from any of our large centers of competition in the West. This clause limits the charge to the same class of shippers from that point to the same market or to intermediate points in the same direction. It limits it so that the charge for the short haul shall not exceed that for the long haul. A railroad may start out from the original point of competition and strike into a country where for 200 miles there are no competitive points. In that 200 miles of road the products of that country may be charged any amount that the railroad may choose to charge or that the freight will bear; and the fourth section will not apply to it. In other words, the distant points shall have the benefit of the competition, but it is denied to all other sections of the country.

It certainly appears to me that striking out the words "and from the same original point of departure" preserves the whole effect and virtue of the bill, if there is anything in it.

Mr. PLATT. I understand it is objected now that my illustration does not apply, because the provision of the section is "over the same line, in the same direction." I think the bill is open to a construction which would make my illustration applicable. If the word "line" means only the road between two points, and not the road owned by the company, then perhaps the illustration does not apply; but if it means the line, the road, the system which the company is operating, then it does apply.

Upon the theory that my illustration does not apply, I will take the instance again from Chicago to New York. The great bulk of the grain shipment from the West to the East leaves Chicago for the seaboard. The road has facilities for transacting that business. It can do business a great deal more cheaply where large quantities of a given kind of freight are moved than from points where but very little of that character of freight is moved.

We will suppose that the rate from Chicago to New York is exceedingly low, but the railroad is able to take the freight on account of the immense amount of business which is done, which can be done at a lower rate than where the business is very limited. Strike these words out of the bill, and then take a station 10 miles this side of Chicago, if there be such a station, where grain does not concentrate, where there are no great facilities for receiving and distributing it, but where there is a farming community. A man brings a single car-load of grain to the little station where the trains stop occasionally, and asks to have it transported to New York. When you strike out these words it is equivalent to saying that the road must take that one car-load of grain under those circumstances from that little flag-station, if you please, and carry it to New York just as cheaply as it carries the great bulk of the grain which is transported from Chicago. In other words——

Mr. HARRIS. I should be glad to propound two questions, if the Senator will allow me.

Mr. PLATT. Allow me to finish the sentence.

Mr. HARRIS. Certainly.

Mr. PLATT. In other words, it ignores the fact that business can be done at a center where there is a great amount of business to be han-

dled and where there are the best facilities for handling it cheaper than it can be done at a place where there is very little business done and no facilities for handling it. Now, I will hear the Senator from Tennessee.

Mr. HARRIS. Under the provisions of the bill as it stands, taking the illustration from Chicago to New York, every shipment made from Chicago, whether to New York or any intermediate point on the line of road, is subject to this provision, and the shorter haul can not be forced to pay more than the aggregate amount paid on the longer; but if you take up a shipment midway between Chicago and New York, at a way station, of one or fifty car-loads of freight, that shipment is not in any wise subject to the provisions of the bill.

Mr. PLATT. It certainly is.

Mr. HARRIS. May not the transportation company, so far as this bill is concerned, charge twice as much for the shipment from the 500-mile station as it charges from Chicago, the thousand miles, to New York?

Mr. PLATT. If it is a fair charge it may; but the Senator has said that it could charge twice or three times as much, and the charge is still open to the provision in the bill that there must be no extortionate charges. It leaves open the whole question whether the higher charge from the little way station just this side of Chicago is a fair charge or not. If it is an unfair charge, an extortionate charge, then it is regulated by the other provisions of the bill.

Mr. HARRIS. May I ask the Senator if the short haul provision contained in section 4 applies to or regulates any shipment from Chicago to New York except those that start from the point of Chicago?

Mr. PLATT. It certainly does not, but it regulates——

Mr. HARRIS. Then, if it be just and reasonable and right to regulate by law the short haul leaving Chicago in the direction of New York all along the line at the various points to which shipments may go from Chicago, is there not just as much reason and justice in allowing the way station to ship from its point to New York under the same provisions and with the same limitations and with the same protections of law that the shipments can go from Chicago to the way stations or through? If there be a difference, I confess that I not able to see it.

Mr. PLATT. If you admit that justice requires an approach to the same rate per mile for freight, then the Senator from Tennessee is right; but if you admit that it may be fair and just and equitable under the circumstances of business to charge a higher rate to New York from a station 10 miles this side of Chicago under the circumstances which I have supposed, then he is entirely wrong. The question is whether there may be a discrimination on account of the amount of business to be transacted at different places and the facility of transacting it. That is all there is to it.

Mr. HARRIS. The Senator certainly does not intend to be understood as asserting that the striking out of this language will reduce the matter to the same rate per mile. All that it will effect is this: If you ship from the half-way station between Chicago and New York you can not charge more in the aggregate for that half distance than you are charging for the whole. It would be twice as much per mile if you charged the same aggregate amount for the freight from the 500-mile point that you charge from Chicago over the entire length of line, being a thousand miles.

Mr. PLATT. It strikes me the Senator begs the question a little when he removes the station from 10 miles this side of Chicago to 500 miles, because, if the station is 10 miles this side of Chicago, and he insists that a car-load of freight shall go from that little inconsequential station to New York at the same price that the thousand or two thousand or ten thousand car-loads a day go from Chicago, then he is reducing the rate practically to the same rate per mile from the station 10 miles this side of Chicago.

Mr. WILSON, of Iowa. I desire to ask the Senator from Connecticut whether he does not think that it would be an improvement to amend the bill by inserting, in line 6 of section 4, after the word "departure," the words "or to the same point of destination;" so that the section would then read:

That it shall be unlawful for any common carrier to charge or receive any greater compensation in the aggregate for the transportation of passengers or property subject to the provisions of this act for a shorter than for a longer distance over the same line, in the same direction, and from the same original point of departure, or to the same point of destination.

Mr. PLATT. I do not think without reflection upon it that I am quite ready to answer that question, and I am not in charge of the bill.

Mr. WILSON, of Iowa. Such an amendment would prevent the practice to which the Senator from Tennessee has referred, that is to say, a rate fixed between Chicago and New York would apply as a limitation upon freight starting from an intermediate point to New York.

Mr. HARRIS. It would accomplish practically the object I have in view.

Mr. WILSON, of Iowa. It seems to me that if the language proposed to be stricken out is left in the bill the amendment I suggest would be an improvement on the system proposed by the committee.

Mr. HARRIS. But looking to the illustration that we have been using, if this section is left to stand as it now is in the bill without modification or change, there is no reason why the transportation company may not within 10 miles of the city of New York charge the same rate or double the rate that it charges all the way from Chicago to New York.

Mr. WILSON, of Iowa. That is a difficulty which has occurred to my mind. Undoubtedly if the language of the bill is left as it now stands the implication is unavoidable that a common carrier within the terms of the bill may charge a rate as great for 500 miles as for a thousand miles.

Mr. HARRIS. Yes; or for 11 miles.

Mr. WILSON, of Iowa. That would be the legitimate and necessary implication arising upon the language of the bill. Therefore I desire to have the section amended in that regard by the insertion of this language:

But this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter than for a longer distance.

This would negative the implication that necessarily arises upon the language used in the bill as reported by the committee.

Mr. PLATT. The criticism which is made now by the Senator from Tennessee, and also by the Senator from Iowa, applies equally to every short-haul law that has been passed in the different States as to this bill, and the answer to it is simply this: That it is unnecessary. No railroad company would suppose that it was authorized by any such provision in the bill prohibiting it from charging more for the shorter than for the longer distances to charge, for instance, as much upon freight starting within a hundred miles of New York to go to New York as it would charge for freight starting at Chicago to go the thousand miles to New York. If it did suppose that it was authorized to do it, all that the shipper would have to do would be to apply to the commission and say that the railroad company was demanding exorbitant and extortionate charges, and it would be remedied in that way.

Mr. WILSON, of Iowa. We might avoid that by expressly providing that that implication shall not apply. If the language remains as it now stands in the bill, undoubtedly if a railroad company should charge as much for a hundred-mile haul as it does for a thousand miles, and complaint should be made by the shipper, the answer would be, "We are not charging any more than the law allows, for it says 'you shall not charge any more for the short haul than for the long haul,' and we are charging the same."

Mr. PLATT. To illustrate further my answer to that point, there is no law now which prevents a railroad from charging $10 per ton per mile for its freight; but the railroad company does not do that, and it can not do it under the conditions of business; nor can it under the conditions of business charge as much, to use the illustration, for a haul of a hundred miles into New York as it charges for the haul of a thousand miles from Chicago into New York. No practical difficulty has been suggested, and if there were, the remedy is in the bill.

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 3 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *April* 26, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of Saturday's proceedings was read.

CORRECTION.

Mr. WARNER, of Ohio. If I heard aright the reading of the Journal the statement that I asked unanimous consent to call up a bill for the construction of a bridge over the Ohio River is an error. The RECORD shows that it was called up by the gentleman from Nebraska [Mr. WEAVER].

The SPEAKER. The bill was called up by the gentleman from Nebraska [Mr. WEAVER]. If the Journal is in error the correction will be made.

The Journal was then approved.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. PETTIBONE, for ten days, on account of sickness in his family.

To Mr. O'DONNELL, for ten days, on account of important business.

To Mr. EZRA B. TAYLOR, indefinitely.

To Mr. BROWNE, of Indiana, indefinitely, on account of sickness in his family.

To Mr. MARKHAM, for one week, on account of important business.

BUSINESS OF PACIFIC RAILROADS COMMITTEE.

Mr. DUNN. I am directed by the Committee on Pacific Railroads to ask unanimous consent for the adoption of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That Tuesday, the 11th, and Wednesday, the 12th days of May, 1886, after the morning hour for the call of committees for reports and consideration

of measures, be set apart for the consideration of measures reported from the Committee on Pacific Railroads.

Mr. SPRINGER. I will state to the gentleman from Arkansas that the 11th day of May was on Saturday evening set apart for the consideration of bills from the Committee on Private Land Claims.

Mr. DUNN. We examined the Calendar of Special Orders before drawing the resolution.

Mr. SPRINGER. The order to which I refer does not appear in the last print of the Calendar.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. SPRINGER. I object to the assignment of the 11th of May.

Mr. DUNN. Then I will ask that the committee be limited to the 12th, with a recess from half past 5 until half past 7.

Mr. WEAVER, of Iowa. What measures do the committee propose to call up?

Mr. DUNN. There are several measures. The first on the Calendar is the bill to require the Northern Pacific Railroad Company to pay the costs of surveying, selecting, and conveying its lands. Another measure is a resolution providing for an investigation of the business of the Pacific railroads which have been aided by the Government. Another measure is the general bill providing for an amendment of the laws in relation to paying the debts of the Pacific railroads to the Government.

Mr. WEAVER, of Iowa. Does the resolution include a bill to grant certain privileges to the Northern Pacific Railroad in the Yellowstone Park?

Mr. DUNN. It does not. There is no such measure reported from the committee.

Mr. WARNER, of Ohio. Does the resolution include a bill for funding the debt of the Pacific railroads?

Mr. DUNN. It does.

Mr. WARNER, of Ohio. Then I object.

Mr. DUNN. If objection is made, I ask that the resolution be referred to the Committee on Pacific Railroads. The bill to which the gentleman from Ohio refers provides for the payment of $41,000,000 of that debt at a time before it becomes due under existing law.

Mr. WARNER, of Ohio. I would object to any bill or proposition to postpone the debt.

Mr. DUNN. It is not proper to say that the bill postpones the debts. It anticipates a large portion of them, and postpones a portion.

Mr. HOLMAN. I think it is very important that bill should come before the House. While I am opposed to the extension of the time, I am very anxious to see the bill brought before the House for consideration. When once before the House the House will have control of it.

Mr. BLOUNT. Is the resolution so drawn as to interfere with prior orders?

The SPEAKER. The resolution will be again read as now modified.

The Clerk read as follows:

Resolved, That Wednesday, the 12th day of May, 1886, after the morning hour for the call of committees for reports and consideration of measures, be set apart for the consideration of measures reported from the Committee on Pacific Railroads, and that a recess be had at 5 o'clock till 7.30 p. m., to be devoted to the same purpose.

Mr. BLOUNT. I shall have to object, as the resolution does not except prior orders.

Mr. DUNN. It simply asks for one day.

The SPEAKER. Objection is made.

Mr. COWLES. I object to the consideration of Pacific Railroad matters in night session, when we rarely have a quorum.

Mr. DUNN. Then I ask that the resolution be referred to the Committee on Pacific Railroads.

RAILROAD IN MICHIGAN.

Mr. COBB, as a matter of privilege, reported from the Committee on the Public Lands the bill (H. R. 8104) to forfeit lands granted to the State of Michigan to aid in the construction of a railroad from Marquette to Ontonagon, in said State; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

POWDER DEPOT, DOVER, N. J.

Mr. PHELPS. I ask unanimous consent to call up for present consideration a Senate bill granting the right of way through lands of the United States powder depot near Dover, N. J., to the Morris County Railroad. This is a Senate bill, and it has been reported favorably by the House committee. There is no objection to it. The Secretary of War approves of it.

The SPEAKER. The bill will be read.

The Clerk proceeded to read the bill. Before he had concluded the reading,

Mr. STEELE said: I call for the regular order. That bill should go to the Committee on Military Affairs.

Mr. PHELPS. The bill has been reported favorably by that committee.

Some time subsequently—

Mr. STEELE withdrew his objection.

The SPEAKER. Is there further objection to the consideration of the bill?

Mr. HOLMAN. The reading of the bill was not completed. I did not notice, so far as it was read, any provision in it for the assessment of damages.

The Clerk resumed and concluded the reading of the bill, which is as follows:

A bill (S. 1377) to grant the right of way for railroad purposes through the lands of the United States powder depot near Dover, N. J., to the Morris County Railroad Company.

Whereas an act of Congress was passed heretofore in the following words, to wit:

"An act to grant the right of way for railroad purposes through the lands of the United States powder depot near Dover, N. J.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the right of way, not exceeding 100 feet in width, through the lands of the United States included in the Piccatinny powder depot near Dover, in the State of New Jersey, is hereby granted to the Central Railroad Company of New Jersey, for the purpose of constructing a railroad: *Provided*, That the said right of way, and the width and location thereof, through said lands, and the regulations for operating said railroad within the limits of the reservation so as to prevent all danger to public property, shall be submitted to and approved by the Secretary of War prior to any entry on said lands or the commencement of the construction of said works: *Provided also*, That such sidings, tracks, switches, and loading stations as may at any time be required by the Secretary of War shall be promptly provided by said railroad company; and that such stoppage of trains and generally such facilities and privileges as the United States may desire for the shipment of materials of war, at any time, shall be provided by said railroad company: *Provided also*, That whenever said right of way shall cease to be used for the purposes aforesaid, the same shall revert to the United States: *And provided further*, That the right to repeal, alter, or amend this act is reserved to Congress.

"Approved July 31, 1882." And

Whereas said Central Railroad Company have not used said grant or built or constructed said railroad, or any part thereof, but, on the contrary, have expressly waived their right to the same and to all rights which they may have acquired under said act of Congress; and

Whereas it is desirable that the said railroad should be built, and it is now proposed to be built by the Morris County Railroad Company, subject only to the action of Congress in the matter: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of way, not exceeding 100 feet in width, through the lands of the United States included in the Piccatinny powder depot, near Dover, in the State of New Jersey, is hereby granted to the Morris County Railroad Company of New Jersey for the purpose of constructing a railroad: *Provided*, That the said right of way, and the width and location thereof, through said lands, and regulations for operating said railroad within the limits of the reservation so as to prevent all danger to public property, shall be submitted to and approved by the Secretary of War prior to any entry on said lands or the commencement of the construction of said works: *Provided also*, That such sidings, tracks, switches, and loading stations as may at any time be required by the Secretary of War shall be promptly provided by said railroad company; and that such stoppage of trains and generally such facilities and privileges as the United States may desire for the shipment of materials of war, at any time, shall be provided by said railroad company: *Provided also*, That whenever said right of way shall cease to be used for the purpose aforesaid the same shall revert to the United States: *And provided further*, That the right to repeal, alter, or amend this act is reserved to Congress.

SEC. 2. That the authority heretofore granted to the Central Railroad of New Jersey to construct a railroad through the property of the United States used by the Government as a powder depot, near Dover, N. J., be, and the same is hereby, repealed.

Mr. PHELPS. I ask the privilege of explaining this bill for two minutes. There is nothing suspicious about it except its length; and it is so long because the committees of the Senate and the House which have considered it, in their fidelity to duty, made these additional provisions for the security of the Government. It grants the right of way to this New Jersey Railroad Company through a Government reservation now under the control of the Secretary of War, because the reservation is used as a powder depot. The reservation has no railway connection, and the railway connection is as important for the Government as it is for the railway company.

The Government is in favor of this railroad connection. It is recommended by the Secretary of War. He himself has reviewed and approved of the bill, and there is no reason why it should not be passed and passed immediately, as the construction of the railroad is stopped now at the line of the Government reservation. It has all the safeguards passed by a committee of the Senate, passed by two committees of the House—that on Public Buildings and Grounds and that on Military Affairs—and is recommended by the Department of War.

Mr. WARNER, of Ohio. What is the need of so much land? One hundred feet is a great deal where land is valuable.

Mr. PHELPS. It is not too much.

Mr. MILLS. You want something extra for sidings, I understand.

Mr. PHELPS. No; only the 100 feet. The sidings are to be put in as the Government may desire.

Mr. WARNER, of Ohio. Upon the 100 feet?

Mr. PHELPS. Upon the 100 feet.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. PHELPS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. CALDWELL. Mr. Speaker, I call for the regular order.

The SPEAKER. The regular order is demanded. The regular order is the call of the States and Territories for the introduction and refer-

ence of bills and resolutions. Under this call resolutions and memorials of State and Territorial Legislatures are in order, and also resolutions of inquiry.

AARON P. GRAY.

Mr. PEEL introduced a bill (H. R. 8105) to grant a pension to Aaron P. Gray, private Company K, Third Arkansas Cavalry, in the late war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES SUPPLE.

Mr. ROGERS (by request) introduced a bill (H. R. 8106) granting a pension to James Supple; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SEAL ROCKS, SAN FRANCISCO.

Mr. FELTON (by request) introduced a bill (H. R. 8107) to grant certain seal rocks to the city and county of San Francisco, in the State of California, in trust for the people of the United States; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

Mr. MORROW introduced a bill (H. R. 8108) to relinquish and grant all interest which the United States now has in certain lands in the city and county of San Francisco and its grantees; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SECTIONS 2320 AND 2322 REVISED STATUTES.

Mr. SYMES introduced a bill (H. R. 8109) to amend sections 2320 and 2322 of chapter 6, title 32, of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Mines and Mining, and ordered to be printed.

MARY TURNBAUGH.

Mr. RIGGS (by request) introduced a bill (H. R. 8110) granting a pension to Mary Turnbaugh; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REBECCA ROBERTS.

Mr. RIGGS also introduced a bill (H. R. 8111) to grant a pension to Rebecca Roberts; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CASSANDRA WELLS.

Mr. RIGGS also introduced a bill (H. R. 8112) to grant a pension to Cassandra Wells; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN SHERIDAN.

Mr. TOWNSHEND introduced a bill (H. R. 8113) for the relief of John Sheridan, late private Company K, One hundred and forty-fourth Regiment Indiana Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID X. UTLEY.

Mr. TOWNSHEND also introduced a bill (H. R. 8114) for the relief of David X. Utley; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HARRIET E. ENLOW.

Mr. ROWELL introduced a bill (H. R. 8115) for the relief of Harriet E. Enlow; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY C. CROSBY.

Mr. ROWELL also introduced a joint resolution (H. Res. 161) for the relief of Mary C. Crosby; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

MARY F. JACKSON.

Mr. NEECE introduced a bill (H. R. 8116) granting a pension to Mary F. Jackson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NANCY CISCO.

Mr. NEECE also introduced a bill (H. R. 8117) granting a pension to Nancy Cisco; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE STODD.

Mr. NEECE also introduced a bill (H. R. 8118) granting a pension to George Stodd; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

A DEPARTMENT OF LABOR.

Mr. SPRINGER introduced a bill (H. R. 8119) to establish a department of labor, and to create a board for the arbitration of controversies between labor and capital; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

DAKOTA AS A STATE.

Mr. SPRINGER also introduced a bill (H. R. 8120) to enable the people of Dakota to form a constitution and State government, and to be admitted into the Union on an equal footing with the original States; which was read a first and second time, referred to the Committee on Territories, and ordered to be printed.

AWARDS UNDER CONVENTION WITH MEXICO.

Mr. SPRINGER also introduced a bill (H. R. 8121) to amend and enlarge the act approved June 18, 1878, entitled "An act to provide for the distribution of awards made under the convention between the United States of America and the Republic of Mexico, concluded on the 4th day of July, 1868;" which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

Mr. SPRINGER also introduced a bill (H. R. 8122) to amend and enlarge the fifth section of an act approved June 18, 1878, entitled "An act to provide for the distribution of awards made under the convention between the United States of America and the Republic of Mexico, concluded on the 4th day of July, 1868;" which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

DISTRICT COURTS IN TERRITORIES.

Mr. SPRINGER also introduced a bill (H. R. 8123) in relation to jurors and practice in district courts in the Territories; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

ADDISON G. MOORE.

Mr. OWEN introduced a bill (H. R. 8124) for the relief of Addison G. Moore; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. G. A. EIKELBERNER.

Mr. OWEN also introduced a bill (H. R. 8125) granting a pension to Mrs. G. A. Eikelberner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES N. TUTTLE.

Mr. OWEN also introduced a bill (H. R. 8126) granting an honorable discharge to James N. Tuttle, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES ESKRIDGE.

Mr. OWEN also introduced a bill (H. R. 8127) for the relief of James Eskridge; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

OREN M. HARLAN.

Mr. JOHNSTON, of Indiana, introduced a bill (H. R. 8128) granting a pension to Oren M. Harlan, Company E, Sixth Regiment Tennessee Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMANDA J. CRAMER.

Mr. MATSON introduced a bill (H. R. 8129) granting a pension to Amanda J. Cramer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MICAJAH F. JOHNSON.

Mr. MATSON also introduced a bill (H. R. 8130) granting a pension to Micajah F. Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. W. WILSON.

Mr. MATSON also introduced a bill (H. R. 8131) granting a pension to W. W. Wilson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALEX. H. RICHARDSON.

Mr. MATSON also introduced a bill (H. R. 8132) granting a pension to Alex. H. Richardson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HONORA V. LYON.

Mr. HOWARD introduced a bill (H. R. 8133) for the relief of Honora V. Lyon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPHINE WILSON.

Mr. HOWARD also introduced a bill (H. R. 8134) for the relief of Josephine Wilson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM P. FEATHER.

Mr. BYNUM introduced a bill (H. R. 8135) for the relief of William P. Feather, late a private of Company F, Forty-third Regiment Indiana Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARTHA E. DOOLEY.

Mr. COBB introduced a bill (H. R. 8136) granting a pension to Martha E. Dooley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RICHARD M. DUKE.

Mr. COBB also introduced a bill (H. R. 8137) for the relief of Richard M. Duke; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN SEIFERT.

Mr. COBB also introduced a bill (H. R. 8138) for the relief of John Seifert; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CASANDER SCARLETT.

Mr. COBB also introduced a bill (H. R. 8139) granting a pension to Casander Scarlett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LUCIEN B. HARBAUGH.

Mr. HOLMAN introduced a bill (H. R. 8140) for the relief of Lucien B. Harbaugh; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BRIDGE ACROSS MISSISSIPPI RIVER, DUBUQUE, IOWA.

Mr. HENDERSON, of Iowa, introduced a bill (H. R. 8141) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River, at or near Dubuque, in the State of Iowa; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WASHINGTON GASLIGHT COMPANY.

Mr. FREDERICK submitted a resolution for the investigation of the Washington Gaslight Company; which was referred to the Committee on the District of Columbia.

MRS. ANNIE S. WEBB.

Mr. CONGER introduced a bill (H. R. 8142) granting a pension to Mrs. Annie S. Webb, a volunteer nurse; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN M. HEFLEY.

Mr. STRUBLE introduced a bill (H. R. 8143) granting a pension to John M. Hefley; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MRS. MARGARET R. CLUNE.

Mr. STRUBLE also introduced a bill (H. R. 8144) granting a pension to Mrs. Margaret R. Clune, widow of W. H. Clune, late lieutenant-colonel Sixth Iowa Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF JAMES A. NELSON, DECEASED.

Mr. LYMAN (by request) introduced a bill (H. R. 8145) for the relief of the heirs of James A. Nelson, deceased, of Fairfax County, Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF MARY WALKER, DECEASED.

Mr. LYMAN (by request) also introduced a bill (H. R. 8146) for the relief of Mary Walker, deceased, widow of Maj. George W. Walker, paymaster, United States Marine Corps; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ISAAC RANSOM.

Mr. FUNSTON introduced a bill (H. R. 8147) to restore Isaac Ransom, late private Company C, Forty-ninth Regiment Indiana Volunteer Infantry, to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EXEMPLIFICATION OF PATENTS, ETC.

Mr. RYAN introduced a bill (H. R. 8148) to amend section 461 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JONATHAN HAYES.

Mr. RYAN also introduced a bill (H. R. 8149) granting a pension to Jonathan Hayes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JESSE CAMPBELL.

Mr. RYAN also introduced a bill (H. R. 8150) granting a pension to Jesse Campbell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN P. M'DONALD.

Mr. MORRILL introduced a bill (H. R. 8151) granting a pension to John P. McDonald; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BOUNTY TO DISTRICT OF COLUMBIA VOLUNTEERS.

Mr. HANBACK introduced a bill (H. R. 8152) to provide for the payment of a bounty to District of Columbia Volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

INVESTIGATION OF THE CAPACITY OF CANALS, NEW YORK.

Mr. ANDERSON, of Kansas, introduced a joint resolution (H. Res. 162) to appoint a committee to investigate the capacity of the canals of the State of New York, and for other purposes; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

JAMES SHEPHERD.

Mr. PETERS introduced a bill (H. R. 8153) granting a pension to James Shepherd; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RESIN M. GARD.

Mr. PETERS also introduced a bill (H. R. 8154) granting a pension to Resin M. Gard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM K. COPELAND.

Mr. PETERS also introduced a bill (H. R. 8155) for the relief of William K. Copeland; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LEVI FELLERS.

Mr. PETERS also introduced a bill (H. R. 8156) for the relief of Levi Fellers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RACHEL LANKFORD AND CORA LANKFORD.

Mr. STONE, of Kentucky, introduced a bill (H. R. 8157) granting a pension to Rachel Lankford and Cora Lankford; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MILTON JUDD.

Mr. WOLFORD introduced a bill (H. R. 8158) to increase the pension of Milton Judd; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH MARRS.

Mr. TAULBEE introduced a bill (H. R. 8159) for the relief of Sarah Marrs; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DAVID B. ROSE.

Mr. TAULBEE also introduced a bill (H. R. 8160) for the relief of David B. Rose; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DAVID R. HILL.

Mr. TAULBEE also introduced a bill (H. R. 8161) for the relief of David R. Hill; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

H. H. ROBENSON.

Mr. TAULBEE also introduced a bill (H. R. 8162) for the relief of H. H. Robenson; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

POLLY BAILEY.

Mr. TAULBEE also introduced a bill (H. R. 8163) to restore to the pension-roll the name of Polly Bailey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENJAMINE W. BURGE.

Mr. HALSELL introduced a bill (H. R. 8164) for the relief of Benjamine W. Burge; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

A. B. STEPHENS, ADMINISTRATOR.

Mr. HALSELL also introduced a bill (H. R. 8165) for the relief of A. B. Stephens, administrator of the estate of F. F. Lucas; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH BASTIN.

Mr. McCREARY introduced a bill (H. R. 8166) granting a pension to Joseph Bastin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADAM PETREY.

Mr. McCREARY also introduced a bill (H. R. 8167) for the relief of Adam Petrey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RICHARD H. AND JAMES PORTER.

Mr. WILLIS (by request) introduced a bill (H. R. 8168) for the relief of Richard H. Porter and James Porter; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

UNITED STATES LEVEE, KEMPE'S, LOUISIANA.

Mr. KING introduced a bill (H. R. 8169) to prevent the destruction

of the United States levee at Kempe's, Louisiana; which was read a first and second time, referred to the Committee on Levees and Improvement of the Mississippi River, and ordered to be printed.

JOHN W. KING AND EDWARD M. LANE.

Mr. KING (by request) also introduced a bill (H. R. 8170) for the relief of the minor heirs of John W. King and Edward M. Lane, of Warren County, State of Mississippi; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CLAIM OF CITY OF NEW ORLEANS.

Mr. ST. MARTIN introduced a bill (H. R. 8171) for the relief of the city of New Orleans; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES E. CHAFFEE.

Mr. ST. MARTIN also introduced a bill (H. R. 8172) for the relief of James E. Chaffee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADDISON MORRILL.

Mr. MILLIKEN introduced a bill (H. R. 8173) granting a pension to Addison Morrill; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. EVELYN H. PRATT.

Mr. MILLIKEN also introduced a bill (H. R. 8174) for the relief of Mrs. Evelyn H. Pratt; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

VIOLATION OF IMMIGRATION LAWS, ETC.

Mr. McCOMAS submitted the following resolution; which was read, and referred to the Committee on Rules:

Whereas disputes between the miners and mine laborers on the one side and the mine-owners on the other side, respecting wages, hours of labor, and the operation of the mines, prevail throughout the bituminous coal regions on the Atlantic slope, in the States of Pennsylvania, Maryland, Virginia, and West Virginia, and these disputes have nearly stopped the mining of coal, decreased manufacturing and transportation, and resulted in the loss of employment by many thousand miners and laborers, thereby seriously affecting the business in and commerce among these States: Therefore

Be it resolved, That the special committee of five heretofore appointed to investigate differences between transportation companies and their employés be, and it is hereby, authorized to investigate the causes and extent of the disputes between the employers and employés in the bituminous coal regions of Pennsylvania, Maryland, Virginia, and West Virginia; also to inquire whether there has resulted therefrom any violation of the immigration laws, and to report as speedily as possible the result of its investigation, with such recommendation as it may determine upon.

GEORGE WINTERS AND L. B. COOK.

Mr. LOVERING submitted the following resolution; which was read, and referred to the Committee on Accounts:

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay to George Winters and L. B. Cook $200 each, out of the contingent fund of the House, being the difference between their pay as conductors of the elevator and $1,200 per annum from July 1, 1884, to July 1, 1886.

PROVIDENCE HOSPITAL.

Mr. COLLINS introduced a bill (H. R. 8175) for the relief of Providence Hospital, in the city of Washington, in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

EMILY A. COOK.

Mr. RICE (by request) introduced a bill (H. R. 8176) granting a pension to Emily A. Cook; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATHANIEL M'KAY.

Mr. LONG (by request) introduced a bill (H. R. 8177) to allow the Secretary of the Treasury to admit free of duty certain tools, &c., for Nathaniel McKay; which was read a first and second time.

The SPEAKER *pro tempore* (Mr. McMILLIN). The bill will be referred to the Committee on Ways and Means.

Mr. LONG. The material to be admitted is proposed to be used in connection with American ship-building. I desire to have the bill referred to the Select Committee on Ship-building and Ship-owning Interests.

The SPEAKER *pro tempore*. The Chair will submit the gentleman's motion.

The question being taken, the bill was referred to the Select Committee on American Ship-building and Ship-owning Interests, and ordered to be printed.

WILLIAM SHAFTOE.

Mr. DAVIS introduced a bill (H. R. 8178) to increase the pension of William Shaftoe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHALES H. SHERMAN.

Mr. DAVIS also introduced a bill (H. R. 8179) to increase the pension of Charles H. Sherman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES HAHNEMAN.

Mr. ROCKWELL introduced a bill (H. R. 8180) to increase the pension of Charles Hahneman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY M'GRATH.

Mr. CARLETON introduced a bill (H. R. 8181) for the relief of Mary McGrath; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY E. CHAMPLIN.

Mr. COMSTOCK introduced a bill (H. R. 8182) to increase the pension of Mary E. Champlin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LAVINA DUNTON.

Mr. O'DONNELL (by Mr. FISHER) introduced a bill (H. R. 8183) granting a pension to Lavina Dunton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY WHITNEY.

Mr. O'DONNELL (by Mr. FISHER) also introduced a bill (H. R. 8184) granting a pension to Mary Whitney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES B. JUDSON.

Mr. O'DONNELL (by Mr. FISHER) also introduced a bill (H. R. 8185) granting a pension to James B. Judson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN H. DAVIS.

Mr. ELDREDGE introduced a bill (H. R. 8186) for the relief of John H. Davis; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM E. KEENE.

Mr. BURROWS introduced a bill (H. R. 8187) for the relief of William E. Keene; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

SAINT LUKE'S CHURCH, KALAMAZOO.

Mr. BURROWS also introduced a bill (H. R. 8188) to admit free of duty a certain lecturn for the use of Saint Luke's Episcopal church, in the parish of Kalamazoo, Mich.; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SARAH E. FLOWERS.

Mr. BURROWS also introduced a bill (H. R. 8189) for the relief of Sarah E. Flowers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. MARIA HOHL.

Mr. WHITE, of Minnesota, introduced a bill (H. R. 8190) granting a pension to Mrs. Maria Hohl; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. TOWLE.

Mr. GILFILLAN introduced a bill (H. R. 8191) for the relief of George W. Towle; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

J. R. EGGLESTON.

Mr. BARKSDALE introduced a bill (H. R. 8192) to remove the political disabilities of J. R. Eggleston, of Mississippi; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

B. M. HORRELL.

Mr. VAN EATON introduced a bill (H. R. 8193) for the relief of B. M. Horrell, sole survivor and representative of the late firm of Horrell, Gayle & Co.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

AMANDA F. DECK.

Mr. HALL introduced a bill (H. R. 8194) granting a pension to Amanda F. Deck; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MAIL MESSENGERS.

Mr. DOCKERY introduced a bill (H. R. 8195) authorizing the employment of mail messengers in the postal service; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

JOHN N. SMITH.

Mr. BURNES (by Mr. HALL) introduced a bill (H. R. 8196) granting a pension to John N. Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GILLEM ROGERS.

Mr. BLAND introduced a bill (H. R. 8197) for the relief of Gillem Rogers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RED CLOUD AND OTHER SIOUX INDIANS.

Mr. BLAND (by request) also introduced a bill (H. R. 8198) for the relief of Red Cloud and other Sioux Indians; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

WILLIAM BELBOUT.

Mr. WARNER, of Missouri, introduced a bill (H. R. 8199) for the relief of William Belbout; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GEORGE W. ANTHONY.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 8200) for the relief of George W. Anthony; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM J. JARBOE.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 8201) for the relief of William J. Jarboe; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALFRED O. LOWELL.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 8202) to place the name of Alfred O. Lowell on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS QUIRK.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 8203) to place the name of Thomas Quirk on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUBTREASURY AT KANSAS CITY, MO.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 8204) to establish a subtreasury in the city of Kansas City, Mo.; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

HOME RULE IN IRELAND.

Mr. O'NEILL, of Missouri, offered the following resolutions; which were read, and referred to the Committee on Foreign Affairs:

Resolved, That the House of Representatives of the United States earnestly sympathizes with right honorable William E. Gladstone and his associates in their efforts to secure a free parliament for the people of Ireland, and congratulates the people of that hitherto unhappy country upon the prospect of an early and successful termination of their long and patriotic struggle for the right of local self-government.

Resolved, That the Speaker of the House is directed to communicate a copy of this resolution to Mr. Gladstone.

J. W. GOODING.

Mr. WADE introduced a bill (H. R. 8205) granting a pension to J. W. Gooding; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GARRET D. ZETTERMAN.

Mr. WADE also introduced a bill (H. R. 8206) granting a pension to Garret D. Zetterman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STATE NATIONAL BANK, LINCOLN, NEBR.

Mr. WEAVER, of Nebraska, introduced a bill (H. R. 8207) to authorize the State National Bank of Lincoln, Nebr., to increase its capital stock to $250,000; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

LORENZO D. WHITCHER.

Mr. GALLINGER (by request) introduced a bill (H. R. 8208) granting a pension to Lorenzo D. Whitcher; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BARZILLAR P. IRONS.

Mr. BUCHANAN introduced a bill (H. R. 8209) granting a pension to Barzillar P. Irons; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN SHINE.

Mr. KETCHAM introduced a bill (H. R. 8210) granting a pension to John Shine; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PRISON AND REFORMATORY.

Mr. JAMES introduced a bill (H. R. 8211) to provide a prison and reformatory for persons convicted of violations of the laws of the United States; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JOHN HUNTER.

Mr. STAHLNECKER introduced a bill (H. R. 8212) to pay John Hunter for that part of Hart Island, in Westchester County, State of New York, condemned and taken for light-house purposes; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CABLE RAILWAY COMPANY, WASHINGTON.

Mr. TIMOTHY J. CAMPBELL introduced a bill (H. R. 8213) to incorporate the Twelfth Street Citizens' Passenger Cable Railway Company, of Washington, D. C.; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ALEXANDER OELSNER.

Mr. TIMOTHY J. CAMPBELL also introduced a bill (H. R. 8214) for the relief of Alexander Oelsner; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CONSULAR CERTIFICATES.

Mr. BELMONT introduced a bill (H. R. 8215) to regulate the requirements of consular certificates to invoices of small shipments, and the fees therefor; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

POST-OFFICE DEPARTMENT CONTRACTS.

Mr. STAHLNECKER offered a resolution for the appointment of a special committee to investigate alleged frauds and violations of contracts for the furnishing of envelopes, postal cards, and supplies for the Post-Office Department prior to March 4, 1885; which was read, and referred to the Committee on Rules.

JAMES BONNELL.

Mr. WEBER introduced a bill (H. R. 8216) for the relief of James Bonnell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN DOYLE.

Mr. WEBER also introduced a bill (H. R. 8217) for the relief of John Doyle; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LUCIEN H. ROBERTSON.

Mr. HISCOCK introduced a bill (H. R. 8218) for the relief of Lucien H. Robertson and to remove the charge of desertion against him; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ALBERT MOSES.

Mr. BURLEIGH introduced a bill (H. R. 8219) granting a pension to Albert Moses; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIVINGSTON CLARK.

Mr. SAWYER (by Mr. BAKER) introduced a bill (H. R. 8220) granting a pension to Livingston Clark; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS L. HIGGINS.

Mr. SESSIONS introduced a bill (H. R. 8221) to grant relief to Thomas L. Higgins for material furnished during the war to the United States Government; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM HAINER.

Mr. DAVENPORT introduced a bill (H. R. 8222) for the relief of William Hainer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAN M'GARRAHAN.

Mr. HILL submitted the following resolution; which was referred to the Committee on Mines and Mining:

Resolved, That Monday, the 24th day of May, 1886 (after the call of the States and Territories for bills, &c.), is hereby set apart for the consideration of bill No. 3084 on the Private Calendar, entitled "A bill to submit to the Court of Claims for adjudication the title of William McGarrahan to the Rancho Panoche Grande tract of land in the State of California, and for other purposes." The consideration of said bill is not to interfere with the consideration of revenue or appropriation bills. In case the said bill should not be taken up on that day, then the same may be called up on any other day thereafter after the hour for the consideration of bills.

TARIFF ON UNMANUFACTURED WOOL.

Mr. WILKINS submitted the following resolution; which was referred to the Committee on Ways and Means:

Whereas one of the propositions contained in the tariff bill reported to the House by the Ways and Means Committee is to place upon the free-list all unmanufactured wools; and

Whereas the season is at hand when the product grown during the past year is marketed by the grower; and

Whereas the aforementioned proposition to put wool upon the free-list, the uncertainty and doubt pending the action of the House upon this subject is causing an unnecessary and serious loss to the wool-grower, which loss without

prompt action on the part of this body will amount to many millions of dollars without corresponding benefit to the people: Therefore,

Be it resolved, That it is the sense of this House that the wool-tariff schedule under existing law, so far as it relates to unmanufactured wool, should not be reduced.

A. B. GILSON.

Mr. GEDDES introduced a bill (H. R. 8223) granting a pension to A. B. Gilson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS.

Mr. GEDDES also presented a joint resolution of the Legislature of the State of Ohio, urging the passage of the bill (H. R. 4902) increasing the pensions of soldiers who lost a leg or arm in the line of duty; which was referred to the Committee on Invalid Pensions.

INTERSTATE COMMERCE—ARBITRATION.

Mr. WARNER, of Ohio, introduced a bill (H. R. 8224) to regulate commerce by land among the States and to provide for boards of arbitration; which was read a first and second time.

The SPEAKER *pro tempore* (Mr. MCMILLIN). This bill will be referred to the Committee on Commerce.

Mr. WARNER, of Ohio. The bill, as will be seen from its title, relates to two subjects—one is interstate commerce, the other the subject of arbitration, which has been referred to the Committee on Labor and which a special committee is now investigating. I question whether the bill should not, perhaps, be referred to the Committee on Labor, though I am not particular about the matter. The bill relates in the first place to interstate commerce——

The SPEAKER *pro tempore*. The Chair is of opinion that the bill properly belongs to the Committee on Commerce.

Mr. WARNER, of Ohio. In addition to the provisions relating to interstate commerce, the bill proposes the establishment of boards of arbitration, which subject is now before the Committee on Labor.

The SPEAKER *pro tempore*. The Chair understands, however, that the controlling subject of the bill is interstate commerce.

Mr. WARNER, of Ohio. Not more than the provisions in regard to arbitration. However, I am not tenacious in regard to the reference.

The bill was referred to the Committee on Commerce, and ordered to be printed.

MORGANTHA HIRSCHBUHLER.

Mr. BUTTERWORTH (by request) introduced a bill (H. R. 8225) granting a pension to Morgantha Hirschbuhler, widow of Lorintz Hirschbuhler, late of Company B, Twenty-eighth Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENJAMIN SMITH.

Mr. OUTHWAITE (by request) introduced a bill (H. R. 8226) granting a pension to Benjamin Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SETH WELDY.

Mr. OUTHWAITE also introduced a bill (H. R. 8227) granting a pension to Seth Welby, late captain Twenty-third Infantry, United States Army; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEONARD C. BUTCH.

Mr. OUTHWAITE also introduced a bill (H. R. 8228) granting a pension to Leonard C. Butch; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES K. JENREE.

Mr. OUTHWAITE also introduced a bill (H. R. 8229) removing the charge of desertion from the military record of Charles K. Jenree; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ISAAC H. LYNN.

Mr. ANDERSON, of Ohio, introduced a bill (H. R. 8230) granting a pension to Isaac H. Lynn, late of Company D, Fourth Ohio Independent Artillery Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN COX.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 8231) granting a pension to John Cox, Company H, Twentieth Regiment Illinois Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADOLPH BURNSTEIN.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 8232) granting a pension to Adolph Burnstein, late of Company C, Fifth New Jersey, and Company E, Twenty-fourth Regiment Veteran Reserves; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATRICK M'NICHOLS.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 8233) granting a pension to Patrick McNichols, late of Company H, Sixty third Regiment Pennsylvania Volunteers; waich was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID HICKEY.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 8234) granting a pension to David Hickey, Company K, One hundred and eighty-ninth Regiment Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB JAUCH.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 8235) granting an increase of pension to Jacob Jauch, late of Company I, Twenty-first New York Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS STEVENS.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 8236) granting a pension to Thomas Stevens, Company D, Eighty-eighth Regiment Ohio Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE HEILMAN.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 8237) granting a pension to George Heilman, of Company B, Eleventh Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MISSISSIPPI RIVER.

Mr. LITTLE submitted the following resolution; which was referred to the Committee on Rivers and Harbors:

Resolved, That the President of the United States be, and he is hereby, requested, if not incompatible with the public interests, to furnish the House with a copy of any communication, not already laid before Congress, he may have received from any civil engineer during the present year relative to and embracing the discussion of a plan for the improvement of the Mississippi River.

WOOL TARIFF.

Mr. GROSVENOR submitted the following resolution; which was referred to the Committee on Ways and Means:

Whereas, by the action of Congress in reducing the tariff on wool, that great industry has been rendered unremunerative: Therefore,

Resolved, That it is the sense of this House that the tariff of 1867 upon wool should be restored.

LIEUT. J. C. COLWELL.

Mr. SWOPE introduced a bill (H. R. 8238) to ascertain and pay for loss of property sustained by Lieut. J. C. Colwell, United States Navy, by reason of the wreckage of the steamship Proteus; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHARLOTTE W. OTTO.

Mr. ERMENTROUT introduced a bill (H. R. 8239) granting pension to Charlotte W. Otto; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CATHERINE DANNER.

Mr. NEGLEY introduced a bill (H. R. 8240) for the relief of Catherine Danner, step-mother of Mathias Danner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID MOSES.

Mr. BOYLE introduced a bill (H. R. 8241) granting a pension to David Moses; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY H. SCHRAWDER.

Mr. ATKINSON introduced a bill (H. R. 8242) to remove the charge of desertion against Henry H. Schrawder; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM P. HILBISH.

Mr. ATKINSON also introduced a bill (H. R. 8243) to remove the charge of desertion against William P. Hilbish; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN BERRY.

Mr. ATKINSON also introduced a bill (H. R. 8244) granting a pension to John Berry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADAM SCHLEGLE.

Mr. STORM introduced a bill (H. R. 8245) for the relief of Adam Schlegle; which was read a first and second time, referred to the Committee on Millitary Affairs, and ordered to be printed.

STEPHEN SHELLHAMMER.

Mr. STORM also introduced a bill (H. R. 8246) granting a pension

to Stephen Shellhammer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANTHONY M'MONIGLE.

Mr. STORM also introduced a bill (H. R. 8247) for the relief of Anthony McMonigle; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HOT SPRINGS, ARK.

Mr. STORM (by request) also introduced a bill (H. R. 8248) relating to the distribution of the hot water in the Hot Springs reservation in the State of Arkansas; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MARY P. THOMPSON.

Mr. BAYNE introduced a bill (H. R. 8249) granting a pension to Mary P. Thompson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

READJUSTMENT OF POSTMASTERS' SALARIES.

Mr. BINGHAM introduced a bill (H. R. 8250) declaring the intent and meaning of the act approved March 3, 1883, entitled "An act authorizing and directing the Postmaster-General to readjust the salaries of certain postmasters in accordance with the provisions of section 8 of the act of June 12, 1866;" which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

MARY A. PFEIFFER.

Mr. BINGHAM also introduced a bill (H. R. 8251) granting a pension to Mary A. Pfeiffer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AUDITOR OF RAILROAD ACCOUNTS.

Mr. BINGHAM (by request) also introduced a bill (H. R. 8252) to amend an act entitled "An act to create an auditor of railroad accounts, and for other purposes," approved June 19, 1878; which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

JAMES SNYDER.

Mr. CAMPBELL, of Pennsylvania, introduced a bill (H. R. 8253) to increase the pension of James Snyder, late of Company C, Eleventh Illinois Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM L. MARCY.

Mr. OSBORNE introduced a bill (H. R. 8254) granting a pension to William L. Marcy, late a private of Company B, Third Regiment Pennsylvania Volunteer Reserve Corps; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELLEN MAHER.

Mr. CURTIN introduced a bill (H. R. 8255) granting a pension to Ellen Maher; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES C. BOOTH.

Mr. RANDALL introduced a bill (H. R. 8256) for the relief of James C. Booth, melter and refiner of the United States Mint at Philadelphia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES STURDEVANT.

Mr. BUNNELL introduced a bill (H. R. 8257) granting a pension to James Sturdevant, late a private in Company C, Twelfth Regiment Pennsylvania Reserve Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WAITIE F. HARRIS.

Mr. SPOONER introduced a bill (H. R. 8258) granting a pension to Waitie F. Harris; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BUSINESS OF COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS.

Mr. DIBBLE submitted the following resolution; which was read, and referred to the Committee on Public Buildings and Grounds:

Resolved, That Tuesday, the 18th day of May, 1886, after the hour for the consideration of committee reports, be fixed for the consideration of such business reported by the Committee on Public Buildings and Grounds as may be designated by the said committee, not to interfere with the revenue or general appropriation bills, or prior special orders, or the order in favor of the Committee on the Public Lands; and that this order continue from day to day until such consideration be had, and until such business designated by the said committee as aforesaid shall have been disposed of: *Provided*, That not more than three days shall be occupied in the disposition of business under this order.

JOHN L. RHEA.

Mr. NEAL (by request) introduced a bill (H. R. 8259) for the relief of John L. Rhea, executor of Samuel Rhea, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE C. GRIFFITTS.

Mr. HOUK introduced a bill (H. R. 8260) for the relief of George C. Griffitts, of Loudon County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

G. M. ROBERTS.

Mr. HOUK also introduced a bill (H. R. 8261) for the relief of G. M. Roberts, of Knox County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GIZZEELE MULLINS.

Mr. HOUK also introduced a bill (H. R. 8262) for the relief of Gizzeele Mullins, widow of James L. Mullins, late private Company E, Eleventh Tennessee Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PLEASANT SHARP.

Mr. HOUK also introduced a bill (H. R. 8263) granting a pension to Pleasant Sharp, late sergeant Company A, First Tennessee Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN W. ARMSTRONG.

Mr. HOUK also introduced a bill (H. R. 8264) granting a pension to John W. Armstrong, late a private Company B, Sixth Tennessee Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS DUNCAN.

Mr. HOUK also introduced a bill (H. R. 8265) for the relief of Thomas Duncan; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THOMAS CHAPMAN.

Mr. HOUK also introduced a bill (H. R. 8266) granting an increase of pension to Thomas Chapman, Virginia Militia, war of 1812; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

BARBARA BURCHELL.

Mr. HOUK also introduced a bill (H. R. 8267) for the relief of Barbara Burchell, of Knox County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES S. BAKER.

Mr. HOUK also introduced a bill (H. R. 8268) granting a pension to Charles S. Baker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RUFUS FLETCHER.

Mr. HOUK also introduced a bill (H. R. 8269) for the relief of Rufus Fletcher; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BUSINESS OF PACIFIC RAILROAD COMMITTEE.

Mr. RICHARDSON submitted a resolution setting apart days to consider measures from the Committee on Pacific Railroads; which was referred to the Committee on Pacific Railroads.

ATLANTIC AND PACIFIC SHIP RAILWAY COMPANY.

Mr. REAGAN submitted the following resolution; which was read, and referred to the Committee on Commerce:

Resolved, That the bill (H. R. 5885) to incorporate the Atlantic and Pacific Ship Railway Company, and for other purposes, be set apart for consideration on Thursday, 3d June, 1886, and the consideration thereof shall continue from day to day until disposed of, not to interfere with revenue and general appropriation bills or with prior special orders.

EDNA M. HILDRETH.

Mr. GROUT introduced a bill (H. R. 8270) granting a pension to Edna M. Hildreth; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE H. WHEELER.

Mr. GROUT also introduced a bill (H. R. 8271) directing the Secretary of War to remove the charge of desertion from the military record of George H. Wheeler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

UNITED STATES FIDELITY GUARANTEE COMPANY.

Mr. WISE (by request) introduced a bill (H. R. 8272) to incorporate the United States Fidelity Guarantee Company; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

R. H. CLARK.

Mr. LIBBEY introduced a bill (H. R. 8273) for the relief of R. H. Clark; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. MARY E. ZOLLIKOFER.

Mr. LIBBEY also introduced a bill (H. R. 8274) for the relief of Mrs.

Mary E. Zollikofer; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL A. MOREHEAD.

Mr. LIBBEY also introduced a bill (H. R. 8275) for the relief of Samuel A. Morehead; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARY E. PARKER.

Mr. LIBBEY also introduced a bill (H. R. 8276) for the relief of Mary E. Parker and others, heirs of Leopold C. P. Cowper; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC BUILDING AT ROANOKE, VA.

Mr. DANIEL introduced a bill (H. R. 8277) for the erection of a public building at Roanoke, Roanoke County, Virginia; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SETH M. BARTON.

Mr. CROXTON introduced a bill (H. R. 8278) for the relief of Seth M. Barton; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LOTS AT HARPER'S FERRY.

Mr. WILSON introduced a bill (H. R. 8279) to amend and re-enact section 4 of an act entitled "An act authorizing the Secretary of the Treasury, by and with the consent of the Secretary of War, to cancel certain contracts for the sale of lots of land made at Harper's Ferry in the year 1869," approved June 14, 1878; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN PATTON.

Mr. PRICE introduced a bill (H. R. 8280) granting a pension to John Patton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALEXANDER SHIELDS.

Mr. PRICE also introduced a bill (H. R. 8281) granting a pension to Alexander Shields; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

A. F. ST. SURE LINDEFELT.

Mr. HUDD introduced a bill (H. R. 8282) for the relief of A. F. St. Sure Lindefelt; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ANNIE WHITE.

Mr. BEAN introduced a bill (H. R. 8283) for the relief of Annie White; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HEIRS OF MANUEL ROMERO.

Mr. JOSEPH introduced a bill (H. R. 8284) for the relief of the heirs of Manuel Romero, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ANICETO SALAZAR.

Mr. JOSEPH also introduced a bill (H. R. 8285) for the relief of Aniceto Salazar; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JULIAN ARAGON AND OTHERS.

Mr. JOSEPH also introduced a bill (H. R. 8286) for the relief of Julian Aragon and brother; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

TO AMEND SECTION 1858 REVISED STATUTES.

Mr. JOSEPH also introduced a bill (H. R. 8287) to amend section 1858 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

TO REAPPORTION NEW MEXICO.

Mr. JOSEPH also introduced a bill (H. R. 8288) to reapportion the Territory of New Mexico; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

SEMIAHMOO, WASH.

Mr. VOORHEES introduced a joint resolution (H. Res. 163) authorizing the Secretary of the Treasury to establish a subport of entry and a port of call at Semiahmoo, Wash.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ALEXANDER S. HUGHES.

Mr. VOORHEES also introduced a bill (H. R. 8289) for the relief of Alexander S. Hughes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ROBERT D. FUQUA.

Mr. VOORHEES also introduced a bill (H. R. 8290) granting a pension to Robert D. Fuqua; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CREDIT TO WASHINGTON TERRITORY.

Mr. VOORHEES also introduced a bill (H. R. 8291) to credit the Territory of Washington on the books of the Ordnance Department the sum of $12,387.57, for arms and cartridges loaned the State of Oregon; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHEHALIS RIVER, WASHINGTON TERRITORY.

Mr. VOORHEES (by request) also introduced a bill (H. R. 8292) to authorize C. N. Byles, D. H. Mullen, T. Downey, H. W. Bessac, J. A. Perkins, and J. A. McGillicuddy to take possession of and improve and use the Chehalis River, in Washington Territory, and for other purposes; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

THE YELLOWSTONE PARK.

Mr. CAREY introduced a bill (H. R. 8293) to amend sections 2474 and 2475 of the Revised Statutes of the United States, setting apart a certain tract of land lying near the head waters of the Yellowstone River as a public park; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

R. R. R. DUMARS.

Mr. ARNOT introduced a bill (H. R. 8294) for the relief of R. R. R. Dumars, late a captain in the One hundred and sixty-first Regiment New York Volunteers; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GEORGE WASHINGTON PORTER.

Mr. WHEELER introduced a bill (H. R. 8295) for the relief of George Washington Porter, a depositor in the late Freedmen's Savings and Trust Company; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DUFF GREEN REED.

Mr. WHEELER also introduced a bill (H. R. 8296) to remove the political disabilities of Duff Green Reed; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FRANK SHUTT.

Mr. EDEN introduced a bill (H. R. 8297) for the relief of Frank Shutt; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SAMUEL C. LANCASTER.

Mr. JOHN M. TAYLOR introduced a bill (H. R. 8298) for the relief of Samuel C. Lancaster; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

STEPHEN CARTER.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 8299) for the relief of Stephen Carter, of Madison County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. N. MOODY.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 8300) for the relief of J. A. Moody, of Henry County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CLAIMS UNDER TREATY OF 1819.

Mr. DOUGHERTY introduced a bill (H. R. 8301) to require the claims of the subjects of Spain and the citizens of the United States arising under the treaty of 1819 to be submitted to some foreign government, and the President of the United States be authorized, with the consent of the King of Spain, to select such umpire; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

LAND OFFICE, COLORADO.

Mr. SYMES introduced a bill (H. R. 8302) to establish an additional land office in the State of Colorado; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

WILLIAM G. BURNETT.

Mr. TOWNSHEND introduced a bill (H. R. 8303) for the relief of William G. Burnett; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

THOMAS HARRIS.

Mr. TOWNSHEND also introduced a bill (H. R. 8304) for the relief of Thomas Harris; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PUBLIC BUILDING, STEUBENVILLE, OHIO.

Mr. IKE H. TAYLOR introduced a bill (H. R. 8305) for the erection of a public building at Steubenville, Ohio; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CHARLES H. WARREN.

Mr. MILLIKEN introduced a bill (H. R. 8306) for the relief of Charles H. Warren; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARY A. ANDERSON.

Mr. OUTHWAITE introduced a bill (H. R. 8307) granting a pension to Mary A. Anderson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HIRAM D. AUSTIN.

Mr. CUTCHEON introduced a bill (H. R. 8308) to correct the military record of Hiram D. Austin; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN N. BICKFORD.

Mr. HAYNES introduced a bill (H. R. 8309) granting a pension to John N. Bickford; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CYRA L. WESTON.

Mr. HAYNES also introduced a bill (H. R. 8310) granting a pension to Cyra L. Weston; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BETSEY A. MOWER.

Mr. WAIT (by Mr. BURROWS) introduced a bill (H. R. 8311) for the relief of Betsey A. Mower, widow of Maj. Gen. Joseph A. Mower; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSHUA PARKER.

Mr. LOWRY introduced a bill (H. R. 8312) granting a pension to Joshua Parker, late of Company F, Twelfth Indiana, and Company D, Eighty-eighth Indiana Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COL. O. D. HURD.

Mr. LOWRY also introduced a bill (H. R. 8313) granting a pension to Col. O. D. Hurd, late of the Thirtieth Indiana Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALPHEUS BAKER.

Mr. LOWRY also introduced a bill (H. R. 8314) granting a pension to Alpheus Baker, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

BETHUEL J. GOFF.

Mr. LOWRY also introduced a bill (H. R. 8315) granting a pension to Bethuel J. Goff, second lieutenant Company C, Eighty-third Regiment Tennessee Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEWIS W. WADE.

Mr. LOWRY also introduced a bill (H. R. 8316) granting a pension to Lewis W. Wade, Company D, Twentieth Pennsylvania Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALONZO YOUNG.

Mr. LOWRY also introduced a bill (H. R. 8317) granting a pension to Alonzo Young, Company C, One hundredth Indiana Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EXPENSES OF TELEPHONE INVESTIGATION.

Mr. BOYLE submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That the sum of $1,000, allowed by the resolution of February 26, 1886, relating to certain telephone companies, to pay expenses of the investigation thereby ordered, be increased to a sum not exceeding $2,500; that the additional sum hereby allowed be paid out of the contingent fund of the House, as provided in the original resolution, and that said committee be authorized to pay a clerk at the same rate of compensation allowed to other committee clerks, beginning at the date when he was actually employed in the service of the committee.

ORDER OF BUSINESS.

The SPEAKER. If there are no further bills or resolutions to be introduced, the next business in order is the call of committees for reports.

Mr. WILLIS. I ask unanimous consent that the formal call of committees for reports be dispensed with, and that the Chair recognize such gentlemen as desire to present reports.

The SPEAKER. If there be no objection, that order will be made.

There was no objection, and it was ordered accordingly.

PACIFIC RAILROADS.

Mr. OUTHWAITE, from the Committee on Pacific Railroads, reported a bill (H. R. 8318) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act; to provide for a settlement of claims growing out of the issue of bonds to aid in the construction of said railroads, and to secure to the United States the payment of all indebtedness of certain of the companies therein mentioned; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bills of the following titles, in lieu of which the above-named bill was reported, were by unanimous consent laid on the table:

A bill (H. R. 69) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act;

A bill (H. R. 763) to amend an act entitled "An act to aid the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act, to provide for a settlement of the claims growing out of the issue of bonds to aid in the construction of said railroads, and to secure to the United States all indebtedness of the companies therein mentioned; and

A bill (H. R. 2459) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act.

MARTIN COUGHLIN.

Mr. STEELE, from the Committee on Military Affairs, reported a bill (H. R. 8319) for the relief of Martin Coughlin; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ISSUE OF SMALL NOTES.

Mr. MILLER, from the Committee on Banking and Currency, reported back favorably the following resolution; which was referred to the House Calendar:

Resolved, That Thursday, May 20, 1886, be set apart for the consideration of House bill 5788, reported from the Committee on Banking and Currency, to be considered in the House as in Committee of the Whole House, not to interfere with general appropriation bills, bills raising revenue, nor prior orders; and if for any reason said bill should not be considered, or the consideration thereof completed on that day, that this order shall continue from day to day until said bill is finally disposed of by the House.

RESTRICTING GEOLOGICAL SURVEY, ETC.

Mr. HERBERT. Mr. Speaker, I have been instructed by the commission on Signal Service, Geological Survey, Coast and Geodetic Survey, and the Hydrographic Office of the Navy Department to submit as a partial report the bill (H. R. 8320) restricting the work and publications of the Geological Survey, and for other purposes. The commission expect soon to make a full and complete report.

The bill was read a first and second time, referred to the House Calendar, and ordered to be printed.

JAMES STOBAUGH.

Mr. CONGER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7660) granting a pension to James Stobaugh; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILHELM NOLTE.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 7688) granting a pension to Wilhelm Nolte; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 7694) to increase the pension of C. Barber;
A bill (H. R. 7599) granting a pension to Peter Greenfield;
A bill (H. R. 7658) for the relief of G. W. Bunker; and
A bill (H. R. 7598) granting a pension to Cyrenius W. Smith.

CHANGE OF REFERENCE.

On motion of Mr. CONGER, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 3925) granting a pension to Arson Young, of Burlington, Iowa, and the same was referred to the Committee on Pensions.

CONSULAR SERVICE, ETC.

Mr. BELMONT, from the Committee on Foreign Affairs, reported back with amendment the bill (H. R. 6520) to reform the organization, regulate the salaries, and increase the efficiency of the consular service, to limit the exaction of fees for the verification of invoices, to regulate the use of official seals and the collection of fees therefor, in the legations and consulates of the United States, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, LA FAYETTE, IND.

Mr. OWEN, from the Committee on Public Buildings and Grounds, reported back, as a substitute for H. R. 502, a bill (H. R. 8321) to erect a public building at La Fayette, Ind.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill No. 502 was laid on the table.

PAYMENT OF FEMALE NURSES DURING THE WAR.

Mr. JOHNSTON, of Indiana, from the Committee on War Claims, reported, as a substitute for the bill H. R. 458, a bill (H. R. 8322) to provide for the payment of female nurses during the war; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill No. 458 was laid on the table.

ALFRED HEDBURG.

Mr. ANDERSON, of Ohio, from the Committee on Military Affairs, reported back favorably the bill (H. R. 38) for the relief of Alfred Hedburg; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PRIVATE LAND CLAIMS.

Mr. THOMPSON, from the Committee on Private Land Claims, reported back favorably the bill (H. R. 2981) to abrogate the powers of the executive officers of the United States in allowing indemnity locations or scrip for confirmed, unsatisfied private land claims, under section 3 of the act of Congress approved June 2, 1858 (United States Statutes at Large, volume 11, pages 294 and 295, chapter 81), and to vest that power in the courts of the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

MRS. MARIA WALKER.

Mr. WOLFORD, from the Committee on Pensions, reported back with an amendment the bill (H. R. 6311) granting arrears of pension to Mrs. Maria Walker; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. NEECE, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 306) granting a pension to George Schneider; and the same was referred to the Committee on Pensions.

ADVERSE REPORTS.

Mr. BRAGG, from the Committee on Military Affairs, reported back adversely bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 6707) for the relief of John Sage; and

A bill (H. R. 6711) for the relief of Michael McDermott.

MATTHEW E. JACKSON.

Mr. BRAGG, from the Committee on Military Affairs, also reported back favorably the bill (H. R. 5855) for the relief of Matthew E. Jackson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GENERAL-SERVICE CLERKS, ETC.

Mr. BRAGG, from the Committee on Military Affairs, also reported back favorably the bill (H. R. 7191) to provide for the enlistment and pay, and to define the duties and liabilities, of "general-service clerks" and "general-service messengers" in the Army; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SCHOOL OF INSTRUCTION FOR CAVALRY, ETC.

Mr. BRAGG, from the Committee on Military Affairs, also reported back favorably the bill (H. R. 7192) to provide a school of instruction for cavalry and light artillery, and for the construction and completion of quarters, barracks, and stables at certain posts for the use of the Army of the United States; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. LOVERING, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 7723) for the relief of certain surviving widows of soldier who served in the late war with Great Britain in 1812 and 1815; and the same was referred to the Committee on Pensions.

EDWIN STEVENS.

Mr. SPRINGER, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 7809) for the relief of Edwin Stevens; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DR. F. O. ST. CLAIR.

Mr. SPRINGER also, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 6375) to refund to Dr. F. O. St. Clair $97.80, duty on a monument to the memory of Francis J. Townshend, late of the United States Navy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States in writing was communicated to the House by Mr. PRUDEN, one of his secretaries. It also announced the approval of House bills of the following titles:

An act (H. R. 2239) authorizing the Secretary of the Treasury to deliver to the rightful owners the contents of certain boxes deposited in the Treasury Department by the Secretary of War; and

An act (H. R. 7632) to establish a light-ship off the entrance of Chesapeake Bay.

ORDER OF BUSINESS.

The SPEAKER. There being no further reports from committees, the hour for the consideration of bills begins at 2 o'clock. The call rests with the Committee on the Judiciary.

ADDITIONAL DISTRICT JUDGE, ALABAMA.

Mr. OATES. I call up for consideration the unfinished business, being the bill (H. R. 28) to provide for the appointment and compensation of a district judge for the southern district of Alabama. This bill is but a dozen lines or so in length, and therefore there is no difficulty at all about understanding it; and I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill and that it be considered in the House.

Mr. HOLMAN. As in Committee of the Whole?

Mr. OATES. Yes, sir.

There was no objection, and it was so ordered.

The bill is as follows:

Be it enacted, &c., That there shall be appointed by the President of the United States, by and with the advice and consent of the Senate, a district judge for the southern judicial district of the State of Alabama; and that said judge shall be entitled to receive the same yearly salary and to be paid in the same manner that the judge of the other district court of said State is allowed and paid.

SEC. 2. That terms of the district court for the southern district of Alabama shall, in addition to the regular terms as now provided by law, be held on the fourth Mondays in October, February, and April in each year, for the purpose of deciding causes of admiralty and maritime jurisdiction.

SEC. 3. That the district judge for the southern district of Alabama shall reside at Mobile.

The committee recommend to add, after the word "Mobile," in section 3, the words "after his appointment."

Mr. OATES. Mr. Speaker, the State of Alabama has by law four courts, held at the cities of Huntsville, Birmingham, Montgomery, and Mobile. We have but one district judge, who resides at Montgomery. The court was provided for at Birmingham during the last Congress. That town now has a population of 23,000 people and is rapidly growing.

It is in the midst of the great mineral district, the iron and coal producing region of Alabama, and the business in the Federal court has increased to such an extent that Judge Bruce's time is pretty much all taken up in holding the courts at these four points. In fact his time is so limited necessarily, that a large amount of business is delayed on account of the inability of the judge to hold court for a sufficient length of time.

Mr. BAYNE. If I understood the reading of this bill, the original bill required that the judge should reside at Mobile.

Mr. OATES. Yes, sir.

Mr. BAYNE. And the committee have proposed to amend it so as to require his residence there after his appointment?

Mr. OATES. That is it.

Mr. BAYNE. I would like to ask, as a lawyer, whether, if the judge should reside somewhere else in the district outside of Mobile, he being upon the bench, would his decisions as a United States judge be invalidated by that residence at any other point in the district than that fixed in the bill?

Mr. OATES. The object and purpose of that provision is not to exclude from the President's choice any citizen of the State; but after the appointment the committee thought proper to enact by law that he should be required to reside at Mobile, because one of the main objects of creating an additional judge is to have him there at that city for admiralty business.

Mr. BAYNE. But would it not be putting a sort of inhibition upon that judge which does not apply to any other judge in the United States?

Mr. OATES. I think not.

Mr. JONES, of Alabama. Will my colleague allow me a moment?

Mr. OATES. Certainly. I will yield for two minutes to my colleague.

Mr. JONES, of Alabama. That arrangement would not be different from other instances which may be cited in other States. For instance, section 553 of the Revised Statutes provides in regard to the judge of the district of Florida that—

The district judge for the district of Florida shall reside at Key West.

Mr. BAYNE. That is about the only exception. I imagine there is no other provision requiring a judge to reside at any particular point.

Mr. OATES. If there is any objection to the amendment of the committee I shall withdraw it, as I think I can safely do so, speaking for the committee, and will therefore not insist upon the amendment at all. It was simply for the purpose, as I have said, of making the bill clear, so that citizens outside of that district should not be ineligible to appointment by the President.

The necessity for the court is most apparent on account, first, of the large amount of business which is brought to that court in the shape of timber depredations. That southern district of Alabama is a great timber region, and the majority of the timber depredations committed are within that district, and the depredators are carried to that court for trial. That increases very much the criminal business there. The admiralty business, as every gentleman must know, is of a character that should be speedily adjudicated; because in the case of a libel against a ship (and the large majority of those coming there are foreign or sea-going vessels) it is a great hardship for the vessel to have to enter into bond in double the amount of the sum claimed in the case and return and litigate it. From the very nature of their business the officers and crew are usually the only witnesses; and every one knows that when these ships touch at different points these are likely to be lost sight of, by being paid off and discharged, and the inconvenience is such that it amounts practically to a denial of justice; the officers of many of these vessels being willing to submit to the wrong or injustice and pay a claim rather than be put to the necessity of returning and litigating it.

The bar of Mobile sent to Congress a letter setting forth the reasons. This letter is signed by forty of the most prominent attorneys of the city of Mobile. That city now has a population of 40,000. There are at least 300 sea-going vessels which enter that port and depart annually, 150,000 tons of freight are thus carried, and the business is constantly increasing, and the city growing in population.

Mr. LITTLE. How many other cities are there in that district?

Mr. OATES. That is the only city within the southern district. There are frequently also marine torts committed, sometimes involving not a large amount, two or three or five hundred dollars; and vessels rather than be tied up will pay whatever is demanded, whether just or unjust.

Mr. RANNEY. Is there but one judge now for Alabama?

Mr. OATES. As I have said, there is but one judge and there are four courts. I have here a letter from Judge Bruce sanctioning this bill. He thinks it rather immodest in him to advocate it, but states his time is altogether taken up in holding his courts. I have also a letter from Judge Pardee, the United States circuit judge, in whose circuit that State is. I will read it to the House. It is addressed to the Hon. F. Bromberg, a former member of the House from that district. He says:

From my observation and experience in Alabama I have no hesitancy in saying that there ought to be an additional judge in that State, and that one of the additional judges in the State should reside in Mobile, so as to give personal attention to admiralty business. You can send this letter to the honorable Judiciary Committee of the Senate, if you see fit.

Respectfully,

JOHN A. PARDEE.

Now, with this explanation, unless some gentleman desires to ask me a question or to oppose this bill, I will move the previous question. Before doing so, let me say, however, that only on Saturday this House passed a bill providing for an additional judge for the State of California—a State much inferior to Alabama in population, and presumably in business. This judge, the bill provides, shall receive the same salary as the other district judge within the State, which is $3,500, the lowest salary paid; and there are four courts in the district.

Mr. BROWN, of Pennsylvania. I understand you leave out the amendment as to the residence of the judge.

Mr. OATES. Yes, sir. I move the previous question.

Mr. BAYNE. I hope the gentleman will not move the previous question. We want some more light. I want to know what is the salary of the present judge.

Mr. OATES. Three thousand five hundred dollars, the lowest that is paid any district judge, and the salary for this judge it is proposed shall be the same.

Mr. BAYNE. I want to propose an amendment to the bill to strike out the lines which require that the judge shall reside at Mobile.

Mr. OATES. That is withdrawn.

The SPEAKER *pro tempore* (Mr. SPRINGER). That can not be withdrawn except by unanimous consent, having been reported by the committee. If there be no objection it will be considered as withdrawn.

Mr. HOLMAN. The language of the bill is that he shall reside at Mobile.

Mr. OATES. That is withdrawn.

The SPEAKER *pro tempore*. Is there objection to the withdrawal of that provision? The Chair hears none.

Mr. HOLMAN. I desire a moment. I have so often expressed regret that the number of the Federal courts should be increased so rapidly that it is hardly necessary for me to repeat what I have often said before. Gentlemen tell me on all sides that it is their belief that the jurisdiction of those courts should be diminished rather than that the number of the judges and the number of places for holding courts should be increased; and yet at every session of Congress we are extending that system, and we are correspondingly year after year rendering unimportant the judicial systems of our respective States. I am not informed myself, in the circle of Federal judicial affairs with which I am acquainted, that any benefit whatever has resulted to the people in general by this steady and remorseless extension of the system and the gradual superseding of the State judiciary.

Take my own State of Indiana, a State with a port on Lake Michigan, bordered on the entire eastern and southern sides by the Ohio River with quite a number of important commercial towns, with more or less maritime and admiralty business both on the north and south, with four points at which courts are held in addition to the capital, and I am not aware that of recent years there has been a word of complaint. That was true even while the bankrupt law was in operation, throwing a vast body of business into that court.

I should hardly think it likely that the State of Alabama would furnish as large an amount of business. The State of Ohio is divided into two districts, one on the Ohio the other on Lake Erie, in both of which a large amount of business accumulates, certainly more than would accumulate either in the State of Alabama or in the State of Indiana, yet one judge in each of the two districts is deemed sufficient.

The State of Illinois, with great maritime interests on the Mississippi and the Ohio and Lake Michigan, with perhaps in some respects the second most important port in the country, has two districts.

Mr. JONES, of Alabama. Will the gentleman allow me to make an inquiry?

Mr. HOLMAN. Yes, sir.

Mr. JONES, of Alabama. Did I understand the gentleman to say that there was only one district judge in Ohio?

Mr. HOLMAN. I said there were two districts, and one judge in each district.

Mr. JONES, of Alabama. There are two districts in Alabama and four courts.

Mr. HOLMAN. In Indiana there are four points at which court is held besides Indianapolis.

The public interests are not subserved by the creation of these additional places for holding courts. The local convenience of lawyers is benefited, but nothing more. After the decision of the Supreme Court which deprived the State courts of jurisdiction in maritime cases the argument in favor of this policy was that you must establish courts upon the rivers, or else confer special powers upon your commissioners; and accordingly after that decision (some fourteen years ago) the number of points for the holding of Federal courts was materially increased, especially where questions in admiralty were springing up. But that business is not increasing; the bankrupt business has been disposed of; the number of internal-revenue cases is growing less and less every year. The fact is urged by my friend from Alabama [Mr. OATES] in behalf of this bill that there are a great many prosecutions in the Federal courts in Alabama growing out of depredations on the timber lands, but that business is steadily declining; the forests are being disposed of year by year. It seems to me, sir, that we are making a mistake in extending the jurisdiction of the Federal courts. We are dwarfing our State judicial systems. Recently in a single State—an inland State in the main, with but one important river on one of its borders—we have created six places for holding Federal courts; the State immediately south of it has eight.

Mr. HENDERSON, of Iowa. What State has the eight places?

Mr. HOLMAN. The State of Iowa, I believe. That is my recollection.

Mr. HENDERSON, of Iowa. That State has now six places, and I understand that a bill has been reported to give her seven, but not eight.

Mr. HOLMAN. I may be mistaken about that; but I thought there were eight.

Mr. SYMES. Will the gentleman from Indiana [Mr. HOLMAN] permit a question?

Mr. HOLMAN. Certainly.

Mr. SYMES. Is it not much better for the people to have the places for holding the Federal courts distributed through the principal towns of a State than to allow a non-resident suitor, by removing his suit into a Federal court, to drag parties and witnesses a long distance at great expense?

Mr. HOLMAN. That does not very often occur.

Mr. SYMES. It occurs very often.

Mr. HOLMAN. It does not very often occur. The tendency of our system is to enable non-resident corporations doing business in the respective States to make use of the Federal judiciary to drag people from their homes and from their respective counties to remote points at which

courts having Federal jurisdiction are held. That is one of the evils of the system. As can be seen by looking at the docket of the Supreme Court of the United States a large proportion of the cases of the Federal courts in the several States now are at the instance of non-resident corporations. You can cut off largely the jurisdiction of the Federal courts by simply placing non-resident corporations doing business in the several States on the same footing as citizens of the States.

Mr. SYMES. The cases to which you refer are the large cases.

Mr. HOLMAN. For one, I regard the failure to apply a remedy on that point as in large degree the outgrowth of the policy we have been pursuing of extending facilities for the holding of Federal courts.

Mr. SYMES. But it is only the large cases, involving large amounts, that come to the Supreme Court. You can not appeal a case from the circuit court involving less than $5,000, and it is generally $5,000, or below that amount, that is involved in the cases where the people are so much interested in not being dragged from their homes.

Mr. HOLMAN. The dragging from their homes is the result of the extension of the Federal system. If the jurisdiction of the Federal courts was restricted within proper limits, as it was twenty-five years ago and as it was intended to be by the founders of the Government, the number of cases brought in those courts would be comparatively small; but under the present policy they are increasing from year to year, and increasing mainly through the extraordinary prerogatives vested in corporations doing business in the States and claiming to be non-residents.

Mr. GIBSON, of West Virginia. If the gentleman from Indiana will permit a suggestion, I wish to remind him that it is not the amount involved that gives jurisdiction, but the non-residence.

Mr. HOLMAN. We have an instance under our present system of a corporation in the State of Kentucky, a local corporation in that State, managing a great railway system west of the Mississippi River embracing four or five great corporate bodies and extending to the Pacific Ocean, and one object of forming that corporation in the State of Kentucky was to enable this series of corporations to obtain a standing in the Federal courts as against the Territorial or State courts. That is an illustration, and one of the results, of the extension of the Federal judicial system.

In my own State, speaking with some knowledge of affairs there for forty years, I am able to say with confidence that, so far as the public interests are concerned, a single Federal court at the capital of the State would have been amply sufficient to accomplish every desirable object, especially if there was a reasonable limitation placed upon the jurisdiction of the Federal courts. Within fifteen years the cost of those courts has increased fourfold beyond what it need be or ought to be.

Mr. OATES. Mr. Speaker, it seems to me that the gentleman from Indiana confounds a proposition for extension of jurisdiction with a provision to carry out the jurisdiction already existing.

Mr. HOLMAN. If my friend will allow me, as long as there is a motive for extending the system the system will continue to be extended. When you restrict the jurisdiction, your motive for the extension will be gone.

Mr. OATES. The remarks of the gentleman are applicable to a bill that is not before the House.

Mr. HOLMAN. It never will be before the House if you continue this system.

Mr. OATES. I beg the gentleman's pardon. The last House of Representatives passed a bill to restrict to some extent the jurisdiction of the United States circuit courts upon some of the points to which the gentleman has referred, and if he will look at the Calendar he will find that a bill on the same line has been reported from the Judiciary Committee of this House.

Mr. HENDERSON, of Iowa. I think the bill to which the gentleman from Alabama [Mr. OATES] refers did not pass at the last session.

Mr. OATES. It passed the House but did not pass the Senate.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, informed the House that the Senate had passed bills of the following titles:

A bill (S. 2239) extending the time for the completion of the records of the clerk of the Court of Commissioners of Alabama Claims and the transfer of the same to the Department of State; and

A bill (H. R. 6980) making appropriation to complete the public building at Jackson, Tenn., and to reappropriate the unexpended balance therefor.

The message also announced that the Senate had passed, with an amendment, in which the concurrence of the House of Representatives was requested, a bill (H. R. 444) to amend section 3336 of the Revised Statutes of the United States.

ORDER OF BUSINESS.

Mr. HENDERSON, of Iowa. Does this bill create a new judicial district?

Mr. OATES. The district is already created; the bill simply provides for the appointment of an additional judge.

Mr. HENDERSON, of Iowa. Does it create any new divisions?

Mr. OATES. It does not.

Mr. HENDERSON, of Iowa. How many divisions are there now in the State?

Mr. OATES. Four. Judge Bruce, if this bill be passed, will still hold the three courts in the middle and northern part of the State.

Mr. Speaker, I call the previous question.

The previous question was ordered; and under the operation thereof the bill was ordered to be engrossed for a third reading; and it was accordingly read the third time.

The question being taken on the passage of the bill, it was passed, there being—ayes 70, noes 16.

Mr. OATES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ISSUE OF SMALL SILVER CERTIFICATES.

Mr. MILLER (when the Committee on Banking and Currency was called) said: I ask unanimous consent to call up for present consideration the resolution reported this morning by the Committee on Banking and Currency, fixing a time for the consideration of House bill No. 5788. The resolution will be printed and placed on the Calendar by to-morrow morning, when we would be entitled to call it up, and we could meanwhile occupy the time to-day with other business, as I believe we are entitled to an hour. But I ask leave that the resolution be considered now, because that course will save a great deal of time to the House.

The resolution was read, as follows:

Resolved, That Thursday, May 20, 1886, be set apart for the consideration of House bill 5788, reported from the Committee on Banking and Currency, to be considered in the House as in Committee of the Whole House, not to interfere with general appropriation bills, bills raising revenue, nor prior orders; and if for any reason said bill should not be considered, or the consideration thereof completed on that day, that this order shall continue from day to day until said bill is finally disposed of by the House.

Mr. SPRINGER. What is the bill to which the resolution refers?

The SPEAKER. The Chair can not state the nature of the bill.

Mr. SPRINGER. Let the bill be read.

The SPEAKER. The bill is not before the House.

Mr. MILLER. It is simply a bill to provide that the Secretary of the Treasury may issue upon silver in the Treasury silver certificates of the denominations of one, two, and five dollars.

The SPEAKER. Is there objection to the present consideration of the resolution? The Chair hears none. The question is upon the adoption of the resolution.

The resolution was adopted.

Mr. MILLER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NATIONAL BANKING ASSOCIATIONS.

Mr. MILLER. I am directed by the Committee on Banking and Currency to call up, and ask the House to concur in, the amendment of the Senate to the bill (H. R. 327) to enable national banking associations to increase their capital stock and to change their names and locations.

The amendment of the Senate was read, as follows:

After the word "on," in line 13, page 1, insert "to any other place within the same State not more than 30 miles distant."

The amendment was concurred in.

Mr. MILLER moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MILLER. There is no other business that I am directed by the committee to bring before the House.

SUBTREASURY AT LOUISVILLE, KY.

Mr. McCREARY (when the Committee on Coinage, Weights, and Measures was called) said: I call up for consideration the bill (H. R. 902) establishing a subtreasury at Louisville, Ky. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill, and that it be considered in the House.

Mr. HOLMAN. As in Committee of the Whole under the five-minute rule.

The SPEAKER. Is there objection to considering the bill in the House as in Committee of the Whole House on the state of the Union? The Chair hears none. The bill will be read.

The Clerk read as follows:

Be it enacted, &c., That there shall be appointed an assistant treasurer of the United States, to be located in the city of Louisville, in the State of Kentucky; and such assistant treasurer shall be appointed in like manner, for like time, and be subject to all the provisions of law to which the other assistant treasurers of the United States are subject.

SEC. 2. That there shall be prepared within the custom-house of said city suitable and convenient rooms for the use of the assistant treasurer herein authorized, and sufficient and secure fire-proof vaults and safes for the safe-keeping of the public moneys collected and deposited with him; and the said assistant treasurer shall have the custody and care of said rooms, vaults, and safes as may be temporarily assigned to him, and he shall perform all the duties required to be performed by other United States assistant treasurers in reference to the receipt, safe-keeping, transfer, and disbursement of such moneys.

SEC. 3. That the assistant treasurer authorized by this act to be appointed shall receive a salary of $4,000 per annum, to be paid quarter-yearly, at the Treasury of the United States, which shall be in full for his services.

SEC. 4. That there shall be employed in the office of said assistant treasurer one clerk at $1,800 a year, one clerk at $1,600, one assistant messenger at $720, and two watchmen at $720 each, which officers shall be appointed in the same manner as is now provided by law for the offices of other subtreasurers.

SEC. 5. That there shall be appropriated and paid, out of any money in the Treasury not otherwise appropriated, the sum of $5,000, to be expended, under the direction of the Secretary of the Treasury, in such repairs and alterations as may be necessary to put in good condition for immediate use such offices, rooms, vaults, and safes herein mentioned as may be required, and in the purchase of any additional furniture and fixtures, and in defraying any other incidental expenses necessary to carry this act into effect.

Mr. McCREARY. Mr. Speaker, the Committee on Coinage, Weights, and Measures, which had this bill under consideration, unanimously instructed me to report it with a recommendation that it pass. I shall be very brief in what I have to say in its support.

The monetary transactions of the Government are now conducted through the office of the United States Treasurer in connection with forty-one national-bank depositories and nine subtreasuries, located at New York, Boston, Philadelphia, Baltimore, Saint Louis, Chicago, Cincinnati, New Orleans, and San Francisco. No subtreasury has been established in this country since 1873, though during the intervening period the country has grown in every respect. We believe, therefore, that another subtreasury is necessary. The question, then, is where should the additional subtreasury be located? In determining this question we ought to consider geographical position, accessibility to the surrounding country, distributing power, amount and character of present and prospective collections, and disbursements of public money. Applying these tests, I believe that the subtreasury should be located at Louisville, Ky.

It is hardly necessary for me to say much about Louisville. As is well known, it is the metropolis of Kentucky. It is by water 132 miles below Cincinnati, 598 miles below Pittsburgh, 368 miles above Cairo, 607 miles above Memphis, and 1,337 miles above New Orleans. There is no subtreasury between Louisville and New Orleans. Louisville is situated midway between the Gulf of Mexico and the northern lakes. It is also in the heart of the valley of the Ohio, which comprehends an area of 201,720 square miles—about double the area of France and nearly equal to that of Germany. Many navigable rivers are accessible by steamers from the wharves of Louisville, and this city has opened avenues of trade to a vast and wealthy domain, comprising sixteen States. The railway connections at Louisville are excellent; perhaps as good as or better than those of any other city in the South. These railroads give her direct communication with all parts of the country by the following trunk lines: Louisville and Nashville Railroad; Chesapeake and Ohio Railroad; Louisville Short Line Railroad; Ohio and Mississippi Railroad, Jeffersonville, Madison and Indianapolis Railroad; Louisville, Evansville and Saint Louis Railroad; and the Cincinnati Southern by way of the Louisville and Knoxville Railroad.

The last census shows that the center of population of the United States is in the State of Kentucky, and Louisville is near that center.

Within 300 miles of Louisville, or twelve hours' journey, there are eleven million people. As a distributing point Louisville is unexcelled. While at many cities the coin of the United States would be distributed at an expense to the Government, the products of the State of Kentucky and the extensive business and manufacturing interests of the city of Louisville would secure this distribution through the natural channels of trade without much cost.

There are in Louisville 1,352 manufacturing establishments in active operation, with a capital of $40,000,000. These establishments employ 24,000 workmen, and put in the market annually finished wares amounting to $60,000,000. Louisville is the second city in the United States in the manufacture of furniture, and is also one of the leading pork-packing cities of the country, having invested in the pork and ham trade a capital of nearly $3,000,000. Louisville is perhaps the largest plow-manufacturing city in the world, the united capacity of its plow manufactories being 1,500 per day.

Over 200,000 plows and 50,000 cultivators are annually manufactured in that city. The sale of tobacco at Louisville from January 1, 1885, to January 1, 1886, amounted to more than 127,000 hogsheads, showing that in the tobacco business Louisville leads the world. She also leads in Kentucky jeans, jeans clothing, gas and water pipes, live-stock, cement, fine sole-leather, plate-glass, and fine whiskies.

Aside from being a commercial center of acknowledged size and importance equal to other cities where subtreasuries are now located, Louisville has banking institutions numbering twenty-four, with, I believe, upward of $8,000,000 of capital. The internal revenue collected last year in the State of Kentucky amounted to $14,482,000. No other State of this Union poured into the Treasury of the United States a larger amount of revenue than the State of Kentucky except the State of Illinois. Kentucky, therefore, stands second among the States so far as the payment of revenue into the Treasury is concerned.

There is also at Louisville a pension agency; and the disbursements at Louisville on account of the pension laws of the United States were last year $1,815,926. In this respect Louisville will compare favorably with the majority of the subtreasury cities, because of the nine subtreasury cities only five—New York, Boston, Philadelphia, Chicago, and San Francisco—have pension agencies.

The annual cost of this subtreasury will be small, amounting in all to only $9,500 per annum. The bill also provides that $5,000 be appropriated to make such repairs and alterations as may be necessary in the custom-house, and furnish the rooms in such proper manner as to make them suitable for a subtreasury.

Mr. Speaker, I trust the bill will pass. No additional subtreasury has been established since 1873, and I believe Louisville, as the great focal center of the Mississippi Valley, is the proper place to locate a subtreasury. It will be of great service to the Southern States, it will be a great convenience to the pension business, and it will be a valuable auxiliary to the Government in a State where the internal-revenue collections amount to about $14,000,000 per annum.

Mr. WARNER, of Ohio. Mr. Speaker, I rise to oppose this bill. I concede, however, that if there is to be another assistant treasurer appointed and another subtreasury established by the Government, the proper location would be at Louisville, Ky. But instead of establishing additional subtreasuries and appointing more assistant treasurers, in my judgment in would be far better to reduce the number we already have. I would abolish several of those we now have, for the reason that I believe the policy of small subtreasuries to be not only costly, but positively hurtful to the business interest of the country.

What reason is there for a subtreasury at Louisville, Ky.? I can see none. Will it benefit the people of Louisville? I maintain that it will not be of the least benefit to the people there. Indeed, Mr. Speaker, I am surprised that there has not been a petition sent in here from the banking institutions of that city against the establishment of this subtreasury at Louisville.

Mr. WILLIS. I will say every bank in Louisville has asked for the passage of this bill.

Mr. WARNER, of Ohio. I am quite surprised at that. I am sure it has not been asked for or recommended by the Secretary of the Treasury, nor by the Treasurer.

What possible advantage can it be to the people of Louisville? It will add nothing to their capital. It would be far better to have the collections made daily at Louisville by Government agents, deposited in some one of the banks, or better perhaps let the banks associate together and deposit security with the Treasurer, and then have the money collected deposited daily with them. That is substantially what is done now, not only here, but elsewhere where there are no subtreasuries. Money deposited in this way is, to a certain extent, loanable capital, which may be used. This is the way it ought to be in Cincinnati and in other places. I wish there was no subtreasury in Cincinnati, and that instead the banks were made depositories of moneys collected and to be paid out there.

Why, Mr. Speaker, we have now nearly $500,000,000 locked up in Treasury vaults and withdrawn from circulation. Two hundred and fifty million dollars, or thereabout, are for the purpose of meeting the demand liabilities of the Government, or as trust funds to cover certain outstanding obligations. The rest is surplus pure and simple—money withdrawn from circulation, taken right out of the business of the country. In England if the revenues of the government exceed the expenditures the excess becomes simply a credit in the Bank of England to the government. So it is in the Bank of France, and so, too, in the Bank of Germany. No other civilized country in the world withdraws from circulation a great mass of capital and locks it up in a treasury and subtreasuries. No other country does this, and in my judgment it is time we abandon it. But instead of pursuing the course other countries have found so advantageous, we go on establishing more treasuries to bury more money in.

Where shall we stop? After establishing this one at Louisville, are we going on to establish additional subtreasuries and appoint additional subtreasurers at Galveston, Tex.; Saint Paul, Minn.; Omaha, Nebr.; Cleveland, Ohio, and other places where I understand they are asked for? If we do, what will be the result? It will cost from $10,000 to $20,000 a year at each place to take care of the money of the Government, and you will simply withdraw so much more money from use as capital and bury it in your vaults.

Mr. McCREARY. Will the gentleman permit me to ask him a question?

Mr. WARNER, of Ohio. Certainly.

Mr. McCREARY. Is it not a fact that the money which now goes into the depository at Louisville goes immediately to the United States Treasury at Washington, to remain idle?

Mr. WARNER, of Ohio. I do not know how that is, but it ought not to be so. There ought to be an association of banks which would deposit security with the Government, and the money should be deposited with the banks and only checked out as required; that is what banks are for.

The main objection I have to these subtreasuries is they withdraw money from use, and that is the very thing we are suffering from now. Already $500,000,000 are withdrawn from use, taken right out of the volume of circulating money, the very life-blood of our industries, and locked up, and there it lies idle in the Treasury. Think of it, one-third of the money volume under lock and key in Government vaults.

Mr. McCREARY. How do the subtreasuries withdraw money from use any more than the United States Treasury does?

Mr. WARNER, of Ohio. The more subtreasuries you establish, the

more will the money of the people be withdrawn from circulation. If there were no subtreasuries, the money collected from the people and not paid out immediately would be deposited in the banks and become to a large extent loanable capital. It would be where it could be used like other deposits in banks; but when collected by the Government and deposited in subtreasuries it can not be loaned or used, as it would be if deposited in banks, but is completely withdrawn from circulation, as much so as if it had remained in the mines.

Suppose we had a hundred subtreasuries scattered over the United States with, say, a million of dollars in each. What good would it do to scatter the money to be locked up in that way? Would this not necessitate the employment of a subtreasurer and all of the expensive paraphernalia of an office at each place to take care of it? And unless there is to be money to lock up, what are the assistant treasurers for? If there is to be no money to lock up we do not need the subtreasuries and the treasurers and the clerks, and if the money is to be locked up as now, then it might as well be in one place as in a hundred; indeed far better, for it would cost less to keep it in that way. It would cost $10,000 to $20,000 to run each of a hundred subtreasuries a year, while it would cost not one-tenth as much to take care of it all at one or two places. This whole system of multiplied subtreasuries is wrong, and the whole system of hoarding up revenues is wrong. As little money as possible should be taken from circulation, and that, as far as possible, left where it is made available as capital.

Mr. FELTON. Will the gentleman permit me to ask him a question?

Mr. WARNER, of Ohio. Certainly.

Mr. FELTON. I am unable to understand how an increase of the subtreasuries will create any greater contraction in the volume of money than if there was but one subtreasury or a dozen. I can understand how if these subtreasuries are distributed about the country where they are needed that they can be of great convenience to the business interests of the country; but where the gentleman's argument comes in I do not understand.

Mr. WARNER, of Ohio. They are not of the least importance to the business interests of the country, not the least in the world. They do not circulate the money at all, and they afford no assistance to any individual, except to those who are employed to take care of the money.

Money that can not be used can do nobody any good. What good can money locked up in vaults in Louisville do anybody there? It might just as well be anywhere else. If it was deposited in banks it might do some good, but none in the world in a treasury vault. And as a subtreasury prevents the deposit of money where it would be held as capital, it does withdraw money from circulation. About that there can be no question.

Now, for instance, as the gentleman will see, if at the city of Louisville instead of taking the money collected and locking it up in a subtreasury it is deposited in some designated bank depository then it becomes a credit at the bank the same as any other deposit; it is a part of its loanable capital like any other deposits for use in the business of the place; but if it is withdrawn from circulation and use entirely and placed in the subtreasury it is neither a part of the circulating medium nor is it capital that can be used. In this way, I say, subtreasuries scattered over the country do harm instead of good, and, besides, they increase enormously the cost of taking care of public money, while the banks will do the business gladly for nothing.

Mr. DORSEY. May I ask the gentleman a question?

Mr. WARNER, of Ohio. Certainly.

Mr. DORSEY. Is it not true that the national depositories are compelled to put up Government bonds as security for the deposits?

Mr. WARNER, of Ohio. Certainly they are.

Mr. DORSEY. And whenever they have money in excess of the amount allowed to be held on deposit under their bond must they not send the money at once to the subtreasury?

Mr. WARNER, of Ohio. Not at all. They are not compelled to send it until it is called for by the Treasurer.

Mr. DORSEY. But he always calls for it.

Mr. WARNER, of Ohio. Not necessarily; it is wholly a matter of regulation with the Treasury. There is no law requiring it. He may or he may not order it away.

Mr. DORSEY. But does not the gentleman know, as a matter of fact, that if they have a hundred thousand dollars of Government bonds deposited as security for the deposits to the extent of $90,000, that they must every day make a statement to the Treasurer of the amount of deposits they hold, and if that amount is in excess of the amount to which they are entitled it is ordered to be sent either to the subtreasury or to the Treasury?

Mr. WARNER, of Ohio. I repeat that is a matter purely of regulation on the part of the Department.

Mr. Speaker, the difference is just this: When once this money is taken from the people and put in an independent treasury and there locked up, it is kept from use as capital or as money; but when it is deposited in a bank it remains a part of the mass of the usable capital of the country. In other words, it retains its place as part of the circulation of the country. For my own part I would carry this so far as to abolish all subtreasuries except possibly one or two. The money that is held in trust to cover certain obligations ought to be in the national Treasury at Washington or the subtreasury in New York, and nowhere else; but it should not be scattered all over the country.

It was not the original intention of the independent treasury that it should be broken up in a hundred parts and scattered all about the country. When the independent treasury was established if it had been thought that it would lead to the establishment of fifty or a hundred subtreasuries to be located in every part of the country with a hundred subtreasurers to take care of the money, I apprehend that there would have been more hesitation in establishing the independent treasury than there was.

The SPEAKER. The hour for the consideration of bills has expired.

Mr. WARNER, of Ohio. I reserve the remainder of my time until this question comes up again.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. WILLIS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the river and harbor bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. WELLBORN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the river and harbor appropriation bill.

The Clerk will report the unfinished business coming over from the last sitting of the committee.

The Clerk read as follows:

Insert in line 814:

"Improving the North Forked Deer from Dyersburg to the junction of the South Forked Deer, $10,000."

Mr. WILLIS. Mr. Chairman, if the committee will hear me for a few moments I think I can satisfy them that this amendment ought not to be adopted. The only estimate that we have received for this river was one made in 1880. There has been no subsequent estimate, and no report in regard to it, since that time. That estimate was for $20,000 for the improvement of 110 miles of the river, which would be for the part involved in the amendment about $2,000.

But the committee, not having any report from the Chief of Engineers approving this project and it not being in the Book of Estimates, did not see fit to allow it.

There was another reason why they did not allow it. There was one great improvement in the State of Tennessee which all her people were interested in. That was upon the Tennessee River, the improvement of the Muscle Shoals. The committee, looking the whole situation over, believed it would be better to appropriate the amount of $350,000 for that great national improvement, and allow some of these small rivers to wait a while, believing it would be best for the interests of Tennessee and best for the interests of the whole country. This river in due time, I have no doubt, will be considered. For the present we ask that the action of the committee be sustained and the amendment rejected.

The question being taken on the amendment, it was rejected.

The Clerk read the following paragraph:

Improving Tennessee River at Big Muscle Shoals, Little Muscle Shoals, and Elk River Shoals, Alabama: To complete improvements at these localities, $300,000.

The committee recommended the following amendment:

In lines 818 and 819, strike out the word "Muscle," where it twice occurs, and insert in lieu thereof "Mussel."

Mr. JOHN M. TAYLOR. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "dollars," in line 821, amend by adding:

"Improving Tennessee River between Florence, Ala., and Paducah, Ky., $75,000, or so much as may be necessary.

Mr. JOHN M. TAYLOR. I think, sir, that amendment will suggest itself as a proper one to the Committee on Rivers and Harbors and the Committee of the Whole. From Florence, Ala., to Paducah, Ky., a distance of nearly 300 miles, not a cent is appropriated or proposed to be appropriated for improving navigation by this bill.

The Tennessee River, Mr. Chairman, it is not necessary for me to say, is a stream of national importance. It is not a little creek. This appropriation is not for the purpose of building levees and improving private property, but it is for the sole purpose of improving the navigation of that stream a distance of near 300 miles, from Muscle Shoals to the city of Paducah, in Kentucky. As I remarked, not a cent is appropriated for that purpose this year, and there was none appropriated in the last annual appropriation bill.

The Tennessee River is one of the largest and most magnificent streams in the Union, winding its way through Eastern Tennessee, sweeping through North Alabama, and then northward through Tennessee and Kentucky to the Ohio. It floats a commerce second to but few rivers on the continent, and when properly improved by the Government an outlet will be given to the products of this section, and it placed upon a footing with other localities heretofore more fortunate. The Tennessee flows through one of the richest countries in the Union, abounding

in iron, coal, and marble, and also in farming lands as fertile as that upon the banks of the Nile. Gentlemen here on both sides of the House who were in that country during the war are familiar with it and know the importance of the proposed improvement, and I am satisfied their good sense and judgment will indicate that this amendment should be adopted.

For the improvement of the Colbert and Reynoldsburg Shoals not a dime is appropriated. And if you make this appropriation for Muscle Shoals, then there are impediments in the way of navigation thence to Paducah. I ask that in all fairness to the Lower Tennessee River this appropriation be made; and I do not believe there is a member on the committee who will oppose it. It is undoubtedly a meritorious appropriation.

Mr. WILLIS. Speaking for the Committee on Rivers and Harbors, I desire to say that we unanimously oppose this amendment. We have indicated it by our action in regard to the Tennessee River. This action has been taken, not because it is not an important river, not because it is not for the benefit of our constituencies; it affects my own as much as it does the constituencies of my friend from Tennessee, but it is because in looking over the whole position after consultation with the members, and all interested in the rivers of Tennessee, we believed it was to the greatest advantage of my constituents and my friend's constituents that this great national improvement at the Muscle Shoals should first be opened. In order to do it the engineers said $350,000 would be required. We gave every dollar the engineers asked.

It is a very large amount, and I am sure if my friend from Tennessee had to decide now between an improvement for the Lower Tennessee and for the Muscle Shoals he would promptly say, remove these obstructions at the Muscle Shoals and open this great stretch of river, and we will in the future receive the just consideration for the Lower Tennessee.

Instead of there being unfriendliness to this river the bill itself shows the greatest friendliness to it. I desire to say in behalf of the committee it was not because we did not recognize the importance of the Lower Tennessee, but because we thought the other improvement was of paramount importance that we gave this large sum for the Muscle Shoals. If the gentleman will bide his time after those shoals are open the improvement of the Lower Tennessee will next be undertaken to the satisfaction of his own and of my constituents.

Mr. JOHN M. TAYLOR. I am not surprised at the action of the committee in the least. The appropriation for the purpose of completing the work already begun at the Muscle Shoals is a proper one and I favor it. The amendment I propose goes further, Mr. Chairman, and provides for the improvement of navigation of the Lower Tennessee after getting through these shoals. Attention was called to the improvement of this river in the early days of the Government, and the importance of the same has increased with the development of the country. It is no answer to the proposition to expend money for a meritorious improvement that it must bide its time until something else is accomplished. Each should stand upon its own merits, and not wait the tardy work upon some other. If it is ever proper to improve the Lower Tennessee now is the time, and those who live upon the lands adjacent to this part of the river and the whole country interested should not be denied justice because, forsooth, other localities must first be looked after. I desire to accomplish that which should have been done long since, and to make the work at Muscle Shoals a grand national success by giving an outlet to the iron, coal, and produce that will pass through this canal, and not arrest it where the improvement ceases. To make the work at Muscle Shoals a success the appropriation of $75,000 that I propose should be expended in removing impediments to navigation between Florence and Paducah.

The amendment of the committee was agreed to.

The question being taken on the amendment of Mr. JOHN M. TAYLOR, there were—ayes 18, noes 29.

So (further count not being called for) the amendment was rejected.

The Clerk commenced to read the next paragraph.

Mr. HEPBURN. Before leaving the paragraph for the improvement of Muscle Shoals I ask the attention of the chairman of the Committee on Rivers and Harbors. I understand this appropriation in lines 818 to 821 inclusive is to complete that work.

Mr. WILLIS. Yes, sir.

Mr. HEPBURN. What is meant by the report of the engineer in charge, on page 274, where he says:

> Amount (estimated) for completion of existing project, $1,437,500.

Mr. WILLIS. I will state to my friend that the work that we propose to complete is the removal of about 13 miles of obstructions at the place known as the Muscle Shoals. As the gentleman very well knows, that is one of the oldest water improvements in the United States, having been in progress since 1836 or 1838. It is an improvement for which the Government gave a large body of land, 400,000 acres, many years ago.

Mr. HEPBURN. And two and a half millions of dollars.

Mr. WILLIS. Yes. The work has been pending, not completed; and as the Government had invested so much money on that particular part of the river, the committee thought that in order to get the benefit of the previous investment it was wise economy to appropriate enough to open that portion of the river, because until that is accomplished no further improvement will be of any practical benefit to commerce.

Mr. HEPBURN. But I understand the engineer to say explicitly that to complete this work at the Muscle Shoals and the other shoals named will cost not $350,000, but nearly a million and a half.

Mr. WILLIS. The statement to which the gentleman refers covers the whole river. The improvement for which we make this appropriation is to complete the removal of a particular obstruction. Until that is removed of course the river above and below the obstruction can not be used for continuous commerce, and the engineers state that this appropriation will practically open navigation at that point.

Mr. JOHN M. TAYLOR. Mr. Chairman, I have an additional amendment which I desire to offer. After the word "dollars," in line 821, I move to add the following words, "of which sum $75,000 shall be used in improving the Tennessee River between Florence, Ala., and Paducah, Ky."

Mr. GIBSON, of West Virginia. Mr. Chairman, I rise to a point of order. The section to which the gentleman's amendment applies has been read and passed, and so has the succeeding paragraph.

Mr. JOHN M. TAYLOR. We are still on the Tennessee improvement, I believe.

Mr. GIBSON, of West Virginia. No, sir; that line had been passed and the next paragraph read before the amendment was offered.

The CHAIRMAN. The point of order is well taken.

Mr. JOHN M. TAYLOR. I beg pardon of the Chair. I thought we were still on that part of the bill.

Mr. GIBSON, of West Virginia. No, sir. The gentleman from Iowa [Mr. HEPBURN] was simply allowed to ask a question for information.

Mr. JOHN M. TAYLOR. I was under the impression that we were still on the Muscle Shoals improvement.

The CHAIRMAN. The Chair is advised by the Clerk that the paragraph which the gentleman proposed to amend has been passed.

Mr. JOHN M. TAYLOR. Then I will take occasion hereafter to propose that amendment.

The Clerk read as follows:

> Improving Kentucky River, Kentucky: Continuing improvement, $250,000.

Mr. TAULBEE. Mr. Chairman, I rise to a point of order. I think the gentleman from Kentucky [Mr. WOLFORD] was recognized on the paragraph preceding the one just read.

The CHAIRMAN. Yes; the Chair recognized the gentleman at that time.

Mr. WOLFORD. Mr. Chairman, I want to offer an amendment in line 823. I move to strike out the word "five," in that line, and insert "ten;" so that the paragraph will read, "Improving South Fork of Cumberland River, Kentucky: continuing improvement, $10,000."

Mr. Chairman, the amendment I propose is a little one, a very modest one, considering the importance of that river, and I want to call the attention of the committee to the fact that in the very next paragraph of the bill there is an appropriation of $250,000 for a river no larger than the South Fork of the Cumberland; yet that appropriation is none too large; it is needful and proper. This South Fork of the Cumberland River is a long river, and there is a vast amount of produce carried upon it. The people there raise corn and wheat and other valuable products which they want to send to market. Some of the finest timber in the world grows upon that river. Not only that, but some of the best coal is found there, but it remains in the bowels of the earth because there is no way of transporting it to market, no means of getting it out.

Now, sir, this bill carries on its face over $15,000,000—more money than would pay the cost for one year of the Blair bill for educational facilities which our children need so much. I do not oppose this bill, for I am not like some men here—I believe that our Government is able to educate the children, and able to improve the rivers, and able to pension the soldiers, too—a thing that some gentlemen seem to doubt very much. I believe the Government is able to do all that, and therefore I am not opposed to this bill; but, carrying as it does such a large amount of money, certainly that money ought to be equitably distributed. I do not object to any appropriation that is made in the bill. As I have said, the appropriation for the improvement of the Kentucky River is no larger than it ought to be; but we are not prepared, on the South Fork of the Cumberland, to have a great appropriation like that now, because the work has not been started there as it has been at other places. But if you give us $10,000 now, instead of $5,000 (and surely no reasonable man can object to that), the river will be cleaned out and a large amount of transportation will be done upon it, a great commerce will begin to float upon it, and in the course of time, when the world sees and when Congress sees that it is necessary to appropriate more money to still further improve that fine river, then we shall come here and get something like $200,000, which is what we ought to have. Just now, however, as I have said, we are not prepared to use that amount, because there have been no locks or dams constructed on that river, and all we want now is to have it cleaned out, so that we can at once get the benefit of the commerce that can be carried on

without those great improvements, which must ultimately be made. I ask the gentlemen of the Committee on Rivers and Harbors to consider this question a moment. Five thousand dollars, of course, is a mighty little thing to put upon a bill that carries on its face over $15,000,000.

Although the amount asked is small, it is a great thing to us in our country, for that mountainous region suffers for want of transportation facilities. The mountains are high, the roads are bad, it is difficult to haul any distance. An appropriation of $5,000 to be expended upon the banks of the river would be a great help to us; and it does seem to me when gentlemen think of the matter there can be no objection to this proposition. With this appropriation we can commence a system of improvement that will be a great blessing to our people, and nobody will suffer any disadvantage. I hope the House will seriously consider this proposition and adopt it.

Mr. McCREARY. Mr. Chairman, my colleague from Kentucky [Mr. WOLFORD] has referred to the next paragraph of the bill, which provides for an appropriation of $250,000 for the benefit of the Kentucky River; and he remarked that if this amount is allowed for the Kentucky River there ought to be an appropriation of $10,000 for the South Fork of the Cumberland River. There is a very decided difference between these rivers. The Kentucky River is the longest river in Kentucky; and while I will say at the outstart I have no objection to the amendment proposed by my colleague, yet I feel it my duty to speak in behalf of the amount proposed to be appropriated for the Kentucky River.

That river flows for over 100 miles through the district I have the honor to represent on this floor. That river and its tributaries drain thirty-two counties of the State of Kentucky, and a majority of the counties drained by it are filled with inexhaustible quantities of coal and iron. The State of Kentucky has more square miles of coal land than any other State in this Union or any other single country in the world. The State of Pennsylvania has 12,630 square miles of coal land, and the State of Kentucky has 13,000 square miles of coal land.

Mr. BROWN, of Pennsylvania. I ask that Alabama be excepted.

Mr. McCREARY. I except no State, because I know whereof I speak when I say the geological reports of the various States in the Union will show that Kentucky has more square miles of coal than any other State in the Union, Pennsylvania not excepted. England has 6,029 square miles of coal land, and Kentucky has twice as many square miles as England.

Her vast coal fields are divided into two divisions, known as the eastern and western divisions. The eastern division comprises 10,000 square miles of coal land. It is this eastern division the Kentucky River and its tributaries drain.

The finest cannel coal district in the world is in the vicinity of the Kentucky River. While cannel coal is found in other parts of the world in pockets, the cannel coal on this river and its tributaries is found in great continuous veins from 4 to 7 feet thick.

In the counties of Morgan, Wolfe, and Breathitt, in the district represented by my friend and colleague [Mr. TAULBEE], are veins of cannel coal from 5 to 7 feet thick.

In coking coal the counties on the upper waters of the Kentucky River excel almost any other part of the country, there being in that part of the State three times as much coking coal as is found in any other State of the Union.

Iron ore of the very best quality is found in great abundance in the counties drained by the Kentucky River. For car-wheel purposes, and for steel rails, and for cutlery, the iron of that region is not excelled. For years there has been a demand for it at Sheffield, in England, where it is used in manufacturing fine cutlery. That country also has splendid forests——

The CHAIRMAN. The gentleman's time has expired.

Mr. McCREARY. I hope the committee will give me one moment more to conclude my remarks.

Mr. RANDALL. I will take the floor and yield my five minutes to the gentleman from Kentucky.

Mr. McCREARY. I thank the gentleman.

Mr. Chairman, the hills and valleys of many counties about the headwaters of the Kentucky River are covered with magnificent forests which make the very best lumber. In some of these counties you find timber in its pristine loveliness, almost untouched by the ax of the woodman. There are on the headwaters of the Kentucky River thousands of acres of white pine. Last year there were shipped down the Kentucky River, even with the present facilities for transportation, over 2,000,000,000 feet of lumber.

The people of that region need an outlet. No friendly railroad has been extended into that section. The only outlet the people have is the Kentucky River. They must ship their iron and coal and lumber down that river in order to find a market.

Four locks and dams have been built on this river and two are now being built with money appropriated by Congress, and the proposed appropriation, which has received, I understand, the indorsement of the entire Committee on Rivers and Harbors, gives to the Kentucky River $250,000 to continue that much-needed improvement. No person who is familiar with the facts can doubt the necessity for this appropriation. It will be a great benefit to a large scope of country and a blessing to many people.

Mr. WOLFORD. I move to strike out the last word.

Mr. WILLIS. I rise to oppose the amendment.

Mr. WOLFORD. I only wanted to say a few words more.

Mr. WILLIS. I will yield to my colleague for that purpose.

Mr. WOLFORD. My friend and colleague certainly misunderstood my remarks. I did not mean to say the appropriation for the Kentucky River was too much. I only wished to present the matter in this view: It is true in the blue-grass region of Kentucky there is more wealth than south of the Cumberland River. But my idea is the Congress of the United States ought to be just, as well to the poor as to the rich.

Now, while you can get along, and I do not object to your having everything you want—there is no objection whatever; the committee has reported yours already, and I say it is right—but at the same time here is a poor people living in the mountains who need this improvement and need it badly. They have better coal than you have, they have better timber, they have more and better cannel coal, they have everything that you have; and here upon the South Fork of the Cumberland River is as good pine as yours, and our cedar is better. They have everything that can be demanded that commerce needs. Now, the question for Congress is while they are carrying a bill with $15,000,000 for the benefit of the whole country—and it will be of a great deal of benefit—and I am for the bill and expect to vote for it, although some of it may be wasted, but not a dollar can be wasted upon the South Fork of the Cumberland River. It will be only the entering-wedge of an improvement which will be a great blessing to the people. It is not, however, all that they ought to have; but we are willing that this work shall begin even in this small way; and this is a very poor people who have nothing, while your people are rich and have everything.

Now the question is, Will you vote everything to the rich and nothing to the poor? Will you give this $15,000,000 to people who are apparently in need of it, or will you give it to those who are already rich and whose commerce does not demand it? While I shall vote for the bill, believing it to be right, still I insist that there should be some consideration shown to this class of the people. We only ask $5,000 more to put their river in a fix that it will be a blessing to the community. Now, I do not wish to detain the committee. I do not wish to say anything further upon the proposition. I am satisfied that the committee who reported the bill believed that they were doing right to the entire country. But I do not think they have given enough to that region. I am satisfied there will be no effort to reduce the appropriation for my friend here on the right, and therefore I want you to come and help me. You have all you want.

Mr. McCREARY (from his seat). I am for your improvement.

Mr. WOLFORD. Very well; then come and help me to get it. We are poor, and we need this little sum very badly. [Applause.]

Mr. WILLIS. Mr. Chairman, it is with very great diffidence that Kentucky again comes to the front [laughter]; but in behalf of the committee I desire to submit very briefly the reasons why this amendment should not pass. We are governed by the estimates of the engineers, and the estimates of the engineers for the Cumberland River—the South Fork—were for $10,000. The committee has given $5,000, and that $5,000 stands to-day as a monument of the persuasive eloquence of my gallant colleague on this floor General WOLFORD.

We recognize that that part of the country is cut off. It is called the "Cut-off," in fact, and it needs access to the rest of the world. We have gone to the extreme limit of the bill in regard to that improvement. I regret it could not have been more, but, voicing the sentiment of the committee, I think it is as large as, within the limits of the bill, could possibly have been given.

The question being taken on the amendment of Mr. WOLFORD it was rejected, there being on a division—ayes 38, noes 67.

Mr. HEPBURN. I should be glad to have the attention of the chairman of the committee for the purpose of asking some information upon this point. Will he tell the committee the cost of this work up to this time, if he can do so, on this Kentucky River? The report of the engineers does not state it.

Mr. WILLIS. The report does not, as far as I can now see, disclose the exact cost. I should say, however, that it was in the neighborhood of $700,000. That is my recollection.

Mr. HEPBURN. That is the cost of the four dams on that river?

Mr. WILLIS. My recollection may not be correct, but that is my impression at this time. I refer to the amount expended by the Government.

Mr. HEPBURN. My recollection is that it was in the neighborhood of a million of dollars.

Mr. WILLIS. Nearly $2,000,000 have been expended by the State on this river.

Mr. HEPBURN. In addition to the $700,000?

Mr. WILLIS. Yes; but my friend will understand not by the Federal Government. The State expended this amount and turned it over to the Federal Government.

Mr. HEPBURN. Then I understand that what has been expended upon these four dams is in the neighborhood of $3,000,000, and it is estimated that it would take two and a half millions more to complete it?

Mr. WILLIS. Not quite that; somewhere in the neighborhood.

Mr. HEPBURN. I simply wanted the House to understand what this improvement was to cost, namely, some $5,000,000.

Mr. WILLIS. The gentleman does not mean the committee to understand that the Federal Government paid out all of that?

Mr. HEPBURN. No. Only some three and a half or possibly four million of dollars.

Mr. WILLIS. Three million of dollars would cover the entire cost to the Federal Government if it is fully improved to the extent of the recommendations, which we do not expect.

The Clerk read the following paragraph:

The Secretary of War is hereby authorized and directed to negotiate for the purchase of the works of the Green and Barren River Navigation Company, situated on the Green and Barren Rivers, in the State of Kentucky; and in order to ascertain the value of said works the Secretary of War shall appoint a commission of three competent engineers from the Engineer Corps of the United States Army, who shall value and appraise the same, and report to the Secretary of War; and if the said Green and Barren River Navigation Company shall offer and bind itself to take for said works a price deemed by the Secretary of War to be satisfactory and not excessive, he shall so report to the Congress at its next succeeding session; but if the said Green and Barren River Navigation Company refuses to sell its works, or demands a price deemed to be excessive, then the Secretary of War shall be, and he is hereby, authorized and directed to institute proceedings for the United States for the condemnation of said works, and shall report the result of said suit to the next Congress for its action, to the end that the navigation of the said Green and Barren Rivers may become free.

Mr. HISCOCK. I desire to make a point of order against this paragraph.

The CHAIRMAN. An amendment is proposed by the committee, which the Clerk will read.

The Clerk read as follows:

In line 846, before the word "Congress," strike out the word "the."

The CHAIRMAN. In the absence of objection this merely formal amendment will be agreed to.

There was no objection.

Mr. HISCOCK. I make the point of order against this paragraph. I turn to the rule, subdivision 8 of Rule XI, and find this:

Subjects relating to the improvement of rivers and harbors: to the Committee on Rivers and Harbors.

I suppose that committee has jurisdiction to report upon matters that will be covered by the language of that rule. I turn to the engineer's report and I find that this paragraph of the bill provides for the purchase of private property by the General Government, not for the improving of the river, but simply to take the property which belongs to a navigation company, their locks, their water ways, that property upon which, and for transit through which, and over which, they to-day collect tolls.

Now, I insist, Mr. Chairman, that that subject, the purchase of property in that way, is not covered by this rule giving jurisdiction to the Committee on Rivers and Harbors. If this provision is held good in the bill, I certainly see no reason why the provision in regard to Hennepin should not be added to the bill.

Mr. PETERS. Or the Erie Canal.

Mr. HISCOCK. Yes. As is suggested by the gentleman from Kansas, why a provision could not be added to this bill for the purchase of the Erie Canal. I accept his suggestion as illustrating my argument. Here is a private corporation—with whose works the Government has never had anything to do—organized, I think, under a charter from the State of Kentucky. At all events the work was originally done by the State of Kentucky. I am right, am I not, in this?

Mr. WILLIS. Yes, sir.

Mr. HISCOCK. As I am informed by the chairman of the Committee on Rivers and Harbors this work was accomplished by the State of Kentucky, as canals have been by some States, not by all; and they have ceded this work to private parties. And now we find in this bill a provision to purchase this property—property, I suppose, which the State gave away. We find a provision to purchase that private property by the Government.

Mr. BROWN, of Pennsylvania. Will not that improve the navigation of the river?

Mr. HISCOCK. I presume not. I do not see that the navigation will be improved by the Government making this purchase of private property.

Mr. BROWN, of Pennsylvania. It will release the tolls.

Mr. HISCOCK. That does not improve the navigation.

Mr. BROWN, of Pennsylvania. The purpose is to get rid of the tolls.

Mr. HISCOCK. I do not know that. But here what Congress is asked to do is to buy this work. That is the proposition.

Mr. WILLIS. My friend, in his first proposition, is mistaken. This is not a proposition to buy these works. Nowhere in this proposition is a committal of the Government to purchase these works. This simply asks a report by a board of engineers as to their value to be made to the next Congress.

If this passes it does not commit Congress to their purchase and it does not purchase them. There is nothing in the paragraph to be criticised in that way. It simply provides the engineers shall report to next Congress for its action what the value of these works is.

The history of this work, I may briefly state in connection with the point of order, I read from the official document. Nearly fifty years ago the State of Kentucky constructed these works on the Green and Barren Rivers at an expense of $1,000,000. A few years ago the State handed them over to a private corporation by a lease, and that corporation holds now these works. The works themselves, except what little repairs have been put on them, belong to the State of Kentucky.

The object of this provision is to remove that obstruction to free navigation. The State of Kentucky, by a recent act of its Legislature, has given over absolutely as a gift to the Federal Government these works, provided this lease can be gotten out of the way; so that it is for the use of the river, for the free navigation of the river, that it is necessary to remove this lease.

But let me say, as a matter of information to those who have not read the bill, that this does not propose that this Congress shall buy it. This simply provides for a report to the next Congress for its action. Even should the engineers report that Congress could buy it for a dollar and a half, there is nothing in this clause that would commit Congress to the payment of a dollar and a half. If there is, I shall accept an amendment from my friend from New York [Mr. HISCOCK]—a proviso that nothing in this act shall commit Congress to the purchase of these works. The report of the engineers will merely bring before the next House information as to the obstructions in two of the great navigable rivers of the country. That is all I wish to submit on the point of order.

Mr. BEACH. How long is the lease to run?

Mr. WILLIS. Thirteen years.

Mr. HISCOCK. I desire to say a word in reply to the gentleman from Kentucky.

The CHAIRMAN. The Chair has recognized the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. I desire to speak briefly to the question of order without making any suggestion as to the merits or demerits of the proposition.

Mr. GIBSON, of West Virginia. Will the gentleman from Ohio allow me to make a suggestion?

Mr. GROSVENOR. Yes, sir.

Mr. GIBSON, of West Virginia. This very question was decided on Thursday by the chairman of the Committee of the Whole in connection with the proposition as to the Monongahela River. I suppose the same decision will be made now, and it is hardly necessary to consume time on a point of order which was thoroughly discussed and settled on Thursday.

Mr. GROSVENOR. This, as I understand, is a new question of order, although I confess it is a question which, it seems to me, does not merit much discussion. All the jurisdiction of the Committee on Rivers and Harbors is fixed by the rule cited by the gentleman from New York [Mr. HISCOCK], and it simply provides where a bill is introduced or a resolution relating to the improvements of rivers and harbors that that bill or resolution shall, as a matter of order, go to the Committee on Rivers and Harbors.

But that is not a limitation upon the jurisdiction of the Committee on Rivers and Harbors. My answer to the gentleman, therefore, is in the nature of two propositions. First, there is no limitation in that rule upon the power of the committee to report legislation; and, second, by the precise terms of this provision of the bill it does relate to the improvement of rivers and harbors; or at all events there is no such affirmative showing that it does not so relate as to authorize the chairman to make a parliamentary ruling to that effect. That question will arise upon the merits of the appropriation itself. Therefore I claim that the point is not well taken.

Mr. BAYNE. Mr. Chairman——

The CHAIRMAN. The Chair is ready to decide the question.

Mr. BAYNE. Then I have nothing to say.

Mr. HISCOCK. Mr. Chairman, I desire to make one single suggestion in reply to the portion of the argument made by the gentleman from Kentucky [Mr. WILLIS], in which he said that this provision does not authorize the purchase of this work, that it does not authorize the expenditure of a dollar of money. If that be so, then I would like to know how the improvement of a river or harbor is involved in it.

Mr. WILLIS. The object is to bring the facts before Congress.

Mr. HISCOCK. Here is, for aught we know, legislation proposed simply to acquire information on a certain subject, which I suppose it is proper enough to have, but then it does not improve any river or harbor.

Mr. WILLIS. If the gentleman will pardon me, this provision in its present standing in the bill is simply in the nature of a survey, an estimate, nothing more.

Mr. HISCOCK. Certainly; I understand that to be so.

Mr. WILLIS. Now, all the surveys are on the same footing.

Mr. HISCOCK. The surveys are in reference to the improvement of some river or harbor.

Mr. WILLIS. So is this.

Mr. HISCOCK. Here is simply an inquiry in relation to private property.

Mr. WILLIS. But inquiry in relation to that as affecting the navigation of a river. If, however, my friend from New York [Mr. HISCOCK] thinks, so far as the substance of this provision is concerned, that there is any clause in it which commits the Government——

Mr. HISCOCK. I make no point against the clause upon its merits. My point is that it does not come within the jurisdiction of the Rivers and Harbors Committee to report here a proposition—I do not say purchasing, but looking to the purchase by the General Government of purely private property, the work of a State accomplished by the State and donated by it to private individuals.

The CHAIRMAN. Upon this question the Chair thinks that the propriety or impropriety of the purchase ultimately is not to be taken into consideration by the Chair, but is a question purely for the House. It is admitted here that this is a natural river—a navigable river. Work has been done upon it by a private corporation, locks, dams having been constructed at which tolls are charged. It is designed to remove the obstruction which that private work makes. The Chair is of opinion that it is within the scope of a river and harbor bill to provide for inquiring into the question how the obstructions can be removed and what that work would cost. The Chair therefore thinks the point of order is not well taken, but leaves to the House to determine as to the propriety of the provision in the bill.

The Chair is strengthened in this view by the fact that an analogous question was decided by the then occupant of the chair, the gentleman from Texas [Mr. WELLBORN], upon the paragraph of the bill beginning at line 457, providing for the improvement of the Monongahela River. In that case the point was overruled and the section declared in order. The Chair is also advised that a bill has heretofore been introduced and referred to the Committee on Rivers and Harbors looking to the identical purpose embraced in the paragraph now under consideration. The point of order is overruled.

Mr. BAYNE. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Strike out, commencing in line 835, down to and including line 855, and in place thereof insert the following:

"The Secretary of War is hereby authorized and directed to negotiate for the purchase of the works of the Green and Barren River Navigation Company, situated on the Green and Barren Rivers, in the State of Kentucky, and the works of the Monongahela Navigation Company, situated on the Monongahela River, in the State of Pennsylvania; and in order to ascertain the value of said works the Secretary of War shall appoint a commission of three competent engineers from the Engineer Corps of the United States Army, who in each case shall value and appraise the same and report to the Secretary of War, who shall report to Congress at its next succeeding session. And the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated for the purposes of this provision: *Provided*, That nothing herein shall be construed as committing Congress to the purchase of said works."

Mr. BAYNE. Mr. Chairman, this subject-matter has been so fully discussed heretofore that I do not think it necessary to say anything about it now. This is simply a provision instructing the Secretary of War to ascertain and report.

Mr. EVERHART. I move to amend the amendment by inserting after the word "works" the words "and the franchises and property connected therewith."

The CHAIRMAN. The question is on the amendment to the amendment.

The amendment of Mr. EVERHART was rejected.

Mr. BUCHANAN. I rise to a parliamentary inquiry. Would it be in order to call for a division of the question, so that the motion to strike out and the motion to insert may be voted on separately?

The CHAIRMAN. Under the rules of the House a motion to strike out and insert is indivisible. The question is on the amendment proposed by the gentleman from Pennsylvania.

Mr. HOLMAN. Mr. Chairman, I hope this amendment will not be adopted; and I trust that the proposition in the text of the bill will not receive the favorable consideration of the Committee of the Whole. It seemed to me, sir (although the discussion of that question is not now proper), that it was scarcely possible to present a proposition involving the power of the Committee on Rivers and Harbors to incorporate a subject into this bill of more moment than the one presented by the point of order just decided. Here is a proposition to purchase the property of a private corporation—an artificial highway created under the laws of a State, only incidentally connected with a navigable river, not itself a navigable stream, and that, too, for a special speculative purpose; and yet it is an amendment to a bill to improve the navigable rivers and harbors of the United States.

Mr. BAYNE. Of what river does the gentleman now speak?

Mr. HOLMAN. I speak of the Green River and other rivers named in the amendment.

A MEMBER. It enters the Ohio River.

Mr. HOLMAN. I concede that all of these streams finally enter the Ohio River. But the State of Kentucky on the one side and the State of Pennsylvania on the other, with complete acquiescence on the part of the Federal Government, have assumed that these streams were not navigable streams within the meaning of the term as used in defining Federal power and are not under Federal control; that their improvements have been and are purely local enterprises. As such they have been treated heretofore both by State and Federal Governments; streams having no interstate or navigable character, but made artificial channels of local trade, it is proposed that the Federal Government shall purchase such local property as this now and make such local artificial channels a part of the systems of navigable streams under Federal control.

Mr. NEGLEY. It is a mere inquiry.

Mr. HOLMAN. My friend says it is a mere inquiry. But what is the necessity of inquiring into the subject with a view to purchasing unless the purchase be really contemplated?

Mr. NEGLEY. Well, let us have the facts.

Mr. HOLMAN. And is it not well known in the current history of Congress that when a step of this kind is once taken, if the subject involves a sum of money, a report upon the subject made by a commission is absolutely certain to be carried into effect? When has such a scheme ever failed?

This Committee of the Whole did not hesitate to vote down the Monongahela proposition when it stood alone. When the great coal field which invokes Federal aid to add to the wealth of a few gentlemen stood by itself you defeated it. Now it is sought to give it strength enough by combining it with a corporate interest in Kentucky to carry it through. Can that be done? In other words, will this committee consent that a measure which when standing alone is defeated shall by being connected with another measure of exactly the same general character receive its sanction? Is this legislation proper or tolerable even on a river and harbor bill?

Mr. BAYNE. I beg leave to say——

Mr. HOLMAN. My friend will excuse me; I have but a few moments. The one scheme was fittingly characterized as the most audacious that ever came into this House. I am not able to find a term to characterize the other, because I am not sufficiently informed of the corporation involved in the other enterprise. But here is a proposition in the one instance at least to contribute as an ultimate result several millions of dollars from the public Treasury to develop the wealth, according to the statement of my friend from Pennsylvania, of a comparatively small body of men owning these imperial coal fields, and under the guise of public improvement. This question is connected closely with the great conflict between capital and labor which the legislation of the last twenty years has brought upon the country.

[Here the hammer fell.]

Mr. SOWDEN obtained the floor and yielded his time to Mr. HOLMAN.

Mr. HOLMAN. I thank the gentleman.

Mr. Chairman, gentlemen profess to deplore the fact that during recent years overgrown fortunes have grown up in this country through the aid of special and class legislation—through the opportunities offered by acts of Congress, not through patient industry or natural channels; yet the very proposition now pending as to the Pennsylvania proposition alone, taking the statement of my friend from Pennsylvania as to the vast wealth of these coal fields to be increased and developed, presents a more stupendous increase in the individual fortunes of a few citizens than any former attempt of Congress to open up opportunities for the aggrandizement of the wealth of the few at the expense of the Treasury filled by the labor of the whole people. Who are to be benefited by this purchase of an artificial channel of trade? The whole people? No, sir.

These vast coal fields described a few days ago by the gentleman from Pennsylvania are owned by a few gentlemen—it would be interesting to know who they are—and their wealth is being developed by a body of men living in cheerless homes, impoverished, hopeless, and miserable. These owners already rich are to be made the possessors of colossal fortunes through the encouragment and agency of Congress. An act of Congress is to add enormously at the common expense to estates already great, and yet gentlemen profess to deplore the misfortune that has fallen upon the country in colossal fortunes which have already reduced vast numbers of our people to hopeless poverty—great estates on the one hand, wretchednees and poverty on the other as the natural fruits of this class legislation.

I am not able to say that as to this scheme to purchase from a corporation the Green and Barren River improvement made under the authority of Kentucky such result is to follow; but I question the policy of such a purchase, I doubt the constitutional power of Congress to make it; but if there ever was a proposition brought into Congress covertly or openly to build up the fortunes of the few at the expense of the whole people, it is the proposition to purchase this property of the Monongahela River corporation at public expense for the benefit of the owners of these great coal fields. No stronger statement of the case can be presented than that which was presented by my friend from Pennsylvania a few days ago, in which he so eloquently depicted the imperial wealth involved.

The effect of the measure is to advance the interests of men who already have large estates. Why should they be favored? At best partial interests always exist in this bill strongly enough. But to go to the extent proposed in this measure and two or three other paragraphs of the bill—directly to build up favored interests—is a policy which

ought now to come to an end. It ought never to have been commenced.

Mr. BAYNE. I am sure my friend from Indiana misapprehends the situation. Does he believe that the owners of the navigation company own the coal?

Mr. HOLMAN. No, I know they do not. I know the object of this whole movement is for the benefit of the owners of those extensive coal fields to which the gentleman has referred, and the measure is to add to their wealth. This proposition is not in the interest of the consumer, not in the interest of any large body of the American people, but in the interest of the owners of that vast wealth of coal lands, and who ask that the public wealth shall enlarge their estates. It is proposed that the Federal Government shall buy out the property rights of a private corporation at the expense of several million dollars, and give the owners of these coal fields unobstructed access to the markets. Will it cheapen coal? No, for the demand and competition fix its value.

Mr. BROWN, of Pennsylvania. Does not the gentleman know that the tolls charged upon the coal are a burden upon the consumer and do not benefit the producer?

Mr. HOLMAN. I know that if you appropriate the millions involved in this proposition it will not cheapen the coal in any market. The owners of these coal mines will sell their coal at no less price than other owners of coal mines who have received no bounty from the Government.

Mr. BLANCHARD. How do you know that?

Mr. HOLMAN. It will not to any extent increase competition. Coal will sell at the best price the owner can command. It will directly operate to the benefit of the persons for whom, at the public expense, you open up an unrestricted channel to the markets. Why should they not incur that expense when they alone are to be benefited?

Mr. WILLIS. Let me state to my friend from Indiana, if he will permit me, that here is a letter from the president of the Board of Trade of Louisville, in which he says it would save them $50,000.

Mr. HOLMAN. Very likely he is a stockholder. [Laughter.]

Mr. WILLIS. No, I beg your pardon; he is not. And the gentleman has no right to make any such statement. That gentleman never saw these works, and is as little interested in them as my friend from Indiana himself. He has no authority for the statement which he has made. I shall append the letters to which I have referred. They are as follows:

LOUISVILLE, KY., *February* 23, 1886.

DEAR SIR: I have your letter of the 19th instant, and beg to thank you for your promptness. Referring to the resolution of the board of trade asking that the navigation of the Monongahela River be made free, I desire to impress upon you the importance of this matter, not only to Louisville but to all points on the Ohio and Mississippi Rivers to which Pittsburgh coal is shipped. As I understand it, under the present state of affairs the embargo amounts to a tax of about one-half a cent per bushel on every bushel of coal which comes from that region. The consumer, of course, in the end pays this tax. I presume it costs Louisville some $50,000 a year. If you desire it, I can send you correct statistics showing just what the consumers of Pittsburgh coal have to pay by reason of the navigation of the Monongahela River not being free.

I notice the digest which you have forwarded has your name on the same. I trust this book has cost you nothing, but if it has you will kindly let me know what it is and I will be glad to refund the same. The book, as you doubtless understand, is for the benefit of the board of trade. I desire to secure for the board of trade all public documents which are sent out free and which may be of interest to its members. Please let me know if it will cost me anything to have the CONGRESSIONAL RECORD sent to me daily as it is issued.

Yours, truly,

HARRY WEISSINGER.

Hon. ALBERT S. WILLIS, *Washington, D. C.*

CHAMBER OF COMMERCE OF PITTSBURGH,
Pittsburgh, Pa., April 23, 1886.

DEAR SIR: It was my privilege to be present at yesterday's session of Congress during the discussion of the river and harbor bill, and especially that portion of said bill which referred to the purchase of the Monongahela slackwater improvement. I write to thank you for the favor which you personally extended to this measure, and especially your timely explanation of the fair and honest efforts of the friends of the measure. I am sure there was no purpose or desire to in any way wrong the corporation.

I beg to assure you and also the committee that there is but one sentiment in this entire community upon this matter, and that is that the Monongahela River ought to be free. The entire press of the city, indeed of Western Pennsylvania, is a unit in favor of such a measure. Even the corporation itself admits that our claim is just and that the interests of the entire valley demand that the Monongahela River ought to be put on the same footing as the Kanawha. But the owners of the slackwater got the idea that an undue advantage was sought to be obtained by the provision of "seizure." I am quite certain that nothing of the kind was intended. I would not be a party to any unfairness or intentional misrepresentations. I am gratified that all the statements I made before your committee have been confirmed and not a single averment has been questioned.

I hope before Congress adjourns some measure may be passed which will secure the appointment of a commission of competent engineers to examine the condition, &c., of the improvement, with instruction to report to the next session of Congress.

Again thanking you for your able support of our just claims, I am,

Most respectfully,

JOHN F. DRAVO.

Hon. A. S. WILLIS,
Chairman of the Committee on Rivers and Harbors.

Mr. HALSELL. Mr. Chairman, living as I do at the head of slackwater navigation of Barren and Green Rivers, I wish to submit a few thoughts to this House on that matter. I am somewhat familiar with the condition of those rivers and the country through which they run.

In 1841 the State of Kentucky completed locks and dams on Green and Barren Rivers at a cost of about $800,000. They opened slackwater navigation from the city of Bowling Green, Ky., to the city of Evansville, in the State of Indiana, a distance of about 200 miles. Ever since there has been open transportation of commerce at all times of the year, and the fact is, as shown by the report of the engineers, those rivers are rarely frozen in winter. They are often navigable when the Ohio River is frozen.

These rivers, Mr. Chairman, and their tributaries drain about 10,000 square miles, and in that vast area are included some of the finest coal and iron fields, according to the geologists of Kentucky, which can be found anywhere in the United States.

A moment ago I stated this system of locks and dams was completed in 1841 by the State of Kentucky, but in 1868, for some reason unaccountable to the people of Kentucky, and especially unaccountable to the people of that region through which these rivers run, the Legislature of the State of Kentucky leased these valuable improvements of slackwater navigation to the Green and Barren River Navigation Company. From that day, sir, a blight fell upon the commerce of that country.

The State geologist of Kentucky has made a report in reference to the navigation of these rivers and the condition of the country they drain. I desire for a short while to call the attention of members to it, because there is a disposition, and I am proud of it, on the part of the Congress of the United States to improve rivers and harbors generally. There never was a time before in all our history when it was so necessary this should be done, and for a number of years past Congress has recognized the importance of making these improvements.

We have railroads in every section of the country, and wherever they have had it in their power to do so they have monopolized the traffic and increased very largely the cost of transportation.

It has become a crying necessity, therefore, by improving our rivers and harbors, to create such competition throughout the country as to compel these railroads to reduce their charges and afford greater and cheaper facilities than before.

Now, sir, let us see just exactly what is the condition of the country which these rivers drain. I will read to the House, if I am permitted, the letter of the State geologist of Kentucky.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. CULBERSON. I will take the floor and yield my time to the gentleman from Kentucky.

Mr. BLANCHARD. I will be glad to yield the floor, if I can be recognized hereafter.

Mr. HALSELL. I am much obliged to the gentleman.

When my time expired, Mr. Chairman, I was about to read the report of the State geologist of Kentucky in reference to the condition of the country through which the Green and Barren Rivers run. It is as follows:

OFFICE OF THE KENTUCKY GEOLOGICAL SURVEY,
Frankfort, Ky., March 15, 1886.

DEAR SIR: In response to your request that I give you a statement respecting the resources of the Green River Valley, I submit the following:

The resources along Green River, Kentucky, are of such a character as to warrant the assertion that if the river was opened to commerce untrammeled there would rapidly follow a large industrial development along its valley, and important contributions would be yearly added to the commerce of the Ohio and Mississippi Rivers.

Green River is navigable, by reason of locks and dams, at all seasons of the year for a distance of 215 miles above its entrance into the Ohio. Boats drawing 4 feet of water can go up to the head of slackwater navigation at all seasons when the dams and lock-pits are in good repair; and I have been informed by river pilots that boats can navigate this river during extreme dry seasons that are too large to cross some of the bars in the Ohio River. I have seen Green River free from ice in midwinter, when the Ohio River would be closed to navigation by ice above Louisville. The drainage from a large area in the Green River Valley is subterranean, and in midwinter these underground streams, with a temperature of from 52° to 56°, are discharged into Green River, so that it is seldom obstructed by ice. These advantages—deep channel, long pools between dams owing to the slight fall of the river, steady flow of water in summer, and freedom from ice in winter—added to the advantage of traversing a region abounding in coal, iron ore, timber, building stone, and fertile soil, with the liberal administration adopted by the United States Government on other rivers applied to this, will in a few years cause it to be one of the most important tributaries to the wealth of the great Mississippi Valley.

This river, penetrating through the center of the western coal field of Kentucky, has along its banks, above the water level, a variety of coals of excellent quality. The principal coals are the main Nolin coal, of Edmonson County (the lowest coal in Western Kentucky), from 3 to 5 feet thick. The Mud River coal (probably the same as the main Nolin), located near the head of slackwater on that stream, a coal well known for its good quality. A barge-load of this coal was taken to Saint Louis some years since and tried very successfully in one of the Kingsland (now Vulcan) Company's furnaces. Coal No. 9 is 5 feet thick in Muhlenburg, Ohio, and some of the adjoining counties; coal No. 11 is 6 feet thick on Green River, and coal No. 12 varies in thickness from 2 feet to 6 feet. Some of these coals have, in years past, obtained high reputations in the markets of the Lower Ohio and Mississippi Rivers. That they are favorably situated along the river for cheap mining, and can be delivered in large barges on the Ohio at the mouth of Green River at seasons when the Upper Ohio is not navigable, should certainly lead to a large development of coal mining along the river.

I know of no region richer in coal-measure iron ores than the valley of Green River. These ores are thick, easily mined, convenient to coal, and are equal in quality to coal-measure ores found elsewhere, where there is now large development in iron manufactures, with transportation facilities inferior to those of this valley. These ores occur principally in Muhlenburg, Butler, Edmonson, and Grayson counties. In this statement brief mention can only be made of a few of the principal iron ores. The ridge extending northward from Green River for 20 miles, between Bear Creek and Green River, contains several beds of ore of workable thickness and good quality. The principal bed is regularly

stratified, and is from 3 feet to 5 feet thick over a large area. It contains, as shown from analyses of carefully averaged samples:

	No. 1.	No. 2.
	Per cent.	Per cent.
Metallic iron	42.21	40.48
Alumina	4.83	6.71
Lime carbonate	1.21	.29
Silica	22.40	14.34
Water	10.29	12.18
Phosphorus	.28	.41

No. 1 is from an opening known as the Fedine bank, 4 feet thick, a few miles north of Green River. No. 2 is from the same ore, 5 feet thick, 6 miles north from No. 1. Many years ago there was a small charcoal furnace on Nolin River; the pig-iron made at this furnace was a cold-blast iron of great strength and toughness.

The following is an analysis of this iron:

	Per cent.
Iron	94.287
Graphitic carbon	3.100
Combined carbon	.700
Silicon	.493
Phosphorus	1.029
Sulphur	.012
	99.611

Some of the ores in this region could doubtless be used successfully for making steel by the Basic process.

In Muhlenburg County, near slackwater navigation on Mud River, there is a stratified iron ore from 3 feet to 6 feet thick. This is the same ore as the Edmonson County ore, of which analyses are given above.

This ore has—	Per cent.
Metallic iron	45.10
Alumina	6.98
Water	12.31
Silica	14.20
Phosphorus	.39

On top of No. 12 coal, in Muhlenburg County, it is a "Blackband" iron ore from 12 inches to 14 inches thick.

An average sample from this bed gave the following:

	Per cent.
Metallic iron	44.13
Alumina	5.29
Water	12.43
Silica	17.25
Phosphorus	.06

In Butler County, near the mouth of Little Reedy Creek and near Green River, is an ore showing on the outcrop 3 feet thick.

Analysis from averaged samples gave the following:

	Per cent.
Metallic iron	33.63
Alumina	8.17
Water	9.75
Silica	31.90
Phosphorus	.15

That furnaces along Green River can depend on a reliable supply of cheap and good iron ore there is no question. In addition to the large deposits of ores contiguous to the coals, the excellent limonite iron ores from the Cumberland River can be delivered to furnaces on Green River at a reasonable cost. These ores have from 45 per cent. to 52 per cent. of metallic iron, and some of them run as low as .07 per cent. in phosphorus. The high-grade ores from Iron Mountain district of Missouri would cost less delivered to furnaces on this river than to the furnaces in the Upper Ohio Valley, where much of this ore is now used. Thus it will be seen that cheap and pure ores are accessible along Green River, and that with the combination of coals, ores, and very pure limestone there should be a large development of iron manufacturing in this valley.

Connecting, as this river does, with the great system of water ways of the Mississippi Valley, the production of cheap iron ore will be of great benefit to the consumers of iron in the entire valley. The extensive forests of valuable timber along the river, the quarries of fine building stone, the clays and other resources to be developed, together with the fertility of the soil, give assurance that the opening of this river to free navigation will bring about an industrial activity widespread in its quickening results on the commerce and trade of the entire country.

I regret that the scope of this communication precludes me from entering more into details respecting the resources and possibilities of this favored region.

Very respectfully, yours,

JOHN R. PROCTER, *State Geologist.*

Capt. JAMES C. POST,
United States Engineer Department.

Now, Mr. Chairman, I have read this letter to show the resources of this Kentucky region.

What has been the result? Those rich ores of iron and coal have remained undeveloped in the bosom of the earth from the beginning of time, and they will remain there forever undeveloped if we are to depend upon the navigation company which now holds a monopoly of this slackwater navigation. That navigation company has established such enormous tolls as practically to prevent the development of that whole country, and unless something is done by the Government of the United States for better communication and safer and cheaper transportation, the resources of those rich valleys will remain forever undisturbed. Therefore I trust the day is not distant when the Government of the United States will take charge of these works and relieve the people from the unjust exactions under which they now suffer.

The Legislature of the State of Kentucky at its present session (it is now in session), recognizing the propriety and importance to the commerce of the country that the Government of the United States should have control of the navigable waters of the country, passed an act ceding to the General Government the property rights and franchises which she has upon condition that the lease which the Green and Barren River Navigation Company has shall be extinguished either by purchase or condemnation. The question for the consideration of this Congress is shall the Secretary of War be authorized to ascertain upon what terms the lease can be purchased. I ask, sir, is it not a matter of sufficient importance to warrant this House in giving such authority? I most respectfully submit that it is, and I am sure that the Congress of the United States, when the report is made and the lease can be purchased from said company at a just and reasonable amount, will open the rivers to free navigation, and destroy the monopoly which has so long crippled commerce and prevented the development of that region of country so rich in mineral wealth and possessing most wonderful agricultural capacities. If the Government would get control of those rivers and navigation, free to all, immigration will be attracted to that region, and it will be in a few years densely populated by industrious and energetic communities, and vast wealth will be extracted from the bowels of the earth.

[Here the hammer fell.]

Mr. BLANCHARD. Mr. Chairman, the gentleman from Indiana [Mr. HOLMAN] has characterized this proposition as an effort to create great personal fortunes for a few owners of coal lands in the States of Kentucky and Pennsylvania.

Mr. HOLMAN rose.

Mr. BLANCHARD. I can not yield.

Mr. HOLMAN. But certainly the gentleman can not desire to misstate me.

Mr. BLANCHARD. If I have not stated the gentleman's position correctly I yield for correction.

Mr. HOLMAN. I applied that to Pennsylvania alone, for in reference to the State of Kentucky I said distinctly I did not know.

Mr. BLANCHARD. Now, the gentleman can see in this proposition only the owners of the coal fields of Pennsylvania. He can not see a very much larger object, to wit, the millions of consumers of coal in the great valleys of the Mississippi, the Missouri, and the Ohio Rivers, to whom the question of cheap coal is a most vital one. I stand here to speak for these consumers of coal, and to protest in their names and on their behalf against anything like monopoly on these rivers which levies toll on the coal these consumers need and must have in their every day industries. The great bulk of the coal used by the consumers of the West and the South comes from the State of Pennsylvania, and in part from the State of Kentucky. Tributary to these rivers, the Monongahela, and the Green and Barren Rivers, are the exhaustless coal fields which supply this coal.

Years ago private enterprise improved these rivers, which were then and are now navigable water ways of the United States. What is proposed now, sir, is simply an inquiry on the part of Congress as to what steps may and should be taken for ridding these rivers of the monopolists, in whose grasp they have been held, for the benefit of the whole country; and I must confess that I am somewhat astonished to find the gentleman from Indiana, who has made a record on this floor as an anti-monopolist, standing here to-day to plead the cause of the corporations who hold these rivers and their commerce in bondage.

There is nothing in this proposition, sir, which is intended absolutely to commit Congress to the purchase of these works. It may or may not lead up to that.

If Congress has the right to open the Muscle Shoals of the Tennessee River or the Cascades on the Columbia River in Oregon and make them free to the commerce of the country, why is it that we can not buy out improvements which have been already put there by private parties on other rivers which come within the designation of "navigable water ways" of the United States? To ascertain whether it is advisable to do that is the pending proposition, pure and simple; and the amendment offered by the gentleman from Pennsylvania, I may say here, has the concurrence of the Committee on Rivers and Harbors. We are willing to accept the proposition he advances in the shape of an amendment, so that there shall be included also in the inquiry the Monongahela as well as the Green and Barren Rivers. All this, I repeat, is in the interest of the consumers of coal.

Mr. BROWN, of Pennsylvania. Mr. Chairman, nothing has surprised me more or pained me more in this whole discussion than the fact that the gentleman from Indiana [Mr. HOLMAN] has now rushed into the arena as an apologist for and assistant to the power of the great corporations of the country. I would not be surprised after what has just happened if he should be found opposing the interstate-commerce bill that will be brought in here by the gentleman from Texas [Mr. REAGAN], for I say to him that neither that bill nor all of the other interstate-commerce bills that can be concocted will have so much to do with the reduction of freights upon the railroads of this country as the getting rid of the tolls that are levied upon the commerce that seeks transportation upon river highways.

Why, sir, if it were not for the lakes and rivers of the country the freights on the railroads would be infinitely higher than they now are. You could multiply them by three or four times their present rate and then would not satisfy the railroad corporations if they were not kept within bounds by water-way competition. Tolls upon commerce that floats upon our water ways is just what the railways most desire. Only make your tolls high enough, and the managers of railroads will laugh in their sleeves while we appropriate money to improve rivers and harbors.

Tolls are odious, especially if levied upon commerce that floats upon the highways that God has given us. There is nothing that so embarrasses the commerce between the States as tolls levied upon it, no matter whether levied by railroads or navigation companies. The theory of protection in this country is against tolls upon interstate commerce. The theory of protection would levy tolls upon international commerce and give us the most absolute freedom of commerce between the States.

There is no danger whatever of monopoly in manufactories of any kind in this country if you will have free commerce between the States. There will always be competition enough to make iron cheap, for instance, if you will allow the coal and iron to go from the State of Alabama into the State of Pennsylvania, if it will go there, and the gentleman from Alabama [Mr. JONES] told us the other day it would if you will only take off your tolls. Just make the rivers free, and the question of cheap transportation is solved at once.

[Here the hammer fell.]

Mr. LAFFOON. Mr. Chairman, it was not my purpose to take any part in the discussion of this measure. This bill which is presented for our consideration, in the line of the improvement of rivers and harbors, presents the matter in such a spirit of fairness, that I had not thought it possible there would be a solitary objection. It has never been within the scope of my limited discrimination to draw a line between buying the franchises of a private corporation, and thus opening a stream to commerce, and investing millions of money to improve and bring into commerce the traffic of other rivers. I have not been able to discover the distinction between the effect of giving hundreds of thousands of dollars to lock and dam rivers that are unnavigable, and to buy outright from private corporations streams which are already locked up and improved by their monopolies.

Green River flows 215 miles of navigable water. And since 1868, let me say to this House, that with all the immense wealth that is embedded along its banks and growing in the shape of timber there is not a vessel that does not belong to this monopoly permitted to float upon its waters.

There have been speeches made on this proposition on behalf of the consumers of coal. These speeches meet with my absolute approbation. I look to the opening of the streams of the country with the view of seeing materials of every character cheapened, and living made more cheap, and the people made more happy thereby.

But while I am on the floor I desire to talk for those poor people whose resources lie locked up by this immense monopoly. We have tried by other means to deal with this terrible anaconda that wraps its folds around our wealth; we have applied to the courts; we have tested the constitutionality of the law in the courts of the States and the United States; and in all this litigation the result has been that their chartered privileges have been declared superior to the rights of the people.

With all this in view, at the meeting of the last Legislature in Kentucky the whole property in this river was ceded to the Government of the United States, trusting in the magnanimity of the Federal Government, and hoping that this Congress would come to the relief of the people, and not only relieve the poor consumer, but unlock the resources of that coal country to the commerce of the world. While it would enrich those from whom it went, it would also enrich those to whom it came.

With this view of the case I hope this House will not consent to see this Congress pass without giving some sort of legislation that proposes relief to the people who live along Green River in the State of Kentucky.

[Here the hammer fell.]

Mr. WILLIS. I ask unanimous consent that the debate on the pending paragraph and the amendments be limited to ten minutes.

Mr. HOLMAN. I suggest to the gentleman to make it fifteen minutes.

Mr. WILLIS. I agree to that.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the debate on the pending paragraph and amendments thereto be limited to fifteen minutes.

There was no objection.

Mr. HEPBURN. Mr. Chairman, there are a number of gentlemen on this floor who seem to be very much disturbed because those who oppose this amendment have suddenly become the friends and champions of monopolies. I would like to know in whose interest is this proposed amendment with reference to the Barren River and the Green River. I call your attention to the fact that a few years ago the State of Kentucky discovered that it had an elephant on its hands. It had a partially completed improvement.

Mr. WILLIS. And it would be glad to get it back.

Mr. HEPBURN. Allow me to read from the report.

A MEMBER. State its substance, so as not to consume your time.

Mr. HEPBURN. This river was not profitable. It was a constant source of embarrassment to the State, and finally it succeeded in finding a corporation that would take charge of it.

The report shows that it is an expense of $12,000 a year for that corporation; that the income is from $7,000 to $11,000 a year.

These gentlemen have discovered that they have an elephant upon their hands and they now propose to dump it upon the Congress, and the friends of this amendment are the men who are aiding this monopoly in getting rid of a piece of property unremunerative to them.

I want to call attention further to the fact that this improvement is valueless in its character. The dams are wooden. They have been in use for very many years. The report shows that the land sides of the locks are all either falling in or by the land pressure are displaced from their proper position.

The next thing for us to do will be to make large appropriations for the improvement of this now worthless work. Besides, this corporation, notwithstanding their desire to be relieved, propose to ask $400,000 for the privilege of being relieved from their white elephant.

As regards the other proposition, that of the gentleman from Pennsylvania [Mr. BAYNE], I will say that that corporation spends an averge of $72,000 each year, and has done so for the last eleven years, in the maintenance of its works. I am told by gentlemen conversant with the facts that 95 per cent. of all of the commerce of that river or of all that passes through this improvement is that of a dozen canal-owners in the city of Pittsburgh. They are the gentlemen that are to be relieved of their tolls—2½ cents a ton and 4½ cents a ton. That is the relief. It does not amount to anything in effecting the cost of the coal to the consumer. But it amounts to $168,000 per annum, or 95 per cent. of that, to these half dozen men in whose interest my friend from Pennsylvania is now so zealous.

Is it the policy of Congress, in the interest of these twelve men, to expend from three to five million dollars in the purchase of this property and then to expend annually $72,000 in its maintenance, to say nothing of the salaries that would have to be paid in order to save an average of less than 3 cents per ton.

A MEMBER. Do you speak of the amount of toll for each lock or for them all?

Mr. HEPBURN. For them all, where the great bulk of the coal comes through—2½ cents and 4½ cents; 4½ being the maximum.

Now, I hope we will hear no more from gentlemen about the opponents of this amendment being the friends of the monopolists and being instigated in their hostility by a peculiarly friendly feeling for that class of persons.

[Here the hammer fell.]

Mr. GIBSON, of West Virginia. The gentlemen who have been engaged in the discussion in opposition to this amendment and to the original clause in this bill seem to me to indulge not only in some bad language, but also in very bad logic. Surely the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Iowa [Mr. HEPBURN] understand that the manufacturing business of this country, in any section of it, is owned by a few men, and when any gentleman undertakes to address an intelligent body like this American Congress, and to proclaim that the development of any great interest only inures to the benefit of a few, he does himself great injustice. As to these coal fields along the Monongahela River and along the Green and Barren Rivers, are not the gentlemen aware that not a single bushel of that coal can be dug without the employment of labor, that that industry employs large numbers of laborers, that the few men of whom they speak as owning the coal lands and getting all the benefit employ those laborers, and that those laborers feed other thousands, the members of their families? Are not those gentlemen aware that every bushel of this coal that goes out into market helps to feed the fires of innumerable furnaces, which help to support large numbers of the American people? It is a poor argument for gentlemen to undertake to say here that because the improvement of a navigable stream will help one or two enterprising men in any given neighborhood, therefore there should be no improvement at all.

I undertake to say that it is as much the duty of the American Congress to make any given improvement of our navigable waters if the neighboring property is owned by one single individual as if it were owned by a million of people. It is not the number of people who own the furnaces, it is not the number of people who own the coal fields that determines the question, but it is the benefit that the furnaces and the development of the coal fields will bring to the whole country. The gentleman from Indiana [Mr. HOLMAN] knows that the coal that is dug out on the banks of the Monongahela is carried down and goes to keep life in the furnaces along the Ohio and the Mississippi and up along the Missouri, and helps to make that great valley the teeming hive of industry that it is. I say the argument of these gentlemen is a poor one, one which does little justice to the subject or to themselves. Why, sir, we are told here that nothing should be done for this stream or that stream because some man or men may receive benefit from the improvement.

I ask the gentleman from Indiana [Mr. HOLMAN] if the General Government ever spent a dollar in his State that some individual did not receive the benefit of it? You might as well say that you will not build a public building in any State because, perchance, the Government will have to buy the site of that building from some individual who may make a dollar or two from its sale. You might as well say that there shall be no improvement made along the Ohio River, because when you make such improvement, and thereby increase the facilities for trade, every town along the river and every individual in that town receives some of the benefit. For what purpose are these improvements

made? Are they not made to improve the condition of the people along the borders of these streams and other navigable waters? Can you make an improvement that will not do good to somebody? If there is any improvement that will not benefit anybody it ought not to be made, and the narrow-minded, selfish policy of saying that an improvement shall not be made because perchance some enterprising citizen in the neighborhood will be benefited is really unworthy of discussion.

Gentlemen have referred to the labor troubles that are now rife. There is not a gentleman in this House but knows that the manufacturing interest of this country has been, and is being, bled to death by the excessive tolls that are demanded by monopolies and corporations. There is not a gentleman in this House but knows that if there could be a more unrestricted interchange of commodities between the States, with a less tax in the way of charges for transportation of those commodities, there would be more left for the benefit of the laborers and greater general prosperity.

[Here the hammer fell.]

Mr. WILLIS. Mr. Chairman, I want only half a minute to say to my friend from Iowa [Mr. HEPBURN] that he is entirely mistaken. I have not the time now to read, but I will put in the RECORD the facts in regard to this Green and Barren River improvement, and will show that instead of its being a "white elephant"——

Mr. REED, of Maine. Had not we better have the facts before we vote?

Mr. WILLIS. My friend will bear in mind that we are not now proposing to purchase this improvement. I desire to say to the gentleman that the tolls there amount to $50,000 per annum and the net result to the company is $38,000 per annum. That is the report of the engineer. He says:

It results in a total tax of $50,000 upon the present commerce of those rivers. Estimating the total value of the commerce at $6,000,000, it is a tax of five-eighths of 1 per cent. upon the value of every article passing through the locks.

The State of Kentucky did not give up this work because it was a burden. I can not go into the history of the matter now, but I have the report here.

Mr. HEPBURN. Will the gentleman allow me to read three lines?

Mr. WILLIS. I have the report here. The statements you are about to read are positively denied by the authorities. They assert that the State records show that at the time of the lease it returned to the State treasury $45,000 above the cost of maintenance.

I yield now the balance of my two and one-half minutes to the gentleman from Pennsylvania [Mr. BAYNE].

Mr. BAYNE. The gentleman from Iowa [Mr. HEPBURN] is entirely mistaken in his diagnosis of this case. It is not a dozen men that own this.

Mr. HEPBURN. That is my information.

Mr. BAYNE. Then your information is incorrect, and the men who give it misrepresent the truth.

This property is owned by hundreds and hundreds of people. There are farmers owning coal land there which they have not yet sold. It is true there are some extensive operators owning large bodies of coal land, but the great bulk of it is owned by a great many people. Let me give some statistics of the freight passing upon this Monongahela River:

Statement of freight shipped east and west on the Monongahela slackwater during the year ending December 31, 1885.

EASTWARD.			WESTWARD.		
Whisky	barrels	47	Sand	bushels	911,300
Lumber	feet	6,150,567	Whisky	barrels	5,246
Timber	do	1,616,500	Stone	perches	2,302
Pig-iron	tons	11¼	Posts	number	12,826
Pit-posts	number	291,040	Sheep	do	4,384
Sheep	do	80	Oil	barrels	1,073
Horses and cattle	number	331	Lumber	feet	263,645
Iron ore	tons	16,486	Timber	do	435,600
Stone	perches	2,048	Steel rails	tons	22,428
Railroad ties	number	1,800	Hogs	number	1,734
Fire-clay	tons	3,463	Horses and cattle	do	667
Brick	number	588,892	Staves	do	4,000
Pipe	tons	595	Classified freight	pounds	4,707,900
Classified freight	pounds	22,657,366	Wood	cords	120
Hogs	number	111			

Coke business for 1885.

	Bushels.	Value.
From Pool No. 1	966,057	$724 54
From Pool No. 2	2,498,000	3,372 30
Total	3,464,057	4,096 84
Coal	82,459,050	140,268 59
Coke	3,464,057	4,096 84
Total	85,923,107	144,365 43

[Here the hammer fell.]

Mr. HOLMAN. Mr. Chairman, the gentleman from West Virginia in eloquent terms has informed this Committee of the Whole that the effect of this proposal to buy out this private highway for the benefit of 830 square miles of coal lands will be to cheapen coal in the markets. This might be true if this were the only coal going to the markets which it seeks; but when it is borne in mind that this coal and vast bodies of other coal enter those markets, the proposition is simply absurd. Does the gentleman say that the owners of those 830 square miles of coal deposits will sell their coal cheaper in the markets than the other producers of coal? No, the price will be the same. The consumer will derive no benefit from these millions which it is proposed to take out of the public Treasury for the benefit of this great coal monopoly on the Monongahela River.

[Here the hammer fell.]

Mr. HEPBURN. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. HEPBURN. I desire to read just three lines from the report of the engineers.

Mr. WILLIS. I hope there will be no objection.

The CHAIRMAN. If there be no objection the gentleman will proceed. The Chair hears none.

Mr. HEPBURN. I read from page 1907 of the engineer's report:

An act to incorporate the Green and Barren River Navigation Company.

Whereas the Green and Barren River line of navigation has always been a charge upon the State, and is now largely in debt, and without prospect of any better condition; and whereas, &c.

[Laughter.]

Mr. WILLIS. Yes, that is the way they humbugged the Legislature and got the charter.

Mr. EVERHART. I rise to a parliamentary inquiry. Is it in order now to move an amendment to strike out the entire paragraph?

The CHAIRMAN. There is an amendment pending, but an amendment to that amendment would be in order.

Mr. EVERHART. I move to amend so as to strike out the entire paragraph.

The CHAIRMAN. That proposition is embraced in the amendment offered by the gentleman from Pennsylvania [Mr. BAYNE].

Mr. EVERHART. I think not.

The CHAIRMAN. The motion of the gentleman from Pennsylvania [Mr. BAYNE] is to strike out the paragraph and insert other matter which has been read. If the motion to strike out and insert should be defeated, then a motion simply to strike out would be in order.

The question being taken on the amendment of Mr. BAYNE, there were—ayes 63, noes 42.

Mr. HOLMAN. No quorum.

The CHAIRMAN, under the rule, ordered tellers, and appointed Mr. HOLMAN and Mr. BAYNE.

The committee again divided; and the tellers reported—ayes 90, noes 52.

Mr. HOLMAN. It is proposed, if unanimous consent be given that a vote by yeas and nays be taken on this proposition in the House, that no further count be insisted upon.

Mr. WILLIS. There is no objection to that.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] asks unanimous consent that a yea-and-nay vote be taken on this question in the House. Is there objection? The Chair hears none. It is so ordered. On this question the ayes are 90, the noes 52; so the amendment is agreed to.

Mr. HISCOCK. I move to amend by inserting, after line 855, the provision which I send to the desk.

The Clerk read as follows:

That a joint committee of eight members of the next Congress be appointed, to consist of five Representatives to be appointed by the Speaker of the House and three Senators to be appointed by the President of the Senate. Said committee shall confer with a committee of like power appointed by the Legislature of the State of New York, and with the governor and other State officers of said State, in regard to the maintenance of the canals thereof, and ascertain if said canals are sufficient for the requirements of interstate commerce, or if they should be enlarged, and the cost of such enlargement; and said committee shall ascertain upon what terms and conditions the United States can acquire the title to and jurisdiction of said canals, or of any of them. Said committee is authorized to appoint one of its members chairman, and may hold its meetings at such times and places as it may appoint in the State of New York or the city of Washington, and to take testimony, and employ a clerk, who shall be a stenographer. The expenses of said committee shall be paid from the contingent funds of the two Houses of Congress, to be disbursed therefrom upon the order of the chairman of the committee and of two other members, one of whom shall be a Representative and the other a Senator; and said committee shall report in writing to the next Congress.

Mr. WILLIS. I make the point of order this is not germane to the present paragraph and is not within the jurisdiction of the Committee on Rivers and Harbors. As it relates to the purchase of canals, it belongs more properly to the Committee on Railways and Canals.

Mr. HISCOCK. Mr. Chairman, I can hardly see what could be more germane to the pending paragraph, which provides, as I understand, for the negotiation and purchase of property belonging to private individuals, known as the Green and Barren River Navigation Company. In this same bill an amendment of a similar character has been adopted

in reference to the purchase from private individuals of property of the Monongahela Navigation Company.

The proposition I submit is similar in its character. One of the canals referred to in it involves the navigation of the Oswego River. Not only that, but of the navigation of Lake Champlain as well as the navigation of the Mohawk River are included in it.

Mr. GIBSON, of West Virginia. Let me suggest a further point of order.

Mr. HISCOCK. What is it?

Mr. GIBSON, of West Virginia. It directs the action of the next Congress.

Mr. HISCOCK. So far as that is concerned, I will say it was copied from a joint resolution heretofore offered, and can be modified to provide for investigation by this Congress, which will relieve it of the gentleman's objection and point of order.

As I have already said, I can hardly see, Mr. Chairman, what amendment can be offered to this bill more germane to the bill, and certainly to the paragraph under discussion, than the one I have proposed.

Mr. CANNON. From the point of order made against the proposition of the gentleman from New York, and the distinction taken between his amendment and the paragraph of the bill and paragraphs of a similar character which have been already passed upon, I have come to the conclusion there is a real distinction, and it is this, that if the gentleman had the River and Harbor Committee to lay its hand upon his proposition and bless it, it would then be in order. [Laughter.]

Mr. HISCOCK. The gentleman's argument means I am not right in offering my amendment because the organization referred to by him is not back of it. Is my proposition to be defeated for that reason? [Laughter.] I hope such will not be the case, but that the question may be disposed of upon its merits.

Mr. GROSVENOR. I think the point made by the gentleman from Illinois is not altogether correct. He said there was no power of organization behind the gentleman from New York. Is there not the power of organization behind him of always opposing these river and harbor bills?

Mr. HISCOCK. I am not opposing the river and harbor bill.

Mr. GROSVENOR. Is this not a piece of your opposition to the improvement of the Western water ways?

Mr. HISCOCK. I have never made any opposition to improving Western water ways.

Mr. GKOSVENOR. Is this not a piece of your constant opposition to improving all our rivers? Is that not your reputation?

Mr. HISCOCK. The gentleman from Ohio knows I have no such reputation.

Mr. GROSVENOR. I understood such to be your reputation for a great many years.

Mr. HISCOCK. I can say to the gentleman from Ohio I have voted for all except two river and harbor bills since I have been in Congress. I ask the gentleman from Ohio if he means to say it constitutes opposition to the bill to criticise its provisions or to antagonize portions of it looking to the purchase of private property? If he does, then he is welcome to put me in that category. I have never been opposed to a proper river and harbor appropriation bill. I have never been unfriendly to a proper measure looking to internal improvements. I come from a great State which has always been in favor of internal improvements.

Mr. GROSVENOR. O, yes! the gentleman is in favor of internal improvements to run upon wheels. [Laughter.]

Mr. HISCOCK. If the gentleman will read my short history, he will find his statement to be incorrect in reference to my opposition to internal improvements. I did in the last Congress oppose with all the ability I had the so-called Mississippi River improvements, and I have no regrets on that point. I insist my amendment is germane to the bill.

Mr. BURLEIGH. Let me ask the gentleman whether he is in favor of the purchase of the Erie Canal by the Government.

Mr. STONE, of Massachusetts. I desire to make another point of order upon the proposition of the gentleman from New York: That is, that we are dealing now with this river and harbor bill in the Committee of the Whole, and, therefore, that the point of order he made is not so broad as if dealing with some subject in the House.

Dealing with this subject in Committee of the Whole the authority of the committee is as limited as it would be if the river and harbor bill itself were pending before the committee to whom the subject is committed; and therefore this proposition relating to the improvement of a canal belongs to the Committee on Railways and Canals, and comes properly before that committee, not being a subject within the jurisdiction of the Committee on Rivers and Harbors.

Mr. GROSVENOR. Mr. Chairman, I may perhaps revise my judgment of the motives of the gentleman from New York [Mr. HISCOCK] to attempt to attach to a river and harbor bill a proposition to buy a canal in the State of New York. But it looks to me, however, as though the gentleman from New York will be shut up hereafter to the conclusion that he is in favor of the proposition he makes; and that when he makes a record he will be bound by that record, but not compelled to say that he was in favor of the amendment which he himself proposed. Now, if he is in favor of the amendment, does he not know that the amendment, if by any possibility it could be adopted, would destroy this bill? And does he think that the men upon the lakes in the Northwest, the men upon the line of the Ohio River and the men upon the lines of the other great water ways engaged in the transportation business or in commerce in this country, do not know their enemy when they meet him in broad daylight? Does he think he can stand up here for the purpose of ridiculing or loading down a bill of this character by an amendment assailing the purposes of the bill, and escape afterward by saying that his record has always been in favor of public improvements? [Applause.]

Mr. HISCOCK. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Ohio yield?

Mr. GROSVENOR. I do not; let the gentleman take his own time; let him take his own course. Let him tell me now that he stands ready to break down the demands of the people of this country to improve their navigable water ways.

This Committee on Rivers and Harbors have petitions signed by more than half a million of the laboring men of this country asking that this appropriation of money for this purpose shall be made. We have petitions from the great mercantile and commercial associations of the Northwest, and all along these great lines of water transportation, asking for the passage of a bill like this. I do not object to criticisms of items of the bill; but when the gentleman attempts to put into it an item which he knows will destroy it, I want him to take the public record he himself has made, and a year from now, or two years from now, stand up to that record and say that he did attempt to defeat an appropriation for the improvement of the water ways of the country. [Applause.] That is what I want him to do, and that is the necessary and inevitable conclusion from what the gentleman is now doing; for he shall not carry water here upon both shoulders, especially upon a question of the improvement of the water ways of the country.

Mr. HISCOCK. All I desire to say to the gentleman—the schoolmaster from Ohio—is that whatever record I make for myself I shall always stand by; that so far as my record in the past is concerned in reference to internal improvements I stand by it to-day; and if it has reached the point that a proposition simply looking to the creation of a committee on the part of Congress to investigate only—for no more is asked—the question of this purchase; not to purchase, but simply to investigate the question and report its views to this House as to whether it is in the interest of the internal commerce of the country that certain canals shall be acquired; I say that if a proposition of that kind is so pretentious and so potential in its effects that it can defeat the river and harbor bill, then I give notice to the gentleman from Ohio that I will in the future accept my record upon that question also.

If a bill is to come in here that can not safely carry a proposition simply looking to the investigation, and nothing else, of an important subject, that provides for the appointment of a committee of the House and of the Senate to collect facts and bring them here before Congress and the people, depending upon the question of the policy or the propriety of the Government acquiring this great water way through the State of New York—if such a proposition will load down this bill so that it will suffer defeat, I say I am willing to accept all the consequences, disastrous as they may be in the opinion of the gentleman from Ohio, and nevertheless offer it for the adoption of the committee.

I offer it in the face and eyes of the power that the bill also carries, the two provisions—the purchase of private property, the purchase of one canal actually and in fact a canal of the State of Kentucky—a canal that the State of Kentucky is willing to give away, that it did give away, alleging that it was entirely worthless to the people of that State, and they were willing to give it to private parties if they would only take it; if, I say, a bill can carry a proposition of that kind to take this worthless property, and I presume the gentleman from Ohio was in favor of it—property held as worthless by the Legislature of the State of Kentucky—and yet can not carry a simple proposition to investigate in reference to one of the greatest economic questions that can come before the people of the country, and if the bill shall fail because of that proposition—I do not believe it would fail with it—I shall be willing, I say to my friend, to stand by the record I make upon that question, whether it be one, two, three, or four years hence.

I now yield to the gentleman from Iowa [Mr. HEPBURN].

The CHAIRMAN. The Chair desires to state to the committee that the pending question is on the point of order. Does the gentleman from Iowa desire to speak to the point of order?

Mr. HEPBURN. I do. The point of order made by the chairman of the committee is that the proposition is not germane to the pending paragraph or to the bill.

This proposition provides for the acquirement of a canal. The claim is that this is a bill relating to rivers and harbors, and that canals are excluded from the class of water ways to be benefited by it.

Now, the paragraph beginning with line 818 provides for the improvement of the Tennessee River at Muscle Shoals. There the Government is building a canal 13 miles long and a second canal several miles long, I do not know quite how many.

Then the paragraph "for improving the Falls of the Ohio River at Louisville, Ky.," beginning with line 828, has sole relation to the en-

largement of a canal. That entire improvement consists of the building of a canal and the necessary locks and dams.

The paragraph commencing with line 856 is as follows:

Improvement of the Muskingum River, between Zanesville and the mouth of the river and for operating the same, $30,000. And the United States hereby accepts from the State of Ohio the said Muskingum River improvement, and all the locks, dams, and their appurtenances, and the canals, belonging to said improvement, and all the franchises.

I need not read further. Thus, Mr. Chairman, we find that three different canals are provided for by this bill; so that it ought to be called a bill for the improvement of rivers and harbors and canals. Canals are as essentially a part of the subject-matter of this bill as are rivers and harbors. The proposition of the gentleman from New York is solely with reference to the acquirement of a fourth canal. Can it be claimed that this is not germane?

The CHAIRMAN. The Chair is prepared to decide the point of order. The purpose of this bill, as stated in its title, is to make appropriations for the construction, repair, and preservation of certain public works on rivers and harbors. The purpose and object of the amendment proposed by the gentleman from New York [Mr. HISCOCK] is to appoint a committee to investigate the capacity of canals in the State of New York, &c. The Chair thinks that the object and purpose of this amendment is not within the scope of the bill, and therefore sustains the point of order.

Mr. EVERHART. I move to strike out the entire paragraph.

Mr. BAYNE. What paragraph?

The CHAIRMAN. The paragraph as amended.

Mr. BAYNE. I raise the point of order that that motion is not in order. That has just been voted on, and the paragraph can not be stricken out.

The CHAIRMAN. It was not a simple motion to strike out. It was a motion to strike out and insert.

Mr. BAYNE. I understand the motion of the gentleman from Pennsylvania [Mr. EVERHART] is to strike out the paragraph.

The CHAIRMAN. The paragraph has been amended. The Chair thinks the proposition of the gentleman from Pennsylvania is in order; that is, to strike out the paragraph as amended.

Mr. BAYNE. It has not been amended. There was a paragraph stricken out and another inserted. The paragraph inserted was not amended.

The CHAIRMAN. The Chair would suggest to the gentleman from Pennsylvania [Mr. BAYNE] that to strike out and insert is an amendment. Now, the gentleman from Pennsylvania [Mr. EVERHART] proposes to strike out the whole paragraph.

Mr. BAYNE. Can he strike out what has just been inserted when that has not been amended or changed?

The CHAIRMAN. The Chair thinks the amendment is in order, and will submit it to the committee.

Mr. BAYNE. Will the Chair allow me to submit one more point? Unanimous consent was given that a yea-and-nay vote should be taken in the House on the paragraph.

Mr. WEAVER, of Iowa. That would be nugatory if the paragraph should be stricken out.

Mr. BAYNE. The fact that unanimous consent was given, the gentleman from Pennsylvania [Mr. EVERHART] assenting, excludes him now from moving to strike out that paragraph. The motion was made to strike out and insert, and the paragraph inserted in lieu of the one stricken out has not been changed or amended. In my opinion the rules would preclude the motion to strike out now made by the gentleman from Pennsylvania [Mr. EVERHART].

Mr. WILLIS. As it is now twenty minutes after 5, and as the Chair may wish to look further into this question, I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WELLBORN reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. WILLIS. I am notified by a number of gentlemen that they desire to speak on the river and harbor bill and other matters. I ask unanimous consent that a session of the House be held to-night for debate only, giving preference to the river and harbor bill.

Mr. BYNUM. I object.

Mr. LONG. I ask unanimous consent to introduce a bill for reference.

Mr. BEACH. I object.

Mr. WILLIS. I move that the House take a recess till 8 o'clock to-night, the evening session to be for debate only.

The SPEAKER. The latter part of the motion is not in order. If the House takes a recess, business, under the rules, will be in order. There may, however, be an understanding by unanimous consent that the evening session shall be for debate only. The question is on the motion of the gentleman from Kentucky.

Mr. KING. I move that the House do now adjourn.

The question being taken on the motion to adjourn, there were—ayes 65, noes 54.

So the motion was agreed to; and accordingly (at 5 o'clock and 27 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. M. ANDERSON: Petition of 104 persons, praying that a pension law may be passed embodying the resolutions of the Grand Army of the Potomac—to the Committee on Invalid Pensions.

By Mr. BLAND: Petition of Gillem Rogers, praying that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. BINGHAM: Petition of Local Assembly No. 3529, Knights of Labor, of Philadelphia, Pa., against the passage of the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. BOYLE: Petition of Grange No. 785, Patrons of Husbandry, of Pennsylvania, for the passage of a law for the protection of dairy products—to the Committee on Agriculture.

Also, protest of the same against the passage of any law admitting agricultural products such as wool, hides, tobacco, &c., free of duty—to the Committee on Ways and Means.

Also, letter from the Pennsylvania Association of Ex-Union Prisoners of War, for the passage of the bill pensioning prisoners of war—to the Committee on Invalid Pensions.

By Mr. BRAGG: Petition of Helen E. Miller and others, in favor of the Dingley bill—to the Committee on the Alcoholic Liquor Traffic.

By Mr. C. E. BROWN: Petition of Local Assembly No. 1901, Knights of Labor, of Cincinnati, Ohio—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. BURNES: Petition of John N. Smith, captain Company H, Eighty-first Enrolled Missouri Militia, for a special-act pension—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Petition of Albert Moses, for a naval pension—to the same committee.

By Mr. BUTTERWORTH: Petition of Leopold Herbst, for relief—to the same committee.

Also, joint resolution of the Ohio Legislature, urging an appropriation for a monumental structure at Marietta, Ohio—to the Committee on Military Affairs.

Also, resolution of the Merchants' Exchange of Saint Louis, urging liberal appropriations to subsidize any steamship line between New Orleans and the Central and South American states—to the Committee on Commerce.

Also, petition of Conrad Goetz, for relief—to the Committee on Military Affairs.

Also, petition for relief of examining surgeons—to the Committee on Invalid Pensions.

Also, petition of T. C. Wittlinger, of Hamilton County, Ohio, for relief—to the same committee.

By Mr. J. M. CAMPBELL: Remonstrance of citizens of Frankstown, Pa., against granting American registry to foreign-built ships—to the Committee on Commerce.

By Mr. CANNON: Petition of the United Labor League of America, requesting the passage by the House of the Blair educational bill, to secure a proper and necessary education to the offspring of labor in the Southern States; also embodying the sentiment of the organization in New York and California on the subject—to the Committee on Labor.

By Mr. CARLETON: Petition of Local Assembly No. 3397, Knights of Labor, of Marysville, Mich., against the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Messrs. CASWELL, GUENTHER, PRICE, STEPHENSON, HUDD, LA FOLLETTE, VAN SCHAICK, and O. B. THOMAS: Petition of D. W. Curtis and 5,519 citizens of the State of Wisconsin, praying for the passage of a law taxing oleomargarine, butterine, and all imitations of and substitutes for butter, and placing the enforcement thereof under the Internal Revenue Department—to the Committee on Agriculture.

By Mr. ERMENTROUT: Petition of Charlotte W. Otto, for widow's pension—to the Committee on Invalid Pensions.

Also, memorial of Grange No. 256 and Grange No. 83, of Pennsylvania, for the suppression of imitation dairy products—to the Committee on Agriculture.

Also, memorial of the same protesting against a reduction of tariff on wool, hides, rice, tobacco, jute, raw sugars, &c.—to the Committee on Ways and Means.

Also, protest of the Philadelphia Woolen Merchants' Association, against taking the duty off wool—to the same committee.

Also, protest of merchants and manufacturers interested in woolen goods, against the passage of the present tariff bill—to the same committee

By Mr. EVERHART: Memorial of Grange 91, Patrons of Husbandry,

of Pennsylvania, protesting against admitting agricultural raw materials free of duty—to the same committee.

Also, memorial of the same, asking for a law against the sale of imitation dairy products—to the Committee on Agriculture.

By Mr. FELTON: Memorial regarding Seal Rocks, near San Francisco, Cal.—to the Committee on the Public Lands.

By Mr. FLEEGER: Memorial of Grange No. 304, of Pennsylvania, asking for the passage of bill to protect the dairy interests of the country—to the Committee on Agriculture.

Also, memorial of same protesting against legislation favoring the admission to our ports free of duty of all agricultural raw materials, such as wool, hides, raw sugars, tobacco, &c., and asking for agriculture the same protection that is afforded other industries—to the Committee on Ways and Means.

By Mr. FUNSTON: Testimony in the claim of Isaac Ransom, Company C, Forty-ninth Indiana Volunteer Infantry—to the Committee on Invalid Pensions.

Also, petition in claim of Isaac Ransom, Company C, Forty-ninth Indiana Volunteers, for relief—to the same committee.

By Mr. GALLINGER: Petition of Lorenzo D. Whitcher, for an original pension—to the same committee.

By Mr. HAISELL: Three affidavits to accompany bill for the relief of Benjamin W. Burge—to the Committee on War Claims.

By Mr. T. J. HENDERSON: Petition of Edwin Clark for bounty of $180—to the same committee.

Also, petition of George Schneider, of Bureau County, Illinois, for a pension—to the Committee on Invalid Pensions.

By Mr. HERBERT: Petition and papers in the contested-election case of James M. Whitehead vs. Hilary A. Herbert—to the Committee on Elections.

By Mr. HILL: Petition of E. J. Coy and 125 others, citizens of Williams County, Ohio, asking for the passage of House bill No. 6570, to prevent the sale of imitation butter—to the Committee on Agriculture.

By Mr. HISCOCK: Affidavit of Lucien H. Robertson in support of bill for his relief—to the Committee on Military Affairs.

By Mr. HOLMAN: Papers of Lucien B. Harbaugh, relative to his claim for relief—to the same committee.

By Mr. HOUK: Two petitions in relation to House bill No. 6395—to the same committee.

Also, papers in the case of Rufus Fletcher—to the Committee on Invalid Pensions.

Also, memorial in favor of granting a pension to Sarah Jackson, widow of the adopted son of ex-President Jackson—to the Committee on Pensions.

By Mr. T. D. JOHNSTON: Petition for payment of removal and subsistence of certain Cherokee Indians and removal of others who desire to go West—to the Committee on Indian Affairs.

By Mr. LIBBEY: Resolutions of the Merchants and Manufacturers' Exchange of Norfolk, Va., requesting the establishment of an iron ship-yard at Norfolk—to the Committee on Naval Affairs.

By Mr. LOWRY: Memorial of Labor Association No. 4164, of Fort Wayne, Ind., in favor of liberal appropriations for the construction of public works—to the Committee on Railways and Canals.

Also, memorial of Local Assembly No. 3461, Knights of Labor, of Garrett, Ind., on prison contract labor—to the Committee on Labor.

Also, resolutions of the Thirtieth Indiana Volunteers, in reference to a pension to Col. O. D. Hurd, late colonel of said regiment—to the Committee on Invalid Pensions.

Also, petition for special act granting a pension to Alonzo Young, of Lagrange County, Indiana—to the same committee.

Also, petition of 32 citizens of Allen County, Indiana, for an act providing for payment of rent of third-class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. McCREARY: Petition of Milton Barlow, of Richmond, Ky.—to the Committee on Military Affairs.

By Mr. MILLARD: Petition of Owen C. Hall and others, for the protection of dairy products—to the Committee on Agriculture.

By Mr. MILLER: Petition of Felix Govin y Pinto, praying his claim may be referred to the Court of Claims—to the Committee on Foreign Affairs.

By Mr. MORGAN: Petition of citizens of Holly Springs, Miss., favoring a railroad bridge over the Ohio River at Cairo, Ill.—to the Committee on Commerce.

By Mr. MORROW: Petition of Adolph Sutro for an act in confirmation of his title to certain land in the city and county of San Francisco, Cal.—to the Committee on the Public Lands.

By Mr. NEGLEY: Petition for the relief of Catherine Dauner, stepmother of Mathias Dauner—to the Committee on Invalid Pensions.

Also, petition of citizens of Allegheny County, Pennsylvania, in favor of the establishment of a national board of health—to the Committee on Commerce.

By Mr. J. J. O'NEILL: Memorial of Saint Louis board of public schools, favoring the passage of the Blair educational bill or H. R. 7266—to the Committee on Education.

By Mr. OSBORNE: Petition of citizens of Wilkes Barre, Pa., asking that a pension be granted to Rachael T. Abbott, mother of Eli T. Conner, late lieutenant-colonel Eighty-first Regiment Pennsylvania Volunteers—to the Committee on Invalid Pensions.

By Mr. OUTHWAITE: Petition of Benjamin Smith, for an invalid pension—to the same committee.

Also, petition of Charles K. Jeuree, late sergeant Company D, First New York Cavalry, for the passage of a special act removing charges of desertion—to the Committee on Military Affairs.

Also, additional evidence in the claim of Esther T. Church, widow of Thomas Church, late a private in Company G, One hundred and sixty-fifth Regiment Ohio Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. PEEL: Petition of 33 citizens of Searcy County, Arkansas, to grant a pension to Aaron P. Gray—to the same committee.

By Mr. PERKINS: Petition of Cyrus G Byrnes and Samuel N. West, and 145 other ex-soldiers of the late war and citizens of Elk City, Kans., asking for legislation repealing the limitation in the arrears-of-pension act—to the same committee.

By Mr. RICE: Petition of Knights of Labor of Southridge, Mass., for construction of the Hennepin Canal—to the Committee on Railways and Canals.

Also, petition of Knights of Labor of Grafton, Mass., for appropriation for public works—to the same committee.

By Mr. RIGGS: Petition of G. H. Baldwin, of Mendon, Ill., for passage of bill relative to butterine, &c.—to the Committee on Agriculture.

Also, petition of J. R. Douglas, and of W. H. Barney, of Pike County, Ill., for the passage of House bill 3973—to the Committee on Ways and Means.

Also, petition of E. P. Le Fevre and of John W. Skinner, of Quincy, Ill., relative to temperance education—to the Committee on Education.

By Mr. ROGERS: Affidavit in support of a petition of J. M. Holderfield—to the Committee on Invalid Pensions.

By Mr. RYAN: Petition of the Veteran Rights Union of Kansas, for the passage of bill amending section 1754 of the Revised Statutes—to the Committee on Military Affairs.

By Mr. SPOONER: Petition of Mattie F. Harris, for a pension, and papers relating to same—to the Committee on Invalid Pensions.

By Mr. STORM: Petition of Stephen Shellhamer, for an invalid pension—to the same committee.

Also, petition of Adam Schegle, for a removal of the charge of desertion—to the Committee on Military Affairs.

By Mr. STRAIT: Resolutions of the Chamber of Commerce of Saint Paul, Minn., recommending that direct mail communication be encouraged between the United States and Central and South American States, and praying that Congress will liberally subsidize any steamship line that will establish such communication—to the Committee on the Post-Office and Post-Roads.

By Mr. TOOLE: Petition of Local Assembly No. 3928, Knights of Labor; of Local Assembly No. 4460, Knights of Labor; and Local Assembly No. 3698, Knights of Labor, of Montana Territory, against the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. TOWNSHEND: Petition of Lewis F. Corey, of Centralia, Ill., praying for the removal of political disabilities—to the Committee on the Judiciary.

Also, paper relating to bill for the relief of Thomas Harris—to the Committee on Military Affairs.

By Mr. VAN EATON: Papers relating to the claim of Henry C. Eustis, administrator of Henry Chotard, deceased, of Adams County, Mississippi—to the Committee on War Claims.

By Mr. VOORHEES: Petition of citizens of Skagit County; of Chehalis County; of Pacific County, and of Lewis County, Washington Territory, to annul the law of the Legislative Assembly of Washington Territory providing for a penitentiary, &c.—to the Committee on the Territories.

Also, petition of the Chamber of Commerce of Tacoma, Wash., praying for the appropriation of $10,000 for the development of the food fisheries of Washington Territory—to the Committee on Appropriations.

By Mr. J. B. WEAVER: Concurrent resolution of the General Assembly of Iowa requesting a pension for Mrs. Sarah Young, of Des Moines, Iowa, for meritorious service during the war—to the Committee on Invalid Pensions.

Also, memorial and joint resolution of the General Assembly of Iowa, praying for a pension to all soldiers of the Union army who were captured and confined in confederate prisons—to the same committee.

Also, petition of Friendship Assembly Knights of Labor, of Kirwin, Kans., praying for a double-track railway from New York to Kansas City, Mo.—to the Committee on Railways and Canals.

Also, concurrent resolution of the General Assembly of Iowa in relation to the National Board of Health—to the Committee on Appropriations.

Also, petition of James Stanley, of Kansas, and 24 others, ex-Union soldiers of the late war, praying the payment to soldiers of the late war the difference between greenbacks and coin, in accordance with the terms of their contract—to the Committee on Military Affairs.

By Mr. WHEELER: Petition of Margaret W. Roach, asking that her case, with evidence before the Southern Claims Commission, be referred to the Court of Claims—to the Committee on War Claims.

By Mr. A. C. WHITE: Memorial of Grange No. 680, of Pennsylvania, against the reduction of tariff on wool and other raw materials—to the Committee on Ways and Means.

Also, memorial of the same, for the passage of bill to suppress the manufacture and sale of all imitation dairy products—to the Committee on Agriculture.

By Mr. MILO WHITE: Petition of citizens of Minnesota, for regulating imitation dairy products—to the same committee.

By Mr. WILKINS: Petition of B. W. Brown, M. W., Knights of Labor, No. 1391, of Newark, Ohio, relative to public works and internal improvements—to the Committee on Railroads and Canals.

By Mr. WILLIS: Petition of Knights of Labor Local Assembly No. 4140, of Louisville Ky., against the passage of free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made a legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. LOWRY: Petition of 37 citizens of Allen County, Indiana.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. GEDDES: Of Rev. T. W. Browning and 139 others, citizens of Lorain and Huron Counties, Ohio.

By Mr. GROUT: Of citizens of Windsor and Orleans Counties, Vermont.

By Mr. NEECE: Of citizens of the eleventh Congressional district of Illinois.

By Mr. PIRCE: Of citizens of Providence County, Rhode Island.

By Mr. SESSIONS: Of citizens of Allegany and Chautauqua Counties, New York.

SENATE.

TUESDAY, *April* 27, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

OHIO SENATORIAL INVESTIGATION.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a letter from the clerk of the house of representatives of the Legislature of Ohio, transmitting testimony taken by a select committee of the house of representatives of Ohio and the report of that committee as to charges against the official integrity and character of certain members of said house of representatives in connection with the election of Hon. HENRY B. PAYNE as a United States Senator.

Mr. PAYNE. Mr. President, no formal motion is required, I believe, to send these papers to the Committee on Privileges and Elections. I desire to be considered as making such motion if it is required, and to couple with it the request that the minority report may take the same course, a copy of which I submit.

With this formal disposition of the matter I am at present content; but desire to make a short statement to accompany the papers into the hands of the committee.

A Democratic caucus for nomination of a candidate for United States Senator was convened at Columbus on the evening of January 8, 1884. I was not in attendance, but without doubt the contest was heated and bitter. The result of the first ballot was as follows:

Booth	1
Pendleton	15
Ward	17
Payne	46

Being a majority for the successful candidate of 13 over all.

The papers submitted embody the results of an investigation into this canvass, conducted secretly for more than three months by a committee of the house of representatives of the State of Ohio.

The resolution under which the committee was appointed provided that—

> Whereas the Cincinnati Commercial Gazette of date of January 12, 1886, contains a printed statement, on the authority of S. K. Donavin, alleging grave charges against the official integrity and character of certain members of this house * * * so definite and precise in statement as to call for immediate action in order to vindicate the reputation of members of this house:
>
> *Resolved*, That a select committee of five be appointed to inquire into all the facts of the charges so alleged, &c.

The scope of the investigation, as actually conducted by the committee, is stated in the majority report as follows:

> Whenever our attention was called to anything which indicated the probable employment of improper means to gain support, we followed the clews presented on the theory that we were not only authorized, but in duty bound, to pursue any matter that promised even remotely to show the use of such means in connection with the election, because the discovery of one important fact, although having no immediate bearing upon the charge against the persons named in the resolution, might lead to the discovery of facts having such bearing.
>
> And furthermore, and upon the same theory, our inquiries were not confined to the technical rules of legal proof, but the committee availed itself of any source of information—admitted hearsay statements and even the opinions of witnesses.

I had hoped that the request put forward by the minority members of the committee that the proceedings should be open and public would have been acceded to, and that I might have been spared the misrepresentations of the testimony which for three months have been so studiously circulated, and against which I have, of course, had no defense.

THE RESULTS OF THE INVESTIGATION

are now here, embodied in the majority and minority reports:

First. No mention whatever is made in the majority report of Mr. Donavin, but in the report of the minority is found the following:

> After weeks of delay Mr. Donavin appeared before the committee and testified that he knew of no fact of bribery or no act on the part of any person toward any other person, either directly or indirectly, to improperly influence them as members of the Sixty-sixth General Assembly in their support of Henry B. Payne; he knew of himself of no facts upon which he based said article, but gave as his principal authority one William A. Taylor, who testified, when called, that he had no knowledge of any act of any person toward any member of the house or of the senate of the Sixty-sixth General Assembly of bribery or corruption used to induce that person or persons to give their support to Henry B. Payne for United States Senator.

Thus fell all that the investigation was originally based upon.

Second. The reports specifically, and in terms, exonerate fully and completely the four members named in the resolution under which the committee was appointed.

Third. As to myself the record is one of absolute and specific exoneration. Immediately upon the appointment of the committee I addressed a letter to the chairman containing the following request:

> For myself I invite and challenge the most thorough and rigid scrutiny; my private correspondence and books of account will be cheerfully submitted to your inspection, if you desire it. I only insist, in case any testimony is given which in the slightest degree inculpates me, I may be afforded an opportunity of appearing before the committee.

To which in due time I received a reply containing the following promise on the part of the committee:

> If, in the prosecution of this inquiry, any testimony tending to inculpate you in any degree with any questionable transaction be received, I assure you that your request to appear before the committee in such event will be most cordially and fully acceded to.
>
> THOMAS A. COWGILL, *Chairman*.

As the committee have never notified or requested me to appear before them, nor called for my books or private correspondence, the result of the investigation, except upon the hypothesis that the committee are destitute of truth and honor, must be as to myself absolute exoneration.

I refrain from any comment upon the facts stated in the minority report, that witnesses desired by the minority were not subpœnaed; that respectable persons, whose names had been by some gossip implicated in alleged scandal, were refused an opportunity of testifying; and, further, that the majority refused to meet as a committee for the purpose of discussing the evidence or applying any rule to the same whereby a unanimous report could be reached.

Fourth. The committee after having exonerated, as it was obliged to do, all persons charged in the resolution and myself, transmits the hundreds of pages of gossip to the Senate without making any request of this body.

The resolution says:

> For the information of the body of which Senator PAYNE is a member and for such action as it may deem advisable.

Of course I have no knowledge of the contents of the testimony. The members of the house who voted to send it here had no knowledge, it having been all taken in secret session by the committee and the house having voted down the motion to have it printed or read. It must, however, be supposed to be fairly represented by the contents of the majority report, which I have read; and judging from that, I characterize this proceeding—the transmission of the testimony here—as an attempt to circulate and give currency to baseless gossip and scandal after everything substantial in the way of a charge has been discredited and disproved.

I am content to leave the matter with the Committee on Privileges and Elections for such disposition of it as they may find to be in accordance with dignity and justice. I trust that it will receive early attention and action.

I have here, Mr. President, the letter which I wrote to the committee, the answer of its chairman, Mr. Cowgill, and the report of the minority of the committee; and I ask that they may be referred and disposed of with the other papers by the Committee on Privileges and Elections.

The PRESIDENT *pro tempore*. If there be no objection the papers

referred to, together with the papers presented by the Senator from Ohio, will be printed and referred to the Committee on Privileges and Elections. That order will be made.

PETITIONS AND MEMORIALS.

Mr. EDMUNDS presented the petition of Thomas C. Clark, of Peacham, Vt., son of Thomas Clark, deceased, a Revolutionary soldier, praying for such legislation as will bring him within the provisions of the Revolutionary pension act; which was referred to the Committee on Revolutionary Claims.

Mr. HALE presented a petition of the committee of the American Association for the Advancement of Science, praying that an appropriation of $5,000 be placed at the disposal of the Commissioner of Agriculture for investigating the nature of the diseases of fruits, fruit trees, grains, and other useful plants due to parasitic fungi; which was referred to the Committee on Appropriations.

He also presented a petition of the Sisters of Charity of St. Rose Industrial School, of the District of Columbia, praying that an appropriation be made to aid in the enlargement of that institution; which was referred to the Committee on Appropriations.

Mr. SEWELL presented a petition of Grange No. 16, Patrons of Husbandry, of New Jersey, praying for such legislation as will afford protection to the dairy interest of the country; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Grange No. 16, Patrons of Husbandry, of New Jersey, remonstrating against the admission free of duty of wool and other agricultural raw materials; which was referred to the Committee on Finance.

Mr. SPOONER presented the petition of G. M. Woodward and others, citizens of La Crosse County, Wisconsin, praying for the enactment of such laws and the making of such appropriations as will enable the National Board of Health to employ all the power and resources of the Government, which can be so lawfully exercised, in the prevention of epidemics, and to prosecute investigations, the results of which tend to the improvement and preservation of the public health; which was referred to the Committee on Epidemic Diseases.

Mr. MILLER presented a memorial of Knights of Labor of Cohoes, N. Y., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

He also presented a petition of dairymen and others, of Pittsfield, N. Y., praying for the passage of Senate bill 1837, to prevent the illegal sale of all imitations of dairy products; which was referred to the Committee on Agriculture and Forestry.

Mr. PALMER presented the petition of Harry H. Enders and 18 others, members of George B. McClellan Post, Grand Army of the Republic, No. 332, Department of Michigan, praying for increase of pensions to ex-Union soldiers, &c.; which was referred to the Committee on Pensions.

Mr. CONGER presented a memorial of Knights of Labor of Marysville, Mich., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. TELLER presented a memorial of Knights of Labor of Denver, Colo., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. SEWELL. I am instructed by the Committee on Military Affairs, to whom was referred petitions of the National Cotton Exchange of Norfolk and Portsmouth, Va., in relation to increased appropriations for additional cotton stations for observations of the Signal Service, to report the same back to the Senate. From a communication of the Secretary of War, it appears that these appropriations have been estimated for in the estimates of the Department, and I ask that the Committee on Military Affairs be discharged from the further consideration of the petitions, and that they be referred to the Committee on Appropriations.

The report was agreed to.

Mr. SEWELL, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4905) granting a pension to Aaron C. Johnson;
A bill (H. R. 1106) granting a pension to Mary B. Carll;
A bill (H. R. 4903) granting a pension to Christian Smarzo;
A bill (H. R. 3141) granting a pension to Polly Hall;
A bill (H. R. 3546) granting a pension to Amanda Housell;
A bill (H. R. 3753) granting a pension to John D. James;
A bill (H. R. 3478) granting an increase of pension to Alonzo Maynard;
A bill (H. R. 4134) for the relief of Margaret Callanan;
A bill (H. R. 4884) granting a pension to Rose A. McManus;
A bill (H. R. 4586) for the relief of Nathan Hildabrant; and
A bill (H. R. 2070) granting a pension to William Paugh.

Mr. SEWELL, from the Committee on Pensions, to whom was referred the bill (S. 722) for increase of pension to Mrs. Ellen M. Boggs, reported it with an amendment, and submitted a report thereon.

Mr. ALDRICH, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1184) granting a pension to Jane D. Mumford;
A bill (S. 2105) granting a pension to Henry B. Very; and
A bill (S. 1660) granting a pension to Samuel E. Tracy.

Mr. ALDRICH, from the Committee on Pensions, to whom was referred the bill (S. 161) granting a pension to Ann E. Tew, reported it with an amendment, and submitted a report thereon.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (S. 2015) for the relief of the Chesapeake Bank, of Baltimore, Md., reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 835) for the relief of the Continental Fire Insurance Company, the Eagle Fire Insurance Company, the City Fire Insurance Company, and the Commercial Mutual Insurance Company, all of New York city; the Western National Bank, the Merchants' National Bank, and the Maryland Fire Insurance Company, of Baltimore, Md., reported adversely thereon; and the bill was postponed indefinitely.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (S. 1862) for the relief of the Omaha tribe of Indians, in the State of Nebraska, reported it with amendments, and submitted a report thereon.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported adversely thereon; and they were postponed indefinitely:

A bill (S. 2230) granting a pension to Mrs. Sarah Young; and
A bill (S. 1938) for the relief of Herman Baumhager.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7519) to increase the pension of Isaac N. Hawkins;
A bill (H. R. 5038) for the relief of Stephen Sauer;
A bill (H. R. 5937) granting a pension to Sarah Gregg;
A bill (H. R. 5085) for the relief of Mary Hill;
A bill (H. R. 3287) for the relief of Silas Corzatt;
A bill (H. R. 473) granting a pension to William Boone;
A bill (H. R. 607) granting a pension to Jannet E. B. Smith;
A bill (H. R. 3741) granting a pension to Emeline Roberts;
A bill (H. R. 5655) granting a pension to Elizabeth B. Bell;
A bill (H. R. 601) granting a pension to Alonzo V. Richards;
A bill (H. R. 599) granting a pension to Mrs. Honorah Maloney
A bill (H. R. 4977) granting a pension to James N. Hair;
A bill (H. R. 6381) granting a pension to Abel J. Lewis;
A bill (H. R. 3321) for the relief of Samuel C. Fisher;
A bill (H. R. 1252) granting a pension to Eugenia A. Smalley;
A bill (H. R. 556) granting a pension to Bridget Sherlock;
A bill (S. 864) to grant a pension to Mrs. Martha F. Woodrum;
A bill (S. 2149) granting an increase of pension to Herman Baumhager;
A bill (S. 1582) for the relief of Alpheus R. French;
A bill (S. 2113) granting a pension to Mrs. Sarah Young;
A bill (S. 1958) granting an increase of pension to Addison A. Jackson;
A bill (S. 1826) granting a pension to Adrew J. Burrell;
A bill (S. 1825) granting a pension to Elizabeth Forgey;
A bill (S. 1642) granting a pension to William F. Harmon;
A bill (S. 1768) granting a pension to John D. Fincher;
A bill (S. 1654) granting a pension to Joseph Mays;
A bill (S. 2151) to pension Bartold Thebant, a soldier in the Florida Seminole Indian war of 1849 and 1850;
A bill (S. 1852) granting a pension to Mrs. Jane R. McQuaide;
A bill (S. 1853) granting a pension to Isabella Jessup;
A bill (S. 1817) for the relief of John McKernan;
A bill (S. 1635) granting a pension to John Rasler;
A bill (S. 1421) granting a pension to William H. Weaver;
A bill (S. 1779) for the relief of John P. Taylor;
A bill (S. 1626) granting a pension to John Reed, sr.;
A bill (S. 1783) granting an increase of pension to George Bliss;
A bill (S. 1627) granting a pension to Mrs. M. C. Miles;
A bill (S. 1673) granting a pension to Charles G. Paris;
A bill (S. 2160) granting a pension to Mary J. Hagerman;
A bill (S. 2147) granting a pension to George Faulk;
A bill (S. 2009) granting a pension to David A. Ireland;
A bill (S. 1960) granting a pension to James W. McCroskey; and
A bill (S. 2028) granting a pension to E. S. Bishop.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the petition of Sons of Veterans of Beaver Falls, Pa., praying for the passage of an act granting a pension to Elizabeth Sirwell, submitted a report thereon, accompanied by a bill (S. 2253) granting a pension to Elizabeth Sirwell; which was read twice by its title.

He also, from the same committee, to whom was referred the petition of Mary von Kusserow, praying to be allowed an increase of pension, submitted a report thereon, accompanied by a bill (S. 2254) granting an increase of pension to Mrs. Mary von Kusserow; which was read twice by its title.

He also, from the same committee, to whom was referred the petition of citizens of Indiana, praying that a pension be granted to Patrick Finagan, submitted a report thereon, accompanied by a bill (S. 2255) granting a pension to Patrick Finagan; which was read twice by its title.

Mr. DOLPH, from the Committee on Claims, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely;

A bill (S. 1764) for the relief of Washington Wright and Simon Basye, surviving trustees of Shiloh Baptist church at Fredericksburg, Va.;

A bill (S. 1517) for the relief of Elizabeth E. Sinclair; and

A bill (S. 507) for the relief of Mrs. Amy M. Rogers.

Mr. DOLPH, from the Committee on Claims, to whom was referred the bill (S. 1094) for the relief of Thomas A. McLaughlin, reported it with an amendment, and submitted a report thereon.

Mr. COLQUITT, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 790) granting a pension to Jesse C. Osgood; and

A bill (S. 731) granting a pension to John T. Sayers.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. 1411) granting to the Hanson and Atlantic Beach Railway Company the right of way through the military reservations at Saint Augustine, State of Florida, submitted an adverse report thereon, which was agreed to; and the bill was indefinitely postponed.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 1493) for the relief of Col. Jesse H. Strickland, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1112) granting a pension to Phœbe H. Meech; and

A bill (S. 2159) granting a pension to Mrs. Almira Ambler.

Mr. GEORGE, from the Committee on the Judiciary, to whom was referred the bill (S. 2152) to amend chapter 218 of the acts of the first session of the Forty-seventh Congress, approved June 15, 1882, reported it with an amendment, and submitted a report thereon.

Mr. PIKE, from the Committee on Claims, to whom was referred the bill (S. 437) for the relief of the legal representatives of Maj. Matthew Smith, asked to be discharged from its further consideration, and that it be referred to the Committee on Public Lands; which was agreed to.

BILLS INTRODUCED.

Mr. GRAY introduced a bill (S. 2256) to create a port of delivery at Lewes, Del.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CONGER introduced a bill (S. 2257) granting a pension to Mrs. Janet L. P. Taylor; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 2258) to increase the pension of James E. Gott; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HARRIS introduced a bill (S. 2259) to increase the pension of Thomas Chapman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PALMER (by request) introduced a bill (S. 2260) for the relief of Mary Swift; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. JONES, of Arkansas, introduced a bill (S. 2261) for the relief of R. R. Tinsley and Miss Eula E. Henry; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLISON introduced a bill (S. 2262) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Dubuque, in the State of Iowa; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MILLER introduced a bill (S. 2263) granting a pension to Col. James H. Blood; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2264) to increase the appropriation for the erection of a public building at Troy, N. Y.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

MARIE HOLLANDS.

On motion of Mr. SAWYER, it was

Ordered, That the Secretary request the House of Representatives to return to the Senate the bill (S. 1586) granting a pension to Marie Hollands.

COMMITTEE SERVICE.

Mr. BECK submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That WASHINGTON C. WHITTHORNE be, and he hereby is, appointed a member of the Committee on Claims, the Committee on Pensions, and the Committee on the Tenth Census; and that he be appointed a member of the Committee on Naval Affairs, to serve in the place of Mr. CHARLES W. JONES during his present temporary absence from the Senate.

ADDITIONAL CLERK TO THE JUDICIARY COMMITTEE.

Mr. EDMUNDS submitted the following resolution; which was read:

Resolved, That the Committee on the Judiciary be, and it hereby is, authorized to employ an assistant clerk, for the residue of this present session of the Senate only, at a salary of $8 per day; and that the Secretary of the Senate be, and he hereby is, authorized and directed to pay the said salary out of the appropriation for miscellaneous items of the contingent fund of the Senate.

Mr. EDMUNDS. Ordinarily I should ask unanimous consent to consider the resolution at this time, but as I have always thought that such resolutions ought to go, as the rules provide, to the Committee on Contingent Expenses, I shall ask that reference. However, I wish to say to that committee, as I may not have time to see them personally, that the business, at this particular session, of our committee is unusually large, there being more than one hundred and fifty or one hundred and sixty bills and other legislative subjects sent to it at the present session and a very large number of other subjects, much larger than ever before, to which I can not otherwise refer than in a general way; and we think it essential to the public interest to have additional assistance. Although ordinarily I should ask for the present consideration of the resolution, I think it better that it should go to the Committee on Contingent Expenses for consideration.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate under the rule.

EXTENSION OF EXECUTIVE MANSION.

Mr. MORRILL. I move that the Senate proceed to the consideration of the bill (S. 1868) providing for an extension of the Executive Mansion.

Mr. McMILLAN. I gave notice on Thursday last that at the conclusion of routine business this morning I should ask the Senate to take up the bridge bills reported from the Committee on Commerce. However, if the bill of the Senator from Vermont will not take much time I may yield for that.

Mr. MORRILL. It will take but a short time to dispose of the bill.

Mr. McMILLAN. I will yield for the present.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Vermont.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1868) providing for an extension of the Executive Mansion. It proposes to appropriate $300,000 for the purpose of erecting an extension of the Executive Mansion on the south of the present structure, of equal and similar exterior character, and connected therewith by a corridor, substantially in accordance with the plan on file in the room of the Committee on Public Buildings and Grounds, with such modifications as may be approved by the commission hereinafter provided.

Section 2 directs that the sum shall be expended under the direction of a commission, consisting of the President of the United States, the Secretary of the Treasury, and the Secretary of the Interior, who shall have authority to select the best and most suitable material to be used in the construction of the extension as aforesaid, and to make contracts, so far as may be deemed expedient, for its completion.

Mr. MORRILL. I will merely say that a similar bill passed four years ago unanimously with no negative vote, and the necessity for it is certainly as great now as it was then. Those who are familiar with the house know that the President has but six rooms outside of the breakfast room for his own use; that the servants of the Mansion have to go out to find lodging; and that the lower part of the building is unhealthy, not properly drained. I may say that the bill receives the approval of the Executive now as it did four years ago.

Mr. HAWLEY. I am not quite ready to vote for the bill. I acknowledge that the present condition of the Executive Mansion is unsatisfactory; the President is being pushed farther and farther westward in the upper story, and but a fraction of the building really is left for private uses; but I should be very sorry to see that building turned into a mere collection of offices adapted merely to business purposes because of the historical associations connected with it, and because I think the building as it is is a very creditable one indeed. So far as the criticism is made against it, that it is not well underdrained, I think that can be very easily corrected. I supposed the evils there had been remedied; certainly a remedy is within easy reach anyhow.

It is perfectly apparent that the business of the President ought to be done outside of that building; but I would much rather myself vote for a proposition to erect a building of reasonable size and convenient arrangement just west of the Executive Mansion and upon Sixteen-and-a-half street, if that be the right number, which separates the grounds of the Executive Mansion from the State, War, and Navy building—easily accessible upon that street to the public who come to the President for business purposes and easily accessible from the White House for the President and his subordinates. I think that would be much better than to attempt to duplicate the building south of the Executive Mansion. Then the present mansion would be left entirely to the Executive, which would be then sufficient, as I have always been told, if they could have the entire possession and control of it.

Mr. MORRILL. Of course the Senator from Connecticut is entitled to his opinion. I can not think, however, that he has so thoroughly investigated this subject as it has been investigated from time to time by the Committee on Public Buildings and Grounds, who are unanimously in favor of the bill; and so far as it has been submitted to members of the Senate it has received almost the entire approval of the Senate.

The building as it now stands will not be touched; it will remain to be occupied mainly for executive purposes. Of course the East Room will remain for receptions, and the large, long corridor connecting with the southern building, of the same style precisely, will afford almost as much room for persons who are at public receptions as even the East Room and the present corridor.

I may say that it is unjust to any President we may have that he should be confined to this single building, not able to retire when the hours of business close, but he is there from half past 9 o'clock frequently until 11 o'clock before he can get rid of all of his visitors. It does seem to me that it is time that something should be done.

The idea of buying a new site and building a residence for the President right alongside of the present Executive Mansion I do not think will meet the approval of anybody except the Senator who has suggested it.

Mr. HAWLEY. The Senator entirely misunderstands me. I never suggested buying another foot of ground. I wish that the President may have the entire occupancy for private purposes of the present building, and that the public offices shall be turned out, and a building, which need not be a large one to accommodate them, be erected just west of the present building, on what is public ground upon Sixteen-and-a-half street, with a 75 feet, or 150 possibly, or 200 feet it may be, of the present building, which would be perfectly accessible to the public for business purposes, and leave them no excuse for crowding him in his private mansion.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONSIDERATION OF BRIDGE BILL.

Mr. MCMILLAN. According to the notice which I gave I ask the Senate now to proceed to the consideration of the bridge bills on the Calendar reported from the Committee on Commerce.

The PRESIDENT *pro tempore*. The Senator from Minnesota asks that the Senate proceed to the consideration of bills providing for the erection of bridges, reported from the Committee on Commerce. Is there objection? The Chair hears none; and the first bill of that character on the Calendar will be announced.

ROUND VALLEY INDIAN RESERVATION.

Mr. DAWES. Will the Senator from Minnesota yield to me for a moment?

Mr. MCMILLAN. I will yield if it will not lead to discussion.

Mr. DAWES. I will make a statement. There is a bill upon the Calendar which, if it does not lead to any discussion, I ask the Senate to lay aside the pending order temporarily and let it be acted upon. It is a bill from the Committee on Indian Affairs. I have received information from the Interior Department that it is highly necessary that the bill should be acted upon. Indian business is fixed for a particular day elsewhere, and unless the bill goes through then it will lose all possibility of action at this session of Congress. If it causes any debate I shall withdraw it instantly. It is Order of Business 219, reported by the Senator from Alabama [Mr. MORGAN], but he requested me to call it up.

Mr. MCMILLAN. If it will not lead to discussion I yield for that purpose.

Mr. DAWES. If it gives rise to discussion I will withdraw it.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that pending the execution of the order in regard to the bridge bills the bill indicated by him shall be considered.

Mr. MCMILLAN. I reserve the right to object if it leads to discussion.

Mr. DAWES. I am subject to the Senator's demand,

The PRESIDENT *pro tempore*. The bill will be stated.

The CHIEF CLERK. A bill (S. 1101) to provide for allotments of lands in severalty to the Indians residing upon the Round Valley reservation, in the State of California, and granting patents therefor, and for other purposes.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING IN DALLAS, TEX.

Mr. MAXEY. I ask the Senator from Minnesota to yield for one moment longer. I desire to call up House bill 2410, which will cause no discussion whatever. It is simply to place a third story on a public building now in the course of construction, and the work has been stopped until the passage of this bill. It is imperative to have it done.

Mr. MCMILLAN. If it will not take any time I do not object.

Mr. MAXEY. It will not take two minutes to pass it, if the Senator will give me that time.

The PRESIDENT *pro tempore*. The Senator from Texas asks unanimous consent to proceed to the consideration of the bill (H. R. 2410) for the addition of a third story to the public building in Dallas, Tex. If there be no objection the bill is before the Senate as in Committee of the Whole, and will be read.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and hereby is, authorized and directed to add a third story to the public building in the city of Dallas, Tex.

SEC. 2. That for the purpose named in the preceding section there be, and hereby is, appropriated the sum of $25,000, out of any moneys in the Treasury not otherwise appropriated.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLAMETTE RIVER BRIDGE.

Mr. MCMILLAN. I ask the Senate to proceed to the consideration of Order of Business 607, being the bill (S. 1937) authorizing the city of Salem to construct a bridge across the Willamette River, in the State of Oregon.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE NEAR KANSAS CITY.

The bill (H. R. 1360) to authorize the construction of a bridge across the Missouri River at some accessible point within 10 miles below and 5 miles above the city of Kansas City, Mo., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE NEAR COUNCIL BLUFFS.

The bill (H. R. 3369) authorizing the construction of a bridge across the Missouri River at or near the city of Council Bluffs, Iowa, and for other purposes, was considered as in Committee of the Whole.

The PRESIDENT *pro tempore*. The Chair calls the attention of the Senator from Minnesota to an error in the bill. In section 3, at the end of line 3, the bill reads: "that a bridge built to such plan."

Mr. MCMILLAN. It should read, "according to such plan," I presume.

Mr. ALLISON. It should be, "built on such plan."

Mr. MCMILLAN. This is a House bill, and there is evidently a misprint there. Let the bill be corrected according to the engrossed bill.

The PRESIDENT *pro tempore*. It will be corrected according to the House engrossed bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4569) to authorize the construction of a bridge across the Missouri River at a point to be selected either in the counties of Clay and Jackson, in the State of Missouri, or in the county of Clay or Platte, in said State, and the county of Wyandotte, in the State of Kansas, and to make the same a post-route.

Mr. ALLISON. I find in section 4, beginning in line 4, the following language:

Upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States, or for passengers and freight passing over said bridge, than the rate per mile paid for the transportation over the railroads or public highways leading to said bridge.

I desire to ask the Senator from Minnesota whether he understands that the parties constructing this bridge will be obliged to do it as a part of their railway, charging no more for passengers and freight per mile than they are allowed to charge upon any other mile of their railroad. These bridges are generally expensive structures. I merely ask with a view of ascertaining the character of this bridge when constructed.

Mr. MCMILLAN. I suppose the construction of the bill would be a matter of judicial determination. By the language here used I suppose this bridge would be a part of the entire route of the road.

Mr. ALLISON. And the company can make no special or separate charge for the use of this bridge?

Mr. MCMILLAN. I presume that would be so.

Mr. ALLISON. Then I desire to ask the Senator what is to be understood by section 6, which provides—

That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same, and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any one of them, desiring such use, shall fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties: *Provided*, That the provisions of section 4 in regard to charges for passengers and freight across said bridge shall not govern the Secretary of War in determining any question arising as to the sum or sums to be paid to the owners of said bridge by said companies for the use of said bridge.

Those seem to me to be two clearly inconsistent provisions.

Mr. MCMILLAN. No; that refers entirely to an agreement between separate companies, where one company desires to use the bridge erected by another company. This proviso, of course, qualifies the rule as to arriving at the agreement between the two railroad companies. The other provision refers to the charges for freight and passengers.

Mr. ALLISON. That is to say, the railroad company building the bridge is bound to carry freight and passengers at one rate and any

other company requiring the use of the bridge shall be obliged to pay a different rate.

Mr. McMILLAN. No, sir; in this section the first provision referred to is applicable to the railroads crossing the bridge, and applies to contracts, as I understand it, between the railroad companies respectively and their freighters or passengers. The other provision refers to the agreement between the railroad company owning the bridge and any other company desiring to pass over it.

Mr. ALLISON. I understand that.

Mr. McMILLAN. The Secretary of War is not bound in that case to permit the railroad company applying to cross the bridge to pay merely the rates that passengers and freight on the railroad pay.

Mr. ALLISON. He may exact from other companies a higher rate than this company is authorized to receive from the public?

Mr. McMILLAN. In determining what the company applying to use the bridge shall pay he is not restricted to the rates of freight charged for passing over the bridge or on the entire route.

Mr. ALLISON. I want to understand the principle upon which these two provisions rest. It seems where a railroad company builds a bridge across a navigable river, which we suppose to be more expensive than any ordinary portion of its railroad, this provision restricts it from charging for the use of that bridge any more than it charges for any other mile or portion of its road. Then the sixth section appears, and authorizes any other railway to pass over that bridge upon an exact equality with the railroad company that built it, and of course in doing so it must charge only the same price charged by the railroad company constructing the bridge. It seems to me these are two inconsistent provisions.

Mr. McMILLAN. No, they are not inconsistent, because one applies to the rate of freight as between a railroad company and its customers, and the other relates to an agreement between two companies desiring to use the same bridge, and the Secretary of War is not restricted, in determining what one company shall pay to another which owns the bridge, to the rate for passengers and freight.

Mr. ALLISON. Then I understand it is the purpose of the sixth section to allow the railroad company constructing the bridge to charge a higher price for its use than the public pay.

Mr. McMILLAN. The Senator, perhaps, does not put it in exactly the way that the bill does. The bill provides that in determining the amount to be paid, where one company desires to use the railroad bridge of another, the Secretary of War shall not be restricted to the ordinary rate of freight on the line of the road.

Mr. ALLISON. Well, that is the substance of what I said.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE NEAR ATCHISON.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6013) to authorize the construction of a bridge across the Missouri River at some accessible point within 2 miles north and 2 miles south of the city of Atchison, in the county of Atchison, in the State of Kansas.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE AT SALINE CITY.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5685) to authorize the construction of a bridge over the Missouri River at the most accessible point in Saline City, or within 5 miles above or 5 miles below the same, in the county of Saline, in the State of Missouri.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE AT SAINT CHARLES.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5684) to authorize the construction of a bridge over the Missouri River at the most accessible point between the mouth of the Femme Osage Creek and a point 2 miles above the city of Saint Charles, in the county of Saint Charles, in the State of Missouri.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE AT SAINT JOSEPH.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 41) to authorize the construction of a bridge across the Missouri River at or near the city of Saint Joseph, in the State of Missouri, and to establish it as a post-road.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, after section 2, to insert the following additional section:

SEC. 3. That in case said bridge be constructed as a low bridge, there shall be at least one protection-pier of masonry, crib-work or piling, extending from the upper end of a pivot-pier or one of the rest-piers of a draw-span, up stream, for a distance of not less than 500 feet from the center line of the bridge, or such other distances as may be determined by the Secretary of War, which protection-pier shall be properly arranged with ring-bolts and fender-planking so as to enable boats to tie up alongside of it and drop down through the draw-openings at such times as it may be dangerous to attempt the passage of the draw-opening under headway. That all draw or pivot spans authorized by this act shall be operated by steam or other reliable mechanical power, and shall be opened promptly upon reasonable signal for the passage of boats, except when trains are passing over said span or spans; but in no case shall unnecessary delay occur in opening said draw after the passage of trains; and in case the opening of a draw be delayed by reason of the passing of a train after the signal has been given from a boat ready to pass through, the draw shall be opened for the passage of such boat before another train is allowed to pass over the bridge. That the piers of all high channel-spans and all pivot-spans shall be built parallel with the current of the river at that stage of water which is most important for navigation; and riprapping, or other protection for imperfect foundations which will materially lessen the water way, shall not be employed in the channel ways of the high spans or of the draw-openings, and piers which will produce cross-currents or bars dangerous to navigation shall not be constructed; and if, after construction, any piers or protection walls are found to produce the above-mentioned effects, the nuisance shall be abated or corrected by or at the expense of the persons owning said bridge. That in case the approaches to draw-span openings, channel-spans, or raft-passages in said bridge be found dangerous or difficult of access by any important class of river traffic, the Secretary of War shall order the construction of such sheer-booms, guide-piers, or other similar device as will obviate the difficulty, which sheer-boom, guide-pier, or other device shall be paid for by the persons owning said bridge. That the persons owning, controlling, or operating the bridge authorized by this act shall maintain, at their own expense, from sunset to sunrise, throughout the year, and during heavy fogs, such lights or other signals as the Light-House Board shall prescribe, and shall, in case a high bridge be constructed, during the season of navigation, have posted in a conspicuous place on or near the bridge the clear head-room under the channel-span on that day, the figures expressing this height to be not less than 2 feet high, and to be readily visible from any point in the channel of the river for a stretch of 3,000 feet above and 1,000 feet below the bridge.

The amendment was agreed to.

The next amendment was, at the end of section [5] 6, to insert:

And in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river caused or alleged to be caused by said bridge, suit may be brought in the circuit courts of the United States of Missouri or Kansas in whose jurisdiction any portion of said bridge may be located.

The amendment was agreed to.

The next amendment was, to strike out section 6, as follows:

SEC. 6. That the right to alter or amend this act so as to prevent or remove all material obstructions to the navigation of said river by the construction of bridges is hereby expressly reserved.

And to insert in lieu thereof:

SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved; and the right to require any changes in said structure, or its entire removal, at the expense of the owners thereof, whenever Congress shall decide that the public interest requires it, is also expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MISSOURI RIVER BRIDGE AT CHAMBERLAIN.

The bill (H. R. 7651) to authorize the Chicago, Milwaukee and Saint Paul Railway Company to construct, operate, and maintain a bridge across the Missouri River near or in the vicinity of Chamberlain, in the Territory of Dakota, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAINT CROIX RIVER BRIDGE.

The bill (H. R. 2993) to authorize the Chicago, Freeport and Saint Paul Railroad Company to construct a bridge across the Saint Croix River (or lake) at any accessible point between Prescott, Wis., and Stillwater, Minn., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business of yesterday, being the bill (S. 1532) to regulate commerce.

Mr. McMILLAN. I ask the Senator from Illinois if he will not permit this bill to be laid aside informally that we may proceed with the execution of the order of the Senate for the passage of the bridge bills?

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent that the regular order be laid aside informally in order that the bridge bills may be proceeded with.

Mr. CULLOM. I think no member of the Senate can say that I have been disposed to be factious in opposing anything that anybody desired in connection with legislation, but I must object to an interference with the right of way that the interstate-commerce bill has, in the hope that we may get it out of the way very soon. The Senator from Minnesota, I have no doubt, will be able to finish his bills to-morrow morning in the morning hour.

Mr. McMILLAN. Mr. President——

The PRESIDING OFFICER. The Chair will suggest to the Senator from Minnesota that there is a Senate bill on the same subject as the House bill just passed, which had better be postponed indefinitely. The title of the Senate bill will be read.

The CHIEF CLERK. "A bill (S. 576) to authorize the Chicago, Freeport and Saint Paul Railroad Company to construct a bridge across the

Saint Croix River (or lake) at any accessible point between Prescott, Wis., and Taylor's Falls, Minn."

The PRESIDING OFFICER. The order will be made to postpone that bill indefinitely if there be no objection. The Chair hears none.

Mr. McMILLAN. The bills remaining on the Calendar authorizing the construction of bridges, reported by the Committee on Commerce, are all House bills. I think about an hour would be sufficient to dispose of what remain, and I therefore ask the unanimous consent of the Senate that I may be permitted to proceed to-morrow morning after the conclusion of the morning business to the disposition of these bills.

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent of the Senate that to-morrow, immediately after the conclusion of the routine morning business, the House bridge bills favorably reported may be proceeded with.

Mr. McMILLAN. The bridge bills on the Calendar. There may be a Senate bill among them; I do not know.

The PRESIDING OFFICER. Is there objection to the request?

Mr. MITCHELL, of Oregon. I gave notice yesterday that this morning after the morning business was disposed of I should ask the Senate to take from the table a certain memorial, presented by the Senator from New York some days ago, with a view of submitting a few remarks and then moving its reference. I gave way to the Senator from Minnesota this morning, who has passed quite a number of bills. I must therefore ask the Senator to indulge me a short time to-morrow before he takes up his bills.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Minnesota [Mr. McMILLAN]? Does the Chair understand the Senator from Oregon to object?

Mr. MITCHELL, of Oregon. No, sir.

The PRESIDING OFFICER. The Chair hears no objection, and such is the understanding of the Senate.

Mr. MITCHELL, of Oregon. I simply renew my notice or give it in connection with the application of the Senator from Minnesota.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 2239) extending the time for the completion of the records of the clerk of the Court of Commissioners of Alabama Claims and the transfer of the same to the Department of State.

The message further announced that the House had passed a bill (H. R. 4629) for the relief of Levi Jones; in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 444) to amend section 3336 of the Revised Statutes of the United States.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 6429) granting a pension to Eunice E. Clark, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. NEECE, Mr. PINDAR, and Mr. CONGER managers at the conference on its part.

CONSIDERATION OF CLAIMS BILLS.

Mr. PIKE. I desire unanimous consent of the Senate that after the morning hour on Friday morning we proceed to the consideration of claims bills on the Calendar in their order.

The PRESIDING OFFICER. Does the Chair understand the Senator from New Hampshire as requesting that the Senate proceed to the consideration of bills indicated by him within the morning hour or after 2 o'clock?

Mr. PIKE. After the business of the morning hour.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent of the Senate that on Friday morning next, after the conclusion of the routine business of the morning hour, the Senate proceed to the consideration of the bills indicated by him, the claims bills.

Mr. CULLOM. I suppose that will confine the Senator to the morning hour?

The PRESIDING OFFICER. That is the understanding of the Chair. Is there objection?

Mr. COCKRELL. To what class of bills does the Senator's request apply?

The PRESIDING OFFICER. The Senator from New Hampshire will please state the bills he proposes to consider at the time indicated.

Mr. PIKE. Such as have been reported by the Committee on Claims at this session.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had directed him to return to the Senate, in compliance with its request, the bill (S. 1586) granting a pension to Maria Hollands

INTERSTATE COMMERCE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1532) to regulate commerce.

The PRESIDING OFFICER. The question is on the amendment of the Senator from West Virginia [Mr. CAMDEN]. It will be stated.

The CHIEF CLERK. The proposed amendment is, in section 4, line 5, after the word "direction," to strike out "and from the same original point of departure."

Mr. CAMDEN. I ask for the yeas and nays on that amendment.

The yeas and nays were ordered.

Mr. CAMDEN. Let the clause be read as it will stand if amended.

The Chief Clerk read as follows:

SEC. 4. That it shall be unlawful for any common carrier to charge or receive any greater compensation in the aggregate for the transportation of passengers or property subject to the provisions of this act for a shorter than for a longer distance over the same line, in the same direction.

Mr. CAMDEN. Before the vote is taken I wish to say a word. In order that my amendments may be properly understood, having offered two amendments to the fourth section of the pending bill covering pretty much the same ground, I will explain that the fourth section as it stands in the bill is made up of two provisions: First, limiting the provision to prevent charging more for a short than for a longer haul in the same direction "to the original point of departure;" and, second, the proviso giving to the commission to be appointed discretion to vary the application of the rule.

I am opposed to both these provisions, and my amendment first offered covers both. But as I am seeking results that I conceive to be beneficial, and as some Senators may be willing to vote to remove the restriction confining its operations to the same original points of departure and give the bill general application, but may not be willing to remove the discretion given to the commissioners to be appointed, I have thought it best to submit the amendments separately.

Mr. BECK. Before the Senator sits down I wish to suggest to him that I am not sure that I understand this amendment thoroughly. Last year I rather favored the general views of the proposition submitted by the Representative from Texas in the other House [Mr. REAGAN]. I do not propose to be exact as to the provisions, but this condition of things existed: Between San Francisco and Omaha a car-load of freight cost say $300, while from Omaha to Reno, several hundred miles nearer to Omaha than San Francisco is and on the same line of road, a similar car loaded with exactly the same freight, drawn by the same locomotive, would be charged $700, over double what was charged from Omaha all the way through to San Francisco. No one, as far as I am aware, feels able to justify that, and nothing permits it except the arbitrary power of the Pacific railroads. Reno being, say, 700 miles nearer San Francisco than is Omaha, do I understand the amendment to allow the railroad not to charge more from Omaha to Reno than it does from Omaha to San Francisco? Would you allow them to charge from Cheyenne to Reno, a still shorter distance, more than from Omaha to San Francisco? They have got to start from Omaha before the provision in the bill is applicable to them; and I believe the amendment is to strike out the words limiting it to the same point of departure.

Mr. HARRIS. The amendment is to strike out the words "and from the same original point of departure." If these words be stricken out, the result is simply to prohibit charging more in the aggregate for a short haul than a long haul going over the same line of road and in the same direction, without regard to the point of departure. That is the question now.

Mr. BECK. And this last amendment would prevent the larger charge whether the freight started from the same point or not, would it not?

Mr. HARRIS. That is just what the Senator from West Virginia and myself are striving to accomplish.

Mr. BECK. Then I know how to vote.

Mr. HARRIS. Vote to strike out those words.

Mr. BECK. I have the information, and I will so vote.

The PRESIDING OFFICER (Mr. HOAR in the chair). Is the Senate ready for the question on the amendment?

Mr. CALL. This bill allows as freight compensation for transportation, if adopted, as much for a short as for a long haul. If you start from the city of Chicago the transporter may charge under this bill for one mile as much as he charges all the way to New York. It does not settle what is the proper scale of prices between transportation for a short distance and a long distance, but it simply prohibits that it shall be any greater for a shorter distance than for a longer one, but it may be as great. Manifestly that is but one step in the right direction. All contracts under the principles of law are required to be reasonable, and that reasonableness must have some standard, it must be in relation to the cost of the service and to the reasonable profit that ought to be made from it.

We have arrived at a period when it is manifest that the rates of transportation over the great highways of the country must be regulated by law; that the principle of the unlimited freedom of private contracts must be regulated, as I have said, by the principles of law. In all civilized countries a contract is that in which you give something for

something else, and there must be some relation between the value of the consideration and a reasonable consideration.

It is manifest that it is utterly unreasonable that any transportation company should be allowed to charge for one mile as much as they charge for a thousand miles; and if there be any danger that that company will do that, that is the point which ought to be a feature of the legislation to which we direct ourselves; it must be a reasonable compensation to the carrier and a reasonable guard to the freight or person being transported; and this bill, I think, is but a feeble step in that direction.

I have looked at it closely, and manifestly until you can arrive at some standard by which you can affix a reasonable rate, reasonable in respect to the cost of the service, reasonable in respect to the value of the thing transported, you have attained an inadequate result, and one which will not satisfy the great present needs of the public service. There must be a fairness toward the persons engaged in transportation, the capital and labor engaged in transportation, and an equal regard for the producer, the owner, and the person transported; and it is certainly one of the great questions of the age how to arrive at that result. I think it can only be done by some fair tribunal, in which all parties shall be represented, who shall be charged with the duty by law, so far as the jurisdiction of the Federal Government extends, so far as interstate commerce is concerned, to adjust this part of transportation, not by vague rules that the common carrier may transport for a short distance at as great a price as he charges for a longer distance, but by saying that he shall charge a reasonable rate, to be fixed by some agreement between the parties properly represented and some public authority upon the theory of the value and cost of the service and the value of the thing transported.

I shall vote cheerfully for this amendment proposing to strike out the words "and from the original point of departure," because that is a move in that direction. It leaves to that extent the bill unfettered, allowing the charge to be made on a fair basis, and making operative the prohibition that the companies shall not charge more for a shorter than a longer distance to any of the intermediate places, whereas by this bill even that poor concession to the public rights is limited to the same point of departure of all freight and passengers.

Mr. CULLOM. I have hesitated to take up the time of the Senate in talking about this bill more than I did in the outset by way of explanation, and I shall not take more than a few moments' time now; but I desire that the Senate shall understand the theory of the bill.

If Senators will read the bill they will find that the first declaration, after describing the scope of it, is against extortion; the second is against discrimination between persons, and the third is against discrimination between places as well as persons. The purpose of the bill is to prevent extortion and discrimination between persons or between places; so that when the Senator from Florida says that there is nothing in this bill to prevent these outrageous discriminations that are talked about, for instance, a greater charge for a hundred miles than a thousand, the Senator is mistaken, because the whole theory of the bill is against any such thing being done by the transportation companies of the country.

I desire to say further that the committee having this subject in charge have gone just as far as language would enable them to go to prevent extortion, to prevent unjust discrimination, and to prevent undue preference, all of those things which are the crying evils of the day.

But when we come to the question of the long and short haul, the committee, in the light of the testimony taken, and in the light of the history of the nations on that particular subject, have not felt that it was safe to go further than is indicated in the provisions of the fourth section. The committee felt that it was an unsafe step to take to declare that an absolute short-haul provision should be enacted into a statute of the United States, to be in force in all cases; and therefore we did not venture further than the State of Massachusetts has gone on that subject.

In that State they have not ventured to go further than to declare in favor of the principle that transportation charges shall not be more for a lesser than for a greater distance, starting from a given place and going in the same direction and on the same line of road. That is as far as this bill goes; but when the Senator says that because it does not declare that carriers shall not charge as much for 100 miles as for 500 miles there is no remedy against discrimination he is mistaken. When he says we thereby authorize a railroad company to charge just as much or more, if it sees proper to do it, he is mistaken. We insist that under the general provision of the law a railroad company is not permitted to charge an exorbitant or extortionate price for a shorter distance as between it and the longer one.

Now, to show the drift of the testimony on that subject by the most enlightened men who have been before the committee, I desire to call the attention of the Senate to the views of a few of the persons who have been before us, and whose statements illustrate the theory of the business people of the country on the question of legislation on the subject of the short and long haul. Take the commissioners of the State of Kansas, for instance. I do not know of any way that I can get the points before the Senate more distinctly than by reading from the statements of these gentlemen who have given their views before the committee. Take the commissioners of the State of Kansas. They say:

To devise a system of maximum rates, covering every species of interstate traffic, on the basis of rates for long hauls from the extreme West to the East, would paralyze every railroad engaged in the business. On the other hand, to equalize the rates as between long and short hauls, *i. e.*, to introduce a proportionate equality in the rates between local and continental interstate traffic would, if railroad property is to be preserved and its efficiency maintained, advance the rates on great distances to such an extent as to put an embargo upon the movement of the cereal crops of the extreme West or the trans-Mississippi region, a result which would be little less disastrous to the East than to the West.

It has been rendered possible for the great West to reach a rapid and prosperous development by a system of low rates upon the movement of the leading productions of that region to tide water. The attractions of the West, enhanced and made available by the unparalleled creation of railroad facilities, have induced a movement of population from the East to the West, thus relieving an overburdened labor market, and reducing those causes of discontent and restlessness among the employed laborers of the country that eventuate in serious disturbances to her established industries and frequently threaten the public peace.

On the other hand, the abundant production of food, by the utilization of the Western lands, and its cheap distribution by railway lines to remote distances, lighten the burdens of the laborer and increase the ability of the country to carry on its industrial development.

Mr. INGALLS. From what is the Senator reading now?

Mr. CULLOM. I am reading from a communication of the commissioners of the State of Kansas.

Mr. INGALLS. Does it appear in the report?

Mr. CULLOM. It appears in the testimony in the shape of a prepared paper in response to a request by the committee.

It will be seen that the benefits derived from the low system of rates prevailing on the great movements of food products, as compared with rates upon movements more local in character, are shared by each section of the country.

I desire to call the attention of Senators to that declaration. The impression seems to be that if there is a little discrimination in local rates the people of the locality get no benefit, from the fact that the through freights are hauled at a cheaper rate, but the opposite is the fact. Every portion of this country—the farmer upon the fields of the West, as well as the mechanic in the shops of the East—is alike interested in having the products of different sections of the country moved long distances at cheap rates, which benefit the people who require these products as well as the people who raise them. The commissioners also say:

It may be further remarked that this differentiation in rates is a result that has been brought about by no conventional or voluntary arrangement between companies operating interstate lines of railway. But it has been forced by the natural laws of commerce operating upon geographical lines, and which can not be changed without changing the distribution of land and water on the continent, or by annihilating distance without the aid of steam; and any attempt by the law-making power to contravene these natural laws, thus necessitated by our geographical situation, would end in disastrous derangement of our commercial system.

These are the views of the commission in Kansas, and I doubt not the views that are entertained by the people of that country who are raising the corn, and the cattle, and the products of that section and shipping them to the Eastern market.

Mr. CAMDEN. Allow me to ask the Senator a question. Why do the people of the extreme Western States ask to get their products to market cheaper than the people residing in the Middle States, cultivating land costing twice as much as the lands in the West; and why will the people in the East be benefited by having the States occupying an intermediate position charged twice as much for getting to market as for getting the products of the West to market? The Middle States produce more surplus of cattle, grain, wheat, and corn than the Western States. They are charged a higher rate for transporting their products than those farther west.

Mr. CULLOM. In the first place, the people of the extreme West are not asking that their transportation shall cost less to the seaboard than the transportation of the products of the people of the Middle States; but the interests of the whole country, as well of the State of Kansas, the State of Iowa, the State of Nebraska, the State of Illinois, and the State of West Virginia are all concerned, that whatever produce is raised in this country shall find a market somewhere.

That is the proposition; and if the transportation companies are not able to haul the corn of Kansas or the cattle of Kansas at as cheap a rate per mile as is charged in other States, if that product can not be gotten to the market at one rate, it is the interest of the whole country that that product shall get to the market somehow or other, not in the interest simply of the neighborhood in which the Senator from West Virginia lives, but in the interest of the whole people. It may perhaps be true that some of my own people in the State of Illinois may think that a short haul is in their interest, and so it may be in a few neighborhoods; but when you take the whole people of the State of Illinois and associate them with all the rest of this country, I assert that it is their interest that the products of Illinois as well as of the other States of the Union shall find a market, and we not only have to depend upon the market in Chicago, but the market in New York and the market in Baltimore and Boston, and we also look beyond that to the markets on the other side of the water; and any system that this Congress or any other shall inaugurate which will result in preventing the very cheapest transportation to the seaboard of products which go to the people

on the other side of the water if they need them, is a short-sighted system that we ought not to advocate here.

I appeal to Senators to look to the main proposition, that it is not simply a question of whether Tom Jones can get his corn to market in Springfield or any other town in Illinois, and thence to Chicago, as cheaply per mile as the corn of Chicago can go to Boston, but it is a question of what the general policy shall be in order to encourage commerce all over this land.

Now, let us go a little further. Take Mr. Russell, of Boston, for instance. Let us see how this long and short haul principle will operate in Massachusetts in his judgment. The Senator from New York, in behalf of the committee, asked him this question:

Senator MILLER. How would a Federal law prohibiting the charging as much for a short haul as for a long haul affect Boston? In other words, a law stating that a railroad should not charge as much for 900 miles as for 100?

Mr. Russell is the chairman of the railroad commission of the State of Massachusetts, a gentleman who is perhaps as well informed upon these questions and who has given as much thought and attention to them as almost any other man that I have met in this country. Mr. Russell said:

Mr. RUSSELL. It would injure Boston very seriously. I suppose we would try to live. We still have one advantage. We are twenty-four hours nearer England. That gives an advantage, especially in the export of live animals.

Senator MILLER. Why should not the ports along the seaboard which are nearer the great fields of the West, like New York, Philadelphia, Baltimore, and Newport News, have the advantage which comes from that fact?

Mr. RUSSELL. The only reason that occurs to me is the advantage of keeping open a number of competing ports and of competing lines.

Suppose we adopt a short-haul system, by which New York, for instance, would get an advantage of Boston or of Philadelphia, and would become the great seaport town. The result would be that the trains from the West would go to that port, the mercantile goods from the Old Country would come to New York, and the great cities that are a few miles farther away from the West and from New York would be dried up and would not be able to live and compete at all. Do the people of this country want that? We have to take a broader view of this question than simply to consider whether 10 bushels of corn in my crib are going to cost me 5 cents more for transportation to market than the corn in somebody's else crib somewhere else. I say the people of New York, Boston, Philadelphia, Baltimore, Charleston, and New Orleans should all have an almost equal opportunity of getting the great productions of this country into their markets, so as to enable them all to share in distributing them to the people who want them in the different sections of the country.

Now let us see what Mr. Kernan, chairman of the New York railroad commission, said on the short-haul question. They have no law there governing the short-haul subject, but the commission have adopted a rule themselves, and I will read it:

Railroads should not, as a general rule, charge more between a terminal and an intermediate point, for a like class and quantity of freight, than is charged between such terminal and a more distant point, even though at such more distant point there be railroad or water competition, unless railroads can affirmatively establish such circumstances governing such competition as justify the higher charge for the shorter distance.

That is the general rule by which they are governed. Mr. Kernan said:

That we agree upon as a rule. The question I was discussing was whether a specific statute making that the law would be proper, whether such a provision would be proper in the statute which you contemplate passing to regulate interstate commerce. I believe that in such a statute there should be this provision, with the power in somebody to modify or permit exceptions to it.

There is the view of the railroad commissioners of New York, one of them, Mr. Kernan, an able lawyer. They have given attention and study to the subject, and they say they are in favor of a short-haul provision, but they must have the means of making exceptions to the law. That is what the committee have recommended to the Senate, and I assert that if we go beyond that we shall take a very dangerous step.

Mr. EDMUNDS. With the permission of my friend from Illinois, on this precise point I should be glad to ask him whether the committee mean in section 4. of which he is now speaking (as I assume they do not), to provide that these exceptions which the commission may make, being made, shall have the force of law and that they shall not have the power to change them?

Mr. CULLOM. Not at all.

Mr. EDMUNDS. The language would seem to imply that having once made a rule that covered these exceptions it should have the force of law as if put in this statute, and then the question would be raised by the railroad lawyers whether the commission had any right to change it.

Mr. CULLOM. I am glad the Senator asked the question. If the language of the section referred to by the Senator can be construed into any such meaning, I should certainly be in favor of its amendment. The purpose of the committee simply was to give the commission power for the time being to make exceptions, with power to change the rule or make the exceptions as they saw proper.

Mr. HARRIS. I could not hear the suggestion of the Senator from Vermont and would have been very glad to have heard it.

Mr. CULLOM. I will state what the Senator said if it is desired. The Senator from Vermont makes the inquiry whether in section 4 it was the purpose of the committee to make the rules specifying exceptions to the short-haul provision permanent, whether it was the purpose of the committee to make that rule the law until repealed by Congress, or whether it should simply be the rule until the commission changed it from time to time when it saw proper. I say the committee had no purpose whatever of incorporating any provision in that section or anywhere else which would authorize the commission to make laws, but simply to make a rule governing the subject, liable to change by the commission whenever in its judgment it saw proper to make a change. Am I not right in that?

Mr. HARRIS. Clearly so, as I think.

Mr. CULLOM. If the section is at all doubtful, I shall be glad to have the Senator from Vermont or any one else suggest a proper amendment.

Now let us look a little further, Mr. President. Take the testimony of Mr. Randolph, of Chicago, who for very many years was the secretary of the board of trade of that city and a gentleman of very high intelligence and study on this subject. I shall read but briefly from any of these gentlemen. Mr. Randolph said:

In the above view of the case, and for other reasons bearing in the same direction, I feel confident that it would be a public calamity to prohibit any railway line, whether engaged in interstate or only in State transportation, from charging a greater rate per mile or even a greater rate irrespective of mileage for a short than for a long haul; but in no case should a rate for a short distance or any rate whatever be permitted which is based on an attempt to recover losses made by some other and lower relative rate.

That, we think, we have guarded against in the bill. The theory of transportation, the theory of the bill is that we must recognize the right in the interest of commerce generally to charge less per mile, if you please, for the long than for the short haul; but we did not seek to allow and we attempted to prevent any recoupment upon the short-haul shippers for losses that might be sustained on account of the long haul; and therefore I say that the provisions of the bill would require that the commission should follow and prosecute any attempt on the part of a railroad company to extort from the short-haul shippers in the interest of the long-haul shippers.

Next, Mr. President, take Mr. Parker, whose statement appears on page 196 of the report. I desire to refer to these things, so that the views of some of the most intelligent and competent business men shall be published before the Senate so that they may understand that there is more in this question of charging more for a short haul than a longer distance than upon the face of the thing there might seem to appear, and there are illustrations where it would be absolutely necessary in my judgment that the commission, if one were to be created and a short-haul provision were to be adopted at all, should have power to make exceptions.

Mr. Parker represents the railroad beginning in Saint Louis, running across the river into Illinois, and leaving the line of the river 25 or 30 miles and coming to the river again at Cairo.

Both ends of the road are in the water, you may say, and it would be impossible, as Mr. Parker asserts and as I believe, for him to run that road successfully if he could not charge more for transportation to some of these places away from the river than he charges at Saint Louis, for instance, going to Cairo. I desire to read some of Mr. Parker's testimony, because I think he is a very intelligent man and puts it in very good shape.

He says:

One is a home question. It is a matter between the railroad and its patrons living upon its line, the men upon whom it depends for its regular traffic and regular income—its bread and butter, so to speak. The other—

Referring to the through traffic—

The other is largely a territorial question, and is a strife not so much between railroads as between trade centers—common points. The railroads are used not so much to make profit for themselves in that case as they are used as sinews of war by the trade centers upon which they depend for business, and where they terminate. So that any comparison between through and local rates can not be intelligently made, unless you bear in mind this distinction and these different incentives and necessities that create the one and the other. One is based on cost of service; the other on the necessity of the case, regardless of expense.

* * * * * * * * *

About 33½ per cent. of the operating expenses of this road is continuous, regardless of whether the road is earning much or little, and it therefore requires a certain volume of business to meet these fixed expenses. In most cases, and especially in some seasons of the year, the local business of the road of itself is not of sufficient volume to make up paying trains, nor is it sufficient to make the earnings over and above current expenses sufficient to meet the fixed charges against the road. So that in order to run paying trains we generally, after we have built the road to accommodate the local territory, endeavor to get a connection for through business to be superadded to the local business. Then when we make up a train of ten or fifteen cars of local freight to go over our line from Saint Louis, we can attach fifteen or twenty cars more of strictly through business. We can take the latter at a very low rate rather than go without it. We are justified in doing so, as one does no prejudice to the other.

Mr. CAMDEN. Will the Senator from Illinois allow me to ask him a question?

Mr. CULLOM. Certainly.

Mr. CAMDEN. Will the Senator inform me whether the statement being read now by him refers to the Saint Louis and Cairo road, and whether it would be affected by the amendment now pending?

Mr. CULLOM. I think that road would be. I was reading a portion of Mr. Parker's testimony.

We would thereby have a good paying train. Yet half of it would be made

up of very low-grade freight, taken at a low rate. The road would be justified in taking it, for the reason that it would cost very little more to perform the service, and it would operate no injustice to the local patrons of the road who were paying a higher rate on the local freight. This would only apply to competitive freight.

Being asked what would be the effect upon the local charges of his road if it were prohibited from taking such through freight at lower rates, Mr. Parker replied:

It would result in our having to increase our local rates. It is a question of aggregate earnings, and if we do not earn enough to float the company from one source we must from another.

And so on. I shall not take up the time in reading from Mr. Parker any further. Now let me read from a gentleman in the Southern portion of the country, a Mr. Haines, representing two or three roads in Georgia. He illustrates the question of the long and short haul very thoroughly by one single illustration. He says:

Railroads are built to accommodate communities dependent for transportation upon water courses, turnpikes, or public roads. They furnish cheaper and more convenient facilities than such communities before possessed, but still it costs something to maintain and operate them. If no charge was made for using them, this cost would have to be met by taxation. But whether met by taxation or by charging freight and passenger rates, it is a tax at least upon the communities which have no other road to market. If it costs $600,000 per annum to keep up a road—

I ask the attention of the Senate to this—

then the money must come out of the freight and passengers that are obliged to pass over it. Whether the amount of business be small or large, the money to keep up the road must be forthcoming, or it will go to decay. If 100,000 bales of cotton were the only freight that passed over a road which carried no passengers, that cotton would have to pay a freight of $6 per bale if it cost $600,000 per annum to maintain the road, and no legislation could make it otherwise. But if the quantity of cotton to be transported could be increased to 200,000 bales, then the cost of transportation could be fixed at $3 per bale, to the great joy and relief of the shippers of the first 100,000 bales; and yet the $600,000 required to operate the road would be forthcoming.

Now, suppose that the community which raised this second 100,000 bales had a water route to market and said to the railroad company, "It only costs a dollar per bale to ship our cotton by water, but we prefer to ship it by rail at the same price," who would be benefited if the company took the cotton at a dollar per bale? Who but the local shippers themselves, for without this addition to the business of the road they would have to pay $600,000 per year, or $6 per bale, to keep up the road, while with the $100,000 obtained from the other 100,000 bales of competitive or through cotton they would have to pay but $500,000, or $5 per bale on their own cotton. Should they turn around upon the managers of the railroad and say that it was unjust to the local shippers to charge only a dollar per bale on the through cotton? No, it is not only just but to the benefit of the local shippers that the railroad which they are obliged to use should get all the business it can from those who are not obliged to use it, and at any rate the latter choose to pay, provided, and it is a very important provision, that such competitive business adds something to the net revenue of the road; or, in other words, if it be carried at anything above the actual cost of transportation.

Mr. President, it does seem to me that the testimony of such men as I have read from before the Senate to-day is sufficient to satisfy every intelligent man that we are treading upon exceedingly delicate and doubtful ground when we legislate upon the question of the long and short haul. I am free to confess that I have never fully satisfied myself that it was a safe thing to do at all. I have hesitated about it, as the Senate itself knows. During the discussion of the bill pending before the Senate during the last Congress, which I had the honor to report to the Senate, I left out of the bill altogether anything touching upon a short-haul law, but upon the investigation that the committee has been enabled to make this year I found, and I frankly state it, that there is a public sentiment and a public belief throughout the country in the minds of the people that by means of the difference between the long and the short haul in this country the short-haul people are terribly swindled, and that this is worse than the advantages from the cheap long hauls.

I have felt that there was something in that, but I have not felt that it was safe for this Congress or any Congress to go further as a beginning than to say that transporters shall not charge more for the transportation of property or persons on a given road for the shorter than the longer distance going in the same direction and from the same original starting-point. I do not believe that it is safe for us to go beyond that. I wish I knew that we could safely legislate in every particular so that we could stop every species of unjust discrimination or extortion that has been going on in the operation of the railroads of this country. There is no man in the Senate who has a greater desire to protect the people of the country against extortion and against unjust discrimination or any wrong on the part of the railroads of the country than myself, I believe. I realize that there have been great wrongs, and I will enumerate some of the complaints which the people make against the railroad companies of the country as they have been summed up by the committee in its report:

The complaints against the railroad system of the United States expressed to the committee are based upon the following charges:

1. That local rates are unreasonably high compared with through rates.

That is just what I have been talking about.

2. That both local and through rates are unreasonably high at non-competing points, either from the absence of competition or in consequence of pooling agreements that restrict its operation.

3. That rates are established without apparent regard to the actual cost of the service performed, and are based largely on "what the traffic will bear."

4. That unjustifiable discriminations are constantly made between individuals in the rates charged for like service under similar circumstances.

5. That improper discriminations are made between articles of freight and branches of business of a like character and between different quantities of the same class of freight.

6. That unreasonable discriminations are made between localities similarly situated.

7. That the effect of the prevailing policy of railroad management is, by an elaborate system of secret special rates, rebates, drawbacks, and concessions, to foster monopoly, to enrich favored shippers, and to prevent free competition in many lines of trade in which the item of transportation is an important factor.

8. That such favoritism and secrecy introduce an element of uncertainty into legitimate business that greatly retards the development of our industries and commerce.

9. That the secret cutting of rates and the sudden fluctuations that constantly take place are demoralizing to all business except that of a purely speculative character, and frequently occasion great injustice and heavy losses.

10. That, in the absence of national and uniform legislation, the railroads are able by various devices to avoid their responsibility as carriers, especially on shipments over more than one road or from one State to another, and that shippers find great difficulty in recovering damages for the loss of property or for injury thereto.

11. That railroads refuse to be bound by their own contracts, and arbitrarily collect large sums in the shape of overcharges in addition to the rates agreed upon at the time of shipment.

12. That railroads often refuse to recognize or be responsible for the acts of dishonest agents acting under their authority.

13. That the common law fails to afford a remedy for such grievances, and that in cases of dispute the shipper is compelled to submit to the decision of the railroad manager or pool commissioner, or run the risk of incurring further losses by greater discriminations.

14. That the differences in the classifications in use in various parts of the country, and sometimes for shipments over the same roads in different directions, are a fruitful source of misunderstandings, and are often made a means of extortion.

15. That a privileged class is created by the granting of passes, and that the cost of the passenger service is largely increased by the extent of this abuse.

16. That the capitalization and bonded indebtedness of the roads largely exceed the actual cost of their construction or their present value, and that unreasonable rates are charged in the effort to pay dividends on watered stock and interest on bonds improperly issued.

17. That railroad corporations have improperly engaged in lines of business entirely distinct from that of transportation, and that undue advantages have been afforded to business enterprises in which railroad officials were interested.

18. That the management of the railroad business is extravagant and wasteful, and that a needless tax is imposed upon the shipping and traveling public by the unnecessary expenditure of large sums in the maintenance of a costly force of agents engaged in a reckless strife for competitive business.

These are in brief the complaints which have been made to the committee by the people as we passed over the country undertaking to find out what were their complaints, if they had any, and at the same time their views with reference to this subject in the way of legislation. The committee have sought to prepare a bill which would cure these evils as far as possible, but all the time having in view as well the danger that we might make an error by adopting some course which would not only cripple the railroads but would injure the business of the country as well.

I desire to refer for a moment to the long and short haul question again. I read from the Popular Science Monthly an extract from an article written by a gentleman who has given this subject very much study, both from the point of view of the practical operation of the roads in this country and historically with reference to the action of other nations upon the subject. He says:

The short-haul principle provides that a railroad shall not charge a larger gross sum for a part of any route than it does for the whole; not more, for instance, from Chicago to Springfield, Mass., than from Chicago to Boston. It is thus intended to prevent the more outrageous forms of local discrimination. There can be no doubt that as a general principle it is correct.

That is the general principle, and it is correct, and the committee have put it in the bill; but at the same time from our investigation of the facts we became satisfied that we could not recommend consistently with our judgment a provision absolutely preventing the charging of more in every instance for a short than for a long haul.

"There can be no doubt that as a general principle it is correct." But it is not one which it is always possible to enforce by law. If the law can reach all the rival routes, and can be enforced against all of them, it does much good and little or no harm. But if it reaches one route and not another, it simply makes the other route a present of the through traffic. What, for instance, would be the effect of a national short-haul law on the movement of wheat from Chicago to the seaboard? At present it is a traffic which the railroads can afford to make special efforts to secure, and they bring the rates down nearly to the level of operating expenses. If they reduced local rates to this basis, they would have nothing left to pay fixed charges. The only way by which they could comply with the law would be by raising through rates. This would simply have the effect of sending the wheat to Europe via Montreal instead of via American ports. The Grand Trunk Railroad, which would be outside of our control, would have the chance to make low through rates and get the heavy through traffic. The English stockholders of the Grand Trunk would be the persons most benefited by such a law.

Now, I desire to call the attention of the Senate to this language:

It is only a few years since the Prussian Government got into trouble in exactly this way. It was thought by the authorities that the low through rates favored the foreigners at the expense of the Germans; and an attempt was made to carry out the short-haul principle rigidly. The result simply was that the foreigners sent their goods by other routes, which Bismarck was unable to control, and that the Prussian railroads lost a part of their traffic, which, low as were the rates charged upon it, was yet a matter of importance to their business prosperity.

I shall not take up the time of the Senate longer in discussing this question, and I beg pardon for taking as much time as I have done. But it seemed to me that the Senate was liable to do an injustice. I do not mean to the railroads, but to the business of the country; and I appeal to Senators to stop before they rush into specific legislation here which they would be called upon to repeal, I fear, by the time another Congress meets.

I wish I was certain that we could pass an absolute short-haul law, and that it would not affect the business of the country unfavorably, and that it would operate fairly upon all the people of all the States in all portions of the country; but I dare not venture, so far as I am concerned, to go further in that direction than has been recommended and adopted in the State of Massachusetts, nor further than the history of legislation in other nations will justify us in going. So I trust that the Senate will stand by the bill and adopt the fourth section as it stands with such amendments as the Senator from Vermont suggests if they are necessary, so that the rule may not be regarded as an absolute law and unchangeable.

Mr. BROWN. Will the Senator from Illinois permit me to ask him a question before he takes his seat?

Mr. CULLOM. Certainly.

Mr. BROWN. The Senator has just been discussing the question of the long and short haul. I wish to have the construction of the committee on the meaning of the proviso to the fourth section, which is in these words:

Provided, however, That, upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time make general rules covering exceptions to any such common carrier in cases where there is competition by river, sea, canal, or lake, exempting such designated common carrier in such special cases from the operation of this section of this act.

Does the committee construe that to mean that railroad corporations when competing with each other can be relieved in special cases by the commission, or that there can only be relief granted where a railroad or railroads come in competition with water transportation?

Mr. CULLOM. My own view is that the commission will have power, wherever upon investigation it finds that it is necessary in the interest of transportation and fairness to the public to make exceptions, wherever it may be, whether on the border of the lakes or rivers or canals or what not.

Mr. President, I shall not take up the time of the Senate further.

Mr. GORMAN. Mr. President, as I am a member of the Select Committee on Interstate Commerce, it is perhaps proper for me to state why I shall support the amendment offered by the Senator from West Virginia to the fourth section of the bill. The committee which have reported this bill have given the subject very careful examination and consideration. And although the bill reported is not pretended to be a panacea for all the evils growing out of the management of the transportation system, it will, I believe (should it become a law), go very far toward the correction of some of the admitted abuses, and will enable us to discover, through the report of the commision, what further legislation may be necessary.

The provisions of the present bill are based upon the theory that the paramount evil charged against the operation of the railroad transportation system is the unjust discrimination between persons, places, and commodities of particular description. It is the unanimous judgment of your committee that the bill in its general scope will correct many of the abuses complained of without in any way impairing the efficiency of the transportation interests or jeopardizing the capital invested in railroads. The principal difference of opinion has arisen upon the proposition now pending with regard to the "long and short haul." The Senator from Tennessee [Mr. HARRIS] and myself, the minority of the committee, had intended to introduce the identical amendment offered by the Senator from West Virginia [Mr. CAMDEN] to strike out the words in the fifth line of the fourth section, "in the same direction and from the same original point of departure."

This is a question which has been discussed by all the eminent railroad men in this country. More than twenty State Legislatures have had this identical question before them. It ought to be well considered here before final action is taken. I think I am entirely safe in saying that all the legislation which has been attempted in Englaud or in any State of this Union which has sought to fix arbitrary rates of freight per ton per mile or to regulate the mode of transportation by an inflexible law has been a failure.

The only success that we have had in this country in controlling the railroads, in forcing them to give to the public the rights which the public believe they are entitled to, has been under the various acts of State Legislatures which gave the commission no power except the power to supervise and report any and all acts of discrimination as to individuals or localities.

The common-law right of the citizen to be protected against extortion and unjust discrimination exists, but the remedy for the violation has been found to be wholly inadequate unless the State intervenes through a commission, as in the case of Massachusetts. Mr. Charles Francis Adams, formerly a member of that commission, in his statement, which will be found on page 1202 of the testimony, says that "sixteen years ago the State of Massachusetts, by what at that time was nothing but a happy guess, hit on the true theory of legislative dealing with this question," that the Legislature carefully refused to give the commission any power, and all the commission could do was to examine, report, and recommend—then having recourse to public opinion. I think it is conceded that the great success of that commission and the wonderful success of the New York commission will induce the Legislatures of the various States of the Union that act upon this subject to adopt practically their rule, relying upon public sentiment to correct the acts complained of.

But in this matter of the long and short haul every railroad expert, I think, who appeared before the committee, every writer upon the subject, both in this country and in England, admit that a rule which prohibits a railroad company from charging more for hauling a car-load 300 miles than is charged for hauling a car-load 1,000 miles over the same road and in the same direction is just and proper; but they all contend that there are innumerable instances constantly occurring where exceptions must be made, or great injustice would result. Therefore the rule should not be a rigid one, but that the commission authorized by the bill should have power, without waiting for legislation, to permit exceptions in cases where it is absolutely necessary for the public welfare or the protection of the transportation company.

The committee were so impressed with that view that in framing this bill we have inserted a provision that in each and every case where the railroad company can show that either from water competition, from competition among themselves, or any other extraordinary circumstance, such as occasionally occur in the export trade—upon showing the fact that it would destroy them, would impair their property, would prevent them from making a just return to their stockholders, upon that showing an exception may be made in each and every case so presented. Therefore, if you have a fair commission, if you have experts, men of character who desire to do justice, as they unquestionably have in the States of Massachusetts and New York, you will have no hardship upon the railroads, and yet you will have individual rights respected and non-competing points protected.

Mr. President, this is not a new question. The State of Ohio, which you represent in part on this floor, has considered and acted upon the question. Your legislation was more conservative than it was in many of the Western States, where it has proved an entire and total failure, as it has everywhere where penal and specific statutes have been passed to fix rates per ton per mile and impose penalties for violations. But you in Ohio inserted a provision in your law identical with that which is advocated by my friend from West Virginia, or, as the provision of the bill will stand if his amendment is adopted, it would be as follows:

That no company or person owning, controlling, or operating a railroad in whole or in part in this State shall charge or receive for the transportation of freight for any distance within the State a larger sum than is charged by the same company or person for the transportation in the same direction of freight of the same class or kind for an equal or greater distance over the same road and connecting lines of railroad.

That is substantially the law in operation in Ohio. The railroads there are prosperous. There never has been any proper complaint made by the managers of those roads. Many of them are owned and controlled by corporations within my State, and they have never complained of the exactions of that law because they knew that it is just and fair, and when properly enforced they had no right to complain. They know also that for twenty-five years the greatest railroad corporation in this country, with over 3,000 miles of railroad, one of the most prosperous to-day upon this continent, the great Pennsylvania Railroad, when it received from the State of Pennsylvania the artificial water ways, the canals that were constructed at an immense cost by the State, the condition was made that they should charge no higher rate for the short haul than for the long haul to the people of Pennsylvania—not that they should not charge any greater rate for the short haul within the State, but that no greater charge should be made by that road from Pittsburgh to Philadelphia than they made from Chicago to Philadelphia; thus giving to that State and to her citizens the advantage of the lowest possible rate that that railroad would charge to the citizens of the West.

Now, Mr. President, what has been the result of it? They have successfully competed with all the other trunk lines that run from Chicago to the seaboard, and with the great trunk line of Canada constructed at a less cost per mile than any road in the United States, because they secured the money at about 3 per cent. Cheaply constructed as that road was, they, the Pennsylvania company, have been enabled to maintain themselves, they have built up from Pittsburgh to Philadelphia manufacturing establishments such as are on no other line of railroad in this country except the New York Central. For twenty-five years that road has been subject to the rule which we are seeking to apply to all the other railroads in the country; they have built up so great a local business that 90 per cent. of their income comes from local freight on the line of their road. There is not an officer of that company who will not admit the rule which this amendment would establish is just; that, with or without law, in the interest of the road they would adopt it.

Mr. Albert Fink, who is considered by all the railroad officials in this country as the brightest mind connected with transportation, a man who has argued their case before Congress for years, who has appeared before the committees of many of the State Legislatures to prevent hostile legislation, was before the Committee on Interstate Commerce, and was questioned by my friend, the chairman, and other members of that committee. He does not hesitate to say that the rule we are seeking to adopt, making it uniform, applying it to all the roads in the country with the exception I have named, that the commission in

special cases should have the right to change that rule, is right. On page 91 of testimony Mr. Fink uses the following language:

It is a rule generally adopted by all railroads to properly adjust local tariffs to the through tariffs, when the latter are reasonable and fairly remunerating. For example, the tariffs of the Pennsylvania Railroad are so arranged that no higher charge is made from any station east of Pittsburgh to Philadelphia than from Pittsburgh to Philadelphia, or from any station this side of Chicago than from Chicago. That is a rule generally adopted by all roads.

Senator HARRIS. Never to charge more for a short than for a long distance?

Mr. FINK. I do not say "never," because there are conditions under which this may be done without injustice, but it is the general rule in making tariffs.

Mr. Blanchard, who has been connected with the Baltimore and Ohio road and the Erie road, and who is a recognized authority upon these subjects, has modified his views, and he does not hesitate to say that it is a proper rule and ought to be enforced. Mr. Sterne, the great railroad lawyer, employed by commercial bodies to secure legislation to prevent extortion and discrimination, whom we had before us, says what?

That in England and before every State Legislature and before Congress up to within the last two or three years every railroad official has said that it would be destruction to the railroads to apply this rule to them, and would taunt the man who suggested it as one who did not understand the subject; and yet to-dry there is not a railroad official in this country, in the light of what has occurred on the Pennsylvania and other roads, who will not admit freely that the rule is a wise one; but he simply advises you that you can not enforce it properly.

Mr. Kernan, president of the railroad commission in New York, was mentioned by my friend the chairman, who referred to his statements and quoted in part what he said. I think the Senator, without intending to do so, may have created the impression that Mr. Kernan is of the opinion that if we attempted to enforce this short-haul rule it would be disastrous to the railroads. I do not so understand Mr. Kernan. On the contrary, when Mr. Kernan presented to the committee the rule which the New York commission had adopted—not the law, but the rule of the commission—that rule provided that—

Railroads should not, as a general rule, charge more between a terminal and an intermediate point, for a like class and quantity of freight, than is charged between such terminal and a more distant point, even though at such more distant point there be railroad or water competition, unless railroads can affirmatively establish such circumstances governing such competition as justify the higher charge for the shorter distance.

Mr. CULLOM. Will the Senator from Maryland allow me to interrupt him?

The PRESIDING OFFICER (Mr. FRYE in the chair). Does the Senator from Maryland yield?

Mr. GORMAN. With very great pleasure.

Mr. CULLOM. I wish to read from a paragraph on page 18 of the testimony, where he says:

I believe that in such a statute there should be this provision—

That is, a short-haul provision—

with the power in somebody to modify or permit exceptions to it.

Mr. GORMAN. That is precisely what Mr. Kernan suggests, and that is precisely what the section will say if the amendment offered by the Senator from West Virginia is adopted. To put that beyond controversy, permit me to read the section as it will be if the amendment is adopted:

SEC. 4. That it shall be unlawful for any common carrier to charge or receive any greater compensation in the aggregate for the transportation of passengers or property subject to the provisions of this act for a shorter than for a longer distance over the same line, in the same direction: *Provided, however*, That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time make general rules covering exceptions to any such common carrier, in cases where there is competition by river, sea, canal, or lake, exempting such designated common carrier in such special cases from the operation of this section of this act; and when such exceptions shall have been made and published they shall have like force and effect as though the same had been specified in this section.

I submit that the section as I have read it, provided the amendment of the Senator from West Virginia is adopted, comes precisely within the rule laid down by the commission of New York. It comes within the rule that is in operation upon the Pennsylvania Railroad. It is the rule which would do exact justice to every section of this country.

To illustrate what has been done and what is being done by these great trunk railroads running east and west to the detriment of communities, to the destruction of individuals and their property, it has been stated by Mr. BLANCHARD, that on a railroad that is owned in the State which I in part represent, the terminus is in Baltimore, the time has been that they have charged more for a car-load from Frederick to the city of Baltimore, 60 miles, than they now charge for the 700 miles from Chicago to Baltimore.

Mr. BLANCHARD gives another instance. He states, for example, "When I came to the Erie road in 1873 the charge on dry goods from New York to Chicago, 965 miles, was 75 cents per hundred pounds. At the same time the rate from New York city to Hornellsville on the Erie Railway, 340 miles, about 80 cents on the hundred pounds. There are innumerable instances. To-day the rule is that you can have a car transported from the city of Chicago to Baltimore or New York city for one-half the charge you can move that car from any non-competing point in the valley of the Ohio River to the city of Baltimore or New York, and this on all traffic, grain, oil, beef, lumber. Lumber can be brought from the forests of Michigan cheaper than you can move it from Wheeling to the city of Baltimore over the same road in the same direction and with no greater possible cost for moving 1 ton per mile than the other.

Now, sir, the Baltimore and Ohio and the Erie are not alone in this discrimination. There is scarcely a railroad in the country that does not practice this extortion as a rule except the Pennsylvania Railroad, and in the case of that road gentlemen appeared before the committee, who stated upon their honor that the same extortion had been made upon them; that by the Pennsylvania Company law is not in all cases observed; that there was favoritism; and I have no question myself, from the examination of the subject, that these great fortunes, growing up from tens to hundreds of millions, of gentlemen connected with the transportation interests have been in a great measure owing to favoritism by almost all the railroads of the country. I believe to-day that the great trouble with the laboring people in this country comes from this discrimination, from this favoritism, from this undue and unhealthy accumulation of wealth by a comparatively few men by means of this extortion and unjust discrimination.

There can be no question that the charging more for the intermediate distance than you do for the whole distance on any road tends to throw trade out of its natural channel, builds up turmoils at the expense of all the intermediate points. There is an unnatural increase of wealth and population, and whenever depression comes, as it does periodically, you witness the scenes you are passing through. If the short-haul rule will become a law I have no question that trade and manufactures will seek the natural channel and we shall be less liable to the disturbances which are unavoidable under the present system.

I would not advocate a proposition that would jeopardize this vast investment in railroads. There are even billions of money invested in the railroads of this country. The cost of the railroads is $60,000 a mile. I do not believe they could be duplicated to-day, if they were all to be constructed now, for the same amount of money. There are too many interests involved to treat it lightly.

I would not favor any portion of this bill if I supposed it meant an attack upon the rights of the people whose money is invested in these great enterprises. I recognize fully the competition that our roads have with the lakes and with the Canada railroads. It is a very serious question for us. I know that we have all that we can do to maintain our trade and prevent it from passing through Canada. I believe that can only be done by the most liberal action of this Government and of the people of the States.

The rates of transportation by railroad from all points in the West to the East on through freight is governed by the rate from Chicago to tide water, and that rate by rail is in fact fixed by the water rate from Chicago by the lakes and the Erie Canal. If we are to maintain the supremacy of the American lines, I have no question that the Erie Canal must be enlarged by the State of New York or by the aid of the General Government. It is only by the improvement of that great highway and the improvement of the Missouri River that you can hope to have the products of the great West transported to tide water at the minimum cost. The through rates by rail are as low as the water rates.

Whether the railroads have reached the minimum in actual cost of transportation is a question yet unsettled. They are entitled to fair compensation for the through and local freight, but there is no reason why ten million of people who reside within a radius of 200 miles of where we stand shall be made to pay four times as much for moving a ton of freight 200 miles as the people west of the Mississippi Valley pay for moving it 1,000 miles.

Mr. President, this proposition is not a new one to the railroads themselves. The great railroad war of 1877 arose upon this question of the long and short haul. It came about through the action of the Baltimore and Ohio Railroad with its then president, the late Mr. John W. Garrett, who had not his superior in this country in railroad management. His success was phenomenal. He took charge of the road thirty years ago, and he kept his road upon a proper basis. It was built not by watering the stock and the bonds, but the actual construction stock payments were called in first in cash and the bonds were sold for par. It was an expensive road to construct, with a higher grade than any road crossing the Alleghany Mountains.

But the distance from tide water at Baltimore to Cincinnati and Saint Louis and Chicago is shorter than by any other line. The New York Central, with its low grades and magnificent equipment, and the Pennsylvania road, with its grand equipment, and the Erie, all more favorable in grade, but longer lines, united to compel the Baltimore and Ohio to make the same gross charge per 100 pounds, or per ton, or per car from Chicago to Baltimore as they made from Chicago to New York, the average distance being 200 miles greater to New York than Baltimore. The Baltimore and Ohio road refused to enter the combination. Mr. Garrett held that Baltimore was entitled to the rate of 3 cents per 100 pounds less than New York and Philadelphia.

In other words, he maintained and finally succeeded in enforcing the rule of the short haul, a more radical rule than that which we contend for to-day. That contest brought on a railroad war which came nearly bankrupting all the trunk-line roads. But the Baltimore and Ohio was

fully sustained by public sentiment, and the State of Maryland, which owns a large interest in the road, and the city of Baltimore, and the people, without an exception, were content to jeopardize their investment in the road rather than the principle should be abandoned. Right succeeded, and what was the result? A division of the trade between the great seaboard cities.

Elevators for the accommodation of the grain trade sprung up in the harbor of Baltimore, lines of steamers were established from that port to England and France, and the cost of grain and other products by ocean carriage was largely reduced. This, it will be remembered, was a contest between the railroads for their own interests. Now we propose to enforce it in the interest of the people. It does not lie in the mouth of the railroad official to object to it. It will do no injustice to that great interest, but it will put in practical operation what was intended to be secured when the railroads were chartered—exact justice to all shippers and all localities through which the railroad passes.

Mr. SHERMAN (Mr. FRYE in the chair). Mr. President, this feature of the bill is in my judgment the only one that it is important to discuss in connection with it. The debate two years ago exhausted nearly all that could be said on either side of the other questions embraced in the bill. An amendment was proposed two years ago to introduce a provision about the long haul and the short haul, and that was debated at considerable length, and the Senate, I think by a very decided vote, declared itself against any attempt to legislate upon the subject. That was one of the marked differences between the House bill at that time and the Senate bill. However, this provision is now inserted in the Senate bill, and it seems to be founded upon a reasonable rule of equity, that no greater sum should be charged for a shorter distance than for a longer distance. It was so equitable a rule that it was difficult for me to defend the course I took in reference to the matter in discussing it with my constituents, and it was always difficult for me even to answer it to myself; but I did answer to them and to myself on this ground, that there were certain places so important in the geography of our country, certain points where the shipments were so great, where the competition was so close, the rivalry existing not only between several lines of railroad but also between the railroads and ships and water communication and between Chicago and New York, that to attempt to make a rule that would govern the commerce between Chicago and New York and apply that rule to the interior commerce on the shorter lines or at the intermediate points would seem to be difficult, if not impossible, and therefore I became satisfied that a provision like this was not a wise one.

However, the committee on this subject having considered it and having adopted this provision, I can not see why they should resist the amendment proposed by the Senator from West Virginia. If the rule is to be observed at all, it ought to be observed especially in favor of the interior points and the great intermediate points on the long railroad lines. But under the bill as it now stands if grain starting from Chicago at the rate of one-half cent a ton per mile, or say $10 a ton for the distance between New York and Chicago, is charged that rate on the through route, double that rate might be charged between any intermediate point and the city of New York. Why should that be so? If the goods are started from Chicago to Pittsburgh, the company may charge as much under the bill as it now stands to Pittsburgh as to New York, but they can charge no more. They can not under the operations of this bill charge any more from Chicago to Pittsburgh than from Chicago to New York, and to that extent it is at least a relief to the city of Pittsburgh; and I take Pittsburgh as the largest town on the great Pennsylvania Railroad. But under the operations of this bill they might charge twice as much for goods, wheat, grain, and all the produce of the great region of Indiana, say from Fort Wayne, or from Cleveland in Ohio, or from the town in which I live, or any other center of commerce there. They might under the operations of this bill charge twice as much on these shipments.

Mr. HARRIS. Or five times as much.

Mr. SHERMAN. Or five times as much between any of these points nearer to New York. Why should that be so? Why should that discrimination be allowed? It is said, however, that if you can fine them or prevent them in any way from making a discrimination against these interior cities you cut them off from competing with the Chicago market. If that argument is good, it ought to exclude this long haul and short haul clause from the bill. But if you admit that no discrimination should be made as between a shipment from Chicago to New York and from some intermediary point to New York, then you must also admit that there should be no discrimination as against a shipment between Fort Wayne and Pittsburgh and New York. It is impossible to stop short of it.

Sir, if this rule as to the long haul and the short haul is to be divided, the same discrimination must extend in favor of all the intermediate points; otherwise you perpetuate and intensify the local complaint that has existed on all the lines of the great railroads. Take the case mentioned by the Senator from West Virginia. At one time there was as much charged from Wheeling to Baltimore as there was from Chicago to Baltimore. Under the operation of this bill railroads might charge as much from Wheeling to Baltimore as from Chicago to Baltimore. Would that be just to that people? If, however, the shipment should be from Chicago to Wheeling, they could not charge any more from Chicago to Wheeling than from Chicago to Baltimore. That is the operation of the bill, and to that extent it goes to correct a complaint which has been made.

But they can still discriminate if the shipment is made from Wheeling to Baltimore, by charging more from Wheeling to Baltimore than they would charge from Chicago to Baltimore.

If there is any justice or any virtue in this principle of attempting by legislation to control the action of railroad companies in fixing their charges from extreme points of shipment, you must also extend the same privilege to all the intermediate points, and say that they shall not charge for a shorter distance more than for a long distance.

It is sometimes said that it costs more to transport for a shorter distance. That is not true. There can not be a case in which it is true. Could it possibly cost more to transport wheat from Mansfield, Ohio, to New York than from Chicago to New York, when the same cars go over the same track 290 miles farther in the one case? Does it cost any more to load in one place than in another? The terminal charges in the great cities are just about as much as it would cost in any interior point on the whole line of the road, and those terminal charges are made special and are usually managed by corporations within corporations, as is done, I believe, in all great cities, in Chicago especially, where the warehouse charge is a distinct thing paid to another company, an organization made by the railroad company, the two combining together for the purpose of cheapening the terminal costs.

For instance, in the city of Chicago there are four or five great railroads of the country combined together into what is called the Fort Wayne depot, and they have an organization, I think a corporation, which manages that business and fixes the charges for the benefit of all the roads. At this very session of Congress you passed a law to make provision for another corporation by which the terminal charges should be still further decreased by combining a greater number of roads and enabling them to make their terminal facilities.

Therefore the question of terminal cost does not enter into the charge for freight at all. That is a special charge made both at the beginning of the shipment and at the end of the shipment, and a charge is made special for that reason. So there is no increased cost to the railroad company because the shipment is made in Chicago, at Fort Wayne, at Mansfield, or at Pittsburgh. The charge would be local in every case, for at the intermediate points the warehouse charge is paid by the shipper and not by the railroad. I do not know that the railroads own a single warehouse. I am not sure that the great Pennsylvania road owns any warehouses at all. The warehouses are owned by private parties and the shipper pays the expenses of the warehouses, or if it is included in the freight charges it is done as a matter of convenience in the process of collecting.

So there is no ground of equity whatever why a discrimination should be made against the intermediate points. Sometimes it is said that the railroads can not afford to run through freight from Chicago to New York unless they do it at a very low rate. If the object is to enable them to run their through freight at the very lowest possible rate at the cost of the local freight, that is a ground of public policy. If that is the ground upon which this bill is to be based, then the fourth section should be stricken out of it entirely, and the railroads should be allowed to fix their own rates for the through freight without respect to local charges.

That was the view that I took of this subject two years ago. I thought we could not legislate upon the subject; that where railroads came in competition with each other and with water transportation it would be better to let them alone; but since that ground is abandoned you must go further and make no discrimination at all. It is sufficient to say that if they charge as much for the short haul as for the long haul, that is a discrimination against all intermediate points; but that nobody proposes to change. But when you go beyond that and say that they may charge twice, three times, or ten times as much from an intermediate point to the point of shipment in the West as they charge from Chicago on the freight from the far West, then as a matter of course you utterly destroy all the industries of the interior towns and cities.

One of the great evils of our times in commercial transactions is the vast concentration of capital and labor in great commercial centers. What has built up Chicago? It is simply because Chicago has enormous advantages over every interior town. Wheat in a warehouse in Chicago is worth more than in any spot in Ohio under the plan heretofore adopted by the railroads. They would charge less in some cases for wheat from Chicago to New York; and the bill will allow them to charge from the interior points of Ohio where it is shipped in great quantities, and the same articles are charged more than is charged from Chicago; so that wheat in Chicago will be worth more than wheat in Ohio.

Mr. MILLER. The Senator will allow me to suggest that I have failed to find any such provision in the bill as he speaks of as will permit charging twice, or three times, or five, or ten times as much from an intermediate point as from the termini. Certainly the Senator must infer it from some language used.

Mr. SHERMAN. Not at all. It is here plain as print.

Mr. MILLER. I ask the Senator to point it out.

Mr. SHERMAN. I will do so. In the absence of the provisions of the bill it is plain that the railroads, if left to themselves, can make such charges as they see proper, subject only to the limitations of their charters. Take that broad principle in connection with this language:

That it shall be unlawful for any common carrier to charge or receive any greater compensation in the aggregate for the transportation of passengers or property subject to the provisions of this act for a shorter than for a longer distance over the same line in the same direction—

If you stop there, then no discrimination could be made; but it goes on—

and from the same original point of departure.

If goods are shipped from Chicago to New York is there any prohibition there against charging less for that transportation than for goods shipped from Fort Wayne, Ind., to New York?

Mr. MILLER. Will the Senator permit me to ask him another question?

Mr. SHERMAN. Certainly.

Mr. MILLER. Does he think it would be just or reasonable upon the part of railroads to charge twice or five or ten times as much for carrying wheat from Mansfield to New York as is charged from Chicago to New York?

Mr. SHERMAN. I know what the Senator is driving at.

Mr. CAMDEN. Will the Senator allow me to answer that question?

Mr. SHERMAN. I think I can answer it. The Senator from New York now refers to a general provision in the bill that they shall not be guilty of extortion. I ask the Senator from New York to read the clause on which he would rely to justify his argument.

Mr. MILLER. If the Senator will look at section 1 of the bill, lines 27 to 31, he will find the following:

All charges made for any service rendered or to be rendered in the transportation of passengers or property as aforesaid, or in connection therewith, or for the receiving, delivering, storage, or handling of such property, shall be reasonable and just.

Then, if the Senator will read section 2 he will find that it prohibits special rates, rebates, and drawbacks, prevents any special privileges being granted to any particular person, company, or place.

Mr. SHERMAN. I have read all that. Now, let me ask the Senator from New York a question.

Mr. MILLER. Certainly.

Mr. SHERMAN. Would it be reasonable and just to charge more from Mansfield, Ohio, to New York, than from Chicago to New York? I ask the Senator that question.

Mr. MILLER. In that particular case I should say no.

Mr. SHERMAN. Then, why do the Senators object to the amendment proposed by the Senator from West Virginia? If those words are stricken out, then such a thing could not be done; then no greater amount could be charged from Mansfield to New York than from Chicago to New York. But the very fact that the fight on this bill turns upon these few words shows that the object and meaning is to leave all the intermediate points to a law of justice and discretion to be administered by whom, and when, and where? If you must regulate the long haul and the short haul by legislation, give us a rule that is fair and just, and not by an express exception make a distinction between a short shipment over the same line and a long shipment over the same line. There is the answer, and that is the whole of it.

I intend to vote to support the action of the committee, although I doubt very much whether the fourth section will not bring trouble. I believe that it will be repealed within a short time, and for this reason: I believe the fourth section will create so much embarrassment that it will at once raise the rates of through freight. I appeal to every railroad man who hears me. The companies can not afford to reduce the local rates if by doing that they are prevented from competing at low rates for the through freight. If they are compelled to put on reasonable local freights, then they will be compelled to put on reasonable through freights, and when they attempt to do that, as a matter of course they must raise the freights for long hauls in order to give them even a living profit on their railroads.

Mr. MILLER. I understood the Senator at the beginning of his remarks to say that he is in favor of the amendment as proposed by the Senator from West Virginia.

Mr. SHERMAN. I am.

Mr. MILLER. That amendment is to make the provision for short and long hauls absolute, starting from any and all points.

Mr. SHERMAN. I did not say that.

Mr. MILLER. That is undoubtedly the meaning.

Mr. SHERMAN. When the Senator gets through——

Mr. MILLER. I do not want to interrupt the Senator if he does not care to be interrupted.

Mr. SHERMAN. When the Senator says I am in favor of the same rate per ton per mile over all roads or over the same roads owned by the same persons, he is very much mistaken; but when you speak of the rates through the same places by the same road, the same ownership, I say if you adopt the rule that the long haul shall not be less than the short haul, as a matter of course you must carry it out to its logical sequence. We know very well that this long-haul project has enormously reduced the rates in this country for through freight. It is an advantage which the cities along the Mississippi River and in California have had and enjoyed all the time.

That low charge for through freight is based on the idea that every railroad is built as a local road first, and the local rates are expected to pay what are called the fixed charges; that is, the interest, the cost of the road, and all that sort of thing; and then if they can get through freight for the mere operating expenses, it strengthens the road and enables them to carry on their operations and make money. They therefore have based their charge for through freights, for long freights and long distances, on the mere cost of operating the road. I know that is done on all the great railroads. They have carried freight from Chicago and some of the Western points to the city of New York for less than operating expenses when they were competing with each other, and they usually have fixed those charges at little more than the operating expenses. When I speak of operating expenses I suppose every Senator knows what I mean—the cost of the fuel, repairs to the engines, payment of the engineers and firemen, without any regard whatever to the cost of the road and what are called the fixed charges, the interest on the bonds and the like.

That has been the custom; but if they are compelled to abandon that rule, then, as a matter of course, they will look first to their charges for local freight and adopt their through charges simply so as to keep within the language of the law. In some cases some of the roads will lose all their through freight, and the result will be a general advance in the through freights on the long lines. That will be the effect of it, and when that effect is produced, then gentlemen will come here and complain of it, and say that by the operation of our legislation the freights have been increased from Iowa and the far Western country to New York.

Mr. HARRIS. Will the Senator allow me to ask him, just in that connection, with the discretionary power which this section gives to the railroad commission, does he not suppose that the commission would make an exception in favor of a road such as he suggests when it was in danger of losing all its through freight?

Mr. SHERMAN. Then if that is so why not leave out these words? If they can make a special rule for freight from Chicago to New York why put in these words?

Mr. HARRIS. I will tell the Senator that I think the words ought to be stricken out, I am for the amendment; but I do not think there are any circumstances under which with the discretionary power which this section gives to the commission any through line would be likely to lose its through freights.

Mr. SHERMAN. I wish to vote with the committee just as far as I can. If the bill prohibited any discrimination between a shipment from New York to Pittsburgh and a shipment from Chicago to New York, or, *vice versa*, between a shipment from New York to Cleveland and a shipment from New York to Chicago, if the point of commencement is the same, then the bill operates; but suppose the point of commencement is not the same, but is an intermediate point, why should not the same rule apply?

Mr. MAXEY. I should like to ask the Senator a question. Are not the exceptional advantages given to the long haul by railroads necessarily compensated by compelling the intermediate points to make up for that loss, as the Senator says the loss is made up sometimes on the long haul? Practically do not the intermediate points where the larger charge is have to make up that loss?

Mr. SHERMAN. Railroad men know precisely and can give you to the fraction what proportion of their earnings is from local freight and what proportion is from through freight; and they take care that the local freight, which is almost invariable and changes but little except from the nature of the crops, will pay them at least a reasonable return for the capital employed, the interest on bonds, and the like; in other words, they will make it provide for the fixed charges, and then they will hope to get enough out of the through traffic to help carry on the operating expenses of the road. That is a general rule among railroad men.

Mr. MAXEY. But if the charge on the long haul, as the Senator has said, is sometimes less than the actual cost, and they have the privilege of making a short haul pay a greater rate than a long haul, do they not necessarily compensate themselves by making the short-haul men pay for the loss, and thus the shippers at the intermediate points will be the losers?

Mr. SHERMAN. All I desire is that this section shall be made logical. The words "and from the same original point of departure" are put in so as to limit the operation of the section and in order to make a discrimination against all interior points. Indiana, Ohio, West Virginia, and Pennsylvania would all be deeply affected by this arrangement, and so with Iowa and other States; where the shipment is from a distance west of Iowa they would be affected by it. It seems to me that it would make the work of the committee more perfect, and these words of limitation are put in here not in the interest of the principle of the section, but for the purpose of defeating it and restraining it.

Mr. MILLER. Mr. President, I confess that I am not quite able to

understand the position of the Senator from Ohio upon this matter. That is undoubtedly due to my own obtuseness in the premises. If I understood him, two years ago when a similar bill was before the Senate he opposed any amendment to it looking to the control of the long and short haul, but at the present time he proposes to support the proposition as it is now found in the bill. However, if I understood his argument, it was entirely in favor of the amendment proposed by the Senator from West Virginia and not in accordance with the provision of the bill.

When I first began to investigate this matter in committee I confess that I was myself disposed to favor the proposition in precisely the same form found in the amendment offered by the Senator from West Virginia; but after a careful and painstaking investigation of the matter, after listening to the views of a large number of people concerned, shippers as well as railroad men, I came to the conclusion that we could not afford to go further in this first measure than the proposition as found in the bill, that is, limiting the charge for a short haul from the same initial or starting-point and in the same direction. I believe there is no difference of opinion so far expressed in the Senate as to the provision that this limitation should apply to freight moving in the same direction, and therefore it is not necessary to discuss that at all.

It was believed by some of the committee that the provisions contained in the first section, from lines 27 to 31, were sufficient, without any short-haul provision whatever, and that the declaration there made that all charges should be reasonable and just would, if fully carried out and enforced by the commission, result in producing substantially the result which is sought to be brought about by the provision found in section 4, but it was finally concluded that it would be better that there should be some definite declaration upon this question in regard to making the charge for the short-haul no greater than for the long-haul. As a result of that, section 4 was inserted.

It has been assumed, Mr. President, thus far by all the Senators who have discussed this question, or who have spoken in favor of the amendment of the Senator from West Virginia striking out the provision as to the initial point and also the provision giving power to the commission to make special exceptions, that this amendment was in favor of the people and against the railroads. I deny it *in toto*. If that amendment is adopted and that provision is put in there it will increase the earnings of the great railroads of this country 50 per cent. in the next year. Unquestionably so, and that 50 per cent. will all come out of the producers and consumers of this country. There can not be any question about it whatever. Heretofore we have trusted to competition to regulate freight charges in this country. In some directions it has worked well. It has brought about the cheapest railroad freights known in the world. It has reduced the cost of transporting a bushel of wheat from Dakota to New York to an infinitely small figure. Let that provision prevail as suggested by the Senator from West Virginia, and you will inevitably when the water communications are closed increase the rate of freight upon flour and grain and produce from the West from 50 to 100 per cent.

The railroads will take advantage of that provision, for this law is to apply to every one of the great trunk lines; it does not touch a little side road within the limits of a State; but it touches every one of the great corporations crossing this continent, every great corporation reaching from the Mississippi to the seaboard; and when you say to them all alike substantially, "Your local rates are to be almost in exact proportion to your through rates," the railroad companies will meet you by saying, "We must have such a rate for our through freight as will enable us to earn living dividends upon all the securities which represent our roads, no matter whether they are watered or *bona fide*." Put in that provision as suggested by the Senator from West Virginia, and you will strike not at the railroads, but you will strike at the farmer in the West and the laboring man in the East. That is where it all comes. You are to double or quadruple the revenues of the railroads of this country, and competition ceases to be a regulator at all.

I am entirely willing to admit that competition has, to a large extent, failed, but we, I think, are not yet ready to legislate here that there shall be no competition at all between the great railroads of this country. Certainly we can not afford to do that unless we go a step further and provide what shall be the rate upon all freights shipped from the West to the East. If the Government is ready to come to the point of fixing the rate upon a bushel of grain from Kansas or Nebraska or Dakota to New York, if it is willing to fix it from every intermediate point, then it may dispense with competition at once and wipe it out. Perhaps we may arrive at a time before long when we may know enough of transportation, when we may understand this problem well enough to do that; but up to the present time competition has worked great benefits to portions of our country. It undoubtedly has, in many instances, worked injustice to individuals and to particular localities, and the committee thought they were going as far as it was safe to go in making the provision found in section 4.

Mr. President, there is nothing in that section—and I submit it to the candid judgment of the whole Senate—which by any inference gives a railroad company a right to charge five or ten times as much for carrying a bushel of grain 1,000 miles as it charges for carrying it 2,000 miles. There is no such inference to be found in the section. This bill simply proposes to say in regard to the short and long haul that the provision shall apply to each initial starting-point. It undertakes to say that if a certain rate is made from Chicago to New York, it shall not be more from Chicago to Pittsburgh than it is to New York over that line; or if a rate is made from Chicago to New York over the Lake Shore and New York Central, that the charge shall not be greater to Albany from Chicago than it is from Chicago to New York city or from any other station along the line. If you will come down to Cleveland, it undertakes to say that the charge fixed from Cleveland to New York city shall not be exceeded by the charge from Cleveland to Poughkeepsie or Hudson, N. Y., or to any other intermediate point; and you are to say in this bill that it shall bear an equal and exact relation to the charge which is made from Chicago to New York.

These long lines of roads reaching from the Mississippi to the seaboard do not belong to any one corporation. There are several lines running from Chicago to Cleveland, for instance, or to some other point and stopping there, and then connecting with another road which goes on to the seaboard. Can you undertake to say that because a road from Chicago to Cleveland, in connection with a road coming east, is willing to take a low rate of freight, and therefore secure to itself the freight from the connecting road, when you go to Cleveland or to some other point where it meets another road, that other corporation shall be controlled in its charges by the charges which the railroad from Chicago to Cleveland was willing to make? Can you do that by this bill or any other? You can not touch the State railroads of this country at all. Mr. President, by this bill you only touch them where they run from one State to another, or where they issue bills of lading carrying produce from one State into another or through one State into another. It is impossible that you shall do this, and I deny again that the proposition contained in section 4 is in the interest of the railroads any more than it is in the interest of the shipper and the consumer; but I say that the other proposition, if it shall be carried out, will absolutely destroy all competition from all points in the West or from all intermediate points.

I stated before in some remarks I made on this bill that this provision in regard to the short and long haul was almost, if not precisely, in the same language as the Massachusetts law; that, in short, the committee substantially copied that law in putting it in here, and in doing it they had the judgment of the commission of Massachusetts upon that point, that it was safe to go thus far and that it was not safe to go further.

The Senator from Maryland [Mr. GORMAN] undertook to tell the Senate a few moments ago what Mr. Kernan, of the New York railroad commission, had said, and that the rule adopted by the New York commission was precisely what this provision would be if the amendment of the Senator from West Virginia were to prevail. I undertook to say that the rule adopted by the New York commission is precisely the Massachusetts law—that and nothing more and nothing else. Let me read it.

It is well known here that the State of New York has no law on this subject, but it has an able railroad commission, before whom all complaints go and are heard, and who give recommendations or decisions upon the questions. This commission in carrying on its work has had to make certain rules and regulations governing its own action; and upon this one question it has evolved this rule, and it is a rule upon which it acts and hears all disputes that come before it:

Railroads should not, as a general rule, charge more between a terminal and an intermediate point, for a like class and quantity of freight, than is charged between such terminal and a more distant point.

In the bill we have it "from the same original point of departure." That is the language used by the committee in the bill. The language of the New York rule is:

Between a terminal and an intermediate point, for a like class and quantity of freight, than is charged between such terminal—

That is, such original starting-point—

and a more distant point, even though at such more distant point there be railroad or water competition, unless railroads can affirmatively establish such circumstances governing such competition as justify the higher charge for the shorter distance.

In different language, it is precisely the provision of this bill. We provide that when starting from the same original point of departure the charge shall not be higher.

Mr. CAMDEN. I ask the Senator from New York if that is not the exact provision of the bill when amended by striking out "from the same original point of departure?" The bill as amended will be then in exact conformity with the rule adopted by the New York commission.

Mr. MILLER. It will be just as different from it as it is possible for the English language to make it.

Mr. CAMDEN. Where is the difference?

Mr. MILLER. The bill as it now stands says:

SEC. 4. That it shall be unlawful for any common carrier to charge or receive any greater compensation in the aggregate for the transportation of passengers or property subject to the provisions of this act for a shorter than for a longer distance over the same line, in the same direction, and from the same original point of departure.

The Senator from West Virginia proposes to strike out the words

"and from the same original point of departure." If I understand him, that is the amendment. Now, in place of "the same original point of departure" in the bill as we have it, the New York rule is "between a terminal and an intermediate point, for a like class and quantity of freight, than is charged between such terminal and a more distant point." It does not mean going to the same terminal, but it means starting from the same terminal, one of the termini of the road. It seems to me that that is as plain as it is possible to make the English language. Let me read it again:

Railroads should not, as a general rule, charge more between a terminal and an intermediate point, for a like class and quantity of freight, than is charged between such terminal and a more distant point.

That is the terminal in both cases, whether it went a long or a short distance; the one terminal was the same, starting from the same point.

Mr. CAMDEN. It does not say starting at the same point. It says between terminals.

Mr. MILLER. It says between the same terminals.

Mr. CAMDEN. Does it say "the same terminals?"

Mr. MILLER. If the Senator will take it and read it, I think he will agree with me as to the construction to be placed upon it. I have not any doubt about it.

I have very little more to say, Mr. President, in regard to this, but I do not propose to have it go uncontradicted here that the amendment as proposed by the Senator from West Virginia is in the interest of the consumer and the producer as against the railroads. I have not any doubt that if that provision should be adopted and carried out it would double the receipts of all the great trunk lines of this country, and that it would be used by the trunk lines as a reason for increasing their through rates. Undoubtedly they would be compelled to make such charges in all cases as would enable them in carrying their way freight to make a proportionate charge, and still make a fair profit upon the value or the cost of the road.

Mr. HARRIS. May I ask the Senator from New York if in his opinion these great trunk lines have been carrying their freight at less than the actual cost of transportation?

Mr. MILLER. I have very little information upon that subject. I have no positive knowledge because I am not in a position to be informed upon it, but if we are to take into consideration the dividends or the want of dividends that have been made upon some roads and the fact that some of them have gone into bankruptcy, we must believe that there must have either been bad management or at times in great railroad wars they have carried freights at less than the actual cost of carrying them.

Mr. HARRIS. If in railroad wars, or under other circumstances, no matter what, railroad companies carry through freight at less than the cost of transportation, does the Senator think that it is right and just that those companies should recoup upon the local traffic and compel the people who are at their mercy, because there is no competition, to make up the loss thus sustained?

Mr. MILLER. Most certainly not, Mr. President. That is one of the evils we are seeking to cure by the passage of this bill; that is one of the greatest evils of the present system of railroading in this country, and I have not any doubt that if this bill as it stands becomes a law, if the commission shall be appointed under the provisions of sections 1 and 2 even if section 4 were cast out of the bill, that evil would to a very large extent be remedied. Certainly I am willing to go as far as the Senator himself in meeting any such evil as that.

Mr. HARRIS. Now, I should like to say a word upon that particular point with respect to the railroad wars, because they induce that condition of carrying freights at less than cost. While a railroad company knows that it may carry through passengers at any rate, to illustrate, from Chicago to the city of New York for $1, yet when it takes up a passenger 5 or 6 miles out of Chicago it can charge him fifteen, or twenty, or twenty-five dollars to recoup for the loss in carrying through passengers; and the same rule applies to freights from Chicago to New York.

If the Senator will consent to strike out this language and assert by the law that the transportation company shall not charge more in the aggregate for the short than for the long haul, he will do a great deal in the line of preventing these cut-throat railroad wars and freight wars that reduce freight rates and passenger rates below the cost of transporting freight and passengers. With this language in the bill, that is the exact effect of it. Take Washington city as the initial starting-point, and you are shipping to the city of New York. Under the provisions of the bill as it stands to-day you can not charge any more from Washington to Philadelphia than you do to New York. You may charge as much. You can not charge any more from Washington to Jersey City than you can to New York. But suppose you want to ship from Baltimore to New York. Under the provisions of the fourth section as it now stands you may charge twice as much, you may charge ten times as much, to ship exactly the same character and the same quantity of freight from the city of Baltimore to New York as you charge from the city of Washington to New York.

Mr. MILLER. Will the Senator now permit me to ask him a question?

Mr. HARRIS. Of course I will.

Mr. MILLER. The floor seems to have changed hands. Does the Senator think that in the case which he has supposed there will be no remedy under the bill as it stands?

Mr. HARRIS. I have said nothing of the kind; but this I will say: If you refer me to another section of the bill to remedy the evil, I protest. Strike out your fourth section altogether, because it is, I will not say worse than useless, but it is quite useless to insist on retaining it in the bill. If it is only to apply to those points going in one direction from the same starting-point, and all the points of shipment between the original starting-point and the final terminus are to be utterly ignored and the rule is not to apply to them at all, I believe I should favor striking it out altogether.

Mr. MILLER. The Senator had much to do with making this bill, and he knows very well that the case which he supposes would come under the clause of being an unreasonable and unjust charge. He is also well aware that under this bill the party making such an outrageous charge would be guilty of extortion and could be punished under the bill whether the fourth section was in or not. The fourth section only goes a step further than the general provision, and undertakes to provide in certain special cases that certain things shall not be done. The Senator thinks it does not go far enough. I think it goes as far as it is wise for us to go at this time. But all these outrageous cases which the Senator has supposed and which the Senator from Kentucky proposed to us this morning, of a charge of $700 a car to a particular distance on the Pacific road, and the case which the Senator from Maryland has supposed, would all be brought under the direct control of the commission. If any person should make a complaint, the commission would investigate it, and they would undoubtedly find that all such charges were unreasonable and unjust, they would find that they were extortionate, and the transportation companies would be punished for making any such unjust or unreasonable discriminations. There is not any question about it under the bill.

Mr. BECK. I hope the Senator from New York will allow me to make a suggestion or two.

Mr. MILLER. Certainly.

Mr. BECK. I wish first to ask a question. I suppose the Senator from New York will agree that the low rates of tariff on long hauls, say from Chicago to New York, are only as low as they are because of the sharp competition with some other competing common carrier. That being so, and it being agreed that it is not fair to exact exorbitant rates from people at the intermediate points by charging them double and treble what is charged on the long haul, I should like to know how the freight rates can be increased at the long-distance point, when they are brought to the low point they now are by competition and competition alone, as not one penny less is charged now than is absolutely necessary because of competition. Is not the present system of charges based upon the idea that the railroads have the right to take all they can get from all people who have no other means of transportation, and is it not our duty to limit their power and require them to conduct their commercial traffic among the States upon a reasonable and just basis to all the people?

I do not propose to make a speech, but, being on the floor, I desire to say that for a long time the struggle in this body and in the other House was whether Congress had any right, under our power to regulate commerce, to interfere with railroad freights at all. That right was contested, and has been contested, and perhaps will be contested now. This bill if it passes in any form at least establishes that right. I do not desire to go to the utmost limits of the power which I insist Congress possesses; but I desire to vote for some bill that will assert our power and settle our right to interfere when interference is needed.

I have argued this question of long and short hauls before somewhat elaborately, and I do not propose to do it now; but on the 20th of January, 1885, I observe by the RECORD which I hold in my hand that I showed in my speech on that day by reference to an argument made by the Senator from Nevada [Mr. FAIR], and by a speech of Mr. Daggett, then a member of the House of Representatives, that it was no unusual thing, indeed it was the rule, for the great railroads running from Omaha to San Francisco to charge $300 a car-load from Omaha to San Francisco, and $800 for a car-load precisely similar from Omaha to Virginia City, which is six or eight hundred miles nearer Omaha than is San Francisco on the line of the road.

That state of things seemed to me to be extortion and unjust discrimination which Congress ought to prevent by law. It existed only because of the power that those railroads had to coerce whatever they saw fit out of the people; and I see no reason now, unless the amendment of the Senator from West Virginia is adopted, why that road may not have a right to take up a car of freight at Cheyenne and charge $800 to haul it to Virginia City, when it is hauling one exactly like it on the same train from Omaha to San Francisco for $300, unless the words are stricken out which it is now proposed to strike out, "and from the same original point of departure." It is an outrage to charge $800 a car from Omaha to Virginia City and $300 from Omaha to San Francisco for the same car on the same train laden with the same freight. We propose to stop that because they start from the same original point of departure, and yet it is argued that it is wrong to seek to strike out the words "and from the same original point of departure." I suppose the railroads want

to reserve the right to charge $800 a car still from Cheyenne or any other point to Virginia City, which, under the language of the bill unless amended, they will have the right to do.

I sought to amend the bill of last year. I did not go as far as this proposition goes now. My proposition, the language of which I believe I have here, was—

That no railroad shall charge for hauling over a part of its line more than it charges for hauling over the whole length of the line.

In other words, no charges for any lesser distances should exceed the charges for the whole length of the line. That is a fair proposition. Under it the road might charge from Omaha or Cheyenne to Virginia City $300 if it pleases, but it shall not charge $800 for taking freight from Cheyenne to Virginia City, when it hauls from Omaha to San Francisco for $300; and why it should be allowed, as it will be under the bill unless amended as proposed by the Senator from West Virginia, to charge still $800 for hauling from Cheyenne to Virginia City, limiting it to $300 when it starts from Omaha, which would be several hundred miles farther, I can not comprehend. I only use that case as an illustration; there are doubtless thousands of similar cases. We ought not to allow such unjust discriminations to exist anywhere.

If we are going to do anything, we had better do something that will be effective and that will mean something. It was stated last year and proven before a committee of the other House in an argument by a distinguished lawyer that the Pennsylvania Railroad was at one time hauling coal from the mines of Pennsylvania to Baltimore through the city of York, Pa., 60 miles nearer the mines than Baltimore, and charging from a dollar to a dollar and a half per ton more to leave the coal at York than it charged to carry the same quantity of coal 60 miles farther to Baltimore in the same train and in the same cars.

The result of that was shown to be ruinous to the city of York; no manufacturing establishment could be carried on in successful competition with another which had that advantage in the price of coal, because the dollar and a half a ton on the coal would settle the question between a profit and loss when the competition was sharp, the transactions large, and the profits small. It was shown, too, and proven before the House committee when the Reagan bill was under consideration, that the railroads carry a bale of cotton from Memphis to New Orleans for $1, and charge $3 a bale from Winona, Miss., to New Orleans, which is 120 miles south of Memphis and that much nearer to New Orleans, on the same line.

Why was that? Simply because the road was in competition with other lines by land or water from Memphis, and the railroad sought to make up its profit on its watered stock, or whatever it saw fit to call stock, by charging the people who live along the line and away from other lines three times as much for 120 miles less hauling than it did the people at the end of the line. Yet I think it is fair to assume that it did not reduce its freight from Memphis to New Orleans one cent below what it could afford to carry for.

All that this amendment proposes, as I understand, is that no matter where freight is taken up along the line of a road it shall not charge more than is charged for hauling it over the same road for a longer distance. Surely if the roads are allowed on any part of the road to charge as much as for the whole distance, the railroad can not complain.

If you allow it to charge on any part of the road as much as it does on the whole haul, whether it comes from Cincinnati to New York, or from Chicago to New York, or from Logansport, or anywhere else, that is all it can reasonably ask to be allowed to charge. If Congress is going to do anything to regulate commerce, that much ought to be done.

The suggestion is made that we will break down the railroads by requiring them to haul long distances at low rates. No man will contend that any railroad is hauling from Minneapolis or any other point West to New York now for one penny a ton less than it is compelled to do by reason of competition. There are many elements tending to cheapen transportation and yet allow profits to be made.

An ordinary car to-day can now carry 20 tons as well as it could 10 tons years ago because of steel rails and improved machinery, and the rails will wear ten times as long now as they would before the improved rail was used. That of course brings down the rate of freight, as we all know. There are many other elements that enter into the cheapness of transportation, but I do not propose to argue these questions now. I only desired to say that I shall vote for this amendment. I can see no good reason against it.

I repeat, there never was any good reason why the discrimination I have referred to as existing on the Pacific roads and the Pennsylvania road or the Memphis road should be tolerated. It is not fair, and it ought not to be allowed. If we mean to regulate commerce at all, that is certainly one of the things we ought to prohibit railroads from doing, if we are ever going to curtail their power and assume any sort of jurisdiction over them. If we are going to do anything, let us protect the people who are at their mercy and have heretofore had to pay whatever they saw fit to demand. Unless Congress steps in and says, "You shall not be guilty of extortion on those people simply because you have them in your power," there will be no end to their exactions. I think the amendment proposed by the Senator from West Virginia [Mr. CAMDEN] tends to check them; therefore I hope it will be adopted.

Mr. MILLER. Mr. President, the case the Senator from Kentucky has propounded of the charge of $300 from Omaha to Virginia City and of $800 from Cheyenne to Virginia City is simply a case which may happen now, but which could not happen if this bill should pass precisely in the shape it is in without any amendment whatever.

In the first place, any such charge would be unjust and unreasonable and it would be extortionate, and it is prohibited under the first and second sections of the bill as a discrimination against places, and it would be unjust and unreasonable. In the case supposed the fourth section undertakes to make a definition of that case, and it provides that railroad companies shall not charge more from Omaha to Virginia City than from Omaha to San Francisco; going on the road two or three hundred miles farther to Cheyenne, the bill would provide that the same railroad company should not charge more from Cheyenne to Virginia City than it charges from Cheyenne to San Francisco, precisely the same rule which held in the first case; and there is no circumstance or condition of circumstances which could arise which would bring about the unjust discrimination which the Senator from West Virginia instances here if this bill should pass. That is just what the bill provides for in the fourth section.

Mr. President, there are many important considerations raised by this question of the long and short haul. The farmers of the West find themselves to-day confronted in the grain markets of the world with grain from India. If it were not for the cheap transportation existing to-day over our trunk lines and through the lakes and by the Erie Canal, we could not export our wheat at all, and if it shall turn out in a few years that India by her improved railways and canals, which Great Britain in her wisdom is building with great rapidity over that great country, shall reduce the cost of carrying a bushel of wheat from India to London 5 or 6 cents, we should find ourselves shut off from that market entirely unless we devise some new way of cheapening transportation from the great grain fields of the West to the Atlantic Ocean. Put in this rigid provision offered by the Senator from West Virginia, stop all competition between our great through lines, and, for almost eight months in the year having no transportation by water, it will be absolutely impossible that we shall ship abroad either wheat or flour, and then the balance of trade which has so long ruled in our favor will turn against us. I need not call to your mind, Mr. President, the terrible effects which came upon this country when for a number of years the balance of trade was greatly against us.

Mr. HOAR. May I ask the Senator whether it will not be equally true under the section the committee have reported?

Mr. MILLER. I think not. If I thought so, if I could be convinced that that were true, I would move to strike the section out, for although the farmers of New York and of New England and of all the Middle States have been to a greater or less extent injured perhaps by the too great competition at times of the railroad wars, yet I believe that the people of the East do not desire to have taken away from our people as a whole the power to export our surplus wheat and produce. If the West can not find a market for its vast surplus, then New England, New York, and Pennsylvania will have no market for their manufactured products. We sell our goods to the people of the West, and we consume all that we can and all that we need of their wonderful produce; but if you stop the shipment of the surplus abroad you will break down the entire West, you will break down its whole power to purchase the manufactured products of the East; and it were better for us all that we should be looking toward cheap transportation than that we should in this bill by any provision shut off competition or destroy it.

If the Senator from Massachusetts will show me that this fourth section as it now stands will bring about that result, then, for one, I say I am ready to go against it; but after having considered it for a long time in committee, after having studied over it, I came to the conclusion that this was as far as we could afford to go, that we can go thus far without destroying competition between the railroads themselves, only checking it, and without destroying competition between the railroads and the great water ways of our common country. Further than that I believe it unwise to go.

Mr. CONGER. Mr. President, I am in favor of this amendment to strike out the clause "and from the original point of departure," and leave the fourth section as it stands, prohibiting the charging of more freight on the same road and in the same direction. With that last clause in that section is a perfect snare and delusion, and I do not know for what purpose a provision is inserted here that shall leave certain great points of shipment preserved and protected with all their privileges, and a higher charge made upon every intermediate point between those points of shipment and the market.

Who put in this provision? It is not found in the report of any of the commissioners of any of the States. Who provided that Chicago should be the point of departure, and that every point between Chicago and New York where a shipment was made should be liable to any and every increased charge? But the Senator says the first section covers all this. Sir, I am a plain, matter-of-fact kind of man, and look upon these questions as I see them in actual every-day life. What does the Senator from New York propose?

From Chicago there is a certain price on flour to New York. In the State of Michigan, at an average of one hundred miles east, on two of the great through lines to New York we have splendid water power,

and all around it the finest grain-producing region in the world. The southern tier of counties of Michigan all through the country until these railroads pass out of Michigan into Indiana, or from Indiana to Michigan coming from the west, are noted the world over for producing wheat, oats, and all the cereals in abundance and in greater amount to the acre than almost any other part of the world except some of the newer regions.

There we have in Michigan 100 miles east of Chicago, along the lines of two of the great through routes, the Michigan Central and the Michigan Southern and Lake Shore, the finest water-power that can be used to convert wheat into flour. All around we have the material for making the barrels in which to incase that flour and send it to market. And yet for years past and under the provisions of this bill, without this clause being stricken out, the millers of Michigan have been charged so much from Niles and other points in that State for shipping their flour at the rate of five hundred or a thousand barrels a day from the same village to New York, that they have been compelled, in order to transport their flour to New York, to pay the transportation of that identical flour to Chicago, and so from every little town within 100 miles, have it warehoused there, transferred to the railroads there, and there they can make a contract to ship it to New York cheaper than they can ship it from these points easterly over the same road to New York. The additional cost to our citizens there of a transportation 100 miles west in order to get to a competing point in which they can make contracts to ship to the East is a burden. Our farmers who sell their grain to these millers get the price, deducting from it what it costs to ship it back to Chicago and to ship from there to New York, and the same holds good with regard to wheat in the bag or in bulk.

Our farmers can not understand these fine-spun notions of the Senator from New York. They can not understand the fine-drawn arguments of the Senator from Illinois. They can see why from Illinois and from Chicago the Senator might desire to have this bill, but they can not understand how in fairness people advocate such a measure as this when they are compelled to pay at least one-quarter if not one-half more for getting their grain over the same road 100 miles nearer to New York than they do from Chicago.

Mr. MILLER. May I interrupt the Senator from Michigan?

Mr. CONGER. The Senator from New York is a bold man and can stand any interruption, but I am a modest man.

Mr. MILLER. The Senator from Michigan is challenging the Senator from New York to answer certain questions and will not allow them to be answered.

Mr. CONGER. The Senator from New York can wait for a few minutes.

Mr. MILLER. I was simply going to make a suggestion at this time.

Mr. CONGER. I can not understand, and I say the plain farmers of Michigan and the millers of Michigan can not understand these fine-spun notions that arise in the Eastern school and that arise in the Western school. They do not know why there should be a deduction of 10 cents a bushel on the grain raised in Kalamazoo County and in Cass County and in several of those southern counties of Michigan through which these two lines of railroad run, and why there should be 25 cents more charged on a barrel of flour when they are a hundred miles nearer to market and ship it at their own expense back to Chicago and it comes right back over the same road in the same car. They do not understand it, and I do not. I have been in Congress long enough to have heard of all these sophistries and all these makeshift arguments to have my mind confused and twisted about, but I am plain to say that I can not understand what objection there is to allowing the people of Michigan to get the same price for their grain, so far as shipment is concerned, and for their flour 100 miles nearer New York, or why they should be compelled to pay the expenses of shipping it back to Chicago in order to get a rate from Chicago as cheap as the Chicago people have.

Nobody has answered that kind of talk. No man can answer the plain, common-sense question of my constituents who have been asking for years about charges and extortions which they have suffered for years and are suffering to-day.

The railroad men, the representatives of railroad men, do not want the pending amendment made to strike out that clause. The Senator from New York says that it will increase the charges and fill the treasuries of the railroads if the clause is stricken out. That is attacking us from a different quarter from what I suspected; and yet there is not a railroad man on this floor who advocates the striking out. There is not the representative, the acknowledged representative, of a railroad in the Senate nor in the House, there is not a man representing a railroad as one of the great interests of his State except the Senator from New York, who has pretended that the striking out of this clause will fill the treasuries of railroad companies. I can not see how it is possible that it should be so. I believe that this provision in section 4 controlling the prices of freight on the railroads, that there shall be no greater freight for a short haul than for a long one, is in the interest of the farmer, of the wheat-grower, of the corn-grower, of the cattle-raiser. I think it is to the interest of the miller and of the producers of all kinds. I believe it equalizes rates.

My friends here say that taking Chicago, for instance, as a starting-point, we do not complain that half way to New York the railroads charge just as much as they would from Chicago; we do not complain, the people do not complain, to have to pay so much more now than is paid from the terminal point, as it is called, the original point of departure of like freight. The Senator from New York forgets that this same law applies to every road. He says the competition of roads keeps down the prices now, but if you strike out this clause it will raise the prices from every point. He forgets that this measure applies to all roads from all points; that every road leading from Chicago to New York has this application and every road leading from the Mississippi to Chicago has this application. There are certain points where the great grain fields of the West pour out their treasure on certain roads that convey them entirely through to the market or concentrate them in other points. Chicago is a great point, Saint Louis is a great point, Saint Paul is a great point, the points along the Mississippi are great points.

Wherever the produce or like kind of freight starts from any of these far-off points for a common market in Boston or New York this measure applies, and it says you shall not stop in the middle of a State and charge more for carrying freight 100 miles than you do for carrying it 500 miles. The bill as it stands now is in the interest of the great cities of the West and it is against the rural districts everywhere. There are a great many people in the cities. They sow not, neither do they spin. All between these cities and all through are the farmers, the laboring men, the men who toil, and whose labor brings from the earth the bountiful productions of nature, and then the cities reap the reward in the exchanges and transfers and the accumulations which they take from the rural districts in excessive charges.

But I need not dwell upon that. The Senator from Ohio presented that matter very fairly, as the Senator from Kentucky has done, and the Senator from Maryland, and the Senator from West Virginia who presented this amendment.

Some Senators say it is enough that we have in the first section of the bill a general saving clause. General saving clauses are beautiful things to lean back upon and repel any attempt to make safe and sound and decisive provisions in a bill. What good does that general clause about excessive charges and extortions do to the man who labors in the grain field and in his mill all the year round in my State, if there are two or three or five or ten times the charge made by a railroad upon his products, so that he is compelled to sell cheaper in Michigan than he would in the far-off corner of Dakota? What good does it do to him? Does the observation or experience of any man show that it is a profitable business to engage in combating a railroad company? Is that the place for the laboring man, for the small shipper, or the producer to contest his rights?

Sir, it is holding out a hope that there is some law passed which will protect the rights of men when you refer them to a general provision in a law that a railroad company shall not make unjust charges. How can they follow it up in the courts? With the diminished price of their wheat and flour, what surplus money have they to follow up railroads or go before commissioners, or bring suits to recover back the extortionate charges which have been made?

Sir, I want a law that plain people can understand, and I want a law which will protect the common man in the United States and in my State. The rich can take care of themselves. Corporations can fight against corporations. The time has come in this country when generalities, glittering or otherwise, will not satisfy the demands of the people. The time has come when, if Congress undertakes to pass a law for the benefit of the community, it must be positive, decisive, incisive, direct, plain, and easily understood. That is what we want here.

This professes to be a law to govern railroads and to protect the community against them, not to protect railroads against each other. There is nothing in the whole bill that protects one railroad against another. They can take care of themselves. There are provisions in the bill, and I call the attention of Senators now in these brief remarks to them, which attempt to make every boat and every vessel which carries freight which has been brought by a railroad, or which at the end of its voyage shall be taken to a railroad, come under the provisions of the bill as a common carrier. It is dangerous; it is insidious. At the proper time I intend to consider those clauses of the bill. I am now speaking in reference to the pending amendment, and I approve of it most heartily. I had an amendment which I was about to propose in a different form, but which would accomplish the same object. Much as I desire to support some bill as good as we may frame it, without this amendment I shall not only vote against the bill itself, but will oppose it with all my power. There is no threat in that; I am but one among the great mass, but my vote is within my own control.

There are other provisions in the bill in regard to water transportation, and I say that if all the railroad presidents of the great through lines in the United States had assembled together in common council and had sat for weeks to devise the best means of destroying the competition of water transportation they could not have done it more effectively than is done in this bill. I made some comments upon the general provisions of the bill as to all kinds of vessels and in regard to an amendment to the bill as to all kinds of water communication from the greatest to the lowest. The bill provides that wherever transportation is partly by rail and partly by water in a continuous transporta-

tion, no matter if the vessel is a single hooker owned by a man, or whether it is part of a line, a permit shall be obtained from these commissioners to carry that load of grain.

Every vessel on our lakes that takes up freights that would come on a railroad, if they are going to a foreign country or if they are going to another place where a railroad shall continue to carry it, is subject to all the conditions of the road. A railroad would desire nothing better than to lay the cold steel grasp of the law upon water transportation, just as in the winter the cold frost binds up the lakes and the rivers of the North. This is better than frost; this is better than ice; this brings the water transportation of the country under the control of the same law and the same regulations as the railroads themselves. During the summer season, on account of the lakes, the transportation by rail is reduced to such a low limit that it is admitted that it is scarcely profitable to carry the grain. This bill will compel the freights on vessels to be even all through the line, necessarily so, and it gives the railroads the control of that competition which has proved so valuable to the whole United States.

Sir, we have paid out in the last thirty years nearly $200,000,000 in one form or another, either by improving rivers, improving harbors, building light-houses, or deepening channels. In all the ways that we may benefit navigation, the Government has paid out over $200,000,000 to improve our water communication all over the United States—the waters that empty into the Atlantic, the waters that empty into the Pacific, the waters that empty into the Gulf, the waters that enter into the great lakes.

Wherever there was a highway which nature and nature's God had provided as the highway for the citizen, rich and poor, to use alike with his own vessel and in his own mode of transportation, we have paid out these hundreds of millions to improve it and make transportation cheaper, and are doing it day by day and year by year. In my judgment, there has been no expenditure of money of the United States from the commencement of the Government until now which has been so abundantly useful and desirable to the great mass of the people of the United States as all these expenditures and appliances to make safe and comfortable and cheap the water navigation of this country. To-day, and in all the days to come, whether cars shall be propelled by steam, or whether some more powerful and cheaper motor can be invented by which half the expense of that transportation may be reduced through all time to come, in this land of ours and on this continent of ours the water communications, the highways of the people, the easements upon which they may go in their own craft, in their own manner, free as the air, will be the great enemies of monopolies; they are the great protection of the people against the extravagance of monopolists and of extortionists.

This bill by one fell sweep places that under the control of commissioners, with a requirement that everybody who goes upon those highways shall have a license, and punishes by fine of from $500 to $5,000 any man who dare go upon these great water communications without a license. If the bill passes with the provision in it which it is proposed here to strike out, and if it passes without an amendment in regard to the control of the water courses of the country, I say to Senators there is no need of passing any more river and harbor appropriation bills. I say there is no need of erecting the beacon-light to warn vessels from the rocks and the shoals; there is no need of deepening the channels of rivers or making harbors on our lakes; there is no need of trying to hem in the swelling banks of the Mississippi; there is no need to keep open the month of the Mississippi River, which is the great inlet to an empire of wealth and of produce.

Commerce would stagnate, the business of all this country would be prostrated. This bill would do it. Talk about having in a year or two to make insignificant provisions in the bill! I tell gentlemen that within one year, but one season of navigation need pass when the universal voice of the people would cry out against this trammeling of their rights of travel upon the rivers without a license from paid commissioners, commissioners paid $10,000 a year even, to impose upon the people of this country those restrictions in using their own natural highway which they have now and have had from the beginning.

How different is this provision in the bill about crippling the commerce of the lakes and of the rivers and restricting it to the license and control of these commissioners from the wise provisions of those men who passed the ordinance of 1787. They said in all that country every navigable stream, ay, they did not even confine it to the common-law definition of a navigable stream; they said all the waters in the great northwest territory flowing into the Gulf of Saint Lawrence or flowing into the Gulf of Mexico (and that comprised all the waters and rivers of that territory) should forever be free to the inhabitants of the territory, forever free from every restriction and from all restrictions. More than that, in order that the passage might be uninterrupted by rivers and down rivers the same ordinance says, "and the carrying places between them." Even the portages, by the organic law of the land constituting the great northwest, which now are so many great States, provided that all the streams in that territory and the carrying places between them should forever be free to the inhabitants thereof.

The provisions of this bill curtail, cripple, gnaw into, and destroy, and will be made a subject of lawsuits, a subject of criminal prosecutions for every man who may take grain which has been brought by rail to any lake or to any river and carry it into the line of transportation toward the seacoast and where another railroad can take it up. If he ventures to carry grain to a foreign port on the lakes the owner or master of the boat is liable to arrest and fine and imprisonment for carrying it there.

Oh, sir, if the people of Illinois and Iowa and Michigan and Minnesota and all the Southern States which have these great rivers running through them could only know what evils are contained in that little clause connecting water courses with railroads in a bill solely and professedly made by their command to govern and regulate railroads, it would not be a nice country for Senators who vote for it to pass through. The people would not touch them. The very scorn which they would put upon them, the indignation, the sullen pointing of the finger would make a man unfit for his duties here who did it, and would make him unfit for happiness anywhere. But they do not understand this bill, and I am not able at this time to meet all the sophistry and all the eloquence of the Senator from Connecticut and the Senator from Illinois with which it is imposed upon other Senators here. If there be time I intend to analyze those provisions more in their order on some other occasion. I throw off this little note of warning to those who will couple the water transportation to the railroad systems as they are coupled in this bill, and say that if the bill passes, when it is understood, they had better hang their harps upon the willows that run by the rivers and sing the doleful song that despairing men do sing who have to meet an enraged constituency.

I have said all I want to say on this subject just now, and until to-morrow or some future occasion, for I take it this bill will hardly be in a situation to be adopted for some days if not weeks hence, unless there are very radical changes made in it. I merely make these little fugitive suggestions for the consideration of those bold men who with so wild and firm a grasp would lay their hands upon the people's highways and water communications of the country, and chill them worse than frost and worse than ice.

Mr. MILLER. It is not the first time, sir, that the Senator from Michigan has by intimation and by innuendo charged Senators upon this floor with representing monopoly interests. He stated at the opening of his remarks that no Senator who represented corporations and monopoly interests here had either moved to strike out or favored the striking out of the provision in the fourth section relating to the initial starting-point. I wish the Senator would deal not in intimations and not in innuendoes. I think it hardly fair that he should do it. If he desires to charge any one, and particularly if he desires to charge me, with representing upon this floor any monopoly or any corporation interest or any interest rather or other than that of my whole constituency, I want him to be bold enough to do it openly and by name, and then I shall properly answer him. Until he does that, I refuse to recognize or to answer either insinuation or innuendo.

The Senator, passing on from that, has misrepresented this bill in almost every feature. There is no provision in it calling for a license upon any vessel or boat floating upon our lakes or our great rivers. There is no such provision in it. The Senator has simply repeated the speech which he made the other day against the amendment of the Senator from New Jersey [Mr. SEWELL] providing that licenses should be granted. There is nothing of the kind in the bill whatever, and I commend to the Senator that before he again indulges in a tirade of that kind upon this measure he carefully read the bill so as to know what its provisions are, rather than that he stand up here and put into the RECORD and into the history of our Government a denunciation of a measure which has come from an honorable committee of this body, when it contains none of the provisions which he has declared it does contain. I am ready to meet fair, open, straightforward argument upon this measure at any and all times. If I am convinced, as I said in reply to the Senator from Massachusetts [Mr. HOAR], that this fourth section would do anything to prevent our holding the foreign market, as an Eastern man, as an American citizen, I am ready to strike it out.

If the Senator would know why it is that freight is carried cheaper from Chicago to New York than it is from some interior town in his own State, he has but to look at the river and harbor bills, in which he, more than any other Senator, has been instrumental in getting large appropriations for improving the lakes, and particularly the St. Clair Flats and the Lime Kilns, by which it has been made possible that great ships should float over our lakes and down to Buffalo, carrying two and three thousand tons of freight. It is these appropriations which have made it possible; and would you say to the railroad companies that because you have thus improved the lakes and because the State of New York has furnished a royal highway from the lakes to the ocean and has finally made it free without charge, therefore the railroads should not come in and carry any of the freight from the great Mississippi Valley to the ocean? If you desire to do that, very well, do it, and thus cripple and destroy our foreign commerce, for if by this provision you strike down railroad competition from the great points in the West, you will do what? Instantly one will raise the rate of freight upon the lakes, because you will turn all the grain and all the produce of the great Northwest down the Mississippi Valley and upon the lakes, and of course the law of supply and demand upon the

shipping of the lakes will come in and control the rate of freight. It can not be otherwise.

Undoubtedly great injustice has been done to localities and to interior points by our railroads up to the present time. This bill is the outgrowth of an attempt to prevent that. The committee honestly believe that it will to a large extent do it. Whether it will do it absolutely or not, I am not prepared to say. The case which the Senator supposes of shipping flour or grain from Grand Rapids or some other point in Michigan to Chicago and shipping back through Buffalo is only because there is rapid and cheap water transportation by the great lakes; but that the railroads should charge more from Grand Rapids to New York than they charge from Chicago to New York is wrong, of course, and I have no doubt that under the provisions of this bill that wrong will be righted.

Perhaps we may discover somewhat the animus of the Senator from Michigan upon this question when we remember some of his speeches upon the river and harbor bill heretofore, when he has told us that his own State had as large if not more seacoast, if I remember correctly, than is to be found upon the whole Pacific or Atlantic coast taken together. Almost every important point of Michigan is touched by the lakes, and Michigan more than any other State can do without any railroad competition; it can do without any railroad control, for it has to go but a litte distance to find a seaport or a lake port from which, through the generosity of New York, it may get the grain to the Atlantic ports and to Liverpool cheaper than any other State in the Union.

But what shall we say of Dakota, what shall we say of Kansas, and Nebraska, and many other of the interior States, which have neither rivers nor forests? Is there to be no protection for them? Is there to be no honest effort in this bill to somewhat regulate the railroad transportation of this country and to see to it before an honest and able commission that there shall be no unjust discriminations? The people of the interior and the great West are interested in this question more than the people of Michigan, and I know that they through their representatives as they came before the committee were most anxious that there should be some control of this kind.

The bill does not undertake in any way to compel the steamers or the sailing vessels upon our great lakes or upon our great rivers to submit to the control of the commission except as they form a continuous line with a railroad company. It is believed by all the committee that such a control as that is just and proper, for many of our great through lines strike the lakes at Buffalo, Cleveland, Toledo, and other points, and by running their own great vessels, plowing the lakes, they make a continuous line to Milwaukee, to Chicago, to Duluth, or to any other point upon the lakes; and if the commission does not take hold of the whole through line, then the commission will be of no use whatever and can have no control whatever.

But the bill does not undertake to require any of the steamers, or any of the sailing vessels, or any of the fishing smacks, or any of the boats which engage as common carriers in this country to procure a license from the commission before they can do business. I can only believe that when the Senator from Michigan made this charge he made it innocently, thinking that the amendment to which he spoke the other day was actually in the bill. But there is no such provision in it.

Mr. President, I have said what I have because I felt the language of the Senator from Michigan as unjust to myself, as unjust to all the members of the committee, who labored long and hard the whole summer to get at the views of the leading shippers and the producers and consumers of the country. This bill is the result of their work. It may not be perfect; doubtless it is not perfect; but it is an attempt to see that justice is done to all our people in connection with the great railroad corporations of the country.

Mr. COKE. I move that the Senate proceed to the consideration of executive business.

Mr. CONGER. I desire, if the Senator from Texas will permit me, to read one clause, as I have been attacked for making a statement here which is not in the bill. I will occupy but a moment.

The PRESIDENT *pro tempore*. Does the Senator from Texas yield?

Mr. COKE. It is now growing late, and——

Mr. CONGER. I will only read two or three clauses, without comment, in answer to the Senator from New York.

Mr. COKE. I will yield for a moment.

Mr. CONGER. The bill says:

That the provisions of this act shall apply to any common carrier or carriers engaged in the transportation of passengers or property by railroad, or partly by railroad and partly by water when both are used for a continuous carriage or shipment.

Not a continuous line, a continuous control, nor anything like that, but where the same freight goes partly by rail and partly by water.

Mr. PLATT. Does not the Senator see that the provision does not apply either to railroad or to water communication, but to common carriers?

Mr. CONGER. It applies to the common carrier who carries anything, but is proceeding partly by rail and partly by water. It applies to a carrier by water. Perhaps I made a mistake in speaking of a license. That was not intended, but it provides that—

If any common carrier shall neglect or refuse to file or publish its tariffs of rates, fares, and charges as provided in this section, or any part of the same, such common carrier shall be—

Liable to suit. It also provides that any such common carrier taking freight from one place to another partly by rail and partly by water may become liable if he violates any of the provisions of the bill to a fine of $5,000 and imprisonment. The Senator says I have mistaken this bill entirely. What odds is it whether it is a license or not if it is made subject to the provisions of the bill? I will leave to any one to read the bill to see who is right.

Mr. COKE. Mr. President——

Mr. CULLOM. Before the Senator from Texas makes his motion I simply desire to announce, as the session is rapidly passing away unless we mean to sit here through the hot weather, that I shall insist to-morrow on continuing here until we dispose of the bill.

EXECUTIVE SESSION.

Mr. COKE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. CAMDEN, it was

Ordered, That the papers on file granting a pension to J. S. Hall, by special act of Congress, passed June 18, 1878, be withdrawn, and referred to the Committee on Pensions.

On motion of Mr. DOLPH, it was

Ordered, That the papers relating to the claim of George Brown be taken from the files and referred to the Committee on Claims, subject to the rules of the Senate.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DOLPH submitted an amendment intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. EDMUNDS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 57 minutes p. m.) the Senate adjourned.

NOMINATIONS.

Executive nominations received by the Senate this 27th day of April, 1886.

UNITED STATES CONSULS.

Thomas C. Jones, of Kentucky, to be consul of the United States at Funchal, *vice* Firth Charlesworth, resigned.

Andrew F. Fay, of Illinois, to be consul of the United States at Stettin, to fill a vacancy.

RECEIVER OF PUBLIC MONEYS.

Patrick O. Malley, of Menasha, Wis., to be receiver of public moneys at Menasha, *vice* James H. Jones, whose term of office has expired.

MARSHAL OF THE UNITED STATES.

Reuben B. Pleasants, of Louisiana, to be marshal of the United States for the eastern district of Louisiana, *vice* John R. G. Pitkin, commission expired, in lieu of previous nomination in place of the suspended officer.

POSTMASTERS.

William T. Dowdall, to be postmaster at Peoria, Peoria County, Illinois, *vice* Washington Cockle, suspended under the provisions of the one thousand seven hundred and sixty-eighth section of the Revised Statutes, John Warner, who was designated and also nominated to the Senate, having resigned, and the nomination having been withdrawn.

Charles O. Thiebald, to be postmaster at Vevay, Switzerland County, Indiana, *vice* Alfred Shaw, commission expired, in lieu of previous nomination in place of the suspended officer.

John W. Fletcher, to be postmaster at Battle Creek, Calhoun County, Michigan, *vice* William Wallace, resigned.

Charles T. Curtis, to be postmaster at Helena, Lewis and Clark County, Territory of Montana, *vice* David H. Cuthbert, resigned.

J. Holmes Patton, to be postmaster at Brownsville, Fayette County, Pennsylvania, *vice* John Nelson Snowden, commission expired.

Stephen D. Jeffries, to be postmaster at Clark, Clark County, Territory of Dakota, *vice* Samuel H. Elrod, resigned.

William Gilman, to be postmaster at Chamberlain, Brulé County, Territory of Dakota, *vice* John H. King, resigned, to take effect June 1, 1886.

J. J. L. Peel, to be postmaster at Spokane Falls, Spokane County, Territory of Washington, *vice* Sylvester Heath, commission expired.

FOR PROMOTION IN THE ARMY.

Third Regiment of Infantry.

Capt. George E. Head, to be major, April 20, 1886, *vice* Jordan, promoted to the Nineteenth Infantry.

First Lieut. John P. Thompson, to be captain, April 20, 1886, *vice* Head, promoted.

Second Lieut. Francis P. Tremont, to be first lieutenant, April 20, 1886, *vice* Thompson, promoted.

Eighth Regiment of Infantry.

First Lieut. Cyrus A. Earnest, regimental quartermaster, to be captain, April 19, 1886, *vice* Andrews, promoted to the Twenty-first Infantry.

EIGHTEENTH REGIMENT OF INFANTRY.

Lieut. Col. John E. York, of the Twenty-fourth Infantry, to be colonel, April 19, 1886, *vice* Ruger, appointed brigadier-general.

NINETEENTH REGIMENT OF INFANTRY.

Maj. William H. Jordan, of the Third Infantry, to be lieutenant-colonel, April 20, 1886, *vice* Bliss, promoted to the Twenty-fourth Infantry.

TWENTY-FIRST REGIMENT OF INFANTRY.

Capt. John N. Andrews, of the Eighth Infantry, to be major, April 19, 1886, *vice* Pearson, promoted to the Twenty-fourth Infantry.

TWENTY-THIRD REGIMENT OF INFANTRY.

Second Lieutenant Stephen O'Connor, to be first lieutenant, April 1, 1886, *vice* Bolton, appointed regimental adjutant.

TWENTY-FOURTH REGIMENT OF INFANTRY.

Lieut. Col. Zenas R. Bliss, of the Nineteenth Infantry, to be colonel, April 20, 1886, *vice* Potter, appointed brigadier-general.

Maj. Edward P. Pearson, of the Twenty-first Infantry, to be lieutenant-colonel, April 19, 1886, *vice* Yard, promoted to the Eighteenth Infantry.

CONFIRMATIONS.

Executive nomination confirmed by the Senate, April 12, 1886.

POSTMASTER.

E. Zimmerman, to be postmaster at Valparaiso, Porter County, Indiana.

Executive nominations confirmed by the Senate, April 21, 1886.

FOR APPOINTMENT IN THE ARMY OF THE UNITED STATES.

Capt. John W. Clous, of the Twenty-fourth Infantry, to be judge-advocate, with the rank of major, April 1, 1886.

FOR PROMOTION IN THE ARMY OF THE UNITED STATES, MEDICAL DEPARTMENT.

Col. Joseph B. Brown, surgeon, to be surgeon with the rank of colonel, January 24, 1886.

Major Anthony Heger, surgeon, to be surgeon with the rank of lieutenant-colonel, January 24, 1886.

ASSISTANT TREASURER OF THE UNITED STATES.

Samuel Flower, of Louisiana, to be assistant treasurer of the United States at New Orleans, La.

ASSAYER AND MELTER.

Robert P. Waring, of North Carolina, to be assayer and melter of the United States assay office at Charlotte, N. C.

GOVERNOR OF UTAH TERRITORY.

Caleb W. West, of Cynthiana, Ky., to be governor of Utah Territory.

REGISTER OF THE LAND OFFICE.

Cyrus P. Shepard, of Worthington, Minn., to be register of the land office at Worthington, Minn.

POSTMASTERS.

John D. Smith, to be postmaster at Bedford, Taylor County, Iowa.

T. M. Lynn, to be postmaster at Grundy Centre, Grundy County, Iowa.

Jason K. Wright, to be postmaster at Marinette, Marinette County, Wisconsin.

Josiah G. Dearborn, to be postmaster at Manchester, Hillsborough County, New Hampshire.

Sanford H. Potter, to be postmaster at White River Junction, Windsor County, Vermont.

Augustus F. Cummings, to be postmaster at Dedham, Norfolk County, Massachusetts.

James W. Rand, to be postmaster at Weymouth, Norfolk County, Massachusetts.

Charles W. Turner, to be postmaster at Middleborough, Plymouth County, Massachusetts.

James Burke, to be postmaster at Jeffersonville, Clark County, Indiana.

David Grafft, to be postmaster at Orleans, Harlan County, Nebraska.

Matthew Weismantle, to be postmaster at Naperville, Du Page County, Illinois.

T. J. Carroll, to be postmaster at Bunker Hill, Macoupin County, Illinois.

C. T. Marsh, to be postmaster at Oregon, Ogle County, Illinois.

Patrick Cain, to be postmaster at Fort Dodge, Webster County, Iowa.

James C. Allen, to be postmaster at Olney, Richland County, Illinois.

Thomas M. Ludlam, to be postmaster at Millville, Cumberland County, New Jersey.

P. B. Gavin, to be postmaster at Corning, Adams County, Iowa.

Marshall Birdsall, to be postmaster at Emporia, Lyon County, Kansas.

Oscar B. Harriman, to be postmaster at Hampton, Franklin County, Iowa.

COLLECTORS OF INTERNAL REVENUE.

D. Frank Bradley, of South Carolina, to be collector of internal revenue for the district of South Carolina.

The above confirmation was accompanied by the following report from the Committee on Finance; which was ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 871) of D. Frank Bradley, of South Carolina, to be collector of internal revenue for the district of South Carolina, in place of Ellery M. Brayton, suspended, and, so far as they have been able to obtain the information, they find that D. Frank Bradley is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of Ellery M. Brayton, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 18, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 17, 1886, asking whether or not "there are any charges on file against the official or moral character of Ellery M. Brayton, late collector of internal revenue for the district of South Carolina, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions.

But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary.*

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Bradley.

August H. Kuhlemeier, of Iowa, to be collector of internal revenue for the fourth district of Iowa.

The above confirmation was accompanied by the following report from the Committee on Finance; which was ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 851) of August H. Kuhlemeier, of Iowa, to be collector of internal revenue for the fourth district of Iowa, in place of John W. Burdette, suspended, and, so far as they have been able to obtain the information, they find that August H. Kuhlemeier is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of John W. Burdette, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 17, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of John W. Burdette, late collector of internal revenue for the fourth district of Iowa, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions.

But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary.*

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Kuhlemeier.

Robert W. Banks, of Mississippi, to be collector of internal revenue for the district of Mississippi.

The above confirmation was accompanied by the following report

from the Committee on Finance; which was ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 1297) of Robert W. Banks, of Mississippi, to be collector of internal revenue for the district of Mississippi, in place of James Hill, suspended, and, so far as they have been able to obtain the information, they find that Robert W. Banks is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of James Hill, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 19, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 17, 1886, asking whether or not "there are any charges on file against the official or moral character of James Hill, late collector of internal revenue for the district of Mississippi, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions.

But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary.*

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Banks.

William C. Thompson, of Iowa, to be collector of internal revenue for the second district of Iowa.

The above confirmation was accompanied by the following report from the Committee on Finance; which was ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 1290) of William C. Thompson, of Iowa, to be collector of internal revenue for the second district of Iowa in place of John W. Green, suspended, and, so far as they have been able to obtain the information, they find that William C. Thompson is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of John W. Green, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 17, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of John W. Green, late collector of internal revenue for the second district of Iowa, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions.

But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary.*

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Thompson.

Byron Webster, of Iowa, to be collector of internal revenue for the third district of Iowa.

The above confirmation was accompanied by the following report from the Committee on Finance; which was ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 1291) of Byron Webster, of Iowa, to be collector of internal revenue for the third district of Iowa, in place of James E. Simpson, suspended, and, so far as they have been able to obtain the information, they find that Byron Webster is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of James E. Simpson, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 17, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of James E. Simpson, late collector of internal revenue for the third district of Iowa, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions.

But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary.*

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Webster.

REJECTION.

Executive nomination rejected April 21, 1886.

Frank W. Beane, of Salt Lake City, Utah, to be register of the land office at Oxford, Idaho.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April* 27, 1886.

The House met at 12 o'clock m. Prayer by Rev. Dr. BULLOCK, of Washington.

On motion of Mr. BEACH, the reading of so much of the Journal of the proceedings of yesterday as related to the introduction of bills and resolutions was dispensed with. The remainder of the Journal was read and approved.

FRENCH SPOLIATIONS.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

I transmit herewith a communication from the Secretary of State, accompanied by a report of Mr. Somerville P. Tuck, appointed to carry out certain provisions of section 5 of an act entitled "An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801," approved January 20, 1885.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, D. C., April 26, 1886.

PAUL BONAVERIS VS. THE DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting a letter from the Commissioners of the District of Columbia submitting an estimate of an appropriation to pay judgment in the case of Paul Bonaveris *vs.* The District of Columbia; which was referred to the Committee on the District of Columbia, and ordered to be printed.

YTURBIDE LAND CLAIM, NEW MEXICO.

The SPEAKER also laid before the House a letter from the acting Secretary of the Interior, transmitting a report of the surveyor-general of New Mexico upon the private land claim of Santa Tomas de Yturbide, No. 139, New Mexico; also report of the present surveyor-general upon the same; which was referred to the Committee on Private Land Claims, and ordered to be printed.

CLAIMS NOT PROVIDED FOR.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting, in response to a resolution of the House, a list of claims allowed by the accounting officers of the Treasury for which appropriations have not been made, with reports of War and Navy and Post-Office Departments, claims by the Second Comptroller and Sixth Auditor, respectively; which was referred to the Committee on Appropriations, and ordered to be printed.

AGRICULTURAL CHEMISTRY.

The SPEAKER also laid before the House a letter from the Commissioner of Agriculture, transmitting, in response to a resolution of the House, a statement showing the amount expended for chemical division in the laboratory from the appropriation for the present fiscal year and the balance unexpended; which was referred to the Committee on Agriculture, and ordered to be printed.

CONTINGENT BUREAU OF ORDNANCE.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Secretary of the Navy, with inclosure, asking an appropriation to supply deficiency in the appropriation for contingent, Bureau of Ordnance, for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

TREASURY CUSTODIANS AND JANITORS.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, submitting an amended estimate of an appropriation for pay of assistant custodians and janitors to supply deficiency in the appropriation for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

LEAVENWORTH MILITARY PRISON.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a letter from the Adjutant-General, and recommending that authority be given to use the surplus of appropriation for the Leavenworth military prison for the current fiscal year to make up deficiencies in other items; which was referred to the Committee on Appropriations, and ordered to be printed.

CABLE AT BUCK ISLAND BAY.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the Chief Signal Officer in regard to the submarine cable at Buck Island Bay; which was referred to the Committee on Appropriations, and ordered to be printed.

SARAH E. MENDENHALL.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting copy of order and findings of fact by the court in the case of Sarah E. Mendenhall, administratrix, *vs.* The United States; which was referred to the Committee on War Claims.

ROBERT H. WALTON.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting copy of order and findings of fact by the court in the case of Robert H. Walton *vs.* The United States; which was referred to the Committee on War Claims.

SARAH M'FERRIN.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting copy of order and findings of fact by the court in the case of Sarah McFerrin *vs.* The United States; which was referred to the Committee on War Claims.

JOHN M. CAMPBELL.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting copy of order and findings of fact by the court in the case of John M. Campbell *vs.* The United States; which was referred to the Committee on War Claims.

JAMES C. JENKINS.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting copy of order and findings of fact by the court in the case of James C. Jenkins *vs.* The United States; which was referred to the Committee on War Claims.

SECTION 3336 REVISED STATUTES.

The SPEAKER also laid before the House the bill (H. R. 444) to amend section 3336 of the Revised Statutes of the United States (the bill having been returned from the Senate with an amendment).

Mr. BRECKINRIDGE, of Kentucky. I am directed by the Committee on Ways and Means to ask that this amendment of the Senate be taken up and concurred in.

The amendment was read, as follows:

In line 17, after the word "bond," insert "once in four years and."

There being no objection, the House proceeded to consider the amendment of the Senate; which was concurred in.

Mr. BRECKINRIDGE, of Kentucky, moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COURT OF ALABAMA CLAIMS.

The SPEAKER also laid before the House the bill (S. 2239) extending the time for the completion of the records of the clerk of the Court of Commissioners of Alabama Claims and the transfer of the same to the Department of State; which was read a first and second time.

Mr. COLLINS. I am directed by the Committee on the Judiciary to ask unanimous consent that this bill be now taken up and passed. It is necessary that it should become a law before this month expires, in order to insure the winding up of the business of this court.

The bill was read, as follows:

Be it enacted, &c., That the powers of the clerk of the late Court of Commissioners of Alabama Claims, as extended by section 2 of the act of Congress relating thereto, approved June 3, 1884, be, and they hereby are, extended for an additional period, not to exceed two months from and after the 30th day of April, 1886, for the purpose of closing up the business of his office, and for depositing the records, documents, and all other papers of the court or its officers in the office of the Secretary of State, as provided in the act re-establishing said court and the act therein referred to, and said clerk is hereby authorized to employ such assistants as he may deem necessary for the purpose of enabling him to carry into effect the provisions of this act, not to exceed in number those heretofore employed, said assistants to be paid monthly, at the same rate of compensation heretofore paid them, on vouchers certified by said clerk, under the direction of the Secretary of State, from said Geneva award fund; and all disbursements shall be made by said clerk, under the direction of the Secretary of State.

The SPEAKER. Is there any objection to the present consideration of this bill?

Mr. RANDALL. I think we should have some explanatory statement in regard to this measure.

Mr. HOLMAN. It is desirable to know whether we have now reached a point where the expenses of this court are to be paid out of the Treasury instead of being paid out of the Geneva award fund.

Mr. COLLINS. The expenses are to be paid out of that fund.

The SPEAKER. If there be no objection the gentleman from Massachusetts can make a brief explanation before the request for the consideration of the bill is submitted. The Chair hears no objection.

Mr. COLLINS. The act of 1882 re-establishing this Court of Alabama Claims requires that the record be made up by the clerk and transmitted to the Secretary of State, and that the moneys be paid by the accounting officers of the Treasury upon the report of the Secretary of State. It is physically impossible to complete the record and transmit the papers within the time now limited by law. This bill is identical with the first section of a bill which passed this House unanimously a few weeks ago. The Senate is now engaged in the discussion of the other provisions of that bill. The creditors of this fund desire the passage of this measure. It is utterly impossible to close up the business of the court unless this additional time be given.

Mr. HOLMAN. I ask that the last clause of the bill in regard to the payment of these employés be again read.

The Clerk read the provision referred to.

Mr. HOLMAN. Inasmuch as the expenses under this bill are to be paid out of the Geneva award fund, I do not know that I care to object.

Mr. RANDALL. But why should Congress unnecessarily continue clerks to be paid out of a fund which does not belong to the Government of the United States?

Mr. COLLINS. The continuance of these clerks for the time prescribed is necessary; and they ought to be paid out of the fund, not out of the Treasury.

Mr. RANDALL. When is this organization to cease?

Mr. COLLINS. The last day of June.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to a third reading, read the third time, and passed.

Mr. COLLINS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted in the following cases:

To Mr. GREEN, of North Carolina, for ten days, on account of important business.

To Mr. HAYDEN, to attend to important business.

To Mr. DORSEY, for ten days, on account of important business.

RAILROAD IN MICHIGAN.

Mr. VAN EATON, from the Committee on the Public Lands, by unanimous consent, was granted leave to file the views of the minority on the bill (H. R. 8104) to forfeit lands granted to the State of Michigan to aid in the construction of a railroad from Marquettee to Ontonagon, in said State; and the same was ordered to be printed with the majority report.

CHANGE OF REFERENCE.

The SPEAKER. The gentleman from New Hampshire [Mr. GALLINGER] states that on the 15th of December last he presented a petition of Jacob F. Chandler and others, concerning unpaid balances and bounties, &c., which was referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay. No such committee was authorized at the present session, and if there be no objection it will be referred to the Committee on War Claims.

There was no objection, and it was ordered accordingly.

BUSINESS OF THE COMMITTEE ON MILITARY AFFAIRS.

Mr. STEELE. I ask, by unanimous consent, Mr. Speaker, to call up for present consideration the resolution in reference to the business of the Committee on Military Affairs.

The SPEAKER. The resolution will be read subject to objection.

The Clerk read as follows:

Mr. BRAGG submitted the following resolution:

"*Resolved*, That Tuesday and Wednesday (4th and 5th of May next), after the expiration of the morning hour on each of such days, be, and are hereby, set apart for the consideration of such general bills as may then be upon the Calendars of the House reported from the Committee on Military Affairs—considera-

tion to be in the order designated by the committee, and not to interfere with general appropriation bills."

Mr. BLOUNT. I must object to that resolution unless there is added to it a provision that it is not to interfere with prior orders.

Mr. STEELE. I will modify the resolution in that way—that if we can not have a day, we shall have an evening session on each of those days.

Mr. BLOUNT. I do not object to the resolution if it be modified as I have suggested.

Mr. HENLEY. Let me inquire, Mr. Speaker, whether the resolution covers the case of non-interference with land-grant-forfeiture bills?

Mr. CUTCHEON. All prior orders are excluded.

Mr. HENLEY. If it does not interfere with those forfeiture bills I do not object.

The SPEAKER. The Chair hears no objection.

Mr. HENLEY. Yes; I object.

Mr. STEELE. The gentleman is too late with his objection.

Mr. HENLEY. The case of the forfeiture of land grants is provided for by amendment to the rules.

Mr. STEELE. We do not propose to interfere with those prior orders.

The SPEAKER. It is not a permanent amendment to the rules, but only an amendment directing the order of business during this session. The Chair hears no objection, and the resolution is before the House.

Mr. STEELE. I move the following amendment.

The Clerk read as follows:

And that a recess be had at 5 o'clock p. m. to 7 o'clock and 30 minutes p. m. on each of said days, and one evening session had to be devoted to said purpose.

Mr. MORRISON. I object.

The SPEAKER. The resolution is before the House, and the gentleman from Indiana has the right to move the amendment which has just been read.

Mr. STEELE. I think the Clerk read it "evening sessions;" it ought to be one evening session, and not "evening sessions."

The amendment was agreed to.

The resolution as amended was adopted.

Mr. STEELE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

LEVI JONES.

Mr. JOHNSTON, of North Carolina. I move, by unanimous consent, Mr. Speaker, to discharge the Committee of the Whole House on the Private Calendar from the further consideration of the bill (H. R. 4629) for the relief of Levi Jones, and that it be put upon its passage.

There was no objection; and the bill was taken up and read, as follows:

Be it enacted, &c., That the Paymaster-General is hereby directed to pay Levi Jones, late first lieutenant of Company B, Second North Carolina Mounted Infantry, out of any money appropriated for the pay of the Army, the full pay and allowances of a first lieutenant of infantry from the 1st day of October, 1863, to the 1st day of May, 1864.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. JOHNSTON, of North Carolina, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALIENS HOLDING PROPERTY.

Mr. BENNETT (by Mr. OATES, of Alabama), by unanimous consent, from the Committee on the Judiciary, reported back adversely the bill (H. R. 3183) to prohibit aliens from acquiring title to or owning lands within the United States of America; which was referred to the House Calendar, and ordered to be printed.

Mr. OATES, by unanimous consent, presented the views of the minority; which were ordered to be printed with the report of the majority.

QUESTION OF PERSONAL PRIVILEGE.

Mr. FORAN. Mr. Speaker, I rise to a question of personal privilege, and send to the Clerk's desk a marked paragraph which appeared in the Cleveland Press, which I ask the Clerk to read.

The Clerk read as follows:

FORAN denies that in the House committee he expressed a desire that the labor troubles should be settled in blood. O'NEILL swears that FORAN did express these sentiments.

D. S. B.

Mr. FORAN. I never knew, Mr. Speaker, that I was such a bloodthirsty individual as I am by this paragraph made to appear. It contains a very grave charge. I am charged with having expressed in the House Committee on Labor the sentiment that I desired, that I wanted, that I wished the labor troubles now disturbing this country should be settled by the shedding of blood, by murder, by rapine, everything that this sanguinary language implies.

It is true the reporter for this paper, Mr. Barry, said that I denied having made the statement; but he also alleges that the gentleman from Missouri [Mr. O'NEILL] swears that I did utter these sentiments. I suppose, Mr. Speaker, that these words, telegraphed by this reporter to the paper he represents, and no doubt in perfect good faith, were inspired by some remarks made by the gentleman from Missouri [Mr. O'NEILL] in the House, and which do more credit to the impetuosity of his temperament than to the maturity of his judgment, during the debate upon the Crain arbitration bill, and I will send to the Clerk's desk what the gentleman then said on April 3 on the floor of this House.

The Clerk read as follows:

I see men on this floor pretending to represent labor organizations, who stand back and say, "We favor neither compulsory arbitration nor voluntary arbitration," I say they are men who know in their hearts that their true sentiment is that these issues can only be settled by blood. That is their judgment, and they have so stated.

Mr. FORAN. Mr. Speaker, the gentleman who made these remarks admitted the following day in the committee that he alluded to myself; and he subsequently promised to make such correction upon the floor of the House as would be proper and honorable in the premises, having been assured and apparently satisfied that he was mistaken in the statement. He said in committee that he did not base his statement upon remarks I had made, or upon anything that had occurred in the Committee on Labor, but upon statements made to him outside the committee, and, as I was afterward informed by the gentleman, by a newspaper correspondent who goes by the name and under the title of Judge Noah. This legal and law-learned gentleman is, I believe, the reporter of the Chicago Herald. I addressed this ark of truth [laughter] a letter, and he says in reply, in a letter dated April 10, among other things, what I now read:

Your first note, requesting me to answer whether I had stated to Mr. O'NEILL that you had said to me that "the only solution of the labor problem was the shedding of blood," was a proper inquiry, and I replied, so soon as it was received, that you had not employed that language, and that I had not so stated to Mr. O'NEILL, detailing what you did state in my presence.

What Judge Noah claims I did say may be gleaned from a letter received from him April 15, from which I read:

No. 1420 NEW YORK AVENUE, *Washington, April* 15, 1886.

Hon. M. A. FORAN, *M. C.*:

SIR: I have yours of the 13th to-day. I wish you to distinctly understand that at no time and under no circumstances did I ever attribute to you the desire or expressed wish that bloodshed should follow, by reason of your remark that the only solution of the labor difficulties was to "let them fight it out." It was my conclusion, not yours, that "fighting it out" might result in violence and bloodshed. This I have previously sought to convey to you, and I am not satisfied to be placed in a false position. I did not so state to Mr. O'NEILL, nor have I ever charged to anybody that "bloodshed" underlaid your proposition to let the parties "fight it out." The inference was Mr. O'NEILL's. I drew no inference, save in respect to the troubles in Texas.

I have no recollection of having used in committee the language, "Let them fight it out;" but if I did, the language was used in the same sense in which I would use the words if I said there was a fight in this House over the passage of a bill; not in any sense that could possibly imply violence. However, I concluded to let the matter drop. I did not intend to give it any attention whatever, and for the simple reason that I believed the members of this House were well informed and acquainted with the peculiar and salient characteristics of the gentleman from Missouri, who is, upon the whole, a pretty good fellow, but who by nature is somewhat mercurial in his disposition, and is sometimes carried, unintentionally, perhaps, beyond the point which he intends and aims to reach. A good deal like a good base-runner, he is so anxious to score a home run, that he keeps on running, forging ahead, and bounds along in wild, impetuous flight from base to base, even after the umpire has cried out, "Foul ball!" [Laughter.] So I paid no attention to the matter at all until the press of my city and district published his statement, which publication made it worse than the original—a good deal like the story of the three black crows.

The first statement, the one made by the gentleman from Missouri [Mr. O'NEILL], that I had said that the only solution of the labor problem was the shedding of blood, when it got to Cleveland, my home, became enlarged to the extent that I desired and wanted to see bloodshed in the settlement of labor troubles. I then stated to the gentleman from Missouri, in view of these publications, that some statement or correction ought to be made, and told him that I would rise in my seat on the following morning, that being Monday, immediately after the Journal was read and approved. But the gentleman was not in his seat on Tuesday morning after the Journal had been approved. I met him again the next day. He said that he had some business in New York, and would not be back until Wednesday.

I said then that Wednesday would satisfy my purpose just as well. On Wednesday, however, he was not here. Then I stated to him when I saw him that Friday or Saturday would do; but I understand the gentleman got sick, for he was not here on either of those days. I then concluded to drop the matter entirely, but some gentleman outside, I think a reporter for the New York World, asked me why I did not make a statement which would go to the whole country in justice to myself. I replied that the gentleman from Missouri [Mr. O'NEILL] did not seem disposed to give me the opportunity. That statement, to my regret and surprise, was published in the New York World.

Nobody could be more concerned than I was about its publication, for there is no man upon this floor or elsewhere who has less desire for newspaper notoriety than I, or who says less to reporters about his colleagues than I do. In fact, I give newspaper correspondents a wide

berth at all times. [Laughter.] As I have already said, I concluded to let the matter drop; but on yesterday morning some anonymous coward (I think I know the handwriting, although I am not sure) sent me this slip, which I understand is taken from the Missouri Republican); I am so informed and believe, though I am not positive. It was torn off just as you see it and inclosed in an envelope, and sent to me, without signature or other evidence to disclose the identity of the generous, manly sender.

I will read:

The basis of FORAN's complaint is to be found in the following passage in the course of O'NEILL's remarks on March 31: "When I see men on this floor who stand back and say, 'We favor neither compulsory arbitration nor voluntary arbitration,' they are men who in their own hearts believe that these issues can only be settled by blood." He turned and looked directly at FORAN as he said this, and everybody knew that FORAN was the target shot at.

I did not see the gentleman look at me at the time. I suppose if he had looked at me I would have wilted and melted away. [Laughter.]

But I read further:

One of the Cleveland papers rubbed it in by referring directly to him by name, and it is his understood purpose to repudiate the sentiments attributed to him. That is where the fun will begin, as it seems to be pretty well established that O'NEILL spoke by the card and that he has armed himself with documentary evidences to confirm his declaration if it is called in question to-morrow.

Now, I desire to say, Mr. Speaker, that neither in committee nor out of committee, in this House nor outside of this House, have I ever uttered a sentence or a word that could be tortured or twisted into any such construction as that. And if the gentleman from Missouri has documentary evidence to confirm these statements I would like to have it presented now. This is the time, the accepted time. I pause for a reply.

Mr. O'NEILL, of Missouri. The gentleman from Missouri will take the floor when the gentleman from Ohio gets through.

Mr. FORAN. The gentleman from Missouri perhaps after all wants to act the part of the old woman, and have the last word. [Laughter.] All right; he can enact that rôle; it suits him.

Mr. O'NEILL, of Missouri. I have been waiting a long time to get a word from you.

Mr. FORAN. Very well. I desire to offer my apology to the gentleman from Missouri for having said anything to a newspaper reporter that would indicate that he was not disposed to give me an opportunity to set myself right on this question. I did not know that he was sick. But I find in the New York Star of April 17, and this is the basis of my apology, the following:

His greatest effort in Congress was the passage of the arbitration bill, which has of late brought him so prominently before the public. Mr. O'NEILL is not more than forty years old, and is tall and slender, with a very graceful carriage.

[Laughter.]

Mr. O'NEILL, of Missouri. Read it all. There are some very good points in it. [Laughter.]

Mr. FORAN. I will read it all.

One of the Congressman's old Saint Louis friends visited him yesterday afternoon and found him completely exhausted—

I was not aware of that—

His eyes were sunk far back in his head and his face was pale. "It is simply overwork," he said, "and I had to give up. I quietly stole away from Washington that I might seek rest and quiet. When I came here I intended to take the boat to Boston, but I was not feeling strong enough. I hope to go to-morrow. I have not been even able to read the morning papers. The work of getting my bill through Congress required a great effort. It called for all my energy, and now a reaction has set in."

[Great laughter.]

The gentleman from Texas [Mr. CRAIN], who wrote the bill and who is its author and who really engineered it through the House, did not break down. He was around as usual the days following this terrible strain.

"My bill?" What says the gentleman from Texas to that? "*My bill!*"

How big was Alexander, pa,
That people called him great?

[Laughter.]

If I had known the gentleman was so much indisposed—that he was so badly afflicted with malaria—I would not have made the remark I did to the gentleman I have referred to, and I did not intend it to be published at the time. I know the effort by the gentleman was a very great one. Some weeks ago he came over here from New York, where he had been, with an arbitration bill which he said had been written by Judge Christy, of this city—a compulsory one—in his pocket, believing, as Victor Hugo said of the battle of Waterloo, that it would effect a change of front of the universe. [Laughter.]

But there has been no change of front yet. The planets have been whirling along through space just the same as they have always done. [Laughter.]

Now I desire to say, Mr. Speaker, that I never made use of these remarks, and the statement that I did was wholly gratuitous and as false as it was unmanly and ungenerous. I desire to further say that any gentleman upon this floor who would say that he believed the only solution of the labor problem was in the shedding of blood would be an idiot. He certainly could never have studied the problem, and the man who would say he desired to see the labor problem or the labor troubles of this country settled by the shedding of blood would be unworthy of the confidence of an intelligent constituency and unfit to hold a seat on the floor of this House. [Applause.] And I say this with all due deference to my friend from Illinois [Mr. LAWLER], who desired—did not desire, but thought perhaps it might be a good thing if Jay Gould was hanged to a lamp-post without trial by judge or jury or even benefit of clergy [laughter]; for I do not believe the gentleman from Illinois meant that. And I desire to say that when I made that statement I did not mean any reflection, so far as he is concerned, for, though he too is somewhat mercurial, I believe he is a man of honest intentions and good motives.

But there is something else in this slip from the Saint Louis paper which I might as well read. Let me say right here that Mr. Barry, who penned the paragraph he sent to the Cleveland Press, in answer to a personal request made by me, said he derived his information from a reporter of a Saint Louis paper, whose name I afterward learned was Mr. Knapp, and this gentleman stated to Mr. Barry that he got it directly from Mr. O'NEILL, and from whom he claims he obtains all that transpires in the Committee on Labor.

Mr. Knapp is, I suppose, the author of the allusions in the Missouri Republican which I have just read, and which were no doubt inspired by the gentleman from Missouri [Mr. O'NEILL].

Before I pass on I desire to now say if there is a gentleman on the Committee on Labor now on the floor who ever heard me make use of the language imputed to me by the gentleman from Missouri [Mr. O'NEILL] let him rise now and state it. I ask him to do it as a matter of justice. If any of my colleagues ever heard me make such a statement, I want them to rise now and so state to this House. I pause for a reply.

There is no reply. I again ask if any gentleman on this floor ever heard me say the only solution of the labor problem was the shedding of blood, or that I desired to see this problem solved by shedding blood, let him state it. I pause again for a reply. There is none.

But the Saint Louis paper says:

FORAN has been playing a very ugly part ever since he failed to secure the chairmanship of the Labor Committee, while O'NEILL has done all that was possible to avoid difficulty with him.

This statement has been made several times before, and I now submit to my colleagues upon the Committee on Labor whether my conduct there has not been in all respects that of a gentleman. I submit that question to my colleagues on the committee. There has been friction in that committee, but it arose from causes which would exist if I had left the committee or were not upon it. The other gentlemen of that committee, as well as myself, have been subjected to petty tyrannies and little annoyances which could only spring from the uncultured mind of a small man in accidental authority. [Laughter.]

"Why, man, he doth bestride the narrow world like a Colossus, and we petty men [of the committee] walk between his huge legs and peep about to find ourselves dishonorable graves." [Renewed laughter.] I can almost hear him exclaim:

Great and high
The world knows only two—that's Rome and I.
My roof receives me not; 'tis air I tread,
And at each step I feel my advanced head
Knock out a star in heaven.

[Laughter.]

It is perhaps owing to some idiosyncrasy of the gentleman. I am willing to give him all the credit possible, and undoubtedly when he made the statement that I had said I wanted these labor troubles settled by the shedding of blood, the weight of this whole Southwestern difficulty pressed so heavily upon him that he could not sleep, and in his mind's eye he saw "fierce fiery warriors fight upon the clouds in ranks and squadrons and right front of war which drizzled blood upon the Capitol." [Great laughter.]

In his fervid imagination "the graves stood tenantless, and the sheeted dead did squeak and gibber in Saint Louis streets." [Renewed laughter.] I have asked the gentleman if he has his documentary evidence to produce it. It has not been produced. I do not know—it may perhaps be from my training as a lawyer—but I think I ought to have an opportunity to reply to it now, and therefore I again ask that it be produced. Having denied that I ever made use of any such remark as he has attributed to me, and the assertion being made in this newspaper which circulates in the gentleman's district that there is documentary evidence to the contrary of what I have stated, I would like to have that evidence produced. Let us have it now.

Mr. O'NEILL, of Missouri. Suppose you read the balance of that letter from Judge Noah.

Mr. FORAN. I will read it. Judge Noah says:

I have yours of the 13th to-day. I wish you to distinctly understand that at no time and under no circumstances did I ever attribute to you the desire or expressed wish that bloodshed would follow by reason of your remark that the only solution of the labor difficulties was to "let them fight it out."

That is what Judge Noah says I said in committee—"let them fight it out." Perhaps I did say that; but, as I have already said, every gentleman knows the sense in which it was used.

Mr. O'NEILL, of Missouri. I have a letter here from Judge Noah that I will ask the Clerk to read.

The SPEAKER. The gentleman from Ohio [Mr. FORAN] has the floor.

Mr. O'NEILL, of Missouri. He desired the evidence to be produced. It is merely as a matter of courtesy to him that I offer to have this letter read now. That is all.

The SPEAKER. If the gentleman from Ohio [Mr. FORAN] yields the letter may be read.

Mr. FORAN. I will yield for that purpose, Mr. Speaker, willingly.

The Clerk read as follows:

No. 1420 NEW YORK AVENUE, *Washington, April* 21, 1886.

DEAR SIR: In reply to your favor of this date, in which you state that "prior to the consideration of the arbitration bill, in a conversation with you [me], I understood you to state to me that Mr. FORAN had stated to you that he thought the only manner in which conflicts between labor and capital could be settled was by their fighting it out, and that you replied this presupposed bloodshed, to which response he said nothing," and inquiring "whether this is correct?" I beg to say, that in a desultory conversation with you at Willard's Hotel, concerning the merits of the various arbitration bills pending before the House Labor Committee, I narrated to you, as chairman of that committee, what had taken place when I was given a hearing by the committee on that subject (at which hearing you were absent), and then stated to you that Mr. FORAN had taken the position broadly in committee that no legislation by Congress would be effectual to put an end to or ameliorate labor strikes, and that the only solution of the trouble was to let them fight it out. I also stated to you on that occasion that I replied to Mr. FORAN'S view by calling attention to the fact that fighting it out might presuppose violence and bloodshed, and that Mr. FORAN made no reply thereto save to repeat that no legislation could accomplish any good, and that the only way was to let them fight it out. This is what I stated to you on that occasion in narration of what had occurred in the Committee on Labor.

Very truly, yours,

J. J. NOAH.

Hon. J. J. O'NEILL,
House of Representatives.

Mr. FORAN. That is from the first of Noah. I have something from the second of Noah. But first, is this documentary evidence?

Mr. BEACH. Mr. Speaker, I rise to a point of order. I fail to see that there is any question of privilege in this matter. [Cries of "Oh!" "Oh!"]

The SPEAKER. The gentleman from New York [Mr. BEACH] raises the point that this is not a matter of privilege. The Chair thinks that nothing has been disclosed so far beyond a misunderstanding between two gentlemen as to the opinion expressed by one of them.

Mr. HENLEY. I hope it will not be settled in blood. [Laughter.]

The SPEAKER. The gentleman from Ohio [Mr. FORAN] is simply making a personal explanation. It is not a matter of privilege under the rules of the House, and the gentleman can proceed only by unanimous consent.

Mr. COLLINS. Mr. Speaker, I ask unanimous consent that the gentlemen from Ohio [Mr. FORAN] be permitted to finish his statement.

Mr. BEACH. I object. [Cries of "Oh!" Oh!"]

Mr. FORAN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FORAN. If one gentleman says of another in this House that he desires to see people killed—murdered—that he desires bloodshed, and all that implies, does not that affect the gentleman to whom the remark is attributed in his representative capacity?

The SPEAKER. The Chair did not understand that the gentleman from Missouri had stated on the floor of the House that the gentleman from Ohio desired to see people killed or desired to see bloodshed, but the gentleman from Missouri said on the floor, according to the extract which has been read, that there were some gentlemen who in their hearts believed this matter could only be settled or ought to be settled by blood. The Chair, however, fails to see——

Mr. FORAN. If the Chair will read further he will see the gentleman said they had so stated.

The SPEAKER. But even if that be true the Chair fails to see how that affects the rights or reputation of the gentleman from Ohio in his representative capacity. Any charge against the gentleman as a member of the House, for instance, that he had been bribed to give a certain vote or not to give a certain vote, that he had been influenced by any improper motives in giving or not giving a certain vote as a Representative on the floor—any charges of that character affecting a gentleman's reputation and standing as a member of the House are quite different from remarks which merely attribute individual opinions to a gentleman on the floor.

Mr. REAGAN. If a general charge were made on the floor, and afterward in the public prints the member who made that general charge gives it definite shape so as to refer to a particular member, would not that state of the case modify the ruling of the Chair on this subject?

The SPEAKER. The Chair will cause to be read the rule. The gentleman from Texas [Mr. REAGAN] must bear in mind that there has been no charge made or intimated that the gentleman from Ohio, as a Representative, has taken action on the floor or elsewhere for the purpose of producing bloodshed or to have this matter settled by bloodshed. There has simply been attributed to him an opinion that it could only be settled in that way.

Mr. REAGAN. But a charge having been made on the floor that certain members had expressed a desire that the question be settled by bloodshed, and the member who made that general statement having afterwards, by language outside of the House, given it specific reference to a particular member, does not such a case present a question of privilege?

The SPEAKER. That would be merely attributing to the member an expression of opinion or desire, which the Chair thinks would be a very proper subject for a personal explanation for the purpose of disclaiming any such opinion or purpose, but it does not constitute a question of privilege under the rules of the House. Erroneous opinions are very often attributed to members.

Mr. COLLINS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COLLINS. If I make the charge now against the gentleman from Ohio, may he rise to a personal explanation and finish his remarks?

The SPEAKER. What is the question of the gentleman from massachusetts?

Mr. COLLINS. Suppose I make the charge now against the gentleman from Ohio, may he rise to a personal explanation?

The SPEAKER. The Chair has already stated that this would seem to be a very proper subject for a personal explanation for the purpose of disclaiming any such opinions or motives as have been attributed; but it is not a question of privilege under the rules of the House.

Mr. COLLINS. Well, Mr. Speaker, for the purpose of allowing the gentleman from Ohio to finish his remarks, I make any necessary charge against him in his representative capacity. [Great laughter.]

Mr. MORRISON. The gentleman from Ohio has put in his disclaimer in advance. I call for the regular order.

The SPEAKER. The gentleman from Illinois demands the regular order, which is the call of committees for reports.

Mr. O'NEILL, of Missouri. Mr. Chairman, I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. O'NEILL, of Missouri. My question of privilege is this: I have been charged by the gentleman from Ohio with an abuse of my position as chairman of that committee in exercising a tyranny over the members of the committee. I am also charged in the public press, the charge being directly traced to the gentleman from Ohio, with having abandoned my position here as a member of Congress and left the city, for the purpose of preventing him from making a certain explanation. That certainly involves my character as a member of this House; and under all the circumstances I am certainly entitled to the privilege of being heard.

The SPEAKER. The Chair thinks that if the gentleman from Ohio has charged the gentleman from Missouri with an abuse of his power or influence as chairman of the committee, it would present a question of privilege.

Mr. FORAN. I have made no such charge.

Mr. O'NEILL, of Missouri. The gentleman has stated here that the grievances in that committee would exist, even if he left it; that they arose from the tyranny of one who, "dressed with a little brief authority," exercised it over those members. Who else than the chairman of a committee has such authority over the members of the committee?

Mr. FORAN. I ask that the words be read.

Mr. O'NEILL, of Missouri. Now, I ask for fair play. I do not propose to be treated in this sort of way.

The SPEAKER. The language of the gentleman from Ohio will be read, so that the Chair may ascertain what his remarks were.

Mr. FORAN. I have been endeavoring to keep myself within the parliamentary rule, and I think I can do it.

Mr. BRAGG. Will it be in order to settle this vexed question by referring it to the Committee on Labor for arbitration? [Laughter.]

Mr. O'NEILL, of Missouri. I ask unanimous consent to occupy the floor for ten minutes.

The SPEAKER. The gentleman from Missouri asks unanimous consent to occupy the floor for ten minutes to make a personal explanation. Is there objection?

Mr. SPRINGER. After which, I give notice, I shall call for the regular order. That is fair play.

The SPEAKER. If there be no objection, the gentleman from Missouri will proceed.

There was no objection.

Mr. O'NEILL, of Missouri. Mr. Speaker, on the Monday following the delivery of the speech of which the gentleman complains he brought this matter up in the committee; and, as he has stated, he asked me if I referred to him. I assured him that I did. A discussion in that committee developed the fact that other members of the committee understood him the same as I did.

Mr. FORAN. I deny that.

Mr. O'NEILL, of Missouri. I refer to Mr. DANIEL, of Virginia.

Mr. FORAN. He will not say so.

Mr. O'NEILL, of Missouri (addressing Mr. DANIEL). I understood you to say that you so understood. Is not that so?

Mr. DANIEL. Am I permitted to reply?

The SPEAKER. If the gentleman from Missouri yields for that purpose.

Mr. O'NEILL, of Missouri. I have asked the gentleman to answer the question if he will be kind enough to do so.

Mr. DANIEL. Then, Mr. Speaker, I beg leave to say that when this matter was called up——

Mr. BRECKINRIDGE, of Kentucky. Before the gentleman from Virginia takes sides——

Mr. DANIEL. I am not taking sides.

Mr. BRECKINRIDGE, of Kentucky. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. BRECKINRIDGE, of Kentucky. That the proceedings in the committee-room are not proper subjects for revelation on the floor of the House or discussion; and, as affecting not only this matter but all other matters of public concern in connection with the legislation of this body, I must object.

The SPEAKER. The Chair does not understand the gentleman from Missouri to call upon the gentleman from Virginia to disclose any proceedings of the committee, but simply to state what he understood to be the position of the gentleman from Ohio on the point in controversy.

Mr. BRECKINRIDGE, of Kentucky. I understood the gentleman from Missouri to say that this matter came up in the committee-room, and in that committee-room a discussion arose on the subject, in which discussion certain matters were developed; and if I have misunderstood him in that respect, I beg pardon for having interrupted him.

The SPEAKER. The Chair thinks that it is not in order to disclose upon the floor of the House any discussion or proceedings in the committee-room; but the Chair does not know what statement the gentleman from Virginia is to make, and of course can not rule upon it in the absence of such knowledge.

Mr. BRECKINRIDGE, of Kentucky. The point is upon the utterance of the gentleman from Missouri himself, in which I understood him to say that at the meeting of the committee, where this matter was discussed, certain things were developed.

Mr. O'NEILL, of Missouri. This does not come out of my time, I hope.

The SPEAKER. The Chair understood the gentleman from Missouri to ask as to what was the understanding of gentlemen who were present as to certain personal remarks of the gentleman from Ohio.

Mr. BRECKINRIDGE, of Kentucky. But in the committee, as I understand it.

The SPEAKER. Not as to what actually transpired in the committee as a part of the public business, but simply to state what he understood was the position of the gentleman from Ohio on a certain question. The Chair does not think that that would be a disclosure of the proceedings of the committee if made to that extent.

Mr. DANIEL. Mr. Speaker, as I have been referred to, I desire simply to make this statement in justice to the gentlemen in question, as well as in justice to myself: this matter was alluded to in my presence and in the presence of the gentleman from Ohio [Mr. FORAN], and gentlemen who were present were called on, or rather it was suggested to them, to state what their understanding was of the matter.

I state this: That upon hearing the remarks of the gentleman from Ohio they had made the same impression upon my mind that they seemed to have made upon the gentleman from Missouri; but that on hearing the gentleman from Ohio state what he had said and on my memory being revived as to the question, I remembered that he had said exactly what he then related himself to have said; and it was an impression on my mind, and not the repetition of the gentleman or that he was accurate, as I distinctly remembered in repeating the language that he had used.

Mr. O'NEILL, of Missouri. After the meeting of the committee I met the gentleman from Ohio [Mr. FORAN] on the floor and he again referred to the subject. I said very frankly that I had no desire to let him remain in the position in which he was, and I would do cheerfully all that I could toward placing him in the position he wanted to be in. At his instance I wrote out for the CONGRESSIONAL RECORD a change in the words which I had used, and gave them to the Official Reporters for insertion. The words were changed by himself and are there in the permanent RECORD. As delivered in the House on April 3, and so reported, they were as follows:

> And when I see men on this floor pretending to represent labor organizations, who stand back and say, "We favor neither compulsory arbitration nor voluntary arbitration," I say they are men who know in their hearts that their true sentiment is that these issues can only be settled by blood.—*Daily Record*, page 3061.

The reference to "men pretending to represent labor organizations" was understood by the gentleman from Ohio to refer to himself, and therefore, at his suggestion, I struck this out first, and in the permanent RECORD the corrected sentence reads as follows:

> And I see men on this floor who stand back and say "we favor neither compulsory arbitration nor voluntary arbitration;" who say, "these issues can not be aided by law, but may eventually have to be settled by the shedding of blood."—Page 3036 of the permanent RECORD.

Mr. FORAN. I never agreed to any such statement.

Mr. O'NEILL, of Missouri. Why, you put these words in yourself.

Mr. FORAN. The gentleman is mistaken.

Mr. O'NEILL, of Missouri. And I handed them to the Official Reporters three weeks ago, and they have been in the permanent RECORD ever since. Mr. Pearson, the foreman of the RECORD, appends a certificate, which I will read:

> I have compared the above, and find the same to be true copies from the daily and permanent RECORD.
>
> AVEN PEARSON,
> *Foreman Congressional Record.*

Prior to my going away on that little trip to which the gentleman from Ohio so facetiously refers, he got that little clipping from the Cleveland paper—that little old chestnut which he has been carrying around with him ever since, and said that were it not for that he would have been willing to let the whole matter drop; but since the thing had got into the Cleveland papers it placed him in rather an awkward position. He thought he had better rise to a question of privilege. I told him that I would stand by him if he did so, and that we would present again, on the floor of the House, the spectacle of Damon and Pythias, in which, of course, I would be Damon. [Laughter.] I said to him: "I will stand by you and do all I can to get you out of this hole." [Renewed laughter.]

He came to me the day before I left and he told me, "I will get up to-morrow after the reading of the Journal."

Mr. FORAN. Is it not true that the day the bill passed the gentleman came to my desk and said he would correct the impression——

Mr. O'NEILL. The day the bill passed?

Mr. FORAN. Yes.

Mr. O'NEILL. I never spoke to you till the following Monday.

Mr. FORAN. Did you not say you would make the correction, and that you would make it during the debate?

Mr. O'NEILL. I never saw you at that time. On the Wednesday preceding my departure from the city the gentleman again referred to his question of privilege, and I said, "Get up this afternoon; I am under the weather just now, and am going away for a few days. Get this off your stomach; get rid of it."

That evening I attended a labor meeting at the armory and had the pleasure of presenting my distinguished colleague as one of labor's champions. We shook hands cordially. Everything looked contentment, peace, and harmony. I never dreamed he had in his heart the animus which his after conduct showed. On my return last Tuesday I found in the New York World the following:

> The Labor Committee is not surrounded with the peace that should characterize those engaged in the laudable enterprise of adjusting the difficulties between laborers and employers. For some time there has been a feeling not altogether friendly between the chairman of the committee, Mr. O'NEILL, and Mr. FORAN, of Ohio, who aspired to the chairmanship of the committee, and is one of the prominent labor leaders at the West. Mr. FORAN, for some reason, was for the past few days possessed of a desire to call Mr. O'NEILL to account for certain reflections cast upon him in reference to matters having taken place in the committee-room. Mr. FORAN proposes rising to a question of privilege, at which time he says he will tell the House that Mr. O'NEILL, though championing the labor bill, was not its author, and until the evening before it was presented to the House loudly favored the passage of a bill providing for compulsory arbitration. * * * Mr. FORAN thinks Mr. O'NEILL is making himself too prominent at the expense of the committee, and it is his intention to clip his wings. Mr. FORAN alleges that the cause for Mr. O'NEILL's absence from the House, which has continued for some days, is that he is afraid to face the music of an exposure.

As soon as I had read that paper last Tuesday I took it and put it under the gentleman's nose, and told him I understood he was responsible for it, and asked him to get on his legs and make his question of privilege. It has taken him four days to get a derrick large enough to raise him up.

From the time I have been chairman of that committee until now, and even in advance of it, I have not been spared by the gentleman from Ohio. His charge in regard to my deficiency in education and mental acquirements even preceded my appointment; but the gentleman wrote me a personal letter stating that the charges in a Cleveland paper accredited to him were not his sentiments. From the inception of those charges until now I have been fettered and fretted and worried by the gentleman who is so terribly afflicted by a bad case of "sore head." There has not been a measure of merit brought before that committee that has not found in him a ready opponent. As to the arbitration bill, the misfortune was my name was connected with it, and it passed. If it had been a disastrous failure, and there had only been 29 votes in favor of it he would have held me responsible for that piece of framework, charged it on me, and called it "the O'Neill bill."

Mr. FORAN. Did I not state from the outset that I was opposed to all measures for labor arbitration.

Mr. O'NEILL, of Missouri. I ask the Speaker to hold the gavel just one moment. My time has been taken up very much by others. The gentleman from Ohio in the committee sat quietly by, and when I announced it was the unanimous opinion of the committee, after we had passed it, he reserved his right to object, and you know how viciously he fought it in this House.

[Here the hammer fell.]

ORDER OF BUSINESS.

Several members called for the regular order.

Mr. WILLIS. I ask unanimous consent that the call of committees for reports be dispensed with, and that gentlemen who have reports to present be recognized for that purpose.

There was no objection, and it was so ordered.

MARTIN H. M'CHESNEY.

Mr. BRAGG, from the Committee on Military Affairs, reported back with amendments the bill (H. R. 5289) affirming the action of the President of the United States in annulling and revoking the order dismissing Martin H. McChesney from service in the armies of the United States, and honorably discharging said McChesney from said service; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report and amendments, ordered to be printed.

ADVERSE REPORTS.

Mr. BRAGG, from the Committee on Military Affairs, also reported back with an adverse recommendation the bill (H. R. 5532) for the construction of a macadamized road from the city of Memphis, in the State of Tennessee, to the national cemetery near said city; which was laid on the table, and the accompanying report ordered to be printed.

Mr. BRAGG, from the Committee on Military Affairs, also reported back with an adverse recommendation the bill (H. R. 5159) for the construction of a macadamized road from the city of Memphis, in the State of Tennessee, to the national cemetery near said city.

Mr. ZACH. TAYLOR. I ask that that bill be placed on the Calendar.

The bill was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

Mr. BRAGG, from the Committee on Military Affairs, also reported back with adverse recommendations bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 5998) to correct the date of muster of Charles Wickware;

A bill (H. R. 6190) for the relief of Ivan Hughes;

A bill (H. R. 3277) for the relief of Patrick Flynn and John Dienst;

A bill (H. R. 4826) to provide for the disposition of a portion of the Fort Hays military reservation, in the State of Kansas; and

A bill (H. R. 6549) to remove the charge of desertion from the military record of Edward Kincade.

Mr. BRAGG, from the Committee on Military Affairs, also reported back with an adverse recommendation a resolution of the House of Representatives calling on the Secretary of War for the report by Lieutenant Allen of his reconnaissance in Alaska in 1885. The resolution was laid on the table, and the accompanying report ordered to be printed.

Mr. HOUK, from the Committee on Military Affairs, reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 2761) for the relief of William Pormann;

A bill (H. R. 4913) for the relief of John W. Duncan;

A bill (H. R. 5404) to remove the charge of desertion from the military record of David Kritzer;

A bill (H. R. 5063) to amend the muster-rolls of Company B, Ninth Regiment, Pennsylvania Volunteers, so as to place thereon the name of William C. Armstrong, late a private in said company; and

A bill (H. R. 1666) for the relief of George Barlow.

CHANGE OF REFERENCE.

On motion of Mr. MITCHELL, the Committee on Patents was discharged from the further consideration of the bill (H. R. 6320) extending the jurisdiction of the Court of Claims in suits for the use of patents and patented inventions against the United States; and the same was referred to the Committee on the Judiciary.

PATENT LAWS.

Mr. MITCHELL, from the Committee on Patents, reported, as a substitute for H. R. 5570, a bill (H. R. 8323) to amend the law relating to patents, trade-marks, and copyright; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The original bill (H. R. 5570) was laid on the table.

BREVET RANK FOR SERVICES IN INDIAN CAMPAIGNS.

Mr. CUTCHEON, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 6758) to authorize the President to confer brevet rank on officers of the Army for gallant services in Indian campaigns; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM FIGLEY.

Mr. CUTCHEON, from the Committee on Military Affairs, also reported back with a favorable recommendation the bill (H. R. 5935) to remove the charge of desertion against William Figley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARGARET LUCY.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 7511) granting a pension to Margaret Lucy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM F. CLARK.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 4386) granting an increase of pension to William F. Clark; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARIAH E. A. B. NOWELL.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 1148) granting a pension to Mariah E. A. B. Nowell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH E. BASSETT.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 1152) granting a pension to Sarah E. Bassett; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EMELINE J. BABSON.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 1065) granting a pension to Emeline J. Babson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back adversely the petition of Mary H. Adams for a pension; which was laid on the table, and the accompanying report ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. HAYNES, the Committee on Invalid Pensions was discharged from the further consideration of the bill (S. 786) granting a pension to James C. Ledbetter; and the same was referred to the Committee on Pensions.

ADVERSE REPORTS.

Mr. HAYNES, from the Committee on Invalid Pensions, reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 3460) granting a pension to Catherine Stevens;

A bill (H. R. 7423) granting an increase of pension to Bartlett E. White;

A bill (H. R. 6316) granting a pension to Mary H. Sanborn;

A bill (H. R. 3458) granting a pension to Hiram K. Choate; and

A bill (H. R. 4385) granting a pension to J. M. Dennis.

HENRY A. PAUS.

Mr. WOLFORD, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 1261) for the relief of Henry A. Paus; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELEANOR C. BANGHAM.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back, with a recommendation that the amendment of the Senate be concurred in, the bill (H. R. 1582) for the relief of Eleanor C. Bangham; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

COL. DANIEL M'CLURE.

Mr. FINDLAY, from the Committee on Military Affairs, reported back with amendment the bill (H. R. 5233) for the relief of Col. Daniel McClure; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CHANGES OF REFERENCE.

On motion of Mr. MORRILL, by unanimous consent the Committee on Invalid Pensions was discharged from the further consideration of bills of the following titles; and the same were referred to the Committee on Pensions:

A bill (S. 1289) granting a pension to Thomas J. Owen; and

A bill (S. 1287) granting a pension to William L. Clarke.

MARIA HOLLANDS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back adversely the bill (S. 1586) granting a pension to Maria Hollands; which was laid on the table, and the accompanying report ordered to be printed.

SILAS S. WHITE.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back, with a recommendation that the amendment of the Senate be concurred in, the bill (H. R. 1398) to grant a pension to Silas S. White; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SIMMONS W. HARDIN.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back, with a recommendation that the amendment of the Senate be concurred in, the bill (H. R. 1406) granting a pension to Simmons W. Hardin; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

GEORGE W. SMITH.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back, with a recommendation that the amendment of the Senate be concurred in, the bill (H. R. 5254) to increase the pension of George W. Smith; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

PORT OF DELIVERY, SPRINGFIELD, MASS.

Mr. O'FERRALL, from the Committee on Commerce, reported back favorably the bill (S. 1397) to establish a port of delivery at Springfield, in the State of Massachusetts; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

PORT OF ENTRY, MOUNT DESERT FERRY, MAINE.

Mr. O'FERRALL, from the Committee on Commerce, also reported back favorably the bill (S. 1013) providing for the establishment of a port of entry at Mount Desert Ferry, in the town of Hancock, in the State of Maine; which was referred to the House Calendar, and the accompanying report ordered to be printed.

INSPECTORS OF HULLS AND BOILERS.

Mr. TARSNEY, from the Committee on Commerce, reported in lieu of House bills numbered, respectively, 2901, 3504, 1158, 4966, 937, 5220, 5348, and 5352, a bill (H. R. 8324) to amend section 4414 of the Revised Statutes of the United States, and to fix the compensation of local inspectors of hulls and boilers in the districts of Michigan, Superior, Duluth, and Puget Sound; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Bills of the following titles (in lieu of which the last-named bill was reported) were, by unanimous consent, laid on the table:

A bill (H. R. 2901) amending section 4414 of the Revised Statutes of the United States, fixing the compensation of inspectors of hulls and boilers in the several districts of the United States;

A bill (H. R. 3504) to amend section 4414 of the Revised Statutes, relating to inspectors of hulls and boilers;

A bill (H. R. 1158) to amend section 4414 of the Revised Statutes of the United States, fixing the compensation of local inspectors of hulls and boilers in the Michigan district;

A bill (H. R. 4966) to amend section 4414 of the Revised Statutes of the United States, fixing the compensation of inspectors of hulls and boilers in the several districts of the United States;

A bill (H. R. 937) to amend section 4414 of the Revised Statutes;

A bill (H. R. 5220) amending section 4414 of the Revised Statutes, fixing the compensation of inspectors of hulls and boilers in the several districts of the United States;

A bill (H. R. 5348) amending section 4414 of the Revised Statutes of the United States, fixing the compensation of inspectors of hulls and boilers in the several districts of the United States; and

A bill (H. R. 5352) amending section 4414 of the Revised Statutes, fixing the compensation of inspectors of hulls and boilers in the several districts of the United States.

CHARLES E. CREECY.

Mr. GILFILLAN, from the Committee on Patents, reported back adversely the petition of Charles E. Creecy; which was laid on the table, and the accompanying report ordered to be printed.

PUBLIC BUILDING AT GALVESTON, TEX.

Mr. REESE, from the Committee on Public Buildings and Grounds, reported back, with amendment, the bill (H. R. 2475) to amend an act approved May 5, 1882, entitled "An act for the construction of a public building at Galveston, Tex.;" which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

JOHN MINGUS.

Mr. COWLES, from the Committee on Pensions, reported, as a substitute for H. R. 1708, a bill (H. R. 8325) for the relief of John Mingus, a pensioner of the war of 1812; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

House bill No. 1708 was, by unanimous consent, laid on the table.

JAMES F. HOGAN.

Mr. FLEEGER, from the Committee on Claims, reported back with amendment the bill (H. R. 3382) for the relief of James F. Hogan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RIGHT OF WAY THROUGH THE ARSENAL GROUNDS, BRIDESBURG, PA.

Mr. ERMENTROUT, from the Committee on Military Affairs, reported back favorably the bill (S. 1105) granting the right of way to the Kensington and Tacony Railroad Company through the arsenal grounds at Bridesburg (Philadelphia), Pa.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RIGHT OF WAY THROUGH MILITARY RESERVATION.

Mr. ERMENTROUT, from the Committee on Military Affairs, also reported back favorably the bill (S. 1352) granting the right of way to the Leavenworth Northern and Southern Railway Company through the military reservation at Fort Leavenworth; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ESTATES OF DECEASED KICKAPOOS.

Mr. PERKINS, from the Committee on Indian Affairs, reported back favorably the bill (S. 632) to provide for the settlement of the estates of deceased Kickapoo Indians in the State of Kansas, and for other purposes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EDUCATION.

Mr. CRAIN, from the Committee on Labor, reported in the nature of a substitute for House bill 7266 a bill (H. R. 8325) to provide for the distribution of the proceeds of the sales of public lands, and of all fees received at the general and district land offices, for educational purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. BUCHANAN, by unanimous consent, presented the views of the minority; which were ordered to be printed with the report of the majority.

House bill No. 7266 was reported back with the recommendation that it be laid on the table.

Mr. REID, of North Carolina. Is that the bill to aid in the establishment and temporary support of common schools, which was introduced by the gentleman from Kentucky [Mr. WILLIS] and referred to the Committee on Labor?

The SPEAKER *pro tempore* (Mr. SPRINGER in the chair). It is.

Mr. REID, of North Carolina. Then I move it be referred to Committee of the Whole House on the state of the Union.

The SPEAKER *pro tempore*. The gentleman has that right, and the adverse report will, in compliance with his request, be placed on the Calendar of the Committee of the Whole House on the state of the Union.

PUBLIC BUILDING, DOVER, N. H.

Mr. WILKINS, from the Committee on Public Buildings and Grounds, reported back with amendments the bill (S. 771) to provide for the erection of a public building in the city of Dover, in the State of New Hampshire; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. O'HARA, from the Committee on Invalid Pensions, reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 6486) granting an increase of pension to John Rowe;

A bill (H. R. 6097) granting a pension to Betsey Bartholomew; and

A bill (H. R. 6488) to increase the pension of Charles G. Odell.

THOMAS TEGAN.

Mr. NEECE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 3047) granting a pension to Thomas Tegan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN W. DELP.

Mr. NEECE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 4460) to pension John W. Delp; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELISE BURKI.

Mr. NEECE, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 843) granting a pension to Elise Burki; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HARRIET M. RIDER.

Mr. NEECE, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 963) granting a pension to Harriet M. Rider; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM TREFETHEN.

Mr. GALLINGER, from the Committee on Claims, reported a bill

(H. R. 8326) for the relief of William Trefethen, of Portsmouth, N. H.; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RICHARD GEAR.

Mr. CONGER, from the Committee on Invalid Pensions, reported back the bill (H. R. 3921) granting an increase of pension to Richard Gear, with the recommendation that the Senate amendments be concurred in; and the same was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. J. E. DAVIS.

Mr. WINANS, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 5656) granting a pension to Mrs. J. E. Davis; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

KATHERINE NICKERT.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back with amendment the bill (H. R. 7513) granting a pension to Katherine Nickert; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DANIEL J. BINGMAN.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 3501) granting a pension to Daniel J. Bingman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 5657) granting an increase of pension to Edwin A. Scutt;
A bill (H. R. 2711) for the relief of William J. Sangston;
A bill (H. R. 7960) to pay arrears of pensions to John Snyder;
A bill (H. R. 5493) granting a final pension to Thomas Gleason;
A bill (H. R. 3739) granting a pension to J. V. Herriman;
A bill (H. R. 3738) granting a pension to John W. Dyer; and
A bill (H. R. 2739) granting a pension to Priscilla Wood.

REMAINS OF THE LATE MRS. HARRIET B. LEHMAN.

Mr. WHEELER, from the Committee on Military Affairs, reported back favorably the bill (H. R. 7364) authorizing the Secretary of War to allow the interment in the national cemetery at New Berne, in the State of North Carolina, of the remains of the late Mrs. Harriet B. Lehman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS CHAMBERS.

Mr. WARNER, of Missouri, from the Committee on Claims, reported back favorably the bill (H. R. 3491) for the relief of Thomas Chambers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LOUIS A. WOLLENWEBER.

Mr. SWOPE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6248) granting a pension to Louis A. Wollenweber; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

H. I. CARTIN.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 6566) granting a pension to H. I. Cartin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES T. ERWIN.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 3640) granting a pension to James T. Erwin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAMUEL MILLER.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 7401) granting a pension to Samuel Miller; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 8002) to increase the pension of Lorin Burritt; which was laid on the table, and the accompanying report ordered to be printed.

On motion of Mr. OSBORNE, the adverse report was ordered to be referred to the Committee of the Whole House on the Private Calendar.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back adversely, the bill (S. 1607) granting an increase of pension to James E. B. Dalzell; which was laid on the table, and the accompanying report ordered to be printed.

REBECCA ELDRIDGE.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back the bill (H. R. 2145) for the relief of Rebecca Eldridge, with the recommendation that the Senate amendments be agreed to; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. PINDAR, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 6168) granting a pension to George W. Jaycox; which was laid on the table, and the accompanying report ordered to be printed.

PUBLIC BUILDING, WICHITA, KANS.

Mr. WADE, from the Committee on Public Buildings and Grounds, reported back with favorable recommendation the bill (S. 1387) providing for the completion of the public building at Wichita, Kans.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

EXPENDITURES OF SIGNAL SERVICE.

Mr. ANDERSON, of Ohio, from the Committee on Expenditures in the War Department, submitted a report of that committee as to the alleged unlawful expenditures in the Signal Service; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. TAULBEE, the Committee on Invalid Pensions was discharged from the further consideration of the bill (S. 1292) granting a pension to Nathan Z. Bailey; and the same was referred to the Committee on Pensions.

INTERNAL-REVENUE LAWS.

Mr. BRECKINRIDGE, of Kentucky, from the Committee on Ways and Means, reported a bill (H. R. 8327) to reduce the number of internal-revenue officers, provide a better and more economical administration of the internal-revenue laws, and for other purposes; which was read a first and second time.

Mr. HOLMAN. I ask that the bill be read at length.

The bill was read at length.

The SPEAKER *pro tempore* (Mr. SPRINGER in the chair). This bill, in the opinion of the Chair, should be referred to the Committee of the Whole House on the state of the Union.

Mr. BRECKINRIDGE, of Kentucky. It does not make any charge upon the Treasury. It takes off a charge.

Mr. DINGLEY. It certainly affects the revenue, and should go to the Committee of the Whole House on the state of the Union.

The SPEAKER *pro tempore*. The Chair is of the opinion that the repeal of taxes involves a tax upon the people within the sense of the rule, and therefore thinks it should be referred to the Committee of the Whole House on the state of the Union.

Mr. MORRISON. That is because the Chair does not know what the bill contains.

The CHAIRMAN. The Chair has heard the bill read.

The bill was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

BRIDGES ACROSS NAVIGABLE WATERS.

Mr. BYNUM, from the Committee on Commerce, reported back with amendments the bill (S. 901) granting to the Astoria and Winnemucca Railroad Company the right to construct bridges over navigable water courses; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

RANSOM L. HARRIS.

Mr. LYMAN, from the Committee on War Claims, reported back with favorable recommendation the bill (H. R. 7242) for the relief of Ransom L. Harris; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed without amendment House bills of the following titles:

A bill (H. R. 6013) to authorize the construction of a bridge across the Missouri River at some accessible point within 2 miles north and 2 miles south of the city of Atchison, in the county of Atchison, in the State of Kansas;

A bill (H. R. 1360) to authorize the construction of a bridge across

the Missouri River at some accessible point within 10 miles below and 5 miles above the city of Kansas City, Mo.;

A bill (H. R. 2410) for the addition of a third story to the public building in Dallas, Tex.;

A bill (H. R. 3369) authorizing the construction of a bridge across the Missouri River at or near the city of Council Bluffs, Iowa, and for other purposes;

A bill (H. R. 4569) to authorize the construction of a bridge across the Missouri River at a point to be selected either in the counties of Clay and Jackson, in the State of Missouri, or in the county of Clay or Platte, in said State, and the county of Wyandotte, in the State of Kansas, and to make the same a post-route;

A bill (H. R. 5684) to authorize the construction of a bridge over the Missouri River at the most accessible point between the mouth of the Femme Osage Creek and a point 2 miles above the city of Saint Charles, in the county of Saint Charles, in the State of Missouri; and

A bill (H. R. 5685) to authorize the construction of a bridge over the Missouri River at the most accessible point in Saline City, or within 5 miles above or 5 miles below the same, in the county of Saline, in the State of Missouri.

The message further announced that the Senate had passed the bill (S. 1868) providing for an extension of the Executive Mansion; in which the concurrence of the House was requested.

The message further informed the House that the Senate disagreed to the amendments of the House of Representatives to the bill (S. 71) for the benefit of the States of Texas, Colorado, Oregon, Nebraska, California, Kansas, and Nevada, and the Territories of Washington and Idaho, and Nevada when a Territory, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DOLPH, Mr. SPOONER, and Mr. GRAY as the conferees on the part of the Senate.

The message further announced that the Senate disagreed to the amendments of the House of Representatives to the bill (S. 335) to provide for protecting the interests of the United States in the Potomac River Flats, in the District of Columbia, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. INGALLS, Mr. WILSON of Iowa, and Mr. VEST as the conferees on the part of the Senate.

The message further announced that the Senate receded from its amendments to the bill (H. R. 3351) granting a pension to Mrs. Magdalena Rehkopf.

The message further requested the return to the Senate of the bill (S. 1536) granting a pension to Maria Hollands.

EUNICE E. CLARK.

Mr. NEECE, from the Committee on Invalid Pensions, reported back the bill (H. R. 6429) entitled "An act granting a pension to Eunice E. Clark," with Senate amendments, and moved non-concurrence in the Senate amendments, and asked a conference on the disagreeing votes of the two Houses on said amendments.

The motion was agreed to.

The SPEAKER *pro tempore* announced the appointment of Mr. NEECE, Mr. PINDAR, and Mr. CONGER as managers on the part of the House at said conference.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The hour for the consideration of bills begins at 2 o'clock and 5 minutes p. m.

The Clerk will report the unfinished business coming over from yesterday.

SUBTREASURY AT LOUISVILLE, KY.

The Clerk read as follows:

A bill (H. R. 902) to establish a subtreasury at Louisville, Ky.

The SPEAKER *pro tempore*. The gentleman from Ohio is entitled to the floor.

Mr. WARNER, of Ohio. Mr. Speaker, it is not to oppose this particular bill or any particular bill establishing a subtreasury that I take the floor again to-day, but for the purpose of calling the attention of the House to the general subtreasury system as it has come to exist in this country—a system which takes out of the channels of business and trade the revenues for carrying on the Government and sets up independent machinery for collecting and applying the revenues to Government expenses.

In this country, Mr. Speaker, in that regard, we have scarcely passed beyond the age of barbarism. In other words, we are still applying the same methods that were applied two thousand years ago in Rome, when, under her provincial government, taxes were collected in the provinces, taken to Rome, put in the treasury, and only paid out through government agencies. All other governments in civilized countries have learned to employ the machinery which commerce and the business of the country have established. The business of government is not so different from other business as to require separate agencies of its own.

I referred yesterday to the way the revenues were collected in England, through the Bank of England. I find, on reference to the weekly report of the Bank of England, that there was on deposit to the credit of the government, for the week ending June 27, £4,288,000, and for the next week £4,028,000, while for the week ending February 10 the amount was £4,663,000. This sum varies from one or two millions of pounds up to six or eight millions of pounds; that is to say, from five or six millions of dollars up to forty or fifty millions; seldom, however, reaching the larger sum. When the deposit to the credit of the government falls too low, the chancellor of the exchequer sells exchequer bills, in that way anticipating the revenues.

On the average the amount to the credit of the government does not amount to more than about $20,000,000. In other words, in the collection and expenditure of $450,000,000 by employing the machinery which business employs, which the trade and commerce of the country employ, they only keep a surplus on the average of fifteen or twenty millions of dollars, and that is deposited in the Bank of England, not entirely withdrawn from circulation or taken out of business.

In the bank of France for the week ending April 9 I find deposited to the credit of the general treasury 96,700,000 francs, or about $19,000,000. The average is generally less than that; it sometimes rises above it; sometimes falls below it. So that in the collection and expenditure of $650,000,000 in France by employing the machinery which the civilization of the age has established, which commerce and trade provide, almost no money is withdrawn from general use; but the business of the government is just like any other business; it is performed through the channels that business has established, and is performed therefore much more economically than with us, and without abstracting from circulation a large part of the volume of money, as we do in this country.

Mr. BLAND. Will the gentleman allow me a question?

Mr. WARNER, of Ohio. Yes, sir.

Mr. BLAND. Does the gentleman favor a policy of depositing Government funds with banks to be loaned out?

Mr. WARNER, of Ohio. I am coming to that. I am arguing not against a central treasury, but against the extension of the subtreasury system to all the cities in the country. By our independent treasury system and the subtreasury extensions over the country and by the adoption of the same policy by the States, we often abstract well-nigh half of the entire volume of the currency, locking it up, for brief periods of course, but long enough to produce great stringency in business operations.

Now, Mr. Speaker, I have very decided convictions on the question of the right of banks to create money, that is, to issue currency of any kind; but I hope I have no such prejudices against the use of the banking system of this country for doing Government business in the same way that all other kinds of business are done, and I can see no more reason for establishing a subtreasury at Louisville and forty other places for doing the Government business than for a business house in New York, instead of employing established agencies there, going there and establishing a treasury of its own, or any more reason for establishing a subtreasury there for the collection or paying out the money that is there collected and paid out than to refuse to use the railroads in getting there. Banks are institutions as important as railroads or telegraphs, and as necessary to modern commerce; their function is to collect and utilize capital by bringing it together and making it available for the needs of trade. In a hundred ways they facilitate commerce. They serve every kind of business, and I do not know why they should not be made use of by the Government for its business.

Mr. BLAND. The question that I asked the gentleman was whether he was in favor of the policy of depositing Government funds with the banks to be loaned out.

Mr. WARNER, of Ohio. I did not understand the gentleman. I think we ought to have a general treasury, and perhaps one or two subtreasuries, and in those should be held securely the coin and bullion upon which certificates are issued, and they should be located at points where they could be thoroughly well guarded.

Mr. BLAND. Why not have one in Louisville, then?

Mr. WARNER, of Ohio. There is no necessity for one there. The more you multiply these subtreasuries the greater the cost of taking care of the money. Again I say we should have a treasury and one or two subtreasuries, and in those should be deposited the trust funds, the coin and the bullion upon which certificates are issued, and the banks should be utilized for the deposit of money or current funds, and a certain per cent. of such deposits can be loaned out by the banks. Why not? It is then made active capital, and if the Government is secure, why not let such surplus be kept in use? This bill, if passed, will do no good in the world to anybody in Louisville. The money might just as well be in the moon as to be locked up there, so far as any good to any citizen of Louisville is concerned. The people of Louisville can not borrow it, or buy it, or use it. I will say to my friend from Kentucky [Mr. WILLIS], in order that he may understand that I am not opposing this bill because it relates to Louisville or on any narrow basis, that I would vote to abolish the subtreasury in Cincinnati and let it be moved down to Louisville.

Mr. WILLIS. We will agree to that.

Mr. WARNER, of Ohio. And I believe that the bankers and the business people of Cincinnati are intelligent enough to favor such a step if they could be assured that the Government would deposit in the

banks the money now kept in the subtreasury so that it might be made of some use to the people by becoming loanable capital.

[Here the hammer fell.]

Mr. WARNER, of Ohio. Mr. Speaker, I thought I was to have had fifteen minutes, and I have not had that time.

Mr. WILLIS. You yielded five minutes.

Mr. WARNER, of Ohio. I have yielded nothing from the fifteen minutes I reserved.

The SPEAKER *pro tempore*. The Chair understood that the bill was to be considered in the House as in the Committee of the Whole under the five-minute rule.

Mr. WARNER, of Ohio. I understood the arrangement to be that I was to have fifteen minutes. I will take then only a minute or two more.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman for five minutes more.

Mr. WILLIS. I understand the gentleman from Ohio [Mr. WARNER] to say that he wants only two minutes more.

Mr. WARNER, of Ohio. Mr. Speaker, I say, if it is not intended by the establishment of these subtreasuries to hold money under lock and key, there is no use whatever in establishing them: On the other hand, if it is designed to cover into these subtreasuries the revenue and hold it there, keeping it out of business channels, then I say they ought not to be established at all, because they will work positive injury to the community and no good to anybody. In this way of managing our revenues we have been imitating bad systems long ago abandoned in other countries. We have been keeping up the practices of the dark ages. At any rate we have not got beyond the practices of the First Frederick or Henry VII.

Mr. BLAND. Does not the gentleman think that, instead of hauling ten millions of silver dollars from New Orleans to Washington and New York, as was recently done, it would have been better to have transferred it to Louisville or Cincinnati, where it could have gone into circulation and been of some benefit to the people.

Mr. WARNER, of Ohio. I would not have removed that at all. I would have deposited the money in the banks in New Orleans, where it could be used as wanted. But it would have been no better to move it to Louisville or Cincinnati than to this city. And if it had been moved to Louisville it would not have done one bit of good to anybody in Louisville. Nobody there could have got it from the subtreasury. And let me say further, Mr. Speaker, that I would like to see the large surplus now in the Treasury here not required to be held to meet the demand liabilities of the Government paid out on the public debt. Instead of hoarding so much money, let it out where it will do some good.

The underlying cause of the trouble in this country now, the primary cause I say of the troubles not only in this country but throughout the world, is a shrinking volume of money. Industries are strangled, property depreciates, and nothing but money is safe to hold. Let me read a brief extract from the New York Tribune of yesterday:

Stagnation in trade and activity in investment were the characteristic features of last week. Neither stocks, grain, pork, cotton, oil, or other products are wanted, but bonds that promise a return are eagerly sought.

Under this system of locking up money and contracting the volume of effective money of the country we have reached a point where there is no profit in anything but in hoarded money. Money is the only thing that is increasing in value, that is, in purchasing power; and the more money there is withdrawn from circulation and locked up in the Treasury the worse it will be, and the only result of the extension of the subtreasury system will be to lock up more money and increase the cost of keeping it.

Mr. Speaker, I now yield five minutes to the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. I will reserve the time, Mr. Speaker.

Mr. WARNER, of Ohio. I yield the balance of my time to the gentleman from Kentucky [Mr. MCCREARY].

The SPEAKER *pro tempore*. The Chair does not understand that the gentleman from Ohio [Mr. WARNER] can now control the time. Under the order of the House this bill was to be considered in the House as in Committee of the Whole under the five-minute rule. But the gentleman from Kentucky [Mr. MCCREARY] is recognized.

Mr. MCCREARY. I yield five minutes to my colleague from Kentucky [Mr. WILLIS].

Mr. WILLIS. Mr. Speaker, unless some gentleman wishes to ask a question in regard to this bill, I do not desire to occupy more time in discussing it. Several weeks ago, under the rule of the House, I made a statement of all the facts upon which this bill was based, and sent it to each member of the House, and since then I have, as far as my limited time would permit, gone from member to member to present the facts connected with the matter. The gentleman from Ohio [Mr. WARNER] has made an argument against the whole subtreasury system; but that subject is not now before the House. It will be time enough to discuss a law establishing subtreasuries when there is a bill brought in to abolish all of them. I do not believe, however, that this House intends to reverse the well-established policy of the Government, beginning away back in 1846, when an act was first passed creating subtreasuries. When that act was passed establishing the subtreasury system there were five subtreasuries created. Since then there have been some four more added, making nine in all. In the South there is only one subtreasury, which is at New Orleans. The business connections of Louisville stretch toward the South.

The region from which that business is drawn comprises an area of country which is not touched by any one of the existing subtreasuries. It comprises a considerable portion of Arkansas, Northern Texas, the whole of Tennessee, and the southern part of Indiana. The business interests and banking interests of Louisville embrace that territory. We are within a half-day's journey of eleven millions of people, one-fifth of the whole population of the United States. As to the public business transacted at Louisville, the amount of public money deposited there is equal to that in any three of the existing nine subtreasuries. The amount of money that is paid out is $2,000,000. Upon these facts we have gone before the Committee on Coinage, Weights, and Measures, and they have come in here with a unanimous report. I believe this is the only subject that has been before that committee upon which a unanimous report has been made.

And why do they report it? Because of the report made by the Secretary of the Treasury and the Director of the Mint showing that there is not to-day in the United States enough vault room for the business of this Department. That is one reason. Another is the amount of money paid in and paid out at the city of Louisville. Besides, there is the enormous expense the Government has incurred in transporting from one part of the country to another these public moneys, this expense amounting to hundreds of thousands of dollars, so that last year $10,000,000 were, in violation of law, brought by ships of war from the city of New Orleans to the subtreasury at New York.

We find further from these published reports that there are to-day in the mints of the country—not a proper receptacle, as the Treasurer states—$150,000,000. What further do we find? From the report of the Treasurer, on page 15, we find that persons occupying positions as messengers and laborers are now engaged in handling, counting, and shipping the public money and in doing other clerical labor. This certainly is not a proper condition of things, and it should be remedied when we can do so, as in this case, with but a very small expense. The amount involved in this bill is about $9,500. We are not asking for any public building; there is a building suitable for the purpose. We only desire the machinery for carrying on this subtreasury; and the expense is one-half of what is asked at these other places—Saint Louis, San Francisco, and Baltimore—all of which combined have not as much public business, either in income or outgo, as the city of Louisville.

These are the statements which have been made; and I have endeavored in these remarks to present the matter faithfully to each member of the House. Knowing that there are other matters pressing, I will, unless some other gentleman desires to speak or make an inquiry, demand the previous question.

Mr. MORRISON. I trust that will not be done.

Mr. WILLIS. I was not aware that the gentleman wanted to say anything. Of course I do not press the demand for the previous question.

The SPEAKER *pro tempore* (Mr. SPRINGER). The Chair did not understand whether the gentleman from Kentucky moved the previous question or not.

Mr. WILLIS. I was about to move the previous question, but the gentleman from Illinois [Mr. MORRISON] desires to be heard.

Mr. REED, of Maine. Several of us want to be heard.

The SPEAKER *pro tempore*. The Chair desires to state to the gentleman from Kentucky that, in the opinion of the Chair, this bill must be considered in the House as in Committee of the Whole under the five-minute rule, which would certainly require that there be debate at least for five minutes on each side upon each section. After such debate has been had the gentleman from Kentucky can move the previous question.

Mr. WILLIS. I have not the remotest desire, if I had the power, to prevent any gentleman from being heard on the bill. When I proposed to call the previous question I was not aware than any further discussion was desired.

Mr. MORRISON. Mr. Speaker, it is probably to no purpose, but I wish to say a word by way of protest against the passage of this bill. I doubt not a subtreasury at every principal town in the country, and especially at the city of Louisville, would be some convenience to somebody. This is a proposition first to make some new offices, and then, of course, to fill them. The gentleman from Kentucky [Mr. WILLIS] says, and no doubt truthfully, that to begin with $9,500 is the whole additional cost per annum now proposed for this subtreasury. But who supposes that the appropriation now made will not be followed in another year with an additional or increased sum, which will continue to grow? Where is there a subtreasury maintained for the small cost of $9,500 annually? This sum of $9,500 per annum, the gentleman from Louisville assures us, is to be the whole yearly cost of establishing and maintaining a subtreasury at Louisville.

Mr. WARNER, of Ohio. With $5,000 additional to prepare the necessary rooms.

Mr. MORRISON. No; I understand $9,500 is to be the whole cost

for the new officers and the carrying on of this subtreasury at Louisville for one year. This is the beginning of what is to follow.

Mr. WARNER, of Ohio. After the offices are fitted up, which will cost $5,000.

Mr. MORRISON. Mr. Speaker, I do not assume or say that upon all money, banking, or other financial questions the United States Treasurer or the Treasury Department must be followed and accepted as right without question. The men who go into that Department, however eminent as financiers, go there with preconceived or fixed notions of finance, which they seldom give up. But this matter of taking care of the public money is one about which this officer and this Department ought to be pretty well advised; and while I do not promise to be always controlled by the suggestions of the Treasury Department, I do think that when the officer of that Department says to Congress, as I understand the Treasurer of the United States has said to the Committee on Appropriations, which was believed by him to have charge of this subject, that this subtreasury is not needed and is not necessary for public purposes and that he desired to be heard on the subject before action should be taken on the bill, we ought at least to hear what the officer has to say and ascertain what value should be attached to his suggestions. This much it seems to me is necessary to our considerate action.

Now a few words to our friends on this side of the House. If I know how we came here, it was partly because we protested that our predecessors, when in control of the Government, kept more men in office and the public employ, had more officers, laid more taxes, collected and spent more money, than was necessary for public uses and purposes.

Mr. DOCKERY. That is it.

Mr. MORRISON. It was statements like these and belief in them that filled many seats with their present occupants. But for the belief and expectation in the public mind that we intended to pursue a different policy from our predecessors some of these seats would be filled by gentlemen of the opposite political party. In this Congress there have been more offices made than have been dispensed with or abolished, and I want to call the attention of gentlemen around me to the fact. For one I propose to stop right here; in fact, I never began. To me it seems more fitting that we on this side of the House should be looking for officers whose services can be dispensed with than hunting or creating places to put in new ones.

Mr. DINGLEY. Mr. Speaker, the fiscal policy of this Government for many years has combined the subtreasury and the depository system, and we have had neither exclusively. We have to-day, or had at the close of the last fiscal year, nine subtreasuries and one hundred and thirty-two national-bank depositories, in addition to the various mints.

It will be seen by the report of the Treasurer of the United States that he thinks we have gone as far as we ought to go in the extension of subtreasuries, and we should rather limit than extend that system.

On page 506 of the Report on the Finances for this session I find he states the following:

> One hundred and thirty-two national banks acted as depositories during the year, receiving the moneys from collecting officers of the Government, thus saving the risk and expense of transportation to Treasury offices, and disbursing the same on drafts of the Treasurer. A more extended use of the banks as depositories would result in a large saving to the Government, and very much lessen the chances of loss from peculation and frauds in the conduct of the operations of the Treasury, as the proper margin of security in United States bonds is a matter of constant supervision by the Treasurer.

It seems, therefore, Mr. Speaker, the Treasury Department agrees with what has been already so well stated by the gentleman from Illinois [Mr. MORRISON], that we have already sufficient subtreasuries, and that they should be contracted rather than increased.

Mr. ANDERSON, of Kansas. Will the gentleman permit me to ask him a question?

Mr. DINGLEY. I have only a moment, and of course can not yield. I understand in the nine subtreasuries for the last year the great body of deposits was in the subtreasury at New York, amounting to $176,000,000. There were at San Francisco eighty-five and a quarter millions; at Washington, twenty-two and three-quarter millions; at Philadelphia, twenty-eight and a quarter millions; at Boston, twenty-two and three-quarter millions; at Saint Louis, twenty-two and a quarter millions; at New Orleans, sixteen millions; at Chicago, sixteen and a quarter millions; at Baltimore, fourteen millions; and at Cincinnati, seven and a quarter millions.

Now, in view of these facts it certainly seems to me wise on the part of the Government that it should not further extend these subtreasuries, but rather extend the policy of depositories, because there is nothing in a subtreasury in any city which can confer additional advantages on that city beyond what a depository will confer, except the single fact it has the name of a subtreasury city, and that there will be added to it an official list of new officers drawing about $10,000 of annual salaries.

Mr. WILLIS. Can any one deposit in any one of these depositories silver and receive a certificate for it?

Mr. DINGLEY. If there is any necessity for extending in that direction it can be accomplished as well without multiplying subtreasuries as it can by multiplying them.

And it seems to me in view of all these circumstances to be unwise for us to increase the expenses of the Government by multiplying officials, especially when it is proposed to put a subtreasury so near one already existing as Louisville is to Cincinnati.

[Here the hammer fell.]

Mr. ANDERSON, of Kansas. Allow me to ask the gentleman a question.

Mr. DINGLEY. My time is up.

Mr. WILLIS. Louisville covers an entirely different area.

The SPEAKER *pro tempore*. The Chair has recognized the gentleman from Indiana as entitled to the floor.

Mr. HOLMAN. Mr. Speaker, as stated by the gentleman from Illinois [Mr. MORRISON], it was supposed this measure was pending before another committee of the House, and for that reason, I presume, the Treasurer of the United States, the head of this subtreasury system, sent to the chairman of the Committee on Appropriations the following communication, which I ask the Clerk to read.

The Clerk read as follows:

> TREASURY OF THE UNITED STATES, *Washington, April 20, 1886.*
>
> MY DEAR SIR: I beg to call your attention to a bill (H. R. No. 902) introduced by Mr. WILLIS, providing for the establishment of a subtreasury at Louisville, Ky., to which I am opposed, for the reason that no such office is needed at that point, and upon which subject I should like to be heard before final action by the House.
>
> Very respectfully,
>
> C. N. JORDAN,
> *Treasurer of the United States.*
>
> Hon. SAMUEL J. RANDALL,
> *House of Representatives.*

Mr. WILLIS. Will my friend permit me to ask if any committee of this House called for that information?

Mr. HOLMAN. Not that I am aware of.

Mr. RANDALL. Well, that brings me to my feet.

The SPEAKER *pro tempore*. The gentleman from Indiana has the floor.

Mr. HOLMAN. I will yield to the gentleman from Pennsylvania.

Mr. RANDALL. That letter came to me and I immediately handed it over to the gentleman from Kentucky in charge of this bill. No doubt Mr. Jordan, the Treasurer of the United States, supposed the bill was in the Committee on Appropriations, when it was not, and I gave it the proper direction.

Mr. WILLIS. I only wanted to know if any committee ever asked his opinion upon the subject.

Mr. HOLMAN. I can not yield further, but I should like to have a little more information upon this point. I should be glad to know, upon the state of facts before us, whether the Committee on Coinage, Weights, and Measures had occasion to consider the views of the Treasurer of the United States?

Mr. BLAND. I am aware of one fact that has developed here in this House, that is that the Treasury Department——

Mr. HOLMAN. I do not yield for a speech.

Mr. BLAND. Well, you asked for information and I wanted to give it.

Mr. HOLMAN. I asked whether or not the Committee on Coinage, Weights, and Measures had occasion to consider the views of the Treasurer of the United States upon this question.

Mr. BLAND. The Treasurer of the United States may have favored the Committee on Coinage, Weights, and Measures with his views; but it was developed on the floor of this House that the national banking interests were opposed to subtreasuries and favored the depreciation of silver; and in view of the fact that the Treasury Department had been operating with them, we did not feel that we were bound by any recommendation from that Department.

Mr. HOLMAN. And so it appears the committee did not ascertain the views of the Treasurer of the United States. I want to call the attention of the House to the fact that the two subtreasuries at Cincinnati and Chicago were organized as late as 1873, and that at Saint Louis at a late period; so that now we have in the East subtreasuries at Boston, Baltimore, Philadelphia, and New York; we have in the Northwest subtreasuries at Cincinnati, Chicago, and Saint Louis; one at New Orleans in the Southwest, and one at San Francisco in the West. These are the nine subtreasuries of the United States, and the cost to the Government is a very considerable sum and the tendency to increase the expenditure is seen in every year's estimates. Each of them involves a large number of officers with large salaries. We have now more than the public service requires.

Mr. McCREARY. Will the gentleman permit a question?

Mr. HOLMAN. Certainly.

Mr. McCREARY. What is the cost to the Government of these subtreasuries?

Mr. HOLMAN. The lowest is that at Cincinnati—$15,960; and the highest is $163,000, at New York. The views of the Treasurer of the United States on this subject ought to be conclusive. I am opposed for one to this increase of subtreasuries as proposed by this bill. The proposed subtreasury at Louisville is not required by any public interest. There is no justification of this increase of public expenditure. There is no excuse for this increase in the offices, and I earnestly trust the House will not permit such an increase to be made.

Mr. McCREARY. Mr. Speaker, I move the previous question upon the engrossment and third reading of the bill.

Mr. HISCOCK. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HISCOCK. My point of order is that it is not in order at this time to call the previous question upon this bill. The debate under the five-minute rule has not yet taken place.

The SPEAKER *pro tempore*. The gentleman from New York makes the point of order that it is not in order to call the previous question upon the engrossment and third reading of this bill.

Mr. HISCOCK. It has not yet been read for amendment and debate under the five-minute rule.

The SPEAKER *pro tempore*. The Chair will cause the Clerk to read from page 346 of the Digest a ruling by Speaker CARLISLE on this subject.

The Clerk read as follows:

Where a bill or resolution is under consideration "in the House as in the Committee of the Whole" under what is known as "the five-minute rule," motions to lay on the table, for the previous question, to reconsider, to postpone, &c., are in order, as is also the demand for the yeas and nays. In other words, such an order merely takes the bill out of the Committee of the Whole, and limits debate thereon to five-minute speeches.

Mr. HISCOCK. The five minutes' debate for the purpose of offering amendments to the bill has not yet commenced, and the bill has not yet been considered under the five-minute rule; therefore the previous question can not be demanded.

Mr. REED, of Maine. I think the actual ruling at that time was upon an amendment, or upon some particular section of the bill. The idea I have about it, and the manner in which the subject was brought up, is that we were proceeding to consider the bill in the House as in Committee of the Whole; and the only advantage of having it in the House is that at certain times the previous question may be demanded upon particular clauses, amendments, paragraphs, or sections as they come up. For instance, a section of the bill is read; it is then debated, and the previous question may be demanded upon that section; but it can not be demanded upon the whole bill.

Mr. HISCOCK. I would like to know what is the purpose of considering a bill under the five-minute rule for debate and amendments if the previous question can shut off the whole?

Mr. REED, of Maine. I think I am correct in my recollection of the ruling in question.

Mr. McCREARY. Mr. Speaker, there has been no amendment offered, and therefore there is no amendment to vote upon. As I understand the rule adopted by this House, when a bill has been referred to the Committee of the Whole on the state of the Union and the motion is made and carried to discharge the Committee of the Whole House from its further consideration and consider such bill in the House under the five-minute rule, that it is to be debated under the five-minute rule as if in committee is not strictly correct, because a motion for the previous question, or a motion to lay the subject upon the table, as has just been read, is unquestionably in order.

Mr. HISCOCK. Has this bill been read yet for amendment?

The SPEAKER *pro tempore*. It has not.

Mr. HISCOCK. Then we are entitled to have it read for amendment.

The SPEAKER *pro tempore*. The present occupant of the chair, if there had been no previous ruling on this subject, would be inclined to sustain the point of order. But the Chair finds in the Digest the ruling of the Speaker of the House which the Clerk has just read. It is to the effect that the consideration of bills in the House as in Committee of the Whole, under the five-minute rule, does not in any way limit the operation of the previous question. The previous question may be ordered at any time after the five-minute debate has begun upon the bill. So the Speaker has held and it has been the uniform practice of the House.

Mr. REED, of Maine. Has it been so held as that the previous question may be ordered upon any part of a bill that has not been read for amendment?

The SPEAKER *pro tempore*. The Chair is of the opinion that the ruling of the Speaker has gone to the extent that the previous question can be ordered after there has been a five-minute debate upon the bill.

Mr. REED, of Maine. Has the Chair examined the original decision upon this point, or is he proceeding on what appears in the Digest?

The SPEAKER *pro tempore*. This is the decision as given in the Digest. The Chair will ask the Clerk again to read it.

The Clerk read as follows:

Where a bill or resolution is under consideration "in the House as in the Committee of the Whole" under what is known as the "five-minute rule," motions to lay on the table, for the previous question, to reconsider, to postpone, &c., are in order, as is also the demand for the yeas and nays. In other words, such an order merely takes the bill out of the Committee of the Whole and limits debate thereon to five-minute speeches.

Mr. REED, of Maine. But the previous question can not be ordered on what has not been read. It can only be ordered on what has been considered.

The SPEAKER *pro tempore*. This bill was read in the House on yesterday, and has been considered under the five-minute rule to-day.

Mr. HISCOCK. But the bill has not been read for amendment.

The SPEAKER *pro tempore*. The Chair is of opinion that the motion of the gentleman from Kentucky is in order at this time.

Mr. CANNON. I desire to make a parliamentary inquiry.

Mr. BLAND. I call for the regular order.

The SPEAKER *pro tempore*. The gentleman from Illinois rises to make a parliamentary inquiry. He will state it.

Mr. CANNON. I call the attention of the Chair to this fact, that the bill has been considered in the House as in Committee of the Whole, and that it can not be disposed of finally as long as any member wants to offer an amendment till that is disposed of.

The SPEAKER *pro tempore*. That would be the rule in the Committee of the Whole House; but in the House as in Committee of the Whole the previous question can be ordered. The Chair will put the question.

Mr. BURROWS. I desire to inquire if the motion for the previous question is voted down would not the bill then be open to amendment?

The SPEAKER *pro tempore*. It would. The question is on ordering the previous question on the engrossment and third reading of the bill.

The question being taken, there were—ayes 58, noes 66.

So (further count not being called for) the previous question was not ordered.

Mr. WILLIS addressed the Chair.

Mr. HOLMAN. Is a motion to lay the bill on the table in order?

The SPEAKER *pro tempore*. It is.

Mr. WILLIS. I had the floor, I believe.

The SPEAKER *pro tempore*. Did the gentleman from Kentucky call for tellers?

Mr. WILLIS. If the House will indulge me for a quarter of a minute I desire to make a very brief statement. I have no desire to cut off debate or amendments. I trust the House knows me well enough to believe that I have not. I appeal to the House, and to its sense of fairness, to allow me to make a motion to postpone the consideration of this bill to a future day.

Mr. RANDALL. I suggest that the bill be recommitted.

The SPEAKER *pro tempore*. The Chair must entertain the motion of the gentleman from Indiana as first in order, to lay the bill on the table.

Mr. HOLMAN. I am perfectly willing to substitute the motion to recommit.

The SPEAKER *pro tempore*. The gentleman from Indiana withdraws the motion to lay on the table and moves to recommit the bill to the Committee on Coinage, Weights, and Measures.

Mr. WILLIS. I hope that motion will be voted down.

The SPEAKER *pro tempore*. The motion to postpone has preference. The gentleman from Kentucky moves to postpone the consideration of this measure—until when?

Mr. WILLIS. The 15th of May. I hope there will be no opposition to that.

Mr. HISCOCK. I desire to inquire if this bill should be postponed till the 15th of May what preference would it have over other business on that day? It is fair we should know that before we vote.

The SPEAKER *pro tempore*. The Chair is of opinion that at that time it would occupy the same position as it does now.

Mr. HISCOCK. Do I understand, then, that it goes into the morning hour?

The SPEAKER *pro tempore*. It would take its place in the order of unfinished business at that day, as a special order.

Mr. REED, of Maine. I suppose the postponement of the bill to a particular day would have the same effect as a special order?

The SPEAKER *pro tempore*. It would be made a special order in the order of unfinished business.

Mr. HOLMAN. I do not understand it is made a special order.

The SPEAKER *pro tempore*. The Chair is of opinion that postponing a proposition to a day certain makes it a special order for that day.

Mr. STEELE. I call for the regular order.

Mr. KELLEY. Would it exclude a revenue bill? For I understand one has been substantially fixed for consideration on that day.

The SPEAKER *pro tempore*. The Chair would prefer that the Speaker occupying the chair at the time when the bill shall be again called up shall rule on any question that may arise as to its status.

The question being taken on the motion of Mr. WILLIS, there were—ayes 115, noes 15.

Mr. DUNHAM. No quorum.

The SPEAKER *pro tempore*. The Chair will appoint tellers.

Mr. WILLIS. I ask for the yeas and nays for the purpose of letting the House carry out its will. Unless the vote is taken by yeas and nays the House can not carry out its will.

The yeas and nays were ordered, 56 members voting therefor.

The SPEAKER *pro tempore*. The question is on postponing the further consideration of this bill to the 15th of May.

The question was taken; and there were—yeas 213, nays 20, not voting 90; as follows:

YEAS—213.

Adams, G. E.	Barry,	Breckinridge, C. R.	Burrows,
Adams, J. J.	Bayne,	Breckinridge, W. C. P.	Bynum,
Allen, C. H.	Blanchard,	Brown, C. E.	Cabell,
Allen, J. M.	Bland,	Brown, W. W.	Caldwell,
Anderson, C. M.	Bliss,	Buchanan,	Campbell, Felix
Anderson, J. A.	Bound,	Buck,	Campbell, J. M.
Atkinson,	Boutelle,	Bunnell,	Cannon,
Baker,	Brady,	Burleigh,	Carleton,
Ballentine,	Bragg,	Burnes,	Caswell,

Catchings,	Harris,	Morrill,	Springer,
Clardy,	Haynes,	Muller,	Stahlnecker,
Clements,	Hemphill,	Murphy,	Steele,
Cobb,	Henderson, D. B.	Neal,	Stephenson,
Compton,	Henderson, T. J.	Neece,	Stewart, Charles,
Comstock,	Henley,	Negley,	Stone, E. F.
Cooper,	Herbert,	Nelson,	Stone, W. J., Ky.
Crain,	Herman,	Norwood,	Stone, W. J., Mo.
Crisp,	Hiestand,	O'Ferrall,	Strait,
Culberson,	Hill,	O'Hara,	Struble,
Cutcheon,	Hires,	O'Neill, Charles	Symes,
Daniel,	Hitt,	O'Neill, J. J.	Tarsney,
Dargan,	Holmes,	Osborne,	Taulbee,
Davenport,	Hudd,	Outhwaite,	Taylor, I. H.
Davidson, R. H. M.	Hutton,	Owen,	Taylor, J. M.
Davis,	Irion,	Parker,	Taylor, Zach.
Dawson,	James,	Payson,	Thomas, O. B.
Dibble,	Jones, J. H.	Peel,	Thompson,
Dingley,	Jones, J. T.	Perkins,	Tillman,
Dougherty,	Kelley,	Perry,	Townshend,
Dowdney,	Ketcham,	Peters,	Van Eaton.
Dunham,	King,	Pheips,	Van Schaick,
Dunn,	Kleiner,	Pindar,	Viele,
Ellsberry,	La Follette,	Plumb,	Wade,
Ermentrout,	Lanham,	Reagan,	Wait,
Everhart,	Lawler,	Reid, J. W.	Wakefield,
Farquhar,	Lehlbach,	Richardson,	Ward, T. B.
Felton,	Libbey,	Riggs,	Weaver, A. J.
Fleeger,	Lindsley,	Robertson,	Weaver, J. B.
Ford,	Little,	Rockwell,	Weber,
Forney,	Long,	Rogers,	Wellborn,
Frederick,	Lore,	Romeis,	West,
Fuller,	Loutitt,	Rowell,	Wheeler,
Funston,	Lowry,	Sadler,	White, A. C.
Gallinger,	Mahoney,	Sawyer,	White, Milo
Gay,	Matson,	Sayers,	Whiting,
Gibson, C. H.	McAdoo,	Scott,	Wilkins,
Gibson, Eustace	McCreary,	Scranton,	Willis,
Glass,	McKenna,	Seymour,	Winans,
Grosvenor,	McMillin,	Shaw,	Wise,
Grout,	McRae,	Singleton,	Wolford,
Guenther,	Milliken,	Skinner,	Worthington.
Hall,	Mills,	Smalls,	
Halsell,	Mitchell,	Sowden,	
Harmer,	Morgan,	Spooner,	

NAYS—20.

Arnot,	Conger,	Johnston, J. T.	Randall,
Beach,	Cowles,	Johnston, T. D.	Rice,
Blount,	Hewitt,	Lyman,	Storm,
Campbell, T. J.	Holman,	McComas,	Swope,
Collins,	Howard,	Miller,	Warner, William.

NOT VOTING—90.

Aiken,	Evans,	Laffoon,	Reed, T. B.
Barbour,	Findlay,	Laird,	Reese,
Barksdale,	Fisher,	Landes,	Ryan,
Barnes,	Foran,	La Fevre,	Seney,
Belmont,	Geddes,	Lovering,	Sessions,
Bennett,	Gilfillan,	Markham,	Snyder,
Bingham,	Glover,	Martin,	Spriggs,
Boyle,	Goff,	Maybury,	Stewart, J. W.
Browne, T. M.	Green, R. S.	McKinley,	St. Martin,
Brumm,	Green, W. J.	Merriman,	Swinburne,
Butterworth,	Hale,	Millard,	Taylor, E. B.
Campbell, J. E.	Hammond,	Moffatt,	Thomas, J. R.
Candler,	Hanback,	Morrison,	Throckmorton,
Cole,	Hatch,	Morrow,	Trigg,
Cox,	Hayden,	Oates,	Tucker,
Croxton,	Heard,	O'Donnell,	Turner,
Curtin,	Henderson, J. S.	Payne,	Wadsworth,
Davidson, A. C.	Hepburn,	Pettibone,	Ward, J. H.
Dockery,	Hiscock,	Pidcock,	Warner, A. J.
Dorsey,	Hopkins,	Pirce,	Wilson,
Eden,	Houk,	Price,	Woodburn.
Eldredge,	Jackson,	Pulitzer,	
Ely,	Johnson, F. A.	Ranney,	

So the motion was agreed to.

Mr. WILLIS. I ask unanimous consent that the reading of the names of members voting be dispensed with.

There was no objection, and it was so ordered.

The following-named members were announced as paired until further notice:

Mr. LANDES with Mr. O'DONNELL.
Mr. THROCKMORTON with Mr. JACKSON.
Mr. MAYBURY with Mr. RYAN.
Mr. GREEN, of North Carolina, with Mr. HAYDEN.
Mr. CROXTON with Mr. DORSEY.
Mr. BENNETT with Mr. EZRA B. TAYLOR.
Mr. PIDCOCK with Mr. JOHNSON, of New York.
Mr. LE FEVRE with Mr. WADSWORTH.
Mr. COLE with Mr. GOFF.
Mr. HAMMOND with Mr. THOMAS, of Illinois.
Mr. TURNER with Mr. HOPKINS.
Mr. DAVIDSON, of Alabama, with Mr. SWINBURN.
Mr. ELDRIDGE with Mr. PAYNE.

The following-named members were announced as paired for this day:

Mr. FORAN with Mr. MCKINLEY.
Mr. LAFFOON with Mr. BINGHAM.
Mr. WARD, of Illinois, with Mr. BRUMM.
Mr. SNYDER with Mr. HOUK.
Mr. CAMPBELL, of Ohio, with Mr. HEPBURN.
Mr. HEARD with Mr. HANBACK.
Mr. SENEY with Mr. EVANS.
Mr. CANDLER with Mr. PETTIBONE.
Mr. HENDERSON, of North Carolina, with Mr. BROWNE, of Indiana.
Mr. GREEN, of New Jersey, with Mr. MARKHAM.
Mr. LOVERING with Mr. STEWART, of Vermont.

The result of the vote was then announced as above recorded.

The SPEAKER *pro tempore*. The hour for the consideration of the bill has expired.

PRINTING FOR SELECT COMMITTEE ON LABOR.

Mr. BURNES. Mr. Speaker, I desire to offer a resolution for present consideration.

The resolution was read, as follows:

Resolved, That the testimony taken by the select committee on existing labor troubles be printed, and that 100 extra copies thereof be printed for the use of the committee.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the resolution?

There was no objection; and the resolution was adopted.

Mr. BURNES moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARIA HOLLANDS.

The SPEAKER *pro tempore* laid before the House the following message from the Senate:

IN THE SENATE OF THE UNITED STATES, *April* 7, 1886.

Ordered, That the Secretary request the House of Representatives to return to the Senate the bill (S. 1586) granting a pension to Maria Hollands.

The SPEAKER *pro tempore*. If there be no objection the bill indicated in the message of the Senate will be returned as requested.

There was no objection, and it was so ordered.

ADULTERATION OF FOOD.

Mr. PARKER. Mr. Speaker, I wish to enter my dissent from a report made from the Judiciary Committee upon the adulteration of food.

The SPEAKER *pro tempore*. If there be no objection, the gentleman may file his views and have them printed with the report of the committee.

There was no objection, and it was so ordered.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. WILLIS. I move that the House now resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. WELLBORN in the chair), and resumed the consideration of the bill (H. R. 7480) making appropriations for the construction and preservation of certain public works on rivers and harbors, and for other purposes.

The CHAIRMAN. The pending question is on the point of order made last evening by the gentleman from Pennsylvania [Mr. BAYNE] against the amendment proposed by the gentleman from the same State [Mr. EVERHART]. The Chair indicated yesterday his disposition to overrule the point of order and to submit this amendment to a vote of the committee. On reflection, the Chair is satisfied that he was then wrong, and now hastens to correct his error. The situation is just this: The original paragraph in the bill has been stricken out and new matter inserted. The amendment against which the point of order is raised proposes to strike out this new matter. To do this would be equivalent to a reconsideration of the action by which the Committee of the Whole inserted this matter. This can not be done. The Chair sustains the point of order.

Mr. EVERHART. Is it in order to move to lay that proposition on the table?

The CHAIRMAN. In Committee of the Whole there is no such motion as a motion to lay on the table.

The Clerk read as follows:

Improvement of the Muskingum River, Ohio, between Zanesville and the mouth of the river, and for operating the same, $20,000. And the United States hereby accepts from the State of Ohio the said Muskingum River improvement, and all the locks, dams, and their appurtenances, and the canals belonging to said improvement, and all the franchises and property of every kind, and rights in said river, and its improvements now owned, held, and enjoyed by the State of Ohio, subject to the conditions in the act of the General Assembly of the State of Ohio passed and taken effect on the 2d day of May, 1885, including all water leases and rights to use water under and by virtue of any lease of water now running and in force between the State of Ohio and all persons using said water, hereby intending to transfer to the United States such rights in said leases and contracts as are now owned, held, or reserved by the State of Ohio; but not to affect any right to the use of the water of said river now owned and held by the lessees of any water right under any lease or contract with the State of Ohio. And the United States hereby assumes control of said river subject to the paramount interest of navigation. The provisions of this act, so far as they relate to the Muskingum River, shall not take effect, nor shall the money hereby appropriated be available, until the State of Ohio, acting by its duly authorized agent, turns over to the United States all property ceded by the act of the General Assembly aforesaid, and all personal property belonging to the improvement aforesaid, and used in its care and improvement, and any balance of money appropriated by said State for the improvement of said river and which is not expended on the 15th day of July, 1886.

Mr. REAGAN. I observe that this paragraph proposes that the United States accept from the State of Ohio this work, subject to the conditions

of an act of the General Assembly of that State. I would like to know what the provisions of that act are.

Mr. GROSVENOR. The act of the Legislature of Ohio simply cedes to the United States all the right, title, and interest of the State in the improvement of the Muskingum River.

Mr. REAGAN. What is the meaning of the reservation of water rights and privileges? Does it mean that there are mills or other private establishments to be supplied with water-power by this expenditure on the part of the General Government?

Mr. GROSVENOR. Under the system of improvement of the Muskingum River and all the canals in the State—and I may as well say the Muskingum River improvement is part of the old canal system of the State—under that system the State has always by written leases leased to mill-owners and manufacturing establishments along the line of the stream the right to use the surplus water, the water not necessary for navigation. Some of those leases do not expire for two or three years. Not more than one or two of them extend beyond 1890. The provision of this river and harbor bill is that the rights acquired under those leases, whatever they may be, shall not be disturbed until the expiration of the term for which the leases are to run. I ought to say in this connection that the supreme court of our State in two or three cases, notably in the case of The Manhattan branch of the Ohio Canal *vs.* The City of Toledo, has decided that the lessee of the water privilege has no right which he can enforce against the State or anybody else; that he only holds his privilege as a matter of grace, his rights being subordinated to the right of navigation in the canal.

Mr. REAGAN. Mr. Chairman, whatever may have been the decision to which the gentleman refers, if we now pass an act of Congress accepting and assuming control of these works, subject to the rights of lessees of water privileges, it will not be within the power of any court to take away those privileges.

Mr. GROSVENOR. The gentleman will allow me to say that the net income to the State from these leases is something over $4,000 a year; and by the terms of this act the proceeds of those leases are transferred to the United States.

Mr. REAGAN. Mr. Chairman, we have spent nearly $2,000,000 in making locks and dams on the Fox River, Wisconsin, to supply water-power for mills and manufacturing establishments. I take it that the provision now before us proposes not only that the Government enter upon slackwater navigation at this point, but that it furnish water-power for private individuals or corporations—the same thing which has been done at Saint Anthony Falls and upon the Fox River. I have protested when a preceding provision of this bill was under consideration against the increase of appropriations for slackwater navigation; and I wish to protest again.

In the case of the Monongahela River we had adopted an amendment which would have taken the sting out of the scheme of the Monongahela Navigation Company; but after this had been done an amendment was offered striking out all that and inserting another provision to the effect that this company should not levy tolls upon any commerce originating above its works. Everybody must know that this proviso meant simply nothing, but left in the bill a clean appropriation of $120,000 for that work, because a company incorporated under the laws of Pennsylvania and authorized by the laws of that State to charge tolls on the commerce of that river will pay no more attention to a proviso of that kind than if it had never been inserted. I was therefore amazed that the House sat still and adopted an amendment like that striking out a substantial proposition which had been before agreed to.

But, Mr. Chairman, I do not know that it is worth while to spend time in resisting efforts which will inevitably lead to the destruction of all possibility of ever passing river and harbor bills. If we are to extend provisions of this kind to all the slackwater navigation—commencing with the Columbia River, and taking in the Sault Ste. Marie Canal, the Des Moines Rapids Canal, the Tennessee River Canal, the Louisville and Portland Canal, the Kentucky River Slack-Water Navigation, the Great Kanawha Slack-Water Navigation, on the three rivers, about which provisions have already been inserted in this bill, one in the State of Pennsylvania, two in Kentucky—where it is proposed the Government shall purchase works already in existence——

[Here the hammer fell.]

Mr. KING obtained the floor, and yielded his time to Mr. REAGAN.

Mr. REAGAN. I thank the gentleman from Louisiana for his courtesy. I will not transgress upon the attention of the House any longer than necessary.

The money that will be required for these canals and this slackwater navigation would do a great deal toward deepening and removing obstructions in the navigable rivers of the country, estimated, I believe, to be about 28,000 miles of navigable water. It would do a great deal toward improving the great lakes and the other navigable lakes of the country. It would do a great deal toward deepening and removing obstructions in the inlets to the harbors of the country so as to secure convenience, cheapness, and ease to navigation. But just so surely as we go on loading the river and harbor bill with provisions for the purchase of expensive canals and systems of slackwater navigation we shall break down the river and harbor bill and arrest all improvements in this line.

It is for this purpose, and because I do not think the Government ought to take hold of private works and works of private corporations—take them off their hands or off the hands of the State, simply to be held by the Federal Government.

Some of these works were necessary. I believe the Sault Ste. Marie Canal was a necessity. I think the Des Moines Canal was a necessity. I think the Louisville and the Tennessee River Canals were necessary. The others I would classify as luxuries of the most expensive sort. It seems to me, while improving navigation to increase business in a particular locality, it may be calculated to do a great deal to injure the general work on rivers and harbors in the way of facilitating and cheapening the transportation of the commerce of the country. To facilitate and cheapen that transportation is the great work, and nothing should be allowed to interfere with it.

Mr. HEPBURN. I rise to a point of order in reference to so much of the pending paragraph as is included in the words in lines 860–861:

And the canals belonging to said improvement, &c.

The point I make is that this is a river and harbor appropriation bill, and it has been decided that canals are no part of such improvements. Here is a proposition looking to the acquisition of a canal, with all its appurtenances, locks, and dams. Under the distinction made in the decision of the Chair yesterday, I hold this portion of the pending paragraph is subject to the point of order and must be ruled out.

Mr. GROSVENOR. I will say in reply to the point of order made by the gentleman from Iowa that the Oswego River is not a canal. The system of slackwater navigation consists in the construction of a short canal of about one-fifth of a mile in length as a part and necessary adjunct of the navigation of a river. This work was begun in 1831.

The system then was to put a dam into the river and penetrate it with a lock, so as to land the boat in a slackwater a short distance above the dam. It is no more a canal than is the central stone work of any lock on the dam. That is all there is about it.

About the canals on this river—and I wish to speak of them as they deserve, and will do so hereafter—changes have been made until they are reduced to four or five little short canals, one little over a mile and the others most of them only one-fifth of a mile in length, used simply for the purpose of getting above the dam.

Mr. WILLIS. I submit to the Chair that the point of order made by the gentleman from Iowa came too late. This paragraph was under discussion and had been discussed for some time.

The CHAIRMAN (Mr. MCMILLIN in the chair). The gentleman from Iowa makes the point of order against a portion of the pending paragraph that in providing for canals it provides for something which has nothing at all to do with the improvement of rivers and harbors. The gentleman from Kentucky makes the further point that the gentleman's point of order came too late; that the paragraph had been under consideration before the gentleman from Iowa rose from his seat to raise the point of order. The Chair decides the point of order came too late, as the paragraph had been under consideration for some time.

Mr. WARNER, of Ohio, rose.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. WARNER, of Ohio. I will move then to strike out the last word.

Mr. HEPBURN. Mr. Chairman, I submit I rose to make the point of order on the pending paragraph at the very first moment it was possible for me to do so. I tried to get the attention of the Chair, but others were recognized, and as soon as I could get the attention of the Chair I made the point of order against the pending paragraph.

The CHAIRMAN. The Chair will state, in reply to the gentleman from Iowa, that the question was being discussed before the gentleman from Iowa sought the attention of the Chair or before the Chair observed him. The gentleman from Texas had occupied the floor for five minutes, and his time having expired and the hammer having fallen, the floor was taken by another and the time yielded to the gentleman from Texas to conclude his speech. It was not until the gentleman from Texas had concluded his speech that the gentleman from Iowa raised the point of order. The gentleman from Ohio [Mr. WARNER] has been recognized, and is now entitled to the floor.

Mr. WARNER, of Ohio. A canal has no place here, and might be dropped out without any loss whatever.

Mr. HEPBURN. What has become of my point of order as to that portion of the paragraph relating to canals not being in order to a river and harbor appropriation bill?

The CHAIRMAN. It has been decided to have been made too late. The Chair is aware of the fact that a distinction has been made as between canals proper and natural water ways. The point of order has been decided to have been made too late, and the floor has been assigned to the gentleman from Ohio.

Mr. WARNER, of Ohio. Mr. Chairman, the General Government has undertaken to improve all the tributaries of the Ohio River on the Kentucky and West Virginia side, as well as certain of the tributaries on the western side. When the gentleman from Texas [Mr. REAGAN] was chairman of the committee having charge of the improvements of rivers and harbors, I remember bills were brought in for the improvement of

tributaries of the Ohio even where dams had been constructed by private parties. The General Government has expended a large amount of money on the Big Kanawha, and is spending money on the Little Kanawha and upon most of the other tributaries of the Ohio River. The Muskingum River is one of the largest if not the largest tributary of the Ohio from the west, and the only reason why the General Government has not taken control of that river and made appropriations for it is that many years ago, when a different system prevailed, the State of Ohio undertook to improve this river, and did improve it.

Under the earlier decisions of the court a river, if wholly within a State, although a tributary to an interstate water way, was left to the care of the State; but under later decisions, which go so far as to establish the right of the General Government to remove even the dams and locks which may have been placed upon a river by a State, things have changed. There is no longer any question as to the right of the Government in such cases to take possession and improve such navigable tributaries, but it is the only power that can. The General Government, notwithstanding the work the State has done, may at any time take possession of the Muskingum River, and may prevent the building of bridges across it, and may, if it sees fit, without asking leave, remove from it all dams, locks, or other obstructions placed there by the State.

The decisions of the courts go to this extent; that is, the jurisdiction of the General Government is not only paramount but exclusive whenever it chooses to assert it. The Muskingum is a navigable tributary of the Ohio, and is therefore a part of an interstate system of navigable waters; and if one part of such a system is taken in charge by the General Government, why not the whole? There is a hesitancy in every State since the General Government has entered upon the system of improvements, under the later decisions of the courts, to appropriate money for any works that are interstate; and if the rivers of one State are to be provided for out of the common Treasury, why should not all be?

But, Mr. Chairman, this is not a proposition to obtain control by purchase or by condemnation. It is a proposition to take possession without cost of a river already improved and to appropriate a small sum for further improvement. A large amount of money has been expended by the State on this river for its improvement, all of which passes to the General Government without cost. There is no other way, I say, under the decisions I have referred to, to maintain such works as these and continue them as parts of a general system of water ways but to have the General Government assume the control which the Supreme Court of the United States has said they may.

All we ask is that this river be put upon the same basis as the other tributaries of the Ohio. No money is to be paid to the State; there is no purchase of the works to be negotiated, but a very valuable property is ceded to the General Government in order that the system of the Ohio and its great tributaries may be made complete and open to all alike. The Government could, in my opinion, now stop the collection of all tolls on this river. I go so far as to say under the decision of the court that the collection of tolls by State authority might be prohibited on the commerce of this river on the ground that tolls are an obstruction to interstate commerce. That is the situation; and for this reason it is proposed to put this tributary upon the same footing with all the other great tributaries of the Ohio River by putting it under the control of the General Government.

I withdraw the *pro forma* amendment.

Mr. HEPBURN. I renew it. I would like, Mr. Chairman, to have the chairman of the Committee on Rivers and Harbors inform us what improvements there are now on this Muskingum River that it proposes to appropriate this $20,000 for. My understanding is that the only work now being prosecuted is the completion of the ice-harbor, and that there is no other work being done. There is no other reference to the Muskingum River in the reports of the engineers. If there is I am unable to find it.

Mr. GROSVENOR. Let me interrupt the gentleman to say that there are full and elaborate reports from the engineers of the Government of the details of the work proposed to be done, with maps and plans. This was offered some time ago and is now before the House. It bears date January 22, 1886.

Mr. HEPBURN. Then it was submitted after the reports of the engineers?

Mr. GROSVENOR. Yes; it is not in the last year's report.

Mr. HEPBURN. For all we find in the reports is that the engineers are now engaged in building an ice-harbor, upon which there has already been expended $194,000, and that it is proposed to expend $95,000 more in the completion of that harbor.

Now we find here a proposition to appropriate $20,000 in this paragraph for the improvement of the Muskingum River and then this other extraordinary provision looking to the acquisition of the works by the General Government. It seems to me as if the appropriation was gratuitously made by the committee in order to have something upon which they could hang that other proposition to acquire the work. If that is not so I would be glad if the chairman would inform us what the facts are.

Mr. WILLIS. I will yield to the gentleman from Ohio [Mr. GROSVENOR] who can explain the matter very fully.

Mr. GROSVENOR. Mr. Chairman, the Muskingum River improvement, now navigable by steamboats, is 65 miles long, extending from Marietta, on the Ohio River, to Zanesville. Heretofore on that river the State of Ohio has expended $1,600,000 for the construction of its locks and dams. The work, as I have said, was begun in 1836 and completed in 1841. The State of Ohio has appropriated somewhere from ten to twenty-five thousand dollars a year to keep these locks and dams in repair. It is like any other slack-water navigation, and does not keep itself in repair. It is like any other river and harbor of the country which requires to have appropriations of money from year to year, as occasion may require, to keep it up. The general appropriation of the Ohio Legislature, which is probably the law to-day, provides that $10,000 be expended for the improvement of this river this year, and the bill of the committee provides that that money, or so much as may not have been expended on the 15th of July coming, shall be transferred with the personal property to the Government, and then the control of the river shall pass to the control of the United States, and shall henceforth become and remain a part of the public works of the Government.

The personal property consists of boats and the plant, as we call it, to keep a slack-water navigation of 65 miles in repair, and the $20,000 to be appropriated by this bill is to be appropriated to meet the requirements of the estimates made by the engineers for the repairs and improvements of the locks and dams. I have said it cost $1,600,000. The State of Ohio has expended $704,571.26 upon the work in addition to the original cost, and has received from it $670,975.88. So that during the whole time from 1838, when the first tolls were collected, down to this time the net expense to the State of Ohio above receipts has been only $33,585.38. The water-rents amount to about $4,000 a year, and by the terms of this bill they are transferred to the General Government. But care has been taken in the act that no injustice shall be done to the lessees, who hold their leases subject to the paramount interest of navigation.

Now I want to speak a word or two about the business of that river. It is a beautiful river, and is the only tributary of the Ohio River lying in Ohio for which the Government has been asked to make any expenditure of money. I was met the other day by the question, and I will answer it now, why does the State of Ohio propose to concede this work to the General Government? I will tell you. This slack-water navigation is part of a system of canals running from Cincinnati to Toledo, from Portsmouth to Columbus, from Columbus down the Hocking Valley, and from Columbus to Cleveland, by way of Coshocton, and from Zanesville to Marietta by this river. It is all one system and is called the public works of Ohio. They were leased from 1869 to 1878 to the "lessees of the public works;" and my statement of the receipts and expenditures does not cover that time. This river, I understand, was very profitable to the lessees.

Many canals of Ohio are becoming unprofitable. The Muskingum improvement is one of the fairly profitable works of the State, and the canal from Cincinnati to Toledo is another; one on one side of the State, substantially, and the other on the other side of the State. Some portions of canals have been abandoned already by acts of the General Assembly, and a strong party in the State favors an entire abandonment of the profitless portions of the canals. So it has been deemed wise to lop off from the general canal system of the State this valuable improvement and ask the Government to take it without additional cost and keep it for the general purposes of navigation.

These 65 miles are traversed every day by steamboats. One leaves Zanesville every morning going through the great county of Muskingum, the county of Morgan, and then the county of Washington, the large and productive county represented by General WARNER in this House, with its over 43,000 inhabitants, and so on to Marietta. And a boat leaving Marietta in the morning of each day goes to Zanesville, so that the river is traversed twice a day from one end to the other, besides the small boats running from Zanesville to McConnelsville a round trip daily, and from Beverly to Marietta, a round trip also each day.

This navigation furnished all the means of public travel between Marietta and Zanesville, and the United States sends its mails over the whole route daily.

[Here the hammer fell.]

Mr. BUTTERWORTH was recognized, and yielded his time to Mr. GROSVENOR.

Mr. GROSVENOR. The business of that river is very profitable. I have a statement here from the report of the engineer showing the amount of business which is done. It is very large. I will only stop to read a few items of the shipments for one single year. It embraces every commodity produced in that magnificent valley. Among the other items, that of general merchandise amounted to 1,025,000 pounds, while pig-iron amounted to 333,000 tons, lumber 463,000 feet, and timber 98,000. Every commodity that that valley produces is carried upon that slack-water navigation.

I here add a statement of the business showing the average annual shipments since 1878, when the property came back to the control of the State.

Tonnage table.

Articles.		Zanesville.		McConnelsville.		Marietta.	
		Arrived.	Cleared.	Arrived.	Cleared.	Arrived.	Cleared.
Apples	barrels	1,152					
Ale and beer	do	124	391	202	46		163
Blood	do		31				
Flour	do	8,536	80		19,141		
Oil (linseed)	do	902				13,432	68
Oil (refined)	do						1,496
Oil (crude)	do					418	741
Lime and cement	do		1,056	429		88	139
Pork	do				921	599	20
Salt	do	14,140		176	1,887	33	642
Whisky	do					1	9
Corn	bushels	2,583		410	1,530	10,017	
Coal	barrels	3,700		250,250	388,300	25,436	8,785
Coke	do		2,850	24,035	9,000		19,900
Flaxseed	do						
Oats	do				80	88	45
Potatoes	do	3,150	730	1,019	3,773	6,486	
Wheat	do	84,870		240	60,155	50,572	200
Bran	pounds		186,100				
Baggage and furniture	do	98,100	55,600			83,700	51,060
Butter and eggs	do	79,000			90,160	101,851	
Bone-dust	do	7,000	795,200			15,700	549,800
Bacon and pork	do					111,502	2,200
Crockery	do			4,200	4,500		
Dried fruit	do	42,700					
Hides	do	23,500	183,900	22,440	400	128,661	36,595
Grindstones	do	14,000	58,000	28,000	3,450		6,000
Iron (cast)	do	62,600	892,560			866,587	44,416
Iron (bar)	do	34,300	1,098,700	1,793,942		40,782	22,470
Iron (pig)	do		330,600	308,212	61,800	94,430	330,208
Fire-clay	do	510,560				20,000	
Lard	do				33,000		
Leather	do	52,400	1,000	1,000	45,100	13,677	
Machinery	do	62,200	133,700			10,480	
Merchandise	do	1,200,300	4,903,300	4,037,579	2,018,830	597,442	1,125,370
Peaches	do	71,800					
Plows	do	1,031,500					
Potter's ware	do		239,974			212,500	
Rags	do	48,900					
Slate	do		436,500				
Soap	do		46,800				
Sundries	do			872,970	2,173,050	1,446,876	121,700
Tobacco	do	670,250	50,800	61,900	652,690	56,100	
Wool	do	680,000				195,195	1,000
Barrels (empty)	number	853	2,920	1,044	4,290	2,763	1,271
Brick	do	3,900	12,450	3,200	4,900		28,010
Live-stock	do	8,921				1,955	
Hoop-poles	do	51,070	2,000	2,000	60,560		
Lath	do		295,500	129,500	20,000	15,000	
Staves and headings	do		630,500	33,100	5,000	17,000	
Shingles	do		877,200	226,500			1,500
Fire-brick	do						
Railroad ties	do				12,758		
Lumber	feet	870,300	120,300	80,972	577,600	238,064	463,770
Timber	do					15,765	98,000
Stone	perches	113				11,482	112
Wood	cords	170				427	
Bark	do						327

And this commerce may be greatly increased. I quote from the report of the engineer:

INCREASE OF COMMERCE.

In regard to the question as to the increased amount of commerce that would be dependent upon this river for transportation were the General Government to take possession of it and make such repairs and improvements as are practicable for its better navigation, I would say that there could undoubtedly be developed a very large increase of business. From information of the most reliable character I am able to state that there are important deposits of coal, salt, natural gas, oil, and cement along and accessible to the river. It also flows through a rich valley furnishing a large amount of produce.

This work is not an experiment, and I take pleasure in presenting the report of the engineer of the United States showing the value and quality of the river:

UNITED STATES ENGINEER OFFICE,
Cincinnati, Ohio, January 9, 1886.

GENERAL: The river and harbor act approved July 5, 1884, provides, among other surveys, for one of Muskingum River. This survey having been assigned to me, I have the honor to submit the following report:

The act itself contains no instructions as to the object to be attained by the survey, except that the general preface requires "estimates of costs of improvements proper to be made." To understand the present status of the river in question, a brief history is necessary.

The Muskingum is the largest and most important river lying wholly within the State of Ohio, and it is the only one that is navigable for any considerable distance. It drains the larger portion of the eastern half of the State, its headwaters extending to within 25 miles of Lake Erie, where they interlock with those of the Cuyahoga. A line drawn due south from Cleveland would very nearly bisect the basin of the Muskingum, but it would pass about 20 miles west of Marietta, at which point the Muskingum empties into the Ohio. The extreme length of the river is 225 miles, and its basin contains an area of 6,250 square miles.

When the State of Ohio, about fifty years ago and prior to the era of railroads, began to create a system of water ways for the development of its internal commerce, it was thought best to make the Muskingum River a part of the system by building locks and dams from its mouth to Dresden, creating 91 miles of slack-water. At Dresden a junction was made with the "Ohio" Canal, which runs from Lake Erie, at Cleveland, to the Ohio River, at Portsmouth, the mouth of the Scioto. It thus results that this line of water transportation connects with the Ohio River both at Marietta and at Portsmouth, points that by river are 183 miles apart.

The Muskingum slack-water was begun in 1837 and completed in 1841, by the construction of twelve locks, eleven dams, and five short lengths of canals. The locks are 180 feet long between hollow quoins, and they are built with a chamber width of 36 feet, but, owing to the yielding of the walls, the present greatest available width is 34 feet; the greatest available length for boats is 158½ feet. Each dam has one lock connected with it, except at Zanesville, where there is a flight of two locks. At six of these dams the lock adjoins the dam, and the passage from one pool to another is immediate. At the other dams the passage is by a lateral canal, and these canals vary in length from $1\frac{1}{7}$ miles to two-sevenths of a mile. Experience has shown that these canals are a serious detriment to navigation, as the difficulty of getting rid of the sediment that accumulates in them has given rise to the practice of banking the spoil, thus reducing the water way to such a degree that boats can not pass each other in the canals, and even the passage of one boat is tedious and difficult. Were the navigation of the Muskingum more active these canals would long since have been abolished as an intolerable nuisance.

The survey of the Muskingum River was made by Mr. John B. Gregory, late chief engineer of the board of public works, assisted by Mr. T. D. Paul, assistant engineer. From Mr. Gregory's report, which is hereto attached, it will be seen that the works are not in very good order, that the upper lock and dam at Symme's Creek has been abandoned, and that he estimates that $114,000 will be required to put the improvement in good order between Zanesville and Marietta, without taking into account the repair of the Symme's Creek dam.

My own experience shows that nothing is more uncertain than estimates on hydraulic work, that hidden and unknown damages are constantly appearing whenever repairs are begun, and that the safest plan is to double all detailed estimates in order to provide for the unforeseen. I therefore think it advisable to increase Mr. Gregory's estimate to $200,000.

At the last session of the Ohio Legislature an act was passed offering the Muskingum River and its appurtenances to the United States, and a copy of this act is hereto annexed. In view of this offer of the State it seems to be my duty to submit an estimate of the probable cost to the United States of accepting this offer. The items of this cost will consist of the repairs just named, of the annual expenditure for salaries of resident engineer and lock-keepers, of the current repairs of the works, and of the expenditure for dredging.

The following table, which has been compiled from the latest annual reports of the board of public works of the State of Ohio, shows the receipts and expenditures on the Muskingum River during the last three years.

Financial statement of Muskingum River improvement.

Year ending November 15—	Receipts.			Special appropriation.	Disbursements.	Annual salaries.			
	Tolls, &c.	Rents.	Total.			Superintendent.	Collectors.	Lock-tenders.	Total.
1882	$13,655 22	$4,004 34	$17,659 56		$23,780 27	$1,200	$990	$2,592	$4,692
1883	13,221 29	3,369 40	16,590 69		44,027 72	1,200	900	2,592	4,692
1884	9,550 85	4,537 99	14,088 84	$10,000	25,215 53	1,200	900	2,304	4,404
Total	36,427 36	11,911 73	48,339 09		93,023 52				13,788
Average per year	12,142 45	3,970 58	16,113 03		31,007 84				4,596

It will be seen from the above that, during the last three years, the expenditures on the Muskingum River improvement have averaged $31,007, while the receipts have averaged $16,113, or about one-half the expenditures. Were the United States to take charge of this improvement the annual revenue from tolls would disappear, and the only revenue that would remain would be that from rents, of which the annual average is about $4,000.

The estimate of $200,000 herein submitted is for repairs that are immediately demanded, in order to bring the works into good condition. After these repairs are made it will still be necessary to provide for the current renewals of lock-gates and other perishable structures, and for annual repairs due to future floods and accidents, which are inseparable from this class of works. It is impossible to make a precise estimate on matters which are so dependent upon unknown contingencies, but, considering the age and condition of the works, it seems not unreasonable to assume that the average cost of repairs during the last three years will continue for many years to come. As the only expenditures are for repairs and salaries, it is evident that by subtracting the latter from the former we shall get the cost of repairs alone. This subtraction gives $26,412, which for convenience may be called $25,000.

The salaries paid by the State are very small, much smaller than are paid by the United States for similar services on other rivers, and it is evident that if the Government were to take control of the Muskingum River the salaries of its employés on this river would have to be equalized with those of employés in similar positions on other rivers. The State now pays the superintendent $1,200 per year, and the lock-tenders get from $20 to $25 per month. For such services the Government would undoubtedly pay $30 per month to lock-keepers, and $2,500 per year to the superintendent. I do not see how competent men can be obtained for less. This would raise the salary account to $8,500 per year, but the increase seems to be justified, and would probably result in securing the services of a better class of men and in a better maintenance of the works themselves. As the first cost of the Muskingum slack water was about $1,500,000, at a time when wages and material were low, an annual expenditure of $8,500 for operating and caring for this property does not seem unreasonable.

As long as the present lateral canals remain an annual charge for dredging must be incurred, and as there is no dredge-boat connected with this river one must be built and operated. The serious problem is how to get rid of the spoil, and for that reason I think that "ladder" or "pump" dredges are the only types which are adapted to this particular work. The cost of a small dredge of either kind would be about $5,000, and the annual cost of operating it would be about $2,500. After all of the lateral canals were once cleaned out and restored to their original width the services of a dredge would only be occasionally needed, but for several years her services would be continuous.

It is my decided opinion that steps should be taken at an early day to abolish all lateral canals, as they are a constant source of expense and of delay; and it can not be claimed that they are a necessity, as there are no lateral canals on the Monongahela, Little Kanawha, Great Kanawha, Kentucky, Green, Illinois, nor in fact on any American river of which I have any knowledge, except the Lower Fox, in Wisconsin, where the river is a series of impassable rapids. There are a few very short lateral canals on foreign rivers, but they are only used to cut off sharp bends, and they are made and kept both wide and deep. No estimate has been made of the cost of these suggested changes, but it was thought advisable to call attention to them, as they are modifications which will undoubtedly be called for at some future date.

There are valuable tracts of land belonging to the State of Ohio, purchased for the Muskingum improvement, which will revert to the United States in case of the acceptance of the offer of the State. The funds available for the survey did not permit a thorough examination of these lands with an investigation of the titles by which they are held, but a very large amount of information was obtained, and the work can be completed at some future date should it become necessary. It may be assumed that the State owns as much land as is required for the maintenance and protection of its works, and much more than will be necessary in case the lateral canals should be abandoned or turned over to the mill-owners who use the canals as head races.

At the majority of the dams the State of Ohio has leased water-power to mills.

The following table, compiled by Mr. Gregory, shows the locality, ownership, and condition of these leases:

Water-power leases on Muskingum River.

Place.	Present owner.	Amount leased per minute.	Amount used per minute.	Yearly rental.	Lease expires.	Remarks.
		Cubic feet.	*Cubic feet.*			
Symmes Creek	Frank Kinney	625	2,245	$63	Nov. 1, 1880	
	S. V. Plummer	1,500	2,609	150	May 1, 1887	
Zanesville	J. B. Allen	500	1,412	250	Nov. 1, 1872	
	Thatcher & Co	900	1,412	250	May 1, 1892	
	Burroughs & Co	125	1,437	300	Nov. 1, 1884	
	P. H. Kemmerer	2,200		800	Nov. 1, 1894	
	Drone & Co	1,100	9,658	500	Nov. 1, 1901	
	Pickering & Grant	2,200	15,580	800	Mar. 7, 1902	
	Izetta Dare	600	2,086	250	Mar. 30, 1902	
Taylorsville	W. H. Frazier & Co			Free.		Five run of mill-stones.
Duncan's Falls	John Miller			Free.		Ten run of mill-stones.
McConnellsville	Edward Stansbury			Free.		Do
Malta	Lessees public works			645	Nov. 1, 1879	
Windsor	Perott & Lane	1,600	12,490	250	Nov. 1, 1879	
Beverly	J. G. Glenn & Bro	350	2,607	120	Nov. 1, 1884	
	D. T. Brown	350	1,755	100	Nov. 1, 1880	
	A. Pomeroy	600	3,585	108	May 1, 1879	
	Worstal & Whissen	1,200	4,350	200	May 1, 1905	
	C. R. Stull	3,000	10,896	225	May 1, 1886	
	H. T. Glenn	600	2,609	60	Nov. 1, 1884	
Lowell	Albert Chandler	2,000	6,630	400	May 1, 1903	
	A. Cassell	750	2,559	200		
	Milton King		5,904	125		
Devols	Putnam & Peirce			200		
	L. J. P. Putnam			125		
Marietta	Ralston, Hall & Co	3,000	12,540	300	May 1, 1903	
Harmar	Dirks & Co	3,000	8,678	300		

The continued use of these powers for manufacturing purposes should be preserved, as the people are as much benefited by cheap manufactures as by cheap transportation; but some of the leases have unusual conditions which may operate to the injury of navigation, whereas the latter interest is undoubtedly entitled to precedence. All these matters can doubtless be adjusted, as the longest of these leases expires in 1905.

To sum up, it will require an immediate appropriation of $200,000 to put the locks and dams on the Muskingum River in good order. A small dredge-boat will be required, at an estimated cost of $5,000; the annual expenditures will be $25,000 for repairs, $8,500 for salaries, and $2,500 for dredging; the annual income from rents will be $4,000. The net annual cost of maintaining navigation on the Muskingum River will therefore be $32,000.

In the above no account has been taken of the Muskingum ice-harbor project, which is an independent work which should be carried on to completion without regard to the remainder of the river.

I am required by the river and harbor act to state "the improvements proper to be made." As applied to this particular case, I understand that I am expected to give my opinion as to whether or not the United States should accept the tender of the State of Ohio. As the locks and dams on the Muskingum are in much better condition than were those of the Kentucky River when a similar tender on the part of the State of Kentucky was accepted by the United States, and as the United States would probably expend much larger sums in building locks and dams on this river if no improvement had ever been made on it, I unhesitatingly recommend the acceptance of the offer made by the State of Ohio.

Accompanying this report is an outline map of the basin of the Muskingum River, showing the sites of the eleven dams and also the present lines of land and water transportation within this basin.

I have added a copy of one of the water-power leases at Zanesville, in order to show the general character of these leases. It is proper to state, however, that, as a rule, the water-power leases on this river are simpler in form and impose fewer conditions.

Respectfully submitted.

WM. E. MERRILL,
Lieut. Col. Engineers.

Brig. Gen. JOHN NEWTON,
Chief of Engineers, U. S. A.

The report made by Hon. John B. Gregory, under employment by Colonel Merrill, of the engineers, says:

COLUMBUS, OHIO, *December* 15, 1885.

COLONEL: In compliance with instructions contained in your letter of December 30, 1884, I have the honor to submit the following report of an examination of the Muskingum River, from the town of Zanesville to the town of Marietta at its mouth and junction with the Ohio River, omitting the lock and dam at Marietta.

REPORT.

The Muskingum River is the largest river in Ohio, draining about 6,250 square miles of territory. It is formed at Coshocton by the junction of the Walhonding and the Tuscarawas. The mouth is nearly due south of the head of the Tuscarawas. The valley of the Tuscarawas, which approaches at its northern bend within 6 miles of the Cuyahoga, and the valley of that river, were selected by the State of Ohio in 1826 for the location of the Ohio Canal, which follows the valleys of these streams from Cleveland to Dresden, where a side canal connects it with the navigable waters of the Muskingum. About the same time some improvements in the line of wing-dams were built in the Muskingum to improve the navigation of its waters, but not until the year 1838 was the present plan adopted and operations begun for its execution. The cost of the improvement was $1,628,028.29. This river furnishes navigation more reliable than the Ohio above Marietta; when the water is too low for business on the latter stream, boats often seek the Muskingum trade. It could be extended to Coshocton, and perhaps to the mouth of the Sandy, above New Philadelphia, with a view ultimately to a ship-canal to Cleveland. Such an extension, if found practicable, would result in a large commerce between Lake Erie and the Ohio River.

The length of the present improvement is 91 miles. There are twelve locks and eleven dams, as shown by profile attached to this report and marked B. The locks on this improvement are 36 feet wide, and 175 feet in chamber, the entire length being 228 feet, except the upper one above Zanesville, which is 22 feet wide and 120 feet long in chamber only. The dams first built were of the form known as the "log cabin," as shown in figure "C." This form was in a few years found to be very unsatisfactory and unsafe, and required an entire reconstruction. The typical form of dam then adopted and still used and approved on this river is shown in figure "D."

The following table shows the length of the improvement, lift of locks, length of dams, character of foundations, length of canals at dams where there are any, and location of draw-bridges:

Schedule showing location of dams, locks, &c., on Muskingum River.

Where dams are located.	Distances.	Lift of locks.	Length of dams.	Character of foundations of dams.	Foundation of locks.	Guard locks.	Drawbridges.	Length of canals.
	Miles.	*Feet.*	*Feet.*			*No.*	*No.*	*Feet.*
Dresden	0							
Simms Creek *	6	8.04	536	Sand	Sand			
Zanesville	10	17.16	510	Rock	Rock	1	5	4,158
Taylorsville	10	13.08	840	Rock	Rock	1	1	5,742
Eagleport	10	8.83	509	Gravel	Gravel			
McConelsville	7	9.75	476	Rock, 396; gravel, 80	Gravel	1	2	1,518
Windsor	10	11.60	484	Rock	Rock			
Luke Chute	5½	11.80	532	Rock, 102; gravel, 430	Rock			
Beverly	9½	10.94	459	Gravel and rock	Gravel	1	2	2,574
Lowell	11	12.10	838	Rock	Gravel		1	5,148
Devols	7	10.66	602	Rock	Rock			
Marietta	5	12.10	541	Gravel	Gravel		2	
Total	91	125.46						

* Dam broken.

Statement showing the amounts expended and the amounts received by the State of Ohio on account of the Muskingum River improvement since 1837, *when the work was commenced, as shown by the annual reports of the board of public works and their predecessors.*

Year.	Receipts.	Expenditures.	Year.	Receipts.	Expenditures.
1838	$2,749 00		1854	$24,054 32	$19,519 66
1839			1855	24,200 47	13,603 02
1840	2,338 48		1856	24,477 40	27,396 90
1841	10,328 32		1857	18,907 01	16,764 94
1842	15,355 27	$26,368 66	1858	18,719 93	22,002 69
1843	23,167 01	148,814 25	1859	20,602 71	23,811 14
1844	29,384 64	40,527 67	1860	17,585 53	36,867 34
1845	30,551 34	34,256 44	1861	8,436 51	19,736 82
1846	35,104 43	35,805 96	1878	5,670 35	7,672 94
1847	50,832 96	48,697 34	1879	14,591 16	16,059 78
1848	29,948 17	116,701 96	1880	19,235 58	14,051 01
1849	43,018 70	54,257 70	1881	17,451 79	18,186 18
1850	36,724 29	39,925 29	1882	17,659 56	23,780 27
1851	48,418 30	13,361 65	1883	16,590 69	44,027 72
1852	33,341 68	24,043 16			
1853	31,480 28	19,513 48	Totals	670,975 88	2,332,599 55

About $1,628,028.29 should be credited to the construction account. This leaves the receipts as above and the expenditures $704,571.26.

From June 2, 1861, until May 15, 1878, the public works of the State were leased to a company called "The Lessees of the Public Works." Hon. George W. Manypenny, who was a member of the company, states that the books have been destroyed, and is not able to say positively whether the Muskingum improvement was a source of profit or loss to the company.

PRESENT CONDITION OF THE WORKS.

The Muskingum River was found in good navigable condition, with all locks and dams in working order. The works, however, need considerable repairs to insure their safety in the near future.

The condition of the work in detail and the cost of these repairs, in addition to the regular current repairs at each point, are given in the following statements:

Zanesville.—The dam here is founded on hard rock and appears to be very good. The lower end of the west abutment appears to be poor, while the east abutment is very good. The walls of the guard-lock and the other locks are fair. The gates of the guard-lock are poor, and at nearly every lock on this river the condition of the sheeting and miter-sills is not good. I have at every lock estimated for pumping it out, puddling between the timbers, and resheeting one-half the lock; also repairing the miters and grouting the wall of the locks. The canal is shallow and requires dredging.

ESTIMATE.

Dredging canal, 4,158 feet by 40 feet by 1 foot, 6,160 cubic yards, at 16 cents	$1,625 66
One pair new guard-gates	500 00
Sheeting one-half of two locks, 50 M of 3-inch white-oak plank, at $20 per M	1,000 00
Pumping out one lock	150 00
Coffering	100 00
Puddling under two locks, 800 yards, at 50 cents	400 00
Twenty kegs spikes, at $3	60 00
Laying and handling plank and work on miter	250 00
Grouting walls: cement, $250; sand, $50; labor, $350	700 00
Repairs to west abutment of dam, 150 yards, at $8 per yard	1,200 00
Sheeting for dam, 100 pieces, 12 feet by 1 foot by 8 inches, and 100 pieces 16 feet by 1 foot by 8 inches, 22,400 feet, at $20 per M	448 00
Labor on same	224 00
Drift-bolts, 1,000 pounds, at 4 cents	40 00
Total	6,098 00

Taylorsville.—The dam at this point, being the longest on the river (840 feet), and having a good rock bottom, has given but little trouble and is supposed to be in good repair. Guard-gates and wooden cribs protecting guard-lock and crib below lock are poor. Guard-lock needs repairs to masonry. The lock here is one of the poorest on the river. The face of the stone on the inner side of the lock, between low-water and ordinary high-water marks, is badly disintegrated and scaled off. An estimate of the cost of taking down the inner walls of the lock, replacing the defective stones with new ones, and relaying the good stones, is herewith made for this and other locks, supposing that in each case about 8 feet of the bottom of the lock will not require relaying.

ESTIMATE.

Repairs to guard-lock walls, 50 yards masonry, at $8	$400 00
Cribs at guard-lock and lock:	
50 M white oak, at $18 per M	900 00
Labor on same	400 00
1,200 pounds iron bolts, at 4 cents	48 00
22,400 B. M., white-oak sheeting for dam, at $18, and $10 for laying, and 1,000 pounds iron, at 4 cents	667 20
Dredging canal, 5,742 feet by 40 feet by 1 foot, 8,500 cubic yards, at 16 cents	1,416 66
New gates at guard-lock	500 00
Relaying lock walls, 1,700 yards, at $8	13,600 00
Grouting lock	350 00

Sheeting lock:		
Plank 25 M, at $19	$450	
Coffers	150	
Pumping	150	
Puddling	200	
Spike, 10 kegs	30	
Laying sheeting and work	125	
		1,105 00
Total		19,386 00

Eagleport or Rokely.—One hundred and eighty feet of the west end of this dam was washed out in 1883 and rebuilt. The balance of the dam is fair, except about 50 feet of the sheeting is gone from lower apron. It also received extensive repairs in 1882. The foundation is gravel, and it has been a difficult dam to maintain. I would recommend that the foot of this dam, and all of those having gravel foundations, be protected with heavy stones, none of which should weigh less than 2 tons, and estimates are made for the same. The west abutment is a wooden crib requiring to be rebuilt soon. The lower end of the west wall of the lock, about 48 feet, is cracked and sunken. It was caused by the sheeting of the lock giving out in 1879, and the water washing under the lock. The face of the stone in the lock is somewhat disintegrated; not badly except in the lower recesses and jaws.

ESTIMATE.

Relaying lock-walls, 850 yards		$6,800 00
Sheeting dam		667 20
Heavy protection stone below dam, 1,000 yards		1,500 00
Repairs to sheeting and miters of lock		1,105 00
Grouting and pointing walls		350 00
Cribbing and abutments:		
Timber, 82,000 B. M., at $18	$1,476	
Labor on same	656	
Iron, 2,000 pounds	80	
		2,112 00
Total		12,534 20

McConnelsville.—The dam at this place is good and probably requires little beside current repairs. The coping of the west abutment is off. Guard gates poor. East abutment of dam is crib-work; not very bad, but I have estimated for new cribs. The east wall of the lock appears to be hollow, a little out of line, and leaks badly. The stones are not badly disintegrated, except the lower recesses; perhaps one-fourth of the length of the walls would require rebuilding, and the east wall extra grouting.

ESTIMATE.

Relaying lock-walls, 425 yards, at $8		$3,400 00
Heavy stone below dam, 300 yards		450 00
Grouting walls		850 00
Repairing sheeting and miters		1,105 00
Cribbing and abutment:		
80 M, white oak, at $18	$1,440	
80 M, labor on, at $8	640	
2,000 pounds iron	80	
		2,100 00
Dam, 22,400, B. M., labor and iron		667 00
Total		9,132 20

Windsor.—The appearance of the dam is very good. About 100 feet of the center of the dam was washed out and rebuilt in 1883. The lock is about the worst one examined; walls somewhat out of line and cracked. New cribs needed below lock.

ESTIMATE.

Relaying lock-walls, 1,700 yards		$13,600 00
Grouting walls		350 00
Repairs, sheeting and miters of lock		1,105 00
Cribbing:		
27,520, B. M., at $18	$495 36	
27,520, B. M., at $8	220 16	
700 pounds iron	28 00	
		743 52
Total		16,465 72

Lake Chute.—The appearance of the dam is not good, and it is one of the dams which has proved troublesome in the past. In repairing, the central part has been left with only two falls. Instead of an abutment at the east end there is a crib so built as to afford an additional spill during high water. It should be rebuilt, though not very old. Lock is good except one pair of gates.

ESTIMATE.

Grouting walls		$350 00
Repairing sheeting and miters		1,105 00
One pair gates		500 00
1,000 yards protection-stone below dam		1,500 00
Second crib in center, and repairs to sheeting of dam:		
44,000, B. M., at $18	$792	
44,000, B. M., at $8	440	
1,100 pounds iron	44	
		1,276 00
1,000 yards crib and backing stone		1,000 00
Abutment or spill crib:		
65,000, B. M., at $18	1,170	
65,000, B. M., at $8	520	
1,000 pounds iron	64	
		1,754 00
Total		7,485 00

Beverly.—The dam looks well and is said to be good. The coping of the east abutment has been carried off. The lower end of the west abutment is a crib. Below the east abutment there is a long high-water spill in pretty good repair, except 85 feet in length of the lower sheeting is gone. The lock is good; the walls are slightly out of line, but are not much disintegrated.

ESTIMATE.

West abutment, repairs to crib part:		
27,500, B. M., at $18	$495	
27,500, B. M., at $8	220	
700 pounds iron	28	
		$743 00
Repairs to sheeting of dam		667 20
Lower sheeting spill crib and crib below it:		
22,000, B. M., at $18	396	
22,000, B. M., at $8	220	
600 pounds iron	24	
		640 00
Guard gates		500 00
Lock cribs:		
26,000, B. M., at $18	468	
26,000, B. M., at $8	208	
650 pounds iron	26	
		702 00
Grouting lock		350 00
Repairs sheeting and miters		1,105 00
Repairs coping (renewal) 20 yards east abutment, at $15		300 00
Total		4,987 20

Lowell.—The dam at this place appears to be a very good one, and probably needs but little attention. There are no guard-gates. Lock-walls in fair alignment but pretty badly disintegrated. The lower jaw of the lock on inner wall is slightly cracked.

ESTIMATE.

Relaying lock-walls, 1,275 yards at $8	$10,200 00
Sheeting on dam	667 20
Grouting lock-walls	350 00
Repairs to sheeting and miters	1,105 00
Cribs at locks:	
20,640, B. M., at $18	371 52
20,640, B. M., at $8	165 12
Iron, 250 pounds, at 4 cents	10 00
Crib at east end of dam:	
12,000, B. M., at $8	216 00
12,000, B. M., at $8	96 00
300 pounds iron, at 4 cents	12 00
Dredging by steamer	500 00
Total	13,692 84

Devols.—The appearance of the dam is not extra, but it is said to be in good condition and to need only the usual attentions. Cribs at lock poor. West wall of the lock is pretty badly disintegrated or spalled off. The stones in this wall were largely laid on their edges instead of the natural beds. This is not the case in the east wall, and it is pretty good except the lower recess. The mill-race at the back of the east wall should be turned away from it, as it has a tendency to injure it.

ESTIMATE.

Relaying lock-walls, 1,275 yards, at $8	$10,200 00
Grouting	350 00
Repairs to sheeting and miters	1,105 00
Repairs to sheeting of dam	667 20
Cribs at lock:	
24,000, B. M., at $8	432 00
24,000, B. M., at $18	192 00
600 pounds iron, at 4 cents	24 00
Total	12,970 00

RECAPITULATION.

Zanesville	$6,098 00
Taylorsville	19,386 00
Eagleport	12,534 20
McConnelsville	9,132 20
Windsor	16,465 72
Lake Chute	7,485 00
Beverly	4,987 20
Lowell	13,692 84
Devols	12,970 00
Total	102,751 16

To this amount should be added 10 per cent. for contingencies, making in all a grand total of $113,751.16.

REMARKS.

In answer to the interrogatory as to the practicability of abandoning some or all of the side canals and substituting locks adjacent to the dams, I would say, from a careful examination, with measurements of each of the different points to be changed, I am clearly of the opinion that the side canals can all be abandoned and locks built at the ends of these dams. Such a change would do away with the delays caused by having to pass through long, narrow, shallow, and crooked canals. They have proved a great obstruction to the successful navigation of the river. Six of the eleven dams have locks at their ends and five have canals. The canal at Zanesville affords good landings, and as boats generally stop near the lower end it would be of no advantage to make the change at this point. At Taylorsville there is a long canal subject to much wash from the gravel banks and from Slago Run. It would improve it to pass the run under the canal by a culvert.

The canal is so built as to reduce the width of the river near the lock to about 250 feet, rendering it incapable of passing the water in time of extreme freshets and making the maintenance of this canal one of the most expensive items on the improvement. Between the lock and the foot of the dam there is a decided fall of probably 3 feet. It would be necessary to either blast out a channel through the rock or to raise the dam at Eagleport, or both, if the lock should be moved up to the present dam. Blasting out the channel would be so costly that it would be better probably to abandon both the present dam and lock and build them both anew at a point about 1,000 feet above the present lock. The foundation would probably be rock. The State owns sufficient ground here for the change to be made on it. The present site of the lock was chosen because it afforded a rock bottom, and it would not had the channel been left wider.

The level to Eagleport below this dam would be much improved by raising the Eagleport dam 1 foot. The canal at McConnelsville is short and easily kept clear, offering no great impediment to navigation. A lock could be placed just west of the west abutment of the dam. It would have a rock foundation, would be right for the current and would avoid the present trouble at the lock, where the miter sill is too high in low water. It would not require any great expense outside of the new lock, and raising Windsor dam 1 foot. Raising the dam at Windsor would greatly improve the level which now requires dredging at one place.

The Beverly Canal, which is like that at McConnelsville, could be dispensed with also. Probably the lock would be best located on the west side of the dam. The foundations would be doubtful. This point would require careful surveys and soundings to determine on which end of the dam to place it, however.

The canal at Lowell is long, very crooked, and fills rapidly and often with sediment from Cats Creek, which empties into it near the head. It could be easily shortened and Cats Creek turned out of it, but in the event of a change it would be better to dispense with the canal altogether. I am informed that the removal of a rock reef, which is 200 or 300 yards long and 2½ feet below the surface in low water, would make a good channel at the west end of the dam. The foundation at this end would be rock.

In this connection it may be stated that there are some other improvements which in the future may seem desirable, in the way of substituting slope-walls above water for cribs protecting locks; substituting stone abutments for wooden cribs at east end of McConnelsville and Luke Chute dams and west ends of Eagleport and half of west abutment at Beverly: also lengthening Luke Chute dam

100 feet and Eagleport dam 50 feet; but these improvements are not deemed essential at the present time, and our estimates are made for repairing and rebuilding on the present plan.

COMMERCE NOW DEPENDENT ON THE MUSKINGUM RIVER.

Regular trips are made each day by two steamers, one leaving Zanesville for Parkersburg and the other returning each day, and three other steamers running shorter trips. Besides these there are a number of barges conveying coal and oil in bulk. The boats range in tonnage from 100 to 250 tons. It would be practicable to run steamers of 500 tons when the water is above the average stage, and of 350 tons at such average stage as could be most always found. The county of Muskingum, with a population of 49,612; the county of Morgan, with 20,074, and Washington County, with 43,264 population, are largely dependent on this stream. Morgan County, having no railroads, is entirely dependent on it for transportation.

Thus it will be seen that this work is a reality, and not in any sense prospective. I submit a map of this splendid river and its rich environments. [See next page.]

The purpose is not to make money out of the Government. The purpose is twofold. First, to take this splendid improvement out of the management of the State of Ohio, crippled as it is because of the weight of those long lines of canals which are running the State heavily in debt each year. The second purpose is to give to the navigation of the river the improvement which it is entitled to have whenever it shall have become a part of the national work.

Mr. LONG. I would ask the gentleman from Ohio whether he has stated what the conditions are to which this grant is subject. If he has already stated them I do not ask him to repeat them.

Mr. GROSVENOR. They simply transfer all the land. The State of Ohio acquired by purchase at all these locks and dams land, valuable land. Along these canals, that are from one-fifth of a mile to a mile and a half in length, all the land is owned by the State of Ohio, and they transfer that. The only condition incumbent upon the Government is that they accept the work and make it a part of the navigable streams of the United States. No other condition is attached to the cession by the State of Ohio. I have the act before me. It is one of the public acts of the State, passed about a year ago. They transfer absolutely all the property of the State in the public works.

I submit the act:

An act to grant the consent of the State of Ohio to the acquisition by the United States of certain lands within the State and bordering on the navigable rivers thereof, for the purpose of constructing canals or erecting thereon dams, abutments, locks, lock-keepers' dwellings, offices, and all necessary structures for the construction and maintenance of slack-water navigation on said rivers, and ceding jurisdiction over the same, and for imposing fines and penalties for willful injuries to the grounds, buildings, and appurtenances acquired under the provisions of this act.

Be it enacted by the General Assembly of the State of Ohio, That whenever the United States shall make an appropriation, and shall be about to begin the improvement of any of the navigable rivers within or bordering on the State of Ohio, by means of locks and permanent removable dams, or dams with adjustable chutes, or by means of a canal, the consent of the State of Ohio is hereby given to the acquisition by the United States, by purchase or by condemnation of any lands, buildings, or other property necessary for the purpose of erecting thereon dams, abutments, locks, lock-keepers' dwellings, chutes, and other necessary structures for the construction and maintenance of slack-water navigation on said rivers, or for the purpose of constructing canals on the same, and the said United States shall have, hold, use, and occupy the said land or lands, buildings, or other property, when purchased or acquired as provided for by this act, and shall exercise jurisdiction and control over the same; but the State of Ohio reserves the right to execute process lawfully issued under its authority within and upon said grounds, rivers, sites, and canals.

SEC. 2. That in case of failure of the United States to agree with the owner or owners of any such lands as the United States may deem necessary for the purpose named in the first section of this act, it shall be lawful for the United States to apply for the condemnation of such land by petition to any judge of a court of record in or nearest to the county where the land may be situated, either in term time or in vacation, notice of the time and place of such application having been first duly given by publication for thirty days prior to the day of such application in two newspapers of general circulation published in the county where the land lies, or if the owner or owners reside in the State of Ohio, by personal service upon the owner or owners of such land at least twenty days prior to such application. And thereupon it shall be lawful for such judge to appoint three disinterested freeholders of the county where such lands lie as commissioners, and having been first duly sworn to well and duly appraise the damages due the owner or owners of said land proposed to be taken, shall report in writing to the said judge the amount of damages to be paid to the owner or owners of said land, which report, upon confirmation by said judge, shall be held as final and binding upon said owner or owners of said land, and upon the amount of such damages being paid to the owner or owners of said land the title of such land shall vest in the United States, and said land shall be exempt from all taxes and assessments so long as it shall remain the property of the United States.

SEC. 3. That if any person or persons shall willfully or maliciously injure any of the lands, buildings, or other property acquired or held under the provisions of this act, such person or persons shall be liable to a fine of not less than $20, and to an imprisonment not exceeding six months, or both, or either, at the discretion of the court, said offense to be prosecuted in any court of competent jurisdiction.

SEC. 4. And for the purpose of enabling the United States to expend any sum of money that is or may hereafter be appropriated by Congress for the improvement of the Muskingum River, the State of Ohio hereby transfers and cedes to the United States the eleven locks and dams heretofore constructed by said State on said river, together with all the grounds, canals, and appurtenances belonging to the same, subject to the provisions of the preceding sections of this act, as to the jurisdiction of the United States over the lands and buildings authorized to be acquired and constructed by said sections, and imposing penalties for injuries to said work, [which] shall extend and apply to the said eleven locks and dams and their appurtenances hereby transferred and ceded to the United States, but the custody and ownership of said Muskingum River improvement shall remain in the State of Ohio until such time as the United States appropriates sufficient money to properly improve and operate the same.

SEC. 5. This act shall take effect and be in force from and after its passage.

A. D. MARSH,
Speaker of the House of Representatives.
JOHN G. WARWICK,
President of the Senate.

Passed May 2, 1885.

I have already spoken about the surplus water. I have the terms of the lease here. They convey only the surplus water; they give to the lessee of the works no right as against the paramount claim of the Government to use the water for the purposes of navigation. The water rents are a source of revenue to the extent of $4,000 a year, which will amount to more than one-third of the entire expense of supervision and control.

I submit one of the leases:

LEASE OF THE WATER-POWER ON THE MUSKINGUM RIVER AT ZANESVILLE, OHIO.

This agreement made this 7th day of December, 1871, between the State of Ohio, party of the first part, by James Moore, acting commissioner, thereto duly authorized by law and by order of the board of public works, made in pursuance thereof, and F. A. Thompson, of Zanesville, Ohio, party of the second part, witnesseth:

That said party of the first part, in consideration of the rents reserved, and the covenants of the party of the second part, hereinafter contained, and upon the express condition that the party of the second part shall continue during the whole of his term to comply with all and singular the limitations and conditions hereinafter contained, and shall in every respect perform all the stipulations of this agreement by said party to be performed, agrees to sell and lease to said party of the second part, for the term of thirty years, from and after the 1st day of September, 1871, subject to the restrictions, limitations, and conditions herein contained, the use and occupation of water-power sufficient to propel five run of 4½-foot mill-stones at the rate to flour 150 bushels of wheat in twenty-four hours.

The power for two run of stones to be permanent or available eleven months in the year, or entitled to a ratable reduction for the deficiency. The other three run to have the necessary machinery with reaction wheels to be available only and only used when the Muskingum River is so high as to furnish more water than can be applied to low-water machinery, and may be used whenever the water flows over the dam so as not to interfere with low-water mills or by means of its use. It is understood by the parties that the two first-mentioned powers are to be applied in low water to breast wheel, and in high water to reaction wheel at the option of the lessee; and it is also understood by the parties that the low-water power for each of the two first-mentioned run of stones is to be at the rate of 550 cubic feet per minute. The water hereby leased to be taken out of the level of the pool of the dam across the Muskingum, at Zanesville, and to be used and occupied below the abutment of the dam at West Zanesville, and to be conveyed to the mills or other hydraulic works from between two regulating weirs, to be constructed by and at the expense of the party of the second part, as hereinafter specified.

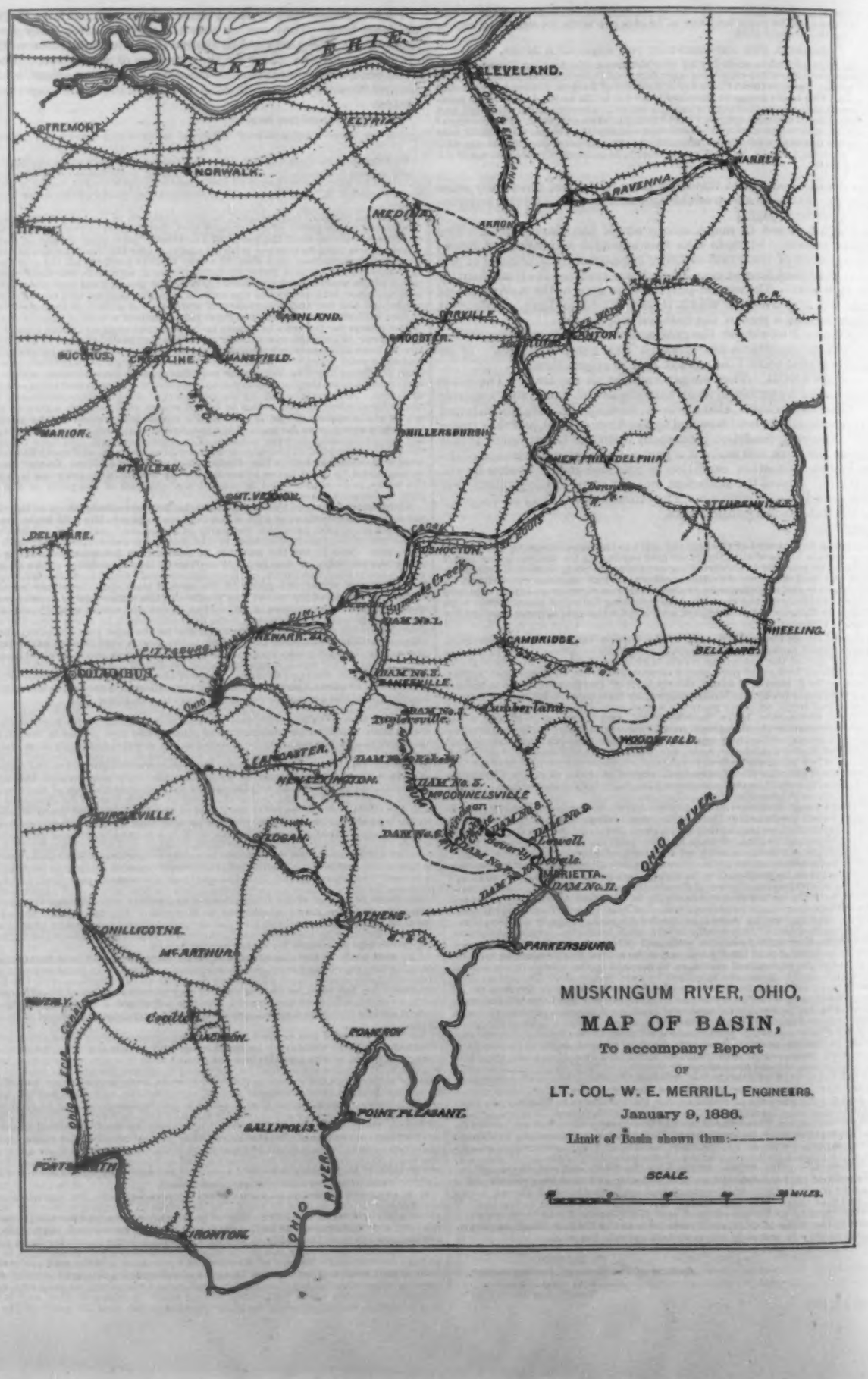
And the said party of the second part, for and in consideration of the rights to the use and occupation of said water, agrees to pay to the said State the yearly rent or sum of $500, provided the party of the second part shall not be deprived of the use of the two first-named run of stones for more than one month in any one year. And if, for the purpose of preventing breaches, removing bars or other obstructions, or making any repairs or improvements to the dam or the works connected therewith, or in consequence of breaches or the inadequacy of the supply of water, the party of the second part shall be either partially or wholly deprived of the use of any portion of the water-power hereby leased so as to prevent the operation of any of the hydraulic works usually propelled by the water-power hereby leased, such deduction shall be made from the rent accruing on such portion of the water-power as the said party is prevented from using as will bear the same proportion to the yearly rent thereof as the time during which the said party has been deprived of its use bears to eleven months; the rent to be paid semi-annually, on the 1st day of May and November in each and every year, during the continuance of the lease, to the collector of tolls at Zanesville, or other agent of the State duly authorized to receive the same, having charge of the improvement of the Muskingum River.

And said party of the second part further agrees to erect at his own expense, in a good, secure, substantial, and workmanlike manner, the regulating weirs above mentioned, to be constructed of stone walls and plates of wood, with a substantial iron bar securely bolted on the top thereof, agreeably to a plan to be furnished by the acting commissioner or engineer, employed on any adjoining part of the improvement, and under the direction and subject to the inspection of such acting commissioner or engineer; the weir over which the water is drawn from the dam to be so placed and formed that the top of the weir shall not be more than 6 inches below the level at which it shall be designed to sustain the surface of the water in that part of the improvement from whence the water is to be drawn, and the other or second weir to be so placed and formed that the top thereof will be at least 1 inch lower than the top of the weir over which the water is drawn from the basin or dam, and of such length and otherwise so constructed that an uniform quantity of water will flow from the upper to the lower levels whether the hydraulic works are in operation or not; and it is further expressly agreed that the party of the second part shall not for any purpose, or in any manner whatever, obstruct the equal and regular flow of water from one level of the improvement to another, nor increase the flow, nor cause the water or any part thereof to flow out of the dam, other than for the use of the mills, nor shall the party of the second part permit any of said acts or things to be done by any person or persons employed in or about the mill or hydraulic works propelled by water hereby leased.

And said party of the second part shall be considered and held responsible for keeping the regulating weir above described constantly in good repair and free from all obstructions; and a failure to do so, or an interference with the flow of the water on his part, or on the part of any person employed in or about said mills or hydraulic works aforesaid, shall be adjudged a forfeiture of this lease and of all the rights and privileges of the said party growing out of this agreement.

And said party of the second part further agrees, during the continuance of this lease, to keep constantly in good order and repair the weir, head and tail race, and other works and devices connected with the use of the water hereby leased, so far as the same shall be necessary to secure the regular and uniform flow of water from the upper to the lower levels, or to prevent any impediment to the navigation improvement; and if, nevertheless, any such breach, bar, or other injury or impediment should occur in consequence of any of said works not being faithfully and substantially constructed, or being suffered to be out of repair, then said party of the second part shall, on being notified thereof by said acting commissioner, engineer, or other proper agent of the State, immediately repair said breach or other injury; or if such agent of the State shall cause the same to be done (which he is authorized at his option to do), then said party of the second part shall pay to said agent all necessary expenses incurred in repairing such breach or other injury on demand.

It is expressly understood and agreed by and between the parties that for the purpose of preventing or repairing breaches in the dam, removing bars or other obstructions to the navigation of said improvement, or for the purpose of making any improvements to the works or devices connected therewith, any authorized agent of the party of the first part may cause the water to be drawn either partially or wholly out of the same, and to remain so drawn out so long as may be necessary for any of the aforesaid purposes, and the said party of the second part shall not be entitled to any deduction from the rent hereby made payable other than for the time the two first-named run of stones shall be thereby stopped, unless the three high-water stones shall be stopped also, and in that case a ratable deduction shall be made for them also; and the party of the first


LAKE ERIE.
CLEVELAND.
TREMONT.
ELYRIA.
NORWALK.
MEDINA.
AKRON.
RAVENNA.
ORRVILLE.
WOOSTER.
CANTON.
ASHLAND.
SANDUSKY.
CRESTLINE.
MANSFIELD.
MARION.
MT. GILEAD.
MT. VERNON.
PHILLIPSBURG.
NEW PHILADELPHIA.
DELAWARE.
COSHOCTON.
DAM No. 1.
CAMBRIDGE.
WHEELING.
BELLAIRE.
ZANESVILLE.
DAM No. 2.
DAM No. 3.
Cumberland.
WOODSFIELD.
LANCASTER.
NEWARK.
DAM No. 4.
DAM No. 5.
McCONNELSVILLE
DAM No. 6.
DAM No. 7.
DAM No. 8.
DAM No. 9.
DAM No. 10.
DAM No. 11.
OHIO RIVER.
LOGAN.
ATHENS.
PARKERSBURG.
CHILLICOTHE.
McARTHUR.
POMEROY.
POINT PLEASANT.
GALLIPOLIS.
PORTSMOUTH.
IRONTON.
OHIO RIVER.
MUSKINGUM RIVER, OHIO,
MAP OF BASIN,
To accompany Report
OF
LT. COL. W. E. MERRILL, ENGINEERS.
January 9, 1886.
Limit of Basin shown thus:
SCALE.
MILES.

part reserves the right to resume at any time the use of the water hereby leased whenever the same shall become necessary for the purposes of navigation, and to continue the use thereof so long as the same shall be necessary for the purpose aforesaid. And if it shall become necessary for the party of the first part to resume the use of so great a portion of the water hereby leased, or of the whole thereof, for so great a portion of the time as to defeat the object of this lease by destroying the value of the privilege (which fact shall be determined by three judicious, disinterested freeholders, one to be chosen by the acting commissioner or other authorized agent of the State, one by the party of the second part, and the third by the two thus chosen), then the party of the second part shall be from such time absolved from all further liabilities growing out of this agreement.

And it is further understood and agreed that at the expiration of this agreement the party of the second part shall be entitled to a renewal of the lease for a like term of years, for such annual rent as may be offered by the highest responsible bidder, who shall also agree to purchase of said party of the second part all permanent and valuable buildings necessarily erected by said party for the convenient use of the water-power hereby leased, at such price as such buildings shall be adjudged to be worth by three judicious, disinterested freeholders, to be chosen as hereinbefore specified, provided such buildings shall be erected on land belonging to the State, or land which can be purchased by said bidder at a reasonable price, to be determined by said appraisers. And if no such bid shall be made on the terms aforesaid at a higher rent than is herein specified said party shall be entitled to such renewal on the terms of this lease. And it is further understood and agreed that the water-power hereby leased shall not be used to drive or propel any saw-mill or other machinery, or other works from which sawdust, chips, or other rubbish will be likely to be carried, thrown, or floated into the improvement or the channel to convey water to other mills, so as to form bars or other obstructions to the navigation in the said river or to clog the gates, waste weirs, or regulating weirs, or otherwise injure or obstruct the same.

The party of the second part shall at all times be bound to keep the improvement clear of all rubbish or other obstructions consequent in any manner on the use of the water hereby leased or of the works or machinery erected therefor.

And the said party of the first part, in consideration of the rents and agreements hereinbefore specified, further agrees to lease to the party of the second part, upon the same condition and subject to the same limitations and restrictions herein contained, all that certain piece or parcel of land situate, lying, and being in the county of Muskingum, below said abutment, butted, bounded, and described as follows, namely: Beginning at the most southwestern corner of the abutment of the dam at Zanesville, in West Zanesville, and running in a southerly direction with the water edge at low water, extending, when reduced to a straight line, 100 feet below the abutment; thence in a western direction and at right angles to the first-named line until it shall intersect Water street in West Zanesville; thence with the said street in a northern direction until a line run parallel with the second-named line shall close at the place of beginning, reserving to the State the right to pass the water in any manner pointed out by the acting commissioner or engineer having charge of the improvement of Muskingum River to any mills heretofore erected or hereafter to be erected on the margin of the river below. The lease of the above-described land is for the purpose of enabling the party of the second part to use and enjoy the use of the water-power hereby leased for the like term of thirty years from the 1st day of September, 1871.

It is further understood and agreed that said party of the second part shall not sell, assign, or transfer his right or interest derived from this agreement, or any part thereof, to any person or persons, unless the assent of some authorized agent of the State shall first be obtained therefor in writing.

And if at any time any installment which shall become due for rent, as hereinbefore expressed, shall remain unpaid for one month from the time the same shall fall due, or if the party of the second part shall in any respect fail to fulfill and perform all the engagements of said party hereinbefore expressed, or shall do or permit to be done any act or thing hereby prohibited, or shall in any respect violate this agreement, then, and in either case, all the rights and privileges derivable to said party from this agreement shall from the time of such failure or violation cease and determine, and any authorized agent of the State or lessee under said State shall have full right and power to enter upon and take possession of the premises, and resume all the rights and privileges hereby granted to the party of the second part, and said party of the second part shall moreover be liable for all damages consequent upon such violation of this agreement.

The party of the first part also agrees to let to the party of the second part, for the term of thirty years, and subject to the same limitations and restrictions as above, the following described plat of land, namely: Beginning at the most northwestern corner of said abutment and running in a western direction at right angles with the abutment until the said line shall intersect Water street in West Zanesville; thence in a northern direction with said street 180 feet; thence in an easterly direction parallel with the first-named line until the line shall intersect the river at low-water mark; thence with the meanders of the river at low-water mark in a southwesterly direction to the abutment, and thence to the place of beginning.

This lease is given in renewal of a lease executed to R. Fairlamb on the 11th of August, 1839. An order of the board reduced the rent from $999 per annum to $500, and another order reduced it to $300 per annum.

In testimony whereof the parties executed this agreement the day and year first above written.

JAMES MOORE, [SEAL.]
Acting Commissioner Board of Public Works.
F. A. THOMPSON.

Signed, sealed, and delivered in presence of—
Witness as to signature of James Moore:
P. C. MOORE.
Witness as to signature of F. A. Thompson:
W. R. HASLETT.

Mr. PETERS. I desire to ask the gentleman whether the terms of the act of the Legislature of Ohio require the Government to keep up these locks and dams?

Mr. GROSVENOR. No, sir; there is nothing of the sort in the requirement; but if there was, my friend knows it would have no possible force. This is a navigable river of the United States, and no terms that the State Legislature might impose could have any binding force upon the Government. However, there is no such condition contained in the act.

Mr. Chairman, as I represent in the House a portion of the valley through which this beautiful river flows I take an honest pride in pointing out the beauties and values of this splendid valley.

I have a right to demand on behalf of my constituents that this great interest shall receive the fostering care of the General Government.

I hope the motion of the gentleman from Texas will not prevail.

Mr. HOLMAN. Mr. Chairman, I desire to offer an amendment by way of a proviso.

The CHAIRMAN. There is an amendment pending. The question is on the amendment reported from the committee, which the Clerk will read.

The Clerk read as follows:

In lines 865, and 866, strike out the words "passed and taken" and insert "which took."

The amendment was agreed to.

Mr. HOLMAN. I propose to amend by inserting after the words "eighty-six," in line 877 of the bill, the proviso which I send to the Clerk's desk.

The Clerk read as follows:

Provided, That the custody and ownership of said Muskingum River improvement shall be vested in the United States without condition, and the foregoing provisions shall not take effect until the State of Ohio shall duly consent to this provision.

Mr. HOLMAN. In connection with that amendment, Mr. Chairman, I ask that the fourth section of an act of the Ohio Legislature, passed May 2, 1885, which I send to the desk, be read.

Mr. GROSVENOR. I have no objection to the amendment of the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. Well, I desire to have this section of the Ohio law read at any rate, so that the committee can see just how that matter stands.

The Clerk read as follows:

SEC. 4. And for the purposes of enabling the United States to expend any sum of money that is or may hereafter be appropriated by Congress for the improvement of the Muskingum River, the State of Ohio hereby transfers and cedes to the United States the eleven locks and dams heretofore constructed by said State on said river, together with all the grounds, canals, and appurtenances belonging to the same, subject to the provisions of the preceding sections of this act, as to the jurisdiction of the United States over the lands and buildings authorized to be acquired and constructed by said sections, and imposing penalties for injuries to said work (which) shall extend and apply to the said eleven locks and dams and their appurtenances hereby transferred and ceded to the United States; but the custody and ownership of said Muskingum River improvement shall remain in the State of Ohio until such time as the United States appropriates sufficient money to properly improve and operate the same.

Mr. HOLMAN. The object of my amendment was simply to get rid of this extraordinary provision, which is to the effect that while the Government is appropriating money, as much as it thinks proper if not as much as the State of Ohio thinks proper, the custody and ownership of this property shall remain in the State of Ohio.

Mr. GROSVENOR. I accept the amendment.

Mr. HOLMAN. One word more. While I offer this amendment for the purpose of perfecting this provision of the pending bill, I am opposed to the whole provision. Here are eleven locks, an artificial channel, a canal if you please—as much so for practical purposes as the Erie Canal; do we consider to what extent the adoption of this provision would increase the public employés of this Government? Here you would have at once eleven lock-keepers to supervise and manage this artificial channel, with their employés and subordinates. My friend from Illinois [Mr. MORRISON] spoke admirably to-day on this general subject of the increase of the public burdens; yet steadily, as time moves on, we are increasing from day to day the already vast body of the employés of this Government, while at the same time we are deploring the ultimate results. Sir, I think that to assume for the Federal Government charge of this canal, this local improvement, with the army of men required to manage its affairs, is as unwise a step as this Congress can take.

Mr. WARNER, of Ohio. Mr. Chairman, I ask that the amendment of the gentleman from Indiana [Mr. HOLMAN] be read again.

The amendment was again read.

Mr. WARNER, of Ohio. I am afraid that that will cause delay, and I think it ought not to be adopted.

The question was taken on the amendment offered by Mr. HOLMAN, and it was agreed to.

Mr. HEPBURN. Mr. Chairman, I move to strike out, commencing in line 864, the following words: "Subject to the conditions in the act of the General Assembly of the State of Ohio, which took effect on the 2d day of May, 1885."

Mr. GROSVENOR. I have no objection to that.

The amendment was agreed to.

Mr. REAGAN. I move to strike out the paragraph from line 856 to line 887, inclusive of said two lines.

Mr. HEWITT. Mr. Chairman, this bill contains several provisions by which for the first time the United States goes into the several States, and, either by purchase or by condemnation or by gift, is to become the proprietor of local works for navigation. When the first of these provisions was reached, that relating to the Monongahela River, I took occasion to express my dissent from the whole policy, for I felt that it was a new departure in the conduct of this Government, a dangerous innovation upon the traditions of the Republic. I would have said that it was an unconstitutional step, but I am aware that all the barriers erected by the Constitution, as we were taught in our youth to understand it, have long since been swept away by the successive decisions of the Supreme Court, so that I am ashamed to raise the constitutional question on any proposition that may be made in this House; but be-

yond and above the question of lawful power lies the question of ability to carry the load.

This Government is becoming the dumping-ground of all the unprofitable enterprises of the several States. These States are trying to shift the care of their local enterprises and the cost of maintaining them upon the broad shoulders of the whole people of this country. I am utterly and absolutely opposed to any such proposition. There is a measure pending in this House—not in this bill, but as a separate bill—proposing that the Government shall take the Erie Canal. I shall oppose that proposition whenever it may come up here for consideration. The people of New York are taxing themselves to-day nearly $1,000,000 per annum to keep that navigation open free for the use of the people of the United States. The people of the State of New York can afford to pay a million of dollars, ay, $2,000,000 or $3,000,000, in order to keep that work open; for it brings to them the trade of the great West, out of which, as has been said by the gentleman from Illinois [Mr. HENDERSON], the people of New York derive millions of profit annually.

Let each State bear its own burden. If any State has built a public work which has proved to be a bad investment, let it pay for the maintenance of the work or else abandon it. Let it not come here and ask the people of the United States to pay for all the blunders and all the extravagance that may have been committed at any time in its history. If the United States should enter upon the policy of relieving all the States from the care of works of this kind the burden will become, as the gentleman from Texas [Mr. REAGAN] has said, absolutely intolerable. In the case of the Monongahela it was said in the memorial which was laid upon our desks that the cost of maintaining the works there was $100,000 a year. That means the employment certainly of more than one hundred officials, who will be transferred from the pay of a private company to the pay of the Government of the United States. If the Erie Canal should be taken, at least fifteen hundred additional offices would be created.

Mr. OATES. Will my friend allow me to suggest that the census of 1880 shows that a considerable majority of all the canals constructed in the United States have been abandoned as utterly unprofitable?

Mr. HEWITT. I am aware of the fact, but I thank the gentleman from Alabama for calling the attention of the House to it. The truth is, the sum and substance, the very essence, of this proposition is that the United States shall become the proprietor of every water way, great and small, upon this continent; and then the taxes that will have to be levied in order to defray the current charges for the maintenance of these systems of free navigation will become so onerous that this Government must break down under the load. Already, according to a table which I hold in my hand, furnished by the Register of the Treasury, we levied in the last year a tax of $4.57 upon every inhabitant of the United States for Federal expenses, so that a man and his wife, with three children (estimating a family to consist of five members), are paying nearly $20 a year out of their hard earnings in order to keep this great governmental machine in operation. Yet gentlemen come here with propositions which will lead to the unlimited increase of these expenditures.

Assume the charge of all these works, and the United States will be the great employer of labor, and the men who occupy the seats of Government here in the White House and the Executive Departments will be the masters of an enslaved and enthralled people. Liberty never yet survived in any government where the expenditures had passed the ordinary limit and ability of the people to pay taxes. Least of all can free government endure among any people where a large proportion of the population are living in public employment upon the earnings of the remainder. Hence we should seek to diminish and not to increase the proportion of those who, deriving their support from the public Treasury, thus become the tools of unscrupulous rulers.

In 1837 we were paying for Federal expenses $2.38 per head, and in 1845, under wise and Democratic administration—I say "wise and Democratic," for there may be unwise and Democratic administration—taxation was brought down to $1.15 per capita. And now, after a long and courageous struggle for economy, begun in 1875 under the lead of gentlemen whom I see before me who were then members of the Committee on Appropriations, we have succeeded in getting the ordinary expenditures of the Government down from $7.07 in 1874 to $4.57 per capita in 1885. And yet the burden of long years of taxation is so intolerable that the people are suffering in the midst of abundance, so that they refuse to labor for current wages, not knowing whence comes the wrong which paralyzes industry and has brought about all this restlessness and discontent in the public mind. Excessive taxes impoverish the people and produce strikes, lockouts, and violence.

Mr. WARNER, of Ohio. Let the money out of the public Treasury and pay the public debt, and times will improve.

Mr. BURLEIGH. Will the gentleman allow me to ask him a question?

Mr. HEWITT. I prefer not to yield, because none of these questions can affect the matter which is in my mind and which will control my vote upon this bill; for if these provisions remain——

[Here the hammer fell.]

Mr. BEACH obtained the floor and said: I yield my five minutes to my colleague [Mr. HEWITT].

Mr. HEWITT. I thank my colleague, but will occupy only one or two minutes more. It may seem ungracious for the Representative of a city for which appropriations necessarily large are annually made in this bill to get up here and say that he can not support measures looking, as some gentlemen here believe, to the welfare and prosperity of other portions of the country. But so convinced am I of the dangerous tendency of such legislation as is contained in this section of the bill, that if the port of New York is closed up so that no steamer can enter it; if the public spirit of my fellow-citizens is not equal in such an emergency to provide for opening its channels at their own cost; and if my own State is not true to her grand history from the time of De-Witt Clinton, when its great lines of internal improvement were inaugurated at its own cost and have been so maintained down to the present time; if her sons to-day are so degenerate that they are no longer worthy of the great destiny and the priceless heritage which has come down to them from noble sires, then I say let New York perish, with the ships rotting at her wharves, for by my vote no dollar shall ever be appropriated to be expended in the harbor of New York, if the proposition be based upon and carries with it a policy which I know will be fatal to the liberties of the country. [Applause.]

Mr. WILLIS. I take the floor for the purpose of moving that the committee rise to close debate on this paragraph; but I will first ask unanimous consent that the debate be limited to fifteen minutes.

The CHAIRMAN. Is there objection?

Mr. ANDERSON, of Kansas. I object.

Mr. WILLIS. How much time does the gentleman want?

Mr. ANDERSON, of Kansas. Five minutes.

Mr. WILLIS. I will give the gentleman five minutes.

Mr. BAYNE. I want five minutes.

Mr. WILLIS. I ask unanimous consent that the debate be limited to twenty minutes.

The CHAIRMAN. Is there objection?

Several members objected.

Mr. WILLIS. I move that the committee rise.

The House divided; and there were—ayes 95; noes 30.

So the motion was agreed to.

The committee accordingly rose; and Mr. SPRINGER having taken the chair as Speaker *pro tempore*, Mr. MCMILLIN reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 7480), making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

Mr. WILLIS. I move that the House resolve itself into the Committee of the Whole on the state of the Union; and pending that motion I move that all debate on the pending paragraph and all amendments thereto be closed in thirty minutes after its consideration shall be resumed.

Mr. PAYSON. Make it five minutes; why don't you?

Mr. HEPBURN. Say an hour.

Mr. WILLIS. I will say thirty minutes.

The motion was agreed to.

The motion to go into the Committee of the Whole House on the state of the Union was then agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. MCMILLIN in the chair.

The CHAIRMAN. By order of the House debate on the pending paragraph and all amendments thereto has been limited to thirty minutes.

Mr. WILLIS. The understanding, of course, is that there shall be fifteen minutes on each side.

The CHAIRMAN. Certainly.

Mr. WILLIS. Mr. Chairman, the gentleman from New York [Mr. HEWITT] has drawn a very vivid and very dark picture of the present condition of the people of the United States. I do not object to looking upon that picture, but I object that he should draw from any paragraph in this bill the colors with which to paint the picture. What are the provisions to which he refers? The only provisions are those passed by the House yesterday touching the Green and Barren Rivers in my own State and the Monongahela River in the State of Pennsylvania. And what were those provisions? Simply to bring before this Congress information in regard to three of the great rivers belonging to this Government. Will this information precipitate a crisis in public affairs if the next Congress should be placed in possession of the facts that the obstructions on the Green and Barren Rivers can be removed by the expenditure of $50,000 or $100,000, which is the utmost limit? And then coming to the Monongahela River, a monopoly whose influence is felt from one end of the Ohio Valley to the other and from one end of the great Mississippi Valley to the other, if the next Congress should, under the provisions of this bill, be placed in possession of the fact that great monopoly is willing, for a reasonable sum, to surrender its control over those vast coal fields, affecting the commercial prosperity of one-half of the Union, where are the direful consequences which are to follow?

Now, to come to this particular paragraph, what does it propose to do? Does it propose to empty the Treasury of the United States? Does it propose to engage an army of employés? I do not understand that it does. It merely says to the State of Ohio and to the United States, you have in your midst a large river bearing an immense commerce. You have in your own generosity, without appealing to the public Treasury as some of the States on the eastern coast have done, but clinging to the doctrine which prevented of availing yourself of the Federal money, you have by taxes of your own built an improvement on your own river, and having done so we are willing now to appropriate the small moderate sum of $20,000 to open up to free navigation of the country this beautiful river.

Is there anything monstrous in that? Is there anything direful to the country in that?

Mr. Chairman, I hold to-day this question of cheapening transportation is the burning question of the hour, and if by the expenditure of this paltry sum of $20,000 we can pour into the Ohio the free commerce coming down the Muskingum River I do not see there is any dreadful result to follow.

I have felt called upon to make these remarks in behalf of the action of the committee. There is no horrid monster here. It is a simple business proposition, to take from the State of Ohio as a free gift, not a dead improvement, not one which has not yielded a constant income, but a revenue improvement, one which that State believes may be better controlled in the interest of free navigation by the Federal Government than by itself. And that is all there is of this provision.

[Here the hammer fell.]

Mr. HENDERSON, of Illinois. Mr. Chairman, the gentleman from New York [Mr. HEWITT] has certainly alarmed the House with the idea that the Government of the United States was about to be bankrupted because it was proposing to improve the internal rivers and water ways of this country. I would like to ask the gentleman, or any other Representative upon the floor of this House who agrees with him, what is this Government for? What do we collect taxes or revenue for? Is it simply for the purpose of paying our public officers? Is it merely for the purpose of erecting magnificent public buildings; of maintaining armies and navies? Or is it a Government of the people, which should do something in the interest of the people and not in the interest merely of public officials or public creditors?

I undertake to say here to-day that one cause of our depression, one cause of the misfortunes under which the country at times labors, grows out of the fact that the great amount of our public revenue, necessarily large to maintain the public credit as it should be maintained, is going to our public creditors instead of being distributed and put in circulation, as it might well be, among the people of the country, in doing something for them and in their interest. We collect a vast amount of revenue which is paid out to but few public creditors, and but little of the revenue goes out into the channels of industry. I repeat what the chairman of the committee has said, that the great question of the hour and of the day with the people all over the section of country where I live is cheap transportation. There is nothing in which they feel so deep an interest as they do in every measure which is calculated to give to them cheap transportation.

There is no measure of more vital importance to them. Mr. Chairman, the framers of the Constitution under which we live took from the States the power to raise revenue out of the commerce that passes into and out of them, because they believed the interstate commerce of the country should be exclusively within the control of the General Government.

They denied to the States the right to levy imposts or duties on imports or exports; they denied to the States, without consent of Congress, the right to lay any tonnage duty. Our revenues to-day come largely from the commerce of the country. It is by duties on imports largely by which we fill our Treasury, and it is reasonable and just that the Government should use some of the revenue which it derives from commerce to give all reasonable and proper facilities to commerce.

I am surprised that so intelligent a gentleman as my friend from New York [Mr. HEWITT] should be alarmed or apprehensive that the Government is going to rush into bankruptcy for the purpose of improving the water ways of the country. There is no danger of that. On the contrary, there is far more danger of our neglecting to make improvements which would enrich our people and make them more prosperous.

I assert here now that there is not a first-class civilized power on the globe but that has spent largely more money than we have for this very same purpose. England has been doing it for years; she has expended in the past ten or twenty years many millions of dollars. France has expended more by far than we have; and so has Germany and other first-class powers; for, as a matter of fact, the United States has been niggardly in improving its water ways and its commercial facilities in the interest of the people. But I do not fear anything from such expenditures when they are made for improvements which are really in the interest of the commerce of the country.

Judging from our past history, Mr. Chairman, there is no great danger of this Government entering upon a system of any great extravagance in improving our rivers and harbors and giving the people increased commercial facilities and cheap transportation. We have expended, I think, not more than $125,000,000 in our whole history; while England has done more than that within the last ten or fifteen years in cutting canals and in subsidizing railroads.

[Here the hammer fell.]

Mr. HEPBURN. I now yield five minutes to the gentleman from Kansas [Mr. ANDERSON].

Mr. ANDERSON, of Kansas. Mr. Chairman, I can see no difference, either in nature or principle, between this provision of the bill now under consideration, providing for the acceptance from the State of Ohio of this still-water navigation, and a provision having in view the acceptance of the Erie Canal of the State of New York; and at the proper time I shall offer the amendment which was proposed by the gentleman from New York on yesterday to this paragraph.

I agree heartily in what the gentleman from Illinois [Mr. HENDERSON] has said in regard to cheapening transportation. The acquisition and enlargement of the Erie Canal by the Government would do more to cheapen transportation than probably one-third, possibly one-half, of all the appropriations contained in this bill. That canal, in connection with the lake system of transportation, is to-day the only thing which is an operating factor controlling railway charges, and unless it be enlarged and unless the Government shall have such control of it as to enable the great freights of the West to be carried through it—I say that unless that be done, then the time may come and will come when the State of New York, which now collects no tolls upon it, will refuse to maintain the canal, and the railroads will have their long-hoped-for millennium.

For one, sir, and speaking for myself individually, the assertion that this amendment is not in the interest of commerce, the idea of negotiating for the Erie Canal in this river and harbor bill has nothing offensive to me. I wish to Heaven there were more of such provisions in this bill. In other words, instead of going all around the fringe of the continent, and appropriating simply sums for the improvement of insignificant waters, let the great water ways of the land be improved, and especially such a one as this canal, which would have a positive effect in cheapening transportation; and I hail this provision as one which lays the foundation for the future action of Congress with respect to the Erie and Hennepin Canals; because, if it is right and proper in effect to accept from the State of Ohio these locks and dams, this still-water navigation, then it is certainly just as right and proper to accept a canal between three and four hundred miles long and connecting the great lakes with the Atlantic.

I yield the remainder of my time back to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. I yield five minutes to the gentleman from New York [Mr. HISCOCK].

Mr. HISCOCK. I have very little to say on this occasion. I listened to my friend from Illinois [Mr. MORRISON] this morning when he told us what had called the occupants of seats on the other side of the House to their places, and when he stood up to warn gentlemen there against extravagant administration. And I have listened to-day to my colleague from New York [Mr. HEWITT], and the most I can do with him is to grieve with him that he and the gentleman from Illinois are the representatives of the past ages of the Democratic party. I say to these gentlemen, it is your committee that has brought in this bill and proposes the new departure of buying the works of the States and taking the control of them for the General Government. And I say to you gentlemen, you may unite with the gentleman from Texas [Mr. REAGAN], and all three of you will be unable to hold down the brakes and stop the progress of your party and of this extravagance.

I have no doubt, and I congratulate the country upon it, that in a short time it will discover that all the specious promises that you made of reform and economy were simply cheating sounds to the ear; that they will discover your full purpose and that of your party, and call back to power the Republican party. [Derisive laughter on the Democratic side.] I congratulate the country that so soon after you have taken possession—after you have come home, as you say—that so soon the country will discover that the warning voice of the leader of the House—the gentleman from Illinois—the prophecies and mournings of my colleague from New York, and the great constitutional arguments of the gentleman from Texas are ineffectual in stopping the extravagance which your committee has reported here to Congress.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, the gentleman from New York [Mr. HEWITT] is entirely right when he states that all taxes are a burden upon the people; and the figures which he adduces for our consideration show a most striking contrast between the administration of the two parties in our country. But, sir, a tax upon the production of the people to supply the coffers of the Federal Government is no more and no less a burden upon their production than is a tax in the shape of high freight upon their commerce. If the $300,000,000 that we gather from them yearly to support the Federal Government be a burden, how great must be the burden of the well nigh $800,000,000 that they pay yearly to the unrestrained corporations of this country for carrying their produce to and from the markets.

How much of this is an unjust and needless burden I can not say; but the values given to watered stocks would indicate that it may approach even the burden of Federal taxes.

This is only one of many burdens of similar character imposed by Republican Congresses, and which as yet we are powerless to repeal. I say imposed by Republicans, for they refused to complete the passage into law of the interstate-commerce bill that a Democratic House sent them; and the tariff monopolies, yet more costly still, stand by their enactment and obstruction of reform. But even these are not all of the burdens that are grinding the people, and to which many seem blind.

Then, sir, the gentleman alludes to the centralizing tendency of our country. All that I have stated is centralization. What then can be more natural than for the people to show a disposition to go steadily to the Federal Government, there to exercise power, when the Federal Government has occasioned their trouble and refuses them relief and has turned them over to be governed and plundered by unrestricted charges upon their commerce by railroads and by artificial prices by subsidized industries? Do we expect them to discriminate about nice points when we disregard all points and set them the worst example of despotism? Have we not surrendered enough? Shall we now surrender to corporations the water ways of the country also that the Constitution gives us the control of and that we can improve in the interest of cheap freights? Shall we permit them to be usurped and possessed by default on our part? Have we not endowed corporations enough? A protest against this policy is not for centralization. It is for cheap and free distribution and exchange of products instead of submitting our commerce to any power, corporate or not corporate, to tax the life out of it. We may see centralization here upon the part of the great body of the people, taking the form of hasty, crude, and even revolutionary legislation, if you please, for the purpose of getting rid of existing centralization, breaking, in their own rude way, the idols and images of monopoly and prerogative, after all appeals have been disregarded with Bourbon blindness, and getting back to equal rights and equal laws. To keep our water ways for the people, and to keep them free to commerce and to make them adequate for commerce, is not centralization, nor is it a policy of expense.

I will speak of another feature in the matter of burdens. I have said that a tax upon commerce in the high freight charges is no less a burden upon the people than is a tax laid by the Federal Government upon the same commodities to replenish the Federal Treasury. There is no more chance of money getting back to the people when paid to railroads and steamboats and ships, and remitted to stockholders in the cities and in Europe, than there is if it is remitted by our custom-house officials and internal-revenue agents to the Treasury here in Washington. Now, that all expenditures for the improvement of our rivers and harbors are judicious, no man will pretend to say. That perhaps can never be. That great errors remain to be corrected, and ones that ought to be corrected, I am fully aware, and I have made earnest efforts in that direction, and I shall continue to make such efforts. But what I wish to emphasize upon the attention of the House is that the whole amount we expend yearly upon such relief works does not amount to 5 per cent. of the present annual exactions by corporations of freights that ought not to be charged. These expenditures once judiciously made are frequently paid back in freight savings in one year. Then the annual tax by corporations for all future years is stopped. Is this a policy of heaping burdens? Is it not rather a policy of wise and essential economy?

This, sir, does not take into account the expense of natural obstructions to our harbors which impose their annual expense upon commerce. Let us take two cases in point. One is a fleet of barges loaded with coal that was taken from Louisville to New Orleans by Capt. B. D. Wood. He took it down when the river was at high water, and navigation can be made as good at all seasons by judicious improvements. He carried this fleet at a profit at $25,000. By rail it would have cost $175,000. The jetties at the mouth of the Mississippi River have paid us back their cost once in every two years since they were built. Was the tax to build them relatively a burden?

Sir, these matters should be considered. There is no expenditure made by the Federal Government that more richly blesses the people than that which is applied to the removal of charges upon their commerce. That gives them genuine relief. It blesses twice. It makes the food and the produce of this country cheaper to him who consumes and makes it bring a higher price to him who sells. And it is not difficult for us to realize the barriers that lie in the way of the people of our country in getting net results upon their production when we remember that if you will take a point in my State that is scarce 300 miles from the city of Saint Louis and measure its distance from Saint Louis by freight charges we are at that point twice as far from Saint Louis as New York is from Liverpool. If you will take a barrel of flour from my town 40 miles on a railroad and measure the distance by freight charges it is as far as New York is from Liverpool. If you will take cotton down the unimproved rivers of my State to New Orleans it is four times as far, measured by the logic of prices, as if you shipped that cotton from the city of New York across the Atlantic to the spindles of England.

I repeat, sir, are these charges not taxes resting on the people? Are they less a burden than if they were collected into the Federal Treasury instead of into the safes of the transportation companies to be transmitted to the stockholders in our remote cities or in Europe? It is clearly a burden which we can greatly ameliorate, and I think we need to go further to keep the range of this discussion. We need to bring the Federal Government back to economical expenditures as stated by the gentleman from New York [Mr. HEWITT], and also to relieve the people not only of unjust charges upon freight, but to relieve them also from the domination of other monopolies which the party of the other distinguished gentleman from New York [Mr. HISCOCK] has imposed upon them. This, sir, is the function of the Democratic party, to bring this Government back to the people by the people and for the people, and to permit unjust taxation in no form, either by the Government or by the creations of the Government. That is the only way we can give genuine relief to the people. All other is sounding brass and tinkling cymbal and slavery in thin disguise.

[Here the hammer fell.]

Mr. HEPBURN. Mr. Chairman, recurring to the subject under discussion, I would like to call the attention of the House to the fact that this provision for the acquirement of this canal is unlike either of the provisions that have preceded it. They simply looked to negotiation, to reports, to future action on the part of the Government of the United States, while this is a finality, and by its adoption we assume charge of these locks, with all their burdens, with all their expenses and officials. We are adding, by the adoption of this paragraph, one hundred or more officials to the list that will appear next year in the Blue Book; we are adding all their salaries. We are adding $20,000 of annual cost for the mere operation of this work, to say nothing about what will be required to sustain and improve it.

Mr. WILLIS. Will the gentleman permit me to ask him a question?

Mr. HEPBURN. I can not yield. I would be glad to if I could. I have but eight minutes. There is no doubt much truth in what the gentleman from New York [Mr. HEWITT] has said of the gloomy prospects now lowering over this country and the financial distress everywhere to be found, but is it not true, sir, that we must look to other causes than the one that he suggests? The comparatively meager appropriations in this bill, $15,000,000 though they may be, will have but little effect in lightening distress or bringing relief to the people of this country. We must look to other and higher causes, and may we not find some cause for these difficulties the people suffer from in the fact that the people are afraid of those who are now dominant over them—afraid of the party now in power? Is it not true that there has been so much of promise and so little of performance upon the part of the Democratic party that the people look to the future with distrust and foreboding?

Mr. Chairman, just to enumerate a few of the pledges that have been made to the people: In the first days of the present administration we were told by gentlemen here, my colleague [Mr. WEAVER] most notably among the number, that now a new era was to begin. Heretofore, we were told, this Government had been run in the interest of men of wealth and the interest of the great monopolies, but now the people were to be considered in all of their interests; and as a proof of this he called our attention to the fact that the President was sympathizing with the settlers upon the frontier who were standing around the Territory of Oklahoma, but who had been kept out by a wicked Republican President; and he assured us that now the monopolists—the cattle barons who had gone into the Territory under the rule of the Republican party—were to be turned out instanter and the settlers were to be at once allowed to go in.

But a few days ago my colleague, with humiliating confession on his lips, was compelled to say to this House that all of those loud-sounding promises and professions were untrue, that the same classes were infesting that Territory now—on the day he spoke—that infested it a year ago, and that the same settlers were still standing upon the outside looking over into the land of promise which the Presidential order kept them from entering, while the cattle syndicates fattened and grew insolent on all that was good in the land.

Again, Mr. Chairman, may it not be possible that the people are fearful that their currency is to be disturbed? My colleague [Mr. WEAVER] aided in the election of this administration, and he told us at that time how we were all to be benefited, how all our people were to be made happy when the administration came into power. He told us that then his pet theories about the enlargement of the volume of currency would be put into operation; that the Democratic party much more completely sympathized with him and his party than did the Republican party. But, instead of that being true, even before the President had taken his seat he terribly disturbed all such prophecies by recommending that the silver element of our currency should be stricken down and that silver coinage should cease.

Not content with that, in the very first report made by his Secretary of the Treasury the Secretary recommended that the greenbacks should be retired, destroying at once nearly six hundred millions of our currency. Then immediately after that, almost upon the very day of the meeting of Congress, in comes the gentleman from Illinois [Mr. MORRISON] with a proposition to disturb all the labor interests of the coun-

try. No man knows where that will end; no man can tell where this disturbance is to cease; no man can forecast the future or the business operations of the future or his relations to them with the slightest degree of certainty. These gentlemen are content simply to produce change, to produce revolution in finance and in business, and under that fear of change the public mind is disturbed.

The business enterprises of the country can not be carried on without capital. Those who have capital are distrustful of the promises of the majority party and are distrustful of their proposed measures and policies. Men who have money are afraid to embark in business enterprises, knowing that the administration is committed to the destruction of more than one-third of the entire circulation of the country. Others are afraid to engage in manufactures, because the tariff tinkers are abroad in the land. They can not tell when this party of tariff reform are to end their labors, or what manufacturing enterprises are to be stricken down. Hence, from this fear and distrust, the money by the millions of dollars is hoarded, is not permitted to go into use, and as a result business interests, manufacturing interests languish, the fire dies in the furnace and the forge, the factory and the mill is tenantless, while their late occupants are in the streets and the highways, swelling the ranks of the army of tramps that exist in this country to-day, largely because the Democratic party sits in the seat of power, and because the people are so distrustful of the manner in which, and the purposes for which, that power will be used.

Mr. WILLIS. If my friend from Iowa will show that the Muskingum River improvement is responsible for all this, I will move to strike it out of the bill. [Laughter.]

Mr. HEPBURN. I think I said a while ago that the meager improvements of the Muskingum River have but little to do with this matter; but this proposition contained in the paragraph shows to the House and the country the tendency to change the unstable character of this great Democratic party. This Muskingum improvement was begun in 1836; the one for the Monongahela River was begun in the same year; that of the Barren and Green Rivers in 1837; all these works were commenced in the times when the influence of Andrew Jackson and Martin Van Buren was supreme in the councils of the Democratic party of this country and when the Democratic party was everywhere supreme. If there was one dogma of Democracy more certainly Democratic than another in that Jackson-Van Buren period, it was that one denouncing and decrying internal improvements by the General Government—the building of roads, the digging of canals, the improvement of rivers remote from tide water. He who believed the Federal Constitution conferred power upon the Congress to appropriate money for such purposes must cease to be a Jackson Democrat in the days of which I speak. Because of this position on the part of the then Democratic party, these improvements and others were remitted to the States. They must be improved by the States or not be improved at all. And the States were permitted to assume jurisdiction and control over "navigable water ways" and improve them by systems of locks and dams and cheap tolls for their use. Not only so, but later the States sold them out to or gave them away to close corporations for the purpose of individual, personal aggrandizement; and in this way was created the best illustration of complete, perfect, soulless corporations in the whole length and width of the land.

But now the great "unchangeable" Democratic party is undergoing a change—a very radical change. It has provided in this bill for the improvement of rivers remote from tide water, rivers being wholly within one State, for canals wholly within a State, for ice-harbors, for a dry-dock solely for the use of the boats of individuals, and for the purchase of second-hand slackwater improvements, with their canals, infirmities, and water rights. This is a wonderful step for the Democracy, Mr. Chairman, from the doctrines of Jackson to those of a Democratic Committee on Rivers and Harbors in the good year 1886. With such wonderful changes of position on the part of an "unchanging" party can it be wondered that the people have distrust of its purposes and its future?

[Here the hammer fell.]

The CHAIRMAN. The time allowed for debate on this paragraph is exhausted. The question is on the amendment of the gentleman from Texas [Mr. REAGAN] to strike out the paragraph.

The question being taken, there were—ayes 32, noes 76.

Mr. HEWITT. No quorum.

The CHAIRMAN, under the rules, ordered tellers, and appointed Mr. HEWITT and Mr. WILLIS.

Mr. HEWITT. I suggest to the chairman of the Committee on Rivers and Harbors that if he will agree to give us a vote in the House on this question we may save time.

Mr. WILLIS. There is no objection to that.

Mr. WARNER, of Ohio. Oh, no; let us have the question decided now.

The CHAIRMAN. Is there objection to the proposition of the gentleman from New York [Mr. HEWITT]?

Mr. WARNER, of Ohio. Yes.

Mr. WILLIS. I do not see why there should be any objection to allowing the House to express its mind on this question.

Mr. WARNER, of Ohio. It will not take so long to have the vote by tellers as to have it by yeas and nays. There is a quorum in the House, and I insist on the count by tellers.

The committee again divided; and the tellers reported—ayes 40, noes 124.

So the amendment of Mr. REAGAN was rejected.

Mr. ANDERSON, of Kansas. I move to amend by inserting after the word "Ohio," in line 875, the provision which I send to the desk.

The Clerk read as follows:

Provided, That a joint committee of eight members of this Congress be appointed, to consist of five Representatives to be appointed by the Speaker of the House and three Senators to be appointed by the President of the Senate. Said committee shall confer with a committee of like power appointed by the Legislature of the State of New York, and with the governor and other State officers of said State, in regard to the maintenance of the canals thereof, and ascertain if said canals are sufficient for the requirements of interstate commerce, or if they should be enlarged, and the cost of such enlargement; and said committee shall ascertain upon what terms and conditions the United States can acquire the title to and jurisdiction of said canals, or of any of them. Said committee is authorized to appoint one of its members chairman, and may hold its meetings at such times and places as it may appoint in the State of New York or the city of Washington, and to take testimony and employ a clerk, who shall be a stenographer. The expenses of said committee shall be paid from the contingent funds of the two Houses of Congress, to be disbursed therefrom upon the order of the chairman of the committee and of two other members, one of whom shall be a Representative and the other a Senator; and said committee shall report in writing to Congress.

Mr. GIBSON, of West Virginia. I rise to a point of order upon this amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. WILLIS. The same amendment has been ruled out several times heretofore. It is not germane to the paragraph, and it is not within the jurisdiction of this committee.

Mr. ANDERSON, of Kansas. I would like to be heard on the point of order.

Mr. GIBSON, of West Virginia. I call the attention of the gentleman from Kansas to the fact that this very amendment was offered yesterday, and after a full discussion was ruled out by the chairman of the Committee of the Whole.

Mr. ANDERSON, of Kansas. But it was offered to a different paragraph.

Mr. GIBSON, of West Virginia. That does not make any difference. I presume that the gentleman offers this amendment in good faith——

Mr. ANDERSON, of Kansas. Undoubtedly.

Mr. GIBSON, of West Virginia. That being the fact, I simply state to the gentleman, in order to save time, that the same proposition has been already offered and ruled upon.

Mr. ANDERSON, of Kansas. I do not desire to consume time.

The CHAIRMAN. The Chair is ready to rule on the point of order.

Mr. ANDERSON, of Kansas. I would like to call the attention of the Chair to a single point.

The CHAIRMAN. The Chair will hear the gentleman briefly.

Mr. ANDERSON, of Kansas. The Chair will notice that the sentence beginning at line 858 and closing at line 875, to which this amendment is offered, is a provision to the effect that the Government of the United States hereby accepts from the State of Ohio the Muskingum River improvements. In other words, this amendment is offered to a provision which pertains exclusively and specifically to an improvement of the Muskingum River, which improvement consists of locks, dams, and a canal. Now, I do not offer the amendment to lines 856, 857, and 858. I offer it to the provision in regard to this specific improvement, which is nothing more nor less than an enlarged canal. To that point of the paragraph I offer my amendment.

Mr. HISCOCK. I desire to point out one distinction between the question as presented to-day and the question upon the same proposition as presented yesterday. As I understood, the amendment was ruled out of order yesterday because there was nothing in the then pending paragraph having reference to canals. Now here is a clause providing that the General Government shall take charge of a certain canal belonging to a State; and there has been read here to-day the act of the Legislature of the State of Ohio providing for the cession of this work. I do not care to go into extended argument on this question, but the Chair must remember very well that this work in the State of Ohio was undertaken by that State at a time when the Democratic party believed that, while Congress had jurisdiction of rivers and harbors, the construction and maintenance of such a work as that now under consideration was not within the constitutional grant of authority to the General Government, and hence must be carried on by State authority. I say I do not care to discuss that point.

I do not care to discuss that question, but here you have a provision before you, Mr. Chairman, which provides for the acceptance of a canal by the General Government. This is as distinctly a canal as the Erie Canal, as the Oswego Canal, or any other canal in the country.

It seems to me the point could hardly be made here in this case that it is not germane to this bill. It does not seem to me the Committee on Rivers and Harbors should have the monopoly of this question of declaring what canals are germane to the river and harbor bill and what canals are not. The chairman of the committee will hardly claim that he can put in this bill one canal and say it is germane to the bill

and this whole House can not put in another because it may be said that it is not germane.

The CHAIRMAN. This amendment was substantially offered yesterday. The Chair thinks the point of order is well taken, and sustains it.

Mr. ROGERS. I desire to offer the following amendment, to come in after line 887.

The Clerk read as follows:

For removing the rock shoals in the Fourche, about 4 miles below the town of Perryville, in Perry County, Arkansas, $5,000.

Mr. ROGERS. Mr. Chairman, I had at first thought I would not offer this amendment, but upon more careful consideration of the report made by the engineer, and in view of the fact if this appropriation is made it will be the sole appropriation ever called for in behalf of this work, I have concluded to ask the committee to permit the amendment to be made.

The Fourche River is a tributary of the Arkansas. Up to the shoals, which lie 4 miles south of the town of Perryville, in the State of Arkansas, and which is the largest town on the river, and where the whole commerce is done for the country around, the water is always deep enough at the lowest stage of the river to permit such boats as are suitable to the trade to ascend without difficulty.

Four miles south of Perryville lies this rocky shoal, about 500 feet long. The engineer says that about $21,000 have been expended on this river. No part of it, however, was expended for removing these shoals. It was used for taking out snags and other obstructions. This occurred prior to 1883.

The object of this amendment is to secure an appropriation to remove these rocks so that boats may ascend to the town of Perryville, the principal shipping point on the river. The engineer estimates it will require $5,000 to remove this shoal and give navigation up to Perryville.

Mr. GIBSON, of West Virginia. Will the gentleman tell us where we will be able to find that estimate?

Mr. ROGERS. I hold it in my hand.

Mr. GIBSON, of West Virginia. Is it to be found in the Book of Estimates?

Mr. ROGERS. It is not in the Book of Estimates, because I requested the Secretary of War to have this examination made subsequent to the time the report was submitted to Congress. He made it and he made it officially, and his report upon that examination reached the committee through official channels.

I think it ought to be perfectly satisfactory to the committee. If it were the inauguration of a work which would require subsequent appropriations to keep up, I would not ask for it under the present circumstances; but if the engineer's report is true, and we have every reason to believe we can remove 500 feet of this rocky shoal by 50 feet wide with the sum here asked for, I think it ought to be voted. If it required one cent after this appropriation has been had I would not ask for it now. As it makes a permanent improvement to an already navigable river, as it makes navigation possible up to that town, which is the most important point on the river at all seasons except extreme low water, I think the committee might well yield to me this small appropriation I ask for this improvement.

The CHAIRMAN. The gentleman's time has expired.

Mr. ROGERS. I hope gentlemen will give me a minute more. Let me say in this connection that I appeal to the committee in all candor and sincerity in favor of the amendment which I have proposed for removing this rocky shoal from the Fourche River.

This point is in the neigborhood of a thriving county town, and there is considerable traffic along the river, while every bale of cotton, every bushel of wheat or corn in that whole section of country, every dollar's worth of produce of all kinds which leaves, or of all merchandise which goes to it, both to and from that town and county, and all that beautiful valley back of it, both above and below, would pass by boats on Fourche River if this improvement were made.

For the want of this improvement all of the produce of that country, except in high water, must be hauled over to the Arkansas River, many miles distant, and ferried across that river, nearly a thousand yards wide, to the railroad, and there it is shipped by rail to Little Rock or Memphis or New Orleans, as the case may be. Mr. Chairman, the ferriage across the Arkansas costs more than the entire cost of the shipment to Little Rock would cost if there was river navigation. This rock shoal is the only impediment. It can be removed for this small sum. It will be a permanent improvement. It is clearly in the power of Congress to make it, and I submit with all possible candor and earnestness that it is meritorious and should be done.

These are the circumstances, Mr. Chairman, and I speak from personal knowledge of the condition and geography of the country; and I say that where the committee can, by expending $5,000 simply, make a permanent improvement which will benefit that one county three times or five times annually the amount of the expenditure it is certainly a proposition which I think the committee will scarcely find ground to object to.

Let me utter one more sentence, then I have done. This is the first moment of the committee's time that I have occupied, and I occupy it in all candor and sincerity to make this appeal to the committee that they will give this little appropriation. I am for this bill and for everything in it that is right; but I think this is one of the things that is eminently right and that the committee should concede it.

[Here the hammer fell.]

Mr. WILLIS. Mr. Chairman, I regret very much having to resist an appeal of this kind made by my friend from Arkansas, but a brief statement of one or two minutes will satisfy him, and I think this committee, that we ought not at this time to take up this river.

We receive these estimates from the local engineers. As a matter of abundant precaution we ask the local engineers to submit them to the Chief of Engineers, and upon his indorsement, when he has considered them, we feel it proper to act.

There are many improvements just like this which have been examined since the general reports of the engineers have been sent in; but as we did not go into others we thought we ought not to go into this one, certainly not until the Chief of Engineers has had an opportunity to pass upon it. I have no doubt that when he does consider the matter he will approve of it; and I only ask the gentleman from Arkansas to bide his time, as we have been appealed to by a hundred other gentlemen for a number of equally worthy improvements in this country, and have been compelled, under the circumstances I have related, to refuse them until these reports are received.

The CHAIRMAN. The gentleman from Arkansas [Mr. BRECKINRIDGE] is recognized for five minutes.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, I move to strike out the last word.

The appropriation proposed by the amendment of my colleague [Mr. ROGERS] is a matter concerning a people I know well and who take a deep interest in having a work, that I know appears small to this House, completed; for it is a work of decided importance to their commerce.

In regard to the point made by the chairman of the Committee on Rivers and Harbors that this has not been submitted to the Chief of Engineers for his approval I wish to state that it does not come up here as a new survey, for in years past $21,000 has been expended to bring this river to its present condition. This amount has been expended through continuous years in removing snags and other obstructions from the channel. Nothing has been done about the shoals below Perryville, though amply reported upon. They prevent the river from being navigable during several months of the important shipping portion of the year. There is then nothing strange about this small but important improvement. It only calls for $5,000 for a permanent work which will effect well-nigh that much saving upon the freight charges of the people in every year to come.

As for the amount of commerce: The amount of commerce is about a quarter of a million of dollars a year. Every dollar of it is foreign and interstate commerce. There are 15,000 bales of cotton that go out of the Fourche La Fave River, every bale of which goes to New England or to Europe. There is a large quantity of cotton-seed which goes out from there, every ton of which is converted into oil at Little Rock, and shipped to the Mediterranean ports; and, as my colleague says, during the heaviest portion of the shipping season these people have to haul their freight many miles across the country, and it is a very heavy charge upon interstate commerce and foreign commerce emanating there.

I believe it is a most reasonable request. While I know it is not advisable and that it is a bad policy generally to break down the conclusions of a committee, yet I unhesitatingly say, as one who has had the honor to once serve upon this committee and is familiar with this river, that in my opinion a mistake was made in overlooking this matter, which is more deserving than any other work now seeking redress at the sovereign hands of the House. My colleague now tells me what I did not know, that the ferriage across the Arkansas River alone where this commerce now seeks the railroad, independent of the expense of hauling to it, costs more than it takes to ship these commodities by boat during the navigable season, which we seek to lengthen, down to Little Rock, where they meet a market that distributes them over the world. Of course the same charge is made upon return freight.

I know, as a matter which should have some weight with this House, that in this Southwestern region, from Red River north and including Southern Missouri, there is a system of rivers flowing into the Mississippi River, and exclusive of that river, with more than 5,000 miles of navigable water; there are in this region, embracing North Louisiana, Northern Texas, Southern Missouri, and Southern Kansas, and all of Arkansas and the Indian Territory, over three million of people, with more than $300,000,000 of commerce. They get only about $200,000 for their commerce, and their rivers need improvement as much as do any rivers in the country. Now, note the contrast. Without instituting any invidious comparison or criticising any appropriation made by the committee, for I believe they are fairly justified in all they have done for other localities, yet while they recommend but little over $200,000 here they give to the commercial system of Oregon, with one-tenth the commerce and population, over $500,000.

Why, sir, if our commerce were treated as liberally as that it would

have expended under this bill for the relief of its necessities over $2,000,000; and our necessities are just as great and our improvements are just as constitutional, and our commerce is just as interstate and international. I say this in no harsh spirit of criticism, but only for just and equitable consideration by the House in connection with the humble request which has been made.

I withdraw my *pro forma* amendment.

Mr. GIBSON, of West Virginia. I desire to call the attention of the House to the fact and to correct a misunderstanding that I know the gentleman from Arkansas is under, though not intentionally. There was no report of the Chief of Engineers to the committee on this subject at all. The communication the gentleman refers to was one from the local engineer, addressed to the gentleman from Arkansas himself. In addition to that, I want to call the attention of the committee to the fact that this engineer reports that this improvement is only necessary in very low water, and that then when the water is low and this improvement is necessary the balance of the river is comparatively dry and navigation is entirely suspended.

Mr. ROGERS. I move to strike out the last two words. I do so simply to correct the statement just made. I will state in the first place that during last summer, through my friend Mr. BRECKINRIDGE, I asked the Secretary of War to have this examination made. It was made, and I hold in my hand now the letter of the Secretary of War, signed officially, transmitting these papers to my friend Mr. BRECKINRIDGE, who sent them to me.

The report was made to the Secretary of War by the local engineer, and by him transmitted through my colleague to me. I suppose, from the nature of the papers before me, this came directly from the Secretary of War to the committee, so that this report is not made to me at all, but is an official communication for the committee.

Mr. WILLIS. The point is that the Chief of Engineers takes these reports and sends them to us with his official approval. When this report comes up in that way it will be in its regular order.

Mr. ROGERS. This is not the place, it seems to me, to make that point; because I introduced a bill and had it sent to the committee, and took copies of these papers in person and laid them before the committee and explained them and the situation, and they should not exclude it now on the ground that they neglected to send for the papers in the proper method. I did all I could do. I am not a member of the committee.

Mr. WILLIS. The gentleman from Arkansas does not seem to understand my statement. This matter has never been brought before the Chief of Engineers for his approval.

Mr. BRECKINRIDGE, of Arkansas. It has been reported by the Chief of Engineers.

Mr. WILLIS. Merely by a formal letter of transmittal.

Mr. ROGERS. It is also a mistake of my friend from West Virginia when he says this report is addressed to me. The language on it is:

Indorsements on letter of December 1, 1885, from Hon. J. H. ROGERS respecting the examination of Fourche River, Arkansas, to determine whether shoals thereon can be removed.

There is no address of any letter to me, and it was not sent to me at all. Copies were sent to my colleague and he transmitted them to me, and I laid them before the committee. Certainly the committee did not understand this matter.

The question being taken on the amendment proposed by Mr. ROGERS, there were—ayes 30, noes 50.

So (further count not being called for) the amendment was rejected.

The Clerk read the following paragraph:

Improving Saint Mary's River, Michigan: Continuing improvement, $250,000.

The committee recommended the following amendment:

In line 895, insert after "improvement" the words "by a new lock and dam."

Mr. HOLMAN. I suggest it is getting late and that the committee ought to rise.

Mr. WILLIS. I hope, in the public interest, we will go on a little longer.

The CHAIRMAN. The question is on the amendment proposed by the committee.

The amendment was adopted.

The Clerk read the following paragraph:

Improving Hay Lake Channel, Michigan: Continuing improvement, $150,000.

Mr. ANDERSON, of Kansas. I would like to have a little information as to this matter.

Mr. WILLIS. The gentleman certainly understands where Hay Lake Channel is. It is the great throat of the lakes.

Mr. ANDERSON, of Kansas. I know that. My understanding was that there was a channel cut through Hay Lake.

Mr. WILLIS. It is there now, and this is to enlarge it. The draught of vessels passing through that channel is increasing from year to year, decreasing the price of transportation. As the depth of the channel is increased the cost of transportation is diminished. This is for a deepening of that channel.

Mr. ANDERSON, of Kansas. How much is required to complete the improvement?

Mr. WILLIS. This about completes it—$150,000.

The Clerk read the following paragraph:

Improving Saginaw River, Michigan: Continuing improvement, $45,000; of which $22,500 are to be used opposite Bay City.

Mr. WILLIS. I move to amend by striking out, in line 901, the word "opposite" and inserting the word "above."

The amendment was agreed to.

The Clerk read the following paragraph:

Improving Fox River, Wisconsin: Continuing improvement below Montelo on the approved plan, $75,000. And the Secretary of War is hereby directed to have the examination and survey of the Wisconsin River from Portage to the mouth, now being made by a board of engineers, completed as soon as practicable, and a report thereof made on or before the meeting of the next session of Congress.

The committee recommended the following amendment:

In line 907, strike out the word "Montelo" and insert "Montello."

The amendment was agreed to.

Mr. THOMAS, of Wisconsin. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out all after the word "dollars," in line 908 and all thereafter to and including line 913, and insert in lieu thereof as follows, to wit:

"Improving the Wisconsin River from Portage to the mouth, continuing improvement, $100,000; but no part of said last-mentioned sum shall be expended unless, under the direction of the Secretary of War, a board of engineers, on an examination and survey of said river, shall recommend the expenditure thereof, and which expenditure shall not exceed in any event 33⅓ per cent. of the estimates of said engineers of the amount necessary for the improvement of said river for this year.

Mr. THOMAS, of Wisconsin. Mr. Chairman, it will be noticed that the Committee on Rivers and Harbors have recognized the fact that the board of engineers are now making a survey of the Wisconsin River. That board will very shortly make their report, and, if I am correctly informed, it will be favorable to the improvement of the river. This amendment simply proposes that the amount specified may be used in case the engineers make a favorable report and not otherwise, and provides that it shall be 33⅓ per cent. of what they estimate as necessary to be used this year. So, Mr. Chairman, this proposition is exactly upon the plan of the committee, and I can see no possible objection to it. There are a great many rivers proposed to be improved by this bill that do not compare with the Wisconsin.

It is a river from a half to three-quarters of a mile wide, capable of bearing any steamboat that can navigate the Upper Mississippi, and it is connected by canal with the Fox and Wisconsin improvement, so that direct communication between the Mississippi and the great lakes can be had cheaper by that than by any other route. Rafts amounting to 1,100,000 feet have come out of the Wisconsin and floated down to New Orleans; the greatest raft that ever arrived in New Orleans went from the Wisconsin in 1876. There are a few bars in the river, a few places that need improvement in order that vessels may ascend. That improvement is necessary, and I hope the Committee on Rivers and Harbors will take this into consideration and accept this amendment, in view of the fact that I have embodied in it provisions that cover every contingency, so that there can be no possible danger in its adoption.

Mr. WILLIS. I hope my friend will see the propriety of not pressing this amendment. We have called for a report of the board of engineers. The gentleman now proposes to take that report, and upon their estimate, no matter what it may be, make an appropriation. The usual way is for the enginners to report to Congress, so that we may know just what they have done and what they recommend. I submit to him that his improvement is in progress of favorable consideration. The board of engineers has been convened to consider the problem of improving that river, and until the board makes its report no appropriation should be made.

Mr. THOMAS, of Wisconsin. Will the gentleman permit a question?

Mr. WILLIS. Certainly.

Mr. THOMAS, of Wisconsin. I notice that there is $1,800,000 proposed to be appropriated in this bill for objects that are not in the books of estimates. Why does the committee make a distinction against the Wisconsin River, a river which is well known throughout the country, which is known to be a navigable stream, and an important link in the connection between the Mississippi and the great lakes?

Mr. WILLIS. My friend is entirely mistaken in his proposition, so that I do not think it necessary to reply to it. We have not recommended appropriations that the engineers have not asked for. In this particular instance the Chief of Engineers says that we ought not to expend any money until the board of engineers has made an examination and determined whether the improvement is advisable.

The amendment was rejected.

ORDER OF BUSINESS.

Mr. HOLMAN. Mr. Chairman, it is obvious that there is no quorum present, and I suggest that the committee ought to rise.

Mr. WILLIS. There is nothing in the next two pages of the bill that will excite any objection, and I hope the committee will go on for some time longer. We have made but little progress to-day.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Improving Wabash River, Indiana and Illinois: Continuing work on lock and

dams at Grand Rapids and on the river from Grand Rapids to its mouth, $80,000; of which $12,000 to be expended on the river at Grayville, Ill.

Mr. JOHNSTON, of Indiana. Mr. Chairman, I send up an amendment which I propose to offer to this paragraph.

The Clerk read as follows:

Amend by inserting after the word "Illinois," in line 920, the following:
"And the further sum of $50,000, to be expended between the Grand Rapids and the city of Attica, Ind."

Mr. JOHNSTON, of Indiana. Mr. Chairman, the Wabash River has long been recognized as an important stream. There have been some small improvements made upon it, and it is proposed now to expend $80,000 upon the river. Most, or all, of that amount is to be expended where the river forms the boundary line between Indiana and Illinois, cutting off the portion of the river which is in the State of Indiana. There are now several boats upon that part of it, plying between Attica, Terre Haute, and Vincennes, and I merely ask that this amount be appropriated to improve the navigation there.

Mr. HENDERSON, of Illinois. Mr. Chairman, the Committee on Rivers and Harbors have followed strictly the report of the engineers in this case, which recommends that there be no appropriation for this river above the Grand Rapids until the improvement there was completed. That is the reason that none was reported by the committee.

Mr. WILLIS. That is the only reason.

The amendment was rejected.

Mr. JOHNSTON, of Indiana. Mr. Chairman, I desire to offer another amendment to this paragraph, which I send to the Clerk's desk.

The Clerk read as follows:

Amend by inserting after the word "Illinois," in line 920, the following:
"And the further sum of $25,000 shall be expended between the Grand Rapids and the city of Terre Haute, Ind."

Mr. JOHNSTON, of Indiana. Mr. Chairman, the gentleman from Illinois [Mr. HENDERSON] makes the point that the committee have followed the recommendation of the engineers. Terre Haute is the best city upon the Wabash River. It is a city of 30,000 inhabitants, with more manufactures, more commerce, and more business than any other city upon the river from its source to its mouth.

I do not see any force in the proposition that this river, so important to our commerce, should be compelled to wait for its improvement until the Grand Rapids can be cleaned out. There are to-day five or six boats on that river which are hauling the commerce between Terre Haute and Vincennes, yet of the amount appropriated in this paragraph $12,000 are to be expended at a little town called Grayville, in the State of Illinois, in order to straighten the channel and keep it from leaving the little town upon dry land, and the remaining $68,000 are to be expended upon the Grand Rapids and on the river from that point to its mouth, leaving the city of Terre Haute, with more commerce than all the other cities upon the river, without any appropriation at all, and compelling a section of farming country the finest in the West to ship its grain by rail, when with an appropriation of $25,000 at that point the river, after this appropriation of $80,000 shall have been expended, will be open from Terre Haute to the Ohio. I insist in all candor upon this amendment.

Mr. WILLIS. I will say to my friend from Indiana that the reason the committee did not allow the appropriation he proposes was that it was not asked for by the engineers. The engineers stated to us that the first improvement to be made there was upon this work on the lock and dams; that until this was done no further improvement should be made. We did report in favor of the expenditure of $12,000 at Grayville, because the engineer asked it. We follow the engineers, so far as we can, whenever they give us proper information on these points.

Mr. JOHNSTON, of Indiana. Then, if I understand the gentleman aright, we had better relieve the Committee on Rivers and Harbors from any further labor and let the engineers attend to this whole business. I am here asking this appropriation. If the committee is to be controlled by the estimate of the engineer, thus setting up a "one-man power," what is the use of having thirteen or fifteen men appointed as a committee to look after the interests of the people in these matters?

Mr. WILLIS. I am ready to submit the question to the Committee of the Whole.

Mr. HENDERSON, of Illinois. I wish to make a single remark. The gentleman from Indiana speaks of the city of Terre Haute, with its population of 30,000 and its commerce. I wish to say to him that Terre Haute and its people are more interested in this improvement at Grand Rapids than in any other that can be made on that river.

The question being taken on the amendment of Mr. JOHNSTON, of Indiana, there were—ayes 30, noes 47.

Mr. JOHNSTON, of Indiana, and Mr. BEACH. No quorum.

Mr. WILLIS. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. SPRINGER having taken the chair as Speaker *pro tempore*, Mr. MCMILLIN reported that the Committee of the Whole House on the state of the Union, having had under consideration the river and harbor appropriation bill, had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed without amendment House bills of the following titles:

A bill (H. R. 2993) to authorize the Chicago, Freeport and Saint Paul Railroad Company to construct a bridge across the Saint Croix River (or lake), at any accessible point between Prescott, Wis., and Stillwater, Minn.; and

A bill (H. R. 7651) to authorize the Chicago, Milwaukee and Saint Paul Railway Company to construct, operate, and maintain a bridge across the Missouri River near or in the vicinity of Chamberlain, in the Territory of Dakota.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 1101) to provide for allotments of lands in severalty to the Indians residing upon the Round Valley reservation, in the State of California, and granting patents therefor, and for other purposes; and

A bill (S. 1937) authorizing the city of Salem to construct a bridge across the Willamette River, in the State of Oregon.

And then, on motion of Mr. WILLIS (at 5 o'clock and 45 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ATKINSON: Petition of Grange No. 773, of Juniata County, Pennsylvania, for the passage of a law to suppress imitation dairy products—to the Committee on Agriculture.

Also, petition of same, protesting against the admission of foreign agricultural products free of duty—to the Committee on Ways and Means.

By Mr. BARBOUR: Papers relating to the claim of Freeman & Richardson—to the Committee on Claims.

By Mr. BARKSDALE: Petition of Dr. W. P. Hughes and others, physicians, of Claiborne County, Mississippi, for appropriations to be used by the National Board of Health to prevent the introduction of infectious diseases into the United States and to protect the public health—to the Committee on Appropiations.

By Mr. BUCHANAN: Petition of Grange No. 8, of New Jersey, for the suppression of the manufacture and sale of all imitation dairy products—to the Committee on Agriculture.

Also, petition of same against the admission, free of duty, of all agricultural raw materials, such as wool, hides, &c.—to the Committee on Ways and Means.

By Mr. BUNNELL: Petitions of Granges Nos. 74 of Susquehanna County, 126, 153, 182, and 336 of Bradford County, Pennsylvania, praying for a law to protect them from the adulteration of food, especially butter—to the Committee on Agriculture.

Also, petition of the same, protesting against a reduction of the tariff on wool, hides, rice, tobacco, jute, raw sugars, &c.—to the Committee on Ways and Means.

Also, petition of James Sturdevant and 10 affidavits to accompany House bill granting said James Sturdevant a pension—to the Committee on Invalid Pensions.

By Mr. BURROWS: Petition in favor of woman suffrage—to the Committee on the Judiciary.

By Mr. BUTTERWORTH: Petition of the Chamber of Commerce of Cincinnati, Ohio, against the construction of a bridge across the Ohio River at Cairo—to the Committee on Commerce.

By Mr. J. M. CAMPBELL: Petition of Grange No. 791, of Pennsylvania, asking for such legislation as will suppress the manufacture and sale of all imitation dairy products—to the Committee on Agriculture.

Also, petition of same, asking that the proposed tariff bill be amended so as to afford wool and other agricultural products the same protection that is accorded to other industries—to the Committee on Ways and Means.

By Mr. ERMENTROUT: Memorial of Traders and Travelers' Union, for the passage of H. R. 1621—to the Committee on Commerce.

Also, memorial of Henry S. Eckert, president of Farmers' National Bank, of Reading, Pa., for issuance of national banking bonds—to the Committee on Banking and Currency.

By Mr. EVERHART: Memorial of Grange No. 114, Patrons of Husbandry, asking for a law against the sale of imitation dairy products—to the Committee on Agriculture.

Also, memorial of Grange No. 114, Patrons of Husbandry, protesting against admitting free of duty the raw products of agriculture—to the Committee on Ways and Means.

By Mr. FLEEGER: Memorial of Granges No. 263 and No. 694, of Pennsylvania, asking for the passage of bill to protect the dairy interests of the country—to the Committee on Agriculture.

Also, memorials of the same, protesting against legislation favoring the admission to our ports free of duty of all agricultural raw material, such as wool, hides, raw sugars, tobacco, &c., and asking for agriculture the same protection that is afforded other industries—to the Committee on Ways and Means.

By Mr. HARMER: Petition of Edward E. Stone, United States Navy, to be placed on the retired-list of the Navy with rank and retired pay of captain—to the Committee on Naval Affairs.

By Mr. HENLEY: Petition of Markus Munz, of Lake County, California, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. McCREARY: Petition of Joseph Bostin for invalid pension—to the Committee on Invalid Pensions.

By Mr. McRAE: Petition of Hon. James H. Askew and 45 others, citizens of Columbia County, Arkansas, asking for the opening of Oklahoma country—to the Committee on the Territories.

By Mr. NEAL: Petition of Samuel Mysinger, of Hamilton County, Tennessee, asking pay for supplies, &c., furnished to and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. NORWOOD: Petition for the passage of the Blair bill—to the Committee on Education.

By Mr. J. J. O'NEILL: Memorial of the Monumental Literary and Scientific Association of Baltimore, urging the passage of Senate bill 194 to aid in the establishment and temporary support of common schools in the United States and Territories and the District of Columbia—to the same committee.

By Mr. RANDALL: Memorial of Grange No. 41, Patrons of Husbandry, of Pennsylvania, praying Congress not to put wool on the free-list—to the Committee on Ways and Means.

Also, memorial of the same, praying for such legislation as will prevent the manufacture and sale of imitation dairy products—to the Committee on Agriculture.

By Mr. ST. MARTIN: Memorial and documents of James E. Chaffee, to accompany House bill 8172—to the Committee on Invalid Pensions.

By Mr. W. J. STONE, of Kentucky: Papers relating to the case of Mrs. Belle M. Baker, for relief—to the same committee.

Also, paper asking relief for Rachael and Cora Lankford—to the same committee.

By Mr. SWOPE: Memorial of Grange No. 720, of Pennsylvania, asking legislation to suppress the manufacture and sale of all imitation dairy products—to the Committee on Agriculture.

Also, memorial of the same, protesting against the admission, free of duty, of all agricultural raw material, &c.—to the Committee on Ways and Means.

By Mr. ZACH. TAYLOR: Petition of A. J. Wiglesworth, of Fayette County, Tennessee, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WILSON: Petition of John T. Harrole, of Franklin, Pendleton County, West Virginia, for reference of his war claim to the Court of Claims—to the same committee.

By Mr. WISE: Papers relating to the claim of E. B. Moon, executor of Parkham Moon, of Halifax County, Virginia—to the same committee.

Also, petition of executor of Parkham Moon, for reference of his claim to the Court of Claims—to the same committee.

By Mr. WHEELER: Petition of James L. Wilborne, administrator of Elias Wilborne, for reference of war claim to the Court of Claims—to the same committee.

Also, papers relating to the claim of James P. Oakley, and of John S. Morrow, of Lauderdale County, Alabama—to the same committee.

By Mr. A. C. WHITE: Petition of Grange No. 313, of Pennsylvania, in favor of passage of bill to protect dairy interests—to the Committee on Agriculture.

Also, memorial of same, against the importation of free raw material and reduction of tariff on wool—to the Committee on Ways and Means.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. BUCK: Of citizens of Hartford County, Connecticut.

By Mr. GROSVENOR: Of citizens of Athens County, Ohio.

By Mr. LAIRD: Of Rev. H. A. Fitch and 107 others, citizens of Nebraska.

By Mr. STEELE: Of citizens of Jay and Adams Counties, Indiana.

SENATE.

WEDNESDAY, *April* 28, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

NEW MEXICO LAND CLAIM.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting reports of the former surveyor-general and the present surveyor-general of New Mexico in the matter of the alleged private land claim in that Territory designated as the Santa Tomas de Yturbide colony claim, No. 139; which, with the accompanying papers, was referred to the Committee on Private Land Claims, and ordered to be printed.

HOUSE BILL REFERRED.

The bill (H. R. 4629) for the relief of Levi Jones was read twice by its title, and referred to the Committee on Military Affairs.

FLORIDA LANDS—PERSONAL EXPLANATION.

Mr. CALL. Mr. President, I have in my hand a letter from Mr. L. L. Bristow, of Lakeland, Fla., a gentleman of character and influence and a lawyer of reputation and capacity, in the nature of a petition relating to legislation required with reference to public lands of the United States in the State of Florida. Mr. Bristow states that in the event of the land not being forfeited the settlers will be at the mercy of the railroad corporation, and while the settlers are afraid to petition Congress for their homes that the company have employed Judge White, late State land commissioner, to go throughout South Florida in the region of this grant and circulate petitions asking for an extension for twelve months longer. [See appendix for letter.]

I move the reference of this paper to the Committee on Public Lands.

The motion was agreed to.

Mr. CALL. Before I take my seat, in connection with this subject I desire as a matter of personal privilege to make reference to a statement alleged to have been made by the receiver of the United States court in Jacksonville, Fla., of the insolvent corporation which claims this grant and protests against its forfeiture. In reference to a speech recently made by me in the Senate of the United States urging the passage of a bill for the forfeiture of this grant, with a clause for the protection of actual settlers to the extent of 160 acres of land, and that the remainder should be open to homestead entry by citizens of the United States, the Jacksonville Morning News of 23d April, published at Jacksonville, Fla., contains an alleged interview with Mr. Duval, the receiver, which I now read. [See appendix for article.]

The cause for this attack of Senator CALL could only be interpreted in one way. It was not State patriotism, for the honorable gentleman must know that it was not beneficial to a State or its people to place everything at the mercy of any one corporation. This was precisely what Senator CALL would do, as, if the Florida Railway and Navigation Company was shut out of further extensions in South Florida, it left the people of that country at the mercy of the Plant system, and they could keep up or fix any rate they chose.

It was the appearance of surveyors and workmen in the field, commencing a line

FROM MILLEN TO JESUP,

thus attacking the Savannah, Florida and Western and the Plant syndicate in their stronghold and making them feel that their monopoly would soon be ended, that brought about this latter attack, and of this fact Mr. Duval was certain.

Mr. Duval thinks that it is solely to the necessities of the Plant syndicate that the action of the Senator can be attributed. He was certain that that syndicate was at the back of the whole of it. He knew from a citizen that Senator CALL had said that he must pursue this line of action, as he had no money and needed it. When Mr. CALL left here he was in

VERY PINCHED CIRCUMSTANCES;

now he was building a fine residence in Washington. This was plain sailing for posted ones. There could be only one construction put upon the matter.

But Mr. Duval did not propose to say a great deal about the matter. He who handles pitch must become defiled. Any one could take up the State papers from all points where his road ran, and read expressions of good-will and hopes for the road, also the items concerning the improvements of all sorts, such as laying of steel rails, new side tracks, depots, &c., all tending to build up a country. These were in direct opposition to the actions of Senator CALL, which were calculated to injure, not benefit, a State.

Mr. President, I desire to say in my place in the Senate that this statement, so far as it relates to me personally, is an absolute falsehood, a foul slander, and if it emanates, as it is alleged to do, from an officer of the United States court it deserves the consideration of the Senate as to how far the courts of the United States may be allowed to permit their officers falsely, maliciously, wickedly, without any ground or pretense of reason or truth, to circulate libelous and false statements in regard to Senators performing their official duty here. If the law of criminal libel within the limits of a State does not adequately cover such cases there should be some means by which the courts of the United States shall be prevented from allowing such false and malicious libels as this alleged interview contains and for the prompt dismissal of such persons as may be guilty of them. I hope this alleged interview is not true. I treated this receiver as an honorable man and a gentleman in my remarks a few days since. I should regret to think that any man claiming any degree of respect or consideration could be guilty of such an infamous act.

To the end that this foul charge and its authors may be exposed to the contempt of all honest and truthful persons I make this statement of facts:

I am not building a fine residence in Washington; and in order that the fact may be known in all places where this false and foul libel which has been perpetrated on me will reach, I desire to say that for many years a person standing in a near relation to me has had property in the hands of a trustee, Hon. James M. Baker, judge of the circuit court and formerly of the supreme court of the State of Florida, who, with his successor in that trust, has decided to change an investment of a portion of that property into a modest residence in Washington. This trustee in whom the title is and his successor, and Mr. D. G. Ambler, the president of the national bank in Jacksonville, and a distinguished attorney of that bar, Mr. J. J. Daniels, and an associate, are the persons who have been engaged in this transaction, with which I have no other connection than this, and the newspapers here, without knowledge of the facts,

have used my name in connection with that transaction; and out of it this false and wicked libel has been perpetrated.

I had rather be a dog and bay the moon

than to be guilty of a false and criminal libel such as this against any person.

It is because I protest against the confirmation of 575,000 acres of land to an insolvent corporation standing in the courts confessing its insolvency and testifying that $5,000,000 have been borrowed upon its property within the last five or six years and not one dollar of it applied toward the renewal of the iron rails which have been there for thirty years, and no considerable part of it applied to the extension of the road to its terminal points as required by the charter, without one solitary word of evidence in the record to show that this is an honest incumbrance or an honest debt. It is because the courts have neglected and the State authorities have neglected to have justice done to the people by the completion of this road to its terminal points. It is because I stand here to-day in the name of the settlers and the people of the State, let the influences be what they may, to demand that the 575,000 acres of the remaining portion of the public lands of the State, constituting nearly all that is valuable, now penetrated by railroads upon every side, while for thirty years this insolvent corporation has stood by without prosecuting to completion the enterprise, shall pass in homesteads of 160 acres to actual settlers and occupants. It is because I insist that when receivers are appointed by courts of the United States of great railroad properties in States they shall appoint them from citizens of the States where the property is situated. It is because I insist that by law the courts of the United States shall be compelled to apply the earnings of railroads to the payment of their domestic creditors and the people whom they employ and to the completion of the railroad as required by its charter that I am thus vilely slandered.

I take this occasion to say that if motives, and corrupt motives, are to be attributed, they belong to those who attack me and not to me. It is a stupid pretense to assert that any parties proposing to build a line of road from Millen to Jesup in Georgia, will be stopped or hindered because the Congress of the United States prefers to carry out the policy of the homestead law and give the land to actual settlers rather than to give it to rich men who live abroad and expend its proceeds in a luxury foreign to our institutions and our character, who have grown rich in the construction of railroads out of the proceeds of the public lands granted by Congress. It is idle and unreasonable to assert that the building of a railroad from Millen to Jesup will be dependent on or in any way affected by the solvency or insolvency of this corporation.

Are we supposed to be men of any sense or intelligence when we are told that a great line of railroad, being insolvent and sold out, will not be bought by those who have means to do it, and that its purchase price will not be measured by its value, its resources, and that when bought it will not be bought subject to the condition and obligation of its completion to Tampa, failing to do which it will be at all times subject to forfeiture by the State? Who will deny that this is the law, obligatory on all courts and judges and State officers, and needing only that the people's rights shall be protected by those whom they charge with this trust?

How unreasonable and even how absurd it is that such pretenses should be made, not in any interest of the city of Jacksonville and of the people of the State, but simply to vest the title in a few rich men, who live out of the State, of a half million acres of the public lands of the United States which belong to the people, which by act of Congress, by the established policy of the Government, by the pledge of both political parties, have been given to the people for actual settlement and cultivation in quantities of 160 acres.

We are told in this alleged interview that the interests of the prosperous and attractive city of Jacksonville, and of the State of Florida, with all her resources and the qualities which have enticed into her limits a most intelligent, active, and progressive people, are inseparably bound up in enriching a few men who, by at least doubtful methods, have become the owners of the stock of an insolvent corporation, which for thirty years, since 1855–'56, has been under a charter obligation to build this road to Tampa, and for thirty years has failed to comply with its charter contract and with the highest and chief obligation of its charter.

How absurd, in the knowledge of any lawyer in the Senate, the pretense that there is no other way to compel a corporation, whether solvent or insolvent, to carry out its contract with the people by the completion of its line to its terminal point after it has built over 260 miles of road with gratuities from the State and the United States, than for the Congress of the United States to give them the homes of the settlers on the public lands of the United States and the power to compel the people to pay them three or four prices beyond its market value for their homes. Especially how far beyond the power of language to describe, in its manifest error and unreasonableness, is it to allege that a railroad property which by the sworn statement of this receiver and the trustee of this property has been able to incur a debt of between four and five millions of dollars, on a property which was sold for $320,000 in 1869, and on which not a single new iron rail has been placed, as is stated on his oath by the receiver, a property on which by the records of this court a million and a half of dollars has been borrowed in the last four months; a property which the receiver certifies will produce an income sufficient to pay the interest on several millions of dollars of bonds, requires aid from the United States to build its road 50 or 75 miles to completion.

Is not the law plain and known to every one that he who acquires an interest in a corporate property does it with knowledge that all his money, whether bonds or stocks, depends for its very existence as property on the road's completion according to the terms of its charter?

I have no doubt that the earnings of this road in any six months faithfully applied to the payment of its operating expenses and the construction of this line of railroad will complete it to Tampa. I have no doubt that proceedings of forfeiture for non-completion in a reasonable time and for a failure to apply its earnings to its completion to Tampa will result in its immediate completion.

There is no business man of intelligence in this country who does not know that there is no difficulty in obtaining the means to complete this road and put it in order.

Whether the persons, if there be any, who have purchased this property and paid their money for the unsubstantial and unlawful claims of their predecessors shall make or lose money is another question.

Whether the people of the United States shall pay the possible loss of their speculation out of the taxes imposed on the people is another question.

Whether the Congress of the United States shall so legislate that the actual settlers—men, women, and children of Florida—on the land of this grant shall be compelled to pay for their speculation and make it good by being required to purchase this land at $2.50 an acre or more is still another question. I am not in favor of making the poor people of this country who cultivate the soil pay such a price for their lands as will pay for the construction of a railroad, and then give it away, with power to tax the people at will for transportation.

I am not in favor of making land grants to build railroads after a country has become occupied and other lines of railroads have been built through it, and after the lands have become valuable, and after it has, by delay and the misapplication of its earnings, neglected and failed to comply with the conditions of the organic law.

If these opinions subject me to censure as an unfaithful public servant, I must abide that censure. But I am not unwilling to treat corporations with liberality—to give them aid in all proper cases, to protect their rights, and to compel them by law to perform their duty to the people. I am as eager to promote the prosperity and welfare of the people of Florida, whether new-comers or of long residence, as any one can be. I have no interest in any railroad company, and no connection with any. I desire to deal justly and fairly with all, so far as I can do so consistently with the rights and interests of the great body of the people of the State.

[After the delivery of this speech this morning I received the following dispatch from Mr. Duval, the receiver. I am glad to receive the statement from him that he has no connection with the infamous libel to which I have referred in my remarks. I have not seen the article in the Times-Union to which he refers. The dispatch is as follows:

JACKSONVILLE, FLA., *April* 28, 1886.

Hon. WILKINSON CALL,
United States Senate, Washington, D. C.:

Referring to your remarks in the Senate to-day upon an article in the Jacksonville News of April 23, reported as an interview with me, I disclaim all responsibility for the statements contained in that article, and so far as I am concerned I distinctly state that the article was false in all its statements and so improbable as representing my language that I have not considered it heretofore worthy of my notice. What I have desired to say to the public upon the issue you forced upon me in your late speeches has been said over my own signature in the Times-Union of April 27.

H. R. DUVAL.]

Since the receipt of the telegram from Mr. Duval, the receiver, I have received the following telegram from Mr. John P. Varnum, editor of the Jacksonville News:

JACKSONVILLE, FLA., *April* 29.

Hon. WILKINSON CALL:

I am informed that Mr. H. R. Duval has telegraphed to you denying the correctness of interview in News of 23d. I stand ready to establish entire correctness of that interview by abundant evidence.

JOHN P. VARNUM.

I leave this matter to be settled between these persons. I have also received and read the communication of Mr. Duval, the receiver of the United States court, in the Times-Union of the 27th instant, in which, in headlines, between the paragraphs, with a self-assurance which loses nothing from modesty, is inserted "Call excoriated." The communication alludes to me as "demagogical," denies the statements of fact in my speech, defends his appointment as receiver because he fought with the Florida troops in Virginia during the war between the States, undertakes to champion the courts of the United States, insists that I know nothing of the Constitution, which he claims to understand thoroughly, asserts that I am a States-right man in the sense of opposing the introduction of new men into the State and recognizing their right to be equal to any others.

Its statements, so far as they relate to me, are equally false, and but little less slanderous, than the interview before referred to. Receiver Duval says that I attacked him personally. This is not true. I referred to the importation of a receiver from another State as a judicial

act that should be prohibited by law. There is not a word in my speech that is not respectful to him. I said of him: I am informed that this receiver is a man of character and unconnected with claimants; that he is improving the property.

I have never seen Mr. Duval. I do not know him and never heard of him until his appointment, nor since except through the newspapers and their telegrams. I did not, therefore, know anything to attack him about. I read Dr. Stringer's letter making a statement that persons circulating the petition against forfeiture and granting patents to actual settlers had stated that the receiver would take up the iron from the road if Congress should forfeit the grant. This was Dr. Stringer's statement and not mine. I have stated that Dr. Stringer was a highly honorable and truthful gentleman, but this was no attack on Receiver Duval.

It is therefore evident that his statement is not true, but is a mere pretense for an attack on me—not for his own vindication, but in the interests of his employers—against the forfeiture of railroad grants. I accept it as such.

Receiver Duval makes two personal attacks on me A stranger to me and mine, he invades the privacy of my family relations, and with rude and sacrilegious hand enters the sacred precincts of the grave and invokes in his unholy purposes the presence and memory of a brother who was dearer to me than any other person, and whose character I admire and respect more than any man I ever knew.

A whole generation of such men as Receiver Duval and his associates have proven themselves to be would not make one such man in the nobility of his nature, in his sympathy with the rights of the people, with justice and truth, and in the splendid intellect with which he was gifted. It is not true that to the day of his death he was in association with the persons named, or that he had any connection with any of their proceedings after the sale and transfer of his interest in the old Florida Railroad. His relation to this railroad and its organization in its first years it is unnecessary to mention. It is sufficient to say that Receiver Duval knows nothing of them, and that they were always honorable and generous and truthful, and that it was to his great intellect and wonderful capacity for labor, and the universal respect and affection and confidence of the people of Florida in him that its construction was chiefly due. Had he lived there would have been no Receiver Duval nor the claims he represents.

It is false in every respect that my position with this road or any of its lines has ever been equivocal. I have never had any relation to the Florida Railroad of any kind. I have, as a lawyer, brought suits against it to compel those who unlawfully and unjustly had acquired possession of it to pay their just debts and obligations which they have so far refused and failed to do. The receiver no doubt regards this an equivocal position, but he can not truthfully state any other relation which I have ever occupied to the Florida Railroad Company.

My speech in the Senate contains not one word of denunciation of Mr. Yulee and Dickerson.

It contains extracts from the sworn testimoney of Mr. Yulee and Finigan in relation to certain facts. I made no statement but such as is proved by their testimony. Facts, truth, no doubt is a denunciation to Mr. Duval and his schemers.

Mr. Duval's attack on me in reference to the Dibble purchase of 1869 is equally false in its insinuations and imputations.

The purchase of the Pensacola and Georgia Railroad in 1869 was made at open public sale. It was made under a written agreement, still extant, to protect the original stockholders and the State and to defeat the purposes of the sale. It was for an honest, just, and useful purpose. I was one of the persons who entered into the agreement to make it. These persons were Hon. James M. Baker, one of the most honorable, upright citizens the State has ever had.

Before that time a judge of the supreme court, a senator of the Confederate States twice elected, since a judge of the circuit court, Silas L. Niblack, a prominent and honorable citizen of the State, Alonzo Huling, a wealthy and reputable citizen of Jacksonville, Mr. Requa, a man of some fortune, Franklin Dibble, at this time a banker and commission merchant of established credit and means, E. M. Cheney, then United States district attorney. These persons were sustained by Dibble, Worth & Co., then a New York commission house of credit and ample means, who agreed with Franklin Dibble to accept his draft and furnish the money to pay the deposit, and negotiate their securities for the balance if the title under the purchase should be sustained by the court.

When the purchase was made Mr. Swepson held the bonds of the road, accepted the draft of Dibble, Worth & Co. in payment of the deposit money, which draft afterward was arranged between them and became the subject of litigation.

Judge Baker and myself brought suit to prevent the transfer of the purchase to Swepsen and Littlefield and were defeated, and our connection with the matter ended with this suit. We had nothing to do with any of their arrangements or transactions. I defy Mr. Receiver Duval to make anything out of this to my injury. He certainly can not frighten me by his threats from doing all in my power to prevent the Government of the United States from placing the settlers on the public lands in his power and compelling them to pay for the construction of his railroad to Tampa under the stupid pretenses of this communication.

Mr. Duval, the receiver, says he will publish this history. Its later developments will be congenial to his present purpose and associates. They entailed a great debt on the people of the State to be paid by the tax-payers in exorbitant freight and transportation under the like false pretenses with those which he is now engaged in of bringing money in the State in return for watered stock and a fictitious bonded indebtedness to be paid in interest charges by the people of the State. There is not a paragraph in this statement of Receiver Duval which does not contain an untruth.

I stated in my speech that, taking the statements as they were found in Mr. Duval's evidence which I printed, four or five millions of indebtedness had been accumulated on the properties known as the old Florida Railroad Company in denial of the rights of domestic creditors.

This statement did not purport to be accurate as to amount, but only proximate.

The "old Florida Railroad" is from Fernandina to Cedar Key, and from Waldo to Panasoffkee.

The trustee's sworn statement is as follows:

Bonds of 10th May	$1,000,000
First consolidated mortgage bonds	3,782,000
Peninsular Railroad Company	250,000
Florida, Central and Western Railroad Company	2,808,000
Fernandina and Jacksonville Railroad Company	250,000
Aggregate exceeds	8,190,000
Floating debt	1,000,000
Tr. Bayard Cutting	100,000
	18,080,000
Annual interest charges	465,000

I published this statement with my remarks on the forfeiture bill, to show that a bonded indebtedness with power of sale in the hands of a trustee is under the decision of the courts a "denial of the rights of domestic creditors," as the reports of the United States courts denying the rights of domestic creditors in such cases will fully establish. Why does Mr. Duval deny this statement and say the old Florida Railroad has on it a bonded debt of $1,000,000. Will he have us believe that of this $18,080,000 of debt the Florida Railroad from Fernandina to Cedar Keys and Waldo to Pansakoffkee bears only $10,000,000.

Where has the money for the bonds which the trustee, Myer, refers to gone? This was the denial of the rights of domestic creditors to which I referred. This Mr. Duval, under the pressure of these proceedings in Congress for the forfeiture of this grant, has for the first time, as he himself swore in his evidence published in my speech, since the road was built, applied any money to renewing the iron on the road; that he has himself stated in this article that he has paid "$206,000 to citizens of Florida for back wages, fuel, ties, and other supplies, cattle claims, &c.," proves the truth of the statement in my speech that this bonded indebtedness is a denial of the rights of domestic creditors; that the issue of receiver's certificates, which if they have any validity at all, which is very doubtful, are a prior right and lien, and will cut off all domestic creditors, and are so intended, and will leave them subject to the caprice of a receiver and his employés, every well-informed person knows, and it is to be presumed that Mr. Duval knows it.

It is easy to see that these payments now for the first time made for the repair of this property are forced by the proceedings pending in Congress for the forfeiture of this grant.

I print in an appendix hereto a letter from a distinguished lawyer and gentleman of Florida, whose name I withhold because he apprehends injury to him and his friends from the influence of Mr. Receiver Duval in matters connected with this road.

I also print in an appendix another letter from a worthy citizen of Alachua County, Florida, whose name I withhold for the same reasons.

I know that I am taking on myself a great task in refusing to submit to the demands of the receiver of this corporation in the hands of the United States court with a million and a half of dollars, raised by the pledge of extortionate taxes in freight and transportation to be expended at his pleasure; that a million and a half of dollars shall be paid by the poor settlers on the public lands of the United States for the benefit of his employers.

I take this responsibility. I abhor such practices and such false pretenses. The demand for this grant is the most unreasonable that was ever made. In all the bold spoliations of the public domain there is none to equal this, and none the false pretenses of which are so bold and barefaced.

Receiver Duval claims that it is a great boon to the State, for which our people ought to be under profound gratitude to him, that the railroads built with the people's money and the people's lands and the people's school fund should be burdened with four or five millions of dollars of bonds for the benefit of those whose debts have been paid by the State with the people's money, the proceeds of sale of the people's lands; and with immense grants of the land itself He demands that the people of the State shall forever be burdened and taxed with the increased cost of transportation on their own railways by the fixed charges of interest to be paid by them on this watered stock and fictitious debt created without consideration or value.

To expose and prevent this was the force and effect of my argument

in my speech on this part of the subject. The receiver's reply to it is such as might have been expected from the appointee of those who hold these watered and fictitious securities which are sought to be made good through the United States court in a perpetual burden and increase of the costs and rates of transportation to be imposed on the people of the State of Florida. At the very moment when the committees of both Houses of Congress under the pressure of a universal demand of the people of the United States have reported favorably the bill for regulating interstate commerce with the stern hand of the law, to prevent the oppressive exactions of watered stock and fictitious securities of railroad corporations by excessive rates of transportation, when the House of Representatives has repeatedly passed the bill, when the Senate is about to pass it, Mr. Receiver Duval, of the United States court, makes his advent in the State as the apostle and advocate and representative of proceedings to fix on our people the perpetual burden of a tax of $20,000,000 for a railroad and franchise which in 1866-'69 sold for $1,800,000 with about one hundred and forty miles of new road on transportation to sustain these fictitious railroad securities and pay the interest on them to their holders; and with an audacity equal to the interest of those who hold them, demands that Congress, representing all the people of the United States, shall give him $1,500,000 worth of public lands and the right to exact of the settlers, the citizens of the United States, from $3 to $4 an acre and as much more as they please to enable him to impose these perpetual burdens on the people.

If Mr. Receiver Duval is not better acquainted with the practical duties of a receiver of a railroad than he is with sound argument, with the great public policies on which transportation and money invested in railroads must be and will be regulated by law, even the confidence and recommendations of the creditors, who, he says, are the stockholders and owners of this watered and unlawful indebtedness, will not make him a fit and proper person for so great and important a trust. Nor will his selection or appointment by one or two or more judges of the courts of the United States enable him or them to resist the public law and the public policy with which the united voice of the American people of all parties and of every State demand that the lines of railroad shall no longer be burdened with watered and excessive debts, the fixed charges of which are to be imposed on the people who travel and send freight over such lines.

The fraud of the imposition of a great bonded indebtedness on a line of road already built to be paid by the people of the State in transportation charges, which Mr. Receiver Duval relies on his arraignment of me is an exploded one. It can not be revived anywhere, and in attempting it in Florida he will be met by that intelligent body of Northern men who did not fight with him in Virginia and that intelligent body of Southern men who did fight with him in Virginia (as he says), both now happily united in the great object of cheapening transportation by regulations established by law; of prohibiting the imposition of fraudulent and fictitious securities on lines of railroads; of prohibiting donations of the public lands for the construction of railroads in countries long settled, where the lands have become valuable from the enterprise of others—united in the great object of compelling the courts and all others to enforce the faithful and honest performance of the obligations of its charter by any railroad company, to complete its line of railroad before they apply its earnings for their personal use and benefit.

They are united in the further object of requiring such laws to be made by Congress as will forbid the judges of the United States courts from appointing receivers outside of the jurisdiction of the State and Federal judicial district at the suggestion or dictation of the owners of alleged bonds and securities, without evidence and inquiry as to the *bona fides* of such stock and securities, they are united in the demand that a million and a half of dollars shall not be borrowed in the inception of such proceedings on the property of an insolvent corporation without requiring any part of it to be expended in the completion of the road to its terminal point until the United States shall agree to build it for them by imposing, in addition to the fixed charges of its bonded indebtedness, an increase of two or three times the price of their homes to the people on the public lands.

The statements of this communication of Mr. Receiver Duval are pretenses, unreasonable and untrue. They are old stories, which are told every day by those who seek to appropriate the public money and the public land to make individuals rich and the people poor. The people of the United States have passed judgment on them and forever condemned them. The examples of the Pacific railroads, built with the people's money and with empires of the public lands, with their extortionate rates of fare, with their stock and bonds in the hands of a few individuals who have accumulated by the use of the people's money and property fortunes greater than any potentate in Europe—railroads bonded with vast amounts of debts far beyond the just and economic necessities of construction—have awakened the American people to the necessity of requiring great managers of credit to give an honest consideration for the public franchises which are granted to them.

Thirty years ago the United States made land grants to the State under which she has acquired more than 20,000,000 of the 35,000,000 acres of land in the State.

How does the account of the people of Florida stand with the persons whom Mr. Duval represents—the stockholders and bondholders whom he says own the road, and loan themselves the money to put their own property in repair the first time for twenty-five years?

The account then stands about as follows:

	Acres.
The Florida Railroad Company, State lands	360,000
The Florida Railroad Company, United States land (about)	300,000
Pensacola and Georgia and Florida, Atlantic and Gulf Coast Company, State lands	800,000
	1,460,000
Pensacola and Georgia and Florida, Atlantic and Gulf Coast Company, United States land (about)	600,000
Total	2,000,000

Money:	
County stock of Pensacola and Georgia Railroad and Florida, Atlantic and Gulf Coast Railroad	$460,000
Private stock (about)	400,000
Internal improvement stock paid up (about)	100,000
Florida Railroad:	
No private stock paid up.	
No county stock.	
Internal improvement stock paid up	90,000
Money paid, Vose debt	1,000,000
Total	2,050,000

This is approximately correct. State school fund, I do not know how much. What have they done in return for this money? Mr. Duval answers on oath as follows:

I found upon taking the property into my charge its condition to be one of exceeding dilapidation; its road-bed in bad order; its ties and structure in like bad condition, and much of its rail, which is iron, rotten, a large portion of it having been in use from fifteen to twenty-five years; its sidings totally inadequate, its switches primitive and dilapidated, and the road-bed and track being in such a condition of decay that it is impossible to conduct its service without excessive cost and constant danger to the lives of its passengers and employés, and danger of loss and destruction to its property, rolling-stock and motive-power, and merchandise which it undertakes to transport. No regularity in service can be maintained or proper dispatch given to passengers, mails, or freights. Its motive-power, which consists of forty engines of all ages and patterns, one-third of which is totally unfit for service, and the balance of which needs repairs to a greater or less extent, which the road does not possess shops or materials to make or means to provide for, is therefore totally inadequate for the purpose.

* * * * * * *

The lack of traffic earnings by the property has not in my judgment been the occasion of its depletion in the past few years. The books of the company show earnings annually of about $1,000,000 gross, and its operating expenses, if the road was put in proper condition, should not exceed 65 per cent. of this amount annually.

Mr. Meyer, the trustee, answers as follows:

Your orator further shows unto your honors that the consolidated defendant railway company is insolvent, and that it has no funds to pay the amount of said interest in arrears; that besides its liability upon its bonds secured by the said deed of trust dated May 10, 1881, amounting to $1,000,000, it is further liable to pay its so-called first consolidated mortgage bonds, amounting in the aggregate to $3,782,000, and is also liable to pay other bonds secured by several other mortgages upon different parts and sections of its line of railroad and railroad property, which, before the consolidation of the said constituent corporations into the Florida Railway and Navigation Company, belonging to them respectively, that is to say: Upon the line of railroad theretofore belonging to the Peninsular Railroad of Florida it is liable to pay mortgage liens amounting to $250,000; upon the line of railroad theretofore belonging to the Florida Central and Western Railroad Company it is liable to pay mortgage liens amounting to the sum of $2,808,000; upon a line of railroad theretofore belonging to the Fernandina and Jacksonville Railroad Company it is liable to pay mortgage liens amounting to the sum of $350,000; that the aggregate of all said bonded indebtedness is upward of $8,190,000.

The people, then, have lost their money, lost their school fund, and have, as the result, railroads run down, with old iron and worn-out locomotives and equipment, for the use of which they have been paying an annual tax of $1,000,000; burdened with twenty millions of indebtedness, for which no honest consideration has been given, held by Mr. Duval's friends, the interest on which the people of the State must pay.

He now asks that Congress shall by law subject the settlers on the public lands of the United States to a forced payment of about $2,000,000 as the condition of building the railroad to Tampa, about 50 miles, as required by the charter, and give him a perpetual and unlimited right to tax them at will for transportation. He says that if Congress does not grant this most unreasonable demand, I will be the cause of the road's not being completed to Tampa; and because Congress has not already granted this request, I am to blame.

This demand of Mr. Duval means that in every poor man's family the money that should go to educate his children shall be paid to Mr. Duval's employers. It means poorer clothing, poorer comforts, and more of sorrow, hardship, and suffering in every family along the pretended (?) consolidated roads in Gadsden, Leon, Wakulla, Jefferson, Madison, Suwannee, Columbia, Baker, Duval, Nassau, Bradford Alachua, Marion, Sumter, Hernando, Polk, and Hillsborough Counties.

Receiver Duval says:

There were among its owners capitalists * * * who were willing and able to contribute the required money (a million dollars) immediately, "but with the several suits pending against its title no sufficient security could be offered for the funds."

Again he says:

In this case * * * the creditors being the owners.

Mr. Duval, therefore, testifies that the creditors who hold the $18,000,000 of indebtedness and bonds are also the owners of the property,

of the stock of the corporation. They want a receiver of the United States court to protect their own property against themselves.

Mr. Duval asks, "Was ever receiver placed in a position so thoroughly representative of the owners of the property?" To which I reply that never before Mr. Duval was there a receiver appointed by a court to protect property against its owners on the application of the owners as creditors; and that never before was the creditor complainant allowed to sue himself as his own debtor for the purpose of securing himself the money which he proposed to lend himself; and rarely has he been allowed to appoint his own receiver, and bring him from another State to place him in charge of the franchises and property of a corporation created under the laws of that State.

Does any one believe that $20,000,000 of debt has been honestly created on this property which, excepting the 99 miles to Tavares and the 23 miles to Panasoffkee, cost the purchasers in 1866–'69 $1,800,000 nominal purchase-money, but in reality not over $1,000,000, the receipts from which have ever since been received by them—amounting, in my opinion, to three times this amount—and on which no new iron has been placed—a property the gross income of which he states to be $1,000,000, which, under favorable circumstances, he states would yield a net income of $300,000 to pay interest on $20,000,000?

This is the most extraordinary proceeding that has ever occurred, and the most wonderful narration that has ever been made in any country or in any court, and demands careful inquiry by those who do not deal with fiction, but with the stern facts of public duty and honor and the real economies that concern the people.

There is certainly nothing in this most impossible narration which can justify Congress in turning over to them a half million acres of the public land of the United States with the settlers' homes upon it.

Certainly, Mr. Duval's proposition that Congress shall give these facetious gentlemen who have gotten up this interesting narrative for him public lands worth $2,000,000 in order that they may tax the people of the State in freight and transportation the interest on $20,000,000 of watered stock and fictitious indebtedness is the height of audacity.

When I consider the grand proportions of this fable I am content to sink into insignificance before it; and I do not now wonder that but one man in the United States can be found adequate to it.

The path of duty for those who are friends of the people I think is plain. Let the State bring suit for her million and a half of dollars and for all the money which the people have paid on the debts of this road, and litigate the right between the opposing creditors. Let the earnings of the road and a reasonable portion of the receiver's certificates be applied under the order of the court to its immediate construction to Tampa. As soon as a decree is reached let the road be sold for cash at its market value, and its rates regulated by some reasonable amount of cost. Mr. Duval threatens if Congress forfeits this land grant that he will hang up the title in the Supreme Court of the United States. I think the United States will be able to stand the controversy, and in the mean time I advise the people not to be alarmed at Mr. Duval's threats. If Congress undertakes to protect them I think it will accomplish it even in defiance of Mr. Duval. The spectacle of a receiver of a United States court making a wanton, malicious, and libelous attack, such as this, on a Senator of the United States for defending in the Senate the rights of the people of the State to homestead and cultivate the public lands against the claimants of a land grant that expired twenty years ago, is worthy of observation. The receiver is an officer of the court, subject to its orders. I again call the attention of the Senate to the necessity of proper action in this matter.

APPENDIX.

OFFICE OF TORRENCE & BRISTOW, REAL-ESTATE AGENTS,
Lakeland, Fla., April 22, 1886.

DEAR SIR: I note the fact that the Committee on Public Lands have requested you and the other of Florida's representatives to appear before said committee and make a statement of the matter. Knowing your zeal in this matter, I feel assured that the settlers were well represented by you on that occasion.

I wish, however, to call your attention to a matter which is of very vital interest to us in this portion of the "unearned" grant. In 1882 the Florida Railway and Navigation Company, then the Tropical and Peninsula Railroad, issued a circular inviting settlers to go on their lands, and agreeing to let them have said lands at Government prices whenever they got them on the market; in other words, when they earned them. As the road has changed hands, and as this company is not restrained by any legislation, the settlers feel very fearful that the road will either refuse to give them titles at all or will place their lands at such exorbitant figures as to virtually take them out of the settlers' hands.

You need no argument to convince you of the necessity of legislation. I only write because I fear that the pressure will be too strong for you to get your bill of forfeiture through, in which event I would respectfully ask that you secure protection for the above class of settlers and not leave them to the mercy of a soulless corporation.

You will doubtless wonder that so few petitions have come to you asking forfeiture, while a number have been presented asking a continuance of the charter for twelve months. The reason is very apparent to us here. The settlers now on the land are afraid to do anything, because in event the land being not forfeited they will be at the mercy of the railroad company, and could expect no favors from said company on account of having antagonized their interests. As a matter of revenge, the railroad company would probably refuse to give them their lands.

On the other hand, the railroad company have employed Judge White, late State land commissioner, to go throughout South Florida, in the region of this land grant, and circulate petitions asking an extension of the charter for twelve months longer.

The fact is, I am a friend of the railroad, but can not see that a year's extension will secure what they have been so long attempting. I hope very much to see the railroad completed and the resulting competition secured, but I feel that a year's extension only means another year's tying up of the lands.

This much, though, I again respectfully request your attention to: whatever legislation you secure let it protect the settler from unjust and exorbitant prices for their lands, and let it secure for them their titles, so long held in abeyance. Let something be done during this session of Congress to settle the matter.

Just now parties have applied for cash entry of all the land in the indemnity limits. Being rejected at the local land office of the State, they have appealed to the commissioner. In the mean time, these cash applicants are going through the country offering to settlers to withdraw their appeal as far as it affects the respective tracts settled upon if the settler will divide his lands with them (the speculating sharpers). You will say that the settler has a remedy, and so he has, but it entails long litigation, and the already tired-out settler will compromise rather than have a longer delay. It seems to me that appeals should only be allowed (to a cash applicant) from local office to Commissioner, and from Commissioner to Secretary, by the appellant giving bond in double the value of the land to secure settlers from damage, and that instead of a nominal tender being permitted, he should be obliged to leave the purchase-money on deposit at the land office.

I am, sir, very respectfully,

L. L. BRISTOW.

Hon. WILKINSON CALL, *United States Senator,*
Washington, D. C.

CALL'S BIG BOMB—JACKSONVILLE MEN WILD OVER THE RAILWAY RESOLUTIONS—RECEIVER DUVAL'S OPINION—A DAY OF EXCITEMENT IN JACKSONVILLE—SENATOR UNSPARINGLY BERATED—"WHO IS PAYING FOR THIS?"—WHAT MR. DUVAL SAYS—TELEGRAPH, ETC.

The renewed attack of Senator CALL upon the land grants to the Florida Railway and Navigation Company, made in the United States Senate on Wednesday and reported in the Morning News yesterday morning, caused the most unprecedented excitement in this city. It was the topic of animated conversation in every place of business and upon the corners of the street. That it foreboded disaster to the business interests of Jacksonville was the almost unanimous verdict of the business community.

A demand for a meeting of the board of trade was made to consider the import of the Senator's conduct, but the jealousy with which the board is guarded

FROM POLITICAL COMPLICATIONS

prevented that action. Senator CALL has political friends in the city who would not willingly consent to have resolutions passed that might affect the Senator's political fortunes.

Vice-President Hart said that he regarded the Senator's action as full of gravest danger to the city's interest. He thought some action ought to be had, but he would not consent to taking the matter into the board of trade until he was assured that its action should be devoid of all factional and political effect.

President Daniel expressed about the same opinion. He was not in sympathy with the Senator's action, and undertook to express his opinions to Mr. CALL in a letter, written yesterday.

Governor Drew, Colonel Hart, and Mr. Schumacher called upon Receiver Duval yesterday afternoon to express their dissent from the Senator's action, and to learn, if possible, how they might strengthen the hands of the railway company. Mr. Duval replied that the question involved was one for Floridians to settle. He was here as an officer of the court. He has induced friends to

BRING MONEY HERE

and put it into the improvement of the railway system he has in charge. The fight made by the Senator had interrupted the investment, and capital could not be induced to come in until the matter was settled and security achieved. He could not be seriously affected, personally, by the Senator's warfare.

If the grant was canceled he could retire to New York, little the worse for the event, but Jacksonville business men would be differently affected.

To a reporter of the Morning News Mr. Duval gave, at request, a copy of the telegraphed correspondence had between himself and Senator CALL on Wednesday. It reads as follows:

JACKSONVILLE, FLA., *April* 21, 1886.

Hon. WILKINSON CALL, *Washington, D. C.:*

The information upon which you charge in the Senate that the petitions adverse to the forfeiture of the Florida Railway and Navigation land grants are coerced by any threats of mine or any of my officers, is unqualifiedly false and malicious to myself personally and an aspersion upon the thousands of signers understood by me to be gentlemen of the highest character and leading influence in their respective localities. Will you do them and me the justice to make this statement as public as your charge was made? Please answer.

H. R. DUVAL, *Receiver.*

To this Senator CALL replied as follows:

WASHINGTON, D. C., *April* 21, 1886.

H. R. DUVAL, *Jacksonville, Fla.:*

Your telegram read in the Senate and will be found in the RECORD to-morrow.

WILKINSON CALL.

Mr. Duval said that he had been very much surprised at that part of Senator CALL's speech relating to "coercion," and the statement of the Senator that the company had "threatened" the signers of the petition to Congress. The speech was a pack of lies from beginning to end, and the reading of the names of those signers should convince any man that they could not be coerced or threatened into signing any paper. Judge White had stated to him that the signers were, in the main, the very best and most

HONORABLE MEN

in all South Florida. To charge, then, that the company had influenced them in either a covert way or openly was maliciously false.

TALLAHASSEE, FLA., *April* 26, 1886.

MY DEAR SIR: It has long been a matter of astonishment to me that our national law-makers have not given the whole matter of railroad receiverships in the Federal courts an overhauling. What greater anomaly than the running of railroads by the judiciary? In England no application to a court of chancery to engage in that business was ever seriously listened to by her chancellors until the passage, a few years since, of a special act of Parliament conferring the jurisdiction. In this country the courts embarked in it at first with hesitation, and only under special circumstances. In 2 Wallace the Supreme Court of the United States announced that the proposition to put 95 miles of railroad in the hands of a receiver to secure the payment of a twelve-thousand-dollar judgment lien too absurd for argument. On Cutting's judgment for $104,000, there seems to have been no difficulty in the courts taking control of a whole system of railroads of about 1,000 miles in length. I wonder it had never occurred to our law-makers, in casting about for all sorts of expedients for lightening the burdens of the Federal courts, how much they could do in that direction by depriving them of the jurisdiction to run railroads.

They should be absolutely prohibited from appointing a receiver where the insolvent road was entirely within the limits of one State. If the interests of commerce between the States required Federal management of a line of roads

running through several States, the appointment of a receiver or manager should be under a law of Congress strictly limiting his powers and defining his liabilities; and the enforcing of these liabilities as regards parties injured by him or his employés should be at common law and by courts and juries of the vicinage of the parties damaged. You and I recollect a railroad receivership lasting for several years under appointment of the Supreme Court at Washington, during which time a poor man in Florida could only obtain redress for the killing of a cow, provided the receiver was unwilling, by prosecuting his claim at Washington! Conceive of anything more monstrous than that! As the receiver in that case was a gentleman, I do not say he ever drove a claimant to that desperate expedient. But the American people, however poor, do not like to enjoy their rights by sufferance or as a matter of favor, and God forbid that they ever should. I wish you would talk this matter over with my old friends of the Judiciary Committee and other level-headed Senators, and see if some legislation on this matter can not be provided.

WALDO, ALACHUA COUNTY, FLA., *April 27, 1886.*

Hon. WILKINSON CALL,
Washington, D. C.:

I avail myself of a moment's leisure to write you concerning some of the methods that the railroad company and their employers are resorting to bring odium on you, and to compass your destruction if it is in their power, and to say to you that I believe the people of Florida will sustain you in your course, and flock to your rescue irrespective of parties, and hold up your hands whilst you battle for justice and right, as you are doing. They resort to slander, misrepresentation, and falsehood, to injure you. They keep paid attorneys in nearly all sections to do their talking, lying, and bulldozing. I was prompted to write this letter from the manner I saw them circulating a petition this evening, asking Congress to defeat your bill. We have a very affable agent here circulating a petition to-day. It would shame a heathen Chinee to see that smile, so childlike and bland, that would overspread his countenance as he would approach a citizen with his petition, saying, "Will you please sign our petition asking the railroad company to hurry up and complete their road to Tampa." Oh, yes; says the thoughtless citizen, and down goes his name without ever reading it. They caught our old friend S. J. Renard that way. I have reason to believe he would have seen them in hell before he would have signed it if he had known its purport. The editors along the line of their road, with a pocket full of railroad passes, are singing peans of praises to the donors and extolling their magnificence and grandeur and the wonders they are working for Florida, but omit to say anything about their tariff rates on freight or passenger travel, which is regulated not by what it is worth but by what it will bear. Railroad commissioners in the Western States have shown that freight can be hauled over a road that cost $40,000 per mile at 1 cent per ton per mile and pay 10 per cent. interest on the investment, whilst our F. R. & N. Road that was built by the State and cost them nothing, charges on hay, corn, and oats, all articles that the farmers must have, 47 cents per hundred from Jacksonville to Waldo, 57 miles, and all other articles in like proportion; that freight from New York to Baldwin, a distance of near 1,000 miles (I don't remember the exact distance), will be no more than from Baldwin to Waldo, a distance of 37 miles. Are the people of Florida under any obligations for such treatment?

All that is necessary is to let the people of Florida understand your position, and you will find they will rally around you as of old. The company are making a determined fight against you; are determined to slaughter you if possible. Send me several copies of your speech on that subject. I will see them placed where they will do the most good. I prevented a half-dozen from signing the petition to-day; numbers who have signed will make the explanation of how they came to sign it. If you need any counter-petitions sent in, indicate their purport. I will see Sheriff Tucker next week—he is a friend you can rely on—and consult with him in the matter, and if necessary we will go to work. You will see by the Times-Union, in an interview with Receiver Duval, that he proposes, if Congress sustains you, that his company will return back to New York. That virtually means what they have repeatedly threatened before, to stop the cars, tear up tracks, and I suppose to retire on their ill-gotten gains and let the people suffer the want of a railroad. If this is not bulldozing, what is it? And if asking people to sign a petition to have their road extended to Tampa when it is asking Congress to confirm their land grant is not deception and lying, what is it?

Although comparatively a stranger to you, having met but a few times at Bronson nearly ten years ago, I take the liberty of trespassing on your time with these statements of facts in hopes they may be of some use to you—at least you will know that some of your constituents approve your course—and evinces a friendship formed at our first acquaintance and strengthened by time and better acquaintance through your public and official acts, which I heartily indorse, believing them to be just and right, for the best interest of Florida and welfare of her citizens.

In conclusion permit me to express to you my sympathy and best wishes for your success. If I have intruded too much on your valuable time, I shall simply say the interest I feel in the welfare and prosperity of my adopted State and the sympathy I have for her people must plead my apology for so doing.

Yours, truly,

———.

Hon. WILKINSON CALL,
United States Senate.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of Grange No. 371, Patrons of Husbandry, of Pennsylvania, praying for such legislation as will suppress the manufacture and sale of all imitation dairy products; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Grange No. 371, Patrons of Husbandry, of Pennsylvania, remonstrating against the passage of a law admitting agricultural raw materials free of duty; which was referred to the Committee on Finance.

Mr. TELLER presented a petition of Montrose Post, No. 38, Grand Army of the Republic, Department of Colorado, praying for the passage of a law embodying the recommendations of the special committee of the Grand Army of the Republic relative to pensions; which was referred to the Committee on Pensions.

Mr. CALL presented a petition of the citizens of Ponce de Leon, Holmes County, Florida, praying for the passage of "the bill introduced in the Senate by Hon. WILKINSON CALL to revoke the grant of United States lands to the Pensacola and Atlantic Railroad Company;" which was referred to the Committee on Public Lands.

Mr. MILLER presented a petition of citizens of Woodville, N. Y., praying for the passage of a law taxing all imitations of butter at 10 cents per pound; which was referred to the Committee on Agriculture and Forestry.

Mr. COCKRELL presented a memorial of Knights of Labor of Jefferson, Mo., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. FRYE presented a petition of Wescustogo Grange, No. 27, Patrons of Husbandry, of North Yarmouth, Me., praying for the passage of the House bill taxing oleomargarine and all other imitations of butter; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of 45 wholesale dealers of Portland, Me., praying for the enactment into a law of the bill introduced into the Senate by Hon. WARNER MILLER, of New York, taxing oleomargarine and butterine 10 cents a pound; which was referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (S. 2166) for the relief of John F. Cadwallader, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1641) for the relief of Frederick Foote, of Fairfax County, Virginia, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 309) to settle and adjust the claims of any State for expenses incurred by it in defense of the United States, reported it with amendments, and submitted a report thereon.

Mr. SAULSBURY. I am instructed by the Committee on Foreign Relations, to whom was referred the bill (S. 1834) for the relief of George S. Fisher, to report the same back adversely. I am requested by the Senator from Nebraska [Mr. MANDERSON] to have the bill placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. ALLISON, from the Committee on Finance, to whom was referred the bill (H. R. 4232) to reimburse the National Home for Disabled Volunteer Soldiers for losses incurred through the failure of the Exchange National Bank of Norfolk, Va., reported it without amendment.

Mr. PIKE, from the Committee on Claims, to whom the subject was referred, submitted a report, accompanied by a bill (S. 2265) for the relief of Sarah E. E. Perine, widow and administratrix of William Perine, deceased; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (H. R. 2397) for the relief of Thomas F. Purnell, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom the subject was referred, submitted a report, accompanied by a bill (S. 2266) for the relief of John Williams; which was read twice by its title.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (S. 286) referring to the Court of Claims the claims for property seized by General Johnston on the Utah expedition, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1554) for the relief of William Talbert, reported it with an amendment, and submitted a report thereon.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 859) granting a pension to Charlotte O'Neal;
A bill (H. R. 1902) granting an increase of pension to Simon Fought;
A bill (H. R. 16) granting a pension to Nancy L. Ribble;
A bill (H. R. 7118) for the relief of Bailey Hascall;
A bill (H. R. 3205) granting a pension to George W. Guyse;
A bill (H. R. 1330) granting a pension to Martin Taylor;
A bill (H. R. 7167) for the relief of Mrs. Maria Hunter;
A bill (H. R. 3193) granting a pension to Mrs. Edna Roberts;
A bill (H. R. 1184) granting a pension to Stephen Gardner;
A bill (H. R. 5127) granting a pension to Mary A. Ripley;
A bill (H. R. 6331) granting a pension to George Anna Lippe;
A bill (S. 1492) for the relief of Ellen Sadler, sister of John Sadler; and
A bill (H. R. 3326) granting a pension to Thomas Simpson.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 1439) granting a pension to Thomas Simpson, reported adversely thereon; and the bill was postponed indefinitely.

Mr. PLATT, from the Committee on Patents, to whom was referred the bill (S. 1359) for the relief of the heirs of Erskine S. Allin, reported it with amendments, and submitted a report thereon.

Mr. CAMDEN, from the Committee on Pensions, to whom was referred the bill (S. 356) granting a pension to Samuel Hanson, reported it without amendment, and submitted a report thereon.

Mr. MANDERSON. On behalf of the Committee on Printing I report back the bill (H. R. 544) granting leave of absence to employés in the Government Printing Office with certain amendments proposed by the Senate Committee on Printing, and I ask that it may be printed as proposed to be amended and recommitted to the Committee on Printing.

The PRESIDENT *pro tempore*. That order will be made.

Mr. LOGAN. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 2199) to increase the efficiency of the Army of the United States, to report it without amendment. I desire at a very early day to call up the bill and ask for action upon it.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. CHACE. I am instructed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 1908) to amend section 4004 of the Revised Statutes providing for additional pay for postal cars, to report it with an amendment, and I ask unanimous consent for its present consideration.

Mr. INGALLS and others. Let the bill be read for information.

The PRESIDENT *pro tempore*. The Chair is informed that the original bill has not been sent to the desk. It is necessary for the Chair to have the original bill. As the bill is now reported it is not on the Calendar.

Mr. CHACE. I am satisfied that the bill may be laid aside informally for the present. I should like to have it taken up at the conclusion of the routine business.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. CHACE subsequently said: As many Senators wish to see in print the amendment to the bill (S. 1908) to amend section 4004 of the Revised Statutes providing for additional pay for postal cars, I withdraw my request for its consideration this morning in order that it may be printed, and I will call it up again to-morrow morning.

The PRESIDENT *pro tempore*. The bill and amendment will be printed, together with the report.

MARIE HOLLANDS.

Mr. SAWYER. I am instructed by the Committee on Pensions to ask to call up the bill (S. 1586) granting a pension to Maria Hollands, which has been returned from the House of Representatives with a view to having the vote by which it was passed reconsidered and the bill indefinitely postponed.

The PRESIDENT *pro tempore*. The Senator from Wisconsin from the Committee on Pensions asks for the consideration of the bill (S. 1586) granting a pension to Maria Hollands, and moves that the vote on its passage be reconsidered. That order will be made if there be no objection.

Mr. SAWYER. I now move that the bill be indefinitely postponed, as a bill has been passed covering the same subject.

The motion was agreed to.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 327) to enable national banking associations to increase their capital stock and to change their names or locations;

A bill (H. R. 444) to amend 3336 of the Revised Statutes of the United States; and

A bill (H. R. 6980) making an appropriation to complete the public building at Jackson, Tenn., and to reappropriate an unexpended balance therefor.

BILLS INTRODUCED.

Mr. SEWELL introduced a bill (S. 2267) granting an increase of pension to Laurenda G. Cummings; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CALL introduced a bill (S. 2268) to grant leaves of absence to employés in the United States navy-yards; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. COCKRELL introduced a bill (S. 2269) granting a pension to William Dickens; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 2270) granting a pension to Elizabeth Smith; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2271) granting a pension to N. J. Myers; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 2272) granting a pension to Robert Chawner; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 2273) granting an increase of pension to Thomas Reed; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (S. 2274) for the relief of William P. Thorne; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 2275) for the relief of David R. Haggard; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. PLATT introduced a bill (S. 2276) for the relief of Mrs. Eunice S. Nichols; which was read twice by its title, and referred to the Committee on Pensions.

Mr. STANFORD introduced a bill (S. 2277) for the relief of George P. Ihrie, of California, late additional aide-de-camp on the war staff of General U. S. Grant; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL introduced a bill (S. 2278) to provide for allotment of land in severalty to United Peorias and Miamis in Indian Territory; which was read twice by its title, and referred to the Committee on Indian Affairs.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. BUTLER, it was

Ordered, That the papers on the files of the Senate in the case of John C. Quackenbush, be taken therefrom and referred to the Committee on Naval Affairs.

On motion of Mr. INGALLS, it was

Ordered, That the papers in the claim of Alexander J. Mueller, now on file in the office of the Secretary of the Senate, be withdrawn and referred to the Committee on Claims.

On motion of Mr. SPOONER, it was

Ordered, That the papers in the case of Lucien T. Goyaux, be withdrawn from the files of the Senate for the purpose of referring them to the Committee on War Claims of the House of Representatives.

On motion of Mr. PLATT, it was

Ordered, That Mrs. E. C. Ambler have leave to withdraw the papers in her case from the files of the Senate, no adverse report having been made.

CHANGE OF REFERENCE.

Mr. DOLPH. Yesterday I submitted an amendment intended to be proposed by me to the sundry civil appropriation bill, which was referred to the Committee on Appropriations. I desire to say that it may go to the Committee on Public Buildings and Grounds, and ask for that change in the reference.

The PRESIDENT *pro tempore*. If there be no objection that change in the reference will be made. The Chair hears none.

LABOR ARBITRATION.

Mr. HARRIS. I moved on last Thursday the reference of the President's message on the subject of labor arbitration to the Committee on the Judiciary. I selected that committee because the message looked to the creation of a tribunal semi-judicial. The Committee on Education and Labor, by its chairman, seems to think that it ought to have the consideration of the question. I am indifferent to which committee it goes, but I should like to have the question disposed of.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that the message of the President now lying on the table in respect to a commission on labor arbitration be referred to the Committee on Education and Labor.

Mr. BLAIR. Is that the motion?

Mr. HARRIS. The Senator from New Hampshire desires it to go to that committee. I moved at first that it go to the Committee on the Judiciary, but I am indifferent as to which committee it shall go.

Mr. BLAIR. I wish to have the message referred to the Committee on Education and Labor.

Mr. INGALLS and Mr. EDMUNDS. That is the present motion.

Mr. BLAIR. The motion was to refer the message to the Committee on the Judiciary.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Tennessee to say he was indifferent, and the Chair was about putting the question on referring the message to the Committee on Education and Labor. The question is on that motion.

Mr. BLAIR. Very well.

The motion was agreed to.

MISSISSIPPI RIVER BRIDGE NEAR KEITHSBURG.

The PRESIDENT *pro tempore*. If there be no further morning business, according to the order of the Senate the first business in order is the consideration of bills in relation to bridges. The first bridge bill in order will be stated.

The bill (H. R. 3370) authorizing the construction of a bridge across the Mississippi River at or near Keithsburg, in the State of Illinois, and for other purposes, was announced as first in order; and the Senate, as in Committee of the Whole, proceeded to consider it.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGE ACROSS THE ILLINOIS AND DES MOINES RIVERS.

The bill (H. R. 3371) authorizing the construction of bridges across the Illinois River, in the State of Illinois, and the Des Moines River, in the State of Iowa, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE AT WINONA.

The bill (H. R. 5673) to authorize the construction of a railroad and wagon bridge across the Mississippi River from Winona, Minn., to the opposite shore in Wisconsin was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (S. 1516) to authorize the construction of a pile and ponton railway and wagon bridge across the Mississippi River from the city of Winona, State of Minnesota, to the opposite shore of said river in the State of Wisconsin was indefinitely postponed.

YELLOWSTONE RIVER BRIDGE.

The bill (H. R. 6358) to authorize the construction of a bridge across the Yellowstone River in Montana was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE AT PIERRE, DAK.

The bill (H. R. 7646) to authorize the construction and maintenance of a bridge by the Dakota Central Railway Company across the Missouri River at Pierre, Dak., was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in line 15, section 3, before the word "court," to insert the word "circuit;" in line 16, after the words "United States," to insert, "or any district court;" in line 17, after the word "Dakota," to strike out "of competent" and insert "within whose," and in the same line, after the word "jurisdiction," to strike out the words "in which;" so as to read:

And in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, caused or alleged to be caused by said bridge, the case may be brought in any circuit court of the United States or any district court of the Territory of Dakota, within whose jurisdiction any portion of said bridge may be located.

The amendment was agreed to.

The next amendment was to strike out section 6 of the bill, as follows:

That Congress reserves the right to alter, amend, or repeal this act at any time.

And in lieu thereof to insert:

That the right to alter, amend, or repeal this act is hereby expressly reserved; and the right to require any changes in said structure, or its entire removal, at the expense of the owners thereof, whenever Congress shall decide that the public interest requires it, is also expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

TENNESSEE RIVER BRIDGE.

The bill (H. R. 2309) to give the assent of Congress to the construction of a bridge by the Nashville, Jackson and Memphis Railroad Company over the Tennessee River was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 3, line 4, after the word "War," to insert:

Provided, That the same shall not be less than 164 feet each in the clear.

So as to read:

SEC. 3. That if said bridge shall be built with unbroken and continuous spans, the spans thereof shall be of such width and height above the water as may be prescribed by the Secretary of War: *Provided*, That the same shall not be less than 164 feet each in the clear; and the main span shall be over the main channel of the river; and the bridge shall be at right angles to and its piers parallel with the current of the river.

The amendment was agreed to.

The next amendment was, in line 10 of section 3, after the word "pivot," to insert the word "span," so as to read:

Provided, That if the same shall be constructed as a draw-bridge, the draw or pivot span shall be over the main channel at an accessible point, and the spans shall be of such width and height above the water as may be prescribed by the Secretary of War.

The amendment was agreed to.

The next amendment was, after the words "Secretary of War," in line 12 of section 3, to insert:

Provided, That said draw or pivot spans shall not be less than 164 feet in the clear on each side of the draw or pivot pier.

So as to read:

Provided, That said draw or pivot spans shall not be less than 164 feet in the clear on each side of the draw or pivot pier; and the piers of said bridge shall be parallel with and the bridge itself at right angles to the current of the river.

The amendment was agreed to.

The next amendment was, in section 3, line 36, after "United States," to strike out "for the middle district of Tennessee;" and in line 37, before the word "any," to strike out "which" and insert "whose jurisdiction;" so as to read:

And in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, caused or alleged to be caused by said bridge, the case may be brought in the circuit court of the United States in whose jurisdiction any portion of said obstruction or bridge may be located.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MISSISSIPPI RIVER BRIDGE AT RED WING, MINN.

The bill (H. R. 5677) to authorize the construction of a pile and ponton railway and wagon bridge across the Mississippi River from the city of Red Wing, Minn., to the opposite shore in the State of Wisconsin was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, to insert the following as a new section:

SEC. 2. That if said bridge is constructed as a wagon bridge, the said company may charge such reasonable rates of toll for the passage of wagons and vehicles of all kinds and for the transit of animals and foot passengers as may from time to time be approved by the Secretary of War.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The bill (S. 1491) to authorize the construction of a pile and ponton railway and wagon bridge across the Mississippi River from the city of Red Wing, State of Minnesota, to the opposite shore of said river in the State of Wisconsin was indefinitely postponed.

KANSAS RIVER BRIDGE.

The bill (H. R. 3519) authorizing the Interstate Rapid Transit Railway Company to build a bridge across the Kansas River was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, to add to section 1 "for such reasonable rates of toll as may be approved from time to time by the Secretary of War;" so as to make the section read:

That the Interstate Rapid Transit Railway Company, a corporation duly and legally organized and existing under and by virtue of the laws of the State of Kansas, its successors or assigns, be, and is hereby, authorized to construct and maintain a bridge, and approaches thereto, over the Kansas River, in Wyandotte County, in the State of Kansas, between the city of Wyandotte and the city of Kansas, Kans., at the point where said company's line of railway, as now projected, crosses said river, near the mouth thereof. Said bridge shall be constructed to provide for the passage of its railway trains, and, at the option of said company by which it may be built, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot passengers, for such reasonable rates of toll as may be approved from time to time by the Secretary of War.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

RED RIVER BRIDGE.

The bill (H. R. 4765) to authorize the Red River Bridge Company of Texas to maintain a bridge across Red River was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, in section 1, line 12, after the word "reasonable," to strike out "and customary in said locality;" so as to read:

That the Red River Bridge Company of Texas, composed of Frank Colbert, W. B. Munson, J. B. McDougal, J. R. Carr, Samuel Star, J. T. Munson, Edward Perry, and L. L. Maughs, be, and is hereby, authorized to construct and maintain a railway and wagon bridge across Red River between the State of Texas and the Chickasaw Nation of the Indian Territory, at any accessible point on said river near Denison, Tex., that may be selected by said company; and said company shall be permitted to charge and take such rates of toll for crossing said bridge as may be reasonable, subject to the approval of the Secretary of War; the said bridge to be of such height as not to interfere with the navigation of said river.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. ALLISON. I desire to ask the Senator from Minnesota if the Red River is at this point a navigable river?

Mr. MCMILLAN. No, sir, as the committee have been informed by the Senator from Texas [Mr. COKE].

Mr. ALLISON. I see no provision in this bill to authorize other railroad companies to use this bridge. This seems to be an exclusive charter, and also I see no power reserved to alter, amend, or repeal the act.

Mr. MCMILLAN. Oh, yes, there is.

Mr. ALLISON. I see none.

Mr. MCMILLAN. That clause is very full. The structure is under the entire control of the Secretary of War. The Senator from Texas will be able to state to the Senate the condition of the stream at that point and show that this bill is altogether sufficient.

Mr. ALLISON. I do not wish any explanation except that if this is a navigable river other railroads should be authorized to cross the bridge.

Mr. McMILLAN. The Senator from Texas will make a statement which will satisfy the Senate.

Mr. COKE. The river never has been navigable at that point. There are two railroad systems that cross the river just below.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BRIDGE NEAR BROWN'S FERRY, TEXAS.

The bill (H. R. 5786) granting to the Gainesville and Chickasaw Bridge Company the consent of the United States to construct and maintain a bridge over Red River at or near Brown's Ferry, in Cooke County, Texas, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, line 11, after the word "toll," to insert "to be approved from time to time by the Secretary of War;" so as to make the section read:

That to the Gainesville and Chicksaw Bridge Company, a corporation created under the laws of Texas by charter filed January 24, 1885, is granted the consent of the Government to construct and maintain for ninety years a bridge, and approaches thereto, over Red River, at or within 3 miles of Brown's Ferry, in Cooke County, Texas, to be used for the passage of foot-passengers, animals, and vehicles of all kinds, for reasonable rates of toll, to be approved from time to time by the Secretary of War.

The amendment was agreed to.

The next amendment was, at the end of the proviso to section 3, in line 16, to add:

And that if at any time navigation of the said river shall in any manner be obstructed or impaired by the said bridge, the Secretary of War shall have authority, and it shall be his duty, to require the said company to alter and change the said bridge, at its own expense, in such manner as may be proper to secure free and complete navigation without impediment; and if upon reasonable notice to said company to make such change or improvements the said company fails to do so, the Secretary of War shall have authority to make the same at the expense of said company, and all rights conferred by this act shall be forfeited; and Congress shall have power to do any and all things necessary to secure the free navigation of the river.

The amendment was agreed to.

Mr. ALLISON. I see in this bill provision is made for the preservation of the navigation of the river, and no provision is made for the use of this bridge by other railroads.

Mr. McMILLAN. The point at which this bridge is to be erected is far above navigation on the Red River, as the committee are informed by the Senator from Texas, who is quite familiar with the location. If the Senator from Texas will make a statement, it will be entirely satisfactory to the Senate.

Mr. COKE. The bill now before the Senate provides for a bridge 40 miles above the one providided for by the bill which was passed just preceding this, and both are a long way above two railroad bridges, neither of which has draws, and the fact is that there is no navigation there.

Mr. ALLISON. The reason I made the inquiry is that, as the Senator from Texas will see, the committee have very carefully provided for the protection of the navigation of the river. There was in that some little implication that the river was navigable. That was the reason I made the inquiry.

Mr. McMILLAN. That was done out of abundant caution, so that if the river should ever become navigable at that point the provisions here would enable the Secretary of War to secure all the rights of navigation.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill read a third time.

The bill was read the third time, and passed.

BRIDGES IN OREGON.

The bill (S. 1971) authorizing the county of Clatsop, in the State of Oregon, to construct a bridge across Young's Bay and a bridge or permanent roadway across Skipanon Creek, in the State of Oregon, was indefinitely postponed, a House bill upon the same subject having been passed.

BRIDGE BILLS.

Mr. McMILLAN. I wish to make a motion in regard to some of these bills. There are certain of these House bills which have been amended by the action of the Senate just taken. I have been instructed by the Committee on Commerce to move in those cases that the Senate ask for a conference and appoint conferees. The bills are as follows:

The bill (H. R. 41) to authorize the construction of a bridge across the Missouri River at or near the city of Saint Joseph, in the State of Missouri, and to establish it as a post-road;

The bill (H. R. 7646) to authorize the construction and maintenance of a bridge by the Dakota Central Railway Company across the Missouri River at Pierre, Dak.;

The bill (H. R. 2309) to give the assent of Congress to the construction of a bridge by the Nashville, Jackson and Memphis Railroad Company over the Tennessee River;

The bill (H. R. 5677) to authorize the construction of a pile and ponton railway and wagon bridge across the Mississippi River from the city of Red Wing, Minn., to the opposite shore, in the State of Wisconsin;

The bill (H. R. 3519) authorizing the Interstate Rapid-Transit Railway Company to build a bridge across the Kansas River;

The bill (H. R. 4765) to authorize the Red River Bridge Company of Texas to maintain a bridge across Red River; and

The bill (H. R. 5786) granting to the Gainesville and Chicksasaw Bridge Company the consent of the United States to construct and maintain a bridge over Red River at or near Brown's Ferry, in Cooke county, Texas.

In these several cases I move that the Senate insist on its amendments and I ask for a conference.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. McMILLAN, Mr. CONGER, and Mr. VEST were appointed in each case.

ORDER OF BUSINESS.

Mr. MORGAN. On behalf of the Committee on Foreign Relations I ask the Senate to take up for consideration Order of Business 869, being the bill (S. 2225) to indemnify certain subjects of the Chinese Empire for losses sustained by the violence of a mob at Rock Springs, in the Territory of Wyoming, in September, 1885.

Mr. PLUMB. I gave notice on Monday that at the close of the morning business this morning I would move to take up the Post-Office appropriation bill. That was in accordance with the instructions of the Committee on Appropriations. I waited this morning until after the order made yesterday relating to bridge bills was concluded, and I desire to make my motion now to take up the Post-Office appropriation bill. It is somewhat necessary that I should have the bill taken up, for I may have to be absent after to-day.

Mr. MITCHELL, of Oregon. The day before yesterday I gave notice that on yesterday morning I would ask the Senate to permit me to take from the table a certain memorial with a view of submitting a few remarks before it was referred. I gave way yesterday to the Senator from Minnesota [Mr. McMILLAN], giving notice again that this morning, after his order was disposed of, I should ask the Senate to permit me to occupy the time for a very brief period on that question. I now ask that the memorial heretofore presented by the Senator from New York [Mr. MILLER] be taken up for the purpose of enabling me to submit a few remarks before it is referred. I will state to the Senator from Alabama and the Senator from Kansas that I shall not occupy the time of the Senate at any great length.

Mr. MORGAN. I certainly do not intend to antagonize this bill with an appropriation bill, neither do I intend to be guilty of a discourtesy to the Senator from Oregon, who wishes to proceed with his remarks. Finding that the time is perhaps not sufficient to consider this bill this morning, I desire to call the attention of the Senate to the importance of acting upon it as speedily as possible, and I therefore give notice that to-morrow morning, after the routine morning business is passed over, I shall ask the Senate to consider this bill.

The PRESIDENT *pro tempore*. The Senator from Alabama withdrawing his motion, the Senator from Kansas is entitled, under the rules, to preference on a motion to take up an appropriation bill. It is the duty of the Chair to submit that question.

Mr. PLUMB. I will move to take up the bill, and when that is done I will yield for the purpose of allowing the Senator from Oregon to make his remarks.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the Senate proceed to the consideration of the bill (H. R. 5887) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887.

The motion was agreed to.

Mr. PLUMB. The bill being taken up, I will consent that it be informally laid aside in order that the Senator from Oregon may be heard.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

CHINESE IMMIGRATION.

Mr. MITCHELL, of Oregon. I now move to take up the memorial presented by the Senator from New York [Mr. MILLER] on the 8th of April from the New York Annual Conference of the Methodist Episcopal Church, praying Congress to furnish to the Chinese in this country the same protection as is afforded all other persons.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Oregon. The Chair hears no objection, and the memorial is before the Senate on the question of reference.

Mr. MITCHELL, of Oregon. Mr. President, I arrested the reference of this memorial when it was presented to the Senate by the honorable Senator from New York, for the reason that on hearing it read I believed it contained language in part which conveyed an erroneous impression, and one which in justice to the people of the State of Oregon, if not, indeed, to the people of the State of California and the Territory of Washington, ought not to be permitted to go unchallenged to the country. This memorial, coming as it does from the New York An-

nual Conference of the Methodist Episcopal Church, composed of two hundred and eighty ministers of the gospel, and representing a church constituency of nearly forty-five thousand members, is entitled, as a matter of course, to the highest consideration; and ordinarily, in the absence of evident misinformation or mistake, a memorial coming from such a source would in so far as its statement of fact is concerned import absolute verity.

This memorial, Mr. President, after reciting various provisions of the treaty of 1880 between the United States and the Government of China—and I may say reciting them correctly—alleges their violation by an alleged statement of facts in the following language:

2. That most flagrant and grievous outrages have been perpetrated upon the Chinese in Wyoming and Washington Territories and in the States of Oregon and California; and in many places in that portion of our country the purpose is still openly expressed of driving out the Chinese inhabitants.

3. That in the course of these outrages, not only has much property belonging to Chinese residents been destroyed, but many persons have been put to death.

It will be observed that this memorial asserts that not merely in the Territory of Wyoming but in the States of Oregon and California and in the Territory of Washington not only much property of Chinese residents has been destroyed, but that many persons have been put to death in the course of the perpetration of outrages upon and persecutions against Chinese residents of those localities; and thus the impression is conveyed in positive statement from this responsible source that in the State of Oregon and in the State of California and in the Territory of Washington not only a large amount of property belonging to Chinese residents has been destroyed, but that many persons have been put to death in the course of alleged outrages and persecutions of Chinese residents of those localities.

Now, then, Mr. President, speaking for Oregon alone at this time, and being as I believe fully and correctly advised in the matter in reference to which I speak, I assert that this statement, in so far as it relates to the State of Oregon and the people of the State of Oregon, is an entire misapprehension and mistake. I say this in reference to the allegation as to the destruction of the property of Chinese residents and in reference to the allegation that many persons have been put to death; and I assert here that if ever at any time in the history of Oregon down to the present hour—and I have lived in that State nearly twenty-six years—there has been a solitary Chinaman or a solitary Chinese woman in any manner injured in life or limb in the course of any persecution or outrages against that class as a race, much less put to death, then I have never yet heard of it.

I go further. I assert here without fear of successful contradiction from any responsible source that never in the State of Oregon, from its earliest history to the present hour, has there been a single Chinese person, male or female, in any manner injured in life or limb, much less put to death, in the course of persecutions or outrages against the Chinese as a class; nor is it true that much, if any, property of Chinese residents has been destroyed.

In two instances and only two, each occurring within the present year, one at Oregon City and the other near Albina, a few persons have committed certain outrages upon a few Chinese persons by ordering them out of their places of abode and causing them to remove with their household and other effects to other localities. That is true, but these outrages to which I have referred have received the universal condemnation in the State of Oregon, including the city of Portland, of all parties, all classes, and all persons, save and except perhaps the very few who were engaged in them.

And, Mr. President, I will state further, that even in these instances of outrage to which I have referred, if there was one dollar's worth of property destroyed belonging to Chinese residents I have yet to learn of the fact. And yet, sir, so intelligent and respectable a body of men as the New York Annual Conference of the Methodist Episcopal Church of the State of New York assert to the contrary, and through the medium of the Senate of the United States, by memorial, convey the impression to the country that in the State of Oregon not only a large amount of property has been destroyed belonging to Chinese residents, but also that many persons have been put to death in the course of persecutions of Chinese residents in that State. And not only so, but recently the illustrated press of the East, the pictorial papers of the Eastern cities, have abounded in illustrations representing the people of Oregon, or at least a portion of them, engaged in the murderous act of destroying the lives of Chinese.

Now, Mr. President, why this continued misrepresentation by the Eastern press, by Eastern associations, by Eastern men, statesmen and others, of the true status of the Chinese question upon the Pacific coast? Why in the face of overwhelming testimony to the contrary must it continually, and until the statement becomes stale by reason of its iteration, be asserted that the only persons opposed to further Chinese immigration in the Pacific States and Territories are the sand-lot and hoodlum element, the irresponsible and criminal classes? Is it because of a willful desire on the part of Eastern men, and of the Eastern press, and of Eastern associations to misrepresent the facts? Or is it rather because of the want of correct information in regard to a question so vital to the interests not only of the people of the Pacific coast but of this whole country? I am rather inclined to believe that in part it is due to both.

While it is a fact that the Associated Press dispatches of this country are in the main fair, creditable, honest, and entitled to the confidence of the public, and report correctly the current events of the day, it is a fact notorious, I regret to say, in the State I have the honor in part to represent here, that the reports of that association coming from the State of Oregon, dictated, directed, dominated, controlled, as we all know they are, by the editor of the Oregonian in the city of Portland, one Henry W. Scott, a disgruntled politician, and I may say a disgraced politician, who ten years ago was by President Grant kicked out of the custom-house in that city for malfeasance in office and because of his refusal to turn over to the Government some $16,000 or $17,000 of the public funds in his possession, are frequently gross perversions, and often absolutely false in fact and not worthy of credit; and for months past he, through these press reports, has been misrepresenting the people of Oregon and the people of the Pacific coast on this great question of such vital interest to them; and perhaps these misrepresentations are not confined wholly to press reports coming from the State of Oregon. And in this connection I desire to state that, aside from an irresponsible criminal class which infest every city and State, and of these I presume Oregon has its fair proportion—perhaps no more or less in proportion to its population than any other State—the people of that State are as peaceable, orderly, and law-abiding as any on the face of the earth; and this remark applies with equal truth to the people of California and Washington Territory.

You will all remember what a furor was created all over the East a few days ago in regard to the manner in which it was alleged the Chinese minister was treated on his arrival at the port of San Francisco. It was heralded all over the East and proclaimed in nearly every paper of the East that a great insult had been offered to the Chinese Government by the Federal officials in the city of San Francisco. When you come to simmer it down, however, and get at the facts, what do you find? You find that the Federal officials, the collector of the port, Mr. Hager, and others, simply complied with the law, no more, no less, as will appear from a statement of Collector Hager himself, which I desire to have read. I ask that the letter of Mr. Hager to the editor of the Bulletin in San Francisco, which I send to the desk, may be read, that this matter may be properly understood by the Senate.

The Secretary read as follows:

[Daily Evening Bulletin, San Francisco, Monday, April 19, 1886. Fourth edition.]

A CARD FROM COLLECTOR HAGER—THE LAW IN THE CASE OF THE CHINESE EMBASSY.

Editor Bulletin:

Permit me to return you my thanks for your kind words in my behalf against the unjust assaults, based on false telegrams, made upon me by the Eastern press.

I desire, however, to make one important correction.

In your article of Saturday you seem to infer that this office had instructions from Secretary Bayard and the Secretary of the Treasury directing the collector to land the Chinese embassy at once, without regard to the provisions of the restriction act. This is a mistake. The instructions received at this office are as follows:

WASHINGTON, D. C., *March* 23, 1886.

SIR: The Department is in receipt of a letter from the Secretary of State, dated the 20th instant, in which he requests that you be instructed to admit to free entry the effects of Chang Yin Hoon, the new Chinese minister, who is expected to arrive at your port, per steamer Gaelic, from Hong Kong, on the 8th of April next, accompanied by his secretaries, attachés, and servants, and that the usual courtesies may be extended to him on his arrival. You will please comply with such request, and accord to the said minister and his suite all necessary facilities for the passage, free of duty, of their baggage and effects.

Respectfully, yours,

C. S. FAIRCHILD,
Assistant Secretary.

COLLECTOR OF CUSTOMS, *San Francisco, Cal.*

You will observe that those instructions in no way relate to the *personnel* of the embassy, but solely to the entry and passage, free of duty, of its effects and baggage.

Section 13 of the restriction act was left in full force, and reads:

"SEC. 13. That this act shall not apply to diplomatic and other officers of the Chinese or other governments, traveling upon the business of that government, whose credentials shall be taken as equivalent to the certificate in this act mentioned, and shall exempt them and their body and household servants from the provisions of this act as to other Chinese persons."

When the embassador declared his credentials were inaccessible and could not be produced the requirements of the law were waived, and he and his suite, servants, &c., were admitted without any evidence of their official character, in contravention of the express letter of the restriction act, and by extending to them facilities unauthorized by the letter of instructions.

By courtesy, which under similar conditions would have been denied to an American minister entering China or European countries, this embassy was admitted; a strict enforcement of the law would have detained them on the ship until their official character had been made manifest.

JOHN S. HAGER, *Collector.*

Mr. MITCHELL, of Oregon. Now, Mr. President, there seems to be a disposition on the part of the Eastern press and of Eastern people to create an impression all over this country that the people of the Pacific coast are disposed to heap insult upon the Chinese Government and upon the representatives of that government. Nothing could be further from the truth; and this will be found to be so whenever proper investigation is made.

The other day, when the press announced that the Chinese embassy were on the way to this city, it was proclaimed in the several papers of this city that they would arrive at a certain time and that proper arrangements would doubtless be made for their reception. Who ever heard of such a thing when the representatives of other governments

were about to arrive? When the minister from Great Britain is about to arrive at the depot, is there a hullaballoo raised all over the country that we must uncover our heads and do obeisance to him at the depot? Nothing of the kind.

I notice that the papers of the city stated that the honorable chairman of the Committee on Foreign Relations of this body did his duty and was present to receive the embassy. That doubtless was not so, and I simply refer to it for the purpose of showing how much reliance can be placed in the representations made in the press of the East in regard to the Chinese question. Of course I know that the chairman of the Committee on Foreign Relations, as he now indicates by shaking his head, did not go down to the depot to receive the Chinese embassy, and of course everybody else in the country knows it, but I simply refer to it to show that there appears to be a determination on the part of the press and the people of the East to misrepresent this Chinese question in its every shape and form, and create contrasts between the treatment of Chinese officials by Government officials at San Francisco and Government officials in Washington in a manner that is unfavorable to the former.

Now, Mr. President, coming back again to the misrepresentations of the people of Oregon by the Eastern press, and especially by the pictorial press. Harper, for instance, a few days ago pictured the scales with a dead Chinaman in one end and a supposed assassin in the other end, conveying the impression that the people of Oregon were engaged in murdering Chinamen; and it was given out as an illustration of the fact that the people of Oregon are a lawless, law-breaking band of people, engaged not only in the demolition of property but in the wanton and merciless destruction of human life.

Mr. President, once for all in answer to the charge that has been made time and time again, and repeated until it has become, as I said a moment ago, stale, to the effect that the opposition to further Chinese immigration on the Pacific coast comes alone from the sand-lot and hoodlum element, from the irresponsible and criminal classes, I desire to attract the attention of the Senate to the proceedings of a State convention recently held at the city of Sacramento, in the State of California. That convention remained in session three full days. It was made up of two State conventions. It came together, in other words, in two parts, one part composed of the non-partisan, anti-coolie State convention that some time previously met at the city of San José, in that State, and the other part was composed of delegates selected by the boards of supervisors of the different counties of the State of California.

When the two conventions came together they consolidated, and that joint convention was composed of many of the ablest representative men of both political parties of the State of California. It was purely and distinctively a non-partisan convention. That convention appointed a committee and instructed it to draught a memorial to Congress on the Chinese question, to be submitted to the convention for its action and approval. That committee was composed of the following-named gentlemen: The chairman was Hon. John F. Swift, one of the ablest and most distinguished lawyers of the State of California, and one of its representative men, one of the ministers plenipotentiary from the United States to China that helped to make the treaty between the United States Government and the Chinese Government of 1880, and you will find his name attached to that treaty. Another member of that committee was Hon. Aaron A. Sargent, for many years a member of the National House of Representatives, subsequently for six years a Senator from the State of California in this body, and still later our minister to the court of Berlin. The other members of that committee were Hons. E. Anthony, E. A. Davis, H. V. Morehouse; each and all are representative men of the State of California—no sand-lot or hoodlum element.

That committee composed of those five able, distinguished, and representative men of that State, appointed by that consolidated State convention, draughted a memorial, and the chairman, Hon. J. F. Swift, presented it to the convention, and it was unanimously approved by that convention.

But as to the character of that State convention I will let one of the leading journals of the city of San Francisco speak. I read from the Evening Bulletin, one of the evening journals of that city, in the issue of March 13, 1886. The title of the leading editorial is "The convention," and the article reads as follows:

THE CONVENTION.

The convention which had been in session at Sacramento for three days, and finally adjourned yesterday, is entitled to be regarded as one of the most remarkable that ever assembled in the State. It came together in two parts—that is to say, an adjourned session of a convention held some time since at San José and a new convention appointed on the suggestion of a Sacramento committee by the several boards of supervisors. In amalgamating these conventions there was a chance for much dissension. But all obstacles to a harmonious blending were finally overcome, and the two bodies became one before any real business was transacted. The general unanimity which followed was perhaps the most remarkable feature. Upon one proposition there was no division of sentiment whatever, namely, that no more Chinese should be allowed to enter this country. There is probably not now a man in this State who would advocate the admission of any more coolies. There were 883 of them five years ago against 154,638 in the negative. The only difference of opinion was in relation to what is to be done with the Chinese who are here. It was over this point that the fiercest battle raged. The form which the proposed boycott subsequently assumed was in the nature of a compromise.

The convention was fairly representative—more representative than many of the recent political conventions. It contained among its members some of the ablest men in the State. In its memorial to Congress, from the pen of John F. Swift, it has contributed a new and brilliant chapter to the literature of the crusade against the new form of slavery in the Pacific States. In it Mr. Swift took what may be called the century view of the problem. He examined it in the phase that would alone have attracted statesmen. If Bismarck, or Gladstone, or the late Lord Beaconsfield, had to deal with the question, it is from the standpoint of Mr. Swift that they would have examined it. The memorial is a fitting cap-sheaf for the literary structure that has already been erected. Coolyism has been considered so far only in its present phases. It is a form of contract labor, differing in no essential particular from the slavery only lately destroyed by the sword. Under its blighting influence California in odd spots presents some of the aspects of a slave State to-day. Labor is degraded and despised in quarters where it ought to be dignified. Coolyism likewise disorganizes our industrial system and drives the white race to the wall. It underbids it and forces it from the field. The gradual pauperization of our own people is the price we are paying for it. Coolyism further is draining the State of its resources. It is making California a dependency of China. It is said we have the benefit of the cooly labor. But what is the residuum of a cigar smoked or a pair of shoes worn out? And lastly, coolyism has introduced new vices which swell our own formidable list. It has dragged down our people instead of being elevated by them.

The PRESIDENT *pro tempore*. The Senator will pause. It is the duty of the Chair at 2 o'clock to lay before the Senate the unfinished business, being the bill (S. 1532) to regulate commerce. If there be no objection the Senator from Oregon will be allowed to proceed with his remarks.

Mr. PLUMB. I give notice that as soon as the Senator concludes I will move to take up the Post-Office appropriation bill.

Mr. MITCHELL, of Oregon. I continue the article:

The memorial to Congress adopted by the convention is the complement of this argument. Mr. Swift took the twentieth-century view of the problem, looking down upon it through the long vista of generations. In an impressive, eloquent, and forcible manner he has wound up the controversy. Only in one respect does the memorial become retrospective, and that is in the case of Anson Burlingame, the author of the infamous treaty which bears his name. It throws new light on the man who as deliberately sold out his country as Benedict Arnold. The only difference is that Burlingame technically denationalized himself before he did it. The memorial indicates the money that was to be made by inducing the European governments to give up the extra-territoriality which they enjoy in certain portions of China. Of course we gave it up without a moment's thought in the delirium of gush which Burlingame so skillfully produced. With this lever he expected to operate on the governments of Europe, but they were not so easily taken in. While we have not the least doubt that that was one of the objects which that money-making and histrionic diplomatist had in view, we think that it is equally certain that he was the tool of the mandealers. It is not at all likely that he was ignorant of the unholy traffic to which he was opening up this country when he inserted the provision allowing the transportation of coolies under the pretense of free emigration.

There is internal evidence in the treaty itself that there was a foreknowledge on the part of those who got it up of the trouble that it was going to create. The memorial does not go too far when it says that if Burlingame had been a native of China and had changed his allegiance as Burlingame did while employed in a foreign mission, China would have cut off his head on his return. In any other nation but ours he would have been considered a disgraced man, and that though he had not gone back on his country in any other manner than in his temporary allegiance.

Apart from the literature which the convention is the medium of contributing to the great cause its deliberations were fairly conducted. Though cast up from so many different sources, its earnestness, determination, and essential unanimity were conspicuous from first to last. It was in some respects an unknown quantity to the politicians. They were, therefore, present in considerable numbers. The convention may be said to have been chock full of governors. But it was not diverted from its purpose, and wound up with a solemn declaration of its non-partisan programme.

Mr. President, although the memorial prepared by the committee to which I have referred and which was unanimously adopted by the convention which this editorial describes has been presented to the Senate, and I believe also to the House, and referred to the Committee on Foreign Relations; it has never yet been read, so far as I am advised, either in the Senate or in the House of Representatives, nor has it ever been printed either in the RECORD, so far as I know, or in any other form, and before concluding I shall ask the unanimous consent of the Senate that that memorial, able, exhaustive, dignified, comprehensive as it is, shall be printed in the RECORD as a part of my remarks, and unless that consent is given I shall take the liberty of reading it myself before concluding my remarks, in order that it may find a place in the records of the Senate.

But before asking that consent, Mr. President, I desire to state that I hope the Committee on Foreign Relations will at an early day take up and consider the several bills introduced in this body and referred to that committee bearing upon this great question; and I now warn presidential aspirants in this body of both political parties, if there are any—I do not think there are any—that if they undertake to deal with this great question of further Chinese immigration to this country upon any other basis or upon any other idea than that of total and absolute prohibition in the future, they will be treading upon dangerous ground.

Now, Mr. President, I ask the unanimous consent of the Senate that this California memorial, which has already been presented to the Senate and referred to the Committee on Foreign Relations, may be inserted, as a part of my remarks, in the RECORD to-morrow morning.

The PRESIDENT *pro tempore*. The Chair has to inform the Senator from Oregon that the memorial was presented by the Chair and was about to be referred when the Senator from Oregon himself asked that, without printing and without reference, it be laid on the table.

Mr. MITCHELL, of Oregon. I beg pardon of the Chair.

The PRESIDENT *pro tempore*. On the motion of the Senator from Oregon the memorial, after it was presented, was laid upon the table

without any further order and without any reference. It has not been referred to the Committee on Foreign Relations.

Mr. MITCHELL, of Oregon. May I inquire which Senator from Oregon is referred to?

The PRESIDENT *pro tempore*. The Chair does not himself remember, but he is advised by the Chief Clerk that the Senator from Oregon now on the floor himself moved to lay this memorial on the table, saying that he desired to submit some remarks, and there was no reference of it at all. The occupant of the chair does not remember the circumstance distinctly himself.

Mr. MITCHELL, of Oregon. Of course I am attaching no blame to the Chair or any person.

The PRESIDENT *pro tempore*. The memorial is upon the table. It has not been referred.

Mr. MITCHELL, of Oregon. I think there is some misapprehension. If my attention was called to that memorial when it was presented, I was acting under an entire misapprehension.

The PRESIDENT *pro tempore*. The Chair will direct the record to be found, but, as the Chair understands, the memorial is now lying on the table awaiting the remarks of the Senator from Oregon. The Senator from Oregon asks unanimous consent of the Senate that the memorial to which he refers, which lies on the table, be now printed in the RECORD.

Mr. INGALLS. What is that memorial?

Mr. EDMUNDS. I object to printing anything in the RECORD.

The PRESIDENT *pro tempore*. It is a memorial——

Mr. HARRIS. I understood the Senator's request to be that it be printed as a part of his remarks, not necessarily printed in the RECORD by itself, but I understood him to desire that it should appear as a part of his remarks.

Mr. MITCHELL, of Oregon. I confess I am surprised, and I shall be still more surprised if I find that the report of the proceedings of any day of this session shall show, that I asked that this particular memorial lie on the table. If I did, I acted under a misapprehension, supposing it was some other matter, from the simple fact that I have been watching from day to day to see that the memorial was presented by one of the Senators from the State of California.

Mr. INGALLS. May we be informed what this memorial is?

The PRESIDENT *pro tempore*. The Chair will ask the Senator from Oregon what memorial he refers to?

Mr. MITCHELL, of Oregon. I refer to the memorial sent to the Senate by the State convention in California.

Mr. INGALLS. There evidently is a misunderstanding.

The PRESIDENT *pro tempore*. There is a misunderstanding as to the memorial the Senator from Oregon alludes to.

Mr. MITCHELL, of Oregon. I will straighten the matter in a moment if the Chair will allow me. The Chair is under a misapprehension. The Chair misunderstood me. I was not referring to the memorial now under discussion. I was referring to the memorial of the Sacramento convention, which was some days ago presented to the Senate, I think by the Chair, and referred to the Committee on Foreign Relations. Another copy, I think, was presented by the honorable Senator from California [Mr. STANFORD] and also referred to the Committee on Foreign Relations. That is the memorial to which I refer, and not the memorial I have been discussing.

The PRESIDENT *pro tempore*. The Chair does not remember about that. The memorial referred to by the Chair is the one on which the Senator is now addressing the Senate.

Mr. MITCHELL, of Oregon. The Chair was under a misapprehension. I referred to the memorial I have been speaking about for some time past, prepared by the committee in California, submitted to the State convention in Sacramento, adopted unanimously by the Sacramento convention, and forwarded to the Senate, and a copy of which I hold in my hand.

Now I ask unanimous consent of the Senate, in order to save time, although I regret exceedingly that we have not the time to have some good reader, like my friend from Vermont [Mr. EDMUNDS] or my friend from Massachusetts [Mr. HOAR], read this memorial for the benefit of the Senate and the country—I ask unanimous consent that it may be printed as part of my remarks. If this consent is given, I shall not detain the Senate longer. If it is not given, I shall read the memorial myself as part of my remarks.

Mr. INGALLS. The other day unanimous consent was given upon the application of the Senator from New Hampshire [Mr. BLAIR] to an insertion in the RECORD, without reading, of a memorial purporting to proceed from the women of Utah. It was a vulgar, profane, obscene, and indecent document; and no further consent will be given, so far as I am concerned, to the insertion of any documents in the RECORD without reading, unless their contents are vouched for by some person who has read them and who declares that they are fit to be read by the American people. I object, Mr. President, to the insertion of this memorial, unread, in the RECORD.

Mr. MITCHELL, of Oregon. With the qualification stated by the Senator from Kansas I for one will vouch for this memorial that there is nothing in it indecent; on the contrary, it is one of the ablest, most comprehensive, and dignified papers that I have ever read upon the great question of Chinese immigration to this country. It is one that relates to a question in which all the people of this country are interested. There is nothing in it or about it that could offend even the sensitive ear of my friend from Kansas; and if objection is made I shall proceed to read it myself.

Mr. BUTLER. May I ask the Senator from Oregon if——

Mr. CULLOM. I desire to remind the presiding officer that 2 o'clock has arrived, the time for the regular order.

The PRESIDENT *pro tempore*. The regular order is now before the Senate; but the Senator from Oregon has the floor by the consent of the Senator from Illinois.

Mr. CULLOM. I hope the Senator will get the document into the RECORD.

Mr. BUTLER. May I ask for information, is that the memorial prepared by Mr. Swift?

Mr. MITCHELL, of Oregon. Yes, sir.

Mr. BUTLER. I make no objection.

Mr. MITCHELL, of Oregon. I think it is a matter of justice to the people of the State of California and the Pacific coast that this memorial should be printed in some form or at some time.

Mr. HOAR. Let it be printed as a document.

Mr. MITCHELL, of Oregon. Now as a document, or when?

Mr. HOAR. Now, as a document for the use of the Senate; that is much more convenient for distribution.

Mr. MITCHELL, of Oregon. I have no objection to have it printed as a document of the Senate.

The PRESIDENT *pro tempore*. The Senator from Oregon modifies his motion, that this memorial be printed as a document in the ordinary form. Is there objection? The Chair hears none, and the order to print will be made.

Mr. MITCHELL, of Oregon. I now give way to the regular order, and thank the gentlemen who have given way to me, first moving to refer to the Committee on Foreign Relations the memorial of the Annual Conference of the Methodist Episcopal Church of New York.

The motion was agreed to.

Mr. PLUMB. I now move to proceed to the consideration of the Post-Office appropriation bill.

The PRESIDENT *pro tempore*. The Senator from Kansas moves, pending the regular order, to proceed to the consideration of the Post-Office appropriation bill.

Mr. PLUMB. I will yield to the Senator from Vermont.

THE FREE STATE OF CONGO.

Mr. EDMUNDS, from the Committee on Foreign Relations, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be, and he is hereby, requested, if in his opinion it is not incompatible with the public interest, to cause to be furnished to the Senate a copy of any report or reports made by any officer of the United States touching the condition of affairs in the Free State of Congo that may be in the possession of any of the Executive Departments of the Government, and which may not have been already communicated to either House of Congress.

LANDING OF CHINESE EMBASSY AT SAN FRANCISCO.

Mr. EDMUNDS, from the Committee on Foreign Relations, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be, and he hereby is, requested, if in his opinion it is not incompatible with the public interest, to communicate to the Senate any information in his possession touching the circumstances attending the arrival and landing of the Chinese embassy recently at San Francisco, together with a copy of any correspondence that may have taken place on the subject.

POST-OFFICE APPROPRIATION BILL.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Kansas [Mr. PLUMB].

Mr. CULLOM. Before the motion is put I desire to inquire of the Senator—as I understand under the rules appropriation bills have the right of way—how long he supposes it will take for the consideration of the Post-Office appropriation bill? I understand I have to give way if the Senator insists, but I very much regret that the discussion of the interstate-commerce bill had on yesterday is not to be renewed until after a delay. I hope the Senate will allow the consideration of this bill, after the appropriation bill is disposed of, to proceed until it is finished. I am very anxious myself soon to be absent from the Senate for a few days.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Kansas.

Mr. HARRIS. I ask unanimous consent that the unfinished business be informally laid aside, not that it be displaced by the motion.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks unanimous consent that the pending order be informally laid aside with a view to proceed to the consideration of the Post-Office appropriation bill. Is there any objection? The Chair

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5887) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887.

Mr. PLUMB. I ask that the amendments reported by the Committee on Appropriations be considered as they are reached in the reading of the bill.

The PRESIDENT *pro tempore*. If there be no objection, that order will be made.

The Chief Clerk proceeded to read the bill. The first amendment of the Committee on Appropriations was, under the head of "Office of the First Assistant Postmaster-General," in section 1, line 21, after the word "dollars," to insert:

And the Postmaster-General is hereby authorized to rent a suitable building on Capitol Hill for use as a branch of the Washington city post-office, at a rate not exceeding $30 per month, until further action of Congress.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in section 1, line 31, after the word "cents," to insert "$40,000 of which may be used, in the discretion of the Postmaster-General, for the establishment, under existing law, of the free-delivery system in cities where it is not now established;" so as to make the clause read:

For free-delivery service, $4,928,531.25; $40,000 of which may be used, in the discretion of the Postmaster-General, for the establishment, under existing law, of the free-delivery system in cities where it is not now established.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Office of the Second Assistant Postmaster-General," in section 1, line 47, after the word "dollars," at the end of the clause appropriating $575,000 for "inland transportation by steamboat routes," to insert:

The Postmaster-General is authorized to contract for inland and foreign steamboat mail service, when it can be combined in one route, where the foreign office or offices are not more than two hundred miles distant from the domestic office, on the same terms and conditions as inland steamboat service, and pay for the same out of the appropriation for inland steamboat service; said contracts to be made with and performed by American built and registered steamships, at a rate not to exceed fifty cents per nautical mile on the trip each way actually traveled between the terminal points.

Mr. PLUMB. That amendment, with the exception of the last clause, is a repetition of the language found in a similar place in the Post-Office appropriation bill of last year. It is designed to cover the service between Tampa, in Florida, and Havana, in Cuba, a portion of which is coastwise service, and the remainder of which, from Key West to Havana, is foreign service. For the purpose of expediting the mails and not leaving the service between Key West and Havana, a shorter distance, under the inhibition and burdens of the existing law with reference to the transportation of foreign mails, the committee, on the recommendation of the Postmaster-General, last year inserted this provision, except so much as relates to the rate of pay. The committee recommend that the provision be changed this year by limiting the rate of pay to 50 cents a nautical mile for each mile traveled going and coming.

Mr. BECK. I only rise for the purpose of asking the Senator from Kansas, as this brings up perhaps the question involved in the amendment from line 100 to line 114, to allow the amendment to be passed over without prejudice until the rest of the bill is through, and let this be looked into afterward.

Mr. PLUMB. I have no objection to that course.

The PRESIDING OFFICER (Mr. DOLPH in the chair.) The Senator from Kentucky asks that the amendment be passed over informally. Is there objection? If not, it is so ordered.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 1, line 70, to increase the appropriation for "necessary and special facilities on trunk lines" from $251,725.82 to $291,000.

Mr. PLUMB. The money which has heretofore been appropriated for this service has been expended according to a table which I will send to the desk and ask to have incorporated in the RECORD. The bulk of it has been spent for a fast service between the city of Springfield, Mass., and the city of Jacksonville, Fla. The Boston mail arrives at Springfield at an hour which makes it possible by expediting the service to take it up in such a way as to carry it to New York, at which point it intercepts what is called the newspaper train, and from there it is carried by service which has been expedited to the city of Jacksonville, in the State of Florida, the time between New York and Jacksonville being thirty-two hours. That sum has been paid for two years, and the Department recommends that it be kept up.

Since the passage of the last act a completed railroad service has been established between Jacksonville and Tampa. Heretofore the mail was carried up the Saint John's River from Jacksonville to Sanford, where it was placed upon a narrow-gauge railroad extending to Tampa. In the mean time, as I have said, the railroad has been completed clear through.

Mr. INGALLS. A broad-gauge?

Mr. PLUMB. It is not a broad-gauge now, but it will be on the 1st day of July. The gauge is to be changed. The gauge of all the railroads South, now 5 feet, is to be changed to what is known as the standard gauge between now and the 1st day of July, so as to make a uniform gauge of 4 feet 8½ inches all over the United States; that is the standard gauge.

One of the impelling causes to the making of this appropriation originally was to shorten the service between New York and Havana. The completion of this link of railroad between Jacksonville and Tampa the committee thought likely would enable the Postmaster-General to materially shorten the time. The service now is about ninety hours from Havana to New York. If an arrangement can be made whereby the mails can arrive in Jacksonville four hours earlier, they can be carried from New York to Havana in sixty-two hours, which will make a very material saving and be something very important to the interests which are to be subserved by the rapid transit of the mail.

We had official information, or information in its nature official, that the Cuban authorities are now contemplating subsidizing or giving extra pay to a line of steamers between Cuba and Tampa under American management, and that it is their expectation to send their outward foreign mail via this line to New York, to be there transmitted to the ports of foreign destination. The sum of $40,000 was added for the purpose of enabling the Postmaster-General to shorten the time between New York and Tampa in such a way that the boat carrying the mails from there to Havana could leave Tampa not later than 6 or 7 o'clock in the evening and arrive at Havana before sunset on the following evening, thereby, as I said, making a schedule between New York and Havana of about sixty-two hours.

If this purpose can not be accomplished, I think I am safe in saying that the committee felt as though no portion of the service was now materially to be maintained; but there seemed to be a reasonable expectation that this might be done, and the item was inserted, leaving the whole matter to be expended in the discretion of the Postmaster-General with a view of accomplishing this purpose, just as heretofore it has been left to him.

The PRESIDING OFFICER. Does the Senator from Kansas desire to have a paper inserted in the RECORD?

Mr. PLUMB. I ask to have a table inserted in the RECORD for information, relating to the manner in which the money is given for this service.

The PRESIDING OFFICER. The Chair hears no objection, and the table will be inserted.

The table is as follows:

Statement of expenditures on account of special facilities for the fiscal year ended June 30, 1885, out of the $250,000 appropriated by act of July 5, 1884.

Number of route.	Termini.	Title of company.	Distance.	Amounts paid.
			Miles.	
5005	New York, Springfield	New York, New Haven and Hartford Railroad	135.59	$17,647 06
6011	New York, Buffalo	New York Central and Hudson River Railroad	442	25,000 00
10001	Baltimore, Philadelphia	Philadelphia, Wilmington and Baltimore Railroad	96	20,000 00
10006	Baltimore, Williamsport	Western Maryland Railroad	93.20	15,738 50
(*)	Baltimore, Hagerstown		86.60	
10013	Bay View (n. o.), Washington	Baltimore and Potomac Railroad	45.20	21,900 00
*11001	Washington, Quantico		34.70	
*11001	Quantico, Richmond	Richmond, Fredericksburg and Potomac Railroad	81.30	17,419 26
11008	Richmond, Petersburg	Richmond and Petersburg Railroad	23.30	4,197 50
11009	Petersburg, Weldon	Petersburg Railroad	65.31	11,680 00
13002	Weldon, Wilmington	Wilmington and Weldon Railroad	162.07	29,565 00
*14002	Wilmington, Florence	Wilmington, Columbia and Augusta Railroad	111	20,075 00
*14004	Charleston Junction, Savannah	Charleston and Savannah Railway	108	19,062 00
14005	Florence	Northeastern Railroad	102	17,337 50
15009	Savannah, Jacksonville	Savannah, Florida and Western Railway	171.50	30,368 00
				249,999 82

*Part.

Mr. BECK. Has the amendment been agreed to?

The PRESIDING OFFICER. It has not been acted upon. The question before the Senate is on agreeing to the amendment.

Mr. BECK. If the purpose anticipated by some members of the committee can be carried out I see no objection to the appropriation, and perhaps, as it is in the discretion of the Postmaster-General, there can be no harm done; but all the information we had, so far as it impressed itself upon me, was that it would be impossible to accomplish

the result desired. The mails starting from New York in the morning at the hour they do might perhaps reach Jacksonville half an hour or an hour earlier than now, but until very great improvements are made they can not reach Tampa so as to leave there in time to get to Havana before the next night, and they can not land after sundown in Cuba.

Mr. FRYE. How far is Tampa from Havana?

Mr. BECK. It is 240 miles, according to my recollection. The mails reach there now at 9 o'clock at night, and the boat stays there until the next morning. I do not believe that with the present steamboat facilities from Tampa to Havana it is possible to reach Tampa in time for the boats to leave that night, because there is some difficult navigation in the Tampa Bay, 22 hours being about the minimum and 24 hours the ordinary trip across.

I was rather inclined to think that it would be impossible to do what the committee seemed to desire and what perhaps we all desire. If it can be done in that way and the people of Cuba could be induced to send their mails over our line and supply Charleston, Savannah, Jacksonville, and the intermediate towns direct from Havana instead of, as now, going direct from New York and coming all the way back, which makes a good deal of delay, the object is worthy of effort.

I only desire to say that while I do not oppose the amendment, I doubt whether it is possible to improve that service even by the additional facilities we propose to give. If it can be done the object is a good one. I think the chairman of the committee, and perhaps the Senator in charge of the bill himself, had grave doubts as to the possibility of its being done.

Mr. PLUMB. I will state to the Senator from Kentucky that since the committee acted upon the bill I have seen people who have personally administered the line from Washington south, and they assure me that there will be no trouble at all in making the time between New York and Jacksonville enough shorter to enable the mail to arrive at Tampa in time to get out the same evening. So I am now more satisfied than ever that the object which the committee has in view will be accomplished.

Mr. ALLISON. I think I ought to say a word in reference to this matter, inasmuch as the Senator from Kentucky has somewhat expressed my own view with regard to it. I do not object to this appropriation, and I think it will be an excellent appropriation of the public money if what is proposed can be carried out; but it ought to be distinctly understood that this money is not to be used unless what is proposed can be carried out. We are now paying $251,000 for expediting the mails chiefly between Philadelphia and Jacksonville, these mails being taken up at Philadelphia by a train which leaves New York at 4.45 in the morning and which arrives at Jacksonville at 12 o'clock noon on the following day, making the trip thirty-two hours from New York city. I do not very well see myself how the time of starting from New York city can be changed, as that is the train which carries the newspapers to Philadelphia, Baltimore, and Washington, arriving here about 11 o'clock in the morning. The time perhaps could be shortened three-quarters of an hour or possibly an hour in New York city; but it is necessary that this through line shall reach Tampa before sundown on the following day after leaving New York.

Mr. INGALLS. What is the time now?

Mr. ALLISON. It now takes nine hours from Jacksonville to Tampa, at, I think, from twenty-seven to thirty miles an hour. So it will be necessary for the train which leaves New York, say at 4 o'clock in the morning, to reach Tampa before sundown the next day, because the boats can not leave the harbor at Tampa, I understand, except during daylight. That was the statement made to the committee. They can not enter the harbor of Havana after sundown.

So this appropriation is made with the idea and understanding that in order to use it at all the Department must accomplish what I have just stated, namely, the mails must reach Tampa on the evening of the second day in time for the steamer to depart from Tampa to Havana before dark. If that can be accomplished, I think it is a wise thing to expend this additional sum of money to accomplish it; but I do not wish a Postmaster-General or any officer of this Government to suppose that he can use the additional money proposed here unless this is accomplished. I have no reason to suppose that any Postmaster-General would so use it.

There is now but a single vessel between Tampa and Havana. Of course if this money is used, it must involve the supply of additional vessels between Tampa and Havana, which will authorize the daily transmission of mails between these two points in order to justify this expenditure. But we agreed to it because many persons believe it can be accomplished, and if it can be I think it is at least as wise an expenditure of the public money as the expenditure of the $251,000 already in the bill.

Mr. MILLER. I should like to ask the Senator in charge of the bill if it is the intention of the committee that the mails shall not be again carried by steamer, as had been done for a long number of years, from New York to Havana. This appropriation is to be made in furtherance of the operations of the Postmaster-General for the past year in refusing to carry out the direct provision of law appropriating $400,000 for carrying foreign mails upon American steamers. He has undertaken to carry the mails over railways and in fishing smacks and all sorts of vessels he can get to ply from the ports of Florida to Havana, very much to the discomfort and loss of all the business interests of this country.

If after the experience of the past year with the present Postmaster-General in his method of doing business the committee think that under the language which they have added in the amendment the Postmaster-General would carry out their intentions as they have been expressed here by the Senator from Maine and by the Senator from Iowa—if they think it safe to make an appropriation of that kind and leave it entirely in the discretion of the Postmaster-General to do as he pleases with the money whether he succeeds in doing what the committee expect to do or not, for one I have only condemnation for the action of the Postmaster-General in his refusal to carry out the law of Congress, to use the money appropriated in order to carry the mails from New York to Havana. According to the explanation which has been made thus far, I do not see what is to be gained in point of time. It now takes, I understand, three and a half days from New York to Havana by railroad and by steamer from Tampa.

Mr. PLUMB. It takes something over ninety hours.

Mr. MILLER. That is a little more than three days and a half. The sailing time of nearly all the steamers running from New York and other American ports to Havana is now less than that. In fact, I have passed over the line myself in less time than that. In the business being transacted by American merchants with Havana, if their mails are carried in the same steamer that their goods go, they are delivered in time for the business quite as effectually as can be done by any other method of transportation.

Mr. PLUMB. In regard to the service so far as Jacksonville it has been carried on for the past two years in a satisfactory way. It was established partly with the idea of giving to the people living in the important cities along the Atlantic coast line south of Washington an expedited service, and also with a view of shortening the time between New York and Havana. I have no doubt it is true, as the Senator from New York has stated, that sometimes the vessels from New York to Havana make the trip as quickly as it has been made by this combination of railroad and steamship service heretofore, but at the same time I am advised that it is not as uniformly a short schedule as has been furnished by the combination of the land and water line. But now, by reason of the completion of the gap in the railroad between Jacksonville and Tampa, it seems to me that we reach a possibility of getting a service which will be much less than any steamboat service heretofore has been.

Being in the line of that which the Department has heretofore been paying, the committee felt that it was entirely safe to give the Postmaster-General this extra money now, and that he would use it only for the purpose of making the expedition which has been spoken of and which we believe to be within reach. If we can get this service between New York and Havana in sixty-two hours, which is not only of great importance to the terminal points but of great importance also to the intermediate section of the country, the committee had some reason to believe that we should receive by reason of the transportation of the Cuban mail bound for European ports enough money to make up the extra compensation which we place in the bill to pay for the expedited schedule. The question upon which the Senator from New York touches will come up directly on another amendment to the bill.

Mr. FRYE. I do not object to any railroad postal facilities of any kind, but I wish to call the Senator's attention to the fact that the Postmaster-General pays precisely the same for carrying the mails from Tampa to Havana that he pays for carrying the mails from New York to Havana, so that all the pay on the railroad is so much increased expense.

Mr. PLUMB. If that results in an increased rapidity of service, then the result aimed to be accomplished by the appropriation has been realized.

Mr. FRYE. I should not object to it.

Mr. CALL. Mr. President, the object of this appropriation is to concentrate the mails from the West Indies, which now go to Europe by subsidized vessels of the Spanish Government, through the United States and by steamship mail service from New York to Europe. It is estimated upon very reasonable probability that the compensation of that increased mail, the whole of which will go by this route, because several days will be saved by it over any other possible route, will pay the increased cost of this transportation. That is the estimate, besides the commercial advantages of an immediate and expeditious intercourse with the island of Cuba. There are at this time several millions of dollars of imported values from Cuba to this country in the shape of tobacco and in connection with the domestic manufacture of cigars. There is much revenue derived by the Government from that trade, and it will be very largely increased. There is very considerable trade between this country and Cuba in cattle and in various productions, all of which will be largely advanced by this speedy and expeditious intercourse, besides the amount of travel that will pass through the United States on this new and rapid line.

Senators are mistaken when they doubt the practicability of this provision. There is no kind of difficulty about it. The objection is made that at Tampa there is some difficulty in the exit from the harbor after

dark. There is, however, as will be perceptible to any one, no difficulty in a ship dropping down some 10 miles below the harbor in deep water, where she may at all hours of the night pass out. The only thing required, with the present facilities expedited as they will be by this bill, if the mail should not get there until 8 or 9 o'clock, will be that the vessel shall leave within an hour after the arrival at Tampa by dropping down some 10 miles. The ordinary time of a fast steamer—and the steamer that is now upon the route doing the service will be supplemented by others, of course—is twenty hours. The average time will be twenty hours, leaving a margin of from three to four hours in which to arrive at the port of Havana, which can not be entered according to the regulations of the island after dark. So there is no doubt about the practicability of it and no doubt about the great advantages of it.

The PRESIDING OFFICER. The Secretary will state the amendment again.

The CHIEF CLERK. In lines 70 and 71, strike out the words "fifty-one thousand seven hundred and twenty-five dollars and eighty-two cents" and insert "ninety-one thousand dollars;" so as to read:

Necessary and special facilities on trunk lines, $291,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Office of the Superintendent of Foreign Mails," after line 99, to insert:

For the transportation of foreign mails by American built and registered steamships, to secure the greater frequency and regularity in dispatch, and a greater speed in the carriage, of such mails to Brazil; the Republics of Mexico, Central and South America; the Sandwich, West India, and Windward Islands; New Caledonia, New Zealand, and the Australian colonies; China and Japan, $800,000; and the Postmaster-General is authorized to make, after due advertisement for proposals, such contract or contracts with such American steamships, for a term of not less than five years, and at a rate of compensation not exceeding for each outward trip $1 per nautical mile of the distance, in the most direct and feasible sailing course, between the terminal points, as shall be found expedient and desirable to secure the ends above set forth.

Mr. BECK. I desire to submit to the Chair whether the provision authorizing the contracts made with American-built steamships for a term of five years at a rate of compensation not exceeding $1 per nautical mile of distance is not new legislation and such as is subject to the point of order. I shall at least raise that question and ask the decision of the Chair upon it.

Mr. PLUMB. I ask the Senator from Kentucky if he would not just as soon interpose the point of order at a later hour?

Mr. BECK. I should be very glad to do that. Indeed, owing to the absence this morning from the city, as I understood, of the Senator from Kansas in charge of the bill, some data that I expected to use in the discussion of this question I did not bring with me to-day. If we could finish the interstate-commerce bill to-day so that I might have until to-morrow morning to look into this particular question I should be very much obliged. But the interstate-commerce bill perhaps could not be finished to-day. I desire to be heard on this amendment, and I think I should take less time if I had a chance to look at the question more fully than perhaps I could do now if I should ramble through some reports, one of which I only got this morning, and of which I furnished a copy to the Senator who has charge of the bill.

Mr. PLUMB. For the purpose of meeting the suggestion which the Senator from Kentucky has made, I proposed that the point of order go over in order that the other debate might occur now. I should be very glad indeed to allow the bill to go over until to-morrow if I could be certain that I should not be obliged to contend for the floor to-morrow and with just as much chance of losing it then as I had to-day. Not being able to make an arrangement, therefore I felt that I ought to carry out the purpose of the committee. If the Senator does not interpose his point of order now, some portion of the discussion favorable to the amendment at least will occur to-day, and he will have the benefit of the debate as well as the benefit of getting the data which he lacks.

Mr. BECK. I am willing to waive anything except that. I do not feel quite able to discuss the question as pointedly and as briefly to-day as I should if I had until morning. All that is desired to be said by others I should be very glad to hear this afternoon, hoping that the bill may not be concluded until to-morrow morning.

Mr. FRYE. Will the gentleman from Kentucky state what his point of order is?

Mr. BECK. I have withdrawn it. I desire to make the point of order that the proposed contract being for five years, limited to American-built ships, this is new legislation. I withdraw the point of order.

Mr. FRYE. Does the Senator from Kentucky raise this point of order on the five years' contract?

Mr. BECK. Also on the fact that it is confined to a certain class of ships to which it has not heretofore been confined. Those are the two questions which I shall make.

Mr. HARRIS. That it is new legislation?

Mr. BECK. That it is new legislation on an appropriation bill. But I waive the point of order for the present for the purpose of hearing all that may be said, as the Senator in charge of the bill suggests. I should be very glad to hear the Senator from Maine [Mr. FRYE], and I am willing to withdraw the points of order. The Senator from Maine is chairman of the Committee on Rules, of which my friend from Tennessee [Mr. HARRIS] is a member, and I believe it is pretty well known that I am not an expert on rules. What I desire is not to be obliged to close the debate on this question this evening, for I could be heard more satisfactorily and take less time in the morning after I procure some documents which I did not bring to-day, thinking the appropriation bill would not come up.

Mr. FRYE. The Senator from Maine does not wish to be heard. He has discussed the general merits of the question presented so many times on the floor of the Senate and on the floor of the other House that he has no ambition to discuss it further, and will not do so unless something in the progress of the debate or something touching the point of order shall be raised which shall, in his opinion, require his discussion of it.

Mr. BECK. The Senator from Maine will observe that the amendment reported by the committee is a very pronounced modification of the amendment offered by himself, and it was for that reason I presumed that the Senator from Maine would desire to be heard. I did not desire to invite any discussion by the Senator from Maine, of course.

The PRESIDING OFFICER. Does the Chair understand the Senator from Kentucky to insist upon his point of order?

Mr. BECK. I do not. It has been waived at the request of the Senator in charge of the bill.

The PRESIDING OFFICER. The question then is on agreeing to the amendment of the Committee on Appropriations.

Mr. PLUMB. I understand that the Senator from Kentucky will at a later period interpose his point of order.

Mr. HARRIS. It is understood that the Senator from Kentucky reserves the right hereafter to make the point of order upon the amendment.

The PRESIDING OFFICER. So the Chair understands. The Chair supposed he had made that reservation.

Mr. HARRIS. But for the present he has withdrawn it.

The PRESIDING OFFICER. The question of order can be raised at any time. The question is on agreeing to the amendment of the Committee on Appropriations.

Mr. PLUMB addressed the Senate. [See Appendix.]

Mr. FRYE. I do not intend to discuss this question, but I wish to make a very few suggestions, as the Senator from Kentucky [Mr. BECK] intends to reply to-morrow.

There is a very singular condition of things in the country to-day. There is a great confusion, a kind of a daze, among the laboring men of the Republic, and you hear of strikes and riots and boycotts and all manner of disturbances, and Congress hastens to afford relief. The national House of Representatives passes a bill providing for arbitration; the Senate is ready to take up and pass another, and the President of the United States sends us a message suggesting that provision be made for a board of arbitrators. Now, sir, all this does no harm. The bill of the House, the bill which the Senate will pass, the recommendation of the President, are all entirely harmless. They are, however, giving brown-bread pills to a fever patient. That is all. The medicine does not strike at the root of the disease in the least particular.

Now what is the disease? Carroll D. Wright, your Labor Commissioner, in his recent report, says that there are one million of men in the United States to-day out of work. There is the disease, if he is right. You take the Knights of Labor, for instance, to-day in any State. They stop work. They have a right to do it; nobody questions the right; but to their utter amazement they see just as many men ready to take their places. Then come serious temptations to induce the men ready to take their places not to take them. Then what? Very likely among the more violent there comes a riot, a violation of law, an appeal to the courts, an appeal perhaps to arms, and men, it may be, are slaughtered. How happens it that when there is a strike, as it is called, there are enough men to fill the places of those who have struck? It comes from the fact that you produce to-day from your farms and your mines and your manufactories more than you can use. There is the disease. It comes from the fact that you raised last year, from farms, mines, factories, and forests, fifteen billions of dollars' worth of products and that you exported but 2 per cent. of the whole. It comes from the fact that your people can not consume those fifteen billion dollars' worth; and when the men made idle complain your reply is arbitration, the Senate reply will be arbitration, and the President's is a commission of arbitration! These skilled laborers are men of intelligence, and are not to be cheated by any such harmless nostrums; when they ask bread they will not be content with a stone.

Why, sir, I hate to start the Senator from Kentucky on a tariff speech, though I know it is a good one that he will make; but I can not help giving him a word or two of suggestion in that direction. It is said that the President of the United States is undertaking to pass through the House of Representatives the Morrison tariff bill. Whether it is true or not, I do not know. We imported last year from Great Britain $37,000,000 worth of cotton goods, and we raised the cotton here. Every single dollar's worth of those thirty-seven millions could just as well have been made in the United States of America as in Europe, and if they had been, one hundred thousand of these men out of work would not have been idle.

In 1883 you forced us to reduce the duties on those goods from 16 to 33 per cent., and an increased importation followed. The present Morrison tariff bill proposes to cut the duties down from 16 per cent. to 33 per cent. more, and if it becomes a law you will import instead of $37,000,000 worth $75,000,000 I think, and you will turn out of employment two hundred thousand more men to engage in strikes. And yet the President in one hand offers a message to heal labor troubles by arbitration, and in the other hand a demand on the House of Representatives that they shall turn out of work two, or three, or five hundred thousand more American laborers.

Mr. BECK. Will the Senator allow me? I desire to help him along with his speech.

Mr. FRYE. I do not need any help.

Mr. BECK. But this is in his line. All commerce is recognized now, I believe, to be proper. Great Britain takes from us now of our exports $500,000,000 a year and sells us $150,000,000. What has she got to say about that surplus if we are grumbling in that condition of trade?

Mr. FRYE. I will not now reply to that. I have heard that question discussed on this floor by the Senator from Kentucky every year since I have been here, and I heard it, too, in the House of Representatives long before I came. I want to go one single step further with my illustration, and the Senator will reply to it to-morrow.

We imported last year forty-three million dollars' worth of woolen goods, every dollar of which could have been made in our own Republic just as well. We imported about forty million dollars' worth of iron and steel manufactures, every dollar of which might have been made here. We imported nineteen million dollars' worth of linen goods and eight million dollars' worth of manufactures of jute, about thirty-seven million dollars' worth of silks, and we could have made them here. And if we had, Carroll D. Wright could not have reported that one million of men in the United States were out of employment—not by any manner of means. Five hundred thousand more men would have been at work, and the President of the United States would not have been called upon to deliver a message to the Congress recommending a commission to arbitrate. Mr. President, it is worse than useless to bring the healing of arbitration in one hand and the infinitely worse disease of free trade in the other.

But, sir, I did not intend to discuss the tariff when I rose. I say the trouble among our laborers to-day comes from a surplus. What are you going to do with it? You must get rid of it somehow and somewhere. Your wheat may, as the Senator from Kentucky suggests, go to Great Britain. That is not the only product. There are your cotton, woolen, and silk goods; your manufactures of iron and steel. How are you to get rid of the surplus of them? Send them to Great Britain? We have a surplus of ten and she has a surplus of one hundred. Send them to France? There the same is true. She has a surplus and a tariff too. Send them to Russia? She has a tariff. Send them to Germany? She has a tariff. Where will you send them? You must find a market for them somewhere, or there will be idle men and labor troubles too.

The only countries you have for markets are right here by your very doors, right here on your borders, sister republics formed after the likeness of our own; in full sympathy with our Republic, with our purposes, with our civilization, and with our designs for the future, willing to trade, anxious to model after us, even adorning their parks with the statues of our Washington and of our Lincoln. Take the Argentine Republic, to-day growing as rapidly as the United States, having as large an immigration in proportion to her inhabitants as the United States to-day, with a splendid climate, a fertile soil, a good people, divided into states, and every state equipped with a normal school modeled on ours in New England, and in every normal school a teacher from the United States at the head, instructing with all their might and all their energy in the lessons of our civilization. The Argentine Republic appropriated last year $59,000,000 to railroads alone, and is building them from that appropriation to-day. Is not this progress?

Let me show you what the increase has been in importations of this republic. In 1876 their imports were $36,000,000; in 1884 they were $80,000,000, more than doubling since 1876. Where do they come from? From England, France, and Germany, all but about $6,000,000. What were they? All manufactured goods, the whole of them. What, principally? Cotton goods largely, and the South can furnish the whole of the Central American and South American states with all the cotton goods they want to use, cheaper than Great Britain can place them there to-day.

Mr. BECK. Why do they not buy them here?

Mr. FRYE. I will tell the Senator. They do not buy them here because the Senator from Kentucky like a watch-dog stands between the Treasury and an honest payment for carrying the United States mails to the Argentine Republic.

Mr. BECK. May I interrupt the Senator a moment?

Mr. FRYE. Not now; I want to finish that answer. The Argentine Republic appropriated $96,000 three years ago to carry her mails from her country to the United States and it has been a standing offer since, and the United States, because the Senator from Kentucky and the Democratic party of the House and the Postmaster-General stand directly athwart progress, refuses to pay over $2,000 for carrying our mails to the Argentine Republic, and we have no mail there, and the American flag last year was not in sight of the coast of that republic. Why, sir, there were over two hundred steamers of Germany, France, and England in the waters of the Argentine Republic last year, and not a single American ship or American flag, and yet with an importation of $80,000,000, every dollar of which we could supply her with and thus employ two or three hundred thousand of the men the Senator from Kentucky is so anxious about. We have not a single line of steamers there. The Brazilian line is building three ships to-day, and if the Senator from Kentucky would permit this amendment to become a law those three ships within sixty days would be running to the Argentine Republic and there would be a communication opened which would result in our getting our fair share of that trade. Now I will yield.

Mr. BECK. I will not interrupt the Senator from Maine any more. I rose to tell him why England had the trade; and his mails and his letters and his subsidies are worse than brown-bread pills.

Mr. FRYE. I know just what the Senator would tell me.

Mr. BECK. I will tell you.

Mr. FRYE. I know it perfectly and will wait until to-morrow to hear it.

Mr. BECK. I can tell in a word.

Mr. FRYE. Very well; let us have it.

Mr. BECK. We can make goods as cheap as England so the Senator says, but England carries her goods to the Argentine Republic and she takes their copper, she takes their wool, she takes everything they have got and lands it in her own ports and sets her people to work to make more. They have no money. We will not take their goods. We have got to take what they have got, and if they can not buy of us because of a miserable war tariff of 46 per cent. that prevents our people from landing the goods they are willing to give us and that England takes and lands and puts her own people to work upon to manufacture more, they resort to England. That is why; and it is not mails, and it is not subsidies at all, that will supply a remedy.

Mr. FRYE. The Senator knows that Great Britain last year paid more money for carrying her mails—if he calls it subsidizing, I will say for subsidizing her steamship lines to South and Central America than the United States pays in any two years for the carrying of all her mails the world over. She paid last year $1,700,000 for her mails to China and Japan and Australia, and we paid $11,000. That is the reason Great Britain has facilities when we do not have them, and the Senator from Kentucky knows it well.

What would it amount to to establish one line? I say that one line to the Argentine Republic, with two steamers a month, is worth more to this Republic than your $800,000 contained in this amendment. I say it is worth more to laboring men than all the arbitration bills these two Houses will pass; and it is no statesmanship to talk about labor unless you are ready to do that which will relieve it and send the surplus you have in this country abroad and thus employ the men who are idle. Fair mail pay—the same you pay stages—will insure direct communication with these republics.

Why, sir, a man whom it is hardly safe to mention in the United States Senate, John Roach, one of the honestest men and one of the ablest I ever saw in my life, a man who is an honor to this Republic and who has done more to keep our flag on the ocean than any other living man—John Roach put on a line to Brazil. Dom Pedro paid him $125,000 a year for carrying the Brazilian mail to New York, while you paid him about $8,000 for carrying the United States mail to Brazil. Dom Pedro withdrew, of course, his mail pay, and John Roach's line was withdrawn. Now there is one line to Brazil, and that line has been carrying your mail all down through that section of country to the islands in the sea where other steamship lines would not carry them, and trusting to what for pay? To the Postmaster-General? No, to Congress.

The Postmaster-General could pay them 5 cents a letter or 4 cents a mile. He can pay for carrying the mails from San Francisco to Sitka 60 cents per mile. He can do that, but he can not pay for carrying the mail down to Rio de Janeiro over 3 cents per mile, or at the outside 4½, provided you included both sea and inland postage. Increase the pay to this Brazilian line, and, according to the logic of the Senator, it is a subsidy, but only fair mail pay from San Francisco to Alaska!

They are paying $100,000 a year for carrying their mail up here and you are paying about $4,000 a year for carrying your mail down there. How long that sort of a copartnership will last I do not know. One of these vessels sailed a few days ago. I wish to show what a vessel of that kind does for the United States of America. Does the Senator from Kentucky think that his State has no sort of interest in this steamship line? But this one steamer sailing a fortnight ago took of the manufactured products of the United States $262,000 worth in one cargo, one voyage. I have the manifest in my hands.

Why, sir, it took $20,000 worth of cotton goods from the Senator from Georgia's State, jeans and cheap cottons. The mills there were running low, the hands were getting out of employment, and the agent of the Brazilian steamship line went down there, inspected those mills and looked at their goods. Said he: "Gentlemen, you are making just

the goods for Brazil; they can be sold there without difficulty; you just put them up into such and such packages of a size that they can be carried on mule-back, and I will take $20,000 of those goods on the very next steamer that sails;" and he took the $20,000 worth, and thus afforded just so much more room for the laboring men of Atlanta. That leaves $20,000 to make up there in Georgia. Here on the manifest is gutta-percha, here are medicines, here are surveying instruments, books, stationery, lamps, plated ware, car wheels, locomotive tools, cigars, organs, granite ware, every conceivable manufacture of the United States. Kentucky contributed, I see, to the cargo.

North Carolina, I think, is mentioned five times, and her manufactures and the products of her soil were taken in the same way. I see in the list corn-shellers, metal buttons, sewing-machines, cotton goods, woolen goods, shoe blacking, fur goods, cotton undershirts, cotton cards, spool silk, silk ribbons, undershirts, sheeting, cold cotton, printed cotton, corn-starch, petroleum, stoves, cases of pumps, clocks, twenty-five bags corn-starch, one hundred and fifty barrels of flour, ninety-eight spools of wire—every conceivable thing that we make in this country is on that one single ship, $262,000 worth in all. If that American ship had not taken to Rio de Janeiro the $262,000 worth of goods they would have remained at home, and perhaps three or four hundred men and women would have been out of employment on account of this amount of surplus.

The next week another ship sails with a like cargo, and the next another, and so on. That line wants pay for taking the mail down to the Argentine Republic. They are building one vessel now and ready to build two more, ready to double the service if only you will pay half what you pay from San Francisco to Sitka; but the Senator from Kentucky says, "No; not if we can hire a British ship to carry it cheaper!"

I call attention to Uruguay. It is filling up as rapidly as the Argentine Republic. Take Chili. The imports into Chili have tripled since 1876, and your flag is never seen in her ports. Your flag never is seen in Uruguay. Why is it, Mr. President, that this great Republic should sit here quietly and see itself full of disturbance, East and West, North and South, labor troubles, men wanting to work and not able to get work, men struggling, men rioting because you have so much surplus that you can not employ them longer?

Why should this great Republic, with its 50,000,000 people and its immense stores of wealth, waste itself on this trifling talk about arbitration and commission and permit itself to be prevented from doing that which every man will say is honest, paying fair and reasonable prices for carrying United States mails to the South and Central American republics and thus opening up a communication which is direct and which shall be speedy between our manufacturers and their consumers? Forty-five million of people, importing annually more than $400,000,000 of the very goods we make and must sell, anxious to purchase of us, and yet we refuse to pay that reasonable mail pay which would establish lines of steamers and open up these markets to us!

Everything they raise there we want. We paid Brazil $50,000,000 last year for coffee—twice as much as Great Britain paid, twice as much as any other country—brought it in foreign ships into our ports, and sold Brazil $8,000,000 of our products, principally petroleum, an article she can not get anywhere else, and she bought all the rest of her goods of Great Britain. If we buy $50,000,000 of coffee, twice as much as Great Britain buys of her, why should she not seek to buy of us? She can not, because we had but this one line, and that only for a short time; no adequate, direct, and speedy steam communication. If we wish to export our goods, we must ship them from New York to Liverpool on an English steamer, and then they are reshipped in Liverpool, and perhaps kept on the dock for a month or two, our English friends being in no haste, then forwarded to Rio in another English steamer. What chance does this open for trade? Four-fifths of the cotton goods sold in South and Central America to-day coming from Great Britain are marked "American manufactures," to give the idea that they are really products of our looms.

Mr. President, I did not intend to say nearly so much as I have. I preferred very much to reply to the Senator from Kentucky, but I have thrown out two or three suggestions which will give him a splendid opportunity to make one of his best speeches, and then perhaps I may take the floor again to reply.

Mr. BECK. Perhaps I will not speak at all in view of that alarming statement.

Mr. FRYE. I did not intend to frighten the Senator from Kentucky. I know where he came from, and it is utterly impossible to do that.

Mr. BECK. Mr. President——

Mr. HARRIS. If the Senator from Kentucky will yield to me, I will move that the Senate proceed to the consideration of executive business.

Mr. HOAR. I hope not. We were told that this bill was to be finished this afternoon. We ought not to waste this day.

Mr. BECK. The Senator from Massachusetts is entirely mistaken about the Senate being told any such thing. The Senator from Kansas requested me to waive the question of order on this amendment so that he could be heard this afternoon and we could take up the question in the morning.

Mr. HOAR. When the Senator from Kansas called up the Post-Office appropriation bill he was inquired of as to how long it would probably occupy. He answered in my hearing, though not in the hearing of the Senator from Kentucky I believe, that he hoped to get it finished this afternoon. That is what I refer to.

Mr. BECK. I suppose there is no sort of chance of closing it this afternoon.

Mr. HOAR. There is a great mass of very important public business awaiting the Senate, which would take us two or three solid months, and every afternoon that we stop business at 4 or half past 4 we cut off some important public measure that the people are demanding and leave it untouched at the present session.

Mr. HARRIS. I suggest to the Senator from Massachusetts——

Mr. HOAR. I do not wish to interfere with the convenience of the Senator from Kentucky. If he does not want to go on this afternoon, let us take up——

Mr. HARRIS. The Senate gave up this afternoon——

Mr. DAWES. I suggest that we resume the consideration of the interstate-commerce bill.

Mr. HOAR. We can resume the consideration of the interstate-commerce bill.

Mr. HARRIS. We can profitably employ this afternoon——

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. HOAR. I suppose the whole thing can be easily arranged in that way.

The PRESIDING OFFICER. The Senator from Kentucky had the floor and yielded to the Senator from Tennessee. Three or four Senators are addressing each other and not addressing the Chair.

Mr. HARRIS. I understood the Senator from Kentucky to yield to me, and I desire to suggest to the Senator from Massachusetts that we can very profitably employ the remainder of this evening, even if not engaged in legislative business, and therefore I hope he will not object to the motion to proceed to the consideration of executive business.

Mr. MORGAN. I ask the Senator from Tennessee if he will withdraw that motion for a moment. I desire to submit to the Senate the question of taking up by unanimous consent the bill (S. 2225) to indemnify certain subjects of the Chinese Empire for losses sustained by the violence of a mob at Rock Springs, in the Territory of Wyoming, in September, 1885.

The PRESIDING OFFICER. Does the Senator from Tennesse withdraw his motion for the present?

Mr. HARRIS. Does the Senator from Alabama propose simply to offer a resolution?

Mr. MORGAN. I propose to take up by unanimous consent a bill reported from the Committee on Foreign Relations. It will take but a short time to dispose of it.

Mr. CULLOM. The unfinished business was laid aside informally in order that the Post-Office appropriation bill might be considered to-day. I hope the Senate will resume the consideration of the unfinished business.

The PRESIDING OFFICER. The Senator from Kentucky [Mr. BECK] had the floor and yielded to the Senator from Tennessee [Mr. HARRIS].

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The Senator from Tennessee moves that the Senate proceed to the consideration of executive business.

Mr. CULLOM. I hope the Senate will vote that motion down, and that we shall proceed with the consideration of the interstate commerce bill.

The PRESIDING OFFICER. It is not necessary to inform the Senate that the motion is not debatable. The question is on the motion of the Senator from Tennessee to proceed to the consideration of executive business.

Mr. CULLOM and Mr. HOAR called for the yeas and nays, and they were ordered and taken.

Mr. BLACKBURN. I am paired with the Senator from Nebraska [Mr. MANDERSON]. If he were present, I should vote "yea."

Mr. JONES, of Arkansas. I am paired with the Senator from Indiana [Mr. HARRISON], and I am in doubt about the propriety of voting. I should vote "yea" if he were present.

Mr. SABIN (after having voted in the negative). I am paired with the Senator from West Virginia [Mr. KENNA], and withdraw my vote.

Mr. CULLOM. I desire to inquire if the motion is carried whether, when the appropriation bill is finished, the unfinished business, which was informally laid aside, will be the regular order?

Mr. INGALLS and others. Of course.

The PRESIDENT *pro tempore*. It will be the regular order after the Post-Office appropriation bill, unless the Senate should interpose with some other order.

Mr. PLATT. As the business of the Senate stands now it would be the regular order.

The PRESIDENT *pro tempore*. Certainly.

The result was announced—yeas 34, nays 22; as follows:

YEAS—34.

Beck,	Frye,	Jones of Nevada,	Saulsbury,
Berry,	George,	McPherson,	Spooner,
Brown,	Gorman,	Maxey,	Vance,
Call,	Gray,	Morgan,	Walthall,
Cockrell,	Hale,	Payne,	Whitthorne,
Coke,	Hampton,	Pike,	Wilson of Iowa.
Colquitt,	Harris,	Plumb,	Wilson of Md.
Eustis,	Hearst,	Pugh,	
Fair,	Ingalls,	Ransom,	

NAYS—22.

Aldrich,	Dawes,	Mahone,	Sewell,
Allison,	Dolph,	Mitchell of Oreg.,	Sherman,
Blair,	Edmunds,	Morrill,	Stanford,
Chace,	Evarts,	Palmer,	Teller.
Conger,	Hoar,	Platt,	
Cullom,	McMillan,	Sawyer,	

ABSENT—20.

Blackburn,	Harrison,	Manderson,	Vest,
Bowen,	Hawley,	Miller,	Voorhees.
Butler,	Jones of Arkansas,	Mitchell of Pa.	
Camden,	Jones of Florida,	Riddleberger,	
Cameron,	Kenna,	Sabin,	
Gibson,	Logan,	Van Wyck,	

EXECUTIVE SESSION.

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifty-eight minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 1013) providing for the establishment of a port of entry at Mount Desert Ferry, in the town of Hancock, in the State of Maine; and

A bill (S. 1397) to establish a port of delivery at Springfield, in the State of Massachusetts.

The message also announced that the House insisted upon its amendments to the bill (S. 71) for the benefit of the States of Texas, Colorado, Oregon, Nebraska, California, Kansas, and Nevada, and the Territories of Washington and Idaho, and Nevada when a Territory, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. CULBERSON, Mr. TUCKER, and Mr. CASWELL managers at the conference on its part.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1200) to amend an act entitled "An act to authorize the employment of certain aliens as engineers and pilots," approved April 17, 1874;

A bill (H. R. 1500) changing the name of the port of Lamberton, in the district of Burlington, N. J., to the port of Trenton, in said district;

A bill (H. R. 2646) granting to the Kanawha and Ohio Railroad Company the right to lay its track through United States lock and dam property in the Great Kanawha Valley, State of West Virginia;

A bill (H. R. 4063) to authorize the improvement of the water-power in the Mississippi River at Little Falls, Minn.; and

A bill (H. R. 4616) for the relief of Maj. Michael P. Small.

AMENDMENTS TO BILLS.

Mr. VAN WYCK submitted an amendment intended to be proposed by him to the bill (S. 1886) for the relief of soldiers of the late war honorably discharged after six months' service who are disabled and dependent upon their own labor for support, and of dependent parents of soldiers who died in the service or from disabilities contracted therein; which was ordered to lie on the table and be printed.

Mr. MAHONE submitted an amendment intended to be proposed by him to the bill (S. 1532) to regulate commerce; which was ordered to be printed.

Mr. EDMUNDS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned.

NOMINATIONS.

Executive nominations received by the Senate this 28th day of April, 1886.

CONSULS OF THE UNITED STATES.

E. H. Bryan, of California, to be consul of the United States at Lyons, the nomination of M. J. Newmark heretofore sent to the Senate for consul at that place being this day withdrawn.

Samuel H. Keedy, of West Virginia, to be consul of the United States at Rheims, *vice* John L. Frisbie, recalled.

R. H. Jones, of Lordsburg, New Mexico, to be consul of the United States at Chihuahua, *vice* Louis H. Scott, recalled.

ATTORNEY OF THE UNITED STATES.

Charles B. Howry, of Mississippi, to be attorney of the United States for the northern district of Mississippi, *vice* Green C. Chandler, suspended. The nomination of Charles B. Hawry for said office heretofore delivered to the Senate is this day withdrawn.

MARSHAL OF THE UNITED STATES.

Robert S. Kelly, of Montana, to be marshal of the United States for the Territory of Montana, *vice* A. C. Botkin, commission expired, in lieu of previous nomination in the place of the suspended officer.

POSTMASTER.

Erskine P. Linzee, to be postmaster at Pierce City, Lawrence County, Missouri, *vice* Thomas Carlin, commission expired, in lieu of previous nomination in the place of the suspended officer.

PROMOTIONS IN THE NAVY.

Passed Assistant Engineer George W. Stivers, to be a chief engineer in the Navy, from the 18th of December, 1885, *vice* Sewell, retired.

Passed Assistant Engineer William W. Heaton, to be a chief engineer in the Navy, from the 26th of January, 1886, *vice* Sensner, retired.

APPOINTMENT IN THE NAVY.

Charles Edward Woodruff, of Pennsylvania, to be an assistant surgeon in the Navy, to fill a vacancy in that grade.

FOR PROMOTION IN THE ARMY.

First Regiment of Cavalry.

First Lieut. Frazier A. Boutelle, to be captain, April 24, 1886, *vice* Bendire, retired from active service.

Second Lieut. Oscar J. Brown, to be first lieutenant, April 24, 1886, *vice* Boutelle, promoted.

Fifth Regiment of Cavalry.

First Lieut. Charles H. Rockwell, to be captain, April 24, 1886, *vice* Payne, retired from active service.

Second Lieut. Henry J. Goldman, to be first lieutenant, April 24, 1886, *vice* Rockwell, promoted.

Eighth Regiment of Cavalry.

First Lieut. Richard A. Williams, to be captain, April 24, 1886, *vice* Foote, retired from active service.

Second Lieut. Joseph A. Gaston, to be first lieutenant, April 24, 1886, *vice* Williams, promoted.

First Regiment of Infantry.

Second Lieut. John S. Mason, jr., to be first lieutenant, April 20, 1886, *vice* Edmunds, appointed regimental adjutant.

Third Regiment of Infantry.

First Lieut. Melville C. Wilkinson, to be captain, April 20, 1886, *vice* Mitchell, retired from active service.

Second Lieut. George Bell, jr., to be first lieutenant, April 24, 1886, *vice* Wilkinson, promoted.

Eleventh Regiment of Infantry.

First Lieut. William Hoffman, to be captain, April 24, 1886, *vice* Jackson, retired from active service.

First Lieut. Charles F. Roe, to be captain, April 24, 1886, *vice* Whitney, retired from active service.

Second Lieut. James E. Macklin, to be first lieutenant, April 24, 1886, *vice* Hoffman, promoted.

Second Lieut. John H. Philbrick, to be first lieutenant, April 24, 1886, *vice* Roe, promoted.

Twenty-second Regiment of Infantry.

First Lieut. Edward B. Rheem, to be captain, April 24, 1886, *vice* Evans, retired from active service.

Second Lieut. Charles M. Truitt, to be first lieutenant, April 24, 1886, *vice* Rheem, promoted.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April* 28, 1886.

The House met at 12 o'clock m. Prayer by Rev. Dr. BULLOCK, of Washington, D. C.

The Journal of yesterday's proceedings was read and approved.

WITHDRAWAL OF A REPORT.

Mr. NEECE. Mr. Speaker, on yesterday I made a report from the Committee on Invalid Pensions on the bill (H. R. 4460) to pension John W. Delp. That report was made in error, and I ask unanimous consent now to withdraw it.

There was no objection, and it was so ordered.

CORRECTIONS.

Mr. HOUK. Mr. Speaker, I ask to have an erroneous reference to one of the Calendars changed. I find that House bill No. 5868, to construct a road to the national cemetery at Knoxville, Tenn., reported on February 16 from the Committee on Military Affairs, has been placed upon the House Calendar.

The SPEAKER. The Chair directed its reference to the Committee of the Whole House on the state of the Union.

Mr. HOUK. I ask that it be placed upon the Calendar of the Committee of the Whole House on the state of the Union, where it properly

belongs, as of date February 16; that is to say, immediately following the bill H. R. No. 4915 on that Calendar.

The SPEAKER. The correction will be made.

DRAWBACK ON IMPORTED COAL.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, in response to a resolution of the House of Representatives, requesting a report of the effect and operations of the provision of law under which a drawback is allowed on imported bituminous coal used as fuel on steam-vessels; which was referred to the Committee on Ways and Means.

POTOMAC RIVER FLATS.

The SPEAKER also laid before the House Senate bill No. 335, to provide for protecting the interests of the United States in the Potomac River flats in the District of Columbia, with amendments by the House of Representatives non-concurred in by the Senate.

The SPEAKER. The Clerk will read the order of the Senate on said bill.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *April* 26, 1886.

Resolved, That the Senate disagree to the amendments of the House of Representatives to the said bill, and ask a conference with the House on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. INGALLS, Mr. WILSON of Iowa, and Mr. VEST be appointed conferees on the part of the Senate.

The SPEAKER. The question is on agreeing to the request of the Senate for a conference.

The request of the Senate was agreed to.

The SPEAKER. The Chair will announce the conferees on the part of the House hereafter.

CLAIMS OF CERTAIN STATES.

The SPEAKER also laid before the House the bill (S. 71) for the benefit of the States of Texas, Colorado, Oregon, Nebraska, California, Kansas, Nevada, and the Territories of Washington and Idaho, and Nevada when a Territory, with amendments by the House of Representatives non-concurred in by the Senate.

The SPEAKER. The Clerk will read the order of the Senate on said bill.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *April* 24, 1886.

Resolved, That the Senate disagree to the amendments of the House of Representatives to the said bill, and ask a conference with the House on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. DOLPH, Mr. SPOONER, and Mr GRAY be the conferees on the part of the Senate.

Mr. OATES. Mr. Speaker, that bill came from the Judiciary Committee of the House, and is under the charge of the gentleman from Texas [Mr. CULBERSON]. In his absence, as I do not see him in his seat, I will ask the appointment of the conferees on the part of the House.

The SPEAKER. If there be no objection the House will agree to the request of the Senate, and order conferees to be appointed.

There was no objection, and it was so ordered.

The SPEAKER announced the appointment of Mr. CULBERSON, Mr. TUCKER, and Mr. CASWELL as conferees on the part of the House on said bill.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House Senate bills of the following titles; which were read a first and second time, and referred as follows, namely:

The bill (S. 1101) to provide for the allotment of lands in severalty to the Indians residing upon the Round Valley, reservation in the State of California—to the Committee on Indian Affairs.

The bill (S. 1868) providing for an extension of the Executive Mansion—to the Committee on Public Buildings and Grounds.

The bill (S. 1937) authorizing the city of Salem to construct a bridge across the Willamette River, in the State of Oregon—to the Committee on Commerce.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. FISHER, for two weeks from the 28th instant.

To Mr. NEGLEY, indefinitely.

To Mr. BAYNE, for Wednesday and Thursday of this week.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 327) to enable national banking associations to increase their capital stock and to change their names or locations;

A bill (H. R. 444) to amend section 3336 of the Revised Statutes of the United States; and

A bill (H. R. 6980) making appropriation to complete the public building at Jackson, Tenn.

MAJ. MICHAEL P. SMALL.

Mr. FINDLAY. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 4616) for the relief of Maj. Michael P. Small, and that the same be brought before the House for present consideration.

The bill was read, as follows:

Be it enacted, &c., That the proper accounting officers, in settling and adjusting the accounts of Maj. Michael P. Small, commissary of subsistence, United States Army, are hereby directed to credit said Maj. Michael P. Small, commissary of subsistence, United States Army, with the sum of $3,780.53, being the amount of Government funds which were stolen or embezzled from him, without his default, at or near Chicago, Ill., in the years 1879 and 1880; and in case the said Small shall have paid into the Treasury of the United States, prior to the passage of this act, any part of the said sum so stolen or embezzled, such amount shall be refunded to him in full out of any money in the Treasury not otherwise appropriated.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COX. I should like to hear some explanation of it.

Mr. FINDLAY. With the permission of the House I will make a brief statement.

The SPEAKER. If there be no objection the gentleman from Indiana will be permitted to make a brief explanation.

Mr. FINDLAY. This is a bill for the relief of General Small, who was for a long time, and is now, a commissary in the United States Army. A trusted and confidential clerk, who had been in his employ for some ten years, robbed him of some $3,780 of Government funds in his charge. This clerk afterward made confession. The case was tried in the United States district court in New York by civil action and judgment for the full amount was recovered. A criminal action could not be instituted by reason of the fact that the statute of limitations had begun to run.

This is simply a bill now to relieve General Small from a charge for that amount of money upon the books of the Treasury. It was alleged in the petition of the United States and proven that this robbery was without any neglect on the part of General Small, and that he was not guilty of any negligence in any shape or form. That was part of the allegation of the United States and of course a part of the proof. This is a unanimous report from the Committee on Military Affairs of the House. There was no reason that the committee could see why General Small should not be relieved of this charge. It is simply a charge upon the books of the Treasury against him; and the bill provides he shall receive credit for that amount.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FINDLAY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WEAVER, of Nebraska. I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill H. R. 7087, and that the same be brought before the House for present consideration.

Mr. BEACH. With all respect, I think the gentleman from Nebraska [Mr. WEAVER] has had his due share of recognition in this Congress. He has already got four or five bills passed by unanimous consent.

The SPEAKER. Does the gentleman from New York object?

Mr. BEACH. I shall object to this until other members have had a chance.

Mr. BURLEIGH. I call for the regular order.

Mr. REAGAN. I ask unanimous consent to call up House resolution——

The SPEAKER. The gentleman from New York [Mr. BURLEIGH] demands the regular order, which cuts off all requests for unanimous consent.

SUBSTITUTES IN TREASURY DEPARTMENT.

Mr. TAULBEE. I rise to make a privileged motion.

The SPEAKER. The gentleman will state it.

Mr. TAULBEE. I send to the Clerk's desk a resolution introduced by me more than a week ago, a resolution of inquiry, which was referred to the Committee on Reform in the Civil Service. They have not made a report, and I shall move that they be discharged from its further consideration and that it be considered by the House.

The SPEAKER. The Chair does not think that is a privileged motion. The resolution will be read. When was the resolution referred?

Mr. TAULBEE. A week ago last Monday.

The SPEAKER. And it has not been reported?

Mr. TAULBEE. No, sir.

The Clerk read the resolution, as follows:

Whereas by a report to this House by the Secretary of the Treasury, bearing date April 5, 1886, it is shown that quite a number of persons holding positions as employés in the Treasury Department are carried on the rolls of employés and not required to perform any service, and whose places are filled by substitutes designated to positions within the classified civil service, and who have not been certified for appointment to said positions by the United States Civil Service Commission, and who are paid a less rate of compensation than the salary allowed the said regular employés: Therefore,

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform this House by what authority these practices are had, and by what authority persons are paid salaries when they do not perform any service to the Government.

The SPEAKER. The Chair finds on examination of the rule that it

provides these resolutions "shall" be reported back within a week, not merely that they may be.

Mr. HOLMAN. This is calling on the committee to report?

The SPEAKER. That is all. The committee's report would be privileged at any time that it should be made, notwithstanding the limitation of time in the rule.

Mr. TAULBEE. My motion was not to direct the committee to report. My motion was to discharge the committee from the further consideration of that resolution, and that the House proceed now to its consideration.

The SPEAKER. That was the motion as the gentleman first stated it, and the Chair stated that was not a matter of privilege. The Chair understood that the gentleman next moved to instruct the committee to report, which the Chair thought was a matter of privilege.

Mr. TAULBEE. I will put the motion in that form, that the Committee on Reform in the Civil Service be directed to report back that resolution.

The SPEAKER. When?

Mr. TAULBEE. Within this week; by Saturday.

The SPEAKER. The gentleman from Kentucky moves that the Select Committee on Reform in the Civil Service be directed to report the resolution back to the House on or before next Saturday.

Mr. COX. Mr. Speaker, I will state that the Committee on Reform in the Civil Service have not had an opportunity to consider the resolution to which the gentleman refers. The resolution was introduced only a few days ago, and the committee have not had time to consider it, and if required to report on or before Saturday next we would have to call a special meeting. Some of the members of the committee are busy in connection with the river and harbor bill and with the work of other committees, so that we did not have a quorum at the meeting appointed for this morning.

Mr. TAULBEE. Mr. Speaker, I do not wish to annoy the committee in any way.

Mr. COX. There is no annoyance at all.

Mr. TAULBEE. I do not wish to annoy the committee or to make any motion that would work hardship to them, and I would not have called the attention of the House to this matter at this time but for the fact that a resolution embodying a similar inquiry was introduced by myself more than a month ago and was allowed to sleep in that committee for two weeks and a half. I refrained at that time from calling attention to the matter, believing that the committee was overburdened with work. This resolution was introduced a week ago last Monday, and I was informed on yesterday by a member of the Committee on Reform in the Civil Service that they have not had a meeting since the introduction of the resolution, and that the probabilities were that they would not have a quorum present at any meeting for some time to come. In view of these facts, believing it to be my duty to urge the adoption of the resolution by the House, I was driven to this last resort.

Mr. BLANCHARD. Mr. Speaker, on behalf of the Committee on Reform in the Civil Service, I desire to say that the gentleman [Mr. TAULBEE] is mistaken in his statement that any resolution of inquiry introduced by him has been allowed by that committee to sleep among the papers on file in its committee-room. The first resolution to which the gentleman of Kentucky refers was not reported, I admit, within a week after its introduction; but he well knows the reason, as it was explained to him by myself. The reason was not that we were neglecting the resolution at all; we were taking time to consider it. With regard to his last resolution of inquiry, the committee, it is true, have not yet considered it. As you, Mr. Speaker, and this House well know the committee has had to prosecute an investigation placed in its charge by the House. We have been earnestly endeavoring to bring that investigation to a close, but, on account of the absence of a witness, we have not been able to do so.

A meeting of the committee was called for this morning, but it was found not possible for some reason, I know not why, to obtain a quorum. The committee has no intention whatever of smothering the resolution of inquiry introduced by the gehtleman from Kentucky, and as soon as we can have a meeting that resolution will be considered and reported, either favorably or adversely, to the House. This much I desire to say in vindication of the committee.

Mr. LONG. Does the gentleman from Louisiana think he has given a good reason for the failure of the committee to comply with the rule of the House?

Mr. TAULBEE. Mr. Speaker, I think the gentleman who has just spoken [Mr. BLANCHARD] has convinced the House that I was not mistaken in my statement and that I have not misstated the facts. The gentleman himself is the member of the committee who informed me that they had not had a meeting since the introduction of my resolution. I again repeat that the first resolution touching upon this subject which I introduced was allowed to remain two weeks and a half in that committee.

The resolution did not require elaborate investigation in order to determine whether or not the House was entitled to the information called for; neither does this resolution require more than five minutes' consideration by that committee. If the committee has been as diligent as the gentleman claims in the investigation committed to it, how happens it that gentlemen who attack my statement here are compelled, in order to sustain themselves, to make it appear that their committee, by reason of its overwhelming duties in that investigation, has not been able to procure a quorum since the introduction of this resolution? I maintain, Mr. Speaker, upon the gentleman's own statement, that they have manifested a disposition to ignore this inquiry, and I leave to this House to judge of the case.

Mr. BLANCHARD. Mr. Speaker, I had no disposition to challenge the statement which the gentleman made that his first resolution of inquiry was not reported back to this House until after the week provided by the rules; but I do challenge the statement, which I understood to be implied in his remark, that there was a deliberate attempt on the part of the committee not to report back his resolution. Since his last resolution was introduced the committee has had no meeting, and therefore has not been able to pass upon the resolution. To-day was the regular meeting day, but the committee did not have a meeting for the very good reason that there was no quorum present.

Mr. TAULBEE. Will the gentleman allow me a question?

Mr. BLANCHARD. Certainly.

Mr. TAULBEE. I believe you stated a while ago, as one reason why this resolution had not been considered, that your committee was overburdened with the work of the investigation which was going on before it.

Mr. HISCOCK. Mr. Speaker, what is the question before the House?

The SPEAKER. The question is on the motion made by the gentleman from Kentucky [Mr. TAULBEE] to direct the Select Committee on Reform in the Civil Service to report back before Saturday next a resolution of inquiry introduced by him some days ago.

Mr. REED, of Maine. I do not understand that the Committee on Reform in the Civil Service were prevented from considering this resolution by an investigation that was going on, but by one that was not going on. [Laughter.]

Mr. HISCOCK. Mr. Speaker, is this proceeding by unanimous consent?

The SPEAKER. It is not. The motion is a privileged one under the rule, which requires that resolutions of this character shall be reported back within one week, the gentleman from Kentucky [Mr. TAULBEE] having stated that the resolution was introduced by him more than a week ago.

Mr. BLANCHARD. Mr. Speaker, I desire to state that the investigation with which the House charged the Committee on Reform in the Civil Service has not ended. The committee have made repeated efforts to get a witness that is to be examined before them. We had met in the committee-room—not a full meeting of the committee, but certain members, not a quorum, there being a resolution of the committee that those of us who were present should continue that investigation—but have not been able to pursue it even as a subcommittee, because of the failure to obtain that witness.

The only purpose I had in rising was to relieve the committee of the imputation which, as I understood, was placed upon it by the remarks of the gentleman from Kentucky, that there had been a disposition on the part of the committee to ignore his resolution. That is all the controversy I have or desire to have with the gentleman from Kentucky.

Mr. TAULBEE. The gentleman's explanation is perfectly satisfactory to me, and I hope it is so to the whole House—that not only this resolution, but the investigation going on before that committee, has fallen into "innocuous desuetude."

Mr. STRUBLE. In other words, it has the Democratic complaint.

Mr. TAULBEE. I move the previous question on my motion.

The previous question was ordered; and under the operation thereof the resolution was agreed to.

Mr. TAULBEE moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LAND-GRANT FORFEITURES.

Mr. OATES. I rise for the purpose of submitting a report from the Judiciary Committee on a resolution of inquiry directed to that committee.

The SPEAKER. That is a privileged matter.

Mr. OATES. I ask for the reading of the report.

The Clerk proceeded to read the report, but was interrupted by

The SPEAKER, who said: This is not a privileged report. The Chair supposed, from the statement of the gentleman, that this was a resolution of inquiry addressed to the head of a Department.

Mr. OATES. I stated exactly what it is.

The SPEAKER. The Chair misunderstood the gentleman.

Mr. OATES. I ask unanimous consent that the reading of the report already commenced be concluded; it will take but a minute.

The SPEAKER. If the demand for the regular order is withdrawn——

Mr. OATES. Mr. Speaker, the resolution—I do not know whether this makes it privileged or not—directed that the committee should report at any time.

The SPEAKER. The Chair will examine the resolution.

Mr. OATES. The report is very brief, and the reading will take but a moment at any rate.

The SPEAKER. There has been no resolution adopted by the House giving the committee the privilege to report at any time. This resolution was simply referred to the committee, not adopted by the House. The gentleman from Alabama asks unanimous consent to present this report from the Committee on the Judiciary.

Mr. RANDALL. Let us hear what it is.

The SPEAKER. Is the report accompanied by a resolution?

Mr. OATES. It is. The resolution is reported back with a special report.

The SPEAKER. The Clerk will read the report, after which the Chair will ask for objections.

The Clerk resumed and concluded the reading of the following report accompanying the resolution:

In the Forty-seventh and prior Congresses bills for the forfeiture of lands granted to corporations were referred to and considered by the Committee on the Judiciary. But in the Forty-eighth and the present Congress all bills of that class have gone to the Committee on Public Lands.

The resolution herewith reported was referred to your committee for their opinion upon certain questions of law involved in some of the forfeiture bills recommended and reported to this House and now on the Calendar, as to which there is a difference of opinion and disagreement among the members of the Committee on Public Lands. The resolutions have not been adopted by the House, and unless so adopted your committee will not respond to said resolutions. Proper regard for the jurisdiction of the Committee on Public Lands and the courtesy due from one committee to another constrain us to report the resolutions back without recommendation. Should they be adopted by the House, your committee would cheerfully respond with their opinion, but not otherwise.

The SPEAKER. Is there objection to the request of the gentleman from Alabama that the Committee on the Judiciary be permitted to make this report? The Chair hears none. The report is made, and the resolution referred to the House Calendar.

Mr. WILLIS. As I understand that there are no reports to be presented this morning, I move that the morning hour for the call of committees be dispensed with.

Mr. RANDALL. I would like to make a report. We might make some agreement like that adopted yesterday, that if there are any reports they may be presented.

Mr. WILLIS. I ask unanimous consent to dispense with the formal call of committees, and that gentlemen having reports to present be recognized by the Chair for that purpose.

Mr. OATES. It seems to me, Mr. Speaker, if there is no further action desired by the House upon the resolution reported back by the Judiciary Committee, the proper disposition would be for it to lie on the table, instead of going to the House Calendar.

The SPEAKER. No motion of that sort was made; and, of course, under the rule of the House, the Chair had to refer it to the appropriate Calendar.

Mr. OATES. I desire to offer an opportunity to the gentleman from Mississippi [Mr. VAN EATON] who introduced the resolution to move its adoption, if he so desires.

Mr. VAN EATON. I move that the resolution be adopted.

Mr. ANDERSON, of Kansas. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. ANDERSON, of Kansas. My point is that the resolution is not before the House.

The SPEAKER. It is not before the House for consideration except by unanimous consent——

Mr. VAN EATON. I ask unanimous consent.

The SPEAKER. And the motion that the resolution lie on the table is consideration of the proposition.

Mr. ANDERSON, of Kansas. I do not object to my friend from Mississippi making his statement, but I think it is not necessary to have action on the resolution.

The SPEAKER. The motion that the resolution lie on the table can not be made except by unanimous consent, as that is an appropriate motion when the matter is before the House for consideration. Objection is made by the gentleman from Kansas to the consideration of the resolution.

Mr. ANDERSON, of Kansas. I withdraw the objection.

Mr. VAN EATON. I ask unanimous consent for the adoption of the resolution.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to take up the resolution for consideration. It will be read.

The Clerk read as follows:

Whereas sundry and divers cases are pending before Congress for the forfeiture of lands heretofore granted by the United States to States and corporations in aid of the construction of railroads and other public improvements; and

Whereas certain legal questions arise in said cases affecting the right of the United States to declare such forfeiture:

Be it resolved by the House of Representatives, That the Committee on the Judiciary be directed to examine and report on the questions of law arising upon the following statement of facts:

1. Where a grant has been made for certain alternate sections of land in aid of the construction of a railroad between certain termini, and it is provided that such road may be constructed in divisions of consecutive miles, and that upon the completion of any such division of consecutive miles the same shall be examined by commissioners appointed by the President of the United States, and that when the said commissioners have made the examination of such division and have reported under oath that the same has been constructed in a good, substantial, and workmanlike manner and as in all other respects required by the act of Congress making such grant, patents shall issue therefor confirming the right and title to the lands situated opposite and conterminous to said completed sections or divisions, can the United States, after said division has been constructed in conformity with said provision, and after the report of said commissioners has been duly made as required by the act, declare a forfeiture of the lands so reported upon because of any failure of the railroad company to complete other divisions of said road within the time prescribed for the completion of the entire road?

2. In a grant of the character stated in proposition number 1, where the entire road is not completed within the time specified in the grant, but is subsequently constructed, completed, equipped, and furnished to the satisfaction of the commissioners appointed by the United States to make examination thereof, and they have made report of that fact to the President before any act of forfeiture has been declared by the United States, may the United States, subsequent to said completion and report, declare forfeiture for the failure to complete the road within the time specified in the act?

3. If the grant or any part of it was earned by constructing the road after the time limited in the act, but before any forfeiture or re-entry by the Government, does there remain any legal right of forfeiture in the Government?

And that the said committee have leave to report at any time.

Mr. RANDALL. Is it still within the power of any member to object to this resolution?

The SPEAKER. It is; it has merely been read for information.

Mr. RANDALL. Before venturing at present to object, but reserving that right, I wish to ask whether it is proposed that there be joint jurisdiction by two committees over a single subject-matter or a single bill? Is it proposed that the Committee on Public Lands, being authorized to report a bill, should first learn the judgment of the Committee on the Judiciary as to the legal aspect and effect of the bill?

Mr. OATES. The report of the Judiciary Committee is——

Mr. HOLMAN. As I believe that the Committee on Public Lands is perfectly competent to decide the questions coming before it, I object to this resolution.

Mr. REED, of Maine. I think that is right. The more law the Committee on Public Lands have the more they will be embarrassed. [Laughter.]

Mr. HOLMAN. I withhold my objection till my friend from Alabama [Mr. OATES] can be heard for a moment.

Mr. OATES. I desire to say that the gentleman from Pennsylvania and the gentleman from Indiana misunderstood the report of the Committee on the Judiciary. This resolution offered by the gentleman from Mississippi having been referred to our committee, the committee declines to respond to it unless the House by adopting the resolution should instruct the committee to respond. If the House should see proper to adopt the resolution, then the Judiciary Committee will answer these questions, but not otherwise.

Mr. RANDALL. I can see this might be an obstruction to the passage of a bill of forfeitures.

Mr. WILLIS. I renew my objection.

Mr. HOLMAN. My colleague [Mr. COBB] wishes to be heard.

The SPEAKER. There is nothing before the House.

Mr. HOLMAN. I withdraw my objection so my colleague can be heard.

Mr. WILLIS. I renew it.

ORDER OF BUSINESS.

The SPEAKER. The Chair will proceed to call the committees of the House for reports for reference.

Mr. WILLIS. I ask by unanimous consent we waive the formal call of committees, and that gentlemen having reports from committees for reference may be allowed to submit them.

Mr. LONG. It will not save time, and I object for the reason it confuses the record.

CHANGE OF REFERENCE.

On motion of Mr. RANDALL, the Committee on Appropriations was discharged from the further consideration of the bill (H. R. 3746) making an appropriation for the building of a new light-house at Milwaukee, Wis., and the same was referred to the Committee on Commerce.

OLEOMARGARINE.

Mr. HATCH, from the Committee on Agriculture, reported, as a substitute for H. R. 6570, a bill (H. R. 8328) defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. DUNHAM. If necessary to do so I now reserve all points of order on that bill. I do it now so there may be no mistake about it hereafter.

By unanimous consent House bill No. 6570 was laid on the table.

ADVERSE REPORTS.

Mr. HATCH, from the Committee on Agriculture, also reported back adversely bills of the following titles; which were laid on the table:

A bill (H. R. 5720) to protect the producers and consumers of dairy products, and for other purposes;

A bill (H. R. 7777) to tax the manufacture and sale of oleomargarine;

A bill (H. R. 3109) to tax the manufacture and sale of oleomargarine;

A bill (H. R. 397) to amend Title XXV, entitled "Internal Revenue," of the Revised Statutes of the United States;

A bill (H. R. 1676) to regulate the exportation of articles made in imitation of butter and cheese;

A bill (H. R. 7302) to prevent deception in the sale of imitation dairy products, and to preserve the public health, and for other purposes; and

A bill (H. R. 5597) providing for a revenue tax on all manufactured substitutes for butter and cheese, and imitations of the same, manufactured out of other ingredients than that of pure milk and cream.

JOBES POST, GREENVILLE, OHIO.

Mr. FINDLAY (by Mr. ANDERSON, of Ohio), from the Committee on Military Affairs, reported back favorably the bill (H. R. 5393) to authorize the Secretary of War to transfer two condemned cannon to Jobes Post, at Greenville, Ohio, for monumental purposes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ROSER POST, ARCANUM, OHIO.

Mr. ANDERSON, of Ohio, from the Committee on Military Affairs, also reported back favorably the bill (H. R. 6643) to authorize the Secretary of War to transfer one condemned cannon to Roser Post, Grand Army of the Republic, at Arcanum, Ohio, for monumental purposes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ILLINOIS AND MICHIGAN CANAL.

Mr. MURPHY, from the Committee on Railways and Canals, reported the following resolution; which was referred to the House Calendar:

Resolved, That Thursday, May 20, after the reading of the Journal, be set apart for the consideration in the House, as in the Committee of the Whole House on the state of the Union, House bill 5869, to provide for the acceptance by the United States of the proposed grant of the Illinois and Michigan Canal, and all its appurtenances, from the State of Illinois, and for the construction of the Illinois and Mississippi River Canal, and if said bill shall not be disposed of on that day, this shall be a continuing order until said bill is disposed of; this order not to interfere with the consideration of revenue and general appropriation bills and all prior special orders.

SAMUEL B. SEAT.

Mr. NEAL, from the Committee on Claims, reported back favorably the bill (S. 24) for the relief of Samuel B. Seat, administrator of Christian Kropp, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PACIFIC RAILROADS.

Mr. CRISP, from the Committee on the Pacific Railroads, reported a resolution setting apart a time for the consideration of business reported by that committee; which was referred to the House Calendar.

INSANE ASYLUM, ARIZONA.

Mr. SPRIGGS, from the Committee on the Territories, reported back favorably the bill (H. R. 2812) to approve an act of the Thirteenth Legislative Assembly of Arizona, entitled "An act to establish, maintain, and provide for the government of an insane asylum," approved March 9, 1885; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The hour for the consideration of bills begins at 1 o'clock and 15 minutes, and the call rests with the Committee on Commerce.

PORT OF TRENTON, N. J.

Mr. REAGAN. I take the floor and yield it to the gentleman from Virginia [Mr. O'FERRALL].

Mr. O'FERRALL. I call up from the House Calendar the bill (H. R. 1500) changing the name of the port of Lamberton, in the district of Burlington, N. J., to the port of Trenton, in said district.

The bill was read, as follows:

Whereas, after the constituting of the port of Lamberton, in the collection district of Burlington, in the State of New Jersey, the borough of Lamberton, where such port is situated, was incorporated into and became a part of the city of Trenton, in said State: Therefore,

Be it enacted, &c., That the port now known as the port of Lamberton, in the collection district of Burlington, in the State of New Jersey, shall hereafter be known and denominated as the port of Trenton, in said district.

SEC. 2. That nothing in this act contained shall be construed to in any way affect the validity of any act heretofore done by the collector or any official of said port, nor to in any way affect the official standing of any official of said port, or the powers and duties of any such official, the sole intent and purpose of this act being to change the name of said port.

SEC. 3. That this act shall take effect on the 1st day of July, 1886.

Mr. O'FERRALL. If there be no objection I shall move to put the bill upon its passage.

At the time of the establishment of the port Lamberton was a small borough, with a separate incorporation, and situated near the head of tide-water navigation on the Delaware River. Trenton, with another and distinct corporate existence, was situated a short distance above Lamberton, on the same side of the river. In the course of time the two towns grew together, and Trenton being the larger and the capital of the State, its corporate limits were extended by an act of the legislature so as to embrace the borough of Lamberton. This was done many years ago, and since then Lamberton has really had no existence in name or in fact, being merged into Trenton.

The bill is properly guarded. The Secretary of the Treasury has replied to a communication addressed to him that "he sees no objection to its passage."

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. O'FERRALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PORT OF ENTRY, MOUNT DESERT FERRY, MAINE.

Mr. O'FERRALL. Mr. Speaker, I now call up for present consideration the bill (H. R. 1026) providing for the establishment of a port of entry at Mount Desert Ferry, in the town of Hancock, in the State of Maine. There has been a Senate bill passed and reported to this House, which bill has been acted on and reported favorably from the Committee on Commerce, which is the same in form as this. I ask that that be substituted for the House bill.

The SPEAKER. The gentleman has a right to call up the Senate bill if he desires.

Mr. O'FERRALL. Then I ask unanimous consent to substitute the Senate bill.

The SPEAKER. It is not necessary to substitute it. The gentleman has the same right to call up the Senate bill as the House bill.

Mr. O'FERRALL. Then I call up for present consideration Senate bill No. 1013, providing for the same object as the House bill.

The SPEAKER. Without objection the House bill No. 1026 will be laid upon the table.

There was no objection, and it was so ordered.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, &c., That the port of Mount Desert Ferry, in the town of Hancock, in the State of Maine, be, and the same is hereby, established as a port of entry, subject to the same regulations, privileges, and facilities as other ports of entry in the United States: *Provided*, That the official duties of said port shall be performed under the direction of the collector of customs for the district of Frenchman's Bay, and by a deputy detailed by him for that purpose.

Mr. O'FERRALL. Mr. Speaker, like the former bill, there is no expense involved in this one. A similar bill was favorably reported from the Committee on Commerce of the last House. It has been favorably reported by the Committee on Commerce of this House, and is now before us for action. The House and Senate bills are identical in form; and therefore, unless there be some objection or some further information desired, I shall ask the previous question upon the passage of the bill.

Mr. COWLES. I desire to offer an amendment.

The SPEAKER. But the gentleman demands the previous question.

Mr. COWLES. I understood the managers of the bill were willing to accept this amendment.

The SPEAKER. But if the gentleman insists upon the previous question the Chair must put it to the House, and, if ordered, of course all amendments are cut off.

Mr. O'FERRALL. I have no objection to the amendment myself, although I deem it unnecessary.

The SPEAKER. Is the demand for the previous question withdrawn?

Mr. O'FERRALL. I withdraw it. I repeat, I think the amendment entirely unnecessary, and the objection to it is that it will require the bill to go back to the Senate.

The SPEAKER. The amendment proposed by the gentleman from North Carolina will be read.

The Clerk read as follows:

Amend by adding, "*Provided*, That the provisions of this act shall not cause any additional expense to the Government of the United States or require any appropriation therefor."

Mr. O'FERRALL. Mr. Speaker, I repeat that this bill already provides that there shall be no additional expense incurred by the establishment of this port of entry, and therefore the amendment is entirely unnecessary. I hope, therefore, it will be voted down.

Mr. COWLES. Mr. Speaker, I have but this to say in advocacy of the amendment: The bill provides that the duties of this new port of entry which is proposed to be established shall be discharged by the collector of customs for a district which is specified in the bill, and which will in all probability render necessary the appointment of an additional deputy collector. I do not see how they can discharge the duties of this new port of entry without additional expense for the necessary officers. If the amendment can do no harm I do not see why the gentleman should object to it. It is true that it may necessitate the sending of the bill back to the Senate for concurrence in the amendment, but that will take but a very short time, and there is no special hurry, I take it, for passing the bill in its present form.

Mr. DUNHAM. Mr. Speaker, this bill has already passed the Senate in the shape in which it now comes here for our action, and it is unanimously reported from the Committee on Commerce of this House. There is no need for such an amendment, and I hope it will not prevail.

Mr. MILLIKEN. Mr. Speaker, I would have no objection to the amendment of the bill if it did not necessitate its going back to the Senate. The bill as it stands now covers all the grounds that the amendment covers. There is no chance for any extra expense to be involved by reason of the passage of this bill. A deputy collector is now detailed to act at the port of Mount Desert Ferry, and all he has to do is to enter the goods there that would have to be carried 15 miles after they are transferred from the steam or sailing vessels and be entered at the port of Ellsworth; and the work done at the Mount Desert Ferry, Maine, is done now, and will be only that much less to be done at Ellsworth.

Now, I happen to know that in my own collection district, the district in which I live, as long ago as 1848 a port of entry was created at Camden, just as this is proposed to be created, because it is an advantage to commerce; and from that date to this it has occasioned not a dollar of extra expense to the Government. If the gentleman understood it as well as I do he would know this to be the case.

Mr. O'FERRALL. I demand the previous question upon the amendment and upon ordering the bill to be read the third time.

The previous question was ordered.

The question recurring on the amendment of Mr. COWLES, it was rejected; there being on a division—ayes 10, noes 57.

The bill was ordered to be read a third time; and having been read the third time, was passed.

Mr. O'FERRALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PORT OF DELIVERY AT SPRINGFIELD, MASS.

Mr. O'FERRALL. I call up for consideration the bill (S. 1397) to establish a port of delivery at Springfield, in the State of Massachusetts. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill and that it be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. HOLMAN. I think the bill had better be reported.

The bill was read, as follows:

Be it enacted, &c., That Springfield, in the State of Massachusetts, be, and the same is hereby, constituted a port of delivery; and that the privileges of immediate transportation of dutiable merchandise conferred by the act of June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to said port; and there shall be appointed a surveyor of customs for said port, to reside at said port, who shall receive a salary to be determined in amount by the Secretary of the Treasury, not exceeding $1,000 per annum.

The SPEAKER. Is there objection to the request of the gentleman from Virginia that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill, and that it be considered in the House as in Committee of the Whole?

Mr. HOLMAN. I think that bill should be considered in the regular way.

Mr. O'FERRALL. Then I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill.

Mr. HOLMAN. I shall not object to the bill being considered in the House if it is understood that it shall be open to amendment and debate.

Mr. O'FERRALL. I understand the gentleman from Indiana withdraws his objection.

Mr. HOLMAN. With the understanding that the matter shall be open for reasonable consideration.

Mr. BEACH. I shall object unless we have a reasonable amount of time for the discussion of this proposition. I should like to have about five minutes myself.

The SPEAKER. Does the gentleman from New York object?

Mr. BEACH. I do not, with that understanding.

The SPEAKER. There being no objection, the Committee of the Whole House on the State of the Union is discharged from the further consideration of the bill, and it will be considered in the House as in Committee of the Whole.

Mr. O'FERRALL. I suppose the best way to put the House in possession of the facts in relation to this bill is to call for the reading of the report.

The report (by Mr. O'FERRALL) was read, as follows:

The Committee on Commerce, to whom was referred the bill (H. R. 1153) to establish a port of delivery at Springfield, Mass., beg leave to report:

That the population of Springfield is about 40,000; that the population within a radius of 20 miles, 100,000; and of 40 miles, 150,000 inhabitants; that it is the railroad center of Western Massachusetts—one hundred and ten trains arriving and departing daily, sixty-two of which are mail trains; that it is the financial, commercial, and banking center of Western Massachusetts, and stands third in the list of cities in the State in banking capital; that the imports in this section for the last year were nearly $3,000,000, and are rapidly increasing.

That the post-office at Springfield is the depositing office for two hundred and sixteen fourth-class offices, and is the recognized distributing mail center of Western Massachusetts.

The committee think that these facts are such as to raise Springfield to a point of so much importance as to justify the great desire upon the part of her citizens expressed to have it created a port of delivery.

In addition, the committee find that the importers at this point and vicinity labor under the disadvantages of having to go to New York or Boston to attend to clearing of goods, and the deliveries of goods are frequently delayed from fourteen to twenty days. The committee believe that the creation of said port of delivery would materially increase the importing business, promote the general prosperity of Springfield and other points of which it is the business center, and add to, rather than take from, the revenues of the Government.

We recommend the passage of the bill.

Mr. O'FERRALL. That is the report of the Committee on Commerce of this House, and is a unanimous report. This bill has passed the Senate and is now before the House. Unless there is some opposition to it, I do not propose to detain the House with any explanation of it.

Mr. HOLMAN. I trust my friend from Virginia will explain the extent of the importations into Springfield during the past year. That information will furnish a test of the necessity for this bill.

Mr. O'FERRALL. I yield to the gentleman from Massachusetts [Mr. ROCKWELL.]

Mr. ROCKWELL. I will state that after the hearings before the committees of the House and the Senate on this matter, and before unanimous reports were made by both committees, this question was referred to the Treasury Department, and the Treasury Department sent a letter to the chairman of the House committee saying they saw no objection to the establishment of this port.

There was a hearing before the Treasury Department, and the facts that are now called for were then called for as to the amount of importations and the amount of duties paid at the city of Springfield. The statement presented, which was a detailed statement, showed that during the last year the approximate amount of duties was $386,615.

Mr. RANDALL. Let the letter of the Department be read.

Mr. ROCKWELL. I have here a copy of it, the original being with the committee. The amount of importations as testified before the committee was between two and three millions of dollars, I think close upon three millions. I send to the desk to be read the letter of the Assistant Secretary.

The Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 26, 1886.

SIR: Referring to the letter from your committee of the 5th instant, and to Department's reply of the 18th instant, in relation to certain bills now under consideration in House Committee on Commerce, I have the honor to inform you that I see no objection to the passage of the bill constituting Springfield, Mass., a port of delivery, and extending thereto the privileges conferred by the seventh section of the act approved June 10, 1880, governing the transportation of dutiable merchandise without appraisement.

Respectfully, yours,

C. S. FAIRCHILD,
Assistant Secretary.

Hon. JOHN H. REAGAN,
Chairman Committee on Commerce,
House of Representatives.

Mr. RANDALL. What number of officers will be required at this new port?

Mr. ROCKWELL. It is supposed one officer can do the business.

Mr. RANDALL. Does this decrease the number at Boston?

Mr. ROCKWELL. I do not think it affects either Boston or New York, but I do not know as to that. Whatever is done at this point will not of course be done at the other points. This bill is based on the ground of the public convenience.

Mr. O'FERRALL. I yield to the gentleman from New York [Mr. BEACH].

Mr. BEACH. I have heard this argument before on the floor of this House, that because the Secretary of the Treasury sees no objection to a bill therefore that is a reason why the bill should pass. I have also heard on this floor the argument that because the Senate has passed a bill therefore that is a good reason why a bill should pass. But I remember a few days ago during my momentary absence from the Hall a bill somewhat similar to the one now under consideration was taken up and passed—a bill to extend to Omaha the benefits of the immediate transportation act, as it is sometimes called.

I was interested enough to go to the library and examine the statute, and I found that the port of Omaha was already entitled to the benefit of that act, and that there was no reason whatever for the passage of the act which went through this House, and which went through the Senate, and which had received the indorsement of the Secretary of the Treasury. But when that bill gets to the executive chamber I am under the impression it will not receive the approval of the Chief Executive.

Mr. BLOUNT. Will the gentleman permit a question?

Mr. BEACH. Yes, sir.

Mr. BLOUNT. Does the gentleman know the importations of this place?

Mr. BEACH. I have no doubt that the commerce of Springfield is very large.

Mr. BLOUNT. I do not speak of the commerce; I speak of the importations.

Mr. LONG. I will answer the gentleman. It is some two or three million dollars. The duties amount to two or three hundred thousand dollars.

Mr. BEACH. I have heard the statement made by the gentleman from Massachusetts [Mr. ROCKWELL] and also the statement made by the gentleman from Virginia [Mr. O'FERRALL], that the establishment

of Springfield as a port of delivery would tend to increase commerce. I think it would tend to increase the office-holders and the expenses of the General Government.

Now I am of the belief that we should stop establishing these ports of delivery and ports of entry, and in this connection I desire to call attention to what a very respectable and able gentleman, who filled the position of Secretary of the Treasury during the last administration, has said upon this question. Judge Folger, in his report of 1883, said:

There are twenty-two ports of entry at which not a dollar of duty has been collected for years at different times. There are twenty-two ports of entry in which the year's collections from all sources have not equaled the year's expenses. The custom-houses in those districts are, however, kept up with all the formalities of activity, with deputies, inspectors, and clerks to make official returns to the accounting officers of the Treasury and the Bureau of Statistics.

In the same line the present Secretary of the Treasury, under date of January 13, 1886, says:

In twenty-three of these districts there were no collections of duties on imports or tonnage. At such places the office of collector or surveyor is practically a sinecure; the official work consisting chiefly in the preparation of the numerous returns required by law and regulations to be rendered to the accounting officers.

Mr. REAGAN. I hope the gentleman from New York will not consume time in discussing a matter not before the House. Our time is limited for this business, and there are several bills that ought to be considered.

Mr. BEACH. Mr. Speaker, I shall occupy but a moment more. I desire to say in conclusion that, as I understand it, the Secretary of the Treasury will not give to any port of delivery the benefit of the act for the immediate transportation of dutiable goods unless at that port there are proper officers to appraise the goods. Therefore, if this bill passes, it amounts to a requirement that there must be not only a collector, but a surveyor and appraiser, and for that reason I think the bill ought not to pass.

Mr. RANDALL. Mr. Speaker, the policy of the Department I understand has been not to permit this immediate-transportation privilege, except on goods where the duties are specific and where, therefore, no appraisement is required. As to the twenty-two places to which allusion has been made by the gentleman from New York [Mr. BEACH], the trouble is that the pay of the officers there comes out of the Treasury without the action of Congress, under the law which permits five and a half millions to be distributed out of fines, penalties, and forfeitures received. If Congress could pass annually upon the force required for the collection of the customs revenue, then such evils as those complained of would cease. Otherwise there ought to be, in my judgment, a recommendation from the Department that those places be abolished.

Mr. REAGAN. Mr. Speaker, it is very interesting to get light upon this subject; but I submit that it is occupying time which should be devoted to other purposes.

Mr. RANDALL. What I have said is directly in the line of this bill. However, I do not desire to occupy time.

Mr. O'FERRALL. Mr. Speaker, I do not think it is necessary to reply to the gentleman from New York [Mr. BEACH]. He has replied to himself, as he usually does upon this floor. So far as the views of a former Secretary of the Treasury are concerned I prefer to take the advice of the present Secretary of the Treasury, and he favors the establishment of this port of delivery. I call for the previous question on the passage of the bill.

The previous question was ordered. The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. O'FERRALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. REAGAN was recognized, and yielded the floor to Mr. TARSNEY.

Mr. TARSNEY. Mr. Speaker, I call up from the House Calendar the bill (H. R. 264) granting to the Ohio Central Railroad Company the right to lay its track through the United States lock and dam property in the Great Kanawha Valley, State of West Virginia.

The bill was read, as follows:

Be it enacted, &c., That the Kanawha and Ohio Railroad Company is hereby authorized to maintain and use its track through the United States property at lock and dam No. 6, on the north side of the Great Kanawha River, in Kanawha County, West Virginia, and to use for a right of way through said property a section of land 54 feet wide and bounded and described as follows, to wit: Beginning at a point in the lower line of the United States lot 163 feet from the cornerstone marking the lower or western end of the line to said lot along the public road, running thence south 66 degrees west 600 feet through the said lot to a point in the upper line thereof; thence with said upper line south 24 degrees 30 minutes east, crossing the center line of the said railroad at 27 feet, in all 54 feet; thence north 66 degrees east 600 feet through the said lot to a point in the lower line thereof; thence with the lower line of said lot north 24 degrees 30 minutes west, crossing the center line of the said railroad at 27 feet, in all 54 feet, to the place of beginning, containing about three-fourths of an acre. And the privilege is also hereby granted to said company of hereafter laying, maintaining, and using a track through the United States property on the north bank of said river at lock and dam No. 4, and at lock and dam No. 3, and at lock and dam No. 2, in said county, subject, however, to the antecedent written consent and approval of the Secretary of War as to location, construction, and width of right of way: *Provided, however*, That the said company shall construct and maintain, at its own cost, all such wagon-crossings, cattle-guards, and fences over and along the line of its road through the said Government property, at all of the four lock and dam sites mentioned in this bill, as may be required by the Secretary of War: *Provided further*, That the said company shall take up and remove its track or tracks from the said property, or any part thereof, at either or all of the four sites mentioned, whenever thereto directed by the Secretary of War; and such removal shall not be made the foundation for any claim for damages against the United States: *And provided further*, That the right to repeal, alter, or amend this act is reserved to Congress.

Amend the title so as to read: "A bill granting to the Kanawha and Ohio Railroad Company the right to lay its track through United States lock and dam property in the Great Kanawha Valley, State of West Virginia."

The amendments reported by the committee were read, as follows:

In line 12, strike out "south" and insert "north."
In line 13, strike out "west" and insert "east."
In line 17, strike out "north" and insert "south."
In line 18, strike out "east" and insert "west."

Mr. COWLES. I make the point of order that this bill should receive its first consideration in Committee of the Whole. As I understand, it appropriates public property.

Mr. TARSNEY. It does not appropriate public property, nor any money.

Mr. COWLES. As I understand, the effect of the bill is to take public property for the road-bed, &c., of this railroad company. I make the point under subdivision 3 of Rule XXIII.

The SPEAKER *pro tempore* (Mr. MILLS). The Chair overrules the point of order.

Mr. TARSNEY. The United States Government owns some locks and dams on the Great Kanawha River, in West Virginia. The Kanawha and Ohio Railroad Company desires merely to lay its track across this lock and dam property. It does not ask any cession of property rights from the United States Government. This matter has been referred to the Secretary of War, who reports that there is no objection from his Department to the passage of the bill. The measure does not propose to grant away any rights of the Government.

The amendments reported by the committee were agreed to.

Mr. HOLMAN. I did not understand the provision which undertakes to protect the Government from liability for damages. I hope that portion of the bill will be read again.

The Clerk read as follows:

Provided further, That the said company shall take up and remove its track or tracks from the said property, or any part thereof, at either or all of the four sites mentioned, whenever thereto directed by the Secretary of War; and such removal shall not be made the foundation for any claim for damages against the United States: *And provided further*, That the right to repeal, alter, or amend this act is reserved to Congress.

Mr. TARSNEY. In other words, whenever the Secretary of War may direct the removal of the tracks, the company will be required to remove them without any claim against the United States for compensation.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. TARSNEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALIENS AS ENGINEERS AND PILOTS.

Mr. TARSNEY. I call up from the House Calendar the bill (H. R. 1200) to amend an act entitled "An act to authorize the employment of certain aliens as engineers and pilots," approved April 17, 1874.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an act entitled "An act to authorize the employment of certain aliens as engineers and pilots," approved April 17, 1874, be hereby so amended as to read as follows:

"That any alien who, in the manner provided by law, has declared his intention to become a citizen of the United States, and who shall have been a permanent resident of the United States for at least six months immediately prior to the granting of such license, may be licensed, as if already naturalized, to serve as an engineer or pilot upon any steam-vessel subject to inspection under the provisions of the act entitled 'An act to provide for the better security of life on board of vessels propelled in whole or in part by steam, and for other purposes,' approved February 28, 1871: *Provided, however*, That to entitle an alien who has procured a license under the provisions of this act to a renewal of such license he shall be required to furnish to the inspectors, with the application for a renewal of such license, satisfactory evidence, under oath, of the continuous residence of such applicant within the United States for a period of one year immediately prior to the date of such application: *And provided further*, That no license shall be granted to a person who has been a resident of the United States for a period of four years, or who shall have received a fourth renewal license, unless such applicant for such license shall exhibit to such inspectors, with his application for a license, a certificate of his admission as a citizen of the United States."

The amendment reported by the committee was read, as follows:

In line 28, strike out "four years" and insert "five years."

Mr. TARSNEY. Mr. Speaker, a brief statement of the purpose of this bill is all that is necessary. We have upon vessels belonging to citizens of the United States something over sixteen thousand officers. Upon the great Western lakes it has been our experience that people living outside of our territory come into it, procure licenses as officers of steam-vessels, and take our money back to their country and spend it. The purpose of this bill is not to prohibit such persons coming within our boundaries, but to require them to conform to our regulations and to pay to this Government some allegiance if they seek employment in our vessels. That is all there is in the bill. I call the previous question.

The previous question was ordered.

The amendment reported by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. TARSNEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WATER-POWER IMPROVEMENT, LITTLE FALLS, MINN.

Mr. REAGAN. I yield to my colleague on the committee, the gentleman from Indiana [Mr. BYNUM].

Mr. BYNUM. I call up from the House Calendar the bill (H. R. 463) to authorize the improvement of the water-power of the Mississippi River at Little Falls, Minn.

The bill was read, as follows:

Be it enacted, &c., That it shall be lawful for the Little Falls Water-Power Company of Minnesota to improve and develop the water-power in the Mississippi River at Little Falls, in the State of Minnesota, by constructing, maintaining, and operating in said river, at said Little Falls, dams, piers, sluice-ways, canals, locks, ponds, breakwaters, abutments, and mill-sites for manufacturing purposes: *Provided*, That there shall be placed and maintained in connection with said dam and other works a sluice-way, lock, or other fixture sufficient and so arranged as to permit logs, timber, and lumber to pass around, through, or over said dam or other works without unreasonable delay or hinderance: *Provided further*, That the Secretary of War may at any time require such changes and alterations to be made in said works, at the expense of said water-power company, as he may deem advisable and necessary in the interest of navigation.

The amendment reported by the committee was read, as follows:

Insert after the word "hindrance," in line 14, "and without tolls or charges."

The amendment was agreed to.

Mr. BYNUM. I yield to the gentleman from Minnesota [Mr. NELSON].

Mr. NELSON. I move to amend by adding to the bill the following as a new section:

SEC. 2. That the right to alter, amend or repeal this act is hereby expressly reserved.

Mr. BYNUM. There is no objection to that amendment.

The amendment was agreed to.

Mr. HOLMAN. I trust my colleague [Mr. BYNUM] will explain the purpose of this bill.

Mr. BYNUM. The purpose of the bill is simply to allow the construction of dams, sluice-ways, locks, &c., at Little Falls. There is no navigation of the Mississippi River at that point, and the Secretary of War reports that if there ever should be navigation there this improvement would be an aid to navigation. This bill proposes to allow these parties to improve the water-power at that point by the construction of dams, locks, &c., but without the right to impose any tolls or other charges, and subject to the power of the Secretary of War to order the removal of the works at the expense of the water-power company should any obstruction to the navigation arise.

Mr. HOLMAN. I believe the river and harbor bill now pending contains a very considerable appropriation for extending the surveys even above this point. Of course I have no objection to the bill.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. BYNUM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ASTORIA AND WINNEMUCCA RAILROAD COMPANY.

Mr. BYNUM. I now call up Senate bill 901, to grant the Astoria and Winnemucca Railroad Company the right to construct bridges over navigable water courses.

The SPEAKER. The bill is not upon the Clerk's desk.

Mr. BYNUM. It was reported yesterday.

The SPEAKER. The bill will be sent for.

Mr. BYNUM. While we are waiting for that bill I will yield the floor to the chairman of the Committee on Commerce to call up a bill, which may be passed in the mean time.

NATIONAL LIVE-STOCK HIGHWAY.

Mr. REAGAN. I call up for present consideration the bill (S. 721) to establish a national live-stock highway, and to promote commerce in live stock between the States.

The bill was read, as follows:

Be it enacted, &c., That the public lands in range numbered 41, along the east line of the State of Colorado, it being a fractional range, averaging about 2 miles in width, be, and is hereby, reserved from sale, settlement, pre-emption, or location for any purpose whatever, under any law of the United States, for the period of ten years, and is hereby set apart as a national live-stock highway for such period.

SEC. 2. That for the period aforesaid said highway may be used for the purpose of a national highway for live stock passing from one State or Territory to another or to market.

Mr. REAGAN. This bill passed the Senate without objection, and has been unreported by the Committee on Commerce in this House. Its only object is to establish a national live-stock highway, and thereby promote commerce in live stock between the States. If there be no objection I will move the bill be put upon its passage.

The SPEAKER. The bill is in the Committee of the Whole House on the state of the Union.

Mr. REAGAN. I ask unanimous consent, then, that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill, and that it be put upon its passage.

Mr. ADAMS, of Illinois. I do not see the gentleman from Colorado [Mr. SYMES] in the House, and, as this measure affects his territory, I would like to know what his wishes in the matter are. Is he for it or against it?

Mr. REAGAN. I will say, in reply to the gentleman from Illinois, that not only is the gentleman from Colorado [Mr. SYMES] in favor of the bill, but it was supported in the Senate by both the Senators from that State.

Mr. WEAVER, of Nebraska. Let me inquire of the gentleman from Texas whether there is anything to show that any portion of the territory which is proposed to be appropriated by this bill for the purpose of establishing a national live-stock highway is now occupied by actual settlers?

Mr. REAGAN. I will ask my colleague to answer the gentleman's question in that regard.

Mr. MILLER. If gentlemen of the House will get the report of the Senate Committee they will find that the Secretary of the Interior states not only is the territory embraced in this national live-stock highway not occupied by actual settlers, but that on account of the character of the land it is not capable of being settled. I know from the very best sources of information that there are no settlers upon this land.

The SPEAKER. Is there objection to discharging the Committee of the Whole House on the state of the Union from the further consideration of the bill and bringing it before the House for present action?

Mr. ANDERSON, of Kansas. I hope we will have some description of exactly where this road is to run.

Mr. REAGAN. It is to pass over the Pan Handle and up the east border of Colorado. It does not touch Kansas at all.

Mr. ANDERSON, of Kansas. I understand the gentleman to say it does not touch Kansas?

Mr. REAGAN. No, it does not.

Mr. LYMAN. Is it in order to have the bill read?

The SPEAKER. The gentleman has the right to have the bill read before this request is disposed of.

Mr. PERKINS. Let it be read, subject to objection.

The SPEAKER. Is there objection?

Mr. HOLMAN. I shall not object to the bill being brought before the House to be considered in the House as in Committee of the Whole.

The SPEAKER. If there be no further objection that order is made.

Mr. REAGAN. Mr. Speaker, the passage of this bill is very much desired. The drive of young cattle from Texas to the Northwest for the purpose of pasturing them has become a business of large proportions. It appears from the report there are some three hundred thousand cattle annually driven to the Northwest for that purpose. The bill to establish a national live-stock highway, which has been drawn in the interest of the commerce in live stock between the States, is acceptable to the Senators of Colorado and to all the parties who are interested in this business. The drive is just now beginning, and a refusal on the part of this House to take up and pass the Senate bill will injure the men engaged in this business hundreds of thousands, if not millions, of dollars. It is because of this great industry, which does much to aid in supplying the meat markets of the world, and because it gives these stock-raisers some chance to pasture their stock, I trust the bill will be taken up and disposed of at once.

Mr. SPRINGER. How wide is this national live-stock highway to be?

Mr. REAGAN. Two miles wide.

Mr. HOLMAN. What is to be its length?

Mr. REAGAN. The whole of the eastern border of Colorado. As stated by my colleague, and perhaps in the confusion it was not heard, the Secretary of the Interior has stated there was no part of the land covered by this proposed highway which is occupied by actual settlers, and that it was not only not settled, but on account of the character of the land was incapable of settlement. This highway, therefore, while it would be a great service to these stock-raisers, would really interfere with nobody. It merely aims to secure the right of driving cattle for a limited period over this country which is not capable of settlement.

Mr. McADOO. What is the aggregate number of acres to be taken up by this bill?

Mr. REAGAN. This is 2 miles wide I think in its widest part, and from that down to less than a mile. I do not exactly remember, but it does not exceed that in its widest part.

Mr. HOLMAN. If I understand the gentleman from Texas correctly, this land does not admit of cultivation; in other words, it is not agricultural land?

Mr. REAGAN. It was so reported to the Secretary. It was so stated by the officers of whom inquiry was made by the Department.

Mr. HOLMAN. As I understand, it lies west of the Indian Territory——

Mr. REAGAN. Yes, sir; it does not go through the State of Kansas, but passes through what is called the Pan Handle of Texas.

Mr. STEELE. Suppose there are settlers now upon the land, what will be their status in the event of the passage of this bill?

Mr. REAGAN. We are informed that there are none upon the land; but this should not affect them even if there were any.

Mr. STEELE. But if there are any, what will be the effect?

Mr. LANHAM. The passage of this bill could not interfere with any vested rights even if there should be any settlers upon that strip.

Mr. STEELE. Is that clearly set out in the bill?

Mr. REAGAN. Well, if you will make an amendment saving the rights of settlers, as far as I am concerned there will be no objection to it, although I think the bill is sufficiently explicit.

Mr. HOLMAN. The principal objection to the passage of this bill would seem to be its apparent favoritism in the interest of large operations. I am opposed to favoritism being shown to any interest, whether great or small, but I think of the two it is better indeed to favor a condition of affairs which rather benefits small operations than great ones. The tendency of legislation is ordinarily to favor great interests and at the public expense; and this is my principal objection to this measure. If the land in this case is not required for settlement by the people, of course no obstacle, it would seem, should be thrown in the way of making the provision which this bill contemplates; but if the land admits of agriculture or improvement, and that is an important point, you withdraw necessarily by this grant a large body of land from settlement.

Mr. REAGAN. My friend from Indiana will understand, for he knows the character of this region of country, that it is not agricultural land.

Mr. HOLMAN. It is a very dry and arid region, I admit, but it seems as if it was susceptible of improvement.

Mr. ADAMS, of Illinois. It is subject to irrigation now.

Mr. REAGAN. The passage of this bill is very important, because there are large interests involved; and a failure to pass the bill will work almost irreparable injury to a large number of people who are interested in this cattle business in various ways.

Mr. BRECKINRIDGE, of Kentucky. Let me ask the gentleman from Texas how these people have done heretofore in this respect?

Mr. REAGAN. They have met with various difficulties.

I will state to the gentleman from Kentucky that the whole trouble comes from the fact, as alleged and believed, that certain conditions which prevail along the coast up to a certain degree of latitude produce a disease among the cattle which is of a contagious character. In order to avoid bringing cattle through this region of country to which reference is made, so as to avoid contact with diseased cattle, is the principal purpose of the measure now before us. At a certain point of latitude north of the Gulf coast it is said that there is no danger of this disease being produced; and hence contact with diseased cattle is avoided by opening this trail. It is manifestly in the interest of all consumers as well as shippers to protect cattle from disease.

Mr. BRECKINRIDGE, of Kentucky. How are the cattle now driven?

Mr. REAGAN. They are driven by various routes, but they are very liable to contagion.

If there be no further objections I shall demand the previous question.

Mr. WEAVER, of Nebraska. I wish to offer an amendment.

Mr. REAGAN. I am willing to withdraw the demand to allow the gentleman that privilege.

Mr. DUNHAM. I am compelled to ask the chairman of the committee to give me time to call up a measure under the agreement.

Mr. REAGAN. I will attend to that.

Mr. WEAVER, of Nebraska. I now offer the amendment which I send to the desk.

The Clerk read as follows:

Provided, That this trail shall not be used until the present *bona fide* settlers on said trail shall have been bought out or their consent obtained.

Mr. REAGAN. I accept the amendment.

The amendment was adopted.

Mr. HOLMAN. I think that there should also be the right to alter or repeal the act reserved in case of emergencies.

Mr. REAGAN. That is not necessary.

Mr. HOLMAN. I think it is, because this is in the nature of a contract, which will be valid——

Mr. REAGAN. Very well; let the words be inserted, "and the right of the Government to repeal the law is reserved."

The amendment was agreed to.

The bill as amended was ordered to be read a third time; and it was accordingly read the third time.

The question recurred upon the passage of the bill.

The House divided; and there were—ayes 69, noes 29.

Mr. HEPBURN. No quorum.

Mr. LANHAM. I demand the yeas and nays.

Mr. REAGAN. I shall be forced, Mr. Speaker, to withdraw the bill under the understanding I have with other gentlemen, and yield to my colleague——

The SPEAKER. That can be done only by unanimous consent.

Is there objection to the withdrawal of the bill?

There was no objection, and the bill was withdrawn.

YELLOW FEVER INVESTIGATION.

Mr. DAVIS. I call up for consideration the bill (H. R. 5542) providing for the appointment of a commission to investigate the truth of alleged discoveries of the specific cause of yellow fever and of a method of preventing that disease by inoculation, and to obtain all information possible as to the cause and prevention of that disease; and I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill, and that it be considered in the House.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. MCMILLIN. Let the bill be read.

The Clerk commenced to read the bill. Before he had finished the reading,

The SPEAKER said: The hour for the consideration of bills has expired.

The bill in full is as follows:

Whereas protection against yellow fever is of the highest national importance, affecting our commerce, foreign and domestic, the health of our seaports, efficiency and safety of the Army and Navy (perchance necessarily operating in an infected region), the lives of the sailors of our merchant marine, and also virtually involving the social, industrial, and commercial growth of Tennessee and the Southern Atlantic and Gulf States of the Union, including such prosperous and populous cities as Memphis, Charleston, Savannah, Pensacola, Mobile, New Orleans, and Galveston; and

Whereas there is a large and accumulating mass of testimony that the power of protecting against yellow fever has been discovered in the inoculation of the essential germ or cause of the disease, by methods distinctly formulated and made available, there being cited in support of the discovery declarations and numerous instances of the successful application of the methods, emanating from Drs. Freire and Carmona, medical scientists at the head of the biological departments in the highest institutions of learning in Brazil and Mexico, authorized by and under the patronage of their respective governments; and

Whereas it is a manifest public duty that under the sanction and authority of the United States the said discoveries should be thoroughly investigated, tested, and, if found to be efficacious, made available for the protection of our people: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and is hereby, authorized to appoint a commission, which shall proceed to Mexico, and, if necessary, to the Central American states, Havana, and Brazil, and there make a careful and complete investigation of and report, after thorough examination, the methods of inoculation pursued and their effectiveness in protecting against yellow fever, together with all other information relative to that disease which may be discovered by experiment or otherwise.

SEC. 2. That the said commission shall consist of three persons, two of whom shall be officers of the Government, medical men of known ability and special attainment in biological research, particularly in the department of microscopic investigation and methods of culture of the essential germs causative of the infectious and contagious diseases. The other member of the commission shall be a medical man not an officer of the Government, of recognized ability, based upon long and ample experience in observation and treatment of yellow fever, competent to give expert consideration to all phases of the symptoms and course of that disease in any form wherein the phenomena of the disease may present themselves, whether induced in the course of pestilential invasion or in purposely devised inoculation.

SEC. 3. That the commission be authorized to employ such skilled assistants as it may deem necessary, and to fix the rate of their compensation: *Provided*, That the entire expenses of the commission shall be limited to the amount of the appropriation herein named.

SEC. 4. That the commission shall make, within twelve months of its appointment, a detailed report of its labors to the President of the United States, to be submitted by him to Congress. But if necessary for the accomplishment of its work, it may continue its labors two years, making also a final report: *Provided*, That that portion of the report covering the expenses of the commission shall be made under oath.

SEC. 5. That the sum of $25,000, or so much thereof as may be actually required to pay the necessary traveling and other expenses, and the salary of the member of the commission who shall be appointed from civil life, and its employés, be, and is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 6. That the sum of $5,000 per annum shall be paid as a recompense to the member of the aforesaid commission not already in the service of the Government.

RIVER AND HARBOR BILL.

Mr. WILLIS. I move that the House resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. WELLBORN in the chair), and resumed the consideration of the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The CHAIRMAN. The Clerk will report the pending amendment.

The Clerk read the amendment proposed by Mr. JOHNSTON, of Indiana, as follows:

Amend by inserting after the word "Illinois," in line 930, the following:

"And the further sum of $25,000 shall be expended between the Grand Rapids and the city of Terre Haute, Ind."

The CHAIRMAN. The pending question is on agreeing to the amendment which has just been read. When the committee rose last evening it was dividing upon it, and the point of no quorum was made. The Chair will appoint as tellers the gentleman from Indiana [Mr. JOHNSTON] and the gentleman from Kentucky [Mr. WILLIS].

Mr. JOHNSTON, of Indiana. I should like to be allowed five minutes in further explanation of my amendment.

Mr. WILLIS. The matter has been discussed, and I hope my friend will not press his request.

The CHAIRMAN. Does the gentleman from Kentucky object?

Mr. WILLIS. I do. A further argument from the gentleman from Indiana would necessitate reply.

The CHAIRMAN. The tellers will take their places.

Mr. McMILLIN. I suggest that there is now a quorum present, and we might settle the question more quickly by a rising vote.

Mr. JOHNSTON, of Indiana. I only ask unanimous consent for five minutes to give an explanation.

The CHAIRMAN. And to that request objection has been made.

The committee again divided; and the tellers reported—ayes 35, noes 94.

Mr. JOHNSTON, of Indiana. I withdraw the point as to a quorum.

So (further count not being called for) the amendment was rejected.

The Clerk read the following paragraph:

Improving White River, Indiana: Continuing improvement below Hazelton, $7,500.

Mr. GUENTHER. I move to strike out the last word. From the distinguished chairman of the Committee on Rivers and Harbors down to the unselfish patriot who hails from a dry district without river, harbor, or canal, and therefore vehemently opposes, under some pretext or another, the different items of this bill, and hopes for its ultimate defeat, everybody seems to agree to the proposition that something should be done to cheapen the cost of transportation, and that this question is the problem of the hour.

Finding this sentiment so unanimous, I had hoped that the contingent appropriation proposed by my colleague [Mr. THOMAS], looking to the improvement of the Wisconsin River with a view of completing a cheap through route of water transportation between the Mississippi and the great lakes, would receive favorable action.

From the first survey, in 1817 by Major Long to the last, all competent engineers have agreed that the through route of transportation between the Mississippi and Lake Michigan via the Wisconsin and Fox Rivers is an excellent one and that the plans of improvement are entirely practicable. The Fox and Wisconsin Rivers improvement can be completed for less than half of the sum that would be required to get the Hennepin Canal fairly started. It is a natural route, not requiring the construction of a new canal, as the one connecting the Fox and Wisconsin Rivers has been completed. It is 7 miles long at a depth of 4 feet of water at low water. For the last four years no money has been expended upon the Wisconsin River; that accounts for it that no progress has been made on that river. What little has been done heretofore has demonstrated that the river can be so improved as to afford practical navigation.

The Fox and Wisconsin route is a shorter and a more feasible one than any other route that has been proposed. From Saint Paul it has about 250 miles of Mississippi River navigation, 112 miles on the Wisconsin, 7 miles of canal, and 146 miles on the Fox River. It is now estimated that three millions more are required to complete this route, so that 5 feet of water, at low water, will be secured along the whole route. In my opinion, and I speak from conviction, this improvement would be of incalculable value to the whole Northwest. Gentlemen can figure out for themselves how much cheaper this route will be than the Hennepin Canal.

The last census shows that the center of the wheat and corn districts lies west of the Mississippi River and opposite the mouth of the Wisconsin River.

The advocates of the Hennepin Canal can say nothing which may not be said with as much truth of the Fox and Wisconsin route. Besides, it will cost about one-seventh of what the Hennepin Canal or any other route will cost. It is therefore in the interest of wise and economical government to complete this work. If after it is done there should be a necessity for the Hennepin Canal, we can then construct it; but certainly we should first carry out that work which gives at least equal advantages and involves a much smaller expenditure and will give a short and efficient through route of practical navigation between the Mississippi and the great lakes.

[Here the hammer fell.]

Mr. BRUMM took the floor, and yielded his time to Mr. GUENTHER.

Mr. GUENTHER. I thank my friend from Pennsylvania, but I will not occupy the time of the committee further. All I will say is that I hope the action of the committee on the amendment offered by my friend from Wisconsin [Mr. THOMAS] will be reconsidered, and that that amendment will prevail.

Mr. HENDERSON, of Illinois. I only desire to say a few words, for I have no disposition to get into any controversy with the gentleman from Wisconsin [Mr. GUENTHER] in regard to routes connecting the lakes with the Upper Mississippi River; but I want to say so far as the Wisconsin River is concerned the Engineer Department, or the Chief of Engineers upon his own motion, organized a board of engineers to examine that route, and no appropriation has been made for it purely and simply on account of the unfavorable report made by that board of engineers.

Mr. GUENTHER. Will the gentleman allow me to state that the amendment offered by my colleague was to provide a contingent appropriation, contingent on the report to be made by the engineers?

Mr. HENDERSON, of Illinois. I will say as to that that the report which has already been made is of such a character that the House can not afford to make any appropriation until after the board of engineers appointed for that purpose have examined this river and made their report and determined what can be done and what it will cost.

Mr. GUENTHER. That is what my colleague bases his amendment on.

Mr. HENDERSON, of Illinois. But you propose to appropriate one hundred thousand or one hundred and fifty thousand dollars to be expended if the engineers shall make a favorable report.

Mr. GUENTHER. That is it exactly.

Mr. HENDERSON, of Illinois. But they may make a favorable report that the river can be improved, but it may cost five or ten or twenty millions; and I say it is due to the House to know what the probable expense will be before we commit the House in any way to the proposition.

Mr. GUENTHER. It will be about three millions.

Mr. THOMAS, of Wisconsin. The gentleman from Illinois I think misunderstood my amendment. It proposes to expend $100,000 on the Wisconsin River provided the engineers make a favorable report; and only 33⅓ per cent. of what they may estimate shall be for expenditure this year, which can not be over two or three hundred thousand dollars.

Mr. WILLIS. Suppose they make it one hundred millions?

Mr. THOMAS, of Wisconsin. If the supposition is that the Engineer Corps would do an impossible thing the question has some pertinency, otherwise it has not. The committee seem to have implicit confidence in the Department of Engineers, but they will not agree to the adoption of this amendment in this bill.

Here in this bill are insignificant creeks like the Mosquito and other creeks that have had appropriations, and we know the majority of the streams for which $15,000,000 are appropriated in this bill are insignificant.

But I think, sir, the people will regard this $15,000,000 as in a great measure thrown away upon these creeks and "rivers" that are of no commercial importance, while at the same time the great rivers and the great harbors of the country are neglected. And this plan of appropriating 33⅓ per cent. of the amount required is virtually a waste of the public money, because when a flood comes these small streams are swollen, and the incomplete works are washed away and destroyed. I submit that the Committee on Rivers and Harbors have proceeded upon a wrong plan. They ought to have provided first for completing the improvements on the important rivers and harbors of the country instead of squandering the money in this way, and at the proper time I shall move that this bill be recommitted, with instructions to report a bill appropriating the $10,000,000 which the Engineer Corps, as I understand, say is all that can be profitably expended this year upon the real rivers and harbors of the country which are of commercial importance. I shall make that motion in order that these little creeks and streams and bayous, upon which hundreds of thousands of dollars are squandered by this bill, may be cut out, and that the money expended for the improvement of our water ways may result in some benefit to the people and to the navigation of the great rivers of the country. [Applause.]

The Clerk read as follows.

Improving Calumet River, Illinois: Continuing improvement, $35,000; of which $10,000 are to be used in dredging the river between the forks and a point half a mile east of Hammond: *Provided, however*, That no part of said sum shall be expended, nor any sum heretofore appropriated, until the entire right of way, as set forth in Senate Executive Document No. 9, second session Forty-seventh Congress, shall have been conveyed to the United States free of expense, and the United States shall be fully released from all liability for damages to adjacent property-owners, to the satisfaction of the Secretary of War.

The Committee on Rivers and Harbors recommends the following amendments: In line 927 strike out the words "shall be expended;" in line 928, after the word "appropriated," insert "except the said $10,000 for the river above the forks shall be expended." In line 935, after the word "war," insert:

And if any of the owners of real estate required to be taken or that is damaged for the purpose of straightening or widening that portion of the Calumet River for which the appropriation herein is now made, can not be induced to convey to the United States such real estate so required, and release their claim for damages caused by said improvement, or should the owner or owners be incapable of conveying and releasing, or should his or her name or residence be unknown, or he or she be a non-resident of the State of Illinois, it shall then be the duty of the United States attorney for the northern district of Illinois to immediately file a petition in any court having jurisdiction thereof, in the manner and as authorized by the laws of the State of Illinois in such cases, for the purpose of ascertaining the just compensation to be paid to the respective owners of the land taken or damaged: *Provided, however*, That the other owners of property and parties interested in said improvement shall first contribute the costs of such proceeding, and shall furnish the amount necessary to pay any judgment that may be rendered; and on failure to do so the cause shall be dismissed.

The CHAIRMAN. The question is on the amendments proposed by

the committee. The first two being being merely formal amendments, if there is no objection they will be considered together.

Mr. ANDERSON, of Kansas. I object to voting upon the amendments together. Let us take them one by one. I would like an explanation of this provision of the bill.

The CHAIRMAN. The question is on the first amendment proposed by the committee.

The amendment was agreed to.

The CHAIRMAN. The question is on the second amendment proposed by the committee.

The amendment was agreed to.

The CHAIRMAN. The question is on the third amendment proposed by the committee.

Mr. ANDERSON, of Kansas. Now, Mr. Chairman, I would like some explanation of this provision.

Mr. WILLIS. Upon what point does the gentleman desire explanation?

Mr. ANDERSON, of Kansas. I would like an explanation of this item of the bill. As I understand, you propose to condemn private property.

Mr. WILLIS. The object is simply to give the right of way. The owners of property themselves are to pay for it. The improvement is in the Calumet River, near Chicago, and this provision simply enables the owners of the property to secure a wider channel.

Mr. DUNHAM. Mr. Chairman, the gentleman from Kansas inquires why this proposition is placed in the bill. It is there because the engineers recommend that "no sum shall be expended on the river until the right of way shall have been conveyed to the United States free from expense, and the United States shall be fully released from all liability for damages to adjacent property-owners to the satisfaction of the Secretary of War."

The river and harbor bill of 1884 provided an appropriation of $50,000 for the Calumet River based on this condition. It has been impossible to obtain the necessary consent from all the owners of adjacent property. Some of these owners can not readily be found, some others seem unwilling to make the required concessions, and to enable this improvement to be carried out it has been deemed proper by many in interest to insert this clause to allow condemnation proceedings.

The proposition simply provides that the other owners of property shall contribute the costs of such proceedings and furnish money to pay any judgment that may be rendered, and failing to do so the proceedings for condemnation shall be dismissed.

There is no possible chance under the terms of this paragraph for the Government to be "out" any money whatever, except what is to be expended in widening and deepening the river, as provided by the appropriation.

Mr. ANDERSON, of Kansas. Why is this provision in regard to straightening the river inserted?

Mr. DUNHAM. Because the river is extremely crooked at places where it is necessary to straighten it. It comes under the same head as a recommendation of the engineers.

Mr. BURLEIGH. It also comes under the biblical provision that the crooked places shall be made straight. [Laughter.]

Mr. CANNON. I will ask my friend who represents the Cook County district [Mr. DUNHAM] if it is not true that however much merit other provisions in this bill may have, this provision touches the commerce of South Chicago and Chicago, and is unquestionably meritorious?

Mr. DUNHAM. It is.

The amendment was agreed to.

The Clerk read as follows:

Improving Gasconade River, Missouri: Continuing improvement, $7,500.

Mr. MCADOO. I move to amend by striking out the paragraph just read. Mr. Chairman, I have no desire to waste the time of the Committee of the Whole, but I want to compliment the able, urbane, and distinguished chairman of the Committee on Rivers and Harbors [Mr. WILLIS] for the superb tact which he has displayed in conducting this bill through the House.

This Gasconade River is an old friend of mine. I called attention to it in the Forty-eighth Congress; and if gentlemen will turn to the report made by the engineers to that Congress they will find it stated there that most of the work upon this turbulent, riotous, and romantic stream had been done in the office. That was the exact language in the report to the Forty-eighth Congress; and upon that we were asked in that Congress to appropriate some three or four thousand dollars, if I remember aright without having the report before me, to continue the work in the office. I suppose they took it in the office for fear it might run away or dry up.

Now I make this amendment simply for the purpose of bringing to the attention of the House the great mistakes of this river and harbor bill. Here is a stream which, according to the present report—and I must compliment the engineers upon the improvement in their report—is simply a small, obscure creek, overshadowed by trees, filled with logs, and crammed from the mouth to the headwaters with snags. The engineers first stated, according to their own showing in this report, that it would take $50,000 to improve this stream. They now admit that although $30,000 has already been appropriated and expended, it will after the expenditure of the $50,000 require from Congress an annual appropriation to keep anything like water in that stream; to keep the logs, snags, bowlders, rocks, and wrecks damp. Why, Mr. Chairman—and I submit this question to my distinguished friend from Kentucky [Mr. WILLIS], who leads this committee—would it not be a wiser thing to macadamize this stream and make a good country road of it? [Laughter.]

Where is the Gasconade River? Where does this romantic stream "gasconade?" What interstate commerce is profited by this annual dribbling of the people's money in sums of $3,000, $4,000, $5,000, and $7,500 into this gasconading, boastful river off in the State of Missouri? Why, Mr. Chairman, it is appropriations like this—ill-advised appropriations to get local support in this House—which have caused all the caricature and abuse to which this bill has been subjected in the press of the country. We have no guarantee from the report of the engineers that if we give them $7,500 for this stream this year we shall not have to give them $10,000 next year. It depends entirely upon the action of nature in the coming spring. If we have a good deal of rain and the logs come down and the snags gather, the voice of Gasconade will be heard in the Fiftieth Congress asking for $10,000 to remove the additional snags and logs that may have been brought down the stream by the force of nature. The only way to improve this stream would be for the Committee on Rivers and Harbors to find some scientific man who will prevent the snags from gathering, and the logs from floating, and the trees from growing along the Gasconade.

Therefore, Mr. Chairman, I submit that a wise thing for Congress to do in order that this great national beneficial scheme of improving internal commerce shall go on is to put its foot down upon the Gasconades, the Caseys Creeks, the Buncombe Bays, and the Roaring Rivers that are continually cropping up in the river and harbor bill. Let us act like business men. Let us act like members who have sworn to support the Constitution; and while appropriating for legitimate projects of national importance, let us not dribble away the people's money, wrung from them by taxation, in these constant annual appropriations that are more than wasted—criminally wasted—in appropriations of such small sums that no benefit inures to the stream and no benefit inures to the people, the results of our expenditure being blotted away by nature every year, and leaving these streams as if nothing had been done, the only effect being to give business to the military and civil engineers and the contractors, who according to the report of a prior Congress had done nothing toward improving this noble gasconading and money-demanding stream except by working in the offices on it. Let us stick to facts, and deal squarely and honestly with these improvement schemes.

Mr. WILLIS. Mr. Chairman, I am very sorry indeed that my friend from New Jersey [Mr. MCADOO] has made this attack on the Gasconade River in the absence of the gentleman from Missouri [Mr. BLAND] representing that district, who if he were here would, I know, reply in a very able speech and demonstrate the importance of this stream. I am very little inclined to undertake to supply the place of the gentleman from Missouri. This Gasconade River is not so large a river as the Mississippi; it is not so big as the Atlantic Ocean. But it has commerce; and those people living there, far removed from the Atlantic seaboard, where my friend from New Jersey had the privilege of being born, want to get to the Atlantic coast. We are trying to enable them to get to where he lives; and Congress for several years has been making these small appropriations to enable them to advance toward the civilization that surrounds the gentleman from New Jersey. I hope he will not protest against this appropriation. Those people want to meet him. They want to sell their produce to his people; and in the absence of the gentleman from Missouri I request him as a personal favor toward this Gasconade River and the people interested in it to withdraw his amendment.

Mr. WHEELER. Mr. Chairman, I have been pained to see the spirit evinced by some gentlemen on this floor for whom I have great personal regard. The gentleman from New Jersey, Mr. MCADOO, and the gentleman from Rhode Island, Mr. SPOONER, representing two States which, in proportion to their area, have received larger appropriations than any other State in the Union, are the first to commence their attacks upon this bill.

Mr. MCADOO. What is the amount appropriated for the State of New Jersey in this bill?

Mr. WHEELER. I can not state exactly the amount in this bill for the State of New Jersey, but I find by examining the laws passed by Congress previous to this time, that that State has received, in proportion to its area, five times as much as the other States and Territories in the Union. That is to say, New Jersey has received $1,451,500 for rivers and harbors wholly within her borders, and as her area is but 7,815 square miles, she has received at the rate of $186 per square mile. There has been expended for the whole country $144,237,539 for the same purpose, which would be but $39 per square mile. But in addition to this the Government has expended much more money for the benefit of New Jersey. The entire southern and western and, I might properly add, part of the northern boundaries of New Jersey lie upon the Delaware River and the Delaware Bay, and the Government has

already expended upon the Delaware River $1,452,000, and this bill appropriates $250,000 more, aggregating $1,702,000, and

THIS VAST EXPENDITURE

was largely for the benefit of New Jersey. Beside this very large sums have been expended on the channel between Staten Island and New Jersey, which was also largely for the benefit of New Jersey. And when we add to these sums $2,617,103.70 expended by the Government upon the Delaware Breakwater, which was also largely for the benefit of New Jersey, I submit that my friend's State has no just grounds for complaint of the illiberality of the people of the United States.

Mr. McADOO. This bill does not appropriate $100,000 for the State of New Jersey.

Mr. WHEELER. One hundred thousand dollars for a State of 7,815 square miles is more in proportion than is given to other States. But let us see. This bill gives for the harbor at Raritan Bay, New Jersey, $30,000; Maurice River, $5,000; Passaic River, $35,000; Raritan River, $35,000; Shrewsbury River, $10,000; South River, $5,000; in all, $120,000. In addition to which it appropriates $15,000 for the channel between New Jersey and Staten Island, $240,000 for the Delaware River—and the bill requires that all this amount shall be expended for the improvement of the river between Trenton, N. J., and the mouth of said river—showing that it is largely for the benefit of New Jersey. In addition to this the bill appropriates $75,000 for the Delaware Breakwater, also largely for the benefit of New Jersey.

Mr. McADOO. But the gentleman forgets the population of that State.

Mr. WHEELER. We do not appropriate by people, but by territory. It costs just as much to improve a river with a small population on its banks as it would to improve the same river if its banks were thickly populated. It costs just as much to improve a harbor with small cities upon it as it would if large cities beautified its shores. It is the length of the river, the extent of the harbor, and the amount of work to be done that measures the cost.

The gentleman from New Jersey moves to strike out the small appropriation for Gasconade River, Missouri, and denounces the bill because it contains an appropriation for this river, which he says is not larger than a creek. He is quite mistaken regarding the size and importance of this river, but referring to the law making appropriations for rivers and harbors in 1882 I see it appropriated $15,000 for Cheesequake Creek, New Jersey, $6,000 for Mattawan Creek, New Jersey, $5,000 for Cohansey Creek, New Jersey, and $5,000 for Woodbridge Creek, New Jersey.

Mr. SOWDEN. Is the State of New Jersey in the Union? [Laughter.]

Mr. WHEELER. Yes, it is; and we are going to hold her there; we are going to take care of her and provide for her rivers and harbors. [Laughter.]

But, Mr. Chairman, the gentleman from New Jersey [Mr. McADOO] says that the press of the country is against this bill. What press is against it? The press of the great West does not oppose it. The press of the great South does not oppose it. It may be that a portion of the press of New York city opposes it—the papers printed within a stone's throw of Wall street, where are located the headquarters of all the great railroad combinations in the United States. This, Mr. Chairman, is the only press which antagonizes this bill.

THE OPPOSITION TO THIS BILL

does not come from the people. In 1884 the capital stock and bonds of the railroads of the United States aggregated the enormous sum of $7,431,732,458, nearly one-half of which, or $3,000,000,000—a sum more than double our national debt—is admitted to be "watered," representing no property whatever, and it is the effort to secure large dividends upon this enormous amount of fictitious wealth that prompts and directs much of the opposition to this bill. And it is natural that this should be so. For by providing the country with cheap water transportation we cheapen railroad freights and threaten the privilege now enjoyed of levying a tax upon the labor and industry of the country to secure these dividends upon these unreal values.

The gentleman from New York [Mr. HEWITT], whose State has received from the Government for improvements wholly within her borders ten times as much as has been received by the State of Alabama, makes his first objection (at least the first objection which I have heard during the present session) to expenditures by the General Government by attacking this bill, which makes absolutely necessary appropriations to provide the necessary facilities for commerce and thereby cheapen the cost of transportation.

This bill appropriates an amount which will be equal to about 25 cents for every inhabitant of the United States, and the effect of this expenditure will be that millions of people will reap a direct and positive benefit by saving from $50 to $100 in the cost of transporting their wheat, corn, and other products to market. And every laboring man in the country will be enabled to purchase the articles which enter into the daily consumption of his family at a price so greatly reduced as to repay this meager outlay more than a hundred fold.

I can not agree with the gentleman from New York, who foresees danger to the liberties of our working people if they be employed by the Government upon these important works which are absolutely essential to the welfare of all the people.

I regret also to see that this bill is opposed by the gentleman from Iowa [Mr. HEPBURN]. An investigation of the records shows that his State—although it has existed as such for less than forty years—has benefited by eleven important river improvements, the expense of which was wholly borne by the Government. One of these improvements alone (Des Moines Rapids) cost the United States more than $4,000,000.

Let me say to those gentlemen who have perverted this discussion into unfriendly criticism of the Democratic party that it is not necessary expenditures, judiciously and economically made for the benefit of the whole people of the United States—and particularly of the working people—that the Democratic party is pledged to oppose. It advocates all such measures. But it is the profligate administration of the Government; the stealing of millions of dollars appropriated for building up our dismantled Navy; the donation of boundless tracts of the public domain to huge corporations; the official corruption which disgraced twenty-five years of Republican supremacy—it is these which the Democratic party has opposed and stricken down; against the perpetuation of which it stands irrevocably committed, and which under the guidance of that party, upheld by the virtue and manhood of the American people, never can be repeated.

The gentleman from Rhode Island seems to think his State has not received the usual bountiful appropriations to which it has been accustomed. By examining the records of our Government I find that up to January, 1884, the amount received by Rhode Island from the General Government for the improvement of her rivers and harbors was more than three times as much in proportion to her area as that received by any other State in the Union, and more than

TWENTY-FIVE TIMES AS MUCH

in the same proportion as has been received by the State of Alabama; and in reading this bill I find that it appropriates to Rhode Island much more, in proportion to her area, than to any other State—at least fifteen times as much as is given to the State a part of which I represent.

The gentleman from New Jersey [Mr. McADOO] made an eloquent speech about the Constitution and an honest, economic government; but if he will read this bill carefully he will find, as I have shown, that it appropriates to his State much more, in proportion to area, than is given to other States. He says let us "halt, and return to the Constitution." Does the gentleman mean that the United States has no right to improve its rivers and harbors? Does he mean that for Congress to do this is a violation of the Constitution?

I can not agree with those who question in any way the constitutional power of Congress to appropriate money for the improvement of any river which is used for navigation, or which, by improvement, can be made available for commerce between the States.

The question should and does arise in many instances as to whether the amount of commerce carried on upon a river, and therefore the benefit secured, will justify the expenditure necessary to render it navigable; but that is a mere matter of business. It is a question of expediency. It has nothing whatever to do with the power of Congress under the Constitution.

I go further. It does not make a particle of difference whether the river is wholly within one State or whether it flows through or flows into or borders upon two or more States. I insist that any river used for the purposes of commerce, even though flatboats only float upon its surface, is a river which Congress has the power to improve, without in any way violating the provisions of the Constitution. More than this: I maintain that Congress not only possesses the power to do this, but that it is an imperative duty to do it in all cases where the proposed improvement promises to result beneficially to the commercial interests of the country.

When measures are so just and proper that they can not be otherwise assailed, the

DEAR OLD CONSTITUTION

is too often used as the last resort of their opponents.

I am a constitutional Democrat, and I believe in upholding and defending that great instrument, but I do not believe in its being prostituted. No one will go further than myself in maintaining the doctrine of strict construction of the Constitution, but I am unalterably and inflexibly opposed to that narrow construction which would make it a means of prohibiting the general prosperity instead of using it for the special purpose for which it was expressly designed by its framers, namely, to promote the general welfare.

The Constitution was given us for a blessing, not for a curse. Let us sustain it, and let us use it, not as a stumbling-block, but as an aid, an incentive, in building up the fortunes of a great and prosperous nation. We have been blessed abundantly in all the sources of material wealth. Field and forest, mountain and river offer to supply us with all the necessities, the comforts, and luxuries of life, but it has pleased God, in His inscrutable wisdom, to attach to our enjoyment of these things one invariable condition—the necessity for labor. Labor must till our fields, hew our timber, dig our mines, and navigate our rivers. Labor is necessary in preparing our food, building our habitations, producing and transporting our comforts.

Barbarians in all ages have shown a disregard of this great truth; they have been content to live in caves and trackless forests, to eat unprepared food fit only for beasts, and to wear as garments the skins of wild animals. I could readily understand that this unenlightened spirit might exhibit an inclination to leave our navigable streams and harbors as they were before civilization demanded that they should

MINISTER TO MAN'S PROGRESS AND ADVANCEMENT;

that it should be unwilling to give assistance or encouragement to thousands of our worthiest citizens who are struggling nobly against most trying disadvantages.

But civilization has changed all this; and to the opponents of this bill I say: "Let us show the world that an adherence to the Constitution does not mean barbarism but civilization."

Section 8 of the Constitution says:

The Congress shall have power to regulate commerce with foreign nations, and among the several States.

And:

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or officer thereof.

Chief-Justice Marshall was the great expounder and defender of the Constitution. He presided over the Supreme Court for thirty-four years, and his decisions upon the meaning and construction of the Constitution have been incorporated in the jurisprudence of our country.

In McCulloch vs. Maryland (4 Wheaton, 415), Chief-Justice Marshall, n referring to the scope and design of the Constitution, declared that great instrument was "intended to endure for ages to come, and consequently to be adapted to the various crises of human affairs."

In the same spirit and to the same effect, it was held in Hunter vs. Martin (1 Wheaton, 304) that—

The instrument (the Constitution) was not intended to provide merely for the exigencies of a few years, but was to endure through a long lapse of ages, the events of which were locked up in the inscrutable purposes of Providence. It could not be foreseen what new changes and modifications of power might be indispensable to effectuate the general objects of the charter. * * * Hence its powers are expressed in general terms, leaving the legislature, from time to time, to adopt its own means to effectuate legitimate objects, and to mold and model the exercise of its powers as its own wisdom and the public interests should require.

In the case of The United States vs. The New Bedford Bridge (1 Woodbury and Minot's Reports, 421) Mr. Justice Woodbury declared—

For purposes of foreign commerce and of that from State to State the navigable rivers of the whole country seem to me to be within the jurisdiction of the General Government, with all the powers over them for such purposes (whenever they chose to exercise them) which existed previously in the States or now exist with Parliament in England.

Mr. Justice Washington said, in Corfield vs. Coryell (4 Washington Circuit Court Reports, 379):

The grant to Congress to regulate commerce on the navigable waters belonging to the several States renders those waters the public property of the United States for all purposes of navigation and commercial intercourse, subject only to Congressional regulation.

In Gilman vs. Philadelphia (3 Wallace, 724) it was held—

The power to regulate commerce comprehends the control for that purpose, and to the extent necessary, of all the navigable waters of the United States which are accessible from a State other than those in which they lie. For this purpose they are the public property of the nation and subject to all the requisite legislation of Congress. This necessarily includes the power to keep them open and free from any obstruction to their navigation, interposed by the States or otherwise; to remove such obstructions when they exist; and to provide by such sanctions as they may deem proper against the recurrence of the evil and for the punishment of offenders. For these purposes Congress possesses all the powers which existed in the States before the adoption of the national Constitution, and which have always existed in the Parliament of England. It is for Congress to determine when its full power shall be brought into activity and as to the regulations and sanctions which shall be provided.

In 18 Howard, 421, it is distinctly asserted—

The power of Congress to regulate commerce includes the regulation of intercourse and navigation.

Story's opinion on the subject (volume 2, page 4) is to this effect:

Commerce undoubtedly is traffic; but it is something more. It is intercourse. It describes the commercial intercourse between nations and parts of nations in all its branches, and is regulated by prescribing rules for carrying on that intercourse.

It has been well said: "The river is but an instrument of commerce," and in Gray vs. Clinton Bridge (16 Am. Law Register, 152), it is affirmed—

The power to regulate commerce is a power to regulate the instruments of commerce.

And in Cooley vs. Board of Wardens (12 Howard, 316) we find—

It extends to the persons who conduct it, as well as to the instruments used.

In 11 Wallace, 411 and 415, the Supreme Court says:

1. A river is a navigable water of the United States when it forms by itself, or by its connection with other waters, a continuous highway over which commerce is or may be carried on with other States or foreign countries in the customary modes in which such commerce is conducted by water.

If, however, a river is not of itself a highway for commerce with other States or foreign countries, or does not form such highway by its connection with other waters, and is only navigable between different places within the State, then it is not a navigable water of the United States, but only a navigable water of the State.

An investigation of the records reveals the fact that Congress has at various times appropriated the public money to improvements in three bodies of water which under this decision are not "navigable waters of the United States." Lake Winnepisseogee and its tributaries lie wholly in the State of New Hampshire, their waters forming the chief source of the Merrimac River. A dam built at its outlet forms a reservoir of these waters, which is under the control of an incorporated company, by which the water-power is regulated and supplied to factories on the Merrimac River below. By act of June 14, 1880, Congress appropriated $5,000 to survey and improve this lake, and March 3, 1881, $2,500 additional was appropriated, and General H. G. Wright, Chief of Engineers, in his report asserts that the expenditure of this money upon this lake "has benefited three or four steamers employed mainly for summer travel."

The Yadkin River, within the limits of North Carolina, is in the same category. It is entirely cut off by a narrow mountain defile of 30 feet in width, through which it descends in a torrent, falling 50 feet in 2 miles, and has no navigable connection with its lower part, which is known as the Great Pee Dee River. And yet Congress, by acts of March 3, 1879, June 14, 1880, and March 3, 1881, has appropriated $52,000 to improve this stream, and $40,000 have been actually expended, notwithstanding the fact that "no commerce existed upon the river, and none has been developed by the improvement thus far made."

Another stream falling under this definition of the Supreme Court is the French Broad River in North Carolina. The navigable connection between the upper river and the lower, which lies in Tennessee, is prevented below Asheville by rocky rapids, with a fall of about 18 feet to the mile, which General Wright describes as "not susceptible of any practical improvement." Nevertheless, the following appropriations have been made for the improvement of this river: August 14, 1876, $10,000; June 18, 1878, $15,000; March 3, 1879, $5,000; June 14, 1880, $3,000; and March 3, 1881, $5,000; and the results accomplished by this expenditure are summarized by the Chief of Engineers in these words:

The outlet for the trade of this portion of the river is dependent upon two railroads recently completed.

There are no rivers in this bill which do not come under the requirements laid down in the decision I have quoted.

The Alabama River lies wholly within the State of Alabama, but still it is a

NAVIGABLE WATER OF THE UNITED STATES,

and forms by its connection with other waters a continuous highway over which commerce may be carried on with other States. A line of steamboats might run from Montgomery to Vicksburg, or to Shreveport, or to Apalachicola, or boats might run from the headwaters of one of its tributaries to any of those cities. As a matter of fact, vessels and steamers do run from Mobile, which is situated at the mouth of the Alabama River, to different cities in the Union and to Europe, and the freight they carry is largely composed of the goods, wares, and merchandise which is brought down the Alabama. It would therefore be absurd to hold that Congress is forbidden by the Constitution to appropriate public money to make any needed improvement in the navigation of the Alabama River because it lies wholly within the boundaries of a single State, and the same rule holds regarding its affluents; and whether they be narrow or broad, deep or shallow, Congress has a right under the Constitution to appropriate money for their improvement, and if the commerce upon such river is such as to make its improvement a judicious measure I insist it is the duty of Congress to make the necessary appropriation.

THE MUSCLE SHOALS.

Mr. Calhoun, in 1824, when Secretary of War, referred to the proposed canal around Muscle Shoals as third in rank among the projected improvements of national importance, and in 1828 a survey was made by a board of United States engineers.

General Andrew Jackson crossed the Tennessee River at or near the Muscle Shoals repeatedly during his Indian campaigns early in the century. With the keen perception, rapid comprehension, and prompt decision which distinguished him, that great man at once saw the necessity for removing this obstruction to the navigation of the river, and appreciated the propriety of this being done by the General Government. Consequently when he became President he called the attention of Congress to its importance, and it was under his direction that another survey of the river with a view to its improvement was made by Col. S. H. Long, United States topographical engineer, in 1830. It appears that Congress had recognized the great necessity of the work to which General Jackson had called attention, and in 1828 donated 400,000 acres of land to the State of Alabama, the proceeds of which were to be applied to the construction of a canal around these shoals and around Colbert Shoals, 24 miles below.

An imperfect and narrow canal was constructed around the main obstruction only—Big Muscle Shoals—but before anything was done at other points some of the dams gave way, and there being no funds to repair them the old canal fell into disuse. It was estimated that to rebuild it and extend the improvement to Little Muscle and Elk River Shoals would involve an outlay of $4,000,000, and the whole work was abandoned.

The present project consists of a series of locks each 300 feet long by 60 feet wide in the chamber, and from 6 to 13 feet lift, the side walls being

from 14 to 21 feet high. Nine of these locks are required for the main canal, all of which have been built. They are constructed of heavy cut-stone and rubble masonry, and are founded upon solid rock. The masonry is all completed, and the massive iron gates, made of boiler-iron, are being placed in position.

As this important work is in my district I have taken special pains to familiarize myself with its details. I have passed over the work several times accompanied by the engineer in charge, and my remarks concerning its recent progress and present condition are based upon actual and often-repeated observation.

This great improvement possesses features which commend it to the favorable consideration of Congress, and which are not to be found in any other public work.

When completed it will connect by water navigation all the States which lie upon the Mississippi and its tributaries with Alabama and Georgia and with East Tennessee, and supplemented with a short line of railway it will bring the entire Northwest in communication with all the States of the Southeast, opening an annual trade amounting to many hundreds of millions of dollars, giving this amount in money to the States of the Northwest in exchange for their products.

This obstruction hermetically seals this 700 miles of navigable water from the rest of the world. Already $2,000,000 have been expended on this work under the direction of the officials of the State of Alabama, and $2,295,500 by the General Government, and from this large outlay

NOTHING CAN BE REALIZED

directly or indirectly until it is finished. No benefit whatever can be derived from this large investment until the whole obstruction is removed. On the contrary, the work already done will constantly deteriorate in value, while the country loses the interest on the large expenditure already incurred during every year of unnecessary delay.

To give any value to the work already done at Muscle Shoals the whole improvement must be absolutely completed; a continuous water way must be rendered available from Knoxville to the Ohio River. This water way must be made available as a highway of commerce, for a single impassable obstruction, demanding transshipment of freight, or interfering in any way with the traffic on the river, like the weakest link in the chain which measures the strength of the chain, will be the measure of the value of the river as a commercial highway.

To leave the work as it is now would be the same thing, in principle, as if a railroad company should start to bore a tunnel through a mountain and should suspend operations when within a few feet of the farther edge of the mountain.

The Little Muscle Shoals obstruction has been practically removed.

THE MAIN CANAL TRUNK,

14½ miles long, has been enlarged and deepened by heavy rock cutting and earth excavation. Twenty-five stone piers and two abutments for an aqueduct at Shoal Creek have been built, besides piers for bridges, masonry for water weirs, &c.

The Elk River Shoals improvement consists of two locks and about a mile and a half of canal, which, together with heavy stone dams and rock excavation, are nearly completed. All the stone for these locks has been quarried and cut, and the masonry of the locks is at this time nearly completed, and the excavation of the canal trunk is far advanced.

The entire amount expended on the Tennessee River between Chattanooga and Paducah has been $2,695,500, of which amount about $2,300,000 has been expended at Muscle Shoals. This does not include the $2,000,000 spent by the State of Alabama, which has proved of very little practical benefit.

With the amount asked for this year, $350,000, the entire improvement can be made available and the passage of boats through the obstruction secured. The whole of the work required for this great improvement will be completed at a cost far inside of the original estimate, made in 1873, which was $4,133,000, notwithstanding the fact that the appropriations have been only about one-third of the annual estimates, which of course adds to the cost of all such works.

The canal when finished

WILL LAST FOR CENTURIES,

and will be available at all seasons of the year. Though nothing should be done toward removing the minor obstructions in the river, it will yet be navigable for a longer period during the year than most of our Northern rivers are free from ice.

Next in importance to Muscle Shoals, which, of course, should be first provided for, comes Colbert Shoals, where at very little expense additional work can be done with the most advantageous results. All the other obstructions are of minor consequence, and even if they are not disturbed the river can be safely navigated during at least nine months of the year.

It is a fact not generally known, and perhaps, therefore, inadequately appreciated, that the Tennessee River has a better low-water channel than the Ohio, and that its regimen is much more permanent. The bottom is generally of rock, and the banks are almost invariably protected by rock or by a dense growth of vegetation.

The importance of—I think I am justified in saying the necessity for—this improvement will be rendered apparent by the following facts, to which I ask the careful attention of the House. The territory which is shut off from traffic with the remainder of the United States by the obstruction to navigation at Muscle Shoals embraces an area of about 56,000 square miles, comprising North Alabama, part of Middle Tennessee, all of East Tennessee, and portions of Georgia, North Carolina, and Virginia.

The country above the Muscle Shoals is abundantly supplied with the following trees which are needed in the Northwest: White, red, and post oak, ash, hickory, locust, birch, cherry, gum, black walnut, maple, red cedar, holly, beech, white and yellow poplar, and yellow and long-leaf pine.

The marble obtained in East Tennessee is abundant and its quality is unsurpassed by any in the United States. Gold, nickel, silver, zinc, copper, lead, fire-clay, building-stone, sandstone, and limestone are here found, rich in quality, abundant and easy of access.

The greater part of the land in this immense area is very

RICH AND HIGHLY PRODUCTIVE,

the principal products being cotton, cereals, and stock. The annual product of that portion of the Tennessee Valley above these shoals may be stated in round numbers as follows:

Wheat	bushels...	9,000,000
Corn	do.....	30,000,000
Oats	bushels...	5,000,000
Hay	tons...	200,000
Cotton	bales...	70,000
Live stock	value...	$30,000,000
Forest products	do.....	$500,000

And it should be borne in mind that this has been and is being produced by a people who realize the fact that they can not hope for any commercial relations with the rest of their countrymen except by the comparatively expensive method of railroad transportation. Remove the impassable obstruction presented by these shoals, and give them the benefits of uninterrupted, continuous, and cheap water navigation to foster and stimulate their enterprise, and in a very few years the production of their fair and fertile territory will be doubled.

But this is the least of the great benefits which will be derived from the opening of navigation on the Tennessee River. The immense beds of coal which lie near the banks of this river in North Alabama and Tennessee are sufficient to supply the world. The mountains of iron ore, excellent in quality, will find a market when this water way is opened to them, and will enrich nearly every State in the Union.

It will be gratifying to the scientific world to learn that only last week

BESSEMER STEEL WAS MADE IN CHATTANOOGA

of ores found within easy access of that city. If ever there was a case in which the expenditure of the people's money was demanded by the people's interest it is this case. It will be of great benefit and advantage to the people of my district, I know, but its benefits and advantages must of necessity extend to a number of citizens and tax-payers so vast that the numbers in any single district seem insignificant in comparision.

To thinking minds the advantages of river improvements are so apparent as to require no argument. Besides compelling railway companies to give reasonable rates to the people, they furnish means for the transportation of cheap and bulky commodities, such as timber, lumber, pig-iron, coal, and building stone; and it is a fact worthy of notice that most of the members of Congress and most of the papers who make war upon the river and harbor bill are located in sections that have already secured liberal appropriations for improvements, or else their constituents are deeply interested in the profits of railroad transportation.

To give some idea of the capacity of water navigation, I would call attention to the fact that while the Erie Canal was delivering 37,500,000 bushels of grain at New York, all the railroads which centered there, including the four-tracked Central, were delivering only 28,000,000.

We certainly might take a lesson from the European nations on the subject of water way improvements, and in calling attention to some of them I will commence with

FRANCE.

Up to the time that Bonaparte became the First Consul of France, at the end of the last century, the low-water depth of the Seine was only 2½ feet, and up to 1850 4 feet of water was considered as a good navigable condition. About this time numerous locks and weirs were constructed between Paris and Rouen to increase the depth. At first plans were made for 5 feet; they were then changed to provide for 6½ feet; and finally the importance of the improvement became so apparent that in 1878 it was decreed to so extend the works as to secure a draught of 10½ feet, so that vessels of 800 tons burden could at all times ascend the river to Paris. The estimated cost of these improvements is about $8,500,000.

The improvements of the Rhone are also important. A canal 2 miles long, near its mouth, was completed in 1862, at a cost of more than $3,000,000. It is 200 miles from Lyons to the Mediterranean, in which distance the average fall per mile is 32 inches. The river is navigable for vessels of considerable burden except in extreme low water, when the depth in many places is only 3 feet. A grant of $9,000,000 has

already been obtained to improve the river below Lyons, so as to insure a depth of 5 feet 3 inches at the lowest water. The estimated cost of the entire improvement is about $12,000,000.

Mr. Krantz, a member of the National Assembly, made a report in 1872 showing that up to that time there had been expended for constructing canals and improving rivers more than $230,000,000; and notwithstanding this enormous antecedent outlay a bill was introduced in the chamber of deputies in 1878 for further systematizing and improving internal navigation, at an estimated additional expenditure of—

For rivers	$13,000,000
For canals	142,600,000
For harbors	20,000,000
Making in all	175,600,000

Mr. Krantz reported the cost of transportation as being about one-half of 1 cent per ton per mile for canals and about two-thirds of 1 cent per ton per mile for rivers. It must be recollected that France is only three-fourths as large as Texas, and notwithstanding her good facilities for inland navigation she profitably runs over 18,000 miles of railroad.

RUSSIA HAS THE BEST

natural inland navigation of any country in Europe. She has 19,000 miles of navigable water way and 38,000 miles of raft-bearing rivers. The Volga is 2,000 miles in length, and drains an area 563,000 square miles in extent, and, with its tributaries, affords 7,200 miles of navigation. The Ural has a course of 1,446 miles, and drains 95,000 square miles of territory. The Dnieper is 1,060 miles long and drains 204,000 square miles. The Petchora, Dwina, Bug, Dniester, Neva, and Duna are also important rivers, draining together some 300,000 square miles.

Notwithstanding this vast natural inland water way, and notwithstanding the fact that nearly all rivers in Russia are closed by ice during the long winter months—from October to May in the North and from November to April in the South—the Russian Government has inaugurated and prosecuted a well-considered system of artificial canals, whereby the whole country is traversed by water from end to end.

The Saint Petersburg canal alone has cost $7,000,000, and 900 miles other canals have been constructed.

ITALY IS NOT RICH

in waterways, the only one of any considerable value being the valley of the Po. The navigable portion of all her rivers aggregates only about 1,100 miles. The Italians were among the first people in modern Europe who attempted to plan and execute the construction of canals; but the total length of their navigable canals is now only 435 miles.

AUSTRIA-HUNGARY

possesses in the Danube and its three hundred affluents a series of water courses which extend so as to drain 316,000 square miles of territory; and notwithstanding these great natural advantages the government has expended millions upon millions of dollars to improve this river and to afford commercial facilities to those sections of the country where navigation was obstructed. One single cut of only 10 miles in length, which was made to shorten the river 1½ miles, cost the government $16,000,000; and this is but one item of the vast sum expended to render this great stream a practicable highway of commerce.

GERMANY,

with an area a little larger than that of France and with 22,000 miles of railroad, has already spent more than $20,000,000 upon a stream not larger than the Clinch, and yet we find people calling it extravagant because since the beginning of the Government we have spent on that river about $14,000.

HOLLAND.

Holland, with only 2,128 square miles of territory—about the size of the State of Delaware—has expended upon three public works $32,000,000. The new mouth of the Maas (or Meuse) cost $12,500,000; the North Holland Canal cost $4,500,000; and the North Sea and Amsterdam Canal cost the government $15,000,000.

BELGIUM.

The little country of Belgium has expended in round figures $20,000,000 on dock and river improvements. She has an area of 11,378 square miles—about the size of the State of New Hampshire—and profitably runs 2,700 miles of railway in spite of the competition from her water ways.

GREAT BRITAIN.

Notwithstanding the fact that she profitably supports 19,000 miles of railway, and that all the chief rivers of the United Kingdom are mostly arms of the sea, navigable for considerable distances at high water by the largest vessels, and notwithstanding the fact that her size is less than half that of the State of Texas, I have before me official reports showing that up to 1844 she had expended more than $100,000,000 to improve her inland navigation.

The average actual cost of transportation on all English water ways is estimated to be about one-half of 1 cent per ton per mile.

When we consider that the United States is more than three hundred times as large as Belgium or Holland, more than thirty times as large as Great Britain, and eighteen times as large as Germany or France, it is hardly creditable to us to have to admit that our entire expenditures for rivers and harbors from the beginning of the Government until June 30, 1882, have amounted to $111,300,000.

To show how this money has been distributed among the States I have arranged a table from the figures given by the Secretary of War in his report, which was transmitted to Congress by the President.

Table showing the aggregate appropriations for the improvement of rivers and harbors, from the beginning of the Government, March 4, 1789, to June 30, 1882, as shown by the report of the Secretary of War, transmitted to Congress by the President of the United States January 22, 1884.

	Amount.
New York	$10,237,611 28
Michigan	7,984,877 25
Wisconsin	4,659,541 74
Delaware	3,327,164 69
Massachusetts	3,119,499 08
Ohio	3,116,147 29
Illinois	2,672,395 60
Texas	2,566,200 00
North Carolina	2,399,658 92
Virginia	1,734,880 00
Maryland	1,731,817 50
California	1,717,000 00
Connecticut	1,585,926 83
West Virginia	1,531,300 00
Maine	1,475,884 48
Georgia	1,412,596 64
Pennsylvania	1,158,042 23
New Jersey	1,099,052 00
Alabama	1,091,751 83
South Carolina	963,000 00
Indiana	786,203 92
Florida	760,350 09
Rhode Island	733,700 00
Oregon	654,000 00
Vermont	551,980 20
Kentucky	457,000 00
Minnesota	447,500 00
Mississippi	377,900 00
Arkansas	316,500 00
District of Columbia	291,500 00
Louisiana	245,400 00
New Hampshire	202,500 00
Tennessee	85,500 00
Missouri	22,000 00
Idaho Territory	10,000 00
Washington Territory	5,500 00
Iowa	2,500 00
Miscellaneous	39,667,664 77
Surveys	4,985,713 40
Repairs, &c	3,977,127 12
Dredging machines, &c	1,135,257 54
Grand total	111,299,464 79

Since this report was made the law of 1882 appropriated $18,988,875, and the law of 1884 appropriated $13,949,200, giving a grand total of expenditures for this purpose since the establishment of the Government of $144,237,539.

The appropriations charged directly to the States refer only to the harbors and rivers that are wholly within the several States; and those improvements which are designed to benefit two or more of the States are grouped together in one aggregate, under the head "Miscellaneous."

I desire now to give a minute

DESCRIPTION OF THE MUSCLE SHOALS

improvement; and to do this, I beg to call attention to a map explaining this great work.

The river flows from the right to the left of the map. The navigation for large steamboats is good from Knoxville to the head of this obstruction, a distance of more than 350 miles.

Commencing about 1 mile below the head of Brown's Island, on the right of the map, about 12 miles below Decatur, a solid rock bottom forms a series of reefs, which for all time, except in periods of floods, have been a complete bar to navigation. The plan adopted has been by means of coffer-dams to blast out the rock from the bottom of the river, the excavated rock being used to construct a wall on either side of the channel thus secured, the channel being sufficiently wide to allow the largest boats to pass each other at full speed.

This portion of the work is entirely completed, and to give some idea of the amount of labor involved I will mention that it required the excavation of much more than 1,000,000 cubic feet of very hard silicious rock.

This character of improvement continues from the point indicated by the figure 1 down to the point indicated by the figure 3, a distance of 2 miles. The natural channel of the river has sufficient water for navigation from this point to the foot of Brown's Island, at the point indicated by the figure 4½, a distance of 1½ miles. From the lower end of Brown's Island a wall has been constructed to confine the water between itself and the southern shore. This wall extends to the point indicated by the figure 7, a distance of 2½ miles. It raises the water and secures a

CHANNEL SUFFICIENTLY WIDE

for all purposes of navigation. This work also required excavations of rock for some distance below the western or lower extremity of Brown's Island. At the point indicated by the figure 7 a first-class lock is being



29 of Browns Ld. 28 and


Huntsville Road
Six Mile Creek
Four Mile Creek
Brooks Quarry
Hacken's Quarry
Montgomery Quarry
Blue Water Creek
Engineer Camp
Walker's Quarry
Blue Water Ferry
To Jonesboro
To Courtland
+28
+27
+26
+25
+24
+23
+22
+21
+19
+18
CUMBERLAND RIVER
NASHVILLE
CLINCH RIVER
POWELL'S R.
HOLSTON R.
KNOXVILLE
FRENCH BR. R.
LITTLE TENNESSEE R.
N. C.
CHATTANOOGA
TENNESSEE RIVER
GEORGIA
DECATUR
PROFILE OF
1 mile 4290
1 mile 4320
4 miles 880 ft
1 mile 1820 ft
Shoal Creek Aqueduct
Natural Slope of River
BIG MUSCLE SHOALS.
Head of Browns Isl. 28 and.

MUSCLE SHOA

TENNESSEE

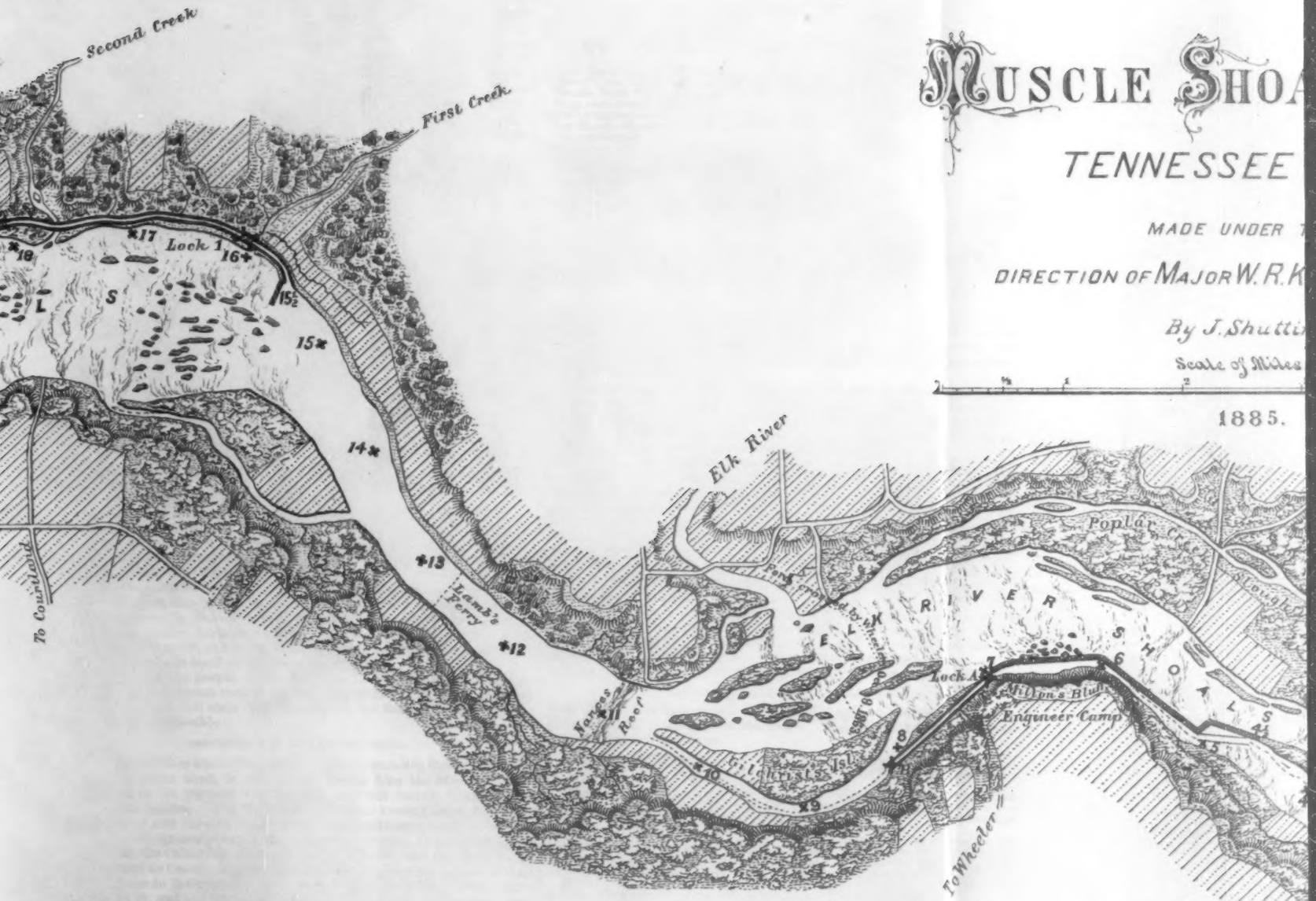
MADE UNDER

DIRECTION OF MAJOR W. R. K

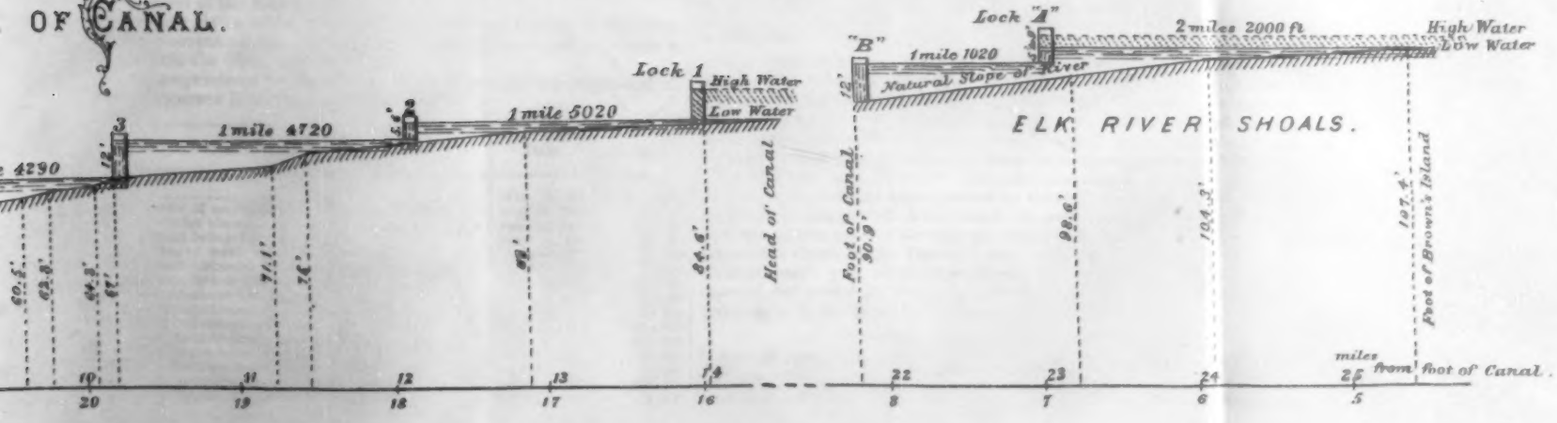
By J. Shutti

Scale of Miles

1885.



OF CANAL.



MUSCLE SHOALS CANAL.

TENNESSEE RIVER.

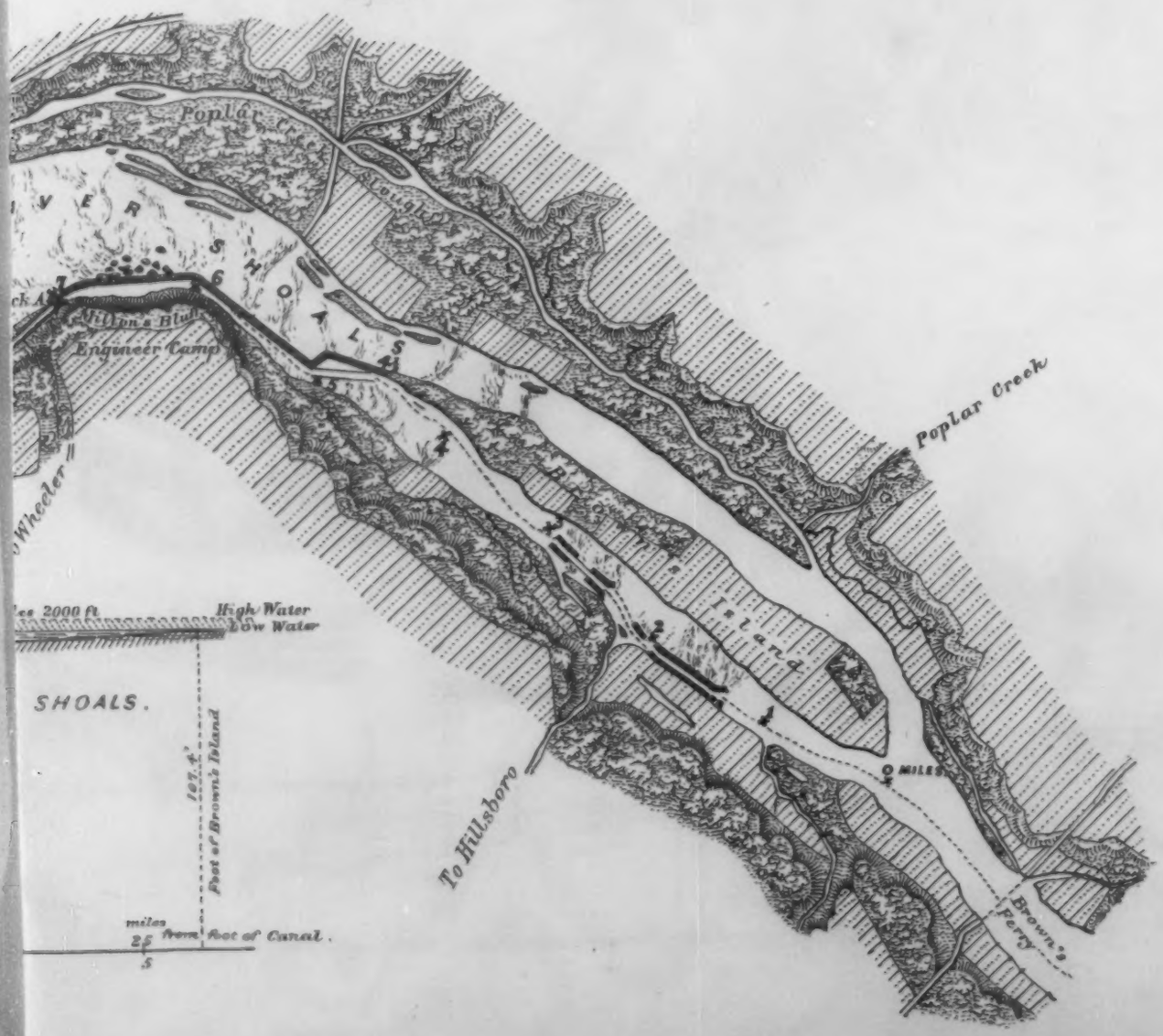
MADE UNDER THE

DIRECTION OF MAJOR W. R. KING, CORPS OF ENGRS.

By J. Shutting.

Scale of Miles.

1885.



constructed, called Lock A. From this point a canal has been excavated for nearly 1½ miles to the point indicated by the letter "B," where another lock is nearly completed. One of these locks has a lift of 12 feet, and the other from 5 to 10 feet lift, according to the stage of water in the river. From Lock B the slough between Gilchrist Island and the shore has been improved a distance of 3 miles, to Nance's Reef, which will be seen on the map at the figures 11. This reef has been removed by solid rock excavations. From this point we have deep water for a distance of 4½ miles to the point indicated by the figures 15½. Here commences the main canal, 14½ miles long. The total fall of the river in this 14½ miles is 84½ feet; at some points the fall is very great, being 18 feet in one single mile, and at other points the fall, for short distances, is at the rate of 40 feet to the mile, giving the river the appearance of a roaring torrent.

To be more minute in the description of this canal, I will call the attention of the House to its mouth at the point indicated by the figures 15½. Then running down to the point marked 16 we come to the

FIRST OF THE NINE LOCKS,

the aggregate lift of which is 84½ feet, the lift of most of them being either 10 or 12 feet. They are 60 feet wide, and 300 feet between the gates. The canal, when completed, will be from 70 to 120 feet wide, with 7 feet of water, and will pass boats 60 feet wide, 300 feet long, and drawing 6 feet of water. At the point marked 18 is lock No. 2, the distance between the first two locks being 2 miles. Two miles further down the river, at the point marked 20, is lock No. 3. A mile and a half below is lock No. 4. Two miles below this is lock No. 5. The original plan of the work contemplated another lock, to be numbered 6, but the fall of water was found to be such that this lock was omitted. The next completed lock is No. 7, at the point indicated by 28.

This lock is 4½ miles from lock No. 5. One mile farther down we come to Shoal Creek, which the canal crosses by means of an aqueduct. The construction of this part of the work required the building of twenty-seven stone piers and abutments, each of which is 75 feet long and their average height is 11 feet. The iron beams for the trunk of the aqueduct are 32 feet long and 17¾ inches deep. As these beams could not be cast in this country, they were contracted for in Belgium. Their total weight is about 600 tons.

After crossing the aqueduct, we come to lock No. 8, and three-quarters of a mile farther down to lock No. 9; one-quarter of a mile from the latter is lock No. 10. Lock No. 8 is 12 feet lift, and locks Nos. 9 and 10 are each 10 feet lift. Between locks 8 and 10 the natural fall of water is 18 feet in a single mile, and between locks 9 and 10 it is about 10 feet in a quarter of a mile. Lock No. 10 is the western mouth of the canal, and from that point the river is improved by means of dams confining the water to the north of Jackson's Island, and also to the north of the island below Jackson's Island. A number of wing-dams have also been constructed, extending from Jackson's Island on the south, and also from the right bank of the river on the north.

In order that the people of the Northern States may more fully understand the detriment caused by this impenetrable bar to navigation in a large river I will state that its effect is the same as would be produced by an impassable

OBSTRUCTION IN THE HUDSON RIVER

some 40 or 50 miles above New York. The Cascades in Columbia River is the only other work in the United States like the Muscle Shoals which has for its purpose the opening, and not merely the improvement, of navigation. The Muscle Shoals affect twenty times the number of people and involve interests one hundred times greater than those involved in the great and important project in Oregon; and yet the appropriation for the Columbia River reached $1,000,000, and the Chief Engineer informs us that $1,250,000 more is needed to open navigation at that point. I am in favor of the work; every member of this House ought to vote for it; and one hundred times more important is the great canal improvement of the Muscle Shoals.

I will now give a table showing the entire expenditures of the General Government on the Tennessee River, from its source to where it empties into the Ohio, near Paducah.

The appropriations by the General Government for the improvement of the Tennessee River have been as follows:

Object of appropriation.	Date.	Amount.
Survey	Mar. 2, 1827	$200
Improvement of navigation	Aug. 30, 1852	50,000
Contracts under above	June 12, 1860	2,756
Improvement below Chattanooga	Mar. 3, 1871	80,000
Continuation of work below Chattanooga	June 10, 1872	50,000
Improvement between Knoxville and Chattanooga	June 10, 1872	25,000
Improvement below Chattanooga	Mar. 3, 1873	100,000
Improvement above Chattanooga	Mar. 3, 1873	25,000
Continuing improvement above Chattanooga	June 23, 1874	25,000
Continuing improvement below Chattanooga	June 23, 1874	100,000
Continuing improvement below Chattanooga	Mar. 3, 1875	360,000
Continuing improvement above Chattanooga	Mar. 3, 1875	40,000
Continuing improvement above Chattanooga	Aug. 14, 1876	15,000
Continuing improvement at Muscle Shoals	Aug. 14, 1876	295,000
Continuing improvement above Chattanooga	June 18, 1878	15,000
Continuing improvement below Chattanooga, $15,000, or any necessary part for Duck River Shoals	June 18, 1878	300,000
Improvement above Chattanooga	Mar. 3, 1879	11,500
Improvement below Chattanooga, including Muscle Shoals, Duck River Shoals, and shoals at Reynoldsburg	Mar. 3, 1879	210,000
Improvement above Chattanooga	June 14, 1880	10,000
Improvement below Chattanooga, including Muscle Shoals, Duck River Shoal, and shoal at Reynoldsburg, continuing operations	June 14, 1880	300,000
Continuing improvement below Chattanooga, including Muscle Shoals, Duck River Shoal, and shoal at Reynoldsburg	Mar. 3, 1881	250,000
Continuing improvement above Chattanooga	Mar. 3, 1881	7,000
Continuing improvement above Chattanooga	Aug. 2, 1882	7,000
Continuing improvement below Chattanooga including Muscle Shoals and shoal at Reynoldsburg	Aug. 2, 1882	250,000
Continuing improvement above Chattanooga	July 5, 1884	3,000
Continuing improvement below Chattanooga, including Muscle Shoals and shoal at Reynoldsburg	July 5, 1884	250,000

Is it not painful, Mr. Chairman, to see an improvement so important as this dragging along with petty appropriations from 1827 to the present time—a period of almost sixty years?

THE PROFIT AND ADVANTAGE

to the people of the United States from a single year's use of this water way would far more than compensate for every dollar expended in making it available, and yet gentlemen hesitate about appropriating this meager sum, which is all that is required to carry this important undertaking to successful completion.

When this work of improvement was commenced, more than half a century ago, false economy necessitated a plan of construction so faulty and inadequate that it resulted in the almost total waste and loss of the entire $2,000,000 expended at that time. After the failure of this ill-conceived and poorly executed project, the attempt was abandoned and no effort was made to remove this impassable obstruction to the navigation of the Tennessee River until about ten years ago, when, after careful estimates, it was reported that $4,133,000 would be required to complete the improvement.

By a system of rigid economy and watchful care in every branch of the expenditure—saving a lock in one place, taking advantage of deep water in another, and by donations of land, rock, and timber by poor but public-spirited citizens in the immediate vicinity, it is now definitely settled that the work will be completed at an outlay far within the original estimates.

Up to February, 1884, about $2,000,000 had been expended which could properly be charged to Muscle Shoals. Accompanied by the engineer in charge, I again visited the work, and he determined and reported that with $700,000 the work could be completed.

A convention was called, and met in Chattanooga on March 12,

CONSISTING OF FIVE HUNDRED DELEGATES

from North Carolina, South Carolina, Georgia, Alabama, Tennessee, Kentucky, Indiana, Illinois, and Ohio. This convention adopted resolutions, which I will read:

Whereas the General Government has already heretofore appropriated about $2,345,000, which has been mostly expended in the work of removing obstructions from the river at the Muscle Shoals; and

Whereas the official report of the engineer in charge of the work on the Muscle Shoals shows that the work thereon has been suspended because the appropriation heretofore made has been exhausted, leaving a vast amount of material on hand unused which is deteriorating in value: Therefore,

Be it resolved, That inasmuch as the Tennessee River and its tributaries can not be improved and made navigable without Congressional aid, we respectfully but firmly call upon Congress at the earliest practicable moment to make such appropriation as will carry to completion the improvements in question.

Resolved, That we are of the opinion that Congress will, if properly approached, not in a dictatorial but respectful manner, grant us our request.

Resolved, That in view of this we urge our committee on memorial to organize at once and proceed to Washington to present our claims; that they remain there as long as practicable and use every means and appliance in their power to bring about the result we so ardently desire.

As a member of the committee I visited Washington in March and April, 1884, bringing with me and exhibiting to the Congressional committees a mammoth map of this work, of which the map I now present is a reduced copy. The committees of the two Houses received us most courteously, patiently and attentively listened to and considered our representations, and generously granted us an appropriation of $350,000. This sum has been expended most advantageously and economically, and with the amount appropriated by this bill the iron gates for all the locks can be completed and adjusted, the canal placed in working order, and navigation opened throughout the entire length of one of the most important rivers in the United States, and this will have been accomplished, mark you, at an expenditure less than three-fourths of the amount estimated by the engineer who commenced the work. The country to be benefited by this great improvement

POSSESSES EVERY NATURAL ADVANTAGE

bestowed upon the most favored lands. Minerals, rich in quality and well-nigh inexhaustible in quantity, invite the miner's industry and the artisan's formative skill. Farms so fertile and easy of cultivation that

they yield a generous return to the toil of the husbandman skirt the banks of the beautiful Tennessee, and if by passing this bill you assure them the blessing of continuous and cheap water transportation the bountiful products of these smiling fields will seek the markets of the world. The same boon will render the timber, marble, and building-rock of this prolific region available for the purposes of commerce, and they too will be added to the material elements of civilization.

THE SOUTH IS PROGRESSING,

Mr. Chairman; her advance in all that makes a people great, rich, and prosperous is evidenced by no faltering or uncertain signs. She is coming—not to injuriously compete with our sister States of the North, but by her growing prosperity to aid them in the great strides they are taking toward unquestionable supremacy in the commercial and industrial affairs of the world. For twenty years we have toiled and struggled under circumstances more adverse than ever were encountered by any people. We have met stumbling-blocks at every step along the toilsome pathway leading from our political and commercial slough of despond.

Our adversities have been bitter, our disappointments both severe and frequent, but we have passed through the fires, not unscorched but undismayed, and we come, purified and encouraged, to take our place abreast of those who lead in the march of progress and improvement.

The old men of the South who built up our beloved land—and whose unselfish efforts and stainless characters are our priceless heritage—have been laid in honored graves by the reverent hands of their loving children. They saw the work of a century destroyed in a moment. They saw the laborers of their country transformed from producers into politicians. They saw a party in power which by every possible means turned the tide of prosperity and immigration from their doors. They saw millions of acres of the public domain given to corporations who sent their agents to every port in Europe and America to direct the stream of living wealth to these lands in the Great West.

Although our country is the most productive in its soil and the richest in its minerals, the immigrant was taught to shun it as blighted and impoverished. Although our climate is healthy and salubrious, he was led to regard it as dangerous, if not deadly; and in addition he was impressed with the belief that the powerful hand of the Government was against us.

All this is now changed.

THE YOUNG MEN OF THE SOUTH

are pressing forward in the race for prosperity with energy, vigor, and determination. The unequal struggle of their sires in the face of every adversity is continually before them. They remember their last admonitions to be self-reliant and industrious.

The political ban which for so many years hung like a pall over our country has been lifted, and now the Southern States stand side by side with their sister States of the North.

Mr. Cleveland, God bless him, lifted this weight, and he now stretches out his strong arm to shield the youthful toilers of our land, and his triumphant election in trumpet tones proclaimed that the era of invidious and oppressive distinctions between the sections has passed; that the sovereign and equal rights of all the States must be maintained.

I am proud, Mr. Chairman, to be able to say that I stand here to-day one of those chosen to represent on this floor a State animated by this new-born energy, this re-created earnestness of purpose, this resuscitated hopefulness of our Southern youth, and I ask the American Congress to afford them the opportunity to achieve the rescue of their land from the burdens it has so long and patiently endured. I ask it, not as a boon to be granted at the expense of others, but I claim and assert that unobstructed river navigation and unrestricted commercial privileges are the inherent and inalienable rights of every community in this broad land, where unequal burdens can only be imposed by positive violation of the spirit of our institutions.

Mr. MCADOO, by unanimous consent, withdrew his amendment.

The Clerk read as follows:

Improving Osage River, Missouri: Continuing improvement by snagging and removing obstructions, $10,000.

Mr. HEPBURN. I move to strike out that paragraph. I would like to inquire why the appropriation in this bill is $10,000, when the engineer suggests only $5,000 can be properly expended. By referring to the report of engineers it will be seen the following language is used:

From these facts it appears that there are no interests at this time, either upon the Osage River itself or upon its banks, which will justify a heavy expenditure in the improvement of the river.

Will the gentleman explain why it is, when the engineer reports only $5,000 can be used properly, there is an appropriation here of $10,000?

Mr. BLAND. I will say in answer to the gentleman from Iowa there was a supplemental report by the Chief of Engineers recommending the increased amount appropriated in the bill.

Mr. HEPBURN. Will the gentleman from Missouri state what particular kind of a derrick he got under the engineers before that supplemental report was made? [Laughter.]

Mr. BLAND. I leave that to the gentleman to inquire.

Mr. WILLIS. The business on this river is over $1,000,000 per annum, and this is a small appropriation.

The amendment was disagreed to.

Mr. KING. I move to strike out the last word.

Now, Mr. Chairman, I have not occupied the floor of the House one instant during the proceeding on this river and harbor bill, but there have been used on this floor expressions which I think have not been sufficiently answered. For a moment permit me therefore to call attention to them, and I wish to be perfectly kind and respectful.

The gentleman from New York [Mr. HEWITT] preached almost a funeral address upon the Republic, using this bill as his text. Now another member from New York [Mr. VIELE], who also represents that great metropolis, has introduced a bill which when matured will cause an expenditure of at least one-half the amount provided for in this bill. I refer to the proposition introduced by General VIELE for the purpose of investigating the harbor of New York and the improvement of the channels leading to that great city. I believe that measure to be perfectly legitimate.

Competent engineers have told me, and repeatedly, that this can not be done under seven millions of money. I do not believe it will cost less than ten. That proposition, sir, is planted in this bill, and the gentleman from New York made no criticism upon it.

The gentleman upon the other side of the Chamber [Mr. HISCOCK], from the same great State of New York, has chosen to hold up this bill to the country as a shame, when he at the same time, and I believe honestly, presented an amendment himself looking to the acquisition by this Government of all the canals of New York, which would cost not less than $100,000,000.

The Erie Canal itself, I learn, cost the great State of New York $82,000,000. If the gentleman is in earnest, and I take it we do not come here to trifle with each other or the country, he means that his proposition would lead to the acquisition for the use of this Government of these works created by the State of New York. I simply wish to raise this question, to make this inquiry, to know if there is any consistency in such actions. I believe in doing all we can to promote the transportation interests of the country. I believe this bill provides in a large degree for them. It is one of the smallest appropriation bills that passes the House. It is not comparable at all to the great pension appropriation bill, carrying seventy or seventy-five millions of dollars annually at one fell swoop, and to it we make no objection. It is not so great as the Army bill, nor does it involve such an amount as the naval appropriation bill. It is the smallest of all, and carries the greatest benefit to the country I believe.

[Here the hammer fell.]

Mr. REID, of North Carolina, was recognized, and yielded his time to Mr. KING.

Mr. KING. I am very much obliged to the gentleman from North Carolina, but I shall not detain the committee any longer.

I withdraw the *pro forma* amendment.

The Clerk read as follows:

Improving Red River of the North, Minnesota: Continuing improvement; and the money heretofore appropriated for locks and dams is hereby made available for dredging at Goose Rapids, according to the plan of the Chief of Engineers, recommended on the 12th of March, 1884: *Provided*, That not exceeding $30,000 shall be thus expended on Goose Rapids.

The committee recommend the adoption of the following amendment:

Strike out, in line 968, the words "at Goose Rapids" and insert "said river."

The amendment was adopted.

The Clerk read as follows:

Improving Yellowstone River between Glendive and the mouth, Montana: Continuing improvement, $25,000.

Mr. BEACH. Mr. Chairman, I move to strike out the last word of the pending paragraph.

Mr. Chairman, I am glad we have reached the Yellowstone. I happen to know something about that river, for I have visited it. Three years since I tried to catch trout in it, but my efforts were about as fruitless as will be this appropriation for the improvement of its navigation.

I must congratulate the Committee on Rivers and Harbors, however, that having exhausted all the creeks and inlets in the States, they have at last gone into the Territories in their colossal attempt to deplete the Treasury. Their action has a tendency to refute the rumor quite prevalent throughout the country that this bill was made up to catch votes. As the Delegates from Montana and Dakota have no votes on this floor, the appropriation for the Yellowstone must have been an act of unselfish patriotism on the part of the committee.

The Yellowstone is one of the most beautiful streams I ever saw. Its waters are like those of the "bright Juniata" and as they rush over their pebbled bed they gleam in the sunlight with a silvery sheen that both attracts and fascinates the eye. But, sir, the course of the river is crooked and its current swift, the inevitable effect of which is to throw up shoals of gravel at the more abrupt turns. It is no doubt to remove these numerous shoals that the engineer in charge calls for a steam dredge and a tug at a cost of $35,000 and $25,000 a year additional to operate them.

Mr. Chairman, it may be possible to improve the navigation of this river. The Chief of Engineers says that it is, and I am willing to take his word for it. But what good will it do? What benefit will it be?

One would think that this is a very important question to be determined before we enter upon an undertaking which may involve us in an expenditure of hundreds of thousands of dollars. And yet all that the engineer says upon that point is, "The commerce of the river is insignificant." I can fully corroborate this statement, for during my stay of a week or more in the vicinity, and during my travel on the cars for miles along the river, I never saw so much as a raft or canoe on its waters. I doubt if any one else ever has.

Mr. Chairman, the Yellowstone is fairly typical of numerous other so-called rivers in this bill. Appropriations are made for thirty-nine streams, with unpronounceable names, not one of which can be found on the maps in ordinary use. They are probably used as wagon-roads during the droughts of summer and utilized in times of freshet for transportation of logs and rafts. It is proposed by these appropriations, and others to follow hereafter, to make them navigable at all seasons of the year. The Committee on Rivers and Harbors think, no doubt, that if we can only cover these gravel beds with a perpetual body of water we will enlarge the fields of commerce and give a lasting boom to the log industry.

Mr. Chairman, I am opposed to it, and for reasons which I will state as briefly as possible.

Very few of the rivers whose navigation is sought to be bettered by the appropriations in this bill are susceptible of permanent improvement. Most of them are of rapid current, subject to sudden and great rise during the spring and fall freshets, and liable to sedimentary deposits. All attempts to control the channel, or protect the banks, or deepen the water by dredging or otherwise, are consequently of but temporary value.

The elements in their occasional outbursts are beyond the control of man. We are all familiar with the irresistible force of fire, wind, and water. We have had very recently in the Northwest an exhibition of what the tornado can do when it goes to work in down-right earnest. And we have also seen what the Mississippi and other Western rivers can do when swollen into angry tumult by repeated rains. What they have done in the past they will continue to do in the future, and experience should teach us the utter futility of trying to check them. Eventually we will come to the conclusion, and I trust we will do it before we squander too much of the people's money, that we had better let the rivers have their own way, and let them flow unmolested to the sea.

Mr. Chairman, I have given this subject of water transportation considerable study and I have very strong convictions upon it. I have found that during the last twenty-five years a sharp fight has been going on between the water ways and the railways. The water ways have been steadily losing ground and they are bound to go to the wall. Steam on the land will supersede steam on the water. It has already nearly destroyed the canal commerce, and within twenty years it will have conquered the river commerce. Why, sir, to-day the Louisville and Nashville Railroad is a far more important channel of commerce than the Mississippi River. Gentlemen on this floor and elsewhere who are constantly magnifying the water routes are probably not aware that the tonnage over the bridge at Saint Louis is ten times greater than that under it on the river. They shut their eyes to the fact that in fifteen years' time the tonnage of three great trunk lines between the lakes and the ocean increased from 10,000,000 to over 46,000,000; whereas the tonnage of the water route fell off from 6,000,000 to under 5,000,000. They forget that 1,953 miles of canals, which cost $44,013,166 to construct, have been wholly abandoned.

In view of these facts, and others I have cited on former occasions on this floor, I feel convinced that the inland commerce of our country will be conducted in the early future by the railroads exclusively. Hence all appropriations for our rivers are unwise.

Mr. Chairman, the only plausible answer I have ever heard to the position I hold upon this question is, that the maintenance of the water ways acts as a check upon the rapacity of the railroads. The answer, however, is only plausible. As matter of fact the railroads can carry as cheap as the canals or rivers, and it is our duty to put them in legislative harness and make them. By enforcing fair dealing in construction and economy in operation, prohibiting stock-watering, construction companies, and consolidation agreements, the railroads of the future can be capitalized at a sum which will yield a fair return for the money invested, and give shippers cheaper transportation than that afforded by water.

Mr. Chairman, I have never yet voted for a river and harbor bill, and I shall not vote for this one. I do not approve of spending the people's money in this way. I think we would be justified in making appropriations—liberal appropriations—for the improvement of our seacoast harbors, but I would leave inland navigation to take care of itself. Let the fight between the natural ways and the artificial ways go on independent of legislative assistance. Private capital and private enterprise will settle it before long, and settle it, as I believe, to the satisfaction of the great mass of the people.

[Here the hammer fell.]

The Clerk read as follows:

Improving Sacramento and Feather Rivers, California, $40,000, of the money heretofore appropriated for improving said rivers that may remain unexpended at the end of the present fiscal year: *Provided*, That no money shall be expended on said improvement, except what may be needed for snagging and dredging, until the Secretary of War shall be satisfied that hydraulic-mining obstructions shall have ceased on said rivers and their tributaries. And the Secretary of War is hereby instructed to institute such legal proceedings as may be necessary to prevent further deposit of sluicing and débris from the hydraulic mines situated upon said Sacramento and Feather Rivers and their tributaries, and also the San Joaquin River and its tributaries; and he is hereby instructed to use out of said sum as much as may be necessary to carry the above provision into effect.

Mr. WILLIS. There are some verbal amendments which are proposed by the committee to this section which I will send to the desk.

Mr. HENDERSON, of Iowa. I would like to ask the chairman of the committee what is the necessity for reappropriating the amount which may remain unexpended at the end of the fiscal year? I understand that the two-year provision does not apply to these improvements——

Mr. WILLIS. The necessity in this case is that this appropriation was tied up by the original provision making it, because it was not to be expended while this hydraulic mining was in progress, and it is to release that appropriation to a certain extent that this is inserted.

Mr. HENDERSON, of Iowa. It is not then for the purpose of saving it from being covered back at the end of the two years?

Mr. WILLIS. No, sir.

The Clerk read the amendment proposed by the committee, as follows:

Strike out from and including line 981 to and including line 993 and insert the following:

"The end of the present fiscal year, for sinking and dredging operations and the cost of the proceedings hereinafter authorized, the balance of said unexpended money, not to be used until the Secretary of War be satisfied that hydraulic mining has ceased on the said rivers and their tributaries; if he be not so satisfied he is hereby instructed to institute such legal proceedings as may be necessary to prevent the washing, sluicing, dumping, or discharging detritus, débris, or slickens, caused by or arising from hydraulic mining, into either of said rivers or any of its tributaries, or into the San Joaquin River or any of its tributaries, or in or to such place or situation from which such detritus, débris, or slickens may be liable to be washed or carried by streams or floods into either of said rivers or tributaries; and he is hereby instructed to use out of such sum as much as may be necessary for such purpose."

The amendment was agreed to.

The Clerk read the following paragraph:

Improving the Upper Columbia River, including Snake River, Oregon and Washington Territory: Continuing improvement, $10,000.

Mr. VOORHEES. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 1001, strike out $10,000 and insert $36,000.

Mr. VOORHEES. I find in the report of the engineers that up to the 30th day of June, 1885, $227,470.64 have been expended in the prosecution of this improvement. The engineers estimate that the amount required for the completion of the existing project is $36,000. The amount that could be profitably expended in the fiscal year ending June 30, 1887, is $36,000. The plan of this improvement is to remove the stone and the rock with which Snake River and Columbia River at certain points are filled. It seems to me it would be a wise piece of work on the part of this committee to give to this improvement the full amount estimated by the engineers. I am aware that because of my lack of voting power I can not expect the same consideration as some other gentlemen on this floor, but I nevertheless insist that the committee should look upon Washington Territory in precisely the manner which its vast interests demand. We have in Washington Territory nearly 2,000 miles of coast line and nearly 1,000 miles of navigable rivers, and yet in Washington Territory proper the Committee on Rivers and Harbors have seen fit to give us just $14,500. I hope the amendment will be favorably considered.

Mr. WILLIS. I will say that the action taken by the committee is in no way shaken by the remarks of the gentleman from Washington Territory. We have given as liberally as the estimates of the engineers justified. It appears by the report that there was an amount of $8,398 on hand. We have given nearly one-third of the amount estimated. The river is closed with ice for a good part of the time, and at other times the water is in that condition that work can not be carried on. And looking on what has been done in past years we thought the amount in the bill was as much money as could be economically expended.

The question being taken on the amendment proposed by Mr. VOORHEES, there were—ayes 29, noes 53.

So (further count not being called for) the amendment was not adopted.

The Clerk read the following paragraph:

Improving Chehalis River, Washington Territory: Continuing improvement, $2,500.

Mr. VOORHEES. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 1013, strike out "$2,500" and insert "$5,000."

Mr. VOORHEES. I desire to say but a word in support of this amendment. The estimate of the engineers for this improvement was $5,000 and they asked for $5,000. When the committee takes into consideration the fact that these operations are snagging operations and that $2,500 will not begin to relieve this river of the snags which now form impediments to navigation, the importance of appropriating a suf-

ficient sum of money to carry out this purpose will be readily apparent. I ask for a favorable consideration of the amendment.

The question being taken on the amendment, it was rejected.

The Clerk read the following paragraph:

Improving Cowlitz River, Washington Territory: Continuing improvement, $2,000.

Mr. VOORHEES. I offer the amendment which I send to the desk.

In line 1017, strike out "$2,000" and insert "$6,000."

Mr. VOORHEES. This amendment seems to me to stand upon a different basis if possible from those I have heretofore offered. I read from the report of the engineers:

The project for this improvement, adopted in 1880, consists in wing-dam construction, bar-scraping, and snagging operations, to secure light-draught navigation up to Toledo, a little more than 30 miles above the mouth.

The original estimate for this work was $3,000 for construction in the first year, and an annual expenditure thereafter of $2,000 for maintenance by snagging operations.

The total appropriation to date is $6,000. The amount expended to end of fiscal year is $5,988.13. During the year 300 feet of wing-dam have been constructed, and the channel has been maintained in tolerably good condition.

It is proposed to apply the sum asked for the fiscal year ending June 30, 1887, to channel maintenance, wing-dam construction, and shore protection.

The amount, estimated, required for the completion of the existing project the engineers say is $3,000. For annual maintenance there will be required $3,000, making a total of $6,000.

Now, Mr. Chairman, the Committee on Rivers and Harbors have appropriated $2,000—less than what would be sufficient according to the estimate of the engineers to maintain the work already done upon this project. It seems to me it is just a waste of the public money to appropriate not even enough to take care of the work which has been already accomplished by the public moneys heretofore expended.

The question was taken on the amendment; and there were—ayes 26, noes 55.

So the amendment was rejected.

Mr. SOWDEN. Mr. Chairman, I now move to strike out lines 1116 and 1117. The gentleman from Washington Territory has told us that if this two-thousand-dollar appropriation is allowed to stand it will be a mere waste of the public money. If that be true, being in favor of economy, I think the entire paragraph should be struck out. If, as the gentleman tells us, this appropriation will serve no useful purpose, then let us save even $2,000 and strike out this paragraph.

Mr. GLOVER. Mr. Chairman, as a member of the committee, I hope the motion of the gentleman from Pennsylvania [Mr. SOWDEN] will not prevail. This matter was thoroughly examined by the Committee on Rivers and Harbors, and it is believed by them that the amount provided for in the bill will do substantial service to that stream. The remarks of the gentleman from Washington Territory were perhaps hardly expected to be taken literally, but only relatively, and I hope that the motion of the gentleman from Pennsylvania will not prevail.

The motion was not agreed to.

The Clerk read as follows:

Improving Skagit, Steilaguamish, Nootsack, Snohomish, and Snoqualmie Rivers, Washington Territory: Continuing improvement, $10,000.

Mr. VOORHEES. I offer the following amendment, which I send to the Clerk's desk:

The Clerk read as follows:

In line 1020, strike out "ten thousand" and insert "twenty-two thousand."

Mr. VOORHEES. Mr. Chairman, I desire to state to the committee that these four rivers, the Skagit, Steilaguamish, Nootsack, and Snohomish, represent 250 miles of navigable water, penetrating a portion of the Territory which is entirely destitute of any transportation facilities save those afforded by these streams. They penetrate the heavily wooded portions of the country on Puget Sound; and, as a consequence of every spring freshet, they are filled and choked up with the snags which the floods bring down. It seems to me, Mr. Chairman, that it is due to the people in Washington Territory, who are wholly dependent upon these rivers for the transportation of their products to market, that they should be fairly treated in connection with this appropriation. I find that the amount expended on these rivers up to June 30, 1885, is $30,212.33. For the removal of snags, &c., the engineers estimate that $22,000 will be sufficient; they ask for that amount. And on behalf of the people, who, as I say, have no railroad facilities, and who live in a section of the country where railroad building is totally impracticable, I feel that I would come short of my duty did I not draw the attention of this committee to the facts of the case and ask the favorable consideration of this amendment.

Mr. CUTCHEON. Mr. Chairman, I move an amendment to the amendment in the nature of a proviso, that at least $1,000 of the money hereby appropriated shall be used in straightening out the names of said rivers. [Laughter.]

Mr. VOORHEES. I accept the amendment.

Mr. CUTCHEON. I withdraw the amendment.

Mr. WILLIS. Mr. Chairman, I only desire to say that upon these rivers the estimate of the engineers is $20,000, the $2,000 which makes up the $22,000 being the annual reserve for replacement of plant at the end of ten years. Upon that estimate of $20,000 the committee has recommended an appropriation of one-half, which is not true of more than ten per cent. of the rivers embraced in this bill.

The amendment was not agreed to.

Mr. VOORHEES. Now, Mr. Chairman, I desire to offer a merely verbal amendment, which is to strike out in line 1018 the word "Steilaquamish" and insert "Steilaguamish."

The amendment was agreed to.

The Clerk read as follows:

Improving Missouri River from its mouth to Sioux City: Continuing improvement, $500,000.

Mr. WARNER, of Missouri. Mr. Chairman, I move to amend, in line 1022, by striking out the word "five" and inserting "eight;" so as to make the appropriation $800,000.

I offer this amendment not in a spirit of opposition to the river and harbor bill. I have nothing to say as to the adverse criticisms made upon some of the appropriations therein contained. I presume that, coming from the committee, they have been fully considered and are deemed wise. I understand, sir, the rule adopted by that committee to have been to give generally 50 per cent. of the estimate made by the engineer in charge of the work. If, sir, perchance the engineer in charge of a great work came down in his estimate to the last dollar that was absolutely necessary to carry on the needed improvement, that estimate has been cut down 50 per cent., while the engineer who had made an extravagant estimate, possibly upon a less important improvement, received the same percentage.

I do not agree with that much of the policy, if such was the policy of the committee. I simply state it as what I have gathered from the explanations made upon this floor. It does seem that the committee should have informed itself both as to reasonableness of the estimate and the importance of the work. Important and much-needed improvements should not suffer that undeserving enterprises might be provided for.

Mr. GIBSON, of West Virginia. I will correct the gentleman upon that point. The policy of the committee was guided by looking at the annual expenditures for a number of years back.

Mr. WARNER, of Missouri. I made the remark without intending any unjust criticisms of the action of the committee or to throw any obstacle in the way of the passage of this bill. The explanation of the gentleman from West Virginia does not help the matter. I have been and am for the improvement of our rivers and harbors. I know that water transportation is absolutely necessary for the protection of the agricultural interest of the great West in which I live. I have gone with the men who have attended the river and harbor conventions to give expressions to the wishes of the people living in great agricultural regions of the Northwest. I know that they feel a deep interest in this bill, whatever Representatives on this floor may do or say to the contrary.

Yet I submit that there is not a gentleman upon the Committee on Rivers and Harbors who will say, as an original proposition, that $1,000,000, the amount asked by Major Sutor for the improvement of the Missouri River from its mouth to Sioux City, a distance of 803 miles, is one cent more than the necessities of the case and the importance of the improvement demand. It is a question, sir, whether we are to dump in a few hundred thousand dollars this year and let the spring freshets of next year wash away 25 or 50 per cent. of the work, or whether this great undertaking which is designed to relieve and benefit the great agricultural interests of the States of Missouri, Kansas, Iowa, and Nebraska, and the vast, fertile Territory of Dakota shall go on, or whether an appropriation shall be made that will enable the engineer to carry out at least in part the plan he has devised.

[Here the hammer fell.]

Mr. CLARDY was recognized and yielded to Mr. WARNER, of Missouri.

Mr. WARNER, of Missouri. Sir, the Missouri River from its mouth to Fort Benton, a distance of 2,519 miles, receives under the provisions of this bill only the sum of $610,000. It receives $500,000 for its improvement from its mouth to Sioux City, a distance of 803 miles; it receives $80,000 from Sioux City to Fort Benton, a distance of 1,716 miles; and $30,000 for removing snags 2,519 miles of navigable water, the second, I might say the first river on this continent, draining the great bread-producing and meat-raising sections of these United States.

When we say this sum is inadequate it is admitted, but we are assured that we receive 50 per cent. of the engineer's estimate. Unfortunately for us, the engineer in charge of the work on the Missouri River did not double his estimate. If he had, then, under the rule of the committee, we should have received $1,220,000 instead of $610,000.

The bill is liberal in its appropriations to improve the Lower Mississippi. I do not object to the millions which are set aside for that great enterprise. We of the Missouri Valley are interested in its improvement, but I ask the members of this House to stop and think where you are to get the commerce that is to float the Lower Mississippi, unless it comes from the great and fertile Missouri Valley, from Fort Benton to where the Missouri empties into and becomes part of the Mississippi River—the home of the "breadwinners" of the continent. They are entitled to more consideration than they have received from the Committee on Rivers and Harbors. They are now at the mercy of the railroads.

They are industrious; the soil they cultivate is fertile, the harvest abundant, but the rate of freight charged in conveying their products to the consumer is ruinous. Their demands have never received proper attention to secure the reduction of freight rates; thus lessening the burdens of the farmers of the Northwest. Up to the last few years the appropriations were dumped at the doors of members of Congress, looking rather to securing votes than the navigation of the river.

Is there a member upon this floor that will claim that the amount I ask is unreasonable? The appropriation is asked in the interest of these tillers of the soil, the producers—yes, sir, and the consumers. In 1885 the average price of corn in New York was 57 cents; the corn produced in Nebraska brought an average price throughout the State of 19 cents per bushel to the men by whose labor and industry it had been sown, cultivated, garnered, and marketed. Thus the farmer in Nebraska sees two-thirds of the product of his labor go to the railroads and middlemen, while he gets one-third. Is it not the plain duty of Congress to do all in its power by liberal appropriations to open our great rivers, make them navigable for boats and barges, and thus make nature's highways control and regulate the artificial?

In September last a thousand delegates, representing over thirteen million of our people, assembled in Saint Paul and voiced the sentiments of the States and Territories tributary to the Missouri and Upper Mississippi. This convention was supplemented by one composed of some five hundred delegates from the Missouri Valley in December last at Kansas City. It is no reflection upon the members of this House to say that the gentlemen comprising those conventions in point of intelligence, honesty, and patriotism would not suffer by comparison with the distinguished gentlemen who compose the River and Harbor Committee.

These conventions, speaking for the men who create the wealth of the great Northwest, the men who pay the taxes, declared that the people demanded the immediate and permanent improvement of the navigation of the Missouri River upon a general and systematic plan to prepare it for steamers and barges to the end that the costs of transportation be reduced to the minimum. They further demanded appropriations for this work commensurate with the wealth and growth of the great country tributary thereto, its remoteness from Eastern markets, and the fitness of the river for great commerce. They spoke the will of the people, our masters, whose substance is being eaten up by exorbitant charges for transporting their grain to the marts of trade.

It has been stated during the debate in this bill that five hundred thousand workingmen demand liberal appropriations for our internal improvements. Yes, sir; and the merchant, the mechanic, the husbandman, the producer and the consumer, East and West, North and South, demand that these appropriations be liberal and for the benefit of the great rivers, rather than frittered away upon hundreds of unimportant streams. A liberal appropriation for the Missouri is demanded by the commercial and agricultural interests of the States of Missouri, Kansas, Iowa, and Nebraska, and the Territories upon its banks. The prosperity of the Northwest, justice as well as an enlightened policy, demand that the waters be utilized for the purpose of commerce.

I am aware, sir, that until within the last four years the appropriations for the improvement of the Missouri have been made on a wrong theory. It was the practice to parcel the appropriation out, $10,000 here, $20,000 there, to the end that each member of Congress might have his share expended in his district. The result, as might be expected, was that but little was accomplished. The means were inadequate at nearly every point. The improvements were not made with reference to a systematic and comprehensive plan of improvement of the river. The last appropriation was in bulk. The expenditures under the direction of Major Suter have been made as part of a system of the uniform improvement of the river. That system should be carried forward. The men of the Northwest demand protection for the agricultural interests of the country. I say to you gentlemen from the East, who ask protection for your manufacturing interests, you can not afford to ignore their demands.

[Here the hammer fell.]

Mr. PETERS obtained the floor and yielded his time to Mr. WARNER, of Missouri.

Mr. WARNER, of Missouri, I thank the gentleman from Kansas for his courtesy.

You gentlemen from the East demanded protection for your manufactures; many of the Representatives from purely agricultural States in the Northwest, believing in protecting the industries of this country, have acted and voted with you in the past. We must have the articles that you manufacture; you must have our meat and breadstuffs. The price of our grain and meat at the seaboard, less the cost of transportation and commissions, is the amount we receive. The cost of your manufactured article at the manufactory plus the freight and profit is what we must pay for it.

The price of our products is regulated by what they are worth in Europe. That which you manufacture and sell us is not thus regulated. There is a protective tariff for your benefit. We demand protection for the agricultural interest, for the pioneers of the great Northwest, the men who have gone out into the wilderness and made it to bud and blossom as the rose by the sweat of their brows. The nearer the producer and consumer are to each other the better it is for each. By cheapening transportation you lessen the distance between them.

It is suggested that the competing lines of railroad do all this; why therefore ask these large expenditures upon the rivers? Yes, we have many lines of railroads in the Missouri Valley, but to a large extent they have ceased to be competing. The pooling system has deprived us of healthy competition. The completion of a new line of railroad to a city in the Northwest or Southwest is but to add another road to the pool to share in the receipts; another railroad upon whose stock, real and watered, dividends are to be paid, and that at the expense of the producer.

The only method known among men by which to effectually control and regulate transportation rates, to bring them down to the minimum, is to utilize the rivers that drain our fields—run past our doors to the ocean. The Almighty in his infinite wisdom placed within our reach the means of protection if it is but utilized. The nearer railroads are to navigable waters the lower the rates, and rates increase as the distance between navigable water and the railroads increases. The rates of the Northwestern pool are about 33 per cent. lower than those of the Southwestern pool from Missouri River points. The Northwestern pool is affected by the lake at Duluth. Railing at these corporations on the stump or in the Halls of Congress will not advance or lessen their schedule rates. The defeat of wise and just appropriations for our water ways is to place more money in the coffers of railroads. The Southwestern pool, under whose exorbitant charges the people of the Missouri Valley are groaning, can only be broken by putting the Missouri River in a condition to float our products in barges to the Mississippi. Every dollar of the people's money thus invested will be repaid to them with interest. There is no economy in making an appropriation of $500,000 for this work when $1,000,000 are demanded.

We are told by Major Suter, the engineer in charge of the work on the Missouri, that the last-named sum can be economically and advantageously expended in the next year, and that that amount is necessary. Yet the committee in its wisdom says that but half the required amount shall be appropriated. I question the wisdom of such action. If the improvement is to be made, economy lies in the line of liberal appropriations, that the work may be expedited.

It is a matter of congratulation that at this day there are none to oppose a river and harbor bill on the ground that the Government under the Constitution has not the power to make these internal improvements. But we now have the enemies of these improvements posing as economists—the guardians of the Treasury.

[Here the hammer fell.]

Mr. HENDERSON, of Illinois. Mr. Chairman, I indorse every word which has been said by the gentleman from Missouri [Mr. WARNER] except the motion to amend by increasing the amount of this appropriation. I am as earnestly in favor of improving the Missouri River, the Mississippi River, and the other rivers which are to benefit the commerce of this country as any other member on this floor, but I do not think we can afford to increase, as my friend from Kansas City proposes, the amount of these appropriations. If we should make the appropriation he proposes, and similar appropriations for other rivers throughout the country, the result would be a river and harbor bill which would amount to not less than from $30,000,000 to $40,000,000. While the amount which the bill proposes to appropriate for the Missouri River is not so large as I would like to see it, while the appropriation for the Mississippi River from the mouth of the Illinois to the mouth of the Ohio is not so large as I would like to see it, yet in both these cases the committee have allowed, as they believe, a fair percentage of the estimate of the engineers, and the appropriations could not well be made larger without resulting in a bill which the House ought not to pass.

Mr. Chairman, I want to make one suggestion. In considering this bill it will be found that the largest percentages are often given where there are the largest estimates. Especially is this true in regard to the Mississippi River. Where the estimate is, say, $5,000,000, even a very small percentage makes a very large amount for that particular stream. I have sometimes thought that this money could be used more advantageously, more beneficially, if we would make smaller percentages on these large estimates and larger percentages on the smaller items; for oftentimes the appropriations are so small that a large part of the appropriation is consumed in getting the plant and beginning the work of improvement. Five hundred thousand dollars is no inconsiderable sum; $500,000 enables a great deal of work to be done.

While, as I have said, I am not opposed to improving the Missouri River, but on the contrary favor it, yet at the same time it is to-day an experiment to a large extent, just as the improvement of the Lower Mississippi is an experiment.

It is a great deal better, it seems to me, to go slower and surer in regard to these matters which are, to some extent, experimental. I hope, therefore, the friends of the Missouri River, as well as the friends of the Mississippi River, will be content with the amount of money which has been appropriated for these rivers, important as they are, without attempting to increase them.

[Here the hammer fell.]

Mr. JONES, of Alabama. Mr. Chairman, in the appropriations in this river and harbor bill some receive only 10 per cent. of the estimates, others 100 per cent., and very many merely 50 per cent., according to the importance of the work and the interest involved. The committee, in dealing with this particular river, has not considered it

simply by itself, but as one portion of the great river system of the country; a system embracing not only the Missouri River and the Mississippi, but the Ohio and many others.

As a rule the committee have appropriated 50 per cent. to the Mississippi and the great tributaries of the Mississippi. The Missouri is provided for as a part of our great river system, and gets the same appropriation as the Mississippi, the same as the Ohio.

The appropriation here for the Missouri River is for half a million dollars. It is true that the engineer recommends that a million dollars should be appropriated; and while it is true that amount could be expended, it is also true that this improvement of the Missouri River is in the experimental stage. The committee therefore did not feel justified in making a larger appropriation before it had progressed out of the experimental stage.

The Missouri River is *sui generis*. It is peculiar. It is most difficult to manage. Why, sir, prior to 1881, and including the appropriation of 1881, five bills appropriating money for this river were passed, aggregating an amount of $861,000, and the result achieved by that large amount of expenditure so far has been most unsatisfactory.

Yet while that is true, while it has been unsatisfactory, while it has been experimental, at the instance and request of the Missouri delegation, in the first session of the last Congress, this system was changed, and the Mississippi River Commission was established and a new system was entered upon. It is a new system, and although to a limited extent successful, it has not been sufficiently so to inspire the utmost confidence, such as to require a larger appropriation for the Missouri River than for any other river.

[Here the hammer fell].

Mr. PETERS. I move to strike out the last word. I know, Mr. Chairman, it has been said that the Missouri River is different from all the others in the Union; that it is not a stream easily navigated; that its channel is a treacherous one, changeable almost every day. But, as the gentleman who has just preceded me has said that the large expenditure of money which has been made has not brought about satisfactory results, for the sake of argument I will concede all of it—all that he has said; and what is the answer? It is that the Missouri River has not had a fair chance in the race entered into by all these streams in connection with the river and harbor bills. The Mississippi River, as my friend behind me suggests, always gets there first, and the Missouri River comes in for what is left. [Laughter.]

The fact is that most of the appropriations made for the Missouri River heretofore have been expended at different points, not for the purpose of improving the channel of the river, but for the purpose of making landings at certain points and for preserving the banks at certain points.

As my friend has well stated, this is a navigable stream for over 2,500 miles. It is not to be compared with any other river. Its needs have not received proper attention at the hands of Congress. That river of 2,500 miles of navigation is capable of bearing on its bosom a commerce greater than any other section.

I know it is said that the navigation of this river is carried on only by a very few boats; but that is no answer to the query why a greater amount of money should not be appropriated? The very reason why so few boats do navigate the river is simply because so little attention has been paid to improving its channel and making its navigation satisfactory at all stages of water.

It is utterly absurd and useless to divide small sums of money, to scatter it along over this great stretch of country 2,500 miles in length, and hope to accomplish any good results. What is necessary to do is to take hold of it with determination and make it a river which can float upon its broad bosom the commerce of this country; and then you will indeed make it a river which will be second to no other in the Union. There is every facility for doing it; the water is there; the country is along its banks; the grain is produced throughout the whole region watered by it, and all that is needed is the money to protect and improve the channel of the stream so that the commerce raised along its banks may find its way down to the Mississippi River.

Not one dollar less should be used for the improvement than that asked by the gentleman from Missouri.

Mr. GLOVER. I move to strike out the last letter. Mr. Chairman, I desire to say in response to the remarks of the gentleman from Kansas [Mr. PETERS], who introduces a comparison between the amount of money appropriated by this committee for the improvement of the Missouri River and the amount appropriated for the Mississippi River, that he has not examined with care the sums recommended by the committee so far as the Mississippi River is concerned.

The improvement of that river is divided into three great sections or reaches, the first section extending from below Cairo to the Head of the Passes; the second, that reach of the river between the Ohio and the Illinois Rivers, and the third, the reach between one of these rivers and the headwaters. So far as the first reach is concerned, the amount appropriated is less than 50 per cent. of the estimates of the engineers, which estimates are the initial point for making the appropriation. So far as that portion between the Ohio and the Illinois Rivers is concerned, it is not more than the amount appropriated for the Missouri River between its mouth and Sioux City; and so far as the upper reach of the Mississippi River is concerned, it is very much less than 50 per cent. of the estimates of the engineers or the sum recommended. Therefore, that portion of the Missouri River between its mouth and Sioux City, in regard to which the amendment is offered, has fared as well as that portion of the Mississippi River, and much better than two-thirds of that great stream, the Father of Waters.

I withdraw the *pro forma* amendment.

Mr. HALE. Mr. Chairman, I desire to offer an amendment to the amendment.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

Amend the amendment by adding, after the word "dollars," "which sum shall be expended in protecting the banks of said river from washing and erosion, and confine the same in its natural direction and channel."

Mr. HALE. I fully indorse all that has been said by my colleague from the Kansas City district in regard to the importance and necessity of improving this great highway of commerce. He says the Missouri is the second river of this country. The Missouri is, in fact, the first great river of the North American continent. It drains a larger and more fertile territory than any two rivers on the North American continent. It now drains the waters of four or five of the greatest of our States, and in the lifetime of this generation it will drain the waters of a dozen of the greatest and most populous States of the American Union.

The region of country watered by this river is the great granary of the North and Northwest. It affords wheat, corn, cotton, and stock. It has been said, and justly no doubt, that the money heretofore appropriated to the improvement of this river was doled out in small and insignificant sums which did little good. That is true. It is also true, sir, that in the expenditure of this money the ideas and views of scientific engineers have controlled to the exclusion of common sense and experience.

It has been my good fortune, Mr. Chairman, to live on or near the banks of that river for something less than a hundred years, and I think I know something about it. I think I know something also of the character of the improvements carried on by this river commission, and how the money has been expended. I have viewed it for the last five or ten years critically, and in my judgment a large portion of the money, as has been stated, appropriated by Congress for the improvement of that stream has been frittered and thrown away. There is but one controlling idea in improving the Missouri River; that is, the river banks should be protected from washing and from erosion, as stated in this amendment, and confined within its natural channel and outlet. When this is done, nature will do the balance. Confine the river to its natural channel, protect the banks from washing and erosion, and it becomes the great river of this continent. It becomes the great highway for commerce. But if this money is expended as it has been heretofore, it is throwing away the people's money to no purpose; it is expended on experiments and thrown away to a few favorites.

If the bill is to secure the support of those members of this House who represent that great Missouri Valley it must be in such shape and appropriated in such amounts as will in their judgment do justice to that section of this great country. Without that, sir, we can not afford to vote for this bill. We have creeks and little inlets and swamps and sloughs in the East and West and North and South appropriated for; we have millions appropriated for them and thrown away in private interests. Yet here we have the greatest river in the country, greater than the Mississippi, more entitled to appropriations, receiving but $500,000. What is the amount for the Mississippi river? I have not figured it up, but I presume it is in the neighborhood of three or four millions of dollars—eight times the amount appropriated to the Missouri River. This is not fair. It is not well proportioned. We can not afford to support the bill in this shape. Give us a reasonable amount in proportion to our territory, our wants, our demands, and require this commission to use it in such a manner as will do us some good, and then perhaps we can afford to support the bill.

Mr. GIBSON, of West Virginia. In considering this bill it is well for its friends to remember that such a bill has to be prepared as will not only stand the test of consideration by this House, but as will pass the inspection of the President, who has a habit of vetoing such bills sometimes.

Mr. DOCKERY. Will the gentleman from West Virginia permit me to ask him a question?

Mr. GIBSON, of West Virginia. Yes, sir.

Mr. DOCKERY. Is that the idea the committee had in their mind when they reduced our appropriations from $800,000, as it was two years ago, to $500,000?

Mr. GIBSON, of West Virginia. It has been claimed here by the friends of the Missouri River that this appropriation should be made so as to enable work to be carried along from the mouth of the river to Sioux City, and that because the appropriation was not sufficient to carry the work along the whole line therefore they must oppose it. Gentlemen ought to remember that this Congress has at three or four of its sessions by deliberate votes declared that all these schemes for the improvement of the Mississippi and Missouri Rivers were but experiments, and that in relation to the Mississippi River they refused to

make any general appropriations, but confined every dollar that was appropriated to be expended at two solitary points, so that tests could be made.

The friends of the Missouri River were not satisfied with the condition of affairs under the engineers, and at the last session of this House they asked the River and Harbor Committee to appoint a commission similar to the commission having charge of the Mississippi River improvement, and asked that that stream might be improved in the same manner the Mississippi River was.

The River and Harbor Committee reported, and the House, desiring to do justice to those gentlemen, passed a bill providing for a Missouri River Commission. That commission has been appointed. The two rivers have been put exactly on the same footing. The Missouri River Commission has made its report to this House and the River and Harbor Committee acted upon the report. That report only asked for about a million dollars or some small amount above it. And they only asked for it with the same understanding that the Mississippi River Commission asked for it. They only asked for it with the same understanding that Congress had heretofore had in acting upon this matter—that it should be expended upon experimental work on one or two reaches so as to see whether the money expended could be profitably expended or not.

I want to know if this House is prepared to go into the heroic struggle of undertaking to treat this river from its mouth to its source in a way that has never been tested in this country and in a manner that no human being could say would be profitable or permanent?

Mr. BROWN, of Pennsylvania. May I ask the gentleman a question?

Mr. GIBSON, of West Virginia. Yes, sir.

Mr. BROWN, of Pennsylvania. Do I understand the gentleman to say the appropriations in this bill for the Mississippi River are confined to the recommendations of the commission—to the two reaches?

Mr. GIBSON, of West Virginia. Yes, sir.

Mr. BROWN, of Pennsylvania. In this bill?

Mr. GIBSON, of West Virginia. Yes, sir; with but two single exceptions, and only small amounts were given in those two cases; the whole bulk of the appropriation for the Mississippi River is confined by the bill to those two points.

A MEMBER. What are those points?

Mr. GIBSON, of West Virginia. Plum Point reach and Providence reach. And for the balance of the Mississippi River from there to its mouth we directly refuse to give a single cent, because the judgment of both Houses of Congress had by repeated acts declared it was only an experiment, and that the money should not be appropriated or until the plan had been tested.

The gentlemen who complain here of the treatment of the Mississippi River must do it in utter ignorance of the action of the committee on these streams. I do not believe that you intend to misrepresent the facts. But when you remember that the scales of justice were held with exact equipoise between all these waters, and that you have got every dollar that was given to any other stream of this character and the same kind, how is it that you can in the face of these facts charge the Committee on Rivers and Harbors with injustice and with partiality in its recommendations?

Mr. ADAMS, of Illinois. Will the gentleman permit me to ask if I understood him correctly when I understood him to say that the appropriation for the improvement of the Mississippi River below the Ohio was confined to the Lake Providence and Plum Point reaches?

Mr. GIBSON, of West Virginia. To Plum Point reach and Lake Providence reach, with the exception of two points where a small amount is allowed to be expended for purposes of preservation.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. WILLIS. Mr. Chairman, I respectfully ask a vote on the pending amendment.

The question was taken on the amendment to the amendment, and it was rejected—ayes 35, noes 62.

The CHAIRMAN. The question is on the amendment of the gentleman from Missouri [Mr. WARNER].

Mr. ANDERSON, of Kansas. I desire to speak on that amendment.

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. ANDERSON, of Kansas. I move to strike out the last five words. Mr. Chairman, there are two modes, by either of which a river and harbor bill can be constructed. One is to take the estimates of engineers, formulate and make a scale, and make a scaled appropriation accordingly. That basis evidently applies only to such of the streams of the country as estimates have been made for, and we have seen repeatedly in this bill that there is no uniform scale observed. The engineers' estimates are scaled at any point from 15 per cent. up. The other mode is to look at the character of the stream, at its extent, at its relations to the States upon its banks, at its drainage, at the agricultural capacity of the country, to estimate its magnitude, and then make an appropriation for its development based upon its importance as a channel of interstate commerce.

The theory is that the river and harbor bill is constructed upon that basis, and it is upon that basis that you seek to go before the country with it. Now, here is the case of the largest river upon the continent, running through the midst of the great grain region of the continent, and for that river there is appropriated $500,000; whereas, upon the basis of commerce, upon the basis of the volume and capacity of the river, if the rivers in the State of Illinois were to be taken as a standard, this appropriation would be at least five times as large as it is. Therefore I was surprised that my friend from Illinois [Mr. HENDERSON] some time since objected to this appropriation lest the aggregate of the bill should exceed $15,000,000.

That may be a question for the committee, but it seems to me that the question for the House to determine is not what the estimate of an engineer may be, not what the aggregate of the bill may be, but what the relative importance of these different streams and harbors is to the great question of interstate commerce, when there is to be appropriated, I think, $175,000 for correcting the channel at Saint Louis—I may overstate the appropriation, but that is my recollection.

Mr. GLOVER. The gentleman is in error. There is no specific appropriation whatever for Saint Louis.

Mr. ANDERSON, of Kansas. Of course I accept my friend's statement. There is, however, an appropriation for Saint Louis. But my point is that while you have in this bill some little tadpole stream improved to float down logs, or some harbor improved where there is not commerce enough to maintain a wharf, when you see appropriations of that character and then come to a river like this and see an appropriation of half a million dollars for the improvement of this vast stream, a stream with so grand a future in the commerce of this country——

Mr. GLOVER. I would like the gentleman, for the benefit of the House, to name one of the harbors included in this bill and coming under the description he has just given.

Mr. ANDERSON, of Kansas. I have not time. There are a great many of them.

Mr. GLOVER. There are none.

Mr. ANDERSON, of Kansas. There would be no trouble in naming them. Now I submit to this House this proposition, that if it be simply fair to appropriate three and three-quarter millions for the Mississippi River, it is undoubtedly fair to appropriate a quarter of a million of dollars more for the improvement of the Missouri, in view of the relief which that great water way is to give in the future to the interior commerce of the United States, and I trust that this amendment will be adopted.

Mr. WILLIS. Mr. Chairman, I sincerely hope that our friends from Missouri will not press this amendment. The committee has fully recognized the commercial importance of the Missouri River and has dealt with it with a most liberal hand. We have done all that we can within the limits of this bill for that great river, and I appeal to gentlemen as friends of this improvement not to press this amendment. Other rivers are upon the same footing in the bill, and if this amendment should pass they could come in here with equal, if not with greater, propriety and demand a like increase, and the result would be that the aggregate appropriations in this bill would be swelled to such an extent as to prevent its passage by this House or this Congress. I hope, therefore, in the interest of the passage of this bill that no friend of the measure will vote for this amendment.

The question was taken on the amendment; and there were—ayes 40, noes 70.

Mr. WARNER, of Missouri. No quorum voting.

The CHAIRMAN. The point is made that no quorum has voted. The Chair will appoint the gentleman from Missouri [Mr. WARNER], and the gentleman from Kentucky [Mr. WILLIS] to act as tellers.

The committee again divided; and the tellers reported—ayes 40, noes 105.

Mr. WARNER, of Missouri. I will not insist further on the point that no quorum has voted.

So the amendment was rejected.

Mr. DOCKERY. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out lines 1021 to 1023, inclusive, and insert:

"Improving Missouri River from its mouth to Sioux City, $620,000; and of said amount the sum of $40,000 shall be expended in the continuation of improvement at or near Kansas City, Mo.; and the amount of $40,000 shall be expended in the protection of the river banks at or near Fort Leavenworth; and the amount of $40,000 shall be expended in continuation of the work at Saint Joseph, Mo."

Mr. DOCKERY addressed the committee. [See Appendix.]

Mr. JONES, of Alabama. Mr. Chairman, I presume it is unnecessary for me to make any remarks upon that part of the pending amendment which proposes an increase of this appropriation, for I take it that question has been determined by the vote on the previous amendment.

As to the specific amounts asked for in the amendment I have this to say: If the main object of these appropriations were to protect particular localities, to check the devastation suffered by private or corporate property, there would be some merit in that part of the amendment. But if the primary object, Mr. Chairman, be to deepen the channel of this river, so important as it has been described, and thus afford enlarged and cheaper facilities for freight transportation and the general development of the country, then there is no merit in the amendment.

The sort of improvement proposed in this amendment for that river has been tried. As I stated when last on the floor, $861,000 appropriated in

five different bills was distributed to thirteen localities on this river, the amounts received by each ranging from $10,000 to $80,000. No good results followed those expenditures. These localities were widely separated, so that the several improvements had no connection. To provide for them required separate plants, as well as distinct and expensive administrative staffs. The results, instead of being beneficial, were disastrous; and this is why the Missouri delegation in the last Congress unanimously asked that the Missouri River Commission should be established, in order to concentrate the appropriations for channel improvement and in order that a systematic plan might be adopted for the improvement of the river. Why repeat that sort of an experiment, which has already been disastrously tried? These are the objections to these specific improvements. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. Debate is exhausted.

Mr. GLOVER. I move as an amendment to the amendment to strike out the last letter. Mr. Chairman, I am loath to allow this question to be disposed of without some reply to the statement made by several members on this floor and just repeated by my colleague from Missouri [Mr. DOCKERY], that the Missouri River has fared less generously at the hands of the Committee on Rivers and Harbors than the Mississippi River. I desire again to call attention to the fact that for the Missouri River the engineers recommend an appropriation of only $1,000,000, while for the Mississippi River throughout its total length there was recommended an appropriation of five or six millions.

Mr. GIBSON, of West Virginia. Seven millions.

Mr. GLOVER. Seven millions, as the gentleman from West Virginia reminds me. Therefore, such comparisons as we have had between the amounts appropriated for these two rivers are utterly misleading. If my colleague from Missouri will ascertain how much has been recommended by the board of engineers for the improvements which he advocates and will compare the estimates with the appropriation, he will find that the amount reported in this bill for that purpose is one-half of the estimates, while the amount which the bill appropriates for the whole Mississippi River from its headwaters to the jetties is less, much less, than one-half the amount recommended by the engineers. I hope, therefore, Mr. Chairman, that this statement so often repeated will be heard no more after its error has thus been demonstrated.

Mr. MORRILL addressed the committee. [See Appendix.]

The question recurred on Mr. DOCKERY'S amendment.

The committee divided; and there were—ayes 37, noes 64.

So the amendment was rejected.

Mr. HEPBURN. I move the following amendments——

Mr. HALE. I rise to a parliamentary inquiry. We have not yet passed away from the paragraph which has been under discussion, and I desire to move to perfect it before we do so.

The CHAIRMAN. The gentleman from Iowa also rises to move an amendment to that paragraph.

Mr. HEPBURN. I move to add the words "to be expended under direction of the Secretary of War without the intervention of the Missouri River Commission."

Mr. WILLIS. If I understand the amendment of the gentleman it is intended to abolish the Missouri River Commission, but it does not do it. It takes this river from under the commission and leaves them with all their expenditures with nothing to do.

Mr. HEPBURN. The purpose of the amendment is to take this improvement from the Missouri River Commission.

I desire to invite attention of the committee to some considerations that we ought to regard while we are now upon the threshold of investing the commission with the expenditure of these vast sums of money. I want to call attention to the fact that the commission by its own reports has failed to make an estimate of the cost, and that the total expenditure is indefinite. They tell us that under their plan the rate of expenditure will be at least $1,000,000 a year, and should be continued over a series of years; so that in the estimates of the commission many millions of dollars will have to be expended by them, but how many is not stated.

As another evidence of the importance of that work, in the sense of large expenditures, I want to call attention to the immense plant the commission have acquired. While they have been in existence but a little over a year, it required the use of three steamboats, constantly employed from the 12th day of April until about the same time in July, to move their plant from the vicinity of the city of Saint Louis to the city of Kansas City. Three months were employed by three steamboats moving the plant that they had then acquired after an existence of but little over a year. Again, and in connection with the plant, an examination of the Blue Book discloses some useful figures. This book contains a list of the employés and the places where they are employed, and it shows a total of $192,000 out of the $610,000 required to pay their salaries. All those who are named in the Blue Book are above the grade of laborers, and that does not include any one of the four military officers to whom $13,000 or $14,000 are paid. The expense in salaries, therefore, is more than one-third of the entire appropriation provided for in this paragraph of the bill. "A half-penny worth of bread to an infinite deal of sack," it seems to me, and yet gentlemen seem to think it is a most desirable thing.

Mr. Chairman, I make the assertion that there is no commerce on this river comparatively speaking. At the city of Council Bluffs, intermediate between Sioux City and the mouth of the river, ten steamboats have not passed in five years, and if any gentleman desires to rise and contradict that assertion I shall be glad to hear from him and cheerfully yield for that purpose.

Further, if the plan they have adopted accomplishes the purpose, that is, to confine the river within its banks and scour out such a channel as will bear steamboats of 8 feet in draught, I say that there will be such a current created as the steamboats can not stem, for in the report of the commission we find this astonishing fact stated, that one of the boats they had provided for the purpose of aiding in the improvement of the river, in its passage from Bismarck upward in the spring of last year, happening to be caught in the flood, was compelled to send out shorelines and tow itself up, and often was compelled to use the capstan in order to make headway against the extraordinary currents of the river.

Now, that is a statement of the commission itself, and I appeal to them and use their report in opposition to their theories.

[Here the hammer fell.]

Mr. HISCOCK was recognized, and by consent yielded his time to Mr. HEPBURN.

Mr. HEPBURN. Again, Mr. Chairman, this Missouri River I have known in many places where in certain seasons of the year it is only a few rods in width, while, on the other hand, at other times I have seen it stretch out over 5 miles in width, a roaring, raging torrent, extending from bluff to bluff, overwhelming the whole country; and yet these gentlemen propose with an appropriation of $601,000 a year to make this a navigable river and control this raging torrent within limits.

The plan adopted by the commission is to commence at the city of Kansas City and work downward by contracting the channel and by revetting the banks. Now, remember that the fall of the Missouri River from Sioux City to its mouth is 1.01 feet per mile, while for the Mississippi River for the same distance above Cairo it is .51 of a foot to the mile. The Missouri River, therefore, has nearly twice the fall of the Mississippi River and nearly twice the rapidity of current.

Mr. Chairman, the gentleman from Missouri who offered the last amendment has exhibited the "cat in the meal." He says that the amendment provides for the expenditure of $40,000 at each of three places. Now the only possible use of this $500,000 is to improve the river at certain points where it is making encroachments upon valuable property. Much can be done in the way of saving valuable property with such an appropriation. The river runs through an alluvial bed from 5 to 20 miles in width through the most friable soil to be found on the globe. It melts—great masses of it—under the influences of this river in a few hours of time.

I have known the Missouri River to change its bed to a distance of 8 miles in a single night. The city of Hamburg, in Southwest Iowa, at one time stood upon the banks of the river. It is now 8 miles from the river. The town of Saint Mary, in Mills County, Iowa, was, within my recollection, 2 miles east from the banks of the Missouri River. The point where it stood is now more than 3 miles in the State of Nebraska.

There is no permanency of this river; it wanders and meanders through its broad valley just as it pleases, and the only advantage——.

Mr. WILLIS. I would suggest to the gentleman that as that river is moving so rapidly in the direction of Iowa he will regret his speech in a year or two from now.

Mr. HEPBURN. It may be. If I was merely looking to the permanency of a particular location perhaps I might; but as I am called to vote on a river and harbor bill involving great constitutional questions, which lie very near to my heart, as they do the heart of the gentleman from Kentucky, I must act a little differently.

I do not wonder that the gentleman from Missouri who has offered the first amendment to this bill is zealous in favor of the paragraph and of the amendment. Under the plan of the commission, as I have before said, they begin their work of improvement at Kansas City. They have $500,000, which they will expend undoubtedly this fall at Kansas City. The spring freshet and ice of next spring will carry away all traces of their work. The appropriation of next year, $500,000, will be expended at Kansas City. And so it will go on year after year.

[Here the hammer fell.]

Mr. REED, of Maine, obtained the floor, and yielded his time to Mr. HEPBURN.

Mr. HEPBURN. Year after year these expenditures will be made at the city of Kansas City; a very desirable thing. A series of years the gentlemen who are in charge of the work say will be required.

Further, Mr. Chairman, although we have two reports from the commission, they refuse absolutely, although they trench upon that question, to make even an estimate of the vaguest character of the cost, and yet they tell us in both of these reports that all of their plans are simply experimental in their character. They give no assurance that they will succeed. The only thing they say with reference to certainty of success or amount of expenditure is that they do not believe that the expenditures will be "enormous;" that is the word they use. They do not believe they will be "enormous," and they lay stress upon that word.

Now, if any gentleman can tell how many millions of money or how many scores of millions are contained within those limits, I would be glad if they would do it. It has been stated here upon this floor by gentlemen authorized to speak that the Mississippi River improvement would cost $150,000,000 at least. The Missouri River improvement, if it is to be made navigable, if the purposes of the commission are to be accomplished, will require five times that amount in my humble judgment. Five times the difficulties of current, the difficulties with regard to friable soil, the entire absence of clay formations or of rock for a thousand miles along the river—all these make it almost absolutely certain that the cost of improving the Missouri River will be infinitely greater than that of improving the Mississippi.

Then why are you improving it? There is no commerce upon it except perhaps a little very near its mouth and a little above Bismarck. Between Bismarck and the mouth of the river, or, let us say, within 100 miles of the mouth of the river, a stretch of more than a thousand miles, there is absolutely no commerce at all. And yet it is navigation that we are after; it is improving the great water ways of the country; it is to effect the great question of cheap transportation; it is in the interest of the farmer that gentlemen are voting for here! When has any one of the zealous delegation from Missouri known of a single cargo of corn being transported upon that river? They talk about the cattle and the hogs that are to be shipped to market. When have they known of a drove of cattle or of hogs going to market by the Missouri River?

Mr. PETERS. They may have gone upon the ice. [Laughter.]

Mr. HEPBURN. As my friend from Kansas suggests, they may have gone upon the ice, but otherwise such a thing is unknown.

Mr. CUTCHEON. I understand the policy of the gentleman from Iowa [Mr. HEPBURN] in regard to the improvement of these great water ways to be like that of the Irishman in regard to getting on his boots—he said he would have to wear them a week or two before he could get them on. [Laughter.] The gentleman's idea seems to be that we must get the commerce first and improve the facilities for commerce afterward.

Mr. HEPBURN. But you have not got any commerce there. The Irishman had feet, so in his case there was an apparent necessity for boots. [Laughter.] But there is no commerce here, and therefore no apparent necessity for improving the means of commerce.

Mr. CUTCHEON. I understand that the commerce is there if you will only make a place for it to go.

Mr. HEPBURN. Why, sir, there is a railroad on each side of that river to-day from Sioux City to its mouth.

[Here the hammer fell.]

Mr. GROSVENOR. Mr. Chairman, I commend to gentlemen who are attacking the work of the Committee on Rivers and Harbors the situation which has developed this afternoon between the various systems of opposition. I commend to Representatives on this floor from the State of Missouri the speech of the gentleman from Iowa [Mr. HEPBURN], who tells us that the Missouri River is flanked on each side by a railroad; and perhaps, after all, those two railroads are the milk in this cocoanut. I commend that speech to those Representatives, in order that they may defend themselves on this floor for the appeal which they made a short time ago to take $800,000 out of the Treasury of the United States and appropriate it for the improvement of that miserable creek. [Laughter.]

Mr. WARNER, of Missouri. If the gentleman will give way to me I will defend myself.

Mr. GROSVENOR. The gentleman is abundantly able to defend himself. There is no question about that. But, Mr. Chairman, the opposition to the report of the Committee on Rivers and Harbors has taken a singular form this afternoon. The first outbreak was to the effect that the committee had been guilty of a great outrage against this river in concluding to appropriate only half a million dollars instead of eight hundred thousand, and the unanimity of that cry was absolutely charming. The gentleman from Kansas [Mr. ANDERSON] joined in, and all the opponents of the bill voted with singular unanimity to increase that appropriation $300,000. They did not quite succeed. Thereupon we had a reproduction of the old darkey's comment upon the rabbit that got away—that it was "a miserable poor rabbit anyhow." [Laughter.] The point of it all is, the logic of it all is, the moral of it all is, that the assailants of this bill, and the combination, if I may be allowed the word, the gentle, the pleasant, the harmonious circle here that are assailing this committee, have concluded at last that if this river is not worth $800,000 this year it is not worth a dam even for slackwater purposes anywhere along the line. [Laughter.]

I call upon the gentlemen from Missouri to say whether or not it is a fraud upon the Treasury of the United States to improve the stream which has been described here—a stream that has no commerce, that dries up in summer, that is such a flood in winter that you can not run against the current (I never heard of such a river as that, except the Niagara), a stream that is absolutely uncontrollable, that spreads out all over the country—I call upon the gentlemen from Missouri to explain how it is that they come in here and denounce the Committee on Rivers and Harbors because we are not willing to squander $800,000 upon a stream like that. The provision in the bill which gives to the Missouri River Commission the expenditure of the money is certainly commendable, when gentlemen who claim to know all about the subject tell such different stories about that river. Obviously, under the circumstances, there ought to be some board of arbitration to stand between the distinguished gentleman from Kansas City [Mr. WARNER] and the distinguished gentleman from Iowa [Mr. HEPBURN], and say what shall be done with the $500,000 which this bill recommends shall be appropriated for the improvement of the Missouri.

Mr. WARNER, of Missouri. I move to strike out the last word.

The CHAIRMAN. That amendment has been offered.

Mr. MORRILL obtained the floor and yielded his time to Mr. WARNER, of Missouri.

Mr. WARNER, of Missouri. The gentleman from Kansas has placed me under additional obligations.

Sir, it was not my purpose to make any extended remarks, nor have I thought it necessary to cite tables of figures showing the difference between the rates by rail and water. I was reluctant to obtrude myself upon the House by offering even an amendment. Yet it was my duty to the people of the Missouri Valley, of whom my constituents form a part, that impelled me. The offering of this amendment, meritorious as it must be admitted by all, is taken by the distinguished gentleman from Ohio [Mr. GROSVENOR] as an attack on the bill, an assault upon the Committee on Rivers and Harbors. I am unconscious of having invaded the sacred circle which the gentleman seems to have drawn around that committee. If it is assailing the dignity, the integrity, the intelligence of the honorable gentleman from Ohio and the Committee on Rivers and Harbors because forsooth I have the temerity to ask that this great national highway—the Missouri River—should receive $800,000 this year instead of $500,000, then I am guilty. If in an honest attempt to have this House carry out the recommendations of the producers of the Missouri Valley is to offend the dignity of the committee, then in this have I offended.

The gentleman from Iowa [Mr. HEPBURN] has found a reason satisfactory to himself at least why I am so zealous in pressing for an increase of this appropriation for the Lower Missouri from $500,000 to $800,000. He says, "One need not wonder that the Kansas City member is so zealous, because the money will be expended in and about Kansas City." Let me say to the gentleman, there is no city on the continent more deserving than the city which I have the honor to represent on this floor, none that will make greater returns for every dollar expended. Sir, the people of the Missouri Valley are proud of the energy and prosperity of that city. Her rapid strides to commercial supremacy are the wonder of the entire country. Yesterday unknown, to-day in volume of financial transactions, as shown in the clearing houses of the country, she stands forth the tenth city in the Union. Her elevators store the grain, her stock-yards handle the live-stock, her packing-houses, second to those of only one other city in the world, Chicago, purchase, slaughter, and ship the hogs and cattle of the Missouri Valley.

She stands in the gateway between the East and the great West. She is one of the principal railroad centers of America, and fully realizes their importance and beneficial influence. Her bankers, her merchants, her people are anxious that the farmer who markets his grain and stock in that city shall share in her prosperity. They know even better than the gentleman from Iowa of the pressing and immediate necessity for the improvement of that interstate highway of commerce, the Missouri River, that the producer may receive larger returns for the fruit of his labor. If, therefore, to press upon Congress with all my energy the justness of the amendment I have offered is to be zealous, then I frankly admit the charge made by the gentleman. It is no sufficient reason to me because the people whom I have the honor to represent upon this floor will be largely benefited by the amendment that, therefore, I should be lukewarm in advocating it. If by any and all honorable efforts and zeal in and out of Congress legislation beneficial to my district and State can be secured, I freely confess that I have not reached that state of sublime disinterestedness, nor do I stand upon that imaginary platform of statesmanship (upon which some gentlemen seem to pose), to permit such legislation to fail because of a want of honest effort and zeal on my part. Nay, more, I am for the people I represent first, and all the energy, all the influence at my command shall be given in their interest. [Applause.]

[Here the hammer fell.]

Mr. DOCKERY obtained the floor and yielded to Mr. WARNER, of Missouri.

Mr. WARNER, of Missouri. I thank the gentleman.

Mr. Chairman, if the intimation of my friend from Iowa, for whose ability and uniform courtesy I have the highest respect, is susceptible of the construction that I am trying to get an appropriation of $800,000 for the improvement of a river upon which there is no commerce, a river that is not and never can be made navigable, that my purpose is not the improvement of the river, that I urge this appropriation for the reason that a part of the appropriation is to be expended in and about the city of Kansas, I say to the gentleman that I am not conscious of being so actuated. It is to be hoped that the gentlemen who are so fiercely opposing any appropriation for the Missouri River can say that their opposition is not prompted by the fact that no part of the money is to be appropriated at their doors.

Every Representative upon this floor from the States of Missouri, Kansas, Iowa, and Nebraska is equally interested in the question of cheap transportation, which can only be obtained by making the waters of the Missouri navigable for steamboats and barges. If this is not accomplished they have but themselves to blame. The people of those States gave forth no uncertain sound on this question at Saint Paul last September, and again at Kansas City in the following December. It is strange that any member of this House from either of those great agricultural States should oppose liberal appropriations for the improvement of the Missouri. Nay, there are some who seek by their indifference or open opposition to prevent any appropriation for that river.

It is claimed that the people at the river and harbor conventions at Saint Paul and Kansas City did not know what they were talking about; that the navigation of the Missouri River is an absurdity—the vagary of a disordered intellect.

Sir, the exorbitant rates the producers in the States along the Missouri are compelled to pay to move their crops to market is a reality. What is the remedy? Distinguished engineers as well as steamboat men who have spent their lives upon the Missouri entertain no doubt as to the entire feasibility of improving that river so that its waters will convey with safety fleets of barges laden with the golden grain and other products of its valley out and into the Mississippi, thus securing a reduction of the rates of freight between the farm and the markets to the minimum. The thorough improvement of the great water ways of the country is the true and natural solution of the interstate-commerce question.

The distinguished gentleman from Maine [Mr. REED] has seen fit to throw his influence against any attempt to improve the Missouri. He is pleased to brand all talk advocating it "arrant nonsense," and then adds, "doing something for the people of this country is better than filling our mouths with words about them." Most true. But, sir, what do you propose to do for the "breadwinners" of the Missouri Valley? Absolutely nothing. The Missouri River should be in the future, what it was in the past, a great channel of commerce. This the engineers assure us can be done at a cost of $10,000 per mile, adapting it to the shipment of grain in bulk by barges. Yet the gentleman from Maine says this is all "arrant nonsense." The engineers do not know what they are talking about.

For one, I prefer to rest upon the judgment of those who have a knowledge of the Missouri River as to its capabilities rather than the mere unsupported assertions of those who are opposed to its improvements. I prefer to act upon the opinions of its friends, whose only object is to obtain cheap transportation, rather than follow the lead of the open enemies to all improvements on that great river. Its improvement is neither sectional nor local, it is national in its character and effects. Neither partisan bias nor local prejudice should be permitted to govern a member's vote on this bill.

[Here the hammer fell.]

Mr. WILLIS. I desire to reply very briefly to the gentleman from Iowa. This Missouri River Commission was created by the act of July, 1884. It has been largely occupied, as the gentleman knows (because he has studied this question), with the preliminary survey and the formation of plans for the improvement of that river. The gentleman is mistaken when he says that no estimate has been made. Major Suter has made an estimate, in which he states that at an expenditure of $10,000 per mile the river can be improved; that between Kansas City and the mouth of the river the improvement will cost between $3,000,000 and $4,000,000.

Mr. HEPBURN. I desire to read——

Mr. WILLIS. I know what the gentleman would read. He would read from the report of the Missouri River Commission, in which it is stated that they have not yet had time to make an accurate estimate of the full cost of this improvement. But in another communication Major Suter says that it will cost about $10,000 per mile.

Mr. HEPBURN. He once said $8,000, did he not?

Mr. WILLIS. I do not recollect that he did.

But my friend says, "Why improve this river?" The answer is stated in one sentence. There are two great railroads running parallel with this river; and when you improve the river it will regulate and reduce rates on those railroads. Let me read one illustration out of thousands, showing in a nutshell the importance of this improvement. I desire to refer to the statement of W. H. Miller, of Kansas City, before the Committee on Rivers and Harbors. He says:

> On the Missouri River, in 1878, we employed barges between Saint Louis and Kansas City, and they carried grain at 5½ cents per bushel, while the current rail rate was 13 cents per bushel on wheat and 8 cents on corn. Wherever else water transportation has been employed, and to whatever article it has been applied, like results have followed.
>
> * * * * * * *
>
> In 1880 our elevators became full of grain, the rail rate being such as would not admit of its movement. Negotiations were entered into between our grain merchants and barge companies on the Mississippi River, looking to a repetition of the experiments of 1878. The fact came to the knowledge of the railroads, and they immediately anticipated the danger of further employment of water craft on the Missouri with a rate of 8 cents per hundred pounds, 7 to 12 cents less than the current rate, and took the grain away.

This illustrates the necessity for improving this river in order to regulate and control transportation rates on the railroads running parallel with the river. With this brief statement I respectfully ask a vote.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. BLANCHARD. I move as an amendment to the amendment to strike out the last five words. I make this motion in order to reply to some remarks of my friend from Iowa [Mr. HEPBURN] touching the Missouri River as one of the great water ways of the country. We have had the spectacle here of the gentleman from Iowa ridiculing any attempt to improve the Missouri River because, as he claims, it is not worthy of improvement. That river, in point of navigable water way, is the longest in the universe. The gentleman from Iowa must certainly, on reflection, concede that the Missouri River is one of the water ways of the country meriting improvement. If he persists in his former statement I desire to call his attention to a letter which he himself addressed to the Kansas City water way convention. On the 29th and 30th of December, 1885, a convention was held at Kansas City for the purpose of bringing to the attention of Congress the great needs of the Missouri River in reference to its improvement. Among the gentlemen invited to attend that convention as delegates were all my friends around me from the Western States and Territories, among them the gentleman from Iowa himself. Delegates from the State of Iowa did attend that convention.

The convention, in resolutions which are published in the pamphlet I hold in my hand, demanded of Congress large appropriations for the improvement of the Missouri River and sustained and indorsed the Missouri River Commission. My friend from Iowa, I am sorry to say, did not heed that invitation to attend the convention as a delegate, but he did write a letter, which was read in the convention and which appears in its proceedings. He was very careful in the letter not to commit himself to any great extent, but he did declare in favor of the improvement of the great water ways of the country; and now to-day he seems to believe that the Missouri River is not one of these water ways. Bear in mind that his letter was written to a convention called in the interest solely of the Missouri River.

Here is the letter:

> WASHINGTON, D. C., *December* 14, 1885.
>
> H. M. KIRKPATRICK, Esq.,
> *Kansas City, Mo.:*
>
> SIR: I am in receipt of your letter of December 8 inviting me to attend a Missouri River improvement convention to be held in your city on the 29th instant.
>
> I heartily sympathize with all honest efforts to secure the improvement of the water ways of the country——

Mr. HEPBURN (from his seat). Yes; I stand by that now. All honest efforts.

Mr. BLANCHARD. And yet to-day we have the spectacle of that gentleman declaring virtually upon this floor that the Missouri River, the longest river in America, is not one of the water ways of the country that can be honestly improved.

Mr. REED, of Maine. And the worst of it is that he has proved it, too. [Laughter.]

Mr. BLANCHARD. He said:

> I heartily sympathize with all honest efforts to secure the improvement of the water ways of the country as one of the means best and most certainly calculated to bring cheap transportation to the people, but my engagements are such that it will be impossible for me to be present on the interesting occasion suggested.

[Here the hammer fell.]

Mr. KING. Mr. Chairman, I move to strike out the last word, and yield my time to my colleague.

Mr. BLANCHARD.

> Hoping that your convention may be largely attended, and that all its deliberations may be characterized by harmony and judicious conclusions, I have the honor to remain,
>
> Your very obedient servant,
>
> W. P. HEPBURN.

Now, Mr. Chairman, he then wanted the great water ways of the country improved, "as one of the best means and most certainly calculated to bring cheap transportation to the people," and yet to-day in his remarks he tells the House that the railroads running down on both sides of the Missouri River carry all the produce of that country, and challenges any gentleman here to mention the time when even a boat-load of hogs had been carried down that river. Sir, the Missouri River is a great water way of the country; one of the great continental avenues which we have, and which should be improved to its utmost capacity, to "bring cheap transportation to the people," as the gentleman puts it in his letter. It is the competition of that river with the railroads which holds in check the freight charges on the latter. Let us adequately improve the river and thus enlarge its capacity as a competing line to the railroads.

[Here the hammer fell.]

Mr. WILLIS. I hope now the *pro forma* amendment will be withdrawn and that we can have a vote upon this question.

Mr. KING. I withdraw the amendment.

Mr. GLOVER. Mr. Chairman, I wish to say that the gentleman from Louisiana has pointed out a case which seems to strike me as a very conspicuous falling from grace. I desire to mention, in that connection, a case which has impressed itself upon my mind as a very conspicuous conversion to the merits of the improvement of the Missouri River.

I am not yet able to say whether it was a conversion like that of Saul of Tarsus, which sprang from genuine humiliation and conviction,

through the agency of light upon his mind, or whether it was like that of Julian the apostate, not founded upon sincerity and truth. But it is an incident, and I propose that it shall not pass without notice in this debate, for I saw with my own eyes, and was deeply gratified to see it, the member from Maine [Mr. REED] rise to support the amendment offered to increase the appropriation for the Missouri River. And I say, Mr. Chairman, when I saw him support the amendment of the gentleman from Missouri [Mr. DOCKERY], providing for a specific appropriation of money, a hundred thousand dollars, for specific points upon that river, I felt that there was a conversion at last; but, as I said before, I have not been able as yet to stamp it with the mark of the genuine metal. I desire, however, that it should be noticed; and possibly it shows progress in the direction of the improvement of the Missouri River.

Mr. REED, of Maine. Mr. Chairman, I must say I am charmed to hear the gentleman from Missouri who has just taken his seat. He has undoubtedly read the story of Paul on the way to Damascus, but he does not seem to have read it correctly, for he supposed the light struck his heart, when the sacred history tells him that the light struck his eyes.

But I do not know to what he alludes when he refers to me. It seems to me I have not risen nor given any such vote; but whether I did or not, it is perfectly apparent that no man with his senses would vote this money for the Missouri River after the explanation that has been made of it by the gentleman from Iowa [Mr. HEPBURN], and especially after the utter failure of the other side to sustain or support by any facts anything to controvert it.

Now here is a remarkable spectacle. The gentleman from Iowa comes up here with certain statements of fact, not one of which was met here, and the only attempt which has been presented on the floor of this House is the effort of the gentleman from Louisiana to administer to him a personal rebuke because he said he was in favor of all honest improvements of our water ways. A man who is not in favor of that is a foolish man.

But does that mean that we are all to be in favor of throwing money into every water way that there is? And, if it does not, does that mean that we are opposed to cheapening transportation and opposed to the farmers of this country? What arrant nonsense! How the law of supply and demand does work in this House! There seems to be an enormous demand for talk here about the necessity of giving everybody everything for as nearly nothing as possible, and gentlemen with mouth-filling discourses have been endeavoring to persuade somebody or other, not including themselves, that they are especially patriotic on such occasions. What a folly this always is! Why, an aruspex looking an aruspex in the face could not smile as we must do here when we are making this talk among ourselves.

Let us face these problems squarely; let us deal with them on facts and figures. Facts and figures are better than rhetoric. Facts and figures are better than profession. Doing something for the people of this country is better than filling our mouths with words about them.

Now here is an improvement—an improvement!—which has been characterized by a statement of facts from the gentleman from Iowa [Mr. HEPBURN]. Does the honorable chairman of the committee answer him? Do the other gentlemen answer those facts? Not by a word. We hear beautiful platitudes about cheapening transportation and improving water ways and all that kind of thing, but not a syllable in reply to the facts. Will one of them reply to what I said about the Mississippi River the other day? Not one.

Now let us take these questions squarely, and vote on them, and then show our devotion to the interests of commerce by voting for those parts of the bill that are really in favor of commerce and really in favor of cheapening transportation.

Mr. HEPBURN. I desire to say a word with regard to an inference that might be drawn from the remarks of the gentleman from Ohio [Mr. GROSVENOR], and was doubtless intended to be drawn from them when he suggested that the fact of two railways running along this proposed improvement was the reason why I opposed it. That was entirely gratuitous. That gentleman might, it seems to me, have performed his whole duty as a Representative in this House or as a member of this committee or as one of the largest beneficiaries of that committee without making any insinuation of that kind. There is no railway in the world that I have any more interest in than any other citizen of the United States. I am not one of those, like the gentleman, always ready to howl against corporations of this kind because in certain circles and among certain men it is popular, because there are votes to be had by that kind of procedure.

Mr. GROSVENOR. Did you ever hear me howling against corporations?

Mr. HEPBURN. I think I have.

Mr. GROSVENOR. When?

Mr. HEPBURN. In the same kind of insidious way in which the gentleman makes this charge.

Mr. GROSVENOR. I intended no charge against the gentleman from Iowa, but simply intended to say that the presence of two railroads along the bank of the river may account for the claim that the improvement of the river is not necessary.

Mr. HEPBURN. I did not say anything about the gentleman's position. The gentleman is ready to impugn the motives of other people. There is no one on this floor that has impugned the motives of any gentleman that has had aught to do with the preparation of this bill.

And yet there is abundant occasion for an inference of selfishness in the preparation of that bill. There are eleven gentlemen members of the Committee on Rivers and Harbors, who have taken to themselves and their own States nearly one-half of all the appropriations that are made to States. Look at the difference there is to be found in the amounts bestowed upon those States that are represented and the amounts bestowed on those that are not.

Texas has $959,000 in the bill and is represented on the committee. Louisiana has $104,000, besides the large share she gets of the Mississippi River improvement. Louisiana is represented on the committee. Ohio has $403,000. The gentleman who was so ready to impugn the motives of other people represents Ohio on the committee. Illinois has $305,000, and, singular fact, she is represented on the committee. Michigan has $908,000 in the bill, and she is represented on the committee. California has $333,500; represented on the committee. West Virginia, modest West Virginia, has $254,600. My friend represents her on the committee. Kentucky has $527,000; represented so ably by the chairman of the committee. Alabama has over $600,000, every dollar of which will be spent in the State of Alabama; represented on the committee.

So I might go on showing that while there may be no selfishness manifested by this, yet there is the singular coincidence that the States that are most largely remembered are the States that are ably represented on the committee.

[Here the hammer fell.]

Mr. BLAND. I desire to read a paper that was indorsed by representative men from Dakota, Kansas, Missouri, Montana, and Nebraska. These gentlemen prepared statistics on this subject to which I propose to call attention for a few moments for the benefit of the committee. Inasmuch as the gentleman from Maine [Mr. REED] and the gentleman from Iowa [Mr. HEPBURN] have made assertions and defied proof as to the importance and value of the improvement of these water ways in regard to their ability to compete with the lines of railway, I will let the people of the great Northwest answer as to these facts. I know, Mr. Chairman, that the great struggle here and throughout this country is to institute some means of controlling the freight traffic on the lines of the railways. I understand very well, and while I make no accusation or charge against any gentleman on this floor, yet I am constrained to say that throughout this country there is a feeling that whenever any question comes up before this committee or before this House affecting the interests of the great monopolies of this country they are at all times defended from certain quarters.

I read from this paper presented at the convention held in September, 1885, of delegates from the States and Territories of the Missouri Valley, as follows:

In 1878, the Mississippi Valley Transportation Company, of Saint Louis, was induced to send a fleet of three barges to Kansas City for a cargo of grain. It came to us empty, and was composed of barges too large for our river. It left our port on the 5th of July, taking away 83,540 bushels of corn. The fleet met with no mishap, except a delay on account of a bar for about eight hours; and its success induced the Babbage Transportation Company to follow with a fleet of three barges better adapted to our river. This fleet came to us three times that season, and each time empty. It took away, July 27, 62,038 bushels of corn; August 12, 62,938 bushels of corn; and August 31, 44,198 bushels of wheat, and met with no accident on any of its trips. It had to abandon the business in August, however, because of low water on the bars.

At the time these barges thus carried from Kansas City to Saint Louis 208,516 bushels of corn and 44,198 bushels of wheat, the rail rate between the two cities was 13 cents per bushel on wheat and 8 cents per bushel on corn. The rate at which the barges carried it was 5½ cents per bushel, including insurance, a saving of 2½ cents per bushel on the corn and 7½ cents per bushel on the wheat, or $8,537.65 on the four shipments. But this is not all; the barges while making such a saving to the owners of the grain, and while running empty one way, made, at the rate charged, a profit of 100 per cent.

Could we successfully employ barges on the Missouri River between Kansas City and Saint Louis alone, so as to realize this saving in the cost of marketing our crops, it would make a vast difference to the people of the Missouri Valley. On the wheat and corn crops of this section for 1879, the latest for which we have exact figures, these savings of 7½ and 2½ cents per bushel, respectively, would have made a total saving for that year alone of $14,042,243—being in one year on two cereals on only the 400 miles between Kansas City and Saint Louis, an actual saving of nearly twice the estimated cost of improving the whole 800 miles from Sioux City to Saint Louis. Could we employ barges on the Missouri River between Kansas City and Sioux City it would make an annual saving equal to that here shown between Kansas City and Saint Louis and would be in addition thereto. Or could we employ barges from Sioux City to Saint Louis to move our crops, the saving in the cost of marketing one crop like that of 1879 would be double that shown above, or four times the estimated cost of improving that much of the river.

From the facts disclosed by the experimental fleet of 1878, and from a knowledge of the Missouri and Mississippi Rivers, derived from a long experience with them, Captain Lowery, who had charge of the Babbage Company's fleets in 1878, arrived at the conclusion that, with adequate improvement of these rivers, grain can be carried from Kansas City to New Orleans at a freight charge of 7 cents per bushel. It is believed that a corresponding rate from all other Missouri River points, and 3 cents added for the higher costs of ocean freightage to foreign markets from New Orleans than from Atlantic ports, would not exceed 12 cents per bushel, making the grain available for export from New Orleans at the same charge as from Atlantic ports.

The current rail rates for years past from Missouri River points to Atlantic ports has not been less than 21 cents on wheat and 16 cents on corn—a difference of 4 cents on corn and 9 cents on wheat in favor of the river route. The price of grain in the Missouri Valley is the price in foreign markets less the cost

of placing it there. The price in foreign markets is fixed by the supply from countries other than our own; hence this saving, if realized, as it may be by the improvement of our rivers, will inure to the producers in the Missouri Valley, and will apply to the entire product of our farms, as well as to that part exported.

The product of the Missouri Valley in the census year 1879, the last for which we have accurate statistics, was 61,116,377 bushels of wheat and 414,349,526 bushels of corn. These crops at 4 and 9 cents respectively give a total sum of $22,074,456, which river transportation would save to the producers of the Missouri Valley on each crop like that of 1879.

We have to consider, however, not alone the benefits that may be secured, but the dangers that may be averted. The high cost of transportation in this country, maintaining as it does the high cost of American grain in foreign markets, and the reduced cost of transportation from grain-producing countries in Asia incident to the opening of the Suez Canal, reducing as it does the cost of grain from those countries delivered in the same market, has so stimulated their product, that they threaten soon to drive American grain from all markets accessible to both, and to so reduce the profit of its production in the Missouri Valley as to depress our agricultural industries and compel the adoption of other products. The contest between American grain and that of other countries for primacy in the world's market is now reduced to a matter of transportation. The advantages are now against us, but the improvement of our water ways will turn this permanently in our favor. These facts now present a dangerous and threatening situation, and the improvement of our river, as a means of promoting cheaper transportation for our grain than railroads can afford, is demanded not merely as a means for securing great benefits, but likewise as a means of averting great disasters. And it is in the interest of not only securing benefits but averting disasters that this appeal to you is made.

The practicability of the improvement of our river is no longer a matter of doubt. The success of the jetties and other improvements on the Mississippi River is well and generally known. Experiments on the Missouri River, both by private and corporate enterprise and by Government appropriations, have demonstrated that this stream also can be easily and cheaply improved.

After careful survey and adequate study of the river, Maj. Charles R. Suter, then engineer of the United States Army and member of the Mississippi River Commission, now president of the Missouri River Commission, reported to Congress in 1881 that an expenditure of $10,000 per mile would secure a permanent channel of 12 feet depth at low water and of sufficient width for purpose of navigation. This sum does not exceed half the cost of a single-track railroad, and will present transportation facilities equal to all the railroads in the valley combined.

With such advantages to gain and such threatened disasters to avert at so small a cost, this committee believes that every resident of the Missouri Valley should cordially unite in efforts to secure the improvement of our river. A united sentiment among the people will secure a united effort by our Senators and Representatives in Congress, and a united effort on their part, as has been demonstrated in other matters, will secure success in obtaining all reasonable appropriations and the early completion of this great and beneficent work.

In order that the people may understand the great interests involved in this matter and be encouraged to aid in securing that united local sentiment these statements are sent to them, and in order that that sentiment may find appropriate and unequivocal expression, they are respectfully invited to send delegates to a Missouri River improvement convention, to be held at Kansas City, at 10 o'clock a. m. Tuesday, December 29, 1885. The governors, Senators and Members of Congress and other distinguished citizens will be specially invited to be present. And in order that the convention may be a large and representative one, the following basis of representation has been agreed upon:

Commercial bodies of 500 members or less	10 delegates.
Commercial bodies, each additional 500 members or less	5 delegates.
Cities, towns, townships, and counties having no commercial organization, of 5,000 population or less	5 delegates.
For each additional 5,000 population	2 delegates.

We take pleasure in stating that the board of trade and people of Kansas City cordially unite with us in this call, and that they will provide all conveniences and requisites for the sessions and success of the convention.

As rapidly as appointed the names of delegates should be reported to H. M. Kirkpatrick, esq., corresponding secretary, Kansas City.

The remoteness of the Missouri Valley from lake and ocean ports increases the importance of the stream and the necessity of its improvement, and we most earnestly invite a general and cordial response to this call.

L. R. BOLTER, *President*, Logan, Iowa.
W. H. BEADLE, *Secretary*, Yankton, Dak.
J. D. BARKER, *Treasurer*, Girard, Kans.
T. B. BULLENE, Kansas City, Mo.
THOMAS A. SCOTT, Wyandotte, Kans.
T. G. MERRILL, Helena, Mont.
E. M. CORRELL, Hebron, Nebr.
JOHN H. KING, Chamberlain, Dak.
H. M. KIRKPATRICK, Kansas City, Mo.
WILLIAM GLENN, Harper, Kans.
A. J. SAWYER, Lincoln, Nebr.
T. C. POWER, Helena, Mont.
J. MILLER, Sac City, Iowa.

Before Mr. BLAND had completed reading the above extracts the hammer fell.

Mr. BLAND asked and obtained leave to complete the extracts in the RECORD as printed above.

Mr. HISCOCK. Mr. Chairman, I move that the committee now rise.

Mr. WILLIS. I hope we shall have a vote before the committee rises. I hope the gentleman from New York [Mr. HISCOCK] will withdraw his motion.

The committee divided; and there were—ayes 45, noes 69.

So the committee refused to rise.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Iowa [Mr. HEPBURN] to insert after the word "dollars," in line 1023, the words "to be expended under the direction of the Secretary of War without the intervention of the Missouri River Commission."

The question was taken; and there were—ayes 38, noes 70.

Mr. HEPBURN. No quorum has voted.

The CHAIRMAN. The point being made that no quorum has voted, the Chair will appoint tellers.

Mr. WILLIS. Mr. Chairman, my understanding is that no further debate is desired upon this part of the bill, and with that understanding I ask a vote.

Mr. HEPBURN. My objection to having the vote taken at this time is that the friends of the bill are all present, while many of its opponents are absent.

Mr. WILLIS. Well, Mr. Chairman, if that is the point the gentleman makes, I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MCMILLIN, from the Committee of the Whole, reported that they had had under consideration the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 3370) authorizing the construction of a bridge across the Mississippi River at or near Keithsburg, in the State of Illinois, and for other purposes;

A bill (H. R. 3371) authorizing the construction of a bridge across the Illinois River in the State of Illinois, and the Des Moines River in the State of Iowa, and for other purposes;

A bill (H. R. 5673) to authorize the construction of a railroad and wagon bridge across the Mississippi River from Winona, Minn., to the opposite shore, in Wisconsin; and

A bill (H. R. 6358) to authorize the construction of a bridge across the Yellowstone River, in Montana.

The message further announced that the Senate had passed with amendments bills of the House of the following titles, requested conferences with the House on the said bills and the amendments thereto, and had appointed Mr. MCMILLAN, Mr. CONGER, and Mr. VEST as the conferees on the part of the Senate with regard to each of said bills:

A bill (H. R. 2309) to give the assent of Congress to the construction of a bridge by the Nashville, Jackson and Memphis Railroad Company over the Tennessee River;

A bill (H. R. 7646) to authorize the construction and maintenance of a bridge by the Dakota Central Railway Company across the Missouri River at Pierre, Dak.;

A bill (H. R. 5786) granting to the Gainesville and Chickasaw Bridge Company the consent of the United States to construct and maintain a bridge over Red River at or near Brown's Ferry, in Cooke County, Texas;

A bill (H. R. 3915) authorizing the Interstate Rapid-Transit Railway Company to build a bridge across the Kansas River;

A bill (H. R. 4765) to authorize the Red River Bridge Company to maintain a bridge across Red River;

A bill (H. R. 5677) to authorize the construction of a pile and ponton railway and wagon bridge across the Mississippi River from the city of Red Wing, Minn., to the opposite shore, in the State of Wisconsin; and

A bill (H. R. 41) to authorize the construction of a bridge across the Missouri River at or near the city of Saint Joseph, in the State of Missouri, and to establish it as a post-road.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles, when the Speaker signed the same:

A bill (S. 135) granting a pension to Mary A. Tibbets;

A bill (S. 214) for the relief of Oscar Eastmond and James W. Atwill;

A bill (S. 364) granting a pension to Nancy Battorff;

A bill (S. 506) for the relief of Emerson Etheridge and William B. Stokes;

A bill (S. 1377) to grant the right of way for railroad purposes through the lands of the United States powder depot, near Dover, N. J., to the Morris County Railroad Company;

A bill (S. 1805) for the relief of Miss Rosa Wallace;

A bill (S. 2156) for the relief of John Randolph Hamilton, of the State of North Carolina;

A bill (S. 2224) in aid of the national monument at Plymouth, Mass.; and

A bill (S. 2239) extending the time for the completion of the records of the clerk of the Court of Commissioners of Alabama Claims and the transfer of the same to the Department of State.

Mr. LORE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 45 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ARNOT: Petition, letters, and papers to accompany House bill 8294, for the relief of R. R. R. Dumars—to the Committee on Claims.

By Mr. ATKINSON: Petition of Grange No. 780, of Juniata, Pa., for the passage of a law to suppress imitation dairy products—to the Committee on Agriculture.

Also, petition of the same, protesting against the admission of foreign agricultural productions without the payment of duty—to the Committee on Ways and Means.

By Mr. BOUND: Petition of merchants and business men of Philadelphia, New York, New Orleans, Chicago, Boston, and Baltimore, praying for the passage of a law prohibiting the imposition of taxes or license fees upon commercial travelers acting as brokers or drummers in sales by samples, catalogues, price-lists, &c.—to the Committee on Commerce.

By Mr. BOYLE: Remonstrance of Grange No. 482, Patrons of Husbandry, against placing wool, &c., on the free-list—to the Committee on Ways and Means.

By Mr. BRAGG: Petition of merchants of New York, Philadelphia, and other cities, in favor of House bill 1621—to the Committee on Commerce.

By Mr. W. W. BROWN: Petition of members of the Grand Army of the Republic, of Tioga County, Pennsylvania, praying for the repeal of the act prohibiting arrearages of pensions after July, 1880—to the Committee on Invalid Pensions.

Also, petition of merchants of Philadelphia, New York, Baltimore, and other cities, in favor of the James bill (H. R. 1621)—to the Committee on Commerce.

By Mr. BRUMM: Petition of Grange No. 506, of Pennsylvania, for the passage of a law to suppress imitation dairy products—to the Committee on Agriculture.

Also, petition of same, against the admission free of duty of agricultural products—to the Committee on Ways and Means.

By Mr. BUNNELL: Petition of Granges Nos. 58, 188, and 208, of Bradford County, and of No. 165, of Wyoming County, Pennsylvania, Patrons of Husbandry, against the adulteration of agricultural products, especially butter—to the Committee on Agriculture.

Also, petition of the same, against placing raw agricultural materials, such as wool, hides, raw sugar, jute, tobacco, rice, &c., on the free-list—to the Committee on Ways and Means.

Also, petition of dairymen and butter-makers of Susquehanna County, Pennsylvania, against the manufacture of imitation butter, and favoring the Scott bill to place the same under control of the Commissioner of Internal Revenue—to the Committee on Agriculture.

Also, petition of merchants of Boston, New York, Philadelphia, New Orleans, Chicago, and Baltimore, favoring House bill 1621, to relieve them of paying license or mercantile tax for selling by sample—to the Committee on Commerce.

By Mr. CARLETON: Petition of Charles W. Brown, R. S. Hutton, H. C. Kudner, W. B. Williams, John Abbott, and many others, citizens of Lapeer County, Michigan, asking for the passage of the temperance education bill—to the Committee on Education.

By Mr. CRISP: Petition of G. M. Stokes, H. L. Long, E. B. Martin, and others, citizens of Lee County, Georgia, in behalf of the Blair educational bill—to the Committee on Labor.

By Mr. ERMENTROUT: Petition of merchants for the passage of House bill 1621—to the Committee on Commerce.

By Mr. EVANS: Memorial of Granges Nos. 25, 566, 606, and 760, of Pennsylvania, for the suppression of the manufacture and sale of imitation dairy products—to the Committee on Agriculture.

Also, memorials of Granges Nos. 25, 606, and 760, of Pennsylvania, against a reduction of duties on agricultural raw materials, such as wool, jute, hides, tobacco, raw sugar, &c.—to the Committee on Ways and Means.

By Mr. FINDLAY: Memorial of merchants of Baltimore and others, praying for the passage of the James bill to regulate sales between merchants of the States, Territories, and District of Columbia—to the Committee on Commerce.

By Mr. FUNSTON: Testimony in the claim of Isaac Ransom, Company C, Forty-ninth Indiana Volunteer Infantry, for relief—to the Committee on Invalid Pensions.

By Mr. EUSTACE GIBSON: Petition relating to railroad bridge across the Little Kanawha River, West Virginia—to the Committee on Commerce.

Also, petition of James M. Nash, of Winfield, Putnam County, West Virginia, and of J. H. Nash, administrator of George Harman, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. GIFFORD: Petition of A. G. Kellam and others, of Chamberlain, Dak., praying for the passage of Senate bill No. 52, providing for opening to settlement a portion of the Great Sioux reservation, Dakota—to the Committee on Indian Affairs.

By Mr. GROUT: Petition of Luther Crawford and 53 others, citizens of New Braintree, Worcester County, Massachusetts, for a tax on false butter—to the Committee on Agriculture.

Also, papers in support of House bill 8271, directing the Secretary of War to remove the charge of desertion from the military record of George H. Wheeler—to the Committee on Military Affairs.

Also, statement of Theo. S. Peck, adjutant-general of Vermont, asking legislation for the better organization of the militia—to the same committee.

By Mr. HIESTAND: Memorial of Grange No. 66, of Lancaster County, Pennsylvania, praying for the passage of a law forbidding the manufacture and sale of all imitation dairy products—to the Committee on Agriculture.

Also, memorial of the same, against free wool, hides, tobacco, sugars, &c.—to the Committee on Ways and Means.

By Mr. HILL: Petitions of John M. Rowell and others, of T. D. Young and several hundred others, of M. O. Shell and others, of J. C. Young and others, of Leo Scheader and others, of J. W. Dislies and others, of J. W. Long and others, of William Gilman and others, of A. B. Smedley and others, of L. D. Allen and others, of D. T. McIntire and others, and of John A. Stroube and others, citizens of Dakota, for the division of the Territory on the seventh standard parallel—to the Committee on the Territories.

By Mr. HIRES: Two memorials from Grange No. 16, of New Jersey, protesting against a reduction of duty on wool, tobacco, rice, &c.—to the Committee on Ways and Means.

By Mr. HOPKINS: Petition of Charles F. Reeves and over 40 others, citizens of Illinois, protesting against the passage of any prohibitory law—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. JAMES: Petition of 45 firms and business men of Natchez, Miss., asking that commercial travelers be exempted from local or State licenses—to the Committee on Commerce.

By Mr. LIBBEY: Petition of George W. Gray and others, praying for a pension—to the Committee on Invalid Pensions.

Also, petition of James Smith, praying for a pension—to the same committee.

Also, papers in the case of C. W. Hickman—to the Committee on War Claims.

Also, papers in the case of R. H. Clark, to accompany House bill 8273—to the Committee on Claims.

Also, papers in the claim of James E. Hozie, for relief—to the same committee.

By Mr. McCOMAS: Petition of Local Assembly No. 1205, Knights of Labor, of Westernport, Md., against the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

Also, petition of Knights of Labor of Berlin, Md., for the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. MILLIKEN: Petition of Elliot Wood and others, for an internal-revenue tax on butterine and oleomargarine—to the Committee on Agriculture.

By Mr. O'FERRALL: Petition of Rebecca L. Boggs, formerly of Pendleton County, West Virginia, now of Marlborough, Frederick County, Virginia, for reference of her war claim to the Court of Claims—to the Committee on War Claims.

By Mr. OSBORNE: Memorial of Grange No. 722, of Pennsylvania, asking for legislation that will suppress the manufacture and sale of all imitation dairy products—to the Committee on Agriculture.

Also, memorial of the same, protesting against reduction in tariff on wool, hides, jute, tobacco, raw sugars, rice, &c.—to the Committee on Ways and Means.

Also, protest of the manufacturers of licorice paste in America against any proposition to change the duty on licorice paste—to the same committee.

By Mr. PERKINS: Petition of Charles R. McClung, of Cowley County, Kansas, for reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. PETERS: Petition of C. G. Radcliff and 123 citizens of Hodgeman County, Kansas, asking for pension legislation—to the Committee on Invalid Pensions.

By Mr. PRICE: Petition of 3,500 dealers and manufacturers, favoring the passage of House bill 1621, known as the James bill, to wit: Baltimore 320, Boston 330, Chicago 340, New Orleans 120, New York 1,980, and Philadelphia 410—to the Committee on Commerce.

By Mr. T. B. REED: Petition of Thompson L. Call and others, of Portland, Me.; and of the Westcustigo Grange, North Yarmouth, Me., in favor of bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. SCOTT: Petition of citizens of Warren County, of Wysox, of Phillipsville, of Warren County, and of Grange No. 147, Pennsylvania, urging the passage of bill to restrict the manufacture and sale of counterfeit butter—to the same committee.

Also, petition of Grange No. 147, of Pennsylvania, protesting against the admission, free of duty, of raw agricultural products—to the Committee on Ways and Means.

By Mr. SCRANTON: Memorial of Grange No. 722, of Pennsylvania, against free importation of agricultural raw materials—to the same committee.

By Mr. SKINNER: Petition of Charles E. Creecy, praying for the passage of an act of Congress to give force and effect to the act approved March 3, 1883, and for the judicial settlement of the findings of the Court of Claims in his favor—to the Committee on the Judiciary.

By Mr. SPOONER: Testimony relating to pension claim of Waitie F. Harris, House bill 8258—to the Committee on Invalid Pensions.

By Mr. STORM: Memorial of Grange No. 52, Patrons of Husbandry,

of Pennsylvania, asking for legislation for the suppression of the manufacture and sale of all imitations of dairy products—to the Committee on Agriculture.

Also, memorial of the same, against placing raw material on the free-list—to the Committee on Ways and Means.

By Mr. TURNER: Petition of George Kargler, county school commissioner, and others, citizens of Terrell County, Georgia, for aid to common schools—to the Committee on Education.

By Mr. VAN EATON: Petition of B. M. Howell, to accompany bill 8193—to the Committee on War Claims.

By Mr. VAN SCHAICK: Memorials of Milwaukee Assembly, No. 4517, with 152 members, and No. 2438, with 418 members, asking for the repeal of immigration treaties with China—to the Committee on Foreign Affairs.

Also, memorial of M. R. Bivan and others, and of John Bumb and others, asking for the repeal of immigration treaties with China—to the same committee.

By Mr. A. C. WHITE: Memorial of Granges Nos. 503, 575, and 623, of Pennsylvania, in favor of suppressing the manufacture and sale of imitation butter—to the Committee on Agriculture.

Also, memorial of the same and of A. A. Sloan and others, against the passage of the proposed tariff bill—to the Committee on Ways and Means.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. C. H. ALLEN: Of H. D. Rugg and others, and of George H. Wheelock and others, of Massachusetts.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. DUNHAM: Of Rev. M. M. Parkhurst and 30 others, citizens of Chicago, Ill., and of Mrs. J. C. S. Miller, president North Chicago Woman's Christian Temperance Union, and 29 other ladies of the same city.

By Mr. SCOTT: Of citizens of Warren County, Pennsylvania.

SENATE.

THURSDAY, *April* 29, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The following bills, received yesterday from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 1200) to amend an act entitled "An act to authorize the employment of certain aliens as engineers and pilots," approved April 17, 1874;

A bill (H. R. 1500) changing the name of the port of Lamberton, in the district of Burlington, N. J., to the port of Trenton, in said district;

A bill (H. R. 2646) granting to the Kanawha and Ohio Railroad Company the right to lay its track through United States lock and dam property in the Great Kanawha Valley, State of West Virginia; and

A bill (H. R. 4063) to authorize the improvement of the water-power in the Mississippi River at Little Falls, Minn.

The bill (H. R. 4616) for the relief of Maj. Michael P. Small was read twice by its title, and referred to the Committee on Military Affairs.

PETITIONS AND MEMORIALS.

Mr. WILSON, of Iowa, presented a joint resolution of the General Assembly of Iowa; which was ordered to lie on the table, and be printed in the RECORD, as follows:

Whereas the Union Pacific Railroad Company is asking Congress for the passage of an act providing for the cancellation of its present bonded indebtedness and the obligations to the Government, consisting of $29,000,000 of thirty years' 7 per cent. bonds now nearly due, which will aggregate the sum of about $90,000,000, which, together with the other obligations made by the so-called Thurman act, would amount to more than $100,000,000 in all; and

Whereas the said Union Pacific Railroad Company seeks by such legislation to substitute in lieu of its obligations to the Government 3 per cent. bonds to mature in eighty years from the date of their issue; and

Whereas this proposition does violence to all business principles; and

Whereas the management of said Union Pacific Railroad Company has been wasteful and extravagant, having misappropriated its earnings and proceeds from the sale of its domain granted to it by the General Government to aid in its construction; and

Whereas such misappropriation of its proceeds and mismanagement is the cause of its present impoverished condition; and

Whereas it has unceasingly discriminated against Iowa and Iowa interests, crushing out enterprises of vital consequence to the State and its growth and material prosperity, together with other enterprises along the line of its road, varied in their character, in other States and Territories, thus giving continued evidences of its hostility to the interests of the people who must ultimately bear these enormous burdens; and

Whereas by its past record of misappropriation and wastefulness of its earnings and revenues, giving no assurance by this record that its credit would be improved in the end, or that the Government or the people would in any measure be relieved of other additional burdens thus sought to be imposed: Therefore,

Be it resolved by the senate (the house concurring), That we do solemnly protest against the enactment of this law, and that our Senators be instructed and our Representatives requested to use all honorable means in their power to prevent the passage of such law.

Resolved, That the secretary of state be, and he is hereby, instructed to forward duly certified copies of the foregoing preambles and concurrent resolution to each of our Senators and Representatives.

I hereby certify that the foregoing is a true and correct copy of the original concurrent resolution as adopted by the Twenty-first General Assembly of Iowa, as the same appears on file in my office.

In witness whereof I hereunto set my hand and cause to be affixed the great seal of the State. Done at Des Moines, the capital, this 6th day of April, A. D. 1886, of the Independence of the United States the one hundred and tenth, of the State of Iowa the fortieth.

[SEAL.] FRANK D. JACKSON,
Secretary of State.

Mr. SEWELL presented memorials of Granges No. 8 and No. 36, Patrons of Husbandry, in New Jersey, remonstrating against the admission free of duty of all agricultural raw materials; which were referred to the Committee on Finance.

He also presented a petition of Grange No. 60, Patrons of Husbandry, in New Jersey, praying for the suppression of the manufacture and sale of imitation dairy products; which was referred to the Committee on Agriculture and Forestry.

Mr. PLUMB presented the petition of a large number of citizens of Kansas, praying that what are known as the Oklahoma lands in the Indian Territory may be opened to homestead settlement; which was referred to the Committee on Indian Affairs.

Mr. HOAR presented a petition of the Boston (Mass.) Monthly Meeting of Friends, praying for the passage of the bill (S. 355) to promote peace among nations, for the creation of a tribunal for international arbitration, and for other purposes; which was referred to the Committee on Foreign Relations.

Mr. CALL presented twenty-six petitions of citizens of Florida, praying for an extension of the time for the construction of the line of road from Amelia Island to Tampa Bay, in that State; which were referred to the Committee on Public Lands.

Mr. SABIN presented a petition of citizens of Washington, D. C., residing in the vicinity of Iowa Circle, praying for the removal of the Bartholdi fountain from the Botanical Garden to that circle; which was referred to the Committee on the Library.

REPORTS OF COMMITTEES.

Mr. MAXEY, from the Committee on Indian Affairs, to whom was referred the bill (S. 1942) for the relief of Hiatt & Co., reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1375) for the relief of E. C. Chirouse, late United States Indian agent; and

A bill (S. 1376) for the relief of John F. Malo.

Mr. DAWES, from the Committee on Indian Affairs, to whom were referred the following bills, reported them severally without amendment:

A bill (S. 1800) to secure to the Cherokee freedmen and others their proportion of certain proceeds of lands, under the act of March 3, 1883; and

A bill (S. 2060) to authorize the purchase of a tract of land near Salem, Oreg., for the use of the Indian training-school.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2046) granting a pension to Elizabeth Marshall;

A bill (S. 898) granting a pension to William A. Penfield;

A bill (S. 2098) for the relief of Rosella E. Hibbert; and

A bill (S. 1181) granting an increase of pension to Margaret E. Pierce.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 1725) granting an increase of pension to Margaret E. Pierce, moved its indefinite postponement; which was agreed to.

Mr. CONGER, from the Committee on Commerce, to whom was referred the bill (S. 584) to incorporate the Atlantic and Pacific Ship Railway Company, and for other purposes, moved its indefinite postponement, which was agreed to; and he reported a bill (S. 2288) to incorporate the Atlantic and Pacific Ship Railway Company, and for other purposes; which was read twice by its title.

Mr. DOLPH, from the Committee on Commerce, to whom was referred the bill (S. 2115) granting to the Oregonian Railway Bridge Company of Oregon the right to construct a bridge over the Willamette River, in the vicinity of Ray's Landing, Oregon, reported it with amendments, and submitted a report thereon.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (H. R. 5789) to amend section 2552 of the Revised

Statutes of the United States, reported it without amendment, and submitted a report thereon.

Mr. SHERMAN, from the Committee on Foreign Relations, to whom was referred the bill (S. 1991) supplementary to and amendatory of "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882, as amended by an act to amend said act, approved July 5, 1884, reported it with amendments.

Mr. BROWN. I present the views of the minority of the Committee on Woman Suffrage on the joint resolution (S. R. 5) proposing an amendment to the Constitution of the United States extending the right of suffrage to women, and I ask that the same number of copies be printed as was ordered to be printed of the majority report.

The PRESIDENT *pro tempore*. The views of the minority will be received and the order made as requested.

ADDITIONAL GROUND FOR PUBLIC BUILDING AT FORT WAYNE.

Mr. MAHONE. I am instructed by the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 3775) to authorize the Secretary of the Treasury to purchase an additional strip of ground on the east side of the United States court-house and post-office building at Fort Wayne, Ind., to be paid for out of the appropriation already made, to report it without amendment. I ask for its immediate consideration.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. EDMUNDS. Let it be read for information.

The bill was read; and there being no objection, the Senate, as in Committee of the Whole, proceeded to consider it. It directs the Secretary of the Treasury to purchase, out of moneys already appropriated for the construction of the United States court-house and post-office building at Fort Wayne, Ind., a strip of land adjacent to the present site of the building and on the east thereof, having a frontage of 60 feet on Berry street and running back with same width to an alley; but in no event shall the cost of the additional land exceed the sum of $9,000.

Mr. EDMUNDS. The bill ought to have the usual provision in it for having the Attorney-General certify to the title before the money is paid. I move to amend the bill by adding the following additional proviso:

Provided further, That no money shall be paid from the Treasury on account of the said purchase until the Attorney-General of the United States shall certify that the title to said land is complete in the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BILLS INTRODUCED.

Mr. HARRIS introduced a bill (S. 2279) for the relief of Samuel Tate; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 2280) for the relief of R. D. Beckley and Leon Howard; which was read twice by its title, and referred to the Committee on Claims.

Mr. DAWES introduced a bill (S. 2281) granting to railroads the right of way through the Indian reservation in Northern Montana; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MORGAN introduced a bill (S. 2282) to establish a weather bureau in the War Department, and for other purposes; which was read twice by its title, and referred to the Joint Commission to consider the question of the organizations of the Signal Service, Geological Survey, Coast and Geodetic Survey, and the Hydrographic Office of the Navy Department.

Mr. MILLER introduced a bill (S. 2283) amending the Revised Statutes relating to yachts; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BLAIR introduced a bill (S. 2284) granting a pension to James Moss; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2285) granting a pension to Mary E. Harris; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CONGER introduced a bill (S. 2286) for the relief of Albert C. Kelley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McMILLAN introduced a bill (S. 2287) for securing statistics of the extent and value of the vessel fisheries of the United States; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. PLUMB introduced a bill (S. 2289) to change the name of the Exchange National Bank of El Dorado; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 2290) to change the name of the Wichita National Bank; which was read twice by its title, and referred to the Committee on Finance.

AMENDMENT TO A BILL.

Mr. SEWELL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. 135) granting a pension to Mary A. Tibbets;

A bill (S. 214) for the relief of Oscar Eastmond and James W. Atwill;

A bill (S. 364) granting a pension to Nancy Battorff;

A bill (S. 506) for the relief of Emerson Etheridge and William B. Stokes;

A bill (S. 1377) to grant the right of way for railroad purposes through the lands of the United States powder depot, near Dover, N. J., to the Morris County Railroad Company;

A bill (S. 1805) for the relief of Miss Rosa Wallace;

A bill (S. 2156) for the relief of John Randolph Hamilton, of the State of North Carolina;

A bill (S. 2224) in aid of the national monument at Plymouth, Mass.; and

A bill (S. 2239) extending the time for the completion of the records of the clerk of the Court of Commissioners of Alabama Claims and the transfer of the same to the Department of State.

STATEMENT OF ADJOURNMENTS OVER.

Mr. HOAR. I should like to ask the Senate to make an order in what is a very small matter indeed, but will make a great deal of difference in the convenience of Senators; that is that the RECORD be directed to publish at the end of the proceedings of the Senate and the House the time to which the bodies respectively adjourn. It is always declared by the Chair; but on Friday if you want to know whether the Senate or House will be in session on Saturday there is no way of ascertaining but by searching through the entire proceedings.

The PRESIDENT *pro tempore*. If there be no objection the Reporter will be directed to insert at the close of the proceedings both of the House and the Senate the time to which the bodies respectively adjourn. That order is made.

ORDER OF BUSINESS.

Mr. PLUMB. I move now to proceed to the consideration of the bill (H. R. 5887) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887.

Mr. PLATT. I presume the Senator does not wish to have that done by motion so as to displace the interstate-commerce bill.

Mr. EDMUNDS. It does not displace it until 2 o'clock. At 2 o'clock the interstate-commerce bill will displace this.

The PRESIDENT *pro tempore*. This motion only covers the morning hour.

Mr. CHACE. I ask the Senator from Kansas to yield to me a few minutes in order that I may call up Senate bill 1908 in regard to postal cars.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Kansas.

Mr. PLUMB. I was appealed to by the Senator from Rhode Island, who says he has to leave this afternoon at 3 o'clock, to allow him to take up that bill, which I do with the consent of the Senate, provided it will not lead to debate; but if it is going to occupy any length of time, I shall feel disposed to insist on my rights, whatever they may be, in reference to the Post-Office appropriation bill.

Mr. CHACE. I ask for the reading of the report.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Kansas.

The motion was agreed to.

Mr. PLUMB. I now yield to the Senator from Rhode Island.

PAY FOR POSTAL CARS.

The PRESIDENT *pro tempore*. The Senator from Rhode Island [Mr. CHACE] asks unanimous consent to call up informally the bill (S. 1908) to amend section 4004 of the Revised Statutes, providing for additional pay for postal cars.

Mr. EDMUNDS. Let it be read for information subject to objection.

The Chief Clerk read the bill and also the amendment reported by the Committee on Post-Offices and Post-Roads, which was to strike out all after the enacting clause and in lieu thereof to insert:

That in adjusting, allowing, and paying amounts which have accrued, or may hereafter accrue, under section 4004 of the Revised Statutes, the Postmaster-General and the proper accounting officers of the Treasury shall allow and pay for cars less than 40 feet a sum which shall bear the same proportion to the sum allowed and paid for cars 40 feet long as the length of such cars bears to 40 feet.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CHACE. I will state briefly the object of passing the bill. The present law, section 4004 of the Revised Statutes, provides that cars 40 feet in length, running 100 miles per day each way, shall be paid $25 per annum. The Department felt some hesitation in regard to paying

for shorter cars, believing that the law did not justify them in doing so. The Postmaster-General himself has written a letter to the Committee on Post-Offices and Post Roads, in which he sets forth that the equities require that some such defining act as this should be passed. The object of this bill is to so define the law that the Departments may feel themselves authorized to pay relatively the same price for shorter cars.

Mr. HALE. There should be a verbal amendment in line 7, after the words "40 feet," by inserting the words "in length."

Mr. CHACE. I have no objection to that.

The amendment to the amendment was agreed to.

Mr. MAXEY. I desire to say that I was on the subcommittee of the Senate Committee on Post-Offices that reported the bill, and after a full investigation I think it is right and that the bill ought to pass as amended.

The amendment as amended was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

THOMAS F. PURNELL.

Mr. MAXEY. I ask the Senator from Kansas in charge of the Post-Office appropriation bill to allow me a moment to pass a bill under peculiar circumstances which will not take two minutes.

Mr. PLUMB. I have no objection to yielding to the Senator from Texas; but the Senator from New Hampshire [Mr. PIKE] has to leave the city to-morrow or next day, and he desires to pass what is known as the 4th of July appropriation bill, about which I presume there will be no debate, and which we pass at every session of Congress. I do not want to seem to discriminate between Senators in regard to matters of this kind. I am willing, however, to yield to these two bills in case there is no objection on the part of any Senator to my doing so. At the end of that time I will not yield any further.

Mr. MAXEY. I ask unanimous consent, then, to proceed to the consideration of Order of Business 950, being the bill (H. R. 2397) for the relief of Thomas F. Purnell.

The PRESIDENT *pro tempore*. If there be no objection the bill will be read at length.

The Chief Clerk read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to consider it. It provides for the payment to Thomas F. Purnell, of Austin, Tex., of $1,000, in full reimbursement of that amount paid by Purnell on the 15th of April, 1875, as United States marshal for the western district of Texas, for the arrest of Peter McCartney, by order of J. L. Duckworth and L. B. Whitney, special agents of the Treasury Department.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had disagreed to the amendments of the Senate to the following bills:

A bill (H. R. 41) to authorize the construction of a bridge across the Missouri River at or near the city of Saint Joseph, in the State of Missouri, and to establish it as a post-road;

A bill (H. R. 7646) to authorize the construction and maintenance of a bridge by the Dakota Central Railway Company across the Missouri River at Pierre, Dak.;

A bill (H. R. 2309) to give the assent of Congress to the construction of a bridge by the Nashville, Jackson and Memphis Railroad Company over the Tennessee River;

A bill (H. R. 5677) to authorize the construction of a pile and ponton railway and wagon bridge across the Mississippi River from the city of Red Wing, Minn., to the opposite shore, in the State of Wisconsin;

A bill (H. R. 3519) authorizing the Interstate Rapid-Transit Railway Company to build a bridge across the Kansas River;

A bill (H. R. 4765) to authorize the Red River Bridge Company of Texas to maintain a bridge across Red River;

A bill (H. R. 5786) granting to the Gainesville and Chickasaw Bridge Company the consent of the United States to construct and maintain a bridge over Red River at or near Brown's Ferry, in Cooke County, Texas; and

That it agreed to the respective conferences asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CRISP, Mr. BYNUM, and Mr. A. J. WEAVER managers at the conference on the part of the House.

FOURTH OF JULY CLAIMS.

Mr. PIKE. I move that the Senate proceed to the consideration of House bill 4731.

Mr. PLUMB. I think the Senator had better ask unanimous consent for that, so as not to displace the appropriation bill.

Mr. PIKE. I ask unanimous consent to proceed to the consideration of the bill (H. R. 4731) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department.

Mr. HOAR. The bill is simply a bill made up of 94 pages of names and sums. The first clause enacts that the following sums be paid. Then that list is a copy of the names and sums reported by the Treasury Department, which have been carefully compared always by the clerk of the committee with the vouchers; and I move that the first clause only be read.

Mr. PIKE. There is an amendment to the bill.

Mr. HOAR. Yes, there is an amendment at the end.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks consent that the full reading of the bill shall be omitted. Is there objection?

Mr. INGALLS. Mr. President, has the bill been read once at length?

The PRESIDENT *pro tempore*. No, it has not been; it is a list of claims.

Mr. HARRIS. Fourth of July claims, as they are called.

Mr. INGALLS. We passed four hundred and twenty-six bills the other day without reading, I believe, one of them, and the proceeding appears to me in the Senate to be approaching the verge of excessive laxity. The rules require that every bill shall be once read at length in order that there may be the opportunity at least of knowing what it contains. There have already been serious difficulties arising from the unsatisfactory and imperfect and incomplete consideration of measures before us; and, if we proceed in this way, it will eventually come to this, that whenever a committee has vouched for the propriety of a bill it will be taken for granted and not read at all.

I am inclined to think, Mr. President, that this method has gone about as far as toleration should permit. Inasmuch as there is nothing requiring any particular haste——

Mr. HOAR. Will the Senator pardon me one moment?

Mr. INGALLS. Yes.

Mr. HOAR. If the Senator will pardon me before he announces his determination about it, I should like to suggest to him that I entirely agree with him in his opinion as to the great care that the Senate should take, and that the reading of no bill should be omitted on the mere assurance that its provisions and enactments are reasonable and right; but this is a bill where from the necessity of the case the reading beyond the first clause would convey no information to any Senator whatever.

These claims are audited by the Treasury Department under the general law by one of the auditors. They are claims for paying certain Southern claimants, which it has been our policy always to pay since the war. The auditing officer takes the vouchers for those claims which come from the War Department, compares them, and reports to the House a list of those claims. Then the clerk of the Committee on Claims takes the vouchers and takes the bill, and compares the names and the sums with the vouchers. Here are ninety-four pages, consisting of probably an average of ten or fifteen claims on a page, all the bill being that there shall be paid from the Treasury the following sums: To A B, of Knox County, Louisiana, $119.40; to C D, of such a county in Georgia, $30.50, and so on.

What I propose is not to omit the reading of the operative part of the bill, but simply to omit the list of names and sums. Suppose this bill read, "There shall be paid the sum of $100,000 to the several persons mentioned in the report of the Auditor," nobody would consider that that was improper or improvident legislation because we did not put in the list all together but referred to the report in our enactment. Instead of that, they are set forth at length in the bill.

While I share with the Senator in his great strictness, I hope he will not put himself and the Senate to the trouble of spending two or three hours in reading that list of sums and names.

Mr. INGALLS. It would be a very great convenience to the Senate if all bills could be simply read by their titles and passed. We had yesterday eighteen or twenty bridge bills for crossing the Missouri and Mississippi Rivers; they were all substantially the same, and upon the assurance of the Committee on Commerce that they were in accordance with the precedents and contained the usual safeguards there would be no reason why they should be read at length. The same reasoning that the Senator from Massachusetts invokes for his proposition in regard to this bill would apply practically to everything. There is no reason why any bill should be read at length. It consumes the time of the Senate; the great majority of Senators do not attend to it; and it would be a great measure of convenience if we could simply place all this business in the hands of committees and let them transact the legislation of the Senate.

I, of course, do not propose to place my individual objection against the wish of a majority of the body; but I rise to say that the practice is vicious, it is full of possibilities of mischief. A few years ago we passed in lump without reading the revision of the statutes of the United States which had been sent here by a commission, and that was vouched for as being absolutely correct in every particular. That act was the parent of unnumbered woes. We never have recovered up to this time from the danger, the difficulty, the peril, the hazard, and the loss that came from that one act. We are proceeding step by step to break down every barrier that surrounds security and safety in legislation. An appeal is made to us, "This will take time; something else requires attention;" and we are asked to dispense with the reading of bills; and here comes in a measure involving I do not know the expenditure of how many hundred thousand dollars, and upon the bare

statement that this has been carefully considered by a committee and compared with the official vouchers we are asked upon the reading of the enacting clause to allow this bill to pass without further consideration. I protest against it as vicious and in violation of the first principles of proper legislation. With that protest, sir, I have done.

Mr. MORRILL. This happens to be a bill that is sure to pass whether the Senator from New Hampshire, chairman of the committee, is present or not. It will only require to come up when we have the time to give to it to have the bill read. I think the Senator from New Hampshire should not persist in it this morning.

Mr. PIKE. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent of the Senate that the reading of the first section of the bill, except the amendments proposed, shall be omitted. If there be no objection that order will be made.

Mr. MORRILL. There is objection.

The PRESIDENT *pro tempore*. Does the Senator from Vermont object?

Mr. MORRILL. I will not object if nobody else feels like objecting.

The PRESIDENT *pro tempore*. The Chair has listened attentively to hear an objection. The Chair will receive it yet if it is made. If not, the reading will be dispensed with.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4731) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department.

The bill was reported from the Committee on Claims with an amendment, at the end of the bill to add the following:

Mississippi:

To Catharine C. B. Merrill, executrix of the last will and testament of Ayres P. Merrill, late of said State, $67,726.

Mr. INGALLS. Sixty-seven thousand dollars is a very pretty sum, and of course I am willing to take amendments to this bill on the suggestion of the committee that they are all right; but it does appear to me that when we have lumped this bill as it has come from the committee to both Houses we ought not to be asked to adopt amendments of that magnitude without some explanation. Of course this may be right, and I presume that it is.

As I understand this bill, even the committee never considers it is a matter of clerical comparison; and we rely ultimately not on the examination by the committee of these items, but simply upon the statement of some clerk or employé that he has compared them with the vouchers and finds them to be correct, and the committee receive them on that statement and so report to the Senate. I should like to hear some explanation of the ground upon which we are requested to agree off-hand to an amendment adding $67,000 to this bill.

Mr. PIKE. This claim was presented at the last Congress and submitted to the Committee on Claims, and a law was passed in pursuance of the recommendation of that committee that the claim be referred to the Quartermaster-General for examination. He has examined it by special agent, and this amount has been allowed according to the report of the special agent. All the papers relating to it, which are voluminous, were submitted to the Senate at this session and sent to the Committee on Claims, and the matter was referred to Senator Jackson, of Tennessee, who was a member of the committee while he was in the Senate, for examination. He examined it thoroughly and reported this sum. The matter has been thoroughly examined, both by the Quartermaster-General or his special agent and by Senator Jackson, as well as by the committee. The amendment is the result of that examination. The sum reported by the Quartermaster-General was not quite as much as the committee thought should be allowed, but on a subsequent examination he became satisfied that we were right. The committee thought that this amendment was eminently just and ought to be allowed.

Mr. ALLISON. I desire to ask the Senator from New Hampshire——

Mr. PIKE. I desire to say a word more. This claim is allowed in behalf of Ayres P. Merrill, who was one of the most loyal men in the United States, North or South. He owned several plantations in the vicinity of Memphis, and when our army went there in July it took stores and supplies from his plantation. He was indorsed as a loyal man by General Grant and all our Union generals in that vicinity. He was also our minister to Belgium under Grant's administration. If there is a deserving and meritorious claim for this Congress to pass upon it is this one.

Mr. ALLISON. I desire to ask the Senator from New Hampshire why it is that this claim was not examined by the Quartermaster's Department under the law and reported, without the intervention of Congress? Is there anything, in other words, that takes this out of the general rule with reference to the examination of this class of claims?

Mr. PIKE. It was examined by the Quartermaster-General under a law passed by Congress.

Mr. HOAR. If I understand it the rule which Congress has uniformly adopted is this: that where supplies were actually taken for the use of the Army those supplies are to be paid for, unless there was a clear purpose to capture and take them as booty at the time, where the person is shown to have been a loyal man, at the value at which they were to the Army. For instance, if they took his house for fuel or his fence for fuel, you do not pay the value of the house or the fence but the value of the fuel. This class of claims comes under a general law. There are a great many of the claims which for various reasons have not yet been disposed of, and the vouchers are in the Quartermaster-General's Office, and they have an examination in the Quartermaster-General's Office of these claims, taking the vouchers from the military officers. They then send them to the Treasury, where they are audited, and the list of these claims examined on that principle comes to Congress.

This man had some reason, which is not now in my memory, why he did not put his claim in the office within the time in which it should have been put in. The Committee on Claims were entirely satisfied, however, that there was some good reason. I can not now tell from memory what it was; but I suppose it appears in the report of last year. Thereupon Congress, instead of allowing the claim specially, passed a law requiring the Quartermaster's Department to examine it, and if he found it to be just and reasonable then to report it specially to this Congress, which he did, and it has been proposed by the committee to be added to this bill, the report having come in.

In regard to the loyalty of Mr. Merrill, there was a special and careful re-examination of the whole subject by Senator Jackson of the subcommittee on claims. The general committee, of course, could not go over all the details of the loss. He was a man of conspicuous loyalty. There was a very emphatic letter from General Grant indorsing his loyalty and his great services to our Army. He was once the minister to Belgium under General Grant's appointment after the war.

Mr. DAWES. I think I can state the reason why the application was not made within the time prescribed by the statute.

Mr. HOAR. My colleague will let me state that we supposed we passed on that matter last year.

Mr. DAWES. This gentleman was broken down entirely in health physically and mentally. He was taken abroad by his friends in an attempt to recover his health, and during that time he was without any knowledge of the legislation that required the presentation of this claim within a certain time. If my memory of the facts serves me, that was the reason why a special act was necessary. He came back and spent several years in my own town in a vain search for health, broken down, a child almost, taken care of by his friends. He was, as my colleague says, one of the most conspicuously loyal and cultivated gentlemen in the neighborhood where he lived. He was a very intelligent man—I knew him well—who had taken care of his own affairs, but was entirely broken down, unable to know or to have any idea of what his claim was and what was necessary to enforce it. I think that must be the reason, although I am not ready to state it personally.

Mr. HOAR. I did not know that particular fact that he had been connected with Massachusetts.

Mr. DAWES. He came there from the South. He had no connection with Massachusetts at all, but he happened to come to my town in search of health, and I happened to know this and I desired to make the statement.

Mr. ALLISON. I desire to ask the Senator from Massachusetts if the amount proposed in the amendment is the amount proposed by the Quartermaster-General.

Mr. HOAR. It is the Quartermaster-General who reported a less sum, if I am not mistaken in my recollection. Then he re-examined it himself carefully and amended his report, being satisfied that this was the proper sum.

Mr. PLUMB. The first clause of this bill requires the Secretary of the Treasury—

To pay, out of any money in the Treasury not otherwise appropriated, to the several persons in this act named the several sums mentioned herein, the same being in full for, and the receipt of the same to be taken and accepted in each case as a full and final discharge of, the several claims examined and allowed by the proper accounting officers under the provisions of the act of July 4, 1864, since January 21, 1885, namely.

That description of the class of claims which are to be the subject of this appropriation does not cover this amendment, which it is proposed to insert at the close of the bill. Therefore, in order to make this bill harmonious in all its parts, and in order to enable the Treasury Department to pay this claim if it is to be paid, we have got to amend other portions of the bill. I think this amendment had better be left out, and I will call the attention of the Senator from Massachusetts who first spoke on this matter to the fact that a similar claim was left out of the bill last year, and the committee took it up and reported it in a special bill this year, which has passed the Senate already; and the argument in favor of that was that it had gone through the same machinery that this amendment had gone through and therefore it passed through the Senate without opposition and without debate, I think. It seems to me, therefore, that this amendment should be left out. It should be made, as it always has been, a bill for the appropriation of money to pay claims which have passed through the accounting officers, who only were, under the law, entitled to consider such claims. If we adopt the plan of putting on this amendment, then why not put on a public-building bill, an appropriation for a public building? Why not put on any other one of a dozen different classes of claims that we legislate on here during the session, and use this bill, which is bound to go through, as the vehicle whereby they may be passed without opposition.

I hope that this amendment will not be adopted, and that this bill

will remain, what it always has been, a bill to carry out the provisions of the act of July 4, 1864, and for the payment of claims audited thereunder since the date of the passage of the former bill.

Now, I want to say further that I think these classes of claims are liable to be, and no doubt they have been in a great many cases, unduly swollen. Referring now to the bill which I mentioned a moment ago having been found on our record, I found on an examination that it was to pay for timber taken off 120 acres of land in Tennessee, and the amount was $4,000, more than by any possibility the land and timber both could have been worth. So we are going on year after year passing these bills without any kind of scrutiny, and putting on, as the committee propose to do, a class of claims which have not passed the proper scrutiny of the officers of the Treasury Department, running, I think, still greater risks of doing that which we ought not to do in reference to public money.

I do not know that this is subject to a point of order. I presume it is not; but I hope that the Senators who have charge of the matter will not insist on the amendment.

Mr. PIKE. This claim has been examined into by the Quartermaster-General like all other items provided for in the bill and reported to Congress by the Secretary of the Treasury. At the last session of Congress another claim was allowed and attached to the 4th of July bill precisely as this is. That precedent is followed in this case. No trouble arose from that, and it seems to me none can from this.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Committee on Claims.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

EUNICE E. CLARK.

Mr. CULLOM. I wish the Senate to agree to a conference on the bill (H. R. 6429) to grant a pension to Eunice E. Clark. The House has declined to concur in the amendment of the Senate and has asked for a conference.

The PRESIDENT *pro tempore*. The Senator from Illinois moves that the Senate agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. CULLOM, Mr. BLAIR, and Mr. COLQUITT were appointed.

POST-OFFICE APPROPRIATION BILL.

The PRESIDENT *pro tempore*. The Post-Office appropriation bill is now before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5887) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887, the pending question being on the amendment reported by the Committee on Appropriations, under the head of "Office of the Superintendent of Foreign Mails," after line 99, section 1, to insert:

For the transportation of foreign mails by American built and registered steamships, to secure the greater frequency and regularity in dispatch, and a greater speed in the carriage of such mails to Brazil; the Republics of Mexico, Central and South America; the Sandwich, West India, and Windward Islands; New Caledonia, New Zealand, and the Australian colonies; China and Japan, $800,000; and the Postmaster-General is authorized to make, after due advertisement for proposals, such contract or contracts with such American steamships for a term of not less than five years, and at a rate of compensation not exceeding for each outward trip $1 per nautical mile of the distance, in the most direct and feasible sailing course, between the terminal points, as shall be found expedient and desirable to secure the ends above set forth.

Mr. BECK. Mr. President, it has been often said on this floor, and it was repeated yesterday, that I have, "in season and out of season," and more frequently out of season than in, introduced the discussion of questions bearing upon tariff taxation, commerce, and kindred subjects. I hope the Senate will do me the justice to say that I am not guilty of starting this controversy. I endeavored to dispose of it, as I think it should be disposed of by the President of the Senate, on a question of order, regarding it as a matter that is certainly new legislation on an appropriation bill, as it gives powers and rights to the Postmaster-General and to American steamship companies that neither has now by law. I insist that the Senate has declared very emphatically by its rules and the oft-repeated declarations of its leading members on both sides that appropriation bills shall not contain new legislation, but must be limited to provisions carrying out existing laws. The House of Representatives has amended its rules so as to correspond with ours, and has faithfully lived up to them. So far it has tendered to us nothing in any appropriation bill that any one can charge is new legislation. That being so, I think it would be very bad policy for the Senate now to break over the rules that itself has established, to overthrow the principle which the House is endeavoring earnestly and honestly to carry out, by tacking on to this bill legislation which, it is conceded, is not in the interest of the postal service; indeed, is not looking to the postal service but looking to the building up of our commercial relations?

It will be conceded by all that every appropriation bill that has come from the House has come in such shape that the Committee on Appropriations of the Senate have had no sort of trouble with it. The Indian appropriation bill, which in former years has frequently been discussed for weeks, was, this year, so clean that the distinguished Senator from Massachusetts [Mr. DAWES], the chairman of the Committee on Indian Affairs, who took special charge of it, accepted it almost as it came from the House of Representatives, and this Post-Office appropriation bill, until this subsidy clause was attached, has met with no sort of opposition either in the committee or the Senate.

I propose to stand by the action of the House and by the rules of the Senate, and to insist that appropriation bills shall, as we have agreed in both Houses that they shall, contain no new legislation. We have had trouble enough on that question. Let us provide under existing laws for carrying on the Government in its various departments as we think it ought to be carried on. Limiting ourselves to that, it is perfectly obvious that the two Houses are going to have no difficulty and no disagreement. But if we are going to launch into a new sea of legislation; if we are going to insist that hereafter the Postmaster-General shall use none but American-built ships; that he shall make contracts for five years or longer, and needlessly squander large sums of money against his protest—I repeat, if we are going to confront the House with propositions of that sort, then there is no telling where our appropriation bills will end or what will become of them.

I insist that it is bad policy, to use a mild term, for a Republican Senate, in violation of its own rules, to seek to force upon this administration duties and responsibilities that do not exist by law, against the protest of the President and his Postmaster-General, because the President of the United States has protested against this class of legislation, and the Postmaster-General has in every way possible protested against it, the House would not even consider it, and now we are asked to insert it against the protest of the President, against the protest of the Postmaster-General, and against the protest of the House of Representatives.

The President in his message to Congress uttered no uncertain sound in regard to a substantially similar provision in the law of last year, one that the Senator from Maine [Mr. FRYE] said was precisely similar to his proposition. In that he is somewhat mistaken, his proposed amendment being more stringent than the existing law, which reads thus:

Office of Superintendent of Foreign Mails: For transportation of foreign mails, including railway transit across the Isthmus of Panama, $800,000. And the Postmaster-General is hereby authorized to enter into contracts for the transportation of any part of said foreign mails, after legal advertisement, with the lowest responsible bidder, at a rate not exceeding 50 cents a nautical mile on the trip each way actually traveled between the terminal points: *Provided*, That the mails so contracted shall be carried on American steamships, and that the aggregate of such contracts shall not exceed one-half of the sum hereby appropriated.

The proposed amendment of the Senator from Maine, among other things, makes it mandatory instead of discretionary. I may as well read it:

Amendment reported by Mr. FRYE, from the Committee on Commerce, and intended to be proposed to the bill (H. R. 5887) making appropriations for the service of the Post-Office Department for the year ending June 30, 1887, namely: Strike out lines 80, 81, and 82 and insert in lieu thereof the following:

"Office of Superintendent of Foreign Mails: For transportation of foreign mails, including railway transit across the Isthmus of Panama, $1,000,000; and the Postmaster-General is hereby directed," &c.

In the present law it reads he is "hereby authorized"

"to enter into contracts with American built and registered steamships whenever possible."

The existing law uses the words "carried on American steamships." Doubtless the new phraseology was strengthened by the Senator under the apprehension that a law might be passed authorizing the American people to buy ships somewhere else, or for fear that some repaired wrecked ship might be allowed an American register under special laws. Doubtless the Senator from Maine determined to cover both questions by inserting that he "is hereby directed to enter into contracts with American built and registered steamships," so that no ship by any possibility could obtain the proposed bounty that had not been built here, although she might be purchased and registered under our laws.

When that amendment came to the Committee on Appropriations it was made apparent by the Postmaster-General that it might be so detrimental to the public service that even the majority of the committee were unwilling to go that far. The Postmaster-General showed that it would be absurd in the great transatlantic lines where first-class steamers go almost every day, carrying the mails in seven or eight days to Europe, to be compelled to employ any American steamer that might be disposed to demand the mails and take thirteen or fourteen days for the voyage, a ship loaded with petroleum perhaps, and thus deprive the people of existing facilities for fast mails. He made that so apparent that even the majority of the committee would not submit to it. They limited the operation of the subsidy to the cases set forth in the amendment which I now propose to read:

For the transportation of foreign mails by American built and registered steamships, to secure the greater frequency and regularity in dispatch, and a greater speed in the carriage of such mails to Brazil; the Republics of Mexico, Central and South America; the Sandwich, West India, and Windward Islands; New Caledonia, New Zealand, and the Australian colonies; China and Japan, $800,000; and the Postmaster-General is authorized to make, after due advertisement for proposals, such contract or contracts with such American steamships, for a term of not less than five years, and at a rate of compensation not exceeding for each outward trip $1 per nautical mile of the distance, in the most

direct and feasible sailing course, between the terminal points, as shall be found expedient and desirable to secure the ends above set forth.

Senators will observe that this amendment limits it to certain classes of ships and to certain lines, such as the South American and Australian, and leaves out all provisions in regard to advertising and awarding the contracts to the lowest bidder, because in all but two of these lines there is no competition; and this amendment does not limit the subsidy to the present appropriation as the existing law does, and as the amendment proposed by the Senator from Maine did, but it directs the Postmaster-General to make contracts for five years without advertisement or competition, so as to secure the service to the lowest bidder. It proposes simply to give the service and the subsidy to the people who have the ships in that particular trade now. Therefore, this amendment is worse than any that has been proposed, far worse than the existing law, or, if you please, far better for the men to whom it is proposed to make this donation. In regard to all propositions of that character, as I said, the President of the United States in his message to Congress was decidedly opposed, as I propose to show. The President says:

It was decided, with my approbation, after a sufficient examination, to be inexpedient for the Post-Office Department to contract for carrying our foreign mails under the additional authority given by the last Congress. The amount limited was inadequate to pay all within the purview of the law the full rate of 50 cents per mile, and it would have been unjust and unwise to have given it to some and denied it to others. Nor could contracts have been let under the law to all at a rate to have brought the aggregate within the appropriation, without such practical prearrangement of terms as would have violated it.

The rate of sea and inland postage, which was proffered under another statute, clearly appears to be a fair compensation for the desired service, being three times the price necessary to secure transportation by other vessels upon any route, and much beyond the charges made to private persons for services not less burdensome.

Some of the steamship companies, upon the refusal of the Postmaster-General to attempt, by the means provided, the distribution of the sum appropriated as an extra compensation, withdrew the services of their vessels and thereby occasioned slight inconvenience, though no considerable injury, the mails having been dispatched by other means.

Whatever may be thought of the policy of subsidizing any line of public conveyance or travel, I am satisfied that it should not be done under cover of an expenditure incident to the administration of a Department, nor should there be any uncertainty as to the recipients of the subsidy, or any discretion left to an executive officer as to its distribution. If such gifts of the public money are to be made for the purpose of aiding any enterprise, in the supposed interest of the public, I can not but think that the amount to be paid, and the beneficiary, might better be determined by Congress than in any other way.

The President does not mince his words. He knows and asserts that this is a subsidy, a gift, a donation that he does not desire to dispense, one that the Post-Office Department can not properly apply in the interest of the public service, and one which if forced upon our executive officers would be to the detriment of the public welfare.

Gentlemen on the other side have not been slow in endeavoring to embarrass this administration in every way that they thought they could secure political advantage. I think they are straining the point too far when they seek to force on the President and his executive officers, against their will, and when they protest it will injure the service if they are required to use this large amount of public money, taken from the tax-payers, to give to anybody as a subsidy, a bounty, or a gift, no matter how plausibly or artfully disguised. The Postmaster-General is not less emphatic in his protest against this subsidy.

Mr. HALE. Will the Senator from Kentucky allow me to ask him a question?

Mr. BECK. Yes, sir.

Mr. HALE. Does the Senator believe that there would be any real practical difficulty in the Post-Office Department, as a matter of administration, distributing and spending this fund, provided that Congress, upon the policy of stretching out and opening and securing this foreign trade, should pass this amendment on this bill?

Mr. BECK. We would get no foreign trade that we have not now, by reason of this subsidy, as I will show. Of course the Postmaster-General can divide it out. The companies last year showed him how he could do so; but he regarded it as a gift to them, and not as a payment for any service they proposed to render, as I hope to prove before I am through.

Mr. HALE. I do not think the Senator quite gets the scope of my question. The Senator speaks of the Post-Office Department being embarrassed if this is forced upon that Department. Now, does the Senator believe there would be any practical difficulty if Congress adopts the policy involved in this amendment in carrying it out? Where would be the embarrassment provided the Postmaster-General in good faith sought to carry out this policy?

Mr. BECK. This condition would cause embarrassment; a foreign vessel might be running to any of these ports and a subsidized American ship running side by side; the Postmaster-General might know that the foreign ship would reach there five days or ten days ahead of the American ship; it is his duty to see that the laws are faithfully executed and the mails carried by all proper facilities and with the utmost speed; but if he is required and directed wherever it is possible—and it is possible no matter how slow the vessel may be—to give that bounty to an American ship he would be required to do it to the detriment of the service and of all the men engaged in commerce when he sends the mail in a ship that will take ten days longer to reach the same point than the foreign ship, starting side by side with her will, especially when it is willing to do the work for one-fourth of the price.

Mr. HALE. But that is not a question of difficulty in administration.

Mr. BECK. I think it is.

Mr. HALE. Supposing that Congress adopts the policy laid down in this amendment and directs the Postmaster-General to send these mails in the lines run by United States citizens, built in United States yards, providing the rate of compensation, believing that a result from that in the future will be the opening of trade and a dispatch equal to that of any foreign ship, is there anything for the Postmaster-General to do but to bow his will to the mandate of Congress?

Mr. BECK. I assure the Senator there can be no two opinions about that. When Congress sees fit to order and direct the Postmaster-General do anything, and he undertakes willfully to violate the law, no matter how absurd it may be, he can be impeached by the House and convicted by the Senate; no one doubts that. But he is endeavoring (and it is the business of Congress to aid him if we propose to do our duty) to carry on the Post-Office Department so as to give the best service to all the people at home and abroad that he can, and he would be doing the country and every man engaged in its commerce gross injustice, and this law would require him to do gross injustice to all the people of the country for whose benefit the Department is administered, if he is to be compelled to send the mails by a slow vessel that would take twice as long to perform the service as another ship starting side by side with her. We can compel him to do it—we can compel him to do almost anything; but it is against requiring that absurd condition of things that the President protests, and that the Postmaster-General protests, and that I protest.

The Senator from Maine has to admit, as all the other advocates of this subsidy have, that his object in this amendment is not to facilitate the carriage of the mails, but it is to give a bounty to certain steamship lines under the hope—I will not say pretense—that they will build up foreign trade. That is a subject which belongs to the Committee on Commerce; that is a matter that can be properly considered when we are dealing with commercial relations; I think the Postmaster-General states his objections very well in the following language in his annual report to Congress:

Much has been said about employing the postal appropriation to aid American commerce. When Congress shall desire to invest the Post-Office Department with care for that object, it can not be doubted it will easily choose language which will plainly convey the purpose and impose the duty. Until then that Department can not rightfully employ the moneys appropriated for the postal service to secure objects not intrusted to its care, however meritorious in themselves.

It may be properly further observed of this, that during many years the practice of granting pecuniary aid to American lines was pursued at so great a cost, and to so little advantage, that it was long since wholly abandoned; that when followed, Congress had directed it; and if that body designed its renewal, presumably it would again have declared the purpose.

But the policy of subsidizing American steamship companies, or any of them, is not involved in the decision arrived at. That pertains to Congress instead of the Department, and therefore the Department can only award just compensation and then stop. If exigencies may arise to justify its adoption it seems to belong to that body to recognize their existence and prescribe the object and amount of the grant.

The Postmaster-General adds:

No exigency exists for the establishment of any new lines to carry the mails. Those now on the sea as common carriers are sufficient for the present needs of the foreign mail service. They appear to have maintained themselves for years without Government bounty in profitable pursuit of their business.

I think it is obvious that both the President and the Postmaster-General deny either the necessity or propriety of granting the subsidy, and protest against its being placed in their hands under the pretense that it is needed for mail purposes. The Post-Office appropriation bill purports to deal only with post-office matters and purports to make appropriations to carry on that service and that only. Therefore waiving the point of order for the time being, which I think was well taken and which I expect to insist upon, I insist that it is embarrassing to the administration to impose such duties upon its officers as to divide out this subsidy among any set of men, however meritorious their work may be, outside of carrying such mails as are needed. The Postmaster-General said in his report that we had tried the effect of this subsidy business before without success. I may as well pause here and show how often—I have the list and the results are known—they were all failures. We have subsidized lines, these same lines, time and again, and our trade and commerce have not increased. We are now at the lowest point we ever reached in the ocean carrying trade, under 15 per cent. of our own, and doing nothing outside of it.

In 1861 we appropriated $350,000 per annum for tri-monthly mail service from New York to San Francisco via Panama, and a contract was made with Cornelius Vanderbilt. In 1864 Congress authorized subsidized monthly mail communication between the United States and Brazil by first-class sea-going vessels of not less than 2,000 tons burden, sufficient in number to perform twelve round voyages per annum from the ports of the United States to Brazil, touching at St. Thomas, Bahia, and Pernambuco, the expense not to exceed $150,000 a year for ten years from September, 1865. Under its provisions the Postmaster-General entered into a contract with the New York and Brazil Steamship Company, and expended $1,500,000.

The act of February 17, 1867, authorized the Postmaster-General to invite proposals for transporting the foreign mails from San Francisco

to China and Japan, to go into effect January 1, 1867. The act limited the expenditure to $500,000 per annum. Under this act the Pacific Mail Steamship Company received a compensation of $4,583,333.32, covering a period of ten years. Then we made a similar contract to carry to the Hawaiian Islands, for which we expended $425,000.

And yet in the face of these subsidies going to Vanderbilt, then to the Roach line, then to the Pacific Mail Steamship Company of which nobody is proud, I believe for nothing I understand came out of it but corruption, there was no increase to any appreciable extent whatever of the commerce or trade of the United States with those countries.

I have before me the statistics of the trade with Brazil and other countries during the time of the subsidized lines and before and after the subsidy ceased, and it is painfully apparent that there was no appreciable increase of commerce that ever came to us by reason of any subsidies ever granted to any of these lines. On the contrary, our carrying trade, notwithstanding all these efforts, has been dwindling year by year, until now, according to the last report, it is less than 15 per cent. of our own trade when these subsidies began—after the war, after all the damage done by the Alabama and the other cruisers of which so much has been said, it was over 30 per cent. It has gone gradually and steadily downward, downward all the time in the face of all subsidies. So it will continue as long as our miserable tariff system and antiquated navigation laws are permitted to exist. Subsidies only aggravate; they are not even as good as bread pills to fever patients.

But I will read again from the Postmaster-General's report before I forget it, or am led away from it, because he is the best authority in regard to the management of the affairs of his own Department and its requirements. He says:

No special contract for the transportation of any foreign mail was made or in force during the past year with either foreign or domestic carriers; but the policy, satisfactorily pursued during many years, of sending the mails by whatever vessel could most expeditiously and properly transport them at such times and to such ports as its business required it to sail, continued to be observed with good results.

That is what he desires to be allowed to do hereafter; that is what good administration requires. Anything that deprives him of that right embarrasses the proper management of his great Department.

The Senator from Maine asked me if he could not be compelled to obey the law. Of course he can; but as he shows the proposed change limiting his right to a certain class of ships that may not be sailing when his mails are ready to go and when other ships are about to sail at the time he desires the mails to start that may go to the same point faster, carrying the mails more safely—that he is deprived of by the insertion of the provision under discussion. It embarrasses the good administration of the Department. We can, of course, force him to obey any law we may pass, however embarrassing or detrimental it may be.

The Postmaster-General proceeds:

The gross weight of our sea-borne mails of all kinds (except such as were dispatched to Canada) during the year was 1,226,929,130 grams, or 2,705,578 pounds; of which the weight of letter and post-card mail was 222,267,094 grams, or 490,099 pounds, and of printed and other matter 1,004,662,036 grams, or 2,215,280 pounds. Of letter mail—

Observe what a small percentage of service is now performed by the ships we are asked to subsidize by this amendment—

91.63 per cent. was transatlantic, and but 8.37 per cent was transmitted to the countries and adjacent islands of this continent and across the Pacific seas.

Ninety-one per cent of our mails will be carried independent of this subsidy by other ships where we have no American lines, and they will be carried for less that $300,000 while we are to pay $800,000 to carry the other 8 per cent. and deprive the Department of the right to use any of the ships of other nations that are going to the same ports, though as I said they might go faster, do the business better, and at one-fourth of the cost. The Postmaster-General continues:

The total cost of the service by carriers directly employed was $331,903.24, of which $270,908.72 were paid for transatlantic, $22,124.44 for trans-Pacific, and $38,870.08 for the American continental carriage. So far as can be stated from adjustments made, the charges of foreign postal administrations for carrying our mails during the year amount to $104,797.90.

I do not care to read all the argument. It is conclusive against the whole subsidy system so far as mails are concerned, from a business standpoint. The Postmaster-General proceeds to speak of the controversy he had with the subsidized companies in regard to the disposition of the money that was appropriated last year. He states it better than I can:

A statement, compiled in the office of the foreign mails, shows the total miles sailed last year, and to have been expected to be sailed this year by all American companies, to be over two million and fifty thousand; and the total compensation at the maximum rate would exceed $1,025,000, or over two and one-half times the utmost authorized expenditure. The act requires a letting to the lowest responsible bidder after legal advertisement to invite competition; and except to contractors so brought into service, no money could be paid on mileage contracts. Only two routes are navigated by more than one American company; one between New York and Havana, the other between San Francisco and Japan and China. To have solicited competition by advertisement would have been idle, except upon these; no competition to bring the bids below the maximum rate was possible. The consequence seems undeniable that the Department must either have made choice of certain routes, whose total mileage would have demanded no more than the limited sum, and, by ostentatiously calling through advertisement for a competition which could not come, have distributed the whole bounty to the chosen, entirely excluding the others; or else have so planned its advertisements to meet the circumstances of the only possible bidders that, by concerted understanding with all American companies, or such as the Department chose to give the money to, contracts might have been made for such sums to each that the whole appropriation would be divided between them.

The first method of expending the money would have been partial and unjust. There are no circumstances, it may be safely affirmed, which give any American line the right to be so greatly preferred that it should be paid the full bounty while others should receive none. And to have so administered the authority would have defeated the objects of the appropriation; since, it may well be supposed, the disfavored lines would promptly and justifiably have refused their further service as mail-carriers to the Government.

There may be reason to think that the Government ought to award these companies differing measures of compensation, not depending on their varying mileage so much as upon other facts, perhaps; but no lawful right or means to discriminate between them is afforded by the statute, which requires the contract, if advertised for, to be let to the lowest responsible bidder.

The objections to the first plan of administering the authority being obviously insuperable, it was intimated to the Department that it might expect all the companies to conform their bids to such limitation as should be suggested as necessary, if the advertisements for proposals were adapted to that end.

They were willing, in other words, to arrange among themselves to take the money; they did not care how, so they got it; they would see that it was put in proper shape so that they could divide it, and not quarrel over it, and not do any work to earn it either. Their friends in Congress had given it to them and they wanted it. Again he says:

But the act unmistakably contemplated by its terms that the Government should secure the gain of competition wherever possible among bidders. The two routes already mentioned afforded the opportunity. Yet, if the law were pursued and a contract were awarded to either of the companies on the trans-Pacific route, and another to either of those plying between New York and Havana, both public injury and private injustice would have been wrought, because the public would have lost the service of one company on each route when it ought to enjoy the greater frequency of both, and one company on each would have been denied a share of the bounty to which it was as well entitled as the other. This constituted in itself so grave an objection to any employment of the authority of the act as to render it of doubtful expediency, a proof of which lies in the usages of the transatlantic carriage, where the best service is gained by employing at will the swiftest ship among those ready to sail at any time when mail is to be dispatched, no special contracts being made.

That is what the President and the Post-Office Department desire; that is what good administration requires; that is what all men corresponding with each other desire. Telegraphs and telephones and every means of expediting communication are now sought for with avidity. The fastest trains and the safest and cheapest lines are what the people demand. The Government is only acting as the agent of individual men in forwarding their mail to further their interests and promote their enterprises. The people have a right to demand that all the means which are available in the hands of their trustee, the head of the Post-Office Department, shall be put in use to give them those facilities. They pay the money to have the service rendered. At the low rate of postage we charge now fifty millions are paid by the people for postal service. I deny the legitimate right of Congress—I admit the power but deny the right—to deprive men who are engaged in commerce or trade, or even in social intercourse, to have their mails lie at any port when a ship is ready to take them, a safe ship and a fast ship, at a low rate, until a subsidized vessel can get ready to go, for no better reason than that her proprietors may get an unreasonable subsidy and the people be deprived of the benefit of the fastest and the best service. That is not just. That is class legislation; that is the worst sort of discrimination. It is a bounty paid out of the Treasury from money coerced from the tax-payers of the country, who are interested and desire their letters to go, as they have a right to insist they shall if Congress will allow their agents to perform their duties faithfully, in the quickest and safest way, and our officials avow they desire to do it in that way.

I read again from the report of the Postmaster-General:

A proof of which—

All I have said—

A proof of which lies in the usages of the transatlantic carriage, where the best service is gained by employing at will the swiftest ship among those ready to sail at any time when mail is to be dispatched, no special contracts being made.

To obviate this obstacle lying in the path of the second proposed plan, the further suggestion came that two contracts should be made on each of these routes, one suited to the conveniences of each company, and the advertisements be accordingly framed to solicit proposals for stated sailings, such as were habitually made by these lines. Thus, between New York and Havana, as one company regularly sails on Thursday and the other on Saturday, one advertisement should invite proposals to contract for a Thursday departure, another for a Saturday.

That would have been a nice one-sided agreement, no competition possible for Thursday, no competition possible for Saturday. It was an easy way of dividing the bounty between them and violating the law by having no competition at all, that is what the Postmaster-General was abused in the newspapers for not agreeing to do. He adds:

To warrant such a procedure this act must be read as directing the Department to distribute $400,000 among American steamship companies in return for their carrying the mails, in such manner as it might deem fairest between them, and most ingeniously evasive of its written purpose to secure competition and award the contract to the lowest bidder.

That is a fair statement of the case.

There were objections to this course other than the indicated one of indecent abuse of power granted the head of a Department for one purpose, that it might be available for another.

That is what this amendment accomplishes, ostensibly granted for one purpose, the purpose professedly being to facilitate mails, when in fact it is detrimental to that service, in order that it may be available for another, and that other is without consideration or benefit to anybody to put the money into the pockets of a few men or a few corporations who

are sailing American-built ships with a monopoly of our great coastwise trade, given to them as a bounty for building them.

Again I quote:

It may well be doubted whether some of the companies would have assented to the unfair rule of division proposed—whereby they who carried the heavy and important mails took ratably more than they whose services were comparatively insignificant—unless driven to it by the inability of ingenuity to devise another method to escape the practical inconveniences of distribution which the language of the act created.

That illustrates how hollow the pretense is that the pay is to be given for mail service. One might have a thousand letters and another ten letters, still the pay would be the same, the object being bounty. An equal division had to be made or a quarrel would ensue; therefore, in all their propositions they were willing to consent to a division of the spoils regardless of service.

I do not care to occupy so much time in reading; the Postmaster-General shows that Hon. James Campbell, then Postmaster-General, in a report made to Congress in 1856, showed that he had a very broad general authority given to him by the act of March 3, 1845, yet that it was so plain that it ought not to be exercised and would have been so detrimental to the good of the postal service if enforced that he and all his predecessors had refused to exercise it.

Presumably—

Says the Postmaster-General in another place—

it was supposed additional power might become necessary to secure the service, because the compulsory law had been repealed. But no duty is enjoined to spend this appropriation needlessly more than another. As with every such grant of money for the public use, the true mandate of this law to its executive officer is plain; to honestly use so much of the sum provided as shall be reasonably necessary and may be rightly used to procure the transportation of the mails, and no more. At that point the law bids him to stop, not enlarge, expenditure. No duty is more imperatively imposed than the latter; none more justly due the people.

The true rule seems to be that the Department ought, when the Congress submits the question to its discretion, to pay such reasonable price to its carriers as, in fair dealing between them and the people, shall justly recompense their service, in view of its nature and the cost and burden of their performance of it.

Accordingly inquiry was carefully directed to ascertain what is a just compensation to our mail-carriers by sea, and whether it could be paid under the pre-existing powers of the Department. Tables are annexed which show the business done by each American steamship line for the postal service during the past year, the weight of mail carried by each vessel, the price paid, and what it would have been at the full rates charged on the same line for freights, what at parcel-dispatch rates, and what if the sea and inland postage had been paid. Other tables show the similar features of the transatlantic lines.

If I do not forget it I propose to show that the Postmaster-General made the proposition to give these American companies both the sea and inland postages, which under the law he had a right to do, but the companies refused to receive them and refused to carry our mails after having induced us to repeal the law that required them to carry all mails offered. Foreign ships can only get the sea postages. Both sea and inland were offered the American lines; they refused to take them in order to demand this subsidy. They combined against their own country, hoping that it could not get mail service rendered at all unless they were subsidized. I will read one more extract from the report:

It will be seen at once from the accompanying tables that if the quantity of mail carried be considerable the compensation is generous. The total weight of the transatlantic mails carried from New York last year by eight lines of ships was 2,194,066 pounds, and at sea postage yielded to the carriers $270,157.63, the compensation varying from $2,854.39 for the most profitable trip to 19 cents for the lightest, and averaging $609.36 per trip the year through. This was over thirty-four times what the same weight of freight would have been transported for, and nearly four times the charge for parcels of dispatch matter of the same quantity; and these rates increase in disproportion on the better trips on which, in fact, the mail was chiefly carried. These figures prove the rate of sea postage to be abundant. Undoubtedly the transatlantic carriage could be procured at lower rates, if it were desirable to forego frequency of transmission and employ but one or two lines instead of all.

The American lines have received a less compensation in amount only because the mails they carried have been so small in quantity. But 8.37 per cent. of our foreign letter mails last year was sent to all the countries and islands of this continent and across the Pacific seas, and not so much by all the American steamships. To some American lines the rate of payment has been greater than sea postage. To all but three the compensation has been more than would have been demanded by them for the same matter carried for individuals at express rates; and in the excepted three cases but a little less. Altogether the Government paid them nearly one-third more than a private person would have found necessary to procure the same transportation; and the carriers generally received more pecuniary advantage than is represented by the payments made them by the Government.

The companies have been in existence for years as common carriers, with a view to the gains of that business, not primarily as Government carriers; and have been employed by the Government in the same general manner as by other shippers, to transport such matter as it offered at such times and to such ports as the vessel sailed in the regular pursuit of their business, no regulations as to speed, frequency, times of departure or arrival, or otherwise, being imposed. No greater service is now desired of them, or necessary.

Observe the difference in the obligations and liabilities imposed upon the ships that are employed in the coastwise trade carrying our mails. They have to run on schedule time; they have to land and deliver mails at the different post-offices whether they have other business or not; of course, their compensation has to be higher than that of ocean ships in order to pay their expenses; first, because they have to run on schedule time; next, because they are subject to all the penalties of stage-coaches for delay in making mail delivery unless they can convince the Department that they were not in fault whenever there is a failure. They must run whether they have freight or not; they are part of our domestic mail system, but where the mails are sent for which this subsidy is proposed, they go on ships that start when they please and land when they please. They are under no obligations to deliver mails on any schedule time or render us any service except as incidental to their other business; they carry it to suit themselves.

Mr. CONGER. Will it interrupt the Senator if I ask him whether there is any such requirement on foreign ships that might carry the same mails after they leave our shores?

Mr. BECK. I did not hear distinctly.

Mr. CONGER. The Senator says there is no obligation on these American vessels going to these points to run on any schedule time or to land in any particular manner. Is there any such requirement on foreign ships that might carry the same mails after they left our shores?

Mr. BECK. None.

Mr. CONGER. So that there is no difference in that respect?

Mr. BECK. The foreign ships are now carrying the mails for the sea postage alone; but the Postmaster-General is willing, and I think everybody else is willing, not only to give the American ship the sea postage but to give it the inland postage as well, which in many cases more than doubles the sea postage for doing precisely what the foreign ship now does for sea postage only. But this amendment which we are considering proposes to pay $800,000 a year, regardless of the value of the service rendered, for five years for carrying 8 per cent. of our foreign mails, whereas the foreign ships and such American ships as are now paid the sea postage across the Atlantic are carrying 91 per cent. of our mails for about $300,000. That is what I object to.

Mr. CONGER. If the argument of the Senator as to schedule time and the requirement to land and deliver mails at particular points is worth anything as to the kind of service rendered, the objection is just as great against the present service in foreign ships as it would be in American ships.

Mr. BECK. Certainly.

Mr. CONGER. Therefore the argument drops.

Mr. BECK. Oh, no. Perhaps I did not make myself clear. It is one thing to pay $300,000 to have 91 per cent. of our work done, and another and a very different thing to pay $800,000 to have 8 per cent. of like work done. If the ships that want to get $800,000 for 8 per cent. of the work can show that they are under more obligation to land and must make schedule time or do anything else; in short, if it can be shown that those ships are under obligation to do other service than those carrying 91 per cent. for $300,000, there might be some pretense for the subsidy. Surely if they fail to show something as an excuse for extra compensation they ought not to be paid $800,000 for 8 per cent. of our mail service when 91 per cent. is done for $300,000.

So much that is misleading has been always said in the debates on this subject in regard to the high prices paid to the steamship lines that carry our domestic mails as compared even with the subsidy now proposed that when the Senator from Michigan asked me the question he did I was not making any contrast between American ships and foreign ships on the high seas; I was trying to show that as between American ships on the high seas, that had no schedule time, no obligations, no penalties or forfeitures for failures, that they were not entitled to anything like the same amount of compensation as steamers on the great lakes and rivers of the country or in the coastwise trade which carry our mails, because in our interior service and our coastwise service they have to run on schedule time, freight or no freight, in all sorts of weather, and are fined and punished if they do not come up to all the Post-Office requirements, no part of which penalty is imposed on ocean steamers, whether foreign or domestic. That was the thought I was trying to impress upon Senators. The ocean steamer is not obliged to go until she is ready and has her cargo. She goes as a freight carrier, while the other goes as a mail carrier whether she has freight or not, and must of course be paid for the risks she takes by our order as well as for the work she does.

Mr. CONGER. The Senator has said that he is willing to pay more to the American ship for carrying the mail than the sea-postage.

Mr. BECK. Yes.

Mr. CONGER. The amount in this bill is no more than the excess of receipts for the sea service and the land service of that mail; it is confined to that, as I understand.

Mr. BECK. I beg pardon; it pays for the mail whether they carry one letter or a thousand letters.

Mr. CONGER. I do not mean on that particular boat, but I mean in the aggregate service of the foreign mails.

Mr. BECK. I think it does very much. The law, until it was repealed a few years ago by the clamor of the steamship companies, required—

The master of any vessel of the United States, bound from any port therein to any foreign port, or from any foreign port to any port of the United States, shall, before clearance, receive on board and securely convey all such mails as the Post-Office Department, or any diplomatic or consular officer of the United States abroad, shall offer; and he shall promptly deliver the same, on arriving at the port of destination, to the proper officer, for which he shall receive 2 cents for every letter so delivered; and upon the entry of every such vessel returning from any foreign port the master thereof shall make oath that he has promptly delivered all the mail placed on board said vessel before clearance from the United States; and if he shall fail to make such oath the vessel shall not be entitled to the privileges of a vessel of the United States. (Section 3976, Revised Statutes.)

Section 4009 of the Revised Statutes provides that—

For transporting the mail between the United States and any foreign port, or between ports of the United States touching at a foreign port, the Postmaster-General may allow as compensation, if by a United States steamship, any sum not exceeding the sea and United States inland postage; and if by a foreign steamship or by a sailing vessel, any sum not exceeding the sea-postage, on the mail so transported.

When this controversy arose between the Postmaster-General and these companies he offered to pay them both the sea and the inland postage; and in his report is a table showing what that would be. It makes a very fair, indeed quite large, compensation for the carrying of our mails.

After they had the law repealed they thought they could compel the Postmaster-General to do whatever they pleased, therefore they demanded the whole subsidy, refused to receive the mail, rejecting the offer of sea and inland postage thus offered.

The Postmaster-General says:

Rejecting the offer of sea and inland postage, the several companies named, except the United States and Brazil Mail Steamship Company, refused from and after the 1st of August last to carry other mails than such as were dispatched to those countries with which they had made contracts requiring the service.

The report shows how they tried to prevent him from having the mail carried at all, indeed their whole conduct shows that they had not only no regard for the interests of the people or the good of the service, but were actuated by such selfish, sordid considerations that they are not entitled either to bounties, subsides, or anything beyond what the service they render is worth.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). The hour of 2 o'clock having arrived it is the duty of the Chair to lay before the Senate the unfinished business, being the bill (S. 1532) to regulate commerce.

Mr. HARRIS. I ask unanimous consent that the bill be informally laid aside in order that the consideration of the appropriation bill may be continued.

The PRESIDING OFFICER. Is there objection to the suggestion? The Chair hears no objection. The special order will be informally laid aside and the Post-Office appropriation bill continued.

Mr. BECK. I find I am taking longer time than I expected.

Mr. FRYE. I wish to call the Senator's attention to one thing. He says the Postmaster-General was entirely willing to pay the sea and inland postage, which was 5 cents, and he knew of no one who was unwilling to allow that. I call his attention to the appropriation bill he is considering as it came from the House, that instead of appropriating, as the Postmaster-General agreed might be appropriated, $425,000, which would be the amount required for sea and inland postage, it only appropriated $375,000. That is distinctly refusing to pay the sea and inland postages.

Mr. BECK. I understand from the information I have that a subsequent estimate reduced it to $375,000, and now I am told by a gentleman who knows that to be the fact. It was reduced by a subsequent estimate down to the amount which the House appropriated. That includes the sea and inland postage.

Mr. President, the details I have gone over will, I hope, enable Senators to understand the question at issue; that is all I expected or desired to do when I rose. Liberal appropriations have been made by the House for mail service. The bill came here as clean as ever an appropriation bill came from one house to another; free of everything, except what the service required; and when, after a long struggle in both Houses, we had at last, by agreement, yielded the point that appropriation bills should no longer be encumbered with legislation for purposes outside of what was intended by the bill, and when the President of the United States in his annual message and the Postmaster-General in his report have protested against this subsidy being tacked on this bill, and when, under our own rules, we have no right to do more than appropriate to carry out existing laws, I am surprised that a proposition is now made not only to set aside existing law, but to give to ships of a certain character for five years rights that they have not now, and are clearly not entitled to, thus increasing the appropriation far beyond the demands of the head of the Department, and beyond what he says he can fairly use. I insist that it is not wise, in the face of all these facts, to throw into this bill such a fire-brand. The House of Representatives struggled with it before, if I may speak of what occurred in a Congress now dead. They struggled against it to the very last day of the last Congress; and it was only when an extra session of Congress was inevitable, unless it was agreed to, that they yielded; and when the money was so given the Postmaster-General, in a full report, stating fairly all his reasons and all the facts, many of which I have just read, shows that he can not execute it either wisely or beneficially, to renew it now in a form extending for five years, instead of applying the limitations to one year, as the present law did, is not only new legislation, but unwise legislation. I have no desire to discuss it further.

Mr. FRYE. May I call the Senator's attention to one thing?

Mr. BECK. Certainly, anything.

Mr. FRYE. The Senator two or three times, with a great deal of emphasis, has stated that the President of the United States and the Postmaster-General have indicated very decidedly their wishes in this regard, and that the administration itself would be a good deal disturbed in the execution of its duties if Congress should do this thing. I call his attention to the fact that the President of the United States and the Secretary of the Treasury, by message, both of them, insisted that the coinage of the silver dollar should be stopped; and yet the Senator from Kentucky with infinitely greater emphasis then than now insisted in a very able speech, that was in demand all over the country, that the President of the United States and the Secretary of the Treasury were entirely wrong in advising Congress to stop the coinage of the silver dollar.

Mr. BECK. I did. That was a matter of public policy about which men may well differ, about which Democrats differ, about which Republicans differ. I think I have the support of quite a number of Republican gentlemen on the other side of this Chamber on that question. I know there are gentlemen on this side who do not. But that was not providing for the carrying on of the work of any Department of this Government. That was a matter that will come up fairly on a report from the Finance Committee, as this matter will come up fairly when the Committee on Commerce presents it. The Senator from Maine presented it last year, when he had his bill up to regulate commerce and relieve the burdens of ships. I discussed it then and will discuss it with him again if he likes; but now we are dealing with an annual appropriation bill to enable the Postmaster-General for the next fiscal year to carry on the machinery provided by law, and what my difference of opinion with the President or anybody else in regard to the wisdom or the unwisdom of stopping the coinage of the silver dollar has to do with a question of the administration of the Post-Office Department and making an appropriation for it for the next fiscal year I can not see. It will be perfectly proper for me to differ with the Senator from Maine when he brings up a bill to regulate commerce. He may insist on subsidizing ship-yards for the purpose of building ships on the Delaware or anywhere else in this country. I may think that is not the best plan. We may honestly differ. The President of the United States may for aught I know be opposed to-day to allowing our people to buy ships abroad. I think, as at present advised, that it would be the part of wisdom to allow them to do it. The Postmaster-General may think the same way. That has nothing to do with this question, nor am I any less a Democrat or the Senator any less a Republican because he differs from some of his Republican brethren, and I differ with some of my Democratic brethren about the silver question or other great public questions. I am with the President on this question. I think he is right on this proposition, and right on this labor question, though the Senator on yesterday sneered at his views on that subject.

Mr. EUSTIS. Does the President condemn the policy, or did I understand that one of the grounds of complaint was that the amount appropriated last year was not sufficiently large?

Mr. BECK. In dealing with appropriations for the Post-Office Department I understand the President to insist that matters pertaining to trade and commerce can not legitimately be considered and fastened upon a Department whose duty it is to provide only for the carrying of the mails; and that any provision which seeks to limit the right of the Postmaster-General to any particular class of vessels is injudicious and injurious to the service, and that the money now asked to be appropriated is sought to be given for other purposes foreign to the mail service. That is what I gather from the President's message and the report of the Postmaster-General.

Mr. EUSTIS. I think that as far back as 1845, when the first steamship line was subsidized by this Government, that very question came up as to the Department of the Government that had charge of this subject; and after putting it under the charge of the Navy Department for several years, after the steam lines had been subsidized at different times, there was a report made to this body stating that that position which had been taken was a false position, and that the only correct position that could be taken was that taken by all other governments, and that was to transfer this service to the Post-Office Department.

Mr. BECK. I have no document before me bearing upon that except one. The Hon. James Campbell was postmaster-General in 1856, and I have a portion of his report bearing upon that question, which reads thus:

By the act of the 3d of March, 1845, the Postmaster-General is authorized, under the restrictions and provisions of the existing laws, to contract for the transportation of the mails of the United States between any of the ports of the United States and a port or ports of any foreign power whenever, in his opinion, the public interest will thereby be promoted. It is made his duty to report to the next ensuing Congress a copy of each of these contracts, with a statement of the amount of postage derived under the same. These contracts must be made with citizens of the United States, the mail carried in American vessels by American citizens, and the contracts may be made for a term not exceeding ten years, and must contain stipulations reserving the right to the two Houses of Congress to terminate them at any time by a joint resolution. The power given by this act is one under which large expenditures involving millions could be created, but neither of my predecessors nor myself has ever used the authority thus given.

That was from 1845 to 1856.

Believing that Congress should reserve to itself the right to say to how many and to what foreign ports the mails of the United States should be transported, and the amount of money which should be expended for that purpose, I would recommend the repeal of so much of this act as confers this great power on the Postmaster-General.

For eleven years the power was not used, and Mr. Campbell recom-

mended its repeal as a power that ought not to be lodged in the Postmaster-General.

Mr. EUSTIS. How have those contracts been made?

Mr. BECK. They have all been made under the postal service, and they have brought no increase of trade anywhere; they have brought nothing but scandal to everybody connected with them from the Pacific Mail, which stunk in the nostrils of all men as everybody knows who was then connected with it. The money only went into the pockets of a few men who raised a clamor about American ships and the flag as is being done now and a few lobbyists who hung around the doors of Congress to get it through. That has been the experience with all subsidies. Now the Department, the President, and all disinterested men who want to carry on the post-office business free from scandal and extraneous considerations desire to keep clear of a repetition of such things.

The Senator from Louisiana must see, he is too good a lawyer not to see, that this is an attempt to ingraft legislation on an appropriation bill and to impose it, not in the interest of the postal service, for another and a different purpose which the Postmaster-General ought not to be required to meddle with. I have not had the pleasure of reading the speech made on yesterday by the Senator from Kansas [Mr. PLUMB]; I see by the RECORD that it is withheld for revision; but in his speech as reported in the National Republican he made use of some remarks which indicate that his purpose at least as the manager of this bill is not looking to the carrying of letters in making this amendment nor to the postal service; he is in this indirect way seeking to build up and extend the commerce of the country. I read his language as reported in the Republican:

> The proposed amendment was intended as a step toward doing for American commerce with foreign countries what we had been doing for the internal commerce in the facilities for mail communication.
>
> Mr. BECK said his objection to the amendment was that it looked to crippling our postal facilities rather than advancing them. In our inland mail transportation we looked only to the question of getting the best service. We did not care whether the wagon in which it was carried was built in New Jersey or in Paris. This amendment sought to pay American ships, that might take twice as long to deliver the mails as other ships might take. Our laws took no cognizance of the place where our mail wagons were built.
>
> Mr. PLUMB cared a good deal where the wagons were built. He would have them all built in America. He would have every instrumentality of American ambition and effort made in America. Referring to our foreign commerce, Mr. PLUMB said we had given up the trade of Mexico to Germany and Great Britain. We had refused to meet half way the republics of South America, and even the colonies of Great Britain in the same direction.

He proceeded to show how we had squandered about a million and a half in the New Orleans Exposition, how we had thrown away money on the Eads jetties, how we were about to spend four or five million dollars more for the Mississippi River, how we were building libraries and doing a great many other things. I only desire to say to him that while he and I may differ as to the means he will not go one step further than I will in endeavoring to build up American commerce. I will try to do it in the best way as I understand it. He and I obviously differ as to the best method. Both of us, living in the West, know the importance to our people of cheap transportation to foreign markets. Everybody understands that a ship is but a big wagon, an extension of a railway, a vehicle to haul commerce, and we all understand that the cheaper the exporter can buy that vehicle, whether it is in the form of a ship, a locomotive, or a railway car or any other means of conveyance, to get what is raised in the great countries from which he and I come the better it is for our people, because the wheat, the cattle, and the hogs of the West have to go to London or Liverpool, to Paris or Berlin, somewhere abroad to find a market. The man who buys in competition with others must always make this calculation: What will it cost to get the merchandise from Kansas or Kentucky to the seaboard; what will it cost to carry it from New York to Liverpool or London; what will be the commissions, the insurance, the interest, and what will be a reasonable profit? All these sums he has to take out of the foreign market price before he can know what the wheat, the hogs, or the cattle of our country are worth at home. We only get what remains after all charges are deducted. Therefore the cheaper transportation can be made the more our people get for their produce. If a ship to haul it over the ocean can be bought for $200,000 at one point that would cost $300,000 at another, there is just that much less expense to be deducted out of the price of the crops that have to be hauled by it.

Mr. PLUMB. I ask the Senator from Kentucky at that point whether he does not think it would be an element in the cheapening of the cost of transportation to shorten the haul to market, and therefore if it would not be better for the American farmer living in Kentucky and Kansas to have the man who makes his wagons and the man who makes his ships and the railroads and so on, live a little nearer to the point where he raises his grain that he has to ship so as to save him the cost of shipment to a foreign market?

Mr. BECK. I do; and if it were possible for that to be done I desire to see it done; but it is becoming more and more impossible every day. We occupy a continent greater and far more productive than all Europe. Congress has given away to railroads almost as much territory as there is in the thirteen States which secured American Independence, and we have given to every man in Europe, Asia, Africa, or America who is willing to take it, along those great lines, homesteads and pre-emptions of say 160 acres each, until we have induced more people to come from Europe in the last twelve years than there were human beings, Indians excepted, on this continent when John Adams was inaugurated as President of the United States.

Through the industry of these people, added to the industry, intelligence, and energy of our native population, whose increase has been almost marvelous, the capacity for production has become so great and the necessities for the hauling of freight by railroads and every other means of transportation has become so urgent and immense, and competition has made hauling so cheap that the agricultural products of this country are so enormous that fifty-six million people can not consume them, can not begin to consume them, they are obliged to go abroad. Instead of there being more men to feed, as productions increase the inventions for labor saving made every day in every branch of industry in this country by substituting machinery for human muscle are rapidly diminishing the number of mouths that formerly had to be fed from the products of the farms. The calculations now made by the best informed men is that in New England now in the great manufacturing establishments seven people are doing the work that thirty years ago it required seventy people to do, and this condition is not confined to manufactures or to the East. I have been on the prairies of the great West, in Dakota for instance, frequently in the last few years. I saw one hundred machines cutting wheat with self-binders attached, each one of those binders doing the work of six men, on one farm.

The self-binding attachment alone saved Mr. Dalrymple from hiring and feeding six hundred men every day. Machinery is doing the work now everywhere and in every business. The products of the farm have become so great, mainly by reason of the power of the machinery that is used, that they can not be consumed by the people at home, and the power of the manufacturing machinery of this country has become so great, being estimated as equal to all the human labor in the world, that there are not mouths enough required in the making of what all our people can use to consume anything like all the agricultural products we are compelled to produce. Hence it is that we are obliged to go abroad with our produce. Out of the six or seven hundred millions of exports that go every year to foreign countries all but about 16 per cent. are agricultural products. The wheat, the pork, the cattle, the provisions, the butter, everything that the farmer produces, goes, and the foreign-market price regulates the price not only of what goes there, but of the whole home product. The surplus is so great that we can not control our own market prices. Therefore we are compelled to send it abroad, and when we sell abroad we have to sell in competition with any so-called pauper in the world who offers the same thing in the same market. There can be no protection there, no protection on the high seas, no protection after the ships leave our shores.

That is the trouble with the theory of the Senator, and these conditions show clearly the distinction between a ship engaged in the foreign trade and instrumentalities used in domestic commerce. Yet we allow the farmer of the West to buy his wagon in London if he wants to; we allow the man who wants to buy a locomotive to run on an American railway to buy it anywhere abroad if he chooses. Perhaps half the machinery in New England now engaged in the production of highest quality of fine goods is English, French, or German made machinery; indeed, the argument which was made here why we should not reduce but increase the tariff on the highest classes of cotton goods was that they had to import their machinery in order to start what they called an infant industry. Whether I am right or not as to the quantity of machinery now imported, the fact remains that they have the right to import it. Nothing is prohibited but ships. Why they should be excepted I cannot understand when we have to compete on the high seas with all other nations, all of them using ships bought in the cheapest markets. If there is one thing above all others that our people ought to be allowed to obtain at the cheapest rate, it is a ship for the foreign trade.

The Senator from Kansas grew eloquent when he spoke about the flag. Mr. President, you might with as much propriety hoist the flag over your market-wagon as hoist it over your ship, if sentiment is to be indulged in. The ship is nothing but a freight or passenger wagon. The purchase of a ship is a private enterprise as much as the purchase of a locomotive; it is not an American public enterprise; it is when bought anywhere the private citizen's property just as the wagon is the private property of the man who buys it. There is no patriotism in the business. People engaged in private trade, taking all the risks themselves, are not considering questions of patriotism any more than a national banker when he discounts a note or when he contracts or expends the currency, or when he makes more money from the premium on his bonds by selling them than by taking circulation, is caring about the effect it has on the country. He does not buy or sell for patriotic purposes, he does what he thinks is best for himself, and always does what he thinks will put the most money in his pocket, no matter who else is helped or hurt.

So when a merchant starts his ship on the ocean he has to see to it that he gets it as cheap as his rival. He can not afford to be handicapped by being made to pay 50 per cent. more than his foreign compet-

itor pays. Men trade, buy, and sell to make money. All the Government can do is to see that our own citizens have an equal chance with other people. If General Lee, who I suppose was the best beloved man by the people of the South of any man who lived since the war or during it, had tried to sell goods in the city of Richmond or New Orleans, and General Butler, who did not have much affection especially from the women of those cities, had started a store next door to him, and had sold his calicoes half a cent a yard cheaper than General Lee, every woman in either city would have gone to General Butler's store to buy their goods, and they would have been right. That is business. Self-interest is what regulates all these things.

There is nothing practical in sentiment about the flag. We have treaties with England, Germany, France, Italy, Sweden, Norway, I believe almost every nation except Spain, which contains substantially this provision:

No other or higher rate of duties shall be imposed or collected on vessels of Prussia—

This applies to all vessels of foreign governments—

or her dominions whencesoever coming, nor on their cargoes, howsoever composed, than is or may be payable on vessels of the United States and their cargoes.

So that Congress can not give our ships any advantage even in our own trade, no more tonnage-tax, no more tax on goods imported, no other burdens can be imposed upon any foreign ship, or its cargo, than we impose upon our own. We have placed every foreigner on perfect equality with our own people, and yet every one of the people of those nations with whom we have treaties buy their ships where they can buy them cheapest, and they are protected by the flags of their several nationalities. The Frenchman is as proud of his flag as the Senator from Kansas is of ours; so is the Italian; so is the German; but their pride in their flag never induces them to buy a ship at $300,000 to come in competition with a man who has a ship exactly similar to his that cost him $200,000. He buys ships as he does goods, where he can buy them cheapest, and he enters into our trade and drives our people out of it. The result has been that since 1856–'60, when American ships had from 80 to 84 per cent. of our carrying trade and we were getting, up to 1860, about $25,000,000 from profits made and the trade of other nations, we are now reduced to 15 per cent., or 14.60, to be exact, instead of 80.84, and we are paying to foreign nations $150,000,000 a year to do our hauling, all of which we ought to do ourselves; and all this nonsense is kept up by law for fear some pet of Congress will not get a chance to build a ship somewhere in this country. It is well known that but for the monopoly of the coastwise trade, into which none but American-built ships can enter, not half of the few now constructed here would be built; we do not build enough to furnish a single steamship from the great port of New York to cross the Atlantic, with all the great commerce that is carried on from our own metropolis.

Is there any wisdom in that sort of legislation? We allow all other nations the right to trade and carry on terms of absolute equality with our own people, knowing that they buy their ships wherever they please in the cheapest market, and yet we deprive our own citizens of the same right; we force our people out of the trade or compel them to compete with others handicapped to death. As I said on a former occasion, it would be as absurd for a Kentucky horseman, because his grandfather made his three-year-old colt carry 130 pounds, to put him on the race track against a competitor running a colt of the same age carrying 70 pounds and expect him to win, as to handicap ourselves by saying that we alone of all the people engaged in trade shall not be allowed to buy a cheap ship with which to compete with all the citizens of other countries, after giving them the right to trade here on equal terms with our own people, knowing, as Congress does, that they all buy ships where they please as cheap as they can. That dog-in-the-manger policy is what has driven us from the sea, and all the little nibbles about postage subsidies to this man or that man or the other man as a proposition to build up commerce by bounties and gifts, which seem to be relied on by the Senator from Kansas and the Senator from Maine, are to my mind worse than useless; not as good as "brown-bread pills" to fever patients.

When this bill was argued before, the same suggestions were made that are made now, and the Senator from Missouri [Mr. VEST] replied that they were "insectivorous compared to the deadly blight which had stricken down the merchant marine of the United States." The Senator from Kansas pleads for protection; he is too intelligent not to know that the moment we admit that we need protection we admit that we can not sell our products abroad. Nothing can be sold abroad that requires protection at home from foreign competition. The very object of protection is to prevent other people from coming here and competing with us. With our machinery all agree that we can manufacture of everything in six months all that the people of this country can consume in twelve. What we now need is more extended markets; what we want is to get abroad with our goods. We can only get there in the cheapest ships. Protection does not protect us any longer. The wall is as high on one side as it is on the other; and when the Senator from Kansas says we ought to raise it and keep our goods at home and make all we need here, the trouble is that with the powerful machinery we have and the immense country that we inhabit and the great agricultural productions that we are obliged to produce every year, it is impossible for us to keep our men employed and raise or dispose of the products we are obliged to raise, and sell and have our people prosper. We can no longer prosper if we only swap products among ourselves.

There are one billion five hundred million people in this world. We have fifty-five million of them. Our manufactures never go abroad to any extent. The Senator from Maine referred to some little things we had produced that were getting out. They do not amount to a bagatelle when our capacity to produce and manufacture are considered. Less than 10 per cent. of our exports are manufactured goods. Of the products of our great woolen industries nothing goes abroad unless it be something on the Mexican line or on the Canadian border.

We never can be the great and prosperous people our resources entitle us to become, we never shall be developed to anything like the full extent of our capacity, until we abandon the policy of manufacturing only for our own people, charging them double prices, under Congressional dictation. We can only manufacture for the world when we can go to other countries and sell as cheaply as other people sell. Our farmers have to do that now. They are compelled to sell in the cheapest markets, and they ought to be allowed to buy the cheapest machinery and means of transportation, the cheapest wagons, the cheapest lines of railway, the cheapest ocean freight-carrying ships possible, in order to give them a living chance in the competition with others.

I read last night the report of the Select Committee on Interstate Commerce. It contains a great deal of edifying matter and shows where we are drifting and how our farmers are going down. Let me read a sentence or two from it. On page 25, under the head of "Relations of Internal and External Commerce to Agriculture," the committee proceed to say that while for many years up to 1874 we imported more than we exported, yet from 1875 to 1884 we had exported more than we imported $1,360,480,467. Our exports are increasing every day. Thirty years ago we had 6,000 miles of railroad; now we have 121,000 miles. A few years ago we exported fifteen or twenty million bushels of wheat, and now we are exporting nearly 100,000,000 bushels; and this condition of things has come about by the rapid development of the country, especially of the West, where there is and can be no protection to the agricultural interests at least.

The excess of wheat-growing—

Says Mr. J. R. Dodge, the Statistician of the Agricultural Department, quoted by the committee—

The excess of wheat-growing has brought prices to a ruinous point, when sound grain can be bought in Dakota for 40 cents, and again, in London for $1. It is down close to India rates.

* * * * * * *

It is true that our production has advanced with wonderful strides. While population doubled in twenty-seven years the wheat area doubled in fifteen; there were four million farms in 1880 and but two million in 1860. The maize crop of one year is equal to the product of four years in Europe. The supply of wheat per capita was only 4.33 bushels in 1849, 5.5 in 1859, 7.46 in 1869, and 9.2 in 1879. We might produce 20 bushels per capita, but it would be folly to do it. The area in wheat is now 38,500,000 acres, and 12,000,000 acres are cultivated in excess of the wants of the country, the produce of which must be sold abroad, mainly in Liverpool, in competition with the grain of Russia, of South America, of Australia, and of India. It is sent 1,500 miles by land and 3,500 miles by sea, and from California more than half round the world, to compete with the half-civilized fellahs of Egypt and the slavish ryots of India. It is a competition unworthy of American freemen, and utterly unnecessary, being caused by bad calculation in the distribution of crop areas.

There it is. "Stop!" say the protectionists, "do not compete with paupers; raise only what will feed the manufacturers at home." Manufacturers for whom? For the world? No; but manufacturers for our own people, who are told to quit raising wheat with which alone they can pay for the clothes that cover their backs; and when they do buy from manufacturers at home they are required by law to pay 75 per cent. more for every blanket and every particle of woolen goods that the poor man wears than any so-called pauper in Europe pays for like articles; and an average of 46 per cent. upon everything that a man eats, drinks, wears, or smells. The committee go on, after giving a good deal more of the same sort of advice, and say:

So the outlook is not good for the United States to ship breadstuffs in unlimited quantities throughout the civilized world, and the principal markets, both for bread and meat, must henceforth be sought at home.

Sought at home! We were told yesterday, jumping from one thing to another, and I believe we were told it in absolute good faith, because the Senator from Maine [Mr. FRYE] believes everything he says, and his statement will go to the country as a fact—

We imported last year from Great Britain $37,000,000 worth of cotton goods, and we raised the cotton here. Every single dollar's worth of those thirty-seven millions could just as well have been made in the United States of America as in Europe, and if they had been one hundred thousand of these men out of work would not have been idle.

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In 1883 you forced us to reduce the duties on those goods from 16 to 33 per per cent., and an increased importation followed.

That last statement amazed me.

He stated how much we had reduced the tariff on woolen goods, and how much on other goods. I confess I was astonished. I thought I knew that could not be true. I turned to the tables in the official reports, and I found that instead of there being a reduction on these goods, Mr. Nimmo, Chief of the Bureau of Statistics, whose duty it was to advise Congress in regard to these matters, on the 10th of March, 1884, furnished a table in which he showed that under the old tariff

the average ad valorem on all manufactures of cotton was 37 per cent., and under the tariff of 1883, by which the Senator said we reduced from 16 to 33 per cent., it was about 40 per cent., an increase of 24.06 per cent.; and in regard to woolen goods, which under the tariff before March, 1883, was 66 per cent., it was increased to 68 per cent., or an increase of 2.17 per cent. I then turned, for fear there might have been a change since that time, to the report of the Bureau of Statistics that was sent to us the other day in regard to imported merchandise, and I found that the average duties on cotton goods, that the Senator from Maine said had been reduced from 16 to 30 per cent., were higher now than they had been since 1867. The only cotton goods that were reduced were articles that were not manufactured in New England, but articles that were manufactured in the Southern States. An increase is made on the finer goods, such as knit stockings, hose, lace, and all that character of goods which New England considered as yet an infant industry of hers.

The average is 40 per cent. ad valorem on all that class of goods and upon laces, insertions, trimmings, on the largest importations of which we are now paying 40 per cent. ad valorem, the average being 46 per cent. on everything dutiable and 40 per cent. on all cotton goods. Let me state here a remarkable fact: The great mass of the people in the Southern States had been trampled under foot first by war, then by reconstruction, all their labor was demoralized, yet they had to compete under absolute free trade with New England in the manufacture of cotton goods. That industry in the East had been built up for more than forty years by all the protection that tariffs could give it, with the best machinery, with men competent to manage almost twice as many spindles as the negro or untrained man of the South could operate, yet the Southern people, because the raw materials were closer to them, because the climate was better, because they did not have to lay up so much for hard winters, and because of many other conditions favorable to them, those people in the South thus demoralized in their labor, thus unprotected, with absolute free trade between New England and Georgia, have built up their cotton-mills until the New England people do not care now what tariff there is on coarser cottons. The South has taken that trade from them by fair, free competition. Perhaps to that extent the statement of the Senator from Maine may have been correct. There may have been heavy reductions in that class of goods, but upon the average of cotton goods the increase was 2½ per cent. under the last tariff instead of a reduction of 16 to 33 per cent., as the Senator stated yesterday.

Mr. FRYE. Has not the Senator heard that explained in the Senate several times, that the increased ad valorem was caused by reason of the decrease in the price of the goods?

Mr. BECK. Perhaps.

Mr. FRYE. Is it not so? The Arkwright Club is my authority for my statement. That is the largest cotton manufacturing club there is in the United States, and it is composed of men who know what they are talking about.

Mr. BECK. Yes; but if the Senator will turn to United States statutes and observe the increased rates imposed, I believe, in the conference committee, he will find the tax increased regardless of the present price on cotton laces and other fancy articles of cotton; they were increased by the last tariff law.

Mr. FRYE. The duty certainly was not increased on lace.

Mr. BECK. The paragraph will show for itself.

Mr. ALDRICH. It was not increased on lace in the conference committee.

Mr. BECK. It was increased. Certainly it was not reduced, and the statement that any reduction was made is incorrect.

Mr. FRYE. I ask the Senator from Rhode Island whether or not the duties on cotton goods were lowered?

Mr. ALDRICH. The duties on the large majority of cotton goods produced here were largely reduced.

Mr. BECK. On some imported goods; but on the average of the imports they were increased 2½ per cent. That was officially shown the first year after the act was passed; therefor the Senator's statement was all wrong.

Mr. FRYE. The limitations were on fine goods.

Mr. BECK. Of course; and that is what the friends of the Senator from Maine desired. They would not have complained if the imports had been of goods that competed with the people down South.

Mr. FRYE. Instead of increasing any duty, the constant purpose of the Democratic party is to decrease duty. I say the duties on fine goods should be so far increased that we should manufacture every yard of that cotton cloth and lace at home.

Mr. BECK. The Senator from Maine is consistent, I admit. This is his language in regard to the tariff in 1882:

> And yet, sir, right in the teeth of these savage denunciations—
>
> Speaking of the Democratic party against a protective tariff—
>
> fidelity to truth compels me to declare that I am a protectionist from principle. If there was no public debt, no interest to pay, no pension-list, no army and no navy to support, I still should oppose free trade and its twin sister, tariff for revenue only, and favor protective duties.

He would put money into the pockets of the men that had the power to control the machinery and the labor of this country; he would compel the men who raise wheat in Dakota at 60 cents a bushel and have to sell it in competition with the poorest pauper from Russia when he gets to the foreign market to buy his goods at such prices as New England manufacturers might demand—he would compel him to buy a ship at $300,000 that he could buy elsewhere at $200,000, and would not allow him to take the money that he got for the wheat, that he thus sold in competition with pauper labor, to buy clothes for himself and his wife and children where he sold his products and could buy what he needed at reasonable prices; he would make him bring his money here and pay to some New England manufacturer 75 or 100 per cent. more than he had been asked abroad for the same things. If there was no interest on the public debt, no army, no navy, no revenue to collect, the man who has to sell abroad must be compelled to pay people here whatever they demand for the articles they had to sell. That is the logic of the Senator's position. That is his idea of protecting American industry.

I should like to know why the man in Dakota who sells wheat in Europe and has to take it abroad to find a market, why the man in the South whose cotton has to go to Liverpool, why the men who send petroleum, cattle, hogs, and everything to the markets of the world and must sell in competition with anybody and everybody, if this Government does not need the money, should not be allowed to take the money thus obtained from the products of his honest industry and buy in the cheapest market what he needs, having been compelled to sell in the cheapest market that which he produces.

No, says the Senator from Maine, I would not allow them to do it. Mr. President, protection does not protect the farmer; protection does not protect the producer of goods that must be sold abroad; protection does not protect the laborer, because the very moment the manufacturing establishments that can and do make in six months all that this country can consume in a year, and refuse to compete for foreign trade, and refuse to manufacture at rates that other people manufacture for, who refuse to sell to Mexico, Central America, and the countries of South America, in regard to which there is now so much talk of having trade with, when they manufacture as much as we can consume at home they encourage strikes, they reduce wages, the laborers protest, the manufacturers close the doors, and are glad to close them, and produce no more until the necessities of consumption require the surplus stock they have on hand to be purchased at their price. In the mean time their laborers starve, and they are told "you must not compete with paupers." We are pauperized by this system of protection, and the laborers who are made to believe that they are working for their own benefit are driven into enforced idleness often for half the year. There is no end to the cunning of wealth and greed combined. The laborer is compelled to strike, the manufacturer closes the mill and waits for a rise in the market in order to sell his goods, while that laborer and his family are starving, all to keep up the wages of labor. It was only the other day that I saw an account of a meeting held somewhere in or near Philadelphia, among the producers of coal. They agreed to curtail the production of that article and produce only half as much, so as to sell it for more. What did that mean? Diminished production to one-half and starvation to the laborers employed in order to put money into the pockets of the employers. But let me return to the statement of the Senator from Maine in regard to the last tariff law.

When you examine the tariff on woolen goods about which the Senator from Maine spoke yesterday, I hope gentlemen will investigate the figures carefully. The average rate of duty is about 70 per cent. now, yet the protectionists want more. Oliver Twist was not more importunate in his cry than they are.

In every instance the highest priced article is always taxed more lightly than the poorest and cheapest. The heaviest burden falls upon the poor, while it is lightened for the rich. Examine the returns on page 100 of the annual report on imported merchandise: Woolen shawls, valued at not exceeding 80 cents per pound, average ad valorem rate of duty 86.23 per cent.; woolen shawls valued at above 80 cents per pound, 59.51 per cent.; all manufactures of every description not specially enumerated or provided for made wholly or in part of wool, embracing all the cheapest, valued at not exceeding 80 cents per pound, 93.87 per cent.; all goods valued above 80 cents per pound, 62.72 per cent.—31 per cent. less tax on the goods that the rich men wear than on the same woolen articles that the poor are compelled to buy. That is true all through this system of tariff taxation which is lauded by the Senator from Maine and the Senator from Kansas as being a system much to be desired.

Senators, we may talk about mails; may parade trifles, and magnify the supposed benefits which subsidies can bring; we may have money in the Treasury which ought to be got rid of, and that is one of the troubles of an overburdened treasury, especially when gentlemen on the other side want to make it appear that Democrats are more extravagant than they were by giving away as much money as possible and how much more we give away than they did when they were in power. That will be very pleasing for them in the campaign next fall. That is about all the service it will render anybody, I think, if we are foolish enough to do it.

We may give away what we please to carry mails, but until we do something to take off the burdens from labor and widen its fields of operation, until we do something to extend markets, we will have no

real permanent prosperity in any branch of the industries in this country. The farmer is as much a laborer and the farm workman is as much a laborer as the man who works in an iron foundry or a woolen mill. More than half our people are engaged in agricultural industries. The taxation on woolens which I have just called attention to is 33 per cent. less than upon high-priced woolen goods than on the cheaper. There is 25 per cent. less taxation imposed upon shawls and other things that the rich can buy than on what the poor must purchase. This no man can defend. The whole system of taxation is so adjusted that it falls upon labor and bears oppressively upon labor alone.

The bonds of the United States are exempted from all taxation; they are safe. A man may own a million or ten million dollars of bonds of the United States and not pay a dollar either to the State or Federal Government. He can drive his carriage with his liveried servants over the roads his poorer neighbors have built. He pays nothing for churches, schools, or for anything else. He is exempt from all burdens. So far as the United States is concerned the richest man in America, if he has no family, does not pay as much as his carriage driver if he has half a dozen children to feed and clothe. All taxation is adjusted so as to exempt wealth and bear with grinding force upon the labor of the country; all our taxes are so adjusted that there is no way of sending our manufactured articles abroad, and we can manufacture, as I have said, in six months all our people can consume in twelve.

The Senator from Kansas said on yesterday that we had surrendered our legitimate trade with Mexico and Central America to France, England, and Germany. How and why are we doing it? We are doing it because we can not or will not manufacture and sell our goods as cheaply as those countries are manufacturing and selling theirs and sending them to Mexico and elsewhere, and with the exception of silver there is nothing Mexico has that we will allow to enter our ports in payment for what she takes from us. That is where our trouble is.

Mr. PLUMB. If you will persuade your Democratic House of Representatives to do their part in carrying out the treaty we made some time ago perhaps you will change your mind about that.

Mr. BECK. I do not know that I have any persuasive power over the House of Representatives, nor do I know what they propose to do. I know this, speaking for myself, that no treaty ever has been or ever can be proposed to liberalize trade with Mexico that I am not in favor of. I regard it of the highest importance that we should control the trade of that great country, and the trade of all Central America and South America ah well. We ought to have a fair share of the trade of China, Japan, Congo, of all the less civilized or less advanced countries, because in that line our prosperity lies.

With Mexico we ought to have the most intimate relations. I do not know that I can tell how I voted, but I can say that the good-will of that country, the peace along the border for a thousand miles from the Rio Grande to the Pacific, the good neighborhood that exists, and the harmony we have as compared with the disturbance that would exist if good relations did not prevail, settles that question with me. Mexico is poor, somewhat dependent, sore because of the treaty of Guadaloupe Hidalgo whereby we dismembered her of her most valuable provinces. All this requires us to treat her kindly. We have either to take control of that country or surrender it to France, England, or Germany. I agree that the more intimate our relations can be made with Mexico the better for us, and we ought to pull down every barrier that we possibly can to bring her under the influence of this great Republic.

The Senator said yesterday that we had thrown away a million and a half at the New Orleans Exposition. We did, if you like that form of expression. I voted for it. I believe he did. I do not think we will ever get a dollar back. I do not care whether we do or not. I went to see that grand exposition. I saw the Mexican exhibit. I saw the people of Mexico side by side with ours. They were surprised to find what good neighborhood could exist and how many things Mexico produced that we wanted and how much better people they were than their neighbors had supposed them to be. I saw developments produced by Arkansas, especially in the production of fruits, that amazed the men of Massachusetts and of the Northwest as to the capacity of that great region. In short, I saw enough at that exposition in the week or two I was there to satisfy me that the million and a half was well-spent money if we never get a dollar of it back.

So that as far as I am concerned I will go as far as the Senator from Kansas in doing anything to foster that trade, but I believe the only way to build it up, and I believe it can not be done in any other way, is to pull down the bars and change our system of taxation. England kept up the system we are maintaining now for centuries and went down, down, down, year by year until her people were starving. All at once she reversed her policy; she gave her people cheap food, she gave them the right to bring in cheap raw materials, she opened her great manufacturing establishments, she removed the taxes from them, she told her people to stand on their muscle and their manhood, and from that day on there has been progress and prosperity until now she is doing 62 per cent. of the carrying trade of the world. While she has dull times now, and every country has its temporary drawbacks, she ought not to have anything like the commerce and the trade we would have if we should pursue a more liberal policy.

But we have to manufacture for the world, not for ourselves alone. We have to send our goods to Mexico; we have to send them to Central America and South America, to Africa, to China, to Japan, and we have to take what they have in exchange; without that we are making no progress. Two ships may start from the capes of the Delaware or the Gulf of Mexico, one from England and the other from the United States, costing exactly the same, with the same character of goods taken to the Argentine Republic, of which so much was said yesterday, or to Chili; they may offer them at the same prices; the Englishman will sell his goods at once and the American can not sell his. Why? Because those people have no money; but they have copper, they have wool, they have everything that the Englishman wants, and he swaps. He exchanges his goods for their goods; both are benefited; he loads his vessel and goes home, telegraphing ahead "there is a load of iron, copper, wool, or anything on the way," and anybody who has a manufacturing establishment buys it if he wants it. We can not land anything of that sort in this country without paying 46 per cent.; therefore we can not trade with other people. That is what has driven us out of the markets of the world. Mails and letters are of no use when obstacles of that sort are interposed.

Mr. DAWES. I wish to ask the Senator would it be any particular benefit to us to go to the Argentine Republic and bring their copper here when we have enough of it here ourselves, or to bring their wool here if we have enough of it here ourselves? If we can furnish our copper on our own soil would it not be money thrown away to buy it and bring it in from abroad?

Mr. BECK. I am amazed to hear that after the speech we heard yesterday from the Senator from Maine that we had brought in millions of dollars' worth of the product of wool from other countries.

Mr. DAWES. Did the Senator from Maine suggest that it was any profit to anybody to go a distance of a thousand miles for a thing which you have right at your own door?

Mr. BECK. Will anybody propose to buy anything that he can get at home for less money?

Mr. DAWES. The Senator says that England profits by going to Rio Janeiro or going to the Argentine Republic for wool and copper that she wants. If we do not go there for them it is because we have got them here.

Mr. BECK. I may not have made myself understood. We have, as I said, a cargo of manufactured goods, say cotton goods, and an English ship has a cargo of cotton goods; they are exactly alike, and cost the same. We take them to the Argentine Republic. We do not want money, and they have none to pay with. We want something to work with, do we not? England does the same thing. Now, everything that the Argentine Republic has got England takes and carries home. We may want exactly the same things.

I do not say we always want exactly the same things, but we may. Suppose we do. Suppose a man carrying a ship-load of American goods wants the same goods as the Englishman; the Englishman can afford to take them and the American can not. Why? Because the Englishman takes them home. It costs nothing to land them in England, whereas the American can not bring them here without paying at least 46 per cent. to land them. Therein lies the difference in the capacity to trade and obtain return cargoes, which is an important consideration.

Mr. DAWES. Both England and the United States want the same things, and England and the United States have precisely the same facilities for carrying them. Then, if England can buy in the Argentine Republic and our men can buy away from her, it is because England can sell her manufactures there cheaper than we can.

Mr. BECK. No, sir.

Mr. DAWES. And if England can sell her manufactures there cheaper than we can, the raw material being the same, it is because we pay more for making it up than she does.

Mr. BECK. Oh, no. I admitted for the sake of presenting the case fairly that they had cost the same. England can take what she swaps for hers home, and land them at home and convert them into new manufactures without paying a tax of a penny; we can not without paying half what they cost for the privilege of landing them.

Mr. DAWES. Why can she do it?

Mr. BECK. Because her people have not got to pay a tariff tax for landing them.

Mr. DAWES. Landing them where?

Mr. BECK. Landing them in England, when we want to land them in the port of New York, a tax of 46 per cent. average is demanded before we can land them.

Mr. DAWES. Tell me a single article of raw material that we can not produce at home that every one of us who believes in protection will not put upon the free-list to-day?

Mr. BECK. My dear friend, I do not know what any of you who want protection would put on the free-list.

Mr. FRYE. Will the Senator allow me a moment?

Mr. BECK. Certainly.

Mr. FRYE. We brought last year from Rio de Janerio $50,000,000 worth of coffee.

Mr. BECK. All coffee?

Mr. FRYE. And we only sent $8,000,000 worth of manufactured goods back to Rio. That was free entirely. That coffee is free.

Mr. BECK. Of course.

Mr. FRYE. What becomes then of the Senator's argument, and why did we not pay for it in manufactured goods?

Mr. BECK. I can tell you why. I insist and have insisted all through my argument the reason why we can not manufacture as cheaply as anybody else, and the demand for protection admits that fact, and therefore England and nearly every other country manufactures more cheaply than we can, and thereby gets the trade; but I went a step further in my illustration just now, and proposed to admit—what I know is not true, and every other gentleman knows is not true—that we manufacture certain articles just as cheaply as England does, and start them side by side with her to any place other than where we are buying goods on which no duty is imposed; send them to the Argentine Republic; send them to Mexico; send them anywhere, and we can not take what the people of those countries have to sell or swap, and of the countries we are seeking to trade with nine-tenths have no money. They have things that we want and that England wants and that every manufacturing country wants, and England can take them, because she can land them at home, and we can not take them, because we can not afford to pay the 46 per cent. for landing them and manufacture the material taken so as to sell it again in competition with a free-trade or low-tax competitor.

Mr. FRYE. Why does not the Senator take Rio de Janeiro as an illustration?

Mr. BECK. I repeat that we can not manufacture as cheaply as the people of countries who live under a low-tax or tariff system.

Mr. FRYE. We can manufacture the goods they use. The fact is that in Atlanta, Ga., they manufacture jeans of common qualities such as those people use as cheap as they are manufactured in this world.

Mr. BECK. Very well; they will then very soon build up a trade.

Mr. FRYE. They will if they have a steamship line between here and South America.

Mr. BECK. Mr. President, there never was anybody's goods that could not get to market for want of a vehicle to haul them. The little postage it is now proposed to give has nothing to do with the cheapness of goods. Let anybody announce that there are goods in Liverpool, New York, Baltimore, or anywhere else for Rio de Janeiro, and some ocean tramp will be there the next morning as soon as the telegraph announces that the goods are ready. The mere wagon that hauls them has nothing to do with it, but the cheapness of the goods it hauls. The fact is there are now more ships in the world than there is freight to carry.

Mr. FRYE. I want to ask the Senator a question. England seems to be a model——

Mr. BECK. Oh, no; but England has done wonderfully well in the last forty years.

Mr. FRYE. Why is it that Great Britain pays to-day for carrying the mails to Central and South America twenty times as much as you pay for carrying your mails? Why is it that she pays $400,000 for carrying mails to the West India Islands and you pay $1,000?

Mr. BECK. The people of the United States pay for the carrying of their mails three times as much as England does in the aggregate. The difference is this, we pay our railroads and stages so as to reach our people now spread over a great continent. Fifty million dollars is the expenditure this year of our Post-Office Department.

Mr. FRYE. Yes, and on an average she pays 30 cents a mile, and you refuse to pay a steamship to South America over 3 cents a mile.

Mr. BECK. I refuse under the pretense of doing one thing to do another. I know it is not mail-carriage in my estimation, and I do not propose by indirection to be subsidizing under the pretense that we are carrying a mail. I do not say anybody else feels that way, but that is the way I feel about it, and that is the reason I do not propose to do it.

Mr. DAWES. May I put another question?

Mr. BECK. Not just now; I want to say that our mails cost us nearly three times as much as England's. England carries hers by steamboats, we carry mainly by railroad cars. Why? Because our people inhabit a great continent; she is a little island.

England, Scotland, and Ireland all combined have only 121,000 square miles. Texas alone has 276,000 square miles, more than twice as large. We have to reach our people by rail; by star routes; by inland and coastwise sea service; but we reach them no matter whether they are in Alaska or in the other remote Territories. England pursues the same policy; small as she is, her empire extends over all the earth. She has islands in the West Indies. She has Bermuda on one side of us and Halifax at the other. She has possessions everywhere; she reaches all her people. She has over twelve thousand commercial stations in all parts of the globe, with agents engaged in building up her great trade, informing her merchants, and seeking to increase their business. She sends mails and other communications everywhere. You can not go to any port in the known world where you will not find an English agent, an English blacksmith shop, an English coaling station, an English something to build up business. Of course she sends her mails and pays for them as liberally as we do. Because she sends by sea, as she is compelled to do, and we send by rail, as we are compelled to do to reach our people in all our Territories, the cry is now raised that England is paying more than we are for steamship lines, yet we are paying $3 to her one over the railroad lines, the necessities of the case settling the question. Each country does what its necessities require it do. She has to pay by the routes that reach her people; we pay by the lines that reach our people; neither subsidizes and neither is taxing its people for the purpose of putting money in any private man's pocket.

Mr. DAWES. Now, Mr. President, will the Senator yield to me?

Mr. BECK. Yes.

Mr. DAWES. I inquired of the Senator a little while ago what benefit it would be to go off to a foreign country for a raw material that is upon our own soil; now I should like to ask him this question: What benefit would it be to go to a foreign country for a manufactured article that we can manufacture at our own door? Is not the difference in the cost of going there for it all lost to somebody?

Mr. BECK. If it is manufactured at the same price at home it would be absurd to go abroad to buy it; but if I sell a thousand dollars' worth of wheat in Liverpool that I have raised and have received a thousand dollars therefor, and I am offered as many clothes, as much machinery, or whatever I must have, for that thousand dollars in Liverpool as I can buy in Massachusetts for $1,600, I should like to know what right anybody in Massachusetts has by law to prevent me from getting as much in Liverpool, where I sold my wheat, for a thousand dollars as any Massachusetts man will sell me for $1,600.

Mr. DAWES. One thing at a time.

Mr. BECK. Dispose of that one thing now.

Mr. DAWES. Not till we get at the other. We will have the other answered first. We want to get the thing as cheap at home, and what is the reason we can not get it as cheap at home? Because we pay more for the labor bestowed upon it here at home; and it is at the expense of the laborer that you go to foreign countries for that which is manufactured at home.

Mr. BECK. One moment on that subject. England to-day is paying 40 per cent. more than France for her labor. She is paying 50 per cent. more than Belgium. She is paying nearly 50 per cent. more than Germany, and yet she is driving them all out of competition.

Mr. DAWES. How much more than we are?

Mr. BECK. Not so much as we are, but paying next to us of any other country; for some things she is paying more than we do. Intelligent labor is always the cheapest labor. For the labor of the man who drives one of the machines of Mr. Dalrymple on his great Dakota farm he can better afford to pay $10 a day than he could to pay the foreign wages to ten, fifteen, or twenty ordinary, ignorant laborers using a scythe or sickle that is still used in many countries to perform that work. It is the product of the labor that determines the question whether the labor is cheap or dear, and the intelligence that produces the largest results is the cheapest labor, no matter what the price paid may be.

Mr. EDMUNDS. But, if I may interrupt my friend——

Mr. BECK. Certainly.

Mr. EDMUNDS. Certainly the labor that does any good to the body of the people of the United States or of Great Britain is that labor which brings bread and comfort to the mass of the laboring people. Now, does the Senator mean to say that in England and in Scotland the pay of the laborer is equal in its results—I mean in the comforts and happiness that it brings to him—to that in the United States?

Mr. BECK. I am not prepared to say that it is on the average. It ought not to be in an old and densely crowded country, governed, I was about to say, by an aristocracy, but I suppose it is better to say a monarchy, that people have come to the point of asserting their rights after years of oppression, they have not the same opportunities that men have on a great continent like this. But that the wages and the comforts of the laborers have doubled in England since that government reversed the system we are now pursuing and adopted the policy they have since adopted is known to all men. Since 1846 the wages of English laborers have doubled, the purchasing-power of their wages has doubled, their comforts in every regard have doubled, and while they are not equal to ours, and can not be expected to be, they are superior to those of any other country, and their laborers infinitely better off than they were when the policy of protection and exclusion prevailed.

Mr. EDMUNDS. Yes, and if the Senator will allow me, that is all very good, and I am very glad it is so; but the question with us is how we can best promote the interests of the laboring men of the United States, which include my friend from Kentucky and myself in that definition. The Senator from Kentucky can not fail to know that at this present day and in this present year in England and in Scotland and Wales and Ireland, still worse, poor thing, the price that the laborers get for their work—and by laborers I include everybody below lawyers and doctors and priests—is not one-half what the laborers of the United States get all over this Union, and does not bring to them the positive results of a comfortable house, of good food, and everything that goes to promote the welfare and prosperity of a man and his family, that our people have.

I was up in Scotland last year, Mr. President, and I stopped at an inn, and the innkeeper, it being a place of resort on a salmon river, was

building an addition to his house of stone, and he had a half-dozen stonecutters there cutting the pilasters and lintels, or whatever the technical name is, of the windows and doorways that were to furnish a part of this house; and there they were at work chipping away. I went in company with a Democrat to talk with them, and I asked them how they were getting on and what wages they got, and so on.

I asked the landlord the same, and they agreed. The stone-cutters, who are out here on the side of this Capitol, are getting $3 or $4 a day and are living in comfortable houses and having fresh meat every morning and fresh butter—unless it is oleomargarine and they are cheated—told me they were getting $1.05 a day, turned into our currency.

About one-third of what the same skillful and intelligent men in this country get, these skillful and intelligent Scotchmen were getting, and in the ultimate result of the houses that they lived in, of the food that they had, and of the comforts that they had for themselves and their families, all stood in the same proportion. What is the reason? Is it because, as the Senator from Kentucky supposes, that we have got a very bad tariff and all that sort of thing; or is it because of the American system that a Kentuckian, who lived before the days of my friend, that I in my boyish days had and still have the greatest admiration for, believed, in an American system that will give in America labor and employment to every man to help himself and his brother; or is it because of the English system of what is called free trade?

Mr. BECK. Mr. President, I am as anxious as any Senator here to promote the interest of the laboring man of this country, and I believe as earnestly that the principles I advocate are best for the American people and the success of this great Republic as the Senator from Vermont believes in his idea that protection aids them. I believe that the strikers, the idlers, the men now out of employment who are wondering what is the matter in this land of abundance, are in the bad condition they are now because of this miserable protective system that has prevented us from producing any manufactured articles to sell to any other people than ourselves; that system has narrowed the market until even the machinery has to stand still.

Few men are required to work it now in proportion to what were required thirty years ago, the proportion being, as I said before, 7 now as against 70 thirty years ago; then protection protected men, now it protects machinery; it is because the gentlemen—machine-owners—having been enriched by law, having by lobbying put bills through Congress to put money in their pockets, having imported machinery wherever they could drive out human labor by it, having hired the cheapest labor they could find in Europe or America—and there is no protection to any American laborers against hiring a Canadian at half price or bringing men here from any country in the world and working them at the lowest wages, and there is not one of these machine-owners, not the most patriotic among them, that would not discharge an American laborer and turn his wife and children out of doors to-morrow if he could get a man from Hungary, from Canada, from Italy, from anywhere, who could work for 5 cents a day cheaper than he would, there is no protection for that laboring man against pauper competition.

The laboring man's only protection is to require that the products of his labor shall be manufactured upon such a basis and on so large a scale that they can be sent all over the world, that one billion five hundred million people shall be the customers for his work instead of fifty-five million; until that is done we shall have strikes oft repeated even on this great continent. From 1873 to 1878 this land was full of tramps. We all know the circumstances that brought them to that condition then. I saw many of those homeless laborers in their wanderings. I have been to the Northwest many a time since.

What was then apparently a great calamity turned out to be a blessing in disguise. They settled upon the wheat lands of Dakota and Minnesota, Montana and elsewhere, and driven as they were from employment because the shops were shut up and they were apparently on the verge of starvation they took advantage of the bounty of the Government through the homestead and pre-emption laws, and many of the men who fled from closed factories, as well as those who came from Ireland, Germany, and elsewhere settled on those lands and became rich and prosperous in spite of protection; they became rich because of the adversity that our protection to slaves in the form of machines had brought upon them.

If protection is so beneficial, why are so many thousands of men idle in this country to-day? If protection protects on a great continent like this, why are our laboring people now so discontented? In a little country like England, Scotland, or Ireland when men are driven out of employment there is no great free Northwest with 160 acres of good free land offered as a homestead, and a pre-emption to go and get for the taking. They have to stay where they are. There is no outlet, therefore they are obliged to suffer. One thing mitigates their sufferings, the money those men get for their wages, though less than what our workmen receive, will buy twice as much.

The Englishman's $3 will buy a coat that costs our workman $6 anywhere in this country; when the man who works all week needs a coat on Saturday night and must have it, there is no real difference in the wages if the Englishman can get the same coat for $3 that the American laborer has to pay $6 for—he must have a coat, the whole week's wages is gone in getting it; the one is just as well off as the other. So when he has to buy his wife's dress or the raiment his children must wear the proportion is the same, it is the purchasing power of the wages that determines their value to the laborer. To-day 97 per cent. is the average tariff tax on the blankets under which the poor man must sleep.

If a man works for $1 in one place and for $2 in another and he has to pay his $2 for a blanket, the man who works for $1 can buy the same blanket, for he who gets a dollar for his wages is just as well off as the other is with two.

Mr. DAWES. Will the Senator yield for a question?

Mr. BECK. Yes.

Mr. DAWES. The Senator spoke a moment ago about the greater rate of wages in England over those of France and of Belgium. That is all true, but there is a greater rate of wages in England now than there was twenty-five years ago, and what is the reason? Because England has found it necessary in the last twenty-five years to raise the wages of her skilled workmen or she could not keep them. By the thousand they left England and England's policy and came to this country where they could get better wages and better prices, until England was compelled to raise their wages or lose them; and what has been the effect?

She has been pursuing the policy of manufacturing as cheaply as possible, and cheaper and cheaper every year, so that with the facilities for commerce with which she accompanied that policy she could put her manufactured products in foreign markets cheaper than anybody else. But when she was compelled to raise the wages of her employés, her skilled mechanics, she raised necessarily the cost of her products until Germany and France are to-day supplanting her in the foreign markets, and she is driven to the wall between the higher wages paid our mechanics here and the lower wages paid in Germany and France. So by reason of the cost of her products in foreign markets she is losing them as between her and Germany and France.

One thing is true, she must manufacture cheaper than anybody else or she can not sell cheaper than anybody else; and when anybody else shall pay less wages than she does, then that somebody else will manufacture cheaper than she does. We do not enter into competition with her on that ground. We pay our men more than she does, and for the sake of having the foreign market side by side with her, we refuse to enter into a competition of cheap labor. That is the reason; and we must make it up by increased facilities or we lose it.

Mr. BECK. Whereabouts is the question that the Senator rose to put?

Mr. DAWES. I have given it.

Mr. EDMUNDS. Will the Senator from Kentucky allow me to ask him a question?

Mr. BECK. A sure-enough question? [Laughter.]

Mr. EDMUNDS. A sure-enough question. [Laughter.] May I ask it?

Mr. BECK. Of course.

Mr. EDMUNDS. I wish to ask the Senator from Kentucky in all seriousness, because it really goes to the root of this matter as it appears to me, whether he thinks that the condition in its final outcome in the daily and yearly happiness and prosperity of the English and Scotch workingman is better or worse than that of the workingman in the United States of America?

Mr. BECK. I answered before that there is no comparison in my judgment between the comfort and the prospects of the people of this and of any other country. The people of the world have recognized that. I said that over five millions, nearly six millions, of people have come from Europe to this country in the last twelve years—more people than we had on this continent at the time John Adams was elected President. They came to better their condition and to take up our free lands. Germany sends every year twice as many able-bodied men as compose the Army of the United States. Of the two hundred and fifty thousand Germans who come annually fifty thousand are able-bodied men.

That has been about the average. How can we help being better off than the people of the Old World? We are a people young and vigorous, inhabiting a great continent, with labor comparatively scarce, and therefore comparatively dear; not 10 per cent. of many of our most prosperous young States is yet subdued. There is not over 7 per cent. perhaps in Minnesota; there is not over 5 in Dakota; not over 2 in Montana and Wyoming; there is not over 5 in Colorado. Wages are obliged to be higher here then elsewhere. Supply and demand regulate that. Wages, like everything else, are regulated by scarcity or abundance. Competition settles rates of wages. If a man can not get what he wants in a factory he may be able to make more by working on his own farm, which he can get by going and taking. Of course he will not work at starvation rates with that right open to him.

It is a question of supply and demand. No other country can offer such inducements. This being a larger country and a smaller number of people in it than anywhere else, wages are obliged to be higher. It is for that reason that the men of New England have gone to Canada for laborers, and, as some one told me just now, shipped over five hundred Italians the other day. They hire the cheapest labor they can get. They need not try to make anybody believe that they are paying higher

wages from pure philanthropy, or because they are endeavoring to aid American labor. Three-fourths of our laborers are absolutely beyond the power of Congressional protection.

All the men who work on farms are necessarily unprotected, though they are indirectly taxed to death. All the men who build railroads, all the carpenters, the stone-masons, the blacksmiths—even the doctors, the lawyers, and other professional men are laboring men as well as anybody else, as the Senator from Vermont properly observed—the hack-drivers, the men and the women who work about houses, all are unprotected. And because a few men have been smart enough to get machinery that will manufacture now twenty-fold what could be manufactured by machinery twenty years ago, and keep up the same tariff to protect that machinery which, although it produces so much, needs only a few hands to run it, when there is an oversupply they organize strikes, turn out the laboring men, grease the machinery to keep it from rusting, and wait until prices are higher, having excluded everybody else from competing with them and forbidding every man who is obliged to sell his products abroad from buying what he needs unless he buys from them at their prices. Under these conditions the manufacturer can afford to wait until his supplies are exhausted before he makes more.

Mr. EDMUNDS. May I ask the Senator another question?

Mr. BECK. Certainly.

Mr. EDMUNDS. Which way does my friend from Kentucky answer the question I propounded?

Mr. BECK. I answered that we were better off in this country than the people of any other country, and we are better off in spite of a protective tariff. The tariff can not bring the people on a great continent like this down to the condition of the thickly settled countries of Europe.

Mr. EDMUNDS. My question was—and I should like to get a direct answer, because I know my friend from Kentucky is able to give it if he chooses—is or is not in his opinion the condition of what are ordinarily called the working classes of the United States (and by "classes" I do not mean social classes, for I do not believe in that sort of thing any more than the Senator does, for I am a believer in the rights of men), no matter how recently they have come over or whether they were born here, infinitely better in respect of their daily and yearly happiness and prosperity than that of the similar sorts of people in England and in Scotland? I should like to have my friend from Kentucky, because he is a master of the subject, tell me plainly, yes or no, whether he thinks I am right in that inquiry or wrong?

Mr. BECK. I have answered that twice.

Mr. EDMUNDS. Which way?

Mr. BECK. I have answered with very great distinctness that the people in all situations and conditions, laborers and others, in this country, are and must be better off than they are in any other country in the world, and that they are so in spite of very many bad laws, and that they would be infinitely better off but for the hold that bad legislation has taken upon the country.

Mr. EDMUNDS. Now, may I ask——

Mr. BECK. Wait a moment. I said before, and I repeat, that in a country like this, with every variety of soil and climate, free from all the exactions that exist in many of the countries of Europe, where the best years of men's lives have to be spent in the army or in the navy, or in rendering service to their superiors, whether they are kings, emperors, or what not—that in a country like this, where all power comes from the people presumably, where no man is obliged to give a day of his labor from the day he is born until he dies to anybody but himself, and the people are protected by laws made by themselves, he ought to be better off and he is better off, and the people of the world recognize it. Hardly any man can buy himself a farm, hardly a home in old countries that have been settled for centuries. The limit is so small in proportion to population that property is too high for a laboring man to acquire a homestead. No man can be as prosperous and happy in that condition as a man who can get his 160 acres of good land for nothing.

Mr. EDMUNDS. But if the Senator will pardon me, the real point just now is not on the capacity to acquire land, but it is on the capacity of the man who has not any land in this country or any other, who is working daily for his daily bread in a shop or factory or on a street-railroad or wherever else, whether he gets on better with all these bad tariff laws spoken about here, or in the other country. The question is not whether he can get land, but what is the amount of his wages.

Mr. BECK. I do not propose to be required to answer the same thing eight or ten times over. I answered distinctly that the laboring men in this country are better off and ought to be better off than they are anywhere else, and that no legislation that Congress can impose upon them can prevent them in a great country like this from being better off than they are in any of the old countries of Europe. They are freer men. They are not required to give time either to the military or naval service.

There is no discrimination or distinction in society against any man, no matter how poor he is. He may be sent to this Senate or be President of the United States; his children's ambition may be gratified to the extent of their ability. All these things are denied men in other countries, and why should people not be better off and more contented here? Who would think of asking such a question as that in the midst of conditions such as are known to exist here and elsewhere? What has that to do with the question we are discussing now?

By our bad laws, I maintain, we injure only ourselves. If our people had the right to make their wages go as far as the people in Europe can make their wages go they would be better off. The Englishman's dollar will buy him 10 pounds of sugar, while the dollar here will buy the American workingman 6 pounds. Ten dollars will buy a suit of clothes in England that can not be bought here for $20; and everything else is in the same proportion.

Here the taxes are laid in the interest of the millionaires who control this Government in great part on everything the poor man needs. In England taxes are imposed on incomes, on land, on wealth in its various forms, and the English workman who does not drink whisky or use tobacco, with the exception of a small tax on tea and coffee can buy anything that he and his family need from their cradle to their coffin in the cheapest market in the world, and the government does not charge him a cent for its revenues upon it; whereas the American workman can not buy anything from his cradle to his coffin; everything that he or his wife or his children need is taxed from 40 to 90 per cent. before he has the privilege of buying it with the wages he earns by his hard labor.

Mr. EDMUNDS rose.

Mr. BECK. I want to go on a little while longer now.

Mr. EDMUNDS. I should like to ask there how the workingman gets his money.

Mr. BECK. France has been trying to subsidize ships in the last few years and thought she was going to rival England. The Secretary of State, in Executive Document No. 172, has sent us the result of some of the examinations made by our consuls into the success that France has achieved. The Secretary announces that he thinks it is a failure, and he refers to a good many statements, some of which I will read.

Mr. EDMUNDS. What is the document?

Mr. BECK. It is Executive Document No. 172, being the Mercantile Marines of Foreign Countries, in a message of the President of the United States, transmitting a report of the Secretary of State.

Mr. EDMUNDS. This session?

Mr. BECK. Yes; in relation to the Mercantile Marines of Foreign Countries. A message from the President of the United States transmitting a report of the Secretary of State in relation to the mercantile marines of France, Germany, Great Britain, and Italy, signed by Grover Cleveland, President of the United States, Executive Document No. 172 of this session, in which, after giving a number of tables and telling the large bonus that had been given to encourage the building of French ships, Worthington C. Ford, chief of the Bureau of Statistics of the Department of State, under date of April 7, 1886, uses this language:

> Ships are an instrument of production, but apart from their actual construction they act more in distributing commodities already made, and by extending the market perhaps indirectly influence future production. By themselves, however, they do not directly produce, and may even prove destructive. To parallel existing lines of steamships where the facilities are sufficient to meet the demands made upon them is quite as destructive and wasteful as to parallel existing lines of railroads where the traffic does not overtax their capacities. The amount of carriage that can return a fair profit upon one may not return even the actual expenses of maintaining two lines, and is not enlarged by merely increasing the number of instruments of distribution.
>
> No doubt the commercial needs of the world have increased marvelously in the last twenty-five years. In 1860 less than 6,000,000 gallons of crude oil were exported from the United States; in 1885 more than 81,000,000 gallons were exported; and the total exports of petroleum products amounted in 1885 to 574,668,180 gallons, as compared with 23,210,369 gallons in 1864. In 1860, 4,155,153 bushels of wheat were sent out of the country, and in 1885 more than 24,653,714 bushels were exported.

Then he proceeds to show that notwithstanding all the stimulants that have been supplied by France—

> At the same time a study of the commerce of France goes to show that the increase of tonnage engaged in the trade with these countries has not been accompanied by an extension of the trade itself; the imports and exports have not only not increased, but in the larger number of instances have actually decreased.

Just as was our experience when we subsidized the Brazilian line and the Pacific Mail Steamship Company's lines, and subsidized other lines from which we developed no trade, and they did not seek to build up any. France, pursuing the same policy, has experienced the same result. She has built some tonnage, but she has accomplished nothing in the way of obtaining trade.

Mr. Ford says:

> To suppose that the French intended to build and sail ships "for the fun of the thing" is to suppose them capable of studied foolishness. The ships that were to be built and navigated with the aid of the Government were to carry French manufactures into foreign markets, and so encourage and extend domestic manufactures and open new vents for home-made wares.

That is the pretense here.

> Unless the statistics are false this result has not been attained, and it would almost seem as if there had occurred a mere transfer of carriage; what was brought formerly in ships sailing under foreign flags is now brought in French vessels. The French steam shipping participates in the trade with North America to the extent of 55.5 per cent. instead of only 37.2, as in 1880; in that with South America to the extent of 62.4 per cent. instead of 49.8 per cent., as in 1880; and in the trade with all America to the extent of 59.9 per cent., instead of 45 per cent., as formerly.

Our consul at Havre, Mr. Dufais, supplies information on this point in these words:

It is the unanimous opinion of all the people interested in shipping here, that even with the bounties given French ship-builders are unable to compete with British ship-yards, as the proportion of cost per ton of building a ship in France to the cost of building one in Great Britain is as 1 to 1.25 to 1.30.

From this fact the British ship-yards were, upon the passage of the bounty law in 1881, stimulated into great activity, because the French could better afford to have their ships built by the British and receive half the bounty, as above mentioned, than to pay the prices demanded in France for construction and get the whole bounty, both for navigation and building. * * *

So, then, for the last two years there has been very little ship-building in France, and at the present time there is almost nothing doing.

Consular Agent Sutton, at St. Nazaire, says:

With regard to the number and origin (French or foreign construction) of the vessels to which bounties have been granted, it would appear that 141 steamers (49 French and 92 of foreign build) had benefited by the law; that 59 iron sailing vessels (27 French and 32 foreign) and 563 wooden ships, of which number 452 were built in France and 111 abroad, had also received bounties. * * * The general opinion on the bounty question is that it has failed to produce the effect of serving the shipping trade, and has only resulted in creating a few large steamship companies who have monopolized the whole of the carrying trade to the exclusion of sailing vessels.

Mr. Ford winds up in these words:

The bounties have succeeded in infusing life into neither ship-building nor ship navigation. France finds it cheaper to have her iron vessels built in Great Britain and a large share of her wooden ships in other countries. The lines of ships that were called into being through the liberal offers of the government are represented as being in a state of bankruptcy, and existing lines that participate in the bounties are either paying no dividends, or very small amounts. The exports of France, reflecting as they did the slight reaction which ensued in 1879, have since declined and are still declining in value, and the decrease can not be explained by a fall in the prices of commodities, but rather by an absolute decrease in the foreign commerce of the nation. In fact, it may be asserted that the bounty policy of France, intended to bridge over a temporary depression, has aggravated the situation, and has proved itself to be a source of mischief and not of cure.

Respectfully,

WORTHINGTON C. FORD,
Chief of Bureau.

BUREAU OF STATISTICS,
Department of State, April 7, 1886.

That is the result, so says the report, of five years of bounty which I have heard lauded on this floor as being a sure evidence that France was going to take away from England the ship-building that she had been doing for her, just as this country would do if we would give them a little bounty to carry the mail or give a few men $800,000 for carrying 8 per cent. of it after bounties had for fifteen years failed to develop any new trade. Germany is said now to be making the same effort.

There are other reasons also, and I may as well mention them as I am on this point, why we are told that it is so important to build our own ships, and that we are being made tributary to England if we allow her to build them. As I said, experience shows there are just so many ships needed to do the carrying trade of the world. England builds all those ships now. Does it make any difference to England whether she builds those ships for an American, a German, a Frenchman, an Italian, or a Swede? The money of one is as good to her as the money of the other.

Are we any better off by refusing to participate in that trade ourselves, limited as we are now to 15 per cent. even of our own carrying trade; or is England any worse off because we refuse to do it, if she can build all the ships that are needed and obtain the money for building them from the German, the Frenchman, the Italian, and the Swede? What do we make by saying we will not condescend to allow our flag to float over a ship built in another country when ships built in that other country are waving the flags of all nationalities and are doing all the trade of our own country, and we are sitting by too proud to have anything to do with it because we do not and can not build the ships, and England is building enough to do all the work and getting exactly the same amount of money from other people who are less proud but a great deal wiser in business transactions than we are? That is all there is of it.

Mr. PLUMB. Why would not the Senator carry out his argument to its logical conclusion, and advocate the introduction of foreign ships into our coastwise service?

Mr. BECK. The coastwise service is organized on a different idea altogether.

Mr. PLUMB. And we want to organize our foreign service on a different idea altogether.

Mr. BECK. Then why do you allow the men of Germany, of France, of Italy, and of Sweden by treaty to trade with this country on the same terms that our people can trade, while they buy their ships wherever they please, and we will not do it ourselves? We let them buy for $200,000 a ship for which our people must pay $300,000. Is there any sense in that?

Mr. PLUMB. That does not touch the question.

Mr. BECK. I should like to know why it does not. It touches the whole question of trade.

Mr. PLUMB. The Senator from Kentucky was arguing that because Great Britain could make ships cheaper and because of a benevolent idea in her mind she did not care whose money she got for them and ours was as good as anybody else's, therefore we ought to put those ships under the flag of America. I say if that is a good thing for the foreign service, why not apply it to the coastwise service as well?

Mr. BECK. I come back to it. The fact is conceded that the people of every other nation but ours buy their ships where they can buy them cheapest. The further fact exists that every other nation can carry on trade here on exactly the same terms that we can ourselves. Now I ask why should our people engaged in our trade be forced to pay $300,000 for a ship that all our competitors can buy for $200,000 and engage in our own trade with?

Mr. PLUMB. Does the Senator from Kentucky say that any American who wants to buy a foreign ship can not do it?

Mr. BECK. He can not buy a foreign ship and run it as an American ship.

Mr. PLUMB. Is there any advantage to it to be under the American flag?

Mr. BECK. Then what is all this cry in regard to American ships about?

Mr. PLUMB. That does not answer my question. I asked in the first place if an American can not buy a foreign ship and run it just as well as a foreigner. I asked him then if there is any material advantage in a ship being registered under the American flag.

Mr. BECK. What are we maintaining——

Mr. PLUMB. The Senator says there is no sentiment in all this business.

Mr. BECK. Not a bit. What are we maintaining a navy for? What is the protection of a country through its navy worth? If England was in controversy with France or with Germany and this country was not, and a ship flying either flag was owned by American citizens, she could be seized and taken by the other and the Navy of the United States and all the power of the United States could not protect her; but if she had the American flag over her and had an American register she would be safe against all the attacks of all the powers of the world with whom we were at peace, and she can have all the benefits secured by our treaties. Is that nothing?

Mr. PLUMB. I think it is a good deal.

Mr. BECK. I think so too.

Mr. PLUMB. I think that illustrates it.

Mr. BECK. The moment we get an American ship registered she has to have American officers; she has to have American sailors to a certain extent. The Senator from Maine [Mr. FRYE] announced last Congress in his argument that we had no sailors now; that 95 per cent. of the few we had were foreigners, and they are generally of the most worthless sort. When we had ships of our own under our flag up to 1860 we had ninety thousand American sailors. I will not forget the coastwise trade, and I will come back to it now.

Mr. PLUMB. Will not the Senator answer my question?

Mr. BECK. I will.

Mr. PLUMB. He says there is no sentiment in this business. I am on his platform now, and want to ask him upon the fair, non-sentimental, financial basis which he has announced here as the American platform on which he is willing to stand whether or not the American who desires to buy a foreign ship can not buy that foreign ship and can not operate it with the same financial advantage that he could if it was an American ship?

Mr. BECK. If he does, he has to sail it without protection from his Government.

Mr. PLUMB. Can not the Senator say whether he can or not?

Mr. BECK. I am not to be asked a question and told what I must say.

Mr. PLUMB. No.

Mr. BECK. If he buys a ship he has got to sail it under English colors and deny to his own country that he is the owner.

Mr. PLUMB. Would that be offensive to an individual?

Mr. BECK. It would not be to the Senator from Kansas, but it might be to the Senator from Massachusetts.

Mr. PLUMB. Would it to the Senator from Kentucky? I rather infer it would not be to the Senator from Kentucky. I suppose he would like that flag.

Mr. BECK. Flings of that sort are not argument. I like the American flag as well as the Senator from Kansas.

Mr. PLUMB. You do?

Mr. BECK. I do. I will not talk about the place where I was born. I was born in a good country. I moved to a good country and I have been treated well by the people since I have been here. I have done my duty to this country as I understand it; and it is a poor argument to suggest that I, because I did not happen to be born where the Senator was born, can not argue a question fairly. I hardly think that is worthy of him.

Mr. PLUMB. I had forgotten for the moment that the Senator from Kentucky was born outside the United States; but I assure him that the argument which he makes is no better and no worse than the argument which I have heard from gentlemen who, unfortunately I think, were born on American soil. As to the fling that he speaks of, I think on the whole he gave me ample excuse for it. He knows I do not want the vessel in the case supposed to sail under the British flag, and yet he accused me of wanting that.

Mr. BECK. There is a misunderstanding perhaps. The Senator from Kansas and myself have always been friends and I have too good an opinion of him to say anything unkind. I beg pardon.

I was going on to say, if I have not forgotten exactly where I was in regard to the coastwise trade, that has been reserved to our own people, and I do not propose to change it. That gives enough advantage to our people to induce them to build ships; they have a monopoly of it. Maine and the wooden-ship building regions for a long time had it all to themselves. Now the iron trade is extending down on the Delaware and elsewhere to Savannah until ships are being built all over the United States and it is not in one corner as in the old wooden-ship time.

I do not seek to deprive American ship-builders of that. But I insist we ought not to give them a monopoly of ships that trade to foreign countries, that carry the wheat, the pork, the beef and the other products that the great region of country where the Senator and I both live must export in ships. In the coastwise trade from one port of the United States to another the advantage that they have should be retained. They ought to build ships no matter what it costs them, and all are protected alike who engage in that trade. Wherever a railroad can not reach, the coastwise steamer can charge whatever she pleases. The goods may rot on the wharf if they do not take them.

Goods may be lying at Wilmington, N. C., may be lying anywhere that need to go to Baltimore, Philadelphia, or New York, and no foreign steamer can touch them for she can not load at one port of the United States and unload at another; she can not touch at two ports of the United States. All that is reserved to the coastwise trade; that is a monopoly to the ships engaged in it; that is a bonus reserved for them because they are built here and manned and officered by American sailors. That is the only nest-egg we have left to build up a navy. The men engaged in that coastwise commerce are protected. We pay a high price for it, but we do that because of a number of sailors who are engaged who go from one port to another. We thus keep up ship-building and training sailors. For that reason I do not seek to interfere with it.

Mr. PLUMB. If one nest-egg is a good thing and receives the commendation of the Senator from Kentucky, would it not be wise to have two or perhaps three? If it is important to the foreign trade to have it carried in foreign ships under the American flag, it is likewise with the coastwise trade, is it not?

Mr. BECK. Every interest of this country is entitled to whatever legitimate benefits it can receive without injury to other interests. The ship-building interest is an interest not to be neglected if it can be helped, and the coastwise trade that furnishes sailors, furnishes skilled workmen, keeps up a nucleus for seamen, furnishes something for the ship-yards to do—we can protect that, keep foreign nations away from them; we can and do prevent foreigners from competing with them.

We can protect our own citizens in that trade and let them go from one port of the United States to another on perfectly fair terms with each other because we control that by law. But the moment we get beyond our own shores and compete with foreign countries, then we can not protect the vessels in the foreign trade. Germany, England, and Italy have the high seas open to them in competition with us and we can not protest against their competition; but along our own coast from one port to another and along our own line we can exclude everybody but our own people, and the benefit we get from that in a variety of ways is of sufficient importance in my opinion to maintain it even if some injustice is done.

We have no foreign ships. That is agreed. We once had, and nearly ninety thousand sailors, and the best sailors in the world. The Baltimore clippers took the freight away from foreign ships. Many of the men we had were not only American citizens but were men fit to command ships, while now, as the Senator from Maine said, 95 per cent. of the few sailors that we have are foreigners; they are generally of worthless character, too worthless to obtain employment in the great steamship lines of their own nationalities.

Mr. FRYE. The Senator does not desire to misstate me.

Mr. BECK. No.

Mr. FRYE. I never said that 95 per cent. of our sailors engaged in the foreign trade were foreigners, poor, miserable, worthless fellows. I said that 85 per cent., in my opinion, were foreigners, owing us no allegiance whatever. I said nothing about their being a worthless class.

Mr. BECK. I stated that the Senator from Maine said 95 per cent. I may have misunderstood him. I think the RECORD shows 95 per cent. in his speech.

Mr. FRYE. No; 85.

Mr. BECK. Call it 85. That is all I propose to quote; that is all I mean to state as coming from him. I added that as our ships were of an inferior class, the men that we got from foreign nations were of the most worthless class of their sailors, that the better classes were cared for in the great ships of their own nationalities; and while a good deal is said about the cheapness of labor elsewhere, the men who work for those nationalities have it made up to them in ways that we do not make it up to our people in many instances. Take France; the report from there about ship-building is this:

> This apparent difference in the prices which men receive for their labor in government yards is because, in the first place, there is steady employment in them, and second, because there is a law in France granting a pension to men who have worked for twenty-five years in the government yards and have reached their fiftieth year, whether they are incapacited for work or not. This pension is at least 600 francs, or $120 a year, and may reach double that sum, and in case of death descends to the extent of one-half to the widow or orphans below twenty-one years. Thus it will be seen that the actual cost of building a vessel in government yards—that is, without considering the pensions—would be much less than a vessel constructed in a private yard.

And the men who work for the governments of Europe in very many instances are cared for when they are old, therefore they can afford to work for less than if they were turned adrift as our men are when another man can be got who will work for less. If we can not build ships ourselves for the foreign trade—no better argument is needed than that we do not—what are we to do? The Alabama and the other confederate cruisers only destroyed 100,000 tons—less than 4 per cent of what we then had.

We lost, it is said, 1,000,000 of tons out of 5,500,000; the other 900,000 tons were transferred to other nationalities to keep them from being captured, and our miserable navigation laws would not allow our people to buy them back; that was the reason they were lost. Only 4 per cent. were captured, yet we have gone down from having 5,000,000 tonnage then to less than 3,000,000 now, and are reduced from 32 per cent. at that time to 15 per cent. at this time in the carrying trade; and yet gentlemen talk about the war having produced these results!

As everybody else in the world buys where he pleases, as the ship is just as good when she sails and carries the commerce of our citizens no matter where she is built, and, as I said, there is no sentiment in trade in regard to a flag. We would buy the Krupp gun to-morrow if we needed it. We buy the Whitehead torpedo in Austria now. Why should we not have ships in an emergency ourselves? Why not buy the one that gives the best service? To-day what is the result of our policy? We are paying $150,000,000 a year to foreign nations. England gets $100,000,000 of it. What does that enable her to do? To feed, clothe, keep in active service one hundred thousand of her subjects as sailors ready to turn upon us at her command whenever necessity arises. What have we got for our defense on the ocean? Is anybody going to attack us on the land? No; the world combined can not touch us here. Our contests will be upon the high seas hereafter. Prudence says and the protectionists say, "In time of peace prepare for war."

What do we need most in time of war? Ships and sailors. Where are they? "Gone where the woodbine twineth." Gone because of the policy that made it an impossibility to build a ship to compete with anybody else on the high seas; our sailors gone to sail under the flags of other nations. Will you tell me that England, whose principal competitor we always were under Democratic rule and a low tariff, when we increased 30 per cent. and doubled our mercantile marine because we could build and do as we please and carried everything before us, desires us to become again a seafaring people? England now builds all the ships of the world and gets the money from the French, the Germans, and the Italians. Of course she wants to get our money for her ships, but we need ships and sailors more than she needs money.

We are spiting nobody but ourselves by refusing to buy; she is enabled by the hundred millions we pay her every year to keep up one hundred thousand more of her armed sailors to be our enemies when needed, and we lie to-day prostrate at her feet. Does she seek to reverse that condition? Are we content with it? Are we protecting American industries? Are we, as American statesmen, preparing for war in time of peace by such a miserable policy? It is the most humiliating condition that intelligent men ever looked at. If we had that $100,000,000 we pay England every year for doing our hauling it would buy us almost half enough ships to carry on our own foreign traffic. Once they became ours they would be American.

We would soon build up yards for repairs all along the coasts of New Jersey, New York, and elsewhere, reducing from time to time, as we ought to, the present miserable protective tariff, which I regard as an incubus hanging over all our prosperity, and we would have once more the sailors we used to have, the sailors we must have, the sailors we may need badly at any moment, sailing under the American flag, no matter where the ship they sail in was bought, because it must not be forgotten that the individual man buys the ship. Gentlemen talk here sometimes as though the United States was proposing to purchase the ships for our mercantile marine. No such thing.

All the United States laws can do or ought to do is to give its citizens fair play in competition with the people who are contending with us; and when we have to contend on the high seas beyond the protection of the United States, and where the United States can not protect our people or our trade, then it is the duty of the Government to see that every instrumentality they need in order to have fair play and every aid it can furnish them to carry their goods when they have to carry them to foreign markets is furnished at the least expense, and to see to it that we have ships and sailors in such condition that the Government can call upon them to defend her honor and her rights if we are ever attacked. That is our duty.

If we can not, under our system, enable the American citizen to build his ship here as cheap as anybody else can abroad, then we ought to say, in God's name, do as all your competitors do, buy your ships wherever you can buy them cheapest; we will put them under the protection of our laws; we will give them the benefit of our registry; we will allow you to sail them under our flag; we will call on them to defend us if we get into trouble; that done we will no longer be in the power of our competitors or our enemies.

Mr. President, I started to speak for an hour or less and I have spoken three and a half hours. I beg pardon of the Senate for trespassing so long on its attention.

Mr. HALE After the Senator from Kentucky has discussed so ably so many subjects I have some modesty in trying to bring the debate back to the measure before the Senate, but with that end in view I ask, Mr. President, that the proposition in controversy be now read.

The PRESIDENT *pro tempore*. The amendment pending will be read.

The CHIEF CLERK. Under the head of "Office of the Superintendent of Foreign Mails," after line 99 of section 1, the Committee on Appropriations propose to insert:

For the transportation of foreign mails by American built and registered steamships, to secure the greater frequency and regularity in dispatch, and a greater speed in the carriage of such mails to Brazil; the Republics of Mexico, Central and South America; the Sandwich, West India, and Windward Islands; New Caledonia, New Zealand, and the Australian colonies; China and Japan, $800,000; and the Postmaster-General is authorized to make, after due advertisement for proposals, such contract or contracts with such American steamships, for a term of not less than five years, and at a rate of compensation not exceeding for each outward trip $1 per nautical mile of the distance, in the most direct and feasible sailing course, between the terminal points, as shall be found expedient and desirable to secure the ends above set forth.

Mr. HALE. The amendment which has been read is plain, clear, distinct, and everybody knows what it means. I am not for one put to any mental disturbance in supporting it because of the point of order raised by the Senator from Kentucky. That a part of the service provided by the Government for the American people is the transportation of the mails at home and abroad, everybody admits. That a discretion on the part of Congress as to the amount to be appropriated therefor exists, no one denies. That an appropriation may be limited in terms to a particular expenditure and under certain methods and for certain purposes, has been known in the legislative experience of every Senator here.

And, moreover, whether the proposition reported by the Committee on Appropriations be germane and in order upon a post-office appropriation bill is not a new question. More than once it has been submitted to the Senate and been declared to be germane to the bill pending. More than one ruling to that effect has been made, so that the Senate finds itself confronted with a proposition that it may well consider under our rules.

I have said, Mr. President, that everybody knows what the amendment means. I do not care whether you call it a subsidy or a subvention, or whether it is an aid to commerce or to the carrying of mails from our own ports to foreign countries; everybody here and elsewhere taking any interest in this subject knows what this means.

It is almost the first attempt that is made by the American Congress to introduce and extend commerce with our neighbors upon this side of the Atlantic. You may call it subsidy. That does not in any way decide the question. That word does not frighten me. It is an honest attempt, after investigation has been made under an act of Congress, to open foreign markets for the increasing overproduction of American labor; and the Senator from Kentucky may make his point of order and seek to delay, and may argue technically that this should not be upon a post-office appropriation bill; it all comes to this, that he opposes this first effort which is being made here by the American Congress to create and establish and continue and increase the market for American products in foreign countries—our neighbors upon this side of the water.

It is not a new thing, Mr. President. There is the history of no country that has found herself with labor producing more than can be consumed at home and with embarrassments arising from that condition which has not sought an avenue, a market for that overproduction in the very manner that is sought by the amendment reported by the Committee on Appropriations. The history of what is termed "subsidy" is the history of every nation that has sought to extend its commerce and provide for the products of its labor. Great Britain began it in 1848; and I have here a list of the annual appropriations made by Great Britain as subsidies to steamship lines, always in the British Parliament declared to be for the purpose of building up foreign commerce and finding a market for English-made goods, for the years from 1848 to 1883; and during that time so much did Great Britain become encouraged by the experiment and so much did she see her commerce increasing and her ships upon the sea multiplying in numbers and her influence and her wealth augmented, that she went on from year to year for thirty years increasing each year, so that during those thirty-six years she had paid from her treasury, in just such appropriations as these now in question, $163,653,356; and no English statesman has dared to complain, and no English party and no English administration has ever, in the many conflicts that have arisen in British politics, been arrayed by any hardy statesman there as opposed to this system, as the Senator from Kentucky has declared that the present administration here is opposed to it.

Why, sir, this is bagatelle compared with what Great Britain has done. If for thirty-eight years the American Congress should annually appropriate $800,000 in aid of this attempt to extend American commerce to foreign countries the aggregate at the end of that thirty-eight years would only be but a little more than $30,000,000, against one hundred and sixty-three and odd millions that our British rivals have been glad to give for such an enterprise as we are now seeking to embark in.

And not only are we in the presence of this course pursued by Great Britain, but every other great nation that has sought to become a rival of Great Britain in the commerce of the world has followed in this track. France has done it for years, and, notwithstanding some of the figures cited by the Senator from Kentucky, has persisted in it; and in some of these very South American republics where we are seeking to penetrate and open commercial relations already rivals Great Britain. And we have all seen in the last ten years a new rival swimming into our ken, Germany, adopting and pursuing precisely the same system of subsidies that England and France have adopted, and already, under the influences that have been given by the German Government to her merchant marine in some of the countries of Central and South America, she is in advance of her European rivals.

But, in the mean time, the American people have been otherwise engaged, otherwise busy, and have failed to realize the importance of this great mart for our productions that lies below the Rio Grande and the Gulf of Mexico, the Central and the South American States. There have been far-sighted and prudent statesmen who have believed that we were allowing this trade to slip away from us unwisely, but so great have been the other subjects which have occupied the American Congress and the American people that but little attention was called to this.

A distinguished American statesman ten years ago, with prophetic eye, declared that the condition it might be of danger to the American Republic would arise when it was found to be overproducing, and that the complications that would arise with labor would be such that it well might make the foundations of the Republic to tremble. No man may deny to-day that we are now confronted with just that condition of overproduction.

For years it has been growing but did not become so marked in its effect and danger as at present. The American people had a thousand things to do, as the Senator from Kentucky has said. It was settling up the great West. It was building railroads at a rate that aroused the astonishment and admiration of the civilized world; it was engaged at home, and its energies, and its enterprise, and its capital were taken up with that; but all the time the very process which has been so well described by the Senator from Kentucky, the labor-saving appliances, the might of the ingenuity of men's minds applied to this very purpose of making one man with the aid of machinery, do the work that heretofore has been done by five men, or ten men, or fifty men, has at last wrought out its result, and to-day all over the country there is a condition of stagnation and of unemployed labor because of overproduction. The goods that are made in the cotton factories are piled up mountain-high waiting a market. The woolen-mills are the same. Pennsylvania runs her forges and mills upon half time. All over the country there is the same condition. There is too much wheat produced by the American farmer for consumption at home; the mines, the wells from which come the petroleum, bring out a product that we can no more care for and consume than we could if it came by a deluge upon us.

The result is that labor is embarrassed, that there are commotions, that there are more men to do work than there is demand for the work. As was said in the debate yesterday this is clearly shown wherever there is a strike, men are ready to come in and take the place of the laborers who strike, ready to accept rates of pay, exactions if you choose to call them so, of the employer, because there are more men than there is labor to do. You can not compel by any law or by moral force the manufacturer, the great employer, to go on with the work that is all the time depleting his pocket, and so it is that to-day the condition which was seen in advance by the American statesman to whom I have alluded is right before our door knocking with a force that no man can venture to disregard.

Now, what is the plain remedy? You may discuss protection for three hours, as the Senator from Kentucky has done; you may array the figures and statements on that side and upon the other; and while it is incidentally connected with this subject, and while the Senator from Kentucky, who is what may be called a comparative free-trader, takes the consistent ground in this debate that accords with all the rest of his course on the subject, still the question is now, what can be done for labor in the way of opening the markets of the world? We can not go across the Atlantic for new markets. Where is the market that by geography, that by nearness, that by sympathy, that by neighborhood, the American producer, the American manufacturer would naturally look to, as Great Britain began to look thirty or forty years ago, as France later, and as Germany within the last ten years?

Why, Mr. President, lying south of the Rio Grande and the Gulf line are fifty million of people, the Central and South American states. They are made up of different nationalities, but all of them are of the races who do not naturally incline to mechanical invention or ingenuity, to manufactures; they have not the tendency, in most cases they have not the water power and they have not the fuel by which great manufactories can be maintained at home, and they must look to other countries for the things produced in such manufactories.

Two years ago the attention of Congress was called to this subject, and a commission was provided for for the very purpose of carrying out the object aimed at by the amendment of my colleague which has been reported by the Committee on Appropriations on this bill. An intelligent, able, I think accomplished commission, made up of gentlemen from both parties, appointed by President Arthur, set itself carefully, studiously to the task of investigating this great subject. It began by taking the testimony of shippers, of importers, of merchants, of foreign consuls, and of exporters in our own American ports, and when that work had so far proceeded the commission then took its way into the Central and South American states, and the volume which I hold in my hand, Executive Document 226, is the first volume of a report as interesting to any intelligent American citizen as any narration could possibly be. In some cases it is interesting because it is humiliating to see how it is that with peoples desiring intercourse with our people, yearning for association, anxious to open trade, anxious to increase their acquaintance and intimacy, lying supinely on our backs, we have allowed the trade of these peoples to drift away from us. Here are some of the figures.

Mr. BUTLER. If the Senator from Maine will give way I will move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. Before that question is put, the Chair will lay before the Senate the unfinished business, being the bill (S. 1532) to regulate commerce. The Senator from South Carolina moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and sixteen minutes spent in executive session the doors were reopened, and (at 6 o'clock and 4 minutes p. m.) the Senate adjourned.

REJECTION.

Executive nomination rejected March 31, 1886.

George W. Bell, to be postmaster at Webster City, Iowa.

The following report from the Committee on Post-Offices and Post-Roads on the foregoing nomination was ordered to be printed in the RECORD:

Committee on Post-Offices and Post-Roads, to which was referred the nomination of George W. Bell to be postmaster at Webster City, Iowa, *vice* John D. Hunter, suspended, submits the following report:

When this nomination reached the committee a request was sent to the Postmaster-General for all of the papers in the case. This request was complied with, and the papers relating to the suspension of Mr. Hunter, as well as those relating to the nomination of Mr. Bell, in that way came into the possession of the committee.

From the papers thus furnished by the Postmaster-General, in compliance with the request of the committee, it appears that Mr. Hunter had been postmaster at Webster City for several years, and was reappointed December 20, 1884, for a term of four years.

Mr. Bell, the present nominee, seems to have fixed his mind in the purpose of acquiring this particular office before the beginning of the term of the present national administration. A letter bearing date March 1, 1885, appears in the files, addressed by Mr. Bell to "President Cleveland," in which he asked for an appointment as postmaster at Webster City, Iowa, and inclosed a number of letters supporting his application from leading and influential members of the Democratic party of Iowa, all of which appear in the files submitted to the committee by the Postmaster-General.

No action seems to have been taken by the President relative to this application until the 28th of July, 1885, when he suspended Mr. Hunter and designated Mr. Bell to discharge the duties of the office.

In the mean time the now celebrated official letter of the Postmaster-General, in which he suggested the filing of charges of offensive partisanship against public officers, was issued. That letter bears date April 29, 1885, and contained the following paragraphs, namely:

"I shall beg you, therefore, to consider the suggestions I make as to the methods of procedure, and if you can adopt them and get some cases ready within the next two or three weeks, I think within the month of May I can give substantial relief, that will take away the importunity and discontent.

"I think that from 15 to 20 per cent. of the fourth-class postmasters in Ohio might be removed within the next two months and great good accomplished thereby if our people will adhere to a proposed plan.

"That is, in fact, to pick out the most obnoxious and offensive partisans in each county to the number of a sixth to a quarter of all, and choose first-class men to take their places. I will require no more proof of partisanship in these selections than the affirmation of knowledge on the part of a Representative or Senator that the postmaster has been an active editor or proprietor of a Republican newspaper printing offensive articles, easily shown by the slips, or a stump speaker, or a member of a political committee, or officer of a campaign club, or organizer of political meetings, or that his office has been made the headquarters of political work, or that his clerks have been put into the performance of political duties. Possibly other acts of equal force may be noted in some cases."

Mr. Bell and his friends acted on these suggestions promptly, and forwarded to the President specific charges of offensive partisanship. The communication containing the charges is dated May 16, 1885. This document was also submitted to the committee by the Postmaster-General. The charges consisted of allegations of Mr. Hunter's active partisanship; that he was editor and publisher of an offensive Republican newspaper, and that he devoted more time to that and active party work than he gave to the office; that he was a "convention-goer," and left the affairs of the office largely to the care of others; that he used the office for partisan purposes, and other like charges, filling the measure of the suggestions contained in the said letter of the Postmaster-General.

There does not seem to have been any fault found with the general administration of the affairs of the office, nor any intimation that there was any shortage or other trouble with Mr. Hunter's accounts with the Government, and so there is nothing in the case affecting his character or reputation as an official or as a citizen, nor anything tending to question his personal or official integrity. It is a pure case of alleged offensive partisanship. But it seems to have moved the President to action, for, as already stated, he suspended Mr. Hunter on July 28, 1885, and designated Mr. Bell to take charge of the office, and he is now nominated to the Senate, and its advice and consent is asked to his appointment to the office which he is temporarily filling.

Mr. Bell entered on the duties of his office soon after the designation of the President was made, but he did not pretend to discharge them, or to give attention to the affairs of the office. He was the editor of the Democratic paper published at Webster City, as Mr. Hunter was of the Republican. He took charge of the office on the 15th of August, 1885, and trusted its management to others. He at once took upon himself partisan obligations, wholly inconsistent with attention to the duties of the office.

The following list of appointments to make political speeches was published in his own newspaper, namely:

"From the circular issued by the State central committee we clip the following:

"Hon. George W. Bell, of Webster City, will speak at Creston, Friday, September 18, 8 p. m., with Whiting; Osceola, Saturday, September 19, 1 p. m., with Whiting; Charlton, Saturday, September 19, 7.30 p. m., with Whiting; Perry, Monday, September 21, 7.30 p. m.; Coon Rapids, Tuesday, September 22, 1 p. m.; Manning, Tuesday, September 22, 7.30 p. m.; Harlan, Wednesday, September 23, 1 p. m.; Avoca, Wednesday, September 23, 7.30 p. m.; Audubon, Thursday, September 24, 2 p. m.; Atlantic, Thursday, September 24, 7.30 p. m.; Stuart, Friday, September 25, 7.30 p. m.; Denison, Monday, September 28, 7.30 p. m.; Carroll, Tuesday, September 29, 7.30 p. m.; Marshalltown, Wednesday, September 30, 7.30 p. m., with Whiting; Ames, Thursday, October 1, 7.30 p. m., with Whiting; Jefferson, Friday, October 2, 7.30 p. m., with Whiting; Fort Dodge, Monday, October 5, 7.30 p. m.; Manson, Tuesday, October 6, 2 p. m.; Storm Lake, Tuesday, October 6, 8 p. m.; Marcus, Wednesday, October 7, 2 p. m.; Cherokee, Wednesday, October 7, 8 p. m.; Le Mars, Thursday, October 8, 2 p. m.; Sioux City, Thursday, October 8, 8 p. m.; Sibley, Friday, October 9, 7.30 p. m."

These were appointments in the canvass of 1885, and they commenced, as will be seen by the first date given, soon after he entered upon the control of the post-office at Webster City. His activity as a partisan worker, both before and since his appointment, is a part of the public political history of Iowa. If partisanship constituted a sufficient cause for the suspension of Hunter it should be equally powerful against the appointment of Bell, for it will hardly be claimed that public officers, in order to be entitled to practice freedom of political action, must associate themselves with the Democratic party. This rule does not hold Bell responsible for the partisan activity in which he engaged before he became a public officer, but it does apply to him the principle of the judgment pronounced by the President against Hunter. He was alleged to be unfit to hold a public office because he neglected the trust and duties of the position in order to do partisan work. Bell has done the same thing, and continues to do it. He left his official post of duty, and remained absent for weeks at a time, to do partisan work of the very kind denounced by the Postmaster-General in that part of his letter of April 29, 1885, hereinbefore quoted. He employed himself for weeks at a time as a "stump speaker," and thus brought himself within the Postmaster-General's definition of an offensive partisan. If that definition is to be taken as a rule of conduct to which public officers must conform, it applies to this case, condemns the action of the nominee, and invites his rejection by the Senate.

As Mr. Hunter was holding the office from which he was suspended for a definite term on account of alleged offensive partisanship, and as Mr. Bell, after entering upon the discharge of the duties of the office to which he was designated by the President, abandoned his post of official duty to engage in more active, extensive, and continuous partisan work than was alleged against Mr. Hunter, the committee can but conclude that his conduct after entering upon his office was not brought to the attention of the President, and that his nomination to the Senate was an unintentional violation of the policy of the administration in respect of such cases. The committee therefore reports the nomination to the Senate adversely, and recommends that it be rejected.

Executive nomination rejected by the Senate April 20, 1886.

A. B. Keith, nominated to be postmaster at Denison, in the county of Crawford and State of Iowa.

APRIL 28, 1886.

The following report from the Committee on Post-Offices and Post-Roads on the foregoing nomination was ordered to be printed in the RECORD:

The Committee on Post-Offices and Post-Roads, to whom was referred the nomination of A. B. Keith, to be postmaster at Denison, Iowa, *vice* J. Fred. Meyers, whose term has expired, submit the following report:

Mr. Keith moved in the matter of securing the nomination which was referred to the committee, in the early months of the present administration. He stated his case and claims in a letter dated May 26, 1885, and addressed to Hon. B. T. FREDERICK, M. C., from the fifth Congressional district of Iowa, and which is here copied at length, namely:

BULLETIN OFFICE, *Denison, Iowa, May* 26, 1885.

MY DEAR SIR: While I do not wish to impose burdens upon any one, or tread upon the patience of a man who has been so generous to my interests as you have, I desire to call your attention to a feature of my case. Hon. J. Fred. Meyers, the present postmaster, who has held the office for eight years, edits the Review, one of the ablest and most bitter of Republican papers, a sheet from whose columns the stench of Halpin incense arose like malaria from a swamp during the campaign. He was offensively partisan in the highest degree, not only through his papers, but upon the stump, as an organizer and general factotum for dirty work. I have made no attempt to secure his removal before his time expires, the 6th of December next, but according to Vilas's letter he is not eligible to the office under a reform administration. In addition to his Review he publishes a German Republican paper, which his salary as postmaster has enabled him to put on a good footing and paying basis.

This German paper is a stumbling-block in local politics, for it reaches a class of non-English-speaking Germans who were formerly Republicans, and who can be reached only in their own tongue. The effect of this in a close contest is dangerous. It may decide a Representative or Senatorial fight, to say nothing of purely local politics. To overcome this influence and preserve the strength, and insure the permanent growth of our local Democracy, it is necessary to have a German Democratic paper. This I can establish if I get the post-office, and guarantee a permanently Democratic county. My aspirations, then, are of concern to the State Democracy, just in proportion as Crawford County is necessary as a permanent bulwark along the line of Democratic defenses.

This fall we desire to elect a representative again. The Republicans will make almost any local sacrifice to prevent it. The Review and Zeitung, backed by the prestige and salary of the post-office, will shrink at no scruple to elect a Republican. Two years ago the Republicans nominated a weak candidate. This fall it will be a strong one; our present member, having bolted both the local and judicial ticket last fall, can neither be nominated or elected by Democrats, and a new man will be put in the field. Every element of success should be converted into a weapon of aggressive warfare. Could I be assured of the post-office appointment shortly, or even at the expiration of Meyers's term, I would put a German paper in the field for active service in the coming campaign this fall. I can not afford, however, to take a step of this kind, involving great expense and no income for a year or two, unless a prospective salary enables me

to do so. It rests with the leading Democrats of the State as to whether I am assisted in an earnest effort to build up and strengthen the Democracy of this State by strengthening that part represented by Crawford County.

Without intruding on either your time or patience, I would like your advice as to whether it is practicable for me to await till midwinter before determining the outcome of my ambitions.

With thanks for many kindnesses, I remain, truly yours,

A. B. KEITH.

Hon. B. T. FREDERICK,
Marshalltown, Iowa.

The gentleman to whom this letter was addressed forwarded it to the Postmaster-General, accompanied by the following letter of his own, namely:

MARSHALLTOWN, IOWA, *May* 28, 1885.

DEAR SIR: The inclosed letter will commend itself to any one who will read it; and I do know we have not got a more zealous writer or a more able stump speaker in the State. Mr. Keith spent his entire time in the field in the last campaign; is a young man of very unquestionable character; and is, no doubt, soon to be one of our party leaders in the State, and I hope to see him reap his reward.

Very truly yours,

B. F. FREDERICK.

To the POSTMASTER-GENERAL,
Washington, D. C.

There are numerous letters on file in the case of like tone and character with the foregoing from Democratic members of Congress, national, State, and county committee men, and from members of the party to which Mr. Keith belongs, and occupying influential positions in its affairs in the several localities in Iowa. Taking the case in its entirety, there is no doubt of Mr. Keith's efficiency as a partisan worker. He has long been the editor and publisher of a Democratic paper at Denison, Iowa, which has certainly equaled in the "offensive partisan" character of its articles anything of the kind that has ever appeared in the journal presided over by Mr. Myers, even allowing Mr. Keith's characterization of the latter to be correct. If, therefore, the feature of "offensive partisan" publications, is to have any force in the case, Mr. Keith is quite as obnoxious to it as Mr. Meyers would be were he the nominee sent to the Senate by the President, unless it is to be understood that the only persons who are to have freedom of action in this regard are such as belong to the Democratic party. The committee has not been disposed to conclude that it is the President's purpose to attempt to establish so obnoxious a doctrine as this in this country.

In his letter hereinbefore copied, Mr. Keith states with great definiteness the reason why he desires to be made postmaster at Denison. He believes it to be of interest to the Democratic party in Crawford County to have certain influence wielded by Mr. Myers overcome. Therefore he wrote in that letter:

"To overcome this influence and preserve the strength and insure the permanent growth of our local Democracy, it is necessary to have a German Democratic paper. This I can establish if I get the post-office, and guarantee a permanently Democratic county. My aspirations, then, are of concern to the State Democracy, just in proportion as Crawford County is necessary as a permanent bulwark along the line of Democratic defenses."

There can be no two opinions as to what this explicit declaration means. It means that Mr. Keith wants to be made postmaster in order that he may appropriate the salary and emoluments belonging to the office to the one purpose of establishing a German Democratic paper in the town where the post-office is located, and give his time and attention to editing and publishing the same.

Now, while it can not be said that the purpose thus clearly expressed violates the letter of sections 11, 12, 13, and 14 of the act of January 16, 1883, commonly known as the civil-service law, it must be admitted that it is obnoxious to the spirit thereof, and hostile to the progress of the reform established thereby. Mr. Keith admits, by implication at least, that he can not do certain partisan work which he has in mind unless he can secure the Denison postmastership, and promises that if he secures it he will devote the salary derived therefrom to the promotion of the local interests of the Democratic party. This is clearly antagonistic to the spirit of the civil-service act, and opposed to the public and official declarations of the President relative to appointments to and removals from public office.

The committee is therefore bound to conclude that the President was not informed concerning this explicitly avowed purpose of Mr. Keith when he nominated him to the Senate for appointment to the position of postmaster at Denison, Iowa. The committee concede this relative to the President's action, notwithstanding there is a letter in the files of the case addressed to the President by Mr. Keith, of date November 10, 1885, and filed six days thereafter, in which he says:

"The salary will assist my paper materially in putting it on an equal financial footing with its Republican competitor, that has enjoyed the income for eight years."

In the letter from which this extract is taken, Mr. Keith modestly remarks to the President:

"I ask nothing as a reward for party services, although in 1880 I headed the Democratic State ticket of Iowa as the candidate for secretary of state, and annually take part in political campaigns upon the rostrum. I have edited a Democratic paper in this county since 1874, during which time the county has been redeemed from an overwhelming Republican majority to a substantial Democratic majority."

Still, Mr. Keith does not seem to have desired that his "claims" on account of partisan services rendered, should be overlooked. Hence, he wrote letters to a number of gentlemen residing at different points in Iowa, soliciting their aid in the matter of securing the Denison postmastership. On August 22, 1885, he wrote to Hon. John F. Duncombe, of Fort Dodge, in which letter he says:

"In pursuance of our conversation at Cedar Rapids respecting my claims as an applicant for the appointment as postmaster at Denison, I desire to call your attention to the following points:"

He then proceeds to recount with particularity his partisan services, and concludes:

"I earnestly hope you will give me the benefit of your active influence in this matter, and I will be placed under thousands of obligations to you."

Mr. Duncombe promptly responded, as did other gentlemen written to by Mr. Keith. The letters are all on file in the case, and they make prominent the services of Mr. Keith to the Democratic party as a reason why he should be given the Denison post-office. They urge upon the President and Postmaster-General his services as an editor, speaker, committeeman, and general worker. Indeed, this is so persistently and frequently done that it may have something to do with the formulation of that passage in the President's message to Congress which secured him great commendation from the more advanced class of civil-service reformers, and which was in the following language, namely:

"I venture to hope that we shall never again be remitted to the system which distributes public positions purely as rewards for partisan service. Doubts may well be entertained whether our Government could survive the strain of a continuance of this system, which upon every change of administration inspires an immense army of claimants for office to lay siege to the patronage of the Government, engrossing the time of public officers with their importunities, spreading abroad the contagion of their disappointment, and filling the air with the tumult of their discontent."

This case is one well calculated to excite the feelings here given utterance, if its files had ever passed under his observation. Certainly after having so expressed himself he could not have nominated Mr. Keith to the Senate except through inadvertence. That it did occur in this way the committee feel bound to concede. The committee therefore recommend that the nomination of A. B. Keith be rejected.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April* 29, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

FEES OF COMMISSIONERS UNITED STATES COURTS.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, transmitting a letter from the Attorney-General inclosing an additional estimate by the First Comptroller for fees of commissioners of United States courts for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

PROVISIONS, MARINE CORPS.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting an additional estimate from the Secretary of the Navy of an appropriation for provisions, Marine Corps, for the next fiscal year; which was referred to the Committee on Naval Affairs, and ordered to be printed.

LIGHT-STATION TWO HARBORS, MINN.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting an estimate from the Light-House Board for a light-station at Two Harbors, in Minnesota; which was referred to the Committee on Commerce, and ordered to be printed.

CONFERENCE ON BRIDGE BILLS.

The SPEAKER. The Chair lays before the House a bill of the House with Senate amendments, the bill (H. R. 41) to authorize the construction of a bridge across the Missouri River at or near the city of St. Joseph, in the State of Missouri, and to establish it as a post-road. The Chair will state that the Senate has made certain amendments to this bill, and asked for a committee of conference. Before the House can grant that request, of course it must take some action on the amendments.

Mr. CRISP. Mr. Speaker, there are seven of those bills sent over from the Senate upon which a conference is asked. I move that the House non-concur in the amendments, and agree to the request for a conference.

The SPEAKER. If there be no objection, the House will non-concur in the amendments and agree to the conference as requested.

There was no objection, and it was so ordered.

A like order was made in relation to the following bills severally:

A bill (H. R. 2309) to give the assent of Congress to the construction of a bridge by the Nashville, Jackson and Memphis Railroad Company over the Tennessee River;

A bill (H. R. 7646) to authorize the construction and maintenance of a bridge by the Dakota Central Railway Company across the Missouri River at Pierre, Dak.;

A bill (H. R. 5786) granting to the Gainesville and Chickasaw Bridge Company the consent of the United States to construct and maintain a bridge over Red River at or near Brown's Ferry, Cook County, Texas;

A bill (H. R. 3519) authorizing the Interstate Rapid Transit Railway Company to build a bridge across the Kansas River;

A bill (H. R. 4765) to authorize the Red River Bridge Company, of Texas, to maintain a bridge across the Red River; and

A bill (H. R. 5677) to authorize the construction of a pile and pontoon railway and wagon bridge across the Mississippi River from the city of Red Wing, Minn., to the opposite shore in the State of Wisconsin.

The SPEAKER. The Chair will appoint as managers on the part of the House in the conference upon all these bills the gentleman from Georgia, Mr. CRISP, the gentleman from Indiana, Mr. BYNUM, and the gentleman from Nebraska, Mr. WEAVER.

PACIFIC RAILROADS.

The SPEAKER laid before the House the following request:

Mr. RICHARDSON asks that report No. 1927, from the Committee on Pacific Railroads, to accompany House bill No. 8318, be reprinted, the first print having been exhausted.

The SPEAKER. If there be no objection this order will be made.

There being no objection, it was ordered accordingly.

ADVERSE REPORTS.

The SPEAKER. The gentleman from Iowa [Mr. LYMAN] requests that House bill No. 5609, for the relief of David H. Thompson, and House bill No. 4913, for the relief of John W. Duncan, reported adversely from the Committee on Military Affairs, be placed on the Private Calendar. If there be no objection, that order will be made.

There being no objection, it was ordered accordingly.

CONTESTED ELECTION—CAMPBELL VS. WEAVER.

Mr. HALL. It has been the intention of the Committee on Elections to call up for consideration in the House the contested-election case of Campbell vs. Weaver, from the sixth district of Iowa. Several parties interested have requested that the consideration be postponed; and I now give notice that the case will be called up on Tuesday next.

FRANK H. ISHAM AND WILLIAM E. MALLORY.

Mr. SPOONER, by unanimous consent, submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Clerk of the House be, and he is hereby, directed to pay to Frank H. Isham and William E. Mallory the sum of $180 each, for three months' service of each of them in the document-room of the House of Representatives.

REFERENCE OF CLAIMS TO COURT OF CLAIMS.

Mr. WARNER, of Missouri. I ask unanimous consent that the House now proceed to the consideration of House bill No. 1357, which was reported the other day from the Committee of the Whole House on the Private Calendar.

The bill was read, as follows:

A bill (H. R. 1357) authorizing the Court of Claims to hear and determine certain claims.

Be it enacted, &c., That the claims of Joseph C. Irwin & Co. and C. A. Perry & Co. for property taken and impressed into the service of the United States, in the year 1857, by orders of Col. Albert Sidney Johnston, in command of the Utah expedition, be, and the same are hereby, referred, with all the papers relating thereto, to the Court of Claims, for adjudication on the proofs heretofore presented and such other proofs as may be adduced.

There being no objection, the House proceeded to the consideration of the bill.

The SPEAKER. There appears interlined in this bill an amendment.

Mr. WARNER, of Missouri. That is an amendment which was offered in Committee of the Whole by the gentleman from Indiana [Mr. HOLMAN] and withdrawn. That was the understanding with the gentleman from Indiana.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. WARNER, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CLERK OF COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS.

Mr. SPRIGGS, from the Committee on Accounts, submitted a report; which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, *April* 12, 1886.

Mr. DIBBLE submitted the following; which was referred to the Committee on Accounts:

"*Resolved*, That the clerkship of the Committee on Public Buildings and Grounds be an annual clerkship, with compensation at the rate of $2,000 per annum; and that provision for the payment of such clerk be made out of the contingent fund of the House during the present session at the said rate, and thereafter be provided for as other annual clerkships of committees of this House."

The Committee on Accounts, to whom was referred the accompanying resolution, have considered the same, and report the following substitute, with the recommendation that it be adopted:

Resolved, That the clerkship of the Committee on Public Buildings and Grounds be an annual clerkship, with compensation at the rate of $2,000 per annum, and that provision for the payment of the said clerk be made out of the contingent fund of the House during the remainder of the fiscal year ending June 30, 1886, at the said rate, and thereafter be provided for as other annual clerkships of Committees of this House; and that the Committee on Appropriations be instructed to include the same in the regular annual appropriations.

The SPEAKER. If there be no objection the original resolution will lie on the table; and the question is on the adoption of the resolution reported as a substitute.

The question being taken, there were—ayes 60, noes 19.

Mr. REAGAN. No quorum.

The SPEAKER. The point is made that no quorum has voted. The Chair appoints as tellers the gentleman from Texas [Mr. REAGAN] and the gentleman from South Carolina [Mr. DIBBLE].

The House again divided; and the tellers reported—ayes 103, noes 41.

Mr. MCMILLIN and Mr. REAGAN called for the yeas and nays.

Mr. DIBBLE. I ask unanimous consent to be allowed to make a brief explanation in regard to the necessity for the adoption of this resolution.

The SPEAKER. Is there objection?

Mr. MCMILLIN. Let us have the yeas and nays.

Mr. DIBBLE. The resolution is recommended by the Committee on Accounts after full investigation.

The yeas and nays were ordered; there being ayes 35, noes 82—more than one-fifth voting in the affirmative.

The question was taken; and it was decided in the affirmative—yeas 121, nays 96, not voting 106; as follows:

YEAS—121.

Adams, G. E.	Brady,	Caldwell,	Culberson,
Adams, J. J.	Brown, C. E.	Campbell, Felix	Daniel,
Anderson, J. A.	Brown, W. W.	Campbell, J. E.	Davis,
Baker,	Buck,	Campbell, T. J.	Dibble,
Ballentine,	Bunnell,	Carleton,	Dingley,
Bliss,	Burleigh,	Conger,	Dockery,
Boutelle,	Butterworth,	Cooper,	Dunham,
Ely,	Hiestand,	O'Neill, Charles	Stahlnecker,
Ermentrout,	Hitt,	Osborne,	Steele,
Evans,	Holmes,	Owen,	Symes,
Everhart,	Hopkins,	Perkins,	Taylor, E. B.
Farquhar,	Hudd,	Perry,	Taylor, I. H.
Felton,	Irion,	Peters,	Tillman,
Findlay,	Ketcham.	Phelps,	Tucker,
Ford,	Laffoon,	Pindar,	Van Eaton,
Funston,	Lanham,	Pirce,	Van Schaick,
Gay,	Lawler,	Plumb,	Viele,
Geddes,	Libbey,	Reed, T. B.	Wade,
Gilfillan,	Lore,	Reese,	Wadsworth,
Glover,	Lovering,	Rice,	Wakefield,
Goff,	Lyman,	Robertson,	Ward, T. B.
Grosvenor,	Mahoney,	Romeis,	Wellborn,
Harmer,	Martin,	Rowell,	Wheeler,
Hatch,	Merriman,	Sawyer,	White, A. C.
Hayden,	Milliken,	Scott,	White, Milo
Haynes,	Mitchell,	Scranton,	Wilkins,
Hemphill,	Morrill,	Smalls,	Wise,
Henderson, D. B.	Morrow,	Snyder,	Wolford.
Henderson, J. S.	Muller,	Sowden,	
Henley,	Norwood,	Spooner,	
Hepburn,	O'Ferrall,	Spriggs,	

NAYS—96.

Allen, J. M.	Eden,	Landes,	Sayers,
Beach,	Eldredge,	Le Fevre,	Seymour,
Bland,	Forney,	Little,	Shaw,
Blount,	Frederick,	Lowry,	Singleton,
Bound,	Fuller,	Matson,	Springer,
Bragg,	Glass,	McCreary,	Stephenson,
Breckinridge, C. R.	Green, R. S.	McKenna,	Stone, W. J., Ky
Breckinridge, W. C. P.	Halsell,	McKinley,	Stone, W. J., Mo.
Bynum,	Hammond,	McMillin,	Storm,
Cabell,	Harris,	McRae,	Strait,
Campbell, J. M.	Herbert,	Mills,	Swope,
Candler,	Hewitt,	Morgan,	Taulbee,
Cannon,	Hires,	Morrison,	Taylor, Zach.
Caswell,	Hiscock,	Neal,	Thomas, O. B.
Clardy,	Holman,	Neece,	Townshend,
Clements,	Houk,	Payne,	Turner,
Cobb,	Hutton,	Peel,	Wait,
Comstock,	James,	Pidcock,	Warner, A. J.
Cowles,	Johnston, J. T.	Price,	Weaver, A. J.
Cox,	Jones, J. H.	Randall,	Weaver, J. B.
Crisp,	Jones, J. T.	Reagan,	Weber,
Dargan,	Kelley,	Richardson,	Whiting,
Davenport,	Kleiner,	Rogers,	Wilson,
Davidson, R. H. M.	La Follette,	Sadler,	Winans.

NOT VOTING—106.

Aiken,	Cutcheon,	Johnston, T. D.	Reid, J. W.
Allen, C. H.	Davidson, A. C.	King,	Riggs,
Anderson, C. M.	Dawson,	Laird,	Rockwell,
Arnot,	Dorsey,	Lehlbach,	Ryan,
Atkinson,	Dougherty,	Lindsley,	Seney,
Barbour,	Dowdney,	Long,	Sessions,
Barksdale,	Dunn,	Louttit,	Skinner,
Barnes,	Ellsberry,	Markham,	Stewart, Charles
Barry,	Fisher,	Maybury,	Stewart, J. W.
Bayne,	Fleeger,	McAdoo,	St. Martin,
Belmont,	Foran,	McComas,	Stone, E. F.
Bennett,	Gallinger,	Millard,	Struble,
Bingham,	Gibson, C. H.	Miller,	Swinburne,
Blanchard,	Gibson, Eustace	Moffatt,	Tarsney,
Boyle,	Green, W. J.	Murphy,	Taylor, J. M.
Browne, T. M.	Grout,	Negley,	Thomas, J. R.
Brumm,	Guenther,	Nelson,	Thompson,
Buchanan,	Hale,	Oates,	Throckmorton,
Burnes,	Hall,	O'Donnell,	Trigg,
Burrows,	Hanback,	O'Hara,	Ward, J. H.
Catchings,	Heard,	O'Neill, J. J.	Warner, William
Cole,	Henderson, T. J.	Outhwaite,	West,
Collins,	Herman,	Parker,	Willis,
Compton,	Hill,	Payson,	Woodburn,
Crain,	Howard,	Pettibone,	Worthington.
Croxton,	Jackson,	Pulitzer,	
Curtin,	Johnson, F. A.	Ranney,	

So the resolution was adopted.

The following pairs were announced from the Clerk's desk, until further notice:

Mr. BROWNE, of Indiana, with Mr. FISHER.
Mr. CURTIN with Mr. NEGLEY.
Mr. CRAIN with Mr. STEWART, of Vermont.
Mr. BURNES with Mr. BUCHANAN.
Mr. OUTHWAITE with Mr. PARKER.
Mr. TROCKMORTON with Mr. JACKSON.
Mr. MAYBURY with Mr. RYAN.
Mr. GREEN, of North Carolina, with Mr. WEST.
Mr. CROXTON with Mr. DORSEY.
Mr. BENNETT with Mr. O'DONNELL.
Mr. HEARD with Mr. JOHNSON, of New York.
Mr. COLE with Mr. THOMAS, of Illinois.
Mr. DAVIDSON, of Alabama, with Mr. SWINBURNE.
For this day:
Mr. WARD, of Illinois, with Mr. PETTIBONE.
Mr. GIBSON, of Maryland, with Mr. MARKHAM.
Mr. SKINNER with Mr. BAYNE.
On this vote:
Mr. JOHNSON, of North Carolina, with Mr. ROCKWELL.
Mr. KING with Mr. BINGHAM.
Mr. BARBOUR with Mr. CUTCHEON.
Mr. BOYLE with Mr. GALLINGER.
Mr. TARSNEY with Mr. WORTHINGTON.

Mr. DIBBLE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CALL OF COMMITTEES.

Mr. MORRISON. I demand the regular order of business.

The SPEAKER. The regular order of business is the call of committees for reports for reference.

LEWIS F. CASEY.

Mr. TUCKER, from the Committee on the Judiciary, reported back favorably the bill (H. R. 8329) to relieve Lewis F. Casey, of Illinois, of disabilities under the fourteenth amendment of the Constitution of the United States; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NORTHERN BOUNDARY OF NEW YORK AND NEW JERSEY.

Mr. HAMMOND, from the Committee on the Judiciary, reported back with amendment the bill (H. R. 7094) to ratify and confirm an agreement made between the commissioners appointed on the part of the State of New York and the commissioners appointed on the part of the State of New Jersey respecting the location of the northern boundary line between the States of New York and New Jersey, and the replacing and erecting of monuments thereon, bearing date the 7th day of June, in the year of our Lord 1883; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. LANHAM, from the Committee on Coinage, Weights, and Measures, reported back adversely bills of the following titles; which were laid on the table:

A bill (H. R. 2138) for the redemption of trade-dollars;

A bill (H. R. 2082) to provide for the exchange of trade-dollars for standard silver dollars and other silver coin of the United States;

A bill (H. R. 2069) for the retirement of trade-dollars from circulation;

A bill (H. R. 2057) to authorize the redemption, exchange, and recoinage of trade-dollars;

A bill (H. R. 1749) to retire the trade-dollar coinage; and

A bill (H. R. 1497) for the retirement of the recoinage of the trade-dollar.

RETIREMENT AND RECOINAGE OF THE TRADE-DOLLAR.

Mr. LANHAM, from the Committee on Coinage, Weights, and Measures, also reported, in the nature of a substitute for the foregoing bills, a bill (H. R. 8330) for the retirement and recoinage of the trade-dollar; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

IRRIGATION.

Mr. VAN EATON, from the Committee on the Public Lands, reported back favorably the bill (S. 1092) to grant the right of way through the public lands for irrigation purposes; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

REFORM SCHOOL, DAKOTA.

Mr. STRAIT, from the Committee on the Public Lands, reported back favorably the bill (H. R. 2825) granting to the Dakota Territory section 16, township 103, range 54 west, in the county of Aurora, in the said Territory, for the purposes of a reform school, and granting to said Territory one section of land in lieu thereof for school purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SHORT CREEK LAKE, MISSOURI.

Mr. STONE, of Missouri, from the Committee on the Public Lands, reported back with amendment the bill (H. R. 4989) to donate Short Creek Lake, in Platte County, to the State of Missouri and forever preserve the same for public resort and recreation; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

IMMEDIATE TRANSPORTATION OF DUTIABLE GOODS.

Mr. HEWITT, from the Committee on Ways and Means, reported back with amendment the bill (H. R. 3289) to amend section 5 of the act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

YELLOW-FEVER INVESTIGATION.

The SPEAKER. The hour for the consideration of bills now begins at ten minutes past 1 o'clock; and the call rests with the Committee on Commerce. The Clerk will report the title of the pending bill.

The Clerk read as follows:

A bill (H. R. 5542) providing for the appointment of a commission to investigate the truth of alleged discoveries of the specific cause of yellow fever, and of a method of preventing that disease by inoculation, and to obtain all information possible as to the cause and prevention of that disease.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of this bill and consider the same in the House. Pending that request the gentleman from Tennessee [Mr. MCMILLIN] asked for the reading of the bill. The Clerk will read the bill, after which the Chair will ask for objection.

The bill (which will be found in full in yesterday's RECORD) was read.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill just read, and that the same be considered in the House as in Committee of the Whole.

Mr. MORRISON. I object. This is a bill to create a commission, make new places, new offices. If this is to be done let us have it done in the regular way. We have done enough in this direction for one day.

The SPEAKER. Objection is made.

Mr. DAVIS. Then I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of this bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. CRISP in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of the bill H. R. 5542.

The report (by Mr. DAVIS) was read, as follows:

The Committee on Commerce, to whom was referred House bill 5542, beg leave to submit the following report:

The accompanying bill provides for sending an expert commission to Mexico, and if necessary to Brazil, Havana, and the Central American States for the purpose of investigating the merits of the methods pursued by Drs. Freire and Carmona for the prevention of yellow fever by inoculation, and of obtaining all other information relative to that disease which may be acquired by experiments or otherwise. The manner of preparing the virus by these two physicians is dissimilar, Dr. Freire following more closely the system of Pasteur, which consists of repeated inoculation of the inferior animals until the virus becomes attenuated and modified, when it is introduced into the human body. Dr. Carmona employs the micro-organism which he has eliminated from one of the secretions of a person suffering from yellow fever. The essential principle of each process is the same, viz: the introduction into the animal circulation of a specific virus, which will produce in an extremely mild and modified form symptoms and conditions similar to those existing in yellow fever, and the effect of which is to protect the person from an access of that disease. It is claimed that successful results have attended this preventive treatment, which certain statistical statements would appear to prove.

Dr. Carmona states that in one series of observations during the prevalence of yellow fever of three hundred and eighty persons protected by inoculation, less than 3 per cent. of the number contracted the disease, while under the same circumstances, of one hundred and seventy-five persons not inoculated 32 per cent. were seized with it. He also states that seventy-six inoculated soldiers marching from Vera Cruz to Acayucan were joined by a soldier who had not been inoculated. Upon their arrival at the latter place the unprotected soldier was seized with yellow fever and died, while no case of the disease occurred among his seventy-six comrades.

Other facts of a similar character are related by Drs. Carmona and Freire, which certainly tend very strongly to show the success of this preventive treatment.

Medical investigations in recent times, and particularly the brilliant discoveries of Pasteur, have proved that certain diseases in men and animals which result from a specific contamination of the blood can be prevented by inoculation with the germ which propagates the disease and gives it its peculiar character. The more closely the symptoms artificially produced resemble those of the original disease, the greater is the probability that protection will be derived from them. While the results of the investigations pursued and the preventive treatment adopted in Mexico and Brazil are extremely satisfactory, they are not absolutely conclusive.

It is therefore important that further scientific observations and experiments should be instituted in order to establish beyond controversy the facts relating to this subject so vital to the interests of sanitary science, commerce, and humanity.

In order that accurate results can be obtained, it will be necessary that the methods pursued shall be observed during the prevalence of the disease by thoroughly skilled experts and physicians. The microscopic appearances of the blood and secretions should be noted. The form of the specific germinal principle should be observed and identified; its constant presence in all forms of the disease should be determined; and it may be necessary to transplant and reproduce it in the lower forms of animal life. It should be carefully eliminated from all other microscopic organisms existing in the fluids of the body, so that the results of its action upon the functions and tissues of the human body and animals, when introduced by inoculation, may be clearly ascertained.

Every change connected with its presence under various conditions should be preserved by photographic illustrations carefully and accurately executed.

Then the symptoms and essential character of the natural and artificial disease should be carefully observed by physicians of ability and experience, and the actual value of this treatment established. This should be done in advance of the occurrence of an epidemic of yellow fever in our own country, in order that we may profit by the knowledge thus obtained to stay its ravages, avert the panic which always accompanies its invasion, and save our business interests from the enormous injury it inflicts.

Should the opinions of Drs. Carmona and Freire be justified by thorough and continued observation, their importance to the inhabitants of the tropical and semi-tropical regions chiefly afflicted by this disease can not easily be exaggerated. Yellow fever is one of the three most formidable diseases which afflict the human race. One of these happily occurs at rare intervals; another has been since the commencement of the century successfully controlled by that form of preventive treatment it is now proposed to investigate.

If a similar controlling principle can be applied to yellow fever it will confer a boon upon the people of our Southern Atlantic and Gulf coasts, and of the great Mississippi Valley, hardly second to that which the humane genius of Jenner has given to mankind. In its highest aspects this question concerns humanity, but for the statesman the commercial considerations involved are of the first importance. The repeated invasions of this grave disease have been a serious obstacle to the prosperity and progress of the States bordering upon the Gulf and Lower Mississippi.

It has repeatedly paralyzed their industries, impoverished their people, and in several instances reduced their cities to bankruptcy. The evil has not been confined to the immediate area visited by the disease; so close are the bonds of

commercial intercourse and so intimately blended are the reciprocal currents of trade and business of the interchange of raw and manufactured products between all portions of our common country, that whatever seriously affects the prosperity of any section is speedily felt by all.

Every invasion of yellow fever has seriously affected the business interests of the Eastern, Middle, and Northern States, and every representative of these interests should be equally concerned with the members from the Southern and Southwestern States in the support of every judicious measure for the prevention of this disease.

For the reasons above stated, your committee recommend the passage of the bill.

VIEWS OF THE MINORITY.

We do not concur in this report.

CHARLES F. CRISP.
ANDREW J. CALDWELL.

Mr. DAVIS. Mr. Chairman, the bill provides for the appointment of a commission to visit Mexico, and if necessary Central America, Brazil, and Havana, for the purpose of investigating the methods pursued in two of those countries for the prevention of yellow fever by inoculation and of pursuing other investigations relative to the nature, causes, prevention, and cure of that disease. The experiments of Drs. Freire of Brazil and Carmona of Mexico, both occupying high official positions in their respective countries and sustained by their Governments in their researches, have recently attracted the attention and interest of the medical profession and eminent sanitarians in our own country, who desire that Congress shall take the action contemplated by this bill. The National Public Health Association, at its recent meeting here, and also the representatives of the State boards of health, in session at the same time, adopted resolutions asking for the appointment of this commission, which I will ask the Clerk to read:

Whereas the question of immunity from yellow fever is so intimately connected with the social, industrial, and commercial growth of Tennessee, the Southern Atlantic and the Gulf States of the Union as to determine the destiny of Memphis, Charleston, Savannah, Pensacola, Mobile, New Orleans, and Galveston; and

Whereas a large and accumulating mass of testimony that the power of protecting the unacclimated against yellow fever has been discovered and proven in the inoculation of the essential germ or cause of the disease by methods distinctly formulated and available, these aforesaid declarations and numerous instances cited in corroboration emanating from medical scientists at the head of the biological departments in the highest institutions of learning in Brazil and Mexico, authorized by and bearing the indorsement of their respective governments:

Resolved, That we, the representatives of the boards of health in the several States of this Union, and we, the officers and members of the American Public Health Association, regarding the question as pre-eminently a vital issue, as one in its assumptions true or false, and, if true, of incalculable worth, surpassing the computation of many millions of dollars, and to the saving of tens of thousands of lives of our own people, that we hereby petition and urge upon both branches of Congress now assembled to appoint a commission for the purpose of making a complete investigation of, and reporting after a thorough examination of the methods pursued, their effectiveness in protecting the unacclimated against the yellow fever infection, together with all associated observations and experiments that may be ascertained.

The president of the Louisiana State board of health, who has earned the gratitude of the people of New Orleans by his efficient sanitary and quarantine methods, was before your committee in favor of this bill. Dr. Billings, of the Army, and Gihon, of the Navy, Dr. Toner, a distinguished physician of this city and an eminent authority on yellow fever, and Dr. Hamilton, the Surgeon-General of the Marine-Hospital Service, appeared with him, and each urged the appointment of this commission. Your committee also obtained the views of Dr. Sternberg, who in that department of biology relating to this subject has no peer in our country, and is an acknowledged authority in Europe. He has special knowledge of this disease, having been a member of the commission which visited Havana in 1879 to acquire all the information practicable in regard to yellow fever. He also strongly favors the proposed investigation.

Mr. Chairman, I might well rest the question of the propriety of the legislation proposed in this bill upon the weight of the authority in its favor which I have adduced from the two distinguished bodies which represent the medical and sanitary sentiment of the country, and of the eminent gentlemen who appeared before your committee, and whose opinions are received with the greatest respect here and in Europe; but the House will doubtless desire to hear the reasons which are urged in favor of the bill. For several years Drs. Freire and Carmona have practiced inoculation for the prevention of yellow fever, and they claim that their experiments have been attended with almost entire success.

Dr. Carmona states that of three hundred and eighty persons inoculated by him less than 3 per cent. contracted the disease, while, under similar circumstances, of one hundred and seventy-five non-inoculated persons 32 per cent. were seized with it. He also states that seventy-six soldiers were inoculated, one was not; the last-named soldier was taken with yellow fever and died, while his seventy-six comrades escaped the disease. Other facts are given by both these physicians tending to establish the success of their methods. Dr. Freire claims to have inoculated over five thousand persons, with substantial success. Both Freire and Carmona claim to produce exemption from the disease by inoculating the healthy person with the yellow-fever virus, but they pursue different methods, Freire employing the virus which has been modified and attenuated by repeated inoculations of the inferior animals, while Carmona inoculates directly with virus taken from one of the secretions of the human body.

They claim that they produce in this manner an extremely mild and modified form of the disease, from which no fatal results have occurred, and which is substantially protective, just as vaccination is against small-pox. To corroborate the alleged results of these experiments it can fairly be urged that they are in line with the inferences drawn from vaccination, and that they also harmonize with the revelations of modern biological research. Within twenty years, and notably within the last ten years, extraordinary advances have been made in the study of micro-organisms, and some remarkable practical results have flowed from them. The labors of the famous Pasteur have been so beneficent that he has earned the gratitude of France and the world.

After several years of the most patient and skillful effort, and after repeated disappointments, he discovered the microscopic parasite which was destroying the silk-worm and ruining the silk industry of France. Having discovered this pest, he was enabled to point out the means to extirpate it and thus save this important industry. He subsequently discovered the germ of anthrax or charbon, a fatal disease which affects sheep and cattle; and he has inoculated a half million of sheep and fifty thousand cattle with complete success, no death having occurred among this very large number of inoculated animals.

Results like these silence incredulity, and must stimulate investigation in a field so important and where new and equally beneficent triumphs can reasonably be hoped for. This eminent scientist has just achieved his greatest triumph in the unique discovery that after the poison of hydrophobia has entered the body he can, by the introduction of virus originally taken from the spine or brain of an animal suffering with the disease and attenuated by repeated and numerous inoculations, produce perfect immunity from that horrible disease. I speak with more confidence upon this subject because I have just learned from an eminent biologist and most careful observer, who witnessed his experiments, that he has no doubt of the entire success of his method. He saw a large number of dogs which had been bitten by rabid animals subjected to this process, and not one of them contracted the disease, while a large number of the non-inoculated were seized with it.

When we think of the years of assiduous labor required to produce this marvelous result, of the many failures that were made, of the ingenuity and scientific skill displayed in making the attenuations and cultivating the virus in order that it should have the precise strength requisite to perform its work and not be sufficiently virulent to produce a fatal result, we are filled with admiration of this great scientist and philanthropist. Indeed the wildest dreams of the imagination could not have conceived or the inspired spirit of scientific prophecy have predicted such a glorious triumph of genius over this horrible and fatal disease.

But he is not alone in sucessfully penetrating these mysteries of nature. The great German pathologist, Koch, has proved that consumption is produced by a microbe that for years eluded his investigation, and was only discovered by staining the tubercular specimens observed by the microscope; and still this germ, so minute and transparent that it can only be seen by the microscope in the manner just stated, will, when introduced by inoculation into men and animals, always produce tuberculosis. Other observers have been successfully laboring in the same field, and as the result of their researches it is known that typhoid and relapsing fever, measles, scarlatina, whooping-cough, erysipelas, and several other diseases owe their origin to the presence of micro-organisms peculiar to each disease. The pleuro-pneumonia which has prevailed so extensively and with such fatality among cattle is not only proved to be produced in this manner, but to be preventible by inoculation.

But this House is not an audience of medical men, and I must not weary you. Let me then at once reach the general conclusion to which these experiments lead, as stated by Dr. Sternberg, "that the results obtained by Pasteur in his experiments relating to protective inoculation against anthrax have been of the highest importance, and many persons have been led to share in the sanguine expectation of the distinguished French chemist that not only in this disease but in the infectious diseases generally protective inoculations may eventually be successfully practiced." This process is more likely to prove successful in that class of diseases in which an attack exempts the person from future seizures. Small-pox is one of these protective diseases, and it furnishes the most striking instance of the success of inoculation. Yellow fever is also an infectious and protective disease, and we should expect *a priori* to ultimately detect the germ which bears a causal relation to it, and whose introduction into the human body by inoculation will prevent the occurrence of the malady.

It is claimed that this germ has been discovered and its protective influence established by various experiments. This is doubted upon the authority of Dr. Sternberg, who when in Havana was unable to detect it, but he states that unfortunately the time allotted to this investigation (three months) was entirely too short to make a thorough experiment or study. He also firmly believes that the organism which is causative of this disease will be discovered, and he also fully and strongly approves of the appointment of this commission. It may be objected that the microscopic experiments of Drs. Freire and Carmona are unsatisfactory and even inconsistent with each other; but if this

be so, it by no means proves that their inoculations have not been successful.

The precise form of microscopic organism which causes yellow fever may have eluded their observation as the bacillus of tubercle escaped the eye of Koch, as the germ of small-pox still continues to be invisible, but if present, as it doubtless is in every drop of blood, it will perform its benign mission of prevention just as it accomplishes its work of death whether seen or unseen. So that while it will be the duty of this commission to verify these alleged microscopic observations, it will also be necessary to institute the closest medical examinations and observations to test the main and all-important claim that yellow fever is preventible by inoculation. If this alleged discovery be verified, its importance can not be overestimated. This alarming and deadly disease prevails over an area measured by 40 degrees of latitude, 35 of which are north of the equator, and 55 degrees of longitude.

Its ravages are by no means confined to these limits, as it has visited all the important ports on our Atlantic seaboard (some of them repeatedly) as far north as Quebec and Halifax. Wherever it prevails its mortality is excessive, sometimes as great as 60 per cent. of all the cases. It spreads with rapidity in communities and rapidly extends from State to State, city to city, and village to village, leaving in its dread path bereavement, broken social and family ties, parents forever lost to their children, children to their parents, everywhere woe and desolation. Beneath the dark shadow of this Azrael's wings hope dies, despair alone survives. Ah, Mr. Chairman, such widespread, multiplied, and unutterable affliction is indeed the crucifixion of humanity, the martyrdom of its tenderest and holiest instincts and emotions. It is the pathetic story of Holy Writ, a thousand times repeated, "Rachel weeping for her children because they are not."

You gentlemen who come from the Lower Mississippi Valley and from the South Atlantic and Gulf coasts have witnessed all this. I shall not soon forget the affecting picture drawn of this fearful malady from his personal observation by the distinguished gentleman from Texas, Judge REAGAN. The epidemic invasions of this deadly disease are disastrous to the business and commercial interests of large and populous regions of our country. The terror which pervades communities in the presence of pestilence paralyzes business energy. The people of infected localities have no other thought than to escape from the threatened danger.

The ordinary pursuits of life are neglected or abandoned, homes are deserted, the crops are left ungathered, places of business are closed, railroad trains are stopped or move without freight; a rigid quarantine obstructs communication with the outside world. No more serious blow can be struck at the commercial interests of any section of the country than is inflicted by an invasion of yellow fever. It is, viewed in all its aspects, a fearful calamity, destructive to human life and human interests, social and material, the deadly enemy of the development and prosperity of the Lower Mississippi Valley and Gulf coast.

Any agency that would control its ravages would be welcomed as a blessing from Heaven. The discovery of its preventability by inoculation would be second only to that great discovery of Jenner, which, like the setting sun, brightened the evening horizon of the eighteenth century. No achievement of human genius since the birth of history will compare in beneficence with the boon conferred upon mankind by this unequaled benefactor of his race. In all future time generation after generation will bless his memory and delight to honor and exalt his pure and radiant fame. The time will come when savage tribes in distant continents and islands will deify him as the god whose divine touch staid the progress and annihilated the terrors of that pestilence which walketh in darkness and at noonday. The humane genius of medicine did not die with Jenner; it lives and repeats its triumphs.

In the morning of the century the art of auscultation was discovered by Laennec, and the lungs and heart whispered their secrets in the ear of the great Frenchman. Since his day every skillful physician has been able to determine with scientific accuracy the precise condition of these great vital organs.

At its noontide hour came that revelation which flashed to the civilized world the marvelous, the almost miraculous, fact that for the first time since man inhabited the universe science had mastered pain and abolished terror as elements of surgery. Henceforth in all the annals of the healing art, in all the future history of the race, the surgeon's knife was to do its work, however delicate, however prolonged, without fear, suffering, or consciousness on the part of the patient, no matter what tissues were cut or arteries or nerves divided, even if the interior of the body should lie exposed and palpitating beneath its keen blade in searching its inmost recesses to extirpate disease. The patient only knows a sleep and an awakening.

He only knows that whereas he had been visited by mortal disease, he is now, in a moment, in the twinkling of an eye, restored to newness of life, to health, to hope and joy. It was my good fortune to witness the first public experiment illustrating the effects of anesthesia. There was universal incredulity before the operation, but when the knife was seen to pass repeatedly through the tissues and elicited no sign of sensibility, then every student instantly realized that a new era in medicine and surgery had just dawned upon the world, and he also knew that the name of Morton would never be forgotten so long as suffering and disease continued to be attributes of humanity.

I have already described the rapid strides that microscopic research is making in determining the nature of various diseases, and will only add that surgery is indebted to these discoveries for its later successes. All the methods connected with important surgical operations are conducted while the incised surfaces are protected from the contact of micro-organisms, with the result of largely diminishing their fatality. I have indicated some of the triumphs of a noble and humane art during this grandest of the centuries, so crowded with the achievements of a consummate civilization, whose evening shadows are closing around us to be ere long followed by the unknown splendors of a succeeding age, which will reserve for science its proudest victories and for humanity its most precious gifts.

It has been urged that while this investigation ought to be made it could be as well accomplished by one person as by three. The only reply which needs to be made to this proposition is contained in a letter from Dr. Sternberg, written in response to two questions propounded by me in behalf of the committee, and which I request the Clerk to read.

The Clerk read as follows:

CARROLLTON HOTEL,
Baltimore, Md., January 27, 1886.

SIR: I have the honor to acknowledge the receipt of your letter of January 25, and to reply as follows:

First. I consider the desirability of such an investigation as is proposed to be beyond question.

Second. There are several reasons for placing such an investigation in the hands of a commission composed of three persons.

(*a*) Such a commission would be more likely to receive the active co-operation of the Governments of Brazil and of Mexico and of the medical gentlemen whose claims are to be investigated.

(*b*) The combined testimony of the members composing it would have more weight with the physicians in our own country than would that of a single individual.

(*c*) The evidence upon which the claim with reference to protective inoculations against yellow fever is based will have to be considered with the greatest care, and will involve a critical inquiry as to all material facts relating to the personal history and surroundings of a large number of inoculated individuals in Brazil and in Mexico. This work can be done more promptly by a commission consisting of three members, and could be carried on at the same time that the microscopical and bacteriological expert on the commission was engaged in an investigation with reference to the special micro-organisms, or "germs," which are said to have been discovered and are supposed to be the cause of the disease.

(*d*) In an investigation of this kind, undertaken in a distant and unhealthy country, it might happen that sickness would interfere with the prosecution of the work if it depended upon a single individual.

On the other hand, I would say that in case the investigation fails to confirm the claims made by Freire, of Brazil, and Carmona, of Mexico, and a protracted experimental research becomes necessary in order to determine in an exact manner the cause and the best means of preventing this fatal malady, it will not be worth while to place such an undertaking in the hands of a commission consisting of three persons, unless all of the members are experts in the use of the microscope and in modern methods of research in this very difficult field of investigation.

Very respectfully, yours,

GEO. M. STERNBERG,
Major and Surgeon, U. S. Army.

Hon. R. T. DAVIS, M. D.,
House of Representatives, Washington, D. C.

Mr. DAVIS. It may be objected that Congress has no constitutional power to make an appropriation for this purpose. Article I, section 8, clause 4, gives Congress power to regulate commerce with foreign nations and among the several States. Under this clause Congress has always exercised large powers for the protection and promotion of commerce in order to meet the demands arising from the great variety and rapid development of our domestic and foreign commerce. Judge Story says that the commercial system of the United States has been employed sometimes for the purpose of revenue; sometimes for the purpose of prohibition; sometimes for the purpose of retaliation and commercial reciprocity; sometimes to lay embargoes; sometimes to encourage domestic navigation and the shipping and mercantile interests by bounties and discriminating duties, and by special preferences and privileges; and sometimes to regulate intercourse with a view to mere political objects, such as to repel aggressions, increase the pressure of war, or vindicate the rights of neutral sovereignty.

In all these cases the right and duty have been conceded to the National Government by the unequivocal voice of the people. Certainly the exercise of these varied and important powers by Congress with the sanction of the people must include the constitutional right to legislate for the removal of one of the greatest obstructions to commercial intercourse, an obstruction which prevents ships from entering ports, blocks the channels of trade and intercourse, and inflicts severe and permanent injury upon the interests of commerce. This contemplated legislation can also rest securely upon that provision of the Constitution which authorizes Congress to provide for the common defense and promote the general welfare.

It would seem clear that legislation to check the progress of this deadly scourge is not only in harmony with this provision, but is required and demanded by it in order to provide for the general defense against an enemy whose attacks are as fatal as those of an invading army, and to promote the general welfare by controlling or averting a pestilential disease which is the deadly foe of those human and material interests which comprise the general welfare. This question has been settled by numerous precedents, indeed by the continued practice of the Government from the earliest times. It can not now be unsettled when events of great moment have drawn us more closely together and given a broader scope and deeper significance to our organic law.

The American people have proved themselves to be national in their sympathies, aspirations, power, and destiny, and the great instrument upon which their interests and institutions rest, and which they have preserved through many perils and vicissitudes, has grown with their growth, has proved equal to every exigency, and will endure to the end, the right arm of their strength and the anchor of their safety.

Mr. Chairman, I frankly confess that I greatly desire the passage of this bill, and in its favor I would appeal to this House in behalf of that profession who in the discharge of their humane duties encounter this and other fatal diseases, and exhibit a self-sacrificing devotion and bravery which shames the courage of the battlefield, and who have earned a right to ask us for all the assistance we can render them. I would appeal in behalf of modern science, whose patient, assiduous, unremitting, and unwearied labors and signal and supreme triumphs demand our recognition and admiration. But, highest consideration of all, I would appeal in the name of suffering humanity and in behalf of countless thousands of helpless human beings who are exposed to the ravages of this disease and who implore our protection.

The CHAIRMAN. To whom does the gentleman from Massachusetts yield?

Mr. DAVIS. I yield twenty minutes to the gentleman from Tennessee [Mr. CALDWELL].

Mr. CALDWELL. I do not wish to take the floor in that way. I will take the floor in my own right.

Mr. DAVIS. Then I reserve the remainder of my time.

Mr. CALDWELL. Mr. Chairman, the Committee on Commerce was not unanimous in recommending this bill. A minority of that committee, of whom I am one, dissent from the report in favor of this bill. I object to the proposed commission for the following reasons:

The investigation can be made by medical officers—I do not mean the board of health—now in the employ of the Government, and the worth of the experiments and practice of Carmona and Freire verified without the expenditure of the sum proposed, and the results declared by such investigation, by the said officers, will be as authoritative and command as much respect as if declared by a commission. The Government can and has, without the creation of an expensive commission, sent physicians of eminence to Europe to report upon experiments in the treatment and prevention of cholera, for instance, whose reports and opinions are worthy of and have received the highest respect and confidence.

Secondly, there is not a sufficient scientific probability that the experiments and supposed results obtained either by Carmona in Mexico or Freire in Brazil are worthy of attention or respect. The opinion of the medical profession in the United States is divided, to say the least of it, upon the merits of either system. This is particularly true as to Freire, whose methods are declared in the Medical and Surgical Journal of New Orleans "to be crude, his experiments unconvincing," and it is said that "many medical journals formerly enthusiastic in his praise have lately fallen ominously silent concerning him and his, and that the body of eminent French scientists, to whom he has from time to time communicated his proceedings, have never deemed them worthy of the slightest consideration." That journal further says:

> If, however, after all is said, some investigation needs must be had, why can not the Government commission Dr. George Sternberg? He is a bacteriologist of established reputation and a yellow-fever expert of some experience, and one already in the pay and employ of the United States. His traveling expenses alone would be, in our opinion, a handsome sum to pay for a more intimate acquaintance with the cryptococcus xanthogenicus, and we can not stand by and see the people's money expended on such an object without entering our earnest and emphatic protest.

It will thus be seen that a medical journal of New Orleans, one of the principal points to be benefited by the discovery of some means to disarm the yellow fever of its terrors, is by no means convinced that this measure is warranted either from scientific or economical considerations.

But it is said that the methods of Carmona, of Mexico, are worthy of confidence, or rather that results attained by him are of greater positiveness, and that it is of the highest consequence that this Government verify them by the labors and scientific judgment of a commission. It seems that Carmona's method is entirely different from Freire's, and he has determined that the microbe of yellow fever is not the cryptococcus xanthogenicus, but the peronospora lutea. [Laughter.] The one was professedly discovered by Freire in the blood "with as low a magnifying power as 750 diameters, while the micro-photographs, taken by the United States yellow-fever commission in Havana in 1879, with a microscope magnifying from fifteen hundred to two thousand times, failed to show this organism in the blood taken from undoubted cases of the yellow fever in the living subject."

The surgeon of the Charity Hospital of New Orleans, Dr. Schmidt, "a most accurate and trustworthy microscopist, and who has had perhaps more experience in the examination of the blood and tissues of yellow fever than any living pathologist, asserts most positively that he has never met this organism in uncontaminated specimens after most careful researches at a quite recent date." Where is then the necessity or wisdom in sending a commission to Brazil to investigate this matter, which has not commended itself to the scientific mind as having any shadow of probability to support it? Evidently there is none, and it seems as if it is tacitly admitted that the only hope to sustain the bill is in Carmona's peronospora lutea. This, a mushroom microbe, he professes to find in the remains of all who die of yellow fever. It is claimed that he has "demonstrated that in the fresh state one can perceive the presence of a round yellow corpuscle shining by refraction of light and gifted with quick motions." "This corpuscle," he noted, "always existed in yellow-fever secretions, and only in that." He pronounces it to be "a zoëspore of the mushroom peronospora lutea, and that it incloses all the other elements—spores mycellium, oögonique breathings, and zoösporanges. [Laughter and applause.]

It seems that Carmona accomplishes the attenuation of the yellow-fever virus by the putrefaction and desiccation of a secretion. A dried particle of this is moistened with distilled water and placed beneath the microscope, and it will show, even when dried for two or three years, microbes easily recognizable. These results are said to be special to yellow fever.

These spores are introduced into the human system by subcutaneous injections, and it is claimed they produce an abortive yellow fever that is limited to the minimum and is protective against attacks of the fever ever afterward. The inoculation is productive of a "miniature yellow fever, which is evolved in a few hours and without danger." "This mitigated fever is to yellow fever what varioloid of the vaccinated is to true variola."

This is certainly a grand result, and he who accomplishes it will not only live in bronze and marble, but his name and fame will be graven upon the tablets of the human heart forever. There is no calculating the value of such a triumph over the obdurate and hitherto invincible scourge of the tropics. But it is a matter of grave scientific doubt whether this dread disease is produced by microbes or germs or spores at all; and the foundation for all this grandiloquent parade of blessed results is simply that there are some three or four hundred people in Mexico who "were inoculated before the last epidemic who passed through infected places without succumbing." And it was claimed that "there were none" who succumbed after inoculation, because "if no case was noticed there was none, for the desire is so great among many to find fault with the method."

I desire to quote three articles from the Medical and Surgical Journal of New Orleans upon this subject. They contain careful reviews of the methods of both Freire and Carmona, and although brought to the attention of the friends and advocates of this commission, have never been denied or attacked. It will be seen that they bristle with salient points upon which issue might have been joined, but the challenge has not been accepted nor the gauntlet picked up, although it has lain at the feet of the champions of this bill for three months.

[The New Orleans Medical and Surgical Journal for January, 1886.]

FREIRE'S YELLOW-FEVER MICROBE.

Under the title of Doctrine Microbienne de la Fievre Jaune Dr. Domingos Freire, of Rio Janeiro, has published, in a large octavo volume of nearly 650 pages, the results of his researches upon the yellow-fever microbe, the cryptococcus xanthogenicus, together with his experiments in inoculating man and lower animals with his attenuated virus as a preventive against this dreaded disease. Notwithstanding the size of this book and its diffuseness on subjects of secondary importance, the author touches very lightly on subjects which we consider of prime importance, and he seems to have written more with the view of impressing the general public than to carry conviction to the minds of cool-headed scientific men. His work contains, we were going to say is adorned with, a number of very showy and highly colored plates, whose artistic finish is indeed very good, but which lack in the most essential point, clearness of detail, so that they fail to impart any clear conception of the cryptococcus and certainly fail to show the microbe in any of the yellow-fever tissues and organs. After a careful perusal of this book, we regret to state that Dr. Freire's investigations appear to us far from being as minute and exact as they should be, and fail to prove the assertions advanced by the author. This failure in our opinion can be attributed to many causes, the first of which is in the fact that, though Dr. Freire may be an excellent chemist, he is however lacking in sufficient pathological and microscopical experience and in a thorough knowledge of microbiology, all of which are indispensable to one engaged in researches of this nature. For instance, in his attempts at classifying his microbe he has followed the old classification of Robin, and has neglected altogether that of Cohn, which is the only one now admitted by scientists; had he followed this latter, he might have discovered that the cryptococcus xanthogenicus is more a fungus of the class saccharomyces than an algæ; and did he possess more experience in pathology he certainly would not have dared to oppose the assertions of the most careful and eminent pathologists, among whom is Schmidt, of New Orleans, as to the character of black vomit, unless he could bring irrefutable proofs to the contrary. We regret that space will not allow us to enter into as minute a criticism of Dr. Freire's work as we would have liked to; we will, however, be satisfied in this article to point out some of the most glaring errors in his treatise, so as to justify the statements already made, reserving the right to return to the subject at some future time.

That Dr. Freire is dealing with a micro-organism admits of no doubt, for he has succeeded in isolating and cultivating it in what, from his description, must have been sterilized culture-grounds. But there is a long way between admitting the above and accepting the fact of the presence of this microbe in the blood and organs of living cases of yellow fever or believing it to be the cause of the disease. It is, indeed, immaterial whether the cryptococcus be present in vomited matter, bile, or urine, or in the blood after death, or in triturated organs, for the sources of external contamination in these instances are many. But what is of very great importance is its presence in the living blood; and however satisfied we may be that Dr. Freire understands the precautionary measures adopted by Pasteur and others for obtaining uncontaminated blood from living beings, and although he claims to have followed these directions, we know also that these examinations require so much care and delicate manipulation and are so often open to error, even in the hands of the most careful microscopists, that we are inclined to believe that with him some of these precautionary measures must have been neglected and the microbes been introduced from without. We base this assertion on the fact that, though Dr. Freire claims to have discovered the cryptococcus in the blood with as low a magnify-

ing power as 750 diameters, the beautiful micro-photographs taken by the United States Yellow-Fever Commission in Havana, in 1879, with Zeiss 1-18 objective, magnifying from fifteen hundred to two thousand times, fail to show this organism in the blood taken from undoubted cases of yellow fever in the living subject. And, again, Dr. Schmidt, the pathologist of the Charity Hospital of New Orleans, a most accurate and trustworthy microscopist, and who, perhaps, has had more experience in the examination of the blood and tissues of yellow-fever cases than any living pathologist, asserts most positively that he has never met this organism in uncontaminated specimens even after the most careful researches, undertaken at our request, at a quite recent date.

In the third chapter of his book, Dr. Freire states that the yellow coloration of the skin found in yellow-fever patients and the black color of the vomit derive their coloring not from the pigments of the bile and blood, but from materials secreted by the cryptococcus xanthogenicus; blood corpuscles being present in the ejecta only in such rare cases as are associated with hemorrhage from the stomach or other viscus. This statement is directly contradictory of that of the most competent authorities; it is, indeed, so ridiculous that its mere mention is sufficient to show how accurate a pathologist the doctor is, and how much reliance is to be placed in his microscopical examinations; for we know full well that the color of black vomit is due to the pigment of the blood, and that the presence of hematin crystals with or without red-blood corpuscles are the only means of distinguishing between it and the black vomit found in other diseases where the coloring is due to bile pigments. The description of the microscopic lesions in seven yellow-fever cases shows how very superficial his examinations are, for he passes rapidly over the changes in such organs as the heart, liver, kidney, stomach, intestines, in which are found the most characteristic lesions of the disease, and describes at great length fancied changes in the condition of the blood-vessels of the brain and pia mater, and the appearance of the lungs, all of which are due to simple congestion of those parts.

In his experiments on animals, to demonstrate the pathogenesis of the cryptococci, he is not more logical. The only domestic animals Dr. Freire has found susceptible to yellow fever are rabbits and guinea-pigs. Of course these same animals are found susceptible to all sorts of affections, so much so indeed that whenever experiments are to be performed to demonstrate the action of a drug or the pathology of a disease they are always selected as victims, and it is strange that with so much susceptibility their race is not yet extinct. Rabbits and guinea-pigs, then, he has inoculated with blood from yellow-fever cadavers and with that from animals which had died from inoculations, and in whose blood swarms of live cryptococci could be detected, and he has found that in a day or two, sometimes more, at other times less, and sometimes in the space of a few hours, and once in even less than an hour, death has resulted; the animal showing symptoms before death, and anatomical lesions at the autopsy, which could as well be attributed to septicæmia, or to the traumatism caused by the operation, as to yellow fever; but because he found an abundance of cryptococci in the blood and fluids, he concludes that the cause of death must have been the latter disease, forgetting that he assumes exactly what he is attempting to prove.

As to the protection of these same animals by inoculation or vaccination with his attenuated virus, his experiments are so few that it is much easier to believe that their preservation is more of a coincidence than to believe it to be due to the protecting influence of the vaccination. The same might be said of the vaccination in the human species, with this difference, that the partial protection, if any there be, might be due to the moral effect of the vaccination.

With regard to that part of the book which treats of the interpretation of the symptoms of yellow fever, upon the assumption of its parasitic origin, and of the antizymotic effect of the sodium salicylate on the cryptococcus, we need only say that it contains nothing either of scientific value or medical interest.

In concluding, we wish to assure our reader that in giving our opinion upon the value of Dr. Freire's work we have been actuated neither by preconceived notions nor by personal feelings, but have given a candid and honest opinion as to the value of a work which others, who perhaps have studied it less carefully, have been pleased to believe of some scientific and practical use.

[The New Orleans Medical and Surgical Journal for February, 1886.]

CARMONA'S YELLOW-FEVER INOCULATIONS.

Through the courtesy of the author we have been able to examine and carefully study the work of Dr. M. Carmona y Valle, of Mexico. This book of about three hundred pages, written in French, was published at Mexico in the latter part of 1885; it contains the results in full of all of Carmona's experiments on the etiology and prophylaxis of yellow fever. The author is apparently an excellent clinician and a very good lecturer, and we find much to admire in his work; on the most essential points, however, we believe him to be altogether opposed to sound logic and accurate observation.

We may here state that we have not entered upon the study of this book with preconceived ideas or a biased mind. We are no opponents of the germ theory, and, though no enthusiasts, we look upon this theory as the only one offering a plausible explanation for many, if not all, infectious and contagious diseases, yellow fever included. We can not admit though, without closely scrutinizing the evidence, that one who sees a microbe when looking over pathological specimens has really discovered a pathogenic microbe, and much less that inoculation with attenuated and modified microbes must necessarily grant immunity from all varieties of germ diseases.

However much we may hope that in some near future a true preventive will be found against these dreaded scourges, and believing at the same time that prophylaxis in person, that is, vaccination or inoculation, apparently offers the most logical means for attaining this desirable end, we are not so blinded as to be prepared to accept as true all conclusions and deductions based on insufficient data or want of accurate observations, which can only serve to vulgarize and bring into discredit methods of investigation which give promise of ultimate success.

That Professor Carmona, notwithstanding his many other high attainments, is not particularly fitted for this kind of work is made evident in the very introduction of his book; for we learn there that his experience in yellow fever is very limited, living as he does in a locality where the disease does not originate, and that outside of three or four cases of yellow fever introduced into the city of Mexico he depends for his researches upon specimens sent to him from a distance or upon observations made by others. Even the descriptions of his methods are very meager and wanting in that minute accuracy which should characterize a subject of such importance. Indeed, the lecture form, in which he treats his subject seems to us to be more suitable for clinical teaching, and is quite objectionable where a subject of such scientific interest is being discussed.

As to his germ, the peronospora lutea, which he asserts to be so easily seen and recognized in all organs and fluids of yellow-fever cases, even when the preparations have been left exposed to the air for a considerable period of time, we have endeavored, but in vain, to detect it in a number of preparations of undoubted cases of yellow fever at our disposal. A peronospora having such distinctive characteristics and differing so widely from other fungi of the same family ought certainly to be easily detected, and could scarcely have been overlooked by investigators who have made a special study of microbiology. We may state candidly, that after carefully reading Dr. Carmona's work we feel assured that what he describes as different phases of evolution of a single microbe is really nothing else but a number of fungi belonging to different classes. The microphotographs accompanying this work do not give, by any means, a clear idea of the peronospora lutea; for they show no detail whatever, and seem to be merely made up of different masses of shadow and light.

Referring to our esteemed friend Dr. H. D. Schmidt, the pathologist of the Charity Hospital, Carmona gives the doctor due credit for being an accurate and competent observer and microscopist, and says that even such an anti-germ-ist as Dr. Schmidt mentions in his work on yellow fever the fact of his having found a peronospore in one of his sections of the liver, and although Dr. Schmidt proves very conclusively to our mind that the fungus he saw had been introduced from without, Carmona brings forward this fact as a strengthening argument in favor of his theory, but he forgets to lay stress on this point, that the peronospore was only seen by Schmidt in a single section out of the upward of a thousand preparations of yellow-fever organs and fluids which he examined. A point which, it would be reasonable to suppose, ought to have led Carmona to abandon this fact altogether as more contradictory to his theory than otherwise.

The inoculations, notwithstanding the amount of ingenuity brought forward by their author to explain their salutary influence, confer no immunity from yellow fever, for of three hundred and eighty vaccinated soldiers garrisoned at Vera Cruz during the summer of 1885 twenty-six contracted the disease, and of this number seventeen died.

Before concluding we wish to call special attention to a paragraph in the appendix to Dr. Carmona's book. When speaking of the benefit conferred by his inoculation, among other facts proving the efficacy of his method, he states that by permission of the Mexican Government he was allowed to vaccinate over one hundred persons sent by Mexico to the World's Exposition at New Orleans during the winter of 1884-'85, and though these inoculated persons remained in our city until yellow fever had made its appearance among us, none of them contracted the disease. If all of the doctor's statistics are like the above, we can see how much importance is to be attached to them. We state most positively that for many months previous to, during, and after our world's fair there was not a single well-authenticated case of yellow fever in our city; besides, had the city been infected, he does not explain how it happened that without the benefit of inoculation the tens of thousands of strangers and the 225,000 inhabitants of New Orleans escaped the disease.

THE YELLOW-FEVER COMMISSION.

In our January number we carefully reviewed the work of Domingos Freire, and asserted that we thought it so devoid of all evidences of value as to make the sending of a commission to investigate the results of his labors the part of anything but wisdom.

In this issue we present an equally impartial and careful review of the evidence brought forward by Carmona to support his claim of having found the micro-organism productive of yellow fever and of having perfected a method for its protective inoculation. It will be seen that we have found nothing to make us change our former opinion. That opinion may be clearly and briefly stated thus:

Certain friends of ours, prominent among them Dr. Joseph Holt, the president of our State board of health, have asserted that in Mexico and South America a vast mass of evidence has been collected, indicating that the germ productive of yellow fever and a method of protective vaccination for the disease have been discovered. So important are these claims and this evidence, said our friends, that we think a commission should be erected by the Congress of the United States to examine into and report upon them. To this we replied: We have examined the claim of Drs. Freire and Carmona (having procured copies of their complete works) with candor and coolness, and find them, upon their own showing, so utterly devoid of all scientific value, that we regard it as both foolish and extravagant to expend upon their investigation one single cent of money.

Our friends answer: We have considered what you have said concerning Freire and Carmona and are constrained to admit that it is true, but our proposed commission is to have other functions than the mere investigation of these men's claims; this investigation is, indeed, the reason for the commission's being, but, once in the fever-haunted zones, it is to be empowered to make in the latest scientific mode full and complete investigations of its own into all the questions at issue.

That this is a perfectly fair statement of the case witness the courteous and complimentary letter of Dr. Holt, given at another page, and Senate bill 604, appended thereto.

Dr. Holt says in his letter that, with a sense of justice which has ever been the mainspring of his actions, he shall insist upon the names of Freire and Carmona occupying conspicuous places in the bill. We must confess that we fail utterly to see wherein consists the justice of making a set of experiments and results, admitted on all sides to be without value, the pretext for the formation of a scientific commission. Has not Dr. Holt misapplied this much-abused word?

The valueless nature of Freire's and Carmona's work being granted, then, and the futility of sending a commission to investigate it and the consequent injustice of making it the excuse for the sending out of a commission being established, what reason at all can exist for sending a commission at this season to investigate yellow fever? We are at a loss to say.

Remembering the commission of 1879, and its thorough but unsuccessful hunt for the germ, the only reason which suggests itself to our mind is that recent improvements in staining and culture methods foster the hope that the hunt may nowadays prove more successful. If this be the reason, it certainly strengthens our original position. We have maintained from the first, and still maintain, that we should send upon this errand not a commission, but a single man, Dr. Sternberg, a world-acknowledged expert in all that pertains to bacteriological lore and a physician of no small experience with yellow fever. Already in the employ of the United States, he might be sent on a man-of-war to the South, there to remain until he had thoroughly satisfied himself concerning the questions in dispute at no additional outlay to the General Government beyond that of his daily expenses.

This idea of attaching to the bacteriologist two physicians to examine and certify to the genuineness of every case upon which he is to pursue his investigations reminds us of the proposition made some years ago by the London Punch, that as all the qualities necessary for the detection, pursuit, and capture of a criminal were rarely found in an individual, all policemen should be sent out in bands of three; one of great mental development and with senses of exceeding acuteness to detect the criminal and plan his capture; a second of transcendent fleetness to overtake him; and a third of gigantic strength to overpower and subdue him. Has medicine reached such a pass that the pathologist can no longer recognize a disease save in stained and mounted preparations upon the stage of his microscope? Must all the game upon which he is about to bring his weapons to bear be set and flushed by a pack of clinical pointers? And supposing this to be necessary, assuming for the sake of argument that Dr. Sternberg does not know a case of yellow fever when he sees it, could he take with him from this country any one more thoroughly acquainted with the disease than the medical men of the countries to which he is going?

We would submit, too, that a single expert bound upon such a mission is apt to do more real scientific work than a commission consisting of several individuals. He is less beset by perturbing influences in the shape of public receptions, dinners, &c. Especially is this true of one belonging to the Government service and accustomed to feel responsible for a full and exact performance of his duties to the members and officers of that service.

It has been said that the public at large would feel more confidence in the ver-

dict of a commission than in that of a single person. In this opinion we do not concur. France sent Brouardel to investigate Ferran and his swindling cholera inoculations, and not only all France but the whole world felt the most perfect confidence in the result of his investigations. Dr. Shakespeare is at this very time investigating on behalf of our Government all the facts connected with the late cholera epidemic in Spain. Does any one suppose that either the profession or the public will feel a lack of confidence in his report when made?

Having gone over the whole ground, then we say finally: Freire and Carmona are not worth investigating; there are no especial reasons for sending a commission at this time to South America; if any is to be dispatched upon such an errand it should be Dr. Sternberg, or any equally competent bacteriologist (preferably one already in the service of the United States, if such could be found), who should be permitted to remain until he had satisfied himself either that he had discovered the pathogenic microbe and a method of protective vaccination, or that these were not to be discovered by any of the means and methods at present known to science.

[The New Orleans Medical and Surgical Journal for March 1886.]

THE YELLOW-FEVER COMMISSION.

Since our last issue the yellow-fever commission bill has been considered and passed upon by committees from both branches of Congress. Both committees agree that the commission shall consist of three members, appointed by the President, with the advice of the National Board of Health; two of the commissioners to be chosen from the medical officers now in the service of the United States and one from civil life. The House committee recommends that the entire expenditure be limited to $25,000. A minority of the same committee reserves the right to amend or oppose the bill as reported in the House of Representatives.

Having thoroughly discussed this matter for another month, having gone over in great part the works of Freire and Carmona, and having read and considered all that has been written in the daily press and elsewhere concerning this matter, we declare ourselves in sympathy with the minority. We disapprove of the bill as it now stands, and hope that the minority may succeed in further modifying it, for we have still to learn anything which would cause us to change our original opinion.

That opinion, it will be remembered, consisted of three propositions, which, together with all our reasons, we deem it well to lay once more clearly before our readers.

I. The researches of Freire and Carmona are valueless.

The truth of this assertion is proven:

(a) By their own accounts. In the careful reviews of their books contained in our January and February numbers we have pointed out examples of their errors of commission, which are many, and of omission, which are more. It is noteworthy that none of the advocates of the commission to investigate the labors of these gentlemen have called attention to a single misstatement in these reviews. In the article immediately preceding this we give further information concerning these researches in a series of extracts translated from the works in question.

(b) By the fact that the friends of the commission bill have not even attempted to adduce from Freire's or Carmona's books a single argument to show that their researches are of any value. The Mississippi Valley Medical Monthly (Memphis), the Atlanta Medical Journal, the Florida Medical and Surgical Journal, the Maryland Medical Journal, the Philadelphia Medical News, and the New York Medical Record are the only medical journals among our exchanges which have taken up the matter. The first four support the bill upon the strength of the vague reports concerning the researches of Freire and Carmona which have been circulated by the newspapers of the country for the past two or three months, and of the idea that it is commendable for Congress to appropriate money for any medical investigation. The Maryland Medical Journal, in an editorial, evidently written after a careful reading of our February leader, agrees with us substantially, and the Record takes the same view.

(c) We learn from an intelligent citizen of Mexico that Carmona has had but little experience with yellow fever, and this, indeed, he admits; that he has never ventured into fever-stricken localities, and that his assertions gain but little belief in Mexico. In corroboration of this statement we quote the following from the New York correspondence of The Daily Picayune of this city, a vehement advocate of the commission bill:

"Dr. John Bettini di Moma, of this city, who was in charge of the San Sabastain Hospital at Vera Cruz three years, is familiar with Dr. Manuel Carmona y Valle's method of yellow-fever inoculation, but has no faith in it. Carmona bases his whole theory, according to his opinion, on the fact that the 'mushroom microbe' is found in the remains of all who die of yellow fever, whereas the truth is that they are found in the remains of all who die, no matter from what disease, in warm and unhealthy climates. Carmona has never allowed himself the proper opportunities for carrying on his studies, but has remained continually in the City of Mexico, where a case of yellow fever never occurs. The corpses upon which he experiments are transported from Vera Cruz, and by the time they reach his dissecting-room are not in a condition to permit of scientific and trustworthy research. So little confidence has he in his own method of inoculation that he has never ventured into Vera Cruz, which is well known to be the headquarters of yellow fever, and his theory is almost universally poohpoohed in Mexico. The commission to be appointed to investigate his theories will no doubt have a pleasant trip, but so far as science is concerned it will be merely grasping after wind. Should the members, however, go into the matter with thoroughness, they will in all probability succumb to the fiend they pursue."—*N. O. Picayune*, February 15.

II. Our second proposition was:

That the valueless nature of Freire's and Carmona's researches being readily established by a reading of their own books, it is either foolish or disingenuous to make idle rumors of their achievements a pretext for a scientific commission. As a matter of policy merely it is bad, for should our profession acquire among public men the reputation of asking the expenditure of money in reckless investigations of this and that, the time will surely come when Congress will refuse us its aid in the prosecution of some scientific work of genuine merit.

III. That if, as seems to be the case, the majority of the profession in the yellow-fever States desires the investigation of the disease according to the latest methods of Pasteur and Koch, we, though not sanguine as to the result, shall offer no opposition. We insist, however, in the name of common sense, that the Government should send upon this errand not a commission, but a single expert bacteriologist, accompanied if necessary by a trained assistant, and that he should be allowed to remain upon the ground until he has arrived at a definite conclusion one way or another. The bacteriologist should, if possible, be chosen from the medical officers now in the service of the Government; first, on the ground of economy; second, because his *esprit de corps* would act as a powerful incentive to conscientious industry. A commission is likely to accomplish less than a single man for several reasons. Responsibility is divided; there is opportunity for wrangling; it is more liable to sundry distractions. To investigate cholera, Germany sent Koch; France, Pasteur; we, Shakespeare; England, Klein and a co-worker with whom he was in perfect accord. Brouardel was sent by the French Government to look into the claims of Ferran, and the work of all these was accomplished *cito et jucunde*.

These criticisms have met with no refutation or reply during the months since their publication. Men who write letters and send hurrah resolutions are silent on these charges. All that is claimed for Carmona to justify this commission is "the degree of relative certainty which is necessary and sufficient to induce a practitioner to apply a recognized harmless means in a disease until now without remedy. It is said, "were it but a dream, but a hope, why not attempt it in a lost cause?"

This is certainly a most "lame and impotent conclusion." The Mexican habit of extravagant pronunciamentos at the beginning of a campaign of victories to be achieved which never materialize may have infected with its attenuated virus the scientific mind of that Republic and invaded with its braggadocio the fields of cold and accurate science. But these experiments will go on without the supervision of our commission. There is no intimation that Drs. Carmona and Freire are to cease effort in this glorious field. If they are great scientists, as the friends of this bill insist, they are abundantly competent to eliminate the truth. Then why should the American doctors insinuate, by sending a commission to oversee and inspect their work, that they are not capable of establishing it and accrediting it to the world. This bill is a proclamation that the medical world is dubious of the exactness and truth of these alleged discoveries.

If Carmona's theory is true it will fight its way through all the hosts of opposition, like Jenner's truth; results have verified it and established it in the minds of a large majority of the scientific world. No commission was necessary. So also with this. What is to prevent every doctor in New Orleans, or Memphis, or wherever else the scourge shall swoop upon its wings of saffron trying this experiment? Carmona will doubtless be ready to supply the world with the desiccated peronospora lutea.

The doctors of the world are not deaf and the tongue of Mexico is not dumb. She will proclaim her victory and the world will hear and heed. We do not need a commission to act as a messenger to transmit the news, and if we do, we have already in commission men who can do for us all that this commission could do. [Applause.]

They talk about expeditions to the north pole as precedents for this. The attempt of ill-judged enthusiasm for science, to wring from the obdurate and frozen death of the arctic circle some answer to the problems of science may have been as necessary, as it has been non-productive of good results. If the inhabitants who drink oil, eat tallow candles, and are clothed in furs under the *lumen boreale* had been capable of establishing the corner-stone, the scientific frontier under the north star, and the world had heard of it, it is imagined no commissions would have been sent to verify results, and the snows would not have drunk the blood of Franklin and his successors in a search for a northwest passage, or for the last fraction of a degree of the flattening of the earth at the poles, or any curiosity in geography, meteorology, or astronomy. [Applause.] There is perhaps a true analogy between an expedition to find Symmes's Hole [laughter] and a commission to hunt up scientific or medical *ignes fatui* in the tropics. Both may be true, for aught we know, and both have sponsors who vouch their existence and compurgators who stand with them at the bar of public opinion. So also as to the precedent to appropriate money to test the telegraph. That was a tangible, practicable experiment, vouched for by the probabilities of physical science. If Morse had had the money himself to have built the line between Washington and Baltimore and had transmitted three hundred messages over it (as Carmona has), where would have been the necessity of appropriating the money for a commission to have gone a gypsying to Baltimore to realize the dream?

It is said that this measure is avouched by the American Public Health Association and many medical men of eminence. Dr. Billings, I am informed, said to the Senate committee that there was about an even chance that the commission must fail. I would not be understood as casting any stigma upon eminent gentlemen who think there is necessity for this commission. But I demur to the pleading that seeks to close our mouths and eyes to the policy and necessity of a measure which involves considerable expense without a reasonable hope of practical benefit, and which (to grant its legality and necessity) can and will be obtained without a commission in other ways. I beg leave also to say that I do not understand the voice of the medical profession to be unanimous ly for the proposition. From a trustworthy source I beg leave to say the Medical and Surgical Association of Louisiana when it indorsed this bill was acting through not more than twenty members and no opponents of the bill were present, and few, if any, who had read the work of Freire or Carmona, and that the same motion to indorse this bill was defeated before the association some weeks afterward when a distinguished advocate of this bill was present.

The sole foundation for the idea that yellow fever is a disease that can be prevented by inoculation like small-pox seems to be that one attack of the fever gives immunity from further attacks.

But this is only true when the person once attacked continues to live in the yellow-fever district. If he should leave that district for any length of time and then return, his immunity is gone. He must be and remain acclimated in addition to the systemic subjugation to the disease.

The fever can not be developed in certain altitudes, and the city of Mexico, where Carmona lives and has made all his experiments, has

never developed a case of yellow fever, although one of the filthiest cities in the world. All its yellow-fever patients were imported.

Upon this question the medical profession is not by any means a unit. There is a great diversity of opinion as to whether an attack of the yellow fever is a protection for the future; and to state that one attack gives future protection is certainly not to state the case as it is. It is to some extent a climatic disease, and it is true that one attack of yellow fever does not always prevent the recurrence of another—that is, if you are not acclimated.

Mr. KING. Just as much as any other disease.

Mr. CALDWELL. On that point Doctor KING and myself disagree. [Laughter.]

Now, to show you how utterly ridiculous the proposition is as to the effect of this mode of preventing attacks of yellow fever, a fact alleged to be true in this connection is this: That of the two hundred or four hundred people attending the New Orleans exposition that were inoculated not one of them died. That is the statement made in support of this point. The fact is, that during that exposition there was not a well-authenticated case of yellow fever in the city; not one during that whole time; and the fact that none of the three hundred or four hundred people who were inoculated died may be offset by the further statement that of the two hundred and twenty thousand people who went from this country and all parts of the civilized world to that exposition not one of them died from that disease; and yet, Mr. Chairman, it is just upon such data as that that we are to rush into the craze on this subject of inoculation. Why, some of these men inflicted with this species of rabies ought to be sent to Pasteur at once. It is the only way to rid them of the disease. [Laughter and applause.]

Mr. DAVIS. Will the gentleman allow an interruption on this point?

Mr. CALDWELL. I must decline to be interrupted, for I have no time.

Mr. DAVIS. With reference to this New Orleans question simply?

Mr. CALDWELL. I have not the time to yield.

Now, Dr. Billings said before a Senate committee, if I may be permitted to allude to what occurred there, when asked the direct question by Senator HARRIS, that the chances of this commission resulting in an utter failure were about equal to the chance of its achieving anything in the way of success.

Now, shall we go off in the craze which seems to prevail on the inoculation theory for the prevention of disease and appropriate $25,000 or more in advance of a reasonable prospect of benefit from it? If we challenge this bill, as faithful sentinels on the picket line around the national Treasury we certainly have warrant for it in the dissent of medical men of approved skill and capacity and position. [Applause.]

It is not, of course, intended to reflect on the motives of any gentleman whose zeal for science and humanity may lead him to join any forlorn hope against the citadel of this terrible foe to human life, nor is it, we suppose, necessary to disclaim any participation in the quarrels that may divide and distract the counsels of the medical faculty, for kindly be it said that medicine has more dissensions than "wars or women have" [laughter and applause], but the sole object is to present such reasons as seem sufficient to defeat the creation of a useless commission and prevent the incurring of a needless expenditure of the public money.

Mr. DAVIS. I should be glad to reply to some of the remarks of the gentleman from Tennessee, but I will make only one in regard to the first and chief objection that he urges that these experiments prove nothing in regard to the existence of the microbe. Suppose they do not, and I place but little value upon the judgment of the New Orleans newspapers from which he quotes as against the almost unanimous opinion of the medical profession; but suppose they do not. It does not touch the question at all. We may not discover for years, we may never discover, the precise form of the microbe which produces the yellow fever, but we may prove positively that it is an inoculable disease. The particular organism which produces small-pox has never yet been discovered. Then the main portion of the gentleman's remarks, upon which he has expended all the luxuriance of his wit and humor and imagination, is simply an attack upon the scientific nomenclature, which will apply equally well to the whole circle of sciences. I admit these terms are, perhaps, ridiculous. But would the gentleman apply Christian names, and call them Jacob, Moses, Abraham? Or do they deserve to be even called Beelzebub? I think the gentleman might as well leave his satanic majesty alone.

I move that the committee rise and report the bill favorably to the House.

Mr. TUCKER. I hope that will not be done. I desire to speak on the bill.

Mr. REAGAN. Is the question debatable?

The CHAIRMAN. If the gentleman from Virginia wishes to debate the bill he may do so. There has been no limit fixed to the debate. The gentleman from Massachusetts [Mr. DAVIS] can move that the committee rise; but he can not move that the committee rise and report the bill to the House when a gentleman is on the floor.

Mr. REAGAN. There was no one on the floor when the motion was made.

The CHAIRMAN. The gentleman from Virginia now announces his intention to debate the bill.

Mr. CALDWELL. I yield to the gentleman from Virginia [Mr. TUCKER].

Mr. DAVIS. This is a question of the defeat or the safety of the bill, a question that is to be decided within the next three minutes. I appeal to the gentleman from Virginia to let us have a vote.

Mr. KING. I hope the gentleman from Massachusetts will stand by his motion.

Mr. TUCKER. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TUCKER. Is not this bill, in its hearing before the Committee of the Whole, entitled to be read by sections and debated under the five-minute rule?

The CHAIRMAN. It is. The debate thus far has been merely the general debate.

Mr. TUCKER. Then how can the gentleman from Massachusetts move that the committee rise and report the bill favorably to the House?

The CHAIRMAN. As the Chair has stated, the gentleman from Massachusetts can make the motion that the committee do now rise.

Mr. TUCKER. But can he couple it with the motion that the committee report the bill favorably to the House?

The CHAIRMAN. The Chair thinks not, until the five-minute debate has been entered upon.

Mr. DAVIS. I make the motion that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CRISP reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 5542) providing for the appointment of a commission to investigate the truth of alleged discoveries of the specific cause of yellow fever, and of a method of preventing that disease by inoculation, and to obtain all information possible as to the cause and prevention of that disease, had come to no resolution thereon.

Mr. DAVIS, of Massachusetts. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of this bill; and pending that motion I move that all general debate on the bill be limited to one minute.

The SPEAKER put the question on the motion to limit debate, and had called for the affirmative vote.

Mr. TUCKER. I move to amend so as to make the time one half-hour.

Mr. KING. That is too late. The vote was being taken.

The SPEAKER. The Chair thinks the motion to amend was made too late.

The House divided; and there were—ayes, 69; noes, 17.

Mr. TUCKER. No quorum.

The SPEAKER. The hour for the consideration of bills under the rule has expired.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed without amendment the bill (H. R. 2397) for the relief of Thomas F. Purnell.

The message further announced that the Senate had passed with amendments, in which the concurrence of the House was requested, House bills of the following titles:

A bill (H. R. 3775) to authorize the Secretary of the Treasury to purchase an additional strip of ground on the east side of the United States court-house and post-office building at Fort Wayne, Ind., to be paid for out of the appropriation already made; and

A bill (H. R. 4731) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department.

The message further announced that the Senate had passed the bill (S. 1908) to amend section 4004 of the Revised Statutes providing for additional pay for postal cars; in which the concurrence of the House was requested.

RIVER AND HARBOR BILL.

Mr. WILLIS. I move that the House resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. WELLBORN in the chair) and resumed the consideration of the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The CHAIRMAN. The Clerk will report the pending amendment.

The Clerk read the amendment proposed by Mr. HEPBURN, as follows:

Insert after the word "dollars," in line 1023, the words "to be expended under the direction of the Secretary of War without the intervention of the Missouri River Commission."

The CHAIRMAN. At the time the committee rose last evening it was dividing by tellers on the amendment. The tellers, the gentleman from Iowa [Mr. HEPBURN] and the gentleman from Kentucky [Mr. WILLIS], will resume their places.

Mr. WILLIS (one of the tellers). It is agreed that a vote in the House shall be had on this amendment, and the point as to a quorum is withdrawn.

The CHAIRMAN. The point as to a quorum having been withdrawn, the "noes" have it, and the amendment is disagreed to.

Mr. ANDERSON, of Kansas. I move to strike out the last word. When, on account of the lateness of the hour last evening, the debate upon this paragraph was suspended some statements had been made in regard to the improvement of the Missouri River which I wish to notice. The strong point was that at present there was no commerce upon the Missouri River, and an inference was drawn by several gentlemen that therefore the attempt to make an appropriation for the improvement of the river was not only inexpedient but was more than inexpedient; that it partook of the character of a fraud upon the Treasury. As to the extent of the present commerce upon that stream, I think that the statement made yesterday is in the main correct. The commerce to-day is not at all in proportion with the character and capacity of the stream.

Yet that raises the question why it has no such proportionate commerce to-day. How does it happen that a stream which is navigable 2,500 miles above Saint Louis is without commerce? The fact may arise from either of two causes: First, from the character of the stream; and my friend from Iowa [Mr. HEPBURN] in speaking of it yesterday said that at low water its channel was very narrow, while at high water the floods overwhelmed its banks and frequently cut off large portions of them. That is true. But the same is true of the Mississippi River, and will be found true of every stream which runs through a soil deep, rich, and friable. What is here alleged in regard to the Missouri in that particular will, I fancy, be found true in the main of the Mississippi, and therefore, if it be impolitic or inexpedient to improve the Missouri for that reason, then for precisely the same reason it is equally unwise to improve the Mississippi. But that is not the chief cause why there is so little commerce on the Lower Missouri to-day. The chief cause will be found in this, that by the construction of railways and by the movement of freights from West to East, and by the pooling of those railroads and their absorption and control of business, freights which would otherwise go by the river now go by rail.

[Here the hammer fell.]

Mr. WARNER, of Missouri, was recognized, and yielded to Mr. ANDERSON, of Kansas.

Mr. ANDERSON, of Kansas. I am much obliged. Now, Mr. Chairman, this being the fact, the question presenting itself to this committee is whether, looking to the future population that will occupy the vast area which is drained by the Missouri, and looking to the cheapening of transportaion, it is now expedient to improve the navigation of that river. And what are the facts? The fact to-day is that the two railroads from Kansas City to Saint Louis on both banks of the river are owned and controlled by Mr. Gould, and constitute a valuable part of the Gould system. The fact is that the freight rates are maintained at such a point as to constitute a tax upon the farmers and shippers, which, as has already been demonstrated by the experiment of transporting grain on the Missouri River, is an onerous tax. The case cited yesterday by the gentleman from Kentucky, the chairman of the Committee on Rivers and Harbors [Mr. WILLIS], and by the gentleman from Missouri [Mr. BLAND] is precisely in point.

In 1878 there was a shipment made from Kansas City to Saint Louis by barge line of some 208,000 bushels of grain, and the difference between the charges for transportation by rail and the cost of shipment by water was, on corn 2½ cents a bushel and on wheat 7½ cents a bushel; making a difference of $8,537 on a shipment of 208,516 bushels of grain. If you take the crop moved in the year 1879 between Kansas City and Saint Louis, and compute the difference between the cost of moving that amount of freight by the river and moving it by rail, you will find a difference of $14,042,243, as the saving by water transportation as compared with rail transportation upon the crop of one year alone. It will be further seen by the figures which were given by the gentleman from Missouri [Mr. BLAND] that a saving would be made on the grain shipped from Sioux City to Saint Louis of $28,000,000—more than four times the estimated cost of improving that river, because the estimate of the engineer is that the river can be improved for $10,000 per mile. There is no railroad built for $10,000 per mile, but for that sum per mile you can make a water way which will save to the people of the great grain region of this continent millions and millions of dollars every year. Now, while it may be true, and is true, that the volume of commerce to-day upon the Missouri is small, that is simply because of your railways. The problem is whether, by making this improvement, you can cheapen the cost of transportation, and as to that there can be no question whatever.

There is this further point to be noticed, Mr. Chairman. The great desire of our brethren in the East is to have the entire commerce of the continent centered at New York, or at points upon the Eastern seaboard; and for that reason, so long as the present railroad system can be maintained, they might be, in a purely local sense, justified in opposing the opening up of water routes to the Gulf. But take the standpoint of the West, the standpoint of the man who raises this grain and who is entitled to have the profit which now goes for this costly railway transportation; from that standpoint there is no appropriation in this bill, there is no enterprise proposed to this House which, in my judgment, is more meritorious or more deserving than a wise, broad scheme of improvement for the Missouri River.

[Here the hammer fell.]

Mr. Chairman, I desire to insert the following extract from the official report of the Missouri River convention:

Could we successfully employ barges on the Missouri River between Kansas City and Saint Louis alone, so as to realize this saving in the cost of marketing our crops, it would make a vast difference to the people of the Missouri Valley. On the wheat and corn crops of this section for 1879, the latest for which we have exact figures, these savings of 7½ and 2½ cents per bushel, respectively, would have made a total saving for that year alone of $14,042,243—being in one year on two cereals on only the 400 miles between Kansas City and Saint Louis an actual saving of nearly twice the estimated cost of improving the whole 800 miles from Sioux City to Saint Louis. Could we employ barges on the Missouri River between Kansas City and Sioux City it would make an annual saving equal to that here shown between Kansas City and Saint Louis and would be in addition thereto. Or could we employ barges from Sioux City to Saint Louis to move our crops, the saving in the cost of marketing one crop like that of 1879 would be double that shown above or four times the estimated cost of improving that much of the river.

From the facts disclosed by the experimental fleet of 1878, and from a knowledge of the Missouri and Mississippi Rivers derived from a long experience with them, Captain Lowery, who had charge of the Babbage Company's fleets in 1878, arrived at the conclusion that, with adequate improvement of these rivers, grain can be carried from Kansas City to New Orleans at a freight charge of 7 cents per bushel. It is believed that a corresponding rate from all other Missouri River points, and 3 cents added for the higher costs of ocean freightage to foreign markets from New Orleans than from Atlantic ports, would not exceed 12 cents per bushel, making the grain available for export from New Orleans at the same charge as from Atlantic ports.

The current rail rates for years past from Missouri River points to Atlantic ports has not been less than 21 cents on wheat and 16 cents on corn—a difference of 4 cents on corn and 9 cents on wheat in favor of the river route. The price of grain in the Missouri Valley is the price in foreign markets less the cost of placing it there. The price in foreign markets is fixed by the supply from countries other than our own, hence this saving, if realized, as it may be by the improvement of our rivers, will inure to the producers in the Missouri Valley, and will apply to the entire product of our farms, as well as to that part exported.

The product of the Missouri Valley in the census year 1879, the last for which we have accurate statistics, was 61,116,377 bushels of wheat and 414,349,526 bushels of corn. These crops at 4 and 9 cents respectively give a total sum of $22,074,456, which river transporation would save to the producers of the Missouri Valley on each crop like that of 1879.

We have to consider, however, not alone the benefits that may be secured, but the dangers that may be averted. The high cost of transportation in this country, maintaining as it does the high cost of American grain in foreign markets, and the reduced cost of transportation from grain-producing countries in Asia incident to the opening of the Suez Canal, reducing as it does the cost of grain from those countries delivered in the same market, has so stimulated their product that they threaten soon to drive American grain from all markets accessible to both, and to so reduce the profit of its production in the Missouri Valley as to depress our agricultural industries and compel the adoption of other products. The contest between American grain and that of other countries for primacy in the world's market is now reduced to a matter of transportation. The advantages are now against us, but the improvement of our water ways will turn this permanently in our favor. These facts now present a dangerous and threatening situation, and the improvement of our river, as a means of promoting cheaper transportation for our grain than railroads can afford, is demanded not merely as a means for securing great benefits, but likewise as a means of averting great disasters. And it is in the interest of not only securing benefits but averting disasters that this appeal to you is made.

The practicability of the improvement of our river is no longer a matter of doubt. The success of the jetties and other improvements on the Mississippi River is well and generally known. Experiments on the Missouri River, both by private and corporate enterprise, and by Government appropriations, have demonstrated that this stream also can be easily and cheaply improved.

After careful survey and adequate study of the river, Maj. Charles R. Suter, then engineer of the United States Army and member of the Mississippi River Commission, now president of the Missouri River Commission, reported to Congress in 1881 that an expenditure of $10,000 per mile would secure a permanent channel of 12 feet depth at low water, and of sufficient width for purpose of navigation. This sum does not exceed half the cost of a single-track railroad, and will present transportation facilities equal to all the railroads in the valley combined.

Mr. ANDERSON, of Kansas, withdrew his *pro forma* amendment.

Mr. HEPBURN. Mr. Chairman, I move to strike out the last word for the purpose of asking my friend a question, if he will permit.

Mr. ANDERSON, of Kansas. Yes, sir.

Mr. HEPBURN. If it is true that by this barge system of transportation 50 per cent. of the cost of moving the products of that region may be saved, as was stated here yesterday by the gentleman from Missouri [Mr. WARNER], why is it that the barge system is not in use? There is the river; there are the barges; why do you not use them? If by the mere threat to use them the railroad companies can be compelled to surrender one-half of their freight charges, why is not that threat resorted to every year and every month? The truth is, gentlemen, there is nothing in it. It is like some of these other statements that are made from time to time without proper foundation. It is like the talk we heard about the immense quantities of freight to go down that river. There is comparatively little. It is not the direction that freight naturally seeks; and even if the river were improved so that freight might readily go down, there would be, in my humble judgment, little to go. Gentlemen forget the obstacle there is in that almost irresistible current. Here is my colleague who took a pleasure trip on that river from Saint Joseph to Council Bluffs, a distance of a little over 200 miles, which is made by rail in five hours; yet he was precisely five days in making the journey! The commissioners in trying to get up the river were over thirty days with their boats in getting from Saint Louis up to the

city of Bismarck; and, as I said yesterday, when they moved their plant from the vicinity of Saint Louis up to Kansas City their steamboats were more than three months in moving the comparatively meager plant belonging to the commission.

Mr. CUTCHEON. Can my friend tell us how many days it would take to come down the stream? The freight mostly comes down, I take it.

Mr. HEPBURN. There is not the saving that one would suppose, because, by reason of the difficulties attending navigation, the boats must tie up as soon as it becomes dark.

Mr. WARNER, of Missouri. Does not the gentleman know—every man familiar with the commerce of the Missouri River knows—that a boat laden with freight goes from Saint Louis to Kansas City in four days?

Mr. HEPBURN. No; I do not know it.

Mr. WARNER, of Missouri. It is a fact. I supposed everybody knew it.

Mr. HEPBURN. Well, that is a distance of a little over 300 miles in four days. There is no great cheapness in that, it seems to me.

Mr. BLAND. If the gentleman will read the document already presented he will see why this appropriation is asked.

Mr. HEPBURN. The gentleman can get any kind of document he pleases.

Mr. BLAND. The gentleman can make any statement he pleases.

Mr. HEPBURN. There are certain professional gentlemen who live off these improvements, and who are ready to furnish any facts or any class of facts which gentlemen may want, and tabulate them, too, if necessary.

Mr. BLAND. The gentleman also can tabulate. I think those statements are as good as his.

Mr. REED, of Maine. These men never work themselves out of a job, either.

[Here the hammer fell.]

Mr. ANDERSON, of Kansas. I move to amend by striking out the last word. In reply to my friend from Iowa [Mr. HEPBURN], I wish to say that the engineers who have made the examination of the Missouri River report that it can easily be made navigable at an expenditure of $10,000 a mile. That, of course, includes the control of the current and the rapidity of the current.

Mr. HEPBURN. Did the gentleman say that this was the report of the commission?

Mr. ANDERSON, of Kansas. It is the report of the engineers, I take it. Is it not?

Mr. HEPBURN. One member of the commission, at one time an engineer, made that statement; but the same officer, who prepared this report as I assume, refuses to say as a member of the commission what the cost will be. He refuses to say that specifically in two reports that he has made since he became a member of the commission.

Mr. ANDERSON, of Kansas. Well, Mr. Chairman, it is immaterial to me whether the cost will be $10,000 or $20,000 a mile. I wish to suggest to my friend from Iowa that within twenty-five years there will be fifty million people living west of the Mississippi River. At that time those fifty millions of people, instead of sending their produce by rail across the continent, will send it to the Gulf. While what the gentleman states is to-day correct, that these barge lines are not running for the reason that this grain is not taken from New Orleans by ocean vessels, yet the time will come, and come soon, when ocean vessels from that point will find freights in the products of this vast Missouri and Mississippi basin, enabling them to carry grain perhaps as cheaply as it is now carried from New York. And even to-day they can carry it at an extra cost of but 3 cents a bushel.

I ask gentlemen to look into the future a little—to look ten years ahead, twenty years ahead—in providing for these great improvements, and from that standpoint to determine whether the people of the West, the people who raise the grain of this country and its meat, those States interested in the navigation of the Missouri and Mississippi Rivers, whether these populations, to-day great, in the future to be much greater and more dense, are not worthy to have consideration in the effort to construct water ways or to furnish water ways for the interstate commerce of the future. Ah! My friend from Maine [Mr. REED] smiles; but just as the East, decade after decade, has lost its vote upon this floor, so in the decades to come will it continue to lose. In other words, population is going West; the day will come when the people west of the Mississippi River will have their own water ways, will have their own Fourth of Julys as a part of the great Fourth of July of this whole nation; but they will be something more than simply a mere annex to the great cities and ports on the Atlantic coast.

[Here the hammer fell.]

Mr. REED, of Maine. My impression is that the gentleman from Kansas misunderstood my smile. It arose from the fact that he inadvertently spoke of "constructing water ways"—accidentally stating the real situation. [Laughter.]

Mr. ANDERSON, of Kansas. At that moment I was thinking of some logging streams up in the State of Maine. [Laughter.]

The Clerk read as follows:

Improving Missouri River from Sioux City to Fort Benton: Continuing improvement, $28,000.

Mr. HEPBURN. Mr. Chairman, so much has been said with reference to these river conventions, and the weight which their proceedings should have with this body, that I wish to call attention to the fact that the great Missouri River convention held at Kansas City, Mo., on the 29th and 30th of December of last year was attended by thirty-three persons all told outside of the States of Kansas and Missouri. Kansas and Missouri were all there, but the delegates from all those localities, and anybody could go who wanted to as a delegate, were thirty-three in number.

Now, as a sample of the gravity and deliberation indulged in, I wish to read a brief extract from the report:

General CRAIG. I do not know what you have on your table to attend to, but I desire to say that we have a couple of ex-attorney-generals of the State of Missouri, each of whom could make a rattling speech of about two minutes. Here is General H. C. Ewing, and a good many of us, I know, would like to hear what he has to say.

The CHAIRMAN. Will General Ewing favor us with the remarks called for?

General EWING. I move that we appoint a committee of three to take General Craig down to the river—the Missouri River—and there throw him in and drown him.

There may have been some doubt as to whether there was water enough in that stream to drown anybody if he had not mentioned it. [Laughter.]

General CRAIG. Be careful how you spout around; that motion is out of order. Ask the chairman if it aint.

The CHAIRMAN. Do you hear a second to that motion?

Again, I read from another part:

General CRAIG, of Saint Joseph. I couldn't make a speech if I wanted to-day, and I desire to say that the president of the board of trade of my city is present, and he is a lively young cuss, too, in the way of making a speech. My mayor is here. I am only here as a silent looker-on in the convention.

This is a part, and a fair sample, of the grave and deliberate manner in which this august assemblage treated this most important question of the improvement of the Missouri River. Everybody there looked upon it as a broad, roaring farce.

[Here the hammer fell].

Mr. WARNER, of Missouri. I move to strike out the last word.

Mr. Chairman, it may be, and possibly is, unfortunate that there are some men living in the Missouri Valley who attend river and harbor conventions and who are not as fastidious in the choice of elegant expressions as would come up to the literary standard set by my classical friend from Iowa [Mr. HEPBURN]. But I will say to the gentleman that those of us who have lived in Missouri for the last quarter of a century know General James H. Craig, of the city of Saint Joseph. It is a name not unknown to the gentleman from Iowa. His name is a household word in my State. I undertake to say that although he may at times indulge in levity not becoming the dignity of a river and harbor convention, which so shocks my friend from Iowa, yet, sir, no man in Western Missouri has given more of energy, more of ability, to develop the great West than General James H. Craig, of the city of Saint Joseph, who used the term "lively cuss."

I think, sir, the gentleman from Iowa if he were in a foreign country and should attempt to defend the Congress of the United States, one who was inclined to be critical could readily find in the CONGRESSIONAL RECORD speeches less dignified, less decorous, and no more classical than that made by the gentleman from Saint Joseph in the river and harbor convention in the city of Kansas. Few, if any, in this Chamber have more culture or more intelligence than General Craig.

But the gentleman says there were only thirty-three delegates in attendance on the river and harbor convention at Kansas City outside of the States of Missouri and Kansas, and that Missouri and Kansas were all there. To that convention, if my memory serves me right, the States to participate were the States of Missouri, Kansas, Iowa, and Nebraska, and the Territories of Dakota and Montana. I am simply giving the fact. Many, the gentleman one of them, were conspicuous by their absence. Many wrote letters and declarations that they were in favor of all honest appropriations for the improvement of the great highways of the country—yes, who said they were in favor of all honest improvement.

Did the gentleman himself in his letter to that convention say one word to those deluded people who met there, the tax-payers, the men who represented the wealth of the Missouri Valley—did the gentleman by word or act say, "Your convention is a fraud; your river is a fraud; it is not susceptible of navigation, and never can be made so?" Nothing of the kind.

The question again is asked by the gentleman from Iowa of the gentleman from Kansas, Why do you not run your barges on the Missouri River? The gentleman's candor will compel him to admit the reason the barges were abandoned on the Missouri River was because of the shifting channel of the stream, which we are attempting and hoping to remedy by the appropriation asked for that river. The day has passed when we ship our grain or provisions in packages. The grain of our great Missouri River Valley to-day must be removed in bulk. You can not put it in sacks and ship it, and it can only be removed in bulk by the use of barges on that stream.

And it is said, the assertion of the gentleman to the contrary notwithstanding, by men who have spent their entire lives in running the steamboats on this dry-land stream, as he styles it, that it is suscepti-

ble of improvement, and that the appropriation asked for can be economically expended. The Missouri River Commission is doing good work.

[Here the hammer fell.]

Mr. WILLIS. Mr. Chairman, I hope we will go on now with this bill in a business-like way. These side issues do not touch the bill, and I appeal to gentlemen to let us go on at once and conclude it.

Mr. ANDERSON, of Kansas. I move to strike out the last word for the purpose of asking consent to embody in my remarks a certain document here.

Mr. WILLIS. Privilege has already been given under the general order to print on this bill.

The Clerk read as follows:

Improving the Ohio River: Continuing improvement, $500,000; out of which sum $50,000 are to be expended at Grand Chain in extending the upper dike down stream and removing rocks and other obstructions to navigation at that locality; also $20,000 may be expended in constructing or aiding in the construction of such an embankment on the south side of the Great Miami River, near its junction with the Ohio, as may be necessary to confine the waters of the Great Miami in great floods to the general course of its channel at or near the Ohio, to the end that the formation of the bar in the Ohio River now forming and obstructing navigation may be arrested; also $30,000 of said appropriation shall be expended in constructing four ice-piers, pursuant to the plans of the Chief of Engineers, at or near the following places, to wit: One at Pomeroy, Ohio; one at Middleport, Ohio; one at Gallipolis, Ohio; and one at Ironton, Ohio: *Provided*, That the Secretary of War is hereby authorized and directed to obtain, without cost to the United States, if it can be done, perpetual leases or conveyances of the riparian rights of the property-owners at each of said localities, in the event said ice-piers, or any one of them, shall be located where there is no improved landing place: *And provided further*, That at localities where there are improved landings he shall first obtain a relinquishment of wharfage rights and dues in favor of water craft seeking protection from damage by ice; and no part of this appropriation shall be used for such purpose until the foregoing conditions are complied with. Also, out of said appropriation for the Ohio River $5,865 shall be used in operating and keeping in repair the Davis Island dam; and hereafter the Secretary of War is authorized to make requisitions from time to time on the Secretary of the Treasury for such sums as may be necessary to operate and keep in repair the works at the Davis Island dam, to be paid out of any money in the Treasury not otherwise appropriated. Also, out of said appropriation for the Ohio River $25,000 for removing obstruction at the mouth of Licking River.

The committee recommend the adoption of the following amendments:

Insert after the word "obtain," in line 1046, the words "if he can do so;" and strike out, in line 1047, after the words "United States," the words "if it can be done."

The amendment was agreed to.

Also, in line 1057, after the word "river," add "also, $15,000 for completing ice-harbor at Four-Mile Bar, near Cincinnati.

The amendment was agreed to.

Mr. GROSVENOR. I offer the amendment I send to the desk by direction of the committee.

The Clerk read as follows:

In line 1032, after the word "twenty" insert "five," so that it will read "$25,000."

Mr. WILLIS. That is correct. It does not enlarge the amount appropriated by the bill, but simply sets aside an additional amount of that already allowed.

The amendment was agreed to.

Mr. WILLIS. In line 1030, I move to strike out after the words "Grand Chain" all the remainder of the sentence, being the words "in extending the upper dike downstream and."

This is done on the recommendation of the engineer in charge.

The amendment was agreed to.

Mr. WILLIS. In line 1040, after the word "dollars," insert "or so much thereof as may be necessary."

This is also upon the recommendation of the engineers.

The amendment was agreed to.

Mr. WILLIS. In line 1056, beginning with the word "also," I move to strike out all that follows down to and including line 1064.

I do that upon the statement of the engineer that it is already provided for.

The amendment was agreed to.

Mr. WADSWORTH. I move the following amendment:

The Clerk read as follows:

In line 1040, after the word "thirty," insert "seven;" and after the word "thousand," in the same line, insert "five hundred;" and strike out the word "four" in line 1041 and insert "five." In line 1045, after the word "Ohio," insert "and one at or near Ashland, Ky., on the south side of the Ohio River."

Mr. GROSVENOR. There is no objection to the amendment, I think.

Mr. WADSWORTH. I hope none will be made. None ought to be made.

Mr. WILLIS. Mr. Chairman, I regret very much to be compelled to say that there is objection. The difference between this addition and the other four which are provided in the bill is, that for the others we have the recommendation and estimates of the engineers. For this one in my own State we have not as yet any recommendation, and for that reason only I am compelled to object.

Mr. WADSWORTH. Mr. Chairman, I am sorry that my colleague from Kentucky feels obliged to object to this modest proposition. The engineer has placed four ice-piers upon the north bank of the Ohio River in that locality and has not placed one upon the south bank. One bank is just as visible to the engineer's eyes as the other, and this is one of the best places for an ice-pier upon the Ohio River.

Mr. CUTCHEON. What is the object of constructing this pier?

Mr. WADSWORTH. The object of an ice-pier is to turn the ice away from a harbor in which water craft of all kinds, barges and other water craft, can shelter themselves from floating ice. At Ashland there is a long bend curving to the south above the city, with a mile or more of deep water, allowing vessels to moor close to shore, and when the ice comes down the Ohio it runs around a bend and over toward the Ohio shore, and nature has already done a great deal to form there at Ashland an ice-harbor. It is a very important harbor upon the Ohio River, with a flourishing commerce. Two coal railroads come to the river at that point. There are furnaces there, and a rolling-mill and a nail factory and a very important commerce at that harbor, indeed; while the craft which seek refuge in the harbor are often desolated by floating ice.

Now, this bill puts $30,000 for four ice-piers upon the other side of the river along some 65 miles of that shore, and my friend from Ohio upon this river and harbor committee [Mr. GROSVENOR], very familiar with the wants of that part of the Ohio River, recommends the necessity of this amendment; but my colleague, under the scruples he feels as a member of Congress from the State of Kentucky, does not like to appear here as favoring this amendment.

But since it makes no addition to the appropriation, and only recognizes that there are two banks to the Ohio River, and since four ice-piers are provided on the north bank, it puts but one on the south bank at a point where it is very much needed, and where the good it will accomplish will be visible to any fair eyes. I do hope my amendment will be accepted. I do not know what hope I ought to cherish when my colleague opposes it; but I have my friend from Ohio [Mr. GROSVENOR], a member of that committee, recognizing its importance, and he is prepared to say to the committee it ought to be adopted.

Mr. WILLIS. My colleague perfectly understands my position in this matter. I am here as the mouth-piece of the Committee on Rivers and Harbors, and he certainly would not expect me to do toward my own State what I would not do toward another. I certainly would be unworthy of this place if I allowed any discrimination in favor of my own State.

My colleague knows the only objection to this is that this ice-pier has not been recommended by the engineer. I do not say the engineer would not recommend it, but his attention has not yet been called to it. If my colleague had called the attention of the engineers to this I have no reason to suppose it would not have been recommended, because on his statement it appears to be a place admirably adapted for an ice-harbor at a small expense, and the provision, as he suggests, does not increase the appropriation.

Mr. ADAMS, of Illinois. Then on the merits it appears it should go in.

Mr. CUTCHEON. Was this considered in the committee?

Mr. WILLIS. It was not, for the reason that no report was presented to the committee.

Mr. TAULBEE. I hope the committee will adopt this amendment. I think there could not be a more meritorious amendment offered to this bill. As a general rule, I have stood by the bill as reported by the committee. There was one matter, the appropriation for the improvement of the Big Sandy River, which I thought should be increased; but because of the fact that the bill was enormous in its amount, and because of the disposition of the House to stand by the bill as reported, I would not ask an increase of appropriation for the improvement of Big Sandy, notwithstanding that I thought it was due to that river that more than $40,000 should be appropriated. It was perfectly plain that the committee would not increase the amount appropriated in the bill to any river, hence I thought it useless to delay and endanger the bill by any amendment; but when it comes to this amendment the case is different. It does not increase the amount appropriated in the bill. The other matter did. The fact of there being so admirable a location for an ice-harbor at Ashland, Ky., ought to commend this amendment to every gentleman of the committee. I do not think that any man interested in the ice-harbor at that place is responsible for the engineer's failure to report in favor of the erection of an ice-harbor there.

But I think a man who would undertake to survey or observe the Ohio River with the view of locating ice-harbors, and who should have located all of them on one side of the river, or who should have passed this point without observing it as a place of all others the most practicable for the erection of a proper ice-harbor for boats on the Ohio River, must have been one-eyed or blind.

Mr. GROSVENOR. Will the gentleman allow me to make a correction?

Mr. TAULBEE. Yes sir.

Mr. GROSVENOR. There are two ice-harbors on the south side of the river.

Mr. TAULBEE. Even without making this provision, the place my colleague [Mr. WADSWORTH] has asked to be inserted in the bill is one of the best natural ice-harbors on the Ohio River from Pittsburgh to Louisville. All the boats running on the Big Sandy seek shelter at this point, notwithstanding there never has been any improvement to add to the protection which nature affords them from the ice to which they are subjected in the winter season.

Mr. FARQUHAR. To bridge over the difficulty in the suggestion made by the chairman with regard to the amendment of the gentleman from Kentucky [Mr. WADSWORTH], I move to amend, in line 1042, by inserting after the word "the" the words "present or prospective," so that it will read, "Pursuant to the present or prospective plans of the Chief of Engineers." Thereby latitude would be given for this proposed ice-pier at Ashland. I join with others who know the river in the statement made by the gentleman from Kentucky that this deserves to be placed in this bill.

Mr. STONE, of Massachusetts. Mr. Chairman, I object to the amendment which has just been submitted by the gentleman from New York [Mr. FARQUHAR], by which it is proposed to put into the bill the word "prospective," authorizing this House to deal with matters of improvement not provided for by any existing plan, but only in anticipation of a plan. That I submit is a new kind of legislation not authorized by any precedent and very liable to be abused.

I understand the chairman of the committee to have objected to this particular proposition submitted by the Representative from Kentucky [Mr. WADSWORTH], because he understands, as I suppose, that it infringes a rule which has been adopted that we make no appropriation for any proposed improvement unless we have some recommendation of it from an engineer. As a general rule of administration I adopt that and agree with the gentleman that it is wise. But it appears to me in the case before us we are justified in making the amendment proposed by the gentleman from Kentucky, because it does not enlarge the appropriation and it does not extend the scope of the appropriation which concerns itself generally with the Ohio River.

And therefore, being within the general scope of the appropriation, to wit, the improvement of the Ohio River, I think we can well accept the amendment of the gentleman from Kentucky [Mr. WADSWORTH] without infringing the rule which we have adopted in respect to appropriations. I therefore hope that that amendment will be received by the committee, and that the other amendment, to wit, authorizing an appropriation in anticipation of the plan, will be rejected.

Mr. CLARDY. Mr. Chairman, I desire to ask the chairman of the committee a question. I understand that line 1040 of this bill has been so amended as to authorize the appropriation of whatever may be necessary to complete these piers.

Mr. WILLIS. Then the gentleman misunderstands. The engineer reports that it may not require $30,000, and therefore the provision has been amended so as to appropriate $30,000, or so much thereof as may be necessary.

Mr. CLARDY. Then I understand it is proposed to make an additional pier.

Mr. WILLIS. That is the proposition of my colleague [Mr. WADSWORTH], which is now pending.

Mr. CLARDY. Is it proposed to appropriate the whole amount for the completion of these piers this year?

Mr. WILLIS. Yes, sir.

Mr. CLARDY. If so, why do the Committee on Rivers and Harbors adopt in this case a different rule from the one adopted in other cases?

Mr. WILLIS. I do not know of any difference.

Mr. CLARDY. In other cases you give a percentage of what is estimated as necessary; in this case you propose to give all that is required, even if it be $500,000.

Mr. WILLIS. The gentleman is entirely mistaken. The whole amount appropriated here is $30,000, and the engineer does not think that even all of that sum will be needed.

Mr. CLARDY. Then you leave the $30,000 in the appropriation?

Mr. WILLIS. Certainly.

Mr. CLARDY. I understood otherwise.

Mr. WILLIS. I knew the gentleman was mistaken.

The amendment proposed by Mr. FARQUHAR was agreed to.

The question was then taken on the amendment proposed by Mr. WADSWORTH; and it was agreed to.

The Clerk read as follows:

For continuing operations upon the reservoirs at the headwaters of the Mississippi River, $50,000: *Provided*, That in the opinion of the Chief of Engineers the expenditure of this appropriation and the ultimate completion of this part of the reservoir system will adequately improve navigation.

Mr. REAGAN. Mr. Chairman, the provision in this bill is inherited from a committee of which I was once a member, and I have no objection to the action of the Committee on Rivers and Harbors that I did not have to the action of that committee of which I was a member. For this item there has been appropriated $585,000 on an estimate of $1,809,000 and a fraction. The theory is that it is for the purpose of building reservoirs to improve the low-water navigation of the Mississippi River. The Mississippi River drains 2,000,000 square miles. The country drained by these reservoirs would be about 18,000 miles. I have never believed, and do not believe now, that under any possible arrangement the time can ever come when these reservoirs could turn water enough into the Mississippi at its low stage to raise it half an inch at the Des Moines rapids. But I will tell you what this will do: it will furnish a convenience for floating logs (there is a good deal of pine up there); it will furnish very fine water-power, and it will be very cheap for the owners if the Government furnishes it for them. This appropriation will accomplish these objects, and these are the only objects that can be accomplished by it. I think, therefore, it would be a good service to strike this item from the bill, and I now move to strike it out.

Mr. WILLIS. Mr. Chairman, the committee has guarded with great care the very point upon which the gentleman rests his objection, by inserting, as a condition upon which the expenditure is to be made, a proviso "that in the opinion of the Chief of Engineers the expenditure of this appropriation and the ultimate completion of this part of the reservoir system will adequately improve the navigation." In other words, the engineer is not authorized to expend this money unless in his opinion it will accomplish the very object which the gentleman from Texas doubts it will accomplish.

Mr. REAGAN. Mr. Chairman, we invoke the opinion of the Secretary of War as to whether this appropriation will improve navigation. He can be in possession of no information which we are not in possession of if we take these reports, and I would let this House exercise its own judgment and not refer to somebody else.

Mr. CUTCHEON. I desire to ask the chairman of the committee a question. Has the effect of th ese reservoirs upon navigation been tested upon the Upper Mississippi?

Mr. WILLIS. My understanding and information is that it has been tested upon the Upper Mississippi, and that the effect has been to increase the depth of water very considerably. My friend from Minnesota [Mr. GILFILLAN] is, I believe, familiar with the facts, and so are the gentlemen from that part of the country. The information of the committee was to the effect I have stated.

Mr. GILFILLAN. I know that the gentleman from Texas [Mr. REAGAN] does not desire to convey a wrong impression with reference to what has been already accomplished by only a partial construction of the system of reservoirs on the head waters of the Mississippi and the results thus far of the experiments in this direction, and for his information and for the information of the House I wish to state certain facts. It is true that the amount appropriated thus far has been only about $500,000. That is a small part of the original estimate of nearly two millions, but it has gone to the extent of accomplishing the building of three reservoirs on the upper waters of the Mississippi and the partial completion of several others.

The result of this has only been known during the last season of navigation; and this result, by the observation of the engineer, who communicated the matter to me in person just before I came to Washington at the present session, has been such as to produce in the Mississippi River from Saint Paul to Lake Pepin an additional depth of 1½ feet in the channel of the river during the stage of low water and while the reservoirs were being operated by the discharge of water therefrom. I will state further, as a matter within my own observation and as a matter of common remark among the people, that for the first time in many years the largest boats used in navigating the river to Saint Paul during the highest stages of water were enabled by the aid of these reservoirs to reach there during the entire season of navigation of 1885, including the dry season, the season of low water.

I make this statement because I know the honorable gentleman from Texas [Mr. REAGAN] did not intend to leave a wrong impression upon this House as to the results already accomplished by these reservoirs. The appropriation here proposed is a very modest one compared with some which may be found in this bill. This appropriation is absolutely necessary for the completion of some of the works already in process of construction, and which will be utterly useless and go to waste unless they are completed. If the completion of three dams, which is the extent to which the work has gone, as appears by the engineer's report, has accomplished the result which I have stated, it furnishes every encouragement for appropriating at least this meager pittance of $50,000 to finish the reservoirs already under way; and the expenditure already made will be measurably lost unless this work goes on.

The entire appropriation estimated for, about $2,000,000, was intended not only for the State of Minnesota, but also for the State of Wisconsin. If this work is carried on to a completion of the proposed system I apprehend that the stage of water in the river will be largely increased not only so far as Lake Pepin but far below. This appropriation seems to me so manifestly judicious that I think nothing further need be said upon it.

Mr. CUTCHEON. Is my friend prepared to state how far below Lake Pepin the effect of these reservoirs is felt upon navigation?

Mr. GILFILLAN. The practical observations of the engineers have not been extended below Lake Pepin, but the expectation is that if the appropriations be made and the works constructed in accordance with the plans of the engineers and properly operated, the volume of the stream will be thereby largely increased a long distance below Lake Pepin. That expectation is of course somewhat conjectural, but I have stated the results actually accomplished as verified by the practical observations and tests made by the engineer during the last season.

I hope the motion to amend will not prevail.

The question being taken on the amendment of Mr. REAGAN, it was rejected.

The Clerk read as follows:

Improving Mississippi River from Saint Paul to Des Moines Rapids: Continuing improvement, $510,000; of which sum $8,000, or so much thereof as may be

necessary, shall be applied to the removal of the rock at Duck Creek Chain, at the Rock Island Rapids.

Mr. GILFILLAN. I move to amend by inserting after the paragraph just read the clause which I send to the desk.

The Clerk read as follows:

And of which sum the further amount of $20,000, or so much thereof as may be necessary, may be used by the Secretary of War in his discretion for continuing the practical test of the flume invented by M. J. Adams, the said test to be made under the supervision and direction of said Adams; but if not so used, the same shall remain as a part of said appropriation and be used for the purposes first in this paragraph specified.

Mr. GILFILLAN. Mr. Chairman, this amendment, it will be observed, does not, to any extent, increase the appropriation in the bill. It simply adds a new or additional specification of the purposes for which the moneys appropriated, or a small part thereof, may, in the discretion of the Secretary of War, be used. I believe the amendment is not objectionable to the chairman of the Committee on Rivers and and Harbors, and therefore I will not consume the time of the committee unless some objection be made or some question be asked.

Mr. CUTCHEON. I hope the gentleman will give us some explanation of the purposes of this expenditure.

Mr. GILFILLAN. It is simply to continue the practical test of a flume invented by M. J. Adams for the improvement of shallow streams. The test has already been commenced by the Government and carried to a partial completion. This amendment simply authorizes the Secretary of War to continue this test, if, in his discretion, he deems it prudent and wise to do so.

Mr. WILLIS. The matter is left entirely to the Secretary of War. I will state that this is a very hard case. The Government, years ago, before the present committee had charge of the river and harbor bill, seems to have committed itself to this improvement. This man, relying upon the faith of the Government, went ahead with the improvement, and, I understand, has been made bankrupt in attempting to carry out the policy of the Government in this matter. The Committee on Rivers and Harbors have not, as a committee, acted upon this subject; but I make this statement in the interest, as I believe, of private justice.

Mr. REAGAN. This flume, the model of which was before us, is intended to be used for deepening and straightening the channels of sandy streams having shifting beds. The purpose is to force water into the flume, and by directing jets of water to continue to disturb the sand. I understand that an appropriation of $20,000 has already been made for material, but that the flume has not been sufficiently tested. It is now desired to utilize the material already on hand for the purpose of testing the value of this flume, under the direction of the Secretary of War, and in his discretion. I believe the plan is worthy of trial; and I trust the House will adopt the amendment.

The amendment of Mr. GILFILLAN was agreed to.

Mr. ANDERSON, of Kansas. I will be obliged to my friend the chairman of the Committee on Rivers and Harbors if he will tell me the distance from Saint Paul to the Des Moines Rapids.

Mr. WILLIS. The gentleman from Illinois [Mr. HENDERSON] can answer the gentleman's question.

Mr. ANDERSON, of Kansas. The gentleman from Illinois is not present. Is it 200 or 300 miles—or how far?

Mr. WILLIS. It is four or five, and may be six hundred miles.

Mr. ANDERSON, of Kansas. The reason I desire that information is this: There is here appropriated $510,000 for improving the Mississippi River for this number of miles, which is a larger sum than is appropriated for the Missouri River. The question I wish to make is whether the ultimate improvement contemplated by this bill would have greater effect on the commerce of the Mississippi than the improvement of the Missouri would have on the Missouri?

Mr. WILLIS. I give it up. I am not prepared to answer that question as fully as the gentleman desires. I will state the committee accepts the estimates of the engineers. The engineers make for each of these rivers an estimate, and we take the estimates for all the great rivers—the Mississippi and the Missouri—and give to them, recognizing their equal importance, about the same percentage.

Mr. ANDERSON, of Kansas. It seems to me the Mississippi River has received very large appropriations—much larger in my judgment than it should have received in fairness. As I said the other day, I think this three and three-quarter millions of dollars for the Mississippi is not a fair divide. That is all I wish to say.

[Here the hammer fell.]

[Cries of "Read!"]

The Clerk read as follows:

Improving Mississippi River at Des Moines Rapids Canal, under the modified project, $35,000; of which sum $20,000 are to be used for pier construction.

Mr. WILLIS. I am instructed by the committee to move the following amendment:

The Clerk read as follows:

In extending the outer wall of the canal to the pivot-pier of the bridge.

The amendment was agreed to.

The Clerk read as follows:

For dry-dock at Des Moines Rapids, $65,000.

Mr. HENDERSON, of Iowa. I move the following amendment:

The Clerk read as follows:

Improving ice-harbor at Dubuque, Iowa: The unexpended balance, or so much thereof as may be necessary, shall be applied to paving instead of riprapping the said ice-harbor.

Mr. WILLIS. There is no objection to that amendment.

The amendment was agreed to.

The Clerk read as follows:

Improving Mississippi River from Des Moines Rapids to the mouth of the Illinois River, including the River at Quincy Bay and the removal of the bar at the mouth of Whipple Creek; including also the strengthening of Sny Island levee where it crosses Snicarte Slough and other sloughs referred to in the report of Engineer Maj. A. Mackenzie, dated the 26th of January, 1885, which work of strengthening said levee shall be performed according to the suggestions and estimates of said Mackenzie, as set forth in said report: Continuing improvement, $200,000: *Provided*, That not more than $16,500 shall be expended at Sny Island levee.

Mr. WHEELER. I desire to call the attention of the House to the commendable silence of my friend the gentleman from Iowa [Mr. HEPBURN]. I am very glad to see that he makes no objection to the appropriation of $35,000 for the Des Moines Rapids Canal in Iowa, or the $65,000 for the Des Moines Rapids dry-dock, or to any part of the $510,000 for improving the Mississppi River from Saint Paul to the Des Moines Rapids and the improvement at Rock Island Rapids, or to any part of the $200,000 for improving the Mississippi River from Des Moines Rapids to the mouth of the Illinois River, aggregating the sum of $810,000, which expenditures must be largely for the benefit of Iowa. The gentleman makes no criticism here, nor does he tell the House that these are unnecessarily large expenditures. And he is right; and I commend him for not objecting, for these expenditures are essential to the commerce of our country, and being essential, the locality of the improvement should not affect any gentleman's vote.

I am glad, Mr. Chairman, to observe that no gentleman has attempted to reduce these appropriations, which are so largely for the benefit of the State of Iowa. They are important and they are necessary; but not more necessary than other appropriations which have been alluded to and sometimes criticised by the gentleman from Iowa.

Mr. HEPBURN. I wish to offer an amendment as soon as I can get the floor.

Mr. WHEELER. I alluded yesterday to the former appropriations which were expended upon the Des Moines Rapids Canal, amounting in all to between $4,000,000 and $5,000,000, and I referred to them as a proper and judicious expenditure of public money; but I have been sorry to notice that the gentleman from Iowa has on two separate occasions during this discussion referred in what I regarded as an unfriendly spirit to the appropriations for improvements in Alabama. If he has examined the items of these appropriations he will certainly admit that they are national in their character—at least four-fifths of the amount are for works which are eminently national and by no means local. Vessels from New England, New York, and Pennsylvania are constantly sailing and steaming into the harbor of Mobile, and it is certainly important to the citizens of those States that the harbor should be so improved that the vessels owned by them should be able to enter and leave that port in safety.

The improvement of the Tennessee River is certainly a work of national importance, and should not be characterized as a work for the benefit of Alabama. The States directly benefited by the appropriation which will open the navigation of the Tennessee River will be all the Northwest, Iowa, Wisconsin, Minnesota, Nebraska, Kansas, and Illinois and Missouri, because it will open a vast market for their grains and other products. For the same reason it will be a benefit to Ohio and Indiana. It will benefit Pennsylvania, because the cheap ores which they need and now get by costly railroad transportation can then be carried to them at one-half or probably one-fourth the expense. It will benefit South Carolina and Georgia, because they can then get grains and meats from the Northwest at less than one-half the rates of freight which they now have to pay. It will benefit the whole world, because it will open by water way to the whole world the minerals, the farm products, the timbers, and the marbles which are found on the banks of the Tennessee River.

Before I resume my seat, Mr. Chairman, I desire to notice the remarks of the gentleman from Iowa relative to the appropriations for the States which are represented on the committee. He enumerates a list of appropriations which aggregate $4,394,100, and I presume he has made the best case possible for his proposition, and has cited the bulk of the appropriations for those States which have representatives on the committee.

Now, Mr. Chairman, there are fifteen States represented on that committee—nearly one-half of the States of the Union—and the appropriations he has specified amount to but little more than one-fourth of the total sum appropriated by the bill. It seems to me the members of the committee have been very liberal to other States and not at all so toward their own. And this is more noticeable when we consider the fact that the area of the fifteen States that are represented on the committee is equal to the area of the twenty-three States not so represented; and it becomes more remarkable still when we consider the additional fact that the States represented on the committee possess nearly all the important water ways and by far the most important harbors in the United States.

I am surprised at the magnitude of the error into which the gentleman has fallen in making this attack upon the committee. I think the committee are entitled to the highest commendation for their laborious attention to detail in preparing the bill, for their studied impartiality, and for the marked courtesy they have extended to every member of this House. I think they have merited the thanks of this House and not the censure of any member, it matters not how mild and bland he may be in administering it. The appointment of such a committee is simply an additional evidence of the wisdom and sagacity which presides over the deliberations of this House.

In closing let me say to those gentlemen who oppose this bill that they should bear in mind that no money expended by the Government is managed with more skill, economy, and integrity than the appropriations for our rivers and harbors, disbursed under the direction and supervision of the officers of the Corps of Engineers. And certainly all will admit that the expenditure for rivers and harbors inures more directly to the benefit of the great body of the people than any other outlay of money by the Government.

Mr. Chairman, I shall vote for this bill, and every effort of mine in this Congress shall have for its object to increase the prosperity and grandeur of the country by adding to the happiness and welfare of the people.

Mr. ROWELL. I move to strike out from line 1092 to 1101 the following:

The Clerk read as follows:

Including also the strengthening of Sny Island levee where it crosses Snicarte Slough and other sloughs referred to in the report of Engineer Maj. A. Mackenzie, dated the 26th of January, 1885, which work of strengthening said levee shall be performed according to the suggestions and estimates of said Mackenzie, as set forth in said report: Continuing improvement, $300,000: *Provided*, That not more than $16,500 shall be expended at Sny Island levee.

Mr. ROWELL. Mr. Chairman, this is a provision to donate $16,500 to some citizens of Illinois, and if I could consistently I would not object. But not believing it is the duty of the Government to donate money to anybody, I am obliged to object to this appropriation. Sny Island is a body of some hundred acres of land, and it becomes an island by reason of the Sny Island levee. Under the drainage and levee laws this land on the island has been improved and protected by levees, the cost of which is charged so far as benefited upon the lands included in that island. For every one dollar spent in that improvement the lands have been enhanced in value at least $5. The appropriation here is to help repair the levee of Sny Island where it crosses Snicarte Slough and three other sloughs. And the only basis of it in any recommendation is found in the engineer's report, which I will read:

(1) The Sny levee has not, as a levee, benefited navigation, but there are portions of the embankment which may be accepted as closing-dams when made secure, and as such will, theoretically at least, benefit navigation.

Now, a man by the name of Clark, living in Hannibal, Mo., and presumaby one of the owners of the land over in the Snicarte, wrote to the authorities and insisted upon having a survey made to test the question as to how much benefit this Sny Island levee had done to the navigation of the river. The engineer makes his report, declaring that no practical benefit has resulted to the navigation of the river, while theoretically there is a benefit. He says that from 3 to 5 per cent. of the waters escape over these sloughs in low water, and that there is no perceptible injury to the low-water navigation when the levees are not in existence, but theoretically, by closing up and stopping the escaping waters, the 1 per cent. that goes through this slough, there may be some benefit, not practical, however, for he reports against it.

Mr. MILLIKEN. What do you mean by "theoretical" benefit?

Mr. ROWELL. That is the term used by the engineer in his report. Mr. Chairman, you may read the two reports of the engineer, and you will find that he makes no recommendation for this appropriation of money.

There is an absolute statement of facts all through the report that it will do no good; but finally, to satisfy this man Clark and other landowners there, he is compelled to give some force to their wishes, and consents that theoretically there may be a benefit to navigation. Illinois has already had trouble upon the question of these levees and the lands embraced in this improvement.

Mr. MILLIKEN. Let me interrupt the gentleman a moment. I suppose the engineer means that there is a theoretical benefit to the Government and a practical benefit to the land-owners there?

Mr. ROWELL. The engineer is induced to make a report upon the work, and he does all he can to prevent saying that it is done in the interest of the men who have made fortunes out of these Sny lands. Here are 100,000 acres of this land, swamp lands, worth scarcely anything before these improvements, and they are the richest in the world when the water is kept from them; when assessments are made upon them for their drainage and improvement by levees——

[Here the hammer fell.]

Mr. ANDERSON, of Kansas, obtained the floor, and by consent yielded the time to Mr. ROWELL.

Mr. ROWELL. A levee and drainage district under the law is organized, and the cost of the improvement is assessed upon the land. That is collected under the laws of the State, and this levee has been built all around these lands on this island, but it takes some money every year to keep it up.

This land is now worth, I do not know how much, probably $50 or $60 an acre, when it was not worth a dollar previous to these improvements, and it cost about $4 an acre to levee and improve it.

We are now asked to divert over $16,000 for the improvement of that river in the interest of these lands again, and I object to it. If we are going to give it anywhere I should be glad that the State of Illinois shall have it, but I object to the principle.

I have taken this position because this is a subject of which I have personal knowledge, and it is little things just like this which make members distrust the wisdom of the committee in preparing such a bill. It is just such things as this continually appearing in bills of this character which delay their passage through the House, and which force members to distrust such appropriation bills altogether; and I hope by calling attention to this to secure the striking out of these words until we have really some occasion to put on little things like these, diverting the public money from great public improvements into the hands of individuals.

Mr. RIGGS. I do not suppose my colleague desires to mislead anybody, but yet in the brief time he has occupied the floor he did not have an opportunity to call the attention of this committee to the fact that this same engineer has officially said that benefit has resulted to navigation from the construction of this levee.

Mr. ROWELL. Will my colleague tell me where?

Mr. RIGGS. Yes, sir.

Mr. ROWELL. I would be glad to see it.

Mr. RIGGS. I will read it for you. In a letter written by this same engineer, addressed to the Chief of Engineers, on the 9th of September, 1884——

Mr. ROWELL. What page?

Mr. RIGGS. Page 1711.

Mr. ROWELL. I have it here.

Mr. RIGGS. Yes, sir. He uses this language:

Some benefit has resulted from the construction of a levee——

Mr. ROWELL. Whereabouts is that?

Mr. RIGGS. Page 1711.

Some benefit has resulted from the construction of the levee: the value of such benefit being the cost of such work as the Government would have undertaken for closing these side sloughs.

Mr. ROWELL. Is it not true that on a subsequent investigation he reported that no benefit had resulted?

Mr. RIGGS. No, sir, that is not true; but it is true that the plan for the improvement of that reach of the river from Des Moines Rapids to the mouth of the Illinois involves, under the engineer's plan adopted, the close of these side sloughs and confining the water within the banks of the river. That is so stated by the same engineer and forms a part of the plan.

Mr. HENDERSON, of Illinois. Will the gentleman allow me to make one suggestion? My friend from Illinois a little below the point where he was reading would have found that the engineer says this:

These amounts—

The identical amounts appropriated in this bill—

are such as would have been required to close the four sloughs referred to in accordance with the Government methods.

Mr. ROWELL. Yes; if the State had not done it.

Mr. RIGGS. If I may be permitted, I will repeat the statement that the plans adopted by the engineers and stated in their reports involved the closing of these side sloughs. This same engineer says the Government would have closed these four sloughs, but private individuals, having, at an expense of $600,000, constructed this levee and closed these sloughs, asked that the Government should not repair the levee; repair is not the best word—but should protect the levee at points where the Government would have closed those side sloughs.

Mr. ROWELL. I call attention to this sentence in the engineer's report:

To confine the water which would otherwise, for a very brief period, escape over the banks during high stages might possibly have a slight effect on the movement of the sand, but such additional movement would be injurious rather than beneficial.

Mr. RIGGS. I am willing to concede, if my colleague be permitted to select detached sentences, he may make a plausible case; but if he will read all the letters, reports, and estimates which this engineer has written and made with regard to this work he will find it is one which does benefit navigation.

[Here the hammer fell.]

Mr. WILLIS. Very briefly, in reply to the gentleman from Illinois [Mr. ROWELL] who first spoke, I wish to say the committee was governed by two considerations. First, because the engineer reported as follows:

Mr. ROWELL. Whereabout?

Mr. WILLIS. On page 1716 of the last report he says:

The Sny levee has not, as a levee, benefited navigation, but there are portions of the embankment which may be accepted as closing-dams when made secure, and as such will, theoretically at least, benefit navigation.

Mr. ROWELL. That is it—"theoretically at least."

Mr. WILLIS. That is one proposition; but another and more important is this. This identical work would have been done by the Government in the benefit of navigation if it had not been done by this

company. The gentlemen read from page 1713 of the report. As his colleague remarked, by selecting sentences here and there he might mislead, though not intentionally; he read two or three sentences which might lead to an inference that would not have been warranted if he had read further. I read this from the report:

While the closing of the Sny Slough and any other side channel by the Sny levee has not played the very important part assigned it by Mr. Clark, it must be admitted that if maintenance of the work were guaranteed by the Government it would be benefited to a certain extent, as the Sny Slough, and perhaps other outlets, would, in accordance with approved plans, be closed in time by brush and stone dams built to a height of 5 or 6 feet above low water.

The probable cost of such work would properly represent the benefit conferred on navigation by the Sny levee, if made secure.

The probable cost, as given on page 1717, is the identical amount the committee has recommended; and in connection with that the engineer further says:

These amounts—

The amounts which the committee has allowed—

These amounts are such as would have been required to close the four sloughs, heretofore referred to, in accordance with the Government methods.

Mr. CUTCHEON. Are those sloughs already closed?

Mr. WILLIS. They are closed and are a part of the plans for the improvement of the river; and the engineer reports that in view of the fact that they are a part of those plans this money should be appropriated, and he also says it benefits navigation.

Mr. CUTCHEON. Of what benefit is this levee at high water when there is a surplus of water?

Mr. WILLIS. I do not know that it is of benefit at that time.

Mr. CUTCHEON. Then of what benefit is it at low water when the water does not run through the slough?

Mr. WILLIS. Here is the answer to the gentleman's question. I have just read a portion of it:

To confine the water which would otherwise, for a very brief period, escape over the banks during high stages might possibly have a slight effect on the movement of the sand, but such additional movement would be injurious rather than beneficial. It would simply be increasing the causes which now tend to injure low-water navigation. If the river could be prevented from ever exceeding a medium stage, or the stage at which a general movement of sand takes place, navigation would be very much better than it now is. While the closing of the Sny Slough and any other side channel by the Sny levee has not played the very important part assigned it by Mr. Clark, it must be admitted that if maintenance of the work were guaranteed by the Government it would be benefited to a certain extent, as the Sny Slough, and perhaps other outlets, would, in accordance with approved plans, be closed in time—

By the Government—

by brush and stone dams built to a height of 5 or 6 feet above low water. The probable cost of such work—

that is, the closing of this slough—

would properly represent the benefit conferred on navigation by the Sny levee, if made secure.

And the cost of all that is given at $16,515.85, the amount the committee has allowed as properly chargeable to the Government.

Mr. CUTCHEON. In other words, as I understand, the money has been already expended, and now the Government proposes to appropriate it because it has been expended.

Mr. WILLIS. Because it was part of the Government's plans.

Mr. ROWELL. I want to read a little more from this report. I read from page 1713:

As regards the general effect of the Sny levee on the Upper Mississippi, excepting when it confines water to the main river during low-water stage, I can not see that it can in any way benefit the low-water channel. The obstructions do not, as on the lower river, consist of sediment carried in suspension, but almost entirely of sand rolled along the bottom. When the river is high and bars all covered, low-water channels are more or less obliterated. As the water falls and the bars appear, low-water channels are again cut out. If the fall is rapid, temporary difficulty is almost sure to result. If the fall is gradual, a low-water channel is apt to be made by the time it is needed. Each high water will produce changes of channel, and often entirely change the troublesome localities.

Now in regard to this Sny Slough——

Mr. WILLIS. If the gentleman continues his reading six lines further he will find the case stated. He stops just at that point.

Mr. ROWELL. On the same page I find this:

Supposing the entrance to the Sny Slough to have been open at all stages, the amount of water carried by it would have been comparatively small, especially at stages when the additional water was desirable in the main river; but I am informed the entrance to the slough was obstructed by a bar to such an extent that at low stages parties interested in a water-power on the slough were obliged to keep communication open with shovels.

And that was before there was anything done to close up this slough. There was a water-power down there that Illinois had a litigation over when they went to work and closed up this levee which the engineer is finally induced to say might represent the value of the money provided its continuance forever were guaranteed. There is nowhere in the report a recommendation that this money shall be expended; there is simply an admission that theoretically it may do some good. But there is a declaration in the opening of the report that the building of this levee and the closing of Snicarte Slough and the other three sloughs has not as yet, though it was completed in 1872, benefited navigation along there in the least. The engineer states that as a fact, and he only concedes, because it is a part of the theory and the plan originally adopted for improving the Mississippi River, that the closing up of these low sloughs so as to avoid the little escape of water which occurs at low-water mark may possibly be justified by the result.

Mr. ADAMS, of Illinois. Mr. Chairman, we hear a good deal about building levees in the interest of navigation, and it is because levees have been built apparently in the interest of navigation when many persons believe that they were built to secure land from the abrasion of the water that so many people in this country are disgusted generally with river and harbor bills. I do trust, therefore, that whatever may be done elsewhere on the Mississippi, there will be no appropriation of that kind made for any point within the State of Illinois. The facts of this case seem to have been made clear, not only by what has fallen from my colleague [Mr. ROWELL], but also from the remarks of the chairman of the committee. From the report of the engineer it appears that at a low stage of water there is a bar which almost closes these sloughs. At a high stage of water the only effect of the levee is to secure the land. There is no pretense that at the high stage of water this levee, or any strengthening thereof, will have any perceptible influence on navigation, and what the engineer means when he says that there is a theoretical benefit from it is that a certain amount of water which escapes might, if it were retained in the channel, increase by a very small percentage the scouring effect of the current.

But the main purpose of this levee is to secure the land from inundation, and no appropriation of this kind ought to be made unless its influence upon navigation is so large in proportion to its effect in securing the lands of private land-owners that it may be truly said that its effects in securing the lands is almost insignificant. Now, in this case that is the main effect, there is little or no influence upon navigation; and we in the North, who are somewhat accustomed to criticise appropriations for the Lower Mississippi, because levees there are built ostensibly for navigation but really, as many people believe, for another purpose—we, I say, in the North, and especially in the State of Illinois, ought to be careful how we by our silence permit any such appropriation to go upon this bill for any point within the State of Illinois. For my part I should feel mortified if such an appropriation were to pass here unchallenged.

Mr. HENDERSON, of Illinois. Mr. Chairman, I know nothing in the world personally about Sny Island levee. I do not even know that it is true, as stated by my friend and colleague [Mr. RIGGS], that the people in that neighborhood have themselves expended $600,000 in making that levee. I do know, however, that they have expended a large amount of money there, but I do not understand that they ask the Government to reimburse them one single dollar of the money which they have expended; and the only question for us now to consider is whether the navigation of the river at that point is benefited by the improvement which has been made and which now must be maintained.

Mr. ADAMS, of Illinois. Will my colleague permit a single question?

Mr. HENDERSON, of Illinois. Yes, sir.

Mr. ADAMS, of Illinois. Suppose we did not appropriate one dollar, would not the private owners of that land maintain that levee for their own private purposes sufficiently to maintain substantially good navigation?

Mr. HENDERSON, of Illinois. I do not know whether they would or not; but, without answering that question further, I will say that if the work is in the interest of navigation I do not think they ought to be required to do it. And I want to say, in addition, that whatever the engineer may say in regard to this improvement, the gentleman from Missouri [Mr. HATCH], whom I do not now see in his seat, who lives in the neighborhood and understands the subject, has repeatedly stated that the work there does benefit navigation by confining the water to the river. It has benefited navigation, not only in the low stages of water, but at all times when the water would escape through these sloughs, and the engineer states that a part of the plan for the improvement of the river is to close up these sloughs. That being so, and the engineer having estimated what the cost of improvement would be, the Committee on Rivers and Harbors have simply recommended that that amount of money, or a sum not exceeding that amount, may be expended by the engineer for his work.

Now, there is nothing in that which is discreditable to the State of Illinois; there is nothing that is discreditable to the Committee on Rivers and Harbors in having included this item in the bill. We have been assured, not only by my colleague, who represents that district [Mr. RIGGS], but, as I have said, by a Representative from the State of Missouri [Mr. HATCH], that there has been a great benefit to the navigation of the river; and if that be so, and the people there have expended $600,000 upon that work, and if it be necessary to maintain some portion of the work, not for the purpose of protecting their property, but in the interest of navigation, I certainly can see no objection to this appropriation. I care nothing personally as to what may be done about it, but I simply say that I believe this is a proper item to be retained in this bill in view of what the engineer says about it, and in view of what Representatives upon both sides of the river have told us as to the influence of this work upon navigation—for certainly they are not interested in protecting the private property.

Mr. CUTCHEON. Mr. Chairman, I am not disposed to criticise this

bill. I think that the committee have aimed to make a fair and reasonable bill. As I understand the question now presented, it is about this: Certain parties have built a levee for their private benefit, to reclaim their own lands. They have realized the benefit of this work; and now they propose to recoup from the Government a portion of their expenditure, because, if they had not made this levee the Government, in pursuance of some general plan of improvement, might have made it.

Mr. HENDERSON, of Illinois. They spent the money.

Mr. CUTCHEON. I know they spent the money; but they got the benefit of the expenditure upon their lands. Now, there is just one question for this committee to consider; that is the question of navigation. Will this proposed expenditure benefit the navigation of that river? If it will, then it ought to be made; if not, it ought not to be made.

Mr. MILLIKEN. Is there not another question? If it does benefit navigation, the question is whether that benefit is necessary?

Mr. CUTCHEON. Now, there are three stages of water to be considered. First, there is the high stage; and the engineer says that at the high stage of water, with the additional amount of sand, this work is an injury rather than a benefit to navigation. Then there is the low stage of water. At the low stage there is no water escaping through this Snicarte Slough, and therefore it can not be any benefit to the navigation. Then there remains the medium stage. There is no complaint that at the medium stage the river is not all right for navigation. So that this work is no benefit at high water, it is no benefit at low water, and it is no benefit at mean water. This is simply a proposition for recoupment by the land-owners upon the Government; and I think the Committee of the Whole would do well to agree to strike out this appropriation of $16,500.

Mr. RIGGS. Mr. Chairman, as I represent the district in which this Snicarte Slough is situated, I do not wish any false impression made upon the minds of members in regard to the matter. My colleague over the way [Mr. ROWELL], who represents the Bloomington district, asserts that this is a proposition to donate $16,500 to certain gentlemen in my district.

Mr. ROWELL. In your district and that of General HATCH.

Mr. RIGGS. These people do not live in Bloomington; they do not live in Chicago. This is not a proposition to expend money for a canal to drain Chicago nor is it a proposition to donate $16,500 to anybody. The Mississippi River Commission, speaking of this reach of the Mississippi River, has said that—

> The system of improvement now being carried out between Des Moines Rapids and the mouth of the Illinois River, which consists in closing side chutes and reducing the stream to a uniform width, will in time accomplish all the results claimed for it.

The commission says that a part of the plan is to close these side chutes and confine the water within the banks of the river. The engineer whom the Government has placed in charge of the river improvement at this point says that the Government would have closed four of the side chutes which have been closed by this Snicarte levee. These people did this with their money. True, it was done for their own benefit. But the constant tendency of the water is to cut away the base of the levee at the point where it crosses these four side chutes. Now, what is asked here is that the Government protect this levee to the height of 6 feet at this point, where the engineer says the Government not only should protect these levees, but would have built them. These people have built them for the Government and have closed those four side chutes.

Mr. CUTCHEON. They have built this levee not for the Government, but for themselves, and now they want the Government to pay them for it.

Mr. RIGGS. They have built it, and the Government will get the benefit of it, if there is any benefit, and the engineer says there is.

Mr. ROWELL. Does the gentleman think the Government would have built this levee across the upper mouth of the Snicarte Slough and taken upon itself the responsibility of paying mill-owners heavy damages for interfering with the water-power?

Mr. RIGGS. I do not know. But judging from the many things which the Government has done in connection with river improvements, I should say yes. With this bill before me, I would not hesitate to say yes. [Laughter.]

Mr. WILLIS. Mr. Chairman, as I understand this provision its purpose is not, as my friend from Michigan [Mr. CUTCHEON] supposes, to repay private individuals for something that has been done. Nobody is asking to be "recouped" from the Government. This is simply a proposition to strengthen an existing levee. This levee was erected by private capital. The Government engineers say that had the levee not been put there the Government would itself have closed these four chutes. This levee, constructed by private capital, is now in process of destruction. To prevent that destruction, to strengthen the levee, this appropriation is proposed.

Mr. CUTCHEON. Will the gentleman explain how the strengthening of the levee will benefit navigation?

Mr. WILLIS. Well, I have already gone over that question. The engineers have stated the matter as fully as I could. This work aids navigation by preventing the water being taken out of the main channel—by confining it in one channel.

In order to perfect the text of the bill before the question is taken on the motion to strike out, I move to amend by adding at the end of line 1101 these words:

> *Provided*, It is in the judgment of the engineers in the interest of navigation and in accordance with the plans of the engineers.

Mr. ANDERSON, of Kansas. Why not strike out the last clause, "in accordance with the plans of the engineers?"

Mr. WILLIS. The amendment proposes to require two things: first, that this expenditure shall be in the interest of navigation; second, that it shall be in accordance with the plans of the engineers. It thus meets the objection of my friend from Illinois [Mr. ROWELL] and all the objections which have been made to this provision.

Mr. ANDERSON, of Kansas. If this is in the interest of navigation it might be made; but suppose it is not in the interest of navigation, but simply in the interest of land-owners there, why the appropriation would be expended because it may be in accordance with the plan of the engineers.

Mr. WILLIS. This is not in the disjunctive; it requires both of these things to exist; it must not only be in the interest of navigation, but upon the plan of the engineers.

Mr. BROWN, of Pennsylvania. Do you think that is a good way to make appropriations?

Mr. WILLIS. Yes; I think it is the very best way to guard all appropriations.

Mr. ANDERSON, of Kansas. While it may be a proper thing for the Committee on Rivers and Harbors to follow the plans of the engineers, I believe this House can rise to a higher plane of action.

Mr. MORRISON. Yes, it can go over the hills where there are no rivers. [Laughter.]

Mr. ANDERSON, of Kansas. Here is a place in Illinois, and I am glad it is in a Northern and not in one of the Southern States, where, so far as I have been able to gather information from reports, this improvement is mainly for the benefit of the owners of land adjacent thereto—not only to deepen the channel or improve the navigation, but to benefit the private owners adjacent thereto by the enhancement of the value of their property. Now, sir, I propose to act irrespective of the plan of any engineer. I am frank to say I do not think engineers were constituted by God as of authority transcendent so as to dominate everything. Not by a great deal. The question before the House is whether this appropriation should be made for the benenfit of navigation; and I think it ought not. It is not for the benefit of navigation, and I think this committee should vote to strike it out.

[Here the hammer fell.]

The amendment of Mr. WILLIS was agreed to.

The question recurred on Mr. ROWELL's motion to strike out.

The House divided; and there were—ayes 39, noes 74.

Mr. ANDERSON, of Kansas. No quorum has voted. If the gentleman from Kentucky will allow us to vote on this paragraph in the House by yeas and nays, I will withdraw the point of no quorum.

Mr. WILLIS. Certainly.

Mr. ANDERSON, of Kansas. Then I withdraw the point of no quorum, with the understanding a vote shall be had on this paragraph in the House by yeas and nays.

So the amendment was rejected.

The Clerk read as follows:

> Improving Mississippi River from the mouth of the Illinois River to the mouth of the Ohio River: Continuing improvement, $500,000; of which $50,000, or so much thereof as may be necessary, to be expended in extending the work for the protection of the eastwardly bank of the Mississippi River at Cairo, and the prevention of its wash or erosion, commencing at the southerly end of the present Government revetment work and continuing down stream.

The CHAIRMAN. The question recurs on the first amendment of the committee, which will be read by the Clerk.

The Clerk read as follows:

> In line 1103, after "Ohio River," insert the following: "Including the completion of the work at Alton, and, at the discretion of the Secretary of War, the protection of the Illinois shore opposite the mouth of the Missouri River."

The amendment was agreed to.

The CHAIRMAN. The question recurs next on the amendment of the Committee on Rivers and Harbors, which the Clerk will read.

The Clerk read as follows:

> Insert at the end of the paragraph the following: "And the River Commission may, in their discretion, use so much of said sum of $500,000 as may be necessary to correct the current of the river and improve the channel at Saint Louis."

Mr. GLOVER. I have an amendment here, Mr. Chairman, looking to the striking out of the words just read by the Clerk.

Mr. WILLIS. The committee will withdraw its amendment.

The CHAIRMAN. There being no objection, the amendment of the committee just read by the Clerk is withdrawn, and is not before the committee.

Mr. WILLIS. That removes the necessity for the amendment of the gentleman from Missouri [Mr. GLOVER].

Mr. CLARDY. I move, in line 1107, to strike out "five" and insert "six," so it will read "continuing improvement, $600,000."

The bill proposes to appropriate $500,000 to improve the Mississippi River between the mouth of the Illinois and the mouth of the Ohio

Rivers; $50,000 of which it provides shall be diverted to an improvement at Cairo, which was pointed to by the engineer in charge of the work in a report submitted in 1884 as an evidence of the inutility of attempting to improve the navigation of the river by a piecemeal process, having reference primarily to the improvement and betterment of private property.

It may be necessary now, in order to preserve some small benefits which may have accrued to commerce by reason of expenditures heretofore made, without the recommendation and against the suggestions of the engineer, to make the allotment proposed by the committee. About that I express no opinion, because I have not time to state the facts which induce it. The bill further contemplates the diversion of whatever may be necessary to complete the improvement at Alton, Ill., and whatever may be needed to protect the banks of the Mississippi River opposite the mouth of the Missouri. I express no opinion as to the necessity for these appropriations at Alton and at the point opposite the mouth of the Missouri River, because I have no knowledge or information sufficient to form one. They may be and doubtless are meritorious works. I believe the proposed appropriation to correct the current and improve the channel at Saint Louis has on motion of my colleague [Mr. GLOVER] been stricken out, and I am glad of it.

But I want to inquire, Mr. Chairman, when the amount allotted for the improvement at Cairo is subtracted from the $500,000, and the amount necessary to the completion of the work at Alton is taken out, and whatever is needed to protect the banks of the Mississippi River opposite the mouth of the Missouri River is also withdrawn, what if any portion of the $500,000 will be left to prosecute the plans for the systematic improvement of the Mississippi River between the mouth of the Illinois and Cairo, a distance of 241 miles? There is no reach of the river, Mr. Chairman, from the passes to Des Moines Rapids where the money expended has yielded such munificent returns as the section of the river I am discussing.

Commencing with Horse-tail bar, where a channel width of 5,000 feet has been reduced to a uniform width of 2,500 feet for a distance of 5 miles and where a low-water depth of 4 feet has been increased to 9½ feet, and going on down the river you find not only the evidence that the money of the Government has been expended——

[Here the hammer fell.]

Mr. RANDALL was recognized, and, by consent, yielded his time to Mr. CLARDY.

Mr. CLARDY. I thank the gentleman from Pennsylvania for his courtesy.

Not only, I say, do you find evidence that the money of the Government has been expended—you can find that testimony anywhere on the river, or on any other river in the country—but you find the incontestable proof that there has been a corresponding benefit to the navigation of the river.

Mr. Chairman, for the fiscal year ending June, 1882, $600,000 were appropriated for the improvement of this reach of the river, and in addition to that $35,000 were appropriated for a work at Saint Louis, $20,000 for a work at Cape Girardeau, and, I believe, $25,000 for an improvement at the Minturn Point, Illinois.

These appropriations were made upon a river and harbor bill that carried $11,441,300, and in which only $1,000,000 were appropriated for the river below Cairo; while upon this bill, that carries more than $15,000,000, it is proposed to reduce the sum to $500,000, and to adopt a diffusive process, which renders it doubtful whether $200,000 or $100,000, or any other sum, will be left to prosecute the legitimate work of river improvement.

Mr. REED, of Maine. The "diffusive" process is the process adopted on the river below Cairo, I presume.

Mr. CLARDY. I can not say as to that. The diffusive process of which I speak consists in parceling out the appropriation which has for its basis the recommendation of the engineer in charge of the work to objects not embraced in his plans for improving the navigation of the river and for which there are no estimates.

For the fiscal year ending June 30, 1883, $600,000 were again appropriated for this improvement; and at the last session of this Congress, on my motion, an amendment similar to the one I have just offered was adopted with great unanimity by the Committee of the Whole House, increasing this appropriation from $400,000 to $600,000. The Committee on River and Harbors, in their report, offer as an apology for the size of the bill before us the fact that the last Congress passed no river and harbor bill; and they indicate that the increased appropriation for the river south of Cairo is because there are in fact two annual appropriations in one.

There seem to be two bills in one so far as the river below Cairo is concerned, and a half a bill in one so far as the sections above that point are concerned. I desire to remind the committee reporting this bill that the source of the Mississippi River is not at Cairo, but that there is a long reach of the river running up to the Des Moines Rapids, and that the people of that section are interested in the improvement of the whole river, and that their Representatives on this floor intend to insist upon adequate appropriations from the headwaters to the Gulf.

[Here the hammer fell.]

Mr. WILLIS. I hope now we will have a vote. This is as large an appropriation in proportion as for any other river in the country.

Mr. GLOVER was recognized, and yielded his time to Mr. CLARDY.

Mr. CLARDY. I desire to occupy but a moment in reply to the gentleman from Kentucky.

Mr. WILLIS. I have not said much, and I hope that the gentleman will permit us now to proceed without further discussion and get through with this bill.

Mr. CLARDY. This the first time I have said anything during the discussion of this bill I believe, and my apology for consuming the time of the committee now is that the people of my State, together with all the other people of the Mississippi Valley who do not own and operate railroads, are interested in so improving that river that it may become the regulator of interstate commerce.

I understood the gentleman from Kentucky to say something about the percentage of the estimates which he gave us. Let me say to him that it was upon an estimate of $1,000,000 that this House at its last session increased this appropriation to $600,000. It was upon that estimate that every appropriation has been made since the plans for the improvement of the river have been adopted.

And let me say further to the gentlemen that the engineer upon this section of the river does not seem to have fallen into the very reprehensible habit of asking for more than is required for fear that he may get less.

Major Ernst, the engineer to whom I refer, is a gentleman of acknowledged ability in his profession, as the plans formulated and the work done by him attest, and his estimate of the aggregate amount required for the completion of the work on this part of the river was made upon the supposition that money would be appropriated in accordance with his annual estimates.

Mr. GLOVER. I rise to heartily indorse the amendment proposed by my colleague from Missouri [Mr. CLARDY], although I am a member of the Committee on Rivers and Harbors. I have found in the preparation of the bill a closeness in the estimates of the engineers for that reach of the river between the Illinois and the Ohio which is not to be observed in any other portion of the estimates of the engineers. I have observed with regret that provisions are made for that reach of the river which may divert the bulk of the money intended for the improvement of the channel. I have observed in the scrutiny of this entire question the fact that there—and you might almost say there alone—an abundant return for the money invested by the Federal Government is always given; it is as sure to come back in the improvement of the channels as the seed cast upon good ground is certain to fructify and grow and bear fruit. And I may say that that portion of the river is the portion of the improvement of the Mississippi River which forms the solid basis for the hope that the money of the Government will ultimately, so far as the river is concerned, render the proper returns.

Horsetail bar is always pointed to as a proof that there the engineers' plans adopted have triumphed. And I will say it is the policy of this Congress to bestow liberal appropriations on that reach in order that it may progress and may continue to be the model so far as the improvement of the main trunk of the river is concerned, and that the results may be such that they may be pointed to whenever skeptics undertake to doubt the reality of this improvement. I hope the amendment will be adopted.

Mr. HATCH. I move to strike out the last word for the purpose of making a statement to the committee. When the paragraph embraced between line 1092 and line 1098 was under consideration I was temporarily absent from the House. I desire to state to the committee that part of the river embraced in the lines I have indicated lies within from a mile and a half to three miles of the city where I reside. Prior to the building of this Sny levee the worst bar in the river between Saint Louis and Keokuk was just below the mouth of this sny. I have seen it time and again myself when the boats for weeks were unable to pass that point without lighters. I have been upon a boat upon that bar when there were four other steamboats drawing less than 4 feet of water aground upon it.

This levee was built upon the east side of the river, a high bank being upon the left, and in one single season after the building of that levee that bar disappeared without any work on the part of the United States engineers who were in charge of that part of the river, and not a single boat from that day to this has ever touched bottom upon it. It is the best practical demonstration of the theory of Captain Eads for the improvement of the Mississippi River that has been made in the last twenty years.

I would not give the demonstration of that fact which has stood there now for ten years for all the theories of all the engineers in the United States as to the improvement of the river.

Every steamboatman on the Mississippi River knows it. The closing of the mouth of that sny and the building of that levee and the confining the waters to the natural channel of the river have improved the navigation and the channel of the river more than the engineers of the United States would have done with the expenditure of $100,000.

The proposition embraced in this paragraph is not to build a levee. There has been such a hue and cry in this House for the past few years on the part of members who know nothing more about the Mississippi River than they know about the condition of a river in the moon, if there is one, that every time a levee is mentioned it is like shaking a red rag in a bull's face; but the fact is, the best and cheapest way to improve

the navigation of the Mississippi River is with levees as a part of the plan.

[Here the hammer fell.]

Mr. SWOPE was recognized, and yielded his time to Mr. HATCH.

Mr. HATCH. I am obliged to the gentleman.

I do not believe, Mr. Chairman, that any plan has ever been or ever will be devised for the permanent improvement of the Mississippi River that omits the building of proper levees and the strengthening of the banks. The levee of which I speak is above 70 miles long, and was built by private enterprise, by a private corporation. It has done more for the improvement of those 70 miles of the Mississippi River than all the work done by the money that has been expended by the War Department during the last fifteen years.

Mr. WARNER, of Ohio (*sotto voce*). Better leave it to private enterprise.

Mr. HATCH. The gentleman from Ohio [Mr. WARNER] suggests that we had better leave it to private enterprise. You had better spend your money in the most profitable way, and when you find that private enterprise has developed the proper system for the improvement of the Mississippi River you had better expend your money in that direction. As my friend from Illinois [Mr. HENDERSON] has referred to the fact that I have made statements time and again, not only to the House but even the Committee on Rivers and Harbors, in regard to the effect of this improvement, I desire to say that the gentleman was correct when he quoted me as having stated the facts of this matter and stated them as facts existing within my personal knowledge.

Mr. Chairman, I have not taken up any time heretofore in the discussion of this bill, and I have just this to say about it now: I have always voted for the river and harbor bill. There are propositions in this bill, as there have been in every other one for which I have voted, that I do not approve; but I will not refuse to vote for a bill for the proper improvement of the navigable rivers and the harbors of the country simply because there are propositions contained in it that do not meet my personal approval.

Mr. GROSVENOR. Mr. Chairman, during the somewhat extended discussion yesterday the gentleman from Iowa [Mr. HEPBURN] saw fit to point out the fact that the river and harbor bill carried upon its face evidence of what he was pleased to term selfishness, and he singled out certain States of the Union which are represented upon the River and Harbor Committee as having been more than mindful of their own just rights in the distribution of these appropriations. I desire to reply in a very few words to the position of the gentleman; admitting, however, that the question how much money goes to any single State, or to any river, or to any harbor has nothing to do with the justice or injustice of a measure like this. There are questions which rise higher than "selfishness," and which ought to settle the judgment of a committee upon questions such as these. But I want to pursue the natural and logical result of the suggestions made by the gentleman from Iowa. The money, or the principal part of the money, which we expend in this country, and which comes from the contributions of the people, is derived from two sources: First, collections from the customs department, and I shall assume for the purpose of what I am going to say that every State in this country in proportion to its population pays exactly the same, so I dismiss that question from further consideration. That leaves me to look for a moment at the disposition which we will make of the $112,000,000 that does not come from individual sources, but does come in such a manner as that we can locate it in the several States of the Union. The fifteen States from which the members of the Committee on Rivers and Harbors come pay into the Treasury upon this basis of comparison as follows:

Kentucky, $14,842,475; Louisiana, $538,814; Alabama, $73,315; Iowa, $2,222,059; West Virginia, $543,188; Texas, $181,829; Michigan, $1,558,155; Mississippi, $47,951; Missouri, $6,276,165; Illinois, $23,075,864; Pennsylvania, $7,371,209; Massachusetts, $2,287,453; New York, $13,823,644; Ohio, $12,565,516; California, $2,630,160; making a total of $88,019,997 out of the $112,000,000.

Mr. HEPBURN. Will the gentleman permit me to ask him a question?

Mr. GROSVENOR. Yes, sir. I will do better by you than you did by me.

Mr. HEPBURN. Does not the rule of consumption apply to those $112,000,000 of internal revenue the same as to the customs revenue?

Mr. GROSVENOR. I will not stop now to discuss that question. The total internal-revenue collections for the year ending June 30, 1885, was $112,000,000. Of that amount these States paid more than $88,000,000, and the remaining twenty-three States and the Territories $24,000,000

[Here the hammer fell.]

Mr. OWEN was recognized, and yielded his time to Mr. GROSVENOR.

Mr. GROSVENOR. The nine States singled out by the gentleman from Iowa paid into the Treasury as follows: Texas, $181,829; Louisiana, $538,864; Ohio, $12,565,516; Illinois, $23,075,864; Michigan, $1,558,155; California, $2,613,160; West Virginia, $543,188; Kentucky, $14,842,475; Alabama, $73,315.

The aggregate is $55,992,366, and these States receive by the appropriations in this bill $4,394,000. Thus it will be seen that of their contributions to this aggregate these nine States take out of the Treasury only $4,394,000, and leave in $51,598,366. That is, they put in $51,598,512 more than they take out.

Mr. MILLIKEN. Will the gentleman permit me to ask him a question?

Mr. GROSVENOR. Yes, sir.

Mr. MILLIKEN. I would like to ask the gentleman from Ohio, who as I understand is a member of the Committee on Rivers and Harbors, if he believes that the money to be appropriated by this bill should be apportioned among the States according to the amount of revenue that they severally pay to the Government, so that each one shall get its share of the grab, if I may be allowed to use that expression, or does he believe that it should be appropriated where it is needed to benefit commerce?

Mr. GROSVENOR. Mr. Chairman, it is unfortunate for me that the gentleman from Maine did not hear what I said in the beginning of my remarks. I said that the respective contributions of the States had nothing to do with the real question, but that it was an answer to the argument that had been made here. If I were to answer the gentleman from Maine further, I would say that his State pays in $53,000 and gets out $86,000—more than she pays in.

Mr. MILLIKEN. And I desire to say, that so far as my district is concerned it does not get out a cent, and that so far as my State is concerned the gentlemen who represent it upon this floor, or at any rate one of them, will vote for appropriations for rivers and harbors wherever they may be needed, without regard to what any one pays into the Treasury or gets out of the Treasury.

Mr. GROSVENOR. That is exactly the position I have taken, and the gentleman merely repeats it in possibly a little better language. He has broken into my speech and repeated the sentiments of the whole of the first paragraph. [Laughter.]

Mr. Chairman, estimating upon the basis of the $112,000,000 and the contribution of Ohio to that fund, she ought to receive $1,600,000 under this bill; but in fact she puts in some $12,565,516 and takes out $403,000. Thus it will be seen that she puts in $12,162,516 more than she takes out.

Mr. Chairman, I have said this much to show that when the gentleman from Iowa attempts to draw a line based upon the idea of a distribution by States and Territories this sort of logic works itself out. That is all I have to say.

Mr. WILLIS. I ask unanimous consent that debate on the pending paragraph and all amendments thereto be limited to five minutes.

There being no objection, it was ordered accordingly.

Mr. ROWELL. Mr. Chairman, as an accompaniment to the statement of the gentleman from Missouri [Mr. HATCH] in regard to his personal knowledge covering the effect of a certain class of improvements, I think the House ought to have before it the record knowledge of the Government. I therefore read a single passage from the report of the engineers, page 1715, speaking of this same reach:

> The records show that since the levee was constructed, at points within its influence, most serious obstructions to navigation have either grown up or continued to exist until improved or removed by the work of the Government. Notable among such points are Gilbert's Island, vicinity of Louisiana Bridge, and Slim Island. Obstructions at these points have been as serious as any known to the memory of navigators. The formation of these obstructions is in no way charged to the Sny levee, but that the levee did not prevent their formation, or remove them, is a fact.

Mr. O'NEILL, of Missouri. Mr. Chairman, I have visited all the points involved in river improvements between Saint Louis and Foster's Island; and at no place upon the river has engineering given grander results than in the locality now under consideration. I want to impress upon members the fact that this increased appropriation is asked in good faith. The proposition of my colleague [Mr. CLARDY] to increase this appropriation from $500,000 to $600,000 is made in view of the absolute necessity of securing a larger appropriation there.

A great portion of the flotilla which was engaged in that work having been destroyed during the last winter, a large outlay will be required to replace it. The most serious obstructions to river navigation exist between Saint Louis and Cairo, and until you have removed all obstructions you can not get the benefit of the improvement of the river above that place, as a barge can only be loaded to the depth of water over the shallowest place in the river. This amendment is asked in good faith. This is the most important feature of river improvement on the Mississippi, and I earnestly hope the House will adopt the amendment.

The question being taken on the amendment of Mr. CLARDY, there were—ayes 28, noes 46.

Mr. CLARDY. No quorum.

Tellers were ordered; and Mr. CLARDY and Mr. WILLIS were appointed.

The committee again divided; and the tellers reported—ayes 38, noes 79.

So the amendment was rejected.

Mr. DAWSON. Mr. Chairman, I move to amend by inserting, after the word "which," in line 1107, the words "thirty thousand dollars, to be expended in improving the river at Cape Girardeau and."

Mr. Chairman, in view of the lateness of the hour and the anxiety of

the committee to secure early action on this bill, I will not trespass upon the time of the House with an elaborate discussion of this amendment. I will content myself and doubtless gratify the committee by simply adverting in the briefest way to a subject which is worthy of far more consideration than the limits of debate here will permit.

The project of establishing works of improvement at the point in the Mississippi River to which this amendment refers was inaugurated in 1881 for the purpose of removing the large and annually increasing bar in front of Cape Girardeau, which imperiled its harbor and fatally impaired the navigation of the stream. At that time this, if not the worst, was at least one of the shoalest, most thoroughly obstructed and troublesome portions of the reach between the cities of Cairo and Saint Louis.

According to the report of Major Ernst, the distinguished engineer then in charge, the bar was dry at a stage 16 feet above low-water mark, and the channel liable to a reduction in depth to only 4 feet, and at one time only 2½ feet; a degree of shallowness which not only threatened the extinction of the harbor, but the serious impairment of navigation and the destruction of commerce. The expenditure of $65,000, the very insignificant sum which was allotted to and expended upon the works at this point, satisfactorily removed this immense bar, and gave us a channel 8 feet deep as high up as Minturn Point—all that the commerce of the country demanded or the engineers in charge ever sought to attain; and I dare say that in the history of river improvement no grander achievement was ever made at such trifling cost.

But these works were hastily constructed, for want of adequate appropriations never completed, and, without some means of preservation, as the engineers distinctly state, necessarily temporary in their character. To perpetuate the results of this wise expenditure of the public money and give stability and permanency and value to the works thus established others of a more durable nature were needed and further appropriations were required.

To complete and preserve, therefore, these improvements, estimates of cost were repeatedly submitted, and recommendations of appropriations by the engineers again and again made. For the purpose of preservation a hurdle was erected opposite the city of Cape Girardeau. The ensuing season it was seriously damaged by ice. This fact was embodied in the next report of the engineers, and an appropriation of $42,000 in round numbers was recommended to complete this work and place it beyond the erosive and destructive influences of the river; but by reason of the unwise economy of the Forty-eighth Congress in neglecting to provide for this point during its first session, and in defeating the river and harbor bill, which did provide for it, in the second session, the work of restoration and preservation was delayed, and that already begun was partially if not wholly destroyed.

Like conditions produce like results. The destruction of the hurdle opposite Cape Girardeau, which was designed to protect and perpetuate the good results which had been attained, means the destruction of the efficacy of the entire work, and the return of the bar with all its attendant dangers to the harbor, to navigation, and to commerce. This process of ruinous change is going rapidly on, and I have been recently and credibly informed that the troubles which existed before the first pile was driven or the first willow-web was woven there face those people now.

To stay this destruction and avert a condition of things as deplorable as that which existed before these works of improvement had their inception, a liberal appropriation becomes imperative and should now be made. When once we have rescued a harbor of the commercial importance of Cape Girardeau; when we have removed an immense bar that infested the river and obstructed its navigation and imperiled its commerce; when we have stricken down at least one of the barriers which clog the enterprises of our country and repress, as it were, the energies of our people, no hesitation should be felt, no halt should be called, no backward step should be taken.

Such beneficent results should never be abandoned. Ample provision should be made at once—the restoration and perfection and preservation of these improvements should be assured, and the works at this point placed upon a permanent and enduring basis, beyond the power of the river either to destroy or impair them. Major Ernst recommended that this be done, and asked that $42,000 be set apart for this purpose for the fiscal year ending June, 1886.

Pursuant to that estimate and in compliance with that request the last House appropriated $35,000 for the river at Cape Girardeau. The failure of the river and harbor bill then only emphasizes the reason for granting us $30,000 now. The memory of past evils should admonish us of the dangers of further delay; and the loss which has been sustained by the errors and omissions, the parsimony and neglect of 1884 and 1885 should impress us with the necessity and the justice of according to this part of the reach wiser and more generous treatment during the years 1886 and 1887.

I therefore ask my amiable, eloquent, and obliging friend from Kentucky to accept the amendment I have had the honor to offer, and appeal to the House with no less earnestness than good faith for its adoption.

Mr. WILLIS. This matter has not been considered by our committee, and I have no authority to accept the amendment.

Mr. DAWSON. The amendment makes no increase in the aggregate amount of this appropriation, but proposes merely that a certain portion of the sum appropriated be devoted to continuing the improvement at Cape Girardeau, and this has been uniformly recommended by the engineers from the very inception of this enterprise in 1881 to the year ending in June, 1886.

Mr. WILLIS. I have no question whatever that the gentleman's statement is correct, and I assume the engineers would make the same recommendation again. If we make this appropriation in the terms proposed in the bill the expenditure of a portion of the money at the point named by the gentleman will be within the discretion of the engineers. I hope, therefore, the gentleman will not press his amendment.

Mr. DAWSON. I repeat that this amendment makes no increase in the amount appropriated, but simply directs that a part of the appropriation made in the bill for the reach between Cairo and Saint Louis be expended at Cape Girardeau, and I insist upon a specific application of the sum asked, because, despite former appropriations, despite former recommendations, and, I might add, despite former neglects and the evils which followed, the commission in whose hands this reach seems lately to have been unwisely placed have wholly ignored this point in their estimate for the year ending in June, 1887.

Mr. REED, of Maine. How high has the levee there been built now?

Mr. DAWSON. There is no levee, and there is no need for one. The city is on an eminence overlooking the river, and its site is as high, dry, beautiful, and picturesque as any among our Western hills.

I am not here asking alms for a local purpose. The appropriation is not designed to protect any city, nor to inure to any private benefit, but is intended wholly and solely for the improvement of the river, and the local benefits we expect are merely incident to the public good.

Mr. REED, of Maine. If that is the fact I do not understand why the Mississippi River Commission recommended it. [Laughter.]

Mr. DAWSON. The gentleman misunderstood me. The engineers, in whose charge this work formerly was, made the recommendation. The commission, in whose hands it now is, have for the next year ignored it. If I desired to be facetious I might say that the fact that this improvement is a public necessity accounts for the action of the commission.

Mr. DOCKERY. I do not understand the chairman of the committee [Mr. WILLIS] to make any objection to this amendment.

Mr. WILLIS. Then I did not make myself understood. The committee did not think it wise to make this appropriation. That is the whole of it.

The question being taken on the amendment of Mr. DAWSON, it was rejected; there being—ayes 25, noes 62.

Mr. NEECE. I move at the end of line 1101 to add the following.

The Clerk read as follows:

The sum of $15,000 shall be used in strengthening the levees on the east side of the Mississippi River between Warsaw and Quincy, Ill.

Mr. WILLIS. I make the point of order, Mr. Chairman, that we have passed that part of the bill.

The CHAIRMAN. The point of order is well taken, and the amendment can not be received.

The Clerk read as follows:

Improving Mississippi River from Head of the Passes to the mouth of the Ohio River: Continuing improvement, $2,250,000; which sum shall be expended under the direction of the Secretary of War, in accordance with the plans, specifications, and recommendations of the Mississippi River Commission: *Provided*, That no portion of this appropriation shall be expended to repair or build levees for the purpose of reclaiming lands or preventing injury to lands by overflows: *Provided, however*, That the commission is authorized to repair and build levees if, in their judgment, it should be done as part of their plan to afford ease and safety to the navigation and commerce of the river and to deepen the channel. Of the amount herein appropriated for the Lower Mississippi, $100,000 are to be expended in continuing the work in progress at New Orleans; $250,000 for the rectification of the Red and Atchafalaya Rivers by preventing further enlargement of the latter stream and restricting its outlet capacity, and for keeping open a navigable channel through the mouth of Red or Old River into the Mississippi; $50,000 in improving navigation in the Greenville Reach by preventing the bank at Greenville from further caving; and $100,000 in deepening the channel at Vicksburg by dredging through the bar existing there; but this last named sum shall not be expended, unless after another examination or survey the commission shall deem it advisable; and if they shall not, then $50,000 shall be expended in the improvement of navigation at Vicksburg by constructing suitable dikes and other appropriate works; and $75,000 in the work on the river at Memphis.

The CHAIRMAN. The question first recurs on the amendment reported by the committee.

The Clerk read the first amendment of the committee, as follows:

Strike out "continuing" and insert "completing;" so it will read:

"Seventy-five thousand dollars in completing the work on the river at Memphis."

The amendment was agreed to.

The second amendment of the committee was read by the Clerk, as follows:

Add the following:

"Also, $25,000 for work on the river at Hickman, and $25,000 for work on the river at Columbus, Ky."

Mr. HEPBURN. Mr. Chairman, I rise to oppose that amendment of the Committee on Rivers and Harbors. I do not believe this policy of improving the river at these little towns ought to be continued.

In the bill last year we had a number of provisions for the improvement of harbors at various places. I see the committee have abandoned the use of that word now and propose simply to regard these improvements as part of the general river improvement.

Now, I know of no reason why the wharf of the town of Hickman and the wharf of the town of Columbus should be improved by the General Government, or why the harbor (so called) of Natchez, or the harbor of Memphis, or the harbor of New Orleans, or the harbor of Vicksburg should be improved. These different towns on the banks of the river have submitted themselves to the consideration of Congress in connection with appropriations. Here is a bill granting $2,600,000 and over for the city of New Orleans and $700,000 for the city of Natchez. It seems to me this is a prodigal waste of the public money.

I wish to call the attention of the committee for a moment to the proposed amendment at the city of New Orleans. I have said heretofore it was for the purpose of protecting the levees which protect that city. The gentleman from Louisiana has heretofore contradicted that statement. Now I read from the report of the engineer in charge of the work, which will be found on page 2849 of the report of the Secretary of War. This engineer officer says:

> In order to make the city of New Orleans secure from danger of breaks in the levee, and from being gradually washed away, it is necessary to protect the bank in this bend, but the immediate importance of the work is not so great as it is in other portions of the harbor.

Here he is discussing the improvement of Carrollton Bend.

Let me read further:

Approximate estimate for completing work of improving harbor at New Orleans.

Carrollton Bend, left bank	$158,600
Gouldsborough portion of bend, right bank, 5,000 feet long	64,200
Gretna portion of bend, right bank, about 8,600 feet long	64,200
Bend above Gretna to a point nearly opposite the City Park, right bank, 26,400 feet	396,600
Total	683,600

This $683,600 it is necessary the Government should expend in order to prevent the city of New Orleans from being gradually washed away.

This officer further says, in speaking of the improvement at Carrollton Bend:

> There are no wharves, and the improvement would be of little benefit to commerce and navigation at present.

Again it is said on page 2974 of the same report——

The CHAIRMAN. The gentleman's time has expired.

Mr. HISCOCK. I desire to take the floor and yield my time to the gentleman from Iowa.

The CHAIRMAN. The Chair has recognized the gentleman from Kentucky [Mr. WILLIS].

Mr. REED, of Maine. All right, we will get it all in before we get through.

Mr. WILLIS. I will yield the floor to the gentleman from Iowa.

Mr. HEPBURN. I thought I had the page of another portion of the report of this engineer, but I find I have mislaid it. This same engineer in another portion of the report says in reference to another portion of one of these bends, which it is necessary now to improve or will be, is used by a railroad company, and there is a large portion of property on it—$1,400,000.

Mr. WILLIS. It is on page 2849.

Mr. HEPBURN. He says there is $1,400,000 on this bend which will be destroyed if not properly improved by this river improvement.

Mr. REED, of Maine. Unless the navigation is improved.

Mr. HEPBURN. Unless the navigation is improved. I accept the modification. [Laughter.]

Now, Mr. Chairman, it seems to me it is no part of the duty of the Government to look after improvements of this kind, which belong alone to the city of New Orleans.

Remember, Mr. Chairman, in this so-called harbor of New Orleans there is now a depth of 100 feet of water and more. And the engineer complains that one of the great difficulties in making the improvement is this wonderful depth of water. It requires them to build up their spur-dikes a hundred feet high in order to get them to the surface of the water; and where they propose to use revetments made of mattresses, the mattress suspended over the bank will have to go down a hundred feet in the river before reaching the bottom, making it exceedingly expensive and difficult first to plant the mattresses and then to keep them there because of the extraordinary seepage. I have no objection to the improvement at that point, but I want the people of New Orleans to make it themselves.

We go a little farther up to the city of Natchez. What in the name of common sense is there in the way of demand growing out of commercial interests that imposes upon the Government of the United States the duty of expending $700,000 in order to protect the commerce of that flea-bitten city?

Mr. JONES, of Alabama. Let me interrupt the gentleman to say that there is no appropriation in this bill for that purpose.

Mr. HEPBURN. No, sir; but there is a recommendation for it. It is among the estimates of the engineers, and while we do not find it to-day in the bill, I suspect you will find it in the next one that comes in.

There is the same kind of a recommendation for Natchez that there is for Hickman and that we find for Columbus. Why do the committee indulge in these preferences for these smaller towns and ignore the larger ones? Now, in the last bill we find that we have appropriated more than a quarter of a million dollars to the city of Memphis. For the purpose of improving the navigation of the river at that point? Not much, sir. No man has claimed that. No one has ever asserted in this House, within my hearing, that the expenditure of that money would do one iota toward a more perfect navigation of the river.

But the river had made a bend and turned towards the Tennessee shore, striking at the mouth of Wolf Creek, which is above the city, and was rapidly cutting away the shore and endangering, as we were then told, and as the engineers tell us, large amounts of the property of individuals, not of the Government; and for the purpose of making that secure, and to prevent the washing into the river of valuable lots, and possibly of buildings, Congress was asked to make that appropriation. But it was not for the purpose of improving the navigation.

And now again it is asked that we vote nearly $100,000 more to complete it.

[Here the hammer fell.]

Mr. STONE, of Kentucky. Mr. Chairman, it is a little singular to me that two places which are recommended for appropriations by the engineers who have surveyed the rivers shall be singled out to be stricken from this bill by gentlemen who hope to make a reputation before the country by posing as economists, when these two places lie in a section of the country that contributes as much or more to commerce, according to territorial extent, than any other section of the country immediately proposed to be benefited by this river and harbor bill. These places lie in a district more peculiarly situated than any other in America; in a district having more than a thousand miles of river coast; in a district that produces more tobacco than any other district in America. Or, perhaps it would be better to say that while tobacco is one of its chief productions, it is sometimes credited with producing the finest whisky, the best horses, and the most beautiful women in the country. But, be that as it may, I want it distinctly understood that it is a section of the country that is renowned for its water ways. These two places at which the gentlemen now strike lie within that section, and we have come here asking for very little.

We have asked $100,000 for each of these places—Hickman and Columbus—but the committee in their wisdom have seen fit to recommend $25,000; and we are willing to take that, as it seems to be in the same proportion that has been allowed other places.

What is the importance of either one, or both taken together? Mr. Chairman, they are places of large manufacturing and commercial interests; places in which a large and important system of railroads terminate, Columbus having a system coming in from the west of the river and one also from the east, and there is a continual transfer kept up. Hickman is a large manufacturing town, and is the terminus of the Nashville and Northwestern Railroad. Then these places are not the little insignificant towns they are supposed to be by the gentleman who is opposing this appropriation, but they are towns of commercial importance to the country. The people there have been doing, and are doing now, all that can be done to maintain the commerce of the country that flows in and out; and it is the business of this Government, if it is helping other places, if it is improving harbors and rivers in other parts of the country—I say it is its duty to help to take care of the great commercial interests of the people centering there.

But, sir, I apprehend from the motion that is made to strike out these places that the Congress of the United States proposes to keep up the line of policy that has been followed in the past, and that is, that the streams, marshes, and creeks, and little branches shall swallow up the hard earnings of the labor of the country, while those great streams upon which the commerce of the country can float are to be left to neglect. While the points on those rivers that are admitted to maintain a constant commercial relation with the outside world must be allowed to go down because they are not able to withstand the swift current of the Mississippi, insignificant harbors and unnavigable rivers are to be improved at a vast expenditure of the public money.

Why, sir, take the city of Columbus. Twenty years ago I stood there a beardless boy upon those banks. I saw then a good wharf, a street composed of rows of business houses, and other streets that have all gone into the Mississippi River since that day, being washed in by the current that sets against that town. And we come here and ask for a modest sum that will help these people in their efforts there to protect themselves from being washed away, their property carried into the river, and commerce destroyed in that section. Yet it is opposed by gentlemen on this floor whose sections, I apprehend, heretofore have been covered up almost by these appropriations to make harbors and improve small streams.

[Here the hammer fell.]

Mr. EDEN was recognized, and yielded his time to Mr. STONE, of Kentucky.

Mr. STONE, of Kentucky. I desire to say only another word or two. These gentlemen ask that the people of that section of country where this improvement is needed shall be deprived of these appropriations and these privileges.

Mr. Chairman, I admit we have not got the coal fields there which

are to be benefited so extensively by locking and damming some stream that will not float an ordinary saw-log three months in the year. We have not got the coal fields there, owned by a few individuals, to be benefited by these appropriations. But, Mr. Chairman, we have got an agricultural people; we have got the people there out of whose pockets the money does come that pays these appropriations. We have got the people there that work from early morn until dewy eve to maintain themselves and pay the taxes that are demanded from them to pay these appropriations. It has occurred to me, sir, in the discussion of this bill that it is the people who are working in mines, the people whose mining interests are to be protected, the people whose forests are to be maintained and protected and means made for them to get out their timber—that that class of people are the people who are alone to receive the benefits from the river and harbor bill. The people who dig the earth, who live by toil, are the people who bear the burdens, and when they seek the protection or benefits to be derived from these appropriations gentlemen are ready to get up on this floor and move that they shall not have the benefit of them.

Why, sir, as I have said, we have got more than 1,000 miles of river front. We have got twelve counties in our district, every one of which is washed on its border or through its center by a navigable stream except one. We have got a district that needs more in the way of appropriations for keeping open navigation through it than any other district in the State if you get to the real need, because we are at the mouth of the Ohio, the Tennessee, the Cumberland, and other rivers, making in all seven rivers in and around our district. Yet for all those rivers and for all these purposes we have put into this river and harbor bill the insignificant sum of $100,000; $50,000 given to Grand Chain, and $25,000 each at Columbus and Hickman.

Mr. Chairman, I can not believe that this House, that seemed so ready to assist these small branches, to assist the marshes, to buy locks and dams, to take State improvements and put them in the possession of the General Government, will refuse our people this pittance. I hope the amendment offered by the gentleman from Iowa will not be adopted.

Mr. REED, of Maine. How will this improve the town of Hickman?

Mr. STONE, of Kentucky. We do not care about this improving the town of Hickman. We want to protect the bank, so that the commerce over that railroad and on the river can be protected and cared for.

[Here the hammer fell.]

Mr. BLANCHARD. The small appropriation in this bill of $100,000 for the continuation of the Government work at the harbor of New Orleans has attracted the attention and I fear the ire of my friend from Iowa [Mr. HEPBURN]. Long before the gentleman from Iowa and myself had been honored with seats on this floor Congress had determined that the Mississippi River at the locality of the city of New Orleans was a harbor, and had made repeated appropriations for it as such; and now to-day my friend from Iowa challenges the statement that there is any harbor at the city of New Orleans needing improvement or protection.

Mr. Chairman, there is a harbor at New Orleans, the gentleman from Iowa to the contrary notwithstanding, which accommodates a greater amount of shipping than any other harbor in the United States except that of the great city of New York. I have the figures here before me to show that in the value of exports and imports the city of New Orleans ranks all the cities of the country except New York. There comes in at the mouth of the Mississippi River and anchors at the harbor of New Orleans a greater tonnage of shipping than enters even the great harbor and port of Boston. Now, sir, while it is true that there is a sufficiency of depth of water in that harbor, it is equally true on the other hand that the harbor of New Orleans needs protection.

I submit in all candor that it is just as legitimate, just as proper, to protect a harbor as regards its commercial facilities as to improve one by dredging to secure greater depth. Now what are the conditions at the city of New Orleans? The river there is three-quarters of a mile wide, and on both sides of it there are wharves extending a distance of four or five miles, making a total of from nine to ten miles of wharfage. That portion of the city away up at Carrollton Bend, concerning which the gentleman from Iowa [Mr. HEPBURN] read from the report, is not a part of the harbor of New Orleans which the Mississippi River Commission are engaged in improving. He read from the report made in 1884 concerning the Carrollton Bend, and argued from that that this appropriation for the harbor of New Orleans is nothing but an attempt to "riprap" a levee, as he put it, in order to keep it from caving into the river.

[Here the hammer fell.]

Mr. BRECKINRIDGE, of Arkansas, was recognized, and yielded his time to Mr. BLANCHARD.

Mr. BLANCHARD. I am much obliged to the gentleman. The work which the commission are engaged in at New Orleans Harbor and which they have half completed is at the Goldsborough portion of the harbor, below Carrollton, on the right descending bank of the river at the city of New Orleans. And what is it? Is it the riprapping of a levee, as the gentleman says? Why, sir, the commission in their report state that the work they are engaged in there consists of a system of submerged spurs built out at right angles to the bank, from 500 to 1,600 feet apart. Every dollar of this money is to be expended in work which is sunk down into the water for the protection of a portion of the city's commercial front about two miles in length, where the ocean ships of the world moor in the harbor of New Orleans. The levees which the gentleman speaks of are on the bank, and no part of this appropriation is to be expended upon levees. It is to be expended in protecting the commercial facilities of the harbor from destruction by the currents and forces of the river, and not to prevent the river overflowing its banks by the erection of levees.

Mr. HEPBURN. May I ask the gentleman a question?

Mr. BLANCHARD. I have but a moment and can not yield. I say that no portion of this appropriation is to be expended upon a levee or in riprapping. The work is a system of submerged spurs sunk down into the water, and they are needed there as aids to commerce and navigation, as the commission state in their report. In that report they say the river front at the point where the works are located is extensively used for purposes of commerce; and that the commercial interests to be benefited by the improvement can not be estimated.

Mr. HISCOCK. Who says that?

Mr. BLANCHARD. It is stated right here in the report.

Mr. HISCOCK. Who says it?

Mr. BLANCHARD. The River Commission's report.

Mr. REED, of Maine. Why, they can not estimate anything, not even the cost of the work.

Mr. BLANCHARD. I do not yield to the gentleman from Maine nor to the gentleman from New York [Mr. HISCOCK]. I beg their pardon, but my time is too limited.

Mr. Chairman, the very title of this bill is "A bill making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes." It is shown in the report of the commission that one-half of the work proposed to be done at the Goldsborough front at New Orleans has been done; and here is a moderate appropriation of $100,000 to continue and complete that work. This same fight against the harbor of New Orleans was initiated by the gentleman from Iowa [Mr. HEPBURN] and carried on in the Forty-eighth Congress. The same ground was traveled over then that he travels over here to-day, and the Committee of the Whole voted him down then, as I trust it will do to-day.

Mr. CUTCHEON. I desire to ask the gentleman from Louisiana [Mr. BLANCHARD] a question. I have listened attentively to his remarks, to learn just how this expenditure is to benefit navigation in the harbor of New Orleans. I understood the gentleman to say that the work consists of a series of submerged spurs in the bed of the river, but how does that benefit navigation? Is it not merely to protect the bank?

Mr. BLANCHARD. Mr. Chairman, I never have stated, nor does the report of the committee state, that there was any need of work in the harbor of New Orleans for the purpose of deepening the water. But what is a harbor? It is a place where vessels find a port, where they can be moored, and it must have facilities for their mooring. Those facilities are constructed and provided by the municipality. But here is the Mississippi River, the property of the United States, which threatens destruction to the mooring-grounds there, to the facilities provided for the commerce and shipping of a great harbor where rides the commerce of a dozen or more States and Territories of this Union. The benefit is not local to New Orleans or its people. All the great country drained by the river and its tributaries is interested in this work. Let the mooring-places for the ships and vessels be destroyed, let the facilities provided for the commerce and shipping of this great port be swept away by the forces of the river, and what avail would be the navigation of the harbor. If we can dredge a harbor to deepen it, we can equally curb the forces of the water within that harbor to prevent the destruction of the aids to navigation and commerce placed there. These aids to commerce and shipping are as necessary to navigation, in the commercial sense of that term, as depth of water is.

[Here the hammer fell.]

Mr. HEPBURN. I think the gentleman from Louisiana [Mr. BLANCHARD] was seriously mistaken in supposing that any one has said this work is to result in benefit to the harbor. The engineer, on page 2974 of the report, says:

> The effect of this work—

That is, the sinking of two of the submerged spurs—

> can not be known until the falling of the river diminishes the current sufficiently to permit accurate soundings to be taken in depths of 100 feet.

So that the very man in charge of this work has no knowledge now as to what the effect of this work is to be. I understood the gentleman to say that $100,000 was the meager sum asked to continue and complete this work.

Mr. BLANCHARD. At Goldsborough Bend.

Mr. HEPBURN. Ah! the gentleman did not say that before. The revised estimate, as contained in the last report, in addition to the sums already expended, is $654,000. I wanted to ask the gentleman from Louisiana how the expenditure of that sum and the building of these dikes was to affect in any way the vessels that come into that harbor. Here is now a depth of 100 feet of water. Here is now the width that

has been there all these years. Suppose the banks cave; suppose that some of the property on the bank falls into the river. How does that affect the navigation of the river? How does that affect the vessels that are to be moored there from year to year? There is still a depth of 100 feet; there is still a half-mile in breadth; there are still the same possibilities of anchorage, if vessels ever anchor there. I confess, if this is not a harbor, and if vessels tie up there to a "stubbing-post," just as they do at landings along the river, the caving-in of the banks might interfere a little with the integrity and permanency of the stubbing-post. [Laughter.]

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, I wish to say to the gentleman from Iowa [Mr. HEPBURN] that this work at the harbor of New Orleans is one of great importance, and one which I have examined personally. I am clearly convinced in my own mind of its very great importance to the commerce of that port.

The gentleman seems to proceed upon the assumption that the only thing needed for a harbor is depth of water. Why, sir, there is ample depth of water in the middle of the Atlantic Ocean; but that does not afford a harbor. There is ample depth of water in the middle of the Mississippi River at New Orleans; but that does not afford a harbor.

Mr. MILLIKEN. Does the gentleman believe it will require less money to make at New Orleans a permanent harbor, such as he calls a harbor, than it would require to make one in the middle of the Atlantic?

Mr. BRECKINRIDGE, of Arkansas. The gentleman can answer that question for himself.

Now, we know perfectly well that commerce can not find a foothold or lodging-place unless there is a harbor having stability as well as depth of water. Gentlemen make no objection when we provide for breakwaters to prevent the storms and currents of the ocean from rushing into our harbors situated nearer the coast. We thus prevent the destruction of shipping, the wrecking of wharves, and all the other appurtenances of commerce. Why, then, should objection be made when at this great port we seek so to regulate and control the majestic current of the Mississippi as to provide a suitable place for the transactions of commerce? Why, sir, there could not be a port on the Mississippi with any adequate facilities for the transaction of business on a large scale unless at the selected ports, worthy to be dignified by the name, we give such protection as we give to every seaport in the country.

Mr. BUTTERWORTH. Before debate on this part of the bill is closed I desire, with the indulgence of the Committee of the Whole, to suggest to the chairman of the Committee on Rivers and Harbors the desirability of having the committee rise at this time, and also of giving permission that such amendments as members may wish to offer to this paragraph of the bill be printed in the RECORD. I trust this proposition will meet the approbation of the gentleman from Kentucky [Mr. WILLIS].

Mr. WILLIS. I accept the gentleman's suggestion. I ask unanimous consent that gentlemen may now send their amendments to the desk to be printed in the RECORD.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that gentlemen desiring to offer amendments may now send them up to be printed in the RECORD.

Mr. HEPBURN. That will not preclude the offering of further amendments?

The CHAIRMAN. Certainly not.

The following are the amendments submitted to be printed in the RECORD:

By Mr. WARNER, of Ohio:

First. Strike out the words "Mississippi River Commission" and "commission" wherever they occur in the paragraph on pages 47 and 48 of the bill and insert "Secretary of War."

Second. At the end of line 1152 add: "*Provided*, That a committee, to consist of five members of the House, shall be appointed by the Speaker to investigate the work of the Mississippi River Commission and to report thereon before the end of the session, with such recommendation as it may deem proper. Said committee shall also examine and report upon the jetties at the mouth of the river, and especially whether mud lumps are forming beyond the jetties and what depth of channel is kept open at and beyond the mouth of the river."

To come in after the word "five," in line 1155:

And the Secretary of War shall cause soundings to be made for a distance of not less than 5 miles beyond the jetties at the mouth of the river to ascertain whether mud lumps are forming and to what extent bars are forming and what depth of channel is maintained all the way to the deep waters of the Gulf, and to report the results of such examination to Congress at the next session.

By Mr. LITTLE (to come in at the proper place):

SEC. —. If, during the first ten days of the session or sessions of Congress after the passage of this act, the President shall be satisfied that it would be detrimental to the public interests or a wasteful expenditure of public money to apply any specific appropriation herein, or unexpended balance thereof, exceeding $25,000 in amount, to the purpose or purposes for which appropriated, he shall direct the withholding of the same from use and forthwith transmit to the House of Representatives a full statement of his reasons therefor. And thereupon, subject to the right of each House to determine the rules of its proceedings, the question of continuing such appropriation or unexpended balance thereof shall be submitted to the House of Representatives, and, if decided in the affirmative, shall be transmitted, together with said statement, to the Senate and submitted thereto. If the two Houses concur in continuing such appropriation or unexpended balance, the same shall thereupon again become available for said purpose or purposes; otherwise it shall be covered into the Treasury.

Mr. BUTTERWORTH offered the following:

Add at the end of line 1130 the following:

"*And provided further*, That this appropriation shall not be available for any improvement other than the removal of obstructions from, and the dredging of, said river, and the completion of unfinished works thereon the discontinuance of which would, in the opinion of the Secretary of War, work a material injury to commerce, until the plan of such improvement, with estimates of the expense thereof, shall have been submitted to the President and by him approved, and then only to the extent, to be designated by him, necessary for the improvement thus having his approval."

By Mr. ANDERSON, of Kansas:

Amend by striking out lines 1127 to 1130.

Mr. WILLIS moved that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WELLBORN reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 7480) making appropriation for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that it insisted on its disagreement to the amendment of the House to the bill (H. R. 6429) granting a pension to Eunice E. Clark, agreed to the conference asked on the disagreeing votes of the two Houses, and had appointed Mr. CULLOM, Mr. BLAIR, and Mr. COLQUITT as managers of said conference on its part.

And then, on motion of Mr. SPRINGER (at 5 o'clock and 20 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ATKINSON: Petition of Grange No. 368, of Huntingdon County, Pennsylvania, for the passage of a law to suppress imitation dairy products—to the Committee on Agriculture.

Also, petition of same, protesting against the admission of foreign agricultural products free of duty—to the Committee on Ways and Means.

By Mr. BALLENTINE: Petition of Thomas Callender, executor of James C. Owen, of Williamson County, Tennessee, asking that his claim be referred to the Court of Claims to correct manifest error in decision of Southern Claims Commission—to the Committee on War Claims.

Also, papers in the claim of James C. Owen, of Williams County, Tennessee—to the same committee.

By Mr. BARBOUR: Petition of Kate S. Lake, praying that the war claim of Elmira F. Seaton, deceased, late of Fauquier County, Virginia, be referred to the Court of Claims—to the same committee.

By Mr. BARRY: Memorial of Mrs. L. E. C. Johnson, of Ohio, for cotton destroyed by Union soldiers during the late war—to the same committee.

By Mr. BRAGG: Papers relating to the case of Daniel Williamson—to the same committee.

By Mr. BUNNELL: Petition of Grange No. 630, Bradford County, Pennsylvania, asking a law to protect them from the adulteration of articles of food, especially butter—to the Committee on Agriculture.

Also, petition of same, opposing the reduction of the tariff on wool, hides, jute, rice, tobacco, raw sugars, &c.—to the Committee on Ways and Means.

By Mr. CASWELL: Petition of D. P. Clough and 24 others, citizens of Wisconsin, praying for the passage of a bill taxing butterine and oleomargarine—to the Committee on Agriculture.

By Mr. CLARDY: Petition of merchants and business men of Chicago, New Orleans, Baltimore, New York, and other cities, in favor of House bill 1621—to the Committee on Commerce.

By Mr. CLEMENTS: Memorial of 147 citizens of Cobb County, Georgia, for the passage of the Blair educational bill—to the Committee on Education.

By Mr. CONGER: Petition of merchants and business men of New York, Chicago, Philadelphia, and other cities, in favor of House bill 1621—to the Committee on Commerce.

By Mr. CURTIN: Memorial of Granges Nos. 122, 677, 783, and 790, Patrons of Husbandry, of Pennsylvania, praying for legislation to prevent the manufacture and sale of imitation dairy products—to the Committee on Agriculture.

Also, memorial of the same against the admission free of duty of wool and other raw materials—to the Committee on Ways and Means.

By Mr. R. H. M. DAVIDSON: Petition of 48 citizens of Tampa, of 52 citizens and of 7 citizens of Manatee, of 13 citizens of Ellenton, and of 101 citizens of Palmetto, Fla., praying that the time for the completion of the railroad of the Florida Railway and Navigation Company may be extended—to the Committee on the Public Lands.

By Mr. DUNHAM: Petition of Richard Simms and Abbie S. Hill, clerks of Chicago monthly meeting of Friends, favoring Senate bill 355,

to promote peace among nations and tribunal for international arbitration—to the Committee on Foreign Affairs.

By Mr. ERMENTROUT: Memorial of James Bonday & Co., salt importers, relative to the duty on wool—to the Committee on Ways and Means.

By Mr. EVANS: Petition of Woman's National Indian Association of Montgomery County, Pennsylvania, for the protection of the rights of Indians, &c.—to the Committee on Indian Affairs.

Also, memorial of Grange No. 684, of Pennsylvania, for the suppression of the manufacture and sale of all imitation dairy products—to the Committee on Agriculture.

Also, memorial of the same against reduction of duties on agricultural raw materials, such as wool, jute, hides, tobacco, raw sugar, &c.—to the Committee on Ways and Means.

By Mr. GILFILLAN: Memorial of the Woman's National Indian Association, of Saint Paul, Minn.—to the Committee on Indian Affairs.

By Mr. GOFF: Petition of J. N. Conely and 54 others, citizens of West Virginia, requesting additional pension legislation—to the Committee on Invalid Pensions.

By Mr. HAYNES: Petition of officers and members of Deerfield Grange No. 74, Patrons of Husbandry, of Deerfield, N. H., for a revenue tax on adulterated butter—to the Committee on Agriculture.

By Mr. D. B. HENDERSON: Concurrent resolution of the General Assembly of Iowa relating to settlement of the Government's claims against the Union Pacific Railroad Company—to the Committee on the Pacific Railroads.

By Mr. HEWITT: Petition of citizens of California and of the president and executive committee of the Mechanics' State Council in reference to the contested election in the State of California, and praying that Mr. Montague R. Leverson may be heard at the bar of the House—to the Committee on Elections.

By Mr. IRION: Papers relating to the claim of David H. Boult, of Winn Parish, Louisiana—to the Committee on War Claims.

By Mr. LIBBEY: Petition of Norfolk Assembly, No. 4713, praying Congress to reject the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. LONG: Memorial of Boston monthly meeting of Friends on behalf of Senate bill 355, to promote peace among nations—to the Committee on Foreign Affairs.

By Mr. CHARLES O'NEILL: Petition of Capt. John Smith, formerly of the One hundred and sixteenth Regiment Pennsylvania Volunteers, asking for an increase of his pension—to the Committee on Invalid Pensions.

By Mr. OSBORNE: Petition of S. S. Bowman and 38 others, citizens of Millersburg, Pa., asking that the name of Mary F. Black, widow of Thomas J. Black, late private in Company B, Two hundred and first Regiment Pennsylvania Volunteers, may be placed upon the pension-roll—to the same committee.

By Mr. PLUMB: Petition of L. N. Stratton, president of Wheaton Theological Seminary, Illinois, and 32 others, teachers and citizens, asking for the passage of temperance instruction in schools bill—to the Committee on Education.

By Mr. RANDALL: Memorial of Grange 608, Patrons of Husbandry, of Pennsylvania, for the suppression of imitation dairy products—to the Committee on Agriculture.

Also, memorial of the same, against the admission free of duty of wool and other raw materials—to the Committee on Ways and Means.

By Mr. REESE: Petition of Thomas N. McMullan and 39 others, citizens of Hart County, Georgia, for national aid to education—to the Committee on Education.

By Mr. RICHARDSON: Petition of J. H. Dale, for readjustment of salary, under act March 3, 1883—to the Committee on the Post-Office and Post-Roads.

By Mr. STORM: Memorial of Grange No. 57, Patrons of Husbandry, of Pennsylvania, against putting wool, hides, jute, raw sugar, rice, &c., on the free-list—to the Committee on Ways and Means.

Also, memorial of the same, in favor of suppressing the manufacture and sale of all imitations of dairy products—to the Committee on Agriculture.

By Mr. ZACH. TAYLOR: Papers relating to the claim of Ann Eliza Turner, of Fayette County, Tennessee—to the Committee on War Claims.

By Mr. TOWNSHEND: Petition and papers in support of the bill granting a pension to Marquis D. Davis, Company B, Eighty-ninth Regiment Illinois Volunteers—to the Committee on Invalid Pensions.

By Mr. TURNER: Petition of C. S. Sibley, county school commissioner, and others, citizens of Calhoun County, Georgia, for the passage of the Blair bill—to the Committee on Education.

By Mr. WHEELER: Petition of James Moore, of Colbert County; of Garrett S. Chandler and of Russell M. Killburn, of Lauderdale County; of Thomas J. Scruggs, of Jordan Peacock, and of Moses B. Keel, of Jackson County; and of Leonard Green, asking reference of their several claims to the Court of Claims—to the Committee on War Claims.

Also, petition of Capt. W. J. Duley, to accompany House bill 7488—to the Committee on Pensions.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. C. H. ALLEN: Of citizens of Essex County, Massachusetts.

By Mr. CLARDY: Of citizens of Saint Louis, Mo.

SENATE.

FRIDAY, *April* 30, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior transmitting, in accordance with the requirements of the act of July 15, 1870, a full and complete inventory of the property belonging to the United States in the buildings, rooms, offices, and grounds occupied by that Department; which, with the accompanying papers, was ordered to lie on the table, and be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of Rev. A. A. Lewis, of Evinston, Fla., praying that an appropriation of $100 per capita be made to be expended under the direction of the American Colonization Society for expenses of colored emigrants to Liberia; which was referred to the Committee on Foreign Relations.

He also presented a petition of dairymen and butter-makers of Lexington, Ky., praying for the passage of the bill placing the manufacture and sale of all imitations of butter under the control of the Commissioner of Internal Revenue, and taxing it at 10 cents a pound; which was referred to the Committee on Agriculture and Forestry.

Mr. DAWES. I present a petition of certain Indians, praying for payment to certain of the Cherokees for their removal and subsistence, and for the removal of other Cherokees to the Indian Territory. The petition is signed by the Indian agent, Robert L. Owen; it is also signed by John Taylor, who represents himself to be the agent and attorney of the Indians in North Carolina, in behalf of the object I have stated. I move that the petition be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. DAWES presented a petition of a meeting of Friends in Boston, Mass., praying for the passage of the bill to promote peace among nations; which was referred to the Committee on Foreign Relations.

Mr. HARRISON presented a memorial of Knights of Labor of Indianapolis, Ind., remonstrating against the employment on public works of prison-contract labor; which was referred to the Committee on Education and Labor.

He also presented the petition of John McKnight and 640 other ex-soldiers and citizens of Harrison County, Indiana, praying for the passage of the House bill No. 3320, granting a pension to all United States soldiers of the war of the rebellion, and for other purposes; which was referred to the Committee on Pensions.

Mr. BLAIR presented a petition of the officers of the Industrial Christian Home Association of Utah Territory praying that a donation of $100,000 be made to that institution; which was referred to the Committee on Education and Labor.

Mr. WILSON, of Iowa. I present the petition of M. McCrackin & Co., and a number of other citizens of Fairfield, Iowa, interested in dairy products, praying for the enactment of a law placing the manufacture and sale of all imitations of butter under the control of the Commissioner of Internal Revenue and taxing them at 10 cents a pound. I move the reference of the petition to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. PLUMB presented a memorial of Knights of Labor of Parsons, Kans., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. MILLER presented a petition of butter-makers and dairymen of Grand Gorge, N. Y., praying that a tax of 10 cents per pound be placed on all imitations of butter; which was referred to the Committee on Agriculture and Forestry.

BODIES FOR DISSECTION—VETO MESSAGE.

Mr. VANCE. I am directed by the Committee on the District of Columbia to call up the bill (S. 349) for the promotion of anatomical science, and to prevent the desecration of graves, which has hitherto passed the two Houses of Congress and has been returned by the President with a message giving his reasons why he can not approve the bill.

The PRESIDENT *pro tempore*. The Senator from North Carolina, from the Committee on the District of Columbia, calls up the bill named by him. The bill is before the Senate, and the question is, Shall the bill pass, the objections of the President to the contrary notwithstanding?

Mr. VANCE. I ask for the reading of the report of the committee

upon which the bill was passed and of the President's message. That is all that I propose to say about it.

The PRESIDENT *pro tempore*. The message of the President has been already read. The report of the committee will be read at the request of the Senator from North Carolina.

The Chief Clerk read the following report, submitted in the House of Representatives by Mr. FORD, March 4, 1886:

The Committee on the District of Columbia, to whom was referred the bill S. 349, having considered the same, report as follows:

The report made on said bill and submitted to the Senate states fully the objects and necessity for its passage, with which your committee agree, and herewith incorporate the same as a part of their report, as follows:

The object of this bill is to provide sufficient dissecting material for the medical colleges of the District of Columbia, and to afford better protection to the graves of the dead from desecration. The report made on said bill and submitted to the House of Representatives states fully the objects and the necessity for its passage, with which your committee agree, and herewith incorporate the same as a part of their report, as follows:

"The Committee on the District of Columbia, to whom was referred ——— entitled 'A bill for the promotion of anatomical science, and to prevent the desecration of graves,' having had the same under consideration, report it back with a favorable recommendation.

"The object of the bill is twofold: First and chiefly, to provide sufficient dissecting material for the medical colleges of the District of Columbia; and secondly, and indirectly, to afford better protection to the graves of the dead from desecration.

"There are now several flourishing medical schools in Washington well established, and one or more of them of long standing. It is known to all that such institutions can not be carried on or proper training for the practice of medicine and surgery be given without ample experience in the dissection of the human cadaver. This fact is recognized and approved by all, and yet public opinion as strongly approves and demands stringent laws for the punishment of the desecration of graves in order to procure the necessary dissecting materials. Hence, the laws of the District are very severe, and properly so, against the crime of grave-robbing. With such laws in operation and such necessities for the schools of medicine, the authorities of the District are compelled either to wink at this offense or seriously to cripple, if not to destroy, the efficiency and success of these schools. Furthermore, the heads of these institutions, professors, and students of science are compelled to supply their admitted necessities by confederating with and employing professional grave-robbers, and constantly to incur the risk of detection and criminal prosecution; and it being known in a community that the trade of resurrecting bodies for dissection is a common one, kindred and friends are frequently tortured with anxiety lest the hand of the resurrectionists shall remove the bodies of their dead.

"This bill is intended to relieve from such fears, to do away with the necessity or temptation of violating the laws, and at the same time in an open and legal way to provide the requisite dissecting material for the study and advancement of anatomical science in the District. A careful comparison with the statutes of some of the States shows its provisions to be prudently and aptly framed, and intended to accomplish the purpose in view in a manner as little repellant to public sentiment and sensibility as practicable."

For the above reasons your committee return said bill with the recommendation that it do pass, and that H. R. 2532 lie on the table.

Mr. VANCE. It will be perceived that the objections made to the bill are of a technical character. In the first place, to the proviso which requires that the dead bodies of paupers should be claimed by any friend or relation upon satisfying the authorities of the *bona fides* of such relationship, the objection is that the word "authorities" does not sufficiently define the officers who are to be satisfied of this fact before surrendering the body. By looking at the bill it will be seen, I think, that these authorities are sufficiently defined in the opening words, to wit:

That any public officer or officers, whether directors, trustees, superintendents, wardens, keepers, or managers, having lawful charge of or control over any hospital, prison, almshouse, jail, morgue, or asylum within the District of Columbia, may deliver to the duly authorized agent of any medical college or colleges in the said District of Columbia the bodies of such deceased persons as are required to be buried at the public expense, said bodies to be distributed among the several colleges equitably, the number assigned to each being proportioned to that of its students.

Now, the proviso is as follows:

Provided, however, That if the deceased person, during his last illness, of his own accord, requested to be buried; or if, within forty-eight hours after his death, any person claiming to be, and satisfying the authorities that he is, a relative by blood or marriage, or friend of the deceased, asks to have the body buried; or if such deceased person was a stranger or traveler who suddenly died, the body shall not be so delivered, but shall be buried.

I think that the word "authorities" in the proviso would refer to those mentioned in the opening words of the bill, so that it could hardly be true that the authorities who were to exercise this discretion of delivering the body were not sufficiently defined by the bill. That is the principal objection.

The other objection is to the fact that the physician who receives from the authorities the dead body is required to give a bond that the body shall be used for nothing but scientific purposes, and afterward shall be decently buried; that the physician is required to give bond instead of the medical college. That is the second technical objection. Whether that is sufficient to defeat the bill or not I leave it to the judgment of Senators to say.

The bill is one of very considerable importance, in the interest of humanity and of public decency, as tending to furnish scientific colleges in a lawful and decent way with sufficient subjects for their purposes, and to prevent thereby the necessary and disgusting occupation of robbing the graves of the dead, which is generally resorted to for these purposes. I submit, therefore, without further remark, whether the bill should be passed notwithstanding the President's veto on these technical grounds or not.

Mr. BROWN. I do not think all the Senators were present when the message of the President of the United States was sent to the Senate. It seems to me it is a courtesy due the Executive as well as proper that Senators should hear the message read before we vote upon it, and I therefore ask that it be read.

The PRESIDENT *pro tempore*. The message of the President of the United States will be again read.

The Chief Clerk read the message, as follows:

To the Senate of the United States:

I herewith return Senate bill No. 349, entitled "An act for the promotion of anatomical science, and to prevent the desecration of graves," without my approval.

The purpose of this bill is to permit the delivery of certain dead bodies to the medical colleges located in the District of Columbia for dissection.

Such disposition of the bodies of unknown and pauper dead is only excused by the necessity of acquiring by this means proper and useful anatomical knowledge, and the laws by which it is permitted should, in deference to a decent and universal sentiment, carefully guard against abuse and needless offense.

The measure under consideration does not, with sufficient care, specify and limit the officers and the parties who it is proposed to invest with discretion in the disposition of dead bodies remaining in the institutions and places mentioned in the bill. The second section indicates an intention to prevent the use of said bodies for any other purpose than the promotion of anatomical and surgical knowledge within the District of Columbia, and to secure, after such use, the decent burial of the remains. It declares that a bond shall be given providing for the performance of these conditions. But instead of exacting the bond from the medical colleges, to which alone, by the terms of the first section, the bodies are to be delivered, such bond is required of "every physician or surgeon before receiving such dead body."

The bill also provides that a relative by blood or marriage, or a friend, may, within forty-eight hours after death, demand that any body be buried, upon satisfying "the authorities" of the relationship claimed to the deceased.

The "authorities" to be thus satisfied should be clearly defined; and the determination of a question so important should be left with those only who will perform this duty with proper care and consideration.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April 26, 1886.*

The PRESIDENT *pro tempore*. Shall the bill pass, the objections of the President to the contrary notwithstanding?

Mr. VANCE. The yeas and nays will be called?

Mr. EDMUNDS. The Constitution requires the yeas and nays.

The PRESIDENT *pro tempore*. The question will be taken by yeas and nays under the Constitution.

Mr. HOAR. Mr. President, I suppose there is no Senator and no intelligent citizen who doubts that it is desirable to afford opportunity for an anatomical and scientific knowledge of the structure of the human frame by surgical examination and dissection of the dead bodies. I remember in a famous speech in the British Parliament on some kindred subject an eminent statesman and orator declared that one of the early sovereigns of Austria, I think Duke Leopold, was wounded on the field of battle and that the whole surgical skill of Europe could not afford a better means of treating him than cutting off the wounded limb with an ax or a hatchet, from which operation the duke died.

Now the poorest hod-carrier who falls from a ladder, the poorest operative who gets entangled in the machinery of a mill, receives in all our principal cities, without money and without price, the attendance of a surgical skill which all Europe could not have afforded to the man highest in rank in the world at any price a hundred years ago.

It is therefore in the interest of the poor, the destitute, the sick, that this opportunity for the promotion of surgical science should be afforded, and I have no hesitation in supporting any measure, whatever prejudice it may encounter, which holds that end properly in view, because I know that I am voting in behalf of the interests of humanity where humanity is in most need.

But at the same time that proceeding should be accompanied with every regard for the interested feeling of friends, relatives, and kindred, especially in the case of the poor and the unfortunate who die in public institutions apart, where they have not the tender care of their immediate relations. It is a sad thing, especially for men who have seen better days, to die absent from all the friends who had cared for them in life. It is the great desire and want and yearning of humanity that there should be a security for decent and reverent burial, and that the person's departure from life should be surrounded by the love and care of sympathizing friends.

On some fond breast the parting soul relies;
Some pious drops the closing eye requires.

The President of the United States under his official responsibility thinks the present bill is not sufficient in respect to the safeguards which it exacts for the reverent and tender care of persons who die in protecting their bodies from an invasion which may be a shock to surviving relatives when the fact is ascertained. Without going into a discussion whether the committee are right or the President is right, it seems to me that if we have passed a bill which leaves that question so far doubtful that so high an official of the Government thinks that further security is required and demanded by the reverence due to the form of humanity, it is proper that we should defeat this bill and reconsider our action; and without wishing to put any imputation upon the committee or even to express any certainty of conviction that the President is right, I shall vote against the bill.

The PRESIDENT *pro tempore*. The Secretary will call the roll.

Mr. HALE. Can we have the bill read?

The PRESIDENT *pro tempore*. The bill will be read.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That any public officer or officers, whether directors, trustees, superintendents, wardens, keepers, or managers, having lawful charge of

or control over any hospital, prison, almshouse, jail, morgue, or asylum within the District of Columbia, may deliver to the duly authorized agent of any medical college or colleges in the said District of Columbia the bodies of such deceased persons as are required to be buried at the public expense, said bodies to be distributed among the several colleges equitably, the number assigned to each being proportioned to that of its students: *Provided, however*, That if the deceased person, during his last illness, of his own accord, requested to be buried; or if, within forty-eight hours after his death, any person claiming to be, and satisfying the authorities that he is, a relative by blood or marriage, or friend of the deceased, asks to have the body buried; or if such deceased person was a stranger or traveler who suddenly died, the body shall not be so delivered, but shall be buried.

SEC. 2. That every physician or surgeon, before receiving such dead body, shall give to the officers surrendering the same to him a sufficient bond that each body shall be used only for the promotion of anatomical and surgical knowledge within the District of Columbia, and that after having been so used the remains thereof shall be decently buried; and whosoever shall use such body or bodies for any purpose other than that aforesaid, or shall remove the same beyond the limits of the said District of Columbia, and whoever shall sell or buy such body or bodies, or in any way traffic in the same, or who shall disturb or remove bodies from graves in which they have been buried, shall be deemed guilty of a misdemeanor, and shall, on conviction, be imprisoned for a term not less than two nor more than three years, at hard labor, in the District (or city) jail.

Mr. INGALLS. Mr. President, the object and purpose of the bill is to prevent the desecration of graves by those who are in search of material for the purpose of promoting anatomical science. The necessity for some such legislation will be apparent to those who are familiar with the revolting disclosures of the past ten years in this city, where the graves of many reputable persons who had been tenderly buried by their surviving relatives were found subsequently to have been opened by those who are engaged in this horrible pursuit.

The bill was reported from the Committee on the District of Columbia. A similar bill has been repeatedly passed by the Senate at previous sessions. It is unnecessary for me to say that I have no pride of opinion whatever about the matter; and if upon inspection of the bill the objections of the President appear to be well founded, or if there be a reasonable doubt whether the bill is properly guarded, then I hope the Senate will not agree to pass the bill over the objections of the Executive.

The criticisms of the President appear to be directed to two particulars. In the first place, he states that the authorities upon whom the demand for the burial of a body may be made are not sufficiently specified. The first section of the bill declares:

> That any public officer or officers, whether directors, trustees, superintendents, wardens, keepers, or managers, having lawful charge of or control over any hospital, prison, almshouse, jail, morgue, or asylum within the District of Columbia, may deliver to the duly authorized agent of any medical college or colleges in the said District of Columbia the bodies of such deceased persons as are required to be buried at the public expense.

That is the only class to which the provisions of the bill apply. The exceptions appear to me to be well guarded. In the first place:

> If the deceased person, during his last illness, of his own accord, requested to be buried; or if, within forty-eight hours after his death, any person claiming to be, and satisfying the authorities that he is, a relative by blood or marriage, or friend, of the deceased, asks to have the body buried; or if such deceased person was a stranger or a traveler who suddenly died, the body shall not be so delivered, but shall be buried.

So that, under the provisions of the bill, at least forty-eight hours must elapse after death before delivery can be made to the persons entitled to receive the bodies. Or if the deceased person was a stranger or a traveler who suddenly died, then, in that event, the body shall not be so delivered, but shall be buried.

It appears to me that the objections of the Executive are not well founded; that the authorities upon whom this demand is to be made are clearly defined, and that the persons whose bodies are to be delivered after death are solely confined to the class who would be buried at public expense otherwise.

But the committee saw fit to place still further safeguards around the bill, and they therefore provided that before any such dead bodies shall be received a bond shall be given to the authorities of the District of Columbia, and that after having been used for the purposes of science the remains shall be decently interred.

If there is anything left unguarded, if there is anything by which the sensibilities of survivors could be unnecessarily wounded, or if there is anything by which the full measure of respect to the dead is not maintained, I should argree that the objections of the President were sufficient and ought to be sustained. But in view of the fact that in the past ten years graveyards have been desecrated, graves have been opened and rifled, and surviving relations have been horrified to discover that the remains of their friends had been surreptitiously removed, I should hope that upon light and frivolous considerations the Senate would not decline to provide for some lawful and appropriate manner in which this necessary demand of subjects for anatomical science can be supplied from a class of persons who would be otherwise buried at the public expense, and which can be done without injury to the feelings of survivors, and with a sufficient guard against the possibility of delivering over to the authorities the body of any person dying suddenly by accident, a stranger in the city, or a traveler having no friends by whom his body could be reclaimed.

I do not find upon inspection of the brief message of the President that there are any other objections than those to which I have referred, and inasmuch as the object of the bill is primarily not to procure subjects for anatomical science but really to protect those who are properly buried and prevent the desecration of graveyards and the rifling of graves, I trust that the Senate will see fit to pass the bill notwithstanding the objections of the President.

Mr. SAULSBURY. Mr. President, I was not present in the Senate when the bill was passed, or if I was, my attention was not called to it. I supposed when I came in this morning and found what was under consideration that the provisions of the bill were confined to criminals who had suffered the extreme penalty of the law and who had no particular relatives to claim their bodies; but I find upon reading the bill that it applies to every person who, from indigent circumstances, is compelled to go to a hospital, to an almshouse, or to any place where the poor are provided for. If they die and make no request that they be buried and have no friend near to make a request for the delivery of their bodies for burial, then the bodies of such people are to be handed over to the colleges for the purpose of dissection. To that I am opposed.

It is known that there are many worthy people, indigent it is true, poor, helpless, and friendless, who are compelled to seek a home in the asylums of the country; and is the Congress of the United States to say that by reason of their poverty, by reason of their indigent circumstances, their bodies shall be delivered over upon death to colleges for the purposes of dissection?

Sir, I shall not vote for such a bill, whether it is for the purpose of promoting science or whether it is for the purpose of protecting the graves of other deceased people. These people are entitled to our sympathy living, and they should have our respect and our protection when they are dead.

For one, I am glad that the President of the United States has sent the bill back with his objections, and I hope the Senate will sustain the veto of the President. I place it not upon the ground which the President places it, but I place it upon the broad and higher ground of common humanity, which should cause us to protect those who from indigent circumstances are placed at our disposal.

Mr. VEST. Mr. President, I only wish to say that it seems to me if the attempt had been made to prevent the indigent and diseased persons of this country from ever entering into a hospital or charitable institution, this bill would have achieved that purpose. If there is anything revolting to the human race, even in a condition of barbarism, it is that the body should be subjected to the ruthless hands and the unfeeling knife of the surgeon. Even when an appeal is made to relatives in the name of science, such an appeal as the Senator from Massachusetts has spoken of here to-day, it is only when those relatives can rise above the ordinary feelings of humanity that the body of a loved one can be given up to the surgeon's knife.

Sir, the poor and indigent, for whose benefit these charitable institutions have been erected, it seems to me would rather die upon the street or upon the commons than go to a hospital under the provisions of this bill, knowing that at the end of a life of poverty and misery the body would not even be respected after death. This of itself is enough to induce me to oppose the bill, however good the motive may be, and I question not the motives with which the bill has been introduced.

But in addition to that, if anything technical could be brought here in such a case, the bill is not, it seems to me, sufficiently guarded. As the President has stated in his veto message, there is no definition of the authorities who are to be satisfied in regard to the use that is to be made of the body after death.

In the exception as to the case of a person who, before dying, shall make a request in regard to the disposition of his body, there is no provision as to how that request is to be authenticated. Take but one simple case which occurs almost every day, and certainly weekly in the United States; take the case of some poor unfortunate, who from feelings of delicacy conceals his name in order to hide the disgrace of dying in a hospital; in a distant city he is stricken down and, after a lingering sickness, he dies in want in some charitable institution. In forty-eight hours, if no relative appears, he is thrown into the hands of the surgeons and hacked to pieces in the interest of science. In one week afterward a wife, a mother, a father may find where this poor unfortunate has died, and has no opportunity to reclaim his body and have the poor privilege of weeping above his grave.

Sir, I can not vote for a bill with any such provision as that.

Mr. VANCE. Mr. President, I had no idea this bill would call forth such a burst of eloquent humanity. I am overwhelmed by it, when grave Senators with so much eloquence portray the inhumanity that is to be perpetrated upon a man which the man himself could avert by simply saying that he did not want to be cut up by the doctors after death. It seems to me that they are exerting much more care for him than he sees proper to exert for himself.

If the bill is to be rejected on principles of this kind it is simply equivalent to saying that under no circumstances shall the human body ever be delivered to professors of anatomical science, and that grave-robbing shall be continued forever or else science must forego its efforts to come to a knowledge of the human frame.

The paupers who are taken to an almshouse can procure themselves a decent burial at the expense of the public when they die by simply making the request of the proper authorities that their bodies shall not be given to the authorities. If it is more humane to permit their graves

to be rifled after death, then the bill is wrong on its merits, and without regard to the technical objections of the Executive it ought to be rejected by the Senate.

But if it is more humane, if it is more decent, if it is more conducive to the interests of those of us who are yet alive and those who shall hereafter live in this world, to make use of their bodies in this legal, decent way, it seems to me that it is impossible to conceive a bill more humane and more properly and strictly guarded. If the person has any relatives or connection by blood or marriage who shall come forward and request that his body shall be buried it shall not be delivered to the surgeons. If he has any friends who shall come forward and make that request the body shall not be delivered. If, having neither kindred nor friends in this world, he shall himself say to the superintendent of the hospital that he does not wish his body to be dissected it shall not be done, says the bill.

It seems to me that these reflections upon the humanity of the bill are entirely uncalled-for. The President himself did not raise them. His objections were purely technical, and as they have been commented upon by myself and by the chairman of the Committee on the District of Columbia, I will not say anything further.

Mr. HAWLEY. Mr. President, I sympathize with what the Senator from North Carolina has said concerning the necessity of some provision of this description, and I was inclined at the first blush to vote with him for the passage of the bill, the veto notwithstanding. But I wish to make a criticism upon the provisions.

That any public officer or officers, whether directors, trustees, superintendents, wardens, keepers, or managers.

That is very indefinite—any person with any degree of authority, not in the asylum alone, not in the almshouse alone, but in any hospital, even the best of them—

having lawful charge of or control over any hospital, prison, almshouse, jail, morgue, or asylum within the District of Columbia, may deliver to the duly authorized agent—

That is too indefinite—

of any medical college or colleges in the said District of Columbia the bodies of such deceased persons as are required to be buried at the public expense—

The person to be buried at the public expense may by no means be a pauper—

said bodies to be distributed among the colleges, &c.

Provided, however, That if the deceased person during his last illness, of his own accord, requested to be buried, or if within forty-eight hours after—

Any relative may claim the body, &c. I can suppose very easily a case that I think will determine any person to vote against the bill, a case not singular either. A stranger comes here, an entirely respectable and worthy stranger, neither a criminal nor a pauper. He suffers under some severe accident or is taken with some severe disease which makes the exercise of his mental powers somewhat clouded and difficult. He does not think of it and he is not informed concerning this law. It is not made the duty of any officer of the asylum or hospital to ask him the delicate question whether he is willing to be cut up or not, nor is the precise period indicated at which that question shall be asked. It is the announcement of the sentence of death upon the prisoner. Perhaps nobody expects his sudden death. Perhaps he does request that his relatives may be notified, but who shall be sure that the nurse or officer he directs will do it? Who shall be sure that the telegram gets there? Who shall be sure that the family is at home when the telegram arrives? It would be the easiest imaginable thing to find that possibly one of our nearest friends may be in the hands of the dissecting surgeon before the family shall have any notice of it, a person of means if you choose, of the highest character. But whether with means or without means, of high character or poorer character, the bill is not sufficiently guarded. The purpose is one that is entirely approved of by everybody; but there are not sufficient guards.

The PRESIDENT *pro tempore*. The Secretary will call the roll.

The roll was called.

Mr. SABIN. I am paired with the Senator from West Virginia [Mr. KENNA].

The result was announced—yeas 6, nays 48; as follows:

YEAS—6.

Allison,	Harris,	Plumb,	Vance.
Blackburn	Ingalls,		

NAYS—48.

Beck,	Dawes,	Jones of Arkansas,	Payne,
Berry,	Dolph,	Jones of Nevada,	Platt,
Blair,	Edmunds,	Logan,	Ransom,
Bowen,	Eustis,	McMillan,	Riddleberger,
Butler,	Evarts,	McPherson,	Saulsbury,
Call,	Fair,	Mahone,	Spooner,
Camden,	Frye,	Manderson,	Stanford,
Cockrell,	Gray,	Maxey,	Teller,
Coke,	Hale,	Miller,	Vest,
Colquitt,	Harrison,	Morgan,	Walthall,
Conger,	Hawley,	Morrill,	Whitthorne,
Cullom,	Hoar,	Palmer,	Wilson of Iowa.

ABSENT—22.

Aldrich,	Gorman,	Mitchell of Pa.,	Sherman,
Brown,	Hampton,	Pike,	Van Wyck,
Cameron,	Hearst,	Pugh,	Voorhees,
Chace,	Jones of Florida,	Sabin,	Wilson of Md.
George,	Kenna,	Sawyer,	
Gibson,	Mitchell of Oreg.,	Sewell,	

The PRESIDENT *pro tempore*. Two-thirds of the Senate not having voted for the passage of the bill, the objections of the President of the United States to the contrary notwithstanding, it is not passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 4731) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department; asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. RICHARDSON, Mr. GEDDES, and Mr. J. T. JOHNSTON managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 1357) authorizing the Court of Claims to hear and determine certain claims; in which it requested the concurrence of the Senate.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this day approved and signed the act (S. 2156) for the relief of John Randolph Hamilton, of the State of North Carolina.

REPORTS OF COMMITTEES.

Mr. RIDDLEBERGER. A petition was referred to the Committee on the District of Columbia, praying for relief for Esther A. Keyser, which has been considered by that committee, and a bill prepared in conformity therewith according to the best judgment of the committee and, I may also add, of the District commissioners, to whom the matter was referred. I ask that the bill be read the first and second time and placed on the Calendar, and that the petition lie on the table.

The bill (S. 2291) for the relief of Esther A. Keyser was read twice by its title.

Mr. RIDDLEBERGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 1187) to amend an act incorporating the proprietors of Prospect Hill Cemetery, approved June 13, 1860, reported it with amendments.

Mr. BOWEN, from the Committee on Indian Affairs, to whom was recommitted the bill (S. 1916) authorizing the removal of the Southern Ute Indians from the State of Colorado to the Territory of Utah, reported it with amendments, and submitted a report thereon.

Mr. MANDERSON. I am instructed by the Committee on Territories to report back the bill (S. 101) to amend sections 2475 and 2476 of the Revised Statutes of the United States, setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park, with certain amendments, and to move that the bill as proposed to be amended be printed and recommitted to that committee.

The report was agreed to.

Mr. INGALLS, from the Committee on the District of Columbia, to whom was referred the bill (S. 2219) to reduce the license tax of produce dealers at large and in the several markets, reported it without amendment.

Mr. CONGER. I report from the Committee on Commerce the bill (H. R. 6975) to establish additional life-saving stations favorably, with two amendments. As the Superintendent of the Life-Saving Service ought to know early what the action of Congress is to be, I ask unanimous consent that the bill be put on its passage now.

Mr. BLAIR. I have a report to make.

The PRESIDENT *pro tempore*. Objection is made by the presentation of morning business.

Mr. BLAIR, from the Committee on Education and Labor, to whom was referred the joint resolution (S. R. 40) providing for the payment of per diem laborers in Government employ on the 30th of May of each year as on other days, reported it without amendment.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (S. 660) to provide for the sale of the Cherokee reservation in the State of Arkansas, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 138) to provide for the sale of the Cherokee reservation in the State of Arkansas, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1601) to provide for the settlement of certain Cherokee claims, moved its indefinite postponement, which was agreed to; and he submitted a report accompanied by a bill (S. 2292) to provide for the settlement of certain Cherokee claims, which was read twice by its title.

Mr. CONGER. Now I ask unanimous consent for the consideration of the bill I reported, House bill 6975.

Mr. INGALLS. Let it be read for information.

Mr. PIKE. I must object to the consideration of that bill. This morning was assigned for the consideration of claims bills on the Calendar.

Mr. DAWES. I ask leave to present a conference report.

The PRESIDENT *pro tempore*. Objection is made to the request of the Senator from Michigan. Morning business being offered, it is in the nature of an objection.

Mr. CONGER. I will withdraw the report. I should like when the bill is reported to have it considered and passed at once.

The PRESIDENT *pro tempore*. If there be no objection the report will be withdrawn.

Mr. CONGER. I withdraw the report, and will make it at some other time.

Mr. PIKE. I do not object if it will not take time.

INDIAN APPROPRIATION BILL.

Mr. DAWES. I present the conference report on the Indian appropriation bill.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the Senate proceed to the consideration of the conference report on the Indian appropriation bill.

The motion was agreed to.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5543) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1887, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 12, 13, 23, 44, and 53.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 8, 9, 10, 11, 14, 15, 16, 20, 21, 22, 23, 24, 26, 27, 28, 32, 33, 45, 47, 48, 49, 50, 51, 54, 56, 62, 64, 65, 66, 67, 68, 69, 71, 72, 73, and 76, and agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,528,900;" and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000;" and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"For support and civilization of the Navajo Indians, including pay of employés, $7,500; for expenses of constructing ditches and reservoirs, $7,500; in all, $15,000, to be taken from the funds now in the Treasury belonging to said Indians."

And the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000;" and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,000;" and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,000;" and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,000;" and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000;" and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$15,000;" and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$650,000;" and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$55,000;" and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,000;" and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$715,000;" and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: Strike out all of said amendment, and insert in lieu thereof the following:

"*Provided*, That funds herein and heretofore appropriated for construction of ditches and other works for irrigating may, in the discretion of the Secretary of the Interior, be expended in open market: *Provided further*, That purchases in open market may be made from Indians, under the direction of the Secretary of the Interior, to an amount not exceeding $3,000."

And the Senate agree to the same.

H. L. DAWES,
P. B. PLUMB,
WILKINSON CALL,
Managers on the part of the Senate.
OLIN WELLBORN,
S. W. PEEL,
B. W. PERKINS,
Managers on the part of the House.

Mr. DOLPH. I should like to ask the Senator from Massachusetts what the report of the committee is in regard to the amendment of the Senate increasing the amount of the appropriation for industrial schools in Alaska?

Mr. DAWES. That has been agreed to by both branches.

The report was concurred in.

COAST AND GEODETIC SURVEY REPORT.

Mr. HAWLEY, from the Committee on Printing, to whom was referred the following concurrent resolution, reported it without amendment, and it was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 extra copies of the report of the Superintendent of the Coast and Geodetic Survey showing the progress made in said survey during the year ending June 30, 1885, for distribution by said superintendent.

RECOMMITTAL OF A BILL.

Mr. BLAIR. I ask that the bill (H. R. 4688) granting a pension to Josephine Da Costa Thomas be recommitted to the Committee on Pensions. The bill was reported by mistake.

The PRESIDENT *pro tempore*. The bill will be recommitted to the Committee on Pensions.

The Chair calls attention to the fact that the Senate by unanimous consent made a special order for this day.

Mr. FRYE. The order of the introduction of bills has not yet been called.

The PRESIDENT *pro tempore*. The Chair will look and see what the nature of the order is.

Mr. INGALLS. What is the order for to-day?

BILLS INTRODUCED.

The PRESIDENT *pro tempore*. The introduction of bills and joint resolutions is now in order. The Chair supposed it had been called before 1 o'clock.

Mr. FRYE introduced a bill (S. 2293) granting a pension to Hannah C. De Witt; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HARRISON introduced a bill (S. 2294) granting a pension to Hamilton Elliott; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MILLER introduced a bill (S. 2295) to muster Jesse H. Strickland as colonel of cavalry into the service of the United States, and to pay him for his services from January 30, 1863, to March 31, 1864, inclusive; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. COCKRELL (by request) introduced a bill (S. 2296) relating to the disposition of the hot water on the Hot Springs reservation, in the State of Arkansas; which was read twice by its title, and referred to the Committee on Public Lands.

ADDITIONAL LIFE-SAVING STATIONS.

Mr. CONGER. I will now report from the Committee on Commerce the bill (H. R. 6975) to establish additional life-saving stations, which I reported this morning and recalled, and let it be placed on the Calendar. I will take another day to ask the Senate to take it up and consider it.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

CONSIDERATION OF CLAIMS BILLS.

The PRESIDENT *pro tempore*. The morning business is closed, and the order of the Senate is the consideration of private bills reported from the Committee on Claims.

Mr. PLUMB. Can that order be set aside by a majority vote?

The PRESIDENT *pro tempore*. The order can, perhaps, be set aside by a vote. The Chair will ask the Secretary to read the order as made, and then Senators will understand it.

The Chief Clerk read as follows from the RECORD of Wednesday, April 28:

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent of the Senate that on Friday morning next, after the conclusion of the routine business of the morning hour, the Senate proceed to the consideration of the bills indicated by him, the claims bills.

Mr. CULLOM. I suppose that will confine the Senator to the morning hour?

The PRESIDING OFFICER. That is the understanding of the Chair. Is there objection?

Mr. COCKRELL. To what class of bills does the Senator's request apply?

The PRESIDING OFFICER. The Senator from New Hampshire will please state the bills he proposes to consider at the time indicated.

Mr. PIKE. Such as have been reported by the Committee on Claims at this session.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire? The Chair hears none, and it is so ordered.

Mr. PLUMB. I understand that only lasts to 2 o'clock, and that being so I shall not make objection or bring the Post-Office appropriation bill up now. At that time I will move it, and I wish to say, simply to anticipate the usual motion on Friday to adjourn over to Monday, that I hope that motion will not be made to-day; but that the Senate will sit to-morrow, in order that, if we do not conclude the consideration of the Post-Office appropriation bill to-day, its consideration may be concluded to-morrow, so as to have it out of the way during this week.

I will say as one reason why I desire to have that done that I am under constraint to leave the city at the earliest hour possible, and as soon as that bill is concluded I shall go away to be absent for a week or so. I hope therefore the Senate will be inclined to sit to-morrow, and thereby make sure of getting through with the Post-Office appropriation bill this week.

The PRESIDENT *pro tempore*. The first claims bill on the Calendar will be stated.

Mr. HOAR. I should like to say that this order was made for the convenience of the Senator from New Hampshire [Mr. PIKE], that there are one or two claims bills here which are under my charge, and at the consideration of which I suppose he does not specially care to be present; but I will not claim the indulgence of the Senate for the consideration of those bills until after the bills the Senator from New Hampshire desires to have considered shall have been disposed of.

The PRESIDENT *pro tempore*. What bills does the Senators from New Hampshire desire taken up first?

Mr. HOAR. I refer to the first bill on the Calendar. I will not ask that that be taken up.

PEARSON C. MONTGOMERY.

Mr. PIKE. I ask to take up Order of Business 52, being Senate bill 18.

The Senate resumed the consideration of the bill (S. 18) for the relief of Pearson C. Montgomery, of Memphis, Tenn.

The PRESIDENT *pro tempore*. This bill has been reported from the Committee of the Whole, and the amendments agreed to. The bill is still open to amendment.

Mr. INGALLS. Let it be read again.

The PRESIDENT *pro tempore*. The bill will be read as amended.

The Chief Clerk read the bill as amended, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Pearson C. Montgomery, of Memphis, State of Tennessee, the sum of $3,100, in full compensation for property taken from him for the use of and used by the Army of the United States during the late war.

Mr. INGALLS. Is there a report?

The PRESIDENT *pro tempore*. There is a report.

Mr. INGALLS. Let us hear it read.

The Secretary read the following report submitted by Mr. PIKE from the Committee on Claims, January 13, 1886:

The Committee on Claims, to whom was referred the bill (S. 18) for the relief of Pearson C. Montgomery, of Memphis, Tenn., having considered the same, present herewith the following report:

This claim was considered by the Committee on Claims at the Forty-eighth Congress, and they made a report prepared by Mr. PIKE, as follows, which the present committee adopt:

"[Senate Report No. 332, Forty-eighth Congress, first session.]

"The Committee on Claims, to whom was referred the bill (S. 896) for the relief of Pearson C. Montgomery, having considered the same, beg leave to make the following report:

"On the breaking out of the rebellion, Pearson C. Montgomery, of Memphis, Tenn., was the owner of the steamer New National, of about 480 tons burden, and was engaged in regular business with said boat on the Mississippi River.

"At the outbreak of the rebellion she was impressed by the confederates into their service without and against the consent of Montgomery, as he alleges. She continued in the service of the confederates from that time to June 6, 1862, when Memphis was captured by the Union forces. She was at Memphis on that day under orders from the confederate authorities to proceed down the river. Said orders were not obeyed, but after the fight Chief Clerk Nicholas M. Johnson, under the direction of said Montgomery, as he alleges, went on board the monitor Benton and delivered the New National to Admiral Davis, and Capt. Alexander Grant, of the Navy, was immediately placed in command of her, and she entered upon the services of the United States with the full consent of said Montgomery, as he alleges.

"She continued in said service from June 6, 1862, to March 20, 1863, a space of two hundred and eighty-eight days, at the expiration of which time she was turned over to said Montgomery by the order of the Secretary of the Treasury, and thereupon he chartered her for one year to Admiral Porter, at the rate of $50 a day, and for a second year at the rate of $65 a day.

"The said Montgomery now asks that he be paid at the rate of $50 a day for the two hundred and eighty-eight days the New National was in the service of the United States, under the command of Captain Grant, amounting to the sum of $14,400.

"While the New National was so held, and before March 20, 1863, she was libeled in the United States district court for the southern district of Illinois under the act of Congress of July 13, 1861, entitled 'An act further to provide for the collection of duties on imports, and for other purposes.'

"December 17, 1863, the district attorney for the southern district of Illinois, L. Weldon, wrote to the Solicitor of the Treasury as follows:

"'A few days since I obtained in the district court of this district a decree of condemnation against two steamers, the Kentucky and the New National. The ground of condemnation is that they carried on traffic in violation of the act of July 13, 1862, and the President's proclamation of August 16, 1861.

"'The claimants have given notice of appeal to the circuit court, and intend, also, to make an appeal to the Treasury Department for remission of the penalty. My judgment is that in the case of the New National, especially, no relief should be given.

"'The claimant has taken an oath of allegiance to the rebel government, and made some statements, as shown by the testimony, tending to show him at heart a disloyal man. The testimony on which he predicates his defense is taken without cross-examination and without any evidence as to the truthfulness of his witnesses.

"'I have taken great trouble and expense in preparing these cases for trial; having been as far south as Memphis in taking proof. I am thoroughly satisfied, from what I know or have heard outside of the legitimate proof of the case, that the New National is a fit subject of prize and capture.'

"The following letter from the Secretary of the Treasury, Salmon P. Chase, to the Solicitor of the Treasury, Edward Jordan, gives a further history of the case. The letter is dated January 16, 1863:

"'Capt. Pearson Montgomery, master and owner of the steamer New National, seized and recently condemned in the United States district court for the southern district of Illinois, under the act of July 13, 1861, has made his petition before me for the remission of said seizure and release of the boat. The complete record in the case, together with a statement of United States District Judge Treat, and the evidence, are presented. From these it appears to my satisfaction that Captain Montgomery was not of his own will in the rebel service with his boat, and that, so soon as he could, he escaped therefrom and voluntarily turned her over to the Federal authorities. * * * I conceive that the discretionary power conferred on the Secretary of the Treasury of mitigating or remitting forfeitures in cases of this nature should be used to extend relief to loyal persons and to lighten the hardships of the war so far as consists with the public interest.

"'In this view of the case, and for the reasons above stated, I feel justified in extending such relief as lies in my power to the petitioner, upon the usual terms. You will accordingly, please instruct the proper district attorney to dismiss said suit and further proceedings against said steamer upon these conditions, namely, that the claimant shall pay all costs of whatsoever character incurred by the seizure and judicial proceedings, together with a fee of $100 to the United States district attorney, and agree that certificate of probable cause of seizure shall issue from the court for the protection of the seizing officer.'

"Accordingly the proceedings in the circuit court were dismissed and an order made in accordance with the Secretary's letter, as appears of record in said court.

"In 1880 Captain Montgomery presented his claim for $14,400 to the Treasury Department. May 25, 1880, a decision was rendered by the Third Auditor on the case, rejecting it, and in July of the same year the Second Comptroller made a long examination of the case and rejected it. Captain Montgomery made two points, first, that the boat was not forfeited because it did not ply between ports one declared to be in a section that was in insurrection and a port not in such a section. He maintained that though the boat did run between New Orleans, La., and Columbus, Ky., both ports were in the insurrectionary sections, even though Columbus had not been so declared by the President's proclamation of August 16, 1861.

"The above-mentioned proclamation declared, among other States, Louisiana to be in a state of insurrection, but did not so declare as to Columbus, Ky.

"The law authorizing such proclamation is in the act of July 13, 1861, and is as follows:

"'SEC. 5. It shall be lawful, &c., * * * for the President by proclamation to declare that the inhabitants of such State, or any section or part thereof, where such insurrection exists, are in a state of insurrection against the United States; and thereupon all commercial intercourse by and between the same and the citizens thereof and the citizens of the rest of the United States shall cease and be unlawful so long as such condition of hostility shall continue; and all goods and chattels, wares, and merchandise coming from said State or section into the other parts of the United States, and all proceeding to such State or section, by land or water, shall, together with the vessel or vehicle conveying the same, or conveying persons to or from such State or section, be forfeited to the United States.

"'SEC. 6. That from and after fifteen days after the issuing of said proclamation, as provided in the last foregoing section of this act, any ship or vessel belonging in whole or in part to any citizens or inhabitant of said State or part of a State whose inhabitants are so declared in a state of insurrection, found at sea, or in any port of the rest of the United States, shall be forfeited to the United States.'

"It will be readily seen that the Treasury Department could not legally decide this point different from what it did.

"Captain Montgomery's second point was that the remission of the forfeiture by the Secretary of the Treasury not only restored to him his vessel, but the right to recover for her services from the time she was first seized.

"Secretary Chase does not seem to have considered in his above letter that the remission of the forfeiture went to that extent. His power of remission arose under section 8 of the act of July 13, 1861, which is as follows:

"'That the forfeitures and penalties incurred by virtue of this act may be mitigated or remitted in pursuance of the authority vested in the Secretary of the Treasury by the act entitled "An act providing for mitigating or remitting the forfeitures, penalties, and disabilities accruing in certain cases therein mentioned, approved March 3, 1797," or in cases where special circumstances may seem to require it, according to regulations to be prescribed by the Secretary of the Treasury.'

"The statute of March 3, 1797, gives power to the Secretary to stay the prosecution and remit the penalty, if one has been imposed, but it goes no further. There is no power in the statute, express or implied, whereby the Secretary could restore to Captain Montgomery the right to be paid for the services of his boat while under the decree of forfeiture.

"The Treasury Department could not do otherwise than overrule Captain Montgomery's second point.

"Under that head he also claimed that there was an implied contract on the part of the Government to pay for the boat for these two hundred and eighty-eight days.

"That argument must necessarily fall for the reason that the boat belonged to the Government by force of the statute from the moment it was used in violation of the law and the President's proclamation. It has been held that where a forfeiture is declared by statute in a case like this that the forfeiture becomes complete at the moment the statute is violated.

"Mr. Justice Ballard says:

"The decisions are uniform both in England and the United States. In The United States *vs.* Fifty-six barrels of whisky, &c., 'that where a statute denounces a forfeiture of property as a penalty for the commission of crime, if the denunciation is in direct terms and not in the alternative, the forfeiture takes place at the time the offense is committed and operates as a statutory transfer of the right of property to the Government.'

"And he adds:

"'That the subsequent conviction and judgment are simply the consummation of the proceeding that the law requires to be instituted to ascertain the fact of the forfeiture.' (See also United States *vs.* Nineteen hundred and sixty bags of coffee, 8 Cranch, 398; Gelston *vs.* Hoyt, 3 Wheat., 311; Caldwell *vs.* United States, 8 How., 381; Wood *vs.* United States, 16 Peters, 362; Henderson Distilled Spirits, 14 Wall., 16.)

"As to the loyalty of Captain Montgomery the testimony is somewhat conflicting, but the committee are inclined to adopt the view of the Secretary of the Treasury, Hon. Salmon P. Chase, that Captain Montgomery was loyal to the United States Government, and that his acts inconsistent with that were not of his own free will. It appears that as soon as the coercive acts of the confederates were removed he voluntarily surrendered the New National to the United States.

"It can not be supposed that the Secretary of the Treasury intended at the time he remitted to Captain Montgomery the forfeiture, and requiring him to pay costs and $100, that he was to have a claim against the Government up to that time for the use of it during the time it was in possession of the Government, and while it was in fact the property of the Government. Such a supposition is simply absurd.

"The remission of the forfeiture can not have the effect of giving the right claimed in this case.

"The statute of March 3, 1797, gives power to the Secretary to stay the prosecution and remit the penalty, if one has been imposed, but it goes no further. It does not confer the power to set aside or reverse the judgment. Its effect is to remit the penalty and restore the property, but the judgment and all its attendant disabilities, except those so remitted, stand, and the claimant is affected thereby.

"But it appears from this case that this remission of the forfeiture was on the 16th day of January, 1863, but that the vessel remained in the use of the Government and was not surrendered to the claimant till the 20th day of March following, a period of sixty-two days. It does not distinctly appear where the boat

was during this time. It does not appear but that the Government had the use of it during this time. The claimant alleges that it had, and the evidence tends strongly to show it. This point does not seem to have been considered at all by either the Third Auditor or the Comptroller of the Treasury.

"The committee think it would be just that the claimant should be paid for the use of the boat during this time. After the 20th of March, when the boat came into the possession of Captain Montgomery, the Government paid him $50 a day for the first year, and $65 per day for its use thereafter.

"The committee therefore recommend that the claimant be allowed for the said sixty-two days, at $50 per day, amounting to $3,100; that the bill be amended so as to read for that amount instead of $14,400, and when so amended that it do pass."

Your committee recommend that the accompanying bill be amended by striking out, in lines 6 and 7, the words "fourteen" and "eight," and inserting in place thereof the words "three" and "one;" and when so amended that it pass.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

L. MADISON DAY.

The bill (S. 266) for the relief of L. Madison Day was announced as next in order.

The PRESIDENT *pro tempore*. This bill passed, and a motion to reconsider was made on the 17th of February last.

Mr. PIKE. I do not object to the reconsideration of the bill.

Mr. COCKRELL. I think we had better reconsider, and I want to make some remarks on it.

The PRESIDENT *pro tempore*. The Senator from Missouri moves to reconsider the vote by which this bill was passed.

The motion was agreed to.

Mr. PIKE. I desire that this bill be passed over now, retaining its place on the Calendar.

The PRESIDENT *pro tempore*. If there be no objection it will be passed over.

WILLIAM H. GRAY.

Mr. PIKE. I now ask for the consideration of Order of Business 178, being Senate bill 165.

The bill (S. 165) for the relief of William H. Gray, of Kentucky, was considered as in Committee of the Whole. It provides for the payment to William H. Gray, or his legal representative, of $648.25, being payment in full to Gray for services rendered to the Government of the United States while under the orders and in the employment of the officers thereof, during the month of December, 1866, and the months of January and February, 1867.

Mr. INGALLS. Is there a report?

The PRESIDENT *pro tempore*. There is a report.

Mr. INGALLS. Let us hear the report read.

The Secretary read the following report submitted by Mr. PIKE February 10, 1886:

The Committee on Claims, to whom was referred the bill (S. 165) for the relief of William H. Gray, having considered the same, submit the following report:

That the Commissioner of Internal Revenue, under the date of December 21, 1866, directed R. M. Kelley, collector of internal revenue for the seventh district of Kentucky, to make an examination of the distilleries in said district, and if he could not perform the duty in person to send a competent and trustworthy deputy. Under these instructions he appointed the claimant to make the examination and report. The claimant did make the examination in a manner satisfactory to Mr. Kelley and the Government, visiting and examining one hundred and five distilleries, which occupied him from December 28, 1866, to February 16, 1867, a period of fifty-one days. The money actually expended by him for necessary expenses amounted to $444.25; his compensation $204, which account was approved by Collector Kelley.

After having completed the examination the claimant made a full report to Mr. Kelley and the Commissioner of Internal Revenue, both of whom stated that the work was done satisfactorily. Mr. Kelley told him to make up his account and he would approve it, and the Commissioner pay it. Some time later the claimant did make out his account, presented it to Mr. Kelley, who approved it, and then he forwarded it to the Commissioner. The Commissioner returned it with a blank form, saying that when it was made out according to this form it would be paid. The claimant made it out accordingly and forwarded it again to the Commissioner, in whose bureau it remained till 1875 before he received any definite answer about it. Then he was informed that his claim was rejected on the ground that Mr. Kelley should have paid him from his own compensation, according to section 3148 United States Revised Statutes, which provides that—

"Each collector shall be authorized to appoint * * * as many deputies as he may think proper, to be by him compensated for their services."

Mr. Gray appealed from this ruling, and in a later consideration of the case by the Revenue Bureau it was held that Mr. Kelley was paid for such special work by special allowances under the provisions of section 3145 of the United States Revised Statutes, which reads:

"The Secretary of the Treasury may make such further allowances from time to time as may be reasonable in cases where, by reason of the territorial extent of the district or the amount of internal taxes collected, or other circumstances, it may seem just to make such allowances."

It was further held that he should have submitted Mr. Gray's account in his estimates for additional allowances to the Treasury Department, and because Mr. Gray's account did not come to the Department in that way it was not allowed; and, further, that the act of February 8, 1875, providing that "no such allowance shall be made except within one year after such services are performed," left the Department no means then of paying the claim.

It was also stated that the claim should be paid, but that it could not be without further legislation.

It is plainly established that Mr. Kelley did not submit Mr. Gray's account to the Department in his own, because he did not know but that it was just as correct for Mr. Gray to submit his account direct to the Department as it would be for him (Kelley) to send it in with his.

Secretary Bristow, in a letter to the claimant, said:

"While the Department recognizes the justice of compensating you for your services, there is at this time no appropriation available for that purpose, and Congress must pass a special act for your relief before any allowance can be made to you."

In Senate Report 918 of the first session of the Forty-eighth Congress, made by Mr. Sheffield, of the Committee on Claims, section 3145 of the United States Revised Statutes is confounded with section 3148. The latter section does provide that collectors shall pay deputies out of their own compensations. But section 3145 provides that extra allowances may be made to collectors in certain cases where it may seem necessary, and the Revenue Bureau, in its last consideration of the case, finds that it was under this section Gray was employed and would have been paid had it not been for the mistake in the manner of the presentation of his account.

It is evident to your committee that Mr. Gray was properly and regularly employed; that he did his work in a manner satisfactory to all concerned; that the amount of the compensation he asks is reasonable; that it has not been paid him because it came to the Department directly from him instead of through Mr. Kelley.

It is undisputed that the Government received the benefit of his labors and expenditures, and your committee are of the opinion that the claimant should be paid, and therefore recommend the passage of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FREDERICK W. RUGGLES.

Mr. PIKE. I now call for the consideration of Order of Business 214, being Senate bill 187.

The bill (S. 187) for the relief of Frederick W. Ruggles, of Westport, Nova Scotia, was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with amendments, in line 11, after the word "adduced," to strike out the word "and" and insert "including that;" and in line 13, after the word "case," to insert "so far as the same may be competent;" so as to make the bill read:

That the claim of Frederick W. Ruggles for losses and damages suffered by him as owner of the cargo and charterer of the schooner Argonaut, in the year 1861, by reason of the seizure and detention of said vessel by the officials of the United States, be, and the same is hereby, referred to the Court of Claims for hearing and adjudication: and to that end full authority and jurisdiction are hereby conferred on said court to proceed in the consideration of the testimony which shall be adduced, and including that which has been taken and heard before the British and American mixed commission in the same case, so far as the same may be competent, by or in behalf of said claimant, and to hear and try said case as if it had by right of law and in due and usual course been brought before said court, and to render such judgment therein as shall be found on the facts as proved just and right, in equity as well as in law.

The amendments were agreed to.

Mr. INGALLS. Is there a report?

The PRESIDENT *pro tempore*. There is a report. Does the Senator ask for the reading of it?

Mr. INGALLS. Perhaps the Senator from New Hampshire can tell what damage is indemnified by this bill.

Mr. FRYE. I can state. This man is a Nova Scotian. He had a load of fish and other things bound for the West Indies. He was seized by a United States vessel as a prize and carried into New York.

Mr. INGALLS. When?

Mr. FRYE. In 1861, the early part of the war, just as the war broke out. It was tried in the prize court. After a delay of some sixty days it was found that he had been unlawfully and improperly seized.

Mr. INGALLS. What was the ground of seizure?

Mr. FRYE. That he was carrying contraband goods or some kind of goods to the Confederate States in violation of the blockade, which was found to be an entire mistake, and the vessel was released and the cargo surrendered, but the cargo, of course, in the mean time had become destroyed. They gave him a decision but gave no judgment touching damages or costs, and he entered no appeal, because his attorney informed him that there would be, undoubtedly, a commission created which would have jurisdiction of all such cases. There was a commission created; the case was thoroughly tried, and this is one among the published cases. The case, as shown from the evidence, made it perfectly clear that he was entirely innocent himself and that he ought to have received damages for the detention.

Mr. INGALLS. What amount?

Mr. FRYE. I think about $8,000; but the commission held on a demurrer that the court in New York having assumed jurisdiction of the case so far as to discharge him and his vessel, under the peculiarity of the law creating the commission they could not also take jurisdiction, and, therefore, it was thrown out before the commission, and the poor fellow has been in Congress ever since trying to get leave to go to the Court of Claims under the old evidence. I have no doubt that the man is right; I know him myself, personally.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EDWAY A. GRANT.

The bill (S. 267) for the relief of Edway A. Grant was considered as in Committee of the Whole. It is a direction to the Postmaster-General to allow Edway A. Grant, late postmaster at Fargo, Dak., $6,950, being the amount expended by Grant for clerk-hire at the post-office at Fargo, Dak., during the period from July 1, 1878, to June 30, 1882, and not allowed in the settlement of his accounts.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the report, submitted by Mr. PIKE February 17, 1886, as follows:

The Committee on Claims, to whom was referred the bill (S. 267) for the relief of Edway A. Grant, having considered the same, submit herewith the following report:

This case was before the last Congress, and was reported upon by this committee.

Your committee adopt the report then made, prepared by Mr. PIKE, which is as follows:

"[Senate Report No. 651, Forty-eighth Congress, first session.]

"The Committee on Claims, to whom was referred the bill (S. 1972) for the relief of Edway A. Grant, having considered the same, respectfully submit the following report:

"That on the 20th day of April, 1875, the claimant was appointed postmaster at Fargo, Dak., then a fourth-class office; that on the 1st day of January, 1879, said office became 'Presidential,' and the claimant was reappointed postmaster, and served until March 31, 1883; that by reason of the rapid growth in population of Fargo and vicinity after the year 1878 the claimant was compelled to increase the clerical force of the office to accommodate the demands of the public; that he applied to the Department frequently for increased allowance for clerk-hire, giving the reasons therefor, but his requests were denied on the ground that the appropriation for clerk-hire was not sufficient to authorize any additional allowance.

"It seems that during the last five years the claimant was postmaster Fargo grew from a country village to a city of 10,000 inhabitants. The gross receipts of the office during the fiscal year 1878-'79 were $5,088.04, and for the year 1882-'83 were $23,217.29, an increase of over four and one-half, showing that the labors of the office had increased in that proportion.

"During the last five years of his term of office the claimant received for salary and expenses $16,710.42; he paid out for clerk-hire $13,051, while only $4,325 was allowed him by the Department for that purpose, making $8,726 that he paid out of his own pocket. Since his resignation the Postmaster-General has allowed him $1,400 of his claim for clerk-hire for 1883, which reduces his claim to $7,326.

"The business of the office required only one clerk during the third quarter of 1878; for the fourth quarter two were required, and two were employed during 1879. In 1880, three were employed; 1881, three the whole year and five the fourth quarter; 1882, five the whole year and six the fourth quarter; the first quarter of 1883 seven were employed. At the expiration of that quarter the claimant resigned, although he had just been reappointed by the President, giving as his reason that he could not afford to keep the office with the small allowance for clerk-hire.

"In compliance with an order from the Post-Office Department Inspector James A. Small examined the office at Fargo for the year 1882, and under the date of March 12, 1883, made his report. He says:

"'The work of the Fargo office is increasing daily, and it will soon be necessary to have the office remodeled and enlarged to meet the requirements of this wonderful, fast-growing town. Mr. Grant, the present incumbent, has expended considerable money in fitting up the office. He has also been to extra expense for clerk-hire, light, fuel, and water—considerably over the amount allowed. The clerks at present employed are kept busy at work each day from 6.30 in the morning till 10 and 11 o'clock at night. It is safe to say that the work in the Fargo post-office during the past year has increased over 50 per cent. * * * I would respectfully recommend that the Department take into favorable consideration the extraordinary expenses that Mr. Grant has been to in conducting the work of the Fargo post-office, and that he be reimbursed to the following amounts, namely:

Clerk-hire		$3,920 82	
Less allowance		2,000 00	1,920 82
Light	153 00		
Less electric	53 00	100,00	
Fuel		140 00	
		240 00	
Less allowance		100 00	
			140 00
Water			55 32
Total			2,116 14

. . . . . .

"'I also recommend that the present allowance for clerk-hire, &c., be increased from $3,100 to $5,400 per annum, namely:

Clerk-hire	$5,110 00
Fuel	140 00
Light	100 00
Water	50 00
	5,400 00

"This is only for the year 1882.

"James N. Tyner, First Assistant Postmaster-General, while Mr. Grant was postmaster at Fargo, says that Mr. Grant's requests for additional allowance for clerk-hire were refused solely on the supposition that the appropriation for that purpose would not admit of it, and that the merits of the case were never examined.

"During the fiscal year 1878-'79 Mr. Grant paid for clerk-hire $1,165 more than he received for that purpose, only $125 being allowed; the next year $500 was allowed, and he paid $1,800 more; the next year $800 was allowed and $2,000 more paid; the next year $1,400 allowed and $1,965 more paid; and up to the end of the third quarter of 1882-'83, $1,500 was allowed him, and he paid $1,776 in addition, making a total of $8,726 paid out of his own pocket for clerk-hire, so that his post-office might be properly administered.

"But, as I stated above, after his resignation the Postmaster-General paid him $1,400, all he could out of the balance of the appropriation toward his claim, thus reducing it to $7,326.

"Immediately after Mr. Grant's resignation, and upon the recommendation of Inspector J. E. Stuart, $5,400 was allowed his successor annually for clerk-hire.

"James A. Small, who made an examination of the office in 1882, recommended that $2,169.41 be paid Mr. Grant for the year 1882; that being the amount expended by him in excess of the allowance for that year.

"Your committee think that Mr. Grant paid his money in honest endeavors to administer his office so as to properly meet the demands of a rapidly growing town; that he was not allowed sufficient money for clerk-hire from the Post-Office Department because of an honest belief in that Department that the appropriation for general clerk-hire was not sufficient to permit additional payments, and not because the Department did not consider his demands just and proper.

"Postmaster-General Gresham, in a letter under the date of February 6, 1884, to Hon. JAMES M. RIGGS, of the House of Representatives, says:

"'I am of opinion that the claim is meritorious, and that it should receive the favorable consideration of Congress.'

"Your committee are therefore of the opinion that the claim is just, and recommend the passage of the bill."

The present bill calls for $376 less than the bill before the Forty-eighth Congress, and for the following reason: Under date of January 10, 1885, Postmaster-General Hatton approved and allowed the entire amount of Grant's claim, and referred it to the Sixth Auditor. The Auditor included it in his report to the Secretary of the Treasury, who reported it to the House of Representatives in his regular estimate for deficiencies for the year 1885 and prior years. When this estimate came before the House Committee on Appropriations the amounts allowed Grant for the years 1879, 1880, 1881, and 1882 were struck out and only the amount for 1883 allowed to remain.

The course of that committee seems inexplicable, for the Postmaster-General had reported the whole amount for payment in one order.

Your committee think the merits of the claim are unchanged, and therefore recommend the passage of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANCES W. DYER.

The bill (S. 1071) for the relief of Frances W. Dyer was considered as in Committee of the Whole. It provides for the payment of $100 to Frances W. Dyer, administratrix of the estate of William P. Dyer, late of Belfast, Me., deceased, being the amount deposited with the clerk of the United States court for the district of Alabama by William P. Dyer on his recognizance to appear and answer to a suit for an alleged violation of section 5347 of the Revised Statutes of the United States, in which said suit the entry of *nolle prosequi* was made, and the sum of $100 was covered into the Treasury.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WETMORE & BROTHER.

The bill (S. 211) for the relief of Wetmore & Brother, of Saint Louis, Mo., which was reported adversely from the Committee on Claims February 18, 1886, was announced as next in order.

Mr. COCKRELL. Let that be passed over.

The PRESIDENT *pro tempore*. The bill will be passed over.

AMERICAN BOARD OF COMMISSIONERS FOR FOREIGN MISSIONS.

The bill (S. 472) for the relief of the American Board of Commissioners for Foreign Missions, Rev. Worcester Willey, and Esther Smith was considered as in Committee of the Whole. It provides for the payment to Worcester Willey of $10,000; to the American Board of Commissioners for Foreign Missions of $2,000; and to Esther Smith of $500, in full of all their respective claims against the United States.

Mr. EDMUNDS. Let us hear the report.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. PIKE February 18, 1886:

The Committee on Claims, to whom was referred the bill (S. 472) for the relief of the American Board of Commissioners for Foreign Missions, Rev. Worcester Willey, and Esther Smith, having considered the same, adopt the favorable report made by the Senate Committee on Claims of the Forty-eighth Congress, prepared by Mr. PIKE, the following of which is a copy, and recommend the passage of the accompanying bill:

"[Senate Report No. 683, Forty-eighth Congress, first session.]

"The Committee on Claims, to whom was referred the bill (S. 365) for the relief of Rev. Worcester Willey, make the following report:

"It appears by the evidence in this case that the American board of missions commenced their labors among the Cherokees as early as 1817. After the removal of the Cherokees to the Indian Territory the said board established a mission at Dwight Station, in the Cherokee country; that at different times thereafter they established missions at Park Hill, Fairfield, and Lee's Creek, in the said Cherokee country; that at the time the said board commenced missionary labors among the Cherokees it was promised by the Government that the board and their missionary laborers should be protected in their persons and property by the Government; that for years prior to 1864 the mission stations were under the general management of the Rev. Worcester Willey; that they had in use and had accumulated in connection with these various missions a large amount of property; that on or about the 3d day of December, 1863, the said American board sold and conveyed to the said Rev. Worcester Willey all the property at Dwight Station to his sole use and benefit; that the balance of the property belonging to the board at Park Hill, Fairfield, and Lee's Creek remained the property of the said board; that the work of the mission had been carried on at all the mission stations under the direction of the said Willey until in the year 1864; that in that year the property belonging to the said Willey, to the American board, and to Esther Smith, a teacher, was taken and for the most part used by the United States forces under the orders of the officers of the various commands; that the value of the property taken as claimed, and as shown by schedules annexed to the testimony, belonging to the Rev. Worcester Willey was $15,611.60; to the American board, $5,516.75, and to Esther Smith, $749.40; that no part of the property so taken was ever recovered by any of the said owners.

"That the thirtieth article of the treaty of July 19, 1866, provided that 'the United States agree to pay to the proper claimants all losses of property by missionaries or missionary societies from their being ordered or driven from the country by United States agents, and from their property being taken and occupied or destroyed by the United States troops, not exceeding in the aggregate $30,000, to be ascertained by the Secretary of the Interior;' that the act of March 2, 1867, appropriated 'for the payment of losses of property by missionaries or missionary societies, on account of the troops and agents of the United States, treaty July 19, 1866, thirtieth article, $20,000;' that there had been in the said Cherokee country missionaries and missionary stations of several other religious denominations than that of the American board; that soon after the said appropriation claims were presented for payment to the Secretary of the Interior by the said Willey for himself, and by the said Esther Smith and the said American board; that claims were also presented by the American Baptist Missionary Union by J. B. and Evan Jones, their missionaries, and by the Moravian board, by G. Bishop and E. J. Mack, their missionaries, and perhaps others; that by some mistake or misapprehension neither the said Willey nor Esther Smith nor the said American board have ever received any portion of the said

$20,000; that the Secretary of the Interior allowed and paid the following sums out of the $20,000 appropriated under the treaty, to wit:

To the American Baptist Missionary Union	$13,060 00
To Rev. J. B. Jones	1,221 00
To Evan Jones	818 00
To the Moravian board	3,279 69
To Rev. G. Bishop	377 63
To Rev. E. J. Mack	1,243 68
	20,000 00

"And that he has paid the whole of the said sum, as above stated.

"Your committee find that the personal property belonging to the said Willey and the American board consisted of cattle, hogs, and crops to a considerable amount in value, and from the statements made by John M. Taylor of the Second Kansas Cavalry, Colonel Williams of the First Kansas Infantry, General John M. Thayer, Col. William A. Phillips, and Lieutenant-Colonel Hoyt, that they and their commands were encamped near Dwight Station; that they were compelled to subsist on the country, and that cattle were taken from said Dwight Station and the other stations above named and used for food for their commands by their orders, and that a large amount of other property found there, consisting of crops, household property, and family stores, were also taken and used.

"It further appears from the testimony of the claimant that he had knowledge that a very large proportion of the property belonging to him at the said Dwight Station, to the said American board at the other stations, and to the said Esther Smith, was taken by the direction of the officers of the military forces and used for supplies.

"The claimants ask to be allowed their respective claims—

"(1) Because they were promised protection in their persons and property by the Government.

"(2) That the purpose of the treaty was to give this indemnity to all the missionaries and missionary societies who had been sufferers in the Cherokee country, but that the amount stipulated and appropriated proved inadequate.

"(3) That the claimants in justice ought not to be the only sufferers.

"(4) That aside from this the claimants were loyal citizens whose property has been taken by the order of Federal officers and used for military and commissary stores.

"The committee are of the opinion that the claim is a just one, but that the value of the property, as recited in the schedules annexed to the testimony, is too high, and they recommend that $10,000 be allowed Worcester Willey, that $500 be allowed Esther Smith, and that $2,000 be allowed the American Board of Commissioners for Foreign Missions in full of their respective claims.

"The committee therefore report a bill for that purpose and recommend its passage; and they further recommend that the bill committed to them be indefinitely postponed."

Mr. EDMUNDS. I should like to inquire of the chairman of the Committee on Claims why this claim was not presented to the Southern Claims Commission?

Mr. PIKE. I am not very well informed about the condition of things under that law. This occurred in the Cherokee country.

Mr. EDMUNDS. It opens everything.

Mr. LOGAN. I have known a great may claims pass through here that did not seem to me to be exactly the thing. If we are going to pass them in this loose manner, we might as well open the doors and pass them all. This report does not show the name of an officer who took this property; it does not show any cause for taking it; it does not show anything that is necessary according to the rules established during the war which would entitle these parties to one cent. It does not show that the property was within the part of the Cherokee Nation that was not in rebellion against the Government, or anything that would be necessary in order to give compensation. We know very well that the Cherokee Nation was in open revolt against the Government. The troops were sent there.

Mr. HOAR. The Senator from Illinois will pardon me for calling his attention to this statement in the report:

From the statements made by John M. Taylor, of the Second Kansas Cavalry, Colonel Williams, of the First Kansas Infantry, General John M. Thayer, Col. William A. Phillips, and Lieutenant-Colonel Hoyt, that they and their commands were encamped near Dwight Station; that they were compelled to subsist on the country, and that cattle were taken from said Dwight Station and the other stations above-named.

Mr. LOGAN. Exactly; "encamped near Dwight's Station;" but it does not show what troops or under what orders. It may have been done by Indians; it may have been done by parties not connected with the Army at all, and even if they were connected with the Army that would not justify payment unless the property was taken under the law when that country was in rebellion.

I must confess that the character of reports which have been made here for some time about claims is astonishing. There is no law to justify a payment of this kind unless the report shows that the taking has been brought within the law that applies in a state of war. No such thing is shown here, so far as I see.

Mr. INGALLS. Mr. President, another very notable feature about this matter is found in the second paragraph of the report of the Committee on Claims, No. 683, made to the Forty-eighth Congress, first session, which recites:

That the thirtieth article of the treaty of July 19, 1866, provided that "the United States agree to pay to the proper claimants all losses of property by missionaries or missionary societies from their being ordered or driven from the country by United States agents, and from their property being taken and occupied or destroyed by the United States troops, not exceeding in the aggregate $20,000, to be ascertained by the Secretary of the Interior."

It subsequently appears—

That the act of March 2, 1867—

Nine or ten months after the treaty—

appropriated "for the payment of losses of property by missionaries or missionary societies, on account of the troops and agents of the United States, treaty July 19, 1866, thirtieth article, $20,000."

So that under that treaty the Government proceeded to ascertain what damages had accrued, and paid for them. The report goes on to say:

That there had been in the said Cherokee country missionaries and missionary stations of several other religious denominations than that of the American board; that soon after the said appropriation claims were presented for payment to the Secretary of the Interior by the said Willey for himself, and by the said Esther Smith and the said American board; that claims were also presented by the American Baptist Missionary Union by J. B. and Evan Jones, their missionaries, and by the Moravian board, by G. Bishop and E. J. Mack, their missionaries, and perhaps others.

Now this is the singular statement:

That by some mistake or misapprehension neither the said Willey nor Esther Smith nor the said American board have ever received any portion of the said $20,000.

That is, after the provisions of the treaty had been fully executed by the Government, after the amounts that were to be paid had been ascertained and the sums appropriated by Congress, these parties then came in and set up their damages which had been agreed to by the Secretary of the Interior, and by some mistake or misapprehension on the part of these persons who had had their day in court and been paid so far as the Government could pay them, they failed to get the money to which they were entitled.

The PRESIDENT *pro tempore*. The Senator from Kansas will pause; it is the duty of the Chair to lay before the Senate the unfinished business, being the bill (S. 1532) to regulate commerce.

Mr. CULLOM. I ask that that bill be informally laid aside to allow the Committee on Appropriations to go on with the appropriation bill.

The PRESIDENT *pro tempore*. The Chair hears no objection.

Mr. ALLISON. I ask that the Post-Office appropriation bill be continued.

The PRESIDENT *pro tempore*. That order is made. The Chair will take this occasion to present a message from the President of the United States.

PORT OF OMAHA—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, referred to the Committee on Commerce, and ordered to be printed:

To the Senate of the United States:

I herewith return without my approval Senate bill No. 141, entitled "An act to extend the provisions of the act of June 10, 1880, entitled 'An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes,' to the port of Omaha, in the State of Nebraska."

The statute which was passed June 10, 1880, referred to in the title of this bill, permitted certain merchandise imported at specified ports, but which was consigned to certain other ports which were mentioned by name in the seventh section of said act, to be shipped immediately after entry at the port of arrival to such destination.

The seventh section of said act contained the names of more than seventy ports or places to which imported merchandise might be thus immediately shipped. One of the places thus named is "Omaha, in Nebraska."

But it was declared in a proviso which was made a part of this section that the privilege of immediate transportation contemplated by the act should "not extend to any place at which there are not the necessary officers for the appraisement of merchandise and the collection of duties."

Because there were no such officers at Omaha the privilege mentioned was withheld from that place by the Treasury Department.

The bill submitted to me for approval provides that these privileges conferred by the act of June 10, 1880, be "extended to the port of Omaha, in the State of Nebraska, as provided for as to the ports mentioned in section 7 of said act."

I can not see that anything is gained by this legislation.

If the circumstances should warrant such a course, the authority which withholds such privileges from any of the places mentioned in the law of 1880 can confer the same without the aid of a new statute. This position is sustained by an opinion of the Attorney-General, dated in February, 1885.

If the legislation now proposed should become operative the privileges extended to the city of Omaha would still be subject to the proviso attached to the seventh section of the law of 1880; and such newly-granted privileges would be liable to immediate withdrawal by the Secretary of the Treasury.

Thus, if the design of this bill is to restore to the city named the privileges permitted by the law of 1880, it seems to be entirely unnecessary—since the power of such restoration is now fully vested in the Treasury Department. If the object sought is to bestow such privileges entirely free from the operation of the proviso above recited, the language of the bill does not accomplish that result.

I understand that the Government has not now at Omaha "the necessary officers for the appraisement of merchandise and the collection of duties," which by such proviso are necessary in order to secure to any place the advantages of immediate transportation. In the absence of such officers the proposed legislation would be nugatory and inoperative.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, April 30, 1886.*

PEARSON C. MONTGOMERY.

Mr. ALLISON. I enter a motion to reconsider the vote by which the bill (S. 18) for the relief of Pearson C. Montgomery, of Memphis, Tenn., was passed this morning.

The PRESIDING OFFICER (Mr. GRAY in the chair). The motion will be entered. The Chair lays before the Senate the regular order, being the bill (H. R. 5887) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887.

Mr. HOAR. I appeal to the Senator from Kansas to let us go on and finish the motion to reconsider the Montgomery case. Let us settle it. The Senator from New Hampshire has made a report in that case; the Senate agreed, to enable him to go home on account of ill health, that they would consider the cases reported by him at a particular time. The report was read, nobody objected, and the case passed. Now it seems to me, as to the Montgomery case, if any Senator had demanded an explanation, he could have had it. It is not fair to enter a motion to

reconsider after it has passed. I think if the Senator from Maine who is entitled to the floor will yield——

Mr. HALE. I am willing to take the sense of the Senate about that.

Mr. HOAR. I move that the Senate proceed to consider the motion to reconsider the Montgomery case.

Mr. INGALLS. Does that require unanimous consent?

The PRESIDING OFFICER. The Senator from Maine [Mr. HALE] has the floor on the Post-Office appropriation bill.

Mr. HALE. I know nothing about the case, but it does seem one that will give rise to debate; and in the absence of the Senator from Kansas who is managing the Post-Office appropriation bill, and who expects to go on with it with the hope that he may finish it to-night, I shall not consent to yield.

Mr. HOAR. Pardon me one moment. The bill about the American Missionary Association I know nothing about; I do not think I was present in committee when it was considered; but the Pearson C. Montgomery case I do know something about, and there are in that report certain objections and counter-claims, so that a person hastily reading it might suppose that those objections were overruled by the committee. The committee steered clear of all that by denying all the portion of the claim to which they could possibly relate. We give the man whose steamboat was sent out of the country and brought in use by the United States at the request of the authorities pay only after it was ordered to be restored till it was surrendered to him. It was given back to him, and the time after it was ordered to be given back by the decision of the court is all the committee have allowed him, as I understand. Let us have the sense of the Senate on that.

Mr. ALLISON. I think I ought to say one word as I made the motion to reconsider. My attention was not called to the bill until after it had passed from the consideration of the Senate. Then I read the report of which the Senator from Massachusetts speaks, and I find many things in it that require consideration. I find it pretty well ear-marked by somebody, and it seemed to me that it was a case which justified the Senate in making an examination of it and requiring of the committee who made the report an explanation of the circumstances.

Mr. HOAR. Now, if my friend will pardon me, that is right. It ought to be explained; it ought to be understood by every Senator. It ought to be examined as much as it deserves. It was reached on the Calendar weeks ago; the report was read; then on the objection of a single Senator, under the rule, it passed over. Then it came up again, in the first place, on the request of the Senator from New Hampshire made a few days ago that the cases which he had reported should be taken up at this time. It was reached again, and then passed by the Senate, the report being read.

Now, my appeal is not on the merits of the bill. It is that it is not fair that it should not be disposed of by the Senate at this time, and I wish to say in one word that in my judgment there is no greater exhibition of human injustice in the conduct of any government that I know of on the face of the earth than in the conduct of this Government in regard to the treatment of private claims. I do not refer to my honorable friend from Iowa, to whom the remark does not apply that I am going to make least of all men in the world; but it does seem to me as if there had been and were men in public life who thought they could get a cheap reputation for honesty and for being watch-dogs of the Treasury by interposing objection to every claim, whatever its merits.

There are men who come here year after year, and women, widows and orphans, who live and die with claims as good against this Government as the claim of the holder of a Government bond; and they are put off day after day and Congress after Congress by the Senate never finding time when it can take them up and consider them. I say that it is my duty as a Senator, when a man comes to the Government of the United States and says that Government owes him five or ten thousand dollars to look into it and not to be afraid to pay it and deal with it fairly.

The PRESIDING OFFICER. The Post-Office appropriation bill is before the Senate.

Mr. HALE. Mr. President, when the debate rested last evening I was referring to the commerce of Spanish and Portuguese America and was proceeding to give some figures bringing out more in detail the facts touching that commerce.

Mr. PIKE. I appeal to the Senator from Maine to yield to see whether the Senate will dispose of the motion to reconsider the Montgomery case.

Mr. HALE. I am in the hands of the Senator from Kansas [Mr. PLUMB] who has charge of the appropriation bill. I do not wish to interfere with the Senator from New Hampshire. I do not know how long it will take to do what he wishes.

Mr. HARRIS. If the Senator from Maine will allow me, under the rules the motion to reconsider is not debatable, and I suppose we can come to a vote at once if the Senator will kindly yield.

Mr. HALE. I leave the matter entirely in the hands of the Senator from Kansas.

Mr. PLUMB. This appropriation bill has so far got along that I think it ought to be disposed of.

Mr. PIKE. I ask that unanimous consent——

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from New Hampshire?

Mr. HARRIS. What does the Senator ask to take up?

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent to proceed to the consideration of what bill?

Mr. PIKE. The American missionary and Worcester Willey bill.

AMERICAN BOARD OF COMMISSIONERS FOR FOREIGN MISSIONS.

The PRESIDING OFFICER. The title of the bill will be stated.

The CHIEF CLERK. Order of Business 225, being the bill (S. 472) for the relief of the American Board of Commissioners for Foreign Missions, Rev. Worcester Willey, and Esther Smith.

Mr. HALE. That is the bill the Senate was considering when 2 o'clock came.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent that the consideration of the bill the title of which has just been read shall be resumed. Is there objection?

Mr. PLUMB. What is the request?

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent to proceed with the consideration of the bill whose title has just been read. Is there objection?

Mr. PLUMB. I shall object to that.

The PRESIDING OFFICER. Objection being made, the bill can not be considered now.

Mr. PLUMB. If there could be any chance of these bills being disposed of within some reasonable period of time I should not interpose an objection, but if the whole day is to be consumed, as I see it will be under the way it is now going, I feel as though it is my duty to insist on the Post-Office appropriation bill going on. I have no objection to taking up the bill if that be the only bill, or I have no objection to allowing a reasonable space of time to the Committee on Claims if they will settle what time they want, but we ought to get through the appropriation bill this afternoon.

Mr. HALE. The Senator from New Hampshire only asks for one bill.

Mr. PLUMB. Then I shall not object.

The PRESIDING OFFICER. The Chair hears no objection.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 472) for the relief of the American Board of Commissioners for Foreign Missions, Rev. Worcester Willey, and Esther Smith.

Mr. PIKE. In answer to the objection of the Senator from Illinois [Mr. LOGAN] that this would be unprecedented without there being any military officers' names who ordered the taking of the supplies, I ask him to examine the report, and he will find that the explanation is there. I will read it:

> Your committee find that the personal property belonging to the said Willey and the American board consisted of cattle, hogs, and crops to a considerable amount in value, and from the statements made by John M. Taylor of the Second Kansas Cavalry, Colonel Williams of the First Kansas Infantry, General John M. Thayer, Col. William A. Phillips, and Lieutenant-Colonel Hoyt, that they and their commands were encamped near Dwight Station, that they were compelled to subsist on the country, and that cattle were taken from said Dwight Station and the other stations above named and used for food for their commands by their orders, and that a large amount of other property found there, consisting of crops, household property, and family stores, were also taken and used.

That is as specific as it could be that this property for which claim is made here was, as the committee found, taken by order of United States officers and used for the benefit of the Army.

The idea that the American board of missions, that has been out there civilizing and Christianizing the Indians, should not receive compensation for their property taken and used by the United States is absurd. A treaty was made by which $20,000 was appropriated to pay these missionaries and others of other denominations. It does not appear that Mr. Willey and the American board, or this school teacher, Esther Smith, was any party to it or agreed to it. The $20,000 was paid, but the $20,000 was paid to others and they got nothing. Their property was all taken, and a very large amount of it was used for the benefit of the United States Army, and they ask to be paid for it. That is the whole case.

Mr. BLAIR. I do not know that I need say anything, but I knew this Mr. Willey. He was born in the same town where I was born. He is now an old man, very nearly eighty years, over seventy at least. He is one of a family of six brothers who were clergymen, and he himself, like the others, is one of the very best men I have ever known. He has given his whole life to the service of God and of humanity. After having been a missionary among the Cherokees for about twenty years in charge of the missions of the American board there, he had accumulated a small property, the war came on, and the property was taken by the command of the Government and appropriated and used for the sustenance, maintenance, and accommodation of the Army. The man was left so destitute that some part of the same year he was obliged to live in a den in the earth. He has been a very poor man ever since. He continued his missionary and clerical labors until recently, and now he is in abject poverty. He has nothing, only what he may get from the Government for this just claim, for his maintenance in his old age.

There was a list of like cases. An appropriation was formerly made which covered a portion of them—I mean cases of missionary and other organizations—and the entire fund was exhausted before reaching this case of Mr. Willey, which is precisely of the same nature, and if any of them ought to have been paid surely this ought to be.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

POST-OFFICE APPROPRIATION BILL.

Mr. PLUMB. I now move that the Senate proceed to the consideration of the Post-Office appropriation bill.

Mr. HARRIS. Let the regular order be informally laid aside.

The PRESIDING OFFICER. That course will be pursued unless objection be made.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5887) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887, the pending question being on the amendment reported by the Committee on Appropriations, under the head of "Office of the Superintendent of Foreign Mails," after line 99, section 1, to insert:

For the transportation of foreign mails by American built and registered steamships, to secure the greater frequency and regularity in dispatch, and a greater speed in the carriage of such mails to Brazil; the Republics of Mexico, Central and South America; the Sandwich, West India, and Windward Islands; New Caledonia, New Zealand, and the Australian colonies; China and Japan, $800,000; and the Postmaster-General is authorized to make, after due advertisement for proposals, such contract or contracts with such American steamships for a term of not less than five years, and at a rate of compensation not exceeding for each outward trip $1 per nautical mile of the distance, in the most direct and feasible sailing course, between the terminal points, as shall be found expedient and desirable to secure the ends above set forth.

Mr. HALE. Two things, Mr. President, are noticeable whenever any person begins to investigate this subject of the commerce of Spanish and Portuguese America: first its magnitude, and second the small proportion of it which we control. The total annual commerce of Central and South America amounts to the great sum of $850,000,000. The merchandise and products imported into those states from other countries amount to $420,000,000 annually. Of this large sum the United States, their near neighbor, their sister Republic, no ocean lying between them, with similarity of institutions, and with a desire on the part of these nations for continued acquaintance and for more extensive mercantile and commercial relations, only furnishes $40,000,000, or about 10 per cent.

Mr. INGALLS. What are the principal articles?

Mr. HALE. I will come to that in a moment. We take, on the other hand, and pay for, from these countries $90,000,000 per year of their products; and the tables, which have been carefully prepared by the commission, show that in the twenty years between 1865 and 1884, inclusive, the total exports from the United States into these countries amounted to $442,048,975, while the imports into the United States from these countries, for which we paid, amounted in the same time to $1,185,828,579, or an excess of imports or a balance of trade against us of $765,992,219.

Mr. BUTLER. In what length of time?

Mr. HALE. Twenty years up to 1884. We were sending to them railway iron, machinery, farming implements, cotton and woolen goods, provisions, canned meats, flour, boots and shoes, sewing-machines, petroleum, and many other articles which I do not name because the amount of each was small. We take from them and pay this enormous sum, leaving this immense balance of trade against us in the twenty years of nearly $800,000,000, coffee, hides, rubber, wool, sugar, dye-woods, fruits, and other less important articles.

Now, Mr. President, that is not a pleasant thing to contemplate. This immense commerce lying at our door has drifted into European hands, and until now little or no attempt has been made to arrest that drift. It is not a pleasing thing to take up in detail the countries lying south of us and see how it is that even where we had trade it has gone from us and has fallen into European hands. Take the Central American trade, the states lying between Mexico and the Isthmus. Between 1863 and 1882, twenty years, the United States exported into the states of Central America $20,880,010 worth, and imported and paid for from them, $47,025,287, or a balance against us of $26,145,277. We take from them rubber, hides, drugs, fruits, and some sugar and cocoa.

Take the Argentine Republic, and this is an interesting people. It has a commerce that has a steady and rapid growth, increasing more largely proportionately than that of any other South American state, with perhaps the exception of Chili. It is a nation with great resources in itself. The people there are full of enterprise. They are already under contract for building in the near future $60,000,000 worth of new railways, and in the twenty years between 1865 and 1884, inclusive, the United States only exported into that country $40,000,000 in round numbers. Great Britain in the same time exported $251,000,000 and odd, and France $313,000,000, while the balance of trade was against us during these years to the extent that our exports of $46,819,836 were set against our imports of $109,751,946, showing a balance against us of over $62,000,000, and in the last year the harbors of this country and of the region around the mouth of the La Plata were not visited by a single American steam-vessel and only by a few sailing craft.

Mr. FRYE. Can you give the number of English, French, and German vessels that went there?

Mr. HALE. "Twenty-one lines of steamships, sailing from forty-five to sixty vessels a month, between Buenos Ayres and the ports of Europe. We have no steamship communication with the Argentine Republic whatever. During the last year, out of the immense shipping represented in the harbor of that metropolis, there were no steamers from the United States."

Take the case of Brazil, the greatest of the South American countries. The balance of trade against us in twenty years, between 1865 and 1884, inclusive, in our commerce with Brazil is $580,000,000. We have furnished to them of our products and in return have taken from them theirs and have paid them more than we have given to them—$580,000,000. That is the balance of trade against us in twenty years.

The average value of merchandise imported from all countries into Brazil is about $140,000,000 annually, and of this the United States only furnishes about $8,000,000. Great Britain furnishes 45 per cent. of the whole, more than $60,000,000; France, about 17 per cent.

Here are some of the lists of articles which show this great balance against us.

The United States furnished to Brazil in the year 1883 of the article of coal $2,823 worth, and Great Britain during that same year furnished to the Brazilians $1,020,480 worth. With all our immense supplies of this article, with which we could furnish the fuel for the world for centuries, we only furnished to Brazil in that year a little more than $2,000 against over a million by Great Britain.

In cotton goods we furnished $612,828, while Great Britain furnished $15,778,098. Of manufactures of flax we furnished $49,019; Great Britain, $1,446,572. Of iron and steel manufactures $1,034,648 were furnished by the United States against $5,674,407 by Great Britain; of manufactures of leather, $36,248 for us, and $990,383 for Great Britain; of wearing apparel, $17,172 for the United States, and $367,346 for Great Britain; of woolen goods, $2,842 sold by us to the Brazilians, and $1,618,310 by Great Britain.

France in that same year furnished $1,816,000 worth of leather manufactures to the Brazilians against our $36,000.

Take Chili, which is called the yankee-land of South America, whose people are bright, enterprising, brave, warlike, whose trade and commerce is largely increasing from year to year. From 1863 to 1882, inclusive, the United States furnished in round numbers of the imports into Chili about $40,000,000, while Great Britain furnished in round numbers about $160,000,000, and France about as much as Great Britain.

I might go on, but I do not wish to weary the Senate with the statistics of other countries. They all tell the same story. Bolivia in the last year does not appear in our returns as having had any commerce with the United States. Everything has dropped out, and yet she has a large trade. Peru, the States of Colombia, Venezuela, and other South American countries tell the same story with Brazil and the Argentine Republic.

Now, Mr. President, all this is with people who are not unfriendly to us. It is with nations whose history is to some degree similar to ours, who revolted from a condition of colonial dependence upon European powers and set up governments of their own, republican institutions, modeling their constitutions largely upon ours and with a natural tendency in our direction, a tendency shown in every possible practical way. The commission say after their investigation, after visiting these countries, and after conferences upon the subject-matter of their mission, the opening and extending of American commerce:

Political, geographical, and commercial considerations all favor an increased trade between the Argentine people and those of the United States; and their desire to seek our markets, instead of being driven to those of Europe, is shown by the fact that, since 1877, an offer of a subsidy had been made by the Argentine Government to any company that will establish direct steamship communication with the United States.

I desire Senators to bear in mind the emphasis that is placed not only here in what I am reading but elsewhere, all through, not only by the commission but by merchants and consuls, and by officials of these governments, upon "*direct communication*"—steamship communication that is regular, that can be depended upon, that has speed and frequency.

The commission was informed by gentlemen engaged in trade with Central America that the principal obstacle in the way of an increased trade between the United States and those countries is the lack of communication.

In the course of the investigations which the commission made they took the statement of the Brazilian consul-general, Mr. Mendonca, in New York, which is found on pages 62 and 63 of their report. A most interesting interview it was, and he winds up as follows:

Many other things have been brought to my attention, and I hope to send to you some information in writing, giving my general views of the affairs; and I am sure that the Government of Brazil, as my minister has said to you, will receive the commission with great cordiality, and I think you will be able on your return to tell us something in confirmation of the views which I have expressed to-day. The desire of all intelligent Brazilians in that trade between this country and Brazil will be an exchange of products, instead of an exportation of about $45,000,000 a year and an importation of about $90,000,000.

Mr. Thomas R. Lombard, who has been for years engaged in commercial pursuits in Central America and in South America, and for a

time a resident there, came before the commission. Speaking about the feeling in Central America, in Honduras especially, he said:

The Americans in Honduras to-day stand better than other people, as far as respect for us is concerned. They have not much respect for our Government, because they say any one of the Spanish governments can whip us with our Navy, but for the Americans, personally, they have a great respect, and everything they can do, the Government or the people individually, they do for us; and I think if the American merchants would send their men in there to seek the trade, and would be willing to give the credits that the English do, they would get the balance of the trade very quickly. All of them want, especially, American cotton goods. They do not like the English; they say there is too much starch in them, and when they wash it out they are all rags instead of good cloth. We do not try to get the trade, and they do not seek us.

Mr. President, with this condition of affairs, with this large and growing commerce near to our doors, with a friendly people or peoples seeking to promote an increased commercial intercourse, the practical question arises—and it is a fair question, it is a question which Senators have asked themselves and have asked me—how do subsidies tend to open new commercial fields? I recognize the force of that inquiry, I recognize the honest skepticism in the minds of Senators and others upon this question, how it is that subsidies to steamship lines will result in the sending of more and more of our products to any country when we subsidize a line. That is a fair question and ought to be met fairly and squarely.

In the first place, as I have already said, it is what has invariably been resorted to by every government seeking to extend its commerce and to furnish new and increased markets for the products of its labor. I know of no exception, I know of no case where any European country has become alarmed by its internal condition and by the effect of overproduction of goods more than its own people can consume, where that European country has looked out to build up a trade, that it has not at once, as a matter of couse, resorted to subsidies, because it has realized what the commission refers to and what is referred to in this investigation everywhere, the necessity for "direct communication," for stated and regular communication, for speedy and frequent communication between the ports where the goods are shipped and the ports where the markets are found.

Instances have been found where, when a trade had so been built up and where the people receiving the products and the goods had learned to rely upon direct and stated and regular communications, the subsidies have been gradually lessened, furnishing in this as in other fields of political economy an instance of a great industry that may be helped and shored up at first, at last becoming self-sustaining. But I know of no instance where the experiment has been tried and where increased trade and commerce and increased markets have been sought that it has not been begun by subsidizing lines of steamers in order to increase the communication between the two countries. This should go for a great deal in proving that we must resort to subsidies.

This subject was considered by this most intelligent commission very carefully, and I shall read some of their conclusions. Speaking of the enormous difference of trade, the balance against us, and of our small exportations, compared with those of European countries, the commission say:

The causes which have produced this enormous difference in trade are evident. The commercial supremacy of England and France in South America was achieved by the same agency that developed our own great West—governmental aid and encouragement.

The illustration is most pat and pertinent, that in these years when the United States has been engaged in building up internal commerce it took the same course that the European countries have taken in building up foreign commerce. Said the commission:

The broad earth-ocean which stretches between the Mississippi Valley and the Pacific slope would have been an insurmountable obstacle to even American enterprise had not this Government by gifts of lands and guarantees of bonds laid a foundation upon which private capital was secure.

By the same means the commerce of the Argentine Confederation and its sister states in South America has been swept into the lap of England and France. At the outset a liberal compensation for transportation was paid in order to encourage regular and rapid steam communication, and it is still kept up by both countries. These steamship lines—

And this is an important point—

also received subsidies from several of the South American governments under restrictions which protected the public but offered a generous profit to their projectors.

In investigating the condition of commerce in Central America, the commission say:

The commission was informed by gentlemen engaged in trade with Central America that the principal obstacle in the way of an increased trade between the United States and those countries is the lack of communication.

France has realized this to a remarkable extent. During the past fifteen years France has paid in the encouragement of steamship lines $70,166,670 in subsidies, and the result has been shown in the growth of her commerce, which began when she began to subsidize and has continued with the continuation of that policy, so that in 1883 it had risen to 667,474 tons. The French Government pays $4,600,000 annually to steamers which carry its mails. It pays $1,714,604 to the Oriental line; $728,000 to the South American line; $950,000 to the Mediterranean line; $790,000 to the Mexican and West Indian line, and $500,000 to the New York one; and yet Senators object to our paying in all $800,000.

Mr. Edward Shippen, the consul at Philadelphia of the Republic of Chili, in a most intelligent interview which he had with the commission in going over this subject said:

I think that the blame for the existing condition of things rests partly with us and partly with the Government. In the present condition of trade it does seem to me that the Government should extend every possible facility toward the encouragement of our commercial relations with South America. We should as the British Government does, as the Belgian, the German, and perhaps some other governments do, subsidize lines of steamers, and thus secure—

The same phrase—

direct ocean communication, of which we are now destitute.

So much for the uses of subsidies. Now another difficulty is met in the way which ought to be fairly treated, and that is in the proposition that we have no commerce or little commerce with those countries because we can not furnish goods as cheaply as Great Britain and other European countries. That is a subject which was investigated as it should have been by this commission most carefully and exhaustively; because while it is claimed by the Senator from Kentucky and others who agree with him and who are of his school of belief that one great reason why we have no more commerce is that we can not compete with European nations, still there are others of another school of thought who believe that the protective system has so stimulated industry here and has made competition so great that we can furnish better goods, in many cases for the same price, than are produced abroad, with the difference in our favor when American lines are established of cheaper freight, which is a large consideration in this subject, than can be furnished by farther distant European nations.

Let us look at this for a moment and see what the statistics show.

The commission say, speaking of the Argentine Confederation again:

The imports of the Argentine Confederation consist of merchandise which, almost without exception, can be and is produced in this country and sold at figures as low, if not lower, than in Europe.

Speaking of the trade in cotton goods, they say:

The principal import into Central America is cotton goods, which the manufacturers of the United States can furnish in quality and price equal to those now purchased from England. But during the year 1880 England sold Central America 31,476,000 yards of cotton cloth, while the United States sold that country but 688,000 yards. The difference in price was in favor of the United States on printed cottons, the average being 7.14 cents per yard, while the price paid England for the same sort of goods was 7.15 cents per yard. For plain goods England gave a little better figures, the average price being 5.23 cents per yard, while the price in the United States was 6.89 cents per yard.

But the facilities for regular transportation which had been built up by the English system of subsidies, the many lines that furnished the swift steamers that plied between the English ports and the ports of Central America, enabled Great Britain to furnish to the peoples of Central America in that way 31,476,000 yards of cotton cloth, while we, furnishing the same or better goods at less price, only sent them 688,000 yards.

Mr. PLATT. What is the difference in time between the United States and Great Britain to the ports of Central America?

Mr. HALE. I do not know what the difference in time would be, but certainly several days.

Mr. Curtis, one of the commission, in his report upon this very subject, after examining the statistics, said:

The assertion that we can not compete with Manchester prices is absurd. The only reason we are undersold is that we send an honest fabric to compete with a dishonest one; but as long as the English manufacturers send cargoes of pipe-clay and starch to the tropical countries our exporters must furnish the same article or be undersold. There is a grim humor in the fact that the popularity of our cotton goods is so great that nearly every bale of this bogus fabric shipped the from Manchester to the South American nations bears the coat of arms of the United States and is marked "Best American drillings, Mass., U. S. A."

There is not a commercial city in Spanish America where the manufacturers of the United States can not compete with their European rivals in every article we produce for export.

But, as Mr. Curtis says, so long as we can not afford to maintain lines and the Government refuses to interfere, and it costs $40 in freight per ton, and that at uncertain times and periods to send goods from us while it costs less than $20 per ton by these regular fast-sailing constant lines from Europe, we can not stand that competition. It is not in the price of goods, it is in this which is the key-note of this whole investigation, the commerce which follows "direct regular communication" which is maintained between European ports and those of Central and South America which has been established, kept alive, and made prosperous by the British policy of aid in the form of subsidies.

This ought to dispose of the question of the prices of goods.

The Senator from Kentucky said that one trouble was that England furnished to these countries immense amounts of manufactured goods and took back the products of those countries, which we would not desire or want, and that therefore a system of exchange existed which naturally resulted in increased trade there which could not apply with us. That is not the fact; it is precisely the other way.

Take Brazil. In 1884—and this illustration is directly in the teeth of the statement of the Senator from Kentucky—the exports of Brazil which came to the United States were $50,266,000. Our exports to Brazil as an offset were only $8,000,000. On the other hand, of the importations into Brazil Great Britain furnished $60,000,000, and only took back of Brazilian products $29,000,000. Where did Brazil get the money to pay Great Britain for the overbalance of trade in her favor with Brazil? From the overplus that we paid her, because the bal-

ance of trade was against us. Brazil does not furnish an instance illustrating the argument of the Senator from Kentucky, but on the other hand it is directly and squarely opposed.

Mr. FRYE. I suggest to my colleague right there as a matter of interest that all the best coffee raised in Brazil comes to the United States and none but an inferior article goes to Great Britain.

Mr. HALE. Undoubtedly, and we pay well for it, and the British get our money. Now, see whether the statement made by the Senator from Kentucky is borne out by other countries. Remember the statement of the Senator from Kentucky that Great Britain furnished more goods because she took back more products and therefore made an adequate exchange. Now, let us see. England enjoys a very large export trade with Venezuela. In 1877 she bought of Venezuelan products $500,000 worth and sold to Venezuela $3,000,000 worth.

Where did the money come from to enable Venezuela to pay that overplus? From the balance of trade against us in the United States. In 1879 England bought $559,000 worth of products of Venezuela and sold that country $2,284,000 worth of manufactured goods. In 1880 she bought $962,000 and sold $2,123,000 worth, of which $1,477,000 worth were cotton goods. The same year Venezuela bought from France $274,000 worth of cotton goods and from the United States only $136,000 worth.

The statements of the Senator from Kentucky upon this subject are not only not borne out by the facts, but are directly contradicted. England furnishes 33 per cent. of the imports into the Argentine Republic and only takes 7 per cent. of her exports, receiving the balance in money, while the United States furnish 8 per cent. of the imports in and takes 13 per cent. of the exports out. It is one story all the way through.

Mr. President, this is a most important subject. It is attended with difficulties; there is no doubt about that. The term "subsidies" is not a favorite one with the American people. More or less prejudice can always be aroused when it is declared that the Government is besought by corporations and monopolies to add to their profits. The history of the country in the past has not been encouraging in this regard; but the conditions never were the same as they are now. When the American Republic undertook for a little while the experiment of subsidizing steamship lines there was no such demand to begin with for our overproduction as there is now. The subject had not been investigated as it has now; American capital was not ready, provided it could be encouraged, as it is now to be put into these lines of steamships that shall open the trade with these neighbors of ours to the south.

Undoubtedly subsidies do not furnish an entire solution of this great question. Other things are needed, but other things will follow. The same friendly disposition that seeks to open trade with us, and that is willing to give subsidies alongside and in companionship with our subsidies, will lead to the enactment of treaties where reciprocal relations will be established; it will lead to the modification of the stringency of customs laws and rules and regulations; it will lead, it may be, to a common action with reference to exchange and currency. But the question now for the American Congress is whether it shall do this, whether it will make this first effort or do nothing. This is the first step; as I have said it has been always taken as the first step by other countries, and there is arrayed against it for one reason and another every argument and every objection that the Senator from Kentucky with his long experience, his leadership of his party, can invent or present.

He says, to begin with, he does not want this in the form of a subsidy for carrying the mails. That is the road which has been traveled for years by every other power, and in making that objection he declares that the conduct of the Postmaster-General in refusing to carry out the will of Congress as shown by the act of last year was in the interest of a regular and speedy service of the mail. Even if that were so, that sinks into insignificance compared with the greater question of starting and stimulating this flow of commerce that will enrich the American Republic.

But there are two sides to that question. It is a grave question whether even at present, with the small facilities we have with certain American states, the mails could not be better carried in our ships than in what are called the "English tramps." I have just had an instance presented to me giving an account of one of these experiments of the Postmaster-General, as taken from an English paper published in Rio Janeiro. This is the story of the course pursued by the Postmaster-General in putting our mail into foreign vessels instead of taking our own lines or encouraging them. It seems that the Post-Office Department intrusted an English ship about departing for Rio Janeiro with fifty-two bags of mail which were put on board the English ship and refused to the American line. The English ship-master had no responsibility to this Government after he had taken the mails, and when he reached Pernambuco, hundreds and hundreds of miles inside of his destination and of the destination of those fifty-two mail bags, he was able to sell his cargo there. Forthwith he dumped the United States mails on to the wharf at Pernambuco, filled up his ship with what freight he could get and sailed away for England, leaving the United States mail there upon the wharf.

What happened further? In a few days along came a ship of the American line which was sought to be encouraged and stimulated and helped by the act of last year, which Mr. Vilas disregarded, and although there was no obligation whatever, still with that feeling of loyalty and patriotism which the Senator from Kentucky says has nothing to do with this question, the captain of that steamship took the mail voluntarily on his ship and made his way to the port of Rio Janeiro, his destination as well as the destination of this large mail which the Post-Office Department had intrusted to the English tramp-ship; and when he got there, actually because the mail was behind not only did he receive nothing from this Government but he was fined by the Brazilian Government because the mails were late. When he undertook to expostulate and show the situation, the Brazilian officials refused to believe that the American Government had adopted any such policy or had committed its mails to an outside ship in that way, when there was an American line running to the very port.

Still the Senator from Kentucky opposes with all his great might the proposition that is now before the Senate. I am obliged to him for frankly stating that in this opposition he not only represented himself and largely, it may be, his associates upon that side of the Chamber, but that he represented the present Democratic administration, that the President of the United States sustained the Postmaster-General and opposed this proposition; that the Attorney-General of the United States added the weight of his legal opinion to that opposition; and that the Postmaster-General of the United States had taken his stand upon this matter and stood there to-day.

So among the difficulties that beset this enterprise, this first attempt on the part of the American people to open this commerce to us and to give us a portion of its benefit, one of the difficulties that we encounter is that the administration is squarely against us. It holds back, it not only denies aid and succor to this attempt, but in the person of its leader on this floor stands against this proposition, in every form opposes it, and makes war upon it.

That is no light thing. That has never taken place in any other country. While the Senator from Kentucky and the Democratic administration and the Democratic party stand opposed to this project, to this enterprise, the Republican party is in favor of it. I do not mean to say every individual, but that is the bent and bias of the party. It is committed in every way in past administrations and at the present in Congress to an honest attempt to find a market in the ports of our neighbors on the American continent for the immense overproduction of American labor. It seeks to do that because it will enrich the country to begin with. It seeks to do that because it will furnish relief to the distressed condition of labor in America to-day. However much Senators on the other side of the Chamber may be opposed to this policy the Republican party will adhere to it and will look to the American people to sustain it.

We have gone on for years subsidizing railroads, building them up, giving them money without stint, bestowing upon them the public domain to an extent unparalleled. An empire has been given away under which railway lines have opened a way to the Pacific coast and united the two parts of the Republic together, and trade and commerce and fraternity have been brought about by this means. We have given in railroad subsidies 211,000,000 acres of land; we have given in money as subsidies to railroads $108,000,000. The day for that has passed away; we have got through with that. We have built them up; these channels of intercourse and commerce are now established, maintained, and are as enduring as the rocks and the hills. We have passed from that to other considerations, and now there is no question of greater importance confronting the American people, no question of importance involving or touching the prosperity of the American people more important to-day than this effort that is being honestly made here to open an increased commerce and friendly relations with our sister republics upon the American continent. I do not mean for one to cease to work to this end until it is thoroughly understood and appreciated by the American people, and till it becomes a great national issue.

Mr. BROWN. Mr. President, it is not my purpose to make any set speech on this occasion, but as the vote that I expect to cast on this measure is not the same that will probably be cast by a majority of my party or by a majority of the Senators who represent Southern territory, I feel that it is proper that I should state some facts and give some reasons why I vote for it.

Under the old order of things prior to the late unfortunate war the Southern people were essentially a planting people; they were farmers and planters. They shipped their cotton, rice, and tobacco abroad, and drew upon it, and it was their interest to purchase in the market wherever they could get commodities the cheapest. They did not look to building up towns or cities by manufacturing establishments, nor did they look to other modes of making money to any considerable extent than those already mentioned. That state of things, however, has passed away, and the South now has to accommodate herself to a different order of things.

We find that if we should all remain cotton planters as our fathers were cotton planters, we would make, as indeed we have already made, an amount of production that would be beyond the demand. Take the last year as an illustration. While many of our people have gone into other pursuits, diversifying industry, we made more cotton than the world desired or needed at a fair price. Consequently there is no

little distress now among the Southern people, because Southern planters have to pay debts contracted in the expectation of receiving the ordinary price for cotton with the proceeds of cotton sold at 8 cents per pound instead of 10 cents per pound. This teaches us that we still have too large a proportion of our population engaged in the cultivation of cotton, and that we ought to diversify our industries still more.

Indeed, it seems to my mind that the two things most needed in the South now are education and the diversification of industry. We are making reasonable efforts; indeed, when you take into account our ability, we think we are making liberal efforts to increase the facilities for the education of our people. We are not able to establish as yet such a system of education and to sustain it with such liberality as we desire, but much has been done in that regard, and if the bill which passed the Senate should pass the House of Representatives, as I trust it may, and become a law, we will be greatly relieved in that particular, and within the next ten years the situation will be very materially changed.

But we must not stop there. We must diversify our labor. We must plant less cotton and raise more of other productions and other necessaries of life. Our people are already beginning to realize that state of things, and while it is not easy to change a well-established system in a few years, we have made progress in that regard.

Prior to the war there were scarcely any manufacturing establishments in the South. They were very few; the amount invested was very meager. Now we have centers such as Augusta and Columbus in my State, and others that I might mention, where manufacturing is becoming the principal interest. In the manufacture of cotton we probably have advantages over any other portion of the Union, if we had labor as skilled as theirs, and if we had the necessary amount of capital to invest in that business.

We have had difficulty about procuring skilled labor and we have had a great lack of capital, but, as I have already stated, we have not been idle, and we have accomplished something important in that particular. Indeed I suppose there is probably no place in this country, and there may be none in any other country, where the coarser cotton fabrics, made of good cotton and properly made, can be manufactured more cheaply than can be done in the South. We have advantages over our Northern brethren in that regard. While they have to pay the freights on the raw cotton from our ports to New England ports, say a thousand miles, the cotton grows in the fields around our factories and it costs us virtually nothing of freight to get it to the factory. That is an advantage of no small moment.

Then, again, our climate is more congenial. Our operatives need less expensive clothing than they do in a colder climate; they need less fuel. In a word, the climate is such that they can live on less than they can in New England, and there again is an advantage of no small importance. There are other advantages which I might mention, but will not now take the time. The result is, however, that we produce an excellent fabric of the character I have mentioned.

In regular manufacturing countries, as England and probably New England, the very finest goods are made out of their best cotton, and they make the coarsest goods, such as we make mostly in the South, of inferior cotton. As we raise the cotton in the fields adjacent to the factories and have not manufacturing establishments yet which are adapted to the manufacture of very fine fabrics, we put our best cotton into our very plainest goods. The result is in the Chinese market and in the South American market, when laid down by the side of the English manufactured articles, we have the advantage, because ours is a better article, it is made of better material, and it will probably last double the time that theirs will.

Therefore, when those countries have once learned the value of our cotton goods they can afford to pay a higher price for it than they would pay for the inferior article which they get from England. I recollect three or four years since, when the cotton exposition was held at Atlanta in my State, Mr. Blaine, then Secretary of State, was kind enough to allow articles on exhibition in the State Department to be shipped to Atlanta and there exhibited as the Government department.

Among other articles were a great many specimens of the cotton goods which are used in China, India, and other Eastern countries, and he sent a specimen very distinctly marked that had been forwarded to the State Department by one of our consuls, I believe, in China, with the goods manufactured out of inferior cotton in England, marked "Augusta Mills, Georgia," and it was sold for the production of the Augusta Mills, Georgia. The Augusta mills are noted for making excellent cloths out of the best quality of cotton. The Englishman had got that idea, and while he could not, as he thought, afford to put his best cotton into the character of goods which he was sending to China, he undertook to impose upon the Chinese by telling them that it was the production of the Augusta Mills, Georgia.

That is one of the diversified interests. We are building up factories every year there as we accumulate capital, and while we are doing it slowly we are making progress, and we will continue to build up, because we possess the advantages of which I have already spoken. For years to come we will manufacture but few of the finer cotton fabrics, but the time will come when we shall manufacture them in great abundance. The time will probably come when the New England capitalist seeking to locate and build a new factory will find it to his interest to go to the South to do so, for the reason that he can now get, and I suppose for a long time to come he can get cheaper labor there than he will get in New England, because the colored labor can be made effective in the cotton factories as has already been shown. He can save large amounts in freight and can save large amounts in clothing, in warming, and in many other respects which I might mention. Therefore, following the dictates of his interest, he will bring his capital in all probability and put it into factories in our section.

But cotton manufacturing is not all that we are doing to diversify labor.

We are blessed in portions of the South with immense deposits of metal, and of coal and iron especially. Prior to the war we made no strides in the development of that great resource. Since the war important steps have been taken in that direction, and there is a constanly growing disposition to invest money largely in the development of that great interest. Capitalists from every section of the Union are coming there and very sensibly putting their money into that great resource of ours.

We have the advantage there in this, that in many localities we have the iron ore and the coal and the limestone, the articles which are necessary in manufacturing pig-iron, in juxtaposition, so near together that there is very little freight and very little inconvenience in getting them together in the furnace. Our Northern brethren generally do not have that advantage except in a few localities. They have to ship either the coke or the iron ore generally over a long line of railroad to bring them together. There are exceptional cases, as I am aware, but we have more probably of the mineral deposits where those articles are all together and near together than you have in Pennsylvania and other portions where the iron business is principally conducted now, and it will probably become the interest of the Northern capitalists seeing this advantage to come and invest their money in those coal and iron lands, which are now very cheap indeed, which can be bought at a price that is insignificant compared with the price that you give for them in Pennsylvania, and they will put establishments there where iron will be manufactured cheaper than it is in Pennsylvania. I suppose well-conducted furnaces in Georgia, Alabama, and Tennessee to-day are making iron at from two to three dollars a ton less money than it is made in Pennsylvania.

But there is one offset against this which is to our disadvantage, and that is that we have not capital enough yet to establish rolling-mills where we can convert the pig-iron into the higher qualities of iron. Consequently when we make the pig we have to ship it to the Western markets, as to Saint Louis, Chicago, Terre Haute, Cincinnati, and other Western cities. A portion of our production we ship to Boston, Mass., by sending it to Savannah and putting it on the Boston steamer, where we get a reasonable rate of freight. The result is that we have to pay in increased freight the larger part of the amount that we make by the advantage we have in the manufacture of pig, but as soon as there is capital enough to locate large rolling-mills there our advantage will be permanent over that of most sections of the country. So that in the iron business we are diversifying our labor.

Then there are various other minor interests. For instance, take Atlanta, where there are numerous small establishments in which they are manufacturing small articles. For example we have a factory which employs about a hundred hands in manufacturing paper sacks, such as they need in stores for doing up goods or any other use that they have for a paper sack, and also some cotton sacks. We send them over all parts of the West and over Texas, furnishing a great deal of the supply there.

You may go in Atlanta to an establishment where you can get as good a gold watch manufactured as you can get on this continent. You can get as good a razor at a cutlery establishment there as you can get made anywhere. Many other small articles I might mention where our people see the necessity of diversifying labor. We are taking hold of and putting capital into these little things. We must continue to diversify our labor. Our agricultural labor must be diversified.

We have acted upon an idea there which is of some value. The climate of Southern Georgia is admirably adapted to the raising of watermelons. That seems like a very small, simple business; it does not amount to much; nobody before the war ever thought of selling one. I do not remember the statistics a year ago, but two years ago I recollect there were over 2,500 car-loads of watermelons shipped over the railroad that I represent for the West; and there were other lines open carrying all the time in competition. It brought in no small sum of money. It is a small thing, but yet we find there is money in it. In the southwestern corner of my State we are beginning now to cultivate very extensively the Le Conte pear, which is found to be very popular in the Boston and New York markets, and it sells at very fine prices. They are diversifying labor there again. Then at Griffin, Ga., they are going very extensively into grape-raising, and raising peaches, apples, and many kinds of fruit. In other words, men are abandoning the cotton fields and going into these other branches of industry.

Then again our people are waking up to the importance of raising fine stock. While that industry is in its infancy, we are making progress in it. Our cotton planters are becoming convinced that it will not do

to plant cotton alone, but that we must diversify labor and put our hands into every pursuit which we can adopt and make profitable.

In doing that we manufacture a great many goods.

We were told by the Senator from Maine [Mr. FRYE] who first addressed the Senate on this question that the last steamer which went out to Brazil carried about $25,000 worth of Georgia-manufactured cotton and other commodities from the interior of my State. We must begin to look out for a market. We must do one of two things. We must either fail to make progress and lag in the rear all the time, or we must diversify our labor and our interests and manufacture a great many things that we must send abroad to foreign markets.

There is this advantage in that regard. The manufactured article is usually less bulky and more valuable than the productions of the earth; and therefore we do better to make less of the products of the earth and more manufactured articles for sale and send them abroad. In the West, for instance, they are raising immense quantities of corn. It seems to me it is not their interest, when they can not find much market for corn and wheat, for Congress to try to destroy manufacturing interests and drive the operatives who are now engaged in that business into farming. They will only make a larger quantity of farm products and have no market for them.

It is said that the tariff—and I do not intend to discuss the tariff here at all, but I simply mention the fact incidentally—it is said the tariff discriminates against the farmer all the time; that it never helps him. But if you will destroy the manufacturing establishments by free trade and drive everybody into the field, to raising corn and wheat and cotton, you will soon see that the farmer will not be protected as he is now. He could make his living in the field, his bread and meat, but he could not make the profit that he makes now, because he would soon reach a point where on account of overproduction he could get nothing for his productions; and hence you would destroy his interest and put down the price of his productions by destroying the manufacturing establishments and driving more men into the grain-fields. By your manufacturing establishments you take more labor from the farm and you increase the value of the productions of the farm by creating home markets, and in that way you protect the farmer.

But to the main point here. I have already said more than I expected to say on the points discussed. Not only the North but the South, the East and the West, every part of our country, needs more market. We must dispose to better advantage of our manufactured articles, we must dispose to better advantage of our wheat and other agricultural productions that we make, or we can not get along and prosper. We are told by the report of the commission which we sent to South America that there are to-day 48,000,000 of people inhabiting the sixteen governments to which we sent them, in round numbers you might say 50,000,000 of people, and that their foreign commerce is $800,000,000 a year, and we get a mere fraction of it.

Our exports in 1884 are said to have been $733,000,000 in round numbers, and $64,000,000 of that amount went to all these South and Central American states combined. In other words, less than one-tenth of our foreign exports were sent not to our neighbors, where we ought to control the market, but sent to Europe. Why were they sent to Europe? Because there are regular lines of steamers and transportation facilities are complete between this country and Europe. Therefore we send to Europe and to the Eastern nations, because we have the transportation there. We have it not to the Central and South American powers.

If there is a section of our country now where there is a great deal of rich land and it is so far from railroads that you have to go through two or three cities to get to the one to which you want to ship your commodity, and to reach the point where they want your commodity, that trade can never prosper; but the city which wants trade must take steps to have the railroad built direct to the field where the trade originates, and by doing that you build up important interests there, and you enrich the city which wants the trade.

The Senator from Maine [Mr. HALE] has just told us that there was a subsidy given to railroads in this country of 211,000,000 acres of land and $108,000,000. That is an immense sum in land and money that we have given to open the highways of commerce, to open the transportation facilities to the great fields of the West, and yet they must have lain there uninhabited for probably half a century if this had not been done. It was wise on the part of the Government to do it. It was sensible, whether it was conducted properly in every case or not. Whether somebody was imposed on or not, or whether some company got more than it ought to have had, is not so much the question. Take it as a whole and there is an immense advantage to the country by this expenditure or by this subsidy, if you call it such.

When we need a market for our commodities, for our manufactured articles, and for the productions of our fields, why is it that we should not put something into vessels on the ocean to go to the rich fields where we can find a market for our productions, and where we can conduct a profitable trade. Is it not sensible to do it? Is it not stupid to neglect to do it? It seems to me it is so. It is not like building a railroad on the land, for there the company has to raise the money and put a large sum into the building of the railroad. That was the case of the subsidies of the Western roads. But when we turn a subsidy toward South America it is not so. God has built the railroad; the ocean is there; it is in complete running condition; all we have to do is to put on the rolling-stock and we can go right into the field that we want to cultivate with our commerce.

It takes, therefore, comparatively a very small amount when we want to reach this immense field with our products, this field where there are $800,000,000 a year of foreign commerce and where we get but about one-tenth of it. If we want to reach that field, and there is a proposition to appropriate $800,000 to aid steamships to reach it, to establish lines where it would be reached, there is an outcry against it, and it is said the principle is all wrong and the policy is all wrong. I confess I can not so see it.

You will allow me to be a little sectional in this matter. I suppose we are all more or less so, like Mr. Benton who, when he spoke of one of the tariff bills, said he himself was almost a free-trader, but when they were making up the bill and came to the article of lead, said he, "I moved 100 per cent. on lead and it carried, for my State produces more lead than any other." As the interest of my section comes in here, I suppose without being offensively sectional in what I may say I may refer to that.

What is the nearest port, the gateway where this trade ought to come in? It is New Orleans, the mouth of the Mississippi River. It is a thousand miles in round numbers nearer than New York. Why should it not come in there? And if it does, what part of this Union is most interested? The North, or New England? No. New York? No. What part? The South and great West. This immense influx of trade should come into New Orleans. In fact if we had the proper communication a vast amount of commerce from the Central and South American states would come in at New Orleans.

Then there is the Mississippi River with all its branches open to you. You keep it open by appropriations from year to year, and you do well. It is open for the whole West. The entrepôt is at New Orleans. There is the depot where commerce will find its resting place or rather its landing place, and then it is distributed to the whole West from that point.

Why is it that the South and West are not both largely interested in opening this trade? Oh, but it takes a few thousand dollars to do it! You can open no great enterprise without its costing you something. Other governments have found that to be true.

I am not going over the figures which the honorable Senator from Maine who last occupied the floor put before you. I believe his statement was that in the aggregate in thirty-six years, commencing in 1848, Great Britain has paid $163,000,000 in subsidies in establishing lines of steamers, in opening communication with all parts of the world where they see that a profitable trade can spring up. France, I understand, pays about a million and a half dollars a year subsidy to one line of steamers from a French port to a Chinese port. Germany has lately entered the field, and she subsidizes very heavily.

What has been the result of their practice? The result has been that they are immensely enriched; that they have taken the trade, and we have lost the trade of South America. It is not only so in South America and Central America, but it is so in other parts of the world. They have succeeded by subsidizing in turning an immense trade that belongs to the United States into English ports. If you do not like the term subsidizing, they have done it by paying high rates for the carriage of mails, as we do here in the West in star routes and other places where we think it necessary; they have succeeded by that means in building up an immense trade of immense profit to them, which we have lost and to which we are entitled, and which we ought to possess. I think we ought to look at their experience; see what has been their policy, what it has cost them, and what the results have been, and if they have made money largely by it, then we might afford to venture something on the same line.

I think therefore the real objection to this amendment is that the amount appropriated is too small. Perhaps while we have not the lines established it would be wise to begin at a small sum. I certainly would not have put it at less than $1,000,000 if I had been drafting it, and I think $2,000,000 would be better. In other words, what is a million a year, or two million a year, or five million a year to the control of the foreign commerce of the Central and South American states? It is a mere bagatelle; it amounts to nothing. Still we are calculating what the small amounts cost us, letting that trade be turned into other channels, and every year we allow it to go there it makes it still harder to turn it back into our channels again.

It seems to me it is time we should wake up upon this subject and go to doing something. Suppose we lose two, or three, or four, or five millions upon it and we find we do not open lines which build up a trade as we expected it to be done. We have lost that amount upon a great many things in past years, and we can afford to risk it here with a very strong probability that it will pay a tenfold return to us. Then why should we not do it?

My friend from Maine who last occupied the floor arraigned the Democratic party upon this question. I do not think he quite does justice. While he intends nothing improper or nothing wrong, I do not think it is just. My friend [Mr. TELLER] says "pretty nearly." The Republican party has been in the control of this Government for twenty-four

years. The Republican party had the executive control of the Government every day of twenty-four years, and it had the Congress the larger part of that twenty-four years. This field has been left uncultivated; our trade with the South American states has grown less and less, or if it has not grown actually less it has been dwarfed in comparison with other trades built up there. Why did the Republican party in power permit this?

Mr. DAWES. We had a majority, but always a few on our side joined with you.

Mr. BROWN. I am sorry you could not make them stick.

Mr. DAWES. I am sorry too.

Mr. BROWN. I hope we shall have better luck, for I trust that we shall retain the Government for as long a time as you held it; we ought to have it for twenty-four years too.

Mr. DAWES. If my friend will give the margin a little larger, so as to overcome all the stragglers, we will accomplish something in that way.

Mr. BROWN. As you were not able to control your stragglers they controlled you, and you were not able to do anything for the last twenty-four years.

Mr. DAWES. The trouble is that the stragglers joined the enemy.

Mr. BROWN. If the Democrats take hold of it, though you did not, the object will be attained.

Mr. PLUMB. Will the Senator permit me to ask him if it takes twenty-four years of power to bring the full measure of grace to the Democratic party? If so, it seems to me that their conversion would be rather an expensive job.

Mr. BROWN. As the Senator and his party had control for twenty-four years, as a set-off I think we ought to have it about as long a time, and I hope if we have that you will all be converted to the idea that we have set a good example on this question before the end of our time.

Mr. HALE. Will the Senator from Georgia permit me to interrupt him for a moment?

Mr. BROWN. Oh, yes.

Mr. HALE. This is not a new thing in Republican administration. The last administration and the administration preceding committed itself to this policy. Let me ask the Senator from Georgia whether during the time that the Democratic party has been in power, since a year ago last March, anything has come from the President of the United States, or from the Democratic House of Representatives, or from any Department of the Government under Democratic administration in any way tending to encourage or inaugurate this policy?

Mr. BROWN. Unfortunately we have been as indolent about that matter as you have been for a long time. We have not done what I think we ought to have done. A majority of my people have thought differently, I have no doubt. I do not know that we ever would do it, but I think we ought to do it, and as you have failed to do it, it seems to me that it is not very well to make a party issue with us on that question.

Mr. HALE. It has been recommended over and over again in messages and reports by Republican administrations.

Mr. BROWN. But you did not control your Republican Houses and have it done when you had them strongly Republican.

Mr. HALE. We set on foot the commission to make the investigation which has furnished the very valuable facts the Senator has been using and which I and others have used, and laid the foundation for future legislation, which if adopted will inaugurate this policy.

Mr. BROWN. With great deference to the Senator, I do not exactly understand it so. I find that on the 3d of March, 1884, the Senator from Missouri [Mr. COCKRELL] introduced the bill making provision for the appointment of the commission; and it was referred to the Committee on Foreign Relations. I think the measure had a Democratic origin. That watchful, able, vigilant Senator, who is certainly a great honor to his people, saw the necessity of it. I do not say that he is for subsidies, because I have no right to speak for him on that question, but he saw the necessity of opening this great trade by some means to our people, and he introduced a bill for the appointment of a commission to visit those governments and see what could be done with it. It was not his bill exactly which passed, because the committee changed it some, but substantially it was.

Mr. HALE. The history of that bill was that the Republican Senate adopted it but the Democratic House failed to pass it.

Mr. BROWN. After it had been recommended by a Democratic Senator you took it up.

Mr. HALE. Does the Senator think the Senator from Missouri will vote with him on the question we are now considering?

Mr. BROWN. I stated distinctly that I do not know his views on this question, and that I had no right to commit him. He may not think this the right mode of doing it at all; but he thought something ought to be done on that line to secure that trade, and he went to work to get it by negotiations and made a very important step in the right direction. I am very glad that the Republicans fell into line and did what it was wise to do under the circumstances.

Mr. HALE. The Republicans did not fall into line, but the Republican Senate adopted it and the Democratic House rejected it, and it was only after it was matured in conference that finally we got out of it certain features which saved the commission, but it was by a contest with the Democratic House that we did it.

Mr. BROWN. Still the Democratic House agreed to it.

Mr. HALE. Yes; because we would not give it up.

Mr. BROWN. If they had not wanted it you could not have got it. The Democratic House did pass it, not exactly in the same form that we passed it, but finally agreed to it. Therefore, both parties in both Houses agreed to it, but it had a Democratic origin. It does not seem to me that the party view presented is a wise one, or that it is wise for the Republican party in the minority to undertake to make it an issue.

But, Mr. President, I have said substantially what I desired to say. I have in my hand an address of William E. Curtis, late commissioner of the United States to Central and South America, one of the commissioners appointed under the act to which I have referred, which has a great many very valuable statistics in it. I desire to incorporate seven or eight pages of the address as part of my speech, and I ask the unanimous consent of the Senate that I may be permitted to put it in my speech without reading it.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the matter will be printed in the RECORD.

Mr. BROWN. The extracts from the address of Mr. Curtis to which I refer are as follows:

South of the Rio Grande and the Gulf of Mexico, in what is known as Spanish-America, are about 43,000,000 of people, engaged in a foreign commerce amounting to over $800,000,000 a year. This commerce is about equally divided between exports and imports. The exports consists exclusively of raw products, and always will; while the imports consist of manufactured merchandise. The Spanish-American people have no taste for mechanical industry, and lack the water-power or the fuel to exercise it if they had. They will always be compelled to import all the luxuries and nearly all of the necessaries of life except food, and their wealth must come from the boundless resources with which a prodigal nature has stored the continents.

In 1884 our exports were valued at $733,768,764, mostly manufactured merchandise. Of this amount we exported but $64,719,000 to Spanish America. Our annual mechanical and agricultural products are valued at $15,000,000,000, but we seldom have sold more than $75,000,000 worth of this product to our nearest neighbors, who buy in Europe many times as much as they ever get here.

We have more trade with either Belgium, Italy, The Netherlands, Spain, Switzerland, Russia, China, Japan, Australia than we have with all of the Central American States combined. We have nearly as much trade with Greece as we have with Chili. We sell more sewing-machines in Switzerland than we sell in Chili, and Switzerland sells Chili more sewing-machines than she buys of us.

England, France, and Germany have secured a monopoly of the trade of Spanish America, by the establishment of quick, regular, and cheap transportation, and we have lost it by neglect. For example, Bolivia has a foreign trade of over $16,000,000 a year, yet the name of that country does not appear in the tables of our Bureau of Statistics. The chief imports of Bolivia are cotton and woolen goods, agricultural implements, mining machinery, hardware, cutlery, clocks, watches, canned goods, and provisions, a list which could be filled in any commercial city of the United States as cheaply as in Europe, and yet the annual reports of the Treasury Department do not show a dollar's worth of commerce between the United States and that country.

The same conditions exist with other nations in quite as startling a form.

In 1884 the value of manufactured merchandise imported into the several countries of Central and South America was as follows:

Central America:		
Mexico	$30,000,000	
Guatemala	3,500,000	
Honduras	750,000	
Salvador	2,750,000	
Nicaragua	3,250,000	
Costa Rica	2,800,000	
British Honduras	1,250,000	
		$44,300,000
South America:		
French Guiana	1,500,000	
Dutch Guiana	1,700,000	
British Guiana	10,800,000	
Venezuela	16,000,000	
Colombia	13,700,000	
Ecuador	4,375,000	
Bolivia	4,500,000	
Chili	52,600,000	
Peru	7,600,000	
Argentine Republic	84,900,000	
Uruguay	20,000,000	
Paraguay	1,300,000	
Brazil	101,000,000	
		325,975,000
West Indies		117,113,000
Grand total		487,388,000

The figures showing the distribution of these imports for 1884 can not yet be obtained, but the exports of the United States, France, and Great Britain to the countries named below in 1883 were as follows:

Countries.	United States.	Great Britain.	France.
Central America	$2,003,407	$4,186,893	$1,392,113
Colombia	6,868,971	6,009,414	5,984,353
Venezuela	2,403,705	3,126,123	1,324,468
Brazil	9,252,094	34,140,119	15,657,473
Uruguay	1,452,812	9,683,712	5,111,211
Argentine Republic	3,543,196	30,695,963	24,356,691
Chili	2,860,496	21,318,312	9,653,555
Peru	493,894	4,811,600	1,760,670
Total	28,878,625	113,972,136	65,843,533

The increase of the imports from Great Britain into the Argentine Republic in

1884 was very large, and reached a total of $38,000,000. There was a corresponding increase in most of the other countries.

The following shows the exports from England, France, and the United States to Mexico, Central and South America, the Spanish West Indies, Hayti, and San Domingo of cotton goods, iron and steel, machines and implements, and hardware and cutlery, the goods in which we excel:

Articles.	England.	France.	United States.
Cotton manufactures	$45,738,000	$6,215,000	$4,563,000
Iron and steel	11,000,000	3,339,000	2,810,000
Machinery, engines, &c	8,022,000	1,157,000	6,820,000
Hardware and cutlery	3,505,000	114,000	1,254,000
Total principal articles	68,355,000	10,825,000	15,447,000

Our total exports to Mexico are greater than those of either England or France, while our total exports to South America are less than one-fourth of those of England, and only one-half of those of France.

During the last twenty years the value of the exports from the United States to the Spanish Americans was $442,048,975, and during that time we purchased of them raw products to the amount of $1,185,828,579, showing an excess of imports during the twenty years amounting to $765,992,219, which was paid in cash. It will thus be seen that our commerce with Central and South America has left a very large balance on the wrong side of the ledger, while those countries have all the time been buying in Europe the very merchandise we have for sale.

Being the very reverse of the United States in climate and resources, they constitute our natural commercial allies, and the exchange should at least be even; but they sell their raw products here and buy their manufactured articles in Europe. The principal reason for this is that the carrying trade is in the hands of Englishmen. The statistics show that of the total imports into the United States from Spanish America, which in 1884 amounted to $159,000,000, three-fourths were carried in foreign vessels. Of our exports to those countries, amounting last year to $64,000,000, $46,000,000 were carried in American vessels, while only $18,000,000 were carried by foreign vessels. It will thus be seen that nearly everything we buy is brought to us from Spanish America by Englishmen, while nearly everything we sell we have to carry there ourselves. The logic of these facts is irresistible.

The most absurd spectacle in the commercial world is the trade we carry on with Brazil. We buy nearly all her raw products, while she spends the money we pay for them in England and France.

In 1884 of the exports of Brazil $50,266,000 went to the United States, $29,000,000 to England, and $24,000,000 to France. Of the imports of Brazil in 1884, $30,000,000 came from England, $15,000,000 from France, and $8,000,000 from the United States.

Another peculiar feature of this commerce was that of the exports of Brazil to the United States, $32,000,000 was carried in English vessels and $9,000,000 in American vessels, while of her imports from the United States $6,000,000 was carried in American vessels and only $2,000,000 in English vessels. The trade is carried on by triangular voyages. Two lines of steamships sailing under the British flag load every week at Rio for New York. Arriving at the latter port they place their cargoes of coffee and hides in the hands of commission merchants, and sail for Europe, where they draw against these consignments, and buy Manchester cotton, Birmingham hardware, and other goods which they carry to Brazil.

During the last twenty years this absurd spectacle has cost the United States $600,000,000, every cent of which has gone into the pockets of English and French manufacturers. We have not only paid for the goods that England has sold Brazil, but as we have had no banking connections with that country and no ships on the sea, nearly every ton of this commerce has paid a tax to English bankers and vessel-owners.

Several years ago when we removed the import tax on coffee, Brazil put an export duty on, so that the attempt of Congress to secure a cheap breakfast for the workingman simply resulted in diverting several million dollars from the Treasury of the United States into the treasury of Brazil, without changing the price of the article. Mexico and the countries washed by the Caribbean Sea produce a better quality of coffee than is grown in Brazil, and if the United States Government would consent to discriminate against Brazilian coffee raised by slave labor the nations of Central America and the Spanish Main would reciprocate by admitting free to their ports our flour, lumber, provisions, lard, dairy products, kerosene, and other articles which are now kept from the common people by an almost prohibitory tariff.

Brazil is in such a critical condition, financially and commercially, that if we did not buy her coffee it would rot on the trees, and the Englishmen who control her foreign commerce would have to close their warehouses and throw all the Brazilian planters into the bankrupt court. These Englishmen have secured mortgages upon the plantations of Brazil by supplying the planters with merchandise on credit and taking the crop at the end of the season in payment; but as the crop seldom pays the advances, the mortgages have been lapping over upon the plantations, until now the Englishmen have the Brazilians by the throat, making their own terms, charging one profit on the merchandise sold, another as interest on the advances, a third on the coffee purchased, and a fourth as interest on payments deferred, while they make three profits out of us: first, on coffee they sell us; second, on transportation charges; third, in discounting our bills on London.

The greater part of our exports to Spanish America go to Mexico and the West Indies. Deducting these from the total, it will be found that we buy over 30 per cent. of what the South American countries have for sale, and furnish them only 6 per cent. of their imports. The balance of trade goes on piling up at the rate of nearly $100,000,000 a year. This was not always so. Twenty years ago more than half the commerce of this hemisphere was controlled by the merchants of New York, Boston, and Baltimore, and more than half the ships in its harbors sailed from those ports. Now only a small percentage of the carrying trade is done in American bottoms, while English ship-owners who control the transportation facilities permit the Spanish-American merchants to buy in this country only such goods as they can not obtain elsewhere.

The cause of this astonishing phenomenon is our neglect to furnish the ways and means of commerce. We can no more prevent trade following facilities for communication than we can repeal the law of gravity. While we have been pointing with pride at our internal development, England and France have been stealing our markets away from us. The problem of recovering them is easy of solution. The states of Central and South America will buy what we have to sell if intelligent measures are used to cultivate the markets and means are provided for the delivery of the goods.

The Spanish-American nations seek political intimacy with the United States, and look to this, the mother of republics, for example and encouragement. They recognize and assert the superiority of our products. They offer and pay subsidies to our ships. Brazil now pays $100,000 a year as a subsidy to an American steamship line, while the United States Government paid only $4,000 last year to the same line for carrying our mails. The Argentine Republic had a law upon its statute-books representing a standing offer of a subsidy of $6,000 silver dollars a year to any company that will establish a steamship line between Buenos Ayres and New York, under the American flag, and at the same time has twenty-one lines of steamships, sailing from forty-five to sixty vessels a month, between Buenos Ayres and the ports of Europe, to which it pays nothing. We have no steamship communication with the Argentine Republic whatever. During the last year, out of the millions of tons of shipping represented in the harbor of that metropolis, there were no steamers from the United States, and our flag was seen upon but 2 per cent. of the sailing vessels. Here is a nation purchasing in Europe $70,000,000 worth of merchandise every year, and only spending about $4,000,000 in the United States, and these $4,000,000 represent articles such as petroleum, lumber, lard and other pork products, which could not elsewhere be obtained.

Thomas W. Howard, United States vice-consul at Uruguay, stated to the commission that the carrying trade between that country and Europe was done by 567 steamers, of which 203 were English, 118 French, 107 German, 48 Italian, and 14 Spanish, with not one under the American flag; and he said that no steamers ever came from the United States to Uruguay except occasionally an English tramp, chartered for a special cargo. The foreign commerce of Uruguay amounts to $45,000,000 a year, of which over $20,000,000 are imports of manufactured merchandise. The chief imports are wearing apparel, iron and steel goods, agricultural implements, and machinery. England furnishes 27 per cent., France 17 per cent., Germany 13 per cent., Spain 10 per cent., Italy 6 per cent., and the United States only 5 per cent.

The Spanish Americans erect statues to Washington and Lincoln, and imitate the United States in all their political and economical endeavors. Their republics are founded upon constitutions in imitation of that our fathers framed. They have introduced our school system and they import teachers from the United States.

Even more surprising than our neglect of the commercial opportunities they offer is our ignorance of their condition and progress. We recollect their civilization as we saw it last, to be an anarchy of errors. We do not realize that the triumph of liberal intelligence and the influx of modern enterprise have opened to the nations of South and Central America a destiny second only in promise to our own. While it would be useless to seek in those republics an ideal of self-government, their progress in the last half-century has placed them in a situation where their political reform is not only hopeful but assured.

The development of the southern half of South America is nearly as rapid as that of the United States. Immigration is flooding in, internal improvements are opening new and fertile fields, and wealth is increasing in a ratio enjoyed by no other section of the globe.

Chili, Uruguay, Paraguay, and the Argentine Republic, almost a *terra incognita* to us, are booming like our Western Territories. In 1876 the imports of the Argentine Republic were valued at $36,000,000; in 1884 they had reached $80,000,000. In 1876 the merchandise brought to that country from England, France, and Germany was valued at only $18,000,000, while in 1884 it was more than $53,000,000. The entire imports from the United States for twenty years were $6,000,000 less than those from the three commercial nations of Europe for the year 1884.

Within the last three months the Government of the Argentine Republic has made contracts for $59,000,000 worth of railway improvements, including a line of road northward in Bolivia and two lines across the continent to Chili, so as to bring the commerce of the Pacific Slope into the harbor of Buenos Ayres, instead of taking it around the Straits of Magellan.

In 1874 the foreign commerce of Chili amounted to $42,000,000. In 1884 it reached $132,000,000. From $50,000,000 to $60,000,000 in merchandise is imported into Chili every year, of which England furnishes over $20,000,000, France over $12,000,000, Germany over $8,000,000, and the United States $3,000,000.

Adding the imports of Brazil to those of Uruguay, Chili, and the Argentine Republic, it will be found that the aggregate value of manufactured products introduced into those four countries annually reaches the enormous sum of $250,000,000, of which England furnishes nearly one-half, France about $50,000,000, Germany about $35,000,000, and the United States about $17,000,000.

We have no adequate conception of the present magnitude of these markets, nor of their prospective value. The manufacturers of the United States can supply almost every article represented in that $250,000,000, with the exception of a few articles of luxury which we ourselves import. The consumption of cotton goods alone amounts annually to over $65,000,000, and 95 per cent. is supplied by the mills of Manchester.

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The balance of trade against the United States with these countries of Central and South America amounts annually to nearly $100,000,000. This balance is paid in bills of exchange on London, the proceeds of which are expended there in the purchase of merchandise which our markets could supply at as low figures and in as good quality as that of Europe. It was remarked nearly everywhere that English merchants of whom the South American importers were buying their goods might not accept such a coin in payment, and the reply invariably was that in such an event they would come to the United States to buy their goods. All commercial transactions in these countries now are calculated in pounds, shillings, and pence, the local currency never entering into foreign commercial transactions.

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Our Government might have received concessions for the admission of our peculiar products free, or at a reduced rate of duty, had we been enterprising enough to enter negotiations in that direction. Almost everywhere the South American commission found a willingness on the part of the governments it visited to enter into commercial treaties whereby our peculiar products might be relieved from the almost prohibitory taxation, without any further concessions upon our part beyond giving the pledge not to impose duties where they do not now exist.

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With the exception of petroleum, nearly all of our exports to Central and South America come from the Southern States and the Northwest, and consist of breadstuffs, provisions, lumber, furniture, &c. Flour is so expensive that none but the rich can use it, the price often being as high as $25 a barrel, two-thirds of this cost representing the import duty. If the duty upon flour were removed in all the South American countries the exports from the United States would be very largely increased, and the removal of that duty could be obtained by an exchange in favor of sugar, while the almost prohibitory duty upon lumber, provisions, and other goods would be given in exchange for the removal of the duty on carpet wools.

Petroleum is a very important item in the commerce of South America. Gas is scarce and high, owing to the lack of fuel, and almost the entire population burn candles. Petroleum put on board a ship at 15 cents a gallon in New York is peddled out in South American cities in pint bottles at 25 cents each, or 40 cents for a quart bottle, the light of a single lamp for an evening costing at least a quarter of a dollar, which of course prohibits its use by the common people.

Three-fourths of this price represents the duty, as it is the practice of the South American governments to tax the necessaries of life and admit the luxuries free. As an illustration: A certain government which charges a duty of 400 per cent. ad valorem on our kerosene oil admits watches, jewelry, and diamonds at a duty of 90 cents a pound.

The yield of gold and silver in the Central and South American

states is $56,000,000 annually, a large proportion of which goes to Europe to be coined. As these states are among the largest producers of the precious metals in the world, and as we could make arrangements with them to pay balances in silver, it would give us the opportunity to pay nearly $100,000,000 a year of balance against us in silver, which we now pay in gold.

The following tables show the value of merchandise imported into the several independent states of Central and South America, and the share of the United States in that trade:

Country.	From all countries.	From the United States.
Argentine Republic	$84,000,000	$4,327,026
Brazil	100,000,000	7,258,085
Central American states	14,000,000	2,667,943
Chili	52,000,000	2,192,672
Peru	7,600,000	716,001
United States of Colombia	13,700,000	5,397,412
Uruguay	26,000,000	1,601,759
Venezuela	16,000,000	2,992,968
All other countries	10,500,000	425,563
Total	323,800,000	27,569,429

The above table shows that our share is exceedingly small.

The following statement shows the commerce between the several ports of the Southern States and Central and South America, for the year ending June 30, 1885:

Port.	Amount.	Port.	Amount.
Apalachicola, Fla	$27,000	Galveston, Tex	$663,000
Brunswick, Ga	420,000	New Orleans, La	4,885,000
Fernandina, Fla	41,000	Yorktown, Va	529,000
Wilmington, N. C	60,000	Pearl River, Miss	85,000
Mobile, Ala	319,000	Saint Johns, Fla	20,000
Pensacola, Fla	417,000	Charleston, S. C	46,000
Savannah, Ga	616,000		
Saint Mary's, Ga	10,000	Total	9,092,000
Richmond, Va	1,254,000		

The statement just given shows the large interest of the South in this trade. Most of this immense commerce should be diverted to this country, and should come in at the ports of New Orleans, Tampa, Fla., Savannah, Charleston, Wilmington, and Norfolk. While Northern cities would get a large share also, the greater part would naturally come to the South, and through the South when going West.

Mr. McPHERSON. Mr. President, I am very sorry that this proposition comes to us in the manner it does, because I am somewhat in sympathy with the measure. But it comes as an amendment to an appropriation bill after both the House and the Senate have resolved not to continue longer the practice, and a very bad practice, of putting new legislation upon appropriation bills. It seems to me as though it would be far wiser to have introduced this as an independent measure, and let it take its chances as an independent proposition.

Mr. ALLISON. If the Senator will allow me I wish he would explain to the Senate how this is legislation. This is an appropriation for carrying the mails.

Mr. McPHERSON. I understand. It is an appropriation as the Senator says for carrying the mails but it proposes to do more. The mails are now carried by appropriations already made, and which have been made in former years. It is proposed to give a subsidy to a steamship line to carry the mails directly from here to South America and the islands of the sea and to make a specific appropriation by way of subsidy. There seems something new in this.

Let me say to the Senator that I am in sympathy with the proposition. I do not believe the United States Government are paying adequately for the transportation of the mails on the sea. I think that more should be paid. Last year we eliminated from the statute-books a law which required a steamship company to keep its ship tied up at the dock at the pleasure of the Government until such time as the Government could get its mails on board, often at great expense and delay to the steamship line, and then receive and transport the mails at such rates as the Government itself would fix; and as to the South American mails the compensation fixed was far below the cost of doing the work. No great government can afford to treat its citizens in this unjust manner; yet it did, and as a consequence the law was rightly repealed.

I think to-day in some cases we are requiring steamship lines to carry the United States mails to foreign countries for less than it costs to transport the mail from the post-office to the dock at the point of shipment and from the dock to the post-office at the point of destination. I claim that that is unbecoming a great Government and should not be done. But I think the pending amendment has no place upon this appropriation bill.

I have heard it repeatedly said upon this floor that under the new rules organized in another body the appropriation bills were coming to us in a much better form than ever before; that they do not require one-half the labor in their preparation. They are reported here speedily and apparently the Committee on Appropriations do not give one-half the time to their consideration that they have heretofore required. There seems to be a perfect agreement as to the matters contained in the bills; and now we are doing what? We are ingrafting upon this measure a proposition already rejected by the other House to be sent back to that body.

Mr. DAWES. The Senator is out of order.

Mr. McPHERSON. You need not call me to order; I will take back that part of my statement if not in order to refer to the better end of the capitol.

As I said before, I am somewhat in sympathy with this measure and I am in sympathy with it for this reason: I believe it to be the duty of the United States Government to open so far as it can trade relations with the South American states, states lying contiguous to us almost and right upon our southern border, easy of access and capable in a few years of taking almost the entire surplus manufacturing product of this country and consuming it.

Therefore I think the Government should adopt some policy at least that would enable our people to come in direct contact with the consumers of goods in that country by direct and speedy communication.

But this amendment proposes to go further. The simple reading of the amendment will show how extended it is in its proposed operations. We find here that it is to secure greater frequency and regularity and dispatch in the carriage of such mails to Brazil, the republics of New Mexico, Central and South America. With that I agree; but you add the Sandwich, the West India and Windward Islands, New Caledonia, New Zealand, and the Australian colonies, for I understand it is proposed to set aside a certain portion of this appropriation for the purpose of establishing mail facilities with those islands, and I think that is entirely unnecessary and inexpedient at the present time.

Mr. PLUMB. What islands does the Senator include?

Mr. McPHERSON. I include the Sandwich, the West India and the Windward Islands, New Caledonia, New Zealand, and the Australian colonies, as the Senator will see when I offer my amendment to strike out these islands.

Mr. PLUMB. If the Senator will let me interrupt him for a moment I will state to him that in the report of the Postmaster-General there is printed a petition signed by a very large number, in fact I think all, the prominent merchants of San Francisco, of date of April, last year, asking him very urgently to use the money that was appropriated in the last Post-Office appropriation act for the purpose of establishing more frequent communication with the Sandwich Islands, in which it is set out that the trade between the Sandwich Islands and the United States amounted to $172 per head of each one of the people of those islands, far in excess of our trade with Japan and China, Sweden and Norway, the Austrian Empire, and in fact two-thirds of all the remaining countries of the world.

Mr. McPHERSON. We do not propose to establish a steamship line to carry the mail to Europe. I presume quite likely you can get a petition signed by fifty or one hundred people for almost any purpose. If the Senator will allow me to call his attention to the third page of the bill, I find there a proviso in the shape of new legislation also, which proposes the establishment, as I understand it, of a steamship line from Tampa to the West India Islands.

It is well known that the West India Islands are connected by the very best steamboat communication possible to be secured anywhere, and the mail going from Havana to Tampa daily would be distributed among the West India Islands just as expeditiously, if not more so, than by any proposed establishment of a line between any port in the United States and each one of those islands individually. Provision having been made for the West India Islands in that direction it is entirely unnecessary that any part of this $800,000 which it is proposed to apply for this purpose should be used for any such purpose as that.

Again, let us take the Sandwich Islands. The Sandwich Islands already have trade relations with the United States which give them great advantages over almost any producing country anywhere within many thousands of miles of the United States. The advantage which we give to the Sandwich Islands in its trade relations with us upon the article of sugar alone has tended to establish lines of communication between our ports and the Sandwich Islands which have given us as good mail facilities as could possibly be given by any that could be possibly secured under this bill with an increased appropriation. Certainly no new or speedier lines will take the place of those now doing the service, and the money this bill bestows in that direction would be only in the nature of a gift to existing lines.

Will any Senator rise in his place and tell me what we have to gain by establishing speedy mail communications or trade relations with New Caledonia, the penal colony of Great Britain, with New Zealand, or the Australian colonies? How can we expect to transport our goods, manufactured in this country from raw material (as the Senator from Kentucky said yesterday, and in that regard I fully agree with him), upon much of which a large duty has been charged, an embargo, so to speak, laid at our own port before it enters into the factory where it is manufactured into products for export, thereby largely increasing the cost of that product? How can we expect by establishing mail facilities with a colony of Great Britain to compete with that country which has free trade between herself and her own colonies?

Mr. DAWES. What are the raw materials to which the Senator refers?

Mr. McPHERSON. I suppose wool is very largely a raw material of Australia which goes to Great Britain, but which can not come here. I suppose Great Britain very largely gets her cotton product from India, and also sends her cotton product direct to Australia in exchange for cheap wool. But I only use this argument to show how perfectly absurd it is for us to undertake to establish trade relations with a colony of Great Britain with this vast world of republics lying near our own door, which are to-day in sympathy with us in everything that goes to make up national sympathy and national prosperity; we ought to devote our whole attention, and if any money is to be expended, we should expend it in that direction.

Mr. DAWES. I agree with the Senator in all that; but when the Senator spoke of the awful tax put upon the raw materials that were brought here and manufactured I was wondering what the raw materials were.

Mr. McPHERSON. I will put it all in a single sentence and then the Senator can understand me. Believing with him as I do very greatly upon the policy pursued by the fathers, which is to collect the taxes through the custom-house to support the National Government, I want to say to him here and now, and to every Senator within the sound of my voice, that it is perfectly absurd for us to undertake to build up the commerce of this country until we make raw material which comes to us from every part of the world in exchange for our own products, and which enters into the cost of our manufactured goods, as free as the sunlight and the air. All commerce is barter, and unless you can load your ships outward and inward bound your boasted commerce, even with subsidies, is a myth.

Mr. DAWES. I should like to inquire of the Senator from New Jersey whether he thinks raw material ought to come in free when we have it at our door?

Mr. McPHERSON. I want to say to the Senator that as to raw material already at our doors and which we raise in great abundance, we need not import it; but I would admit raw material duty free, whether produced by us or not, if needed by manufacturers.

Mr. DAWES. On the same level?

Mr. McPHERSON. Not upon exactly the same level; but I say until you reduce the tariff very largely upon raw products not produced in this country and which enter into the consumption of our manufactures and restrict the area of our market, unless you do that you never will increase the sales of our products.

Mr. DAWES. While the Senator is on that point I wish to say that I asked the Senator from Kentucky [Mr. BECK] yesterday to point out what profit it could be to anybody to go to a foreign country and pay for all the cost of going there for raw material produced at home?

Mr. McPHERSON. What benefit?

Mr. DAWES. What benefit is it to anybody?

Mr. McPHERSON. There are a great many varieties of raw material——

Mr. DAWES. Let me say——

The PRESIDENT *pro tempore*. The Chair must remind Senators that the rule expressly requires Senators to address the Chair, and that one Senator shall not interrupt another unless by his consent.

Mr. McPHERSON. The Senator has my consent.

Mr. DAWES. I agree with the Senator that every article of raw material that enters into a manufacture in this country that can not be produced here in this country should be made free, and not only free but every facility to bring it here should be made as easy and as cheap as possible; but as to any raw material that lies at our door and can be just as well produced here as it is produced in a foreign country, all that we pay to send after it and bring it here is so much thrown away.

Mr. McPHERSON. Well, Mr. President, to answer that argument would take a pretty long time. I will only say to the Senator from Massachusetts that I suppose there are a great many articles grown in this country that would compete with foreign products. I do not suppose we can raise jute in this country to advantage; but what is made from that product? The bags that carry our grain from here to foreign markets. California to-day uses millions of dollars' worth of the jute product, and were it not for the jute coming from abroad we would have to use bags the cost of which would be so greatly increased that our wheat-growers could not use the market in which they attempt to compete.

I do not suppose the Senator from Massachusetts would say that it was for the interest of the people of California to impose a heavy duty upon the jute product, which would simply prohibit the exportation of wheat. I do not suppose the Senator from Massachusetts would say that as to the wool product. In some of the outlying provinces of the world, for, instance, in Southern Russia and in Australia, the wool is sold on the market, as I saw the quotations the other day, for 4½*d.* per pound, upon which our tariff levies a duty of 10 cents a pound. I do not suppose the Senator expects the people of the United States to believe that they can grow wool at 4½*d.* a pound even on the great prairies of the United States. This cheap wool makes cheap clothing and carpets and blankets, and gives comfort to the poor. Mixed with our finer wools, the only kind we produce, or can profitably produce, it makes a great variety of cloths suitable for export, and in this way makes a new use for our own better wools. Free wool of the cheap grades would benefit alike the wool producer and manufacturer.

Again, I do not suppose the Senator from Massachusetts believes for a single moment that we can load ships in New York, even if this bill becomes a law, and transport cotton goods from New York to Rio de Janeiro and there sell them for money when the British competitor is in the same market with his cotton goods and barters with them for the products of Brazil. The Brazilian has no money with which to pay. He says, "For your cotton goods I will give you the raw products of my country. I will take your cottons, but you must take my products."

Mr. FRYE rose.

Mr. McPHERSON. I refuse to yield at this moment.

Mr. FRYE. But the Senator is making a very grave misstatement there.

Mr. McPHERSON. Then you can contradict it when your opportunity arrives, for I am now answering a like charge from Massachusetts.

You make a shipment of cotton goods to Rio de Janeiro. Let the raw products of Brazil come back on the same ship to the port of New York, and pay a duty of 40 per cent., and the goods into which it is manufactured, say for the Brazilian market again, costs to make what it costs the English manufacturer plus this duty.

Mr. FRYE. What does the Senator mean when he says——

The PRESIDENT *pro tempore*. Does the Senator from New Jersey yield to the Senator from Maine?

Mr. McPHERSON. Yes, sir.

Mr. FRYE. What does the Senator mean when he says England has a barter-trade with Rio de Janeiro and we have not?

Mr. McPHERSON. All commerce is barter. We can not have barter when the custom-house in New York lays an embargo upon the thing we barter for. To do this is to strangle commerce.

Mr. FRYE. Does the Senator know that last year we imported fifty million dollars' worth of coffee from Rio de Janeiro on which there is no duty in the port of New York, and that we only sold Brazil eight million dollars' worth of goods back again?

Mr. McPHERSON. Most assuredly. That proves nothing. Now, if the Senator will be fair with his argument and take something upon which there is a duty, then he will present the thing fairly to the American people.

Mr. FRYE. The Senator's statement was that we could not hope to enjoy a trade with one of these countries when the essence of barter was out, and he cited Great Britain as being able to carry on a barter trade with Rio de Janeiro, Great Britain taking Rio de Janeiro's goods and Rio de Janeiro taking in pay Great Britain's goods; and yet the Senator knows that Great Britain did not take as many goods from Rio de Janeiro last year as we did and she sold her five times as much as we did.

Mr. McPHERSON. Very true. Why should Great Britain take the goods? Because she can buy them and barter them to better advantage than we can. We need a certain amount of coffee in this country and our people will buy it. The Senator will have it upon his breakfast table whether it costs a cent a pound or 40 cents a pound. There is no proof in that. What I want the Senator and every Senator to understand is that while sympathizing with that side of the house as everybody knows upon the doctrine of collecting our revenue by a tariff at the custom-house, I believe that unless you reduce the duties on raw material of every kind, unless you throw down the barriers at the custom-house and let those things come in free which tend to make and cheapen the products of manufactured industry, you might as well take the money you propose to grant in this bill for speedy mail service to increase commerce and throw it in the Potomac River.

I say a new era must be entered upon in this country; a new line of policy is required. We are to-day the granary of the world, and there is no reason why we should not be its workship also. What we want is the raw material that enters into the manufacturing industries of this country, of every kind and grade and quality for the purpose of making a fine product as cheaply for the world as it can be made by any other nation. Then comes your commerce, for without that you can have no commerce and no trade with foreign nations.

Mr. PLUMB. The Senator represents a manufacturing State, and I do not. He has undoubtedly in his own person, at all events his people have, whatever benefits have been derived from what is called the protective policy. He is now speaking of a new era. General principles do not satisfy any stomach. I will be glad to have him state, as a representative of New Jersey, some of the articles of manufacture on which he would take off the duty. Certainly I will go with him on whatever he may name.

Mr. McPHERSON. I do not understand that that has any connection with the argument under consideration; yet at the same time I am ready to answer that suggestion of the Senator. I do not know that there is any industry in New Jersey upon which the tariff might be reduced with profit either to the capital involved in the industry or to the labor there employed. I do not suppose it could be, and I want to say to the Senator and to Senators on this side of the Chamber, to rebut

an argument that I have heard advanced here a thousand times that the duty levied upon manufactured products was simply a tax which the purchasers of goods always had to pay, I deny all such propositions.

I think there is not an article manufactured in the country to-day upon which there may be a duty, say of 35 or 30 per cent., that will be sold to the consumer for 2 per cent. above cost irrespective of the protection which the tariff gives. In short, the demand determines the value of things in the home market. The only thing that the tariff does is to preserve the home market for the home manufacturer. It does nothing more. I say it is not a tax to the extent of the duty upon the consumer.

Mr. PLUMB. Now, will the Senator from New Jersey be kind enough to say, if the manufacturers of New Jersey can not stand a reduction of duty, whether he can find some other State and name some articles that some surrounding States will allow us a reduction upon without injuring American capital, or American labor, or the American foreign trade?

Mr. MCPHERSON. That does not touch the question.

Mr. PLUMB. Out of this generalization I want to come to something particular.

Mr. MCPHERSON. I did not mean to discuss the tariff question. I was drawn into it; but at the same time I am willing to answer proper interrogatories suggested by anything I have said.

Mr. TELLER. I should like to ask a question. The Senator from New Jersey has laid much stress on the fact that we ought to have raw material free, and he has instanced two things, jute for one, which would not keep a quarter of a million of men at work if we manufactured all the jute material that we now both manufacture and buy. He has also instanced very cheap wool, at 4 cents a pound or something like that. Now, I wish he would designate something else in the way of raw material that enters into our manufactures that we raise the duty on which he thinks ought to be reduced.

Mr. MCPHERSON. With all due respect to the Senator I will say to him that I never jump until I reach the stile. If a tariff bill shall be brought here from the House of Representatives I will be very willing to take the matter into consideration.

Now, Mr. President, to return to this bill, I move to strike out, in line 104, after the words "South America," the words—

The Sandwich, West India, and Windward Islands; New Caledonia, New Zealand; and the Australian colonies—

Because I do not believe it to be the policy of this Government at the present time, with these large undeveloped South American republics to be attended to, to undertake to hunt up the islands of the sea for the purpose of spending some part of the $800,000 this bill appropriates. After that, in order that the Senate may understand the full force of my amendment, I shall then move that the word "eight," in line 106, be stricken out and that the word "five" be substituted, so as to make the amount $500,000. In short, if any part of the appropriation of $800,000 is to be appropriated to furnishing mail facilities to these islands, I would simply subtract that from the sum total and leave the appropriation for the other purpose.

Mr. PLUMB. It may be well for the Senator to know that the Australia colonies already pay a subsidy of $100,000 a year to insure the establishment and connection of a steamship line between those colonies and California. They have done that on the idea of the benefits of communication between this country and their own country. I will state further that it has been found to be a very valuable connection. It is valuable because in the first place their commerce is increasing. They are an enterprising people and a people who, while under the British dominion, still are so far separated from the mother country that they can more easily and cheaply get trade better from the American Republic than they can at home, not being a manufacturing but rather an agricultural and pastoral people.

In regard to the amount the Senator suggests, and as to the time, inasmuch as the Senator from Kentucky [Mr. BECK] made the point of order, I hope the Senator from New Jersey will consent to withdraw his motion until the point of order is determined in order that the construction of the amendment may come up properly at a later moment.

Mr. MCPHERSON. Has the point of order been made?

Mr. PLUMB. The Senator from Kentucky gave notice of it.

Mr. FRYE. I wish to call the attention of the Senator from New Jersey to the fact that Australia paid an American line $400,000 a year for carrying their mails to the United States, that they then reduced it after two or three years—and the United States only paid about nine or ten thousand dollars for carrying the mails there—to $270,000; and that now they have taken it away from the line entirely because the United States would not give them a twentieth part of that subsidy, and they are employing now another line.

I wish to call the Senator's attention to another thing, that by reason of the connection direct between San Francisco and Australia our exports to Australia increased over four times in amount.

Mr. MCPHERSON. There may be some facts furnished of which I have not been informed, but I was of opinion that our trade with Australia must necessarily be very small and that we have adequate and abundant mail facilities already between San Francisco and Australia and that there was no particular necessity for this provision. I see the importance of this Government trying in some way to establish trade relations with the South American countries. We have been lying idle and dormant for years and years, while Great Britain, France, and Germany have gone into these various countries. To-day each one of these foreign powers is doing more business with the South American states, ten times more than we are; and while I insist upon it that our business with those states will never increase in proportion to what we expect it to do until such time as we make it possible for the raw products of those republics to come into the United States duty free or nearly so, at the same time we may make some progress. There are some things we make in this country that a market is ready for there. It costs us no more and less in fact to make cotton goods and cotton products here than it does in England. We have agricultural implements, we have a thousand things which the people of those republics want and will take.

The great natural outlet of this country is the Mississippi River, which nature has provided not only for an interchange of products among our own people but also for conveying products to the sea. I am told, and I believe correctly, that the cost of conveying a bushel of wheat, with the present appliances on that river, from Saint Louis to New Orleans is represented by the fraction of a cent. Less than a penny a bushel will convey to New Orleans the product of the great States on the Mississippi River and the tributaries which feed it. It costs to-day 10 or 15 cents to convey a bushel of wheat by rail from Saint Louis to the seashore at New York, when it can be conveyed down the river to New Orleans for less than a penny, and every mile you descend the river is a mile nearer the South American markets. Yet how little has been done to utilize it.

You are every day passing bills here to enable the Mississippi River to be bridged to accommodate railroads, and to-day each one of the bridges which span that stream carries more products across that river than float upon its bosom to the Gulf.

Mr. DAWES. Will the Senator allow me a word?

Mr. MCPHERSON. Yes, sir.

Mr. DAWES. I wish to inquire of the Senator why, if the grain of the West can be carried so cheaply on the Mississippi River from Saint Louis to New Orleans, it does not all go in that direction?

Mr. MCPHERSON. I am told that under the system of floats and barges, moved very largely by the current of the river with but little power supplied, wheat can be conveyed for less than a cent a bushel. And yet it is not altogether strange that it does not go by river.

Mr. DAWES. I rose for the purpose, if I understood that statement correctly, to inquire of the Senator why it does not all go there?

Mr. MCPHERSON. Simply, I suppose, because there is no communication from New Orleans to any of the commercial ports of Great Britain. I suppose if you were to establish a line of steamships from there the cost would be very greatly reduced over the cost of steamship lines from New York to Liverpool. The difficulty now is owing to the impossibility of the shipment of a cargo from New Orleans.

Mr. DAWES. Why is that?

Mr. MCPHERSON. I know of no reason in the world except the reason I have given. The fact stands confronting us that they are carrying grain down the river to New Orleans for the price I have stated. The transportation bills show that the cost of transporting it from Saint Louis to New York is very much larger. At the port of New York are great steamship lines making their weekly trips across the ocean. They convey not only passengers but grain and other articles of merchandise. At the port of New York there is a return commerce. The ships return with full cargoes. I am told by people of the city of Boston, of which the Senator knows more than I, that one of the first-class steamship lines from the city of Boston had to stop because it was impossible to get return cargoes. I am told the same thing applies to Baltimore, and I am told the same thing exists in regard to Philadelphia.

Mr. DAWES. Why is that?

Mr. MCPHERSON. It is simply from the fact that trade is running in a certain direction. It will all come right in the course of time if facilities are given. Competition and low prices for our products abroad will eventually compel us to seek the very cheapest channels of transportation for our exports.

Mr. DAWES. If there was the same facility between New Orleans and the foreign market that there is between New York and the foreign market, if there was the same facility between Boston and the foreign market and between Philadelphia and Baltimore and the foreign market as there is with New York, there would be the same current of trade?

Mr. MCPHERSON. If the same facilities that are now afforded at the port of New York were afforded at New Orleans for the shipment of grain and the other products of the West directly to Liverpool it would cheapen the cost more than 10 cents per bushel on the average. In other words, it would give the producer of the West 10 cents more to meet the producer of India in the markets of Europe.

Mr. DAWES. That is just what I wanted to reach. I wanted to inquire what in the world is the objection to doing everything in our power to multiply these facilities at every point?

Mr. MCPHERSON. There is no objection to it, and as I said to the Senator I am in sympathy with this bill so far as it relates to our South

American neighbors. If there are those who do not to-day and never have asked for the sympathy or charity of this Government, it is the people who reside west of the Mississippi River. They only ask for a market for their surplus products. To those people I say if they can open the markets of South America by the Mississippi to New Orleans, giving a short line of communication between New Orleans and the South American ports, it will be found of vast advantage to that Western country.

Mr. TELLER. If the Senator will allow me to correct his figures, he states that wheat can be taken for a cent a bushel to New Orleans.

Mr. McPHERSON. That is my information.

Mr. TELLER. I find in the testimony taken by the Committee on Interstate Commerce that the president of a large company at Saint Louis, who is also president of the Chamber of Commerce, says that the rates to New York from Saint Louis are 13 cents a hundred on wheat and to New Orleans 7 cents, or about 4 cents a bushel. I should like to ask the Senator one question: He says the reason it does not go to New Orleans is because there is no return freight from New Orleans. I would like to inquire why there is no return freight from New Orleans?

Mr. McPHERSON. The Senator misunderstands me. The question asked me was why the grain did not go to New Orleans to be exported abroad? I say to him that there are no steamship lines at New Orleans to take it. The question was asked why there are no steamship lines at New Orleans? I say in reply, because there is no return trade from the foreign ports, say from Liverpool to New Orleans, to enable a steamship company to carry grain as cheaply from New Orleans as from New York.

Mr. TELLER. Allow me to suggest that when a ship enters the port at New Orleans—and it is a good deal nearer the center of population in New Orleans than it is when it enters New York or Boston—it has a water way to the center of population of the United States which to-day under the last census is 22 miles west of the city of Cincinnati. There can be no reason except that we have not got ships on the ocean, why the supplies going to that great interior country should not come through the Mississippi River and by the city of New Orleans.

Mr. McPHERSON. The people of the Senator from Colorado for all their imports rely on New York. They come to the port of New York because all the financial arrangements are centered there; all the drafts payable there; the trade is running in that direction. It is well known to the Senator that when trade gets running in a certain channel for long periods of time it requires extraordinary facilities to take it from that channel.

Mr. TELLER. I would like to make one suggestion to the Senator. The reason that the people of Colorado do not go to New Orleans for their European intercourse is from the fact he has stated that there are no lines of shipping from there. We are as near to-day in fact to the city of New Orleans as we are to the city of Chicago—700 miles nearer the Atlantic Ocean there than we are at New York and still nearer than at Boston and other Eastern cities—and yet we are compelled to do all our business through the city of New York and other Eastern cities, because there is no line of ships from New Orleans, our national outlet, or the city of Galveston in Texas, which is another outlet of ours.

Mr. BROWN. I believe that is exactly what I stated.

Mr. McPHERSON. Now, Mr. President, it does seem to me as though the true policy of the Western people and their interests are to do everything in their power to build up trade upon the great natural water courses of the country, and, having got their products to New Orleans, borne upon the bosom of the Mississippi River, their natural, their best market is to be found in the South American States.

For one I am ready to aid in bringing our people in direct communication with those countries, but I am not willing to hunt all over the map of the world to find some island in the sea to which we may establish postal relations, where by no possibility can they be of any advantage to our people and to our industry.

Mr. TELLER. I do not intend to make any speech on the tariff question at this time or perhaps at any other; but day before yesterday the Senator from Kentucky [Mr. BECK] assumed that the reason we did not trade with the South American republics was because we declined to take their produce, and he said that England did take their produce, and because England was ready to make a barter-trade she got the business. The Senator from New Jersey repeats that to-day, and repeats that in the face of the published reports of his own Government.

Mr. McPHERSON. Let me ask a question.

Mr. TELLER. I refer to the statement substantially made by the Senator from Kentucky, reiterated by the Senator from New Jersey, that the reason England gets the South American trade is that she engages in a barter-trade, and she takes their productions in exchange for hers. I say the statistics of his own Government, published and put upon his desk, will show that that is not true; the statistics of those individual states, the different republics of South America, and of Great Britain will show it is not true. To the Argentine Republic, spoken of here by the Senator from Maine [Mr. FRYE] the other day as a counterpart of our own, the British sent, as shown by the published statements of the British Government, more than five times as much as the Argentine Republic bought of them in the year 1884.

Mr. McPHERSON. Will the Senator yield there for a question?

Mr. TELLER. Certainly.

Mr. McPHERSON. Let me present the point now in a forcible way, so that the Senator will understand it. Whatever the Senator from Kentucky may have said I am not responsible for. A cargo of merchandise, say cotton goods, if you please, leaves the port of New York—goods manufactured in an American factory, placed in an American ship, if you please, conveyed to Rio. At the same hour a cargo of cotton goods leaves Liverpool, conveyed in a British ship, and reaches Rio the same day. With the exception of the one article of coffee, which is admitted duty free into this country, tell me any of the products of any of the South American states for which that cotton can be exchanged on equal terms to the manufacturers in both countries? In other words, the American ship returns with the products of Brazil and is met at the custom-house with a demand for 45 per cent. duty upon its cargo before it goes to the factory. The cargo of the British ship returns to Liverpool and is entered there free; the English manufacturer pays no duty upon the raw material which makes the new product for the second ship-load of goods to be conveyed to the same port. How long, pray tell me, can an American manufacturer stand to pay these duties and still hope and expect to increase the area of the American market?

Mr. PLUMB. I want to ask the Senator a question right there. I ask what duties are there on the importation of corn? He talks about the burden of the tariff.

Mr. TELLER. The Senator's speech would be all very fine if it was based upon facts. I recollect reading many years ago that the great trouble in making a speech was that a man would be trammeled with facts. The Senator from New Jersey is not trammeled with facts at all; he rides right over them rough-shod.

I made the statement that the Argentine Republic bought of Great Britain five times as much as she sold and paid in cash the difference. Then the Senator turns around and tells me we would have bought of them too if it had not been that there was a tariff. There is no tariff on their silver; no tariff on their gold; no tariff on their hides, on horns, and on various other things of that kind that were admitted by the English; and the English sold them the identical goods that we manufactured in New Jersey, the very kinds of goods that have been stated on this floor, and it is not disputed that we excel the world in the manufacture of them. And the English goods of that kind shipped to South America were stamped as American goods; they stamp them with our stamp, as the Senator from Maine showed, for the purpose of forcing a sale. Why did they not buy of us? The fact is shown in the further statement in the official reports of this country that 31.6 per cent. of all the ships that entered the Argentine harbors, including her own, were ships bearing the British flag, and an inconsequential number of American ships, so small that they are not mentioned in the report either of that country or any other as having entered her ports.

Mr. President, take every other republic in South America save Chili and Peru, and the same thing is true in a more or less degree; they have been buying more from Great Britain than they have been selling to her, and we have been buying from the aggregate southern countries more than Great Britain. These are the facts and these are the figures that nobody can dispute; and yet the Senator from New Jersey tells us that it is because raw material is taxed here, and when I ask him to state what raw material he wants the tariff taken off of he declines to state, and says when the tariff bill comes here he will tell me. Sir, it is because our flag does not float, and it is because it is cheaper to-day to send goods from New York city to Liverpool and then to any South American city than it is to send them from New York, or from New Orleans, which is the natural port for all that country.

The honorable Senator stickles now over $800,000 for the purpose of initiating trade. Two years ago we voted $1,600,000 for the purpose of exhibiting ourselves to South American people in the Gulf State of Louisiana; $1,600,000 was there expended for the simple purpose of inviting those people to come here and form our acquaintance and make trade with us, and when it is proposed to put the results in a shape, then the Senator from New Jersey gets excited and talks about a subsidy. I know a subsidy is an odious term and has an odious meaning to a good many people, many are afraid of it, and I have never voted for a subsidy myself. I intend to vote for this proposition, and I intend to vote for all this class of subsidies, because, as has been said, the time has come when we must do this or we must lose the trade.

I have here before me the published report of the trade of Great Britain. I find that Brazil bought much more of Great Britain than she sold to Great Britain. I find that to be true of the Argentine Republic, of Mexico, of Colombia, of Uruguay, of Venezuela, of Hayti, of Ecuador, of Bolivia, and of all the countries south of us as I said before save and except the two countries of Chili and Peru, which are about equal, and in some of those ports four-fifths of all the ships that enter are British ships, and that is the key to it, and that is the explanation why we can not compete with Great Britain. It is not that they can sell a certain class of products cheaper than we, not that they are willing to take what we are not willing to take, but because we have not the opportunity of putting our goods there as they have of putting theirs.

Mr. President, no man who has studied trade will deny that a line of ships established to a country becomes an agency for all the merchants of that country. It is bound to make trade. Every man who has a dollar in it is forcing trade, and if the merchants do not put on the shore their factors and their agents the ship people will, and if the ship is not loaded by the people who are speculative the ship-owner loads it and sends it down there, because he must have the freight both ways if possible and he can afford to bring their products here, especially those products that are mentioned as not being subject to a tariff.

I hope nobody will give that any longer as a reason that England buys of the South American states what we refuse to buy, because it is not a fact borne out either by our own records or by the records of those countries or the records of Great Britain.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Appropriations.

Mr. HARRIS. Mr. President, I find in the Revised Statutes a general law, section 4007, authorizing the Postmaster-General, after advertisement for proposals, to enter into contracts for the transportation of the mail between the United States and any foreign country whenever the public interest will thereby be promoted. This section is a general authority to contract, after advertising, without limitation as to time. It may be for a trip, for a month, for a year, or for four years or more, but it is a broad authority to contract. I find that section 4009 provides—

> For transporting the mail between the United States and any foreign port or between the ports of the United States, touching at a foreign port, the Postmaster-General may allow as compensation, if by United States steamship, any sum not exceeding the sea and United States inland postage, and if by a foreign steamship or by a sailing vessel, any sum not exceeding the sea postage on the mails so transported.

Fixing the limits within which the Postmaster-General may allow compensation for the transportation of these mails. If this amendment shall be agreed to and become a law, it affects the general law on the subject by limiting the power and authority of the Postmaster-General to a given class of ships, to a fixed period not less than which he shall contract, and to a totally different rule of compensation.

If this amendment simply contained an appropriation for carrying the mails to the countries named in it, then the Postmaster-General under this general law as found in the Revised Statutes could advertise for proposals, and under the limitations of the Revised Statutes could enter into contracts for the carrying of these mails; but this amendment goes much further than a simple matter of appropriation for the carrying of the mails. It establishes a new rule as to compensation and fixes limitations upon the power of the Postmaster-General that do not exist under the general law. Therefore I raise the question of order that this amendment is general legislation upon a general appropriation bill; and the first two lines of clause 3 of Rule 16 provide that—

> No amendment which proposes general legislation shall be received to any general appropriation bill.

I raise that question of order.

Mr. PLUMB. I should like to call the attention of the Senator from Tennessee to lines 69, 70, and 71 of the bill, which have probably escaped his attention, and to say to him that that provision, which has been incorporated, I think, in three several Post-Office appropriation bills, and to which an addition has already been made by a vote of the Senate, is an appropriation to give to the railroad companies a compensation other and different and in addition to that which is allowed by the general law, and I will ask him if the point of order would not equally lie against that provision?

Mr. HARRIS. I have not scrutinized the question suggested by the Senator from Kansas, nor does it affect the point that I raise whether the question of order would or would not lie in respect to the provision referred to by him. There is but one question to be determined in respect to this point of order. First it will not be denied that this is a general appropriation bill; the second and only remaining question for the Chair to determine is, is this general legislation? If the Chair will scrutinize the law as it is laid down in the Revised Statutes and scrutinize this amendment, the Chair is bound to perceive that it does limit and change the extent of the powers of the Postmaster-General as now prescribed under the Revised Statutes, and establishes a totally different rule in respect to the amount of compensation. It modifies, it changes the general law, and therefore it is unmistakably general legislation.

Mr. PLUMB. Let me say——

The PRESIDENT *pro tempore*. The point of order being raised, the Chair will be glad to hear suggestions.

Mr. PLUMB. While it is true abstractly that the question whether some other provision is subject to a point of order does not touch the question whether the provision now objected to is subject to the point of order, there are a great many things that are comparative, and the general practice which has been observed by the Senate certainly would tend or might tend to throw some light upon what was or was not in order.

Now for the purpose of bringing specially to the attention of the Senator from Tennessee, and in order that he may be, as I know he desires to be, perfectly consistent on the question of keeping the bill clean of every feature of legislation, I ask him if he will not when the bill comes out of committee make the point of order on the provision in lines 69, 70, and 71, because I am bound to presume in this matter he is not moved by opposition to this paragraph of which he has spoken, that it is not the substance of it to which he objects, but it is the fact that it violates the rules of order of the Senate as he supposes, and for that reason alone he interposes the objection.

Mr. HARRIS. May I inquire of the Senator from Kansas if the provision in lines 69, 70, and 71 is a provision in the bill as it comes from the House of Representatives?

Mr. PLUMB. Certainly.

Mr. HARRIS. We can make no question of order on the bill as it comes from the House. We can deal with provisions proposed in the Senate, but we can make no question of order on the bill as sent by the House.

Mr. PLUMB. What I refer to is the amendment proposed by the Senate committee to increase that item. If the original provision is legislation, then the amendment is equally legislation. The Senator will remember that question having been discussed in the Senate at the last session and it having been held that an amendment to a legislative provision was legislation as much as the original provision was.

Then I want to call attention to one other provision also, and that is the provision from lines 47 to 57 inclusive, which, while it was a provision also contained in the appropriation bill of last year, has been held, I believe, to have been not a continuing provision and consequently the necessity for the re-enactment of it, if the service between Tampa and Havana is to be carried on as a continuous service upon the basis upon which we carry on the coast-line mail service of the United States. If this bill is to be made clean, to use the language of the Senator from Kentucky [Mr. BECK], let us not stop with a provision that we do not happen to like, but let us take it all as we come to it.

Mr. HARRIS. May I ask the Senator from Kansas a question?

Mr. PLUMB. Certainly.

Mr. HARRIS. If this amendment is agreed to, does it not modify and change the general law as it is found in the Revised Statutes?

Mr. FRYE. Temporarily.

Mr. PLUMB. It does provide another means to accomplish a certain result.

Mr. HOAR. The Senator from Kansas will allow me to make a single statement in a single sentence?

Mr. PLUMB. Yes.

Mr. HOAR. A change of a general pension bill is general legislation, making a rule for all pensions. A special pension bill which modifies that general rule in its application to a particular case is not general legislation; it is special legislation for a particular purpose, although it makes that particular case an exception to it, and so far a repeal of the general law. A provision to provide for a particular post-route, or to provide a particular mail service, as the fast-mail service from Boston to Florida, which we discussed a few days ago, is not general legislation, although the arrangement which it makes trenches upon general legislation for a special occasion.

Now this is precisely that case. The general law is left in force as to every case which shall come up in the future, except in regard to half a dozen specially enumerated routes, where we provide specially for a particular kind of contract. That is special legislation, and the importance of the thing does not make it any more general.

Mr. PLUMB. I did not design to discuss the question, except in a brief way. I wanted to call the attention of the Senator from Tennessee to the other provisions of this bill, which, as I think, are equally obnoxious to the point of order.

Mr. HARRIS. If there is any Senate amendment that is obnoxious to it, I make the point of order as to it.

Mr. PLUMB. I called his attention to it for the purpose of illustrating in the first place the position of those who do not think this is subject to the point of order, as exhibiting the practice of the Senate heretofore. Let me call his attention to one other matter which has recently passed with the concurrence of both Houses, and I suppose I may speak of that which has been heretofore acted on in the other House. That is a provision authorizing the employment of persons to examine into Indian claims under the Department of the Interior, making an appropriation of $10,000 for the purpose of doing that service, and directing how the Secretary of the Interior shall expend it. That is a matter which did not seem to have attracted the attention of the Senator from Tennessee or other Senators or any member of the other House. It is I think by means of illustrations of that kind that we can at least measurably determine what general legislation is within the legislative contemplation.

Now, Mr. President, I should like to ask the Senator from Tennessee, for the purpose of getting the scope of his objection, whether he does not think that the two paragraphs that I have brought to his attention are equally inimical to the point of order; and I ask that for the purpose of being informed more particularly in regard to his position, knowing that he is rightfully entitled to be considered an authority upon subjects of this kind.

Mr. HARRIS. I do not hesitate to answer on the question of order. The first clause to which the Senator calls my attention is simply chang-

ing the amount of the appropriation. I do not think that falls within the point of order.

Mr. PLUMB. But it was a legislative provision originally when it came to the Senate. That adds to the compensation.

Mr. HARRIS. That I do not know.

Mr. PLUMB. That adds to the compensation of railroads entitled under the general law——

Mr. HARRIS. We can make no question of order on the House bill.

Mr. PLUMB. I understand that, but I am speaking of the amendment of the Senate.

Mr. HARRIS. The amendment simply changes it from one amount to more, adding slightly to the amount.

The PRESIDENT *pro tempore*. The Chair is of opinion on the point of order——

Mr. HOAR. Will the Chair, before stating his opinion, permit to be read the pending amendment, as it is very short?

Mr. PLUMB. As an illustration I will ask that all the amendments sent down to the Committee on Appropriations be read.

The Chief Clerk read the amendment reported by Mr. WILSON, of Iowa, from the Committee on Post-Offices and Post-Roads, as follows:

For compensation due the United States and Brazil Mail Steamship Company for carrying the United States mails during the fiscal year ending June 30, 1886, $36,000.

Mr. PLUMB. That was not to pay money due under existing law but under an equitable construction of the value of the service, which the Post-Office Committee thought proper.

Mr. HARRIS. When that question is presented to the Senate we shall see whether it is subject to a point of order or not.

The Chief Clerk read the amendment reported by Mr. FRYE from the Committee on Commerce, as follows:

Office of Superintendent of Foreign Mails: For transportation of foreign mails, including railway transit across the Isthmus of Panama, $1,000,000; and the Postmaster-General is hereby directed to enter into contracts with American-built and registered steamships, whenever possible, for the transportation of any part of said foreign mails, after legal advertisement, with the lowest responsible bidder, at a rate not to exceed 50 cents a nautical mile on the trip each way actually traveled between the terminal points: *Provided*, That the aggregate of such contracts shall not exceed $600,000 of the sum hereby appropriated.

Also the amendment intended to be proposed by Mr. EUSTIS, namely:

For special facilities and expedited mail from New York, via Washington; Lynchburg, Va.; Danville, Va.; Greensborough, N. C.; Charlotte, N. C.; Atlanta, Ga.; Montgomery and Mobile, Ala., to New Orleans, $210,000.

Also the amendment intended to be proposed by Mr. CALL, namely:

That the appropriation for the fast mail service from Boston to Tampa, Fla., be increased to $291,725.

Mr. HOAR. All those would be struck down by this ruling.

Mr. FRYE. If the ruling is adverse.

Mr. HOAR. I mean by the point of order.

Mr. CALL. This is a question of the transportation of the mails to certain places. The Senator from Tennessee says that the general statutes that prohibit the Postmaster-General from applying certain amounts of money are violated or repealed for this purpose. That is the conclusion of the argument of the Senator; that is the effect of his argument.

The construction that he places by his argument on that statute is that a subsequent Congress is fettered in its discretionary power in appropriating for postal purposes. Now, there can be no such construction of the statutes of the United States because it is in contravention of the Constitution. It is never intended by any statute of the United States to limit the power of a succeeding Congress as to the amount it shall appropriate or the manner in which that appropriation shall be expended. It is not competent for any law of the United States thus to limit the power of appropriation in any subsequent Congress. Therefore, in my opinion, this amendment is not within the point of order.

Mr. HARRIS. I was certainly most unfortunate in stating my point of order when so able and intelligent a Senator as the Senator from Florida should have stated it as he has done. My point is precisely this, that under section 4006 the Postmaster-General is authorized and has the right to make a contract with any vessel, whether American or foreign, to carry mails to foreign countries, and that contract, if made under the Revised Statutes, may be for one trip, for one month, for one year, or for a number of years; but if this amendment is agreed to, then that provision of the Revised Statutes is changed, so that the Postmaster-General has no authority to make a contract for less than five years; therefore he would make a contract which would bind future Congresses, whether within or without their discretion, they would be compelled to make an appropriation to carry out the contract so made or repudiate it. Your argument turns upon yourself if there be anything in it.

This is changing the general law as to the authority of the Postmaster-General to make a contract. Then section 4009 prescribes the maximum limit of compensation that may be allowed American steamers or foreign steamers for carrying our mails to foreign ports. A totally different rule of compensation is fixed by this amendment; and again the general law is modified, if this shall be agreed to and become a law.

That this is general legislation, is as clear to my mind as that anything in the Revised Statutes is general legislation.

Mr. CALL. Mr. President, the proposition that I made does not seem to have been apprehended by the Senator from Tennessee. It is that the power of appropriation in each Congress is one that is unlimited as to the manner of its expenditure and the amount of its expenditure, that no law of a preceding Congress can say to this Congress in appropriating money which it is annually required to do for the public service the manner in which it shall be expended when made by this Congress or the amount which it shall expend. That is it.

The difference between the Senator and myself is not touched by his argument in that respect. If a preceding Congress should say to a succeeding one, "You shall not carry the mails in any other manner than as prescribed by this act; you shall not employ this, that, or the other agency," that would be saying to Congress, in the form of a law, that the power of Congress to appropriate money shall be limited. That is merely an authority given to the Postmaster-General to do a certain thing, and does not imply the exclusion of the power of Congress to do it in some other way.

The PRESIDENT *pro tempore*. The point of order made by the Senator from Tennessee, as the Chair understands, is that the amendment now proposed and pending is general legislation on an appropriation bill.

Mr. HARRIS. On a general appropriation bill.

The PRESIDENT *pro tempore*. The amendment now pending will be read.

The Chief Clerk read the amendment, as follows:

For the transportation of foreign mails by American built and registered steamships, to secure the greater frequency and regularity in dispatch, and a greater speed in the carriage of such mails to Brazil; the Republics of Mexico, Central and South America; the Sandwich, West India, and Windward Islands; New Caledonia, New Zealand, and the Australian colonies; China and Japan, $800,000; and the Postmaster-General is authorized to make, after due advertisement for proposals, such contract or contracts with such American steamships for a term of not less than five years, and at a rate of compensation not exceeding for each outward trip $1 per nautical mile of the distance, in the most direct and feasible sailing course, between the terminal points, as shall be found expedient and desirable to secure the ends above set forth.

The PRESIDENT *pro tempore*. This amendment is in substance similar in principle at least to the amendment proposed to a naval appropriation on the 10th of April, 1884. The Chair finds that when that amendment was proposed and pending the Senator from Kentucky [Mr. BECK] raised the question of order that it was general legislation and not in order under the rules of the Senate. The Chair asks the Chief Clerk to read the decision of the President *pro tempore* [Mr. EDMUNDS] at the time.

The Chief Clerk read as follows:

The PRESIDENT *pro tempore*. The Chair thinks that the amendment is in order, for the reason that it is a provision like the provisions in all the appropriation bills for increasing the establishment the bill provides for, as an appropriation bill in respect of the Treasury Department provides for more clerks, provides for new furniture, and all things that relate to the subject of the bill and the execution of the purpose of the establishment. The Chair therefore feels obliged to rule that this amendment is not general legislation within the sense of the sixteenth rule.

The PRESIDENT *pro tempore*. The Chair also finds that on the 23d of February, 1885, a proposition somewhat similar to this relating to the transportation of foreign mails was offered to the Post-Office appropriation bill of that year, and a point of order was raised by Mr. Bayard that the amendment proposed general legislation to an appropriation bill. The President *pro tempore* [Mr. EDMUNDS] submitted the question to the Senate whether the amendment was in order under the sixteenth rule. It was determined in the affirmative—yeas 33, nays 20.

Even if the occupant of the chair had doubts upon the subject, he would feel bound to abide not only by the decision of the presiding officer but by that of the Senate.

The former presiding officer once decided it himself, and on one occasion submitted it to the Senate, and on each occasion the amendment was received, involving the same principle. On reading the rule the Chair is clearly of the opinion that this is not general legislation on an appropriation bill, for this reason: The rule of the Senate does not exclude all legislation on an appropriation bill. It does not prevent the Senate from limiting the terms of the appropriation or the purposes to which it shall be applied, or how it shall be conducted, or whether foreign service shall be on American ships, or English, or other ships; nor does it prohibit any qualification which may induce Congress to appropriate a larger or a smaller sum of money. Therefore a limitation that applies only to a particular item of appropriation and does not extend to the general law is not general legislation. The language of the rule seems to make it very clear:

No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received.

So that the rule plainly admits legislative provisions relevant to the proposition itself. The Chair is clearly, therefore, of opinion that it is within the power of the Senate under its rules to receive and consider the amendment.

Mr. HARRIS. I have great respect for the authority of the Chair, and I have great respect for the opinions of the presiding officer of this body; but so confident am I in the opinion that I have expressed that, being desirous to keep my own record clear on the question, I take an appeal from the decision of the Chair and ask for the yeas and nays.

Mr. HOAR. I move to lay the appeal on the table.

The PRESIDENT *pro tempore*. An appeal being taken, the question is, Shall the decision of the Chair stand as the judgment of the Senate? And the Senator from Massachusetts moves that the appeal lie on the table.

Mr. HARRIS. I ask for the yeas and nays on that.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HARRISON (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES]. If he were present, I should vote "yea."

Mr. MCPHERSON (when his name was called). I am paired with my colleague [Mr. SEWELL]. Not knowing how he would vote, I decline to vote.

Mr. PLUMB (when Mr. SEWELL'S name was called). The Senator from New Jersey [Mr. SEWELL] is paired with the Senator from Delaware [Mr. SAULSBURY].

Mr. MCPHERSON. Then I vote "nay."

The roll-call was concluded.

Mr. BROWN. I desire to announce that I am paired with the Senator from Oregon [Mr. DOLPH], but understanding that he would vote to lay on the table, I have voted "yea."

I desire also to say that my colleague [Mr. COLQUITT] is paired with the Senator from Rhode Island [Mr. CHACE].

Mr. GEORGE. I am paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. BUTLER (after having voted in the negative). I withdraw my vote. I had forgotten at the time that I was paired with the Senator from Pennsylvania [Mr. MITCHELL], who is detained from the Senate by sickness.

The result was announced—yeas 30, nays 17; as follows:

YEAS—30.

Allison,	Eustis,	Mahone,	Plumb,
Blair,	Evarts,	Manderson,	Pugh,
Brown,	Frye,	Miller,	Sawyer,
Call,	Gorman,	Mitchell of Oreg.,	Spooner,
Conger,	Hale,	Morrill,	Teller,
Cullom,	Hawley,	Palmer,	Wilson of Iowa.
Dawes,	Hoar,	Payne,	
Edmunds,	Logan,	Platt,	

NAYS—17.

Beck,	Gray,	Morgan,	Whitthorne,
Berry,	Hampton,	Ransom,	Wilson of Md.
Blackburn,	Harris,	Vance,	
Cockrell,	McPherson,	Vest,	
Coke,	Maxey,	Walthall,	

ABSENT—29.

Aldrich,	Fair,	Jones of Nevada,	Sewell,
Bowen,	George,	Kenna,	Sherman,
Butler,	Gibson,	McMillan,	Stanford,
Camden,	Harrison,	Mitchell of Pa.,	Van Wyck,
Cameron,	Hurst,	Pike,	Voorhees.
Chace,	Ingalls,	Riddleberger,	
Colquitt,	Jones of Arkansas,	Sabin,	
Dolph,	Jones of Florida,	Saulsbury,	

So the appeal from the decision of the Chair was laid upon the table.

Mr. PLUMB. It is suggested that the convenience of several Senators would be subserved by having an executive session. I have no preference about that matter. I wish to say further that I am asked by a number of Senators not to interpose objection to an adjournment over until Monday; and so far as I am concerned, while I very much prefer to sit to-morrow, I do not want to be understood as in any way pressing this bill against the opinion of a majority of the Senate.

Mr. CULLOM. I hope the Senator will insist on an adjournment until to-morrow.

Mr. PLUMB. As far as I am concerned personally I am willing to sit to-morrow and get a vote on the bill. I ask unanimous consent that at 4 o'clock to-morrow debate shall cease on this bill.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent of the Senate that at 4 o'clock to-morrow the vote shall be taken on the pending proposition.

Mr. CONGER. That is at 4 o'clock on the next legislative day?

Mr. EDMUNDS. No; 4 o'clock to-morrow.

The PRESIDENT *pro tempore*. Is there objection?

Mr. INGALLS. That is asking us to assume without discussion that we are going to sit to-morrow.

Mr. PLUMB. Say the next legislative day.

The PRESIDENT *pro tempore*. The Senator from Kansas modifies his proposition so that the vote shall be taken at 4 o'clock on the next legislative day.

Mr. PLUMB. That is, that general debate shall cease at 4 o'clock on the next legislative day.

The PRESIDENT *pro tempore*. There being no objection, that will be considered the unanimous consent of the Senate.

Mr. MAXEY. I move that the Senate proceed to the consideration of executive business.

Mr. HOAR. I move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. Pending the motion to go into executive session, the Senator from Massachusetts moves that the Senate adjourn.

The question being put, a division was called for; and the ayes were 18——

Mr. HOAR. I ask for the yeas and nays. It is a simple question of wasting one day.

The yeas and nays were ordered.

Mr. ALLISON. I understand Senators desire only a short executive session.

Mr. MAXEY. That is what I moved—an executive session. There are reasons for having one to-night for a few minutes. There ought to be one, and I have moved an executive session.

The PRESIDENT *pro tempore*. The yeas and nays are ordered on the motion to adjourn.

Mr. BUTLER. I do not want to sail under false colors. I give notice that if this motion is voted down, I shall move to adjourn to Monday, because I want to adjourn to Monday myself.

Mr. EDMUNDS. That is the real point.

The PRESIDENT *pro tempore*. The yeas and nays are ordered on the motion that the Senate do now adjourn.

The yeas and nays were taken.

Mr. BUTLER. It is very likely my friend from Kansas [Mr. PLUMB] would vote to adjourn, and I should vote against it. I announce my pair with him.

Mr. HARRISON. I am paired with the Senator from Arkansas [Mr. JONES].

The result was announced—yeas 12, nays 33; as follows:

YEAS—12.

Allison,	Dawes,	Hale,	Platt,
Blair,	Edmunds,	Hoar,	Teller,
Cullom,	Frye,	Morrill,	Wilson of Iowa.

NAYS—33.

Beck,	Evarts,	Manderson,	Spooner,
Berry,	George,	Maxey,	Vance,
Brown,	Gorman,	Miller,	Vest,
Call,	Gray,	Mitchell of Oreg.,	Walthall,
Camden,	Hampton,	Morgan,	Whitthorne,
Cockrell,	Harris,	Palmer,	Wilson of Md.
Coke,	Hawley,	Payne,	
Conger,	Ingalls,	Pugh,	
Eustis,	McPherson,	Ransom,	

ABSENT—31.

Aldrich,	Fair,	Logan,	Saulsbury,
Blackburn,	Gibson,	McMillan,	Sawyer,
Bowen,	Harrison,	Mahone,	Sewell,
Butler,	Hearst,	Mitchell of Pa.,	Sherman,
Cameron,	Jones of Arkansas,	Pike,	Stanford,
Chace,	Jones of Florida,	Plumb,	Van Wyck,
Colquitt,	Jones of Nevada,	Riddleberger,	Voorhees.
Dolph,	Kenna,	Sabin,	

So the Senate refused to adjourn.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 3775) to authorize the Secretary of the Treasury to purchase an additional strip of ground on the east side of the United States court-house and post-office building at Fort Wayne, Ind., to be paid for out of the appropriation already made.

The message also announced that the House had passed a bill (H. R. 7207) making appropriation to supply deficiency in amount required for expenditure to June 30, 1886, for examination and surveys required by acts of March 3, 1875, and June 19, 1878, to ascertain depth of water and width of channel at South Pass of Mississippi River; in which it requests the concurrence of the Senate.

FOURTH OF JULY CLAIMS.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 4731) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, and asking a conference with the Senate thereon.

On motion of Mr. PIKE, it was

Resolved, That the Senate insist on its amendment to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. PIKE, Mr. HOAR, and Mr. JONES of Arkansas.

HOUSE BILLS REFERRED.

The bill (H. R. 1357) authorizing the Court of Claims to hear and determine certain claims was read twice by its title.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

The bill (H. R. 7207) making appropriation to supply deficiency in amount required for expenditure to June 30, 1886, for examination and surveys required by acts of March 3, 1875, and June 19, 1878, to ascertain depth of water and width of channel at South Pass of Mississippi River was read twice by its title, and referred to the Committee on Commerce.

ADJOURNMENT TO MONDAY.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Texas [Mr. MAXEY] that the Senate proceed to the consideration of executive business.

Mr. BUTLER. I ask the Senator from Texas to withdraw that motion for a moment. I simply want to move an adjournment until Monday.

Mr. EDMUNDS. You have a right to make that motion pending a motion for an executive session.

Mr. BUTLER. I move that when the Senate adjourn it adjourn to meet on Monday next.

Mr. HOAR. Is that in order when a motion to go into executive session is pending?

The PRESIDENT *pro tempore*. It is clearly in order under the rule. The Senator from South Carolina moves that the Senate adjourn until Monday.

Mr. HARRIS. No; that when the Senate adjourn it be to meet on Monday.

Mr. BUTLER. I confess I do not know the difference. My motion is that when the Senate adjourn to-day it be to meet on Monday.

The PRESIDENT *pro tempore*. Either is in order. A motion to adjourn to Monday is in order.

Mr. BUTLER. I move that when the Senate adjourn to-day it adjourn to meet on Monday next.

The PRESIDENT *pro tempore*. That is in order and takes precedence. The Senator from South Carolina moves that when the Senate adjourn to-day it be to meet on Monday next. The question is on that motion.

Mr. HOAR. I demand the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HARRISON (when his name was called). I announce again my pair with the Senator from Arkansas [Mr. JONES].

Mr. MANDERSON (when his name was called). I am paired generally with the Senator from Kentucky [Mr. BLACKBURN]. Understanding that he would vote "yea" if present, I vote "yea."

The roll-call having been concluded, the result was announced—yeas 34, nays 17; as follows:

YEAS—34.

Beck,	Evarts,	McPherson,	Pugh,
Berry,	George,	Mahone,	Ransom,
Brown,	Gorman,	Manderson,	Vance,
Butler,	Gray,	Maxey,	Vest,
Call,	Hampton,	Miller	Walthall,
Cockrell,	Harris,	Mitchell of Oreg.,	Whitthorn,
Coke,	Hawley,	Morgan,	Wilson of Md.
Conger,	Ingalls,	Palmer,	
Eustis,	Logan,	Payne,	

NAYS—17.

Allison,	Edmunds,	Platt,	Teller.
Blair,	Frye,	Plumb,	Wilson of Iowa,
Camden,	Hale,	Sawyer,	
Cullom,	Hoar,	Sherman,	
Dawes,	Morrill,	Spooner,	

ABSENT—25.

Aldrich,	Fair,	Kenna,	Sewell,
Blackburn,	Gibson,	McMillan,	Stanford,
Bowen,	Harrison,	Mitchell of Pa.,	Van Wyck,
Cameron,	Hearst,	Pike,	Voorhees,
Chace,	Jones of Arkansas,	Riddleberger,	
Colquitt,	Jones of Florida,	Sabin,	
Dolph,	Jones of Nevada,	Saulsbury,	

So the motion was agreed to.

Mr. MAXEY. Mr. President——

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Texas that the Senate proceed to the consideration of executive business.

Mr. MILLER. Pending that, I move that the Senate adjourn.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New York.

Mr. CALL. I hope the Senator will withdraw that motion.

Mr. MILLER. I yield.

Mr. CALL. I ask leave to present certain papers from citizens of the State of Florida concerning the public lands of the United States in that State. I move their reference to the Committee on Public Lands.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Senator from New York moves that the Senate do now adjourn.

Mr. MAXEY. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HARRISON (when his name was called). I announce again my pair with the Senator from Arkansas [Mr. JONES].

The roll-call having been concluded, the result was announced—yeas 22, nays 16; as follows:

YEAS—22.

Allison,	Cullom,	Mitchell of Oreg.,	Sherman,
Beck,	Edmunds,	Morrill,	Spooner,
Blair,	Gorman,	Platt,	Teller,
Brown,	Ingalls,	Pugh,	Vest.
Butler,	McPherson,	Ransom,	
Conger,	Miller,	Sawyer.	

NAYS—16.

Berry,	George,	Maxey,	Vance,
Call,	Gray,	Morgan,	Walthall,
Coke,	Hampton,	Payne,	Whitthorne.
Frye,	Harris,	Plumb,	Wilson of Md.

ABSENT—38.

Aldrich,	Eustis,	Jones of Florida,	Riddleberger,
Blackburn,	Evarts,	Jones of Nevada,	Sabin,
Bowen,	Fair,	Kenna,	Saulsbury,
Camden,	Gibson,	Logan,	Sewell,
Cameron,	Hale,	McMillan,	Stanford,
Chace,	Harrison,	Mahone,	Van Wyck,
Cockrell,	Hawley,	Manderson,	VoorLees,
Colquitt,	Hearst,	Mitchell of Pa.,	Wilson of Iowa.
Dawes,	Hoar,	Palmer,	
Dolph,	Jones of Arkansas,	Pike,	

So the motion was agreed to; and (at 5 o'clock and 58 minutes p. m.) the Senate adjourned to Monday, May 3, 1886.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April* 30, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

FOX AND WISCONSIN RIVERS IMPROVEMENTS.

The SPEAKER laid before the House a letter from the Attorney-General, transmitting report of judgments against the United States for flowage damages caused by improvements on Fox and Wisconsin Rivers; which was referred to the Committee on Appropriations; and ordered to be printed.

FOURTH OF JULY CLAIMS.

The SPEAKER also laid before the House the bill (H. R. 4731) for the allowance of certain claims reported by the accounting officers of the Treasury Department of the United States, reported from the Senate with the following amendment.

The Clerk read as follows:

Page 66, after line 17, insert:

"MISSISSIPPI.

"To Catharine C. B. Merrill, executrix of the last will and testament of Ayres P. Merrill, late of said State, $67,726."

Mr. RICHARDSON moved to disagree to the Senate amendment, and ask for a conference on the disagreeing votes of the two House.

The motion was agreed to; and the Speaker appointed as managers of said conference on the part of the House Mr. RICHARDSON, Mr. GEDDES, and Mr. JOHNSTON of Indiana.

REFERENCE OF SENATE BILL.

The SPEAKER laid before the House a bill of the Senate of the following title; which was read a first and second time, and referred to the Committee on the Post-Office and Post-Roads, namely:

A bill (S. 1908) to amend section 4004 of the Revised Statutes, providing for additional pay for postal cars.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. WEST, for one week, on account of important business.

To Mr. WARNER, of Ohio, for one week.

BORDEAUX INTERNATIONAL CONGRESS.

The SPEAKER laid before the House a letter from the Secretary of State, transmitting a dispatch from the American minister at Paris, inclosing a letter from the president of the Philomathical Society of Bordeaux relative to the congress for the discussion of technical, commercial, and industrial education to be held at Bordeaux; also transmitting a letter from the Commissioner of Labor, recommending that the United States be represented in said congress; which was referred to the Committee on Foreign Affairs.

CLAIMS FOR REBATE OF TONNAGE TAX.

The SPEAKER also laid before the House a letter from the Secretary of State, transmitting copies of correspondence relative to the claim of the French Compagnie Générale Transatlantique, growing out of alleged illegal tonnage tax; which was referred to the Committee on Foreign Affairs, and ordered to be printed.

ORDER OF BUSINESS.

Mr. BEACH. I demand the regular order.

The SPEAKER. The Chair will proceed with the regular order.

This being Friday, the first business in order is the call of committees for reports upon bills of a private nature.

Mr. WILLIS. I move to dispense with all private business for to-day.

Mr. OATES. I hope that will not be done.

Mr. MATSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MATSON. Will that motion, if adopted, dispense with the private business fixed for this evening?

The SPEAKER. It will not. That business is transacted under another special order of the House, and will not be affected by this motion.

The question being taken on the adoption of Mr. WILLIS's motion, there were on a division—ayes 69, noes 59.

Mr. WEAVER, of Nebraska. Does not that require a two-thirds vote?

The SPEAKER. It does not.

Mr. O'NEILL, of Pennsylvania, and Mr. FELTON demanded tellers.

Tellers were ordered.

Mr. O'NEILL, of Pennsylvania, and Mr. WILLIS were appointed tellers.

The House again divided; and the tellers reported—ayes 95, noes 69.

So the motion to dispense with private business was agreed to.

PUBLIC BUILDING, FORT WAYNE, IND.

The SPEAKER. The Chair lays before the House, under the rule, a House bill with Senate amendments, the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 3775) to authorize the Secretary of the Treasury to purchase an additional strip of ground on the east side of the United States court-house and post-office building at Fort Wayne, Ind., to be paid for out of the appropriation already made.

Mr. LOWRY. I ask unanimous consent for present consideration of the Senate amendment.

The SPEAKER. The Clerk will report the amendment of the Senate, after which the Chair will ask for objection.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *April* 29, 1886.

Resolved, That this bill pass with the following amendment:

"*Provided further*, That no money shall be paid out of the Treasury on account of said purchase, until the Attorney-General of the United States shall certify that the title to said land is complete in the United States."

Mr. LOWRY. I ask one minute to explain this amendment, so as to obtain consent of the House for immediate action and concurrence in it.

This is simply a *pro forma* amendment, and is already provided for by the statute in my opinion. It simply provides an additional safeguard, that the ground shall not be paid for until the Attorney-General shall report that the title is complete in the United States. While the amendment is not necessary there is no objection to it, and I ask unanimous consent for immediate action upon the amendment with a view to concurrence.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Senate amendment was considered and agreed to.

Mr. LOWRY moved to reconsider the vote by which the Senate amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WILLIS. I move to dispense with the morning hour for the call of committees.

The SPEAKER. That requires a vote of two-thirds.

The question was taken; and on a division there were—ayes 73, noes 29.

So (two-thirds having voted in favor thereof) the motion was agreed to.

Mr. HATCH. Mr. Speaker, as the House has determined by a decided vote to give to the River and Harbor Committee the balance of this day, and as the committee I represent is next upon the regular call, I ask unanimous consent that the second call of committees may be dispensed with also for to-day. I shall make no objection to it myself.

Mr. WILKINS. I object.

Mr. SPRINGER. Can this not be done by a vote of the House?

The SPEAKER. It can not; there is no provision in the rule for dispensing with the second call.

SOUTH PASS OF MISSISSIPPI RIVER.

The Committee on Rivers and Harbors was called.

Mr. BLANCHARD. I am instructed by the Committee on Rivers and Harbors to call up and ask the passage at this time of the bill (H. R. 7207) making appropriation to supply deficiency in amount required for expenditure to June 30, 1886, for examination and surveys required by acts of March 3, 1875, and June 19, 1878, to ascertain depth of water and width of channel at South Pass of Mississippi River.

The bill was read, as follows:

Be it enacted, &c., That the following sum be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to wit:

To supply deficiency in amount required for expenditure to June 30, 1886, for examinations and surveys required by the act of March 3, 1875, and June 19, 1878, to ascertain the depth of water and width of channel secured and maintained from time to time by James B. Eads at South Pass of the Mississippi River, and to enable the Secretary of War to report to Congress during the maintenance of the work, $6,492.

SEC. 2. That the money hereby appropriated shall be immediately available.

The SPEAKER. This bill is in Committee of the Whole House on the state of the Union.

Mr. BLANCHARD. I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

Mr. FELTON. I object.

Mr. BLANCHARD. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering this bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. CRISP in the chair, and proceeded to consider the bill H. R. 7207.

Mr. BLANCHARD. Mr. Chairman, I will ask the Clerk to read the report, as showing the necessity for the passage of this bill. Let the first page of the report be read.

The Clerk read the report (by Mr. BLANCHARD), as follows:

The Committee on Rivers and Harbors beg leave to report to the House the accompanying bill "making appropriation to supply deficiency in amount required for expenditure to June 30, 1886, for examinations and surveys required by the acts of March 3, 1875, and June 19, 1878, to ascertain depth of water and width of channel at the South Pass of the Mississippi River."

In support of this recommendation your committee represent that the aforesaid acts of Congress of March 3, 1875, and June 19, 1878, impose upon the Secretary of War the performance of certain duties annually, in connection with the contract entered into by the Government of the United States with James B. Eads, for the securing and maintaining of a certain depth of water and width of channel at the South Pass of the Mississippi River, which said duties are in the nature of examinations and surveys to ascertain the results obtained and maintained by said Eads in the works at said pass under the obligations assumed by him to the Government in the aforesaid contract.

These examinations and surveys are also needed to enable the Government to fulfill its obligations of compensation and payment to said Eads, under the terms of said acts of March 3, 1875, and June 19, 1878, as well as to enable the Secretary of War to report to Congress during the maintenance of said works, as required by said acts, to the end that Congress "may be kept fully advised as to the faithfulness and efficiency with which the said works are being executed by said Eads and associates." The appropriation of $6,492, provided for in the bill, is to meet the expense of the surveys and examinations aforesaid, until the end of the present fiscal year, June 30, 1886, and is asked for in the deficiency estimates of appropriation, submitted during this session, by the Department of War, as well as made the subject of special communications in writing by the Secretary of War and Chief of Engineers.

Appropriation for the object covered by the bill has heretofore always been made in the river and harbor bill, and was provided for in the river and harbor bill which was reported to the House during the second session of the Forty-eighth Congress, but, by failure of that bill to become a law, the same was lost. No appropriation, therefore, for the purpose mentioned in the bill herewith submitted, was made for the fiscal year ending June 30, 1886, and hence the deficiency, to meet which is the object of the present bill.

Mr. BLANCHARD. That is all I desire to have read. I now ask the Clerk to read a communication from the Secretary of War, dated March 31, touching this matter.

The Clerk read as follows:

WAR DEPARTMENT, *Washington City*, *March* 31, 1886.

SIR: I have the honor to again invite attention to the estimate for "Examinations and surveys at South Pass, Mississippi River."

The engineer officer in charge of the examinations and surveys at South Pass, Mississippi River, has, under date of March 26, 1886, submitted his quarterly certificate of maintenance of the jetty channel. From this certificate it appears that the channel near to and between the sea ends of the jetties was not of the required dimensions for seventeen days during the quarter.

The acts of March 3, 1875, and June 19, 1878, require the Secretary of War to make the examinations and surveys in order that it may be ascertained that the required dimensions of the channel are maintained, and but for the voluntary services of the assistant engineer and employés since December 1, 1885, it would have been impossible to have discovered that the channel was deficient, which would have been a loss to the Government of over $6,000, nearly the amount required for their seven months' services.

In view of the very great importance of the work, I urgently recommend the immediate passage of House bill No. 7207.

Very respectfully,

WM. C. ENDICOTT, *Secretary of War.*

Hon. A. S. WILLIS,
Chairman of Committee on Rivers and Harbors,
House of Representatives.

Mr. BLANCHARD. Mr. Chairman, the report which has been read and the letter of the Secretary of War fully explain the necessity existing for the passage of this small bill. It only carries an appropriation of $6,000, which is needed to enable the Secretary of War to carry out the duties imposed upon him by existing laws.

Mr. WILSON. How much?

Mr. BLANCHARD. Six thousand four hundred and ninety-two dollars. I move, Mr. Chairman, that the committee rise and report the bill to the House with the recommendation that it do pass.

Mr. WARNER, of Ohio. Before the question is put upon that motion I should like to ask the gentleman from Louisiana whether the engineers have reported upon the depth of channel that has been maintained under the law or the contract with Mr. Eads?

Mr. BLANCHARD. They have; and I will state to my friend from Ohio that the parties down there engaged in that work have been doing it voluntarily without pay since the 1st of December by reason of the failure of this small appropriation in the second session of the Forty-eighth Congress.

Mr. WARNER, of Ohio. I thought the examinations were made by officers of the Army of the Engineer Corps.

Mr. BLANCHARD. The examination is made under the supervision and direction of Captain Heuer, an officer of the United States

Army in the Engineer Corps; but he has to have assistants to make this examination, and it is to pay them this appropriation is needed.

Mr. WARNER, of Ohio. Does the report show the required depth of the channel throughout?

Mr. BLANCHARD. The report is made monthly by Captain Heuer, the Army engineer in charge there, and shows the depth of water every day maintained at the South Pass.

Mr. REED, of Maine. If this is an appropriation in accordance with existing law why does it not come from the Appropriations Committee?

Mr. BLANCHARD. The appropriation has always heretofore been made in the river and harbor bill, but by reason of the failure of the river and harbor bill in the second session of the Forty-eighth Congress no appropriation was made.

Mr. REED, of Maine. Is there one in the present river and harbor bill?

Mr. BLANCHARD. There is for the fiscal year commencing the 1st of July next. I now submit my motion.

The CHAIRMAN. If the consideration of the bill under the five-minute rule is not demanded, the Chair will submit the motion of the gentleman from Louisiana. The gentleman moves that the committee rise and report the bill to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CRISP reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 7207) making appropriation to supply deficiency in amount required for expenditure to June 30, 1886, for examination and surveys required by acts of March 3, 1875, and June 19, 1878, to ascertain depth of water and width of channel at South Pass of Mississippi River, had directed him to report the same back to the House with the recommendation that it do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BLANCHARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BUSINESS OF COMMITTEE ON AGRICULTURE.

The Committee on Agriculture was called.

Mr. HATCH. I am instructed by the Committee on Agriculture to call up for consideration the resolution, with an amendment, which I send to the desk.

The resolution was read, as follows:

Resolved, That Tuesday, the 27th day of April, 1886, after the second call of committees, be set apart for the consideration of such business as may be presented by the Committee on Agriculture, this order not to interfere with general appropriation or revenue bills, and, whether so interfered with on that day or not, shall be a continuing order until the bills presented by said committee shall be disposed of.

Mr. HATCH. On behalf of the committee I offer the amendment which I have sent to the desk.

The Clerk read as follows:

Amend by striking out "Tuesday, the 27th day of April," and inserting in lieu thereof "Thursday, the 13th day of May."

Mr. HATCH. I desire to state for the information of the House that it is the purpose of the committee under that resolution to ask for the consideration of the bill (H. R. 7208) to amend an act entitled "An act for the establishment of a bureau of animal industry, and for other purposes," approved May 29, 1884; the bill (H. R. 2933) to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto; the bill (H. R. 2293) to promote agriculture, and for other purposes; and the bill (H. R. 8328) defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine. And upon the resolution and amendment I demand the previous question.

Mr. MORRISON. One of the bills the gentleman includes in his resolution to be considered by special order or assignment is a revenue bill and privileged whenever a majority of the House see fit to enter upon its consideration. I suggest to the gentleman that bill ought to be left to take its place with other revenue bills—I mean the bill in reference to oleomargarine or artificial butter.

Mr. KELLEY. Does the resolution of the gentleman from Missouri [Mr. HATCH] propose to exclude the consideration of the tariff bill?

Mr. HATCH. The resolution itself does not specify the bills, but in fairness to the House and in obedience to the instructions of the committee I have stated frankly the bills that we now have upon the Calendar which we desire to have considered under this resolution. The point made by the gentleman from Illinois——

Mr. MORRISON. It is not a point; it is a mere suggestion to the gentleman from Missouri.

Mr. HATCH. Well, the suggestion made by the gentleman from Illinois [Mr. MORRISON] will not, I am afraid, fully cover the consideration of this bill, for the reason that while it is a revenue bill, and under the rules of the House belongs to the Committee of Ways and Means, it was referred by a special order of the House to the Committee on Agriculture; and whether that reference carries with it all the rights of a revenue bill I think extremely doubtful. Therefore, as a matter of precaution, I have mentioned it among the bills that we shall ask to have considered under this resolution.

Mr. MORRISON. I will inquire of the gentleman whether this resolution contains the usual exception in favor of revenue and appropriation bills?

Mr. HATCH. It does.

A MEMBER. Does it except prior orders?

Mr. HATCH. It does not.

Mr. RANDALL. I suppose the gentleman from Missouri [Mr. HATCH] does not desire any amendments to this bill touching other internal-revenue taxes?

Mr. HATCH. The position taken by the Committee on Agriculture and the position that I shall take before the House is that, this being a special authority and a limited jurisdiction conferred upon the Committee on Agriculture, the bill reported by that committee is not subject to amendments as far as other matters taxable under the internal-revenue system are concerned Therefore we propose to confine the amendments to such subjects as pertain alone to the subject-matter of the bill, and will not, with our consent, permit any amendments to be put upon the bill relating to tobacco, spirits, or anything of that kind now subject to taxation under the internal-revenue system. I demand the previous question upon the amendment and the adoption of the resolution.

Mr. REAGAN. I desire to inquire of the gentleman from Missouri [Mr. HATCH] whether his resolution excepts prior orders?

Mr. HATCH. It does not.

Mr. REAGAN. Then I hope the House will vote it down.

Mr. HATCH. We have taken a day that is not occupied, and we have asked the consideration of this bill, and——

Mr. BLOUNT. The gentleman says he has taken a day that is not occupied; I would like to ask the gentleman how he can take a day that is not occupied, when the business of this House may be pushed on, and other committees having bills that they desire to pass may occupy the very day the gentleman has selected unless he gets his resolution through in the shape he proposes, taking that day regardless of prior orders.

Mr. HATCH. That is in the discretion of the House. When that day arrives, if more than one special order asks for recognition, it is for the majority of the House to determine the question.

Mr. BLOUNT. It is now in the discretion of the House, submitted to it by the proposition of the gentleman from Missouri [Mr. HATCH], and I trust the House will exercise its discretion and vote the resolution down.

The SPEAKER. The question is not debatable. The gentleman has demanded the previous question.

The question was taken; and the Speaker declared that the ayes seemed to have it.

Mr. BLOUNT. I call for a division.

While the House was proceeding to divide,

Mr. BLOUNT. Mr. Speaker, I withdraw the demand for a division at this time. I prefer to take it on the main question.

So the previous question was ordered.

Mr. WARNER, of Ohio. Mr. Speaker, I ask to have the resolution read again.

The resolution was again read.

The amendment, substituting in the resolution the 13th day of May for the 27th day of April, was agreed to

The SPEAKER. The question now is on the adoption of the resolution as amended.

The House divided; and there were—ayes 129, noes 16.

So the resolution was agreed to.

Mr. HATCH moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POWERS OF THE AGRICULTURAL DEPARTMENT.

Mr. HATCH. I am instructed by the Committee on Agriculture to call up for consideration the bill (H. R. 5190) to enlarge the powers and duties of the Department of Agriculture.

The SPEAKER. The bill is in Committee of the Whole on the state of the Union.

Mr. HATCH. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill, and that it be considered in the House. I will state to the House that this has been done without objection in the last two Congresses when this bill has come up for consideration.

Mr. HISCOCK. What is the bill?

The SPEAKER. The gentleman has a right to have the bill read before this question is decided.

The Clerk read as follows:

A bill (H. R. 5190) to enlarge the powers and duties of the Department of Agriculture.

Be it enacted, &c., That the Department of Agriculture, established at the seat of Government of the United States, shall be an Executive Department, to be

known as the department of agriculture and labor, under the supervision and control of a secretary of agriculture and labor, who shall be appointed by the President, by and with the advice and consent of the Senate; and section 158 of the Revised Statutes is hereby amended to include such department, and the provisions of title 4 of the Revised Statutes are hereby made applicable to said department.

SEC. 2. That there shall be in said department an assistant secretary of agriculture and labor, to be appointed by the President, by and with the advice and consent of the Senate, and who shall perform such duties as may be required by law or prescribed by the secretary.

SEC. 3. That the secretary of agriculture and labor shall hereafter receive the same salary as is paid to the Secretary of each of the Executive Departments, and the salary of the assistant secretary of agriculture and labor shall be the same as that now paid to the Assistant Secretary of the Department of the Interior.

SEC. 4. That all laws and parts of laws relating to the Department of Agriculture now in existence, as far as the same are applicable and not in conflict with this act, and only so far, are continued in full force and effect.

SEC. 5. That there shall be in the department of agriculture and labor a division which shall be under the charge of a commissioner of labor, who shall be appointed by the President, by and with the advice and consent of the Senate. The commissioner of labor shall hold his office for four years, and until his successor shall be appointed, unless sooner removed, and shall receive a salary of $4,000 a year. The commissioner shall collect information upon the subject of labor, its relation to capital, the hours of labor, the earnings of laboring men and women, the means of promoting their material, social, intellectual, and moral prosperity, and the best means to protect life and prevent accident in mines, workshops, factories, and other places of industry. The secretary, upon recommendation of said commissioner shall appoint a chief clerk, who shall receive a salary of $2,000 per annum, and such other employés as may be necessary for said division. The commissioner shall annually make a report in writing to the secretary of agriculture and labor of the information collected and collated by him, and containing such recommendations as he may deem calculated to promote the efficiency of the division. The secretary of agriculture and labor shall be empowered to inquire into the causes of discontent which may exist between employers and employés within the United States, and he may invite and hear sworn statements from both such parties concerning the matters in controversy. The secretary shall make a report annually to Congress upon the condition of labor in the United States, accompanied by such recommendations as he may deem important; and said reports, with accompanying documents, shall be printed and bound in a volume separate and apart from the reports on agriculture.

SEC. 6. That the act approved June 27, 1884, establishing a bureau of labor, is hereby repealed.

The SPEAKER. The gentleman from Missouri [Mr. HATCH] asks unanimous consent that the Committe of the Whole House on the state of the Union be discharged from the further consideration of this bill, and that it be considered in the House.

Mr. BRECKINRIDGE, of Kentucky. I rise to a parliamentary inquiry. If this bill be considered in the House as in Committee of the Whole, is the five-minute debate thereby cut off, and does it render the call of the previous question possible?

The SPEAKER. It would not prevent the House from ordering the previous question, the effect of which would be to cut off all debate and all amendments.

Mr. BRECKINRIDGE, of Kentucky. Then I object to the proposition.

Mr. HATCH. I will say to the gentleman from Kentucky that I will yield to him or any other gentleman such time as he may need.

Mr. REAGAN. I think the bill had better be considered in Committee of the Whole.

The SPEAKER. Objection is made.

Mr. HATCH. What gentleman objects?

The SPEAKER. The gentleman from Texas [Mr. REAGAN].

Mr. HATCH. Let the gentleman from Texas take the responsibility.

The SPEAKER. The gentleman has taken the responsibility.

Mr. HATCH. I ask the gentleman from Texas to withdraw his objection. He supported a bill similar to this in the Forty-eighth Congress. I will yield him such time as he desires.

Mr. HEWITT. I would like to share the responsibility of objecting.

Mr. REAGAN. This is a very important bill and deserves the fullest consideration.

Mr. HATCH. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of this bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. SPRINGER in the chair) and proceeded to the consideration of the bill (H. R. 5190) to enlarge the powers and duties of the Department of Agriculture.

The CHAIRMAN. This bill having been read in the House, it will not be read again unless some gentleman requests it.

Mr. HATCH. I ask for the reading of the report as a part of my remarks.

The report (by Mr. HATCH) was read, as follows:

The Committee on Agriculture, to whom was referred the bill (H. R. 2962), entitled "A bill to enlarge the powers and duties of the Department of Agriculture," unanimously report the accompanying bill as a substitute therefor, and recommend its favorable consideration and passage by the House.

Substantially the same propositions embodied in the first four sections of this bill, except the addition of the words "and labor," have been before the House for its consideration and action in the past three Congresses.

In the third session of the Forty-sixth Congress, February 7, 1881, Mr. AIKEN, from the Committee on Agriculture, moved to suspend the rules and pass House bill 4909, on which motion the yeas were 164, nays 83, not voting 45, failing, by 1 vote, to receive the necessary two-thirds.

Again, in the first session of the Forty-seventh Congress House bill 4429 was reported to the House by Mr. ANDERSON from the Committee on Agriculture, made a special order, and after full consideration and discussion, on May 10, 1882, passed the House by the overwhelming vote of yeas 183, nays 7, not voting 110.

And again in the second session of the Forty-eighth Congress, December 15, 1884, Mr. AIKEN, from the Committee on Agriculture, moved to suspend the rules and pass House bill 1457, which, after discussion under the rule, passed the House by the decisive vote of yeas 166, nays 69, not voting 88.

This repeated action of the House clearly demonstrates the position of the representatives of the people upon this important measure. This bill was sent to the Senate, and on February 7, 1885, reported to the Senate by the chairman of the Committee on Agriculture, with amendments, but was never reached for consideration and final action.

Section 5 was proposed as an additional one by the Committee on Labor, and, as your committee are informed, unanimously approved by said committee and adopted by the Committee on Agriculture with substantial unanimity. The adoption of section 5 necessitated the changes in the preceding sections already suggested in the first paragraph of their report.

Your committee cordially approve the transfer of the Bureau of Labor from the Department of the Interior to the Department of Agriculture, and the incorporation of these great industries into one name, as they are in interest, to be henceforth known as the "Department of Agriculture and Labor."

All of which is respectfully submitted.

Mr. HATCH. Mr. Chairman, I move that the committee rise for the purpose of limiting general debate on this bill.

Mr. REAGAN. I hope the gentleman will not press that motion. I would like to submit a few observations.

Mr. HATCH. I will yield a fair proportion of time to the gentleman. I have already appealed to him. I now insist on my motion. I want general debate limited so that we may get a vote on this bill within the hour.

Mr. REAGAN addressed the Chair.

The CHAIRMAN. The motion that the committee rise is not debatable.

Mr. BRECKINRIDGE, of Kentucky. I rise to a question of order. Is the motion that the committee rise in order until there has been debate?

Mr. HATCH. There has been debate.

Mr. BRECKINRIDGE, of Kentucky. There has been no debate.

Mr. HATCH. I beg the gentleman's pardon. I called for the reading of the report in my time, and as a part of my remarks.

Mr. BRECKINRIDGE, of Kentucky. The bill has not been read in the Committee of the Whole.

The CHAIRMAN. It is not in order to move to limit debate under the five-minute rule unless such debate has been had; but general debate having already taken place on this bill, a motion to limit such debate would be in order in the House.

Mr. HATCH. I insist on my motion.

The question was taken on the motion of Mr. HATCH that the committee rise,

The CHAIRMAN said: In the opinion of the Chair the ayes have it.

Mr. REAGAN. I call for a division.

The CHAIRMAN. Is a division demanded? [A pause.] If not, the motion that the committee rise is agreed to.

The committee accordingly rose; and the Speaker resumed the chair.

Mr. REAGAN. Mr. Speaker——

The SPEAKER. The chairman of the Committee of the Whole has not yet made his report.

Mr. REAGAN. I want to make a question of order. I demanded a division immediately upon the announcement of the vote, and before the declaration of the result.

The SPEAKER. That was a proceeding in Committee of the Whole with which the present occupant of the chair has nothing to do.

Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 5190) to enlarge the powers and duties of the Department of Agriculture, had come to no resolution thereon.

The SPEAKER having stated the report of the chairman of the Committee of the Whole,

Mr. SPRINGER said: I desire to make a statement. As occupant of the chair in Committee of the Whole I heard the gentleman from Texas [Mr. REAGAN] make some remark in regard to the bill. I paused and asked whether a division was demanded and looked toward the gentleman from Texas, but the gentleman resumed his seat and made no statement. Therefore I declared the motion carried. I beg pardon of the gentleman from Texas.

Mr. HATCH. I move that the House resolve itself into Committee of the Whole for the further consideration of House bill 5190; and pending that motion I move that all general debate in Committee of the Whole on this bill be limited to one hour.

Mr. REAGAN. I move to amend that motion by striking out "one hour" and inserting "two hours."

The question being taken on the amendment of Mr. REAGAN, there were—ayes 37, noes 95.

Mr. REAGAN. No quorum.

Tellers were ordered; and Mr. HATCH and Mr. REAGAN were appointed.

Mr. REAGAN (before the count by tellers had been made). I withdraw the point that no quorum voted.

Mr. BRECKINRIDGE, of Kentucky. I renew it.

Tellers were again ordered; and Mr. BRECKINRIDGE, of Kentucky, and Mr. HATCH were appointed.

The House again divided; and the tellers reported—ayes 3, noes 109.

Mr. HATCH. To save time on this question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 27, nays 186, not voting 110; as follows:

YEAS—27.

Adams, G. E.	Collins,	Lindsley,	Riggs,
Blount,	Cox,	McAdoo,	Strait,
Breckinridge, WCP.	Dargan,	Miller,	Taulbee,
Butterworth,	Hemphill,	Morrison,	Turner,
Campbell, Felix	Hill,	O'Hara,	Viele,
Candler,	Jones, J. T.	Randall,	Warner, A. J.
Cobb,	Kelley,	Reagan,	

NAYS—186.

Allen, J. M.	Felton,	Little,	Skinner,
Anderson, C. M.	Findlay,	Long,	Smalls,
Anderson, J. A.	Fleeger,	Louttit,	Snyder,
Atkinson,	Foran,	Lovering,	Sowden,
Baker,	Ford,	Lowry,	Spooner,
Barksdale,	Forney,	Lyman,	Spriggs,
Barry,	Frederick,	Martin,	Springer,
Bayne,	Fuller,	Matson,	Stahlnecker,
Beach,	Funston,	McComas,	Steele,
Bingham,	Gallinger,	McCreary,	Stephenson,
Blanchard,	Geddes,	McKenna,	St. Martin,
Bland,	Gilfillan,	McKinley,	Stone, E. F.
Bliss,	Glass,	McMillin,	Stone, W. J., Ky.
Boutelle,	Goff,	McRae,	Stone, W. J., Mo.
Brown, W. W.	Green, R. S.	Milliken,	Swope,
Bunnell,	Grosvenor,	Mills,	Tarsney,
Burleigh,	Guenther,	Morgan,	Taylor, E. B.
Bynum,	Halsell,	Morrow,	Taylor, I. H.
Cabell,	Harris,	Neal,	Taylor, Zach.
Caldwell,	Hatch,	Neece,	Thomas, O. B.
Campbell, J. M.	Hayden,	Nelson,	Thompson,
Campbell, J. E.	Haynes,	O'Ferrall,	Tillman,
Cannon,	Heard,	O'Neill, Charles	Townshend,
Carleton,	Henderson, D. B.	Osborne,	Trigg,
Caswell,	Henderson, J. S.	Owen,	Van Eaton,
Catchings,	Henderson, T. J.	Payne,	Wade,
Clardy,	Henley,	Payson,	Wadsworth,
Clements,	Hepburn,	Peel,	Wakefield,
Conger,	Hiestand,	Perkins,	Ward, T. B.
Cooper,	Hitt,	Perry,	Warner, William
Cowles,	Holman,	Peters,	Weaver, A. J.
Crisp,	Houk,	Pidcock,	Weaver, J. B.
Culberson,	Howard,	Pindar,	Weber,
Cutcheon,	Hudd,	Pirce,	Wellborn,
Daniel,	James,	Plumb,	Wheeler,
Davidson, R. H. M.	Johnson, F. A.	Price,	White, A. C.
Davis,	Johnston, J. T.	Reed, T. B.	White, Milo
Dawson,	Jones, J. H.	Reid, J. W.	Whiting,
Dibble,	Ketcham,	Reese,	Wilkins,
Dingley,	King,	Richardson,	Willis,
Dunn,	Kleiner,	Rockwell,	Wilson,
Eldredge,	Laffoon,	Rowell,	Winans,
Ely,	La Follette,	Sadler,	Wolford,
Ermentrout,	Landes,	Scranton,	Woodburn,
Evans,	Lanham,	Seney,	Worthington.
Everhart,	Le Fevre,	Sessions,	
Farquhar,	Lehlbach,	Shaw,	

NOT VOTING—110.

Adams, J. J.	Davenport,	Hutton,	Ranney,
Aiken,	Davidson, A. C.	Irion,	Rice,
Allen, C. H.	Dockery,	Jackson,	Robertson,
Arnot,	Dorsey,	Johnston, T. D.	Rogers,
Ballentine,	Dougherty,	Laird,	Romeis,
Barbour,	Dowdney,	Lawler,	Ryan,
Barnes,	Dunham,	Libbey,	Sawyer,
Belmont,	Eden,	Lore,	Sayers,
Bennett,	Ellsberry,	Mahoney,	Scott,
Bound,	Fisher,	Markham,	Seymour,
Boyle,	Gay,	Maybury,	Singleton,
Brady,	Gibson, C. H.	Merriman,	Stewart, Charles
Bragg,	Gibson, Eustace	Millard,	Stewart, J. W.
Breckinridge, C. R.	Glover,	Mitchell,	Storm,
Browne, T. M.	Green, W. J.	Moffatt,	Struble,
Brown, C. E.	Grout,	Morrill,	Swinburne,
Brumm,	Hale,	Muller,	Symes,
Buchanan,	Hall,	Murphy,	Taylor, J. M.
Buck,	Hammond,	Negley,	Thomas, J. R.
Burnes,	Hanback,	Norwood,	Throckmorton,
Burrows,	Harmer,	Oates,	Tucker,
Campbell, T. J.	Herbert,	O'Donnell,	Van Schaick,
Cole,	Herman,	O'Neill, J. J.	Wait,
Compton,	Hewitt,	Outhwaite,	Ward, J. H.
Comstock,	Hires,	Parker,	West,
Crain,	Hiscock,	Pettibone,	Wise.
Croxton,	Holmes,	Phelps,	
Curtin,	Hopkins,	Pulitzer,	

So the amendment was disagreed to.

During the roll-call,

Mr. HOPKINS said: Mr. Speaker, I ask to vote.

The SPEAKER. Was the gentleman within the bar of the House when his name was called?

Mr. HOPKINS. I was not until afterward.

The SPEAKER. Then the gentleman is excluded by the rule.

Mr. HOPKINS. If present, I would have voted "no."

Mr. BLOUNT. I wish to announce that my colleague [Mr. HAMMOND] is absent on account of sickness.

Mr. WILLIS moved by unanimous consent to dispense with the reading of the names.

There was no objection, and the motion was agreed to.

The following pairs were announced from the Clerk's desk:

Until further notice:

Mr. ADAMS, of New York, with Mr. MARKHAM.

Mr. BROWNE, of Indiana, with Mr. FISHER.

Mr. CURTIN with Mr. NEGLEY.

Mr. CRAIN with Mr. STEWART, of Vermont.

Mr. BURNES with Mr. BUCHANAN.

Mr. OUTHWAITE with Mr. PARKER.

Mr. THROCKMORTON with Mr. JACKSON.

Mr. MAYBURY with Mr. RYAN.

Mr. GREEN, of North Carolina, with Mr. WEST.

Mr. CROXTON with Mr. DORSEY.

Mr. BENNETT with Mr. O'DONNELL.

Mr. COLE with Mr. THOMAS, of Illinois.

Mr. DAVIDSON, of Alabama, with Mr. SWINBURNE.

For this day:

Mr. DOWDNEY with Mr. PETTIBONE.

Mr. LAWLER with Mr. DUNHAM.

Mr. STORM with Mr. LIBBEY.

Mr. GIBSON, of Maryland, with Mr. BRUMM.

Mr. SCOTT with Mr. DAVENPORT.

On this vote:

Mr. JOHNSTON, of North Carolina, with Mr. STRUBLE.

Mr. ROGERS, of Arkansas, with Mr. HANBACK.

Mr. SEYMOUR with Mr. ALLEN, of Massachusetts.

Mr. MERRIMAN with Mr. WAIT.

The vote was then announced as above recorded.

The SPEAKER. The hour has expired.

RIVER AND HARBOR BILL.

Mr. WILLIS. I move that the House resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. MILLS in the chair) and resumed the consideration of the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The CHAIRMAN. The pending question coming over from yesterday is the amendment of the Committee on Rivers and Harbors to add what the Clerk will read.

The Clerk read as follows:

Also, $25,000 for work on the river at Hickman and $25,000 for work on the river at Columbus, Ky.

The amendment was agreed to.

The CHAIRMAN. The question next recurs upon the following amendment moved by the gentleman from Illinois [Mr. NEECE].

The Clerk read as follows:

Add at the end of line 1101 the following:

"The sum of $15,000 shall be used in strengthening the levees on the east side of the Mississippi River, between Warsaw and Quincy, Ill."

Mr. WILLIS. I raise the point of order on that amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. WILLIS. It is that we have passed that part of the bill and the gentleman's amendment is not germane to this part of the bill.

Mr. NEECE. I withdraw the amendment for the present, giving notice I shall offer it hereafter.

The CHAIRMAN. The question next recurs on the following amendment offered in pursuance of the understanding of last evening by the gentleman from Ohio [Mr. WARNER].

The Clerk read as follows:

First. Strike out the words "Mississippi River Commission" and "commission," wherever they occur in the paragraph on pages 47 and 48 of the bill, and insert "Secretary of War."

Second. At the end of line 1152 add: "*Provided*, That a committee, to consist of five members of the House, shall be appointed by the Speaker to investigate the work of the Mississippi River Commission and to report thereon before the end of the session, with such recommendation as it may deem proper. Said committee shall also examine and report upon the jetties at the mouth of the river, and especially whether mud lumps are forming beyond the jetties and what depth of channel is kept open at and beyond the mouth of the river."

Mr. WARNER, of Ohio. Mr. Chairman, in the first place, if this work is to go on I think it should go on as other works appropriated for in this bill are carried on, under the direction of the Secretary of War.

As to the second amendment, we have expended already over $8,000,000 for the improvement of the Mississippi River under the plan known as the Eads plan and under the direction of the Mississippi River Commission. It is admitted, I believe, that it will take at least $100,000,000 to complete the work under that plan.

Mr. DUNN. Who admits that?

Mr. WARNER, of Ohio. It has been often so stated. And I will state, Mr. Chairman, I have no doubt——

Mr. DUNN. It has not been admitted by anybody who knows anything about it.

Mr. WARNER, of Ohio. It will take more than $100,000,000.

Mr. WILLIS. The gentleman from Ohio is entirely mistaken in that statement.

Mr. WARNER, of Ohio. That plan includes not only the navigation of the river, which relates to low-water stages, but the construction of levees almost the entire length of the river, or its entire length except where the bluffs extend.

Now, the report of the commission itself shows that it has taken a great deal to keep these works in order; it shows that the losses on these works have been enormous; that the cost of maintaining them has amounted to over 24 per cent. from the beginning up to July, 1885; and the recent losses are greater than the losses of the four years preceding; so that I take it there has been a loss of from 33⅓ to 50 per cent. already on these works, which means that it has taken, or will take, about this proportion of the original cost to make good loss and damage.

Mr. BLANCHARD. The gentleman is very much mistaken in that statement.

Mr. WARNER, of Ohio. I refer to the report of the commission itself, on page 2868 for the year 1885—the Mississippi River Commission—in support of the statement, and that does not include the recent losses, which are very great in extent.

At any rate it can not be expected that it will take less than from 10 to 20 per cent. per annum to maintain them after they are constructed.

But the point I come to, Mr. Chairman, is this: In view of the enormous original cost of these works, and of the ultimate enormous cost to follow for maintenance, and also in view of the fact that the great losses which have occurred in the last year ought to be inquired into—the floods having swept away, according to reports, not only the works along the banks, but carrying away the banks themselves containing the levees—before we go further and make additional large appropriations I think we should know more of the character of the works than we now know, and that there should be an investigation by a committee of Congress, which should go there and make a personal inspection of all the works and ascertain what is being done and what the condition of the works now is. I am not willing to take the report of the Mississippi River Commission as a guide without question. For one, Mr. Chairman, I do not believe in the plan itself. I would willingly vote to appropriate the money if it was necessary for the improvement of the navigation of the Mississippi River, or if it would surely prevent overflow, if it would contain within the levees permanently the flood waters of the Mississippi River; but I do not believe it will have that effect.

My own belief is that after the expenditure of $100,000,000 the river will be in a worse condition than now. For that reason I shall vote to strike out this provision of the bill. At any rate, I think we should have very much better information than we now have, and for this reason I have offered the amendment proposing the creation of this committee—not a junketing committee, but a working committee—to make its report before this Congress adjourns.

[Here the hammer fell.]

Mr. DUNN. Mr. Chairman, of course we are to have re-enacted and repeated here the old routine which has been gone through with every time the section for the improvement of the Mississippi River in the river and harbor bill is reached for the last six years.

Now, the gentleman from Ohio [Mr. WARNER] says that he does not believe in the plan of the commission. Why, we all knew that before. He never did believe in it; he has always voted against it. But Congress formally, deliberately adopted that plan; Congress ordered and authorized it. The fourth section of the act of June 28, 1879, says:

> It shall be the duty of the Mississippi River Commission to take into consideration and mature such plan or plans and estimates as will correct, permanently locate, and deepen the channel, protect the banks of the river, improve and give ease and safety to navigation, prevent destructive floods, and promote and facilitate commerce.

That plan has been regularly, steadily, and uniformly adhered to by the commission with all the means that Congress has placed at their disposal. The gentleman from Ohio and those who have acted with him heretofore have insisted that the appropriations made shall be small in amount, and through their influence the appropriations have been kept far below what the commission asked for; and then, after hampering and hamstringing and crippling the commission with insufficient appropriations, the gentlemen now come and say that a large per cent. of the money has been expended to preserve and protect incomplete works which they themselves have denied the means of completing. We all know that this niggardly, insufficient, ill-advised, and parsimonious method of appropriating for public works, whether public rivers and harbors or public buildings, has cost the Government of the United States a large percentage of the appropriations made, because it had to be used to protect the work already partly constructed or finished. The commission has done all in its power to do with the means placed at its disposal; and the report not only of the commission but those of the three committees of Congress that have been sent there to inspect the works have all been favorable to the plan.

The gentleman from Ohio now asks for another commission. There have been three already appointed. The Forty-sixth Congress appointed one which made a formal report on the subject after a careful and deliberate examination.

Mr. WARNER, of Ohio. But there has been none since.

Mr. DUNN. Yes, sir; there have been committees since. The Senate appointed one since, of which [Mr. LOGAN] was chairman. This House appointed one since, of which I think the gentleman from New York [Mr. HISCOCK] was chairman. My distinguished friend from Indiana here [Mr. HOLMAN] was on that committee, and the distinguished Speaker of this House, with other prominent members. They went down and inspected this work in which the whole people of the country are interested.

Mr. WARNER, of Ohio. I think that investigation was in the Forty-sixth Congress.

Mr. DUNN. The committee was appointed by the Forty-seventh Congress. Mr. BURROWS, of Michigan, was the chairman.

There have been three deliberate investigations, and three favorable reports by committees, and they all took in the jetties, all except the first one, that of the Forty-sixth Congress, that was not charged with inspecting the jetties. But they took in and carefully inspected this plan of improvement, and the commission report the work is successful wherever completed and protected.

[Here the hammer fell.]

Mr. BLANCHARD was recognized, and yielded his time to Mr. DUNN.

Mr. DUNN. I thank the gentleman from Louisiana for his courtesy.

Now, Mr. Chairman, we shall never be able to satisfy the gentlemen who have been fighting this plan for four years. They fought the whole plan to begin with. After they found they could not defeat it, and that the Mississippi River was large enough and old enough and great enough to assert itself in this House and make its importance felt in Congress, then they set about to cut off the levee part of the improvement. They said that was for protection.

I would like to ask my distinguished friend from Maine [Mr. REED], whom I do not now see in his seat, and the distinguished gentleman from New York [Mr. HISCOCK], and other gentlemen on that side, all of whom have had their souls so troubled with the levees—I would like to ask them this question: When you come to lay a plan of taxation do you lay that plan which will yield the most revenue only or that which will give protection with it? My distinguished friend from the salt district of New York, when he lays taxes to collect revenue for the Government, always takes care that the salt is protected.

My friend from Maine takes care that the manufacturing industries of the country are protected. As Mr. Banks said some years ago, "When you levee a stream you do not levee up to the top of the water merely, but you go high enough to keep the water out." So he would levy taxation for protection high enough to keep out competition. Do you adopt that plan of taxation which is most for the general interest or that which will do the least good?

Now, if we have two plans for improving this river, one of which will simply benefit navigation a little, and another of which will make a complete and perfect system of navigation and give the superadded benefit of protection to twenty-five millions of acres of the richest and most fertile and productive land on this earth, which of the two will you choose? That which will do the most good is the choice of all statesmen. You over there strain at a gnat and swallow a camel.

Mr. BROWN, of Pennsylvania. Our plan provides the means of raising money and yours the means of spending it.

Mr. DUNN. Your protective system does not raise money. It keeps out goods and gives protection alone. Everybody knows that the revenue is not collected on protected articles, but on things generally that are not protected. But you swallow a camel in the shape of that species of protection and strain at this little gnat of the Mississippi River.

A MEMBER. A very big gnat.

Mr. DUNN. The plan of the Mississippi River improvement is asserted by every man who has studied it to be a perfect and complete system. But it would be incomplete without all the parts of the plan. And when you demand success of the plan of the commission, if you strike down half the plan and allow them to use only a part of it what success can you expect? No one can undertake in a debate under the five-minute rule to explain that plan in detail. But all who have studied it have received from that study satisfactory evidence of its correctness and of its utility and practicability. The work of the commission, wherever it has been in any measure fairly well perfected, has given complete satisfaction and proved a success. Gentlemen on this floor have repeatedly told you—they told you yesterday of the results obtained at Horse-tail bar, where there used to be only 4½ feet of water and where now there are 9 feet; and at Plum Point, where instead of 6 feet of water there are to-day 12.

[Here the hammer fell.]

Mr. MILLIKEN. The gentleman from Arkansas [Mr. DUNN] says we swallow a camel and strain at a gnat. I would like to point the gentleman to the fact that the camel we have swallowed in the last twenty-five years has inflated this country with a prosperity it never before had, a prosperity unparalleled in the history of nations.

Mr. DUNN. Suppose you try the gnat and see what that will do.

Mr. MILLIKEN. I will tell the gentleman why not. It is because that gnat contains within him a principle which we believe will eat out the country's substance.

I desire to say I am not here for the purpose of opposing the improvement of the great water ways of the country. Not at all. I am not here to oppose internal improvements. I favor them. And when the gentleman will show me that the moneys to be expended can be so applied as to bring back to the people such advantages as will make the improvement a good investment he certainly will have my vote for the appropriations.

But there is a question, Mr. Chairman, as to where this thing is going to end. I have never known a river and harbor bill to be a bill for the protection of railroads. I never have supposed that was its purpose. I know in the last Congress a gentleman introduced a bill to improve a river for the purposes of navigation, and when it was shown not only that that river had not been navigated but that it could not be, the explanation given of its benefit to commerce was that the logs run down that river were ultimately made into vessels; that the river was full of rocks; that the logs in consequence wore out before they got to the mouth of the river; and the gentleman who had charge of the proposition wanted the rocks removed so that the logs could be floated down and built into vessels, and claimed that in that way his bill was in the interest of navigation.

Now, Mr. Chairman, I see in the report of the engineer (page 2848 of this document) that there is $158,600 to be appropriated for Carrollton Bend on the left bank; for Gouldsborough, $64,200; for Gretna Bend, on the right bank, $64,200; for bend above Gretna to a point nearly opposite the city park on the right bank, $396,600; making a total of $683,600.

Mr. BLANCHARD. Not appropriated; estimated.

Mr. MILLIKEN. Estimated. Now let us see what this money is for. With regard to Carrollton Bend, it is stated here that "there are no wharves, and the improvement would be of little value to commerce and navigation at present."

Mr. BLANCHARD. There is no improvement being made there.

Mr. MILLIKEN. Very well. Now let us look at Gouldsborough and Gretna, opposite New Orleans.

Mr. BLANCHARD. Part of the city.

Mr. MILLIKEN. Part of the city. I read:

On November 19, 1883, in accordance with your order, I obtained the following information regarding the caving of the banks, values of property, interests on the river front in Gouldsborough and Gretna. The bank along some parts of this front is caving badly. It is occupied for railroad termini, transfer facilities, warehouses, and similar constructions. These are all used for purposes of commerce and navigation. They can not safely be used unless the bank is protected. The value of property on this front is estimated to be $1,400,000.

Mr. Chairman, I submit that the proposition to make this appropriation is a proposition to protect the private property of individuals and the property of railroad companies. I would not object to it, perhaps, if this were the only instance——

[Here the hammer fell.]

Mr. DINGLEY was recognized, and yielded his time to Mr. MILLIKEN.

Mr. MILLIKEN. The objection that I make to it is that it is starting out upon a policy that may have no end. If you are going to protect private property on the banks of the Mississippi River in this manner, if you are going to build wharves for those people, why should you not do the same for every port on the Atlantic? There are harbors on the Atlantic coast of no considerable size where there is at times great injury done by storms. I live upon, perhaps, as beautiful a bay as there is in the world, as good a harbor as there is on the globe, and yet there have been times in the course of the last twenty-five years when I have had to go down with others in the night-time to take vessels away from the wharves and moor them out in the harbor, in order to protect them from breaking to pieces; and I have gone down the next day after a storm and seen wharves that were worth from $5,000 to $10,000 absolutely destroyed.

There is no harbor on the Atlantic, unless it be some small cove, where the wharves are entirely safe during the great storms that occasionally occur. Now, would gentlemen say that the Government of the United States should come in and rebuild those wharves? Why, I remember the case of one poor fellow who lost his wharf, which was all the property he had, and we subscribed some $5,000 to help him and he rebuilt his wharf; but if the Government is to protect wharf property, or the property on which these warehouses are situated and where this railroad terminus is on the bank of the Mississippi, why should it not in like manner protect every wharf and every harbor on the Atlantic coast? I can see no reason in the one case that does not apply in the other; and I predict, gentlemen, that if you start out upon this policy you will find the owners of every piece of private property in the country where the slightest excuse can be found coming in here and asking the Government to protect their property from the ravages of the waters, or the winds, or the rains, or the fire, or some other element of destruction.

Mr. DUNN. I do not know that there is an item in this bill for any such purpose as that. I have never heard of any appropriation here for the protection of private property.

Mr. MILLIKEN. I am discussing this proposition in regard to which I have read from the report.

Mr. DUNN. No.

Mr. MILLIKEN. I think these remarks apply to this entire system of leveeing the Mississippi. Now I agree with the gentleman from Arkansas [Mr. DUNN] so far as to say that if this improvement were really for the benefit of navigation it would be no objection to it to say that it would also very much help somebody who happened to own land on the bank of the river. That would be no valid objection. I should rather it would protect somebody else if any one needed protection. But the trouble seems to be here—and it is stated not by the enemies but by the friends of these appropriations—that they are for the protection of private property, and the excuse given is that the river needs to be cleared out for navigation. So far as the city of New Orleans is concerned, it is in one respect unfortunately situated. It is not more water that they want down there; it is more land. The land is washing away. They do not ask us to clean out bars or to pull up snags in order to give them water sufficient for good navigation. Their trouble is too much navigation. The river is washing away the banks, and the proposition here is that the Government of the United States shall protect the land from the attacks of the river, and shall do it under the pretext of benefiting commerce and navigation.

Mr. WARNER, of Ohio. I move to amend the amendment by striking out the last word. The gentleman from Arkansas said there had been committees sent down to examine the work of this commission; but, Mr. Chairman, it must be remembered that they went at the very beginning of the work.

Mr. DUNN. No, the last one did not.

Mr. WARNER, of Ohio. Now it is reported—and these reports come to us from the engineers of the Army—that there has been very great destruction of these works, or some of them, during the last year; indeed during the last few months, and that there has been great destruction of the plant. I read from a newspaper dispatch dated Saint Louis, February 16, 1886.

Mr. DUNN. That is not a report of the engineers.

Mr. WARNER, of Ohio. I say it is a newspaper dispatch, but it is largely corroborated by extracts from official documents, which I shall publish with my remarks:

ST. LOUIS, *February* 16, 1886.

Of the sixty-eight boats which composed the Government fleet which broke away from its moorings at Carroll's Island Sunday night, only sixteen have been saved, among them the most valuable of the steamers, which is seriously damaged. Six of the others are known to be sunk. The rest, with the large steamer, the General Humphreys, and a steam-launch, are lost and probably either sunk or considerably injured by collision with each other or with huge cakes of ice, of which the river is full. The whole fleet had cost the Government about a quarter of a million of dollars, and the loss will very nearly reach $200,000, unless some of the boats are recovered farther down the river.

The statements contained in this dispatch are, I repeat, confirmed largely by official evidence, which I submit as a part of my remarks:

January, 1886.

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FIRST DISTRICT.

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A special examination of the work was made January 20 to determine the damage done by the ice. The revetment work does not appear to have suffered any injury. That to the dikes is confined to Osceola No. 4 and the high part of Gold Dust main dike below the upper break. Here the front row of piles is almost entirely destroyed. A greater part of the piles injured were broken off short at the ice level, the lower part remaining upright in the water, and the upper end dangling above it, supported by the framework of riders and braces, which had not yet fallen. The nature of the injuries to this dike indicates that they were made possible by the old and weakened cottonwood piles. Had the piles been new or in better state of preservation, there would have been few if any broken. Osceola No. 4 had at its outer end a short fragment of Osceola-Bullerton forming a T-head. This T-head and the adjacent part of Osceola No. 4 were partially wrecked and were carried away by the ice, making a clear opening at the angle of the two dikes named, and showing a well-defined depression through the bar in the direction of Bullerton chute, in which depression traces of scour were evident. * * *

S. S. L., February 10.

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SECOND DISTRICT.

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The ballast, which in some places was not heavy in the first instance, was partially displaced, and the upper binders and some brush in the upper layers cut. The work still has considerable strength, and no immediate danger is apprehended; but the broken members should be replaced at the first convenient opportunity.

Caving on Hopefield Point continues, and the bar is cutting rapidly. The old incline of the Memphis and Little Rock Railroad is entirely gone, and 250 feet have been cut off the new one, which runs out over the bar about 300 yards below the old one. It is reported on the authority of the engineer of the road that the bar has cut down 8 feet under the end of the new incline.

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The point of the bar opposite the Hopefield revetment has also cut away considerably.

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S. S. L., February 10.

February, 1886.

FIRST DISTRICT.

Ice and drift during the first half of the month did considerable damage to the part of the Gold Dust main dike below the lower gap. This is the highest part of the dike, where it rises onto the head of Elmot bar, and was the only part not submerged at the time of examination. This part is damaged along the entire front row, and in three places is badly wrecked. Whether any damage was done to submerged portions can not now be determined.

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S. S. L., March 6.

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THIRD DISTRICT.

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During the rise a great quantity of drift had accumulated in front of this dike,

and as the water rose it floated over the top, lodging in front of the cross-dikes below. It is feared that the drift has destroyed some 200 feet of the dike, though of this there is at present no certainty, the top of this portion of the dike being submerged 4 feet. The dike was of four rows and considered very strong.

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C. B. S., March 8.

February, 1886.

ILLINOIS RIVER TO OHIO RIVER.

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On Saturday, February 13, the fleet, consisting of seventy one pieces, which was in winter harbor in rear of Carroll's Island, about 12 miles below this city, was torn from its moorings by floating ice and carried down the river. Some of the pieces were sunk and others damaged. At this writing three pieces have not been heard from, twenty have been collected at Chester, Ill., in good condition, thirty-one at Saint Louis, in good condition, and nine are at detached points either sunk or aground, and in process of collection, while eight pieces have been abandoned. Of the eight abandoned pieces six were carried on the books of the office as without value. The remaining two are the steamer A. A. Humphreys and one pile-driver. The movable property and the machinery of the Humphreys have been recovered. A complete list of the losses can not now be given. A board of survey is now engaged in an investigation of the disaster.

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O. H. E., March 12.

UNITED STATES ENGINEER OFFICE,
Memphis, Tenn., April 12, 1886.

GENERAL: I have the honor to submit the following report of operations in the first and second districts for the ten days ending April 10, 1886.

FIRST DISTRICT.

The last ten days have been signalized by the most important loss since the close of active operations, in the breaking in two, and probably three places of Osceola cross-dike No. 3. The latest published map of the locality is plate 38, report of 1883.

Of the two breaks known to exist the one next the bar is the larger, being as nearly as can now be estimated 500 feet wide. Through it flows a very strong current, which together with the continuous string of heavy drift prevented a detailed examination. The other break is next to the Arkansas shore; is about 100 feet wide, and has through it a depth of 24 feet and a sluggish current. These are indications, not positive, however, of a slight break about 400 feet from the last mentioned.

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Very respectfully, your obedient servant,

SMITH S. LEACH,
Captain of Engineers.

General Q. A. GILLMORE,
President Mississippi River Commission, Army Building, New York.

Now, Mr. Chairman, I submit as a plain business proposition that if any business man proposed to expend or invest money under conditions such as here represented, he would first make a thorough inquiry into the facts. Let us know the facts about these works. Has this damage been done? Have the works been carried away? Has there been any such loss as has been reported?

Again, it has been reported that beyond the jetties, at the mouth, the Gulf is filling up, so that already, in order to keep the channel, boats are required to wind around instead of going directly out; they can not proceed directly out into the Gulf. It is reported, too, that mud lumps are forming, and that soon the jetties must be extended.

Mr. DUNN. That shows they ought to be extended, of course.

Mr. WARNER, of Ohio. I do not know what the facts are. What I ask for is some reliable information. Let us ascertain the facts before we waste more millions of money—before we appropriate more millions. I do think that it is but a reasonable proposition that a committee should go down there—not a junketing committee to extend its labors through the recess, but a committee to go down now and make inquiry into the facts about these reports and find out the condition of those works, and see what damage has been done by the floods. I hope that the amendment will be adopted.

Mr. DUNN. Would it not be better to wait until the flood ends?

Mr. WARNER, of Ohio. No, let the examination be made while the flood lasts. After the flood ends there may be no works there.

Mr. HEPBURN. As an amendment to the amendment of the gentlemen from Ohio, I move to strike out all after the word "war," in line 1122, down to the word "provided," in line 1124. The words which I propose to strike out are, "in accordance with the plans, specifications, and recommendations of the Mississippi River Commission."

Mr. Chairman, I have no desire at all to do or say anything that shall in any way aid the continuance in place of the Mississippi River Commission. I believe the formation of this commission has been a harmful experiment; that we have gone far enough with the work of that commission; that we have wasted money enough upon it, and that we ought now to retrace our steps. The Mississippi River Commission has been permitted to expend eight and a half million dollars and has accomplished, it seems to me, but very little. It has succeeded in spending $1,830,000 in the erection of levees along the Mississippi River.

Mr. DUNN. That is the best work the commission has done.

Mr. HEPBURN. The gentleman says that is the best work the commission has done. I believe that is true, because I have no doubt the expenditure of that amount of the people's money for the protection of private property has resulted in protecting private property and in allowing the gentleman's constituents to raise crops of cotton where otherwise they would not have been able to do it. I do not wonder that the gentleman is a friend of the commission, and that he desires a continuation of these expenditures. He has in his State from 400 to 500 miles of river front to be protected by these levees. This Mississippi River Commission is committed to the expenditure of this money for the purpose of protecting by means of levees the lands of the gentleman's constituents.

I am opposed to this commission for other reasons. I have in my hand the report of the commission made in 1884; and, referring to page 2744, I find the estimated cost of the construction of the works near Plum Point up to October 1, 1884; and I desire to remind the committee that the work which has been done at Plum Point reach is limited to 13 miles. While the reach is 38 miles in length, no work has been done except upon 13 miles of it. Up to the date of this report to which I refer the commission had expended nearly $2,000,000 upon that reach. They had expended for labor $355,000, and for materials $348,000—a total for work and material upon that improvement of $703,000 of the nearly $2,000,000 that were expended.

How has the commission spent the rest of this money? One hundred and ninety-seven thousand dollars have been expended in subsistence; $561,000 in repairs, cost, and outfit of plant; $75,000 in care of property; and $305,000 in towage and use of steamers.

[Here the hammer fell.]

Mr. ANDERSON, of Kansas, obtained the floor, and yielded his time to Mr. HEPBURN.

Mr. HEPBURN. One million one hundred and thirty-eight thousand dollars has been expended in incidentals in order to secure $703,000 of work and material placed in the improvement. How is that for economy? What man would pursue his business in that way?

Mr. Chairman, I was contradicted the other day by the gentleman from Louisiana [Mr. BLANCHARD], who is always ready with contradictions in this debate although he contributes but little else to the discussion. [Laughter.] On an occasion I said the Mississippi River Commission counting their vessels, large and small, had twice as many as the United States Navy. That was contradicted. I affirm in the last report of the commission it is shown they are the owners of 918 vessels, of all classes, as I before said, and yet notwithstanding they have this wonderful navy they paid for towage and the use of steamers on this reach of 13 miles $305,000.

The Mississippi River Commission have expended on river improvement nearly $4,500,000. Wherever they have expended more than this it has been for plant, it has been for levees, or it has been for the improvement of the so-called harbors on the river.

Four million five hundred thousand dollars, I say, have gone into improvements of the character of which I have spoken. Less than 40 per cent. of actual work and actual material has come out of that $4,500,000; they have expended the balance in the improvement of the property of the constituents of gentlemen who are so earnest for this bill. Property of citizens at Memphis, others at New Orleans, others at Vicksburg, and all the way along down the river, wherever they could find an alleged harbor, they have attempted to improve in some way or other. Not in the interest of navigation, or that navigation could or would be improved by the expenditure, but because there were local wants there, because there were some particular individuals who desired money to be expended in their districts.

Now, my friend from Maine [Mr. MILLIKEN] has shown the character of the improvement at New Orleans, where railroad property and warehouses of certain gentlemen engaged in commerce are in danger of going into the Mississippi River. Therefore the river commission has expended money in building spur-dikes and sinking them into water that is now 100 feet deep. Is not that water enough for navigation?

So it is all along that river front on both sides. There are thousands of feet—at least 40,000 feet of river front at the city of New Orleans—which it is proposed to protect; and, as one of the engineers says in the report, which was not sufficiently revised, I take it, that work is necessary in order to prevent the city of New Orleans from being destroyed—from being washed away.

I do not blame gentlemen for coming here year after year and making appeals for this improvement.

[Here the hammer fell.]

Mr. KING addressed the committee. [See Appendix.]

Mr. CATCHINGS. Mr. Chairman, the amendment proposed by the gentleman from Ohio [Mr. WARNER] is an insidious attack upon the whole plan adopted by Congress looking to the improvement of the Mississippi River. While pretending a purpose that some plan of improvement shall be prosecuted and pursued the amendment he suggests would suspend it entirely, as I will show presently. He proposes to transfer the prosecution of the work to the Secretary of War, and my friend from Iowa [Mr. HEPBURN] comes with his usual manliness and frankness and unmasks the battery planted by the gentleman from Ohio and presents before us the question fairly whether we will or will not continue the system of improvement which has been inaugurated looking to the better and safer navigation of the Mississippi River.

It is well, Mr. Chairman, for the House to understand that this amendment of the gentleman from Iowa, if adopted, will be followed immediately by one striking out the entire clause making the appropriation; because it will destroy the plans proposed by the river commission, and as a matter of course we will not need the money, and so the issue is fairly presented whether we will call a halt and abandon all purpose of improving the river or continue it on the present system.

This is the only plan which has ever been submitted looking to the systematic improvement of the navigation of the river. For many years the Government did nothing beyond a little dredging at an occasional

had bar which had formed in the river or pulling snags where they impeded the navigation, and it was only in 1879, when a commission of engineers was appointed to investigate the question, that any action was seriously taken toward the inauguration of this work.

Mr. Chairman, I have been surprised at the various points from which this work has been attacked. My friend from Kansas [Mr. ANDERSON] opened the fight by announcing with ponderous gravity that the river does not need improvement; that it is already sufficiently navigable for all commerce which seeks it. Why, Mr. Chairman, that gentleman has surely not informed himself upon this subject. I have some statistics here which were compiled many years ago, which have been published as a part of the report filed with Congress by this commission of engineers. It was estimated that from 1864 to 1872 there had been a period of fifty-two days annually in which there was a less depth of water in the river than 6 feet, and of sixty-nine days annually in which its depth was less than 10 feet.

This is a fact known to all the country, and yet my friend says that there is no necessity for the improvement of that river because there is a sufficient depth of water for navigation. Another gentleman says there is no necessity for this improvement because there is no commerce upon the river to be benefited by it. Again, I must be permitted to say that gentlemen are reckless in their assertions upon this point. I have in my hand a statement, which I have taken from the census reports for 1880, which may perhaps occasion some surprise to gentlemen who have undertaken to deride the value and extent of the commerce which floats upon this great river. According to this report of 1880 the tonnage upon the Mississippi and Ohio Rivers was 511,133,095 and they carried 7,223,000 tons.

I suppose the value of that tonnage was not less than six or seven hundred millions of dollars, and yet gentlemen assert here, as if they were in no danger of contradiction, that there is no commerce seeking the Mississippi River which can or ought to be benefited by its improvement.

[Here the hammer fell.]

Mr. BLANCHARD was recognized and yielded his time to Mr. CATCHINGS.

Mr. CATCHINGS. But, Mr. Chairman, enough has been said to show that the real animus of this attack is the apprehension on the part of certain gentlemen that some part of this money will be expended in the construction of levees along the banks of the river, whereby the Southern planters who own cotton and sugar plantations may derive some benefit. They have asserted here that the motive which prompts us gentlemen who live along the banks of the river to so strenuously advocate the continuance of this work is the hope or expectation that we will derive some individual and personal benefit from the expenditure of this money not at all connected with the improvement of the river as a great highway and artery of commerce.

Now, I know something about levee building on the Mississippi River. I say that the district which I have the honor to represent is absolutely independent of this appropriation so far as its levees are concerned. The nine river counties which I represent have expended more than $8,000,000 themselves in the construction of their levees. They are not only building them, but they are willing to build them and take care of them when built. So far as my section is concerned the charge I have referred to is entirely without foundation. I was looking this morning at a report of the last annual meeting of the board of levee commissioners, showing an expenditure last year of about $800,000 in cash, and provision made for an expenditure of as much more this year for the maintenance of their levee system.

But there is an incidental benefit which will accrue to us if this plan approved by the commission is made effectual. It is the scientific opinion of all engineers who have made an examination of the facts that one of the prime and chief results which will come from this improvement is the lowering of the flood lines and the prevention of the caving of the river banks. If you can accomplish that, we can and will make the levees as permanent as the hills themselves without asking the Government to spend a dollar. That is a prominent feature which is brought forward by the engineers. They say that the construction of these levees so deepens the channel that the flood level becomes lower, and in the course of time the necessity for the levees will cease to exist.

I wish to state a very remarkable fact with reference to this which goes to corroborate and furnish an impregnable basis for this conclusion. I can not turn to the page of the report at this moment. But I will state the fact, and I am prepared to establish it if it be disputed. Prior to the breaking out of the war the planters living along the banks of the Red River—one of the greatest and most powerful rivers on this continent, powerful in its majesty and the velocity of its floods, and running as the Mississippi does through an alluvial soil just as porous and friable as that which lines the banks of the Mississippi—had so leveed that river and its floods had been so restrained thereby that in the course of years the channel became so deepened that not even the greatest flood brought the water up so high as to touch the base of these levees.

The reduction of the flood line was so continuous that so long as the levees were maintained the people were absolutely protected. But during the war and since that time by reason of disaster and poverty having overtaken the people these leeves have been destroyed, and the river now spreads its devastating floods over the valley as does the Mississippi. That is a fact you can not beat down, because it is true, and is known to all who live in and are familiar with that section.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARKSDALE was recognized, and yielded his time to Mr. CATCHINGS.

Mr. CATCHINGS. Now, Mr. Chairman, there are other physical facts capable of demonstration in this connection. It is known, Mr. Chairman, that during the flood of 1882 a great number of crevasses occurred in the levees fronting what is known as the Yazoo basin. Prior to the flood of 1883 these had been repaired so as to exclude the flood. At Vicksburg in 1882 the flood level was 48 feet. In 1883 the flood level had been reduced to 43 feet, so that it was 5 to 6 feet less than in the previous year, notwithstanding the fact that at Helena and points above this line of levees the flood attained as great a height as that of 1883.

These are facts which go to maintain the theory advocated by these engineers. I will say also that after the subsidence of this flood soundings were taken in front of these crevasses on the Mississippi River, and in every instance it was found that just below them sand-bars had formed, and when the crevasses were closed and the levees reconstructed these shoal places were invariably scoured out and the bars entirely removed. The great Bonnet Carré crevasse, in the lower part of the river, had remained open for many years, and the velocity of the current being thereby checked, a great bar at that point had formed. As soon as that crevasse was closed the current of the river scoured out that bar, and that part of the river is to-day in as good a condition as before the forming of that crevasse.

Now, Mr. Chairman, these are the incidental benefits which we expect to accrue from the construction of levees. We have not asked this Government to give us one cent for that purpose, and the people of my district do not want it. We have expended millions of dollars ourselves, and we propose to continue to do so. We have the richest and most fruitful country on the face of the earth, and I believe there is no other section that could have borne the tax which our people have imposed upon themselves for the purpose of constructing levees and yet have found agriculture profitable, as it is with us. We have taxed our cotton two and three dollars a bale, we have taxed our land seventeen and eighteen mills an acre, for the purpose of raising a fund to build levees.

We are not paupers or beggars; we are a manful, brave people, who are not afraid to grapple with any difficulty or disaster that may come upon us; and it is an unkind thing for gentlemen to stand here and charge us with being influenced by selfish motives, when we are simply trying to carry out practically the plans submitted by this commission. What else can we do? What other plans have been proposed? We are forced to take the plans of this commission or to take nothing. Those plans are the result of scientific thought; they are plans which have received the approval of such distinguished engineers as General Gillmore, General Comstock, Major Suter, and Professor Mitchell of the Coast and Geodetic Survey. They are the identical plans which were proposed by the board of engineers in 1879, before this commission was created. We find the scientific knowledge and the scientific thought of the country standing ready to recommend and approve those plans, and we have nothing but the idle words, strongly put I confess, always so when my friend from Iowa [Mr. HEPBURN] speaks, against these scientific statements and scientific judgments.

The Government will lose nothing by expending money for the building of levees, even if the sequel shall show that the power of man is not great enough to enchain and subdue the mighty energies of this majestic river. No money can be expended which is so sure to yield beneficial results.

General Abbot estimated the total area of the bottom land to be 3,200 square miles, and that if protected from inundation and made available for agricultural purposes there would be 2,500,000 acres of sugar land, 7,000,000 acres of cotton lands, and 1,000,000 acres of corn lands.

Could the nation undertake a grander or more surely profitable work than the conquering of this splendid principality, the reclamation of this rich domain? The nations of Europe vie with each other in restless schemes for the acquisition of territory, not counting the cost of blood and treasure. Here there awaits us a grander and richer territory than any they seek after, which will cost nothing but a trifling sum of money as compared with its value. In the nature of things, the people in this valley must in the main content themselves with the pursuit of agriculture.

We must continue to buy from you in exchange for our cotton and sugar the horses, mules, metal, flour, and dry goods we consume. You can find no customers who will buy more freely from you than ourselves. Save us from these floods, and no man can depict the future prosperity and greatness of this fertile valley. You are as greatly interested in this as we are. What we make at last finds its way to the great cities of the North to increase your riches. It would seem that to the people of the East at least the levee feature of this plan of improvement would be the most inviting and attractive.

But we want the navigation of the river improved also. It is the

great regulator of freights, which puts down the tolls on the longitudinal lines of railways traversing the South. Stop the navigation of that stream, and we would be forced to pay the most exorbitant rates upon commodities received and shipped by us.

Mr. Stannard, of Saint Louis, estimates that the annual saving in freights by the thorough improvement of the river will amount to $28,000,000 annually.

As it is, when the low-water season comes upon us, and the large boats either abandon the river or travel it lightly laden, and we are forced to rely largely upon summer tramps, our rates go up, and the profits upon our yearly labor are correspondingly diminished.

I do not regard the plan as experimental. When I see the wonderful effect of the works at Lake Providence and Plum Point, and I find the distinguished engineers in charge expressing confidence in their ability to accomplish beneficial and permanent results, I unhesitatingly yield my approval.

The conventions which have been held within the last eighteen months voice the sentiment of the people with reference to this great scheme. They were not sugar nor cotton planters, and can not be charged with selfish motives in indorsing the plan. Nor can such motives be imputed to the engineers in charge of the works.

In a special message to Congress in 1882 President Arthur uttered these brave and manly words:

> The safe and convenient navigation of the Mississippi is a matter of concern to all sections of the country, but to the Northwest, with its immense harvests needing cheap transportation to the sea, and to the inhabitants of the river valley, whose lives and property depend upon the proper construction of the safeguards which protect them from the floods, it is of vital importance that a well matured and comprehensive plan for improvement should be put into operation with as little delay as possible.
>
> The cotton product of the region subject to the devastating floods is a source of wealth to the nation, and of great importance to keeping the balance of trade in our favor. It may not be inopportune to mention that this Government has imposed and collected some $70,000,000 by a tax on cotton, in the production of which the population of the Lower Mississippi is largely engaged, and it does not seem inequitable to return a portion of this tax to those who contributed it, particularly as such an action will also result in an important gain to the country at large, and especially so to the great and rich States of the Northwest and the Mississippi Valley.

They are as true now as they were then, and they sent a thrill of gratitude through the hearts of the inhabitants of the valley.

Mr. Blaine telegraphed to the New Orleans convention his hearty approval of the work designed for the improvement of the great water ways of the West, and the national Democratic convention in 1884 deemed the great Mississippi of such national consequence as to make the following a clause in its platform:

> The Federal Government should care for and improve the Mississippi River and other great water ways of the Republic, so as to secure for the United States easy and cheap transportation to tide water.

It has thus received the sanction of every popular assembly which has been called to consider it, and it can not in debate here be driven out by ridicule, prejudice, or factious criticisms.

Mr. Chairman, something has been said about the appropriations for these Southern harbors. Gentlemen speak in a most scornful manner of them and describe them as mere landing-places, mere way stations for steamboats to land and discharge their cargoes. Where do gentlemen get the authority for the assertion that those towns are not harbors in every just sense of the commercial meaning of that word? I say to gentlemen that the Supreme Court of the United States have not found any difficulty in recognizing those towns as harbors. The Supreme Court have declared them to be harbors, and have declared that this Government has the power not only to improve the navigable streams of the country, but to improve the harbors upon the borders of those streams.

[Here the hammer fell.]

Mr. BRECKINRIDGE, of Arkansas, was recognized, and yielded his time to Mr. CATCHINGS.

Mr. CATCHINGS. I thank my friend.

Now, Mr. Chairman, to show to what extent this recognition has gone I say that in a cause reported as far back as 18 Howard the Supreme Court of the United States speak of the little village of Grand Gulf, located on the Lower Mississippi, as a harbor, and apply to it the rules of navigation known to admiralty law as governing the entry and departure of vessels from harbors.

This was a case of collision, and the question was, which was in fault, a steamboat about to effect a landing, or a flatboat which had already effected a landing and was moored to the shore. The court stated and explained the laws governing vessels in such circumstances, and spoke of this little village itself as a harbor. I read from 18 Howard, page 578.

> Where a boat has entered in the path of vessels a light is indispensable; but it is not required where the boat is fastened to the shore, especially at a place set apart for such boats. When a steamer is about to enter a harbor great caution is required. There being no usage as to an open way, the vigilance is thrown upon the entering vessel.

The court then go on to apply the same rules exactly which govern the entrance and departure of vessels in the great harbors of the country.

But there is a still stronger case than this, a case where the court speaks of the harbor of Savannah. I read from the case of South Carolina vs. Georgia *et al.*, 3 Otto, page 13:

> The plaintiff next contends that if Congress has the power to authorize the construction of the work in contemplation and in progress, whereby the water will be diverted from the northern to the southern channel of the river, no such authority has been given. With this we can not concur. By an act of Congress of June 23, 1874, an appropriation was made of $50,000, to be expended under the direction of the Secretary of War, for the repair, preservation, and completion of certain public works, and, *inter alia*, "for the improvement of the harbor of Savannah." The act of March 3, 1875, made an additional appropriation of $70,000 "for the improvement of the harbor of Savannah, Ga." It is true that neither of these acts directed the manner in which these appropriations should be expended. The mode of improving the harbor was left to the Secretary of War, and the mode adopted under his supervision plainly tends to the improvement contemplated. We know judicially the fact that the harbor is the river in front of the city."

Thus, Mr. Chairman, it will be seen that it is adjudged by the Supreme Court of the United States that these towns on the rivers are harbors, and that the harbor is the river lying in front of the town.

Now, Mr. Chairman, it has always been the Congressional construction that these towns are harbors. I have taken occasion to go through the river and harbor acts of the last fifteen or twenty years, and I find each of them filled with appropriations looking to the improvement of cities lying upon these rivers; and they are always designated as harbors. So that we have a Congressional and a judicial interpretation that these are harbors in every just commercial sense of the word. The proposition now is that we shall reverse this whole line of legislation.

I say again, Mr. Chairman, that if this Government has the power to create a harbor by the construction of artificial works or otherwise it has necessarily the power to maintain that harbor when constructed. Why, sir, the Government has gone to the extent of constructing at great cost at Lewes, Del., an iron pier extending out into the ocean and furnishing a landing-place for vessels. That was not the case of the improvement of a harbor in any literal sense. It was only the improvement of a harbor because it furnished the means by which vessels could have access to people living on shore, and could furnish to and receive from them commodities.

[Here the hammer fell.]

Mr. HEPBURN obtained the floor.

Mr. WILLIS. If the gentleman from Iowa will yield a moment, I wish to make a practical suggestion to this Committee of the Whole. At 5 o'clock, under the order of the House, we take a recess, unless the time should be extended. It seems to be the general desire on all sides to have this matter closed this afternoon. To-morrow is set apart for business of the Committee on Territories; and, in view of that fact, it seems to be the desire to conclude this bill this evening. I respectfully suggest therefore that we agree upon some time within which to close debate on this paragragh and amendments and then take the vote. I suggest half past 4.

Mr. BUTTERWORTH. If all the amendments which gentlemen desire to offer were considered as pending, then each of the amendments might be considered in succession, and time be saved in that way.

Mr. WILLIS. There has been a great deal of diffusive debate, of course, upon this paragraph. There are two or three well-defined propositions which are always presented in connection with the Lower Mississippi. I suggest that we take up first the proposition in regard to the abolition of the Mississippi River Commission, which has already been discussed on both sides, and vote upon it and get rid of it. Then if there is another proposition—for instance, to limit these appropriations to certain limits of the river—let us discuss that and vote upon it and end it. Thus we might reach some practical conclusion. My only desire is to carry out the will of the committee.

Mr. HISCOCK. Mr. Chairman, I have not seen any evidence of a general desire on the part of the committee to close the debate. I see nothing of that kind. On the contrary, since we have been in committee two or three gentlemen representing the Mississippi River districts have been on the floor yielding time to each other and each making speeches fifteen or twenty minutes long. After those speeches have been delivered the proposition is made to limit debate. It seems to me that gentlemen having amendments to offer ought to be allowed debate in support of those amendments. I think, therefore, it is impossible to fix a time when debate on this section shall be closed. Some gentlemen who have amendments have not been heard at all.

Mr. HOLMAN. I suggest to the gentleman from Kentucky [Mr. WILLIS] that the debate would perhaps be abbreviated by permitting all amendments which gentlemen desire to offer to this proposition to be pending together. If that be agreed to I desire to submit an amendment.

Mr. WILLIS. With the view of carrying out the wish of the House, I ask, as the days are very long now, that by unanimous consent the hour for the recess be extended from 5 o'clock till 6 o'clock, but I announce that I shall not call a yea-and-nay vote on this bill until the House is full.

Mr. ANDERSON, of Kansas. This is the most important part of this bill. We have before us an appropriation of $2,000,000 for the Mississippi River. It is to my mind the most objectionable of all the paragraphs in the bill, and I think it should be fully ventilated. If any gentleman desires to offer an amendment he should have an opportunity, and if he desires to discuss his amendment he should also have an opportunity to do that. Therefore I will not give my consent to the proposition to close debate.

Mr. WILLIS. My proposition is in the direction of the gentleman's wishes. I propose that we have another hour.

The CHAIRMAN (Mr. MILLS). Objection is made to the request of the gentleman from Kentucky [Mr. WILLIS]. The gentleman from Iowa [Mr. HEPBURN] is entitled to the floor.

Mr. HEPBURN. I move to amend by striking out all after the word "levees," in line 1125, down to and including the word "channel," in line 1130.

The CHAIRMAN. That amendment is not in order. Two amendments are already pending.

Mr. HEPBURN. I understood that by unanimous consent it had been agreed that all amendments gentlemen desired to offer might be sent up, to be voted on in their order.

The CHAIRMAN. No such order has been made.

Mr. HEPBURN. Mr. Chairman, in the remarks recently made here upon the subject of levees there is something which I am very glad to hear. I am glad to hear gentlemen now put this proposition to spend money in the erection of levees upon another ground than the unfortunately fraudulent one that the proposition has heretofore been placed upon. Gentlemen now tell us that because of the necessities of the case and because of the extraordinary benefits resulting from the protection of the lands, therefore these moneys should be expended. I commend you, gentlemen, for the honesty of this avowal. It is much better, it is much fairer to us, to put the matter upon that ground than to try to trick us into voting appropriations of this character.

This is the honest way to place it. If gentlemen will make an argument that will satisfy me of the astonishing good to result from it, good of a national character, I am ready to vote for it on that basis. But if I do a matter of that kind, or on their appeals should be willing to vote for the advantage of the people on the Lower Mississippi, I want to have the credit of it. I do not want to be tricked even into doing a good thing.

The gentleman from Louisiana [Mr. KING] was exceedingly unfortunate in the suggestion he made a while ago that more money had been expended on the Des Moines River in Iowa than had been expended in the Lower Mississippi.

Mr. KING. What is that?

Mr. HEPBURN. I will state to the gentleman there never has been a dollar of the public money expended on the Des Moines River.

Mr. KING. I appeal to the gentleman from Texas [Mr. REAGAN].

Mr. HEPBURN. There never was a dollar of the public money expended on the Des Moines River.

Mr. KING. I meant the Des Moines Rapids.

Mr. HEPBURN. Yes; there was a grant of land made by Congress years ago, in 1846, for the Des Moines Rapids. The gentleman is unfortunate in calling that back to the memory of the House, because there was no sweet savor in connection with the matter.

Mr. KING. I referred to the Des Moines Rapids.

Mr. HEPBURN. There was a land grant, 200 miles long and 5 miles wide, of the best land in the State of Iowa squandered, stolen by the Democratic party of that Territory and used in building imperfect and insufficient dams across that river. That is the expenditure on the Des Moines River to which the gentleman referred. He was very unfortunate in his reference.

Mr. KING. Of course it was understood that I referred to the improvement made by the Government on the Des Moines Rapids.

Mr. HEPBURN. Then why did you not say that? The gentleman is old enough to say what he means.

Mr. KING. Certainly I am; and everybody knew to what I referred.

Mr. HEPBURN. But the gentleman did not say it.

Mr. BRECKINRIDGE, of Arkansas. Will the gentleman from Iowa permit me to ask him a question?

Mr. HEPBURN. Certainly.

Mr. BRECKINRIDGE, of Arkansas. Who had charge of the expenditure of the proceeds of that land grant?

Mr. HEPBURN. Why, the Democratic party of Iowa.

Mr. BRECKINRIDGE, of Arkansas. The State of Iowa.

Mr. HEPBURN. The Democratic party of the State.

Mr. BRECKINRIDGE, of Arkansas. The State of Iowa; for that always makes the grant to a State. If your people stole it, that is your business, of course.

Mr. KING. Is not the Des Moines Rapids in Illinois?

Mr. HEPBURN. It is in the Mississippi River between Illinois and Iowa.

Mr. KING. Ah! The gentleman should correct his geography.

Mr. HEPBURN. My geography is correct. You must correct your statement.

Mr. KING. You might as well say the Atlantic Ocean is not on the coast of New York. One statement would be as correct as the other.

Mr. HEPBURN. Now, gentlemen have suggested this business of the Mississippi River Commission was deliberately gone into. That is true, perhaps, but it was admitted as an experiment. I suggest, now, the experiment has been fully tried and shown to be a failure. When this experiment was inaugurated no one dreamed of the wonderfully prodigal expenditure which would be indulged in. Does the gentleman know upon this much-talked-of Plum Point reach upon the revetment alone they have expended $19.99 for every linear foot improved; and upon the channel improvement they have expended twenty-four dollars and a fraction for every linear foot? Wherever there is a bank improvement and revetment both necessary there is involved an expenditure of $45 for each linear foot.

Mr. BURROWS. How much have they expended on that reach?

Mr. HEPBURN. Already they have expended nearly two and a half million of dollars, and they have confined their work to 13 miles out of the 38 of that reach. They have already, Mr. Chairman, nearly doubled the first estimate of expenditure on that reach.

Mr. BURROWS. Let me inquire, further, whether the commission does not state that the work is not yet done?

Mr. HEPBURN. Why, sir, not one-third of it is done. Plum Point reach will require, if you contiue the improvement on the plans now adopted, and if they are not cheapened in their execution—Plum Point alone will cost more than $10,000,000.

Mr. KING. That is what you say.

Mr. HEPBURN. And Lake Providence reach will cost more than $7,000,000 for a distance of 25 miles. Are we ready to go on with that kind of expenditure?

Now, Mr. Chairman, this is without any estimate at all of the cost of the levees. What these gentlemen actually want, what they really want is their harbors improved, and their levees are all outside of these. It is infinitely better for the Government that we should give them all they demand for the improvement of their harbors, all they demand for the improvement of their rivers, give them that and then save some portion of this other extraordinarily extravagant expenditure for levees. I do hope that we will call a halt in this reckless expenditure. I want to affirm again for myself my perfect willingness to vote ample appropriations for the legitimate improvement of our rivers; wherever there is a bar I am willing it shall be removed; wherever there is a snag I am willing it shall be taken up and that at the public expense; but I am not willing to go on year after year in making these appropriations that will be of so little use to the navigation of the river.

I want to remind this committee—the chairman of the committee—that in the bill he presented to this House in the last session of the last Congress he utterly and entirely repudiated the commission, distrusting it apparently and unwilling longer to give it his confidence, for he proposed to put over it a supervising agent; he proposed to ignore its plans and every other plan, and compel the commission under the plans of another engineer named in the bill to continue the work. Why, I would remind gentlemen that there were many on that side of the House who were opposed to the continuance of the commission.

[Here the hammer fell.]

Mr. DUNN was recognized.

Mr. WILLIS. I do hope we will make some progress with the bill. I would like to ask gentlemen if they will not consent to take a vote now on some of these amendments.

Mr. DUNN. If a vote can be taken at once I am perfectly willing to yield the floor.

Mr. WILLIS. Then I ask for a vote on the pending amendment.

The CHAIRMAN. The Clerk will report the pending amendment.

The Clerk read as follows:

It is proposed to amend the amendment offered by the gentleman from Ohio [Mr. WARNER], by striking out in lines 1122 and 1123 the following words:

"In accordance with the plans, specifications, and recommendations of the Mississippi River Commission."

The question was taken; and on a division there were—ayes 45, noes 83.

Mr. HEPBURN. No quorum.

Mr. WILLIS. I would suggest to my friend from Iowa if he desires a vote on this bare proposition, and I know that he does not desire to make any factious opposition to getting on with the bill, that we will take a vote in the House on this amendment if that will satisfy him.

Mr. HEPBURN. With that understanding, which is perfectly satisfactory to me, I will withdraw the point of no quorum.

Mr. HOLMAN. I offer the amendment, which I send to the desk, to come in after the word "commission."

The CHAIRMAN. Is this an amendment to the amendment of the gentleman from Ohio?

Mr. HOLMAN. It is not; but there is now but a single amendment pending.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

Add, after the word "commission," in line 1123:

"*Provided*, That the money appropriated by this act for the improvement of the Mississippi River from the Head of the Passes to the mouth of the Ohio River, except so much thereof as it shall be necessary to expend in preventing the works in progress on other portions of the river from waste and injury, shall be expended in the continuation and completion of the works on the Plum Point and Lake Providence reaches of the river now in progress of improvement, as established by the Mississippi River Commission, to the end that the proposed improvement of said two reaches of the river, on which the works are in progress, shall be completed at an early day and the plan of said commission for the improvement of the navigation of the river fully tested."

Mr. HOLMAN addressed the Chair.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken. Before the announcement of the result,

Mr. HOLMAN. I desire to be heard on the amendment.

The CHAIRMAN. The Chair did not know that the gentleman sought the floor. Of course he will be recognized.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CRISP having taken the chair as the Speaker *pro tempore*, a message from the Senate by Mr. SYMPSON, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 5543) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1887, and for other purposes.

It also announced that the Senate had passed a resolution and bills of the following titles; in which the concurrence of the House was requested, namely:

A concurrent resolution to print 2,000 copies of the report of the Superintendent of the Coast and Geodetic Survey for the year 1885;

A bill (S. 165) for the relief of William H. Gray, of Kentucky;

A bill (S. 167) for the relief of Frederick W. Ruggles, of Westport, Nova Scotia;

A bill (S. 267) for the relief of Edway A. Grant;

A bill (S. 472) for the relief of the American Board of Commissioners for Foreign Missions, Rev. Worcester Willey, and Esther Smith; and

A bill (S. 1071) for the relief of Frances W. Dyer.

RIVER AND HARBOR BILL.

The Committee of the Whole resumed its session.

Mr. HOLMAN. I trust the committee will devote a few moments to the careful consideration of the proposition I have submitted. I hope gentlemen will understand exactly the purpose of the amendment. One objection to the method adopted by the Mississippi River Commission for the improvement of that river is that it seeks to make expenditures on extensive works at different points of the river from Cairo to the head of the jetties, and the result has been that notwithstanding some $8,000,000 have been expended by the commission a very large portion of the money has been lost. No portion of the work has been completed at any point, and the floods have wrecked the incomplete works, necessarily requiring large sums annually in making repairs. Indeed the reports read as if repairs were the principal business of the commission.

Mr. DOUGHERTY. I rise to a point of order, or rather to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DOUGHERTY. Was not the committee dividing on the amendment when the gentleman from Indiana addressed the Chair? The Chair had called for the "ay" vote and also for the "no" vote.

The CHAIRMAN. The Chair in putting the question had not heard the gentleman from Indiana seeking recognition. He recognized the gentleman when he understood that he desired to be heard. The gentleman from Indiana will proceed.

Mr. HOLMAN. The pending proposition is that the money appropriated by the bill for the improvement of the river from the Head of the Passes to the mouth of the Ohio River shall be expended on two reaches, Plum Point and Lake Providence, to the end that the improvement of those two reaches shall be completed at the earliest practicable date, to fully test the plan of the commission.

That is the substance of the entire proposition. The river between Cairo and the Head of the Passes below New Orleans is divided into "reaches," according to the plan of the commission. Plum Point reach alone is 40 miles in length. No work has been done on any part of it, except for about 13 miles. The last report of the commission informs us that the work at Osceola chute, which is within the Plum Point reach, was in admirable condition. And yet now the public press makes this announcement: "The Mississippi River has washed away the costly Government works at Osceola." Osceola is at the heart, so to speak, of your improvements at the Plum Point reach.

The Lake Providence is farther down.

The same unhappy result it would seem has followed there. In the last report the commission, in speaking of the works at Mayersville, in that reach, makes this statement:

MAYERSVILLE SYSTEM.

Cottonwood dikes.—This is new work, and has been constructed during the past season. It is shown on the progress sketch. Its object is to contract the channel way, regularize the channel, and hold it in the bend of Mayersville Island (No. 99).

A new feature in these dikes is a parallel interior longitudinal dike in addition to the usual cross-dikes. Their construction has resulted in a considerable fill below and behind them, thus building up the bar and keeping the channel on the other side. The whole of the work is in good condition, and is the most compact and symmetrical piece of dike-work on the reach.

Yet the following announcement was published by the newspapers on yesterday:

VICKSBURG, MISS., *April 29.*

The Government works at Mayersville, Miss., built under the supervision of the river commission, have been almost totally swept away.

If these statements are true several hundred thousand dollars of expenditure has come to nothing; I think the first work named cost about $380,000.

Mr. CATCHINGS. With the permission of the gentleman from Indiana I will read a telegram I have received as to that.

Mr. HOLMAN. I hope the gentleman will pardon me for a moment. This, it is true, is only a newspaper report, but wrecks and repairs have been the regular order, and the fact remains that in the reports made to us it appears that in 1884, and again in 1885, a very large percentage of the money appropriated was being expended for the simple purpose of repair, and yet the commission only began its work in 1879. I insist, sir, we should test this plan fully on those two important reaches, Plum Point and Lake Providence.

I am not speaking in a spirit of hostility to the improvement of the Mississippi River. My constituents are largely interested in the navigation of the Mississippi River. It is an important highway to a market for their produce. But I do not attach any importance to the plan of the Mississippi River Commission as a means of improving navigation. I do not believe in the commission, but I think it of the highest importance that the plan, since it has been adopted, should be fully tested at the earliest moment, and I think Congress ought to have it fully tested at as early a day as is possible, so that if it proves a failure this lavish expenditure of millions a year may be arrested. If it should prove a success and secure an actual improvement in the navigation of the Mississippi, then Congress could proceed with safety in further appropriations.

I do not myself believe that the plan of the commission will succeed. The opinion of rivermen generally is against it. They generally express the belief that what is required on the Lower Mississippi is that the great river should be well lighted and kept clear of snags. As a member of the committee which has been referred to, I was compelled to reach the conclusion that the plan adopted would not accomplish the purpose of controlling and improving the navigable capacity of the river, but would result in failure. I insist these two reaches at furthest—I should prefer only one of them—should be first completed, so that the country shall be fully informed as to the value of this expensive commission and Congress shall know whether it is justifiable to continue further these large annual expenditures.

[Here the hammer fell.]

Mr. WILLIS. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. CRISP having taken the chair as Speaker *pro tempore*, Mr. MILLS reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, had come to no resolution thereon.

EVENING SESSION.

Mr. MATSON. I ask unanimous consent that the order for the Friday evening session may be set aside for to-night. It appears there are but eleven bills on the Calendar where the reports have been printed in sufficient time to be circulated among the members. There are in all thirty pension bills on the Calendar for the action of the House, but eleven are not in such a condition that they could be acted upon, because the reports have not been circulated. There is no need therefore for an evening session, and I ask unanimous consent that the order for this evening only be set aside.

There was no objection, and it was so ordered.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. WILLIS. I move that the House resolve itself into Committee of the Whole House on the state of the Union; and pending that, I move that debate on the pending paragraph and amendments thereto be limited to one hour.

Mr. HEPBURN. How much time does the gentleman propose to give to this side?

Mr. WILLIS. One-half of the time.

Mr. HEPBURN. Give us two-thirds of it. [Laughter.]

Mr. WILLIS. We can not do that.

Mr. BUTTERWORTH. I apprehend there will be no serious discussion on any other item in the bill. I think the controversy will be on this, and that the time might be extended, say, to an hour and a half.

Mr. WILLIS. I will agree to that.

Mr. ANDERSON, of Kansas. Do I understand it is proposed to close debate on the whole section?

Mr. WILLIS. On this paragraph and the amendments thereto.

Mr. ANDERSON, of Kansas. Why do you not let us have all the time we want?

Mr. WILLIS. I am consulting gentlemen on the other side, and agree to give all the time that has been asked for.

Mr. CUTCHEON. It is now about twenty minutes after 3 o'clock. I suggest that the debate be closed at 5.

Mr. WILLIS. I will agree to that.

The SPEAKER *pro tempore*. The gentleman from Kentucky moves that all debate on the pending paragraph and amendments be closed at 5 o'clock.

The motion was agreed to.

The motion that the House resolve itself into the Committee of the Whole House on the state of the Union was also agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. MILLS in the chair) and resumed the consideration of the river and harbor bill.

Mr. BUTTERWORTH was recognized.

Mr. HEPBURN. Mr. Chairman, I rise to a parliamentary inquiry. Is the time to be divided under the five-minute rule?

The CHAIRMAN. It is.

Mr. BUTTERWORTH. Mr. Chairman, I wish to say to my friend the chairman of the Committee on Rivers and Harbors that I have not the slightest disposition to oppose the river and harbor bill as a whole. I think the committee have labored judiciously and, as far as any of us can, disinterestedly in preparing a bill that would have the approbation of the people of this country. But I desire to call attention to the particular item relating to the improvement of the Lower Mississippi, because I think the idea obtains, and very properly, that if there is a fly in this ointment (and in my judgment there is) it is this provision in regard to the Mississippi River, and whether we vote this in or vote it out will, I submit, settle the question as to whether there is more fly than ointment. [Laughter.] Possibly we may be in error in regard to the plan adopted by the commission for the improvement of that river, but I am unable to bring myself to that conclusion. I desire to call the attention of the committee, and especially the attention of my friend who has charge of this bill, to the provision which purports to direct that no part of the appropriation of $2,250,000 shall be used "to repair or build levees for the purpose of reclaiming lands, or preventing injury to lands by overflow." I allude to the two provisions found in lines 1124 to and including 1130. These provisions, when read together in connection with a clause in the report of the Mississippi River Commission, would seem to smack a little of disingenuousness.

The clause in this bill already quoted provides, and very properly, "that no portion of this appropriation shall be expended to repair or build levees for the purpose of reclaiming lands, or preventing injury to lands by overflow." The proviso which immediately follows, when read (in the light of the report of the commission) makes it mandatory upon the commission to do the very thing the preceding clause prohibits, *i. e.*, build levees! I beg the committee to observe the precise language of the second proviso, and note how it palpably nullifies the first. I read it:

Provided, however, That the commission is authorized to build levees, if in their judgment, it should be done as a part of their plan to afford ease and safety to navigation and commerce, and to deepen the channel.

Now turn to the report of the Mississippi River Commission for 1885, part 4, page 2865, and you will see that the commission has said distinctly, in speaking of the levee system:

Levees exert a direct influence in *deepening the channel* and enlarging the bed of the river.

And again, on same page, the commission say that—

They [the levees] *give safety and ease to navigation.*

So it is palpable that while the committee soothed the House with the provision, in large type, that levees should not be built or repaired, &c., they in a quiet, unobtrusive way provide in the next clause that the commission *may build and repair levees* whenever and wherever they may deem that such work will tend to "deepen the channel" * * * and "give safety and ease to navigation." And the commission having already declared that the building and repair of levees tended to do both—that is, "to deepen the channel and give safety and ease to navigation"—it follows that under the terms of this bill the commission may build and repair levees from Cairo to the Gulf; and that vast sums will be expended in that way is beyond question, and that the prime object is to protect riparian owners I as little question.

That the prime object of the last-mentioned clause of the bill is to secure to riparian owners the protection which levees constructed by the Government will afford, seems clear from the clause itself and the hostility of the committee to any amendment calculated to restrict the operation of the clause. The language of the commission is:

It was the opinion of the majority of the commission that in time of bank overflow levees exert a direct action in deepening the channel and enlarging the bed of the river, and they are regarded as a *desirable though not a necessary adjunct* in the general system of improvement submitted.

My friend from Arkansas [Mr. DUNN] asked whether there was any concern upon the part of any gentleman here to oppose this measure, because as an incident to improving the navigation, benefit may result to the riparian owners. No, sir; no, sir; there is no such feeling on the part of any gentleman opposed to this system.

[Here the hammer fell.]

Mr. HENDERSON, of Iowa. Mr. Chairman, I move to strike out the last three words, and yield my time to the gentleman from Ohio.

Mr. BUTTERWORTH. I thank my friend.

Mr. DUNN. Mr. Chairman, I rise to a point of order. I understand that the time is to be divided equally between the two sides. Now, are the gentlemen on the other side to take up all in a lump?

Mr. WILLIS. The agreement was that the time should be equally divided.

Mr. DUNN. I hope, then, that the time in favor of the bill will be placed at the disposal of the chairman of the committee.

The CHAIRMAN. If there be no objection the Chair will place one-half the time under the control of the gentleman from Kentucky [Mr. WILLIS] and the other half under the control of the gentleman from Ohio [Mr. BUTTERWORTH].

Mr. BUTTERWORTH. Mr. Chairman, when the point of order was made I was about to say to my friend from Arkansas [Mr. DUNN] that as between two systems equally efficacious for improving the navigation of the Mississippi, one of which would tend to benefit the riparian owners while the other would not, no gentleman upon this floor would hesitate a moment to decide in favor of the one which would benefit the riparian owners unless its cost were very much greater than the cost of the other system.

Mr. DUNN. Yet your decision seems to be against it.

Mr. BUTTERWORTH. My decision is not against any system that will, while improving navigation, at the same time protect the lands of riparian owners. The point is, that no such system of improvement has been presented, nor do I understand the report of the Mississippi River Commission, as reflected in the line of their experience, to present such a system. And I do not understand it to be the well-considered judgment of the competent engineers of this country that this system of levees is needful for the purpose of improving the navigation of the Mississippi River. It is at most and best an adjunct of doubtful utility, as shown in the report of the commission, and of no utility, judged by the experiment of its use. If it were otherwise, certainly no one would have any objection to such improvement. General Comstock, of the Engineer Corps——

Mr. DUNN. And he alone.

Mr. BUTTERWORTH. General Comstock suggests very properly, and every man familiar with the character of the soil along the banks of the Mississippi, from Cairo down to the Balize, will understand the pertinence and wisdom of his view—he suggests that the improvement of the banks at these various points under the plan of the Mississippi River Commission, can not be permanent unless there is an improvement both above and below the work, the object being to prevent the water making its way behind the mattresses, &c., and carrying it all out into the river. And, inasmuch as the character of the soil is such as has been described by my honorable friend from Iowa [Mr. HEPBURN], that improvement must necessarily extend clear above the danger line and below the danger line; in other words, it must reach from the jetties to Cairo.

The great difficulty in this matter of improving the Lower Mississippi is found in the fact, that a crawfish can destroy faster than an engineer can construct. In fact, in the conflict an engineer finds every crawfish his equal and every muskrat his superior. [Laughter.] And the reason of this will become apparent to every man who will investigate the character of the banks of the Lower Mississippi. The soil is alluvial down to a depth not merely of 8 or 10, but 20, 30, 40, 100 feet, and more. This soil, as stated by my friend from Iowa [Mr. HEPBURN], contains no clay, no stone or gravel, and is so light and friable that it melts in the water like snow, and therefore the channel of the river is constantly changing, unless when the light sediment begins to accumulate at any point, the dredge is used. A French engineer, who had given careful investigation and study to the Mississippi River with a view to improving its channel, said that the Lord had fixed metes and bounds to everything except the Mississippi River, but that stream He had turned loose and told it to "go it;" and it has been going it ever since [laughter], substantially a law unto itself, and subject to no human control so far as present experience has enabled us to judge.

I want to say to my friend from Arkansas [Judge DUNN] that it was not the judgment of the Mississippi River Committee, over which my honored friend from Michigan [Mr. BURROWS] presided, that this improvement by the commission should be extended along the whole line of the river, or even along the several reaches where improvements had been proposed. On the contrary, that committee recommended unanimously, I think—it may be that my friend from Illinois [Mr. THOMAS] or my friend from Louisiana [Mr. ELLIS] dissented—but I think the committee, with substantial unanimity, recommended that this system of protecting the banks from caving, should be thoroughly tested by completing the work on the Providence and Plum Point reaches, and that no other work of the same or similar character should be begun until the experiment at the two reaches named should settle the question as to the wisdom and utility of the plan. Nobody on the committee had any patience with a levee system as a means of improving the navigation of that river. Experiments as recited by my friend from Iowa [Mr. HEPBURN] show how desirable it was to limit the efforts of the commission to those reaches, and not to extend the appropriation to other points.

Mr. BURROWS. Was it not so restricted in the next bill?

Mr. BUTTERWORTH. No, sir; that was then as now the very point insisted upon, to restrict the appropriation. I speak of the appropriation made at the second session of the Forty-seventh Congress immediately after we made the report. The restriction recommended by the committee was not adopted.

Now I want to say to my friends that they greatly mistake the tone and temper of those who sit in judgment upon this improvement in supposing that we have any other desire than to improve the navigation of the Mississippi River. The point I make is that its navigation is hardly

sought to be improved by the levee system. If it is improved, the improvement of the navigation is a mere and remote incident; the benefit chiefly sought is to the riparian owners. This bill affects to do one thing, while it palpably does, and if I am not deceived is intended to do, quite another thing.

What I desire to say now is, that if it shall please gentlemen interested in these levee improvements to present a bill to this House asking an appropriation to complete their levee system, I am not sure that I would not favor such a proposition. But I want it put on the distinct ground that during the war your levees were destroyed, and since the war you can not control the labor to keep them intact. I know that to be the case. Before the war when a levee broke at any point, the planters in the vicinity called their men together, rushed to the break, and restored the levee. But they can not do so now, because they can not control the labor. Hence when there is a crevasse at several places and laborers are summoned they do not come. It is a question whether in view of an empire in extent that may be reclaimed, you might not fairly ask this Government to make an appropriation to aid you temporarily to restore your levees which have been destroyed, and which, unaided and by yourselves, you are unable to restore. But what I suggest is that it should not come in this way in the disguise of an appropriation to "improve the navigation of the Mississippi River."

It was not the judgment of the engineers engaged upon the work that the system adopted by the Mississippi Commission was a wise and proper one as a means necessary to that end, if the end be solely to improve the navigation of the river. The influences and surroundings of the commission have tended to induce them to reason in the direction of their desires, and their desire has obviously been to keep within the cold letter of the law by improving the channel of the river a little, so there might be found in their plan a trace of the element essential to justify their work; hence the phrases in their report about levees tending to secure ease and safety to navigation, deepening channel, &c.

No one questions that under certain conditions, by confining the water, the channel may possibly be deepened. That, however, is a grave question in connection with the Mississippi River, which differs in character from all other rivers; but I have yet to meet a steamboatman or a practical civil engineer who is familiar with the character of the banks and the nature of the currents of the Lower Mississippi who has suggested that all the improvement or help that is needed to navigation upon the Mississippi River could not be secured by dredging and by snag-boats. The concurrent testimony is that the currents and channel can be corrected and in large measure controlled by dredge-boats, supplemented by snag-boats; but this, of course, would not help the riparian owners in restoring their levees to protect the lands against overflows.

Why, sir, we never heard special complaint of the navigation of the Mississippi River until it became necessary to rebuild the levees, to prevent damage from overflow. But since the planters have found themselves unable to build and repair the levees, and a strict construction of the Constitution has fallen into disfavor among them, the building and repairing of levees has become a matter of colossal importance and commands the lion's share of the appropriation for the improvement of rivers and harbors.

Why, gentlemen, we have as much interest in the Mississippi River as you who reside along its banks, except in the matter of riparian ownership. A very large part of our commerce goes down that great river—our wheat, our corn, our cattle, our hogs. But we do not for that reason feel authorized or justified in asking the whole people to appropriate millions and millions of dollars out of the national Treasury ostensibly to do a little good to the channel, while the great and permanent good is done and intended to be done to the riparian owners. What is the object of appropriations for rivers and harbors? To secure aid to commerce by improving navigation. The Government has jurisdiction over all the navigable waters in this country, and commerce is found upon them everywhere, and hence the navigation of all those waters becomes the object of national care. We are all interested in the great harbor of New York. Why? Because supplies for the whole country, or a large part of those supplies, come in at that port, and a large part of our exports are shipped from that point. It is a great distributing center. We are interested in the same way, though to a less extent, in the harbor of New Orleans and in the harbor of Natchez and Vicksburg.

On this point I dissent from the position of my honored friend from Iowa [Mr. HEPBURN]. Wherever there is a distributing point upon navigable water in this country the whole people are interested in it, and it becomes per force of that fact the object of national care. It is a question of degree. All are of greater or less importance, and in dealing with the great arteries and the veins of our commerce a wise and just discrimination should obtain.

In discussing this question we must constantly bear in mind that the real purpose of bills of this kind is to improve rivers and harbors for purposes of navigation, not simply to let such improvement be incidental. I do not believe that the system under consideration even tends substantially to improve the navigation of the Mississippi. Gentlemen, how is it that so many of the people in that section who are interested in levees, are opposed to the outlet system, notwithstanding they are threatened with overflow from backwater? One would think that when the water becomes too high in the channel, when the banks become full and the mouth of the stream is not large enough to discharge the vast volume through that natural outlet, the way to secure relief would be to reduce the volume of backwater by drawing it off through artificial outlets.

That is God's plan, at any rate; but of course He has not the knowledge and experience of the Mississippi River Commission. [Laughter.] Those learned pundits say the way to get rid of the surplus water in the river is not to let it escape by any channel. This seems paradoxical to everybody except the engineers of the Mississippi River Commission. The swelling volume of water below New Orleans tore its way to the Gulf through "Cubit's Gap" and the "Jump," but still the outlet is insufficient. The outlet system would interfere with the levee system, and hence must not be adopted until the levees above New Orleans are built and put in good repair. By building levees it is said the bottom of the river will be scoured out and the channel cut deeper. That has not been the result upon the River Po. The River Po is now in places substantially on stilts, the construction of levees year after year having resulted in raising the bottom of that stream by the deposit of sediment until the river is up above the towns along its course.

Mr. KING. That statement is denied by Major Suter, who made an inspection of that river.

Mr. BUTTERWORTH. I state the recorded history of the improvements of the River Po.

I have not called in question the fact that the jetty system accomplished in one respect what it undertook to accomplish, that is to deepen the channel, to provide a narrow but sufficient highway to the ocean. Our investigation showed us that since the jetties had been constructed ships drawing 26 feet of water could pass readily through that highway. But the dredge is used almost daily in and about the mouth of the jetties to stir up the sediment that it may be carried away by the current, and a dredge could do the like service with the same result at any point along the upper river where a bar is forming, but of course this would interfere with the levee system. Before the construction of the jetties, and as a part of the plan for their construction, one dam was placed across one mouth of the Mississippi and another dam across the other, to concentrate the water and compel it to pass between the walls of the jetties.

[Here the hammer fell.]

Mr. WILLIS. I will yield further to the gentleman from Ohio [Mr. BUTTERWORTH].

Mr. BUTTERWORTH. I thank the gentleman for the courtesy. Now, by using a dredging boat in the jetties they are able to keep them open and to secure a sufficient channel out into the Gulf. But the damming of those mouths checked the flow of water and raised the flood-line, and caused overflows. To provide against this danger I thought and my friend from Indiana [Mr. HOLMAN] thought that inasmuch as there was a vast surplus of water held in a great basin above the mouth of the river, and inasmuch as the gulf in the neighborhood of this back-water is 15 feet lower than the flood-line of the river, it would be a natural and feasible plan to cut a way through the narrow strip of land which separated the Mississippi from the Gulf. The result would seem to ordinary mortals to be inevitable, that is, to draw off the surplus water. But our friends on the Mississippi River Commission thought and said it would lead to a "diffusion and waste." Waste of water! We had not supposed that there had been any complaint of scarcity of water. That is the very fluid of which there seemed to be an excess, and it would seem that the thing desired was to dispose of that very large surplus which threatened in its onward sweep to the sea to devastate the country, unless some natural or artificial outlet could be found to control its volume and course.

I do not care to review the arguments made by my honorable friend from Iowa [Mr. HEPBURN] touching the fact that this plan of the Mississippi commission has been a failure. I agree with him in his conclusions, and hence deem this item in the bill indefensible; and beyond that it has no proper place here, since it palpably belongs to the committee especially charged with the improvement of the Mississippi River. It seems to find a place here only because the good parts of the bill are of such importance that the House may accept it as a whole notwithstanding this serious defect. I submit to the committee that it is unjust by this system of grouping the good and the bad, the wise and the unwise provisions, to compel us to accept all or lose all. The plan, however, like the Mississippi scheme, suggests advantages when considered in connection with the end in view. But instead of the method here proposed to secure the building of levees, I suggest to my friends from the region bordering on the river along which this system is to be carried on that if instead of attaining the end in this dubious way they will ask a direct appropriation to rebuild their levees I will go to the *ultima thule* in voting such relief as ought to be granted in view of the circumstances which surround them and to which I have already referred.

The amendment I have offered here, and which by the way was prepared by my honored colleague [Mr. LITTLE], looks to having that done which is necessary to improve the navigation of the river. Is that what we want, or not? Does our duty require or permit us to do more?

The amendment also provides that the commission may take steps to secure and protect the works now under way, if in the opinion of the President it is necessary, in view of their possible utility and in case they will sustain substantial damage by reason of not having further sums expended on them for repairs, &c.

My amendment reads as follows:

Add at the end of line 1130 the following:

"*And provided further*, That this appropriation shall not be available for any improvement other than the removal of obstructions from, and the dredging of, said river, and the completion of unfinished works thereon the discontinuance of which would, in the opinion of the Secretary of War, work a material injury to commerce, until the plan of such improvement, with estimates of the expense thereof, shall have been submitted to the President and by him approved, and then only to the extent, to be designated by him, necessary for the improvement thus having his approval."

I have offered it, Mr. Chairman, because I deem it important to carry out the wish of our people, which is to make appropriations to improve navigation.

I have a word to say in regard to this river and harbor bill, with the objectionable clause eliminated therefrom. I am heartily in favor of a river and harbor bill which not only makes suitable provision for the great arteries of trade and commerce but cares for the important veins in our great system of water ways as well. I do not intend to convey the idea that there are not improper appropriations in this bill, or that the committee may not have erred in their judgment; but, sir, we know that not only is it true of river and harbor bills, but in all matters of great concern to the whole country, that concessions must be made. The wisest thing is never done, but the wisest thing attainable under all the circumstances. We must keep constantly in mind that each citizen is interested in the commerce, whether much or little, on every navigable stream in the United States; and what a grand system of water ways we have. Why, sir, you can start from the Belize, and without doubling 1 foot you can travel upon the navigable waters of the great valley drained by the Mississippi, 22,000 miles.

Think of it! 22,000 miles of navigable water from the Belize up to our northern boundary. And upon that magnificent system of water ways our commerce is in its infancy—its very swaddling clothes. These streams are the people's natural highways of commerce, to which our splendid railroad system is supplemental. They are when rightly understood necessary and indispensable component parts of a complete system of transportation. The competition between the river and the railway is not destructive of either but healthful to both. No intelligent citizen would wish to have the usefulness of either impaired. It is surprising to hear gentlemen from New York city, and some other gentlemen from along the Atlantic coast, opposing all appropriations to improve navigation upon our Western rivers. The attitude of these gentlemen is alike ungenerous and unjust. As to New York, she should not forget that she tithes and tolls all the people of the West. We neither export nor import without paying tribute to New York, and no small tribute either.

The last people on earth to complain of appropriations for our Western system of water ways should be the people of New York. As all roads lead to Rome, so it seems all efforts wherever and however put forth in this country must ultimately contribute something to the prosperity of New York. It is a great commercial nerve center. We are as proud of it as we could be of any foreign city located on our shores.

The great rivers and lakes constitute the arteries of commerce. The smaller rivers are as veins which carry the healthful life-blood of trade back to the great centers. They are mutually dependent upon each other, and the destruction of one system would be a direct blow at the other.

The farmer in the middle of Kansas is as much interested in this system of transportation as the farmer who lives on the bank of the Mississippi or the Ohio. He is affected just as much and in exactly the same way in the matter of getting his produce to market. If he will reflect a moment he will see that he is interested in the produce of every acre of land in the United States, and in the means of reaching the markets of the world with the product of each acre, since all these tend to determine and fix the price of each bushel of grain and every pound of pork and beef he produces. The saving in cost of transportation by the improvement of our water ways, as contemplated in this bill, amounts each year to a hundred times the amount appropriated. Every man who pays taxes more than gets his money back.

This bill if passed as presented, with all its imperfections on its head, including the inexcusable item for the Mississippi, would amount to less than 25 cents apiece for all our people.

Why, sir, one enterprising hen, with a little encouragement, would lay eggs enough any month in the year to pay her owner's share of this tax. [Laughter and applause.] One watermelon will sell for enough, one pumpkin will sell for enough, to pay the amount of the tax that would be assessed against any one farmer if the amount appropriated by this bill was charged per capita among all our people; and in fact it ultimately comes to that. I mention this merely to show that the cost is small, the advantage incalculably great. A single word more. I have not observed complaints from the valleys of the Ohio and the Mississippi that vast sums have been appropriated to improve the harbors along the Atlantic coast. For a century almost that work has been going on—going on as a part of the same system which is recognized and cherished in this bill. Your part of the system relates in large measure to the coast line; ours to the great inland rivers, upon which there is a hundred, yea, a thousand fold more commerce than the Atlantic coast has ever dreamed of. But, as I said, we do not complain; we realize that the prosperity of the whole country must be found in the prosperity of the several parts.

Touching the amount carried by this bill, I wish to remind gentlemen that France, with not a twentieth part of the coast line and navigable water way that we have, expends a greater sum each year than we do in improving and keeping them in repair.

I am certain this system of improvement of our water ways will never be abandoned. I shall try to correct the errors of this bill, but the necessity for improving our rivers and harbors is so great and pressing that what I may conceive to be errors of judgment on the part of the committee reporting the measure shall not drive me to vote against it. I trust the Senate will strike out or limit the appropriation for the Mississippi River.

[Here the hammer fell.]

Mr. KING addressed the committee. [See Appendix.]

Mr. BUTTERWORTH. How much time have we remaining?

The CHAIRMAN. Your side has consumed twenty-five minutes.

Mr. BUTTERWORTH. I occupied ten minutes; and the whole time was one hour and forty minutes; half to be controlled by the gentleman from Kentucky and half by myself.

The CHAIRMAN. The gentleman from Ohio [Mr. BUTTERWORTH] consumed twenty minutes.

Mr. BUTTERWORTH. I yield five minutes to the gentleman from Michigan [Mr. BURROWS].

Mr. BURROWS. The real friends of the improvement of the navigation of the Mississippi River ought to support the amendment of the gentleman from Indiana [Mr. HOLMAN]. That amendment provides that so much of this appropriation as may be necessary to protect the works now in progress of construction at other points of the river than at Lake Providence and Plum Point reaches may be used for that purpose, and the balance of the appropriation shall be confined to these two points, and bring the work at those two points to a completion, so that it may be demonstrated in the first instance whether this plan is the best plan for the improvement of this stream.

I repeat that the real friends of the improvement of that river ought to support this amendment. For this House, the members of this committee, and the country are not satisfied that this plan is the proper plan.

Why, sir, I was talking with a member of the commission within the last twenty-four hours, and he said to me that $66,000 of expenditure at Vicksburg was absolutely thrown away. He said that when the commission entered upon its work one of the plans for improving the Mississippi was to narrow the channel, and that was effected wherever they found the channel wide. If there was an island in the center of the stream, or near the center, and the stream divided, the plan was to cut off the stream on the one side and throw the current all into the other channel. In order to accomplish that, and to cut off the chute, as it is called, they drove a line of piles from the upper end of the chute to the mainland. In every single instance that work has been swept away, because the plan was defective. And I am told by the commission—they so state in their report—that whenever snags in a flood strike this piling they take it down the stream. They consequently abandoned that entire work, and it is now a loss. They now try to improve the channel by driving the piles at the lower end of the chute, so that the sand will silt in and fill up the channel backward.

We have spent on Plum Point and Lake Providence reaches four and one half millions of dollars. The work there is not completed yet, and no member of this committee and no man in this country can tell what it will cost; and, when completed, I am told by the members of the commission that if this river was improved according to the plans of the commission from Cairo to the Gulf it will take a million of dollars every year to maintain the improvements.

Then take the improvement of revetting the banks. In the main that will stand, possibly. But the commission have just discovered that you may revet the bank ever so securely, and it will not stand if you do not draw off the overflow of water, and they find that whenever the river overflows the banks——

[Here the hammer fell.]

Mr. BUTTERWORTH. I yield the gentleman from Michigan three minutes more.

Mr. BURROWS. The committee find that, even where the bank is revetted, in flood-time when the water overflows the bank and settles on the country beyond, that revetted bank will not stand unless they make another improvement, to wit, unless they dig a canal below that revetted bank to take off the waters that are in the country. If you do not do that, the pressure of the waters against the bank, which is made up of alluvial soil, is so strong that it will cave the bank in and take your revetments down the river. So in every case of that kind it is necessary to construct canals or channels to save the revetted bank.

I repeat, every friend of the Mississippi River—and it has no stronger friend than myself—ought to stand by this amendment and open, if

need be, the Treasury of the United States, and say to this commission, "Apply your genius, your money, all your skill to these two reaches, Plum Point and Lake Providence reaches—those two, and see if the plan determined upon by the commission is the correct plan; and if it is, if you narrow the channel, and if you protect the banks, and if you improve the navigation at these two reaches in the river, and that is demonstrated, that will be an end of the discussion upon the improvement of the Mississippi River."

The people North and South and everywhere will pay out with prodigal hand whatever is required for the improvement of that stream. But they do protest against scattering this work all the way from Cairo to the Gulf, at this point and that point, on a plan which is at least an experiment.

Mr. REED, of Maine. That is what is called the diffusion process.

[Here the hammer fell.]

Mr. WILLIS. I will yield the gentleman from Michigan more time if he desires it.

Mr. BURROWS. I think I have said about all I wanted to say.

Mr. WILLIS. I yield ten minutes to the gentleman from Illinois [Mr. HENDERSON].

Mr. HENDERSON, of Illinois. I had not intended to discuss this paragraph in the river and harbor bill relating to the improvement of the Lower Mississippi River; and yet, in view of some things which have been said, I desire to say a very few words in regard to this provision of the bill. I well remember the creation of this Mississippi River Commission. It was created at a time when on both sides of this Hall almost everybody seemed to vie with each other in their zeal and earnestness for the improvement of that important river of the country.

I think I can say that I was not originally pleased with the idea of a Mississippi River commission; and I would rather to-day, so far as I am personally concerned, that the improvements of that river had been left, as we have left all the other rivers of the country, under the control of the Secretary of War and the Engineering Department. But it was a great and perplexing problem as to what we should do with the river, and it was thought wise to constitute a commission of eminent engineers who would investigate and study the character of the river, and then report some plan for its permanent improvement.

If it be said that there has been no such plan yet reported, I answer that that is because of the difficulties in the way of determining what the plan shall be. But that commission was constituted; and they have gone on and expended a considerable amount of money in carrying out their plan, so far as they have developed one; and since the commission was appointed there have been two committees of investigation sent down there, one by the House of Representatives and the other by the Senate. The House committee, of which I believe the gentleman from Michigan [Mr. BURROWS] was chairman, went down the river from the mouth of the Ohio to the Head of the Passes and examined it and made a report upon the subject, which, as I remember, did not recommend a discontinuance of the work of the commission.

Two years and more since a committee of the Senate, of which Senator LOGAN, of my own State, was the chairman, took a steamboat and made the entire trip of the Lower Mississippi River, and certainly a portion of the Upper Mississippi, making a thorough investigation of the river, examining witnesses, and inspecting the work, as it had been done and was in progress. When that committee came back they made their report, which I have in my hand. I ask the House to remember that this was only two years ago; and there has been but one river and harbor bill passed by Congress since their report; and I now read the recommendation of that committee, after their examination and thorough investigation:

> In view, however, of the good work already done by them—
>
> The Mississippi River Commission, I take it—
>
> and the manifest results achieved, and the reasonable hopes of fresh benefits to general navigation, commerce, and trade to be derived, it is recommended that the sum of $1,000,000 be appropriated for the improvement of the river between Cairo and the mouth of the Illinois River, one million between the mouth of the Illinois River and Saint Paul, and for the improvement of the river between Cairo and the Head of the Passes such sum of money as has been named by the Mississippi River Commission in their report to the Secretary of War now before the Senate as being necessary for the further prosecution of the work going on in that direction under their supervision.

That is the report signed by Senators JOHN A. LOGAN, JOHN P. JONES, PHILETUS SAWYER, B. F. JONES, and J. D. WALKER; and instead of being a condemnation of the action of the Mississippi River Commission, it is unquestionably a favorable report, made after actual personal investigation and examination of the work of the commission. And, Mr. Chairman, I know some of the men on that committee well, and do not believe they would have reported favorably if they had found that the work was not satisfactory. On the contrary, I believe they would have recommended that it be discontinued if it had not been progressing satisfactorily to at least a reasonable degree. But instead of doing that, the committee really recommended the appropriation of several millions of dollars to continue the work.

But I have said that I was not personally favorable to the creation of this commission, and would have preferred that the Mississippi River, like our other rivers, had been left under the control of the Engineer Department. But Congress constituted that commission, and it is composed of gentlemen some of whom I know and in whom I have great confidence. General Gillmore, for instance, whom I know personally, is a gentleman of high character and an able engineer. General Comstock is perhaps the most conservative of the members of the commission, and is certainly an able engineer. And it does not seem wise to me now to discontinue the commission before they have made a fair test of such plans as they have developed for the improvement of the river.

But, Mr. Chairman, the Committee on Rivers and Harbors have not appropriated in this bill what the Mississippi River Commission have asked for, nor have we appropriated even 50 per cent. of what they have asked for, and, while a great deal is said in regard to limiting this appropriation, and this amendment proposes to limit it, I believe I can say that the members of the Committee on Rivers and Harbors regard the appropriation contained in this bill in itself a limitation upon the work of the commission, and that it confines the commission to the portions of the river which have been referred to, and which are known as the Lake Providence reach and the Plum Point reach, two of the most dangerous reaches perhaps upon the river.

I think the commission, if they are at all honest and disposed to carry out the work as they have themselves contemplated, would not be justified under this appropriation in entering upon any new reach of the river, but will confine their work to the reaches where the work is now in progress, namely, the Plum Point and Lake Providence reaches. I can say further, Mr. Chairman, that I have regarded the improvement of the Lower Mississippi River as to a great extent experimental, although this commission seem to think otherwise. The members of the Senate committee, who are probably more capable of giving an opinion upon the subject than I am, for they examined the river and the work of the commission personally, and they reported recommending a large appropriation to continue the work.

Mr. REED, of Maine. Whether it has gone beyond the reach of experiment or not, it has not gone beyond the reach of floods.

Mr. HENDERSON, of Illinois. Mr. Chairman, I am glad the gentleman from Maine has made that suggestion, for I wanted to make a remark upon that subject. I know that this outlet system has been constantly brought before Congress by a gentleman living on the Lower Mississippi, a gentleman in whose honesty I have confidence. We have had it brought before us and urged year after year, but in my judgment that is not a question of improving the navigation of the Mississippi River at all; it is a question of relieving the people of the Lower Mississippi from the injuries which they sustain from floods.

[Here the hammer fell.]

Mr. WILLIS. I yield two minutes to the gentleman.

Mr. HENDERSON, of Illinois. In that respect, Mr. Chairman, it might be well to try the experiment of outlets, and I have no sort of objection to it from that point of view, but I do not believe it would improve the navigation of the river. On the contrary, I believe that wherever you made an outlet you would find some difficulty in the way of navigation arising from it, for, as the engineers say, the full volume of water is sometimes necessary for the purpose of scouring the bed of the river, getting proper depth of channel, and removing obstructions which sometimes form where currents diverge or wherever currents come in contact with each other.

Mr. Chairman, before taking my seat I wish to say that I think one great difficulty with some members of the House arises from the fact that they do not give sufficient thought and investigation to these questions. If they would give more attention to them I feel certain they would not entertain some opinions which have been expressed on this floor in regard to many provisions of this bill.

I believe one great want of our country to-day is more eminent hydraulic engineers, engineers who better understand the nature of hydraulics, and who would be better prepared to recommend improvements of our rivers. But we will grow to that after a while and need not discuss it to-day.

I think, sir, that the navigation of the Mississippi River, which flows through one of the most wonderful valleys perhaps in the world, so far at least as regards its vast resources and the intelligent, enterprising, industrious population that inhabit it, is a question of so much importance that we can afford to experipent at even very considerable cost in order to arrive at a proper system of improvement, if one indeed can be found. But I believe the appropriation contained in this bill is intended to confine and will confine the operations of the commission to the work on Lake Providence and Plum Point reaches.

[Here the hammer fell.]

Mr. BURROWS. Before the gentleman takes his seat I would like to ask him one question. If this appropriation is intended to limit the commission, as the gentleman says, to these two reaches (and that restriction being intended they will not, if they are honest, enter upon any other work), what objection is there to this amendment?

Mr. KING. Whose time does this come out of?

Mr. BURROWS. Out of the time of the whole committee. If the Chair will recognize me, I will yield to the gentleman from Illinois that he may answer my question.

Mr. BUTTERWORTH. I yield five minutes to the gentleman from Illinois [Mr. ROWELL].

Mr. ROWELL. Mr. Chairman, I want to add only a word to this discussion by way of expressing my own wishes in regard to this river and harbor bill. There is an opinion prevalent all over the United States, outside of interested districts, that the appropriation for the Lower Mississippi is a fraud upon the people, that it is not an honest proposition. This belief owes its existence to the fact that there is a constant conflict of opinion between engineers as to the propriety of the plans of the Mississippi River Commission—a constant difference of opinion on the question whether any improvement has been made there. In consequence of this diversity of judgment, and a recollection that in times past the riparian owners thought it of sufficient advantage to their lands to do the very work that is now demanded of the Congress of the United States, the opinion has grown up among the people that this scheme to levee the banks of the Mississippi River under the guise of improving the navigation is a false pretense, to avoid the bald claim in Congress that the Government of the United States ought to protect those lands in the interest of private individuals.

I do not believe there is any man in the United States, apart from those directly interested and whose judgments are influenced by that interest, who believes that the building of levees along the Mississippi River is with the intent to improve the navigation. I desire here to utter a warning. In the last Congress the river and harbor bill failed to become a law because gentlemen insisted that this class of improvements should continue to be made and that the limitation contemplated by the amendment of the gentleman from Indiana should not be adopted. I warn gentlemen that a cyclone will strike Congress sooner or later unless they consent to that kind of a limitation. The people of this country and their Representatives will not much longer permit an appropriation to be made under the cover of improving rivers and harbors which is in fact intended for private benefit. It was this, Mr. Chairman, that I desired to say. I am in favor of legitimately improving all rivers and harbors, but I am not in favor, under the guise of such improvement, of enhancing the value of private property. Everywhere there are little streams, not navigable, which in high water overflow their banks and destroy the property of individuals. It makes no difference whether the stream be small or large; if Congress is to protect riparian owners in one place it ought to protect riparian owners everywhere.

[Here the hammer fell.]

Mr. BUTTERWORTH. I yield five minutes to my friend from Pennsylvania [Mr. BROWN].

Mr. BROWN, of Pennsylvania. Mr. Chairman, the pending amendment is so just to the people of this country that I am surprised there should be any opposition to it. Indeed until I examined the bill carefully I had no doubt a provision of this kind was incorporated in it. I knew there had been a Mississippi River committee and this committee had made its report in the Forty-seventh Congress. I knew the committee recommended that the expenditure should be confined until completion to two reaches—Plum Point and Lake Providence; and I had no doubt until I examined the bill that such a restriction would be found there.

On reading the bill, however, I failed to find any provision of that kind. A few days ago when the discussion was going on and the assertion was being made, as I thought, by the gentleman from West Virginia [Mr. GIBSON] that the restriction was in the bill, I put to him the question whether it was or was not; and he answered me distinctly that it was. I find his answer in the RECORD of the 29th instant at page 3949. The gentleman from Illinois [Mr. ADAMS] had, I suppose, searched in vain in the bill for this restriction as I had; and he also put the question, and the answer was clearly made that it was in the bill. It certainly is not in the bill. It seems the gentleman from Illinois [Mr. HENDERSON] would be content if it were there—would be glad if it were there.

It seems to have been about half understood by the committee—so at least some of them profess—that the expenditure should be restricted to these two points; but in order that there may be no mistake the gentleman from Indiana has offered his amendment. Why shall it not go into the bill? Is it the intention that we shall be deceived in appropriating this large sum of money? After we have expended $4,000,000 upon one of these reaches, without its having been completed, without its having been placed even in such a condition that the country may know the plan is a success, are we still to go on distributing money over the whole length of the river from the Head of the Passes to the mouth of the Ohio, without knowing whether the work is a benefit to navigation or not? If this scheme is insisted upon, if it is insisted that this bill shall pass without the amendment, are we not justified in saying that it is in contemplation that this money shall be expended to build up the levees to protect the property of persons along the Mississippi River and not to improve its navigation?

[Here the hammer fell.]

Mr. BLANCHARD. Mr. Chairman, the gentleman from Iowa [Mr. HEPBURN] took occasion to-day in the debate on this bill to pay me a compliment, left-handed though it was, and I desire to say in return for the favor that, in my opinion, he has not merely contributed to this discussion "contradictions," but has brought to it much of ability and more of courtesy.

Mr. Chairman, much has been said here by gentlemen on that side of "false pretenses." Surely gentlemen who make that assertion will give us of the lower river valley credit for as much honesty of purpose and purity of motive for our acts on this floor as they claim for themselves. I come, it is true, from the Southwestern section of the country, through which the great Mississippi flows, but this river does not touch my Congressional district by more than 100 miles. And I believe I can be just as free in my judgment upon this question as any gentleman over there who has seen fit to charge us with false pretenses in our advocacy of this appropriation for the Mississippi.

Mr. Chairman, I am opposed to the amendment of the gentleman from Indiana [Mr. HOLMAN], which restricts the expenditure of money appropriated for the lower stretch of river to Lake Providence and Plum Point reaches. I will answer the reasons the gentleman gave for that amendment by quoting the language of a gentleman far more capable of speaking on this subject than I am, and he is the president of the Mississippi River Commission himself.

General Gillmore, the president of the commission, has no interest whatever in the lower valley or in the upper valley of the Mississippi. He does not live in the valley of the river. He is an officer in the Army of the United States, and surely no gentleman on this floor can, with justice, impugn his motives as interested in reference to what he says about the Mississippi River.

I ask the House to hear what he says on the subject of restricting the work of the commission to the two reaches named in the amendment of the gentleman from Indiana.

> There seems to be no just ground for apprehension that the ultimate cost of this improvement will be inordinately great, or will exceed what the Government will be fully justified in expending upon a great national work, in the success of which so large and so varied interests are involved. In order, however, that the increased depths already secured upon two reaches of bad navigation may be utilized or made of some practical value, the improvement should be extended up stream and down. Indeed, it can not be said that the navigation has received any practical benefit whatever so long as the improvements are restricted to localities hemmed in by bad river above and below. It might be better, were no middle course left open, to spread each appropriation judiciously over all the six reaches of bad navigation selected for improvement below Cairo, adding little each year, if practicable, to the available depths of the worst bars, than to confine the work to the Plum Point and Lake Providence reaches even, even if the low-river navigation of these two localities should be rapidly deepened to 20 feet, and the feasibility of the commission's plan thereby fully demonstrated. The objective point is the improvement of the river, and not the vindication of the agents employed on the work, except as means to the end.

That opinion of General Gillmore is concurred in by all the members of the Mississippi River Commission except Colonel Comstock. Who are these gentleman composing the commission? Three of them are Army engineers—Gillmore, Comstock, and Suter—no one of whom lives or has any interest in the valley of the Mississippi. Is not theirs a disinterested judgment of the river? Another is Professor Henry Mitchell, of the Coast and Geodetic Survey, whose home is, I believe, in New England. Is his judgment of the river warped by any interest? One of the civilian members of the commission is Robert S. Taylor, of Indiana, a gentleman whose surroundings would not indicate his judgment of the lower river in the treatment to be applied to it is or would be influenced by private interests (for he has none there) or local benefit to the people. The other two gentlemen are Messrs. Ferguson and Harrod, one of whom lives in Mississippi and the other in Louisiana. So that of the seven members of the commission two only live on the river or in its valley.

Now, here is a commission of scientific men who, after years of study of the river, state they have come to the deliberate judgment that it is not well that Congress should limit to the two reaches indicated the expenditure of money as proposed by the gentleman from Indiana.

Plum Point reach, when they began to improve that 220 miles of river, had at low water a least depth of from 4 to 5 feet. There is now there at the lowest stages of water, as the result of this improvement, not less than 12 feet of water.

At Lake Providence reach, a stretch of the river over 200 miles long, there was when this improvement commenced a least depth at low water of 5 feet. There is to-day at the lowest stages of water during the season of low water not less than from 12 to 15 feet of water.

These are the actual practical results obtained by this commission, and demonstrate that their plan of improvement is a success.

Mr. Chairman, with reference to the construction of levees, no gentleman on this floor from the lower river has ever advocated, in connection with a river and harbor bill, the expenditure of a single dollar in the building of levees for the protection of private property, but only as a part of the system of improvement devised for the river by this scientific body, the river commission.

It is the opinion of a majority of the commission that in time of bank-overflow levees exert a direct action in deepening the channel and enlarging the bed of the river, and they are regarded as a desirable adjunct in the general system of improvement of the river. Because they are upon a large portion of the river essential to prevent destruction of life and property by overflow is no argument that they should not be erected by the General Government, but an additional reason why

they should be constructed. They give "safety and ease to navigation, and facilitate commerce and trade by establishing banks or landing-places above the reach of floods, upon which produce can be placed while awaiting shipment and where steamers and other river craft can land in times of high water."

On this point, and with reference to the plan of the commission, I ask one moment to read from the testimony of Professor Clemens Herschell, one of the most distinguished and scientific engineers in this country, living in Massachusetts, and who will be vouched for if need be, I have no doubt, by every Representative on this floor from that great State. In the investigation made by the Burrows committee, in 1883, Mr. Herschell, in response to questions put to him with reference to the plan of the improvement of the Mississippi River, stated as follows:

Q. Have you had occasion to investigate the plans of improvement proposed by the present Mississippi River Commission?
A. Yes, sir.
Q. Have you seen any of its works?
A. No, sir.
Q. Is their plan a new one, or is it an old plan?
A. I should say the general features of the plan were old; but the means and methods used by them in carrying out their works present a great many novel features, and to my mind valuable ones. I think they have gone ahead of what has been hitherto accomplished in that line, and are making progress in that branch of engineering work.
Q. What do you understand to be their theory?
A. Practically, what I stated a short time ago. For that part of the river which is troubled by shoals, to improve the navigation by having a defined high-water as well as low-water channel, one within the other; confine the waters of the stream, train it, and thereby cause it to excavate its own channel, having a channel of proper and reliable depth at all seasons of the year. These training works are built out from the shore, and they include in certain cases widening some parts of the river, other parts contracting; but the object sought to be obtained is to obtain a regular systematic channel, which the river is to be kept in, and which it will maintain of its own accord.

Here is, from an eminent disinterested scientific source, an emphatic indorsement of the levee system and channel-contraction system of the improvement of the river as inaugurated and prosecuted by the commission.

[Here the hammer fell.]

Mr. BUTTERWORTH. Mr. Chairman, if the chairman of the committee will be kind enough to yield five minutes to me I will transfer the time to my friend from New York [Mr. HISCOCK], and then he will have five minutes remaining.

Mr. WILLIS. Certainly, if the gentleman desires it I will yield to him, but I wish to yield five minutes more to the gentleman from Louisiana.

Mr. BUTTERWORTH. Then, of course, you will have no time remaining.

Mr. KING. Will this extend the time of debate?

Mr. BUTTERWORTH. Not at all.

Mr. WILLIS. I will yield five minutes more to the gentleman from Louisiana [Mr. BLANCHARD].

Mr. KING. That will exhaust all the time.

Mr. BLANCHARD. Continuing my remarks, Mr. Chairman, I desire to answer the assertion which has been made repeatedly on this floor that nowhere have any estimates ever been made of the ultimate cost of these improvements. Bear in mind, sir, that the Mississippi River Commission has jurisdiction over the river from the Des Moines Rapids to its mouth, a distance of 1,500 miles. Now upon that river since 1879, when the river commission was organized, during a period of seven or eight years, there has been appropriated by Congress only a little more than $8,000,000. I submit to this committee and to the country that this is not a large expenditure, running as it does over a period of seven or eight years, for 1,500 miles of this great river, the "Father of Waters."

But, sir, to the allegation that nowhere has there ever been an estimate of the ultimate cost of this work, I desire to call the attention of the House to the report made by the gentleman from Illinois, Mr. THOMAS, and by Mr. Ellis, of Louisiana, from the Select Committee on the Mississippi River, appointed at the close of the first session of the Forty-seventh Congress, which report was made in 1883. They say:

That the expenses will be great, exceeding in all probability the sum of $50,000,000, is true. But it must be remembered that the Government gave away to private parties for railroad purposes the enormous sum of $150,000,000; that the river route to the markets of Europe can be reached with a clear gain to the farmer of the West of 15 cents per bushel on every bushel of his grain, and that unless the Mississippi River be made safe and navigable the Western producer is absolutely in the power of the longitudinal lines of railroads.

There is one other view of this question which we desire to present. The $50,000,000 to be expended will be appropriated, perhaps, through a series of twenty-five years. In this way it will be a burden so light as hardly to be felt by the people of the United States.

[Here the hammer fell.]

Mr. BUTTERWORTH. My friend from Kentucky has yielded, I understand, to the gentleman from New York [Mr. HISCOCK] five minutes. I yield him five minutes more, making ten minutes in all.

Mr. HISCOCK. This bill, so far as it appropriates money for the Lower Mississippi, more distinctly than any bill heretofore reported that I have had my attention called to, directly commits the Government to the expenditure of money solely for the benefit of private parties.

Take the appropriation for the New Orleans Harbor. This bill carries an appropriation of $100,000 for that purpose. The report estimates that for the completion of the work there nearly $700,000 will be required, and urges as a reason for it, and the only reason for it, that one and a half million of dollars, or a little under that amount, of private property will be protected. There is no question made that there is water enough there. The only argument urged by this report in favor of the appropriation is that nearly one and a half millions of private property will be protected.

Now, sir, I do not recall that in any bill that we have had here before has the attempt so clearly and pointedly been made to appropriate money from the Treasury for the benefit of private individuals. More than that; all this money, all this property that this bill proposes to protect for these private individuals is property to-day used for docking purposes and for which the private owners are receiving valuable rents. And this bill comes here and commits this Government to the expenditure of nearly $700,000 for the protection of one million and a half of private property that these people, individual owners, may be protected in the rents they are receiving for it. I ask my friend who has charge of this bill, is there any principle in the world upon which you can defend that? Fifty per cent. of the value of the property is appropriated here to protect that property.

Now, sir, there is one other suggestion I have to make in regard to this bill. I could vote for it perhaps if it protected private property if the private property was enough in its extent to compensate for the expenditure. But here is a bill, as I charge, deliberately in the interest not even of private parties, but in the interest of the contractors that build the boats, that furnish materials for these embankments, for these mattresses. I have not the time here to point out the small amount of this money that is devoted to any other purpose than to the payment of the contractors that have furnished the materials, that have furnished the boats, that have furnished this vast fleet that is controlled by the Mississippi River Commission. We have the highest authority, as high authority as there is on the floor of this House, in my judgment, or in the country, making the statement that every single dollar of this money is to be squandered, that $150,000,000 are pledged to this work, every dollar of which is to be wasted.

I have before me, Mr. Chairman, the expression upon this question, as I have stated, of one of the most distinguished authorities that I have ever heard discuss the question, an authority to whom every member of this House will bow. I do not think the gentleman from Louisiana or any other of the gentlemen from Louisiana will contradict him or gainsay what he says on the question. Speaking of the present plan for the improvement of the Mississippi River he says:

They forced an eminent civil engineer off the commission; and they have now a plan of operations sketched out to spend, as stated, $150,000,000. The calculation is a very plain one.

Mr. KING. I will answer that by a flat contradiction.

Mr. HISCOCK. He goes on:

And there is not in any of their work a guarantee that it will last twelve months.

Mr. KING. Will the gentleman allow me to answer that?

Mr. HISCOCK. I will go on further and read a little more from this same authority:

And their calculations are, in round numbers, that the system will cost $150,000 a mile, and there are nearly a thousand miles of the Mississippi River in this condition, and it has two sides to it, and one side is always caving in where the other is forming a bar; you have, I say, a thousand miles at $150,000 a mile, making an aggregate of $150,000,000; and yet they can not point us to any experiment in this departure from the original plan and from reason showing that it will stand twelve months after a single rise.

Mr. KING. As the gentleman from New York has alluded to me I think it is fair he should allow me to answer.

A MEMBER. Whose statement is that?

Mr. HISCOCK. A gentleman asks me whose statement it is I have read. It is the statement of a member of the Committee on Rivers and Harbors in the last Congress, the gentleman from Arkansas [Mr. BRECKENRIDGE]. With all his sympathies warmly enlisted in favor of this work he, upon this floor, denounced the work; he denounced the plans under which it was being done, and said we had no guarantee it would stand after the first rise. Yet the Committee on Rivers and Harbors appropriated nearly $3,000,000 for the further prosecution of the work.

Now, Mr. Chairman, this appropriation is not in the interest of internal improvements. It is not to perfect or to make better or to improve the navigation of the Mississippi River. To some extent it is to protect private property, but in the main it is to buy material to be placed in the river to be washed out by the next freshet.

It is to hire steamboats; it is to build steamboats; it is to pay salaries; it is to be expended in the different Congressional districts of gentlemen upon this floor, I suppose for the purpose of popularizing themselves at home and in their States.

[Here the hammer fell.]

Mr. HISCOCK. How long a time have I had, Mr. Chairman?

The CHAIRMAN. The gentleman has consumed ten minutes. There now remain four minutes to each side.

Mr. BUTTERWORTH. Mr. Chairman, I would suggest to the Chair that by a mathematical calculation we have seven minutes, if I am not mistaken.

The CHAIRMAN. The Chair has endeavored to keep the time correctly. There now remain four minutes to each side.

Mr. HISCOCK. And, Mr. Chairman, how little do we ask of these gentlemen, our masters, who have brought in this bill? We simply ask that two reaches upon the Mississippi River may be selected upon which this money may be expended and this scheme tested; but we are told that that can not be done; that it must be left to the Mississippi River Commission to scatter the money along up the river in the interest of contractors and of the owners of private property. Nearly all the gentlemen who are interested in the river and harbor bill—I regret to be compelled to say it—nearly all those gentlemen find their local appropriations strung upon this Mississippi River improvement, and so are practically forced to vote for a scheme which I do not believe they believe in, for the purpose of securing the appropriations for their respective localities.

I appeal to gentlemen upon the other side to say if this is fair treatment of men who are honestly in favor of a system of internal improvements? With these great objections to this bill, with these vast sums of money expended in the past—and you can not point to any substantial benefit derived from that expenditure—with these estimates of fabulous sums to be expended in the future upon this work, I ask if it is fair to bring in a bill here containing this item around which are clustered all these other appropriations for rivers and harbors, and say to the men who are honestly in favor of a liberal system of appropriations for internal improvements and who desire to take care of the works in their own districts, that those enterprises are to be strangled unless they will accept with their local appropriations this one for the Lower Mississippi?

[Here the hammer fell.]

Mr. WILLIS. I am exceedingly surprised at the remarks that have just fallen from the gentleman from New York [Mr. HISCOCK]. Upon what authority does he say that either the Committee on Rivers and Harbors or this Committee of the Whole propose to vote for an appropriation in this bill in which they have no faith? Who gave him that information?

Mr. HISCOCK. Did not the gentleman report a river and harbor bill last year which proposed substantially to abolish the river and harbor commission?

Mr. WILLIS. The Mississippi River Commission was created by the Congress of the United States after full and deliberate consideration of the needs of that river. That commision has been in existence but six years, and now what is proposed? That a commission thus created by act of Congress, composed of the most distinguished scientists and engineers of this or any other country, shall be stricken down because, forsooth, this great river has not by some instantaneous process been put in complete possession of its forces. Is that statesmanlike? Is that common sense? This committee has been engaged in making a scientific survey of the river, its topography, its hydrography, its necessities, the plan upon which the improvement should be made. It has been engaged in making preparation for that great work. It has expended a large sum of money, ay, one-sixth of the amount which we have given it, in preparation for the work, and now when it is ready and when the reports prove the plan a success, it is proposed to strike that commission down even just as a real beginning has been made.

Mr. HISCOCK. Does the gentleman desire me to answer the question that he asked me a moment ago?

Mr. WILLIS. The gentleman says that this improvement is for the benefit of private interests. It is no more for private interests than the improvement of New York Harbor, or the improvement of Newtown Creek, for which we have appropriated hundreds of thousands of dollars. It was proved before the Committee on Rivers and Harbors that there were private interests to the amount of twenty millions on that creek that would be benefited by its improvement; but we do not improve it because those interests are there and we do pot refuse to improve it because those interests are there. In appropriating for the improvement of that creek, or that arm of the sea, we had no regard for the private interests clustering around New York, and so in like manner we make this appropriation without reference to the private interests that may possibly be benefited by the work that is done for the improvement of navigation.

Mr. HISCOCK. Will the gentleman yield for a single question?

Mr. WILLIS. I can not. I yielded five minutes to the gentleman a while ago.

Several MEMBERS. Regular order.

Mr. HISCOCK. Will the gentleman yield for a single question?

Mr. WILLIS. I yielded the gentleman five minutes——

The CHAIRMAN (Mr. MCCREARY). The hour of 5 o'clock has arrived, and debate is closed.

Mr. HISCOCK. I ask the gentleman from Kentucky this question, whether the money to be expended at New Orleans Harbor is for any other purpose than to protect private property?

Mr. WILLIS. If the House will give me two minutes I desire to answer the gentleman from the report of the commission. The gentleman's argument is that there has been no report in favor of this levee system——

Mr. HISCOCK. I am not talking about the merits of the levee system now. I would like the gentleman to reply to my inquiry. Is there any suggestion anywhere that the money asked for New Orleans Harbor is for any other purpose than to protect private property?

Mr. WILLIS. I answer the gentleman that there is.

Mr. HISCOCK. Where is it?

Mr. WILLIS. There is proof, full and ample, in the report of the engineers.

The CHAIRMAN. The only thing now in order is to vote on amendments. The Clerk will report the first amendment.

Mr. BUTTERWORTH. I rise to a parliamentary inquiry. Has unanimous consent been given that those who have made remarks may extend them in the RECORD?

The CHAIRMAN. The Chair understands that has already been done.

Mr. HEPBURN. I desire to make a parliamentary inquiry. Does the arrival of this hour, 5 o'clock, preclude the introduction of additional amendments?

Mr. WILLIS. I will state, if the Chair will permit me, that I do not understand this order as cutting off any amendment; it simply cuts off debate.

The CHAIRMAN. The present chairman was not in the chair at the time when this order was made; but his recollection is that the order does not preclude the offering of further amendments, but only cuts off further debate.

Mr. DAWSON. I send to the Chair an amendment.

Mr. DAWSON addressed the committee. [See Appendix.]

The CHAIRMAN. The Chair will state that there are several amendments pending. After they are disposed of the amendment just sent up by the gentleman from Missouri will be read. The question is first upon an amendment proposed by the gentleman from Indiana [Mr. HOLMAN], which the Clerk will read.

The Clerk read as follows:

Insert after the word "commission," in line 1123, the following:

"*Provided*, That the money appropriated by this act for the improvement of the Mississippi River from the Head of the Passes to the mouth of the Ohio River, except so much thereof as it shall be necessary to expend in preventing the works in progress on other portions of the river from waste and injury, shall be expended in the continuation and completion of the works on the Plum Point and Lake Providence reaches of the river, now in progress of improvement, as established by the Mississippi River Commission, to the end that the proposed improvement of said two reaches of the river on which the works are in progress shall be completed at an early day, and the plan of said commission for the improvement of the navigation of the river fully tested.

The question being taken on the amendment, there were—ayes 71, noes 81.

Mr. HOLMAN. I make the point that no quorum has voted.

Mr. HISCOCK. I appeal to the gentleman from Kentucky [Mr. WILLIS] to give us a yea-and-nay vote in the House on this proposition.

Mr. HOLMAN. If there can be a yea-and-nay vote in the House I withdraw my point.

Mr. WILLIS. That is all right.

Mr. HOLMAN. With the understanding that there shall be a yea-and-nay vote in the House I withdraw the point that no quorum voted.

The CHAIRMAN. The point of no quorum has been withdrawn and——

Mr. HOLMAN. It is only withdrawn upon the condition that a yea-and-nay vote shall be taken upon the proposition in the House.

Mr. KING. I do not agree to that. I call for a count by tellers.

Mr. BURROWS. I understand the proposition has been already agreed to; and I submit the gentleman from Louisiana [Mr. KING] is now too late. The proposition was agreed to by both sides.

Mr. WILLIS. So far as the chairman of the Committee on Rivers and Harbors has the right to agree to anything, he does agree to that.

Mr. BURROWS. I think that ought to be sufficient.

The CHAIRMAN. The Chair can do no more than simply announce the statement which has been made. On this question the ayes were 71, the noes 81; and the amendment was rejected.

Mr. HOLMAN. The point that no quorum had voted was withdrawn, and the gentleman from Kentucky assented——

Mr. WILLIS. There is no possibility of any mistake. The point was made that there was no quorum, and thereupon——

Mr. BRECKINRIDGE, of Arkansas. I believe there was a quorum.

The CHAIRMAN. There was no quorum voting.

Mr. HOLMAN. The point of no quorum was made, and then it was proposed that there should be a vote on the proposition in the House.

Mr. WILLIS. There is no dispute about the matter at all.

Mr. KING. I withdraw my call for tellers.

Mr. HEPBURN. Unanimous consent, then, is given that there may be a vote in the House.

Mr. HOLMAN. It is understood that there shall be a yea-and-nay vote on this question in the House.

Mr. DUNN. Say "a vote in the House"—such as the House shall determine.

Mr. HOLMAN. It is agreed that the amendment shall be voted on in the House.

Mr. HISCOCK. I understand this agreement goes upon the record. I understood the chairman of the Committee of the Whole to say he could not announce the understanding.

The CHAIRMAN. There will be a record of it.

Mr. HISCOCK. That is all we ask; we know it will be lived up to.

Mr. WILLIS. If I have any control of the matter, the agreement shall be carried out.

The CHAIRMAN. The next question is upon an amendment proposed by the gentleman from Ohio [Mr. WARNER], which will be read.

The Clerk read as follows:

Strike out the words "Mississippi River Commission" and "commission" wherever they occur in the paragraph on pages 47 and 48 of the bill, and insert "Secretary of War."

Mr. WILLIS. I raise the point of order that we have voted on this. It is identical with a proposition submitted by the gentleman from Iowa.

Mr. PETERS. I understand we are to have a vote in the House upon that.

Mr. WILLIS. That was the understanding.

The CHAIRMAN. The Chair did not understand the point of order of the gentleman from Kentucky.

Mr. WILLIS. It was that this proposition has been already voted upon by the committee. Moreover, as a matter of perfect fairness, I will state that a vote was reserved in the House upon it, and it is only wasting the time of the committee to demand a quorum now.

The CHAIRMAN. If that is the understanding it is not necessary to have a vote on this amendment, and without objection the Clerk will read the next one.

There was no objection.

The Clerk read the next amendment, proposed by Mr. WARNER, of Ohio, as follows:

At the end of line 1152 add: "*Provided*, That a committee, to consist of five members of the House, shall be appointed by the Speaker to investigate the work of the Mississippi River Commission and to report thereon before the end of the session, with such recommendation as it may deem proper. Said committee shall also examine and report upon the jetties at the mouth of the river, and especially whether mud lumps are forming beyond the jetties and what depth of channel is kept open at and beyond the mouth of the river."

The amendment was rejected.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kansas [Mr. ANDERSON].

The Clerk read as follows:

Amend by striking out lines 1127 to 1130, inclusive, as follows:

"*Provided, however*, That the commission is authorized to repair and build levees if, in their judgment, it should be done as part of their plan to afford ease and safety to the navigation and commerce of the river and to deepen the channel."

The question was taken; and on a division there were—ayes 36, noes 86.

Mr. ANDERSON, of Kansas. No quorum.

Mr. PERKINS. I think the same suggestion as to a vote in the House would save time on this amendment.

Mr. ANDERSON, of Kansas. Give us a yea-and-nay vote in the House on the amendment and I will withdraw the demand for a quorum.

Mr. WILLIS. Let us take a vote by tellers. There are so many yea-and-nay votes ordered that we will get into confusion, I fear.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. ANDERSON, of Kansas, and Mr. WILLIS were appointed tellers.

The House again divided; and the tellers reported—ayes 33, noes 130.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read the next amendment, offered by Mr. BUTTERWORTH, as follows:

Add at the end of line 1130 the following:

"*And provided further*, That this appropriation shall not be available for any improvement other than the removal of obstructions from, and the dredging of, said river, and the completion of unfinished works thereon the discontinuance of which would, in the opinion of the Secretary of War, work a material injury to commerce, until the plan of such improvement, with estimates of the expense thereof, shall have been submitted to the President and by him approved, and then only to the extent, to be designated by him, necessary for the improvement thus having his approval."

The amendment was rejected.

The CHAIRMAN. The Clerk will read the next amendment.

The next amendment, proposed by Mr. DAWSON, was read, as follows:

Amend line 1130 by striking out the words "two hundred and fifty" and inserting "five hundred," and by inserting after "dollars" the words "of which five hundred thousand shall be expended upon the New Madrid reach."

The amendment was rejected.

The CHAIRMAN. The Clerk will report the next paragraph of the bill.

The Clerk read as follows:

For examinations and surveys at South Pass of the Mississippi River, pursuant to the act of March 3, 1875, $10,000.

To which Mr. BUTTERWORTH offered an amendment, as follows:

To come in after the word "five," in line 1155:

"And the Secretary of War shall cause soundings to be made for a distance of not less than 5 miles beyond the jetties at the mouth of the river to ascertain whether mud lumps are forming and to what extent bars are forming and what depth of channel is maintained all the way to the deep waters of the Gulf, and to report the results of such examination to Congress at the next session."

Mr. WILLIS. I only desire to say that if the gentleman had examined the bottom of the Gulf of Mexico, which is on exhibition at the National Museum, he would find there 2 miles depth of water when he reaches that point.

Mr. BRECKINRIDGE, of Arkansas. And the law already provides for it.

The amendment was rejected.

The Clerk proceeded to read the bill, as follows:

For survey of the Mississippi River from the Head of the Passes to its headwaters: Continuing survey, $75,000.

Mr. HEPBURN. Before leaving the paragraph under consideration I have an amendment to offer.

The CHAIRMAN. The Clerk will read the amendment proposed by the gentlemen from Iowa.

The Clerk read as follows:

Strike out of lines 1132 and 1133 the following words: "One hundred thousand dollars are to be expended in continuing the work in progress at New Orleans."

Mr. WILLIS. I make the point of order that this paragraph is already passed.

Mr. HEPBURN. I did not know, Mr. Chairman, that the Clerk had begun upon another paragraph of the bill. I was standing waiting to offer this amendment under the impression that he had just been reading another amendment.

Mr. WILLIS. I shall not insist upon the point of order.

The question recurring upon the amendment of Mr. HEPBURN, the committee divided; and there were—ayes 26, noes 92.

So the amendment was rejected.

The Clerk read as follows:

For gauging the waters of the Lower Mississippi River and its tributaries, as provided for in joint resolution of the 21st of February, 1871, $5,000.

For continuing the removal of snags, wrecks, and other obstructions in the Mississippi River, $75,000.

For gauging the waters of the Columbia River, $1,000.

Mr. LITTLE. I now offer the amendment which I send to the desk.

The Clerk read as follows:

Add at the end of section 1 the following:

"If, during the first ten days of the session or sessions of Congress after the passage of this act, the President shall be satisfied that it would be detrimental to the public interests or a wasteful or unwarrantable expenditure of public money to apply any specific appropriation herein, or unexpended balance thereof, exceeding $25,000 in amount, to the purpose or purposes for which appropriated, he shall direct the withholding of the same from use, and forthwith transmit to the House of Representatives a full statement of his reasons therefor. And thereupon, subject to the right of each House to determine the rules of its proceedings, the question of continuing such appropriation or unexpended balance thereof shall be submitted to the House of Representatives, and, if decided in the affirmative, shall be transmitted, together with said statement, to the Senate and submitted thereto. If the two Houses concur in continuing such appropriation or unexpended balance, the same shall thereupon again become available for said purpose or purposes; otherwise it shall be covered into the Treasury."

The amendment was rejected.

The Clerk read section 3, as follows:

SEC. 3. It shall not be lawful to build any wharf, dolphin, boom, dam, weir, breakwater, bulkhead, jetty, or other structure outside of established harbor-lines, without the permission of the proper local authorities, in any port, roadstead, haven, harbor, navigable river, or other waters of the United States, or in such manner as to obstruct or impair navigation, commerce, or anchorage of said waters; and it shall not be lawful hereafter to commence the construction of any bridge, bridge-draw, bridge piers or abutments, causeway, or other works over or in any port, roadstead, haven, harbor, navigable river, or other waters of the United States, under any act of the Legislative Assembly of any State, until the location and plan of such bridge have been submitted to and approved by the Secretary of War, or to excavate or fill, or in any manner to alter or modify, the course, location, condition, or capacity of the channel of said navigable waters of the United States, unless approved and authorized by the Secretary of War: *Provided*, That this section shall not apply to any bridge, bridge-draw, bridge piers or abutments the construction of which has been heretofore duly authorized by law, or be so construed as to authorize the construction of any bridge, draw-bridge, bridge piers or abutments, or other works, under an act of the Legislature of any State, over or in any stream, port roadstead, haven, or harbor, or other navigable water not wholly within the limits of such State.

Mr. ADAMS, of Illinois. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 4, strike out the words "proper local authorities" and insert in lieu thereof the words "Secretary of War."

Mr. WILLIS. There is no objection to that amendment.

Mr. STONE, of Massachusetts. I would suggest that many of these harbors are under the control of local authorities, harbor commissioners appointed by the different States, and this would deprive them of any authority to deal with such cases.

Mr. ADAMS, of Illinois. That is just what I wish to avoid. The words "proper local authorities" might mean municipal authorities. I do not wish the municipal authorities of the city of Chicago to have anything to do with establishing harbor lines there.

Mr. WILLIS. That is what I understood to be the gentleman's object.

Mr. ADAMS, of Illinois. The local authorities have supervision of the construction of docks and piers, but ought not to be allowed to in-

fringe upon the harbor. I fear that the language in the bill might be construed to give them that authority.

The amendment was adopted.

The Clerk read section 9, as follows:

SEC. 9. The Secretary of War is hereby directed to ascertain which and how many, if any, of the navigable streams within the jurisdiction of the United States have been and are now improved by locks and dams, or by either, or by other improvements, either by States or by corporations in pursuance of State authority, and upon which streams and for the use of which improvements toll is now charged, and whether said improvements can be purchased or condemned by the United States, and the probable cost of each of said improvements, together with the probable benefit to navigation and commerce of such purchase or condemnation when made, with the view of making the navigation of such streams free; and that he report to the next Congress.

Mr. HEWITT. I move to strike out section 9, and I propose to discuss that amendment now unless the gentleman from Kentucky will yield for a motion that the committee rise.

Mr. WILLIS. I ask unanimous consent to pass over that section for the present, with authority to the gentleman from New York to go back to it, so that we may get to the end of the bill this evening.

Mr. HEWITT. I assent to that. I understand we will return to section 9 and that it may be discussed later.

The CHAIRMAN. What is the proposition? The Chair desires to understand it.

Mr. WILLIS. To save time I will state that we are willing that that section shall be omitted. The committee acquiesce in the motion to strike out.

The motion to strike out the section was agreed to.

The Clerk read section 10, as follows:

SEC. 10. The Secretary of War shall prescribe such rules and regulations as may be necessary to secure a judicious and economical expenditure of said sums, and shall cause to be made and submitted to Congress annual reports, together with maps and plans, including the report of the Mississippi River Commission, on or before December 1, giving detailed statements of the work done, contracts made, the expenditures thereunder or otherwise, and balances of money on hand up to November 1, and the effect of such work, together with such recommendations as he may deem it proper to lay before Congress. He shall also, at the same time, report to Congress, at its next session, all the instances in the United States in which piers, breakwaters, or other structures or works built or made by the United States in aid of commerce or navigation are used, occupied, or injured by a corporation or an individual, and the extent and mode of such use, occupation, or injury, and the facts touching the same. He shall also report annually at the same time whether any bridges, causeways, or structures now erected or in process of erection do or will interfere with free and safe navigation.

The committee recommended the following amendment:

In line 3, strike out the words "said sums" and insert in lieu thereof "the money herein appropriated."

The amendment was adopted.

Mr. REAGAN. I ask the chairman of the committee if he will accept an amendment to insert the words "locks and dams" after the word breakwater," in line 13?

Mr. WILLIS. I have no objection to that.

The amendment was adopted.

Mr. REAGAN. I desire to offer another amendment to that section, which I send to the desk.

The Clerk read as follows:

In line 18, section 10, after the word "same," insert "which reports shall be accompanied by the affidavit or affidavits of the person or persons charged with obtaining the foregoing information that the facts therein stated are true and correct."

Mr. WILLIS. I have no objection to that.

The amendment was adopted.

The Clerk proceeded to read section 13, as follows:

SEC. 13. The Secretary of War is hereby directed, at his discretion, to cause examinations or surveys, or both, to be made, and the cost of improvements to be estimated, at the following localities, to wit:

In the States of—

Mr. McRAE. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend section 13 by inserting after the words "in the States," in line 5, the following:

Arkansas:

Re-examination of Little River and lakes connecting with Red River between Shreveport and Fulton, Ark.

Re-examination of Ouachita above Camden, Ark.

Mr. WILLIS. I have no objection to that.

The amendment was adopted.

Mr. BRECKINRIDGE, of Arkansas. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to the amendment just adopted the words "Saline River."

Mr. WILLIS. I have no objection to that.

The amendment was adopted.

The Committee on Rivers and Harbors recommended the following amendment:

Strike out from line 6 to line 13 of section 13 as follows:

A resurvey of San Francisco Harbor, with a view to further improvement.

San Pablo Bay.

Suisun Bay.

The Strait of Carquinez.

Mouth of San Joaquin River.

Mouth of Sacramento River.

The amendment was adopted.

Mr. WILLIS. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 19 insert as follows:

Connecticut:

Five-Mile River Harbor.

The amendment was adopted.

Mr. WILLIS. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the amendment just adopted insert as follows:

Dakota Territory:

James River.

The amendment was adopted.

Mr. DAVIDSON. I offer the amendment which I send to the desk.

The Clerk read as follows:

At the end of line 25 insert:

Clear-Water Harbor, including Anclote and Saint Joseph Bays and the narrows into Boga Ciega, Wakulla River, from its mouth to Newport.

The amendment was adopted.

Mr. DOUGHERTY. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the amendment just adopted insert the following:

Survey of the channel from Haulover, on Indian River, to Gilbert's bar.

The amendment was adopted.

Mr. WILLIS. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 30, insert:

"From Dubois Island to Dubois bar."

The amendment was adopted.

Mr. RIGGS. Mr. Chairman, I desire to make a verbal amendment in section 13, line 34, by striking out the word "at" and inserting the word "in," so that the line will read "Bars in Hamburg Bay."

The amendment was agreed to.

Mr. STONE, of Kentucky. Mr. Chairman, I move to amend by inserting in line — the words "For ice harbor" at Paducah, Ky.

Mr. WILLIS. There is no objection to that.

The amendment was agreed to.

Mr. WILLIS. Mr. Chairman, after that amendment I wish to add the following: "Bar at mouth of Limestone Creek, harbor of Maysville."

The amendment was agreed to.

Mr. GAY. I move to amend, in line 49, by adding, after the words "Mississippi River," the words "by locks, and also Bayou Plaquemine and their connecting streams to form the best route to Grand Lake."

Mr. WILLIS. There is no objection to that.

The amendment was agreed to.

Mr. GAY. Mr. Chairman, I move to amend by adding after the words "Calcasieu River," in line 51, the words "and affecting its outlet to the Gulf."

Mr. WILLIS. There is no objection to that.

The amendment was agreed to.

Mr. BLANCHARD. I move to amend, in line 55, after the word "dam," by inserting "Clear Lake, Black Bayou, Red Bayou, Black Lake, and Kelly Bayou, to reopen navigable communication between those streams and Red River."

Mr. WILLIS. There is no objection.

The amendment was agreed to.

Mr. GAY. I move to amend, in line 55, by adding after the last word "a permanent improvement to secure navigation in Bayou La Fourche at low water."

The amendment was agreed to.

An amendment recommended by the Committee on Rivers and Harbors, striking out, in line 56, the name "Little River," was agreed to.

The Clerk read as follows:

Ouachita River, from Camden to mouth, with a view to slackwater navigation.

Mr. GAY. Mr. Chairman, I move to amend by inserting in line 59 the words "Bayou Vermillion, to secure navigation from Abbeville to the railroad bridge of the Louisiana and Texas Railroad."

Mr. WILLIS. There is no objection to that.

The amendment was agreed to.

Mr. GAY. I move to add after the amendment last adopted the words:

Surveys of the Mississippi River, to ascertain the comparative velocity of the current at various depths of the channel from the Head of the Passes for a distance of 100 miles up that stream.

The CHAIRMAN. Is there objection to the amendment?

Mr. GAY. This provides for getting very important information.

Mr. BLANCHARD. I have this objection to the amendment, that it does not come in at the proper place. The surveys of the Mississippi River are under the direction of the Mississippi River Commission. This would authorize the Secretary of War also to make surveys.

Mr. GAY. I withdraw the amendment.

Amendments proposed by the Committee on Rivers and Harbors, striking out in line 60 "Bayou Vidal," and in line 61 "Bayou Roundaway," were agreed to.

Mr. BLANCHARD. Mr. Chairman, I desire to correct a mistake of a letter in line 53, page 58 of the bill. The name "Fort Barre" should read Port Barre.

The amendment was agreed to.

Mr. MILLIKEN. I move to insert after the heading "Maine," line

62 of the bill, the words "Bagaduce River between the towns of Penobscot and Brooksville."

The amendment was agreed to.

Mr. DAVIS. I move to amend by inserting between lines 85 and 86 the words "New Bedford Harbor."

The amendment was agreed to.

An amendment recommended by the Committee on Rivers and Harbors, inserting in line 85 the name "Winthrop Harbor," was agreed to.

Mr. WILLIS. In line 93, under the head of "Michigan," there is provision for a survey at the "mouth of Black River." I move to insert after the words "Black River" the words "Saint Clair County." There are two Black Rivers.

The amendment was agreed to.

The Clerk read as follows:

Carp River, with a view to affording an entrance to Carp Lake for harbor of refuge.

An amendment reported by the committee to insert after "Carp River" the words "at Leland" was agreed to.

The Clerk read as follows:

Lake Michigan at Empire, with a view to cutting a channel across the bar from Lake Michigan to Carp Lake.

An amendment of the committee to strike out "Carp" and insert "Bar" was agreed to.

Mr. CUTCHEON. I move to amend by inserting after the clause last read the following:

Grand Traverse Bay, with a view to connecting it with Torch Lake near Eastport.

Mr. WILLIS. I desire to inquire of the gentleman whether this contemplates the cutting of a canal?

Mr. CUTCHEON. It looks to connecting Torch Lake with Grand Traverse Bay. There is a natural connection; but the point contemplated in the amendment is not where the natural outlet is, though near it. The case here is the same as with a great many harbors on Lake Michigan.

Mr. DUNN. Does this amendment contemplate any benefit to private property?

Mr. CUTCHEON. The amendment has no reference at all to the benefit of private property. It looks to opening up a chain of lakes with more than a hundred miles of magnificent navigation. Three large and rich counties immediately interested in this navigation have by the unanimous vote of their boards of supervisors asked for this action.

Mr. WILLIS. I simply desired to know whether this was a proposition to cut a canal or whether there is now water there.

Mr. CUTCHEON. There is plenty of water there; but the amendment does not contemplate a connection at the exact point where the natural outlet of these lakes occurs. At the point proposed, however, the improvement can be more cheaply made than at the natural outlet, the distance across being much less than it would be if the natural outlet were improved.

It is proposed to open this connection with Torch Lake, a lake 20 miles long and deep enough to float our heaviest steamers. This improvement will open up a chain of five successive lakes, adjacent to which are magnificent hard-wood forests, and on the banks of one of these lakes is the largest blast-furnace in the State of Michigan, turning out 70 tons of iron a day.

Mr. WILLIS. With the understanding that this is not a proposition for an artificial canal, we have no objection. If it is, we do object. With this statement on the record I am willing to let the matter go.

Mr. CUTCHEON. I can not say that there is a natural water course at this particular point. But the case is the same here as with one-half the harbors upon Lake Michigan. The case is the same as at Frankfort, at Ludington, and at White River. In all these cases it is necessary to have an artificial channel cutting across these bars or spits, because this work can be more cheaply done than to improve the natural outlet.

The question being taken on agreeing to the amendment, it was declared not agreed to.

Mr. CUTCHEON. I call for a division. I shall insist upon this amendment going in if we sit here all night. The bill makes provision for forty surveys in the State of Louisiana. In this case the distance from water to water is only about the eighth of a mile.

The question being again taken, there were—ayes 23, noes 53.

Mr. CUTCHEON. I demand tellers.

Mr. WILLIS. I hope my friend will not do that.

Mr. CUTCHEON. I will say to the chairman of the Committee on Rivers and Harbors that I have stood by him on this bill from the beginning to the end.

Mr. WILLIS. Then do not desert us now.

Mr. CUTCHEON. This is the first survey asked that has not been agreed to. You have put them on by the dozen. I simply ask for a survey; that is all.

The CHAIRMAN. Debate is not in order; the Chair appoints as tellers the gentleman from Michigan [Mr. CUTCHEON] and the gentleman from Kentucky [Mr. WILLIS].

Mr. LONG. The gentleman from Kentucky will allow me to ask him a question: If provision for this survey should be inserted in the bill, will the Secretary of War even then be compelled to make the survey? Will not the matter still be within his discretion?

Mr. WILLIS. That is true. The only point in this matter (and it has been made over and over again) is as to the jurisdiction of this committee. We have held all along that we have no jurisdiction of either canals or railways.

Mr. LONG. This simply leaves the matter discretionary with the Secretary of War.

Mr. DAVIS. This survey will determine the fact whether this is a canal or not.

Mr. WILLIS. As there seems to be some difference of opinion about this case, and as this is merely a preliminary survey, no affirmative action being asked from the House, I will, so far as I am personally concerned, withdraw any objection to the amendment.

The CHAIRMAN. Does the gentleman from Michigan withdraw his demand for tellers?

Mr. CUTCHEON. I do, provided the Committee of the Whole consents to this survey going in; not otherwise.

The CHAIRMAN. If there be no objection, the question will be again taken on the amendment.

The question being again taken on the amendment of Mr. CUTCHEON, it was agreed to.

The amendment of the committee was read, as follows:

Minnesota River, with a view to its improvement by locks and dams.

The amendment was agreed to.

Mr. JONES, of Alabama. I move after line 108 to insert the following:

Tombigbee River, to ascertain what improvement is necessary to make said river continuously navigable from Vienna, Ala., to Walker's Bridge, Miss.

Mr. WILLIS. I suggest to my friend to say from Vienna, Ala., to the other point.

The amendment was agreed to.

The Clerk read as follows:

Mississippi:
Cassity Bayou.
Noxubee River.
Amendment of the committee:
"Add the following: 'To ascertain whether it can be made continuously navigable by a system of locks and dams.'"

The amendment was agreed to.

Mr. BARRY. I move after the word "dams" to insert the words "or otherwise."

The amendment was agreed to.

Mr. WHEELER. I move to insert the following:

Bear Creek.

Mr. WILLIS. What State?

Mr. WHEELER. Alabama and Mississippi both.

Mr. WILLIS. Very well.

The amendment was agreed to.

The Clerk read as follows:

Missouri:
Resurvey of the Osage River from its mouth to Osceola, with a view to movable lock and dams, or other methods of improvement.
Amendments of the committee:
"Insert the following:
"'Little River from Hornersville to its junction with the Saint Francis River.
"'Saint Francis River from Greenville to the Arkansas State line.'"

The amendments were agreed to.

The Clerk read as follows:

Channel between Jamaica Bay and Rockaway Inlet.

Mr. HEWITT. I move to insert the following:

The East River, with a view to the removal of the ledge of rocks situated between 500 and 600 feet from the foot of Tenth and Eleventh streets in the city of New York.

Mr. WILLIS. There is no objection to that.

The amendment was agreed to.

The Clerk read as follows:

Niagara River between Black Rock and Tonawanda, with a view to a 16-foot channel.
Amendment of the committee:
"Insert before 'Niagara' the words 'Tonawanda Bay and.'"

Mr. WEBER. I move to amend the amendment of the committee by striking out "Bay" and inserting "Harbor."

The amendment to the amendment was agreed to, and the amendment as amended was agreed to.

The Clerk read as follows:

Oregon:
Wood River.
Link River.
Suislaw River and Bar.

Mr. HERMAN. The correct spelling is Siuslaw, and not as it is in the bill.

The CHAIRMAN. The correction will be made accordingly.

The Clerk read as follows.

Ohio:
Sandusky Harbor, with a view to a straight channel from the north end of Cedar Point to the east end of the existing channel in front of the city.
Big Hockhocking River from its mouth to Coalville.

Amendments of the committee: Strike out "Coalville" and insert "Coolville;" and insert the following:

Chagrin River at its mouth.

The amendments were agreed to.

The Clerk read as follows:

South Carolina:
Mosquito Creek between the South Edisto and Ashepoo Rivers, with a view to connect the South Edisto with the Ashepoo at or near Fenwick's Island.
Mingo Creek.
Clark's Creek.
Little Pee Dee River.

Mr. DIBBLE. I move to insert the following:

Alligator River and other waters connecting Santee River and Bull's Bay.

The amendment was agreed to.

The Clerk read as follows:

Tennessee:
North Fork of the Forked Deer River below Dyersburg.

Mr. McMILLIN. I move the following amendment:

Obed River from the point where improvements have heretofore been made to the mouth of West Fork.

The amendment was agreed to.

The Clerk read as follows:

Texas:
Cedar Bayou where it empties into Galveston Bay.
Raft at the mouth of Guadaloupe River.

Mr. WILLIS. I move to insert after line 164 the following:

Colorado and Brazos.

The amendment was agreed to.

Mr. JONES, of Texas. I move to add the following:

Sabine River from Logansport down to its mouth.

The amendment was agreed to.

Mr. TRIGG. I move after Nansemond River, in line 167, to insert:

Louisa Fork of Sandy River.

The amendment was agreed to.

Mr. BRADY. I move the following amendment:

Roanoke River, from Clarksville, Va., to Eden Falls, N. C.

The amendment was agreed to.

Mr. LA FOLLETTE. I move to strike out the entire thirteenth section relating to these surveys. I do not want to take one minute of the committee's time if I can have a yea-and-nay vote in the House.

Mr. KING. What is the amendment?

Mr. LA FOLLETTE. I move to strike out the entire section relating to these surveys. Do I understand I can have a yea-and-nay vote in the House. I desire to say this, and it will take me but a minute to say it.

Mr. KING. I rise to a point of order. I understood the debate was closed on the bill.

The CHAIRMAN. The Chair overrules the point of order.

Mr. LA FOLLETTE. I will take less time in the statement of my objections to this section of the bill, and my reason for making this motion, than it will take to overrule the point of order.

Mr. Chairman, I have already stated upon the floor of the House, and I desire now to repeat very briefly the objections I then made: The committee have within the last few minutes enlarged the number of new surveys provided for by this bill until they amount to about one hundred and forty in all. The last river and harbor bill passed by Congress contained one hundred and eight provisions for different surveys. Twenty-five per cent. of the surveys ordered in the last act are incorporated in this bill and that portion of it in which appropriations are made.

I believe that the viciousness of this whole system of legislation in connection with this bill rests largely upon this principle of enlarging the number of new works by authorizing these surveys in new places before the works already in progress are completed. That is all I desired to say.

Mr. WILLIS. The gentleman is entirely in error in regard to the effect of the last surveys authorized. I hold in my hand this bill, and I state to him and to the committee that so far as my examination extends, and I think I am quite familiar with the bill, the new projects do not amount to $50,000 in the bill.

These are merely preliminary surveys, and half of them never get beyond an examination on paper. The engineer examines his charts and says they are not worthy of improvement or are not of public necessity. But certainly any gentleman has the right to ask that a river in his State shall be inquired into by the Secretary of War to see whether it is worthy of improvement, and that is the extent of this section.

Mr. WHEELER. Let me ask the gentleman from Kentucky if it is not true that the effect of such a provision is often to prevent improper appropriations?

Mr. WILLIS. Of course; that is the object.

Mr. LA FOLLETTE. I ask permission, Mr. Chairman, to say just this in reply to the gentleman from Kentucky, that I have not made any statement here without knowing that I made it upon authority. I have examined carefully and compared the present bill with the surveys previously authorized, and have compared the new improvements inaugurated by this bill with that passed by the last Congress so far as it relates to the improvements of rivers and harbors, and I know that twenty-three of those that were provided for in the bill of the last Congress for survey have been incorporated in this bill.

I did not state what the amount would reach in dollars and cents, but only the aggregate number of the surveys, for I have not examined what the total cost will be. But as to the number already undertaken I am correct in that.

The question being taken on the amendment of Mr. LA FOLLETTE, there were upon a division—ayes 14, noes 41.

Mr. LA FOLLETTE. No quorum.

Mr. WILLIS. I move that the committee do now rise. We have reached that point in the bill where I intended to make that motion.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. McCREARY reported that the Committee of the Whole House on the state of the Union, having had under consideration the river and harbor appropriation bill, had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. McRAE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same; namely:

A bill (H. R. 1397) to establish a port of delivery at Springfield, in the State of Massachusetts; and

A bill (S. 1013) providing for the establishment of a port of entry at Mount Desert Ferry, in the town of Hancock, State of Maine.

COUNTING OF THE ELECTORAL VOTE.

Mr. DIBBLE, by consent heretofore granted, submitted the views of the minority of the Select Committee on the election of President and Vice-President on the bill (S. 9) to fix the day for the meeting of the electors for President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President and the decision of questions arising thereon; which was ordered to be printed, to accompany the report of the select committee.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate insisted upon its amendments disagreed to by the House to the bill (H. R. 4731) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, agreed to the conference asked for by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. PIKE, Mr. HOAR, and Mr. JONES of Arkansas.

And then, on motion of Mr. WILLIS (at 6 o'clock and 40 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ATKINSON: Petition of Grange No. 150, of Perry County, Pennsylvania, for the passage of a law to suppress imitation dairy products—to the Committee on Agriculture.

Also, petition of same, protesting against the free admission of foreign agricultural products—to the Committee on Ways and Means.

By Mr. BARBOUR: Petition of Susan T. Samuel, of Culpeper County, Virginia, praying that her war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. BLAND: Petition asking that the papers in the claim of Rebecca Gaddy be referred to the Court of Claims—to the same committee.

By Mr. BOUND: Petition of Grange No. 84, of Pennsylvania, for the suppression of imitation dairy products—to the Committee on Agriculture.

Also, petition of the same, against the admission free of duty of agricultural raw products—to the Committee on Ways and Means.

By Mr. BUNNELL: Petition of Granges Nos. 101, of Susquehanna County, and of 204, of Bradford County, Pennsylvania, praying for a law to prevent imitation dairy products—to the Committee on Agriculture.

Also, petition of citizens, agriculturists, and dairymen of Bradford County, Pennsylvania, for the same—to the same committee.

Also, petition of Granges Nos. 101 and 204, of Pennsylvania, protesting against placing on the free-list raw agricultural products, such as wool, jute, rice, tobacco, raw sugars, hides, &c.—to the Committee on Ways and Means.

By Mr. J. M. CAMPBELL: Petition of Grange No. 790, of Pennsylvania, asking that the proposed tariff be so amended as to afford to wool and other agricultural products the same protection that is accorded to other industries—to the same committee.

Also, petition of the same, asking for such legislation as will suppress the manufacture and sale of all imitation dairy products—to the Committee on Agriculture.

By Mr. COLLINS: Petition of Charles H. Fernald, alias Charles Gould, for removal of the charge of desertion, to accompany House bill 7954—to the Committee on Military Affairs.

Also, memorial of the Boston monthly meeting of Friends, in favor of the passage of Senate bill 355, to promote peace among nations, &c.—to the Committee on Foreign Affairs.

By Mr. COMSTOCK: Petition of J. B. Richardson Post of the Grand Army of the Republic at Harbor Springs, Mich., asking for increase of pension for Mary E. Champlin—to the Committee on Invalid Pensions.

Also, petition of Williams Post, No. 10, Grand Army of the Republic, of Ludington, Mich., asking for increase of pension for Mary E. Champlin—to the same committee.

Also, petition of citizens of Kent County, Michigan, for the enactment of such laws and appropriations as will make efficient the work of the National Board of Health—to the Committee on Commerce.

By Mr. GIFFORD: Seventeen petitions of citizens of Dakota, praying for a division of the Territory on the seventh standard parallel thereof—to the Committee on the Territories.

By Mr. GROSVENOR: Evidence to support the bill for the relief of William Jack—to the Committee on Invalid Pensions.

Also, evidence to support bill for the relief of Charles T. Shirm—to the same committee.

By Mr. McCOMAS: Petition of John C. Middlekauff, of Washington County, Maryland, for payment of war claim—to the Committee on War Claims.

By Mr. OSBORNE: Memorial of Grange No. 236, of Pennsylvania, asking for legislation that will suppress the manufacture and sale of all imitation dairy products—to the Committee on Agriculture.

Also, memorial of the same, protesting against legislation favoring the admission free of duty of all agricultural raw material—to the Committee on Ways and Means.

By Mr. PAYNE: Petition of P. C. Kenyon and others, of Central Square, N. Y., for a tax on oleomargarine—to the Committee on Agriculture.

By Mr. PETERS: Petition of Knights of Labor No. 5533, of Wellington, Kans., favoring organization of Oklahoma Territory—to the Committee on the Territories.

By Mr. PIDCOCK: Petition of Grange No. 88, of New Jersey, against allowing the admission of free raw materials, like wool, &c.—to the Committee on Ways and Means.

Also, petition of same, asking protection for dairy interests—to the Committee on Agriculture.

By Mr. PINDAR: Petition of merchants and business men of New York, New Orleans, Chicago, Boston, Baltimore, and Philadelphia, praying for law prohibiting tax, &c., upon commercial travelers—to the Committee on Commerce.

By Mr. RANDALL: Petition of merchants of Baltimore, Boston, Chicago, New Orleans, and Philadelphia, in favor of the passage of House bill 1621—to the same committee.

By Mr. SENEY: Petition of Traders' Union, favoring House bill No. 1621—to the same committee.

By Mr. SMALLS: Petition of 285 citizens of the District of Columbia, asking the enactment of a law requiring scientific temperance instruction in the public schools of the District—to the Committee on Education.

By Mr. E. F. STONE: Petition of the President of Salem (Mass.) Women's Association in behalf of the bill (S. 52) relating to Indians—to the Committee on Indian Affairs.

By Mr. J. M. TAYLOR: Petition of John C. Trice, of Henderson County, Tennessee, for payment of war claims—to the Committee on War Claims.

By Mr. ZACH. TAYLOR: Petition of Ann Eliza Turner, trustee, of Fayette County, Tennessee, asking that their war claim be referred to the Court of Claims—to the same committee.

By Mr. TOWNSHEND: Letter in support of claim of John Sheridan for relief—to the Committee on Invalid Pensions.

By Mr. VOORHEES: Petition of Seattle, of Tacoma, and of Seattle, Wash., asking Congress to annul act of the Legislative Assembly in relation to penitentiary law—to the Committee on the Territories.

Also, memorial of the Chamber of Commerce of Astoria, Oreg., praying for protection to settlers on the forfeited land grant of the Oregon Central Railroad Company in Oregon and Washington Territories—to the Committee on the Public Lands.

Also, papers in the claim of John L. Butler—to the Committee on Claims.

Also, petition of citizens of Washington Territory, asking for the donation of certain lands in Whatcom County, adjoining the boundary line of British Columbia, as an international park—to the Committee on the Public Lands.

Also, petition of citizens of Olympia, Wash., praying for the annulling of the act of the Legislative Assembly of Washington Territory providing for the permanent location and construction of a penitentiary at Walla Walla—to the Committee on the Territories.

By Mr. WADSWORTH: Petition of Thomas H. Bruce, for relief—to the Committee on Invalid Pensions.

By Mr. WARD: Petition of Knights of Labor Local Assembly 4477, of Chicago, Ill., against the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. BRAGG: Of citizens of Fond du Lac and Waukeska County, Wisconsin.

By Mr. E. B. TAYLOR: Of citizens of Cuyahoga County, Ohio.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May* 1, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

PUBLIC BUILDING AT WICHITA, KANS.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, transmitting a letter from the Supervising Architect of the Treasury relative to the proposed increase of limit of cost of the public building at Wichita, Kans.; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PRIVATE LAND CLAIMS IN NEW MEXICO.

The SPEAKER also laid before the House a letter from the Assistant Secretary of the Interior, transmitting a letter from the Commissioner of the General Land Office inclosing communication from the surveyor-general of New Mexico relative to legislation for the adjustment of private land claims in that Territory; which was referred to the Committee on Private Land Claims, and ordered to be printed.

REFERENCE OF SENATE BILLS.

The SPEAKER laid before the House Senate bills of the following titles; which were severally read twice, and referred to the committees named:

A bill (S. 165) for the relief of William H. Gray, of Kentucky—to the Committee on Claims.

A bill (S. 187) for the relief of Frederick W. Ruggles, of Westport, Nova Scotia—to the Committee on War Claims.

A bill (S. 267) for the relief of Edway A. Grant—to the Committee on Claims.

A bill (S. 472) for the relief of the American Board of Commissioners for Foreign Missions, Rev. Worcester Willey and Esther Smith—to the Committee on Claims.

A bill (S. 1071) for the relief of Frances W. Dyer—to the Committee on Claims.

REFERENCE OF SENATE RESOLUTION.

The SPEAKER also laid before the House the following Senate concurrent resolution; which was read, and under the statute referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 copies of the report of the Superintendent of the Coast and Geodetic Survey showing the progress made in said survey during the year ended June 30, 1885, for distribution by said superintendent.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. DANIEL, for three days, on account of important business.

To Mr. CULBERSON, for twelve days, on account of sickness in his family.

To Mr. CABELL, for four days, on account of important business.

To Mr. JOHN M. TAYLOR, for this day, on account of sickness in his family.

POTOMAC RIVER FLATS.

The SPEAKER announced as the conferees on the part of the House in the conference with the Senate on the bill (S. 335) to provide for protecting the interests of the United States in the Potomac River flats, in the District of Columbia, Mr. BARBOUR, Mr. REAGAN, and Mr. BUTTERWORTH.

TELEPHONE INVESTIGATION.

Mr. ADAMS, of Illinois. Mr. Speaker, I rise to present a privileged report from the Committee on Accounts.

The Clerk read the report, as follows:

"IN THE HOUSE OF REPRESENTATIVES, *April* 26, 1886.

"*Resolved*, That the sum of $1,000 allowed by the resolution of February 26, 1886, relating to certain telephone companies, to pay the expenses of the investigation thereby ordered, be increased to a sum not exceeding $2,500; that the additional sum hereby allowed be paid out of the contingent fund of the House, as provided in the original resolution, and that said committee be authorized to pay a clerk at the same rate of compensation allowed to other committee clerks, beginning at the date when he was actually employed in the service of the committee."

The committee make the following report:

That the Committee on Accounts, to whom was referred the accompanying resolution, after due consideration, report the following substitute and recommend its adoption:

"*Resolved*, That the sum of $1,000 allowed by the resolution of February 26, relating to certain telephone companies, to pay the expenses of the investigation thereby ordered, be increased to a sum not exceeding $3,000; that the additional sum hereby allowed be paid out of the contingent fund of the House as pro-

vided in the original resolution, and that said committee is hereby declared to have been authorized by the resolution aforesaid to employ a clerk, and is authorized to pay said clerk at the same rate of compensation allowed to other committee clerks, beginning at the date when he was actually employed in the service of the committee."

Mr. ADAMS, of Illinois. Mr. Speaker, the development of that investigation has shown clearly that the committee need more than the sum originally allowed. We believe they need at least $3,000, and I suppose there will be no objection to the passage of the resolution. If any gentleman has any question to ask I will answer it, or allow the chairman of the investigating committee to answer it.

Mr. HOLMAN. I think we had better have some explanation of the necessity for this additional appropriation.

Mr. BOYLE. Mr. Speaker, on the suggestion of the gentleman from Indiana [Mr. HOLMAN] I state that the committee was authorized to employ a stenographer. The expense of the special stenographer up to a certain date was about $1,500. At that date, seeing that we had exceeded the amount allowed us, I called upon the Speaker and had one of the official stenographers detailed to record the proceedings of the committee, and since that time we have incurred no further expense of that character. The other expenses have been for mileage, for witnesses, and a very few dollars for stationery. The committee at the outset thought it might get along without a clerk, but soon found that to be impossible. On account of the number of papers which came into our custody, and the work connected with them, we found the services of a clerk absolutely necessary, and without express authority from the House, but assuming that we had the authority under the original resolution, we did employ a clerk, who has rendered service to the committee almost from its organization. I was under the impression when this resolution was offered that $2,500 would be sufficient for the purposes of the committee, and it may yet prove to be so, but we are authorized by the substitute reported from the Committee on Accounts to expend, if necessary, a sum not exceeding $3,000. We certainly will not expend more than is absolutely necessary to pay the expenses of the committee.

Mr. ADAMS, of Illinois. Mr. Speaker, if no other gentleman desires to ask a question, I demand the previous question on agreeing to the substitute and the passage of the resolution.

The previous question was ordered.

The substitute reported by the Committee on Accounts was agreed to.

The resolution as amended was adopted.

Mr. ADAMS, of Illinois, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUBSTITUTES IN THE TREASURY DEPARTMENT.

Mr. FINDLAY. Mr. Speaker, I desire to present a privileged report from the Committee on Reform in the Civil Service.

The report was read, as follows:

"IN THE HOUSE OF REPRESENTATIVES.

"Whereas by a report to this House by the Secretary of the Treasury, bearing date April 5, 1886, it is shown that quite a number of persons holding positions as employés in the Treasury Department are carried on the rolls of employés and not required to perform any service, and whose places are filled by substitutes designated to positions within the classified civil service and who have not been certified for appointment to said positions by the United States Civil Service Commission, and who are paid a less rate of compensation than the salary allowed the said regular employés: Therefore,

"*Resolved*, That the Secretary of the Treasury be, and he is hereby, directed to inform this House by what authority these practices are had, and by what authority persons are paid salaries when they do not perform any service to the Government."

The Committee on Reform in the Civil Service, to whom the above resolution was referred, have had the same under consideration and submit the following report:

The committee can see no reason for questioning the good faith of the statement made by the acting Secretary of the Treasury in his report to the House under date April 5, 1886, that substitutes are appointed to fill the places of permanent employés when the latter are absent on account of sickness, and accepting this as a valid reason for the temporary appointment of such substitutes, beg leave to be discharged from the further consideration of the matter.

Mr. TAULBEE. Mr. Speaker, I move that the House adopt the resolution reported back by the committee.

The SPEAKER. The question is on the adoption of the resolution. Does the gentleman from Kentucky [Mr. TAULBEE] desire to address the Chair?

Mr. TAULBEE. Yes, sir.

Mr. MORRISON. Regular order, Mr. Speaker.

The SPEAKER. This is the regular order.

Mr. TAULBEE. Mr. Speaker, I will send to the Clerk's desk the report of the Secretary of the Treasury on which was based the resolution introduced by me. He need not read the accompanying table, but I will ask permission to print it in the RECORD.

The Clerk read as follows:

TREASURY DEPARTMENT, *April* 5, 1886.

SIR: I have the honor to acknowledge the receipt of a resolution of the House of Representatives, adopted March 24, 1886, of which the following is a copy:

"*Resolved*, That the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Postmaster-General, the Secretary of the Interior, and the Attorney-General be requested, respectively, to inform the House, if not incompatible with the public service, whether or not employés in their respective Departments are permitted to employ substitutes to perform their duties, and whether or not such substitutes are employed or appointed; and, if so, by whom so employed or appointed, and the amount of compensation paid such substitutes and by whom paid, and the amount of compensation paid the regular employés during the time such substitute is employed and by whom paid, together with a list of such employés, their home post-offices, and date of their appointment, and a list of such substitutes, their home post-offices, and date of their appointment, and whether or not any of such substitutes are assigned to duties of positions included in the classified civil service, and whether or not such substitutes have passed examinations by the United States Civil Service Commission and been certified for such appointment; and if such subemployment or subappointment is had or permitted, by what authority it is so had or permitted."

In reply thereto I would say that when employés of this Department are obliged to be absent on account of sickness, it has been customary to allow substitutes to act in their places if additional clerical force is required during their absence for the proper transaction of public business. The designation of such substitutes is made by the direction of this Department, and the substitutes so designated are compensated out of the regular salaries of the persons whom they represent. They perform such duties as may be required of them from time to time in the bureau or division to which they are attached.

This Department is not informed as to whether such substitutes have passed examination by the United States Civil Service Commission, as they are designated to said positions without certification from said commission.

Inclosed herewith is a list giving the names of such substitutes, their home post-offices so far as known to this Department, and date of their designation; also the names of the regular employés who are represented by said substitutes, their home post-offices, and the date of their appointment, together with the amount of compensation allowed said substitutes and the salaries of said employés.

Respectfully, yours,

C. S. FAIRCHILD,
Acting Secretary.

To the SPEAKER OF THE HOUSE OF REPRESENTATIVES.

The following is the table above referred to:

Name of substitute.	Home post-office.	Date of designation.	Compensation of substitute.	Salary of regular employé.	Name of regular employé.	Home post-office.	Date of appointment.
Allen, Mrs. H. E.	District of Columbia.	Mar. 22, 1886	$840 00	$1,000 00	Renfro, George W.	Kentucky	Sept. 29, 1863
Brown, Miss K. T.	do	Jan. 23, 1886	900 00	900 00	Brown, Miss F. R.	District of Columbia.	May 1, 1869
Carter, Miss V.	do	Nov. 19, 1885	500 00	900 00	Korhaunner, Mrs. Tonnia.	do	Nov. 2, 1874
Cartwright, Miss S. M.	do	Mar. 20, 1886	700 00	1,000 00	Crane, Miss K. G.	Massachusetts	Sept. 1, 1869
Cole, Mrs. E. K.	do	Feb. 6, 1886	800 00	1,400 00	Duvall, Louis.	Texas	June 16, 1877
Doty, Mrs. A. W.	do	Aug. 7, 1885	720 00	900 00	Stockdale, Mrs. A. P.	Louisiana	Feb. 17, 1870
Dorsett, Mrs. B. M.	do	Feb. 11, 1886	700 00	1,200 00	Frank, Charles A.	Massachusetts	Sept. 13, 1884
Fox, Miss Imogene.	do	Oct. 8, 1885	800 00	1,400 00	Chase, William H.	New York	April 2, 1880
Godey, Miss C. C.	do	Mar. 4, 1886	500 00	900 00	Harkness, Mrs. M. C.	Connecticut	Nov. 4, 1884
Harper, Miss Annie.	do	Dec. 14, 1885	500 00	900 00	Harper, Mrs. S. F.	Indiana	Oct. —, 1875
Heap, Miss Maggie.	do	Dec. 15, 1885	600 00	1,000 00	Heap, Mr. E. L.	District of Columbia.	Aug. 15, 1871
Hayden, William F.	do	Jan. 11, 1886	840 00	1,200 00	Reese, Henry F.	Alabama	July 26, 1884
Doran, Thomas F.	do	Jan. 23, 1886	1,200 00	1,800 00	Goodall, F. H.	New Hampshire	May 18, 1864
Herron, Peter H.	do	Feb. 3, 1886	900 00	1,200 00	Miller, Charles.	Pennsylvania	Oct. 5, 1874
Jones, R. L.	do	Mar. 12, 1886	360 00	720 00	Hancock, F. F.	Maryland	Aug. 3, 1885
Warfield, L. G.	do	Jan. 4, 1886	720 00	720 00	Armstrong, J. L.	do	July 30, 1885
Moulthrop, Mrs. J. F.	do	May 20, 1885	840 00	1,200 00	Taggart, Daniel	New Jersey	Sept. 4, 1869
Miller, Miss Alice.	do	Oct. 16, 1885	840.00	1,200 00	Shelly, R. L.	Louisiana	Jan. 1, 1880
McLeod, Miss Mary.	do	Nov. 16, 1885	450 00	900 00	McLeod, Miss Maggie.	Pennsylvania	Jan. 15, 1878
Mann, Miss H. N.	do	Oct. 14, 1885	840 00	1,200 00	Pancoast, Miss M. E.	New Jersey	July —, 1869
Moore, Miss Agnes	do	Oct. 29, 1885	720 00	900 00	Alexander, Miss M. C.	West Virginia	Dec. 6, 1869
Mulvain, Miss Mary.	do	Mar. 8, 1886	720 00	1,000 00	Fisher, Miss Ellen P.	Maine	Oct. 21, 1865
Nichols, Miss J. W.	do	Oct. 1, 1885	800 00	1,600 00	Jones, F. W.	Illinois	May 2, 1881
Petingale, Samuel K.	do	May 22, 1885	900 00	1,800 00	Petingale, Thomas.	New York	Mar. 10, 1863
Peacock, Miss Sarah.	do	Nov. 14, 1885	480 00	900 00	Millar, Miss C. V.	Colorado	June 1, 1881
Reynolds, Miss Maud.	do	Aug. 6, 1885	900 00	1,800 00	Reynolds, J. E.	New York	April 29, 1872
Rickey, Joseph M.	do	Mar. 9, 1886	1,000 00	1,800 00	Ellis, Zabina.	do	Sept. 24, 1864
Ryan, Mrs. H. R.	do	Mar. 3, 1886	720 00	1,000 00	Leet, Mrs. S. B.	Pennsylvania	Dec. 19, 1881
Stahl, Mrs. Lillian.	do	Mar. 3, 1886	500 00	900 00	Plant, Miss M. A.	District of Columbia.	Dec. 11, 1871
Varden, Miss E. R. T.	do		900 00	900 00	Varden, Mrs. A. C.	Maryland	June 8, 1868
Yarnell, Mrs. E. A.	do	Mar. 11, 1886	800 00	1,400 00	Jennings, Halsey.	New Jersey	July 21, 1884
Wood, Mrs. E. T.	do	Nov. 16, 1885	1,000 00	1,400 00	Blake, James.	Kansas	April 4, 1873

Mr. FINDLAY. I rise to a point of order. When the report of the committee had been made, I understood the gentleman from Kentucky [Mr. TAULBEE] to move the adoption of the report——

The SPEAKER. Which was unnecessary.

Mr. FINDLAY. And the Chair submitted that question, which was voted on. I voted "ay" myself on the adoption of the report.

The SPEAKER. The gentleman from Kentucky [Mr. TAULBEE] stated, however, that he had risen to address the Chair——

Mr. FINDLAY. But he failed to do so; and before making that statement he had moved the adoption of the report.

The SPEAKER. That was the matter before the House.

Mr. FINDLAY. What becomes of that matter?

The SPEAKER. It is pending. The gentleman still retained the floor.

Mr. FINDLAY. The question was put by the Chair to the House on the adoption of the report.

Mr. TOWNSHEND. The negative vote was not taken.

The SPEAKER. But the gentleman from Kentucky stated that before the Chair commenced to take the vote he had risen to address the Chair. The Chair always accepts a statement of that kind made by gentlemen on the floor. The gentleman from Kentucky retained his place on the floor. The Chair commenced taking the vote because he supposed the gentleman from Kentucky did not desire to say anything; but the gentleman having stated that he did desire to speak, and being still on the floor, the Chair of course was compelled to suspend the putting of the question.

Mr. FINDLAY. I do not wish to press the matter further; but the "ayes" had been called for.

The SPEAKER. But the vote was interrupted by the statement of the gentleman that he had held the floor for the purpose of addressing the House.

Mr. TAULBEE. I beg leave to differ with the gentleman from Maryland as to what my motion was. It was to adopt the resolution, and not the report of the committee. The motion I desire to submit is that the report of the committee be laid on the table and the resolution as reported back be adopted.

The SPEAKER. The gentleman's motion was to adopt the resolution; that was the language used by him. The Chair supposed he meant the report, because the Chair, having his attention engaged otherwise while the reading of the report was going on, did not know but that the committee had reported back the resolution with a recommendation that it pass.

Mr. FINDLAY. I understood the gentleman to move the adoption of the report, not of the resolution.

The SPEAKER. The stenographer's notes will show what took place.

Mr. TAULBEE. Mr. Speaker, I had not intended to address the House on this resolution if the Committee on Reform in the Civil Service had reported it back favorably. But as it has come in with an adverse report, I feel called upon to assign some reason for advocating its adoption.

The committee to whom the resolution was referred appear to base their action on the statement made by the Secretary of the Treasury in the report made April 5, 1886, in response to a similar resolution in which report, as read by the Clerk, it is stated by the Secretary of the Treasury that substitutes are appointed or designated in the Treasury Department in case of sickness. This report can not, if I understand the meaning of language, be construed as signifying that only in cases of sickness are substitutes appointed or designated. With the knowledge I have of the facts in the case I would be unwilling to place the Secretary of the Treasury in the attitude of saying that. While I do not personally know the facts in each of the cases in which substitutes have been designated, as given in the table submitted with the report of the Secretary of the Treasury, I do know enough about the facts in many of these cases to justify me in saying that such a statement would be unwarranted. I therefore conclude that the Secretary of the Treasury did not intend to be understood as saying that these substitutes were designated only in case of sickness on the part of the principal employé.

Besides, Mr. Speaker, I wish to state that for the purposes of this report, after the resolution in response to which it is given had reached the Treasury Department and been laid before the Secretary of the Treasury, appointees of the Treasury Department who had substitutes, and who were engaged in other business, were caused to report for duty and their substitutes dismissed. In addition to that, regulations were promulgated through the various bureaus of the Treasury Department changing the rate of compensation as between the principals and their substitutes; in orther words, limiting the margin of these office-brokers after the adoption of that resolution, for the purposes of this report.

I regard this, Mr. Speaker, as a very grave state of affairs. I consider it a matter which this House should act upon immediately. It is an abuse of public power, an abuse of the civil-service law, the investigation of which no man can afford to oppose in the face of these facts. We are committed, Mr. Speaker, to the faithful execution of the present civil-servcie law; and I want to state at the beginning of my remarks that I believe it to be a piece of hypocrisy. I have no faith in it—no patience with that kind of thing. I believe that the civil-service law was "conceived in sin and brought forth in iniquity;" that it was conceived in the mind of Dorman B. Eaton, who afterward made more money out of it than any other man, and that a "cat's-paw" was made of Senator Pendleton, for whom previous to his connection with that matter I entertained the highest regard and appreciation, but whose connection with that obnoxious measure relegated him to that obscurity which no man will envy him, and from which it will require extraordinary power to resuscitate him.

I start in with that statement, but while I have no patience with that law, while I believe it is an unjust law, I say, inasmuch as we are committed to its execution by the Chief Executive of this Government, by the man elected President by that party in whose faith and integrity I have the greatest confidence, we ought in good faith, inasmuch as it is the law of the land, to respect it. If we can not repeal it let us obey it, let us live up to it.

That is my doctrine. The more objectionable a law is, the more obnoxious it becomes by its faithful execution. If we have a bad law, the way to get rid of it is to enforce it. Then public sentiment will revolutionize in reference to it, and we can find relief through honest channels and methods.

One objection I might assign to this civil-service law which will illustrate the nature of many objections, and I might state more, but I will not consume the time of the House by going into detail. My objection is that we find prior to the adoption of the civil-service law that there was in force and on the statute-books this law. I read from the supplement of the Revised Statutes of the United States, volume 1, laws 1874–'81, page 164, where, speaking of the provision in reference to appointees in the Treasury Department, it goes on to say as follows:

Provided, That on and after January 1, 1876, the appointments of this Department shall be so arranged as to be equally distributed between the several States of the United States, Territories, and the District of Columbia, according to population.

Now, Mr. Speaker, it is a well known fact that at the time this civil-service act went into effect this part of the statute had been ignored and that many of the States of this Union were not fairly represented on the rolls of public employés of this Government.

This may be regarded by some high-minded statesmen as a trifling matter to talk about, and whenever any one undertakes to call attention to the patronage of the Government he is stigmatized by gentlemen, said to be reformers of the civil service, as a spoilsman. If attaching importance to the public positions of the Government renders a man deserving of such accusation, we at least, who want a fair "go-down" and a fair division of these appointments among the population of the several States, deserve to bear it, and we have associated with us the President of the United States as well as many others high in authority.

I ask to print in connection with my remarks that part of the President's annual message touching on the civil-service law, in which he commends not only the importance of the law but the importance of its faithful execution. It is as follows:

The report of the Civil Service Commission, which will be submitted, contains an account of the manner in which the civil-service law has been executed during the last year, and much valuable information on this important subject.

I am inclined to think that there is no sentiment more general in the minds of the people of our country than a conviction of the correctness of the principle upon which the law enforcing civil-service reform is based. In its present condition the law regulates only a part of the subordinate public positions throughout the country. It applies the test of fitness to applicants for these places by means of a competitive examination, and gives large discretion to the commissioners as to the character of the examination and many other matters connected with its execution. Thus the rules and regulations adopted by the commission have much to do with the practical usefulness of the statute and with the results of its application.

The people may well trust the commission to execute the law with perfect fairness and with as little irritation as is possible. But of course no relaxation of the principle which underlies it, and no weakening of the safeguards which surround it can be expected. Experience in its administration will probably suggest amendment of the methods of its execution, but I venture to hope that we shall never again be remitted to the system which distributes public positions purely as rewards for partisan service. Doubts may well be entertained whether our Government could survive the strain of a continuance of this system, which upon every change of administration inspires an immense army of claimants for office to lay siege to the patronage of Government, engrossing the time of public officers with their importunities, spreading abroad the contagion of their disappointment, and filling the air with the tumult of their discontent.

The allurements of an immense number of offices and places, exhibited to the voters of the land, and the promise of their bestowal in recognition of partisan activity, debauch the suffrage and rob political action of its thoughtful and deliberative character. The evil would increase with the multiplication of offices consequent upon our extension, and the mania for office-holding, growing from its indulgence, would pervade our population so generally that patriotic purpose, the support of principle, the desire for the public good, and solicitude for the nation's welfare, would be nearly banished from the activity of our party contests and cause them to degenerate into ignoble, selfish, and disgraceful struggles for the possession of office and public place.

Civil-service reform enforced by law came none too soon to check the progress of demoralization.

One of its effects, not enough regarded, is the freedom it brings to the political action of those conservative and sober men who, in fear of the confusion and risk attending an arbitrary and sudden change in all the public offices with a change of party rule, cast their ballots against such a chance.

Parties seem to be necessary, and will long continue to exist; nor can it be now denied that there are legitimate advantages, not disconnected with office-holding, which follow party supremacy. While partisanship continues bitter and pronounced, and supplies so much of motive to sentiment and action, it is not fair to hold public officials, in charge of important trusts, responsible for the best results in the performance of their duties, and yet insist that they shall

rely, in confidential and important places, upon the work of those not only opposed to them in political affiliation, but so steeped in partisan prejudice and rancor that they have no loyalty to their chiefs and no desire for their success.

Civil-service reform does not exact this, nor does it require that those in subordinate positions who fail in yielding their best service, or who are incompetent, should be retained simply because they are in place. The whining of a clerk discharged for indolence or incompetency, who, though he gained his place by the worst possible operation of the spoils system, suddenly discovers that he is entitled to protection under the sanction of civil-service reform, represents an idea no less absurd than the clamor of the applicant who claims the vacant position as his compensation for the most questionable party work.

The civil-service law does not prevent the discharge of the indolent or incompetent clerk, but it does prevent supplying his place with the unfit party worker. Thus in both these phases is seen benefit to the public service. And the people who desire good government having secured this statute will not relinquish its benefits without protest. Nor are they unmindful of the fact that its full advantages can only be gained through the complete good faith of those having its execution in charge. And this they will insist upon.

I recommend that the salaries of the Civil Service Commissioners be increased to a sum more nearly commensurate to their important duties.

Rev. Henry Ward Beecher, too, is credited with having recently said that "the most vital issue in American politics is reform in the civil service," which includes within its provisions those appointments in the civil service contemplated in the report concerning which we are now deliberating.

The Democratic party is in favor of civil-service reform. All honest American citizens, I doubt not, are in favor of it, but that doctrine commits no one to the present law or the bad practices under it.

Notwithstanding the abuse of the statute which existed at the time of the passage of this civil-service law there was incorporated in that law this provision (subdivision second and third of subsection second of section second of the civil-service act):

Second. That all the officers, places, and employments so arranged or to be arranged in classes shall be filled by selections according to grade from among those graded highest as the results of such competitive examinations.

Third. Appointments to the public service aforesaid in the Departments at Washington shall be apportioned among the several States and Territories and the District of Columbia upon the basis of population as ascertained at the last preceding census.

Now, Mr. Speaker, this clause of the civil-service act prohibits forever the correction of inequalities with reference to appointments which existed at the time of its passage. If it had undertaken to be a just law, to provide for representation for all the country alike, to treat every section fairly and equally in the distribution of the patronage, certainly there would have been incorporated in it a section providing for the correction of inequalities which existed at that time. But Mr. Eaton, who is credited with having drafted that civil-service law, was not very anxious to give the Southern or Western States an opportunity under the law to claim their rights in reference to the distribution of the patronage of the country, although the law as it then existed, and every principle of equity and justice, recognized their right to do so.

My observation has led me to the conclusion that we need not expect that a man who adapts himself to the ways of Washington society, and becomes initiated into the social circles of this city, as many members have unfortunately done, can bring himself up to such a point that he is willing to limit the appointments from the District of Columbia to the number to which the District is entitled under the law; besides you all know that more than half of the actual appointments from the District are charged to the States through fraud.

Mr. MILLARD. Let me interrupt the gentleman to ask a question. Do I understand him to say that there is a discrimination in the enforcement of that law as against some of the States?

Mr. TAULBEE. Well, if the gentleman did not so understand me he has certainly misunderstood what I was saying.

Mr. MILLARD. Has the gentleman any particular State to which he refers in addition to the District of Columbia?

Mr. TAULBEE. The civil-service law provided that appointments made subsequent to its passage should be made upon the basis of population; but at the time of the passage of this act these appointments were not equally distributed; the States of Pennsylvania, Maryland, and the District of Columbia, and New York as well, had vastly more appointments than they were entitled to under the law.

Mr. MILLARD. Had more than their proportion at that time, you mean?

Mr. TAULBEE. Yes, sir; more than they were entitled to.

Mr. MILLARD. But under the present law. Do I understand the gentleman to claim that there is any favoritism shown?

Mr. TAULBEE. That is just what I am pointing out now. I say that prior to the passage of this law some States had an undue proportion of appointments, and that the same abuses are kept up under the present law.

Mr. KING. And the gentleman from Kentucky might add that the same is being done at the present time.

Mr. TAULBEE. I take this position, that inasmuch as it will be conceded that at the time of the passage of the civil-service law there was an inequality in these appointments—the law itself providing that appointments made after its passage should be made upon the basis of population—that it has prohibited any possibility of correcting the inequality which existed at the time of its passage. I hope the gentleman now understands me.

Notwithstanding that provision of the law, according to the report of the Civil Service Commission we find that the District of Columbia, entitled to four appointments in each one thousand, has received twenty-three appointments, when according to the number appointed for the last year it would have been entitled to but two. This district then, entitled to two appointments, has received twenty-four under the operation of the civil-service law, following in the wake of the customs heretofore practiced and indulged in, when Kentucky, entitled to thirty-three in each one thousand, has only received seventeen in the last year. I submit to this House and to the country if that is fair; I submit to gentlemen upon this floor if that is good faith in executing the civil-service law? This job bears the ear-marks of Dorman B. Eaton. Besides, Mr. Speaker, by an examination of the report of the Secretary of the Treasury, read from the Clerk's desk this morning, you will find that each and every one of these thirty-two substitutes, designated to fill places within the classified civil service, without examination, is made from the District of Columbia without one single exception.

Many other of the substitutes, who were dismissed for the purpose of "whitewashing" the Treasury and covering up the bad faith of the lieutenants of that Department in their execution of the civil-service law, were appointed from the District of Columbia. I propose, Mr. Speaker, for one, to enter my earnest protest against such bad faith, when this administration is committed to a faithful and honest execution of the civil-service law. I submit that it is not right or fair to adopt such a course in these appointments.

Having pointed out this glaring fault in the civil-service law, I must now, for the sake of economy of time, content myself with saying that one of its grossest defects is the exemption from competitive examination of the army of incompetent clerks appointed before its enactment and its failure to prescribe any moral qualifications. The only provision on this subject is that any one who has within a year preceeding his application been convicted of crime is ineligible to appointment. A murderer or thief may be appointed, provided his crime has not been proven and he convicted within a year.

Now, with reference to the resolution I introduced, and upon which the committee reported adversely, the substance of that was incorporated in the one read by the Clerk from the desk, and in response to which the Secretary of the Treasury gave us that answer. In that resolution this House decided that we were entitled to know by what authority of law these substitutes were appointed, in violation of what appears to us and must appear to every fair-minded man to be a plain provision of law.

Mr. MILLARD. May I ask the gentleman another question? I do not desire to interrupt him?

Mr. TAULBEE. Of course you do not.

Mr. MILLARD. But I would like to ask, if I understand the gentleman to claim that the present administration is not enforcing the civil-service law as required by the statute?

Mr. TAULBEE. Well, I hope the gentleman has been listening to what I said.

Mr. MILLARD. I have.

Mr. TAULBEE. And I hope the gentleman has not misunderstood me.

Mr. STEELE. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. STEELE. It is utterly impossible to hear what gentlemen are saying.

Mr. MILLARD. I asked the gentleman from Kentucky if I understood him to say that the civil-service law is not enforced by the present administration in accordance with the terms of the statute.

Mr. TAULBEE. I will say, in response to the gentleman from New York, that I believe the Secretary of the Treasury and the President of the United States are honestly trying to enforce it, but that the lieutenants under them—chiefs of bureaus—whose misconduct is flagrant and plain to the eyes of every man who knows anything about the Departments, have them so handicapped, misled, and imposed upon that it is absolutely impossible for them to give a faithful execution of the law. [Applause]. And I think, Mr. Speaker, that it illy becomes a man, whose party has had an opportunity for years to investigate these abuses, which I say have existed for twenty years in that Department, now when the Democrats take possession and Democratic representatives attempt to call attention to these abuses and so straighten up and bolster up these Departments as to command for them the full respect of the country, I say that no man identified with that party under whose administrations these abuses grew up can with good grace oppose this resolution or put in his oar in this matter.

Mr. CANNON. May I ask the gentleman a question?

Mr. TAULBEE. Why, always.

Mr. CANNON. Is there anything in the civil-service law that prevents the Secretary of the Treasury or the President of the United States from removing the chief clerk, the appointment clerk, or every head of a bureau in that Department? Is there anything to prevent it?

Mr. TAULBEE. I will answer the gentleman that there is not; but that when the Democrats took possession of the executive branch of this Government the President announced his policy, and certainly the gentleman could not misunderstand him—that while the civil-service law should be carried out with reference to those appointments included

within its specific provisions, its spirit should apply to all the offices of the country. The President may have differed and did differ with some of the most zealous advocates of Democracy on that point, yet it is his policy, and he has carried it out more fully than any of his Republican predecessors carried out its spirit with reference to changing the appointments under them when their predecessors belonged to the same political faith.

Mr. CANNON. Will the gentleman allow me another question?

Mr. TAULBEE. I do not think I have time to answer any more foolish questions [laughter]; but I believe I will allow the gentleman another question.

Mr. CANNON. The gentleman states, if I understand him correctly, that he is satisfied the abuses about which he complains arise from the heads of bureaus. Now, if that be true, is his President incompetent or hypocritical in failing to remove those officers?

Mr. TAULBEE. Neither; but the President elected by the party to which I belong, has been occupied for the last two or three months in trying to hold the Senate in check to keep them from besmirching his character wrongfully because of the exercise of a discretion which the Constitution confers upon him. [Applause.]

Mr. WILLARD. Who is responsible for that?

Mr. TAULBEE. If the gentleman should insist that these abuses do not exist through the instrumentality of the chiefs of bureaus of these Departments, I will give him a specific case.

Mr. CANNON. I do not so insist. The gentleman makes these charges; I am neither affirming nor denying.

Mr. TAULBEE. Then what does your question lead to? To the consumption of time. Or are you catching at a straw?

Mr. CANNON. The gentleman has misunderstood me. He complains these abuses are committed by the heads of bureaus. I say that being true, if it is true, why does not his President remove them, and perform the duty which under his oath of office he owes to the country?

Mr. TAULBEE. In good faith, and in all earnestness, if the gentleman desires to be understood as being in earnest——

Mr. CANNON. I am in earnest.

Mr. TAULBEE. Well, you stand isolated from your party, for the Republican party has raised the hue and cry, and the controversy between the President and the Senate is based on the claim of the Republican party that he has indiscriminately removed men from office.

Mr. CANNON. Will the gentleman allow me?

Mr. TAULBEE. The gentleman will be allowed.

Mr. CANNON. As I understand the controversy the gentleman refers to, it was a controversy between the Senate and the President as to whether the President should profess to do one thing to please his Mugwump admirers and then turn around and do another thing secretly, in the teeth of his profession, to try to please gentlemen like my friend from Kentucky.

Mr. TAULBEE. Are you in good health? [Laughter.] I certainly think there must be something the matter with the gentleman. I thought he arose to answer a question.

Mr. CANNON. Possibly. I will let the House and the country determine whether the gentleman from Kentucky is sick or myself.

Mr. TAULBEE. I am willing. Now, Mr. Speaker, I hope I will be permitted to proceed.

The SPEAKER. The gentleman is not subject to interruption except by his own consent.

Mr. TAULBEE. I was, when these interruptions began, undertaking to say that the objections to which I had alluded would illustrate the many features in the civil-service law which I consider highly objectionable. But I say, Mr. Speaker, that inasmuch as we have that law on the statute-book and are committed to its faithful execution, it is right and proper that this House should call the attention of the heads of these Departments to any abuse known to exist; and if they indulge, wink at, or tolerate these abuses, we have a right as representatives of the people to know by what authority it is done.

I do not wish, Mr. Speaker, to be understood as making an assault upon the President of the United States or the Secretary of the Treasury, because I know that they have enough to contend with in their controversy with the Senate. But I say that these abuses ought to be corrected. I do not propose to shut my eyes to the violation of law for the purpose of being considered an advocate of any particular policy or doctrine. My country and my honor stand above my party, and the Democratic party, with its doctrines and platforms and practices, stands far above the Republican party in my estimation.

But, Mr. Speaker, I say if my party does wrong, or if abuses grow up under a Democratic administration, when I have the right and the power I will call attention to it, will insist upon their correction, and will use such means as the law affords to bring about fair play in the appointments to positions in the Departments. I know that many Democrats are dissatisfied with the tardiness with which the Republicans are turned out of office, and it is unfortunate for my district especially. When the Democratic administration came into power there were only three Democrats from that district in the public service. One of them, with a record far better than Republicans in the same bureau, with longer experience in the service and better qualifications, has, under a Democratic administration, through the instrumentality of a Republican chief, been denied promotion, and his inferiors in point of length of service and proficiency in the office, as shown by the record, have been promoted over him. Another one has been dismissed.

I do not blame Democrats for complaining. I feel like complaining myself when these same men who were sent out at the last Congressional election with the campaign funds from the Departments to try to bring about my defeat and the defeat of other Democrats on this floor, now wink and jeer and sneer at Democratic members of Congress when they talk about asking for positions for Democrats, and go on drawing their enormous salaries from the Treasury and quietly saving up their earnings and their "percentages" for the approaching campaign. I say I feel like complaining, and I do not blame the Democrats for complaining. I say this state of things is evidence of bad faith upon the part of those men who are in authority under a Democratic administration. I propose to take the high ground that when the Democrats are intrusted with the administration of the executive branch of this Government, they are entitled to the public patronage. If there is anything that I admire in the Republican party it is the tenacity with which they hang together, the certainty with which they provide for men of their own party, and the promptness with which they turn out Democrats when they have a chance. [Laughter.] I believe that is the only good trait of character they have, but I am frank to accord them that.

Now, Mr. Speaker, this resolution asks the Secretary of the Treasury to inform this House if there is any law by which these substitutes in the Department are appointed. The same question was asked in the former resolution, but the acting Secretary of the Treasury, in the absence of Secretary Manning, satisfied himself with answering a part of the resolution, saying that these abuses did exist, but forgot to answer why. This resolution proposes to call on the Secretary of the Treasury for the authority by which these abuses exist. If any gentleman on this floor is willing to cover this matter up, is willing to say that this House has no use for the information, or that the country is not entitled to call for it, then I ask him to vote with the Committee on Reform in the Civil Service. I do not wish to reflect upon that committee, and I will not do so if I know myself, but I wish right here to express the hope, and the belief as well, that the adverse report on this resolution was not in any way influenced by the little unpleasant tournament of words between myself and the gentleman of that committee a few days ago.

I say that I will not attribute any motive of that kind to the Committee on Reform in the Civil Service; but in view of that fact I wish further to say that an adverse report on this resolution was not at all unexpected by me.

Let us examine this report. The committee tell us that they are willing to accept the statement of the Secretary to the effect that these appointees are sick. Granting that this most wonderfully credulous committee is right in its opinion on that point, I still claim that the Secretary's report discloses an abuse. Some of these appointees have been off of duty since May, 1885. During this time the Government has accepted the services of the substitutes and has paid them therefor a price sufficient to satisfy the substitutes; for instance, Joseph M. Rickey receives $1,000 for his services.

Now, if he had been legally appointed that would look like square business; but will some one of the committee tell me by what authority the Secretary of the Treasury pays to Zabina Ellis the sum of $800 per annum? Whose money is it, and by what authority is it paid out? This resolution calls for that information. If the committee justify this transaction on the ground of sickness, I denounce the whole transaction as a fraud. All Christian people and philanthropists delight to sing of the virtues of benevolence and charity, but when any one posing before the country as a model of charity puts his hand into the Treasury of the people and takes therefrom the alms which he distributes the mantle of his hypocrisy becomes transparent as ether, and his ludicrous deformities are read of all men when the truth is known.

The fact is, Mr. Speaker, that our present civil-service law is modeled after the civil-service law of Great Britain, and the theory of life tenure in office which it attempts to put into effect is obnoxious and contrary to every principle of our democratic form of government. The beauty of our form of government is that all men stand equal before the law, and a man's promotion in both official and social position depends on his worth and merit, and not on the circumstance surrounding his birth. When these privileges are destroyed and class distinctions established either by law or custom violence is done to our free institutions, and a deadly blow is dealt to one of the pillars of strength on which rests the superstructure of our Republic.

This law attempts to create a class distinction and fasten on us a system of life tenure of office. This system of substitution, which in a certain sense has the sanction of that committee from which of all others the country has greater right to expect diligence in measures of reform, goes even further in that direction than the law; it ingrafts into our American system, the English idea of hereditary privileges. The report of the Secretary indicates, and the facts as I know them to exist present a state of case like this: Parents enjoy the public offices until they are too old to preform the duties and functions thereof, and they

then turn them over to their children under the guise of substitutes until they are either educated in their duties until they can acquire them in their own right on the score of proficiency or until their recognition in the position is of such long standing that the memory of man runneth not thereon and they are recognized in their own right, or as has been the case in the Treasury during the last year and the years preceding appointments of special favorites are made outright to positions within the classified civil service without regard to any examination under civil service law.

I am not surprised to see gentlemen on the other side of this Chamber interpose their objection to this investigation. These principals are their party friends, but I do feel a surprise at any gentleman on this side of the House who from any consideration should oppose the resolution even though a correction of this abuse should result in dropping a substitute in whom they feel an interest, however great.

This system of abuses of public power and trust is only one of the many obnoxious practices now being carried on in the public service, handed down to the Democratic party as skeletons of fraud and theft by the Republican party, and which shall in due time receive their share of attention unless this House closes its eyes to these glaring outrages and refuses to be informed in relation thereto, in which event I must content myself with calling the attention of your constituents to the facts and have you go on record in relation thereto and then leave to you the task of explaining to them the reason for your action.

I now send to the Clerk's desk to be printed with my remarks an extract from the report of the Civil Service Commission, and submit the whole matter to this House and the country:

TABLE No. 5.—APPORTIONMENT.

(1) The civil-service act requires an apportionment of appointments to the Departments at Washington (which shall be made after its passage), to be made on the basis of population in the States, Territories, and the District of Columbia, respectively.

(2) The proper apportionment of 1,000 such prospective appointments is shown in the left-hand column of figures below, decimal parts not being regarded. The second column shows the number actually apportioned to and appointed from each State and Territory out of the 559 appointments covered by this table which extends to January 16, 1886. (See rule 16, clause 2.)

(3) The third column of figures shows the precise percentage of these 559 appointments which each State and Territory was entitled to receive up to the date last named. The differences in the last two columns therefore show the variation from an exact apportionment.

The excess of appointments from the District of Columbia, Virginia, and Maryland was unavoidable in the early stages of the work of the commission, and arose mainly from the difficulty of providing persons having the technical knowledge needed in places for which special examinations are held. The commission has provided for examinations intended to prevent this excess in the future.

(4) The whole number of appointments apportioned prior to January 16, 1886, was in fact 716, but the commission has had no control over the apportionment of 157 of them, which were to the Pension Office. The apportionment of these 157 places was made under special rules Nos. 1 and 4. The apportionment of the 68 appointments, made by the appointing power during the year ending January 16, 1886, appears in Table No. 6.

States and Territories.	Share of 1,000 appointments.	Number actually appointed.	Proportion due to each State and Territory of the 559 appointments.
Alabama	25	13	13.97
Arizona	1	1	.56
Arkansas	16	5	8.94
California	17	10	9.50
Colorado	4	3	2.24
Connecticut	12	6	6.71
Dakota	3	3	1.68
Delaware	3	3	1.68
District of Columbia	4	23	2.24
Florida	5	3	2.79
Georgia	31	17	17.33
Idaho	1	1	.56
Illinois	62	31	34.66
Indiana	40	20	22.36
Indian Territory	1	1	.56
Iowa	32	16	17.89
Kansas	20	10	11.18
Kentucky	33	17	18.45
Louisiana	19	11	10.62
Maine	13	8	7.27
Maryland	19	14	10.62
Massachusetts	36	20	20.12
Michigan	33	17	18.45
Minnesota	16	8	8.94
Mississippi	23	12	12.86
Missouri	43	22	24.04
Montana	1	1	.56
Nebraska	8	5	5.03
Nevada	1	1	.56
New Hampshire	7	4	3.91
New Jersey	23	13	12.86
New Mexico	2	1	1.12
New York	102	33	57.02
North Carolina	28	14	15.65
Ohio	64	31	35.78
Oregon	3	2	1.68
Pennsylvania	86	46	48.07
Rhode Island	6	2	3.35
South Carolina	20	12	11.18
Tennessee	31	18	17.33
Texas	33	17	17.89
Utah	3		1.68
Vermont	7	4	3.91
Virginia	30	20	16.77
Washington	3	1	1.12
West Virginia	12	6	6.71
Wisconsin	25	13	14.53
Wyoming	1		.56
Total		559	563.49

Mr. FINDLAY rose.

Mr. GROSVENOR. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSVENOR. I want to know if it is proper for the Republicans to withdraw while this little family affair is being discussed on the other side of the House? [Laughter.]

The SPEAKER. The gentleman from Maryland [Mr. FINDLAY] is recognized.

Mr. TAULBEE. Mr. Speaker, I wish to say that so far as I am concerned the gentleman from Ohio [Mr. GROSVENOR] can be excused.

Mr. FINDLAY. Mr. Speaker, I shall spare the gentleman from Ohio [Mr. GROSVENOR] any infliction so far as any discussion of family affairs by me is concerned, and shall confine what I have to say to what I consider to be the matter before the House. That is the report made by the Committee on Reform in the Civil Service and the resolution of the gentleman from Kentucky [Mr. TAULBEE], from the further consideration of which the committee asks to be discharged.

The acting Secretary of the Treasury, Mr. Fairchild, under date of April 5, 1886, in response to a resolution addressed to him by this House covering the ground of the inquiry made by the gentleman from Kentucky, has made a report. In that report it is stated that while there are in the employ of the Treasury Department certain persons acting as substitutes in place of absent principals, yet those substitutes in every case, as I read the report, are there under a temporary appointment, drawing not a salary from the United States, but drawing a portion of the salary from the principal himself. They are in the shoes of the principal simply because the principal is not able to perform the duties of his place; in other words, the principal is sick.

Now although the inquiry addressed to the Secretary of the Treasury covered, it is due to frankness to state, a larger ground than is responded to in the communication which he has sent to this House, yet we are perforce, in the absence of any motive to question his good faith, compelled to take his report as covering the whole subject-matter. Now what does he say?

In reply thereto I would say that when employés of this Department are obliged to be absent on account of sickness, it has been customary to allow substitutes to act in their places if additional clerical force is required during their absence for the proper transaction of public business.

I understand this communication to mean that wherever and whenever a principal has been permitted to leave his station and a substitute has been suffered to take his place, it has been on account of sickness; and so the Committee on Reform in the Civil Service say in their report that, finding no good reason to question the good faith of the Secretary in making this report, and accepting that reason—namely, sickness—as a valid one for the substitution, they ask to be discharged from any further consideration of the matter. Further than that they do not go.

Mr. OATES. I would like to ask my friend a question.

Mr. FINDLAY. Certainly.

Mr. OATES. I understand the gentleman to say that the practice is to allow any employé of the Department when sick to furnish his own substitute.

Mr. FINDLAY. No, sir; nor does the acting Secretary say so. The acting Secretary is speaking in reference to a list of persons whose names are furnished here in obedience to the call contained in the resolution offered by the gentleman from Kentucky—the names of principals and substitutes, with their post-offices. I understand that the statement is confined to this matter and embraces no other. In other words, there was a specific inquiry addressed to the Secretary of the Treasury and answered by the acting Secretary, whether there were or were not such and such persons who were called principals whose places were filled by substitutes, and in answer to that he says specifically, "Yes, there are such and such persons, and here are their names; here are the salaries which one class receives and the compensation which the other receives."

Mr. OATES. The point on which I desired information was whether

the head of the Department or any other officer of the Department selected the substitute, or whether the sick employé furnished his own substitute.

Mr. FINDLAY. On the contrary, the Secretary of the Treasury says that the substitutes are designated by the head of the Department:

The designation of such substitutes is made by the direction of this Department, and the substitutes so designated are compensated out of the regular salaries of the persons whom they represent. They perform such duties as may be required of them from time to time in the bureau or division to which they are attached.

Mr. OATES. Another question. Is it a regulation of the Department that the substitute shall not receive the whole pay, but only a part of it, when he is rendering the service?

Mr. FINDLAY. The report made by the acting Secretary of the Treasury, so far as I have looked into it, does not cover that point. It simply gives the salary which is allowed the principal and then the compensation allowed the substitute, thus showing the difference between the salary in the one case and the compensation in the other. If my friend from Alabama will look at page 3196 of the RECORD he will find a list of these names, from which he will get the information he desires. I will give him a single instance. I take the first name on the list.

Name of substitute.	Home post-office.	Date of designation.	Compensation of substitute.	Salary of regular employé.	Name of regular employé.	Home post-office.	Date of appointment.
Allen, Mrs. H. E	District of Columbia	Mar. 22, 1886	$240 00	$1,000 00	Renfro, George W	Kentucky	Sept. 20, 1863

In that case the substitute gets all the salary except $160.

Mr. MCADOO. What becomes of the balance?

Mr. FINDLAY. The balance goes to the principal.

Mr. ROGERS. If I may be permitted, I would like to inquire, in the first place, who arranges the matter of salary between the substitute and the principal?

Mr. FINDLAY. I suppose very likely the substitute and the principal make the arrangement, with the approval, of course, of the head of the Department.

Mr. ROGERS. I am asking for the fact, not a supposition. I want to know whether that is in proof or not.

Mr. FINDLAY. The gentleman is asking as to a question of fact to which I can not respond because it is not embraced in the report, and I have no information on the subject.

Mr. ROGERS. Another point. I would like to know how long this relation between the principal and the substitute is allowed to subsist?

Mr. FINDLAY. I am not running the Department.

Mr. ROGERS. I am aware of that, of course; but my question is, how long is this relation allowed to subsist between the principal and the substitute with the consent of the Department?

Mr. TAULBEE rose.

Mr. FINDLAY. I do not know whether my brother TAULBEE is going to answer that question or I am.

Mr. ROGERS. I would rather have you answer it.

Mr. HEWITT. I would like to ask the page upon which I can find that record.

Mr. FINDLAY. Permit me to answer the gentleman from Arkansas, and then I will answer the gentleman from New York as far as I can.

I say upon the face of this report, made by the acting Secretary of the Treasury, nothing appears to show how long the substitute is permitted to act in place of the principal, whether it is for a definite or an indefinite period, so far as the report is concerned, but the acting Secretary of the Treasury does say this substitution is by reason of sickness, and as sickness itself is of a definite or indefinite kind—can not be measured; you do not know whether it will last for a week or a month; some cases may last for six months, and even longer—I take it the substitution in place of the principal would last just as long as the sickness lasted.

Mr. ROGERS. Having obtained that much, and as it is all I can get on that point, I wish to put this further question to the gentleman from Maryland. Is it the present proposition to report a resolution back to the House, the purport and effect of which is to indorse and recognize the principle, namely, that with the permission of the Secretary of the Treasury, a regular appointee in the Government service shall have the right to appoint a substitute who shall remain for an indefinite period, covering a decade if necessary, to draw only a portion of the salary attached to the position, while the principal shall receive the difference between what is paid to the substitute and the salary attached to the position which is affected by this arrangement?

Mr. FINDLAY. It seems to me, Mr. Speaker, that the gentleman from Arkansas has not fairly stated the question or the answer which I gave to it.

Mr. COX. Permit me to make a statement.

Mr. FINDLAY. Certainly; although in the multiplicity of these questions I am compelled to yield to one before I have answered the other.

Mr. COX. The bill now before the House, from the Committee on Reform in the Civil Service, proposes to remove that very thing.

Mr. FINDLAY. That is not the question; that does not answer the question.

Mr. ROGERS. Let me answer just as it is. That bill is not in this resolution, and has no reference to the question as to how I am going to vote on this resolution.

Mr. FINDLAY. My friend from North Carolina [Mr. COX] has reported a resolution from the Committee on Reform in the Civil Service which will answer the question as to the appointment of substitutes.

Mr. ROGERS. If it becomes a law.

Mr. FINDLAY. Sufficient unto the day is the blessing thereof.

Mr. MCMILLIN. Will the gentleman permit me to ask him a question?

Mr. FINDLAY. One question at a time.

Mr. MCMILLIN. I understood the gentleman to have answered the question put to him, but I do not wish to interrupt him without his consent.

Mr. FINDLAY. You break me all up by asking one question before I have answered another.

Mr. MCMILLIN. I beg pardon. I do not wish to interrupt the gentleman without his consent.

Mr. FINDLAY. You have done it, and now I will answer your question.

Mr. MCMILLIN. What I want to ask the gentleman from Maryland is this: Whether any new law is necessary to correct this abuse?

Mr. ROGERS. Not at all.

Mr. MCMILLIN. So I understand that this has been a practice, one of the serious abuses which have gone on for years in the Departments of this Government, that it is not any new thing in this administration, that it is an inheritance from another party, and that no new law is necessary for its correction. What is necessary, however, is that the law shall be rigidly enforced, that the provision requiring the allowance of only a certain number of days for sick-leave shall be strictly executed and the practice which is now complained of shall be as far as possible broken up and eradicated.

Mr. FINDLAY. I will not go into the question of inheritance and patrimony from previous administrations. I was forcibly reminded of the foolishness of that sort of discussion by something that transpired in the Committee on Banking and Currency the other day, where a gentleman, protesting he was not a crank, when one of the committee suggested to him a question in regard to the truth of a matter, said he did not come there to discuss any side issues [laughter]; that he would not discuss the question of truth. Nor do I mean to discuss the question of inheritance or patrimony. I was bred a lawyer, and I hope I know enough of my profession to stick to the issue. The question I understood the gentleman from Arkansas to ask was whether or not the committee which made this report were willing to allow substitutes to be indefinitely employed in place of principals in the Departments, and whether they were willing to come into the House and give that measure their sanction.

Well, speaking for myself, not for the committee for I have no authority to speak for the committee, although I think I might do so possibly in this case, knowing as I do the sentiment of the committee, but speaking for myself simply, I reply to him no, unquestionably no. But at the same time I wish to say that there are exceptional cases continually arising, cases of peculiar hardship, cases that will not bear the closest scrutiny and investigation, cases that from the very force and stress of circumstances must be put up with and must be considered independently, each upon its own merits, which cases if they came before me and I was at the head of the Treasury Department I am afraid I would do precisely as has been done already by every Secretary of the Treasury who has been there heretofore, because I believe they know and feel as I would feel under like circumstances.

Mr. ROGERS. Let me ask the gentleman another question. If the gentleman from Maryland answers my first question as I understand him to answer it—in the negative—then why may we not have from the Secretary of the Treasury his authority for doing that which the Committee on the Civil Service say is done, but which they do not indorse?

Mr. FINDLAY. The Secretary of the Treasury gives us as his authority for this practice, as shown in his report, that it has been customary heretofore to do it.

Mr. ROGERS. Mr. Speaker, I know of no custom that will authorize any officer of this Government to violate the law. The trouble in this country to-day is a want of reverence for the law; and if this principle may be recognized by the head of one of these Departments, I know of

no reason why it may not be extended to every office under his control; and thus the Government Departments are run by substitutes and not by the principals, and by custom instead of law.

Mr. FINDLAY. There are two thousand one hundred and forty employés in the Treasury Department, I think. There are just thirty-two substitutes employed in the places of absent principals, absent on account of sickness, as reported by the Secretary of the Treasury.

Mr. ROGERS. Will not my friend from Maryland then answer whether or not in that event there are not just thirty-two violations of the law?

Mr. FINDLAY. No, sir.

Mr. ROGERS. Then if he says no, the Secretary of the Treasury ought, or the gentleman himself ought, to be able to give the law upon which his answer is based.

Mr. FINDLAY. I know of no positive law upon the statute-books which is violated by these appointments. If the gentleman from Arkansas asks me whether or not there is a positive law upon the statute-books authorizing this to be done, I answer him no, for I know of no such law; but as far as the existence of a positive law which prohibits that being done is concerned, I would like the gentleman from Arkansas to point me to such law.

Mr. ROGERS. Mr. Speaker, in the Federal Government the identical principle that my friend from Maryland suggests is so perverted as to be made the vice and evil of our times. Instead of looking to the Constitution for authority to do a thing, we examine the Constitution to see whether it prohibits it or not. It is no part of my business to tell the gentleman whether there is a law prohibiting a thing or not, but it is the duty of the head of any Executive Department, or of any other officer of the Government when he is called upon to give his authority for doing a thing, to point to the law under which he acts. Without such authority the power does not exist.

Mr. TAULBEE. Will the gentleman from Maryland allow me to answer the question of the gentleman from Arkansas?

Mr. FINDLAY. If the gentleman from Arkansas has not already sufficiently answered his own question, of course "the gentleman from Maryland" submits to the gentleman from Kentucky to answer it, so far as he is concerned.

Mr. TAULBEE. The answer to the gentleman from Arkansas is that it is now within the power of the Civil-Service Commissioners to put a stop to the abuse. The law provides that no appointments of these substitutes shall be had except on certifications by the United States Civil-Service Commission. That would answer the gentleman's objection if it was carried out in good faith.

Mr. FARQUHAR. I think the gentleman is mistaken in that.

Mr. FINDLAY. Yes. There I think my brother TAULBEE fell into a serious error, a much more dangerous one indeed than the gentleman from Arkansas, whose responsibility he was taking upon his shoulders. The civil-service law to which the gentleman refers, and I think I have got him there, makes no such provision.

Mr. FARQUHAR. None whatever.

Mr. FINDLAY. On the contrary, the Civil Service Commission can only certify up for the purpose of filling vacancies.

Mr. FARQUHAR. That is it precisely.

Mr. FINDLAY. There are no vacancies created when this principle of substitution is involved, for the substitute simply receives the pay and performs the work while the principal actually remains in office. The office is not vacant; the substitute is not appointed to fill the principal's place which has been rendered vacant, but he is simply doing the work of the principal for the time being, and the principal himself compensates the substitute. It is not the United States compensating him; it is the principal who is paying the substitute out of his salary.

Mr. TAULBEE. Will the gentleman allow me?

Mr. FINDLAY. Now, I did not think the Constitution of the United States was to be dragged into this question, and that the question of strict limitation of Federal authority was also to be dragged into the discussion.

Mr. TAULBEE. Will the gentleman allow me?

Mr. FINDLAY. What is your question?

Mr. TAULBEE. I simply wish to make a statement.

Mr. FINDLAY. Very well.

Mr. TAULBEE. The gentleman from Maryland has taken issue with my statement which I gave in answer to his question. If I understood his question it was whether or not there was any law that prohibited these practices.

Mr. FINDLAY. That is correct.

Mr. TAULBEE. My statement was that I read the law from the report of the Civil Service Commission as incorporated in the civil-service act, providing that no appointment to these positions could be had except on examination by the Civil Service Commission. The gentleman in response to that takes the position that these persons are not appointed, but that they are designated; that they are not paid by the Government, but by the principal appointees, if I understood him correctly. Now, if he proposes to draw the distinction between appointment to position and designation to the position, then I confess myself unable to answer his question.

Mr. FINDLAY. It is not a mere question of words. It is not a question in which the mere *anceps syallabarum* delights. It is not a question of verbiage; but it is a question of a principle of law involved in the case. And the proposition of law is this: that the office is held by the principal, and as long as the principal holds the office the substitute can in no sense be said to be the office-holder. Now the office-holder is certified up by the Civil Service Commission to fill a vacancy. There is no vacancy here by reason of the fact that the principal holds the office. Therefore there is no occasion for the certification by the Civil Service Commission.

Mr. REAGAN. Will the gentleman yield to me for a question?

Mr. FINDLAY. With pleasure.

Mr. REAGAN. I wish to inquire of the gentleman whether it is true, as has been reported and as circulated through the country, that there are persons holding appointments in the Treasury Department who attend to other business in the city, and who send substitutes and draw the principal part of the pay?

Mr. FINDLAY. I have no information as to that, and am not aware that that is the fact. The committee has no information on that subject. I certainly have none myself. And I wish to say right here that I do not wish to be understood as justifying, and do not mean to be dragged by any process into a justification of, the general system of substitution in the place of the principal holding the office. Nobody shall put me in that position, for it is a false one; and the system is in violation not so much of the letter of the civil-service law, as it is in violation of the spirit of civil-service reform, which stands higher than the law. It is the letter of the law which killeth; it is the spirit which maketh alive. I do not care so much for the letter of the law; I want to see the spirit of the law observed.

I would like to see the administration of this great Government through all its offices put upon the highest possible plane. I would like to see every rogue scourged out of its high places, whoever he may be. I would like to see the administration to-day put its strong feet upon the necks of such men, instead of elevating some of them to high places.

Now, Mr. Speaker, it seems to me that this discussion has already taken a very wide range. I do not see what particular good is to be accomplished by it. The gentleman from Arkansas [Mr. ROGERS] is quite right in what he says about the Constitution and about the limited powers of the Congress of the United States under the Constitution. He is quite right when he says that the executive power particularly ought to be governed by such limitations. I am not here to dispute that; but I do undertake to say that if that small list of exceptions were scrutinized carefully it would be found there were cases of peculiar hardship that could not be exactly justified by a strict adherence to the letter of the law—I can not say the letter of the law, because there is no law on the subject; there is no positive enactment on the subject—but might not be strictly justified on the ground on which he has put it, that there must be some law in order to justify it. I say if that list were closely scrutinized there might be found many cases of peculiar hardship. And when the acting Secretary of the Treasury finds that has been a custom recognized by all his predecessors; that he has been simply following in the line of those who have gone before him for the purpose of relieving some case of destitution and distress, some father, for instance, who is sick and whose son may take his place; some sister, who may be sick and whose brother may take her place; where the United States is not subjected to one cent of extra expense, the salary remaining the same as fixed by law, the work being done by the substitute just as well as it is done by the principal, and the principal paying the substitute for the work—I say it can not be defended on strict principles and I am not here so to defend it, nor do the committee so intend in their report; but limiting the case strictly to the case of sickness, accepting the report of the acting Secretary of the Treasury as true that these cases of substitution have been caused by sickness of the principals, upon that ground, and that ground alone, we simply say we will investigate the matter no further and ask to be discharged from its further consideration.

Mr. BLOUNT. Will the gentleman yield to me for a question?

Mr. FINDLAY. Certainly.

Mr. BLOUNT. I desire to ask the gentleman if there has been any opinion from the Attorney-General to the effect that the employés are entitled to their salaries during their sickness?

Mr. FINDLAY. I have heard that there was such an opinion. I have not examined it, but I should certainly think it was good law.

Mr. BLOUNT. If that were true, then the employment of substitutes would appear to be rather a matter of economy to the Government?

Mr. FINDLAY. I should say that that would be good law. The employé is in the place; until he is turned out he remains there, and as long as he remains in the office he is entitled to all the emoluments connected with it.

I move to lay the resolution of the gentleman from Kentucky [Mr. TAULBEE] on the table.

The SPEAKER. The resolution is reported back by the committee.

Mr. TAULBEE. I hope the gentleman will withdraw that motion.

Mr. FINDLAY. Oh, I think this discussion has gone far enough. I will not withdraw the motion. [Cries of "Vote!" "Vote!"]

Mr. TAULBEE. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. TAULBEE. I rise to be heard.

The SPEAKER. The motion is not debatable.

Mr. TAULBEE. I hope the gentleman will not insist upon his motion. I hope he will withdraw it.

Mr. FINDLAY. Mr. Speaker, I would be pleased to gratify my friend from Kentucky under other circumstances, but I think enough time has been consumed in this discussion.

Mr. TAULBEE. I wish simply to say this: the gentleman has the power; I question his right.

Mr. FINDLAY. I shall insist upon my motion, Mr. Speaker.

The SPEAKER. The gentleman from Maryland [Mr. FINDLAY] moves to lay the resolution on the table.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, I ask to have the question again stated definitely.

The SPEAKER. The resolution is a resolution of inquiry introduced by the gentleman from Kentucky [Mr. TAULBEE] and addressed to the Secretary of the Treasury. It was referred to the Select Committee on Reform in the Civil Service; it is now reported back adversely, and the motion of the gentleman from Maryland is to lay it on the table.

Mr. BLANCHARD. Mr. Speaker, I ask that the resolution be read.

The SPEAKER. If there be no objection the resolution will be again read.

There was no objection.

Mr. ROGERS. I hope the original resolution and the report of the committee both will be read.

The SPEAKER. The Chair has directed the resolution to be read.

Mr. ROGERS. I ask that the report be read also.

Mr. SPRINGER. I object to the reading of the report.

The SPEAKER. Both the resolution and the report have been read to the House. Is there objection to the reading of the resolution at this time?

Mr. SPRINGER. No.

The resolution was again read.

Mr. BRECKINRIDGE, of Arkansas. Is that the resolution of the gentleman from Kentucky [Mr. TAULBEE]?

The SPEAKER. It is a resolution introduced by the gentleman from Kentucky [Mr. TAULBEE], referred to the Select Committee on Reform in the Civil Service, and reported back to the House adversely by that committee.

Mr. BRECKINRIDGE, of Arkansas. And the proposition now is to lay it on the table?

The SPEAKER. The gentleman from Maryland [Mr. FINDLAY] now moves to lay the resolution on the table.

The question was taken; and the Speaker declared that the ayes seemed to have it.

Mr. TAULBEE. I ask for a division.

The House divided; and there were—ayes 82, noes 73.

Mr. TAULBEE. No quorum has voted. I demand the yeas and nays.

Mr. RANDALL. There is no objection to the yeas and nays.

The yeas and nays were ordered; and there were—yeas 114, nays 113, not voting 96; as follows:

YEAS—114.

Allen, C. H.	Dibble,	Kelley,	Shaw,
Barbour,	Dockery,	Landes,	Skinner,
Barnes,	Dunn,	Lehlbach,	Snyder,
Barry,	Ely,	Lindsley,	Spooner,
Bayne,	Ermentrout,	Little,	Spriggs,
Beach,	Farquhar,	Long,	Springer,
Belmont,	Findlay,	Loutitt,	Stone, E. F.
Blanchard,	Fleeger,	McAdoo,	Stone, W. J., Mo.
Bland,	Forney,	Merriman,	Strait,
Blount,	Frederick,	Millard,	Struble,
Bound,	Gay,	Milliken,	Swope,
Boyle,	Geddes,	Morrison,	Taylor, E. B.
Bragg,	Glass,	Nelson,	Taylor, I. H.
Breckinridge, C. R.	Green, R. S.	Oates,	Thompson,
Brown, C. E.	Hale,	O'Hara,	Townshend,
Brown, W. W.	Hall,	Owen,	Trigg,
Buck,	Hammond,	Payne,	Turner,
Burleigh,	Hayden,	Peel,	Van Eaton,
Butterworth,	Hemphill,	Perkins,	Van Schaick,
Campbell, T. J.	Hewitt,	Phelps,	Wade,
Catchings,	Hiestand,	Pindar,	Wait,
Clements,	Hill,	Pirce,	Ward, J. H.
Cobb,	Hiscock,	Randall,	Warner, William
Compton,	Holman,	Ranney,	Weaver, J. B.
Conger,	Hopkins,	Reese,	Weber,
Cooper,	Hutton,	Rice,	Whiting,
Cox,	Johnson, F. A.	Romeis,	Wilson.
Dargan,	Johnston, J. T.	Rowell,	
Davidson, R. H. M.	Jones, J. T.	Sawyer,	

NAYS—113.

Adams, G. E.	Brady,	Carleton,	Eldredge,
Allen, J. M.	Breckinridge, W. C. P.	Clardy,	Elsberry,
Anderson, C. M.	Burrows,	Collins,	Evans,
Anderson, J. A.	Bynum,	Cowles,	Everhart,
Arnot,	Caldwell,	Crisp,	Felton,
Atkinson,	Campbell, J. M.	Critcheon,	Ford,
Baker,	Campbell, J. E.	Davis,	Fuller,
Ballentine,	Candler,	Dawson,	Funston,
Boutelle,	Cannon,	Dougherty,	Gallinger,
Glover,	Jones, J. H.	Norwood,	Stone, W. J., Ky.,
Goff,	King,	O'Neill, J. J.	Symes,
Grosvenor,	Kleiner,	Perry,	Taulbee,
Grout,	Laffoon,	Peters,	Taylor, Zach.
Guenther,	La Follette,	Price,	Thomas, O. B.
Halsell,	Lanham,	Reagan,	Tillman,
Harris,	Lovering,	Richardson,	Wadsworth,
Hatch,	Lyman,	Riggs,	Ward, T. B.
Haynes,	Matson,	Rockwell,	Weaver, A. J.
Heard,	McComas,	Rogers,	Wheeler,
Henderson, D. B.	McCreary,	Sadler,	White, A. C.
Henderson, J. S.	McMillin,	Sayers,	Wilkins,
Henderson, T. J.	McRae,	Seney,	Willis,
Hepburn,	Miller,	Seymour,	Winans,
Herman,	Mills,	Singleton,	Wise,
Hitt,	Moffat,	Smalls,	Wolford,
Holmes,	Morgan,	Sowden,	Worthington.
Howard,	Morrill,	Stephenson,	
Hudd,	Neal,	Stewart, Charles	
Irion,	Neece,	St. Martin,	

NOT VOTING—96.

Adams, J. J.	Dorsey,	Lore,	Reed, T. B.
Aiken,	Dowdney,	Lowry,	Reid, J. W.
Barksdale,	Dunham,	Mahoney,	Robertson,
Bennett,	Eden,	Markham,	Ryan,
Bingham,	Fisher,	Martin,	Scott,
Bliss,	Foran,	Maybury,	Scranton,
Browne, T. M.	Gibson, C. H.	McKenna,	Sessions,
Brumm,	Gibson, Eustace	McKinley,	Stahlnecker,
Buchanan,	Gilfillan,	Mitchell,	Steele,
Bunnell,	Green, W. J.	Morrow,	Stewart, J. W.
Burnes,	Hanback,	Muller,	Storm,
Cabell,	Harmer,	Murphy,	Swinburne,
Campbell, Felix	Henley,	Negley,	Tarsney,
Caswell,	Herbert,	O'Donnell,	Taylor, J. M.
Cole,	Hires,	O'Ferrall,	Thomas, J. R.
Comstock,	Houk,	O'Neill, Charles	Throckmorton,
Crain,	Jackson,	Osborne,	Tucker,
Croxton,	James,	Outhwaite,	Viele,
Culberson,	Johnston, T. D.	Parker,	Wakefield,
Curtin,	Ketcham,	Payson,	Warner, A. J.
Daniel,	Laird,	Pettibone,	Wellborn,
Davenport,	Lawler,	Pidcock,	West,
Davidson, A. C.	Le Fevre,	Plumb,	White, Milo.
Dingley,	Libbey,	Pulitzer,	Woodburn.

So the motion of Mr. FINDLAY to lay the resolution on the table was agreed to.

Mr. CAMPBELL, of Pennsylvania. I am paired generally with the gentleman from Virginia [Mr. CABELL]; but understanding that he would vote "no" on this question, I have felt at liberty to vote "no."

The following-named members were announced as paired until further notice:

Mr. CABELL with Mr. CAMPBELL, of Pennsylvania.
Mr. DAVIDSON, of Alabama, with Mr. SWINBURNE.
Mr. GREEN, of North Carolina, with Mr. WEST.
Mr. CROXTON with Mr. DORSEY.
Mr. BENNETT with Mr. O'DONNELL.
Mr. COLE with Mr. THOMAS, of Illinois.
Mr. BURNES with Mr. BUCHANAN.
Mr. OUTHWAITE with Mr. PARKER.
Mr. THROCKMORTON with Mr. JACKSON.
Mr. MAYBURY with Mr. RYAN.
Mr. BROWNE, of Indiana, with Mr. FISHER.
Mr. CURTIN with Mr. NEGLEY.
Mr. CRAIN with Mr. STEWART, of Vermont.
Mr. ADAMS, of New York, with Mr. MARKHAM.

The following-named members were announced as paired for this day:

Mr. FORAN with Mr. BINGHAM.
Mr. GIBSON, of West Virginia, with Mr. BRUMM.
Mr. BLISS with Mr. CASWELL.
Mr. LAWLER with Mr. HOUK.
Mr. DOWDNEY with Mr. SESSIONS.
Mr. SCOTT with Mr. HANBACK.
Mr. JOHNSTON, of North Carolina, with Mr. DINGLEY.
Mr. O'FERRALL with Mr. GILFILLAN.
Mr. GIBSON, of Maryland, with Mr. HIRES.
Mr. LE FEVRE with Mr. O'NEILL, of Pennsylvania.
Mr. REID, of North Carolina, with Mr. OSBORNE.
Mr. WARNER, of Ohio, with Mr. SCRANTON.
Mr. STORM with Mr. LIBBEY.
Mr. MULLER with Mr. PETTIBONE.
Mr. HERBERT with Mr. JAMES.
Mr. CULBERSON with Mr. HARMER.
Mr. PIDCOCK with Mr. EVANS.

The following were announced as paired on this vote:

Mr. LOWRY with Mr. WAKEFIELD.
Mr. ROBERTSON with Mr. STEELE.

The SPEAKER. On this question the yeas are 114, the nays——

Mr. ARNOT. I desire to change my vote from "ay" to "no."

Mr. SPRINGER. It is too late. I object.

The SPEAKER. The result has not been announced, although the Chair had commenced the announcement. The Chair thinks the gentleman is in time. How does the gentleman from New York desire to vote?

Mr. ARNOT. I vote "no."

Mr. SWOPE. I desire to change my vote from "no" to "ay."

The SPEAKER. On this question the yeas are 114, the nays 113. The resolution is laid on the table.

Several Members demanded the regular order.

Mr. TAULBEE. I ask unanimous consent to extend my remarks in the RECORD. I was taken off the floor by parliamentary motions.

There being no objection, leave was granted.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 1360) to authorize the construction of a bridge across the Missouri River at some accessible point within 10 miles below and 5 miles above the city of Kansas City, Mo.;

A bill (H. R. 2397) for the relief of Thomas F. Purnell;

A bill (H. R. 2410) for the addition of a third story to the public building in Dallas, Tex.;

A bill (H. R. 2993) to authorize the Chicago, Freeport and Saint Paul Railroad Company to construct a bridge across the Saint Croix River at any accessible point between Prescott, Wis., and Taylor's Falls, Minn.;

A bill (H. R. 3351) granting a pension to Mrs. H. B. Rehkopf [title amended so as to read "A bill granting a pension to Mrs. Magdalena Rehkopf"];

A bill (H. R. 3369) authorizing the construction of a bridge across the Missouri River at or near the city of Council Bluffs, Iowa, and for other purposes;

A bill (H. R. 3371) authorizing the construction of bridges across the Illinois River in the State of Illinois and Des Moines River in the State of Iowa;

A bill (H. R. 3370) authorizing the construction of a bridge across the Mississippi River at or near Keithsburg, in the State of Illinois, and for other purposes;

A bill (H. R. 3775) to authorize the Secretary of the Treasury to purchase an additional strip of ground on the east side of the United States court-house at Fort Wayne, Ind.;

A bill (H. R. 4569) to authorize the construction of a bridge across the Missouri River at a point to be selected either in the counties of Clay and Jackson, in the State of Missouri, or in the county of Clay or Platte in said State, and the county of Wyandotte, in the State of Kansas;

A bill (H. R. 5673) to authorize the construction of a railroad and wagon bridge across the Mississippi River from Winona, Minn., to the opposite shore in Wisconsin;

A bill (H. R. 5684) to authorize the construction of a bridge over the Missouri River at the most accessible point between the mouth of the Femme Osage Creek and a point 2 miles above the city of Saint Charles, in the county of Saint Charles, in the State of Missouri;

A bill (H. R. 5685) to authorize the construction of a bridge over the Missouri River at the most accessible point in Saline City or within 5 miles above or 5 miles below the same, in the county of Saline, in the State of Missouri;

A bill (H. R. 6013) to authorize the construction of a bridge across the Missouri River at some accessible point within 2 miles north and 2 miles south of the city of Atchison, in the county of Atchison, in the State of Kansas;

A bill (H. R. 6358) to authorize the construction of a bridge across the Yellowstone River, in Montana; and

A bill (H. R. 7651) to authorize the Chicago, Milwaukee and Saint Paul Railway Company to construct, operate, and maintain a railway bridge across the Missouri River near or in the vicinity of Chamberlain, in the Territory of Dakota.

ORDER OF BUSINESS.

The SPEAKER. The regular order of business is the call of committees for reports for reference.

VESSEL FISHERIES.

Mr. REAGAN, from the Committee on Commerce, reported back favorably the bill (H. R. 8010) for securing statistics of the extent and value of the vessel fisheries of the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

INDEMNITY TO CHINESE SUBJECTS.

Mr. COX, from the Committee on Foreign Affairs, reported back favorably joint resolution (H. Res. 147) providing an indemnity to certain Chinese subjects for losses sustained within the jurisdiction of the United States; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CHINESE TREATY STIPULATIONS.

Mr. COX, from the Committee on Foreign Affairs, also reported back with amendment the bill (H. R. 171) supplementary to and amendatory of an act to execute certain treaty stipulations relating to Chinese, approved May 6, 1882, as amended by an act to amend said act, approved July 5, 1884; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. DARGAN, from the Committee on Military Affairs, reported back adversely the bill (H. R. 5321) to regulate the pay of insane officers of the Army and Navy; which was laid on the table, and the accompanying report ordered to be printed.

OFFICERS' FAMILIES, ETC.

Mr. DARGAN, from the Committee on Military Affairs, also reported, as a substitute for the bill H. R. 5321, a bill (H. R. 8331) to regulate the pay of the officers of the Army and Navy who refuse or neglect to provide for the support of their families; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. MATSON, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 5969) granting a pension to Orrion Lawton; which was laid on the table, and the accompanyidg report ordered to be printed.

ANNIE KESSINGER.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 504) granting a pension to Annie Kessinger; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ABNER MOREHEAD.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 3304) to restore the name of Abner Morehead to the pension-roll; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY HAWKE.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with amendment the bill (H. R. 5232) for the relief of Mary Hawke; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH BARKER.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 977) granting a pension to Elizabeth Barker; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DAVID W. HAMILTON.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 1290) granting a pension to David W. Hamilton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES C. CHANDLER.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 1630) granting a pension to James C. Chandler; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EDWIN AYERS.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 363) granting a pension to Edwin Ayers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ISOM WILKERSON.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 1438) granting a pension to Isom Wilkerson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DUDLEY B. BRANCH.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 857) granting a pension to Dudley B. Branch; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SIMPSON S. SKIRVIN.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 858) granting a pension to Simpson S. Skirvin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY ANDERSON.

Mr. WINANS, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7436) granting a pension to Mary Anderson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. ALICE E. TRAVERS.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 6753) granting a pension to Mrs. Alice E. Travers; which was referred to the Committee of the Whole House

on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN H. DOWNING.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 3737) granting a pension to John H. Downing; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EDWIN R. PARKS.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (H. R. 7843) granting a pension to Edwin R. Parks; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LEVI L. TONGUE.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 7437) granting a pension to Levi L. Tongue; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM J. BARKER.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (H. R. 1177) granting a pension to William J. Barker; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZA NEWMAN.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (H. R. 5492) granting a pension to Eliza Newman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HARRIET PEAK.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (H. R. 2968) granting a pension to Harriet Peak; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANN SMITH.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (S. 2188) granting a pension to Ann Smith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REBECCA E. HASKINS.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (S. 2187) for the relief of Rebecca E. Haskins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LOUIS MELCHER.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (S. 2186) granting a pension to Louis Melcher; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE TITUS.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (S. 2185) for the relief of George Titus; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PATRICK A. CALLANAN.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 2134) granting a pension to Patrick A. Callanan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN D. HAM.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 1998) for the relief of John D. Ham; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SIDNEY P. TULLAR.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (S. 483) to restore Sidney P. Tullar to the pension-roll; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM WEIGHTMAN.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (S. 612) granting a pension to William Weightman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MICHAEL DALY.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (S. 983) granting a pension to Michael Daly; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CORNELIA R. SCHENCK.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (S. 1584) for the relief of Cornelia R. Schenck; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HARRIET WELCH.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (S. 1383) granting a pension to Harriet Welch; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LYDIA O. HUTCHINGS.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (S. 1382) for the relief of Lydia O. Hutchings; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARRILLA PARSONS.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (S. 342) granting a pension to Marrilla Parsons, of Detroit, Mich.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back with adverse recommendations bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 7959) granting a pension to Royal J. Hiar; and
A bill (S. 2190) granting a pension to William Dobbs.

ANNA A. PROBERT.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 7703) granting a pension to Anna A. Probert; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ROBERT B. KIRKPATRICK.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 7244) granting a pension to Robert B. Kirkpatrick; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ARETUS N. BUTLER.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 7749) granting a pension to Aretus N. Butler; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JACKSON STEWARD.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 7979) granting a pension to Jackson Steward; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PETER ADAMS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 7163) granting a pension to Peter Adams; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ISAAC FOSSETT.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 5961) granting a pension to Isaac Fossett; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendment and accompanying report, ordered to be printed.

JOHN H. HUNTER.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 5324) granting a pension to John H. Hunter; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. ARLANTA T. TAYLOR.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 7310) granting a pension to Mrs. Arlanta T. Taylor; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES L. MILLER.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported, as a substitute for H. R. 6728, a bill (H. R. 8332) increasing the pension of James L. Miller; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 6728 was laid on the table.

JOHN L. BRUCE.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 788) granting a pension to John L. Bruce; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN S. WILLIAMS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 789) granting a pension to John S. Williams; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM H. BECK.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 1400) granting a pension to William H. Beck; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH H. THORNBURY.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 1770) granting a pension to Joseph H. Thornbury; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY A. SHIVELY.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 1257) granting a pension to Henry A. Shively; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ROBERT HOLSEY.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 1288) granting a pension to Robert Holsey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EVELINE HUNT.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 1539) granting a pension to Eveline Hunt, widow, and the minor children of Lewis Hunt, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM H. MOORE.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 1509) granting a pension to William H. Moore; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM P. SQUIRES.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 1227) granting an increase of pension to William T. Squires; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. MARGARET SMITH.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 1467) granting a pension to Mrs. Margaret Smith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GERIAH COLLINS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 891) granting a pension to Geriah Collins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

STEPHEN R. SMITH.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 1466) granting an increase of pension to Stephen R. Smith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN FURLONG.

On motion of Mr. MORRILL, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 7535) for the relief of John Furlong; and the same was referred to the Committee on War Claims.

REAMUS G. MORRIS.

On motion of Mr. MORRILL, the Committee on Invalid Pensions was discharged from the furthor consideration of the bill (S. 1214) granting a pension to Reamus G. Morris; and the same was referred to the Committee on Pensions.

ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 6769) granting a pension to Jacob Larwood;
A bill (H. R. 7024) granting a pension to August Faust;
A bill (H. R. 7528) granting a pension to Ashford A. Stone;
A bill (H. R. 5621) granting a pension to John B. Tibbetts;
A bill (H. R. 7747) granting a pension to William H. Wheeler;
A bill (H. R. 729) to place the name of Frederick Marshall on the pension-roll;
A bill (H. R. 6771) granting an increase of pension to Frederick Osbury;
A bill (H. R. 7741) granting a pension to Solomon Holt;
A bill (H. R. 7751) granting a pension to Jane Jackson;
A bill (H. R. 7737) granting a pension to William S. Campbell;
A bill (H. R. 7977) granting a pension to Zephaniah Stout; and
A bill (H. R. 6138) granting a pension to Joseph A. McGuire.

PATRICK MURPHY.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 6087) granting a pension to Patrick Murphy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CATHERINE E. COFFIN.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 1150) granting a pension to Catherine E. Coffin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELLEN J. WELCH.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 7721) granting a pension to Ellen J. Welch; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back with an adverse recommendation bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 239) granting a pension to Alexander Mack; and
A bill (H. R. 6478) granting a pension to Gould Kingsbury.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back with an adverse recommendation the bill (S. 670) to increase the pension of the widow of the late Commander T. A. M. Craven.

Mr. GREEN, of New Jersey. Mr. Speaker, I ask that that bill be put on the Calendar.

There was no objection, and it was so ordered.

JOSEPH W. RHINEHALT.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 1235) to increase the pension of Joseph W. Rhinehalt; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH E. HENRY.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 1348) granting a pension to Sarah E. Henry; which was referred to the Commit-

tee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH A. THOMAS.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 1357) granting a pension to Sarah A. Thomas; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ABEL COMSTOCK.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 1016) granting an increase of pension to Abel Comstock; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALFRED DENNY.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 1192) granting a pension to Alfred Denny; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CLARK BOON.

Mr. CONGER, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 7931) increasing the pension of Clark Boon; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

H. R. DUKE.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 1098) granting a pension to H. R. Duke; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. C. A. BAILEY.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 1830) granting a pension to Mrs. C. A. Bailey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM POWELL.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 1420) granting a pension to William Powell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MICHAEL ROMAHN.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 1441) granting a pension to Michael Romahn; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LUCINDA SAWYER.

Mr. HAYNES, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 8333) granting a pension to Lucinda Sawyer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM H. BUCK.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 3118) granting an increase of pension to William H. Buck; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY MARSH.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back with amendments the bill (S. 685) granting a pension to Mary Marsh; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES N. SEBASTIAN.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 686) granting a pension to Charles N. Sebastian; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY J. NOTTAGE.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 2005) granting a pension to Mary J. Nottage; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES BUTLER.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 2025) granting a pension to James Butler; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. LETITIA GARRARD.

Mr. TAULBEE, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 4816) granting a pension to Mrs. Letitia Garrard; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHRISTOPHER C. WHITE.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 4407) granting a pension to Christopher C. White; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. ELIZABETH COLLINS.

Mr. O'HARA, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 7728) granting a pension to Mrs. Elizabeth Collins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS B. WALSH.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 7221) granting a pension to Thomas B. Walsh; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FRANCES MOSHER.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 7965) for the relief of Frances Mosher; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM P. SHELTON.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 3851) granting a pension to William P. Shelton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JACOB NIX.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported, as a substitute for H. R. 6096 a bill (H. R. 8334) for the relief of Jacob Nix; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The bill H. R. 6096 was laid on the table.

WILLIAM S. RAY.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported, as a substitute for H. R. 4628, a bill (H. R. 8335) granting a pension to William S. Ray; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The bill H. R. 4628 was laid on the table.

ADVERSE REPORTS.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 7968) granting a pension to George W. Brant;

A bill (H. R. 7964) for the relief of John Dimers; and

A bill (H. R. 7729) granting a pension to Gideon C. Lake.

LYDIA S. JOHNSON.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 8078) for the relief of Lydia S. Johnson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY A. VAN ETTEN.

Mr. SAWYER, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6170) granting a pension to Mary A. Van Etten; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM HICKS.

Mr. SAWYER, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 1681) for the relief of William Hicks; which was referred to the Committee of the Whole

House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CASSIUS H. ROBINSON.

Mr. SAWYER, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 4624) for the relief of Cassius H. Robinson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. CATHERINE SATTLER.

Mr. PINDAR, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6832) granting a pension to Mrs. Catherine Sattler; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

GEORGE H. LAURENCE.

Mr. PINDAR, from the Committee on Invalid Pensions, also reported back with amendment the bill (H. R. 1617) for the relief of George H. Laurence; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MRS. HATTIE A. BURNETT.

Mr. PINDAR, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 2022) granting an increase of pension to Mrs. Hattie A. Burnett; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. PINDAR, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 1532) granting an increase of pension to Newton A. Calkins;

A bill (H. R. 1531) granting a pension to William H. Gifford;

A bill (H. R. 1547) for the relief of Edward B. Lansing; and

A bill (H. R. 6837) to place Jane Young on the pension-roll.

JOHN W. DELP.

Mr. NEECE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4460) to pension John W. Delp; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SILAS K. HAINES.

Mr. NEECE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 2626) granting a pension to Silas K. Haines; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARY SULLIVAN.

Mr. NEECE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 308) granting a pension to Mary Sullivan; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

LUCY G. DUTCHER.

Mr. NEECE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 6430) granting a pension to Lucy G. Dutcher; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JONATHAN S. LENTS.

Mr. NEECE, from the Committee on Invalid Pensions, also reported back with amendment the bill (H. R. 6425) granting a pension to Jonathan S. Lents; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

DUNCAN FORBES.

Mr. NEECE, from the Committee on Invalid Pensions, reported, as a substitute for H. R. 3048, a bill (H. R. 8336) granting an increase of pension to Duncan Forbes; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 3048 was laid on the table.

MARTHA A. VORHEES.

Mr. NEECE, from the Committee on Invalid Pensions, also reported back with amendment the bill (H. R. 8066) to pension Martha A. Vorhees; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SOPHIA BEELER.

Mr. NEECE, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 7869) to increase the pension of Sophia Beeler; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOSEPH ROMISER.

Mr. SWOPE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 1059) to grant a pension to Joseph Romiser; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

THOMAS A. ROWLEY.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 6250) to increase the pension of Thomas A. Rowley; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

C. K. HUGHES.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 2144) granting a pension to C. K. Hughes; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ELIZABETH SLENBAKER.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 4527) granting a pension to Elizabeth Slenbaker; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARGARET O'CONNOR.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 6278) granting a pension to Margaret O'Connor; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 4247) granting a pension to Esther A. Reynolds, widow of Thomas H. Reynolds, late sutler of the Seventy-eighth Regiment Pennsylvania Volunteers;

A bill (H. R. 6587) granting a pension to Sarah J. Eyster; and

A bill (H. R. 6571) granting a pension to John D. M. Armbrust.

WILLIAM COLLINS.

Mr. WARNER, of Missouri, from the Committee on Claims, reported back with amendment a bill (H. R. 1030) for the relief of William Collins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES STOTESBURY.

Mr. WARNER, of Missouri, from the Committee on Claims, also reported back with amendment a bill (H. R. 1533) to open and set aside an order of the Court of Claims canceling an operation of a judgment against the United States, remitted, through mistake as to the facts in regard to the same, by claimant to the United States, and to refer the matter to the Court of Claims for such further action as said court shall find to be just and equitable; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be pointed.

JAMES BRICE.

Mr. WARNER, of Missouri, from the Committee on Claims, also reported, as a substitute for the bill H. R. 1365, a bill (H. R. 8337) for the relief of James Brice; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The bill H. R. 1365 was laid on the table.

JOSEPH HAXTHAUSEN.

Mr. NEAL, from the Committee on Claims, reported back favorably the bill (H. R. 4000) for the relief of Joseph Haxthausen; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHAMBERS & BROWN.

Mr. NEAL, from the Committee on Claims, also reported back favorably a bill (H. R. 4001) for the relief of Chambers & Brown; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EMILY J. FARDY.

Mr. SHAW, from the Committee on Claims, reported, as a substitute for the bill H. R. 1073, a bill (H. R. 8338) for the relief of Emily J. Fardy; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The House bill 1073 was laid on the table.

CHANGE OF REFERENCE.

On motion of Mr. SPRINGER, the Committee on Claims was discharged from the further consideration of the bill (H. R. 7970) for the relief of

Miss Ann Wolfe and others; and the same was referred to the Committee on War Claims.

JOHN MONTGOMERY.

Mr. KLEINER, from the Committee on War Claims, reported back with amendment the bill (H. R. 6265) for the relief of John Montgomery; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

URIAS BUSKIRK.

Mr. GEDDES, from the Committee on War Claims, reported back favorably the bill (H. R. 5484) to pay Urias Buskirk the amount found due him by the Court of Claims; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH MULVEHILL.

Mr. GEDDES, from the Committee on War Claims, also reported a bill (H. R. 8339) for the relief of Elizabeth Mulvehill, for stores and supplies; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN M. CAMPBELL.

Mr. GEDDES, from the Committee on War Claims, also reported a bill (H. R. 8340) for the relief of John M. Campbell; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ROBERT H. WALTON.

Mr. GEDDES, from the Committee on War Claims, also reported a bill (H. R. 8341) for the relief of Robert H. Walton; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES C. JENKINS.

Mr. GEDDES, from the Committee on War Claims, also reported a bill (H. R. 8342) for the relief of James C. Jenkins, administrator of Thomas C. Jenkins; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH M'FERRIN.

Mr. GEDDES, from the Committee on War Claims, also reported a bill (H. R. 8343) for the relief of Sarah McFerrin, administratrix of Robert Waters; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompaning report, ordered to be printed.

SARAH MENDENHALL.

Mr. GEDDES, from the Committee on War Claims, also reported a bill (H. R. 8344) for the relief of Sarah Mendenhall, administratrix of F. M. Mendenhall; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. GEDDES, from the Committee on War Claims, reported back adversely the following cases; which were laid on the table, and the accompanying reports ordered to be printed:

Claim of Elizabeth Griggs;
Claim of Joseph S. McNulty;
Claim of T. W. Adamson;
Claim of James C. Newman;
Claim of Newton C. Perkins;
Claim of George W. Morris;
Claim of Mahala H. Portlock;
Claim of John W. Demory;
Claim of Eli Travener;
Claim of William H. Whitted;
Claim of Harmon Mickle;
Claim of James G. Moore;
Claim of Ebenezer J. Conrad et al.;
Claim of John H. McClellan;
Claim of Milton S. Haire;
Claim of Solomon Isaacs;
Claim of Washington G. Campbell; and
Claim of W. H. Hill.

DAVIDSON DICKSON AND OTHERS.

Mr. SMALLS, from the Committee on War Claims, reported back with favorable recommendation the bill (H. R. 91) for the relief of Davidson Dickson and others; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HEIRS OF ALFRED ROBINSON.

Mr. LYMAN, from the Committee on War Claims, reported a bill (H. R. 8345) for the relief of the heirs and legal representatives of Alfred Robinson, deceased; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EDWARD G. PENDLETON.

Mr. LYMAN, from the Committee on War Claims, also reported back with amendments the bill (H. R. 7807) to muster Edward G. Pendleton as captain of cavalry into the service of the United States, and to pay him for his services from August, 1861, to July 10, 1864, inclusive; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BINDING CENSUS SCHEDULES.

Mr. BARKSDALE, from the Committee on Printing, reported back with favorable recommendation the Senate concurrent resolution to bind the census schedules; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MAIL MESSENGERS IN THE POSTAL SERVICE.

Mr. WARD, of Indiana, from the Committee on the Post-Office and Post-Roads, reported, as a substitute for H. R. 8195, a bill (H. R. 8346) authorizing the employment of messengers in the mail service; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill No. 8195 was ordered to be laid on the table.

CONSTRUCTION OF DRY-DOCKS.

Mr. McADOO, from the Committee on Naval Affairs, reported, as a substitute for H. R. 2050, a bill (H. R. 8347) to authorize the construction of dry-docks at certain navy-yards to be hereafter selected, by contract, and appropriating money for the same; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill No. 2050 was ordered to be laid on the table.

JOHN ROCKWELL.

Mr. LAIRD, from the Committee on Military Affairs, reported back with favorable recommendation the bill (H. R. 3600) for the removal of the charge of desertion from John Rockwell, late private Company F, One hundred and twenty-fifth Ohio Volunteer Infantry; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM A. WIGHAMAN.

Mr. LAIRD, from the Committee on Military Affairs, also reported back with favorable recommendation the bill (H. R. 4709) to remove the charge of desertion from the military record of William A. Wighaman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN E. WHITE.

Mr. STRAIT, from the Committee on the Public Lands, reported back with an amendment the bill (H. R. 5175) extending the provisions and benefits of the pre-emption laws to John E. White; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. If there be no further reports the Chair will recognize the gentleman from Ohio to call up the special order.

Mr. HATCH. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HATCH. I desire to ask what is the regular order to-day?

The SPEAKER. The regular order is the consideration of bills reported from the Committee on the Territories. The order of the House sets apart this day, after the morning hour, for the consideration of such bills now on the Calendar as may be called up by the Committee on the Territories, not to interfere, however, with general appropriation or revenue bills. The morning hour is, under the rule, the hour for the call of committees for reports.

Mr. BEACH. Does that order exclude the second morning hour?

The SPEAKER. There is but one morning hour.

Clause 3 of Rule XXIV provides:

On all days other than Monday as soon as the business on the Speaker's table has been disposed of, and on all Mondays (except the first and third in each month) after the call of States and Territories, there shall be a morning hour for reports from committees, which shall be appropriately referred and printed, and a copy thereof mailed by the Public Printer to each Member and Delegate; and the Speaker shall call upon each standing committee in regular order and then upon the select committees; and if the whole of the hour is not consumed by this call, then it shall be in order to proceed to the consideration of other business, as hereinafter provided; but if he shall not complete the call within the hour he shall resume it in the succeeding morning hour where he left off.

Section 5 of the same rule provides:

After the morning hour shall have been devoted to reports from committees (or the call completed) the Speaker shall again call the committees in regular order for one hour, upon which call each committee on being named shall have the right to call up for consideration any bill reported by it on a previous day on either the House or Union Calendar.

Thus preserving throughout the rule the distinction between the hour

for the consideration of bills and the morning hour for the call of committees. The order of the House sets apart this day, after the morning hour, for the consideration of bills reported from the Committee on the Territories.

Mr. HATCH. I only raised that question for the purpose of obtaining a ruling of the Chair and a construction of this rule.

The SPEAKER. The Chair thinks that is the meaning, in fact the very language of the rule itself.

Mr. HATCH. I would inquire, Mr. Speaker, if the reports of the standing committees have been completed?

The SPEAKER. The call of committees has been completed.

INSURANCE LAWS IN DAKOTA.

Mr. HILL. In pursuance of the order I call up a bill in charge of the gentleman from Pennsylvania [Mr. BOYLE], the bill (H. R. 5888) to legalize and validate the general laws of the Territory of Dakota for the incorporation of insurance companies and to authorize and empower the Legislative Assembly of said Territory to pass such general laws.

The bill was read, as follows:

Be it enacted, &c., That all general laws heretofore enacted by the Legislative Assembly of the Territory of Dakota providing for the incorporation of insurance companies are hereby legalized and made valid, and are declared to have the same force and effect as if the said Legislative Assembly had had full power and authority to enact the same; and all insurance companies incorporated under said laws and in accordance therewith are hereby declared to have been legally incorporated.

SEC. 2. That the Legislative Assembly of the Territory of Dakota shall have power to provide by general laws for the incorporation of companies for insuring against loss by fire, lightning, hail, and tornadoes, and also of life-insurance companies.

Mr. BOYLE. Mr. Speaker, the purpose of this bill is to give validity to certain acts passed by the Legislature of the Territory of Dakota, providing for the incorporation of insurance companies. The laws which the bill is intended to legalize and validate are laws general in their character. The bill as introduced provides for the legalizing of all insurance companies in the Territory, whether incorporated under general or under special laws. But the committee reported a substitute for that bill, and in this substitute only general laws are legalized. The Territorial Legislature of Dakota very shortly after the organization of the Territory, assuming that it had the power to pass laws generally providing for the incorporation of companies, passed a general insurance law, and at different times since it has passed supplements or amendments to this insurance law.

Under the original act a number of insurance companies were incorporated in the Territory. Doubts have arisen whether the Territorial Legislature had this power, and it is in order to remove these doubts and to give unquestionable legal existence to these companies and to protect the rights of the companies themselves, and the rights of those who have dealt with them, that the passage of this act is asked for. Under the act organizing the Territory it is provided that—

The legislative power of the Territory shall extend to all rightful subjects of legislation consistent with the Constitution of the United States and the provisions of this act.

Assuming that the Territorial government had general powers not inconsistent with the Constitution and the laws of Congress, it undertook to pass these general incorporation laws. But in the act of 1867, section 1889 of the Revised Statutes, specific powers are given to the Territorial Legislature relating to the creation of corporations. This section is as follows:

The Legislative Assemblies of the several Territories may, * * * by general incorporation acts, permit persons to associate themselves together as bodies corporate for mining, manufacturing, and other industrial pursuits, or the construction or operation of railroads, wagon-roads, irrigating ditches, and the colonization and improvement of lands in connection therewith, or for colleges, seminaries, churches, libraries, or any benevolent, charitable, or scientific association.

It will be observed that the right to incorporate insurance companies is omitted, and this is what raised the doubt as to the existence of that right in the Territory of Dakota. The committee found that the general laws which it is proposed to validate seemed to be well and carefully drawn and calculated to protect the interest of insurers as well as of insured; and failing to find any good reason why the Territorial Legislature should not have the power to establish insurance companies, the committee has recommended the passage of this bill. For myself I see no reason why that power should not exist in a Territory as well as in a State. In Territories insurance companies are as much needed and there is as much reason for there existence there as in the States. And it is better a Territorial government should have the right to create, regulate, and control the companies within the Territory than that only foreign companies should exist. Therefore I know of no reason why this bill should not become a law.

Mr. ADAMS, of Illinois. As I listened to the reading of the bill it seemed to give validity to certain acts heretofore passed. Does it also enlarge the powers of the Legislature so that acts creating corporations there hereafter shall have validity?

Mr. BOYLE. I can answer the question of the gentleman from Illinois best by reading the second section of the bill. It provides—

That the Legislative Assembly of the Territory of Dakota shall have power to provide by general laws for the incorporation of companies for insuring against loss by fire, lightning, hail, and tornadoes, and also of life-insurance companies.

Mr. HOLMAN. I would suggest to the gentleman from Pennsylvania whether it would not have been well to have extended that provision to the Territories in general. It is manifest the act of 1867 was too restricted if it was intended as a restriction, but I think it was not. The action of that law was, in fact, to ratify legislation which had occurred. It seems to me, however, that there is no reason to doubt the existence of these powers in a Territorial government were it not for the inference drawn from the act of 1867. But inasmuch as the act of 1867 does raise some doubt, why not extend the provision to the Territories in general, for this is a power which certainly could be very safely exercised? We should not multiply our laws unnecessarily.

Mr. BOYLE. For myself I see no reason why the power should not be given to other Territories as well as Dakota. But when it comes to legalizing what has been done in Territories it might be very unwise to legalize the acts of certain Legislatures and altogether wise to legalize the acts of others. We find on examination the laws passed in Dakota have been carefully and well drawn. That may not be the fact as to laws passed by other Territorial Legislatures, and it might be very unsafe to legalize laws generally upon this subject.

Mr. HOLMAN. I am not proposing that we legalize anything which has been done, but simply that we confer on all the Territories the same powers which this bill proposes to confer upon the Territory of Dakota.

Mr. BOYLE. I see no objection to that; the second section might be amended in that way, if it is the wish of the House.

Mr. HOLMAN. Why not amend it by striking out in the second section the words "Assembly of the Territory of Dakota" and insert "Assemblies of the several Territories;" so as to read: "That the Legislative Assemblies of the several Territories shall have power," &c.?

Mr. BOYLE. If the gentleman offers that amendment I have no objection to it personally. I do not know what may be the views of the committee.

Mr. ADAMS, of Illinois. I consider the amendment proposed by the gentleman from Indiana [Mr. HOLMAN] a very legitimate extension of the scope of the bill, but I wish to ask the chairman of the committee whether it has not occurred to him that there might be a still further extension by allowing the Territorial Legislatures to incorporate, as do the States, organizations for all purposes of pecuniary profit, excepting such as we may choose to except. These Territorial Legislatures now have power to charter corporations for certain specific purposes; and we propose by this bill to add another specific purpose—insurance. Why not allow all branches of business to come in under a general law?

Mr. HILL. There are a thousand reasons why that should not be done, as the gentleman would readily recognize if he were conversant with the state of affairs in some of the Territories.

Mr. ADAMS, of Illinois. Well, it may be there are reasons applicable to the Territories which would not apply to a State.

Mr. GIFFORD. We do not ask such an extension of the law.

The SPEAKER *pro tempore*. The amendment of the gentleman from Indiana [Mr. HOLMAN] will be read.

The Clerk read as follows:

In lines 1 and 2 of section 2 strike out "Assembly of the Territory of Dakota" and insert "Assemblies of the several Territories."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. HOLMAN. I move to amend the title of the bill by striking out all after the words "insurance companies" and inserting "and for other purposes."

The amendment was agreed to.

Mr. BOYLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEGISLATIVE ASSEMBLY OF WASHINGTON TERRITORY.

Mr. HILL. I call up the bill (H. R. 6966) to change the time of the meeting of the Legislative Assembly of Washington Territory.

The bill was read, as follows:

Be it enacted, &c., That the first Monday in January, 1887, be, and the same is hereby, fixed as the time for the commencement of the next biennial session of the Legislative Assembly of Washington Territory; and that the biennial session of the Legislative Assembly be held every two years thereafter.

Mr. HILL. Mr. Speaker, the passage of this bill is asked for by a resolution of the Legislative Assembly of Washington Territory, as well as by the Territorial officers and the Delegate from that Territory. An act of Congress is required to legalize the day for the meeting of the Legislative Assembly; and the day named in the bill is acceptable to the officers and people of the Territory. I do not deem it necessary to make any further statement. I hope the bill will be passed.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. HILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LOCAL OR SPECIAL TERRITORIAL LAWS.

Mr. HILL. I call up for consideration the bill (H. R. 5179) to prohibit the passage of special or local laws in the Territories of the United States. I yield the floor to the gentleman from Illinois [Mr. SPRINGER] who introduced the bill.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Legislatures of the Territories of the United States now or hereafter to be organized shall not pass local or special laws in any of the following-enumerated cases, that is to say:

Granting divorces.

Changing the names of persons or places.

Laying out, opening, altering, and working roads or highways.

Regulating the jurisdiction and duties of justices of the peace, police magistrates, and constables.

Providing for changes of venue in civil and criminal cases.

Incorporating cities, towns, or villages, or changing or amending the charter of any town, city, or village.

Providing for the election of members of the board of supervisors in townships, incorporated towns, or cities.

Summoning and impaneling grand or petit jurors.

Providing for the management of common schools.

Regulating the rate of interest on money.

The opening and conducting of any election or designating the place of voting.

The sale or mortgage of real estate belonging to minors or others under disability.

The protection of game or fish.

Chartering or licensing ferries or toll-bridges.

Remitting fines, penalties, or forfeitures.

Creating, increasing, or decreasing fees, percentage, or allowances of public officers during the term for which said officers are elected or appointed.

Changing the law of descent.

Granting to any corporation, association, or individual the right to lay down railroad tracks, or amending existing charters for such purpose.

Granting to any corporation, association, or individual any special or exclusive privilege, immunity, or franchise whatever.

In all other cases where a general law can be made applicable, no special law shall be enacted in any of the Territories of the United States by the Territorial Legislatures thereof.

SEC. 2. That it shall be the duty of the Legislative Assemblies of the several Territories to pass such general laws as may be necessary for the government of their respective Territories, not inconsistent with acts of Congress or the Constitution of the United States.

SEC. 3. That all acts and parts of acts hereafter passed by any Territorial Legislature in conflict with the provisions of this act shall be null and void.

The amendment reported by the Committee on the Territories was read, as follows:

In line 4 of section 2 insert, after the word "Territories," the words "on the subjects above mentioned."

Mr. SPRINGER. Mr. Speaker, the provisions of this bill are copied *verbatim* from the constitution of the State of Illinois, and similar provisions will be found in the constitutions of most of the States of the Union. The bill simply prohibits the passage, in the cases enumerated, of local or special laws in the Territories. I think one of the greatest abuses in the Territories has been the passage of laws of this character. This bill, if passed, will require general laws on these subjects instead of special ones. The subject has been discussed in most of our States in the formation of our State constitutions, and wherever provisions of this kind have been adopted the most salutary results have followed. I think the same benefits should be extended to the Territories. If no gentleman desires to speak on the subject, I ask for a vote.

The amendment reported by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. SPRINGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ISSUE OF MUNICIPAL BONDS, WASHINGTON TERRITORY.

Mr. HILL. I call up for consideration the bill (H. R. 6965) to authorize Columbia County, in Washington Territory, to issue bonds for the construction of a court-house.

The SPEAKER *pro tempore* (Mr. MILLS). This bill is in the Committee of the Whole House on the Private Calendar.

Mr. HILL. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill, and that the House now proceed to consider it.

There being no objection, it was ordered accordingly.

The bill was read, as follows:

Be it enacted, &c., That the county of Columbia, in Washington Territory, be, and the same is hereby, authorized to issue its bonds, payable in not less than five nor more than fifteen years, at 8 per cent. per annum, to the amount of $40,000, for the purpose of building a county court-house, in accordance with the vote of the people of said county at the general election held in November, 1884.

Mr. HILL. I yield to the gentleman from Ohio [Mr. COOPER].

Mr. COOPER. Mr. Speaker, this is a local bill, proposing to authorize Columbia County, in Washington Territory, to issue bonds for the building of a court-house. The necessity for the passage of the bill will appear, briefly stated, in a memorial of the Legislative Assembly of Washington Territory, which I ask the Clerk to read.

The Clerk read as follows:

UNITED STATES OF AMERICA.

TERRITORY OF WASHINGTON, *Office of the Secretary.*

I, N. H. Owings, secretary of the Territory of Washington and custodian of the great seal, do hereby certify that I have carefully compared the annexed copy of writing—house memorial No. 17, to authorize the county of Columbia, in Washington Territory, to issue bonds for the construction of a court-house—with the original, now on file in my office, and that the same is a correct transcript therefrom, and of the whole of said original.

In testimony whereof I have hereunto set my hand and affixed the great seal of said Territory, at Olympia, this 11th day of February, 1886.

[SEAL.]

N. H. OWINGS,
Secretary of the Territory.

Memorial to authorize the county of Columbia, in Washington Territory, to issue bonds for the construction of a court-house.

To the honorable Senate and House of Representatives in Congress assembled:

Your memorialists, the people of the county of Columbia, by the Legislative Assembly of the Territory of Washington Territory, respectfully represent, that said county of Columbia was duly organized in the year 1875; that since the organization the authorities of said county have been paying rent for court-house and public offices in a sum equal to 8 per cent. per annum upon $40,000; that at the general election held in said county in the year 1884 a vote was taken upon the proposition to build a court-house at a cost not to exceed $40,000, and that said proposition was carried in the affirmative by a large majority; that, while the said county is clear of debt, it is not considered good policy to burden the people with an increased tax sufficient to raise the sum required. The assessed value of the property of the county for the year 1885 was as follows: Real estate, $1,514,900; personal property, $1,054,480; total, $2,569,380. That the said county is rapidly settling up with thrifty people, and we have reason to believe that the assessable value of the property therein will rapidly increase. In view of the foregoing facts your memorialists pray for authority to issue bonds, payable in not less than five nor more than fifteen years, at 8 per cent. per annum, to the amount of $40,000, for the purpose of building a county court-house, in accordance with the vote of the people of said county, as aforesaid. And your memorialists will ever pray.

Passed the house of representatives February 2, 1886.

R. O. DUNBAR,
Speaker of the House.

Passed the council February 3, 1886.

B. B. DAY,
President of the Council.

Approved February 4, 1886.

WATSON C. SQUIRE,
Governor.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. COOPER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PROBATE COURTS IN ARIZONA.

Mr. HILL. I now call up the bill (H. R. 5496) to increase the jurisdiction of probate courts in Arizona and to repeal all acts of the Territorial Assembly creating county courts in said Territory, which is under the control of the gentleman from Illinois [Mr. SPRINGER].

The bill was read, as follows:

Be it enacted, &c., That in addition to jurisdiction over all matter of probate, the probate courts in the different counties in the Territory of Arizona shall have appellate jurisdiction over all appeals from justices of the peace, the trial on appeal to be *de novo*, and also original jurisdiction in all causes in which the action if assumpsit would lie at common law, where the amount involved does not exceed $500.

SEC. 2. That appeals may be taken to the district court in all matters of probate, and in all other cases to the supreme court of the Territory, as is or may be prescribed by law.

SEC. 3. That all acts or parts of acts of the Legislative Assembly creating county courts in the different counties in the Territory of Arizona are hereby disapproved, and declared to be inoperative, null, and of no effect.

Mr. SPRINGER. I think the report of the committee in this case will explain the provisions of the bill and the necessity for its passage more briefly than I could, and I therefore ask that it be read.

The Clerk read as follows:

The Committee on the Territories, to whom was referred House bill 5496, having had the same under consideration, submit the following report:

The thirteenth Territorial Legislature of Arizona, which met in January, 1885, passed special acts creating county courts in several of the largest counties of the Territory, and prescribed the jurisdiction thereof. The jurisdiction conferred upon such county courts embraced all the matters now cognizable in the district courts of the Territory, except capital criminal cases. The effect was to establish a court of general common-law jurisdiction in such counties in addition to the district court of like jurisdiction, presided over by an associate justice of the supreme court of the Territory, appointed by the President. This imposed upon each county the double expense of grand and petit juries, and all other expense attending such courts. It has come to the knowledge of your committee that this additional expense is a very great burden upon the taxpayers of the Territory, and that no substantial benefits result, as the district court can easily perform all the duties required. The grand jury of Pima County, at the recent term of court in that county, unanimously reported to the court that the new county court was unnecessary, expensive, and oppressive upon the people, and recommended that that court be abolished.

The bill which your committee has reported increases the jurisdiction of the probate courts in the Territory, so as to confer authority to try *de novo* appeals from justices of the peace, and also original jurisdiction in all cases in which the action of assumpsit would lie at common law, where the amount does not exceed $500.

It is believed by your committee that this increased jurisdiction to county courts will furnish all the relief that is required for an efficient administration of justice in connection with the general common-law jurisdiction of the district courts held in each county of the Territory.

Your committee therefore recommend the passage of the bill.

Mr. SPRINGER. Mr. Speaker, the third section of the bill should be amended, out of abundant caution, so as to provide "that nothing in this act shall invalidate any proceedings which shall have taken place in the legislation of the Territory in the county courts." I will propose that amendment.

Mr. ADAMS, of Illinois. Can you abolish these courts, and if you

can, why not abolish them? Is there not some inconsistency in saying they have no valid existence, and then saying their acts shall be valid?

Mr. SPRINGER. You do not say that.

Mr. ADAMS, of Illinois. You say they shall be held and be of no effect.

Mr. SPRINGER. It says that all acts or parts of acts of the Legislative Assembly creating county courts in the different counties in the Territory of Arizona are hereby disapproved, and declared to be inoperative, null, and of no effect. They are repealed.

Mr. ADAMS, of Illinois. Are they repealed? I confess I am ignorant of Territorial organizations. Is it true that these courts had a legal existence?

Mr. SPRINGER. It is the opinion of most of the lawyers in the Territory those acts were invalid and contrary to the enabling act of the Territory. My amendment is "that nothing in this act shall be construed to affect any proceedings in these courts prior to the passage of this act."

Mr. ADAMS, of Illinois. Has the gentleman made any provision for business now pending in these county courts which he proposes to abolish?

Mr. SPRINGER. That business would go to courts having jurisdiction; that is, district courts of the counties. Parties litigant would simply bring their suits in the other courts.

Mr. ADAMS, of Illinois. Would that be the effect without further legislation?

Mr. SPRINGER. This was prepared by distinguished lawyers in the Territory, and I presume they covered everything that is necessary.

The SPEAKER. The Clerk will read the amendment of the gentleman from Illinois.

The Clerk read as follows:

Provided, That nothing in this act shall be construed to invalidate any judgment of any court prior to the passage of this act: *And provided further*, The business pending in said courts shall be transferred to the district courts of such counties.

Mr. BOYLE. I desire to call the attention of my colleague upon the committee to one other matter in connection with this bill. It provides for giving the probate courts of the Territory common-law jurisdiction up to $500; and provides for an appeal from the justices of the peace to the probate court, and the trial of the appeals in that court. I assume that these appeals are to be tried there, as in other cases, by a jury, and so far as I know no provision is made for a jury trial in these probate courts. Of course I do not know what provision may have been made in the Territories in this regard; but I suggest to my colleague that it is possible to give to the probate courts jurisdiction, and the right to try appeals from the judgments of the justices, without having the proper machinery for such cases as will certainly require a jury.

Mr. SPRINGER. That is provided for under the local laws of the Territories as to the proceedings of the probate courts.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INSANE ASYLUM, ARIZONA.

Mr. HILL. I now call up for present consideration the bill (H. R. 2812) to approve an act of the Thirteenth Legislative Assembly of Arizona entitled "An act to establish, maintain, and provide for the government of an insane asylum," approved March 9, 1885, in charge of the gentleman from Oregon [Mr. HERMAN], to whom I yield.

The bill was read, as follows:

Be it enacted, &c., That the act entitled "An act to establish, maintain, and provide for the government of an insane asylum," passed by the Thirteenth Legislative Assembly of the Territory of Arizona, and approved by the governor of said Territory of Arizona on the 9th day of March, A. D. 1885, is hereby approved.

SEC. 2. That this act shall take effect and be in force from and after its passage.

Mr. HERMAN. This is a provision of law to legalize an act of the Legislative Assembly of the Territory of Arizona, constructing or authorizing the construction of an insane asylum for that Territory. The asylum was built and is now in full operation and a number of inmates are cared for in it.

Subsequent to the enactment of the provision of law in question it was discovered that the Territorial Legislature had no authority to do what was done by them. Therefore at its last session the Legislature memorialized Congress to legalize, by this bill now pending, the proceedings of that Legislative Assembly authorizing the construction of this asylum. That is all there is of it; and the committee unanimously report in favor of authorizing what has been done, believing it to be a just and meritorious measure and this to be a deserving bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HERMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JURISDICTION OF PROBATE COURTS, WYOMING.

Mr. HILL. I now call up for consideration House bill No. 3760 to enlarge the jurisdiction of the probate courts in Wyoming Territory, and yield to the gentleman from Illinois [Mr. SPRINGER], in whose charge the bill is.

The bill is as follows:

Be it enacted, &c., That the probate courts of the Territory of Wyoming, in their respective counties, in addition to their probate jurisdiction, be, and they are hereby, authorized to hear and determine all civil cases wherein the damage or debt claimed does not exceed the sum of $500, exclusive of interest, and such criminal cases arising under the laws of the Territory as do not require the intervention of a grand jury: *Provided*, That they shall not have jurisdiction in any matter in controversy when the title, boundary, or right to the peaceable possession of land may be in dispute, or in chancery or divorce cases: *And provided further*, That in all cases an appeal may be taken from any order, judgment, or decree of said probate courts to the district court.

SEC. 2. That all acts and parts of acts inconsistent with this act are hereby repealed: *Provided*, That this act shall not affect any suit pending in the district courts of said Territory at the time of its passage.

Mr. SPRINGER. I yield to the gentleman from Wyoming, Mr. CAREY, who introduced this bill, for an explanation of it.

Mr. CAREY. This bill, Mr. Speaker, proposes to confer upon the probate courts of Wyoming Territory jurisdiction in civil cases where the amount involved does not exceed $500. Under the act organizing the Territory the judicial power is vested in a supreme court, a district court, a probate court, and justices of the peace. Under the construction placed upon the law, the probate court has now only jurisdiction of the class of cases that ordinarily arise in probate courts. Congress conferred similar jurisdiction to that proposed here upon the probate courts of Colorado to the extent of $2,000, and have since conferred the same upon the probate courts of Montana to the extent of $500. This bill now under consideration only permits in civil cases jurisdiction where the amount involved is not in excess of $500. It does not give the right to try chancery cases, and only the right in criminal cases which do not require the intervention of a grand jury.

I have an amendment which I desire to offer to the bill.

Mr. PERKINS. Will the gentleman permit me to ask him a question with reference to the jurisdiction of this Territorial court?

Mr. SPRINGER. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 14, between the words "order" and "judgment," insert the word "or," and also in the same line, after the word "judgment," strike out the words "or decree;" so that it will read:

"*And provided further*, That in all cases an appeal may be taken from any order or judgment of said probate courts to the district court."

The amendment was agreed to.

Mr. CAREY. I offer the amendment which I send to the desk.

The Clerk read as follows:

At the end of the bill insert:

"*Provided further*, That the forms and proceedings had before said probate courts shall be as may be provided by the laws of said Territory."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

Mr. SPRINGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORGANIZATION OF TERRITORY OF OKLAHOMA.

Mr. HILL. I now call up the bill (H. R. 7217) to provide for the organization of the Territory of Oklahoma, and for other purposes. This bill has been referred to the Committee of the Whole House on the state of the Union. We do not propose to ask a vote on it to-day, and may as well discuss it in the House as in Committee of the Whole. I ask that the Committee of the Whole be discharged from the further consideration of the bill.

Mr. RANDALL. I have no objection to the proposition that the debate shall run in the House; but when the bill comes to be considered for amendment it ought to be considered in Committee of the Whole.

Mr. HILL. We propose to do that next Saturday.

Mr. RANDALL. The gentleman can ask unanimous consent to let it be considered in the House as in Committee of the Whole for to-day.

Mr. HOLMAN. But subject to the point of order next Saturday.

Mr. HILL. Next Saturday I will move to go into Committee of the Whole House on the state of the Union.

Mr. RANDALL. What reason is there for taking a different course to-day?

Mr. HILL. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering this bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. CRISP in the chair) and proceeded to consider the bill (H. R. 7217) to provide for the organization of the Territory of Oklahoma, and for other purposes.

The bill was read, as follows:

Be it enacted, &c., That all that part of the United States included within the following limits, except such portions thereof as are hereinafter expressly exempted from the operations of this act, to wit: Bounded on the west by the State

of Texas and the Territory of New Mexico; on the north by the State of Colorado and the State of Kansas; on the east by the State of Missouri and the State of Arkansas; and on the south by the State of Texas, comprising what is known as the Indian Territory and the public-land strip, is created into a temporary government by the name of the Territory of Oklahoma: *Provided*, That nothing in this act shall be construed to impair the rights of person or property or to impair any patent to lands now pertaining to the Indians in said Territory under the laws and treaties of the United States, or to include any territory occupied by any Indian tribe to which title has been conveyed by patent from the United States, without the consent of said tribe, or any territory which by treaty or agreement with any Indian tribe is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries and constitute no part of the Territory of Oklahoma until said tribes shall signify their assent to the President of the United States to be included in the said Territory of Oklahoma, except for judicial purposes as provided herein, or to affect the authority of the Government of the United States to make any regulation or enact any law respecting such Indians, their lands, property, or other rights, which it would have been competent to make or enact if this act had never passed.

SEC. 2. That there shall be a governor, secretary, Legislative Assembly, supreme court, attorney, and marshal for said Territory, who shall be appointed and selected under the provisions of title 23, chapter 1, of the Revised Statutes of the United States, relating to the government of all the Territories. The provisions of said title shall have the same force and effect in the Territory of Oklahoma as in other Territories of the United States: *Provided*, That the Legislative Assembly and Delegate to the House of Representatives shall not be elected until the President shall order: *Provided further*, That no person shall be entitled to vote at the first election, or to be elected to any office, who has not been a *bona fide* resident of said Territory for sixty days previous to said election: *And provided further*, That the council in said Territory shall consist of thirteen members, and the house of representatives shall consist of twenty-six members, which may be increased to thirty-nine.

SEC. 3. That the Constitution and all laws of the United States which are not locally inapplicable shall have the same force and effect in said Territory of Oklahoma as elsewhere in the United States: *Provided*, That nothing in this act shall be construed to interfere with the local governments of any of the Indian tribes which may now be provided for by the laws and treaties of the United States, or which may exist in conformity thereto: *And provided further*, That the supreme court of the Territory shall fix the times and places, within the limits of the area occupied by the five civilized tribes, at which courts shall be held; and the jurisdiction of the courts held therein shall embrace all causes of action, crimes, and offenses arising in the Indian Territory heretofore cognizable in the United States courts of the western district of Arkansas, in the district of Kansas, and the northern district of Texas; and all laws heretofore passed granting jurisdiction to said United States courts within the Indian Territory are hereby repealed; but cases now pending shall be prosecuted to their final disposition therein, the same as if this act had not been passed.

SEC. 4. That the section of country lying between the States of Kansas, Colorado, and Texas, known as the public-land strip, is hereby declared to be a part of the public domain of the United States, and shall be opened to settlement under the operation of the homestead laws only: *Provided*, That the sixteenth and thirty-sixth sections of said lands shall be reserved for school purposes.

SEC. 5. That whenever the Creek and Seminole tribes of Indians shall signify their assent to the provisions of this section, in legal manner, to the commission provided for in this act, and the President has issued his proclamation fixing the time as provided herein, the unoccupied lands ceded to the United States by said tribes under the treaties of June 14, 1866, and March 21, 1866, shall be opened to settlement, except the sixteenth and thirty-sixth sections, which shall be reserved for school purposes, and shall be disposed of to actual settlers only, in quantities not to exceed 160 acres, in square form, to each settler, at the price of $1.25 per acre. All persons who are heads of families or over twenty-one years of age, and who are citizens of the United States, or who have declared their intentions to become such, shall be entitled to become actual settlers on such lands. An accurate account shall be kept by the Secretary of the Interior of the money received as proceeds of the sale of said lands. The commission hereinafter created by this act is hereby authorized to confer with the Creeks and Seminoles to determine whether said Indians are entitled to any further compensation for said unoccupied lands. If said commission shall agree that further compensation should be paid said Indians, they may fix the amount of such additional compensation, not to exceed the sum of $1.25 per acre, less the cost of sale and amounts heretofore paid said tribes in the purchase of said lands; and any additional sum agreed upon by said commission to be paid said tribes for said lands, as provided herein, shall be placed to the credit of such tribes on the books of the Treasury.

SEC. 6. That whenever the Cherokee tribe of Indians shall signify their assent to the provisions of this section, in legal manner, to the commission provided for in this act, and the President has issued his proclamation fixing the time as herein provided, the unoccupied portion of the lands west of 96° of longitude, agreed to be ceded to the United States by the said tribe of Indians by the treaty concluded July 19, 1866, shall be opened to settlement, excepting the sixteenth and thirty-sixth sections, which shall be reserved for school purposes, and shall be disposed of to actual settlers only, in quantities not to exceed 160 acres, in square form, to each settler, at the price of $1.25 per acre. All persons who are heads of families or over twenty-one years of age, and who are citizens of the United States, or who have declared their intention to become such, shall be entitled to become actual settlers on said lands. An accurate account shall be kept by the secretary of the Interior of the money received as proceeds of sale of said lands, and said money shall be placed to the credit of the Cherokee Indian tribe on the books of the Treasury, after deducting the cost of sale by the United States, and the amount heretofore appropriated and paid to the Cherokee tribe as part compensation for said unoccupied lands: *Provided*, That nothing in this act shall be construed to authorize any person to enter upon or occupy any of the lands mentioned in this or the preceding section, for the purpose of settlement or otherwise, until after the Indian tribes mentioned and the commissioners herein authorized have concluded an agreement to that effect as provided herein, and laid the same before the President of the United States, who is thereupon authorized to issue his proclamation declaring such relinquished lands open to settlement, and fixing the time from and after which such lands may be taken. Any person who may enter upon any part of such lands contrary to the provisions of this act, and prior to the time fixed in the President's proclamation, shall not be permitted to make any entry upon such lands or lay any claim thereto; and satisfactory proof shall be required by the Commissioner of the General Land Office to the effect that this provision has not been violated by the claimant to any of such lands. Any person violating the provisions of this section shall hereafter be ineligible to take any homestead or make any entry of lands in said Territory of Oklahoma.

SEC. 7. That the President may, at such times as he may deem it necessary, direct a land-office to be opened in the Territory of Oklahoma, and may nominate and, by and with the advice and consent of the Senate, appoint the usual officers to conduct the business of said land-office; and the Commissioner of the General Land Office shall, when directed by the President, cause the various portions of said lands to be properly surveyed and subdivided, where the same has not already been done. It is hereby made the duty of the Commissioner of the General Land Office to carefully examine each claim taken under the provisions of this act before issuing a patent to the claimant; and if it shall appear that said claim was not taken in good faith, he shall refuse a patent, and declare all prior proceedings before had in such case to be null and void; and all persons settling on said lands under the provisions of this act shall be required to maintain a continuous personal residence of five years before obtaining title thereto, agreeably to the provisions of the homestead laws; but payments for said lands may be made in installments, under such rules and regulations as may be prescribed by the Secretary of the Interior.

SEC. 8. That the President of the United States is hereby authorized and directed to nominate and, by and with the advice and consent of the Senate, appoint a commission to be composed of five persons, whose duty it shall be to enter into negotiations with the several Indian tribes within the limits of Oklahoma Territory, for the purpose of procuring the assignment of lands in severalty and the purchase by the United States of the relinquished and unoccupied lands. The powers and duties of said commission shall, under the direction of the President, extend to all matters relating to the settlement of the Indians on other lands or reservations than those now occupied by them, and to their education, civilization, and citizenship. The commission is authorized to enter into such agreements with the Indian tribes as it may deem necessary to accomplish the purposes of this act, and to submit the same, through the President, for the action of Congress. The compensation of the members of said commission shall be at the rate of $3,000 per annum, and not more than three of whom shall be members of one political party. They shall also be allowed, in addition thereto, their actual necessary traveling expenses, stationery, and postage. They shall have power to appoint a secretary, who shall receive an annual compensation of $1,800, and such allowances for traveling expenses as he may actually incur.

SEC. 9. That it shall be unlawful for any person, for himself or any company, association, or corporation, to directly or indirectly procure any persons to settle upon any lands opened to settlement by this act, with a view to their afterward acquiring title to said lands from said occupants; and the parties to such fraudulent settlement shall severally be guilty of a misdemeanor, and shall be punished, upon indictment, by imprisonment not exceeding twelve months, or by fine not exceeding $1,000, or by both such fine and imprisonment, in the discretion of the court.

SEC. 10. That all leases of lands belonging to the United States or held in common by any of the Indian tribes within the Territory of Oklahoma, as organized by this act, including the Cherokee strip west of the ninety-sixth degree of longitude, whether controlled by persons, corporations, or others, except such leases as are held for the purpose of cultivating the soil strictly for farming purposes, are hereby declared void and contrary to public policy; and it is hereby made the duty of the President, immediately after the passage of this act, to cause the lessees of said lands, or persons illegally occupying the same, to be removed from said lands.

SEC. 11. That the act of Congress approved July 27, 1866, which incorporated the Atlantic and Pacific Railroad Company, and the act of Congress approved July 25, 1866, granting lands to the State of Kansas to aid in the construction of the Kansas and Neosho Valley Railroad and its extension to Red River, and an act of Congress granting lands to the State of Kansas to aid in the construction of the Southern Branch of the Union Pacific Railway, and a telegraph, from Fort Riley, Kans., to Fort Smith, Ark., approved July 26, 1866, or any other acts of Congress so far as they relate to lands granted in said Indian Territory and the public land strip, except for the right of way and necessary stations, as now provided for by law, are hereby repealed; and any or all right to said lands is hereby forfeited to the United States; and no railroad company now organized, or hereafter to be organized, shall ever acquire any lands to aid in the construction of its road, or in consequence of any railroad already constructed, either from the United States, or from any Indian tribe, or from any Territorial government or State Legislature within the limits of said Indian Territory.

The following amendments were recommended by the committee:

In section 11, line 14, after the word "stations," insert "as far as said roads may now be completed."

At the end of the bill add the following amendment:

"SEC. 12. That neither the Legislative Assembly of said Territory nor any county, township, town, or city therein shall have power to create or contract any indebtedness for any work of public improvement, or in aid of any railroad constructed or to be constructed, nor to subscribe for or purchase any shares of stock in any railroad company or corporation."

Mr. HILL. Mr. Chairman, I ask the attention of the committee for a few minutes while I endeavor to explain the provisions of this bill. It provides for the organization of a new Territory of the United States to be called the Territory of Oklahoma. The districts of country embraced within its provisions comprise three separate and distinct tracts: The first is the Public Land strip, which was acquired from Texas in 1850, and contains 3,672,640 acres of land. Over this Public Land strip the Government of the United States has absolute control, and always has had, so that there can be no question whatever as to the power of Congress to open up this tract of country for settlement. Another section of country embraced within the provisions of the bill is the so-called Territory of Oklahoma, which was purchased by treaty from the Creeks and Seminoles in 1866 and which contains 1,880,500 acres.

There is also the Cherokee strip, which was also negotiated for by treaty, containing 6,022,855 acres—making in all nearly 12,000,000 acres of land, or a district of country as large as Massachusetts, Rhode Island, New Jersey, and Delaware combined. The bill does not propose, Mr. Chairman, to violate any treaty whatever with any tribe of Indians. By reference to the treaty of 1866 it will be seen that the Territory of Oklahoma and the Cherokee strip were acquired for a special purpose. That purpose was for the settlement of friendly Indians or freedmen in that Territory.

I have never held nor do I now hold that the Government of the United States has the right to open up that Indian country for settlement by white settlers without the consent of those Indians; that would in effect be a violation of the spirit of the treaty. But it is a notorious fact, Mr. Chairman, that the policy which the Government originally intended to inaugurate, which was to settle upon that country friendly Indians or freedmen, has long ago been abandoned, and that the Government has not now any intention whatever of making any attempt, so far as we can gather from proper authorities, to settle either freedmen or friendly Indians upon any part of this Territory which I have named.

The bill provides, as will be seen by the reading of it, for the appointment by the President of the United States of a commission of

five persons to treat with these Indians with the view of securing a modification of these treaties to such an extent as to admit of white settlements in the Territory named in the bill and without which the bill, of course, and all its provisions would be of no force or effect, so far as it relates to that portion of the country once controlled by the Indian tribes.

It also provides for the appointment of a governor and secretary of the Territory, United States marshals, and a Territorial court and proper officers to put in motion the machinery of a Territorial government. In the event of successful negotiations with these Indian tribes, the bill provides further for selling the lands therein contained in tracts of 160 acres each and no more. To actual settlers patents to issue after five years' residence. And it provides further for the extreme punishment of any person or persons who undertake to invade the Territory or any part of it for illegal settlement until after the consent of the Indians has been obtained.

It is, in my judgment, an exceedingly well guarded and carefully drawn bill. If gentlemen of the committee will take the pains to read it they will see that no possible outrage can be committed or injury done to any persons whatever by its passage.

As to the fertility of the soil of that country there can be no question. All the information we have from the report of the Commissioner of Indian Affairs and from reports that have been made from time to time by special committees authorized by Congress, and from reports of the Secretary of the Interior and others, is that the country embraced within the provisions of the bill contains a fertile soil, blessed by as healthy a climate as any part of our public domain.

The treaties with these Indians I have already mentioned, and I will not take time to discuss the provisions of any of them. Suffice it to say that I concede to the minority of the committee to which I have the honor to be chairman that so far as that part of their report which construes the treaties is concerned I cordially agree with them. I would not ask for the violation of a single line or word or letter of any treaty with any Indian tribe; and I claim, Mr. Speaker, that not a single section can be found in the bill or a letter which violates a single letter of a treaty which is now in force between the United States Government and the Indian tribes in the Indian Territory.

This Territory is a part of the territory included in the Louisiana purchase, as members of the committee are well aware. Now, I desire to read some information which I have obtained from the report of the distinguished gentleman from Indiana [Mr. HOLMAN], who was authorized by the last Congress to make a special examination of the condition of the tribes in that Territory, and to report the result to Congress. After setting forth the extent of the country, the report (page 40) says:

> The civilized nations—Cherokees, Chickasaws, Choctaws, Creeks, and Seminoles—and all of the other more advanced tribes are in the eastern part of the Territory. Here the principal progress in agriculture, as well as in general advancement, has been made, while an extended portion of the west is occupied by the Cheyennes, Arapahoes, Wichitas, Kiowas, and Comanches, with a united population of 7,746, who have made comparatively little progress, with very unimportant improvements, and none of a permanent character.

The report goes on to say that—

> In the heart of this Territory is situated the tract of land containing 1,887,800.47 acres, known as "Oklahoma," being a part of the land purchased by the Government at 15 and 30 cents an acre, by treaties made in 1866 with the Creeks and Seminoles, a tract of land comparing well in fertility and streams of water with the southern portion of the State of Kansas. This Oklahoma tract is surrounded on every side by lands which the Government, by treaty or agreement, have ceded to Indian tribes. It is manifest that the Government can not consistently with its agreement with the Creeks, permit this tract of land to be occupied except by Indians.

The report further says that, so far as the other tribes are concerned, no progress has been made, that the Arapahoes and Cheyennes occupy a tract of country embracing nearly 5,000,000 acres of land, having been put there by departmental orders some years ago, and that they have cultivated only about 600 acres of it, never exceeding 1,000, and are lying around on the grass like a lot of dogs sleeping in the sun, being fed at the expense of the tax-paying people of this country.

Mr. HOLMAN. Mr. Chairman, I think the gentleman, in the last portion of his statement just made, was not quoting from the report. [Laughter.]

Mr. HILL. No; not from your report—your part of it, but I have simply told the truth, Mr. Chairman, as the gentleman from Indiana well knows. The minority report, prepared by the gentleman from Illinois [Mr CANNON], says:

> This reservation is west of and adjacent to Oklahoma. Its area is 4,297,771 acres. The Indians thereon number 3,600 men, women, and children. It would support, if perfectly developed, 300,000 people. Situate upon it is Fort Reno, the Darlington agency, and four boarding schools for Indian children, maintained by the Government, and, with all the aid given the Indians by the many employés of the Government, farmers and others, there was only 1,000 acres of land in cultivation in the aggregate last year.

This report further says:

> The failure to expel the few white men who are in possession of 7,000,000 acres of the Territory we submit affords just ground of complaint to the large number of our citizens who desire to occupy small tracts in Oklahoma for homes, and who have as much right, and far greater equity, to do so than have the few cattle-men to occupy much larger tracts for grazing, and that the obligation resting upon the Executive to remove such lessees and other unauthorized persons as trespassers upon land in the Indian Territory, and the propriety of such action, result from express treaty provisions and the action of the Executive in removing trespassers, cattle-men, from the Cheyenne and Arapaho reservations and settlers from the Oklahoma section.

The committee also say that—

> The proper policy to pursue, not only in the Indian Territory but generally—especially in the large reservations in Dakota and Montana, where the lands are agricultural—is to cut up the reservation system at the roots; abolish the tribal relations; allot to each Indian adult a tract of land in severalty; let it be his, and let it descend to his children; compel him to settle upon it; make it inalienable for a generation, or longer if necessary; sell the the remainder of the lands in the different reservations to actual settlers in not exceeding 160-acre tracts; let the proceeds of such sales constitute a trust fund for the Indians, &c.

Mr. Chairman, my attention was directed the other day to some remarks made by the gentleman from Iowa [Mr. HEPBURN] while discussing the river and harbor bill, in which he said that the professions which had been made by the Democratic party during the late campaign had proved to be false, and he quoted from the gentleman from Iowa [Mr. WEAVER] to show that that gentleman had been mistaken. I want to say to those gentlemen that they are both mistaken. The President's order and proclamation never applied to any part of the Indian Territory whatever, except the Arapaho and Cheyenne reservations, and from that country the cattle-men were expelled.

As to the Cherokee strip and the Oklahoma strip which had been leased to a syndicate by the Cherokee Indians—without authority and in violation of law, as I claim, no order from the Executive ever issued asking that these men be expelled. The question was twice referred to the Attorney-General of the United States. The first Attorney-General who gave an opinion upon the subject was Mr. Devens, who, in an elaborate opinion, which will be found at page 1470 of the sixteenth volume of the Reports of the Attorney-Generals, held that—

> The Cherokee Nation itself could not settle one of its tribes upon this strip; and if such tribe could not settle one of its citizens thereon, it follows that it could not authorize the settlement thereon of white persons, or lease the same to any person, which includes the right of occupancy.

This very question, involving the validity of these cattle leases, was referred last year to the Department of Justice for the opinion of the Attorney-General, and on the 21st of July Attorney-General Garland, in response to an inquiry by the Secretary of the Interior, gave an elaborate opinion, in which he quoted the statutes in that case made and provided, and held that every one of these leases to these cattle syndicates by these Indian tribes was in violation of law—was null and void, of no force and effect.

Having come to that part of the bill, I desire to state that the information of the committee derived from the report of the Secretary and other documents is that this vast country, containing nearly 8,000,000 acres of land, and also another portion of the Indian reservation containing nearly 4,000,000 acres more, have been leased from time to time in violation of the laws of the United States, without the shadow of any authority whatever, to vast cattle syndicates both in England and this country, at a rate of perhaps 1 cent or a little more an acre; and these syndicates have sublet the land to smaller syndicates for a sum five times as large as the amount which they pay; in other words, they pay $100,000 a year for the Cherokee strip and are receiving $500,000 a year from syndicates that have subleased it from them. For every dollar they have paid out to these ignorant Indians they get $5 in return; and by reference to the report of my distinguished friend from Indiana [Mr. HOLMAN] it will be seen that it is the opinion out there that some of these leases were obtained by the grossest kind of fraud and corruption.

I will take the liberty of incorporating in my remarks the opinion of Attorney-General Garland on this subject, in which, as I have stated, he decided these leases to be absolutely without authority—null and void:

> DEPARTMENT OF JUSTICE,
> *Washington, July 21, 1885.*
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> SIR: By your letter of the 8th instant, inclosing a communication from the Commissioner of Indian Affairs of the 7th, the following questions are, at his suggestion, submitted to me with request for an opinion thereon:
>
> "Whether there is any law empowering the Interior Department to authorize Indians to enter into contract with any parties for the lease of Indian lands for grazing purposes; and also whether the President or the Interior Department has any authority to make a lease for grazing purposes of any part of any Indian reservation, or whether the approval by the President or the Secretary of the Interior would render any such lease made by Indians with other parties lawful and valid."
>
> These questions are propounded with reference to certain Indian reservations, namely:
>
> 1. The Cherokee lands in the Indian Territory west of ninety-sixth degree of longitude, except such parts thereof as have heretofore been appropriated for and conveyed to friendly tribes of Indians.
> 2. The Cheyenne and Arapaho reservation in the Indian Territory.
> 3. The Kiowa and Comanche reservation in the Indian Territory.
>
> Our Government has ever claimed the right, and from a very early period its settled policy has been, to regulate and control the alienation or other disposition by Indians, and especially by Indian nations or tribes, of their lands. This policy was originally adopted in view of their peculiar character and habits, which rendered them incapable of sustaining any other relation with the whites than that of dependence and pupilage. There was no other way of dealing with them than that of keeping them separate, subordinate, and dependent, with a guardian care thrown around them for their protection. (3 Kent Com., 381; Beecher *vs.* Wetherby, 95 U. S., 517, where most of the cases on this subject are cited and discussed.)
>
> Thus in 1783 the Congress of the Confederation, by a proclamation, prohibited "all persons from making settlements on lands inhabited or claimed by Indians without the limits or jurisdiction of any particular State, and from purchasing or receiving any gift or cession of such lands or claims, without the express au-

thority and directions of the United States in Congress assembled," and declared "that every such purchase or settlement, gift or cession, not having the authority aforesaid, is null and void, and that no right or title will accrue in consequence of any such purchase, gift, cession, or settlement." By section 4 of the act of July 22, 1790, chapter 33, the Congress of the United States enacted "that no sale of lands made by any Indians, or any nation or tribe of Indians within the United States, shall be valid to any person or persons, or to any State, whether having the right of pre-emption to such lands or not, unless the same shall be made and duly executed at some public treaty, held under the authority of the United States." A similar provision was again enacted in section 8 of the act of March 1, 1793, chapter 19, which by its terms included any "purchase or grant of lands, or of any title or claim thereto, from any Indians or nation or tribe of Indians, within the bounds of the United States." The provision was further extended by section 12 of the act of May 19, 1796, chapter 30, so as to embrace any "purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto." As thus extended it was re-enacted by the act of March 3, 1799, chapter 46, section 12, and also by the act of March 30, 1802, chapter 30, section 12.

In the above legislation the provision in terms applied to purchases, grants, leases, &c., from individual Indians as well as from Indian tribes or nations; but by the twelfth section of the act of June 30, 1834, chapter 161, it was limited to such as emanate "from any Indian nation or tribe of Indians." And the provision of the act of 1834, just referred to, has been reproduced in section 2116, Revised Statutes, which is now in force.

The last-named section declares: "No purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from any Indian nation or tribe of Indians, shall be of any validity in law or equity, unless the same be made by treaty or convention entered into pursuant to the Constitution."

This statutory provision is very general and comprehensive. Its operation does not depend upon the nature or extent of the title to the land which the tribe or nation may hold. Whether such title be a fee-simple, or a right of occupancy merely, is not material; in either case the statute applies. It is not, therefore, deemed necessary or important, in connection with the subject under consideration, to inquire into the particular right or title to the above-mentioned reservations held by the Indian tribes or nations respectively which claim them. Whatever the right or title may be, each of these tribes or nations is precluded, by the force and effect of the statute, from either alienating or leasing any part of its reservation, or imparting any interest or claim in and to the same, without the consent of the Government of the United States. A lease of the land for grazing purposes is as clearly within the statute as a lease for any other or for general purposes, and the duration of the term is immaterial. One who enters with cattle or other live-stock upon an Indian reservation under a lease of that description, made in violation of the statute, is an intruder, and may be removed therefrom as such, notwithstanding his entry is with consent of the tribe. Such consent may exempt him from the penalty imposed by section 2117, Revised Statutes, for taking his stock there, but it can not validate the lease, or confer upon him any legal right whatsoever to remain upon the land; and to this extent and no further was the decision of Judge Brewer in United States vs. Hunter, 21 Fed. Rep., 615.

But the present inquiry in substance is (1) whether the Department of the Interior can authorize these Indians to make leases of their lands for grazing purposes, or whether the approval of such leases by the President or the Secretary of the Interior would make them lawful and valid; (2) whether the President or the Department of the Interior has authority to lease for such purposes any part of an Indian reservation.

I submit that the power of the Department to authorize such leases to be made, or that of the President or the Secretary to approve or to make the same, if it exists at all, must rest upon some law, and therefore be derived from either a treaty or statutory provision. I am not aware of any treaty provision, applicable to the particular reservations in question, that confers such powers. The Revised Statutes contain provisions regulating contracts or agreements with Indians, and prescribing how they shall be executed and approved (see section 2103); but those provisions do not include contracts of the character described in section 2116, hereinbefore mentioned. No general power appears to be conferred by statute upon either the President or Secretary, or any other officer of the Government to make, authorize, or approve leases of lands held by Indian tribes; and the absence of such power was doubtless one of the main considerations which led to the adoption of the act of February 19, 1875, chapter 90, "to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations, and to confirm existing leases." The act just cited is, moreover, significant as showing that, in the view of Congress, Indian tribes can not lease their reservations without the authority of some law of the United States.

In my opinion, therefore, each of the questions proposed in your letter should be answered in the negative, and I so answer them.

I am, sir, very respectfully,

A. H. GARLAND, *Attorney-General.*

THE SECRETARY OF THE INTERIOR.

The Secretary of the Interior, on page 32 of the report, says:

By the third article of the treaty of August 11, 1866, it is stipulated that in compliance with the desire of the United States to locate other Indians and freedmen thereon, the Seminoles cede to the United States their entire domain, consisting of 2,100,000 acres, at the rate of 15 cents an acre. By the third article of the treaty of August 11, 1856, the Creeks, for the same purpose, ceded to the United States the west half of their entire domain, which cession passed 3,400,000 acres at the rate of 30 cents per acre, the two cessions combined aggregating 5,571,000 acres. In pursuance of the purpose for which these lands were ceded to the United States, portions on the east and the west thereof have been from time to time set apart for and assigned to certain tribes and bands of friendly Indians for their use and occupancy. That portion of land remaining unappropriated to the trust provided for in the treaties lies very nearly to the center of the Indian Territory. It is this unappropriated tract that is commonly called Oklahoma. No agent of the Government resides upon that land; and it is not occupied in any way by any person or persons for any purpose under any authority of this Department.

That is the statement of Secretary Lamar so far as regards the Territory of Oklahoma.

Commissioner Price shows that the entire purchase-money of the Oklahoma tract was paid; that out of the amount agreed to be paid to the Cherokees for their tract they received some $347,000, demanded more, but it has not been paid. It is also shown by Mr. Price's report that nearly 8,000,000 acres of land belonging to other reservations in the Indian Territory are inhabited by less than 7,000 people, being about 1,200 acres to each man, woman, and child in the entire Territory.

The bill provides for the removal, if consent can be had, of the Arapahoes and Cheyennes from the reservation which they now hold and upon which they were placed by a departmental order, to the eastern part of the Territory. In the event this is done, all the Indians in the Indian Territory will be put together in the eastern part of the Territory; and they will then have on the west, as they now have on the north, the east, and the south, civilized communities of people.

I call attention to the remarkable fact that the only portion of all these Indians in that country or in the United States which have made any progress whatever in civilization is that portion of the Indians which lie immediately next to the State of Arkansas and north of the State of Texas and south of the State of Kansas. And wherever they have been thus brought into direct contact with the civilizing influence of the white man, and with the modes of transacting business of the whites, with their schools, their churches, they have made more progress. And this is the only place where they have made any progress at all.

If this bill should become a law the western portion of this entire Territory will be opened up to settlement, and, in my judgment, in a few years it will be as densely populated as is the prosperous State of Kansas at this time.

This table, which I took from the report of the Committee on Indian Affairs, I desire to incorporate in my remarks right here at this point.

Table showing the land owned by the following tribes in the Indian Territory.

Name of reservation.	Name of agency.	Name of tribe occupying reservation.	Area in acres.	Area in square miles.	Population.
Cheyenne and Arapaho	Cheyenne and Arapaho	Southern Arapaho and Northern and Southern Cheyenne	4,297,771	6,715	3,609
Iowa	Sac and Fox	Iowa	228,418	357	89
Kansas	Osage	Kansas or Kaw	100,137	156¼	225
Kickapoo	Kickapoo	Mexican Kickapoo	206,466	322¼	346
Kiowa and Comanche	Kiowa, Comanche, and Wichita	Apache, Comanche (Komantsu), Delaware, and Kiowa	2,968,893	4,639	3,103
Nez Percé	Ponca, Pawnee, and Otoe	Tonkawa	90,771	142	92
Osage	Osage	Great and Little Osage and Quapaw	1,470,509	2,297	1,672
Otoe	Ponca, Pawnee, and Otoe	Otoe and Missouria	129,113	202	265
Pawnee	Ponca, Pawnee, and Otoe	Pawnee (Pani)	283,020	442	1,045
Ponca	Ponca, Pawnee, and Otoe	Ponca	101,894	159	574
Pottawatomie	Sac and Fox	Absentee Pawnee (Shawano) and Pottawatomie	575,877	900	1,260
Sac and Fox	Sac and Fox	Otoe, Ottawa, Sac (Sauk), and Fox of the Missouri and Mississippi (including Mokohoka's band).	469,067	750	1,126
Wichita	Kiowa, Comanche, and Wichita	Delaware, Ionis, Kaddo, Kichai, Wako, Wichita, Comanche (Komantsu), and Tawakawny.	743,610	1,162	1,634

Now, sir, the report of the Committee on Indian Affairs says that they have a feudal system in the Indian Territory which is equal in barbarism to that which prevailed in the Middle Ages. They have vast tracts there under the hands of chiefs, who lord it over the others, who have vast incomes and control the others, who while they live in a sort of princely way, as it were, the poor serfs who work for them and perform labor in the culture of corn and raising of cattle do not know at night where they will get a meal the next day.

Mr. Chairman, I am opposed to land monopolies in this country. I am opposed to baronial estates in the Indian Territory or in any other part of the American domain. And, sir, there is only one way to get rid of it, and that is for Congress to enact some law or to give the country some legislation to strengthen the hands of the President of the United States in dealing with lawless invaders of that Indian Territory.

I have said all I desired to say pretty much on this subject. I have stated the objects and provisions of the bill, what is the amount of land included in it and what it is.

Mr. LANHAM. In that connection will the gentleman from Ohio permit me to make an inquiry?

Mr. HILL. Certainly.

Mr. LANHAM. In defining the boundaries of the proposed territory did the committee take into consideration the fact there is a controversary between the State of Texas and the United States in reference to the title of that section of country lying east of the one hundredth meridian, between the north and south forks of the Red River?

Mr. HILL. Yes, and that country which is called Grier County is not included within the provisions of this bill.

Mr. LANHAM. The bill provides that this territory shall be bounded

on the west by the State of Texas and the Territory of New Mexico; on the north by the State of Colorado and the State of Kansas; on the east by the State of Missouri and the State of Arkansas; and on the south by the State of Texas, comprising what is known as the Indian Territory and the public land strip.

The land in dispute between the State of Texas and the United States is known, perhaps, on the maps of the United States as a part of the Indian Territory, but in Texas it is known as Grier County.

Mr. SPRINGER. This bill intends to leave that county or that disputed territory just where it now is, to be determined by whatever may be the decision of the arbitration now going on between the United States and Texas. If it shall result in favor of the United States, then it will be included within this Territory, and not otherwise.

Mr. LANHAM. Inasmuch as there is such a commission to ascertain the real boundary between the State of Texas and the United States, would the gentleman in charge of the bill object to an amendment to the effect that this shall not prejudice the claim of the State of Texas as to the title to that territory?

Mr. HILL. I do not object to such an amendment; but I do not think any amendment is necessary. If it should be found that that country belongs to Texas and not to the United States, then this bill would not apply to it all.

Mr. LANHAM. There is no disposition then to interfere with the action of that commission?

Mr. HILL. No, sir; none whatever. It is only to include that part over which the United States has undisputed control.

Mr. LANHAM. I thought it proper to make the inquiry so that there could be no mistake on this point; especially in view of the fact that the gentleman from Iowa [Mr. STRUBLE] is the only member of the Committee on Territories now who was with me on that committee in the last Congress and was familiar with the facts of the case in relation to the passage of the bill providing for the appointment of a commission to investigate this question of disputed boundary. That bill was reported from the committee and passed the House.

Mr. NEECE. I would like to ask the gentleman from Ohio a question. I understand him to say that this Oklahoma strip was not legally occupied by any person at this time. I wish to ask if, as a matter of fact, it is not occupied by these syndicates of cattle-men?

Mr. HILL. I think not.

Mr. HOLMAN. No, sir; it never has been to any extent.

Mr. STRUBLE. I beg to say there is difference of opinion upon that point, and I shall attempt to show that it is so occupied.

Mr. HOLMAN. I do not know how it may be now; but in last November it was not occupied by anybody except a small portion of the men under Couch who were settled upon the Northern Fork of the Canadian River and were removed the next day by military force.

Mr. WEAVER, of Iowa. I agree with the gentleman from Indiana that there is no legal occupancy, but there are cattle there.

Mr. NEECE. But as to the matter of actual occupancy, I wish to inquire if there are not cattle syndicates now there?

Mr. HOLMAN. The military authorities were actively engaged in preventing any occupancy of that strip when I was there.

Mr. HILL. There have been time after time attempts to acquire unlawful occupancy of the Territory. During the administration of Mr. Arthur raids were made by persons seeking settlement, and the President issued a proclamation and had these persons removed by force. The same has been done since and threatened to be done again since the present administration came into power. There has been a repeated effort on the part of the people of Kansas, Missouri, and other Western States to lodge settlements in this fertile part of the country.

I intended to state when interrupted that petitions have been presented through this House from nearly every labor organization of the whole country, from farmers, grangers, from lodges, from posts of the Grand Army of the Republic—soldiers—asking that legislation looking to the settlement of this Oklahoma and Indian Territory shall be enacted.

If these lands can be obtained by the modification of these treaties and opened to white settlement there will then be left lands enough in the Indian Territory to give every Indian, little and big, young and old, nearly a thousand acres of land apiece.

It will only result in the removal of about twenty-six or twenty-seven hundred Indians from the Arapaho and Cheyenne reservations to the western border of the eastern part of the Indian Territory, and have them all there in a compact form.

Now, while this bill does not propose to interfere at all with the tribal relations of any of these Indians, I believe the time will soon come, and ought to come, when these tribal relations are to be broken up, and when the lands of all this country should be allotted in severalty and occupied in severalty by families of Indians; for in no other way, in my judgment, can the humanizing and civilizing influences of an enlightened race be brought to bear upon that class of people.

Mr. KING. What is the area of this proposed Territory?

Mr. HILL. It embraces about 12,000,000 acres, with a view of taking in 4,000,000 acres more in future.

Mr. KING. That makes sixteen millions in all?

Mr. WEAVER, of Iowa. It proposes to take in eight millions more.

Mr. HILL. Yes, sir; eight millions more, making twenty millions in all.

Mr. KING. How many Indians are there to-day?

Mr. HILL. About thirty-six hundred.

Mr. Chairman, ever since 1873 there has been a great depression in all our manufacturing and labor districts in the United States. It culminated in 1877 in the most extensive and disastrous labor strikes ever witnessed in this country. Millions of property were destroyed by violence in some of our large cities, and many other millions by the shrinkage of values. These strikes have been repeated more or less every year since, and they are being repeated now. I am not aware that the condition of the laborer or his employer has been benefited by them. Both have suffered. The prices of all manufactured articles, without any change in tariff laws, has become lower and lower, and the wages of labor have become lower and lower. No remedy has been applied or proposed. This bill proposes a remedy in part when it proposes to provide good homes for a hundred thousand idle men.

Mr. Jefferson, nearly a hundred years ago, with that sagacity with which he was pre-eminently endowed, foresaw these troubles and suggested the same remedy which we hope to afford in the passage of this bill. In his Notes on Virginia he said:

> The political economists of Europe have established it as a principle that every state shall endeavor to manufacture for itself; and this principle, like many others, we transfer to America, without calculating the difference of circumstances, which should often produce a different result. In Europe the lands are either cultivated, or locked up against the cultivator. Manufactures must, therefore, be resorted to of necessity, not of choice, to support the surplus of their people. But we have an immensity of land courting the industry of the husbandman. Is it best, then, that all our citizens should be employed in its improvement, or that one-half should be called off from that to exercise manufactures and handicraft for others? Those who labor in the earth are the chosen people of God, if ever He had a chosen people, whose breasts He has made His peculiar deposit for substantial and genuine virtue. It is the focus in which He keeps alive that sacred fire, which otherwise might escape from the face of the earth. Corruption of morals in the mass of cultivators is a phenomenon of which no age or nation has furnished an example. It is the mark set on those who, not looking up to Heaven, to their own soil and industry, as does the husbandman, for their subsistence, depend for it on casualties and caprice of customers. Dependence begets subservience and venality, suffocates the germ of virtue, and prepares fit tools for the designs of ambition. This, the natural progress and consequence of arts, has sometimes perhaps been retarded by accidental circumstances; but, generally speaking, the proportion which the aggregate of the other classes of citizens bear in any State to that of its husbandmen is the proportion of its unsound to its healthy parts, and is a good enough barometer whereby to measure its degree of corruption. While we have land to labor, then let us never wish to see our citizens occupied at a work-bench or twirling a distaff.

It may be said here that this territory is not fit for cultivation, only for grazing purposes. The same was said of the entire Louisiana purchase, of which this forms a small part. When Mr. Jefferson was about to negotiate for it and after it had been purchased he was denounced for it throughout the country. It was called the land of frogs and alligators, and it was openly asserted that a crow could not fly across it without taking his dinner along. Now that territory has been carved into ten States and nine Territories, containing a population of 10,000,000 of intelligent, thrifty people. Kansas was formerly denominated an arid, sandy desert. To cross it on the way to California in 1848 and 1849 in search for gold was to cross the desert; but time has demonstrated that the masses who stopped in Kansas found more gold in the soil than the masses who went to California found in the mountains.

The growth of Kansas is without a parallel in American history. She has half a dozen Representatives on this floor to-day, and more than a million of population, while every county in the State is dotted over with churches, and schools, and colleges, and the whole State has become a network of railroads, and telegraphs, and telephones, showing they have all the comforts of civilization which the progress of the age affords.

Mr. PETERS. We can go you one better. Kansas has one more than half a dozen Representatives on the floor; she has seven.

Mr. HILL. That is a lucky number, which I hope you will keep till you change your politics. [Laughter.]

Mr. Chairman, the condition of things in the Indian Territory as shown by the reports of the distinguished gentleman from Indiana and the Commissioner of Indian Affairs presents a deplorable picture. They show that we have a feudal system there equal in its barbarism to that of the Middle Ages. If the Democratic party have any mission at all in this country it is to legislate for the interest of the masses of the people against the few. If there is class legislation on the statute-books it ought to be repealed. If there are monopolies they ought to be abolished. This bill forfeits a railroad land grant, and it required class legislation to create the grant. It seeks to abolish cattle monopolies and cattle syndicates, whether they be of foreign or native origin. It abolishes a system of land monopoly which has in every age and every clime proved the unrelenting foe to civil and religious liberty. Where the few own the land and the many do not, you have oligarchy and despotism; where the many own it and the few do not, you have republican government.

It seeks to abolish a system of baronial estates which destroyed Irish liberty and Irish independence and cursed and crushed that patriotic people for six centuries. For hundreds of years that people have appealed to the justice of mankind for aid and sympathy. Thank Heaven, they are now getting both at home as well as from America. By their

determined efforts, undying patriotism, and thirst for freedom, the Irish people have nerved the arm and fired the brain of the mighty Gladstone to that great plane of statesmanship which enabled his eloquence and the justice of his cause to thrill the world. Let not the example of England and Ireland be imitated or tolerated in America. Class legislation has already donated a vast empire five times as large as Ohio to corporations. In violation of law, right in the heart of the Mississippi Valley, we find another empire consecrated by permission to cattle barons and monopolists at a rental of a little over a cent an acre, where a full-grown ox is raised for market at a cost of 25 cents while it costs $25 in Ohio and Illinois and Missouri.

Let us wage eternal war on all these monopolies in every shape. The settlement and occupancy of these lands can not long be delayed. It requires the vigilance and physical force of the Army to prevent it now. Even that can not long prevent it. The resistless energy and enterprise of the American people have spanned all the great mountains and united the Atlantic with the Pacific by bands of iron and steel. The same energy and enterprise will not forever permit this vast area of fertile country to be turned over to monopolists and worthless savages. If this bill passes a few short years will witness there what we now see in Kansas, free homes and well-cultivated farms, towns, cities, churches, schools, colleges, and a net-work of railroads, telegraphs, and telephones, with all the comforts of civilization. Whether it passes or not, the agitation has begun.

The people will get the facts, and the dark shadow which now hovers over this garden of the great valley will be dispelled by the industry of thousands of happy farmers, and another bright star added to our glorious constellation in the Federal galaxy. Even now I think I can behold the dim but visible star of Oklahoma. [Applause.]

Mr. HILL. The rest of my time, if I have any, I have agreed to give to the gentleman from Illinois [Mr. TOWNSHEND].

The CHAIRMAN. The gentleman has fifteen minutes of his time remaining. Does the Chair understand him to yield that time to the gentleman from Illinois?

Mr. HILL. How much time does the gentleman from Illinois desire?

Mr. TOWNSHEND. I will take only five minutes.

Mr. HILL. Then, Mr. Chairman, I will now yield five minutes to the gentleman from Illinois, as he can not be here next Saturday, and the remaining ten minutes of my time I reserve for myself.

Mr. TOWNSHEND addressed the committee. [See Appendix.]

Mr. SPRINGER. Mr. Chairman, I think unanimous consent had better be given generally for gentlemen to extend their remarks upon this bill in the RECORD.

The CHAIRMAN. In the absence of objection it will be so ordered.

Mr. BLAND. What provision is made for disposing of these lands.

Mr. HILL. The bill provides for the sale of these lands at $1.25 an acre, and it also provides that the proceeds of the sale shall be given to the Indians.

Mr. BLAND. Will not that give an opportunity for these syndicates to buy up the whole territory.

Mr. HILL. No, sir. If the gentlemen will read the bill he will see that each person can get only 160 acres, and that it must be for actual settlement.

Mr. WEAVER. Personal settlement.

Mr. HILL. Personal settlement; and the bill further requires five years' residence and cultivation of the land before a patent can be obtained.

Mr. SPRINGER. Mr. Chairman, the gentleman from New York [Mr. BAKER] desired to proceed with some remarks this evening, but it is quite late, and I suggest, if it will suit him as well, that the committee had better rise.

Mr. BAKER. I think I must proceed now, Mr. Chairman.

Mr. SPRINGER. If the gentleman desires to proceed, of course I have no objection. We wish to have a vote on the bill on Saturday next, and the number of gentlemen desiring to speak makes it perhaps necessary for some to speak to-day.

Mr. BAKER. Mr. Chairman, the importance of this question, in my judgment, is such that I desire to urge upon the members of the committee that they shall take the trouble to read carefully the bill now under consideration and the reports both of the majority and the minority of the Committee on Territories. This subject has received a large portion of the attention of the committee during several months past, and it is one which I think deserves the careful consideration of ever member of the House. Intelligent action upon it demands that it shall receive such attention and consideration, and I desire to submit at this time a few observations which may commend themselves to gentlemen on this floor and to those not present who may take the trouble to read them in the RECORD.

Mr. Chairman, in all dealings with and treatment of the American Indians, especially during the past half century, it has been the settled policy of our Government to preserve the autonomy of the several tribes in their governmental affairs, and to encourage them in building and maintaining for themselves a better social and domestic existence. To that end millions of dollars have been voted, numerous treaties concluded, and no end of legislation enacted.

Prominent among Congressional enactments stands the act of May 28, 1830, found at page 411, volume 4, Statutes at Large. Under it the United States proceeded to extinguish the Indian occupancy title to all the lands now embraced in and known as the Indian Territory. To pay therefor that bill appropriated $500,000. Having thus acquired the Indian title, thereby perfecting the title previously acquired by purchase from France, and consequently vesting in the United States the full and absolute ownership, the Government proceeded, pursuant to said act, and in accordance with existing treaty, to, and did by, patent dated December 31, 1838, convey it all to the Cherokee Indian Nation in fee-simple.

The treaty referred to is that of 1828, by which the United States had agreed to convey a large portion, extending from the west line of Arkansas to the western frontier. That treaty was, by a new compact made in 1833, reaffirmed, by which the United States covenanted and agreed to "possess the Cherokees and guarantee them forever" these lands so conveyed. This title in the Cherokee Nation was commented upon by the United States court in a decision made at the May term, 1879, United States *vs.* Reese, by which the learned court held that under the treaty of 1833 the title of the United States passed to the Cherokee Nation absolutely. In delivering the opinion of the court Mr. Justice Parker said:

> There is no limitation on the title conveyed by the United States to the Cherokees by the treaty of 1833, and if said treaty was inconsistent with the act of 1830, it repealed so much of it as was inconsistent; that the language of the second article of the treaty of 1835 was a recognition of the cession of these lands, and if they had already been ceded to the Cherokees by the treaty of 1833, the agreement by the United States by the article of the treaty of 1835 to give them a patent for these lands, according to the act of Congress of May 28, 1830, was a mere *nudum pactum*. It was an attempt to place a restriction on a title that had already passed. * * * This Indian title being a base, qualified, or determinable fee, with only the possibility of reversion, and not the right of reversion in the United States, all the estate is in the Cherokee Nation of Indians.

In speaking of the patent for these lands to that nation, Attorney-General Devens said (16 Opinions, page 430):

> The effect of the conveyance by the United States to the Cherokee Nation of this tract of land [he is referring to the 800,000-acre tract, but it will be borne in mind, it is included in the same patent with the other tracts] upon the purchase made by them under the treaty of 1835 was to vest in the tribe a fee-simple title to said tract. This tribe did not hold this tract of land by the ordinary Indian title, which is one of occupancy only, which may be continued indefinitely. In such case the fee simple to the land is in the United States. The effect of this sale was to separate distinctly the tract from the public lands of the United States and vest it in private ownership.

The Cherokee title was also passed upon by the Supreme Court of the United States in the case of Holden *vs.* Joy, decided at the December term, 1871. (17 Wallace, page 211.) In its opinion the court says:

> Evidently, therefore, the Cherokees were competent to make the sale to the United States, and to purchase the lands agreed to be conveyed to them by the second article of the treaty. Both parties concede that the title of the United States to the tract known as the Cherokee neutral lands was perfect and complete, and that the tract includes the land in controversy.
>
> Title to that tract was acquired by the United States as a part of the Louisiana purchase from the French Republic. By the treaty between the United States and the French Republic of April 30, 1803, the chief executive officer of that republic ceded the said territory to the United States, with all its rights and appurtenances, forever. (8 Stat. at Large, 200.)
>
> When the President took possession of the territory the absolute fee-simple title and right of sovereignty and jurisdiction became vested in the United States as the successor of the original discoverer, subject only to the Indian title and right of occupancy as universally acknowledged by all the departments of our Government throughout our history. All agree that this land then, and for many years thereafter, was occupied by the Osage Indians. On the 2d of June, 1825, the Osage tribes, by the treaty of that date, ceded to the United States all their right, title, interest, and claims to the lands lying * * * west of the State of Missouri, with such reservations and for such considerations as are therein specified, which, it is conceded, extinguished forever the title of the Osage Indians to the neutral lands. (7 Stat. at Large, 240.)

Mr. STRUBLE. I desire to ask the gentleman a question. Is it not true that the case to which he refers involved only the title to part of the 800,000 acres of land lying in the State of Kansas, to which there had been a subsequent treaty between the Cherokee Nation and the United States which authorized this sale out of which the controversy arose?

Mr. BAKER. Very true; but it also involved the question of the title of the Cherokees to Oklahoma, or the lands now possessed by them in the Indian Territory.

Mr. STRUBLE. Not by direct issue in the suit.

Mr. BAKER. No; but the court goes on to say:

> Possessed as the United States were of the fee-simple title to the neutral lands, discharged of the right of occupancy by the Osage Indians, it was clearly competent for the proper authorities of the United States to convey the same to the Cherokee Nation. Subsequent acts of the United States show that the stipulations, covenants, and agreements of the treaty in question were regarded by all the Departments of the Government as creating binding obligations, as fully appears from the fact that they all concurred in carrying the provisions into full effect. (Minis *vs.* United States, 15 Pet., 448; Porterfield *vs.* Clark, 2 How., 76.)
>
> Among other things it is recited in the patent that it is issued in execution of the agreements and stipulations contained in the said several treaties, and that the United States do give and grant unto the Cherokee Nation the two described tracts of land, as surveyed, containing the whole quantity therein mentioned, to have and to hold the same, together with all the rights, privileges, and appurtenances thereto belonging, to the said Cherokee Nation forever, subject to certain conditions therein specified, of which the last one is that the lands hereby granted shall revert to the United States if the said Cherokee Nation becomes extinct or abandons the premises.
>
> Strong doubts are entertained whether that condition in the patent is valid, as it was not authorized by the treaty under which it was issued. By the treaty the United States covenanted and agreed to convey the lands in fee-simple title,

and it may well be held that if that condition reduces the estate conveyed to less than a fee, it is void; but it is not necessary to decide that point, as it is clear that if it is valid, it is a condition subsequent, which no one but the grantor in this case can set up under any circumstances. (4 Kent Com., 127–130; Cooper vs. Roberts, 18 How., 181; Kenneth vs. Plumer, 28 Mo. 145.)

It appears, therefore, that the title was thus assured by this Government through Congress, by executive action, and under treaty covenants in the most solemn manner, and the faith of the United States pledged in relation to the government to be created by the Cherokee Nation over it in the following terms:

The United States hereby covenant and agree that the lands ceded to the Cherokee Nation in the foregoing article shall in no future time, without their consent, be included within the territorial limits or jurisdiction of any State or Territory; but they shall secure to the Cherokee Nation the right by their national councils to make and carry into effect all such laws as they may deem necessary for the government and protection of the persons and property within their own country belonging to their people or such persons as have connected themselves with them.

By the treaty of 1866 it was also agreed "that the judicial tribunals of the [Cherokee] Nation shall be allowed to retain exclusive jurisdiction in all civil and criminal cases arising within their [the Cherokee's] country in which members of the nation, by nativity or adoption, shall be the only parties, or when the cause of action shall arise in the Cherokee Nation, except as otherwise provided in this treaty." (14 Statutes, page 803.)

For nearly fifty years this title has received due recognition by, and express approval of, the Executive Departments of the Government and the courts. Their existence has been and is recognized as "a domestic Territory—a Territory which originated under our Constitution and laws." (Mackey vs. Coxe, 18 Howard, page 100.)

As late as January 3, 1885, the then Secretary of the Interior, in a letter to the Senate (see Executive Document No. 17, second session Forty-eighth Congress), among other things, said:

The Cherokees have a fee-simple title to their lands, and they do not recognize the right of the Department to interfere in the management of their affairs with reference thereto. Patent was issued to this nation of Indians December 31, 1838, for their lands in the Indian Territory, under the provisions of articles 2 and 3 of the treaty of 1835 (7 Statutes, 428), and in accordance with the terms of the act of May 28, 1830. (*Id.*, 412.)

"The land is theirs, and they have an undoubted right to use it in any way that a white man would use it with the same character of title, and an attempt to deprive the nation of the right would be in direct conflict with the treaty as well as the plain words of the patent. They are quite capable of determining, without the aid of the Interior Department or Congress, what is to their advantage or disadvantage, and the Government can not interfere with their rightful use and occupation of their lands, which are as rightfully theirs as the public domain is that of the United States, subject only to the provisions of article 16 of the treaty of 1866, which at most is only a contract to sell certain portions of the land; but until the Government settles friendly Indians thereon and pays for the land, the right of possession and occupancy is especially reserved.

"Under provisions of the treaty of 1835 the Cherokees adopted a constitution and organized a government, not on the plan of the former Indian government, but on a plan very nearly resembling that of the several State governments. This constitution provides for an elective chief and the election of members of the council and house of representatives.

"The right of the Cherokee Nation to control its property is especially guaranteed by the provisions of article 5 of the treaty of 1835, and the subsequent treaties. This is especially the case in the treaty of 1866, as may be seen by reference to article 16 of that treaty, wherein it is stipulated that the lands to be taken by the United States to settle friendly Indians on should be paid for at such price as the Cherokees and such friendly Indians might agree on, subject to the approval of the President of the United States. The rights reserved to the United States are clearly expressed in the several treaties, and the right of the United States to control the Cherokee property and prevent the nation from having the full and absolute control of the products of these lands is not even suggested. On the contrary, the Government guarantees, in article 26, as follows:

"'The United States guarantee to the people of the Cherokee Nation the quiet and peaceable possession of their country and protection against domestic feuds and insurrections and against hostilities of other tribes. They shall also be protected against interruptions or intrusion from all unauthorized citizens of the United States who may attempt to settle on their lands or reside in their territory. In case of hostilities among the Indian tribes the United States agree that the party or parties commencing the same shall, so far as practicable, make reparation for the damages done.'

"The Department has not considered it the duty of the Commissioner of Indian Affairs or the Secretary of the Interior to interfere with the affairs of the Cherokee Nation, except in the case especially provided for by treaty with that nation."

I beg the indulgence of the House in this connection also to read a letter written by the then acting Commissioner of the Land Office, April 25, 1881, having reference to a scheme then being pushed by the so-called Freedmen's Oklahoma Association," and the difference between the movement then attempted and that contemplated under the present bill I leave gentlemen to observe after due consideration. I read from Executive Document No. 111, Senate, Forty-seventh Congress, first session, which is as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., April 25, 1881.

SIR: I am in receipt, by your reference, of a copy of a circular purporting to be issued by the "Freedmen's Oklahoma Association," promising 160 acres of land to every freedman who will go and occupy the public lands at Oklahoma. This circular is signed in the name of J. Milton Turner, who is represented as "president," and by Hannibal C. Carter, who is represented as "general manager," of said pretended association.

It contains a letter from E. C. Boudinot, professing to state the legal character of the lands to which emigration is invited, and affirming that the same are public lands of the United States; that the Indian title thereto has been extinguished, and that the said lands were purchased by the United States for the use of freedmen as well as Indians.

The circular declares that the freedmen of the United States "have an undoubted legal right to enter and settle upon these public lands."

In compliance with your request for a report upon said lands, in view of the representations contained in this circular, I have the honor to state as follows:

1. There are no lands in the Indian Territory open to settlement or entry by freedmen, or by any other persons, under any of the public-land laws of the United States.

2. There has never been a period of time since the acquisition by the United States of the territory ceded by France that any of the lands embraced within the limits of the present Indian Territory have been open to settlement or entry by any persons whomsoever under any of said public-land laws.

3. The lands to which the United States holds the legal title within the Indian Territory are reserved lands by treaty stipulations and acts of Congress, and are not, and never have been, public lands subject to general occupation.

4. The entire Indian Territory, including the lands therein to which the United States holds the paramount title, is "Indian country," as defined by the first section of the act of Congress of June 30, 1854 (4 Stat., 729), which act prohibits unauthorized settlements in such country, and provides for the employment of the military forces to prevent the introduction of persons and property contrary to law, and for the apprehension of every person who may be in such country in violation of law (Revised Statutes, secs. 2111–2157).

The Indian Territory comprises a remaining portion of lands originally granted to, or reserved for, the use of certain Indian tribes, and constitutes a district created by the act of Congress of May 28, 1830 (4 Stat., 411), for the removal thereto of Indians from other localities.

The Territory is specifically described by geographical boundaries in the twenty-fourth section of the intercourse act (4 Stat., 733), by which act it was attached to the western judicial district of Arkansas for judicial purposes. (Revised Statutes, sec. 533.)

None of the land laws of the United States have ever been extended over said Territory, nor have any other general laws of the United States been so extended, except the criminal laws and the laws regulating intercourse with Indian country.

Prior to 1866 the whole area of the Indian Territory, except a small portion in the northeast corner, which belonged to the Senecas, Shawnees, and Quapaws, was embraced in the grants made and patented to the Cherokee, Choctaw, and Creek Indians under the treaties with said tribes, respectively.

The several treaties under which the title of the United States was conveyed to said tribes are as follows:

CHEROKEE TREATIES.

May 6, 1828, 7 Statutes, page 310.
February 14, 1833, 7 Statutes, page 414.
December 29, 1835, 7 Statutes, page 478.
Patent issued to the Cherokee Nation December 31, 1838.

CHOCTAW TREATIES.

October 18, 1820, 7 Statutes, page 210.
January 20, 1825, 7 Statutes, page 234.
September 27, 1830, 7 Statutes, page 333.
Patent issued to the Choctaw Nation March 23, 1842.

CREEK TREATIES.

January 24, 1826, 7 Statutes, page 286.
March 24, 1833, 7 Statutes, page 366.
February 14, 1833, 7 Statutes, page 417.
Patent issued to the Creek Nation August 11, 1852.

The treaties with the Senecas, Shawnees, and Quapaws were the treaties, respectively, of February 28, 1831, 7 Stat., 348; July 20, 1831, 7 Stat., 351; and May 13, 1833, 7 Stat., 424.

By agreements approved by the United States the Choctaws conveyed a portion of their lands to the Chickasaws, and the Creeks in like manner conveyed a portion of their lands to the Seminoles.

The titles of the several tribes under the foregoing treaties and agreements were subject to the following conditions:

First. That the land should not be conveyed by them except to the United States.

Second. If the Indians abandoned the land, or became extinct, the lands were to revert to the United States.

It was stipulated by the United States that the Indians should be protected in their homes and lands against all interference by any person or persons.

The treaties by which the United States reacquired title to any of the lands in the Indian Territory, or obtained the conditional right to control the disposal of any of said lands, were the treaties with the Seminoles of March 21, 1866; with the Choctaws and Chickasaws of April 28, 1866; with the Creeks of June 14, 1866; and with the Cherokees of July 19, 1866.

By the third article of the treaty with the Seminoles (14 Stat., 756), said Indians ceded to the United States about 2,100,000 acres of land, "in compliance with the desire of the United States to locate other Indians and freedmen thereon."

In compliance with the same desire, the Creeks, by the third article of the treaty with that tribe (14 Stat., 786), ceded about 3,200,000 acres to the United States, "to be sold to and used as homes for such other civilized Indians as the United States may choose to settle thereon."

The freedmen referred to were the former slaves of Indian tribes. The treaty stipulations, as uniformly understood and construed, have no application to any other freedmen than the persons freed from Indian bondage. They relate exclusively to friendly Indians and to Indian freedmen of other tribes in the Indian Territory whom it was the desire of the United States to provide with permanent homes on the lands ceded for that purpose.

The lands reconveyed to the United States by the foregoing treaties are therefore held subject to the trust named. They can be appropriated only to the uses specified, and to those uses only by the United States, and then only in the manner provided for by law. Miscellaneous immigration even by the intended beneficiaries would be unauthorized and illegal.

The Choctaw and Chickasaw cession of April 28, 1866 (14 Statutes, 769), was by the tenth section thereof made subject to the conditions of the compact of June 22, 1855 (11 Statutes, 613), by the ninth article of which it was stipulated that the lands should be appropriated for the permanent settlement of such tribes or bands of Indians as the United States might desire to locate thereon.

The lands embraced in the Choctaw and Chickasaw cession were also included in a definite district established by the stipulations of the treaty of 1855, pursuant to the act of Congress of May 28, 1830, the United States re-engaging by the seventh article of said treaty to remove and keep out from that district all intruders.

Articles 15 and 16 of the treaty with the Cherokees (14 Stat., 803, 804) provide that the United States may settle any civilized Indians friendly with the Cherokees and adjacent tribes within the Cherokee country, on unoccupied lands, on certain terms and conditions specified in the treaty.

These provisions made the United States the agent of the Cherokees for the sale and disposal of unoccupied land in the Cherokee country for the benefit of said tribe, but restricted such sale and disposal exclusively to friendly Indians.

In pursuance of the stipulations of the foregoing compacts, and in the exercise of the trusts assumed by the United States under the several treaties, and in accordance with specific provisions of law and the lawful orders of the President, all the lands in the Indian Territory to which the United States has title have been permanently appropriated or definitely reserved for the uses and purposes named.

It is stated in the circular referred to me for examination that there are at the present time a large quantity, to wit, some 14,000,000 acres of public land in this Territory to which the Indian title has been extinguished, and that "these public lands are surveyed and sectionized, awaiting their intended use, namely, settlement and occupation by the freedmen of the United States, giving to each settler the fee-simple to a homestead of 160 acres."

It is essential for the instruction of those who may be uninformed, and necessary to the protection of those who are sought to be imposed upon, that the misleading features and false conclusions of the statements contained in said circular should be explained and exposed.

The main proposition set forth is that there are certain public lands in the Indian Territory, and the argument is that the rights of citizens to enter and settle upon the public lands must be the same in that Territory as elsewhere; and it is further asserted that colored people are especially protected in such rights as to these particular lands by the assumed purposes for which the lands were acquired by the United States.

That there are lands in the Indian Territory that belong to the United States in the sense that the United States hold the naked legal title thereto is true; but it is not true that these are public lands within the meaning of the public-land laws.

The term "public lands" is sometimes used in a general sense to designate lands the legal title to which is in the United States, in contradistinction to lands that are the private property of individual citizens. It is in this sense that the term is used in the surveying laws which require Indian reservations to be surveyed in the same manner as "other public lands." And the Commissioner of the General Land Office, in his annual reports of surveying operations, includes the area of surveyed and unsurveyed lands in the Indian Territory in the tables of surveyable public lands in the same manner as all Indian reservations are included in each of the other States and Territories. But this does not mean that the surveyed or unsurveyed lands embraced in Indian reservations are public lands in the sense of the laws providing for the disposal of public lands. Under these laws the term public lands has a particular signification, and is used to describe such of the lands of the United States as are open to the public for general occupation, settlement, or entry.

All lands belonging to the United States are not subject to disposal, hence all lands belonging to the United States are not public lands within the meaning of that term, as invariably used in the public-land laws, and as the statutes are uniformly expounded by the courts.

Lands belonging to the United States, but which have been appropriated to any special use, or reserved for any purpose by act of Congress or executive proclamation, or withdrawn from disposal by lawful authority, are not public lands in the legal and proper sense of those words as employed to define lands subject to disposal to the public and open to occupation by the public.

Indian reservations, and all other reservations established by competent authority, are protected from entry or settlement by positive provisions of law, and both the State and Federal courts, in an unbroken line of decision, have always maintained the inviolability of such reservations.

The pre-emption and homestead laws authorizing entries to be made on lands belonging to the United States to which the Indian title is extinguished expressly provide, among other restrictions, that "lands included in any reservation by any treaty, law, or proclamation by the President, for any purpose," shall not be subject to such right. Hence the extinguishment of the Indian title to certain of the lands in the Indian Territory does not operate to open any of such lands to pre-emption or homestead settlement under those laws.

The title of the United States to lands in the Indian Territory is, as heretofore shown, subject to specific trusts, and it is not within the lawful power of either the legislative or executive departments of the Government to annihilate such trusts, or to avoid the obligations arising thereunder.

Such trusts are for the benefit of Indian tribes and Indian freedmen. The "freedmen of the United States" are not comprehended within the policy or intention of the treaty provisions, and said lands have accordingly not "been purchased for the use and occupation" of the colored people of any of the States.

Were it otherwise, and if in fact any land in the Indian Territory was intended for the settlement and occupation of colored people of the United States, it would require an appropriate act of Congress to carry such intention into effect. No legal settlement can be made on any lands of the United States except in accordance with some law, and no law exists under which colored people, any more than other citizens, can occupy lands in the Indian Territory, or be permitted to intrude themselves within that Territory.

For many years efforts have been made by designing persons to effect an ingress into the Indian Territory for the purpose of despoiling the Indians of the patrimony secured to them by the most solemn obligations of the United States. These unlawful and dangerous efforts have heretofore been thwarted by the prompt action of the Executive, under his constitutional duty to enforce the laws.

The present attempt to make use of the colored people of the country in the same direction, by deluding them with fictitious assurances that new and congenial homes can be provided for them within this Territory, deserves especial reprobation, since its only effect must be to involve innocent people in a criminal conspiracy, and to subject them to disappointment, hardship, and suffering.

Very respectfully, your obedient servant,

C. W. HOLCOMB,
Acting Commissioner.

Hon. S. J. KIRKWOOD,
Secretary of the Interior.

And now, notwithstanding all these things, Representatives upon this floor are urging the passage of an act to create out of this Territory, with other lands, the Territory of Oklahoma, by a bill which, though we may admit it is inspired by pure and patriotic motives, can hardly fail of opening the way to flagrant violation of treaty covenants and stipulations, breaking down and overriding existing rights of persons and property and proving a most harmful and inexcusable breach of the nation's faith toward those civilized Indian tribes, who for fifty years have rested in the confident assurance and belief that this great Republic would prove faithful to her pledge that it would "forever secure and guarantee to them, their heirs and successors," the homes so conveyed.

We should remember that we are dealing with civilized tribes of Indians—five in number—embracing a population of about 65,000 persons, who, it may be asserted without question, are by reason of their advanced civilization—their advancement in agriculture and in the trades—no longer involved in the Indian problem. It is truly said that the very foundation of the proposed measure, so far as it applies to the five civilized tribes, is a misunderstanding of the relations of those tribes to the development and progress of the United States; that it is pervaded and poisoned by the erroneous assumption that these five tribes are, like the wild tribes of the plains, obstacles to the march of American civilization; a menace to the peace and safety of American citizens, and burdens upon the Treasury of the United States, and therefore, like those wild tribes, are involved in the great Indian problem which now, with such urgency, confronts the Government and people of the United States.

On the contrary, these tribes are wholly outside of that problem. So far as they are concerned it is contended that the impression that a present necessity or occasion for this legislation exists results, as does the structure of the bill itself, from momentary forgetfulness of accomplished facts in the history of those tribes. As to them I believe the whole Indian problem, so far as it has any present significance, has been virtually solved, and solved with eminent good fortune and success. They are no longer obstacles to the general advancement of American civilization and progress. It is claimed, with no little force, that they are in point of civilization in advance of the average of large classes of white as well as colored citizens of the United States. They are law-abiding and peaceable communities, and should not be condemned because other Indians, uncivilized and wild though they be, have shown no inclination or desire to cultivate the arts of their civilized brethren.

The Chickasaw nation, numbering about five thousand people, expend more than $50,000 per annum on their schools.

The Choctaws, with a population of about 18,000, expend about $60,000 annually on their schools.

The Cherokees, numbering about twenty thousand, expend about $80,000 each year on their schools.

The Creeks, who number about fourteen thousand persons, expend for the same objects about $47,000 per annum.

The Seminoles, numbering about twenty-seven hundred, expend annually for schools $7,500.

No part of all these moneys is contributed by the people or Government of the United States; and it is claimed that no other nations on earth expend so much per capita for educational purposes as these five civilized tribes.

They have their state-houses, their seminaries of learning, their orphan asylums, their school-houses, and their churches, in which they worship the same Being of whom divine guidance is invoked for this Congress at the opening of each daily session. They have all these emblems of the mental, moral, and religious growth and development of their people, and present them to the world as visible proofs of the progress made by them in civilization—greater progress, it is asserted, than that made by the Anglo-Saxon race in five centuries of its history.

And these are the people—a people numbering, as I have stated, in the aggregate sixty-five thousand or more—most deeply concerned in and most largely to be affected in their personal and property rights by the proposed act. But it is urged by the honorable gentlemen, in advocating this measure, the act shall not become effective unless these several tribes shall thereafter signify in a legal way their desire to be incorporated within the Territory of Oklahoma under its provisions!

It seems to me, Mr. Speaker, that the very foundation of such an act on the part of our Government would be a monstrous wrong. Is it proposed in order that their civil and religious status may be improved? It appears abundantly that such is not the purpose. Is it that better law and order may be maintained? It is shown that the lawless and disorderly are ex-convicts and desperate characters from all the States, who flee thither to escape justice.

To meet that objection—to accomplish every purpose—we need only pass the Senate bill No. 624, now in the hands of House Committee on Revision of Laws, entitled "A bill to extend the laws of the United States over certain unorganized territory south of the State of Kansas, and for other purposes." And Congress has full power to establish courts in the Indian Territory, and to transfer to such courts the jurisdiction as to such Territory now exercised by the courts located in Arkansas, Kansas, and Texas.

Is it proposed to create this Territorial government in order to more effectually dispose of the unearned railroad land grants?

Why not effect that purpose and object by express act therefore as is proposed in other cases?

In this connection let us call to the witness stand and briefly inquire as to the extent of existing railroad land grants.

We have here Mr. Sparks, Commissioner of the Land Office:

Q. 1. What was the total area of public lands June 30, 1885?

A. Approximate estimate can only be given; from the data at our command would fix it in round numbers at 230,595,684 acres.

Q. 2. What was the total area of the lands granted to railroads prior to June 30, 1885?

A. Estimated at 155,000,000 acres. Patented and certified to railroads, estimated, 55,000,000 acres.

Q. 3. How many acres have been granted to railroads in process of construction but not yet transferred?

A. There remains of the 155,000,000 acres granted to railroads about 100,000,000 not yet patented or certified to the railroads.

Q. 4. How does the area of the lands granted to railroads compare with total area of the public lands to-day?

A. About 68.3 per cent.

Q. 5. How does it compare with the area before any grants were made?

A. The amount granted to railroads is 11 per cent. of all public domain acquired by the Government.

Q. 6. What per cent. of the lands granted railroads was available for agricultural purposes?

A. Estimated at 75 per cent.

Q. 7. What proportion of the public lands to-day is available for agricultural purposes?

A. Estimated at 75 per cent.

Q. 8. How many actual settlers have taken public lands during the past year? How many in 1884, how many in 1875, and how many in 1865?

A. The only way this can be answered is to give the number of homestead and pre-emption entries, which were—

During past year	66,677
In 1884	76,331
In 1875 (estimated)	22,000
In 1865 (estimated)	12,000

Q. To what extent have the public lands increased in value since the land-grant railroads were constructed?

A. The only effect on the price to the Government is that within the granted limits to railroad odd-numbered sections being granted the price of the even-numbered section is put at double minimum, to wit, $2.50. It is not within the scope of the data at our command to say how much in real value the lands have been enhanced, the price fixed by the Government remaining unchanged except as above stated.

Q. 10. Can any estimate be found of the value of the lands granted to railroads?

A. A reasonable estimate would be an average of $5 per acre, which would make a grand total of $775,000,000.

Q. 11. Of this how much have railroads contracted to refund?

A. None.

Q. 12. How much has been paid?

A. None.

Q. 13. How much, if any, is now in default?

A. The railroads are not under contract to refund any of these lands. When there is a failure to comply with the terms of their grant it is for Congress to extend time of grant or declare a forfeiture.

In the foregoing the area of Alaska (369,529,600 acres) is not included.

It is contended that the creation of the proposed Territory and the contemplated extinguishment of existing Indian titles would operate to make effective certain railroad land grants, at least so far as the same may have become vested in the corporations concerned.

Is it to enable them to derive greater revenue from the sale or grazing use of their pasture lands—lands said to be of little or no value for any other purpose—that this Congress proposes to deprive them of the revenue now derived under the so-called grazing leases, and declare such void in advance of due judicial determination as to their rights to let their lands "for grazing purposes only?"

It is strongly urged that those lands should be, in due form, opened to settlement, that they are needed for "homes for the homeless." Let us look for a moment at our public domain.

In the Public Land strip we have 3,672,640 acres, over which the laws of the United States may be, at the will of Congress, extended, and which may be opened to settlement by due legal enactment.

We have in the States and Territories, exclusive of the Public Land strip, and excluding also the Indian Territory which contains 40,481,600 acres, over 200,500,000 acres surveyed and subject to settlement, as reported to June 30, 1883.

The surveyed and unsold lands lie in the following land States and Territories (estimated June 30, 1883):

	Acres.
Minnesota	13,383,813.10
Kansas	28,049,731.54
Nebraska	23,958,652.59
California	25,250,680.47
Nevada	8,337,671.58
Oregon	12,906,709.66
Washington	9,088,338.93
Colorado	20,489,312.28
Utah	5,685,054.28
Arizona	1,561,231.13
New Mexico	6,042,409.46
Dakota	12,225,492.60
Idaho	3,925,237.16
Montana	5,779,452.42
Wyoming	5,645,121.75
Missouri	1,000,000.00
Wisconsin	5,440,338.19
Michigan	853,214.56
Total	189,622,455.12

Add estimated area of vacant surveyed land in Southern States:

	Acres.
Florida	2,088,191.35
Alabama	2,238,950.43
Mississippi	2,201,876.54
Arkansas	3,294,360.89
Louisiana	1,124,103.71
Total	10,957,983.03
Adding the	189,622,455.12
Aggregate	200,580,438.15

The estimated aggregate of unsurveyed land in the public domain is, exclusive of the Indian Territory and the Public Land strip, over 850,000,000 acres, divided between twenty-eight States and Territories.

Mr. SYMES. Will the gentleman yield to me for a question?

Mr. BAKER. Yes, sir.

Mr. SYMES. Will the gentleman be kind enough to inform the committee how much of that land is of that character of arable land that an industrious settler can make a living from it for his family?

Mr. BAKER. I will proceed to show the situation as it was on the 1st of July, 1885.

Mr. SYMES. Does the gentleman mean he will proceed to show the situation on paper? That will not convey any idea to this House or to the country how much of that land the pioneer can settle upon, and make a home upon, and raise crops sufficient to support a family.

Mr. BAKER. My object in referring to these statistics has been to show how much has been realized from the public lands, and how much of the public domain remains.

Of the estimated area of the public domain there has been disposed of to June 30, 1885, as follows:

	Acres.
Cash sales, including pre-emption, public sales, sales at private entry, &c.	182,787,395.17
Under donation acts in Florida, Oregon, Washington Territory, and New Mexico	3,128,684.63
Land bounties, military and naval	61,117,569.22
State selections for internal improvements	8,262,406.43
Salines (salt springs, &c.) granted to States	559,965.00
Town sites and county seats	167,871.39
Railroad land grants patented or certified	55,000,000.00
Canal grants	4,424,053.06
Military wagon-road grants	1,741,897.59
Mineral lands sold since 1866	289,381.97
Scrip locations (various kinds)	2,969,215.38
Coal lands	49,547.40
Stone and timber lands, act 1878	935,465.73
Swamp or overflowed lands to States selected or patented	74,516,849.93
Under graduation act of 1854	25,696,419.73
Patented for seminaries, agricultural colleges, and schools	78,889,839.00
Homestead entries	90,463,490.53
Timber-culture entries	25,607,546.14
Under desert-land act	3,487,248.20
Sales of Indian lands	5,000,000.00
Miscellaneous disposals under various acts	30,000,000.00
Total area by sale and grant disposed of to June 30, 1885	655,124,946.00
By cession to Tennessee	29,184,500.00
Total area disposed of to June 30, 1885	684,308,846.00
Of the public domain the area remaining July 1, 1885 was	1,164,763,741
Deduct area of unsatisfied railroad grants	100,000,000
Area of swamp lands, school lands, private land claims, &c.	87,000,000
Indian and military reservations	130,153,263
Area of mountains, lakes, rivers, &c.	228,490,194
Deduct area of Alaska	369,529,600
	914,175,057
Area of public lands subject to be disposed of and surveyed July 1, 1885	250,500,684

Even more than the aggregate in the schedule by States just given of lands actually surveyed and open to settlement under the homestead and exemption laws. Like my honored friend from Ohio, the able chairman of the Committee on the Territories, I deplore the fact that so many million acres of the public domain have been squandered in subsidies to railway corporations. I am opposed also to these great land corporations, into whose ownership and control such vast tracts have passed. I believe it is time for Congress to adopt speedily proper measures for the protection of the public domain and its preservation for settlement by our people, and not allow its ownership or control to pass into the hands of foreigners.

It may therefore be asserted, if done with due modesty, that there is no immediate necessity of forcing the five civilized Indian tribes to a voluntary (!) consent to giving up to white settlers the homes "guaranteed to them and their heirs forever" by the United States. Would it not be wiser and fairer to create the commission contemplated by the bill reported to this Congress by the honorable gentleman from Indiana, Mr. HOLMAN, on the 16th of March (Report No. 1076), which I have read with much interest, and defer any legislation of the character contemplated by this bill until such a commission may open the way through fair and open negotiations? [Applause.]

Mr. HILL. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CRISP reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 7217) to provide for the organization of the Territory of Oklahoma, and for other purposes, had come to no resolution thereon.

HOUR OF MEETING.

Mr. MORRISON. I present a privileged report from the Committee on Rules. I ask that the report be printed in the RECORD and that it be laid over.

There was no objection, and it was so ordered.

The resolution referred to the committee was as follows:

Resolved, That on and after Monday next the House of Representatives meet at 11 o'clock a. m. on each day.

The substitute reported by the committee is as follows:

Resolved, That on and after Monday, May 10, during the present session, the House shall meet each day at 11 a. m. and adjourn each day at 5 o'clock p. m.; but this resolution shall not interfere with any orders heretofore made for recess.

The report of the committee is as follows:

The Committee on Rules, to which was referred a resolution proposing to fix the hour of meeting of the House at 11 o'clock on and after Monday, April 26, has had the same under consideration, and report back the same with a substitute therefor.

The substitute proposes that on and after Monday, May 10, the House, when it adjourns each day, shall adjourn to meet at 11 o'clock a. m. on the day following, and shall adjourn at 5 o'clock each afternoon; but this resolution not to interfere with any orders for recess heretofore made.

The business of the House has accumulated to such an extent that the committee was of the opinion that it was necessary to add one hour each day to the time for its consideration; and it is believed by the committee that the designa-

tion of a particular hour for adjournment will facilitate the transaction of business.

When it is known that the House will be in session until a certain hour and will adjourn at that time, it is believed that a better attendance of members will be secured than when the hour of adjournment is uncertain.

TAXATION FOR PAYMENT OF PENSIONS.

Mr. MORRISON. I present another privileged report from the Committee on Rules, and ask that the resolution and report be printed in the RECORD and lie over for the present.

There was no objection, and it was so ordered.

The resolution submitted by Mr. MORRISON, and referred to the committee, is as follows:

Resolved, That it shall be in order when any general bill or proposition to increase the rates or amounts of pensions or to grant pensions to persons not previously entitled thereto by law is under consideration to amend the same so as to provide by taxation or otherwise for the payment thereof; but no such amendment shall be in order unless the net revenue provided for shall be thereby set apart for the sole purpose of paying such increased pensions.

The report is as follows:

The Committee on Rules, to which was referred a proposed amendment to the rules making it in order, when any general bill or proposition to increase the rates or amounts of pensions, or to grant pensions to persons not previously entitled thereto by law, is under consideration, to amend the same so as to provide by taxation or otherwise for the payment thereof, have had the same under consideration and report it back to the House without amendment, and recommend that it be inserted as clause 9 in Rule XXIII.

When it is proposed to permanently increase the annual expenditures of the Government for an unknown or indefinite period, it is the opinion of the committee that it should be in the power of the House to make provision at the same time for raising the necessary revenue to meet the obligations incurred. This is more especially required in the case of general laws granting pensions. General laws increasing pensions, or granting pensions to new classes of applicants, usually affect a very large number of persons who necessarily rely to a great extent upon the provision made by the Government for their support, and consequently a failure to meet such obligations at the times designated by the statutes would subject the pensioners to much inconvenience, and in many cases might cause actual suffering. The amendment to the rules, if adopted as recommended by the committee, will simply give the House the power to provide the means for the payment of such obligations in case it is found necessary to do so, and while such action may not be required in all cases, there may be instances in which laws passed for the benefit of the pensioners would become practically inoperative unless this power be possessed by the House.

REPRINTING OF REPORTS.

Mr. SPRINGER. Several members of the House have asked for the report of the Committee on Territories on the pending bill. The report is exhausted. I ask that it be reprinted.

There was no objection, and it was so ordered.

Mr. DUNN. I make the same request in regard to the report on the free-ship bill.

There was no objection, and the report was ordered to be reprinted.

Mr. KING. I move that the House adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ATKINSON: Memorial of Grange No. 353, of Pennsylvania, praying for the suppression of imitation butter and dairy products—to the Committee on Agriculture.

Also, memorial of the same, protesting against the admission of foreign agricultural products free of duty—to the Committee on Ways and Means.

By Mr. BARBOUR: Petition of Maria Gibson, asking compensation for property taken by the Federal Army during the late war—to the Committee on War Claims.

By Mr. BARKSDALE: Papers relating to the claim of Wilkins M. Kirkpatrick, of Jackson, Miss.—to the same committee.

By Mr. BAYNE: Papers relating to House bill 8249, granting a pension to Mary P. Thompson—to the Committee on Invalid Pensions.

By Mr. W. W. BROWN: Papers in the claim of Robert A. McMurray—to the Committee on Claims.

By Mr. BUNNELL: Petition of dairymen and butter-makers, praying for the passage of the bill introduced by Mr. SCOTT, to place the manufacture and sale of imitation butter under the supervision of the Commissioner of Internal Revenue Department and tax it 10 cents per pound—to the Committee on Agriculture.

By Mr. J. M. CAMPBELL: Petition of Grange No. 737, of Pennsylvania, asking for such legislation as will suppress the manufacture and sale of all imitation dairy products—to the same committee.

Also, petition of same, asking that the proposed tariff bill be so amended as to afford to wool and other agricultural products the same protection that is accorded to other industries—to the Committee on Ways and Means.

By Mr. DINGLEY: Statements relating to House bill 7716, granting a pension to Lizzie Brown—to the Committee on Invalid Pensions.

By Mr. ELDREDGE: Petition of Mrs. Lura D. Parsons and 6 other ladies of Ypsilanti, Mich., praying for a law to punish seduction of girls under eighteen years—to the Committee on the District of Columbia.

By Mr. FLEEGER: Memorial of Grange No. 570, Patrons of Husbandry, of Pennsylvania, for the passage of bill to protect the dairy interests of the country—to the Committee on Agriculture.

Also, memorial of the same, protesting against all legislation favoring the admission to our ports, free of duty, of all agricultural raw materials, such as wool, hides, jute, raw sugars, tobacco, &c., and asking for agriculture the same protection that is accorded to other industries—to the Committee on Ways and Means.

By Mr. GALLINGER: Memorial of Albert D. Spalter, of Rumney Depot, N. H., praying for a pension; also, letters from different parties urging the granting of a pension or gratuity to said Albert D. Spalter—to the Committee on Pensions.

By Mr. HALL: Memorial of the General Assembly of Iowa, against the passage of an enactment canceling and changing the form of the indebtedness of the Union Pacific Railroad Company—to the Committee on Pacific Railroads.

Also, memorial of the same, asking Congress to maintain the National Board of Health, and to furnish it with means to discharge its important duties—to the Committee on Commerce.

By Mr. LOVERING: Resolution of the Department Convention of the Grand Army of the Republic of Massachusetts, favoring an increase of pension to those who have lost a hand or a foot in the service of the United States—to the Committee on Invalid Pensions.

Also, memorial of Messrs. Utley and Boynton and 73 other business firms of Boston, Mass., engaged in the butter business, representing that a great fraud is being perpetrated by the sale of imitation butter, 80 or 90 per cent. going to consumers at the price of, and as, pure butter; and asking for the passage of the Scott or Miller bill, so called, to suppress the traffic—to the Committee on Agriculture.

By Mr. MATSON: Petition of L. H. Gamble and 98 others, citizens of Morgan County, Iowa, for additional pension legislation—to the Committee on Invalid Pensions.

By Mr. MORGAN: Petition of Rebecca T. Bowen, of De Sota County, Mississippi, for reference of her case to the Court of Claims—to the Committee on War Claims.

By Mr. NEAL: Petition of Andrew Wassum, of Rhea County, Tennessee, asking that his war claim be referred to the Court of Claims—to the same committee.

By Mr. NEECE: Petition of 100 citizens of Mercer County, Illinois, praying for the passage of a law embodying the recommendations of the national committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. STEELE: Petition of Michael Beckner and others, asking for free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. STEPHENSON: Petition of B. B. George and 28 citizens of Taylor County, Wisconsin, praying for the passage of a bill embodying the recommendations of the national pension committee, Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. TOWNSHEND: Papers relating to the bill for increase of pension to Maj. Samuel Johnson, Twenty-second Illinois Infantry—to the same committee.

By Mr. WHEELER: Petition of T. C. Greenhill, of Franklin County, Alabama, asking that his claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. A. C. WHITE: Memorial of Grange No. 176, of Pennsylvania, in favor of a bill to prevent the sale, &c., of bogus dairy products—to the Committee on Agriculture.

Also, memorial of the same against the passage of the proposed tariff bill—to the Committee on Ways and Means.

By Mr. MILO WHITE: Resolutions of the Chamber of Commerce of Saint Paul, Minn., relating to interstate commerce—to the Committee on Commerce.

Also, letter of the Commissioner of Agriculture—to the Committee on Printing.

By Mr. WILSON: Petition of George T. Williams, of Hardy County, West Virginia, praying that his claim may be investigated by the Court of Claims—to the Committee on War Claims.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. SYMES: Of citizens of Pueblo and Modista, Colo.

SENATE.

MONDAY, *May* 3, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

THE JOURNAL.

The Journal of the proceedings of Friday last was read.

The PRESIDENT *pro tempore*. If there be no objection the Journal will be approved as read.

Mr. DAWES. I think there is a mistake in the Journal. Mr. JONES, of Arkansas, the Journal says, was instructed by the Committee on

Claims to report certain bills. He may have been instructed by that committee, but he certainly was instructed by the Committee on Indian Affairs to report bills of those titles. He may have had the same bills before the Committee on Claims; I do not know how that was.

The PRESIDENT *pro tempore*. The Journal will be corrected according to the fact.

Mr. DAWES. I am not certain what the facts are. The Senator from Arkansas is not in.

The PRESIDENT *pro tempore*. The Secretary will find out.

Mr. HOAR. I think the bills came from the Committee on Claims that he reported.

Mr. DAWES. The Senator from Arkansas was instructed by the Committee on Indian Affairs to report bills of the titles which were read. I do not know but that there may have been the same bills before the Committee on Claims.

The PRESIDENT *pro tempore*. The Secretary will ascertain what the fact is as to which committee the bills were reported from.

Mr. DAWES. Very well.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a copy of a letter from the Supervising Architect in regard to increasing the limit of cost of the proposed public building at Wichita, Kans., to $100,000, as contemplated by Senate bill 1387; which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of February 15, 1886, a report of the Commissioner of the General Land Office as to the payment of cost of survey by land-grant railroad companies in the State of Nebraska; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of the General Land Office, inclosing a letter from the surveyor-general of New Mexico requesting Congressional action looking to the adjustment of private land claims in that Territory; which, with the accompanying papers, was referred to the Committee on Private Land Claims, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting a supplemental report by the surveyor-general of New Mexico on the alleged private land claim of Bernardo de Miera y Pacheco and Pedro Padilla; which, with the accompanying papers, was referred to the Committee on Private Land Claims, and ordered to be printed.

REPORTS OF ANIMAL INDUSTRY BUREAU.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Commissioner of Agriculture; which was read, as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
COMMISSIONER'S OFFICE,
Washington, D. C., April 26, 1886.

SIR: A joint resolution approved July 5, 1884, directed the printing of 50,000 copies of the first annual report of the Bureau of Animal Industry; 10,000 copies of which were for the use of the Senate and 35,000 copies for the use of the House of Representatives.

I am to-day informed that of its 10,000 copies the Senate has received (some time in 1885) only 2,000 copies, and of its 35,000 copies the House has received (some time in 1885) only 285 copies, and that no delivery has been made to either branch within about one year.

I deem it my duty to state these facts in order to relieve this Department of any responsibility for what seems to be an unreasonable and unwarranted delay in the delivery of a report which Congress provided for nearly two years ago.

The second annual report of the Animal Industry Bureau is also in type, and will, I am informed, soon be delivered. For the great bulk of the distribution of these two volumes, to be distributed simultaneously, or for the great bulk of the distribution of volume 2 to get out ahead of volume 1, places this Department in an embarrassing position and subjects it to a reflection which is unjust. I therefore bring the matter to your attention in order to protect myself as far as possible.

Very respectfully, your obedient servant,

NORMAN J. COLMAN,
Commissioner of Agriculture.

Addressed to—
PRESIDENT *pro tempore Senate United States.*

The PRESIDENT *pro tempore*. The communication will be referred to the Committee on Printing and printed.

Mr. ALLISON. I think the communication ought to go to the Committee on Appropriations. The reason why this printing has not been done is because there has been no appropriation made for it. The Public Printer has an appropriation made for the several Departments; of course he executes the most important work; and unless there is a special provision for this work, or unless the appropriations are added to, this work and other printing lies over from year to year.

The PRESIDENT *pro tempore*. Does the Senator move that the communication be referred to the Committee on Appropriations?

Mr. ALLISON. I think that would be the wisest course.

The PRESIDENT *pro tempore*. That reference will be made if there be no objection.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented resolutions adopted by the transportation committee of the Merchants and Manufacturers' Association of Cincinnati, Ohio, in favor of the passage of the interstate-commerce bill; which were ordered to lie on the table.

The PRESIDENT *pro tempore*. The Chair also presents a petition signed by 100 members of the United Labor League of America, asking that the preamble and resolutions of the United Labor League of America returning thanks to Mr. Gladstone for his home-rule measure for Ireland be reported back to the Senate, and that they be printed in the RECORD for the use and information of the Senate. The petition will be referred to the Committee on Education and Labor.

Mr. PLATT. I present the petition of Dr. Alexander Y. P. Garnett and others, a committee of the medical profession, representing that the International Medical Congress will hold its next session in Washington city in the month of September, 1887, and praying for an appropriation to enable them to be received and entertained. I move that the petition be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. CAMERON presented petitions of Granges No. 136, No. 89, No. 88, No. 735, No. 570, No. 114, No. 83, No. 1, No. 237, No. 25, No. 352, No. 606, No. 58, No. 326, No. 52, No. 737, No. 157, No. 297, No. 159, No. 693, No. 503, No. 715, No. 66, No. 608, No. 677, No. 101, No. 720, No. 782, No. 74, No. 122, No. 684, No. 620, No. 165, No. 153, No. 150, No. 271, No. 244, No. 442, No. 531, No. 41, No. 791, No. 108, No. 91, No. 63, No. 109, No. 96, No. 417, No. 200, No. 277, No. 215, No. 799, No. 67, No. 146, and No. 688, Patrons of Husbandry, of Pennsylvania, praying for the suppression of the manufacture and sale of all imitation dairy products; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of citizens of Franklin, Pa., praying that an adequate appropriation be made for the erection of a public building at that place; which was referred to the Committee on Public Buildings and Grounds.

He also presented two petitions of Patrons of Husbandry of Pennsylvania, praying for the suppression of the manufacture and sale of all imitation dairy products; which were referred to the Committee on Agriculture and Forestry.

He also presented three memorials of Patrons of Husbandry of Pennsylvania, remonstrating against the admission free of duty of agricultural raw materials; which were referred to the Committee on Finance.

He also presented a resolution adopted by a meeting of holders of trade-dollars recently held in Reading, Pa., favoring the early redemption of the trade-dollar; which was referred to the Committee on Finance.

He also presented a petition of citizens of Altoona, Pa., praying that increased appropriations be made for the National Board of Health; which was referred to the Committee on Appropriations.

He also presented a memorial of Knights of Labor of Philadelphia, Pa., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

He also presented a petition of dairymen and butter-makers, citizens of South Montrose, Pa., and a petition of dairymen and butter-makers, citizens of North Jackson, and other places in Pennsylvania, praying for the imposition of a tax of 10 cents a pound on all imitations of butter; which were referred to the Committee on Agriculture and Forestry.

He also presented memorials of Granges No. 136, No. 89, No. 188, No. 1, No. 114, No. 735, No. 570, No. 237, No. 25, No. 606, No. 83, No. 58, No. 52, No. 352, No. 326, No. 157, No. 297, No. 693, No. 503, No. 715, No. 771, No. 608, No. 66, No. 677, No. 720, No. 74, No. 122, No. 101, No. 684, No. 185, No. 737, No. 620, No. 153, No. 150, No. 271, No. 277, No. 200, No. 417, No. 96, No. 109, No. 63, No. 91, No. 108, No. 791, No. 442, No. 41, No. 244, No. 531, No. 688, No. 215, No. 67, No. 799, and No. 146, Patrons of Husbandry, of Pennsylvania, remonstrating against the admission free of duty of all agricultural raw materials; which were referred to the Committee on Finance.

He also presented petitions of merchants and manufacturers of Boston, Mass., and other cities in the United States, praying for the passage of a bill regulating license fees upon commercial travelers; which were referred to the Committee on Commerce.

He also presented the petition of George W. Townsend, of Philadelphia, praying for the consideration of and adoption by Congress of a new educational system designed by him; which was referred to the Committee on Education and Labor.

Mr. HOAR. I present the petition of Marcus Morton, chief-justice of Massachusetts; Egbert C. Smyth, John Putnam Gullion, Moses Foster, Edwards A. Park, Austin Phelps, Edward G. Coy, all doctors of divinity and instructors in the theological seminary at Andover, and a large number of other citizens of Andover, in the State of Massachusetts, praying that Congress will enact such laws as will enable the National Board of Health to employ all the power and resources of the Government in the prevention of epidemics, &c. I move that the petition be referred to the Committee on Epidemic Diseases.

The motion was agreed to.

Mr. BUTLER presented a petition of the intendant, wardens, and

sundry citizens of the town of Mount Pleasant, S. C., praying that an appropriation be made to prevent the washing away of the shore in front of the town and the filling up of the channels connecting it with the city of Charleston; which was referred to the Committee on Commerce.

Mr. SAWYER presented the memorial of Alexander Weill, by Messrs. Shellabarger & Wilson, of Washington, D. C., remonstrating against the forfeiture of certain lands granted the State of Oregon, and by that State to the Willamette Valley and Cascade Mountain Wagon Road Company; which was referred to the Committee on Public Lands.

Mr. CALL. I present a resolution of the Tampa Board of Trade, unanimously adopted at a regular meeting held April 28, as follows:

Whereas bills have been introduced in both Houses of Congress to forfeit the land grant of the Florida Railroad Company, now the Florida Railway and Navigation Company, made by the United States Congress in 1855, to aid in building the said South Florida Railroad from Fernandina on Amelia Island to the waters of Tampa Bay, with a branch to Cedar Keys; and

Whereas after so long a time of patient waiting and hopes deferred the people of Tampa and South Florida now have pledges which they consider reliable that such road will be speedily constructed to the terminus at Tampa, provided a short period of extension of time is granted to its present manager; and

Whereas the completion of this road to Tampa is of the utmost importance not only to Tampa and South Florida but to the people of the entire State of Florida: Therefore,

Resolved, That the Tampa Board of Trade, representing the business interests of Tampa and vicinity, does most respectfully memorialize the Congress of the United States to so amend such bills as to extend the time for the completion of the Florida Railway and Navigation system to Tampa to the 1st day of March, A. D. 1887.

I move the reference of the resolution to the Committee on Public Lands.

The motion was agreed to.

Mr. CALL presented a petition of citizens of Cerro Gordo, Holmes County, Florida, praying for the forfeiture of the railroad land grant made to the State of Florida in 1856; which was referred to the Committee on Public Lands.

Mr. CALL. I present a letter, in the nature of a petition, from E. W. Perry, of Crystal River, Fla., stating that—

A company of land speculators, calling themselves the "Homosassee Syndicate," are surveying all the coast lands in this county, even measuring every field of land cultivated by the settlers, representing that they do so by authority of Government, and that they are authorized to take up all the lands they may want regardless of any settlement that may have been made upon them; at least this has been so represented to me, and is the belief of the settlers.

The survey as made by the Government is said to be imperfect, many of the lines not having been run out, which makes it difficult to ascertain the numbers of many subdivisions. This "syndicate" is composed of wealthy men from all parts of the country. The poor settler will stand a bad chance in a controversy with these men.

The letter also states that this land has been donated to the State of Florida and does not properly come under the designation of swamp and overflowed land. The writer prays that some action may be taken by Congress in reference to this subject. I move that the paper be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. WHITTHORNE presented a petition of the Merchants' Exchange of Memphis, Tenn., praying for the exercise of the powers of Congress, under the Constitution, in regard to the tax on commercial travelers by the several States; which was referred to the Committee on Commerce.

Mr. HARRIS presented a petition of the Travelers' Protective Association of the United States, praying for the passage of a law relieving commercial travelers of all taxation on their occupation; which was referred to the Committee on Commerce.

Mr. ALLISON presented a resolution adopted by the Sioux City (Iowa) Jobbers and Manufacturers' Association, of that city, in favor of the passage of a law to tax the manufacture and sale of imitations of butter and cheese; which was referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted by the Sioux City (Iowa) Jobbers and Manufacturers' Association, in favor of the improvement of the Upper Missouri River, and strongly remonstrating against the reduction of the appropriation by the House Committee on Rivers and Harbors from $160,000, as recommended by the Government engineers, to $80,000; which were referred to the Committee on Commerce.

Mr. SEWELL presented a memorial of Grange No. 88, Patrons of Husbandry, State of New Jersey, remonstrating against the admission free of duty of all agricultural raw materials; which was referred to the Committee on Finance.

He also presented a petition of Grange No. 88, Patrons of Husbandry, State of New Jersey, praying for the suppression of the manufacture and sale of all imitations of dairy product; which was referred to the Committee on Agriculture and Forestry.

Mr. VANCE presented two petitions of colored citizens of Buncombe County, North Carolina, praying for Governmental aid to enable them to emigrate to Liberia; which were referred to the Committee on Foreign Relations.

Mr. MILLER presented a petition of nearly 100 citizens of Mount Vision, N. Y., praying for the passage of the bill taxing all imitations of butter at 10 cents per pound; which was referred to the Committee on Agriculture and Forestry.

Mr. McMILLAN presented a memorial of the Chamber of Commerce of Minneapolis, in the State of Minnesota, in favor of steamship mail communication between the Mississippi Valley and the Central and South American states, and liberal appropriations for the same; which was ordered to lie on the table.

Mr. McMILLAN. I also present resolutions, in the nature of a memorial, of the Chamber of Commerce of Saint Paul, Minn., in favor of the establishment of additional hatcheries for restocking Lake Superior with trout and whitefish, in accordance with the recommendation of the letter of the president of the Minnesota State fish commission addressed to myself. I also present in this connection the letter referred to. I move that the papers be referred to the Committee on Fisheries.

The motion was agreed to.

Mr. EVARTS presented a petition of the representative committee of the New York Yearly Meeting of the religious society of Friends, officially signed, praying for the faithful fulfillment of Indian treaties and for better legal protection of the landed interests of the Indian tribes; which was referred to the Committee on Indian Affairs.

Mr. COCKRELL. I present a resolution adopted by the State board of health of the State of Missouri, declaring in favor of liberal appropriations and the enactment of such additional legislation as may be necessary to place the National Board of Health in a position to enable it to promptly and effectively prevent, suppress, or control pestilential invasions or outbreaks among the people, and especially to contend against Asiatic cholera. I move that the resolution be referred to the Committee on Epidemic Diseases.

The motion was agreed to.

Mr. MITCHELL, of Oregon, presented a petition of citizens of Jackson County, Oregon, praying that an appropriation of $30,000 be applied in resurveying, shortening, and improving the military wagon road between Rogue River Valley and Fort Klamath by locating the same commencing at Gold Hill Station, on Rogue River, and extending up that river by way of Crater Lake to Fort Klamath; which was referred to the Committee on Military Affairs.

He also presented a petition of members of Post No. 6, Grand Army of the Republic, of Forest Grove, Oreg., praying Congress to pass a bill that will embody the recommendations of the national pension committee of the Grand Army of the Republic; which was referred to the Committee on Pensions.

Mr. MITCHELL, of Oregon. I present a petition of the Board of Trade of Dalles City, Oreg., praying Congress to give all possible aid to bills which may properly come before it having for their object the completion of the canal and locks at the Cascades of the Columbia. The petition is signed by E. B. McFarland, president, and B. S. Huntington, secretary, and is a strong argument in favor of the early completion of this work. It states that for the year ending June 30, 1884, there was transported by boats on the Columbia and by the railroads along its banks merchandise amounting in value to $5,669,865, and various other reasons are cited why this improvement should be speedily completed. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. SAULSBURY. I am directed by the Committee on Privileges and Elections, to whom was referred the bill (H. R. 6637) relating to contested elections, to report it with amendments. As this bill is a a matter which affects only the proceedings of the other House, I ask unanimous consent that it may be put on its passage at this time.

Mr. HALE. Let the bill be read.

The PRESIDENT *pro tempore*. The bill will be read at length for information.

The Chief Clerk read the bill.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. PLUMB. I object to the consideration of the measure.

The PRESIDENT *pro tempore*. Objection being made, it goes over under the rule.

Mr. SAULSBURY. I ask leave to withdraw the bill for the purpose of putting the amendments in proper shape.

The PRESIDENT *pro tempore*. If there be no objection, the Senator from Delaware will have leave to withdraw the bill for the present.

Mr. HOAR. I am directed by the Committee on Privileges and Elections to report favorably the joint resolution (S. R. 55) proposing an amendment to the Constitution of the United States. I should like to have the proposed article itself read.

The PRESIDENT *pro tempore*. The article will be read.

The Chief Clerk read as follows:

ARTICLE XVI.

The term of office of the President and the second session of the Fiftieth Congress shall continue until the 30th day of April in the year 1889; and the 30th of April shall thereafter be substituted for the 4th of March as the commencement of the official term of the successive Presidents, Vice-Presidents, and Congresses of the United States.

Mr. HOAR. I desire to say that I was directed to report the joint resolution without amendment, but since the committee considered it, it has occurred to me that there should be one verbal amendment—that is, that instead of the phrase "the second session of the Fiftieth Congress" the words "the term of the Fiftieth Congress" should be

substituted, as there may be of course some extraordinary session, which would make three sessions of that Congress.

The PRESIDENT *pro tempore*. The joint resolution will be placed on the Calendar.

Mr. HOAR, from the Committee on Privileges and Elections, to whom was referred the bill (S. 2) concerning Federal elections, moved its indefinite postponement, which was agreed to; and he reported a bill (S. 2297) concerning Federal elections; which was read twice by its title.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 4009) for the relief of Ann B. Hubbard, administratrix, reported it without amendment, and submitted a report thereon.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (S. 1990) to provide for the adjustment of matters connected with certain judicial proceedings in Pennsylvania in which the United States was a party, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 83) for the relief of R. G. Combs and others, moved its indefinite postponement; which was agreed to; and he submitted a report, accompanied by a bill (S. 2298) for the relief of R. G. Combs and others; which was read twice by its title.

Mr. PIKE, from the Committee on Claims, to whom was referred the petition in the case of Thomas Hamilton, a seaman of the United States steamer Victoria during the late war, asked to be discharged from its further consideration, and that it be referred to the Committee on Naval Affairs; which was agreed to.

Mr. DOLPH. By direction of the Committee on Public Lands I report an original bill, entitled a bill to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber culture, and for other purposes.

The bill (S. 2299) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber culture, and for other purposes, was read twice by its title.

Mr. DOLPH. I will state that this bill covers the same ground and has the same title as a bill previously reported by the committee, and is intended to take the place of that bill. When that order of business is taken up I shall ask to substitute the bill now reported for the other measure.

The committee after receiving various suggestions in regard to the bill previously reported have reconsidered it and have made various slight amendments to the bill, and also some substantial amendments concerning the law known as the desert-land act, and instructed me to report a new bill.

I give notice that at an early day I shall ask the Senate to take up the bill for consideration, as it is an important measure and has been pending before Congress for many years.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

FOURTH OF JULY CLAIMS.

Mr. PIKE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4731) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: That the House recede from its disagreement to the amendment adopted by the Senate and agree to the same.

AUSTIN F. PIKE,
GEO. F. HOAR,
JAMES K. JONES,
Managers on the part of the Senate.

GEO. W. GEDDES,
JAMES D. RICHARDSON,
JAS. T. JOHNSTON,
Managers on the part of the House.

The report was concurred in.

BILLS INTRODUCED.

Mr. CAMERON (by request) introduced a bill (S. 2300) to provide for an American register for the steamer Manitoba; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

He also introduced a bill (S. 2301) granting a pension to Lucy E. Anderson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2302) for the erection of a public building at Franklin, Pa.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 2303) for the erection of a public building at Chester, Pa.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

Mr. BOWEN (by request) introduced a bill (S. 2304) for the relief of the Kansas and New Mexico Land and Cattle Company, limited; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MITCHELL, of Oregon, introduced a bill (S. 2305) making an appropriation for the resurvey and relocation, shortening, and improvement of the military wagon road between Rogue River Valley and Fort Klamath, Oregon; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CULLOM introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 2306) granting an increase of pension to Erastus N. Bates;

A bill (S. 2307) granting an increase of pension to Oscar Dunlap;

A bill (S. 2308) granting a pension to Henry Lafuer;

A bill (S. 2309) granting an increase of pension to Robert A. Crites;

A bill (S. 2310) granting a pension to Hiram Morris;

A bill (S. 2311) granting an increase of pension to Benjamin F. Berkley; and

A bill (S. 2312) granting an increase of pension to Joseph S. Dixon.

Mr. EVARTS introduced a bill (S. 2313) defining the service of a stevedore as a maritime service, and creating a maritime lien in his favor therefor; which was read twice by its title, and referred to the Committee on the Judiciary.

He also (by request) introduced a bill (S. 2314) to provide for the construction of a steam cruising vessel of war, of 20 knots speed, by Charles G. Lundborg, of New York; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. BECK introduced a bill (S. 2315) for the relief of T. J. Pitzer; which was read twice by its title, and referred to the Committee on Claims.

Mr. CALL introduced a bill (S. 2316) to provide for the erection of a public building in the city of Tallahassee, Fla.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. COLQUITT (by request) introduced a bill (S. 2317) for the relief of Daniel S. Lamb, M. D.; which was read twice by its title, and referred to the Committee on Claims.

Mr. ALDRICH introduced a bill (S. 2318) granting an increase of pension to Alpheus Roberts; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ALLISON introduced a bill (S. 2319) granting a pension to Mrs. Margaret B. Todd; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 2320) for the relief of Cogswell & Co.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Finance.

He also introduced a bill (S. 2321) granting an increase of pension to Clara B. Davidson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 2322) concerning the reissues of patents; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Patents.

Mr. PLUMB introduced a bill (S. 2323) granting an increase of pension to John Wilson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2324) granting an increase of pension to Oliver Barton; which was read tiwce by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SAWYER introduced a bill (2325) to grant a pension to Nancy Mason; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2326) granting a pension to John Parkinson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. JONES, of Arkansas (by request), introduced a bill (S. 2327) for the relief of Marian F. Haynie; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. GORMAN introduced a bill (S. 2328) for the relief of the heirs of Henry Leef, deceased, owner of the bark Mary Teresa, illegally seized by Alexander H. Tyler, consul of the United States at Bahia, Brazil; which was read twice by its title, and referred to the Committee on Claims.

Mr. VEST (by request) introduced a bill (S. 2329) to provide for collecting in suitable reservoirs and utilizing for the benefit of invalids all the water flowing from the Hot Springs, in the State of Arkansas, not now being used in any of the bath-houses in the town of Hot Springs for bathing and other sanitary purposes, and which is now running to waste unused; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. MILLER introduced a bill (S. 2330) for the relief of Adam Eitapence; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MORGAN introduced a bill (S. 2331) to refer a claim of Samuel F. Rice, of Alabama, to just compensation for professional services in behalf of the United States, to the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO BILLS.

Mr. DOLPH. I offer an amendment intended to be proposed to the House bill making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June

30, 1887, and for other purposes. The amendment is in the following words:

For the construction of fortifications and other works of coast defense in accordance with the recommendations of the board of fortifications or other defenses, appointed by the President of the United States under the provisions of the act of Congress, approved March 3, 1885, $10,000,000, to be expended under the direction of the Secretary of War.

It will be seen that this is an important amendment, and is intended to commit Congress to the recommendation of the board of fortifications and other defenses, and to make an appropriation for the commencement of the work.

The PRESIDENT *pro tempore*. The amendment will be referred to the Committee on Appropriations, and printed.

Mr. DOLPH. I wish it referred to the Committee on Coast Defenses for the recommendation of that committee first.

The PRESIDENT *pro tempore*. That reference will be made.

Mr. BUTLER submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. BOWEN submitted an amendment intended to be proposed by him to the amendment reported favorably to the Senate by the Committee on Indian Affairs to the bill (S. 1916) authorizing the removal of the Southern Ute Indians from the State of Colorado to the Territory of Utah; which was ordered to lie on the table and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. 2812) to approve an act of the Thirteenth Legislative Assembly of Arizona entitled "An act to establish, maintain, and provide for the government of an insane asylum," approved March 9, 1885;

A bill (H. R. 3760) to enlarge the jurisdiction of the probate courts in Wyoming Territory;

A bill (H. R. 5179) to prohibit the passage of local or special laws in the Territories of the United States;

A bill (H. R. 5496) to increase the jurisdiction of probate courts in Arizona, and to repeal all acts of the Territorial Assembly creating county courts in said Territory;

A bill (H. R. 5888) to legalize and validate the general laws of the Territory of Dakota for the incorporation of insurance companies, and for other purposes, and to authorize and empower the Legislative Assembly of said Territory to pass such general laws;

A bill (H. R. 6965) to authorize Columbia County, in Washington Territory, to issue bonds for the construction of a court-house; and

A bill (H. R. 6966) to change the time of the meeting of the Legislative Assembly of Washington Territory.

The message also announced that the House insisted on its amendments to the bill (S. 335) to provide for protecting the interests of the United States in the Potomac River flats in the District of Columbia, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BARBOUR, Mr. REAGAN, and Mr. BUTTERWORTH managers at the conference on the part of the House.

SOUTH AMERICAN COMMISSION REPORTS.

Mr. ALDRICH submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate of the United States (the House of Representatives concurring), That there be printed 15,000 additional copies of the Reports of the South American Commission, Executive Document 226, Forty-eighth Congress, second session, and Executive Document 50, Forty-ninth Congress, first session; of which 5,000 shall be for the use of the Senate and 10,000 for the use of the House of Representatives.

UNITED STATES PRISON AT FORT SMITH.

Mr. BLAIR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Attorney-General be directed to inform the Senate the condition of the jail used by the United States at Fort Smith, in the State of Arkansas, and especially with reference to the statements of Miss Anna L. Dawes, as contained in the circular issued under her signature from the Indian Rights Association in the month of February, 1886, annexed to this resolution.

INDIAN RIGHTS ASSOCIATION, OFFICE No. 1316 FILBERT STREET,
Philadelphia, February, 1886.

A UNITED STATES PRISON.

From "Lend a Hand" (Boston).

Prisons or jails belonging to the United States itself are comparatively rare. The census of 1880 mentions but four, and the last report of the Attorney-General submits statements from these four, one of them being the jail at Washington city. The country has a right to expect that these few prisons under the control of the Government itself, supported by the nation and supervised by its own officers, shall be model institutions. We look to them for concrete examples of the latest discoveries in this direction. Penology is an exact science by this time, and some of its brightest triumphs have been achieved in our own land while American adepts teach willing audiences from many countries. It is interesting, therefore, to see what the United States considers the best system. With all the resources of the nation behind her, and all the wisdom of her famous students of this awful science to guide her, we look anxiously for her conclusions. We ask what system has been adopted, what employment provided for her criminals, whether they work for the State or for contractors, how their day is arranged, what punishments are allowed.

Innumerable questions of interest to the student of social science immediately present themselves at the mention of a prison under the management and control of the United States Government.

In the western part of the State of Arkansas is located at the flourishing city of Fort Smith one of the few prisons belonging to the United States. This large and growing town, in the midst of a beautiful region bordered by the Arkansas River, believes itself to be a coming center of great industrial interests. Already famous as the terminus of one celebrated railroad, it expects soon to be the meeting point of others, and to gather there much trade. Meanwhile it contains every facility for comfortable and luxurious living, and prides itself upon keeping abreast of the latest civilization. On the very borders of the Indian Territory, in its earlier days it was the depot for supplies for that vast reservation, and although its importance in that regard disappeared with the advent of the railroad which traverses the Territory itself, it still retains the United States court having jurisdiction over that region. Whatever crime against national law may be committed in a tract extending westward 150 miles and embracing a belt of country 200 miles wide is tried in this court, and accordingly whatever arrest is made by a United States officer among its 60,000 inhabitants, the criminal is brought to this place. It is easy to understand that the court is overloaded with business and its prison with criminals. The industrious and painstaking judge who sits on this bench is occupied, according to a recent statement of Mr. Garland, two hundred and ninety-seven days in the year, but the cases brought before him must still wait weeks and months for trial, so overburdened is the court. The jail is as full as the docket. Technically this place of detention is a jail, but though not a penitentiary it partakes in some respects of the nature of a prison, as will be seen. Its population is most heterogeneous. Here come men of all ages, accused of the gravest crimes or of the most trifling offenses. Here they await trial, and here, in many cases, they suffer punishment; a difficult situation needing most careful attention and most skillful arrangement, it would be said. What, then, has the United States done to supply the need? How is the prison arranged and situated? What system is employed?

The student of prisons and criminals must be particularly interested in this prison, so exceptional in its necessities and so unlimited in the opportunity for the best appliances and regulations.

The United States prison at Fort Smith consists of two rooms in the cellar of the Government building, with no light except what comes from underground windows, and no outside ventilation. In these two rooms were confined during the month of June, in this year, one hundred and nine prisoners; nine of them accused of murder, and two already convicted of that crime. This is the whole of the prison.

A fuller description of this extraordinary place, this piece of mediæval barbarity, only makes the horror worse. The Government building is a relic of the old military post, occupied as such until within twenty years. It is a large, low Southern house, once the quarters of the commandant of the post, built of brick, with stone foundations, and surrounded by wide verandas. Its rooms are used by the court and for similar purposes, and its cellar is the United States jail. The brick partition which supports the upper stories is the sole and only division contained in this remarkable prison. Each of the rooms thus made, or cells as they are called, is 55 feet long and 29 feet broad. Their height from floor to ceiling is at the utmost 7 feet. The small windows which light this black hole are at each end underneath the wide verandas. At one end of the jail the guard-room is located in front of them, but these windows are larger than those at the opposite end in the other room, being fully 6 feet by 3. Of course the solid partition between the two rooms prevents any draught. The climate at Fort Smith is that of interior Arkansas, a long, hot, dry summer, with the close atmosphere of a valley among low hills, without the Gulf breezes and lacking the strong winds of the open prairie. In early June the days were already stifling with heat and the nights were only relieved by a warm breeze that blew off the river across the localities most favorably situated. The amount of such a breeze which would penetrate under the wide verandas of a Southern house into a crowded cellar can be easily reckoned. Hoping to make the air more bearable the flag-stones of the floor are constantly wet down and the noisome air is heavy with the rising steam and dampness.

Into these reeking holes are crowded criminals of every age and degree. The court has jurisdiction over all crimes committed between the white men on the reservation, against white men by Indians, against Indians by white men under certain conditions, and over all infringments of the United States laws. Its prisoners are some of them full-blooded Indians, wild with all their savage passions and filthy beyond any Eastern conception; some are border ruffians who have lost none of their villainy or their loathsomeness in losing the picturesqueness of a past day; some are the low-lived, mean, and sneaking population who hover on the borders of this neutral country; some are hardened criminals of the worst type who have fled from the law of the "States" to seek refuge in the wilds of the Indian country; some are innocent boys brought here for a trifling theft; young men who, in a moment's rage, have broken the public peace; respectable tradesmen who have unwittingly infringed some stringent United States regulation about arms or liquor; innocent citizens accused by some revengeful neighbor and awaiting trial; outcasts whose crimes are beyond the possibility of mention; murderers who have been caught, not in their first, but in their fifth or seventh murder. It is literally true that at Fort Smith all these persons are confined in the same room, the close, unventilated, wretched place already described. Nor are the prisoners limited to those awaiting trial. In the midst of the desperadoes, the villains and the murderers, are all those criminals already sentenced whose terms do not exceed a single year. Those sentenced to a longer term are sent to Michigan. Happy the convict whose crime is large in the Indian Territory, for worse is a single year of Fort Smith than a cycle of Detroit!

Men who have been already convicted of murder are confined with the rest. There is absolutely nothing to hinder their free communication with their fellows. Five men are hanged at once in Fort Smith sometimes. At present there are nine men accused of murder in these two rooms, free to influence their companions, and like all the rest of their associates without the slightest check upon their opportunity to teach their horrid lore to young and old. The laws of the United States in regard to Indian reservations are very strict. No liquors may be sold in them, for instance, or carried there for sale, or given away. The temptation to break this regulation seems almost irresistible, by reason of the enormous profits resulting from such illicit trading, and often it happens that the man breaking this law is as young in years as in crime. Lads who have committed small thefts are also in this prison to-day, side by side with men under indictment for the most dastardly outrages known to justice. The average number in confinement is seventy-eight, and in June of this year, as has been said, the number had risen to one hundred and nine.

The only opportunity for washing given to this multitude of men is the single sink in each cell. There are no baths, only now and then some more fortunate prisoner is allowed the use of a coal-oil barrel sawed in two, this primitive wash-tub being the best that is afforded by the Government to this institution. The perplexed officials have tried many expedients to relieve the foulness of the place. The single bucket which serves the convenience of this considerable population is placed in a closet in the chimney, that the odors may be carried off through the only method of ventilation known to this jail. The prisoners spend their time as suits themselves. No work is possible. To relieve the tedium of the slow days, a mock court is held and men are tried for such offenses as spitting upon the floor, and, on conviction, are sentenced to sweep it. Recently one poor wretch suffered such an accumulation of sentences of this nature that he appealed to the court upstairs! The wooden cots and blankets which constitute the beds are put one side during the day, or serve as seats. When feeding time comes the rations are pushed through a slide in the door, and one after an-

other these miserable beings retire to some corner like dogs to eat their portions. In the matter of exercise a regular routine is kept up. The prisoners divide themselves into squads, which march up and down the room at intervals; but be their stay there long or short, they see no ray of sunlight, they breath no single breath of outside air.

This dark, crowded, underground hole is noisome with odors of every description, dirty beyond description, horrible with all horrors—a veritable hell upon earth. What must it be for the sick? Impossible as it seems to credit the fact, the sick and wounded must live in these same rooms? There is no other provision for them, there is no other place where they can be put. There is "no refuge from the wild and ungovernable men around them," no relief from the close air, the eating and drinking and sleeping. It completes the picture to remember that small-pox is a disease very common to the Indian.

It should be made evident that for this state of things the people of Fort Smith are in no way responsible. It is a United States prison, and they have no more control over it than they have over the Capitol at Washington. They would welcome any attempt on the part of the Government to remove this plague spot, and substitute a suitable and decent jail. Nor are the officers to be charged with neglect or blindness. They do all that in them lies to remedy the evils, they make the best of the matter with no little thought and labor and painstaking. But here are the prisoners and here are the accommodations provided for them by the United States Government.

There is no question, shameful though the conclusion be, where the blame lies. The worst fact in the whole disgraceful series, is the fact that the National Goverment knows all about this horror. It can not even plead ignorance, for the report of the United States marshal in October, 1884, to the Department of Justice* contains a full statement of the matter, with all the particulars, the statistics and a diagram of the prison. What was done about it? In June, 1885, nothing had been done about it. There was no lack of money in the United States Treasury, for we had changed administrations on the ground of a surplus, and at this very town, the Government was just then selling the 300 acres which surrounded the original fort. There was no lack of facilities, for Fort Smith is large and well-equipped and situated on a great railway, and the officers for its court are able and distinguished. There was no lack of knowledge on the subject in a country which possesses such experts as Brinkerhoff, and Brockway, and Wayland, and a score of others like them, and in which prison conferences are annual occurrences.

What excuse has the Government of the United States to offer for the existence and continuance of this scandal?

ANNA L. DAWES.

Mr. HOAR subsequently said: I rise to ask the reconsideration of the resolution adopted a minute or two ago calling upon the Attorney-General for information as to the condition of the jail at Fort Smith. As that has been very fully stated on the floor of the Senate, and as both Houses, I understand, have passed a bill for a new jail, it seems to me unnecessary to put the Attorney-General to that trouble. I should like to move to reconsider the vote passing the resolution.

The PRESIDENT *pro tempore*. The motion to reconsider will be entered.

Mr. HOAR. I move to take it up for consideration.

The PRESIDENT *pro tempore*. The papers are not at the desk.

Mr. HOAR. Let the matter lie for the present.

Mr. INGALLS. As the Senator from New Hampshire, who offered the resolution, has left the Chamber, it may be that he would like to be heard, and I suggest that the resolution lie on the table for the present.

The PRESIDENT *pro tempore*. The resolution will lie on the table.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 1360) to authorize the construction of a bridge across the Missouri River at some accessible point within 10 miles below and 5 miles above the city of Kansas City, Mo.;

A bill (H. R. 2397) for the relief of Thomas F. Purnell;

A bill (H. R. 2410) for the addition of a third story to the public building in Dallas, Tex.;

A bill (H. R. 2993) to authorize the Chicago, Freeport and Saint Paul Railroad Company to construct a bridge across the Saint Croix River (or lake) at any accessible point between Prescott, Wis., and Stillwater, Minn.;

A bill (H. R. 3351) granting a pension to Mrs. Magdalena Rehkopf;

A bill (H. R. 3369) authorizing the construction of a bridge acoss the Missouri River at or near the city of Council Bluffs, Iowa, and for other purposes;

A bill (H. R. 3371) authorizing the construction of bridges across the Illinois River in the State of Illinois and the Des Moines River in the State of Iowa, and for other purposes;

A bill (H. R. 3370) authorizing the construction of a bridge across the Mississippi River at or near Keithsburg, in the State of Illinois, and for other purposes;

A bill (H. R. 3775) to authorize the Secretary of the Treasury to purchase an additional strip of ground on the east side of the United States court-house at Fort Wayne, Ind.;

A bill (H. R. 4569) to authorize the construction of a bridge across the Missouri River at a point to be selected either in the counties of Clay and Jackson, in the State of Missouri, or in the county of Clay or Platte in said State, and the county of Wyandotte, in the State of Kansas, and to make the same a post-route;

A bill (H. R. 5673) to authorize the construction of a railroad and wagon bridge across the Mississippi River from Winona, Minn., to the opposite shore in Wisconsin;

A bill (H. R. 5684) to authorize the construction of a bridge over the Missouri River at the most accessible point between the mouth of the Femme Osage Creek and a point 2 miles above the city of Saint Charles, in the county of Saint Charles, in the State of Missouri;

A bill (H. R. 5685) to authorize the construction of a bridge over the Missouri River at the most accessible point in Saline City or within 5 miles above or 5 miles below the same, in the county of Saline, in the State of Missouri;

A bill (H. R. 6013) to authorize the construction of a bridge across the Missouri River at some accessible point within 2 miles north and 2 miles south of the city of Atchison, in the county of Atchison, in the State of Kansas;

A bill (H. R. 6358) to authorize the construction of a bridge across the Yellowstone River, in Montana;

A bill (H. R. 7651) to authorize the Chicago, Milwaukee and Saint Paul Railway Company to construct, operate, and maintain a bridge across the Missouri River near or in the vicinity of Chamberlain, in the Territory of Dakota;

A bill (H. R. 1397) to establish a port of delivery at Springfield, in the State of Massachusetts; and

A bill (S. 1013) providing for the establishment of a port of entry at Mount Desert Ferry, in the town of Hancock, in the State of Maine.

REPORT OF ANIMAL INDUSTRY BUREAU.

Mr. COCKRELL. I offer the following resolution, and ask for its present consideration:

Resolved, That the Public Printer be, and he hereby is, directed to inform the Senate the cause of the delay in furnishing to Congress for distribution the 50,000 copies of the first annual report of the Bureau of Animal Industry as authorized by the joint resolution approved July 5, 1884.

The PRESIDENT *pro tempore*. The Chair will inform the Senator from Missouri that the Chair presented a letter to-day from the Commissioner of Agriculture explaining that matter.

Mr. COCKRELL. Then let the resolution lie on the table until I can see the report.

The PRESIDENT *pro tempore*. The resolution will lie on the table for the present.

Mr. MANDERSON. I desire to call attention to the resolution introduced by the Senator from Missouri [Mr. COCKRELL]. I think the Chair is perhaps under a misapprehension with reference to the communication received. I do not think there is any communication to the Senate from the Public Printer.

The PRESIDENT *pro tempore*. The Chair will inform the Senator from Nebraska that the communication he presented was from the Commissioner of Agriculture, and not from the Public Printer.

Mr. MANDERSON. It is upon that communication that the resolution of the Senator from Missouri is based. I hope the resolution will be entertained by the Senate and referred to the Committee on Printing, so that the matter may be investigated.

The PRESIDENT *pro tempore*. If there be no objection the resolution offered by the Senator from Missouri will be again read.

The Chief Clerk read the resolution.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. MANDERSON. In view of the fact that the Public Printer has already communicated to the Joint Committee on Printing his reasons for his action, I suggest that the resolution be referred to the Committee on Printing, and I think we can report almost at once concerning it.

Mr. COCKRELL. I have no objection to that reference.

The PRESIDENT *pro tempore*. If there be no objection the resolution will be referred to the Committee on Printing.

POTOMAC RIVER BRIDGE AT ANALOSTAN ISLAND.

Mr. BUTLER submitted the following resolution; which was considered by unanimous consent, and agreed to.

Resolved, That the commissioners of the District of Columbia be, and they hereby are, directed to ascertain, as nearly as may be, the cost of the construction of an iron bridge for passengers and vehicles from a point on the east bank of the Potomac River across the Analostan Island to the west bank of said river, so as to connect the city of Washington with the Arlington estate; and also the cost and expense of converting the plateau belonging to the Arlington estate into a parade-ground; and transmit the same to the Senate with such suggestions and recommendations in regard to the same as may appear to said commissioners pertinent and proper.

PERSONAL EXPLANATION.

Mr. RIDDLEBERGER. Mr. President, I ask leave to read a paragraph from a paper published in Washington called the Post, in order that I may make an emphatic denial of one of the statements which it contains. It is headed "The nomination of Mr. Matthews," and reads as follows:

The nomination of Mr. Matthews was yesterday discussed by the Senate Committee of the District of Columbia, but was not disposed of. Senator INGALLS, in the course of a conversation with Senator RIDDLEBERGER Thursday, requested the latter to be present at the committee's meeting yesterday to make up a quorum and consider the Matthews case. This the Virginia Senator emphatically declined to do, saying that he would never help put a colored man in office against the wishes of the people most interested and that the quorum would not be constituted by his presence.

I care nothing for what the article contains except the word "colored;" and I take occasion here and now to state that I have never

* Report, Attorney-General, 1884, page 143.

heard in committee or elsewhere any reference, nor have I myself made any reference, to race or color as a reason for or against the confirmation of Mr. Matthews. So the word "color" there was inserted for some other purpose than to state the position of any Senator relative to this confirmation.

As a rule of the Senate forbids me to state the reasons assigned and reasons still existing which occasion the delay of this confirmation, I will say that only time can develop the real reason. In the mean time I want it understood that I have never assigned such a reason as appears in this paragraph, nor have I heard any other Senator in committee do so.

Mr. INGALLS. As my name appears in the paragraph which the Senator has just read it is perhaps proper that I should say that this is the first time that I have ever heard of it, and it did not happen to attract my attention when the paper appeared. No such conversation as that narrated ever occurred between the Senator from Virginia and myself. I never had any conversation with any gentleman upon the subject, and so far as I am concerned the statement is an absolute emanation from the imagination.

ADDITIONAL LIFE-SAVING STATIONS.

Mr. PLUMB. Mr. President——

Mr. CONGER. I ask the Senator from Kansas to yield to me.

The PRESIDENT *pro tempore*. Does the Senator from Kansas yield?

Mr. PLUMB. I yield for the Senator to make whatever motion he desires.

Mr. CONGER. I gave notice the other day that I would call up this morning, with the leave of the Senate, the bill (H. R. 6975) to establish additional life-saving stations. The Senator from Kansas tells me that he is limited as to the length of time of the debate this morning, and would prefer to have all the time. I ask that to-morrow morning, after the morning business, by unanimous consent the life-saving-station bill be taken up.

The PRESIDENT *pro tempore*. The Senator from Michigan asks the unanimous consent of the Senate that to-morrow after the regular morning business the bill to which he refers shall be taken up. Is there objection?

Mr. CONGER. It is a very brief bill, and I presume will not lead to any debate. There is a great reason why it should be considered.

The PRESIDENT *pro tempore*. Is there objection?

Mr. ALLISON. I object.

Mr. PLATT. I should like to say a word upon the subject.

The PRESIDENT *pro tempore*. The Senator from Iowa objects.

Mr. PLUMB. I now move that the Senate proceed to the consideration of the Post-Office appropriation bill.

Mr. CONGER. The Senator from Connecticut says he does not rise to object.

The PRESIDENT *pro tempore*. The Senator from Iowa [Mr. ALLISON] objected.

POST-OFFICE APPROPRIATION BILL.

Mr. PLUMB. I move that the Senate proceed to the consideration of the Post-Office appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5887) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887, the pending question being on the amendment reported by the Committee on Appropriations under the head of "Office of the Superintendent of Foreign Mails," after line 99, section 1, to insert:

For the transportation of foreign mails by American built and registered steamships, to secure the greater frequency and regularity in dispatch, and a greater speed in the carriage of such mails to Brazil; the Republics of Mexico, Central and South America; the Sandwich, West India, and Windward Islands; New Caledonia, New Zealand, and the Australian colonies; China and Japan, $800,000; and the Postmaster-General is authorized to make, after due advertisement for proposals, such contract or contracts with such American steamships for a term of not less than five years, and at a rate of compensation not exceeding for each outward trip $1 per nautical mile of the distance, in the most direct and feasible sailing course, between the terminal points, as shall be found expedient and desirable to secure the ends above set forth.

Mr. McPHERSON. I should like to ask the Senator from Kansas a single question, as I was not present in the Senate when that part of the bill to which my question applies was passed over. I refer to the paragraph on page 3, between lines 46 and 57, inclusive. Unquestionably there is some object and purpose in the amendment in that paragraph. I am unable to understand its necessity or its object, and I should like to have the Senator explain it to me in order that I may comprehend it.

Mr. PLUMB. That, with the exception of the last part of the amendment, commencing in line 53 with the word "said," is the provision inserted in the bill of last year. It was supposed at the time that it was a continuing provision; it was the design of the committee to make it a continuing provision; but some doubt having arisen about it, it was deemed best to insert it again this year.

The purpose of it is to enable the Postmaster-General to make one contract for the transportation of the mails from Tampa in Florida to Havana in Cuba, a distance of about 320 miles, 95 miles of which lying between Key West and Havana is in foreign waters. Without a provision of this kind he would be obliged to make two contracts, one for the coast line between Tampa and Key West and the other for the foreign service between Key West and Havana. It was designed to make a continuous service, one single contract, in order that there might be no delay and in order that the benefits to be derived from the special facilities of the service north of Tampa might be realized in the dispatch of mails to Cuba.

Mr. McPHERSON. The Senator's explanation, so far as it goes, is very satisfactory. I presume the intention is to give extra compensation for carrying the mails between Tampa, Fla., and Havana. Under the bill would it not be possible—in other words, would not the construction necessarily be put upon the bill to apply to the terminal points named? We will say that one terminal point is New York city and the other terminal point is Havana. A steamship leaving the port of New York, touching at different ports along the coast at Tampa as the last of our domestic ports, running from there to Havana, would it not be entitled under this provision to receive a compensation of 50 cents per mile all the way from New York to Havana and back again?

Mr. PLUMB. It would not be possible practically to put on a service of that kind. In order to render that service a steamer would have to round the whole peninsula of Florida and go up into the Gulf of Mexico about 200 miles. It would not be a continuous service; it would not be a useful service; and it is not the service contemplated by the bill at all. The Senator will see that this is limited to a service where the domestic office is not more than 200 miles distant from the foreign office between which there is not a service. The distance between Havana and Key West is 95 miles I understand, and it could not therefore apply to any other two points than Key West and Havana.

Mr. McPHERSON. Would it not be better to state in terms then exactly what the bill proposes to do in regard to the service between Tampa, Fla., and Havana?

Mr. PLUMB. There would be no objection to that except there is a line of railroad in progress between Jacksonville and Charlotte Harbor, a point still farther down the coast, and it might be that during the next fiscal year the Postmaster-General would have the opportunity to make a service between Charlotte Harbor via Key West and Havana which would be cheaper even than the service via Tampa.

The provision was inserted last year at the request of the Department with a view of making, as I said, one continuous service between the two points, and it is desired by the Department to be repeated this year, except that the Department have specially asked that the limitation at the rate of 50 cents a mile be stricken out as a rate which would probably be insufficient and would at all events be likely to embarrass the service.

Mr. President, when the Senate adjourned on Friday——

Mr. VEST. Does the Senator propose to close the debate now?

Mr. PLUMB. The only agreement there is about closing the debate is the one entered into on Friday.

Mr. VEST. I know; but, as a matter of parliamentary courtesy, the opposition ought to be heard before the debate is closed.

Mr. PLUMB. I do not desire to speak now if others will speak. If there is any one who desires to speak I should be glad to have him speak now, in order that I may close the debate at a later period, but I do not care to have the Senate detained for the purpose of waiting upon anybody.

Mr. VEST. Mr. President, it is not my purpose to debate again all the propositions which are involved in the amendment submitted by the committee; and but for the fact that several Democratic Senators have expressed their intention to vote for this amendment, when I know that those Senators are opposed to recognizing in any way the propriety of the present navigation laws of the United States, which prohibit any American citizen from purchasing a foreign-built ship, I should not address the Senate at all. I do not arrogate to myself any superior discernment or any superior industry when I state that the amendment proposed by the committee is absolutely antagonistic to the doctrine of free ships. A very brief examination of the existing legislation on this subject in the United States and of the amendment will make good this assertion. The Statutes of the United States, as they now exist, provide as follows:

SEC. 4007. The Postmaster-General may, after advertising for proposals, enter into contract for the transportation of the mail between the United States and any foreign country whenever the public interests will thereby be promoted.

There is no limitation upon this clause. The Postmaster-General may enter into contracts with any American or foreign-built ship for the transportation of the mails of the United States abroad, and this provision now existing is identical with the laws of Great Britain in regard to the transportation of the mails.

We have heard a great deal said here about subsidies paid by Great Britain. Mr. President, I do not propose to make an assertion, without any sort of exception, that money should not be paid out of the Treasury of the United States to encourage private enterprise. I can readily conceive a case in which private capital and private enterprise is not sufficient to carry out some great public policy and purpose. If I could to-day build an interoceanic communication between the Gulf of Mexico and the Pacific and the Atlantic, if I could aid any corporation to bring about that communication by a liberal advance of capital from the Treasury of the United States, by a guarantee on the part of the National

Government to private enterprise, I would willingly and readily, under proper restrictions, vote for such a bill. There are enterprises so gigantic and at the same time so necessary that the Government must use its vast capital and its unexampled resources in order to preserve the public interests, if not the public tranquillity. But this is not a case of that kind.

Much has been said of the course of England in paying subsidies to her great oceanic mail lines. Mr. President, I assert here, although it has been repeatedly stated to the contrary upon this floor and in the public press, that England has always advertised for contracts to transport her mails to all parts of the earth, open to all comers and without favoritism to her own people. But a few years ago a German company was the lowest responsible bidder for a British mail contract across the Atlantic Ocean to New York, and that company received it and carried the mails under that contract. To-day an American citizen can go to Great Britain and bid upon a mail contract, and if his bid is the lowest and he is entirely responsible the award will be given in his favor. Here in this legislation comes the same old question of confining the carriers to American steamships.

It is proposed now to change the existing statute of this country that permits a foreigner to bid here upon a mail contract, and substitute in its place that none but American steamships shall be permitted to carry the mails, and all competition is to be confined to American bidders. To-day we have but two routes on which there are two American lines, the one extending from San Francisco to the East, and the other from New York to Havana, so that no competition can come, except from those two lines, under the amendment now proposed.

I have read the provision of the Revised Statutes. That has no limitation. Now what is this amendment?

For the transportation of foreign mails by American built and registered steamships, to secure the greater frequency and regularity in dispatch, and a greater speed in the carriage of such mails to Brazil; the republics of Mexico, Central and South America; the Sandwich, West India, and Windward Islands; New Caledonia, New Zealand, and the Australian colonies; China and Japan, $800,000; and the Postmaster-General is authorized to make, after due advertisement for proposals, such contract or contracts with such American steamships, for a term of not less than five years, and at a rate of compensation not exceeding for each outward trip $1 per nautical mile of the distance, in the most direct and feasible sailing course, between the terminal points, as shall be found expedient and desirable to secure the ends above set forth.

Nobody can bid except an American. It is a repeal of the existing statute upon this subject, and it is the assertion of the old doctrine incorporated in 1790 in the navigation laws, a relic of barbarism, that unless an American can build a ship himself he shall not go upon the ocean he shall not go abroad and buy his ship where he can buy it cheapest, and sail it under the American flag. Why, Mr. President, from the statements that have been made upon this floor we should be led to believe that the Government of the United States had paid nothing in the past as mail pay to oceanic steamship lines. The Government of the United States paid from 1848 to 1885 mail pay amounting to $32,184,950.57 to steamships for carrying oceanic mails, of which amount foreign vessels received $7,123,117 and American vessels received $25,061,832—nearly four times as much paid to the owners of American steamship lines as has been paid to foreign owners; and yet has that prevented our merchant marine from going down, until to-day it has reached a point of insignificance?

In 1855, 85 per cent. of the commerce of this country was carried abroad in American bottoms, and to-day 17 per cent. is carried in American vessels and the balance in ships belonging to foreign nations; and yet with a fatuity, with a blindness, with a recklessness that almost surpasses belief, the American Congress, under the leadership of the Republican party, have hung on to these obsolete and barbarous laws enacted in the infancy of our Republic, enacted at a time when they were in retaliation against the exclusive legislation of Great Britain; and day by day and hour by hour our ships and our flag have disappeared from the ocean. In the forest of masts to-day the American flag is not seen in the merchant marine and can not be discovered except floating from the masthead of some old wooden tug that would not last one minute before the armored vessels and the superior guns now manufactured for modern warfare.

Why, sir, our merchant marine and our Navy have gone down together. Look at the newspaper accounts the other day of our nautical drill off Pensacola. There were five old wooden hulks and a few torpedo-boats; and one of the vessels, the Brooklyn, took fire, and it took all the rest to put the fire out. When the torpedo-boats advanced upon the United States frigate, they actually had no electric light to illuminate the harbor for the purpose of protection, and they were forced to throw up the old bombs in order to give a light to the harbor and to the waves in order to see the attacking party. It was a roaring farce.

The Navy of the United States to-day amounts to nothing. We have no sailors. Hardly 5 per cent. of the sailors in the merchant marine are American citizens. From 1856 down to this time we have retrograded and gone back in the merchant marine and in the Navy. Since 1866 the Congress of the United States has appropriated $385,000,000 for naval purposes. Think of it! Three hundred and eighty-five million dollars since the close of the war. And to-day we have got some old wooden hulks that would not last one-half hour before one single armored vessel of a second-class naval power. Chili to-day has got superior war ships. Chili to-day has two vessels that could reduce to ashes every seaport city of the United States without receiving a single injury. Italy could send one war vessel here that could bombard our cities and destroy our Navy. And this is the result of $385,000,000 appropriated by Congress since the close of the war for the pay of officers and seamen and the repair and construction of naval vessels.

Mr. HALE. This is an old subject. The Senator and I have repeatedly been in controversy upon it. I want to ask him if he means to convey the impression that since 1866, after the war ended, there have been $385,000,000 appropriated that have gone into either the construction or repair of ships. Is it not the fact, as I stated the last time he made this speech, in answer to it, that nine-tenths of all that has gone into the regular maintenance of the naval establishment and has not gone into ships?

Mr. VEST. Oh, yes.

Mr. HALE. Well, state it that way.

Mr. VEST. I never said that all of it went into these old hulks. I never said it had been thrown away in the construction of vessels of green timber that warped inside of three months and caused them to be sold for firewood. I did say it had gone to the naval establishment, to the pay of officers and men that had no ships, to the support of the intellectual gentlemen—it is nothing to their discredit—who have been hanging about the city of Washington for twenty years, the ornaments of hops, and receptions, and routs, and assemblies, for they had no ships to go to, who could not find any place on ship's quarters under the flag—sailors without a ship, officers without anything but a flag on land; and I repeat again that under the control of the Republican party $385,000,000 have gone and to-day we have got this show; this variety establishment that we exhibited the other day at Pensacola. With as gallant seamen, with as gallant officers as any nation in the world—because the coastwise trade does furnish gallant sailors who are willing to go into the naval service if there were opportunities—we have no ships.

This condition was not caused by the war and by the Alabama and by Captain Maffitt and by Admiral Semmes. It commenced in 1856. The decline of American shipping has a cause antecedent to the hostilities between the United and Confederate States. It is proposed now, as it always has been proposed, to avoid the real reason for this decline. We are asked now to increase the mail pay. We are asked to turn away to everything but the real cause. We can not build our ships, the ships that are fit for the ocean, as cheaply as it can be done abroad. It is impossible for us to do it. Mr. Roach has told us over and over again for twenty years that he could do it, and Mr. Roach has never been able to do it. To-day you can not build an armored or freight vessel for oceanic travel within 20 or 25 per cent. on the Delaware of what you can build it upon the Clyde; and here we shut our eyes; we are helpless under the present condition of things. We know that this thing exists. We admit that it exists. We sent a commission to South America. They come back and report to us the vast resources of those countries and Senators rise here and read statistics by the hour to show the vast trade with Brazil, and Chili, and Peru, and say we must have it; but you do not get it, and why do you not get it? You can not build the iron ships that will take it.

In 1876 a merchant of Boston built two vessels under the American flag at a cost of 25 per cent. more than he could have bought them for in England. He built them for the trade with Chili and Peru. He loaded them with Yankee notions, went down to those countries, and sold his outgoing cargo at a fine profit. He then undertook to load his vessels with the productions of Chili, and he found that he must load with either wool or copper. These were the great staple productions of Chili and Peru. He loaded with them because sailors say that a vessel which sails loaded only one way sails into bankruptcy. He was bound to have a return cargo, and he brought back that cargo to his own country. When he arrived on the coast of the United States he found that the tariff duties were such upon wool and copper that his profit would be entirely destroyed, and he sailed to England, sold his wool and sold his copper to the English manufacturers.

I made this statement here once before, and I very well remember that the junior Senator from Massachusetts said yes, but let the Senator from Missouri state whether or not that same American merchant could not have gone into the trade between foreign ports. Yes, Mr. President, he could have gone into the trade between Liverpool and Peru, he could have gone into the trade between Spain and England, but what we want is American builders to build ships for the American trade, not only on the principle of dollars and cents, not only to make money in the venture, not only to save one hundred and thirty or one hundred and forty million dollars that we pay annually on our commerce taken abroad, but in order to build up a navy, in order to have sailors under the American flag who are ready in the event of war to defend the honor of the country.

England, when she made the contract with the Cunard line of steamers and with the great Oriental line that has thirty-seven vessels, put into those contracts the provision that British naval officers should be carried upon those ships and should command the crews in order to establish out of the sixty-odd thousand sailors in the merchant marine of Great Britain a force of marines ready at any time to defend the British flag and to carry it in honor and safety over the world.

Now, Mr. President, I say deliberately that increased mail pay does not give us naval vessels, and I say this amendment is simply an assertion of the old spirit of the navigation laws which excludes the American citizen from the right to purchase a ship where he can purchase it cheapest.

I do not propose to discuss the tariff. I will dismiss it with one single remark. The whole principle of levying money upon any American citizen over and above the limitations of the necessities of the Government for revenue, is robbery under the form of law. If I am compelled to pay one dollar more for the coat upon my back to any tailor in any State or in any city of this Union than I would be compelled to pay to another, that being a contribution to the Government over and above my distributive share of the taxes necessary to support this Government, that law robs me of one day's labor; it takes one dollar's worth of bread and meat out of the mouths of my wife and children. I am compelled to bear my proportion of the public debt of this country. As an honest man and a loyal citizen, I am ready to pay it; but when the revenue of the country amounts to so much, let it be distributed fairly among the different States and sections of this great confederacy of States; but when any Congress or any party goes beyond the limits of the revenue necessities of the country and makes me give up my toil and my labor to protect any man, whether he be laborer or manufacturer, I say now and here it is robbery under the form of law.

The principle of incidental protection within the revenue limit is just. The high protective principle urged by the Republican party, and by some Democrats as well, I am sorry to say, on the people of the United States, is a proposition that I shall always denounce. Why should I pay John Roach or Mr. Harlan $50,000 out of my pocket in order to build a ship under the American flag when I can go abroad and buy that ship and save that $50,000 to myself and family? Mr. President, it has resulted in the destruction of the merchant marine of this country. Blind to the most ordinary common-sense principles that govern the ordinary men of the country, we go on blindfolded, as it were, to certain destruction of the American merchant marine and the American Navy.

Mr. President, what would be thought of a physician who continued to pour down the throat of an unwilling patient dose after dose of a certain medicine when he saw the vital energies wasting away under it day by day, and death with noiseless and inevitable step clutching the throat of his victim? What would be thought of the charlatan who persisted in a course that each day emaciated the patient and each day brought him nearer death? Would he not deserve execution as a public criminal? What are we doing and what have we done? We found out at least by 1866, after the close of the war, that we could not compete with Great Britain in iron ships. Did we pretend to take any other course than the old navigation laws of 1790? Did we propose to change the treatment? Did we saw away these old navigation laws and hunt for some new and appropriate remedy? Look at the difference between the statesmanship of Great Britain and the United States. It is not a question of what we want; it is a question of what we must do. It is not a question of the flag, and the star spangled banner, and the stripes that should float above every wave of the ocean. It ought to be presumed that every one of us wants it to float, wants equally to preserve the honor of this great country. It is a question of what is inevitable; it is a question of what we know; it is a question of necessity. The only thing presented to us now is, whether we shall learn from the past or whether we shall forget our folly in the future.

From 1840 to 1851 the United States steadily gained upon Great Britain as to the carrying trade and the merchant marine, and why? Because the constituents of my friend from Maine, with their immense forests of nautical timber could build a wooden vessel superior to any manufactured upon the face of the world. The Baltimore clipper ships dominated the ocean, and Great Britain year by year saw the scepter of the waves departing from her. In 1851 England came to the conclusion that the fight was against her, and even prior to that time, in 1849, England repealed her navigation laws similar to ours, which provided that every vessel that sailed under the British flag should be built by a British citizen, and should not be purchased abroad. England in 1849 repealed her navigation laws and said to her people, we can not compete with the Yankees in building wooden vessels; now go and buy their vessels from them; and we sold millions of dollars' worth of vessels, built in Maine, to the English merchants and ship-owners. What was the result? England still continued to press even a little ahead of the American merchant marine, and I desire to read from the best imaginable authority. I take it, with my friends on the other side, from no less a person than Mr. John Roach, who has been eulogized as the greatest and best of all the American citizens interested in this subject. I read from a pamphlet called The American Carrying Trade, by John Roach. Mr. Roach says:

1833 TO 1840.

Our commerce had grown in 1836 to $430,000,000, doubling itself in twenty years. Our tonnage increased in still larger proportion. In 1840 it was over 2,500,000 tons. We had also sold over 400,000 tons of shipping abroad, by this means bringing to the country $25,000,000 in gold. 90 per cent. of which was paid to American labor. Of our carrying trade at this period it has been well said "that its vast profits laid the foundation of the wealth of the country and built up its merchant marine with a rapidity unequaled in the history of the world."

By 1840 England's statesmen were alive to the danger of her position.

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Despite all these efforts they saw that the United States had already grown to be the second carrying nation of the world, had the raw material, mechanical skill, and energy to spare, and promised to become the first.

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In 1850 we had a tonnage of 3,535,454, an increase of over 200 per cent. since 1815. Our coasting trade, from which foreign ships were excluded, employed 1,900,000 tons of shipping, an increase of nearly 400 per cent. in the same period.

Now mark—

All this while England was paying $4,000,000 a year to her fast steamships, which were intended to drive our clippers from the sea.

Four million dollars of increased mail pay, and yet during all this time the American flag was steadily gaining upon that of Great Britain; and if we come to details we shall find that in 1848—I ask the attention of Senators to find out whether this increased mail pay is the remedy—in 1848 the United States paid in bounty to vessels sailing under the American flag $100,500, and England paid for ocean postal service the same year $3,250,000. In 1849 the United States paid $235,086 and England $3,180,000. In 1850 the United States paid $619,924 and England $5,315,985. In 1851 the United States paid $1,465,818 and England $5,330,000. In 1852 the United States paid $1,655,240 and England $5,510,635.

And so on in the same proportion to 1858. Now, let me put a question to the advocates of this amendment. They say this is the remedy; they say that this opens up new avenues of trade, that with our present navigation laws unrepealed increased mail pay will bring back our flag within a limited degree to the ocean. I want to know why we had such an era of unexampled prosperity and advancement of the American flag up to 1858, when we gained upon Great Britain, when we paid no subsidy or increased mail pay, and England expended these vast amounts? If the argument be a correct one, and this is the remedy, why was it that, without paying a single dollar, almost each year we continued to gain upon the British in the struggle for maritime supremacy? We gained upon them in spite of our paying no subsidies. We gained upon them because we could build better ships under the existing condition of the world on the ocean at that time. We built better wooden ships than Great Britain could build, and she bought them from us.

In 1851, and even before that some years, Great Britain commenced the construction of iron ships, and Great Britain excels us as much to-day in iron ships as we excelled her up to that time in wooden vessels. But our statesmen refused to learn from the past. They refuse to-day to do what Great Britain did, permit the American citizen to buy what he can not build as cheaply as they can. Do you ask me the reason? For the purpose of this argument it makes no difference. The facts exist and you can not answer them. You can not build within 20 or 25 per cent. of what England can.

Mr. HALE. Will the Senator permit me to ask a question?

Mr. VEST. Certainly.

Mr. HALE. I have never claimed that subsidy alone revolutionized the commerce of the world, but I have claimed that every power that has sought to increase its commerce has resorted to subsidy. Does not the Senator know—and it is pertinent to what he was saying—fixing, as he does, the time when English commerce and her mercantile marine took a lurch ahead, that that immediately followed the large increase by the British Government of subsidies? Does he not know that the ascendency of American trade and the comparative falling off of British commerce was what alarmed the British ministry of the time, and that in 1848 it began to increase subsidies and continued to so increase, and that, just as he says, in the years immediately succeeding, the commerce of Great Britain began to increase and that increase proceeded *pari passu* with the subsidies which she paid? If he does not know that, he has not looked at the figures, and it is precisely in the line of what he is saying, except that he does not give these facts which I now give. That is, when the ascendency of the British mercantile marine began to be shown to all the world, following her system of subsidizing lines, not only the Cunarders to the Atlantic coast of the United States, but the other lines all over the waters of the globe, and Great Britain reaped her reward. I do not say that it was all from subsidies, but they were a part and parcel of the result.

Mr. VEST. Well, Mr. President, I have studied this question of the merchant marine and the reasons for its decline, and the remedy, if any exists; and I have never heard any such statement before as that made by the Senator from Maine.

Mr. HALE. Does the Senator deny it?

Mr. VEST. I do deny most emphatically.

Mr. HALE. Does the Senator deny the statement?

Mr. VEST. I deny the fact. The Senator believes it, but it is not the fact.

Mr. HALE. Does the Senator deny that in 1848 Great Britain began to increase subsidies, that she subsidized the Cunard line at the rate of $400,000 a year, and from that increased her subsidies so that she was soon giving at the rate at one time of nearly $6,000,000 a year; that her commerce increased during this time—does the Senator deny that?

Mr. VEST. I deny emphatically that the advantage which Great Britain has over us, commencing from 1851 or 1852, came from subsidy.

Mr. HALE. Does the Senator deny the statement I have made that the subsidies were given as I stated, and that the increase of British commerce continued along with subsidy? He may draw one inference and I draw another, but the statement I have made can not be denied.

Mr. VEST. Great Britain had continued her subsidy system long before 1848.

Mr. HALE. Not to any great extent.

Mr. VEST. She commenced giving subsidies back in 1837 and gave sometimes greater and sometimes less; but the subsidy system has existed in Great Britain since 1836 or 1837. Mr. John Roach has stated it over and over again. Subsidies made no difference between the American and British merchant marine, as the figures show. It was the invention of iron ships by Great Britain which redeemed her from the disadvantage which had been placed upon her by the construction of wooden vessels in the American ship-yards; and when she commenced the construction of her iron merchant marine, from that very day, commencing, say, in 1854, England took away from us any chance of competing with her unless we had the same sort of facilities with which to meet her.

Mr. McPHERSON. I want to ask the Senator from Missouri one simple question. Do I understand him as confessing that the English, the German, and French Governments shall have all the commerce with the South American States?

Mr. VEST. I do not.

Mr. McPHERSON. Very well. The Senator has cited a case in which an American merchant built two American ships, took them to South American ports, and sold a cargo there, because I take it no government has an advantage in those markets. There are no reciprocity treaties with those governments. The Englishman, the Frenchman, the German, and the American stand on exactly the same terms at a South American port. But the Senator says the return cargo of this American merchant was forced to a British port for sale. Then as a matter of course upon that reasoning the Englishman has an advantage over us to-day in the South American trade.

Now, what else does Great Britain do to help that? Great Britain to-day subsidizes the royal steamship line, running between her ports and South America, to the extent of $450,000. In addition to the advantage the Senator himself has cited as against American commerce, Great Britain gives a subsidy of $450,000; and how does she collect it? She assesses it upon her colonies, upon Barbadoes, upon Bermuda and the other West India Islands; and the ship sailing from Southampton or Liverpool runs to the English colonies, discharges her cargo, takes the mail, runs down the coast to the River Plate; and what is she loaded with? She loads with British manufactured goods and with British products. She sells them in the South American market and she loads for our ports with goods admitted duty free here, say rubber and coffee. She goes to the port of New York and she takes a load of our goods from there to Liverpool. Thus there is a triangular line subsidized to the extent of $450,000 in addition to the advantage which the Senator says exists against us.

Now I want to ask the Senator from Missouri just this one simple question. If there is anything the American people above all other things in this world want to-day, it is a market for their surplus products. Now pray tell me, confronted as we are by that condition of things, with the advantage, which I say is a great advantage in favor of the English commerce in South American ports, and in addition to that subsidies of $450,000, the English Government last year made $150,000 out of the line and then assessed her colonies along the South American coast to make it up. How are you going to get that trade? That is the question. I ask the Senator how are you going to get it?

Mr. VEST. Mr. President, we shall never get it under the present condition, and shall never get it by giving $800,000 a year for mail aid. I can tell the Senator how I would get it if I could frame the legislation myself. In the first place, I would repeal these infamous navigation laws. I have heard a great deal about "the twin relics of barbarism—polygamy and slavery." Here is a triumvirate of barbarism—polygamy, slavery, and the navigation laws. They were born in sin and conceived in iniquity. These navigation laws were the result of the bargaining between South Carolina and Georgia on the one hand and the New England States upon the other, by which the slave trade was perpetuated until 1808, provided the South would agree to consent that it did not require two-thirds in Congress to enact the navigation laws. These navigation laws are to-day against the sentiment of the civilized world; and no other civilized nation to-day pretends to have them upon her statute-book.

In further answer to the Senator from New Jersey, I would not only repeal these laws and let an American citizen buy his ship where he could buy it cheapest, but I would try something else besides the medicine that has brought us nearer and nearer to the grave for thirty years. I would reform the tariff. I would let a man take his ship to Peru, load with copper and wool, bring that cargo under the American flag to an American port and put it into the hands of his own countrymen to manufacture. I would bring down this tariff to the revenue basis, and I would preserve the spirit of our institutions and of the Constitution, which says to every man, "All the Government proposes to do is to give you an equal chance in the race of life, and not to handicap one man to the advantage of another, or one section to the advantage of another." To-day England obtains the trade of the world because she gives an equal chance to all her citizens, and because her laws are just and equitable and based upon a proper common-sense business principle. England has a vast colonial system, and is obliged to carry her mails to all portions of the world, and she gives increased mail pay in consideration of increased service.

I have never believed that that statute was just or equitable which forces an American ship to carry the mails for 4 or 5 cents a letter to any portion of the world or refuses her a clearance. I voted for the repeal of that law. I believe in honest mail service to-day, and I believe honest mail service can be maintained under existing legislation. What is this amendment? It is to retain the navigation laws by an insectivorous appropriation of $800,000 to make up for the violation of a great principle, and a principle based upon sound common sense.

Mr. President, the leaders of the Republican party have recognized the necessity for a change of these laws, but so sensitive are our Republican friends as to the doctrine of protection that they are unwilling to break one single link in the chain that binds the union of American merchants, manufacturers, and ship-owners for fear that the whole fabric will tumble to pieces. I remember that for seven years since I have been in the Senate we have been told that if we reformed the navigation laws as to tonnage, as to the wages of seamen, as to pilotage, and as to the expenses of sailing a vessel, American enterprise, American capital would soon compete with England. Two years ago we repealed those portions of the laws, and one amendment which I had the honor to offer myself swept away a portion of this infamous navigation system which required an American vessel which shipped its crew in a foreign port to discharge that crew when it reached an American port and re-employ them, thereby putting money into the pockets of the shipping-commissioners and the boarding-house keepers. The superintendent of the International Navigation Company, Mr. Griscom, of Philadelphia, stated to us that if that single amendment were made it would go very far toward restoring or at least starting our merchant marine upon the ocean.

We did repeal them, and made all these other amendments that were demanded by the shipping interest of the United States; and what has been the result? In the last two years the decay in the American merchant marine has even been more rapid than in any two years before; and now, mark it! the International Navigation Company, known as the Red Star line, had ten American steamships put under the Belgian flag, and as they were built or bought with the money of citizens of Pennsylvania to the extent of $5,000,000, and only one-fifteenth of the stock of the company was owned in Belgium, the ten steamships were put under the Belgian flag in order to avoid the result of the navigation laws of the United States, and Mr. Griscom—I read his letter, and I have it here—states that the difference between running one of those vessels under the American flag as the law stood a few years ago and under a foreign flag was $15,000 a year upon each ship, making a difference to his line of $150,000 a year on ten vessels.

We repealed these odious provisions as to tonnage and as to the fees of commissioners, but the decline has continued, and now, mark the sequel! Mr. Griscom comes now for the International Navigation Company and offers a bill to the Senate, which is pending, proposing to put his vessels back under the American flag provided——

Mr. MILLER. Will the Senator allow me?

Mr. VEST. Certainly.

Mr. MILLER. The Senator, I think, does not exactly understand that those ten ships were built in the United States.

Mr. VEST. No; I say they were bought with capital of citizens of the United States.

Mr. MILLER. You said he came here asking to put them back under the American flag. Your first allusion to it was that he had put ten American ships under the Belgian flag.

Mr. VEST. I meant that they were bought and paid for with American money, the money of American citizens; that it was an American enterprise; that when they came to put a flag over the vessels they put a foreign flag on account of the difference in the cost of running the vessels. I have Mr. Griscom's letter here, and I feel like reading it. We offered to make up this difference; that is, to remove it, and I labored as earnestly as any member of the Senate to bring about that result, and what is the consequence? The merchant marine continues to decrease. Mr. Griscom comes now with a bill asking the privilege of putting these vessels under the American flag, and so far there could be no objection to it. No Senator here, no matter what his political preference, would for a minute pretend to say that these steamships should not be put under the American flag if possible.

But Mr. Griscom asks one other thing. He asks that if one of these vessels after being put under the American flag should become disabled or destroyed, either be sunk or be burned, then his company should have the privilege of buying another steamship wherever it could, upon the cheapest terms, and put that in the place of the one that had disappeared. That single section in that bill causes every manufacturer, every high-protective tariff man in Philadelphia to rise simultaneously

and protest against the passage of the bill. They were willing these vessels should come under the American flag—oh, yes—but they were unwilling that if one of them should be sunk or disabled, this company should be permitted to buy another steamship in the best market and for the lowest price. In other words, the men who remonstrated against this bill were determined that not one single iota, not one single letter of the high-protective tariff system of the United States should be touched either in manufacturing or shipping.

The Senator from Maine [Mr. HALE] and his colleague now occupying the chair [Mr. FRYE] love the coastwise service of the United States. They say there is an example of the exclusive system and of the advantages of such system. Why, Mr. President, I believe the coastwise trade of the United States would flourish in a greater degree if the men who put ships into it were permitted to buy them where they could buy them cheapest. But it is not proposed now to touch that trade. We are talking simply of the foreign trade of the United States, which has fallen to 17 per cent., while our commerce has steadily increased.

But I was proceeding to say that the leaders of the Republican party recognized the difficulties in our way with the navigation laws remaining. Here is Mr. Blaine's panacea. In his letter to the merchants of New York in regard to the coastwise trade he says:

> We can build wooden ships better than any other country, and we can build them as cheaply; but after they are launched and in trade they should not be worried, and harried, and burdened with every form of taxation, port-charge and quarantine exaction at home; and maltreated and oppressed, as they too often are, by our consuls in foreign ports. They should have every facility for supply in our ports that England gives to her ships."
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> We must have iron steamships besides, and with the start that other nations enjoy to-day we shall never compete with them, unless we use the same aids and the same instrumentalities that have built their steam fleets. And that aid I would give. And to give it effectively and wisely I would abandon all idea of granting subsidy to special lines as they apply to Congress for aid. That policy, however just and meritorious, will always be rendered abortive by prejudice, by jealousy, and by scandal, either actual or imputed. I would prefer a general law that should ignore individuals and enforce a policy. For instance, enact that any man, or company of men, that will build, in an American yard, with American material, by American mechanics, a steamship of 3,000 tons, and sail her from any port of the United States to any foreign port, he or they shall receive for a monthly line a mail allowance of $25 per mile per annum for the sailing distance between the two ports; for a semi-monthly line, $45 per mile; for a weekly line, $75 per mile. Should the steamer exceed 3,000 tons, a small advance on these rates might be allowed; if less than 3,000 tons, a corresponding reduction; keeping 3,000 tons as the average and the standard. Provide that the steamships shall be thoroughly inspected by a competent commission, under the direction of the Secretary of the Treasury, the Secretary of the Navy, and the Postmaster-General, and thus insure the very first class of construction for safety and for speed, both for passenger and cargo.

There Mr. Blaine does not recommend increased mail service or increased mail pay, but he recommends a subsidy based upon tonnage, such as the French have tried and in which the French have failed. Germany pays no subsidies, and yet the merchant marine of Germany is increasing from day to day in numbers and in efficiency. France has adopted the same system which Mr. Blaine recommends, and the result is that to-day France is making no progress in her merchant marine, notwithstanding the increase of her subsidy system. But I read again a recommendation made by the President *pro tempore* of the Senate, the Senator from Ohio [Mr. SHERMAN], when he was Secretary of the Treasury, I believe in his last report while he held that office. Mr. Sherman said, in his report to Congress:

> It has always been the policy of the law to restrict the privileges of American registry to vessels built in this country. The object was to further the shipbuilding and naval interests of the country, and this policy was so successful as to advance the United States to the second rank among nations as respects tonnage and the number of its ships. While wood was the article mainly used in the construction of ships, we had the advantage over foreign nations in the cost of material. Our ship-builders could not only supply vessels for domestic commerce, but could successfully compete in the carrying trade of the world. The use of iron in ship-building in place of wood is, however, steadily increasing, and in the cost of iron and in the price of labor other commercial nations have the advantage. It is a grave question of public policy whether the period has not arrived when the unlimited right of purchase, as under the English statutes, should be extended to vessels as well as to other commodities, and when admission to American registry upon the payment of duties should be allowed them upon importation. The recovery of our old position in the carrying trade will more than counterbalance any disadvantage likely to ensue from a modification of restrictions upon the right of purchase, while a moderate duty on ships imported will enable our ship-building to compete successfully in the construction of iron vessels of the largest class. The proper policy to be pursued is difficult to determine, but the great importance of considering the subject is respectfully submitted to the attention of Congress.

Mr. FRYE. I was in the chair when the Senator from Missouri made a statement that Germany paid no subsidy, as he called it. Germany has just appropriated $1,100,000 to one line. A communication received from the State Department about ten days ago, referred to some committee, I have forgotten which, will give the information.

Mr. VEST. I know it to be a fact that after France had what is known as her subsidy law giving a certain amount of subsidy for tonnage, Bismarck recommended to the Reichstag that a similar law should be enacted by Germany, and the merchants of Hamburg and of the other cities engaged in shipping in Germany rose as one man and protested against it, and it did not receive a vote in the German Parliament or Reichstag—not one, and Bismarck withdrew it. And if any such subsidy has been granted within the last ten days, I have not heard of it, and it is beyond my belief. Of course the Senator is confident in his statement that as Germany has increased her merchant marine without subsidy she should now proceed to that policy. France has gone back under it. The Senator from Kentucky [Mr. BECK] read the other day an official statement here showing that notwithstanding the subsidy system France has failed to build up her merchant marine.

Mr. FRYE. France has not given up her bounty system. I call the attention of the Senator to the distinction between the two. I call it mail pay where you pay a ratable price for carrying the mail. I regard the English price as reasonable. When I say Germany has subvented I mean she has provided $1,100,000 for carrying the mail by one line, and I think the Senator will find the contracts will be here before the discussion is over. France has not given up her mail-pay, not a dollar of it, nor declared it a failure; neither has she given up her bounty system, which is another thing entirely.

Mr. VEST. The law of France which pays a bounty to every citizen that builds a steamship, whether built at home or abroad, is yet upon her statute-book; but I assert here that it has not built up her merchant marine, and to-day she is behind Germany and immeasurably behind Great Britain. That is the assertion I make.

Mr. HALE. Does not the Senator know that from 1870 to 1883 the French commercial marine rose from 154,415 tons in the first year that I have named to 667,474 tons in 1883, and that the present year France is paying annually to the steamers which carry its mails $4,600,000? She pays $1,714,604 to the Japan, China, and India lines; $728,000 to the South American lines; $950,000 to the Mediterranean lines; $790,000 to the Mexican and West Indian lines; and $500,000 to the New York line, and other sums smaller to smaller lines. Yet the Senator says that her commerce has not increased, that she has abandoned subsidies!

Mr. EUSTIS. What is the Senator reading from?

Mr. HALE. The report of the Central and South American Commissioners, House of Representatives, Executive Document No. 226, Forty-eighth Congress, second session.

Mr. VEST. France has been paying that mail pay for years, and still falling behind with her merchant marine. This mail pay or subsidy as the English call it—for they call all mail pay subsidy—we attach an American meaning to the word as a bounty paid out of the Treasury to increase private enterprise, but they call all mail pay subsidy.

Mr. HALE. What does the Senator mean by saying that France has fallen behind in her mercantile marine in the face of this statement from official figures?

Mr. VEST. I mean to say that France has not increased in proportion with the other maritime nations of the world.

Mr. HALE. She has increased in larger proportion than any other European country, except possibly Germany. In these years I have given she almost quadrupled her mercantile marine.

Mr. VEST. I assert here that while France has increased her tonnage, her trade has fallen off; and if that be so, as it is, and if mail pay is the remedy, as my friend says, why to-day is it that she has adopted this bounty law, and in addition to this vast mail pay which he has read here is now paying a bounty on tonnage?

Mr. HALE. What does the Senator mean by her trade falling off? Even if now he is willing to admit that her commercial marine has increased, does he mean that her exports have fallen off, or her imports?

Mr. VEST. I mean that her commerce has fallen off?

Mr. HALE. Undoubtedly France by a consistent course of protection has built up and stimulated and established home industries to such an extent that where she was obliged formerly to import from abroad, she has the products at home. That is true. But France has not gone on and built up a mercantile marine, quadrupling it in the time given in these few years, without something for that marine to do, and these statistics show that it has plenty to do.

Mr. VEST. I have the official statement; I ask my colleague to read this statement, which comes from the bureau here, to show what the condition of French trade and commerce is.

Mr. COCKRELL. Mr. Ford winds up in these words:

> The bounties have succeeded in infusing life into neither ship-building nor ship navigation. France finds it cheaper to have her iron vessels built in Great Britain and a large share of her wooden ships in other countries. The lines of ships that were called into being through the liberal offers of the government are represented as being in a state of bankruptcy, and existing lines that participate in the bounties are either paying no dividends, or very small amounts. The exports of France, reflecting as they did the slight reaction which ensued in 1879, have since declined and are still declining in value, and the decrease can not be explained by a fall in the prices of commodities, but rather by an absolute decrease in the foreign commerce of the nation. In fact, it may be asserted that the bounty policy of France, intended to bridge over a temporary depression, has aggravated the situation, and has proved itself to be a source of mischief and not of cure.
>
> Respectfully,
>
> WORTHINGTON C. FORD,
> *Chief of Bureau.*
>
> BUREAU OF STATISTICS,
> *Department of State, April 7, 1886.*

Mr. HALE. Has the Senator got no figures? That is simply the report, the argument of a consul, without giving statistics, without referring to the figures, simply making his own conclusions. I do not deal with anything of that kind, and I fancy, as has been said to my right, it was a consul sent out for that very purpose; at any rate, he must be in sympathy with the purpose of the administration.

Mr. TELLER. I want to suggest to the Senator from Maine that

Mr. Ford's own statistics that he gives show that his conclusions are not correct.

Mr. HALE. Quite likely.

Mr. TELLER. If you look on page 10 of his report, it appears that the number and tonnage of French steam-vessels have increased very largely from 1873 up to 1884. The conclusions are not warranted by the facts he has himself stated in his report.

Mr. VEST. Now, Mr. President, Senators are not satisfied with the report of one of our own officers, and I take it for granted—I do not know—like all the rest of them (for not many have been removed) he is in favor of a high protective tariff. If not, I ask his pardon; but if anybody could throw a missile and strike one of these officers that was not sending reports here in favor of a high protective tariff for Cleveland's administration, I would give a premium for him as a natural curiosity. It seemed to be their business in life to furnish arguments for the high protectionists in the United States. I do not know Mr. Ford, but if the Senators are not satisfied with his report I will read now from some other authority.

On page 113 of the report of the joint committee on shipping will be found a table showing that France has bound herself by contracts made in 1854, 1861, and in 1865, to pay to various steamship lines for mail transportation the annual sum of $4,677,778. Notwithstanding this, France found that she was fast dropping behind in the race for commercial supremacy, and so, in January, 1881, a law was enacted by the French Assembly giving large premiums upon both the construction and sailing of vessels under the French flag.

That is history; and if mail subsidies were a success, why was France driven to the law in regard to bounties? In 1850 the French tonnage amounted to 688,153 tons; in 1870 it had increased to 1,072,048 tons, but in the next decade up to 1880 it fell off to 919,298 tons, and that in spite of the enormous subsidies of over $6,000,000 a year paid to steamship lines by the French Government. In his work on "Our Merchant Marine"—I do not know whether it is considered good here or not—Mr. David A. Wells says:

> The results of the first year's experience of the French system, so far as reported, have not proved satisfactory. Bounties were granted for the encouragement of voyages between French ports, the French colonies, and countries out of Europe; but the returns for 1881 show a very marked decrease in the French tonnage engaged in her colonial trade as compared with 1880, when there were no bounties; while the French tonnage entries into French ports from foreign countries showed a decrease in 1881 as compared with 1880, with some marked gain in the same time in regard to clearances.
>
> But what is most noticeable is that the entries and clearances of foreign tonnage (which of course receives no bounty) into French ports during 1881 showed a very large increase as compared with 1880, and was apparently in no way affected by the new and discriminating privileges extended French shipping in order to enable it to successfully compete for foreign business.

And that is the result of increased mail pay or subsidies and bounties put together. But we are not without experience ourselves. We paid to the Pacific Mail Steamship Company from 1867 to 1877, $4,750,000, and $1,812,000 to the line between the United States and Brazil. Has that built up our merchant marine?

My point is that this increase of mail pay, or subsidy, to use the English expression, is not the remedy for the condition of the merchant marine of the United States. The disease is more deadly. It is like applying cuticura to a man whose lungs are diseased. When the vast fountains of life have been attacked, how long can we go on? The patient is in a desperate condition. It is hardly necessary to repeat what is the condition of the merchant marine of the United States, and yet Senators year after year appear here and clamor for the existence of these navigation laws and say to those of us who ask that something else may be tried and some other remedy administered, "Oh, you are in the interest of Great Britain; you are seeking to attack this high protective tariff system;" and then when they can not say anything more these Senators appear before their admiring constituency and say that the free-trade men of the United States or the revenue-tariff men are in the interest of Great Britain and seeking to strike down American labor! Why, sir, I received this morning and have upon my desk the following as a specimen of the high tariff literature disseminated through this country to the workingmen of America:

[Face.]

To the workingmen of America. A few facts from United States official reports, compiled by a workingman.

[Back.]

Fellow workmen are requested to watch closely the actions of their representatives in Congress. Any member of Congress voting for low-tariff measures is not "a workingman's friend," and should be shelved at coming elections.

I would like to see that "workingman." If he has not got a three-story silk hat on his head, and diamond shirt studs in his bosom, and a pair of fancy kid boots, and does not board at the Fifth Avenue Hotel and have his board paid by the manufacturers and ship-builders of the United States, I will forfeit one year's salary in Congress. "Workingman!" Horny-handed son of toil! Why does he not sign his name as an honest workingman? Is he ashamed of it? He is a hired subsidy tool of those interests that intend to keep upon us this badge of inferiority that says to American citizens, "You shall not take your money and buy your ships where you can buy ships, but for fear that you will affect this sacred white elephant of the high protective tariff, you shall not infringe upon the navigation laws, which are a portion of the protective system of the United States."

Mr. EUSTIS. Mr. President, I did not intend to speak upon this question; but the Senator from Missouri has indulged in such peculiar arguments, as I regard them, that being in favor of this amendment to the Post-Office appropriation bill, I desire briefly to explain the reasons for my vote.

I regret exceedingly that the Senator from Missouri did not give us a clear definition of what is a subsidy. For instance, the Senator from Missouri introduced a bill here the other day guaranteeing the payment of $37,500,000 to a private company to enable that company to build a ship railway on foreign soil. That was a proposition to take the money of the people of the United States, to give that money to a private corporation, that corporation being engaged in a private enterprise. Now, Mr. President, I am not criticising that bill; I intend to vote for that bill; but why was it that that bill was introduced by a Senator who is so fierce and so vehement in his denunciation of what are called subsidies? Is it a consistent position for him to occupy that he introduced a bill for such a purpose and now earnestly opposes this amendment because this amendment is intended to establish a subsidy?

He gave as a reason in alluding to that ship-railway bill that there were certain enterprises of such a gigantic character that sometimes it became necessary for the Government of the United States to aid private capital in order to secure the accomplishment of such a great work. I beg to correct the honorable Senator's statement. Far greater enterprises than that proposed have been undertaken by private capitalists, and those great works have been accomplished without government aid or government assistance or government subsidies.

Such was the case with reference to the Suez Canal; such is the case now with reference to the Panama Canal; and therefore I do not admit that the reason which he gave why we should favor that subsidy is either very satisfactory or quite conclusive. But I take it that the real reason is that he approves of the policy which is declared in the bill which he proposes. I approve of that policy, and I think it is directly in the line of the policy declared in this amendment; and that is, that we shall have the aid of the Government to promote, encourage, develop, and build up our mercantile marine.

He says, but that is not the remedy; the remedy is free ships. Now, the Senator has no right to assume, as he did assume, that I as a friend of this measure am opposed to free ships, for such is not the case. I do not consider that there is any antagonism whatever between this amendment and free ships; and that is illustrated by the policy and the course of all the important governments to-day on the face of the earth.

France has free ships to-day, and yet France subsidizes steamship lines to the amount of $5,124,000 a year. Germany has free ships to-day, and yet Germany subsidizes steamship lines. Italy has free ships to-day, and yet Italy subsidizes steamship lines. England has free ships to-day in every sense of the word, and yet England subsidizes steamship lines.

Therefore I maintain that there is no incompatibility between the two systems; that a government and an individual may be in favor of free ships, and at the same time in favor of subsidizing steamship lines. Hence the criticism that I would make upon the position of the Senator from Kentucky and the Senator from Missouri, living as they do in the far interior of our country, and of course being very well informed on maritime problems, better informed perhaps than those who live nearer the seacoast, is this: that you have been telling the American people and Congress for the last ten years, "Free ships is the remedy," but we have not got free ships, and we have not had free ships; and I ask you, can we continue to listen to that argument unless gentlemen are prepared to tell us when we are going to have free ships? Will they ask us to remain as we are and as we have been, for the next ten years, and occupy the same position that we have occupied for the last ten years; remain as a nation entirely bereft of all those advantages which we see are within our grasp; and are we to continue to remain satisfied in the future, as we have in the past, with very able speeches about free ships and free trade?

Compare the statistics of ten years ago with the exhibit that is made to-day. You will find that our trade relations with the Central and South American states, so far as progress, so far as increase, so far as development is concerned, are unchanged, scarcely disturbed, and on the other hand you will find that the trade relations of England, France, Germany, and Italy with those countries have vastly and incredibly increased; that to-day Italy, a nation that was born but yesterday, has closer trade relations with Brazil than the United States, at least so far as any advantages are concerned, and that to-day Italy has armored ships fit to be compared with the armored ships of England, has a navy compared with her population and resources equal to the navy of England, and has a maritime fleet that equals that of England when you consider the population and resources of the respective countries.

I saw last spring myself launched from one of her ship-yards a ship of 10,000 tons, a man-of-war, equipped, built, her armament constructed, everything the result of the industry and the skill of Italian mechanics; and, sir, that has been the ambition of every civilized country from the dawn of civilization to the time of the Romans and Carthagenians,

and coming down to the time of the Italian republics and the time that Spain reached the zenith of her power; and to-day the great question and the great problem is one of maritime supremacy, because that represents (although the Senator from Kentucky wanted us to believe that there is no difference between a ship and an ox-wagon) the power, the ambition, the wealth, the prestige, the prosperity, and the civilization of a nation.

It is not, Mr. President, a question of free-trade or of protection; it is, in my judgment, a very narrow-minded view of this great question of whether a nation shall have a mercantile marine to attempt to apply to that problem the general theories and general propositions that apply to the domestic manufactures of any particular article. It is a question far above the other in dignity, in importance, and in its results.

For one, sir, I may say it is a strong sentiment residing in the breast of every American citizen, that he would prefer to see the American flag instead of the flag of other nations floating at the mastheads of the hundreds and thousands of steamships that enter the ports of the civilized world. I say, sir, it is a matter of which we ought to be justly proud, for if we are not we shall be in the history of the rivalry of nations the only people on the face of the earth that have not been proud of maritime power and maritime supremacy.

We have before us a practical proposition, a practical question; that is, to give Government aid to steamship lines in order to develop and increase our trade relations and commercial intercourse with certain nations, What do the opponents of this amendment offer instead of it? Nothing but general propositions; nothing but theories. There is nothing practical in what they offer. On the other hand what do its advocates suggest? We find that there is a strong feeling, particularly in my section of the country, being awakened and aroused to the great importance of this question. Our citizens feel and believe that the American people are entitled to that commerce; they believe that it belongs to the American people; and they also believe that there must be some extraordinary impediment which prevents them from reaching out and clutching those golden prizes almost within our reach.

Therefore it can not be an unimportant question; it can not be a question of free trade, and if the honorable Senator from Missouri permitted a certain expression to escape his lips that this was a political question, I would remind him, and I know that he can not be unaware of the fact, that the largest subsidies that have ever been granted in the history of this Government were granted under Democratic administrations.

That law which he has denounced, that the mails of the citizens of the United States should be carried in American ships alone, which has encountered his fierce opposition, was passed under a Democratic administration, was afterward approved and indorsed by a Democratic President, and under his administration contracts were made by which steamship lines were not only subsidized, but more than that, Mr. President, by which in order to make the subsidies available that Democratic administration indorsed the proposition that an enormous advance should be made to the contractors in order to enable them to build American ships and avail themselves of the subsidy; and here is what Mr. Polk said in reference to that law in his first message to Congress:

> Proper measures have been taken, in pursuance to the act of Congress of the 3d of March last, for the establishment of lines of mail steamers between this and foreign countries. The importance of this service commends itself strongly to favorable consideration.

Then for years an enormous subsidy was paid to various steamship lines. First, there was the Collins line; then there was the Sloo subsidy—subsidized steamships from New York to Havana, from Havana to New Orleans, and from New Orleans to Chagres. Then there was the Aspinwall subsidy from Panama to Astoria in Oregon. The Collins line received on an average every year $858,000, the Aspinwall line received $357,000 every year, and the Sloo line $284,000 annually.

That law remained upon the statute-books during nearly all the Democratic administrations, and even to-day, if I have not misread the statutes, there is a decided discrimination in favor of sending mails by American steamers. Therefore, Mr. President, I have not appreciated that argument by which a mere prejudice has been sought to be created. I prefer to listen to serious arguments. It is a question on which there may be an honest difference of opinion.

It is not a new question, it is not a question whether at any antecedent time there has been any corruption or jobbery in connection with the subject. That seemed with the Senator from Kentucky to be a very strong argument against this amendment. I do not suppose that the honorable Senator would have it understood that he intended to intimate that because a certain amount of money is appropriated by Congress to be disposed of by the present Postmaster-General under certain limitations and conditions, therefore there is to be any corruption or jobbery in the discharge of that public duty by the present Postmaster-General.

I have utterly failed to hear a perfectly serious argument in opposition to this amendment. What we do know is this, that in the rivalry of governments to secure trade, and particularly the trade with South America, there has been a policy agreed upon. Those governments are not disposed to throw away millions of dollars; those governments are economically and wisely administered; and yet we find that the four principal governments that have any seacoasts at all have agreed upon the policy that in order to establish trade with certain countries you must have certain regular and speedy communication. That is the system to-day.

Those who choose to adopt or to repudiate, to accept or to ignore that system, are at perfect liberty to do so; but I say there has been no explanation seriously attempted by those who have spoken against the amendment to explain to us why it is that the Government of France last year appropriated $5,124,000 to subsidize steamship lines; why it is that England appropriated an equally large amount; why it is that Italy, a country that is to-day struggling under the burdens of excessive taxation, appropriated $1,660,000 in order to sustain steamship lines so as to have speedy and certain communication with foreign countries.

I say that the argument of free ships does not touch the question, because all those Governments have free ships, and although they have free ships they find it necessary to subsidize steam lines. I say that the question of free-trade does not touch this question, because England is a free-trade country and England has been the parent of subsidies and her example has been imitated by other governments.

I say, Mr. President, that in my judgment the difference is because those governments have discovered and we have not discovered that trade to-day is operated upon certain conditions, and that you must have speed, regularity, and certainty by steam communication in order to secure the trade of a country. We are in some respects under more favorable conditions than other countries. We have the advantage of contiguity to the South American countries. They are our neighbors, anxious to trade with us, developing a marvelous commercial activity, having wonderful resources; countries which by reason of this very steam communication that they have had with other countries have developed an ambition to improve their condition, develop their great public works, and expand their commercial relations.

Mr. President, I did not intend to debate this question at length, but I desire to say that I shall always vote to develop and increase our trade with foreign nations. It adds to the aggregate wealth of the nation. It is a matter that I do not consider whether a particular section of our country is to be directly or immediately benefited by any such legislation. It is a matter in which I do not permit myself to consider whether a particular individual is to receive any benefit, for I know that the Government of the United States makes no contracts; it does not make a contract for carrying the mail on the Mississippi River or on the Kentucky River that some one is not already equipped and prepared to accept that contract to the exclusion of everybody else. I look upon this in a broader light, and for one I hope that the arguments which have been advanced against this amendment will be more serious arguments than I have heard addressed to the Senate in order to defeat its adoption.

Mr. INGALLS. Mr. President, the reason for the decay of American shipping in my judgment will be found in the fact that American capital can be more profitably employed in some other way than in building ships. I have heard much during the continuance of this argument of the advantages to result by the proposed appropriations, for which I intend to vote, to the restoration of the interests of American shipping; but I have listened in vain for some information as to the reason why the men of Maine and the men of Massachusetts do not now build ships if they want them. There is no reason why they should not build ships if they desire them. They have the yards and they have the forests and they have the mines and they have the skilled labor, and if ship-building was profitable, I venture to say that the capitalists of Maine and Massachusetts would build ships, and the reason why they have not done it is because they can make more money by building railroads, and by buying Western lands, and by lending on mortgage at 6 and 8 and 10 and 15 per cent. to Western borrowers.

I do not, therefore, Mr. President, feel that this appeal to a patriotic impulse to vote for a large appropriation out of the national Treasury for the purpose of restoring the decayed interests of American commerce has much weight. Very much the same argument applies to the carrying trade of this world. There has been a unanimity of lamentation upon both sides of this Chamber about the loss of the carrying trade by the United States, and we have been told of the disgrace and the shame that arises from the fact that the United States no longer has the carrying trade of the world. Mr. President, we did not lose the carrying trade of the world; we relinquished it. The reason why we have not the carrying trade of the world is because it is not profitable. Great Britain can afford to conduct the carrying trade of this world at a loss, as she does, because she has an insular position. There is not a point in Great Britain so remote from the seaboard that any product of her fields, that ny product of her factories or her mines can not by her railway system be placed in fourteen hours in the dock ready for shipment to any portion of the world. Great Britain has an enormous excess of manufacturing facilities. She wants an enormous amount of free raw material. Therefore, Great Britain and the other continental nations so situated can afford to do what they are now doing, and that is to carry on what may be called the transfer, the transportation business of the world by water at a loss. There is to-day a million tons of English shipping that

can be bought for 50 per cent. of what it cost, if anybody wants to buy it. The best statisticians inform us that for the amount of capital employed in the carrying trade, Great Britain does not receive 1 per cent. per annum upon the capital invested.

Therefore the reason why the United States does not do the carrying business of the world is because she can do better. It does not sound reasonable or logical or sensible to rise here and declare that the reason we do not do the carrying trade of the world is because Congress does not vote subsidies for mail pay. Statistics show better; and whenever the carrying trade of the world can be conducted at a profit, the United States of America will have their share of it. But so long as American money can be more profitably employed in railroad transportation at home than it can in water transportation upon the deep, so long it will continue to be so employed, and the voting of $100,000 or $500,000 to one or more lines of steamships for service will not prevent it, and will not help it.

We have been told also that to the south of us there is a great commercial empire waiting for the invitation of American commerce. We have been appealed to to vote for this appropriation upon the ground that unless it is enacted by Congress that same balance of trade which the Senator from Maine depicted with so much vigor in his speech the other day would continue to be against us.

Mr. President, there is another reason why we have not got the trade of the South American republics, one that has not been mentioned here, one that deserves mention, because it is not becoming that Congress should be held up here and fustigated and castigated for unpatriotic frugality in failing to make the necessary appropriations, whereby we are unable to secure our share in the millions of South American commerce. The reason why we do not have South American commerce is because we do not attempt to sell them the things they want to buy. The reason why our merchants and our manufacturers find no market in South America is because the merchants and manufacturers of other countries can offer them a better article at a less price. There is no want of facility of communication; the testimony in the report of the commissioners shows that the means of communication are ample, but that in their dealings with American merchants and American manufacturers they have been flouted, they have been refused credit; they have not been offered the articles they wanted to buy, and when goods have been sold to them by sample they have proved to be entirely out of comparison with those samples both as to price and as to quality.

It will be interesting, inasmuch as this report of the commission has been so copiously quoted from, to hear a little what is said on this subject. In the first place, as to the facilities for the transaction of business, I read from page 31 of the general report dated the 1st of October, 1885, about the Central American trade. Says the commission:

As to Central America, on the west it is well served by the ships of the Pacific Mail.

Speaking about Venezuela they continue:

Our steamship connection with Venezuela is exceptionally favorable. It grows out of the fact that the large mercantile and commission firm in New York—

Giving their names—

have intimate relations with extensive houses in La Guayra, Caracas, Porto Cabello, and Maracaibo, and to do the business of these houses, as well as its own, it felt compelled to put on a semi-monthly line of steamers between New York and the ports we have mentioned. The headquarters of these houses are in Caracas, and the port of Maracaibo is connected with the line by a small light-draught steamer plying between it and the Dutch island of Curaçoa.

The entire commission unite also in the following statement, which will be found on page 61 of Executive Document No. 50, Forty-ninth Congress, first session:

As to other modes of increasing our trade with Venezuela, we hear here only repetitions of the same complaints, or suggestions, which have met us elsewhere, and which have been set forth in our first report. Our merchants and manufacturers, if they desire to compete with those of Great Britain, France, and Germany, for the trade of Spanish and Portuguese America, should not rely on any self-complacent assertion of our national superiority in skill and taste, especially if supported by agents who, in their ignorance, obtuseness, or natural coarseness, parade their fancy of superiority over the natives or residents of the country they visit. But they should rely on the truly American commercial and manufacturing enterprise and sagacity, which exhibit themselves in ascertaining the wants and even prejudices of the customers they seek to win, in supplying such goods as they are disposed to buy, and in avoiding all attempts to pass off inferior or damaged wares upon people who, although not as advanced in general material progress as ourselves, are noted for their perspicacity and individual independence.

It would appear, then, from the examination which these commissioners were able to give upon the subject of South American trade and the best method of increasing our commerce in that direction, that they discovered that the chief difficulty rested upon an assertion, which was unfounded, of our national superiority; that we made a great many self-complacent assertions and complained of the ignorance and coarseness and obtuseness of the merchants in that locality; and that instead of relying upon American commercial and manufacturing enterprise and sagacity we displayed our skill in passing off damaged and inferior goods upon them, refusing to supply them with the materials that they wanted, denying them credit, and in various ways showing an indisposition to deal with them in those particulars and upon those relations which are alone possible as the factors of commercial relationship between nations.

The report of the commissioners is sustained by the evidence of a great many intelligent witnesses from which I will take but a very few extracts for the purpose of showing to the merchants and manufacturers of this country that it will not do for them to rely upon Congress for the purpose of building up South American trade; that primarily the fault is with them; and that before subsidies to steamship lines can afford any relief there must first be a disposition on the part of the manufacturing and commercial classes to send to those ports what the people want to buy, to treat them as if they were civilized beings, and to give them the same facilities that are afforded by the merchants of England, France, and Spain.

Mr. H. L. Boulton—I read now from page 69 of the report—who is an eminent merchant of that region, located at Caracas, speaking of the reason why the United States, nearer to Venezuela than Europe, does not get the business, says:

There would be no difficulty at all if they could produce as cheaply. Generally speaking, the American manufactured cotton goods and hardware are superior to the European article; very likely too good.

Mr. HALE. You have the wrong page.

Mr. INGALLS. No, I have not the wrong page. I propose to show from this statement that they do not want the best quality of goods. They are poor and unable to buy the best quality of goods; they want cheap goods; they want cotton cloths that are of an inferior quality; they complain that they should be from 1 to 2 inches narrower than our manufacturers make them, and that there ought to be 20 yards less in a piece than our manufacturers put them up, but that our manufacturers refuse to accede to that and persist in sending down to them a quality of goods which they can not afford to buy, and then complain of the want of traffic.

Q. The point is that our manufacturers do not adapt themselves to the tastes or the fashions, whatever it may be, of the consumers in Venezuela as well as the European?

A. Yes, sir; that in part, but it is not even that; it goes farther than that. The quality of American manufactures is superior to the general importation from Europe, as far as I understand, and consequently dearer.

Q. But they cost more?

A. Yes, of course.

Q. And if our dry goods manufacturers want this trade they must manufacture cheaper?

A. Not only that, but they must accommodate themselves to European ways.

Then he goes on to say what they are; that European merchants give them a credit of from six to nine months, and that the American merchants refuse to give them credit at all.

Q. Our people won't trust?

A. Well, they do not give such long credits as in Europe. Another thing is in manufacturing; as far as I understand, if you send for five hundred pieces of a certain class of goods to the United States, and you say those goods must weigh so much, and must be so many inches wide, if they have not got the looms they will say, "We can not do it." They do not put themselves out. If you send to Manchester for anything, they never say no; they make what you want.

Q. That is what we found elsewhere. Our people do not adapt themselves to the taste of the people?

A. They do not put themselves to the trouble of suiting the necessities of foreign trade in some things.

Mr. C. Röhl, upon page 77, was another witness. He is the consular agent of the United States stationed at that port. He says that most of the goods are obtained at that port from England and Germany.

What should our manufacturers do to obtain your trade here?

Asked the commission—

A. They should send out commercial travelers with samples, whose duty it would be to study the special requirements of the country; offer their goods and send their orders home.

* * * * * * *

The trade with the United States is gradually growing and increasing by its own efforts, and there is every reason to believe that it will further increase.

Q. Would increased steamship communication increase trade?

A. It seems to me that the steamship communication we have is quite sufficient. The owners of the Red "D" line do all in their power to meet every requirement. Their ships are first-rate vessels as regards speed, and in every other respect. Formerly we had two steamers a month; now we have three.

Mr. HALE. What country is that?

Mr. INGALLS. Venezuela.

Mr. HALE. That is the exceptional country?

Mr. INGALLS. Before I get through I shall show it is not an exceptional country, but even where the country is an exceptional one, where the means of transportation are ample, where there is no complaint, but, on the contrary, evidence that they have three steamships a month, even there traffic is practically destroyed, and simply because the merchants and manufacturers of the eastern seaboard refuse to adapt themselves to the requirements of the trade there.

Mr. HALE. Will the Senator allow me a question there?

Mr. INGALLS. With pleasure.

Mr. HALE. I used the word just now "exceptional" because it had been used by the Senator himself in reading a statement of the condition of our trade with Venezuela. It is exceptional. The commerce between the United States and Venezuela is increasing, and one reason why it is increasing is that we have there steamship communication more direct, ready, regular, and to be depended upon than in any other countries.

Mr. INGALLS. Mr. Emerich Henry on page 83 says trade is not increasing. I do not know that he knows anything about other business, but his business is not much more since he started. He has been there for some time, how long he does not say.

Mr. ALLISON. The sewing-machine business is what he is engaged in.

Mr. INGALLS. On page 84 of the same report occurs the statement of another witness, E. Valiente, who is a citizen of the United States. He is asked what the Government could do to increase trade between the two countries, and he says:

Americans know very little and study very little and cater very little to our business. Our merchants in New York will not make prints, for example, of the width and size required, unless you give them an immense order. They won't touch it. Another thing is the packing. In the States they have the idea that we are fond of 1¼-inch planks, and we have to pay duty on the gross weight. That alone kills three-fourths of the business, because you have also the interior freight to pay.

He says there should be a difference in the packing; generally speaking, in everything:

The American houses advertise here—

That is in Venezuela, where the opportunities of transportation are so great—

but if you send an order they can't fill it; does not know the requirements of the custom-house, and the invoice is generally sent wrong, and therefore we have to deal with commission houses.

There is a singular uniformity in the testimony of all these witnesses in Venezuela as to the reasons why the trade with the United States is so defective and limited, all going to the general tenor that the fault is wholly with our merchants and manufacturers themselves and not with Congress, and not in the want of steamship facilities or mail accommodations.

As my colleague has the closing of the debate on this matter and the time is nearly approaching when the vote is to be taken, I do not desire to dwell further upon this subject. There is a great deal of exceedingly interesting detail in this testimony which I had marked to read on this occasion, both in the comments of the commission and in the testimony of the witnesses, all going to prove the same general statements I have made. My object in calling attention at this time to this feature of the report has been not to establish any argument whatever against the amendment offered by the Post-Office Committee, not to establish any ground whatever against the voting of necessary appropriations for mail pay for these steamship lines, but to show to the merchants and manufacturers of this country, and to call their attention to the fact in the most public way possible, that primarily the difficulties in our South American trade rest with them and not with Congress.

Mr. MILLER. Mr. President——

Mr. MORGAN. Will the Senator from New York allow me to offer an amendment to the amendment of the committee? I offer the following amendment which I have written on a copy of the bill, and I will read it:

Strike out in lines 100 and 101 the words "American built and registered" and after the word "steamships" in line 101 insert "owned in whole or in part by citizens of the United States, whether built in America or in any foreign country;" so as to read:

For the transportation of foreign mails by steamships owned in whole or in part by citizens of the United States, whether built in America or in any foreign country.

And then at the end of the amendment, after line 114, to add:

And the ships so employed in such mail service shall be entitled to be registered under the laws of the United States, and shall be so registered and enrolled before the contract for carrying the mails on them shall become operative and effectual.

Mr. MILLER. Mr. President, for twenty years or more the American people have been calling upon Congress to take such action as would lead to the revival of our merchant marine; and through all those years discussions have gone on in every Congress which has assembled; but up to the present time we have not been able to agree upon any great measures of relief. In fact, the people as a whole have heretofore been divided in their opinions as to what action should be taken, and their representatives in the two Houses of Congress have been equally divided.

Two years ago, after an investigation by a joint committee of the two Houses, a small measure of relief was brought in and was enacted into a law. By it many of the small charges and burdens which were imposed upon American shipping were removed and much relief came to our merchant marine by the act of which I speak. But it was not such a measure of relief as would enable American shippers to enter successfully upon a contest with the great maritime powers of the world who for more than twenty-five years have been increasing their merchant marine, particularly England, Germany, France, and Italy, until today they are able to carry in round numbers three-quarters of the entire commerce of the world.

This contest was renewed again last year, and finally the two Houses of Congress, one Democratic and one Republican, united in appropriating $400,000 to be used for mail pay to American steamship lines to carry our mails to foreign countries. It was distinctly understood by Congress when that appropriation was made that it was made expressly for the purpose of aiding our merchant marine, of encouraging the building of American steamships, and encouraging our people to sail them.

After a long debate in the two Houses that appropriation was made, and the people of our country looked to it for relief and for aid in this matter. But the administration charged with the conduct of public affairs deliberately refused to expend that money at all. We were told in the public press at the time and in the reports which have been made that the law was so imperfect, so indefinite in its language, that the Postmaster-General could not carry it out; but the great leader of the Democratic party in this body in an attack upon the present amendment told the country that it was against the policy of this administration, that the President and the Postmaster-General had both protested against appropriations of this kind, for they were contrary to the principles which they desired to carry out in the conduct of public affairs.

We had been told before by the Executive himself that the office of President was an executive office; that it was one which had not to do with policies or plans of government, but that it was to execute the will of the people as expressed by the Congress of the United States. Now we are told by this leader that any appropriations for subsidizing American shipping is against the policy of the administration, and I presume, therefore, against the policy of the Democratic party. I discover, however, that the whole party is not united upon that policy even in this body. If it was united upon any policy, we should be glad to know what it is. If it be opposition to an increase of the American merchant marine, if it be against paying reasonable rates for carrying the foreign mails, we should be glad to know that. If they are absolutely united in favor of free ships and free trade, we should be glad to know that; for as a party of opposition it is somewhat difficult to know how to deal with a party in power controlling all the functions of this great Government when we find that party as represented in Congress united upon no single line of policy or upon no single proposition referring to government.

Therefore we must proceed to consider these questions outside of political lines, and upon lines of policy which have met with favor upon this side of the Chamber, and lines of policy which we believe here as Republicans, if carried into effect, will result in great good to all our people.

I do not care to go at length into the question of free ships or of a protective tariff, and had not those objects been brought in here by the two leaders of the party upon the other side who have opposed the amendment, had not these questions been brought forward here as the chief reason why we should not make this appropriation of $800,000 for the carrying of the foreign mails, I should not care to refer to them at all.

The Senator from Missouri [Mr. VEST] and the Senator from Kentucky [Mr. BECK] seem to delight in telling the American people from this forum of the wretched condition of our Navy and of the more wretched condition of our merchant marine. They seem to delight to boast of the decline of both. But I have no desire to spread that record out here before the people. As an American citizen I am ashamed of both. As a representative in this body and in the other House of Congress I have been ever ready to vote liberal appropriations for the building up of a navy, and I have always voted for the most liberal appropriations which have been presented to this body for carrying the foreign mails, hoping thereby to improve and build up the American merchant marine.

I take no delight in talking of the decadence of our merchant marine. I find no delight in referring to the old hulls and useless ships of our Navy. For the last fifteen or twenty years the Republican party in control of this Government has sought frequently to add to our Navy by making appropriations for so doing, but almost without exception the effort has been met by the bitter, persistent, and undying opposition of the Democratic party. When a few years ago we did appropriate four or five million dollars to build some new cruisers and when they were finally started and nearly completed, the Democratic party coming into power struck down the builder and the interest which he represented by refusing, first, to receive a ship which had been accepted by the naval advisory board as having in every respect complied with the terms of the contract, and then when work had been stopped upon the other cruisers it finally completed its action by seizing the ships and the works of the contractor and thus destroying by one act one of the greatest ship-building yards in this country and a man who, starting in life as a poor mechanic, had achieved success equaled by no other American citizen in that line of industry.

But the record of this administration upon the building up of the Navy does not end there. We appropriated by the last Congress some three or four million dollars, I forget just how much, to go on with this good work which we had begun. We put it into the hands of this administration and called upon it to continue the work by devising plans for new and better ships and building them. A year and more has passed since that appropriation was made, but it has laid no new keel, it has started no new ships under it, and that money lies idle in the Treasury.

Mr. President, if the American Navy has declined since the war, the discredit lies not all at the door of the Republican party by any means; and if the American merchant marine has declined also, neither can it in my judgment be attributed to the policy of the Republican party in maintaining a protective tariff. Let us see. We are told by the Senators on the other side from Kentucky and Missouri that if we will repeal our obnoxious and barbarous navigation laws and admit foreign-built ships free to our registry and our flag we can then revive our

merchant marine, and not otherwise. But every Senator knows that any American citizen having the money can purchase a ship wherever he likes, and can run it in all the commerce of the world. Our laws only deny him an American registry and the right to float the American flag. Our policy has been from the beginning of the Government down to the present time that the ship which carries the flag of our Government and which represents our Government should be of American build and of American material. But suppose we were to repeal these laws and admit ships free, would that materially aid us in the contest which we desire to wage with the great powers of Europe in securing back our proper proportion of the carrying trade of the world? I think not at all.

The Senator from Missouri will bear me out in the statement, for he was a member of the joint committee of the two Houses together with myself who made the investigation some two or three years ago, in saying that all the ship-masters of the country whom we called before us agreed substantially that the cost of building an iron steamship in an American ship-yard was not more than from 10 to 15 per cent. higher than the cost of building it upon the Clyde. When the Senator from Kentucky said the other day that we compelled a man who desired to sail an iron steamship to pay $300,000 for building it here in our yards when he could buy it for $200,000 abroad he went very wide of the truth in this respect, not intentionally undoubtedly but the difference which he gave is 50 per cent. The actual difference to-day is probably not more than 12 per cent.

That committee had before it the president of the Pacific Mail line, a line which runs both American-built steamers and foreign-built steamers, and the president told the committee that after having procured proposals from English ship-builders and American ship-builders he found the difference in cost against the American ship-builder was only 12½ per cent. There it remains to-day, and any man who knows anything about the sailing of vessels or the transportation of commerce knows very well that a difference of only 10 or 12 per cent. in the original cost of the plant will go but a very short way toward equalizing the differences between the English commercial marine and the American commercial marine in the cost of the movement of the ships.

The same investigation brought out the fact that owing to the high rate of wages paid to American seamen and American officers upon the line of steamships running from Philadelphia to England, in which there are four American steamships, the difference in the wages paid to the American seamen and the American officers was equal to 4 per. cent. upon the cost of the ships. How could we hope to succeed in so unequal a contest as this? I suppose, of course, that the Senator from Kentucky and the Senator from Missouri would answer, let us have free ships, manned by foreign officers and by foreign seamen at foreign rates of wages. While vessels of that kind might carry our produce and distribute it to the nations of the world, and might bring us back of the produce of the world what we wanted, it would not do very much toward restoring the American marine. No; if we were to have free ships it would go but a very little way toward equalizing the contest of which I have spoken.

The Senator from Kentucky tells us that we can not hope to sell our manufactured products abroad until we can produce them as cheaply as England, Germany, or France can produce them; and therefore we can not expect to have any of this trade. How does the Senator propose to reduce the cost of manufacturing in this country? We have the cheapest cotton in the world, because we produce it and furnish it to all the manufacturing countries of Europe. We have an abundance of cheap water-power, which furnishes the motive-power for our factories. Our local taxation is not greater than the taxation which bears upon the people of Europe. We have a higher rate of interest upon capital, we have a vastly higher rate of wages, and we can not upon the finer class of goods hope to compete with Europe in the trade of the world unless we have substantially the same rate of wages. But is the Senator from Kentucky or are any of the Senators upon that side of the Chamber willing to see the rate of labor in this country reduced to the rate of wages prevailing in Europe in order that we may thereby send a few more thousands of dollars' worth of manufactured goods to South America or to the Sandwich Islands or to the West India Islands or to China or Japan? I trust not, Mr. President. I hope the day is far distant when any such motive as that shall move the Congress of the United States to break down our protective-tariff laws.

What are the facts in regard to our manufacturing products in this country and our ability to furnish them in competition with the manufacturers of England and of Europe? We are able to manufacture and we are to-day manufacturing the cheaper and coarser kinds of cotton cloth as cheaply as they are made in Manchester or anywhere in Europe, notwithstanding we are paying a rate of wages to our operatives which is from 50 to 100 per cent. higher than is paid in those countries. We are producing and shipping these goods to nearly all portions of the globe in direct competition with England, Germany, and France. It is believed by the majority of the American people, certainly by those engaged in this industry, that if they had more rapid, regular, complete service with all South America and with the islands of the sea and with the Orient, we should be able in a very few years to double or quadruple the amount of coarse cotton goods shipped abroad.

Mr. BECK. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from New York yield to the Senator from Kentucky?

Mr. BECK. I only rose to say that the hour of 4 o'clock had arrived, and as the Senator from Kansas who has charge of the bill ought to be heard and there are other Senators who wish to be heard for a short time, I ask unanimous consent that the time be extended until 5 o'clock to allow that to be done, and not to interrupt the Senator from New York in his remarks.

The PRESIDENT *pro tempore*. Is there objection to the proposition of the Senator from Kentucky that the time for debate be extended until 5 o'clock?

Mr. PLUMB. I wish to say simply that under the circumstances, having opened the debate, I do not wish to have the time extended on my account. However, I understand that several other Senators wish to speak.

Mr. BECK. There are one or two Senators I know who desire to be heard, and I thought it would not take much time, and at 5 o'clock we might agree to take the vote.

The PRESIDENT *pro tempore*. If there be no objection that proposition will be considered as agreed to. The Senator from New York will proceed.

Mr. MILLER. In the manufacture of farm implements and tools of trade of all kinds we have excelled all other peoples, and to-day the agricultural implements of the United States are to be found upon the farms of every civilized country of the world. We produce better plows, better shovels, better farming implements of all kinds than any other country, and in spite of the uncertain and imperfect connection with many portions of the globe these implements of trade are finding their way throughout the world. In the manufacture of sewing-machines and similar articles we also lead all other peoples. I make the statement that in the classes of goods which I have mentioned and in many others also we are ready and prepared to compete with England, Germany, or France, provided we may have proper means of commercial intercourse with the nations which desire to buy these goods. We do not expect to be able to put our manufactured products onto the continent of Europe and to compete with the manufacturers there to any extent; but over the whole of South America, in the West India Islands, and in the Orient, if we can reach them and have proper means of commercial intercourse, we can, in my judgment, secure the bulk of the trade in all the countries I have mentioned. An examination of the reports of our Government in regard to our trade with many of the South American countries will, I think, bear me out in the assertion which I have made.

In addition to the manufactured articles of which I have spoken, which are so well adapted to trade with the various countries I have mentioned, we have a large surplus of farm products seeking a foreign market. These farm products to-day form the bulk of all our exportations not only in our trade with Europe but in our trade with South America. It will be found that the flour and other farm products are the chief articles which we export there.

Last year we imported from Brazil in round numbers $48,000,000 worth of products and we exported to Brazil seven and a quarter millions in value of our products. Still the Senator from Kentucky tells us we can not hope to have trade with that country or with the South American countries so long as we maintain our present tariff rates. Let us see. The reason given is that we can not hope to buy the products of Brazil because we impose a duty, he says, in round numbers of 46 per cent. upon the products of Brazil brought into this country. Of the $48,000,000 worth of products of Brazil brought into this country last year, $38,136,191 worth were upon the free-list, upon which not a dollar of duty was paid at all. They could be landed as cheaply in New York as in Liverpool, or Havre, or Bremen, or Hamburg, or any other port in the world. That $38,000,000 worth was composed chiefly of coffee, raw hides, raw rubber, tropical woods, and dye-stuffs. In fact nearly all the natural products of Brazil come in under our present tariff without any duty at all. But in spite of that we sold her less than $8,000,000 worth of products off the farm and from the loom and the machine-shop. About $30,000,000 of the importations from Brazil last year consisted of coffee; some $3,000,000 or $4,000,000 consisted of raw rubber; and between $1,000,000 and $2,000,000 of raw hides, all of which were free of duty. We sent back in return coarse cotton goods, farm implements, and flour, and other produce of our farms.

So you may take all the countries of South America, and you will find that in nearly every case we bought much more than we sold, and that nearly all we bought from South America came in without paying a single farthing of duty. How, then, would the Senator from Kentucky hope to increase that line of trade if we were to abolish all our duties? Would he have us go to Brazil for our wool? Would he have us go to Chili for our copper?

The commerce of the world is not barter in any true sense of the word at all. Now that the whole globe has been circled by discovery and by investigation until we know what are the products of every clime and every country, commerce consists in each country drawing from every other country what it most needs, what it most desires, and in selling back to that other country what it may need or what we may be able

to persuade them to take. We do not grow coffee, and so we import $30,000,000 worth of coffee from Brazil. We do not produce raw rubber at all, and so we import nearly $4,000,000 worth of rubber from Brazil. We do not have the tropical woods and dyestuffs within the limits of the United States, and so we import them free from Brazil and from the Argentine Republic and from the whole of South America. Those countries desire certain manufactured goods, and they get them as they are brought to their shores by the vessels of other nations, having very few ships engaged in trade themselves.

Thus it is that the trade of the countries of which I am now speaking is controlled almost entirely by those nations which have the largest commercial marine. The control of the commerce of any of those countries is absolutely in the hands of those nations which control the means of commerce, and the means of commerce are not only the ships themselves, but they are the financial resources also of commerce, they are the banking houses which give credit to the merchants, they are the commercial houses and great shipping merchants which collect together the products of a country and send them out for trade and for commerce.

So it happens that to-day, when we are seeking for the commerce of South America, we find that Great Britain alone sends quite as many ships into those ports as all the other nations of the world combined, and thus it is that she is enabled to control the commerce of those countries. Wherever the English steamship goes out laden with the manufactures of Great Britain she finds at the end of her journey an English commission house ready to take the goods and find a market among the people of the country. She finds there a banking-house ready to give credit to the merchants, ready to extend credits upon bills of lading, and thus enable the business to be done. It is by all these means which she holds in her hands that she is enabled to control and does to-day so largely control the commerce of South and Central America.

It is not true, as stated by the Senator from Kentucky, that Great Britain controls the commerce of those countries because she buys more largely of them than any other nation does, for she does not. England takes from Central and South America of their raw products simply what she needs for her own manufacturing establishments and no more. If you go over the reports you will find that Great Britain in her commerce with those countries sells to Brazil much more than she buys from her. Her importations from Brazil last year were in round numbers £4,700,000 sterling; her exports were £6,471,000, selling back to Brazil much more than she bought from her.

This is strikingly illustrated in the condition of trade with the Argentine Republic, from which Great Britain bought last year £1,158,000 in value and sold to the Argentine Republic £5,810,000 in value, proving conclusively, what I have before stated, that the old rule of barter no longer holds good, each nation buying from every other nation what she needs and desires, and selling in return what that nation may need or desire. Where two nations are seeking for the same trade or are seeking to supply the same people with the same manufactured articles or the same products, that nation which has in her hands and controls the means of intercommunication, which holds the sinews of commerce, which are finance, will undoubtedly chiefly control the trade of that country.

That is what England is doing. Having made of herself the manufacturing center of the world, the workshop of the world, she sends out to the other nations of the world and collects any such raw materials as she may need for her manufacturing industries, and sailing her own ships and maintaining rapid mail communication with all the nations of the earth she is thus enabled to control the commerce of those nations to a larger extent than either the United States or any other nation.

I fail then to see how free trade or a large reduction of our present protective duties would enable us to compete with England, Germany, or France in manufactures of the finer and higher grades. We can not yet hope to do that, but in the particular lines of which I have spoken I have no doubt whatever of our ability to successfully compete, and that to-day we only need with all the outlying countries of which I have poken, regular, rapid, and frequent mail communication. Before commerce can do anything, before it can organize itself, there must be mail communication.

The Senator from Kentucky complained of the manufacturers of this country because they were not more vigilant in seeking a foreign market. It is not the manufacturer as a class who seeks the foreign market. The manufacturer of any one particular article can not afford to look for a distant market. That must be done by the middleman, by the shipping merchant, by the commission merchant, who, having his branch houses in all the great ports of those countries, shall gather up the orders for the goods which are desired, bringing them to our ports and there making his purchases and his collections and returning the goods which are wanted. It can be done in no other way. In our great cities they will not undertake the hazardous business of dealing in foreign markets unless they are sure of rapid communication by mail steamers.

It is for this purpose, and this purpose alone, that this amendment has been proposed and that it is sought to put it upon the bill. It is believed that if we can have weekly mails with the leading ports of South America we shall be able thereby to a very large extent to control the trade of those countries, for wherever a vessel goes laden with our products she is sure to seek a return freight and thereby to increase the trade. Take the one line running from New York and from Newport News to Brazil. The owners of that line have become commission merchants of necessity. They can not afford to run their vessels without freight, and so they are constantly seeking among American manufacturers, and among American farmers, for a consignment of goods to be sent to South America. They are constantly looking out for trade, and when they have secured it and have carried it to South America they must of necessity attempt to dispose of it. Thus it is that the steamship company itself in cases where regular trade has not been established becomes both the transporter and the commission merchant, and that has been particularly true of all the lines of steamships which have run from our shores to South America either upon the eastern or the western coast of that great continent. They have been compelled to do very largely the business of the middleman.

It is believed that if we can increase this communication, if we can have two or three lines of steamers running where we now have one, we shall in that proportion increase the shipments of our produce to those countries, and to a certain extent increase our importations also; or at least if we do not increase our importations that we shall bring these importations to our own ports in our own ships and under our own flag rather than that they shall come to us in foreign bottoms and under foreign flags.

The Senator from Missouri spoke of the case of an American shipmaster who, sailing from New York with a cargo to Chili, and having disposed of it, loaded his vessel with wool and copper, and returning to New York found that he could not dispose of it to advantage because of the duty. I know nothing about that especial case; but if there is any American shipmaster sailing out of our ports who is so ignorant of our laws, who knows so little of our system of protection to our own products that he did not know that there was a duty upon copper and a duty upon wool, in my judgment he was not a fit man to send out with a ship to engage in a foreign commerce.

If he had desired that cargo he should have shipped it to Liverpool, as the Senator tells us he finally went to that port. There would have been nothing strange or nothing irregular in that, for how is the great bulk of the commerce of the United States carried on with Brazil to-day? How is it that the $48,000,000 worth of the products of Brazil find their way into our ports to-day? Is it in American ships and under American flags? No; not 10 per cent. of it; but it comes to the port of New York in an English steamer, and when that English steamer unloads its cargo in New York it takes on board a cargo of wheat, or corn, or flour, and sails for Liverpool, because the shipmaster knows that that product can be disposed of there even if it has not been sold before he starts with it. Having unloaded his wheat in Liverpool, his ship again loads with the products of the loom and the machine-shop of England and goes back again to Brazil and there it loads with coffee, with rubber, with hides, which it brings to the United States.

That is the way the trade of England is carried on with Brazil, and if an American ship should engage in that triangular commerce I see no harm in it.

I do not understand or believe that the Senator from Missouri would desire to have the duty taken off copper or wool in order that we might go to Chili to get our supply of copper and wool there; neither do I suppose that his constituents in Missouri would care to have the duty taken off lead and zinc in order that we might go to some South American mine to get our lead and zinc, and that the lead and zinc mines in Missouri might be shut up and the miners turned out with nothing to do. If I remember the record of the Senator from Missouri upon that question, when the tariff bill was before this body three years since, he was found here advocating the highest rate of taxation with the highest tariff upon lead and zinc, because they were the products of Missouri. Put them on the free-list and perhaps you might settle the silver question, for a very large number of the silver mines of the West could not be carried on successfully to-day were it not for the profit arising from the lead found with the silver.

No, Mr. President, no country anywhere should buy natural raw products such as it can produce itself. The United States does not desire to go to Chili for copper, nor to any other country for lead or zinc or iron. Does Brazil, in order that she may have a better trade with Cuba, send to Cuba for her sugar or her coffee? That would be absurd. Brazil produces coffee for export, and she does not look for it anywhere else; neither should we in such a case. Whatever we can produce in this country we shall find it always to the best interests of all our people that it shall be produced here rather than that we shall go abroad for it. Shall we take the duty off wool in order that we may buy it in South Africa, or in Australia, or in Brazil, or in the Argentine Republic, or elsewhere, rather than that we shall grow it upon our great plains in the West, as we have been doing for the past twenty years? I think not. I do not believe that the American people are prepared for any such doctrine as that, and they are not yet ready to see any such principles carried into execution.

The Senator from Missouri objected to this proposition of voting $800,000 as a subsidy for the reason that there was no free competition,

that it was confined to and would be expended only upon American-built vessels. He told us that Great Britain opened all her foreign-mail carrying to all flags; that her contracts were made with the lowest bidder without regard to the nationality of the bidder. I must take issue with the Senator upon that statement. He made the same statement here some two or three years ago and I controverted it at the time, and was able then to show that nearly all the moneys which England had ever paid out for the carrying of the mails to foreign countries had been paid to English ship-owners; that in one case she had made a contract with a German line of steamers and that the commotion raised in England and the opposition which her ship-owners and her people showed to it was such that the government rescinded it and gave it up. Nearly all of her contracts to-day for carrying mails are absolutely private contracts made by the board of admiralty without any public bidding, without any public notice whatever; and as the Senator from Massachusetts [Mr. DAWES] tells me, one has just been made for twenty years.

England has governed herself wisely in this respect. She has sent out her consular agents all over the world and has discovered the wants and needs of every people. Where she has seen an opening for trade and commerce, there she has subsidized at once a steamship line to carry the mails and to carry her products, and when that was not sufficient she has not hesitated to bring on unjust and unrighteous wars with the weaker nations of the earth during the last thirty-five years for no other purpose whatever except that by so doing she might control the commerce and the trade of those countries. The wars of England for the past third of a century have not been wars for glory and supremacy over all lands, but they have been chiefly waged from the commercial standpoint and for the sole purpose of controlling the trade of the weaker nations. She has paid out vast sums of money for the transportation of her mails, and she has paid it almost exclusively to English subjects.

But let us see for a moment what another great nation is doing to-day, a nation which is striving to establish colonies and secure a portion of this valuable foreign trade. I read from a message of the President of the United States transmitting a report of the Secretary of State in relation to the mercantile marines of France, Germany, Great Britain, and Italy, sent here April 9, 1886, Executive Document No. 172. From the report of Consul Loening I read as follows:

> The Imperial German Government has recently granted a subsidy to the North German Lloyd Steamship Company, of Bremen, for the establishment and maintenance of the following steamship lines:
> One line for the trade with East Asia.
> One line for the trade with Australia.
> One branch (connecting) line from Trieste to Alexandria. For this the German Government pay the North German Lloyd Steamship Company 4,400,000 marks per year for a period of fifteen years.

Here is appended a translation of the contract entered into by the German chancellor with this steamship company. I desire to call the attention of the Senate to a few of its provisions. It is very long and very full. It gives the government complete control over vessels for inspection, &c. I read from page 85:

> ART. 10. The steamers to be employed in these lines must be built at German ship-yards, and as much as possible of German material. The plans of construction are subject to the approval of the imperial chancellor.
> The vessels must have the highest classification given by the Germanic Lloyd.
> The larger repairs to the steamers must also, as much as possible, be done on German ship-yards.

Thus you see that this contract provides that all these vessels under this subvention must be built in German ship-yards of German material as far as possible; that all their principal repairs must be made in German ship-yards. It is a very wise provision throughout, for the Government of Germany desires to encourage ship-building in order that she may be prepared with transports in case of war, and she desires to encourage her ship-builders in order that she may be able to build her own navy and thus protect herself. But it goes even further in this protection, and provides that—

> The necessary supply of coals for the steamers to be employed in these lines, if received in German ports or in ports of call in the Netherlands or Belgium, according to article 1, must exclusively be German product. Changes are only allowed if the consent of the imperial chancellor is obtained.

There is a new subsidy just granted by Germany for encouraging this foreign trade in some of the countries to which we desire to extend ours. With her cheap labor in her manufactories in Germany, may it be possible for us to compete with her in the carrying trade with any of these countries if we leave our shipmasters without any protection, without any compensation whatever for the carrying of mails, giving them only the sea postage of 2 cents a letter, or even the sea and inland postage of 5 cents a letter? That is a contest which it would be worse than useless for our capitalists to undertake, and we can not hope to succeed in it.

I might go on and quote from this document. Of course the Senator from Kentucky and the other Senators will acknowledge its correctness, because it comes from the present administration, and the reports are almost entirely by the consular agents who have been sent out within the past year.

I do not care at any length to allude to the failure of the administration to carry out the law of the last Congress. That has been discussed in another body; it has been discussed by the public press; it has been discussed by the merchants and business men of our country. So far as I have been able to follow the discussion and the expressions of sentiment which have been made by our American shippers, it has been only one of condemnation. A year ago our mails to the Sandwich Islands, to China, and to Japan were carried with a good degree of regularity and speed under the American flag. We thought to improve and accelerate that transportation by appropriating a reasonable sum of money to pay for having it done; but what has been the result? The administration refused to expend a dollar of it; it sought in every way possible to evade it. It sent our mails under every foreign flag and in every kind of ship that it could induce to take them, and what has been the result? Talk with any of the leading shippers of New York city, Baltimore, or New Orleans, or of any of our ports, and you will find that it has been greatly to the detriment of our business.

Our mails have been irregular, bills of lading sent out with shipments have reached their destination sometimes a week after the cargo had arrived, and the consignee could not avail himself of the shipment, could not pass it through the custom-house, could not put it upon the market because he lacked the invoice and the bill of lading. Our foreign trade and commerce has been greatly disorganized by the refusal of the administration to carry out the plain enactment of last year. Now we are told that we must not make this appropriation, that we must not make any appropriation of this kind because it will greatly embarrass the administration, and because the administration is opposed to this whole policy.

I send to the desk to have read a short passage which will show something as to how American mails have been treated during the past year.

The Chief Clerk read as follows:

WASHINGTON, *April* 23.

The manner in which the United States mails are treated by English tramp-steamers, to which they are committed by Postmaster-General Vilas, is related in a recent number of the Daily News, an English paper published in Rio de Janeiro, which has just been received here. It appears that the Post-Office Department intrusted fifty-two bags of mail to an English tramp-steamer named Marahneuse, and paid the captain of that steamer for the transportation of this mail to Rio de Janeiro. When the captain got to Pernambuco, which is only little more than half-way, he disposed of the cargo of flour that he was carrying on speculation, and, having to go no further down the coast, he dumped the United States mail that he had contracted to carry to Rio upon the pier at Pernambuco, filled up his vessel with coffee, and started for England. When the steamer Finance, of the United States and Brazilian Mail Company, arrived in Pernambuco it found this large accumulation of mail that had been dropped there by the Marahneuse. The American steamer was under no obligation to touch it, as the Post-Office Department had simply deprived the company sailing under the American flag of the transportation of this mail in order to give it to an English tramp; but the captain, as a matter of patriotism, took the mail on board, carried it to Rio, and not only did not receive one dollar's compensation for its transportation, but was fined by the Brazilian Government for not getting this mail there on time. An explanation was made, but the Brazilian authorities would not believe that the Government of the United States, having its own steamers sailing in that direction, would intrust its mail to irresponsible tramps, to be thrown overboard whenever they got tired of it.

Mr. MILLER. That is only one illustration out of many which I might present here. It admits of no excuse, no palliation, in my judgment. The appropriation made by Congress was absolute, and the debates in this body showed for what it was intended and the spirit in which it was made. It was understood by all that it was made in order that an incentive might be given to the running of American steamship lines to all the ports of which I have been speaking. The amendment which is now proposed increases the amount of money which is to be expended, and it attempts to make the law so plain and direct that even this administration can not fail to understand it and will have no possible excuse for violating it or neglecting to carry it out. But the simple remark of the Senator from Kentucky in my judgment gives us the key to the whole situation. For twenty years or more a few of the leaders of the Democratic party have persistently, "in season and out of season," labored against subsidies or liberal mail pay for the carrying of the mails. At last finding that a majority of Congress was against them, they seem to have been able to outwit the representatives of the people in their legislative capacity and to secure from the present administration a nullification of a law which they could not prevent the representatives of the people from passing.

I trust, Mr. President, that this proposition will carry and that it will be enacted in such plain and unmistakable terms that no one who is charged with the administration of public affairs will venture to violate it or evade it. I believe that if it is carried out faithfully and honestly, it will more than quadruple our exports to all the South American countries, to the leading islands of the West Indies, and to the Orient. I wish that the appropriation were larger and more specific in its terms. I believe it to be one of the most important appropriations proposed for the action of this body, and believing it to be so, I have supported it, and I shall hope to see it succeed.

Mr. COLQUITT. Mr. President, I shall abbreviate the remarks I intended to have made at an earlier stage of the debate. I recognize what is due the Senator from Kansas, that having charge of the bill he should have an ample opportunity to close the debate.

I am opposed to this amendment. I am opposed to it on general principles and for specific considerations. I shall not discuss them fully but present in as concise a way as I can the reasons which influence my own judgment.

Subsidies by the Government are in most instances invidious. The people are jealous of them. The inquiry is promptly made after every appeal for special favor, what special benefit will result to the public?

This we know, that the cost is a sure thing. We want to see, and very distinctly, what reciprocity is to follow the cost. Individuals have not, as a general thing, the courage necessary to bring them to Congress in the character of mendicants.

It takes rich corporations to enact this rôle of brazen importunity. The sets of men who band themselves together professing to be about to do great things for the country in making themselves rich can come here and demand protection and subsidies. The individual or the modest corporation must live without the bounty of the Government, and be content with paying tribute to others.

In the case before us there is a specious offer of reciprocal good resulting to the people from the gift of this large amount to some fortunate company of ship-owners. I say a gift, because it is not pretended that this sum is necessary to insure a safe and expeditious transmission of the mails. In my judgment, Mr. President, the absolute certainty of a fair return for this gratuity does not justify Congress in a step of such doubtful propriety and policy. This is only a case of favoritism and protection, and its disguise is too transparent to deceive any one. It is wrong in theory, wrong in effect. Wrong, because we are proceeding without unquestioned constitutional authority; wrong, because by this measure and cases like it we are educating our people to a dependence upon the help of the Government, instead of dependence on self-help. It is wrong, because it is in sympathy with monopoly, and discourages a healthy competition, which always evokes the best powers of practical intellect. Give favor and encouragement to such propositions as this, and you inevitably arouse a cupidity that is never satisfied, and you invite numberless appeals for just such subsidies. It is charged that, as a people, we are possessed of exaggerated self-esteem, and that we are given to boasting; but it can not be denied that we have an energy and enterprise which are invincible. We started the first steamboat without subsidy; we sent across the Atlantic, in spite of Doctor Lardner, and without subsidy, the very first steamship that ever accomplished the voyage.

We had at one time the second greatest commercial marine that was afloat, and acquired it without subsidy. We have just triumphed over the mistress of the seas by the victory of the Puritan; and so in every department of life and business we do what we are determined to do and nothing can stop us. But without a thought of what has been accomplished we are here to-day prescribing against this natural and sturdy self-reliance. We are preparing cradles and crutches in this Chamber for enterprise and business dash. Instead of teaching lessons of dauntless resolve and execution, we are training every business venture to reach out to the Government supplicating hands for help. A sound and expanding industry never needs a forcing, hot-bed process. If it has intrinsic virtue and vigor, it will grow in spite of discouragements; and if it has not, it will perish in spite of nursing.

I object to this amendment because the reasons assigned in support of it are so utterly unsatisfactory. With great emphasis Senators speak of the immense value of South and Central American trade and the contemptible share of it which falls to our lot. We get about one-seventh part of this trade which Great Britain has secured; she has more than seven times the postal communication with these people than we afford to our merchants, and, therefore, it is argued the difference in trade is to be accounted for by mail facilities. There never was a more palpable *non sequitur*. It is to my mind a clear case of mistaking an effect for a cause. How can correspondence and mail facilities create trade? These are certainly helps—necessary consequences and concomitants—but the sequence is, trade first and then your postal facilities. Well has it been remarked by the distinguished Senator from Kentucky [Mr. BECK] that there never was a valuable load that needed transportation that some vehicle was not ready to move it.

We want trade with South and Central America predicated upon the value and price of what we have to sell and what they have to give in exchange. Let me pause to qualify that assurance by saying, unless in future cases we exemplify the curious economy and statesmanship that has left us an insignificant part of the carrying trade to our shore; and here it is pertinent to ask, why does our trade with these states make so sorry a show by the side of the figures presented by far distant countries? Right at our doors, these people should have for us the partiality of friends and neighbors, and our propinquity should distance all competition in the trade with them.

It seems to me, Mr. President, that the conclusion is inevitable that our present system of restriction by high tariffs is wofully defective or we have not given it a fair trial. I suspect the fair trial has been had. No Senator here raises his voice for a higher tariff than the one that now afflicts us. It seems we are to be left to repose quietly upon the present liberal average rate of 46 per cent., and then wait developments. The developments are here, and here with a vengeance; that system that was to make our charity begin and stay at home, that painted in such rosy colors the omniverous capacity of our home market, and its voracity as well; that taught us to imitate the enlightened Chinese in secluding ourselves; that persuaded us to yield nothing to the catholic spirit of commerce, but to get all we can and keep it if we could, and above all, the competence it was to give to the dear workingman, lifting him up, insuring unrestricted comfort, and making him the dominating factor in our industrial enterprises.

Where are the evidences of the boasted power of this American system, so called? What is it doing for us to-day? Under its blight our carrying trade has diminished to such proportions as should startle the country. But for our conscious vitality we could but take the pitiable condition of that trade as a portent of speedy decadence. We feel, however, it is only malpractice, and not the natural decay of the subject that alarms us. Great as this interest is, and as necessary to our power as a people, we can bear its loss better than we can the loss of good-will and fraternity between our laboring people and the men who employ them. The old-time cordiality between these classes must be restored or we can predict nothing good of our society. If our laboring fellow-citizens really have no grievances their minds should be disabused. If they have, the duty of Government is to rectify the wrong, where Government is at fault, and public opinion must bring its resistless power to act on the injustice and oppression which are alleged.

It is a pity, Mr. President, that impartial justice must render a decree in so many cases against the misuse and abuse of the power and wealth which have been conferred by discriminating legislation. To listen to the debates in Congress and the endless dissertations of the press, one is led to believe that all the good that is looked for from our exacting tariff is that the wages of the poor workingman should be enhanced. In ten thousand phases of speech and declamation we are told that American labor must be protected, that there is a dignity in labor we are bound to respect. In giving practical effect to this high-sounding profession we levy from everybody, the unprotected majority as well as the favored minority, countless millions every decade. All this eloquence, all this disinterested legislation so assiduously fostered by the rich manufacturer, does not prevent the importation of any man from Europe who can bring his arms and legs with him to help the bosses to regulate the scale of wages.

All this cant about labor, its rights and dignity, does not save this land of liberty, of free soil and cheap soil, from witnessing at this moment such scenes of tumult and such rabid demonstrations of rage on the part of the laboring classes as are enough to blanch the cheek and make the heart quail. As far as I know the capitalists who are complained against are doing very little to appease the bad spirit that is abroad. They close their royal establishments, retire to their palaces, and hugging our tariff of 25 and 100 per cent. to their bosoms, they challenge the grateful acknowledgments of their working people, turned adrift, for what they have done in behalf of a tariff for the protection of American industry and the poor laborer. For one, I regard these troubles as something more serious than an effervescence. They betoken strife and convulsion, and it behooves us to see to it if Government is in the wrong that we repair the wrong.

No man can convince the public mind that the widespread discontents of our people are merely sporadic, and that they are the result of natural causes. With no military proscription to rob families of their props, with lands held in fee-simple at one-sixth the cost of rents in other lands, and with unmatched energy and intelligence giving momentum to our industry, it is a marvel that the country is environed with such a multitue of troubles and perplexities.

Mr. President, we must retrace our steps and reform our measures. The insane idea of constructing a barrier all around our land to prevent intercourse with foreign powers must cease. The figment of the brain called home market and home consumption must be supplanted by the common sense of selling at the highest price and buying at the lowest. When you open our market to the world and put American labor on its mettle we will soon see that we will hold our own against all comers, and give the world many times again, as we have many times in the past, some valuable lessons in industrial science. A steady and equable income of fair profits to our mines and factories will keep the great masses of our laboring people quiet and hopeful, and give such returns to capital as shall be remunerative and at the same time free from all invidious quality.

The PRESIDENT *pro tempore*. The Chair must remind the Senator from Georgia that the time has arrived at which it was agreed that the vote should be taken.

Mr. HARRIS. I rise to ask the unanimous consent of the Senate that the Senator from Georgia may be permitted to proceed to the conclusion of his remarks, and to ask in addition—knowing as I do that there are at least two Senators who desire briefly to be heard, I not being one of them, however, upon this question—hence I ask the unanimous consent of the Senate that the general debate upon the bill may continue till 2 or 3 o'clock to-morrow, after which the Senator from Kansas shall have from 3 to 4 within which to conclude the debate upon the bill, when we shall come to a vote upon the amendments and the bill.

Mr. CULLOM. I hope the debate will be concluded to-night. ["Oh, no!"] . I think we ought to get to a conclusion, if we are going to do any business besides pass appropriation bills.

Mr. DAWES. I hope the Senator from Illinois will not object to the arrangement proposed.

Mr. HARRIS. The Senator from Illinois will allow me to suggest to him that it will be some time after 5 when the Senator from Georgia concludes his remarks, and the Senator from Kansas is to close the debate.

Mr. COLQUITT. I shall not occupy over ten minutes longer.

Mr. HARRIS. The Senator from Kansas in charge of the bill [Mr. PLUMB] should certainly have some time, after these days of discussion, within which to conclude the debate, and I should regret for one to have him forced to begin the conclusion of the debate at 5 or half past 5 o'clock in the evening.

Mr. CULLOM. I have no disposition to take any course that will result in depriving the Senator from Kansas of the power of controlling the debate. I understood from the Senator that he did not expect to make any further remarks; and that being the case, it seems to me that we ought to conclude this bill to-night. I, of course, do not wish to oppose the desire of the Senator in the premises; but there are other measures which have been waiting on this bill many days, when the discussion upon it was not expected to take more than one or two days, and I am very anxious that this bill should be concluded.

The PRESIDENT *pro tempore*. The Chair will submit the proposition of the Senator from Tennessee to the Senate.

Mr. ALLISON. I do not understand that the Senator from Illinois objects.

Mr. CULLOM. I will only say that if the Senate by a unanimous consent will allow the bill which was laid aside for the purpose of considering this bill to be taken up and considered from day to day immediately after the morning business until it is concluded, I will not make any objection now; but the experience we have had in reference to the consideration of general legislation here, considering it an hour or two to-day and then going on with something else, is throwing away time; and I should like for one to get at a bill that has something in it and stick to it until we get through.

Mr. HARRIS. I have no objection to the suggestion of the Senator from Illinois, with this qualification: The Senator from New Hampshire [Mr. PIKE], whose health compels him to leave the city within a very few days, desires to occupy the attention of the Senate during the morning hour to-morrow after the routine business with the bills of the Committee on Claims. After to-morrow I have no objection whatever to the course proposed by the Senator from Illinois; but the Senator from New Hampshire being absent, and he having notified me of his object, it is proper that I should make the suggestion to the Senator from Illinois in connection with what he has stated.

Mr. CULLOM. Do I understand, then, that the proposition is to finish this bill to-morrow, and allow the Senator from New Hampshire to have the morning hour besides in which to get rid of his measures? I shall be very glad if we can do both.

Mr. HARRIS. I have no doubt we can.

The PRESIDENT *pro tempore*. The Chair will submit the proposition to the Senate. The Senator from Tennessee [Mr. HARRIS] asks unanimous consent of the Senate that this bill be taken up at 2 o'clock to-morrow as the unfinished business and be continued until 3, when the general debate shall terminate and the Senator from Kansas [Mr. PLUMB] shall have the opportunity to close it within the next hour, and that then the vote shall be taken without further debate.

Several SENATORS. At 4 o'clock.

The PRESIDENT *pro tempore*. At 4 o'clock.

Mr. HOAR. On the whole bill?

The PRESIDENT *pro tempore*. In connection with that the Senator from Illinois [Mr. CULLOM] asks unanimous consent of the Senate that after that what is called the interstate-commerce bill shall be taken up and be continued.

Mr. CULLOM. Immediately after the morning business on the following day.

The PRESIDENT *pro tempore*. Is there objection to this proposition? The Chair hears none. The Senator from Georgia will proceed.

Mr. COLQUITT. Mr. President——

Mr. HOAR. I wish to inquire for information whether the unanimous consent thus agreed to covers the whole Post-Office appropriation bill, or merely the pending provision?

The PRESIDENT *pro tempore*. The Chair understood the whole debate on the Post-Office appropriation bill to be included, as this is the last amendment. The whole debate is to close at 4 o'clock to-morrow.

Mr. COLQUITT. But, Mr. President, I distrust the reception which the majority of this body will give my prescription for our troubles. I rather incline to the belief that they will go on piling up a superfluous production of home manufacture and then making the vain attempt to force this vast mass down the throats of our home consumers. We have offered us, however, a nostrum in this subsidy of $800,000. By this it is expected to accomplish the work of relief. The amount of trade which this subsidy is expected to create must be of very modest proportions. Eight hundred thousand dollars, it is true, should pay for a great deal of postage, and would if in the run of the luck of the experiment the postage should offer. We have heard of the Battle of the Books, but here to-day we are inaugurating the battle of the letters. England, so Senators allege, has secured almost a monopoly of South American trade because of her prodigal expenditure in subsidizing her mail ships.

We are advised to make this appropriation because the leading powers in Europe have expended great sums in fostering a splendid mail service with the States whose trade it is so desirable to secure. It seems to be in the opinion of Senators a question of expenditure, a sharp contest in which the potency of subsidy is invoked. The more lavish the appropriations the greater the trade, seems to be about the proper statement of the case. What, sir, is to be the inevitable result of the policy which this sort of legislation is to fasten on us? This seemingly harmless sum of $800,000 is to be the excuse and precedent for the granting of numberless millions. If it is true, as has been claimed, that because of England's great expenditure, because France and Germany have spared no expense for mail ships, that therefore they have superseded us in the markets we are so anxious to secure, what is the task we have set for ourselves in this mighty rivalry?

If money is to champion our ambition in this race, what a field are we contesting. England, Germany, and France, stimulated by rivalry and jealousy, would go on increasing their subsidies furnished out of resources almost fabulous. If we attempted to overmatch the outlay of these great powers their obvious resort would be to larger and still larger subsidies, and in this desperate conflict of interest and ambition unimagined millions would be lavished upon an enterprise which at last is one of individual concern and by which, let matters go as they might for our Government, capitalists and corporations would be enriched. If we begin this conflict, national pride may take us a long ways beyond the bounds of prudence and the dictates of sterling business sense, and we shall find at last, after the loss of immense treasure, that we began wrong; that our diagnosis of our ailment was all at fault, and the last state of the patient was worse than the first.

But, sir, are we sure of the precedent so confidently relied on by Senators in their advocacy of the example of England? The principle and policy involved in her pursuit of commercial advantage by the means proposed in the amendment before us have been powerfully combated by some of England's ablest authorities. I will ask the Senate to hear the opinion of one of these in an address to the president of the board of trade:

> It is not conceivable that the board of trade can be accessory to the proceedings of the post-office, admiralty, and treasury in regard to this monstrous modern parasitical system of ocean steam contracts, under shelter of which the regions of the seas are being successively parceled out and handed over to the scepters of intriguing companies. This system of endowing squadrons of mercantile steamers with enormous bounties or subsidies, *under the dodge of conveying mails*, vests in the steamers so endowed a virtual monopoly of the conveyance of all goods and passengers requiring dispatch to destinations within the circle of their operations; and while these subsidized steamers obtain exorbitant rates of freight for the limited quantity of goods and passengers which they carry. The public not only have to submit to their extortionate freights, but even at those high rates are deprived of adequate accommodation, because independent ship-owners are deterred in the face of the endowed monopoly from boldly entering the field and providing expanded means of transit. In short, these monopolies, supported by public bounties, are at variance with all sound commercial principles. It is the custom, whenever anything of this kind is mentioned as having an injurious effect on any branch of British industry, to treat such complaints with contempt and to invoke for consolation the cuckoo song of "British enterprise," "British science," "British genius," "British energy." That British enterprise, science, genius, and energy are indeed giants I entirely admit; and with a fair field and no favor, such as they enjoy in other branches of industry, and such as I hope you will obtain for them on the ocean, they are prepared to develop results in ocean steaming, both in quantity and quality, so much in advance of what the bulk of the public have a conception of as would be astounding; but it is possible for even giants to be made powerless if they whose duty it is to protect them permit them to be circumvented. I implore you, as president of the board of trade, to interpose and to insist that no subterfuge about the conveyance of letters shall any longer be permitted to deprive the community of the benefits which the art of steam navigation in its advancing state is, if unfettered, prepared to bestow.
>
> I am aware that there is an impression somewhat prevalent that the modern contract system of ocean steamers is necessary toward keeping up existing communications, and also that the public are indebted to the system for the creation of the communication.
>
> This I contend is an entire mistake, but vigorous private enterprise has been *hors de combat* for some time past, owing to the heavy blow and great discouragement which the wanton introduction of the contract system inflicted upon it. Although in unendowed services there have been immense improvements in steam navigation of late years, those transatlantic companies which have the chancellor of the exchequer at their back have scorned the adoption of any of them.

Mr. President, if objections which have already been adduced in the progress of this debate to this amendment needed support it would seem that they are powerfully re-enforced by this impressive statement.

In concluding what I have to say upon the question before us I would remark that it may prove fortunate that in this unexpected way admissions have been made of the business condition of this Union which call so loudly for grave consideration. The discussion of these admitted facts has come up collaterally, and yet our consideration of them was natural, and we might say inevitable. The reasons given by Senators for the subsidy asked for by implication at least supposed a state of things as regards our external trade which is lamentable indeed, and is to my mind the necessary outgrowth of our revenue system. It is useless for us to attempt by such expedients as the one we are now considering to redress the blunders we are committing by that system. These are only palliatives, if they may be called such, and can effect no radical or permanent redress of our troubles. There is but one way that mortals have ever yet thought of by which a living can be made. Work and economy is that way. Governments are not exempt from the inexorable decree any more than individuals. One thing is sure, and after a while the friends of subsidy and taxation will learn it perhaps, and that lesson is, that no people ever yet got rich and laid the

foundations of a solid prosperity by robbing one another. Another lesson, too, will follow, and that is, that sixty million of people have just so much capacity of consumption, and all the home markets that the protectionist can give them can not enlarge that capacity. Localizing trade, shifting purchasers from one point to another in our country do not increase the capacity to consume or the capacity to purchase. Independence and domestic comfort come to all, not born with the gold spoon in their mouths, by drops of sweat and many of them. Subsidy, partiality, and unjust shifting of burdens do not enrich men. They may enervate and debauch the true spirit of manhood, but they never yet achieved any solid or lasting good. Resist it as we may, the impregnable Democratic doctrine of a tariff for revenue, an honest and economical administration of the Government, and a fair chance, and that only, for every bread-winner in the land, will triumph at last, and assert itself as the only true "American system."

These considerations are conclusive with me, and I think they should be especially persuasive with the members of this body on this side of the House who have been placed in power upon platforms, speeches, and declarations at the polls of what they meant to procure by a Democratic administration, the object being retrenchment and reform.

Mr. BECK. Mr. President——

Mr. MORGAN. I ask the Senator from Kentucky to allow me to offer formally an amendment that I suggested to-day and ask that it be printed.

The PRESIDENT *pro tempore*. The amendment offered by the Senator from Alabama will be printed if there be no objection.

Mr. BECK. Mr. President, having occupied so much time heretofore, I do not propose to debate this question any further; but a statement was made by the Senator from Maine [Mr. HALE] on Friday last that I am advised is incorrect, and I desire, if the Senate will allow me, to endeavor to correct it. The Senator said:

> But there are two sides to that question. It is a grave question whether even at present, with the small facilities we have with certain American states, the mails could not be better carried in our ships than in what are called the "English tramps." I have just had an instance presented to me giving an account of one of these experiments of the Postmaster-General, as taken from an English paper published in Rio Janeiro. This is the story of a course pursued by the Postmaster-General in putting our mail into foreign vessels instead of taking our own lines or encouraging them. It seems that the Post-Office Department intrusted an English ship about departing for Rio Janeiro with fifty-two bags of mail which were put on board the English ship and refused to the American line. The English shipmaster had no responsibility to this Government after he had taken the mails, and when he reached Pernambuco, hundreds and hundreds of miles inside of his destination and of the destination of those fifty-two mail bags, he was able to sell his cargo there. Forthwith he dumped the United States mails on to the wharf at Pernambuco, filled up his ship with what freight he could get and sailed away for England, leaving the United States mail there upon the wharf.
>
> What happened further? In a few days along came a ship of the American line which was sought to be encouraged and stimulated and helped by the act of last year, which Mr. Vilas disregarded, and although there was no obligation whatever, still with that feeling of loyalty and patriotism which the Senator from Kentucky says has nothing to do with this question, the captain of that steamship took the mail voluntarily on his ship and made his way to the port of Rio Janeiro, his destination as well as the destination of this large mail which the Post-Office Department had intrusted to the English tramp ship; and when he got there, actually because the mail was behind not only did he receive nothing from this Government, but he was fined by the Brazilian Government because the mails were late. When he undertook to expostulate and show the situation the Brazilian officials refused to believe that the American Government had adopted any such policy or had committed its mails to an outside ship in that way, when there was an American line running to the very port.

I thought that a very remarkable statement, and I inquired into it with some care this morning. The statement I have is from a very well-informed officer in the Post-Office Department, as follows:

> The mail referred to by the Senator from Maine [Mr. HALE] was conveyed by the Red Cross line of mail steamers, making regular trips from New York to Pernambuco. That line has been employed regularly by the Post-Office Department for the past ten years.

I have the advertisement of the Postmaster-General giving the list of steamers that he used. The Red Cross line from Para and Pernambuco, with mails for Brazil and for the Argentine Republic, Uruguay, and Paraguay, by way of Brazil, is one of the regular lines that has been used for ten years past and is being used now. The statement proceeds:

> And the mails destined for Rio Janeiro have been sent regularly by this line to Pernambuco to connect with Brazilian steamers from there to the port of destination. The Red Cross and United States Brazilian line of steamers sail about fifteen days apart.
>
> If the Senator from Maine had been informed as to the international Postal Union treaty, he would know that a steamer can not dump the mail on the wharf anywhere, but that the mail must be delivered to the office of exchange to which the mail is addressed. When foreign mails are exchanged between countries of the Postal Union, Brazil being one of them, they are delivered at an office of exchange of the country of destination. It becomes domestic mail of that country, and the country of origin is relieved of all control of it whatever. The Post-Office Department never has refused to give the mail to an American line.

In the international postal treaties made at Paris, Lisbon, and Berne, Brazil undertook whenever mail was delivered at any of her ports from any of the countries of the Postal Union to see to it that that mail was properly forwarded. Therefore it is safe to say that the information received by the Senator from Maine from the English papers or any other papers published in Rio de Janeiro in regard to the action taken by our Post-Office Department was as misleading as many of the other things that we find in the newspapers published nearer home.

Mr. HALE. Is the Senator through with that part of his remarks?

Mr. BECK. I am through with that part.

Mr. HALE. I wish to repeat here what I said the other day——

Mr. BECK. I desire to say to the Senator from Maine, if he will allow me, that before I yield the floor I wish to say something on another point.

Mr. HALE. I only asked the Senator if he was through with that part.

Mr. BECK. I am.

Mr. HALE. I said the other day in giving this remarkable story:

> This is the story of the course pursued by the Postmaster-General in putting our mail into foreign vessels instead of taking our own lines or encouraging them.

And I said it was "taken from an English paper published in Rio de Janeiro." I was careful to give my authority. The account which is repeated in the correspondence of one of the New York papers is taken from the Daily News, an English paper published in Rio de Janeiro.

I have listened carefully to what the Senator from Kentucky has just said and what he has read in the communication made up at the Post-Office Department. Whether or not all that he has said and all that he has read may not be compatible with the fact that they are referring there to another incident I do not know. I do know, however, that the Postmaster-General intrusts American mails to foreign ships. That he does not deny, and all that is stated in this English newspaper, whether it be true or not, may be true, and the general assertions made by the Senator from Kentucky, or quoted or read by him, may also be true. I gave my authority the other day; it is copied in detail into one of the great New York papers, and that was my responsibility.

Mr. BECK. I did not rise to find fault with the Senator from Maine for making the statement, but to assure the Senator that this was a regular mail vessel, and it was not a tramp, that purported to go to Rio; it was a regular line of vessels used for the purpose of transporting the mail as a proper means of conveyance, going to Pernambuco, and there taken up by Brazil under treaty, and had been so used for ten years. Pernambuco was the regular port of landing where these ships delivered their mails in accordance with the postal-union treaty, of which Brazil was a part, she being a country that had her own steamers to take the mails up and carry them; and if any fault was to be found it was not to be found with the Government of the United States in its action with regard to the forwarding of the mails. It was impossible that Brazil could find fault with any action taken by the American Government in sending the mail to Pernambuco, where it was said to have been dumped on the wharf; that anything was done out of the regular order, for it was done in an effort to have the mail delivered in the promptest way possible. That I know to be true from careful examination. I saw the gentleman in the Department who knows more about it than anybody else, without, of course, including the Postmaster-General.

I have only one word or two more to say, and I am done with this debate. Reference has been made by several Senators, especially the Senator from New York [Mr. MILLER], to what I said in relation to the tariff and free-ship questions. I was complained of for going into these questions somewhat extensively the other day. I believe the Senator from Maine and the Senator from Vermont and the Senator from Massachusetts and the Senator from Kansas were quite as much to blame as I was for the length of my remarks.

All I desire to say now in answer to much that has been said by the Senator from New York and others is that I am opposed to protection for protection's sake, to subsidy for subsidy's sake, and to make any class of men pay anything to enrich another class, or to be taxed, except to furnish revenue to the Government, and then only to the extent that each citizen ought to be legitimately called on to furnish his part of the needed revenue. I deny the right of this Government to say to the man who ships his wheat from Dakota to Liverpool, and has to take as his portion of the foreign price only what remains after deducting all the charges of transportation from his home to the port where he is obliged to sell it, that he shall be taxed, except for the purposes of revenue, by not being allowed to buy what he needs with the money that he receives for the produce that he has raised.

When the Government of the United States undertakes to protect any class of men and to deny to any other class the right to buy what they want in the country where they have been obliged to sell in competition with the so-called paupers of the world in the foreign markets, to which they are compelled to go, and then say that they shall not buy what they need there because the Government proposes to protect other people in America, it is unjust to and discriminating against its own people. I insist that it is the duty of the Government of the United States to see to it that the money it collects shall be only what is required for its own purposes, and shall not be taken from one class to enrich another. In other words, if the man from Dakota sells wheat that he only realizes 60 cents a bushel for when sold in Liverpool, and receives a thousand dollars for it, and is offered for that thousand dollars clothes and blankets needed for himself and his family, things that he must have to keep his family warm in that rigorous climate, I insist that the men in New England shall not be allowed to compel him to pay $2,000 for these things here; yet the Government of the

United States in order to enrich home manufacturers says to the exporter, "You shall not buy with the thousand dollars you get for your wheat what you are offered in the market where you are obliged to sell, but you shall bring your money home and you shall pay $2,000 for those same things to New England or Pennsylvania manufacturers." I insist that is unjust, if revenue is not the object; and I insist that it is the duty of the United States, if it undertakes to interfere with the trade of its private citizens and to compel those who sell abroad to enrich New England or Pennsylvania manufactories by our laws, to see to it that the people the Government professes to protect are protected; if we make ourselves the trustees we ought to carry out the trust to its legitimate consequence. Instead of that, under our present laws we deny the right to a man who sells his wheat in the cheapest market and in competition with the so-called paupers of the world to buy for a thousand dollars what is offered to him, and require him to pay $2,000 for them in Pennsylvania or New England, and it all goes to men who have very likely bought machinery in England or Germany or France, men who send to Canada or to Italy or to Hungary or the other markets of the world and hire the cheapest labor they can get.

Mr. MILLER. Will the Senator allow me?

Mr. BECK. Not now. I want to finish this statement. The Government gives that money to the men who buy foreign machinery; who hire the cheapest people, who import them from Hungary, Italy, Canada, anywhere. Men who come here with their cheap clothes on their backs, many of whom go to Canada as soon as they make money enough to go home. About three-fourths, as I think the records will show, of the operatives in factories in parts of New England, and especially in Rhode Island and Massachusetts, are Canadians and foreigners. I insist that the Government should not take the money from the men of the West and give it to these people. If we are going to make ourselves a trustee to dispense bounty or subsidy that has been thus procured from the men who sell their produce abroad, I insist we should go a step farther and say, "We will see to it that the manufacturers do not pocket all the bounty they receive. Their machines need no protection; they are slaves; they neither drink nor eat nor wear." The demand for protection admits that they do not intend to sell abroad; they intend only to sell to our own people and to those people who are compelled by our laws to buy from them, and that we by law compel to pay any price they see fit to ask them upon the ground that we are protecting American labor, whereas the laborers are, in a majority of cases, in protected factories, not Americans.

There is no protection to the American laborer. Any pauper can be brought here to compete with him; and when the manufacturers have made goods enough to supply the consumption for a year in six months, as they can, they close the factories, wait for higher prices, allow their laborers and their families to starve, and give them no protection at all. Carry the principle of bounty or subsidy or protection out. Let the Government be the trustee to divide up the subsidy that we demand by law for these people, and let us see to it that the laborer gets his share of the benefit. Let the Government send its officers into those great establishments and divide that money, thus extorted from others to protect manufacturers, between the laborer and the man who puts in his capital to buy machines on terms of equality; then there would be some show of fairness in the pretext that we are imposing taxes to protect American labor.

When the factory is closed waiting for higher prices, and the higher prices come when scarcity follows, does the laborer get a dollar? No; the manufacturer who owns the machinery gets it all, and the market is reduced by closed doors until he can get what he wants. The laborer who produced it, and his family, and for whose benefit all the pretense is made that this is done, are by their necessities driven away from the establishments to hunt up a living wherever they can make it.

A small part of the tax reaches the Treasury. Of course no man will buy an article that is imported unless it is cheaper than the man who makes the same article here is willing to sell his for. I repeat, no man here will buy the imported article, unless that article, after the 46 per cent. is paid and all the transportation is paid, is cheaper than the same article is offered him by the home manufacturer. Of course not. That proves that the home price is at least 46 per cent. above what he could buy it for abroad. None would be sold if that was not so.

Our people understand business. They buy the best article they can obtain for the least price. They do not care where it comes from, but every article made here must be sold here; and that is the meaning of protection, and that is all these gentlemen claim—to have a market for themselves, to make everything here and exclude everything else—sell it up to the highest point possible; and they have to sell it higher than the foreign price with the tariff and the transportation added, for nobody would buy the imported article unless it was cheaper than the article made at home. And yet, as I said the other day, only seven human beings are employed now where seventy were employed twenty years ago in our factories; the machine-owner is the only protected man; he is the lobbyist; he is the man who clamors around Congress; he is the man who pretends that he is paying his laborers higher wages, while he drives them into enforced idleness, and they are driven out, on the average, six months in the year while his factories are closed and his machines are greased, standing idle, waiting for the good days to bring a higher price, and the laborer gets no part of the benefit of that increase.

If it is intended to protect the laboring man, the man who really produces the article, the man whose labor brought it into existence by the use of the machinery that the manufacturer has, the Government of the United States ought to see to it that in the distribution of the bounty which by law she has required every consumer of this country to contribute to these articles the laborer gets his share. That sort of division no manufacturer, no advocate of protection wants or would submit to. He will pretend that he is anxious to aid labor, yet he will hire the Chinaman, the Hungarian, the Italian, the Canadian, anybody who will work 5 cents cheaper than the American, and drive him from his factory, close the door, and give him not a dollar more than he can hire anybody else for.

The demand of the protectionist is for protection to machinery, and at the same time free competition between all foreign and American labor in driving that machinery, and all the profit goes to the machine-owner, and all the want and all the starvation and all the trouble fall upon the man who performs the labor and who really gets no benefit from it, because these gentlemen refuse to compete with the world or with any other country outside under the plea that they are protecting American labor.

The laborers of this country are beginning to understand it and there will be before long in the great country west of the Mississippi River, and that producing people will thoroughly understand the false pretenses and the hypocrisy under which the Government of the United States is subsidizing a few men to make them millionaires and driving the great mass of the laborers into absolute poverty by contracting markets, curtailing manufactures, narrowing the field of labor and consumption, and making this whole people pay double what any other people pay for what they use, thus making their wages go only half as far as anybody else's wages, and forcing them to lie idle half the year, while the value of the products of the manufacturer is being doubled while their factories are closed, and all this by prohibitory laws called "protection to American industry." These are some of the reasons why I oppose the much-lauded system of protection. It protects the few who do not need it at the expense of the many whose interests the Government should guard.

Mr. HAWLEY rose.

Mr. PLUMB. I ask unanimous consent to offer an amendment to the bill to have it printed. On behalf of the Committee on Appropriations I offer an amendment to the pending amendment.

The PRESIDENT *pro tempore*. The proposed amendment will be printed and lie on the table.

Mr. HAWLEY. But a moment. I want to put in one little peg here after the most extraordinary remarks, and I venture to say ludicrous and monstrous perversions, of the Senator from Kentucky.

I understood him to say that three-fourths of the operatives of New England were imported Canadians who made some money and went back again to Canada. Again he used the fraction of nine-tenths, speaking in the same connection. I do not know what he means or where he got his figures—"figures of speech," the Senator from Vermont says. He proceeded to demand with a great deal of vehemence that the manufacturers, the capitalists of New England, should be compelled to divide their enormous profits with the operatives, intimating that they were poor people who come to our territory, there make a little money, and go away again, and that all our laboring population is oppressed.

I have but one single statistical statement to put in there and then I end, though there is great temptation to go in. In the down-trodden and oppressed State of Connecticut, that I have the honor in part to represent, there are about 640,000 people. These down-trodden and penniless people, ground into the dirt, have $92,000,000 in the savings banks, put in by 222,000 people.

Mr. CAMERON. I move——

Mr. HOAR. Will the Senator from Pennsylvania allow me to make one addition to the remarks of the Senator from Connecticut?

Mr. CAMERON. Can I have the floor immediately afterwards? I want an executive session. I make that motion.

Mr. HOAR. Will not the Senator allow me to make a statement?

Mr. CONGER. Pending that motion, I move that the Senate adjourn.

Mr. HOAR. Have I the floor or not?

The PRESIDENT *pro tempore*. The Senator from Pennsylvania moves that the Senate proceed to the consideration of executive business.

Mr. HOAR. I understood the Senator from Pennsylvania to yield to me.

The PRESIDENT *pro tempore*. The Chair did not so understand.

Mr. CAMERON. I will yield.

Mr. HOAR. I merely wish to state, to supplement the statement of the Senator from Connecticut, that the operatives in Massachusetts, dwelling in Massachusetts, have $270,000,000 in their savings banks, and more than 70 per cent. of that is the savings of the wage-earners in the factories; and the statements of the Senator from Kentucky are as ridiculous as can be described in parliamentary language, so far as they are applicable to them.

Mr. President, the manufacturers of the East as a rule are wage-earners who have learned their business from the bottom and who have risen to the position of masters and owners and directors of business establishments because they understand by actual experience every process. They understand the economies, the savings, the inventions which lie at the foundation of their business; and this attempt to raise a sectional cry by attacking one section of the country and by threatening that the West is to be aroused into an attack upon the East is, in my opinion, as unworthy of the Senate of the United States as it is of sound statesmanship.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5543) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1887, and for other purposes.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 30th of April approved and signed the act (S. 2239) extending the time for the completion of the records of the clerk of the Court of Commissioners of Alabama Claims and the transfer of the same to the Department of State.

The message also announced that the President had on the 1st of May approved and signed the following acts and joint resolutions:

An act (S. 221) for the relief of Alexander Smiley;

An act (S. 2224) in aid of the national monument at Plymouth, Mass.;

An act (S. 1805) for the relief of Miss Rosa Wallace;

An act (S. 82) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880;

An act (S. 481) authorizing the partition of certain land in Louisville, Ky., belonging jointly to John Echols and the Government of the United States;

An act (S. 880) granting the right of way to the Schuylkill River East Side Railroad Company through the arsenal and naval asylum grounds at Philadelphia, Pa.; and

Joint resolution (S. R. 10) to amend the statute in relation to the immediate transportation of dutiable goods, and for other purposes, approved June 10, 1880, so that the provisions of the same shall be extended to the port of Key West, Fla., and the provisions of the seventh section of the statute be extended to the port of Tampa, Fla.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Territories:

A bill (H. R. 2812) to approve an act of the Thirteenth Legislative Assembly of Arizona entitled "An act to establish, maintain, and provide for the government of an insane asylum," approved March 9, 1885;

A bill (H. R. 3760) to enlarge the jurisdiction of the probate courts in Wyoming Territory;

A bill (H. R. 5179) to prohibit the passage of local or special laws in the Territories of the United States;

A bill (H. R. 5496) to increase the jurisdiction of probate courts in Arizona, and to repeal all acts of the Territorial Assembly creating county courts in said Territory;

A bill (H. R. 5888) to legalize and validate the general laws of the Territory of Dakota for the incorporation of insurance companies, and for other purposes, and to authorize and empower the Legislative Assembly of said Territory to pass such general laws;

A bill (H. R. 6965) to authorize Columbia County, in Washington Territory, to issue bonds for the construction of a court-house; and

A bill (H. R. 6966) to change the time of the meeting of the Legislative Assembly of Washington Territory.

EXECUTIVE SESSION.

Mr. CAMERON. I move now that the Senate proceed to the consideration of executive business.

Mr. BECK. I desire only to say, if I may be allowed——

Mr. CONGER. I made a motion to adjourn when I had the floor.

The PRESIDENT *pro tempore*. Does the Senator from Pennsylvania yield?

Mr. CAMERON. I do not. I insist on my motion.

Mr. BECK. All right. I shall answer the Senator from Massachusetts to-morrow.

Mr. CONGER. I move that the Senate do now adjourn; and I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BUTLER (when Mr. HAMPTON'S name was called). My colleague [Mr. HAMPTON] is paired with the Senator from Virginia [Mr. MAHONE]. My colleague is called away from the city by illness in his family.

Mr. HARRISON (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES].

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. VANCE (when his name was called). I am paired with the Senator from Michigan [Mr. PALMER].

The roll-call having been concluded, the result was announced—yeas 5, nays 35; as follows:

YEAS—5.

Dawes,	Mitchell of Oreg.,	Sherman,	Wilson of Iowa.
McMillan,			

NAYS—35.

Allison,	Conger,	Ingalls,	Ransom,
Beck,	Cullom,	Logan,	Sawyer,
Berry,	Edmunds,	McPherson,	Spooner,
Brown,	Eustis,	Maxey,	Teller,
Butler,	Gorman,	Miller,	Vest,
Call,	Hale,	Morgan,	Walthall,
Cameron,	Harris,	Payne,	Whitthorne,
Cockrell,	Hawley,	Plumb,	Wilson of Md.
Coke,	Hoar,	Pugh,	

ABSENT—36.

Aldrich,	Fair,	Jones of Florida,	Platt,
Blackburn,	Frye,	Jones of Nevada,	Riddleberger,
Blair,	George,	Kenna,	Sabin,
Bowen,	Gibson,	Mahone,	Saulsbury,
Camden,	Gray,	Manderson,	Sewell,
Chace,	Hampton,	Mitchell of Pa.,	Stanford,
Colquitt,	Harrison,	Morrill,	Vance,
Dolph,	Hearst,	Palmer,	Van Wyck,
Evarts,	Jones of Arkansas,	Pike,	Voorhees.

So the Senate refused to adjourn.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Pennsylvania that the Senate proceed to the consideration of Executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fourteen minutes spent in executive session the doors were reopened, and (at 6 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 4, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 3d day of May, 1886.

POSTMASTERS.

James S. Vedder, to be postmaster at Washington, Washington County, Kansas, *vice* Justus B. Besack, resigned.

Frank Brown, to be postmaster at Baltimore, Baltimore County, Maryland, *vice* I. Parker Veazey, resigned.

Anthony L. Underhill, to be postmaster at Bath, Steuben County, New York, *vice* De Witt C. Alden, commission expired.

Joseph C. Hendrix, to be postmaster at Brooklyn, Kings County, New York, *vice* James McLeer, commission expired.

J. A. C. McCum, to be postmaster at Shippensburg, Cumberland County, Pennsylvania, *vice* John Gish, commission expired.

William Lavies, to be postmaster at Santa Barbara, Santa Barbara County, California, *vice* Peter J. Barber, whose commission expires May 8, 1886.

John Seeman, to be postmaster at Denison, Crawford County, Iowa, *vice* J. Fred. Meyers, commission expired.

J. H. Beidler, to be postmaster at Mount Pulaski, Logan County, Illinois, *vice* John W. Seyfer, whose commission expires May 16, 1886.

Josephene Hopkins, to be postmaster at Glen Allen, Henrico County, Virginia, whose commission expired May 1, 1886.

Promotion in the revenue-marine service.

First Lieut. Morton L. Phillips, to be a captain in the revenue-marine service of the United States, *vice* Slicer, deceased.

Second Lieut. Wm. S. Baldwin, to be a first lieutenant in the revenue-marine service of the United States, *vice* Phillips, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 28, 1886.

DEPUTY FIRST AUDITOR.

Ernest P. Baldwin, of Missouri, to be deputy first auditor of the Treasury.

MINISTER RESIDENT.

Bayless W. Hanna, of Crawfordsville, Ind., to be minister resident and consul-general of the United States to the Argentine Republic.

CONSUL-GENERAL.

H. Clay Armstrong, of Auburn, Ala., to be consul-general of the United States at Rio de Janeiro.

SURVEYOR-GENERAL.

John C. Thompson, of Harrodsburg, Ky., to be surveyor-general of Wyoming.

SPECIAL EXAMINER OF DRUGS.

Andrew H. Ward, of Massachusetts, to be special examiner of drugs,

medicines, and chemicals, in the district of Boston and Charlestown, in the State of Massachusetts.

ASSISTANT APPRAISERS OF MERCHANDISE.

Russell D. Woodman, of Maine, to be assistant appraiser of merchandise in the district of Portland and Falmouth, in the State of Maine.

James F. Griffen, of Louisiana, to be assistant appraiser of merchandise in the district of New Orleans, in the State of Louisiana.

Oscar Valeton, of Louisiana, to be assistant appraiser of merchandise in the district of New Orleans, in the State of Louisiana.

SURVEYOR OF CUSTOMS.

Bion Bradbury, of Maine, to be surveyor of customs for the port of Portland, in the State of Maine.

NAVAL OFFICER.

Henry O. Kent, of New Hampshire, to be naval officer of customs in the district of Boston and Charlestown, in the State of Massachusetts.

PENSION AGENT.

Gilbert H. Barger, of Coshocton, Ohio, to be pension agent at Columbus, Ohio.

CONSULS OF THE UNITED STATES.

James U. Childs, of Farmington, Me., to be consul of the United States at Guelph, Canada.

Theodore W. Downs, of Bridgeport, Conn., to be consul of the United States at Quebec.

Albert N. Hatheway, of Hartford, Conn., to be consul of the United States at Nice.

Darius H. Ingraham, of Portland, Me., to be consul of the United States at Cadiz.

Gustavus Lucke, of Walpole, N. H., to be consul of the United States at Sherbrooke, Canada.

Francis A. Underwood, of Boston, Mass., to be consul of the United States at Glasgow.

MARSHALS OF THE UNITED STATES.

James M. Liddell, of Mississippi, to be marshal of the United States for the northern district of Mississippi.

William L. Cabell, of Texas, to be marshal of the United States for the northern district of Texas.

UNITED STATES ATTORNEYS.

Job H. Lippencott, of New Jersey, to be attorney of the United States for the district of New Jersey.

John D. Burnett, of Alabama, to be attorney of the United States for the southern district of Alabama.

Ernest Pillow, of Tennessee, to be attorney of the United States for the middle district of Tennessee.

Henry C. Allen, of Virginia, to be attorney of the United States for the western district of Virginia.

Charles B. Howry, of Mississippi, to be attorney of the United States for the northern district of Mississippi.

COLLECTORS OF CUSTOMS.

Richard F. Dodge, of Maine, to be collector of customs for the district of Salem and Beverly, in the State of Massachusetts.

Charles H. Call, of Michigan, to be collector of customs for the district of Superior, in the State of Michigan.

Samuel J. Anderson, of Maine, to be collector of customs for the district of Portland and Falmouth, in the State of Maine.

Erastus Redman, of Maine, to be collector of customs for the district of Frenchman's Bay, in the State of Maine.

Leveritt Saltonstall, of Massachusetts, to be collector of customs for the district of Boston and Charlestown, in the State of Massachusetts.

John McWilliams, of Rhode Island, to be collector of customs for the district of Providence, in the State of Rhode Island.

Charles F. Bailey, of Texas, to be collector of customs for the district of Corpus Christi, in the State of Texas.

Dudley O. Watson, of Michigan, to be collector of customs for the district of Michigan, in the State of Michigan.

Joseph J. Cocke, of Texas, to be collector of customs for the district of Brazos de Santiago, in the State of Texas.

Joseph Magoffin, of Texas, to be collector of customs for the district of Paso del Norte, in the State of Texas.

Charles A. Spofford, to be collector of customs for the district of Castine, in the State of Maine.

REGISTER OF THE LAND OFFICE.

John S. McFarland, of Chicago, Ill., to be register of the land office at Huron, Dak.

RECEIVERS OF PUBLIC MONEYS.

John Montgomery of Blackfoot, Idaho, to be receiver of public moneys at Oxford, Idaho.

Wallace McLaurin of Brandon, Miss., to be receiver of public moneys at Jackson, Miss.

William T. Shaffer of Wyoming, to be receiver of public moneys at Evanston, Wyo.

Samuel J. Lorah, of Colorado, to be receiver of public moneys at Central City, Colo.

POSTMASTERS.

Samuel De Wolf, to be postmaster at Rochester, in the county of Olmstead and State of Minnesota.

John Crull to be postmaster at Marietta, in the county of Lancaster and State of Pennsylvania.

C. A. Hartmann, to be postmaster at Collinsville, in the county of Madison and State of Illinois.

Andrew J. Reddick, to be postmaster at La Salle, in the county of La Salle and State of Illinois.

E. E. Waggoner, to be postmaster at Shelbyville, in the county of Shelby and State of Illinois.

Ward Gregory, to be postmaster at Ithaca, in the county of Tompkins and State of New York.

L. R. Erdice, to be postmaster at Brookville, in the county of Jefferson and State of Pennsylvania.

James G. Hasson, to be postmaster at Ebensburgh, in the county of Cambria and State of Pennsylvania

Elijah A. Parsons, to be postmaster at Towanda, in the county of Bradford and State of Pennsylvania.

Henry E. Slaymaker, to be postmaster at Lancaster, in the county of Lancaster and State of Pennsylvania.

John Swan, to be postmaster at Allegheny, in the county of Allegheny and State of Pennsylvania.

Edward C. Brownell, to be postmaster at Moodus, in the county of Middlesex and State of Connecticut.

William W. Rankin, to be postmaster at Lock Haven, in the county of Clinton and State of Pennsylvania.

Thomas Hill, to be postmaster at Haddonfield, in the county of Camden and State of New Jersey.

M. Boland, to be postmaster at Auburn, in the county of De Kalb and State of Indiana.

O. S. Dale, to be postmaster at Monticello, in the county of White and State of Indiana.

James E. Kackley, to be postmaster at Vincennes, in the county of Knox and State of Indiana.

H. G. Ashmead, to be postmaster at Chester, in the county of Delaware and State of Pennsylvania.

J. K. Bogert, to be postmaster at Wilkes Barre, in the county of Luzerne and State of Pennsylvania.

G. A. Clark, to be postmaster at Bloomsburgh, in the county of Columbia and State of Pennsylvania.

Frank Harvey, to be postmaster at Renovo, in the county of Clinton and State of Pennsylvania.

Robert Y. Watson, to be postmaster at Milford, in the county of Kent and State of Delaware.

Edward Dolan, to be postmaster at Troy, Rensselaer County, New York.

George W. Langdon, to be postmaster at Saratoga Springs, Saratoga County, New York.

Philip B. Spence, to be postmaster at Newport, Ky.

Jacob P. Kerlin, to be postmaster at Warren, Ill.

Thomas N. Youngblood, to be postmaster at Chester Court House, Chester County, South Carolina.

COLLECTORS OF INTERNAL REVENUE.

Edmund W. Booker, of Alabama, to be collector of internal revenue for the district of Alabama.

Isban Hess, of New York, to be collector of internal revenue for the fourteenth district of New York.

The above confirmation was accompanied by the following report from the Committee on Finance; which was ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 861) of Isban Hess, of New York, to be collector of internal revenue for the fourteenth district of New York, in place of James W. Bentley, suspended, and, so far as they have been able to obtain information, they find that Mr. Hess is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of Mr. Bentley, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 17, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 16, 1886, asking whether or not "there are any charges on file against the official or moral character of James W. Bentley, late collector of internal revenue for the fourteenth district of New York, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspensions.

But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers con-

taining charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully yours,

D. MANNING, *Secretary.*

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Hess.

Charles H. Henshaw, of Rhode Island, to be collector of internal revenue for the district of Rhode Island.

The above confirmation was accompanied by the following report from the Committee on Finance; which was ordered by the Senate to be printed in the RECORD:

The Committee on Finance have had under consideration the nomination (No. 870) of Charles H. Henshaw, of Rhode Island, to be collector of internal revenue for the district of Rhode Island, in place of Elisha H. Rhodes, suspended, and, so far as they have been able to obtain the information, they find that Charles H. Henshaw is a fit and proper person to discharge the duties of the office, and that there are no charges or papers on file reflecting upon the character of Elisha H. Rhodes, suspended, as will appear from the following letter of the Secretary of the Treasury:

TREASURY DEPARTMENT, *March* 18, 1886.

SIR: Your communication on behalf of the Finance Committee of the Senate, dated March 17, 1886, asking whether or not "there are any charges on file against the official or moral character of Elisha H. Rhodes, late collector of internal revenue for the district of Rhode Island, suspended," is received.

In reply thereto I have the honor to state that, so far as this inquiry relates to a suspension from office, I feel bound by the rules laid down in the President's recent message to the Senate upon the general subject of such suspension. But in order that I may surely act within the requirements of the statute relating to the furnishing by this Department of information to the Senate, I beg leave to remind the committee that the office referred to has no fixed term attached to it, and to further state that the President is satisfied that a change in the incumbency of said office will result in an improvement of the public service, and that the policy of the present administration will be better carried out by such change.

Except as the same may be involved in these considerations, no papers containing charges reflecting upon the official or moral character of the suspended officer mentioned in your communication are in the custody of this Department.

Respectfully, yours,

D. MANNING, *Secretary.*

Hon. JUSTIN S. MORRILL,
Chairman of the Senate Committee on Finance.

A resolution, as follows, was unanimously adopted by the Committee on Finance, April 6, 1886, in relation to this and all similar letters to the foregoing:

"*Resolved*, That the letters of the Secretary of the Treasury to the Committee on Finance, dated March 16, 1886, or subsequently, in relation to the suspension of collectors of internal revenue, should be received and held as honest declarations made in good faith that there are no charges or papers on file in the Department reflecting in any manner against their moral or official conduct or character."

Under this statement of facts, and the fact that there is no fixed term attached to the office of collector of internal revenue, the committee recommend the confirmation of Mr. Henshaw.

Executive nominations confirmed by the Senate May 3, 1886.

UNITED STATES MARSHAL.

Zephania T. Hill, of Colorado, to be marshal of the United States for the district of Colorado.

POSTMASTER.

William T. Dowdall, to be postmaster at Peoria, Peoria County, Illinois.

HOUSE OF REPRESENTATIVES.

MONDAY, *May* 3, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Saturday last was read and approved.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. MCKINLEY, for ten days, on account of sickness.

To Mr. BUNNELL, for one week, on account of important business.

To Mr. FORNEY, for ten days, on account of important business.

To Mr. GIBSON, of West Virginia, for one week.

To Mr. SAWYER, indefinitely.

LEAVE TO PRINT.

Mr. BLANCHARD, by unanimous consent, obtained leave to print in the RECORD some remarks on the bill providing for the appointment of a yellow-fever investigating committee.

FRIDAY EVENING SESSIONS.

Mr. BRAGG. Mr. Speaker, I desire to offer the resolution which I send to the Clerk's desk, and ask its immediate consideration.

The SPEAKER. The resolution will be read, after which the Chair will ask for objections.

The resolution was read, as follows:

Resolved, That the order of business for Friday evening sessions be enlarged so as to include private bills from the Military Committee correcting the records of private soldiers, but not to include any bill for the restoration of an officer to the Army, or the giving any increased pay or rank to any officer in the Army or upon the retired-list.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. ZACH. TAYLOR. I object.

Mr. RANDALL. Mr. Speaker, I was about to suggest that the resolution should provide that no work shall be done on Friday evenings without a quorum.

The SPEAKER. Objection is made to the present consideration of the resolution.

INDIAN APPROPRIATION BILL.

Mr. WELLBORN. Mr. Speaker, I rise to present a privileged report, the conference report on the Indian appropriation bill.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5543) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1887, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 12, 13, 25, 44, and 53.

Mr. RANDALL. Mr. Speaker, the amendments read by numbers are not intelligible, and I think it desirable that the House should have either an explanation of the changes or the amendments themselves read.

The SPEAKER. If any gentleman desires it and there be no objection the amendments will be read. The Clerk will continue the reading of the report.

Mr. STEELE. Mr. Speaker, the gentleman from Tennessee [Mr. ZACH. TAYLOR] withdraws his objection to the consideration of the resolution offered by the gentleman from Wisconsin [Mr. BRAGG].

The SPEAKER. It is too late. Another matter, a privileged report, is now before the House.

Mr. WELLBORN. Mr. Speaker, in response to the suggestion of the gentleman from Pennsylvania [Mr. RANDALL], I desire to say that there is a full statement accompanying the report, which I desire to have read after the report.

The Clerk continued the reading of the report, as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 7, 8, 9, 10, 11, 14, 15, 16, 20, 21, 22, 23, 24, 26, 27, 28, 32, 33, 45, 47, 48, 49, 50, 51, 54, 56, 62, 64, 65, 66, 67, 68, 69, 71, 72, 73, and 76, and agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,528,900;" and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000;" and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"For support and civilization of the Navajo Indians, including pay of employés, $7,500; for expenses of constructing ditches and reservoirs, $7,500; in all, $15,000, to be taken from the funds now in the Treasury belonging to said Indians."

And the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000;" and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,000;" and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,000;" and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,000;" and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendement of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000;" and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$15,000;" and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$650,000;" and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$55,000;" and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,000;" and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$715,000;" and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: Strike out all of said amendment, and insert in lieu thereof the following:

"*Provided*, That funds herein and heretofore appropriated for construction of ditches and other works for irrigating may, in the discretion of the Secretary of the Interior, be expended in open market: *Provided further*, That purchases in open market may be made from Indians, under the direction of the Secretary of the Interior, to an amount not exceeding $3,000."

And the Senate agree to the same.

OLIN WELLBORN
S. W. PEEL,
B. W. PERKINS,
Managers on the part of the House.
H. L. DAWES,
P. B. PLUMB,
WILKINSON CALL,
Managers on the part of the Senate.

Mr. WELLBORN. I now ask that the statement accompanying the conference report be read.

The Clerk read as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the bill H. R. 5543, making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1887, and for other purposes, submit the following written statement in explanation of the action recommended in the accompanying conference report:

On amendments numbered 1, 2, and 3: Restores the House provision for the Omaha and Winnebago agency and makes consequent correction in total for agents.

On amendments numbered 7 and 8: Leaves the appropriation for physician and teachers for Apaches, Kiowas, and Comanches in gross sum of $2,500 as heretofore.

On amendments numbered 9, 10, and 11: Leaves the appropriation for physician and teacher for Cheyennes and Arapahoes in gross sum of $2,000 as heretofore.

On amendments numbered 12 and 13: Restores the House provision for support of schools for Chippewas of the Mississippi, and makes necessary change in total.

On amendment numbered 14: Strikes out the provision for negotiations with the Chippewa Indians in Minnesota, the same being provided for in another part of the bill.

On amendments numbered 15 and 16: Appropriates $60,000 for subsistence, &c., of the Crows, in lieu of $70,000, as proposed by the House, and makes necessary change in total.

On amendments numbered 20, 21, and 22: Leaves the appropriation for salaries of matrons, teachers, farmer, carpenter, and millers for the Nez Percés in gross sum of $3,500, as heretofore.

On amendments numbered 23 and 24: Reduces the appropriation for subsistence for the Poncas from $18,000 to $15,000, and makes necessary change in total.

On amendment numbered 25: Restores the appropriation made by the House for clothing, as per treaty, for Sioux of different tribes, to $130,000.

On amendment numbered 26: Makes the appropriation in gross sum of $10,400 for teachers, physician, carpenter, miller, engineer, farmers, and blacksmith for the Sioux of different tribes, as heretofore.

On amendments numbered 28 and 30: Reduces the appropriation for subsistence for Sioux of different tribes from $1,250,000 to $1,200,000, and makes necessary correction of total.

On amendment numbered 32: Reduces the appropriation for Shoshones and Bannocks, and other Indians of Fort Hall reservation, from $18,000 to $17,000.

On amendment numbered 33: Reduces the appropriation for Shoshones, Bannocks, and Sheepeaters, and other Indians of the Lemhi agency, from $16,800 to $15,000.

On amendment numbered 36: Makes the appropriation for the Modoc Indians $4,000 instead of $5,000, as provided by House bill.

On amendment numbered 37: Reduces the appropriation for support and civilization of the Navajo Indians from $20,000 to $7,500, and makes an appropriation of $7,500 for constructing ditches and reservoirs for their benefit.

On amendment numbered 39: Reduces the appropriation for the Shoshone Indians in Wyoming from $19,000 to $15,000.

On amendment numbered 40: Reduces the appropriation for the Shoshone Indians in Nevada from $12,000 to $10,000.

On amendment numbered 41: Reduces the appropriation for the Sioux of Lake Traverse from $8,000 to $6,000.

On amendment numbered 43: Reduces the appropriation for the Sioux of Devil's Lake from $8,000 to $6,000.

On amendment numbered 44: Restores the appropriation made by the House bill of $8,000 for incidental expenses of Indian service in Dakota.

On amendment numbered 45: Restores the appropriation made by the House bill of $5,000 for incidental expenses of Indian service in Montana.

On amendment numbered 46: Makes an appropriation for practical farmers to aid Indians in farming, of $40,000 instead of $35,000 as proposed by the House.

On amendment numbered 47: Reduces the appropriation for the Indian police from $90,000 to $85,000.

On amendment numbered 48: Appropriates $2,000 for prevention of the illegal traffic in intoxicating liquors upon or near Indian reservations.

On amendments numbered 49 and 50: Substitutes Senate for House provision respecting surveys of Indian reservations and allotments in severalty.

On amendment numbered 51: Strikes out the provision for removal of upper and middle bands of Spokane Indians, the same being provided for in another portion of the bill.

On amendment numbered 52: Makes the following provision for negotiations with certain tribes and bands of Indians, viz:

"To enable the Secretary of the Interior to negotiate with the several tribes and bands of Chippewa Indians in the State of Minnesota for such modification of existing treaties with said Indians and such change of their reservation as may be deemed desirable by said Indians and the Secretary of the Interior, and as to what sum shall be a just and equitable liquidation of all claims which any of said tribes now have upon the Government; and also to enable said Secretary to negotiate with the various bands or tribes of Indians in Northern Montana and at Fort Berthold, in Dakota, for a reduction of their respective reservations, or for removal therefrom to other reservations; and also to enable said Secretary to negotiate with the upper and middle bands of Spokane Indians and Pend d'Oreilles Indians, in Washington and Idaho Territories, for their removal to the Colville, Jocko, or Cœur d'Alene reservations, with the consent of the Indians on said reservations; and also to enable said Secretary to negotiate with said Indians for the cession of their lands to the United States; and also to enable said Secretary to negotiate with the Cœur d'Alene Indians for the cession of their lands outside the limits of the present Cœur d'Alene reservation to the United States $15,000, or so much thereof as may be necessary, to be immediately available; but no agreement made shall take effect until ratified by Congress."

On amendment numbered 53: Strikes out the appropriation to pay the Delaware Indians $14,730—the value of twenty-three sections of land.

On amendment numbered 54: Appropriates $30,000 for continuing the investigation and examination of Indian depredation claims.

On amendment numbered 55: Appropriates for support of Indian day and industrial schools $650,000, in lieu of $675,000 as proposed by the Senate amendment.

On amendment numbered 56: Strikes out the provision authorizing the purchase of school buildings.

On amendment numbered 57: Appropriates $55,000 in lieu of $40,000 for the construction and repair of school buildings.

On amendments numbered 58 and 59: Appropriates $10,000 in lieu of $25,000 for purchase of stock for schools, and makes necessary correction of total.

On amendments numbered 62 and 73: Transfers the appropriation for the Saint Ignatius mission school, in Montana, to another portion of the bill.

On amendments numbered 64, 65, and 66: Makes more specific the appropriations for the Chilocco industrial school.

On amendment numbered 67: Increases the appropriation for educational purposes in Alaska from $15,000 to $20,000.

On amendments numbered 68 and 69: Authorizes an annual allowance of $1,000 to Capt. R. H. Pratt, in charge of the Carlisle Indian industrial school, and makes necessary change in total.

On amendment numbered 71: Makes an appropriation of $10,000 for repairs of building and construction of new buildings for the Genoa industrial school.

On amendment numbered 72: Makes an appropriation of $58,000 for the completion of buildings and purchase of additional grounds for the Lawrence Indian school.

On amendment numbered 76: Authorizes the payment of $735 out of the appropriation in the bill for transportation of Indian pupils to the Good Shepherd industrial school, of Denver, Colo., for transporting twenty-five Indian girls from Turtle Mountain, Dakota, to said school.

On amendment numbered 77: Authorizes the expenditure in open market of moneys herein and heretofore appropriated for construction of ditches and other works for irrigating, in the discretion of the Secretary of the Interior, and provides that purchases may be made from Indians in open market to an amount not exceeding $3,000.

The amount of bill as agreed to is	$5,546,262 84
Less than the estimates	528,997 00
Less than the act for the current fiscal year	216,249 86

OLIN WELLBORN,
S. W. PEEL,
B. W. PERKINS,
Managers on the part of the House.

Mr. WELLBORN. Mr. Speaker, in reference to the report just submitted I desire simply to say that the increases made to this bill by the Senate amendments amounted to $231,720, while the reductions amounted to $162,000. The conference committee has somewhat changed this result; and in the bill as finally agreed on in conference the Senate increases are $113,000 for school purposes, sundries $47,000, making $160,000; while the decreases are $110,800. The appropriations embraced in the bill, according to the report just submitted, are $49,000 in excess of the bill as it passed the House. This is, I believe, the only statement I desire to make.

Mr. RANDALL. Mr. Speaker, if I caught correctly the reading of the report there is among the educational clauses of the bill an item of increase of $58,000, or thereabouts, for the Haskell Institute in Kansas, that item making provision for increasing the number of pupils in the institution, which, by the way, is not on any reservation, from three hundred and fifty, the maximum heretofore, I believe, to five hundred. I should be glad if the gentleman from Texas would give us some reason for so large an increase. It may be all right, but still I think there ought to be some statement explanatory of the matter.

Mr. WELLBORN. Mr. Speaker, I yield to the gentleman from Kansas [Mr. PERKINS], who will make a statement in reference to the increase in that item.

Mr. PERKINS. Mr. Speaker, this appropriation is for the purpose of completing the building of the Haskell Institute as originally designed. As the gentleman from Pennsylvania [Mr. RANDALL] has suggested, the accommodations of that school at present are sufficient for only three hundred and fifty pupils, the number now there, but it was originally intended that the school should accommodate five hundred Indian children.

Last December there were in that institution three hundred and twenty-two children. Since that time the institution has been filled to its utmost capacity. The present superintendent, Mr. Grabowskii, a very competent officer, who has had some experience, I think, in industrial schools in the gentleman's own State, was before our committee to represent the necessities of this institute. This appropriation was also recommended by the Commissioner of Indian Affairs and by the Secretary of the Interior. The superintendent of Indian education says in his recent report that of all the industrial schools this, with proper accommodations, will be the most useful. Situated at Lawrence, Kans., it is only 150 miles from the Indian Territory. Within a radius of 40 miles there are to-day Indian reservations peopled by Indians who desire to avail themselves of the benefits of this school if the accommodations can be made sufficient. The superintendent assured our committee that without duress, without violence, without force, this school, if enlarged so as to provide for five hundred children, could readily be filled to the extent of its capacity from the Indian Territory and from the great reservations of the North and West.

The people of the city of Lawrence contributed for the purposes of this school, when it was located there by the Government, 320 acres of excellent land, land capable of a high state of cultivation, upon which

a large portion of the vegetables and produce used in the school can be raised. Building material and labor are cheap at Lawrence; and, in my judgment, at no point in the country could these accommodations be secured with less expenditure to the Government than they can be at Lawrence. Hence, as I have suggested, the Committee on Indian Affairs had recommended this very appropriation before it was inserted in the Indian appropriation bill. We had recommended it, however, as independent legislation. I ask that the report made by the committee, in connection with the bill which we reported providing for this expenditure, be read as part of my remarks.

The Clerk read as follows:

Mr. PERKINS, from the Committee on Indian Affairs, submitted the following report, to accompany bill H. R. 3388:

The Committee on Indian Affairs, to whom was referred the bill (H. R. 3388) making an appropriation for the completion of Haskell Institute, an Indian school at Lawrence, Kans., submit the following report:

As originally designed, the Haskell Institute was intended to accommodate 500 Indian scholars. In its present and unfinished condition its maximum capacity is 350 scholars. On the 19th day of December last there were in attendance upon this school 322 Indian boys and girls, and since that time several have been admitted, so that it is now nearly or quite filled to its maximum capacity. The work of this school has commended it to all visitors and to all who interest themselves in the cause of Indian education and Indian civilization. It was opened to scholars less than two years ago, but its progress has been such that the urgent necessity for additional accommodations is apparent to all who have given the matter attention, and has the warm approval of the superintendent of Indian education, the honorable Commissioner of Indian Affairs, and the Secretary of the Interior.

The present superintendent of the school, Arthur Grabowskii, was before your committee and gave an interesting and detailed statement of its management and accomplishments, and, encouraged by the results, he earnestly urged upon the attention of the committee the necessity of this appropriation. The school is located on 320 acres of land adjoining the beautiful city of Lawrence, on the Kansas River, and has many advantages in its favor as an Indian industrial school. It is only 150 miles from the Indian Territory, and within 40 miles of it are Indian reservations, peopled by the wards of the Government, who should be qualified for the duties and responsibilities of citizenship, and the superintendent, Mr. Grabowskii, assured the committee that if the additional accommodations were provided he could, within a brief period, fill the school to its full capacity by Indian children, voluntarily offered him from the Indian Territory and the great reservations of the North and West. Situated as the school is in the great grain-producing and cattle and hog raising State of Kansas, supplies can be obtained for it at much less cost to the Government than in most sections of the country, and the 320 acres of land belonging to the school, and donated to the Government by the public-spirited citizens of Lawrence, in consequence of the location of this industrial institute at the gates of their city, is rich and productive and capable of a high state of cultivation, and from which very much can be raised, thus lessening the burdens to the Government in sustaining the institute.

The University of Kansas is also located at Lawrence, which will give to the ambitious Indian who is not content with his industrial education an opportunity of completing it in an institution of learning second to none in the land. Building material and labor are cheap at Lawrence, and we know of no place in the country where the Government can provide these needed additional educational advantages for the Indians for less money than at the site of this industrial school. In proof of this, special attention is called to the report of the board of visitors which accompanies this report, and in which the necessity of these additional accommodations is suggested and their character and estimated cost are given. In his last annual report the superintendent of Indian education has this to say of the Lawrence school:

"Haskell Institute, at Lawrence, Kans., was established in 1884. In September of that year it was opened with one hundred and twenty-five pupils. This school is in need of more buildings, and with adequate facilities may be made the most useful of all the training schools. There is every reason to believe that the present superintendent, Mr. Grabowskii, will manage it with much more than ordinary ability."

The Commissioner of Indian Affairs and the Secretary of the Interior are of the opinion that the bill should be amended so as to authorize the purchase of additional land. In this opinion your committee concur, and recommend that the bill be so amended as to authorize, from the money appropriated, the purchase of 40 acres of additional land for the accommodation and use of the school. The letters of the Secretary of the Interior and the Commissioner of Indian Affairs, and copies of resolutions adopted by the Board of Trade of the city of Lawrence, are attached hereto and made part of this report.

In this report your committee do not deem it necessary to enter into a discussion of the Indian educational system, but, believing that great good is being accomplished by this Lawrence school, the passage of the bill is recommended, with an amendment.

Mr. PERKINS. The communications which are attached are recommendations of the Commissioner and Secretary.

Mr. RANDALL. I wish to call the attention of the gentleman from Kansas to this point: The Committee on Indian Affairs seem to have introduced a separate bill for this object; and I presume under our rules it might be subject to the point of order in the House. We will have sooner or later to meet the issue whether the Senate has the power of introducing legislation upon appropriation bills, that body heretofore having resisted efforts on the part of the House to do the same thing. It will have to be determined whether the Senate can escape the responsibility in that particular. I do not know that it is desirable on our part to object in this instance, but it is necessary attention should be called to the fact while the House does not put legislation upon appropriation bills, yet there seems to be a way by which the Senate can put legislation upon appropriation bills.

Mr. PERKINS. I will say in answer to the gentleman from Pennsylvania the House yielded in regard to this item because we had already considered the subject and recommended it separately to the House.

Mr. RANDALL. But in a separate bill.

Mr. PERKINS. Yes, in a separate bill. And as we believed the appropriation was right and should be passed we yielded in this respect to the managers on the part of the Senate.

Mr. WELLBORN. I think it is just to the committee of conference to say I do not think this amendment violates any rule of this House, because it is an appropriation in continuation of a public work already in operation.

Mr. RANDALL. My remarks were only intended for the purpose of calling attention to the fact that the Committee on Indian Affairs properly, as I think, wished to avoid any doubt on this subject, and therefore introduced an independent proposition to cover it.

Mr. WELLBORN. Allow me to make a suggestion. My recollection is—but the gentleman from Kansas can state more accurately—that this recommendation did not come from the Indian Office until after the committee had passed on the general appropriation bill.

Mr. PERKINS. That is so. The letter from the Indian Department was not received until after the Indian appropriation bill had been perfected.

Mr. RANDALL. Of course I raise no issue in reference to this matter, and my only object has been to call attention to the fact that sooner or later we will have to meet the issue which is presented in this case; and that is that while we have debarred ourselves from putting legislation on appropriation bills, the Senate seems to have a mode of doing it, as is evident in this instance.

Mr. WELLBORN. I move the adoption of the conference report.

The report was adopted.

Mr. WELLBORN moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS RED RIVER.

Mr. CRISP submitted the following report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4765) to authorize the Red River Bridge Company of Texas to maintain a bridge across Red River, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

CHARLES F. CRISP,
W. D. BYNUM,
A. J. WEAVER,
Managers on the part of the House.
S. J. R. McMILLAN,
O. D. CONGER,
G. G. VEST,
Managers on the part of the Senate.

The SPEAKER. The rule requires reports of conference committees shall be accompanied by statements showing the effect of their adoption, but if the point be not made, the question will be stated on the adoption of the report.

Mr. CRISP. The only amendment of the Senate to this bill is to strike out the words, "and customary in said locality;" so it will read:

Shall be permitted to charge and take such rates of toll for crossing said bridge as may be reasonable, subject to the approval of the Secretary of War.

The conference report was adopted.

Mr. CRISP moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS KANSAS RIVER.

Mr. CRISP submitted the following privileged report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3519) authorizing the Interstate Rapid Transit Railway Company to build a bridge across the Kansas River, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

CHARLES F. CRISP,
W. D. BYNUM,
A. J. WEAVER,
Managers on the part of the House.
S. J. R. McMILLAN,
O. D. CONGER,
G. G. VEST,
Managers on the part of the Senate.

Mr. HOLMAN. Let the amendment be read.

The Clerk read as follows:

Page 1, at the end of line 12, insert "for such reasonable rates of toll as may be approved from time to time by the Secretary of War."

The report was adopted.

Mr. CRISP moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE OVER RED RIVER, TEXAS.

Mr. CRISP submitted the following privileged report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5786) granting to the Gainesville and Chickasaw Bridge Company the consent of the United States to construct and maintain a bridge over Red River at or near Brown's Ferry, in Cooke

County, Texas, having met, after full and free conference have recommended and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

CHARLES F. CRISP,
W. D. BYNUM,
A. J. WEAVER,
Managers on the part of the House.

S. J. R. McMILLAN,
O. D. CONGER,
G. G. VEST,
Managers on the part of the Senate.

The amendments of the Senate were read, as follows:

First amendment: Page 1, line 7, after the word "toll," insert "to be approved from time to time by the Secretary of War."

Second amendment: Page 2, at the end of line 1, insert the following:

"And that if at any time the navigation of the said river shall in any manner be obstructed or impaired by the said bridge, the Secretary of War shall have authority, and it shall be his duty, to require the said company to alter and change the said bridge, at its own expense, in such manner as may be proper to secure free and complete navigation without impediment; and if upon reasonable notice to said company to make such change or improvements and the said company fails to do so, the Secretary of War shall have authority to make the same at the expense of said company, and all rights conferred by this act shall be forfeited; and Congress shall have power to do any and all things necessary to secure the free navigation of the river."

The report was adopted.

Mr. CRISP moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE MISSISSIPPI AT RED WING, MINN.

Mr. CRISP submitted the following privileged report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5677) to authorize the construction of a pile and ponton railway and wagon bridge across the Mississippi River from the city of Red Wing, Minn., to the opposite shore in the State of Wisconsin, having met, after a full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

CHAS. F. CRISP,
W. D. BYNUM,
A. J. WEAVER,
Managers on the part of the House.

S. J. R. McMILLAN,
O. D. CONGER,
G. G. VEST,
Managers on the part of the Senate.

Mr. HOLMAN. I hope the amendments will be read.

The SPEAKER. Without objection the amendments will be read.

The amendments were read.

The conference report was concurred in.

Mr. CRISP moved to reconsider the vote by which the conference report was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS TENNESSEE RIVER.

Mr. CRISP submitted the following privileged report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2309) to give the assent of Congress to the construction of a bridge by the Nashville, Jackson and Memphis Railroad Company over the Tennessee River, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, and 5, and agree to the same.

CHAS. F. CRISP,
W. D. BYNUM,
A. J. WEAVER,
Managers on the part of the House.

S. J. R. McMILLAN,
O. D. CONGER,
G. G. VEST,
Managers on the part of the Senate.

The amendments of the Senate were read.

The conference report was concurred in.

Mr. CRISP moved to reconsider the vote by which the conference report was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE MISSOURI AT PIERRE, DAK.

Mr. CRISP submitted the following privileged report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7646) to authorize the construction and maintenance of a bridge by the Dakota Central Railway Company across the Missouri River at Pierre, Dak., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, and 6, and agree to the same.

CHAS. F. CRISP,
W. D. BYNUM,
A. J. WEAVER,
Managers on the part of the House.

S. J. R. McMILLAN,
O. D. CONGER,
G. G. VEST,
Managers on the part of the Senate.

Mr. HOLMAN. I hope the amendments will be read.

The SPEAKER. Without objection the amendments will be read.

The amendments of the Senate were read.

The conference report was concurred in.

Mr. CRISP moved to reconsider the vote by which the conference report was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FOURTH OF JULY CLAIMS.

Mr. RICHARDSON. Mr. Speaker, I desire to submit a privileged report from the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4731) which I now send to the desk.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill of the House (H. R. 4731) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows, namely:

That the House recede from its disagreement to the amendment adopted by the Senate and agree to the same.

JAMES D. RICHARDSON,
JAMES T. JOHNSTON,
GEORGE W. GEDDES,
Managers on the part of the House.

AUSTIN F. PIKE,
GEO. F. HOAR,
JAMES K. JONES,
Managers on the part of the Senate.

Mr. HOLMAN. I hope the amendment will be reported.

The SPEAKER. If there be no objection the amendment will be read.

There was no objection.

The amendment was read by the Clerk, as follows:

Page 66, after line 17, insert "Mississippi: To Catharine C. B. Merrill, executrix of the last will and testament of Ayres B. Merrill, from said State, $67,726.

Mr. HOLMAN. I hope there will be some explanation of this action on the part of the conference.

Mr. RICHARDSON. Mr. Speaker, this bill is a House bill making allowances for certain claims reported by the accounting officers of the United States Treasury Department, as indicated by its title. It was amended in the Senate by the adoption of the amendment which has just been reported, allowing to Catharine C. B. Merrill, executrix of Ayres B. Merrill, deceased, of Mississippi, the sum of $67,726.

This claim, Mr. Speaker, was investigated by the Quartermaster-General under a special act of Congress, approved February 13, 1885. He made his report to Congress under that act during the present session, and recommended an allowance for quartermaster and commissary stores in favor of this claimant of $50,382.50. The Committee on War Claims has investigated the report and the proof as submitted by the Quartermaster-General, and on the 15th day of April a report was submitted from that committee recommending the allowance of the amount reported by the Quartermaster-General; that is to say, $50,382.50. It is proper for me to state, Mr. Speaker, that the agent of the Quartermaster-General, who was sent upon the premises to investigate this claim, reported that the claimant lost $67,726; but the assistant quartermaster-general held that inasmuch as the claimant had submitted a statement of his account, showing the amount of the loss, about ten years subsequent to the war, and had only claimed a total amount of $50,382.50, the Quartermaster-General did not feel that he was warranted in recommending an appropriation of a larger sum, notwithstanding the fact that the agent's report shows the loss of the larger sum, or $67,726.

The Committee on War Claims reported a bill recommending an allowance for the smaller sum, $50,382.50. That bill has its proper place on the Calendar of the House. The Senate, however, having a bill before it also, examined the facts and the report of the Quartermaster-General, and they recommended the larger sum, $67,726. They therefore amended the House bill by making the allowance which I have mentioned. The committee of conference, having discussed the matter fully, came to the conclusion they would concur with the Senate in recommending the adoption of the Senate amendment, and allowing the larger sum. Those are the facts.

The members of this body on the committee of conference the more readily assented to the report submitted because they are satisfied that the proof is ample to show the justice and correctness of the claim. They are opposed, however, to the policy of amending the bill, which is intended only to make an appropriation for the allowance of claims reported by the accounting officers of the Treasury. They thought, and still think, this bill should provide only for such claims. Rather than endanger the passage of this bill, however, which would inflict such great injury upon over one thousand small claimants therein provided for, they forego their opposition to the Senate amendment and recommend that the House recede from its disagreement thereto.

Mr. JOHNSTON, of Indiana. As there may be some misunderstanding about this matter, I wish to state the facts as I understand them. This claim was originally filed before Congress, and Congress passed a

special act authorizing the Quartermaster-General to inquire into the amount that was due. Mr. Merrill, some ten years after the war, while he was in New York, and in poor health, made out a memorandum of his losses, amounting to nearly $51,000. A special act of Congress authorized the Quartermaster-General to investigate the amount of his losses. The Quartermaster's Department sent a special agent down there, who was a very efficient man, and he found $67,000 due to Mr. Merrill under the act of Congress. When he made his report to the Quartermaster-General the Quartermaster-General held he was bound by the memorandum as made by Mr. Merrill, and not by the finding of the special agent. That report came before our committee, the Committee on War Claims of the House, and we followed the finding of the Quartermaster-General, and reported a bill to this House recommending payment to Mr. Merrill's executrix of a sum of nearly $51,000—I forget the precise amount.

Now, the Senate amends this bill by putting in the whole amount, $67,000, instead of $51,000. The $51,000 stand in the same condition as the rest of the 4th July claims do. Sixty-seven thousand dollars is proved just as conclusively as the $51,000. And while the committee of conference can not say under the proof that the $67,000 is not due, this state of facts was presented—that either we had to consent to allow the amendment of this bill by the insertion of what we all consider is a just claim, a claim that is amply proven—there is no question about the loyalty of the party—we had either to consent to that or jeopardize the whole bill and the allowances to eight hundred or a thousand loyal people for small sums.

The committee agree the whole amount was proven. The only reason why the War Claims Committee did not report in favor of the $67,000 was because the Quartermaster-General had followed the memorandum as made by this party. The whole of this $67,000 is as clearly proven as the $51,000. I have no doubt in my mind about these parties being entitled to the $67,000; but as I have said, we followed the finding of the Quartermaster-General in that respect.

The report of the committee of conference was agreed to.

Mr. RICHARDSON moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TAXATION FOR PAYMENT OF PENSIONS.

Mr. HISCOCK. On Saturday evening the gentleman from Illinois [Mr. MORRISON], from the Committee on Rules, reported this resolution:

Resolved, That it shall be in order when any general bill or proposition to increase the rates or amounts of pensions or to grant pensions to persons not previously entitled thereto by law is under consideration to amend the same so as to provide by taxation or otherwise for the payment thereof; but no such amendment shall be in order unless the net revenue provided for shall be thereby set apart for the sole purpose of paying such increased pensions.

I desire to say that the gentleman from Maine [Mr. REED] and myself, members of the Committee on Rules, dissent from that report for the reason that we believe it is a discrimination against one class of legislation which ought not to be tolerated and which is vicious in practice.

Mr. MORRISON. It is neither a discrimination against any class of legislation nor vicious in practice. It is worthy of general application whenever practicable.

Now, Mr. Speaker, I do not propose to call up this report, although it is privileged, in the absence of the gentleman from Maine [Mr. REED]. I may state, however, in further reply to the gentleman from New York, that the purpose of this resolution is to secure the payment of the very obligations which the gentleman professedly so much desires to have paid, and they can not be promptly paid without it.

Mr. HISCOCK. I have not attempted to debate the resolution.

Mr. MORRISON. Nor I.

Mr. HISCOCK. I simply stated the ground briefly for our dissent.

Mr. MORRISON. Exactly; and I gave my reason quite as briefly for our approval.

HOUR OF MEETING.

Mr. MORRISON. I desire to call up the other resolution reported by me for the Committee on Rules in relation to the hour of meeting and adjournment.

The Clerk read the resolution offered by Mr. GIBSON, of West Virginia, and referred to the committee, as follows:

Resolved, That on and after Monday next the House of Representatives meet at 11 o'clock a. m. on each day.

The substitute reported by the committee was read, as follows:

Resolved, That on and after Monday, May 10, during the present session, the House shall meet each day at 11 a. m. and adjourn each day at 5 o'clock p. m.; but this resolution shall not interfere with any orders heretofore made for recess.

Mr. MORRISON. The substitute fixes a later day than the original resolution. It proposes a day on or about which it has been usual at former sessions to meet earlier than 12 o'clock. The committee for this purpose amended the resolution or provided by the substitute that this order shall take effect on the 10th of May, which is next Monday. There has been also added a provision to the effect that the hour of adjournment shall be fixed at 5 o'clock. This would give us a continuous session of six hours each day, and with committee work and other duties this is quite long enough.

The members here can not fail to observe the difficulty we have in keeping a quorum present for the transaction of business, and it is believed that if the hour was fixed at which the House would certainly adjourn the gentlemen who now absent themselves would grace the House with their presence until that hour, and we would not be so often as we now are without a quorum. Of course it would be in the power of the House to extend the session. Unless some gentleman cares to discuss the matter, I will now move the previous question on the adoption of the resolution.

Mr. SPRINGER. Will my colleague, before he makes that motion, allow me to say a word in regard to fixing the hour of daily adjournment?

Mr. MORRISON. Certainly.

Mr. SPRINGER. Mr. Speaker, the power of the House, or of any legislative body, to adjourn at any time is one of the most universally recognized rights that a parliamentary body has, and I think it would be without precedent and contrary to the spirit of the history of the House to fix arbitrarily by rule an hour at which we must adjourn every day. The House should always be permitted to control the time of its adjournment, and I think this rule, if adopted, would prove very inconvenient in practice. For instance, we might be considering an important bill and five minutes' additional time might be sufficient to complete its consideration, but if this rule were in operation we could not have a vote on the question of extending the session before the arrival of the time for adjournment, especially if there was a call for tellers.

Any form of filibustering begun just before 5 o'clock would prevent the extension of the time and would carry the business over to another day. I think that portion of the resolution which requires the House to adjourn at 5 o'clock (except on Fridays, when there is an order for an evening session) ought not to be adopted, and, if my colleague will permit, I will move to strike out that provision before the previous question is asked for.

Mr. MORRISON. Mr. Speaker, it was believed by the committee that a six-hour session daily was long enough, and, in fact, much longer than we have been able usually to get gentlemen to stay here and work, and we hoped that by adopting this rule gentlemen who now absent themselves would be induced to stay until the end of the daily session, when they knew just the hour at which the session would end.

I wish to say also to my colleague [Mr. SPRINGER] that in the earlier days of the Republic, to which he often refers as the better days of the Republic, this was the rule for thirty or forty years and the adjournment occurred at a fixed hour. I think the House had better try it, and if it does not work well it can be changed. I did not originate nor am I wedded to it, but certainly there ought to be something done to keep gentlemen in their places here so that the work of the session may go forward and the House not be compelled every day to spend part of the time in the endeavor to secure a quorum.

Mr. SPRINGER. Mr. Speaker, a number of special orders have been made which give to certain committees certain days, and when a committee has had the day assigned to it, it cannot command any further time. Now if we were bound to adjourn at 5 o'clock, and the consideration of a bill was almost completed, we would be unable to stay here to complete the consideration of the bill, even though the majority might be so inclined, and it would pass into the catalogue as unfinished business.

Mr. MORRISON. There is a provision in the rule that it is not to interfere with prior orders.

Mr. HISCOCK. Mr. Speaker, whenever any order of business is under consideration which the House desires to continue after 5 o'clock I have no doubt that the House will take action in the direction of continuing it; but my experience has been, and I think the experience of every member of this House has been the same, that whenever we attempt to enforce the continuance of the daily session beyond the sentiment of the House, the good feeling of the House—whenever, if you please, we attempt to override the disposition to filibuster, we always lose time by it; and I heartily concur with the gentleman from Illinois [Mr. MORRISON] that if we come here at 11 o'clock in the morning and stay until 5 in the afternoon every day we will accomplish quite as much as we can accomplish by the adoption of any other rule.

Mr. CANNON. Mr. Speaker, it takes about forty minutes to call and verify the roll, and if this resolution be adopted fixing an arbitrary hour for the daily adjournment of the House, I very much fear that at about twenty minutes after 4 o'clock, or soon thereafter, a number of gentlemen here will come to the conclusion that it is too late in the day for another yea-and-nay vote and will take their hats and canes and walk leisurely home.

Mr. WILLIS. Will not the adoption of such an order, fixing definitely the hour of daily adjournment, present an invitation and a temptation for some one to filibuster almost every day?

Mr. MORRISON. There is nothing in the rule to prevent the House taking a recess to a later hour, and there is nothing to prevent the House adjourning earlier if it desires.

Mr. WEAVER, of Nebraska. Practically do we not adjourn now at 5 o'clock almost every day?

Mr. MORRISON. A number of gentlemen—many gentlemen—adjourn at 1 or 2 o'clock [laughter], and the object of this provision is to try to induce those who now adjourn so early to give us the benefit of their presence until 5 o'clock.

Mr. WEAVER, of Nebraska. I will say to the gentleman from Illinois that that remark has no application to me. [Laughter].

Mr. MORRISON. No; nor to any other gentleman—personally we are all here.

The SPEAKER. What is the motion of the gentleman from Illinois [Mr. SPRINGER]?

Mr. SPRINGER. I move to strike out so much of the resolution as provides for the daily adjournment at 5 o'clock.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] moves to amend the resolution by striking out the words "and adjourn each day at 5 o'clock p. m." The question is on the amendment.

Mr. BURROWS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURROWS. Under that rule, if adopted, when the hour of 5 o'clock arrived would the Speaker adjourn the House without a formal motion to that effect?

The SPEAKER. He would, just as the Chair now on Fridays announces the recess.

Mr. PETERS. I desire to make a parliamentary inquiry. Could the majority of the House, just prior to 5 o'clock, move to take recess for half an hour?

The SPEAKER. Undoubtedly; or to adjourn.

Mr. SPRINGER. But unless your recess was ordered before 5 o'clock arrived, the House would adjourn at 5.

The SPEAKER. If the hour of 5 o'clock arrived and no order had been made to the contrary, the Chair would of course declare the House adjourned.

Mr. SPRINGER. Pending the vote on the motion for a recess.

The question was taken on the amendment moved by Mr. SPRINGER; and there were—ayes 58, noes 88.

Mr. SKINNER and Mr. MCMILLIN called for the yeas and nays.

The SPEAKER (having counted the affirmative vote). There are 28 in favor of ordering the yeas and nays—not one-fifth of the last vote.

Mr. MCMILLIN. I call for tellers on ordering the yeas and nays.

The SPEAKER (after a count). There are only 28 voting to order tellers—not one-fifth of a quorum.

Mr. BLAND and Mr. DIBBLE. Count the other side.

The SPEAKER. There is no count of "the other side" on this question. The rules require one-fifth of a quorum to order tellers. Is the other side desired on the question of ordering the yeas and nays?

Mr. DIBBLE. Yes, sir; I ask for a vote on the other side.

Mr. HISCOCK. It is too late.

The SPEAKER. It is too late if objection is made.

Several members demanded the regular order.

The SPEAKER. Tellers are refused, the yeas and nays are refused, and the amendment is not agreed to.

Mr. MORRISON. I move the previous question.

Mr. MCMILLIN. I move to amend the resolution by striking out "5 o'clock" and inserting "6 o'clock."

The SPEAKER. No further amendment is in order at present, as the gentleman from Illinois [Mr. MORRISON] has demanded the previous question.

Mr. SPRINGER. I move to recommit the report to the Committee on Rules.

The motion of Mr. SPRINGER was not agreed to; there being—ayes 27, noes 123.

The SPEAKER. The question is now upon ordering the previous question on the adoption of the resolution.

The previous question was ordered.

Mr. SPRINGER. Now, Mr. Speaker, is this open to debate?

The SPEAKER. The resolution has been debated.

Mr. SPRINGER. The amendment was debated, not the resolution.

The SPEAKER. That was debate on the resolution.

The resolution was adopted.

Mr. MORRISON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The original resolution, for which the resolution just adopted was reported as a substitute, will, if there be no onjection, lie on the table.

There was no objection; and it was ordered accordingly.

Several members demanded the regular order.

ORDER OF BUSINESS.

The SPEAKER. The Chair will now proceed to call the States and Territories for the introduction of bills and resolutions, under which call memorials of State and Territorial Legislatures may be presented, and also resolutions of inquiry addressed to the heads of Departments.

BUSINESS OF COMMITTEE ON NAVAL AFFAIRS.

Mr. HERBERT introduced a resolution to fix a time for the consideration of business from the Committee on Naval Affairs; which was referred to the Committee on Naval Affairs.

INCREASE OF NAVAL ESTABLISHMENT.

Mr. HERBERT also introduced a resolution to fix a day to consider House bill 6664, entitled "A bill to increase the naval establishment;" which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

RIGHT OF WAY IN ALABAMA.

Mr. WHEELER introduced a bill (H. R. 8348) to grant the right of way over the public lands in Alabama, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

EDUCATIONAL BILL.

Mr. WHEELER also submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That Tuesday, the 20th day of May, immediately after the second call of committees under clause 5, Rule XXIV, be set apart for the consideration of bill (S. 194) to aid in the establishment and temporary support of common schools, and that the consideration of the same be continued at the same time thereafter from day to day until finally disposed of, but not to interfere with revenue or appropriation bills; and that during the discussion of this bill a recess be had each night from 5 to 7.30 o'clock, except on Friday, and that the night sessions be devoted to the discussion of the educational bill.

MRS. ALMIRA AMBLER.

Mr. SEYMOUR introduced a bill (H. R. 8349) granting a pension to Mrs. Almira Ambler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PORT OF ENTRY, HARTFORD, CONN.

Mr. BUCK introduced a bill (H. R. 8350) to amend sections 2533 and 2534 of the Revised Statutes, and making Hartford, in the State of Connecticut, a port of entry, in place of Middletown; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

EDWARD COLEMAN.

Mr. CANNON introduced a bill (H. R. 8351) for the relief of Edward Coleman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEWIS A. CRONKHITE.

Mr. CANNON also introduced a bill (H. R. 8352) for the relief Lewis A Cronkhite, late a private of Company E, Eightieth Regiment Indiana Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES JONES.

Mr. CANNON also introduced a bill (H. R. 8353) for the relief of James Jones, late a private in the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

A. D. TOMLINSON.

Mr. TOWNSHEND introduced a bill (H. R. 8354) granting relief to A. D. Tomlinson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH A. JONES.

Mr. TOWNSHEND also introduced a bill (H. R. 8355) for the relief of Sarah A. Jones; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CALVIN M'BROOM.

Mr. TOWNSHEND also introduced a bill (H. R. 8356) for the relief of Calvin McBroom; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

L. L. NEWMAN.

Mr. TOWNSHEND also introduced a bill (H. R. 8357) for the relief of L. L. Newman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOUIS COLE.

Mr. TOWNSHEND also introduced a bill (H. R. 8358) for the relief of Louis Cole; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES M. SHAW.

Mr. TOWNSHEND also introduced a bill (H. R. 8359) for the relief of James M. Shaw; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM G. BURNETT.

Mr. TOWNSHEND also introduced a bill (H. R. 8360) for the relief of William G. Burnett; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ELIJAH MARTIN.

Mr. TOWNSHEND also introduced a bill (H. R. 8361) for the relief

of Elijah Martin; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

SARAH C. SHINN.

Mr. TOWNSHEND also introduced a bill (H. R. 8362) for the relief of Sarah C. Shinn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN COOK.

Mr. ROWELL introduced a bill (H. R. 8363) for the relief of John Cook; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES GILLESPIE.

Mr. LANDES (by request) introduced a bill (H. R. 8364) granting a pension to James Gillespie; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JANE THOMPSON.

Mr. LANDES also introduced a bill (H. R. 8365) for the relief of Jane Thompson, late widow of Dr. F. B. Thompson, Fifty-sixth Regiment Illinois Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. ELLEN KEHOE.

Mr. LAWLER introduced a bill (H. R. 8366) for the relief of Mrs. Ellen Kehoe; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WALTER BLANCHARD POST, G. A. R., NAPERVILLE, ILL.

Mr. PLUMB introduced a bill (H. R. 8367) granting condemned cannon and carriage to Walter Blanchard Post, Grand Army of the Republic, Naperville, Ill.; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JABEZ SMITH.

Mr. JOHNSTON, of Indiana, introduced a bill (H. R. 8368) granting an increase of pension to Jabez Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID S. SHANNON.

Mr. JOHNSTON, of Indiana, also introduced a bill (H. R. 8369) granting a pension to David S. Shannon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS LANGWELL.

Mr. MATSON introduced a bill (H. R. 8370) granting a pension to Thomas Langwell; which was read a first and second time, referred to to the Committee on Pensions, and ordered to be printed.

NOAH W. HALLEY.

Mr. WARD, of Indiana, submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay to Noah W. Halley $712.50, being the difference between his pay as a folder at $900 per annum and that of a messenger at $1,200 per annum from December 16, 1883, to May 1, 1886, and the amount hereby authorized and directed shall be paid out of the contingent fund of the House, and be immediately available, subject to the Committee on Accounts.

ENSIGN GUY WARNER BROWN.

Mr. WARD, of Indiana, also introduced a bill (H. R. 8371) for the relief of Ensign Guy Warner Brown; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JOHN E. DOGGETT.

Mr. WARD, of Indiana, also introduced a bill (H. R. 8372) granting a pension to John E. Doggett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE HARMAN.

Mr. CONGER introduced a bill (H. R. 8373) for the relief of George Harman; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. MARY M. GILLHAM.

Mr. CONGER also introduced a bill (H. R. 8374) granting a pension to Mrs. Mary M. Gillham; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INDEBTEDNESS UNION PACIFIC RAILROAD.

Mr. CONGER also submitted a concurrent resolution of the Legislature of the State of Iowa, protesting against the passage of an act providing for the cancellation of the present bonded indebtedness of the Union Pacific Railroad to substitute other obligations therefor, and for other purposes; which was referred to the Committee on Pacific Railroads.

ALEXANDER J. COLLINGE.

Mr. HENDERSON, of Iowa, introduced a bill (H. R. 8375) granting a pension to Alexander J. Collinge; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

UNION PACIFIC RAILROAD COMPANY.

Mr. FULLER submitted a concurrent resolution of the Twenty-first General Assembly of Iowa, protesting against the enactment of an act providing for the cancellation of the present bonded indebtedness of the Union Pacific Railroad Company and the obligations to the Government; which was referred to the Committee on the Pacific Railroads.

WILLIAM ANDERSON.

Mr. LYMAN introduced a bill (H. R. 8376) for the relief of William Anderson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REFUNDING UNION PACIFIC RAILROAD INDEBTEDNESS.

Mr. LYMAN also submitted a concurrent resolution of the General Assembly of the State of Iowa, instructing the Senators and requesting the Representatives from that State to vote against the bill to refund and extinguish the indebtedness of the Union Pacific Railroad Company; which was referred to the Committee on the Pacific Railroads.

JAMES R. CASSIDY.

Mr. HOLMES introduced a bill (H. R. 8377) to remove the charge of desertion from the military record of James R. Cassidy; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

UNION PACIFIC RAILROAD.

Mr. MURPHY submitted a memorial of the general assembly of the Legislature of Iowa with reference to the Union Pacific Railroad; which was referred to the Committee on the Pacific Railroads.

FRANCIS F. CAREZ.

Mr. FUNSTON introduced a bill (H. R. 8378) for the relief of Francis F. Carez, Forty-fourth Missouri Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM N. MYERS.

Mr. FUNSTON also introduced a bill (H. R. 8379) for the relief of William N. Myers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES W. BLANDEN.

Mr. ANDERSON, of Kansas, introduced a bill (H. R. 8380) granting a pension to James W. Blanden; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

A. B. VAN CLEVE.

Mr. PERKINS introduced a bill (H. R. 8381) granting a pension to A. B. Van Cleve; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH WARD.

Mr. PERKINS also introduced a bill (H. R. 8382) granting a pension to Elizabeth Ward; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAROLINE J. BYBEE.

Mr. HALSELL (by request) introduced a bill (H. R. 8383) for the benefit of Caroline J. Bybee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MAHALA BROWN.

Mr. HALSELL also introduced a bill (H. R. 8384) for the benefit of Mahala Brown, dependent mother of Jabez W. Brown, late Company D, Thirty-second Regiment, Kentucky Infantry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. M. AND E. B. HARDIN.

Mr. HALSELL also introduced a bill (H. R. 8385) for the benefit of J. M. and E. B. Hardin; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

F. OVERSTREET.

Mr. HALSELL also introduced a bill (H. R. 8386) for the benefit of F. Overstreet; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

P. H. BRIDGEWATER.

Mr. WOLFORD introduced a bill (H. R. 8387) for the benefit of P. H. Bridgewater; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DANIEL M. WILLIAMS.

Mr. WOLFORD also introduced a bill (H. R. 8388) for the benefit of Daniel M. Williams, of Green County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ORGANIZATION OF MILITIA, DISTRICT OF COLUMBIA.

Mr. BRECKINRIDGE, of Kentucky, introduced a bill (H. R. 8389)

to amend the act entitled "An act more effectually to provide for the organization of the militia of the District of Columbia," passed 3d of March, 1803; which was read a first and second time, referred to the Committee on the Militia, and ordered to be printed.

THOMAS K. BALL.

Mr. WADSWORTH introduced a bill (H. R. 8390) for the benefit of Thomas K. Ball; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF JAMES W. WILKINS.

Mr. LAFFOON introduced a bill (H. R. 8391) for the relief of the heirs of James W. Wilkins; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BEN. HARRISON.

Mr. LAFFOON also introduced a bill (H. R. 8392) for the relief of Ben. Harrison; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN C. WHITLOCK.

Mr. LAFFOON also introduced a bill (H. R. 8393) for the relief of John C. Whitlock, administrator; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. ANN HOOD.

Mr. ROBERTSON introduced a bill (H. R. 8394) for the relief of J. Ann Hood, administratrix of Govey Hood, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ANTHONY M'ELROY.

Mr. ROBERTSON also introduced a bill (H. R. 8395) for the benefit of Anthony McElroy, of Springfield, Washington County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARTIN M. BUSH.

Mr. ROBERTSON also introduced a bill (H. R. 8396) for the relief of Martin M. Bush, of Harden County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN H. BAIZE.

Mr. ROBERTSON also introduced a bill (H. R. 8397) granting a pension to John H. Baize, of Ohio County, Kentucky; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. S. M. MATTINGLY.

Mr. ROBERTSON also introduced a bill (H. R. 8398) for the relief of Mrs. S. M. Mattingly, of Meade County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES P. CARROLL.

Mr. ROBERTSON also introduced a bill (H. R. 8399) for the relief of James P. Carroll; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES B. HAGER.

Mr. ROBERTSON also introduced a bill (H. R. 8400) for the relief of James B. Hager; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM VEST.

Mr. TAULBEE introduced a bill (H. R. 8401) for the relief of William Vest; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM A. HERRIN.

Mr. McCREARY introduced a bill (H. R. 8402) for the relief of William A. Herrin, of Rockwell County, Kentucky; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. G. DUNN.

Mr. McCREARY also introduced a bill (H. R. 8403) for the relief of W. G. Dunn, administrator of Cooper Dunn, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

W. S. WARREN.

Mr. McCREARY also introduced a bill (H. R. 8404) for the benefit of W. S. Warren, of Lincoln County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LEMUEL MAIN.

Mr. McCREARY also introduced a bill (H. R. 8405) to place the name of Lemuel Main, of Laurel County, Kentucky, on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH BROUGHTON'S HEIRS.

Mr. McCREARY also introduced a bill (H. R. 8406) for the benefit of Sarah Broughton's heirs; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE TAIFE.

Mr. WILLIS introduced a bill (H. R. 8407) granting a pension to George Taife; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. CATHERINE SONNE.

Mr. WILLIS also introduced a bill (H. R. 8408) restoring the pension of Mrs. Catherine Sonne; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. ALDANA B. MONROE.

Mr. DINGLEY introduced a bill (H. R. 8409) granting a pension to Mrs. Aldana B. Monroe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM G. MARTIN.

Mr. DINGLEY also introduced a bill (H. R. 8410) granting a pension to William G. Martin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REPEAL OF TAXES ON TOBACCO.

Mr. FINDLAY introduced a joint resolution (H. Res. 164) repealing the taxes, special and otherwise, upon tobacco, and upon the sale and manufacture thereof; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

The resolution was also read for information.

SECTION 3387 REVISED STATUTES.

Mr. FINDLAY also introduced a bill (H. R. 8411) to repeal section 3387 of the Revised Statutes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SHIPLEY, SMITH & CO.

Mr. FINDLAY also introduced a bill (H. R. 8412) for the relief of Shipley, Smith & Co.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SAMUEL H. TAGGART.

Mr. FINDLAY also introduced a bill (H. R. 8413) for the relief of Samuel H. Taggart; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FRANCIS T. KING, EXECUTOR.

Mr. FINDLAY also introduced a bill (H. R. 8414) for the relief of Francis T. King, executor; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GEORGE M. GILL, EXECUTOR, ETC.

Mr. FINDLAY also introduced a bill (H. R. 8415) for the relief of George M. Gill, executor, &c.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ANDREW GILLAN.

Mr. HAYDEN (by request) introduced a bill (H. R. 8416) restoring to the pension-roll the name of Andrew Gillan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MONUMENT TO GENERAL JOSEPH WARREN.

Mr. RANNEY introduced a bill (H. R. 8417) in aid of the erection of a monument to the memory of General Joseph Warren, who fell at the battle of Bunker Hill; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

CONDEMNED CANNON FOR GRAND ARMY OF THE REPUBLIC.

Mr. ROCKWELL introduced a bill (H. R. 8418) granting condemned cannon and carriages to Lyon Post, No. 41, Grand Army of the Republic; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CAPT. RODERICK M'INTOSH.

Mr. DAVIS introduced a bill (H. R. 8419) to provide for the payment of the claim of Capt. Roderick McIntosh; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AARON RING.

Mr. DAVIS also introduced a bill (H. R. 8420) granting arrears of pension to Aaron Ring; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF JOHN B. FLOWER.

Mr. WHITING introduced a bill (H. R. 8421) for the relief of the heirs of John B. Flower; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LYDIA A. NICHOLSON AND CHILDREN.

Mr. WHITING also introduced a bill (H. R. 8422) granting a pen-

sion to Lydia A. Nicholson and two minor children; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY H. PHILLIPS.

Mr. LOVERING introduced a bill (H. R. 8423) granting a pension to Mary H. Phillips; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANK B. GORMAN.

Mr. LOVERING (by request) also offered a resolution in favor of paying Frank B. Gorman; which was referred to the Committee on Accounts.

JAMES H. YOUNG.

Mr. LONG introduced a bill (H. R. 8424) granting a pension to James H. Young; which read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LANDS, SAULT SAINTE MARIE.

Mr. MOFFATT introduced a bill (H. R. 8425) to confirm certain lands to the village of Sault Sainte Marie; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

HIRAM CHILSON.

Mr. BURROWS introduced a bill (H. R. 8426) for the relief of Hiram Chilson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAROLINE DAWLEY.

Mr. BURROWS also introduced a bill (H. R. 8427) for the relief of Caroline Dawley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE BARTON.

Mr. BURROWS also introduced a bill (H. R. 8428) for the relief of George Barton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRUCE LEWIS.

Mr. BURROWS also introduced a bill (H. R. 8429) for the relief of Bruce Lewis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RICHARD UNDERWOOD.

Mr. BURROWS also introduced a bill (H. R. 8430) for the relief of Richard Underwood; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DAVID D. KNAPP.

Mr. BURROWS also introduced a bill (H. R. 8431) to increase the pension of David D. Knapp; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADAM G. YOUNGMAN.

Mr. BURROWS also introduced a bill (H. R. 8432) to increase the pension of Adam G. Youngman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENJAMIN STELL.

Mr. BURROWS also introduced a bill (H. R. 8433) to increase the pension of Benjamin Stell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES E. YOUNG.

Mr. WAKEFIELD introduced a bill (H. R. 8434) to place the name of Charles E. Young upon the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANK TRAYNOR.

Mr. DAVENPORT (by request) introduced a bill (H. R. 8435) granting a pension to Frank Traynor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WALTER H. WOOD.

Mr. DAVENPORT (by request) also introduced a bill (H. R. 8436) for the relief of Walter H. Wood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS WEEKLEY.

Mr. GILFILLAN introduced a bill (H. R. 8437) granting a pension to Thomas Weekley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. P. L. DARTT.

Mr. WHITE, of Minnesota, introduced a bill (H. R. 8438) granting a pension to Mrs. P. L. Dartt; which was read a first and second time, referred to the Committee on Invalid Pensions, and the accompanying report ordered to be printed.

REPORT ON ANIMAL INDUSTRY.

Mr. MORGAN introduced a resolution of inquiry as to the cause of the delay in furnishing the first report of the Bureau of Animal Industry; which was referred to the Committee on Printing.

AMENDMENT OF RULES.

Mr. BARKSDALE introduced a resolution to amend clause 49, Rule XI; which was referred to the Committee on Rules.

WILLIAM D. WALKER.

Mr. CATCHINGS introduced a bill (H. R. 8439) for the relief of William D. Walker, of Mississippi; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY DREHMAN'S HEIRS.

Mr. O'NEILL, of Missouri, introduced a bill (H. R. 8440) for the relief of Henry Drehman's heirs; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM FREUDENAN.

Mr. O'NEILL, of Missouri, also introduced a bill (H. R. 8441) for the relief of William Freudenan; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FRANCIS M'GARRY.

Mr. O'NEILL, of Missouri, also introduced a bill (H. R. 8442) for the relief of Francis McGarry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JULIUS SAUER.

Mr. O'NEILL, of Missouri, also introduced a bill (H. R. 8443) for the relief of Julius Sauer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH GERTHOF.

Mr. O'NEILL, of Missouri, also introduced a bill (H. R. 8444) for the relief of Joseph Gerthof; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID DONOVAN.

Mr. O'NEILL, of Missouri, also introduced a bill (H. R. 8445) for the relief of David Donovan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LABOR COMMITTEE.

Mr. O'NEILL, of Missouri, also submitted the following resolution; which was referred to the Committee on Labor:

Resolved, That the —— day of June be set apart for the consideration of bills reported from the Committee on Labor, to be continued from day to day until the business of said committee is disposed of.

CREW OF STEAMER JOHN D. PERRY.

Mr. O'NEILL, of Missouri, also introduced a bill (H. R. 8446) granting an honorable discharge to the officers and crew of the steamer John D. Perry and mustered into the United States service by General J. C. Frémont in 1861; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE F. BANGS.

Mr. O'NEILL, of Missouri, also introduced a bill (H. R. 8447) for the relief of George F. Bangs; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DERRETT H. BARCLAY.

Mr. HEARD introduced a bill (H. R. 8448) to restore the name of Derrett H. Barclay to the pension-roll; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

HOY COOPER.

Mr. HEARD also introduced a bill (H. R. 8449) granting a pension to Hoy Cooper; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

WILLIAM BORGETT.

Mr. GLOVER (by Mr. HEARD) introduced a bill (H. R. 8450) granting a pension to William Borgett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLARA B. DAVIDSON.

Mr. CLARDY introduced a bill (H. R. 8451) granting an increase of pension to Clara B. Davidson, widow of General John W. Davidson, of the United States Army; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN M. GRIMES.

Mr. HUTTON introduced a bill (H. R. 8452) authorizing John M. Grimes, of Pike County, Missouri, to prosecute a suit in the Court of Claims against the United States for damages growing out of the improvement of the navigation of the Mississippi River; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES CANNON.

Mr. STONE, of Missouri, introduced a bill (H. R. 8453) for the relief of the legal representatives of James Cannon; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ROBERT L. M'MURTRY.

Mr. STONE, of Missouri, also introduced a bill (H. R. 8454) to increase the pension of Robert L. McMurtry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

POST-OFFICE SITE LINCOLN, NEBR.

Mr. WEAVER, of Nebraska, introduced a bill (H. R. 8455) authorizing the expenditure of $2,500 for improving the post-office site and public grounds at Lincoln, Nebr.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

RICHARD F. BARRETT.

Mr. WEAVER, of Nebraska (by request), also introduced a bill (H. R. 8456) for the relief of Richard F. Barrett; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FUNERAL OBSEQUIES.

Mr. WEAVER, of Nebraska, also submitted a resolution in relation to funeral obsequies; which was referred to the Committee on Rules.

VIRGIL A. JONES.

Mr. LAIRD introduced a bill (H. R. 8457) granting a pension to Virgil A. Jones; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SETH RAYMOND.

Mr. LAIRD also introduced a bill (H. R. 8458) granting a pension to Seth Raymond; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM M. ORR.

Mr. LAIRD also introduced a bill (H. R. 8459) granting a pension to William M. Orr; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JONATHAN COPE.

Mr. LAIRD also introduced a bill (H. R. 8460) granting a pension to Jonathan Cope; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSIAH B. SEAVEY.

Mr. LAIRD also introduced a bill (H. R. 8461) granting a pension to Josiah B. Seavey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE MYERS.

Mr. LAIRD also introduced a bill (H. R. 8462) granting a pension to George Myers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH M. J. MEAGHER.

Mr. WOODBURN introduced a bill (H. R. 8463) granting a pension to Elizabeth M. J. Meagher, widow of Thomas Francis Meagher, late brigadier-general of United States volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

L. M. PEARLMAN.

Mr. WOODBURN also introduced a bill (H. R. 8464) for the relief of L. M. Pearlman; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GEORGE DOHM.

Mr. GREEN, of New Jersey, introduced a bill (H. R. 8465) granting a pension to George Dohm; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AUGUST OPPEL.

Mr. LEHLBACH introduced a bill (H. R. 8466) granting a pension to August Oppel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUSAN C. MANDEVILLE.

Mr. LEHLBACH also introduced a bill (H. R. 8467) granting a pension to Susan C. Mandeville; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MATTHEW W. BERRYMAN.

Mr. LEHLBACH also introduced a bill (H. R. 8468) for the relief of Matthew W. Berryman; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN MORAN.

Mr. HEWITT introduced a bill (H. R. 8469) granting a pension to John Moran; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD HARRIS.

Mr. STAHLNECKER introduced a bill (H. R. 8470) for the relief of Edward Harris; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CANNON AND CANNON-BALLS FOR MONUMENTAL PURPOSES.

Mr. BEACH introduced a bill (H. R. 8471) to empower the Secretary of War to deliver condemned cannon and cannon-balls for monumental purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DIVISION OF DAKOTA TERRITORY.

Mr. BAKER introduced a bill (H. R. 8472) dividing Dakota Territory, establishing the Territory of North Dakota, and providing a temporary government therefor; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

PANAMA SHIP-CANAL.

Mr. JAMES submitted the following resolution; which was read, and referred to the Committee on Commerce:

Resolved, That the Secretary of the Navy be directed, if not incompatible with the public interests, to communicate to the House of Representatives the "special intelligence report on the progress of the Panama Canal during the year 1885," made to the Navy Department by Lieut. W. W. Kimball and Naval Cadet W. L. Capp, United States Navy.

FREDERICK W. AND CAROLINE D. G. GEISEKING.

Mr. MILLARD introduced a bill (H. R. 8473) for the relief of the heirs of Frederick W. and Caroline D. G. Geiseking, late of the District of Columbia, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES M'GLYNN.

Mr. SAWYER introduced a bill (H. R. 8474) granting a pension to James McGlynn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM S. HALL.

Mr. WEST introduced a bill (H. R. 8475) granting a pension to William S. Hall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. H. PLUMB.

Mr. BURLEIGH introduced a bill (H. R. 8476) granting a pension to W. H. Plumb; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RICHARD BOTHWELL.

Mr. BURLEIGH also introduced a bill (H. R. 8477) granting a pension to Richard Bothwell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. EMELINE RICE.

Mr. BURLEIGH also introduced a bill (H. R. 8478) granting a pension to Mrs. Emeline Rice; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BETSY VAN BUREN.

Mr. PINDAR introduced a bill (H. R. 8479) granting a pension to Betsy Van Buren; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LYDIA M. KENNEDY.

Mr. ARNOT introduced a bill (H. R. 8480) granting a pension to Lydia M. Kennedy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS WALSH.

Mr. ADAMS, of New York, introduced a bill (H. R. 8481) granting a pension to Thomas Walsh, Company F, Seventy-fourth New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INTERNAL-REVENUE TAXATION.

Mr. ADAMS, of New York, also introduced a bill (H. R. 8482) to amend an act to reduce internal-revenue taxation, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PATRICK M'GUIRE.

Mr. MERRIMAN introduced a bill (H. R. 8483) for the relief of Patrick McGuire; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LIGHT-HOUSE OFF CAPE HATTERAS.

Mr. SKINNER introduced a bill (H. R. 8484) to erect a light-house on "Outer Shoal," off Cape Hatteras, on the coast of North Carolina; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ISAAC ASKIE.

Mr. O'HARA introduced a bill (H. R. 8485) granting a pension to Isaac Askie; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REBECCA MORRIS.

Mr. O'HARA also introduced a bill (H. R. 8486) granting a pension to Rebecca Morris; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONDEMNED CANNON.

Mr. LE FEVRE introduced a bill (H. R. 8487) granting a condemned cannon and carriage to Drury Post, No. 372, Grand Army of the Republic, of Neptune, Ohio; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

OBEDIAH A. BIGLEY.

Mr. SENEY introduced a bill (H. R. 8488) granting a pension to Obediah A. Bigley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MICHAEL GLEAKERT.

Mr. WILKINS introduced a bill (H. R. 8489) granting a pension to Michael Gleakert; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIEUT. GEORGE H. GUILD.

Mr. ELLSBERRY introduced a bill (H. R. 8490) for the relief of Lieut. George H. Guild; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM A. BINGAMON.

Mr. ELLSBERRY also introduced a bill (H. R. 8491) for the relief of William A. Bingamon; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DANIEL WILLIAMS.

Mr. ELLSBERRY also introduced a bill (H. R. 8492) granting a pension to Daniel Williams; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES E. PANGBURN.

Mr. ELLSBERRY also introduced a bill (H. R. 8493) granting a pension to James E. Pangburn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN F. HOWELL.

Mr. ELLSBERRY also introduced a bill (H. R. 8494) granting a pension to John F. Howell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH MATHEWS.

Mr. EZRA B. TAYLOR introduced a bill (H. R. 8495) granting a pension to Joseph Mathews; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF CHRISTOPHER COTT.

Mr. GROSVENOR introduced a bill (H. R. 8496) for the relief of the heirs of Christopher Cott; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHRISTOPHER BILLINGS.

Mr. ANDERSON, of Ohio, introduced a bill (H. R. 8497) granting an increase of pension to Christopher Billings; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN HUGHES.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 8498) granting a pension to John Hughes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BURNHARD DEPPEN.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 8499) for the removal of the mark of desertion from Burnhard Deppen; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILSON S. HORN.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 8500) granting a pension to Wilson S. Horn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH WILLEY.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 8501) granting a pension to Joseph Willey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM YOUNG.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 8502) granting a pension to William Young; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY HUNT.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 8503) granting a pension to Henry Hunt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONDEMNED CANNON FOR EATON, OHIO.

Mr. CAMPBELL, of Ohio, introduced a bill (H. R. 8504) granting condemned cannon for the soldiers' cemetery at Eaton, Ohio; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM R. FYFFE.

Mr. CAMPBELL, of Ohio, also introduced a bill (H. R. 8505) for the relief of William R. Fyffe; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN ALLOWAYS.

Mr. CAMPBELL, of Ohio, also introduced a bill (H. R. 8506) granting a pension to John Alloways; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONDEMNED CANNON FOR XENIA, OHIO.

Mr. LITTLE introduced a joint resolution (H. Res. 165) authorizing the Secretary of War to furnish condemned arms, &c., to Lewis Post, No. 347, Grand Army of the Republic, of Xenia, Ohio.

SUSAN A. CLARK.

Mr. ERMENTROUT introduced a bill (H. R. 8507) granting a pension to Susan A. Clark; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH A. PAFF.

Mr. ERMENTROUT also introduced a bill (H. R. 8508) granting a pension to Sarah A. Paff; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD S. KAUNTNER.

Mr. ERMENTROUT also introduced a bill (H. R. 8509) granting a pension to Edward S. Kauntner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES HOLBROOK.

Mr. ERMENTROUT also offered a resolution for the payment of Charles Holbrook, by Clerk of the House, out of the contingent fund, at the rate of $60 per month; which was referred to the Committee on Accounts.

DANIEL H. JOHNSON.

Mr. FLEEGER introduced a bill (H. R. 8510) to increase the pension of Daniel H. Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NEW EDUCATIONAL SYSTEM.

Mr. O'NEILL, of Pennsylvania (by request), introduced a bill (H. R. 8511) to authorize the adoption of the new educational system; which was read a first and second time, referred to the Committee on Education, and ordered to be printed.

HEIRS OF RICHARD W. MEADE.

Mr. O'NEILL, of Pennsylvania (by request), also introduced a bill (H. R. 8512) for the relief of the heirs and legal representatives of Richard W. Meade; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOB P. WILSON.

Mr. O'NEILL, of Pennsylvania, also introduced a bill (H. R. 8513) for the increase of the pension of Job P. Wilson, formerly of Company F, Third Delaware Regiment; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REPORT OF BUREAU OF ANIMAL INDUSTRY.

Mr. HIESTAND introduced a resolution directing the Committee on Printing to inquire into the causes of the delay in the delivery of copies of the first annual report of the Bureau of Animal Industry; which was referred to the Committee on Printing.

MICHAEL NAWGLE.

Mr. CAMPBELL, of Pennsylvania, introduced a bill (H. R. 8514) for the relief of Michael Nawgle; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOSEPH H. ALLEN.

Mr. HARMER introduced a bill (H. R. 8515) granting a pension to Joseph H. Allen, late of the United States steam frigate New Ironsides, United States Navy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH LOUISA WHEELER.

Mr. HARMER also introduced a bill (H. R. 8516) granting a pension to Sarah Louisa Wheeler, widow of Andrew J. Wheeler, late of Company K, Sixth Regiment Connecticut Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING, CHESTER, PA.

Mr. EVERHART introduced a bill (H. R. 8517) for a public build-

ing in the city of Chester, Delaware County, Pennsylvania; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

TERESA CHARLES.

Mr. RANDALL introduced a bill (H. R. 8518) for the relief of Teresa Charles; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MORGAN GORDON.

Mr. RANDALL also introduced a bill (H. R. 8519) granting a pension to Morgan Gordon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SECTION 1014 REVISED STATUTES.

Mr. HEMPHILL introduced a bill (H. R. 8520) to amend section 1014 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC BUILDING AT COLUMBIA, TENN.

Mr. BALLENTINE introduced a bill (H. R. 8521) to appropriate $50,000 to erect a public building at Columbia, Tenn.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ESTATE OF DAVID COLEMAN, DECEASED.

Mr. JOHN M. TAYLOR introduced a bill (H. R. 8522) for the relief of the estate of David Coleman, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ESTATE OF ISRAEL BARKER, DECEASED.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 8523) for the relief of the estate of Israel Barker, deceased, late of Carroll County, Tenn.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. CAROLINE ROCHOW.

Mr. CRAIN (by Mr. REAGAN) introduced a bill (H. R. 8524) for the relief of Mrs. Caroline Rochow; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ERRORS IN CONSULAR REPORTS.

Mr. REAGAN (by request) introduced a joint resolution (H. Res. 166) authorizing the First Comptroller to correct certain errors of law in certain consular reports; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ABRAHAM LEVI.

Mr. CRAIN (by Mr. LANHAM) also introduced a bill (H. R. 8525) for the relief of Abraham Levi; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN S. SPINKS AND OTHERS.

Mr. JONES, of Texas, introduced a bill (H. R. 8526) for the relief of John S. Spinks, James B. Spinks, and Annie D. Leverett, heirs of W. B. Spinks, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EDUCATION IN THE DISTRICT OF COLUMBIA.

Mr. MILLER introduced a bill (H. R. 8527) to incorporate and combine with the public-school system of the District of Columbia practical training and instruction in the mechanic arts, also for the establishment in said District of an agricultural school; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ALEXANDRIA COUNTY, VIRGINIA.

Mr. BARBOUR introduced a bill (H. R. 8528) for the relief of Alexandria County, Virginia; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

J. E. HOZIER.

Mr. LIBBEY introduced a bill (H. R. 8529) for the relief of J. E. Hozier, of Norfolk County, Virginia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CORNELIA A. STANLEY.

Mr. BRADY introduced a bill (H. R. 8530) granting an increase of pension to Cornelia A. Stanley, widow of Fabius Stanley, late a rear-admiral in the United States Navy; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

EDWIN C. ENGLE.

Mr. WILSON introduced a bill (H. R. 8531) for the relief of Edwin C. Engle; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. GREGG GIBSON.

Mr. WILSON also introduced a bill (H. R. 8532) for the relief of J. Gregg Gibson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

POTOMAC AND CHESAPEAKE NAVIGATION COMPANY.

Mr. WILSON (by request) also introduced a bill (H. R. 8533) to incorporate the Potomac and Chesapeake Steam Navigation Company; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DAVID DURER.

Mr. GIBSON, of West Virginia, introduced a bill (H. R. 8534) for the relief of David Durer, of Wirt County, West Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM CHURCH.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 8535) for the relief of William Church; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

URIAS BUSKIRK.

Mr. SNYDER introduced a bill (H. R. 8536) for the relief of Urias Buskirk; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

IMPROVEMENT OF FOX AND WISCONSIN RIVERS.

Mr. GUENTHER introduced a bill (H. R. 8537) to pay the moneys due to the commissioners to examine and report on the damages against the Government by the erection of dams on the Fox and Wisconsin Rivers, in the State of Wisconsin; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

ELLA CARROLL.

Mr. BRAGG introduced a bill (H. R. 8538) for the relief of Ella Carroll; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BUSINESS OF FRIDAY NIGHT SESSIONS.

Mr. BRAGG also introduced a resolution enlarging the order of business of Friday evening sessions so as to include certain bills from the Military Committee; which was referred to the Committee on Military Affairs.

NELSON KENDALL.

Mr. THOMAS, of Wisconsin, introduced a bill (H. R. 8539) to grant a pension to Nelson Kendall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AUGUSTUS BARNES.

Mr. TIMOTHY J. CAMPBELL introduced a bill (H. R. 8540) for the relief of Augustus Barnes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOSEPH DEMARS.

Mr. STEPHENSON introduced a bill (H. R. 8541) for the relief of Joseph Demars; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

OLE STEENSLAND.

Mr. LA FOLLETTE introduced a bill (H. R. 8542) for the relief of Ole Steensland; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PHŒNIX AND MARICOPA RAILROAD COMPANY.

Mr. BEAN introduced a bill (H. R. 8543) to grant to the Phœnix and Maricopa Railroad Company, of Arizona, the right of way through the Pima and Maricopa Indian reservation; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

C. P. DAKE.

Mr. BEAN also introduced a bill (H. R. 8544) for the adjustment and settlement of the accounts of C. P. Dake, United States marshal; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

APACHE CHIEF GERONIMO.

Mr. BEAN also introduced a joint resolution (H. Res. 167) authorizing the President to offer a reward of $25,000 for the killing or capturing of Geronimo, Apache chief; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ARTESIAN WELLS, MONTANA TERRITORY.

Mr. TOOLE introduced a bill (H. R. 8545) to provide for the boring of artesian wells in the Territory of Montana; which was read a first and second time, referred to the Committee on Territories, and ordered to be printed.

MAURICIO MIERA.

Mr. JOSEPH introduced a bill (H. R. 8546) for the relief of Mauricio Miera; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RICARDO PINO.

Mr. JOSEPH also introduced a bill (H. R. 8547) for the relief of

Ricardo Pino; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SANTIAGO M. MONTOYA.

Mr. JOSEPH also introduced a bill (H. R. 8548) for the relief of Santiago M. Montoya; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN RIES.

Mr. FORD (by request) introduced a bill (H. R. 8549) granting a pension to John Ries; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY A. VAN HORN.

Mr. PEEL (by request) introduced a bill (H. R. 8550) for the relief of Mary A. Van Horn, widow of John Van Horn, deceased; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH WILLETT.

Mr. PEEL also introduced a bill (H. R. 8551) to remove the charge of desertion against Joseph Willett; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ATLANTIC AND PACIFIC RAILROAD LAND GRANT.

Mr. PEEL also introduced a bill (H. R. 8552) to forfeit and restore to the public domain all the lands in township 13 north, range 32 west, in Arkansas, heretofore granted to the Atlantic and Pacific Railroad; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

HOMESTEAD LAWS.

Mr. PEEL also introduced a bill (H. R. 8553) to equalize and amend the homestead laws of the United States, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

EMELINE HERSER.

Mr. CARLETON introduced a bill (H. R. 8554) granting a pension to Emeline Herser; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT M. HARDIN.

Mr. HEPBURN introduced a bill (H. R. 8555) granting a pension to Robert M. Hardin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABRAHAM POINTS.

Mr. HEPBURN also introduced a bill (H. R. 8556) granting a pension to Abraham Points, of Allerton, Iowa; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALFRED C. LEE.

Mr. GIFFORD introduced a bill (H. R. 8557) granting a pension to Alfred C. Lee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN R. PETRIE.

Mr. GIFFORD also introduced a bill (H. R. 8558) granting a pension to John R. Petrie; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SILVER CERTIFICATES A LEGAL TENDER.

Mr. BRECKINRIDGE, of Arkansas, introduced a bill (H. R. 8559) making silver certificates a legal tender and regulating the issue thereof; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

NON-PAYING CUSTOMS DISTRICTS.

Mr. BRECKINRIDGE, of Arkansas, also submitted the following resolution of inquiry; which was read, and referred to the Committee on Ways and Means.

Resolved, That the Secretary of the Treasury be requested to inform the House of the number of custom-houses or ports of entry at which the expenses of the Government are greater than the amounts of revenue collected at said ports; and to state what reasons exist, if any, why said custom-houses should not be dispensed with and the officers now employed at said places discharged from the public service, with any other information in this direction that may tend to public economy.

J. L. WIKLE.

Mr. PERKINS introduced a bill (H. R. 8560) granting a pension to J. L. Wikle; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

HENRY H. JOSLIN.

Mr. HITT introduced a bill (H. R. 8561) for the relief of Henry H. Joslin; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE W. PECK.

Mr. SYMES introduced a bill (H. R. 8562) to remove the charge of desertion against George W. Peck; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ISAAC DAVISSON.

Mr. SYMES also introduced a bill (H. R. 8563) granting a pension to Isaac Davisson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT OF MINERAL LAND LAWS.

Mr. SYMES also introduced a bill (H. R. 8564) to amend section 2330 of the Revised Statutes; which was read a first and second time, referred to the Committee on Mines and Mining, and ordered to be printed.

MRS. JAMES H. WELLS.

Mr. SYMES also introduced a bill (H. R. 8565) for the relief of Mrs. James H. Wells; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FRANCIS A. LAND.

Mr. SYMES also introduced a bill (H. R. 8566) to remove the charge of desertion against Francis A. Land; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CARRIE POWELL.

Mr. SYMES also introduced a bill (H. R. 8567) granting a pension to Carrie Powell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK W. BECKER.

Mr. SYMES also introduced a bill (H. R. 8568) granting a pension to Frederick W. Becker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAIAH MITCHELL.

Mr. SYMES also introduced a bill (H. R. 8569) granting an increase of pension to Isaiah Mitchell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL GOULD.

Mr. WORTHINGTON introduced a bill (H. R. 8570) to increase the pension of Daniel Gould; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH L. EVERSOL.

Mr. WADE introduced a bill (H. R. 8571) granting relief to Sarah L. Eversol; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALEXANDER THOMPSON.

Mr. WADE also introduced a bill (H. R. 8572) for the relief of Alexander Thompson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. THOMAS KEATING.

Mr. O'NEILL, of Missouri, introduced a bill (H. R. 8573) for the relief of Mrs. Thomas Keating; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS H. GRIFFIN.

Mr. O'NEILL, of Missouri, also introduced a bill (H. R. 8574) for the relief of Thomas H. Griffin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN DONOHOE.

Mr. O'NEILL, of Missouri, also introduced a bill (H. R. 8575) for the relief of John Donohoe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET B. DALTON.

Mr. O'NEILL, of Missouri, also introduced a bill (H. R. 8576) for the relief of Margaret B. Dalton, widow of Joseph M. Dalton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH KULAGE.

Mr. O'NEILL, of Missouri, also introduced a bill (H. R. 8577) for the relief of the heirs of Joseph Kulage; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HARRIET W. SHACKLETT.

Mr. ATKINSON introduced a bill (H. R. 8578) for the relief of Harriet W. Shacklett; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

COMMISSIONS TO REVENUE COLLECTORS.

Mr. MORRISON introduced a bill (H. R. 8579) to so further amend section 3314 of the Revised Statutes as amended as to strike out and repeal so much thereof as allows to collectors of internal revenue commissions on taxes collected on distilled spirits; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PARMELA COOPER.

Mr. MORRISON also introduced a bill (H. R. 8580) granting a pen-

sion to Parmela Cooper; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID W. TETER.

Mr. MORRISON also introduced a bill (H. R. 8581) for increasing the pension of David W. Teter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

F. W. BEINECKE.

Mr. MORRISON also introduced a bill (H. R. 8582) for the relief of F. W. Beinecke; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHRISTIAN BORDECKER.

Mr. MORRISON also introduced a bill (H. R. 8583) granting a pension to Christian Bordecker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY YARDING.

Mr. MORRISON also introduced a bill (H. R. 8584) granting a pension to Henry Yarding; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INSPECTION OF TOBACCO, ETC.

Mr. WISE introduced a bill (H. R. 8585) to provide for the inspection of tobacco, cigars, and snuff, and to repeal section 3151 of the Revised Statutes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DISTRICT OF COLUMBIA.

Mr. BRECKINRIDGE, of Arkansas (by request), introduced a bill (H. R. 8586) to amend section 685 of the Revised Statutes relating to the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

REESE PRITCHARD.

Mr. BRECKINRIDGE, of Arkansas, also introduced a bill (H. R. 8587) for the relief of Reese Pritchard; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ACT OF JUNE 20, 1878.

Mr. HOUK (by Mr. ZACH. TAYLOR) introduced a bill (H. R. 8588) to amend the act of June 20, 1878; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

JAMES HUGHES.

Mr. O'NEILL, of Missouri, introduced a bill (H. R. 8589) for the relief of James Hughes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY LANE.

Mr. O'NEILL, of Missouri, also introduced a bill (H. R. 8590) for the relief of Mary Lane; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LAND GRANTS IN KANSAS.

Mr. ANDERSON, of Kansas. I move to suspend the rules and discharge the Committee on the Public Lands from the further consideration of the bill (H. R. 7021) to provide for the adjustment of land grants made by Congress to aid in the construction of railroads within the State of Kansas, and for the forfeiture of unearned lands, and for other purposes, and that the same be passed with the amendments recommended by the Committee on the Public Lands.

The SPEAKER. Is the bill still in the hands of the Committee on the Public Lands?

Mr. ANDERSON, of Kansas. It is. It was reported by the committee and recommitted.

The bill as proposed to be amended by the Committee on the Public Lands was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to immediately adjust, or cause to be adjusted, each of the railroad land grants heretofore made by Congress to aid in the construction of railroads within the State of Kansas.

SEC. 2. That if it shall appear upon the completion of such adjustments, respectively, that lands have been certified by the Secretary of the Interior to or for the benefit of either of said railroad companies in excess of the amount to which it was lawfully entitled, or that lands have been so certified which were reserved from the operations of said grants, or settled upon under the homestead, pre-emption, or timber-culture laws by *bona fide* settlers, within granted limits, prior to the definite location of said roads, or settled upon under the said homestead, pre-emption, or timber-culture laws by *bona fide* settlers, within the indemnity limits, prior to the selection of said lands by the railroad companies, or that lands not granted or lands not earned by said companies have been so certified, then and in that case it shall be the duty of the Attorney-General to commence and prosecute in the proper courts the necessary proceedings to cancel all patents, certifications, and evidence of title heretofore issued for such lands, and to restore the title thereof to the United States.

SEC. 3. That if, in the adjustment of said grants, or any other railroad, wagon-road, or canal grant, it shall appear that the homestead, pre-emption, or timber-culture claim or entry of any *bona fide* settler has heretofore been erroneously canceled or his application denied on account of any railroad grant or the withdrawal of public lands for railroad purposes, such settler, upon application, shall be reinstated in all his rights and allowed to perfect his entry and receive a patent from the United States for the tract so settled upon, by complying with the public-land laws, where he has remained in possession of the land, claiming his right thereto under any claim under the general land laws of the United States: *Provided*, That such settler has not since located another claim or entry in lieu of the one so erroneously canceled: *And provided further*, That if any of said settlers shall have removed from said States, or do not renew their application to perfect their titles to said lands within a reasonable time, to be fixed by the Secretary of the Interior, then such of said lands as remain shall be restored to the public domain and be disposed of under the public-land laws, and the *bona fide* settlers residing thereon shall have priority of right under said laws: *Provided also*, That this section shall not apply to any tract of land in possession of any party deriving title under any of said railroad grants, when such possession is in conflict with parties in possession, under claim under the general laws of the United States, as contemplated in the first clause of this section down to the first proviso.

SEC. 4. That all other of said lands which have been so wrongfully, and without authority of law, certified or patented to said railroad companies, and which have been sold by said companies, or either of them, prior to the date of the approval of this act, the party or person so purchasing shall have the right to the lands so purchased upon making proof of the fact of such purchase, at the proper local land office, within one year after the adjustment of said grants, respectively, and patents shall issue to the party entitled thereto; and the Secretary of the Interior, on behalf of the United States, shall demand payment from the railroad company or companies of an amount equal to $2.50 per acre for all such lands so sold within the granted limits, and $1.25 per acre for all such lands so sold within the indemnity limits of the grants respectively: *Provided*, That said lands shall have been sold by said company or companies for that or a greater price per acre; and if not so sold, then said companies, respectively, shall pay to the United States an amount equal to the price per acre so received by them from such sales; and in case of neglect or refusal of said company or companies to make payment as herein provided within one year after the demand shall have been made, the Attorney-General shall cause suit or suits to be brought against such company or companies for the amount claimed: *Provided*, That all lands so wrongfully certified or patented, and not sold by said companies, or either of them, shall be immediately restored to the public domain, to be disposed of under the public-land laws: *And provided further*, That any lands heretofore claimed by said companies, or either of them, under their respective grants, but not certified or patented, which, upon a proper adjustment, shall be found not to belong to said companies, shall be restored to the public domain under the public-land laws, and *bona fide* settlers residing thereon shall have priority of right under said laws.

SEC. 5. That no more lands shall be certified or conveyed to the State of Kansas, or to any corporation or individual, for the benefit of either of the railroad companies herein mentioned, by the Department of the Interior, until the said grants, respectively, shall have been adjusted as by this act required.

The SPEAKER. Is a second demanded?

Mr. VAN EATON. I demand a second.

Mr. ANDERSON, of Kansas. I ask unanimous consent that the second may be considered as ordered.

Mr. VAN EATON. I object.

The SPEAKER. The Chair appoints as tellers the gentleman from Kansas [Mr. ANDERSON] and the gentleman from Mississippi [Mr. VAN EATON].

The House divided; and the tellers reported—ayes 120, noes 9.

So a second was ordered.

The SPEAKER. There is a second ordered; and under the rules of the House thirty minutes are allowed for debate, fifteen minutes in support of the motion, and fifteen minutes in opposition. The Chair will recognize the gentleman from Kansas [Mr. ANDERSON] to control the time in support of the motion, and the gentleman from Mississippi [Mr. VAN EATON] to control the time in opposition to it.

Mr. ANDERSON, of Kansas. Mr. Speaker, under the Pacific Railway act of 1862, a large grant of land was made to the Kansas Pacific Railroad, and under the act of 1863 a very large grant was made to the State of Kansas for several roads, chief of which were the Atchison, Topeka and Santa Fé; and the Missouri, Kansas and Texas; and the Leavenworth, Lawrence and Galveston roads. It was the practice of the Government to allow the companies, as a block of road was completed, to make selection of their lands, and it appears that under that practice there has been patented an excess of land to all these companies. This bill raises no question as to forfeiture because of non-completion of the roads in time. It provides for the final settlement of these grants. Where an excess of land is found to have been patented or certified it provides that such land shall be restored to the public domain, and it also protects the rights of homesteaders and *bona fide* purchasers. I shall content myself, Mr. Speaker, with this general statement as to the necessity for the bill, and will yield so much of my time as he may desire to my colleague on the committee, the gentleman from Illinois [Mr. PAYSON], who will explain the legal bearing and effect of the provision of the bill.

Mr. PAYSON. Mr. Speaker, the gentleman from Mississippi [Mr. VAN EATON] has presented a minority report as to this bill, and I prefer to reserve the time that has been yielded to me by the gentleman from Kansas [Mr. ANDERSON] until the gentleman from Mississippi shall have been heard.

Mr. VAN EATON. Mr. Speaker, so far as that is concerned there was no understanding between the gentleman from Illinois [Mr. PAYSON] and myself that I would follow the gentleman from Kansas [Mr. ANDERSON]; but that was on the assumption that the gentleman from Kansas was going to say something that I could follow. [Laughter.] As he has not done so, but has turned over the whole subject to the gentleman from Illinois [Mr. PAYSON], I think I have a perfect right to "go back" on that agreement, and wait until I hear something in favor of the bill, for I have not heard anything yet. [Cries of "Vote!" "Vote!"]

Mr. PAYSON. Mr. Speaker, I have no desire to consume any of the time of the House, and yet, because of the amount that is involved in this bill, and because several gentlemen sitting near have asked me what

it contains, I may perhaps ask the attention of the House for five minutes, in which time I think I can satisfy gentlemen that there ought not to be any hesitation about passing the bill. The facts upon which this bill is based are these: In 1863 an act of Congress was passed making a large donation of lands in the State of Kansas in aid of the construction of five different railroads, the principal of them being the Atchison, Topeka and Sante Fé; the Leavenworth, Lawrence and Galveston; and the Missouri, Kansas and Texas.

The amount of acreage involved in relation to the Missouri, Kansas and Texas road was 1,520,000 acres; as to the Atchison, Topeka and Sante Fe, 2,920,000, and as to the Leavenworth, Lawrence and Galveston, 840,000 acres. The act of Congress provided that all these roads should be constructed within ten years, and they were so constructed. They have earned whatever land they were entitled to under the law by the construction of their roads. But by lax administration in the Interior Department it turns out that a large acreage of land has been certified to these railroad companies in excess of the amount to which they were entitled. In advance of construction land was certified to the State—the State in this case acting as trustee for the railroad companies—and in 1873 it appeared upon the books of the Interior Department that large areas of land had been certified to the State of Kansas for the benefit of these roads in excess of that to which they were entitled. And yet the books of the Interior Department show that the grants have never yet been adjusted with reference to any one of these three roads. I hold in my hand an official letter from the Commissioner of the General Land Office, written in 1883, in which he shows, with reference to one of these roads, the Atchison, Topeka and Sante Fé, that an excess of something like 20,000 acres of land has been certified to that road.

Lands aggregating 73,351 acres have been certified to the other companies to which the Interior Department says they are not entitled, and to which the railway companies themselves concede that they are not entitled. Matters standing in this way, the Interior Department has requested these railway companies to reconvey the General Government such lands as have been improperly certified to them and to which they were not entitled. For some reason, best known to themselves, the railway companies have declined to do that, and of course, as every lawyer knows, the title having passed to the companies, the Government can only revest itself by directing proceedings through the Attorney-General's Office for the cancellation of the patents on the certified lists which in some of these cases conveyed titles. These roads were completed in 1873. Thirteen years have elapsed since that time; and although in many cases these lands to which the railroad companies concede they have no title were certified years ago, they still retain control and possession of them. Hence the necessity for the passage of this bill.

Mr. LONG. Are they improving the lands?

Mr. PAYSON. No, sir. Some they have sold, some they simply hold.

The first section of the bill directs the Secretary of the Interior to complete the adjustment of these grants. In other words, it simply directs him to do what it is his duty to do without legislation; but in view of the fact that all these years have elapsed since the roads were constructed and nothing has been done with reference to determining what particular tracts of land to which the railroad companies were not entitled have been certified to them, the first section of the bill directs this adjustment.

The second section provides that where in any case parties have gone into possession of these lands as settlers under the general land laws—and when I say "these lands" I mean the lands to which the railroad companies are not entitled—and have remained in possession of the lands down to this time, it shall be the duty of the Secretary of the Interior to recognize the claims of the settlers thus in possession. In addition to that it is provided that the Attorney-General shall begin suit to cancel such patents and certifications as the railroad companies were not entitled to under the granting act.

The third section provides that where parties are in possession as purchasers in good faith from the railroad companies, their title shall be validated upon proof of that fact; and also that where the lands have thus been sold to settlers who are now in possession, the railroad companies shall be responsible to the General Government for the amount of money which they have received from the settler, not exceeding $2.50 per acre for land within the granted limits, and $1.25 per acre for land within the indemnity limits; these being the prices fixed by the general land law in like cases.

Mr. HENDERSON, of Iowa. Does the bill throw upon the purchaser from the railroad company the burden of showing his title?

Mr. PAYSON. It provides that the purchaser shall make proof at the nearest land office that he purchased in good faith and is still in possession; and upon presenting such proof he will receive a patent from the Government. The only onus thrown upon the settler is that he shall go to the nearest land office and make proof of the fact that he has purchased this land from the railroad company in good faith and is in possession thereof.

Mr. WEAVER, of Iowa. Is there anything in the amendment of the bill that makes it apply to other States?

Mr. PAYSON. There is. It is provided that the Secretary of the Interior shall proceed as rapidly as may be to adjust land grants in other States.

Mr. LORE. If the railroad company received for any of these lands more than it is required to pay back to the Government, what becomes of the excess?

Mr. PAYSON. The railroad company keeps it. We do not attempt to get from the railroad company any more than the Government price for the lands.

Mr. CANNON. Suppose parties who purchased of the railroad company in good faith are not in actual possession?

Mr. PAYSON. It does not matter. If they have purchased in good faith from the railroad company they are protected.

Mr. STONE, of Massachusetts. Under this bill, how will the excess of lands certified to the railroad companies be determined?

Mr. PAYSON. The bill does not undertake to direct the Secretary of the Interior as to any method of adjustment. We could not do that if we so desired. We simply provide that he shall go on and make the adjustment.

I will reserve the remainder of my time, if I have said anything which the gentleman from Mississippi [Mr. VAN EATON] deems worthy of answer.

Mr. VAN EATON. Mr. Speaker, my objections to this bill are manifold. In the first place, there is no necessity for it. The bill provides in effect that the Secretary of the Interior shall proceed to adjust these railroad grants, and that the Attorney-General shall then proceed to recover for the United States any excess. The bill, in other words, proposes to confer on these officers powers which have been conceded to them from the formation of the Government. I may be permitted to say that as a member of the Public Lands Committee I have not been able either in the last Congress or in this to see the slightest necessity for the passage of this bill. On the other hand, the evils which may result from its passage are manifold. I contend that no good can be accomplished by a measure which simply authorizes the law officer of the Government and the head of the proper Department to do that which it is their duty now to do. More than that, by this bill they are required to proceed to seek proof for the purpose of disarranging matters and unsettling titles which have been settled perhaps for more than a score of years. This is another objection which I have to the bill.

I have inquired of the gentleman from Kansas the author of the bill, and this at least is a bill which no one will dispute with him the honor of paternity, for it is certain no other man in this House could have draughted such a bill—I have inquired, I say, of that gentleman, the author of the bill, why the people of Kansas needed it; and never yet have I been able to get an answer from him to that question.

Mr. ANDERSON, of Kansas. I will answer the gentleman now.

Mr. VAN EATON. Do so in your own time.

Mr. ANDERSON, of Kansas. And it is this: One million and a half of acres of land these railroads have acquired to which by law they are not entitled, and this bill is for the purpose of securing the restoration of those lands, amounting to one million and a half of acres, to the public domain. Secondly, settlers and *bona fide* purchasers without some such law could not complete their titles, and tens of thousands of acres in the hands of settlers would be left hung up.

Mr. VAN EATON. Why can that not be as well settled without it as with it?

Mr. ANDERSON, of Kansas. For the reason that a *bona fide* settler, under the operation of the law as it now stands, can not obtain a title.

Mr. VAN EATON. That brings me to one of the remarkable features of this bill. It provides, in case certain settlers are on land which shall turn out in the readjustment did not belong to the railroad company when it sold it to the settler, what shall be done. To my mind it is a most remarkable provision. It says, "We will give you the land, but make the railroad company pay the price." The trouble, to my mind, is just this: If the railroad sold that to which it had no title, as a matter of course the vendee has recourse on the warranty, but this bill attempts to make the railroad responsible to the United States. That is to say, if they sold land and gave no title they are not to account to the purchaser, they are not to account to the vendee, but the United States accounts to them or guarantees the title, and then turns upon the railroad and says, "You pay us. You do not pay the man whose title you guaranteed, but we will step in and fix that title, and then you will pay us." To my mind it is a novel proposition of law. As a matter of course, if the railroad sold without guarantee the purchasers in that case would be helpless.

I take it if such land grants were adjusted without intervention of law, and it should be found that a certain number of acres had been overcertified and the railroad had sold these lands to innocent purchasers, the railroad, as a matter of course, on final adjustment would lose the land, and the purchasers, in there in good faith, would have the right of possessing themselves of those lands.

Mr. Speaker, there is another objection to this bill. There are entirely too many matters involved in it to pass it under a suspension of the rules without careful consideration by the House.

I will call attention, for instance, to the third section of the bill, which provides:

That if, in the adjustment of said grants, *or any other railroad, wagon-road, or canal grant*, it shall appear that the homestead, pre-emption, or timber-culture claim or entry of any *bona fide* settler has heretofore been erroneously canceled or his application denied on account of any railroad grant or the withdrawal of public lands for railroad puposes, such settler, upon application, shall be reinstated in allgbis rights, and allowed to perfect his entry and receive a patent from the United States for the tract so settled upon, by complying with the public-land laws, *where he has remained in possession of the land, claiming his right thereto under any claim under the general land laws of the United States.*

They can under it cancel every railroad grant in the United States. At least it opens a field of litigation which no man can see the end of—that is, if that bill were to be passed by Congress. That is another reason why I object to it.

Mr. PAYSON. Will the gentleman permit me to ask him a question?

Mr. VAN EATON. Yes, sir.

Mr. PAYSON. Is it not a fact, instead of opening a field of litigation, it provides there shall be no litigation whatever, but the whole matter shall be settled in the Interior Department? I assert that to be the fact.

Mr. VAN EATON. What, then, has the Attorney-General to do?

Mr. PAYSON. You provide in the third section these erroneous entries are to be canceled.

Mr. VAN EATON. But suppose the Secretary of the Interior does not settle according to the belief of the parties interested?

Mr. PAYSON. But the section simply provides that if there has been an entry erroneously canceled, the Secretary of the Interior shall reinstate the settler; and hence this is for his protection, and without sending him to the courts, as the gentleman seems to apprehend.

Mr. VAN EATON. That may be all true; but I suppose the gentleman will not tell me that this does not apply to every other land-grant road in the United States?

Mr. PAYSON. Certainly it does; wherever there has been an over-certification. That was the intent of the committee.

Mr. BAYNE. It ought to apply to all.

Mr. WEAVER, of Iowa. Why ought it not apply to all?

Mr. PAYSON. I am speaking now of what the bill contains, not of what it does not contain.

Mr. VAN EATON. There have been about 50,000,000 acres of land certified for railroads completed, confessedly completed in terms.

Now another evil of this bill, to which I wish to call attention, is that it proposes a readjustment by a different rule from any which has heretofore prevailed for the last forty years, a rule essentially at variance with any heretofore in force, by which the readjustments have been made, and settlers and purchasers might in good faith come into quiet and peaceable possession of their holdings, and it is this: that the granted limits shall be construed and computed according to the meandering lines of the road. That is the old rule; but the proposition now is to turn all of that over and run a straight line from the starting-point to the terminus and readjust every grant on that straight line. I understand that to be the proposition now pending in the Interior Department.

Mr. PAYSON. Will the gentleman permit a question?

Mr. VAN EATON. Yes, sir.

Mr. PAYSON. Where do you find anything of that kind in this bill?

Mr. VAN EATON. It is not in the bill, and that is just what is the matter. If the gentleman wants to know about that he will find it in the report of the minority of the committee, which that committee made from the best information they could get about the construction of the law by the present Commissioner of the General Land Office.

I believe, Mr. Speaker, that this report is better than any speech I can make, and I will ask that it be read in my own time, as I would like to have it go into the RECORD.

The Clerk read as follows:

Mr. VAN EATON, from the Committee on the Public Lands, submitted the following views of the minority:

The undersigned fully concur in all measures which provide for the recovery by the United States of all lands heretofore granted for the construction of railroads which have not been heretofore earned by such construction. But they can not so concur in the majority report upon the present bill, because they are unable to discover any existing necessity for such proposed legislation.

Grants to aid in the construction of canals and railroads cover a period extending from 1828 to 1871. More than 50,000,000 acres of land have been conveyed to States and corporations in satisfaction of grants, wherein the condition of seasonable construction has been fully met. The principles of measurement and rules of construction applied in all such grants find their basis established at the very commencement of the system, and under such principles and rules these millions of acres have been conveyed. Many of the grants for the construction of railroads have been entirely adjusted in accordance with these long-established rules and principles, and it is very certain that the titles thus conveyed thereunder have passed into the hands of thousands of innocent purchasers for value, whose labor and investment have largely enhanced the value of such lands. Titles throughout the settled portions of the West rest largely upon the integrity of these ancient adjustments, which it is the declared purpose of this bill to now re-open and disturb.

Whatever changes in the construction of the law may have occurred in recent years, it is now proposed to apply to all railroad grants and to reopen as an original matter questions determined by the proper administrative officers of the Government many years since, and on the faith of which determination these titles have been created and put forth upon the world.

The assumed basis for this threatened destruction of property rights springs from the declaration of the present Commissioner of the General Land Office, who finds an established basis of measurement determining the lateral limits of these grants which has been in force for nearly forty years not in accord with his construction of the law, and who thereupon announces the determination to readjust all such grants, and, of necessity, to produce new results, regardless of all that has been hitherto done and in disregard of all its executed consequences. There has been no argument before nor consideration by the committee as to the soundness of this new method of measurement as matter of law, nor the propriety, from either a legal or equitable standpoint, of thus attempting to change the construction and practice of forty years in order to accomplish results which may disturb titles long since vested and which have become the basis of community property rights.

Titles to reality in all settled communities which have stood the test of time, and often of judicial scrutiny in controversies between private litigants, should not be clouded by attack through the judicial tribunals or otherwise. And certainly legislation which compels adjustment of these railroad grants where the titles have stood for many years unquestioned, and passed from hand to hand as the representatives of values, should not be had upon a mere assumption of error in the principles and practice of the administrative officers extending through so many years.

From the establishment of the Government to the present time the power and duty of the Attorney-General to invoke the aid of the courts in recovering lands assumed to have been erroneously conveyed by the Government has stood unquestioned. As matter of practical administration he acts daily in this direction upon the request of the officers of the Land Department, who are under the law directly charged with the duty of protecting the Government in this regard. But the performance of that duty does not need the incentive of legislation, nor should the will of Congress control the judgment of the highest law officer of the Government in determining the existence or non-existence of a remedy in favor of the United States, nor compel him to institute and carry forward litigation which, in his judgment, can not succeed upon either legal or equitable grounds.

The present bill makes it obligatory upon both the officers of the Land Department to adjust all grants however ancient and the Attorney-General to commence proceedings for recovery regardless of the justice, wisdom, or policy of such proceeding. While all of these grants have been adjusted in whole or in part by the officers of the Land Department, acting in accordance with settled precedent and long-established rules of measurement which the railroads did not inaugurate nor control, this bill seeks to punish the Government's grantees for the assumed mistakes of its own officers, and to put in litigation titles which were obtained without fraud and in accordance with such long-established precedents. Recognizing the existing fact that the lands so conveyed have in large part passed into the hands of innocent purchasers for value, the bill holds out to such purchasers the glittering promise of a new title by gift from the United States after their existing titles have been clouded for many years with litigation and finally set aside. As this promise is a mere gratuity upon the part of the Government, it can be rescinded at any future time. But assuming its integrity for the present, the bill then provides for suits against the railroad companies to recover the Government price per acre for all lands to which its purchasers may receive such gift of title from the Government. The futility of such legislation must be apparent to every legal mind. Upon the recovery of these titles by the Government the purchasers from the railroads stand without legal or equitable remedy against the United States thereon. The assumption of the obligation by the Government to make a new title to such purchasers can not create a legal or equitable obligation from the railroad companies to the Government in turn to recoup to it the value of such lands. The sole responsibility of the railroad companies would be upon the warranty of title, if any, given their purchasers. No obligation to the Government can be created beyond that point by legislation or otherwise.

And, finally, the minority protest that the only result of such legislation as this is to cloud and embarrass the titles of thousands of innocent men who, during the pendency of litigation which this bill directs, will find themselves unable to handle their property by sale, mortgage, or otherwise. The evil results flowing from such condition of affairs, whether of long or short duration, is so great that it manifestly can not justify Congress in thus legislating. It is precisely the case where under the existing circumstances it is far better to stop with ascertaining what the law has been construed to be and what forms of measurement have been adopted through so many years by the officers charged with the administration of these grants and bound by an official oath, than to seek to rescind what has thus been done in order to recover a few thousand acres of land at the end of long and widespread litigation, which must carry in its train all the evils which flow from the general upheaval of real titles in settled communities.

H. S. VAN EATON.
ISAAC STEPHENSON.

Before the conclusion of the reading of the report the hammer fell.

The SPEAKER. The time in opposition to the motion has expired.

Mr. VAN EATON. I ask consent that the remainder of the report be printed in the RECORD.

There was no objection, and it was so ordered.

Mr. VAN EATON. Mr. Speaker, I only desire to say, in conclusion, that so far as the railroads are concerned, for all the purposes of this bill, I care nothing for them. It is the farmer and the settler for whom I speak, believing as I do its only tendency is to unrest and disquiet, to litigation and years of uncertainty concerning the titles of people, of all others, who can least afford the uncertainty, delay, and expense of lawsuits; besides, it is a bill of too much importance to be rushed through the House under suspension of the rules and without opportunity for examination and debate.

Mr. ANDERSON, of Kansas. How much time have I remaining?

The SPEAKER. The gentleman has four minutes in support of the motion.

Mr. ANDERSON, of Kansas. I yield that time to the gentleman from Illinois [Mr. PAYSON].

Mr. PAYSON. Mr. Speaker, I only desire to reply to the two points which have been suggested in opposition to this motion by the gentleman from Mississippi: First, that the tendency of this bill will be to unsettle titles as to lands which have been heretofore granted; and in response to that I wish to say that the direct converse of that proposition is the truth, and that the operation of this bill will be to settle instead of unsettle these titles. It does not presume to divest anybody, either a settler or a railway company, of any title to any land. It simply presupposes the fact that these companies entered and have had cer-

tified to them lands to which they are not entitled, and the document to which I called the attention of the House a few moments since in the course of my remarks shows that these three railroad companies have already had certified to them 73,351 acres of land in excess of what they were entitled to, which fact was admitted by the railroads themselves and is conceded on all hands. That being the condition of affairs, the question arises, what is to be done in the case? Upon these lands people have gone to settle either in one of two ways; either as purchasers from the railroad company, assuming that these lands having been certified to the railway company belonged to it, and therefore that it had the right to sell; or, second, they have gone upon the land as settlers under the general land laws of the country. As it turns out the railroad company had no right, and the bill protects both classes of settlers and without litigation in any way, by providing that when the readjustment is made the settler whose entry has been canceled or his application denied shall be reinstated in all his rights by being permitted to perfect his entry; or if he shall have purchased from said railroad company prior to the passage of this act, all that is necessary to complete his title is to make proof of the fact at the proper local land office within the time fixed in the act.

But perhaps I should state more explicitly what is meant by this readjustment, as several gentleman around in my immediate vicinity here have asked the question, which I will try to answer to their satisfaction. An adjustment under the public land system is merely the fixing of the definite sections and quarter-sections by the Interior Department to determine what tracts of land the railroad company is entitled to. That is all there is of it—merely determining the specific tracts that the company should have.

The bill, as I have said, provides that where heretofore land has been erroneously certified to a company that was not entitled to it, if a man has bought from the railroad company his title is validated on making proof of that fact. Where is there unsettling of title by that? If a man had made an entry in good faith on the public lands, but by a mistaken construction in the Interior Department his entry was canceled or held for naught, this act provides, in the third section, that the canceled entry shall be reinstated, provided the party has remained in possession down to the present time. There is no unsettling of title, but a validation of title, and with no injury to anybody, and with no expense of litigation, except so far as the Department of Justice shall file a bill to cancel patents, &c., unlawfully issued.

Mr. MILLS. Have these lands been all surveyed?

Mr. PAYSON. They have all been surveyed, but the practice was in the Interior Department to certify *en masse*, and leave it to the future to determine the amount the company were entitled to and the specific tracts they should have.

The SPEAKER. The time allowed for debate on the bill has expired. The question is on the motion of the gentleman from Kansas [Mr. ANDERSON] to suspend the rules and pass the bill with the amendments reported by the committee.

Mr. MORRISON. I think we had better have the yeas and nays.

The question being taken on ordering the yeas and nays, there were ayes 34.

Mr. PERKINS. Count the other side.

The negative vote being taken, there were noes 95.

So (the affirmative being more than one-fifth of the whole vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 214, nays 9, not voting 100; as follows:

YEAS—214.

Adams, G. E.	Cooper,	Hale,	Landes,
Allen, C. H.	Cox,	Hall,	Lanham,
Allen, J. M.	Crisp,	Halsell,	Lawler,
Anderson, J. A.	Cutcheon,	Hammond,	Lehlbach,
Arnot,	Dargan,	Harmer,	Lindsley,
Atkinson,	Davidson, R. H. M.	Harris,	Little,
Baker,	Davis,	Hatch,	Long,
Ballentine,	Dawson,	Heard,	Lovering,
Barksdale,	Dibble,	Hemphill,	Lowry,
Barnes,	Dingley,	Henderson, D. B.	Lyman,
Bayne,	Dockery,	Henderson, T. J.	Mahoney,
Beach,	Dunham,	Herbert,	Markham,
Blanchard,	Dunn,	Hewitt,	Martin,
Bland,	Eden,	Hiestand,	McAdoo,
Blount,	Eldredge,	Hill,	McComas,
Bound,	Ellsberry,	Hiscock,	McCreary,
Boyle,	Ely,	Hitt,	McKenna,
Brady,	Ermentrout,	Holman,	McMillin,
Breckinridge, W. C. P.	Evans,	Holmes,	McRae,
Brown, C. E.	Everhart,	Hopkins,	Merriman,
Brown, W. W.	Farquhar,	Houk,	Millard,
Buck,	Felton,	Howard,	Miller,
Burleigh,	Fleeger,	Hudd,	Mills,
Burrows,	Foran,	Hutton,	Morrill,
Butterworth,	Ford,	Irion,	Morrison,
Bynum,	Frederick,	James,	Morrow,
Caldwell,	Fuller,	Johnston, J. T.	Muller,
Campbell, T. J.	Funston,	Jones, J. H.	Murphy,
Candler,	Gallinger,	Jones, J. T.	Neal,
Cannon,	Gay,	Kelley,	O'Hara,
Carleton,	Geddes,	Ketcham,	O'Neill, Charles
Clardy,	Goff,	King,	Osborne,
Clements,	Green, R. S.	Kleiner,	Owen,
Cobb,	Grosvenor,	Laffoon,	Payne,
Comstock,	Grout,	La Follette,	Payson,
Conger,	Guenther,	Laird,	Peel,
Perkins,	Rowell,	Strait,	Ward, T. B.
Perry,	Sadler,	Struble,	Warner, William
Peters,	Sayers,	Swinburne,	Weaver, A. J.
Phelps,	Scranton,	Symes,	Weaver, J. B.
Pindar,	Seney,	Tarsney,	Weber,
Plumb,	Sessions,	Taulbee,	Wheeler,
Price,	Seymour,	Taylor, J. M.	White, A. C.
Randall,	Shaw,	Taylor, Zach.	White, Milo
Ranney,	Smalls,	Thomas, O. B.	Whiting,
Reagan,	Snyder,	Thompson,	Wilkins,
Reese,	Sowden,	Tillman,	Willis,
Rice,	Springer,	Townshend,	Wilson,
Richardson,	Steele,	Trigg,	Winans,
Riggs,	Stewart, Charles	Turner,	Wise,
Robertson,	St. Martin,	Viele,	Wolford,
Rockwell,	Stone, E. F.	Wade,	Worthington.
Rogers,	Stone, W. J., Ky.	Wadsworth,	
Romeis,	Stone, W. J., Mo.	Ward, J. H.	

NAYS—9.

Bragg,	Dougherty,	Lore,	Singleton,
Catchings,	Henderson, J. S.	Morgan,	Van Eaton.
Cowles,			

NOT VOTING—100.

Adams, J. J.	Croxton,	Johnson, F. A.	Reed, T. B.
Aiken,	Culberson,	Johnston, T. D.	Reid, J. W.
Anderson, C. M.	Curtin,	Le Fevre,	Ryan,
Barbour,	Daniel,	Libbey,	Sawyer,
Barry,	Davenport,	Louttit,	Scott,
Belmont,	Davidson, A. C.	Matson,	Skinner,
Bennett,	Dorsey,	Maybury,	Spooner,
Bingham,	Dowdney,	McKinley,	Spriggs,
Bliss,	Findlay,	Milliken,	Stahlnecker,
Boutelle,	Fisher,	Mitchell,	Stephenson,
Breckinridge, C. R.	Forney,	Moffatt,	Stewart, J. W.
Browne, T. M.	Gibson, C. H.	Neece,	Storm,
Brumm,	Gibson, Eustace	Negley,	Swope,
Buchanan,	Gilfillan,	Nelson,	Taylor, E. B.
Bunnell,	Glass,	Norwood,	Taylor, I. H.
Burnes,	Glover,	Oates,	Thomas, J. R.
Cabell,	Green, W. J.	O'Donnell,	Throckmorton,
Campbell, Felix	Hanback,	O'Ferrall,	Tucker,
Campbell, J. M.	Hayden,	O'Neill, J. J.	Van Schaick,
Campbell, J. E.	Haynes,	Outhwaite,	Wait,
Caswell,	Henley,	Parker,	Wakefield,
Cole,	Hepburn,	Pettibone,	Warner, A. J.
Collins,	Herman,	Pidcock,	Wellborn,
Compton,	Hires,	Pirce,	West,
Crain,	Jackson,	Pulitzer,	Woodburn.

So (two-thirds voting in favor thereof) the rules were suspended and the bill was passed.

Mr. ANDERSON, of Kansas. I ask unanimous consent to dispense with the reading of the names.

Objection was made.

The following-named members were announced as paired until further notice:

Mr. CULBERSON with Mr. MCKINLEY.
Mr. CABELL with Mr. CAMPBELL, of Pennsylvania.
Mr. FORNEY with Mr. BUNNELL.
Mr. STORM with Mr. PETTIBONE.
Mr. BENNETT with Mr. O'DONNELL.
Mr. GREEN, of North Carolina, with Mr. WEST.
Mr. BURNES with Mr. BUCHANAN.
Mr. COLE with Mr. THOMAS, of Illinois.
Mr. THROCKMORTON with Mr. JACKSON.
Mr. OUTHWAITE with Mr. PARKER.
Mr. MAYBURY with Mr. RYAN.
Mr. BROWNE, of Indiana, with Mr. FISHER.
Mr. CURTIN with Mr. NEGLEY.
Mr. CRAIN with Mr. STEWART, of Vermont.
Mr. ADAMS, of New York, with Mr. MARKHAM.

The following members were announced as paired for this day:

Mr. DANIEL with Mr. JOHNSON, of New York.
Mr. JOHNSTON, of North Carolina, with Mr. HAYDEN.
Mr. GIBSON, of Maryland, with Mr. BRUMM.
Mr. SKINNER with Mr. HERMAN.
Mr. BLISS with Mr. HIRES.
Mr. GIBSON, of West Virginia, with Mr. GILFILLAN.
Mr. PIDCOCK with Mr. CASWELL.
Mr. WARNER, of Ohio, with Mr. BINGHAM.
Mr. MATSON with Mr. HAYNES.
Mr. REID, of North Carolina, with Mr. SPOONER.
Mr. NORWOOD with Mr. PIRCE.
Mr. SCOTT with Mr. SAWYER.
Mr. O'FERRALL with Mr. HANBACK.
Mr. O'NEILL, of Missouri, with Mr. DAVENPORT.
Mr. DOWDNEY with Mr. LIBBEY.
Mr. CROXTON with Mr. DORSEY.
Mr. FELIX CAMPBELL with Mr. WAKEFIELD.

The result of the vote was then announced as above stated.

PUBLIC BUILDING AT HANNIBAL, MO.

Mr. HATCH. Mr. Speaker, I move that the Committee on Public Buildings and Grounds be discharged from the further consideration of House bill No. 7735, which I send to the desk, that the rules be suspended and that the bill be passed with an amendment striking out "five hundred," so that it will read "$37,000."

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, &c., That to enable the Secretary of the Treasury to complete the public building in course of erection at Hannibal, Mo., in accordance with the original plans of the Supervising Architect providing for a building three stories high, and to make the same fire-proof, the sum of $37,500 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The SPEAKER. Is a second demanded?

Mr. MORRISON. I demand a second.

Mr. HATCH. I ask unanimous consent that a second may be considered as ordered.

Mr. MORRISON. I object.

The question was taken; and there were—ayes 160, noes 6; so a second was ordered.

The SPEAKER. There is a second, and under the rules of the House thirty minutes are allowed for debate; fifteen minutes in support of the motion and fifteen minutes in opposition. The Chair will recognize the gentleman from Missouri [Mr. HATCH] to control the time in support of the motion, and the gentleman from Illinois [Mr. MORRISON] to control the time in opposition to it.

Mr. HATCH. Mr. Speaker, I ask to have read the letter of the Supervising Architect of the Treasury in relation to this building, transmitted to the Speaker of the House by the Secretary of the Treasury.

The letter was read, as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
Washington, March 17, 1886.

SIR: At the request of Hon. W. H. Hatch, I have the honor to call your attention to the advisability of an increased appropriation to complete the public building at Hannibal, Mo. (employing fire-proof construction), to accommodate the post-office, court-house, internal-revenue, and other officers of that place, in accordance with the original plans and specifications.

These plans provided for a building three stories high, photograph of which was published in my last annual report. The design contemplates the completion of the first story for the use and occupation of the Post-Office Department, and the dimensions of which are such as only to properly provide for the handling of the mails received at that place. The second story is required for the use and occupation of the internal-revenue officers of that district. The third story will be required for the use and occupation of United States circuit and district courts, with their necessary officers.

The economy of an increase of $37,500 to construct an additional story at this time is manifest and essential, not only to afford proper accommodations for the officers, but to make the building harmonious in its architectural proportions. The expense of roofing in the third story of the building will be no more than that required for a two-story structure, and the additional accommodations provided justify the recommendation herewith submitted, that the above amount be appropriated so that work can proceed upon the building in its regular order.

Respectfully, yours,

M. E. BELL, *Supervising Architect.*

Hon. SECRETARY OF THE TREASURY.

Mr. HATCH. Mr. Speaker, the communication just read was sent to the Committee on Appropriations, and by that committee was referred to the Committee on Public Buildings and Grounds. The matter has been acted upon by a subcommittee of the Committee on Public Buildings and Grounds and by the full committee, and the chairman informed me this morning that the bill had been approved by the full committee unanimously, as I understand him to say. I reserve the balance of my time.

Mr. EDEN. Have the Committee on Public Buildings and Grounds made a report?

Mr. HATCH. The bill was approved by the full committee this morning. The report has not yet been made, but I state the fact that the committee have approved the bill and recommended its passage.

Mr. DUNHAM. Mr. Speaker, I want to call the attention of the gentleman from Missouri [Mr. HATCH] to the fact that this letter of the Supervising Architect refers to certain photographs. Is the gentleman prepared to show those photographs to the House? [Laughter.]

Mr. HATCH. I reserve the balance of my time, Mr. Speaker.

Mr. MORRISON. Mr. Speaker, the gentleman from Missouri [Mr. HATCH] tells us this bill has the approval of the Committee on Public Buildings and Grounds. That is the only information we have of the fact. I do not, however, question it. The bill is to be considered without any report, on a motion to suspend the rules. The bill will pass, no doubt, not because of any merit it may have, but because other bills more or less meritorious are behind it and in league with it. In saying in league with it, I mean that these things—these public buildings, so called—naturally go together through this House. Several years ago, when this nice town or little city of Hannibal, Mo., had a population, as the census tells us, of 11,074 (it probably has a good many more now, for I believe it is a very flourishing little place), the gentleman from Missouri [Mr. HATCH], who is very able in legislation, and especially in all that relates to the management of legislation, secured the passage of a law here to build a house at Hannibal at a limited cost of $75,000. That was understood to be the sum of entire cost, beyond which the Treasury was not to be depleted. So it was fixed by law.

And I am not talking now with any expectation of defeating this bill, but for the purpose of pointing out some of the abuses that go along with the construction of these public buildings. That appropriation, originally $75,000, soon grew to $93,000; just how, the gentleman from Missouri may or may not know; and I undertake to say a close scrutiny would demonstate that that increase was without any public necessity. Now $37,000 more is asked because the Supervising Architect tells us that there is a photograph of the building somewhere [laughter] which shows the building as it ought to be, not as the law provided it should be, but according to some arrangement made by the officials having control of the building, not in accordance with the original provision of law.

This photograph gives information that the building "is required for the use and occupation of United States circuit and district courts with their necessary officers;" and that a thirty-seven-thousand-dollar addition is necessary to hold the court and court or other officials. There is no court at Hannibal. There has been an effort on the part of the Missouri delegation for two, three, or four years to remove a court or a part of the court from where it is now held to Hannibal, but it has not gone there yet. Probably the gentleman who wrote this letter for our information did not know anything about that. He saw the photograph [laughter] and then tells us that it is necessary to have this building $37,000 more expensive for a court-room.

Mr. Speaker, I merely call attention to these things to show how these bills get through this House. I presume this bill is quite as meritorious as many others that are here enacted into laws because they are leagued one with another, a majority of them being without merit to secure favorable consideration but for such combination.

Mr. HATCH. Mr. Speaker, it is only necessary for me to say that when I introduced a bill in the Forty-seventh Congress to provide for a public building at Hannibal, Mo., it was brought before this House upon its merits, and after a full and fair discussion of it and the presentation of all the facts it passed by a very decided majority. Now an increase in the appropriation is asked for to make this needed public building fire-proof in its construction, worthy of the Government and of the business of the Government at that point. And I wish to say further that I am as far as the gentleman from Illinois [Mr. MORRISON] can be from coming to this House and asking for anything in the way of an appropriation that I do not believe is justified by the needs of the public service.

The motion of Mr. HATCH was agreed to (two-thirds voting in favor thereof).

So the rules were suspended; and the bill was passed.

PUBLIC BUILDING AT DES MOINES, IOWA.

Mr. HENDERSON, of Iowa. I move to suspend the rules so as to discharge the Committee of the Whole House on the state of the Union from the further consideration of House bill 5251 and pass the same.

The title of the bill was read, as follows:

A bill making an appropriation for the repairs and enlargement of the post-office and court-house at Des Moines, Iowa, and fixing a limit therefor.

Mr. SPRINGER. Is it in order to move that the House do now adjourn?

The SPEAKER. It is.

Mr. SPRINGER. I make that motion.

Mr. HISCOCK. I suggest to the gentleman that this is not quite fair. There ought to be one motion on each side.

Mr. SPRINGER. There has already been one motion on each side.

The question being taken on the motion of Mr. SPRINGER, it was not agreed to, there being—ayes 46, noes 97.

The bill was read, as follows:

Be it enacted, &c., That $153,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of completing the repairs and enlargement of the United States post-office and court-house at Des Maines, Iowa; and this amount shall be in addition to the sum heretofore appropriated for said purpose, and shall, together with said sum, be considered the limit of appropriations for such repairs and enlargement.

SEC. 2. That the officers of the United States Government having charge of the erection of public buildings are authorized and required to be governed by this limit in making contracts therefor.

The SPEAKER. Is a second demanded on the motion to suspend the rules?

Mr. SPRINGER. I demand a second.

Mr. HENDERSON, of Iowa. I ask unanimous consent that a second be considered as ordered.

Mr. MORRISON. I object.

The SPEAKER appointed as tellers Mr. SPRINGER and Mr. HENDERSON, of Iowa.

The House divided; and the tellers reported—ayes 151, noes 12.

So the motion to suspend the rules was seconded.

The SPEAKER. Debate is now in order for thirty minutes; fifteen minutes in favor of the motion, and fifteen against it. The Chair will recognize the gentleman from Iowa [Mr. HENDERSON] to control the time in support of the motion, and the gentleman from Illinois [Mr. SPRINGER] to control the time in opposition.

Mr. HENDERSON, of Iowa. Mr. Speaker, this bill proposes an appropriation for a building at Des Moines, the capital of the State of Iowa, in the district represented by my colleague [Mr. CONGER], to whom I yield so much time as he may desire.

Mr. CONGER. Mr. Speaker, an appropriation for the extension of

this building was made some three or four years ago and plans were prepared, but they have not yet been carried out. During this time the city and State have grown so rapidly that in order to accommodate the increasing business it is found necessary that the building should be enlarged. The amount now proposed to be appropriated is asked in order to construct a building of a size sufficient to accommodate the business which must be done there. In the first place, this building must accommodate the post-office, the gross receipts of which are nearly $100,000 a year and the net receipts $67,000, giving a larger percentage of net revenue to the Government than any other post-office in the United States except one, that at the town of Elgin, Ill. The city of Des Moines is practically in the center of the State. It is the commercial and the railroad center of the State, thirteen or fourteen railroads reaching therefrom into every part of our Commonwealth. The whole business of the State practically centers there. Consequently this city is doing the business of a population of nearly 2,000,000.

Mr. PERKINS. Will the gentleman state what other Government offices, besides the post-office, are to be accommodated in this building?

Mr. CONGER. The other offices to be accommodated are the United States circuit and district courts, the pension agency for the States of Nebraska, Iowa, and Minnesota, the internal-revenue collector's office for that district, and the two United States land offices.

Mr. Speaker, as I am not disposed to detain the House I will not occupy further time.

Mr. HENDERSON, of Iowa. I reserve the balance of my time, simply stating for the information of the House that the Committee on Public Buildings and Grounds have unanimously reported in favor of this bill.

Mr. SPRINGER. I ask that the report of the committee be read in my time.

The report (by Mr. HENLEY) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred House bill 5251, beg leave to report:

By act of May 7, 1882, provision was made for repairing and enlarging the post-office and court-house at Des Moines, Iowa; $45,000 was appropriated to begin the work, and additional appropriations have since been made, making a total for said purpose of $180,000. But the rapid growth of the city and State, and the great increase of public business that must be transacted there, have demonstrated the total inadequacy of the proposed enlargement for the present demand, much less the increased demand which must be provided for in the very near future.

The Government owns the ground, and it will be the part of true economy to extend the building at this time, in anticipation of the growing increase in the public business, and thus prevent another enlargement and rearrangement which must of necessity be made, at great expense, at an early date.

It was thought that the original building would answer the public demand for many years, but after an occupancy of only twelve years a considerable enlargement was found absolutely necessary. The per cent. of increase of both population and business is much greater now than then; hence the demand for more liberal accommodations for the future.

As showing the rapid growth of the city and the marvelous increase of business, the population of the city of Des Moines, Iowa, was, in 1860, 3,965; in 1870, 12,035; in 1880, 22,696; in 1885, 36,494.

Population of State in 1865, 754,699; in 1885, 1,753,980.

Miles of railroad in State in 1865, 1,000; miles of railroad in 1885, 7,000.

Des Moines is the capital, and is the commercial as well as the railroad center of the State. In 1865 the city had but one line of railroad; now thirteen lines radiate from here to every part of the State.

The volume of business in the city for 1885 was $70,796,691. The permanent improvements made during the year were $3,502,416.

It expended, in 1885, for paving, sewering, and other public improvements, $217,963. The State has just completed a capitol building there at the cost of $3,000,000.

The internal revenue collected at Des Moines in 1885 was $1,958,811.60. The total financial transactions of the Des Moines post-office were $1,809,542.57; money-order business, $1,720,923.99; stamps sold, $88,618.

Gross receipts	$93,308 83
Expenses	25,471 29
Net revenue	67,837 54

being a larger per cent. of net revenue than from any other first-class post-office save one in the United States. The pension-office here paid out during 1885, to 17,989 pensioners, $1,958,811.60.

This public building must accommodate the post-office with over forty employés; the pension office with a very large clerical force; the United States courts with their various officers; the collector of internal revenue with necessary attendants, and the register and receiver of the United States land office with their cumbersome records. The space in the old building had proven grossly inadequate and the present plan for enlargement will very illy meet the demands for room.

In consequence of the repairs and extension ordered the offices are now all in rented quarters—none of them fire-proof—all of them very crowded, and for which the Government is paying an annual rental of $8,148.

Des Moines is the largest and most rapidly growing city in the State, and the whole State is tributary to her. Judging from the past, her population will probably reach 75,000 at the end of the next ten years, with the public business increased in proportion. The Government ought, while enlarging this building, to make provisions for this increased business.

The Supervising Architect of the Treasury and the general superintendent of repairs of public buildings both recommend it in their annual report, and the Secretary of the Treasury advises it in a letter here subjoined.

The additional appropriation of $153,000 asked for in this bill should be granted, to the end that safe, convenient, and comfortable accommodations for the transaction of the public business may be furnished to a community who are doing so much for the public improvement and contributing so largely to the public revenue. Your committee therefore recommend the passage of the bill.

TREASURY DEPARTMENT, *Washington, March 13, 1886.*

SIR: I have the honor to acknowledge the receipt of your letter of the 26th ultimo in relation to extension of limit of cost of public building at Des Moines, Iowa, as proposed by pending bill No. 5251.

The following statement is submitted by the Supervising Architect of the Treasury Department, and shows the amount of space which is now occupied by the several officers who are to be located in the building, and the space which can be allowed by the extension to the old building, as proposed in the bill above referred to:

	Space now occupied.	Space allowed by extension.
	Feet.	*Feet.*
First floor:		
Post-office, working room	4,400	5,100
Post-office, working room	2,200	1,560
Postmaster	660	1,056
Stamp department		308
Money-order, &c		704
Assistant postmaster		352
	7,260	9,080
Second floor:		
Pension office	264	1,012
Pension office	756	1,144
Internal revenue	1,452	1,232
Internal revenue		338
Railway mail service	560	1,564
District attorney	486	1,088
District attorney	432	624
Master in chancery		1,224
Third floor:		
Circuit court	3,528	1,320
District court	1,404	1,224
Judges' rooms	280	704
Judges' rooms		704
Judges' rooms	513	484
Judges' rooms		336
Clerks of court rooms	405	704
Clerks of court rooms	486	1,088
Clerks of court rooms	540	288
Clerks of court rooms		338
Marshal	486	748
Marshal		352
Witness room		308
Fourth floor:		
Land office	1,760	484
Land office		748
Signal office	1,452	704
Grand jury	459	1,224
Petit jury	459	640
Petit jury		312
Petit jury		1,836
Custodian		704
Storage		1,320
Storage		352
Total	22,982	34,248

It will be observed that the extension will afford about one-half more floor space than the officers now occupy in rented buildings; and it is reported that the offices of the clerks of court, the marshal and the jury rooms are much crowded, and the post-office and pension departments are very badly crowded. As the alterations of the present building under the limit of cost heretofore fixed have been commenced, it would seem to be a measure of economy to make the proposed extension of the building large enough not only to afford the additional space, which is now very much needed, but to provide for the future increase of the public business. By this extension the accommodation for the post-office department is increased only from 7,260 feet to 9,080 square feet. The present building has been built about twelve years, and in that short space of time the accommodations afforded have been found entirely inadequate. With the exception of a tower, with clock, which it is estimated will cost $12,240, there is no external ornamentation of note contemplated, as the design must necessarily be made to conform to that of the present building, which is a plain stone structure; that is, the outside walls are faced with limestone.

The estimated cost of the proposed enlargement, including the cost of an elevator, the approaches, and heating apparatus for the entire building, is $155,000, and the limit should be extended from $180,000 to $335,000. The cost of heating apparatus, approaches, and elevator were not included in the original estimate.

Respectfully, yours,

DANIEL MANNING, *Secretary.*

Hon. SAMUEL DIBBLE,
Chairman Committee on Public Buildings and Grounds,
House of Representatives.

Mr. SPRINGER. I desire to call attention to the fact that this building has already cost, according to the report just read, $180,000.

A MEMBER. Suppose it has.

Mr. SPRINGER. When the building was authorized to be constructed it was to cost $135,000; and $40,000 additional has since been appropriated to complete it. We are now asked for another appropriation to complete it—$153,000.

A MEMBER. Making a total of what?

Mr. SPRINGER. A total of about $330,000.

Mr. WEAVER, of Iowa. I would like to ask the gentleman a question.

Mr. SPRINGER. I will yield to the gentleman in one moment. I wish to call attention to the fact that, having authorized the construction of a building which was limited to cost $135,000, we are required afterward to more than double that amount in order to complete the building according to plans drawn up in the Treasury Department. There is something wrong about this system. Either we should never begin the construction of a building until the plans have been adopted, estimates made, and the cost ascertained, or else we should leave the whole thing open, the appropriations to be made from time to time ac-

cording to the caprices of the Architect or the growing demands of those who may be asking for the erection of the building.

Mr. WEAVER, of Iowa, rose. [Cries of "Vote!" "Vote!"]

Mr. BLOUNT. The gentleman from Illinois has yielded the floor to me to ask him a question.

Mr. SPRINGER. Certainly.

Mr. BLOUNT. Does the gentleman from Illinois mean to say the original plan for which the first appropriation was made is the same plan which now calls for $300,000?

Mr. SPRINGER. No; I did not say that. I said we first appropriated $135,000 to complete the building; that we afterward appropriated $40,000 in addition to complete the building, and now it is not completed, and we are asked for $153,000 more to make the building complete. After we have spent this much money on it we have no assurance in the report or anywhere else we will not be asked for still further appropriation to complete this building, so that it may amount to $500,000 before it is completed.

I now reserve the remainder of my time.

Mr. HENDERSON, of Iowa. I yield to my colleague from Iowa [Mr. WEAVER] for three minutes.

Mr. WEAVER, of Iowa. I do not want so much time. I wish to say in reply to the gentleman from Illinois that the original plan, in the opinion of the present Secretary of the Treasury as well as the Architect, is wholly inadequate to meet the rising and growing wants of that city of Des Moines. So that this plan has not only the approval of the Secretary of the Treasury but of the Architect of the Treasury, and also the unanimous recommendation of the Committee on Public Buildings and Grounds. There is no city in the Northwest growing with more rapidity than the city of Des Moines.

Mr. STRUBLE. Except Sioux City, Iowa.

Mr. WEAVER, of Iowa. And no city in which perhaps the net revenue is so great, in proportion to the expense of its collection, as in Des Moines. We want that building, and ought to have it.

Mr. HENDERSON, of Iowa. I yield now for two minutes to my colleague [Mr. HALL].

Mr. HALL. The plans under which the present building was constructed involved an expenditure of $160,000, which was obtained by two separate appropriations. A third appropriation, and the one under which improvements and repairs are now being constructed, amounted to some $50,000, making the amount referred to by the gentleman from Illinois. In the process of completing these repairs the building is now practically dismantled, so that it is scarcely capable of being used for more than one or two offices.

A MEMBER. It is not in use at all.

Mr. HALL. It was while the building was in this condition, while the Architect was proceeding to restore it, the necessity for its enlargement presented itself and that the business there required it. The business of the post-office has increased at a greater percentage than any other post-office in the United States. So, too, in reference to the business of the courts held there. The Architect began an investigation to ascertain what should be done to meet the actual necessities.

I may say, Mr. Speaker, there is more mail matter handled at Des Moines, containing a population of 36,000, than in any other city in this country inferior to Chicago. As has been explained, this building is necessary to accommodate the two United States courts, district and circuit, as well as the post-office, the land office, which contains large and voluminous records extending for fifty years and including all the land records of the State of Iowa, and the collector of internal revenue. Indeed there is not a more meritorious bill, or one for which there is greater necessity, than this one providing for the enlargement of the public building at Des Moines, Iowa.

Mr. HENDERSON, of Iowa. I now ask for a vote.

Mr. SPRINGER. I yield the remainder of my time to the gentleman from Kentucky [Mr. MCCREARY].

The SPEAKER. The gentleman has remaining three minutes.

Mr. MCCREARY. Mr. Speaker, I have listened with a great deal of interest to what has been said in behalf of this public building, but I am not in favor of allowing the increased amount asked for. As I understand this bill, they are now asking for $153,000 more. In the first place $135,000 was asked for this public building, and then $45,000 more, and now we are asked for $53,000 more.

It seems to me if the Government ought to furnish money to construct public buildings we ought to know in the beginning the amount intended for that purpose. As we are going along we ought to know how we are expending the public money. For one, I am for an economical administration of the Government. I find by examination this House has already appropriated, under the head of general bills, $141,000,000.

Mr. WILKINS. Including the appropriation bills?

Mr. MCCREARY. Yes; this House has already passed bills under the head of general appropriation bills amounting to $141,000,000. We have also appropriated $92,580 for private pensions. For public buildings we have allowed the sum of $1,884,525; we have already voted away $664,750 for the construction of light-houses and light-ships; we have voted away $550,656 to private claims; and under the head of miscellaneous expenditures we have appropriated $69,431. That, Mr. Speaker, is the record we are making at this session. We have already gone in the neighborhood of $150,000,000 this session.

Mr. WEAVER, of Iowa. How many public buildings has Kentucky asked for?

Mr. MCCREARY. I desire to make this statement in answer to the gentleman from Iowa, that the district I have the honor to represent upon this floor has never asked a dollar for a public building.

Mr. WEAVER, of Iowa. But you are for a subtreasury at Louisville, I presume.

The SPEAKER. The time allowed for debate under the rule has expired.

The question is on the motion of the gentleman from Iowa, to suspend the rules and pass the bill.

Mr. COWLES. On that I demand the yeas and nays.

The yeas and nays were not ordered—13 members only voting therefor.

The question being taken on the motion of Mr. HENDERSON, of Iowa, the House divided; and there were—ayes 128, noes 18.

Mr. EDEN. No quorum.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. EDEN and Mr. HENDERSON, of Iowa, were appointed tellers.

The House again divided; and the tellers reported—ayes 144, noes 18.

Mr. EDEN. I withdraw the point of no quorum.

So, no further count being demanded (two-thirds voting in favor thereof), the rules were suspended and the bill passed.

ORDER OF BUSINESS.

Mr. RANDALL. Mr. Speaker, each side seems to have had its share, and I move that the house do now adjourn.

The question was taken; and on a division there were—ayes 73, noes 75.

Mr. RANDALL. Since the vote is so close, with a view to find out when we may be allowed to adjourn I ask the yeas and nays on the motion.

The yeas and nays were ordered, there being 33 members in support of and 93 in opposition to the demand.

The question was taken; and there were—yeas 67, nays 105, not voting 151; as follows:

YEAS—67.

Adams, G. E.	Davidson, A. C.	Holman,	Richardson,
Arnot,	Dockery,	Kleiner,	Riggs,
Bingham,	Eden,	Landes,	Sadler,
Bland,	Ellsberry,	Lehlbach,	Seney,
Blount,	Everhart,	Lore,	Seymour,
Boyle,	Ford,	Louttit,	Sowden,
Bragg,	Glover,	Lowry,	Springer,
Breckinridge, C. R.	Green, R. S.	Mahoney,	Stone, W. J., of Ky.
Breckinridge, WCP.	Halsell,	McAdoo,	Stone, W. J., of Mo.
Buck,	Hammond,	McComas,	Swope,
Candler,	Henderson, J. S.	McCreary,	Taulbee,
Cannon,	Harris,	McMillin,	Townshend,
Caswell,	Henderson, T. J.	Merriman,	Turner,
Clements,	Herbert,	Neece,	West,
Cowles,	Hewitt,	Pindar,	White, Milo
Cox,	Hill,	Randall,	Wilson.
Crisp,	Hiscock,	Ranney,	

NAYS—105.

Anderson, J. A.	Gallinger,	McKenna,	Stephenson,
Barksdale,	Gay,	McRae,	Struble,
Barnes,	Goff,	Miller,	Symes,
Barry,	Grosvenor,	Moffatt,	Taylor, J. M.
Bayne,	Grout,	Morgan,	Taylor, Zach.
Beach,	Hall,	Morrill,	Thomas, O. B.
Brown, W. W.	Hatch,	Murphy,	Thompson,
Burleigh,	Heard,	Neal,	Tillman,
Butterworth,	Hemphill,	Nelson,	Tucker,
Bynum,	Henderson, D. B.	O'Hara,	Van Eaton,
Caldwell,	Hepburn,	O'Neill, Charles	Van Schaick,
Catchings,	Hiestand,	O'Neill, J. J.	Viele,
Clardy,	Hitt,	Osborne,	Wade,
Conger,	Holmes,	Owen,	Wadsworth,
Cooper,	Houk,	Peel,	Wait,
Cutcheon,	James,	Perkins,	Warner, William
Dawson,	Johnston, J. T.	Perry,	Weaver, J. B.
Dibble,	Jones, J. H.	Peters,	Weber,
Dougherty,	King,	Plumb,	Wellborn,
Dunham,	La Follette,	Price,	Wheeler,
Ely,	Laird,	Reagan,	Wilkins,
Ermentrout,	Lanham,	Reese,	Willis,
Evans,	Lindsley,	Rockwell,	Wolford,
Farquhar,	Little,	Sayers,	Worthington.
Felton,	Lyman,	Sessions,	
Frederick,	Markham,	Smalls,	
Fuller,	Martin,	Steele,	

NOT VOTING—151.

Adams, J. J.	Boutelle,	Carleton,	Davis,
Aiken,	Brady,	Cobb,	Dingley,
Allen, C. H.	Browne, T. M.	Cole,	Dorsey,
Allen, J. M.	Brown, C. E.	Collins,	Dowdney,
Anderson, C. M.	Brumm,	Compton,	Dunn,
Atkinson,	Buchanan,	Comstock,	Eldredge,
Baker,	Bunnell,	Crain,	Findlay,
Ballentine,	Burnes,	Croxton,	Fisher,
Barbour,	Burrows,	Culberson,	Fleeger,
Belmont,	Cabell,	Curtin,	Foran,
Bennett,	Campbell, Felix	Daniel,	Forney,
Blanchard	Campbell, J. M.	Dargan,	Funston,
Bliss,	Campbell, J. E.	Davenport,	Geddes,
Bound,	Campbell, T. J.	Davidson, R. H. M.	Gibson, C. H.

Gibson, Eustace	Laffoon,	Payson,	Stewart, Charles
Gilfillan,	Lawler,	Pettibone,	Stewart, J. W.
Glass,	Le Fevre,	Phelps,	St. Martin,
Green, W. J.	Libbey,	Pidcock,	Stone, E. F.
Guenther,	Long,	Pirce,	Storm,
Hale,	Lovering,	Pulitzer,	Strait,
Hanback,	Matson,	Reed, T. B.	Swinburne,
Harmer,	Maybury,	Reid, J. W.	Tarsney,
Hayden,	McKinley,	Rice,	Taylor, E. B.
Haynes,	Millard,	Robertson,	Taylor, I. H.
Henley,	Milliken,	Rogers,	Thomas, J. R.
Herman,	Mills,	Romeis,	Throckmorton,
Hires,	Mitchell,	Rowell,	Trigg,
Hopkins,	Morrison,	Ryan,	Wakefield,
Howard,	Morrow,	Sawyer,	Ward, J. H.
Hudd,	Muller,	Scott,	Ward, T. B.
Hutton,	Negley,	Scranton,	Warner, A. J.
Irion,	Norwood,	Shaw,	Weaver, A. J.
Jackson,	Oates,	Singleton,	White, A. C.
Johnson, F. A.	O'Donnell,	Skinner,	Whiting,
Johnston, T. D.	O'Ferrall,	Snyder,	Winans,
Jones, J. T.	Outhwaite,	Spooner,	Wise,
Kelly,	Parker,	Spriggs,	Woodburn.
Ketcham,	Payne,	Stahlnecker,	

So the House refused to adjourn.

Mr. LANHAM. I ask unanimous consent to dispense with the reading of the names.

Mr. BRAGG. I object. This is a matter of too much importance, and the names should be read.

The following additional pairs for the remainder of the day were announced:

Mr. HANBACK with Mr. SNYDER.

Mr. DAVIDSON, of Florida, with Mr. ALLEN, of Massachusetts.

Mr. ROBERTSON with Mr. ATKINSON.

Mr. LAFFOON with Mr. FUNSTON.

Mr. BALLENTINE with Mr. EZRA B. TAYLOR.

The result of the vote was then announced as above stated.

FOURTH OF JULY CLAIMS.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments by the Senate to the bill (H. R. 4731) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department.

PUBLIC BUILDING AT EL PASO, TEX.

Mr. LANHAM. I move that the rules be suspended, that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 6665) for the erection of a public building at El Paso, Tex., and that the same be passed.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase or otherwise provide a site and cause to be erected thereon a substantial and commodious building, with fire-proof vaults, for the use and accommodation of the United States custom-house, post-office, and Federal courts, and for other Government uses, at El Paso, in the State of Texas. The site, and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of $150,000; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site, nor plan for said building, shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $150,000 for site and building; and the site purchased shall leave the building unexposed to danger from fire by an open space of at least 50 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, nor until the State of Texas shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The SPEAKER. Is a second demanded?

Mr. COWLES. I demand a second.

Mr. McCOMAS. I move that the House do now adjourn.

Mr. LANHAM. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LANHAM. If the House should now adjourn would I be recognized next suspension day?

The SPEAKER. On the next individual suspension day this bill would come up the first thing as the unfinished business under the rule.

The question being taken on the motion that the House adjourn, the Speaker stated that the "noes" seemed to have it.

Mr. BRAGG. I call for the yeas and nays.

The yeas and nays were not ordered; the affirmative vote being 19—not one-fifth of the last vote.

So the House refused to adjourn.

Mr. LANHAM. I ask unanimous consent that a second be considered as ordered.

Mr. COWLES. I insist on the vote being by tellers.

The House divided; and the tellers reported—ayes 128, no 1.

Mr. COWLES. No quorum.

Mr. GROSVENOR. I move that there be a call of the House.

Mr. LANHAM. I hope that motion will not be insisted upon. It is manifest there is not a quorum here. I move that the House do now adjourn.

Mr. GROSVENOR. I withdraw the motion for a call of the House.

The motion was agreed to; and accordingly (at 6 o'clock and 10 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ATKINSON: Memorial of Grange No. 352, of Pennsylvania, praying for the suppression of imitation butter and other dairy products—to the Committee on Agriculture.

Also, memorial of the same, protesting against the admission of foreign agricultural products free of duty—to the Committee on Ways and Means.

By Mr. BARKSDALE: Resolutions of a meeting of citizens of Jackson, Miss., for the bill authorizing the Illinois Central Railroad Company to construct a bridge across the Ohio River at Cairo—to the Committee on Commerce.

By Mr. BLANCHARD: Papers in the case of Thomas Hickman, executor of Mrs. E. Blanchard, of Grant Parish, Louisiana—to the Committee on War Claims.

By Mr. BLAND: Papers relative to the claims of Leah Roark—to the Committee on Invalid Pensions.

By Mr. W. W. BROWN: Memorial of Granges Nos. 1 and 365, Patrons of Husbandry, of Pennsylvania, urging protection to dairy products—to the Committee on Agriculture.

Also, memorial of the same, favoring protection to home industry—to the Committee on Ways and Means.

By Mr. BUCK: Petition of the Woman's Indian Association of Connecticut, Sarah T. Kinney, president, and others, representing 4762 persons, favoring the passage of the Dawes bill (S. 52) for the protection of the rights of the Indians, &c.—to the Committee on Indian Affairs.

By Mr. BUTTERWORTH: Petition of O. Budenback & Co. and others, white-wine vinegar-makers, for the repeal of the vaporizing act of 1879, &c.—to the Committee on Ways and Means.

Also, petition of citizens of Ohio, opposing any interference with the manufacture and sale of oleomargarine and butterine—to the same committee.

Also, resolution of the Board of Trade and Transportation of Cincinnati, in favor of the Lowell bankruptcy bill—to the Committee on Banking and Currency.

Also, petition of Katharina Hoer, for relief—to the Committee on Invalid Pensions.

Also, resolutions of the transportation committees of the Merchants and Manufacturers' Association of Cincinnati, in favor of Senate bill 1532 to regulate commerce—to the Committee on Commerce.

By Mr. J. M. CAMPBELL: Petition of Grange No. 531, of Pennsylvania, asking for such legislation as will suppress the manufacture and sale of all imitation dairy products—to the Committee on Agriculture.

By Mr. CANNON: Petition for the relief of Edward Coleman—to the Committee on Invalid Pensions.

By Mr. COMPTON: Petition of James Trimble and Mary Blakely, executors of Joseph Trimble, deceased; of Lucinda Trimble, administratrix of William Trimble; of John Hoffman Smith; of Maj. Gen. O. O. Howard and ex-Senator S. C. Pomeroy, trustees; of J. J. Jarboe and J. K. Roberts, administrators of George R. W. Marshall, deceased; of Woodbury Wheeler, guardian of heirs of John R. Waring, deceased; of James W. Sears, representative of estate of James W. Sears, deceased; and of Catharine A. Talburtt, administratrix of George W. Talburtt, deceased, asking that their several claims be referred to the Court of Claims—to the Committee on Claims.

By Mr. COMSTOCK: Petition of physicians and leading citizens of Grand Rapids, Mich., for the enactment of such laws and for such appropriations as will make effective the labors of the National Board of Health in preventing the spread of epidemics—to the Committee on Commerce.

By Mr. CURTIN: Memorial of Granges Nos. 158, 159, 297, 326, 628, 715, 717, and 758, Patrons of Husbandry, of Pennsylvania, praying for such legislation as will prevent the manufacture and sale of imitation dairy products—to the Committee on Agriculture.

Also, memorial of the same granges, protesting against all legislation favoring the admission to our ports free of duty of all agricultural raw materials, such as wool, hides, jute, tobacco, raw sugars, rice, &c.—to the Committee on Ways and Means.

By Mr. CUTCHEON: Petition of General P. H. Sheridan, General H. J. Hunt, and officers and inmates of the National Soldiers' Home in the District of Columbia, in favor of the passage of a bill for the better protection of the inmates of the National Soldiers' Home in the District of Columbia—to the Committee on the District of Columbia.

Also, papers in case of Hiram D. Austin, relating to the charge of desertion—to the Committee on Military Affairs.

By Mr. DOCKERY: Petition of 145 citizens of Clinton County, Mis-

souri, asking for certain pension legislation—to the Committee on Invalid Pensions.

By Mr. DUNHAM: Papers relating to the claim of Leon Frank—to the Committee on Claims.

By Mr. ELLSBERRY: Communication relative to House bill 5056 for the relief of George Lemon—to the Committee on Military Affairs.

By Mr. ELY: Petition of Utley & Boynton and others in favor of legislation to suppress unequal traffic in imitation butter—to the Committee on Agriculture.

By Mr. ERMENTROUT: Memorial of the Dry Goods Chronicle, in favor of more liberal expenditures for ocean postage—to the Committee on the Post-Office and Post-Roads.

Also, memorial of the Philadelphia Maritime Exchange, for the passage of House bill 5013 and Senate bill 1158—to the Committee on Commerce.

Also, memorial of Sarah A. Paff, widow of Henry Paff, for a pension—to the Committee on Invalid Pensions.

By Mr. FINDLAY: Papers in the case of Levi Herzog, to accompany House bill 1048—to the Committee on War Claims.

By Mr. FLEEGER: Petition of Daniel H. Johnson, late private Company I, Seventh Regiment Ohio Volunteer Infantry, for increase of pension; also, medical testimony in support of same—to the Committee on Invalid Pensions.

By Mr. GOFF: Petition of Arthur Storm and 100 others, protesting against the passage of the Morrison bill and the further reduction of tariff duties—to the Committee on Ways and Means.

By Mr. GROSVENOR: Evidence to support the claim of Charles F. Shinn—to the Committee on Invalid Pensions.

By Mr. HALSELL: Petition of J. M. Hurt and others, asking for a pension for Mahala Brown, dependent mother of John W. Brown, late of Company D, Thirty-second Regiment Kentucky Infantry Volunteers—to the same committee.

By Mr. HARRIS: Petition of the citizens of Harris County and of Chattahoochee County, Georgia, asking for the passage of the Blair educational bill, or some other bill of similar provisions—to the Committee on Education.

By Mr. HAYDEN: Petition of Andrew Gillan, for restoration to the pension-roll—to the Committee on Invalid Pensions.

By Mr. T. J. HENDERSON: Petition of George H. Sampson and 17 others, citizens of Bureau County, Illinois, for laws relating to the public health—to the Committee on Commerce.

By Mr. D. B. HENDERSON: Petition of 87 citizens of Blackhawk County, Iowa, asking for an internal-revenue tax on bogus butter—to the Committee on Agriculture.

By Mr. HEPBURN: Petition of certain citizens of Iowa, asking that a pension be granted Robert M. Hardin, of Moravia, and Abraham Points, of Allenton, Iowa—to the Committee on Invalid Pensions.

By Mr. HIESTAND: Petition of citizens of Elizabethtown, Lancaster County, Pennsylvania, in favor of granting additional pension to soldiers—to the same committee.

By Mr. HOLMES: Petition of J. D. Denison and 140 citizens of Iowa, praying for the passage of the bill introduced by Hon. W. L. SCOTT, of Pennsylvania, providing for the taxation of all imitation of butter as therein prayed—to the Committee on Agriculture.

By Mr. HOPKINS: Petition of ex soldiers and sailors and citizens of De Kalb County, Illinois, asking that all Union soldiers be pensioned—to the Committee on Invalid Pensions.

By Mr. HOUK: Petition of James Waterson; of Benjamin Armstrong; of Luretta Gillenwaters, and of Alfred Larkin, of Hawkins County, Tennessee, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

Also, memorial of L. S. Casey, for relief—to the same committee.

By Mr. J. T. JOHNSTON: Petition of Jabez Smith, asking for an increase of pension, to accompany bill—to the Committee on Invalid Pensions.

By Mr. LANDES: Petition of John Prince, late private Company I, Fifth Regiment Illinois Cavalry, for a pension—to the same committee.

By Mr. LOWRY: Concurrent resolution of the Legislature of Indiana in favor of pensioning prisoners of war confined in confederate prisons—to the same committee.

Also, appeal from the wage-workers of the United States for the unlimited coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. LYMAN: Petition and papers in the case of William Anderson, of Sidney, Fremont County, Iowa, for relief—to the Committee on War Claims.

Also, resolution for an investigation and report upon the cause of the delay in printing the first annual report of the Bureau of Animal Industry—to the Committee on Printing.

By Mr. McCOMAS: Papers in the claim of Michael H. Haller, for relief—to the Committee on War Claims.

By Mr. McCREARY: Petition of W. A. Herrin and others, of Rockcastle County, Kentucky—to the Committee on Invalid Pensions.

By Mr. McMILLIN: Petition of Drs. A. Y. P. Garnett, N. S. Lincoln, J. M. Toner, C. M. Hammitt, and others, for an appropriation to assist in defraying the expenses of the international medical congress to meet in Washington, D. C., in 1887—to the Committee on the District of Columbia.

By Mr. MILLARD: Petition of Le Roy Fairchild and others, to protect innocent purchasers of patent articles—to the Committee on Patents.

Also, affidavits in claim of Henry Merich—to the Committee on Invalid Pensions.

By Mr. NEAL: Petition of Francis M. Capps, asking that he be granted a pension as dependent father of James H. Capps, late a soldier in the United States Army, and who died while in service—to the same committee.

By Mr. CHARLES O'NEILL: Petition for increase of pension of Job P. Wilson, late of Company F, Third Regiment Delaware Volunteers—to the same committee.

Also, petition to the House of Representatives on the adoption of the new system of education—to the Committee on Education.

By Mr. J. J. O'NEILL: Petition of William S. Pope and others, for compensation for vessels lost in the Mississippi River during the late war—to the Committee on War Claims.

By Mr. PAYSON: Petition of many merchants for the passage of House bill 1621—to the Committee on Commerce.

By Mr. PRICE: Memorial of the committee of the New York yearly meeting of Friends, officially signed, asking for the faithful fulfillment of Indian treaties, and for better legal protection of the landed interests of the Indian tribes—to the Committee on Indian Affairs.

By Mr. ROMEIS: Petition of J. M. Hopkins and others, citizens of Ohio and Michigan, asking that the manufacture and sale of imitation butter be placed under the control of the Commissioner of Internal Revenue—to the Committee on Agriculture.

By Mr. SENEY: Petition of James Hayes and 81 others, citizens of Wood County, Ohio, favoring the pension legislation recommended by the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. SESSIONS: Petition of 133 farmers and tax-payers of Harmony, N. Y., in favor of the passage of the law preventing fraud in butter and cheese—to the Committee on Agriculture.

By Mr. SHAW: Petition of James C. Crawford, of Maryland, asking for relief—to the Committee on Claims.

By Mr. SNYDER: Petition of C. L. Pyles, of Saint Albans; of Charles W. Collison, administrator of E. F. Collins; of Christopher Burns and of Allen J. Moses, and of James Knight, administrator of Francis H. Ludington, of Greenbrier County, and of Albert Huddleston, of Kanawha Falls; asking reference of their war claims to the Court of Claims—to the Committee on War Claims.

By Mr. SPRINGER: Petition of the Wholesale Liquor Dealers' Association of Chicago, in favor of House bill 1621—to the Committee on Commerce.

By Mr. STEPHENSON: Petition of Joseph Demars, for removal of the charge of desertion—to the Committee on Military Affairs.

By Mr. STRAIT: Resolutions of the Chamber of Commerce of Minneapolis, Minn., recommending that liberal subsidies be granted to certain steamship lines plying between the United States and Central and South America—to the Committee on the Post-Office and Post-Roads.

By Mr. STRUBLE: Petition of J. H. Stearns and 20 others, citizens of Iowa, praying for the passage of a bill introduced by Mr. SCOTT placing the manufacture and sale of all imitations of butter under the control of the Commissioner of Internal Revenue, and tax it 10 cents per pound—to the Committee on Ways and Means.

By Mr. SYMES: Petition of Carrie Powell and of Frederick W. Becker, for a pension—to the Committee on Invalid Pensions.

Also, petition of George W. Peak, for removal of charge of desertion—to the Committee on Military Affairs.

Also, resolution of the Knights of Labor of Denver, Colo., in opposition to the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. E. B. TAYLOR: Petition of the president, faculty, and trustees of Hiram College, praying that certain documents, &c., be carried in United States mails at former rates—to the Committee on the Post-Office and Post-Roads.

By Mr. ZACH. TAYLOR: Petition of W. H. Neel, of Shelby County, Tennessee, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. TOWNSHEND: Petition in behalf of the bill for the relief of Louis Cole—to the Committee on Invalid Pensions.

Also, papers relating to bill for the relief of Sarah C. Shinn, and of Calvin McBroom—to the same committee.

Also, petition in behalf of bill for relief of Elijah Martin—to the Committee on Pensions.

Also, petition of Thomas W. Tansell, for a pension—to the same committee.

By Mr. WADSWORTH: Resolutions submitted to Congress by the State and Territorial commissioners at the American Exposition at New Orleans—to the Select Committee on American Ship-building and Ship-owning Interests.

Also, petition of Thomas K. Ball, for pay for horses taken—to the Committee on War Claims.

By Mr. WEST: Petition of William S. Hall, for invalid pension—to the Committee on Invalid Pensions.

By Mr. A. C. WHITE: Memorial against the manufacture and sale of bogus dairy products—to the Committee on Agriculture.

Also, memorial against the proposed free-trade tariff tinkering—to the Committee on Ways and Means.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. CUTCHEON: Of citizens of Manistee and Mecosta Counties, Michigan.

By Mr. DOCKERY: Of citizens of Harrison and Gentry Counties, Missouri.

By Mr. LAIRD: Of citizens of Clay and Franklin Counties, Nebraska.

SENATE.

TUESDAY, *May* 4, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

OHIO SENATORIAL INVESTIGATION.

Mr. HOAR. I have received a letter from the secretary of the investigating committee of the house of representatives of the State of Ohio, calling attention to the fact that in printing the testimony laid before the Senate the other day forwarded by the house of representatives of the State of Ohio there was added some matter which did not belong to it. The letter is in the nature of a petition, though it is addressed to me. I ask that it be read.

The PRESIDENT *pro tempore*. The communication will be read.

The Chief Clerk read as follows:

WASHINGTON, D. C., *May* 4, 1886.

DEAR SIR: Upon examining the Senate Miscellaneous Document No. 106, Forty-ninth Congress, first session, we find upon page 285 certain matter which was not included in the papers forwarded by the house of representatives of Ohio to the United States Senate.

This is a surreptitious interpolation or addendum, intended no doubt to reflect upon the good faith of the majority of the Ohio house committee, and mislead your committee.

We have examined the copy sent to the Superintendent of Public Printing, and find that the addendum complained of is written with pencil on soft paper and wholly disconnected with the official papers.

We respectfully call your attention to this matter, and trust that such inquiry may be instituted as will uncover the perpetrator of this falsification of a public record.

Very respectfully,

EMMETT TOMKINS,
Secretary of Ohio House Committee.

Hon. GEORGE F. HOAR,
Chairman Committee on Privileges and Elections.

Mr. HOAR. I move that the communication be referred to the Committee on Privileges and Elections, and that the document referred to be ordered not to be further distributed, and that it be reprinted under the direction of the Committee on Privileges and Elections. I will state that if the order is adopted I will show to the Senator from Ohio [Mr. PAYNE] the matter and learn from him whether it is properly a part of the document as he understands it. There will be no difficulty about it at all.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the paper be referred to the Committee on Privileges and Elections, and that that committee be directed to recall the document already printed and print it anew. If there be no objection that order will be made.

PETITIONS AND MEMORIALS.

Mr. HARRISON. I present the petition of E. C. Newland Post, No. 247, Grand Army of the Republic, Department of Indiana, praying for the passage of the bill pertaining to pensions, known as the bill recommended by the national pension committee of the Grand Army of the Republic. Some of the features of the recommendations of the committee referred to have been adopted by the Committee on Pensions in the bill which has been reported and is now upon the Calendar. Other features I think have not been acted upon, and I move the reference of this petition to the Committee on Pensions.

The motion was agreed to.

Mr. HARRISON presented the petition of Noah Wade, of Green County, Indiana, late a private in Company H, Thirty-first Regiment Indiana Volunteers, praying for the passage of a bill equalizing the bounties of soldiers who served in the late war; which was referred to the Committee on Military Affairs.

The PRESIDENT *pro tempore* presented a resolution adopted by the Mahoning Valley (Ohio) Wool-Growers' Association, remonstrating against a reduction of the duty on wool, and praying for a restoration of the tariff under the act of 1867; which was referred to the Committee on Finance.

Mr. WILSON, of Iowa, presented the petition of J. A. Carroll and other citizens of Fonda, Iowa, praying for the passage of the bill introduced by Senator WARNER MILLER, of New York, placing the manufacture and sale of all imitations of butter under the control of the Commissioner of Internal Revenue and imposing a tax of 10 cents a pound thereon; which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of W. H. Neil and other citizens of Muscatine and Louisa Counties, Iowa, praying for the passage of a bill granting a pension to Rachel Price, of Letts ville, Louisa County, Iowa, mother of James S. Price, late a private in Company I, Eleventh Regiment Iowa Volunteers; which was referred to the Committee on Pensions.

Mr. RIDDLEBERGER presented memorials of Knights of Labor of Petersburg and Norfolk, in the State of Virginia, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

Mr. PALMER. I present the petition of Lena Dolsen Parsons and 6 other citizens of Ypsilanti, Mich., praying for appropriate legislation for the protection of young girls in the District of Columbia and other localities within the jurisdiction of the United States. I move the reference of the petition to the Committee on the Judiciary.

The PRESIDENT *pro tempore*. Such petitions have been referred to the Committee on the District of Columbia.

Mr. PALMER. But this petition refers to the District of Columbia and other localities under the jurisdiction of the United States.

Mr. FRYE. My impression is that all memorials of that kind have gone to the Committee on the District of Columbia. I have presented two or three.

Mr. PALMER. It is immaterial to me to which committee it is referred, but the reference I suggested seemed to be the appropriate one.

The PRESIDENT *pro tempore*. It has been the usual course to refer similar petitions to the Committee on the District of Columbia. The petition will be so referred, if there be no objection.

Mr. HARRIS presented a petition of the Memphis (Tenn.) Merchants' Exchange, praying for the repeal of the tax on traveling salesmen; which was referred to the Committee on Commerce.

Mr. PLATT presented a petition of citizens of Meriden and New Haven, in the State of Connecticut, praying for legislation increasing the powers of the National Board of Health; which was referred to the Committee on Epidemic Diseases.

Mr. PLATT. I present resolutions of the New Haven Colony Historical Society, relating to the efforts of Mr. B. F. Stevens, of London, to obtain the aid of the United States in copying and publishing documents of importance relating to the history of the States between 1772 and 1784. I move the reference of the resolutions to the Committee on the Library.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (S. 1615) to authorize the Secretary of War to credit the State of Kansas with certain sums for ordnance and ordnance stores issued to said State, and for other purposes, moved its indefinite postponement, which was agreed to; and he submitted a report accompanied by a bill (S. 2332) to authorize the Secretary of War to credit the State of Kansas with certain sums of money on its ordnance account with the General Government; which was read twice by its title.

Mr. SAWYER. I am instructed by the Committee on Pensions, to whom was referred the bill (S. 1665) for the relief of Byron R. McIntyre, to report it back adversely because it is a duplicate of another bill. I move that it be indefinitely postponed.

The motion was agreed to.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5961) granting an increase of pension to Cyrus Vigus;
A bill (H. R. 6126) granting a pension to Henry G. Ballenger;
A bill (H. R. 6688) for the relief of William Bishop;
A bill (H. R. 7298) for the relief of Charles Schuler;
A bill (H. R. 7300) for the relief of Randolph Seaman;
A bill (H. R. 6136) granting an increase of pension to John W. Farris;
A bill (H. R. 6776) granting a pension to Catharine Thenn;
A bill (H. R. 550) to restore to the pension-roll the name of Adam Gaston;
A bill (H. R. 4976) for the relief of Tobias M. Coon;
A bill (H. R. 4631) granting a pension to Mary Merrill;
A bill (H. R. 1816) granting a pension to Mary Ann Miller;
A bill (H. R. 6780) granting a pension to Henry B. Havens;
A bill (H. R. 424) to pension Giles C. Hawley;
A bill (H. R. 6655) granting a pension to Stokely D. Dagley;
A bill (H. R. 3906) for the relief of Catharine Johnson;
A bill (H. R. 567) granting a pension to Mary A. Little;
A bill (H. R. 1576) granting an increase of pension to Thomas Allcock;
A bill (H. R. 515) granting a pension to Althea A. Frasner;

A bill (H. R. 4490) granting a pension to H. W. McDonald;
A bill (H. R. 6003) for the relief of John H. McClelland;
A bill (H. R. 3982) granting a pension to John Pennington;
A bill (H. R. 5995) granting a pension to David T. Elderkin;
A bill (H. R. 1585) for the relief of Mrs. Margaret Colbath;
A bill (H. R. 413) granting a pension to George Schaefer;
A bill (H. R. 4462) granting a pension to Martha Downs;
A bill (H. R. 6650) granting a pension to Samuel Robbins;
A bill (H. R. 7617) granting a pension to Solomon J. Grissom;
A bill (H. R. 1592) for the relief of Sarah A. Vaughn;
A bill (H. R. 6192) granting a pension to Mary Norman;
A bill (S. 1766) granting a pension to William Brentano;
A bill (S. 2229) for the relief of William C. Shimonech;
A bill (S. 2183) granting a pension to Hiram R. Ellis;
A bill (S. 2111) granting a pension to Jacob Smith;
A bill (S. 2039) granting an increase of pension to Ira Miller;
A bill (S. 2130) granting an increase of pension to John C. Miles;
A bill (S. 2129) granting an increase of pension to John W. Wills;
A bill (S. 2132) granting a pension to Fridoline Glastetter;
A bill (S. 2026) granting a pension to Wallis Pattee;
A bill (S. 2233) granting a pension to John P. McElroy;
A bill (S. 2228) granting a pension to Samuel F. Rowe;
A bill (S. 2218) for the relief of Lucy A. Washburn;
A bill (S. 2220) granting a pension to James G. Mathes;
A bill (S. 2197) granting a pension to Henry Daner;
A bill (S. 2075) granting a pension to Jackson Chapman;
A bill (S. 1902) granting a pension to Mrs. Ann E. Lamburg;
A bill (S. 2198) granting a pension to Charles Brundridge;
A bill (S. 2180) granting an increase of pension to William Wallace Young;
A bill (S. 2045) granting a pension to Mrs. Sarah Hamilton;
A bill (S. 1997) granting a pension to Mrs. Abbie B. Heath; and
A bill (S. 2269) granting a pension to William Dickens.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 1844) granting a pension to Orrin P. Cooley, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2215) granting a pension to Martha J. Todd, widow of Dr. R. N. Todd, late of Indianapolis, Ind., reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1835) for the relief of Byron R. McIntyre, moved its indefinite postponement, which was agreed to, and he submitted a report, accompanied by a bill (S. 2333) granting a pension to Byron R. McIntyre; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 2182) to restore Isaac Ranson to the pension-roll, moved its indefinite postponement, which was agreed to, and he submitted a report, accompanied by a bill (S. 2334) granting a pension to Isaac Ranson; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 2059) for the relief of the estate of Malitty Rose, moved its indefinite postponement, which was agreed to, and he submitted a report, accompanied by a bill (S. 2335) for the relief of the heirs of Malitty Rose; which was read twice by its title.

Mr. SEWELL, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2267) granting an increase of pension to Laurinda G. Cummings;
A bill (H. R. 5332) granting a pension to Elizabeth Crowley;
A bill (H. R. 1990) granting a pension to John Hunter;
A bill (H. R. 5331) granting a pension to Emma M. Shiner;
A bill (H. R. 4723) granting a pension to Joseph E. Van Horn;
A bill (H. R. 5336) granting a pension to Benjamin S. Wolverton;
A bill (H. R. 5335) granting a pension to Philip Deremer;
A bill (H. R. 5702) granting a pension to Jenet L. Johnson; and
A bill (H. R. 1279) granting a pension to Darius M. Seamen.

Mr. COLQUITT, from the Committee on Pensions, to whom was referred the bill (H. R. 247) granting a pension to Lewis Tyus, reported it without amendment, and submitted a report thereon.

Mr. ALDRICH, from the Committee on Finance, to whom was referred the bill (H. R. 4833) relating to the taxation of fractional parts of a gallon of distilled spirits, reported it without amendment.

He also, from the Committee on Pensions, to whom was referred the bill (S. 2232) granting a pension to Mary Martin, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 8085) granting a pension to Amos C. Weeden, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2144) granting an increase of pension to Grace F. Edes, reported it without amendment, and submitted a report thereon.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (H. R. 5891) to authorize a patent for the south half of the southeast quarter of section 34, in township 22, of range 15, east of the sixth principal meridian, to Elizur B. Hall, as administrator of the estate of William Frederick Schlagel, reported it with amendments, and submitted a report thereon.

Mr. BLAIR, from the Committee on Pensions, to whom was recommitted the bill (H. R. 4688) granting a pension to Josephine Da Costa Thomas, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them without amendment, and submitted reports thereon:

A bill (H. R. 5899) to place the name of Robert Beard on the pension-roll;
A bill (H. R. 1548) for the relief of Ellen Crymble;
A bill (H. R. 4058) for the relief of Joel D. Monroe;
A bill (H. R. 6897) granting a pension to Henry Hipple, jr.;
A bill (H. R. 3135) granting an increase of pension to Charles Sebring;
A bill (H. R. 3144) granting a pension to Isaiah H. Mitchell;
A bill (S. 2030) granting a pension to Miss Margaret Stafford Worth; and
A bill (H. R. 7330) granting a pension to Josie H. Babb.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally with an amendment, and submitted reports thereon:

A bill (H. R. 7165) to increase the pension of Manhattan Pickett;
A bill (H. R. 4544) granting a pension to Ann E. Cooney; and
A bill (H. R. 3848) for the relief of H. P. McFarlin.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 1078) granting a pension to William C. Wirt, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the petition of Thomas Benson, late a private in Company A, Thirty-second Maine Regiment, praying for an increase of pension, submitted a report thereon accompanied by a bill (S. 2336) granting a pension to Thomas Benson; which was read twice by its title.

Mr. WILSON, of Maryland, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 3941) granting a pension to Mary M. Galleyan; and
A bill (H. R. 3624) granting a pension to Frederick J. Leese.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 2263) granting a pension to Col. James H. Blood, reported it without amendment, and submitted a report thereon.

REPORT OF ANIMAL INDUSTRY BUREAU.

Mr. MANDERSON. I am directed by the Committee on Printing to report back the resolution for printing 50,000 copies of the report of the Bureau of Animal Industry and recommend its adoption. I presume the Senator from Missouri [Mr. COCKRELL] would desire that it should be at once considered. I therefore make that request.

The resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That the Public Printer be, and he hereby is, directed to inform the Senate the cause of the delay in furnishing to Congress for distribution the 50,000 copies of the first annual report of the Bureau of Animal Industry, as authorized by the joint resolution approved July 5, 1884.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had receded from its disagreement to the amendments of the Senate to the following bills, and agreed to the same:

A bill (H. R. 7646) to authorize the construction and maintenance of a bridge by the Dakota Central Railway Company across the Missouri River at Pierre, Dak.;

A bill (H. R. 2309) to give the assent of Congress to the construction of a bridge by the Nashville, Jackson and Memphis Railroad Company over the Tennessee River;

A bill (H. R. 5677) to authorize the construction of a pile and ponton railway and wagon bridge across the Mississippi River from the city of Red Wing, Minn., to the opposite shore, in the State of Wisconsin;

A bill (H. R. 4765) to authorize the Red River Bridge Company of Texas to maintain a bridge across Red River; and

A bill H. R. 5786) granting to the Gainesville and Chickasaw Bridge Company the consent of the United States to construct and maintain a bridge over Red River at or near Brown's Ferry, in Cooke County, Texas.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses upon the bill (H. R. 4731) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 5251) making an appropriation for the repairs and enlargement of the post-office and court-house at Des Moines, Iowa, and fixing a limit therefor;

A bill (H. R. 7021) to provide for the adjustment of land grants made by Congress to aid in the construction of railroads within the

State of Kansas, and for the forfeiture of unearned lands, and for other purposes; and

A bill (H. R. 7735) making an appropriation to complete the public building at Hannibal, Mo., in accordance with the original plan of the Supervising Architect of the Treasury, and to make the same fireproof.

BILLS INTRODUCED.

Mr. CONGER introduced a bill (S. 2337) granting an increase of pension to Ira C. Abbott; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 2338) to restore to the pension-roll the name of Joseph D. Sawyer; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HARRISON introduced a bill (S. 2339) to provide for one additional assistant adjutant-general with the rank of major of cavalry; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2340) granting a pension to John J. Mechling; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2341) granting a pension to Josephine D. Whitted; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 2342) granting a pension to John D. Holden; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WILSON, of Iowa, introduced a bill (S. 2343) granting a pension to Mrs. Rachel Price; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PALMER (by request) introduced a bill (S. 2344) for the relief of Margaret Kilroy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WHITTHORNE introduced a bill (S. 2345) for the relief of the Roman Catholic Church of Saint Peter and Saint Paul at Chattanooga, Tenn.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. COCKRELL introduced a bill (S. 2346) granting a pension to Amanda F. Deck; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 2347) for the relief of G. M. Hazen and others; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLUMB introduced a bill (S. 2348) granting a pension to Arza Thrall; which was read twice by its title, and referred to the Committee on Pensions.

CONSIDERATION OF CLAIMS BILLS.

Mr. PIKE. I ask unanimous consent to call up and dispose of sundry claims bills which have been favorably reported and are on the Calendar.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks the unanimous consent of the Senate to proceed to the consideration of certain bills on the Calendar reported from the Committee on Claims. Is there objection?

Mr. EDMUNDS. I do not object, each bill being considered subject to objection.

The PRESIDENT *pro tempore*. They will be considered subject to objection, under the eighth rule, as the Chair understands. If there be no objection, the first of such bills on the Calendar will be announced.

LEGAL REPRESENTATIVES OF ARVAH HOPKINS.

The bill (S. 433) to provide for the payment to the legal representatives of Arvah Hopkins of the rent of certain property in Tallahassee, Fla., for the use of the Army, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to the legal representatives of Arvah Hopkins, deceased, $392.50, in full for rent of houses used for offices and storing purposes, situate in Tallahassee, Fla.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM ERVIN.

The bill (S. 542) for the relief of William Ervin was considered as in Committee of the Whole. It proposes to pay to William Ervin, his heirs or assigns, $7,650, being the value of one hundred and eighty head of beef-cattle seized unlawfully and taken out of his possession, in the State of Kansas, in 1862, by order of Col. Charles R. Jennison, commanding the Seventh Regiment Kansas Cavalry, United States Volunteers, the beef-cattle having been used as subsistence for the officers and soldiers of the regiment.

Mr. EDMUNDS. Let us hear the report.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. PIKE March 3, 1886:

The Committee on Claims, to whom was referred the bill (S. 542) for the relief of William Ervin, having considered the same, report as follows:

The Senate Committee on Claims of the Forty-eighth Congress examined this claim and reported it favorably. Your committee adopt that report, annexing hereto a copy, and recommend the passage of the accompanying bill.

[Senate Report No. 682, Forty-eighth Congress, first session.]

The Committee on Claims, to whom was referred the bill (S. 1025) for the relief of William Ervin, having considered the same, beg leave to make the following report:

In the year 1862 the claimant was a resident of Kansas and the owner of 180 head of cattle, which were pasturing near Emporia. About April 15, 1862, the said cattle were taken from the claimant by the order of Col. Charles R. Jennison, commanding the Seventh Regiment Kansas Cavalry, and used by said regiment for food.

This appears from the sworn statement of the claimant himself, and the affidavits of Col. Charles R. Jennison and First Lieut. John A. Tanner. Colonel Jennison says the regiment was in want of beef, and he ordered the seizure of the claimant's cattle, and the same were used for the subsistence of his officers and men, and he did not pay for them. Lieutenant Tanner swears the cattle were taken by the command of Colonel Jennison, and were used for the subsistence of the regiment.

Charles F. Garrett and James S. Emery, residents of the city of Lawrence, Kans., swear they were well acquainted with the claimant from 1857 to 1866, and during that time they knew he was thoroughly loyal to the United States Government.

James Angus swears he was employed by the claimant in the month of April, 1862, herding 180 head of cattle, and that about the 15th day of April the said cattle were taken from the possession of the claimant by the Seventh Regiment Kansas Cavalry. Furthermore that he has a distinct recollection that a few days prior Saint Louis cattle-dealers offered the claimant $42.50 a head for these cattle, but the claimant declined to sell them at that price.

The claimant himself swears to receiving the same offer, but that he declined because he considered them worth $55 a head.

In explanation of the long delay in presenting his claim to Congress the claimant swears that in the year 1867 he placed his claim in the hands of a Mr. L. M. O'Brien for prosecution, who, being unable to attend to it, turned it over to Chipman & Hosmer, claim agents in Washington, D. C., together with a number of affidavits of persons who knew of the taking of the cattle. Chipman & Hosmer told the claimant he must furnish the statements of some officers in command of the Seventh Regiment Kansas Cavalry relative to taking his cattle. The claimant was unable to find officers who had knowledge of the transaction until last year, when he procured the affidavits above mentioned of Colonel Jennison and Lieutenant Tanner. For the lack of such evidence, Chipman & Hosmer did not present and prosecute the claim.

A letter from Chipman & Hosmer, dated April 30, 1867, acknowledges the receipt of the claim and accompanying papers.

The claimant holds no receipts from Colonel Jennison or any of his command for the cattle, but from records in the War Department it appears that the Seventh Regiment Kansas Cavalry were careless and reckless, accustomed to appropriate property of both friend and foe to their own use, rarely, if ever, giving vouchers therefor. Many complaints were entered against them by different generals who commanded the divisions in which they were, and finally Colonel Jennison was obliged to leave the service on account of his unsoldierly conduct.

For the above reasons your committee attach less importance to the want of vouchers.

Your committee think the claim is fully substantiated by the evidence, and that the amount offered for the cattle by the Saint Louis cattle-dealers—$42.50 per head—just prior to their seizure, is a fair price.

Mr. EDMUNDS. I should like to ask the Senator from New Hampshire if this is the first time that this claim has been presented in Congress.

Mr. PIKE. No; it was presented and passed the Senate at the last Congress; and it was reported favorably by the committee of the other House but failed in that body for want of time.

Mr. EDMUNDS. Was last year the first time it was presented?

Mr. PIKE. I think not.

Mr. EDMUNDS. Has there ever been any adverse report upon the claim?

Mr. PIKE. Never to my knowledge.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

P. L. WARD.

The bill (S. 1150) for the relief of P. L. Ward, widow and executrix of William Ward, deceased, was considered as in Committee of the Whole. It proposes to pay to P. L. Ward, executrix of William Ward, deceased, of Norfolk, Va., $2,075.13, in full satisfaction of all claim for beef and vegetables furnished by William Ward to the United States Navy, and in full satisfaction for hay sold to the quartermaster of the United States Army.

Mr. COCKRELL. Let the report be read.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the report, submitted by Mr. PIKE March 10, 1886, as follows:

The Committee on Claims, to whom was referred the bill (S. 1150) for the relief of P. L. Ward, widow and executrix of William Ward, deceased, beg leave to offer the following report:

Bills for the same claim as the present one passed the Senate at the Forty-sixth, Forty-seventh, and Forty-eighth Congresses, but each time failed of consideration in the House.

At the second session of the Forty-sixth Congress Senator HARRIS, for the Committee on Claims, made a report on this claim which embodied clearly and fully all the facts in the case.

The Committee on Claims of the Forty-seventh Congress, and again of the Forty-eighth Congress, adopted that report.

Your committee adopt the same report, annexing hereto a copy, and recommend the passage of the bill.

Mr. EDMUNDS. I should like to hear the whole report.

The PRESIDENT *pro tempore*. The first part of the report has been read.

Mr. EDMUNDS. I should like to hear the report appended.

The PRESIDENT *pro tempore*. The report referred to will be read.

The Chief Clerk read as follows:

[Senate Report No. 438, Forty-eighth Congress, first session.]

The Committee on Claims, to whom was referred the bill (S. 879) for the relief

of P. L. Ward, widow and executrix of William Ward, deceased, have examined the same, and report thereon as follows:

This claim was presented to the Senate during the Forty-sixth Congress by the petition of said executrix, which was referred to the Committee on Claims and assigned to Mr. HARRIS, a member of the committee, for examination and report.

On the 11th day of February, 1880, the claim was favorably reported to the Senate by Mr. HARRIS. The following is a copy of the report:

The petition states that petitioner is the widow and executrix of William Ward, deceased. That in June, 1860, William Ward entered into a written contract with the United States for supplying fresh beef and vegetables to the Navy, at the Norfolk, Va., station, and that under said contract her late husband and testator, on or about the 21st of January, 1861, supplied the United States ship Plymouth with the articles named to the amount of $275.13, for which no payment was ever made, and she refers to the records of the Navy Department for the proof. The committee sent the petition to the Navy Department with a request for such information in respect to this claim as the records of that Department could furnish, and received from the Secretary the following reply:

NAVY DEPARTMENT, *Washington, February* 5, 1880.

SIR: I have the honor to return herewith the petition of Mrs. P. L. Ward, asking for payment of $275.13, on account of fresh beef and vegetables supplied by her late husband, William Ward, of Norfolk, Va., for the use of the United States Navy, which petition was referred to this Department by the honorable Secretary of War, in compliance with you request of the 15th ultimo.

The account of the late Mr. Ward is correct as shown by the records of the Bureau of Provisions and Clothing in this Department, with the exception that the fresh beef and vegetables referred to were delivered to the United States steamer Brooklyn instead of the United States steamer Plymouth, as stated in the petition.

Very respectfully,

R. W. THOMPSON,
Secretary of the Navy.

Hon. I. G. HARRIS,
United States Senate.

From which the committee is satisfied that the articles were furnished under contract as stated in the petition, and have never been paid for, and that the amount, $275.13, is justly due the claimant and should be paid.

The petitioner also states that in the month of August, 1863, her testator entered into a verbal contract with Capt. Edwin Ludlow, of the Quartermaster's Department of the United States Army, in the presence of the Hon. L. H. Chandler, United States attorney for that district, and one other witness, for the purchase of sixty tons of hay, at $30 per ton, which was delivered by her said testator to the said Ludlow and used by the Army of the United States. That shortly after the delivery said Ludlow left that locality without paying for the hay, though often having promised so to do.

On the 12th December, 1866, her late husband and testator addressed a letter to the Quartermaster-General asking payment for this hay so furnished, reciting the facts of the contract and delivery of the hay, and the fact that no voucher was given, because Captain Ludlow said it was not necessary to give a voucher, as he would pay for the hay as soon as he received funds, which he was daily expecting; but he left there without paying, and without giving any voucher for the 60 tons of hay, and that upon diligent inquiry he had never been able to ascertain the residence of Captain Ludlow since that time.

This letter is indorsed on the back as follows:

"I most unhesitatingly indorse the within statement.

"L. H. CHANDLER,
"*United States District Attorney for Virginia.*
"J. T. DANIELS."

On the 16th of January, 1867, this account was made out upon the regular printed form furnished by the Department, upon which the sale, delivery, and value of the hay, amounting to $1,800, and the loyalty of the claimant are proved by the affidavits of the then claimants, William Ward, L. H. Chandler, and J. R. Hunter; and the respectability and loyalty of the said Ward, Chandler, and Hunter are respectively certified to by John E. Doyle, justice of the peace; and the respectability and loyalty of William Ward is also certified to by William W. Wing, postmaster.

The oath of allegiance to the United States of William Ward is also exhibited, and Henry M. Bowden, clerk of the corporation court, certifies to the citizenship, respectability, and loyalty of William Ward, and to the official character of John E. Doyle, as a justice of the peace for said county.

The letter above referred to, addressed by William Ward to the Quartermaster-General, and the proof above referred to were sent to the committee by the War Department in answer to a letter from the committee asking for such information as the records of that Department could furnish as to the justice of this claim. The following is the letter from the Secretary of War:

WAR DEPARTMENT,
Washington City, January 30, 1880.

SIR: Acknowledging the receipt of your letter of the 15th instant, referring for information memorial of Mrs. P. L. Ward for pay for certain quartermaster stores and beef delivered by her deceased husband, William Ward, in 1860 and 1863 to the Quartermaster's Department of the Army and the naval station at Norfolk, Va., respectively, I have the honor in reply to inclose herewith a letter from Mr. Ward, dated December 12, 1866, submitting his claim to the Quartermaster-General, paper which contains all the information on the subject the records of this Department afford.

No action was taken upon the claim by the Quartermaster-General for the reason that it originated in Virginia, a State declared to be in insurrection during the rebellion.

Your letter and the memorial have been referred, as desired, to the honorable Secretary of the Navy, for information from his Department.

Very respectfully, your obedient servant,

ALEX. RAMSEY,
Secretary of War.

Hon. ISHAM G. HARRIS,
Committee on Claims, United States Senate.

The Quartermaster-General takes no action upon this claim upon no other than the cold, technical ground that the claimant was a resident of a State declared to be in rebellion.

The proof is clear and conclusive that Quartermaster Ludlow contracted for this hay, equally clear as to the contract price, amounting to $1,800, equally clear as to the loyalty to the United States of William Ward, who furnished the hay, and who was the husband and is the testator of the petitioner, and equally clear that the hay has never been paid for.

It does not clearly appear when William Ward died. It is certain that it was subsequent to 1867 and before 1878, when this petition was presented by P. L. Ward, widow and executrix. She states that neither her late husband nor herself were ever informed nor did they know of the establishment of what is called the Southern Claims Commission, nor the necessity of presenting this claim to that tribunal, until after the expiration of the time within which it could have been presented; nor did petitioner know of the status of the claim until a few months before the presentation of this petition.

The committee are satisfied that the vegetables and beef, amounting to $275.13, were delivered under contract to the United States Navy; and the sixty tons of hay were sold and delivered to Quartermaster Ludlow, at $30, amounting to $1,800, making an aggregate of $2,075.13; that the same were never paid for, and that the claimant was loyal to the United States, and that this sum is justly due to the claimant and should be paid; and therefore the committee report the accompanying bill, and recommend that it pass.

Mr. EDMUNDS. I think it is somewhat strange that we have no information as to what has become of the quartermaster, Ludlow, who is said to have bought this large amount of hay at $30 a ton. He was an officer of the Government, and certainly could be traced to his death or departure from the service, or something.

We have in this report apparently, as I have run over it hastily, nothing at all from any officer of the Government, but only the affidavits and statements of the claimants and their friends. It does seem to me that the committee ought in such a case to look a little for evidence from the other side of the contract when that contract is said to have been with a named officer of the Government who was known. The report does not state that this officer has been sought for, that he is dead, or anything whatever about him except the fact that it is proved by the claimant that he received this property at a price and used it for the United States, and so on.

This was twenty years ago and more. All this time there has been no application to Congress until recently, apparently; there is no statement of any. For eight or ten years during this time Congress provided a tribunal by a public law which everybody was bound to know and which almost every person interested in claims did know, which required that every person who came before that tribunal with his evidence should be heard, and that counsel representing the United States should be heard on the other side, and evidence procured if it seemed to be necessary or desirable, in order that just claims might be paid and that unjust and fraudulent ones might be excluded. That was the Southern Claims Commission.

It appears from the report of the committee that this claim fell within that category. Now, the United States by the non-presentation of that claim has been deprived of the opportunity of cross-examining the witnesses and of producing Captain Ludlow, who is said to have bought this property. I say nothing about the little Navy affair, which I can not quite understand myself. The committee say nothing about what has become of Ludlow, and the whole thing is entirely *ex parte*.

If we proceed with this sort of business, there is no claim not presented to the commission which will be excluded; and there are millions upon millions of them which were not presented for the reason that the owners of the claims believed that it would be a fruitless thing to do so, either because the claims were fictitious in fact or did not fall within that class of cases which the public Treasury ought to pay for, or because the claimants, or some of them, were enemies of the United States at the time the supposed claim arose. If we proceed in this way those claimants can come forward after twenty years and by *ex parte* affidavits prove their loyalty, for everybody is loyal now, and most people are willing to believe, even as it appeared in the Southern Claims Commission, that they were loyal then, when there was any money in it. And so the whole value of the protection to the United States of the organization of that commission, before whom everybody was required to go and which continued from year to year, and was extended from year to year in order that everybody might have justice and fair play, is to be entirely lost, and there will be brought before us any amount of the millions of such claims as this, perhaps not as good, if we go behind the operations of that commission and hold that it is just as well for parties to come now and say, "We did not know of the commission," or "we were unable to procure our evidence," or "we were too poor to prosecute," or whatever the reason might be, by *ex parte* affidavits submitted to a committee to prove loyalty, prove the delivery of property, not calling up the officers who received it or accounting for their absence, and put them through.

Now, I do not believe, with great respect to these claimants whoever they are, that that is good policy; and I should be glad to have this matter lie over until I can write to the Department and find out what has become of Captain Ludlow for one thing.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to postpone the bill.

Mr. EDMUNDS. No; I object to it for the time being.

Mr. HOAR. I move to take up the bill. I think it should be disposed of by the Senate, if they are satisfied it is right, during the presence of the Senator from New Hampshire.

The PRESIDENT *pro tempore*. These bills are taken up under the eighth rule and are subject to objection.

Mr. HOAR. But I understand that under the eighth rule a motion is in order to proceed to the consideration of a bill that is objected to.

The PRESIDENT *pro tempore*. Such a motion is in order notwithstanding the objection.

Mr. EDMUNDS. On that question I ask for the yeas and nays.

Mr. LOGAN. Before the question is taken I should like to ask the Senator from Massachusetts a question.

Mr. HOAR. I should like unanimous consent to answer the question and to make a brief statement.

The PRESIDENT *pro tempore*. Debate is not in order pending the motion to proceed to the consideration of the bill.

Mr. HOAR. I ask the unanimous consent of the Chair that I may answer the question.

The PRESIDENT *pro tempore*. Unanimous consent is asked——

Mr. LOGAN. My question is whether the committee sent to the Quartermaster's Department to ascertain from the property-rolls and from the rolls kept by the quartermaster at that time in reference to his business whether when this property was taken by the quartermaster by contract, as it is stated, he gave vouchers; for I know of no rule in the Quartermaster's Department or under any greater authority where the quartermaster takes property by contract or agreement that he is not required to give a certificate to that effect, or what is called a voucher.

Mr. EDMUNDS. At that time the law required that every such contract should be in writing.

Mr. LOGAN. The law does require it, and did then, and always has. That is the law, and if the quartermaster did as is stated he certainly gave vouchers to this man if the property was taken or contracted for in any way whatever, and the records of the Quartermaster's Department will show that fact.

Mr. HOAR. Mr. President——

Mr. LOGAN. I wish to call attention a little further——

Mr. HOAR. I thought the Senator wanted an answer to the question.

Mr. LOGAN. Very well.

Mr. HOAR. The committee did apply——

The PRESIDENT *pro tempore*. The Chair must interrupt the debate at least for a long enough time to ask the consent of the Senate whether the debate shall proceed.

Mr. HOAR. I desire to interrupt the Chair to state that the Chair asked the consent of the Senate and leave was granted.

The PRESIDENT *pro tempore*. Before the Chair could put the question to the Senate he was interrupted. The Senator from Massachusetts asks the consent of the Senate to proceed with the discussion. Is there objection?

Mr. EDMUNDS. Not if we can have an opportunity to be heard in reply.

Mr. HOAR. The honorable Senator from Vermont made his speech and then made a suggestion which took the matter out of the power of anybody to reply except by unanimous consent. I should not undertake to make that return and to ask a unanimous consent which would not give him or anybody an opportunity to reply, I quite assure the Senator, from my style of debate. The Senator from Illinois asked a question, which I desire to answer.

The committee did apply to the Secretary of War for all the information that the records of that Department afforded, and the Secretary of War replied that the letter of Mr. Ward, which he inclosed, contained all the information which the records of that Department showed. I refer to the letter of Alexander Ramsey, dated January 30, 1880. He also referred so much of the claim as related to the stores furnished the naval vessel to the Secretary of the Navy. The Secretary of the Navy reported that the records of the Navy Department established the claim; so that that part of the claim is established by the records of the Navy Department.

The contract for the hay was established by several witnesses living, including the then United States district attorney for Virginia, who not only gave a certificate as to the value of the claim, indorsing it, but testified that the transaction occurred in his presence, and there are several other witnesses who satisfied the committee of the truth of the claim, and that this was a debt which has been due and never has been paid.

Then, in regard to the point that this was not presented to the Southern Claims Commission, it appears that the man died and left this widow some time subsequent to 1867 and before 1869, and she makes her affidavit that her husband and she were ignorant of the Southern Claims Commission arrangement.

Mr. LOGAN. Mr. President——

Mr. HARRIS. The Senator from Illinois and the Senator from Massachusetts will allow me, as a further answer to the question raised by the Senator from Illinois, to state that the report shows that no voucher was given by Ludlow for the reason that at the time of the verbal contract Mr. Ludlow said he was expecting to receive funds daily, and would immediately pay for the hay upon the receipt of the funds; but before receiving them, or certainly before payment, he was ordered away from that station and disappeared without giving the voucher and without making the payment.

Mr. LOGAN. Now, Mr. President, that does not clear it up either. There must be some rule, and especially when the law establishes a rule, by which we can ascertain facts. It is well known by every one who understands military matters—and the Senator from Tennessee certainly does—that every quartermaster, commissary, or other disbursing officer or officer authorized to purchase property for the uses of the Army, is required—not only instructed but required by law—to give vouchers if he does not pay the money, and if he pays the money to take a receipt for it. That is the law. Not only that, but such officers are required to make returns to the Quartermaster's Department or the Commissary Department for all these matters. My point was whether or not the Quartermaster's Department had been inquired of in reference to the purchase of this property, because the rolls of this quartermaster will show the fact that this thing occurred, if it did occur.

Mr. HOAR. We so understood. The committee understood that this was a case where the proper voucher failed to be given, for the reason stated by the Senator from Tennessee, and that the inquiry to the Secretary of War and his answer about the records of that Department cover the case, because of course there could be no other record except in the Quartermaster's Department.

Mr. LOGAN. The Senator does not exactly understand me. Allow me to explain. I hope I may be pardoned for saying that I was once a quartermaster. I hope that is not offensive here in the Senate. For that reason I know something about the rule in regard to taking up property on the rolls. I merely state that fact to illustrate the question that I asked.

Every quartermaster is required not only to keep a roll of his employés, of his property, of everything that he receives from any other quartermaster, even down to the days when oxen were used instead of mules, when the bows and everything he had to receipt for and keep on what is called his property-roll. Every piece of property taken either by a quartermaster or a commissary for which payment has to be made by the Government has to be kept exactly in the same way.

If this property was taken and not paid for the roll of the quartermaster will show it, and that is the place to apply for it; and the idea of passing such claims here unless the rolls are examined to ascertain the facts whether or not the property was paid for is going into a business that is rather loose.

I have no objection to this man's claim if it is just. It is not that, but it is the ascertainment of the justice of the claim that I am looking to.

Mr. HOAR. The Senator will pardon me. It comes to a very narrow point. I do not want to interrupt him, but I wish to say that the Committee on Claims examine these matters with very great care.

Mr. LOGAN. I do not doubt that.

Mr. HOAR. The Senate never hear of probably twenty, certainly ten, cases decided adversely by the committee where they hear of one reported favorably. I think I may express the entire opinion of that committee that nobody upon the committee objects in the least to scrutiny of the character which the Senator from Illinois makes and which he suggests, because we are exceedingly anxious of course not to be the vehicle of imposition upon the Government and not to be imposed upon ourselves. There is no member of the committee that ever heard of this man before, or probably ever will hear of him again. I certainly never heard of him till the case arose. Therefore every Senator who suggests a fair objection or question or direction or inquiry does a favor to the committee.

My complaint the other day was not directed at all to that sort of discussion in the Senate. My complaint was of the discussion which we hear sometimes from Senators who, without looking into or even reading a report, catch up some fact and object or take some point that can not stand. If there is any mistake about the fact that an application to the Secretary of War for the information which his Department possesses about a claim, and an answer that the records of his Department show nothing but a certain thing, does not cover the Quartermaster's Department in the practice, I think the point of the Senator from Illinois is a good one, and the committee should make a special direction in regard to that. I supposed though, and I think the committee all supposed, that when we addressed the head of the War Department we should get whatever was there. We do not address the subordinates; we address the head of the Department; and he makes his references to the proper subordinates, and his answer is based on the information which comes from the Quartermaster's Department.

Mr. LOGAN. That may be in certain cases, and that would be sufficient. The Quartermaster's Department is a part of the War Department; it is a bureau of the War Department just as much as the Adjutant-General's Department is a bureau of the War Department. They are all bureaus of the War Department. Now, in order to ascertain the fact there is nothing in the Adjutant General's Department in reference to this except letters. For instance, the letter of the Secretary of War making an inquiry from one of the bureaus of the Department goes on file. That letter is there. The information he receives goes on file, and that letter is there; and that is all there is in that Department. But in order to ascertain these facts correctly, the inquiry should be addressed to the Quartermaster's Department. You inquire to have the papers of the quartermaster who is named in the report examined in reference to this specific thing, giving the date, and then the examination is easily made. Then the letter of the Quartermaster-General to the Adjutant-General and to your committee will give you the information you desire in reference to this property. That is the only way you can get at it.

As I said, I do not make objection to the claim, because if the claim is just it ought to be paid; but we are paying claims, and I could suggest the name of a claim that we paid three times in Congress, and finally it was discovered by sending it to one of the Auditors. The Secretary of the Treasury was asked, and knew nothing about it. Finally the Auditor's attention was directed specially to the particular claim, and it was ascertained that it had been paid about forty years before

and at three different times, amounting to a good deal of money. A report was made to the Senate about it by Senator Morrill, of Maine, now deceased, a very able and amiable gentleman.

I will state another case without giving the name, for I do not wish to call special attention to it. It has not been very many years ago, however, since a claim was made for an animal, and the account that was given of the claim specified a certain county in a certain State where the animal lost its life. The claim was once paid; but it was before Congress again, and Congress acted favorably. The attention of the Auditor was called to that particular claim, and when he came to examine for the county he found that the State described in which this county should be contained had no such county. He transferred his examination to another State, being an adjacent State, and found that a county of that name did exist in the adjoining State; and when he had the proper county he found that the claim had been paid. That has not been very long ago.

These things are going on all the while. I merely make these suggestions so that we shall have an examination that will convince us that these claims are not fraudulent, and if they are just that they have not been paid. That point sometimes occurs. I do not wish to be captious about these things, but I suggest these propositions that proper examination may be made.

Mr. HOAR. The course of the Committee on Claims is in the first place to get the entire Congressional history of every claim, to have that carefully examined by the clerk, and that is sent to the member of the committee who examines the claim. Then the clerk is directed to write a communication to the proper Department of the Government, sending a statement that there is such a claim, sending a copy of the bill or petition, whatever is the origin of the claim, and asking what information that Department possesses on the subject. There a full examination of the records is made, and sometimes weeks or months expire before the return comes. Whenever we make such a submission to the Secretary of War I think I can affirm from my experience upon the committee that ordinarily everything that the Adjutant-General's Office shows, everything that the Quartermaster-General's Office shows, everything that the accounts of the particular officer who is concerned show, is examined by the Secretary of War, and almost always his letter is accompanied by the reports of his subordinates.

Then the particular member of the committee reports on the claim, and there are gentlemen on that committee who need not be named, but who are quite as vigilant to see that no possible claim gets through that is not well founded—of course some may get through the committee—as any gentleman on the floor. They do it under the responsibility of trying to understand the facts.

Of course if the Senator from Illinois thinks that a letter addressed to the Secretary of War, and a reply which gives us what his records show is not enough for the Senate to proceed on with safety, that there ought to be a specific inquiry about the accounts of this officer and the Quartermaster-General, with his great experience in military accounts, I withdraw my motion to proceed to the consideration of the bill.

Mr. LOGAN. I did state that that was the correct way to get at it. I do think so, and I do not think you can get at it in any correct way otherwise.

Mr. HOAR. I withdraw my motion, and we can ascertain whether the thing has been settled. I withdraw the motion.

The PRESIDENT *pro tempore*. The motion is withdrawn.

Mr. EDMUNDS. I renew it, and ask leave to say a word.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent of the Senate to reply. The Chair hears no objection.

Mr. EDMUNDS. I want, while this matter is up, to put in a humble and respectful petition to the Committee on Claims and to my friend from Massachusetts, while they are asking the Quartermaster-General whether the rolls of Captain Ludlow of property taken up at Norfolk just after its capture, in 1863, for hay for the subsistence of the Army show that that hay went on to his rolls as property taken up for the use of the Government, no matter whether he gave a receipt for it or not, to also ask the Secretary of War to inform him, if he can, what has become of Captain Ludlow, to whom no reference is made in these papers and in the report of the committee, which states all, I suppose, that the committee found to exist, all the evidence that the papers show. He could certainly, if he is alive and remembers it, give us some information upon this subject.

I must say it is extremely strange that when the Government through an officer that is named is said to have taken up property for which he did not give a receipt, and which his oath bound him to put onto his rolls and to report to the Quartermaster-General's Office, being property to be accounted for to the United States, he is not even inquired for to ascertain what has become of him and hear what he has to say about it.

Mr. HOAR. The Senator will pardon me for saying that I have no more doubt that that was done than I have that the Senator is now standing on his feet.

Mr. EDMUNDS. It may be so; but I take it that the report of the committee, which is all that we poor other Senators have to go upon, states all there is about it that is supposed to be worth knowing. I hope it has been done, and if it has been I am sorry the committee did not cause search to be made for Ludlow, and if he was dead that search was not made in the rolls of the Quartermaster's Office to show whether Captain Ludlow's papers at Norfolk disclosed that he had taken up 30 tons of hay at or about that time.

It must be remembered that Norfolk in 1863 had been then very recently a somewhat warm spot in the rebellion, and that a considerable number of persons at Norfolk, as well as Washington and elsewhere, were friends of the confederacy and not of the United States, and those people might have had hay; and now after twenty years all the evidence we have got of the loyalty of Ward is the *ex parte* affidavits of other people, very likely true, but perhaps not. The Southern Claims Commission could have found the matter out, and they did not get a chance to examine it.

But that is not my point now; my only point now is, as the matter is to go over by grace, that the committee will kindly find out, with the other things, what has become of Captain Ludlow.

Mr. HARRIS. Mr. President——

The PRESIDENT *pro tempore*. Objection being made to considering the bill, the Senator from Tennessee asks unanimous consent to be heard.

Mr. HARRIS. I should hardly feel inclined to do it but for the fact that the report is one that I made and that was adopted by the committee at one time.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the Senator will proceed.

Mr. HARRIS. I simply desire to say that when I addressed a letter to the Navy Department for such information as that Department could give in respect to the supplies furnished to it, and a similar letter to the War Department for such information as that Department could give in respect to the supplies furnished to that Department, and received the answers from each of those Departments, I confess that as a member of the committee I did not feel called upon to hunt up each and all the subordinates of those Departments to examine or cross-examine them as to the amount of information they may have had. It was fair, as I thought, to presume, and I did presume, that when the War Department answered it answered in good faith, and gave the full extent of the information that it was called on to give in respect to the question. Being unable to give all the information in respect to the item of hay, I was content as a member of the committee with the testimony, of several witnesses, among whom was the district attorney, of residence in the very town, to every material fact connected with the case; and this, as the report shows, upon the testimony.

Mr. DOLPH. Mr. President——

The PRESIDENT *pro tempore*. There is no question before the Senate.

Mr. DOLPH. I ask unanimous consent for leave to say a word, being a member of the Committee on Claims.

The PRESIDENT *pro tempore*. The Senator from Oregon asks unanimous consent to say a word. Is there objection? The Chair hears none.

Mr. DOLPH. Mr. President, the discussion this morning shows the utter impracticability of disposing of these claims by special acts of Congress; it shows the necessity for some general legislation providing a tribunal to which these claims may be presented, and which can adjudicate and determine them. Early in the session I introduced resolutions which were referred to the Committee on the Judiciary, directing that committee to inquire and report in what cases the Government ought to be held liable for the acts and misconduct of its agents, and if they found that in any case the Government ought to be so held liable to report a law which would authorize suit to be brought by claimants in some court of competent jurisdiction. Nothing has been heard from those resolutions, no report has been made by the committee, and so far as I am informed no investigation of the subject has been had.

There are pending to-day and in the Senate Committee on Claims probably four or five hundred bills for special relief. Before this Congress closes there will be seven or eight hundred such bills. There will be examined and reported upon probably three or four hundred claims. Out of those three or four hundred, fifty favorable reports and three hundred and fifty adverse reports may be made; and when the favorable reports come up for consideration in the Senate each will provoke just such a discussion as has taken place this morning, and the Senate will not be satisfied to take the report of the Committee on Claims. Then the few favorable reports that are made by that committee will be criticised and the committee will be found fault with because they have not in the judgment of some Senators examined the cases sufficiently.

Now I undertake to say that it is utterly impossible for any committee of Congress to examine that number of claims and do them justice. The testimony on which they are examined is necessarily *ex parte*. There are claims here presented for the first time through honorable Senators that originated forty, fifty, or seventy-five years ago; there are claims which have never heretofore been presented to any tribunal. There are other claims presented that were presented to the Southern Claims Commission and rejected on account of the want of loyalty of the claimant, or because the facts were not proved. There

are other large claims presented here that have been presented to the War Department and rejected by that Department because the loyalty of the claimant was not proven, or because facts were not sufficiently proven. There are claims here which have been reported adversely from one branch of Congress or the other, or from both, year after year for the last quarter of a century, still fresh, never dying; and the Committee on Claims are expected to re-examine them all and to secure witnesses for the Government, without any proper provision for doing it, and to report them to this body.

In my judgment it was never contemplated by the framers of the Constitution that Congress should be a great court of claims to which everybody having an imaginable claim that has originated since the foundation of the Government, no matter how often presented to Congress and rejected, or for what cause rejected, should be at liberty to come to Congress after Congress and present his claim and require that it should be re-examined by a committee; and I do hope that the chairman of the Committee on the Judiciary and the Judiciary Committee will take into serious consideration the question whether or not there ought not to be some general legislation providing for the investigation of these claims by a judicial tribunal.

Mr. EDMUNDS. Will the Senator allow me to interrupt him now?

Mr. DOLPH. Certainly.

Mr. EDMUNDS. One reason why I should be certainly glad to consider the question if we could find the time, would be to see if, having acted as proposed, like establishing the Court of Claims and the Southern Claims Commission, and given ample jurisdiction and allowed a long time, we should permit everybody who failed there, either because he does not dare to go or does not go, or fails because he does go, to come right around to Congress again, and the Committee on Claims would be asked to try them all over again.

Mr. DOLPH. The court established should be a continuous court. Its judgments should be final and conclusive, and should be treated as final by Congress, but at present there is no statute of limitations against the presentation of claims to Congress. It is provided by the Senate rules that if there is an adverse report, and a claim is rejected, there shall be additional testimony filed before the claim is re-examined. I do not know how well it is enforced by the Secretary of the Senate, but I know it reqnires a mere suggestion, an additional affidavit of the claimant, although it may contain no additional fact, to comply with the rule, and all the old familiar cases that have been rejected session after session come back regularly to the Committee on Claims, to whom they are all referred. The Senators who have introduced bills for the payment of these claims urge members of the committee to take them up and report them. Even if an adverse report is made, the bill is placed on the docket if the Senator introducing the bill happens to notice when it is reported adversely, and is frequently rereferred to the committee, and invariably introduced again at the next session; it never dies. Whenever an adverse report is made, and a suggestion is made in the report that the proof is weak upon some point, the next session there is additional proof upon that point by *ex parte* affidavits made concerning transactions often long past.

The whole system is faulty; the whole thing should be abolished. There should be a tribunal established by law with well-defined jurisdiction, having power to take the testimony of witnesses orally or by depositions, in which witnesses can be cross-examined and the Government represented, and whose judgment should be final.

It is not a very pleasant position to be a member of the Committee on Claims; it is a very thankless task. I served on it last Congress, and should have been very glad to have been relieved from service on that committee at the beginning of the present Congress.

I desired to say this much to direct the attention of the Senate again to the necessity of general legislation providing for the payment of claims against the Government, something to relieve Congress of this class of bills, rather than to discuss the pending bill.

The PRESIDENT *pro tempore*. The next claims business on the Calendar will be stated.

MARY A. LEWIS.

The bill (S. 1258) for the relief of Mary A Lewis, widow of Joseph N. Lewis, was announced as next in order; and the Senate, as in Committee of the Whole, proceeded to consider it. It proposes to pay to Mrs. Mary A. Lewis, widow of Joseph N. Lewis, $411.22, in full remuneration of the payment made by him out of his own private funds for account of the Government of the United States, while he was acting as its commercial agent at Port au Prince, Hayti, in the year 1855.

Mr. EDMUNDS. Let us hear the report, Mr. President.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. PIKE March 10, 1886:

The Committee on Claims, to whom was referred the bill (S. 1258) for the relief of Mary A. Lewis, widow of Joseph N. Lewis, having considered the same, offer the following report:

Your committee adopt the favorable report of the Senate Committee on Claims of the Forty-eighth Congress, prepared by Mr. Pike, on the same claim, annexing hereto a copy of that report, and recommend the passage of the accompanying bill.

[Senate Report No. 71, Forty-eighth Congress, first session.]

The Committee on Claims, to whom was referred the bill (S. 630) for the relief of Mary A. Lewis, widow of Joseph N. Lewis, have considered the same, and submit the following report:

That Joseph N. Lewis, late a resident of the State of Missouri, now deceased, was, in 1855, commercial agent of the United States at Port-au-Prince, Hayti; that on the 22d day of September, in that year, as such commercial agent, he caused the seizure at that port of the American bark Amelia for violation of the neutrality laws of the United States, by reason of her contraband cargo of guns and ammunition; that the fact of the seizure was immediately communicated by the said Lewis to the State Department by a dispatch of the 25th of the same September, and that pursuant to the request of the State Department the United States teamship Saratoga was sent to Port-au-Prince to bring the Amelia and her cargo to New York.

That the said Joseph N. Lewis, in his petition to the Forty-fourth Congress asking relief, states that on the passage to the port of New York the said vessel was forced by stress of weather and damage into the port of St. Thomas; that at that port both the vessel and cargo were condemned and sold by the United States; that the proceeds of the sale were paid into the Treasury of the United States; that in the seizure and subsequent sale of the vessel at Port-au-Prince the petitioner expended of his own money the sum of $411.22, gold, on account of the United States; and that this statement of the petitioner seems to be fully proved.

That, after the departure of the vessel from Port-au-Prince, the said Lewis forwarded to the State Department a statement of his expenses, with the vouchers for the same, and notified the Department of his having drawn a draft for that sum on that account; that the draft was referred to the Treasury Department; that the Treasury Department informed the holder or maker that there was no appropriation for its payment; and that several applications were afterward made by him to the State Department for the payment of the amount mentioned.

That it appears from the papers submitted to your committee with the aforesaid bill that the committee of a former Congress requested of the State Department any information upon the subject in the possession of the Department; that the Secretary of State, in answer to said request, after a general statement of the facts, which correspond with those continued in this report, adds:

"That Mr. Lewis does not appear to have been expressly authorized to make this seizure, nor was the act approved by this Department, nor the account for the expenses incurred, as is customary, before it could be paid."

But it clearly appears that the seizure was communicated to the State Department at the time it was made; that an account of the expenses incurred by Lewis, with vouchers therefor, were duly furnished to the same Department, and a draft made on the Treasury for the amount; that the only reason for the non-payment of the claim given by the Treasury Department was that no appropriation for such a payment was made; and that the Government accepted the seizure with a knowledge of all the facts, sold the vessel and cargo, received the proceeds of such sale, which duly came to the Treasury and are now there.

It appears that this claim has been presented to the Forty-fourth, Forty-fifth, Forty-sixth, and Forty-seventh Congresses; that favorable reports have been made by the Senate Committee on Claims of each of these Congresses, and by one or more of the same committees of the House; and that bills asking the relief asked for in this bill have twice passed the Senate, but have not been reached in the House.

The claim seems to be entirely just, and ought long ago to have been paid.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HEIRS AT LAW OF ANDREW F. M'MILLIN.

The bill (H. R. 897) for the relief of the heirs at law of Andrew F. McMillin, deceased, was considered as in Committee of the Whole. It provides for paying to the heirs at law of Andrew F. McMillin, deceased, of Fayette County, Kentucky, of $204, for fuel taken and used by the Army of the United States during the late war.

Mr. EDMUNDS. Let us hear the report, Mr. President.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. PIKE March 10, 1886:

The Committee on Claims, to whom was referred the bill (H. R. 897) entitled "An act for the relief of the heirs at law of Andrew F. McMillin, deceased," having considered the same, instruct me to offer the following report:

The facts in this claim are well stated in the report, No. 87, of the Committee on War Claims of the House, prepared this session by Mr. COMSTOCK.

The following is a copy of that portion of the report reciting the facts:

"Andrew F. McMillin, of Fayette County, Kentucky, on the 29th day of November, 1865, filed in the office of the Quartermaster-General, U. S. A., a claim for quartermaster stores supplied to the Army in 1863. He claimed the price and value of 350 cords of wood, at $3 per cord, amounting to $1,050.

"It appears from the evidence in the case that since the filing of this claim claimant has died intestate, leaving heirs at law, who inherited his rights, and who continue to urge payment of the claim.

"The evidence discloses that the Quartermaster-General investigated the claim through an agent, who found in favor of the claimant—

"First. That he was loyal.

"Second. That a detachment of the Army in 1863 encamped on claimant's land and consumed fuel, consisting of planks, posts, and rails; that at the time referred to the claimant resided on a tract of land adjacent to the city limits of Lexington, in said State.

"After a careful investigation of the case the agent of the Department was unable to find the quantity of stores furnished to the Army, as stated by claimant, but from the evidence before him reported in favor of claimant 34 cords of wood at $6 per cord, amounting to $204, and in submitting said report, at the conclusion of the same, said agent uses the following language:

"'Under all the circumstances I am satisfied compensation should be made, and therefore respectfully recommend the payment of the amount as found.'"

Action on this claim was suspended in the Quartermaster-General's Office for the following reasons, given in a letter of that office dated July 15, 1874:

"The evidence furnished fails to show the authorized taking and subsequent disposition of the stores. Neither receipts, vouchers, or other official evidence, or the testimony of any ex-officer, soldier, agent, or employé of the Government cognizant of the alleged appropriation has been produced."

Although there is no such evidence as above to support the claim, yet there is evidence of neighbors and others establishing the fact that the wood was used by the Army as quartermaster stores, and this evidence is re-enforced by the above-mentioned report and recommendation of the Department's special agent.

Your committee think the report of the special agent, taken with the other evidence, conclusive, and therefore recommend the passage of the accompanying bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS P. MORGAN, JR.

The Senate, as in Committee of the Whole, proceeded to consider the

bill (S. 972) for the relief of Thomas P. Morgan, jr. It proposes to pay $4,898.04 to Thomas P. Morgan, jr., being the amount of work done by him on the Norfolk Harbor in the years 1881 and 1882, and declared forfeited to the United States by reason of his failure to perform his contract within the time specified.

Mr. EDMUNDS. Let us hear the report, Mr. President.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. PIKE March 17, 1886:

The Committee on Claims, to whom was referred the bill (S. 972) for the relief of Thomas P. Morgan, jr., having considered the same, submit the following report:

This claim was considered by the Committee on Claims of the Forty-eighth Congress, and at its first session the committee submitted a report, prepared by Senator GEORGE, recommending its allowance and payment. It is No. 488 of the Senate reports of that Congress, and is annexed hereto.

The committee adopt the same, and recommend the passage of the bill.

[Senate Report No. 488, Forty-eighth Congress, first session.]

The Committee on Claims have examined this case, and report the facts as follows:

That the claimant, Thomas P. Morgan, entered into a contract with the United States, through the Engineer Department, to do certain work and dredging in the harbor of Norfolk, Va. He failed to perform his contract, and it was declared by the engineer terminated, and the amount then due by the United States to the claimant forfeited. This sum amounts to $4,898.04, and was earned by the claimant, and his right to receive it lost only by a provision in the contract authorizing its forfeiture.

We find that this forfeiture was in strict accordance with the contract. There are, however, some equitable circumstances which we think ought to induce Congress to release the forfeiture, and thus pay the claimant for work actually performed. The contract was forfeited not because the work done was not well done, but because the whole amount of work was not done within the time mentioned in the contract. The claimant asserts, and we think establishes, that the delay was occasioned in large measure by two circumstances, among others, over which he had no control.

First. The contract represented that all the dredging was to be done in soft earth, yet a considerable amount of hard excavation was excavated. This hard material could not be removed by the ordinary clam-dredge, which was entirely suitable for excavating soft material; this was the kind of dredge which the claimant owned and was working when the hard material was excavated.

Second. The commissioner of the harbor made some regulations in relation to the dumping-ground at which claimant was required to dump the excavations. These regulations operated to hinder and delay claimant.

It is true an extension of the time for completing the contract was granted, but claimant was prevented from doing the work by unusual stormy weather.

It is material, however, to be noticed that it is shown that if additional time to complete the contract had been given, as claimant asked, no delay would have resulted to the Government or the people by the delay in improving the harbor thereby occasioned. This we regard as a very material fact in allowing the relief we consider due.

Under all the circumstances, we recommend the passage of the accompanying bill, allowing said sum of $4,898.04.

Mr. EDMUNDS. When was this work done? The report does not seem to show.

Mr. PLATT. In 1881 and 1882, the bill says.

Mr. HARRIS. I think it was in 1881.

Mr. EDMUNDS. Does the bill state?

The PRESIDENT *pro tempore*. The bill will be again read.

The bill was read.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

PHYSICIANS' COMPENSATION IN A CONSPIRACY CASE.

The bill (S. 304) to compensate physicians for services rendered under an order of the United States court of the northern district of Alabama was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 5, after the word "of," to strike out "two thousand" and insert "four hundred;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $400, jointly, to the following physicians: A. R. Erskine, J. J. Dement, H. W. Bassett, and A. R. Burnett; said sum of money to be received by said physicians, jointly, as full compensation for all services rendered by them, pursuant to an order of the judge of the circuit court of the northern district of Alabama, in the conspiracy case in which F. M. Noogin and Berry O. Wood are defendants.

The amendment was agreed to.

Mr. COCKRELL and Mr. EDMUNDS. Let us hear the report.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. PIKE April 7, 1886:

The Committee on Claims, to whom was referred the bill (S. 304) to compensate physicians for services rendered under an order of the United States court of the northern district of Alabama, having considered same, submit the following report:

This claim has been before the House of Representatives of the Forty-eighth Congress, was referred to the Committee on the Judiciary and reported upon favorably by that committee. Said report is House Report No. 613, Forty-eighth Congress, first session, and is as follows:

"[House Report No. 613, Forty-eighth Congress, first session.]

"The Committee on the Judiciary, to whom was referred the bill (H. R. 1763) to compensate physicians for services rendered under an order of the United States court of the northern district of Alabama, having considered the same, report as follows:

"In the year 1879 one Holman Leatherwood, a revenue officer of the United States, on duty in the northern district of Alabama, disappeared under suspicious circumstances, and Berry O. Wood and Warren Noogin were arrested and held to answer for his murder.

"About November 7, 1879, the body of a man, in an advanced stage of decomposition, supposed to be that of Leatherwood, was found, and A. W. McCullough, United States commissioner for said district, ordered A. R. Erskine, J. J. Dement, H. W. Bassett, and A. R. Burnett, reputable physicians, to proceed and examine the body, for the twofold purpose of identification and ascertaining the cause of death. This order was approved and confirmed by the United States district judge for said district.

"The examination was made pursuant to the order, by the four physicians above named, who reported the result, and also attended court and testified in the case.

"They presented a bill for services in making the autopsy, amounting to $400, which bill was approved and allowed by the court; but as there were no funds available for the purpose, the bill was not and never has been paid.

"Your committee find that the service performed was obligatory upon these physicians under the order of the court, and that it was extremely offensive, if not dangerous. The committee find the charge to be very reasonable for the service rendered, and therefore report favorably and recommend the passage of the bill."

It has also been presented to the House at the present Congress and referred to the Committee on Claims, which committee has made a favorable report, which is House Report No. 1071, but as yet it has received no further action by the House.

The following is a copy of said report.

Mr. PIKE. The last report of the House about to be read is only a repetition of the former one already quoted. The facts have already been stated.

The PRESIDENT *pro tempore*. If there be no objection the further reading of the report will be dispensed with.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAVID WEBSTER.

The bill (H. R. 1464) for the relief of David Webster was considered as in Committee of the Whole. It proposes to pay to David Webster, of Concord, N. H., $302.80, balance due him for travel and attendance as a witness before the Committee on Expenditures in the War Department of the Forty-fourth Congress.

Mr. EDMUNDS. Let us hear the report, Mr. President.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary proceeded to read the following report, submitted by Mr. PIKE, April 14, 1886:

The Committee on Claims, to whom was referred the bill (H. R. 1464), for the relief of David Webster, having considered the same, submit the following:

This claim has been presented to the House of Representatives at the present and former Congresses and favorable reports made thereon.

The following is the report of the House Committee on Claims made at this session, and is House Report No. 154, which the committee adopt. It recites the evidence also:

The Committee on Claims, to whom was referred the memorial of David Webster for payment of fees as a witness before the Committee on Expenditures in the War Department, submit the following report:

The facts in this case were inquired into and fully stated in favorable reports made by the Committee on Claims of the Forty-seventh and Forty-eighth Congresses, respectively, the latter of which reports we adopt, and which is as follows:

David Webster, of Concord, N. H., on the 20th day of March, 1876, was duly summoned to appear forthwith before the House Committee on Expenditures in the War Department, of which committee the Hon. Hiester Clymer was chairman. Mr. Webster happened to be in the city at the time of the service of the subpœna, but was the next day intending to leave for his home in New Hampshire. He reported to the committee in obedience to the summons, and was informed by the chairman of said committee that he must remain in attendance upon said committee until his testimony was given, and that he must not depart without leave. In obedience thereto he remained, reporting nearly every day to said committee, until the 7th of April, 1876, when he gave his testimony. (See Report 799, first session Forty-fourth Congress, on "The Management of the War Department," pages 415 to 422.)

After he had testified he requested to be discharged, but the chairman of committee informed him that he would again be wanted. He remained in constant attendance upon said committee until the 8th day of July, 1876, when his papers, which were taken by the committee at the time he gave his testimony on the 7th of April before mentioned, were returned to him, and Mr. Clymer, the chairman of the committee, told him was discharged.

The evidence shows that Mr. Webster had been in attendance as a witness one hunderd and ten days when he was discharged. He claimed pay for that period of time and also for his travel from Concord, N. H., to the city of Washington, 536 miles. He was allowed for attendance only from the 20th day of March to the 5th day of April, twelve days, at $4 a day, $48, and for five days more at $3, $15, making $63 in all, with no allowance for travel.

It appears that Mr. Webster objected to receiving this amount, but finally took the money, protesting that he was entitled to his lawful fees for the full time and for his travel in addition.

On the 13th of June Mr. Webster addressed the following letter to Mr. Clymer, chairman of the committee:

WASHINGTON, *June* 13, 1876.

DEAR SIR: The undersigned most respectfully asks to be discharged as a witness in cases now under investigation before your honorable committee, if in your opinion there is not a positive necessity for being longer detained. I further desire to have my papers returned that your honor stated would be returned to me when I was no longer needed as a witness by your committee.

Be so good as to order an immediate settlement, that I may not be detained from my home in Concord, N. H., any longer than is absolutely necessary.

I am, very truly, yours, &c.,

DAVID WEBSTER.

To the Hon. H. CLYMER,
Chairman War Department Committee of Investigations,
House of Representatives.

And in response thereto he was notified by Mr. Clymer that he could not be discharged until further notice. Hence he remained until the 8th day of July, 1876, as before stated.

The memorialist says that at the same time Hallett Kilbourn, esq., was confined in the Capitol for contempt, and that he felt obliged to remain in attendance during the long period he did remain, fearing that if he disobeyed the subpœna he might be dealt with the same as Kilbourn.

Your committee are of opinion that witnesses, when summoned to attend before committees of the House by its authority, and who obey the subpœna by actual attendance, as the claimant did in this instance, are entitled to their pay.

Previous to March 29, 1876 (see House resolution passed March 31, 1873), witnesses summoned to appear before the House or its committees were entitled to fees as follows: $4 per day for attendance and 5 cents per mile for travel in coming to or going from the place of examination. On said 29th of March the following resolution was adopted by the House of Representatives:

"The rule for paying witnesses summoned to appear before this House, or either of its committees, shall be as follows: For each day a witness shall attend, the sum of $3; for each mile he shall travel in coming to or going from the place of examination, the sum of 5 cents each way; but nothing shall be paid for traveling when the witness has been summoned at the place of trial."

In this case Mr. Webster resided several hundred miles from Washington; he was here upon expense the whole time, and your committee recommend that he be paid the lawful fees for the one hundred and ten days, being $330, and his lawful fees for travel from this city, where he was summoned, to his home at Concord, N. H., being 536 miles, at 5 cents per mile, amounting to $26.80 for travel, total $365.80; deducting from which sum the $63 already paid, leaves $302.80 his due, and we report the accompanying bill in order that he may be paid, and recommend its passage.

Mr. EDMUNDS. I do not ask for the further reading of the report. I have read it through myself.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

EDWARD FENLON.

The bill (S. 2136) for the relief of Edward Fenlon was considered as in Committee of the Whole. It proposes to pay Edward Fenlon $8,627.98, in accordance with the findings of the Court of Claims on the 27th of April, 1885.

Mr. EDMUNDS. Let us hear the report.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. PIKE April 14, 1886:

The Committee on Claims, to whom was referred the bill (S. 392) for the relief of Edward Fenlon, having considered the same, submit the following report:

This claim was sent by the House at the last Congress to the Court of Claims under the act of March 3, 1883, commonly called the Bowman act, to find and report the facts. The findings of fact of that court constitute the appendix to this report.

It appears from those findings that the claimant in January, 1879, entered into a contract with the chief quartermaster of the Department of the Missouri for the transportation of military supplies from Alamosa to Fort Lewis, Colo.

This claim has been considered by the House Committee on Claims of the present Congress, the report of which committee (House Report No. 534) your committee adopt, and of which the following is a copy:

"(1) It appears that said contract between claimant and the United States contains the following provisions, to wit:

"'ART. 12. That, for and in consideration of the faithful performance of the stipulations of this agreement according to the true intent and meaning thereof, the said party of the second part shall be paid at the office of the chief quartermaster of the Department of the Missouri, or by an officer to be by him designated for the purpose, in the legal currency of the United States, at the rate of $2.05 per 100 pounds for the whole distance from Alamosa, Colo., to Fort Lewis, Colo., which is hereby stated and agreed to be 88 miles.' * * *

"'Transportation will in all cases be paid according to the distance from the place of departure to the place of delivery, the distance to be ascertained and fixed by the chief quartermaster of the Department of the Missouri, and in no case to exceed the distance by the shortest practicable route.' * * *

"(2) That 88 miles, as the distance between Alamosa and Fort Lewis, was based upon representations of the officer of the Quartermaster's Department who, on behalf of the United States, entered into said contract with claimant, to the effect that by the middle of summer, and in season for the transportation of the military supplies by the claimant, the chief engineer officer would open a new road between Alamosa and Fort Lewis, the distance of which, as surveyed, was 88 miles; that the United States failed to open said new road for the transportation of said military supplies by the claimant.

"(3) Notwithstanding the failure to open said new road, the claimant was required by the officer of the Quartermaster's Department to transport 386,157 pounds of supplies over what was known as the Conejos cut-off, the distance via which, ascertained and fixed by the chief quartermaster of the Department of the Missouri, was 105 miles; that during the late fall and winter of 1879 and 1880 said cut-off was impracticable for the transportation of said supplies by reason of deep snow in the mountain gorges; that, while said cut-off was thus blocked by snow, the claimant was required by the officers of the Quartermaster's Department to haul 178,219½ pounds of military supplies by the then only practicable road, a distance of 234 miles, as ascertained and fixed by the chief quartermaster of the department of the Missouri.

"(4) That, on the 15th of September, 1879, the claimant notified said quartermaster, in substance, that the new road provided for in the contract had never been opened, and that he would be compelled to transport said supplies by a longer route, and that he should expect to be paid for the haul 'from place of departure to place of delivery.' In reference to this notification, the Quartermaster's Department, acting for the United States, agreed that claimant was entitled to be paid from place of departure to place of delivery, and sought to have him so paid; that again, on the 19th of December, 1879, the claimant notified said chief quartermaster that the ordinary road had for more than a month been rendered impracticable, by reason of deep snows, for transporting said military supplies, and that he had been compelled to haul the supplies more than double the distance, by the only practicable route, and requested to be paid for distance necessarily traveled; that said officer agreed that said claimant was entitled to be paid as claimed.

(5) The Court of Claims found that the amount for transporting the supplies 88 miles, at $2.05 per 100 pounds, would be as follows:

386,157 pounds 88 miles equals	$8,142 79
178,219½ pounds 88 miles equals	4,292 60
Total	12,435 39

This amount was paid to the claimant. The Court of Claims found that, if the claimant was allowed for the distance "from place of departure to place of delivery" by the nearest practicable route, at the contract price of $2.05 per 100 pounds, he would have been entitled to the following:

386,157 pounds 105 miles equals	$9,647 96
178,219½ pounds 234 miles equals	11,415 41
Total	21,063 37

That the claimant was only allowed and paid the sum of $12,435.39, on the basis that the military supplies were only transported 88 miles, thus leaving a difference of $8,627.98 between the amount paid claimant and that which would be due him if paid for the distance which the supplies were transported by the shortest practicable route, as fixed and ascertained by the chief quartermaster of the Department of the Missouri.

"The committee are satisfied that said amount of $8,627.98 should be paid the claimant, Edward Fenlon, and herewith submit a substitute for bill H. R. 690, the passage of which the committee recommend, and that the original bill do lie upon the table."

Your committee report herewith a substitute for S. 392, with the recommendation that it do pass, and that bill S. 392 be indefinitely postponed.

APPENDIX.

FINDINGS OF FACT BY COURT OF CLAIMS.

In the Court of Claims, Edward Fenlon *vs.* The United States, No. 129, Congressional case.

At a Court of Claims held in the city of Washington on the 27th day of April, A. D. 1885, in the cause aforesaid, the court filed findings of fact, and it was ordered that a copy duly certified be reported to the Committee on Claims of the House of Representatives, together with a copy of this order.

BY THE COURT.

Findings of fact filed by the court April 27, 1885.

This case, referred to the court by the Committee on Claims of the House of Representatives, May 23, 1884, under the act of March 3, 1883, ch. 116 (22 Stat. L., 485), having been heard by the court, the Attorney-General, by his assistants, appearing for the defense and protection of the United States, as required by said act, the court, upon the evidence, finds the facts to be as follows:

FINDINGS OF FACT.

I. On the 2d day of June, 1879, the claimant, Edward Fenlon, entered into a contract in writing with Col. Rufus Saxton, deputy quartermaster-general and chief quartermaster Department of the Missouri, acting on behalf of the United States, for transportation of military supplies on route 7 during the fiscal year ending June 30, 1880; and that among the provisions of said contract are the following, to wit:

"ART. 12. That for and in consideration of the faithful performance of the stipulations of this agreement, according to the true intent and meaning thereof, the said party of the second part shall be paid at the office of the chief quartermaster of the Department of the Missouri, or by an officer to be by him designated for the purpose, in the legal currency of the United States, at the rate of $2.05 per 100 pounds for the whole distance from Alamosa, Colo., to Fort Lewis, Colo., which is hereby stated and agreed to be 88 miles." * * *

"Transportation will in all cases be paid according to the distance from the place of departure to the place of delivery, the distance to be ascertained and fixed by the chief quartermaster of the Department of the Missouri, and in no case to exceed the distance by the shortest practicable route." * * *

II. That the distance of 88 miles between Alamosa and Fort Lewis, Colo., was based upon the representation of the officer of the Quartermaster's Department, who, on behalf of the United States, entered into said contract with the claimant; that Lieutenant Ruffner, chief engineer officer, would, by the middle of the summer, and in season for the transportation provided for, open a new road between said places, the distance via which, as surveyed, was 88 miles.

III. The new road mentioned in the second finding was not opened, and was not at any time during the continuance of said contract made practicable for the transportation over it of the supplies which were transported under said contract.

IV. The claimant was required by the officer of the Quartermaster's Department, within the time covered by the contract, and when such route was practicable, to transport 386,157 pounds of supplies by a route known as the Conejos cut-off, the distance via which route was ascertained and fixed by the chief quartermaster of the Department of the Missouri at 105 miles.

V. The value of the transportation service performed and specified in the fourth request, according to the distance from the place of departure to the place of delivery, as ascertained and fixed by the chief quartermaster of the Department of the Missouri, at the rate of $2.05 per 100 pounds for 88 miles, is $9,647.96, and the amount actually paid the claimant for said service is $8,142.79.

VI. During the late fall and winter of 1879 and 1880 the Conejos cut-off was an impracticable route for transporting said supplies, by reason of the deep snow in the mountain gorges, and during that time the claimant was required by the officers of the Quartermaster's Department to transport 178,219½ pounds of military supplies via the route known as Ojo Caliente and Tierra Amarilla, which was the only practicable route for such transportation, the distance via which route was ascertained and fixed by the chief quartermaster of the Department of the Missouri at 234 miles.

VII. The value of the transportation service performed and specified in the sixth finding, according to the distance from the place of departure to the place of delivery, as ascertained and fixed by the chief quartermaster of the Department of the Missouri, at the rate of $2.05 per 100 pounds for 88 miles, is $11,415.41, and the amount actually paid the claimant for said service is $4,292.60.

VIII. On the 15th of September, 1879, the claimant notified the chief quartermaster of the Department of the Missouri, in substance, that the new road which was to be opened for the transportation of supplies under his contract—the distance via which was stated in the contract at 88 miles—was not opened, and was not likely to be opened, in consequence of which he was compelled to transport said supplies by the old and longer route, and that he should expect to be paid according to the distance from the place of departure to the place of delivery.

IX. The officers of the Quartermaster's Department, acting for and on behalf of the United States in this transaction, in response to this notification, agreed that the claimant was entitled to be paid according to the distance from the place of departure to the place of delivery, and sought to have him so paid.

X. On the 20th of December, 1879, the claimant notified the chief quartermaster of the Department of the Missouri that the ordinary route of transportation had for more than a month been rendered impracticable, by reason of deep snows, for the transportation of supplies, and that he had been compelled to make a detour of more than double the distance, which detour was the only practicable route between the two points, and requested to be paid for the necessarily greater service, and said officers agreed that the claimant was entitled to be paid as claimed.

XI. The Second Comptroller of the Treasury refused to authorize the payment to the claimant for the supplies transported via the Conejos cut-off, specified in the fourth request, of more than $8,142.79, and he also refused to authorize payment to the claimant for the supplies transported via the Ojo Caliente and Tierra Amarilla route, specified in the sixth request, of more than $4,292.60.

ORDER OF COURT.

APRIL 27, 1885.

Ordered, That a copy of the foregoing findings of fact, duly certified, be reported to the Committee on Claims of the House of Representatives, together with a copy of this order.

BY THE COURT.

A true transcript of record. Test this 9th day of January, 1886.

[SEAL.] JOHN RANDOLPH,
Assistant Clerk Court of Claims.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

SARAH E. E. PERINE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2265) for the relief of Sarah E. E. Perine, widow and administratrix of William Perine, deceased.

Mr. EDMUNDS. Let us hear the report.

Mr. PLATT. I think I shall object to this case.

The PRESIDENT *pro tempore*. Objection being made, the case will go over under the rule.

Mr. PLATT. It can not go through without considerable discussion, and I presume the committee would prefer to take up those cases which will not raise debate.

Mr. HOAR. The Senator will pardon me. This is one of five or six cases of a similar kind which have been very thoroughly considered by the committee and by a commission appointed by the Government. They have been explained three or four times to the Senate, always attracting notice, as they should properly, and they have gone through unanimously every time when explained. I believe this is one of that class; but they are a very important class of cases, and it is very proper that they should not be taken up in the ten minutes we now have left.

The PRESIDENT *pro tempore*. Objection being made, the bill will be passed over.

Mr. PLATT. I simply say it ought to be discussed.

JOHN WILLIAMS.

The bill (S. 2266) for the relief of John Williams was considered as in Committee of the Whole. It provides for the payment of $1,000 to John Williams, of San Francisco, Cal., in full for his claim against the United States for injuries and loss caused to him by the fall of an elevator in the United States appraiser's building in San Francisco, Cal., on the 2d of December, 1880.

Mr. EDMUNDS. Let us hear the report.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary proceeded to read the report submitted by Mr. PIKE from the Committee on Claims April 28, 1886, but before concluding was interrupted by,

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived it is the duty of the Chair to lay before the Senate the unfinished business.

Mr. HOAR. I suggest by unanimous consent that the reading of the report be finished. It is but a few lines. It will be no use to-morrow to read half a dozen lines then. I do not propose to go on with the case now.

Mr. EDMUNDS. I have no objection to that.

The PRESIDENT *pro tempore*. Is there objection to the suggestion of the Senator from Massachusetts? The Chair hears none, and the reading of the report will be concluded.

The Secretary resumed and concluded the reading of the report, which is as follows:

The Committee on Claims, to whom, at the first session of the Forty-eighth Congress, was referred the bill (S. 335) referring the claim of John Williams to the Court of Claims, herewith present the following report:

This bill was referred to the Court of Claims under the act of March 3, 1883 (22 Stat. L., 485), commonly called the Bowman act.

This statute only authorizes the court to find the facts and "report the same to the committee or the House by which the case was transmitted for its consideration." The Court of Claims did not make its report to the Senate Committee on Claims of the last Congress, but to the committee of the present Congress.

The finding of the facts by the court, as reported to the Committee on Claims, may be found in the appendix to this report.

It appears, in brief, by the finding of the court, that the claimant was a servant of a coal merchant of San Francisco, Cal., and was directed by his employer to deliver certain bags of coal to the examining-room of the appraisers, located on the second floor of the United States appraisers' building in San Francisco; that on reaching the building of the appraisers' office he inquired of the superintendent of laborers (whom the committee understand to be a United States official) where he should put the coal; that the superintendent directed him to take it to the appraisers' office, and to put it upon the elevator and to take it to the office in that way; that the load which claimant put upon the elevator was the usual load; that the elevator was started by the United States engineer in charge; that it fell; that the fall of the elevator was due to the untying of the rope binding down the rope supporting the elevator; that the elevator was a temporary one, not provided with ordinary safeguards; that the rope was not regularly examined; had it been examined the defect which produced the accident would have been detected; that the fall of the elevator was caused by the defect in the knot or rope, which could have been discovered by the men in charge of the elevator by the use of reasonable care, and that the claimant was without fault in getting on the elevator and while he was on it before the accident.

It further appears by the finding of the court that in consequence of the accident the claimant lost his labor for eight months; that he had been receiving $90 per month, which would make his loss $480; that he was obliged to engage the service of a nurse for five and one-half months, at $50 a month, amounting to $275, which he has paid, or is liable to pay; and that he claims $500 for medical attendance, but that it does not appear what amount he has paid or is liable to pay.

It further appears that although he is now engaged in the same kind of employment, and receiving the same wages, he is not as strong and well as before the accident, and can not perform as much labor.

Your committee are of the opinion that this accident was caused by the carelessness and want of reasonable attention on the part of the United States officials in charge of the appraisers' building, and the elevator; that it was by the direction of the superintendent the claimant entered upon it, and that the claimant was in no fault.

The committee recognize the rule that the Government is not legally responsible for the laches of its officers or agents. Prior to the organization of the Court of Claims in 1856 all claims against the Government had to be passed upon by Congress, and a claimant had no other means of redress. As ordinarily understood, a claimant had no legal right against the Government. He could not sue the Government, and no court had jurisdiction of any claim against the Government, or any authority to hear or render judgment in favor of any claimant against it. None of its property could be taken by a claimant to satisfy his demand, no matter how just it might be. In fact, that is so now. Up to the organization of that court Congress had reserved to itself the entire jurisdiction of all claims against the Government, whether arising from tort or from contract.

By the law constituting that court it gave to the Court of Claims jurisdiction to hear and determine, (1) all claims founded upon any law of Congress or upon any regulation of an Executive Department, or upon any contract, express or implied, with the Government of the United States, and all claims which may be referred to it by either House of Congress; (2) all set-offs, counter-claims, claims for damages, whether liquidated or unliquidated, or other demands whatsoever, on the part of the Government of the United States against any person making claim against the Government in said court; (3) the claim of any paymaster, quartermaster, commissary of subsistence, or other disbursing officer of the United States, or his administrators or executors, for relief from responsibility on account of capture or otherwise, while in the line of his duty, of Government funds, vouchers, records, or papers in his charge, and for which such officer was and is held responsible; (4) and, by subsequent acts, of all claims for the proceeds of captured and abandoned property, as provided by the act of March 12, 1863, chapter 120, or by the act of July 2, 1864, chapter 225, being an act in addition thereto.

But even under the law establishing this court it has no authority to do anything more than to find the amount due, and to certify the same to Congress. It can issue no process to enable the claimant to secure payment of the amount it finds due.

It will be seen that all claims against the Government for tort arising from the carelessness and laches of its officials and agents stand just as they did before the Court of Claims was established, and are to be decided by Congress according to their merits, and the view Congress may take of the justice and equity of each case; and this point was formally decided by the Supreme Court of the United States in Nichols *vs.* United States, 8 Wall., 123.

The court say in this case, page 275:

"These reflections admonish us to be cautious that we do not permit the decisions of this court to become authority for the righting in the Court of Claims of all wrongs done to individuals by the officers of the General Government, though they may have been committed while serving that Government, and in the belief that it was for its interest. In such cases, when it is proper for the nation to furnish a remedy, Congress has wisely reserved the matter for its own determination. It certainly has not conferred it on the Court of Claims."

It would seem from this that it was not the opinion of the Supreme Court of the United States that Congress can not grant relief to an individual arising from the tortious act of a Government official, either by general or special legislation, but on the other hand that the right of giving a remedy to an injured citizen exists in Congress.

It certainly has always been so understood and practiced from the earliest history of our Government.

As the negligence is found by the Court of Claims to be all on the side of the Government, the claimant would be clearly entitled to recover were his contest with a private citizen or corporation. The question is therefore presented whether his right is affected by the fact that the offending party is the Government.

The non-existence of a judicial remedy does not affect the right. The existence of a right as against the Government in cases of tort is fully recognized by that distinguished jurist Judge Cooley, who, in his work on torts, says (page 122):

"Even the State or General Government may be guilty of individual wrongs, for while each is a sovereign it is a corporation also, and as such is capable of doing wrongful acts. The difficulty here is with the remedy, not with the right. No sovereignty is subject to suits, except with its own consent. But either this consent is given by general law or some tribunal is established with power to hear all just claims, or, if neither of these is done, the tort remains, and it is always to be presumed that the legislative authority will make the proper provision for redress when its attention is directed to the injury."

The rule that the Government is not liable for the laches of its agents is a legal one, and one that properly may be applied in courts of law, but that, notwithstanding this legal rule, it has always been understood that Congress was an equitable tribunal, having full jurisdiction and authority to grant relief to an injured citizen, who, without fault, had received an injury by the carelessness of a Government agent. Of course, relief is not to be granted unless the claim is entirely meritorious, the claimant without fault, and the injury caused by the carelessness of the public agent, and in a matter connected with the discharge of a duty which he is performing. The Government ought not to be held liable for the willful or criminal act of its agent.

The committee, then, are of the opinion that the rule, as applied in courts of law, that the Government is not liable for the laches of its agents, does not bind, and ought not to, the action of Congress. This claimant is found to be without fault, and the damage to him was occasioned by the gross carelessness and negligence of the United States officers, the superintendent directing him to use the elevator, which was unsafe, and which any proper inspection would have shown him that it was.

It is believed that there is not a court of law in the country, State or Federal, that would not hold a corporation or an individual responsible to the claimant upon the facts here found. The equities in the claimant's favor could hardly be stronger. The committee think that the Government should be responsible, and that the measure of damages should be $1,000 in full for all claim.

The committee adhere to the opinion they have often expressed, that the United States ought not to be held responsible for the mistakes, negligence, or wanton misconduct of officials who are exercising the functions of Government aids as judges, district attorneys, consuls, marshals, and the like.

Liability to such damage is incident to all human society. Against it no government administered by human instrumentalities can save the citizen. But where the Government is engaged in transacting some business for the public advantage, such as transporting mails, navigating ships, occupying or constructing buildings, and its servants, by their negligence, cause injuries for which a private master would in like case be held responsible, we think there should be a remedy. If the claimant had been hurt by a United States mail wagon, or his ship destroyed by a collision at sea with a national vessel, the Government would, in conformity with its power held heretofore, afford an indemnity.

We think this is a case similar.

By section 7 of the act of March 3, 1883, it is provided—

"That the reports of the Court of Claims to Congress under this act, if not finally acted upon during the session at which they are reported, shall be continued from session to session and from Congress to Congress, until the same shall be finally acted upon."

The committee therefore report the accompanying bill and recommend its passage.

APPENDIX.

[In the Court of Claims. Term 1884–'85. John Williams *vs.* The United States. Congressional case No. 6.]

At a Court of Claims held in the city of Washington, on the 2d day of March,

1885, the court filed findings of fact in the cause aforesaid, and it was ordered that a copy be certified to the Committee on Claims of the Senate of the United States.

[L. S.] BY THE COURT.

FINDINGS OF FACT.

This case, referred to the court by the Committee on Claims of the Senate, January 18, 1884, under the act of March 3, 1883, ch. 116 (22 Stat. L., 485), having been heard by the court, the Attorney-General, by his assistants, appearing for the defense and protection of the United States, as required by said act, the court, upon the evidence, finds the facts to be as follows:

I.

The claimant, who was in the employ of Arthur M. Ebbetts, a coal merchant of San Francisco, Cal., as a driver of a coal-cart, was, on the 2d day of December, 1880, sent by his employer to deliver certain bags of coal to the examining-room of the appraisers' office, located on the second floor of the United States appraisers' building in San Francisco. The coal was to be taken by the elevator to the examining-room, which was the usual mode of delivering coal.

II.

On his arrival at the building he unloaded the bags of coal, ten in number, weighing 100 pounds each, onto a hand-truck, ran a part of the same on an elevator, which had been put up for temporary use, running from the first to the second stories of the building, and started up with this load to the second floor. As the elevator reached the second floor the rope supporting it became untied and it gave way, precipitating the claimant and the load a distance of 16 feet, the claimant receiving severe injuries in the lumbar region, the spine, and about the temple.

III.

When the claimant reached the building of the appraisers' office he inquired of the superintendent of laborers where he should put the coal. The superintendent, after being informed by claimant that it was for the appraisers' office, said it must go upstairs. Claimant inquired whether he could take it up on the elevator. Superintendent requested the engineer to put on steam. He then directed claimant to put the coal on the elevator, and requested him at the same time to be expeditious, as the men were leaving the building, it being about the time of closing. Superintendent proposed to go up with the first load, so as to give claimant time to load the balance. Claimant first consented that he might do so, but then said he better not go, for the reason that he would get soiled in unloading the coal, and the superintendent consented to that arrangement.

IV.

In consequence of said injuries claimant was unable to resume his former occupation until the 17th day of August, 1881, at which date he re-entered the employ of Mr. Ebbetts at the same pay he had been receiving, to wit, $60 per month. He was paid by Mr. Ebbetts up to December 18, 1880, making a loss of wages for eight months, at $60 per month, $480.

V.

Claimant was also compelled to hire a person to attend him during his sickness, and he agreed to pay said attendant at the rate of $50 per month for five and a half months, $275, of which he has paid $100.

VI.

Claimant was also put to the expense of medical attendance, which he estimates at $500, but has not satisfactorily proven what amount he has paid or agreed to pay.

VII.

To all appearances the claimant has recovered; but by medical examination while no special lesion can be traced to the accident, in the opinion of the physician, the general effect of the accident has been to cause a deterioration of his general health and strength.

The claimant, however, now performs substantially the same labor he did before the accident, and receives the same wages; but he can not do the same amount of labor without inconvenience and pain.

VIII.

A medical examination, on the 24th of April, 1884, established the fact that the claimant is not as strong as he would have been but for the accident; that there is a deterioration of his health and strength which may be permanent; that he may never be as strong as he was before the accident, or able to do the same amount of work.

IX.

The load which the claimant put on the elevator was the usual load. The elevator was started by the United States engineer in charge. The fall of the elevator was due to the untying of a cord binding down the rope supporting the elevator. The elevator was a temporary one, not provided with ordinary safeguards. The rope was not regularly examined. Had it been examined, the defect which produced the accident could have been detected.

The fall of the elevator was the result of the defect in the knot or rope which could have been discovered by the men in charge of the elevator by the exercise of reasonable care.

The claimant was without fault in getting on the elevator, and while he was on it before the accident. There was a stairway from the first floor to the second, and no substantial obstacle in the way of claimant carrying the coal up the stairs.

By the court.

A true transcript of record.

Test this 10th day of March, 1885.

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Mr. DOLPH. I object to the further consideration of that bill under the eighth rule. I disagree with the report, and I want a chance to discuss it.

Mr. EDMUNDS. I wish to say the same thing if I shall be here.

BRIDGE BILLS.

Mr. McMILLAN. A committee of conference was appointed by the Senate on—

The bill (H. R. 7646) to authorize the construction and maintenance of a bridge by the Dakota Central Railway Company across the Missouri River at Pierre, Dak.;

The bill (H. R. 2309) to give the assent of Congress to the construction of a bridge by the Nashville, Jackson and Memphis Railroad Company over the Tennessee River;

The bill (H. R. 5677) to authorize the construction of a pile and ponton railway and wagon bridge across the Mississippi River from the city of Red Wing, Minn., to the opposite shore, in the State of Wisconsin;

The bill (H. R. 3519) authorizing the Interstate Rapid-Transit Railway Company to build a bridge across the Kansas River;

The bill (H. R. 4765) to authorize the Red River Bridge Company of Texas to maintain a bridge across Red River; and

The bill (H. R. 5786) granting to the Gainesville and Chickasaw Bridge Company the consent of the United States to construct and maintain a bridge over Red River at or near Brown's Ferry, in Cooke County, Texas.

The committee was composed of the same *personnel* in each case. The committee met with the House conferees and the House have agreed to all the amendments of the Senate and have receded from their disagreement to them. That fact has been communicated to the Senate, as I am informed by the Secretary. Therefore I present the reports.

The PRESIDENT *pro tempore*. A message has come from the House to that effect in each case.

Mr. EDMUNDS. It does not require any action of the Senate.

The PRESIDENT *pro tempore*. Not at all. The bills are passed by the action of the House.

HOUSE BILLS REFERRED.

The bill (H. R. 5251) making an appropriation for the repairs and enlargement of the post-office and court-house at Des Moines, Iowa, and fixing a limit therefor, was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

The bill (H. R. 7021) to provide for the adjustment of land grants made by Congress to aid in the construction of railroads within the State of Kansas and for the forfeiture of unearned lands, and for other purposes, was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 7735) making an appropriation to complete the public building at Hannibal, Mo., in accordance with the original plan of the Supervising Architect of the Treasury and to make the same fireproof, was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5887) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887, the pending question being on the amendment reported by the Committee on Appropriations under the head of "Office of the Superintendent of Foreign Mails," after line 99, section 1, to insert:

For the transportation of foreign mails by American built and registered steamships, to secure the greater frequency and regularity in dispatch, and a greater speed in the carriage of such mails to Brazil; the Republics of Mexico, Central and South America; the Sandwich, West India, and Windward Islands; New Caledonia, New Zealand, and the Australian colonies; China and Japan, $800,000; and the Postmaster-General is authorized to make, after due advertisement for proposals, such contract or contracts with such American steamships for a term of not less than five years, and at a rate of compensation not exceeding for each outward trip $1 per nautical mile of the distance, in the most direct and feasible sailing course, between the terminal points, as shall be found expedient and desirable to secure the ends above set forth.

Mr. CALL. Mr. President, I do not propose to occupy the attention of the Senate for any length of time. As I shall vote for this amendment to the bill and as a very wide latitude has been taken in regard to its merits, I propose to say a few words which shall disclose my own views on this matter.

The amendment proposes:

For the transportation of foreign mails by American built and registered steamships, to secure the greater frequency and regularity in dispatch, and a greater speed in the carriage of such mails to Brazil; the republics of Mexico, Central and South America; the Sandwich, West India, and Windward Islands; New Caledonia, New Zealand, and the Australian colonies; China and Japan, $800,000; and the Postmaster-General is authorized to make, after due advertisement for proposals, such contract or contracts with such American steamships, for a term of not less than five years, and at a rate of compensation not exceeding for each outward trip $1 per nautical mile of the distance, in the most direct and feasible sailing course, between the terminal points, as shall be found expedient and desirable to secure the ends above set forth.

If this were justly subject to the characterization which has been given to it on this side of the House as an unreasonable subsidy, I should have refused to give it my support. If it had been a bill donating a hundred million or one hundred and seventy million acres of public land by the law granting which the title had reverted to the United States, valued at one or two or three or five hundred millions of dollars, I should have refused my consent as a Senator to its passage. But, sir, I do not so regard it. It is a mere appropriation for the service of the mails, the foreign-mail service of the country; and the question of its propriety must depend entirely on the fact whether it may reasonably be expected to advantage the foreign-mail service and to produce an incidental benefit to the country.

Certainly it is not reasonable to suppose whether the Government in part aids the building of the steamship or appropriates the entire cost of it, that by that fact it will be enabled to do a profitable business, that it will be remunerative, that it will establish great connections, that it will be the foundation of commercial relations with the port or country to which it may be sent. No such anticipation may reasonably be founded upon any expenditure of the Government in the construction of American steamships or in inducing the construction of them; but it is the first and necessary step toward any connection with a foreign country, toward the possible institution of commercial relations

with them, that there should be some impression made of the character, the dignity, and the enterprise of this Government and this people to sustain its citizens in their connections abroad. There must be some facility of intercourse, and there must be attached to it some appearance of power and of dignity.

Now, sir, for that reason, and that reason alone, I am willing to expend this $800,000. True, it is subject to the objections that have been made by the Senator from Kentucky [Mr. BECK] and the Senator from Missouri [Mr. VEST], that it will not revolutionize the existing commercial relations of those countries. There are other methods which are necessary to the internal economies of this country and to its business relations, upon which its business relations with them must depend. Its financial condition, its capacity to do what England does, loan money, give credits, these are the necessary foundations of commerce, the capacity to give cheaper goods, credits, cheaper transportation, the means of establishing commercial intercourse, all those economies are necessary, in addition to the enterprise of our citizens and adaptation of our merchandise to their wants. But while this is true, something may be hoped for from frequent and easy intercourse with them. While we are their customers for nearly $50,000,000, we may reasonably hope by imitating England in her intercourse with them that we at least reap a part of the advantages of their trade.

It is certainly true that when these vessels are constructed, if they shall be induced by these five years' contracts, the increased wages of American seamen, the greater cost of living, all these things may be impediments that it may require legislation to remove; but still the fact remains that you have a foreign postal service, and it is becoming to the character and the dignity of this people that it should be done in vessels equal in every respect to those of other countries. It is proper that the Government should contribute something to induce that.

The Senator from Georgia [Mr. COLQUITT] yesterday read a very admirable paper which contained some very forcible objections to the foreign postal contract service as established in England, which were well-founded. Certainly they have a tendency to crush private enterprise, to crush competition. They are subject to the objection that they give an advantage to the contractor aided by the Government; receiving Government aid he may be able to disadvantage all competitors. But what suggestion is there made to avoid it? You must have regularity of service. You can not depend upon the occasional voluntary offer of transportation of mails to foreign countries in vessels offered as the occasion may present itself. You must have some preparation, some regularity, and you must contract for it or you can not have the foreign mail service. It might be possible, perhaps, that a bounty offered to the fastest sailing vessel for a given number of trips, a bounty adequate to induce enterprise, might perhaps accomplish the purpose and stimulate private enterprise better than to make a contract with a single firm or several firms for a number of years even where the vessel is classified and the highest conditions of skill and of efficiency are required; but that is an undigested and an unconsidered system in relation to our postal service. It is a suggestion which perhaps may be matured in time. I do not perceive any inconsistency in it, even with the recognition by law of the right to free ships.

Now this has been offered, it has been considered by the committee, it is not disapproved by those who are to have charge of this service, and it is the only practicable thing now presented, whether we shall give this $800,000 to some extent as an inducement to the construction of additional steam-vessels and as a compensation for the service. I have no doubt that free ships is the true policy of this country, but I am not averse to giving encouragement by bounties for the construction of American ships when it is paid as a reasonable payment for mail service. I think it is the proper object of statesmanship to develop a great commercial marine by whatever means it may be practicable, and when you can give employment to American labor without oppressing the great body of the people, when you can give efficiency to the American commercial marine without any great burden on the great body of the people, it is the policy of statesmanship and good policy to do it. It does not touch any question of Democratic policy, the policy of sympathy with the better condition of the people, the policy of doing justice to every branch of industry and every employment, the Democratic policy of doing that which will promote the welfare of all the people by the administration of the Federal Government within its constitutional functions. That is the great spirit of the Democratic party—opposition to monopolies, opposition to exclusive rights, the fair and just opportunity for all men and all pursuits.

But how does this efficient foreign-mail service interfere with that, and what connection has it with that? It is not a subsidy in the objectionable sense of the term. It is true it is to some extent an appropriation beyond the possible lowest price at which the service may be obtained, but it is not an appropriation beyond the amount which is necessary to secure the most efficient, regular, and suitable service for the transportation of the foreign mails. I doubt whether this appropriation is large enough to establish a mail service of the most efficient character. It can not therefore be decided to be anything outside of the regular, the appropriate, and the economical means of carrying on the foreign-mail service of the country.

Mr. President, I scarcely think the broad discussion which has been gone into on this subject is germane to it. I think we might concede every proposition made by the Senator from Kentucky and every proposition made by the Senator from Missouri, and yet it would remain true that the foreign-mail service is a necessity for the business interests of the country. Even if you import your coffee from Brazil by way of Great Britain, if you conduct your exchanges through a foreign country, you require a foreign-mail service. Even for the purpose of commercial travel, looking no further than that, you require an efficient mail service. Even for the purpose of having your country respected, and its character and influence among the nations of the world properly appreciated, you need an efficient foreign-mail service.

Certainly it is becoming to the dignity of this country that it should have a service done in American bottoms and, if it be possible, with American sailors. If you can by the expenditure of a reasonable amount, a sum of money not disproportioned to the means of the country to accomplish that object, certainly there can be no ground of argument because there are certain economic conditions which are necessary to effect a successful and a profitable commercial intercourse with those countries. Those matters are foreign, however true they may be, and I accept as true many of these propositions.

I have no question that the establishment of a system of free trade in ships subject to reasonable conditions would be a benefit to the commerce of this country. I have no doubt that it would tend, and tend by a considerable degree, to the establishment of a permanent commercial marine in this country; that it would induce American boys to become American sailors, and that by degrees we would build up a class of seamen and increase their numbers and restore the number to what it has been heretofore. But I can not for my life see how, from the fact that these economic conditions are necessary to the establishment of a foreign commerce which shall be extensive and profitable to the establishment of a commercial marine, Senators object to the adoption of this provision here for the establishment of a postal service which shall be efficient and speedy.

If it could have been done without becoming obnoxious to the rules of the Senate I think it would have been well if the amendment had required that these vessels should be of a class equal to the best in the world in point of efficiency, in point of safety, in point of rapidity, and in point of durability; that their classification including these qualities should be vessels equal to the mail service of any other country. But I can not perceive that there is any force in the objections which have been made to this provision here upon the ground that it is an objectionable subsidy. How do you get your mail service upon the railways of the country? Can you measure precisely and accurately the extent to which that compensation is a proper one. Is it not an inducement to rapidity of speed, is it not a compensation as well for service as for services rendered?

The amendment in the bill is purely an amendment in the interest of the postal service. If foreign mail service be a desirable thing, if it be a necessary thing, if it is a wise object of public policy, then the means by which it must be accomplished are suitable and proper, and no one in the whole argument has suggested a better means or a more profitable means by which the foreign mail service with these countries can be established.

You must have regularity and certainty as well as expedition, and you can not have them unless you arrange for it. That should be done in American vessels, and this bounty, if you choose to term it so, this payment, this compensation for mail service, as I regard it, should be given to American ships to encourage them to that extent, at least if no other one is ever built. It certainly is not a matter of proper or reasonable objection.

Therefore I have no hesitation in giving to this provision of the bill my support.

Mr. SAULSBURY. Mr. President——

Mr. FRYE. Will the Senator from Delaware yield two minutes to me? I proposed to make a speech on the bill, but I will compromise for two minutes for something else.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from Delaware yield to the Senator from Maine?

Mr. SAULSBURY. Certainly.

PUBLIC BUILDING AT BELFAST, ME.

Mr. FRYE. I ask that the pending measure may be informally laid aside, and that the bill (H. R. 1027) for the extension and repair of the public building at Belfast, Me., may be passed. It has been twice approved by the Secretary of the Treasury and the Architect, has passed the House of Representatives, and it is important, I am informed by the member of the other House from that district, that it should be passed at once.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which provides for an extension of the public building at Belfast, Me., in accordance with plans and specifications of the Supervising Architect of the Treasury Department, and for putting the building in a thorough state of repair; and for the purposes named the sum of $15,000 is appropriated.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. FRYE. I am obliged to the Senator from Delaware.

POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5887) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887, and for other purposes, the pending question being on the amendment of the Committee on Appropriations.

Mr. SAULSBURY. Mr. President, I do not intend to make a speech upon this question, but I wish to express my opposition to the pending amendment. It is not the first time I have met a proposition somewhat similar to this on appropriation bills for the postal service, and on former occasions I have expressed my disapproval of such appropriations.

It seems to me that it must strike every one that instead of promoting the postal facilities of this country by the adoption of the amendment its effect must necessarily be to embarrass the rapid and regular transmission of the mails to the various foreign countries named in the bill. The law as it now stands authorizes the Postmaster-General to contract for the delivery of the mails to all those points, and to every foreign country, and the Postmaster-General has no difficulty whatever in making contracts to deliver the mails, not only to the countries named in the bill but to every other foreign country. He informs us in his annual report that the postal service is regularly transmitted, much more regularly transmitted than it can be done by a single subsidized line.

We have now a line running down into the South American republics, to Rio, I believe. It makes about monthly trips, and yet the mails can be sent there by the present arrangement almost weekly. We have a line running to the island of St. Thomas, where the mails are delivered and taken by the French and English steamers that pass at those points almost weekly. So far as the frequency of the transmission of the mails is concerned, they can be now transmitted much more frequently than they can be under the provisions of this bill, which ties up the hands of the Postmaster-General to some one particular line to deliver the mails.

Then in reference to speed, I apprehend that the American line which now runs and which would be subsidized by this bill does not make any better time than the steamers by which the mail goes out at present. Our mails go from New York to the island of St. Thomas and are transmitted by English and French steamers occasionally from that point, but also sometimes go by our own line, as the exigencies of the service require.

The Postmaster-General avails himself of all the vessels within his reach for the purpose of sending the mails down to the South American republics. So the pretense that this is to aid in the transmission of the mails is but a pretense. Every man familiar with the postal operations of this country must know that instead of aiding the Postmaster-General in sending forward the American mails it would hinder and be an obstruction to the frequent transmission of the mails to those points.

The provision says it is for the purpose of securing a "greater frequency and regularity in dispatch." There never was a greater mistake. If the committee who framed this amendment suppose that there can be any greater regularity or any more frequency in dispatch under this provision they are certainly laboring under a very great misapprehension.

The transmission of the foreign mails of this country to the places named in the bill cost I believe less than a hundred thousand dollars a year; and yet it is proposed to take out of the public Treasury the money paid there by taxes upon the people to the amount of $800,000 annually without aiding the postal service in the least iota; for in all the arguments which have been made I have heard no gentleman assert that this would in any respect aid the frequency or the regularity of the transmission of the mails of this country anywhere.

So, while this pretends to be for the aid of the postal service, I apprehend that there is not a single Senator upon this floor who looks at the question properly or candidly who can come to the conclusion that it would aid it in the least particular, but, on the contrary, it must be a hindrance to the Postmaster-General in the discharge of the duties of the office in sending the mails to foreign countries. Then the cost of it is at least eight times the cost of the present mail service.

But it is very apparent from all the arguments which have been made on this subject that the principal excuse for this appropriation is the aid that is to be furnished to the commerce of the country. I unhesitatingly assert as my honest conviction that, instead of promoting the commerce of the country, it will operate exactly the reverse. If you subsidize a line from New York to Rio and give them $100,000 or $200,000, that line can carry freights and passengers at a cheaper rate than any other line which can be started from that point without a subsidy. It becomes a monopoly in fact. This very provision of subsidizing steamship lines either to Rio, to Buenos Ayres, or to any other port, necessarily excludes competition with that line, because with the advantage of the subsidy they can drive any other line from the ocean.

What was the effect of a subsidized line from the city of New York a few years ago? Prior to that time we had a line of packets running from Baltimore to Rio, which had been established for fifty years and was bringing to this country almost all the coffee that was used in it. The New York merchants wanted the trade centered in their city. A line was put on and Congress subsidized it, and what was the effect? Those Baltimore packets were driven from the sea. The coffee trade of Baltimore was broken up by the subsidy which was paid to the New York line, and that line was enabled to bring coffee at cheaper rates than the packet lines from Baltimore. The consequence was that the packet lines almost disappeared from the ocean.

So when you subsidize a line to any port, I care not where it is, it can exclude competition because it can put down the freights and drive competition from the seas. Such will be the effect of this provision. Instead of aiding your commerce the subsidizing of lines is calculated to injure, and it must necessarily operate to the injury of commerce, to the injury of the transmission of produce and of passengers. Nor will it aid the building of your ships, because unless you can put ships on the line men will not build ships. Therefore there will be no encouragement by reason of the subsidy to a certain given line. There will be no inducement whatever for ship-builders, or persons likely to engage in the carrying trade, to invest their money in ships which must be met upon the seas by subsidized lines, and therefore unable to run.

In my opinion this amendment is calculated not only to defeat the very object that it proposes in reference to postal affairs but to defeat the ultimate object which is aimed at in the bill, the aid of the commerce of the country by subsidizing particular lines.

We are met, however, with the argument that England and France have resorted to subsidies, and therefore it is necessary we should do the same thing. The effect of subsidies upon French commerce is shown in a report which has been read and commented upon, particularly by the Senator from Kentucky. I have not that report before me, but it can be shown from the report that the effect of subsidizing those lines instead of increasing the commerce of France has operated to the injury of the commerce of France; whereas Germany without a subsidy has been increasing her commerce against the competition with French subsidized lines. But our situation is very different. Even if it was proper in France and proper in England to give subsidies to steamship lines, we are in a very different position.

England has paid for the carrying of her mails to her possessions all over the world, and the islands of the sea, her colonies everywhere. Wanting to keep up communication with her dependencies she has put on lines and paid them to carry the mails to those points, because there was not sufficient trade to sustain steam lines without such aid. That necessitated the action of France because of her close juxtaposition, and the subsidized lines of England, unless there were subsidies given by France, would take all the carrying trade away from that country. But we are not in competition with England; we are not in competition with France; we are 3,000 miles away from them. However, if we were brought in competition with them we could not hope to subsidize all the lines which are necessary to carry on the commerce of this country. That would bankrupt our Treasury. But you must have particular lines to subsidize, which, as I before remarked, would operate to exclude competition with those lines, and your commerce would be confined exclusively to the carrying lines which were subsidized.

Mr. President, we want to build up a commerce with the South American republics, but it is not to be done by subsidizing steamship lines; we must adapt ourselves to the wants of the people of the South American republics. The senior Senator from Kansas [Mr. INGALLS] yesterday read some extracts from testimony given by persons perfectly familiar with the condition of affairs there, who state that our manufacturers and merchants do not carry down there the goods the people want. I remember reading in an address delivered before one of the committees of this body by Mr. William E. Curtis an emphatic statement that while we could compete with the Manchester mills in certain lines of cotton goods we were not making that class of cotton goods which was demanded by the South American republics. He stated that the whole commerce of those islands amounted to about $250,000,000, $65,000,000 of which were in cotton goods, and he claimed that our mills were not furnishing that class of goods which was demanded by the South American people. The consequence is that the English mills have adapted themselves to the wants, the customs, the habits, and the requirements of the people, and that England is having almost the exclusive trade in the class of cotton goods which the people of the South American republics want.

In order to build up a commerce we must adapt ourselves to the wants and requirements of the people. There is no better law of trade fixed, I suppose, than that if you want to deal with any people you must furnish them with the goods they require at prices as cheap as they can obtain the same goods from any other point; and then you must buy what they have to sell and pay them as much as they can get from anybody else. A violation of that law of trade will necessarily operate to exclude any community from trade. If we want to trade with the South American republics we must furnish them such goods as they want and furnish them at such prices as will be equal to anybody else's prices, and we must buy from them their commodities and buy them at prices which other people will pay for them.

If you had a line or ten lines of steamers from the cities of New York, Boston, and other points running to South America, running to Rio, running to Buenos Ayres, running to Chili, Peru, and every other point in South America, you must have the goods to put upon those vessels such as they want and such as they will buy, or you could not sell to them if you had a hundred steamship lines.

Again, if you want to deal with that people you must not only sell to them what they want and at prices they can afford to pay but you must buy from them what they have to sell and give them as much as they can get for it from anybody else. We can do neither. Mr. Curtis says our mills do not manufacture the kind of cotton goods adapted to the tastes and wants of the people of the South American republics, and he complains that while our mills will turn out a superior article they will not adapt themselves to the wants of those people. Whenever that is done, as my colleague [Mr. GRAY] suggests, you will find the ships to carry them. Whenever you can make the transportation of passengers and merchandise profitable vessels will meet the necessity and be glad of the opportunity of doing it.

But if you can furnish the goods, could you buy what they have got to sell? England will take their goods and carry them to England unhampered by any tariff law; but the moment their goods come here, a large proportion of them at least, the importer is met at the custom-house in New York with a demand for a certain amount of duty upon those goods. The consequence is that the importer can not afford to buy them, because he can not afford to sell them at the prices at which he would be compelled to sell them.

The instance of the gentleman from Boston who was alluded to the other day by the Senator from Missouri is a striking illustration of this. He had sent out a ship, he had carried out merchandise, he had sold it, he had bought other goods, but the tariff here excluded him from selling in our market, and he had to carry them to a market where there was no tariff on those goods, and he went from the city of New York to Liverpool in order to sell his cargo. I believe that enterprise failed. The merchant found that it would not pay him the necessary profits.

On almost everything that we import from South America we must pay a duty. The consequence is that we can not afford to pay as much for those goods in South America as the English merchant pays for them who takes them to Liverpool and London and sells them without being embarrassed by tariff duties.

It is true that their coffee comes here free, and we buy very largely from them. I do not exactly understand all the complication surrounding the coffee trade, but I understand the English merchants have a mortgage upon the coffee plantations of South America and control the exportation of that article. They have trusted the coffee-misers, the men engaged in that business, and have a kind of lien upon the crops, as I understand. I think that fact was asserted by Mr. Curtis in the address which he delivered on another measure, not upon this, that having that mortage they can control the export very largely. I have not much doubt that through the intervention of the English importers and merchants with the Brazilian Government after we had taken off the duty on coffee that government was induced to put on an export duty of 2 per cent.

The fact is that we had as well look at this thing candidly, fairly, and squarely. We are overproducing. We are producing more than we have got a market for not only of agricultural products but our manufactures are producing more. We are largely shut up, so far as manufacturing is concerned, and confined to our own market. The consequence is that your factories are full, your hands are striking for higher wages. The manufacturer must curtail his expenses, and one of the modes by which he does it after his factory is full of goods is to reduce the wages of his employés or put them upon partial time. The result is that dissatisfaction exists, and we have some evidence of it to-day in the strikes all over the country.

We had as well look at this question fairly. We need some other points to which we can send our goods besides our home market. Our cereals are so low in price now that they scarcely pay the cost of raising. We can produce much more wheat and corn than we are doing. We can supply and have been supplying the foreign demand, but the points we are supplying do not take enough to make the planting and raising of cereals profitable to the people of this country. We ought to have further outlets for them. We ought to have the markets of the South American and Central American republics. We ought to adapt our legislation so that we can secure those markets not only for the purpose of sending out manufactured goods, which has been the chief argument here in this debate, but so that we can sell all our agricultural products which they may require.

We shall never do that while we have a protective tariff which taxes one man for the benefit of his fellow-man. We must have revenue, and I am in favor of paying just the amount of revenue which is necessary to properly and appropriately administer the Government without undue extravagance or without parsimony; but we ought never to lay one single dollar upon anything the people of this country have to consume beyond what is absolutely required for the purposes of the support of the Government. In my opinion we have no right to do it. The taxing power was not given to us for the purpose of building up fortunes for one man or one set of men at the expense of the great mass of the people who pay the taxes. We had as well realize the fact that we have got to reduce our tariff rates at some time, or we are shut up exclusively to our home market, not only for our manufactured goods, but very largely also for our agricultural products.

In the interests of the industries of this country, both manufacturing and agricultural, I here and now express my firm conviction that the true interest of all classes demands a reduction of our taxation so that we can carry on the trade with other countries and avail ourselves of any market which those countries may afford.

Mr. CALL. I wish to make a single remark in reply to the Senator from Delaware. There is nothing in the amendment which requires the Postmaster-General to pay $800,000 to one line, or to two lines, or to three lines. So far as the provision goes he may distribute the appropriation among ten lines or any number of lines. Nor is it confined to one port. There can be no objection to it on the ground that it may be made a monopoly and be given to one line.

Mr. PLUMB. If any other Senator desires to occupy a portion of time between now and 3 o'clock, I shall yield.

Mr. HALE. I wish to take one moment to state what I was not able to do yesterday when the Senator from Kentucky [Mr. BECK] brought in the explanation of the Post-Office Department in reference to an account which I had given about a large body of United States mails being left at Pernambuco when its destination was the port of Rio de Janeiro. Since yesterday I have been able to read the explanation, and I find that it leaves, as it seems to me, the Post-Office Department in even a worse condition than the account originally given placed it, for it appears that the Postmaster-General intrusted the United States mail which was to be sent to Rio de Janeiro to a British ship. From the explanation, it appears that the Postmaster-General must have known that the mail would be left at Pernambuco, hundreds of miles inside of its destination, and that it must wait there for the coming of the United States line of ships which must take it from Pernambuco and carry it to Rio.

So all that the Postmaster-General did was to decline giving it to an American line which would have carried it through to Rio de Janeiro, and instead of that he gave it for a part of the way to an English line which was obliged to leave it at Pernambuco, where it was taken up by the American line and carried through. If any better instance can be given of preferring foreign lines to our own, I do not know it. It stands upon this explanation greatly worse than the account given by the English newspaper published in Rio.

Mr. PLUMB addressed the Senate in the conclusion of the debate. [See Appendix.]

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Alabama [Mr. MORGAN] to the pending proposition. The amendment of the Committee on Appropriations will be read, and then the amendment of the Senator from Alabama.

Mr. MORGAN. I desire to modify my amendment.

The PRESIDENT *pro tempore*. The amendment will be stated as modified.

The CHIEF CLERK. In line 100, of section 1, in the amendment proposed by the Committee on Appropriations, it is proposed to strike out the words "American built and registered," and after the word "steamships," in line 101, to insert the words:

Officered by citizens of the United States and wholly owned by such citizens, whether such steamships are built in the United States or elsewhere.

So as to make the committee's amendment read:

For the transportation of foreign mails by steamships officered by citizens of the United States and wholly owned by such citizens, whether such steamships are built in the United States or elsewhere, to secure the greater frequency and regularity in dispatch, and a greater speed in the carriage of such mails to Brazil; the Republics of Mexico, Central and South America; the Sandwich, West India, and Windward Islands; New Caledonia, New Zealand, and the Australian colonies; China and Japan, $800,000, &c.

Mr. MORGAN. Of course I do not intend to attempt to violate any rule or understanding of the Senate. I feel aggrieved, however, by the attack which the Senator from Kansas [Mr. PLUMB] has made upon my State and which I think he intended for me because I had the temerity to offer an amendment to this bill. I give notice now that I will offer resolutions in the Senate to-morrow morning which will bring this subject back to the attention of the Senate, and I will do myself the honor to reply to the strictures of the Senator from Kansas.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Alabama [Mr. MORGAN] to the amendment of the Committee on Appropriations.

Mr. EDMUNDS. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. EUSTIS. The Senator from Alabama consents that I should offer an amendment and have a vote taken on it before his is acted on.

Mr. PLUMB. I was about to ask the Senator from Alabama to yield until I had proposed an amendment to the amendment from the committee, so as to complete the committee's proposition.

Mr. EDMUNDS. We might as well take it as it is.

Mr. PLUMB. I propose to offer an amendment to perfect the amendment reported. It is according to the usual rule; that is all.

Mr. MORGAN. I have no objection. I do not wish to put myself in the way of the bill.

The PRESIDENT *pro tempore*. Does the Senator from Alabama withdraw his amendment?

Mr. MORGAN. Yes, sir.

The PRESIDENT *pro tempore*. Unless there be objection, the amendment of the Senator from Alabama is withdrawn.

Mr. PLUMB. I now offer the amendment which I submitted yesterday and had printed.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Kansas from the Committee on Appropriations will be read.

The CHIEF CLERK. In section 1, line 109, in the amendment proposed by the Committee on Appropriations, after the word "with," it is proposed to insert the words "the owners of;" so as to read:

"And the Postmaster-General is authorized to make, after due advertisement for proposals, such contract or contracts with the owners of such American steamships, for a term of not less than five years.

The amendment to the amendment was agreed to.

Mr. PLUMB. I am further instructed by the Committee on Appropriations to move to amend the amendment, in line 110, after the word "five," by inserting "nor more than ten;" so as to read:

For a term of not less than five nor more than ten years.

The Senator from Maryland [Mr. GORMAN] desires to offer an amendment to the amendment.

The PRESIDENT *pro tempore*. The amendment to the amendment moved by the Senator from Kansas will be considered as agreed to unless objection be made.

Mr. GORMAN. I wish to offer an amendment to the pending amendment.

The PRESIDENT *pro tempore*. An amendment would not be in order to the amendment of the Senator from Kansas.

Mr. PLUMB. Can it be amended after being adopted?

Mr. EDMUNDS. Not unless you strike out more with it.

Mr. PLUMB. The Senator from Maryland wishes a modification, to which I have no personal objection, to make the term not more than five years in place of not less than five years. The committee's proposition was to make it not less than five nor more than ten. The Senator from Maryland proposes to make the contract not more than five years.

The PRESIDENT *pro tempore*. That is not now in order.

Mr. EDMUNDS. That can be tested by the vote on this amendment. If a majority of the Senate want the outward limit to be ten years, as the proposition of the committee is, then they will vote for that, and it will show that the amendment of the Senator from Maryland is not in the opinion of the Senate a good one; but if they think the amendment of the Senator from Maryland is a good one they will vote down the amendment of the committee.

Mr. GORMAN. I withdraw it then for the moment.

The PRESIDENT *pro tempore*. The amendment of the committee has been considered agreed to.

Mr. EDMUNDS. I supposed the question was to be taken on this in order to test the amendment of the Senator from Maryland, who does not wish the limit to be ten years but wishes the limit to be five years. If the Senate wishes the limit to be five years, it ought to vote against the amendment of the committee; and that being voted down, then the amendment of the Senator from Maryland would be in order.

The PRESIDENT *pro tempore*. The Chair will put the question on the amendment of the Senator from Kansas to the amendment of the committee. The Chair is of the opinion that the amendment proposed by the Senator from Maryland would be in order whether the amendment of the Senator from Kansas is adopted or not, as it relates to a different clause.

Mr. EDMUNDS. But it would make the bill absurd, because it would then read "for not more than five years nor more than ten years." So the sense of the Senate can be taken now. If the Senate does not wish to have it more than five years, it ought to vote against this and then vote in favor of the amendment of the Senator from Maryland.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Kansas [Mr. PLUMB] to the amendment of the Committee on Appropriations.

Mr. PLUMB. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. SEWELL. Let the amendment be reported.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In line 110, in the amendment proposed by the Committee on Appropriations, after the word "five," it is proposed to insert "nor more than ten years;" so as to read:

Such contract or contracts with the owners of such American steamships for a term of not less than five nor more than ten years.

Mr. GORMAN. I do not know that it is in order to speak, but I desire the Senate to understand the proposition.

The provision reported from the committee provides that the contract shall be made for a term of not less than five years. The amendment of the Senator from Kansas now is to make it not less than five nor more than ten years, so that if his amendment is adopted the bill will read, "for a term of not less than five nor more than ten years." The amendment that I desire to offer, when I have an opportunity, is to limit the duration of the contract to four years.

Mr. EDMUNDS. I believe the understanding was that we might, as we always do, have short debates on amendments. It was said that general debate should close at 4 o'clock. I do not wish to violate any understanding, and if I may be permitted, therefore, I should like to say a word.

The PRESIDENT *pro tempore*. The Chair can not act on the understanding of the Senate. The Senator is in order.

Mr. EDMUNDS. Yes; but I do not wish to violate an understanding. I supposed the understanding was that the general discussion was ended, but when an amendment came up a few words might be said upon it.

Mr. HARRIS. That was the exact language of the agreement.

Mr. EDMUNDS. Then brief discussion is in order on amendments. I wish to say in regard to the amendment intended to be proposed by the Senator from Maryland that when this bill was first reported I was under the impression, without having thought of it, that the period was too long, that the Postmaster-General ought to be allowed to contract for a shorter time, and that it would be better to say "not more than five years," instead of saying not less than five years; but when I came to examine the subject and to find how distant these ports are and how precarious is the business beginning there, it appeared to me that, if we are in earnest about this business at all, the Postmaster-General with the securities that he takes and has ought to be required to make an arrangement sufficiently permanent to enable people who are engaged in this traffic to build their ships and keep up their lines with the understanding that it is not going to be stopped in one year or two years or three, and that it was to be a performance that was to continue long enough to enable these shippers to see what could be done in endeavoring to open this trade and carry these mails. On these considerations I change the opinion that I first had, and have now come to the belief that it ought to stand as it is with an upward limit so that the Postmaster-General should not contract forever, but something beyond the five years.

The PRESIDENT *pro tempore*. The roll will be called on the amendment of the Senator from Kansas [Mr. PLUMB] to the amendment of the Committee on Appropriations.

The Secretary proceeded to call the roll.

Mr. COLQUITT (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE]. If he were here, I should vote "nay."

Mr. FAIR (when his name was called). I am paired with my colleague [Mr. JONES, of Nevada].

Mr. BUTLER (when Mr. HAMPTON'S name was called). My colleague [Mr. HAMPTON] is absent from the Senate by reason of sickness in his family. He is paired with the Senator from Colorado [Mr. BOWEN].

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN].

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If I were privileged to vote, I should vote "yea."

Mr. RANSOM (when his name was called). I am paired with the Senator from New York [Mr. MILLER]. I do not see him in his seat. I should vote "nay."

The roll-call was concluded.

Mr. HARRIS. Yesterday evening the Senator from New Hampshire [Mr. PIKE] upon leaving the Senate Chamber requested me to pair with him. I understood him at the time to mean for yesterday evening; but the Senator being now absent, and as he may have understood himself as providing for his absence until he goes home, I should like to ask his colleague whether he knows that he has made any arrangement other than the one he may have supposed he made with me.

Mr. BLAIR. He left the Senate Chamber and will perhaps be absent some weeks. I understood him that on political matters he was paired with the Senator from Mississippi [Mr. GEORGE]. If this is a political question, that pair applies. As to any other arrangement, I know nothing.

Mr. HARRIS. Then I record my vote "nay."

Mr. GEORGE. I am paired with the Senator from New Hampshire [Mr. PIKE]. But for that I should vote "nay."

The roll-call was concluded.

Mr. MANDERSON. The Senator from Kentucky [Mr. BLACKBURN] having returned, I desire to vote.

Mr. RANSOM. The Senator from New York [Mr. MILLER] having voted, I vote "nay."

Mr. FAIR. I transfer my pair to the Senator from California [Mr. STANFORD].

Mr. COCKRELL. I paired some time ago with the Senator from Connecticut [Mr. HAWLEY]. I see he is not here. If he were present I should vote "yea," and I presume he would vote "yea," but I will not vote as he is not here.

The result was announced—yeas 29, nays 27; as follows:

YEAS—29.

Aldrich,	Edmunds,	Miller,	Sherman,
Allison,	Evarts,	Mitchell of Oreg.,	Spooner,
Blair,	Harrison,	Morrill,	Teller,
Brown,	Hoar,	Palmer,	Vest,
Conger,	Jones of Nevada,	Platt,	Wilson of Iowa.
Cullom,	Logan,	Riddleberger,	
Dawes,	Mahone,	Sawyer,	
Dolph,	Manderson,	Sewell,	

NAYS—27.

Beck,	Coke,	Jones of Arkansas,	Saulsbury,
Berry,	Eustis,	McPherson,	Vance,
Blackburn,	Frye,	Maxey,	Voorhees,
Butler,	Gorman,	Morgan,	Walthall,
Call,	Gray,	Payne,	Whitthorne,
Camden,	Hale,	Pugh,	Wilson of Md.
Cameron,	Harris,	Ransom,	

ABSENT—20.

Bowen,	George,	Ingalls,	Pike,
Chace,	Gibson,	Jones of Florida,	Plumb,
Cockrell,	Hampton,	Kenna,	Sabin,
Colquitt,	Hawley,	McMillan,	Stanford,
Fair,	Hearst,	Mitchell of Pa.,	Van Wyck.

So the amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. Does the Senator from Alabama renew his amendment?

Mr. MORGAN. Yes, sir; I renew my amendment. It comes in two parts.

The PRESIDENT *pro tempore*. There is another amendment of the Senator from Kansas [Mr. PLUMB] which the Chair neglected to state. It will be reported by the Secretary.

The CHIEF CLERK. The next amendment of Mr. PLUMB to the amendment of the Committee on Appropriations is, at the end of line 114, to add:

And if he shall be unable to make such contracts for any of such respective services, he shall, so far as possible, cause the mails of the United States to be carried to and from said places, respectively, in the best and most expeditious manner practicable, in American vessels and for a reasonable compensation, not exceeding the rate aforementioned.

Mr. MORGAN. I desire to ask the Senator in charge of this bill to permit my amendment now to take precedence of his in the order of their being acted upon, because if the Senate adopt the amendment which is now proposed on behalf of the committee it directly antagonizes the amendment which I offered.

Mr. PLUMB. I will, for the purpose of enabling the vote to be taken first on the amendment of the Senator from Alabama, withdraw the amendment of the committee for the time being.

Mr. MORGAN. Now the Senator from Louisiana [Mr. EUSTIS] desires me to withdraw for a moment until he can offer an amendment. I will do so.

Mr. EUSTIS. I offer the following amendment, to be inserted after line 114:

The Postmaster-General, if in his judgment it be practicable, shall contract for a semi-monthly mail service between the ports of New York and New Orleans alternately to the port of Rio de Janeiro, under the provisions of this act.

I will state that I have submitted this amendment to a majority of the Committee on Appropriations and that they have no objection to its adoption.

Mr. EDMUNDS. The bill as it now is provides, does it not, for the port of Rio?

Mr. HOAR. I rise to a question of order. I do not wish to interfere with the Senator from Vermont proceeding to make some explanation; but I call the attention of the Chair to the fact that there was an error in his previous statement that the understanding of the Senate was that there should be debate permitted on amendments. The agreement of the Senate is very precise and clear on that subject, and it is this:

The PRESIDENT *pro tempore*. The Chair will submit the proposition to the Senate. The Senator from Tennessee [Mr. HARRIS] asks unanimous consent of the Senate that this bill be taken up at 2 o'clock to-morrow as the unfinished business and be continued until 3, when the general debate shall terminate and the Senator from Kansas [Mr. PLUMB] shall have the opportunity to close it within the next hour, and that then the vote shall be taken without further debate.

Then there is a statement from the Chair that the debate on this amendment should close, the entire debate, "as this is the last amendment." Now I do not wish to object, but I hope unanimous consent will be given for the Senator to make such explanation as he desires. I do not want to have us let loose in general debate on these amendments.

The PRESIDENT *pro tempore*. The Chair always regards agreements made in this way as binding upon Senators, but not to be enforced by the Chair strictly, because it would be difficult to do that under the rules. It is a matter resting alone upon the honor and common understanding of Senators.

Mr. HOAR. The final statement of the Chair was that the Chair understood the full debate on the Post-Office appropriation bill to be included. I myself put to the Chair this question:

I wish to inquire for information whether the unanimous consent thus agreed to covers the whole Post-Office appropriation bill, or merely the pending provision?

There being an amendment then pending. The Chair replied:

The Chair understood the whole debate on the Post-Office appropriation bill to be included, as this is the last amendment. The whole debate is to close at 4 o'clock to-morrow.

Mr. EDMUNDS. That referred to the last amendment, and here is another.

Mr. HOAR. It was an agreement as to the whole bill.

Mr. HARRIS. I do not remember the language the Chair used in putting the question, but I know that my request was that all general debate should be concluded at the hour of 4 o'clock upon the bill and amendments. However, I did not suppose that it would exclude a brief explanation of an amendment which was then offered.

The PRESIDENT *pro tempore*. The common understanding in regard to all agreements of this kind is that some latitude should be allowed to explain an amendment, but very brief.

Mr. HOAR. The Chair does not understand me as making any objection at all, but I wanted simply to preclude in the outset any suggestion of a reopening of this general discussion.

The PRESIDENT *pro tempore*. If there be no objection the Chair will endeavor to enforce the agreement, but with the understanding a brief explanation or answer may be made in respect to new amendments.

Mr. EDMUNDS. I understood the Chair to hold, as all his predecessors have done and the Senate always has done, that these agreements were not orders of the Senate which changed the rules and limited debate, but a common understanding among Senators.

The PRESIDENT *pro tempore*. That is the view of the Chair, that such agreements are rather binding upon Senators than that the Chair is to enforce them.

Mr. EDMUNDS. Am I authorized to go on, or not?

The PRESIDENT *pro tempore*. Certainly.

Mr. EDMUNDS. Being authorized, I do not wish to say anything, as I have got a right to do that.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Louisiana [Mr. EUSTIS] to the amendment of the Committee on Appropriations.

The amendment to the amendment was agreed to.

Mr. MORGAN. I offer the amendment to the amendment which I have sent to the desk, and I ask that it be considered as one amendment, because it contains two propositions—in fact, three—in line with each other.

The PRESIDENT *pro tempore*. The Chief Clerk will read it as a whole amendment.

Mr. EDMUNDS. I think we ought to take it piece by piece. It will all come to the same thing if we agree to the first.

The PRESIDENT *pro tempore*. Objection is made, and it will be divided.

Mr. MORGAN. All right; I only made the suggestion to save time.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. In line 100 strike out the words "American built and registered," and, after the word "steamships," in line 101, insert the words "officered by citizens of the United States, and wholly owned by such citizens, whether such steamships are built in the United States or elsewhere;", so as to read:

For the transportation of foreign mails by steamships officered by citizens of the United States, and wholly owned by such citizens, whether such steamships are built in the United States or elsewhere, to secure greater frequency and regularity in dispatch, &c.

The PRESIDENT *pro tempore*. The question is on agreeing to this amendment to the amendment of the committee.

Mr. MORGAN. I ask for the yeas and nays.

Mr. EDMUNDS. The yeas and nays were ordered on my request before.

The PRESIDENT *pro tempore*. The yeas and nays have already been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. COLQUITT (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE].

The roll-call was concluded.

Mr. CULLOM. The Senator from Pennsylvania [Mr. MITCHELL] stands paired with the Senator from Florida [Mr. JONES].

Mr. BOWEN. I am paired on this question with the Senator from South Carolina [Mr. HAMPTON].

Mr. COCKRELL (after having voted in the affirmative). I desire to withdraw my vote, as I am paired with the Senator from Connecticut [Mr. HAWLEY]. I cast my vote before I knew I was paired. If he were present, I should vote "yea" and he would vote "nay."

Mr. GEORGE. I am paired with the Senator from New Hampshire [Mr. PIKE]. If he were present, I should vote "yea."

The result was announced—yeas 20, nays 41; as follows:

YEAS—20.

Beck,	Coke,	Kenna,	Vance,
Berry,	Eustis,	Maxey,	Vest,
Blackburn,	Gray,	Morgan,	Walthall,
Butler,	Harris,	Ransom,	Whitthorne,
Camden,	Jones of Arkansas,	Saulsbury,	Wilson of Md.

NAYS—41.

Aldrich,	Evarts,	Mahone,	Sabin,
Allison,	Fair,	Manderson,	Sawyer,
Blair,	Frye,	Miller,	Sewell,
Brown,	Gorman,	Mitchell of Oreg.,	Sherman,
Call,	Hale,	Morrill,	Spooner,
Cameron,	Harrison,	Palmer,	Teller,
Conger,	Hoar,	Payne,	Voorhees,
Cullom,	Jones of Nevada,	Platt,	Wilson of Iowa.
Dawes,	Logan,	Plumb,	
Dolph,	McMillan,	Pugh,	
Edmunds,	McPherson,	Riddleberger,	

ABSENT—15.

Bowen,	George,	Hearst,	Pike,
Chace,	Gibson,	Ingalls,	Stanford,
Cockrell,	Hampton,	Jones of Florida,	Van Wyck.
Colquitt,	Hawley,	Mitchell of Pa.,	

So the amendment to the amendment was rejected.

Mr. MORGAN. I will ask the Chief Clerk to report the latter clause of the amendment. My purpose, of course, is after getting it on the record not to ask for a yea-and-nay vote on it, as it fails with the other part of the amendment.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. At the end of line 114 insert:

And the steamships so employed in such mail service shall be entitled to all the benefits of registry and enrollment under the laws of the United States as American ships, and shall be so enrolled and registered before any contract with the owners thereof for carrying the mails under this act shall become effective and operative.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Alabama to the amendment of the Committee on Appropriations.

The amendment to the amendment was rejected.

Mr. EDMUNDS. What has become of the amendment proposed in line 109, to strike out the word "American?"

The PRESIDENT *pro tempore*. That amendment was somewhat modified and agreed to by the Senator from Kansas.

Mr. EDMUNDS. To strike out the word "American?"

Mr. ALLISON. That was rejected, being included in the other amendment of the Senator from Alabama.

Mr. EDMUNDS. I should like to know what we were voting on just now when the yeas and nays were taken?

Mr. PLUMB. On the first amendment of the Senator from Alabama.

Mr. EDMUNDS. That included line 109?

Mr. ALLISON. That is my recollection.

Mr. EDMUNDS. Let us find out about that.

Mr. MORGAN. That amendment was to strike out "American built and registered" and insert——

Mr. EDMUNDS. No; there were three amendments; in line 100 to strike out "American built and registered;" and after "steamships" to insert "officered," &c.; and then in line 109, after the word "with," to insert the words "the owners of," and in the same line to strike out the word "American." I wish to know just how it stands.

Mr. PLUMB. That has not been agreed to. I now offer an amendment, on behalf of the Committee on Appropriations, to come in between the amendment of the committee as it now stands and the amendment of the Senator from Louisiana [Mr. EUSTIS].

The PRESIDENT *pro tempore*. The Senator from Kansas offers an amendment, which will be stated.

The CHIEF CLERK. In line 114, after the words "above set forth," insert:

And if he shall be unable to make such contracts for any of such respective services, he shall, so far as possible, cause the mails of the United States to be carried to and from said places, respectively, in the best and most expeditious manner practicable, in American vessels and for a reasonable compensation, not exceeding the rate aforementioned.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Kansas to the amendment of the Committee on Appropriations.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the amendment as amended.

Mr. HALE. Let us have the yeas and nays.

Mr. GORMAN. I wish to offer an amendment to the amendment. In line 111, after the word "exceeding," I move to strike out all down to and including the word "distance," in line 112, in the following words:

For each outward trip $1 per nautical mile of the distance.

And to insert:

Fifty cents a nautical mile on the trip each way actually traveled between the terminal points.

So as to read:

And at a rate of compensation not exceeding 50 cents a nautical mile on the trip each way actually traveled between the terminal points.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Maryland [Mr. GORMAN] to the amendment of the Committee on Appropriations.

Mr. PLUMB. I have no objection to that amendment. That simply accomplishes the same purpose as the original text.

The amendment to the amendment was agreed to.

Mr. PLUMB. There is one amendment of the committee not yet adopted on page 3.

The PRESIDENT *pro tempore*. This amendment has not yet been disposed of. The question recurs on agreeing to the amendment of the committee as amended.

Mr. FRYE. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BECK and others. Let the amendment be read.

The PRESIDENT *pro tempore*. The amendment as amended will be read.

Mr. EDMUNDS. It is the amendment of the committee as amended.

Mr. BUTLER. That is what we want to hear.

Mr. BECK. There was so much confusion that I did not understand it was the amendment of the committee as amended. I do not care to have it read.

Several SENATORS. Let it be read.

The PRESIDENT *pro tempore*. The amendment as amended will be read. The reading has been asked for by Senators on both sides of the Chamber.

The Chief Clerk read the amendment as amended, as follows:

For the transportation of foreign mails by American built and registered steamships, to secure the greater frequency and regularity in dispatch and a greater speed in the carriage of such mails to Brazil; the republics of Mexico, Central and South America; the Sandwich, West India, and Windward Islands; New Caledonia, New Zealand and the Australian colonies; China and Japan, $800,000; and the Postmaster-General is authorized to make, after due advertisement for proposals, such contract or contracts with the owners of such American steamships, for a term of not less than five nor more than ten years, and at a rate of compensation not exceeding 50 cents a nautical mile on the trip each way actually traveled between the terminal points in the most direct and feasible sailing course between the terminal points, as shall be found expedient and desirable to secure the ends above set forth. And if he shall be unable to make such contracts for any of such respective services, he shall, so far as possible, cause the mails of the United States to be carried to and from said places, respectively, in the best and most expeditious manner practicable, in American vessels and for a reasonable compensation, not exceeding the rate aforementioned. The Postmaster-General, if in his judgment it be practicable, shall contract for a semi-monthly mail service between the ports of New York and New Orleans alternately and the port of Rio de Janeiro under the provisions of this act.

The PRESIDENT *pro tempore*. The Secretary will call the roll on agreeing to the amendment as amended.

The Secretary proceeded to call the roll.

Mr. COLQUITT (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE].

Mr. FAIR (when his name was called). I am paired with my colleague, the Senator from Nevada [Mr. JONES].

Mr. GEORGE (when his name was called). I am paired with the Senator from New Hampshire [Mr. PIKE]. If he were present, I should vote "nay."

Mr. BUTLER (when Mr. HAMPTON'S name was called). My colleague [Mr. HAMPTON] is paired with the Senator from Colorado [Mr. BOWEN].

Mr. WALTHALL (when his name was called). On this amendment I am paired with the Senator from Louisiana [Mr. GIBSON], who is absent on account of sickness. If he were present, he would vote "yea" and I should vote "nay."

The roll-call was concluded.

Mr. ALDRICH. My colleague [Mr. CHACE] is absent and is paired, as has been already announced, with the Senator from Georgia [Mr. COLQUITT]. My colleague, if present, would vote "yea."

The result was announced—yeas 39, nays 18; as follows:

YEAS—39.

Aldrich,	Edmunds,	McPherson,	Pugh,
Allison,	Eustis,	Mahone,	Sabin,
Blair,	Evarts,	Manderson,	Sawyer,
Brown,	Frye,	Miller,	Sewell,
Call,	Gorman,	Mitchell of Oreg.,	Sherman,
Cameron,	Hale,	Morrill,	Spooner,
Conger,	Harrison,	Palmer,	Teller,
Cullom,	Hoar,	Payne,	Voorhees,
Dawes,	Logan,	Platt,	Wilson of Iowa.
Dolph,	McMillan,	Plumb,	

NAYS—18.

Beck,	Coke,	Maxey,	Vest,
Berry,	Gray,	Morgan,	Whitthorne,
Blackburn,	Harris,	Ransom,	Wilson of Md.
Butler,	Jones of Arkansas,	Saulsbury,	
Camden,	Kenna,	Vance,	

ABSENT—19.

Bowen,	George,	Ingalls,	Riddleberger,
Chace,	Gibson,	Jones of Florida,	Stanford,
Cockrell,	Hampton,	Jones of Nevada,	Van Wyck,
Colquitt,	Hawley,	Mitchell of Pa.,	Walthall.
Fair,	Hearst,	Pike,	

So the amendment as amended was agreed to.

Mr. PLUMB. I now offer the amendment on behalf of the Committee on Appropriations which is found on page 3. I offer it as reported from the committee, except the words following the word "steamships," in line 55, which I move to strike out.

The PRESIDENT *pro tempore*. The Senator from Kansas moves to strike out from the amendment of the committee the words which will be read.

The CHIEF CLERK. In line 55, after the word "steamships," in the

amendment of the committee, strike out the words "at a rate not to exceed 50 cents per nautical mile on the trip each way actually traveled between the terminal points."

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the amendment of the Committee on Appropriations as amended. It will be stated.

The CHIEF CLERK. In line 47, after the word "dollars," insert the words:

The Postmaster-General is authorized to contract for inland and foreign steamboat mail service, when it can be combined in one route, where the foreign office or offices are not more than 200 miles distant from the domestic office, on the same terms and conditions as inland steamboat service, and pay for the same out of the appropriation for inland steamboat service; said contracts to be made with and performed by American built and registered steamships.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the committee as amended.

Mr. EDMUNDS. I should like to ask the Senator from Kansas whether there would be now any limitation on the amount that the Postmaster-General might pay for this foreign steamboat service, or inland either, having stricken out the 50 cents a mile clause?

Mr. PLUMB. There is none whatever. It stands upon the same footing as the regular inland and coastwise service of the United States, the amendment with that portion stricken out being the same as the law now is.

Mr. EDMUNDS. Then there is no limit now on inland steamers at all?

Mr. PLUMB. There is no limit at all. The Postmaster-General said that the amount named might not be large enough to enable the Department to make the contract.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. PLUMB. I am instructed by the Committee on Appropriations to move in line 66 to insert the word "eighty" before the words "eight thousand;" so as to read:

Railway post-office car service, $1,880,000.

I offer the amendment because of the fact that the Senate the other day passed a bill, on the motion of the Senator from Rhode Island [Mr. CHACE], coming from the Post-Office Committee, which increases the amount of money necessary for the rendition of the railway post-office car service by about $80,000.

The amendment was agreed to.

Mr. PLUMB. I understand that the Senator from Alabama [Mr. PUGH] desires to offer an amendment.

Mr. PUGH. In line 47, before the word "five," I move to strike out "seventy" and insert "eighty;" so as to read:

Inland transportation by steamboat routes, $585,000.

Instead of $575,000. And after the word "dollars," in the same line, I move to add:

Of which $10,000, or so much as may be necessary, shall be used in payment for transporting a semi-weekly mail on the Alabama River between Mobile and Selma, Ala.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Alabama.

Mr. PUGH. The facts upon which I ask that the amendment be adopted are stated by another, and for the truth of which I vouch.

The United States census of 1880 gives the population of the counties bordering on the Alabama River between Mobile and Selma at 203,154, probably 250,000 now. All of that population is more or less accommodated by the steamboat service and directly or indirectly interested in the river mail transportation.

The distance from Mobile to Selma by the Alabama River is 310 miles.

At present there are some eight or ten post-offices on either side of the river supposed to be supplied by star or land mail service, when the weather is favorable, but in a rainy season or at high water the service is irregular, uncertain, and comparatively worthless, and the steamboats are obliged to carry the mails from one office to another on opposite sides of the river to prevent their being sent many miles around, or causing great delay in their delivery. Business men and people who desire early and prompt delivery of their letters do not rely upon that service.

Between Mobile and Selma are one hundred and twenty-five regular steamboat landings and over one hundred irregular landings, which are virtually post-offices without a postmaster. At every landing a greater or less number of letters in Government stamped envelopes are received and delivered by steamboats, for which the Government receives the postage and the steamboats receive no compensation. From one thousand five hundred to two thousand such letters are handled weekly, a large proportion of which do not relate to the boat's cargo, but are sent on account of the certainty of their early delivery.

Four times the quantity of mail matter is carried on the steamboats that is delivered to the regular river post-offices by the star service, not only through letters, but letters from one landing to another, for which it would be impossible for the steamboat owners to collect pay under section 3977 of the Revised Statutes, even if they desired to do so.

The postmasters themselves on the Alabama River send their personal and important letters by the steamboats, and lawyers and business men frequently send their letters several miles and past the star-route post-offices to the steamboats as a more reliable conveyance.

If the steamboat mail service was restored on the Alabama River numerous post-offices would be established at the more important landings, thereby accommodating a large population with letter and newspaper mails.

Petitions representing at least two hundred and fifty thousand people have been filed in the Post-Office Department asking for that steamboat mail service.

I have heretofore stated these facts to the Senator from Kansas, and I apprehend that he will make no objection to the amendment.

Mr. EDMUNDS. I make the point of order that the amendment increases the appropriation and is for a new object not stated in the bill.

The PRESIDENT *pro tempore*. The point of order is well taken. The amendment is not in order.

The bill was reported to the Senate as amended.

Mr. BUTLER. I move to amend the title of the bill.

The PRESIDENT *pro tempore*. That is not now in order. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. EDMUNDS. I wish to reserve the general amendment beginning in line 47 on page 3 in order that I may move a mere verbal amendment to make it a little more clear in regard to requiring the Postmaster-General to advertise, so as to have competition for that service.

The PRESIDENT *pro tempore*. That amendment will be reserved.

Mr. COCKRELL. The Senator from Maryland [Mr. GORMAN] desires to offer an amendment to one of the amendments made as in Committee of the Whole.

Mr. EDMUNDS. Will the Senator from Maryland allow us to finish the amendment on page 3, which is not the one he is referring to, I suppose?

Mr. GORMAN. I will. I desire to have the amendment beginning in line 100 reserved for a separate vote.

The PRESIDENT *pro tempore*. If there be no objection that course will be taken, and that amendment will also be reserved. The question is on concurring in the amendments made as in Committe of the Whole which have not been reserved.

The amendments were concurred in.

Mr. EDMUNDS. In the amendment on page 3 I move to insert, in line 48, after the word "authorized," the words "after due advertisement." It is somewhat doubtful when you read along down whether in this new service, foreign and domestic, not exceeding 200 miles, the Postmaster-General would be required, as he would for the inland service alone, to advertise for proposals, so as to have competition; and this will clear up the doubt.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. In line 48, after the word "authorized," insert "after due advertisement;" so as to read:

The Postmaster-General is authorized, after due advertisement, to contract for inland and foreign steamboat mail service, &c.

Mr. PLUMB. There is no objection to that, although the provision without it has already received that construction by the Department. So the effect of the provision is as it will be when amended.

The amendment to the amendment was agreed to.

The amendment as amended was concurred in.

Mr. GORMAN. In line 110, in the amendment reported by the Committee on Appropriations, after the word "than," I move to strike out the words "five nor more than ten," and insert "three years nor more than five;" so as to read:

For a term of not less than three years nor more than five years.

As a limitation on the duration of contracts for foreign mail service.

The amendment to the amendment was agreed to.

Mr. MORGAN. In line 106, after the word "Japan," I move to insert—

And to any other countries between which and the United States lines of steamships shall be established.

So as to read:

For the transportation of foreign mails by American built and registered steamships, to secure the greater frequency and regularity in dispatch, and a greater speed in the carriage of such mails to Brazil; the Republics of Mexico, Central and South America; the Sandwich, West India, and Windward Islands; New Caledonia, New Zealand, and the Australian colonies; China and Japan, and to any other countries between which and the United States lines of steamship shall be established, $800,000.

Mr. PLUMB. I wish to say, in regard to that amendment, that it brings up the question of service between New York and Liverpool. It has been the design of the committee to leave that out entirely, as a field into which we did not care, at the present stage, to go. I hope, therefore, that the amendment to the amendment will be voted down.

Mr. MORGAN. I have always had a great interest in trying to get some steamship communication between Liberia and New Orleans and Charleston, and I thought perhaps the negroes of the South who intend, I am told, to build up lines of steamships and have got the money to do

it with, should have the opportunity of putting their ships under mail contracts.

Mr. PLUMB. The Senator can insert Liberia if he wishes.

Mr. MORGAN. I would as soon have the white as the black. If the Senator from Kansas prefers the black, I would rather mix them.

Mr. PLUMB. I am following simply the suggestion of the Senator from Alabama.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Alabama to the amendment of the Committee on Appropriations as amended.

Mr. MORGAN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MORGAN. Let the amendment to the amendment be read again.

The CHIEF CLERK. In line 106, after the word "Japan," insert the words:

And to any other countries between which and the United States lines of steamships shall be established.

Mr. HALE. Is an amendment to that amendment in order?

The PRESIDENT *pro tempore*. It is not.

Mr. EDMUNDS. Yes, the committee's amendment has been agreed to and it is therefore part of the text of the bill.

The PRESIDENT *pro tempore*. The committee amendment has been agreed to.

Mr. EDMUNDS. Therefore it is a part of the text and it can only be amended by addition; and the Senator from Alabama being aware of that apparently, has merely moved to add words, just as if it were the text of the bill and would be open to amendment in that way.

Mr. HALE. Then I move to strike out all of the amendment offered by the Senator from Alabama after the word "to" and to insert "Liberia."

The PRESIDENT *pro tempore*. The amendment to the amendment will be stated.

The CHIEF CLERK. In the proposed amendment, after the word "to," strike out "any other countries between which and the United States lines of steamship shall be established" and insert in lieu thereof the word "Liberia."

Mr. MORGAN. I suggest to the Senator from Maine that he had better put in "Africa" in place of "Liberia," because we do not know exactly where we may want to land there. We might go up the Congo, or around to Madagascar, or up the Nile.

Mr. HALE. I am willing to let it go that way.

Mr. MORGAN. That is better than nothing.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from Alabama, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. COLQUITT (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE].

The roll-call was concluded.

Mr. WILSON, of Iowa. I desire to state that on this question and all other questions during the day I am paired with the Senator from Maryland [Mr. WILSON].

Mr. BLACKBURN. I am paired with the Senator from Nebraska [Mr. MANDERSON].

Mr. COCKRELL. I am paired with the Senator from Connecticut [Mr. HAWLEY].

The result was announced—yeas 5, nays 49; as follows:

YEAS—5.

Butler,	Morgan,	Vance,	Vest.
Jones of Arkansas,			

NAYS—49.

Aldrich,	Dolph,	Logan,	Riddleberger,
Allison,	Edmunds,	McMillan,	Sabin,
Beck,	Eustis,	McPherson,	Sawyer,
Berry,	Evarts,	Mahone,	Sewell,
Blair,	Fair,	Maxey,	Sherman,
Brown,	Frye,	Miller,	Spooner,
Call,	Gorman,	Mitchell of Oreg.,	Teller,
Camden,	Hale,	Morrill,	Voorhees,
Cameron,	Harris,	Palmer,	Walthall,
Coke,	Harrison,	Payne,	Whitthorne.
Conger,	Hoar,	Platt,	
Cullom,	Jones of Nevada,	Plumb,	
Dawes,	Kenna,	Pugh,	

ABSENT—22.

Blackburn,	Gibson,	Jones of Florida,	Stanford,
Bowen,	Gray,	Manderson,	Van Wyck,
Chace,	Hampton,	Mitchell of Pa.,	Wilson of Iowa,
Cockrell,	Hawley,	Pike,	Wilson of Md.
Colquitt,	Hearst,	Ransom,	
George,	Ingalls,	Saulsbury,	

So the amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. If there be no further amendments the question is on ordering the amendments to be engrossed and the bill to be read a third time.

Mr. PUGH. Is the bill in the Senate?

The PRESIDENT *pro tempore*. The bill is on its third reading.

Mr. PUGH. I desire to renew the amendment I offered as in Committee of the Whole if in order.

The PRESIDENT *pro tempore*. The Senator offered his amendment when the bill was in the Senate, the Chair understands.

Mr. PUGH. I thought it was offered as in Committee of the Whole.

The PRESIDENT *pro tempore*. The amendment was ruled out of order.

Mr. PUGH. Is it in order for me to offer the latter part of the amendment which I offered before, leaving out the increase of the amount?

The PRESIDENT *pro tempore*. The Chair will have the amendment read.

The CHIEF CLERK. In line 47, after the word "dollars," insert:

Of which $10,000, or so much as may be necessary, shall be used in payment for transporting a semi-weekly mail on the Alabama River between Mobile and Selma, Ala.

So as to read:

Inland transportation by steamboat routes, $575,000; of which $10,000, or so much as may be necessary, shall be used in payment for transporting a semi-weekly mail on the Alabama River between Mobile and Selma, Ala.

Mr. ALLISON. Is that amendment in order? It increases the estimate.

The PRESIDENT *pro tempore*. The Chair is of opinion that it introduces a new item of appropriation, although it does not increase the amount.

Mr. ALLISON. It is in excess of the estimate of the Department.

The PRESIDENT *pro tempore*. There is no estimate.

Mr. EDMUNDS. It is a new item.

The PRESIDENT *pro tempore*. It is clearly out of order, there being no estimate of the Department, and it is a new item of appropriations.

Mr. PUGH. I should like very much if the Senate would allow it to pass by unanimous consent. ["No!" "No!"]

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass?

Mr. VANCE. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I am paired with the Senator from Nebraska [Mr. MANDERSON]. If he were present, I should vote "nay."

Mr. COCKRELL (when his name was called). I am paired with the Senator from Connecticut [Mr. HAWLEY].

Mr. COLQUITT (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE].

Mr. GEORGE (when his name was called). I am paired on all these questions with the Senator from New Hampshire [Mr. PIKE]. He would vote "yea" if he were here, and I should vote "nay."

Mr. HEARST (when his name was called). I am paired with my colleague, the Senator from California [Mr. STANFORD].

Mr. VANCE (when his name was called). On this question I am paired with the Senator from Michigan [Mr. PALMER]. If he were present, I should vote "nay."

Mr. WILSON, of Iowa (when his name was called). On this question I am paired with the Senator from Maryland [Mr. WILSON]. If he were present, I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 44, nays 10; as follows:

YEAS—44.

Aldrich,	Dawes,	Jones of Nevada,	Pugh,
Allison,	Dolph,	Logan,	Ransom,
Beck,	Edmunds,	McMillan,	Riddleberger,
Blair,	Eustis,	McPherson,	Sabin,
Brown,	Evarts,	Mahone,	Sawyer,
Butler,	Fair,	Miller,	Sewell,
Call,	Frye,	Morgan,	Sherman,
Camden,	Gorman,	Morrill,	Spooner,
Cameron,	Hale,	Payne,	Teller,
Conger,	Harrison,	Platt,	Voorhees,
Cullom,	Hoar,	Plumb,	Walthall.

NAYS—10.

Berry,	Harris,	Maxey,	Whitthorne.
Coke,	Jones of Arkansas,	Saulsbury,	
Gray,	Kenna,	Vest,	

ABSENT—22.

Blackburn,	Gibson,	Manderson,	Vance,
Bowen,	Hampton,	Mitchell of Oreg.,	Van Wyck,
Chace,	Hawley,	Mitchell of Pa.,	Wilson of Iowa,
Cockrell,	Hearst,	Palmer,	Wilson of Md.
Colquitt,	Ingalls,	Pike,	
George,	Jones of Florida,	Stanford,	

So the bill was passed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the fol-

lowing enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 5343) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1887, and for other purposes; and

A bill (H. R. 4765) to authorize the Red River Bridge Company of Texas to maintain a bridge across Red River.

INTERSTATE COMMERCE.

Mr. EDMUNDS. Is the interstate-commerce bill before the Senate?

The PRESIDENT *pro tempore*. The Chair will lay before the Senate the unfinished business.

The CHIEF CLERK. A bill (S. 1532) to regulate commerce.

Mr. EDMUNDS. I move that the Senate adjourn.

Mr. MORGAN. Will the Senator from Vermont allow me to offer a resolution that it may be printed?

Mr. EDMUNDS. I withdraw the motion for a moment.

MAIL AND COMMERCIAL INTERCOURSE.

Mr. MORGAN. I offer the resolutions which I send to the desk; and I ask that they be printed.

The PRESIDENT *pro tempore*. Does the Senator from Alabama desire to have them read?

Mr. MORGAN. Let them be printed in the RECORD.

Mr. EDMUNDS. Not printed in the RECORD, but printed as a document.

Mr. MORGAN. I wish to have them read then. I ask for the reading of the resolutions; they are brief.

The PRESIDENT *pro tempore*. The resolutions will be read.

The Chief Clerk read the resolutions, as follows:

Resolved, That it is the duty of Congress to extend all necessary mail facilities across the seas to the principal ports of all foreign countries with which the people of the United States have any considerable trade, or where trade can be profitably developed.

2. That it is the duty of Congress so to provide by law that the American people shall have the right to buy ships and import them from foreign countries under reasonable customs duties, as a means of conducting and promoting commerce, and for carrying the mails to and from foreign ports.

3. That the laws which prohibit the importation of foreign-built ships are as unjust and as unwise as laws would be that would prohibit the importation into the United States of all other goods or articles of foreign manufacture.

The PRESIDENT *pro tempore*. The resolutions will be printed and lie on the table.

Mr. EDMUNDS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 5, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May* 4, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Clerk proceeded to read the Journal of yesterday's proceedings.

Mr. TAULBEE. I ask unanimous consent to dispense with the reading of so much of the Journal as relates to the introduction and reference of bills and resolutions.

There was no objection.

The Journal was read as indicated, and was approved.

LEGATION PREMISES AT TOKIO, JAPAN.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, transmitting a letter from the Secretary of State asking an appropriation to pay annual rental of the legation premises at Tokio, Japan, for the fiscal year ending June 30, 1887; which was referred to the Committee on Foreign Affairs, and ordered to be printed.

CONTINGENT EXPENSES, ETC., OF WAR DEPARTMENT.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting estimates from the Secretary of War for contingent expenses in the War Department, for the improvement and care of public grounds, and for the Signal Service; which was referred to the Committee on Military Affairs, and ordered to be printed.

DEFENDING SUITS AGAINST UNITED STATES.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting a letter from the Assistant Attorney-General, asking an increase in the appropriation for defending suits in claims against the United States for the next fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

HOT SPRINGS, ARK.

The SPEAKER also laid before the House a letter from the Assistant Secretary of the Treasury, transmitting estimate from the Secretary of the Interior of an appropriation for the protection and improvement of Hot Springs, Ark., for the fiscal year ending June 30, 1887; which was referred to the Committee on Appropriations, and ordered to be printed.

MAJ. D. C. POOLE.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting letter from Maj. D. C. Poole, Paymaster, United States Army, with statement showing excess of expenses over mileage, while traveling under order, from November, 1882, to March, 1886; which was referred to the Committee on Military Affairs.

PRIVATE LAND CLAIM IN NEW MEXICO.

The SPEAKER also laid before the House a letter from the Secretary oft he Interior, transmitting supplementary report from the surveyor-general of New Mexico upon the private land claim of Bernado de Mieray Pacheco and Pedro Padilla, No. 98; which was referred to the Committee on Private Land Claims.

RESIGNATION OF HON. J. PULITZER.

The SPEAKER. The Chair will also lay before the House a communication from the secretary of state of the State of New York, transmitting a copy of the resignation of Hon. JOSEPH PULITZER as Representative in Congress from the ninth Congressional district of that State. The communication will lie on the table.

The letter from the secretary of state of New York is as follows:

STATE OF NEW YORK, OFFICE OF THE SECRETARY OF STATE,
Albany, April 30, 1886.

DEAR SIR: A resignation of office, of which the following is a copy, was filed in the office of the secretary of state, of this State, April 12, 1886, to wit:

THE WORLD, EDITORS' ROOM, NEW YORK,
April 10, 1886.

SIR: I hereby resign my seat as Representative of the ninth Congressional district of New York.

Yours, truly,

JOSEPH PULITZER.

Hon. FREDERICK COOK,
Secretary of State, Albany, N. Y.

I have the honor to be yours, very respectfully,

FREDERICK COOK,
Secretary of State.

Hon. JOHN G. CARLISLE,
Speaker of the House of Representatives, Washington, D. C.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. TARSNEY, indefinitely, on account of sickness in his family.

To Mr. GIBSON, of West Virginia, for five days, on account of important business.

To Mr. SEYMOUR, for the remainder of the week.

To Mr. NORWOOD, for ten days, on account of important business.

To Mr. BENNETT, for the remainder of the week, on account of important business.

BUREAU OF ANIMAL INDUSTRY.

Mr. BARKSDALE. Mr. Speaker, I rise to submit a report from the Committee on Printing.

The SPEAKER. The report will be read.

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *May* 3, 1886.

Whereas a joint resolution of the Congress of the United States, approved July 5, 1884, directed the printing of 50,000 copies of the first annual report of the Bureau of Animal Industry, 10,000 copies of which were for the use of the Senate, and 35,000 for the use of the House of Representatives; and

Whereas it is stated that only 2,000 copies of said report have been delivered to the Senate, and only 285 have been delivered to the House of Representatives, and that no delivery has been made to either branch for about a year: Therefore,

Resolved, That the Committee on Printing be, and it is hereby, instructed to inquire into the cause of this delay and to report by bill or otherwise.

Mr. BARKSDALE. I ask unanimous consent to the adoption of the resolution. This is a matter in which the whole House is interested, and the consideration of it will consume but little time.

Mr. HALL. I object.

Mr. BARKSDALE. I hope the gentleman will withdraw his objection.

Mr. HALL. I withdraw the objection.

Mr. MORGAN. If the report is responsive, that is all that is desired.

The SPEAKER. The gentleman from Mississippi [Mr. BARKSDALE] simply reports back the resolution for action by the House so that the Committee on Printing may proceed to make the inquiry which the resolution directs. Is there objection to the adoption of the resolution?

There was no objection, and the resolution was adopted.

Mr. BARKSDALE moved to reconsider the vote by which the reso- bill was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT ON PANAMA CANAL.

Mr. REAGAN. Mr. Speaker, I present a privileged report from the Committee on Commerce.

The SPEAKER. The report will be read.

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *May* 3, 1886.

Resolved, That the Secretary of the Navy be directed, if not incompatible with the public interest, to communicate to the House of Representatives the special intelligence report on the progress of the Panama Canal during the year 1885, made to the Navy Department by Lieut. W. W. Kimball and Naval Cadet W. L. Capp, United States Navy.

The Committee on Commerce, to whom was referred the resolution herewith submitted, after consideration thereof, report the same back with a favorable recommendation.

The SPEAKER. The question is on the adoption of the resolution.

The resolution was adopted.

Mr. REAGAN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CAMPBELL VS. WEAVER.

Mr. HALL. Mr. Speaker, I desire to call up the contested-election case of Campbell vs. Weaver.

Mr. WILLIS. I propose to raise the question of consideration. I hope my friend will not press that case to-day.

Mr. HALL. I trust the gentleman from Kentucky will not raise the question of consideration. I think we can get this case out of his way in an hour.

The SPEAKER. The Clerk will read the resolutions reported from the Committee on Elections.

The Clerk read as follows:

Resolved, That Frank T. Campbell was not elected to a seat in the Forty-ninth Congress as a member from the sixth Congressional district of the State of Iowa.

Resolved, That James B. Weaver was elected and is entitled to retain his seat in the Forty-ninth Congress as a member from the sixth Congressional district of the State of Iowa.

Mr. BRAGG. Is this the regular order, Mr. Speaker?

The SPEAKER. This is a matter of privilege; but the gentleman from Kentucky [Mr. WILLIS] raises the question of consideration.

Mr. BRAGG. I was about to raise the question of consideration.

The SPEAKER. That question has been raised already by the gentleman from Kentucky [Mr. WILLIS].

Mr. ROBERTSON. Mr. Speaker, I hope the gentleman from Kentucky [Mr. WILLIS] will not insist. I do not think it will take five minutes to dispose of this case. I think there is nobody here who believes that Mr. Weaver was not elected.

Mr. WILLIS. If the gentleman is willing that at the end of five minutes the case shall be laid aside, I will accept his suggestion.

Mr. PAYNE. Mr. Speaker, the minority of the committee desire to debate this case, and I do not think it can be done in five minutes.

Mr. ROBERTSON. What do you want to talk about the case for?

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I rise to a parliamentary inquiry. If it is decided that the House shall not proceed with the consideration of this privileged matter, will the two morning hours then take their accustomed place?

The SPEAKER. They will, and the morning hour will follow unless dispensed with, even though the House should consider this matter, provided its consideration is concluded to-day.

Mr. BRAGG. I think that the Chair, in saying that the two morning hours would follow, has overlooked the special order for to-day.

The SPEAKER. The Chair did not say two morning hours, because there is only one morning hour under the rules of the House.

Mr. BRAGG. I understood the Chair to speak of two. The special order for to-day is the consideration of bills reported from the Committee on Military Affairs.

The SPEAKER. The Chair understands that. The question now is on proceeding with the consideration of the report from the Committee on Elections.

The House divided; and there were—ayes 73, noes 62.

Mr. WILLIS demanded tellers, but withdrew the demand.

The SPEAKER. The ayes have it, and the House determines to proceed with the consideration of the report.

Mr. HALL. I desire to inquire of the gentlemen constituting the minority of the committee how much time they desire for the consideration of this question.

Mr. PAYNE. When this matter was first brought up, it was suggested by gentlemen of the minority of the committee that two hours should be occupied on each side; but we are now willing to consent to one hour on each side, making two hours for the entire discussion of the case.

Mr. ROBERTSON. I suggest to the gentleman from Iowa [Mr. HALL] that he let the gentlemen on the other side discuss the question, and then let us vote.

Mr. HALL. Mr. Speaker, I desire to lay before the House briefly and succinctly——

Mr. REAGAN. Is there any understanding as to the time to be occupied by this case?

Mr. HALL. I am perfectly willing to agree that an hour be occupied on each side. I ask unanimous consent that the time for the consideration of this case be limited to two hours, one hour on each side.

The SPEAKER. The gentleman from Iowa asks unanimous consent that at the expiration of two hours from the beginning of the debate the debate be closed, one hour to be occupied on each side. Is there objection? The Chair hears none.

Mr. HALL. Mr. Speaker, I desire to lay before the House the facts involved in this contest. The district is composed of seven counties. The contestee was returned as elected by a majority of 67 votes; and the contestant now charges as the basis of his claim that 81 illegal votes were cast for the contestee by persons incompetent as electors, and that there were some errors in the count, amounting to perhaps half a dozen more. He also claims that in the township of Oskaloosa, in Mahaska County, there were 150 ballots received from electors in violation of the registry law of the State of Iowa, and that 60 other votes were cast in violation of the same law in the township of Ottumwa. The contestee, denying all these allegations, responds by charging that there were some 50 illegal votes cast for the contestant; that some of the persons casting these votes were bribed and others were colonized from adjacent regions of the country for the purpose of casting their illegal votes and defeating the election of the contestee.

The committee has given careful examination to the evidence directed to each of these hundred or more individual ballots, and has seen proper to exclude from the vote of the contestee 16 ballots as having been illegal, and from the vote of the contestant some 35 ballots as having been illegal; so that the determination of the committee with reference to the individual ballots is insufficient to effect any change of the result and gives the contestee an increased majority. I think I may safely say, even in view of the position taken by the minority, that the sole question involved in the contest relates to the affidavits upon which more than 200 voters were allowed to vote in the precincts of Oscaloosa and Ottumwa. This is purely a legal question and depends upon the proper construction of the registry law of the State of Iowa. It involves the question whether that law is mandatory or only directory.

The facts are that in the precinct of Oskaloosa, where the registry board was Republican, the evidence discloses very clearly that there was an attempt to manipulate improperly the registry-list for the purpose of depriving Democratic electors of the precinct of the usual convenient method of depositing their ballots, and of putting them to the trouble and uncertainty of preparing the necessary affidavits. The evidence is uncontradicted that out of a voting population of 800, 25 per cent., nearly all of them Democrats, were purposely left off the registry-list. Men who had voted there for years, old and reputable citizens, were omitted, and on the day of the election were so indignant and humiliated at the neglect and impropriety involved in their being left off the list that they absolutely abstained from voting. But about 150 of those electors undertook to prepare the necessary affidavits; and 103 of them in assigning the reason required by the statute for their names not appearing upon the registry-list gave "neglect" and "left off the registry-list" as those causes. There were thirty-one affidavits—not enough, however, to change the result of the election—in which the blank left for filling out the cause for being omitted from the registry-list was not filled out by the elector. It is upon these thirty-one affidavits, in which the cause for not being registered was not set forth, and upon the one hundred and three in which the word "neglect" or the other words "left off the registry-list" were inserted, that the contestant grounds his claim to the seat of the present incumbent in this House.

Without attempting to discuss the question at this time, or to dwell upon its consideration, I will state that the majority of the committee came to the conclusion that the statute of Iowa, in so far as it directs what the affidavit shall contain and what the elector shall state as the reason for having been omitted from the registry-list, is purely directory. It is a matter that directs itself to the discretion of the judges of election whether they shall receive or reject the vote of the elector; and those judges having, upon full and fair inspection of the affidavit, declared it to be sufficient, that is conclusive and admits the vote; and there is no power that can review or reconsider that question, that after the vote has been received for all purposes of a contest the question presented must be, not whether the elector was registered or his affidavit competent, but whether he was in fact a legally qualified and competent elector.

I desire to say in this connection that there is no pretense that a single one of these citizens, who were thus improperly omitted from the register, and have thus sought to exercise their right of ballot, were not legal and qualified electors; and it is the barest and most complete technicality, in my judgment, that was ever made the basis of such a claim either in a court or a legislative body.

I now yield the floor to the gentleman from New Jersey [Mr. GREEN], my colleague on the committee, reserving the remainder of my time.

Mr. GREEN, of New Jersey. Mr. Speaker, it is conceded that this case turns upon the disposition that is to be made of the ballots of the unregistered electors cast in this district. It is not denied that every one of these voters was a duly qualified elector under the constitution of the State of Iowa.

The votes were received by the judges of election; they were counted and properly returned; and it is now gravely suggested by the minority of the committee that the right of the sitting member to his seat shall be denied, and the contestant given the seat, by striking from the returns of the sitting member the votes of these duly qualified electors, cast in this manner and duly returned for him. This extraordinary proceeding is sought to be enforced because it is claimed that the election law of Iowa has not been strictly pursued.

The code of Iowa provides for a board of registry, composed of the

trustees of the township and the clerk, and it is made the duty of that board, thus composed, to make a register of all qualified voters in that township. They are to make this list from the assessor's books, from the former poll-lists, and from any legal evidence at their command; but it is their duty to see that every and all duly qualified voters are registered upon that list. After it has been completed it is to be exposed for inspection as provided in the statute, and it is then made the duty of the board, one week before the election, to meet for the purpose of revising and correcting the list. But the law provides that no name shall be added to the list within five days of the election; there are in most cases, therefore, but two days given for the adding of names to the list.

Now, Mr. Speaker, the law provides that no man shall vote whose name is not upon the register, unless at the day of the election he furnishes certain evidence to the judges. The failure to register does not disfranchise the citizen. It was not the intention of the law of Iowa, as it is in some other States, to disfranchise a man if his name is not put upon the register, but it makes a provision for the reception of the vote even if his name is not placed there originally by the board or afterwards by correction. These provisions are, in substance, as follows, that when the voter offers to cast his ballot he shall furnish to the judges of election his affidavit that he is a duly qualified voter, and the affidavit of at least one other person establishing the fact that he resides in the district, and also, in the words of the statute, shall also furnish to the judges a satisfactory reason for not appearing before the board at the time of the correction of the register.

Now, this provision is twofold in character: It provides that the voter, although not registered, may vote if he produces evidence on the day of the election that he is a qualified voter, including the question of his residence; and also another point that he shall give an excuse to the judges of election why he did not appear and have his name placed upon the register. Why, Mr. Speaker, the merest glance at the provisions of the statute shows that one of these provisions is a matter of substance, the other is not; that he shall be required under oath to show that he is a qualified voter is right and proper, because as his name is not upon the register the presumption is that he is not a duly qualified voter, and hence it is right and proper that he should make that proof; but as to the other provision, what is it? Simply an excuse to be furnished the judges showing why he did not appear and have his name placed upon the register.

I do not propose, Mr. Speaker, to go into the discussion as to whether the statute of Iowa in this respect is mandatory or directory. I do not propose to go into the discussion of the question as to what would be the effect if no affidavit had been presented at all, because in this case the affidavits were presented, and there is no pretense but that the affidavits showed these men to be qualified voters, and the only proposition is that these affidavits do not show a sufficient excuse why these men did not go before the board the day the register was corrected and have their names placed upon it.

Mr. McMILLIN. And that was not required by the law.

Mr. GREEN, of New Jersey. I take the ground that it was not required by law that the reason be included in the affidavit. That excuse might be otherwise furnished to those judges. But the law makes the election board the sole judges of the sufficiency of the excuse; and when they have passed on the question that is an end of it. They are public officers charged with judicial functions to settle the existence of a fact on testimony which is satisfactory to them; and their judgment can not be attacked or impeached or questioned in any collateral proceeding as this is. For these reasons the majority of the committee respectfully submit that no ground for unseating the sitting member has been shown by the evidence.

Mr. ROBERTSON. I take the floor in my own right, and reserve my time.

The SPEAKER. There is but one hour allowed for debate on each side. The gentleman from Iowa [Mr. HALL] was recognized and reserved the remainder of his time.

Mr. HALL. I will yield to the gentleman from Kentucky what time he desires.

Mr. ROBERTSON. I suppose the other side will now be heard.

Mr. PAYNE. I hope I shall have the attention of the House in the discussion of this case, as it seems to be assumed by some members of the committee that there is only one side to it. I hope that no member will either stop his ears or go off to the cloak-room for fear that he shall hear some argument advanced that will prevent him from voting according to his party dictates; but that on the other hand we may have a free, fair, and frank discussion of this question of law, and decide it judicially, according to the settled precedents of law and according to the statutes of Iowa; that we may indeed fulfill our functions as the judges of the election of our members.

It is true, Mr. Speaker, that the one important question in this case is a question of law, and if the majority of the committee had brought no other question into this case, I should confine myself entirely to the discussion of that question. But it is charged by the majority in their report that there was colonization of voters in this district. And yet the record is barren of any evidence of colonization of voters. It is true there is some hearsay that nine negroes were brought from some other part of the State, or were working in a mine in that district in the county or precinct where they voted; and it is does not appear very clearly from the evidence which is the correct statement. But it appears that three out of that band of nine negroes voted at one of these polls, and from this fact the majority of the committee jump to the conclusion that there was a colonization of nine illegal voters; a conclusion founded not upon the evidence, but upon hearsay in the case. But I pass that, Mr. Speaker.

Then it appears that in Oskaloosa Township there were a number of unregistered persons who voted at the election. The majority of the committee claim that there is some sort of fraud because one hundred or one hundred and fifty of those not on register were Democrats or Greenbackers. And yet it appears incontestably from the evidence that the law was followed out by the officers having in charge the register of voters in Oskaloosa Township; and we might as well come first to the statute of the State of Iowa for the registration of voters applicable to this township of Oskaloosa.

It is provided that the assessors shall make an annual assessment of the township, and at every annual assessment they shall prepare a list of the legal voters in the township. Then section 596 says:

> The register of elections shall contain the names of the voters at full length, alphabetically arranged, with residence set opposite. It shall be made from the assessor-list, and the poll-books of the previous election, and shall be kept by the township clerk, and shall at all times be open to inspection at his office without charge. He shall also, within two days after the adjournment of the board, post up a certified copy thereof in a conspicuous place in his office, or in such other place as the board may direct.

Now, Mr. Speaker, although there are seven or eight hundred pages of printed testimony in this record, there is not word of proof in that printed testimony that the registers of this election did not meet at the time and place designated and prepare this registered list. There is not a word to show that they left off a single name either from the assessor's list or from the poll-list of the previous election. There is some gratuitous reflection on these registers on the part of the majority of the committee, inspired by the brief of the counsel of the contestee; but there is not a scintilla of evidence in the case that every voter's name, both on the assessment-list and on the poll-list of the preceding election, did not appear upon this registry-list made for 1884. So there is no room for any criticism of the board of registry. There was some criticism in the case, and I think in the majority report also, that this registry-list at the time of the meeting for correction was found somewhere in a hardware store, in Kendig's hardware store, I believe. Well, Mr. Speaker, that was entirely in accordance with the statute of the State of Iowa. Section 597 provides:

> The board of registry shall hold a meeting at the place where the last general election was held; or if from any cause it can not be held at such place, then at some place to be designated by notice to be published in at least one paper printed in the township or posted in at least three public places therein, on the Tuesday preceding the general election of each year, at which they shall revise, correct, and complete the register of elections, and shall hear any evidence that may be brought before them in reference to such electors.

It provides the number of days they may sit, what shall be done, and what proof shall be required before they put any person's name upon the registry.

Now, Mr. Speaker, they had that meeting. They had it at the place designated by the registers, as they might designate it under the law. I refer to the evidence first of Mr. Kendig, who was one of the trustees:

> Q. 16. As such trustee, are you a member of board of registration of voters?
> A. Yes, sir.
> Q. 17. Did you assist in preparing a registry-list of voters for Oskaloosa Township for November election, 1884, for such township?
> A. I did.
> Q. 18. Was said list made up as required by law?
> A. Yes, sir; it was.

There is no dispute about that evidence.

> Q. 19. Was the name of any voter left off the registry-list intentionally by the board of registration?
> A. No.

Then at page 281 of the record is the testimony of Mr. John F. Gunn, from which I read:

> Q. Didn't you have the register and examine it away from the township clerk's office last fall?
> A. I didn't have it away. I did examine it at H. R. Kendig's hardware store, at the place where the township board, the trustees, and the township clerk met for the purpose of correcting the register.
> Q. You are not a member of the board, or township clerk?
> A. No, sir.
> Q. How many of the board were present at that meeting?
> A. They were all there part of the time and two of them the rest of the time.
> Q. Was the clerk there?
> A. Yes, sir.

He goes on to name some of the parties who were there. His testimony also shows that the Republicans in Oskaloosa Township were vigilant on the days for the correction of the registry; that they sent out after their voters and had them come in and qualify themselves and get their names on the registry-list, and that the Democratic party and the Greenback party were less vigilant and did not send out after their voters. There is something stated in the majority report about a number of names of old residents being left off the list, but one of the witnesses states (I have not time now to refer to his testimony) that there were only fifteen or twenty names of old residents left off the list, and that those were about equally divided between the parties. In regard to the

other 150 voters left off (or whatever the number may have been) it does not appear but what they were voters of a transient character, coming and going. The report of the majority stated that 200 voters were left off this list, while there were only 800 qualified voters altogether; but I have before me the census of Iowa, taken in 1885, less than a year after this election, by which it appears that in that township there were 1,718 legally qualified voters in June or July, 1885. Now, out of those 1,718, 150 were left off, and of those 150 only 15 or 20 were old resident voters. Mr. Speaker and members of this House who live in cities where registry laws are in force, did you ever attend a poll, no matter how faithfully those laws were carried out, no matter how intelligent or how energetic the officers of election and of registration were—did you ever see a poll where there was not a greater percentage of names of old voters left off than 15 or 20 out of 1,700—the names of men who were temporarily absent? But it is left for the majority of the committee to make a fling at these registers of election, because it appears that this number of old voters and 150 other voters not classified were left off the list.

And now, Mr. Speaker, as to the law governing this case—because I believe that the law should be maintained in election cases. Among the most important parts of the modern machinery for the protection of the purity of the ballot-box are these registry laws. We have felt that in my own State, for it is not a great many years since in the city of New York in some election precincts there were piled up and counted and returned, so as to actually affect the election, more votes than there were men, women, and children—yes, even more than there were cats and dogs—in those particular election districts. It was then that the people became aroused, because they saw that such abuses were striking at the very foundation of our Government, striking at the freedom and the purity of the ballot-box. The people became aroused, and these registry laws were invented and enacted as safeguards for the purity and honesty of elections. And higher than any man's right to sit in this body, higher than any question that comes before this Congress, is the question of maintaining those laws in their purity and simplicity, and carrying them out faithfully to their full extent. The gentleman who opened the debate on the other side said that the question in this case was: Is the law mandatory, or is it directory? That is the question in this case, Mr. Speaker, because if the law is mandatory, then enough of the votes for Weaver were cast by men who were not registered in Oskaloosa Township, and who did not comply with the mandatory requirements of the law, to overturn the election and to award the seat to Campbell. I am aware, Mr. Speaker, that every mind is reluctant to come to the conclusion that a voter, otherwise qualified, should be disfranchised because his name is not on the registry-list, or because he has not complied with the law by getting his name on the list. I am aware of that, because that question met me in the case at the outset, and I never would have made a minority report in this case, I never would have signed a minority report, did I not believe that, acting judicially, it was my duty to interpret this law as mandatory, and to throw out the 134 votes that were cast in disregard of the law.

First, then, as to the provision of the statute. I read from section 618 of the Iowa Statutes:

> The judges in election precincts where the registry law is in force shall designate one of their number to check on the register the name of every person voting; and no vote shall be received from any person whose name does not appear there, unless he shall furnish the judges an affidavit showing that he is a qualified elector, and a sufficient reason for not appearing before the board on the day for correcting the register.

Mark the language, Mr. Speaker: No vote shall be received from any person whose name is not on the register, unless he shall show by affidavit that he is a qualified voter, and shall give a sufficient reason for not appearing before the board on the day for correcting the register.

Now, Mr. Speaker, how is it in this case? Thirty-one of these men came up and furnished affidavits covering the qualifications of the voter, but stating no reason under the sun for not appearing before the registry board. One hundred and three more stated in their affidavits that the reason their names were not on the registry was—"left off the registry!" The statute says they must give a sufficient reason for not appearing before the board; and these one hundred and three men give a reason why they should have appeared before the board—"left off the registry!" That is not a reason for not appearing, but is a reason why they should have appeared.

Mr. BROWN, of Pennsylvania. Does the statute state who shall be the judge of the sufficiency of the reason?

Mr. PAYNE. The statute does not state who shall be the judge.

Mr. BUTTERWORTH. Did these men who were not registered vote? Were their votes received?

Mr. PAYNE. Their votes were received. It appears they were all Democrats and Greenbackers; and the majority of the committee concede substantially in their report that they all voted for the sitting member—every one of them.

Mr. BUTTERWORTH. How did it occur that these men were permitted to vote if the law disqualified them? Why did the judges receive their votes?

Mr. PAYNE. That is a question for the judges to answer, not for me.

Mr. BROWN, of Pennsylvania. Is it not to be presumed that the judges passed upon the reasons?

Mr. PAYNE. Mr. Speaker, if a man presents in his affidavit any reason, however frivolous—if it can be called a reason, and the judges of election pass upon that reason, I will not argue as to whether the vote of a person presenting such an affidavit should be thrown out or not. But my position is, that where the person presents an affidavit stating as a reason for not appearing something which is no reason, which does not give the judges of election any opportunity to exercise their judicial functions, if they have any, which does not give them jurisdiction of the question, in that case I say the vote should be thrown out.

Mr. SOWDEN. Will the gentleman allow me a question? Does not the statute provide that on the day of election an affidavit shall be made and furnished to the officers of election showing that the person is a qualified voter, and in addition to the affidavit he may offer to the judges the reason why he was not properly registered?

Mr. PAYNE. The gentleman can not stand upon any such construction of the statute. It provides that—

> No vote shall be received from any person whose name does not appear there—

That is, on the registry-list—

> unless he shall furnish the judges his affidavit showing that he is a qualified elector, and a sufficient reason for not appearing before the board on the day for correcting the registry.

Mr. SOWDEN. To whom is the reason to be furnished?

Mr. BUTTERWORTH. Suppose, in point of fact, an old resident, known to the judges, should appear and offer to vote and they should waive the making of the affidavit; as I understand, the additional reason need not be in the form of an affidavit. Is that correct?

Mr. PAYNE. Oh, no; not at all. The statute is mandatory upon both points. It requires that the person offering the vote shall furnish an affidavit showing that he is a qualified elector, and also a sufficient reason for not appearing.

Mr. REED, of Maine. Who is to be the judge of the sufficiency of the reason?

Mr. PAYNE. In the first place, the affidavit must show that the person is a qualified elector, and it must also show a sufficient reason for not appearing.

Mr. REED, of Maine. Sufficient for whom?

Mr. PAYNE. Well, concede for the sake of an argument, sufficient for the inspectors of election. What then follows? In reviewing it, what are we to say? Are we to review their discretion?

Mr. SOWDEN. How can you go back of their decision?

Mr. PAYNE. Well, I do not desire to go back of their discretion. What I say is that the person offering to vote must furnish a reason, frivolous or otherwise.

Mr. REED, of Maine. But the judges having passed on that reason and having decided it sufficient by receiving the vote, are we to go back and re-examine the question?

Mr. PAYNE. Suppose in the affidavit there was not anything constituting a reason.

Mr. LONG. Then the judges would not accept it.

Mr. REED, of Maine. We are bound to presume the judges would not accept the vote in such a case.

Mr. PAYNE. But here you have the affidavit, and it contains no reason.

Mr. REED, of Maine. But the judges held it contained a sufficient reason, because they received the vote. You say it does not.

Mr. TURNER. The gentleman from New York [Mr. PAYNE] will not insist that the cases where in the affidavit there was an entire omission of the reason are sufficient to change the result of the election.

Mr. PAYNE. I hope I may not be misunderstood about that matter. In the first place, 31 votes were received upon affidavits which stated no reason whatever; and I presume that the majority of the committee, including the chairman, would concede that those 31 votes should be thrown out. It is said we can not go back of the decision of the judges of election who received those votes. Still, does not the statute of Iowa make it a prime requisite for the receipt of the votes that the person offering to vote shall furnish a reason. In this case they furnished none. But that is not sufficient to change the result. Now, in the case of the other one hundred and three affidavits the parties say that the reason their names are not on the registry is because they are "left off the registry." The statute says that they must show not a reason why their names are left off the registry, but a reason for not appearing on the day of correcting the registry. Now, if these men in their affidavits state anything in the nature of a reason for not appearing on the day for the correction of the registry, they say the reason they did not appear at that time was—"left off the registry."

Now, I say that is no more a reason than the other, where there is not a word of reason interpolated in the affidavit.

Mr. SOWDEN. I should like to ask the gentleman a question.

Mr. PAYNE. My time is running on rapidly and I can not yield further.

Mr. SOWDEN. One more question and then I am done.

Mr. PAYNE. Very well.

Mr. SOWDEN. I wish to ask the gentleman whether the affidavits were made by proper freeholders bearing testimony to the qualifications of those who voted?

Mr. PAYNE. There was no question made about freeholders.

Mr. SOWDEN. They made those affidavits.

Mr. PAYNE. I hope, Mr. Speaker, I am understood in this, that the affidavits stated first a reason for that—stated not the reason for not appearing on the day of correction, but why they were left off the registry. What I claim for that is, that it is not only not the reason for not appearing at that correction, but it is the highest reason why they should have appeared at that time to correct it if their names were off the registry. That was the strongest reason for them to appear and have their names put upon the registry. And the affidavit in that respect is just as bad and just as much a failure as where the reason is left blank in these affidavits.

Now as to the mandatory character of this law. In the first place, the supreme court of Iowa has decided in two cases this law is mandatory and must be obeyed. Why, Mr. Speaker, the very language of the act itself, a negative statute, that no vote shall be received unless these conditions are complied with, is mandatory in its character. I find but one court, but one decision in all the United States where the mandatory character of this act or a similar act has ever been questioned, save in the minority report of this House signed by three members. But one decision by one court found in two cases, and even there in the State of Illinois, in a previous decision four out of the seven judges who rendered the latter decision, uniting in the first decision, decided that act identical with the statute of Iowa is mandatory in its character. They say the words are so plain they are not capable of any other judicial construction. The mandatory character of such a statute has never been denied, to my knowledge, save by this court of Illinois. Since the time when the Ten Commandments were delivered to Moses "thou shalt not" has been interpreted always as mandatory and not directory.

Mr. LOWRY. Will the gentleman permit me to propound a question in connection with that decision? Is it not the fact that the supreme court of the State of Wisconsin has decided similar legislation under their constitution was unconstitutional? And whether it has not been requisite in that State to get a constitutional provision authorizing the enactment of such a law?

Mr. PAYNE. On the contrary, the supreme court in Wisconsin (in 21 Wisconsin)—I have not the case before me, but it is the case of Doerflinger against Helmantel—a case quoted at length in the minority report—has decided this law is mandatory in its character, and that an election held in contravention of its terms, receiving votes without the affidavit required by the statute, was void. They not only held that in 21 Wisconsin, but they held it in another decision in 19 Wisconsin.

Mr. TURNER. Pardon me an inquiry as to the character of these authorities. Did they hold the question as to whether or not full compliance with the law required the affidavit as necessary, or was it merely as to a matter of administration they differed?

Mr. PAYNE. I understand the gentleman's question. Mr. Speaker, I think all those cases, with the exception of 65 Illinois, which I will refer to more at length——

Mr. ROWELL. And 88 Illinois.

Mr. PAYNE. Are founded upon the case where there was no affidavit, I think. Eighty-eight and 78 Illinois put it upon the ground the voter did not know himself but that he was registered and went up to the election officer and offered his vote and it was received, and he not knowing that his name was not upon the registry he had no opportunity to make affidavit. Every one of them, I think, is distinct from this case in that the voter himself had no means of knowing that his name was not upon the register; an entirely different case from this in that respect, as it is also different in this, that every requirement of this mandatory statute had to be obeyed in order to get their vote in.

In the present case but one single but still a substantial requirement of the mandatory statute is left out; but if a single provision of a mandatory statute is left out the effect is just the same as if every provision of the statute had been omitted. The effect is precisely the same as if the entire statute had been disregarded.

Mr. TURNER. Then I understand the gentleman means simply to challenge the administration of the law by the judges? I ask if that is not essentially a directory matter?

Mr. PAYNE. Not at all, Mr. Speaker; that is just the point I am making. The law provides certain methods of proceeding at an election to determine the qualification of a voter whose name is not upon the registry list. The law means and must mean that the registry provision of the statute shall not be a farce, that men can disregard it to attend to other business until at the time of the election; but it means that the law should be a notice and the register should be a notice to the legally qualified voters at each precinct and that they shall know, at least five days preceding an election, all that is necessary for them to know as to the status of those who claim to be voters within the precinct. But if you allow men without excuse to fail to register on the day when the registers must meet to revise it, and then to come in on the day of election and make an affidavit furnishing no excuse for not appearing on the previous day, then you avoid the direct provision of the law I have cited.

Mr. BUTTERWORTH. Let me ask the gentleman a question?

Mr. PAYNE. Certainly.

Mr. BUTTERWORTH. Suppose these voters who are known to be voters to the judges come and present affidavits and the judges hold them to be sufficient; now is there any good reason why, if one be held sufficient, the other should not follow suit? And if the judges hold them to be insufficient, then the parties would correct them; that is, if any good reason was given for their insufficiency which could be corrected.

Mr. SOWDEN. If it is held that they are insufficient?

Mr. BUTTERWORTH. Yes. The judges, in other words, are charged with the duty of determining the question of their sufficiency. I understand that they are charged with the duty primarily of determining whether the affidavits are sufficient or not. Now, if they hold the affidavits to be sufficient, there is no reason, as far as I can see, why they should be changed or additional reasons given, and it occurs to me that the matter is rather serious when you undertake to review their action.

Mr. PAYNE. My friend from Ohio has come to the same conclusion and reached the same difficulty which was found by my friend from Pennsylvania in the law once in force in that State upon this subject. They formerly had a registry law in that State that required certain things should be substantiated, and the question was whether the oath meant an affidavit or not, and that the registry officers should be satisfied by the oath of the party. Well, they found that the judges of election who had personal knowledge, or believed a man to be an elector, allowed him to vote; and so they found it necessary to amend the statute in Pennsylvania for the express purpose of requiring the voter to furnish an affidavit containing these facts—a statute almost precisely like that now in force in Iowa, and on which this case hinges. The supreme court of Pennsylvania, in one hundred and fifth Pennsylvania Reports, decided under that law that there must be an affidavit setting forth these facts presented to the judges of election, and that an affidavit setting forth one fact and not the other, and not accompanied by the affidavit of a freeholder, for instance, was not sufficient; that there must be an affidavit not only of the elector but by a freeholder, conforming to the statute, before the vote could be received; and that if it is received, afterward on a contest it must be thrown out. That is the decision of the court in the Pennsylvania case.

Mr. HENDERSON, of Iowa. May I ask the gentleman a question?

Mr. PAYNE. Yes, sir.

Mr. HENDERSON, of Iowa. I understand the statute of Iowa provides that one who is not registered shall not vote on election day unless he files an affidavit giving the reason why he was not so registered.

Mr. PAYNE. Yes, sir.

Mr. HENDERSON, of Iowa. Now, these affidavits of the one hundred and three or one hundred and four men, as the case may be, I understand were not filed, or rather they failed to give any reason or excuse for not having their names placed upon the register. So that the affidavit furnished was equivalent to being in blank when the point for giving the reason was reached?

Mr. PAYNE. That is my position.

Mr. HENDERSON, of Iowa. After they had gone thus far, suppose they had said in that blank "I decline to give a reason," or "I have no reason to give," so that the board passing upon it had no reason to consider. Now I understand the gentleman to claim that they had not the right to receive the vote of one who declined to give a reason, as the statute expressly required should be given. Is that the position of the gentleman from New York?

Mr. PAYNE. I claim that the judges of election had no jurisdiction to pass upon that question, because it was a jurisdictional fact, made so by the statute; and the statute being mandatory, and that important fact being left out of the affidavit, it gave the judges of election no jurisdiction over the matter.

Talk about their conclusion being final! Being the judges, they must have something first to act upon. There must be a reason in the affidavit, else they act without jurisdiction. They get no jurisdiction by assuming it, and it does not make the ballot legal because they exceed their jurisdiction and take a ballot without the proof which the statute says there must be in the case before they can receive the ballot.

And, Mr. Speaker, I am not without authority in this House for holding that these statutes are mandatory. This question came up in the case of Curtin *vs.* Yocum, on the Pennsylvania statute, a statute which is very similar in its terms to this one. The gentleman from Illinois [Mr. SPRINGER]—I do not see him in his seat now—was then the chairman of the Committee on Elections. He made a report, concurred in by every Democratic member of the committee—and there were nine of them—in which he held that that act was mandatory and not directory. There were six Republican members of the committee. Three of them united in a minority report, in which they held that this statute was mandatory and must be carried out in its terms, but they held that there was no proof that these voters either voted for the Democratic candidate or that the affidavit required by the statute had not been filed according to law. They held there was want of proof, but

still they held the statute was mandatory. I stated three other Republican members signed a minority report. I am mistaken in that; there was another minority report, signed by two Republicans and by one other member.

The constitution of Pennsylvania provides that no elector shall be deprived of his vote because his name is not on a registration list. That is a constitutional provision in Pennsylvania. Three other members of the committee, and one of them was the distinguished contestee in this case, Mr. Weaver, held that that statute was either unconstitutional or directory; that it could not be held mandatory, because it was in plain violation of this clause, a clause that holds that no elector can be deprived of his vote because his name is not on the registration list.

Mr. BRUMM. Have you that statute handy? I should like to show the difference between the two statutes on the point you are discussing.

Mr. PAYNE. I know the language of the statute.

Mr. BRUMM. You evidently do not, or you would not say the two statutes are the same, especially as to this latter part, because the Pennsylvania statute goes to the qualification of the voter.

Mr. PAYNE. Perhaps you will get time to explain that. I can not yield now.

Mr. BRUMM. I want you to take the time and clear yourself if you can.

Mr. PAYNE. The gentleman is very kind. The majority report and the two minority reports came up for discussion in this House. Some distinguished gentlemen expressed their views on the question of this mandatory or directory statute. One of them was the distinguished gentleman from Illinois [Mr. SPRINGER]. I have listened to that gentleman frequently, but I do not think I ever heard him talk more to the point than he did on the occasion to which I refer. In his seven-minutes' speech on that question he says:

> It has been stated here by my distinguished friend from Indiana [Mr. Calkins], I believe, that as to the voter the law of Pennsylvania is directory. Now, this is the first time that I have ever heard the principle announced that any law is directory upon the individual citizen. Wherever a law has been held directory by the courts, it has been where a duty was imposed upon a ministerial officer. Where such an officer was required by statute to do a particular thing in a particular way, and did it in some other way, but nevertheless did it, the courts have held in some instances that the act was legal, although done in a different manner from that pointed out by the statute. For instance, in a case arising at one time in California the statute required the return from the precinct to be sent to the county clerk by mail. It appeared in evidence that in this case the return was sent by express. The Committee on Elections properly held that the sending of this return by express, when the statutes said it should be sent by mail, did not invalidate the vote at that poll or justify throwing it out. That was a directory statute imposing a duty upon a ministerial officer. But no court, so far as I know, has held that a citizen may violate the law at pleasure, unless he is willing to take the responsibility of the penalty imposed for disobedience.
>
> The law imposes certain duties upon the citizen, which duties have been clearly defined in the statute of Pennsylvania. That statute, not only mandatory but prohibitory in its terms, says that no man shall be permitted to vote whose name is not on the registry-list, unless he shall furnish to the election officers not only his own affidavit as to his qualifications to vote, but the affidavit of another elector at the poll that he has resided in the precinct sixty days next preceding the election. Here is a duty imposed upon the citizen, and he must take due notice of his responsibilities and duties under the law.

Responsibilities and duties under the law to furnish an affidavit showing a sufficient reason or some reason why he did not appear to have his name registered.

> The law says to the citizen: "You may have your name registered within certain days; failing in that, the law presumes you to be an illegal voter, and throws upon you the burden of establishing your right to vote." It goes further, and says: "As there have been so many frauds committed, you must furnish proof in addition to that which you would have been required to furnish the registration officers; the evidence of your right to vote shall no longer rest in parol, but you shall furnish a written or printed affidavit signed by yourself and also the affidavit of an elector showing that you have resided sixty days in the election district and are entitled to vote." In the absence of this affidavit the election officers have no right to receive a vote; and without such affidavit a man, if unregistered, is not entitled to demand the right to vote. Not being registered and such affidavit not being furnished, his vote, if cast, is illegally cast, because cast in the very face of a prohibitory statute.

I find, Mr. Speaker, on examination that this view of the gentleman from Illinois was sustained by leading gentlemen upon the other side of this House. I have been looking over the list to see who voted to sustain that proposition so succinctly stated by Mr. SPRINGER, and I will read the names as they appear here in the RECORD. I find it is not the high privates merely that appear in the list, but it contains the major-generals, the very head-lights of the Democratic party on this floor—candidates for the Speakership, candidates for the Presidency. I find these names: Mr. BLAND, Mr. BLOUNT, Mr. BRAGG, Mr. CABELL, Mr. CARLISLE, Mr. COBB, Mr. DAVIDSON, Mr. FORNEY, Mr. GEDDES, Mr. HATCH, Mr. HERBERT, Mr. KING, Mr. MCMILLIN, Mr. MORRISON, Mr. REAGAN, Mr. SPRINGER, Mr. R. W. TOWNSHEND, Mr. WELLBORN, and on the second vote Mr. LE FEVRE.

These gentlemen are in the House now, and I suppose, of course, they will vote the same way to-day, and vote that this law in Iowa, similar to the law in Pennsylvania, is mandatory in its character and must be complied with before a vote put into the ballot-box is a legal vote.

It will be observed that these gentlemen are not men "lingering superfluous on the stage," but they are the survival of the fittest, that is of what fittest there is on the other side of this Chamber; of course they will vote now consistently with what they voted in the Forty-sixth Congress. And, although the tables are turned, of course those gentlemen will now stand up and maintain that this law of Iowa, similar in its terms to the law of Pennsylvania, is as mandatory to-day upon their consciences and their votes as it was in the Forty-sixth Congress. So, Mr. Speaker, if we are to uphold the registry laws, if we are to maintain those safeguards, which seem to have been for wise purposes thrown around the ballot, if we are to maintain the integrity of the ballot, if we are to decide by our votes in a judicial manner the interpretation of this law, I trust that we shall not depart from the interpretation of the statute which says that a vote shall not be received unless the law has been complied with, because that has been the interpretation handed down from the Book of Moses, and never questioned except in an Illinois court, and perhaps in a contested-election case here. I trust, sir, that we shall obey this statute willingly and cheerfully, though at first it may grate upon our convictions of equity to throw out 103 votes which have been cast, but of the legality of which there is no proof saving the presumption that arises in favor of a vote that has been placed in the ballot-box. I hope that we shall uphold the dignity of the law, fearing not to declare the law as it is, and let the consequences take care of themselves.

The SPEAKER. The gentleman from New York has ten minutes of his time remaining.

Mr. PAYNE. I yield to the gentleman from Iowa [Mr. LYMAN].

Mr. LYMAN. Mr. Speaker, since was assigned to me the duty of rendering such assistance as I may be able to do in the presentation of the views of the minority in the case now at the bar of the House I have not had time to make more than a cursory examination of the record involved. What I shall say will be mainly based upon facts admitted in the report of the majority of the Committee on Elections, which facts are conclusive of this contest, the decision of which turns solely upon the construction to be given to the registry laws of Iowa as applied to such admitted or uncontroverted facts.

However, before entering upon that discussion I desire to say that there is no evidence in the case to justify the charge made that there was any colonization of voters in the sixth district of Iowa at the general election in November, 1884, at least not of any who voted for the contestant. And equally without foundation in the evidence is the charge that there were 35 illegal votes cast for the contestant, and which ought to be deducted from the aggregate of his votes as returned. And I can not believe that all the eminent gentlemen of the legal profession, members of the majority of the committee, can have examined the report. Had they done so they certainly could not, in my judgment, have concurred therein.

These questions, however, may be left out of our calculation so far as their materiality is concerned, or so far as they can aid us in arriving at a correct conclusion in this contest. And so indeed may all other questions before us except the one arising under the registration laws of Iowa, to which I now invite attention briefly. The question arising under those laws determines this case either in favor of the contestant or of the contestee, depending upon what construction shall be given to such registry laws. If they shall be held to be simply directory, then by a very liberal stretch of discretion gentlemen might possibly excuse themselves, to their own consciences, for the sake of their party, in voting to retain the contestee in his seat.

But I shall endeavor to show that even if the Iowa registry law shall be held directory merely, yet there has been such an entire failure of compliance therewith in the case now at the bar of the House that contestee should be unseated. If, on the other hand, it shall be held that the provisions of the Iowa registry law are mandatory, then all will admit that contestant was legally elected to the seat now held by contestee.

It would be a waste of time, Mr. Speaker, to discuss the proposition of the utility and value of a good, well-guarded, and well-enforced registry law. No intelligent man who, of late years, has watched the progress of events in this country but knows that there is no greater protection to the ballot-box and no more powerful promoter of the purity of the ballot than such a law. It is the duty of all upon whom is cast the responsibility of administering these as well as all other laws to see that they are so administered as to carry out the purpose and intent of the Legislature in their enactment, and that is, in case of registry laws, to preserve the purity of the ballot-box, to insure that none but legal votes shall be cast at our elections.

It is conceded that a sufficient number of votes were cast in the two voting precincts of East and West Oskaloosa, Mahaska County, Iowa, under the provisions of said registry laws, to sustain the returned majority for the sitting member if properly cast, or to overcome it and elect the contestant if they were illegal; it being conceded, or, if not conceded, established by the proof in the case, that they were cast for the contestee. It is to that disputed question of law I shall address myself during the remainder of the time allotted to me by the committee.

The following are the statutes of Iowa bearing upon this question, and are found in the Code of 1873, Laws of Iowa:

> SEC. 595. The township trustees and clerk shall constitute the board of registry, and shall meet annually on the first Monday in September, at 9 o'clock a. m., and make a list of all qualified electors in their township, which shall be known as the register of elections.
>
> SEC. 596. The register of elections shall contain the names at full length, al-

phabetically arranged, with the residence set opposite. It shall be made from the assessor's list and the poll-books of the previous election, and shall be kept by the township clerk, and shall, at all times, be open for inspection at his office without charge. He shall also, within two days after the adjournment of the board, post up a certified copy thereof in a conspicuous place in his office, or such other place as the board may direct.

SEC. 597. The board of registry shall hold a meeting at the place where the last general election was held, or if from any cause it can not be held at such place, then at some place to be designated by notice published in at least one paper printed in the township or posted in at least three public places therein, on the Tuesday preceding the general election of such year, at which they shall revise, correct, and complete the register of elections and shall hear any evidence that shall be brought before them in reference to such correction. * * * The names of all persons not qualified as electors shall be stricken from the register, and any person appearing to register his name may be challenged by any elector or member of the board, &c. * * * But no name shall be added to the register within five days next before the election.

The foregoing provisions do not apply to townships, incorporated towns, or cities having a population of less than 6,000 inhabitants, as shown by the last preceding census. Oskaloosa Township, including the east and west precincts, did have a population exceeding 6,000, and did come within those provisions.

Section 618, Code of Iowa of 1873 is in reference to general elections, and is as follows:

The judges in the elections precincts where the registry law is in force shall designate one of their number to check on the registry the name of every person voting, and no vote shall be received from any person whose name does not appear there, unless he shall furnish the judges his affidavit, showing that he is a qualified elector, and a sufficient reason for not appearing before the board on the day for correcting the register, and also shall prove by affidavit of one freeholder or householder, whose name is on the register, that such affiant knows him to be a resident of that election precinct, giving his residence by street and number if in a city or incorporated town, as the same is required to appear on the register. Said affidavit shall be kept by the judges, and all such affidavits may be administered by oath of the judges or clerks of the election.

The constitutional provision of the State of Iowa on this subject is as follows:

ART. 2, SEC. 1. Every male citizen of the United States of the age of twenty-one who shall have been a resident of this State six months next preceding the election, and of the county in which he claims his vote sixty days, shall be entitled to vote at all elections which are now or hereafter may be authorized by law.

It does not contain the provision found in the constitution of some of the States from which cases have been cited, to the effect that no otherwise legally qualified voter should be deprived of his right to vote by any registry law, and on the effect of which constitutional provision the decisions in those cases were based. Section 605, Code of 1873, Laws of Iowa, also has a bearing on this question. It reads:

No person shall vote in any other precinct than that in which he resides at the time.

The question arising in this case under these statutes, as we shall more clearly see as we go on, is, are their requirements mandatory or directory; are they conditions precedent to voting, or may they be complied with or disregarded at the option or caprice of the voter or judges of election? I answer, that in my judgment, based upon reason, upon judicial construction, upon precedent, they are mandatory, they are conditions precedent, and must be complied with before an elector is entitled to cast his ballot.

It is argued in the report of the majority (the writer of which is an able lawyer, for whose legal judgment I have great respect, but which in this case I can not help feeling has been warped by what he would like to have it in this particular matter, and with which I can not agree) that the elector has no duty to perform and no responsibility to bear in regard to his registration; that it is wholly the duty of the board of registry to see that the register is properly made, revised, corrected, and completed; this can not, in all reason, be a proper construction of the law. It can not be that the Legislature of the State of Iowa, under the pretense of enacting a statute for the protection of the purity of the ballot-box, for the purpose of securing a fair vote and an honest count, gave to the people of that State a law providing a registry which on its very face must be incorrect and incomplete.

If the individual elector has no duty to perform in regard to this registration, then the very inception of the register is a fraud and a cheat, and shows upon the part of the Legislature a deliberate purpose to make an unfair, an incorrect, and an incomplete registry. This statute provides that in the first instance the list shall be made up from the poll-books of the last election held one year prior and from the assessment-books made nearly one year prior. Now, every one knows that even in the older States, where population is not constantly shifting and changing as it is in Iowa and the other new Western States, such a list could not possibly be a correct list of the electors for any particular year.

Since the last election many may have, and in nine precincts out of ten probably actually have, moved away and are wrongfully on the list. Many did not vote the year before, and consequently do not appear on the poll-book of the previous year, and the case now at bar is a good illustration of this. This election was held in the year 1884, the year of the Presidential election. It is the experience of us all that the vote on Presidential year is at least one-fifth heavier than any other, and no one would expect that nearly the entire number of voters in any particular precinct for 1884, Presidential year, would be found on the poll-books of the election of 1883. Neither would the deficiency be made up from the assessor's books, because all electors in Iowa do not pay taxes. Nor would the list of those liable to poll-tax show all, because at the age of forty-five in that State an elector is no longer liable to pay poll-tax or to perform military duty, so that when the board of registry has made up the register from the assessor's list and the poll-book of the previous year and adjourned it is absolutely certain that the register they have made is not correct; that it does not show a true list of qualified electors of the township for the current year.

The Legislature of Iowa never intended any such absurdity. Now, if the elector himself has nothing to do in the matter, why the subsequent provisions of the statute? Why the requirement that the "register of elections" "shall be kept by the township clerk, and shall at all times be open for inspection at his office?" Inspection by whom, unless it be by electors to see that they are properly registered? Why is the clerk required to post up a copy in his office within two days? Manifestly to give notice to electors as to who has been registered. How are they to get this notice if they are not expected to go to the office and look after their own registration? Why should the board of registration be required to hold a meeting to "revise, correct, and complete" the register on the Tuesday prior to the election, and to give notice of such meeting by publication?

Why notice if the individual elector has nothing to do, and if the duty and responsibility of the making, revising, correcting, and completing the register of elections is devolved wholly on the board of registry? Why does the law require that the board of registry "shall hear evidence that may be brought before them," if no one but themselves has anything to do with this making, revising, correcting, and completing the register? If the individual elector has nothing to do with the registering of his name, why does this statute provide that "any person appearing to register his name may be challenged?" This body is composed largely of lawyers. It is to this House, sitting as a jury and a court, judges of both the facts and the law, that this contestant submits his case. This court, like all others, is bound to adhere to the principles of law as established by well-grounded principles and precedents. And I appeal to you, my brethren of the bar, to act like judges in this matter.

We have no disputed facts to determine. We have a clear-cut question of law here, and nothing else; and let us come to its determination like lawyers, proud of their noble profession and bound to uphold its honor and its integrity. The members of this House who are at all versed in the legal profession will agree with me that as a general principle, when the highest judicial tribunal of a State has spoken upon the constitutionality of a statute of the State and has given a construction to its provisions, that declaration and that construction are conclusive on everybody and everywhere. The courts of the United States universally so hold, and when the State courts have spoken on such a question the Federal courts follow such State court on such questions implicitly, unless there shall be some question of derogation to the Federal Constitution, and there is no such question here. Will this House adopt any different rule? If, then, it shall appear to this House that the supreme court of Iowa has held this registry law constitutional and that its provisions are mandatory and not directory, I am sure the members of this body will rise above party prejudice, as they have heretofore done, to their credit be it said, and seat the contestant, the legally elected Representative in the Forty-ninth Congress of the sixth district of Iowa.

The supreme court of Iowa has so said (in Edwards *vs.* Banbury, 28 Iowa, 267). In that case a person whose name was not on the register presented himself to the judges, who knew he was a legal voter, except his name was not on the register, and he made the affidavit required by law, except he refused to give a sufficient reason. His vote was rejected. He sued the judges of election and was beaten. He appealed to the supreme court, and that court sustained the courts below. I extract from that case as follows:

The plaintiff is a white male citizen of the United States by birth, over thirty years of age, and is, and has been for several years last past a resident of said State of Iowa, and of said fourth ward, and a voter therein, all of which was well known to said defendants on said election day when they refused his vote. That on said election day, while the polls were still open and the judges waiting to receive votes (about 2 o'clock p. m.), plaintiff presented himself at said polls and offered his ballot to said judges, and offered to vote at said election, which the defendants refused; thereupon the plaintiff offered to take the oath of qualification as such voter as specified in section 494 of the revision of 1860, and demanded the privilege of voting, which the defendants refused, unless the plaintiff would furnish to defendants his affidavit showing a proper reason for not appearing before the board of registry, as provided in section 8, in chapter 171, of the acts of the Twelfth General Assembly of the State of Iowa, which plaintiff failed to do, protesting that he was not obliged so to do, and that under the constitution and laws he was fully entitled to vote without such conditions, and that the latter part of said section 8, commencing with the words "no vote shall be received," was unconstitutional and null, and again demanded the privilege of voting, which was refused. The name of the plaintiff not being on the register as provided by said statute, he was not permitted to vote at said election, although, except for such omission of his name from the register, defendants knew plaintiff to be a qualified voter.

The foregoing is a statement of the facts. In the opinion the court says:

"Respecting the right of suffrage," the constitution of this State (Article II, section 1) contains this provision: "Every male white citizen of the United States, of the age of twenty-one years, who shall have been a resident of this State for six months next preceding the election, and of the county in which he claims his vote sixty days, shall be entitled to vote at all elections which are now, or hereafter may be, authorized by law."

This section of the constitution defines who shall be an elector. Our system

of government is based upon the popular will. This will declares itself at the ballot-box. The propriety of having the organic law determine who may vote is manifest and indisputable. This is done by the section of the constitution just quoted. It fixes the minimum age of voters and the minimum length of residence. The Legislature can not change these particulars, nor any others which are specified in the constitution.

* * * * * * *

Whoever possesses the qualifications there mentioned is an elector; and his right to vote being thus given and secured by the constitution, is a right of which it is not in the power of the Legislature to deprive or divest him.

It is admitted that these qualifications confer a right. The right thus conferred is the right to vote. This right is held by a constitutional and not by a legislative tenure. It can not be destroyed or impaired by the Legislature. So far all is clear.

It is equally clear to our minds that the Legislature may regulate the exercise of this right, leaving the right itself untouched. They may, for example, make reasonable provisions for determining the age, length of residence, &c., of persons who offer to vote.

Every citizen who is entitled to vote is interested in having excluded from the box the ballots of those not entitled. To prevent fraudulent voting, to insure the purity of the ballot-box, are objects which fall properly within the provision of legislative power and duty.

We thus see the boundaries of legislative power. Those whom the constitution declares shall be electors can not be disfranchised, and not one jot or tittle can lawfully be added to or taken from the qualifications which the constitution prescribes.

But the Legislature, while it must leave the constitutional qualifications intact, and can not add new ones, may, nevertheless, prescribe regulations to determine whether a given person, who proposes to vote, possesses the required qualifications, and these regulations are valid, provided they do not amount to a denial or invasion of the right conferred by the constitution. (State *vs.* Leon, 9 Wis., 279.) To insure the integrity of the ballot-box, the Legislature has determined that a registry law is expedient.

The Legislature is supposed best to know the situation and wants of the State, and whether there is a necessity for laws of a particular character; and when such laws do not invade the constitutional rights of the citizens this court can not sit in judgment upon the wisdom of the General Assembly, but must respect, obey, and carry out the legislative will.

The act in question professes to be one intended to prevent fraudulent voting; and the court sees no reason to believe that the professed purpose is not the true purpose. It aims to secure this end by requiring a registry of voters. It provides for notice, and fixes a time and place in which it may be made or revised. It gives every voter an opportunity to have his name placed on the register. There is a board of registry for each township, or each town or city. Thus the convenience of the citizen is consulted.

* * * * * * *

Registry law, or laws providing that a list of voters shall previously be made, are not unusual (Auld *vs.* Walton, 12 La. An. 129; Harris *vs.* Whitcomb, 4 Gray, 433; Huggit *vs.* Lewis, 28 Eng. L. and Eq., 326), and the main object of them is to prevent fraudulent voting. Whether such laws are wisely adapted to effect this end, and do more good than harm, is, as above remarked, a matter solely for legislative wisdom to decide.

* * * * * * *

Guided by the principles before set forth, it is the opinion of this court that the portion of the registry law upon which the plaintiff relies is not in conflict with the constitution.

The foregoing case settles the constitutionality of the registry law of Iowa. (See also Patterson *vs.* Barlow, 60 Pa. St., 54—a strong case.) The supreme court of Iowa has also decided in explicit terms that the provisions of the law are mandatory in Nefzger *vs.* D. and Saint Paul Railroad, 36 Iowa, 644. In this case a certain township had voted a tax for railway purposes without the voters being registered. The tax was declared carried, and the same was actually assessed. One tax-payer (the plaintiff) resisted the collection upon the ground that the registry law had not been complied with. The case went to the supreme court and that court sustained the tax-payer, set the tax aside, and enjoined its collection as void because of non-compliance with the statute. The court says:

We deem it unnecessary to consider only the second ground of relief, namely, the entire disregard of the provisions of the registry law, for it seems to us, upon that ground if none other, the action of the court is fully sustained. Section 8, chapter 171, Twelfth General Assembly provides:

* * * * * *

(The act already quoted.)

The object of the act, as declared in its title, is to prevent fraudulent voting. Its language is mandatory. It reads: "No vote shall be received from any person whose name does not appear upon the register." To hold that an elector may vote whose name is not on the register would render an observance of the law merely optional and its provisions merely nugatory.

The court refers to and quotes 16 Michigan, 342; 21 Wisconsin, 566; Dwarris on Statutes, 715, and cases cited.

The supreme court of the State of Iowa has thus settled this case, and contestant ought not to be expected to go further. But Iowa is not alone in holding such statutes mandatory.

In Brightly's Leading Cases on Elections, page 453, edition of 1871, it is said:

If election officers receive a vote without preliminary proof which the law makes an essential prerequisite to its reception, such vote is as much an illegal vote as if the voter had none of the qualifications required by law. The voter might not be able, on the day of election, to produce the legal preliminary proof, and it would not appear to be just to the candidates to permit a vote to be made legal by evidence subsequently procured which was absolutely illegal when received by the officers. (State *vs.* Helmantel, 21 Wis., 566; State *vs.* Stump, 23 *id.*, 630.)

This we deem the only just view to be taken of the election law, and the only one which will remedy the evil of constantly recurring contested elections. (See People *vs.* Kopplekam, 16 Mich., 324.) The rule here indicated was enforced in Gibbons *vs.* Sheppard, 2 Brewster, 129, when the court refused credit for every vote *prima facie* illegal in which the testimony did not show that at the time of voting the offer was supported by the proof which the law demands.

Every voter not on the register is *prima facie* illegal.

In re Election of McDonough, 105 Pennsylvania, 490:

The above case was decided on the Pennsylvania statute, similar to the Iowa statute (it was only decided in 1882), thus putting at rest all doubt, if any, theretofore existing. Judge Trunkey, delivering the opinion of the court, on page 491, says:

"In the absence of registry of the name of the voter and affidavits, rejection of the vote by the officers is an imperative duty. Upon conviction of neglect of that duty, they shall be guilty of a misdemeanor, and may be punished by fine and imprisonment. By the natural meaning of the language of the statute, no unregistered person can lawfully vote until he produces the affidavits. All parties agree that the votes of persons whose names are not registered, and who produce no affidavits, are, *prima facie*, illegal. Shall such votes be counted as legal on the trial of a contested election upon proof that they were cast by persons who possessed the qualifications of an elector? This is the only question raised." * * *

After arguing the question and citing authorities, the court say, on page 495:

"We are of opinion that it is the imperative duty of an elector, whose name is not on the list of registered voters, to produce the required affidavits at the time he offers his vote, and that the election officers have no power to waive the production of the essential proofs. And the vote of such person offered and received, without the requisite affidavits, is illegal and can not be made legal at a subsequent investigation in the courts."

The case of Doerflinger *vs.* Helmantel, twenty-first Wisconsin, page 566, is precisely in point, the Wisconsin statute being almost verbatim with the Iowa statute. The court say:

"It is essentially an imperative statute, and deprives the inspectors of all jurisdiction to receive the votes of unregistered voters, unless the conditions as to the affidavit and oath are fully complied with. And first it is to be observed that there is a material difference between this and former statutes. They were regulations of the time and manner of conducting elections, designed for the government of the officers having charge of the polls. No duty was imposed upon the voters except that of going to the polls and depositing their votes. It was considered that the voters ought not to forfeit their privileges or lose their votes by reason of the mistakes or misconduct of the officers, which it was out of the power of the voters to remedy or prevent.

"By this act, however, every voter is made or may become an agent in the execution of the law. Copies of the register, as made by the board, are filed in the office of the town, village, or city clerk, and posted in some conspicuous place in the room in which the meeting is held, so as to be accessible to any elector who may desire to examine the same or make copies thereof. On Tuesday preceding the general election a meeting of the board of registry is held at the place designated for holding the polls of election for the purpose of revising, correcting, and completing the lists. Any elector of the district whose name has been omitted may appear at such meeting and cause the same to be entered upon the register. If he does not so appear, and still desires to vote, he must furnish the inspectors at the polls his affidavit, giving his reasons for not appearing on the day for the correction of the register, and likewise prove, by the oath of a householder of the district, that he knows him to be an inhabitant of the district; and, if in an incorporated village or city, give his residence within the district. In this matter of a voter whose name has been omitted, and who has not appeared on the day for the correction of the register, the burden of answering the requirements of the law, by furnishing the affidavit and proof, is thrown upon the voter himself. He is presumed to know the law, and must go to the polls prepared to comply with its conditions; and if he does not, and his vote is lost, it may, so far as it is the fault of any one, with justice be said to be his own fault. It is in the nature of a penalty imposed by the law for his neglect to do what is required of him. The inspectors can not receive his vote, and, if they can not, it can not afterwards be received and counted by the courts.

"And next it is to be observed that it is a negative statute. It has been said on very high authority that negative words will make a statute imperative. (Dwarris on Statutes, 715, 7 Law Lib., 55 and cases cited.) The words of the act are: 'No vote shall be received at any annual election in this State, unless,' &c. It is difficult to conceive of any language more strongly imperative than this." (21 Wisconsin, pages 568-571.)

This case completely disposes of the long and ingenious argument of the majority report to the effect that the judges of election having received the votes no question can afterwards be raised as to their legality, or that the burden of showing their illegality is thrown upon the attacking party. We assert with the utmost confidence that in every case cited by the majority report or in argument, wherein it is held that a vote once received must be proved to be illegal before it can be stricken off, the court or committee held the law under which they acted to be directory and not mandatory. We concur in that, where a regulation is only directory, and a vote is received without compliance with the directions, it must be proven to be illegal before it can be stricken off. The converse of the proposition is equally as well established—that where the directions are mandatory, and are disregarded, the vote must be stricken off.

This House decided in Le Moyne *vs.* Farwell, Contested-Election Cases (Forty-fourth Congress), 1871 to 1876, in substance as we claim. The committee in that case said in reference to the fourth precinct, eighteenth ward of the city of Chicago:

In this precinct contestant objects to seven affidavits furnished by voters for contestee, upon the ground that they do not appear to have been sworn to before any officer. There is no jurat thereto. It is agreed (therefore unanimous) that the same are fatally defective, and the votes therefore should be deducted from the contestee.

We also, fortunately, have another precedent. In the Forty-sixth Congress was pending the contested-election case of Curtin *vs.* Yocum, in which a report was made which ought to have great weight with our friends upon the other side of this Chamber. In that case the majority report of the Committee on Elections was sustained by every Democratic member of the House, I believe. It was made by the chairman of the committee, and the majority report of the same committee in this House and in this case says of that report:

A most elaborate and learned report was made by the majority, Mr. SPRINGER being the chairman, holding that the statute was mandatory, and such votes should be excluded.

I commend that learned report to the careful and prayerful perusal of my Democratic friends; though possibly in these days of "reform" you have also reformed your ideas of constitutional law and of the purity of elections, which last God grant may be true. It would seem utterly useless to further pile up authorities. The highest court of Iowa decided, as shown, that a voter not registered, though known to the election offi-

cers to be otherwise qualified, could not vote unless he gave "a sufficient" reason; further, that the registry law is mandatory. These decisions, backed by the others cited, seem sufficient to establish the issue in favor of contestant, that the law of affidavits is mandatory and must be strictly complied with, and that a person voting without such compliance must be stricken from the poll.

With this array of authorities I can not see how this House can be turned away from its duty because Illinois under the provisions of its constitution and laws may have held the registry law of that State directory; and it is upon the Illinois case that the claim of the majority is planted. This brings us to the question as to what the defects in the affidavits were in the case at bar. *Prima facie*, at least, all these voters who were not upon the register had no right to vote, and their right to do so could only be restored by a compliance on their part with the requirements of the registry law. By that law each one is required to present to the election board his own affidavits, showing—

1. That he is a qualified elector; that is—

(a) That he has been a resident of the State six months;

(b) That he has been a resident of the county sixty days;

(c) That he resides at the time of voting in the election precinct in which he offers to vote; and

(d) That he is a citizen of the United States.

2. A sufficient reason for not appearing before the board on the day of revising, correcting, and completing the register.

Did the men who voted in the east and west Oskaloosa precincts for the sitting member, and who were not upon the register, comply with these mandatory provisions of the register law of the State of Iowa? We answer emphatically, no.

I gather from this record the following figures:

Not registered, and who gave in their affidavits no reason for their failure	31
Not registered, vouched for by Charles or C. Blatner, himself not a registered voter, as required by law	38
Not registered, and who give as a reason "neglect"	13
Not registered, and who give as a reason "left off the register"	103
Total	185

The first class did not attempt to give any reason for their not appearing at the time appointed for the revising, correcting, and completing the register. The statute is imperative in that regard, and the case of Banbury *vs.* Edwards, already cited, is conclusive upon that point, and these 31 votes must be excluded from the count.

The second class were vouched for by Charles or C. Blatner, who was not a registered voter, at least it does not so appear from the evidence, and the burden was upon the contestee to show that these unregistered men became legal voters. Hence these 38 votes must be stricken from the poll of the sitting member.

But we may discard these 38 votes from our calculations, and still the final result is the same.

The third class say that they did not appear because of "neglect." This is the first time I have ever heard eminent lawyers contend that a party's own neglect was a sufficient reason for his shortcomings. This reduces contestee's vote 13 more.

The reason of the fourth class is still more indefensible; they say they did not appear because they were "left off the register." Now, mark, that they shall give "a sufficient reason for not appearing before the board on the day for correcting the register." (The Tuesday before the election is the requirement of the statute.) Not a sufficient reason why they do not appear on the register on election day, but a sufficient reason why they did not appear the week before; and they say the reason was that they were "left off the register," the only reason under the sun why they should have appeared. If they had not been "left off the register," if they had been on the register, then would there have been no occasion for appearing. And yet they say they did not appear for the only reason which made it necessary for them to appear, and we are gravely told that that is a "sufficient reason" under a *mandatory* statute. Ought they not to have been required to give some sort of a reasonable excuse—that they did not know they were "left off," that they were sick, that they were out of the county, or some excuse or reason likely to have some influence on the human mind? It seems to me so, and that this law in the interest of pure elections should be strictly upheld.

If they had presented affidavits alleging as a reason for not appearing on the day for correcting the register any reason which could possibly be an excuse for not so appearing, and the judges of election had held the same "sufficient," I am not prepared to say that it could be taken advantage of here. In this case it is not necessary to go so far as that. But I can not subscribe to the doctrine that it is a "sufficient reason" for not appearing to give no reason or excuse whatever, or to allege the voter's own "neglect," or to assign as a "sufficient reason" for not appearing that they were "left off," the only thing which under the law made it necessary for the voter to appear at all.

If perchance any honest voter lost his vote by his own neglect he must bear the consequence; better that than a reckless disregard of the laws made for the protection of the ballot should be encouraged and sustained. In that event the salutary laws for the protection of the franchise would become a mockery and our own republican institutions become endangered. Better that these few voters in Iowa, though legally qualified electors in all respects except the registry, should be deprived of their votes at one past election than that this House should set a precedent which would legalize universal and unrestrained fraud and authorize the casting of thousands of illegal votes in all our large cities at all future elections.

Deduct from contestee's vote the illegal votes claimed to have been established by contestant, and contestant is elected. Deduct the votes of those voting on no affidavits or on defective affidavits and he is elected by a much larger majority than that by which the sitting member now claims the seat.

Let the majesty of the law be upheld, and when the roll of this House is called after to-day Frank T. Campbell will answer instead of James B. Weaver.

Mr. ELY. Mr. Speaker, it seems to have been assumed in the early part of this discussion that the position taken by the minority of the Committee on Elections was gratuitous, and it has been hinted that it was partisan. For one, sir, I signed the minority report with great reluctance. I should have preferred to have signed that of the majority if I could have found any warrant in law to justify me in so doing. But, Mr. Speaker, I believe that in the decision of these questions we sit as a high court of judicature, and are bound under our oaths to obey the laws of our country. In the few minutes that I shall address the House I shall address them upon a question of law. The question is, is the statute of Iowa which has been quoted here mandatory or directory? In the first place, in a well-considered, carefully drawn, and exceedingly able opinion prepared by the gentleman from Illinois [Mr. SPRINGER], and signed by every Democratic member of the committee—an opinion which is conclusive upon this question, as it seems to me—I find it held that a statute exactly similar to the one involved in this case is mandatory. I find, too, that the supreme court of the State of Iowa, whose decisions in the case now under consideration are binding upon this House, have heretofore ruled that this statute is constitutional, that an election in disobedience to its provisions is void; and in that decision of the supreme court of Iowa I find cited with approval a decision reported in 21 Wisconsin. If that decision which has been cited by the supreme court of Iowa with approval is good law, then I stand upon firm ground.

Allow me to read a brief extract from the opinion in that case which "goes upon all fours" in all its facts with the case now under consideration. The court says:

> It is furthermore alleged that of those 544 votes which were received by the judges of the election, 145 were received from persons no one of whom proved to the inspectors receiving his vote, by the oath of a householder of the district, that he knew such person to be an inhabitant of the district, nor did any one of them furnish the inspectors any proof upon oath that he was a resident of the election district. It will be seen from these statements, not that there was a total want of proof or any attempt to evade the requirements of the act, but only that the proof was in some particulars defective. It is not, therefore, a question whether the statute may be wholly disregarded or dispensed with by the inspectors, but whether, when an attempt is made in good faith to execute it, a mistake in the execution, or any departure however slight from the terms of the statute, will vitiate the proceedings and annul the votes so irregularly received.

Mr. SOWDEN. Mr. Speaker——

Mr. ELY. I am unable to yield. I hope the gentleman will pardon me, but my time is too brief. Now, I say with Chief-Justice Dixon, writing this opinion for the supreme court of Wisconsin, that I feel reluctant to subscribe to a doctrine which would disfranchise a voter, otherwise qualified, because he lacks simply the qualification of registration. But such is the law. There is not a single word in any text-book referring to this question, there is not a decision of a single court of last resort, except that of Illinois (to which I hope to have time to refer), that does not sustain the minority of this committee in the position which they take. In addition to the Iowa decision we have the opinion of the supreme court of Pennsylvania, the unanimous opinion of the court, deciding the same thing. In that opinion the court say of these decisions in Illinois: "Such judicial construction nullifies the law to prevent fraudulent voting." Now, sir, these decisions in Illinois go to the extent of deciding that if a vote is received by the judges of election, although no affidavit is made, although the voter's name does not appear on the registry-list, yet the vote having been received by the judges, though without legal right and against the law, that vote shall be counted. For one, Mr. Speaker, in the light of these decisions, in the light of the able report of the committee of this House, to which I have referred, I am unable to bring my mind to any such conclusion, though I have tried earnestly to do so.

Now, Mr. Speaker, a single word in regard to these affidavits and the reasons which they give. The statute says that the reason shall be a sufficient reason. What is a sufficient reason, I would inquire? I maintain that no reason is sufficient which could apply to every case that could possibly arise. It may be that a reason would be common to a certain number of voters who had not registered; but a reason which must necessarily apply to every man, however negligent is, in my judgment, no sufficient reason.

[Here the hammer fell.]

Mr. HALL. I yield to the gentleman from Pennsylvania [Mr. SOWDEN] for three minutes.

Mr. SOWDEN. Mr. Speaker, since the gentleman from Massachusetts [Mr. ELY] declined to be interrupted, I thank the gentleman from Iowa [Mr. HALL] for his kindness in yielding a few minutes of his time to me in which to make the point I had intended to raise in my question to the gentleman from Massachusetts. He stated in his remarks that the case of Doerflinger *vs.* Helmantel, Wisconsin Reports, volume 21, page 566, was exactly on all fours with the case now under consideration. In this statement I wish to take issue with him and point out wherein he errs.

In the case before the House now, the necessary affidavit required to be furnished the judges of election by the unregistered voter, showing that he is a qualified elector under the statute of Iowa, was furnished by the men who offered to vote in Oskaloosa Township, and their affidavits were supplemented in each case by an affidavit of a freeholder or householder whose name was on the register, certifying to the fact of the elector's residence in the election precinct, &c., as required by law. This was not done in the case cited and relied upon by the gentleman from Massachusetts, as a careful examination of it will disclose. If this be true, and we are correct in what we have said, how can the gentleman successfully contend that his position is sustained by the case cited and that it is on all fours with the case now under consideration? In the very case upon which he relies the learned judge who delivered the opinion of the court—Chief-Justice Dixon—says:

> It is furthermore alleged that of those 544 votes, 145 were received from persons no one of whom proved to the inspectors receiving his vote, by the oath of a householder of the district, that he knew such person to be an inhabitant of the district, nor did any one of them furnish the inspectors any proof upon oath that he was a resident of the election district.

It would seem from this that the case so confidently relied on by the gentleman from Massachusetts as being on all fours with that pending before the House differs most materially from it in this, that in the case under consideration it is admitted on all sides that the necessary affidavits required under the laws of Iowa were furnished the judges of election by the unregistered voters at the time they offered to vote, as also the affidavits of the freeholders certifying that these electors resided in the election precinct, &c., in which they offered to vote, as required under the statute. All this was wanting in the case cited. The only question upon which this case seems to hinge is, whether a sufficient reason was given by these unregistered electors for their neglect to register, or for not appearing before the board of registration on the day fixed by law for correcting the register.

The judges of election passed upon that question when they received the votes of these men. Had they believed the affidavits insufficient or the reasons given therein for non-registration unsatisfactory, they undoubtedly would have refused to accept the votes offered when the affidavits could have been amended to meet the requirements of the judges of the election, who alone were to pass upon the question of their sufficiency. In accepting the votes the judges admitted that the affidavits were sufficient, and I contend that neither the Committee on Elections nor this House are warranted in going behind the decision of the election officers.

[Here the hammer fell.]

Mr. HALL. I yield five minutes to the gentleman from Illinois [Mr. ROWELL].

Mr. ROWELL. Mr. Speaker, while I do not agree with some of the statements of fact contained in the majority report, I do agree with the conclusion that the sitting member is entitled to retain his seat. I desire to occupy a moment in stating the grounds upon which I found that belief. The whole question turns upon certain votes cast upon affidavits. If the votes cast upon affidavits are thrown out where those affidavits are not in exact accordance with the law, then the sitting member loses his seat; if those votes are not thrown out, he retains it.

It will not do to say that this question is entirely settled, because there are judicious decisions on both sides. I believe, however, that the reason of the case is in favor of counting the votes. This House itself, by a majority vote, has decided in favor of the view presented by the majority of the committee. This case, however, illustrates how men may change sides upon a question of this sort, for it is true that in the Curtin-Yocum case every Democratic member of the committee reported in favor of the view presented by the minority here. It is true that the Republican side of the House took the view then that I now take, that this provision of law in regard to the filing of affidavits is directory, not mandatory.

Mr. PAYNE. Will the gentleman allow me a question?

Mr. ROWELL. I have only five minutes, and I believe I will not.

Mr. PAYNE. I wanted to call attention——

Mr. ROWELL. Five minutes is not very long in which to talk upon a legal question, and, without any disrespect to the gentleman, I can not surrender any portion of my time.

The courts of Pennsylvania have decided in favor of the mandatory character of a provision of this nature. The State of Wisconsin also has so decided. The State of Iowa *in dicta* has so decided; but the direct question involved in this case was not presented for decision, otherwise I should feel bound to follow the judgment of that case. The State of Illinois, on the other hand, where the questions involved in this case were passed upon, has decided that a provision of this kind is directory, and that decision is based upon this fact: When an affidavit is required to be presented to a board of election judges, that board is necessarily constituted a judicial tribunal to pass upon the affidavit; and when the vote has been duly received, the sufficiency of the affidavit has been passed upon and may not thereafter be questioned, unless the voter, for other reasons, was not entitled to deposit his ballot. For instance, under this law a registry is provided, but the fact there is a registry law does not prohibit a man from voting whose name has not been registered. But herein this election law differs from election laws where no man may vote unless his name is upon the registry.

The SPEAKER. The gentleman's time has expired.

Mr. ROWELL. I hope I will be allowed a few minutes longer.

Mr. HALL. I will yield two minutes longer.

Mr. ROWELL. The voter may not know his name is not upon the registry, and if the election judges receive his vote without informing him of that fact they deprive him of the opportunity to comply with the law, and their fault ought not to deprive the voter of his vote. In the same way, if they present an affidavit informal in character, not complying with the terms of the law, it is their duty to call his attention to the fact, but he ought not to be deprived of his right to have his vote counted because officers of the law have neglected their duty. And it is for that reason I am not willing to unseat a man who has been elected by legal voters because of any neglect on the part of election officers to do their duty.

[Here the hammer fell.]

Mr. HALL. I will yield for one minute to the gentleman from Iowa [Mr. MURPHY].

Mr. MURPHY. Mr. Speaker, I do not deem it necessary to say anything in this case except to call the attention of the House to one single fact, and I think that fact ought not only to convince the most skeptical, but to change the mind of any one who has formed a different opinion, and I state that fact with pride, that from personal knowledge in the last thirty years while the Republican party held power in Iowa this is the first time, wherever there was contention, the Republican State board issued a certificate to the Democratic contestant, as they have done in this case. I say that fact alone, that the Republican State board of Iowa issued this certificate to General Weaver, is conclusive to my mind that he was elected, and they were compelled to do that which their sympathy and judgment wished could have been otherwise.

Mr. HALL. If no other member on this side of the House wishes to be heard I will attempt to bring this case to a conclusion in as short a time as possible.

At the outset, Mr. Speaker, it is proper for me to say this contest has excited no little interest in that portion of the State of Iowa from which it came. The Republican press at the time, and constantly since, have seen proper to charge upon the incumbent that he was a usurper, occupying a seat which belonged of right to the contestant, that he had obtained it by improper, corrupt means and the pernicious influences supposed to affect elections. I think it is an opportune time, here upon the floor of this House where this question is being considered, to state that upon the record presented there is no claim or pretense of fraud or wrong upon the part of the contestee, and in all the evidence there is no intimation of bribery, votes cast fraudulently, or of colonization of improper votes, and the only charges in that direction are those which throw a shadow around the methods resorted to on behalf of the contestant himself.

The record discloses that men were bribed to vote for the contestant, that negroes from adjoining counties were colonized in this district and cast illegal votes for him.

In addition is the fact I alluded to in my statement of the case that in two precincts of Oskaloosa County there was improper manipulation of the registry-list, by which there was an attempt at least to limit and impair the right to vote of some 200 electors. Their names were purposely left off the registry-list of that township. We find that manipulation having its origin and its inception with adherents of the contestant. Now, in order that we may adhere clearly and closely to the precise case that is before the House, I wish to correct a statement contained in a question suggested by the gentleman from Iowa [Mr. HENDERSON] that there were 103 of these affidavits that contained no reason whatever for not being upon the registry-list. The fact is that there are but 31 of such affidavits, not enough, according to the concession of both the minority and majority reports, to change the result of the election. There are one hundred and three affidavits in which the cause or reason assigned for not being upon the registry-list is "neglect," or being omitted—"left off" of the registry-list.

Now, when the members of this House will understand that on the morning of the November election, when the electors met for the purpose of casting their ballots, there were old and reputable citizens, men who had lived there a lifetime, who had voted for twenty years there, who found themselves omitted from the registry-list where it was the high and imperative duty of the registration board to place and keep their names; when, I say, they found that nearly 25 per cent. of the entire voting population had been omitted from the list, it produced a most profound sensation in the community; and you can well understand that the words "neglect," as used in these affidavits, or "left off

the lists," as used in others, do not mean neglect on the part of the elector himself, but the neglect or the willful omission on the part of the registration board. I think I may appeal to the judgment not only of Democrats but of Republicans to hold that "neglect" or "left off the list" was an ample and sufficient excuse why the elector's name was not upon the registry-list, and entitled him to vote upon presentation of his affidavit.

But this question, not only with reference to the affidavits which were left in blank but of all the affidavits, can be settled upon a well-recognized principle, and it is this, that by the constitution of the State of Iowa the right of franchise is conferred and does not depend upon any act of the Legislature.

Under the well-settled law in such cases the Legislature has no power to add any conditions to the legal qualifications of the elector, neither can it take any of them away. It can provide rules and regulations as to registration and provide a system for the conduct of elections, but it can make no conditions by such law or system of registration which will make it an essential prerequisite of the right of the elector to cast his vote, and hence it has been recognized by all the authorities on this subject—it is so declared by Cooley in his excellent work on constitutional limitations—that every registry system which operates to deny to any man the right to vote on the day and place of election can only do so upon the principle that the elector voluntarily and of his own motion abstains from exercising his right under that registry law. Only a conviction of felony can deprive him of the right which the constitution guarantees to him as an elector. It proceeds upon the idea that the man who abstains from voting loses no right and is deprived of no privilege. It is a voluntary action upon his part.

Under the registration system men who failed to apply within the time fixed by the law for having their names entered upon the register may be justly deemed to have voluntarily abstained from exercising the right of suffrage. But in the case before us there is no instance of that kind. There is no case where any citizen willfully or voluntarily abstained from the exercise of his right of franchise.

The cases cited by the gentleman from New York [Mr. PAYNE] in the course of his argument do not, therefore, pertain and are not applicable to the question with which we are now dealing. It reminds me somewhat of the remark of a philosopher that filth was nothing but matter in the wrong place, and while he cited some very good law, unquestionably it had no proper application to this case.

This is not a case where the judges allowed a man to vote who was not upon the registry-list, and knew he was not there. There is no such allegation set up in the case. It is not a case of a direct violation of the law, but it is a case where the elector, knowing that he was not upon the list in good faith and in pursuance of the law, made every effort to comply with it and do those things requisite to enable him to exercise an important right.

Now, Mr. Speaker, the question arises who shall determine for him whether his attempt to comply with the law is a compliance or not. The law prescribes the method of determining that, and it seems there can be little question of the fact. It is a matter with which the judges of election have to deal. When the judges have recognized him as an elector, when they have declared that his name is upon the list, or have accepted his vote upon his affidavit, and declared that to be sufficient, I say that makes the vote legal, and that there is no other tribunal which has authority to review or reconsider the action of that board in arriving at that conclusion. Why, consider for a moment the practical application of the case, and it will be seen at once what the effect would be. An elector to-day approaches the polls for the purpose of voting, supposing his name to be upon the registry-list; yet he can not know positively that it is there. He knows that it ought to be there, for it is the duty of the registry board to place it there. He presents his ballot and is met by a statement of the judges that he is registered. Why, Mr. Speaker, even though an elector had gone within the five days before the election to the registry board and had seen his name upon the list in their possession, it might subsequently have been erased either fraudulently or by accident; so that when he asks to exercise his right to vote, and asks if he is registered, there is no power that can answer that question but the judges themselves.

Suppose the judges inspect the registry and tell him he is registered, and accept his ballot; it may be they have made a mistake; it may be they are acting fraudulently. But so far as he is concerned they make the response imposed upon them by law, and accept his ballot. I care not whether they make a verbal response or make a response by accepting his ballot and giving him to understand he has a right to vote.

Now, can any gentleman find any legal learning that after that procedure has been gone through will authorize the rejection of that ballot upon subsequent discovery that the judges erred or that the elector was not in fact registered? Would it not operate as a direct and immediate fraud on the elector and deprive him of that *locus penitentiæ* which, upon the discovery that he is not on the registry-list, would have enabled him to apply through affidavit? Are not all his rights cut off by that construction, and would not the law contravene the provisions of the constitution which confer upon him his elective franchise?

The supreme court of Ohio used this language in referring to a decision by the supreme court of Massachusetts in Capen *vs.* Foster, 12 Pickering, 488.

It was held substantially that laws of the latter description (registry laws) must be reasonable, uniform, and impartial, and must be calculated to facilitate and to save rather than to subvert or impede the exercise of the right to vote.

I hold that any law that deprives an elector of his vote after his ballot has been received under the circumstances narrated contravenes the constitutional provision which gives him that right and is a trap and a snare.

There are laws which are in part mandatory and in other parts directory; and this registry law may certainly be said to belong to this class. The case from Iowa cited by the gentleman from New York, in which the supreme court of that State held that this law was mandatory, referred simply to this law in its general sense as requiring elections to be held under a registry system. The court did not consider for a moment whether a voter whose vote had just been received in good faith could be deprived of it, or as to what were the qualities and qualifications of an affidavit to enable the unregistered voter to cast his ballot.

The same thing is true of the case cited from Pennsylvania. It merely holds that the law is mandatory in so far as that men who knew that they are not registered, and have no right to vote, are allowed to exercise that right in violation of law; but where a man votes supposing he is on the registry, and is in the attitude of endeavoring to comply with the law, then that man's ballot goes into the urn and will stay there until the ultimate and final count is made.

The same thing applies to the affidavit. What is the purpose of the affidavit? Nothing in the world but a petition addressed to the judges of election, in which a citizen, omitted from the registry, asks to exercise the privilege possessed by those on the register. He has to furnish some statement, some excuse to be addressed to the judges. They are to hear and determine and decide whether the vote is to be received or rejected. It is a simple proposition, applicable to all tribunals, whether judicial or ministerial, that under those circumstances the action of the tribunal is final and conclusive so far as the non-essentials are concerned.

Hence it is, I will say without detaining the House longer, that the majority of the committee have come to the conclusion that in so far as concerns the statements and reasons and descriptions of persons and things which are required to be set forth in the affidavit the law is simply directory and permits that application, stated in the language of the elector himself, to be presented to the judges, and if incorrect or imperfect to be corrected until it is acceptable if the facts will justify it, and when accepted it makes the vote a valid one against every consideration except that the voter himself was not a lawfully qualified elector under the laws and constitution of the State.

I therefore move the previous question.

The previous question was ordered.

The SPEAKER *pro tempore* (Mr. HAMMOND). The question is on the adoption of the resolutions.

Mr. BURROWS. I do not think it is understood what the resolutions are.

The SPEAKER *pro tempore*. The Clerk will read the pending resolutions.

The Clerk read as follows:

Resolved, That Frank T. Campbell was not elected to a seat in the Forty-ninth Congress as a member from the sixth Congressional district of the State of Iowa.

Resolved, That James B. Weaver was elected and is entitled to retain his seat in the Forty-ninth Congress as a member from the sixth Congressional district of the State of Iowa.

Mr. CRISP. Is not the vote first on the substitute?

The SPEAKER *pro tempore*. No substitute has been offered.

Mr. CRISP. I was under the impression that a substitute was pending.

Mr. PAYNE. I did not hear the demand for the previous question. It was certainly my intention to offer a substitute.

The SPEAKER *pro tempore*. The Chair is not responsible for that.

Mr. PAYNE. I ask unanimous consent now to offer a substitute, notwithstanding that the previous question has been ordered.

There was no objection.

Mr. PAYNE. I offer as a substitute for the resolutions of the majority of the committee the resolutions recommended by the minority.

The Clerk read the proposed substitute, as follows:

Resolved, That James B. Weaver was not elected to a seat in the Forty-ninth Congress as a member from the sixth Congressional district of Iowa, and is not entitled to a seat.

Resolved, That Frank T. Campbell was elected and is entitled to a seat in the Forty-ninth Congress as a member from the sixth Congressional district of the State of Iowa.

The substitute was not agreed to.

The resolutions of the committee were agreed to.

Mr. HALL moved to reconsider the vote by which the resolutions were agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONTESTED ELECTION CASE—PAGE VS. PIRCE.

Mr. SPEAKER. I desire to call up the resolution which is reported from the Committee on Elections in the Rhode Island contested-election case of Page vs. Pirce.

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

Resolved, That William A. Pirce, sitting member from the second Congressional district of Rhode Island, be allowed thirty days from the passage of this resolution within which to resubpœna and cross-examine witnesses heretofore examined by Charles H. Page, the contestant, and to take any testimony he may desire, and that ten days thereafter be allowed to said Page to take evidence in rebuttal.

Mr. GREEN, of New Jersey. Mr. Speaker, in my own judgment there is very little occasion for discussion of this resolution, but I understand that our friends on the other side think otherwise. Therefore I wish to inquire whether if I should now move the previous question there would be an hour for discussion after that.

The SPEAKER *pro tempore*. If the previous question were ordered without previous debate there would be fifteen minutes allowed for debate on each side.

Mr. REED, of Maine. That is not adequate. I think there ought to be a fair opportunity to discuss this question. It is not a question of party politics. It is a question beyond and above that. As it seems to me, it is establishing a precedent, and I think we ought to have it thoroughly discussed.

Mr. ROBERTSON. I do not see what is the necessity of any discussion at all about this matter.

Mr. REED, of Maine. There is very great necessity.

Mr. ROBERTSON. Why?

Mr. REED, of Maine. I should have to go through the discussion to show you why.

Mr. GREEN, of New Jersey. Mr. Speaker, I ask unanimous consent that debate on this resolution be limited to one hour.

Mr. REED, of Maine. I shall object.

Mr. ROWELL. I object. If you will make it four hours, I shall make no objection.

Mr. ROBERTSON. How long do you gentlemen on that side want?

Mr. REED, of Maine. We want two hours.

Mr. GREEN, of New Jersey. Mr. Speaker, our friends upon the other side and myself seem to be so far apart in our judgment as to the proper limit of this discussion that I will now go on and present the views of the majority.

Mr. ROBERTSON (to Mr. GREEN, of New Jersey). Can you not agree with the gentlemen on the other side as to how much discussion there shall be? I think it is but fair and right to let them have a reasonable time to discuss this question.

Mr. GREEN, of New Jersey. My friend from Kentucky [Mr. ROBERTSON] and I agree entirely upon that. The only question is as to what is a reasonable time.

Mr. ROBERTSON. What do you think is a reasonable time?

Mr. GREEN, of New Jersey. I have already said that I think one hour is enough.

Mr. REED, of Maine. I do not think that is enough.

Mr. SPOONER. I think that if we could have two hours it would be sufficient.

Mr. GREEN, of New Jersey. I can not agree to two hours.

Mr. SPOONER. The question here goes to the merits of the case.

Mr. GREEN, of New Jersey. I do not understand how the merits of the case can possibly be brought into the discussion of this question.

Mr. ROBERTSON (to Mr. GREEN, of New Jersey). I think we shall save time by giving them the time they ask, because if we do not, they will probably filibuster and delay the decision longer.

Mr. SPOONER. There is no disposition on our side to delay it at all.

Mr. REED, of Maine. There is no disposition whatever to delay.

Mr. GREEN, of New Jersey. Will you gentlemen be satisfied with an hour on that side?

Mr. SPOONER. We want two hours.

Mr. ROBERTSON. If they want two hours, let them have it. We want only one hour on our side, because there is nothing in the case on their side. [Laughter.] What do you say to an hour and a half on each side?

Mr. GREEN, of New Jersey. Mr. Speaker, I make the suggestion that the debate be limited to two hours, one hour on each side.

The SPEAKER. The gentleman from New Jersey [Mr. GREEN] asks unanimous consent that at the expiration of two hours, to be equally divided between the opposing parties, the debate upon this question shall be closed and the vote taken.

Mr. REED, of Maine. I suggest to the gentleman that there should be an hour and a half allowed on this side. If he does not want more than an hour, he need not take it.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey [Mr. GREEN]?

Mr. REED, of Maine. I object.

Mr. GREEN, of New Jersey. Very well; then, Mr. Speaker, I will proceed. The Committee on Elections have reported this resolution giving the contestant and the contestee in this contested-election case further time to take testimony. The committee have not considered or reported the case on its merits. They come here simply for the passage of a resolution, in the nature of an interlocutory order, granting to these parties further time to take testimony. The committee retains jurisdiction of the case, and the simple question here is whether this further time shall be granted? The sitting member has a majority of 16, and the law of Rhode Island requires a majority to secure an election. In the testimony taken in this case on the part of the contestant there is disclosed by the evidence of thirteen witnesses a case of open corruption at the polls, some of these witnesses implicating personally the sitting member. The testimony, if true, shows open, barefaced corruption, the marshaling of men in files from the ballot-box and taking them down to the tavern to be paid the price of their corruption. We say in our report that if this evidence be true this House, in justice to its own dignity, must take notice of this case.

But, Mr. Speaker, the testimony has not been taken by the contestant within the time prescribed by the statute; and the contestee, taking advantage of that fact, as he had a right to do, claims not to have been represented at the time these witnesses were examined, and to have abstained from cross-examination of them, and also from producing witnesses to show that he and his friends have not been guilty of the corruption charged against them. This being the case, the majority of the committee have done—what? They have reported a resolution that the contestee should be allowed thirty days further time; and this time, let me say, has been fixed after consultation with his counsel; that is, I understand his counsel stated this time would be more than sufficient. We propose to give him thirty days within which to resummon these witnesses, cross-examine them, and to present any testimony that he may be advised it is necessary for him to produce in his behalf. We recognize that if the testimony already taken be true notice should be taken of it, but do not wish that he shall be condemned unheard.

On the other hand, the minority of the committee do what? They report two resolutions. In the first place, a resolution that Mr. Page, the contestant, is not entitled to the seat; and I propose, if necessary, to raise a point of order on that resolution that it is not before the House, that the question is still before the committee, that the case is not here for a decision on its merits. But they further say that although this testimony was not taken in time, although the contestee had the right to pay no attention to it, still they must regard it; that evidence of corruption is brought here, and that we must take notice of it. Therefore they recommend that a subcommittee of the Committee on Elections be directed to go to the State of Rhode Island and take testimony upon this question.

Thus, Mr. Speaker, there is presented on the part of the majority a proposition that this matter shall be sent back in order that these gentlemen may take testimony themselves; and on the other side we have a proposition that a committee or subcommittee of this House shall go to the State of Rhode Island and take testimony there.

Having thus stated the case, as it strikes me, I reserve the residue of my time, giving notice that I propose to move the previous question.

Mr. ELY. I yield ten minutes to the gentleman from Illinois [Mr. HOPKINS].

Mr. ROBERTSON. I rise to a parliamentary inquiry. How long is this debate to last?

The SPEAKER. Until the previous question shall be ordered by the House.

Mr. GREEN, of New Jersey. I understand that I am entitled to the residue of my hour.

The SPEAKER. The gentleman from New Jersey [Mr. GREEN] was entitled to the floor for one hour. He having resumed his seat, the gentleman from Massachusetts [Mr. ELY], who made the minority report, is entitled to the floor for one hour, and has yielded to the gentleman from Illinois [Mr. HOPKINS] for ten minutes.

Mr. HOPKINS. I yield five minutes to the gentleman from Maine [Mr. REED].

Mr. REED, of Maine. Mr. Speaker, I desire that what I have to say on this question shall be said now, immediately after the remarks of the gentleman from New Jersey [Mr. GREEN]. I must confess to a great deal of surprise in listening to that gentleman's argument, coming as it does from a lawyer. Here is a plain provision of the statutes of the United States. The gentleman himself admits that the contestee did entirely right in refusing to appear and take testimony after the time had elapsed. If he did perfectly right why should this House subject him to further trouble and expense? He stands here, according to the gentleman from New Jersey, upon his right. Why should he be deprived of his right, which is secured to him by the statute of the United States? This is the reason which the gentleman from New Jersey gives: That the *ex parte* testimony taken out of time, taken when the contestant knew that he would not be answered, throws some slur upon the method of conducting the election.

It will be remembered that there is no provision by which the man who contests this seat can have it. There is no pretense that even upon his *ex parte* testimony the 1,500 plurality against him can be overcome. What then is the purpose of this proceeding as stated by the gentleman from New Jersey? To investigate, as he says, certain alleged frauds set forth in *ex parte* testimony taken on the part of the contestant. Now, in order to do this we are asked to avoid the plain

way of doing it, which is to order a direct investigation, and to set a precedent by which we declare that the House will override the statute of the United States. I waive the question whether we have a right to do it or not, and admit, for the sake of argument, that we have the right. But I ask the House, which, judging from its action to-day and on the last election case, seems to be in a mood to treat these matters fairly, I ask the House to consider—and I have no other motive in regard to this question—whether it is wise and just to set a precedent which will add another horror to contested-election cases. I speak with some little feeling on this subject, for I do think that the course and conduct—the necessary course and conduct—of our present method of investigation in election cases is a discredit to us all. A contested-election case in which I was engaged, which cost $2,600 for its preparation on my part and $5,000 for its preparation on the other part, the Committee on Elections decided unanimously, and the House decided without a ripple of opposition, for there never was a shadow of foundation on which to base the contest. In addition to what the statute permits—a most outrageous permission—to go all over the world to take testimony on matters material and immaterial, matters relevant and irrelevant, we propose in this case to add to the precedents already established by forcing a man who stands upon his own right to go into a re-examination of an election case where the statute has decided it, and where the statute, if not mandatory, is one which commends itself to the reason and good sense of every member of this House.

I sincerely hope the House will not permit this to be done.

Mr. ROBERTSON. Permit me to state to the gentleman from Maine that the counsel in this case had agreed it should be changed to a different time from that prescribed by law.

Mr. REED, of Maine. I understand that not to be so. And the gentleman from New Jersey [Mr. GREEN] distinctly in his opening stated the contestee in this case was acting as he had the right to act.

Mr. ROBERTSON. I took the position you take now.

Mr. REED, of Maine. I wish you had held to it. If you had, we would have been all agreed.

Mr. ROBERTSON. I have no doubt about that. I said I wanted to agree with you, so the House might understand it fairly and it should be all right.

Mr. REED, of Maine. That is what I wished.

Mr. ROBERTSON. But there was a disagreement as to the time when the testimony should be taken; the counsel on one side made it should be one time, and the other side denied it.

Mr. REED, of Maine. I do not so understand it. It was merely verbal.

The SPEAKER. The gentleman from Illinois [Mr. HOPKINS] has the floor.

Mr. HOPKINS. Mr. Speaker, if all that is involved in this case is the proposition as just stated by the gentleman from New Jersey [Mr. GREEN], there never would have been a minority report, and there never would have been any discussion of the case asked for by the Republican members of the Committee on Elections. But, as we view the case, the doctrine advanced by the majority of the committee, and which is summarized in their report to this House, is subversive of the principles which have governed election cases for the last ten years. I did not unite in the minority report, but am in full accord with the resolution offered that Charles H. Page, contestant, is not entitled to a seat in this House as a Representative in the Forty-ninth Congress from the second district of Rhode Island.

That the House may more fully understand the reasons for this statement and the position of the minority of the Committee on Elections, I call the attention of members to the undisputed facts in the case.

The secretary of state of Rhode Island certifies that in this Congressional election there were 15,476 votes cast, of which number the sitting member, Mr. Pirce, received 7,746—16 votes more than a majority of all the votes cast at that election; that Mr. Page received 5,995 votes, 1,744 less than a majority of all the votes cast.

Section 5, of Chapter II, Public Laws of Rhode Island, relating to the election of Representatives in Congress, is as follows:

> The ballots given in at such elections shall be returned to the General Assembly at its session next ensuing such election, and those given in each district shall be separately counted, and the candidate having a majority of the legal votes therein shall be declared elected, and shall be furnished by the governor with a proper certificate thereof.

You will observe from this, Mr. Speaker, that no man can be elected to Congress from either district in Rhode Island unless he has a majority of all the votes cast at the election. It is an admitted fact that Mr. Page received 1,744 votes less than a majority of all the votes cast at the election in question, and hence is in no position to ask the indulgence of this House to further his ambition; and, so far as his rights are concerned, this resolution offered by the minority of the committee should be adopted.

There is another reason, Mr. Speaker, why Mr. Page can not be permitted, in my judgment, to control this contest, and why the report of the majority of the Committee on Elections should be voted down and the report of the minority adopted. At the time of the Congressional election in November, 1884, Mr. Page was a member of the State senate of the State of Rhode Island. His term of office as such senator expired under the statutes of that State on the first Tuesday of May, 1885. The time fixed by law for the election of his successor was the first Wednesday of April preceding the Tuesday in May when his term of office expired by limitation. On the 8th day of January, 1885, the State board of Rhode Island, in pursuance of the laws of the State, awarded the certificate of election to contestee, William A. Pirce. More than two months after this, and with a full knowledge of the facts here stated, Mr. Page became a candidate for re-election to the State senate, and at the April election of 1885 was duly elected as his own successor, and, as he admitted to the Committee on Elections, duly qualified in May following.

Article IX of the constitution of the State of Rhode Island defines the qualifications for office. A part of section 6 of that article reads as follows:

> No person holding any office under the Government of the United States * * * shall act as a member of the General Assembly unless at the time of taking his engagement he shall have resigned his office under such Government, &c.

Mr. Page since the first Tuesday of May, 1885, has been performing the duties of State senator and is at the present time filling that position under an election held nearly six months after the Congressional election by virtue of which he has the effrontery now to claim a seat on this floor, and under an election, too, held more than a month after his term of office of Congressman commenced, if any reliance could be placed upon his claim to such election.

Now, what I maintain, Mr. Speaker, is that the conduct of Mr. Page since the election of November, 1884, is such that he should be held to have abandoned his right to contest for a seat in this House as a member of the Forty-ninth Congress. His acts have been such that he should be estopped from asserting any rights in the premises. If he had honestly believed that he was elected to Congress, as he now pretends, does any member think that he would have become a candidate for the position of State senator of Rhode Island after his term of office as Congressman commenced? He had served as State senator before this election and knew the qualifications for that office. He knew that by taking the oath of office in May, 1885, as senator in that State he had to resign any office he might hold under or by virtue of the laws of the United States.

As much as Democrats love office, and as anxious as they are to fill all the places, both State and national, I hardly think the members of that party in this House are prepared to say by their votes in this case that so small a man as Mr. Page, hailing, as he does, from the little borough of Rhode Island, in the general distribution of the loaves and fishes to the hungry members of their party, is entitled to two such honorable offices as he claims to hold. In his unbridled zeal for place and power he has made demands on his party associates which they must in all conscience repudiate. I do not understand that the members of the Elections Committee who joined in the majority report maintain that contestant has any right to the certificate of election now held by Mr. Pirce, or that they believe that in any event contestant will be benefited by adopting the recommendations made in their report to the House. Their position, if I understand it correctly, is that such charges of bribery have been made against the sitting member that an investigation should be had, and if the charges are found true, his seat be declared vacant.

The scope of the resolution accompanying their report to the House is broader and more comprehensive than this, however, and embraces a more important principle, in my judgment, than the one stated just now by the gentleman from New Jersey [Mr. GREEN]. It says upon its face that Mr. Page comes here as an honest contestant; that he comes here for the purpose of presenting a claim for a seat in this House to which he honestly believes he is entitled.

I say that is not fair to the members of this House who are not fully informed as to the facts in the case. In my judgment it ought not to be adopted, and with the indulgence of the House, Mr. Speaker, I will give some of the reasons upon which I base that judgment, and further reasons, too, why I think the true solution of this case is offered in the report of the minority of the committee.

Now, the gentleman from Kentucky [Mr. ROBERTSON], in his remarks in response to the gentleman from Maine [Mr. REED] who just preceded me, said that there was an agreement, a verbal agreement, between the parties to take the evidence in this case.

Section 107 of the Revised Statutes of the United States is as follows:

> In all contested-election cases the time allowed for taking testimony shall be ninety days, and the testimony shall be taken in the following order: The contestant shall take testimony during the first forty days, the returned member during the succeeding forty days, and the contestant may take testimony in rebuttal during the remaining ten days of said period.

Section 2 of chapter 119 of the statutes of 1875 is as follows:

> That section 107 of the Revised Statutes of the United States shall be construed as requiring all testimony in cases of contested election to be taken within ninety days from the day on which the answer of the returned member is served upon the contestant.

Under those sections of the statute law of this country all the contested-election cases decided by this House during the last ten years have been conducted. Their language is mandatory, and they have

been upon the statute-book long enough for even a Rhode Island Democrat to know their provisions.

Mr. ROBERTSON. But did they not agree to waive that by consent?

Mr. HOPKINS. I will come to that after a while.

Now let us return to some of the unquestioned facts in the case. Mr. Page served his notice of contest on Mr. Pirce on the 5th day of February, 1885. On the 5th day of March, following, Mr. Pirce served his answer upon him. By the law just quoted Mr. Page should have taken all his evidence within the succeeding forty days, and within ninety days from that date all of the testimony on both sides should have been closed; and yet the fact is that no steps were taken by contestant to mature his case until the 11th day of June. On that day he gave notice to contestee that he would commence taking depositions on the 25th day of June, one hundred and twelve days after the serving of contestee's answer upon him and seventy-two days after the forty days allowed him by law for the taking of proof had expired.

As intimated by the gentleman from Kentucky [Mr. ROBERTSON], contestant attempts to avoid the crushing effect of these facts by setting up a pretended verbal agreement to extend the time to take the evidence with one Stephen A. Cooke, jr., contestee's attorney. Mr. Cooke denies ever having made such an agreement, and claims that the understanding was only with reference to the accommodation of himself and Mr. Page on any day or days during the time limited by law for taking the evidence.

I can best present the position of the parties on this disputed question by quoting their language.

Mr. Page's claim is as follows:

That on the 9th day of March, A. D. 1885, I met said Stephen A. Cooke, jr., in the Providence County court-house, in the city of Providence, R. I., in the room where the court of common pleas was held, within and for the county of Providence, which court was then in session, it being in the morning of said day, at the hour of about ten and a half o'clock; that said Stephen A. Cooke jr., then and there said to me that he had been and was employed and engaged by said William A. Pirce, as the attorney and counsel for said Pirce, to appear for him and to manage his contest with me for the seat in the House of Representatives of Congress as aforesaid, and that as the notice and the answer in said contest had been duly served, we would waive all other legal formalities of notice and taking of testimony in said matter and cause, and that I should let him know whenever I desired to take testimony in said contest, and that we would suit each other's convenience in regard to all other matters required to be done by law, and that no objections would be made or advantage taken by either of us because of not giving notice or taking testimony within the time designated by law and the rules of the House of Representatives in such cases; said Stephen A. Cooke, jr., stating to me at the time as a reason for making this agreement that his duties in court might prevent him from attending to this, and that my duties as a member of the judiciary committee of the senate in the Legislature of Rhode Island, of which I was then a member, would also prevent me from attending to other matters connected with said contest; that I then and there assented to what said Stephen A. Cooke, jr., suggested, and told him that I would be satisfied with that arrangement, as it would be very inconvenient for me to attend to this matter of the said contest for some time to come on account of my engagements in the senate of the Legislature, and that we would take no advantage of each other in the matter, and that whenever I desired to take the testimony I would notify him of the same in time as he suggested, only I said we would have it attended to before the meeting of Congress next December, and that in all other matters connected with the contest I understood that the formalities of law and the rules of the House of Representatives would be waived by us, and that the same should be attended to by us to suit our convenience, and that the same should have the same effect when done by us as if it had been done and performed within the time prescribed by law and the rules of the House of Representatives. To this Mr. Cooke said "All right." I further say that I did not have said agreement reduced to writing at that time, as said Stephen A. Cooke, jr., was then engaged in said court, and, as said Cooke and myself were on friendly terms with each other, I believed that the agreement would be kept on his part in good faith, and I dropped the matter and went to attend to my duties in the senate, and gave no more attention to it at that time. I further depose and say that the senate did not adjourn, and my duties in that body were not completed until April 24, A. D. 1885, and after the expiration of forty days from the time that said answer was served upon me. Upon the 26th day of April, 1885, I learned for the first time that said William A. Pirce intended to take advantage of said verbal agreement made by his said attorney, Stephen A. Cooke, jr., with me as aforesaid, and on the 27th day of April, 1885, I wrote said Stephen Cooke, jr., a letter, wherein I stated to him that we had made an agreement soon after the answer was served upon me which covered all matters connected with said contest subsequent to the service of said answer, and that I placed implicit confidence in his said agreement and relied upon the same until after the expiration of the first forty days after the service of said answer, and asked him if he now intended, and if said William A. Pirce intended, to take advantage of said agreement. On the 28th day of April, 1885, I received an answer to said letter from said Stephen A. Cooke, jr. (which I attach to this affidavit and mark the same Exhibit No. 1), wherein he admits that we did make a mutual agreement in regard to said contest.

This is Mr. Cooke's letter, mentioned in the above statement:

PROVIDENCE, *April* 28, 1885.

DEAR SIR: Yours of the 27th instant is received. I thought it probable that during the taking of the testimony in the Congressional contest between Major Pirce and yourself court engagements might sometimes interfere with both of us. I therefore suggest that neither of us in such case compel the other to attend to the taking of the testimony, but would postpone it until another day, and that we should each consider the other's convenience in this respect. To this you assented, and I considered it a mutual agreement.

But there was nothing said which could lead you to infer that no consideration was to be paid to the express terms of the United States statute which limits and prescribes the time within which each party to the contest must put in his testimony. I should not have ventured to disregard the statute as to the time, and had the question even been suggested, should have said that the statutes should be treated as peremptory, and that it would not be safe for either party to regard it otherwise.

Intending to comply fully with the agreement that I did make with you, I can not permit you to enlarge that agreement to one not spoken of between us, and which I should not, under any circumstances, have made as attorney for Major Pirce. If any agreement was to be made which contemplated the extension of time for taking the testimony in this case, Major Pirce would have had to take upon himself the responsibility of making it.

Yours respectfully,

CHARLES H. PAGE, Esq. STEPHEN A. COOKE, JR.

To my mind it bears no such construction as contestant attempts to put upon it. If there were any doubt about it, the following affidavit of Mr. Cooke settles it:

I, Stephen A. Cooke, jr., of the city and county of Providence and State of Rhode Island, on oath depose and say that I was employed by William A. Pirce, the contestee, in the matter of contest of Charles H. Page, contestant, for the seat of said Pirce in the United States House of Representatives for the Forty-ninth Congress, as Representative from the second Congressional district of Rhode Island, to draw his answer to said Page's notice of contest.

I further, on oath, depose and say that no agreement or understanding, express or implied, was ever made by me with said Page or with any other person to take testimony in said contest, or that testimony might be taken therein by either party outside of the time or after the time fixed for the taking therein by the statutes of the United States; that I was fully aware of the limitations of time upon each party, and regarded them as imperative and not to be ignored, varied, or waived in any particular; and that I never had any authority, express or implied, from said William A. Pirce to in any way or manner make or assent to any arrangement, agreement, or understanding whatsoever for the taking of testimony in said contest outside of or after the time fixed by the statutes for the taking of such testimony, and never in any manner assumed to exercise any such authority; that the only arrangement, agreement, or understanding I ever had with said Page concerning the taking of such testimony was (we both being lawyers) that if it should happen during the taking of testimony that an engagement of either of us in court should interfere with a day fixed for taking testimony in said contest, we would mutually accommodate each other by adjourning or postponing the day so fixed for taking said testimony so as to interfere as little as possible with our court engagements, which was agreed to in a conversation between said Page and myself in the court-house, where we casually met soon after the answer in said contest had been served upon said Page, and that we never had but one conversation in the said court-house respecting said matter, or elsewhere, to the contrary in any particular of the aforegoing.

And I further, on oath, depose and say that I never waived, or consented or agreed to waive, any of the formalities, notices, or conditions required to be observed or given in connection with said contest or the taking of testimony in the same; that the conversation between said Page and myself related exclusively to some possible court engagement, which neither of us could control, but which was then unknown, and that no reference or mention was made to said Page's duties as a member of the senate of Rhode Island, or of the judiciary committee of the said senate, or to any other matter or thing whatsoever than our professional engagements in court, as hereinbefore stated.

And I further, on oath, depose and say that the whole conversation between us contemplated the immediate attention to the taking of the testimony in said contest which was required by the statutes, and no suggestion or mention of any delay or postponement in the taking of the testimony by each party beyond the time so limited by the statutes was made by either said Page or myself at any time, and I make the statement immediately preceding, intending it to be broad, comprehensive, and explicit enough to deny anything to the contrary that may be stated, deposed, or sworn to by any person.

And I further depose and say, on oath, that after said conversation I was daily anticipating a notice of the taking of testimony on the part of said contestant Page, and arranged my other business at the time so far as possible that I might attend to the taking of testimony in this contest within the time limited by the statutes; that I further directed said Pirce to let me know at once upon his receiving notice of the time when said Page should commence taking his testimony that there should be no delay in attending on my part, and that I also directed said Pirce to be ready to go on with his testimony immediately upon the expiration of the forty days to which said Page was first entitled as contestant, that he might be sure to get all his evidence in within his forty days, notwithstanding any unforeseen delays that might arise from time to time during said forty days.

And I further, on oath, depose and say that in anything said or deposed or sworn to by said Page or any other person to the contrary of the aforegoing the person so saying, deposing, or swearing to the contrary is entirely mistaken and incorrect, and that said Pirce never authorized my making the arrangement by me herein set forth, nor was he informed of it by me for the reason that the whole scope and operation of said arrangement made by me with said Page was for my personal professional accommodation, and did not affect, and was not intended, directly or indirectly, to affect, the right of said Pirce to require the observance by said Page of all the requirements of the statutes in such contests made and provided.

STEPHEN A. COOKE, JR.

Mr. Page attempts to sustain his position by filing with the committee the affidavit of Frederick C. Hull. But he is shown by contestee to be a man of questionable character and upon whose statements no reliance whatever can be placed.

As to whether there was a verbal agreement to extend the time to take the evidence must be determined from the statements of Messrs. Cook and Page, I think. There is no pretense that Mr. Pirce made any agreement, or that he had any knowledge of this pretended agreement with Cook. Viewed from all the light that can be obtained from surrounding circumstances, it seems to me that Mr. Cook's version of the agreement is the more reasonable. In the first place, it is not probable that Mr. Cook, who is indorsed by all parties as a man of character, would make an agreement to extend the time of taking proofs indefinitely, or, as Mr. Page claims, up to the meeting of Congress, without consulting his principal, Mr. Pirce.

Secondly. He states that he was familiar with the law relating to the time in which the testimony must be taken, and with such knowledge the probabilities are all against his agreement to override the statutes of the United States.

Thirdly. The Forty-sixth Congress, by a unanimous report of the Committee on Elections, condemned in the strongest language any attempt to prolong the taking of evidence in contested-election cases beyond the limit prescribed by law, and decided, without a dissenting vote, that a verbal agreement to extend the time would be disregarded.

It is but fair to suppose that this decision of the House was known to Mr. Cook and Mr. Page as well.

Again. Every lawyer knows that witnesses to any occurrence or transaction are clearer and better qualified to speak of what they saw and heard soon after such transaction or occurrence than they are months thereafter. Messrs. Cook and Page are both lawyers of experience, and this is an additional reason for adopting Mr. Cook's version of the agreement, *i. e.*, that the time for taking the evidence was not to be extended beyond the ninety days.

Mr. ROBERTSON. Do not the committee now in this case offer to give the contestee ample time to take the testimony—all the time he desires?

Mr. HOPKINS. No, sir.

Mr. ROBERTSON. Do they not propose to allow him thirty days?

Mr. HOPKINS. I will show that is not sufficient.

Mr. ROBERTSON. They propose to allow him that time to contradict these charges of bribery by which it is alleged he holds his seat.

Mr. HOPKINS. The sitting member courts an investigation.

Mr. ROBERTSON. Then why does he not have it?

Mr. HOPKINS. Because he wants to have it in accordance with law.

Mr. ROBERTSON. You are very technical now, more so than you were the other day.

Mr. HOPKINS. By taking this course proposed by the majority of the committee you are sweeping away all the landmarks which have been set up to protect men in their rights, and that simply to benefit this Democrat from Rhode Island. What we contend for is that the law shall be obeyed. If there has been any bribery down there this House has the power to investigate it, as I shall show further on. I appeal to all fair-minded members if Mr. Page has not failed to satisfy you of the truth of his claim.

If this question were decided independent of party politics, I do not believe there is a man on the Democratic side of the House who would imperil his reputation for intelligence and candor by voting that Mr. Page had satisfied him of the existence of a verbal agreement, as claimed in his affidavit. But suppose, for argument's sake, there was a verbal agreement as sweeping in character as contestant asserts, what standing does that give him in this House? Upon what authority does he rely to sustain him in his position in prolonging this contest? I have shown that the law governing contested-election cases sanctions no such course as has been taken by contestant. The law neither authorizes nor recognizes verbal agreements to modify or abrogate the statutes of the United States. Whatever the power of this House may be to suspend the law in judging of the qualifications of its members, that privilege does not extend to persons not members, and in the conduct of their contest they must be governed by this law.

So if you were to consider a verbal agreement proven by contestant to extend the time to take the evidence, how will that advantage him? In all cases of this kind the public are interested as well as the immediate parties to the contest.

In commenting on an alleged agreement identical with this, the Committee on Elections in the Forty-sixth Congress, in the O'Hara *vs.* Kitchin case, use this language:

> One purpose of the statutes of the United States above cited was to compel parties to a contested election reasonably to prepare their case, so that it might have an early determination by the House.
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> * * * * * * *
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> The evil results from permitting the parties at their own convenience to regulate the time of taking testimony, without regard to the statutes or the public interests, are too serious and obvious to require comment. In any case, if such agreements are to be regarded, they should be in writing and signed by the parties or their attorneys. This is the practice of the courts generally, and is founded on sound reasons. If oral agreements are recognized, then if they are denied by either of the parties at the hearing testimony must be taken and this collateral issue be first determined; and as the decision may be such as one of the parties did not expect, he may be put to the greatest disadvantage after the testimony on the merits of the case has been all taken.
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> * * * * * *
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> We think it of great importance in election cases that parties should understand absolutely that all agreements in contravention of the statutes of the United States, in regard to the taking of testimony to be considered at all, should be in writing, properly signed, and made a part of the record itself. Even then the policy of the law requires that they should not be regarded unless it appears that they were *bona fide* entered into, for an adequate and reasonable cause to be determined by the House of Representatives, either before or at the time of deciding the election case.

This report was approved by the House, as I have stated, without a division. It breathes the spirit of sound sense, as well as good law. It was a Republican in that case who wished to rely on a verbal agreement to extend the time in taking testimony, but the Republican members of the committee were too high minded and patriotic to be moved by party considerations on such a question, and united with the Democratic members of the committee in denying the right of the Republican contestant to any indulgence or consideration.

I am sorry to state that the example so worthily set by the Republicans of that House has not been followed by the Democratic members of this. The Democratic majority of this House is large enough, so they can afford to be, not perhaps generous, but at least just, as they are in power and the people look to them to make and obey the law, not break it.

Reference has been made to the case of Bisbee, jr., *vs.* Finley, determined in the Forty-seventh Congress, as furnishing some excuse for the action of the majority of the Committee on Elections in their report to the House in this case. A careful examination and analysis of that case will show to any unprejudiced mind that there is no similarity between the two cases.

My time is limited or I should endeavor to demonstrate to this House that neither the majority of the Elections Committee nor the Democratic members of this House can shield themselves under the decision in that case in their vote to adopt the resolution offered in the majority report of our committee in this case.

I assert, what can not be truthfully or successfully denied or disproved, that the report of the majority of the Committee of Elections in this case is without authority of law and in violation of all precedents of the House. It is an innovation in the conduct of contested-election cases which is startling in character. If their report and resolution are adopted by this House all precedents and guides in these cases will be wiped away. No member whose seat is contested will know what to do; no rulings of the House or statutes of the United States will aid him, for this action will destroy them. He will be left to grope in the dark as best he may, until the Congress to which he is elected a member meets and agrees upon a set of rules to govern the contest for his seat.

Can the Democrats of this House afford that? The Democratic members of the Elections Committee are endeavoring to commit their party to the adoption of a course which will surely come home to plague them. It is a new departure they are making. It is a reasserting of the barbarous doctrine that might makes right. You Democrats have the power or might but not the right of this case.

To properly understand the resolution offered by the majority report, I will state that in the face of the array of facts I have shown against contestant's right to take any testimony, one hundred and twelve days after contestee's answer was served upon him he took the *ex parte* statements of forty-six persons.

The report of the majority of the committee treats those *ex parte* statements as evidence properly taken and to be received as a part of the record in determining whether Mr. Pirce is entitled to the certificate of election awarded him. It is a gross injustice to the sitting member. He had a right to rely on the statutes of the United States and the decision of this House I have mentioned, against the ill-advised and unwarranted course of Mr. Page. And yet for some purpose—I can not understand it if it be not a partisan one—every Democratic member of the Elections Committee by their report ask this House to override the law and put Mr. Pirce to the expense and trouble of cross-examining these persons and taking evidence in his own behalf. The course proposed is worse for Mr. Pirce than it would have been if he had waived all the considerations here presented and taken his evidence the same as though the ninety days had not expired.

In these contests the sitting member is not compelled to subpœna his adversary's witnesses to cross-examine them; they are brought before the examiner and required to remain after the direct examination until he has cross-examined them fully. This report of the majority of the committee entails no obligation on the contestant to produce his witnesses for cross-examination, but puts that burden upon contestee. No reason is given in the majority report for this, and in the discussion thus far no reason is given why Mr. Pirce's case is made an exception to the general rule. Suppose some of these witnesses whose statements have been taken by contestant can not be found, or willfully avoid the service of the subpœna upon them to appear and submit to a cross-examination, what position does that put the parties to this contest in, and what is to be done with such statements?

Will our Democratic friends still insist that they shall be treated as evidence to be used against the sitting member? The more you consider this majority report the more ill-advised and ill-timed it seems. It is a tangled web, and can only be straightened by a return to the plain highway so clearly marked by the statutes of the United States and the decisions of this House.

My learned friend from New Jersey [Mr. GREEN], in support of his majority report, says the House is a law unto itself; that members can not be bound by the decision of former Houses, or by laws found upon our statute-books. It is true that each House is the judge of the qualifications of its members, but that does not mean that rules adopted and statutes enacted to aid in determining such questions are to be arbitrarily set aside. No sound reason has yet been given for offering Mr. Pirce on the altar of experiment.

The Supreme Court of the United States determine what is and what is not good law in a given case. No appeal can be taken from their decision. They have the arbitrary right to say that a principle of law as old as the year books is not the law, or they can annul a rule of practice of the court which has been in existence since the days of Chief-Justice Marshall without giving any previous notice or reason to the public or to the profession. But I ask you, Mr. Speaker, how long would that great tribunal hold the confidence and esteem of the lawyers and the public? They would be justly condemned for their arbitrary rulings. So will this House deserve and receive the disapprobation, if not the contempt, of all fair-minded men if the arbitrary and unjust recommendations and resolutions of the majority report be adopted here to-day. It is claimed by those who favor the recommendations of the majority report that there was a misunderstanding as to what the agree-

ment was, and that the House should invoke an equitable doctrine and permit Mr. Page to make out his case if he can.

I have already shown that this position is untenable. I desire, however, to add something further against Mr. Page's right to a hearing. By his own affidavit it is shown that on the 26th day of April, 1885, he knew that Mr. Cook denied his pretended agreement, and that Mr. Pirce repudiated it entirely. Now, what was his duty, if he had relied upon this alleged agreement and let the ninety days pass without taking his proofs? Manifestly he should have at once served notice upon Mr. Pirce that he intended to proceed at once to take all his evidence, and not only serve his notice but actually have taken all the testimony upon which he predicated his claim to the certificate of election, and then applied to this House at his earliest opportunity for an approval of his course. He might then have evoked some equities in his favor. As it is, his case has not a single redeeming feature. He permitted forty-three days to pass after he knew both Mr. Cook and Mr. Pirce denied his claim before he took any action whatever, and it was fifty-five days after he had notice of this position of contestee and his counsel before he took the evidence or statements of the witnesses in support of his right to a seat in this House. There is no reason or excuse for this long delay. He seems to rely upon the fact that this is a Democratic House, and that all he has to show is that he has been a good Democrat during all these years that that party has been in the wilderness, and he will be voted a seat, right or wrong.

The claim of bribery brought against the sitting member is a matter upon which I am informed he courts the fullest investigation. But in a charge so grave he ought to have the privilege accorded to all men in this country—that of facing his accusers when they make their charge. He is denied that in the majority report.

Why the report of the minority of the committee should be adopted is the fact that it disposes forever of Mr. Page's claim to a seat in this Congress, and then provides for the fullest examination of any charge that may be presented against the sitting member. It provides for the appointment of a committee whose duty it shall be to examine all charges of corruption made in the case, and upon that to determine the right of the sitting member to his seat. It reaches the same conclusion sought by the majority report; but in doing so follows law and precedents instead of overriding them.

I trust, Mr. Speaker, the candor and fairness of members will prevail, and the recommendations of the minority of the committee will be adopted.

[Here the hammer fell.]

Mr. ELY. I yield ten minutes to the gentleman from Rhode Island [Mr. SPOONER]. I understand I have forty minutes remaining.

The SPEAKER *pro tempore*. After the ten minutes the gentleman now yields are occupied he will have thirty minutes remaining.

Mr. SPOONER. I trust the House will not now depart from what in this Congress seems to have thus far been the just and judicial method of dealing with contested-election cases. We have seen here, during the present session—what, I regret to say, we have too seldom seen in the consideration of contested-election cases—gentlemen dividing, irrespective of party, as to each of them seemed proper, for the fair, judicial decision of the questions at issue.

If this case can be considered and dealt with in a similar judicial spirit; if gentlemen can be guided by the reason and the law, as justly and properly applicable to the facts thus far presented, I can have no occasion to doubt that the decision of the House will conform to law, good precedent, and consistency, and assist in pointing the way to a just consideration and disposition of contested-election cases.

The gentleman from New Jersey [Mr. GREEN] who opened this discussion referred to the "testimony" taken by the contestant. I submit to the gentleman, in all fairness, that there has been no "testimony" taken in this case. There have been *ex parte* affidavits taken by the contestant, after the time had expired within which any testimony could be taken under the provisions of the law; my colleague, the contestee, protesting in writing, both to the contestant and the magistrate, against the taking of such so-called testimony, because the time limited by law had expired, and because any testimony taken at that time could not be lawful testimony within the provisions of the statute and under all former decisions of the Committees on Elections of the House of Representatives and of the House itself.

What did the contestee do when he received the notice of the proposed taking of this testimony? What should he have done? I put the question to the gentleman from New Jersey. I put it to the fair consideration of any gentleman in the House. What should the contestee have done when not only the forty days provided by the law within which the contestant was entitled to take testimony had expired, but the forty days succeeding within which the contestee was entitled to take testimony under the statute had expired, and the ten days in addition thereto within which the contestant, if he had duly taken his testimony-in-chief, would have been entitled to put in his rebutting evidence had also expired? I repeat the question, what should the contestee have done? He did what was alone open for him to do under the law. He pursued the only course he was entitled to under the law. He sent written notice of protest to the contestant against the taking of testimony, as proposed, after the expiration of the time fixed by law, and also served written protest upon the magistrate by whom, as he was notified, this testimony was to be taken, protesting against the taking of any such testimony and against the authority of the magistrate to take any such testimony outside of the provisions of the statute, and against the validity of any such so-called testimony, if taken.

The contestee stood upon the law; respected the United States statute, which he assumed meant something, and declined to appear at the taking of such testimony; but the contestant went on and took his *ex parte* affidavits in defiance of the law, and when this case was first presented for the consideration of the Committee on Elections here the counsel for the contestee moved to dismiss the case for the reason that there was no testimony upon which it could proceed.

These affidavits, taken wholly outside of the law and contrary to its express provision, are not legal testimony in this case, and are entitled to no weight or consideration as such. They were only printed under the express agreement (which appears at the very beginning of the printed record in the case) that their printing "shall not affect the right of either party," &c.; and I can not understand how the legal gentlemen upon the committee could permit the merits of the case to be affected in their minds by the contents of such affidavits, when the opposing party neither had, nor could have, an opportunity to examine or cross-examine the affiants—an opportunity and right always recognized and conceded.

What would any of the intelligent legal gentlemen on this floor, either on or off the Elections Committee, say if, having been brought into court in the trial of some case at law affecting as well their reputation as their property, they were met by *ex parte* affidavits taken contrary to law, and those affidavits were submitted to the court as testimony under which that case could be tried, no right or opportunity for cross-examination having existed or been had?

Mr. GREEN, of New Jersey. I understood you to say "opportunity" for investigation.

Mr. SPOONER. I said "opportunity for cross-examination."

Mr. GREEN, of New Jersey. All this testimony was taken on notice.

Mr. SPOONER. Taken on notice, to be sure; but there was no authority to take any such testimony. It was not "testimony" under the law. It was *ex parte* affidavits taken in violation of law.

Mr. HALL. Will the gentleman yield for a question?

Mr. SPOONER. I have no time. I would be very glad to do so if my time could be extended.

Mr. WHEELER. Will the gentleman let me ask him just one question?

Mr. SPOONER. I can not be interrupted, because I have not the time. If the gentlemen will give me further time I will endeavor to answer all their questions, if I can.

Mr. Speaker, a few days ago the Elections Committee reported to the House, through their chairman, a bill providing for further limitations concerning the taking, printing, and filing of testimony in election cases. I did not at all object to the enactment of such a statute, but I took occasion to inquire of the chairman of the Committee on Elections if he considered, and if the committee considered, that that bill if enacted into statute would be recognized as an efficient and valid law. I think the chairman intimated that he did so expect, and that such was the opinion and expectation of the Committee on Elections. I referred to it then, as I refer to it now, simply for the purpose of pointing out the well-taken position, as it seems to me, which I occupy here concerning the particular matter now under discussion.

In 1871 a statute was passed (being section 107 of the Revised Statutes) regulating the time within which testimony should be taken in contested-election cases, limiting the time on both sides to ninety days, and specifying the order in which it should be taken. As, however, that statute did not particularize with certainty the time when the ninety days should commence to run, two years later, in 1875, when that difficulty was recognized, another statute was enacted, providing "that section 107 of the Revised Statutes of the United States shall be construed as requiring all testimony in cases of contested election to be taken within ninety days from the day on which the answer of the returned member is served upon the contestant." In this case the answer was served upon the contestant on the 5th of March, and the notice to take testimony was not given until the 11th of the next June.

[Here the hammer fell.]

Mr. SPOONER. Will the gentleman from Massachusetts [Mr. ELY] give me two or three minutes more?

Mr. ELY. Mr. Speaker, I yield two minutes to the gentleman from Rhode Island [Mr. SPOONER].

Mr. SPOONER. Mr. Speaker, as I have said, notice that he proposed to take testimony in this case was not given by the contestant until the 11th day of June succeeding, ninety-eight days after the contestee's answer had been served upon him, fifty-eight days after all the time for taking testimony by the contestant had entirely expired, eighteen days after the time within which if the testimony had been regularly taken the contestee would have been entitled to take any testimony, eight days after the time provided by the statute for taking all the testimony, not only in chief but in rebuttal; and the notice was to

take testimony fourteen days later than the time when the notice itself was served; in other words, seventy-two days after the entire time had expired within which the contestant was entitled to take any testimony.

Mr. ROBERTSON. Did not the counsel agree to do away with that restriction?

Mr. SPOONER. No, sir; no such agreement is admitted.

Mr. Speaker, if the committee or this House finds any occasion to make inquiry in Rhode Island concerning this election, or any other election to which a pertinent inquiry from this House may be directed, both the contestee and myself and also the people of Rhode Island will welcome there a committee from this House or from any other properly constituted authority; and I believe we can promise in advance that when that investigation is made it will show those gentlemen and the House of Representatives and the country the kind and character of alleged facts upon which these *ex parte* affidavits in this case are based, and how much ground there is for charging either fraud or bribery or intimidation in our State. Now, gentlemen, all that we ask is that this matter shall be decided under the law and the statute.

In the Forty-sixth Congress, in the O'Hara *vs.* Kitchin case, which was just like this, the committee decided that they would not consider a case where the testimony was taken under an alleged verbal agreement that the legal time should be extended, which agreement was denied upon the other side. That case and this are on all fours. That case was decided by a report of the committee, in which Democrats and Republicans unanimously united, and that was in a Democratic House of Representatives. If we have laws, let us live up to them and respect their provisions; and not stultify ourselves, as a part of the law-making power, by refusing obedience and respect to laws which we ourselves have assisted in making and perfecting, and the justice and fairness of whose provisions no one has ever been disposed or is disposed to question.

Mr. ELY. I yield ten minutes to the gentleman from Illinois [Mr. ROWELL].

Mr. ROWELL. Mr. Speaker, this case illustrates again how changing circumstances will change men's convictions. In the case of O'Hara vs. Kitchin, in which case the sitting member was a Democrat, the testimony was taken out of time under an alleged agreement, asserted on the one side and denied on the other, that the testimony might be so taken. The Democratic and Republican members of the committee filed a report as a precedent for all future proceedings of that kind—first, that testimony taken out of time under an alleged agreement would not be considered; and second, that a contest where the testimony was taken out of time should be dismissed. Now, when the sitting member is a Republican and the contestant is a Democrat we are told, under precisely similar circumstances, that *ex parte* testimony taken out of time shall not only be considered as testimony, but that the witnesses so testifying are not to be produced for cross-examination by the contestant, and that the contestee is to be allowed thirty days in which to hunt up those witnesses and cross-examine them if he can find them, and in case of his failure to find and cross-examine them, that this *ex parte* testimony is to be finally considered in determining the issues in this case.

This House, in a case of this kind, may not be bound by a law passed by a preceding Congress. Each House is by the Constitution the judge of the elections and qualifications of its own members. But people who are not members of Congress are certainly bound by the law. The contestant and the contestee in this case, citizens of the United States and of the State of Rhode Island, each seeking a seat here, were bound by the law of Congress—a law providing a method by which we may determine the elections of those who seek seats here, a law determining the method and the time of taking testimony upon which the House shall base its judgment as to whether a man was elected or not.

Here we have a case where the ninety days in which the testimony should have been taken are allowed to pass. Then upon hearing that there was a claim of waiver of time, a written notice was served that no such agreement had been made. Forty days more are allowed to pass, and no testimony is taken. In the mean time the contestant becomes a candidate for the State senate of Rhode Island, and is elected a member of that body—an office which, under the laws of that State, he can not hold if at the same time he holds an office under the United States. After his election to this office—forty days and more after notice that the limitation upon the time of taking testimony has not been waived—he goes on and takes the testimony which is filed and printed in this case. And we are told by lawyers that this is to be considered as evidence, and that if we want to have it combated, the sitting member must find the witnesses and cross-examine them upon depositions not taken in pursuance of law.

Now, I say that the resolution ought to have been to dismiss the whole contest. We ought to teach the people of the United States to be obedient to law. We ought ourselves to be submissive to law, and ought to hold all parties coming here to a strict adherence to it. But because some fellow has sworn that he sold his vote and has thereby discredited himself, when no one was present to cross-examine him, it is thought perchance that some political capital can be made out of that sort of talk; and we are to violate the law, depart from the regularity of proceedings because we have the power to do so, and are to require the sitting member to go and hunt up those men who have discredited themselves by swearing to their own rascality, to hunt up and cross-examine them, and in the event of his failure to do this the testimony of this set of scoundrels, taken without cross-examination, is to be presented here—for what? Not for the purpose of seating Mr. Page, who has 1,700 less than a majority of the votes, but for the purpose, in my judgment, of making a little political capital.

When a man comes into court and swears that he has committed a crime, that should immediately discredit him. When a man says that he has sold his vote for $2, it shows that he belongs to a class of men whose testimony would not be considered as having very much weight anywhere except in Congress. And when this testimony is purposely taken in such a way that the contestant knew the witnesses would not be cross-examined, it is further discredited; for I take it that men intelligent enough to receive the nomination of their party for Congress and the votes of their party friends at the polls, when they do a thing of this kind do it with a deliberate purpose; and in my judgment the deliberate purpose of commencing to take testimony in this case more than a hundred days after the time when the answer was served—commencing to take testimony after the contestant had abandoned his contest by accepting a nomination and election to another office—was that this *ex parte* testimony might be fixed up for some other object than the legitimate object of enabling this House to determine who was elected from that district in Rhode Island.

For one I am opposed to trifling with a case of this kind in any such way. If there has been any corruption, let a committee of this House go to Rhode Island and investigate it. Let that committee summon the witnesses and find out what they know about the matter; let that committee report upon the question of corruption; but let us not ask a sitting member to hunt up witnesses whose *ex parte* testimony is produced, to cross-examine them, and, if he should fail to find them, submit to have their testimony considered by this House in determining his right to a seat.

[Here the hammer fell.]

The SPEAKER. The gentleman from Massachusetts has seventeen minutes of his time remaining.

Mr. ELY. Mr. Speaker, the contending reports of the Committee on Elections present for the determination of this House problems of no inconsiderable importance.

In support of my motion to substitute the resolutions recommended by the minority of the committee for that of the majority I maintain—

First. That every party to a contested election is entitled to the protection of an orderly, well-defined, and stable course of procedure, and that such protection is denied to the sitting member in this case by the report of the majority.

Second. That the resolution recommended by the majority of the committee is unjust to the sitting member in other particulars, to which I shall invite the attention of the House, and is admirably calculated to defeat the ends of justice.

Third. That the contestant was not elected, and therefore has no standing before this House.

Fourth. That he abandoned his contest before he made any attempt to take testimony.

Fifth. That, if he were elected, as he claims, he has resigned and vacated the office.

The facts in the case appear to be as follows:

In the Congressional election in the second district of Rhode Island, 1884, William A. Pirce was returned elected, received the proper certificate from the governor of the State, and was accorded a seat in this House. The election returns, which appear to have been legally made, give Pirce 7,746 votes, Page 5,995 votes, Alfred B. Chadsey 1,500 votes, and all other candidates 235 votes. Pirce received 1,751 votes over Page. Page was in a minority of 3,486 votes. A majority is required to elect in Rhode Island. In this state of the poll, Page had the courage to claim that he was elected. He served his notice of contest on Pirce, and Pirce served his answer on Page within the time required by law. The service of Pirce's answer was made on March 5, 1885. At this point begin the non-observance and violation on the part of Page of the statutes governing contested elections, which has led to the reports now before the House.

Section 107 of the Revised Statutes limits the time within which testimony may be taken, and is as follows:

> In all contested-election cases the time allowed for taking testimony shall be ninety days, and the testimony shall be taken in the following order: The contestant shall take testimony during the first forty days, the returned member during the succeeding forty days, and the contestant may take testimony in rebuttal only during the remaining ten days of said period.

This section and that relating to the notice of contest are the most important in the statute concerning contested elections. Congress emphasized the importance of this particular section by defining more clearly and exactly the period of ninety days within which testimony may be taken, in section 2 of chapter 119 of the statutes of 1875, which is as follows:

> That section 107 of the Revised Statutes of the United States shall be construed as requiring all testimony in cases of contested election to be taken within ninety days from the day on which the answer of the returned member is served upon the contestant.

The earliest testimony in this case was taken on the 25th day of June, 1885, one hundred and twelve days from the day on which the answer of Pirce was served on Page, and seventy-two days after Page's time for taking testimony under the statute had expired.

Page sets up an oral agreement between him and Stephen A. Cook, jr., the attorney of Pirce, made at a casual meeting in the court-house in Providence, waiving all statutes and rules of the House of Representatives, and extending the time for taking testimony without limit, except that it be attended to before the meeting of Congress in December. Mr. Cook was Pirce's attorney. He is a lawyer in Providence of the highest character and standing. Mr. Cook, in the most explicit terms and under oath, denies that he made any such agreement. Page brings forward the affidavit of one Frederick C. Hull to corroborate his own. In reply Pirce files the affidavit of Charles C. Gray, which is as follows:

STATE OF RHODE ISLAND,
Providence County, ss:

Charles C. Gray, of the city of Providence, in the county and State above named, being duly sworn, deposes and says that he is personally acquainted with Frederick C. Hull, of said Providence, and that he has known him intimately for fifteen years, and acquainted with all his circumstances (having married said Hull's sister).

That it is well understood in the family that said Hull has for some years made his headquarters at the office of Charles H. Page, esq., attorney at law, and Democratic candidate for Congress in the second district of Rhode Island in 1884, and that he has been employed by said Page in various capacities and deriving therefrom most of his support; that prior to the election for Congress in 1884, in said second Congressional district of Rhode Island, said Hull presented at the printing office of which this deponent is superintendent a written copy of a spurious Republican ticket, to be used at said election; that said ticket was set up at said Hull's request, and an impression of said form taken and found to be like copy furnished by said Hull; the form was then delivered to said Hull and he took it away; the copy attached is the one taken from said form; notice of this fraudulent ticket was given in the Providence Daily Journal before said election.

CHAS. C. GRAY.

Sworn and subscribed to before me this 23d day of January, 1886.

HENRY PITMAN,
Clerk U. S. Dist. Ct., R. I. Dist.

Republican Congressional Ticket.
Second District.
For Representative to XLIX Congress:
William H. Pirce,
of Johnson.

Mr. Pirce's name is William A. Pirce. Comment on so plain a piece of villainy is superfluous. For cunning and wickedness this fraud was superlative. It merits, and I am sure receives, the condemnation of every member of this House. But be not too hard on this humble dependent on Mr. Page's bounty, this weak hanger-on of Mr. Page's office. Look beyond the tool to the man who uses it.

Looking to these affidavits, I venture to affirm that Mr. Page has failed to prove the agreement which he alleges. But if the contrary be successfully affirmed it must be admitted that it is an oral agreement, and is disputed and denied by the oath of a man of admitted integrity and honor. It has been decided by the unanimous voice of a committee of this House, a majority of whom were Democrats, that such an agreement was incompetent and could not be considered. I refer to the contested election of O'Hara *vs.* Kitchin, in the Forty-sixth Congress. The Committee on Elections in that Congress were a very able committee. The report in that case was drawn by Hon. William A. Field, now one of the justices of the supreme judicial court in Massachusetts, one of the ablest jurists of which our Commonwealth can boast. I invite the attention of the House to this very wise and well-considered report. The committee say, after citing the statutes to which I have called the attention of the House:

> One purpose of the statutes of the United States, above cited, was to compel parties to a contested election seasonably to prepare their case, so that it might have an early determination by the House. The practice which has arisen of permitting parties by agreement between themselves to postpone the time of taking testimony without any previous authority of the House of Representatives, or any express ratification of it by the House, is an indefensible one, and has, in the opinion of the committee, been carried too far. In many cases it seems to be considered by the parties that they can do as they please about it; that the contest is a merely private one, and concerns no one but themselves. In many States the parties are in the habit of making agreements postponing the time of taking testimony as fully as if the contest were a private suit, and this practice has in some cases received the implied assent of the House of Representatives. It may happen, indeed, that from unforseen causes an extension of time may be necessary, and the House of Representatives may not be in session, and therefore no previous application can be made to it; but in such cases, if the parties agree to an extension of time, the agreement should be in writing, signed by the parties or their attorneys, and application should be at once made to the House of Representatives, when in session, for a ratification of such agreement.
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> The evils resulting from permitting the parties, at their own convenience, to regulate the time of taking testimony, without regard to the statutes or the public interest, are too serious and obvious to require comment. In any case, if such agreements are to be regarded, they should be in writing, and signed by the parties or their attorneys. This is the practice of courts generally, and is founded on sound reasons. If oral agreements are recognized, then if they are denied by either of the parties at the hearing, testimony must be taken, and this collateral issue be first determined, and as the decision may be such as one of the parties did not expect, he may be put to the greatest disadvantage after the testimony on the merits of the case has been all taken. The misunderstandings that often honestly arise from oral agreements are alone sufficient to justify courts in insisting that none but written agreements will, if questioned, be recognized. We think it of great importance in election cases that parties should understand absolutely that all agreements in contravention of the statutes of the United States, in regard to the taking of testimony, to be considered at all, should be in writing, properly signed, and made a part of the record itself. Even then the policy of the law requires that they should not be regarded unless it appears that they were *bona fide* entered into for an adequate and reasonable cause to be determined by the House of Representatives, either before or at the time of deciding the election case.
>
> On this ground the committee decline to determine on the affidavits the question whether or not any such oral agreement as the contestant sets up was ever made, and consider the case as if there were no such agreement. The committee might, indeed, in a case where testimony had been taken out of time, but with full opportunity to the other party to cross-examine the witnesses and exhibit evidence in reply, and where it was evident that this had been fully done, recommend to the House, if they find sufficient reason therefor, that the testimony be considered as if taken in time; but such is not this case, and the only alleged ground for the delay in this case is that the dwelling-house of Mr. O'Hara was destroyed by fire, as well as all memoranda, facts, and information in writing that he had procured necessary to be used in the contest. The time when the dwelling-house was destroyed by fire is not stated in any of the papers, but it is said to have happened in March, 1879, and before the answer of the contestee was served on the contestant. This does not seem to the committee a sufficient ground for admitting testimony taken one hundred and ninety-four days after the service of the answer.
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> The committee, therefore, are of opinion that this contest should be dismissed, on the ground that the testimony was not taken in time. If the testimony is considered, which the committee think should not be done, the committee think it insufficient to establish the contestant's case.

The committee further say:

> It is manifest from the notice of the contest and the answer that there were very grave and important questions in dispute in this election, and that the matters in dispute concerned a far greater number of votes than the plurality of the sitting member as given in the Congressional Directory; but on most of these questions there is no testimony whatever, one way or the other, and the little testimony that has been taken either has no significance at all, by reason of a want of testimony to connect it in any intelligent manner with the questions at issue, or from some other cause, or the testimony taken which is intelligible and can be applied to the case does not establish the case of the contestant. The committee repeat that in their opinion the evidence in this case should not be considered.

The minority of your committee very heartily concur in the reasoning and conclusions of this report. Had this decision come to us as an original proposition it would have received our approval. It has been in existence five years. It has, so far as I am informed, never been questioned, distinguished, or denied. Mr. Page did not plead ignorance of it. It was adopted by representative men of the two great political parties of the country. Surely a rule of procedure in which Democrats and Republicans concur without a dissenting voice must be grounded in correct principle. It was applied to a Republican contestant when there was no precedent for it, and the Democrat retained his seat. Now a Republican relies upon it, a Republican who made no agreement personally and whose counsel, a man as I have said of admitted purity and honesty, denies on oath that any agreement to waive the statute was made; such a man relies on the rule that you have made, and will you deny him the benefit of it? Will the Democratic members of this House hold that they maintain or discard a useful rule of procedure as it affects favorably or unfavorably one of their own political party? I know that they will not.

No higher or graver duty rests upon this House than the steady maintenance of a stable and impartial course of procedure in contested elections. In such contests the House sits as a high court of judicature. The determination arrived at in them is the most momentous that can interest a free people, involving as it does the right to be represented in this body by the person of their choice. No judicial investigation can be safely made, no cause between party and party can be safely tried, except in obedience to those forms and methods which have been sanctioned by time and experience. To a supreme and sovereign degree is this statement true where the tribunal is necessarily interested in the result.

The use of existing statutes and decisions by any party to promote partisan purposes or to forward the partisan interests of any man would undoubtedly be revolting to every member of this House. If we use them or discard them according to the requirements of party exigencies they cease to be faithful guides conducting us into paths of truth and become mere juggling fiends—

> That palter with us in a double sense;
> That keep the word of promise to our ear,
> And break it to our hope.

The power that we possess in these cases is gigantic in its sway. Naturally and worthily our sympathies go out warmly to a party associate. The temptation to find in his case an exception to general rules is strong and not easily resisted. We may claim that our high sense of honor and steadfast judgment will hold the scales of justice in equal poise. Undoubtedly they will do much. But our only safe reliance is on those general and equal laws enacted by the wisdom of Congress when no special case absorbed its attention, and those wise decisions which have received the approval of men of all political opinions.

It is said that the contested-election statutes are not absolutely binding on this House. Such a proposition is true only because there is no superior force that can compel obedience to them. What are these statutes? They do not attempt to control or limit any investigation which the House may be pleased to make concerning the elections, returns, or qualifications of its members. That would be in violation of the Constitution.

The right of this House to inquire into the validity of the election of one of its members is undoubted. No man would more jealously maintain and defend that right than myself. And in the minority report in this case we have provided for its exercise in an orderly and legitimate manner. The statutes under consideration are enacted not for the

government of the House, but for the government of the parties to the contest. Their provisions are that the issue between the parties shall be made up in a certain manner and within a certain time; that the testimony shall be taken in a certain manner before certain officers and within a certain time; how it shall be returned to the House and opened; and that certain fees shall be paid to officers and witnesses. To assert that these statutes are not binding on the House is unworthy of an American citizen. This is a Government of laws and not of men. The report of the majority refers to the dignity of this House. What can be more derogatory to its dignity than the imperious exercise of arbitrary power? What can more surely or more speedily bring us into contempt in the minds of the people? We have, indeed, the power to override these wise and impartial statutes, but we have not the right. Such an act is contrary to the spirit of our institutions; it is repugnant to the genius of our people.

Sir, the assumption that these statutes are not binding on this House in election contests between party and party is irreconcilable with the language of the Constitution itself. "Each House shall be the judge of the elections, returns, and qualifications of its own members" is the language of that remarkable instrument. "The judge." What does the word "judge" imply? Does it mean an arbitrary, fickle, inconstant tribunal whose caprice or prejudice or revenge shall be substituted for the expressed will of the people? Does the Constitution invoke to its aid in the organization of this House a tribunal whose only guard and guide shall be political zeal or party animosity, or, it may be, real or fancied partisan wrongs? Does it even invoke the uninstructed conscience of a good man? Did the Fathers of the Republic intend any or either of these things? Oh, no! The framers of the Constitution—that instrument which the wisest living statesman of England, William E. Gladstone, has declared to be "the most wonderful work ever struck off at a given time by the brain and purpose of man"—weighed their words and knew their meaning. And when they declared that this House should be the judge of the elections of its members they intended to establish a tribunal which, like all other judges of whom they had any knowledge, should be governed by the well-established rules of law and such statutes as might be enacted for its guidance.

In accordance with these views of the law, I maintain that Mr. Page has no standing before this House, for these reasons:

First. That, applying the familiar rules of interpretation to this statute in contested elections between party and party, Mr. Page must take his testimony within the time limited by the statute or be forever barred as a contestant. No provision for waiving this limitation is made in the statute, either expressly or by implication. Provision is made in the statute for taking depositions without notice, and before classes of officers not named in the statute, by consent in writing of the parties, which consent in writing shall be returned with the depositions. Evidently Congress thought the limitation of time for taking testimony too important to be controlled by the parties.

Second. The agreement set up is an oral agreement.

This has been ruled insufficient by both parties in O'Hara vs. Kitchin.

Third. Mr. Page alleges no adequate or reasonable cause for making this agreement. Surely convenience of counsel is no reason for extending the limitation of the statute. To say that counsel could not attend to the taking of this testimony in ninety days is absurd. It is trifling with the rights of the people. Will you say that parties, for their convenience, may extend the time for taking testimony from ninety days to nine months? I trust not. The people and this House have some rights which contestants and contestees and their lawyers are bound to respect.

Fourth. The agreement set up by Mr. Page can have no validity until ratified by this House, on Page's application. The agreement is in his favor, and if it is to be ratified it should be done on his petition. He has made no such application, so far as I know; he has never authorized or requested the Committee on Elections to do it for him. It is true that before the committee Page made a partisan appeal to the Democratic members of the committee to help him on the ground that Rhode Island had not had a Democratic Representative for a long time, and probably would not for a long time to come unless they put their shoulders to the wheel. But he relied then and always on his alleged unauthorized and unratified agreement. Shall every statute regulation, every rule of evidence, all orderly proceeding be rejected and repealed that this man, who only received 5,995 votes out of 15,476 votes, may make a contest for a seat in this House?

Fifth. Page was notified by Cooke on the 28th day of April, 1885, that he, Cooke, never made the agreement claimed by Page. Surely, with this knowledge, Page ought to have made haste to take his testimony; yet he delayed fifty-three days before he attempted to take a word of testimony. The statute limited him to forty days. Thus he knowingly and intentionally violated the spirit and letter of the statute. Will you sanction this also?

Mr. Speaker, I desire to call the attention of the House to the resolution offered by the majority of the committee. The objections to it are patent and grave. I claim that it is utterly unfair and unjust toward Mr. Pirce, the sitting member, and, in my judgment, it will, if adopted, defeat the ends of justice.

First, as to time. Under the law on the statute-book, a law which we have sanctioned this year by the adoption of an amendment to it, a law which has been on the statute-book for many years and is known to all the people of the land, a law which is just and reasonable and which provides an orderly method of conducting these contests, the contestee cross-examines the contestant's witnesses in contestant's forty days and then has forty days for taking his own testimony. The resolution requires him to resubpœna and cross-examine contestant's witnesses and take any testimony he may desire in thirty days from the passage of the resolution. Suppose the resolution passes to-day, certainly Mr. Pirce acting with great diligence could not be expected to return to Rhode Island, secure a proper officer to take testimony, procure a subpœna and have it served on one of the witnesses before day after to-morrow. The witness must be served with the subpœna five days before the day on which his attendance is required. Thus at the earliest seven days of the thirty are exhausted before a word of cross-examination can be taken. And this leaves no margin for any of the inevitable accidents and delays necessarily incident to legal proceedings. Of the twenty-three days remaining three at least are Sundays. He then has twenty days to cross-examine how many witnesses? Forty-six. And in the same time also to examine in chief his own witnesses and submit them to the cross-examination of Mr. Page.

Now, Mr. Speaker, I believe that the members on the other side of this House desire to deal justly with Mr. Pirce. You hold it practically in your hands to do with him as you will, but I believe you desire all the more on that account to be just to him. I desire to inquire if there is a lawyer in this House who says that this is a reasonable time for this great work. Now, what is the action of our friends of the majority of the committee when they come to deal with the contestant? I maintain and ask you, with all the emphasis of which I am capable, to aid me in maintaining that in this contest the contestant and contestee shall be placed on a par, although the one is in the minority and in your hands to do with as you like, while the other is in the majority. I ask, what is your action when you come to deal with the contestant? Do you restrict him at all? Oh, no. He is given the full statute time of ten days within which to put in his rebuttal. It is not fair, is it?

Mr. ROBERTSON. But you do not want any fairness about it.

Mr. ELY. And now, second, the resolution deprives Mr. Pirce of the right of meeting these witnesses face to face on their direct examination. This is a most important right, as every lawyer knows. What lawyer employed to take a deposition would absent himself during the taking of the direct testimony? Everybody knows that he would be utterly derelict in his duty and that the whole tone and tenor of the testimony would be much more favorable to his opponent than if he were present at the time and by his presence preserved that equilibrium of influence and restraint which is so essentially necessary to the due and proper conduct of all legal proceedings. It is said that the testimony of the contestant discloses wholesale and open bribery, implicating even the contestee personally.

All the more reason why the contestee should be present at the examination in chief. Here is a man who was born and has passed a long life in the district which he now represents in Congress. He has time and time again been called by his neighbors to fill posts of honor and of trust, and now at the age of sixty-two years he is charged with the revolting crime of bribery, and yet, without fault on his part, he is to be deprived of the privileges accorded to the meanest criminal. I say without fault. Mr. Pirce made no agreement, and therefore can have broken none. The agreement alleged is denied under oath of an honorable attorney. Page, after he knew of the denial, allowed the statute time of forty days to run by before he attempted to take testimony. In his notice to take testimony he recognized that he was bound by the forty days' limitation. Pirce seasonably served his protest against taking testimony on Page. Pirce relied on the statutes and the interpretation which had been put on them by Democrats and Republicans alike. Under the circumstances of this case it was peculiarly fitting that he should rely on them; to now make these affidavits testimony would do a great injustice to Pirce, and indeed would in my judgment defeat the ends of justice in this case.

Mr. Speaker, I understand that all the members of the Committee on Elections agree that in no event was Mr. Page elected a member of the House. I trust that if I am mistaken in that particular I will now be corrected.

Mr. GREEN, of New Jersey. That question is now before the committee, and not here. I do not know that it has been passed upon there as yet.

Mr. ELY. Mr. Speaker, that question, I respectfully reply, is not still before the Committee on Elections, but is here for the decision of this House.

Mr. ROBERTSON. You are wrong.

Mr. ELY. If there is any doubt about that, it is perfectly clear that Page was not elected a member of this House. In a poll of 15,476 votes he received only 5,995 votes. He claims to have been elected. A majority is required to elect. He is in a minority of 3,486 votes. In furtherance of his claim he has taken what the majority of the committee are pleased to call testimony. In taking this so-called testimony no bounds have circumscribed his powers. He has not been lim-

ited in time. No presence of opposing party or counsel has objected to or prevented the asking of a single question, or checked the reckless utterances of the swiftest witness. No cross-examination has intervened to diminish or break the force of a single word of these affidavits. He has called every witness who would or could testify in his favor. The last witness closed his testimony on July 20. The law requires that testimony when completed shall be sealed and sent to the Clerk of the House of Representatives "without unnecessary delay;" yet Page kept this testimony open and unsealed until September 2—forty-three days. He was evidently looking for further testimony, but found none.

Mr. ROBERTSON. Was it not all taken upon notice?

Mr. ELY. I will come to that in a minute.

Mr. ROBERTSON. Answer that.

Mr. ELY. For two months he delayed, but could find no other testimony. Now it is not his purpose to put in any other testimony in his favor. If it were it could not be found. With all these unheard-of circumstances in his favor what is the result? Waive all the formalities, waive all the leading questions, waive all objections to hearsay testimony, accept all that is irrelevant and immaterial as relevant and material, and then apply to it the propositions of law most favorable to Page, and yet he is not elected. Strike out Pirce's entire vote in every town where there is a word of evidence of bribery, and then Page is thousands of votes behind. Therefore, I submit, if I am correct in this statement of facts, that the first resolution reported on the part of the minority of the committee, and which I ask to have substituted for the resolution of the majority, should be adopted.

Page evidently abandoned this contest, and after a lapse of some months attempted to resume it. This he could not lawfully do. His acts can be accounted for on no other hypothesis. He not only delayed for many months without any action in his contest, but he held and accepted offices incompatible with that of Representative. At the date of the November election, 1884, Page was a member of the senate of Rhode Island. He continued to hold his seat and act and vote as a senator after the 4th day of March, 1885. In April, 1885, he became a candidate for re-election, was elected a member of said senate, accepted the office, and has during this session of Congress acted and voted as a member of said senate. This was in direct violation of the constitution of Rhode Island if he is and has been since March 4, 1885, as he now claims, a member of this House. The constitution of Rhode Island, article 9, section 6, is as follows:

> No person holding any office under the Government of the United States, or any other State or country, shall act as a general officer, or as a member of the General Assembly, unless at the time of his taking his engagement he shall have resigned his office under such government; and if any general officer, senator, representative, or judge shall, after his election and engagement, accept any appointment under any other government, his office under this shall be immediately vacated; but this restriction shall not apply to any person appointed to take depositions, or acknowledgment of deeds, or other legal instruments by the authority of any other State or country.

But these acts have a more serious effect on this contest than a mere indication of the contestant's intention.

When Mr. Page, under his election to the State senate of Rhode Island, accepted said office and qualified and continued to hold and act in said office after the assembling of Congress, at the time appointed by law, on the first Monday of December, 1885, he thereby resigned and vacated his office of Representative. No law obliged Mr. Page to accept the office of Representative in Congress, nor, having accepted it, forbade him to resign it. No law obliged him to accept the office of State senator. He could accept or decline either at his own will. The two offices are incompatible not only by the expressed provisions of the constitution of Rhode Island but by the nature of these offices. This proposition would seem to be too plain for argument; but I will cite in support of it the case of State *vs.* Buttz, 9 S. C., 156, where it is held that the office of solicitor of the first judicial circuit is incompatible with that of Representative in Congress. The learned judge, in delivering his opinion, says:

> What, then, does constitute incompatibility in offices? In 5 Bacon Abridgment Title Offices, K, we find the rule laid down upon the authority of Lord Coke in these words: "Offices are said to be incompatible and inconsistent so as to be executed by the same person, when, from the multiplicity of business in them, they can not be executed with care and ability; or when their being subordinate and interfering with each other it induces a presumption they can not be executed with impartiality and honesty."
>
> And, in Dillon on Municipal Corporations, in a note to section 166, it is said that—
>
> Incompatibility in offices exists where the nature and duties of the two offices are such as to render it improper from considerations of public policy for one incumbent to retain both.
>
> Applying either of these definitions to the case in hand, and it is very manifest that the two offices in question are wholly incompatible, it certainly needs no argument to show that "the multiplicity of business" in each of these offices is such as to render it not only impossible for the same person to perform the duties of both "with care and ability," but impossible often, and very often, too, to perform them at all. It is equally certain that the nature and duties of these two offices are such as that every consideration of public policy renders it improper for one incumbent to retain them both, and it is none the less certain that the duties of the two offices are such that the performance of the duties of the one necessarily involve the neglect of the duties of the other.
>
> Here are two offices held under two distinct governments; the duties of the one are to be performed in Washington, while those of the other are to be performed in this State. To perform the duties of the one the officer must be in Washington, while to perform the duties of the other he must be in this State, and that, too, at the very time when the duties of the other call him to Washington.

These remarks of the court apply with even greater force to Page *vs.* Pirce than to the case then under consideration.

These offices being then incompatible, Mr. Page by accepting that of senator in Rhode Island resigned and vacated that of Representative in Congress. This is well settled by the best legal writers and by courts of last resort both in England and in this country. In a late case in my own State, Commonwealth *vs.* Hawkes, 123 Massachusetts, 525, the opinion being written by Chief-Justice Gray, now one of the justices of the Supreme Court of the United States, the law is thus stated:

> By the common law, when two offices, or public trusts, are incompatible with each other, a person holding the one is not disqualified to be appointed or elected to the other, but his acceptance of the second office is in law an implied resignation of the first, whenever it may be resigned by the mere act of the incumbent, without the assent or concurrence of a superior authority.

As I have said, no assent or concurrence of a superior authority is required in this case. This principle applies not only where the second office is the superior and more important office, but also where it is not. This is settled conclusively in the case in England of Milward *vs.* Thatcher, 2 Term Reports, 87. The language of Mr. Justice Buller in reference to the plaintiff in that case is so applicable to Mr. Page in this case that I make a brief quotation. Says that eminent judge of the plaintiff:

> I have no doubt but that his intention was to keep both offices; but if he be mistaken in law and choose to accept the last office, he must abide by the consequences; for it is his own act.

Acceptance of an incompatible office, won under a void election, puts an end to the first office; and the officer on being ousted from the second office can not be restored to the first. This is settled in the case of Rex *vs.* Hughes, 5 Barnewall & Cresswell, 886.

It will probably be claimed that while this rule of law is decisive on a person whose seat is uncontested, it is not on a contestant. This is, as it seems to me, "a distinction without a difference." Surely if it does not apply to a contestant, it would not to a contestee. Suppose that Mr. Pirce had been elected a member of the senate of Rhode Island in April, 1885, and had accepted the office, would any man have claimed that he had not thereby resigned and vacated his office of Representative in Congress? And if this conclusive inference of law is applicable to him whose seat is contested, does it not equally apply to him by whom the seat is contested?

The cases of General Schenck and General Blair, decided in the Thirty-eighth Congress, are not in conflict with these views. Those cases turned on the peculiar phraseology of the Constitution of the United States, that "no person holding any office under the United States shall be a member of either House during his continuance in office." And it was held that no person was such "member," within the meaning of this clause of the Constitution, until he had an opportunity to qualify and take his seat. The case before us does not come under this clause of the Constitution of the United States, but under the constitution of Rhode Island, and under the law relative to holding incompatible offices which I have cited. The constitution of Rhode Island declares that "no person holding any office under the Government of the United States" shall act as a member of the General Assembly. There can be no doubt that a Representative in Congress holds an office under the Government of the United States.

But if authority be necessary, it has been so decided by the court of last resort in the State of New York in the well-considered case of Pope *vs.* Common Council of Brooklyn, 77 New York, 503. Section 25 of the Revised Statutes of the United States prescribes the time of election of Representatives "to the Congress commencing on the 4th day of March next thereafter." It is from this date that the Representative holds the office. From this date his compensation begins, and under the law he receives it monthly if his credentials are duly filed, although no session of Congress be held for many months (section 38 of the Revised Statutes). Can it be said that the United States pays a Representative in Congress in advance for services in an office which he does not hold, and may never hold? Is there any doubt that a Representative may resign his office after the 4th day of March on which the Congress to which he has been elected commences, and before any session of such Congress? And if he may expressly resign it may he not by implication? Certainly he may. Indeed, a proper analysis of the two proves them to be the same; differing only in the instrument employed to manifest the resignation of the officer. In the one case he uses words; in the other, acts.

If, then, Mr. Page was elected, as he claims, a member of this House in November, 1884, he began to hold his office on March 4, 1885. The vote of the people made him a Representative. The certificate of the governor neither makes him nor unmakes him. His term of office was two years. From March 4, 1885, he was liable at any time to be called upon to perform the duties of a Representative in this House. At any time after he qualified as a State senator the two offices were liable to conflict, and at some time inevitably would conflict. They were incompatible. Page's acceptance of the office of State senator determined his claim to that of Representative in Congress. On any other theory he might hold the former office until the very moment when he should

be awarded a seat in this House, then resign his seat in the State senate, and leave it vacant and his district unrepresented until a new election could be held. Such an idea is repugnant to governmental policy.

If it be maintained that Page could delay making his choice between the two offices until a session of Congress began, it places him in no better position. Congress has been in session for many months and he has not made his choice. He has been here in Washington prosecuting this contest repeatedly to the neglect of his duties as State senator, thus establishing by his own acts the validity of my argument in this case. No; a man can not hold in his hand one of two incompatible offices while he litigates for the other. He can not thus play fast and loose with the people. If he claims that he is elected to two incompatible offices, he is bound to choose between them. He can not hold a title in fee-simple in the one and a mortgage on the other. If he be mistaken and choose improvidently, he must abide the consequences, for it is his own act.

For these reasons I maintain that the resolutions recommended by the minority of the committee should be substituted for that of the majority. In my judgment the affidavits which have been printed and on which the majority of the committee rely, are open to the severest criticism, but I pass them without comment. I interpose no objection to the most thorough investigation. Let it be done in conformity to the law and in a manner calculated to develop the truth, the whole truth, and nothing but the truth, and I shall be content.

Mr. GREEN, of New Jersey. Mr. Speaker, I now take the floor in my own right, and yield ten minutes to the gentleman from Georgia [Mr. TURNER].

Mr. TURNER. Mr. Speaker, this contest turns upon charges of intimidation and bribery. Rejecting all illegal and hearsay testimony, it appears from the evidence produced by the contestant that the sitting member himself personally corrupted and bribed some of the voters. At one precinct it appears from this evidence that there were one hundred and eighty-seven men bribed by the sitting member's agent. There was thus revealed to the committee a case of personal corruption charged against a member of the House. But it was said on the other side of the case that the evidence by which this charge was to be established was taken after the expiration of the statutory period.

In this state of the case the question was whether we should dismiss the case, investigate it further, or decide it upon the record which we had. I for one am in favor of adhering to the statute as a convenient rule of practice in all ordinary cases. But although this case justifies a departure from the statute, we decided to recommend another opportunity to the sitting member for the defense of his honor. We propose to give him this privilege, although he refused it when tendered by the contestant. If there is error in the action of the committee, in my judgment it is an error on the side of generosity to the sitting member. So far from any wrong being contemplated, we propose an act of grace and magnanimity.

Reference has been made to the case of O'Hara *vs.* Kitchin, and the gentlemen who opposed the resolution offered by the majority plant themselves on the authority of the report in that case. An examination of that case will show that it has very little pertinency or relevancy to this discussion. In that case the committee distinctly found that they could not ascertain from the record whether or not notice of contest was served in time. They further found that the evidence taken out of time did not show that the contestant was elected. And finally they found that the evidence had not been taken within the statutory period nor on the faith of a written agreement. For all these reasons the committee recommended a resolution against the contestant. And nothing appeared against the character of the sitting member or the conduct of the election, and no other extraordinary circumstance suggesting the propriety of further investigation.

But, Mr. Speaker, in the Forty-seventh Congress, following that in which the case just mentioned was decided, another precedent was set by the Republican party alone in the case of Bisbee *vs.* Finley. I recall with some bitterness of regret that remarkable case.

The statute allows the contestant forty days in which to take testimony-in-chief. It also allows forty days to the sitting member to reply, and then ten days are allowed for the contestant's evidence in rebuttal. After the forty days allowed to Mr. Bisbee had been fully exhausted he continued arbitrarily to take testimony within the forty days allowed to Mr. Finley in his absence and during the time when the latter was hunting up his witnesses and preparing his evidence. I insist that that was a far graver dereliction from the statute than that which appears in this case. It was not a taking of testimony after the statutory period had expired, but it was a taking of testimony within the period which the law allowed to the sitting member.

Every Republican member of the committee, as if to emphasize his assent, signed a report which stated that the statute is merely directory and that the committee would be bound by no statutory rule, and they reported the evidence to the House, taken under these extraordinary circumstances, as a part of the basis on which they excluded General Finley from his seat. That case distinctly overrules the O'Hara and Kitchin case. Mr. Bisbee was seated in this House on testimony taken under these most extraordinary circumstances. In other words, the case was tried on such evidence, and no opportunity was tendered the sitting member by the committee or the House such as we offer in this case.

Now, what do the minority of the committee propose? They, in the first place, ask the House to declare that the contestant is not entitled to the seat. They propose on this state of the case to adjudicate Mr. Page's title to the seat, and then to recommit the case to the Committee on Elections, with instructions to send a subcommittee to the State of Rhode Island to take testimony, with the contestant excluded.

Mr. Speaker, I desire to say here quite frankly and honestly that I have no wish to dismiss from this case the prosecutor of it. I want him to remain on the record.

[Here the hammer fell.]

Mr. GREEN, of New Jersey. Mr. Speaker, I yield five minutes more to the gentleman from Georgia.

Mr. TURNER. For very obvious reasons, the contestant is more familiar with the facts than anybody else, understands better their scope and character, and knows more about the residence and situation of the witnesses. He is the man who is interested more than any one else in the result, and like the prosecutor in a criminal case, to remain a party to the case, and have the right to confront the sitting member at every point during the further investigation of the case, so that it shall not again be *ex parte*.

Mr. SPOONER. Will the gentleman allow me to interrupt him a moment?

Mr. TURNER. What does the gentleman from Rhode Island desire?

Mr. SPOONER. I simply desire to inquire, inasmuch as the contest in this case is not in regular form according to law, whether the gentleman does not consider that it is unfair and improper to limit the time within which this examination is to be had to thirty days instead of the forty days as provided in the statute, and I suggest that the thirty days under the terms of the resolution——

Mr. TURNER. I yielded only for a question. I can not give up to the gentleman the whole of my time.

Mr. SPOONER. I did not know that the gentleman's time was limited.

Mr. TURNER. My time is limited. I want to say to the gentleman now, that I am entirely satisfied that the time allowed under this resolution for the taking of testimony is quite ample. In fact, I will state further to the gentleman, that, so far from there being any hardship contemplated by this action, it allows, in my judgment, an unusual and extraordinary opportunity to the sitting member, considering the precedents that have been set by the Republican party in the past.

Mr. SPOONER. Of course, the gentleman understands——

Mr. TURNER. What will the gentleman have further?

The SPEAKER *pro tempore*. Does the gentleman from Georgia yield?

Mr. TURNER. I can not yield. I have but a few moments more.

On reviewing this whole case, in the kindest spirit toward the other side, I wish to say in my judgment the evidence heretofore taken in this case seems to establish a condition of facts which ought to invoke the fullest scrutiny.

Instead of the usual method which we propose, the minority insist that the investigation shall be under the direct auspices of the Committee on Elections. I protest against it, sir. We have too many duties to perform in this House, we have too many responsibilities to our immediate constituents, to permit us to vacate our seats and to go to a distant State to investigate a question of this sort, when the machinery already provided by the law affords the amplest, fullest, and most deliberate opportunity for both parties to be heard. I thank the gentleman from New Jersey [Mr. GREEN] for the opportunity he has afforded me.

Mr. GREEN, of New Jersey. How much more time have I, Mr. Speaker?

The SPEAKER *pro tempore*. The gentleman has thirty-seven minutes remaining.

Mr. GREEN, of New Jersey. I yield twenty minutes to the gentleman from Indiana [Mr. LOWRY].

Mr. LOWRY. Mr. Speaker, this case, sir, is within the compass of the proverbial nutshell, and it will not be necessary to pursue the devious course of the argument of my colleagues on the Committee on Elections who have addressed the House upon the other side. Some of them have introduced topics that are entirely foreign to the question now before the House. My friend from Illinois [Mr. HOPKINS] followed by the other honorable gentleman from Illinois [Mr. ROWELL], has undertaken to put the vehicle before the quadruped [laughter], and has addressed himself to the consideration of the question whether or not the contestant in this case could legally hold a seat in this House by reason of his having been a member of the senate of the State of Rhode Island. That is a question that may properly be considered when the case comes up on its merits, but I commend to the consideration of my friends the homely adage that "it is time enough to cross the bridge when you come to it," and I suggest that it is unnecessary to embarrass the issue which we have now before us for consideration by the discussion of any question of that kind.

What is this case, sir? We have here a regularly instituted election contest. Notice of contest was duly given, an answer was duly filed within the time prescribed by the statutes, and within four days after the filing of the answer a gentleman, who is said to be one of distinction in the legal profession (and, from what appears in this record, there is no question concerning either his legal acumen or astuteness), meets the contestant in the Providence County court-house, in the city of Providence, R. I., and, addressing himself to that gentleman, says that he is employed by the contestee, Mr. Pirce, as his attorney in the Congressional election contest pending between the latter and Mr. Page, and has filed his answer; that he is engaged in court and liable to continue to be so; that the contestant himself is a member of the State senate, and will probably be occupied there in the discharge of his duties as a State senator during the period when he would be required to give his attention to the taking of testimony in the case, and therefore he proposes to the contestant that they shall make an agreement as to time for their mutual convenience.

Be it remembered that there is no question in reference to the authority of this attorney, Mr. Stephen A. Cook, who himself testifies to the fact that he was the regularly constituted attorney of the contestee in this case. What follows? Mr. Page, the contestant, files an affidavit stating that then and there, at the instance of the attorney of the contestee, he, the contestant, entered into an agreement by which it was concluded between them that, for their mutual convenience, they would waive any question in reference to the time when the testimony should be taken, and that each could give the other due notice when he desired to proceed before any testimony was taken.

Mr. Page corroborates his own affidavit in reference to this agreement having been made by the affidavit of a gentleman named Hull. It is undertaken here to destroy the credibility of the affiant Hull by filing the affidavit of another gentleman setting forth that Hull came to his printing office and asked him to print for him a ticket which he denominated a "spurious" ticket. The ground of its being denounced as "spurious" is that it was headed "Republican ticket." I am happy to find our friends on the other side characterizing such tickets as spurious. [Laughter.] I wish they would so regard all such tickets, not only in the State of Rhode Island but throughout all the States of this Union. [Continued laughter.] If they had done so, I would not have been in the unhappy predicament in which I was placed the other day when I was constrained to vote against my political and personal friend Hon. Frank Hurd.

Now, here are two affiants who state that there was a parol agreement. What does Mr. Cook, the attorney of the contestee, say? He undertakes to deny the effect of the stipulation he made by stating that according to his understanding, as he expresses it, there was no agreement to extend the time beyond that prescribed by statute. What does he say, however, in reference to the exact terms of the agreement which he did make? Here is his exact language, as contained in his letter to the contestant, which is embodied in the record in this case. He admits the time and place of making the agreement; he admits that an agreement, which he characterizes as a "mutual agreement," was made; and the phraseology which he adopts in describing that agreement is this:

> I therefore suggested that neither of us in such case compel the other to attend to the taking of the testimony, but would postpone it until another day, and that we should each consult each other's convenience in this respect. To this you assented; and I considered it a mutual agreement.

We have then the testimony of Mr. Page himself, and of the corroborating witness, Hull, and the express admission of the attorney of the contestee to the effect that such an agreement was made.

Our friends on the other side, chary as they are of the reputation of the contestee now occupying a seat in this high and honorable body, say that it will be an infringement upon his rights if we give effect to that parol agreement; and they claim there is authority for this position. Notwithstanding numerous instances in which the House has recognized the parol agreements in regard to taking testimony and has itself extended the time, they have appealed to the case of O'Hara vs. Kitchin, and say that it is authority for refusing absolutely to recognize or give any effect to such agreements.

Let us see how that is. Why, sir, in the first place, while it is true that there a contest was instituted by O'Hara against Kitchin, and pending for a time in this House and reported on by the Committee on Elections, it was never decided here. The report was simply ordered printed and never acted on. (Digest of Election Cases, Forty-fifth and Forty-sixth Congresses, page 378.) But even if the report had been adopted by the House, what were the facts involved and the conclusions drawn? No shadow of claim was made there of there having been an agreement by parol or otherwise to extend the time. It was claimed that there had been an oral agreement by Kitchin "to make a case without taking testimony." This was not done, and Kitchin denied the agreement under oath, and supported himself by the affidavits of two other persons.

O'Hara went on and took testimony out of time; relied upon the alleged agreement as an excuse for not taking it in time, and asked the committee on his own unsupported affidavit as to O'Hara having "agreed to make a case," to authorize the taking of testimony after the time prescribed. The committee very properly refused. But in giving a summary of their reasons for so doing and against the propriety of parol agreements being relied on or given effect to without there being sufficient reason therefor, they expressly recognize the fact that it was the practice. They say, "The practice which has arisen of permitting parties by agreement to postpone the time of taking testimony * * * has, in the opinion of the committee, been carried too far." If such a practice had arisen would the mere opinion of a committee overturn it? Would it be allowable to cite the opinion of a committee as authority against the action of the House?

But that committee reasoned only against such practice being general, and against being resorted to without there being some sufficient cause. In this they were doubtless right. They expressly recognized the doctrine, however, that there are cases in which it is also proper that an extension of time should be given and that when taken out of time it should be received. After arguing the question fully they expressly say:

> The committee might, indeed, in a case where testimony had been taken out of time, but with full opportunity to the other party to cross-examine the witnesses and exhibit evidence in reply, * * * recommend to the House, if they find sufficient reason therefor, that the evidence be considered as if taken in time.

Such is precisely the case now before the House with this single exception. In the case cited, in speaking of the opportunity to cross-examine the witnesses and exhibit evidence in reply, the further qualification is appended that that should have been fully done. In the case under consideration that was not fully done, nor done at all, but it was by reason of the refusal of the contestee. It is now proposed to afford him that opportunity again, with the understanding that the committee will in its final report ask the House to approve its action in regarding the testimony already taken as taken out of time for sufficient cause, and therefore considering it as if taken in time.

I maintain, therefore, Mr. Speaker, that the case of O'Hara vs. Kitchin, if authority at all upon this question, is authority in favor of recognizing and giving efficacy to a parol agreement of this kind entered into in good faith. Why, sir, we all know that every State of the Union has statutory provisions prescribing the manner in which depositions shall be taken. The testimony in this case is none other than depositions. What court within the confines of the United States, if those engaged in the trial of a case, whether at common law or in equity or a criminal case, should meet together and enter into a stipulation waiving the provisions of the statute and agreeing to take depositions out of time, would refuse to give effect to such a stipulation? Is there any such tribunal? Should the practice here be more technical? If so, why? It is true that in some States such agreements are required to be in writing, and that unquestionably would be desirable, but we have here no such statutory requirement.

Now, sir, as has been stated by my colleague [Mr. TURNER], the chairman of the Committee on Elections, here is a charge of venality and corruption in connection with the election of a member of Congress. This record bristles all through with evidence addressed to that charge. It is not for me to say now to what extent it establishes it. I trust when the opportunity is afforded, as the committee generously proposes to have afforded to the sitting member in this case, he will be abundantly able to show his hands are clean and his skirts are clear of even the faintest taint of corruption.

Mr. REED, of Maine. Will the gentleman yield to me for one moment?

Mr. LOWRY. Permit me to proceed. My time is limited, and I have but a few moments myself.

Mr. REED, of Maine. I wish to bring out one or two facts in connection with this, if you will permit me.

Mr. LOWRY. This being their hope, the resolution of the majority of the committee proposes to allow the contestee the opportunity. He having declined to appear in response to notice served on him to cross-examine witnesses, under the possible impression that his parol agreement would not be operative, the committee proposes out of abundance of charity for his motives and liberality of feeling toward a gentleman whom they trust is wrongly accused to afford him an opportunity to resummon and cross-examine these witnesses and to take testimony in his own behalf for a period of thirty days after the adoption of the resolution, and also to give to the contestant ten days for the purpose of taking rebutting testimony.

On the other hand, the minority of the committee propose by the resolution they submit to recommit this case to the Committee on Elections, directing them to appoint a subcommittee for the purpose of going into the State of Rhode Island at an expense of not to exceed $2,000, to employ reporters, and, it is fair to assume, I think, take all the testimony anew. It does seem to me, Mr. Speaker, the proper course for the sitting member to pursue is to court investigation of this question here, to seek opportunity to cross-examine these witnesses, and to introduce such exculpatory testimony as it is in his power to introduce. We have no occasion to depart from the usual course in this instance. There is no need of any roving commission in the form of a subcommittee. Let the testimony be taken in the usual way, and be brought here and impartially weighed.

Now, sir, the State of Rhode Island has gone far enough. She has a fungous growth in her constitution which prohibits too many of her citizens the right of suffrage. She occupies the unenviable position of having a clause in her constitution by which all those who do not happen to be born on this side of the Atlantic Ocean are required to own $134 worth of real estate in order to entitle them to the exercise of the right of suffrage. Under that clause of her constitution, it is a matter of tradition, if not of history, that a former member of this House who himself had possessed all the qualifications necessary for the exercise of the right of suffrage, all the attributes necessary in order to be elected as a member of this House, in the vicissitudes of life met with reverses, was stripped of his property, and when he went back to his home in Rhode Island and went up to the polls to vote, by reason of the fact that he was no longer the owner of senseless clods and insensate brick and mortar, he was deprived of the privilege of voting for even a town constable. We have no power to correct or control that, sir; we can not prune the foliage of that tree—outgrowth as it is of bigotry and intolerance—but we can prevent those who deny the right of suffrage to the entire people of Rhode Island from cultivating that poisonous and deadly upas which results from dishonest use of money and from venality and corruption in the conduct of their elections. [Great applause.]

The SPEAKER. The gentleman from New Jersey [Mr. GREEN] has twenty-two minutes of his time remaining.

Mr. GREEN, of New Jersey. I will yield ten minutes of my time to the gentleman from Iowa [Mr. HALL].

Mr. HALL. Mr. Speaker, the only question which presented itself to the committee was, whether the misunderstanding between the contestant and the contestee in reference to the time in which they should take their testimony should operate to cut off inquiry on behalf of the House or its committee in reference to evils which were manifest from the most casual examination of the record presented in that case.

The question has been asked by the gentleman from Rhode Island whether the contestee has done anything wrong, or whether he has omitted to do anything which it was his duty to do in reference to this contest. That suggestion involves the idea that in this House the contest is merely a matter personal to two men who happen to be striving for a seat. That, in my judgment, is a position which can not obtain for one moment.

There are questions involved here beyond their personal rights or their personal claims, and there can be no question that a contest once properly instituted with reference to the validity and legality of an election not only does not terminate with, but does not depend upon, the conduct of the contestant or the contestee. This House holds in its own hands the power of determining questions of that kind, let them come before it when or in what manner they may.

Now, Mr. Speaker, when Mr. Page instituted this contest, and the time prescribed by the statute within which the evidence ought to have been taken had elapsed, the contest itself did not cease with it. The Forty-ninth Congress had not yet held its first session; it had not come into existence. It is here to-day, and is here to decide the question under the constitutional provision which gives it power and authority to determine the question of the election, returns, and qualifications of its own members; and under the constitutional provision it is not limited to the proceedings of the committee nor to the evidence which the parties to the contest may have introduced. It seems to me that the gentlemen who have discussed this legal question on the other side of the House have failed to confront the true relation between the contest and the House itself. The statutes which have been enacted directing the time within which the testimony shall be taken are but directory. They are enacted for the purpose of giving the contestant and the contestee the power to summon witnesses and bring them before the officers to take their depositions.

They are not necessary to the House, but simply to the parties to the contest themselves. Without these statutes the witnesses would have the power to refuse to appear; they would have the power to refuse to testify absolutely; and hence these statutes were enacted simply to put into the hands of the parties to the contest the power to secure the testimony which would be necessary to substantiate or rebut the claim. Each of them is allowed a specified time for this purpose; but after they have accomplished all of the purposes the statute had in view, and have taken the testimony, the case comes here, not solely upon that testimony, but upon all and every consideration that may present itself to this body.

This House to-day has the power to take this record, prepared as it was, and act upon it without reference to other testimony or to other consideration; and that was the view entertained by the committee with reference to every contest pending in the House which had been referred to the committee. The evidence, although showing very remarkable circumstances, had been taken under a mutual misapprehension between the parties; but out of generosity to the contestee, and for the purpose of enabling the most full, perfect, and complete investigation of which the case is susceptible, the committee determined to bring the question back to the House and ask an order of the House authorizing, by its own direction, further time to be given to pursue the investigation. That is the origin and explanation of the resolution.

The resolution suggested by the minority of the committee as a substitute is not one directed to the contest to ascertain as to whether there was a legal election and determine whether the present sitting member is entitled to a seat, but is in the direction of an investigation which could result alone in expulsion, and which, in my judgment, is an improper procedure at this stage of the case.

In my judgment, the House owes it to itself and to the elections which are authorized under the statutes to say that this contest shall be pursued properly and legitimately, and the House through that means and instrumentality be advised of what are the rights of the parties concerned, as well as the rights of the House itself.

Mr. GREEN, of New Jersey. Mr. Speaker, I labor under the impression that everything that can be said in reference to this matter on both sides has been said; and I therefore demand the previous question upon the passage of the resolution.

Mr. ELY. Pending that, I move to substitute the resolutions in the minority report.

The SPEAKER. The Chair supposes that has been already done. The minority resolutions are reported by the minority of the committee, as the Chair understands, as a substitute, and are offered as such for the resolution of the majority of the committee.

Mr. SPOONER. Mr. Speaker, I hope before the previous question is ordered, or at least that the gentleman from New Jersey will withdraw it long enough to allow me to submit a resolution which I would like to have considered and voted upon at the proper time.

The SPEAKER. But the previous question has been demanded.

Mr. SPOONER. I ask to have it read to be offered as a substitute.

The SPEAKER. A substitute is now pending offered by the minority of the committee.

Mr. REED, of Maine. I ask that it be read for the information of the House.

The SPEAKER. Without objection it will be read for the information of the House.

Mr. HAMMOND. I object.

Mr. GREEN, of New Jersey. I demand the previous question.

The question was taken; and upon a division there were—ayes 83, noes none.

Mr. SPOONER. No quorum.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. SPOONER, and Mr. GREEN, of New Jersey, were appointed tellers.

The House divided; and the tellers reported—ayes 121, noes none.

Mr. REED, of Maine. I desire to state to the House that the gentleman from Rhode Island [Mr. SPOONER] had a resolution which he desired to submit as a substitute for that proposed by the majority of the committee. I think the House will recognize at once it is a reasonable proposition. If this investigation is to be ordered, I think that proposition will be recognized as reasonable, and I submit to the House it would be wise for us to have it read, and then determine whether it is not a proper resolution.

Mr. ROBERTSON. I believe that is right.

Mr. SPRINGER. Let it be read.

Mr. HAMMOND. As I have been notified by the other side of the House that they intend to have that resolution read or stay, I withdraw my objection.

Mr. REED, of Maine. I will state to the gentleman from Georgia that it is evident it is the intention of this House to pass the majority resolution. If that is to be done, it ought to be done in a shape reasonably satisfactory to both sides; and I have no doubt that when the resolution of the gentleman from Rhode Island [Mr. SPOONER] is read there will be consent to substitute it for the resolution of the minority.

Mr. TURNER. I beg to state that the House has assumed that the sentiment of the minority of the committee is best represented by the resolution which the minority of the committee has proposed.

Mr. REED, of Maine. That is perfectly true. At the same time it was believed that the House might take a different view of it. But it has become apparent so far as we have progressed that the majority resolution is likely to prevail in some shape or other; but an opportunity should be given to take the sense of the House on the proposition of the gentleman from Rhode Island.

Mr. TURNER. I have a great deal of respect for the wish of the gentleman from Maine, but I respectfully submit it is rather an extraordinary request to make that there should be two substitutes pending to be voted upon.

Mr. REED, of Maine. Will the gentleman from Georgia hear the substitute which the gentleman from Rhode Island desires to offer?

Mr. TURNER. I have no objection to hearing it.

Mr. McMILLIN. Is the other substitute withdrawn?

Mr. REED, of Maine. Yes, sir; if the resolution of the gentleman from Rhode Island can be substituted for it.

The SPEAKER. The Chair understands the gentleman from Maine to say the purpose is to withdraw the substitute offered by the minority of the committee and put in place of it as a substitute for the report of the majority the resolution of the gentleman from Rhode Island [Mr. SPOONER], and he requests that the resolution of the gentleman from Rhode Island be read.

Mr. GREEN, of New Jersey. I think we ought to understand that that is the purpose.

The SPEAKER. If there be no objection the resolution will be read for information.

The resolution was read, as follows:

Resolved, That William A. Pirce, sitting member from the second Congressional district of Rhode Island, be allowed forty days from and including the —— day of May next ensuing in which to cross-examine witnesses heretofore examined by Charles H. Page, the contestant, and to take any testimony he may desire; and that ten days next following the expiration of said forty days be allowed to said Page to take evidence in rebuttal: *Provided*, That said Page shall produce said witnesses heretofore examined by him for such cross-examination before the magistrate or magistrates designated by said Pirce within and during the first ten days of said forty days, and in such hours as said Pirce may theretofore designate; and the testimony heretofore taken of any such witnesses not so produced shall be stricken out of the record and not thereafter be considered testimony in the case.

Mr. SPRINGER. There is an error in the resolution. It speaks of May next. I presume the gentleman means this present May.

Mr. SPOONER. Yes, sir. I ask permission to make a brief statement.

There was no objection.

ENROLLED BILL SIGNED.

Mr. ALLEN, of Massachusetts, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 4765) to authorize the Red River Bridge Company of Texas to maintain a bridge across the Red River.

CONTESTED ELECTION—PAGE VS. PIRCE.

Mr. SPOONER. If this testimony had been taken in the regular way the contestant, Page, would have produced his witnesses within the first forty days and they would have been present for examination by Pirce, the contestee. Now the resolution proposed by the majority of the committee makes it necessary for Mr. Pirce to start immediately, with his thirty days commencing to run, if the majority resolution is adopted, from the time of its passage. He has to go home, make arrangements for testimony, find witnesses if he can who have been produced by Mr. Page, and go on with his cross-examination and complete it within thirty days. I ask is it a fair proposition? What I wish is to require in some manner that these witnesses, produced by Mr. Page, shall be fairly presented for cross-examination; that a reasonable time, as much as the law would have allowed if the testimony had been taken in the regular course, be given to Mr. Pirce within which to cross-examine these witnesses and take his own testimony. That is all I seek to reach by the resolution. It seems to me it is an entirely fair proposition. If there is anything in the language of the resolution that is not fair and proper, I am entirely willing to submit it to correction.

Mr. TURNER. I ask permission to make a brief statement.

There was no objection.

Mr. TURNER. As I understand, the proposition is to submit the resolution which has just been read in lieu of the substitute already pending. When put in that position it would be a substitute for the resolution of the majority of the committee. Am I correct?

The SPEAKER. That was the statement made by the gentleman from Maine.

Mr. SPRINGER. And that a vote be allowed on each.

Mr. TURNER. I desire to say, so far as I am concerned I would like to ascertain whether if we consent this shall be offered as a substitute in that way obstructions shall cease.

Mr. REED, of Maine. There has been no obstruction.

Mr. McMILLIN. It would seem that under that resolution there can be no determination of the question during this session.

Mr. TURNER again addressed the Chair.

Mr. HAMMOND. I call for the regular order.

Mr. REED, of Maine. I think the gentleman from Georgia [Mr. TURNER] should be allowed to continue his statement.

The SPEAKER. The gentleman from Georgia [Mr. HAMMOND] calls for the regular order. Does the gentleman withdraw his demand to allow his colleague to finish his statement?

Mr. HAMMOND. Yes, sir.

Mr. TURNER. As I understand the disposition of gentlemen on the other side of the House there is no disposition to resort to anything like obstruction, and I acquit the gentleman from Maine, although it might be somewhat hard to a jury sitting on the facts to agree to that verdict.

As I have said, I understand that there is no disposition to offer obstruction in the event the resolution proposed by the gentleman from Rhode Island as a substitute shall take the place of the substitute now pending. In order to accommodate gentlemen I shall offer no resistance to that; but as the gentleman from Rhode Island has made a remark in regard to the difficulties and the injustice which would arise under the resolution reported by the majority of the committee, I may be permitted to add that if this resolution had passed when it was first proposed by the committee there would have been some reason in the request for further time than that allowed by the resolution; but there has been delay in the consideration of this case, delay granted by the gentleman who made the report in deference to the wishes of the sitting member, who has been absent from the House, perhaps on important business, or with some other lawful excuse; and now, if the time is extended, as proposed in this substitute, I fear the result will be that the evidence will come back here too late to be acted on at this session. That is the reason I could not assent to the proposition of the gentleman from Rhode Island [Mr. SPOONER]. I believe, on the merits of the proposition, that the time allowed in the report of the majority is ample for all purposes. But, as I have already indicated, I am willing, so far as I am concerned, that the substitute proposed by the gentleman from Rhode Island shall take its position in lieu of the substitute now pending.

The SPEAKER. The gentleman from Rhode Island [Mr. SPOONER] asks unanimous consent that the substitute proposed by the minority of the Committee on Elections may be withdrawn, and that in lieu of it the resolution offered by him, which has just been read, shall take its place as a substitute for the resolution reported by the majority of the committee and be voted on instead of the other.

There was no objection, and it was so ordered.

Mr. SPOONER. Mr. Speaker, my only desire is to arrive at a reasonable and fair result, and therefore I am willing to strike out from the resolution all after and including the word "provided."

The SPEAKER. The resolution will be reported as it is proposed it shall stand.

The Clerk read as follows:

Resolved, That William A. Pirce, sitting member from the second Congressional district of Rhode Island, be allowed forty days, from and including the 12th day of May next ensuing, within which to cross-examine witnesses heretofore examined by Charles H. Page, the contestant; and that ten days next after the expiration of said forty days be allowed to said Page to take evidence in rebuttal.

Mr. GREEN, of New Jersey. Evidently there is a mistake there. The "12th day of May next" will be next year.

Mr. SPOONER. The 12th day of May, 1886, is what I mean. I will modify that part of the resolution so as to read "the 12th day of May instant."

The SPEAKER. The gentleman from New Jersey [Mr. GREEN] demands the previous question on the adoption of the report of the committee.

The previous question was ordered.

The SPEAKER. The question now is on agreeing to the substitute proposed by the gentleman from Rhode Island [Mr. SPOONER] for the resolution reported by the Committee on Elections.

The question was taken; and there were—ayes 87, noes 103.

Mr. REED, of Maine, and Mr. SPOONER called for the yeas and nays.

The yeas and nays were ordered.

The House again divided; and there—yeas 99, nays 127, not voting 96; as follows:

YEAS—99.

Allen, C. H.	Fuller,	Kelley,	Romeis,
Baker,	Funston,	La Follette,	Rowell,
Bingham,	Gallinger,	Laird,	Sawyer,
Bound,	Gilfillan,	Lehlbach,	Scranton,
Boutelle,	Goff,	Lindsley,	Smalls,
Brady,	Grosvenor,	Little,	Spooner,
Bragg,	Grout,	Long,	Spriggs,
Brown, C. E.	Guenther,	Lyman,	Stephenson,
Brown, W. W.	Harmer,	Markham,	Strait,
Brumm,	Hayden,	McComas,	Symes,
Buck,	Haynes,	McKenna,	Taylor, I. H.
Burleigh,	Henderson, D. B.	Milliken,	Taylor, Zach.
Burrows,	Henderson, T. J.	Moffatt,	Thomas, O. B.
Butterworth,	Hepburn,	Morrow,	Thompson,
Cannon,	Herman,	Nelson,	Van Schaick,
Conger,	Hiestand,	O'Hara,	Wade,
Cooper,	Hires,	O'Neill, Charles	Wadsworth,
Cutcheon,	Hiscock,	Osborne,	Wait,
Davis,	Hitt,	Payne,	Warner, William
Dunham,	Holmes,	Perkins,	Weaver, A. J.
Evans,	Hopkins,	Phelps,	Weber,
Everhart,	Houk,	Plumb,	White, A. C.
Farquhar,	James,	Price,	White, Milo
Felton,	Johnson, F. A.	Reed, T. B.	Whiting.
Fleeger,	Johnston, J. T.	Rockwell,	

NAYS—127.

Allen, J. M.	Dargan,	Herbert,	Morrison,
Anderson, C. M.	Davidson, A. C.	Hill,	Muller,
Ballentine,	Davidson, R. H. M.	Holman,	Neal,
Barksdale,	Dawson,	Howard,	Neece,
Barnes,	Dockery,	Hutton,	O'Neill, J. J.
Beach,	Dougherty,	Irion,	Peel,
Blanchard,	Dowdney,	Jones, J. H.	Perry,
Bland,	Dunn,	King,	Pidcock,
Bliss,	Eldredge,	Kleiner,	Pindar,
Blount,	Ellsberry,	Laffoon,	Randall,
Boyle,	Ermentrout,	Landes,	Ranney,
Breckinridge, C. R.	Foran,	Lanham,	Reagan,
Breckinridge, W. C. P.	Ford,	Le Fevre,	Reid, J. W.
Bynum,	Frederick,	Lore,	Reese,
Cabell,	Geddes,	Lowry,	Richardson,
Campbell, J. E.	Glass,	Mahoney,	Riggs,
Campbell, T. J.	Glover,	Martin,	Robertson,
Candler,	Green, R. S.	Maybury,	Rogers,
Carleton,	Hall,	McAdoo,	Sadler,
Catchings,	Halsell,	McCreary,	Sayers,
Clardy,	Hammond,	McMillin,	Seney,
Clements,	Harris,	McRae,	Singleton,
Compton,	Hatch,	Merriman,	Skinner,
Cowles,	Heard,	Miller,	Sowden,
Cox,	Hemphill,	Mills,	Springer,
Crisp,	Henderson, J. S.	Morgan,	Stahlnecker,

Stewart, Charles	Taulbee,	Van Eaton,	Wilson,
St. Martin,	Taylor, J. M.	Viele,	Winans,
Stone, W. J., Ky.	Tillman,	Ward, J. H.	Wise,
Stone, W. J., Mo.	Trigg,	Ward, T. B.	Wolford,
Storm,	Tucker,	Weaver, J. B.	Worthington.
Swope,	Turner,	Wheeler,	

NOT VOTING—96.

Adams, G. E.	Croxton,	Jones, J. T.	Rice,
Adams, J. J.	Culberson,	Ketcham,	Ryan,
Aiken,	Curtin,	Lawler,	Scott,
Anderson, J. A.	Daniel,	Libbey,	Sessions,
Arnot,	Davenport,	Louttit,	Seymour,
Atkinson,	Dibble,	Lovering,	Shaw,
Barbour,	Dingley,	Matson,	Snyder,
Barry,	Dorsey,	McKinley,	Steele,
Bayne,	Eden,	Millard,	Stewart, J. W.
Belmont,	Ely,	Mitchell,	Stone, E. F.
Bennett,	Findlay,	Morrill,	Struble,
Browne, T. M.	Fisher,	Murphy,	Swinburne,
Buchanan,	Forney,	Negley,	Tarsney,
Bunnell,	Gay,	Norwood,	Taylor, E. B.
Burnes,	Gibson, C. H.	Oates,	Thomas, J. R.
Caldwell,	Gibson, Eustace	O'Donnell,	Throckmorton,
Campbell, Felix	Green, W. J.	O'Ferrall,	Townshend,
Campbell, J. M.	Hale,	Outhwaite,	Wakefield,
Caswell,	Hanback,	Owen,	Warner, A. J.
Cobb,	Henley,	Parker,	Wellborn,
Cole,	Hewitt,	Payson,	West,
Collins,	Hudd,	Peters,	Wilkins,
Comstock,	Jackson,	Pettibone,	Willis,
Crain,	Johnston, T. D.	Pirce,	Woodburn.

So the substitute was rejected.

Mr. ROBERTSON asked unanimous consent that the reading of the names of members voting be dispensed with.

There was no objection, and it was so ordered.

The following-named members were announced as paired until further notice:

Mr. GREEN, of North Carolina, with Mr. ANDERSON, of Kansas.

Mr. FISHER with Mr. BROWNE, of Indiana.

Mr. CURTIN with Mr. NEGLEY.

Mr. OUTHWAITE with Mr. PARKER.

Mr. BURNES with Mr. BUCHANAN.

Mr. CRAIN with Mr. STEWART, of Vermont.

Mr. CULBERSON with Mr. MCKINLEY.

Mr. FORNEY with Mr. BUNNELL.

Mr. BENNETT with Mr. O'DONNELL.

Mr. COLE with Mr. THOMAS, of Illinois.

Mr. THROCKMORTON with Mr. JACKSON.

Mr. CROXTON with Mr. DORSEY.

The following-named members were announced as paired for this day:

Mr. O'FERRALL with Mr. ADAMS, of Illinois.

Mr. BARRY with Mr. PETERS.

Mr. FELIX CAMPBELL with Mr. BAYNE.

Mr. ADAMS, of New York, with Mr. STRUBLE.

Mr. WARNER, of Ohio, with Mr. WAKEFIELD.

Mr. NORWOOD with Mr. DAVENPORT.

Mr. TARSNEY with Mr. PETTIBONE.

Mr. JOHNSTON, of North Carolina, with Mr. LOUTTIT.

Mr. GIBSON, of Maryland, with Mr. LIBBEY.

Mr. GIBSON, of West Virginia, with Mr. RYAN.

Mr. JONES, of Alabama, with Mr. KETCHAM.

Mr. SCOTT with Mr. ATKINSON.

Mr. COLLINS with Mr. ELY.

Mr. TOWNSHEND with Mr. DINGLEY.

Mr. DANIEL with Mr. RICE.

Mr. HANBACK with Mr. SNYDER.

Mr. HALE with Mr. MILLARD. Mr. HALE would vote for Mr. Page, and Mr. MILLARD for Mr. Pirce.

Mr. HAMMOND and Mr. BURLEIGH were announced as paired for the remainder of this day.

The following-named gentlemen were announced as paired on this vote:

Mr. EDEN with Mr. CASWELL.

Mr. EZRA B. TAYLOR with Mr. WILLIS.

Mr. ELY. Mr. Speaker, I was paired, as I understood, with Mr. COLLINS on the Campbell *vs.* Weaver case; but, as he has not voted on this case, I suppose he intended the pair to extend through the day. Therefore, having voted, I withdraw my vote.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now recurs on the resolution reported by the majority of the Committee on Elections.

Mr. REED, of Maine. On the adoption of that resolution I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 117, nays 78, not voting 127; as follows:

YEAS—117.

Allen, J. M.	Bland,	Breckinridge, WCP	Candler,
Ballentine,	Bliss,	Bynum,	Carleton,
Barksdale,	Blount,	Cabell,	Catchings,
Barnes,	Boyle,	Caldwell,	Clements,
Beach,	Bragg,	Campbell, J. E.	Cobb,
Blanchard,	Breckinridge, C. R.	Campbell, T. J.	Compton,
Cowles,	Heard,	Morgan,	Stahlnecker,
Cox,	Hemphill,	Morrison,	Stewart, Charles
Crisp,	Henderson, J. S.	Muller,	St. Martin,
Davidson, A. C.	Hill,	Neal,	Stone, W. J., Ky.
Davidson, R. H. M.	Holman,	Neece,	Stone, W. J., Mo.
Dawson,	Howard,	O'Neill, J. J.	Swope,
Dibble,	Irion,	Peel,	Taulbee,
Dockery,	Jones, J. H.	Perry,	Taylor, J. M.
Dougherty,	King,	Pidcock,	Tillman,
Dowdney,	Laffoon,	Pindar,	Trigg,
Dunn,	Landes,	Randall,	Turner,
Eldredge,	Lanham,	Reagan,	Van Eaton,
Ellsberry,	Lore,	Reid, J. W.	Viele,
Ermentrout,	Lowry,	Reese,	Ward, T. B.
Foran,	Mahoney,	Richardson,	Weaver, J. B.
Ford,	Martin,	Riggs,	Wheeler,
Frederick,	Maybury,	Robertson,	Wilson,
Glass,	McAdoo,	Rogers,	Winans,
Glover,	McCreary,	Sadler,	Wise,
Green, R. S.	McMillin,	Sayers,	Wolford,
Hall,	McRae,	Seney,	Worthington.
Halsell,	Merriman,	Singleton,	
Harris,	Miller,	Sowden,	
Hatch,	Mills,	Springer,	

NAYS—78.

Allen, C. H.	Gilfillan,	Little,	Smalls,
Bound,	Grout,	Long,	Spooner,
Boutelle,	Harmer,	Markham,	Spriggs,
Brady,	Hayden,	McComas,	Stephenson,
Brown, C. E.	Henderson, D. B.	Moffatt,	Symes,
Brown, W. W.	Henderson, T. J.	Morrow,	Taylor, I. H.
Buck,	Hepburn,	Nelson,	Taylor, Zach.
Burleigh,	Hiestand,	O'Hara,	Thomas, O. B.
Burrows,	Hires,	O'Neill, Charles	Thompson,
Cannon,	Hiscock,	Osborne,	Van Schaick,
Conger,	Hitt,	Payne,	Wade,
Cooper,	Holmes,	Plumb,	Wadsworth,
Cutcheon,	Hopkins,	Price,	Warner, William
Davis,	Houk,	Ranney,	Weber,
Dunham,	James,	Reed, T. B.	West,
Evans,	Johnson, F. A.	Rockwell,	White, Milo
Everhart,	Johnston, J. T.	Rowell,	Whiting,
Farquhar,	La Follette,	Sawyer,	Woodburn.
Fleeger,	Lehlbach,	Scranton,	
Fuller,	Lindsley,	Sessions,	

NOT VOTING—127.

Adams, G. E.	Dargan,	Jones, J. T.	Pirce,
Adams, J. J.	Davenport,	Kelley,	Rice,
Aiken,	Dingley,	Ketcham,	Romeis,
Anderson, C. M.	Dorsey,	Kleiner,	Ryan,
Anderson, J. A.	Eden,	Laird,	Scott,
Arnot,	Ely,	Lawler,	Seymour,
Atkinson,	Felton,	Le Fevre,	Shaw,
Baker,	Findlay,	Libbey,	Skinner,
Barbour,	Fisher,	Louttit,	Snyder,
Barry,	Forney,	Lovering,	Steele,
Bayne,	Funston,	Lyman,	Stewart, J. W.
Belmont,	Gallinger,	Matson,	Stone, E. F.
Bennett,	Gay,	McKenna,	Storm,
Bingham,	Geddes,	McKinley,	Strait,
Browne, T. M.	Gibson, C. H.	Millard,	Struble,
Brumm,	Gibson, Eustace	Milliken,	Swinburne,
Buchanan,	Goff,	Mitchell,	Tarsney,
Bunnell,	Green, W. J.	Morrill,	Taylor, E. B.
Burnes,	Grosvenor,	Murphy,	Thomas, J. R.
Butterworth,	Guenther,	Negley,	Throckmorton,
Campbell, Felix	Hale,	Norwood,	Townshend,
Campbell, J. M.	Hammond,	Oates,	Tucker,
Caswell,	Hanback,	O'Donnell,	Wait,
Clardy,	Haynes,	O'Ferrall,	Wakefield,
Cole,	Henley,	Outhwaite,	Ward, J. H.
Collins,	Herbert,	Owen,	Warner, A. J.
Comstock,	Herman,	Parker,	Weaver, A. J.
Crain,	Hewitt,	Payson,	Wellborn,
Croxton,	Hudd,	Perkins,	White, A. C.
Culberson,	Hutton,	Peters,	Wilkins,
Curtin,	Jackson,	Pettibone,	Willis,
Daniel,	Johnston, T. D.	Phelps,	

So the resolution was adopted.

The following additional pairs (for the remainder of the day) were announced:

Mr. LE FEVRE with Mr. KELLEY.

Mr. HARRIS with Mr. WAIT.

Mr. SKINNER with Mr. PERKINS.

The result of the vote was announced as above stated.

ENROLLED BILL SIGNED.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 5543) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1887.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed without amendment House bills of the following titles:

A bill (H. R. 897) for the relief of the heirs at law of Andrew F. McMillin, deceased;

A bill (H. R. 1027) for the extension and repair of the public building at Belfast, Me.; and

A bill (H. R. 1464) for the relief of David Webster.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 304) to compensate physicians for services rendered under an order of the United States court of the northern district of Alabama;

A bill (S. 433) to provide for the payment of the legal representatives of Arvah Hopkins of the rent of certain property in Tallahassee, Fla., for the use of the Army;

A bill (S. 542) for the relief of William Ervin;

A bill (S. 972) for the relief of Thomas P. Morgan, jr.;

A bill (S. 1258) for the relief of Mary A. Lewis, widow of Joseph N. Lewis; and

A bill (S. 2136) for the relief of Edward Fenlon.

The SPEAKER (at 5 o'clock and 15 minutes p. m.). In accordance with the order heretofore made, the House now takes a recess until this evening at half past 7 o'clock.

EVENING SESSION.

The recess having expired, the House reassembled at half past 7 o'clock p. m.

ORDER OF BUSINESS.

The SPEAKER. By order of the House, the session of this evening is to be devoted to the consideration of bills heretofore reported from the Committee on Military Affairs.

PROMOTION OF WEST POINT GRADUATES.

Mr. BRAGG. I call up for consideration the bill (S. 223) to regulate the promotion of graduates of the United States Military Academy.

The bill was read, as follows:

Be it enacted, &c., That when any cadet of the United States Military Academy has gone through all its classes and received a regular diploma from the academic staff, he may be promoted and commissioned as a second lieutenant in any arm or corps of the Army in which there may be a vacancy, and the duties of which he may have been judged competent to perform; and in case there shall not at the time be a vacancy in such arm or corps, he may, at the discretion of the President, be promoted and commissioned in it as an additional second lieutenant, with the usual pay and allowances of a second lieutenant until a vacancy shall happen.

Mr. BRAGG. I think, Mr. Speaker, that this bill is generally understood by every member of the House, and I have not received from any source any intimation of objection to it. I therefore ask for a vote.

The bill was ordered to a third reading; was accordingly read the third time, and passed.

Mr. BRAGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GENERAL-SERVICE CLERKS.

Mr. BRAGG. I move that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 7191) to provide for the enlistment and pay and to define the duties and liabilities of "general-service clerks" and "general-service messengers" in the Army, reported from the Committee on Military Affairs with sundry amendments.

The motion was agreed to.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to cause to be enlisted and mustered into the service of the United States, for clerical service and messenger duty at the headquarters of the Army and at the several division, department, and district headquarters in the Army a corps of men not to exceed one hundred and forty-five, who shall be subject to the Articles of War and Army Regulations the same as enlisted men on duty in the line, but shall not be subject to be assigned to any other than clerical and messenger duty, as hereinbefore specified; nor shall this number be computed as a part of the number at which the Army is now limited by law.

SEC. 2. That the men to be so enlisted and mustered as hereinbefore provided shall be classified as follows, namely: One hundred shall be for "general-service clerks," and forty-five shall be for "general-service messengers;" and the two classes shall be paid as follows: "General-service clerks" shall receive at the rate of $1,000 per annum, and "general-service messengers" shall receive at the rate of $60 per month; and both classes shall be mustered for pay bimonthly the same as enlisted men, and shall receive no other compensation, pay, or allowance, except when on duty, when necessity requires, they shall each be allowed for subsistence one ration in kind, to be issued by the Commissary Department.

The amendments of the committee were read, as follows:

In line 8 strike out "forty-five" and insert "forty-eight."

Strike out all after section 2 down to and including the words "both classes," in the eighth line of second section, and insert in lieu thereof as follows:

"That of the men so enlisted one hundred and three shall be 'general-service clerks,' who shall be classified and paid as follows: Class 1 shall consist of sixty-six clerks, at $1,000 per annum; class 2 shall consist of twenty-five clerks, at $1,100 per annum; class 1 shall consist of ten clerks, at $1,200 per annum; and the remaining forty-five of such men shall be 'general-service messengers,' who shall be paid at the rate of $60 per month; and all of such men."

Add to the bill as follows:

"SEC. 3. That the provisions of law relating to the retirement of enlisted men shall be construed to include 'general-service clerks' and 'general-service messengers.'"

Mr. RANDALL. Let the report of the committee be read.

The report of the committee (by Mr. BRAGG) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 7191) to provide for the enlistment and pay and to define the duties and liabilities of general-service clerks and general-service messengers in the Army, submit the following report:

The committee have carefully considered this bill and believe its adoption, with the amendments hereinafter proposed, will correct an abuse which has grown up in the Army, perhaps measurably as a necessity, and which has been overlooked or winked at in making appropriations for the Army.

Under the present régime there are employed as general-service clerks one hundred and sixty-seven men who are borne as soldiers on the Army rolls, making part of the aggregate of twenty-five thousand men, as your committee are advised by a communication received from the headquarters of the Army, and there are six more authorized under general orders; and in addition to this number there is the same authority for the employment of sixty-four more men as general-service messengers, most if not all of whom are on duty.

There is no statute law prescribing the pay of clerks or messengers, but they have been enlisted as soldiers—privates, at $13 per month. This pay has been increased a few dollars per month by rating some of the clerks as sergeants, at $17 per month, and corporals at $15 per month. Then there have been added to clerks extra-duty pay at 50 cents per day; and commutation for fuel at $9 per month in some instances, and commutation for quarters at $21 per month, and in some instances commutation for rations at $1 per day and in other instances at 75 cents per day. So that the aggregate of a clerk's pay is swelled by contribution levied on the quartermaster, commissary, and paymaster to a monthly aggregate, over and above food and clothing, of $80.50 per month, as is stated in their memorial, and the same pay is stated by a communication from headquarters to range from $91.60 to $104.21 per month, depending upon grade and length of service.

It is not surprising that this difference in statement should exist, for the ways devised for getting this pay are so devious that it is quite difficult for any two minds not acting in immediate concert to arrive at the same result in ascertaining the value of the seemingly unknown quantity.

The messenger has his pay increased by adding thereto 35 cents per day for extra-duty pay, $3 per month for fuel, and $10 per month for commutation of quarters, and 75 cents per day for rations extra, making an aggregate of about $114.75 per annum less to messengers than clerks.

The committee state that after careful examination they find no law for the commutation for rations, fuel, or quarters at any such rates as have been given either clerks or messengers, neither have they been cited to any, except inferential deductions from the omission of Congress to forbid.

The whole system has crept in under countenance of general orders and without the support of law; and believing as they do that it is unwise to admit the plea of military convenience in time of peace, touching the expenditure of public money, without the sanction of law, and fraught with danger to our system of government, where the military should always in time of peace be held subordinate to the civil power, this committee have refused to make appropriations that could be tapped to meet necessities occasioned by what seemed to them to be quasi "military orders" encroaching upon the functions of the civil arm of the Government.

Commutation for fuel to officers was prohibited by Congress (see Revised Statutes, section 1270), and where public quarters can not be furnished, the limit of commutation per room is fixed at $12 per month (see Revised Statutes, section 1270, as amended chapter 79, laws of 1881); while here under general orders we find, in direct violation of the spirit of the law, a clerk is allowed $21 per month. The plea of "large families" has been frequently put forth while this measure has been under consideration. It may be cruel and hard-hearted to say it, but it should always be remembered that in recruiting for armies families are never enlisted, and if pay is to be graded on the basis of families, one soldier may receive his $13 per month and his fellow, not nearly so deserving, may receive $130.

The purpose of this bill is to create a corps of clerks and messengers, and to fix for them specific pay by law.

The first question for consideration in the detail of the bill is, What shall be a sufficient number of clerks and messengers to properly do the work required? The present distribution of clerks is as follows: Army headquarters, 9 clerks and 3 messengers—12; Division of the Atlantic and Department of the East, clerks, 15; Division of the Pacific and Department of California, 17; Division of the Missouri, 17; Department of Texas, 14; Department of the Missouri, 15; Department of the Platte, 13; Department of Dakota, 15; Department of the Columbia, 14; Department of Arizona, 14; superintendent general recruiting service, 6; superintendent general mounted service, 4; District of New Mexico, 6; District of Montana, 1; Military Academy, 4.

It is readily manifest to any mind educated to what work is and how it should be done, and at all familiar with the work necessary to be done at these several headquarters, that there must be many idle hours for this clerical force, and perhaps it may not be amiss to suggest that it is time to disabuse the public mind of the idea which has become so prevalent that a staff officer is an ornament merely, by so reducing the clerical force at the different headquarters as to leave some portion of the clerical work to fall within the province of the staff, and which they may well do to prevent ennui, and without detraction from their dignity. The several division headquarters only deal directly with Army headquarters above them and departmental headquarters below them, and it seems asking too much of our credulity to believe that it requires at any headquarters the time of a large staff and seventeen clerks to do the necessary duty, under even a six-hour day law.

Your committee conclude and believe the force unnecessarily large. Upon consultation with the Lieutenant-General commanding, he recommended the retention of 125; and the Adjutant-General, who should be best acquainted with the actual necessities of the service in that department fixed the number at 103, which the committee adopted.

The number of messengers is fixed at 45, that being the number which it was thought by the Lieutenant-General might be sufficient. The committee are inclined to believe that 4 messengers to each of the ten headquarters and 5 for general use are not only all that are necessary, but it is quite questionable whether the number is not in excess of the legitimate requirements of the service.

In the classification of clerks, the committee have provided for 10 chief clerks, one for Army, division, and each department headquarters, at $1,200; 25 clerks, one for Army, and each division and department headquarters, and each district headquarters, and recruiting service, and at West Point, at $1,100 per annum, and the remainder at $1,000 per annum, to be distributed as the needs of the service might require; and the pay of the messenger force the committee think is sufficiently high for the service performed at $60 per month. The reduction in expense, if this bill becomes a law, will not be less than $90,000 per annum.

The pay of the clerks as fixed by the bill, as amended, averages very nearly the pay now eked out by indirection, and in some respects the amount proposed to be paid may be said to be in excess of what is now received, because there is no retained pay—no contingency upon length of service and the like.

The pay is believed to be fully all the labor is worth, which is purely mechanical work, and when it is considered that the benefits of the retired-list is extended to these clerks and messengers, which is not extended to the civilian clerks in the other Departments, it is believed that no inequality can be found upon which to base a well-grounded complaint.

The only remaining feature of the bill is the exclusion from the computation of the Army, in making its aggregate, of the non-combatant force provided for in this bill.

It seems to the committee that this provision will meet general approval, for

while it is conceded that the present limit of the Army is not too small, perhaps, it must also be the wish of us all that such force should not be upon paper and on the pay-rolls only, but should be ready to take the field. Clerks and non-combatants should not be counted as soldiers, and this bill makes that distinction.

The committee recommend the following amendments to make the bill correspond with this report, to wit:

First amendment.—In line 8 of first section strike out the words "forty-five" and insert the words "forty-eight."

Second amendment.—Strike out all after "Sec. 2" down to and including the words "both classes," in the eighth line of second section, and insert in lieu thereof as follows: "That of the men so enlisted one hundred and three shall be 'general-service clerks,' who shall be classified and paid as follows: Class 1 shall consist of sixty-six clerks, at $1,000 per annum; class 2 shall consist of twenty-five clerks, at $1,100 per annum; class 3 shall consist of ten clerks, at $1,200 per annum; and the remaining forty-five of such men shall be 'general-service messengers,' who shall be paid at the rate of $60 per month, and all of such men."

Third amendment.—Add a section to the bill, as follows:

"SEC. 3. That the provisions of the law relating to the retirement of enlisted men shall be construed to include 'general-service clerks' and 'general-service messengers.'"

And when so amended recommend the bill do pass.

Mr. BRAGG. Mr. Speaker, the first amendment of the Committee on Military Affairs is to strike out "forty-five" and insert "forty-eight" in the first section. The second amendment is to strike out all of section 2 and insert in lieu thereof "the classification and duties of these general-service clerks, as well as their salaries."

The purpose of this bill is to fix and limit the duties and status of "general-service clerks" and "general-service messengers" in the Army. Heretofore they have been enlisted as private soldiers. The number authorized for general-service clerks was one hundred and seventy-three, and the number authorized for general-service messengers was sixty-six. Some of the clerks were made sergeants, so they received $16 to $18 more. Some were made corporals, receiving $2 more than private soldiers.

Then under general orders, outside of any positive statutes, they have been receiving extra rations to the amount of 75 cents or $1 a day. They have been allowed extra-duty pay at the rate of 50 cents a day. They have been allowed commutation for quarters at $21 a month, and commutation for fuel at $9 a month. So the amount of their salaries in the aggregate, arranged from their estimate, furnished, I have no doubt, to every member of the House in their circulars, ranged from $80 to $90, or as estimated by the headquarters of the Army at from $90 to $104.

When the Committee on Military Affairs commenced to prepare their Army appropriation bill, and having in view the restriction upon them by the rules they should make no appropriation except what was provided by existing laws, they found these clerks were provided for under general orders, and that the commutation for fuel and rations came out of the appropriations for the Commissary Department, and the extra-duty pay of 50 cents came out of the general-service fund providing that clerks and mechanics should receive that amount.

Upon general examination we found there are ten headquarters, and we found as high as seventeen at some. We came to the conclusion there was no headquarters of any department or any division which required any such clerical force for the work they had to do, even at eight hours a day, and we determined there should be a reduction of that force and that it should be limited by law, so there would be no more military arrangements by which support for these general-service clerks could be eked out by taking it from the appropriation for the support of the Army. We submitted the question to the general-in-chief, and after considerable discussion we came to the conclusion he could get along with one hundred and forty-five instead of one hundred and seventy-three general-service clerks, and with forty-five messengers instead of sixty-six. We submitted the question to the Adjutant-General of the Army, who has control and management of headquarters, and he recognized, so long as the present system was maintained, it would be necessary to employ one hundred and three clerks. Therefore we reported our bill for one hundred and three clerks, being seventy less than are now in the employ of the Government, and for forty-five messengers, being nineteen less than are now in the employ of the Government.

Then came up the question as to their pay. We came to the conclusion upon the investigation of that question that we rated their pay very similar to what the pay is now, as made up by piecemeal out of the several funds from which they have been provided. We classified them so as to provide one general clerk for each Army headquarters, which would be ten clerks.

We then provided for twenty-five clerks of the next class, which would furnish one of the second-class clerks for each of the Army headquarters, for each of the districts headquarters, the districts of Montana, New Mexico, and West Point, and for each of the several general recruiting stations. That left us sixty-six remaining to be disposed of, which we left for distribution as it might be directed by the Adjutant-General or the Lieutenant-General commanding the Army and as the exigencies of the service might require—for the different headquarters one or more clerks. So we graded them in three classes corresponding in a degree to the classes as they existed before, sergeants, corporals, and privates, and graded them by their salaries instead of by any factitious rank, for they were sergeants of nothing and corporals of nothing when they were doing duty simply upon the staff.

This reduction in the number of clerks and messengers which we have made will not impair the service, but will give them a fixed, certain status, so that they know where they belong, they know what money they are to receive, and they are paid by the paymaster by draft on the different funds in the Commissary or Quartermaster's Department.

This arrangement, Mr. Speaker, will save the Government a little over $90,000 a year, as any one can see by making the computation. So we deemed it not only a wise measure but an economical measure, and for that reason I was directed to report this bill to the House to-night and ask the House to pass it.

Mr. RANDALL. Will the gentleman permit a question?

Mr. BRAGG. Certainly.

Mr. RANDALL. I have very little doubt from the statement of the gentleman that this is a great improvement, because it appears directly upon the face of the law and declares what we shall have exactly in the way of clerical force connected with the Army.

I want to ask, however, what becomes of the seventy clerks and the fourteen or nineteen messengers dispensed with?

Mr. BRAGG. They simply resume their places, being all enlisted men in the Army.

Mr. RANDALL. They count them as a part of the twenty-five thousand?

Mr. BRAGG. Yes, sir.

Mr. RANDALL. Then the new clerks at the fixed salary and the new messengers at a fixed salary, will they count also as a part of the twenty-five thousand?

Mr. BRAGG. No, because they are simply employed for the discharge of a clerical duty.

Mr. RANDALL. Then it increases the Army to that extent?

Mr. BRAGG. No, sir; but it increases the effective force of the Army without any additional numbers.

Mr. BRADY. Will the gentleman permit me to ask him a question?

Mr. BRAGG. Yes, sir.

Mr. BRADY. Does not this proposed legislation create new offices?

Mr. BRAGG. No, sir.

Mr. BRADY. I understand that it does. It creates civilian employés, as I understand it.

Mr. BRAGG. No, sir; they are not exactly civilian employés. They are enlisted for this duty.

Mr. BRADY. Are they regularly enlisted and subject to the rules and regulations of war?

Mr. BRAGG. Yes, sir; subject to the rules and regulations of war, but they are not counted as a part of the twenty-five thousand. They are a part of the non-combatant force of the Army.

Mr. BRADY. Then I understand that the effect of the proposed legislation will be a reduction of expenditures some $90,000?

Mr. BRAGG. Yes, sir.

Mr. McMILLIN. Mr. Speaker, I have not been able to read the bill, and only gathered its provisions from the reading at the desk. I wish to ask the gentleman from Wisconsin if I was correct in inferring that it provides for retiring these clerks.

Mr. BRAGG. Yes, sir; they are entitled to be retired as other enlisted men.

Mr. McMILLIN. What is the object of that, if they are non-combatants?

Mr. BRAGG. The object is this: Some of these men, most of them, have been in the service for a long time. Some have been in the service for nearly thirty years discharging their duties. They have served their whole lives as clerks, and are proficient in the routine work of the department to which they are assigned. Under the present law they are entitled to the benefit of the retirement clause after service for a certain time in the Army, and when we made the grade for the salary of the clerks under this provision you will notice that it is $400 less per annum than the grade that the same class of clerks in the Commissary or Quartermaster's Departments, and performing the same duties, are receiving. Now, it seemed to the committee that the provision which they had before, providing for their retirement and which they would have now after a service of thirty years, should remain and that they should receive the benefit of the retirement clause, which is a fixed benefit to them, instead of paying them $1,600 or $1,800 as the clerks are paid in the Departments.

Mr. McMILLIN. Then it does not increase the retired-list?

Mr. BRAGG. No, sir.

Mr. McMILLIN. Nor create any new retired-list?

Mr. BRAGG. No, sir.

Mr. CUTCHEON. It simply treats them as the other enlisted men are treated.

Mr. BRECKINRIDGE, of Kentucky. I desire to ask the gentleman from Wisconsin a question. The number you have finally agreed upon is the number which the Adjutant-General of the Army said was sufficient?

Mr. BRAGG. Yes, sir.

Mr. BRECKINRIDGE, of Kentucky. But twenty-two less than the Lieutenent-General commanding——

Mr. BRAGG. Wanted.

Mr. BRECKINRIDGE, of Kentucky. Thought could be got along

with, and the pay you give is very much less than similar clerks get in the Departments here?

Mr. BRAGG. In the civilian department. The difference is, they are provided for on the retired-list after thirty years' service.

Mr. BRECKINRIDGE, of Kentucky. They get no commutation, or quarters, or rations?

Mr. BRAGG. They get rations under certain circumstances.

Mr. BRECKINRIDGE, of Kentucky. What are the circumstances?

Mr. BRAGG. If you will read the section of the bill you will see those circumstances stated. It is where they are stationed at posts where they can not conveniently provide for themselves.

Mr. BRECKINRIDGE, of Kentucky. I could not get a copy of the bill, and it is for that reason I ask these questions. They do not get rations when they are stationed, for instance, at Washington or Governor's Island?

Mr. BRAGG. I think not.

Mr. BRECKINRIDGE, of Kentucky. Then they provide their own rations?

Mr. BRAGG. That is the intention.

Mr. RANDALL. How do you fill vacancies?

Mr. BRAGG. By enlistment.

Mr. RANDALL. Enlistment for the particular service?

Mr. BRAGG. For that service.

Mr. BRECKINRIDGE, of Kentucky. Will these clerks be taken from the service?

Mr. BRAGG. Yes, sir; they will be simply mustered out, and mustered in for this service.

The SPEAKER *pro tempore* (Mr. SPRINGER). If there be no demand for a division of the amendments, the Chair will put the question on agreeing to the amendments as a whole submitted by the Committee on Military Affairs.

The question being taken on the amendments, they were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BRAGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SCHOOL OF INSTRUCTION FOR CAVALRY, ETC.

Mr. BRAGG. I now call up the bill (H. R. 7192) to provide a school of instruction for cavalry and light artillery, and for the construction and completion of quarters, barracks, and stables at certain posts for the use of the Army of the United States.

The SPEAKER *pro tempore*. This bill is in Committee of the Whole House on the state of the Union.

Mr. BRAGG. I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from further consideration of the bill, and that the same be considered in the House.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to establish upon the military reservation at Fort Riley a permanent school of instruction for drill and practice for the cavalry and light artillery service of the Army of the United States, and which shall be the depot to which all recruits for such service shall be sent; and for the purpose of construction of such quarters, barracks, and stables as may be required to carry into effect the purposes of this act the sum of $200,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 2. That the Secretary of War is hereby authorized and directed to complete the quarters and barracks at Fort D. A. Russell, in the Territory of Wyoming, and also to enlarge and complete the quarters and barracks at Fort Robinson, in the State of Nebraska, to a capacity for a garrison of ten companies; and there is hereby appropriated for the purposes mentioned in this section, out of any money in the Treasury not otherwise appropriated, the sum of $175,000, or so much thereof as may be necessary.

Mr. BRAGG. This bill requires some little explanation, that the members of the House may see upon what basis the committee have acted. The bill upon its face purports to call for an expenditure, and does call for an expenditure of $375,000 for the construction of barracks at Fort Robinson and the completion of barracks already in progress of construction at Fort Russell, being two points selected by the Lieutenant-General as being valuable both as strategic points and because Fort Robinson, particularly, is immediately in the neighborhood of the large reservation of the Cheyenne Indians—the Indians of the Sitting Bull tribe, numbering eighteen thousand—in Nebraska.

Each of these points has railroad facilities, so that by enlarging the posts and drawing in the men from the small posts the cost and expense of the maintenance of the soldier is very largely reduced and the facilities by which the soldiers can be taken in bodies and distributed at any point along the line of the frontier where their services may be necessary are greatly increased, it being a step in the direction of what we have all been talking of doing for years but have rarely attempted to do for fear it will cost too much money; and the system, of which we make this one of the initiatory steps, being to withdraw the troops from the little two and four company posts where they have ceased to be soldiers, but have become hostlers and gardeners, detailed men running after quartermasters' trains and doing every duty except the duty properly belonging to a soldier and to the profession of arms, not taking pride in themselves as soldiers and the command to which they belong, that it shall be equal to any and not inferior to any other command in the Army.

You will readily see when troops are brought together you then have an opportunity for drilling your troops that furnishes something for the men to do which makes them soldiers and keeps them out of habits of idleness and from dropping into worthlessness. It gives something to the officer to do. It keeps him out of many of the vices of which idleness is the parent. A small post requires the same class of detail as a large one. By distributing our little Army into a great multiplicity of posts we have simply destroyed its efficiency and its usefulness. It has become absorbed in details. The officers have nothing to do, and the men have little if anything to do connected with the profession of a soldier, and that is very much the reason why so many and so great complaints have been made with reference to the desertions from our Army.

As will be seen by the tables which are attached to this report, which have been carefully computed, the difference between the maintenance of five hundred men and the maintenance of a regiment where transportation can be had by rail is so large as to be almost incredible. The great expense of our Army has always been its transportation. We have more than two millions expended year after year in transportation for the Army. The troops have to be supplied, no matter where they may be. Trains have to be sent to supply them at very great expense, and the item of transportation is very much greater than the item of the mere support of the Army.

Another point: These men when brought together will get up the feeling, not only of pride, but of rivalry, a feeling which goes to make the soldier. Again, by concentrating them into large posts and establishing those posts permanently we have an opportunity for doing what we have often talked about doing and what has been always spoken of as a good thing to do—providing post libraries. They never can be provided while we have these numerous little posts that have no permanency, are liable to be removed at any time, but by drawing the men together into these permanent posts you can establish libraries, and a very small contribution of books each year will furnish material which will occupy the attention of the soldier and help him to make of himself a man as well as a soldier.

In another point of view this change will be advantageous. Each one of these little insignificant posts scattered through the Northwest and along the frontier requires a surgeon, each surgeon requires a hospital steward, and the hospital steward and the surgeon require a hospital; so that you are called upon continually both to pay the surgeon and to pay for the construction and maintenance of hospitals, which are continually being abandoned one after another and are scarcely fit to put a patient in before they are abandoned.

This proposed change will result in all these advantages, not only to the Army but to the country at large.

Then comes the question of economy, in another point of view. I should dislike very much to have it said by any member of this House that the Military Committee is an extravagant committee. We recommend, it is true, an appropriation of $175,000. The last Military Committee recommended for a single post at Atlanta an appropriation of $165,000, which was not included in the Army bill. Our present Army bill is more than $500,000 less than the last Army bill, and in making that reduction we have discounted the clerical service (which we have already acted upon here), and we have discounted largely, also, the reduction in transportation made by the consolidation of the forces. So that we have really $500,000 of capital on our hands to deal with for the benefit of the Army, money taken out of the funds heretofore appropriated for the Army.

When the committee determined upon this line of policy the commanding general said, "I don't think you will ever get the House to allow that money." I said, "I have no doubt at all that the House will allow the money." He said, "I do not believe it." I said, "They will, because we are going to take it out of you." He said, "How are you going to take it out of us?" I said, "We are going to reduce your transportation and cut down the extraneous expenses of the Army, and thus create a fund out of which we shall be able to do what you have so long been asking us to do, consolidate the regiments, and also establish a camp where the men who are sent out as cavalrymen to pursue Indians shall learn at least how to ride on horseback before they are sent out to chase Apaches into Mexico."

So much with regard to these two points. This bill carries with it an appropriation of $200,000 in addition to the $175,000 (making the $375,000), for the establishment of a permanent school for the instruction of our light batteries, as well as for the instruction of cavalry recruits and cavalrymen in their duties before they are assigned to their regiments. The place designated is Fort Riley, in the State of Kansas. The reason of its designation is set forth by the Lieutenant-General in his letter attached to the report of the committee. It is one of the cheapest posts, if not quite the cheapest, on the frontier for the maintenance of troops and for the sustaining of such an establishment as we propose. It has plenty of wood and plenty of water; it is in a good

climate; it has fine grass; it has good railroad facilities for the distribution of troops. We own there something over 20,000 acres of land. That land affords ample range for practice with all the batteries we have, with any range gun that we may see fit to use, and also for cavalry and light batteries. There our recruits can be drilled; there the horses can be drilled, and the recruit, when he leaves his camp, will have learned to be a soldier, instead of going to his regiment either to be thrown off his horse on the first raid or to be lugged in an ambulance immediately after by reason of his being unfit to discharge his duties. Those evils will be all done away, and our men will be thoroughly drilled and equipped for duty. It will furnish, in addition, a place for the disposition of our many officers who are unfitted for field-service, and who have no opportunity to go upon the retired-list, for the reason that the retired-list, under the limitation fixed by law, is full. These officers are entirely competent to discharge the duty which will be assigned them of drilling these men and fitting them for service.

Mr. LONG. How many men, out of the twenty-five thousand in the Army, do you propose to concentrate in this camp?

Mr. BRAGG. We propose simply to concentrate the recruits as they are passed to this cavalry depot for drill and distribution.

Mr. LONG. How long will they remain there?

Mr. BRAGG. Until they are fitted to go to their commands.

Mr. LONG. That will be about what length of time?

Mr. BRAGG. Well, sir, I should perhaps differ from almost anybody else on that subject; for I do not think a cavalry recruit is fit to start out on horseback in six months.

Mr. LONG. Your intention is that all recruits shall pass through this school?

Mr. BRAGG. Yes, sir; that all cavalry recruits shall pass through this camp.

Mr. WEAVER, of Iowa. Does not the gentleman think that the best school in which a young soldier can learn his duties is along with old soldiers?

Mr. BRAGG. I think the best school for the young soldier is with old soldiers, provided you keep these in a camp where they are being daily drilled as soldiers and kept under soldierly discipline; but if they are traveling by detachments, with axes and shovels on their backs, far away from their camp, never doing any military duty at all, not even going through the form of a parade—in such a school as that, instead of educating a man to be a soldier, you educate him to be something else than a soldier.

Mr. WEAVER, of Iowa. If it had taken six months for our cavalrymen to be fitted for their duties in the late war we would not have had much of a cavalry army.

Mr. BRAGG. Well, sir, I am very happy to have this opportunity to say to the gentleman that I do not think we had for the first year of the war any cavalry worthy the name. I have seen regiments riding down Pennsylvania avenue in which the men, with both feet pushed into the stirrups, with one hand hanging on to their bridles and with the other grasping the horse's mane, were barely able to keep on their horses, to say nothing of using the carbine.

Mr. WEAVER, of Iowa. I think that is an extreme picture.

Mr. BRAGG. No, sir, it is not an extreme picture. Then let me say to the gentleman further that the horses as well as the men require drill. The horses must be accustomed to have men sitting upon them handling the saber and firing the carbine or they will when in action become unmanageable and worthless for cavalry purposes. But what ought to be of all things the pride of our service is our light batteries. When we closed the war we had as fine a light battery service as there was in the world. But now we have scarcely a battery that has fired a shot; I do not know that we have one light battery that has fired a shot from that time till now. Here are improvements going on all the time—improvements in guns, in shot, and everything of that sort. Our men are drilling as infantrymen at their different barracks upon the Atlantic coast.

Mr. STEELE. Let me remind my colleague on the committee that we have already provided a school for artillery at Fortress Monroe.

Mr. LAIRD. That is for heavy artillery.

Mr. BRAGG. The school at Fortress Monroe for artillery is a school for officers. And they do not practice with light batteries there. There is no school anywhere for practice and drill of enlisted men and non-commissioned officers who constitute the battery.

Mr. BRADY. I think the gentleman is mistaken on that point. I have seen artillery batteries drill at Old Point.

Mr. BRAGG. Have you ever seen them fire solid shot?

Mr. BRADY. No, sir.

Mr. BRAGG. Have you ever seen them, with their horses attached and caissons following, wheel into battery?

Mr. BRADY. Yes, sir; frequently.

Mr. BRAGG. And firing?

Mr. BRADY. No, sir; not firing. But I have seen them with their horses frequently.

Mr. BRAGG. Yes, sir; and I have seen them here on the streets in that way.

Mr. BRADY. I have seen them going through the drill.

Mr. STEELE. There is no doubt about that; I have seen them drill there myself.

Mr. BRAGG. Taking this whole appropriation we propose to expend only about $215,000 to complete what the General of the Army says is an actual necessity and what he has for years been trying to bring about. We still have left to the credit of our committee a balance of about $300,000 saving on the appropriation for the support of the Army.

Mr. RANDALL. Not on the law of last year, but on the bill as reported.

Mr. BRAGG. No, on the law.

Mr. RANDALL. I think the figures will not sustain the gentleman.

Mr. BRAGG. In further answer to the question put by the gentleman from Massachusetts [Mr. LONG] a while ago, I will say that the question when the recruit shall be deemed fit to go to his command will be determined entirely by the officer who is charged with qualifying him for duty.

Mr. PRICE. Mr. Speaker, I know very little in regard to the merits of this bill as a military measure, nor do I propose to discuss it in that light; but as an inducement for us to pass an appropriation of $275,000 or $375,000, it is urged persistently that we have the money already saved from provisions in the Army appropriation bill. Now, so far as I am acquainted with the legislation of this House we have not yet passed the Army appropriation bill, and therefore we have not yet saved a dollar from the appropriations for that purpose. It does not appear to me as an absolute certainty that there will be any saving by the passage of the bill, because the changes which have been suggested in the Army appropriation bill by the Military Committee may not meet the approbation of the House. If they should not be approved by the House, then instead of there being a saving of $542,000 we shall have made an appropriation out of the general fund for the purposes of this bill. Those purposes may be good; but I want gentlemen to understand that there is as yet no fund saved by the passage of any measure at the present Congress in relation to military affairs. There has not been a dollar saved from which the money proposed to be appropriated by this bill can be taken.

Mr. RANDALL. The bill as reported from the Committee on Military Affairs is $500,000 less than the amount appropriated by the Committee on Appropriations last year. I have the figures here and can give them if necessary.

Mr. PRICE. Five hundred and forty-two thousand four hundred and forty-five dollars.

Mr. RANDALL. That bill went to the Senate. On information received it reduced it $280,000. So the statement of the gentleman from Wisconsin is correct if he places his bill as against the bill reported by the Committee on Appropriations, but not against the bill as it became law. I have the exact figure here. It is $121,464.04. There will be, as the gentleman has informed me, a deficiency in the Army of some $200,000.

Mr. BRAGG. I desire to call the attention of the committee (I did not care to speak of it). A deficiency will arise upon the appropriation bill of last year, and it arises in this way: The reduction made in the Senate on the Army was a general razee. Perhaps my friend from Illinois will permit me to use the expression, it was a horizontal cut. [Laughter.]

Mr. MORRISON. And such a cut always leaves a sore place. [Renewed laughter.]

Mr. BRAGG. They cut the pay of the Army, and the pay of the men of the Army, as much as the other branches of the service, and therefore the deficiency arose in the pay of the Army, the precise amount of which I do not know.

Mr. RANDALL. And you have not cut the pay of the Army?

Mr. BRAGG. No, sir; I have not. I report for the pay of the Army $281,000 more than was appropriated last year by the House. They razeed down what was a mathematical certainty. They reduced the pay as well as other things. In making appropriations we have allowed the pay, because it is subject to mathematical computation what that will come to. But the reduction we took off from the administrative part of the Army, which is expansive, and can expend all you will give them and can get along with less than we give them.

Mr. CLARDY. The construction placed on this bill by some persons whose attention has been directed to it is that it will work an abandonment of recruiting posts throughout the country.

Mr. BRAGG. Not at all.

Mr. CLARDY. I will say what the gentleman from Wisconsin knows, that that is the construction placed upon it by some persons who have given consideration to it.

Mr. BRAGG. There seems to be an apprehension in some parts of the West it is the intention to abandon the present recruiting stations in the West and make Fort Riley a recruiting station. There is nothing of that kind intended, and we have provided for general recruiting stations as before.

Mr. CLARDY. Let me ask the gentleman one question. Take a station like Jefferson Barracks—and I mention that because I know about it—they have as much as 1,500 acres of ground where they have all the quarters necessary for soldiers, stables, &c. Now it would be cheaper to quarter our soldiers there and enable them to learn cavalry drill, &c.

Mr. BRAGG. If you will let us drill our light batteries there, and

your people will not complain if a shell strikes in their neighborhood, very well.

Mr. CLARDY. You are not obliged to shoot shells.

Mr. BRAGG. Of course we can shoot off popguns; but we must drill our batteries in such a way as to make them efficient in war when necessary.

Mr. MORRISON. Is it the purpose to maintain the present recruiting stations?

Mr. BRAGG. All the recruiting stations we have are to be maintained. We have a recruiting station at David's Island; we have a recruiting station at Columbus; we have a recruiting station at Saint Louis, and we have other recruiting stations. We have two general recruiting stations, one at David's Island and another at Saint Louis, and we have other minor recruiting stations.

You must remember, my friend from Illinois, that when these recruits are gathered together to go to the Army they are generally selected in large towns, and it is there where the recruiting stations are established. There are barracks to hold them there, and why? Because it would be manifestly a great extravagance to detach an officer with one or two or three or half-dozen recruits from David's Island, New York, to report with such a small detachment to Fort Snelling, or to Omaha, or to San Antonio. Recruits are therefore maintained in the local recruiting stations until there is a squad of men recruited of a sufficient size to warrant their shipment for distribution.

The purpose of this bill is to make the depot of distribution, coming from these several points, the cavalry camp, where they are to be educated and from there distributed.

Mr. HOLMAN. I would like to inquire of my friend from Wisconsin if he is not mistaken in supposing that Fort Robinson is in the vicinity of a large body of Indians.

Mr. BRAGG. No, sir.

Mr. HOLMAN. What Indians?

Mr. BRAGG. The Sitting Bull Indians.

Mr. HOLMAN. They belong to the Sioux——

Mr. LAIRD. The Cheyenne and Sioux tribes.

Mr. HOLMAN. They are on the east side of the Sioux reservation. The Cheyennes referred to by the gentleman from Nebraska are a comparatively small body of Indians at Camp Robinson.

Mr. BRAGG. There are sixteen thousand Indians within the reservation in the immediate vicinity of Fort Robinson, Sitting Bull's Indians comprising the larger part of them, and another body of Indians, making the total number I have stated.

Mr. HOLMAN. That is true, but they are principally the Sioux Indians.

Now on the Missouri River there is a continuous line of forts all the way down. There is an important fort on the immediate southern boundary of this reservation. There is Fort Custer on the Crow reservation and another fort, Fort Hall, which is well located. These forts are so situated as to command the entire country. Camp Robinson is not a fort at all, but, as my friend is aware, an old camp. It is not an important point and commands no portion of the Indian reservation. The Sitting Bull body of Indians—the Sioux—are at Standing Rock agency, and there is a fort at that point on the Missouri River right there upon the ground, I do not recall its name at this moment.

There is no portion of the Sioux reservation that is not covered by a fort. Fort Custer is in the very heart of the Crow reservation. Fort Hall covers the Wind River Indians and the Sissetons and other tribes on the Fort Hall reservation. There is not a body of Indians lying between the Missouri River and the western boundary not covered by a fort.

My own impression is the number of forts ought to be diminished. I think the number of military stations between Bismarck and the northern boundary line of Nebraska ought to be diminished at least one-half; in fact, taking the whole country west of the Missouri River you can with perfect security decrease the number of military posts one-half, and thus largely reduce the cost of transportation.

Mr. BRAGG. Will the gentleman permit a question?

Mr. HOLMAN. Certainly.

Mr. BRAGG. What will you do with the troops when you reduce the posts as you now propose, unless you make provision by establishing barracks where they may be mustered?

Mr. HOLMAN. Well, it may demonstrate at some points the increased capacity of military posts; but it is certainly not policy to increase the number. If my friend from Wisconsin had proposed a large reduction of the military posts and the enlargement of Camp Robinson I would have seen at once the propriety of it, though I can not well see why there should be a military camp at Fort Robinson. Thirteen or fourteen years ago it was an important point. Fifteen years ago the great body of Sioux Indians were there. They are all now farther east. The Sioux reservation is considerably east of that.

I am not able to observe myself, Mr. Speaker, the reason for this. I have the highest confidence in the judgment of my friend from Wisconsin, but I may be permitted to state that I recently had an opportunity of making a close examination of the geography of that region of the country, and I fear my friend has not considered the positions of Fort Hall and Fort Custer and the fort immediately south of the Sioux reservation, as well as the large line of forts upon the eastern boundary of the Sioux reservation. It seems to me that taking the country south from Devil's Lake, where we have an important military station—one of the most important in the West—there is not only no necessity for increasing the number, but there should be a reduction. I am satisfied there could be a reduction without injury to the service. I talked with military men at Fort Custer and at other points last fall, and they told me that by a reasonable reduction of the number of these military stations and a proper concentration of the troops the cost of transportation could be reduced readily a million dollars a year.

All over the country this state of things exists. For instance, at Santa Fé you have a single company of troops, while Fort Whipple and other forts are at a comparatively short distance farther west with large bodies of troops. I think the true policy is to concentrate our troops, for two reasons. First, the reduction of expense, and that would be very material. At present it is very heavy indeed. The cost of transportation is a very important feature of the expense of our Army, as all gentlemen know. The second is with a view to the improvement of the social life of our military posts. Where there are quite a large number of companies together you increase the social life and increase the pleasant relations of military men; you bring their families together, their wives and children; you elevate the tone and character of your military service.

I do not think my friend from Wisconsin [Mr. BRAGG], if he examined carefully in person the country west of the Missouri River, would favor this idea of his, if he studied the geography of the country completely, if he studied, as I have suggested, the situation of Fort Hall, Fort Custer, and the fort capable of being a great post immediately south of the great Sioux reservation and the line of forts on the Missouri River, as also the fort north of Devil's Lake, which commands that region of country; and Fort Berthold, which commands the Crow reservation and all that region of country. I do not think my friend from Wisconsin would press this measure if he had studied the geography of our country completely and the position of those forts.

As to the other measure proposed here—the training school for cavalry—it does not seem to me that is a measure of importance. Our soldiers ride very well. They do not have a great deal of riding to do. In the main, our Indians are in a very peaceful condition. The only Indians for some time past who have been disorderly were a very small portion of the Apaches in the White Mountain region of country. Those Indians were removed some years ago from the White Springs region of New Mexico. They were then a large and powerful band. They were removed from their old camping grounds in the midst of the harvest. They were thoroughly exasperated at that, and have been on the warpath since. They are inflexible in their enmity, but they were reduced, all told, last March to four hundred and sixteen. The portion of them who were on the war-path last summer consisted of thirty-seven men, including six boys, with ninety-one women and children. The others were in a perfectly peaceful condition, engaged in agricultural pursuits, raising barley, as seen by the committee of the House last summer, which they were selling at Fort Thomas at a dollar a bushel.

This small band of Chiricahua Indians, members of the Apache tribe of Indians, have been on the war-path for years, ever since they were removed from the White Springs reservation in New Mexico, and will be, I think, until they are exterminated. As I have said, they are inflexible in their hostility. They regard themselves as having suffered irreparable injustice. That is the only body of Indians we have to provide for keeping in a state of peace.

It does not seem to me the condition of the country requires an outlay of $200,000, or any other large sum, to improve our soldiers in their capacity for riding. They ride very well.

Mr. BRAGG. I regret I was not a member of the committee that had the privilege of traveling over the Northwest inspecting our dusky brethren, the Indians, last summer. Neither had I any opportunity of learning lessons of strategic position from my distinguished friend from Indiana.

Mr. HOLMAN. Or any other civilian.

Mr. BRAGG. Or any other gentleman on that committee. I base my conception of this matter upon the judgment of a man who all concede does know something, even if the chairman of the Committee on Military Affairs does not.

We have often heard on the frontier there was nothing dangerous in the Indian. There was nothing dangerous in the Sioux before the battle of Big Horn and the massacre of Custer. There was nothing dangerous in the Apaches till they got mad. And that is precisely the condition of every other Indian. If my friend had those sixteen thousand peaceable Indians down in Indiana he might be able there by the use of this thing that shakes so much, called fever and ague, reduce them to a condition in which they might be Christianized to the Indiana religion.

Mr. DUNHAM. And become Democratic voters.

Mr. BRAGG. As they certainly would if they once had a good fair dose of common sense drilled into them. [Laughter.]

Mr. LAIRD. They have about the average of that already.

Mr. BRAGG. Let me refer to the gentleman on whose judgment I act. It was not possible for me to go and inspect this fort.

I read from the letter of General Philip H. Sheridan to the Committee on Military Affairs, dated March 31, 1885:

Fort Robinson (he does not say anything about Custer) is situated in the northwestern corner of Nebraska, very near to the southern limit of the great Sioux reservation, and but a few miles from the extension of the Chicago and Northwestern Railroad. (I think they are laying a track clear up to the reservation to-day.) The nearest military post (Fort Laramie) has now lost much of its military importance, while the location of Fort Robinson will make it a prominent point for many years to come. The concentration of troops and erection of the barracks and quarters necessary to their accommodation is therefore a wise military measure. For these reasons I heartily recommend the enactment of the various measures contemplated by this bill.

That is the voice of the man who represents the Army of the United States in the field. I am perfectly content to follow his judgment, and think I shall not commit the error of selecting an improper point at which to locate barracks and a post by following it, although I differ with the traveling committee. [Laughter.]

I call for the previous question on the third reading of the bill.

Mr. HOLMAN. Mr. Chairman, I observe that the military authority——

Mr. BRAGG. Mr. Chairman, I have asked for the previous question on the third reading of this bill.

Mr. HOLMAN. I am afraid there is not a quorum present. [Laughter.]

Mr. BRAGG. Now is the time to test that. I move the previous question on the third reading of this bill.

The question was taken on ordering the previous question, and the chairman announced that the noes seemed to have it.

Mr. BRAGG. I call for a division.

The House divided; and there were—ayes 36, noes 37.

So the previous question was not ordered.

Mr. HOLMAN. Mr. Chairman——

Mr. BRAGG. One moment, Mr. Chairman. If it is the purpose to raise the question of a quorum on this bill, the bill may as well be laid aside now so as not to use up the time of a committee who have already lost one day that was assigned to them by the discussion of other measures, and do not wish to waste their remaining time upon a bill as to which it is announced in advance that when the House comes to a vote the point of no quorum is to be made. I therefore respectfully ask my friend from Indiana [Mr. HOLMAN] to permit this bill to be laid aside.

Mr. HOLMAN. Mr. Chairman, I will consent to that after I say a word. My friend from Wisconsin [Mr. BRAGG] does not know how very valuable a trip out West would have been to him. [Laughter.] This camp, Fort Robinson, is 300 miles from the Sitting Bull country. You have to go clear across the great Sioux reservation diagonally before you reach Standing Rock, and that was the location of Sitting Bull.

Mr. BRAGG. What about the Pine River agency?

Mr. HOLMAN. The Pine River agency is in the southwestern portion of the great Sioux reservation, while the Sitting Bull field is exactly at the opposite point, that is, in the northeast. Standing Rock is within 40 miles of what is known as Cannon Ball River, and Cannon Ball River is the northern boundary of the great Sioux reservation. I mention these matters with care, because I wish to impress my friend with the belief that I know something about the geography of that country. [Laughter.]

One other word, Mr. Chairman, and then I shall yield to the request of my friend from Wisconsin. When he travels over that region of country he will see that even the Pine River agency can not last very long, not long enough to justify the expenditure of $200,000 in building a fortification to overlook it. That is a dry, arid region of country, where no Indian and no white man can make progress. The country farther to the northwest, which we acquired from the Sioux, the Black Hills region, is a very fine agricultural country; but the lands occupied by the Ogalalla Sioux and about five hundred Cheyennes (in all about eight thousand), who are the only Indians near Camp Robinson—that country is not adapted to agriculture at all.

If we intend or expect to have those Indians make any progress they must be removed from there, so that if you incur this expenditure you will find in the course of a few years that you have spent $200,000 at Camp Robinson and have at the same time moved away the last Indian from that portion of the country, because they can not live there. It is not a country for agriculture.

Mr. KLEINER. Does the gentleman mean to say that the Indians out there anywhere live by agriculture?

Mr. HOLMAN. They do not there.

Mr. BRAGG. Mr. Chairman, I ask unanimous consent that this bill be laid aside for the present.

There was no objection, and it was so ordered.

MUSTER AND PAY OF CERTAIN OFFICERS AND MEN.

Mr. BRAGG. I am directed by the committee to call up the bill (H. R. 1171) of which my colleague on the committee, the gentleman from Michigan [Mr. CUTCHEON] has charge. The bill relates to the law to provide for the muster and pay of certain officers and enlisted men.

The bill was read, as follows:

Be it enacted, &c., That section 1 of "An act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces," approved June 3, 1884, be, and is hereby, amended so as to read as follows:

"That the joint resolution approved July 11, 1870, entitled 'Joint resolution amendatory of joint resolution for the relief of certain officers of the Army, approved July 28, 1866, is hereby so amended and shall be so construed that in all cases arising under the same any person who was duly appointed and commissioned, whether his commission was actually received by him or not, shall be considered as commissioned to the grade therein named from the date from which he was to take rank under and by the terms of his said commission, and shall be entitled to all pay and emoluments as if actually mustered at that date: *Provided*, That at the date from which he was to take rank by the terms of his commission he was actually performing the duties of the grade to which he was so commissioned, or, if not so performing such duties, then from such time after the date of his commission as he may have actually entered upon such duties: *And provided further*, That any person held as a prisoner of war, or who may have been absent by reason of wounds or in hospital by reason of disability received in the service in the line of duty, at the date of his commission, if a vacancy existed for him in the grade to which so commissioned, shall be entitled to the same pay and emoluments as if actually performing the duties of the grade to which he was commissioned and actually mustered at such date: *And provided further*, That this act and the resolution hereby amended shall be construed to apply only in those cases where the commission bears date prior to June 20, 1863, or after that date when their commands were not below the minimum number required by existing laws and regulations: *And provided further*, That the pay and allowances actually received shall be deducted from the sums to be paid under this act."

The SPEAKER *pro tempore* (Mr. SPRINGER). This bill is in Committee of the Whole House on the state of the Union.

Mr. CUTCHEON. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill, and that it be now considered in the House.

The SPEAKER *pro tempore*. If there be no objection that order will be made. The Chair hears no objection.

Mr. CUTCHEON. Mr. Speaker, the change which this bill makes in the existing law is very slight. The present law, which is the act of June 3, 1884, provides that the joint resolution approved July 11, 1870, "shall be so construed that in all cases arising under the same any person who was duly appointed and commissioned, whether his commission was actually received by him or not, shall be considered as commissioned to the grade therein named from the date when his commission was actually issued by competent authority, and shall be entitled to all pay and emoluments as if actually mustered at such date." That is the existing law as passed in the Forty-eighth Congress. The bill before us changes that law by providing that the joint resolution of July 11, 1870, "be so construed that in all cases arising under the same any person who was duly appointed and commissioned, whether his commission was actually received by him or not, shall be considered as commissioned to the grade therein named from the date from which he was to take rank under and by the terms of his said commission, and shall be entitled to all pay and emoluments as if actually mustered at that date."

The difference between the pending bill and the existing law is that under the existing law a person promoted from the rank of enlisted man to that of an officer, or from one commissioned grade to another, takes his rank and muster from the date of the actual issue of his commission by competent authority, while under this bill he will take his rank and muster from the date from which, by the terms of his commission, he is to take rank.

Let me illustrate the reason for this legislation. For instance, in 1864, when we went into the Wilderness campaign, there were a great many officers killed and a great many vacancies created; but the campaign was continuous and arduous from day to day, so that the army did not make a halt sufficient to allow the filling of vacancies until late in June, when the army halted in front of Petersburg.

Then for the first time we had the opportunity to get out our regimental desks and make recommendations for promotions. But by that time some of the persons entitled to promotion were in prison, others were in hospital with wounds and unable to muster. In nearly all the States the commissions as finally issued, after naming the grade to which the officer was promoted, would read "to rank as such from —— date," the date usually being that when the vacancy was created, and from which the promoted man or officer had actually been performing the duties of the superior grade.

In the Forty-eighth Congress a bill precisely like this—House bill 7827—was unanimously reported from the Committee on Military Affairs by Mr. Murray, but was not reached and did not become a law. The present bill comes to the House, I believe, upon a unanimous report by the Military Committee. It is designed simply to do justice to a considerable class of enlisted men and officers who in the midst of active campaigns were called upon through the creation of vacancies by death, capture, or otherwise to perform the duties of superior grades while holding inferior rank, and their commissions when subsequently issued contemplated that the promotion should date from the time when the vacancy was created and when the persons commissioned commenced to perform the duties of the higher grade.

I am instructed by the Military Committee to offer an amendment which will still further guard this bill. It is to make the proviso beginning in line 18 read as follows: "Provided, that at the date from which he was to take rank by the terms of his commission there was a vacancy to which he could be so commissioned, and that he was actually performing the duties of the grade to which he was so commissioned," &c. So that this bill provides in the first place that there must have been a vacancy to which the soldier could be promoted; in

the second place, that he must have been actually performing the duties of a higher grade; and, thirdly, that he should have been subsequently commissioned as of that grade, and to rank from that date. Upon these three conditions—the existence of the vacancy, the performance of the higher duty, and the subsequent commission to rank from that date—the person is to be considered as though he had been in condition to receive his commission, and to have accepted it, and to have mustered upon it.

Mr. LONG. May I ask the gentleman a question?

Mr. CUTCHEON. Certainly.

Mr. LONG. What would be the practical effect of passing this bill? What value would it be to the officer?

Mr. CUTCHEON. It will give him the difference in pay between the actual rank he held and the rank to which he was promoted, but to which he was by circumstances prevented from being mustered. Take the case of a first sergeant—and there are hundreds of such cases—who after battle finds himself in command of his company with his captain and lieutenant both killed, or one killed and the other captured, with a vacancy in the command; and that sergeant has to take actual command of the company, although he holds no higher rank than that of first sergeant.

By and by a recommendation is made to fill that vacancy, and the governor issues a commission in the course of two or three months, and it gets back to that sergeant, who is then able to be mustered in as captain. But during all the time he has been on duty as the commanding officer of his company he has borne all the responsibilities of commanding officer, incurred all the dangers of the position; he has carried the superior rank on his shoulder as a matter of fact, but yet has not received his commission.

This bill does justice to this class of men and gives them the difference of pay between the rank they actually held and the rank to which they were entitled if their commissions had been received promptly.

Mr. PERKINS. Will the gentleman permit me to ask him a question?

Mr. CUTCHEON. Certainly.

Mr. PERKINS. Is not that the existing law? I believe it is the act of March 3, 1884.

Mr. CUTCHEON. The act of June 3, 1884, permits them to be mustered of the date of issue of the commission. Take a case like this: A vacancy occurred at the battle of the Wilderness on the 6th day of May, but not until the 20th of June, on the arrival of the regiment at Petersburg, could the colonel get time to make out a recommendation in the case for transmission to the governor of Ohio or Michigan, and then the governor issued the commission bearing date the 1st day of July. But in the mean time ever since the 6th day of May that sergeant has been discharging the duties and incurring all the responsibilities of the higher position. It seems to the committee it is but an act of simple justice and this bill will provide the best means of reaching it.

Mr. BRECKINRIDGE, of Kentucky. Will the gentleman from Michigan be kind enough to state how many will be affected by it? Has any calculation been made of the amount of money which the passage of the bill will draw from the Treasury to accomplish the object which the bill has in view?

Mr. CUTCHEON. I am not able to state that in any degree of certainty. I do not think the Department could make any calculation without a great deal of labor and the employment of a large clerical force. I understand the act of June, 1884, which changes the day of muster from the time of the actual acceptance of the commission to the date of the actual issue of the commission, has not led to a large expense. I judge so from my own knowledge of the two classes of cases.

Mr. STORM. Will the gentleman permit me to ask him a question with relation to the proviso? Why is that proviso restrained to commissions issued prior to June 20, 1863?

Mr. CUTCHEON. Under the law of Congress a general order was issued from the office of the Adjutant-General of the Army providing for officers of a certain character. For instance, a company which had less than what was known as the minimum, it could have but one second-lieutenant. It also provided where a regiment was below the maximum it could have but a lieutenant-colonel and a major. This respects that provision of the law.

Mr. KLEINER. Does this proposed act go back to 1861–1865 and cover all the cases?

Mr. CUTCHEON. Yes, it covers all those cases.

Mr. KLEINER. There are thousands of those cases before the Committee on War Claims, and I should like to have the gentleman inform us as to the probable number, or as near as he can, if this present measureshould pass.

Mr. CUTCHEON. It would amount to a great many thousand cases. I can not give any estimate worthy the consideration of the House, because I have not the information.

Mr. BRECKINRIDGE, of Kentucky. Permit me to ask the gentleman from Michigan what effect this bill will make in the pension laws? I take it for granted if a person is now on the pension-rolls as a sergeant who was wounded while he was acting as lieutenant he would by this bill be put at the higher rate of lieutenant.

Mr. CUTCHEON. I do not know what the rule would be in that regard; but I suppose if Congress gave him his muster-back and he was wounded in the Army while holding the rank of lieutenant——

Mr. BRECKINRIDGE, of Kentucky. Yes.

Mr. CUTCHEON. I suppose he would be allowed the pension of the higher grade inasmuch as he was performing the duty and discharging the responsibilities of the higher grade, and we now give him the muster of the higher grade.

Mr. BRECKINRIDGE, of Kentucky. I do not like, Mr. Speaker, to seem to oppose a bill of this character under the circumstances.

Mr. HENDERSON, of Iowa. If the gentleman from Kentucky will allow me to interrupt him for a moment I will state to him that I have had occasion to look into this matter, and I am satisfied that the rule in the Pension Office is to rate the pension on the rank that the party held, and not under the retroaction act.

Mr. BRECKINRIDGE, of Kentucky. But I take it the operation of law would be in the case of a pension granted after the passage of this act like an order *nunc pro tunc*. The pension would be based upon the increased grade.

Mr. HENDERSON, of Iowa. No; the Pension Office held otherwise. I had occasion to look into the matter, for I got a case through at this session of Congress and found that to be the ruling.

Mr. BRECKINRIDGE, of Kentucky. I was about to say, Mr. Speaker, that I did not like to oppose a bill of this sort under the circumstances, but it seems to me that it ought to be more carefully considered than by the answers of the gentleman from Michigan to questions which have been propounded to him. It seems to have been considered by the committee; and we ought to have some information, certainly more than we now possess, as to the effect of the bill. It is in point of fact what may be called a back-pay bill. It is a bill which gives to certain officers the pay and emoluments which they have not received. How many officers, for how many months, what rank they held, and what the pay and emoluments are to be, or what is the aggregate amount covered by the bill, are facts which are wholly unknown to the House. Whether it will be a few thousand or some millions of dollars the information so far accessible gives no idea.

I do not mean to say that the amount of money that the bill covers, or the amount that is covered by a bill under any circumstances, is by any means the sole consideration when we come to pass the bill; for if it be an act of honesty or justice the House ought to pass it, no matter how much money it may require. But at this late date, twenty-two years after the campaign of the Wilderness of which the gentleman from Michigan speaks, and twenty-three years nearly from the date fixed in the bill—June 20, 1863—it can not be so great and pressing an act of justice as to require us to pass it on the spur of the moment without some more correct information and some more careful consideration. I take it for granted that it is nearly capable of an exact estimate at least of what it will cost.

Mr. BRAGG. I will state, with the permission of the gentleman from Kentucky, for his information, that I do not think it is within the range of possibilities to make the computation. It can not, however, be a very large sum, for the time would not permit of it.

The reason why I say it is not possible to make a computation is that there is no office that has the data. In the Adjutant-General's Office they have the data of men who were commissioned and mustered, but they have not the data as to what the governors of the States may have issued in the form of commissions, nor anything more than when a vacancy arose which could be filled by appointment in the regiment; the commissions all being issued by the different governors of the States, while the records are here in the Adjutant-General's Office of the Army.

Mr. ROWELL. Is it not true that all of these commissions are issued to take rank from the date of the vacancy?

Mr. BRAGG. No, sir; they ought to be, but they are not all issued that way.

Mr. ROWELL. But the pay was to commence in these cases from the date of the vacancy.

Mr. BRAGG. From the date of the vacancy; that is, if the officer filled the vacancy and discharged the duties, he was commissioned as of that date.

Mr. ROWELL. He must have actually performed the duty to get the pay?

Mr. BRAGG. Yes; and there must have been a vacancy.

Mr. BRECKINRIDGE, of Kentucky. Now I say, with great respect, it is not an act of justice according to my view to pay an officer for discharging temporarily the duty of a higher position which he assumes by virtue of the rank which he himself holds in a lower office in the same general class of service; and it is a bad precedent to establish. It is constantly being done in civil life. It is constantly being done in the military service as well, and to establish the precedent here of paying for that service is in my opinion a very bad one. A lieutenant upon the frontier frequently commands a post.

Mr. GROSVENOR. Will the gentleman permit a suggestion?

Mr. BRECKINRIDGE, of Kentucky. Certainly.

Mr. GROSVENOR. Suppose it happens to be the case of an enlisted man, and this man suddenly came into the position of a commissioned officer. He is compelled to do two or three things to fit himself for the position. First, he has to uniform himself, as many of them were com-

pelled to do; second, he is deprived of drawing rations, as many were. Now, if he fails to get the commission or to be mustered under the commission and performs the duties, it would seem that he ought to be compensated for the service. Does not the gentleman agree to that?

Mr. BRECKINRIDGE, of Kentucky. If that question had been submitted to me twenty years ago, and if I were standing where I am now, and if the circumstances of the case presented had warranted the action, I would have said it is better to do it. But we could have done it by a special act covering the particular case, rather than have the appearance of doing an act of injustice to a man who served in the Army.

But I would have said that as a general rule it ought not to have passed; that there might be special cases appealing on account of the special and peculiar facts, as in all special cases, to the consideration of Congress which would justify a special act, but it ought not to be adopted as a precedent, because that soldier and every other soldier in like circumstances did such things voluntarily. What I mean to say is that after the lapse of twenty-three years to attempt to do under the name of an act of justice by a general act this thing leads us into the payment of sums which are wholly unknown upon a principle which in my judgment is an erroneous principle.

Mr. KLEINER. Involving millions.

Mr. BRECKINRIDGE, of Kentucky. My friend from Indiana thinks that it involves millions. I do not know as to that, but I am opposed to the principle.

I presume during the last war hardly any officer served on either side who was not called at some time or other to perform services incident to a higher rank than the rank he filled. There was hardly a colonel who did not at some time come into command of a brigade for months. A brigadier-general commanded a division frequently, and for a considerable period. Majors commanded regiments; lieutenants commanded companies. While in command they held their own rank while they were performing duties incident to a higher rank. They were doing it under and by virtue of their own commissions and their own rank.

Mr. LYMAN. This bill does not propose to pay them for that.

Mr. BRECKINRIDGE, of Kentucky. No; but it proposes to pay a certain class of persons exactly in the same predicament, except that these were permanently promoted, and received afterward the full payment of the rank to which they were promoted. While the class of which I am speaking did not receive the promotion, and therefore were never paid anything for the additional service, these persons after the lapse of time had got the rank to which they were entitled, and did for that rank receive pay.

Now, in what sense are they in any better condition and in what way are they deserving of more consideration than their brethren in the Army who did precisely the same as they did but did not receive permanent promotion?

To illustrate, at some of the battles of the Wilderness two regiments in the same brigade, under the same brigadier-general, lost their colonels, one by death, the other by capture. The lieutenant-colonel of one commands for two months his regiment, receives by promotion rank as colonel and the opportunity to become brigadier, but receives the pay of a colonel. You give him two months' extra pay. His brother officer commands his brigade for sixteen or eighteen months while his colonel is in prison. You give him no extra emolument, although he performed the same service without getting the additional rank and pay of colonel for the additional sixteen months.

If the precedent established by this bill is a good one, the next step is to say every one who served in the Army who performed higher duties than those of his rank shall be paid for the rank of the duty instead of the rank of the commission.

Mr. BRAGG. The case which the gentleman from Kentucky puts is a case in which it has been uniformly held by the committee of this House that the officers were entitled to no extra pay whatever. Those are cases of the class that come before the War Claims Committee. They are not within the purview of this bill at all.

This is an amendment of a general law which is already passed, but which fails to reach a few cases by the peculiarity of its wording. Now let me state a case to show the difference between the case the gentleman wishes to reach and the case as he wishes to put it. On the morning of the 5th day of May every officer in two companies of the Sixth Wisconsin Regiment was shot. A bright young man who was a member of Company G of that regiment, who had brains and nerve and who was fit to be an officer, was directed by the commanding officer of the regiment to take command of one of those companies as captain, and the commanding officer issued an order assigning him to duty as captain, with directions that he be obeyed and respected as such. That private soldier commanded that company up to the assault on Petersburg, when, while leading the company, he fell with three ribs and his shoulder-blade broken by a musket-ball on the 18th of June, 1864. Up to that time there had been no opportunity to communicate with the governor of his State for the purpose of giving him the promotion to which he had been assigned by the commanding officer and to which he was designated as qualified to fill that rank. He fell wounded a sergeant, and three weeks afterward came the commission from the governor commissioning him as a captain from the 5th day of May.

The bill provides that such a man as that shall draw his pay. Why? First, there was a vacancy in the office; second, he was assigned to discharge the duties of the office, and he did discharge them. He did not take the office by reason of his grade as a second lieutenant discharging a first lieutenant's duties, like a colonel discharging a brigadier-general's duties, or a lieutenant-colonel discharging a colonel's duties, but he was assigned to the duty of a given rank, and the governor of the State whose troops he belonged to recognized that assignment and commissioned him as of that rank. Now, by the wording of the old bill there is a slight discrepancy——

Mr. BRECKINRIDGE, of Kentucky. By the wording of the old bill he would obtain his pay from the time that the commission was issued by the governor validating the act of the commander in the field that took him a private and made out of him temporarily a captain.

Mr. BRAGG. He would receive it only from the date of his commission.

Mr. BRECKINRIDGE, of Kentucky. Now, I take it for granted that if that young fellow was fit to be a captain in that interim and amid the horrors and the glories of that campaign, the pay which he was to receive never for one moment formed a part of the temptation to desire the office or of the sense of gratification with which he received it.

Mr. BRAGG. I can assure you that that is true; but it helped to take care of him afterward.

Mr. BRECKINRIDGE, of Kentucky. In the second place, the fact that he is to be a beneficiary of this bill does not change the evil precedent that is to be established by it.

Mr. BRAGG. He is not to be a beneficiary of it.

Mr. BRECKINRIDGE, of Kentucky. We ought not to allow a bad precedent, which is said to make shipwreck of the law, to be made a statute because some good and gallant fellow will thereby be benefited. Mr. Chairman, the idea I have is wholly this: I want to treat the soldiers of the late war not only with justice, but with generosity; but it seems to me that blindly rushing into measures of this sort under the idea that thereby we are doing justice to somebody constantly tempts us into unjustifiable expenditure of the public money and the establishment of unwise precedents. I am not willing to establish the precedent in this country, either in the civil service or in the military branch of the service, that the performance of the duties of a rank higher than that which the officer holds is a valid reason why he should receive the pay of that higher rank. Such assignments of duty are constantly taking place in the Departments. The assistant Secretary of the Treasury acts as Secretary; clerks are detailed as chiefs of bureaus; lieutenants are constantly discharging the duties of captains. This kind of assignation is necessary in the civil service, it is necessary in the military service, and it is setting a bad precedent to say that because these officers discharged temporarily duties of a higher rank than that which they held, therefore they ought to receive the salaries incident to that higher rank.

And it is particularly so in a case like this, after twenty years or more have passed, after the precise circumstances of any given case have become vague and the testimony perhaps doubtful, and when persons who do not deserve any specially good treatment are likely to be benefited. Now if the gentleman from Michigan [Mr. CUTCHEON] has any special case in his mind (and I take it for granted that all these general laws are based upon a knowledge of special cases) I shall not hesitate to give my support to the suitable recognition of it if that recognition comes in a form to commend itself to my judgment.

Mr. KLEINER. Will not this legislation change the pension grade as well?

Mr. CONGER. No.

Mr. BRECKINRIDGE, of Kentucky. I am not sufficiently familiar with the pension laws to answer the question with confidence. The gentleman from Iowa says that it does not. If he had not said no, I should had said, as a circuit-court lawyer not pretending to any special familiarity with the laws governing pensions that it would have that effect.

Mr. CONGER. Will the gentleman yield for a question?

Mr. BRECKINRIDGE, of Kentucky. Certainly.

Mr. CONGER. Would it be any objection to this bill in the mind of the gentleman from Kentucky if it did raise the pension?

Mr. BRECKINRIDGE, of Kentucky. I will answer as to that, with perfect frankness, that it would depend entirely upon the given case. As a rule, I answer frankly that it would be an objection.

As far as I know the pension law I know of no rank of pensions that I am in favor of raising. I think we are paying high enough pensions as to classes. As to particular cases, I say with equal frankness that I am perfectly willing in any given case to vote a pension commensurate with three things: first, the disability of the man who is to receive it; second, the present condition of the man as to his necessities; and third, the services that he rendered to the country in her day of peril. When those three conditions coexist in any given case, there is no man in this House who will more gladly vote to increase a pension.

Mr. CUTCHEON. One word more, Mr. Chairman. I think my friend from Kentucky [Mr. BRECKINRIDGE] very largely exaggerates the consequences, or the probable consequences, of this bill. To begin

with, the number of cases falling under it is not large. In the next place, the periods that intervened between the occurrence of the vacancy and the performance of the duty on the one hand and the issue of the commission on the other were generally not long. The amount to be taken out of the Treasury by this bill I venture to say would never be noticed.

We passed the act of 1884; it has been in operation for two years, and it must have affected more cases than this can possibly affect, yet it has gone on in the smooth process of its operation and we have never really been conscious by our appropriation bills or in any other way that the act was operative. I think this measure will take much less from the Treasury than that. I so infer from the nature of the case.

Mr. KLEINER. A large number of these cases, as I am informed, have already been acted upon and adjusted, and if this bill were passed they would all have to be reopened.

Mr. CUTCHEON. I do not see force in that objection. The number of cases in which commissions date back is not so extensive as the other class, for the reason that the same rule was not adopted in the various States. In some States, for instance, the rank did not antedate the issue of the commission, but took effect from the date of the commission. In other States—in my own for instance—the rank did in some instances, though not in all, antedate the issue of the commission.

But I concur with what the gentleman from Kentucky said in the opening of his remarks, that the question is not whether this is going to take money out of the Treasury. The question is whether this is a measure of justice and whether it is right. I know that if it is right this nation is great enough and magnanimous enough to do right even if it does involve the expenditure of money. I am in favor of the bill whether it takes much money or little. But I have no apprehension as to the magnitude of the amount which carrying this bill into effect will require.

As I have already said, the bill was reported unanimously from the Committee on Military Affairs in the last Congress and it is again reported unanimously in this Congress. In order not to consume more time, as I see the hour is getting late, I move the previous question.

Mr. OATES. Will the gentleman withdraw that demand for just one minute? I desire to say a few words on this subject.

Mr. CUTCHEON. I give way to the gentleman.

Mr. OATES. Mr. Speaker, there are doubtless many hard cases which this bill is intended to remedy; but I maintain that we can not legislate wisely by undertaking in this manner to meet and remedy all hard cases. It is laid down as a fundamental principle by all writers upon constitutional and statutory law that the proper province of legislation is to prescribe rules which shall act prospectively, which shall apply to future cases. If by reason of defects in the law men have heretofore in some instances had to perform duties for which they never received compensation, let us remedy that defect in the law for the future. Let us enact such a law that this result will not follow in any case hereafter.

This bill, however, is essentially a bill providing for claims which have had heretofore no legal basis. It is therefore in the nature of a gratuity. However meritorious may have been the action of officers or privates filling stations above the grade that they actually held, there was no legal obligation on the part of the Government to pay them the compensation belonging to the higher rank; and to go back now and create a new contract and pay them what we think the law ought to have allowed them at that time is to legislate retrospectively, in violation of the most wholesome principles which should guide legislative bodies.

In this case, and almost any other where resort is had to general legislation for the purpose of remedying a few particular cases, it is impossible to see how far the measure reaches and what evil consequences may flow from it. I desire to do justice to every one, but when we are undertaking to do justice we can not do infinite justice. I remember that when I had the honor to be a member of the Committee on Claims in the Forty-seventh Congress claims were presented by civilian officers of the Government who had performed services belonging to higher grades, and who claimed the difference between the salary they had actually received and what they thought they ought to have been paid. But we can not go back to remedy the wrongs or supposed wrongs of the past. If the existing law is defective let us change it so as to provide wisely for the future, and then we shall get into no difficulty. But when we undertake to legislate retrospectively we can not foresee the consequences, and much evil may result.

Mr. CUTCHEON. I now offer on behalf of the committee the amendment I have already indicated; after which I shall call the previous question.

The Clerk read the amendment, as follows:

After the word "commission," in line 20, insert "there was a vacancy to which he could be so commissioned, and that;" so that the clause will read: "*Provided*, That at the date from which he was to take rank by the terms of his commission there was a vacancy to which he could be so commissioned, and that he was actually performing the duties of the grade," &c.

Mr. CUTCHEON. I now call the previous question.

The previous question was ordered; and under the operation thereof the amendment of Mr. CUTCHEON was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

Mr. BRAGG. I now demand the previous question on the passage of the bill.

The question being taken on ordering the previous question, there were—ayes 46, noes 3.

Several MEMBERS. No quorum.

Mr. BRAGG. I ask unanimous consent that this bill may be laid aside.

Mr. WOLFORD. I move a call of the House.

Mr. BRAGG. I hope my colleague on the committee will not do that. There is never any good result from ordering a call of the House. It only incommodes members, occupies time, and results in nothing practical.

The SPEAKER *pro tempore*. The gentleman from Wisconsin asks unanimous consent that this bill be laid aside, retaining its place on the Calendar. The Chair hears no objection, and it is so ordered.

REMOVAL OF CHARGES OF DESERTION.

Mr. BRAGG. I now move to take from the House Calendar the bill (S. 1471) to remove the charge of desertion from the rolls and records in the office of the Adjutant-General of the Army against certain soldiers.

The motion was agreed to; and the bill was read, as follows:

Be it enacted, &c., That the charge of desertion now standing on the rolls and records in the office of the Adjutant-General of the Army against any soldier who served in the late war of the rebellion, by reason of his having enlisted in any regiment, troop, or company without having first received a discharge from the regiment, troop, or company in which he had previously served, shall be removed in all cases wherein it shall be made to appear to the satisfaction of the Secretary of War, from such rolls and records or from other satisfactory testimony, that such re-enlistment was not made for the purpose of securing bounty or other gratuity that he would not have been entitled to had he remained under his original term of enlistment: *Provided*, That no soldier shall be relieved under this act who, not being sick or wounded, left his command, without proper authority, while the same was in the presence of the enemy, or who, at the time of leaving his command, was in arrest or under charges, or in whose case the period of absence from the service exceeded three months.

SEC. 2. That in all cases where the charge of desertion shall be removed under the provisions of this act, the Adjutant-General of the Army shall issue to such soldier, or, in case of his death, to his heirs or legal representatives, a certificate of discharge from the regiment, troop, or company in which he first served.

SEC. 3. That all applications for relief under this act shall be made to and filed with the Secretary of War within a period of five years from and after its passage, and all applications not so made and filed within such period of five years shall not be received or considered; and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. BRAGG. Mr. Speaker, the object of that bill is to provide as nearly as possible by general law for all cases of technical desertion which are worthy of consideration at the hands of Congress. We are snowed under almost with applications for removal of charges of desertion. But a small part of those which come to Congress would be relieved. That bill came to us from the Senate, and we have prepared it to take in every case which has manifested itself in the many bills filed before us which would repeat the interference of Congress by authorizing the record to be corrected.

The bill in brief is to relieve from the charge of technical desertion, which the Adjutant-General is unable to do under the fiftieth article of war, the enlistment with one command before proper discharge from another. It is an old article of war which came down to us from the English service.

The object of the bill is where a man shall have left one command and gone immediately into another, by reason of having met friends or anything of that sort, showing he did not intend to desert the service and did not leave in the presence of the enemy and made his second enlistment within thirty days and did it without any purpose of receiving bounty, shall not have attached to his record the stain of desertion, which to every honest and brave man is the greatest possible disgrace.

Mr. PERKINS. Let me ask the gentleman a question as to what exactly this bill covers. If a man did desert and enlist in another command and did in that second enlistment secure bounty, would this bill include such a case as that when it should appear to the satisfaction of the Adjutant-General he did not leave one command and join the other for the purpose of securing that bounty?

Mr. BRAGG. Yes; that is the way the bill reads.

Mr. PERKINS. I have a case in my mind. An Illinois boy served in a Missouri organization for more than eleven months. Subsequently an Illinois regiment was organized in his own neighborhood. He left the Missouri organization and joined his friends in the Illinois organization. He served gallantly and meritoriously for three years in that Illinois organization, and was mustered out with an honorable discharge. Now, he finds himself charged with desertion as a consequence of having left the Missouri organization and joined the Illinois organization. He stands charged with desertion on the records of the War Department. At the time he joined the Illinois organization he received bounty, but it was apparent to his friends and neighbors, as it is apparent from the evidence, he did not join for any such purpose. He was only eighteen years of age, and he did it because his playmates and school-fellows and all his friends were in the Illinois regiment. Is this bill broad enough to cover that case?

Mr. BRAGG. Yes; it is broad enough to cover that case.

Mr. BEACH. Is this bill broad enough to cover the case of an enlistment of a man in the regular Army. A case occurred recently where a man had enlisted at West Point Military Academy as a private soldier in the regular Army, but soon got tired and left and went to Governor's Island and there enlisted again on the 1st of December. That man is imprisoned as a deserter, although he had no intention in leaving West Point to desert the Army, but merely went off and enlisted a second time to get into a wider field. What I want to know is whether this bill will cover a case of that kind.

Mr. ANDERSON, of Ohio. It refers to any soldier who served in the late war of the rebellion.

Mr. BEACH. Why would it not be proper to make it broad enough to cover the case of the entire Army now?

Mr. HIESTAND. It ought not to cover all.

Mr. BRAGG. It would be very objectionable to permit an excuse under any circumstances, and for any purpose, for desertions from the regular Army. It would have the effect of inducing men to leave one regiment continually for the purpose of getting into another one.

Mr. McMILLIN. And let me state to the gentleman from New York that upon an examination of the report of the year before last he will find that there were seven thousand desertions from the Army.

Mr. BEACH. That number has been rapidly diminishing since the passage of the retirement bill which I draughted and which passed in the last Congress.

Mr. BRAGG. I demand the previous question upon the passage of the bill.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

Mr. BRAGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NATIONAL CEMETERY, NATCHEZ, MISS.

Mr. BRAGG. It is now quite late, and I will not present bills which will elicit any debate. In order to change the character of the business before the House I will call up House bill No. 1341, to construct a road to the national cemetery at Natchez, Miss.

The bill was read, as follows:

Be it enacted, &c., That the sum of $10,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of constructing a macadamized road from the city of Natchez, Miss., to the national cemetery near that city: *Provided*, That the right of way, not less than 75 feet in width, shall first be secured to the United States to the ground over which said road shall run: *And provided further*, That said road shall be constructed under the supervision of the Secretary of War, upon a contract let to the lowest bidder.

Mr. BRAGG. This bill is on the Calendar of the Committee of the Whole House on the state of the Union. I ask unanimous consent to discharge the committee from its further consideration and consider it in the House.

There was no objection, and it was so ordered.

Mr. BRAGG. I have no remarks to make on this bill. It is a meritorious bill or it would not have been reported from the committee.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BRAGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MILITARY CEMETERY AT CHALMETTE, LA.

Mr. BRAGG. I now call up House bill No. 3440, making an appropriation to construct a macadamized road from the United States barracks in Saint Bernard Parish, Louisiana, to the national military cemetery at Chalmette, in said parish.

This bill is also on the calendar of the Committee of the Whole House on the state of the Union.

I ask unanimnous consent to discharge the Committee of the Whole from its further consideration and proceed to consider it in the House.

There was no objection, and it was so ordered.

The bill was read, as follows:

Be it enacted, &c., That the sum of $25,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of constructing a macadamized road from the United States barracks in the parish of Saint Bernard, Louisiana, about one mile and a half, to the national military cemetery at Chalmette, in said parish.

SEC. 2. That the sum of money appropriated by this act shall be expended by and under the direction of the Secretary of War, either by contract or otherwise, as to him may seem best.

SEC. 3. That the Secretary of War shall report to Congress at its next session his action under the provisions of this act.

Mr. ST. MARTIN. Mr. Speaker, I desire to explain in a few words the object of this bill. It is to connect by a macadamized road two important Government institutions situated on the left bank of the Mississippi River, in the parish of Saint Bernard, Louisiana, within 2 miles of each other.

The first of these places is the United States barracks, a very valuable property, now occupied by a battalion of artillery; and a mile and a half farther down the river, on the historic battle-ground of Chalmette, is located the United States military cemetery, in which are buried thirteen thousand Union soldiers. These two important institutions are now connected by a dirt road only, which, by the nature of the soil, is extremely difficult, if not impossible, to travel over during a large portion of the year.

It is highly desirable to establish easy and ready communication between these two Government properties in order that they may properly serve the purposes for which they were respectively designed. When death summons a soldier from his post at the barracks his final resting-place is found under the willows of Chalmette. Thither he is followed by his comrades in arms, and many a time upon their shoulders they have borne their dead companion to his grave in single file upon the crest of the levee, the impassable condition of the mud road forbidding any other mode of conveyance.

And again on Decoration Day, an occasion always observed with becoming respect and honor alike by the blue and the gray, the friends and relatives of the dead soldiers who delight to do honor to their memories are thwarted in their patriotic purposes by the present lack of facilities that will enable them to mark the spot where sleep their respected dead.

And now they ask that the Government, out of its bounty, will not forget those who stood by it in its hour of danger and gave up their lives in its maintenance, and that the small appropriation asked for in the bill now before this House will be granted without opposition.

The Committee on Military Affairs recommend the adoption of the bill, and I indulge the hope that it will meet with a unanimous vote.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BRAGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NATIONAL CEMETERY, KNOXVILLE, TENN.

Mr. BRAGG. I now call up House bill No. 5866 to construct a road to the national cemetery at Knoxville, Tenn., also on the Calendar of the Committee of the Whole House on the state of the Union. I make the same request in reference to this bill, that the committee be discharged from its further consideration, and that it be considered in the House.

There was no objection, and it was so ordered.

The bill was read, as follows:

Be it enacted, &c., That the sum of $6,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of constructing a macadamized road, commencing on the southeast side of the national cemetery, on Broad street, at Knoxville, Tenn., where Holston street connects with said Broad street, and running with said Holston street to the line of Gray Cemetery, and thence with the line of and over said Holston street with the lines of Gray Cemetery and the said national cemetery, to Munson street, at the northeast corner of the said national cemetery, and thence with the line of said national cemetery and over said Munson street to the Jacksborough road, at the northwest corner of said cemetery, and thence south with the line of said national cemetery and over the said Jacksborough road to the corner and opposite the line dividing the national cemetery and the said Gray Cemetery grounds: *Provided*, That the right of way, not less than seventy-five feet in width, shall first be secured to the United States to any part of the ground over which said road shall run not now owned by the United States: *And provided further*, That said road shall be constructed under the supervision of the Secretary of War, upon a contract let to the lowest responsible bidder.

SEC. 2. That it shall be the duty of the Secretary of War to carry this act into effect as soon as practicable after its passage, from which date it is hereby declared to take effect.

Mr. BRAGG. The committee instruct me to submit the following amendment, to strike out the words "seventy-five," in line 19 of the first section of the bill, and insert "fifty;" so that it will read:

Not less than 50 feet in width.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time; and being engrossed, was accordingly read the third time, and passed.

Mr. BRAGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FORT SELDEN MILITARY RESERVATION.

Mr. BRAGG. I now call up House bill No. 661, granting the right of way through the Fort Selden military reservation, in New Mexico, to the Rio Grande, Mexico and Pacific Railroad Company, and I also ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of this bill, and that it be considered in the House.

There was no objection, and it was so ordered.

The bill was read, as follows:

Be it enacted, &c., That the right of way to the extent of 100 feet, and no more, in width, through the Fort Selden military reservation, New Mexico, be, and the same is hereby, confirmed to the Rio Grande, Mexico and Pacific Railroad.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. BRAGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MISSOURI HOME GUARDS.

Mr. BRAGG. I call up from the House Calendar for consideration the bill (S. 216) to authorize the Secretary of War to furnish certificates of discharge to certain members of the Missouri Home Guards.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and is hereby, authorized and directed to furnish, upon their several applications therefor, a certificate of discharge to each and every member of the Missouri Home Guards whose claims for pay were adjudicated by the Hawkins-Taylor commission, under the act approved March 25, 1863, and the several acts supplementary thereto.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. BRAGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNITED STATES BARRACKS AT BATON ROUGE, LA.

Mr. BRAGG. I call up for consideration the bill (H. R. 985) authorizing the Secretary of War to transfer the United States barracks at Baton Rouge, La., to the Louisiana State University and Agricultural and Mechanical College at said place for educational purposes.

The SPEAKER *pro tempore* (Mr. HATCH). This bill is in Committee of the Whole on the state of the Union.

Mr. VIELE. I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of this bill, and that it be considered in the House as in Committee of the Whole.

There was no objection.

The bill is as follows:

Whereas the United States barracks at Baton Rouge, La., are not occupied by the Government or needed at the present time for any governmental purpose whatever; and

Whereas the said barracks and grounds are especially adapted for educational purposes: Therefore,

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to transfer to the Louisiana State University and Agricultural and Mechanical College at Baton Rouge the buildings and grounds of the United States barracks at Baton Rouge, for the purposes of the said university and college: *Provided, however*, That the board of managers of the same shall keep the buildings insured and in good repair: *And provided further*, That whenever the said buildings and grounds cease to be used for educational purposes by the said university and college they shall revert to the Government of the United States, and they shall so revert whenever the Government of the United States shall have use for the same.

The Committee on Military Affairs recommended the following amendment:

In line 3 strike out "War" and insert "Interior."

Mr. VIELE. I now move to amend the House bill by substituting for it the Senate bill (S. 1659) which is precisely to the same purport.

This is simply to authorize the Secretary of the Interior to transfer to the State University of Louisiana and the Agricultural and Mechanical College at Baton Rouge the United States barracks at Baton Rouge, which are now in possession of the Department of the Interior. The bill provides that if at any time the Government requires the use of these barracks they will revert to the Government. The institution is now without buildings, their buildings having been destroyed by fire.

The SPEAKER *pro tempore*. Does the Chair understand the gentleman from New York desires to substitute the Senate bill or offer the Senate bill as a substitute for the House bill?

Mr. VIELE. I move to amend the House bill by striking out all after the enacting clause and inserting the Senate bill.

The Senate bill was read, as follows:

A bill (S. 1659) authorizing the Secretary of the Interior to transfer the United States barracks at Baton Rouge, La, except that portion that lies westward of a line 50 feet east of the center of the railroad track of the Louisville, New Orleans and Texas Railroad Company, to the Louisiana State University and Agricultural and Mechanical College at said place for educational purposes.

Whereas the United States barracks at Baton Rouge, La., are not occupied by the Government or needed at the present time for any governmental purpose whatever; and

Whereas the said barracks and grounds are especially adapted for educational purposes: Therefore,

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to transfer to the Louisiana State University and Agricultural and Mechanical College at Baton Rouge the buildings and grounds of the United States barracks at Baton Rouge, for the purposes of the said university and college, except that portion of said grounds that lies westward of a line 50 feet east of the center of the railroad track of the Louisville, New Orleans, and Texas Railroad Company, and said excepted lands may be used and occupied by said railroad company; but should said railroad company cease to use and occupy said lands, then the possession shall revert to the United States: *Provided, however*, That the board of managers of the said university and college shall keep the buildings insured and in good repair: *And provided further*, That whenever the said buildings and grounds cease to be used for educational purposes by the said university and college they shall revert to the Government of the United States.

Mr. ADAMS, of Illinois. Upon what terms does the railroad company now occupy the land spoken of in the bill?

Mr. BRAGG. They are occupied under license from the Secretary of War, heretofore granted.

Mr. ADAMS, of Illinois. And can the Secretary of War terminate their occupancy at any time?

Mr. BRAGG. They are now under control of the Secretary of the Interior.

Mr. PERKINS. I suggest to the gentleman from New York [Mr. VIELE] that the bill does not go quite to the extent he suggested in this respect. It is provided that whenever the buildings and grounds cease to be used for educational purposes they shall revert to the Government of the United States; but there is no provision that they shall revert to the Government in the event of the Government having use for them. I think in that respect the bill is defective.

Mr. IRION. The original bill as introduced in the House did contain a clause of that kind, but it was introduced before these grounds were turned over to the Interior Department for sale. At that time the barracks were under the jurisdiction of the Secretary of War. I introduced a bill at this session of Congress which inadvertently had that provision in it. These grounds have been transferred by the Secretary of War to the Secretary of the Interior for the purpose of becoming part of the public domain. It is not the intention, therefore, of the Government to use them any more as barracks or for the accommodation of troops. Unless the grounds are transferred to the State University they will be sold by the Secretary of the Interior as part of the public domain. Consequently they could not revert, under the order as it now is, to the United States for war purposes.

Mr. PRICE. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. PRICE. As I understand the motion of the gentleman from New York [Mr. VIELE], it is to strike out all of the House bill, after the enacting clause and insert the Senate bill. Would that not make it necessary that the bill should go to the Senate?

The SPEAKER *pro tempore*. The Chair has ascertained that this is a bill which is still pending in the Senate.

Mr. ADAMS, of Illinois. Was it the Senate bill that was read?

The SPEAKER *pro tempore*. It was. The Clerk will read again that part of the bill which refers to the buildings and grounds reverting to the Government.

The Clerk read as follows:

Provided, however, That the board of mangers of the said university and college shall keep the buildings insured and in good repair: *And provided further*, That whenever the said buildings and grounds cease to be used for educational purposes by the said university and college they shall revert to the Government of the United States.

Mr. STEELE. We provide those buildings shall be kept insured. If we give them to the State of Louisiana what business of ours is it whether they are insured or not?

Mr. HOLMAN. I suggest as an amendment to insert after the word "college" the words "or shall be required for the use of the United States." We are constantly disposing of lands near towns and cities and find after a short time we require other property there. It is very well to retain some general supervision of our property under such circumstances.

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

In line 19, after the word "college," insert "or when required for the use of the United States."

Mr. HOLMAN. I may be mistaken as to the effect of that amendment coming in at that point, and I ask that that portion of the bill be read as it would stand if so amended.

Mr. LONG. That amendment leaves open the question who shall determine that it is required for the use of the United States. I suggest, therefore, that it be amended so as to read "or when required by the Secretary of War for the use of the United States.

Mr. LAIRD. Mr. Chairman, I suggest that, inasmuch as the last Congress passed a law turning over this military reservation, with others, to the public domain, it falls under the control of the Interior Department, and therefore the Secretary of the Interior ought to be substituted in this amendment for the Secretary of War.

Mr. IRION. The Secretary of War and the Secretary of the Interior both have been consulted, and the report shows that they say there is no reason whatever why this transfer should not be made.

Mr. LAIRD. But the reservation is now under the jurisdiction of the Secretary of the Interior.

Mr. IRION. It is now under the jurisdiction of the Secretary of the Interior. Of course the object of this bill is to make an absolute donation of this property to the university. The university is without any buildings at all. The buildings have been destroyed by fire, and the university has none suitable for its purposes. These buildings are on this reservation; they are going to ruin; they are of no use to any one, and the fact of this property having been, by a previous act of Congress, placed in the hands of the Secretary of the Interior for sale, is an indication that the intention of Congress was that it should not be used any more for military purposes, but should be abandoned. Now, if the amendment which is proposed by the gentleman from Indiana [Mr.

HOLMAN] should be adopted, the property could be taken out of the hands of the institution at any time hereafter. The amendment really has the effect of taking the property out of the hands of the Secretary of the Interior, where it has been placed by Congress, and throwing it back under the jurisdiction of the Secretary of War.

Mr. STEELE. If it was intended that this should be an absolute donation, why was the provision inserted in the bill requiring the property to be kept insured?

Mr. IRION. That might be stricken out.

Mr. BEACH. As I understand it, this is a donation of the property conditioned upon its being used for educational purposes.

Mr. IRION. Yes, sir.

Mr. BEACH. Now, what we want to provide for is that when it ceases to be used for such purposes it shall revert to the General Government.

Mr. IRION. That is in the bill now without this amendment.

Mr. CUTCHEON. The question is upon the amendment providing for the reversion of the property in case it shall hereafter be required by the United States, and the matter is debated as to whether that reversion should be at the instance of the Secretary of War or at the instance of the Secretary of the Interior. I submit that the only occasion upon which the United States would ever be likely to require such a reversion would be in some public emergency arising out of hostilities, in order that some military use might be made of the reservation, and therefore I think it should be at the instance of the Secretary of War, who would be the most proper judge of such an emergency requiring the use of the property.

The amendment offered by Mr. HOLMAN to the pending amendment was agreed to.

Mr. PRICE. Mr. Chairman, I move to amend by inserting, after the word "insured," the words "for the use of the United States." We require them to keep these buildings insured, and it ought to be for the benefit of somebody. We still own the property.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In the sixteenth line, after the word "insured," insert the words "for the use of the United States."

The House divided on the amendment offered by Mr. PRICE; and there were—ayes 31, noes 1.

So the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment of the gentleman from New York as amended. The Clerk will report the amendment as amended.

The Clerk read as follows:

Provided, however, That the board of managers of the said university or college shall keep the buildings insured for the use of the United States, and in good repair.

The amendment as amended was agreed to.

Mr. ERMENTROUT. Mr. Chairman, I think unanimous consent ought to be given to transpose certain phrases in the amendment. I think they are misplaced.

The CHAIRMAN. The question is on the engrossment and third reading of the bill.

Mr. BEACH. Would it be in order, Mr. Chairman, to ask for the reading of the bill as amended?

Several MEMBERS. "No!" "No!"

The CHAIRMAN. The bill can be again reported by unanimous consent.

Mr. DUNHAM. Mr. Chairman, I want to know what this "repairing" is. Is it repairing the bill, or the buildings, or the insurance? [Laughter.] Would it be in order to inquire if these buildings could be insured in an insurance company at Newburg, in the State of New York? [Laughter.]

Mr. BEACH. We have not got any there.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. VIELE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TELEGRAPH OPERATORS DURING THE WAR.

Mr. BRAGG. I now call up for consideration the bill (H. R. 7886) for the relief of telegraph operators during the war.

The SPEAKER *pro tempore* (Mr. HATCH). This bill is in Committee of the Whole House on the state of the Union.

Mr. BRAGG. It should not have been referred there, as it contains no appropriation.

The SPEAKER *pro tempore*. It was so referred.

Mr. BRAGG. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of this bill, and that it be now considered in the House.

There being no objection, it was ordered accordingly.

The bill was read, as follows:

Be it enacted, &c., That all persons engaged in the operation and construction of military telegraph lines during the war of the rebellion are hereby declared to have been a part of the Army of the United States; and the Secretary of War is hereby directed to prepare a roll of such persons, and to issue to each, upon application, unless it appears that his service was not creditably performed, a suitable certificate of honorable discharge, reciting this act and the term and character of his service: *Provided*, That this law shall not be construed to entitle the persons herein mentioned to any pay or allowance or any benefits of pension, bounty, or land laws other than that heretofore received by them.

The question being taken on ordering the bill to be engrossed for a third reading, there were—ayes 33, noes 8.

Mr. BEACH. No quorum.

Mr. PRICE. I move that the House do now adjourn.

The motion was not agreed to.

Mr. BRAGG. I ask unanimous consent that this bill be laid aside, retaining its place on the Calendar.

Mr. MORRISON. I have no objection to the withdrawal of the bill; but I do not want it to be in a position to be passed when we meet here again.

The SPEAKER *pro tempore*. The Chair will state the question. The gentleman from Wisconsin asks unanimous consent that the bill under consideration be laid aside informally, retaining its place on the Calendar.

Mr. MORRISON. I object to that; let the gentleman withdraw the bill.

Mr. BRECKINRIDGE, of Kentucky. What would be the effect of agreeing to the request of the gentleman from Wisconsin?

Mr. HOLMAN. It would leave the bill exactly as it stood before it was taken up.

The SPEAKER *pro tempore*. The Chair will state that if the bill be laid aside upon this request it will simply stand as if it had never been called up.

Mr. MORRISON. There is no objection to that.

The SPEAKER *pro tempore*. The Chair hears no objection to the request of the gentleman from Wisconsin, and it is ordered accordingly.

Mr. PRICE. I move that the House do now adjourn.

The motion was not agreed to.

ORDNANCE FOR STATE MILITIA, ETC.

Mr. BRAGG. I now call up the bill (H. R. 1077) for replacing unserviceable ordnance issued to the militia of the States and Territories.

The SPEAKER *pro tempore*. This bill is in Committee of the Whole House on the state of the Union.

Mr. VIELE. I ask unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of this bill, and that it be now considered in the House.

There being no objection, it was ordered accordingly.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War is authorized and directed, on the application of the States and Territories, to recall from time to time all unserviceable, and unsuitable ordnance and ordnance stores which have been or may be issued to the militia of the several States and Territories under existing laws, and to replace them with like ordnance and ordnance stores of standard caliber and model as supplied to the troops of the permanent establishment; and a sum sufficient for the purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendments reported by the Committee on Military Affairs were read, as follows:

In line 5, insert before the word "unserviceable" the word "obsolete."

In line 6, strike out the words "issued to" and insert "in the hands of."

After the word "laws," in line 8, insert "subject to such regulations and limitations as he may prescribe for their inspection and receipt."

In lines 12, 13, and 14, strike out the words "a sum sufficient for the purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated" and insert the following:

"For the purpose of providing the necessary ordnance and ordnance stores to replace those recalled a sum sufficient in amount to meet the difference of cost between new ordnance and ordnance stores and the estimated value of those returned is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That no ordnance or ordnance stores shall be issued to any State or Territory in excess of the actual requirements of such State or Territory; and in the event of any reduction in the militia of any State or Territory, such excess shall be returned to the United States: *And provided further*, That the ordnance and ordnance stores for the whole body of the militia authorized by law to be issued to the States and Territories shall be annually accounted for by them, under such regulations as shall be prescribed by the Secretary of War."

Mr. HOLMAN. Mr. Speaker, it seems to me this bill is subject—at least without explanation—to a quite serious objection. It makes an indefinite appropriation of money; and it is impossible, I presume, without a report from the Secretary of War, to form any judgment as to what the expense will be.

Mr. LONG. There is a report of the Secretary of War.

Mr. VIELE. The object of this bill is to enable the several States to possess in the hands of the militia arms which will have the same uniform caliber as the arms in the general service of the United States. The great difficulty in time of war when there are different calibers or arms in the hands of different troops is the impossibility of getting suitable ammunition at the proper time for necessary use. This bill is designed simply to secure a uniform caliber of all the arms issued to the militia of the several States and Territories. A letter on this subject from the Secretary of War says:

WAR DEPARTMENT, *Washington City, February 20, 1886.*

SIR: In response to your note of the 26th ultimo, inclosing a copy of House bill 1077, "for replacing unserviceable ordnance issued to the militia of the States and Territories," with request for such suggestions and remarks as I may deem proper, I beg to inform you that after a consultation on the subject with the

Chief of Ordnance certain amendments which are believed to be necessary have been added, and I beg to inclose herewith a copy of the bill with the proposed amendments inserted therein.

As thus amended, the bill is believed to be a meritorious one and entirely in the interests of our militia, and its passage is recommended both by the Chief of Ordnance and by the Department.

Very respectfully, your obedient servant,

WM. C. ENDICOTT, *Secretary of War.*

Hon. G. W. DARGAN,
Of Committee on Military Affairs, House of Representatives.

Mr. BEACH. That letter does not give us any idea of the amount of money involved in this change.

Mr. LONG. I will say to the gentleman from New York [Mr. BEACH] that there are two limitations upon the expenditure to be made under this bill. One is that the measure is to be carried out under the direction of the Secretary of War, and under such regulations as he shall prescribe. In the second place, the bill provides merely for an exchange of arms. If the State of Illinois, for instance, should send in some unserviceable rifles the United States would pay the difference in value; and that difference would diminish in proportion to the value of the arms returned.

The object of the bill is to secure uniformity of arms and ordnance and ordnance stores issued to the several States out of the fund the Government has provided for that purpose. In providing the necessary ordnance and ordnance stores to replace those recalled, a sum sufficient in amount is appropriated to meet the difference of cost between new ordnance and ordnance stores and the estimated value of those returned; and such replacement of obsolete, unserviceable, and unsuitable ordnance and ordnance stores with like ordnance and ordnance stores of standard caliber and model as supplied to the troops of the permanent establishment is made under existing laws, subject to such regulations and limitations as the Secretary of War may prescribe for their inspection and receipt.

Mr. HOLMAN. I think the gentleman from Wisconsin, in view of the thinness of the House, ought not to press that bill. We have no opportunity to judge what it will cost to carry that law out.

Mr. BRAGG. We make an annual appropriation of $200,000 to furnish arms for distribution to the States and Territories. There is a bill already pending to make it $600,000, which has been reported back from the Committee on the Militia, reducing it to $400,000. That money is to be expended for arms to be distributed among the several States and Territories. They will be exchanged for unserviceable arms, or arms not of the present caliber, returned by the States to the General Government. That is my understanding of it.

Mr. HOLMAN. It seems we should have very definite information on the subject; at least some idea of just exactly what this is to cost us. As to the bill itself, it is very indefinite, although it seems to have been revised by the head of the Ordnance Office. I think, inasmuch as this is not a matter of present necessity, it can be safely postponed; and I hope, under the circumstances, it will be postponed.

Mr. BRAGG. If there is objection we will lay the bill aside for the present.

The SPEAKER *pro tempore*. The Chair understands the gentleman from Indiana [Mr. HOLMAN] to move the bill to be laid aside.

Mr. BRAGG. Very well, then; I will submit the motion the bill be laid aside by unanimous consent.

There was no objection, and the motion was agreed to.

STATUE OF MAJ. GEN. JOHN A. RAWLINS.

Mr. BRAGG. I propose next to call up for present consideration a bill to which I know no one will object. I move to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 606) authorizing the removal of the statue of Maj. Gen. John A. Rawlins from its present location to a site to be selected by the Secretary of War.

The motion was agreed to; and the bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to have the statue of Maj. Gen. John A. Rawlins removed from the present location to another site within the limits of the city of Washington, D. C., to be selected by the Secretary of War; and an amount not exceeding $500 is hereby appropriated for that purpose out of any money in the Treasury not otherwise appropriated.

Mr. HOLMAN. I wish to hear from the gentleman from South Carolina [Mr. DIBBLE] in reference to this matter. Has the Committee on Public Buildings and Grounds had occasion yet to consider the proposition which came from the Senate in regard to the monument to Peace which was erected by the Navy on the west front of the Capitol, and as to the occupation of that space as well as other and corresponding ground south for the statues of two famous men? Perhaps the gentleman may think it advisable, if his committee has considered that measure, to take it up now and act on it in connection with this bill.

Mr. BRAGG. I should be glad to aid the gentleman.

Mr. DIBBLE. I will state, the business of that committee has not yet reached the consideration of the matter concerning the statue of Christopher Columbus, and the statue of the Marquis Lafayette referred to that committee by the House. It has only recently come over from the Senate, and therefore I can not say anything for the committee on that subject. I am not prepared to introduce any amendment on that subject at present. [Cries of "Vote!" "Vote!"]

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BRAGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PURCHASE OF LAND NEAR SAN ANTONIO, TEX.

Mr. BRAGG. I move to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 7183) to authorize the purchase of a certain tract of land near San Antonio, Tex.

The motion was agreed to, and the bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and is, authorized and directed to purchase and to acquire a valid title to, for the United States, a certain tract of land lying in the county of Bexar, in the State of Texas, near the city of San Antonio, consisting of 310 acres, more or less, and being the same now held by the United States for a drill-ground under a rental contract with John H. Kampmann, and dated July 1, 1885.

SEC. 2. That in order to make said purchase and to acquire said title the Secretary of the Treasury is authorized and directed to pay, upon the order of the Secretary of War, out of any moneys in the Treasury not otherwise appropriated, the sum of $5,000, which is hereby appropriated, for the purpose of purchasing and acquiring a valid title to said tract of land.

Mr. SAYERS. I move that the bill be put upon its passage.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SAYERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADDITIONAL BARRACKS AT NATIONAL HOMES.

Mr. BRAGG. I now call up the bill (H. R. 5401) making appropriations for additional barracks at the Southern, Northwestern, and Western branches of the National Home for Disabled Volunteer Soldiers.

Mr. DUNHAM. I suggest to the gentleman from Wisconsin that, inasmuch as he has all day to-morrow, it is time to adjourn.

Mr. ERMENTROUT. This is the last bill to be called up to-night before adjournment.

Mr. BRAGG. After this I will make the motion myself.

I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of this bill and that it be considered in the House.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That the sum of $150,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended, under the direction of the Board of Managers, in the construction and equipment of additional barracks or quarters for disabled veterans at the Southern, Northwestern, and Western branches of the National Home for Disabled Volunteer Soldiers, located at Hampton, Milwaukee, and Leavenworth, respectively.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

Mr. BRAGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The later motion was agreed to.

And then, on motion of Mr. BRAGG (at 10 o'clock and 35 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BOUND: Petition of David Doneberger, late of Company E, Seventeenth Regiment Pennsylvania Cavalry, for a pension, &c. (see pension claim 540880, House bill No. 7561)—to the Committee on Invalid Pensions.

By Mr. J. M. CAMPBELL: Petition of the Cambria County (Pennsylvania) Medical Association, asking for such liberal appropriations as will enable the National Board of Health to renew and prosecute its beneficent work in a manner commensurate with the magnitude of the interests involved—to the Committee on Commerce.

By Mr. ERMENTROUT: Memorial of officers and members of the Bucks County Agricultural Society, in favor of a bill placing the manufacture and sale of imitation butter under control of the Internal Revenue Commissioner, and taxing it 10 cents per pound—to the Committee on Ways and Means.

Also, memorial of Charles Griffin and Mary Field, of the Society of Friends, in favor of peace policy toward Indians—to the Committee on Indian Affairs.

By Mr. EVERHART: Memorial of Grange No. 141, Patrons of Husbandry, praying for adequate protection for dairy products—to the Committee on Agriculture.

Also, memorial of same, protesting against the admission of agricultural raw material free of duty—to the Committee on Ways and Means.

By Mr. HAYNES: Petition of John Jones, for removal of charge of desertion—to the Committee on Military Affairs.

By Mr. HIRES: Protest from Grange No. 11, of Vineland, N. J.,

against admitting free of duty wool, tobacco, rice, &c.—to the Committee on Ways and Means.

Also, memorial of the same, praying for legislation to regulate the manufacture and sale of all imitation dairy products—to the Committee on Agriculture.

By Mr. JAMES: Petition of 49 business men of Macon, Miss., asking for the enactment of House bill 1631, relieving commercial travelers from State and local license laws—to the Committee on Commerce.

By Mr. LYMAN: Resolutions of the Workingmen's Progressive Association of Council Bluffs, Iowa, in favor of the establishment of a department of labor and other purposes—to the Committee on Labor.

By Mr. McCOMAS: Petition of Charles T. Hamilton, of Washington County, Maryland, praying that his war claim be referred to the Court of Claims—to the Committee on War Claims.

Also, petition of citizens of Hagerstown, Md., in behalf of the National Board of Health—to the Committee on Commerce.

By Mr. MAYBURY: Petition of Miss Catherine Carroll, for allowance of pension—to the Committee on Invalid Pensions.

Also, petition of citizens of Michigan, favoring abrogation of treaty with Hawaii—to the Committee on Ways and Means.

By Mr. J. J. O'NEILL: Petition of State board of health of Missouri, Dr. George Homan, secretary, requesting liberal appropriations for National Board of Health—to the Committee on Commerce.

By Mr. OSBORNE: Resolutions of the State and Territorial commissioners at the American Exposition at New Orleans opposing House bill No. 4864—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. T. B. REED: Petition of Sylvanus Smith & Co. and other ship-owners, of Gloucester, in favor of the bill for protection of mackerel fishery—to the Committee on Ways and Means.

By Mr. SCOTT: Petition of soldiers and sailors of Oil City, Pa., urging the passage of the bill introduced by Mr. J. B. WEAVER to provide for payment to soldiers and sailors difference between money received by them and value of standard coin—to the Committee on War Claims.

Also, petition of citizens of Miller's Station, Crawford County, Pennsylvania, urging the passage of laws restricting liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

Also, memorial of Granges Nos. 89 and 764, protesting against the manufacture and sale of counterfeit butter—to the Committee on Agriculture.

Also, memorial of the same, protesting against the admission of agricultural raw materials free of duty—to the Committee on Ways and Means.

Also, petition of citizens of Warren County and of Phillipsville, Pa., urging the passage of bill to restrict the manufacture and sale of counterfeit butter—to the Committee on Agriculture.

By Mr. SOWDEN: Memorial of Grange No. 328, and of grange signed by John P. Santee, master, of Pennsylvania, asking for legislation to suppress the manufacture and sale of all imitation dairy products, &c.—to the same committee.

Also, memorial of the same, against the admission to our ports free of duty of all agricultural raw materials, such as wool, &c.—to the Committee on Ways and Means.

By Mr. STAHLNECKER: Petition of the Yearly Meeting of Friends, of New York, relative to the rights of Indians—to the Committee on Indian Affairs.

By Mr. STORM: Memorial of Granges Nos. 782 and 248, of Pennsylvania, in favor of legislation to suppress the manufacture and sale of all imitations of dairy products—to the Committee on Agriculture.

Also, memorial of Grange No. 248, of Pennsylvania, against placing wool, hides, jute, tobacco, raw sugar, &c., on the free-list—to the Committee on Ways and Means.

Also, petition and papers in relation to House bill 8247, for relief of Anthony McMonigle, Company G, Eleventh Regiment United States Infantry—to the Committee on Military Affairs.

By Mr. E. B. TAYLOR: Resolutions of the Mahoning Wool-Growers' Association, opposing the pending tariff bill—to the Committee on Ways and Means.

By Mr. ZACH. TAYLOR: Petition of the Merchants' Exchange of Memphis, Tenn., to prevent the tax on traveling salesmen—to the Committee on Commerce.

By Mr. WHITING: Petition of citizens of Whately, Mass., in favor of the passage of a law regulating the sale of imitation of butter—to the Committee on Agriculture.

By Mr. WILKINS: Papers relating to pension claim of Samantha Walker—to the Committee on Invalid Pensions.

By Mr. WORTHINGTON: Petition of citizens of Fulton County, Illinois, for passage of bill to tax oleomargarine—to the Committee on Agriculture.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. PERKINS: Of citizens of Cherokee County, Kansas.

SENATE.

WEDNESDAY, *May* 5, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting letters from the Supervising Architect of that Department in regard to appropriations for repairs of the mint building at New Orleans, La., and the custom-house at Buffalo, N. Y.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

TERRITORIAL LAWS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the secretary of Utah Territory, forwarding, as required by sections 1844 and 1850 of the Revised Statutes, two copies of the laws of that Territory enacted by the twenty-seventh session of the Legislative Assembly; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Territories.

REPORT OF ANIMAL INDUSTRY BUREAU.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Public Printer; which was read, as follows:

OFFICE OF PUBLIC PRINTER,
Washington, D. C., May 5, 1886.

SIR: I have the honor to acknowledge the receipt of the following resolution: "*Resolved*, That the Public Printer be, and he hereby is, directed to inform the Senate the cause of the delay in furnishing to Congress for distribution the 50,000 copies of the first annual report of the Bureau of Animal Industry as authorized by the joint resolution approved July 5, 1884," and in answer thereto I beg to say that, in ordering the 50,000 copies of the first report on animal industry, Congress failed to make the necessary appropriation with which to execute the order. Such being the case, the cost must necessarily be charged to the general appropriation for Congress.

The general appropriation for the present fiscal year was reduced $250,000 below the previous appropriation for long session, and $426,107 below the estimates of this office.

The press facilities of this office are not sufficient to do all the printing ordered, and work on a number of reports was necessarily postponed, among them this one. With the reduced appropriation the presses can not run extra, and I have been compelled, first, to provide the current work for Congress and the Departments and print such reports as could be reached thereafter.

I did print a small edition for the accommodation of the Department of Agriculture (as in several other cases), and the deliveries were as follows: Senate, 2,516; Department of Agriculture, 4,833; House of Representatives, 472.

There is one paragraph in the circular of the Commissioner of Agriculture upon this subject, which was laid before the Senate and printed in the CONGRESSIONAL RECORD on the 4th instant, which requires explanation. He says:

"I deem it my duty to state these facts in order to relieve this department of any responsibility for what seems to be an unreasonable and unwarranted delay in the delivery of a report which Congress *provided for* nearly two years ago."

It is true that Congress did order this work printed, but it is equally true that no special appropriation was made therefor; hence it will be observed that the Commissioner's statement that "Congress provided for" its publication is misleading, and calculated to do this office an injustice, which of course was unintentional.

The Public Printer intends to comply with the law, and will not exceed appropriations, and if orders are made for which no special appropriation is provided, such printing must inevitably wait until it can be reached from the general appropriation for Congress.

In conclusion, therefore, I beg to say that the first report on animal industry has not been completed because—

First. No special appropriation was made for its publication, as was the case of the second annual report of the same work; and

Second. The general appropriation was reduced $250,000 as compared with the previous long session, and $426,107 less than the estimates for the year (being the same amount as was provided for the short session of Congress, with four months' less expenditure for the CONGRESSIONAL RECORD and other current Congressional work), which, with the limited press facilities, made it absolutely necessary to postpone printing the first report.

It should be remembered that a certain sum of the general appropriation is allotted for the various Executive Departments, and that the current printing for the daily use of Congress and its committees must have precedence over all annual and other reports. The reduction of the appropriation without a corresponding reduction of the orders for printing inevitably leads to the postponement of the work.

I have been very much embarrassed by this state of affairs, and have endeavored to oblige Congress and all the Departments of the Government. Instead of a reduction of printing, the demands upon this office during this session are much larger than ever before.

I am, sir, with respect, your obedient servant,

S. P. ROUNDS, *Public Printer.*

Hon. JOHN SHERMAN,
President of the Senate pro tempore.

Mr. MANDERSON. This communication from the Public Printer is in response to a resolution submitted by the Senator from Missouri [Mr. COCKRELL], who I see is absent. I therefore ask that it lie on the table until he shall return, for such disposition as he shall see fit to suggest.

The PRESIDENT *pro tempore*. The Chair thinks it is the desire of the Senator from Missouri that the communication shall be referred to the Committee on Appropriations.

Mr. MANDERSON. If he so suggested, I make no objection to that reference.

The PRESIDENT *pro tempore*. If there be no objection the communication will be referred to the Committee on Appropriations.

Mr. TELLER. It will be printed?

The PRESIDENT *pro tempore*. It will be printed under the rule.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 606) authorizing the removal of the statue of Maj. Gen. John A. Rawlins from its present location to a site to be selected by the Secretary of War;

A bill (H. R. 661) granting the right of way through the Fort Selden military reservation, in New Mexico, to the Rio Grande, Mexico and Pacific Railroad Company;

A bill (H. R. 985) authorizing the Secretary of War to transfer the United States barracks at Baton Rouge, La., to the Louisiana State University and Agricultural and Mechanical College at said place for educational purposes;

A bill (H. R. 1341) to construct a road to the national cemetery at Natchez, Miss.;

A bill (H. R. 3440) making an appropriation to construct a macadamized road from the United States barracks in Saint Bernard Parish, Louisiana, to the national military cemetery at Chalmette, in said parish;

A bill (H. R. 5401) making appropriations for additional barracks at the Southern, Northwestern, and Western branches of the National Home for Disabled Volunteer Soldiers;

A bill (H. R. 7183) to authorize the purchase of a certain tract of land near San Antonio, Tex.;

A bill (H. R. 7191) to provide for the enlistment and pay and to define the duties and liabilities of "general-service clerks" and "general-service messengers" in the Army; and

Joint resolution (H. Res. 112) for the relief of the estate of the late James G. Wintersmith, late Doorkeeper of the House of Representatives.

The message also announced that the House had passed the following bills:

A bill (S. 216) to authorize the Secretary of War to furnish certificates of discharge to certain members of the Missouri Home Guards;

A bill (S. 223) to regulate the promotion of graduates of the United States Military Academy; and

A bill (S. 1471) to remove the charge of desertion from the rolls and records in the office of the Adjutant-General of the Army against certain soldiers.

PETITIONS AND MEMORIALS.

Mr. CAMERON presented a petition of dairymen and butter-makers of Berks County, Pennsylvania, praying that all imitations of butter be taxed 10 cents a pound; which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of Granges No. 787, No. 484, No. 780, No. 194, No. 248, No. 362, No. 788, No. 562, and No. 55, Patrons of Husbandry, of Pennsylvania, remonstrating against the admission free of duty of all agricultural raw materials; which were referred to the Committee on Finance.

He also presented petitions of Granges No. 787, No. 484, No. 191, No. 780, No. 248, No. 362, No. 788, and No. 562, Patrons of Husbandry, of Pennsylvania, praying for the suppression of the manufacture and sale of all imitation dairy products; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of Patrons of Husbandry of Pennsylvania, praying for the suppression of the manufacture and sale of all imitation dairy products; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Patrons of Husbandry of Pennsylvania, remonstrating against the admission free of duty of all agricultural raw materials; which was referred to the Committee on Finance.

Mr. MORGAN. I present a petition of the American Colonization Society, praying that an appropriation of $25,000 be made for the purpose of making an examination of that portion of the African coast which lies between the coast of Liberia and the Niger River. The petition was prepared, as I am informed, by Mr. Justice Strong, formerly of the Supreme Court of the United States, and as it is very condensed and the facts are all presented in a concise form, I will ask that it be printed in the RECORD or read at the desk.

The PRESIDENT *pro tempore*. The Senator from Alabama asks unanimous consent that the petition presented by him be printed in the RECORD. Is there objection?

The Chair hears none, and that order will be made.

The petition is as follows:

To the Senate and House of Representatives of the United States:

The memorial of the American Colonization Society respectfully represents:

Without entering into the history of the society, it is assumed that your honorable body is aware that in 1821 it succeeded in establishing on the west coast of Africa the colony of Liberia; which, increasing year after year in numbers and extent of territory, became strong enough in 1847 to declare its independence, and has since been recognized by the United States and the civilized governments of Europe as a member of the family of nations.

Established, originally, "to promote and execute a plan for colonizing, with their own consent, the free colored people of the United States in Africa," the functions of the society, in this respect, ceased to be peculiar when slavery ceased; and it has since existed "to aid the colonization of Africa by voluntary emigration, and to promote there the extension of Christianity and civilization."

In this work your memorialists have an especial interest, due to the origin of Liberia and to their sympathy with its people; but your memorialists respectfully suggest that the interest of the United States in the growth of Liberia in population and extent is greater still.

Formerly England stood alone in African exploration; to-day France, Germany, Belgium, Austria, Holland, Italy, Spain, and Portugal are engaged in the work. All are prompted, if not impelled, by the necessity of finding new markets for the ever-increasing surplus of manufacturing industry.

It is very true that, with the vast territory and increasing population of the United States, the necessity of seeking new markets beyond its borders may not exist here as in European nations, or not to the same extent. But this exception can not last forever. Even now there are signs that new markets are needed by our manufacturers and for our laborers; and it is suggested that it is by no means too soon to make available, by exploration of the interior of Liberia, the opening to new markets that philanthropy has afforded since 1821.

There is in the interior of Liberia a fertile and thickly inhabited country, which can be brought into closer communication with the coast line of the republic, extending from the British colony of Sierra Leone to the Rio San Pedro, east of Cape Palmas, a distance of between four and five hundred miles.

It is to this country extending northwardly to the Niger at Timbuctoo, and including the headwaters of that great river, that Liberia affords an access, the advantages of which are peculiar to the United States, not by virtue of any treaty stipulation, but through the natural sympathy of the Liberian people, to whom the United States is the mother country to which they are to look for that increase of population which is alone wanting to the development of their power, and which emigration from this country can alone supply.

Apart, however, from the commercial view of the subject, your memorialists respectfully suggest that the benefit that would accrue to Liberia should, of itself, be more than sufficient to induce Congress to authorize the exploration in question. From the beginning, the feeling between the United States and the people of Liberia and their government has been that of sympathy and consideration, dating back from the time when Mr. Monroe found that the existence of the society's colony would enable him to meet the requirements of the act of Congress of March 3, 1819, which required negroes, recaptured from slaveships by United States vessels, to be restored to their native country, and induced him to furnish means without which the colony might never have existed or have been indefinitely postponed.

It was manifested again in 1846, when Mr. Upshur, then Secretary of State, defined the relations between the colonists and the United States on the occasion of a dispute in regard to the right of the Liberian authorities to enforce the revenue laws of the colony in a particular case against a British vessel. He then wrote to Mr. Fox, the British minister: "Although no apprehension is entertained that the British Government meditates a wrong to this interesting settlement, yet the occasion is deemed a fit one for making known, beyond a simple answer to your inquiries, in what light it is regarded by the people and Government of the United States. It is due to Her Majesty's Government that I should inform you that this Government regards it as occupying a peculiar position and as possessing peculiar claims to the friendly consideration of all Christian powers; that the Government will at all times be prepared to interpose its good offices to prevent any encroachment by the colony upon the just rights of any nation, and that it would be very unwilling to see it despoiled of its territory rightfully acquired, or improperly restrained in the exercise of its necessary rights and powers as an independent nation."

Although in the forty years that have since elapsed great changes have taken place in other respects, there has been no change in the feeling that inspired Mr. Upshur's letter; and it is only recently that the United States accepted the position of umpire in a dispute between England and Liberia in regard to the boundary between the republic and the colony of Sierra Leone.

It is with a strong reliance upon the feeling thus manifested during so many years, as well as upon the commercial interests of the United States, that your memorialists ask Congress for an appropriation of $25,000, to be expended under the sanction of the Secretary of the Navy, for making explorations on the west coast of Africa, and from Liberia into the interior of the continent.

JNO. H. B. LATROBE, *President.*
WILLIAM STRONG, *Chairman.*
PETER PARKER,
CHARLES C. NOTT,
REGINALD FENDALL,
THOMAS G. ADDISON,
B. SUNDERLAND,
W. W. GODDING,
Executive Committee.
WM. COPPINGER,
Secretary and Treasurer American Colonization Society.

COLONIZATION ROOMS, *Washington, D. C.*, 1886.

Mr. MORGAN. I ask the reference of the petition to the Committee on Foreign Relations, and I present to accompany it certain pamphlets explanatory of the petition.

The PRESIDENT *pro tempore*. The petition and accompanying papers will be so referred.

Mr. DAWES presented the petition of H. A. Barton and other citizens of Pittsfield and Dalton, in the State of Massachusetts, praying for the passage of the bill introduced in the House by Hon. W. L. SCOTT, of Pennsylvania, and in the Senate by Hon. WARNER MILLER, of New York, for a tax of 10 cents a pound on all imitations of butter; which was referred to the Committee on Agriculture and Forestry.

Mr. MAHONE presented a memorial of Knights of Labor of Petersburg, Va., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

Mr. MCPHERSON presented the petition of Sarah L. Brookfield, of Washington, D. C., praying for an increase of pension; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (S. 1935) authorizing and directing the Secretary of War to enlarge, repair, and complete certain military quarters and barracks in Wyoming Territory and in the State of Nebraska, reported it without amendment, and submitted a report thereon.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 776) granting arrears of pension to Catherine Lanigan, moved its indefinite postponement, which was agreed to; and he submitted a report, accompanied by a bill (S. 2349) granting a pension to Catherine Lanigan; which was read twice by its title.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (S. 1796) for the relief of Charles E. Maris, submitted an adverse report thereon, which was agreed to; and the bill was indefinitely postponed.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4699) granting a pension to Martin Jacoby;
A bill (H. R. 1560) for the relief of Evaline A. White;
A bill (H. R. 1707) granting a pension to Elijah P. Hensley; and
A bill (H. R. 5328) granting a pension to Noah Hoffman.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 1201) granting a pension to Louise Ambrecht, reported it with amendments, and submitted a report thereon.

Mr. BUTLER. I am instructed by the Committee on Naval Affairs, to whom was referred the bill (S. 962) touching the grade of commander in the Navy and to correct an error in relation to an appointment therein, to report it adversely.

Mr. RIDDLEBERGER. I ask the Senator from South Carolina if that is the bill adversely acted upon by the committee this morning relative to the restoration of a commander?

Mr. BUTLER. Yes, sir.

Mr. RIDDLEBERGER. I hope the Senator will allow it to be placed on the Calendar.

Mr. BUTLER. I have no objection.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The bill will be placed on the Calendar.

Mr. BUTLER. The Committee on Territories, to whom was referred the bill (S. 980) granting the right of way to the Cinnabar and Clarke's Fork Railroad Company, have instructed me to report it back with amendments. That bill was taken from the Calendar, having been reported by the Committee on Railroads and referred to the Committee on Territories. I have been instructed by a majority of that committee to ask that the bill be restored to the position it occupied on the Calendar before it was referred to the Committee on Territories, so that it shall not lose its position.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Carolina, that this bill be placed on the Calendar in the position it formerly occupied before it was referred to the Committee on Territories? The Chair hears none, and it is so ordered.

Mr. MANDERSON. On Senate bill No. 980, reported by the Senator from South Carolina, on behalf of the majority of the Committee on Territories, I submit the views of the minority.

The PRESIDING OFFICER. The views of the minority will be printed with the report of the committee.

Mr. BUTLER, from the Committee on Naval Affairs, to whom was referred the bill (S. 250) for the relief of the sufferers by the wreck of the United States steamer Ashuelot, reported it with amendments, and submitted a report thereon.

Mr. FAIR, from the Committee on Claims, to whom was referred the bill (H. R. 2066) for the relief of Alfred McMurtie, reported it without amendment, and submitted a report thereon.

RECLAMATION OF TEXAS AND MEXICAN STOCK.

Mr. MORGAN. I am directed by the Committee on Foreign Relations, to whom was referred a resolution pertaining to our relations with Mexico in respect to cattle-ownership on the border, to report back a substitute for the resolution, and I ask that it be immediately considered.

The PRESIDENT *pro tempore*. The substitute will be read.

The Chief Clerk read as follows:

Whereas the boundary line between the Republics of the United States and Mexico in much of its length divides a grazing and stock-growing country, which lies on each side thereof; and

Whereas horses and cattle may and do cross said line at will, the same interposing no obstruction thereto; and

Whereas, in the absence of some treaty provision between the two countries for the reclamation of stock thus crossing said boundary line, the citizens of the two countries are liable to become embroiled:

Therefore, for the purpose of averting such complications as in consequence thereof may ensue between the two countries,

Resolved, as the judgment of the Senate, That it is desirable that some arrangement be made with the Government of Mexico on the subject adequate to the repression of the evil aforesaid and promotive of peace and good-will between the two countries.

Resolved, That a copy of the foregoing resolution be respectfully transmitted to the President of the United States.

The resolution was considered by unanimous consent, and agreed to.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 2350) granting an increase of pension to Peter Casserleigh; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2351) granting a pension to James Mitchell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 2352) for the relief of Royal E. Dake; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. SAWYER introduced a bill (S. 2353) granting a pension to William Barden; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT introduced a bill (S. 2354) granting an increase of pension to Philo B. Buckingham; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SEWELL introduced a bill (S. 2355) granting a pension to Edward R. Shubrick; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 2356) granting an increase of pension to Joseph Keffer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (S. 2357) to incorporate the Potomac and Chesapeake Steam Navigation Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. GRAY introduced a bill (S. 2358) to amend the law relating to international extradition; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. EUSTIS introduced a bill (S. 2359) in relation to claims arising under the provisions of the captured and abandoned property acts, and for other purposes; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLUMB introduced a bill (S. 2360) granting an increase of pension to Leopold Herzig; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2361) granting a pension to Louis Heidel; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENT TO A BILL.

Mr. MAHONE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill, making an appropriation of $20,000 to enable the Secretary of War to lay a submarine cable from Cape Charles to Cape Henry; which was referred to the Committee on Appropriations, and ordered to be printed.

THE PASSPORT CHARGE.

Mr. BECK. I offer the following resolution and ask for its present consideration, and I will say one word about it:

Resolved, That the Secretary of State be, and he is hereby, directed to inform the Senate what necessity, if any, exists for the continuance of the present charge for passports to citizens of the United States desiring to visit foreign countries, and whether in his opinion the charge now made can be reduced or dispensed with without detriment to the public service.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. BECK. I might have introduced a bill for this purpose, but I was not sure that it would be wise to do so without information. Looking at the matters we have been considering for the last few days, especially the expedition of our mails to Tampa and our connections with Cuba and the probable building up of trade with other islands, I did not see why we ought to charge each of our citizens $5 for the privilege of going there, he paying, of course, the charge of $4 for viséing our passports, in regard to which we can, perhaps, negotiate. I think we ought to see if we can not dispense with that charge at least. Under one of our standing laws our people have to pay $5 for each passport. The object of the resolution is to see if there is any reason why the law should not be repealed.

The resolution was agreed to.

CONDITION OF COLORED PEOPLE.

Mr. CULLOM. If there is no further morning business, I ask that the regular order may be proceeded with.

Mr. LOGAN. Before we proceed with the unfinished business I desire to make an inquiry. I introduced a bill early in the session, which was referred to the Committee on Education and Labor, providing for a commission to inquire into the condition of the colored people of the South. I have not been able to get the bill reported back, and I ask the chairman of the committee whether it can not be reported back to the Senate. I desire to have a report upon it one way or the other, so that I may have the action of the Senate on the bill before it gets too late. This is the second Congress at which I have introduced a bill of a similar character, and I did it with the desire to have the action of the Senate upon it. I hope the chairman of the committee will have the question decided in committee and have it reported to the Senate so that action may be taken upon it.

Mr. BLAIR. When the bill came to the Committee on Education and Labor it was referred to a subcommittee, who have not as yet reported. I do not see the chairman of the subcommittee in the Chamber at this time. The Senator from Michigan [Mr. PALMER] is the chairman of the subcommittee. I do not know why there should not be action upon it, and I will remind the subcommittee, and perhaps the Senator from Illinois will do so himself.

Mr. LOGAN. I shall be very glad to do so. I did not know who the subcommittee were. I shall be very glad to notify them.

Mr. BLAIR. I have myself spoken to them in regard to the matter.

Mr. LOGAN. I am anxious about it, for I am receiving a great many letters of inquiry in reference to the measure, and I do not want to have it understood that it is my fault that the bill does not come before the Senate.

Mr. BLAIR. It is not the Senator's fault, but the fault of the general pressure of business rather than anything else.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 3d instant, approved and signed the following acts:

An act (S. 231) granting a pension to Jennette S. Kent;

An act (S. 283) granting a pension to Isaac N. Minshall;

An act (S. 813) granting a pension to Miss Rebecca Miller; and

An act (S. 1487) to establish two additional land districts in the State of Nebraska.

INTERSTATE COMMERCE.

Mr. CULLOM. I now move that the Senate proceed to the consideration of the unfinished business.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1532) to regulate commerce, the pending question being on the amendment of Mr. CAMDEN, in section 4, line 5, after the word "direction," to strike out "and from the same original point of departure;" so as to make the clause read:

That it shall be unlawful for any common carrier to charge or receive any greater compensation in the aggregate for the transportation of passengers or property subject to the provisions of this act for a shorter than for a longer distance over the same line, in the same direction.

The PRESIDENT *pro tempore*. Is the Senate ready for the question on agreeing to the amendment?

Mr. BECK. That amendment has been debated very largely, and there are not many Senators present now.

The PRESIDENT *pro tempore*. The Chair is advised that the yeas and nays have been ordered on the pending amendment.

Mr. BECK. It seems to me that before the vote is taken upon that important subject, which is perhaps the most important in the bill, a little more notice ought to be given to the Senate in order to have it a little fuller than it is now. The Senator from Illinois will see the propriety of my suggestion. Can not the bill be proceeded with until the Senator from West Virginia [Mr. CAMDEN] comes in, and defer action on the amendment until that time.

Mr. CULLOM. I have the impression that the Senator from Wisconsin [Mr. SPOONER] desires to address the Senate on this particular subject.

Mr. BECK. I hope that may be done now.

Mr. CULLOM. If he is prepared to proceed now, so far as I am concerned, I should like to hear him; and if not, we shall pass over the amendment until the mover of it comes in.

Mr. SPOONER. Mr. President, if I need an apology for addressing the Senate in opposition to the amendment offered by the Senator from West Virginia it must be found in the great popular interest which invests this subject, and in my sincere belief that the amendment is vicious in principle and strikes peculiarly at the welfare of the producers of the West. The importance of the subject can not be overestimated or overstated. The bill is a proposition to regulate commerce among the several States. This commerce is in a large sense the strength and prosperity of our people. Perhaps the growth of this country is not in any way more clearly traceable than in the development of our railway system. When we remember that in 1830 there were only 23 miles of railway in operation in the United States and that to-day there are 126,000 miles, a little over one-fourth of the railway mileage of the entire habitable globe, and that most of the railway corporations are incorporated by States and exist under State laws, we see at once something of the magnitude of the subject and of the difficulty of properly treating it.

That the railway carrier has been and will continue to be a prime factor in the growth and prosperity of the country, and in a substantial sense necessary to our comfort and happiness as a people none will deny. We hear much nowadays, in an undiscriminating way, of past railway consolidations. Excluding the consolidation of competing lines which, in whatever guise accomplished, is a crime against the people; the consolidations of the past have not been an evil. The development of our railway system, which to-day is the model of the world, brought inevitably under the operation of natural laws consolidation of capital and franchises. It was natural that short lines of railway should be brought in this wise into long lines under strong management. And it has been in the public interest that the short lines of railway in the hands of weak and struggling corporations have given way, through consolidation in different forms, to the long lines of to-day under strong central management. Such consolidation has made possible the through bill of lading, has given to the country efficient railway service from State to State and from ocean to ocean, and has been and is to-day a popular benefit.

But the railway corporations of the United States, mostly created as I have said by the States, clothed by State Legislatures with generous franchises and almost with unlimited power, holding in their grasp practically the absolute dominion over the commerce of the States, sheltering themselves for very many years, as they supposed they might, behind the Dartmouth College decision, thinking they were beyond the reach of the people and above the reach of legislative interference, as they grew in strength grew in tyranny, until it became necessary for the Legislatures of many States, in self-defense, to lay the heavy hand of the law upon them, not to cripple them in the exercise of the great functions with which they were clothed, but to teach them that in an essential sense they were a public instrumentality and must consult and subserve the public interest.

So it has come about that in at least twenty-six States of this Union (and I wonder that there are any exceptions) there is railroad legislation guarding against discriminations and, as far as may be, against injustice upon the part of railway corporations to the people. That such legislation in all the States has been productive of great good, I think no man representing any of those States will deny.

But under the Constitution of the United States, as every one knows, the States could not regulate these corporations or control them except as to traffic confined within the borders of the State. Traffic from one State to another State was entirely beyond the reach of State legislation. So that the railway corporations, nearly all of which are engaged in interstate commerce, were bound by law only as to purely State traffic, and they have been left to their own sweet will as to the great volume of the traffic from State to State.

It is not open to dispute that the people of the country, realizing the wonderful growth of these corporations and their almost limitless power to-day over "the commerce among the several States," long weary of tolerating evils which have grown up unchecked, demand of Congress that it shall exercise the power vested in it by the Constitution, and beyond the jurisdiction of the States, by the enactment of some law which shall place under control and fair regulation the railway corporations engaged in such commerce.

Many Legislatures, I think, have invoked by memorial the exercise of this power, and both of the great political parties are in the most solemn way committed to it.

The limits within which Congress may constitutionally act are quite well settled, and I venture to assert that the failure of this Congress to act upon the subject would arouse popular disappointment and indignation. The people have not, however, as I understand it, demanded any specific measure. They fully appreciate the difficulties which environ the subject, and which render, in the very nature of things, the exercise of this great power at the outset tentative and experimental. It can not be expected, keeping in view the multiplicity, almost infinite, of combinations and conditions and elements and vicissitudes and interests which surround and enter into the transportation question, that there should come from this Congress an interstate-commerce law perfect in its scope and detail, nor do the people expect us to come to this subject with curses upon our lips or bitterness in our hearts.

The popular demand has in it no element of unfriendliness to the railway carriers of the country, nor any desire to oppress or harass them. They are too useful and too necessary for that; but the demand is, and it is a just demand, which must be heeded, that the calmest and best thought of Congress shall be given to the enactment of a law in which shall be plainly formulated the general principles clearly essential to the public protection, with elastic provisions as to detail, so that the law, while protecting against unjust discrimination, shall not itself unjustly discriminate.

I have read with great care the report of the committee charged by Congress with investigation of this subject. I can not doubt that the country will appreciate the great labor and patience and ability with which the committee has conducted the investigation, and the distinguished chairman of the committee may well be proud that the measure formulated and reported by his committee bears his name, for, except that I doubt the wisdom of section 4, the bill, as a whole, has my hearty support.

The Senator from West Virginia [Mr. CAMDEN] proposes by his amendment to incorporate in this bill, as I understand it, what is substantially a provision that under no circumstances shall the railway carrier engaged in interstate commerce charge more for a short haul than for a long haul on the same line and in the same direction. I do not doubt in the slightest his sincerity in proposing this amendment, or that he believes its enactment into law would subserve the general interest, but I feel bound to say that in my judgment it would be a grave mistake for Congress to embody it in any law passed upon the subject.

I do not doubt the existence of the evils of which the Senator complains and of which other Senators complain. I do not suppose there is a member of this body who does not know of instances of gross discrimination by railway carriers, and it would be somewhat strange if it were otherwise, but I think without the amendment proposed by the Senator from West Virginia, either in the form in which he has proposed it, or in any form, the bill, fairly considered, contains provisions which will, if properly enforced, afford reasonable safeguards to the people and constitute an efficient corrective of the evils complained of. I think the discussion elicited by the long-haul short-haul proposition has led Senators to underestimate the strength and importance of the general provisions of the bill.

The Senator from Michigan [Mr. CONGER] the other day, speaking of the general clauses of the bill to which the Senator from New York [Mr. MILLER] referred, ridiculed them as "general-utility" clauses of little or no significance. Let me read two of the sections of the bill. The first one is this:

All charges made for any service rendered or to be rendered in the transportation of passengers or property as aforesaid, or in connection therewith, or for the receiving, delivering, storage, or handling of such property, shall be reasonable and just.

I desire, in passing, to suggest to the chairman of the committee whether this language does not need amendment in order to bring a violation of it within the penal section of the bill. Section 7, which is the penal section, imposes the penalty only against the doing, &c., of "acts, matters, and things in this act declared to be unlawful." This being a penal section its language would doubtless be strictly construed, and as a violation of the clause requiring just and reasonable charges, before read, is not in terms "declared to be unlawful," it is doubtful whether such a violation by a railway carrier, even if willful, would be held to subject the carrier to criminal prosecution. I therefore suggest, in order to bring it beyond any possible question within the scope of the penal section, and to punish by criminal prosecution willful violation, the addition of the words "and any unjust or unreasonable charge for any such service is hereby prohibited and declared to be unlawful."

Mr. CULLOM. I shall not take the time to explain at present the reason why the bill is in the shape it is, as indicated by the Senator, but I will do so after the Senator has concluded his remarks, and will then submit the amendment to the consideration of the Senate.

Mr. SPOONER. I suggest that amendment to the Senator and will offer it hereafter. In connection with the provision which I first read requiring charges to be just and reasonable, I desire to call attention to section 3, which provides—

That it shall be unlawful for any common carrier, subject to the provisions of this act, to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or any particular description of traffic, in any respect whatsoever, or to subject any particular person, company, firm, corporation, or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Now I ask the Senator from West Virginia whether the clause against extortion and this section 3 which prohibits any undue or unreasonable preference or advantage as between persons, firms, localities, and different kinds of traffic will not, if enforced, bring into the law a shield against the discrimination, extortion, and injustice to which he and others refer which would in all human probability upon fair trial be found adequate?

I know that this bill does not add in these respects to the common-law duty of the carrier upon the subject, and I believe I may say, confidently expecting the approval of Senators, that the common-law duty and liability of the carrier, if rigidly enforced in this country, would be found ample protection to the people against extortion and unjust discrimination of every kind by common carriers.

Mr. CAMDEN. When you are ready I desire to answer the interrogatory.

Mr. SPOONER. Certainly; I yield for that purpose.

Mr. CAMDEN. By the express provisions of the fourth section you legalize the right of the railroad to charge more for a shorter haul than a longer haul by the limitation. The provision is:

That it shall be unlawful for any common carrier to charge or receive any greater compensation in the aggregate for the transportation of passengers or property subject to the provisions of this act for a shorter than for a longer distance over the same line, in the same direction—

You then limit it by saying—

and from the same original point of departure.

There you give the express authority to this commission to limit it, and the commission is bound under the act to limit it from the same point of departure, and can not exercise the discretion mentioned by the Senator to extend it to other points. You limit it there, and you expressly provide for discrimination for a shorter over a longer haul.

Mr. SPOONER. The Senator misapprehends my question, and therefore does not answer it. The proposition which I make is that the clauses I have read, although nothing more than declaratory of the common law, will, if rigidly enforced, guard against almost every conceivable just complaint to which the Senator from West Virginia alludes.

Mr. CAMDEN. Will the Senator allow me to ask him a question?

Mr. SPOONER. Certainly.

Mr. CAMDEN. If the Senator is willing that these discriminations shall be provided for and claims that they are provided for in the bill, why does he object to making it plain and simple by allowing the provision to be inserted in the fourth section?

Mr. SPOONER. I will come to that. The Senator does not apprehend my position. I freely admit that in this country the common-law duty of the carrier has been greatly disregarded. I admit that the enactment by Legislature after Legislature of the common law upon the subject, but leaving to the aggrieved citizen the duty of vindicating in the courts his common-law rights, has been utterly futile as a shield against wrong by the carrier.

And if the committee had been content with simply incorporating in the bill, as they have done in very perfect language, the safeguards which the common law throws around the shipper, you might as well write the words of these clauses in the sand, within the tide line, expecting to find them there next year, as to write them in the statute expecting them to be any protection to the citizen; or, as Rufus Choate once beautifully said in this Chamber, "You were as wisely employed in writing them upon the clouds of the summer evening's western sky, in the dream of seeing them carried around the world in the train of the next day's sun, as to write them in a statute depending upon their enforcement at the suit of the citizen who is injured by their violation."

The explanation of the utter inefficiency of the common-law duty and liability of the carrier as a protection to the people is familiar to every Senator. The grievances of the individual shipper are as a rule, each considered by itself, trifling in amount, and the citizen has in almost every instance been reluctant to engage in a litigation with a railway corporation to vindicate, for so small a sum, his rights under the common law or under statutes simply declaratory of the common law. Under the practice laws of the States the railway corporations have been enabled, and they have not been slow to avail themselves of the right, to protract such litigation by continuances, appeals, and otherwise, thereby rendering it burdensome and expensive. The sum involved being small, even success at the end of a long litigation was to the complainant defeat.

There has been another reason more potent still: Few shippers have dared to venture upon a litigation with a railway corporation in order to invoke in the courts the common-law protection. Why? Because the railway company, through its freight agents, through its system of rebates, through its power of discrimination, through its absolute dominion over the business of a place and over the business of its people, has had it in it its power—I will venture to say sometimes exercised—to visit condign and swift punishment upon men who dared to invoke the protection of the courts to secure them in the enjoyment of the rights vouchsafed by the common law or statutes merely declaratory. Not only because of the expense, not only because of the delay, but because of their absolute fear of ruin in their business by favoritism, by discrimination in numberless ways, few men have dared to embark in that litigation with a railway company.

Under such circumstances it is not surprising, and the fact has been within the observation of every Senator, that in the great mass of instances the common-law remedy of the citizen has been unavailing, and the carrier has gone exempt from the performance of its common-law duty. So that if these clauses stood alone in the bill, apart from the peculiar provisions for their enforcement, I should not hesitate to denounce them as idle words. But the bill goes beyond that. The bill puts strength and virility into the common-law principles for the protection of the shipper. How? It puts the whole strength and power of the United States behind them.

It provides that any man and any community whose rights are trenched upon by the violation of either of these provisions may complain to the board of commissioners. It is made the duty of the commissioners to investigate it, upon notice to the railway company guilty of the alleged violation of law. It is made the duty of the commission to make a report upon it, to give to the complainants a copy of that report, to notify the railway company, which must comply with the decision of the commission within a certain time, and if the railway company is recalcitrant, unwilling to yield obedience to the decision of the commission, what then? The citizen whose rights have been trenched upon is not remitted to his common-law remedy—he is not told to bring his litigation in the courts; not at all; but the decision of the commissioners arrived at upon a thorough investigation, with plenary power to examine witnesses and to look at the records and papers of the company bearing upon the question, is sent to the district attorney of the United States. No matter whether it be a case of extortion, of unjust charges at a local station, or of discrimination against a local station, whether in favor of a competitive point or otherwise, it is made the duty of the district attorney to commence the suit against the offending railway company.

Not only that, but the burden of proof is changed by this law, and I think it is wisely changed. The bill provides that the report of the commission shall be *prima facie* evidence against the railway company and in favor of the shipper who has made the complaint. The bill goes beyond that in providing for the enforcement by the Government of the United States of the common-law duty of the carrier. It provides that if the railway company is defeated it shall pay the costs of the prosecution, including the witness fees, the costs of the complainant, and the fee to the district attorney, and if perchance the railway company should be successful, the United States pays the expense of the suit. The shipper whose common-law right is thus sought to be vindicated by the Government of the United States under the bill is not in any contingency obliged to put into operation the machinery of the law except by complaining to the commission, or obliged in any contingency to pay the expense of the litigation.

Do you tell me that the common-law provisions incorporated in the bill, backed by the power of the Government, relieving the citizen from the responsibility of litigation and from its cost, constitute no shield

against extortion and discrimination? If incorporated into law it will be a new feature of the law of this country. I am not willing yet to believe that a commission created by Congress, in the exercise of its constitutional power, clothed with this great authority, will not be able if they are honest and faithful men, as I have no doubt they will be, to enforce the common-law principles in favor of the shipper and in favor of localities so as to do away as far as it can be done with the discrimination of which my friend from West Virginia complains. It is not fair to the committee, it is not fair to this bill that Senators shall ignore as a means of protection such virile and vigorous provisions of law as are those I have read with the power of the Government behind them. That is not all.

The bill in another section strikes at the root, strikes at the heart of a fruitful source of discrimination and outrage by the carriers of this country, both in State and interstate commerce. I call the attention of the Senate to the language of section 2, and the section is carefully drawn; it seems to me almost perfect in its language:

That if any common carrier shall, directly or indirectly, by any special rate, rebate, drawback, or other device, charge, demand, collect, or receive from any person or persons a greater or less compensation for any service rendered, or to be rendered, in the transportation of passengers or property, subject to the provisions of this act, than it charges, demands, collects, or receives from any other person or persons for doing for him or them a like and contemporaneous service in the transportation of a like kind of traffic under substantially similar circumstances and conditions, such common carrier shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared to be unlawful.

Any violation of this prohibition against rebates comes under the penalty section of the bill and in addition to that is given a large claim for damages, which is to be enforced at the expense of the Government and by means of the Government officials to whom I referred a moment ago.

This leaves room for special rates wherever special rates are fair. And every man who knows anything about the transportation business knows that there are circumstances under which special rates are fair and just. That section as it is drawn, to my mind, strikes as perfectly as language can against that great curse of transportation wherever it exists—mere favoritism. Every Senator here knows that it is in the power of railroad corporations, a power sometimes exercised, I think, to build up by favoritism one business at the expense of another in the same community. It is in their power to make one man prosper, and to bring to another man engaged in the same business in the same place ruin.

This provision, if it becomes a law, takes away from the railroad corporation that power of favoritism. I have never yet been able to see any possible, conceivable defense for the exercise by railway companies of such a power. I have never been able to see any reason for inequality in service by railway corporations of people situated in the same community engaged in the same business. There is to my mind no defense for it whatever.

The railway company derives its right to live from the State. It is clothed with peculiar powers. It can run its locomotives along the streets; it can cross the highways; it scatters fire in every direction without any liability, no matter what injury is done, if it only exercises due diligence. It is clothed with the supreme right of the people to take your property at a price to be fixed by some one other than yourself and against your will. It is necessary that railway companies should possess this power, and I think they generally pay for the property they take all that it is worth, and perhaps more than it is worth; but they may take property the value of which to the owner is not reducible to the standard of the dollar.

There is little property that I know of beyond the reach of condemnation by the railway corporations under the laws of the country where it is necessary that they should take it. They may take your home, "the dearest spot on earth" to you, in which center the tenderest memories of your life, around whose hearth brothers and sisters now scattered and gone used to gather, from under whose roof perhaps you carried your father and mother to graves under the tree which he planted and tended in his early manhood. They have a right to take this from you, and they must be clothed with the power of taking it, because otherwise the great public interest could not be subserved.

But, sir, no corporation clothed in the public interest by the public with such powers as these ought to be permitted to use the franchise of the carrier to favor in the distribution of its service persons or firms or locality, or to discriminate against persons or firms or locality. The old formula that "equality is equity" is as wise for the government of the carrier as it is for the guidance of the chancellor. I think this section, drawn as it is against rebates, against special rates, against favoritism, will be one of great practical importance to the people of this country, and will greatly tend to correct the discriminations of which the Senator from West Virginia and the Senator from Michigan [Mr. CONGER] complain.

This power to give rebates and special rates and other discriminative privileges has been, in the hands of the general freight agent and the general manager of the railway corporation, a ready and often-used instrument, ample in various ways, and productive of the rate wars which have been for the last few years almost the rule in this country between contending and competing corporations.

There has been, if I may be permitted to so remark, too much personality or individuality in the railway management of the country. I was told by a distinguished gentleman connected with a great railway, a man whose name is a guarantee for the accuracy and truthfulness of what he says, that within the last few years he knew of an instance where a single remark from a railway president over a glass of wine at a hotel table brought on a war of rates which cost $5,000,000 of revenues before it was ended. No man can calculate the cost and the loss which it brought to shippers and to the people in the region which that railway traversed.

These constant rate wars have brought into the business, as every one who hears me knows, that most dangerous of all elements to business prosperity, the element of uncertainty. No man who has had anything to buy knew what he ought to pay, because he could not know from day to day what the rate of carriage would be. No man who has had anything to sell knew what he ought to ask for it, for he could not know from day to day what the rate of carriage would be. It may easily happen at such a time that two merchants, doing business at the same point, might buy of the same firm, at the same prices, a large stock of goods, one paying the current rate for transporting them to his place of business, the other having the unfair advantage within a fortnight of a rate war, which would enable him to sell his stock at prices which, while giving him a handsome profit, would ruin his neighbor. That is not what can be called healthy competition, no more than the flush of fever is the ruddy glow of health. A condition of affairs which leads great railway corporations to carry freight and passengers for less than it costs is not only destructive to the interests of the stockholders, but is destructive, in a palpable way, of the interests and business of the people.

I think this provision, and the tendency it will have to prevent rate wars, to take it out of the hands of freight agents to cut under each other will tend to the steadiness of rates and to the benefit of the people in every way; will tend to restore what the Senator from Iowa [Mr. WILSON] some years ago remarked in a speech upon the subject in the Senate as a great railway evil in this country, the decadence of good faith in the compacts as to rates, &c., of railway companies with each other.

There is another section of this bill which provides for publicity of rates. That is new in this country. It provides not only for publicity of rates—and it is a step in the right direction, and a long, strong step, too—but it provides that railroad companies shall not, having published their rates, without notice increase them. Railway companies will be very slow to enter upon rate wars, they will be very slow to bring disorder and uncertainty into the business of the country by reducing their rates below what is right and fair and just to stockholders and to the people, if they are prohibited from putting their rates back again at will.

This committee has stricken out of the bill a provision which was in it when it was first introduced, and which, with a qualification proposed by the Senator from New Jersey [Mr. SEWELL], I think should be put back into the bill, and that is that the railroad companies shall not be permitted to lower their rates either without a shorter notice. The qualification to which I refer was that they might lower their rates without notice where it was necessary to meet competition by water or by a carrier not reached by the provisions of this bill and beyond the jurisdiction of the Federal authorities. I think the provision requiring publicity of rates, properly guarded, will be an advantage and a great advantage to the people. It will help the people to know whether rebates and special rates are being allowed in violation of the law. It will stimulate the watchfulness of the people. It will make much more easy of enforcement all the other provisions of this act, and it will, as I said before, tend very strongly to prevent the frequent recurrence of rate wars. Am I wrong in saying that the Senator from West Virginia and the Senator from Maryland underestimate the value of this provision, together with the other provisions of this bill to which I have referred, as a means of protection against the outrages of which they complain?

Now, sir, some suggestions directly upon the amendment offered by the Senator from West Virginia [Mr. CAMDEN] and I have done.

The Senator from Michigan [Mr. CONGER], for whom I entertain the profoundest respect in every way, who is one of the few Senators whom I had the honor to know before I became a member of this body, in his remarks the other day on this clause rather seemed to imply that any one who was opposed to this short-haul and long-haul provision must be classified as a railroad representative upon this floor. No man must put me, in my advocacy of this bill or my opposition to this amendment, in that category. Mr. President, I may be wrong about it but I think that the short-haul and long-haul provision, which the Senator from West Virginia is so partial to, would be in the interest of railway companies, and I think it would result in largely increased revenue to railway companies. I am not able to see that it would be unjust to the railway companies of the country in any way after they shall have adapted themselves to it. But I want to say here that if I thought it would be unjust to the railway companies I should not hesitate for one moment, standing here in the United States Senate, to say so. When the time comes, if it ever shall come, that I shall be deterred from saying what I think I ought to say or from doing what I think I ought to

do upon any subject pending before the Senate, by the fear that some man here or elsewhere will wrongly charge me with representing an interest upon this floor, other than that of my constituency, I shall give back to my people the trust which they gave into my hands and ask them to place their interests in the care and keeping of some one more manly and more independent.

Sir, I think the amendment proposed by the Senator from West Virginia, and he does not misunderstand its scope, strikes a steady, direct blow at competition all over the United States. I can understand why that Senator and others situated as he is support it, but I fear it strikes at the producer and merchant of the West and at the merchant, the manufacturer, and the consumer of the East. I think it is a proposition to put upon the statute-book a discrimination worse than any which is now complained of as made by railway companies. What is it?

It is a declaration by the Congress of the United States that under no circumstances shall a railway company charge more for a short haul than it charges for a long haul on the same line and in the same direction, subject if you please (but I attach little consequence to that) to a power in these commissioners to unshackle the competitive forces thus chained in spots throughout the country where in their judgment it is advisable.

The Senator from Ohio [Mr. SHERMAN] never uttered a truer word in all his long and splendid public career than the statement which he made here the other day while favoring this amendment, that it would result in increasing the through or competitive rates. The Senator from West Virginia in the speech, very able and exceedingly frank, which he made the other day, admitted, because he must admit it, the same thing; and no truer prophecy ever was made, in my judgment, than that which you, Mr. President, then made that if the Congress should pass such a provision and so chain the competitive forces engaged in the transportation business of the country, it would bring a demand for its repeal, and that quite speedily, which Congress would not disregard.

Now what is there in this proposition that a railroad company shall not charge more for a short haul than for a long haul which Senators think is so fair? Chicago is often referred to in this discussion. The Senator from West Virginia complained that the rates from local points through West Virginia, between Chicago and tide water, are higher than they are from Chicago to tide water. That is doubtless true. During the season of navigation it is true, and it is often true when the lakes and the canals and rivers are locked and the competition is only by rail. Why ought it not to be true? What right have you at a local station in West Virginia to demand that Chicago shall be deprived by law of the competitive forces which God and nature have given her, or that you shall have the benefit of competition which you do not possess? Chicago is situated upon a lake. She may ship to Buffalo, from Buffalo she has water carriage to tide water; four or five trunk lines of railway run out of Chicago, brought there by the expenditure of millions of dollars, invited there by the expenditure locally of millions of dollars, for what?

In order to give Chicago, one of the great gateways through which the West has been for years pouring her wealth to the Atlantic seaboard, the benefit of competition. The position of Milwaukee is similar. This question is discussed here from the beginning as if the railway companies, of their own motion, out of favoritism to Chicago and other competitive points, made low through rates. Is that true? We all know, as the Senator from Georgia [Mr. BROWN] very truthfully said the other day, that rail transportation can not compete with transportation by water. When navigation is open from Chicago to tide water the railway companies carrying freight from Chicago to New York have no more to do with fixing the through rate than I have with fixing the income which the Senator from West Virginia shall receive from his investments. In order to carry at all, they must bring their rates down to the lowest point for which another will carry; and when navigation is open, whether by lake, by canal, or by river, the railway companies have to bring rates down low, very low in order to carry through freight at all, because a rate which is ruinously low to the railroad carrier affords a handsome profit to the carrier by water.

The conditions of water transportation, as to cost, &c., are essentially different to that by rail. The river and the lake are natural highways, free to all; they are highways furnished ready-made, free of cost, for the use and benefit of all. No cost of maintenance or repair rests upon any one as a condition of such use. If the river needs improvement, or the harbor on the lake, the necessary expenditure is made by the general public.

Now tell me, pray, what philosophy or reason there is, as a matter of principle, for declaring that because the railway carrier from Chicago to tide water in the East is obliged to meet a rate which is made by the vessel, and therefore to give a low rate through to the ocean, that those who live at a station fifty or a hundred miles out from Chicago, situated on only one railroad line, shall have the benefit of that competition? It is an attempt to take away from communities and from people natural advantages which they have, and advantages which they have acquired and paid for, under the supposition that it will tend to give advantages to other points to which, in my judgment, they are not entitled.

Mind you, I do not attempt to justify on the part of any railway company exorbitant and unfair rates from local points. I do not attempt to justify charges upon the part of a railroad company from local and non-competing stations which are made with sole reference to enable them to recoup and make up from such localities what they fail to get because of the competition at other points. I think this bill will, if enforced, prevent extortion; but what I assert is this, that situated on one line of railway only, without any lake, without any river, without any competition, you have no right to complain that you have not the same competition that Chicago and other points differently situated have, nor have you a right to demand by operation of law the benefit of competitive prices which nature has denied you, and which you have not possessed either the power or the enterprise to acquire. Railway companies meet at Chicago a rate made by water. It is too low, if you please. It is not too low because they want it to be low. It is not voluntarily made too low to enable them to make money by discriminating against local points, for railway companies want to get from competing points as well as from local stations all the traffic they can and the highest rates they can, but the through rate is made low because of the competition, it is made low because the river and the lake will carry the freight if the railway carrier does not, and it is low because it must meet that rate or not take it all.

Now, this proposition that a railway company shall not charge more for a short haul than for a long haul, is to do what? It is to say that a station 50 miles this side of Chicago which has but one railway, which has no transportation by water, which has no competitive forces whatever, shall have precisely the benefit of the competitive forces that Chicago has, that Milwaukee has, that Omaha has, that certain points in Kansas have, that Saint Louis has, that Kansas City has, that Saint Paul has, that Minneapolis has. Is there any justice in that? To my mind it is a species of communism; it is an attempt to take from those who have competition that which they have and to give it to those who have it not and who, by the operation of natural laws, are not entitled to it. It is an attempt by this amendment to provide what? To provide that the maximum rate—and Senators say it is not a bill relating to rates at all—from local and non-competing stations shall be the competitive rate from the competing point. The West never could have been built up but for the competition which has brought it near to tide water.

It has been considered a desirable thing to the whole country that the frontier should be pushed rapidly farther and farther to the westward. To that end, by the expenditure of millions and millions of dollars brought here from the Old World and from the New England States, as well as that contributed by the West and by the localities to be immediately benefited, hundreds and thousands of miles of railroads have been constructed. What for, if not to bring nearer to the markets of the East and to export facilities those distant regions and their products? How could this result if the mileage basis of freights is to be applied?

Natural advantages are pretty well distributed after all. We have been brought by this immense expenditure of money nearer to the tide-water. We have abundance of water competition, and our lands are more easily tilled and cost less money than lands in West Virginia probably. But the Senator from West Virginia must not forget that his constituents have advantages over us. Our people occupy the boundless prairies, and are far from fuel, which comes to them at great cost, and are far from manufacturing centers, while West Virginia—and this is true of many of the other States—has wood and coal and iron and manufactures in abundance and at hand.

Mr. President, I admit the difficulty of the subject. I do not claim to absolutely know that I am right about it; I have great faith in the opinions of the Senator from West Virginia; but if I can reason upon this subject, it is a proposition which, while it will injure the West, while it will destroy the competitive forces which we have there and to which we are entitled, while it will destroy largely the export business of the country and will injure the merchants and manufacturers and business of the East, it will not benefit the people who are so strenuous in favor of the adoption of this amendment.

I want to ask the Senator from West Virginia what percentage of the business of the Pennsylvania Railway Company, to which he referred the other day, is its through business?

Mr. CAMDEN. Ten per cent.

Mr. SPOONER. Ten per cent. Now, look at that a moment. Ten per cent. of the business of the Pennsylvania Railway Company is its through business, which you say is done at a low rate, affording very slight profit. Ninety per cent. of its business is local business, 90 per cent. of it is the business which gives life and strength and power and wealth to the Pennsylvania Railway Company. Now, if you provide that the Pennsylvania Railway Company shall, if it takes business at the low through rate which is necessary from Chicago, correspondingly reduce its local rates between New York and Chicago; if you say to the Pennsylvania Railway Company "the maximum rate from all your local stations between Chicago and the seaboard shall be this competitive rate fixed at Chicago," what will the Pennsylvania Railway Company do? It would not hesitate one moment as to what it would do. No man of sense could hesitate for a moment as to what it should do.

It would simply no longer meet that competitive rate. It would not give away 90 per cent. of its business, the business upon which it relied to pay its interest and keep its road-bed in repair and keep its rolling-stock in condition and in good supply—it would not give away that business.

Mr. CAMDEN. It does not do it now. It has established the long and short haul principle.

Mr. SPOONER. I do not know about that. I do not know what rebates that company is giving. I do not know anything about the inside history of its transactions; but I do know this, I think, that if the Congress of the United States says to the Pennsylvania Railway Company "whatever rates you put upon this 10 per cent. of through business, which you take in competition with the lake and the river and the canal during the season of navigation, will be the utmost limit of your local charges," the Pennsylvania Railway Company would not hesitate one moment to say that it would rather sacrifice the 10 per cent. through business than lower their local rates.

Would they hesitate to say it? It can not be possible. The result would simply be this: They would put up their through rates. They would not get the freight, of course, but they would rather throw away that 10 per cent. of business which they carry at trifling profit, if any, than to sacrifice one single farthing of their local rates between Chicago and the seaboard. That is what they would do. That is what the Lake Shore would do. That is what those two competing lines would do, and what other roads would do throughout the country where such competition exists. They would say to the carriers by water, "Take this freight at your price until navigation closes and our turn comes. We will not throw away our local freights in order to be able to carry this small percentage of our business for little or nothing from Chicago and Milwaukee and Omaha and the other competitive points of the West to tide water."

Then what will come about? Do you think they will then lower the local rates? Not at all. They would have lost what little business they had on the through freights, and they would feel just that much less inclined to lose anything on the local rates. They would put up the through rates and they would not lower the local rates a cent. On the contrary, they would be likely to raise them, and they could do it with impunity, keeping up the through rates, for the local rates of the country are as a rule high only by comparison with the through rate. If they charged too much for carrying from a local station, you would make your complaint to the commissioners, under this bill, that they were discriminating against you, that they were perpetrating extortion upon you, and seek a remedy here; but you would not get any reduction of local rates, it seems to me, by the railway company by reason of your having destroyed their business from competitive points.

But that is not all. What else would result? While it would not benefit these local stations at all it would injure the West and the East (for the low through rates are from east to west as well as from west to east), because it is with the carriers by lake and river as it is with the carriers by rail; they get the highest price they can, and if the railroads are not longer obliged to compete with the river and lake and canal, if that transportation belongs entirely to the water, the water rates will go up and they will stay up as long as navigation lasts; and when navigation is closed, what then? You can not pool very well the business of the railway carriers with the business of the steamboat and vessel men, because the water is free as air, and the interests are diverse, the ownerships are not brought together; but the very moment navigation closes, the very moment you can not carry by water any longer, the very moment the interests of the country are dependent upon rail transportation, and the farmers of the West will have to send by rail or not at all, then the merchants of the West who want their goods from New York, from Baltimore (if Baltimore wants any more of our products or any more of our trade), must rely solely upon the railway carriers. Under such a law as this, which lays upon the railway carriers a command to keep up their through rates under penalty of reducing their local rates upon which they rely for their life, they will be forced to combine, to consolidate, and to keep up the through rates lest their local rates suffer.

Sir, experience may lead me to a different conclusion; further investigation by competent men bent upon arriving at a correct result, laid before Congress, may lead us all to a different conclusion; but for the life of me I can not see any other effect from this short-haul and long-haul provision which the Senator from West Virginia and some of his friends seek to ingraft upon the bill than that it shall stifle the competitive forces of the country, and that not for the benefit either of local points.

Mr. CONGER. Will the Senator allow me to ask one question?

Mr. SPOONER. Certainly.

Mr. CONGER. The Senator does not deny or affirm that a charge twice as much for half the distance on the same road is either right or wrong, or that this bill in its further provisions would affect it in any way. That he leaves untouched. But the Senator dissuades me from voting for this amendment by saying that these great monopolies have the power to increase the proportion between the short and the long haul to the disadvantage of local points, and that because they have this terrible monopoly of power it is best to succumb to it and yield to it for fear of something worse. Now if I understand his argument, that is it; and if it is different I should like to have it settled.

Mr. SPOONER. My argument is this: I do not claim that it is fair to charge twice as much for half the distance if you state that abstract proposition; I claim no such thing; but I claim that if the railway company, in the case you put the other day, is perpetrating an outrage upon the people of Michigan, under this bill if it becomes a law it will rest in the power of the commission to bring the company "to book." I claim that without the short haul and long haul provision it will be, upon complaint, in the power of the commissioners, and their duty, to decide against the company. It will be the duty of the district court of the United States, at the expense of the company or the United States, to pursue, upon their report and decision, a remedy for the citizen or the community; and under this bill, if the railway company persists in doing injustice, exemplary damages are allowed and provided for, and in addition to that, having regard for the large public interest added to the individual interest complaining, if the railway company still persists, then, as of course, the arm of the Federal courts by injunction preventive or mandatory is laid upon them to right the wrong.

The argument which I have made, or at least which I have intended to make plain to the Senate, is that a fair trial of this bill, with all its safeguards and all its penalties, with its elasticity of detail, will enable the commissioners to guard against the evils which are complained of, and that there is no necessity for resort to this long-haul, short-haul experiment which may be so fatal in its injurious effects. Time, I say, may show that I am mistaken in this; but I am afraid now with the information before us to adopt as a corrective a provision which, in my mind, will put up the through rates and stifle the competition of the country. Detroit has the benefit of competition, Detroit is entitled to the benefit of competition to the tide-water and from the tide-water to the West. A large part of Michigan tributary to Detroit has that benefit too. Until the provisions of this bill have been fairly tried, until these commissioners have investigated and reported, until we know something more about it and its probable effect, I am not willing myself to vote for a proposition which, while to my mind it will not remedy the evils complained of, will inflict upon the country others which are far greater.

I do not say, mind you, that there are not all through Michigan, as I know there are doubtless in my State, some outrages upon the part of carriers that ought to be remedied; but I think I see that a wise and honest and strong enforcement of this bill, if it shall become a law, will enable us to remedy those wrongs without striking down by this provision——

Mr. CONGER. Let me ask in that same connection a question.

Mr. SPOONER. Certainly.

Mr. CONGER. I admire the candid manner in which my friend treats this subject. I alluded in my remarks to actual existing cases in Michigan, and I did that without referring to some other cases in other States, because the State of Michigan, two peninsulas as it is, almost surrounded by water, has access to water communication very direct from all its interior to the East, to the West, to the North, and almost to the South. Now, the statement which I made was in regard to charging so much more for carrying flour to the East from points in Michigan than would be charged from Chicago; that it was the interest of the millers in Michigan having access at reasonable distances to the water around it to pay freight clear back 100 miles to Chicago and then get contracts over the same roads to carry their flour to the Eastern market.

If there is that hardship in a State surrounded by water as Michigan is, what may it not be in States which have no such water communication—States like West Virginia, States like Ohio and Indiana? If, with all our water advantages—we are wonderfully situated in that respect—there can be such great impositions upon the producers of the grain and the flour of Michigan, what must not the disadvantages be in States that have no such easy competition?

Mr. SPOONER. Why, Mr. President, I have not in anything that I have said attempted to defend the discrimination of which the Senator complains. I do not know what the precise facts are in that case. I do not know what governs the railway companies in their action. If I understand the statement, I have no hesitation in saying to him that upon its face it seems like an unjust discrimination which ought to be prevented. I have no doubt that there are similar ones in every State in this Union. I do not deny that. I justify the passage of this bill; as one of the representatives of the people, I demand the passage of some such bill in order to guard against unjust discrimination everywhere; but my proposition is simply this: that we ought not to strike down the competing points and tributary sections throughout the land in order to protect—for I think it would not protect—these local points. I deny the efficacy and the justice of the proposed remedy. If the charge from the local points is an unreasonable charge, then this commission, as I have tried to show, will have the power to lay its hand upon it and to apply a corrective. The proposition which I make is that we can remedy that; at any rate we ought to remedy that without resorting to this short-haul provision, which I believe attempts to give to a single station this side of Detroit all the competition by water and

rail that Detroit has, that attempts to equalize along every railway of the country by legislation advantages and disadvantages, natural and acquired.

I am very far wrong if this bill without this short and long haul provision would not enable the commission to reach the grievance of which the Senator from Michigan complains. Of course, as far as these discriminations are local to a State, its Legislature may apply efficient regulation.

Mr. CAMDEN. Will the Senator allow me to ask him a question now?

Mr. SPOONER. Certainly.

Mr. CAMDEN. In reference to the disadvantages the farmer of the West is placed under by this amendment let me take the case of Ohio, which produces about 40,000,000 bushels of wheat, or the State of Indiana, which produces something more, or the State of Illinois, about the same, or West Virginia, four or five million bushels and a larger proportion of live-stock.

I want to ask the Senator what hardship it is on the States west of the Mississippi if they are limited to getting their products to the seaboard market at the same price that the East pays between the seaboard market and the place of production? In other words, is it not liberal and fair to the Western States if they are permitted by legislation to get their products to the sea-board market at the same price as the great Middle and Western States lying between the seaboard and the Mississippi River? Is there any discrimination against the West, is there any hardship against the West by the enactment of this provision which leaves to the commission a discretionary power to vary the rules where it is necessary to secure the proper rights of the railroad and also to equalize different sections of the country? Can there be any hardship to the West in that, and is it not a liberal provision in favor of the West?

Mr. SPOONER. If I understand the question of the Senator from West Virginia, he is simply arguing in a circle. That is the very question which I have attempted to discuss from the beginning. Our people get their low through rates, if you please, from Chicago; they pay their share of a fair local rate to the competing point before they have the advantage and benefit of the through rate; and the question is not so much whether we are charged too little as it is whether you are charged too much. We are entitled to all the benefit that competition gives us, if at Chicago, if at Milwaukee, if at Saint Paul, if at Duluth, if at Kansas City, if at Saint Louis, if at Omaha, if at the other competitive points west of Chicago we have the benefit of rivers and of competing lines of railway which you have not at Parkersburg.

Mr. CAMDEN. I ask the Senator, do we take any of these competing advantages? Are not the water ways left there, and the water ways always secure competition? Are not the competing railways left? Are not the shippers left at perfect liberty to avail themselves of the natural water ways and the natural competition?

Mr. SPOONER. Not at all. That is what is complained of, that you do strike down our competition, that you do attempt to take away from us advantages which we are entitled to, because you admit yourself that the through business for the trunk-line railroads is a trifle. You admit yourself that that business they carry for trifling pay. You admit yourselves that it is of no consequence to them in the great volume of their revenue. Now, can anything be plainer, that being true, than that if you say to those railroad companies, "Look to the rates you give the West; we are watching you, and if you give to the farmers of the West, the grain-growers of the West, the cattle-dealers of the West, a lower rate, notwithstanding all this competition at different points, notwithstanding the fact that the water makes the rate and not the railroad, if you give them this low rate, you must correspondingly reduce your rates from all the local stations between Chicago and the seaboard," the through rates go up, and up to stay? Can anything be plainer that this kills the competition both by water and rail?

Mr. CAMDEN. I do not want to interrupt too often, but right in that connection I wish to make a suggestion. Suppose there is a reduction on wheat or live-stock or any agricultural product from Chicago, is there any fairness in allowing the States west of the Mississippi to sell wheat in the market at 5 cents a bushel below what it can be sold for in Indiana, Ohio, Kentucky, West Virginia, or Illinois? You are discriminating against those sections of the country. You are enacting a law that that shall be lawful, and this commission can not go behind it; and if they can not, whenever complaint is made of undue discriminations to the commission you have an answer right in the words of the statute which has authorized the action.

Mr. SPOONER. The Senator from West Virginia is arguing a question which I have not yet come to. My proposition is this, and it seems to me too plain almost for discussion: The farmers of the West are entitled to just what you are entitled to, the benefits and the advantages that their situation gives them. If they are so located that competing forces at work give them a lower rate, whether by rail or by water, that is their advantage under the providence of God, and it is not your disadvantage. It is not a discrimination made by railway companies against you; it is a discrimination arising from the situation.

Mr. CAMDEN. I wish to ask one question, and then I shall not trouble the Senator again. He says the Western farmer gets his produce to market by rail one-half of the year. Now why should you so provide as to give a cheaper rate to the Western farmer west of Chicago than is given to the farmer living in Ohio? And why should we by a bill discriminate against the bulk of the farmers of this country in favor of 15 or 20 per cent. who are better located, and enable them to bring their products to market at a cheaper rate?

Mr. SPOONER. That is the same old question.

Mr. CAMDEN. That is the point that my friend can not answer. The proposition can not be answered.

Mr. SPOONER. It is a proposition that I think can be answered; it is a proposition which seems to me to need no answer. I say again, and I am sorry to have to repeat it, that if the local rates are too high, if the railway company charges you from your local and non-competitive station more than a fair equivalent for the service which it renders, then it is guilty of extortion. Your community has the right to complain under this bill, and the bill affords, through the instrumentalities of the Federal courts, without the expenditure of a dollar by your people or by your community, a remedy.

But I have attempted to argue that while the amendment you offer, and upon which you insist, will put up the through rates, it will not reduce the local rates. I do not want, nor does any man in the West want you to pay more than you ought to pay for carrying your freights. We have no interest under heaven in any discrimination against you; we have no interest in crippling your business; we have no interest (indeed our interest is the other way) in any legislation which shall discriminate against you. All we say is, that you have no right to legislation which shall discriminate against us. All we say is, that you must submit to the disadvantage of your location. You live nearer the sea. If you ought to have lower rates than you get through all this competition, make your complaint and get them, or build your competing roads and get them; but pray can you not discover some remedy to protect you against extortionate local rates without objecting to our having low through rates any more at competing points? We insist that you shall try.

Why, Mr. President, for years railway rates, local as well as through, have been going down, down throughout the country. This fact is illustrated by the railroad commissioners of Iowa, who, in their report for 1881, occupy forty-six pages with tables and statements showing the reductions in rates in that State, and in which they particularly call attention to the fact that "the reduction is not confined to the through traffic; it applies, in a somewhat smaller ratio, it is true, to the local traffic as well." (Page 7.) And they conclude their remarks upon the subject as follows:

> We venture to say that this average percentage of reduction for the last fifteen consecutive years will be a matter of no little surprise to everybody who does not make the study of freight tariffs a somewhat regular habit. Although we have made no calculation to demonstrate it, we venture to affirm that an equal average reduction in the cost of any kind of service for which the people pay a money consideration can not be found during the past fifteen years.

I quote from an able article on railway rates by Mr. G. T. Lansing, in the Popular Science Monthly for April, 1886. The fact is further illustrated by some statistics of Mr. Edward Atkinson as to the business done by the New York Central Railway Company within the last few years. He says the tons moved one mile on the New York Central and Hudson River railroad increased from 1865 to 1885 570 per cent.; that the charge per ton per mile on this line was 408 per cent. higher in 1865 than in 1885, and that the profits for moving one ton of freight on this line was 552 per cent. greater in 1865 than in 1885.

But I can not make this proposition any plainer than I have attempted, though under great disadvantage, to make it. I beg leave to suggest that the condition of this country, of its commerce and business, to-day is not quite favorable for the experiment upon it which the Senator from West Virginia proposes. The commerce of the country to-day is suffering tremendous depression. Everything that is sold is sold on a narrow margin of profit. It is a bad time to introduce into the business of the country such an element as this. It is an inauspicious time to attack New York, and Baltimore, and Boston, and Philadelphia, and Chicago, and Milwaukee, and Detroit, and Saint Paul, and Omaha, and Kansas City, and the thousands of other competitive points in this country.

The farmers of the West are meeting on everything they produce a competition which is almost intolerable. They meet it in their dairy products. They are brought into competition with the imitations of butter, having a tremendous sale, which have already made an almost disastrous impression upon the legitimate dairy business of the West, and to some extent of the East. They can not stand any addition to through freights.

Take the tobacco of which Wisconsin raised $5,000,000 worth last year in value, and the competition under our tariff classification as it is to-day with Sumatra tobacco lays almost an embargo upon that industry. I think I may appeal to the Senator from New Jersey that this competition operates to his vast detriment, though he raises his tobacco within sight of the sea. Our farmers can not stand an added price for transportation from the West to the East. Corn and some other products must rot in the field and granary if they are taxed much for transportation. You take the item of wheat. How will the wheat

farmer live if compelled to pay higher freights upon his surplus wheat? It does not come out of the middleman; it comes out of the farmer. I need not say here that the farmers of the West can not endure higher freight rates on their wheat to tide water.

The competition which meets the American wheat-grower is now all that this interest can endure. It is worth remembering in this connection that England is doing her utmost—and everything almost is within reach of accomplishment when England does her utmost—England is doing her utmost to drive American wheat from the markets of the world. The competition with Indian wheat is such that the farmers of the West can not bear one penny added to the cost of the transportation of their surplus product to the seaboard any more than your merchant in the East and your manufacturer in the East can stand it to have an addition made to the cost of transportation from your market to our Western prairies or than your consumer can afford to pay higher for what he buys of our products to eat.

I have some figures from a report about to be presented to the Senate by the distinguished chairman of the Committee on Transportation Routes to the Seaboard, the Senator from Rhode Island [Mr. ALDRICH], which I beg leave to say will be found to be of great value for accuracy, research, and ability, and I invite the attention of those Senators who are so willing to strike down the Western wheat-grower to these figures, showing that for thirteen years ending in 1872 1,000,000 bushels of wheat were sent from India to the United Kingdom, which was our best market, and for the thirteen years ending in 1885 122,000,000 bushels. During those years India changed her position or rather England changed India's position from thirteenth to fourth in the order of wheat-exporting countries. The other day I picked up the report of the Department of Agriculture for April and I find in it, what will surprise no man, this statement:

Steps are being taken to ship Indian wheat in a better state of cleanliness than heretofore, which are expected to increase the value by from 5 to 7 per cent. Much improvement has been made in this regard since the first introduction of Indian wheat into English markets; nevertheless it is estimated that in the last export season 30,000 tons of dirt and foreign matter were carried to the seaboard and, in part, exported abroad.

A steady, constant, powerful effort is being made to develop that industry, to improve the grade of wheat, and to put the Indian wheat-grower where the American wheat-grower has been.

A scheme has been floated in London, through the instrumentality, it is said, of the secretary of state for India, Lord Randolph Churchill, by which the directors of the Great Indian Peninsula Railroad will be enabled to extend their system via Bhopal to Gwalior, Agra, and Cawnpore, in the Indian midland. This plan has long been advocated by the Bombay Chamber of Commerce, and when completed (in five years, according to the calculation) is expected to exert a most important influence on trade, as it shortens the distance to Cawnpore by 134 miles and opens up some of the finest wheat and seed lands in India.

The rates for carrying in this country have gone down for the last few years, as I have said, but I tell the Senator from West Virginia they have not gone down as much as they have from the Indian wheat ports to Liverpool. I find in this report made by my friend from Rhode Island [Mr. ALDRICH] certain statistics as to freight rates from Calcutta. The rate per bushel in 1874 was 32.6 cents, the rate in 1885 was 18.1 cents; from Kurrachee it was in 1874 39.8 cents, now it is 16.7 cents; from Bombay in 1880 it was 32.5 cents, and now it is 16.2 cents. From Russia, which has entered the lists, from the Black Sea it was 19.4 cents in 1873, and it is now 10 cents; from the Baltic Sea it was 9.7 cents in 1873, it is now 6 cents. From our Atlantic ports it was 21.1 cents in 1873, it is now 10.8 cents, and from the Pacific ports it was 26 cents in 1885. It will not be a year until the rate of freight from the Indian ports will be lower under the influence of England and the competition which she is building up than from this country. Shall we, shall the American Senate strike hands with Great Britain to drive the American wheat-grower out of the markets of the world?

It seems to me, Mr. President, striking down the competition in the West can have and will have no other effect; I can not for my life see how those gentlemen who represent the Atlantic seacoast can favor this proposition. We can not ship to New York and Baltimore and Philadelphia and Boston if we are to be denied the benefit of a low through rate. I see but one result if it is persisted in, and that is that a large part of Illinois and Nebraska and Iowa and Dakota and Wisconsin and Minnesota and Kansas will be compelled (and it will come as true as the sun comes in the morning if this policy is forced upon us)—will find its export market at Montreal, beyond the reach of such a jurisdiction, instead of as heretofore from New York and Baltimore and Boston and Philadelphia. And where our products are exported our merchants will be likely to buy. The Lake Superior system of commerce will take all this to Canada, and Canada will not be backward on her part.

Mr. President, section 4 of this bill, even if it were amended as the Senator from West Virginia [Mr. CAMDEN] proposes, admits the principle for which I contend, and repudiates the proposition upon which the Senator from West Virginia bases his argument, to wit, that under no circumstances is it fair for a railway company to charge more for a short than for a long haul.

Reference is made to Massachusetts, from which section 4 is taken. In Massachusetts an attempt was made to incorporate into the law, for operation within the State only, this amendment of the Senator from West Virginia, but the Massachusetts general court, with great unanimity, voted it down. They were not willing to strike down competition in that State, as they saw and knew that such an amendment would do, and so they inserted in their law, and it has remained in their law, the very words which the Senator from West Virginia is so anxious to strike out—"from the same original point of departure."

Section 4 of the bill provides—

That it shall be unlawful for any common carrier to charge or receive any greater compensation in the aggregate for the transportation of passengers or property, subject to the provisions of this act, for a shorter than for a longer distance over the same line in the same direction and from the same original point of departure.

The Senator from Illinois [Mr. CULLOM], I think, would hardly have dared to face his constituents and report as chairman of this committee this section as I have thus far read it. I doubt if the Senator from Connecticut [Mr. PLATT] could have been induced to favor such a provision standing by itself. Let me complete the section. It is thus:

Provided, however, That upon application to the commission appointed under the provisions of this act such common carrier may in special cases be authorized to charge less for longer than for shorter distances for the transportation of passengers or property, and the commission may from time to time make general rules covering exceptions to any such common carrier in cases where there is competition by river, sea, canal, or lake, &c.

Here we have a recognition by the committee, after all the testimony it took, that there are, and will be, circumstances under which it would be injurious to the commerce of the country, and to the people, if the carrier is not permitted to charge more for a short haul than for a long haul.

Mr. CAMDEN. How is that provision affected by my amendment?

Mr. SPOONER. I understand that the pending amendment simply proposes to strike out from section 4 as it stands the words, "and from the same original point of departure."

Mr. CAMDEN. That is all.

Mr. SPOONER. Leaving the section to stand as I read it, with the provision in it that the Senator from West Virginia thinks ought not to be in it, that wherever there is competition by rail, by canal, by lake, by river the carrier shall be exempted from the operation of the provision in this section if the commissioners, or a majority of them, think the popular interest will be thereby subserved.

I do not think this proviso is adequate protection. If it be admitted, as the committee admits, as the bill admits, and as every one seems to admit but the Senator from West Virginia, that an absolute long and short haul provision would stifle competition, it seems that the Senate of the United States ought to hesitate a long while before it votes to turn these competitive forces—in which the people have so vital an interest, distributed all over the United States under every imaginable combination of circumstances, for which localities have taxed themselves millions of dollars—over to the discretionary power of a commission of five men.

I would not give the competitive benefits which we have in the country to-day and the interest of commerce over into the keeping of any board unless it was made up of angels. It is a dangerous experiment to try; and the Senator from West Virginia the other day made an argument against it which ought not to be forgotten, and I think he would not be content with it now if he did not regard the proviso authorizing exceptions to be made as an utterly nugatory provision. He said, and he said wisely, although perhaps I ought not to say it, that from the very beginning these commissioners, if they exercise the power given by the proviso, would be exercising it in favor of the railway companies and would be immediately brought under suspicion and their power for good would be impaired at the outset. Moreover, there would be so many complaints, with all the other matters of complaint which would come before the commissioners, that they would find it impossible, if they numbered one hundred instead of five, to consider the cases in which the interests of the people would absolutely demand that they should make exceptions.

I had the honor to give notice a few days ago that I would offer an amendment to this section, and I for one moment ask the attention of the Senate to this amendment. I do not know that it will meet the favor of a single Senator. I do not claim that it would accomplish what the Senator from West Virginia wants to accomplish; I do not think it would; but I do think it is the only safe provision which ought to be made in reference to this dangerous and difficult subject at this time. I have changed the language of section 4 around. Instead of making it a rule that no railroad company shall charge more for a short haul than a long haul, and giving to these commissioners the power, where they think it is best, to make exceptions, I have drawn a proposed section as follows:

It shall be lawful for said commissioners to prohibit, in special cases or by general rule, any common carrier within the provisions of this act from charging or receiving any greater compensation, in the aggregate, for the transportation of passengers or property subject to the provisions of this act for a shorter than for a longer distance over the same line, in the same direction, and from the same original point of departure: *Provided, however*, That the power by this section given to said commissioners shall not be exercised so as to substantially deprive any place or community of the benefit and advantage of competition existing or hereafter to exist, it being the object hereof to provide in said commissioners a means of preventing, wherever the same can be done consistently with this proviso, any such carrier from recouping or making up by means of increased charges from local and non-competing stations for rates lowered elsewhere by reason of competition: *Provided further*, That the action taken by

said commissioners under the provisions hereof shall be upon notice to the railway company or companies interested, and upon due hearing by said commissioners; and it shall be the especial duty of said commissioners to investigate and report at the next session of Congress as to the extent to which, if at all, the commercial interests of the country and justice to the carriers engaged in interstate commerce demand or permit the enactment of a law prohibiting carriers within the provisions of this act from charging or receiving any greater compensation, in the aggregate, for the transportation of passengers or property subject to the provisions of this act for a shorter than for a longer distance.

I should be willing, I think, to have this amended by striking out these words, "and from the same original point of departure," with the limitation contained in the proviso.

It has seemed to me that no Senator ought to be willing to vest in any commission a power over this subject, except with a declaration that they should not exercise it so as to substantially deprive any community of now existing competition. It is a limitation which I think the people will demand and the justice of which is apparent.

I am not surprised that the committee should, even after investigation, be unwilling to grapple with the question of pooling at this session, but should prefer to recommend delay until by more complete investigation more intelligent action can be had, but I confess to great surprise that the committee should at the same time consider it wise, without the most complete investigation possible, to arrest even in a qualified way the competitive forces of the country as provided by section 4. I think they could not have been criticised as too conservative in a matter of so great danger and delicacy and difficulty if they had left that, with the subject of pooling, to a future thorough investigation.

Mr. PALMER. Mr. President, I am opposed to the amendment of the Senator from West Virginia [Mr. CAMDEN] because it is unfair to the railroads and it is unfair to the people. I do not suppose that I shall be accused of entertaining any particular regard for railroads as railroads, but only as servants of the people. I think that this amendment would discriminate against certain of our railroads in favor of others, against our railroads in favor of foreign corporations; and as an illustration will serve to give my idea better than any amount of logic, I will state a fact which does fully illustrate it.

Two or three years ago wheat was carried from Chicago (and Chicago has been the chief point that has been discussed here to-day, and it probably ships more freight than any point in the United States unless it is New York) to tide water at a rate of freight so low that it was put down to 10 cents a hundred on wheat. That was equivalent to $2 a ton from Chicago to New York. It was equivalent to 2 mills a ton per mile. What little I know of railroads leads me to believe that this freight, independent of other circumstances, could never have been transported for 2 mills per mile; but in the dull season of the year, when empty cars in the absence of that freight would be rolling back to tide water, the railroads could afford to take it and did take it. Why did they take it? Out from Chicago run numerous railroad lines.

There is the Pennsylvania Central, there is the Baltimore and Ohio, there is the Michigan Southern and Lake Shore, there is the Michigan Central, there is the Detroit and Milwaukee, which is now a part of the Grand Trunk, there is the connection the Grand Trunk has with its steamers from Chicago, and also the connection with the New York Central by steamer from Chicago.

Now suppose that the railroads had not taken that wheat at 10 cents a hundred from Chicago to New York, what would have been the result? It would have been taken by lake steamers, barges, or other craft down to Collingwood, at the foot of Georgian Bay, shipped on board the cars of the Grand Trunk road, taken to Montreal, and shipped to Europe, or it would have been taken down the lake to Point Edward, at the foot of Lake Huron, shipped aboard the Grand Trunk road there and taken to Montreal, or it would have gone in Canadian and American bottoms through to Montreal, and thus our railroads would have been discriminated against.

However, there is one point I did not mention. It could have gone by steamer to Buffalo, and there the New York Central would have been discriminated in favor of because the New York Central is wholly within the State of New York and is exempt from the provisions of this bill. That is a point which I think has not been mentioned. There is one of the largest corporations of this country that would have been discriminated in favor of. In regard to the point that my colleague from Michigan, for whose judgment I have the highest respect, made in relation to the control that this bill, if it becomes a law, would exercise over the shipping of the lakes, I think it would apply only to that shipping which is connected with some railroad or some canal-boat line and thus makes a continuous line in that way through to New York.

In carrying freights on the lakes nothing is ever said outside of these lines about rates to New York. It is 6 cents to Buffalo, 4 cents to Buffalo, 2 cents to Buffalo, and last year it was brought down to 2 cents a bushel on wheat to Buffalo. The railroads certainly were not there to divide it. They had no part or lot in it.

The rival lines of railroad brought lake freights down to this figure. They made money; they could afford to carry freight very low; otherwise they would have run to the tide water with empty cars.

Now my idea is this: We must not cripple the railroads; we must make them strong, and then make them behave themselves. There is the whole difficulty. We do not want to embarrass them; we want to control them.

As to the point which the Senator from Ohio made when he propounded a conundrum of this character, "If freight was being carried from Pittsburgh to New York at $20 a car, would it be equitable or just to take freight from Chicago to New York for $10 a car?" Abstractly we should say not. Independent of any qualifying conditions the answer involuntarily would be that it would not be equitable.

But when we take into consideration the competition that does exist at Chicago and the necessity for taking these freights at low rates, my opinion is that it would be better for Pittsburgh to permit that road to carry freights at any price it could make money at, particularly freight not naturally coming to it that she could not get without going into competition for it, and then let this commission come in and regulate the freights between Pittsburgh and New York.

In regard to the discrimination that my colleague alluded to, it is not the railroads that make the discrimination, it is the Almighty. Chicago is favorably situated. She has two strings and possibly five strings to her bow. She has the Lake, she has the Grand Trunk road, she has the British territory to go through, and she has these numerous railways of ours.

I think that if the amendment of the Senator from West Virginia should pass it would cover the bill with derision and there would be such a howl over this country before December that all of us who had voted for it would desire to hide our heads.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on the amendment proposed by the Senator from West Virginia [Mr. CAMDEN], which will be read.

The CHIEF CLERK. In section 4, line 5, after the word "direction," it is proposed to strike out "and from the same original point of departure."

Mr. CAMDEN. I believe the yeas and nays have been ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered, the Chair is informed.

Mr. CAMDEN. Mr. President, in concluding the debate on this amendment, I shall not enter into any details or attempt to repeat the substance of the argument made by me some days ago in presenting it. I simply desire to call the attention of the Senate to the vital points embraced by the amendment. In the remarks which have been submitted in opposition to it, the attention of the Senate has been rather directed from the real question involved than to it. The argument of the Senator from Wisconsin [Mr. SPOONER] was one of confession and avoidance, rather than an argument against the proposition embraced in the amendment. The Senator, by his whole argument, admits the justice of the proposition, but contends that in other portions of the bill the remedy sought to be ingrafted by this amendment has been already provided for. If the bill as it stands provides for the remedy in the particulars affected by my amendment, why is it that Senators are so opposed to its adoption?

By the simple striking out of three or four words this section is rendered unambiguous, the plain meaning of the bill is brought out, and the commission itself has power to execute it without any question or doubt as to its meaning, and without reference to common-law principles, without reference to the right of individual shippers under any common-law interpretation of the bill.

This bill in all its provisions and in all its details is to be put in force by a commission, but the powers of the commission and the interpretation to be given by the commission to this act are limited in direct words on the long and short haul proposition. It recognizes the propriety of the long and short haul provision; it recognizes the equity of it; it recognizes its justice as between shippers; but while recognizing that there should be no "greater compensation in the aggregate for the transportation of passengers or property subject to the provisions of this act for a shorter than for a longer distance over the same line in the same direction," it then limits the application of the bill by adding "from the same original point of departure."

By limiting it to the same original point of departure the bill is made to discriminate against 80 per cent. at least, if not 90 per cent., of the shippers of this whole country, and against 90 per cent. of the territory of the United States. What equity and what reason can exist, if you recognize the principle at all for limiting it—what justice and equity can exist in applying it only to about 10 per cent. of the shippers and 10 per cent. of the territory of the United States?

Mr. President, there has been a great deal said against the effect this amendment would have on the shippers of the far West. It is not my desire, it is not the desire of any Senator who advocates this amendment, to impose any restrictions or burdens upon the shippers of the far West; and when you look at it it is remarkable in my mind that the advocates of the producers of the far West should in this Senate contend that because of their distance from the market they must have lower rates, in order to compete, than the nearer shippers living between the Mississippi and the seaboard. What reason is there in that? Is there any reason for changing by law the geographical conditions of this country? This bill simply does that. It changes the geography of the States in order to make the far shipper nearer to the market than

the near shipper, and that the far shipper shall be charged less for taking his products to the market than the near shipper. That is the English of it; that is just what it means.

Mr. President, if the States of Indiana, Illinois, Ohio, Kentucky, West Virginia, and the Southern States are willing in their magnanimity to allow the shippers in the far West to get to market as cheap as these nearer States can, ought the latter to ask more? What condition of things can exist whereby the producers living west of the Mississippi River, so eloquently described by the Senator from Wisconsin, with so many competing lines of railway, should ask Congress to ingraft into this bill the condition that the railroads may give to those distant shippers a less rate of freight than is given to the nearer shippers and producers cultivating more expensive land and using fertilizers?

Senators lose sight of the fact that the markets of the world are open to competition from India and other grain-growing regions outside of the United States, and that the United States must come in competition with those products. They lose sight of the fact that actually more grain is grown between the Mississippi River and the Atlantic seaboard than is grown west of the Mississippi, and they levy a tax upon the greater portion of the product that goes to market for export in favor of the lesser proportion grown west of the Mississippi River.

Mr. President, the act of Massachusetts which embodies the same provision that is in this act as it stands including "the same original point of departure" has been referred to. The conditions are entirely different. In the State of Massachusetts, full of manufacturing towns, with only one seaport city, a State with a small amount of territory, it matters not in that State whether these words of limitation are in the bill or not. Competition there to all points produces the same effect without regard to the original point of departure; indeed there is really no analogy in the application of such a law between the State of Massachusetts with its great manufacturing towns and its great city of Boston as its exporting and importing point and the immense country lying between the Atlantic Ocean and the far West. The conditions do not exist there which make this limitation important one way or the other, but if we pass an act to prevent discriminations over the whole country it must be without limitation; if we do not, we entirely fail to meet the discrimination against 80 per cent. at least of the commerce of this country.

I would not ask that any conditions be imposed upon the railroads which would unduly restrict their business; I would not ask that any restriction be placed on any geographical section of the country that would operate unjustly and injuriously to that section; but if we are going to pass a law to prevent discrimination let us do it fairly and meet all the circumstances and all the geographical conditions and the interests of all the shippers.

Mr. LOGAN. I should like to ask the Senator a question. I have not entered into the discussion of the bill, nor do I propose to do so; but I should like to ask him what we are to understand by discriminations. To illustrate, suppose a man has a thousand bushels of wheat in West Virginia costing the same price for producing it that the man who lives in Illinois has expended in raising a thousand bushels there. Both ship to New York. Does the Senator mean to say that the man in West Virginia pays more per bushel for shipping his grain to New York than the man in Illinois?

Mr. CAMDEN. I mean to say that the people of West Virginia and of Illinois in many portions of it pay more than people farther West.

Mr. LOGAN. The point is what the Senator means by "more." Does he mean on account of the distance, or does he mean that he pays more cents per bushel?

Mr. CAMDEN. I mean that he pays more cents per bushel, more in the aggregate, more per car-load.

Mr. LOGAN. I do not so understand it.

Mr. CAMDEN. It applies to West Virginia and it applies to Illinois outside of Chicago.

Mr. LOGAN. If that is so, I certainly do not understand the provisions of the bill. I do not understand it that way.

Mr. CAMDEN. If it does not have that effect, then my amendment will do no harm.

Mr. LOGAN. I do not understand it that way. I understood the proposition to be that if for instance this commission is appointed, and I reside 50 miles from Chicago and some other gentleman resides 200 miles farther off, and we both ship our grain into Chicago, though I claim that mine should be shipped for less than his, we ship at the same price, and the reason is that there is no advantage to be taken of the two producers. We get into Chicago at the same price and therefore our wheat is at the same profit; the mere question of distance does not affect that at all. It is the purpose to equalize the commerce where it is exchanged. Therefore the discrimination the Senator speaks of by reducing the freights on the wheat near Chicago and putting the rate up on the freight farther away from Chicago is not to exist. When you put it down at Chicago, if the advantage is to the man who is near, that is unfair. Is that what the Senator means?

Mr. CAMDEN. I mean just this, that by the bill itself a shipper 100 miles nearer the market can be charged twice as much as a shipper living 100 miles more distant from the market; and the object of my amendment is to see that the shipper who is 100 miles nearer to market shall not pay more in the aggregate than the shipper who is 100 miles farther distant from the market. That is the point of my amendment.

I will illustrate further to the Senator from Illinois. By this bill the rate per car is limited to the same point of departure. Therefore shippers at the same point of departure will have equal rights; but how is it after the shipment leaves the original point of departure? Take Chicago for instance. After it leaves Chicago and goes into the State 100 miles distant, the restriction is removed. After leaving Chicago the railroad can charge the shipper 100 miles east of Chicago twice the amount that it charges from Chicago. It can come into the State of Ohio and it can charge any shipper there twice the amount it charges from Chicago. It can in the State of West Virginia charge the shipper three times the amount it has charged from the original point of departure.

Mr. LOGAN. Do you mean under this bill?

Mr. CAMDEN. Under this bill. The amendment is simply to remedy that, and to strike out the words "and from the same original point of departure," and let the bill have general application all over the country.

Mr. BECK. I want to see if I understand this. Unless the amendment of the Senator from West Virginia is adopted I understand that a car-load of wheat may go from Minneapolis to Chicago, and that a man living in Milwaukee, one-half way between Minneapolis and Chicago, on the same train may be charged twice as much.

Mr. CAMDEN. That is exactly it. That is what I seek to prevent. That is just the point that this amendment is intended to remedy. The State of New York has adopted the same principle, that the railroad companies shall not charge more for a shorter haul than for a longer haul, under the rules established by the commission of New York. It is the law regulating the railroads in France and in Belgium. As brought out in the testimony of Mr. Kernan, the rules adopted in France are—

1. No more charge for less than for a greater distance.

That is the rule of the government.

2. No discrimination between persons under similar circumstances.
3. No changes in rates except after specific public notice and upon approval of minister of public works.

Mr. HOAR. I should like to ask the Senator a question on that point. Perhaps the question has been put, but I have been absent from the Chamber. Is it not true that there are circumstances in which a railroad should be permitted to make a larger charge for a short haul than for a long one; as, for instance, suppose the intermediate point in the line be a point to which there is no returning full freight, so that all the cars that go one way do not go back full, but go back empty, or the small quantity of matter to be handled requires an increased cost for handling at the station, and all those things which are familiar to every railroad man; or take the case which has been discussed here so often, where to the more distant point there is a competition with a water way, where a railroad in order to take the freight must take it at actual cost or even at a loss, if you consider that point alone? Now if it be true that there are cases to be conceded, cases frequently existing in railroad management, where that should be permitted, then you ought not to have an absolute provision in the bill which prevents it in all cases; but unless it comes within some of those cases which I have supposed, why does not the provision of the bill which authorizes the putting a stop to all unreasonable discrimination come in and cure the difficulty?

Mr. CAMDEN. I answer in the first place that you have not a full remedy here. There are theories on this subject and there are instances in which railroad experts claim that this should be permitted, but I say that those instances can not be sustained. It involves the principle that you can haul a loaded car cheaper than you can haul an empty one. It involves the principle that you can haul a loaded car a greater distance for less money than you can haul it a short distance. Those things do not exist. You may claim that a railroad can haul a car a greater distance for the same money, but no condition of things exists under which you can say that a railroad can haul a car a greater distance for less than nothing, and it involves that very principle. You must say that a railroad can haul a loaded car for less than nothing——

Mr. HOAR. Take this simple case——

Mr. CAMDEN. I have not answered the Senator yet.

Mr. HOAR. Very well.

Mr. CAMDEN. The second proposition the Senator made, if I remember correctly, was that if the conditions exist in any case discretion should be left to the commissioners to remedy it. This amendment does not take away from the commissioners the discretion to remedy these hardships if any are found to exist. That is left in the bill.

The amendment goes no further than to prevent discrimination against 80 per cent. of the shippers and the producers and the farmers of this country. By the terms of this bill it is applicable to only a few competitive points, and is in the interest of a few competitive points; it is in the interest of the large shippers and it is against the interest of the great bulk of the commerce of the people and of the towns of this country, and it can not be supported by any fair argument of justice or equity. In my judgment there can be no reason given for it except

the reason to legislate in favor of the cities and the large competitive shipping points, to build them up and to depopulate the towns and the distribution of manufactories throughout the country.

Look at the operation of this. Take Saint Louis as a point and come into Indiana where there is no competition. You may go 50 miles from Saint Louis and a manufactory could not exist there, because it could not ship its products a shorter distance for the same amount that a shipment could be made for a longer distance from Saint Louis. A manufacturer under certain circumstances might have advantages to build up a manufacturing interest at a local point, yet by reason of the very fact that the competitive point is Saint Louis, and that freight can be shipped at a cheaper rate by competitors in the same business, that manufactory is destroyed. That is one instance.

You may go through Indiana and that same principle is involved all the time. You may go into Ohio, you may go to West Virginia, and the same result follows. Towns can not be built up between intermediate competitive points. If you offer to ship you have to pay more for the less distance; labor must go away from the country to the cities, and the farmers themselves are placed at a disadvantage as against those at the points that are called competitive points.

This principle of the long and short haul is recognized in New York by the railroad commission of the State. It is recognized by the Pennsylvania Railroad Company. There is not a well-managed railroad in this country, in my judgment, that objects to it. It simply has the effect of equalizing rates over the whole country and to give the people and the towns and the shippers of the whole country an equal chance.

Senators can not as a matter of justice or policy urge any good reason for denying this amendment. If this amendment is defeated you ingraft it here on the statute-book and make it stand out in bold relief that this Senate is legislating against the interests of the community at large in favor of large competitive shipping points. We do not ask to do any injustice to the large shipping points by this amendment. I want to see cities grow, but they ought not to grow at the expense of the country at large.

Take the raising of wheat in Indiana, Ohio, Illinois, West Virginia, and in Kentucky; we do not ask to get to market cheaper than those farther west. We say to them, "You are entitled to all the advantages you have; we do not ask a reduction to your disadvantage; we only ask that you shall not have a lower rate than we have in the aggregate." In other words, we ask that you shall not ship wheat or live stock by our doors to the same market, twice the distance, at a less price per carload than we get, thereby reducing the value of our product in the market as compared with your product in the market to the extent that you have a lower rate than we have.

Is there any reason that can be given why this principle should not be of general application? As long as the fourth section of the bill limiting it to the same point of departure stands as it is the bill legalizes discrimination and authorizes the commission, when appointed, to carry it out. And the commission can not do otherwise than carry it out, because it has no power to make rules varying it. If you leave in this bill the words "and from the same original point of departure," the commission can not go beyond that, and when a shipper comes here from an intermediate point and complains of discrimination and asks the commission for a remedy, the reply of the commission will be "There is the law; it recognizes the right to charge you more than the shipper from a more distant point, and we have no power to interfere. We can not change it. We are only appointed to carry out the provisions of the law and we can not go beyond it."

Mr. President, I do not desire to discuss the question further. I have presented the points which I think ought to be considered, and I do not believe it is possible to pass a law permitting discriminations recognized by this bill as it stands. It would mean to apply the principle to a few competitive points and to leave outside at least 80 per cent. of all the people, and all the towns, and all the manufacturing interests of the country. The Senate can not afford to do that. It is the worst kind of discrimination, and in my judgment no bill can give satisfaction, and can reach the points of discrimination complained of in the long and short hauls, that contains the words "and from the same original point of departure."

Mr. RIDDLEBERGER obtained the floor.

INVITATION TO ANTIETAM BATTLEFIELD.

The PRESIDENT *pro tempore*. The Chair takes this opportunity to present a communication from the chairman of the First Army Corps Association.

The Chief Clerk read as follows:

WASHINGTON, D. C., *May* 3, 1886.

SIR: On behalf of the committee of the First Army Corps Association, I have the honor to extend to you, and through you to the members of the honorable body over which you preside, a cordial invitation to join with the association in a visit to the historic battlefields of Antietam and South Mountain, in Maryland, on the 14th and 15th May instant.

I have the honor to be, sir, very respectfully,

EDWARD S. BRAGG, *Chairman*.

Hon. JOHN SHERMAN,
President United States Senate.

FORT SELDEN MILITARY RESERVATION.

Mr. PLUMB. Mr. President, a bill has to-day been received by the Senate from the House of Representatives, granting the right of way through the Fort Selden military reservation, in New Mexico, to the Rio Grande, Mexico and Pacific Railroad Company, a bill which has passed the Senate twice heretofore and is now on the Calendar. I ask unanimous consent to take up the House bill for passage. It will take but a moment, and it is important it should pass at an early day.

The PRESIDING OFFICER (Mr. HARRIS in the chair). If the Senator will indulge the Chair a moment the Chair will lay before the Senate bills from the House of Representatives. The Chair will first lay before the Senate the bill (H. R. 661) granting the right of way through the Fort Selden military reservation, in New Mexico, to the Rio Grande, Mexico and Pacific Railroad Company.

The bill was read twice by its title.

Mr. PLUMB. I ask that the Senate proceed to consider the bill.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent for the present consideration of the bill just read.

Mr. PLUMB. I will state that the railroad was built years ago through this reservation by the permission of the Secretary of War. The Senator from West Virginia [Mr. CAMDEN] is familiar with the case. I think he reported a couple of times to the Senate a bill for this purpose which has passed the Senate twice.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill, which grants the right of way to the extent of 100 feet, and no more, in width through the Fort Selden military reservation, New Mexico, to the Rio Grande, Mexico and Pacific Railroad.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. If there be no objection, the Senate bill on the same subject, the bill (S. 189) granting the right of way through the Fort Selden military reservation, New Mexico, to the Rio Grande, Mexico and Pacific Railroad Company, will be indefinitely postponed.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 1341) to construct a road to the national cemetery at Natchez, Miss.;

A bill (H. R. 3440) making an appropriation to construct a macadamized road from the United States barracks in Saint Bernard Parish, Louisiana, to the national military cemetery at Chalmette, in said parish;

A bill (H. R. 5401) making appropriations for additional barracks at the Southern, Northwestern, and Western branches of the National Home for Disabled Volunteer Soldiers;

A bill (H. R. 7183) to authorize the purchase of a certain tract of land near San Antonio, Tex.; and

A bill (H. R. 7191) to provide for the enlistment and pay and to define the duties and liabilities of "general-service clerks" and "general-service messengers" in the Army.

The bill (H. R. 606) authorizing the removal of the statue of Maj. Gen. John A. Rawlins from its present location to a site to be selected by the Secretary of War, was read twice by its title, and referred to the Committee on the Library.

The bill (H. R. 985) authorizing the Secretary of War to transfer the United States barracks at Baton Rouge, La., to the Louisiana State University and Agricultural and Mechanical College at said place for educational purposes, was read twice by its title, and referred to the Committee on Public Lands.

The joint resolution (H. Res. 112) for the relief of the estate of the late James G. Wintersmith, late Doorkeeper of the House of Representatives, was read twice by its title, and referred to the Committee on Appropriations.

STATUE OF GENERAL RAWLINS.

Mr. LOGAN. I would like to have the bill authorizing the Secretary of War to remove the statue of General Rawlins taken up and passed. I am sure there will be no objection to it. It appropriates $500, and gives the Secretary of War authority to select the site where it shall be placed.

Mr. CULLOM. I must insist on the regular order from this out. I have yielded two or three times.

The PRESIDING OFFICER. The Chair has recognized the Senator's colleague.

Mr. CULLOM. I thought he was through with his request.

Mr. LOGAN. No, I merely asked to have the House bill put on its passage to remove the statue of General Rawlins.

Mr. CULLOM. I will yield for that.

Mr. LOGAN. I ask unanimous consent to consider the bill (H. R. 606) authorizing the removal of the statue of Maj. Gen. John A. Rawlins from its present location to a site to be selected by the Secretary of War.

The PRESIDING OFFICER. The order referring the bill to the Committee on the Library will be reconsidered if there be no objection. The Chair hears none.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS RELATIVE TO CHINESE.

Mr. SHERMAN, from the Commitee on Foreign Relations, reported the following order:

Ordered, That Senate bill 1901, entitled a bill supplementary to and amendatory of "an act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882, &c., reported from the Committee on Foreign Relations, and Senate bill 2225 to indemnify certain subjects of the Chinese Empire for losses sustained by violence of a mob at Rock Springs, &c., be, and hereby are, made special orders for Monday, the 10th day of May at 2 o'clock p. m.

Mr. MORGAN. I hope the Senate will consent to that arrangement. The committee desire to bring those subjects up together, and they are both very important and pressing.

The PRESIDENT *pro tempore*. The question is on the order.

Mr. CULLOM. I hope the Senate will make that conditional that the interstate-commerce bill be out of the way.

The PRESIDENT *pro tempore*. It is so framed that it does not interfere with any unfinished business.

Mr. HARRIS. The unfinished business would take precedence of a special order.

Mr. PLATT. I suppose it is ungracious perhaps to suggest even that there should be any consideration when a committee asks for a a special order; but the truth is this, I think, that we had perhaps ten days ago several matters clashing for precedence here and by a kind of universal consent an order was arranged for those matters. Some of them are special orders and some are not. The passage of this resolution, as I understand, would displace some matters which it is understood shall go along in regular order.

The PRESIDENT *pro tempore*. Will the Senator from Connecticut allow the Chair to interrupt him? A single objection will carry the resolution over until to-morrow.

Mr. PLATT. I do not make an objection, but I can think of some things, like the arbitration bill, which has not been made a special order as I understand, like the pension bill, which has not been made a special order as I understand, that ought to be considered; and if this is made a special order it takes precedence of those two measures which I think of now, which I suppose it was understood by general consent were to follow the interstate-commerce bill.

The PRESIDENT *pro tempore*. If there be objection the motion lies over under the rule.

Mr. HOAR. I do not object, but I would like to enter a motion at the same time to go with this, and ask the indulgence of the Senate one moment to state what it is. The bill for newly arranging the debts of the several Pacific railroads is a bill of vast importance. It was introduced at the last session of the Senate, and, being of so much importance, it was not only very thoroughly considered by the Judiciary Committee, but it was submitted by myself, who had it in charge, to various members of the Senate, including yourself, sir——

The PRESIDENT *pro tempore*. The Senator from Virginia is entitled to the floor.

Mr. HOAR. Asking their special consideration, as you will remember, of the provisions of that bill. It has been considered in the interval in the Interior Department, and it was reported among the very first measures of this session; it was on the Calendar within two or three weeks after the beginning of the session. I desire to enter a motion to make that bill a special order after this. The Chair will permit that motion to be made and to go over with this.

Mr. RIDDLEBERGER. I must decline to yield any longer.

The PRESIDENT *pro tempore*. The Senator from Virginia is entitled to the floor.

Mr. BLAIR. Will the Senator permit me to ask what order has been made, if any?

The PRESIDENT *pro tempore*. None at all.

Mr. HOAR. This is to be called up to-morrow, and I want my motion to go with it.

Mr. RIDDLEBERGER. I will yield simply to pass an order.

Mr. HOAR. I merely ask that my motion may be entered now, in order that it may be in order to-morrow to come up with this order.

The PRESIDENT *pro tempore*. The motion will be entered.

INTERSTATE COMMERCE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1532) to regulate commerce, the pending question being on the amendment proposed by Mr. CAMDEN, in section 4, line 5, after the word "direction," to strike out the words "and from the same original point of departure."

Mr. RIDDLEBERGER. Mr. President, I do not propose to ask of the Senate more indulgence than is necessary (which I know they will be willing to grant) to explain the reasons for the vote which as a Senator I shall cast on the pending bill. In its importance to the people this bill transcends, perhaps, most of those we have had under consideration this session.

Similar measures have been pending in the two Houses of Congress for the last six or eight years at least, and probably much longer. There is no measure before this Senate, and possibly none before the House of Representatives, which attracts more attention from the general public than this one to regulate interstate commerce.

I may be permitted to say here, too, that much of the discussion that has ensued upon this bill has not been of the kind that we had a right to expect from Senators. Too many stump speeches have been ingrafted into it. It is this which makes it quite proper for a Senator who proposes to vote upon it to give a why and wherefore.

Now, sir, if we leave in this bill those few words, "and from the same original point of departure," we do more, as the Senator from West Virginia has said, than legalize discrimination; we come in here at this time to approve and indorse the railroad jobbery and railroad robbery generally for the last fifty years, and particularly for the last twenty-five years. It is legalizing the very evil from which the people of this country have suffered at the hands of the railroad corporations.

Who is here to assert that shipments from terminal points are not carried frequently at losing rates? Who is here to assert that the intermediate shipper does not only have to pay a profit upon what he ships, but must make up the losses that accrue from reduced rates from terminal to terminal, and make up also the profits that ought to have accrued to the railroad company from those shipments?

This question has been argued here as if there were but two terminal points in the United States, the one being Chicago with her lakes, and the other New York. I can account for it to my own satisfaction very well. This might as well have been entitled a bill to coerce all shippers into sending their products to New York Harbor. There are other cities in this country; there are other harbors in this country; there are other towns in this country, and those who want to transport their products from one terminal point to another under this bill should know that there are more people living between these terminal points than there are at the termini which they propose to accommodate.

I want to illustrate the effects of this bill upon the State that I in part represent here. There are four lines of railroad, grand trunk lines of railroad, traversing three or four, and one of them five, States, passing through the State of Virginia. A man who does not know that this bill says they may ship from the terminal points south of us and can not discriminate between any freight that is shipped from that same point, and at the same time will not admit that this bill says that they may discriminate as against all freight shipped from any intermediate point, either is in ignorance of the bill, the terms of the bill, the spirit and the intention of it, or else he is representing a remote terminal and wants to transport his own products to the commercial centers of this country at cut rates.

If it had been the intention of the framers of this bill to deceive the Senate, they would not have put these seven words in it. Therefore, I must accord that they were honest to a degree, for they put in words that no man can misunderstand. You may ship from any point south of Virginia—a terminal point—you may land your cotton or other produce at a seaport as good as that of which New York boasts, and better, at any rate of freight that the railroads may fix from that point. You come to Lynchburg on one line of road, and they may fix even a higher rate from Lynchburg to Newport News or to Norfolk than that fixed upon that which started from the "original point of departure" south of Lynchburg.

You may take another line of railroad that passes through Virginia and North Carolina and on south, and ship from there, and the same discrimination may be made against Danville, Richmond, and any other intermediate point on that line of road. You may start from Kentucky over the Chesapeake and Ohio, and bring freight across the West Virginia line and land it at Staunton, and there charge from Staunton on down to deep water a higher rate on freight loaded there than that which the railroad company fixed upon the freight which was shipped from the "original point of departure" in Kentucky. If this be not true, then I ask any Senator on this floor to explain what these seven words mean?

I repeat, it is the greatest evil from which we have been suffering at the hands of corporations. It is legalizing in the great hereafter these discriminations against the producing people who live outside of a few cities where non-producing commission merchants thrive and elevators make a profit. It is discriminating against everybody who lives between terminal points or "original points of departure."

Why, sir, I will take the valley of Virginia and go on through to the Tennessee line, and I can demonstrate, or illustrate rather, just exactly what the President of this body said when he spoke to this same question the other day. There they charge the producing people along that line of road more per hundred, more per car, for what they carry even here into the city of Washington than they charge for the same carriage of freight over the same line of railroad under the same management from points three, four, five, six hundred miles west of the Ohio River. This bill says they shall have a right to do it, gives them the legal right to do it. The people who have been clamoring for legislative protection against this outrage and wrong are met here with a bill that contains seven words which say they may go on and do what they have done, and we will legalize it for all time to come.

That is this bill. What is the object of it? Is it to bring the States removed from here thousands of miles nearer to deep water, to the commercial centers, than those that are geographically located right around them? Is not that the object? Would you take one of the States or all the States that fed the millions of people of this country before the new ones were developed till their soil has been exhausted to a point where scarcely any profit comes from its cultivation, and bring these in competition with those of the older States that fed you when you were babies, and put the latter where they can not get to market with what they produce? That is what these seven words would do. They would simply say that any product from west of the Ohio or Mississippi Rivers should be put into market at a lower rate of freight than any product that might be grown in a State that is a thousand miles nearer the market. That can only be sustained on one ground, that there shall be no legislation here save and except in the interest of New York Harbor and the people of a few cities who live three thousand or more miles from it.

But, Mr. President, there is one section of this bill—if I may call it a section, for I believe the sections are not numbered, but it is on page 6, beginning at line 33—that has a peculiar significance just now, in view of the frequent allusions to the law of Massachusetts. I hear it is section 5. That section changes the common law and the statute law of nearly every State in this Union, fixing the liability of common carriers of freight. Are you ready for that? Gentlemen should sympathize largely with their own constituents. Here you take away from the States the little security they have provided for themselves. I never saw anything more adroitly drawn than that section, and I never would have noticed it but for the fact that an eminent Senator here, my colleague, called my attention to it not over half an hour ago. Here it is set forth in terms that where there are joint tariff contract rates they may be published, or must be published, by the different corporations entering into those contracts. There is no provision for lines connecting where this joint tariff contract is not entered into. Suppose, then, you start on a railroad at one point and you encounter another, and then another, before you reach the harbor at which you want to unload your freight. What control have you over that middle line of railroad which you make no provision for in this section? It is free from all binding obligations under this that you call a law regulating interstate commerce. If there were three lines of railroad from Memphis to Norfolk, and you were to start a car-load of cotton from Memphis and land it upon this middle line and then again upon another, and there were no contracts between them, who is to say that either the middle line or that which had its terminus at Norfolk can not charge what it shall please?

Then comes the joint contract arranged between the railroad organizations of which the country shall know nothing and the commission shall be as ignorant of. I have heard it said not only on this floor but in general talk that the railroad men of this body want this bill to pass as it is. I am not surprised to hear it. If there be a railroad man here I say that I do not know it, and when I make the statement I only do it because I have heard these things said off this floor as arguments to influence votes—if there be a railroad man here, or a representative of railroad interests, one who so far forgets the representative duties of one who represents a constituency and not a railroad—ask him if he wants to vote against the amendment of the Senator from West Virginia? I would be willing to risk the issue on that if Senators who have made these declarations and who have talked about the question would just take their position on the amendment.

I said that this changed the common law and the statute law of the States. I should not expect an answer from either of the Senators from Massachusetts were I to put what I am going to say in interrogative form. I say that section 5 substantially repeals the statute of Massachusetts regulating the responsibilities of railroad carriers practically and effectually. For what this Congress proposes to do now it proposes to do in the exercise of a constitutional right, which is to override the rights of the States in the control and management of the corporations that do business across their territory.

Then there is a law, common as well as statute, which makes common carriers the insurers of freight and of passengers only where there is a wrongful act, neglect or default, on the part of the company or some of its employés. You can hold them responsible for injuries done not only to a man, but to a beast or to the products of the earth; they are held *prima facie* liable, and no testimony is taken in a court to prove more than that the property was destroyed, excepting the act of God and the public enemy. This bill gives corporations an opportunity to ignore that law entirely. I do not claim to be as old a practitioner as some of the Senators here, but I am not afraid to lay down the proposition that this section 5 does effectually what I say, and if you leave in these words you will have the support of every railroad president and railroad director in the United States.

Mr. President, I listened to the argument of the Senator from New York [Mr. MILLER], that there is a remedy for all these things in the first section. He pleads here all the time in confession and avoidance. He confesses the possibility of wrongs being committed under this bill, wrongs and outrages perpetrated under it, if it were not for this first section, which provides for a commission to pass upon all cases of extortion—five commissioners, three of whom would be a majority. I could take the whole five if it were necessary for my purposes, but it is only necessary to take three; I can select three railroad magnates in this country who would take three of those commissioners and hang them on their watch-chains and display them for charms around the country.

When Senators fail to see, or refuse to see, the meaning of seven words in a bill of twenty-one pages, because they have a peculiar constituent interest to represent, and that being in antagonism to the interests of the people of the whole country, how can you expect much from five railroad commissioners whose pockets will be filled with passes and who will have permission to run over the roads and examine into the question of extortion? How long would they stop over here in Alexandria to determine whether there had been any discrimination between Atlanta and Washington, Atlanta being, as we suppose, an original point of departure? How long would your five commissioners stop at any point in Maryland to investigate whether there was any discrimination against that particular point on freight going to New York compared with that which was shipped from some extreme western starting station and called an original point of departure?

Your commissioners would know nothing but what they heard in the large cities. They would inquire for nothing else, and when men do not ask for information they never get it. The other side would possibly give them a little more than they would ask for, but they would always propound something in their own interest.

Mr. President, I started in simply to give the reasons why I shall vote for the amendment of the Senator from West Virginia. I think I have made myself understood on it, and I may hereafter give a reason why I shall not vote, why I can not vote for the bill with these seven words in it. I can not stand here and vote for a half dozen cities of this country, and ignore entirely all the people who work to produce, and who ask for nothing more than that they shall not be charged a higher rate of freight for a short haul than for a long one.

If this bill proposed to prorate I should hesitate, because I do not want to break down the railroad system of the country; but a bill which simply says that they shall not charge more for 100 miles than they do for a thousand I can vote for, and if the railroads be under honest management they can need no legislation and no laws to prohibit them from going beyond such an inhibition.

I say now, Mr. President, again, that my only purpose was to have it understood that I believe exactly what you said on this floor, that this bill as it stands legalizes discrimination against nine-tenths of the people of this country. I believe it is just such a bill as the railroads want. I believe it is just such a bill as the people of this country do not want, and that within twelve months after its enactment, if it should ever become a law, there are Senators on this floor who would possibly be reminded of what the late Stephen A. Douglas once said, that he traveled from New York to Chicago by the light of his own effigy.

It will take but a short time for the people to understand it. You may call it something to regulate interstate commerce. The title is high-sounding and in splendid phraseology. It is suggestive to the people, but when they see the effect of it then they will begin to wonder who wrote the title and inquire who voted for the bill.

Mr. CALL. Mr. President, this bill is the first step in the direction of restraint by law on the transportation system of the country. Competition has entirely failed to produce the end of reasonable and just rates between the various parts of the country, and I suppose there is no more universal demand, and never has been upon any subject, than that there shall be some regulation by law of the action of corporations in this direction. So far as I am concerned, and I believe the people generally, it is not in a spirit of hostility or want of appreciation of the necessities of these great instrumentalities of modern times, nor with any desire to take away from them a reasonable and even a liberal compensation for the services which they render and for the capital which is invested in them and for the labor which they employ, but they have become a power in the State, a power greater perhaps than that of the Government itself, their revenues aggregating far more than the revenues of the country with its great taxing power, and in many instances it has been exerted to the destruction of the interests of the different States and parts of States and of the business pursuits and the value of real estate.

The question which is raised by the amendment of the Senator from West Virginia is one that deserves the most careful consideration. I find in the report of the Committee on Interstate Commerce some very valuable facts. I find in the testimony of Mr. Norris in regard to the effect of pooling arrangements a very remarkable statement. Said that gentleman:

If you will permit, I desire to refer to one point which I have in mind in connection with Mr. Blanchard's statement the other day before your committee, that the farm lands in New York had increased from $50 to $300 an acre in some places, I think, and that as the result of the pooling arrangement the territory between Chicago and Omaha, which is subject to a very arbitrary pool, had grown enormously. I simply want to suggest the probability of this growth of territory between Chicago and Omaha being due not to the compactness of the pools but to the low charges for carrying grain from Chicago to the seaboard, while other sections east of Chicago, and especially east of the trunk line ter-

minally are forced to pay successive charges, thus placing the Chicago shipper nearer tide than the Pennsylvania farmer is. Coupled with the cheapness of the land, this would account for the emigration of our labor to that territory.

In the State of Pennsylvania in 1880, the farm lands as returned by the census report for that year had depreciated about 25 per cent. from the value per acre for 1870.

Senator MILLER. May not some or all of that be due to the fact that in 1870 gold was at a premium and in 1880 it was at par?

Mr. NORRIS. That would probably account for a greater part if it were not so that in the State of Pennsylvania, in 1870, the proportion of the farmers to the whole workers was one-fourth, so that each farmer had three other workers' families to provide for, while in 1880 the farmer had four other families to provide for, the non-agricultural population having increased from 75 per cent., in 1870, to 80 per cent., in 1880. Another evidence of that is the fact that taking the gold measure the agricultural production of the State of Pennsylvania in 1880 was $22,000,000 less on a gold basis than in 1870; that is, assuming that in 1870 gold was at a premium of 25 per cent. and in 1880 it was at par. There is hardly a State in the Union which is better adapted for agricultural development than the State of Pennsylvania. It has been so cited in the reports of the Department of Agriculture, and for the reason of the large non-agricultural population which provided a home market for all of the domestic production.

The figures of our State board of agriculture indicate that in the single item of wheat, the State of Pennsylvania consumes 4,500,000 bushels of wheat more than it produces, and yet our production of wheat is falling off, although our acreage of improved land has increased, and while I will concede that to the non-agricultural population cheap bread in so far as it reduces the cost of living is a public benefaction, yet in the State of Pennsylvania that does not amount to more than five hundred and odd thousand dollars a year. I figure it up, on the statements which the Pennsylvania Railroad Company and the State board of agriculture had prepared, that in the item of grain we were saved $522,000 a year, while to reimburse the railroad companies for their low charges on Western products which are sent to Europe we pay in the East, not Pennsylvania merely, but in the Eastern States, about $17,000,000 a year, which is levied upon the local traffic to reimburse the railroad companies for losses on through traffic; and the tax which the Pennsylvania Railroad Company imposes on us according to my computation is $4,800,000.

That illustrates very conclusively the effect upon the country of the railroad system and of the system of a higher price for a shorter distance than a longer one. Under the operation of the competition which has rendered that necessary, Pennsylvania has been discriminated against and the value of lands depreciated, the agricultural production diminished, and the agricultural population transferred farther west to the point of arbitrary competition. If that be the effect of any system it is a great power, a power which extends to the destruction of commercial values and to the arbitrary destruction of all the agricultural and commercial interests of a community.

How shall it be remedied? The bill declares, first, that there shall be no unjust charges; that is to say, no extravagant or unreasonable charges. It then provides that there shall be no discrimination in respect to persons as to charges, no advantages to one over another, and no discrimination in reference to opportunities, no preference of one person over another.

It then establishes as the principle and the means by which these ends shall be attained that there shall be no higher charge for a shorter distance than a longer one from the point of departure. It therefore assumes the power to regulate the charges. It declares that Congress has power to say how much a road shall charge for one distance or another.

This covers the whole subject, but the manner in which it does it is by providing that the system complained of in the testimony of Mr. Norris shall take effect, and that there shall be selected a point of competition, a point of departure, and that from that point, wherever it may be, all charges shall be subject to this rule that no more shall be charged for the shorter distance than for the longer one, no matter how much longer; it may be a thousand miles and the other may be but 1 mile.

Now, the Senator from West Virginia proposes to make that universal, and he proposes to say that it shall not be from the point of original departure, but that everywhere there shall be a principle that there shall be no more charged upon that line for a shorter distance than for a longer one, but that you may charge as much. This does not reach the evil; it is perhaps not in the direction of reaching it. It does, however, destroy the proposition that there shall be one favored point of original departure, and that upon that line this principle shall apply everywhere. Certainly it does not injure the people who live at the intermediate points that outside of their business there shall accrue to that road a revenue from some other source; it does not injure them that a line of road whatever may be the charges to them shall derive a revenue, an income from other sources of business than those which the local trade supplies. On the contrary, it reduces the aggregate expenses and enables the transporting line to do the local business at cheaper rates. There is no question about that.

But then it has been found that whatever may be the advantage in that respect the result did not happen that when in the power of the corporation its interest led it to exact from the local business the utmost charge that it would bear, and it is for the restraint of power that this law is intended. If corporations always did exactly that which was best for the people, leaving to themselves a reasonable profit, there would be no necessity for any law regulating interstate commerce.

The proposition made by the Senator from Wisconsin that this is depriving the extreme West or the extreme South, or any other point where there is competition of natural advantages, is untenable, for the reason that within the line of a longer and a shorter distance the margin is so great that you touch the point where there is no compensation at all to a railroad company. If they can not make a profit by applying the principle that you shall not charge more for a shorter than a longer distance they can not make a profit at all; they reach a point where no business can be done except at a loss, and when doing business at a loss of course there is no ground or possibility of competition with others.

Then, again, this is not a natural advantage; it is an arbitrary and an artificial one. If you apply the principle of allowing natural advantages you will establish a pro rata amount according to the distance anywhere along the line, and that would give to the points of greatest contiguity or proximity the natural advantage of shorter distance and of the smaller expense which those elements would demand.

Therefore it is not a question which can be regulated by natural advantages; it is a question which must be regulated upon other elements altogether, which are not contained in this bill. While I shall support the bill and commend it as a step in the direction which legislation must assume, that of regulating upon a reasonable basis in the interests of the railroad corporations themselves and of the people by allowing to them a reasonable compensation upon the necessary, the proper economical cost of construction of their property, upon the principle of strictly regulating the compensation to be derived from the business of their road by measuring it by this standard; while it is a step in that direction, acknowledging the power of Congress in respect to interstate commerce to regulate the rates of transportation, it fails, I think, in recognizing the principle that upon every railroad line, differing as they do in their connection, in the amount of their business, in the capacities of transportation which they may have, and in the costs of construction and operating expenses, the only just and compensating rate to all interests is to be ascertained by considerations based upon the amount of business and the cost of operation and construction. How far this is practicable, and by what means it may be effected, is the great question which is forced upon our consideration by the public necessities.

It should be allowed to the road to do all the business it can, whether it be from a distance or from its local business. However, the only just and equitable rate to be imposed upon that business is one which is measured by the revenues and by the gross and net earnings of the company as measured by its proper cost, leaving out of view that great evil which more than everything else places now one million of unemployed people upon this country, which more than anything else causes the terrible troubles of labor and the dissatisfaction between the laboring men and the employer, this fictitious stock, this watered bonded indebtedness, this unnatural value which has been placed on the railroads of the country in the shape of public securities to be paid by taxes upon the labor of the country in the shape of improper costs of transportation, of unnecessary and extravagant charges. It is very clear that the power of imposing a tax or charge on the production and business of a great country such as ours granted to railroad corporations is a franchise which may be made as oppressive and ruinous to the people as the most severe exercise of the power of taxation by the Government.

It is quite obvious to me that this is a step in the right direction, but it is only a step. It is quite clear that in the bill it is provided that no charge shall be unreasonable or unjust which is within the limit, that it shall not be greater for a shorter than it is for a longer distance. That is the standard provided in the bill, and the section which provides that charges shall be just and reasonable is in reference to this standard. That is what the bill says is just and equitable, that the charge shall not be greater for a shorter than for a longer distance. That is the measure of justice and equity, but yet, as I said, it is quite manifest to me from reading the provision here that this system of fixing a point of departure and requiring that there shall be no greater charge for a longer distance from that point, as is stated by Mr. Norris, is just the one that may work and will work to the injury of all intermediate points. It is a discrimination in favor of the point of departure; it is a fixing of a lower rate for that point than for any other; it leaves the intermediate route as was done in this case entirely within the control of the corporation. If we shall endeavor to equalize all parts of the country in respect to cost of transportation we shall find it an impossible task. We should find that other inequalities existed in respect of climate, soil, habits of labor, and other causes. Yet it remains true that in respect of transportation it is not right that intermediate communities should be made to pay the cost of transporting the productions of the terminal points at prices which enable them to undersell their own products.

For these reasons I shall support the amendment of the Senator from West Virginia.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from West Virginia [Mr. CAMDEN] on which the yeas and nays have been ordered.

Mr. MCMILLAN. Let the amendment be read.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In section 4, line 5, after the word "direction," it is proposed to strike out the words "and from the same original point of departure."

The PRESIDENT *pro tempore*. The Secretary will call the roll on agreeing to the amendment.

The Secretary proceeded to call the roll.

Mr. COCKRELL (when his name was called). I paired yesterday with the Senator from Connecticut [Mr. HAWLEY], who was compelled to be absent to-day. I do not know how he would vote on this question. I should vote "yea" if I were not paired. I leave it to his colleague to say how he would vote.

Mr. PLATT. I think my colleague would vote "nay."

Mr. COCKRELL. Then I shall not vote, but simply announce that I should vote "yea" if I were not paired.

Mr. COLQUITT (when his name was called). I am paired generally with the Senator from Rhode Island [Mr. CHACE] who is absent. I understand that the pair has been transferred, and I am therefore at liberty to vote. I vote "yea."

Mr. FAIR (when his name was called). I am paired with my colleague [Mr. JONES, of Nevada].

Mr. HEARST (when his name was called). I am paired with my colleague [Mr. STANFORD].

Mr. JONES, of Arkansas (when his name was called). The Senator from Indiana [Mr. HARRISON] was called away from the Chamber for a short time and I am paired with him. As I do not know how he would vote on this question I withhold my vote. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. CAMERON. I am paired on this question with the Senator from South Carolina [Mr. BUTLER]. If he were present, I should vote "nay" and he would vote "yea."

Mr. GEORGE. My colleague [Mr. WALTHALL] is paired on this question with the Senator from Wisconsin [Mr. SPOONER]. If my colleague were here, he would vote "yea."

Mr. ALDRICH. My colleague [Mr. CHACE] is absent from the Senate and is paired with the Senator from Georgia [Mr. COLQUITT]. If my colleague were present, he would vote "nay."

Mr. KENNA. I desire to add to the statement of the Senator from Rhode Island the further statement that the Senator from South Carolina [Mr. HAMPTON] was paired with the Senator from Oregon [Mr. MITCHELL]. As the Senator from Oregon desired to vote on this question the pair was transferred to the Senator from Rhode Island [Mr. CHACE], so that the Senator from South Carolina and the Senator from Rhode Island are paired on this question.

Mr. BOWEN. I understand that my pair with the Senator from South Carolina [Mr. HAMPTON] has been transferred, and in that case I am at liberty to vote. I vote "nay."

Mr. SPOONER (after having voted in the negative). I should like to ask the Senator from Mississippi [Mr. GEORGE] if he knows how his colleague [Mr. WALTHALL] would vote on this question?

Mr. GEORGE. He would vote "yea" on this proposition. He told me he was paired with you, and would vote "yea" if present.

Mr. SPOONER. Then I withdraw my vote.

Mr. CULLOM. The Senator from Maine [Mr. HALE] left the Chamber a while ago and announced to me that he was paired with the Senator from Kentucky [Mr. BECK], and that he would vote against the amendment if present.

Mr. BECK (after having voted in the affirmative). I thought the Senator from Maine was here. I asked him to pair with me when I left the Senate a little while ago to go to the other House. If he is not here I withdraw my vote; I am paired. I should vote "yea" and he would vote "nay" if he were present.

The result was announced—yeas 29, nays 24; as follows:

YEAS—29.

Berry,	Fair,	Morgan,	Vance,
Blackburn,	George,	Morrill,	Vest,
Call,	Gorman,	Payne,	Voorhees,
Camden,	Gray,	Pugh,	Whitthorne,
Coke,	Harris,	Ransom,	Wilson of Md.
Colquitt,	Kenna,	Riddleberger,	
Conger,	Mahone,	Saulsbury,	
Eustis,	Maxey,	Sherman,	

NAYS—24.

Aldrich,	Dolph,	McMillan,	Platt,
Allison,	Evarts,	McPherson,	Sabin,
Blair,	Frye,	Manderson,	Sawyer,
Bowen,	Hoar,	Miller,	Sewell,
Brown,	Jones of Nevada,	Mitchell of Oreg.,	Teller,
Cullom,	Logan,	Palmer,	Wilson of Iowa.

ABSENT—23.

Beck,	Edmunds,	Hearst,	Plumb,
Butler,	Gibson,	Ingalls,	Spooner,
Cameron,	Hale,	Jones of Arkansas,	Stanford,
Chace,	Hampton,	Jones of Florida,	Van Wyck,
Cockrell,	Harrison,	Mitchell of Pa.,	Walthall.
Dawes,	Hawley,	Pike,	

So the amendment was agreed to.

Mr. WILSON, of Iowa. I desire to offer an amendment.

Mr. CAMERON. I move that the Senate proceed to the consideration of executive business.

Mr. CULLOM. I hope the Senator will withdraw that motion for half an hour at least.

Mr. CAMERON. I think I shall have to insist on the motion.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Pennsylvania that the Senate proceed to the consideration of executive business.

Mr. HOAR. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 32, nays 27; as follows:

YEAS—32.

Beck,	Cockrell,	Harris,	Pugh,
Berry,	Coke,	Hearst,	Ransom,
Blackburn,	Colquitt,	Jones of Arkansas,	Saulsbury,
Brown,	Edmunds,	Kenna,	Vance,
Butler,	Eustis,	McPherson,	Vest,
Call,	Fair,	Maxey,	Voorhees,
Camden,	Gorman,	Morgan,	Whitthorne,
Cameron,	Gray,	Payne,	Wilson of Md.

NAYS—27.

Aldrich,	Evarts,	Miller,	Sawyer,
Allison,	Frye,	Mitchell of Oreg.,	Sewell,
Blair,	Hoar,	Morrill,	Sherman,
Bowen,	Jones of Nevada,	Palmer,	Spooner,
Conger,	Logan,	Platt,	Teller,
Cullom,	McMillan,	Riddleberger,	Wilson of Iowa.
Dolph,	Manderson,	Sabin,	

ABSENT—17.

Chace,	Hampton,	Mahone,	Van Wyck,
Dawes,	Harrison,	Mitchell of Pa.,	Walthall.
George,	Hawley,	Pike,	
Gibson,	Ingalls,	Plumb,	
Hale,	Jones of Florida,	Stanford,	

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 6, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 5th day of May, 1886.

CONSUL.

Frederick Ellison, of Indiana, to be consul of the United States, at Asuncion, to fill a vacancy.

POSTMASTERS.

John H. Hamilton, to be postmaster at Eureka Springs, Carroll County, Arkansas, *vice* Richard P. Pulliam, resigned.

Warren Woodson, to be postmaster at Red Bluff, Tehama County, California, *vice* John Clements, whose commission expires May 17, 1886.

David W. Clark, jr., to be postmaster at Valley City, Barnes County, Territory of Dakota, *vice* Christian Anderson, removed.

Calvin Goodman, to be postmaster at Reading, Berks County, Pennsylvania, *vice* George K. Whitner, whose commission expires May 31, 1886.

T. C. McConnell, to be postmaster at Brownwood, Brown County, Texas, *vice* Marion Mullins, removed.

Deville L. Harkness, to be postmaster at Berlin, Green Lake County, Wisconsin, *vice* Griffith J. Thomas, commission expired.

William H. Torrey, to be postmaster at Foxborough, Norfolk County, Massachusetts, *vice* Charles H. Briggs, commission expired.

William R. Dodge, to be postmaster at Gouverneur, Saint Lawrence County, New York, *vice* Horace G. Reynolds, resigned.

James Halligan, to be postmaster at Canajoharie, Montgomery County, New York, *vice* Mrs. Elizabeth Smith, whose commission expires May 16, 1886.

Horatio S. Tryon, to be postmaster as Weedsport, Cayuaga County, New York, *vice* Sylvester Wright, commission expired.

PROMOTIONS IN THE ARMY OF THE UNITED STATES.

Twenty-fourth Regiment of Infantry.

First Lieutenant John L. Bullis, to be captain, April 29, 1886, *vice* Clous, appointed judge-advocate, with the rank of major.

Second Lieutenant Alfred M. Palmer, to be first lieutenant, April 29, 1886, *vice* Bullis, promoted.

CONFIRMATION.

Executive nomination confirmed by the Senate May 5, 1886.

TERRITORIAL GOVERNOR.

C. Meyer Zulick, of Tombstone, Ariz., to be governor of Arizona Territory.

REJECTION.

Executive nomination rejected by the Senate April 29, 1886.

Charles R. Pollard, of Indiana, nominated to be associate justice of the supreme court of the Territory of Montana

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May* 5, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read.

Mr. CUTCHEON. Mr. Speaker, I rise to make a correction of the Journal in regard to the action last night on House bill No. 1171, providing for the muster and pay of certain officers and enlisted men of the volunteer forces. The Journal states that the bill was withdrawn. By the RECORD it is shown that it was not withdrawn, but was laid aside by consent to retain its place on the Calendar.

It will be found in the RECORD on page 4170, as follows:

Mr. BRAGG. I ask unanimous consent that this bill may be laid aside.

The SPEAKER. The Journal will be corrected. It makes, of course, very considerable difference whether the bill was merely laid aside or withdrawn. The Journal will be corrected so that it will read that the bill was laid aside to retain its place upon the Calendar.

The remainder of the Journal was then read and approved.

ARMAMENT OF NEW STEEL CRUISERS.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, transmitting, with an inclosure, an estimate from the Secretary of the Navy of an appropriation to supply deficiency for the armament of new steel cruisers; which was referred to the Committee on Appropriations, and ordered to be printed.

FORT HAMILTON, NEW YORK.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting an estimate from the Secretary of War for the purchase of additional ground at Fort Hamilton, New York Harbor; which was referred to the Committee on Military Affairs, and ordered to be printed.

MINT BUILDING, NEW ORLEANS, ETC.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting, with inclosures, letters from the Supervising Architect relative to the cost of repairs of the mint building, New Orleans, La., and of the old portion of the custom-house, Buffalo, N. Y.; which was referred to the Committee on Appropriations, and ordered to be printed.

MARINE HOSPITAL.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting a communication from the Supervising Architect urging the immediate appropriation of $10,000 for repairs and preservation of the marine hospital; also referring to estimate heretofore submitted for repairs and preservation of public buildings for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

SANITARY IMPROVEMENTS, TREASURY BUILDING.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting, with accompanying reports, a letter from the chief clerk of that Department, submitting an estimate of an appropriation to place the building of the Department in proper sanitary condition; which was referred to the Committee on Appropriations, and ordered to be printed.

TERRITORIAL LAWS, UTAH.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a letter from the secretary of the Territory of Utah, inclosing copies of the laws of that Territory enacted at the last session of its Legislative Assembly; which was referred to the Committee on the Territories.

WITNESSES' MILEAGE, ETC., IN NEW MEXICO.

The SPEAKER also laid before the House a letter from the Attorney-General, transmitting, with inclosure, a letter from the United States attorney for New Mexico relative to the inadequacy of witnesses' mileage and per diem compensation; which was referred to the Committee on Expenditures in the Department of Justice.

WILLIAM LAVERY VS. THE UNITED STATES.

The SPEAKER also laid before the House a letter from the clerk of the Court of Claims, transmitting a copy of the findings of fact in that court in the case of William Lavery *vs.* The United States; which was referred to the Committee on War Claims.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House bills of the Senate of the following titles; which were read twice, and referred to the appropriate committees, as follows:

A bill (S. 304) to compensate physicians for services rendered under an order of the United States court of the northern district of Alabama—to the Committee on Claims.

A bill (S. 433) to provide for the payment of the legal representatives of Arvah Hopkins of the rent of certain property in Tallahassee, Fla., for the use of the Army—to the Committee on War Claims.

A bill (S. 542) for the relief William Erwin—to the Committee on War Claims.

A bill (S. 972) for the relief of Thomas P. Morgan, jr.—to the Committee on Claims.

A bill (S. 1258) for the relief of Mary A. Lewis, widow of Joseph N. Lewis—to the Committee on Claims.

A bill (S. 2136) for the relief of Edward Fenlon—to the Committee on Claims.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. 5887) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. GALLINGER, for ten days, on account of sickness in his family.

To Mr. SCRANTON, for four days, on account of important business.

WITHDRAWAL OF PAPERS.

On motion of Mr. SAYERS, by unanimous consent leave was granted to withdraw from the Committee on Military Affairs papers filed in connection with House bill 7183.

COMMITTEE APPOINTMENT.

The SPEAKER announced the appointment of Mr. THOMAS R. HUDD, of Wisconsin, as a member of the Committee on Commerce, to fill the vacancy occasioned by the resignation of Mr. Joseph Pulitzer.

GENERAL-SERVICE ARMY CLERKS.

Mr. BRAGG. I ask unanimous consent to make a verbal correction in an amendment to the bill (H. R. 7191) to provide for the enlistment and pay and to define the duties and liabilities of "general-service clerks" and "general-service messengers" in the Army which was passed by the House last evening.

The Clerk read the proposed amendment, as follows:

In line 13, in the second section, strike out the words "class one" and insert "class three."

The SPEAKER. If there be no objection, the correction will be made.

There was no objection.

ESTATE OF JAMES G. WINTERSMITH.

Mr. BRECKINRIDGE, of Kentucky. I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the joint resolution (H. Res. 112) for the relief of the estate of the late James G. Wintersmith, late Doorkeeper of the House of Representatives, and that the House consider the same.

The joint resolution was read, as follows:

Resolved, &c., That the Clerk of the House be, and he is hereby, authorized to pay, and the accounting officers of the Treasury to pass the said account, to the legal representatives of the late James G. Wintersmith, late Doorkeeper of the House of Representatives, one year's salary as Doorkeeper of the House of Representatives, and also the expenses of the last sickness and burial of the said Wintersmith.

The Committee on Accounts recommended the following amendment:

In line 9, before the word "burial," insert the words "expenses of."

After the word "burial" insert the words "not exceeding five hundred dollars for said burial."

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

Mr. BRECKINRIDGE, of Kentucky. I send to the desk the report by the Committee on Accounts. I desire to make this single statement as a reason for calling up the resolution this morning. Major Wintersmith, the father of the late Doorkeeper, since that report was made by the committee, has lost his wife and on yesterday his only remaining son and child. It seemed to me not inappropriate that the House this morning might give to the stricken man, who is now old and poor as well as widowed and childless, the passage of this bill as a sort of message of condolence. I ask that the bill be put upon its passage.

The amendments recommended by the committee were agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BRECKINRIDGE, of Kentucky, moved to reconsider the vote by which the resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HEIRS OF JEROME S. RIDLEY.

Mr. IKE H. TAYLOR. I present a privileged report from the Committee on Accounts. I am directed by the committee to report back with amendments the resolution which I send to the desk.

The Clerk read the resolution, as follows:

Resolved, That the Clerk of the House of Representatives be directed to pay out of the contingent fund of the House, to Jennie Caruthers and Henrietta Ridley, children and heirs of Jerome S. Ridley, late an employé of the House, a sum equal to his salary for six months, and also the necessary funeral expenses, not to exceed $250.

The amendments recommended by the committee were read, as follows:

In the last line of the resolution strike out the words "necessary funeral." Insert after the word "expenses" the words "of his last illness and funeral."

Mr. IKE H. TAYLOR. I ask for the reading of the report.

The report was read, as follows:

That the Committee on Accounts, having had under consideration the accompanying resolution, report the same back with the following amendment: In the fifth line, strike out the words "necessary funeral" and insert, after the word "expenses," the words "of his last illness and funeral" with a recommendation that it do pass. The deceased was clerk of the Committee on Private Land Claims, having been appointed on the 11th day of January, 1886, and was a very faithful and intelligent employé. He died quite suddenly on the 6th day of April, 1886, leaving no estate. His children, named in the resolution, were dependent upon him for their support. The allowance proposed to be made by this resolution is the usual allowance made by the House in case of the death of any of its employés. There is a long line of precedents without a single interruption in support of the passage of the resolution.

The amendments recommended by the committee were agreed to.

The resolution as amended was adopted.

Mr. IKE H. TAYLOR moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MORRILL. Mr. Speaker, I ask unanimous consent to take from the Private Calendar, for immediate consideration, Senate bill 632, to provide for the settlement of the estates of the deceased Kickapoo Indians in the State of Kansas, and for other purposes.

The SPEAKER. The gentleman from Kansas [Mr. MORRILL] asks unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill indicated by him, and to consider the same. The bill will be read, after which the Chair will ask for objections.

The bill was read at length.

Mr. MORRISON. Regular order, Mr. Speaker.

The SPEAKER. The regular order is demanded, which is equivalent to an objection.

Mr. WILLIS. Mr. Speaker——

The SPEAKER. The Chair finds upon the House Calendar a bill to authorize the Secretary of the Interior to issue duplicates of certain land warrants lost while in possession of officers of the Government. The bill has evidently gone to the House Calendar by mistake. As a private bill it clearly belongs to the Private Calendar, and the change will be made.

Mr. WILLIS. Mr. Speaker, by the prior order of the House, this day and this evening have been set apart for business to be presented by the Committee on Military Affairs. Upon consultation with them and with their consent, I ask unanimous consent of the House that to-morrow and to-morrow evening be substituted for this day and evening for the consideration of that business; my purpose being to get a vote to-day on the river and harbor bill.

Mr. BEACH. I object to that. To-morrow is assigned for the consideration of the electoral count bill.

Mr. WILLIS. The electoral count bill is subject to the river and harbor bill.

Mr. CALDWELL. Mr. Speaker, I desire, if possible, to insure the consideration of the electoral count bill either to-morrow or the next day. Friday I know is private bill day, and I desire if I can to get unanimous consent to go on with the consideration of the electoral count bill to-day, as I am informed by the chairman of the Committee on Rivers and Harbors that it is possible we may get through with his bill to-day in time to let us take up and secure at least the partial consideration of the electoral count bill. I do not wish to interpose any objection in the way of the river and harbor bill, and I ask the gentleman from New York [Mr. BEACH] to withdraw his objection, but I trust that we can make an arrangement which will insure the consideration of the electoral count bill to-day after the river and harbor bill.

The SPEAKER. The gentleman from Kentucky [Mr. WILLIS] asks unanimous consent that the order for this day and evening, the consideration of bills reported from the Committee on Military Affairs, be postponed until to-morrow and to-morrow evening.

Mr. BEACH. I object.

REPORTS OF BUREAU OF ANIMAL INDUSTRY.

Mr. BARKSDALE. Mr. Speaker, I desire to present a privileged report from the Committee on Printing.

The SPEAKER. The report will be read.

The report was read. [It is printed below.]

Mr. RANDALL. Mr. Speaker, how does this come before the House?

The SPEAKER. It is a report from the Committee on Printing in relation to printing for the use of the two Houses of Congress.

Mr. RANDALL. I would like to say to the gentleman from Mississippi [Mr. BARKSDALE] that the Committee on Appropriations have received a communication from the Public Printer touching this matter. I understand the report relates to animal industry.

Mr. BARKSDALE. The report is in reply to an inquiry which the Committee on Printing was directed to make in reference to the report on animal industry.

Mr. RANDALL. I thought it had reference to that matter.

The SPEAKER. The question is on agreeing to the report.

The report was adopted.

The SPEAKER. The report and the accompanying papers, which the Chair supposes furnish the information desired by the House, will be printed.

Mr. BARKSDALE. I ask that the report and the papers be read, in order that they may go into the RECORD.

The SPEAKER. That will not take them into the RECORD.

Mr. BARKSDALE. Then I ask unanimous consent that they be printed in the RECORD.

The SPEAKER. They will be printed as adopted in the usual form of committee reports.

Mr. BARKSDALE. But I wish them to go into the RECORD, and I ask unanimous consent that they be printed there.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that the report just submitted by him from the Committee on Printing, with the accompanying papers, be printed in the RECORD.

There was no objection, and it was so ordered.

The report and accompanying papers are as follows:

IN THE HOUSE OF REPRESENTATIVES, *May* 4, 1886.

Mr. BARKSDALE, from the Committee on Printing, submitted the following; which was agreed to:

"Whereas a joint resolution of the Congress of the United States, approved July 5, 1884, directed the printing of 50,000 copies of the first annual report of the Bureau of Animal Industry, 10,000 copies of which were for the use of the Senate and 35,000 for the use of the House of Representatives; and

"Whereas it is stated that only 2,000 copies of said report have been delivered to the Senate and only 285 have been delivered to the House of Representatives, and that no delivery has been made to either branch for about a year: Therefore,

"*Resolved*, That the Committee on Printing be, and are hereby, instructed to inquire into the cause of this delay and to report by bill or otherwise."

Attest:

JNO. B. CLARK, JR., *Clerk.*

Mr. BARKSDALE, from the Committee on Printing, submitted the following report:

The Committee on Printing, to whom was referred the accompanying resolution of inquiry relating to the printing of 50,000 copies of the first annual report of the Bureau of Animal Industry, ordered by resolution dated July 5, 1884, and stating that only a limited number of the copies of the report so ordered had been delivered, have had the same under consideration, and beg leave to submit the following communication from the Public Printer explaining the cause of the delay in printing the whole number and exonerating him from neglect of duty in executing the order. The committee therefore, in view of the facts stated, ask to be discharged from the further consideration of the said resolution, and that the same be laid on the table:

OFFICE OF PUBLIC PRINTER,
Washington, D. C., May 4, 1886.

SIR: Your letter of this date, inclosing the following resolution adopted by the House of Representatives, has been received:

"IN THE HOUSE OF REPRESENTATIVES, *May* 3, 1886.

"Whereas a joint resolution of the Congress of the United States, approved July 5, 1884, directed the printing of 50,000 copies of the first annual report of the Bureau of Animal Industry, 10,000 copies of which were for the use of the Senate and 35,000 for the use of the House of Representatives; and

"Whereas it is stated that only 2,000 copies of said report have been delivered to the Senate and only 285 have been delivered to the House of Representatives, and that no delivery has been made to either branch for about a year: Therefore,

"*Resolved*, That the Committee on Printing be, and it is hereby, instructed to inquire into the cause of this delay and to report by bill or otherwise."

In answer thereto, I beg to say that Congress ordered 50,000 copies of the first report on Animal Industry, but failed to make the necessary special appropriation with which to execute the order. Such being the case, the cost must necessarily be charged to the general appropriation for Congress.

The general appropriation for the present fiscal year was reduced $250,000 below the previous appropriation for long session and $426,107 below the estimates of this office.

The press facilities of this office are not sufficient to do all the printing ordered, and work on a number of reports was necessarily postponed, among them this one. With the reduced appropriation the presses can not run extra, and I have been compelled, first, to provide the current work for Congress and the Departments and print such reports as could be reached thereafter.

I did print a small edition for the accommodation of the Department of Agriculture (as in several other cases) and the deliveries were as follows: Senate, 2,516; Department of Agriculture, 4,833; House, 472.

The circular issued by the honorable Commissioner of Agriculture which you send me contains one paragraph which needs an explanation. He says:

"I deem it my duty to state these facts in order to relieve this department of any responsibility for what seems to be an unreasonable and unwarranted delay in the delivery of a report which Congress *provided for* nearly two years ago."

It is true that Congress did order this work printed, but it is equally true that no special appropriation was made therefor; hence it will be observed that the Commissioner's statement that "Congress provided for" its publication is misleading and calculated to do this office an injustice, which of course was unintentional.

The Public Printer intends to comply with the law and will not exceed appropriations, and if orders are made for which no special appropriation is provided, such printing must inevitably wait until it can be reached from the general appropriation for Congress.

In conclusion, therefore, I beg to say that the first report on animal industry has not been completed, because:

First. No special appropriation was made for its publication, as was the case of the second annual report of the same work; and

Second. The general appropriation was reduced $250,000 compared with the previous long session, and $426.107 less than the estimates for the year (being the same amount as was provided for the short session of Congress with four months' less expenditures for the CONGRESSIONAL RECORD and other current Con-

gressional work), which, with the limited press facilities, made it absolutely necessary to postpone printing the first report.

It should be remembered that a certain sum of the general appropriation is allotted for the various Executive Departments, and that the current printing for the daily use of Congress and its committees must have precedence over all annual and other reports. The reduction of the appropriation without a corresponding reduction of the orders for printing inevitably leads to the postponement of the work.

I have been very much embarrassed by this state of affairs, and have endeavored to oblige Congress and all the Departments of the Government. Instead of a reduction of printing, the demands upon this office during this session are much larger than ever before.

Very respectfully,

S. P. ROUNDS, *Public Printer.*

Hon. E. BARKSDALE,
Chairman Committee on Printing,
House of Representatives.

ORDER OF BUSINESS.

Several members called for the regular order.

The SPEAKER. The regular order is the call of committees for reports.

Mr. HERBERT. I ask unanimous consent that the regular call of committees for reports be dispensed with, and that the Chair recognize such gentlemen as desire to submit reports.

The SPEAKER. If there be no objection, that order will be made.

There was no objection.

BUSINESS OF COMMITTEE ON NAVAL AFFAIRS.

Mr. HERBERT, from the Committee on Naval Affairs, reported back favorably a House resolution fixing a day for the consideration of business from the Committee on Naval Affairs; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

INCREASE OF NAVAL ESTABLISHMENT.

Mr. HERBERT, from the Committee on Naval Affairs, also reported back favorably a House resolution fixing a day for the consideration of the bill (H. R. 6664) to increase the naval establishment; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

GEOLOGICAL SURVEY.

Mr. HERBERT. I am instructed by the Joint Commission on the Signal Service, Geological Survey, &c., to report, as a substitute for the bill H. R. 8320, recently reported, a bill restricting the work and publications of the Geological Survey, and for other purposes. This proposed substitute is accompanied with a written report giving the reasons in favor of the measure. The committee will make a further report in a few days.

The SPEAKER. Does the gentleman propose to report a substitute for a bill already reported?

Mr. HERBERT. For a bill already reported.

The SPEAKER. The Chair knows of no practice which authorizes that proceeding. The substitute is a mere amendment, and can be offered by authority of the committee when the bill comes up.

Mr. HERBERT. I ask then unanimous consent that this proposed substitute, with the accompanying report, be printed.

The SPEAKER. If there be no objection that order will be made.

Mr. RANDALL. This substitute and report I understand relate to the Geological Survey?

Mr. HERBERT. The Geological Survey. As I have stated, the committee will soon make report on the other matters which they have had under consideration.

Mr. RANDALL. What may we understand by the word "soon?"

Mr. HERBERT. We hope to report during the present week.

The SPEAKER. In the absence of objection the order for printing as requested by the gentleman from Alabama will be made.

FREE-DELIVERY SYSTEM.

Mr. DOCKERY, from the Committee on the Post-Office and Post-Roads, reported back with amendment the bill (H. R. 7536) to extend the free-delivery system of the Post-Office Department, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

CHANGES OF REFERENCE.

On motion of Mr. ELDREDGE, by unanimous consent the Committee on Pensions was discharged from the further consideration of bills of the following titles; and the same were referred to the Committee on Invalid Pensions:

A bill (S. 1570) granting a pension to Mary Ann Vars; and

A bill (H. R. 1571) granting a pension to Abbie M. Hay.

ADVERSE REPORTS.

Mr. BRAGG, from the Committee on Military Affairs, reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 6556) to remove the charge of desertion from the record of Henry Ellis;

A bill (H. R. 3062) for the relief of James Cunningham;

A bill (H. R. 4548) to authorize the President to commission and retire from active service John R. Bailey, acting assistant surgeon United States Army, in the grade of major and surgeon United States Army;

A bill (H. R. 6524) to appoint Charles V. Petteys an assistant surgeon on the retired-list of the United States Army;

A bill (H. R. 4666) for the relief of the heirs of Christopher Cott;

A bill (H. R. 2597) for the relief of G. W. McCullough;

A bill (H. R. 6594) for the relief of Martha Smith;

A bill (H. R. 2314) for the relief of Francis M. Kirby, and to amend his military record;

A bill (H. R. 6198) to remove the charge of desertion against David Croys;

A bill (H. R. 3072) to remove the charge of desertion from the record of Wade H. Newman;

A bill (H. R. 6636) for the relief of Manley B. Edmunson;

A bill (H. R. 5072) to correct the muster-roll of Company B, Fortieth Ohio Volunteer Infantry, as to the name of Jesse N. Oren, late orderly sergeant of said company;

A bill (H. R. 6209) for the relief of George A. Cassedy; and

A bill (H. R. 6555) to remove the charge of desertion from the record of Jonathan C. Grumbling.

GEORGE LEMON.

Mr. BRAGG, from the Committee on Military Affairs, also reported back favorably the bill (H. R. 5056) for the relief of George Lemon; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM N. CANADAY.

Mr. BRAGG, from the Committee on Military Affairs, also reported back favorably the bill (H. R. 6712) for the relief of William N. Canaday; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. BRAGG, from the Committee on Military Affairs, reported back the bill (H. R. 6302) authorizing the Adjutant-General of the United States to place the name of Frederick B. Barnes on the muster-roll, &c.; which was laid upon the table, and the accompanying report ordered to be printed.

FREDERICK B. BARNES.

Mr. BRAGG, from the Committee on Military Affairs, also reported, as a substitute for the bill H. R. 6302, a bill (H. R. 8591) directing the Secretary of War to cause the name of Frederick B. Barnes to be entered as a private on the muster-roll of Company I, Seventh Tennessee Cavalry, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The bill H. R. 6302 was laid on the table.

CORRECTION OF RECORDS, ETC.

Mr. BRAGG, from the Committee on Military Affairs, also reported back favorably the following resolution; which was referred to the House Calendar:

Resolved, That the order of business for Friday evening sessions be enlarged so as to include private bills from the Military Committee, correcting the records of private soldiers and officers, but not to include any bill for the restoration of an officer to the Army or the giving any increased pay or rank to any officer in the Army or upon the retired-list.

MILLING-SHOP, SPRINGFIELD ARMORY, MASSACHUSETTS.

Mr. WILKINS, from the Committee on Public Buildings and Grounds, reported back favorably the bill (H. R. 7724) for the erection of a milling-shop at the national armory, Springfield, Mass.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. MATSON, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 8008) for the relief of John T. Bandy, and the same was referred to the Committee on Military Affairs.

On motion of Mr. MATSON, the Committe on Invalid Pensions was also discharged from the further consideration of the bill (S. 570) for the relief of Jabez Burchard, and the same was referred to the Committee on Claims.

LYDIA HADLOCK.

Mr. WOLFORD, from the Committee on Pensions, reported back favorably the bill (H. R. 1142) granting a pension to Lydia Hadlock; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. CUTCHEON, from the Committee on Military Affairs, reported back the bill (H. R. 6011) to authorize the Secretary of War to credit the State of Kansas with certain sums for ordnance and ordnance stores issued to said State, and for other purposes; which was laid on the table and accompanying report ordered to be printed.

ORDNANCE FOR STATE OF KANSAS.

Mr. CUTCHEON, from the Committee on Military Affairs, also reported, as a substitute for the bill H. R. 6011, a bill (H. R. 8592) to

authorize the Secretary of War to credit the State of Kansas with certain sums for ordnance and ordnance stores issued to said State, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. CUTCHEON, from the Committee on Military Affairs, also reported back adversely bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 6385) for the relief of G. W. Hewitt;

A bill (H. R. 4248) to place the name of John G. Orr on the rolls of Company A, Seventy-eighth Regiment Pennsylvania Volunteers;

A bill (H. R. 6398) for the relief of Andrew J. Woodside;

A bill (H. R. 6445) for the relief of William Reed;

A bill (H. R. 6089) for the relief of Lewis A. Treen from the charge of desertion;

A bill (H. R. 6696) for the relief of Albert Hill;

A bill (H. R. 2706) for the relief of Ann Annis;

A bill (H. R. 5850) for the relief of Jacob Winner;

A bill (H. R. 5754) to remove the charge of desertion from the record of Russell S. Thurston; and

A bill (H. R. 6300) to remove the charge of desertion against Thomas Carey and to place his name on the pension-roll.

LEWIS A. TREEN.

On motion of Mr. ELY, by unanimous consent the bill (H. R. 6089) to relieve Lewis A. Treen from the charge of desertion, reported back adversely, was taken from the table and referred to the Committee of the Whole House on the Private Calendar.

ADVERSE REPORT.

Mr. DARGAN, from the Committee on Military Affairs, reported back adversely the bill (H. R. 6110) providing for the repair of the road leading from Vicksburg to the national cemetery heretofore constructed by the United States; which was laid on the table, and the accompanying report ordered to be printed.

VICKSBURG NATIONAL CEMETERY ROAD.

Mr. DARGAN, from the Committee on Military Affairs, also reported back favorably the bill (H. R. 8593) for the repair and preservation of the road heretofore constructed by the Government leading from Vicksburg to the national cemetery adjacent thereto; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. HALE, from the Committee on Indian Affairs, reported back adversely the bill (H. R. 7243) to grant the right of way through the Indian Territory to the Chicago, Kansas and Nebraska Railway Company, and for other purposes; which was laid on the table, and the accompanying report ordered to be printed.

CHICAGO, KANSAS AND NEBRASKA RAILWAY COMPANY.

Mr. HALE, from the Committee on Indian Affairs, also reported, as a substitute for the bill H. R. 7343, a bill (H. R. 8594) to grant the right of way through the Indian Territory to the Chicago, Kansas and Nebraska Railway Company, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. HONORA V. LYONS.

Mr. HOWARD, from the Committee on Claims, reported back with an amendment the bill (H. R. 4481) for the relief of Mrs. Honora V. Lyons; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALEXANDER FALCONER.

Mr. STRUBLE, from the Committee on Pensions, reported back favorably the bill (H. R. 6443) granting a pension to Alexander Falconer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES ROBINSON.

Mr. O'HARA, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7169) to grant a pension to James Robinson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. O'HARA, from the Committee on Invalid Pensions, reported back adversely bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 7731) for the relief of Rufus G. Ammons; and

A bill (H. R. 7992) to place the name of Stephen Rice on the pension-roll.

FRANCIS HAMMOND.

Mr. FLEEGER, from the Committee on Claims, reported back with favorable recommendation the bill (H. R. 1886) for the relief of Francis Hammond; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with adverse recommendation the bill (H. R. 7700) granting an increase of pension to John R. Poe; which was ordered to be laid on the table, and the accompanying report printed.

NIRA D. GWYNNE.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with Senate amendments the bill (H. R. 1361) giving a pension to Nira D. Gwynne; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. PINDAR, from the Committee on Invalid Pensions, reported back with adverse recommendation bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

A bill (H. R. 7337) granting a pension to Philemon B. Purvis; and

A bill (H. R. 5713) granting a pension to Mary F. Wright.

CHANGE OF REFERENCE.

On motion of Mr. PINDAR, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 7766) granting a pension to Patrick Haney; and the same was referred to the Committee on Pensions.

B. B. CONNOR.

Mr. RICHARDSON, from the Committee on War Claims, reported back with favorable recommendation the bill (H. R. 7265) for the relief of B. B. Connor; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. RICHARDSON, from the Committee on War Claims, also reported back with adverse recommendation bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

A bill (H. R. 842) for the relief of Sebastian Heeter; and

A bill (H. R. 510) for the relief of Samuel Ayres.

CHANGES OF REFERENCE.

On motion of Mr. RICHARDSON, the Committee on War Claims was discharged from the further consideration of the bill (H. R. 7817) for the relief of the heirs of R. R. Black; and the same was referred to the Committee on Claims.

On motion of Mr. HAYNES, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 6317) for the relief of Newell C. Langley; and the same was referred to the Committee on War Claims.

ADVERSE REPORTS.

Mr. HAYNES, from the Committee on Invalid Pensions, reported back with adverse recommendations bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

A bill (H. R. 1461) granting a pension to Lisetta W. Spaulding;

A bill (H. R. 4582) for the relief of Alice Chapman;

A bill (H. R. 7947) for the relief of John Adams; and

A bill (H. R. 6962) granting a pension to Charles E. Blake.

REBECCA ROBERTS.

Mr. NEECE, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 8111) granting a pension to Rebecca Roberts; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CATHARINE REISINGER.

Mr. NEECE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 5950) granting a pension to Catharine Reisinger; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIHU JONES.

Mr. NEECE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 823) granting a pension to Elihu Jones; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EMILY B. BAKER.

Mr. NEECE, from the Committee on Invalid Pensions, reported

back with a favorable recommendation the bill (H. R. 1580) for the relief of Emily B. Baker; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PAY OF CHICAGO CUSTOM-HOUSE EMPLOYÉS.

Mr. WARNER, of Missouri, from the Committee on Claims, reported back with amendments the bill (H. R. 3031) authorizing the Secretary of the Treasury to pay certain citizens of Chicago, employés of the custom-house, for extra-time service; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. WARNER, of Missouri, from the Committee on Claims, also reported back with amendments the bill (H. R. 3034) authorizing the Secretary of the Treasury to pay certain citizens of Chicago, employés of the custom-house, for extra-time service; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RELIEF OF CERTAIN GAUGERS, ETC.

Mr. WARNER, of Missouri, from the Committee on Claims, also reported back with a favorable recommendation the bill (H. R. 7785) for the relief of certain gaugers and other internal-revenue employés who have been assigned to duty and have rendered services before the date of their qualification; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

DAVID W. LOW.

Mr. WARNER, of Missouri, from the Committee on Claims, also reported back with a favorable recommendation the bill (H. R. 5651) for the relief of David W. Low; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES W. GOODRICH.

Mr. WARNER, of Missouri, from the Committee on Claims, also reported back with an amendment the bill (H. R. 5652) for the relief of James W. Goodrich; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendment and accompanying report, ordered to be printed.

WILLIAM J. SMITH.

Mr. NEAL, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 4275) for the relief of William J. Smith, late collector of customs for the port of Memphis, State of Tennessee; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HIRAM W. HUBBARD.

Mr. NEAL, from the Committee on Claims, also reported back with a favorable recommendation the bill (H. R. 320) for the relief of Hiram W. Hubbard; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY AYRES.

Mr. GALLINGER (by Mr. NEAL), from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 536) for the relief of Henry Ayres; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM P. THORNE.

Mr. SPRINGER, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 7708) for the relief of William P. Thorne; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGES OF REFERENCE.

On motion of Mr. SPRINGER, the Committee on Claims was discharged from the further consideration of bills of the following titles, and they were referred to the Committee on War Claims:

A bill (H. R. 6702) for the relief of the personal representative of William Dufour, deceased;

A bill (H. R. 3744) for the relief of the Citizens' Bank of Louisiana;

A bill (H. R. 7713) for the relief of the Citizens' Bank of Louisiana;

A bill (S. 472) for the relief of the American Board of Commissioners for Foreign Missions, the Rev. Worcester Willey, and Esther Smith.

WILLIAM D. WILSON.

Mr. PERRY, from the Committee on War Claims, reported a bill (H. R. 8595) for the relief of William D. Wilson, of Vicksburg, Miss.; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

B. S. JAMES.

Mr. DOUGHERTY, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 3671) for the relief of B. S. James; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BEAUFORT LEE AND OTHERS.

Mr. DOUGHERTY, from the Committee on Claims, also reported a bill (H. R. 8596) for the relief of Beaufort Lee and others; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY NEAL.

Mr. DOUGHERTY, from the Committee on Claims, also reported a bill (H. R. 8597) for the relief of Henry Neal; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALCOHOLIC LIQUOR TRAFFIC.

Mr. FREDERICK, from the Select Committee on the Alcoholic Liquor Traffic, reported back with an adverse recommendation the bill (S. 182) to provide for a commission on the subject of the alcoholic liquor traffic.

Mr. DINGLEY. I ask that this bill be referred to the Committee of the Whole House on the state of the Union.

The bill was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

SECTION 3314, REVISED STATUTES.

Mr. MORRISON, from the Committee on Ways and Means, reported, as a substitute for the bill H. R. 8579, a bill (H. R. 8598) to so further amend section 3314 of the Revised Statutes, as amended, as to strike out and repeal so much thereof as allows to collectors of internal revenue commissions on taxes collected on distilled spirits; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The bill H. R. 8579 was laid on the table.

ADVERSE REPORTS.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back with adverse recommendations bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (S. 1367) granting an increase of pension to Catherine Doyle;

A bill (H. R. 6472) granting a pension to Anton Eberlein;

A bill (H. R. 3634) granting a pension to Mrs. Annie Evans; and

A bill (H. R. 5419) for the relief of Benjamin F. Taylor.

SAINT LUKE'S EPISCOPAL PARISH, KALAMAZOO.

Mr. HISCOCK, from the Committee on Ways and Means, reported back with an amendment the bill (H. R. 8188) to admit free of duty a certain lectern for the use of the Saint Luke's Episcopal church, in the parish of Kalamazoo, Mich.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ENTRY OF DISTILLED SPIRITS.

Mr. HARRIS, from the Committee on Ways and Means, reported back with an amendment the bill (H. R. 7140) to amend the laws relating to the entry of distilled spirits in distillery and special bonded warehouses, and the withdrawal of the same therefrom, and for payment of tax thereon; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. If there are no other reports, the next business in order is the consideration of bills reported from the Committee on Military Affairs.

VETERAN BOUNTIES.

Mr. BRAGG. I call up bill (H. R. 7895) for the relief of certain officers of the volunteer Army, and for other purposes.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all soldiers of the late war who re-enlisted as veteran volunteers, and afterward were discharged to receive promotion and receive commissions as officers in the Army, shall be paid all installments of veteran bounty which were withheld from them on account of their being so commissioned and mustered, the same as they would have been entitled to receive had they completed their term of enlistment without promotion and received an honorable discharge: *Provided*, That all soldiers of the late war who were discharged to receive promotion prior to their re-enlistment as veterans shall be entitled to receive the same bounty that they would have been entitled to had they served as enlisted men for the full term of their enlistment and received an honorable discharge: *Provided further*, That all volunteer soldiers or sailors of the late war who were honorably discharged on account of diseases contracted in the line of duty shall receive the same bounty that they would have been entitled to had they been discharged on account of wounds.

SEC. 2. That all advance payments of bounty, or balances of the same, which were deducted from the pay of either class of enlisted men herein referred to, by reason of their having been discharged for promotion, after having re-enlisted as veterans, or without re-enlistment and prior to a service of two years, shall be repaid to such as are entitled thereto by the provisions of this act; and in case of the death of the officer or soldier entitled to the benefits of this act, the amount of money found due him shall be paid to his widow, heirs, or legal representatives; and the Secretary of the Treasury be, and he is hereby, author-

ized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sums due in each individual case.

SEC. 2. That all acts and parts of acts inconsistent with this act are hereby repealed.

Mr. BLAND. Mr. Speaker, that bill ought to go to the Committee of the Whole.

The SPEAKER. The gentleman from Missouri [Mr. BLAND] makes the point of order that this bill should receive its first consideration in Committee of the Whole on the state of the Union. The Chair thinks the point of order well taken.

Mr. BRAGG. The gentleman from Nebraska [Mr. LAIRD] has charge of the bill.

Mr. LAIRD. Mr. Speaker, I move to discharge the Committee of the Whole from the further consideration of this bill, and that it be considered in the House.

The SPEAKER. The Chair thinks that, under the rule, the bill must receive its first consideration in Committee of the Whole. The gentleman can not make the motion as stated by him, but he can ask unanimous consent to have the bill considered in the House.

Mr. LAIRD. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole for the consideration of this bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. CRISP in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the purpose of considering the bill the title of which will be read.

The Clerk read the title of the bill, as follows:

A bill (H. R. 7895) for the relief of certain officers of the volunteer army, and for other purposes.

Mr. LAIRD. Mr. Chairman, it is not the desire of the Military Committee to provoke unnecessary discussion upon this measure, and I will endeavor to confine myself to a brief statement in explanation of the bill. Those of the House who served in the Army of the United States during the late war are aware that in 1863, under General Order 191 of the War Department, all soldiers who had served two years and over were invited by the Government to re-enlist, and one of the inducements to re-enlist was set forth in paragraph 3 of that order, which I now read:

Every volunteer enlisted and mustered into the service as a veteran under this order shall be entitled to receive from the United States one month's pay in advance, and a bounty and premium of $402.

The class of men affected by this bill are those who for gallantry after they re-enlisted as veterans were promoted to be officers of the volunteer forces. Upon such promotion the Government terminated the contract which springs from the paragraph of the order which I have read, and ceased to pay those men any portion of the bounty, which by that order it had agreed to pay. Not only did the Government do this, but from the sums of money in the nature of bounty previously paid to those soldiers while in the ranks of the Army they deducted the sum of $25 in each case. The position of the committee on this point is that the contract between the soldier and the Government became an executed contract upon his re-enlistment in the service of the United States, and that therefore it was beyond the power of the Government to terminate the contract by its action. The Secretary of War in terminating the contract used this language:

Paragraph 3 of the General Order 191 is construed by the War Department not to apply to the following cases: First, those discharged during enlistment by way of favor; and second, those discharged after re-enlistment by way of punishment.

A strange confusion of the rights of men, where excess of valor receives the same award which falls upon the excess of ignominy! The result of this construction (because it rests in construction alone) was that a large number of those who, after re-enlistment, were promoted, were so promoted within ninety days of the termination of the war and of their term of enlistment under the veteran contract, and as a consequence they became, under the construction of the War Office, not entitled to three months' pay proper allowed to officers, and they also lost the bounty which the Government had agreed to pay them. As a consequence, they accepted their promotion at striking financial cost to themselves. The second class named in this bill are those who prior to the expiration of two years from the date of their enlistment were promoted, and whom the Government deprived of the $100 bounty guaranteed them under the terms of enlistment, and who, if this bill becomes a law, will be entitled to receive the same bounty that they would have received had they performed their service to its conclusion and received an honorable discharge.

Another class of deserving soldiers affected by this bill and who suffer injustice, as we contend, consists of those who were discharged prior to the expiration of two years' service for disabilities not resulting from wounds. All soldiers who were discharged on account of wounds, who belonged to the three-years' army prior to re-enlistment, were paid $100 bounty, the same as they would have been paid had they continued their term of service to its conclusion and been honorably discharged. But those who were discharged prior to the expiration of two years, and not on account of disabilities from wounds, were, by the construction of the War Office and its accounting officers, deprived of the $100 which should have gone to them under the contract of enlistment. These are the three classes affected by this measure.

Mr. SOWDEN. I wish to inquire of the gentleman whether the $402 bounty payable under this general order was payable immediately on re-enlistment as a veteran, or payable in installments; and if so, how?

Mr. LAIRD. It was payable in installments. Immediately on re-enlistment the veteran receives $13, being one month's pay, and also $25 as the first installment of bounty, and a premium of $2, making $40. On the first regular pay-day thereafter $50 was paid, and so payments were made at intervals of four months until the whole of the balance had been paid.

Mr. BRECKINRIDGE, of Kentucky. Will the gentleman from Nebraska inform the House what is the aggregate amount which it is estimated will be required to make the payments under this bill?

Mr. LAIRD. In answer to the gentleman from Kentucky, I will say I have consulted with the Adjutant-General; and he states it will be impossible to determine even during this session of Congress with any degree of accuracy what the amount will be. I have made an estimate which I think approximates to some degree of accuracy, but of course it is only an estimate. There were received into the service of the United States for three years some two million two hundred and fifty thousand troops. This bill will affect, so far as the veterans are concerned, only those who had rendered two years or more of service.

There were, as nearly as I can determine, five hundred regimental organizations that veteranized. Taking a full regiment of ten companies, the line officers (and this is confined to line officers almost exclusively) would be thirty to the regiment, if it had the full complement. But every gentleman conversant with the service knows, of course, that as a matter of fact at the time of veteranizing and immediately thereafter, or within the time when the rule allowing promotions for veteran enlistment was operative, the regiments were so decimated that sometimes—and this was the case in my own brigade—it took fifteen regiments to make up a brigade of fifteen hundred men. It was not uncommon, near the close of the war, to find in our Army regiments having less than one hundred men behind the colors. I take it then to be a fair estimate to say that five hundred officers of this class will be affected by this bill. I assume that an average of about $200 per man will become due upon the passage of the bill. This would make the amount to go to veteran officers under the bill something like $100,000.

Then there are the officers who were promoted in the three-year service, and the enlisted men who were discharged, not on account of wounds and prior to a service of two years. These two classes, I take it, would scarcely make up $100,000 more, according to the estimates I have.

Mr. BRECKINRIDGE, of Kentucky. How do you get at the last class?

Mr. LAIRD. So far as the officers are concerned, I get the result by the same system of reasoning which I have stated to the House in connection with the others.

Mr. BRECKINRIDGE, of Kentucky. How do you get an estimate of those discharged on account of disability?

Mr. LAIRD. I get at that from conversation with the auditing officers of the Government as to the number of cases that have arisen in their experience where applications have been made for this bounty upon the assumption by the soldier that he was entitled to it.

Mr. BRECKINRIDGE, of Kentucky. But does the gentleman suppose that the number of soldiers discharged on account of disability and who believed themselves entitled to the bounty bears any large proportion to the number of soldiers discharged on account of disability who did not labor under such delusion?

Mr. LAIRD. I think not; that is my experience from the investigation I have been able to give the matter.

Mr. BRECKINRIDGE, of Kentucky. Then the gentleman's idea is that this bill will carry about $200,000 or $300,000?

Mr. LAIRD. From $200,000 to $300,000 is what the bill will carry, I think.

Mr. BLAND. Have any estimates been made by the Department at all?

Mr. LAIRD. The committee has made the estimate I have stated.

Mr. BLAND. Does any estimate accompany the report?

Mr. LAIRD. No, sir; because at the War Office we have been told that with the present force they can not give us an estimate.

Mr. BLAND. Then the War Office is unable to give any estimate as to the amount of money required?

Mr. LAIRD. They can give no accurate estimate.

Mr. BLAND. Then it is mere guess-work, I suppose, as to the amount?

Mr. LAIRD. The gentleman may call it so, if he pleases.

I take it, Mr. Chairman, that there is nobody on this side of the House who will object to the passage of this bill on the ground of the loyalty of the beneficiaries; and I take it there is no gentleman on the other side who will object on the ground that the Government did not get full consideration for the money it is now asked to pay.

Mr. McCOMAS. Let me ask the gentleman from Nebraska whether

the ground was not that promotion from the ranks was based on favor and not on merit, which was the real fact.

Mr. LAIRD. I can not say what may be the position of the other people.

Mr. McCOMAS. That is, that the meritorious soldier who rose from the ranks was deprived of bounty, although he had merit, on the technical ground promotion was given by favor.

Mr. LAIRD. I think you are correct.

Mr. McCOMAS. A system injurious to good discipline and proper management by the War Department.

Mr. LAIRD. I move the committee rise for the purpose of going into the House to limit debate on this bill.

Mr. REAGAN. I hope not.

Mr. LAIRD. I give notice I will call for the previous question on the passage of the bill.

The CHAIRMAN. Does the gentleman move to report the bill favorably to the House?

Mr. LAIRD. Yes; if no gentleman desires to debate it further I move the bill be reported back to the House with the recommendation that it do pass.

Mr. BRECKINRIDGE, of Kentucky. I hardly think it is fair the gentleman should move to rise and report the bill to the House when a statement has only been made on one side of the question.

The CHAIRMAN. The Chair will submit the question on the motion to rise for the purpose of going into the House to limit debate.

Mr. REAGAN. We ought not to be asked to put this bill upon its passage until we have had some statement from the War Department.

The motion was disagreed to.

Mr. HEWITT. Mr. Chairman, I admit I do not understand this bill. I have been reproached on a previous occasion with having voted against an increase of pension to widows. I could not plead ignorance on that occasion; I knew exactly what I was doing. I knew that bill proposed to take away the hard earning of some widows and give it to other widows. To me all widows are alike. I am like Tony Weller, rather inclined to beware of them. [Laughter.]

I was told during my absence from the House I was attacked by some gentlemen on the other side and consigned to a very bad place. I am not quite sure I was not invited to take a trip to regions which are not popular inside this House or out of it.

Mr. BRAGG. But supposed to be quite populous, are they not? [Laughter.]

Mr. HEWITT. I do not know how those regions are tenanted, and I trust I never shall know; but so far as I am concerned, if I expect to keep out of them, it will be by trying to do my duty frankly and fearlessly in this House.

I remember standing at the corner of the Speaker's desk when the bill giving arrears of pensions was under consideration by this House, and I heard the question put to the gentleman in charge of that bill [Mr. RICE], as it has been put here to-day by my friend from Kentucky to the gentleman from Nebraska [Mr. LAIRD], what will the bill cost? And the answer was, after the most careful computation, it could not exceed $20,000,000. And yet under that bill some hundreds of millions of dollars have been paid out of the Treasury, and I suppose hundreds of millions more will have to be paid. I did not vote for that bill. I was told it would not be safe for me to go home to my district. I have never heard of it in my district. I went back. I have been often a candidate before them since, and no man has ever reproached me with that vote.

And I now say here, whether I shall be a candidate or not for office, I am prepared to take the responsibility of saying that it is time to call a halt on these bills giving untold sums from the Treasury of the United States which can only be got out of the "coined sweat," as my friend from West Virginia called it—out of the coined sweat of the laboring men of the country. We have not any money to give away. The working people of this country are to-day in the presence of starvation. The avenues for work are being closed up, and closed, as I believe, mostly as the result of overtaxation.

Should not this House address itself to the work of reducing taxes? Twenty-five dollars a year taken out of a single family may not seem large to those gentlemen who are so ready to empty the contents of the United States Treasury into the streets, and yet to the man who earns his living $25 a year represents the difference between comfort and misery.

I know that men from the South are placed by these bills in a most embarrassing situation. They can not discuss them without having imputations thrust upon their loyalty as I heard them uttered to-day, if the remark of the gentleman from Nebraska [Mr. LAIRD] had any meaning at all. I confess I was stirred—if I understood that remark—stirred with indignation that it should be made impossible for these gentlemen on this side to do their duty here and vote without having a reproach cast in their teeth. For that reason, Mr. Speaker, I have taken the floor. No man can reproach me with want of loyalty, or my people with want of a disposition to make sacrifices for those who suffered or made personal sacrifices in their country's defense.

But the burden has become intolerable. It is time somebody may speak out here. I care not what the consequences may be to me personally; but I warn gentlemen that we must stop depleting the Treasury of the Government of its contents on one pretense or another for the benefit of those who are not laboring for an honest living, or if they are laboring for it do not need the bounty we are so ready to pour into their laps. I say it in justification of the men I believe to be as generous, as liberal, as honorable as any men I have ever known in the course of my life. I have seen them come up and vote for these bills, vote for every measure of justice to the Union soldier; and what is to be regretted I have seen them forced to give their assent to other measures which in the better days of this Republic, when the Constitution was better understood and respected than it is now, would have had no place here. I have seen them come into this House and advocate and vote for these measures on the ground that it was the only way in which they could get back into the South any portion of the money for which they are so relentlessly taxed.

It is the only way for them to get even, and I do not blame these gentlemen for advocating river and harbor measures and educational bills, as well as other bills which I feel constrained to oppose, for they are taxed in their property, in their destitution, in the loss of everything except honor, and they are compelled to pay their share of the money which is distributed among the Union soldiers.

Has not the hardship been enough? Has not the humiliation been sufficient? Were they not crushed to the earth? Why, I know members of this House who, when the war closed, knew not whence the bread was to come for their wives and their children for one week ahead. Were they not sufficiently crushed and humiliated then? And yet they have come up manfully to all their obligations, though their mouths are closed; and it is not honest or honorable to press these measures upon people who are not able to either express their dissent or to give negative votes in silence.

Mr. WARNER, of Missouri. Will the gentleman permit a question?

Mr. HEWITT. I will answer questions if the gentleman desires to ask them.

Mr. WARNER, of Missouri. I wish to ask the gentleman from New York what there is dishonest or dishonorable in pressing this particular measure?

Mr. HEWITT. The limit of endurance on the part of the tax-payers of this country has been reached, and it is breaking out in riots and death and dynamite, and it will not stop until the pressure—the heavy load of taxation—is removed. That is the reason why I feel constrained on this occasion to call the attention of my Northern colleagues to the fact that the limit has been reached, and that unless we stop now and refuse to vote for these bills that abstract in the dark from the Treasury of the United States the honest proceeds of labor, it will be impossible to maintain order in this country. The question to-day is social order at all costs, at all hazards; it must be maintained. It is better to have bad law than no law; it is better to have tyranny than anarchy; and it is the reckless appropriations of money which has forced this issue upon the people of the United States. This House should address itself to measures of relief, to the reduction of taxation, and to the opening of the avenues for the employment of labor.

Mr. HEPBURN. May I ask the gentleman a question? If this is the prime necessity here—the reduction of taxation—why does not the gentleman and his large majority on that side do it?

Mr. HEWITT. That is exactly one point of my remarks. The Democrats of this House have a majority. There is a bill pending in this House which will reduce taxation twenty-five millions. I know that efforts have been made to prevent the consideration and passage of that bill; and I will go with the gentleman from Iowa in sackcloth and ashes, if necessary, in order to make atonement for the failure of this House and of my party and of my administration to fulfill the pledges they made to the people when they asked for their votes and received the verdict which placed them in power. Yes, Mr. Speaker, we shall be traitors to every obligation which we assumed, and to every duty which we are sent here to fulfill, unless we walk squarely up to the settlement of that great question; and instead of imposing taxation by making new appropriations of the public money, we shall reduce taxes and lighten the heavy load now pressing grievously upon the shoulders of this people. [Applause.]

Mr. BRAGG and Mr. HISCOCK rose.

The CHAIRMAN. The gentleman from Wisconsin [Mr. BRAGG] is recognized.

Mr. BRAGG. I had hoped that in the consideration of bills submitted from my committee no gentleman would take an opportunity of making a political speech.

Mr. HISCOCK. I want to make one on the other side.

Mr. BRAGG. I do not propose to discuss the labor question, the tax question, the tariff question, nor the currency question; but I propose to speak of protecting the honor of the nation by keeping its plighted word and bonded faith, irrespective of my friends from the South or from the North.

When gentlemen talk about oppressive taxation they are not talking about what underlies this bill. This is a bill to execute a covenant made by the Government with these people if they would aid in its defense. It was a covenant made with the men who went for the defense of the Government to protect the property that is represented

by the gentleman from New York. Their blood is property. [Applause.] It is not a question of tax.

The Government said, on the call for three hundred thousand men, that every man who served two years, or was discharged for disability, should receive a bounty of $100. So spoke the President of the United States in his proclamation. Three hundred thousand men came to the field. A minor officer, one of the auditing officers of the Government, concluded he had charge of the honor of the Government as well as the Treasury, and so he commenced to hold that if a man was discharged for disability in two years he would be entitled to his $100 bounty; but if he served two years, eleven months, and twenty-one days and for gallant conduct was promoted, he should be punished by taking away what had been given to the man who went out of the service a year before. Was that keeping faith on the part of the Government with these men? It was not, and thank God, if there be no other thing for which this administration ought to be thanked, it is that the Comptroller has decided that that was not the proper construction of the law, and has commenced for all cases not decided to make allowances for what the Government contracted to pay the men under the three hundred thousand call.

In 1864 when the Government was supposed to be in its last throes, when even the Republican party was willing to let up on its party organization and call for Union men independent of men who belonged to that organization and even made Union tickets in many States, the Government then made another proclamation, that all persons who were serving under their first term of enlistment and who re-enlisted in order to keep up the ranks of the Army, should be allowed for such enlistment $402, if I recollect the precise amount.

Mr. REED, of Maine. Was that by a statute?

Mr. BRAGG. It was an order made by authority of Congress, issued from the War Department. The payment of that money by the orders of the War Department was apportioned so that it practically paid in installments the private soldier and non-commissioned officer who veteranized; his first installment, if I recollect rightly, would be $25. If he served six months and was promoted in the last of the great battles of the war, when he went to settle his account as an officer this honest, generous Government charged him up with the money they had paid him and made him pay it back notwithstanding their bond.

This bill is to provide that those officers so promoted that were entitled to their $100 when they were promoted did not forfeit it by reason of their good conduct, and that they shall not be punished by imposing that as a fine upon them. And it goes further. It provides that those officers who were promoted and compelled to pay back the bounty which they had earned and which belonged to them shall have their account settled by a credit of the amount that the Government improperly took from them.

That is all the politics there is in this bill.

Mr. DANIEL. May I ask the gentleman a question for information?

Mr. BRAGG. Yes, sir.

Mr. DANIEL. Do I understand the gentleman to say that the Comptroller now rules that is the true intent and meaning of the law?

Mr. BRAGG. I think so; I have seen such a decision published.

Mr. CUTCHEON. But that is not retroactive. It only applies to future cases.

Mr. BRECKINRIDGE, of Arkansas. May I ask the gentleman from Wisconsin a question?

Mr. BRAGG. Yes, sir.

Mr. BRECKINRIDGE, of Arkansas. When was this decision made?

Mr. BRAGG. Some time during the present year; I can not tell you when. I saw it published in the newspapers.

Mr. BRECKINRIDGE, of Arkansas. I will trouble the gentleman with an additional question. Has any other measure ever been brought before Congress to redress this omission and wrong?

Mr. BRAGG. Yes, sir.

Mr. BRECKINRIDGE, of Arkansas. When?

Mr. BRAGG. In the Forty-fifth Congress. I introduced the bill myself.

Mr. BRECKINRIDGE, of Arkansas. It is not then brought up now for the first time?

Mr. BRAGG. No, sir.

Mr. BRECKINRIDGE, of Arkansas. I will make only one or two brief observations in connection with this bill. There is no more friendly tribunal in the world to which a man ever made an appeal for the recognition of every just claim and for the redress of any real wrong than this Congress in its dealings with the Union soldiers. But, sir, whenever a bill comes before this House that carries with it an appropriation of money, I hold the time has come for very careful scrutiny; all discussion bearing upon matters of taxation and the distress that exists among the people is exceedingly pertinent and proper. If there has been an omission in dealing with the soldiers, if a wrong has been committed that ought to be righted, I do not believe there is a gentleman upon this floor from any section of the country who does not heartily wish to see the record made clean and correct. But, sir, we should remember one thing in our general policy, that we have now beneficiary legislation for the survivors of the late war that amounts to an annual expenditure that is not below what is spent for the standing armies of any except three or four of the leading nations of the earth.

We imagine that we are without the expenditures of a great military establishment, but, while still burdened with a debt that results from that war, our annual expenditures of this character are, I repeat, as great as those of any nation on earth for its military establishment except three or four of the principal monarchies of Europe. That is all right and just and proper. But, sir, when these rates and expenditures have been fixed at a time when the gratitude of the country was at its highest flood, when these rates and expenditures have been fixed at a time when the purchasing power of money was far less than it is to-day or ever will be again, it behooves the people of this country to analyze the causes—I will not say the motives—which impel to additional legislation of this sort. I will not say that they are demagogical, but I will say that they are very apt to be unwise and unpatriotic in view of the just claims of all classes of the people.

But, in the face of all this, bring up your claim, and if you will establish it by some other line of appeal than that which was made just now by the gentleman from Nebraska [Mr. LAIRD], an appeal merely to the loyalty of the claimant and to the ancient rebelliousness of those who sit in judgment upon the claim, you will have it allowed upon the establishment of such merit as would pass it before any dispassionate tribunal in the country. Before a single syllable had fallen from the lips of a Southern man the gentleman from Nebraska [Mr. LAIRD] had to laud the loyalty of the claimant, without arguing the merits of the case, and had to cast odium upon those who, whatever they are or whatever they have been, are here as free and unshackled American citizens, representing the tax-payers of this country. Sir, it is in that spirit, in the spirit of loyalty, taking up these obligations of gratitude, remembering that we are a people of a common Union, and that to-day we are not from North or from South, from East or from West, but from the different portions of one common country and representing the tax-payers of that country—it is in that spirit that I say: establish your claim, establish its merits, and you shall have my vote for its allowance; but do not, for God's sake, come here with such appeals as the one we have just heard.

Mr. LAIRD. Mr. Chairman, there seems to have been a strange misconstruction here of my language. I take it, sir, that in the House from time to time in the discharge of my public duties I have shown a disposition to do what I believe to be right, and that if it has brought me into unfraternal relations with the gentlemen upon the other side of the House I have not therefore shrunk from the discharge of that duty. It is an entirely gratuitous construction of my language in which the gentlemen find a predicate for opposition to this most just measure, which in the proper discharge of my duty to these my comrades of the war I can not allow to proceed. Gentlemen on this side of the House [the Democratic side], I had occasion to learn your quality upon other fields than this, when I looked down the leveled barrels of your muskets and you looked down the leveled barrels of ours, and I am perfectly willing to intrust the case of these soldiers to the magnanimity of the men whom I saw upon all the fields of the war, except when I was laid aside for repairs, and that without any appeal to past passion.

There is no disposition upon my part, none I trust upon the part of any man here, to attempt the tricks of a demagogue, and in the name of patriotism to perpetrate a crime against a peaceful condition of things in this country. This nation is your nation, thank God, as well as ours, and it is so by the courage and the valor of the men for whom I plead. It was not our fault that you were not with them, so that you might to-day be the beneficiaries of this act the passage of which we seek at your hands and at the hands of your colleagues. It is not our fault. You made your election and we made ours. We fought it to an end. It is done, and let it remain done since 'tis well done. Now then, if you are honorable men—and you have attested it upon a hundred fields—the appeal lies as strongly to you as it does to us. There is no dividing line here. The honor of the Government against which you fought ought to be as dear to you now as it is to the men who then fought to maintain its honor. This is a cold question of a contract, and my remark to this side of the House was rather in the nature of a compliment, the recognition of the courage of men who could see courage in their opponents, although in the end they had to see it through the bitterness of defeat. That remark was no appeal to the spirit of party. It was an appeal to no difference upon the great question of loyalty. Here is a cold question of a contract made by the Government of the United States with its soldiers, which contract that Government repudiated; and the question is whether or not this Congress will now do that which the Government by its solemn proclamation and declaration promised to do for its soldiers then.

Mr. Chairman, I can not pass without comment the extraordinary defense which the gentleman from New York [Mr. HEWITT] sees fit to make for the gentlemen of the South who are supposed by him to be suffering under some sensitive disability which closes their lips. When did the gentleman become the guardian of the South? Who is raising the ghost of the defunct confederacy if not the gentleman from New York? Who asks the votes of Southern men for this measure unless they be given as a matter of conscience? Certainly I do not. The gentleman says he does not blame members from the South for voting for river and harbor bills to get even with the North. Is the business of legislation reduced to a contemptible swap? Is that the high level of the gentleman's defense of the South? Mr. Chairman,

against the deep damnation of this petty defense of men of the South I protest. This is not a game of larceny. We present this measure upon its merits, and let it stand or fall by the votes of members of this House, which they are free to give or withhold.

Mr. McMILLIN. Will the gentleman permit me to ask him a question?

Mr. LAIRD. Yes, sir.

Mr. McMILLIN. You say this was a contract.

Mr. LAIRD. I say so.

Mr. McMILLIN. In what way was the contract made? Otherwise than by law?

Mr. LAIRD. I suppose the construction made by the order of the Secretary of War was afterward ratified by law.

Mr. McMILLIN. If it was ratified by law, then there was law for the contract. Why, then, is it not enforced by the law that made it?

Mr. LAIRD. It is not enforced by the law that made it by reason of the misconstruction put upon the contract by the auditing officers of the Government.

Mr. BLAND. May I ask the gentleman how long ago that construction was given?

Mr. LAIRD, The order upon which the re-enlistments took place was dated the 25th of June, 1863. The order upon which the construction which refused payment of these claims was based was made in August, 1866.

Mr. BLAND. I wish to ask another question. How does it happen that this matter has been pending so long?

Mr. LAIRD. I will say to the gentleman that a bill to do this very thing did once pass this branch of Congress.

Mr. ROGERS. When?

Mr. BLAND. This construction having been made at a time when the laws and orders on the subject were all fresh in the minds of the auditing officers, and when, we may presume, the whole matter was well understood, it seems to me now quite late to appeal to Congress to set aside the construction then placed upon the order and the law by the auditing officers of the Government.

Mr. McMILLIN. My friend from Nebraska [Mr. LAIRD] says that the reason this bill is necessary is that the law has been misconstrued by the officers whose duty it was to construe it. Now I ask whether those interested in this matter have not a right to enforce their claims in the courts; and, if so, why do they not do it?

Mr. LAIRD. I can not answer for them; and we have not discharged our duty, as I understand, unless by law we furnish to these men a clear remedy.

Mr. McMILLIN. It is our duty to make laws; but the enactment of laws will not enforce those already in existence. When was the construction complained of first adopted and by whom?

A MEMBER. In 1866.

Mr. CUTCHEON. What court would the gentleman from Tennessee have the soldier go into in order to enforce the contract?

Mr. McMILLIN. The gentleman from Michigan [Mr. CUTCHEON] asks me what court I would have the soldier go into to enforce his claim. The laws provide the court that can compel the officers of the Government to do their duty under the law.

Mr. LAIRD. What action have the men against the Government? I do not wish to waste time in quibbling about this matter. There is no court that has jurisdiction to award these men the remedy to which they are entitled. Let the nation perform its agreement with them.

Mr. McMILLIN. The officers of the law——

Mr. LAIRD. I can not yield further to the gentleman from Tennessee. I yield to the gentleman from Virginia [Mr. DANIEL], who wishes to ask a question.

Mr. DANIEL. I beg leave to ask one question, and I will say in advance that if I am satisfied the Government has made this contract I shall vote for the bill. But the question which I want answered, as a matter of information, so that this case may be understood, is this: If the claimant has this right which is contended for under an existing law, has he not his remedy by mandamus to compel the Government officers to pay him his bounty?

A MEMBER. How can a court control the judicial discretion of an officer by mandamus?

Mr. DANIEL. But, under the law, is it a judicial discretion?

Mr. MILLS. Where the duty of the officer is ministerial, he can be controlled by mandamus, but not upon a matter confided to his discretion.

Mr. DANIEL. The question I wish to put to the gentleman from Nebraska is this: If the claimant, having been a volunteer for two years, I believe it is, has the right under the law to demand this bounty, where is the difficulty in his asking a mandamus to compel the payment of the bounty?

Mr. LAIRD. My answer to the gentleman is this, and it will serve as an answer to all these interrogatories: If every soldier who has been wronged by the construction of the auditing officers of the Government in the matter of his pay is compelled to go into court to sue, that is an end to any remedy for him.

Mr. DANIEL. One case would settle the question.

Mr. LAIRD. The soldier might spend all his property in the effort to recover what he is entitled to.

Mr. McMILLIN. One decision would settle the question, and would determine the rights of parties in all cases of the same class.

Mr. REAGAN. Mr. Chairman, as I shall have to vote on this question——

The CHAIRMAN. Does the gentleman from Nebraska yield?

Mr. REAGAN. I only desire a few moments.

Mr. LAIRD. I yield to the gentleman for five minutes.

Mr. REAGAN. As I shall be called upon to vote on this question, I desire to say that when we are asked to pass a bill like this we are entitled to information from the proper Department of the Government as to what will be the probable cost of the measure. The Committee on Military Affairs come to this House with a bill as to the cost of which they do not profess to have any idea; and they do not seem to have inquired at the War Department to obtain an estimate from that Department, which could certainly be made there. I am induced to make this remark, because some years ago there was before this House a bill which it was alleged on particular inquiry would not cost the Government more than $20,000,000 or $30,000,000, the highest estimate that any one made being $60,000,000. In that case it turned out that the Commissioner of Pensions in his first report after the passage of the bill estimated that the measure would cost the Government $750,000,000.

No one can say that the present bill will not cost the Government more than $30,000,000; but how much more we can not tell. I suppose from the suggestions made by gentlemen here that the answer to this would be that this is a debt which the Government owes upon a contract which it has made. But how does it come to pass that a debt arising upon a contract made more than twenty years ago has never been enforced against the Government?

Will it be assumed that Congress has been unpatriotic, the Republican party has been wanting in its duty and fidelity to the soldiers, that it has been unfaithful to its contracts and obligations for twenty years, and just now has discovered the Government is indebted to these people and under obligations to pay a sum of money in any case whatever the amount may be?

It is for such reasons as this I shall vote against this or any other bill which comes to this House and asks for indefinite appropriations. I am slow to accept the proposition this Congress has been for more than twenty years so unpatriotic as to have failed in its duty to the soldiers. I can hardly well think that is the case. I can hardly believe it has been left for twenty years to this Congress now to discover the obligations of the Government to pay these particular men.

Mr. Chairman, the gentleman from New York [Mr. HEWITT] made some remarks a little bit ago which had better be heeded by this House. Instead of piling up new burdens upon the people we had better begin to lighten those burdens. We have gone on by a system of legislation for twenty years the effect of which has been to accumulate vast fortunes in the hands of a few individuals and corporations of the country and inevitably to impoverish the great mass of the people. The principle and cause which led to this are going on in their operations, and the fruits of this course are being demonstrated to the American people to-day by poverty, by suffering, by strikes. And gentlemen must not suppose they can relieve themselves by piling up additional burdens. Instead of preserving the Government, our policy for twenty years has been to pile up fortunes in the hands of the few and impoverish the great mass of the people and create privileged classes in violation of the spirit and genius of our Government and in defiance of the plain injunction of the Constitution itself.

How? We have fixed a class of judicial officers who, when they retire from service, are paid for life for doing nothing, and Army officers, Navy officers, and officers of the marine service. And we had bills before the last Congress for more than a dozen additional classes of men to be paid for life, because they have been more fortunate than their fellow-citizens and been able to get into valuable positions.

The CHAIRMAN. The gentleman's time has expired.

Mr. REAGAN. I hope the gentleman from Nebraska will allow me one minute more.

Mr. LAIRD. I will yield one minute more, but no more.

Mr. REAGAN. We had better attempt to modify or repeal the laws which are oppressing the people. We had better begin to learn to do justice to the people before we are forced to learn it in an unpleasant way to the whole country.

[Here the hammer fell.]

Mr. ROGERS. I hope the gentleman will yield to me.

Mr. LAIRD. Gentlemen must make speeches in their own time if they rise to oppose the bill.

Mr. ROGERS. I wish to oppose it on legal grounds.

Mr. LAIRD. I will yield one minute to the gentleman from Pennsylvania.

Mr. SOWDEN. Mr. Chairman, I rise simply to correct the exaggerated statement made by the gentleman from Texas [Mr. REAGAN] in reference to the amount of money involved in this legislation. He has stated to this House that the amount involved in this bill is $30,-

000,000. The gentleman from Nebraska [Mr. LAIRD], in reply to a question addressed to him by the gentleman from Kentucky [Mr. BRECKINRIDGE], said that the entire amount involved would not exceed $200,000 or $300,000.

Mr. REAGAN. If the committee has that information it never yet has stated it.

Mr. LAIRD. No; they have not. I understood the committee, from the best information they could get, to fix it at that amount of $200,000 or $300,000.

Mr. SOWDEN. So the gentleman stated in his response to the questions of the gentleman from Kentucky [Mr. BRECKINRIDGE].

Mr. LAIRD. I take it the bill has been sufficiently discussed; and I hope by unanimous consent all further debate will be limited to ten minutes.

Mr. STEELE. I hope that will be done, and the debate can continue under the five-minute rule.

Mr. ROGERS. I object.

Mr. BRAGG. I move the committee rise for the purpose of limiting debate.

Mr. ROGERS. I hope that will be voted down.

The committee divided; and there were—ayes 116, noes 39.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CRISP reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 7895) for the relief of certain officers of the volunteer army, and for other purposes, and had come to no resolution thereon.

Mr. BRAGG. I move that the House resolve itself into the Committee of the Whole on the state of the Union; and pending that motion I move that all general debate on the pending bill be closed in ten minutes.

Mr. HOLMAN. I suggest a little additional time. I move to amend by making it thirty minutes.

The question first recurred on the amendment.

The House divided; and there were—ayes 79, noes 53.

So the amendment was agreed to.

The motion as amended was then adopted.

The question next recurred on the motion to go into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. CRISP in the chair.

The CHAIRMAN. By order of the House all general debate on the pending bill has been limited to thirty minutes, fifteen minutes on each side.

Mr. BRAGG. Mr. Chairman——

The CHAIRMAN. The Chair will state that it desired to give fifteen minutes of the time to gentlemen who were opposed to the passage of the bill. The Chair understood the gentleman from Indiana, from his motion, to be opposed to it.

Mr. HOLMAN. I can not say that I am opposed to the bill; but I desire ten minutes for the purpose of making some remarks upon it.

Mr. ROGERS. I will take the time, Mr. Chairman, as I want to oppose the bill.

Mr. BRAGG. I think the Chair misapprehended the purpose of the gentleman from Indiana. His purpose is to consume the day.

Mr. HOLMAN. No, sir; my purpose is to amend the bill.

The CHAIRMAN. The Chair will recognize the gentleman from Arkansas [Mr. ROGERS] to control the time in opposition.

Mr. ROGERS. Mr. Chairman, I listened with the best attention of which I am capable to the arguments both of the gentleman from Nebraska [Mr. LAIRD], and the gentleman from Wisconsin [Mr. BRAGG] the chairman of the Committee on Military Affairs, and I understood both gentlemen to assert that this was a contract of the Government, and that this bill was based upon a specific contract on the part of the Government.

It may be that I have failed to understand these gentlemen. It may be that I occupy the same attitude upon the subject of this bill which my friend from New York declared for himself, namely, a state of ignorance; but I think I understand the provisions of the bill, whether I understand the facts upon which it is based or not; and if the bill is true then I say it is not a specific contract of the Government at all, but an effort on the part of the Committee on Military Affairs to equalize the three classes sought to be benefited by the bill and place them on the same footing with those who had performed the duty under the act in question—their comrades in arms.

But, sir, to discuss this bill in the manner in which I propose to discuss it, for I intend to discuss it altogether upon legal grounds, I invite attention to its provisions. The first section of the bill provides:

That all soldiers of the late war who re-enlisted as veteran volunteers, and afterward were discharged to receive promotions and receive commissions as officers in the Army, shall be paid all installments of veteran bounty which were withheld from them on account of their being so commissioned and mustered, the same as they would have been entitled to receive had they completed their term of enlistment without promotion and received an honorable discharge.

The very bill itself, so far as this class is concerned, states that they are to receive the same that they would have been entitled to receive if certain things had been done; from which the inference naturally follows that they did not conform to the terms of the contract, or the law if you please, under which they were mustered into service.

Appended to this section of the bill is a proviso in the following words:

Provided, That all soldiers of the late war who were discharged to receive promotion prior to their re-enlistment as veterans shall be entitled to receive the same bounty that they would have been entitled to had they served as enlisted men for the full term of their enlistment and received an honorable discharge.

That is to say, they shall receive the same bounty that they would have been entitled to receive had they done such and such things; which leaves the inference clear and unquestioned that they did not do these things which the law required them to do in order to receive the bounty which their fellow-members who conformed to the law received. The second proviso of this section is in the following words:

Provided further, That all volunteer soldiers or sailors of the late war who were honorably discharged on account of diseases contracted in the line of duty shall receive the same bounty that they would have been entitled to had they been discharged on account of wounds.

Clearly conveying the inference that they did not conform to the law by serving the period of time which the contract demanded they should serve in order to be entitled to the bounty the bill now seeks to confer; and which law only gave the benefit of its provisions to those who were discharged on account of wounds, as my friend here from Kentucky suggests. But this bill now seeks to confer that bounty upon all without restriction.

In other words, Mr. Chairman, the object of this bill is to create new classes which would be entitled to the same privilege of bounty which the persons who originally entered the service and performed the conditions required by the law were entitled to receive. It is then an effort to do—what? To place upon an equal footing the men who did not conform to the law with those who did conform to the law; and now that brings me to the principle against which I enter my earnest protest.

Sir, whenever we recognize the principle that we shall go back to take up the four years of that unfortunate conflict and undertake to settle the equities of all persons engaged in it, equalize the compensation they received, and put all upon an equal footing, we open a door which we can never again close; we open a door that will absorb more than all of the pension-money that has ever been expended in this country up to this time. It is a question which involves bounty, additional pay for service, land-warrants, pensions, bounties, back pay, a dozen things which have been conferred upon various classes of persons either by special enactments, by general orders, or by law, to take effect from the time, or to be regulated by the time they were mustered into the service and the length of their service. It will take more to equalize bounties and place all soldiers upon an equal footing, having reference to the value of money at the time it was then paid and the other conditions which must necessarily enter into the calculation, than it will to pay the entire pension-roll of the country. I maintain, sir, that we can not afford that precedent; and right here I enter my protest against the policy of attempting to place persons who have not conformed to law upon an equal footing with those who have conformed to it and who are entitled to the conditions of the contract, the provisions of which they knew when they entered the service. Therefore, when you tell me, as these gentlemen have told me, that we are called upon here to execute a contract, I respond it is not so nominated in the bond.

It does not appear on the face of the bill, nor does it appear from anything that has been presented in this discussion, that they conformed to the law the benefit of which you seek to give them; and I shall vote against the bill on that ground.

I will close the remarks I have to make with this statement, that if it can be shown by anybody that these men have complied with the law and been denied the privileges and benefits which their comrades received under it, then I will support this bill, because I believe in the enforcement and execution of every contract, whether between private citizens or between the Government and any of its citizens.

I yield the residue of my time to the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. How much time is there remaining?

The CHAIRMAN. The gentleman from Arkansas [Mr. ROGERS] has eight minutes of his time remaining, which he yields to the gentleman from Indiana [Mr. HOLMAN].

Here the committee informally rose, and Mr. DUNN took the chair as Speaker *pro tempore*.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, informed the House that the President had approved and signed bills of the following titles:

An act (H. R. 444) to amend section 3336 of the Revised Statutes of the United States;

An act (H. R. 5198) to remove the disabilities of John Taylor Wood, of Louisiana;

An act (H. R. 5876) for the relief of Dinwiddie B. Phillips;

An act (H. R. 274) for the relief of John A. Morris;

An act (H. R. 7647) to establish a light-house at Seul Choix Point, Michigan;

An act (H. R. 5539) for the relief of James G. Martin;

An act (H. R. 7467) to grant for the use of the public a street across the United States grounds in the city of Chattanooga, in the State of Tennessee;

An act (H. R. 6980) making an appropriation to complete the public building at Jackson, Tenn., and to reappropriate an unexpended balance therefor;

An act (H. R. 327) to enable national banking associations to increase their capital stock and to change their names or locations;

An act (H. R. 4493) to amend the act of June 15, 1844, and for other purposes; and

An act (H. R. 5549) limiting the cost of a public building at Rochester, N. Y.

RELIEF OF OFFICERS OF VOLUNTEER ARMY.

The Committee of the Whole resumed its session.

Mr. HOLMAN. The subject of equalizing bounties has excited much interest for many years. The various laws in regard to bounties enacted during the war created great inequalities and much injustice. In the proclamation issued by the President in which seventy-five thousand men were called into the field at the opening of the war in 1861 a bounty of $100 was promised to each soldier who enlisted for the period named. Soon after Congress met, on the 4th July, 1861, the proclamation issued by the President was ratified by Congress at the session which commenced July 4, 1861, and the Supreme Court afterwards held that the soldier who enlisted under that proclamation was entitled to receive a bounty without reference to the period of his service if he was honorably discharged.

The act of July, 1861, has a special application to the pending bill, promising a bounty of $100 to those who enlisted and served for two full years. Afterward, I think in October, 1863, in an emergency, by direction of the President of the United States, an order was issued by the Secretary of War making a promise of $300 to the soldiers who enlisted and served for the period of three years; and that, if I remember correctly, was afterward ratified by an act of Congress and increased bounties were given for re-enlistment. So that these various laws have created great inequalities in the bounties; one law giving in effect some of our soldiers $100 bounty without any reference to the period of service; another giving $100 for a two years' period of service; and a third paying the soldier who enlisted for three years a bounty at the rate of $100 per annum, and for re-enlistment still more.

At a very early moment after the close of the war the inequality of the bounties was the subject of a great deal of interest, and it was insisted that these bounties ought to be equalized. As early, I think, as the year 1867 I introduced a bill in the House to equalize the bounties and to pay each soldier who was honorably discharged from the service the sum of eight and one-third dollars a month for the period of service, deducting from that sum the amount of bounty he had received. In this way each soldier would have received the same bounty that the most favored received for the actual period of service, he having been honorably discharged.

Now, let us look at the second proviso in this bill and see how it would operate in connection with this proposition to equalize the bounties and to place on the same footing all the men who served in the Union Army. The proviso in the first section is as follows:

> *Provided further*, That all volunteer soldiers or sailors of the late war who were honorably discharged on account of diseases contracted in the line of duty shall receive the same bounty as they would have been entitled to had they been discharged on account of wounds.

Of course it often would occur that a soldier left the Army on account of sickness and yet re-enlisted. He would receive under this bill the same bounty exactly for a short period of service as for a long period, while under the general law he might serve for a long period of time under the act of July, 1861, without receiving any bounty whatever. So that this bill, while doing justice in some degree, I think instead of tending toward the equalization of bounties leaves the inequality of bounties still strikingly apparent.

I have noticed there are pending in the House a large number of bills to equalize these bounties; and if I can get the ear of the gentleman from Wisconsin [Mr. BRAGG] who presides over the Committee on Military Affairs I would like to inquire whether or no the bills to equalize the bounties, to do equal and exact justice to all the men who served in the Union Army and were honorably discharged—whether bills of that class have received any consideration on the part of his committee?

Mr. BRAGG. The bills for the equalization of bounties?

Mr. HOLMAN. Yes, sir.

Mr. BRAGG. No, sir; not officially by the committee.

Mr. HOLMAN. There are such bills before the committee?

Mr. BRAGG. Yes, sir.

Mr. HOLMAN. Is not that measure regarded as one fairer in its operation and more just to all the soldiers of the Union Army than this partial measure now pending?

Mr. BRAGG. If the gentleman desires my personal individual opinion I shall give it very frankly. I am utterly, thoroughly, and wholly opposed to the whole doctrine of equalization of bounties. I believe in giving each man precisely what he was entitled to and no more.

Mr. HOLMAN. Does my friend from Wisconsin [Mr. BRAGG] think that the soldier who enlisted and served a month and was honorably discharged, as in the case of those who enlisted under the President's original proclamation, should have the whole bounty of $100, and yet that the soldier who served a year, eleven months and twenty-nine days should receive no bounty, as under the act of July, 1861? Is it not fairer to pay each soldier a bounty according to the actual period of his service?

Mr. BRAGG. I will answer that. If the Government had stipulated that it would pay pro rata for length of service, then I would say perform the bond; but when the Government stipulated to pay $100 bounty to every soldier suffering from disability contracted in the service, it does not make any difference whether the disability was contracted after three weeks, nine months, or three years' service. It is the fact of disability which entitles the party to the bounty, not the fact of service.

Mr. HOLMAN. For twenty years it has been held otherwise by the Second Comptroller of the Treasury.

Mr. BRAGG. It is not held otherwise by the present Second Comptroller.

Mr. HOLMAN. I know; but for twenty years it has been held otherwise.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. HOLMAN] has expired.

Mr. BRAGG. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. CUTCHEON].

Mr. CUTCHEON. Mr. Chairman, I regret that the discussion of this bill has taken the range that it has. It is really a simple proposition, and one not difficult to understand. There are concerned in this bill two classes of soldiers and two classes of discharges. There are the non-veterans and the veterans—those discharged for promotion and those discharged for disability. In 1861 the Government proclaimed through the Chief Magistrate, and Congress enacted, that every person enlisting under a certain call for soldiers should be entitled to receive $100 bounty. Subsequently, it was ruled that if within two years a soldier was discharged on account of wounds he should receive the entire bounty.

Mr. HOLMAN. That was the law.

Mr. CUTCHEON. Yes; that was the law. But if discharged on account of disease, on a surgeon's certificate of disability, then it was held that he should not receive the balance of his bounty. That was not law, but construction. Again, it was held that if a man was discharged for promotion, that was a discharge for favor, *causa gratia*—a favor to the soldier, and that, therefore, it put him outside the class entitled to the bounty. Now, my first proposition is this: The Government made a proposition to its citizens to assist it in its time of need. Certain citizens accepted the proposition. The proposition was not to serve for a definite length of time, but it was to enlist to serve for a definite length of time. If a soldier failed to serve for a definite length of time, that was not his fault, whether he were wounded, discharged, or disabled by disease, or promoted on account of his superior service or gallantry.

Mr. ROGERS. Will the gentleman permit me to ask him a question?

Mr. CUTCHEON. Certainly; although my time is very short.

Mr. ROGERS. If it was the act of enlistment that entitled the man to the bounty would he not have been entitled to it even if he had deserted?

Mr. CUTCHEON. No; because by that act he forfeits all his rights under the contract. He himself breaks the contract, and therefore can not claim under it. But, Mr. Chairman, these men did not resign to accept promotion. They were promoted, and discharged by the Government in order that they might accept the promotion. When the Government held out its proposition and the citizen accepted that proposition, the contract was complete and binding from that time forth for evermore unless the soldier broke it.

Now what is the second case in the bill, the case of the veterans? In the fall of 1863, after the invasion of Pennsylvania, after the fall of Vicksburg, after the defeat at Chickamauga, the Government, finding itself in straits, with the terms of its three-year men expiring during the coming winter, held out a new proposition, and said that if the old regiments would come to the front and re-enlist, veteranize, the Government would extend to each of those men a bounty of $402. There was nothing said about being discharged on account of disease or about being discharged to accept promotion. There was simply the broad proposition that if those men who had already borne the brunt for three years would now come forward and re-enlist they should each receive $402 of bounty. They came up like gallant and patriotic soldiers; they had stood the brunt for three years and they were willing to stand it for three years more, if necessary. They accepted the proposition of the Government, and then that proposition became a contract binding to all intents and purposes upon the Government and upon both parties, unless the soldier broke it by desertion.

Again, when these veterans, for gallant service or for superior ability, were mustered out, as a favor, in order that they might accept promotion, the construction of the Government officers was that they thereby forfeited the unpaid balance of their bounty. Not only that, but by force the Government officers deducted from the pay of those men every dollar of the bounty that they had already received. That is what I protest against. I protest against repudiation by this Government in any form, and I think this was repudiation pure and simple. Perhaps it might have been excusable at the time under our great financial stress, when our money was exhausted and we were putting out issue after issue of paper currency and exhausting our credit in the markets of the world—possibly, I say, there might have been some excuse at that time for the Government putting this construction upon the contract. But that excuse has been long since exhausted. We are now able, abundantly able, to live up to the contract we have made; and without any reference whatever to sectional feeling or to any other extrinsic consideration, let us all stand by the honor of the Government and redeem the pledge which it made in the hour of its necessity.

[Here the hammer fell.]

Mr. BRAGG. Mr. Chairman, I do not care to occupy any time in general debate. I ask that we now proceed to consider the bill under the five-minute rule.

The CHAIRMAN. As the gentleman from Wisconsin [Mr. BRAGG] does not desire to use the rest of the time allotted to him, the bill, if there be no objection, will now be considered by sections.

Mr. REED, of Maine. If the gentleman does not use the time, that does not prevent other members from using it?

The CHAIRMAN. Does the gentleman from Maine [Mr. REED] desire to address the House?

Mr. REED, of Maine. I wish to inquire the meaning of the first proviso to the bill, which is in these words:

That all soldiers of the late war who were discharged to receive promotion prior to their re-enlistment as veterans—

Meaning apparently those who did not re-enlist—

shall be entitled to receive the same bounty that they would have been entitled to had they served as enlisted men for the full term of their enlistment and received an honorable discharge.

Mr. BRAGG. I will explain that.

Mr. REED, of Maine. I shall be very glad to hear an explanation.

Mr. BRAGG. That applies to a class of soldiers who had served a sufficient length of time to entitle them to their $100 bounty, and who between that time and the expiration of their term of service, and before veteranization, were promoted.

Several MEMBERS. Oh, no!

Mr. BRAGG. Yes; that is just what it means. Perhaps I can best illustrate the matter by giving a case. A soldier we will suppose enlisted under the act of 1861; by the terms of that act, if he served two years, he was entitled to $100.

Mr. REED, of Maine. Two years, or three?

Mr. BRAGG. Two. I will read the section of the act of 1861, if the gentleman so desires.

Mr. REED, of Maine. I do not care about it.

Mr. BRAGG. Now, if this soldier served two years and was not discharged, but continued in service a portion of the third year, and during that time accepted a commission upon the recommendation of his commanding officer, was appointed a second lieutenant or a first lieutenant or a captain, the Department held, as a construction of that law, that this soldier was not discharged except as a matter of favor; and by accepting the favor which the Department gave him by allowing him to be discharged, it was held he waived his claim to the bounty which he had already earned.

Mr. REED, of Maine. And that would be the case also if he had served but one day. He would receive the full bounty for the two years.

Mr. BRAGG. No, sir.

Mr. BROWN, of Pennsylvania, and others. Certainly he would under this bill.

Mr. BRAGG. No, sir.

Mr. REED, of Maine. As one extreme case was put, I put another, simply to show the scope of the bill.

Mr. MORRISON. This bill seems to be misunderstood. If it means what the gentleman from Wisconsin says, and it may, although I do not so understand it, I have no objection to it; because if a man enlisted with the promise that he should have a sum of money as bounty and afterward he served the length of time for which he was enlisted, but his services were found so valuable to the Government that he was promoted, I do not think this circumstance ought to deprive him of the promised bounty. But this proviso at the end of the first section means something more. If I understand it, it means this: Men enlisted under an order of the Department promising a certain sum of money as bounty, and afterward that promise was put in a law which provided that if the soldier so enlisted served two years, or was discharged, or quit the service before serving two years, because of wounds, then he should have the bounty.

Mr. BRAGG. Because of disability.

Mr. MORRISON. No, sir; "wounds" is the word; and this bill puts in "disability" so as to put the man who went out of service before the expiration of two years on account of diarrhea or other disease common to the camp on the same footing as the man who went out because he was wounded. That I believe to be the purpose of this last proviso to the bill.

Mr. BRAGG. No, sir.

Mr. MORRISON. It includes a new class of persons who under the law have not been entitled to the bounty—the law as it has been for twenty years excluded this class.

Mr. REED, of Maine. The gentleman is speaking of the second proviso. It was the first proviso I was inquiring about.

Mr. MORRISON. I have been discussing one proviso and the gentleman from Wisconsin [Mr. BRAGG] the other. What I desire is that the bill shall be understood that we may pass so much of it as may have merit.

Mr. SCOTT. Mr. Chairman, as I understand this bill, it provides for three distinct classes of soldiers: first, for men who, having served a given term of enlistment in the Army, re-enlisted as veteran volunteers and were subsequently discharged in order that they might receive their commissions as officers of the rank to which they had been promoted; second, those who prior to their re-enlistment as veterans received an honorable discharge for promotion; and, third, those who were honorably discharged by reason of disease or disability other than wounds incurred in the line of duty.

Now, Mr. Chairman, there is a great difference in these three classes of men. Those belonging to the first class had served their country faithfully for a defined period, had received an honorable discharge, and had re-enlisted with the understanding that they should be allowed a certain bounty named in the call. Subsequent to their re-enlistment they were promoted from the ranks. Being private soldiers they were again discharged to the end that they might receive their commission from the Government. The second provision is a wholly distinct proposition, and very far-reaching in its effect, inasmuch as it provides that every soldier who was discharged for promotion previous to his re-enlistment as a veteran shall be entitled to the bounty that he might have received had he remained in the ranks until his original term of enlistment had expired and then re-enlisted as a veteran under the special call. The third clause provides that those who, from disease or causes other than wounds, were disabled from serving the full term of their enlistment should receive the same benefits as those who had been discharged on account of wounds.

The first class in my judgment are unquestionably entitled to recognition by Congress in the manner set forth in the bill. These men were serving their country as humble soldiers in the ranks, and by reason of special fitness or merit were promoted to the grade of commissioned officers and placed upon a higher plane. Surely the distinction thus won should not operate to deprive them of the pecuniary consideration promised them by the Government when after having served one term they agreed once more to enter the service in the ranks.

Those embraced in the second class, while doubtless equally worthy, are far more numerous; and in the absence of any estimate as to the amount to be necessarily expended should this provision be adopted it seems to me that it is asking too much to invite the House to sanction the measure. The list of those who would be benefited thereby is not confined to those who responded to the Government's call in a period of supreme trial, and after they had already fulfilled at least a liberal proportion of the duty devolving upon them as citizens. But the proposition extends far back and covers all who were discharged during the entire period of the war.

As to the third class there certainly can be no question in the minds of reasoning men that the provision is altogether too comprehensive to be considered blindly and without official data to enable the House to form some idea of the sum required to carry out the provisions of the act. All will agree as to the claims the soldier has upon the gratitude of the people, and if the past is an index to the future none of real merit will fail to be remembered in some form or other. But these do not properly come under consideration in connection with the original scheme of this bill. The first section of the bill is unquestionably fair and just, and the class embraced in that provision ought to be paid the sum promised by the Government at a time when their services were in supreme demand and were given in accordance with that promise, and they ought not to be exempted because they were taken from the ranks to a higher sphere of duty.

The CHAIRMAN. By order of the House general debate is now closed.

Mr. SOWDEN. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SOWDEN. Are amendments now in order?

The CHAIRMAN. The bill will now be considered by sections, and will be open to amendment under the five-minute rule. The Clerk will read the first section of the bill.

The Clerk read as follows:

Be it enacted, &c., That all soldiers of the late war who re-enlisted as veteran volunteers, and afterward were discharged to receive promotion and receive commissions as officers in the Army, shall be paid all installments of veteran bounty which were withheld from them on account of their being so commissioned and mustered, the same as they would have been entitled to receive had

they completed their term of enlistment without promotion and received an honorable discharge: *Provided*, That all soldiers of the late war who were discharged to receive promotion prior to their re-enlistment as veterans shall be entitled to receive the same bounty that they would have been entitled to had they served as enlisted men for the full term of their enlistment and received an honorable discharge: *Provided further*, That all volunteer soldiers or sailors of the late war who were honorably discharged on account of diseases contracted in the line of duty shall receive the same bounty that they would have been entitled to had they been discharged on account of wounds.

Mr. BOUTELLE. I understand the bill is now open to amendment under the five-minute rule.

The CHAIRMAN. It is.

Mr. BRAGG. And the committee has the first right to offer amendments?

The CHAIRMAN. It has.

Mr. BRAGG. I move then to strike out all after the word "discharge," in line 10, down to the end of the first section. That will be to strike out the two provisos which have occasioned this trouble.

Mr. PERKINS. Let me suggest why that should not prevail.

Mr. BRAGG. I have the floor.

The CHAIRMAN. The Clerk will read the words proposed to be stricken out.

The Clerk read as follows:

Provided, That all soldiers of the late war who were discharged to receive promotion prior to their re-enlistment as veterans shall be entitled to receive the same bounty that they would have been entitled to had they served as enlisted men for the full term of their enlistment and received an honorable discharge: *Provided further*, That all volunteer soldiers or sailors of the late war who were honorably discharged on account of diseases contracted in the line of duty shall receive the same bounty that they would have been entitled to had they been discharged on account of wounds.

Mr. BRAGG. I desire every member to know I make this motion to strike out. I discussed this bill on the principles involved in the first section and the second section without regard to these provisos. It was not my understanding or intention to support this bill and put in a new class not provided for by law. My proposition, which I stated in my argument, made in good faith, was to make a law which would carry out, in spite of the construction of the accounting officers of the Treasury, the law as it was written upon the statute-book. I do not intend to speak further than that, and to show my faith in the matter I make the motion to strike out those provisos.

Mr. PERKINS. If we are to enact legislation which is designed to do justice to those who wore the blue and defended their country in the hour of its extremity and peril, it seems to me that we ought not to discriminate, as we will do if the amendment of the gentleman from Wisconsin is accepted.

I know that there are men upon this floor (for since this debate began I have conversed with a number of them, and I simply suggest that as an illustration because they represent many in the same condition scattered through all the loyal North) who served for almost two years as enlisted men wearing the uniform and carrying the musket of the private soldier, but who, because of their valor, because of their gallantry, because of their intelligence, won the shoulder-straps and secured the rank of commissioned officers before they had served two full years in the Army, and who because of this received no bounty whatever for their service, although many of them served four years and some even longer.

If the motion, therefore, of the gentleman from Wisconsin [Mr. BRAGG] prevails, to strike out these provisos, these men who by this bill should get the benefit of the bounty would be excluded, and yet those who veteranized and received, in consequence of such veteran service, increased pay, although many of them did not serve so long as the class of which I speak, are to be provided for by the bill, notwithstanding the veteran bounty and compensation gave them better pay and more liberal recognition on the part of the Government than the class of men provided for by the other features of the bill and of whom I speak.

I claim, Mr. Chairman, that if we are to do justice, as we should do, we must not discriminate in favor of the veterans simply, but try to do justice to all. I know many men personally, and there are hundreds of them scattered all over the country—they will be found in every hamlet in the land—who served a period of three years or more, many of them four years, and a number of whom are on the floor of this House who served even for a longer period than that, who enlisted as privates in the beginning and wore the uniform of a private soldier, endured the hardships of a private soldier for twelve months, fifteen months, eighteen months, yes, for twenty-three months some of them, and who because of their worth and the exigencies of war happened to secure commissions and became commissioned officers, commissions won by their gallantry, their devotion, and their valor before they had quite completed the two years' service. These men could get no bounty and are to be discriminated against by this bill if the motion of the gentleman from Wisconsin prevails.

For that reason I urge that the motion should not prevail. The second proviso of this bill in my judgment is one of the most meritorious features of it. It is to make provision for the private soldiers who were discharged because of disability before completing their two years' service.

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. SKINNER. I move to strike out the last word.

Mr. Chairman, the gentleman from New York [Mr. HEWITT] in discussing the provisions of this bill a few moments ago, in attempting to account for the votes of some of the Southern members upon this floor, made use of words to the effect that there were men representing Southern districts in this House who were compelled or forced to vote against their better judgment, and who voted, as he believed, for such propositions as the river and harbor bill for the sole purpose of getting even with the North.

I was in hopes that some man representing the South except myself should contradict that statement. I arise simply now to contradict it, and say that if there is no other man who represents a Southern district here than myself there is one at least who went into the war and fought upon the Southern side, all the way from Bethel to Appomattox, and has not cast a single vote in this House except as his better judgment dictated. I want to say also, Mr. Chairman, that I have voted on one or two occasions for propositions that were for the benefit of Northern soldiers, and I have voted on one or two occasions against propositions for their benefit; but each time I voted according to the dictates of my own judgment, and not because I came from one section or the other.

I have voted for two river and harbor bills, and expect to vote for another, not because I wanted to get even with the North, but because I believed that most of the provisions in these bills were right and ought to be passed. I want to say that there is no man on this floor who will go further to do justice to the Union soldier than myself, and wherever I believe there is justice in the proposition for their benefit I shall vote for it. Wherever I believe that a contract with the Government is out, and that it ought to be fulfilled, I shall vote to carry out that contract; and, Mr. Chairman, I want to say this, that there is no man here who is more of a free-trader than I; there is no man who is more in favor of reducing taxation than myself; but, notwithstanding that, I shall never vote to reduce taxes if their enforcement is necessary to carry out the contracts of the Government. [Applause.]

Mr. GOFF. Mr. Chairman, it seems to me that the gentleman from Wisconsin surrenders much of the good that is in this bill when he asks us to strike out these two provisos. He concedes in the argument that the veteran soldier of the country should have the bounty paid to him according to the order of the War Department. If that be true, can he suggest any reason why a private soldier who enlisted and served prior to 1863, should not have the benefit of the law as it was written previous to that time and as it existed at the time he enlisted? That is just and equitable to the soldier who became a veteran, and it is just and fair to the soldier who enlisted before the President called for his three hundred thousand more. Show me the difference, Mr. Chairman of the Committee on Military Affairs.

Now, as to the second proviso, why is there any doubt about it to-day? Why is it that the soldier who was honorably discharged did not, in fact, receive the bounty provided for under the act of 1863? It grew out of a misconception of the act of Congress of 1865. Congress, by section 4 of the act of March 3, 1865, provided as follows:

That every non-commissioned officer, private, or other person who shall hereafter be discharged from the Army of the United States by reason of wounds received in battle or skirmish, on picket, in action, or in the line of duty, shall be entitled to receive the same bounty as if he had served out his full term. And all acts and parts of acts inconsistent with this act are hereby repealed.

Now, Mr. Chairman, the War Department, under date of June 26, 1863, had promulgated this order:

Every volunteer enlisted and mustered in the service as a veteran under this order shall be entitled to receive from the United States one month's pay in advance, and a bounty and premium of $402.

Before the soldier had claimed the benefit of that order this act of Congress was passed. When the accounting officers of the Department came to consider the original order of the Secretary of War and construed it in connection with this act of Congress, they held that only those soldiers discharged by reason of wounds received in battle were entitled to the provision in the original order.

I am not going to discuss whether that was right or wrong. Congress in this fourth section limited the provision to discharges because of wounds received in battle. There was no such provision in the order of the Secretary of War which I read, and under which these thousands of men came up in the hour of their country's need and marched to the defense of their flag. If Congress afterward used this language which led the accounting officers to make this mistake, we men to-day representing the people of this country, and I care not where those people be, North, South, East, or West, the people of this country should dare to do the right thing and not count the cost. [Applause.]

Mr. ROGERS. It turns out the point I made against the bill is now conceded by the chairman of the Committee on Military Affairs, namely that it was an effort on the part of the present Congress to place the men who had not conformed to the law under which they were mustered on an equal footing with those who were mustered in and had conformed to the law. That being conceded to be the fact I am willing to follow the gentleman from Wisconsin, if his motion to strike out prevails, with an additional proviso, to which I now invite his attention,

which I shall propose to add after the word "discharge," in line 10, as follows:

Provided they served in all two years.

That would place officers, who were promoted for gallantry or for distinguised or meritorious services who had been mustered in as privates, on an equal footing with those who had served for two years as privates, and not take from them anything by reason of the fact that they had been promoted during the two years' service; so that with the amendment of the gentleman to strike out the two provisos in the first section and the adoption of this amendment these soldiers who, for meritorious services, were promoted from privates to officers would get all they would have got under the law if they had served for two years as privates; and that was all the law required. That was the contract, the bond. And it is too late now, at the end of twenty years, for anybody to ask us to reform the contracts or make new ones. We will have enough to do if we stand by the contract and carry it out in its letter and in its spirit; and it will be carried out in its spirit if we adopt the proviso I have read.

Mr. PETERS. Is it not a fact that before a man could veteranize he must have been in the service two years?

Mr. ROGERS. I do not know that I can answer the gentleman's question.

Mr. BRAGG. I desire to say to the gentleman from Arkansas that his proviso is mere surplusage. By striking out the two provisos they are left under the law which requires they must have served two years.

Mr. ROGERS. If the gentleman is correct in that view I will not press my amendment.

Mr. CANNON. I would like to have the attention of the gentleman from Nebraska [Mr. LAIRD], who has charge of this bill, to see if I can have an understanding what it really means with reference to one particular point. My attention had not been called to this bill until it was before the House for consideration.

Now take the second proviso:

Provided further, That all volunteer soldiers or sailors of the late war who were honorably discharged on account of diseases contracted in the line of duty shall receive the same bounty that they would have been entitled to had they been discharged on account of wounds.

My understanding of the law has been that soldiers discharged on account of wounds were entitled to bounty though they did not serve for six months or any other time.

Mr. LAIRD. That is not the law. The rule under the construction of the statute was if a man was discharged inside of a service of two years, he could get the hundred dollars if he was discharged for wounds; but if for disability he could not.

Mr. CANNON. Am I correct in understanding that this proviso, if it is enacted, will put these soldiers, discharged on account of disease, precisely on all fours with those who were discharged on account of wounds?

Mr. LAIRD. Exactly; and that is what the proviso is for.

Mr. CANNON. Then I have to say to the gentleman from Wisconsin [Mr. BRAGG] that when he proposes to strike out this proviso to my mind they propose to strike out the principal meritorious provision in the bill, and I will not so vote.

Mr. LAIRD. So far as this member of the Military Committee is concerned, I want it distinctly understood by the gentleman from Illinois and by the House that he is opposed to the adoption of the amendment of the gentleman from Wisconsin [Mr. BRAGG].

Mr. CANNON. One word in conclusion. I am the last man to undertake to criticise the gentleman from Wisconsin [Mr. BRAGG] unkindly. I do not know that I have enough knowledge touching military affairs to criticise him at all; but, as I understand him, true to his policy all along, if I have understood his action from time to time in this House, he proposes by this amendment to so change the law as to benefit the officer, but where the private has even more merit for relief the gentleman is swift to come in and propose to amend his own bill. He proposes to eliminate that part of it which is for the benefit of the private, who in justice and God's chancery is entitled to this relief, while at the same time he is willing to let the officer have the relief.

Mr. BRAGG. Mr. Chairman, the discharge of that last piece of artillery from Illinois was heard here. [Laughter.] I think as much of my army comrades as my friend thinks of his comrades during the war, who I believe were not in the Army. [Renewed laughter.] The object of striking out the proviso is to make this bill conform to the law as it now stands, to make the decision of the Department as it should have been, and to add no new cases by increasing the bounty at this time. Every private soldier who served his two years and was discharged on account of wounds or disability received his bounty under the law. The law fixed the title to the bounty at two years' service unless where the man was discharged by reason of wounds contracted in the service; in that case the Department made a ruling and a discrimination in favor of the wounded soldier. Now, I propose by striking out this proviso to leave all the classes as the original law placed them, and to add no new classes. It is said that I have moved to strike out a portion of my own bill. In one sense that may be so, although I did not report this bill to the House. I am not supposed to be personally responsible for every bill that comes to this House from the Committee on Military Affairs, though I take it my friend from Illinois [Mr. CANNON] will admit that I am willing to shoulder all the responsibility that I ought to have, and sometimes a little more than I ought to have, from a slight idiosyncrasy of mine which occasionally prompts a desire to get into a muss after my blood has been cooling a long time and I am suffering from ennui. [Laughter.]

Mr. CANNON. Will the gentleman allow me to make a suggestion in good faith in regard to his bill?

Mr. BRAGG. Certainly.

Mr. CANNON. As I understand it, under the existing law or under the first section of this bill, these officers can not receive this compensation without legislation. That is, you propose to change the law?

Mr. BRAGG. No, sir.

Mr. CANNON. Then why is this legislation necessary?

Mr. BRAGG. We propose to change the rule of construction of the Department and to make the construction uniform. The present Department officers regard themselves as bound by the former rulings in regard to these old cases. The new cases that come up before the Comptroller will pass under the law as the law reads, but these old cases are tied up under the previous rulings of the Department, and the object here is to re-enact the law.

Mr. CANNON. That is, to legislate.

Mr. BRAGG. No, sir. The purpose is to tell the Auditor of the Treasury what the law was that was passed on the 22d of July, 1861. That is all.

Mr. Chairman, I move that the committee rise for the purpose of limiting debate upon this bill.

Mr. BOUTELLE. Mr. Chairman, I desire to offer an amendment to this section.

The CHAIRMAN. When the committee resumes its session (if it shall now rise) amendments will be in order.

Mr. BLAND. I hope we shall not close discussion until the opponents of this measure have had an opportunity to say something. I have been trying for some time past to get the floor to offer some observations against this bill.

The question being taken on the motion that the committee rise, it was agreed to, there being—ayes 83, noes 36.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CRISP reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 7895) for the relief of certain officers of the volunteer army, and for other purposes, had come to no resolution thereon.

Mr. BRAGG. I move that the House again resolve itself into Committee of the Whole for the further consideration of House bill No. 7895; and pending that motion I move that all debate in Committee of the Whole on the pending paragraph and amendments be limited to one minute.

Mr. BLAND. The opponents of the paragraph have thus far had no opportunity to debate it. I move to amend the motion of the gentleman from Wisconsin by striking out "one minute" and inserting "thirty minutes."

The amendment of Mr. BLAND was agreed to; there being—ayes 73, noes 54.

The motion, as amended, to close debate was agreed to.

The question recurring upon the motion of Mr. BRAGG that the House again resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the pending bill, it was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. CRISP in the chair.

The CHAIRMAN. Debate on the pending paragraph of this bill and all amendments thereto has, by order of the House, been limited to thirty minutes.

Mr. BLAND. Mr Chairman, inasmuch as the friends of this proposition disagreed as to what the law has been and what the law ought now to be declared to be, it seems to me this committee would do well to go back twenty years to the time when the statutes under consideration were enacted, when these military orders were promulgated, when the rulings of the War Department were made upon matters then fresh in the minds of the officers making the decision. The contemporaneous decision given to the law by the officers whose duty it was then to decide as to the effect of the law and the military orders under it is entitled to very great consideration. The officers who at that timo had jurisdiction to interpret the law and carry it into effect, when everything pertaining to a just interpretation of the law and the military orders was before them, made a deliberate decision upon this question; and we should not at this late day undertake to reverse that decision upon a mere question as to whether or not we are able, as claimed by some gentlemen, to pass this measure as a matter of gratuity or bounty to the individuals interested.

As a matter of bounty, I suppose it may be contended that we are fully competent to meet the demand; and if it is to be considered as a gratuity or probably as a matter of just reward based upon the idea of paying men for valuable services, though the payment be not founded upon any legal obligation, we with our hundred millions of surplus in the Treasury to-day are doubtless fully able to meet all these demands.

My friend from New York [Mr. HEWITT], whom I do not see in the House, warned this committee and the country against excessive taxation—a very just and appropriate warning indeed; but he did not go far enough; he did not state the whole case. The difficulty is not only that the taxes as heretofore collected have been onerous, but that they are continuing to-day, and by this system of taxation over a hundred million dollars is hoarded away in the Treasury vaults, the officers of the Government refusing to pay it out in settlement of the public debt. I wish my friend from New York were here, because as I understand from his report as a member of the Committee on Ways and Means he still insists on holding in the Treasury this $100,000,000—an invitation for the very legislation which he here so much deplores.

Mr. Chairman, if we do not desire legislation of this sort, if, as claimed by the gentleman from New York, we are not in a condition to-day to further tax the people of this country, it would be good policy for him and other members occupying similar ground not only to advocate the reduction of taxes, but to urge the payment of the surplus upon the public debt, thus relieving the burden of the interest-bearing obligations of the Government. When that shall have been done and taxes reduced, we shall probably hear no more of these extravagant demands upon the tax-payers of this country.

Mr. Chairman, I am opposed to this bill, because I believe the accounting officers whose duty it was to adjudicate and determine these accounts at the time when the question was originally presented understood the rules and orders bearing upon the subject, and that their contemporaneous construction has done justice and equity to all classes concerned.

Mr. WOLFORD. Mr. Chairman, the contract made with the soldier for bounty when he went into the Army was made under the authority of an act of Congress, and proclaimed by the President of the United States through the Secretary of War, that proclamation saying to the citizen, "If you enlist to serve three years or during the war you shall have a bounty of $100." Another contract was made at a later day when the Government proclaimed, "If you re-enlist you shall have a bounty of $400." There was an act of Congress passed, I admit, which said that those who were wounded should receive the bounty, though they might have been wounded only a few days after they accepted this offer of the Government—those who were wounded, not those who were taken sick.

The proviso in the bill cuts off brave men in our Army who enlisted under the promise of the Government they should receive this bounty. It cuts them off; it cuts off every man who was taken sick.

It is not worth while to say to me, Mr. Chairman, that the Government of the United States has a moral right to do so. I appeal to the gentleman from Arkansas [Mr. ROGERS] that it is not worth while to say you have a moral right to make a contract. The contract was made when the soldier enlisted, and everything which the Government may have afterward declared did not in any way vitiate the right of the soldier to this bounty under that promise. The Government could make no law in justice to limit that bounty. The Government could not say to a man if you get sick in the Army you shall not get the bounty which we promised you when you enlisted.

The Government promised to give that bounty, and it is bound to execute that promise. I do not care what side gentlemen took in that war, they are all brave men, and behaved most honorably, they have the dignity and the honor to insist the Government shall keep its promises to its soldiers.

The promise of the Government clearly was to these soldiers if you enlist and serve so long you shall receive a bounty. I do not care on what gentlemen may have served in the late war. I feel confident they hold this Government has no right to nullify that contract made by the Government with its soldiers and deny the payment of bounty because a soldier may have been sick.

There is another reason why I oppose the amendment of the committee. No man will say because the Government has the power it ought to violate a contract with a sick soldier.

[Here the hammer fell.]

Mr. HEPBURN. Mr. Chairman, I want to call attention to the very extraordinary language used a while ago by the gentleman from New York [Mr. HEWITT]. He says, when referring to the members of this House who were members of the confederate army, or are representing Southern States, "Yet they have come up manfully to all their obligations, but their mouths are closed, and it is not honest or honorable to press these measures on people who are not able to either express dissent or to give negative votes in silence."

These measures the gentleman refers to are in the pending bill and all kindred subjects; propositions to pension widows; propositions to simplify the pension laws; propositions to carry out and fulfill contracts which were made twenty years ago by the Government with its soldiery.

The gentleman says it is not honest or honorable to press these measures upon these men. When, Mr. Chairman, did it become dishonorable for a great nation to carry out its pledges? When did it become dishonest for a great nation to be fair and just to those whom it induced to enter its service? Why is it dishonest and dishonorable? There are men on this floor who were in the rebellion at one time against the Government; but through the largess, through the bounty, through the humanity, if you choose, of the dominant party, they hold seats to-day here upon this floor. Yet the gentleman says it is dishonorable to press these questions on them because they can not give negative votes in silence.

Why not? What is there to prevent any gentleman on that side expressing himself on any one of these propositions if he wants to? Is it because there is a great party necessity on the part of those gentlemen to assume to occupy a position on these questions which they do not really occupy? Is that the reason why they should keep silent or why they can not give negative votes? I deny it. Those gentlemen are not in a situation their friend and advocate would assume they are. The debate on this question negatives that. These gentlemen, or a number of them, have expressed themselves through their votes and through their speeches.

I take it, therefore, the special reason why the gentleman from New York thought it was dishonorable, why it was dishonest to press these men, was not the real one. It is simply because he is opposed to this class of legislation, simply because it is in his line, because he believes it to be his duty, as one of the marked and recognized leaders of the Democratic party, on all occasions when he may have the opportunity to oppose this class of legislation when it can be safely and securely done.

[Here the hammer fell.]

Mr. LAIRD. Mr. Chairman, it is no more than right that some person on the Committee on Military Affairs should express his dissent from the attitude of the chairman of that committee, and his opposition to the amendment offered by the chairman and now pending. Without any discussion of the merits of the question I wish to say that I supposed this matter was fairly considered in the committee and understood by all of its members; and so far as I know it came here backed by the unanimous vote of that committee. I certainly trust that the House will do one of two things in this matter—that they will without further delay, after the expiration of these thirty minutes for debate, vote these amendments up or vote them down, and then that all the friends of this measure will promptly lend their assistance to obtain a final vote on what then remains of the bill.

Some expressions dropped from the gentleman who was last upon the floor in opposition to the bill with reference to what he called the "contemporaneous construction" of the auditing officers of the Government of this law at the time it was enacted and in force.

Mr. Chairman, you had just as well attempt to give the dignity of legal decisions to the wild sayings of the soothsayers and astrologers of the Dark Ages as to give the construction of law to the opinions of a parcel of clerks—ministerial officers of the Departments of the Government—when they assail the cold letter of the law upon which these men stand for their guaranteed rights.

If there is equity in the case of the veterans, there is equity in the case of the other persons covered by the two provisions of the bill which the chairman of the committee proposes to strike out.

Mr. BLAND. I would like to know what these auditors and officers to whom the gentleman refers are made for.

Mr. LAIRD. In this case they seem to have been made to rob the most meritorious class of soldiers in the field, and that apparently with the sanction of the gentleman from Missouri and the gentleman from New York [Mr. HEWITT].

Mr. BLAND. But the gentleman is certainly aware of the fact that the gentleman from Wisconsin, the chairman of the committee, and the gentleman from Nebraska himself, a member of that committee, differ very materially as to what the construction of the law is. They are not agreed upon the law, and hence since there was doubt upon the question I was quite willing to take the contemporaneous construction of the accounting officers of the Government.

Mr. LAIRD. The accounting officers stole the money from the soldiers by such a decision, and if you desire to back them up in it you are welcome to your privilege.

Mr. SOWDEN. Mr. Chairman, when I was taken off the floor by the gentleman from Wisconsin [Mr. BRAGG] I had intended to offer an amendment striking out the first proviso in the first section of the bill; but the gentleman's amendment includes this, and I hope, therefore, that it will prevail so far as this proviso is concerned. It reads as follows:

Provided, That all soldiers of the late war who were discharged to receive promotion prior to their re-enlistment as veterans shall be entitled to receive the same bounty that they would have been entitled to had they served as enlisted men for the full time of their enlistment and received an honorable discharge.

If this proviso is allowed to stand a manifest injustice would be done those private soldiers who had to serve their full term of three years in the ranks in order to obtain the $100 bounty provided for under the act of July 22, 1861. It would be an unjust discrimination in favor of these officers who were promoted from the ranks, and which promotion carried with it increased compensation. Why should these officers receive the bounty intended only for those brave soldiers who carried the musket?

These soldiers received but $13 per month. In every case where one of these soldiers was promoted to a captaincy he received the monthly allowance of $118.50 instead of $13 per month, and it would be mani-

festly unfair to his comrades who served in the ranks for the full term of their enlistment before they could receive the benefits of the act of July 22, 1861, were these officers to receive the bounty proposed in this proviso in addition to his largely increased pay. If he had been promoted to the lowest grade in line or to a second lieutenantcy he would have received pay at the rate of $103.50 per month. So that it would seem almost unwarrantable to pass this bill unamended by striking out the first proviso.

The second proviso should be retained. It is the most meritorious provision in it, and reads as follows:

That all volunteer soldiers or sailors of the late war who were honorably discharged on account of diseases contracted in the line of duty shall receive the same bounty that they would have been entitled to had they been discharged on account of wounds.

This provides for a class of soldiers not covered by the act of March 3, 1863, and who should have been provided for in said act. Why should not the soldier who served his country for one year and ten months of his term, and who was honorably discharged on account of disability contracted in the service other than for wounds, be entitled to the benefits of the act of July 22, 1861? Are not the equities all with him?

Mr. BROWN, of Pennsylvania. Do I understand my colleague from Pennsylvania to say that he is in favor of striking out the provisos?

Mr. SOWDEN. I am in favor of striking out the first one.

Mr. BROWN, of Pennsylvania. Only the first, leaving the second to remain?

Mr. SOWDEN. Certainly. I think I have made myself sufficiently clear on this point.

Mr. BROWN, of Pennsylvania. If you strike out the second proviso, you strike out every virtue in the bill except those which apply to officers themselves.

Mr. SOWDEN. There is no occasion for any misunderstanding between my colleague and myself, for we seem to agree upon the main subject in controversy. The principal object of the bill before the House is to relieve those men who re-enlisted as veterans, and who while serving as such were mustered out of the service to receive promotion. Why should not these men receive the benefits to which they had become entitled by reason of their re-enlistment as veterans under general orders of the War Department dated Washington, June 25, 1863? The Government agreed to give those men that re-enlisted under this order $402 bounty, and why should they not receive the benefits of their contract if they re-enlisted under the inducement held out to them by the Government under this order? These men accepted the terms offered them by the Government when they re-enlisted as veterans. And why should not the Government keep its faith with them? Is it to be said because these men after their re-enlistment as veterans were promoted that they should be deprived of the benefits of the contract? Is the Government to be relieved from its solemn obligation to its soldiers upon such trivial grounds? Oh, no. It should keep its promises and fulfill its obligations to these veteran soldiers even though they were promoted subsequently to their re-entering the service as veterans. The discussion that has been had on this bill upon both sides of this House is to be deprecated. Issues have been discussed that had better been left untouched.

[Here the hammer fell.]

Mr. BRECKINRIDGE, of Kentucky. I desire to ask a question for information. By whom was the construction made of the statute that has been referred to, and when was that construction given? I should be glad to receive an answer to that question from the chairman of the Committee on Military Affairs, or the gentleman who has charge of the bill, or any other gentleman who is acquainted with the facts. I understood this act had been construed by a proper officer in a case properly made, and that years ago. Now, I am ignorant of the matter. I do not know by whom that construction was made or when. Can not some of the gentlemen who know the facts tell us?

Mr. GOFF. If the gentleman will allow me I will answer his question.

Mr. BRECKINRIDGE, of Kentucky. I yield to the gentleman with pleasure.

Mr. GOFF. I have before me the general order of the War Department, No. 191, for the year 1866, in which the original order of the War Department offering the bounty of $402 was construed in connection with the act of March 3, 1865.

Mr. BRECKINRIDGE, of Kentucky. Who was at that time the Secretary of War? Who signed that order?

Mr. GOFF. The order was issued in the year 1866.

Mr. BRECKINRIDGE, of Kentucky. Who signed it?

Mr. GOFF. I have not the order here in full; I have only the extracts as given by the Military Committee.

Mr. BRECKINRIDGE, of Kentucky. What is the date of the order?

Mr. GOFF. July 28, 1866.

Mr. BRECKINRIDGE, of Kentucky. Who was the Secretary of War who gave that construction?

Mr. CUTCHEON. It was either Mr. Stanton or Ulysses S. Grant.

Mr. GOFF. The construction was based on the act of 1865, which used the language "any soldier who shall have been discharged on account of wounds received in the service." Now, the accounting officers of the Treasury construed that act to be a limitation by Congress of the original order of the War Department. I ask the gentleman from Kentucky, is it fair, is it equitable, for this great Government over two years after these soldiers have veteranized to come and by its legislative department restrict the operations of the order under which they enlisted?

Mr. BRECKINRIDGE, of Kentucky. I will say that question should have been directed to the late Mr. Stanton or to General Grant.

Mr. STEELE. I do not understand that the Secretary of War made the construction to which the gentleman from Kentucky is referring.

Mr. BRECKINRIDGE, of Kentucky. As I understand the matter, in 1865 Congress passed an act concerning the soldiers who had served the country, and the Secretary of War at that time, either Stanton or Grant, construed that act, and now in 1886 we are called upon by legislative action to reverse that action of the Congress of 1865.

Mr. STEELE. The gentleman from Kentucky is entirely in error. It is the construction not of the Secretary of War but that of the Auditor to which he is referring.

Mr. BRECKINRIDGE, of Kentucky. I am merely proceeding on the information which I received from the gentleman from West Virginia [Mr. GOFF]. All I desire is the accurate fact. The gentleman from Indiana says it was not the Secretary of War who gave the construction as I understood the gentleman from West Virginia to state. Will some gentleman settle which is right and which is wrong?

Mr. STEELE. I did not understand the gentleman from West Virginia to say that the Secretary of War construed the law.

Mr. BRECKINRIDGE, of Kentucky. I understood the gentleman to say so. If that is the fact, we have for twenty years been acting under a construction given by officers of the Government.

Mr. GOFF. I hope the gentleman will not misunderstand me. What has been carried out is a construction by the accounting officer of the order of the Secretary of War in connection with the act of 1865.

Mr. BRECKINRIDGE, of Kentucky. Now, that construction has continued through the various administrations since 1866. Congress has been in session every winter all that time. There has, therefore, been during that time this crying injustice which the gentleman from West Virginia characterizes with so much earnestness and to which the gentleman from Nebraska [Mr. LAIRD] applied the strong word of "robbing."

Now, the point I make is this: Is it not fair to presume that just after the war, in the heat of the gratitude for peace, that construction was far more apt to be the correct one, in accordance with the simple doctrine of contemporaneous construction of an act, than the construction now put by my friend from Nebraska and the gentleman from West Virginia?

Mr. STEELE. Sometimes constructions are made by necessity.

Mr. BRECKINRIDGE, of Kentucky. And I will say, in answer to the gentleman from Nebraska, I believe we on our part want bygones to be bygones except in our admiration for the heroism of the soldier.

[Here the hammer fell.]

The CHAIRMAN. The time for debate has expired. The Clerk will report the amendment offered by the gentleman from Wisconsin [Mr. BRAGG].

The Clerk read as follows:

Strike out all of the first section after the word "discharge," in line 10, namely the following:

"That all soldiers of the late war who were discharged to receive promotion prior to their re-enlistment as veterans shall be entitled to receive the same bounty that they would have been entitled to had they served as enlisted men for the full term of their enlistment and received an honorable discharge: *Provided further*, That all volunteer soldiers or sailors of the late war who were honorably discharged on account of diseases contracted in the line of duty shall receive the same bounty that they would have been entitled to had they been discharged on account of wounds."

The committee divided; and there were—ayes 62, noes 117.

So the amendment was rejected.

Mr. HOLMAN. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "Army," in line 5, insert the following:

"And the widows of such of said soldiers as may be deceased."

The amendment was agreed to.

Mr. BOUTELLE. I offer as an amendment to the first section what I send to the desk.

The Clerk read as follows:

In section 1, line 3, strike out the word "soldier" and insert "enlisted men in the military or naval service of the United States or in its Marine Corps."

In line 5, after the word "Army," insert "naval or Marine Corps."

Mr. BOUTELLE. I hope the chairman of the Military Committee will accept that amendment, as it simply extends the benefit of this act to the naval and Marine Corps.

The CHAIRMAN. Debate is not in order.

The question being taken, the chairman stated that the ayes seemed to have it.

Mr. BOUTELLE. I call for a division.

The House divided; and there were—ayes 98, noes 50.

Mr. BRECKINRIDGE, of Arkansas (in his seat). No quorum has voted.

The CHAIRMAN. No gentleman has risen in his place and made the point of order that no quorum has voted.

Mr. BRECKINRIDGE, of Arkansas. I rise and make the point of order, Mr. Chairman.

The CHAIRMAN. The Chair understood the gentleman from Arkansas to make the point of order. The Chair will appoint as tellers the gentleman from Maine [Mr. BOUTELLE] and the gentleman from Arkansas [Mr. BRECKINRIDGE].

The House again divided; and the tellers reported—ayes 108, noes 26.

Mr. BRECKINRIDGE, of Kentucky. No quorum.

The CHAIRMAN. No quorum having voted, the Chair will cause the roll to be called, in accordance with the rule of the House.

Mr. WEAVER, of Iowa. Mr. Chairman, my colleague, Mr. MURPHY, is at home sick.

The Clerk proceeded to call the roll, when the following-named members failed to answer:

Adams, J. J.	Davenport,	Kelley,	Ryan,
Aiken,	Davidson, R. H. M.	Ketcham,	Scranton,
Anderson, J. A.	Dorsey,	Kleiner,	Seymour,
Barnes,	Dougherty,	Le Fevre,	Singleton,
Barry,	Ellsberry,	Lovering,	Spriggs,
Belmont,	Ermentrout,	Matson,	Springer,
Brady,	Findlay,	McKinley,	Tarsney,
Browne, T. M.	Fisher,	Milliken,	Taulbee,
Brumm,	Foran,	Murphy,	Taylor, E. B.
Buchanan,	Forney,	Negley,	Thomas, J. R.
Bunnell,	Gallinger,	Norwood,	Throckmorton,
Burnes,	Gibson, C. H.	Oates,	Townshend,
Bynum,	Gibson, Eustace	O'Donnell,	Trigg,
Caldwell,	Gilfillan,	O'Ferrall,	Tucker,
Collins,	Glover,	Outhwaite,	Wait,
Compton,	Green, W. J.	Parker,	Warner, A. J.
Crain,	Harmer,	Payson,	Weber,
Croxton,	Henley,	Phelps,	Wellborn.
Culberson,	Jackson,	Pierce,	
Curtin,	Johnston, T. D.	Robertson,	

The roll-call being completed, the committee rose; and the Speaker having resumed the chair, Mr. CRISP reported that the Committee of the Whole House on the state of the Union, having found itself without a quorum, the chairman had caused the roll to be called and now reported to the House a list of the absent members.

The SPEAKER. The Clerk will report the names of the absentees.

The names were then read as above recorded.

The SPEAKER. The report shows 69 absentees. Their names will be entered on the Journal; and as the report shows that more than a quorum is present, the committee will resume its session.

Mr. BRUMM. Mr. Speaker, I was absent from the Hall temporarily. Can not my name be entered as present?

The SPEAKER. This is a proceeding in the Committee of the Whole, and the rule requires that the names of those who failed to respond there shall be entered on the Journal.

The Committee of the Whole resumed its session, Mr. CRISP in the chair.

The CHAIRMAN. The tellers will again take their places.

Mr. RANDALL. Mr. Chairman, I desire to make a suggestion to the House.

The CHAIRMAN. The gentleman may proceed by unanimous consent.

Mr. RANDALL. This bill comes from the Committee on Military Affairs, which is under the control of this House and is in harmony with its majority. I beg respectfully to suggest that the majority who vote upon this bill will be responsible for its condition and for its passage; and it occurs to me that there ought not to be any delay or obstruction interposed with a view to prevent the final judgment of the House as to the proper disposition of the bill.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, this bill, as I understand it, is not here by anything like the concurrent sentiment of the Committee on Military Affairs.

Mr. RANDALL. There is no minority report.

Mr. BRECKINRIDGE, of Arkansas. There is no minority report, as is suggested by the gentleman from Pennsylvania [Mr. RANDALL], but neither is there any agreement among the members of the committee upon the floor of the House as to any of the features of the bill. This bill comes here without estimates, and even if it had estimates its provisions would meet with my profound opposition. Not only is it not reported by the unanimous voice of the committee, but I am informed by the gentleman from Texas [Mr. REAGAN] that there are a number of provisions in the bill which have never been even considered by the Committee on Military Affairs.

Mr. LAIRD. Is the gentleman from Texas a member of the Committee on Military Affairs? I have never seen him there.

Mr. REAGAN. I am not a member of that committee, but I am a member of this House, and I have seen the amendments put upon the bill here.

Mr. LAIRD. Can we count upon that side of the House giving us a vote if the amendment now pending is withdrawn?

Mr. BRECKINRIDGE, of Arkansas. No, sir; because I am opposed to this bill. I am willing to stand by the contract as construed by Secretary Stanton and the legislation of 1865. I believe that the range of our pension legislation is broad enough. [Cries of "Regular order!"]

Mr. HISCOCK. If the gentleman from Arkansas [Mr. BRECKINRIDGE], a member of the majority of this House, proposes to filibuster against a bill reported by the Committee on Military Affairs of this House, then I shall insist that he shall have an opportunity to make an explanation. [Renewed cries of "Regular order!"]

The CHAIRMAN. The regular order is demanded. The tellers will resume their places.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I desire to make a parliamentary inquiry. The Committee of the Whole having risen after the vote was announced, and no quorum having voted, is not the case exactly as if no vote had been taken?

The CHAIRMAN. The Chair understands that the Committee of the Whole resumes its session exactly as it was at the time the roll was called, when a vote was being taken by tellers on the amendment of the gentleman from Maine [Mr. BOUTELLE].

Mr. BRECKINRIDGE, of Kentucky. But the vote was announced by the Chairman.

The CHAIRMAN. The Chair understands the practice to be as the Chair has stated.

Mr. BRECKINRIDGE, of Kentucky. But the previous count was completed, although no quorum was developed.

The CHAIRMAN. The Chair understands that the Committee of the Whole now resumes the count at the point which had been reached when the roll was called.

Mr. BRECKINRIDGE, of Kentucky. That vote was announced by the Chair, and no quorum voted.

The CHAIRMAN. The Chair understands that it is the practice in a case of this kind to continue the count.

Mr. BRUMM. I rise to a question of order. Is it in order to have discussion proceeding on the floor while the vote is being taken by tellers?

The CHAIRMAN. The gentleman from Kentucky stated that he rose to a question of order. The Chair, confessing his inexperience, is always anxious to hear any suggestion made by any gentleman in regard to the rules.

The tellers (having completed the count) reported—ayes 127, noes 72.

So the amendment was agreed to.

Mr. WHITE, of Minnesota. I desire to offer an amendment.

Mr. BRAGG addressed the Chair.

The CHAIRMAN. If the gentleman from Minnesota [Mr. WHITE] will withhold his amendment for a moment, the Chair will first recognize the chairman of the Committee on Military Affairs [Mr. BRAGG], who desires to submit a proposition.

Mr. BRAGG. With a view of disposing of this question and making the bill conform, as I think, to the views of nearly all the members of the House——

The CHAIRMAN. Under the order of the House debate is not in order.

Mr. BRAGG. I was not debating; I was simply stating what I desire unanimous consent to offer at this time without waiting to go through the bill. I propose to offer a proposition in the nature of a substitute for the whole bill, changing its verbiage and covering the act of 1861. This, I think, will be satisfactory to a majority of the House; indeed I hope the vote upon it will be almost unanimous.

Mr. BRECKINRIDGE, of Arkansas. Let it be read, the right to object being reserved.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the bill just sent up by him be accepted as a substitute for the pending bill.

Mr. RANDALL. The gentleman has the right to offer it as a substitute.

The CHAIRMAN. But the Chair would suggest if the gentleman offers it as a substitute the present bill must first be gone through with and perfected before the substitute can be voted upon. The gentleman from Wisconsin, however, asks unanimous consent to submit the proposition now.

Mr. BRAGG. Without waiting for further discussion.

The CHAIRMAN. The Chair will cause the proposed substitute to be read, and will then ask if there be objection.

Mr. DUNHAM. I rise to a parliamentary question. What has become of the amendment which the gentleman from Minnesota [Mr. WHITE] sent up?

The CHAIRMAN. Unless unanimous consent be given to the proposition of the gentleman from Wisconsin, the amendment of the gentleman from Minnesota will be in order. If the gentleman from Minnesota objects, his amendment will now be read.

Mr. WHITE, of Minnesota. I will not do that.

Mr. RANDALL. I submit that the gentleman from Wisconsin has the right to offer the substitute now, though the Committee of the Whole can not vote upon it until the amendments pending to the section are disposed of.

The CHAIRMAN. The Chair will first entertain amendments to the pending section, unless by unanimous consent this proposition of the gentleman from Wisconsin be accepted.

Mr. HISCOCK. Let that proposition be read before objection is asked for.

The CHAIRMAN. The Clerk will read the proposition sent to the desk by the gentleman from Wisconsin.

The Clerk read as follows:

Strike out all after the enacting clause of the bill and insert the following:

That all soldiers of the late war who served as enlisted men for two years under the act of July 22, 1861, and afterwards were discharged to receive promotion and receive commissions as officers in the Army, shall be paid the bounty which was withheld from them on account of their being so commissioned and mustered, the same as they would have been entitled to receive had they completed their term of enlistment without promotion and received an honorable discharge.

SEC. 2. That all advance payments of bounty, or balances of the same, which were deducted from the pay of enlisted men, by reason of their having been discharged for promotion, after having re-enlisted as veterans, shall be repaid to such as are entitled thereto by the provisions of this act; and in case of the death of the officer or soldier entitled to the benefits of this act, the amount of money found due him shall be paid to his widow, heirs, or legal representatives; and the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sums due in each individual case.

SEC. 3. That all acts and parts of acts inconsistent with this act are hereby repealed.

The CHAIRMAN. Is there objection to this proposition?

Mr. NELSON. I object.

The CHAIRMAN. Objection being made, the amendment of the gentleman from Minnesota [Mr. WHITE] will now be read.

The Clerk read as follows:

Add to the first section of the bill the following:

"*And provided further*, That all volunteer soldiers who re-enlisted as veteran volunteers, and were commissioned officers in the Army, and who were discharged on the order of the War Department for the reason of being rendered supernumerary on consolidation, shall be paid the bounty due them had they been mustered out for any other reason."

The amendment of Mr. WHITE, of Minnesota, was rejected; there being—ayes 25, noes 85.

Mr. BRAGG. I move that the committee now rise.

Mr. HISCOCK. I will say to gentlemen on the other side that we are willing to stay here longer. They need not rise if they do not wish to do so.

Mr. BRAGG. At 5 o'clock a recess must be taken under the order of the House.

Several MEMBERS. Regular order!

The question being taken on the motion of Mr. BRAGG that the committee rise, there were—ayes 85, noes 71.

The CHAIRMAN. The motion that the committee rise is agreed to; but the Chair will state that, as the hour of 5 o'clock has arrived, the committee, in pursuance of the previous order of the House, would rise at any rate.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CRISP reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 7895) for the relief of certain officers of the volunteer army, and for other purposes, had come to no resolution thereon.

Mr. BLAND. I move that the House adjourn.

The SPEAKER. The hour of 5 o'clock having arrived, the House, in pursuance of its previous order, takes a recess until half past 7 o'clock this evening.

EVENING SESSION.

The recess having expired, the House (at half past 7 o'clock p. m.) was called to order by the Clerk, Hon. JOHN B. CLARK, Jr., who directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., May 5, 1886.

SIR: I hereby designate Hon. BENTON MCMILLIN to preside as Speaker *pro tempore* at the session of the House this evening.

J. G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK, Jr.,
Clerk, House of Representatives.

Mr. MCMILLIN accordingly took the chair as Speaker *pro tempore*.

The SPEAKER *pro tempore*. The Clerk will read the resolution under which the House assembles to-night.

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *April 27, 1886.*

Resolved, That Tuesday and Wednesday, 4th and 5th of May next, after the expiration of the morning hour on each of such days, be, and are hereby, set apart for the consideration of such general bills as may then be upon the Calendars of the House reported from the Committee on Military Affairs, consideration to be in the order designated by the committee, and not to interfere with general appropriation bills; and that a recess be had at 5 o'clock p. m. to 7.30 p. m. on each of said days, and evening sessions be devoted to said purpose.

REORGANIZATION OF THE ARMY.

Mr. STEELE. Mr. Speaker, I desire to call up for present consideration from the Calendar the bill (H. R. 7634) to increase the efficiency of the line of the Army, and for other purposes.

Mr. NELSON. I would inquire if that is the bill which was under consideration when the House took a recess?

Mr. STEELE. That is not the bill.

The SPEAKER *pro tempore*. There was no bill under consideration in the House. The Committee of the Whole was considering a bill at the time of the recess to-day.

Mr. NELSON. I call for the regular order.

Mr. RANDALL. Let us have the order of business in progress when the House took a recess.

The SPEAKER *pro tempore*. The Clerk will report the title of the bill called up by the gentleman from Indiana.

The title of the bill was read.

Mr. RANDALL. Let us dispose of the bill under consideration where we left off.

The SPEAKER *pro tempore*. The business left off at the time of the recess was in the Committee of the Whole House on the state of the Union. There has been no motion made on the part of any member of the Committee on Military Affairs or of the House to go into Committee of the Whole for the further consideration of that bill, which can only be reached in committee.

Mr. STEELE. The bill I called up is on the House Calendar.

Mr. BLAND. Let the bill be read for information.

Mr. LAIRD. Mr. Speaker, would it be in order to move to go into Committee of the Whole for the further consideration of the bill which was the unfinished business at the time of the recess?

The SPEAKER *pro tempore*. That would not be in order, until this bill is disposed of in the absence of any motion to that effect, this bill having been called up prior to any motion to go into Committee of the Whole, unless the gentleman from Indiana withdraws his motion.

The Chair will state to the gentleman from Nebraska that the order under which the House assembles to-night provides that the bills shall be considered in the order designated by the Committee on Military Affairs.

The Clerk will report the bill called up by the gentleman from Indiana.

Mr. BLAND. This bill is subject to the point of order that it should have its first consideration in the Committee of the Whole House on the state of the Union.

Mr. STEELE. It is not subject to the point of order, as it does not increase expenses. It is true that it requires an appropriation for the Army; but in no case does it increase expenses.

Mr. BLAND. It appropriates money.

Mr. RANDALL. The question is whether it requires an appropriation to be made. It may involve an appropriation of money without being subject to the point of order; but if it requires an appropriation to be made it is subject to the point of order.

Mr. BLAND. It fixes the salary of all the officers of the Army.

Mr. HEWITT. But that does not appropriate any money.

Mr. RANDALL. I want to ask the gentleman from Indiana not to bring this bill up now. There is no quorum present. We adjourned on another bill because we had not a quorum, and perhaps there is not likely to be introduced a bill at this session on the subject of the Army more important than this one. It makes changes, and is in fact a complete reorganization of the Army. It is in many particulars the same bill that was considered in the Senate, and failed after a week's discussion.

Mr. STEELE. I beg the gentleman's pardon; it is nothing like it.

Mr. RANDALL. Without material distinction it is the same. While this differs in some particulars, it is in many respects like the other.

Mr. STEELE. It is very different. In the first place it decreases expenses while the other increases them.

Mr. RANDALL. Yes; the other proposed to increase the Army to thirty thousand, and that feature is not here.

Mr. STEELE. No. There is no increase in this bill; but, on the contrary, there will be a decrease of over $100,000 a year.

Mr. RANDALL. I only desire to say that I am unwilling to part from the consideration of the bill lately before the House in view of the fact that this afternoon we could do nothing in the absence of a quorum.

Mr. BROWN, of Pennsylvania. Can we proceed with the other bill without a quorum?

Mr. RANDALL. We can not proceed at all without consent unless there be a quorum present.

Mr. STEELE. I understand that we took a recess by reason of a prior order of the House.

Mr. RANDALL. I will demand a quorum on this bill. The gentleman may as well be aware of that fact now, for there is no use to ask us to consider a long bill like this, and a measure of such importance as this, in the absence of a quorum of the House.

Mr. STEELE. I dislike to undertake to go on with the bill where the objections are not made known. If the gentleman will make known what objection he has to the bill a statement may obviate it; but there is nothing now before us to show what ground of objection gentleman may have.

Mr. RANDALL. The objection I have to it is that a bill like this, for the reorganization of the Army of the United States, should not be considered at an evening session without a quorum; and I think that is a valid objection.

Mr. STEELE. This bill has been on the Calendar since April 6, with a report explaining each section of it. I am very sorry that enough members have not read it to insist on going on with it. I would like very much indeed to explain the bill.

Mr. RANDALL. I have no objection to that. I am willing to sit here and listen to the gentleman explaining the bill. But whenever a vote is reached, it must be proceeded with by a quorum.

Mr. STEELE. There is no question about that. Any gentleman can demand a quorum. But gentlemen need not object to the bill without knowing anything about it.

Mr. RANDALL. I have no objection to the gentleman from Indiana speaking as long as he wishes to explain the bill; but I thought it was due to him to make the statement I did.

Mr. STEELE. I do not desire to make a speech, but I would like gentlemen to point out objections which they may think lie against the bill, and I shall then be happy to answer those objections; or, if any objectionable feature in the bill is shown, to strike it out.

Mr. BLAND. I insist on the point of order.

The SPEAKER *pro tempore*. The Chair understands that the gentleman has not waived the point of order. The gentleman from Wisconsin [Mr. PRICE] desires to make a statement.

Mr. PRICE. The gentleman from Indiana has requested that items in the bill which may be objectionable to members may be pointed out. I do not know that I can do that. I have figured on it all day myself, and I give it as my deliberate judgment that the bill would increase the cost of the Army half a million dollars only. I shall show some point on which I base that statement.

Mr. STEELE. I have not yielded the floor.

Mr. PRICE. You asked members to point out objections to the bill.

Mr. ROGERS. I want to make this suggestion. I concur fully in the statement of the gentleman from Pennsylvania [Mr. RANDALL] in regard to this bill, that we can not expect to pass upon a bill of this kind at a night session.

Mr. RANDALL. Without a quorum.

Mr. ROGERS. In the second place I wish to say I would be delighted to hear this bill explained; because, like almost every other member of the House, I feel in this position, that it is utterly impracticable for any of us to read all of the bills and all of the reports that are before us. And I want to suggest another thing. If the gentleman from Indiana expects to get out of the frying-pan by leaving this bill because of the want of a quorum to take up the other one, I want to serve notice on him that when he gets out he will be in the fire, because I shall insist upon a quorum on that bill.

Mr. LORE. I move that the House adjourn.

Mr. STEELE. I make the point that the gentleman from Delaware can not take me off my feet for a motion to adjourn.

Mr. BLAND. Then I insist on my point of order.

Mr. RANDALL. I would inquire of the Chair if a motion to adjourn is not in order?

The SPEAKER *pro tempore*. The motion to adjourn is in order if the gentleman from Indiana yields the floor. Whether he yields it or not, the point of order is made by the gentleman from Missouri [Mr. BLAND] that the bill must receive its first consideration in Committee of the Whole. Pending that the gentleman from Delaware [Mr. LORE] moves that the House adjourn. That motion the Chair thinks is in order. The question is on the motion of the gentleman from Delaware that the House do now adjourn.

The question being taken, there were—ayes 42, noes 62.

So the House refused to adjourn.

The SPEAKER *pro tempore*. The gentleman from Missouri makes the point of order that the bill must receive its first consideration in Committee of the Whole. The Chair will hear the gentleman on the point of order.

Mr. BLAND. I make the point of order on subdivision 3 of Rule XXIII, which reads as follows:

All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole.

This bill in section 27 provides:

That captains and lieutenants of the Army shall be entitled to the pay herein stated after their respective designations.

Then it proceeds:

Captain, $1,800 per year.
Assistant surgeon, having the rank of lieutenant, $1,500 per year.

That, Mr. Speaker, is a proposition involving a tax or a charge upon the people of the country. While the bill may not directly appropriate the money, still it constitutes a salary and claim to be paid out of the Federal Treasury which could be enforced against the Government. Therefore it is a tax or a charge upon the people.

There is another portion of this bill also which I think is amenable to this rule. Section 18 provides:

That the Secretary of War shall cause to be sold at public auction any surplus cavalry horses that may not be required for military purposes.

In that section 18 there is a disposition of public property that also comes within the provisions of the rule. It is an appropriation of public property, and—

All proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payment out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole.

Clearly this bill constitutes a tax. It establishes salaries or pay of these officers, and whether the bill in terms makes an appropriation or not it will require an appropriation and constitutes a claim against the Government, and therefore under subdivision 3 of Rule XXIII must first be considered in Committee of the Whole, because it involves a tax or charge upon the people in the way of creating offices and fixing salaries.

Mr. STEELE. The gentleman from Missouri admits that this bill does not make an appropriation. He has referred to section 27. Under the present law captains of infantry, cavalry, and artillery draw $1,800 to $2,800 per year, according to the longevity pay they get. This bill proposes to make their pay equal, and decreases the amount that is now paid to captains mounted by $200 a year.

They are already provided for by law, and they are estimated for and appropriated for every year. They are a part of the establishment of this Government. The section to which the gentleman from Missouri [Mr. BLAND] refers, relating to cavalry horses, is also in the line of economy. If any gentleman will take the trouble to look at the report he will see that the saving on forage alone is over $80,000 a year.

Mr. BLAND. If the gentleman will permit me, the question is not whether the bill increases or decreases expenditures. The bill itself constitutes a tax upon the people by creating salaries of officers. The bill involves the tax or charge; whether that tax be more or less is a question not involved in this controversy at all.

Mr. REAGAN. Mr. Chairman, under subdivision 3 of Rule XXI all motions or propositions involving a tax or charge upon the people must receive their first consideration in Committee of the Whole. That is the first ground enumerated in the rule, and it is a sufficient ground in this case. But in the Forty-fourth Congress, under Speaker Kerr, the old rule received a construction which was adhered to by subsequent Speakers and to which I want to call the attention of the Chair. Speaker Kerr held that in order to bring a bill or other proposition within the rule it was not necessary that it should clearly provide for an increase of expenditure, but that in order to exempt a proposition from the point of order it must appear upon its face that it would reduce expenditure. That, I say, was the construction of the old rule. But it is not necessary in this case to go back to that. If the Chair will look at the first clause of subdivision 3 of Rule XXIII he will see that this bill, involving as it does a tax or charge upon the people, necessarily comes within that rule and is subject to the point of order.

Mr. LONG. Mr. Chairman, I notice on page 313 of the Manual a note which is of importance in connection with this question: "Where a bill may incidentally involve expense but does not directly require an appropriation, it does not necessarily go to the Committee of the Whole." Several references are made.

Mr. STEELE. Mr. Chairman, I yield for the point of order to be decided.

Mr. BRAGG. Mr. Chairman, I have heard this point of order which has been made, and I am very frank to say I do not think there is anything in it as a point of order; and I think it comes too late even if it were a good point. It is too late to make a point of order on a bill after the bill has been read without objection to the House and its consideration has commenced.

Mr. BLAND. Well, Mr. Chairman, I made the point——

Mr. BRAGG. I do not yield the floor just at this moment, Mr. Chairman. I am a little too tired to be excessively good-natured, or else I would. The bill was ordered to be read by the House, and the proceeding for its consideration has already commenced, and can not be interrupted by a point of order, which should have been interposed at the beginning, if at all. So much for that.

Now, upon the merits of the bill, the point of order also fails. I have heard that rule read, and it is like the Constitution of the United States—everybody reads it when it does not "run by his farm;" everybody wants to use it when he thinks it will promote his own purposes. It is a tremendous obstacle, always ready to be raised. Let me say why I think it does not apply in this case. This bill creates no fact which is liable to impose any obligation on the Government.

Why? Because the fact already exists. The fact is not originated by this bill. If this bill created any offices to be filled by salaried officers, then there might be some ground for the objection; but this bill creates no office at all. It simply deals with offices that are already created and already provided for by law, with salaries already fixed; it simply makes a graduation of salaries which already exist, without creating any new salary or imposing any new tax or creating any new liability on the part of the Government. For these reasons, I maintain that the point of order does not attach.

Mr. BLAND. Of course, Mr. Chairman, it is impossible to make a point of order on a bill until the bill is read, and I was on my feet before the conclusion of the reading and made the point immediately after the reading was concluded. Now, sir, I must insist that the question here is not whether this bill increases or reduces expenditures or changes existing law. It comes clearly within the rule, which provides that all motions or propositions involving a tax or charge upon the

people shall be first considered in Committee of the Whole, because this bill does involve a tax or charge upon the people in the way of providing for the salaries of these officers.

The CHAIRMAN. The point of order is made by the gentleman from Missouri [Mr. BLAND] that this bill should have its first consideration in Committee of the Whole. The gentleman from Wisconsin [Mr. BRAGG] makes the point that that point of order was not raised in time. The Chair is inclined to think that is not well taken, for the reason that members would have great difficulty in ascertaining what the nature of a bill or other proposition was before it had been read, and it would be a great hardship upon the House to require members to determine in advance before a measure was read whether it was subject to the point of order or not. The Chair thinks, therefore, that the point made by the gentleman from Missouri was made in time. The Chair is of opinion that if a bill makes an appropriation of money directly or forces an appropriation, if it is such a bill as would require an increased appropriation or an appropriation not now provided for by law, it should be first considered in Committee of the Whole. The Chair is unable to see thus far that this bill does that. It is a regulation concerning the Army; but the Chair is unable to see that the bill itself makes an appropriation or provides new machinery which would require an appropriation if the bill were passed. The Clerk will read from the House Journal of May 17, 1884, page 1247, a ruling made by Mr. Speaker CARLISLE upon this subject in the last Congress.

The Clerk read as follows:

On motion of Mr. TUCKER, the House took up for consideration the bill (H. R. 6074) to change the eastern and northern judicial districts of the State of Texas, and to attach a part of the Indian Territory to said districts, and for other purposes, reported from the Committee on the Judiciary on the 18th of March last, and referred to the House Calendar.

The same having been read,

Mr. JOHN H. ROGERS made the point of order that under clause 3 of Rule XXIII the said bill must receive its first consideration in the Committee of the Whole House on the state of the Union.

After debate on the said point of order,

The Speaker overruled the same, on the ground that under previous decisions it had been held that unless the bill expressly made an appropriation or directly required one to be made, the rule quoted did not apply, the fact that execution of the law might involve an additional expenditure of money not being sufficient to carry the bill to the Committee of the Whole.

Mr. REAGAN. May I say a word upon this question before the Chair rules upon it?

The SPEAKER *pro tempore*. Before the gentleman from Texas proceeds the Chair will say, in order that the gentleman may direct his remarks to this point, that if it could be shown there would be made under this bill an appropriation out of the Treasury, the necessity for which does not exist under the present law, and which would be in excess of appropriations required by existing law, the Chair would be inclined to sustain the point of order.

Mr. REAGAN. The point which is made here, as I understand, is not that there is an appropriation made in the bill; that is not the point——

The SPEAKER *pro tempore*. The gentleman from Texas will suspend a moment until the Chair has read a ruling which was made by the Speaker at the present session upon a question analogous to this.

Mr. REAGAN. What I wanted to call attention to was that these decisions which the Chair cites relate to the point whether the bill in question made an appropriation or not; but that is not the point here.

Mr. BLAND. The question is, if a new bill is presented creating a new office and fixing the salary, whether that is not a subject for consideration in Committee of the Whole. If a bill is reported here creating an office and fixing the pay for that office it is a charge or tax upon the people, and the bill ought to be considered in Committee of the Whole. This bill creates an office and fixes a salary; therefore there is necessarily a charge upon the people. The payment of this salary can be enforced by the officer as a tax upon the people.

Mr. REAGAN. I wanted to point out the difference——

The SPEAKER *pro tempore*. The Chair will ask the gentleman from Missouri [Mr. BLAND] what office is created by this bill.

Mr. REAGAN. I hope the Chair will allow me to state my position. I have not been able to do so yet. The point is not at all that this bill involves an appropriation; that question I do not understand to be presented here. The point is that the bill involves a tax or charge upon the people. This is a bill for the reorganization of the Army, and it changes the character of the offices. I do not know whether it increases the number of regiments, but it does increase the number of regimental officers? Can a bill reorganizing the Army of the United States be passed without creating a charge upon the people? The question is not whether the bill makes an appropriation, but whether it creates a charge upon the people.

Mr. LONG. That is the very question that has been decided in all these precedents.

The SPEAKER *pro tempore*. The Clerk will read a ruling made recently by the Speaker of the House upon a bill for redistricting the State of Missouri, making additional judicial districts. On that bill the Speaker was called upon to decide a question analogous to the one now before the House. The Clerk will read the decision in that case as it appears on page 3967 of the RECORD for the present session.

The Clerk read as follows:

The SPEAKER. The Chair desires, however, to call the attention of the gentleman from Missouri [Mr. BLAND] to the rule which has heretofore been adhered to in the decision of questions of this kind. It has been uniformly held that before a point of order of this character can be sustained it must appear with certainty that an additional appropriation will be required to execute the law, if the bill should be passed. Now, it is true that this bill provides for summoning jurors and for holding courts at these additional places in certain contingencies; that is in case the county authorities provide the necessary rooms, offices, &c. But all these courts are to be held merely for the purpose of transacting the judicial business in what now constitutes one district. Civil and criminal proceedings are to be commenced in these courts; but the Chair has no means of determining that the creation of these courts will not in fact diminish the cost of litigation instead of increasing it.

It often, as the Chair knows, diminishes the costs of litigation to the citizens and the Government to have courts convenient to litigants and convenient for the trial of criminals and penal cases.

The Chair is not able to see in this bill any provision which makes it absolutely certain the cost of judicial proceeding in this Territory will be increased. On the contrary, it may be contended, and probably would be, by gentlemen, it will be diminished. When it does not appear on the face of the bill that additional appropriations will be required, but is merely a matter of argument, the Chair can not decide that such will necessarily be the case.

Mr. BLAND. I desire to call the attention of the Chair to the fact that the bill upon which the decision just read was made provided for no new offices and no new salaries; it fixed no compensation for any office whatever. But here is a bill fixing the compensation of officers. I dare say if the bill relating to judicial districts in Missouri upon which the Speaker made the ruling which has been read had provided for the compensation of any judge, clerk, or other officer, the Speaker would have sent it to the Committee of the Whole, because it would have been a charge or tax upon the people.

The SPEAKER *pro tempore*. The Chair would like the gentleman from Missouri to point out any provision in this bill requiring an expenditure of money which would not be required under existing law.

Mr. RANDALL. I will point that out if the gentleman will give me the opportunity to do so.

The CHAIRMAN. The Chair will give the gentleman from Pennsylvania that opportunity.

Mr. REAGAN. You may say that every appropriation bill may reduce expenditures or may reduce salaries, but the fact that it provides a new salary or creates an additional office, whether great or small, whether organic or not, that is not the question, but the very fact that it does so create an additional office or provide a salary not authorized by existing law makes it amenable to the rules of this House. The question is this: Does the bill itself fix a tax or charge upon the people? If it does, then certainly it must have, under the rules, its first consideration in the Committee of the Whole House on the state of the Union.

Mr. RANDALL. I understood the Chair to state if there were found any clause in the bill providing for an increase of officers or enlisted men in excess of the number now provided by law, then the point of order would lie.

Mr. STEELE. I understand the Chair to state——

Mr. RANDALL. The Chair furthermore stated if it could be shown there was a charge upon the Treasury by this bill not provided for under existing law it would then be liable to the point of order.

Mr. HOLMAN rose.

The CHAIRMAN. The Chair will first hear the gentleman from Pennsylvania.

Mr. RANDALL. I wish to direct the attention of the Chair to the fact there is a major provided for by this bill not authorized under existing law. That will be found in the first section. The sixth section also provides for additional men; and the twenty-first section of the bill provides for increased pay. I ask the Clerk to read an extract, which I have marked, from the report of this committee touching section 21, where it is conceded that section does in fact increase the pay beyond what is now provided for by existing law.

The CHAIRMAN. The clerk will read the extract referred to.

The Clerk read as follows:

Section 21 makes the pay of all sergeant-majors and quartermaster-sergeants the same as that of post-quartermaster and commissary sergeants. The sergeant-major is the most important of all the non-commissioned officers. The present law makes his pay $23 per month, while the quartermaster-sergeants receive $34. It is proposed to make the pay of all the same, $30.

Mr. RANDALL. It will be seen in the paragraph read from the report of the Committee on Military Affairs it is conceded certain officers now receiving $28 a month, if this bill shall pass will hereafter receive $34 a month.

Mr. REAGAN. The bill also increases the pay of certain captains. Now, Mr. Chairman, I wish to state that the ruling read by the Chair, I do not know by whom it was made, clearly overrules the principle laid down by Speaker Kerr in the Forty-fourth Congress, and which has been followed and sustained by every succeeding Speaker since—that it must affirmatively appear in the bill to which the point of order is made that it does not increase appropriations. That ruling, so laid down by Speaker Kerr, has never been deviated from until the ruling read by the Chair, which takes the ground it is necessary to show in order to sustain the point of order affirmatively there would be increase of expenditures.

Mr. STEELE. I hope I will be allowed to answer the points made by gentlemen on the other side.

The CHAIRMAN. The Chair will hear the gentleman from Indiana.

Mr. STEELE. I wish to call attention to the fact that in section 21, so far as non-commissioned officers are concerned, this bill rearranges the salaries already provided for under existing law, and results in a saving to the Government of $2,888. In the further rearrangement of salaries provided by the bill, so far as captains are concerned there is a decrease, and not an increase.

Mr. LONG. The gentleman from Missouri is entirely right in saying this bill refers to certain officers and names certain offices, but those offices exist now. And there are certain salaries attached by law to those offices. But, sir, nothing appears in this bill to show those offices are increased, or to show there may not be a diminution both of offices and salaries.

Mr. REAGAN. If, as the result of the bill, it appears it involves an increased tax or burden upon the people it must, under the ruling heretofore followed, have its first consideration in the Committee of the Whole House on the state of the Union.

Mr. RANDALL. The very report of the committee itself concedes the fact that it does provide for such increase.

Mr. LONG. In one respect, but not in another. It does not appear the general result of the bill does not result in a diminution of offices and salaries now provided by existing law.

The CHAIRMAN. The Chair is ready to rule upon the question.

Mr. BRADY. It appears there is to be an increase of fifty majors and sixty captains.

The CHAIRMAN. The Chair is of the opinion, after hearing the report of the committee read, that the bill does provide for an increase in the salaries of certain grades of officers; that it is a change of existing law, and does require appropriation in excess of existing law, and therefore under the rules should have its first consideration in the Committee of the Whole House on the state of the Union. It fixes a charge for these officials which does not now exist by law. And the Chair is compelled to take notice of the existing law in that regard. Besides, the bill fixes a charge in connection with these offices which does not now exist, and the Chair so rules.

Mr. STEELE. Upon the whole the bill is not an increase under existing law. It provides the number of officers shall not be increased as now provided by law so far as appointments from civil life are concerned.

The CHAIRMAN. The Chair thinks it involves a charge such as is contemplated by the rules.

Mr. STEELE. I ask the Chair not to rule finally until I can be heard.

Mr. RANDALL. The bill in the twenty-eighth section also provides for an increase.

The SPEAKER *pro tempore*. It does increase the compensation paid out of the Treasury, and is therefore liable to the point of order.

Mr. RANDALL. To still further strengthen the position taken by the Chair I want to read a paragraph in the twenty-eighth section of this bill bearing upon this point:

And said sum of $200 per year shall be in addition to the current yearly pay of his grade, as fixed by section 20 of this act.

The SPEAKER *pro tempore*. The Chair was of opinion that the duty devolved upon the party making the point of order to show affirmatively that it did change the existing law so as to increase the amount covered by the bill. This, the Chair thinks, has been done, and hence holds the point of order is well taken.

Mr. STEELE. In the case of the section just quoted by the gentleman from Pennsylvania, I will state to him that this takes away from the officer the forage and the horse now allowed by law, and, therefore, will be found to decrease expenditures.

The SPEAKER *pro tempore*. The Chair thinks that under all of the circumstances, and in view of the sections read and the sections of the law referred to, that the bill is such as requires its first consideration in the Committee of the Whole House on the state of the Union, and so rules.

Mr. STEELE. Now, Mr. Speaker, I do not want to press this bill at all. I said so at the time I called it up, that if a single objection could be found and urged against it I would want to strike it out. What I do ask though is that unanimous consent may be given that some time in the future, I do not care when, we may have a day for the consideration of this bill.

Mr. RANDALL. If that is made subject to appropriation and revenue bills and prior orders I imagine there will be no objection.

Mr. STEELE. Of course not to interfere with prior orders or revenue or appropriation bills.

The SPEAKER *pro tempore*. What day would the gentleman suggest?

Mr. STEELE. Any day that may be fixed upon. I do not wish to consume the time of the House to find out what day is unassigned, but the first one that is not assigned by previous orders I ask may be fixed for the consideration of this bill with the exceptions that have been stated.

Mr. REAGAN. One of the most important bills that we will have to consider at this session was assigned for the 13th of April last, but has been postponed from day to day, and I do not want anything more to interfere with that.

The SPEAKER *pro tempore*. The Chair will state that that being a pending order would be excepted by the motion of the gentleman from Indiana.

Mr. REAGAN. Not in the form in which it was made. I do not want anything to interfere with that bill.

Mr. STEELE. I will say not to interfere with any prior orders.

Mr. BRAGG. Well, then, fix the 19th of May. I am informed that day is unassigned.

Mr. STEELE. Very well.

The SPEAKER *pro tempore*. The gentleman from Indiana asks unanimous consent that the consideration of this bill be fixed for the 19th day of May, not to interfere with revenue or appropriation bills, or any prior orders. Is there objection?

There was no objection, and it was so ordered.

RELIEF OF CERTAIN VOLUNTEER OFFICERS.

Mr. LAIRD. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill under consideration this afternoon, House bill No. 7895.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. CRISP in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 7895) for the relief of certain officers of the volunteer army and for other purposes.

Mr. ROGERS. I rise to a parliamentary inquiry. What is pending?

The CHAIRMAN. There is no amendment pending, the Chair is informed. The first thing in order will be to read the second section of the bill for consideration.

Mr. ROGERS. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "so," in line 7 of the first section of the bill, insert the word "promoted," and strike out all the balance of the section, so that if amended it will read that all enlisted men in the naval service of the United States or in its Marine Corps.

Mr. ROGERS. I had lost sight of the amendments which had been appended to that section, and will withdraw that amendment and propose another in its stead. I desire to offer as a substitute for the first section what I now send to the desk.

The Clerk read as follows:.

Strike out the entire first section of the bill and insert:

"That all soldiers of the late war who re-enlisted as veteran volunteers and afterward were discharged to receive promotion and receive commission as officers in the Army shall be paid all installments of veteran bounty which were withheld from them on account of their being so promoted."

Mr. HOLMAN. I hope the words to be striken out will be reported.

The remainder of the section as proposed to be stricken out was read.

Mr. LAIRD. I would like to ask the gentleman a question.

The CHAIRMAN. Debate is not in order.

Mr. LAIRD. For information simply.

The CHAIRMAN. That could only be done by consent, and the committee can not give unanimous consent, as by order of the House, all debate was limited upon this section and all amendments that may be offered to it.

Mr. ROGERS. I rise to a parliamentary inquiry. Some gentlemen around me have made the inquiry if this amendment of mine is adopted whether it does not supersede everything except what is embraced in the amendment itself, with the addition of the word "promoted," after the word "so," in the seventh line.

The CHAIRMAN. The Chair can only reply that gentlemen, having heard the amendment read, must judge for themselves of its effect. The words proposed to be stricken out have been read by the Clerk.

Mr. ROGERS. I ask that the amendment may be again read for the information of the committee.

There being no objection, the amendment was again read.

Mr. BROWN, of Pennsylvania. I rise to a parliamentary inquiry. Was not a motion to strike out the two provisos to this section made and voted down to-day, and does not the motion of the gentleman from Arkansas include the same motion?

The CHAIRMAN. A portion of the same, but not the whole, as the Chair understands.

Mr. BROWN, of Pennsylvania. I understand it includes both, and both were once refused to be stricken out by the committee.

The CHAIRMAN. The Chair will have to refer to the amendment.

Mr. ROGERS. If permitted, I will respond to the gentleman by saying this is not the same amendment. The amendment now offered embraces the striking out of both of the provisos, but it likewise em-

braces the amendment of that which preceded them; so it is entirely different from what has already been voted upon.

The committee divided; and there were—ayes 44, noes 67.

Mr. ROGERS. No quorum.

The CHAIRMAN. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Arkansas [Mr. ROGERS] and the gentleman from Nebraska [Mr. LAIRD].

The committee again divided; and the tellers reported—ayes 18, noes 82.

The CHAIRMAN. A quorum has not voted; and, in accordance with the rule, the Chair will cause the roll to be called so that the absentees may be noted.

The Clerk proceeded to call the roll, when the following-named members failed to answer:

Adams, G. E.	Dunn,	King,	Singleton,
Adams, J. J.	Eden,	Lawler,	Smalls,
Aiken,	Ely,	Le Fevre,	Snyder,
Allen, J. M.	Farquhar,	Libbey,	Spooner,
Anderson, J. A.	Findlay,	Lovering,	Spriggs,
Atkinson,	Fisher,	Lyman,	Springer,
Baker,	Foran,	Markham,	Stewart, Charles
Ballentine,	Ford,	Martin,	Stewart, J. W.
Barbour,	Forney,	McAdoo,	St. Martin,
Barksdale,	Gallinger,	McComas,	Stone, W. J., Mo.
Barnes,	Gay,	McCreary,	Storm,
Barry,	Gibson, C. H.	McKinley,	Struble,
Belmont,	Gibson, Eustis	Milliken,	Swinburne,
Bingham,	Gilfillan,	Mills,	Tarsney,
Blanchard,	Glass,	Mitchell,	Taylor, E. B.
Browne, T. M.	Glover,	Morrow,	Thomas, J. R.
Buchanan,	Goff,	Muller,	Thomas, O. B.
Buck,	Green, R. S.	Murphy,	Thompson,
Bunnell,	Green, W. J.	Negley,	Throckmorton,
Burleigh,	Grosvenor,	Norwood,	Townshend,
Burnes,	Hall,	O'Donnell,	Trigg,
Butterworth,	Hammond,	O'Ferrall,	Tucker,
Campbell, T. J.	Harmer,	O'Hara,	Van Schaick,
Candler,	Harris,	O'Neill, J. J.	Wade,
Caswell,	Haynes,	Outhwaite,	Wadsworth,
Cobb,	Heard,	Owen,	Wait,
Cole,	Henderson, D. B.	Parker,	Warner, A. J.
Collins,	Henderson, J. S.	Payson,	Weaver, A. J.
Compton,	Henderson, T. J.	Pettibone,	Weaver, J. B.
Comstock,	Henley,	Phelps,	Weber,
Cox,	Herbert,	Pirce,	Wellborn,
Crain,	Hiestand,	Ranney,	West,
Croxton,	Hill,	Reid, J. W.	White, Milo
Culberson,	Hitt,	Richardson,	Wilkins,
Curtin,	Holmes,	Riggs,	Willis,
Dargan,	Hutton,	Robertson,	Winans,
Davenport,	Irion,	Rockwell,	Wise,
Dawson,	Jackson,	Romeis,	Woodburn,
Dingley,	Johnston, T. D.	Scranton,	Worthington.
Dockery,	Jones, J. H.	Sessions,	
Dorsey,	Kelley,	Seymour,	
Dougherty,	Ketcham,	Shaw,	

Mr. HOPKINS. I desire to state I am informed there is sickness in the family of my colleague [Mr. LAWLER], and I ask that he be excused.

The CHAIRMAN. The Chair will state that excuses can not be received in committee. They may be made in the House when the Speaker is in the chair.

The committee rose; and Mr. MCMILLIN having resumed the chair as Speaker *pro tempore*, Mr. CRISP reported the Committee of the Whole House on the state of the Union, having under consideration the bill (H. R. 7895) for the relief of certain officers in the volunteer army, and for other purposes, and finding itself without a quorum, had caused the roll to be called, and reported the names of the absentees to the House to be entered on the Journal.

The names of the absentees were read.

The SPEAKER *pro tempore*. The chairman of the Committee of the Whole House has reported that on a call of the committee, the question being made that no quorum had voted, 156 members had responded to their names—not a quorum.

Mr. BRAGG. I move that there be a call of the House.

Mr. SCOTT. I desire to state that my colleague [Mr. STORM] is absent on account of sickness.

Mr. BRECKINRIDGE, of Kentucky. I move that the House adjourn.

The SPEAKER *pro tempore*. The gentleman from Wisconsin [Mr. BRAGG] moves that there be a call of the House. The gentleman from Kentucky [Mr. BRECKINRIDGE] moves that the House adjourn. The question is first on the motion to adjourn.

Mr. HISCOCK. And upon that I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 44, nays 109, not voting 169; as follows:

YEAS—44.

Bennett,	Crisp,	McRae,	Rogers,
Bland,	Davidson, A. C.	Merriman,	Sadler,
Blount,	Davidson, R. H. M.	Miller,	Sayers,
Breckinridge, C. R.	Dibble,	Morgan,	Skinner,
Breckinridge, W. C. P.	Halsell,	Neal,	Stone, W. J., Ky.
Cabell,	Hemphill,	Oates,	Taulbee,
Campbell, J. E.	Hewitt,	Peel,	Taylor, J. M.
Candler,	Jones, J. T.	Perry,	Tillman,
Clardy,	Laffoon,	Pindar,	Turner,
Clements,	Landes,	Reagan,	Van Eaton,
Cowles,	Lanham,	Reese,	Wilson.

NAYS—109.

Allen, C. H.	Ermentrout,	Laird,	Ryan,
Anderson, C. M.	Evans,	Lehlbach,	Sawyer,
Bayne,	Everhart,	Lindsley,	Scott,
Beach,	Felton,	Little,	Seney,
Bliss,	Fleeger,	Long,	Sowden,
Bound,	Frederick,	Lore,	Stahlnecker,
Boyle,	Fuller,	Louttit,	Steele,
Brady,	Funston,	Lowry,	Stephenson,
Bragg,	Geddes,	Mahoney,	Stone, E. F.
Brown, C. E.	Grout,	Matson,	Storm,
Brown, W. W.	Guenther,	McKenna,	Strait,
Brumm,	Hale,	McMillin,	Struble,
Burrows,	Hanback,	Millard,	Swope,
Bynum,	Hatch,	Moffatt,	Symes,
Campbell, Felix	Hayden,	Morrill,	Taylor, I. H.
Campbell, J. M.	Hepburn,	Morrison,	Taylor, Zach.
Cannon,	Herman,	Neece,	Van Schaick,
Carleton,	Hires,	Nelson,	Viele,
Catchings,	Hiscock,	Osborne,	Wakefield,
Conger,	Holman,	Payne,	Ward, J. H.
Cooper,	Holmes,	Perkins,	Ward, T. B.
Cutcheon,	Hopkins,	Peters,	Warner, William
Daniel,	Houk,	Pidcock,	Wheeler,
Davis,	Howard,	Price,	Whiting,
Dowdney,	Hudd,	Randall,	Wolford.
Dunham,	James,	Reed, T. B.	
Eldredge,	Johnson, F. A.	Rice,	
Ellsberry,	Johnston, J. T.	Rowell,	

NOT VOTING—169.

Adams, G. E.	Dougherty,	Kleiner,	Sessions,
Adams, J. J.	Dunn,	La Follette,	Seymour,
Aiken,	Eden,	Lawler,	Shaw,
Allen, J. M.	Ely,	Le Fevre,	Singleton,
Anderson, J. A.	Farquhar,	Libbey,	Smalls,
Arnot,	Findlay,	Lovering,	Snyder,
Atkinson,	Fisher,	Lyman,	Spooner,
Baker,	Foran,	Markham,	Spriggs,
Ballentine,	Ford,	Martin,	Springer,
Barbour,	Forney,	Maybury,	Stewart, Charles
Barksdale,	Gallinger,	McAdoo,	Stewart, J. W.
Barnes,	Gay,	McComas,	St. Martin,
Barry,	Gibson, C. H.	McCreary,	Stone, W. J., Mo.
Belmont,	Gibson, Eustace	McKinley,	Swinburne,
Bingham,	Gilfillan,	Milliken,	Tarsney,
Blanchard,	Glass,	Mills,	Talyor, E. B.
Boutelle,	Glover,	Mitchell,	Thomas, J. R.
Browne, T. M.	Goff,	Morrow,	Thomas, O. B.
Buchanan,	Green, R. S.	Muller,	Thompson,
Buck,	Green, W. J.	Murphy,	Throckmorton,
Bunnell,	Grosvenor,	Negley,	Townshend,
Burleigh,	Hall,	Norwood,	Trigg,
Burnes,	Hammond,	O'Donnell,	Tucker,
Butterworth,	Harmer,	O'Ferrall,	Wade,
Caldwell,	Harris,	O'Hara,	Wadsworth,
Campbell, T. J.	Haynes,	O'Neill, Charles	Wait,
Caswell,	Heard,	O'Neill, J. J.	Warner, A. J.
Cobb,	Henderson, D. B.	Outhwaite,	Weaver, A. J.
Cole,	Henderson, J. S.	Owen,	Weaver, J. B.
Collins,	Henderson, T. J.	Parker,	Weber,
Compton,	Henley,	Payson,	Wellborn,
Comstock,	Herbert,	Pettibone,	West,
Cox,	Hiestand,	Phelps,	White, A. C.
Crain,	Hill,	Pirce,	White, Milo
Croxton,	Hitt,	Plumb,	Wilkins,
Culberson,	Hutton,	Ranney,	Willis,
Curtin,	Irion,	Reid, J. W.	Winans,
Dargan,	Jackson,	Richardson,	Wise,
Davenport,	Johnston, T. D.	Riggs,	Woodburn.
Dawson,	Jones, J. H.	Robertson,	Worthington.
Dingley,	Kelley,	Rockwell,	
Dockery,	Ketcham,	Romeis,	
Dorsey,	King,	Scranton,	

So the House refused to adjourn.

Mr. OATES. I ask unanimous consent to dispense with the reading of the names of members voting.

Mr. BRECKINRIDGE, of Arkansas, objected, but immediately withdrew the objection, and the reading of the names was dispensed with.

The result of the vote was then announced as above recorded.

Mr. BRAGG. Mr. Speaker, I move there be a call of the House.

Mr. ROGERS. Mr. Speaker, I move that the House now take a recess until fifty-nine minutes after 11 o'clock to-morrow morning.

The SPEAKER *pro tempore*. Gentlemen will suspend until the Clerk reports the pairs.

The following-named members were announced as paired until further notice:

Mr. THROCKMORTON with Mr. JACKSON.
Mr. COLE with Mr. THOMAS, of Illinois.
Mr. FISHER with Mr. BROWNE, of Indiana.
Mr. GREEN, of North Carolina, with Mr. ANDERSON, of Kansas.
Mr. FORNEY with Mr. BUNNELL.
Mr. CULBERSON with Mr. MCKINLEY.
Mr. CRAIN with Mr. STEWART, of Vermont.
Mr. BURNES with Mr. BUCHANAN.
Mr. OUTHWAITE with Mr. PARKER.
Mr. CURTIN with Mr. NEGLEY.
Mr. NORWOOD with Mr. O'DONNELL.
Mr. TOWNSHEND with Mr. GALLINGER.
Mr. GIBSON, of West Virginia, with Mr. PIRCE.
Mr. WARNER, of Ohio, with Mr. DAVENPORT.
Mr. JOHNSTON, of North Carolina, with Mr. MCCOMAS.
Mr. FORAN with Mr. SCRANTON.
Mr. CROXTON with Mr. DORSEY.

The following-named members were announced as paired for the day:
Mr. BARNES with Mr. HENDERSON, of Iowa.
Mr. TARSNEY with Mr. FARQUHAR.
Mr. O'FERRALL with Mr. THOMPSON.
Mr. ROBERTSON with Mr. ROMEIS.
Mr. CALDWELL with Mr. KELLEY.
Mr. KLEINER with Mr. BAKER.
Mr. ROCKWELL with Mr. TURNER.
Mr. HISCOCK with Mr. HERBERT.
Mr. BARKSDALE with Mr. ATKINSON.
Mr. HENDERSON, of North Carolina, with Mr. O'NEILL, of Pennsylvania.
Mr. WILLIS with Mr. MARTIN.
Mr. WILKINS with Mr. GROSVENOR.
Mr. RIGGS with Mr. ADAMS, of Illinois.
Mr. ADAMS, of New York, with Mr. HITT.
Mr. STORM with Mr. LA FOLLETTE.
Mr. BALLENTINE with Mr. GOFF.
Mr. MURPHY with Mr. PAYSON.
Mr. OATES with Mr. CASWELL.
Mr. ERMENTROUT with Mr. HARMER.
Mr. GLOVER with Mr. WAIT.
Mr. TUCKER with Mr. THOMAS, of Wisconsin.
Mr. MCKENNA with Mr. BYNUM.
Mr. BARRY with Mr. VAN SCHAICK.
Mr. DAWSON with Mr. E. B. TAYLOR.
Mr. GIBSON, of Maryland, with Mr. PHELPS.
Mr. LE FEVRE with Mr. MILLIKEN.
Mr. REID, of North Carolina, with Mr. GILFILLAN.
Mr. HALL with Mr. KETCHAM.
Mr. FORD with Mr. BUTTERWORTH.
Mr. O'NEILL, of Missouri, with Mr. BINGHAM.
Mr. WEAVER, of Iowa, with Mr. LIBBEY.

Mr. OATES. Mr. Chairman——

Mr. BRAGG. Regular order.

The SPEAKER *pro tempore*. The gentleman from Alabama [Mr. OATES] is recognized.

Mr. OATES. I am paired with Mr. CASWELL, but I vote to make a quorum.

Mr. CUTCHEON. Mr. Speaker——

The SPEAKER *pro tempore*. For what purpose does the gentleman rise?

Mr. CUTCHEON. I rise to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. CUTCHEON. I desire to know if a call of the House is now in order.

The SPEAKER *pro tempore*. That motion is pending.

Mr. CUTCHEON. I move a call of the House.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Michigan that that motion was made, and pending that a motion was made to adjourn.

Mr. REED, of Maine. That motion could not be pending while the pairs were being read.

The SPEAKER *pro tempore*. That motion was pending, and a motion was made that the House adjourn. That having been voted down, the motion for the call of the House recurs, and in that way it is pending.

The Chair will lay before the House a personal request, with the statement that it was made at an early hour this evening but has been overlooked until now. Mr. THOMAS, of Wisconsin, asks to be excused from the evening session by reason of sickness. Is there objection?

There was no objection, and it was so ordered.

The SPEAKER *pro tempore*. The question now is on the motion of the gentleman from Wisconsin [Mr. BRAGG] for a call of the House.

Mr. FREDERICK. Mr. Speaker, my colleagues Mr. MURPHY and Mr. HALL are both unwell.

Several MEMBERS. Regular order!

The SPEAKER *pro tempore*. The question is on a motion of the gentleman from Wisconsin for a call of the House.

The question was taken, and the Speaker declared that the ayes seemed to have it.

Mr. ROGERS. I call for a division.

The question was then taken by tellers, and there were, ayes 96, noes 35.

A call of the House was therefore ordered.

Mr. ROGERS (at five minutes before 10 o'clock p. m.). I move that the House do now adjourn.

The question being taken on the motion to adjourn, there were—ayes 50, noes 86.

Mr. ROGERS. I call for the yeas and nays.

The yeas and nays were not ordered, there being only 26 in favor thereof—not one-fifth of the last vote.

The SPEAKER *pro tempore*. The Clerk will now call the roll.

Mr. BRAGG. I believe the absentees have already been called; and I submit that the doors should now be closed, and the Sergeant-at-Arms be instructed to bring in the absentees.

The SPEAKER *pro tempore*. The Chair will say to the gentleman from Wisconsin that the call of the roll to ascertain the absentees was in Committee of the Whole. The roll-call had since was on the motion to adjourn. A call of the House has now been ordered. The doors will be closed, and the Clerk will call the roll.

Mr. ROGERS. I rise to a parliamentary inquiry. Is it now in order to move to adjourn?

The SPEAKER *pro tempore*. A motion to adjourn has just been voted down; and no business has intervened; therefore the motion is not now in order. The Clerk will call the roll.

A MEMBER. For what.

The SPEAKER *pro tempore*. So that members present may respond and that the names of absentees may be noted.

The Clerk proceeded to call the roll, when the following members failed to answer to their names:

Adams, G. E.	Dorsey,	Kelley,	Sessions,
Adams, J. J.	Dougherty,	Ketcham,	Seymour,
Aiken,	Dunn,	King,	Shaw,
Allen, J. M.	Eden,	La Follette,	Singleton,
Anderson, J. A.	Ely,	Le Fevre,	Smalls,
Atkinson,	Farquhar,	Libbey,	Snyder,
Baker,	Findlay,	Lovering,	Spooner,
Ballentine,	Fisher,	Lyman,	Spriggs,
Barbour,	Foran,	Markham,	Stewart, Charles
Barksdale,	Ford,	Martin,	Stewart, J. W.
Barnes,	Forney,	McAdoo,	St. Martin,
Barry,	Gallinger,	McComas,	Stone, W. J., of Mo.
Belmont,	Gay,	McKinley,	Swinburne,
Bingham,	Gibson, C. H.	Mills,	Tarsney,
Blanchard,	Gibson, Eustace	Mitchell,	Taylor, E. B.
Boutelle,	Gilfillan,	Morrill,	Thomas, J. R.
Browne, T. M.	Glass,	Muller,	Thomas, O. B.
Buchanan,	Glover,	Murphy,	Throckmorton,
Bunnell,	Goff,	Negley,	Townshend,
Burleigh,	Green, R. S.	Norwood,	Trigg,
Burnes,	Green, W. J.	O'Donnell,	Tucker,
Butterworth,	Hall,	O'Ferrall,	Turner,
Campbell, T. J.	Hammond,	O'Hara,	Wade,
Caswell,	Harmer,	O'Neill, Charles	Wadsworth,
Cobb,	Harris,	O'Neill, J. J.	Wait,
Cole,	Haynes,	Outhwaite,	Warner, A. J.
Collins,	Heard,	Owen,	Weaver, A. J.
Compton,	Henderson, D. B.	Parker,	Weaver, J. B.
Cox,	Henderson, J. S.	Payson,	Weber,
Crain,	Henderson, T. J.	Pettibone,	Wellborn,
Croxton,	Henley,	Phelps,	West,
Culberson,	Herbert,	Pirce,	White, Milo
Curtin,	Hiestand,	Ranney,	Wilkins,
Dargan,	Hitt,	Reid, J. W.	Willis,
Davenport,	Hutton,	Richardson,	Winans,
Davidson, R. H. M.	Irion,	Robertson,	Wise,
Dawson,	Jackson,	Rockwell,	Woodburn,
Dingley,	Johnston, T. D.	Romeis,	Worthington,
Dockery,	Jones, J. H.	Scranton,	

Mr. BEACH. Out of consideration for the reading clerk, I ask unanimous consent that the recapitulation of the names be dispensed with.

Mr. GROSVENOR. I object. I would not object if the request came from any other man in the House.

Mr. BEACH. It is no special favor to me.

Mr. DUNHAM. I would like to say to the gentleman from Ohio [Mr. GROSVENOR] that we have but one reading clerk here this evening and he is almost worn out. I hope the gentleman will withdraw his objection.

Mr. BEACH. The objection comes in very good part from the gentleman from Ohio.

Mr. GROSVENOR. I was about to withdraw my objection, but after the remark of the gentleman from New York I give him notice that he does not crack his whip over my head either here or elsewhere.

The Clerk proceeded to read the names, but was interrupted by,

Mr. LONG, who said: I ask unanimous consent that the further reading of the names be dispensed with.

The SPEAKER *pro tempore*. In the absence of objection that order will be made.

Mr. ROGERS. I move that the House do now adjourn.

Mr. LAIRD. I believe I had recognition. I desire to move that further proceedings under the call be dispensed with.

The SPEAKER *pro tempore*. The Chair will recognize gentlemen in their order. The names of the absentees must first be called.

The Clerk called the absentees, as follows:
Mr. ADAMS, of Illinois: No excuse offered.
Mr. ADAMS, of New York: No excuse offered.
Mr. AIKEN: No excuse offered.
Mr. ALLEN, of Massachusetts: No excuse offered.
Mr. ANDERSON, of Kansas: No excuse offered.
Mr. ATKINSON: No excuse offered.
Mr. BAKER: No excuse offered.
Mr. BALLENTINE.

The SPEAKER *pro tempore*. The Chair will state for the information of the House, as this proceeding seems not to be understood, that the roll is now being called in order that excuses may be made for those who are absent.

Mr. JOHN M. TAYLOR. My colleague [Mr. BALLENTINE] is detained at his room by sickness. I ask that he be excused.

The SPEAKER *pro tempore*. Is there objection to excusing the gentleman from Tennessee [Mr. BALLENTINE]? The Chair hears none.

Mr. BARBOUR: No excuse offered.
Mr. BARKSDALE: No excuse offered.
Mr. BARNES.
Mr. CLEMENTS. My colleague is absent on account of sickness, and I therefore move he be excused.
The motion was agreed to.
Mr. BARRY: No excuse offered.
Mr. BELMONT: No excuse offered.
Mr. BLANCHARD: No excuse offered.
Mr. BOUTELLE: No excuse offered.
Mr. BROWNE, of Indiana.
Mr. STEELE. My colleague is absent on account of severe sickness in his family. He is absent by leave of the House.
The SPEAKER *pro tempore*. That will be noted.
Mr. BUCHANAN: No excuse offered.
Mr. BUNNELL.
Mr. OSBORNE. My colleague is absent by leave of the House.
The SPEAKER *pro tempore*. Whenever that is the case it will be taken notice of.
Mr. BURLEIGH: No excuse offered.
Mr. BURNES: No excuse offered.
Mr. BUTTERWORTH: No excuse offered.
Mr. TIMOTHY J. CAMPBELL.
Mr. VIELE. I move my colleague be excused on account of sickness.
The motion was agreed to.
Mr. CASWELL: No excuse offered.
Mr. COBB.
Mr. MATSON. I move my colleague be excused. He has been in bad health for several months.
The motion was disagreed to.
Mr. COLE.
Mr. CRISP. I move the gentleman be excused, as he is in bad health.
The motion was agreed to.
Mr. COLLINS.
Mr. LONG. I move Mr. COLLINS be excused on account of sickness in his family.
The motion was agreed to.
Mr. COMPTON: No excuse offered.
Mr. COX: No excuse offered.
Mr. CRAIN: No excuse offered.
Mr. CROXTON: No excuse offered.
Mr. CULBERSON: No excuse offered.
Mr. CURTIN: No excuse offered.
Mr. DARGAN.
Mr. HEMPHILL. I move the gentleman be excused on account of sickness.
A MEMBER. How sick?
Mr. HEMPHILL. I have been informed he is sick.
Mr. CUTCHEON. How long has he been sick?
Mr. HEMPHILL. We know he is a gentleman of frail constitution and that he has been sick.
The motion was disagreed to.
Mr. DAVENPORT: No excuse offered.
Mr. DAVIDSON, of Florida: No excuse offered.
Mr. DINGLEY: No excuse offered.
Mr. DOCKERY: No excuse offered.
Mr. DORSEY: No excuse offered.
Mr. DOUGHERTY: No excuse offered.
Mr. DUNN.
Mr. ROGERS. The Sergeant-at-Arms informs me Mr. DUNN sent a message to the House that he be excused on account of sickness. I move, therefore, he be excused.
The motion was disagreed to.
Mr. EDEN: No excuse offered.
Mr. ELY: No excuse offered.
Mr. FARQUHAR.
Mr. ANDERSON, of Ohio. Mr. FARQUHAR stops at the same house I do, and I know part of his family are sick, and have been to-day. I move he be excused.
The motion was agreed to.
Mr. FINDLAY: No excuse offered.
Mr. FISHER: No excuse offered.
Mr. FORAN: No excuse offered.
Mr. FORD: No excuse offered.
Mr. FORNEY.
Mr. OATES. My colleague is absent by leave of the House.
The SPEAKER *pro tempore*. That fact will be noted.
Mr. PERKINS. I move that all further proceedings under the call be dispensed with.
The SPEAKER *pro tempore*. It is not usual to entertain that motion until the present call is made.
Mr. PETERS. Mr. Speaker, Mr. GALLINGER, whose name I understand was called as being absent, was called home to-day by the sickness of his daughter.
Mr. GAY: No excuse offered.
Mr. GIBSON, of Maryland: No excuse offered.
Mr. GIBSON, of West Virginia: No excuse offered.
Mr. GILFILLAN: No excuse offered.
Mr. GLASS.
Mr. CALDWELL. Mr. Speaker, my colleague, Mr. GLASS, is sick and unable to attend the night session of the House. I move that he be excused.
The motion was agreed to.
Mr. GLOVER: No excuse offered.
Mr. GOFF: No excuse offered.
Mr. GREEN, of New Jersey: No excuse offered.
Mr. GREEN, of North Carolina: No excuse offered.
Mr. HALL.
Mr. FREDERICK. Mr. Speaker, Mr. HALL left the House sick, and I move that he be excused.
The motion was not agreed to.
Mr. HAMMOND.
Mr. CLEMENTS. Mr. HAMMOND is detained in his room on account of sickness, and I move that he be excused.
Mr. BRECKINRIDGE, of Kentucky. Has he sent for a doctor? [Laughter.]
Mr. CLEMENTS. I do not know; but he has been absent two or three days, as the House knows, and is suffering with quite a sore throat to-night.
Mr. BLAND. I think he ought not to be here to-night; he is not at all well.
The motion that Mr. HAMMOND be excused was agreed to.
Mr. HARMER: No excuse offered.
Mr. HARRIS: No excuse offered.
Mr. HAYNES: No excuse offered.
Mr. HEARD: No excuse offered.
Mr. HENDERSON, of Iowa: No excuse offered.
Mr. HENDERSON, of North Carolina: No excuse offered.
Mr. BENNETT. My colleague, Mr. HENDERSON, is detained by reason of the sickness of one of his children, and I make that statement upon my personal responsibility. [Laughter.]
Mr. BRECKINRIDGE, of Kentucky. Is the gentleman responsible for the sickness of the child or for the absence?
Mr. BENNETT. No, sir; for the truthfulness of the statement.
The motion that Mr. HENDERSON, of North Carolina, be excused, was agreed to.
Mr. LAWLER. Mr. Speaker, owing to the sickness of all the members of the House who are absent to-night, I move that they all be excused.
The SPEAKER *pro tempore*. It is unusual to entertain that motion at this stage of the proceedings.
Mr. HENDERSON, of Illinois: No excuse offered.
Mr. HENLEY: No excuse offered.
Mr. HERBERT: No excuse offered.
Mr. HIESTAND: No excuse offered.
Mr. HITT: No excuse offered.
Mr. HUTTON: No excuse offered.
Mr. IRION: No excuse offered.
Mr. JACKSON: No excuse offered.
Mr. JOHNSTON, of Indiana: No excuse offered.
Mr. JONES, of Texas.
Mr. WILSON. Mr. Speaker, I ask that Mr. JONES, of Texas, be excused on account of advanced age. [Laughter.]
The motion was not agreed to.
Mr. KELLEY: No excuse offered.
Mr. KETCHAM.
Mr. HISCOCK. I move that my colleague, Mr. KETCHAM, be excused. He is detained at home on account of important business.
The motion was not agreed to.
Mr. KING.
Mr. VAN EATON. I ask that Mr. KING, of Louisiana, be excused on account of the breakage of the levees of the Mississippi River. [Laughter.]
Mr. LA FOLLETTE.
Mr. GUENTHER. I suppose in consequence of the absence of Mr. LA FOLLETTE that he is sick. I hope he will be excused.
The SPEAKER *pro tempore*. The gentleman moves that his colleague be excused.
The motion was not agreed to.
Mr. LE FEVRE: No excuse offered.
Mr. LIBBEY: No excuse offered.
Mr. LOVERING.
Mr. TAULBEE. Mr. Speaker, the name of Mr. LOVERING, I understand, has just been called. I wish to state that he left the House this afternoon before the recess, complaining of being quite unwell, and since we have come to this evening session I learn that he is not able to be here. I therefore move that he be excused.
The motion was not agreed to.
Mr. LYMAN: No excuse offered.
Mr. MARKHAM.
Mr. LOUTTIT. The health of my colleague, Mr. MARKHAM, is such that he has not been out an evening since he has been a member of the House, and I ask that he be excused.

The question was taken; and on a division there were—ayes 70, noes 7.

So the motion was agreed to.

Mr. BLAND. I understand the name of Mr. LANHAM has been called. He has been in delicate health——

The SPEAKER *pro tempore*. The Chair is informed that the gentleman from Texas is recorded as being present.

Mr. MARTIN: No excuse offered.

Mr. MCADOO: No excuse offered.

Mr. MCKINLEY.

Mr. HISCOCK. It is well known that Mr. MCKINLEY is ill, and I move that he be excused.

The SPEAKER *pro tempore*. The Chair is informed that the gentleman from Ohio has leave of absence, which fact will be taken notice of by the officers of the House.

Mr. MILLS: No excuse offered.

Mr. MITCHELL.

Mr. BUCK. I move that my colleague, Mr. MITCHELL, be excused, as I have just learned from the gentleman from New York within the last half hour that he is unable to be present.

The motion was not agreed to.

Mr. MORROW.

Mr. MCKENNA. Mr. Speaker, I move that Mr. MORROW be excused. He has been detained at home on account of the sickness of his wife, and she has been made sick by a very severe misfortune since she came to this city.

The motion was agreed to.

Mr. MULLER.

Mr. DANIEL. I do not fancy that Mr. MULLER, of New York, can complain that he is not well; in fact, I will make affidavit to the fact. [Laughter.]

The SPEAKER *pro tempore*. Shall the gentleman from New York be excused?

The motion was not agreed to.

Mr. MURPHY.

Mr. FREDERICK. I move that Mr. MURPHY be excused.

The motion was not agreed to.

Mr. NEGLEY: No excuse offered.

Mr. NORWOOD: No excuse offered.

Mr. O'DONNELL: No excuse offered.

Mr. O'FERRALL: No excuse offered.

Mr. O'HARA: No excuse offered.

Mr. O'NEILL, of Pennsylvania: No excuse offered.

Mr. O'NEILL, of Missouri.

Mr. VAN EATON. I move that Mr. O'NEILL, of Missouri, be excused.

The House divided, and there were—ayes 50, noes 68.

So the motion of Mr. VAN EATON was not agreed to.

Mr. OUTHWAITE: No excuse offered.

Mr. OWEN: No excuse offered.

Mr. PARKER: No excuse offered.

Mr. PAYSON: No excuse offered.

Mr. PETTIBONE.

Mr. HOUK. I move that my colleague [Mr. PETTIBONE] be excused; he arrived in the city very tired this evening.

The motion was not agreed to.

Mr. PHELPS: No excuse offered.

Mr. PIRCE: No excuse offered.

Mr. RANNEY: No excuse offered.

Mr. REID, of North Carolina.

Mr. SKINNER. I move that Mr. REID be excused. Ordinarily he is a very prompt man. I do not know what detains him now, but it must be some great necessity.

The motion was not agreed to.

Mr. RICHARDSON: No excuse offered.

Mr. ROBERTSON: No excuse offered.

Mr. ROCKWELL: No excuse offered.

Mr. ROMEIS: No excuse offered.

Mr. SCRANTON.

Mr. JOHNSTON, of New York. Mr. SCRANTON is absent by leave of the House.

The SPEAKER *pro tempore*. That fact will be noted.

Mr. SESSIONS: No excuse offered.

Mr. SEYMOUR: No excuse offered.

Mr. SHAW: No excuse offered.

Mr. SINGLETON.

Mr. MORGAN. My colleague Mr. SINGLETON, it is well known, is in delicate health, and it would not be proper to bring him out to-night. I move that he be excused.

The motion was agreed to.

Mr. SMALLS: No excuse offered.

Mr. SNYDER: No excuse offered.

Mr. SPOONER: No excuse offered.

Mr. SPRIGGS: No excuse offered.

Mr. STEWART, of Texas: No excuse offered.

Mr. STEWART, of Vermont: No excuse offered.

Mr. ST. MARTIN: No excuse offered.

Mr. STONE, of Missouri.

Mr. BLAND. I have just received a message informing me that my colleague Mr. STONE, is sick and not able to attend. I move that he be excused.

The House divided; and there were—ayes 25, noes 57.

So the motion was not agreed to.

Mr. SWINBURNE: No excuse offered.

Mr. TARSNEY: No excuse offered.

Mr. EZRA B. TAYLOR.

Mr. GROSVENOR. Judge TAYLOR left the House on account of severe illness, and has been ill for several days. I move that he be excused.

The motion was agreed to—ayes 84, noes 9.

Mr. THOMAS, of Illinois: No excuse offered.

Mr. THOMAS, of Wisconsin.

Mr. GUENTHER. I move that my colleague [Mr. THOMAS] be excused.

The SPEAKER *pro tempore*. He has already been excused.

Mr. THROCKMORTON: No excuse offered.

Mr. TOWNSHEND: No excused offered.

Mr. TRIGG: No excuse offered.

Mr. TUCKER: No excuse offered.

Mr. TURNER: No excuse offered.

Mr. WADE: No excuse offered.

Mr. WADSWORTH.

Mr. TAULBEE. I move that my colleague, Mr. WADSWORTH, be excused. He is known to all of us to be in delicate health, and he is advanced in years.

The motion was agreed to.

Mr. WAIT.

Mr. PAYNE. I move that Mr. WAIT be excused on account of his age.

The motion was agreed to—ayes 96, noes 2.

Mr. WARNER, of Ohio: No excuse offered.

Mr. WEAVER, of Nebraska: No excuse offered.

Mr. VIELE. Mr. Speaker, I understood that my colleague, Mr. MULLER, had been excused. I now desire to say that he has been an invalid during the whole session, and I move that he be excused.

The motion was agreed to.

Mr. WEAVER, of Iowa, was called and answered to his name.

Mr. SKINNER. Mr. Speaker, I move that Mr. ST. MARTIN be excused on account of his age. He is as old probably as any man in this House, and it is dangerous for him to be out at night.

The motion was agreed to—ayes 92, noes 5.

Mr. WEBER: No excuse offered.

Mr. CABELL. Mr. Speaker, I understand from the Sergeant-at-Arms that my colleague, Mr. BARBOUR, is very much indisposed, and I move that he be excused.

The motion was agreed to.

Mr. WHEELER. I would inquire of the Chair if my colleague, Mr. FORNEY, is not excused by the House?

The SPEAKER *pro tempore*. The Chair is informed that he is absent by leave of the House.

Mr. BROWN, of Pennsylvania. I wish to ask if my colleague, Mr. KELLEY, has been excused?

The SPEAKER *pro tempore*. The Chair is informed that he is not.

Mr. BROWN, of Pennsylvania. Then I move that he be excused.

The motion was agreed to.

Mr. WELLBORN.

Mr. WHEELER. Mr. Speaker, I have a note saying that Mr. WELLBORN is ill, and I move that he be excused.

The motion was agreed to.

Mr. WEST: No excuse offered.

Mr. WHITE, of Minnesota: No excuse offered.

Mr. WILKINS: No excuse offered.

Mr. WINANS: No excuse offered.

Mr. WISE: No excuse offered.

Mr. WOODBURN: No excuse offered.

Mr. WILLIS.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I have an impression that Mr. WILLIS's wife is quite ill, and as everybody knows how punctually Mr. WILLIS has attended here in the discharge of his duties, I move that he be excused.

The motion was agreed to.

Mr. WEAVER, of Iowa. Mr. Speaker, I can state of my personal knowledge that my colleague, Mr. MURPHY, is sick, and has been for several days. For that reason I move that he be excused.

The motion was not agreed to.

Mr. EVANS. Mr. Speaker, my colleague, Mr. ATKINSON, is lame, and I move that he be excused.

The motion was agreed to.

Mr. VAN EATON. Mr. Speaker, I again move that Mr. KING, of Louisiana, be excused. I hold in my hand a telegram just received announcing that there is a fresh break in the Mississippi River. [Laughter.]

The motion was not agreed to.

The SPEAKER *pro tempore*. The gentleman from Wisconsin [Mr.

BRAGG] has sent up a resolution, which will be read, after which the Chair will recognize the gentleman from Arkansas.

The resolution offered by Mr. BRAGG was read, as follows:

Resolved, That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its members as are now absent without the leave of the House.

Mr. ROGERS. I move that the House do now adjourn.

Mr. DUNHAM. Mr. Speaker——

Mr. RANDALL. Regular order.

Mr. DUNHAM. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. DUNHAM. Has the roll-call disclosed the presence of a quorum?

Mr. RANDALL. Regular order.

The SPEAKER *pro tempore*. That is not a parliamentary inquiry.

Mr. DUNHAM. The House ought to know the fact. It ought to be announced.

The SPEAKER *pro tempore*. It can not interpose against a motion to adjourn.

Mr. KETCHAM. It is not a motion, it is a request for information, which is necessary in order that members may vote intelligently.

The SPEAKER *pro tempore*. It is a request for information that could not affect the motion to adjourn.

Mr. CUTCHEON. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The Chair will state for the information of the gentleman from Illinois [Mr. DUNHAM] that the call of the roll discloses the fact that there is a quorum present.

Mr. LAIRD. I desire to move that all further proceedings under the call of the House be dispensed with.

The SPEAKER *pro tempore*. That motion is not in order; there is another motion pending.

The question being taken on the motion of Mr. ROGERS, there were—ayes 66, noes 77.

Mr. ROGERS. I call for tellers.

Mr. BRAGG. I call for the yeas and nays.

The yeas and nays were not ordered, only 19 voting in favor thereof. Tellers were not ordered.

So the motion was not agreed to.

Mr. ROGERS. I now move to dispense with all further proceedings under the call.

Mr. BRAGG. I make the point of order that a resolution has been presented, action upon which was suspended simply to take the vote on the motion to adjourn, and that the next thing in order is to submit that resolution to the House and have its action thereon.

The SPEAKER *pro tempore*. The question is on the resolution of the gentleman from Wisconsin——

Mr. ROGERS. Mr. Speaker——

The SPEAKER *pro tempore*. For what purpose does the gentleman rise?

Mr. ROGERS. To call the attention of the Chair to the fact that the point of order of the gentleman from Wisconsin is not well taken. It is always in order, I take it, pending a call, to move to dispense with further proceedings under the call.

The SPEAKER *pro tempore*. The Chair is of opinion that the motion to dispense with further proceedings under the call is in order.

Mr. LAIRD. I understood the Chair recognized me to make that motion.

The SPEAKER *pro tempore*. The gentleman from Arkansas was recognized and made the motion.

Mr. LAIRD. I understood the Chair recognized the motion I made to the same effect pending the motion of the gentleman from Arkansas to adjourn.

The SPEAKER *pro tempore*. The Chair was not aware of the fact that the gentleman from Nebraska [Mr. LAIRD] made the motion.

Mr. LAIRD. I move then to dispense with further proceedings under the call.

Mr. BRAGG. I desire to make an inquiry. The resolution which I have offered, if voted down, would be a suspension of proceedings under the call. The resolution presented that question for the consideration of the House, and I was entitled to a vote upon it. Can another proposition operating to the same effect as a negative vote upon my resolution take the place of that resolution? If the House does not choose to take further proceedings under the call, the voting down of my resolution would so declare. I presented it to the House in that form.

The SPEAKER *pro tempore*. The Chair will state that pending a call of the House but two motions are in order—one to dispense with further proceedings under the call and the other to adjourn. The question is on the motion to dispense with further proceedings under the call.

The question being taken, there were—ayes 69, noes 50.

Mr. BRAGG. I call for the yeas and nays.

The SPEAKER *pro tempore* (after a count). There are 26 voting to order the yeas and nays—not one-fifth of those who answered to their names on the last roll-call.

Mr. ROGERS. I call for a count of the other side.

Mr. BRAGG. Twenty-six is one-fifth of the last vote, is not it? Then why does the Chair say "not one-fifth of those answering to their names on the roll-call?"

The SPEAKER *pro tempore*. A count of the other side is demanded; that will determine the question.

Mr. BRAGG. I would like to have an explanation of the ruling of the Chair.

The SPEAKER *pro tempore* having asked for the negative vote on ordering the yeas and nays, 6 members rose.

Mr. PERKINS. I think there is a misunderstanding as to the proposition on which we are voting.

The SPEAKER *pro tempore*. The question is upon ordering the yeas and nays on the motion to dispense with further proceedings under the call.

Mr. BRAGG. That motion was put and decided.

The SPEAKER *pro tempore*. The question was on ordering the yeas and nays. The affirmative side had risen and been counted; thereupon the other side was demanded——

Mr. BRAGG. No, sir.

The SPEAKER *pro tempore*. The other side was demanded, and the Chair was counting the other side——

Mr. BRAGG. The Chair announced that those voting to order the yeas and nays numbered 26, and said, "Not one-fifth of the last roll-call," although there was one-fifth of the last vote. The gentleman from Arkansas called for the other side——

The SPEAKER *pro tempore*. And the Chair was proceeding to count the other side, and 6 members rose. The gentleman from Kansas [Mr. PERKINS] then stated that gentlemen misunderstood the question. The Chair desires to take no advantage of any gentleman.

Mr. BRAGG. What I desired to understand was by what authority the Chair proceeded to take another division after the question had been decided. [Cries of "Order!"] Well, gentlemen, that sort of racket does not disturb me at all.

Mr. LAIRD. We demand that the negative vote be taken on ordering the yeas and nays.

The SPEAKER *pro tempore*. The gentleman from Arkansas having called for a count on the other side, those who are opposed to taking this question by yeas and nays will rise and stand till counted. [After a count.] On this question the ayes are 26, the noes 84. More than one-fifth have voted in the affirmative, and the yeas and nays are ordered. The Clerk will call the roll.

Mr. DUNHAM. I move that the House adjourn.

The question being taken on the motion of Mr. DUNHAM, there were—ayes 68, noes 80.

Mr. ROGERS demanded tellers.

The House divided; and there were—ayes 30.

The SPEAKER *pro tempore*. Not one-fifth of a quorum.

Mr. BRECKINRIDGE, of Kentucky. Count the other side.

The SPEAKER *pro tempore*. There is no other side.

Mr. ROGERS. I move the House do now adjourn.

Mr. BRAGG. I believe possibly that may be ruled out of order.

Mr. LAIRD. I move the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of resuming the consideration of the bill (H. R. 7895) for the relief of certain officers of the volunteer army, and for other purposes.

The SPEAKER *pro tempore*. The question is on the motion to dispense with all further proceedings under the call; upon which the yeas and nays have been called.

Mr. NELSON. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. NELSON. The Chair is mistaken; there was not one-fifth of a quorum. There were twenty-six, and that is not one-fifth of a quorum.

The SPEAKER *pro tempore*. Twenty-six is one-fifth of those present.

Mr. NELSON. But not one-fifth of a quorum.

The SPEAKER *pro tempore*. One-fifth of those present is all that is required. The yeas and nays are ordered.

The question was taken; and it was decided in the affirmative—yeas 86, nays 63, not voting 173, as follows:

YEAS—86.

Allen, C. H.	Evans,	Johnson, F. A.	Riggs,
Arnot,	Everhart,	Johnston, J. T.	Rogers,
Bennett,	Felton,	Laird,	Rowell,
Bland,	Fleeger,	Lehlbach,	Ryan,
Blount,	Fuller,	Lindsley,	Sayers,
Brumm,	Funston,	Long,	Seney,
Buck,	Grosvenor,	Maybury,	Skinner,
Cabell,	Guenther,	McKenna,	Stone, E. F.
Campbell, J. M.	Hale,	Milliard,	Strait,
Campbell, J. E.	Halsell,	Miller,	Struble,
Candler,	Hanback,	Moffatt,	Taulbee,
Cannon,	Hayden,	Morgan,	Taylor, I. H.
Carleton,	Hemphill,	Morrill,	Tillman,
Clardy,	Henderson, T. J.	Perkins,	Van Schaick,
Clements,	Hepburn,	Perry,	Wakefield,
Comstock,	Hill,	Peters,	Weaver, J. B.
Conger,	Hires,	Plumb,	White, A. C.
Cowles,	Holmes,	Price,	Whiting,
Crisp,	Hopkins,	Reagan,	Wilson,
Cutcheon,	Houk,	Reed, T. B.	Woodburn.
Davis,	Hudd,	Reese,	
Dibble,	James,	Rice,	

NAYS—63.

Anderson, C. M.	Ellsberry,	Matson,	Stahlnecker,
Bayne,	Ermentrout,	McCreary,	Steele,
Beach,	Geddes,	McMillin,	Stephenson,
Bound,	Grout,	McRae,	Stone, W. J., Ky.
Boyle,	Herman,	Morrison,	Swope,
Brady,	Hewitt,	Neal,	Symes,
Bragg,	Holman,	Neece,	Taylor, J. M.
Breckinridge, C. R.	Howard,	Osborne,	Taylor, Zach.
Breckinridge, WCP.	Kleiner,	Peel,	Thompson,
Brown, C. E.	Landes,	Pidcock,	Van Eaton,
Brown, W. W.	Lawler,	Pindar,	Viele,
Bynum,	Little,	Randall,	Ward, J. H.
Cooper,	Lore,	Sawyer,	Ward, T. B.
Daniel,	Louttit,	Scott,	Warner, William
Dowdney,	Lowry,	Sowden,	Wheeler.
Eldredge,	Mahoney,	Springer,	

NOT VOTING—173.

Adams, G. E.	Dockery,	Kelley,	Romeis,
Adams, J. J.	Dorsey,	Ketcham,	Sadler,
Aiken,	Dougherty,	King,	Scranton,
Allen, J. M.	Dunham,	Laffoon,	Sessions,
Anderson, J. A.	Dunn,	La Follette,	Seymour,
Atkinson,	Eden,	Lanham,	Shaw,
Baker,	Ely,	Le Fevre,	Singleton,
Ballentine,	Farquhar,	Libbey,	Smalls,
Barbour,	Findlay,	Lovering,	Snyder,
Barksdale,	Fisher,	Lyman,	Spooner,
Barnes,	Forna,	Markham,	Spriggs,
Barry,	Ford,	Martin,	Stewart, Charles
Belmont,	Forney,	McAdoo,	Stewart, J. W.
Bingham,	Frederick,	McComas,	St. Martin,
Blanchard,	Gallinger,	McKinley,	Stone, W. J., Mo.
Bliss,	Gay,	Merriman,	Storm,
Boutelle,	Gibson, C. H.	Milliken,	Swinburne,
Browne, T. M.	Gibson, Eustace	Mills,	Tarsney,
Buchanan,	Gilfillan,	Mitchell,	Taylor, E. B.
Bunnell,	Glass,	Morrow,	Thomas, J. R.
Burleigh,	Glover,	Muller,	Thomas, O. B.
Burnes,	Goff,	Murphy,	Throckmorton,
Burrows,	Green, R. S.	Negley,	Townshend,
Butterworth,	Green, W. J.	Nelson,	Trigg,
Caldwell,	Hall,	Norwood,	Tucker,
Campbell, Felix	Hammond,	Oates,	Turner,
Campbell, T. J.	Harmer,	O'Donnell,	Wade,
Caswell,	Harris,	O'Ferrall,	Wadsworth,
Catchings,	Hatch,	O'Hara,	Wait,
Cobb,	Haynes,	O'Neill, Charles	Warner, A. J.
Cole,	Heard,	O'Neill, J. J.	Weaver, A. J.
Collins,	Henderson, D. B.	Outhwaite,	Weber,
Compton,	Henderson, J. S.	Owen,	Wellborn,
Cox,	Henley,	Parker,	West,
Crain,	Herbert,	Payne,	White, Milo
Croxton,	Hiestand,	Payson,	Wilkins,
Culberson,	Hiscock,	Pettibone,	Willis.
Curtin,	Hitt,	Phelps,	Winans,
Dargan,	Hutton,	Pirce,	Wise,
Davenport,	Irion,	Ranney,	Wolford,
Davidson, A. C.	Jackson,	Reid, J. W.	Worthington.
Davidson, R. H. M.	Johnston, T. D.	Richardson,	
Dawson,	Jones, J. H.	Robertson,	
Dingley,	Jones, J. T.	Rockwell,	

So the motion was agreed to.

During the roll-call,

On motion of Mr. WEAVER, of Iowa, by unanimous consent, the reading of the names was dispensed with.

The vote was then announced as above recorded.

The SPEAKER *pro tempore*. All further proceedings under the call have been dispensed with, and the doors will be reopened.

Mr. STEELE. I move by unanimous consent the pages be excused from further attendance on this evening session.

There was no objection, and the motion was agreed to.

Mr. LAIRD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of resuming the consideration of the bill (H. R. 7895) for the relief of certain officers of the volunteer army, and for other purposes. I understand there is a desire on the other side to offer a substitute for this bill, and if we go into the Committee of the Whole that can be done and some progress made in this matter which will be final.

Mr. BLAND. I desire to make a motion to take a recess until 11 o'clock to-morrow. By that time we may come to some understanding. If we stay here all night doing as we have done nothing will be accomplished.

Mr. LAIRD. Oh, no!

The House divided; and there were—ayes 27, noes 56.

Mr. BLAND. I demand the yeas and nays.

Mr. WHEELER. I move the House do now adjourn.

Mr. BRECKINRIDGE, of Arkansas. I wish to say in connection with the request——

Mr. REED, of Maine. Question!

Mr. BRECKINRIDGE, of Arkansas, rose.

Mr. REED, of Maine. Regular order!

Mr. BRECKINRIDGE, of Arkansas. This is the regular order.

Mr. REED, of Maine. Regular order!

The SPEAKER *pro tempore*. Does the gentleman from Alabama insist on his motion to adjourn?

Mr. WHEELER. No; I withdraw it.

Mr. BRECKINRIDGE, of Arkansas. The gentleman from Missouri is holding his motion in abeyance.

The SPEAKER *pro tempore*. If there be no objection the gentleman will be heard.

Mr. REED, of Maine. Regular order!

Mr. BRECKINRIDGE, of Arkansas. I ask the gentleman to hear a brief statement.

Mr. LAIRD. What does the gentleman propose?

Mr. BRECKINRIDGE, of Arkansas. I want to say that it is the desire of those with whom I am co-operating to get a vote upon the substitute which the gentleman from Wisconsin [Mr. BRAGG] proposes to offer for this bill; and for my part, and I believe that is the position of men who are opposing the bill now under consideration, if that substitute carries it will be acquiesced in and no further obstructive measures taken.

Mr. CANNON. Let me ask the gentleman from Arkansas a question.

Mr. BRECKINRIDGE, of Arkansas. Certainly. [Cries of "Regular order!"]

Mr. CANNON. I only want to know if that substitute does not omit from this bill every provision for the benefit of the private soldiers?

Mr. BRECKINRIDGE, of Arkansas. Hear the substitute read.

Mr. REED, of Maine. We know what is in it.

Mr. CANNON. I am satisfied that it does; and I am not willing to permit by any act of mine such an act of injustice to be done to them.

Mr. BRECKINRIDGE, of Arkansas. Let the bill be read; it will show for itself.

[Cries of "Regular order!"]

Mr. CANNON. I will not consent by any act of mine to anything which will cut the private soldiers out of this bill.

The SPEAKER *pro tempore*. The question is on ordering the yeas and nays on the motion of the gentleman from Missouri [Mr. BLAND] for a recess.

The yeas and nays were refused, only 11 members voting in favor thereof.

Mr. BLAND. I move that the House do now adjourn.

The question was taken; and on a division there were—ayes 62, noes 42.

Mr. BRAGG. I demand the yeas and nays.

The yeas and nays were ordered, there being 21 voting therefor and 72 in opposition to the demand.

The SPEAKER *pro tempore*. The Clerk will call the roll.

Mr. ROGERS. I wish to make a parliamentary inquiry. Is this roll-call to be taken upon the question of adjournment?

The SPEAKER *pro tempore*. It is. [Cries of "Regular order!"]

The question was taken; and there were—yeas 47, nays 84, not voting 191; as follows:

YEAS—47.

Allen, C. H.	Clardy,	Lore,	Reese,
Bennett,	Cowles,	Maybury,	Rogers,
Bland,	Crisp,	McCreary,	Sadler,
Blount,	Dibble,	McRae,	Sayers,
Bound,	Dunham,	Merriman,	Skinner,
Brady,	Everhart,	Miller,	Taulbee,
Breckinridge, C. R.	Hale,	Morgan,	Taylor, J. M.
Breckinridge, WCP.	Halsell,	Morrison,	Taylor, Zach.
Cabell,	Hayden,	Neal,	Tillman,
Caldwell,	Hemphill,	Peel,	Weaver, J. B.
Candler,	Landes,	Perry,	Whiting.
Carleton,	Long,	Price,	

NAYS—84.

Anderson, C. M.	Evans,	Laffoon,	Sawyer,
Bayne,	Felton,	Laird,	Scott,
Beach,	Fleeger,	Lawler,	Seney,
Bliss,	Frederick,	Lehlbach,	Sowden,
Boyle,	Fuller,	Lindsley,	Springer,
Bragg,	Funston,	Little,	Stahlnecker,
Brown, C. E.	Geddes,	Lowry,	Steele,
Brown, W. W.	Grout,	Mahoney,	Stephenson,
Brumm,	Guenther,	McKenna,	Stone, W. J., Ky.
Buck,	Henderson, D. B.	McMillin,	Strait.
Bynum,	Henderson, T. J.	Millard,	Struble,
Campbell, J. M.	Hepburn,	Morrill,	Swope,
Cannon,	Herman,	Neece,	Symes,
Comstock,	Hill,	Osborne,	Taylor, I. H.
Conger,	Hires,	Payne,	Van Eaton,
Cooper,	Hiscock,	Perkins,	Van Schaick,
Cutcheon,	Holman,	Peters,	Ward, J. H.
Daniel,	Holmes,	Pidcock,	Ward, T. B.
Eldredge,	Houk,	Randall,	Warner, William
Ellsberry,	Howard,	Reed, T. B.	Wheeler,
Ermentrout,	Johnston, J. T.	Rowell,	Wilson.

NOT VOTING—191.

Adams, G. E.	Burleigh,	Davenport,	Gay,
Adams, J. J.	Burnes,	Davidson, A. C.	Gibson, C. H.
Aiken,	Burrows,	Davidson, R. H. M.	Gibson, Eustace
Allen, J. M.	Butterworth,	Davis,	Gilfillan,
Anderson, J. A.	Campbell, Felix	Dawson,	Glass,
Arnot,	Campbell, J. E.	Dingley,	Glover,
Atkinson,	Campbell, T. J.	Dockery,	Goff,
Baker,	Caswell,	Dorsey,	Green, R. S.
Ballentine,	Catchings,	Dougherty,	Green, W. J.
Barbour,	Clements,	Dowdney,	Grosvenor,
Barksdale,	Cobb,	Dunn,	Hall,
Barnes,	Cole,	Eden,	Hammond,
Barry,	Collins,	Ely,	Hanback,
Belmont,	Compton,	Farquhar,	Harmer,
Bingham,	Cox,	Findlay,	Harris,
Blanchard,	Crain,	Fisher,	Hatch,
Boutelle,	Croxton,	Forna,	Haynes,
Browne, T. M.	Culberson,	Ford,	Heard,
Buchanan,	Curtis,	Forney,	Henderson, J. S.
Bunnell,	Dargan,	Gallinger,	Henley,

Herbert,	McAdoo,	Ranney,	Thomas, J. R.
Hewitt,	McComas,	Reagan,	Thomas, O. B.
Hiestand,	McKinley,	Reid, J. W.	Thompson,
Hitt,	Milliken,	Rice,	Throckmorton,
Hopkins,	Mills,	Richardson,	Townshend,
Hudd,	Mitchell,	Riggs,	Trigg,
Hutton,	Moffatt,	Robertson,	Tucker,
Irion,	Morrow,	Rockwell,	Turner,
Jackson,	Muller,	Romeis,	Viele,
James,	Murphy,	Ryan,	Wade,
Johnson, F. A.	Negley,	Scranton,	Wadsworth,
Johnston, T. D.	Nelson,	Sessions,	Wait,
Jones J. H.	Norwood,	Seymour,	Wakefield,
Jones, J. T.	Oates,	Shaw,	Warner, A. J.
Kelley,	O'Donnell,	Singleton,	Weaver, A. J.
Ketcham,	O'Ferrall,	Smalls,	Weber,
King,	O'Hara,	Snyder,	Wellborn,
Kleiner,	O'Neill, Charles	Spooner,	West,
La Follette,	O'Neill, J. J.	Spriggs,	White, A. C.
Lanham,	Outhwaite,	Stewart, Charles	White, Milo
Le Fevre,	Owen,	Stewart, J. W.	Wilkins,
Libbey,	Parker,	St. Martin,	Willis,
Louttit,	Payson,	Stone, E. F.	Winans,
Lovering,	Pettibone,	Stone, W. J., Mo.	Wise,
Lyman,	Phelps,	Storm,	Wolford,
Markham,	Pindar,	Swinburne,	Woodburn,
Martin,	Pirce,	Tarsney,	Worthington.
Matson,	Plumb,	Taylor, E. B.	

So the House refused to adjourn.

Mr. BRAGG. I ask unanimous consent to dispense with the reading of the names of those voting.

There was no objection; and it was so ordered.

The result of the vote was then announced as above recorded.

Mr. LAIRD. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole for the purpose of further considering the bill H. R. 7895.

Mr. DUNHAM. What has become of the quorum of the House that we had a short time ago?

The SPEAKER *pro tempore*. The Chair is not informed upon that subject. [Cries of "Regular order!"]

Mr. LAIRD. I insist upon my motion.

The question was taken; and upon a division there were—ayes 73, noes 9.

Mr. ROGERS. Tellers.

Tellers were not ordered, 1 member only voting in favor thereof.

Mr. ROGERS. I make the point that no quorum has voted.

The SPEAKER *pro tempore*. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. ROGERS and Mr. LAIRD were appointed tellers.

The House divided; and the tellers reported—ayes 75, noes 2.

Mr. ROGERS. I move that the House do now adjourn.

The question being taken on the motion to adjourn, there were—ayes 61, noes 38.

Mr. RANDALL and Mr. BRAGG called for the yeas and nays.

The yeas and nays were ordered—23 members voting therefor.

The question was taken; and there were—yeas 35, nays 80, not voting 207, as follows:

YEAS—35.

Breckinridge, WCP.	Crisp,	Maybury,	Price,
Buck,	Daniel,	McCreary,	Reese,
Cabell,	Dibble,	McRae,	Rogers,
Caldwell,	Everhart,	Merriman,	Sadler,
Candler,	Halsell,	Miller,	Taulbee,
Carleton,	Hemphill,	Morrison,	Taylor, J. M.
Clements,	Henderson, T. J.	Neal,	Tillman,
Comstock,	Laffoon,	Peel,	Wilson.
Cowles,	Lore,	Pindar,	

NAYS—80.

Anderson, C. M.	Fleeger,	Lawler,	Seney,
Arnot,	Frederick,	Lehlbach,	Sowden,
Bayne,	Fuller,	Lindsley,	Springer,
Beach,	Funston,	Little,	Stahlnecker,
Bliss,	Geddes,	Long,	Steele,
Bound,	Grosvenor,	Lowry,	Stephenson,
Bragg,	Grout,	Mahoney,	Stone, W. J., of Ky.
Breckinridge, C. R.	Guenther,	McKenna,	Struble,
Brown, W. W.	Hayden,	McMillin,	Swope,
Brumm,	Henderson, D. B.	Millard,	Symes,
Bynum,	Hepburn,	Neece,	Taylor, I. H.
Cannon,	Herman,	Osborne,	Thompson,
Conger,	Hill,	Payne,	Van Eaton,
Cooper,	Hires,	Perry,	Van Schaick,
Cutcheon,	Holman,	Peters,	Ward, J. H.
Dowdney,	Holmes,	Randall,	Ward, T. B.
Dunham,	Howard,	Reed, T. B.	Warner, William
Eldredge,	Johnston, J. T.	Rowell,	Weaver, J. B.
Ellsberry,	Laird,	Sawyer,	Wheeler,
Ermentrout,	Landes,	Scott,	White, A. C.

NOT VOTING—207.

Adams, G. E.	Bennett,	Burrows,	Crain,
Adams, J. J.	Bingham,	Butterworth,	Croxton,
Aiken,	Blanchard,	Campbell, Felix	Culberson,
Allen, C. H.	Bland,	Campbell, J. M.	Curtin,
Allen, J. M.	Blount,	Campbell, J. E.	Dargan,
Anderson, J. A.	Boutelle,	Campbell, T. J.	Davenport,
Atkinson,	Boyle,	Caswell,	Davidson, A. C.
Baker,	Brady,	Catchings,	Davidson, R. H. M.
Ballentine,	Browne, T. M.	Clardy,	Davis,
Barbour,	Brown, C. E.	Cobb,	Dawson,
Barksdale,	Buchanan,	Cole,	Dingley,
Barnes,	Bunnell,	Collins,	Dockery,
Barry,	Burleigh,	Compton,	Dorsey,
Belmont,	Burnes,	Cox,	Dougherty,
Dunn,	Houk,	Norwood,	Stewart, Charles
Eden,	Hudd,	Oates,	Stewart, J. W.
Ely,	Hutton,	O'Donnell,	St. Martin,
Evans,	Irion,	O'Ferrall,	Stone, E. F.
Farquhar,	Jackson,	O'Hara,	Stone, W. J., of Mo.
Felton,	James,	O'Neill, Charles	Storm,
Findlay,	Johnson, F. A.	O'Neill, J. J.	Strait,
Fisher,	Johnston, T. D.	Outhwaite,	Swinburne,
Foran,	Jones, J. H.	Owen,	Tarsney,
Ford,	Jones, J. T.	Parker,	Taylor, E. B.
Forney,	Kelley,	Payson,	Taylor, Zach.
Gallinger,	Ketcham,	Perkins,	Thomas, J. R.
Gay,	King,	Pettibone,	Thomas, O. B.
Gibson, C. H.	Kleiner,	Phelps,	Throckmorton,
Gibson, Eustace	La Follette,	Pidcock,	Townshend,
Gilfillan,	Lanham,	Pirce,	Trigg,
Glass,	Le Fevre,	Plumb,	Tucker,
Glover,	Libbey,	Ranney,	Turner,
Goff,	Louttit,	Reagan,	Viele,
Green, R. S.	Lovering,	Reid, J. W.	Wade,
Green, W. J.	Lyman,	Rice,	Wadsworth,
Hale,	Markham,	Richardson,	Wait,
Hall,	Martin,	Riggs,	Wakefield,
Hammond,	Matson,	Robertson,	Warner, A. J.
Hanback,	McAdoo,	Rockwell,	Weaver, A. J.
Harmer,	McComas,	Romeis,	Weber,
Harris,	McKinley,	Ryan,	Wellborn,
Hatch,	Milliken,	Sayers,	West,
Haynes,	Mills,	Scranton,	White, Milo
Heard,	Mitchell,	Sessions,	Whiting,
Henderson, J. S.	Moffatt,	Seymour,	Wilkins,
Henley,	Morgan,	Shaw,	Willis,
Herbert,	Morrill,	Singleton,	Winans,
Hewitt,	Morrow,	Skinner,	Wise,
Hiestand,	Muller,	Smalls,	Wolford,
Hiscock,	Murphy,	Snyder,	Woodburn.
Hitt,	Negley,	Spooner,	Worthington.
Hopkins,	Nelson,	Spriggs,	

So the House refused to adjourn.

Mr. BRAGG. I move that the reading of the names be dispensed with.

Mr. TILLMAN. I object.

The names of the members voting were read, and the result of the vote was then announced as above stated.

Mr. BRAGG. I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 7895) for the relief of certain officers of the volunteer army, and for other purposes.

The SPEAKER *pro tempore*. The question is on the motion that the House resolve itself into Committee of the Whole House for the consideration of the bill H. R. 7895.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. CRISP in the chair) and resumed consideration of House bill 7895.

The CHAIRMAN. The committee was dividing on an amendment offered by the gentleman from Arkansas [Mr. ROGERS]. The tellers, the gentleman from Nebraska, Mr. LAIRD, and the gentleman from Arkansas, [Mr. ROGERS, will resume their places.

Mr. ROGERS. I withdraw my amendment.

Mr. BRAGG. I offer as a substitute for the first section what I send to the desk.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That all soldiers of the late war who served as enlisted men for two years under the provisions of the act of July 22, 1861, and afterward were discharged to receive promotion, and received commissions as officers in the Army, shall be paid the bounty which was withheld from them on account of their being so promoted and commissioned, the same as they would have been entitled to receive had they completed their term of enlistment without promotion and received an honorable discharge."

Mr. CUTCHEON. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CUTCHEON. Is this offered as a substitute for the first section, or as a substitute for the entire bill?

Mr. BRAGG. It covers the whole bill. I will next move to strike out the second section.

The CHAIRMAN. It would not be in order at this stage to move a substitute for the entire bill.

Mr. BRAGG. I offer it as a substitute for the first section.

Mr. REED, of Maine. But the motion was to strike out all after the enacting clause and insert what has been read.

The CHAIRMAN. The Chair understood the gentleman from Wisconsin to offer his amendment as a substitute for the first section, although the language is "strike out all after the enacting clause."

Mr. HOLMAN. I think the gentleman is entitled to offer it as a substitute for the whole bill.

The CHAIRMAN. The Chair will state there will come a time when the gentleman can offer it as a substitute for the whole bill. The Chair does not think he can do so now while only the first section has been read for amendment.

Mr. BRAGG. I have divided my amendment into two paragraphs, and I offer that paragraph as a substitute for the first section and will make it read "strike out section 1 and insert the following"—what has just been read. I ask for a vote.

Mr. CUTCHEON. I desire to be heard on the motion to amend.

The CHAIRMAN. All debate on amendments to the first section

has been exhausted, the House having put a limit on the debate. No debate is now in order.

Mr. JOHNSTON, of Indiana. I make the point of order that the order of the House only applied to the amendments pending at the time it was made.

The CHAIRMAN. The Chair will state to the gentleman from Indiana that the limitation of debate applied not only to amendments that were then pending, but to amendments that might thereafter be submitted. Such an order can be made under the rules of the House. It did not preclude subsequent amendments, but it precluded debate on all then pending or that might thereafter be offered to the section.

Mr. BROWN, of Pennsylvania. I understand the amendment is simply for the relief of the officers, and leaves the rank and file out. This is a desertion of the rank and file. [Cries of "Regular order!"]

Mr. REED, of Maine. The amendment must be reported.

Mr. CANNON. Every one understands it. I object.

The CHAIRMAN. Objection is made to the amendment being again read.

Mr. REED, of Maine. But the amendment to the first section has not been read. There was a proposed substitute for the whole bill read.

The CHAIRMAN. As there still seems to be some misapprehension as to what was the effect of the proposition, the Chair will direct that the substitute as proposed for the first section be now read.

The Clerk read as follows:

Strike out section 1 and insert the following:

"That all soldiers of the late war who served as enlisted men for two years under the provisions of the act of July 22, 1861, and afterward were discharged to receive promotion, and received commissions as officers in the Army, shall be paid the bounty which was withheld from them on account of their being so promoted and commissioned the same as they would have been entitled to receive had they completed their term of enlistment without promotion and received an honorable discharge."

Mr. CUTCHEON. This takes effect on no soldier unless he has served two full years. That makes the bill entirely nugatory. [Cries of "Regular order!"]

Mr. ROGERS. I make the point of order that that is an amendment to a substitute, and therefore is not in order.

The CHAIRMAN. One amendment to a substitute is in order. The Clerk will report the amendment proposed by the gentleman from Missouri [Mr. WARNER].

The Clerk read as follows:

Be it enacted, &c., That every volunteer non-commissioned officer, private, musician, and artificer who enlisted after April 15, 1861, for two or three years, and who was actually mustered into the United States service for two or three years, and who was subsequently honorably discharged upon surgeon's certificate for a disability incurred in line of duty or for wounds received in battle, or for promotion prior to a service of two years as an enlisted man, shall be entitled to receive the amount of bounty which he would otherwise have been entitled to receive had he completed his term of enlistment as such non-commissioned officer, private, musician, or artificer; and that all advance payments of bounty, or portion of same, which were deducted from the pay of such enlisted man by reason of having been discharged for promotion prior to a service of two years as such enlisted man, shall be repaid to such as are entitled thereto by the provisions of this act; and in case of the death of the officer or soldier entitled to the benefits of this act, the amount of money found due him shall be paid to his widow, heirs, or legal representatives; and the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sums due in each individual case.

The CHAIRMAN. The gentleman from Wisconsin [Mr. BRAGG] offers a substitute for the first section of the bill. The gentleman from Missouri [Mr. WARNER] moves to amend the substitute by striking out all after the word "that" and inserting what has just been read. The question is first on the amendment of the gentleman from Missouri.

The question was taken; and there were—ayes 56, noes 30.

Mr. ROGERS. No quorum.

The CHAIRMAN. The point being made that no quorum has voted, the Chair will appoint the gentleman from Missouri, Mr. WARNER, and the gentleman from Arkansas, Mr. ROGERS, to act as tellers.

The House again divided; and the tellers reported—ayes 61, noes 17.

Mr. BRECKINRIDGE, of Arkansas. No quorum.

The CHAIRMAN. No quorum having voted, the Chair will direct that the roll be called, so that the names of members absent may be reported to the House.

The roll was called, and the following-named members failed to answer:

Adams, G. E.	Bland,	Caswell,	Davis,
Adams, J. J.	Blount,	Catchings,	Dawson,
Aiken,	Boutelle,	Clardy,	Dingley,
Allen, C. H.	Boyle,	Cobb,	Dockery,
Allen, J. M.	Brady,	Cole,	Dorsey,
Anderson, C. M.	Browne, T. M.	Collins,	Dougherty,
Anderson, J. A.	Brown, C. E.	Compton,	Dunn,
Atkinson,	Buchanan,	Comstock,	Eden,
Baker,	Bunnell,	Cox,	Ely,
Ballentine,	Burleigh,	Crain,	Farquhar,
Barbour,	Burnes,	Croxton,	Findlay,
Barksdale,	Burrows,	Culberson,	Fisher,
Barnes,	Butterworth,	Curtin,	Foran,
Barry,	Campbell, Felix	Dargan,	Ford,
Belmont,	Campbell, J. M.	Davenport,	Forney,
Bingham,	Campbell, J. E.	Davidson, A. C.	Gallinger,
Blanchard,	Campbell, T. J.	Davidson, R. H. M.	Gay,
Gibson, C. H.	Ketcham,	Parker,	Storm,
Gibson, Eustace	King,	Payson,	Strait,
Gilfillan,	La Follette,	Perkins,	Struble,
Glass,	Lanham,	Pettibone,	Swinburne,
Glover,	Le Fevre,	Phelps,	Tarsney,
Goff,	Libbey,	Pirce,	Taylor, E. B.
Green, R. S.	Louttit,	Plumb,	Taylor, Zach.
Green, W. J.	Lovering,	Ranney,	Thomas, J. R.
Hale,	Lyman,	Reagan,	Thomas, O. R.
Hall,	Markham,	Reid, J. W.	Throckmorton,
Hammond,	Martin,	Rice,	Townshend,
Harmer,	Matson,	Richardson,	Trigg,
Harris,	McAdoo,	Riggs,	Tucker,
Hatch,	McComas,	Robertson,	Turner,
Haynes,	McCreary,	Rockwell,	Viele,
Heard,	McKinley,	Romeis,	Wade,
Henderson, J. S.	Milliken,	Ryan,	Wadsworth,
Henley,	Mills,	Sawyer,	Wait,
Herbert,	Mitchell,	Sayers,	Wakefield,
Hewitt,	Moffatt,	Scranton,	Warner, A. J.
Hiestand,	Morgan,	Sessions,	Weaver, A. J.
Hitt,	Morrill,	Seymour,	Weber,
Holmes,	Morrow,	Shaw,	Wellborn,
Hopkins,	Muller,	Singleton,	West,
Houk,	Murphy,	Skinner,	Wheeler,
Howard,	Negley,	Smalls,	White, Milo
Hudd,	Nelson,	Snyder,	Whiting,
Hutton,	Norwood,	Spooner,	Wilkins,
Irion,	Oates,	Spriggs,	Willis,
Jackson,	O'Donnell,	Stephenson,	Winans,
James,	O'Ferrall,	Stewart, Charles	Wise,
Johnson, F. A.	O'Hara,	Stewart, J. W.	Wolford,
Johnston, T. D.	O'Neill, Charles	St. Martin,	Woodburn,
Jones, J. H.	O'Neill, J. J.	Stone, E. F.	Worthington.
Jones, J. T.	Outhwaite,	Stone, W. J., Ky.	
Kelley,	Owen,	Stone, W. J., Mo.	

The committee rose; and Mr. MCMILLIN having resumed the chair as Speaker *pro tempore*, Mr. CRISP reported that the Committee of the Whole House on the state of the Union having found itself without a quorum, he had caused the roll to be called, and now reported to the House the names of the absentees.

The SPEAKER. The Clerk will report the names.

Mr. ROGERS. I move that the House do now adjourn.

The question was taken on the motion to adjourn; and there were—ayes 54, noes 28.

Mr. SOWDEN. I call for the yeas and nays.

The question was taken; and there were—ayes 15, noes 65.

Mr. HOLMAN demanded tellers on ordering the yeas and nays.

The question was taken; and there were ayes 15.

The SPEAKER *pro tempore*. Only fifteen members have voted in the affirmative—not one-fifth of a quorum. Tellers are refused, the yeas and nays are refused. The ayes have it, and the motion to adjourn is agreed to.

The House accordingly (at 1 o'clock and 37 minutes a. m., May 6, 1886) adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. H. ALLEN: Petition of Mrs. Stephen H. Bullard and other citizens; and of Abbie E. Kernochan and others, of Massachusetts, for enactment of Senate bill No. 54—to the Committee on Indian Affairs.

By Mr. ARNOT: Petition of Lydia M. Kennedy for a pension; same to accompany House bill 8480—to the Committee on Invalid Pensions.

By Mr. ATKINSON: Memorial of Grange No. 787, of Pennsylvania, praying for the suppression of bogus dairy productions—to the Committee on Agriculture.

Also, memorial of the same, protesting against the free admission of foreign agricultural products—to the Committee on Ways and Means.

Also, memorial of the Society of Friends, praying that the Indians may be justly dealt with—to the Committee on Indian Affairs.

By Mr. BARBOUR: Petitions of U. T. Bartley, administrator of Oliver Bartley, deceased, and of James Beckham, of Orange County; of James S. Lowery, and of R. A. Lowery, administrator of John Lowery, deceased, of Stafford County; of John W. Fletcher, and of Mrs. William Francis, widow of William Francis, deceased, of Fauquier County; of John R. Hornbaker, of Prince William County; of Mrs. Martha A. Boxley, executrix of Silas Boxley, deceased, of Louisa County; and of William N. Hough, of Loudoun County, Virginia, asking that their claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. BRUMM: Petition of Barbara Ochtermeyer, for a pension—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Petition of Rachael Bothwell, for invalid pension—to the same committee.

By Mr. J. M. CAMPBELL: Petition of Grange No. 588, of Pennsylvania, asking for such legislation as will suppress the manufacture and sale of all imitation dairy products—to the Committee on Agriculture.

Also, petition of same, asking that the proposed tariff bill be so amended as to afford to wool and agricultural products the same protection that is accorded to other industries—to the Committee on Ways and Means.

By Mr. CATCHINGS: Papers in the claim of Harrison Winfield, of Warren County, Mississippi—to the Committee on War Claims.

By Mr. DANIEL: Petition of citizens of Campbell County, Virginia, for appropriation to public schools—to the Committee on Education.

By Mr. DINGLEY: Evidence relating to House bill 8410 granting a pension to William G. Martin—to the Committee on Invalid Pensions.

By Mr. ERMENTROUT: Petition of the Cotton Spinners' Union against the reduction of duties on spool cotton and yarns—to the Committee on Ways and Means.

Also, memorial of John S. Danahower—to the Committee on Invalid Pensions.

By Mr. EVERHART: Memorial of Religious Society of Friends of New York, praying for a strict compliance with the treaties and contracts with the Indians—to the Committee on Indian Affairs.

By Mr. FLEEGER: Memorial of Grange No. 135, of Crawford County, Pennsylvania, asking for the passage of bill to protect the dairy interests of the country—to the Committee on Agriculture.

Also, memorial of the same, protesting against all legislation favoring the admission to our ports free of duty of all agricultural raw material, such as wool, hides, jute, tobacco, raw sugars, rice, &c., and asking for agriculture the same protection that is accorded to other industries—to the Committee on Ways and Means.

By Mr. GROUT: Petition of P. W. Currier and 45 others, citizens of Vermont, praying for a tax on oleomargarine—to the Committee on Agriculture.

By Mr. HALL: Petition of Boswell A. Schellhouse, for relief, and for an appropriation of $2,500 to enable him to go West and locate himself and family—to the Committee on Military Affairs.

By Mr. HARMER: Petition of employés of manufacturers of thread and spool cotton, protesting against a reduction of duties—to the Committee on Ways and Means.

By Mr. D. B. HENDERSON: Letter from the Government Printer, showing why the report on animal industry has not been published, and that money is needed therefor—to the Committee on Appropriations.

By Mr. HILL: Petition of C. G. Hartly and others, of Miller; of John M. Randolph and others, of Plankington; of John Connors and others, of Brookings; of A. Bertelson and others, of Marion; of G. H. Stalford and others, of Bee Heights; and of R. J. Garden and others, of Grand View, Dak., asking for the division of the Territory of Dakota on the seventh standard parallel, and organization of North Dakota—to the Committee on the Territories.

By Mr. LANHAM: Petition of citizens of Texas, in relation to the bill to regulate the transportation of live-stock—to the Committee on Commerce.

By Mr. LORE: Petition of Woman's National Indian Association, of Wilmington, Del., for the passage of the Dawes Sioux bill (S. 52)—to the Committee on Indian Affairs.

By Mr. MORGAN: Papers in claim of William E. Langston, of Coahoma County, Mississippi—to the Committee on War Claims.

By Mr. MURPHY: Petition of Knights of Labor, No. 2826, of Caldwell, Kans.—to the Committee on Railways and Canals.

By Mr. J. J. O'NEILL: Memorial of the Merchants' Exchange, of Saint Louis, urging the passage of Senate bill 1877, amending the law relating to the immediate transportation of dutiable goods, &c.—to the Committee on Ways and Means.

By Mr. OSBORNE: Petition of Cotton Spinners' Union, of Newark, N. J., against reducing tariff on spool cotton—to the same committee.

Also, petition of merchants and manufacturers of Baltimore, Boston, Chicago, New Orleans, New York city, and Philadelphia, urging the passage of House bill 1621—to the Committee on Commerce.

By Mr. PERKINS: Petition of the employés of Clark's O. N. T. Thread Company, of Newark, N. J., protesting against the proposed tariff legislation reducing the duty on thread—to the Committee on Ways and Means.

By Mr. PERRY: Memorial of the farmers' convention of South Carolina, praying the passage of House bill 2933, to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862—to the Committee on Agriculture.

By Mr. SENEY: Papers of Baltimore merchants and manufacturers, urging legislation for the relief of commercial travelers—to the Committee on Commerce.

By Mr. STAHLNECKER: Petition of merchants of New York and other cities, in favor of the James bill, House bill 1621—to the same committee.

By Mr. SWOPE: Petition of numerous merchants, in favor of the passage of the bill (H. R. 1621) to regulate commercial rates of goods and merchandise by samples, &c.—to the same committee.

By Mr. ZACH. TAYLOR: Petition of David H. Townsend, executor of Oswell P. Newby, deceased, of Shelby County, Tennessee, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WILLIAM WARNER: Petition of Professor C. H. Stewart and 37 others, leading citizens of Johnson County, Missouri, asking legislation for National Board of Health—to the Committee on Commerce.

By Mr. WEST: Petition of Cotton Spinners' Union against the reduction of duties on spool cotton and yarns—to the Committee on Ways and Means.

By Mr. A. C. WHITE: Memorial of Grange No. 609, of Jefferson County, Pennsylvania, in favor of a law to prohibit the manufacture and sale of bogus dairy products—to the Committee on Agriculture.

Also, memorial of same, against the passage of the present tariff bill—to the Committee on Ways and Means.

By Mr. WISE: Petition concerning the manufacture of oleomargarine and butterine, and in opposition to Congressional interference therewith—to the Committee on Agriculture.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. FELTON: Of citizens of Santa Clara County, California.

By Mr. GUENTHER: Of citizens of Outagamie and Waushara Counties, Wisconsin.

SENATE.

THURSDAY, *May* 6, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

IMPROVEMENTS ON MESCALERO INDIAN RESERVATION.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of 1st instant from the Secretary of the Interior, submitting a draught of a bill recommended by the Commissioner of Indian Affairs, providing for the payment of improvements made by settlers on the lands of the Mescalero Indian reservation in the Territory of New Mexico.

The subject is presented for the consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May* 5, 1886.

BARGE-OFFICE BUILDING AT NEW YORK.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Supervising Architect of that Department recommending that an appropriation of $28,343 be made for repairs and alterations of the barge-office building in New York city; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of the Los Angeles (Cal.) Board of Trade, praying that an increased appropriation be made for Wilmington Harbor, for the erection of a public building at Los Angeles, and for the establishment of a United States district court at that place; which was referred to the Committee on the Judiciary.

Mr. PALMER presented the petition of Mrs. K. Snyder and 12 other citizens of Charlotte, Mich., praying for appropriate legislation for the protection of young girls in the District of Columbia and other localities within the jurisdiction of the United States; which was referred to the Committee on the District of Columbia.

Mr. EDMUNDS. I present the petition of S. F. Cummings, of Montpelier, Vt., and 21 other citizens of Vermont, praying for the passage of the bill taxing imitations and fraudulent manufactures of butter; a similar petition from R. C. Gates and a large number of others, citizens and farmers of Franklin, Vt., praying for legislation on the same subject; also the petition of Charles M. Mansfield, W. H. Foster, and a large number of other citizens of Sheldon, Vt., praying for relief in respect of the same matter; a similar petition from A. A. Marvin and sundry other citizens of Vermont on the same subject; also a petition on the same subject from Fay H. Herrick and other citizens of Vermont; and another of the same character from B. Contes Gallup and sundry other citizens of Vermont.

I move that these petitions be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. MILLER presented a petition of 300 citizens of Rome, N. Y., and vicinity, and a petition of 40 farmers of Mooers, N. Y., praying for the passage of the bill taxing all imitations of butter 10 cents a pound; which were referred to the Committee on Agriculture and Forestry.

Mr. CALL presented resolutions adopted by the Board of Trade of Fernandina, Fla., favoring an extension of the time for the completion of the road of the Florida Railway and Navigation Company; which were referred to the Committee on Public Lands.

He also presented a petition of 50 citizens of Monticello, Fla., a petition of 124 citizens of Tallahassee, Fla., a petition of 43 citizens of Lawtey, Fla., a petition of 25 citizens of Bronson, Fla., a petition of 35 citizens of Gadsden County, Florida, and a petition of 31 citizens of

Alachua County, Florida, praying for an extension of the time for the completion of the Florida Railway and Navigation Company; which were referred to the Committee on Public Lands.

REPORTS OF COMMITTEES.

Mr. FRYE, from the Committee on Foreign Relations, to whom the subject was referred, submitted a report accompanied by a bill (S. 2362) to promote the political progress and commercial prosperity of the American nations; which was read twice by its title.

He also, from the same committee, reported adversely on the following bills, and they were postponed indefinitely:

A bill (S. 1426) for the encouragement of closer commercial relationship and in the interest of and the perpetuation of peace between the United States and the Republics of Mexico and Central and South America and the Empire of Brazil;

A bill (S. 1515) to authorize the President of the United States to send delegates to an international American congress to arrange for the arbitration of all national differences; and

A bill (S. 1616) to promote the political progress and commercial prosperity of the American nations.

Mr. FRYE, from the Committee on Foreign Relations, to whom was referred the bill (S. 2088) for the relief of the owners, officers, and crew of the British bark Chance, reported it with amendments, and submitted a report thereon.

Mr. MANDERSON, from the Committee on Printing, to whom was recommitted the bill (H. R. 544) granting leave of absence to employés in the Government Printing Office, reported it with amendments.

Mr. GORMAN, from the Committee on Commerce, to whom was referred the bill (S. 2256) to create a port of delivery at Lewes, Del., reported it without amendment.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (H. R. 1280) to authorize Frank W. Hunt to erect and maintain a ferry across the Missouri River at the military reservation of Fort Buford, Dakota Territory, reported it without amendment.

Mr. CONGER, from the Committee on Commerce, to whom was referred the bill (H. R. 4968) to authorize and direct the registry and enrollment of the barge Michigan, of Alpena, Mich., reported it without amendment.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 1207) granting a pension to Caroline Sees, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7168) for the relief of Mrs. Sallie Ancrum;

A bill (H. R. 7468) granting a pension to Lemuel Adams;

A bill (H. R. 3826) for the relief of John Taylor;

A bill (H. R. 6725) granting a pension to William M. Swartz;

A bill (H. R. 3972) granting a pension to Sanford C. Willhoite;

A bill (H. R. 908) granting a pension to Margaret E. Cochran;

A bill (H. R. 5729) granting a pension to Elizabeth Warner;

A bill (H. R. 4002) granting a pension to Carter W. Tiller;

A bill (H. R. 4070) for the relief of Mrs. Bridget Smith, mother of Patrick J. Smith;

A bill (H. R. 6092) granting a pension to Parmelia Smith;

A bill (H. R. 525) to restore Robert C. McKee to the pension-roll;

A bill (H. R. 448) granting a pension to Newton Day;

A bill (H. R. 1841) granting a pension to George W. Stout;

A bill (H. R. 5997) granting a pension to Elizabeth Luce;

A bill (H. R. 5329) granting a pension to William Antes;

A bill (H. R. 4229) granting a pension to Charlotte Algies, widow of Samuel Algies; and

A bill (H. R. 3198) granting a pension to Mrs. Mary Hastings.

Mr. MILLER, from the Committee on Commerce, to whom was referred the joint resolution (H. Res. 125) in recognition of the services of Joseph Francis, reported it without amendment.

Mr. WALTHALL, from the Committee on Public Lands, to whom was referred the bill (H. R. 392) declaring forfeited certain grants of land made to certain States in aid of the construction of railroads, reported it with amendments, and submitted a report thereon.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2803) granting a pension to John H. Snyder;

A bill (H. R. 1100) granting a pension to Jane W. Devereux;

A bill (H. R. 6389) granting a pension to Francis M. Moore;

A bill (H. R. 4539) granting a pension to Ann Little;

A bill (H. R. 1651) for the relief of Rosina Heineman;

A bill (H. R. 1889) granting a pension to Isaac Carleton; and

A bill (S. 2217) for the relief of Andrew T. McReynolds.

Mr. HAWLEY. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 849) to authorize the Rio Grande, Mexico and Pacific Railroad Company to purchase 10 acres of land on the Fort Cummings military reservation in Mexico, to report it back adversely. The report is unanimously adverse, and I move that the bill be indefinitely postponed.

The motion was agreed to.

ADDITIONAL CLERK TO THE JUDICIARY COMMITTEE.

Mr. JONES, of Nevada. I am instructed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from Vermont [Mr. EDMUNDS] on the 27th of April last, to report it favorably without amendment. I ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to; as follows:

Resolved, That the Committee on the Judiciary be, and it hereby is, authorized to employ an assistant clerk for the residue of this present session of the Senate only, at a salary of $8 per day, and that the Secretary of the Senate be, and he hereby is, authorized and directed to pay the said salary out of the appropriation for miscellaneous items of the contingent fund of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 5866) to construct a road to the national cemetery at Knoxville, Tenn.; and

A bill (H. R. 5951) granting a pension to John M. Mattingly.

BILLS INTRODUCED.

Mr. McMILLAN introduced a bill (S. 2363) granting an increase of pension to Marcel Gagnon; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SAWYER introduced a bill (S. 2364) granting a pension to Betsy Gardner; which was read twice by its title, and referred to the Committee on Pensions.

Mr. JONES, of Nevada, introduced a bill (S. 2365) for the relief of L. M. Pearlman; which was read twice by its title, and referred to the Committee on Claims.

Mr. SPOONER introduced a bill (S. 2366) granting a pension to Elizabeth Garaghty; which was read twice by its title, and referred to the Committee on Pensions.

Mr. INGALLS introduced a bill (S. 2367) regulating writs of error and appeal from the supreme court of the District of Columbia to the Supreme Court of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 2368) to amend the act entitled "An act to prevent the sale of policy or lottery tickets in the District of Columbia," approved April 29, 1878, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 2369) granting an increase of pension to William H. H. Price; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 2370) granting a pension to Mrs. Alice J. Shoup; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MITCHELL, of Oregon, introduced a bill (S. 2371) granting a pension to Samuel T. Ulm, of Union, Oreg.; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALDRICH introduced a bill (S. 2372) for the relief of Mary McMahon; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 2373) to settle titles within railroad grants; which was read twice by its title, and referred to the Committee on Public Lands.

GEOLOGICAL SURVEY.

Mr. ALLISON. Mr. President, I desire to call attention to a statement which I find on page 4194 of the CONGRESSIONAL RECORD, which states that the joint commission have made a report respecting the condition of the Geological Survey, which purports to accompany a bill restricting the work and publications of that survey. I wish to say that the statement is an error. The commission have made no such report, and have not authorized the making of any such report; and any report that has been made on the subject anywhere is the individual judgment of single members of the commission, and not the judgment of the commission.

Mr. EDMUNDS. If any has been made at all.

Mr. ALLISON. If any has been made anywhere.

Mr. MORGAN. I have observed the same matter in the RECORD to which the Senator from Iowa has called attention. The commission authorized the reporting of a bill, the same, I have no doubt, which has been reported to the other House. Two members of the commission, Mr. HERBERT, of Alabama, and myself, united in the statement of our reasons for supporting that bill, which the other members of the commission did not agree to; and I have no doubt that that gentleman, who is very careful, has been put in perhaps an improper attitude toward this matter by some mistake either of the reporters or the printers. Surely he never intended to make a representation that the entire commission had joined in any written report in support of the propositions contained in that bill.

Mr. ALLISON. I did not intend to impute any improper motive to any person connected with the commission, or to any one indeed, but only to make a statement that no report has been authorized by a ma-

jority of the commission or by the commission itself, except the report of the bill.

BILLS RELATIVE TO CHINESE.

Mr. SHERMAN. I call up the resolution which I submitted yesterday and which went over under objection.

The PRESIDING OFFICER (Mr. WILSON, of Iowa, in the chair). The Chair lays before the Senate the resolution submitted yesterday by the Senator from Ohio.

The resolution was read, as follows:

Ordered, That Senate bill 1991, entitled a bill supplementary to and amendatory of "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882, &c., reported from the Committee on Foreign Relations, and Senate bill 2225, to indemnify certain subjects of the Chinese Empire for losses sustained by violence of a mob at Rock Springs, &c., be, and hereby are, made special orders for Monday the 10th day of May, at 2 o'clock p. m.

The PRESIDING OFFICER. The question is on the adoption of the resolution.

Mr. PLATT. I wish to make an inquiry as to the effect of this order if it be adopted. I have supposed it was understood that certain specified subjects were to be taken up in regular order, one of which is the pension bill which the Senator from New Hampshire [Mr. BLAIR] has in charge. That bill is not a special order, and some of the other matters which I supposed were arranged for are not special orders. I wish to inquire, if the bills referred to in the resolution be made a special order for the 10th of May and the other matters which it has been understood by general consent were to be taken up in a certain order should not be all finished, whether this order would displace them? I have no objection to the adoption of the pending order if we can have the understanding which was arrived at in regard to other measures carried out.

Mr. SHERMAN. I understand, as I suppose all do, that this does not displace or change in the least the order of business agreed upon all around in the Senate; but this comes in afterward. If the Senator from Connecticut has any doubt about it I am perfectly willing that the date should be put off a week or two. All I want is to have the bills named made a special order.

Mr. PLATT. With the understanding as it has been stated now by the Senator from Ohio, I make no objection whatever.

Mr. SHERMAN. I wish to say that the Committee on Foreign Relations unanimously agreed that these two bills, both relating to the subject of Chinese immigration, ought to be considered as promptly as possible. Probably they will not both together take, they ought not to take, over an hour or two, because they involve no new principle; but we thought it important that they should be expedited as far as possible.

Mr. BLAIR. Before the Senator from Ohio, the presiding officer of the Senate, takes his seat I should like to call attention to what I understand to be the general consent of the Senate; and that is, that after the disposition of the interstate-commerce bill the general-pension bill shall be taken up.

Mr. SHERMAN. Yes, the list is on the desk and will be conformed to.

Mr. HOAR. I wish to call up my motion after this is disposed of.

The PRESIDING OFFICER. The question is on the adoption of the resolution.

The resolution was agreed to.

INDEBTEDNESS OF PACIFIC RAILROADS.

Mr. HOAR. I move that the Pacific Railroad funding bill be made a special order for Tuesday, May 11, subject to the same understanding as that just had. I will state that this measure was made a special order by agreement on both sides of the Senate at the last Congress and failed to be reached by one day. It was ready to be taken up when we adjourned.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the bill referred to by him may be made the special order after the order just agreed to. If there be no objection that order will be made.

OREGON RAILROAD LANDS.

Mr. DOLPH. I wished to make a motion immediately after the conclusion of the morning business; and I suppose it is concluded now.

Mr. CULLOM. I do not desire to yield for the consideration of any subject that will take time.

Mr. DOLPH. I hope the Senate will indulge me to take up for consideration Order of Business 516, being Senate bill 1894.

On the 31st of January last year Congress passed an act forfeiting the Oregon Central Railroad land grant and providing for the protection of the rights of settlers——

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. DOLPH. I ask unanimous consent to make a brief statement in advance as to what the bill is. I shall not consume more than a moment.

The PRESIDENT *pro tempore*. If there be no objection the Senator from Oregon will proceed.

Mr. DOLPH. I say the act provided for the protection of the rights of settlers, by providing that they might purchase the forfeited lands within a year from the date of the passage of the act; but it was the 16th of July before a map with instructions was sent to the office of the register or receiver in the land office at Vancouver. No notice was given of the forfeiture of the grant, or the restoration of the forfeited lands to the public domain. The usual notice was omitted by an oversight of the Department, or of the officers of the local land office, as appears by a letter of the Commissioner of the General Land Office to one of such settlers, which I hold in my hand. I introduced a bill at the present session to extend the time one year for settlers to perfect their titles, and it was unanimously reported favorably by the Committee on Public Lands. It creates no new rights. It merely extends the time for persons who are in possession of lands to comply with the conditions of the act of January 31, 1885.

Mr. McMILLAN. The same class of persons?

Mr. DOLPH. The same class of persons. I ask unanimous consent to proceed with the consideration of the bill and that it be read for information.

The PRESIDENT *pro tempore*. The Senator from Oregon moves that the Senate proceed to the consideration of Order of Business 516, being the bill (S. 1894) to amend an act entitled "An act to declare forfeiture of certain lands granted to aid in the construction of a railroad in Oregon," approved January 31, 1885.

Mr. INGALLS. Let the bill be read for information.

The PRESIDENT *pro tempore*. The bill will be read for information. It is not subject to objection, the Calendar being in order.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That the provisions of section 2 of an act entitled "An act to declare forfeiture of certain lands granted to aid in the construction of a railroad in Oregon," permitting settlers upon railroad lands forfeited by said act, not entitled to enter or acquire such land under the homestead or pre-emption laws of the United States, within one year after the passage of that act to purchase not to exceed 160 acres of the same, at the price of $1.25 cents per acre, be, and the same are hereby, re-enacted and continued in force until January 1, 1887: *Provided*, That the term "settler," as used in said section, shall be construed so as to include a private corporation which at the time of the passage of said act had made valuable improvements upon and was occupying a portion of said lands.

Mr. DOLPH. The proviso is stricken out by the committee.

The PRESIDENT *pro tempore*. The question is on proceeding to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Lands with an amendment, in line 13, after the date "1887," to strike out the following proviso:

Provided, That the term "settler," as used in said section, shall be construed so as to include a private corporation which at the time of the passage of said act had made valuable improvements upon and was occupying a portion of said lands.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INTERSTATE COMMERCE.

Mr. CULLOM. I move that the Senate proceed to consider the unfinished business of yesterday.

Mr. FRYE. I move to amend by substituting therefor Senate bill 121, known as the Staten Island Sound or the Arthur Kill bridge bill.

The PRESIDENT *pro tempore*. The motion to amend is not in order.

Mr. FRYE. I took the opportunity to give notice of what I desire, and I ask unanimous consent to say that the understanding to which reference has been made was that what is ordinarily called the morning hour shall not be interfered with by bills which are assigned rights after the morning hour; and I think the Senator from Illinois is asking too much.

The PRESIDENT *pro tempore*. The Senate by unanimous consent ordered the interstate-commerce bill to be taken up at the conclusion of the morning business.

Mr. FRYE. For yesterday morning only.

Mr. CULLOM. No, until it is finished.

The PRESIDENT *pro tempore*. The clerks inform the Chair that the bill is to be so taken up from day to day until disposed of. The Chair does not remember distinctly the terms of the order; but that was done by unanimous consent, and as a matter of course the bill must be proceeded with.

Mr. CULLOM. I move that the Senate proceed to the consideration of the unfinished business.

The PRESIDENT *pro tempore*. The bill is now before the Senate by unanimous consent without a motion.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1532) to regulate commerce.

The PRESIDENT *pro tempore*. There is no amendment pending.

Mr. WILSON, of Iowa. I desire to offer an amendment to section 4.

Mr. CULLOM. Will the Senator yield to allow me to offer an amendment to the section, which will not interfere with the amendment he intends to propose?

Mr. WILSON, of Iowa. Certainly.

Mr. CULLOM. In view of the amendment adopted by the Senate yesterday, I will take the liberty of moving to strike out, in section 4, lines 12 and 13, after the word "rules," the words "covering excep-

tions to any such common carrier, in cases where there is competition by river, sea, canal, or lake." I do not think they are necessary, and I think the section will be improved by striking out the words.

Mr. INGALLS. Let the amendment be read.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In section 4, line 12, after the word "rules," strike out down to and including the word "lake," in line 13, as follows:

Covering exceptions to any such common carrier, in cases where there is competition by river, sea, canal, or lake.

So as to read:

And the commission may from time to time make general rules excepting such designated common carrier in such special cases from the operation of this section of this act.

Mr. CULLOM. I think that simplifies the section and preserves in it all the power which the commission had before in making exceptions where it may be necessary to make them. It enlarges their power to some extent and makes it more definite.

Mr. COCKRELL. I should like to hear the amendment read again.

The PRESIDENT *pro tempore*. The amendment will be again read.

The Chief Clerk again read the amendment.

Mr. CULLOM. That simplifies the section and at the same time preserves all the power the commission had before.

Mr. HARRIS. It gives a broader discretion to the commission than it had before.

Mr. CULLOM. It gives a broader discretion than it had before.

Mr. BUTLER. Mr. President, I have not participated in this debate because I have been opposed to the bill and to most of the amendments. I simply desire to say, as I shall have to leave the Senate Chamber pretty soon, that I shall vote against the bill for four reasons:

First. Because Congress can not interfere with the freight traffic on local roads operated wholly within State lines, and therefore the bill does not and can not cure the evils complained of, and must be partial and discriminating in dealing with the subject;

Second. Because I prefer to leave the solution of the question to the laws of trade and competition and to the States;

Third. Because I am convinced that any legislation on the subject by Congress will prove ineffectual and abortive to correct the grievances committed by railroad corporations; and

Fourth. Because the assumption by Congress of jurisdiction and control of this vast and complicated problem will aggravate the evils and result in undermining the Government by corruption and favoritism.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Illinois [Mr. CULLOM].

Mr. RIDDLEBERGER. I should like to ask the Senator from Illinois how this is affected by the amendment adopted yesterday.

Mr. CULLOM. I do not know that it is affected at all by it. It enlarges the power of the commission to make exceptions a little, and makes the section more simple and clear in its meaning than it was before.

Mr. RIDDLEBERGER. I understood the Senator to say that he offered the amendment because of the adoption of the amendment of the Senator from West Virginia yesterday.

Mr. CULLOM. Probably that expression was not necessary to be made, for really it does not depend upon the fact that that amendment was adopted yesterday.

Mr. CAMDEN. I ask the Senator from Illinois if he means to strike out the words in line 15:

And when such exceptions shall have been made and published they shall have like force and effect as though the same had been specified in this section.

Mr. CULLOM. Not at all.

Mr. CAMDEN. That was the way I understood it. The Chief Clerk did not read that portion of the section.

Mr. CULLOM. I desire before I get through to move an amendment at the end of line 16.

Mr. INGALLS. To what effect?

Mr. CULLOM. To make the language a little more clear.

Mr. CALL. Mr. President, I merely wish to say that it seems to me there may be a doubt as to this amendment, and in regard to the powers conferred in the section as to how far Congress may confer the authority upon commissioners to legislate, to make laws to establish rates over railroads. It seems to me that there is a doubt in regard to that, and that the section gives the commission power which, if it exists at all, can alone be exercised by Congress.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Illinois.

The amendment was agreed to.

Mr. CULLOM. The Senator from Vermont [Mr. EDMUNDS] a few days ago indicated that there might be a question whether when the commission made a rule making exceptions the rule did not become in effect a law, and whether they could change it. So as to avoid any question upon that point, I move to insert after the word "shall," in line 16, of section 4, the words "until changed by the commission;" so that there can be no doubt about the power of the commission after they have made a rule at one time to change it by making another, as they may see proper, in the interest of commerce.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. At the end of line 16, after the word "shall," insert "until changed by the commission;" so as to read:

And when such exceptions shall have been made and published they shall, until changed by the commission, have like force and effect as though the same had been specified in this section.

Mr. CONGER. I move to amend by adding to the proposed insertion the words "or by law."

Mr. CULLOM. I have no objection to that. Of course we can change it by law if we choose. I do not think there is any necessity to have those words inserted.

Mr. CONGER. I want to save from the commission a little right to Congress.

The PRESIDENT *pro tempore*. The amendment will be so modified.

Mr. CULLOM. I do not think those words ought to be inserted, because it is an absurdity to say that Congress can not change it by law if Congress wishes to do so.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

Mr. ALDRICH. I offer an amendment to the fourth section, which I think will be acceptable to the chairman of the committee. After the word "or," in line 3, I move to insert the words "of the like class and quantity of;" so as to read:

That it shall be unlawful for any common carrier to charge or receive any greater compensation in the aggregate for the transportation of passengers or of the like class and quantity of property, subject to the provisions of this act, for a shorter than for a longer distance over the same line, in the same direction.

Mr. ALLISON and others. That is right.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Rhode Island.

The amendment was agreed to.

Mr. WILSON, of Iowa. I think the fourth section should be amended in another particular. As it now stands common carriers are prohibited from charging a greater compensation for a shorter than for a longer distance. On this clearly arises the implication that they may charge as much; that is to say, the implication which arises upon the section as it now stands would justify a common carrier in charging as much for 100 miles as for 1,000 miles. In order to avoid the possibility of any such construction of the section I move to amend by inserting after the word "direction," in line 5, the words:

But this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance.

Mr. BECK. I should like to hear that amendment read.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In section 4, line 5, after the word "direction," it is moved to insert:

But this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance.

Mr. BECK. I observe that the Senator from Iowa opposed the amendment offered by the Senator from West Virginia, which was carried against his vote and protest yesterday. Now he seems to be seeking to out-Herod Herod, going a great deal further than anybody ever supposed. I should be glad to hear why he desires this amendment inserted, if he will be kind enough to tell us.

Mr. WILSON, of Iowa. When the bill was under discussion several days ago I gave notice that if the amendment which was adopted yesterday should not be agreed to I would move to amend the section by inserting, after the word "departure," in line 6, as the section then stood, the words "or to the same point of destination." So I would have enlarged the effect of the section, as reported by the committee, in the direction that the Senator from West Virginia seemed to desire to go by the amendment which he moved. But that amendment was adopted, and the words "and from the same original point of departure" were stricken out. I desired to retain them in order that I might move the amendment I have suggested, and thereby apply the rule to all carriers upon the same line, whether from the same point of departure or going to the same point of destination. The Senate, however, struck out the words in accordance with the motion of the Senator from West Virginia.

Now, I desire to perfect the section as it remains by declaring in terms that it shall not be held to imply authority to common carriers to charge as much for the shorter as for the greater distance; that is, that no carrier shall say that he has by implication authority under this section of the bill, should it become a law, to charge as great a sum for conveying a given amount of freight 100 miles as may be charged for carrying it 1,000 miles.

I understood the Senator from Tennessee [Mr. HARRIS] when the matter was under discussion several days ago to very much desire that that amendment should be placed in the bill in order to negative the possibility of such an implication arising under it.

Mr. HARRIS. The short-haul law was a question which engaged the attention of the committee for some months. A majority of the committee was not willing to go quite so far in that direction as I de-

sired to go myself, but the extent to which I was willing to go has been reached by the adoption of the amendment which was agreed to yesterday.

When we have provided by law that the common carriers shall not charge more for the short haul than for the long haul, I am satisfied from the investigation I have been able to give the question that we have gone quite as far as we may safely go from the standpoint of the information that we have up to this time.

I think the section as it stands is quite safe, and quite as far as we ought to go in that direction at this time by legislation, giving to the commission the discretionary power that the section lodges in the commission as it stands. I hope the amendment suggested by the Senator from Iowa will not be adopted.

Mr. WILSON, of Iowa. I remember very well a discussion of this subject before one of the committees of one of the Houses of Congress several years ago when this proposition was under consideration, and it was definitely stated by those appearing in the interests of some of the carrier companies of this country that if the proposition as stated in this bill and contained in the one then under consideration before the committee should be adopted, it would be their construction of it that they would thereby be authorized to charge as much for any short distance as they would charge for a greater distance, and that they might impose as heavy a rate on a haul of 100 miles or 10 miles as they could upon a haul of 1,000 miles or more. The statement was definitely made that that would be their construction. Now, I ask that that may be met by the amendment I have offered in order that such an implication may be definitely negatived.

Mr. MAXEY. Mr. President, when the bill reported by the Senator from Illinois [Mr. CULLOM] in the Forty-eighth Congress was before the Senate I opposed that bill for the reason which I thought satisfactory, that there was nothing whatever effective in that measure; because the evidence gathered by the commission under that bill could not be used in the courts or anywhere else; because there was no conclusion, nothing definite; because there was no settlement, and could be no settlement, and practically all the testimony would simply be a guide to the district attorney in preparing the necessary papers to prosecute an indictment under the law. But this bill is entirely different. This is a very great advance, in my judgment, upon the bill of the Forty-eighth Congress. This bill does make the testimony taken by the commissioners *prima facie* evidence in proceedings in court, and to that extent it does start in motion something which will result in a judgment one way or the other.

The whole country is now expecting Congress to do something to relieve the great trouble and friction between the railroads on the one hand and the freighters on the other. The bill may not be perfect. I do not believe that any bill which could be formulated by this body or any other body on earth could in the outset be a perfect bill, for it is the most complicated and difficult question in all the range of political economy. Yet it starts out in the right direction; it has a good object in view, and time and experience will show whatever defects there may be in it.

As I said, the examinations made by the committee, who have so ably discharged their duty, have been of immense advantage in presenting a bill at this Congress as compared with the bill at the last Congress. The general framework of this bill, it occurs to me, is right, and the amendment presented by the Senator from West Virginia and which was adopted is to my mind clearly right. I never have been able, while I can understand these arguments, to see sufficient reasons why less should be charged for a long haul than a short haul. To a plain, practical, common-sense man unacquainted with railroad business that is an unreasonable proposition. I never have been able to understand it; and the proposition presented by the Senator from West Virginia met my approbation.

Now if, as has been stated, long hauls are often at a loss, as between New York and Chicago for example, because there are various competing lines between those great points, whatever loss there may be between those points is necessarily made up on those intermediate shipping points between the terminal points, New York and Chicago; and that is a principle I am against. I have never been able to see any reason why those who live between the terminal points should pay to make good this loss because the carrier charges less from one terminal point to another than from one intermediate point to another, or the reason that when he gets to the terminal point he competes with others, and he charges more between the intermediate points where there is no competition. That does not seem to me fair; and hence the amendment of the Senator from West Virginia met my approbation.

I know very little about the questions of detail as to freight and traffic charges on railroads; but if this does not operate well we shall find it out hereafter. It is equitable so far as I am able to see, and the bill generally strikes me as a fair bill, especially as amended.

We know the fact that elsewhere they are discussing a bill having the same general object in view as this; and whatever light may be thrown on the subject by this bill and the debate that has occurred upon it will be made use of in formulating elsewhere a bill, and out of both we may get a measure which will probably be beneficial. Altogether, in my judgment, our committee has done well, and evidently done the best it could and has acted faithfully. I shall vote for the bill as it stands.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Iowa [Mr. WILSON].

Mr. CULLOM. I hope the amendment will be voted down.

Mr. CALL. The fourth section of this bill as it stands authorizes a railroad for any distance within 500 miles of New York to charge as much as it does from Chicago to New York. It authorizes it at any intermediate point, for any distance whatever, to charge the entire rate, whether it be 1 mile or 100 miles from the city of Chicago or the city of New York, or from any other terminal point, no matter how short the distance. The entire charge for the whole distance between the terminal points is authorized to be made.

Mr. CAMDEN. Allow me to say a word in explanation. This bill is not limited to extreme terminal points; and therefore a company can not charge more to one point in the line than to the next point. So this regulates itself by various points. The companies can not go back. In other words, when you go to a point within 10 miles of New York they can not charge more for that 10 miles than they charge for any other 10 miles, nor to the next point 20 miles, and so on.

Mr. CALL. We have struck out the words "from the same original point of departure."

Mr. CAMDEN. Which leaves it that they shall not charge more for a shorter than for a longer distance over the same line in the same direction.

Mr. CALL. That is an improvement; but the amendment proposed by the Senator from Iowa effectually declares that to be the purpose of the bill.

Mr. INGALLS. Mr. President, the amendment proposed by the Senator from Iowa shows that we are attempting to solve a problem here with whose elements we are unacquainted. The fourth section of this bill is like a crowbar thrust into the works of a watch, and I venture to say that as it now stands with the amendments that have been proposed there are not two Senators, whether they are friendly to the bill or opposed to it, who will give concurring opinions as to its effects if it shall become a law.

The amendments that have been adopted hitherto, one particularly at the suggestion of the Senator from West Virginia [Mr. CAMDEN], are in such absolute hostility to the interests of the West of those whose location compels them to depend upon long hauls, that should the bill in that form become a law—which I should very much deplore—there never would be a bushel of grain from Iowa, Kansas, or Nebraska, there never would be a pound of beef or pork from those States go east of the Ohio River; and the Senator who lives in a region of country that will be benefited by that discrimination knows that will be the effect of it, and that is the reason why it was offered. The Senator from West Virginia lives upon the line of a railroad that is directly interested in the short-haul business. Those who have acted with him have voted for that interest. It is a direct attack upon the welfare of the West, upon the producing interests of this country.

Mr. CAMDEN. Does the Senator say I am interested in a railroad?

Mr. INGALLS. I say that the Senator from West Virginia lives upon the line of a railroad that is directly interested in the short haul.

Mr. CAMDEN. To what road do you allude, the Baltimore and Ohio?

Mr. INGALLS. Yes, sir; and its tributaries.

Mr. CAMDEN. I live on the Baltimore and Ohio Railroad. I am not interested in any trunk-line road of this country.

Mr. INGALLS. If there is a line of road in this country——

Mr. CAMDEN. I want to say further that I never have had a particle of interest in the Baltimore and Ohio Railroad Company.

Mr. INGALLS. If there is a line of road in this country that is directly interested in the amendment that the Senator from West Virginia promoted, it is the Baltimore and Ohio Railroad.

Mr. CAMDEN. I understand the Baltimore and Ohio's interests, if there is any railroad whose interests are opposed to this, would be so opposed. I understand the Pennsylvania road is not so opposed, and that the New York Central road is not. If there is any trunk-line road in this country that is opposed to this amendment, it is the Baltimore and Ohio Railroad; but I have no knowledge of what the Baltimore and Ohio Railroad desires or how it feels on this subject.

Mr. ALLISON. Do I understand the Senator from West Virginia to say that the Pennsylvania Railroad and the New York Central Railroad are in favor of this proposition?

Mr. CAMDEN. I understand that the Pennsylvania Railroad is at this time operating under this amendment, and it is approved. I understand that the commission of the State of New York have adopted that rule in regard to the New York railroads, and they are now governed by it.

Mr. ALLISON. These railroads then that operate the Eastern lines desire this arrangement?

Mr. CAMDEN. I do not know whether they desire it or not, but I understand they are operating under this provision now.

Mr. PLATT. I know it is said that the Pennsylvania Railroad and the New York Central Railroad are of late observing this rule. I think there are a great many exceptions to it if they are observing it.

Mr. INGALLS. Mr. President, I speak in no spirit of hostility to the Baltimore and Ohio, the Pennsylvania, and the New York Central Railroads; but if they can obtain local rates, if they can obtain short-haul rates on the merchandise that they are bringing from the interior of this continent it will be greatly to their advantage, and the direct specific effect of this amendment that has been adopted to this section, on the motion of the Senator from West Virginia, is to compel the producers of the West, the men who raise the corn and the wheat, the beef, the pork, and the wool that are transported over these lines, to pay local rates and short-haul rates on every pound of their products that is brought to the seaboard.

The Senator from West Virginia is too astute not to know that. The Senator from West Virginia had an object and a purpose in his amendment. He is not ignorant of the effect of it, and his design was to compel those men who raise the corn and the wheat and the produce of the West to pay local rates and short-haul rates on their products, and those who voted with him and those who supported him and those who sustained him, whether they knew it or not, voted to render it practically impossible for the produce of the West to be brought to the Atlantic seaboard.

The Senator from Iowa saw this difficulty, and he proposes, by an amendment that everybody can see is impossible to be effectuated, to prevent them from charging as much even for a short haul as for a long haul, the bill having declared that more should not be charged for a short haul than for a long haul; but it is apparent from an inspection of the terms of this section that the more we amend it the deeper we get into the mire.

Sir, the people that I represent occupy the focal position on this continent; the center of the territory of the United States is within the limits of the State of Kansas; it is midway between the Atlantic and the Pacific and equidistant between Manitoba and the Gulf. We bring our commodities from the seaboard, from the east and from the west; we export our produce to the seaboard on the east and on the west. From the east come our groceries, our dry goods, our hardward, our agricultural implements, for we are not a manufacturing State; from California come fruit and tea and the products of the Orient; from Florida come the oranges and the fruits of the tropics, and all our produce that is not consumed at home is sent to the seaboard in some direction to a market. And, sir, under this section as amended by the Senator from West Virginia, if its terms are not modified by the exception that has been inserted, the commerce of that region will be absolutely annihilated. There is scarcely a possibility for subsistence now for the farmer who raises wheat upon the uplands of Kansas. So great is the cost of transportation, even under present favorable conditions, that there are scarcely wages to the man who grows grain in the valleys of the Arkansas, the Solomon, and the Republican. Corn can not be exported at a profit. We are compelled to feed it to cattle and to swine, and you now propose to put an additional burden upon those pioneers and say that they shall not be permitted to obtain profitable remuneration for any of their labor. Why, Mr. President, the Senator from West Virginia declared his purpose very plainly in his speech yesterday, which I have read for the first time this morning having been detained from the Senate yesterday by illness.

Mr. President, there has been a great deal said against the effect this amendment would have on the shippers of the far West. It is not my desire, it is not the desire of any Senator who advocates this amendment, to impose any restrictions or burdens upon the shippers of the far West.

He does not desire it, but he is indifferent whether that is the result of it or not.

And when you look at it it is remarkable in my mind that the advocates of the producers of the far West should in this Senate contend that because of their distance from the market they must have lower rates, in order to compete, than the nearer shippers living between the Mississippi and the seaboard.

Why should they not have lower rates? Unless they do have lower rates, of course they can not compete with the shippers living near the seaboard.

What reason is there in that? Is there any reason for changing by law the geographical conditions of this country? This bill simply does that. It changes the geography of the States in order to make the far shipper nearer to the market than the near shipper, and that the far shipper shall be charged less for taking his products to the market than the near shipper. That is the English of it; that is just what it means.

And that is just what I mean. That is what railroads were intended for. They were meant to equalize the inequalities resulting from distance. What else were they builded for? Every Senator knows that if there were no railroads a bushel of wheat could not be hauled 100 miles to a market by wagon.

Mr. CAMDEN. Will the Senator allow me to ask him a question?

Mr. INGALLS. Yes, sir.

Mr. CAMDEN. Is there any reason why a bushel of grain in West Virginia, Ohio, or Kentucky should be charged a greater amount for transportation to a market than a bushel of grain in Kansas?

Mr. INGALLS. A bushel of corn raised in Kansas or Kentucky or Illinois is worth, we will suppose, a dollar in New York city. It is worth a dollar to the man who raises it, less the price of getting it to market. Because one man lives a thousand miles away from market and another man lives 10 miles away from market, why should the remote producer be compelled to have the entire value of his production consumed in getting it to market?

Mr. CAMDEN. He does not.

Mr. INGALLS. The bill absolutely provides for that in effect. That is the result of it. Under the amendment offered by the Senator from West Virginia the result of it is that the railroad company, being unable to make terms that shall equalize the distance-rate, will be compelled to put up long hauls to local rates or short-haul rates, whereby the entire value of the product would be consumed in getting it to market. That is to the advantage of the East. Every man who lives on the eastern slope of the Alleghanies is interested in having the amendment of the Senator from West Virginia carried into effect. It gives additional value to every bushel of grain they raise; additional value to every article that they produce for consumption, and compels those who live in the West to pay additional cost for every pound of coal, for every article that is manufactured that we are obliged to ship back in payment for our products and to consume because we do not ourselves produce them.

That is the effect of it, and I believe that is the purpose of it. It certainly can make no difference to the Senator from West Virginia whether the farmer gets a dollar a bushel for his grain in New York less 10 cents a bushel for hauling or less 50 cents a bushel for hauling it. What odds does it make to him? And yet he rises here and without any reason, without any justice arising from the relations of himself or his constituents to this subject, insists that those who live in the interior of this continent shall bear vastly increased burdens upon everything they produce and everything they consume.

Mr. SAULSBURY. Will the Senator allow me?

Mr. INGALLS. Certainly.

Mr. SAULSBURY. If I understand the amendment it has no such effect. The amendment of the Senator from West Virginia is that railroad companies shall not indemnify themselves for special favors granted to people living at a distance by adding burdens to those who are nearer the seacoast. That is all it is, to prevent an injustice arising from partiality which may be shown to the constituents of the Senator from Kansas. It is not for the purpose of putting any burdens upon them, but to prevent the cost of the favors being shown to his people being superadded to the burdens under which the people of the East labor.

Mr. INGALLS. I suppose the Senator from West Virginia knows better what he means than the Senator from Delaware does. Under ordinary circumstances I should be willing to take the glossary, the polyglot edition that is offered by the Senator from Delaware to the remarks made by the Senator from West Virginia. But what does he say himself?

What reason is there in that?

Says the Senator from West Virginia.

Is there any reason for changing by law the geographical conditions of this country? This bill simply does that. It changes the geography of the States in order to make the far shipper nearer to the market than the near shipper, and that the far shipper shall be charged less for taking his products to the market than the near shipper.

That is what the Senator from West Virginia intended to reverse. He meant by his amendment that the far shipper should pay more than the near shipper. He meant that the farmers of Illinois and Kansas and Iowa and Nebraska should pay vastly more for getting their bushel of grain to the market than the producer in West Virginia should pay. That is what he meant. What odds does it make to him or the inhabitants of West Virginia whether the farmer of Kansas pays 10 cents a bushel on his grain or 50 cents a bushel? Why is he putting his oar in this controversy? He gets all he wants to eat and all he wants to wear and his people get it without any added burdens, and yet he comes here, I will not say as the agent but as the instrument of these grasping and overreaching monopolies, to compel these vast additional burdens to be imposed upon the people of the far West, in which he has no concern whatever.

This is in the interest of corporations and against the interests of the people. It is offered because it is in the interest of corporations, because everybody can understand that if this business is left to the operation of natural laws this equalization that the Senator is opposed to will inevitably occur by competition and by the extension of this vast system of railway transportation; and that the Senator wants to forbid. No matter how many railroads are extended into that region contending for this traffic, no matter how much the means of transportation are cheapened, the Senator from West Virginia rises in his place and, speaking in the interest of those who are concerned in short hauls, says, "I propose to impose upon the people west of the Alleghannies burdens that they might escape under the operation of natural laws, under the operation of the principle of competition, under the operation of the law of equalization for which railroads were constructed, and that they shall be compelled to bear those burdens in a greater and constantly increasing ratio the greater their production becomes and the more enlarged their facilities for transportation."

Mr. President, the fourth section of this bill is an interpolation that ought never to have been permitted, and I regret that the Senator from Illinois, who, seeing the difficulties that environed the question, did not introduce it in the last bill that he submitted, saw fit to present it here. I grant that he has made it as innocuous as possible by inserting

a proviso which seems to me to be inconsistent and to show the entire absurdity, the inconsistency of this whole provision by declaring this arrangement described in the first paragraph to be unlawful—which I suppose has a distinct meaning, a technical and well-defined meaning—declaring it to be something that is wrong in itself, then gravely proceeds in a proviso to say that it may be done, that this board of commissioners that is to be created for the purpose of regulating interstate commerce may permit this unlawful thing to be done:

Provided, however, That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property.

Mr. President, if this arrangement made by shippers and transportation companies is unlawful, then it is never right to have it done. It is either right or it is wrong. If it is right, it ought not to be declared to be unlawful. If it is unlawful, then the commission never ought to have authority to permit it to be done; and by the very fact that the Senator from Illinois has seen fit to incorporate an inconsistent and incongruous proviso here he has himself admitted the impossibility of dealing with this subject upon any proper consideration:

And the commission may from time to time make general rules covering exceptions to any such common carrier, in cases where there is competition by river, sea, canal, or lake, exempting such designated common carrier in such special cases from the operation of this section of this act; and when such exceptions shall have been made and published they shall have like force and effect as though the same had been specified in this section.

Thus, after declaring this arrangement to be unlawful, then the section provides and declares that the commissioners may permit it to be done, not only in special cases, but that they may make general rules that shall cover all cases coming within a certain class. I do not know that anything could show more absolutely than this does the futility of attempting to deal with this subject in this way; and, while I presume it will be useless to attempt at this time to strike out that section, I profess my belief that with this section in this bill every interest lying west of the Alleghany Mountains, both affecting production and consumption, is directly imperiled. There is no escape from that conclusion; and an analysis of the vote by which the amendment of the Senator from West Virginia was carried shows what was the purpose and intent and idea of those who supported that amendment.

Again, Mr. President, adverting for a moment to the proviso of this section, see in what a condition this whole subject is placed supposing for an instant that this commission that is to be appointed may be in the interest of certain railroad corporations. They are at liberty at their own discretion upon application being made in special cases to modify this whole subject, and provide that this arrangement declared in the first paragraph to be unlawful may be made effectual in the interest of certain favored transportation companies.

Sir, the subject is one too great to be dealt with in this way, the interests involved are too immense to be trifled with in this way, and I, as a representative of that great interior region, productive and not manufacturing, enter my protest against it. Ineffectual I dare say it may be, but I am convinced that the briefest experience will show that it is conceived in hostility to those great interests upon which the welfare of this country depends.

Mr. HOAR. Mr. President——

Mr. CAMDEN. I want to say a few words in reply to the Senator from Kansas.

Mr. HOAR. Well, Mr. President, I only want to speak three or four minutes myself.

Mr. CAMDEN. The Senator from Kansas made some remarks rather personal to me.

Mr. HOAR. Very well; I will yield.

Mr. CAMDEN. Mr. President, the Senator from Kansas made some reflection upon me. I want to say to the Senator from Kansas that what he has said in reference to my connection with railroads is not supported by a single fact.

Mr. INGALLS. I made no statement about the Senator being connected with railroads.

Mr. CAMDEN. Yes, sir.

Mr. INGALLS. I appeal to the RECORD. Let the Senator appeal to the RECORD before he accuses me of saying what I did not say.

Mr. CAMDEN. The Senator said I was acting in the interest of corporations in which I was interested, as I understood him.

Mr. INGALLS. The Senator will pardon me. I made no statement about the Senator's interest in corporations.

Mr. CAMDEN. Then I was mistaken.

Mr. INGALLS. And I appeal to the RECORD, which will bear me out, because it will not be subjected to any correction or change by me. My remarks will appear to-morrow morning as they were delivered.

Mr. CAMDEN. If I misunderstood the Senator I am glad of it. I simply rose to say that I have no interest in any corporation affected by this bill. I have never owned a dollar of interest in any trunk line railroad in my life. I have never owned a dollar of interest or been connected with any railroad in my life outside of the State of West Virginia, local in character, and which could not be affected by this bill in any way, except as it may be affected indirectly.

My only interest here has been for my constituents, for the people I represent, and for the great body of the people all over the country. It is not opposition to the constituents of the Senator from Kansas. I do not propose to argue what effect it may have in equalizing freights between Kansas and intermediate points; but whatever effect it does have is healthy to the commerce of the whole country.

I merely say this now by way of emphasizing the fact that I have no interest with any corporation, am not interested in any corporation, and have no knowledge of what the wishes of any corporation may be on the subject.

I will further state that I am not opposing the amendment proposed by the Senator from Iowa, as the Senator from Kansas intimated.

Mr. HOAR. Do I understand that the Senator has yielded the floor?

The PRESIDENT *pro tempore*. The Chair understands the Senator from West Virginia is through.

Mr. HOAR. I do not propose to enter at this late hour into a general discussion of the provisions or policy of this bill. It is a bill which has been demanded by the business interests of all sections of the country, and which reflects very great credit upon the industry and the wisdom of the committee who have proposed it. I have been compelled, however, to give my attention to other studies and topics for the last few weeks, and I wish therefore to put on record in three or four sentences only the principal reasons why I can not vote for the fourth section, especially as it stands amended on the motion of the Senator from West Virginia.

It seems to me that the adoption of the policy of this section as amended will strike a serious and, so far as I can understand it, I believe a fatal blow at the foreign commerce of this country. We undertake to compete in supplying wheat and other food to the nations of Europe, especially to Great Britain; and the wealth and value of the lands of the West depend very largely upon our success in that competition. The English market fixes the price of every considerable product, both for this country and for Europe, of which we have any surplus to send abroad.

Now, Great Britain, our principal commercial as she is our principal manufacturing rival, has been for the last ten or fifteen years bending her energies to the attempt to drive us from the market, as was well said by the honorable Senator from Wisconsin [Mr. SPOONER] yesterday. As our foreign commerce has increased, as the balance of trade for the first time for many generations for any considerable period has tended in our favor, England has been called upon for an expenditure the results of which are just beginning to show themselves. Some four or five years ago she had expended or guaranteed a capital of more than $500,000,000 to be expended in the single purpose of constructing railways which should bring the wheat of India to the sea; and the result appears in the fact that last year, for the last twelve months, for the first time if I am not mistaken, India has taken her place above the United States among the principal contributors of wheat to the British market.

Now, our ability to maintain competition, to maintain even a footing in that market, must depend upon the rates at which we can transfer our wheat and our food products from a center receding year by year westward from the Atlantic seaboard; and this amendment says that whenever in the heat of a fierce struggle of a foreign competition our great through transporting lines put down their prices in competition with the railway system of India or elsewhere, it is at the cost of being compelled to make a corresponding deduction on every pound of freight which they transport either way for any local purpose throughout the country.

As everybody knows, the local freight to the railroad carrier is his chief source of income, and is his chief dependence. No railroad prospers whose business is largely or chiefly a through business as compared with its local business. To the carrier, the transport of productions from the West to Great Britain is but one of a very large number of sources of income. To the farmer, the raiser of wheat or of pork or of beef, it is the one essential and vital condition upon which he can live; and therefore I can not consent to establish in the legislation of this country a principle which, if carried out, must inevitably make it cease to be the interest of the great continental transportation lines to accommodate the wheat-growers and other food-producers of the Northwest, by the reason that for every reduction in its freight occasioned by any stress of competition, by any exigency of the European market, the railroad is compelled to reduce proportionately its entire charges for freight to every customer that it has.

This is a provision to drive the American farmer from the European market. I do not mean that the Senator who introduced it has that object, but as it seems to me that is to be its inevitable result. Things have changed since the agricultural portions of the New England States were cleared of forests and savages and wild beasts. They have changed since the farmers of the Northwest went upon those new and virgin fields simply to seek homes from which they expected to do little more than to get the food and the wool which should support and clothe their own wives and children. The American farmer to-day is a great merchant, he is a merchant whose competitor is on the Bosporus and the Ganges; and he must descend in the scale of dignity among the great occupations of the earth, unless he can be permitted to keep up that competition. It was for that that I gave my vote and my voice,

as other members of this body did, for the river and harbor bill two years ago in the midst of a storm of objurgation, reviling, and detraction such as has seldom been encountered by any public men in this country. And it is with the same feeling, with the same purpose, that I shall give my vote, if I have an opportunity, to strike out from the bill the fourth section.

Mr. ALLISON. Mr. President, I intended yesterday when this important question was before the Senate in another form to submit some observations which led me to the vote I cast against the amendment proposed by the Senator from West Virginia [Mr. CAMDEN]. I concur with the general suggestions made by the Senator from Kansas [Mr. INGALLS] respecting this fourth section. I would have preferred this bill without the fourth section, leaving the settlement of the question there treated of as the settlement of other questions upon this complicated subject, to the experimentation of the commission herein provided for. But this long and short haul provision, so called, is no new suggestion or new provision. The Senator from West Virginia in moving the amendment voted on yesterday renewed a controversy which has been in existence in our country for ten years. It is the block in the pathway of any legislation upon this subject for the last ten years. There is not a Senator on this floor but knows that but for the insistence on this provision, the effect and result of which no Senator even now can tell, we should have had prior to this time a well-regulated railroad law in accordance with the laws of most of the States of this Union which regulate the State traffic.

The failure has been because a set of men engaged in this legislation have insisted that nothing should be done in the way of regulation of interstate commerce until Congress also consented that so far as concerned this question of the long and short haul, an iron rule should be incorporated in the statute enacted upon the subject.

The significance of this rule has been as well stated by the Senator from West Virginia as it is possible perhaps to state it on this floor; and while I express views in antagonism to the views which he has expressed, I do so with a perfect knowledge that in my own State this same controversy of the long and short haul is going on and has been discussed for many years. The State in which I live is threaded with railways, and there are a large number of competing points in the State, and these competing points have the advantage of the intermediate points with reference to rates in many instances. For example, as the presiding officer of this body well knows the geography of my State, at Sioux City on its western border there are five or six railroads concentrated that enable the people of that section and of that city to become the distributing point for a large region about it. So the rates at Sioux City or between Sioux City and Chicago are low rates, are rates perhaps in many instances which are barely compensating for the cost of the immediate transportation of the articles, without including the cost of the railway originally or the cost which results from the fixed charges upon the railroad.

The people at the intervening points find fault that they are charged more than is charged to the people living at Sioux City, and there is great force in that. But when you come to consider the State of Iowa by and large, I am convinced that our interest with reference to interstate commerce does not lie in the pathway of the amendment proposed by the Senator from West Virginia. We are the largest producers in this Union of pork products, and nearly as large as any State of the Union of other meat products. We are the largest producers of corn, producing annually between three and four hundred million bushels of that cereal. We produce these things largely beyond what can be consumed in our State or in the immediate States surrounding us. Where do we find a market for these products? We find a market in the New England States where the people are not agriculturists, but where they are largely engaged in manufacturing industries. We export largely these products to foreign countries. We send our corn into the extreme Southern States where they produce cotton, &c.

Now, under the provision of this bill, in my judgment it will be practically impossible for us to transport corn from my State to the points where we now have a market for that cereal. Why? We not only have now the benefit of the long-haul rate from Chicago east, but our people are compelled to reach the Chicago market by practically the same character of rates that prevail in West Virginia and in the Eastern States of the Union. Our corn concentrates either at Chicago or Saint Louis on the principle of local hauling, and the fact is that at Chicago and at Saint Louis it has the benefit of the cheap competing rates; and but for that fact, in my judgment, we could not transport it at all.

But, as I said before, I think it is a mistake to undertake in this bill to provide any legislation with reference to the rates to be charged. Who would say that we can reasonably undertake the question of fixing minimum and maximum rates in this bill? The committee that has investigated this subject and presented to us an able report with much valuable information does not even make the suggestion; and although experiment after experiment has been tried in the States of this Union, I know of but one or two States where those provisions are part of the local law. We tried such a system in the State of Iowa, and after three or four years of experimentation it was repealed, and now we have a commission with ample authority over this whole subject.

Why this persistence with reference to the law for the short haul, as it is called, in this bill? I venture the statement, without fear of successful contradiction (and I will ask some gentleman on this committee to contradict me if I err), that all the testimony taken by this committee and every suggestion made by the committee shows conclusively that in the States where the short and long haul provision exists that provision is not observed at all. In the State of Ohio, where it has prevailed for a great many years, the testimony is conclusive that they pay no attention whatever to it.

Mr. PLATT. Will the Senator allow me to interrupt him?

Mr. ALLISON. Yes, sir.

Mr. PLATT. I think in the States where they have a short-haul law, and provide as was proposed by the committee——

Mr. ALLISON. I am not speaking of that provision. I am speaking of the provision of the Senator from West Virginia.

Mr. PLATT. Allow me to finish what I commenced to say. I think that the short-haul law, provided that it operates only as to freight from the same original point of departure, has been observed and is found to be a very wise and beneficent law. I can read from the report and from the testimony to that effect. But wherever that clause as to the original point of departure has not been inserted it is practically a dead letter; and the governor of West Virginia in 1885, writing to its commission, where they have an iron-bound long and short haul law, said that it was not worth the paper that it was written on.

Mr. ALLISON. That is only confirmation of the statement I made, which was that the provision inserted by the Senator from West Virginia is a nugatory provision in all the States of this Union. It is just worth the blank paper on which it is written, and no more.

Mr. KENNA. Will the Senator allow me to make a suggestion there?

Mr. ALLISON. Certainly.

Mr. KENNA. If that be so, and if it be the fact that that provision is utterly useless wherever it has been adopted, why should it provoke so much agitation? Why so excited and animated opposition and so protracted a fight over that proposition here if as the Senator says it is utterly nugatory wherever practiced?

Mr. ALLISON. That is the usual question, and I will endeavor to answer the Senator. I suppose the Senator from West Virginia does not desire to create a penal statute and then have that statute violated in every State of this Union. I do not know that he wants to make it the instrumentality whereby certain railroad corporations can force other railroad corporations into their own plans and schemes. I attribute no such purpose to him and no such purpose to any Senator who voted for this amendment, but I merely made this illustration for the purpose of showing that in the States of this Union where it has been tried it has been found ineffectual.

The Senator from Florida [Mr. CALL] yesterday came to the rescue of Pennsylvania as against the Iowa wheat-grower and the Iowa wheat farmer because of the discrimination in reference to freight rates by railways. I do not think that the citizen of Pennsylvania has any right to make this complaint. The low rate for long hauls are essential in many instances to the transfer of property from one great region to another. The State in which I live and the surrounding States are purely prairie States, practically without timber. Of the many millions of tons of anthracite coal that are taken from the mines in the State of Pennsylvania a great portion is distributed at points west of Chicago. Over three-quarters of the territory of the State in which I live, in the severe climate during the winter, I think it is safe to say that one-half of the people in the towns and villages during the winter burn anthracite coal. But under the provisions of this bill as it now is it will be utterly impossible for them to secure anthracite coal for their winter's fires. These millions of tons of coal go to Chicago and Duluth, away around the State of Michigan; and from the city of Duluth, where the coal lands, in the State of Minnesota, that coal is distributed into the heart of Iowa by means of the railroad system from Saint Paul; but if this iron-bound and iron-clad provision is inserted it does not require the wayfaring man to see that transportation of anthracite coal from the coal fields of Pennsylvania into the interior of the prairie States is a practical impossibility at a price that we can afford to pay for it.

I have been told that from the interior of New York—I do not remember the place, either Syracuse or Lyons; some point where a railroad reaches the New York Central—coal is transported to Chicago by rail in competition with lake and canal at the rate of $12 per car-load of 16-ton cars, a distance of more than 700 miles. Why do they do that? It is because these long lines of trains carrying the products of the West from Chicago to the East, to New York and to Boston, are running back with empty cars upon this line of railway, and they can load this coal upon them, and thus transport the coal at the mere cost of the carriage of the coal itself. These railroad companies undoubtedly distribute coal all along their lines all through the States of Ohio and Indiana and Michigan; but does anybody believe that with this iron-clad provision inserted here they could afford to haul this coal at all if by it they are compelled to charge no higher rate at any of the intermediate points than they charge because their cars are compelled to go through to Chicago?

It is because I see these difficulties surrounding this transportation question, as developed in the fourth section of the bill, that I have de-

sired that we should try the proposed commission at least for one year or two years before we enter upon this experiment by means of legislation. But I am willing and I want to support the fourth section with the provision inserted by the committee who have examined this question so carefully. Why? Because they surrounded it with such limitations and exceptions as that in the nature of things we should have experience upon this subject by which we could modify or change the provisions, if necessary, at the next session or two years from now. But the Senator from West Virginia has incorporated a principle here and made it iron-clad in such a way as I fear will in the next two or three years, or the next year even, embarrass very much the commerce of this country.

Why, Mr. President, there is no more sensitive thing in our country than its commerce. There are so many ramifications and so many conditions and elements which enter into it that it is practically impossible to make any fixed rules respecting it.

I listened with pleasure to the Senator from Massachusetts [Mr. HOAR] with reference to the question involved here as to our relations with foreign countries. I agree with every word he said with respect to it. But that does not only apply to our trade as in competition with India, but let me remind my friend from Massachusetts that Dakota is to-day the principal wheat-growing region in our country. It is a region that can practically grow wheat only, itself in competition with a very large area of country lying immediately north of it that has the same character of soil and the same character of product. The Dominion of Canada is developing her railway system north of that, and she is developing it so as to reach Lake Superior and to reach all the lines of communication connecting thence with foreign countries. Now, we have tied the hands of these hardy producers of wheat in Dakota by saying to them, "You shall not transport your wheat to market unless you can afford to sell it at such a price as will enable a few of the wheat-growers in West Virginia to secure the same facilities with reference to transportation that you secure." In the State of West Virginia it is not a question of whether the product shall exist or not. In my State with reference to corn, as I have already observed, and in Dakota in reference to wheat, the whole question of production depends on the question of the cost of the transportation.

Not only that, but how is this provision to be applied? The fourth section has already been modified by striking out the provision inserted with reference to lake, canal, or river. I understood the Senator from Illinois this morning to move to strike out the limitation with reference to lake or river, although I did not understand fully when I asked the question this morning. I am glad the Senator proposed that amendment, because under it I think the commission would have been led into interminable difficulty. There is hardly a place in the United States that is not affected by competition with lake, canal, ocean, or river.

The price at which wheat or any product of the farm or the shop can be carried from Chicago to New York not only affects the prices of the New York Central Railway and its connecting systems, but it also affects the price of the Pennsylvania system, of the Baltimore and Ohio system, and even of the Chesapeake and Ohio system, and the Erie as well. But the Mississippi River itself exerts a commanding influence upon the price from Chicago by the great lakes. So when you reach around in the Gulf portion of our country, Atlanta—I do not know precisely, but the Senator from Georgia [Mr. BROWN] can tell me—Atlanta is affected more or less by the competition that comes from the ocean by way of Savannah.

Mr. BROWN. Very largely.

Mr. ALLISON. Very largely so, although it is far in the interior, and so, probably, of every principal point in Georgia. Therefore when you have stricken out this provision you simply have left this bill where it ought to be left if the fourth section is to stand; namely, this commission should have ample and complete power to nullify it, and that, as I understand, is the position of the section to-day. If it shall appear upon a case made by any transportation company that this section operates unjustly or imperfectly, then it is within the power and control of the commission, if they act honestly and intelligently, to make an exception.

I repeat it is within the power of this commission to nullify the main provisions of this section. I believe that that will be found necessary in order to enable the people who to-day produce the produce of this country for export to other countries to reach the markets of the world. So believing, I voted again the amendment of the Senator from West Virginia yesterday. I shall ask, if no one else does, that we shall take a separate vote on the amendment in the Senate, in order that we may again test the sense of the body upon this important provision.

Mr. President, having said this much upon this bill in explanation of the vote I cast yesterday, I will simply add that the general provisions of the bill meet with my approval, and I shall be glad to support them. I think the committee have taken great pains to make a just and fair bill upon this subject, and I think they deserve the thanks of the Senate for the patience with which they have conducted their labors during all these months, and I trust that we shall now in the main features of the bill adhere to their recommendations.

Mr. CULLOM. Mr. President, I shall occupy the attention of the Senate only for a few moments, and chiefly in explanation of the position of the committee.

The committee has been attacked both by its friends and its foes on account of this fourth section, and as I have said once or twice in the Senate before, it is the section of the bill about which the committee had the greatest doubts as to just what it ought to recommend to the Senate; but the committee finally recommended this section, because, on hearing the testimony of the people of the country in different sections of it, there seemed to be a pretty general belief on their part that there should be some legislation looking to the prevention, ordinarily, of charging more for a shorter than for a longer distance on the same line going in the same direction.

So the committee determined that they would report the section as it stands in the bill, and the conclusion of the committee is substantially in harmony with the action of almost every local State board in the country upon that subject. It is substantially in harmony with the action and belief of the railroad commission of New York. It is substantially in harmony with what is done in many other States of the Union where they have that question to contend with, as they have in every State in the Union where they undertake to regulate charges at all.

So when the Senator from Kansas attacks the committee and charges that it asserts one thing and then denies it in the same provision, it is true in one sense. It is true that the first part of the section legislates against the charging of more for a shorter than for a longer distance; but the testimony of witnesses all over the country shows conclusively that with that portion of the section alone left standing as the law of the land railroads could not operate unless they violated the section of the law. So the committee felt that in justice to public sentiment there should be some declaratory provision of law against charging more in all cases for a shorter than for a longer distance, and then it believed that its obligation to the country was that it should provide a means by which in cases where it was right to do otherwise the railroad companies would have the power to do it under the operation of the law as enforced by the commission.

So then, Mr. President, any assault upon the committee that it was presenting here a section which was contradictory in itself, I think is not justified. It is true that the first part of the section provides against charging more for a shorter than for a longer haul; but when the commission, as provided in the section, makes an exception to that principle, that exception becomes the rule of the law, if you please, just the same as though the thing was stated in the law itself.

I think then that any man who looks at this question dispassionately and wants to do fairly both by the people of this country and by the corporations so as to neither cripple the corporations nor to injure the business of the country, must conclude that if we have any provision on that subject at all that means anything it must be that that section as it stands in the bill is about the best thing that can be done.

I stated in the beginning of the discussion on this bill that my judgment had been that we could not safely legislate upon that subject at all, and I took that position two years ago, and, as the Senator from Iowa has stated, I reported a bill without that provision in it; and it is only in deference to the public judgment of the country as heard and known to exist by the committee that we put the section in the bill as it stands, recognizing the general proposition that there should not ordinarily be a greater charge for a short haul than for a longer haul, and giving the commission the power in cases where right and justice and protection to the commerce of the country as well as to the railroads made it necessary to render the law ineffective, that the commission should have power to do so.

As the Senator from Minnesota suggests, we did not report the amendment of the Senator from West Virginia. We certainly did not. The Senate knows that a majority of the Senate who voted yesterday adopted the amendment of the Senator from West Virginia, as the Senator from Massachusetts has stated; that the rigid enforcement of the law as now amended will result substantially in making a mileage act, so that the nearer a party lives to the seaboard the cheaper will he get his transportation. It will result, in my opinion, in destroying much of the commerce of this country. I mean with that amendment in it, striking out the words inserted by the committee as to the same original point of departure.

Now, sir, let us see what there is to be effected by this amendment, if it has any effect at all. Take the cereals of this country; take the grain raised in the United States. Last year 1,936,000,000 bushels of corn were raised. The most of that corn, the greater portion of it, was raised in Illinois, Iowa, Kansas, Missouri, Ohio, and Nebraska. Now, I undertake to say that if there is any act passed by this Congress which at all tends to be a mileage act, so that the charge is in proportion to the distance, it will absolutely destroy any foreign market for all the production of corn raised in those States that I have named. Take the article of wheat. There were raised last year 357,000,000 bushels of wheat in round numbers, and that was largely raised in those States and in the Territory of Dakota, of which the Senator from Iowa has spoken, which is getting to be a great wheat-growing portion of this country. Then take the article of the production of hogs. There were slaughtered in the United States last year $393,000,000 worth of hogs.

Take the property in cattle. There were in 1884 50,000,000 head of cattle, and of sheep about the same number. If we pass any law which if enforced will become to any extent a mileage act we shall cut off the Eastern market, to say nothing about the exportation that the country has been engaged in for many years past.

Let us see what the exports of the country are in these particular things. Take the exports of breadstuffs for the last year. There were $160,000,000 worth of breadstuffs exported from this country; the exports of wheat were eighty-four and one-half million bushels; the exports of corn about 52,000,000 bushels; the exports of cotton 1,892,000,000 pounds. Those things under the present operation of business are exported from the United States. But the exports of the country are a very small portion of the commerce of the country. The truth is that the great body of what is eaten in the Eastern States is produced in the Western States and Territories; and if we inaugurate any system of laws by which those products of the West can not reach the Eastern market, we thereby destroy the Western farmer in the Territories and States which I have named, and at the same time we make it that much harder for the people of the East, who are the manufacturers of the country largely, to get their living.

So then, in my judgment, Mr. President, with the amendment of the Senator from West Virginia in this bill, it will have a very serious effect upon the producer of the West, upon the consumer of the East, upon the power of the United States to cope with foreign countries in the exports of the country, and will thereby injure this country, to whatever extent that may go.

Sir, I shall not take up the time of the Senate in further discussion. The amendment of the Senator from West Virginia has been adopted by the Senate. I hope that before we get through with the subject we shall reconsider the action of the Senate upon that question and retain the words that were stricken out yesterday by the vote of the Senate, because I insist that with those words stricken out of the bill the effect will be to so injure the commerce of the country that we shall be more eager to repeal the law at the next session of Congress than we are to-day to pass one.

I want to say a word further, Mr. President, upon the controversy that has existed in the Senate upon the question of regulating commerce for many years past. It has come to be in the estimation of the people of this country almost a joke to talk about regulating commerce by Congress because of the fact that we have considered and considered over and over again the question and have failed so far to get any legislation at all on the subject. I hope the Senate will not put this bill in such a shape that men who are desirous of its regulation shall not be compelled to vote against it on its final passage. Why, sir, since yesterday, since those words were stricken out of the bill prominent railroad men have told me that now they had no fears of this bill becoming a law, or if it was enforced at all we would repeal it and be eager to do so, and at the very next session of Congress.

I have been unwilling from the beginning so far as I am concerned, and I can speak I think for the other members of the committee that they were not willing, to put anything into this bill that would make it obnoxious to the people so that we should be eager to repeal it hereafter. I met some gentlemen in New York during the examinations of the committee, and they wanted the bill loaded down with extreme measures so that we should have to repeal it in deference to public judgment hereafter; but I told them, as I told the Senate, that I was not to be made use of for any such purpose, that I wanted a bill that would further the interests of the people so far as we could make one and not one that would be absurd on its face and that we should be called upon to repeal at the very next session of Congress.

The committee acted upon the theory that this bill was as strong a one as we could stand upon, and in our judgment and in the judgment of the country would be sustained by actual enforcement after it became a law.

Mr. BLAIR. Mr. President, I do not suppose that the country generally is aware of the extent to which even the agricultural population of the Alleghany and Eastern States are dependent upon the agricultural productions of the West for their own sustenance. I do not believe that the agricultural population of New England produces more than one-half of what it consumes. In my own State, while I have not the figures, from general observation I think that at least three-fourths of all the wheat and at least one-half of all the corn consumed are brought from the great West. What is true of the agricultural population is of course to a greater extent true of the manufacturing population and of the manufacturing interest generally. If the manufacturing States of the East were not able to command the cheap agricultural productions of the far Northwest it would be under existing conditions entirely impossible for them to maintain their industries. If this bill should become a law, and in its practical enforcement it should have the result to destroy the competition which now exists from the great centers of the West in the transportation of agricultural productions easterly, in my belief it would add at least 25 per cent. to the ordinary expenses of the necessaries of life to the working, the manufacturing, the laboring people throughout the Atlantic slope and the Eastern States. I do not believe that I exaggerate at all.

I have alluded to the extent to which even the agricultural population is dependent upon the great commodities of the West for its own maintenance, the maintenance of its own industry. The cattle that are fatted, the hogs that are fatted, and the meat production of the East are dependent very largely upon the agricultural productions of the West for their support. It is not that we eat the meat killed in the West alone, but that we use the corn and other productions of the West to fat our own pork, to fat our own cattle, to maintain our own working stock during the winter and in the summer season in the performance of the labor on the farms and in other ways. So a bill which tends to increase the cost of the necessaries of life to the East is one most severely and directly in the way of their prosperity.

The East is a great competing point just as the West is a great competing point, and they have the same relation to each other that New York and Chicago have to each other, or that London and the great Northwest have to each other, and we can speak of these great sections as competing points, and any law which tends to destroy this natural and healthy competition must strike directly at the industries of the Mississippi Valley and the Atlantic slope alike.

This fourth section of the bill as it came from the committee seemed to me quite objectionable. I think the law will be better, if the bill is to become a law, without the fourth section. Still, I would have been willing to have supported the bill as it came from the committee. With my present views of the merits of the measure and its inevitable effect on the prosperity of the country, especially of my own section, I do not see how I can vote for this measure as it now stands.

It is certainly desirable that there be something in the way of a commission, that there be some tribunal that can at all events carry the force of strong and intelligent and impartial opinion in the direction of the removal of discriminations and abuses that have grown up in the business of transportation. That is not only desirable but it seems to me something that is almost indispensable. But when we undertake to go further and to provide in a law for that which will build up the Central States, as they seem to imagine, in their industries by striking down the valley of the Mississippi and the Northwest and the great manufacturing interests that belong to some extent with the agriculture of the East, we are entirely outside of the proper legislation which should originate and be enacted in this bill. It is better to do nothing at all.

It has been suggested that perhaps there may be some reconsideration of the vote of yesterday by which the amendment of the Senator from West Virginia may be removed from the bill, that the bill may be left as it was originally. If that can be done, while I am not so sure of the most glorious results from the passage of the measure, still I would support it; I would be glad to support it. I think it is a tribute to public sentiment that we should pay in the direction of experiment as to what may in the end be wise legislation, such regulations as in the end will relieve the evils of which we complain.

But this is a delicate matter; the business of the country is already sufficiently disturbed, and a measure of this kind which is to add, as I profoundly believe, at least 25 per cent. to the cost of the necessaries of life for the laboring people and the manufacturing laborers of this country, is not easily to be enacted into a law. If it should ever be done, let it be done later when there is more profit to labor, when all agricultural productions are paying more to those who produce them than now, and when the country is in a condition to endure disturbance which may be prolonged not only months but years as a result of this day's legislation.

This is all I care to say, Mr. President. I am anxious to support some measure, but it is better to do nothing than to do a dangerous thing.

Mr. CALL. Mr. President, this is certainly a very important measure, and before it is enacted into a law it ought to be subject to very careful consideration.

If it be true that there is in the provision adopted on the motion of the Senator from West Virginia anything that would interfere with the commerce of the people of Kansas, with the transportation of the productions of the West to the seaboard that they may be taken to a foreign market, it ought not to be adopted. But before we arrive at that conclusion we must arrive at it not from mere declaration of opinion but from examination of the provisions of the law.

What is it that the Senator from West Virginia has proposed? The original bill, as I stated when I first took the floor this morning, provided that upon any line of railroad there should be no greater charge for a short distance than for a longer one from the same point of departure. Now, what did that mean? That meant that on freight starting from the same place, over the same line, and in the same direction there should be no greater charge for a short haul than for a long one, but that for one mile there might be charged as much as for a thousand miles or ten thousand miles, that the limit was that it should not be greater for the mile than it was for the ten thousand miles.

Now, we have stricken out the words "from the same original point of departure." What effect has it? It simply leaves the provision that to charge more for one mile than for a thousand miles on any part of that line, without reference to where the goods start from, whether at one place or another place, leaving out "the same point of departure" and starting from different points of departure, there may be as much charged for

one mile as for a thousand or ten thousand miles. This provision applies to every railroad, to every line.

How is it going to affect the products of the farmer in Kansas injuriously to say that whenever on that line of interstate commerce starting from different points of departure no greater charge shall be made for a short distance, for one mile, than for the whole distance, say from Chicago to New York? But the amendment of the Senator from West Virginia allows that amount to be imposed upon any distance of transportation. If it be a part of a mile or a whole mile, the rate for the entire route may be imposed upon it.

Now, what does the Senator from Iowa propose? He proposes that it shall not be understood by this section in this bill that companies may be allowed to charge as much for the short distance as for the long. They may charge within a fraction as much. Suppose the charge is 10 cents and they charge within 1 mill of the 10 cents; the law authorizes them to do it. It simply is that in reference to the provision of the bill which seems to be acceptable to every one, that there shall be no unreasonable charges, no unjust charges; that the standard of reason and justice in the law shall not be declared to be that they may charge as much for 10,000 miles as for 1 mile. That is the only effect of the amendment of the Senator from Iowa.

But the Senator from Kansas made a point, and the Senator from Iowa reiterated it, that it would be unjust to the people of the West, a discrimination against them. Let us see what is the proposition. That the local business shall bear the entire cost of transportation; that the people of the intermediate points shall pay the whole and the people at the terminal points pay nothing. That is the tendency of the argument. Everybody will admit that would be improper, that it is impossible. One community ought not to be made to bear the expense of transporting the products of another. If there be a difference requiring a smaller proportion per mile of the whole cost for a long distance than a short, still there is even on this basis a proportion which it is just should be borne equally by everything transported and by every community, whether far or near. It will not be just that the terminal points shall make use of the road at the cost of the people doing the local business and deriving no profit from the through business, but paying for having the through freights undersell their own products.

Mr. BLAIR. Will the Senator allow me to ask him a question? Does he not recognize the fact that the local business is everything; that these great competing points are far separated from each other, and that every community has to do its own local business? Then where is the hardship of which he complains? The people in these intermediate States all have their local business. We have it in New England, they have it in the far West. The burdens of the railroads, the local burdens, are the same everywhere, but this matter of the through transportation of which I was speaking is another matter altogether. But does the Senator think it is right, when each community takes care of its own burden, that these widely separated communities like the far West and the far East should have an additional one imposed upon them for the benefit of the intermediate States?

Mr. CALL. No.

Mr. BLAIR. Why should they?

Mr. CALL. I do not think so. The difficulty is that the Senator does not take hold of the subject. The proposition is that the short-haul rate being allowed to be as great as the long-haul rate, it may be less than the cost of transportation over the long distance, and thus make the local business pay for it and pay for having their own freight burdened with a greater cost and a higher price than the through freight. Thus the through freight will go through free, and the local freight reach market with the cost of the through freight added to it. Does the Senator think this would be right?

Mr. BLAIR. It is not proposed that it shall be as great as the long-haul rate. It is simply an india-rubber provision with reference to that left to the discretion of the parties interested or to such consequences as result from business relations, nothing more. But the question I put to the Senator is this, does he not recognize that all parts of the country are burdened with the support of their local transportation? And in the nature of things it must be higher than that which is imposed upon the great through transportation of the country.

Mr. CALL. Yes, I recognize that.

Mr. BLAIR. And is not the effect of the amendment of the Senator from West Virginia and the proposition of the Senator from Florida an effort to fasten upon the through business of the country the proper expenditure that is chargeable to the local transportation? Is it not that?

Mr. CALL. Not at all; on the contrary it is to equalize, to make people pay their just proportion, to make the farmer in Kansas pay his reasonable and proper proportion of the cost of transportation. It is not to say that the long distance shall not have a smaller rate of charge, but that it shall pay a reasonable proportion, and the intermediate points pay a reasonable proportion.

There must be some regulation as to a fair and just apportionment upon the productions of the extreme terminal points, as Kansas on the one side and Florida on the other. The evidence gathered before the Interstate Commerce Committee shows that nearly every business man testified to the necessity of such a rule. In the State of Iowa, an intelligent citizen, a machinist and representative man, Mr. Loughran, appeared and testified unequivocally in favor of the just apportionment both for the through rate and for the short haul or local rate, the through business and the local business, showing the injurious effect on intermediate points of imposing the cost of the through freights in addition to the cost of the local business on them.

That is the proposition to be considered. Does it attain this purpose and remedy this evil to say you may charge as much for a ten thousand mile haul as for one mile? Does it affect the question at all? We all recognize that in this transportation from extreme points to the sea there must be a different rate provided, but what rate—what proportion? That is a very plain proposition. As was said by the Senator from Kansas, railroads are intended to overcome distance.

Mr. ALLISON. Will the Senator allow me to ask him a question?

Mr. CALL. Yes, sir.

Mr. ALLISON. Does the Senator state that we in the Senate can fix the exact proportion or in any sense fix it? That is what he is undertaking to do.

Mr. CALL. I do not; but I think if the railroads can make a system of pooling that destroys competition, if they can unify the transportation of the country, the Congress of the United States ought to be able to use that instrumentality if necessary or some other to do by law what they do habitually and conclusively, for it is an established fact in this testimony that the system of pooling by the railroads themselves not only destroys competition but fixes the rates and imposes the rates upon the local business of the country; and the question is whether the proportion is a satisfactory one, whether the proportion that the railroads have imposed upon the local business is a proper proportion to be paid in respect to that paid for the through business.

That is all the question there is in it; and if we can not satisfy and solve that problem, if we must allow, according to the evidence from Pennsylvania which I read yesterday, such a rate of transportation as will drive the agricultural population from the rich lands of Pennsylvania, or anywhere else, to reach a terminal point from which the transportation is so much cheaper that they can not compete with it in agricultural products, then we can do nothing, then the question how we shall prevent that discrimination as against one place or another that will be hurtful to existing interests, whether commerce or agriculture, must be answered by saying that it is not in our power, and the report of the committee is entirely wrong, and the bill we are discussing of no practical use, and we had better lay it on the table and waste no further time in its consideration.

Competition has failed to do it. If it has not, then we do not need this law, then the testimony taken by this Interstate Commerce Committee is a failure and is untrue, every word of it. If you do need it, then arrive at it by some practical process, and that is the proper way to prevent that discrimination against the intermediate point. If you say that it is sufficient to declare that you shall not charge more for 1 mile than for 10,000 miles, then you have arrived at a practical result, but I say that it is not so. And I am in favor of doing a little more now, and declare that the bill shall not authorize them to charge as much. I recognize the merits of the bill. It is a step in the right direction. It is asserting the duty and the power of Congress to legislate against improper discrimination, to arrive at some result by which all the different portions of the country will be equally protected and no advantage given or taken.

As I said before, there is a difference between through business, a difference between long distance, between productions which are to be sent across the sea and to be distributed elsewhere, and local business; but there is a fact that you must consider, that such a system of rates as will impose the whole or an unfair proportion of the cost of transportation on the local business of the interior is unjust; and that is the great difficulty complained of. The testimony that I read yesterday from a very intelligent man upon a very careful computation and estimate of figures was that $17,000,000 were paid annually by the people of the Eastern States to keep up local business for the through transportation, and the question is how to adjust a reasonable porportion to rest upon the through business of the country and how much on the local business. I am aware of the difficulties of the subject, but the country demands legislation by Congress, and it is an imperative necessity. I have no doubt that the legislation proposed in this bill may be matured so as to remedy the evils complained of, to the advantage of both producers and carriers and consumers.

Mr. BROWN. Mr. President, the difficulties in this question have been well stated by a number of Senators. The task the committee had to perform was a herculean one. It was impossible for them to produce a bill that was perfect. They have probably done the best that any committee could have done under the circumstances, and with slight modifications it was my expectation to vote for the bill; but with the amendment of the Senator from West Virginia as part of the bill, I can not do so, because I am entirely satisfied that in its practical workings it would greatly embarrass the commerce of this country and the people of this country.

It is said by my friend from Florida, who has just taken his seat that all that the amendment of the Senator from West Virginia [Mr. CAMDEN] does is to provide that freights shall not be hauled a longer distance for less money, and he puts an extreme case that the road

may charge as much for hauling 1 mile as for hauling 10,000 miles under that provision of the bill if it shall become a law. If so, let me ask what good does the Camden amendment do toward regulating railroad traffic and railroad charges, and how does it help the case? What broader latitude of discrimination would any road want than the same sum paid for hauling 10,000 miles that it gets for hauling 1 mile?

But I do not understand that to be the meaning of the amendment of the Senator from West Virginia at all. It provides in substance that there shall not be a less charge for a greater distance than for a short distance. Take the points of Chicago and New York as an illustration, and say that it is 1,000 miles from one city to the other. We will fix the rate, say at 50 cents a hundred pounds between New York and Chicago. Under the provisions of the amendment of the Senator from West Virginia we shall not charge less, as they say, for the full thousand miles than the charge for the first 100 miles. The freight being fixed at 50 cents per hundred pounds per hundred miles, if the bill should be carried out as they understand it, the railroad would charge 50 cents for the first hundred miles, then it might carry it on to New York from Chicago for 50 cents for the thousand miles. What is that? It is 5 cents for each hundred pounds per hundred miles. When the two trains have started out, one carrying the local freight 100 miles, for which it charges 50 cents, and the other, the through freight, running 200 miles with its burden, what has it done? It has earned 10 cents; 5 cents for each 100 miles, which is part of the 50 cents for the thousand. It charges, therefore, but 10 cents for carrying that freight the first 200 miles. Has it not violated this law? It is true it has not run through the whole distance; but whenever it has run 101 miles or 200 miles and the charge is really made for that distance, has been assessed and has been paid, you have hauled a longer distance for less money, and you have violated the law.

Therefore there is no difficulty about the proposition laid down by the Western Senators who have spoken this morning. If the bill becomes a law with the Camden amendment contained in it, it is simply an impossibility for the people of Iowa, Illinois, or any State west or northwest of those States to ship their grain to New York or to Georgia, to the Southern States or to the Eastern States, or to any other point where it has more than five or six hundred miles to go. There is no getting away from it. The bill passed in that shape simply forbids foreign commerce to be conducted at all where the products are grown at any considerable distance in the interior, and it forbids commerce between different sections of our own country where they are five or six hundred miles apart.

I can not vote for such a measure. Such a measure carried out would be ruinous not only to the railroad interest but to the interest of the people and the producers, and more especially the latter. Possibly the railroad interests could take care of themselves to a much greater extent than the people could.

Take the instance that was put yesterday morning by my friend from Wisconsin [Mr. SPOONER], when the Senator from West Virginia [Mr. CAMDEN] interrogated him on the matter. He asked the Senator from West Virginia——

Mr. CALL. Will the Senator allow me to ask him a question?

Mr. BROWN. Allow me to get through with this point. The Senator from Wisconsin asked the Senator from West Virginia what proportion of the freight of the Pennsylvania Railroad was through freight, and the Senator from West Virginia replied one-tenth. What will be the working under this bill? Nine-tenths of their business is local. They must fix their through rates so that they will not charge less for a long haul than for a short haul. This bill enacted into a law would of course put them to thinking how they will conduct their business. Nine-tenths of it being local and one-tenth of it being through business they would simply make a reasonable advance upon their through business, and the advance would be high enough in all probability to cut off that through business, but the same advance would be made also upon the local business. The through business, one-tenth, they would raise in the same proportion that they raised the nine-tenths of local business. What would be the result? They would make nine times as much as they would lose by discontinuing the through business and raising the rate on local business. How would that help the State of West Virginia? It could not help it.

You may by enacting this law destroy their through transportation. The railroad company could not live a day on its business and carry that freight, because if it is to carry its local business as low as the through business it can not live and meet its obligations, and it must do that; it will raise both, and that will cut off the through business and turn it to the water, and they will make more money out of the local business than they make out of both now.

Therefore in every way you turn it over there is difficulty in this question. Senators here do not understand, probably not one of us fully understands it. There is no rule we can lay down, no chain of reasoning we can adopt that will run through the whole case. We shall soon find exceptions, we shall soon find embarrassments every way we turn it over. It is an extremely difficult question to deal with and we are likely to do great harm by injudicious action, well meant by every Senator. I do not impugn the motives of anybody. I have no doubt each and every Senator here is striving to do the very best he can to advance the interests of the whole country, but we are treading upon very uncertain ground. It is very doubtful whether we can get along at all with such legislation as we are likely to accomplish here.

Now I will hear the Senator from Florida.

Mr. CALL. I wish to ask the Senator from Georgia as to the rates from Chicago to Atlanta, how it is going to injure the commerce either of Chicago or Atlanta to say that for a shorter distance 60 cents a hundred tons shall be paid.

Mr. BROWN. I do not understand that to be the meaning of the amendment of the Senator from West Virginia.

Mr. CALL. I do.

Mr. BROWN. There we differ and differ honestly.

Mr. CALL. The language of the bill is:

> That it shall be unlawful for any common carrier to charge or receive any greater compensation in the aggregate for the transportation of passengers or property subject to the provisions of this act for a shorter than for a longer distance over the same line, in the same direction.

Mr. BROWN. If the Senator be right——

Mr. CALL. He can not charge any more. He can charge as much for the distance from Chicago to Atlanta as from Chicago to any point. Therefore on that road you may charge for every pound of freight on every mile of that road under this amendment the same amount that you charge for the whole distance, but no more.

Mr. BROWN. If the Senator's construction be right, then what possible good does the amendment of the Senator from West Virginia do to any living person? How does it prevent extortion or how does it prevent discrimination. In other words, what it legalizes here would not be extortion or unjust discrimination. What good could it do to the people of Georgia or Florida, or of any other State, to enact a law and say that the shipper at Chicago may charge as much for the first 60 miles as he charges to Jacksonville, Fla.? How does that regulate commerce? How does that regulate rates? How does it do anybody any good? It leaves it in a great deal worse condition than it is now if the railroads do all they would then have a legal right to do.

Mr. CAMDEN. Will the Senator allow me to make a suggestion? The provision is that they can not charge more from West Virginia to Baltimore than they charge from Chicago to Baltimore.

Mr. ALDRICH. Will the Senator from Georgia allow me to ask the Senator from West Virginia a question?

Mr. BROWN. Yes, sir, a question.

Mr. ALDRICH. I ask whether any railroad company does charge or ever has charged the same rate for carrying goods from West Virginia to Baltimore as from Chicago to Baltimore?

Mr. CAMDEN. They sometimes charge more from West Virginia to Baltimore than they charge from Chicago to Baltimore.

Mr. ALDRICH. I have the rates of freight from Chicago to Eastern ports for a series of years, including the rates from West Virginia points to New York, and they disprove entirely the statement which the Senator from West Virginia has made a number of times in the course of this discussion.

Mr. CAMDEN. I will say to the Senator then his reports are wrong, for I know the fact I have stated.

Mr. ALDRICH. These are the official reports of Mr. Fink, the commissioner of the trunk lines, published to the world from time to time, from 1876 down to the present time.

Mr. CAMDEN. I want to ask the Senator a question right there. Does Mr. Fink say that the rates from Chicago to Baltimore are not more than the rates from West Virginia to Baltimore on cattle?

Mr. ALDRICH. Of course, the Senator will understand that I mean the same kind of freight from both points.

Mr. CAMDEN. I mean that.

Mr. ALDRICH. I have not the figures for cattle, but I have in my hand the figures for wheat for a series of ten years from both points, and I find that when the rate was 18 cents from Chicago to New York the rate from Wheeling to New York was 11 cents.

Mr. CAMDEN. I am not speaking of Wheeling, I want the Senator to understand. Wheeling is a competitive point. But 50 miles from Wheeling, from Parkersburg or Grafton or some point on the Baltimore and Ohio Railroad, and it was double what the rate from Wheeling was.

Mr. ALDRICH. Ought it not to be on some local road, from some inaccessible point?

Mr. CAMDEN. It is on the same road, going in the same direction.

Mr. ALDRICH. Does the Senator think the rates ought to be more from a point where it has competition by water than from a point that is inaccessible to competition of that kind?

Mr. CAMDEN. I say to the Senator that on the same road, going in the same direction, the road ought not to charge more from a point that is 100 miles nearer to market than from a point that is 100 miles more distant, going in the same direction, over the same rails, and at the same expense.

Mr. ALDRICH. Ought it to charge as much?

Mr. CAMDEN. I do not think it should, but we are disposed to be liberal on that question and give the railroads a large margin of discretion.

Mr. ALDRICH. I should be glad, if the Senator from Georgia would allow me to interrupt for a moment longer, to have the Senator from

West Virginia give us the figures, the price of the transportation of cattle from Chicago to Baltimore and from the point in West Virginia where the discrimination is, that we may have an investigation of the fact.

Mr. CAMDEN. I do not know that I can give the exact figures, and if I could I would not be disposed to do so. I am not making any particular railroad the object of my amendment; I am contending for a principle which ought to apply to all railroads on freight going in the same direction over the same line of road. If the facts do not exist, then my amendment does not hurt anybody; if the facts do exist, the matter ought to be corrected.

Mr. ALDRICH. I did not suppose the Senator was basing his amendment on merely a hypothetical case, but thought he knew the facts which justified it.

Mr. CAMDEN. I am not placing it on a hypothetical case.

Mr. BROWN. My honorable friend from West Virginia says he is contending for a principle in his amendment. I take it therefore, of course, according to his understanding of it, that he is contending for a just principle. He says that justice requires that no less amount should be charged for a longer than a shorter distance, but you may charge as much for a shorter as for a longer distance.

What justice is there as a principle of transportation in permitting a railroad that runs between Chicago and New York to charge the same rate from Chicago to New York that it charges from West Virginia to New York? Why not make it more or less? Why confine it to just the same? Why say that you shall not charge less for the longer distance? Why not make the charge just so much per mile? In other words, how is it just to charge as much for a thousand miles as you charge for 20 miles; and it is admitted that that could be done under the Senator's amendment? Is that right? Is that a principle? Is it a just principle that the Senator is contending for?

Mr. CAMDEN. I do not contend that that is a just principle, but I contend that railroads must have a certain amount of discretion in fixing their rates in order not to do them an injustice. By the amendment they are simply limited to not charging more for a shorter than a longer distance. I am content to take that amendment, one step that much in advance, and leave that discretion. Of course the bill will regulate itself; it will equalize the freights. When it comes to competitive points the difference in distance must be recognized, and rates will be made different from the original point of departure, and that rate will apply to the next nearer point, and so on.

Mr. BROWN. What possible good does my friend do the country by curbing or limiting the railroad discretion when he lays down a rule by his amendment that they may charge as much for 20 miles as they do for a thousand miles? It is admitted that that is the amendment. Everybody who speaks on that side admits that and states that. If that is the justice of the rule I do not see how much more unjust it could be made. If you allow the railroad presidents that much discretion in fixing the rates, and it is safe to leave the discretion to charge as much for 20 miles as they do for a thousand miles, would it not be safe to leave the whole matter to their discretion as well?

Mr. CAMDEN. I will ask the Senator a question, if he will allow me.

Mr. BROWN. Yes, if it is not too long.

Mr. CAMDEN. While that discretion does exist, yet is it not a step in the right direction to say that they shall not charge twice as much for 10 miles as they do for 1,000 miles, which in some cases they are doing? You limit it by the amendment.

Mr. BROWN. No; my friend can not find, I suppose, anywhere in the world where twice as much is charged for 10 miles as is charged for 1,000 miles.

Mr. CAMDEN. I admit that, but the Senator put it in that extreme view and I accepted the statement.

Mr. BROWN. I put it only in this extreme view: The Senator admits himself that they may charge as much for 20 miles as they do for a thousand miles.

Mr. CAMDEN. Under the amendment.

Mr. BROWN. I say there could not be a more unjust discretion vested in any body of men or any railroad presidents than the bill gives them by that amendment. Therefore nothing is done for the country by the amendment, because the discretion is as unlimited and as broad as any railroad men could desire it. But if the Senator from West Virginia has not made it broad enough my friend from Florida certainly has, for he says that they charge as much for 1 mile as they charge for 10,000 miles under the amendment. What more discretion does any railroad man want?

Mr. CAMDEN. I wish to correct the statement of the Senator.

Mr. BROWN. I will submit to a question, but not to a speech.

Mr. CAMDEN. I am not going to make a speech. The Senator wants to get at the correct application?

Mr. BROWN. Yes; I want the correct statement.

Mr. CAMDEN. While the principle is true as contained in the amendment it is not the actual practice. If there were but two points, a point 10 miles from New York and a point a thousand miles from New York, and freights come only from those two points, that condition of things would exist; but when a railroad takes freight all along and is not allowed to charge more for a shorter than a longer distance, each point regulates the next point to it, and in that way the amendment will to some extent equalize freights throughout the country.

Mr. BROWN. The Senator from West Virginia in my opinion is wrong again; practically he is not right. Freights are at Chicago and the owner wants to remove them to New York. Other freights are at Chicago and the owner wants to remove them out to a station 20 miles on the line toward New York. There is nothing whatever in his amendment which prevents the railroad from charging the same rate for the 20 miles that it charges for the thousand miles, or whatever the distance may be to New York. Therefore, take his rule and apply it in practice and it will not work. It will embarrass everything; it will break up and almost destroy, as I have already stated, the foreign commerce of this country, and very seriously cripple the inland commerce between the different States and sections of the country.

If we are going to regulate this business at all, let us regulate it on some just basis; let us fix rates upon a basis that is equitable and just all the way through, and let commerce take care of itself; but let us not say that it is a just rule, and that we are regulating railroads when we authorize them to charge as much for 20 miles as they charge for a thousand miles, or as much for 1 mile as they do for 10,000 miles, as Senators admit. That is no regulation of commerce which helps the people or helps anybody else. That is no regulation of commerce which is worth anything to anybody. But that is all that is offered to us under the amendment of the Senator from West Virginia.

I wish before I take my seat to call attention to one other matter. The committee found its labors to be exceedingly great, and yet after all it has done it has brought before us a very imperfect thing in the shape of the best bill, taken as a whole, that probably has ever been produced on this subject. We have in this country I know not how many miles of navigable rivers; probably some member of the Committee on Commerce knows. It is a very long distance when it is all put together. We appropriate annually from $10,000,000 to $15,000,000 to keep those water ways in repair. We make an immense outlay. The Creator has formed them for the use of the people inhabiting this country, and the appropriations which are made to keep them in condition, in my opinion, are wise, and we ought to do that. It aids in regulating commerce. It aids by competition with the railroad systems; and it is a public highway made by nature for use to which the people are entitled.

Why is it, though, let me ask, that there is no attempt to regulate the river transportation? It permeates every section. It is all the time competing with the railroads. The furthest that the committee goes I understand is that where a water line makes a link in a through line it is treated as part of the line; but where it is a separate line running steamers, between Cincinnati and Memphis for instance, we turn them loose without any regulation whatever.

If we are going, as my friend from West Virginia says, to lay down sound principles and just rules to regulate commerce, why should we not regulate the whole of it? Why leave these millions and millions of tons subject to the whim and caprice of the navigation companies?

I have before me a statement, gotten up by a railroad man of a great deal of experience, in reference to some of this river transportation, and I should like to show how they observe the long and the short haul. We are insisting here as to railroads that we must establish stringent rules, as the honorable Senator from Iowa said, iron-clad rules, regulating that question.

Why do we not regulate it, where it appears to be grossly unequal, on the rivers? We do not attempt it at all. It shows how merely tentative legislation of this sort must be. We can take scarcely any step that we do not take at a great hazard. The committee doubtless felt that it was in this case too large an affair to undertake to regulate the railroads and the river transportation. At the same time the two run side by side in competition with each other in numerous cases.

But let us see whether they observe the rule that you must charge no less for a longer distance than you do for a shorter distance, and if they do not, it is to be hoped that my friend from West Virginia or some other person who wants to make this rule just and regulate the whole affair will bring forward proper amendments to regulate it. I refer first to the Ohio River. There are three or four classes of freights and they all run through with a good deal of regularity, each class being a little lower than the preceding one. I subjoin the whole table, so that the whole of it may appear in the RECORD. A perusal of it will show that these steamboat lines charge a larger sum for a less distance than for a greater distance as a constant daily practice.

Rates of transportation via river.

OHIO RIVER.

VIA CINCINNATI AND LOUISVILLE UNITED STATES MAIL LINE COMPANY.

	Dry goods.	Oil and whisky.	Potatoes.	Nails.
1. Cincinnati to Louisville, 131 miles.....	$0 10	$0 35	$0 12½	$0 04
Cincinnati to Rising Sun, 36½ miles.....	15	40	15	.....

VIA MEMPHIS AND CINCINNATI PACKET COMPANY.

	Dry goods.	Oil and whisky.	Sugar and coffee.
2. Cincinnati to Evansville, Ind., 315 miles	$0 15	$0 40	$0 12½
Cincinnati to Maukport, Ind., 175 miles	20	50	17½
8. Cincinnati to Cairo, Ill., 500 miles	15	40	12½
Cincinnati to Elizabethton, Ill., 409 miles	25	60	20

VIA CINCINNATI AND NEW ORLEANS PACKET COMPANY.

	Meat.	Whisky, per barrel.
4. Cincinnati to New Orleans, 1,513 miles	$0 20	$1 06
5. Cincinnati to Leota Landing, Miss., 1,043 miles	30	2 00

LOWER MISSISSIPPI RIVER.

SAINT LOUIS AND NEW ORLEANS—ANCHOR LINE.

	Classes.			
	1.	2.	3.	4.
6. Memphis to New Orleans, La., 775 miles	$0 35	$0 32	$0 26	$0 19
7. Memphis to Columbia, Ark., 216 miles	50	40	35	30

ARKANSAS RIVER.

ARKANSAS RIVER PACKET COMPANY.

	Classes.								
	1.	2.	3.	4.	5.	A.	B.	C.	D.
	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.	Cts.
8. Memphis to Pine Bluff, Ark., 200 miles	35	28	25	22	15	18¼	11¼	08¼	12
9. Memphis to Hopedale, Ark., 164 miles	50	40	35	30	25	40	30	25	20

GREEN AND BARREN RIVERS.

GREEN AND BARREN RIVER NAVIGATION COMPANY.

	Fourth class.
10. Evansville to Bowling Green, 125 miles	$0 17
10. Evansville to Rochester, Ky., 75 miles	25

MISSOURI RIVER.

MISSOURI RIVER PACKET COMPANY.

	Fourth class.
11. Boonville, Mo., to Kansas City, Mo., 214 miles	$0 15
11. Boonville, Mo., to Cambridge, Mo., 40 miles	25

UPPER MISSISSIPPI RIVER.

	Classes.			
	1.	2.	3.	4.
12. Saint Louis to Saint Paul, Minn., 739 miles	$0 30	$0 25	$0 20	$0 15
13. Saint Louis to Cassville, Minn., 493 miles	35	30	25	18

In the matter of injustice in the long and short haul, and on the subject of pools and combinations, I have reliable information that steamboat lines indulge in such practices to a greater extent even than railroads.

There are three steamboat lines at Cincinnati, Ohio, navigating the Ohio and Mississippi Rivers below Cincinnati, to wit:

The Cincinnati and Louisville United States Mail Line, between Cincinnati and Louisville; the Cincinnati and Memphis Packet Company, between Cincinnati and Memphis; and the Cincinnati and New Orleans Packet Company, between Cincinnati and New Orleans.

These rivers are nature's great gift, improved with appropriations from the National Government. The steamboats are common carriers, and yet by agreement between these three packet companies, the Cincinnati and Louisville United States Mail Line is given all the traffic between Cincinnati and Louisville and intermediate points, the Cincinnati and Memphis Packet Company all the traffic between Louisville and Memphis, and the Cincinnati and New Orleans Packet Company all the traffic between Memphis and New Orleans. In other words, neither the Cincinnati and Memphis Packet Company nor the Cincinnati and New Orleans Packet Company competes with the United States Mail Line on traffic between Cincinnati and Louisville.

Neither the United States Mail Line nor Cincinnati and New Orleans Packet Company competes with the Cincinnati and Memphis Packet Company on traffic between Cincinnati and Memphis, Tenn., and neither the United States Mail Line nor the Cincinnati and Memphis Packet Company competes with the Cincinnati and New Orleans Packet Company on business between Cincinnati and New Orleans below Memphis, Tenn.

All these lines navigate portions of the same river, and yet by combination they divide territory and destroy competition, and if an independent boat is put into the trade to give the people the benefit of competition, they take a boat out of the regular line, start it after the independent boat, running it on the same days, to and from the same points, at ruinously low rates, until the independent boat is, for want of revenue to sustain itself, forced into the combination or tied up on the banks of the river by the sheriff for debt accumulated during the fight.

What is said of the Ohio and Mississippi River packet companies will apply with equal force to combinations between steamboat lines in other rivers.

I have before me the freight tariffs of all the companies where I have referred to the discrimination as to a longer and shorter haul, which will sustain all that I have said. If any Senator has any curiosity to see them they will be at his disposal. Here is one of the largest branches of interstate commerce of any other, that of all the navigable rivers in the United States, where we are making no attempt to regulate it. We are leaving those lines to form such combinations as they please, to form such pools as they please, to make such arrangements for mutual protection as they choose. They may drop out of the line when they please and charge twice as much for a short haul as they do for a long haul; and yet we are wrangling as to how we shall regulate railroads and leaving all that business open.

I think before we conclude this debate, and before we take the final vote on the fourth section, I shall offer an amendment so as to include transportation by common carriers on rivers. If it is right as to railroads it is right as to rivers. I do not go into the ocean or into the lakes, but where there is a river and a steamboat running upon the river, I do not see why the same rule should not apply to that which applies to the road that is built alongside the river.

I believe these are all the observations I care to submit at present.

Mr. VANCE. Mr. President, it seems to me that a natural and obvious proposition of justice is that a man shall be paid according to the labor he does. I do not see how any one can deny that. The tendency of all the workings of human society is to inequality, and as much as that is to be regretted in a democratic form of government, in many things it is not possible to avoid it. The diligent man will get ahead of the slothful one; the careful and thrifty man will surpass the negligent and extravagant one; the sober man will exceed the drunkard; the able man will pass far beyond the weak man; so that in most things it is not possible for government to help it or attempt to remedy this inequality.

But surely, sir, all will agree that it is proper that government by legislation should not contribute to this inequality. Corporations given an artificial existence by government for purposes of serving the public are affected with a public interest, as the courts say. They are therefore public servants, and their conduct is subject to correction, regulation, and control on the part of the power which calls them into being and gives them their privileges.

One of the most obvious duties on the part of the Government therefore is to prevent abuses, and to correct inequalities which these corporations create between those who patronize them. One of the most obvious of all those inequalities is the one we are attempting to regulate and control by the amendment of the Senator from West Virginia, to wit, in the language of the bill, if I quote it correctly, that no railroad shall charge more for the shorter than for the greater distance when the freight is carried in the same direction and over the same line of road. The Senator from Georgia objects to the converse of the proposition as being quite as unjust as the proposition itself; that is to say, that it is unjust to permit the roads, which the bill after the adoption of the amendment would do, to charge as much for the short haul as they do for the greater one. That is admitted. I do not suppose there is any pretense on the part of those who favor the amendment of the Senator from West Virginia that it is just in a corporation to charge as much for the short haul as it does for the long one. The proposition is simply to redress a part of the injustice by saying that the corporations shall not charge more.

I admit the inefficiency of the bill in its whole arrangement and I have only favored it as tentative legislation in the proper direction. It falls far short of doing justice, but we have been so often warned of the danger of attempting to interfere with commerce, which we are told should be left to its own devices and to work out its own salvation according to the laws of political economy, generally resulting in damage to the people—we have been, I say, so often warned of the danger of in-

terfering, that it seems that legislators are afraid to set the coulter very deep at the beginning, and instead of saying by the bill that a corporation should neither charge more for the short haul than for the long one, and should not charge as much for the short haul as for the long one, we stop short on the first proposition, to see if the world is going to come to an end before we try something more.

It reminds me very much of the story of a man who went into a saloon in some Western country where they sold a quality of liquor which used to be known in your country, sir [Mr. SEWELL in the chair], as Jersey lightning. [Laughter.] He called for two glasses, which the saloon-keeper accommodatingly poured out for him. He saw an antiquated, odoriferous, and oleaginous African standing near by, and he called to him and asked him if he did not want to take a drink. With a tragic air which would have done credit to an actor he said, "Boss, I'll tell you no lie about it, I would;" whereupon the colored gentleman drank his spirits, and the white customer who had called for the two glasses went and took a seat. The saloon-keeper asked him if he was not going to drink his spirits. He said, "Please wait fifteen minutes, and if that nigger don't die I will try mine." [Laughter.]

The proposition here is admitted on all sides that it is not only wrong, but it is an outrage to charge a man who lives 100 miles from Chicago—for that is the town which now is attracting more attention than any other city in the Union, I believe—as much for hauling his freight from Chicago 100 miles as is charged to the man whose freight is hauled from Chicago a thousand miles to New York. I say it is not only admitted that that is an outrage, but that it is even an outrage to charge him as much as is charged to the man who has the long haul from Chicago to New York. But so fearful are we of disturbing commerce, so terrible are the dangers which overhang us if we undertake to control a ring, that we have concluded to try the effect of limiting the charge to the same for the hundred miles that is charged for the thousand miles, and then if there is not a great cataclysm and nature is not convulsed we may perhaps yield to the demands of the shippers of the country and after a while say that the corporation shall not charge quite as much.

Let us take this and be thankful, and like St. Paul when he came in sight of the Three Taverns, thank God and take courage. I am willing for one to try it; and I should like to meet any gentleman in discussion before a crowd of people who had shipments to make as to the justice of this proposition. This is a different forum. I would divide time with him, sir, and give him the beginning and closing on the proposition that it is right to charge a man as much for 100 miles' haul as for 1,000 miles. Senators on the other side, I believe, do not pretend to justify it upon abstract principles of right and wrong, but they say that it would operate against the man who has the long haul, it would increase his freights, and it would increase the rates from the great West to the seaboard.

Mr. President, what does that admit? It admits that under the influence of competition the railroads are hauling freight from distant points in the great West at rates by which they make no money, and that they are maintaining their roads by an extortion upon the men who live at the intermediate points and whose shipments come within the meaning of the short haul. That is what it means.

Mr. PLATT. Will the Senator from North Carolina allow me to make a suggestion?

The PRESIDING OFFICER (Mr. SEWELL in the chair). Does the Senator from North Carolina yield to the Senator from Connecticut?

Mr. VANCE. Certainly; with great pleasure.

Mr. PLATT. I do not think that it appeared from the evidence which was taken by the Interstate Commerce Committee that except in rare instances, perhaps for a short time, any through railroad business was done at rates which did not under the circumstances pay something. I have heard it stated over and over here that the through business was being done at a loss or done at rates which paid nothing, but I do not think such is the fact. I think this is the fact, however——

Mr. HOAR. I should like to ask the Senator to explain——

Mr. PLATT. Let me finish my sentence, please. I think it is the fact, however, that the business is done at a rate which if applied to the whole traffic would not earn a great deal of money, which would not earn money enough to pay any dividends upon the securities of the company.

Mr. HOAR. That is exactly what I wanted to have the Senator explain. I beg his pardon.

Mr. VANCE. I am obliged to the Senator from Connecticut for the suggestion. I was going to argue the other branch of the proposition. The argument here is either a confession that they are losing money on the long haul which they are obliged to make up by extortion upon the short haul, or else it is an admission that they are making money on the long haul, and therefore their extortion upon the short haul is absolute robbery.

Mr. KENNA. That is a self-evident proposition.

Mr. VANCE. It is a self-evident proposition, I think. So long as Senators give us the reason that we can not maintain these great lines, that we can not afford facilities to that great and boundless and fertile West which would enable it to throw its products upon the markets of the seaboard and into Europe without this extortion upon the short haul, then it is a very respectable argument founded upon necessity, and would come well within the meaning of the terms which are usually applied to a high protective tariff.

Mr. HOAR. Will the Senator allow me to make a suggestion to him for his answer?

Mr. VANCE. Certainly.

Mr. HOAR. I do not myself in my vote agree that the charge for the short haul is an extortion, whether it be less than the charge for the long haul or not, necessarily. I do not understand that that is admitted by any considerable number of persons in the country. There have been such times in the past, but it is not claimed that the railroad rates to-day are such anywhere, unless there may be very few exceptions indeed, that they can be construed as an extortion.

As I understand the proposition, it is exactly this, which I might illustrate by a very simple instance of a stage-coach. Suppose you have got a stage-coach running from a point 20 miles out of Elizabeth City, or any other town in your State, and it can take eight passengers a day, who are dropped on the way, and it charges them a dollar apiece. That charge just pays the entire expense and cost of the line, the drivers' wages, supporting the horses, and repairing the vehicle and harness, and that is all; there is no profit. At the end of the road the stage is competed with by a railroad, which takes passengers from end to end of that road for half a dollar apiece. If the stage charged the passengers who went the whole length the full dollar which it charges the others, which is a fair price, it would not get any of them; but still by taking in competition with the railroad at half a dollar the few passengers it can get to go through, it enables it to make a little profit and that keeps the line out.

That is precisely a very homely and simple illustration of this railroad problem as it appears to us who vote against the amendment of the Senator from West Virginia; and it does not answer our argument or help us to be won over to the other side to call it a comparison of extortion committed on one set of people for the benefit of another. These railroads are built primarily for the use of the localities through which they go. The land is taken, the right of eminent domain exercised, through those localities, and the railroads are to be compelled by the bill to deal with them at reasonable rates without extortion; and if they undertake any extortion on a single locality in the United States affected by interstate commerce, here is a mechanism which will cure that defect, as we hope and believe.

That being done and the rights of these parties being secured, here is a railroad running from Chicago to New York or Boston which says: "If I undertake to charge the same reasonable rates for the wheat which I take from point to point, I can not compete with the water way, I can not compete with the Canadian railroad, and I can not get it at all, because the farmer, on paying me that same rate, can not sell it in the European countries, he can not afford to raise it, and the community will stop. But having this apparatus of cars and railroad track and so on, running for the benefit of these localities, I can take on this through business at a less rate than I am charging them, and still make something on the whole."

Perhaps I am all wrong in this, but it does seem to me that there should come from gentlemen who think so an answer to the argument as I have stated it, and that the time should not be wasted in trying to persuade us that we must stop extortion or that there is any extortion on the localities.

Let me repeat once more, the bill has a mechanism independent of the fourth section which, if it works and so far as the bill has any vigor or vitality at all, is to afford a remedy in the courts for every man who travels as a passenger or sends any freight ten miles, so it be a passage from one State to another, throughout this entire country, and that is to be put a stop to as far as we can.

Now, then, the Senator comes in and says, when you have done that, if a railroad finds that there is some through business which it is to do in competition with the water ways, or with the Grand Trunk Railroad, or the Mississippi River, or the Atlantic Ocean, or which it is to do to carry grain to Europe, which, unless it does at half price will not be done at all, you shall not do it at half price except on the condition that the entire business of that road is done at half price.

Mr. VANCE. Mr. President, I yielded for a question and I got a speech.

Mr. HOAR. No; I did not ask the Senator to yield for a question; I asked him to yield for a suggestion, and he got one.

Mr. VANCE. Then I got a speech for a suggestion. I yielded for a short haul and I got a long one. [Laughter.] That is another instance of the extortion which is practiced upon short-haulers.

Mr. HOAR. If my honorable friend will haul that proposition of mine any distance whatever I should like to look on at the process.

Mr. VANCE. If I were to haul that proposition far I should think I had made a water-haul. [Laughter on the floor and in the galleries.]

The PRESIDING OFFICER. Order will be preserved in the galleries.

Mr. VANCE. I should like to know if my friend from Massachusetts objects in a matter of morals to the proposition that all men should be charged according to the service which is rendered them; that all men should be taxed according to their ability to pay? I am sure he would not; he has not.

Many ingenious efforts, such as comparing transportation by railroad to a stage-coach, have been made to avoid the force and effect of the proposition, but it remains the same; that in all human transactions a man should be charged according to the service which is rendered him.

Mr. President, if you will pardon me for giving an illustration in my homely way, I was down in the lunch-room but a short while ago. I took a sandwich and a glass of milk, which was a very short haul. A Senator not far from me took a porter-house steak and accompaniments. That was a long haul. Now, do you not know that if the keeper of the restaurant had charged me more for that short haul than he did my neighbor for the long haul there would have been a disturbance of the peace in this Capitol before many minutes. [Laughter.] The matter is too plain to talk about, it is too open and palpable to doubt. No man of common sense, no man out of an idiotic asylum, doubts the soundness of the proposition that you must pay for what you get, and that you must be charged according to the service which is rendered.

Those of us who favor this relief to the people of this country, who favor this proposition, admit that the Senate of the United States or Congress or even the Legislatures of the States for that matter having railroads wholly within their States can not resolve themselves into a board of directors and determine every individual item of charge that a railroad shall make. Nobody is attempting to do that; but we are attempting within bounds and within safe and reasonable bounds to place or limit upon the power of a railroad corporation to charge whatsoever it pleases without regard to service or distance. That is what we are attempting to do by this amendment.

Mr. McMILLAN. Will the Senator permit me to ask him a question?

The PRESIDING OFFICER. Does the Senator from North Carolina yield?

Mr. VANCE. I yield to the Senator rising to ask a question.

Mr. McMILLAN. The bill makes a provision that the short hauls shall not be charged more than a reasonable and just price.

Mr. VANCE. I know.

Mr. McMILLAN. No railroad company under the bill can charge for a short haul more than a reasonable price. Now, is there any objection to permitting the same road to haul a longer distance for the same sum if it so pleases?

Mr. VANCE. I understand that, sir. Who is to say what is reasonable?

Mr. McMILLAN. The commissioners under the bill and the courts can determine that question.

Mr. VANCE. The bill allows them to charge as much, not more, and that is a construction for the courts or the commissioners.

Mr. McMILLAN. As much as what?

Mr. VANCE. As much as for the long haul.

Mr. McMILLAN. The only regulation is that they shall not charge more than a reasonable price in all cases, and therefore the short haul can not be charged more than is reasonable. Now, you deprive the communities of the benefit of all the competition for long hauls where the roads would be compelled to charge a lower price where there is competition.

Mr. VANCE. If the Senator will excuse me, that is precisely what I desire to do. I desire to deprive any portion of the American people of the benefits of competition which competition is maintained at the expense of the rest of us.

Mr. McMILLAN. But the competition is not so maintained; the short-haul people have the limitation of the law that they shall not be charged more than a reasonable sum, and the courts can enforce that law. Then the only provision of the bill is as to a long haul, that where competition exists the communities can have the benefit of it; and by placing this limitation upon it you destroy competition on commerce throughout the country.

Mr. KENNA. Will the Senator from North Carolina allow me to make a suggestion in that connection?

Mr. VANCE. Certainly, sir.

Mr. KENNA. The right spirit of the provision in the bill as it now stands, and as embodied in the amendment of my colleague which was adopted yesterday, and as it has been presented to Congress in both Houses in one form or another for fifteen years and more with reference to the question of the reasonableness of the charge as suggested by the Senator from Minnesota, is in the abstract, and if you choose to put it so, in the arbitrary proposition that it can never be reasonable to charge more for hauling a car-load of freight a hundred miles than a thousand miles, or more for 2,000 miles than for 3,000 miles. The only limitation which the amendment imposes is involved in the proposition that while you may charge as much for 10 miles as for 10,000 miles, you shall not under the Constitution of this country, which imposes upon Congress not only the power but the duty to regulate the interstate commerce of the country, charge more for shorter than for longer hauls, and thereby invest the railroad corporations of the country with the arbitrary, undisputed, and unquestioned right and power to regulate the interstate commerce of fifty million people.

Mr. McMILLAN. In that connection permit me to show the Senator from West Virginia that he is mistaken.

Mr. KENNA. I shall be delighted, if I am mistaken, to discover the fact.

Mr. McMILLAN. The bill only places a limitation upon the rates that they shall be reasonable. It requires every company to charge a reasonable rate for all distances.

Mr. KENNA. I take issue of fact with the Senator.

Mr. McMILLIN. Just let me show the Senator that he is mistaken. For a short haul the bill prevents any railroad company from charging an unreasonable rate, and it requires it to charge a reasonable sum.

Mr. KENNA. Precisely.

Mr. McMILLAN. It does not require the railroad company to charge any sum; it does not fix any price; so that it may charge less than a reasonable sum if it desires to do so.

Mr. KENNA. The companies ought to be prohibited by law from charging less than a reasonable sum. That is essential.

Mr. McMILLAN. If the railroad company for the long haul sees proper to charge less than a reasonable sum, it may do it, and where competition exists it may be compelled to do it in order to get the trade; and the communities where the competition exists have the benefit of it. But by compelling them to charge more than they would otherwise be required to charge, you establish a reasonable rate at an intermediate point. Then the reasonable rate must be charged for the longer haul, and it must be greater, so that all competition is taken away.

Mr. KENNA. The proposition of the Senator from Minnesota, like the proposition of every Senator on this floor who urges opposition to the amendment, that the railroad should not only be allowed but should be required to charge reasonable rates, involves us in the old geometrical question as to the size of a lump of chalk. What constitutes a reasonable rate is precisely the thing which the people of this country are unwilling to leave to the arbitrary discretion of the railroad commission.

I do not want to interrupt my friend the Senator from North Carolina in his speech, but I do want to reiterate the fact that in the amendment of my colleague which was adopted yesterday, and which seems to be the bone of contention here, the simple principle is announced that without interfering with railroad rates—I dislike to hear the term "rates" mentioned in the line of this discussion, because there is no question of rate involved in it—without reference of any kind or character whatever to interference with the traffic of railroads or their freights, it has been deemed by the friends of this measure a reasonable limitation that they should not be allowed to charge in gross more for a shorter haul, even if that shorter haul be 10 miles, than for a longer haul, even if that longer haul be a thousand miles. It is an equalization which is essential to restoring to Congress a prerogative which has heretofore been usurped by the railroad companies of this country to control its interstate commerce and to give to the West or any other section the great markets of the East, giving to the one to the exclusion of the other. That is the real principle involved in it after all.

Mr. ALDRICH. Will my friend allow me to ask him a question?

Mr. KENNA. I can not yield the time of my friend the Senator from North Carolina. I should be glad to do so, if I had an opportunity.

Mr. ALDRICH. I will ask the Senator from North Carolina if he will allow me to ask the Senator from West Virginia a question?

Mr. VANCE. What is the Senator's object in interrupting me?

Mr. ALDRICH. I wish to ask the Senator from West Virginia a single question.

Mr. VANCE. Is it a Massachusetts question or a Rhode Island question? [Laughter.]

Mr. ALDRICH. It is a Rhode Island question. I wish to ask the Senator from West Virginia if I understand him aright in saying that under the provisions of the fourth section of this bill as it has been amended on the motion of his colleague it would be lawful for a railroad company to charge the same sum for carrying certain freights 10 miles or 10,000 miles? That is what I understand to be his proposition.

Mr. KENNA. Under the law as it stands now they may charge a man as much for carrying a horse fifty——

Mr. ALDRICH. I am not talking about the law as it stands, but as it would be under the provision of the fourth section as amended.

Mr. KENNA. I am going to answer the Senator if he will permit me and if my friend the Senator from North Carolina will permit me.

Mr. VANCE. Certainly.

Mr. KENNA. Under the law as it now stands a railroad company may charge a man for carrying a horse 25 feet as much, or as many times more as it pleases, as it charges the same man or any other man for carrying a horse across this continent. This provision does not interfere with that. This provision undertakes, and that is the real meaning of it; that is the spirit in which ten years ago, and more than ten years ago, the fourth section of what is known as the Reagan bill, which is involved in the amendment, was framed, namely, to divest the railroad company and to reinvest Congress with the powers conferred upon it and imposed upon it under the Constitution to regulate the interstate commerce of this country. We do not say, and the friends of this measure do not pretend to admit, that it is right, or that it is fair, or that it is just, or that it can be defended, that a railroad company

should charge a man as much for carrying a car-load of cattle, for instance, 50 miles as 500 miles or 5,000 miles; but this amendment does not interfere with that proposition.

Mr. ALDRICH. Then it can be done?

Mr. KENNA. It admits at least the exercise of the power of the railroad company to equalize this question by carrying a car-load of cattle from San Francisco to New York as cheaply as from Saint Louis to New York; but it denies to the railroad corporations of the country the power to say that they will give to Baltimore, Saint Louis, or Chicago over Wheeling, or give to any particular shipping point in any State over a shipping point in another State a monopoly of the market on the seaboard, and thereby usurp and exercise powers and functions to regulate the interstate commerce of the country and make markets at will for their favorites.

Mr. ALDRICH. I hope some time later on in the discussion the Senator will give us his reasons for stopping in the reform just at the point he does and why he continues to limit it.

Mr. KENNA. The Senator from West Virginia has no disposition to stop in this reform; and the Senator from Rhode Island has intelligence enough to understand the difference between a movement to take hold of the business of the railroads of the country and run it and a movement to assert on the part of Congress its power and its duty to regulate the interstate commerce of the country. I am in favor of this measure of reform; and where does the Senator stand? Let him go as far as I do in the line of reform and then complain that I do not go farther.

Mr. VANCE. Mr. President, it has been so long since I was on the floor that I have forgotten what I intended to say, I believe. I was going to say something, I think, on the subject of all freights having to be reasonable and just, and to comment somewhat upon the difficulty of coming to a conclusion as to what was reasonable and just. It appears to be a "faithful saying and worthy of all acceptation," but I think in practice it will be very difficult to arrive at what is reasonable and just. A witty man once remarked that a man and his wife were one it is true, but which one was a big question. [Laughter.]

What enters into the elements of a just freight charge? Will you compare with the charges that were once made by the wagoner on the dirt road? How will you arrive at it? Will you take into consideration the interest upon capital; and if so, how much and what profit shall be allowed? It seems to me that much the most practical way to remedy this defect is not to trust to the commissioners, whoever they may be, for arriving at a conclusion, however reasonable and just, but to fix a boundary at least beyond which they shall not pass by saying that they shall not charge more; and then I shall have no objection to the amendment of the Senator from Iowa that this shall not be construed to mean that they may charge as much, for the one would be merely perpetuating an injustice in a less degree, and that would be about all.

Mr. MAXEY. Will the Senator permit me to make a suggestion?

Mr. VANCE. Certainly.

Mr. MAXEY. Use of the expressions "long haul" and "short haul" has been made very frequently, and apparently with the idea that those who live a long distance, at New York and other central points, will be the beneficiaries. Practically, every point beyond the competing point, it makes no difference how far or how short it may be beyond competition with water ways or beyond competition with other competing railroads, is a short haul, whether it is a thousand miles or fifteen miles. For instance, I live, say, 2,000 miles from New York. It is a short haul to go to my home, but it is a long haul to go to Galveston, for there the line will be in competition with a line of steamships. That is the whole of it, and nobody in the West or South is affected except at terminal points where competition is made.

Mr. VANCE. I am much obliged to the Senator from Texas for his suggestion. In relation to the matter of competion by water ways I desire to say that the suggestion that the railroads which center at Chicago are compelled to compete with the water ways to New York and with the Canadian railroads is entirely, and as I understand the history of it, absolutely answered by what has taken place on the Pennsylvania Railroad. I understand that Pennsylvania has almost in so many words on its statute-book the language of our amendment, that the Pennsylvania Railroad shall charge no more for a short haul than for a long one, and for twenty, or perhaps twenty-five years, the Pennsylvania Railroad has operated its cars between Chicago, Philadelphia, and New York in competition with the water ways by the canals of New York, and the Canadian railroads ever since they have been built, and that it has conformed to that law, and yet there has been no ruin or no damage sustained by reason of the low prices of the long haul.

The proof of the pudding is in the eating of it; and a suggestion however dangerous, a state of things theoretically however terrible, is worth nothing when it is disproved by a single solitary fact which has tested the question by all the surroundings and circumstances necessary to test it. If the Pennsylvania Railroad could do that all the other roads in the country could do it; and whether they could or whether they could not, it comes back to the naked proposition once more, shall we maintain a line of railroad, or any given lines of railroad, to enable them to compete in the hauling of freights cheaply from the great West at the expense of the individual shippers who live at the intermediate points? Shall we do that, or shall we control it by statute and declare that it shall not be done?

The Senator from Georgia [Mr. BROWN] read us a long table or a statement containing averments of a similar condition of inequalities and injustices perpetrated by the water ways, by the steamboats on the Ohio and Mississippi Rivers. Does that furnish any argument against regulating such injustices on the part of railroads? It seems to me it only adds to the strength of our argument. I do not know whether the steamboat companies which he mentioned in his statement are incorporated companies or not. The steamboats may be the property of private individuals running without an act of incorporation. If so, then evidently Congress has nothing whatsoever to do with their charges.

Mr. BROWN. They are admitted to be common carriers.

Mr. VANCE. Well, I suppose common carriers could make their terms with their customers.

Mr. BROWN. They are common carriers between States. They pass over State lines.

Mr. VANCE. They might be subject to the control of Congress in the same way that the railroads are, and if so, and there are similar abuses there, I should vote with equal cheerfulness for any proper control and regulation of them. But surely it is not an argument that we should not prevent injustice from being perpetrated upon land to say that the like injustice has been perpetrated upon water. It seems to me that that would not be of any avail in this argument.

Mr. President, when I rose I did not intend to speak as long as I have done. I have listened very carefully to this discussion from its opening to the present time. It is a subject in which I feel the deepest interest, and in which I participated when it was last before the Senate. I shall vote for this bill with great pleasure in the absence of something better. I confess though that if the amendment was stricken out I do not believe it would be worth the paper on which it is written. if so glaring an injustice as the amendment is intended to remedy is to remain in the bill I do not know that it would be worth the while of any Senator who is desirous of giving real relief to the people to discuss it or to vote for it.

Mr. CULLOM. I doubt whether there is a quorum here to-day. A great many Senators are absent who it is very important should be here when the bill is voted upon. From my information there will be a very large number of Senators absent to-morrow and the next day, and I ask the unanimous consent of the Senate that the Senate on Monday next at 5 o'clock shall close the debate.

Mr. EDMUNDS. Or earlier.

Mr. CULLOM. Or earlier, if there is no disposition to debate the bill until that time, and that we shall dispose of the bill and amendments, giving time for explanations to those offering amendments, and a few minutes to those who do not agree to them.

Mr. CAMDEN. I think the Senate will be as full to-morrow as at any other time.

Mr. CULLOM. I understand that a number of Senators are going to Pennsylvania and some to New York on private affairs.

Mr. DAWES. Does the Senator propose to postpone the business of the Senate on that account?

Mr. CULLOM. I only propose to acquiesce in what is going to be the condition of affairs in spite of us. I would prefer that we should have a session to-morrow and the next day, and finish this bill and do other business; but looking at the inevitable, I prefer very much that there should be a full Senate when the amendments are voted on and the bill is disposed of. I think we shall probably save time by fixing, by unanimous consent, Monday at 5 o'clock for the final disposition of the bill and amendments.

The PRESIDING OFFICER. Is there objection to the arrangement proposed, that at 5 o'clock on Monday the vote shall be taken on the bill?

Mr. EDMUNDS. Or earlier if a vote is sooner reached.

Mr. CULLOM. Or earlier.

Mr. KENNA. I have no objection on earth to the suggestion of the Senator from Illinois. I believe myself that the consummation of the work on the bill will be reached more readily by letting it go over until Monday.

The PRESIDING OFFICER. If there be no objection, such will be the understanding.

Mr. DAWES. I object.

The PRESIDING OFFICER. Objection is made.

Mr. SAULSBURY. So far as giving unanimous consent to take the vote at a particular hour is concerned, I think that ought not to be agreed to at this time.

Mr. CULLOM. I can not hear the Senator from Delaware.

Mr. SAULSBURY. I say that my opinion is that we ought not to adopt any agreement to take the vote on the bill at 5 o'clock on Monday. We have had no measure before Congress which in its effect upon the railroad companies and upon the people of the country can be greater than the pending bill, and I do not think we ought to cut off any opportunities that any Senators may desire to discuss the matter. I do not know that I myself shall want to say a word about it.

Mr. CULLOM. Let me suggest to the Senator that if we have a session to-morrow the Senator will have an opportunity and the whole Senate will have an opportunity to debate the bill. I do not desire to have it understood that I am favoring an adjournment to Monday if the Senators will remain in session in sufficient number to do business. But whether we remain in session to-morrow and the next day or not, it certainly will give ample time to all Senators who desire to say anything upon the bill if we fix 5 o'clock on Monday for the final vote.

Mr. DAWES. I object to postponing the vote on the bill until Monday. I will agree to the vote being taken to-morrow, or if anybody desires to debate it further than to-morrow at any time on Saturday; but when it is proposed to agree on Thursday, after the measure has been before the Senate for nearly two weeks for discussion, that we shall not take the vote until Monday, I object.

The PRESIDING OFFICER. The Chair understands the suggestion of the Senator from Illinois to be that the vote be taken at the latest on Monday at 5 o'clock.

Mr. CULLOM. At the latest on Monday at 5, and as soon before that time as the Senate may be ready to vote. I wish to make one suggestion in reference to the remark of the Senator from Massachusetts. The bill has not been considered by the Senate for two weeks by any means. It has been considered by snatching an hour once in a while from the business which the Senator from Massachusetts and others were very anxious to have considered, and it has had but very little time really before the Senate for discussion.

Mr. DAWES. And one would think that the Senator would prefer that method of considering it.

Mr. CULLOM. Not by any means.

Mr. DAWES. Then I suggest to the Senator to propose to have the final vote to-morrow.

Mr. EDMUNDS. Take it now.

Mr. CULLOM. We will take it now, if the Senate is ready.

Mr. DAWES. Very well, take it now.

Mr. CULLOM. I am ready to vote now. All I desire is to have the measure disposed of as early as possible.

Mr. EDMUNDS. What is the pending question?

The PRESIDING OFFICER. The pending question is on the amendment of the Senator from Iowa [Mr. WILSON], which will be stated.

The CHIEF CLERK. In section 4, line 5, after the word "direction," it is proposed to insert:

But this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance.

Mr. COKE. Mr. President, I desire briefly to say before the vote is taken that I will vote for this bill not because it is what in my judgment it should be, but because it is a step in the right direction. It fails in many respects to be what I desire to see enacted into law, notably it does not prohibit pooling, which destroys all competition, but it is in some respects better than the bill passed through the Senate during the last Congress on this subject. I would greatly prefer the bill known as the Reagan bill, and hope to see it superseded by amendment elsewhere by the Reagan bill before final action is had on it. I am unqualifiedly in favor of the amendment ingrafted on the bill which was proposed by the Senator from West Virginia. It is inherently unjust that more should be charged for the short haul than the long haul. It is inherently unjust that the people at intermediate points should be onerously taxed for the benefit of the terminal points. It is unjust that the many should be taxed for the benefit of the few. The railroads and the capital invested in them are owned mainly on the Northern and Eastern Atlantic seaboard. They are administered, of course, in the interest of terminal points in that section of the country. The long haul, which the whole country is taxed to maintain at bare cost of transportation, builds up Eastern centers but destroys cities and towns on the South Atlantic and Gulf seaboards. Galveston, New Orleans, Mobile, Savannah, Charleston, and Norfolk are all stationary or in a condition of decay for the simple reason that the long haul takes away from them the support of the country naturally tributary to them. It is at these points that Southern and many of the Western products should reach tide water and would reach tide water but for the discrimination in favor of the long haul.

It is at these points that cheaper water rates would be reached and water competition established, and here would come into requisition again a merchant marine such as formerly existed, but is now nearly extinct. It is the long haul which is responsible in large part for the disappearance of our coasting trade. This would be all right if it came about legitimately, but it is unjust to tax nine-tenths of the people of this country to bring it about. Equality between sections and people should be the motto of this Government, and the amendment of the Senator from West Virginia tends in that direction in the matter of transportation while in itself it is intrinsically just. That more should be charged for 100 miles than for 500 over the same road has no element of equity or right reason in it. It is made by the Constitution the duty of Congress to regulate interstate commerce, and it should be so regulated as to do equal justice to all sections of the country and all the people as nearly as may be.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa. [Putting the question.] The noes appear to have it.

Mr. WILSON, of Iowa. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SAULSBURY. Let the amendment be read.

Mr. CULLOM. So far as I am concerned, rather than take up the time by calling the yeas and nays on the amendment, as I do not think it amounts to anything, I withdraw my opposition to it.

Mr. EDMUNDS. It only excludes an implication, that is all.

Mr. PLATT. Let us take the vote over again.

The PRESIDING OFFICER. If there be no objection the call for the yeas and nays will be withdrawn, and the Chair will again put the question. The question is on agreeing to the amendment of the Senator from Iowa.

The amendment was agreed to.

Mr. EDMUNDS. I move as an amendment to strike out section 13 and insert what I send to the Chair.

Mr. PLATT. You will want to strike out something before section 13.

Mr. EDMUNDS. If this is adopted, we can strike that out afterward.

The PRESIDING OFFICER. The amendment proposed by the Senator from Vermont will be read.

The CHIEF CLERK. It is proposed to strike out section 13 of the bill in the following words:

That it shall be the duty of any district attorney to whom said commission may forward its report and certificate as provided in the next preceeding section of this act, when it shall appear from such report that any injury or damage has been sustained by any party or parties by reason of such violation of law by such common carrier, to forthwith bring suit, in the circuit court of the United States in the judicial district wherein such violation occurred, on behalf and in the name of the person or persons injured, against such common carrier, for the recovery of damages for such injury as may have been sustained by the injured party; and if on the trial of said cause judgment shall be rendered against said common carrier, the court may allow a reasonable attorney's fee to the district attorney for prosecuting said cause, to be taxed as part of the costs; and in case of failure to recover, the United States shall pay the necessary costs of suit.

In any case where the court shall adjudge that the violation of law by any such common carrier has been wilfully continued after notice by said commission to desist therefrom, the court may award to any party injured such a gross sum by way of costs, as will reimburse all his costs and expenses, to be paid by such common carrier.

And when it shall appear by such report and certificate of the commission that any common carrier has neglected or refused to desist from the violation of the provisions of law cognizable by such commission, in compliance with the notice of said commission, it shall also be the duty of the district attorney to forthwith apply by petition, in the name of the United States, to the circuit court of the United States for such district, for a temporary injunction against such common carrier, and for an order on said common carrier to show cause why it should not be enjoined and restrained from the continuance of such alleged violation, and for such other and further relief as may be just in the premises. And when such petition and the report of the commission and its certificate showing that said common carrier persists and continues to violate the law have been filed as aforesaid, it shall be the duty of such court thereupon to issue a temporary writ of injunction restraining said common carrier from doing any further act in violation of the provisions of this act or other law cognizable by said commission, as set forth in the report of the commission, until said cause can be fully heard. Such court may enforce obedience to any such injunction, order, or decree, whether temporary or on final hearing made perpetual, by fine, proceedings for contempt, and by any or all other means within its lawful jurisdiction sitting as a court of equity; and for the purpose of making any order or decree in the premises, final or otherwise, such court shall be always open.

If any district attorney shall fail to apply for such temporary injunction and order to show cause, any person interested to restrain such violation may, on application to the court, be allowed to appear and be heard by himself or counsel, and to apply for such injunction and order; and such court may, in its discretion, appoint other counsel to prosecute proceedings. The circuit court of the United States shall have jurisdiction to try such causes, without regard to the citizenship of the parties thereto or the amount involved therein.

And in lieu thereof to insert:

Whenever any common carrier, as defined in and subject to the provisions of this act, shall violate, or refuse, or neglect to obey any lawful order or requirement of the commission in this act named, it shall be the duty of the commission, and lawful for any company or person interested in such order or requirement, to apply in a summary way by petition to the circuit court of the United States sitting in equity in the judicial district in which the common carrier complained of has its principal office, or in which the violation or disobedience of such order or requirement shall happen, alleging such violation or disobedience, as the case may be. And the said court shall have power to hear and determine the matter on such short notice to the common carrier complained of as the court shall deem reasonable. And such notice may be served on such common carrier, his or its officers, agents, or servants, in such manner as the court shall direct. And said court shall proceed to hear and determine the matter speedily as a court of equity, and without the formal pleadings and proceedings applicable to ordinary suits in equity, but in such manner as to do justice in the premises; and to this end such court shall have power, if it think fit, to direct and prosecute in such mode and by such persons as it may appoint, all such inquiries as the court may think needful to enable it to form a just judgment in the matter of such petition. And if it be made to appear to such court on such hearing, or on report of any such person or persons, that the lawful order or requirement of said commission drawn in question has been violated or disobeyed, it shall be lawful for such court to issue a writ of injuction or interdict to restrain such common carrier from further continuing such violation or disobedience of such order or requirement of said commission and enjoining obedience to the same; and in case of any disobedience of any such writ of injunction or interdict, it shall be lawful for such court to issue writs of attachment on any other process of said court incident or applicable to writs of injunction or interdict against such common carrier, and if a corporation, against one or more of the directors, officers, or agents of the same, or against any owner, lessee, trustee, receiver, or other person failing to obey such writ of injunction or interdict. And said court may, if it shall think fit, make an order directing such common carrier or other person so disobeying such writ

of injunction or interdict, to pay such sum of money not exceeding for each carrier or person in default the sum of $500 for every day after a day to be named in the order that such carrier or other person shall fail to obey such injunction or interdict; and such moneys shall be payable, as the court shall direct, either to the party complaining or into court to abide the ultimate decision of the court, or into the Treasury; and payment thereof may, without prejudice to any other mode of recovering the same be enforced by attachment or order in the nature of a writ of execution in like manner as if the same had been recovered by a final decree in personam in such court. When the subject in dispute shall be of the value of $2,000, or more, either party to such proceeding before said court may appeal to the Supreme Court of the United States under the same regulations now provided by law in respect of security for such appeal, but such appeal shall not operate to stay or supersede the order of the court or the execution or any writ or process thereon. And such court may in every such matter order the payment of such costs and counsel fees as shall be deemed reasonable. Whenever any such petition shall be filed or presented by the commission, it shall be the duty of the district attorney, under the direction of the Attorney-General of the United States, to prosecute the same, and the costs and expenses of such prosecution shall be paid out of the appropriation for the expense of the courts of the United States. For the purposes of this act, excepting its penal provisions, the circuit courts of the United States shall be deemed to be always in session.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont [Mr. EDMUNDS].

Mr. EDMUNDS. The purpose of this amendment is to strengthen the object of the bill, and that is to secure to people who under the judgment of the commission are entitled to redress an immediate and summary remedy in an immediate and summary way, and to provide that when a judge of the circuit court of the United States shall determine that the order of the commissioners ought to be obeyed as a lawful and proper one, it must be obeyed; and that no number of corporation counsel appealing and giving bonds and putting the whole thing off for three years until everybody is dead and gone shall stay the execution of the order of the court; so that the corporation, the common carrier, must obey the order of the judge until it can show the court on appeal that it is an order which ought not to be made.

The object of the amendment is, putting it in technical form, to secure to people who claim to be injured and who the commission think have been injured, the right of having this decision of the commission go into effect and stay in effect until the common carrier can show some superior court that it ought to be stopped.

Mr. MORGAN. I will ask the Senator from Vermont if the word "interdict" is intended to include what is termed by some lawyers a mandatory injunction?

Mr. EDMUNDS. Yes, that is exactly it.

Mr. CULLOM. I did not catch the beginning of the amendment offered, and I desire to ask the Senator from Vermont whether he proposes to strike out all of section 13 or only a part of it?

Mr. EDMUNDS. The whole of section 13, which relates to this matter of applying to the court. In examining that section it appeared to me that it was not quite adequate to the purpose intended, and in order that it might be made absolute, and real, and immediate, in the interest of having the order of the commission obeyed until it could be shown to be wrong, and their orders having been confirmed by a court on application, then the thing must go on as the court and the commissioners together have determined in that way until it could be properly set aside.

Mr. PLATT. I ought to say on behalf of the committee, I think, that a somewhat similar provision was considered by the committee, and the committee felt that if the Senate would adopt such a provision it was quite desirable to have a short and summary method of hearing questions as to a common carrier who should refuse or neglect to comply with the order of the commissioners. But in looking it all over the committee were apprehensive that if any such radical measure should be proposed by it, the lawyers in the Senate would say that we were upsetting the whole course of practice in the circuit court, and that we were departing too far from the regular course of practice in the circuit court. If, however, the Senator from Vermont thinks it is not too great a departure, I believe the committee will join with him in desiring some such remedy to be provided, and for one I am in favor of the amendment.

The Senator from Vermont had shown the amendment to me prior to offering it, and the only objection that I saw to it was that it was so wide a departure from the established rules of proceeding in the circuit court, and the committee endeavored to provide what they thought would be a pretty summary remedy without violating the rules of practice in the circuit court.

Mr. MORGAN. Mr. President, if the bill is to mean anything at all, if it is to have any real effect upon the administration of the railroad system in the United States, no measure, it occurs to me, could be better devised for the proper control and direction of railroads who are law-breakers, than the one suggested by the Senator from Vermont. The experience, I think, of the bar of the United States has thoroughly established the proposition that the equity courts of the country have powers better adapted to the administration of railroad corporations and railroad affairs, when they are in trouble either from creditors or otherwise, than any common-law court. In fact, there is no other court that has that sort of pliancy of its processes or that sort of power of equitable determination which is adequate to the meeting of the various difficulties that have been suggested in debate here that arise upon the face of this bill itself.

I think, Mr. President, that that feature will be found in experience, whether the Senate now are prepared to appreciate it or not, as an indispensable part of this measure. Your common-law courts can never administer the justice that is requisite to the proper adjudication of the nice and difficult questions that will arise under this statute, because their framework and processes are so stiff and unbending that they can not accommodate themselves to the real necessities of the situation. I hope, therefore, that the amendment may receive the favorable consideration of the Senate, and be adopted.

Mr. ALLISON. Mr. President, this is a very important amendment, I think. I would suggest that it ought to be printed. I do not make any motion, however.

Mr. McMILLAN. I think this amendment had better be printed. It is a very long one and a very important one. We can not vote upon this bill now.

Mr. MORGAN. I have an amendment that I wish to come in as an additional section of the bill.

The PRESIDING OFFICER. If there be no objection the amendment under consideration will lie over and be printed.

Mr. EDMUNDS. If the bill is going on, the amendment will not lie over and be printed; it must be voted on.

Mr. McMILLAN. Are there not amendments to other sections pending?

Mr. EDMUNDS. This is the pending amendment.

The PRESIDING OFFICER. No other amendment is pending now.

Mr. CULLOM. I think there are at least half a dozen amendments to this bill. These last two amendments are pretty long and pretty important. I hardly feel disposed myself to vote on them, unless it is really necessary, without knowing more about what is in them, and I ask again that by unanimous consent the vote on this bill and amendments be agreed to be taken on Monday at 5 o'clock—not later than Monday at 5 o'clock.

The PRESIDING OFFICER Is there objection to the request of the Senator from Illinois that the vote on the amendments and the bill itself be taken not later than 5 o'clock on Monday next?

Mr. CAMDEN. I ask the Senator why not go on with the bill until we come to a point at which a vote is to be taken?

Mr. CULLOM. We have got to that point now on the amendment of the Senator from Vermont [Mr. EDMUNDS], a very long amendment, and there are quite a number of others.

Mr. WILSON, of Iowa. There are two other amendments I wish to offer.

Mr. CULLOM. The Senator from Iowa has amendments to offer.

The PRESIDING OFFICER. Is there objection to the arrangement proposed as to the vote?

Mr. CONGER. I should like for information to have the various amendments proposed and ready to be offered before such an arrangement is made. Of course they could not be taken up now. I wish to offer an amendment myself. I should like to have it offered now that it may be considered and printed.

The PRESIDING OFFICER. If there be no objection the amendment will be received.

Mr. INGALLS. I suggest that any proposed amendment be offered now and printed.

The PRESIDING OFFICER. The Chair will receive amendments for that purpose.

Mr. CONGER. I offer an amendment then that it may be printed. I propose to amend the first section of the bill in the sixth line after the word "used" by inserting these words:

Under a common control, management, or arrangement.

So as to read:

That the provisions of this act shall apply to any common carrier or carriers engaged in the transportation of passengers or property by railroad, or partly by railroad and partly by water when both are used under a common control, management, or arrangement.

The PRESIDING OFFICER. The amendment will be received and ordered to be printed.

Mr. HOAR. I desire to suggest to my honorable friend from Illinois whether it would not, on the whole, be a compromise which would be accepted by everybody, to fix the time for voting on this bill not later than Tuesday next, at 3 o'clock. Some gentlemen think there may possibly be some aspects of it which will be presented that could not be discussed fully on Monday. I ask the Senator to try that.

Mr. CULLOM. I only want to say that I am very anxious to get along with the business of the Senate, and I am equally anxious to accommodate myself to the judgment of Senators; and if it can be understood that we can vote at 3 o'clock on Tuesday on the bill and amendments I shall be satisfied.

Mr. EDMUNDS and others. Or earlier, if possible.

Mr. CULLOM. Or earlier if we can get to it, but not later than Tuesday, at 3 o'clock.

Mr. ALLISON. I do not object to fixing any day, but I object to naming any specific hour for closing the debate on this bill.

Mr. CULLOM. Then let us sit it out on Tuesday. Will that do?

Mr. ALLISON. I am perfectly willing to do that, or on Monday. We have had experience in disposing of bills when hours have been fixed. I object to fixing any hour.

Mr. DOLPH. I understood this bill this morning was in order im-

mediately after the morning business and during the morning hour. I should like to know whether that is a continuing order or agreement so that this bill shall occupy the entire morning hour during the time intervening till Tuesday?

The PRESIDING OFFICER. That was the original agreement, that it should occupy the morning hour.

Mr. SAULSBURY. I do not know that I shall say one word myself on this subject, but this bill deals with interests larger than all the interests engaged in the industries of this country outside of the agricultural interest, and it seems to me that we ought not hastily to act upon measures affecting interests so large and involving questions, too, that are new to the legislation of the country. We had better spend a little time in debate than hastily to put upon our statute-book legislation that may prove ruinous to the great railroad interests of the country.

Mr. CULLOM. Will the Senator allow me to say a word.

Mr. SAULSBURY. Certainly.

Mr. CULLOM. The Senator remembers very well that on account of the lateness of the time when the bill was passed two years ago in both Houses we failed to secure any legislation. We are very liable to get into the same condition again and have no legislative result on this subject. It seems to me that in the interest of some legislation there ought to be as much dispatch as possible so as to get the bill through the Senate very soon.

Mr. SAULSBURY. I wish to be understood. It is not because I feel any special interest in railroad companies. I own no stock in railroad companies, I have no interest in railroad companies, but I recognize the fact that this is a very important interest, and this is legislation the effect of which we can not in this Chamber sitting here fully determine, and we ought, therefore, to mature any action that is taken by the Senate in the best possible way even if it takes a month or two months; we had even better not legislate at all than to legislate in a manner that may prove ruinous to the great interests involved. Therefore I should be glad if the Senator would let the question go over. I suppose the Senate is competent to bring debate to a close whenever it feels that debate ought to cease, but the idea of fixing a particular hour on a particular day for the termination of a debate on a measure of this character I do not approve.

Mr. CULLOM. My object is to get a time fixed and get the subject disposed of at some period.

The PRESIDING OFFICER. Is there objection to the proposition of the Senator from Illinois [Mr. CULLOM] to fix Tuesday for taking the vote on this bill? [A pause.] The Chair hears no objection to that proposition to fix Tuesday as the period for taking the vote on the bill.

Mr. EDMUNDS. Not later than that.

The PRESIDING OFFICER. Not later than Tuesday.

Mr. MORGAN. I ask that the amendment I send to the desk be read.

The PRESIDING OFFICER. It is arranged by unanimous consent that the vote shall be taken not later than Tuesday.

The amendment referred to by the Senator from Alabama will be read.

Mr. EDMUNDS. If we are not to vote on the amendment I have had the honor to offer now, I ask that it also may be printed.

The PRESIDING OFFICER. That order will be made.

Mr. EDMUNDS. I do not wish it to leave the Senate Chamber to be printed until we see whether we are going to vote on it to-night or not.

Mr. CONGER. I ask that the amendment which I offered with the whole paragraph in which it is proposed to be inserted be reprinted to show what it will be. That will be the first section, except the proviso.

Mr. PLATT. I desire to submit an amendment to be printed.

The PRESIDING OFFICER. The amendment of the Senator from Connecticut will be received. The Senator from Alabama [Mr. MORGAN] has asked for the reading of his amendment; which will be read first.

The CHIEF CLERK. It is proposed to add as a new section the following:

SEC. —. If two or more persons, with the intent to prevent the movement or running of any locomotive, car, or train of cars, used, or that is about to be used, in carrying passengers or property to or from one State to another, or to or from any Territory of the United States, or to or from any foreign country, or to or from any Indian tribe, shall conspire together, or agree together, or unite with a common intent unlawfully to obstruct or prevent the movement or running of any such train, car, or locomotive, or the loading or unloading of any such car, or train of cars, or to put in peril the personal security of any officer or employé of any railroad company engaged in moving or running, loading or unloading, such car, or train of cars, such persons so offending shall be guilty of unlawful conspiracy, and on conviction thereof in any district court of the United States, shall be punished for each such offense by imprisonment for not exceeding six months, and by a fine not exceeding $500, one or both, as the court trying the case shall direct.

The PRESIDING OFFICER. The amendment will be printed. Now the amendment of the Senator from Connecticut [Mr. PLATT] will be read:

The CHIEF CLERK. It is proposed, on page 11, line 18, to strike out the word "shall" and insert the word "may;" so as to read:

And any of the circuit courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpœna issued to any common carrier subject to the provisions of this act, &c.

In lines 20, 21, 22, and 23 it is proposed to strike out all after the word "act" to and including the word "plaintiffs," in line 23, and insert the words "or other person."

In line 24, to strike out all after the words "common carrier" to and including the word "shall," in line 30, and insert:

Or other person to appear before said commission (and produce books and papers if so ordered), and give evidence touching the matter in question; and any failure to obey such order of the court may.

In line 30, after the word "punished," to strike out to the end of line 31 and insert "by such court as a contempt thereof."

Mr. WILSON, of Iowa. I desire to offer two amendments, which I ask may be ordered to be printed after being read.

The CHIEF CLERK. It is proposed to add to section 3 the following:

Any person or persons who shall directly or indirectly apply for or knowingly accept any favor, preference, or advantage declared by this section to be unlawful shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not less than $200 for each offense.

It is also proposed to add to section 2 the following:

And any person or persons who shall directly or indirectly apply for or knowingly accept in any manner not authorized by this act any special rate, rebate, drawback, or other form of reduction of rate, the allowance of which is prohibited by this section, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not less than $200 for each offense.

The PRESIDING OFFICER. These proposed amendments will be ordered to be printed.

Mr. BROWN. I have some amendments I desire to offer.

The PRESIDING OFFICER. The amendments will be read.

The CHIEF CLERK. It is proposed to add:

Nothing in this act shall be construed to prohibit any common carrier from giving reduced rates, or rebates, or drawbacks on building material to persons or companies who construct on the line of road any mill, factory, grain elevator, or other structure of like character, which will materially increase the freights of the company, or greatly benefit the community where they are located: *Provided*, That all persons engaged in the construction of such buildings, factories, grain elevators, and other like structures shall have like rebates in like cases, and there shall be no discrimination against any one engaged in such enterprise.

Also on page 4, section 4, before the word "provided," in line 6, insert:

And this provision shall apply to transportation by common carriers on rivers as well as by railroads.

Also to insert the following after the word "tickets," in line 6, page 21:

Nothing in this act shall be construed to prohibit any common carrier from giving reduced rates or free passes to ministers of the gospel, editors of newspapers, delegates to agricultural conventions, or religious assemblies.

Also to add the following as a new section:

SECTION —. *And be it further enacted*, That if any person shall willfully and maliciously destroy or in any manner hurt, damage, injure, or obstruct, or shall willfully and maliciously cause, or aid and assist, or counsel or advise any other person or persons to destroy or in any manner to hurt, damage, or injure, or obstruct any railroad engaged in interstate commerce or in carrying the mails of the United States or any branch thereof, or any bridge connected therewith, or any vehicle, or if an unauthorized person or persons shall turn, move, or in any manner interfere or meddle with any switch, gate, siding, or other appurtenances to any railroad, such person so offending shall be guilty of felony, and on conviction thereof, in the United States circuit court, which shall have jurisdiction of the offense, shall be imprisoned for a term of not less than four nor longer than eight years. If death ensues from such act to any person, the offender shall be guilty of murder, and punished accordingly. This penalty shall in no case interfere with the offender's liability to civil damages.

Mr. SPOONER. I gave notice yesterday that I would offer an amendment to this bill to cover what seemed to me to be a weak spot in it; that is, the failure of the bill to provide for the punishment criminally of extortion. I offer the amendment in order that it may be printed.

The PRESIDING OFFICER. The proposed amendment will be read.

The CHIEF CLERK. It is proposed to amend the bill by inserting after the word "just," where the same occurs in line 31 of page 2, the words:

And every unjust and unreasonable charge for such service is prohibited and declared to be unlawful.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

Mr. LOGAN. I should like an opportunity to present some morning business that I have not yet been able to offer to-day.

Mr. ALLISON. I withdraw the motion to allow routine morning business to be presented.

PETITIONS AND MEMORIALS.

Mr. LOGAN presented two petitions of citizens of Swanton, Ohio, praying for the passage of the service-pension bill; which were referred to the Committee on Pensions.

He also presented a petition of the Woman's Relief Corps of Danville, Pa., praying that an increase of pension be granted to Joseph Keffer, late a private in Company B, Seventh Regiment Pennsylvania Cavalry; which was referred to the Committee on Pensions.

Mr. COCKRELL. I present a memorial in the shape of resolutions of the president and board of directors of the Merchants' Exchange, of Saint Louis, Mo., in behalf of the passage of the bill (S. 1877) to repeal sections 1, 2, 3, 4, 5, 6, 7, and 9 of the act of Congress approved June 10, 1880, entitled "An act to amend the statutes in relation to

the immediate transportation of dutiable goods, and for other purposes," now pending before the Committee on Commerce, to which committee I move the reference of these resolutions.

The motion was agreed to.

EIGHT HOURS FOR LETTER-CARRIERS.

Mr. MILLER, from the Committee on Education and Labor, to whom was referred the bill (S. 2076) to extend to letter-carriers the advantages secured to other employés of the United States by section 3738 of the Revised Statutes, relating to the hours of labor, reported it without amendment.

AMENDMENTS TO BILLS.

Mr. MORGAN. I ask leave to offer an amendment in the nature of a substitute for the bill (S. 1800) to secure to the Cherokee freedmen and others their proportion of certain proceeds of lands, under the act of March 3, 1883, and ask that it be printed.

The PRESIDING OFFICER. The proposed amendment will be printed.

Mr. LOGAN. I offer an amendment intended to be proposed to the bill (H. R. 807) granting pensions to the soldiers and sailors of the Mexican war when it is reached; and I ask that the amendment and the report accompanying it be printed.

The PRESIDING OFFICER. The amendment will be received and printed, and referred to the Committee on Pensions.

WITHDRAWAL OF PAPERS.

On motion of Mr. BLAIR, it was

Ordered, That Mrs. Lou Gobright McFalls have leave to withdraw her papers from the files of the Senate.

ADJOURNMENT TO MONDAY.

On motion of Mr. MORRILL, it was

Ordered, That when the Senate adjourn to-day it be to meet on Monday next.

HOUSE BILLS REFERRED.

The bill (H. R. 5866) to construct a road to the national cemetery at Knoxville, Tenn., was read twice by its title, and referred to the Committee on Military Affairs; and

The bill (H. R. 5951) granting a pension to John M. Mattingly was read twice by its title, and referred to the Committee on Pensions.

EXECUTIVE SESSION.

Mr. ALLISON. I renew the motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 17 minutes p. m.) the Senate adjourned until Monday, May 10, 1886, at 12 o'clock m.

NOMINATION.

Executive nomination received by the Senate the 6th day of May, 1886.

TERRITORIAL JUDGE.

James H. McLeary, of Texas, to be associate justice of the supreme court of the Territory of Montana, *vice* John Coburn, suspended, the Senate having declined to advise and consent to the appointment of Charles R. Pollard, who was heretofore nominated to said office.

CONFIRMATION.

Executive nomination confirmed by the Senate May 6, 1886.

Frank Brown, to be postmaster at Baltimore, Md.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May* 6, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILLBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

MESCALERO INDIAN RESERVATION, NEW MEXICO.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 1st instant from the Secretary of the Interior, submitting a draught of a bill recommended by the Commissioner of Indian Affairs, providing for the payment of improvements made by settlers on the lands of the Mescalero Indian reservation in the Territory of New Mexico. The subject is presented for the consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May* 5, 1886.

BARGE OFFICE, NEW YORK CITY.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting a letter from the Supervising Architect recommending a special appropriation for repairs and alterations of barge office, New York city; which was referred to the Committee on Appropriations, and ordered to be printed.

POST-OFFICE APPROPRIATION BILL.

The SPEAKER also laid before the House, with the amendments of the Senate, the bill (H. R. 5887) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887.

Mr. BLOUNT. I ask that the Senate amendments to this bill be numbered and printed.

The SPEAKER. If there be no objection, the Chair will direct that the bill, with the Senate amendments, be printed.

Mr. BLOUNT. And the amendments numbered.

The SPEAKER. That is always done.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. WEAVER, of Nebraska, for one week, on account of important business.

To Mr. HOLMES, indefinitely, on account of sickness.

To Mr. PIRCE, indefinitely, for the purpose of taking testimony in his election case, as ordered by the House.

ORDER OF BUSINESS.

Several members called for the regular order.

The SPEAKER. The regular order is the call of committees for reports.

Mr. WILLIS. I move that the formal call of committees for reports be dispensed with.

Objection was made.

WOMAN SUFFRAGE.

Mr. STEWART, of Vermont (by Mr. TUCKER), from the Committee on the Judiciary, reported back adversely the joint resolution (H. Res. 109) proposing an amendment to the Constitution of the United States; which was referred to the House Calendar, and the accompanying report ordered to be printed.

Mr. EZRA B. TAYLOR. I ask consent to file the views of the minority of the committee on this question.

The SPEAKER. If there be no objection the gentleman from Ohio [Mr. EZRA B. TAYLOR] will have leave to file on behalf of the minority of the committee their views to be printed with the report of the majority.

There was no objection.

ADDITIONAL CIRCUIT JUDGE.

Mr. COLLINS, from the Committee on the Judiciary, reported a bill (H. R. 8599) providing an additional circuit judge in the second judicial circuit, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed House bills of the following titles:

A bill (H. R. 606) authorizing the removal of the statue of Maj. Gen. John A. Rawlins from its present location to a site to be selected by the Secretary of War; and

A bill (H. R. 661) granting the right of way through the Fort Selden military reservation in New Mexico to the Rio Grande, Mexico and Pacific Railroad Company.

ORDNANCE SUPPLIES TO DAKOTA TERRITORY.

Mr. CUTCHEON, from the Committee on Military Affairs, reported back with amendment the bill (H. R. 8030) to authorize the Secretary of War to credit the Territory of Dakota with certain sums for ordnance and ordnance stores issued to said Territory, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

LANDS DUE STATE OF MICHIGAN.

Mr. LANDES, from the Committee on the Public Lands, reported back adversely the bill (H. R. 4049) to authorize the State of Michigan to select, in the smallest legal subdivisions, the remainder of lands due said State under existing laws for internal improvements; which was laid on the table, and the accompanying report ordered to be printed.

LAND GRANT TO WYOMING TERRITORY.

Mr. VAN EATON, from the Committee on the Public Lands, reported back favorably the bill (H. R. 6631) granting certain lands to the Territory of Wyoming for public purposes; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

LAKE MICHIGAN AND DETROIT RIVER WATER ROUTE.

Mr. ATKINSON, from the Committee on Railways and Canals, reported back favorably the bill (H. R. 4971) to provide for the survey of a water route to connect the waters of Lake Michigan with the

Detroit River; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. ELLSBERRY, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 1924) for the relief of Adam L. Epley; and the same was referred to the Committee on Claims.

ANNA A. PROBERT.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 3610) granting a pension to Anna A. Probert; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANN KINNEY.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 5389) granting a pension to Ann Kinney; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELLEN CORCORAN.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 1815) granting a pension to Ellen Corcoran; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

HEIRS OF JOHN S. FILLMORE.

Mr. ELY, from the Committee on Private Land Claims, reported back favorably the bill (H. R. 2040) for the relief of the heirs of John S. Fillmore, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. HEARD, from the Committee on the District of Columbia, reported back the bill (H. R. 4694) to incorporate the Washington Traction Railway Company of the District of Columbia; which was laid on the table.

WASHINGTON TRACTION RAILWAY COMPANY.

Mr. HEARD, from the Committee on the District of Columbia, also reported, as a substitute for the bill H. R. 4694, a bill (H. R. 8600) to incorporate the Washington Traction Railway Company of the District of Columbia; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The bill H. R. 4694 was laid on the table.

PURCHASE OF AQUEDUCT BRIDGE, ETC.

Mr. ROWELL, from the Committee on the District of Columbia, reported back with amendments the bill (S. 200) to authorize the purchase of the Aqueduct Bridge, or the construction of a bridge across the Potomac River at or near Georgetown; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. HEMPHILL, from the Committee on the District of Columbia, reported back adversely the bill (H. R. 1717) to regulate the service of process in the police court of the District of Columbia; which was laid on the table, and the accompanying report ordered to be printed.

ALCOHOLIC LIQUOR TRAFFIC.

Mr. PRICE. Mr. FREDERICK, from the Select Committee on the Alcoholic Liquor Traffic, reported back with an adverse recommendation the bill (S. 182) to provide for a commission on the subject of the alcoholic liquor traffic, which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

It was the understanding the minority should have leave to print their views to go along with the majority report. I now ask, by unanimous consent, to present the views of the minority, and to move they be printed with the majority report.

The SPEAKER. The Chair hears no objection, and it is ordered accordingly.

ADVERSE REPORTS.

Mr. FREDERICK, from the Select Committee on the Alcoholic Liquor Traffic, reported back adversely bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 2772) to provide for a commission on the subject of the alcoholic liquor traffic;

A bill (H. R. 1000) to provide for a commission on the subject of the alcoholic liquor traffic; and

A bill (H. R. 3114) to provide for the appointment of a commission on the subject of the alcoholic liquor traffic.

KANSAS CITY, FORT SCOTT AND GULF RAILROAD COMPANY.

Mr. PERKINS, from the Committee on Indian Affairs, reported back favorably a bill (H. R. 7478) to authorize the Kansas City, Fort Scott and Gulf Railway Company to construct and operate a railway through the Indian Territory, and for other purposes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DEPARTMENT OF AGRICULTURE.

The SPEAKER. The hour for the consideration of bills begins at thirteen minutes before 1 o'clock, and the call rests with the Committee on Agriculture; the pending business being the bill (H. R. 5190) to enlarge the powers and duties of the Department of Agriculture.

Mr. HATCH. With a view of giving all the time possible for debate on this bill, I renew my request to the House that the Committee of the Whole House on the state of the Union be discharged from its further consideration, and it be considered in the House as in committee.

Mr. BRECKINRIDGE, of Kentucky (from his seat). I object.

Mr. HATCH. I make the point of order that no objection has been made.

The SPEAKER. The Chair will first state the question. The gentleman from Missouri [Mr. HATCH] asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill to enlarge the powers and duties of the Department of Agriculture and consider the same in the House. Is there objection?

Mr. BRECKINRIDGE, of Kentucky. I object.

The SPEAKER. The pending question is upon the motion of the gentleman from Missouri.

Mr. HATCH. I desire to withdraw the motion.

The SPEAKER. The gentleman has a right to move an amendment to it, but as the amendment has been voted on, unless there be consent, it can not be withdrawn.

Mr. HATCH. Then I offer an amendment. I move that all general debate upon the pending bill be limited to ten minutes.

Mr. REAGAN. I trust such an important bill as this will not be hurried through the House without ample time for discussion.

Mr. HATCH. I have offered everything that is fair to gentlemen on the floor, and they have refused any proposition looking to the consideration of the bill.

Mr. BURROWS. Mr. Speaker, I desire to inquire what the measure is, as it has been some time since it was before the House.

The SPEAKER. The bill called up by the gentleman from Missouri is the bill (H. R. 5190) to enlarge the powers and duties of the Department of Agriculture.

The question is upon the amendment of the gentleman from Missouri to limit debate to ten minutes.

Mr. REAGAN. I move to amend by making it one hour and a half.

Mr. HATCH. I believe I have the floor.

The SPEAKER. The gentleman of course was bound to yield the floor when he offered the amendment, which is itself subject to amendment. The first question is on the amendment to the amendment offered by the gentleman from Texas.

The question was taken; and on a division there were—ayes 31, noes 98.

Mr. BRECKINRIDGE, of Kentucky. No quorum.

Mr. DUNHAM. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DUNHAM. Is it in order to accept the motion to give one hour and a half for debate on this bill when the rule only allows the committee one hour?

The SPEAKER. The only effect of the adoption of the amendment would be that the remainder of the time fixed for general debate, after the hour is exhausted to-day, would go over until the bill was next reached for consideration.

Mr. DUNHAM. Under the head of "unfinished business?"

The SPEAKER. As unfinished business. The gentleman from Kentucky [Mr. BRECKINRIDGE] makes the point of order that no quorum has voted. The Chair will order tellers.

Mr. BRECKINRIDGE, of Kentucky, and Mr. HATCH were appointed tellers.

The House again divided; and the tellers reported—ayes 17, noes 149.

Mr. HATCH. Now, I demand the previous question upon my motion.

Mr. BRECKINRIDGE, of Kentucky. I ask the yeas and nays on this vote.

The yeas and nays were not ordered; there being but 28 members in support of the demand and 122 in opposition—the affirmative not being one-fifth of the total.

Mr. HEWITT. Does it not require a quorum?

The SPEAKER. It does not. Under the Constitution one-fifth of the members present can order the yeas and nays.

Mr. TUCKER. I demand tellers on the yeas and nays.

Tellers were not ordered; there being only 31 members supporting the demand—being less than one-fifth of a quorum.

So the amendment of Mr. REAGAN was rejected.

Mr. BRECKINRIDGE, of Kentucky. I move to amend by making it fifty minutes.

The SPEAKER. The gentleman from Missouri has demanded the previous question. The question is on ordering the previous question.

The House divided; and there were—ayes 117, noes 10.

Mr. HEWITT. No quorum.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. HEWITT and Mr. HATCH were appointed tellers.

The House again divided; and the tellers reported—ayes 163, noes 2.

So the previous question was ordered.

Mr. BRECKINRIDGE, of Kentucky. I move to reconsider the vote by which the previous question was ordered.

Mr. HATCH. I move to lay that motion on the table.

The question was taken; and on a division there were—ayes 132, noes 6.

Mr. BRECKINRIDGE, of Kentucky. No quorum.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. BRECKINRIDGE, of Kentucky, and Mr. HATCH were appointed tellers.

The House again divided; and the tellers reported—ayes 160, noes 3.

Mr. BRECKINRIDGE, of Kentucky. I demand the yeas and nays.

The yeas and nays were not ordered.

So the motion to reconsider was laid on the table.

Mr. HEWITT. Mr. Speaker, I now move that the House take a recess for one hour.

The question was taken; and on a division there were—ayes 11, noes 139.

Mr. HEWITT. I make the point that no quorum has voted.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. HEWITT and Mr. HATCH were appointed tellers.

The House again divided; and the tellers reported—ayes 3, noes 160.

Mr. HEWITT. I ask for the yeas and nays.

The SPEAKER. The Chair thinks that the demand for the yeas and nays is perhaps too late, the result of the vote having been announced; not only the vote, but its result.

Mr. HEWITT. I addressed the Chair the moment the figures were announced.

The SPEAKER. The Chair did not hear the gentleman, but the statement is sufficient. The question is on ordering the yeas and nays.

The yeas and nays were refused, there being but 4 members supporting the demand.

So the motion for a recess was not agreed to.

Mr. BLOUNT. I move that when the House adjourns to-day it be to meet on Monday next.

Mr. BURROWS. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURROWS. My inquiry is this: Is there not some parliamentary method by which the majority can defeat its own measure other than by filibustering?

The SPEAKER. That is not a question for the Chair to determine.

Mr. SCOTT. I call for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 18.

Mr. BLOUNT. Count the other side.

The other side being counted, the negative vote was 122.

So (the affirmative not being one-fifth of the whole vote) the yeas and nays were not ordered.

The SPEAKER. The question is on the motion of the gentleman from Georgia that when the House adjourns it be to meet on Monday next. The Chair was about to ask a division when the yeas and nays were called for.

The question being taken on Mr. BLOUNT's motion, there were—ayes 6, noes 107.

Mr. BLOUNT. No quorum.

The SPEAKER. A quorum not having voted, the Chair will appoint as tellers the gentleman from Georgia [Mr. BLOUNT] and the gentleman from Missouri [Mr. HATCH].

The House again divided; and the tellers reported—ayes 49, noes 89.

Mr. BLOUNT. I withdraw the point of no quorum.

So the motion was not agreed to.

The SPEAKER. The hour for the consideration of bills has expired.

Mr. HATCH. I give notice to the House that under the order adopted on Monday this will be the first bill called up on Thursday next.

Mr. DUNHAM. I am very glad to hear it.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. WILLIS. I move that the House resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. WELLBORN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union and resumes the consideration of the unfinished business, being the bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. WILLIS. The pending motion at the time the committee rose was a motion submitted by the gentleman from Wisconsin [Mr. LA FOLLETTE] to strike out section 13, on which there was a division, and no quorum appearing, the committee rose.

The CHAIRMAN. The Chair is advised the point of no quorum had been made on the amendment proposed by the gentleman from Wisconsin to strike out the thirteenth section. The Chair requests the tellers, the gentleman from Kentucky, Mr. WILLIS, and the gentleman from Wisconsin, Mr. LA FOLLETTE, to resume their places.

Mr. WILLIS (one of the tellers). It is understood that this vote shall be considered as having been taken, and the gentleman from Wisconsin asks permission to address the committee for five or ten minutes.

Mr. LA FOLLETTE. I offer the amendment which I send to the desk, it being considered that the vote has been taken on the former amendment.

The Clerk read the proposed amendment, as follows:

Provided, That no survey shall be made under this section until all the improvements of rivers and harbors now in progress at the Government expense upon which estimates have been furnished by engineers to complete the work shall have been completed in accordance therewith.

The CHAIRMAN. The Chair understands the point of no quorum is withdrawn, and the motion to strike out the thirteenth section is disagreed to.

Mr. LA FOLLETTE. Yes, sir; and in offering the other amendment I desire to submit some remarks, not extended however, upon it.

The CHAIRMAN. The gentleman will proceed.

Mr. LA FOLLETTE. The amendment which I have offered provides that all the improvements on which the engineers have furnished estimates to complete the works now in progress shall be finished before the surveys incorporated in the present bill shall be made. It is not contended, Mr. Chairman, that the surveys in the section under consideration are not worthy of being made. For the purposes of this discussion, I will admit that they are of interstate importance, and pass that question. The statement made by the gentleman from Alabama [Mr. WHEELER] as well as the chairman of the committee that these surveys often develop the fact that some of the rivers and harbors named were not of such importance as to warrant expenditure upon them, and that therefore these surveys were of great value to the country, is true, sir, in a qualified sense. When we are ready to increase the number of improvements all over this country then it will probably be wise to order the preliminary examination contemplated by this section.

But I do protest that so long as the works are not completed which are already commenced no further surveys should be made. And why should we refuse to make these surveys at this time? Because, sir, this is simply a sly method of increasing greatly the number of items in the next bill. A goodly number of the surveys of one year become the improvements of the next.

An examination of the river and harbor acts which have passed this House since the year 1879 discloses the fact that a large number of all the surveys that are provided for in each act are incorporated in the next bill as new improvements and thus swell the expenditure of money for that year. An examination of the act of 1879 discloses the fact that it directed ninety-seven surveys. Of those ninety-seven surveys thirty-four were embraced in the next act, which passed Congress in 1880, as improvements, and money appropriated to commence the work. That is, 35 per cent. of the surveys of 1879 received appropriation in 1880.

In the act of 1880 there were one hundred and twenty-four surveys directed, and in the act of 1881 forty-one of those surveys were put in as new improvements and money appropriated to begin the work. That is, 33 per cent. of the surveys of 1880 received appropriations in the act of 1881.

The act of 1881 directed that in the ensuing year eighty-three surveys of rivers and harbors should be made, and the act of 1882 made appropriations to begin work on twenty-seven of those rivers and harbors. That is, over 32 per cent. of the surveys of 1881 received appropriations in the act of 1882.

The bill of 1883 failed to pass, and hence surveys that were included in the bill of 1882 had to secure admission to the bill of 1884. Now, then, the act of 1882 directed that one hundred and thirty-five surveys of rivers and harbors should be made; and in 1884 we find that the bill which passed made appropriations to begin the work on the thirty-four of those one hundred and thirty-five rivers and harbors. In other words, 25 per cent. of the surveys of 1882 crept into the bill of 1884.

The bill of 1885 was defeated in this House. Consequently many of the surveys provided for in the act of 1884 have been forced into this one. And I find that out of the one hundred and thirty-one surveys provided for in the act of 1884 there have been incorporated into this bill some twenty-six. Thus it is that about 20 per cent. of the surveys provided for in the act of 1884 are incorporated in this bill, and we are asked to make appropriations for the same.

The average number of the surveys ordered each year since 1879 which have found place in the succeeding appropriation bill as new improve-

ments is something over 29 per cent. In this bill as it came from the Committee on Rivers and Harbors there were ninety-eight surveys provided for. The consideration of the bill in Committee of the Whole has increased the number to one hundred and twenty-seven; so that the bill as it now stands provides for one hundred and twenty-seven surveys to be made during the next year at the discretion of the Secretary of War. Now, sir, taking the average percentage of increase in the number of the improvements year after year since 1879, resulting from these surveys, it will make in the next appropriation bill an addition of thirty-seven river and harbor items to be provided for as new improvements.

If we could complete the works that we have in hand this would be wise enough, assuming that the rivers and harbors named here for survey are of a national character; but when we complete by this bill only five out of the sixty-three works recommended by the engineers for completion it will be readily seen that this section has not the harmless character claimed for it by the friends of the bill. It will be readily seen that this very section providing for numerous surveys is made year by year the means of swelling the river and harbor bill unduly and loading the Government down more and more with unfinished contracts and incomplete works.

I say here and now that this is the time and place to stop. Every man on this floor should support this amendment. Every man in this House who feels something more than a national interest in this bill, who feels a local interest in the appropriations for his district, should respond to this call and vote to stop these additions to the river and harbor bill until such time as the works already recommended for completion shall be finished.

If you can be moved in no other way, the narrow interests of your share in this bill should arouse you. If you continue this system of increasing the improvements before completing those already in progress, the effect upon the appropriations for your districts will be that you must each year accept a less and less percentage of the estimates of the engineers to carry on your local works.

Every man here who is interested in the expenditure of the people's money upon business principles should take a stand for this amendment, and should aid in rejecting this section so prolific of bad consequences, this section which will certainly hatch out in the next river and harbor bill at least thirty-seven more such items demanding appropriations.

When the amendment was offered striking out these surveys the chairman of the committee stated that there was not $50,000 included in this bill for new items. I say to you gentlemen, from a careful computation, that there are more than $200,000 in it for absolutely new items. There are $173,000 in the bill for items which were included in the last act as surveys. So you can see something of the sweeping extent of the increase. But this is only the beginning. The policy of river and harbor committees as to these new works has always been to ask for only a small appropriation for a new improvement the first year, and thus to lead the Government in gradually until it is involved in carrying on the works at these various places, and when it is once fairly committed to them, then excessive appropriations can be demanded and we are compelled to yield.

Now, gentlemen, I say that business sense, good business management, demands that this should be checked, and checked right here at this time. And there is no better way to do it than to stop putting in these surveys, which is simply an insidious way of getting the Government committed to more and more of these improvements year by year. I say to you gentlemen who guard the avenues to the Treasury that it is your business to stand up at this time and stop this work. The people will not always bear this treatment meekly. The honest men are in the majority among the people. This has grown to a great abuse, and I tell you "when this snow melteth there shall come a flood." I tell you here and now that this system can not be carried much further. The time is near at hand when it will break down in this House with a crash that will shake half the members out of their seats. [Applause.]

Mr. STONE, of Massachusetts, rose.

Mr. WILLIS. Mr. Chairman, the House, I think, understands this matter, and I now ask a vote.

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. STONE, of Massachusetts. If the chairman desires to have the vote taken now, I will not occupy any time.

Mr. WILLIS. Mr. Chairman, I have no desire to cut off my colleague on the committee. I was not aware that he was on the floor when I addressed the Chair.

Mr. STONE, of Massachusetts. I have no desire to occupy time if the vote can be taken.

Mr. LA FOLLETTE. Mr. Chairman, there was some confusion when the amendment was read, and I ask that it be again reported.

The amendment was again read.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. LA FOLLETTE].

The House divided; and there were—ayes 27, noes 92.

So the amendment was rejected.

The Clerk read as follows:

SEC. 14. For examinations, surveys, and contingencies, and for incidental repairs, for which there is no special appropriation, for rivers and harbor, $100,000:

Provided, That no survey shall be made of any harbors or rivers until the Chief of Engineers shall have directed a preliminary examination of the same by the local engineer in charge of the district, or an engineer detailed for the purpose; and such local or detailed engineer shall report to said Chief of Engineers whether, in his opinion said harbor or river is worthy of improvement, and shall state in such report fully and particularly the facts and reasons on which he bases such opinion, including the present and prospective demands of commerce; and it shall be the duty of the Chief of Engineers to direct the making of such survey if, in his opinion, the harbor or river proposed to be surveyed be worthy of improvement by the General Government; and he shall report to the Secretary of War the facts, and what public necessity or convenience may be subserved thereby, together with the full reports of the local engineer. Said reports of preliminary examinations and surveys shall be made to the House of Representatives, and are hereby ordered to be printed when so made.

Mr. WILLIS. I propose to yield to the gentleman from Illinois [Mr. NEECE], if he be present; if not, I move that the committee rise and report the bill and amendments to the House with a favorable recommendation.

Mr. BAYNE and others rose.

Mr. SPOONER. I move to strike out the last word of the section just read.

The CHAIRMAN. The gentleman from Kentucky [Mr. WILLIS] has been recognized.

Mr. SPOONER. I understood the chairman of the committee [Mr. WILLIS] to say that he would give way if any gentleman had any amendment to offer.

Mr. WILLIS. I move that the committee rise and report the bill and amendments favorably to the House.

Mr. EVERHART. I desire to be heard on this bill.

Mr. WILLIS. I believe I have the floor.

The CHAIRMAN. The gentleman from Kentucky [Mr. WILLIS] was recognized.

Mr. WILLIS. Yes, sir; and I made a motion which I believe is pending.

The CHAIRMAN. The gentleman from Kentucky moves that the committee do now rise——

Mr. SPOONER. I rise to a parliamentary inquiry. Is not the motion to strike out the last word in order while the bill is under consideration under the five-minute rule? In other words, can the committee rise and report the bill to the House until the five-minute debate has been exhausted and until my proposed amendment is disposed of?

The CHAIRMAN. The Chair understands that if there is an amendment pending there ought to be action on that amendment.

Mr. WILLIS. I am sure the gentleman from Rhode Island [Mr. SPOONER] will not press his motion. As soon as the last section of the bill was read I rose, was recognized, and moved that the committee rise and report the bill and amendments favorably. There was no pending amendment. The gentleman from Rhode Island had not the floor. I think there can be no misunderstanding about this.

The CHAIRMAN. Did the gentleman from Rhode Island offer an amendment?

Mr. SPOONER. I moved to strike out the last word.

The CHAIRMAN. As the Chair understands the order of business and parliamentary law, when there is an amendment pending action on that amendment takes precedence of a motion that the committee rise.

Mr. WILLIS. There is no amendment pending.

The CHAIRMAN. The gentleman from Rhode Island states that he offered an amendment.

Mr. ROBERTSON (to Mr. WILLIS). Let him have five minutes; that will save time.

Mr. SPOONER. The consideration of the bill is not completed as long as any gentleman desires to offer an amendment. [A pause.] It has been suggested to me by a member of the committee that if I would be satisfied with five minutes during the hour which the chairman of the committee [Mr. WILLIS] will have after the call for the previous question that time may be yielded to me.

Mr. WILLIS. I will comply with that request if the gentleman makes it, but I hope he will not make it.

Mr. SPOONER. My only object in asking to address the House at this time——

Mr. WILLIS. I say to the gentleman that I will agree to his proposition if he asks it, but I hope he will not ask it.

The CHAIRMAN. The gentleman from Rhode Island is entitled to the floor for five minutes.

Mr. SPOONER. I want the committee and the House to understand distinctly the proposition which I desire to make. I wish when the proper time arrives to move to recommit this bill with instructions. I have sought five minutes now in order that I might briefly suggest to the committee my reasons for desiring to make this motion, the purpose of the motion, and, in brief, the instructions with which I desire that the bill be recommitted. If that opportunity will be conceded to me hereafter, and I shall lose no right by postponing my remarks and making the arrangement which I understand the chairman of the Committee on Rivers and Harbors suggests, I am willing to do so.

Mr. WILLIS. As the gentleman has already occupied a part of the time, I suggest that he had better finish his statement now.

Mr. SPOONER. Very good. I wish, then, simply to say——

Mr. KING. I rise to a question of order. Under what rules are we proceeding?

Mr. WILLIS. Under the rule of consent. I hope the gentleman from Rhode Island will be allowed to go on.

Mr. KING. The gentleman from Kentucky [Mr. WILLIS] moves that the committee rise, and then the gentleman from Rhode Island gets up and makes a speech. I do not understand under what rules we are proceeding.

The CHAIRMAN. The Chair will state for the information of the gentleman from Louisiana [Mr. KING] that the gentleman from Kentucky did move that the committee rise, but the gentleman from Rhode Island moved an amendment, and the Chair decided that he was entitled to five minutes to discuss it.

Mr. SPOONER. I hope, Mr. Chairman, that none of the time occupied by these interruptions has been taken out of my five minutes.

I had hoped that in the progress of the consideration of this bill some of the unworthy projects it contained might be eliminated. But so far as we have proceeded that hope seems to have been unfounded; and earnestly as I favor the improvement of our water ways and a reasonably liberal provision for the demands of commerce, I can not see my way to honorably and consistently vote for a bill containing such provisions as this one now does. The project looking toward the purchase by the Government of the works of the Green and Barren River Navigation Company and the works of the Monongahela Navigation Company, with the immense expense involved, yet remain in this bill.

The scheme for relieving the State of Ohio of the Muskingum River improvement, so called, with its locks and dams and canals, and loading that burden and its attendant great annual expense upon the General Government, yet remains in the bill.

Nearly $4,000,000 under the provisions of this bill are to be cast into the Mississippi, largely for the improvement of private property rather than for public benefit, with little if any promise of improving navigation or benefiting commerce.

There are other projects for appropriations contained in this bill which it seems to me are entirely unworthy, or disproportioned in cost to any benefit which may be expected from the work.

Now, Mr. Chairman, the Chief of Engineers has reported concerning the details of these river and harbor improvements; but the Secretary of War has submitted, as the amount which he considers ought to be appropriated for the improvement of rivers and harbors and incidental expenses concerning same, the gross sum of $10,176,920. And when the proper opportunity arrives I desire to move that this bill be recommitted to the Committee on Rivers and Harbors with instructions to report a bill appropriating that sum, to be expended under the direction of the Secretary of War, guided by the recommendations of the Chief of Engineers, being the total amount demanded by the Secretary of War, under whose supervision and charge all these improvements are, and to whose directions and responsibility I believe the proposed expenditure can, in existing circumstances, be most safely confided.

[Here the hammer fell.]

Mr. WILLIS. I move that the committee rise and report the bill back to the House with a favorable recommendation.

Mr. EVERHART. I move to amend that motion by inserting the word "not," so it will read, "that the committee rise and report the bill back to the House with the recommendation that it do not pass."

Mr. SPOONER. I withdraw my *pro forma* amendment.

Mr. EVERHART. Mr. Chairman, it is proper to commend the liberal conduct of the committee in the House; but, without disparaging their motives or their labors, we may not be indifferent to the defects of the measure they have introduced. The report is but a syllabus, with brief statement and scant argument; alludes to the engineer's estimates and some local demands only to say they were not complied with; admits some errors, deprecates criticism, and in some part disarms it. But the appropriations are remarkable for their number, diversity, and amount.

It appears that no spot or object is too grand or too insignificant to be ignored. The salt water and the fresh, the seacoast and the tow-path, the banks of the great lakes and the beds of little streams, leveed cities and sinecure ports, shoals where the mussels bury, and sloughs like, perhaps, "that Serbonian bog, where armies whole have sunk," receive in various degrees the care and bounty of the bill. And yet it is clear that the distribution is not always equitably averaged and applied.

Fifteen millions of dollars is "a good round sum" to be taken from the public purse; and yet this committee

> "The Gordian knot of it will unloose,
> Familiar as their garter."

They pour it out with the exuberance and generosity of some high power; and it falls upon the favored places as freely as the golden shower of Jupiter on Danae. Nor is the sum in every instance directed by adequate importance or necessity. It is unrestricted by unpronounceable names, by obscurity of situation, by dearth of water, by mass of obstruction, by difficulty of distance, or by lack of people.

Bayous are to be improved where the alligator wallows and the pelican feeds; and inlets where King Frost holds his carnival in palaces of ice; and shores which seem as remote and fabulous as those of Calypso or Atlantis.

There is nothing, Mr. Chairman, which seems too incredible to be embraced within the limits of this bill. [Applause.]

The CHAIRMAN. The gentleman's time has expired.

Mr. BRUMM. If the Chair will recognize me I will take the floor and yield my time to the gentleman from Pennsylvania.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri.

Mr. STONE, of Missouri. I will take the floor and yield my time to the gentleman from Pennsylvania.

Mr. WILLIS. I move, Mr. Chairman, the committee rise.

Mr. DUNHAM. The gentleman from Missouri [Mr. STONE] has yielded his time to the gentleman from Pennsylvania.

Mr. WILLIS. I object; I have moved that the committee rise. I will give the time to the gentleman from Pennsylvania afterward.

Mr. O'NEILL, of Pennsylvania. There must be some way in which my colleague can have an opportunity to conclude his remarks.

Mr. WILLIS. My object is to give the gentleman time in the way prescribed by the rules.

Mr. CUTCHEON. What is the regular order at this time?

The CHAIRMAN. The Chair will state the business of the House.

Mr. DUNHAM. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DUNHAM. My point of order is that the Chair recognized the gentleman from Missouri, who took the floor and yielded his time to the gentleman from Pennsylvania. My point is that the gentleman from Pennsylvania is now entitled to the floor.

Mr. WILLIS. If the gentleman will hear me for a moment, there is no room for any division of sentiment on the question. The rules provide that five minutes shall be allowed in support of an amendment, and then without unanimous consent there can be no further debate until five minutes shall be occupied in opposition to it.

I simply propose to move that the committee rise for the purpose of limiting debate to five minutes, with the intention of yielding that time to the gentleman from Pennsylvania. I shall ask unanimous consent, if necessary, that five minutes' time be granted to the gentleman from Pennsylvania, with the understanding that that will close the debate upon this section and amendments thereto.

Mr. DUNHAM. I ask for a ruling on the point of order I have made.

The CHAIRMAN. The gentleman from Illinois asks for a ruling upon the point of order, and the Chair is ready to rule upon it. The Chair recognized the gentleman from Pennsylvania [Mr. EVERHART], who consumed five minutes in support of his amendment. The gentleman from Missouri [Mr. STONE] then took the floor, having been recognized by the Chair. He yielded his time to the gentleman from Pennsylvania, who is now entitled to the five minutes additional by unanimous consent of the House, because it requires unanimous consent of the House to give him ten minutes.

Mr. WILLIS. I object, for the reason that I shall give the gentleman five minutes after the debate is limited.

Mr. DUNHAM. But the gentleman from Missouri wants five minutes also.

The CHAIRMAN. The Chair will submit the request to the House. Is there objection to allowing the gentleman from Pennsylvania five minutes' additional time?

Mr. REAGAN. I object.

Mr. WILLIS. I now ask that by unanimous consent the debate upon this section and all amendments thereto be limited to five minutes; intending to yield that time to the gentleman from Pennsylvania.

Mr. PERKINS. But the gentleman from Missouri wants five minutes also.

Mr. WILLIS. Then I will ask to make it ten minutes, and yield him five.

Mr. REED, of Maine. Upon what question was the gentleman from Pennsylvania addressing the committee?

The CHAIRMAN. Upon an amendment offered by him.

Mr. REED, of Maine. It was that the bill be laid aside to be reported adversely to the House, as I understand it.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Pennsylvania.

Mr. EVERHART. My amendment was that the bill be reported adversely instead of favorably.

The CHAIRMAN. The gentleman will send up his amendment.

Mr. REED, of Maine. I suggest to the Chair that the five-minute rule does not apply to the amendment of the gentleman from Pennsylvania.

Mr. BAYNE. By way of simplifying this matter, as it is not necessary to wait for the amendment to be written, I will state that the amendment of my colleague is that the bill be reported back adversely. The proposition of the gentleman from Kentucky was that it be reported favorably. My colleague moved as an amendment that it be reported unfavorably.

Mr. CUTCHEON. It was to insert the word "not" before the word "favorably" in the motion of the gentleman from Kentucky.

The CHAIRMAN. The gentleman from Kentucky [Mr. WILLIS] now asks unanimous consent that the time for debate on this paragraph of the bill and all amendments be limited to ten minutes. Is there objection?

There was no objection, and it was so ordered.

Mr. WILLIS. I now yield five minutes of that time to the gentleman from Pennsylvania [Mr. EVERHART].

The CHAIRMAN. The gentleman is entitled, by unanimous consent, to five minutes, and after the expiration of five minutes more, which the Chair understands is to be yielded to the gentleman from Missouri, making ten minutes in all, the debate is closed.

Mr. EVERHART. Mr. Chairman, I was saying that the scope and purpose of the bill are extraordinary. Every sort of information and construction seems to have been employed in order to extend this committee's jurisdiction. Channels, beset with mud or rocks or rapids, are to be deepened or widened, without the ultimate possibilities of commerce. Canals are to be bought, or built, or seized, or accepted, and tunnels are to be pierced, bridges to be sprung, dikes and dams to be constructed, for the apparent relief of particular States or riparian owners. Enormous experiments, which hitherto have failed, are to be repeated with aggravated cost on the "Father of Waters," with no assurance of better benefits to navigation.

So the bill orders which is now before us. Such is this unpretentious roll, which refers to places which no gazetteer has ever mentioned; to a nomenclature which no polyglot lexicon can explain; and to regions of climatic variations with which no signal bureau corresponds. [Laughter and applause.] And though this simple pamphlet be not as elegant as those which had the *imprimatur* of the Elzevirs, or the binding of Baskerville; though it be not as rare as some Palimpsests of the Vatican; nor as interesting as the "Splendid Shilling," or the "Adventures of a Guinea," yet it is loaded with colossal figures which no bank ledger can exhibit; its pages glistering with treasures; and its every sentence a promise of gold. But let us not be seduced. [Applause.] Let us not yield to the temptation, lest, like the roll in the prophetic vision, it be written between the lines, "within and without, with lamentations and woe," which, if we swallow, may not be to us as to Ezekiel, as sweet as honey in the inner man.

Mr. STONE, of Missouri. Mr. Chairman, I can not vote for this bill. I desire briefly to explain why I can not do so. The bill appropriates $15,000,000 to improve the rivers and harbors of the country. It is not the amount I object to, but the application of it. To my mind the proposed appropriation would be a waste of the public moneys. There is nothing for which I would more cheerfully vote the most liberal appropriations than for the improvement of our great rivers and important harbors. Appropriations of this character should be made for the purpose of improvement, and not for the mere purpose of expenditure; and the improvement itself should be made only where the work is national in its character and beneficial in some broad sense to the commerce of the country, and not for the purpose of serving some personal end or advancing some local interest. Take harbors like those at Boston, New York, Baltimore, Savannah, Charleston, Galveston, San Francisco, Chicago, and others, where the commerce of this and other countries is brought by land and sea and accumulates, seeking transportation abroad or to the interior, and I can see the commanding necessity for expending whatever sums are necessary for putting such harbors and the approaches to them in the highest state of improvement.

Take the Ohio, Missouri, and Mississippi Rivers, pouring their floods down through half the States of the Union, with half the very largest cities in the country upon their banks, and furnishing to half our commerce a broad natural track-way to the sea, and I can understand the importance and the wisdom of expending whatever sums may be necessary, almost without regard to limit, in improving and perfecting navigation on their waters. But those improvements ought to be made with some sort of system, with a view to completion and of achieving some positive and permanent effect.

Five hundred thousand dollars expended on the Missouri River is $500,000 thrown away. It would present the paradox of niggardly extravagance. It would result in no practical good to the commerce of the Missouri Valley. I would cheerfully vote to appropriate five millions for the improvement of that river, or whatever sum might be necessary to make it what it can be and ought to be made. And so with all these great rivers and harbors. I believe in doing the work thoroughly and in a manner commensurate with its importance. It can not all be done in a day or a year, nor all done at once. But the work should be begun and prosecuted upon some plan which contemplates permanency and completion, and the appropriations should be made and applied with that end in view. Cheap transportation is one of the crying needs of the hour. There is no disguising the fact that the profits of production are absorbed in the extortions incident to interior transportation. I believe the remedy lies, to a very great extent, in putting our great navigable rivers in such condition as to make them in fact the highways of commerce. But, sir, no good is accomplished for commerce or the people by making inadequate appropriations for these important streams such as that proposed in this bill, which gives to such rivers as the Missouri and the Ohio the pittance of $500,000, to be scattered for hundreds and thousands of miles along those streams in constructing insufficient works, temporary in character, resulting in no present good and utterly without practical value. It is simply a waste of public money. I can think of nothing that would justify it.

Unless the people interested in these great enterprises are strong enough to put men in Congress who will take high ground on this subject, and make the improvement of these waters truly a national work, to be inaugurated and carried forward on a scale equal to the demands of such a work, then I see no hope of making these waters useful to the commerce of the country. I am told it can not be done now. I am given to understand that a reasonable and sensible river and harbor appropriation bill would be an impracticable and altogether hopeless measure of legislation. I am given to understand that before Representatives in Congress will vote for a great national work of vital importance to millions of people, or will vote for any river and harbor appropriation whatever, they must have some inducement offered them in the form of an appropriation for their own immediate districts or neighborhoods.

Can it be possible, sir, that we are here to take part in a great national grab-game? Is it the lofty mission of Senators and Members in Congress to struggle with each other to see who can be most adroit and successful in getting money out of the Treasury under the vicious notion and false pretense of benefiting their respective constituencies? Mr. Chairman, that is a low and brutal estimate of public morals and public duty. How vastly better would it be to reduce taxation wherever it can be done, economize in expenditures, protect the Treasury, and employ the public revenues only in advancing those interests which are national in their character, without regard to section or whether it especially benefits your or my peculiar locality. At all events I am determined not to be a party to this game of grab. Without desiring to be offensive, for I am sure I would greatly regret it if I thought I had been, I can not characterize this proposed bill otherwise than as a monstrosity. It certainly ought to be put into the libraries of the countries, made a part of the curriculum of the schools, and respectfully recommended to the Civil Service Commission, for it embodies a great deal of information, most valuable if true, about the rivers and harbors of this country, not contained in any geography now known to mankind. The rising generation ought not to grow up, as their fathers have, in ignorance of the fact that there are some two hundred great navigable water ways in the United States and as many more important harbors along our coasts. This is certainly a marvelous country, whose wonders never cease.

Mr. Chairman, I shall be astonished if this bill commands the approval of the House, though out of the four hundred rivers, harbors, bayous, and creeks provided for I suppose a large majority of the members on this floor, in the classic language of the gentleman from Iowa [Mr. HEPBURN], "have pork in the barrel." As I have said, there are many harbors I would gladly vote needful appropriations and liberal appropriations to improve; but when I am invited to appropriate public moneys to improve everything called a harbor, whether on the lakes or the salt seas, from Pentwater, Michigan (wherever that pent-up Utica may be), by way of Moosabec Bar in Maine, Biloxi Bay in Mississippi, to Blue Buck Bar in Texas, my courage is not equal to the task. I might be induced to help out the channel between Staten Island and the New Jersey shore; but when I am asked to pour $75,000 into Maurice, Passaic, and Raritan Rivers (?) in New Jersey, I feel like the amiable gentleman from that State [Mr. MCADOO], who, a few days since, went shivering along the banks of the romping Gasconade. It would afford me genuine satisfaction to extend a helping hand to the harbor at Baltimore; but when it comes to Choptank River and Corsica Creek, I blush for "my Maryland."

I could conscientiously vote a reasonable appropriation for the James River, but when it comes to expending $8,000 for improving New River (I observe there are a great many new rivers in this bill) "between the lead mines in Wythe County and the mouth of Wilson's Creek," I must go back on the Old Dominion, *sic semper tyrannus* and all. I am heartily in favor of Charleston Harbor, but when it comes to Wappoo Cut and Mosquito Creek I hesitate. And so it is through all the States and Territories of the Union. I can not support such a bill. In my judgment, the best and wisest thing to do is to reject such legislation. In the way of practical results this immense expenditure would accomplish substantially nothing, so far as benefiting the general commerce of this country is concerned, but would be extravagant, wasteful, and demoralizing. I shall vote against it; I hope it will be defeated; and I shall wait impatiently for a better day for better results.

The CHAIRMAN. The gentleman from Kentucky [Mr. WILLIS] moves that the committee rise and report the bill back with the amendments and with a favorable recommendation. The gentleman from Pennsylvania [Mr. EVERHART] moves to amend that motion by striking out the word "favorable" and inserting the word "adverse."

The amendment was disagreed to.

The CHAIRMAN. The question recurs on the motion of the gentleman from Kentucky.

Mr. HEPBURN. I presume that is not intended to cut off the amendments on certain questions which it was understood should be submitted for a vote in the House.

Mr. WILLIS. Not at all.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MCCREARY reported that the Committee of the Whole on the state of the Union, having had under consideration the bill (H. R. 7480) making appropriation for the construction, repair, and preservation of

certain public works on rivers and harbors, and for other purposes, had directed him to report the same back with sundry amendments, with the recommendation that as amended the bill do pass.

Mr. WILLIS. There are two or three verbal amendments which the committee are willing should be submitted. There is also an amendment at line 685, under the head of "Tombigbee River," which the gentleman from Mississippi [Mr. ALLEN] kindly refrained from offering. It is an amendment which the committee do not assent to, but I agreed to a vote in the House, inasmuch as the gentleman did not press it in the committee.

The SPEAKER. Unless by unanimous consent, the question must first be put on the amendments reported by the Committee of the Whole. Is there objection to the amendments indicated by the gentleman from Kentucky being offered and considered pending?

Mr. HOLMAN. It was also understood that the amendment with reference to the Mississippi River Commission should be considered as pending.

Mr. WILLIS. Yes; and the amendments of the gentleman from Iowa [Mr. HEPBURN].

The SPEAKER. The Clerk will report the amendment which has just been sent to the desk.

Mr. NEECE. I desire also to have an amendment considered pending.

Mr. WILLIS. The gentleman from Illinois [Mr. NEECE] was absent enrolling bills and I consented to admit his amendment for a vote, but the committee do not agree to it.

The Clerk read the following proposed amendments:

By Mr. ALLEN, of Mississippi:
In line 685, strike out "$25,000" and insert "$40,000."
In line 687, strike out "$10,000" and insert "$25,000."
In line 687 insert "and $5,000 to be expended between Fulton and Walker's bridge."

Mr. WILLIS. Those are the amendments offered by the gentleman from Mississippi [Mr. ALLEN], to which the committee do not agree.

By Mr. HUDD:
In line 306, amend by inserting after the word "wharfage" the words "over the Government piers;" so that it will read:
"But no part of said sum is to be expended until the wharfage over the Government piers at that port shall be made free."
By Mr. BRECKINRIDGE, of Arkansas:
Amend lines 782 and 783, section 1, by striking out the words "Fort Gibson" and inserting the words "Little Rock, Ark.;" and after the word "Wichita" add the word "Kansas;" so that it will read:
"Shall be used to complete the survey of the Arkansas River between Little Rock, Ark., and Wichita, Kans."
By Mr. DUNHAM:
After line 34, section 13, insert: "Calumet River, from the forks of the river near its entrance into Lake Calumet to Riversdale."
Also insert: "Calumet River, from Riversdale to Blue Island."
Also insert: "Mississippi River at Rush Island Bend and Ivy Landing, with a view to confining and deepening the channel."
By Mr. NEECE:
Add at the end of line 1101 the following: "The sum of $25,000 shall be expended in strengthening and repairing the levees on the east side of the Mississippi River, between Warsaw and Quincy, Ill."

Mr. WILLIS. It was agreed to have a vote on the amendment offered by the gentleman from Iowa to the paragraph in relation to the Mississippi improvement, and also on one proposed by the same gentleman to strike out the item relating to Galveston Harbor, and also on one proposed by the gentleman from Indiana [Mr. HOLMAN] with reference to the Mississippi River improvement.

The Clerk read the amendments indicated, as follows:

By Mr. HEPBURN:
On page 9, strike out lines 205 and 206, as follows:
"Improvement of entrance to Galveston Harbor, Texas: Continuing improvement, $400,000."
In lines 1122 and 1123, strike out the words "in accordance with the plans, specifications, and recommendations of the Mississippi River Commission" and insert "without intervention of the Mississippi River Commission."

By Mr. HOLMAN:
Insert after the word "commission," in line 1123, the following:
"*Provided*, That the money appropriated by this act for the improvement of the Mississippi River from the Head of the Passes to the mouth of the Ohio River, except so much thereof as it shall be necessary to expend in preventing the works in progress on other portions of the river from waste and injury, shall be expended in the continuation and completion of the works on the Plum Point and Lake Providence reaches of the river, now in progress of improvement, as established by the Mississippi River Commission, to the end that the proposed improvement of said two reaches of the river on which the works are in progress shall be completed at an early day, and the plan of said commission for the improvement of the navigation of the river fully tested."

Mr. GROSVENOR. I hope the chairman of the committee will allow me to state in a few simple words the grounds on which I oppose the amendment in reference to the Muskingum River.

Mr. WILLIS. I respectfully ask my colleague not to insist upon that. The question was fully debated.

Mr. GROSVENOR. Very well.

Mr. SPOONER. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SPOONER. At what stage will the motion to recommit with instructions be in order?

The SPEAKER. The rules of the House prescribe that a motion to recommit either with or without instructions may be made when the question is on the final passage of the bill, even although the previous question has been ordered. At all times when a bill is under consideration and the previous question has not been demanded or ordered, such a motion is in order under the practice of the House and general parliamentary law.

The previous question was ordered.

Mr. SPOONER. Will it be in order after the amendments are disposed of to recommit with instructions?

The SPEAKER. The Chair has just stated it is in order at any time when a bill is under consideration and the previous question is not asked or pending to move to recommit the bill with or without instructions, and under a special rule of the House it is in order to make that motion even when the previous question is pending on the final passage of the bill.

Unless a separate vote is demanded on any of the amendments the Chair will put the question on the amendments in gross.

Mr. HOLMAN. I shall ask for separate votes on the amendments in relation to the Muskingum River, the Monongahela River, and the Green and Barren Rivers of Kentucky.

Mr. BAYNE. I demand a separate vote upon the proposition of the gentleman from Texas [Mr. REAGAN] in relation to the Monongahela, as amended by the gentleman from Kentucky [Mr. BRECKINRIDGE].

Mr. BRECKINRIDGE, of Kentucky. I was under the impression that that amendment had been voted down.

Mr. REAGAN. The amendment offered by myself and the one offered by the gentleman from Kentucky [Mr. BRECKINRIDGE] were rejected on the motion of the gentleman from West Virginia [Mr. WILSON].

The SPEAKER. If there be no further call for separate votes, the Chair will put the question to the House upon all the amendments except those indicated to be voted on separately.

Mr. WILLIS. I understand the Chair to refer to the amendments adopted in Committee of the Whole, not to those offered here this morning.

The SPEAKER. The question is on the amendments recommended by the Committee of the Whole on the state of the Union, except those upon which separate votes are to be taken.

The amendments were agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

On page 35 of the bill strike out from line 835 to line 855, inclusive, and insert:
"The Secretary of War is hereby authorized and directed to negotiate for the purchase of the works of the Green and Barren River Navigation Company, situated on the Green and Barren Rivers, in the State of Kentucky, and the works of the Monongahela Navigation Company, situated on the Monongahela River, in the State of Pennsylvania; and in order to ascertain the value of said works the Secretary of War shall appoint a commission of three competent engineers from the Engineer Corps of the United States Army, who in each case shall value and appraise the same and report to the Secretary of War, who shall report to Congress at its next succeeding session; and the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated for the purposes of this provision: *Provided*, That nothing herein shall be construed as committing Congress to the purchase of said works."

The question was taken on agreeing to the amendment, and the Speaker stated that the ayes seemed to have it.

Mr. HOLMAN. I ask for a division.

The House divided; and there were—ayes 93, noes 26.

Mr. HOLMAN. No quorum has voted.

The SPEAKER. The point is made that no quorum has voted. The Chair will appoint to act as tellers the gentleman from Indiana, Mr. HOLMAN, and the gentleman from Kentucky, Mr. WILLIS.

The House again divided; and the tellers reported—ayes 124, noes 42.

Mr. NEECE. I call for the yeas and nays.

The question was taken on ordering the yeas and nays, and 23 members voted in the affirmative.

Mr. STORM. I demand tellers on ordering the yeas and nays.

Tellers were not ordered, and the yeas and nays were not ordered. So the amendment was agreed to.

The Clerk read as follows:

Strike out in lines 864, 865, 866, and 867 as follows:
"Subject to the conditions in the act of the General Assembly of the State of Ohio which took effect on the 2d day of May, 1885."

Mr. HOLMAN. Mr. Speaker, when I asked for a separate vote on the Muskingum River amendment I was under the impression that this was the one. I find it is not. It was not my purpose to have a separate vote on this.

The SPEAKER. A vote must be had on it now, at any rate, because it was excluded from those voted upon in gross.

The amendment was agreed to.

Mr. GROSVENOR. There is another amendment relating to the Muskingum River improvement on which a separate vote is to be taken, and I wish to vote against it.

The Clerk read as follows:

At the end of line 837 insert the following:
"*Provided*, That the custody and ownership of said Muskingum River improvement shall be vested in the United States without condition; and the foregoing provision shall not take effect until the State of Ohio shall duly consent to this provision."

The question was taken on agreeing to the amendment; and the Speaker announced that the ayes seemed to have it.

Mr. GROSVENOR. I ask for a division.

The House divided; and there were—ayes 35, noes 45.

Mr. REAGAN. No quorum has voted. I ask that the amendment be read again.

The SPEAKER. The gentleman from Texas [Mr. REAGAN] makes the point that no quorum has voted, and asks that the amendment be again read. If there be no objection, the clerk will again report the amendment.

The Clerk read the amendment.

The SPEAKER. The Chair will appoint as tellers the gentleman from Texas [Mr. REAGAN] and the gentleman from Ohio [Mr. GROSVENOR].

The House again divided; and the tellers reported—ayes 49, noes 70.

Mr. REAGAN. Mr. Speaker, I withdraw the demand for a quorum.

So the amendment was rejected.

The SPEAKER. The Clerk will now report the first amendment proposed to-day by gentlemen on the floor. Unless a separate vote is demanded upon some of the amendments offered this morning the vote will be taken in gross.

Mr. WILLIS. I will ask a separate vote on the amendment offered by the gentleman from Illinois [Mr. NEECE] and on the amendment offered by the gentleman from Mississippi [Mr. ALLEN] in relation to the Tombigbee River.

Mr. HEPBURN. I ask a separate vote on my amendment.

Mr. HOLMAN. I ask a separate vote on the amendment in relation to the Mississippi River.

The SPEAKER. Does the gentleman refer to the amendment offered by the gentleman from Iowa [Mr. HEPBURN]?

Mr. HOLMAN. No, sir; I refer to the one offered by myself.

The SPEAKER. The question then is on agreeing to the other amendments which have been read, excluding those upon which separate votes are demanded.

Mr. REAGAN. Mr. Speaker, is the amendment in regard to the appropriation for the harbor of Galveston pending?

The SPEAKER. It is. There is a motion pending to strike out the lines making the appropriation. Does the gentleman desire a separate vote upon that?

Mr. REAGAN. I do.

The SPEAKER. The question is now on agreeing to all the amendments excepting those on which separate votes have been demanded.

The question being taken, the amendments were agreed to.

The SPEAKER. The Clerk will now report the first amendment on which a separate vote has been demanded.

The following amendment (offered by Mr. ALLEN, of Mississippi) was read:

In line 685, strike out "twenty" and insert "forty;" in line 687 strike out "ten" and insert "twenty-five;" after line 687 insert "and $5,000 to be expended between Fulton and Walker's Bridge;" so that the paragraph will read:

"Improving Tombigbee River, Alabama and Mississippi: Continuing improvement, $45,000; to be expended below Vienna, $15,000; and between Vienna and Fulton, $25,000; and $5,000 to be expended between Fulton and Walker's bridge."

Mr. ALLEN, of Mississippi. I desire to make a statement in regard to this amendment.

The SPEAKER. It is not debatable.

Mr. ALLEN, of Mississippi. I am not going to debate it.

The SPEAKER. But the previous question has been ordered by the House, which cuts off everything in the nature of debate except by unanimous consent.

Mr. ALLEN, of Mississippi. I was about to ask unanimous consent; but before doing so I desire to state the circumstances of the case. [Laughter.]

The SPEAKER. The gentleman from Mississippi asks unanimous consent to address the House upon this amendment.

Mr. WILLIS. I hope consent will be given.

The SPEAKER. Is there objection?

Mr. BRAGG. I object.

Mr. ALLEN, of Mississippi. I think if the gentleman from Wisconsin [Mr. BRAGG] understood the circumstances under which debate on this amendment was cut off he would not object to my making a few remarks upon the proposition at this time.

Mr. WILLIS. I hope my friend from Wisconsin will, as a matter of fair play, allow the gentleman from Mississippi to be heard.

Mr. BRAGG. If we are to allow debate in this way I do not know when we can get through the consideration of this bill.

Mr. WILLIS. This section was passed with the consent, very kindly given, of the gentleman from Mississippi——

Several MEMBERS. Regular order.

The SPEAKER. The regular order is demanded. The question is on agreeing to the amendment.

The question being taken, there were—ayes 68, noes 71.

Mr. ALLEN, of Mississippi. I call for tellers.

Mr. HOLMAN. There was no quorum voting.

Tellers were ordered; and Mr. ALLEN, of Mississippi, and Mr. WILLIS were appointed.

The House again divided; and the tellers reported—ayes 41, noes 76.

The SPEAKER. Does the gentleman from Indiana [Mr. HOLMAN] insist further upon the point that no quorum voted?

Mr. HOLMAN. I do not.

The SPEAKER. The amendment is not agreed to.

Mr. ALLEN, of Mississippi. I desire unanimous consent to print in the RECORD the remarks I would have made on this subject, and which I have no doubt would have been convincing to the House; and I also ask leave to insert "applause" at appropriate places. [Laughter.]

The SPEAKER. The gentleman from Mississippi asks unanimous consent to print in the RECORD some remarks on this subject. If there be no objection that leave will be granted.

There was no objection.

The SPEAKER. The Clerk will now read the next amendment on which a separate vote has been demanded.

The following amendment (offered by Mr. HOLMAN) was read:

After the word "commission," in line 1123, insert the following:

"*Provided*, That the money appropriated by this act for the improvement of the Mississippi River from the Head of the Passes to the mouth of the Ohio River, except so much thereof as it shall be necessary to expend in preventing the works in progress on other portions of the river from waste and injury, shall be expended in the continuation and completion of the works on the Plum Point and Lake Providence reaches of the river, now in progress of improvement as established by the Mississippi River Commission, to the end that the proposed improvement of said two reaches of the river on which the works are in progress shall be completed at an early day and the plan of said commission for the improvement of the navigation of the river fully tested."

The SPEAKER (having put the question). In the opinion of the Chair, the amendment is not agreed to.

Mr. HOLMAN. It was agreed in Committee of the Whole that a yea-and-nay vote should be taken on this proposition.

Mr. KING. No, sir.

The SPEAKER. Of course that agreement does not bind the House. If the gentleman demands the yeas and nays the Chair will put the question on ordering them.

Mr. HOLMAN. I do.

The SPEAKER. The gentleman from Indiana demands the yeas and nays on this amendment, and states that there was an agreement in the Committee of the Whole House on the state of the Union that the yeas and nays should be taken.

Mr. KING. There was no such agreement.

The question being taken on ordering the yeas and nays they were ordered, 48 members voting in favor thereof.

The question was taken; and there were—yeas 134, nays 112, not voting 76; as follows:

YEAS—134.

Adams, G. E.	Ermentrout,	Laird,	Price,
Allen, C. H.	Evans,	Landes,	Randall,
Allen, J. M.	Everhart,	Lawler,	Ranney,
Arnot,	Farquhar,	Lehlbach,	Reed, T. B.
Atkinson,	Felton,	Lindsley,	Reid, J. W.
Beach,	Findlay,	Little,	Rice,
Bennett,	Fleeger,	Long,	Rockwell,
Bingham,	Ford,	Lore,	Romeis,
Bliss,	Fuller,	Lowry,	Rowell,
Blount,	Funston,	Mahoney,	Ryan,
Bound,	Geddes,	Matson,	Sessions,
Boutelle,	Gilfillan,	McAdoo,	Skinner,
Boyle,	Goff,	McComas,	Smalls,
Bragg,	Green, R. S.	Merriman,	Sowden,
Brown, C. E.	Grout,	Millard,	Spooner,
Brown, W. W.	Halsell,	Millikin,	Spriggs,
Buck,	Harmer,	Morrill,	Springer,
Burrows,	Hayden,	Morrow,	Steele,
Butterworth,	Haynes,	Muller,	Storm,
Bynum,	Hemphill,	Nelson,	Strait,
Campbell, Felix	Henderson, J. S.	Oates,	Struble,
Campbell, J. M.	Hepburn,	O'Hara,	Swope,
Campbell, J. E.	Hewitt,	O'Neill, Charles	Taylor, I. H.
Campbell, T. J.	Hiestand,	Osborne,	Thomas, O. B.
Cobb,	Hires,	Owen,	Van Schaick,
Conger,	Hiscock,	Payne,	Wadsworth,
Cooper,	Hitt,	Payson,	Walt,
Cowles,	Holman,	Perkins,	Wakefield,
Cutcheon,	James,	Peters,	Ward, J. H.
Dargan,	Johnson, F. A.	Pettibone,	Ward, T. B.
Dingley,	Johnston, T. D.	Phelps,	White, Milo
Dunham,	Kelley,	Pidcock,	Worthington.
Eden,	Ketcham,	Pindar,	
Ely,	La Follette,	Plumb,	

NAYS—112.

Baker,	Compton,	Heard,	McKenna,
Ballentine,	Cox,	Henderson, T. J.	McMillin,
Barksdale,	Crisp,	Herbert,	McRae,
Barnes,	Croxton,	Herman,	Miller,
Barry,	Daniel,	Hill,	Mills,
Bayne,	Davidson, A. C.	Hopkins,	Moffatt,
Blanchard,	Davidson, R. H. M.	Houk,	Morgan,
Bland,	Dawson,	Howard,	Morrison,
Brady,	Dibble,	Hudd,	Murphy,
Breckinridge, C. R.	Dockery,	Hutton,	Neal,
Breckinridge, W. C. P.	Dowdney,	Irion,	Neece,
Burleigh,	Dunn,	Jackson,	O'Neill, J. J.
Cabell,	Eldredge,	Jones, J. H.	Peel,
Caldwell,	Elsberry,	Jones, J. T.	Reagan,
Candler,	Gay,	King,	Reese,
Carleton,	Glass,	Laffoon,	Richardson,
Catchings,	Grosvenor,	Lanham,	Riggs,
Clardy,	Hale,	Markham,	Robertson,
Clements,	Hall,	Martin,	Rogers,
Cole,	Harris,	Maybury,	Sadler,
Comstock,	Hatch,	McCreary,	Sayers,

Scott,	Stone, E. F.	Viele,	Wheeler,
Seney,	Stone, W. J., Ky.	Wade,	Wilkins,
Singleton,	Stone, W. J., Mo.	Warner, William	Willis,
Stahlnecker,	Taylor, J. M.	Weaver, J. B.	Wilson,
Stephenson,	Taylor, Zach.	Weber,	Winans,
Stewart, Charles	Turner,	Wellborn,	Wolford,
St. Martin,	Van Eaton,	West,	Woodburn.

NOT VOTING—76.

Adams, J. J.	Dorsey,	Le Fevre,	Snyder,
Aiken,	Dougherty,	Libbey,	Stewart, J. W.
Anderson, C. M.	Fisher,	Louttit,	Swinburne,
Anderson, J. A.	Foran,	Lovering,	Symes,
Barbour,	Forney,	Lyman,	Tarsney,
Belmont,	Frederick,	McKinley,	Taulbee,
Browne, T. M.	Gallinger,	Mitchell,	Taylor, E. B.
Brumm,	Gibson, C. H.	Negley,	Thomas, J. R.
Buchanan,	Gibson, Eustace	Norwood,	Thompson,
Bunnell,	Glover,	O'Donnell,	Throckmorton,
Burnes,	Green, W. J.	O'Ferrall,	Tillman,
Cannon,	Guenther,	Outhwaite,	Townshend,
Caswell,	Hammond,	Parker,	Trigg,
Collins,	Hanback,	Perry,	Tucker,
Crain,	Henderson, D. B.	Pirce,	Warner, A. J.
Culberson,	Henley,	Sawyer,	Weaver, A. J.
Curtin,	Holmes,	Scranton,	White, A. C.
Davenport,	Johnston, J. T.	Seymour,	Whiting,
Davis,	Kleiner,	Shaw,	Wise.

So the amendment was agreed to.

During the roll-call,

Mr. WILLIS moved by unanimous consent the reading of the names be dispensed with.

Mr. KING objected.

The following pairs were announced from the Clerk's desk:

Mr. ANDERSON, of Ohio, with Mr. THOMPSON, on all political questions; also on the river and harbor bill. If present, Mr. THOMPSON would vote for the bill and Mr. ANDERSON against it.

Mr. KLEINER with Mr. JOHNSTON, of Indiana, upon all political questions for this day. If present, Mr. KLEINER would vote for the river and harbor bill and Mr. JOHNSTON, of Indiana, would vote against it.

Mr. FREDERICK with Mr. DAVIS, on all political questions for this day. If present, Mr. FREDERICK would vote "no" on the river and harbor bill and Mr. DAVIS would vote "ay."

Mr. MITCHELL with Mr. ARNOT on the river and harbor bill. If present Mr. MITCHELL would vote for the bill and Mr. ARNOT against it.

Until further notice:

Mr. TARSNEY with Mr. CASWELL.

Mr. FORAN with Mr. SCRANTON.

Mr. GIBSON, of West Virginia, with Mr. PIRCE.

Mr. TOWNSHEND with Mr. GALLINGER.

Mr. NORWOOD with Mr. O'DONNELL.

Mr. CURTIN with Mr. NEGLEY.

Mr. OUTHWAITE with Mr. PARKER.

Mr. BURNES with Mr. BUCHANAN.

Mr. CRAIN with Mr. STEWART, of Vermont.

Mr. CULBERSON with Mr. MCKINLEY.

Mr. FORNEY with Mr. BUNNELL.

Mr. COLE with Mr. THOMAS, of Illinois.

Mr. FISHER with Mr. BROWNE, of Indiana.

Mr. GREEN, of North Carolina, with Mr. ANDERSON, of Kansas.

Mr. WARNER, of Ohio, with Mr. DAVENPORT, until Friday, May 7.

Mr. GLOVER with Mr. DORSEY, on all political questions, until Monday next.

For this day:

Mr. EZRA B. TAYLOR with Mr. TUCKER, on all questions.

Mr. THROCKMORTON with Mr. LIBBEY.

Mr. HAMMOND with Mr. HOLMES.

Mr. O'FERRALL with Mr. HANBACK.

Mr. GIBSON, of Maryland, with Mr. LYMAN.

Mr. ADAMS, of New York, with Mr. HENDERSON, of Iowa.

Mr. BELMONT with Mr. WEAVER, of Nebraska.

Mr. WISE with Mr. WHITING.

Mr. PERRY with Mr. CANNON.

The vote was then announced as above recorded.

Mr. HOLMAN moved to reconsider the vote by which the amendment was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The question next recurred on the following amendment adopted on motion of Mr. NEECE:

The Clerk read as follows:

Add at the end of line 1101 the following:

"The sum of $25,000 shall be expended in strengthening and repairing the levees on the east side of the Mississippi River between Warsaw and Quincy, Ill."

The amendment was disagreed to.

The question next recurred on the following amendment adopted by the committee on motion of Mr. HEPBURN:

Strike out the following:

"Improvement of entrance to Galveston Harbor, Texas: Continuing improvement, $400,000."

The amendment was disagreed to.

The question next recurred on the following amendment adopted by the committee on motion of Mr. HEPBURN:

Strike out, in lines 1122 and 1123, these words: "In accordance with the plans, specifications, and recommendations of the Mississippi River Commission," and in lieu thereof insert "without the intervention of the Mississippi River Commission."

Mr. HEPBURN demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 127, nays 107, not voting 88; as follows:

YEAS—127.

Adams, G. E.	Dunham,	Ketcham,	Rice,
Allen, C. H.	Ely,	La Follette,	Robertson,
Atkinson,	Ermentrout,	Landes,	Rockwell,
Baker,	Evans,	Lehlbach,	Rowell,
Beach,	Everhart,	Little,	Ryan,
Bennett,	Findlay,	Long,	Scott,
Bingham,	Fleeger,	Mahoney,	Seney,
Bliss,	Ford,	McAdoo,	Sessions,
Blount,	Fuller,	McComas,	Skinner,
Bound,	Geddes,	Merriman,	Smalls,
Boutelle,	Goff,	Millard,	Sowden,
Boyle,	Green, R. S.	Milliken,	Spooner,
Bragg,	Grout,	Mills,	Spriggs,
Brown, C. E.	Guenther,	Morrill,	Springer,
Brown, W. W.	Hale,	Muller,	Storm,
Brumm,	Harmer,	Oates,	Strait,
Buck,	Hayden,	O'Hara,	Struble,
Burrows,	Haynes,	O'Neill, Charles	Swope,
Butterworth,	Henderson, J. S.	Osborne,	Taylor, I. H.
Bynum,	Hepburn,	Payne,	Thomas, O. B.
Cabell,	Hewitt,	Payson,	Viele,
Campbell, Felix	Hiestand,	Perkins,	Wadsworth,
Campbell, J. M.	Hill,	Peters,	Wait,
Campbell, J. E.	Hires,	Pettibone,	Wakefield,
Campbell, T. J.	Hiscock,	Phelps,	Ward, J. H.
Cobb,	Hitt,	Pidcock,	Ward, T. B.
Conger,	Holman,	Pindar,	Weber,
Cooper,	Houk,	Plumb,	West,
Cowles,	James,	Price,	White, Milo
Cox,	Johnson, F. A.	Ranney,	Wilkins,
Daniel,	Johnston, T. D.	Reed, T. B.	Worthington.
Dingley,	Kelley,	Reid, J. W.	

NAYS—107.

Ballentine,	Dowdney,	Laffoon,	Richardson
Barksdale,	Dunn,	Lanham,	Riggs,
Barnes,	Eden,	Lawler,	Rogers,
Barry,	Elsberry,	Lindsley,	Romeis,
Bayne,	Farquhar,	Lore,	Sadler,
Blanchard,	Gay,	Lowry,	Sayers,
Bland,	Glass,	Markham,	Singleton,
Brady,	Grosvenor,	Martin,	Steele,
Breckinridge, C. R.	Hall,	Matson,	Stephenson,
Breckinridge, WCP.	Halsell,	Maybury,	Stewart, Charles
Burleigh,	Harris,	McKenna,	St. Martin,
Caldwell,	Hatch,	McMillin,	Stone, E. F.
Candler,	Heard,	McRae,	Stone, W. J., Ky.
Carleton,	Hemphill,	Miller,	Stone, W. J., Mo.
Catchings,	Henderson, T. J.	Moffatt,	Taylor, J. M.
Clardy,	Henley,	Morgan,	Taylor, Zach.
Clements,	Herbert,	Morrison,	Turner,
Comstock,	Herman,	Morrow,	Van Eaton,
Crisp,	Hopkins,	Murphy,	Van Shaick,
Croxton,	Howard,	Neal,	Warner, William
Cutcheon,	Hudd,	Neece,	Weaver, J. B.
Dargan,	Hutton,	Nelson,	Wheeler,
Davidson, A. C.	Irion,	Owen,	Willis,
Davidson, R. H. M.	Jackson,	Peel,	Wilson,
Dawson,	Jones, J. H.	Randall,	Winans,
Dibble,	Jones, J. T.	Reagan,	Wolford.
Dockery,	King,	Reese.	

NOT VOTING—88.

Adams, J. J.	Dorsey,	Le Fevre,	Stahlnecker,
Aiken,	Dougherty,	Libbey,	Stewart, J. W.
Allen, J. M.	Eldredge,	Louttit,	Swinburne,
Anderson, C. M.	Felton,	Lovering,	Symes,
Anderson, J. A.	Fisher,	Lyman,	Tarsney,
Arnot,	Foran,	McCreary,	Taulbee,
Barbour,	Forney,	McKinley,	Taylor, E. B.
Belmont,	Frederick,	Mitchell,	Thomas, J. R.
Browne, T. M.	Funston,	Negley,	Thompson,
Buchanan,	Gallinger,	Norwood,	Throckmorton,
Bunnell,	Gibson, C. H.	O'Donnell,	Tillman,
Burnes,	Gibson, Eustace	O'Ferrall,	Townshend,
Cannon,	Gilfillan,	O'Neill, J. J.	Trigg,
Caswell,	Glover,	Outhwaite,	Tucker,
Cole,	Green, W. J.	Parker,	Wade,
Collins,	Hammond,	Perry,	Warner, A. J.
Compton,	Hanback,	Pirce,	Weaver, A. J.
Crain,	Henderson, D. B.	Sawyer,	Wellborn,
Culberson,	Holmes,	Scranton,	White, A. C.
Curtin,	Johnston, J. T.	Seymour,	Whiting,
Davenport,	Kleiner,	Shaw,	Wise.
Davis,	Laird,	Snyder,	Woodburn.

So the amendment was adopted.

On motion of Mr. BAYNE, by unanimous consent the reading of the names was dispensed with.

The result of the vote was then announced as above recorded.

The next amendment on which a separate vote was demanded was the amendment offered by Mr. HEPBURN, to add at the end of line 1023 the words "without the intervention of the Missouri River Commission."

The question was taken; and on a division there were—ayes 76, noes 71.

So the amendment was adopted.

Mr. HEPBURN moved to reconsider the vote by which the amendment was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. SPRINGER moved to reconsider the vote just preceding the last vote taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. WILLIS. I move the previous question upon the passage of the bill.

Mr. HOLMAN. Pending that, I move to recommit the bill to the Committee on Rivers and Harbors with instructions to report what I send to the desk as a substitute for the bill.

The Clerk read as follows:

That the sum of $8,000,000, or so much thereof as shall be found necessary for the purposes hereinafter designated, is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, in improving and continuing the improvements and repair and preservation of the harbors and navigable rivers of the United States, for the encouragement and promotion of the foreign and internal commerce of the United States; the same to be expended under the direction of the Secretary of War and on such works and to such extent as he may designate, subject to the approval of the President of the United States.

Mr. SPOONER. Is that amendable?

The SPEAKER. It is.

Mr. SPOONER. Then I offer what I send to the desk as a substitute for the instructions just read.

The Clerk read as follows:

To recommit the bill to the Committee on Rivers and Harbors with instructions to report as a substitute therefor a bill appropriating the sum of $10,176,920, to be expended under the direction of the Secretary of War for such improvements of rivers and harbors and for the construction, completion, repair, and preservation of such public works of river and harbor improvement as he may determine to be for the benefit of existing commerce; for gauging the waters of the Mississippi River and its tributaries and the waters of the Columbia River, Oregon, as he may deem desirable; for the examination and survey of such rivers and harbors as he may direct, and for contingent and incidental expenses in and connected therewith, providing, however, that no portion of the sum so appropriated shall be expended upon any work or project not recommended by the Chief of the Engineer Corps of the United States Army.

Mr. WILLIS. I demand the previous question on the passage of the bill and on the proposed instructions.

Mr. HISCOCK. I hope the gentleman will not do that now, as I desire to recommit the bill with further instructions. Is another amendment now in order?

The SPEAKER. The gentleman from Kentucky demands the previous question upon the passage of the bill and upon the substitute proposed by the gentleman from Indiana and the amendment thereto of the gentleman from Rhode Island, which has just been read.

Mr. HISCOCK. I desire to move that it be recommited to the committee with directions to report a bill appropriating ten millions of dollars.

The SPEAKER. Unless the previous question is withdrawn the Chair can not entertain the motion.

Mr. RANDALL. The amendment of the gentleman from Rhode Island is the amount of the estimates of the Department.

The previous question was ordered.

The SPEAKER. The first question is upon the amendment proposed as a substitute by the gentleman from Rhode Island.

The amendment was rejected.

The question recurred upon the motion to recommit with instructions to prepare a substitute for the bill, proposed by Mr. HOLMAN.

Mr. DUNN. Upon that I ask the yeas and nays.

The yeas and nays were ordered.

Mr. ELY. I ask to have the instructions proposed by the gentleman from Indiana again read.

Several members objected.

The SPEAKER. The question is upon the adoption of the substitute proposed by the gentleman from Indiana, upon which the yeas and nays are ordered, and the Clerk will call the roll.

The question was taken; and there were—yeas 86, nays 157, not voting 70; as follows:

YEAS—86.

Allen, C. H.	Cox,	Hayden,	Matson,
Allen, J. M.	Dawson,	Haynes,	McAdoo,
Atkinson,	Dockery,	Hepburn,	McComas,
Beach,	Dowdney,	Hewitt,	Merriman,
Bliss,	Eden,	Hiestand,	Millard,
Blount,	Eldredge,	Hiscock,	Morrill,
Bound,	Ely,	Hitt,	Morrison,
Bragg,	Ermentrout,	Holman,	Muller,
Buck,	Evans,	James,	Osborne,
Bynum,	Everhart,	Johnston, T. D.	Payson,
Campbell, Felix	Fleeger,	La Follette,	Perkins,
Campbell, J. M.	Ford,	Laird,	Peters,
Campbell, J. E.	Geddes,	Landes,	Phelps,
Campbell, T. J.	Green, E. S.	Lehlbach,	Pidcock,
Candler,	Grout,	Lowry,	Pindar,
Cobb,	Hale,	Lyman,	Randall,
Cowles,	Harmer,	Mahoney,	Rauney,
Reid, J. W.	Spooner,	Swope,	Wilkins,
Richardson,	Spriggs,	Thomas, O. B.	Winans,
Ryan,	Springer,	Wait,	Worthington.
Seney,	Storm,	Ward, T. B.	
Sowden,	Struble,	Weaver, J. B.	

NAYS—157.

Adams, G. E.	Dunn,	Lawler,	Sadler,
Baker,	Ellsberry,	Lindsley,	Sawyer,
Ballentine,	Farquhar,	Little,	Sayers,
Barksdale,	Felton,	Long,	Scott,
Barnes,	Findlay,	Lore,	Sessions,
Barry,	Fuller,	Louttit,	Singleton,
Bayne,	Funston,	Markham,	Skinner,
Bennett,	Gay,	Martin,	Smalls,
Bingham,	Gilfillan,	Maybury,	Steele,
Blanchard,	Glass,	McCreary,	Stephenson,
Bland,	Goff,	McKenna,	Stewart, Charles
Boutelle,	Grosvenor,	McMillin,	St. Martin,
Boyle,	Guenther,	McRae,	Stone, E. F.
Brady,	Hall,	Miller,	Stone, W. J., of Ky.
Breckinridge, C. R.	Halsell,	Milliken,	Stone, W. J., of Mo.
Breckinridge, WCP.	Harris,	Mills,	Strait,
Brown, C. E.	Hatch,	Moffatt,	Symes,
Brown, W. W.	Heard,	Morgan,	Taulbee,
Brumm,	Hemphill,	Morrow,	Taylor, I. H.
Burleigh,	Henderson, T. J.	Murphy,	Taylor, J. M.
Butterworth,	Henderson, J. S.	Neal,	Taylor, Zach.
Cabell,	Henley,	Neece,	Turner,
Caldwell,	Herbert,	Nelson,	Van Eaton,
Carleton,	Herman,	Oates,	Van Schaick,
Catchings,	Hill,	O'Hara,	Viele,
Clardy,	Hires,	O'Neill, Charles	Wadsworth,
Compton,	Hopkins,	Owen,	Wakefield,
Comstock,	Houk,	Payne,	Warner, William
Conger,	Howard,	Peel,	Weber,
Cooper,	Hudd,	Pettibone,	Wellborn,
Crisp,	Hutton,	Plumb,	West,
Croxton,	Irion,	Reagan,	Wheeler,
Cutcheon,	Jackson,	Reed, T. B.	White, A. C.
Daniel,	Johnson, F. A.	Rice,	White, Milo
Dargan,	Jones, J. H.	Riggs,	Willis,
Davidson, A. C.	Jones, J. T.	Robertson,	Wilson,
Davidson, R. H. M.	Kelley,	Rockwell,	Wolford.
Dibble,	King,	Rogers,	
Dingley,	Laffoon,	Romeis,	
Dunham,	Lanham,	Rowell,	

NOT VOTING—79.

Adams, J. J.	Davenport,	Le Fevre,	Stahlnecker,
Aiken,	Davis,	Libbey,	Stewart, J. W.
Anderson, C. M.	Dorsey,	Lovering,	Swinburne,
Anderson, J. A.	Dougherty,	McKinley,	Tarsney,
Arnot,	Fisher,	Mitchell,	Taylor, E. B.
Barbour,	Foran,	Negley,	Thomas, J. R.
Belmont,	Forney,	Norwood,	Thompson,
Browne, T. M.	Frederick,	O'Donnell,	Throckmorton,
Buchanan,	Gallinger,	O'Ferrall,	Tillman,
Bunnell,	Gibson, C. H.	O'Neill, J. J.	Townsend,
Burnes,	Gibson, Eustace	Outhwaite,	Trigg.
Burrows,	Glover,	Parker,	Tucker,
Cannon,	Green, W. J.	Perry,	Wade,
Caswell,	Hammond,	Price,	Ward, J. H.
Clements,	Hanback,	Price,	Warner, A. J.
Cole,	Henderson, D. B.	Reese,	Weaver, A. J.
Collins,	Holmes,	Scranton,	Whiting,
Crain,	Johnston, J. T.	Seymour,	Wise,
Culberson,	Ketcham,	Shaw,	Woodburn.
Curtin,	Kleiner,	Snyder,	

So Mr. HOLMAN'S motion to recommit with instructions was not agreed to.

Mr. WILLIS. I ask unanimous consent to dispense with the reading of the names.

There was no objection.

The result of the vote was announced as above stated.

The SPEAKER. The question now is on ordering the previous question on the passage of the bill.

The previous question was ordered.

The SPEAKER. The question is, Shall the bill pass?

Mr. HEPBURN. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 143, nays 103, not voting 76; as follows:

YEAS—143.

Adams, G. E.	Comstock,	Harris,	Louttit,
Baker,	Conger,	Hatch,	Markham,
Ballentine,	Crisp,	Heard,	Martin,
Barksdale,	Croxton,	Hemphill,	Maybury,
Barnes,	Cutcheon,	Henderson, T. J.	McCreary,
Barry,	Daniel,	Henley,	McKenna,
Bayne,	Dargan,	Herbert,	McMillin,
Bennett,	Davidson, A. C.	Herman,	McRae,
Bingham,	Davidson, R. H. M.	Hill,	Miller,
Blanchard,	Dawson,	Hopkins,	Mills,
Bland,	Dibble,	Houk,	Moffatt,
Boyle,	Dunham,	Howard,	Morgan,
Brady,	Dunn,	Hudd,	Morrison,
Breckinridge, C. R.	Farquhar,	Hutton,	Morrow,
Breckinridge, WCP.	Felton,	Irion,	Murphy,
Brown, C. E.	Findlay,	Jackson,	Neal,
Burleigh,	Fleeger,	Johnson, F. A.	Neece,
Butterworth,	Gay,	Jones, J. H.	Nelson,
Cabell,	Geddes,	Jones, J. T.	Oates,
Caldwell,	Gilfillan,	Kelley,	O'Hara,
Carleton,	Glass,	King.	O'Neill, Charles
Catchings,	Goff,	Lanham,	O'Neill, J. J.
Clardy,	Grosvenor,	Lawler,	Owen,
Clements,	Guenther,	Lindsley,	Payne,
Compton,	Hall,	Lore,	Peel.

Pettibone,	Sayers,	Symes,	Warner, William
Plumb,	Scott,	Taulbee,	Weber,
Price,	Sessions,	Taylor, J. M.	Wellborn,
Reagan,	Singleton,	Taylor, Zach.	Wheeler,
Reese,	Skinner,	Turner,	White, A. C.
Riggs,	Smalls,	Van Eaton,	White, Milo
Rogers,	Stephenson,	Van Schaick,	Wilkins,
Romeis,	Stewart, Charles	Viele,	Willis,
Rowell,	St. Martin,	Wadsworth,	Wilson,
Sadler,	Stone, E. F.	Wakefield,	Wolford.
Sawyer,	Strait,	Ward, J. H.	

NAYS—103.

Allen, C. H.	Eldredge,	La Follette,	Reid, J. W.
Allen, J. M.	Ely,	Laird,	Rice,
Atkinson,	Ermentrout,	Landes,	Richardson,
Beach,	Evans,	Lehlbach,	Robertson,
Bliss,	Everhart,	Little,	Rockwell,
Blount,	Ford,	Long,	Ryan,
Bound,	Fuller,	Lowry,	Seney,
Boutelle,	Green, R. S.	Lyman,	Sowden,
Bragg,	Grout,	Mahoney,	Spooner,
Brown, W. W.	Hale,	Matson,	Spriggs,
Brumm,	Halsell,	McAdoo,	Springer,
Buck,	Harmer,	McComas,	Steele,
Bynum,	Hayden,	Merriman,	Stone, W. J., Ky.
Campbell, Felix	Haynes,	Millard,	Stone, W. J., Mo.
Campbell, J. M.	Henderson, J. S.	Milliken,	Storm,
Campbell, J. E.	Hepburn,	Morrill,	Struble,
Campbell, T. J.	Hewitt,	Muller,	Swope,
Candler,	Hiestand,	Osborne,	Taylor, I. H.
Cobb,	Hires,	Perkins,	Thomas, O. B.
Cooper,	Hiscock,	Peters,	Wait,
Cowles,	Hitt,	Phelps,	Ward, T. B.
Dingley,	Holman,	Pidcock,	Weaver, J. B.
Dorsey,	James,	Pindar,	West,
Dockery,	Johnston, T. D.	Randall,	Winans,
Dowdney,	Ketcham,	Ranney,	Worthington.
Eden,	Laffoon,	Reed, T. B.	

NOT VOTING—76.

Adams, J. J.	Curtin,	Johnston, J. T.	Snyder,
Aiken,	Davenport,	Kleiner,	Stahlnecker,
Anderson, C. M.	Davis,	Le Fevre,	Stewart, J. W.
Anderson, J. A.	Dougherty,	Libbey,	Swinburne,
Arnot,	Ellsberry,	Lovering,	Tarsney,
Barbour,	Fisher,	McKinley,	Taylor, E. B.
Belmont,	Foran,	Mitchell,	Thomas, J. R.
Browne, T. M.	Forney,	Negley,	Thompson,
Buchanan,	Frederick,	Norwood,	Throckmorton,
Bunnell,	Funston,	O'Donnell,	Tillman,
Burnes,	Gallinger,	O'Ferrall,	Townshend,
Burrows,	Gibson, C. H.	Outhwaite,	Trigg,
Cannon,	Gibson, Eustace	Parker,	Tucker,
Caswell,	Glover,	Payson,	Wade,
Cole,	Green, W. J.	Perry,	Weaver, A. J.
Collins,	Hammond,	Pirce,	Warner, A. J.
Cox,	Hanback,	Scranton,	Whiting,
Crain,	Henderson, D. B.	Seymour,	Wise.
Culberson,	Holmes,	Shaw,	Woodburn.

So the bill was passed.

Mr. WILLIS. I ask unanimous consent to dispense with the reading of the names.

There was no objection.

Mr. LA FOLLETTE. My colleague, Mr. CASWELL, is absent on leave on account of the sickness of his wife, and he has desired me to state that if present he would vote against the bill.

Mr. WILSON. I desire to state that the gentleman from Virginia [Mr. WISE] is absent. If present, he would unquestionably have voted ay.

The result of the vote was announced as above stated.

Mr. WILLIS. On behalf of myself and my colleagues on the committee I desire to express to the House our thanks for the kind consideration we have received personally during the consideration of this bill. I now move to reconsider the vote by which the bill was passed; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. CALDWELL. I call up the special order for to-day, the electoral count bill, and call for the reading of the bill.

Mr. RANDALL. I move that the House do now adjourn.

Mr. CALDWELL. I hope the gentleman will not press that motion.

Mr. RANDALL. I withdraw the motion to adjourn.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk commenced to read the title.

Mr. DUNHAM. I move that the House adjourn.

Mr. CALDWELL. I hope the gentleman from Illinois will withdraw that motion.

Mr. DUNHAM. We were here the whole of last night, and should adjourn.

The question being taken on the motion to adjourn, there were—ayes 90, noes 44.

Mr. CALDWELL. I call for tellers.

Tellers were ordered, 36 members voting therefor—more than one-fifth of a quorum.

The Speaker appointed as tellers Mr. CALDWELL and Mr. DUNHAM.

ENROLLED BILLS SIGNED.

Mr. McRAE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 897) for the relief of the heirs at law of Andrew F. McMillan, deceased;

A bill (H. R. 1027) for the extension and repair of the public building at Belfast, Me.;

A bill (H. R. 1464) for the relief of David Webster;

A bill (H. R. 2309) to give the assent of Congress for the construction of a bridge by the Nashville, Jackson and Memphis Railroad Company over the Tennessee River;

A bill (H. R. 3519) authorizing the Interstate Rapid-Transit Railway Company to build a bridge across the Kansas River;

A bill (H. R. 5677) to authorize the construction of a pile and ponton railway and wagon bridge across the Mississippi River from the city of Red Wing, Minn., to the opposite shore in the State of Wisconsin;

A bill (H. R. 5786) granting to the Gainesville and Chickasaw Bridge Company the consent of the United States to construct and maintain a bridge over Red River at or near Brown's Ferry, in Cook County, Texas; and

A bill (H. R. 7646) to authorize the construction and maintenance of a bridge by the Dakota Central Railway Company across the Missouri River at Pierre, Dak.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed the bill (S. 1894) to amend an act entitled "An act to declare forfeiture of certain lands granted to aid in the construction of a railroad in Oregon," approved January 31, 1885; in which the concurrence of the House of Representatives was requested.

REPRINTING BILLS AND REPORTS.

On motion of Mr. HATCH, by direction of the Committee on Agriculture, the following bills and reports were ordered to be reprinted for the use of the House:

The bill H. R. 8328; report No. 2028.
The bill H. R. 7208; report No. 1234.
The bill H. R. 2933; report No. 848.
The bill H. R. 5191; report No. 203.

ORDER OF BUSINESS.

Mr. DUNHAM. I withdraw temporarily the motion to adjourn to allow the bill called up by the gentleman from Tennessee to be read.

Mr. BRAGG. I move that the House now resolve itself into Committee of the Whole House on the state of the Union to consider general appropriation bills.

The SPEAKER. The gentleman from Tennessee [Mr. CALDWELL] has called up the special order for to-day, but the order states that it shall not interfere with general appropriation bills.

Mr. BRAGG. I only wish to get precedence for appropriation bills.

Mr. DUNHAM. I stated that I only withdrew the motion to adjourn to allow the bill called up by the gentleman from Tennessee [Mr. CALDWELL] to be read.

The SPEAKER. The gentleman from Illinois withdrew his motion to adjourn. He could not withdraw it conditionally. He has a right, however, to renew it.

Mr. SOWDEN. I ask the Chair if a motion to adjourn is in order now?

The SPEAKER. It is.

Mr. SOWDEN. I make that motion.

The House divided; and there were—ayes 79, noes 43.

Mr. CALDWELL. I call for tellers; but in the first place I desire to ask a parliamentary question. Is the bill I have called up pending?

The SPEAKER. It is not. The reading of the title of a bill, or even the reading of the bill itself, would not place it under consideration, because after the reading of it the question of consideration may be raised.

Mr. EDEN. As I understand this is a special order not to interfere with appropriation bills and certain other measures, and to continue from day to day until finished.

The SPEAKER. It is a continuing order for days not assigned to other business.

Mr. EDEN. When such a day is reached the bill will come up and occupy the same position as it does now?

The SPEAKER. Exactly the same as to-day.

Mr. CALDWELL. Upon that statement by the Chair I withdraw the call for tellers.

The result of the vote on the motion to adjourn was then announced, and accordingly (at 5 o'clock and 25 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BLANCHARD: Papers in the claim of Alfred, Gustave, and Fergus Mayronne, of New Orleans, La.—to the Committee on War Claims.

By Mr. C. R. BRECKINRIDGE: Petition of citizens of Arkansas

County, Arkansas, in favor of national aid to public education—to the Committee on Education.

Also, petition of merchants of Arkansas, protesting against a tax upon oleomargarine—to the Committee on Agriculture.

By Mr. CABELL: Petition of John A. Palmer, late index clerk House of Representatives, to be reimbursed certain moneys expended by him in the prosecution of his duties as such index clerk—to the Committee on Claims.

By Mr. J. M. CAMPBELL: Petition of citizens of Altoona, Pa., asking the passage of a law for the redemption of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. T. J. CAMPBELL: Petition of Ann Leddy, widow of Thomas Leddy, private Company I, Seventeenth Regiment New York Infantry Volunteers, praying the passage of a special act of Congress granting her a pension—to the Committee on Invalid Pensions.

By Mr. CARLETON: Petition of Local Assembly No. 4176, Knights of Labor, of Mount Clements, Mich., against the passage of the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. DANIEL: Petition of citizens of Pittsylvania and Halifax Counties, Virginia, for relief—to the Committee on Appropriations.

By Mr. ERMENTROUT: Petition of the Commercial Exchange of Philadelphia, asking for the passage of House bill 5013, and Senate bill 1158—to the Committee on Commerce.

By Mr. EVANS: Memorial of Grange No. 562, of Pennsylvania, against the admission free of duty of all agricultural raw materials, such as wool, hides, jute, tobacco, raw sugar, &c.—to the Committee on Ways and Means.

By Mr. EVERHART: Petition of Women's National Indian Association of West Chester, Pa., praying the passage of the Dawes bill, S. 552—to the Committee on Indian Affairs.

By Mr. FINDLAY: Memorial of Robert T. Baldwin and others, of Baltimore, Md., praying for the redemption of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. GAY: Petition of citizens of Raceland, La., asking the passage of the Blair bill, or some educational bill—to the Committee on Education.

By Mr. GROSVENOR: Proof to accompany House bill 8496, for relief of heirs of Christopher Cott—to the Committee on War Claims.

By Mr. GROUT: Petition of John A. Chamberlain and 27 others, citizens of Grand Isle, Vt., asking for tax on oleomargarine—to the Committee on Agriculture.

By Mr. HITT: Petition of 16 citizens and firms of Galena, Ill., for the repeal of the duty on salt—to the Committee on Ways and Means.

By Mr. HOPKINS: Three petitions of dairymen, butter-makers, and others, citizens of Illinois, in favor of taxing the manufacture and sale of imitation butter—to the Committee on Agriculture.

By Mr. T. D. JOHNSTON: Memorial of colored citizens of Buncombe County, North Carolina, in regard to their removal to Liberia—to the Committee on Foreign Affairs.

By Mr. KETCHAM: Petition of W. C. Fonda and 14 other business men of Poughkeepsie, N. Y., for the redemption of the trade-dollar—to the Committee on Banking and Currency.

By Mr. LIBBEY: Petition of the Cotton Spinners' Union, praying that a duty be imposed on imported thread on spools and yarn not on spools—to the Committee on Ways and Means.

Also, petition of George Alfred, for a pension—to the Committee on Invalid Pensions.

By Mr. MORRILL: Petition of Dr. W. W. Nye and 40 others, citizens of Hiawatha, Kans., asking for enactment of laws to enable National Board of Health to employ all legal means to prevent epidemics—to the Committee on Commerce.

By Mr. NEAL: Petition of Felix Murfree, of Chattanooga, Tenn., asking compensation for injuries received by him while in the service of the Government and in the line of his duty—to the Committee on Claims.

By Mr. RANDALL: Petition for the redemption by the Government of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. T. B. REED: Petition of Hannah H. Latham for restoration to pension-rolls—to the Committee on Invalid Pensions.

By Mr. RYAN: Petition of white members of the Pottawattomie Indians to be allowed to trade with the tribe—to the Committee on Indian Affairs.

By Mr. SENEY: Petition of Cotton Spinners' Union, against reducing the duties on spool cotton—to the Committee on Ways and Means.

Also, petition of Rev. Dr. L. H. Kefanver, and 11 others, citizens of Tiffin, Ohio, favoring House bill 1405, providing for the study of the nature of alcoholic drinks, &c.—to the Committee on Education.

By Mr. W. J. STONE, of Missouri: Petition of citizens of Harrisonville, Cass County, Missouri, for the relief of postmasters of the third and fourth classes—to the Committee on the Post-Office and Post-Roads.

By Mr. TAULBEE: Petition of Wilburn Long, for relief—to the Committee on Invalid Pensions.

Also, petition of A. H. Sympson, to accompany bill—to the Committee on the Post-Office and Post-Roads.

By Mr. E. B. TAYLOR: Petition of citizens of Geauga County, Ohio, in favor of the bill to tax oleomargarine—to the Committee on Agriculture.

By Mr. A. C. WHITE: Memorial of Granges 367 and 625, of Pennsylvania, in favor of the bill to prevent the manufacture and sale of bogus dairy products—to the same committee.

Also, memorial of the same and Grange No. 445, of Pennsylvania, against the importation of raw materials free of duty—to the Committee on Ways and Means.

By Mr. WISE: Petition of George P. Loehr, of Richmond, Va., praying that his war claim may be referred to the Court of Claims—to the Committee on War Claims.

Also, petition from citizens of the city of Richmond, Va., asking appropriations to enable the National Board of Health to co-operate with State and local boards of health—to the Committee on Commerce.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. JOSEPH: Of citizens of Las Vegas, N. Mex.

By Mr. LA FOLLETTE: Of citizens of Grant and Dane Counties, Wisconsin.

By Mr. WHITING: Of citizens of Hampshire County, Massachusetts.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May* 7, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

LAND GRANT IN OREGON.

The SPEAKER laid before the House the bill (S. 1894) to amend an act entitled "An act to declare forfeiture of certain lands granted to aid in the construction of a railroad in Oregon," approved January 31, 1885; which was referred to the Committee on the Public Lands.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BARRY, on account of important business.

To Mr. ROMEIS, for two days, on account of important business.

To Mr. HIESTAND, for two days, on account of important business.

To Mr. WHITE, of Pennsylvania, for fifteen days, on account of important business.

RIGHT OF WAY OVER ARSENAL GROUNDS.

Mr. ERMENTROUT. Mr. Speaker, I move that the Committee of the Whole be discharged from the further consideration of Senate bill No. 1105, and that the bill be put upon its passage.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, &c., That the Kensington and Tacony Railroad Company is hereby authorized to construct its railroad across the grounds of the United States forming a part of the grounds of the arsenal at Bridesburg, in Philadelphia County, in the State of Pennsylvania; and for that purpose said company is hereby granted a width of 30 feet across said grounds for its right of way through the grounds aforesaid: *Provided*, That the location of said road through said grounds shall be outside of the present inclosing wall of said arsenal on the Delaware River; and the railroad shall be provided with a draw-bridge of sufficient size on the creek, and facilities for crossing said railroad to wharves, &c., all of which shall be constructed to the satisfaction of the Secretary of War: *Provided further*, That the United States shall have, free of charge, the right to connect with said railroad any tracks laid within the arsenal grounds for Government uses: *And provided further*, That when said right of way shall cease to be used for the purpose aforesaid the same shall revert to the United States.

SEC. 2. That the right to repeal, after, or amend this act is reserved to Congress.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. EDEN. Mr. Speaker, I should like to inquire of the gentleman in charge of the bill whether there is any information from the War Department as to the propriety of granting this right of way?

Mr. ERMENTROUT. There was a bill originally introduced in this House for this object, which was referred to the War Department, and the Department sent back a substitute, which is the bill now before the House.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEACH. Mr. Speaker, I shall not object, but I think I had better have the report read.

The SPEAKER. That will be done if the bill is considered.

Mr. BEACH. Mr. Speaker, we may dispense with the reading of the report if the gentleman from Pennsylvania [Mr. ERMENTROUT] will made a brief explanation. There is one point upon which I desire information, and that is the distance that the track will be from the arsenal, my object being to ascertain whether there will be any danger that the sparks from the locomotive might explode the magazine.

Mr. ERMENTROUT. The track would be entirely outside the arsenal grounds.

Mr. BEACH. At what distance?

Mr. ERMENTROUT. The report will show, and there is a letter from the commandant of the arsenal which explains the matter. The track is entirely outside. The bill meets with the approbation of the Secretary of War and of the Chief of the Bureau of Ordnance.

The report was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 1105) granting the right of way to the Kensington and Tacony Railroad Company through the arsenal grounds at Bridesburg, Philadelphia, Pa., having had the same under consideration, beg leave to submit the following report:

In conformity with the general custom of your committee, they referred this bill to the Secretary of War for his opinion as to the propriety of its passage, and whether it would in any way interfere with the interests of the Government by granting the right of way asked for, and received the following reply:

WAR DEPARTMENT, WASHINGTON CITY,
February 11, 1886.

SIR: I have the honor to acknowledge the receipt of your letter of the 6th instant, inclosing S. 1105, "granting the right of way to the Kensington and Tacony Railroad Company through the arsenal grounds at Bridesburg, Philadelphia, Pa.," and inviting the opinion of this Department as to the propriety of its passage.

In reply I have the honor to inclose a copy of a report, dated the 5th instant, together with an amended bill, from the Chief of Ordnance, whose views are concurred in.

The papers accompanying your letter are herewith returned.

Very respectfully, your obedient servant,

WM. C. ENDICOTT,
Secretary of War.

Hon. J. D. CAMERON,
Of Committee on Military Affairs, U. S. Senate.

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, D. C., February 5, 1886.

SIR: I have the honor to return the letters of Hon. DANIEL ERMENTROUT, of the Committee on Military Affairs, dated 18th and 23d ultimo and 4th instant, inclosing H. R. 2107, a proposed bill in lieu thereof, and H. R. 4243, granting the right of way through the arsenal grounds at Bridesburg, Pa., to the Kensington and Tacony Railroad Company, and invite attention to the inclosed report thereon of the commanding officer of Frankford Arsenal, dated 28th ultimo.

I think that the bill H. R. 4243 is incomplete in its present shape, and inclose an amended copy thereof, which will, I think, better protect the interests of the United States while granting the privilege sought by the railroad company.

The provision of the draw-bridge over the creek is necessary to preserve its navigation and enable vessels to reach the arsenal wharf on the creek, so also is the provision for crossing the proposed track to the Delaware River to meet prospective wants of the arsenal.

It will be seen that my amended bill omits the provision for assessing and collecting damages for right of way and occupation. I deem it best to retain the possession of the property in the United States, with the right to amend or repeal this act at the pleasure of Congress, as has been done in similar cases before.

Very respectfully, your obedient servant,

S. V. BENÉT,
Brigadier-General, Chief of Ordnance.

The Hon. SECRETARY OF WAR.

FRANKFORD ARSENAL, PENNSYLVANIA, *January* 28, 1886.

Respectfully returned to the Chief of Ordnance, United States Army.

An investigation of the proposed granting of the right of way for a railroad projected under the auspices of the Kensington and Tacony Railroad Company has been made by me, necessarily confined, however, to local issues, as far as the Government of the United States is concerned at this locality, and to general bearings on the subject of the results of locating a proposed road passing through Government grounds, as affording additional facilities to those now existing for connecting our lands with the main trunk lines of the United States.

The main local point for my consideration is, can any special part of the grounds be made available for this purpose without seriously interfering with the manufacturing and other interests at this point now existing or prospective, and, if so, what part of the grounds are so available?

The solution of this question is facilitated by the facts that, from competent authority, I have learned that a line crossing our front on the Delaware River at the water's edge, eastward of our wrought-iron target and entirely off the solid land belonging to the United States, would best subserve the interests of the proposed road, and that it would best conserve the interests of the United States if so located.

Our 500-yard range will be conserved, and I see no other question of local importance which needs discussion as an objection.

A recent survey made under my direction shows that fully 30 feet of solid ground of the arsenal reservation lies eastward on the Delaware front, and beyond and outside of our target range.

The height and other dimensions of the present wrought-iron butt are established as ample protection to the navigation of the Delaware River without any additional precautions whatsoever, and additional transit of the rolling-stock of the proposed road can not, in my opinion, materially require any further security.

I therefore see no good reasons to object, so far as the interests of the United States are concerned, to a railroad using our riparian rights to the extent of 30 feet in width on the Delaware front, confined, however, strictly to the position that I have above pointed out. This grant, however, should not abridge or interfere in any serious manner with our riparian rights on the Delaware River or the Frankford Creek, and should leave intact or restore the solidity of our river and creek embankments, and secure against heavy storms or other providential causes our meadows and adjoining lands. Therefore rights of constructing a wharf or wharves on the Delaware, to be approached by roads from our grounds crossing the track, should be reserved, and free access to the Frankford Creek and wharves along the same by draw-bridge be conserved. The necessary isolation of our grounds by walls, gateways, or otherwise, to cut them off from the road as a public highway, should be provided, and all reasonable [precautions] incident to the road crossing behind our butt should be taken by the company, which should, if needed, provide flagmen or other necessary safeguards for this purpose.

The United States in the ordinary use of its range, as above stated, now affords all precaution against chances of accident, and judging from our entire freedom so far from the same, are sufficient. These risks would not be sensibly increased by the construction and use of the proposed road with the additional minor safeguards pointed out above.

No sidings for standing cars should be constructed on the Government grounds behind the target, as a matter of additional precaution.

In reference to the general aspects of the case as affecting the United States' interests by connecting these grounds more completely than at present with the trunk lines of the country, I have to say it can not but be beneficial. Our eastern embankments can afford beds for railways entering our grounds. In the event of other uses than at present of this arsenal, store-houses can be erected near the proposed line, and the fact that this reservation in its location and the peculiar fitness of its grounds for the necessary buildings is very well adapted for a large Government manufacturing establishment is an additional reason for even at present extending our transportation facilities.

The question of the mode of the determination of the damage or benefit which may accrue to the United States by the construction and use of the road through its grounds is, of course, not regarded by me as in my province to discuss. These features of the bill, being of a general character, can better be passed upon by higher authority.

S. CRISPIN,
Colonel of Ordnance, Commanding.

From the above it will be seen that the Department is in favor of the passage of the bill with certain modifications, which the committee approve. It appears that the proposed location does not interfere with any of the buildings in the arsenal grounds, and that it lies to the east, on the river side, of the butts that are used for rifle practice, so that it in no way impairs the usefulness of these grounds. Another important consideration in favor of the passage of the bill is that if it becomes a law there will no longer be any necessity for the hauling of arms and ammunition by wagon to and from the station of the Pennsylvania Railroad Company on the Philadelphia and Trenton Railroad, which would save a great deal of expense to the Government, besides avoiding the danger necessarily consequent upon loading and reloading such supplies. Then, again, when troubles occur, such as the riots of 1877, when it was absolutely necessary to move large quantities of arms and munitions to different parts of the country, it was almost impossible to do this with the requisite promptness, because there was no direct railroad connection with the arsenal, and the fact that these munitions of war had to be hauled from the arsenal grounds to the railroad gave opportunities to the rioters who were making the trouble at that time to intercept them and prevent their reaching their destination.

In view of these facts, which are borne out by the letter of General Crispin, above quoted, your committee respectfully report the bill back with an amendment, being a substitute suggested by General Benét, and, as amended, recommend its passage.

Mr. BEACH. Mr. Speaker, which bill is under consideration, the Senate or the House bill?

Mr. ERMENTROUT. Senate bill No. 1105, which is identical with House bill No. 7885. Both bills have been reported favorably by the House Military Committee.

Mr. BEACH. Mr. Speaker, I have not had time in the brief period occupied by the reading of the report to notice whether all of the conditions and reservations recommended by the commanding officer at the arsenal have been provided for in this bill, but it strikes me that there is one which I fail to find in the bill, namely, the one in regard to the protection of the riparian rights of the Government.

Mr. ERMENTROUT. Mr. Speaker, in answer to the gentleman from New York [Mr. BEACH] I desire to say that the bill which is now before the House is the one which was forwarded to the committee by the War Department, and is a substitute for the House bill.

Mr. BEACH. If that is the case, I suppose it is all right.

Mr. ERMENTROUT. That is a fact, and the same bill identically as passed the Senate.

Mr. HOLMAN. Mr. Speaker, it does not appear yet which bill is pending before the House.

Mr. ERMENTROUT. It is the Senate bill.

Mr. HOLMAN. Then my friend must admit that the Senate bill by its terms provides no safeguards whatever. I understand from the reading of the report that it was not deemed desirable or necessary that the Government should insist upon the assessment and payment of damages, but I understand also that other safeguards than those contained in this bill were required.

The SPEAKER. Perhaps the gentleman from Indiana [Mr. HOLMAN] has read only the original Senate print of the bill.

Mr. HOLMAN. Probably. I hope the bill will be read again.

The SPEAKER. If there be no objection the bill will be again read.

Mr. HOLMAN. While the bill as just read is somewhat better than the original Senate bill, yet the terms used are very unsatisfactory. For one, I attach no practical importance whatever to the clause reserving the right to alter, amend, or repeal the act. All experience demonstrates that when a grant of this kind is made it is for all practical purposes a permanent grant. Whatever may be the propriety of granting the right of way in this particular case, I regret very much to see Congress conferring upon a great corporate interest, without any compensation whatever, rights which would not be granted to a small and humble interest.

Mr. ERMENTROUT. What amendment does the gentleman suggest?

Mr. HOLMAN. I think the right of way should not be granted except upon the condition that whatever damages may be found to accrue to the United States by reason of the grant of this right of way shall be assessed by officers of the Government to be designated by the Secretary of War.

Mr. ERMENTROUT. I will accept an amendment of that kind; I have no objection to it whatever.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] will prepare his amendment and send it up.

Mr. STEELE. I presume a clause of that kind was intended to be in the bill at any rate.

Mr. ERMENTROUT. There is no objection to such an amendment. It was not thought that any damage would accrue to the Government

by running this railroad where it is proposed to locate it, because the land is entirely valueless.

Mr. STEELE. I suggest that the gentleman from Indiana incorporate in his amendment a provision against this railroad company having the exclusive right as against any other railroad company.

Mr. ERMENTROUT. I do not think there is any danger that any other railroad company will want to locate its tracks in that vicinity; but if the absence of such a provision is an insuperable objection to the passage of the bill, an amendment of that kind can also be inserted.

Mr. HOLMAN. I move to amend by inserting after the first section the provision which I send to the desk.

The Clerk read as follows:

Provided, however, That before this act shall take effect the Secretary of War shall cause to be assessed the damages which may accrue to the United States, if any, by the grant of this right of way, by three officers of the Army, and the amount of the award paid into the Treasury.

Mr. ERMENTROUT. That is all right.

The amendment of Mr. HOLMAN was agreed to.

The bill as amended was ordered to a third reading, was accordingly read the third time, and passed.

Mr. ERMENTROUT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. If there be no objection, House bill No. 7885, identical in terms with the bill just passed, will be laid on the table.

There was no objection.

ENOLS LOYD.

Mr. JOHNSTON, of Indiana. I ask unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill (H. R. 3318) for the relief of Enols Loyd, and that the bill be now put on its passage.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Enols Loyd the pay of a wagoner of artillery from the 10th day of May, 1863, to the 1st day of September, 1864, on account of services rendered in that capacity in Battery G, First Michigan Light Artillery Volunteers.

There being no objection, the Committee of the Whole House on the Private Calendar was discharged from the further consideration of the bill, and the House proceeded to consider the same.

The bill was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. JOHNSTON, of Indiana, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PERSONAL EXPLANATION.

Mr. HERBERT. I rise to a matter of privilege.

The SPEAKER. The gentleman will state it.

Mr. HERBERT. I desire to correct the RECORD. In the RECORD of May 6, on page 4194, I find the following:

GEOLOGICAL SURVEY.

Mr. HERBERT. I am instructed by the Joint Commission on the Signal Service, Geological Survey, &c., to report as a substitute for the bill H. R. 8320, recently reported, a bill restricting the work and publications of the Geological Survey, and for other purposes.

So far the RECORD is correct. Then it goes on.

This proposed substitute is accompanied with a written report giving the reasons in favor of the measure.

What I supposed I did say, and what I meant to say, was "giving *my*, instead of *the*, reasons in favor of the measure." I wish the RECORD to be perfectly accurate in this matter. The commission instructed me to report the bill, but the report I made will show on its face that I did not mean to say the commission had agreed with me *in the reasons for the bill*. I desire to go on record simply as saying that the *members of the commission are agreed on the bill*. In my report I give reasons which induced me to support it. Senator MORGAN concurred with me in those reasons. As to what the other members of the commission understand to be the scope of the bill and as to the reasons for which they concur in it, I mean to leave them to speak for themselves.

ORDER OF BUSINESS.

Several members called for the regular order.

The SPEAKER. This being Friday, the regular order is the call of committees for reports of a private nature.

SUSAN SMITH.

Mr. WINANS, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4552) for the relief of Susan Smith; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ERASTUS W. KENNEDY.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back with amendment the bill (H. R. 8046) granting a pension to Erastus W. Kennedy; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

PATRICK CURTIN.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 2694) granting a pension to Patrick Curtin; which was laid on the table, and the accompanying report, ordered to be printed.

JAMES D. HAWORTH.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 1253) granting a pension to James D. Haworth; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES H. BUTLER.

Mr. PINDAR, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 8601) granting a pension to James H. Butler, formerly captain of Company F, Thirty-second New York Infantry; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY F. BLAKE.

Mr. PINDAR, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 1520) granting an increase of pension to Mary F. Blake; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH M. CARROLL.

Mr. PINDAR, from the Committee on Invalid Pensions, also reported a bill (H. R. 8602) granting a pension to Sarah M. Carroll; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HARVEY COBURN.

Mr. SWOPE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 5091) to restore the name of Harvey Coburn to the pension-roll; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CYRUS DUBBS.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 7407) granting a pension to Cyrus Dubbs, which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARTHA M'ILWAIN.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 7162) granting a pension to Martha McIlwain; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CECILIA C. M'KENNA.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back with amendment the bill (H. R. 7509) granting a pension to Cecilia C. McKenna; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EDWARD CORNING.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 1666) granting a pension to Edward Corning; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JANE CARR.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 1431) granting a pension to Jane Carr; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 5422) granting arrears of pension to Ann J. Williams;

A bill (H. R. 6565) granting a pension to Sarah L. Wetter;

A bill (H. R. 6890) granting a pension to Amanda F. Wilson;

A bill (H. R. 2202) granting arrears of pension to Samuel B. Stewart; and

A bill (H. R. 5163) granting a pension to Kateabury R. Warrington.

MRS. ANNIE C. OWEN.

Mr. PIDCOCK, from the Committee on Invalid Pensions, reported back favorably the bill (S. 1850) granting a pension to Mrs. Annie C. Owen; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN S. BRIDGES.

Mr. NEECE, from the Committee on Invalid Pensions, reported back favorably the bill (S. 1169) granting a pension to John S. Bridges; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. HAYNES, the Committee on Invalid Pensions was discharged from the further consideration the bill (S. 2095) granting an increase of Pension to Mary B. Hook; and the same was referred to the Committee on Pensions.

KENNEDY G. BILLINGS.

Mr. LANDES, from the Committee on Pensions, reported back favorably the bill (H. R. 2242) restoring to the pension-roll the name of Kennedy G. Billings; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS C. DICKEY.

Mr. TRIGG, from the Committee on Claims, reported back favorably the bill (H. R. 7990) for the relief of Thomas C. Dickey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. HENRY RIVES.

Mr. TRIGG, from the Committee on Claims, also reported back favorably the bill (H. R. 2951) for the relief of J. Henry Rives; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DAVID H. HILDEBRAND.

Mr. GEDDES, from the Committee on War Claims, reported a bill (H. R. 8603) for the relief of David H. Hildebrand; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES TUCKER.

Mr. GEDDES, from the Committee on Claims, also reported a bill (H. R. 8604) for the relief of James Tucker; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

AMERICUS V. WARR, ADMINISTRATOR.

Mr. GEDDES, from the Committee on War Claims, also reported a bill (H. R. 8605) for the relief of Americus V. Warr, administrator of Nicholas H. Isbell; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LUCIEN GOYEAUX.

Mr. LYMAN, from the Committee on War Claims, reported back with amendments the bill (H. R. 990) for the relief of Lucien Goyeaux; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH DIEHL.

Mr. LYMAN, from the Committee on War Claims, also reported a bill (H. R. 8606) for the relief of Joseph Diehl, of Moniteau County, Mo.; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANDREW I. DUNCAN.

Mr. LYMAN, from the Committee on War Claims, also reported back with amendments the bill (H. R. 5780) for the relief of the estate of Andrew I. Duncan, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES F. BOWERS.

Mr. LYMAN, from the Committee on War Claims, also reported back with favorable recommendations the bill (S. 224) for the relief of Charles F. Bowers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM ERVIN.

Mr. RICHARDSON, from the Committee on War Claims, reported back with favorable recommendation the bill (S. 542) for the relief of William Ervin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

INTRODUCTION OF DISEASED CATTLE, NEW MEXICO AND ARIZONA.

Mr. SYMES, by unanimous consent, from the Committee on the Territories, reported, as a substitute for H. R. 2418, a bill (H. R. 8607) to disapprove certain portions of chapter 49 of the acts of the Legislative Assembly of the Territory of New Mexico, entitled "An act to prevent the introduction of diseased cattle into the Territory of New Mexico," approved March 19, 1884; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. SYMES, from the Committee on the Territories, by unanimous consent, also reported, as a substitute for H. R. 4762, a bill (H. R. 8608) to disapprove certain portions of No. 35 of the acts of the Legislative Assembly of the Territory of Arizona, entitled "An act to prevent the introduction of diseased cattle into the Territory of Arizona," approved March 2, 1885; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bills Nos. 2418 and 4761 were ordered to be laid on the table.

ORDER OF BUSINESS.

Mr. SPRINGER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House for the consideration of business upon the Private Calendar.

Mr. BRAGG. I desire, Mr. Speaker, to antagonize that motion, and, if it be voted down, I will move to go into Committee of the Whole House on the state of the Union for the consideration of the bill making appropriations for the support of the Military Academy.

Mr. SPRINGER. I will withdraw the motion I have made for the purpose of allowing the gentleman from Wisconsin to submit a motion to dispense with private business to-day, with the understanding that I will ask a night next week for the consideration of private business in lieu of to-day in case it shall be dispensed with.

Several MEMBERS. No more night sessions.

Mr. OATES. Mr. Speaker, is it not in order first to dispose of the bills already reported from the Committee of the Whole House on the Private Calendar?

The SPEAKER. They stand as unfinished business in the class of business to which they belong; that is, when the House comes to consider reports from the Committee of the Whole they will come up first for consideration.

Mr. BROWN, of Pennsylvania. It is impossible to ascertain what the proposition of the gentleman from Wisconsin is, owing to the confusion.

Mr. BRAGG. I now move to dispense with private business for to-day.

Mr. BROWN, of Pennsylvania. For what purpose?

Mr. BRAGG. For the purpose of going into Committee of the Whole for the consideration of the bill making appropriations for the support of the Military Academy.

Mr. PETERS. I desire to ask, if that motion shall be sustained by the House, whether it will do away with the session to-night.

The SPEAKER. It does not affect the evening session, which is held under a special order of the House.

Mr. DUNHAM. I wish to ask the gentleman from Wisconsin if he purposes taking up the bill that created so much trouble here a day or two since.

Mr. BRAGG. I am sorry the gentleman from Illinois did not hear my statement and motion.

Mr. DUNHAM. I could not hear the gentleman. It is a great distance across this Hall, I will inform my friend from Wisconsin.

Mr. BRAGG. I stated that my purpose was to call up for consideration to-day the Military Academy appropriation bill, if the motion to dispense with private business shall prevail.

Mr. FELTON. If I may be permitted, I desire to protest against the taking up of the short time that the Government has allowed—one day only in a week—to provide for the payment of its honest debts.

The SPEAKER. The motion is not debatable.

The question being taken on the motion of Mr. BRAGG to dispense with private business, there were—ayes 48, noes 69.

Mr. BRAGG. I ask for the yeas and nays on the motion.

The yeas and nays were ordered.

The question was taken; and there were—yeas 99, nays 107, not voting 116; as follows:

YEAS—99.

Allen, J. M.	Davidson, A. C.	Johnston, T. D.	Rogers,
Ballentine,	Davidson, R. H. M.	Jones, J. H.	Sadler,
Beach,	Dibble,	King,	Sayers,
Belmont,	Dockery,	Laird,	Scott,
Bennett,	Dowdney,	Libbey,	Skinner,
Bland,	Dunn,	Mahoney,	Bowden,
Blount,	Eden,	Matson,	Springer,
Boyle,	Eldredge,	Maybury,	Stahlnecker,
Bragg,	Ermentrout,	McAdoo,	Steele,
Breckinridge, C. R.	Findlay,	McMillin,	Stone, W. J., of Mo.
Breckinridge, W. C. P.	Ford,	McRae,	Storm,
Cabell,	Green, W. J.	Miller,	Taylor, J. M.
Caldwell,	Hale,	Mills,	Tillman,
Campbell, Felix	Hall,	Morgan,	Tucker,
Carleton,	Hammond,	Morrison,	Turner,
Catchings,	Harris,	Neal,	Weaver, J. B.
Clardy,	Hemphill,	O'Ferrall,	Wellborn,
Clements,	Henderson, J. S.	Peel,	Wheeler,
Cobb,	Herbert,	Perry,	Wilkins,
Comstock,	Hewitt,	Pidcock,	Wilson,
Cowles,	Hill,	Reagan,	Winans,
Crisp,	Hitt,	Reese,	Wise,
Croxton,	Holman,	Riggs,	Wolford,
Daniel,	Hudd,	Robertson,	Worthington.
Dargan,	Hutton,	Rockwell.	

NAYS—107.

Allen, C. H.	Funston,	Lore,	Sessions,
Atkinson,	Geddes,	Louttit,	Shaw,
Baker,	Glass,	Lowry,	Smalls,
Bayne,	Goff,	Lyman,	Spooner,
Bingham,	Green, R. S.	Martin,	Stephenson,
Bliss,	Guenther,	McCreary,	Stewart, Charles
Bound,	Halsell,	McKenna,	Stone, W. J., of Ky.
Boutelle,	Hanback,	Millard,	Swinburne,
Brady,	Hayden,	Milliken,	Swope,
Browne, T. M.	Haynes,	Moffatt,	Symes,
Brown, C. E.	Henderson, T. J.	Morrill,	Taylor, E. B.
Brown, W. W.	Herman,	Morrow,	Taylor, Zach.
Buck,	Hires,	Nelson,	Thomas, O. B.
Burrows,	Hiscock,	Oates,	Trigg,
Campbell, J. M.	Howard,	O'Hara,	Van Schaick,
Cannon,	Jackson,	O'Neill, Charles	Wade,
Collins,	James,	Payne,	Wadsworth,
Conger,	Johnson, F. A.	Perkins,	Waite,
Davis,	Johnston, J. T.	Peters,	Wakefield,
Dunham,	Jones, J. T.	Pettibone,	Ward, T. B.
Ely,	Kelley,	Price,	Warner, William
Evans,	Kleiner,	Reed, T. B.	Weber,
Everhart,	La Follette,	Rice,	West,
Farquhar,	Lanham,	Richardson,	White, A. C.
Felton,	Lehlbach,	Rowell,	White, Milo
Fleeger,	Lindsley,	Ryan,	Woodburn.
Fuller,	Long,	Sawyer,	

NOT VOTING—116.

Adams, G. E.	Cutcheon,	Irion,	Randall,
Adams, J. J.	Davenport,	Ketcham,	Ranney,
Aiken,	Dawson,	Laffoon,	Reid, J. W.
Anderson, C. M.	Dingley,	Landes,	Romeis,
Anderson, J. A.	Dorsey,	Lawler,	Scranton,
Arnot,	Dougherty,	Le Fevre,	Seney,
Barbour,	Ellsberry,	Little,	Seymour,
Barksdale,	Fisher,	Lovering,	Singleton,
Barnes,	Foran,	Markham,	Snyder,
Barry,	Forney,	McComas,	Spriggs,
Blanchard,	Frederick,	McKinley,	Stewart, J. W.
Brumm,	Gallinger,	Merriman,	St. Martin,
Buchanan,	Gay,	Mitchell,	Stone, E. F.
Bunnell,	Gibson, C. H.	Muller,	Strait,
Burleigh,	Gibson, Eustace,	Murphy,	Struble,
Burnes,	Gilfillan,	Necoe,	Tarsney,
Butterworth,	Glover,	Negley,	Taulbee,
Bynum,	Grosvenor,	Norwood,	Taylor, I. H.
Campbell, J. E.	Grout,	O'Donnell,	Thomas, J. R.
Campbell, T. J.	Harmer,	O'Neill, J. J.	Thompson,
Candler,	Hatch,	Osborne,	Throckmorton,
Caswell,	Heard,	Outhwaite,	Townshend,
Cole,	Henderson, D. B.	Owen,	Van Eaton,
Compton,	Henley,	Parker,	Viele,
Cooper,	Hepburn,	Payson,	Ward, J. H.
Cox,	Hiestand,	Phelps,	Warner, A. J.
Crain,	Holmes,	Pindar,	Weaver, A. J.
Culberson,	Hopkins,	Pirce,	Whiting,
Curtin,	Houk,	Plumb,	Willis.

So the motion was not agreed to.

Mr. BLAND. I ask unanimous consent to dispense with the reading of the names.

There was no objection.

The following pairs were announced from the Clerk's desk:

Mr. GLOVER with Mr. DORSEY, on all political questions until further notice.

Mr. CAMPBELL, of Ohio, with Mr. LITTLE, on the 7th and 8th of May.

Until further notice:

Mr. THROCKMORTON with Mr. HOLMES.

Mr. FISHER with Mr. ANDERSON, of Kansas.

Mr. BURNES with Mr. BUCHANAN.

Mr. CRAIN with Mr. STEWART, of Vermont.

Mr. CULBERSON with Mr. MCKINLEY.

Mr. FORNEY with Mr. BUNNELL.

Mr. COLE with Mr. THOMAS, of Illinois.

Mr. FORAN with Mr. SCRANTON.

Mr. GIBSON, of West Virginia, with Mr. PIRCE.

Mr. TOWNSHEND with Mr. GALLINGER.

Mr. NORWOOD with Mr. O'DONNELL.

Mr. CURTIN with Mr. NEGLEY.

Mr. OUTHWAITE with Mr. PARKER.

Mr. TARSNEY with Mr. CASWELL.

Mr. WARD, of Illinois, with Mr. BUTTERWORTH.

For this day:

Mr. MULLER with Mr. ROMEIS.

Mr. WARNER, of Ohio, with Mr. DAVENPORT.

Mr. SEYMOUR with Mr. COOPER.

Mr. REID, of North Carolina, with Mr. WEAVER, of Nebraska.

Mr. PINDAR with Mr. DINGLEY.

Mr. OWEN with Mr. LAFFOON.

Mr. ADAMS, of New York, with Mr. MCCOMAS.

Mr. GIBSON, of Maryland, with Mr. BRUMM.

Mr. BARRY with Mr. HIESTAND.

Mr. COX with Mr. STRAIT.

Mr. O'NEILL, of Missouri, with Mr. HOPKINS.

Mr. HATCH with Mr. HARMER.

Mr. LAWLER with Mr. RANNEY.

Mr. ANDERSON, of Ohio, with Mr. THOMPSON.

The result of the vote was announced as above stated.

Mr. WHEELER. I desire to give notice that I shall call up the Military Academy appropriation bill to-morrow.

Mr. SPRINGER. I move that the House resolve itself into Committee of the Whole House for the consideration of bills on the Private Calendar.

The House divided; and there were—ayes 79, noes 19.

Mr. BLAND. No quorum.

The SPEAKER. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Missouri, Mr. BLAND, and the gentleman from Illinois, Mr. SPRINGER.

The House again divided; and the tellers reported—ayes 131, noes 32.

So the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole for the consideration of the Private Calendar, Mr. CRISP in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of bills on the Private Calendar. The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 4840) to confirm a certain private land claim in the Territory of New Mexico.

Mr. HALSELL. Mr. Chairman, there are three other bills upon the Calendar similar in character to this, and as the committee expect to pass a general bill which will cover all these cases we do not desire to take up this bill now. I therefore ask that they be laid aside informally without losing their places on the Calendar. We hope to have the general bill considered next Tuesday.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky [Mr. HALSELL]?

Mr. HEPBURN. Mr. Chairman, I object. I do not object to the bills being laid aside, but I object to their being laid aside without losing their places on the Calendar.

Mr. HALSELL. I would state to my friend that the Committee on Private Land Claims have a special order for Tuesday next, and I wish to pass over these bills now in order to save time, hoping that we shall then pass a general bill which will cover all these cases. That course will save a great deal of time, because the reports are very voluminous in each one of these cases.

Mr. BLAND. Mr. Chairman, if there is no business before the committee I move that it do now rise.

Mr. HEPBURN. Mr. Chairman, I withdraw my objection to the request of the gentleman from Kentucky [Mr. HALSELL].

Mr. BRAGG. I renew it.

The CHAIRMAN. Does the gentleman from Kentucky [Mr. HALSELL] object to the present consideration of the first of these bills? If so, the committee will rise and report that fact to the House.

Mr. HALSELL. Yes, sir; to that and the three following bills of a similar character.

Mr. BLAND. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. Under the rule the committee must rise and report to the House.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CRISP, from the Committee of the Whole House, reported that they had had under consideration the bill (H. R. 4840) to confirm a certain private land claim in the Territory of New Mexico and three other bills of like character, to the consideration of which objection had been made, and had directed him to report the fact to the House.

The SPEAKER. The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 4840) to confirm a certain private land claim in the Territory of New Mexico.

The SPEAKER. Objection having been made to passing over this bill in Committee of the Whole, the question is, Will the House direct the Committee of the Whole House on the Private Calendar to pass over the bill?

There was no objection, and it was so ordered.

The Clerk read as follows:

A bill (H. R. 218) to confirm certain private land claims in the Territory of New Mexico.

The SPEAKER. Objection having been made to passing over this bill in the Committee of the Whole, the question is, Will the House direct the Committee of the Whole House to pass over this bill?

Mr. HEPBURN. Mr. Speaker, if this is decided in the affirmative, will the bill lose its place upon the Calendar?

The SPEAKER. It will remain upon the Calendar in the place it now occupies.

It was so ordered.

The Clerk read as follows:

A bill (H. R. 3216) to confirm the title to that certain land grant, Tres Alamos, in Arizona Territory.

The SPEAKER. Objection having been made to passing over this bill in Committee of the Whole, the question is, Will the House direct the Committee of the Whole House on the Private Calendar to pass over this bill?

It was so ordered.

The Clerk read as follows:

A bill (H. R. 3235) to confirm title to certain private land grants in Arizona Territory.

The SPEAKER. Objection having been made to passing over the

bill in Committee of the Whole, the question is, Will the House direct the Committee of the Whole House on the Private Calendar to pass over this bill?

It was so ordered.

The SPEAKER. The Committee of the Whole will now resume its session, and the gentleman from Georgia [Mr. CRISP] will take the chair.

HENRY GEE.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of bills on the Private Calendar. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 248) for the relief of Henry Gee.

The bill was read, as follows:

Be it enacted, &c., That Henry Gee, of Florida, who under the act of August 11, 1842, for his relief, made a void location, be, and in the case of his death his legal representatives are hereby, authorized to make a relocation, as provided by said act, upon any unoccupied lands subject to homestead or pre-emption entry in the State of Florida, and in making such relocation may select a quarter-section or four 40-acre continuous tracts; and he or they shall be entitled to a patent for the whole amount thereof upon paying for the excess over and above the amount authorized to be located by the said act at the rate of $1.25 per acre.

Mr. GREEN, of New Jersey. Mr. Chairman, the facts in this case and the necessity for this legislation are set forth in the report of the committee, and in the report of the General Land Office, which is included in the report of the committee. The necessity for the legislation seems to be that Mr. Gee, being entitled to a certain number of acres, attempted to locate them on lands which had been previously taken up, and they can not now be located in consequence of legislation whereby lands which would be otherwise covered by the warrant were appropriated to other purposes. For this reason it becomes necessary to pass this bill in order to reach the case.

Mr. HOLMAN. What is the object of the provision authorizing the entry of more land than is called for by the act of 1842?

Mr. GREEN, of New Jersey. There is no more.

Mr. HOLMAN. Yes; I understand the bill to provide that more may be entered by paying for it at the rate of $1.25 an acre. Mr. Chairman, I ask that the latter part of the bill be read again.

The bill was again read.

Mr. HOLMAN. As I understand, the act of 1842 did not authorize the entry of a quarter-section of land, but of less than a quarter-section; and this bill proposes to authorize the location of a quarter-section upon paying for the excess.

Mr. GREEN, of New Jersey. Yes, sir. Mr. Chairman, I move the adoption of the amendments reported by the committee.

The amendments were read, as follows:

Strike out the word "unappropriated," in line 7, and insert "unoccupied."

After the word "lands," in line 8, insert "subject to homestead or pre-emption entry."

The amendments were agreed to.

Mr. GREEN, of New Jersey. I move that the bill as amended be laid aside to be reported to the House with a recommendation that it pass.

The motion was agreed to.

EDWARD FENLEN.

The next business on the Private Calendar was the bill (H. R. 5200) for the relief of Edward Fenlen.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Edward Fenlen the sum of $8,627.98, out of any money in the Treasury not otherwise appropriated, in accordance with the findings of the Court of Claims on the 27th day of April, A. D. 1885.

Mr. WARNER, of Missouri. I ask unanimous consent that this bill be laid aside, and that Senate bill No. 2136, which is identical in its provisions, be substituted.

Mr. BRAGG. Before that request is acted on let the report be read.

The CHAIRMAN. The Chair is informed by the clerks that the Senate bill which the gentleman from Missouri [Mr. WARNER] indicates has been referred to the Committee on Claims or the Committee on War Claims. The Chair questions the right of the Committee of the Whole to discharge a standing committee of the House from the consideration of a bill. Such action, in the opinion of the Chair, would have to be taken by the House, not by the Committee of the Whole.

Mr. WARNER, of Missouri. It was my understanding that by unanimous consent the Senate bill might now be substituted for the House bill. If that can not be done, I will ask that we go back into the House in order that the committee now having the custody of the Senate bill may be discharged from its further consideration.

Mr. SPRINGER. Mr. Chairman——

The CHAIRMAN. The Chair suggests to the gentleman from Missouri that if this bill be reported favorably to the House the gentleman can then ask the House to make the substitution.

Mr. RYAN. That is the proper course.

Mr. SPRINGER. That is what I was about to suggest.

Mr. WARNER, of Missouri. I move, then, that this bill be laid aside to be favorably reported to the House.

Mr. BRAGG. I believe I asked some time ago to have the report read.

The CHAIRMAN. The report will be read.

The report (by Mr. WARNER, of Missouri) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 690) for the relief of Edward Fenlon, having examined the same, respectfully report as follows:

The claimant, January 22, 1879, and the chief quartermaster of the Department of the Missouri entered into a contract for the transportation of military supplies from Alamosa to Fort Lewis, Colo., according to the terms of said contract. This claim was before the Forty-eighth Congress (H. R. 2032), and by the committee of that Congress referred to the Court of Claims, under the act of March 3, 1883 (22 Statutes, p. 485). That court on April 27, 1885, filed its finding of facts in said claim of Edward Fenlon against the United States (No. 129, Cong. case). The findings of the Court of Claims sustain the following:

(1) That said contract between claimant and the United States contains the following provisions, to wit:

"ART. 12. That, for and in consideration of the faithful performance of the stipulations of this agreement, according to the true intent and meaning thereof, the said party of the second part shall be paid at the office of the chief quartermaster of the Department of the Missouri, or by an officer to be by him designated for the purpose, in the legal currency of the United States, at the rate of $2.05 per 100 pounds for the whole distance from Alamosa, Colo., to Fort Lewis, Colo., which is hereby stated and agreed to be 88 miles. * * *

"Transportation will in all cases be paid according to the distance from the place of departure to the place of delivery, the distance to be ascertained and fixed by the chief quartermaster of the Department of the Missouri, and in no case to exceed the distance by the shortest possible route." * * *

(2) That 88 miles, as the distance between Alamosa and Fort Lewis, was based upon representations of the officer of the Quartermaster's Department, who, on behalf of the United States, entered into said contract with claimant to the effect that by the middle of summer and in season for the transportation of the military supplies by the claimant the chief engineer officer would open a new road between Alamosa and Fort Lewis, the distance of which as surveyed was 88 miles; that the United States failed to open said new road for the transportation of said military supplies by the claimant.

(3) Notwithstanding the failure to open said new road, the claimant was required by the officer of the Quartermaster's Department to transport 386,157 pounds of supplies over what was known as the Conejos cut-off, the distance via which, ascertained and fixed by the chief quartermaster of the Department of the Missouri, was 105 miles; that during the late fall and winter of 1879 and 1880 said cut-off was impracticable for the transportation of said supplies by reason of deep snow in the mountain gorges; that, while said cut-off was thus blocked by snow, the claimant was required by the officers of the Quartermaster's Department to haul 178,219½ pounds of military supplies by the then only practicable road, a distance of 234 miles, as ascertained and fixed by the chief quartermaster of the Department of the Missouri.

(4) That on the 15th of September, 1879, the claimant notified said quartermaster, in substance, that the new road provided for in the contract had never been opened, and that he would be compelled to transport said supplies by a longer route, and that he should expect to be paid for the haul "from place of departure to place of delivery." In reference to this notification, the Quartermaster's Department, acting for the United States, agreed that claimant was entitled to be paid from place of departure to place of delivery, and sought to have him so paid; that again, on the 19th of December, 1879, the claimant notified said chief quartermaster that the ordinary road had for more than a month been rendered impracticable by reason of deep snows for transporting said military supplies, and that he had been compelled to haul the supplies more than double the distance, by the only practicable route, and requested to be paid for distance necessarily traveled; that said officer agreed that said claimant was entitled to be paid as claimed.

(5) The Court of Claims found that the amount for transporting the supplies 88 miles, at $2.05 per 100 pounds, would be as follows:

386,157 pounds 88 miles equals	$8,142 79
178,219½ pounds 88 miles equals	4,292 60
Total	12,435 39

This amount was paid to the claimant. The Court of Claims found that, if the claimant was allowed for the distance "from place of departure to place of delivery" by the nearest practicable route at the contract price of $2.05 per 100 pounds, he would have been entitled to the following:

386,157 pounds 105 miles equals	$9,647 96
178,219½ pounds 234 miles equals	11,415 41
Total	21,063 37

That the claimant was only allowed and paid the sum of $12,435.39, on the basis that military supplies were only transported 88 miles, thus leaving a difference of $8,627.98 between the amount paid claimant and that which would be due him if paid for the distance which the supplies were transported by the shortest practicable route, as fixed and ascertained by the chief quartermaster of the Department of Missouri.

The committee are satisfied that said amount of $8,627.98 should be paid the claimant, Edward Fenlon, and herewith submit a substitute for bill H. R. 690, the passage of which the committee recommend, and that the original bill do lie on the table.

FINDINGS OF FACT BY COURT OF CLAIMS.

[In the Court of Claims, Edward Fenlon *vs.* The United States, No. 129, Congressional case.]

At a Court of Claims held in the city of Washington on the 27th day of April, A. D. 1885, in the cause aforesaid, the court filed findings of fact, and it was ordered that a copy duly certified be reported to the Committee on Claims of the House of Representatives, together with a copy of this order.

By the court.

Findings of fact filed by the court April 27, 1885.

This case, referred to the court by the Committee on Claims of the House of Representatives, May 23, 1884, under the act of March 3, 1883, ch. 116 (22 Stat. L., 485), having been heard by the court, the Attorney-General, by his assistants, appearing for the defense and protection of the United States, as required by said act, the court, upon the evidence, finds the facts to be as follows:

Findings of fact.

1. On the 2d day of June, 1879, the claimant, Edward Fenlon, entered into a contract in writing with Col. Rufus Saxton, deputy quartermaster-general and chief quartermaster Department of the Missouri, acting on behalf of the United States, for transportation of military supplies on route 7 during the fiscal year ending June 30, 1880; and that among the provisions of said contract are the following, to wit:

"ART. 12. That for and in consideration of the faithful performance of the stipulations of this agreement, according to the true intent and meaning thereof, the said party of the second part shall be paid at the office of the chief quar-

termaster of the Department of the Missouri, or by an officer to be by him designated for the purpose, in the legal currency of the United States, at the rate of $2.05 per 100 pounds for the whole distance from Alamosa, Colo., to Fort Lewis, Colo., which is hereby stated and agreed to be 88 miles.

* * * * * * *

"Transportation will in all cases be paid according to the distance from the place of departure to the place of delivery, the distance to be ascertained and fixed by the chief quartermaster of the Department of the Missouri, and in no case to exceed the distance of the shortest practicable route."

* * * * * * *

II. That the distance of 88 miles between Alamosa and Fort Lewis, Colo., was based upon the representation of the officer of the Quartermaster's Department, who, on behalf of the United States, entered into said contract with the claimant; that Lieutenant Ruffner, chief engineer officer, would, by the middle of the summer, and in season for the transportation provided for, open a new road between said places, the distance via which, as surveyed, was 88 miles.

III. The new road mentioned in the second finding was not opened, and was not at any time during the continuance of said contract made practicable for the transportation over it of the supplies which were transported under said contract.

IV. The claimant was required by the officer of the Quartermaster's Department, within the time covered by the contract, and when such route was practicable, to transport 388,157 pounds of supplies by a route known as the Conejos cut-off, the distance via which route was ascertained and fixed by the chief quartermaster of the Department of the Missouri at 105 miles.

V. The value of the transportation service performed and specified in the fourth request, according to the distance from the place of departure to the place of delivery, as ascertained and fixed by the chief quartermaster of the Department of the Missouri, at the rate of $2.05 per 100 pounds for 88 miles, is $9,647.96, and the amount actually paid the claimant for said services is $8,142.79.

VI. During the late fall and winter of 1879 and 1880 the Conejos cut-off was an impracticable route for transporting said supplies, by reason of the deep snow in the mountain gorges, and during that time the claimant was required by the officers of the Quartermaster's Department to transport 178,219½ pounds of military supplies via the route known as Ojo Caliente and Tierra Amarilla, which was the only practicable route for such transportation, the distance via which route was ascertained and fixed by the chief quartermaster of the Department of the Missouri at 234 miles.

VII. The value of the transportation service performed and specified in the sixth finding, according to the distance from the place of departure to the place of delivery, as ascertained and fixed by the chief quartermaster of the Department of the Missouri, at the rate of $2.05 per 100 pounds for 88 miles, is $11,415.41, and the amount actually paid the claimant for said service is $4,292.60.

VIII. On the 15th of September, 1879, the claimant notified the chief quartermaster of the Department of the Missouri, in substance, that the new road which was to be opened for the transportation of supplies under his contract—the distance via which was stated in the contract at 88 miles—was not opened, and was not likely to be opened, in consequence of which he was compelled to transport said supplies by the old and longer route, and that he should expect to be paid according to the distance from the place of departure to the place of delivery.

IX. The officers of the Quartermaster's Department, acting for and on behalf of the United States in this transaction, in response to this notification, agreed that the claimant was entitled to be paid according to the distance from the place of departure to the place of delivery, and sought to have him so paid.

X. On the 20th of December, 1879, the claimant notified the chief quartermaster of the Department of the Missouri that the ordinary route of transportation had for more than a month been rendered impracticable, by reason of deep snows, for the transportation of supplies, and that he had been compelled to make a detour of more than double the distance, which detour was the only practicable route between the two points, and requested to be paid for the necessarily greater service, and said officers agreed that the claimant was entitled to be paid as claimed.

XI. The Second Comptroller of the Treasury refused to authorize the payment to the claimant for the supplies tranported via the Conejos cut-off, specified in the fourth request, of more than $8,142.79, and he also refused to authorize payment to the claimant for the supplies transported via the Ojo Caliente and Tierra Amarilla route, specified in the sixth request, of more than $4,292.60.

Order of court.

APRIL 27, 1885.

Ordered, That a copy of the foregoing findings of fact, duly certified, be reported to the Committee on Claims of the House of Representatives, together with a copy of this order.

By the court.

A true transcript of record. Test this 9th day of January, 1886.

[SEAL.] JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Mr. WARNER, of Missouri. If no gentleman desires to put any question about this bill or to discuss it, I renew the motion that the bill be laid aside to be reported favorably to the House.

The motion was agreed to.

COLUMBIA BANK, PENNSYLVANIA.

The next business on the Private Calendar was the bill (H. R. 2140) for the relief of the Columbia Bank in Pennsylvania.

The bill was read, as follows:

Be it enacted, &c., That the Treasurer of the United States is hereby directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $80,000 to the Columbia Bank, of Columbia, Pa., in full for the destruction of the bridge across the Susquehanna River, at the said town of Columbia, burned by order of the military authorities of the United States, in June, 1863, at the time of the rebel invasion of Pennsylvania.

Mr. BOUND rose.

Mr. GEDDES. Is the reading of the report called for?

Mr. SPRINGER. What action does the gentleman from Pennsylvania [Mr. BOUND] ask in regard to this bill?

Mr. GEDDES. This bill is on the Calendar upon an adverse report from the Committee on War Claims. It was placed on the Calendar on motion of some friend of the measure—perhaps the gentleman from Pennsylvania [Mr. BOUND]. I ask the gentleman whether this claim is likely to be pressed.

Mr. JOHNSTON, of Indiana. The gentleman from Pennsylvania [Mr. HIESTAND] has charge of the bill.

Mr. BOUND. My colleague [Mr. HIESTAND] was suddenly called away last night, and I therefore ask that this bill be laid aside informally without losing its place on the Calendar.

Mr. GEDDES. Of course I am not disposed to resist that request.

The CHAIRMAN. If there be no objection, the bill will be laid aside informally, retaining its place on the Calendar.

There was no objection.

JOHN S. KENDRICK, EXECUTOR.

The next business on the Private Calendar was the bill (H. R. 818) for the relief of John S. Kendrick, executor of Amanda Goggin, deceased.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John S. Kendrick, executor of Amanda Goggin, deceased, of Pulaski County, Kentucky, the sum of $5,550, for property taken from the decedent by the Army of the United States during the late war.

The amendment reported by the Committee on War Claims was read, as follows:

In line 7, strike out "$5,550" and insert "$1,280."

Mr. SPRINGER. I call for the reading of the report.

Mr. RICHARDSON. The report is very short, and I have no objection to having it read in my time.

The report (by Mr. RICHARDSON) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 818) for the relief of John S. Kendrick, executor of Amanda Goggin, deceased, have given careful consideration to the same, and submit the following report:

The present claimant is John S. Kendrick, executor of Amanda Goggin, deceased. The claim is made for 2,220 cords of wood, at $2.50 per cord, $5,550. The committee find upon investigation that the claimant, Mrs. Amanda Goggin, was a loyal citizen of the State of Kentucky; that the Union Army destroyed 15,200 fence-rails belonging to her, worth $2.50 per hundred, $380, and also 1,200 cords of wood in the tree, worth in that condition 75 cents per cord, $900; making a total of $1,280.

This sum your committee think should be paid the claimant. They recommend that the bill (H. R. 818) be amended by striking out the words "five thousand five hundred and fifty," in line 7, and insert the words "twelve hundred and eighty." With this amendment they recommend the passage of the bill.

Mr. RICHARDSON. I move that this bill be laid aside to be reported to the House with a recommendation that it pass. I believe the facts of the case are sufficiently stated in the report. The Committee on War Claims investigated the case very thoroughly. The claim as first presented was for compensation for this wood at the price of fence-rails. The committee did not think the Government should pay for these rails at the value of fence-rails, and therefore reduced the amount so as to make payment for the value as cord-wood or fire-wood. The committee had no question in their mind as to the loyalty of the claimant, or the fact that the rails were appropriated to the use of the United States by troops under the command of United States officers. Reducing the amount so as to make compensation at the value of fire-wood, the sum we propose shall be paid is $1,280. With this amendment, the committee recommended that the bill pass.

Mr. SPRINGER. I desire to ask whether all the wood was in the shape of fence-rails.

Mr. RICHARDSON. I think all of it was in the shape of fence-rails with the exception of a small portion which was wood in the tree. Nearly all of it consisted of fence-rails.

Mr. SPRINGER. Let me inquire further whether there was an order from the commander there to take this wood for army supplies?

Mr. RICHARDSON. I do not understand there was an order to take this wood for any such purpose, but it was taken at a time when the weather was extremely cold; and the proof shows the army needed it as fire-wood. It was so taken and so used by the army encamped in the vicinity. I now yield a portion of my time to the gentleman from Kentucky [Mr. MCCREARY].

Mr. SPRINGER. Before the gentleman takes his seat I desire to learn a further fact. I have understood the Committee on War Claims have reported adversely upon all the cases where property was taken except upon the lawful authority of the commander of the locality or of the post.

It seems, from the report here and from the statement of the gentleman himself, this was an unauthorized spoliation, and not the case of an ordinary taking of the supplies for the use of the Army. Now, I well remember to have introduced a bill for the relief of one of my constituents living in Sangamon County, Illinois, near a camp in the vicinity of Springfield. The soldiers went to his farm and took his corn and potatoes and other vegetables, brought them to camp, and consumed them. The Committee on War Claims reported adversely to that claim upon the ground that, while the property had been taken by the Army, yet it was not taken by authority of the commander of the post, and therefore payment should not be made.

Mr. BROWNE, of Indiana. If the gentleman will indulge me I will say that I have no doubt he is making an excellent speech, but I can not hear him even at this distance.

Mr. SPRINGER. I will state again I understand this comes within the rule laid down by the Committee on War Claims, that the unauthorized taking of property in the vicinity of our armies for the purpose of immediate use, and not in response to any order of the commanding officer, for army supplies should not be paid for. In this instance fence-rails were taken and used for fire-wood. There are many cases in the vicinity of Washington where our armies encamped where farms were denuded of fences to be used as fire-wood. All such cases heretofore

the Committee on War Claims has reported against upon the ground they were ordinary destruction of property in the movements of our armies. I do not see how the line, therefore, was drawn in this case, as it seems there was no legal requisition for any such fire-wood.

Mr. RICHARDSON. The case cited by the gentleman from Illinois, as I remember it, and as reported upon by the Committee on War Claims, was a case where there was mere spoliation, mere destruction of property by individuals at Springfield.

The case is very different from that. The fence-rails, in this instance, were used as fire-wood for the purpose of keeping the men from freezing. It was in the months of December and January, 1861-'62. The case stands upon a different ground in every way, and does not come within the rule referred to by the gentleman from Illinois.

I now yield to the gentleman from Kentucky.

Mr. McCREARY. Mr. Chairman, I introduced this bill. It was referred to the Committee on War Claims, and that committee has reported unanimously in favor of it. Therefore what I have to say will be very brief.

The present claimant is John S. Kendrick, as the executor of Amanda Goggin, who was the owner of the farm near where these soldiers encamped during the war. Amanda Goggin is now dead, and Kendrick prosecutes this case as her executor.

A large number of Federal soldiers encamped there in December and January, 1861-'62, and they were compelled to take these fence-rails as fire-wood. They used 15,200 fence-rails belonging to her, as the proof shows, and also 1,280 cords of wood in the tree. The committee unanimously agree to report in favor of allowing her the sum of $1,280. I hope that amendment will be passed.

Mr. PETERS. Did Mrs. Goggin leave any heirs?

Mr. McCREARY. She has children, but, as I have already stated, this case is prosecuted by Mr. Kendrick as her executor.

Mr. BROWNE, of Indiana. Mr. Chairman, I oppose the favorable consideration of any claim with some degree of reluctance, but this question of the payment of what are known as war claims is an old one, and I am only interested just now in ascertaining the authority on which the War Claims Committee persists in making these allowances or rejections. If I understand correctly the precedents which have been established by Congress, the line has been drawn between those which are to be allowed and those which are to be rejected at this point: If the property was such as belonged to a class known as quartermaster, commissary, or ordnance stores, and if it was seized by an officer having authority and actually appropriated by the Government to war uses, although a formal voucher may not have been executed by the officer, yet it has been held that the Government under such circumstances is liable, and I see no sufficient reason why it should not be.

But if the property is simply seized by the soldiers themselves; if they have gone even on a cold night to a fence and appropriated the rails and burned them for the purpose of keeping themselves warm, or if they have gone wantonly to a smoke-house and appropriated the meat to their use, or committed any other act of unwarranted appropriation, it would amount simply to a trespass; for such appropriation, although the stores might be such as are regarded as army stores, and such as might have been appropriated by an officer with authority in the regular way, yet, I say, if such appropriation is wanton and unauthorized it is a mere trespass, for which the Government is not and ought not to be held responsible.

Why, Mr. Chairman and gentlemen of the committee, from the very statement of the case it must be apparent that if the Government is to be held responsible for trespasses of this character, committed even upon the property of loyal citizens, we will never be able to discharge the obligation. I remember that in 1863 John Morgan paid a complimentary visit to the State that I have the honor in part to represent upon this floor, and the pursuing Union forces appropriated the horses of our people, the hay, corn, and oats, and notwithstanding the State appointed a commission to investigate the extent of these spoliations, notwithstanding the testimony disclosed the fact that in all instances the persons parting with their property were loyal citizens of the United States and that this property was of the kind I have mentioned, such as war property and army stores and was so appropriated, yet the Government, from 1863 down to the present time, has wholly refused to reimburse the citizens of my State; and did it—Congress has made the refusal—upon the ground that these were mere trespasses committed by the soldiers, and not seizures made by an officer in command, under authority, and appropriating the goods in the regular way to army uses.

I have said this, that we ought to understand what the rule is; that is, if we intend to have any rule upon the subject let us understand it. I will very cheerfully consent to vote to reimburse for losses of this kind to loyal citizens of any State where the property has been seized upon regularly by an officer, and where it has unquestionably been appropriated in the regular way to army uses; but I am not willing to vote to pay any one, whether in Indiana or Kentucky or in Ohio—I am not willing to pay damages that have resulted simply from a wanton spoliation by United States troops upon the property of loyal citizens of the United States.

If I apprehend aright the reading of the report in this case it is this: That an army camping in the vicinity of this claimant's, or of her late husband's, property, upon a cold night resorted to the fence-rails in an irregular way. Those of us who have been in the Army know—well, it was a regular way in one sense of the word, for the Army very regularly did this kind of thing—they appropriated the rails, and, as the report states, a large amount of cord-wood in the tree; and that to me is the strangest part of the whole transaction, for if there had been sufficient rails I doubt the fact of the depredation being committed in the timber in the tree. But, Mr. Chairman, I say it is under any circumstances a mere trespass, assuming the facts to be true as they are set forth in the report; it is a mere trespass upon the part of the troops and not a rule to guide us in the payment of such claims. But if the committee and the House afterward conclude to do this, let it be understood that this is a precedent for the payment for all property that may have been taken from loyal citizens, that might have been appropriated for army purposes.

Mr. SPRINGER. Mr. Chairman, I do not remember during the time I have been a member of this House that a claim of this character has been passed by Congress. In fact it seems to me that this case is clearly within the rule as belonging to that class of cases that Congress has uniformly decided should not be paid. As stated by the gentleman from Indiana, who recognizes this case as coming within a class that would, if paid, cost a vast expenditure of money to meet the demand, who recognizes from the reading of the report the circumstances and conditions under which the property was taken, a portion of the Army on a cold night came near the farm of the claimant in this case, the soldiers going out and helping themselves to the rails until they were gone and then cutting down the standing timber and using the material for the purpose of making themselves comfortable. That is the state of facts set forth in the report. But that was the very process which was carried on during the war from the Potomac to Florida, and was carried on largely within the limits of the District of Columbia. Thousands of acres of land were entirely denuded of forests in the vicinity of this city; and in some parts of Virginia where I have traveled since the war there was not a fence to be found, all having been taken by one army or the other; and the number of fence-rails consumed by the armies during the period of the war would, if paid for under the provisions of this bill, aggregate what may be justly called an enormous amount of money.

I do not believe any officer of either army ever issued a requisition for the taking of fences for fire-wood. As the gentleman from Kentucky [Mr. McCREARY] well knows that did not require a requisition. They just went out and took them.

Now, Mr. Chairman, if the property had been taken for the use of the Army, and vouchers been issued in the regular way, and it had been shown the Army used it for the purpose here declared, it would bring the case within the rule; but it is not within the rule, and to pass this bill, although reduced from the amount claimed, $5,000, to $1,200, would establish a precedent that would cost this country untold millions of dollars.

Mr. LONG. Will the gentleman permit a suggestion?

Mr. SPRINGER. Yes, sir.

Mr. LONG. If this bill should pass would it not establish the principle that wherever an army went the Government was responsible for whatever damage followed, whether the damage was from the authorized act of an officer or from the unauthorized act of a private?

Mr. SPRINGER. That is my opinion. It would set the worst precedent that could possibly be made. Therefore, although this bill comes to us with a great reduction in the amount, from $5,000 to $1,200, we should not be tempted by that even to allow this amount to be paid. It is as bad a precedent to allow $1,200 as it would be to allow a larger amount.

Mr. McCREARY. Does the gentleman from Illinois draw any distinction between wanton damage committed by soldiers of the Federal Army and the taking of fence-rails and wood for the purpose of keeping themselves warm in freezing weather?

Mr. SPRINGER. I do not remember that soldiers have ever been in the habit of going out to destroy property for the amusement of the thing. Whenever they have taken property it has been to use it in the camp. So I suppose this property was taken, as other timber was taken during the war, for useful purposes. But it was an unauthorized depredation; and this comes under the class of losses resulting from the operations of war for which Congress has determined no compensation should be made. It is unfortunate for the parties involved, as for all persons found in the midst of war. But that is a misfortune Congress can not remedy. If fire comes and destroys the houses of citizens, those citizens must submit to the loss of their property. If war comes and devastates the property of a whole district, the people in the district must suffer the loss. Congress can not make compensation. If this is paid it opens the door to an enormous amount of similar cases, the end of which no one can foresee.

Mr. HEMPHILL. The simple question here is whether the principal, which is the Government in this case, shall be held responsible for the accidental or wanton trespasses of its agents on other people. We have paid heretofore all claims where they have originated by virtue of any authority of any man who represented the Government. Whenever an officer who was the exponent or representative of the power of the Government at that time gave an order to take the private

property of any individual, then the Government by virtue of the exercise of that authority became responsible for the acts of its agent. But if this Government is to assume the responsibility of making itself liable for the depredations which have been committed without warrant or authority of law, I say we might as well stop speaking about the surplus in the Treasury and go to work to increase the taxation of the people of this country.

We have for twenty years refused to pay this class of claims, while we have paid all classes of claims which were justly due. And it seems to me while this is a small amount, it involves a principle which if adopted must eventuate in a very heavy draught on the resources of the country. I therefore take the liberty of calling on members of this House to consider well before they put in this entering-wedge which will result in a very heavy outlay of the taxes contributed by the people.

There can be no more reason for paying this claim than there is for paying ten thousand other claims where the soldiers of the Federal Army took property, either wantonly or to supply their needs, without authority of law. And, as I have said, if we pay this claim it will be followed by ten thousand other claims, some of smaller amount and many much larger. For this reason I trust the members of this House will reflect upon the principle and the results involved before they open up the Treasury to a class of claims which do not rest upon the law or upon any authority the Government exercised, but are simply put forward to reimburse parties for depredations committed by persons who were not representatives of the Government for the purpose of taking this property.

Mr. PETTIBONE. In the original bill of rights, drawn by George Mason and adopted in most of the State constitutions in the United States, is the principle that private property shall not be taken for public use without due compensation.

A MEMBER. It is older than that.

Mr. PETTIBONE. The gentleman says the principle is older than the bill of rights drawn by George Mason. In truth it is as old as the exercise of justice among men.

I agree with my friend from Illinois [Mr. SPRINGER] that the Union soldiers were not accustomed to wantonly destroy property. If they destroyed property without any benefit to the United States, or if the taking of the property was not necessary then and there for their sustenance and their protection, then the Government is not called upon in justice to pay the claim.

But, sir, an army marches through the country, night comes on, it is surrounded by storm and darkness, there is no means of sending up to headquarters, which may be 5 or 10 miles off, to get an order to build a fire, but here is the fuel; the soldiers take it and make a fire; it belongs to a Union man, and he ought to be paid. He gives his allegiance to the Government, and every government of which I have ever read in the history of time has gone upon the principle that allegiance and protection go together. If the citizen or subject is loyal, then the Government is bound in equity not to take his private property for public use without paying for it. Now, what is this case? I understand the facts to be these, and I challenge the attention of the House to these facts. I understand that the Union forces during the war camped upon the land of this claimant, that she was loyal, that fuel was necessary to protect the soldiers from the inclemency of the weather. It was not cut and stacked up as cord-wood; it was in the form of rails and timber. The soldiers were encamped there four or five weeks.

I ask you gentlemen, do you suppose that in the inclemency of winter a Federal army, or any army, could remain encamped in one place without the means of cooking their food, without the means of keeping themselves warm? Why, you would have had a sick-list that would have cost you in pensions and in the resulting inefficiency of the army a hundred times what this woman's rails and timber were worth. If this property was not used for the comfort and benefit of the soldiers it ought not to be paid for. If it was used to make fires to keep them warm and to cook their food and the woman was loyal, tell me on what principle you are going to say that this claim ought not to be paid? Oh, you say, but it will open a door to fraud. Will not the House of Representatives always be equal to itself? On the one hand, it is admitted that you can not bind the next Congress. Your precedents, if they are bad, will be of no avail. Each case will be determined upon its own state of facts, and the question here now is, shall we do justice to-day on this particular occasion or shall we do injustice now lest our successors in future Congresses shall go wrong?

Mr. WARNER, of Missouri. Will the gentleman yield for a question?

Mr. PETTIBONE. Certainly.

Mr. WARNER, of Missouri. I ask the question simply for guidance in giving my vote. I do not find that the report of the Committee on War Claims contains a statement of the facts of this case like that made by the gentleman from Tennessee. The report does not even state that this fuel was used for the purposes of the Army; it says that it was "destroyed"—an unfortunate word in such a case.

Mr. PETTIBONE. I concede that; but I have asked the chairman about the proof that is behind the report. I concede that if the property was simply wantonly destroyed by the Federal soldiers we ought not to pay a cent for it.

Mr. BROWN, of Pennsylvania. Suppose it was destroyed in consequence of being between the two armies while they were fighting?

Mr. PETTIBONE. Oh, that is another question. Of course it should not be paid for in that case. That is one of the exigencies of war.

Mr. CUTCHEON. Will the gentleman from Tennessee permit me to suggest that the special finding of his jury is against him. They have reported that the property was "destroyed," and not used. Would it not be better to have the bill recommitted and get a proper report?

Mr. PETTIBONE. Possibly that may be so. I am not quarreling with the verbiage of the report, nor do I stand upon it, but I say that if the facts behind this report are as I understand them to be, if it is true that this woman's rails were taken as fuel to make fires to keep the Federal soldiers warm and to cook their food, gentlemen need not tell me that this county is going to the dogs if we pay this old widow the sum of $1,200.

Mr. LONG. How long were the troops encamped there?

Mr. PETTIBONE. Four or five weeks.

Mr. LONG. Don't you think it is likely that during that time the officers would have made a requisition for fuel?

Mr. PETTIBONE. No, sir; I do not think so, because I have been in the volunteer service myself, and there are many gentlemen on this floor who have had a like experience and who know that in those days we did not stop to attend to such formalities when we were scouting or looking for the enemy. We were not behind bomb-proofs up in Massachusetts or in Wisconsin. The feeling then foremost in our minds was, "We will put down this rebellion if it takes every chicken in Dixie." That is the way we felt. The general in command was not studying principally about fences, but the question was, "Where is General Lee, or General Longstreet, or General Johnston with his forces?"

Mr. O'HARA. One question: Does the gentleman propose to pay for the chickens?

Mr. PETTIBONE. No, sir.

Mr. CUTCHEON. Why not?

Mr. PETTIBONE. Because the question of loyalty is in the way. But if they were a loyal woman's chickens, and had been made into broth to feed poor sick Union soldiers in the hospital, I would say yes. Who would say no?

But, Mr. Speaker, I have said all I wish to say, and I yield the floor.

Mr. WILSON. Mr. Chairman, the point I desire to make has already been alluded to by the gentleman from Missouri [Mr. WARNER], and possibly by the gentleman from Pennsylvania [Mr. BROWN]. That very salutary principle of the Constitution—older, indeed, than the Constitution—that private property should not be taken for public use except upon just compensation, has been invoked by the gentleman from Tennessee [Mr. PETTIBONE] as justifying favorable action on this bill. Now, I want to call attention to the fact that the finding made in this case, as embraced in the report of the committee, does not say that this property was ever taken and applied to any public use. The report simply states that a certain number of thousands of rails were destroyed by the Army. There is nothing in the report to indicate that those rails were ever used for any public purpose, or that their destruction might not have been accidental and not for the purposes suggested by the gentleman from Tennessee. In brief, there is nothing here to show that this property was ever taken by command of any authorized officer, or was ever used by the Army for any legitimate purpose in such a way as to fix a liability upon the Government to pay for these rails

Mr. Chairman, it seems to me—and I have watched the action of the Committee on War Claims with some interest, because I represent a section of country in which a great many of these claims have originated—that this particular claim is far outside of the most liberal line that has yet been drawn by this House or by the committees of Congress in dealing with this class of claims. As has been well said by the gentleman from South Carolina [Mr. HEMPHILL], if the Committee of the Whole should recommend the payment of this claim and if the House should pass the bill, we begin favorable action upon a new class of claims, a great many of which have already been rejected by the officers of the Government and by committees of Congress, and we start upon a career of expenditure involving an ultimate outlay which no man can estimate in advance. In view of the considerations already urged on this floor, and in view especially of the authentic report of this committee—so very meager as to every point upon which we should desire to have information in acting upon a claim like this, a report which in its conclusions is adverse to the precedents of this House in considering war claims—I submit that this claim should not receive the favorable action of the Committee of the Whole.

Mr. CUTCHEON. Mr. Chairman, we have before us a report from the Committee on War Claims which states that they find the Union Army "destroyed" 15,200 fence-rails belonging to the claimant, worth $2.50 per hundred, amounting to $380, and also 1,200 cords of wood in the tree, worth in that condition 75 cents per cord, amounting to $900; making a total of $1,280. This Committee on War Claims having jurisdiction of the subject-matter, and we may say of the person also, because the claimant had submitted to the jurisdiction, makes a report here in the nature of a special finding by a jury. This committee finds—we have not the evidence before us, but simply the finding—that these fence-rails and these trees were "destroyed." It seems to me that so far as our action is

concerned this is conclusive. If not, why not? These rails and these trees were destroyed; that is the finding. If they were destroyed, then what is the legal conclusion? That their destruction was a part of the ravages of war. We do not know for what purpose they were destroyed. I presume these rails were taken to build breastworks, and we may presume that these trees were chopped down to make abatis for the protection of breastworks or something of that kind. If trees were "destroyed," I can not readily imagine for what other purpose they were so destroyed. According to the report they were not used; and we are to follow this report as importing verity in this case.

My eloquent and earnest friend from Tennessee [Mr. PETTIBONE], for whose judgment as a lawyer and as a man I have very great regard, says the amount in this claim is only $1,200 at any rate, and it is a poor Union woman whom we are asked to pay. Mr. Chairman, when our American forefathers went to war against our English ancestors it was not on account of the tax of 3 cents a pound on tea, but it was for the principle that there should not be taxation without representation. So the question here is not as to the $1,200 which it is proposed to pay to this woman or her representatives. The question is whether we are to pay for the devastation of war; because, as has been said here more than once, if we enter upon the payment of claims of this class we shall need to have a larger surplus in the Treasury than we have today; we shall need much heavier taxation than is now provided for. This is simply the opening of a door; it may not be a very wide opening now, but we must remember the old fable of the camel who wanted very much to get his head within the tent. First, it was the nose that entered, next the head, then the neck, and finally the whole body; so that the occupant of the tent had to move out. And so we may apprehend it will be in this case. The opening may be small to-day, but it may become capacious enough to swallow all our treasure and leave us bankrupt. If this is the ravage of war, if this property was destroyed and not used, if these trees were cut down to give a range for artillery (and that is part of the ravage of war), it is not to be paid for. All law, modern and ancient, is against any such liability as that; and therefore so long as we stand upon this report, until we have some different report, I do not see how we can afford to pass this bill.

Mr. BROWN, of Pennsylvania. If this bill shall pass and become a precedent we have twenty millions of like destruction around Gettysburg.

Mr. CUTCHEON. I see no other way but to recommit this report to see whether it is correct or not.

Mr. GEDDES. Mr. Chairman, I have no desire here now to discuss the principles involved in this measure. It is sufficient for my purpose to say the discussion elicted by this bill develops sufficiently to my mind the general judgment of the House in regard to it, and on that account I ask and now move the bill be recommitted to the Committee on War Claims.

Mr. McCREARY. Mr. Chairman, I rose to make the same motion. This report uses the language, these fence-rails and wood were destroyed. The proof shows they were taken and used by the soldiers. But I am sure I for one do not desire any precedent established here which would in any respect be injurious. When the chairman of the Committee on War Claims rose, I was about to move the bill be recommitted to the Committee on War Claims.

Mr. GEDDES's motion was agreed to; and the bill was accordingly laid aside to be reported to the House with the recommendation that it be recommitted to the Committee on War Claims.

FRANCIS W. HALDEMAN.

The next business on the Private Calendar was, the bill (H. R. 658) for the relief of Francis W. Haldeman.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay to Francis W. Haldeman, of Avoca, State of Iowa, out of any money in the Treasury not otherwise appropriated, the sum of $200, as compensation for services performed and money expended for the benefit of the United States during the late civil war.

Mr. BRAGG. I would like to hear the report of that loyal Iowan read.

The report (by Mr. LYMAN) was read, as follows:

The Committee on War Claims, to whom was referred House bill 658, make the following report:

In the fall of the year 1863, Francis W. Haldeman, being then a mere lad twelve years old, too young to be enlisted and received into the military service of the United States, procured, at his own expense, a uniform, and, in the same manner, armed himself, and went with an Ohio regiment from his home in Tiffin, Ohio, to Johnson's Island, in Sandusky Bay, and was there engaged for some time in guarding prisoners. He then attached himself to the Forty-ninth Ohio Infantry, and went to Camp Dennison, near Cincinnati, Ohio, and again sought to be mustered in as a drummer, but was rejected on account of his age and size. He then attached himself to Company A, Twelfth Ohio Volunteer Cavalry, and all the officers of that regiment testify that he faithfully performed the duties of a cavalry soldier, as a bugler, a scout, and an enlisted man in the ranks, until the end of the year 1864. It also appears that he received such injuries to his physical health while in the line of his duty as that he has never recovered from the same. His conduct was of such a gallant nature that he has received honorable mention by name in the history of his regiment. He has never been paid one cent, because he was never mustered. The gallant and meritorious services of this brave and patriotic youth deserve recognition.

Your committee recommend that the bill pass, with the following amendment: In the sixth line strike out the words "and fifty."

Mr. LYMAN. I move that bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. BRAGG. Mr. Chairman, I do not want to say anything against so brave a boy as that; but it does seem to me a lad twelve years old, too small to be enlisted even as a drummer-boy, too young and too small for any service, the chances are those glorious achievements he performed, which made him historical in the history of his regiment, have been performed largely by the pen-and-ink brigade since the war, as well as all that species of recollection which writes up a great deal of military history and furnishes an immense amount of pension evidence and proof to support war claims; in other words, they are very likely to be creations of the imagination.

But whether this was so or not, the Government refused to take this boy into its service. They declined to have him, and on competent authority rejected him because he was unfit for service.

Mr. WEAVER, of Iowa. But they did not refuse to take his services.

Mr. BRAGG. But like a camp-follower or horse-leech he followed on, and followed on, and followed on. Why? On account of that glorious and patriotic sentiment which prevailed all over the State of Ohio.

A MEMBER. Iowa.

Mr. BRAGG. Iowa, is it? No; he went to Ohio, but he started from Iowa. He wanted to go down to guard the prisoners in Lake Erie. That boy, if I remember the report here—and that is where he got it—it was an afterthought of that glorious patriotism which filled him when he wanted to go when the Government said he should not. What has become of it? Has it oozed out like the courage of some people we have heard tell of? What was to be such a glorious record of courage and patriotic sentiment, which was to impel him to go when the Government tried to keep him from going, has now developed into a begging propensity. The gentleman from Iowa who presented his claim undoubtedly knows the boy. He undoubtedly knows the boy; he is undoubtedly a nice boy, and it occurred to him it would be a clever thing to give something to that boy. So it went. There are a thousand boys I know who would like it very much and be just as thankful. But there is no earthly ground in the world for paying this boy for anything that he did. He has got no claim upon the Government whatever; and we are in no condition now to be giving presents to boys even if they do live in Iowa or Indiana or Ohio or anywhere else where some member of the Committee on War Claims happens to live.

Mr. LYMAN. Mr. Chairman, I do not see any reason whatever why this assault should be made upon this young man. I do know him, and he does live in the State of Iowa; but I did not know him at the time he was serving his country in the Army. It has been said by the gentleman from Wisconsin that the country refused to receive him as an enlisted man and to muster him into its service as a soldier in the Army.

It is true he was not received and mustered, because he was not within the age of enlistment; but as remarked by my colleague from Iowa [Mr. WEAVER] on my left, the country did not refuse for over a year to receive his services, and the faithful service, too, which he rendered. The country did not refuse to allow him to arm and uniform himself at his own expense, and use his arms and uniform in its defense during the period of his service.

I know the young man now, while I did not know him then; and I do know that his health is broken, and if we are to believe the evidence furnished before the War Claims Committee, broken by reason of his exposure in the service. He asks at this late day for this compensation in view of the expenditures incurred by himself; and I am sorry to hear him assailed as he has been upon the floor of this House by the commander of the "Iron Brigade."

Now, I only know about this man's service from what I have seen in the record before the Committee on War Claims. I introduced this bill into the House for his relief, and estimated the service at $250, including the expenses to which he had been subjected in purchasing his arms and uniform. The committee thought that the time for which he was in the service and the probable amount of the expenditure made by him would not exceed $200, which sum, in their judgment, was sufficient compensation, and they directed that amendment to the bill. I have no objection to the amendment, but the testimony of the officers commanding that regiment is to the effect that this young man was a faithful soldier during the year or over that he was with the regiment acting in the capacity of bugler in the regiment of cavalry to which he was attached, and also acting as a scout.

Mr. BRAGG. May I ask the gentleman a question?

Mr. LYMAN. Certainly.

Mr. BRAGG. What is the date of the affidavit of the officers to which you refer?

Mr. LYMAN. I don't remember the date.

Mr. BRAGG. How many years since? Is it of recent date?

Mr. LYMAN. It was made within a short time.

Mr. BRAGG. I thought so; of course it was.

Mr. LYMAN. Within the last year perhaps; but it is no less the truth because it was made within the last year. Are these officers, the colonel of the regiment and the captain of the company with which he served, to be impeached and their testimony questioned because it was not given twenty years ago? And yet that is the implication from the gentleman's remark.

Mr. BRAGG. What evidence have you that he bought the uniform; what did he pay for it—what amount of money?

Mr. LYMAN. I have the evidence of himself and the officers with whom he served——

Mr. BRAGG. And where could he buy the uniform; in the Army?

Mr. LYMAN. He bought it before he left home, I suppose.

Mr. BRAGG. Where?

Mr. LYMAN. In Iowa, I presume. He did not go from Ohio, as the gentleman said.

Mr. BRAGG. The Government did not have any store-house where such a purchase could have been made in Iowa at that time. Where could he have bought his arms?

Mr. LYMAN. The testimony satisfied the committee upon that point; and the officers of his regiment, the colonel, and the captain of the company to which he was attached, testified that he was a faithful soldier, that his claim was true, and it seems to me that the Government can afford to pay for the services he performed.

I now yield so much time as he may desire to my colleague from Iowa, General WEAVER.

Mr. WEAVER, of Iowa. Mr. Chairman, if the gentleman from Wisconsin [Mr. BRAGG] desires to oppose this measure upon its merits, and without attacking the reputation of this brave lad, that is all right. But I think it is ungracious, after this young man has made his military history, after he has been honorably mentioned in the records of his regiment, after he has sustained his reputation before the committee having charge of his claim, that the gentleman should rise here without knowledge of the facts of the case on which the claim is based, and say before the American Congress and put it into the RECORD that the young man is trying to impose upon the House by trying to get a claim through here by begging. I know many men who went into the Army and served faithfully, and who would have spurned to ask for a pension or pay while their health was good. He gave not only an example of his valor to the Government, but he gave to the Government his health, a sacrifice which to many men is dearer than life itself, and why then should his reputation be assailed here without cause, without evidence? The Government has had his services as a soldier, and if it has paid any other man for his services it should pay this young man, now that he is in bad health and in need of it; and that is all there is of it.

Mr. WISE. Will the gentleman allow me to ask him a question?

Mr. WEAVER, of Iowa. Yes, sir.

Mr. WISE. You say this boy has received honorable mention in the history of his regiment. The report does not speak of his services in a solitary battle.

Mr. WEAVER, of Iowa. Oh, doing service in battle is only an incident to a soldier's duty. Actual fighting does not take up much of a soldier's time. There is guard duty, the bivouac, the march, the picket duty, every-day duties of all kinds. These make up the life of a soldier.

Mr. WISE. This report says he was a bugler in a camp in Ohio.

Mr. WEAVER, of Iowa. That was the duty of a soldier. As a bugler, he called the soldiers to duty. It is true the Government refused to take this young man's services when he made his first application. But afterward it took his services, and there was an implied contract that he would be paid for them.

The gentleman from Wisconsin [Mr. BRAGG] wants to know if there were any uniforms for sale in Ohio. Does the gentleman not know there were uniforms all over the country? And whether there were uniforms or not, he could go and order a uniform to be made as uniforms were made for Federal soldiers. There is nothing but carping and criticism in what has been said. If it is held the Government shall not pay the man because there was no contract, all right; but do not let us have his character assailed here.

Mr. BRAGG. I have not assailed anybody's character. I know nothing of this boy's character or his services except from the record which the committee have made for him. I spoke of the record they have made, and it is absurd on its face.

I have seen many a painting, many a cut of the drummer-boy with the American flag wrapped round him lying dead in the attitude as if he had led the charge on the enemy's works, but nobody in his senses believes such a thing ever took place. But it looked pretty in the picture. If they had looked for the drummer-boy when there was a battle they would have found him knocking out the head of the drum as soon as the fight commenced, and going to the rear if he had the pretext of helping to carry a wounded soldier to an ambulance. If they had looked for the drum they would have found nothing but the shell of it. Poetry is one thing and reality is another.

It is absurd to suppose a boy twelve years old, too small to be taken even for a drummer, was selected by anybody for a cavalry scout. Yet that is what the report says. That must be the kind of cavalry my friend alluded to the other day when he spoke of the valuable cavalry we had in the first part of the war.

There is no real claim on the part of this boy. It is merely a trumped-up claim. In these days people seem to think all they have to do is to knock, and the scriptural promise will be fulfilled, "It shall be opened unto you;" that if they knock at the door of the Treasury through their member of Congress they will get what they want.

Take another class of cases just like this. We had during the war a great many benevolent females, elegant ladies, large-hearted, glorious women, that the soldiers learned to love for the efforts that they gratuitously made to alleviate their sufferings, to cool the heated brow, to moisten the parched lips, to take the last dying message from the cot to send it to the betrothed, or to the aged mother, or to the little child that was left fatherless. Most delightful scene! Most glorious and most patriotic memories! But now we find them coming here through the War Claims and Pension Committees—coming as beggars; and these gratuitous services for which we prized them so highly are all being coined down into dollars and cents. Twenty years after the war we are asked to give pensions to these ladies that gathered around the hospitals. It has knocked all the sentiment out of it. All those things we love to dream about are gone. That race of disinterested people is becoming extinct, and we see them one after another beggars banging at the Treasury door, saying, "Please give us some money."

It is time this should stop. I want some of the rich memories of the war preserved. I do not want it to be brought down to this basis of dollars and cents. I should like some patriotic sentiment left in this matter.

No doubt this was a very nice boy who followed and persisted in following the regiment and sticking about them for a year; they could not drive him off. But it is different when after twenty-two years he comes here and has the committee figure out that it must have cost him so much for his gun and that it must have cost him so much for his clothes. Then where did he get his fodder? It must have cost him so much for buying his rations. But the committee say they will reduce his bill from $250—that they will cut off $50. In that way they practice economy a little and give him $200.

Mr. WEAVER, of Iowa. I know, Mr. Chairman, that there are a great many pictures of the late war and of all wars that are very deceptive to the youth of the country, but during my brief military career I have known instances where drummer-boys were of very great service, and I was astonished to hear the gentleman from Wisconsin [Mr. BRAGG] belittle their aid in carrying wounded men and officers off the field. One of the most valuable services that a boy could possibly render would be to aid in carrying off the wounded, because if he did not do it another soldier would have to do it, and so two soldiers would be taken out of the line, one wounded and the other helping him off the field. Therefore, when a drummer-boy helped a wounded soldier he was really keeping another soldier in line.

I know, sir, as I have said, that some war pictures are very deceptive, and I will tell you one that is far more likely to deceive than the picture of the drummer-boy at the front; that is the picture of the officer with his epaulettes, in front of his men, leading the charge and saying, "Come on, boys, and carry the works!" If there is a humbug in American military history, it is that portion of it which represents the commissioned officers leading the charge upon the enemy's works. As a rule, they were to be found where their orders and the rules of war required them to be—at a safe place in the rear—while the private soldiers did the shooting and the fighting and the dying. [Applause.]

Now, Mr. Chairman, let us be fair. I know that the gentleman from Wisconsin [Mr. BRAGG] did not intend to make an attack upon this young man, of whom he knows nothing. Let us be fair, and let us leave no trace upon the record that that young man's reputation has been assailed here. I resent that in his behalf and in behalf of the private soldiers of the Army.

Mr. JOHNSTON, of Indiana. Mr. Chairman, as I understand the report, this is the case of a young man who went into the Army, or tried to get into the Army, and being perhaps too young to be mustered in, went along with the troops and really performed military duty; and now the gentleman from Wisconsin [Mr. BRAGG], the chairman of the Committee on Military Affairs, who not only thinks it his duty to look after the Army but also to look after the commissioned officers, and to see that the generals are promoted after they are retired, and to see that men who have been in the regular Army all their lives and are retired under the law shall come in and have their commissions raised and their pay raised after they have gone out of the Army—the gentleman from Wisconsin, who feels bound to attend to all these things, now comes in here and seeks to attack this boy upon the ground that he was a "camp-follower."

The gentleman wants to know who ever heard of a boy who was too young to be mustered into the Army rendering any military service? I can tell the gentleman of two boys in my own regiment who were so young that the mustering officer refused to muster them. They were orphan boys. Their two uncles had command of a company each; they uniformed the boys, gave them a musket apiece, and the boys started along with us without being mustered. At the battle of Richmond, Ky., they went into line and did as good fighting as any soldier in the regiment. During the fight, after we had been driven back, General Manson was passing, and these two little fellows were together and they presented arms and saluted him. The rest of us did not think of showing that respect to the commanding officer. That attracted the attention of the general, and he inquired about them, and had a special order issued that they should be mustered in for gallantry upon the battlefield. They were mustered in, and they afterward became the left and the right guides of the regiment, and when it was mounted they

became scouts and messengers, and went with Sherman to the sea. [Applause.]

Mr. BRAGG. Will the gentleman allow me a question?

Mr. JOHNSTON, of Indiana. Yes, sir.

Mr. BRAGG. Did you say that those two boys were ordered by the commanding general to be mustered into the service because they knew enough to present arms and the balance of you did not?

Mr. JOHNSTON, of Indiana. Yes, sir. [Laughter.] I say they were ordered to be mustered in, not for that particularly, but for gallantry, and they afterward did as much for their country as the man who led the Iron Brigade and who now comes here to attack a boy who bared his breast in the service of his country. [Applause.] If this young man did his duty he has a right to be paid for his service. But the brave chairman of the Committee on Military Affairs (which ought to be a brave committee) comes here and not only attacks this boy, but he seeks to travel outside of this record to attack the nurses who took care of the sick soldiers during the war; he says they are coming here now asking to be paid for their service—coming here as beggars. Why, sir, if a poor woman who gave her services to her country years ago has since lost her health and her means, and now comes and asks the representatives of that country to do something for her by way of compensation for her services in the past, I ask the chairman of the Military Committee if it is not as honorable for the Government to grant her request as it is to raise the pension of the widow of a general officer from $30 to $50 a month, or as honorable as to stand here and block legislation unless the House will consent to such an increase of pension. The committee have reported in favor of this bill because they believe that the Government can afford to be honest with the men who helped to defend it.

Mr. BRAGG. I beg pardon of this committee. I ought to have remembered that the bare idea of an officer in the service is to my distinguished friend who has just addressed the committee about like a red rag to a bull. I had no idea that he would break out into such terrible convulsions, or I should certainly have abstained from my opposition to this bill.

Where did this brave boy "bare his breast?" Why, he blew a bugle somewhere as a scout. Did the scouts who served with the gentleman's command herald their coming by bugles? Was that the kind of soldiering that the gentleman from Indiana did? When he went as a scout, did he go with a brass band? [Laughter.] If so, it shows me very conclusively that that portion of the Army to which he was attached suffered very much because it did not have some officer of the regular Army connected with it to teach them some little part of their duty.

Now, there is no occasion for all this talk about officers. Here is my friend from Iowa who wants to know whoever saw an officer lead a charge. I can tell him what I have seen. I have seen gentlemen who followed the "stars and bars," who bore commissions as officers, coming down in advance of their lines, the men having their muskets at right shoulder shift or at trail arms, and their slouch hats down over their heads, and I have seen these officers lead those men plump up against the musketry, and, being in front, keep them from firing, with the view of carrying the works at the point of the bayonet. I will say that much for them. I have seen officers who followed the other flag who did not say, "Go in, boys! I am a little lame; you will probably get driven back, and I will be here to receive you when you come!" The army that I had the honor to serve with had officers in it who were not afraid to fight—officers in whom their men had confidence, because the men believed them to be as brave as any men in the line, believed them to have courage and nerve, with the skill and the coolness to sweep with the eye over the field, to take advantage of the position, to cover the men where cover could be had, and to reach the point where the enemy could be assailed with most success and with the least loss. Those officers had the confidence of the soldiers. When any man who says he was a soldier makes it a part of his daily vocation to abuse officers, I think he must have belonged to that squad who were camp followers, who were always in the rear, who always reported the terrible destruction that had taken place in their command at the front, and that they were the only men who had not been killed as the battle went on.

That tremendous battle at Richmond, Ky.—what was it? Where is the record of that wonderful battle? How many troops were engaged? What advantage was gained or lost?

Why, sir, it was, I have no doubt, one of those skirmishes between outlying troops where here and there a shot was fired from the pickets, and they rallied back on the center, and the horns were sounded and the drums beat to move on "Johnny Reb," and when they moved up where they supposed he was, he had gone! [Laughter.]

Mr. JOHNSTON, of Indiana. I only want to recommend to the gentleman that he read the history of his country a little. If he will do so, he will find that the battle of Richmond, Ky., lasted for about ten hours; that there were several engagements, and that, for the number of troops engaged, it was as severe a battle as was fought during the war.

Mr. BRAGG. How many men fell in that action?

Mr. JOHNSTON, of Indiana. Well, sir, I have not the figures here.

Mr. BRAGG. That was such a great battle I should suppose the gentleman could give us an approximate estimate, at any rate.

Mr. JOHNSTON, of Indiana. I am not teaching the gentleman history. He ought to understand the history of his country. There were about nine thousand men on the Union side, and on the other about twelve or fifteen thousand of Kirby Smith's troops. It was the fight in which the Union forces were trying to stop Kirby Smith from marching upon Cincinnati.

The gentleman departs from the point in issue and seeks to say—I do not know whether he meant his remarks for me or for the gentleman from Iowa—that we have been abusing the officers. No one ever heard me abuse an officer. I have never on this floor tried to detract from the merits of any officer; but I do try to stand by the interests of the private soldiers, and not say to them, "We have time for legislation in the interest of the officers, but none for legislation in your interest." That is the issue.

Mr. BRAGG. Permit me one question as to statistics. Was it not the fact that nearly all of that command to which you belonged were captured at Richmond, Ky.?

Mr. JOHNSTON, of Indiana. Many of them were.

Mr. BRAGG. And is it not true that the balance of them were sent back to General Wolford to be drilled because they were such poor soldiers? [Laughter.]

Mr. JOHNSTON, of Indiana. Now, Mr. Chairman, if gentlemen will be quiet, I want to say that in that battle we were subjected to many humiliations, but to no humiliation so great as to be drilled by the gentleman from Kentucky. [Laughter.] I wish to say further that he was a very brave man, but I never saw him have his own troops under command in the line; and it is part of the history of the war that, while he nominally had about fourteen hundred men, he never was able to have more than two hundred of them together at once. [Laughter.] Now I wish to say further, in answer to the gentleman from Wisconsin——

Mr. HAMMOND. I rise to a question of order. It is impossible for us to understand this "history" while there is so much confusion.

The CHAIRMAN. Gentlemen will resume their seats and preserve order.

Mr. JOHNSTON, of Indiana. I will say, in answer to the gentleman from Wisconsin, that it is a remarkable spectacle for a man who claims to be a Union soldier, and claims to have sympathy with the Union cause, now at this late day to gloat over a Union defeat. [Applause on Republican side.] That is a strange spectacle. Whether it is because he had no sympathy with the cause at the time or because his surroundings are such now as to prompt him to do so I know not, but I suppose it was the former.

The gentleman seeks to get after the gentleman from Iowa [Mr. LYMAN] and myself because we forsooth have stood here in defense of the private soldier. He seeks to draw the inference because we have done that we have been making a war upon the officers. It is not that at all, sir. It is to give the officer his just dues, and to give to the private soldier what belongs to him. What we wish is that when you grant legislation to one give them that legislation alike, and not make a privileged class of one to the exclusion of the other.

Mr. Chairman, as I said before, this is a claim for services rendered. And the gentleman seeks to attack this boy because he says he was a bugler in the Army. Why, sir, a bugler in the Army is just as necessary in his way as a general. [Laughter and applause.] He is just as necessary as a captain or a colonel. I have no doubt that the gentleman has often heard the notes of the bugle when it sounded the retreat, and no doubt he enjoyed it very much. [Laughter and applause.]

Mr. WOLFORD. Mr. Chairman, I do not rise to oppose this bill, but, on the contrary, to favor it, both by my speech and by my vote. The proof is apparent this boy did serve the Government during the war faithfully, and he ought to be paid for those services. I not only do not oppose it, but, on the contrary, as I have said, I shall vote for it.

I disagree with the chairman of our committee in this matter, but I do not rise to go into the merits of the case, but rather to reply to an unjust insinuation made by the distinguished and honorable gentleman from Indiana [Mr. JOHNSTON]. It so happens, sir, I am peculiarly surrounded in this House. Here I have a distinguished gentleman who commanded a brigade in my division. I refer to General HENDERSON, of Illinois. I am willing to have him state to this House whether I fought my men or not. I see distinguished officers of Kentucky here who fought against me. They too can say whether my command fought or not. It is a matter which they can not forget. [Laughter.] They will tell you that that command was always fighting. [Laughter and applause.]

Mr. Chairman, it was my fortune during the war first to command a regiment, then a brigade, and after that a division. I am not ashamed of that regiment, sir, as a regiment; and it never was ashamed of me. [Applause.] I am not ashamed of that brigade as a brigade, and it never was ashamed of me. I am not ashamed of that gallant division, which fought in my presence, for I led them in more than one hundred battles, and that division never was ashamed of me. [Applause.]

Read the history of the war, sir, and you will learn I never drilled the troops under my command merely for dress parade. [Applause and laughter.] I never drilled them for dress parade, but, sir, I drilled them to fight, and they did fight. [Applause.] Those men were never afraid to fight, and they never were ashamed of the record which they made in the war.

Nor, sir, were they ever ashamed of the gallant men who took another view of the issues involved and who fought against them. History will tell who I was and what I did, and if there be any gentleman here who has not read that history of his country I commend it to him. He ought to read it. When he does it will tell him sure and plain whether I was a mere disciplinarian or not. It so happens that some of the cavalrymen who went down South from Richmond showed whether they were disciplined or not. I say that, and I say more than that, that they were disciplined, and in many a hardly-contested fight showed themselves to be gallant and brave men. Why, sir, they ran the war. [Laughter and applause.]

I have said all I desire in answer to the unkind insinuations of the gentleman from Indiana.

Now, there was a distinguished man, a great warrior—I speak of a man in Kentucky, and Kentuckians are generally right—who showed he was right. He was a great man, a man of powerful mind, a man thirsting to distinguish himself in the war. He went out in the cavalry. I say read that history and see whether the gentleman from Indiana judges correctly. The gentleman reminds me of a man who went in the infantry and got tired of walking [laughter], and then left his regiment and joined the cavalry. He said he got tired of walking and wanted to ride. [Laughter.]

But he did not stay very long in the cavalry until he resigned, because he found, as he said, that the cavalry led him into a fight, and he said that it was a dangerous place to be in. [Laughter.] He then joined the artillery, but they ran him right into the face of danger, and he said "This is no place for me; it is a very dangerous place." [Great laughter.]

After a while he went into the quartermaster department, and I read that about my friend the gentleman from Indiana the other day in his military history; but after getting into that department and thinking he was in a safe place a few days passed around and John Morgan came along and captured the quartermaster. He did not happen to capture this man, however, for he ran off. [Laughter and applause.]

He took himself away and got out of danger, and then he said he would resign and go home, because he could not find a safe place in the Army; he had tried all, the infantry, the artillery, and the cavalry, and even the quartermaster department, and all were dangerous. [Laughter and applause.]

Now, my friend from Indiana is a great man, a powerful speaker, a great soldier; but another strange thing about this man that I have been talking about which reminds me of my friend from Indiana is that he always hated the names of the officers after that matter took place. [Laughter.] He hates the cavalry, and the artillery, and the infantry officers, and he hated them with a sort of perfect hatred ever afterward. [Laughter.] But another thing; I have said all I wanted to say about the gentleman from Indiana and all I wanted to say about my humble self. I have many faults, and I thank God and the people that they have never all been told on me [great laughter], but no man ever charged me or my command with anything but true fighting.

I want to say, Mr. Chairman, and there has been too much said here in this Congress against pensions, that there has been an effort upon every pension case here and an effort everywhere, by a certain class of men in the Congress of the United States to inculcate the idea that there was war and hatred between the officers and the privates; that there was a kind of bitterness between them, and I have heard that often here. There is no such feeling. The officers loved the privates and the privates loved the officers. I know that when an officer did his duty, when he was gallant and brave, that he was regarded as a sort of a father to his men, and where he was brave enough or skillful enough to inspire confidence in the soldiers they looked upon him with something of that kind of feeling. On the other hand, the officer loved the soldiers and entertained for his brave men who performed their duty gallantly something of the feeling of a father for his children.

If the soldiers were commanded by a man who had their respect and confidence there was unbounded affection between them, and I know that on every side the soldiers loved them. How was it that all the soldiers of the Army loved old "Pap" Thomas so? How was it and why was it that they all loved General Grant so much? How was it on the other side that all of the confederate soldiers had such devotion for Lee and for Stonewall Jackson? How was it with you, my distinguished friend [referring to General WHEELER], that your men loved you so? [Laughter.] There never was a true soldier who had the manhood and the heart and the soul of a soldier who did not love the soldiers of the Army and the officers of the Army, and there was a wealth of good feeling between them. They were brothers in danger, and to say that there was no affection between them is to mistake the facts. I only wish to say this, Mr. Chairman, in order that gentlemen may not undertake to tell the country—for the country loves both the officers and the men—that there was war and bitterness between the officers and the privates.

Now, a word upon another question. I am for pensioning every soldier in the Army, and every man knows that [laughter], and for giving to every officer of the Army who won distinction—that distinction which made his men feel proud of him—the full recognition of the Government, and their widows, too; and I favor higher pensions for officers' widows than for privates', and have always voted so, and no private soldier has ever grumbled about that.

Mr. LYMAN. Mr. Chairman, I think the committee has enough information now as to the gallantry of both armies, and therefore I move that this bill be laid aside to be reported to the House with a favorable recommendation.

Mr. HAMMOND. I move to amend by reporting it adversely.

The CHAIRMAN. The first question is on the amendment proposed by the Committee on War Claims.

Mr. RYAN. The proposition, Mr. Chairman, on which the committee is to vote is not understood, I think, generally.

The CHAIRMAN. The Chair will state to the gentleman from Kansas——

Mr. HOUK. Mr. Chairman, I want to know what is the question before the House.

The CHAIRMAN. If the gentleman will suspend a moment and hear the statement of the Chair he will ascertain. The bill as introduced provides for a payment of $250, but the committee recommend striking out "fifty," so as to make it read "$200." That is the amendment on which a vote is now to be taken.

The amendment was agreed to.

The CHAIRMAN. The first question is on the motion of the gentleman from Georgia that the bill be reported to the House with an adverse recommendation.

Mr. SPRINGER. I will suggest that we have a vote on the question of reporting it favorably.

Mr. CUTCHEON. If the favorable report is voted down it will amount to the same thing.

The question being taken on the amendment proposed by Mr. HAMMOND, the committee divided; and there were—ayes 68, noes 93.

Mr. BRAGG. No quorum.

The CHAIRMAN. The point of order being made that no quorum has voted the Chair will order tellers.

Mr. BRAGG and Mr. LYMAN were appointed tellers.

The committee again divided; and the tellers reported—ayes 49, noes 99.

Mr. BRAGG. That is not a quorum.

The CHAIRMAN. The point having been made that a quorum has not voted, the Chair will order the roll to be called.

Mr. HAMMOND. I move that the committee rise.

The CHAIRMAN. The motion is not in order. The Clerk will call the roll.

Mr. DUNHAM. I am satisfied there is a quorum present. Can we not get along without taking up time in calling the roll?

Mr. HAMMOND. That was the object I had in making my motion.

The CHAIRMAN. When a quorum has not voted it becomes the duty of the Chair, under the rule, to cause the roll to be called.

The Clerk proceeded to call the roll, when the following-named members failed to answer:

Adams, J. J.	Curtin,	Little,	Sayers,
Aiken,	Davis,	Lore,	Seney,
Anderson, C. M.	Dawson,	Lovering,	Seymour,
Anderson, J. A.	Dingley,	Matson,	Snyder,
Arnot,	Dorsey,	McComas,	Spriggs,
Ballentine,	Dougherty,	McKinley,	Stewart, Charles
Barry,	Ellsberry,	Millard,	Stewart, J. W.
Bayne,	Ermentrout,	Mitchell,	St. Martin,
Belmont,	Fisher,	Muller,	Stone, E. F.
Bingham,	Foran,	Murphy,	Stone, W. J., Mo.
Bland,	Forney,	Neece,	Strait,
Blount,	Frederick,	Negley,	Tarsney,
Brumm,	Gallinger,	Norwood,	Taulbee,
Buchanan,	Gibson, C. H.	O'Donnell,	Taylor, E. B.
Bunnell,	Gibson, Eustace	O'Ferrall,	Thomas, J. R.
Burleigh,	Glover,	O'Neill, Charles	Thompson,
Burnes,	Goff,	O'Neill, J. J.	Throckmorton,
Butterworth,	Grosvenor,	Outhwaite,	Townshend,
Campbell, J. M.	Harmer,	Parker,	Viele,
Campbell, J. E.	Hatch,	Payson,	Wakefield,
Campbell, T. J.	Henderson, D. B.	Phelps,	Ward, J. H.
Candler,	Henley,	Pidcock,	Warner, A. J.
Caswell,	Hewitt,	Pindar,	Weaver, A. J.
Catchings,	Hiestand,	Pirce,	Wellborn,
Cobb,	Holmes,	Plumb,	White, A. C.
Cole,	Hopkins,	Randall,	Whiting,
Collins,	Hudd,	Reed, T. B.	Wilkins,
Cooper,	Kelley,	Rice,	Worthington.
Crain,	Lawler,	Robertson,	
Culberson,	Le Fevre,	Romeis,	

The committee rose; and the Speaker having resumed the chair, Mr. CRISP reported that, the Committee of the Whole House having found itself without a quorum, he had caused the roll to be called, and herewith reported to the House the names of the absentees, to be entered upon the Journal.

The SPEAKER. Unless the demand is made the names of absentees will not be read.

Mr. HARRIS. I ask that my colleague from Georgia, Mr. CANDLER, be excused. He left the Hall very unwell.

The SPEAKER. Excuses are not necessary under this call. The names of the absentees will be entered on the Journal. From the report made by the chairman it appears there are 119 absentees, and there is a quorum present. The committee, under the rule, will resume its sitting.

The Committee of the Whole resumed its session, Mr. CRISP in the chair.

Mr. SPRINGER. I move that the committee do now rise.

The question was taken on Mr. SPRINGER'S motion; and there were—ayes 69, noes 75.

So the motion was not agreed to.

The CHAIRMAN. The pending question was on the amendment of the gentleman from Georgia [Mr. HAMMOND] to strike out the word "favorable" from the motion of the gentleman from Iowa [Mr. LYMAN] and insert the word "adverse." The tellers will resume their places.

Mr. HAMMOND. Will only those vote who did not vote formerly?

The CHAIRMAN. The Chair thinks the better method would be for the vote to be taken over again. The former vote was exhausted when the fact was developed of no quorum. The Chair requests that all gentlemen favoring the amendment of the gentleman from Georgia will now pass between the tellers and be counted.

After some time had been occupied in the count,

Mr. HAMMOND said: It is plain the quorum has gone home. I move that the committee rise.

The CHAIRMAN. The tellers have not yet made their report. If all gentlemen have voted who desire to do so the Chair will ask the tellers to report the result.

The tellers reported—ayes 36, noes 95.

Mr. BRAGG. I think that is not a quorum.

The CHAIRMAN. A quorum not having voted, the Chair will direct the roll to be called, that members present may answer and that the absentees may be noted.

Mr. SPRINGER. I move that the committee rise.

The CHAIRMAN. The Chair thinks that motion can only be made by unanimous consent. The rule provides that when the fact of no quorum is developed the roll shall be called.

Mr. SPRINGER. I know that the rule provides that, but I do not think that excludes the motion that the committee rise. If it did we would now be in the condition that the House could never adjourn.

Mr. KING. We can never get out of the committee.

Mr. SPRINGER. We can never get out of the committee for this reason: the roll is called, and if it appears that there is a quorum present the fact is reported to the House, and we must go back again into Committee of the Whole, and so on repeatedly.

Mr. BROWN, of Pennsylvania. Well, if we have got into a position where we can not get out we had better remain in it. [Laughter.] We have been skirmishing here all the week for a quorum.

Mr. SPRINGER. The motion that the committee rise is equivalent to the motion to adjourn in the House, and that is always in order, if anybody can get the floor to make it. Upon the other theory it would be impossible to dissolve this session, because, as I have said, if we call the roll and find a quorum present we must go back into committee.

Mr. BROWN, of Pennsylvania. Who is responsible for getting us into this position?

Mr. SPRINGER. I do not know. I am sure that I am not. Mr. Chairman, I think it is in order to move that the committee do now rise, and I make that motion.

Mr. CUTCHEON. Mr. Chairman, I rise to a point of order.

Mr. SPRINGER. I ask the Clerk to read what I have marked in the Digest, page 422.

The Clerk read as follows:

A quorum is not required in the Committee of the Whole House on a motion that the committee rise, for the reason that it is the equivalent of the motion to adjourn in the House, on which a quorum is not required, and also for the further reason that as the motion to adjourn has been held not to be "business," the motion that "the committee rise" is governed by the same rules.

Mr. HAMMOND. Mr. Chairman, I think that is a pertinent citation, as we certainly are not trying to do any business to-day. [Laughter.]

Mr. CUTCHEON. Mr. Chairman, I wish to present my point of order. By paragraph 2 of Rule XXIII it is provided that "whenever a Committee of the Whole House finds itself without a quorum the chairman shall cause the roll to be called, and thereupon the committee shall rise." If upon the motion that the committee rise the point is insisted on that there is no quorum in the committee, then I apprehend that under this rule it would be the duty of the chairman to proceed to have the roll called; but if upon the motion that the committee rise a quorum is not insisted upon, then I think that under the paragraph just read from the Digest the committee could rise.

Mr. SPRINGER. It is not necessary to call the roll when the committee wants to adjourn. If that were required in such a case we should find ourselves in committee and unable to get out.

Mr. DUNHAM. Mr. Chairman, the best way to get out of a trouble is the easiest way, and in this case the easiest way would be for the gentleman who has made this point of a quorum to withdraw it and let us go on and do business, instead of filibustering here as we have been doing for two days.

Mr. FELTON. Mr. Chairman, I hope the roll-call will go on. It is manifest, and has been since morning, that the object here is to take up time in filibustering, and the time may as well be occupied in calling the roll as in talking.

The CHAIRMAN. The gentleman from Illinois [Mr. SPRINGER] having made a motion which the Chair decided to be out of order, and having submitted his views upon the point, the Chair desires to say that in the opinion of the Chair, under clause 2 of Rule XXIII, whenever it is disclosed on a vote by tellers that no quorum of a Committee of the Whole House is present it becomes the duty of the chairman to cause the roll to be called, and the Chair thinks that no other motion can be made at that time under the rule. The roll must be called, and the committee must then rise and report the names of the absentees to the House.

Several MEMBERS. "Regular order!"

Mr. DUNHAM. And then, Mr. Chairman, if there is a quorum present, we must go right back and be in the same fix as before. Is that the rule?

The CHAIRMAN. The Chair would suggest that when gentlemen get into the House they will have a more able parliamentarian to decide questions than they have in the Committee of the Whole.

Mr. SPRINGER. I would like the attention of the Chair for a moment. [Cries of "Regular order!"]

The CHAIRMAN. The Chair has decided the question. The regular order is demanded, and the Clerk will proceed to call the roll.

The Clerk proceeded to call the roll.

The CHAIRMAN (before the call was concluded). As the hour of 5 o'clock, at which the House, under its order, must take a recess, has now arrived, the committee will rise.

The committee accordingly rose; and the Speaker resumed the chair.

The SPEAKER. The hour of 5 o'clock having arrived, the House takes a recess until half past 7 o'clock, the session this evening to be devoted to the transaction of business under the order heretofore made.

EVENING SESSION.

The House reassembled at half past 7 o'clock p. m.

ORDER OF BUSINESS.

Mr. MORRILL. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole on the Private Calendar for the consideration of bills under the special order for Friday evening.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, Mr. HERBERT in the chair.

MARIA K. RITTER.

The first business on the Private Calendar was the bill (H. R. 5693) for the relief of Maria K. Ritter.

Mr. MORRILL. I move that this bill be laid aside to be reported to the House with a recommendation that it be laid on the table. The reason for such action is that the claim has been allowed in the Pension Office since the bill was introduced.

The motion of Mr. MORRILL was agreed to.

WILLIAM J. OWINGS.

The next business on the Private Calendar was the bill (H. R. 4097) for the relief of William J. Owings.

Mr. MORRILL. I ask unanimous consent that this bill be passed over informally, retaining its place on the Calendar.

The CHAIRMAN. If there be no objection that order will be made.

There was no objection.

MARY HOWARD FARQUHAR.

The next business on the Private Calendar was the bill (H. R. 1201) for the relief of Mary Howard Farquhar.

Mr. MORRILL. This bill, I think, has been objected to; and I will ask that it be passed over, retaining its place on the Calendar.

The CHAIRMAN. In the absence of objection that order will be made.

PHŒBE H. MEECH.

The next business on the Private Calendar was the bill (H. R. 1649) granting a pension to Phœbe H. Meech.

Mr. ZACH. TAYLOR. I ask that this bill be passed over. The gentleman from Pennsylvania [Mr. WHITE] who made the report asked me to make this request.

Mr. FARQUHAR. Mr. Chairman, the reason this bill was passed over on Friday evening two weeks ago was the fact that there was not then before us any certification as to the commission of this officer. At that time there was pending in the Senate a bill similar to this, and the proper official certification of the Adjutant-General of the State of New York was in the hands of Senator BLAIR. I now hold in my hand that certification. There is testimony in the case that the adju-

tant of the regiment carried the commission of this officer through Mexico and brought it as far as New Orleans, and now the official document is here.

The CHAIRMAN. Does the gentleman from Tennessee [Mr. TAYLOR] insist on his proposition?

Mr. ZACH. TAYLOR. No, sir; but I am opposed to the bill. If we are now to consider it I ask for the reading of the report of the committee. There is nothing in the report to show that this man was ever mustered as a lieutenant or served as such. On that ground I am opposed to increasing the pension.

Mr. FARQUHAR. As there is opposition to the bill, I ask that it be passed over until the gentleman from Pennsylvania [Mr. WHITE] who reported it shall be present.

The CHAIRMAN. The gentleman from New York [Mr. FARQUHAR] asks that this bill be passed over informally, retaining its place on the Calendar. In the absence of objection that order will be made.

JAMES H. DARLING.

The next business on the Private Calendar was the bill (H. R. 7257) granting a pension to James H. Darling.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James H. Darling, late of Company G, Seventy-third Regiment Ohio Infantry Volunteers.

Mr. CABELL. Let the report be read.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7257) granting a pension to James H. Darling, respectfully submit the following report:

Claimant was a private of Company G, Seventy-third Ohio Volunteers, having enlisted November 19, 1861, and was discharged December 12, 1862. On June 18, 1879, claimant filed his application for a pension, alleging that he contracted rheumatism at Camp Logan, Ohio, about January 20, 1862; his claim was rejected because "the evidence failed to show the origin of the alleged disability in the service and line of duty," and the claimant alleging his inability to furnish the required proof as to origin.

Two neighbors, who had known claimant for thirty years, testified in 1881 that he was a stout, able-bodied man, able to do all manner of farm work before his enlistment, and know that claimant had no such thing as rheumatism. It is shown by the testimony of comrades McKee and Makinson that claimant broke down with rheumatism at Camp Fetterman, West Virginia, and was sent home about February 1, 1862, on account of his disability. In corroboration of this the report of the Adjutant-General, United States Army, shows:

"Claimant reported on roll for March and April, 1862; at home, on sick-list, May and June, 1862; absent without leave, July and August, 1862; deserted March 5, 1862. Charges of desertion and absence without leave are removed; he went to his home in Jackson County, Ohio, by proper military authority, some time during March or April, 1863, where he remained sick and unable to travel to December 12, 1862, when he reported at Columbus, Ohio; he was discharged at that post December 12, 1862, on surgeon's certificate of disability."

It is shown by the evidence that claimant has been a sufferer from rheumatism since his discharge, at times being compelled to use crutches. Two medical examinations by examining surgeons of the Pension Office, dated March 7, 1881, and March 22, 1882, show him to be disabled by rheumatism, and the affidavit of Dr. C. Campbell, of Cherrydale, Kans., dated March 24, 1886, shows him still disabled.

Your committee therefore recommend the passage of the bill.

The CHAIRMAN. If there be no objection, this bill will be laid aside to be reported favorably to the House.

Mr. CABELL. I object. This man ought not to have a pension.

Mr. PETERS. As I did not enter the House until the Clerk had begun the reading of the report, I ask to what company this soldier belonged.

The Clerk again read from the report the following:

Claimant was a private of Company G, Seventy-third Ohio Volunteers.

Mr. ZACH. TAYLOR. I hope the gentleman who reported this bill will explain to the House how the charge of desertion was removed.

Mr. MORRILL. Why, Mr. Chairman, the report itself shows that the charge of desertion was removed by the Adjutant-General. It is stated in the report of the Adjutant-General that he removed the charge of desertion because the man was improperly reported as a deserter, having been home sick on proper leave.

Mr. CABELL. The report also shows that this man rendered little or no service to the Government during the entire time he was enrolled as a soldier. Though the report states that the charge of desertion was removed it does not state at what time it was removed, nor for what cause; nor does the report make it appear that the charge was properly removed. The House has no information on these points. There is a statement that the man was charged with desertion; and I think it further appears that he was not much of a soldier during the whole time up to his discharge. I think that in such cases we ought not to grant pensions by special law. Whatever may be the reasons for granting pensions to good soldiers, it is not proper to grant them in such a loose way as this.

Mr. MORRILL. My impression is that this case is a very strong one. The extract from the Adjutant-General's report—it is not the language of my report at all—shows that the charge of desertion was removed. It shows the man went in and served five or six months, and was then taken sick and continued sick of rheumatism about four months. He was then discharged on surgeon's certificate of disability. The evidence as to his being disabled by rheumatism is good.

Mr. STEELE. Why could he not get a pension at the Pension Office?

Mr. MORRILL. Because he could not prove his disability was the result of disease contracted in the service.

Mr. PETERS. I belonged to the regiment this soldier was attached to. I have here the regimental history. I came into the House as the report was being read. It appears this rheumatism was contracted in Camp Logan, but from the evidence afterward it seems it was contracted at Fetterman, W. Va. I am aware the regiment had very hard service at Fetterman, and there was much sickness in the regiment at that place. Prior to reaching West Virginia we had no service except camp service.

If the disease is alleged to have been contracted at Fetterman there is good ground to think the evidence is correct. I think one hundred or perhaps more died of that disease contracted at Fetterman.

The CHAIRMAN. The question is upon laying the bill aside to be reported to the House with the recommendation that it do pass.

Mr. CABELL. I call for a division.

The House divided; and there were—ayes 20, noes 1.

Mr. CABELL. No quorum has voted.

The CHAIRMAN. The point of no quorum having been made, the Chair will appoint tellers.

Mr. CONGER. Will the gentleman tell us if it is his purpose to object to any bill which may be read? If it is not, then I suggest this bill be laid aside to see if we can not strike some of those reported from the Invalid Pensions Committee to which there will be no objection.

Mr. CABELL. The gentleman has no right to ask me any such question as that. I am standing here upon my rights as a Representative, and will exercise them to suit myself.

Mr. CONGER. I withdraw the question. I did not put it to be offensive to the gentleman at all.

Mr. CABELL. In that view then I have no objection to saying that I do not intend to object to any case which I think is a proper one. I have served on the Invalid Pensions Committee and have examined a great many of these cases which are brought here upon this Calendar. I shall raise no objection to any proper case, but where I believe it is not a proper case I shall not only object, but shall insist on my objection to the best of my ability.

The CHAIRMAN. Is there any objection to passing over this bill?

Mr. MORRILL. I have no objection to the bill being passed over. I have reported a great many of these cases and have spent much time in the investigation of the testimony upon which they are founded. I have not the slightest interest in one case out of twenty-five which I have reported. I have examined this case and looked over the whole of the evidence to support it, and I will say it is as meritorious as two-thirds of those which have been passed. I do not know who introduced the bill and care less. I gave it a thorough investigation, but am willing to withdraw it if the gentleman who introduced it does not object.

Mr. ELDREDGE. The Clerk has passed over one bill.

The CHAIRMAN. The question before the committee will first be disposed of. Is there objection to passing over the pending bill?

There was no objection, and the bill was passed over for the present.

NAVY AND MARINE CORPS.

Mr. ELDREDGE. We have passed over a bill (H. R. 4702) amending sections 4756 and 4757 of the Revised Statutes, relating to pensions to certain disabled persons who have served in the Navy or Marine Corps.

Mr. THOMAS, of Wisconsin. Was not that bill passed over?

Mr. MORRILL. It is a general bill and can not be considered to-night under the rules of the House.

The CHAIRMAN. It has not been before the committee to-night.

Mr. FARQUHAR. Is not this a general bill?

The CHAIRMAN. The Chair can not tell until it is read.

The bill was read.

Mr. MORRILL. Under the order for these night sessions, we can only consider private bills reported from the Committee on Invalid Pensions granting pensions.

Mr. DOCKERY. That bill, then, is clearly not in order.

The CHAIRMAN. This bill does not seem to be in order, because it does not grant a pension. Does the gentleman desire to be heard on that point?

Mr. ELDREDGE. I do.

The CHAIRMAN. The gentleman will proceed.

Mr. ELDREDGE. This is in the nature of a pension. If the statute is amended as this bill provides it will put certain persons who served in the Navy for twenty years upon what is called the half-pay list, instead of sending them to the asylum for sailors. It is exactly tantamount to a pension, and the money that would be drawn by these men does not come out of the general fund appropriated for the payment of pensions, but from the fund which has accumulated under this provision of the naval regulations and is now in the Treasury, and amounting to ten times the pay of the men who will be benefited by the operation of this bill. Several millions of dollars have accumulated in the Treasury to pay these sailors; and in view of the fact that it affects but few persons, it has been put by the Speaker upon the Private Calendar.

I repeat, although it does not grant a pension to the recipients, it

would be in the nature of a pension by placing them upon this retired-list, which amounts to the same thing.

Mr. BROWN, of Pennsylvania. We are not able to hear a word the gentleman is saying.

Mr. ELDREDGE. I hope gentlemen are not deaf on that side.

Mr. BROWN, of Pennsylvania. The gentleman does not seem to talk plainly enough.

Mr. ELDREDGE. I am not to blame for that. This bill is in the nature of a pension bill, I say.

Mr. BROWN, of Pennsylvania. Now we can hear you.

Mr. ELDREDGE. I am glad of it. If the bill goes into operation and the statute is amended as the bill contemplates, it will put about one hundred and twenty-five sailors on the half-pay list instead of sending them to the asylum for sailors; and being in the nature of a private claim, and benefiting but few persons, and being tantamount to a pension bill, it has been placed upon this Calendar.

Mr. DOCKERY. Mr. Chairman, the bill is clearly out of order under the special order providing for these sessions of the House. That provides——

The CHAIRMAN. The Chair is ready to rule upon the point of order.

Mr. DOCKERY. Then I yield the floor.

The CHAIRMAN. The Chair is of opinion that this is not a bill granting a pension. It amends certain pension laws, and would be the basis of other and further applications for pensions, but it is not a bill granting pensions; consequently the Chair sustains the point of order, and the Clerk will report the next bill.

JOSEPH GUY.

The next business on the Private Calendar was the bill (H. R. 7253) for the relief of Joseph Guy.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Joseph Guy, formerly a member of Company C, One hundred and twenty-first Regiment Ohio Infantry Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SPENCER W. TRYON.

The next business on the Private Calendar was the bill (H. R. 7249) to pension Spencer W. Tryon.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Spencer W. Tryon, late a private in Company E, Fourteenth Regiment Illinois Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MAYBERRY VANCE.

The next business on the Private Calendar was the bill (H. R. 6247) granting a pension to Mayberry Vance.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mayberry Vance, of Danville, State of Pennsylvania, late a private in the marine service of the United States.

Mr. CUTCHEON. Let us have the report in that case read.

The report (by Mr. SWOPE) was read, as follows:

Mayberry Vance enlisted as a private marine, United States Navy, July 27, 1863, and was discharged July 27, 1867.

He bases his claim for pension on the following facts:

"About July 26, 1864, while at Pensacola navy-yard, Florida, either from neglect of guard duty or missing roll-call, he was confined, by order of Capt. L. L. Dorsan, in a room or cell on the beach called a jail. His blanket and bed were taken away, and he was compelled to lie on the cement floor, which being damp caused him to contract asthma."

The Pension Department rejected his claim "on the ground that, there being no record or evidence in the Navy Department of the alleged disease, and the inability of claimant to furnish satisfactory evidence connecting said disease with the service and line of duty."

A careful examination of the papers in this case shows that the sailor was in the service four years, and he is always reported as being present.

There are in evidence about twenty affidavits from the sailor's comrades, and in every case the evidence is sworn to, and clearly shows that Mayberry Vance, the claimant, entered the naval service a sound man and free from all disease, and that he has suffered from asthma from the date of discharge up to the present time, the time of taking their evidence. It is clearly shown that the sailor's condition is gradually getting worse from the disease.

The examining surgeon, Dr. Strawbridge, testifies that the disease is permanent, and in his opinion did originate in the service. He finds—

"An asthmatic cough, an irritable, easily-excited heart. Respiration imperfect over both lungs, with dullness on percussion; scarcely any respiratory sounds, and no apparent dilatation over lower half of right lung. Thinks his trouble more that of an old chronic bronchitis than asthma."

There seems to be a diversity of opinion between the assistant surgeon and the examining surgeon. The assistant surgeon states—

"That during the years 1865, 1866, and 1867 he was stationed as assistant surgeon, United States Navy, at the Pensacola navy-yard; that during said time Mayberry Vance, at that time in the United States Marine Corps, was repeatedly under his care and was treated by him for bronchitis."

While the examining surgeon again states:

"Have seen this man since his examination (March, 1880) in a very severe attack of asthma. Has considerable cough, respiration very imperfect over both lungs, with dullness; respiratory sounds feeble."

This sailor was unquestionably free from disease when he entered the service, and he is undoubtedly subject to some affection of the lungs, probably asthma, which, as usual, becomes worse as its victim grows older. As to its incurrence while in the Navy the testimony of some twenty of his mates shows that it was produced in the manner claimed.

Your committee are aware that some allowance must be made for sailors' yarns, which never become less by frequent repetition in the forecastle. It scarcely seems credible that, for so trivial an offense, a sailor would be exposed to such an unusual punishment—a punishment which did not cease at the time of its infliction, but has continued ever since and will last during this sailor's life.

Your committee are unwilling to believe that naval officers of the United States would resort to a method of punishment scarcely to be looked for on a Russian man-of-war.

They therefore discard this theory of the incurrence of the disease, but nevertheless remain of the opinion that it was contracted in the service, and ask the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARIA CUNNINGHAM.

The next business on the Private Calendar was the bill (H. R. 5414) granting a pension to Maria Cunningham.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Maria Cunningham, widow of William Cunningham, deceased, late of Company K, One hundred and twelfth Regiment Pennsylvania Volunteers.

Mr. BROWNE, of Indiana. I dislike very much to vote for a bill, even a pension bill, without knowing all about it.

The CHAIRMAN. Does the gentleman call for the report?

Mr. BROWNE, of Indiana. I either desire to hear the report, or if it is voluminous and will occupy too much time, I should like to have some gentleman who understands what the bill is make some explanation of it. These cases seem to be undergoing a review from higher authority than the Congress of the United States, and I think that we ought to know what we are doing.

The report (by Mr. SWOPE) was read, as follows:

W. H. Cunningham, private Company K, One hundred and twelfth Regiment Pennsylvania Volunteers, was mustered February 11, 1862; discharged January 20, 1865, and died December 3, 1877.

His widow's claim was rejected because her husband died in 1877 from an obscure cause, possibly diabetes, which can not be shown by competent testimony (in the absence of record) to have had its origin in the military service.

In this claim there is the usual evidence as to soundness of soldier prior to enlistment, and your committee accept that fact as established. It is in evidence that soldier received a gunshot wound of head beneath right temple in action at Fort Gillmore, Va., September 29, 1864.

The examining surgeon stated there was no ratable degree of disability from that cause.

The hospital record states that Private William H. Cunningham received a severe wound of skull by shell in action September, 1864, and was sent to corps hospital. The record of his treatment at various times in several hospitals is given with considerable minuteness as to prescriptions used. January, 1865, he is admitted to hospital with febris remittens and rheumatism; February, March, April, May, and June, 1865, with chronic rheumatism; October, 1865, chronic dysentery; November, 1865, febris remittens; December, 1865, tonsillitis; March, 1864, erysipelas. This soldier died in the Fayette County Insane Hospital from alleged diabetes.

There is a labored attempt to trace the diabetes and suffering in the back to gunshot wound in the head, which your committee think, under the circumstances of this case, entirely unnecessary. Here is a man shown to have entered the Army well and sound; he is shown also to have received a severe shell wound of the head. He is also shown by the hospital record on two different occasions to have had attacks of remittent fever; also an attack of tonsillitis, a long bout with the rheumatism, and an attack of erysipelas. He is shown to have returned from the Army broken in health, never able to do a day's work, growing steadily worse, and dying insane in the almshouse of alleged diabetes.

The widow's claim for pension was rejected because alleged diabetes is not shown to have been incurred in the Army, and in fact one of the surgeons states that soldier could not have had diabetes, because he was positive that he never treated a case of that kind in the Army; so that this case is made to hinge largely upon the recollection of this surgeon as to whether he did treat the case of diabetes, or whether this soldier may not have suffered from it without his knowledge. It is very possible that there may have been a mistake in diagnosis, but whether this soldier actually died of diabetes, whether he had this specific disease in the Army or not, does not seem to your committee absolutely necessary to decide.

These facts remain: (1) Soldier was well when he enlisted; (2) he was severely wounded in head; (3) he had various attacks of disease in the Army; (4) when discharged he was broken in health, grew steadily worse, and died insane in an almshouse.

These considerations induce your committee to report favorably and to ask the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH HARBAUGH.

The next business on the Private Calendar was the bill (H. R. 6895) granting a pension to Sarah Harbaugh.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah Harbaugh, widow of George F. Harbaugh, late a private in Company C, Sixty-first Regiment Pennsylvania Volunteers.

The report (by Mr. SWOPE) is as follows:

George I. Harbaugh was a private in Company C, Sixty-first Regiment Pennsylvania Volunteers. This soldier enlisted August 1, 1861, was discharged September 7, 1864, and died October 4, 1881. It appears that the husband of this claimant was found dead in a pottery. A jury of inquest attributed his death to disease of the heart.

The claim was rejected because of want of ability to trace the affection of the heart to the soldier's service in the Army.

It appears that the soldier was somewhat peculiar in his ways, and that some

considered him a crank during the earlier period of his service in the Army, but it is stated by his captain, H. O. C. Oahmler, that he always performed his duty as a soldier. He was wounded in the ankle May 2, 1863, on the battlefield of Fredericksburg, at Marye's Heights, and from that time on his mental aberration became more marked and decided.

After his discharge from the Army a suit *de lunatico inquirendo* was instituted in the court of common pleas of Allegheny County, Pennsylvania, in which various hallucinations to which the soldier was subject were detailed. Among others he imagined himself to be the Prince de Joinville, and that the French were in pursuit of him with a view to taking his life. The testimony of a former comrade, who met him about this time, and saw him on several occasions afterward, describes with considerable minuteness of detail the mental aberrations to which this man was subject. He mentions his extreme restlessness and disposition to be always on the move. The point in this case is as to whether any connection can be traced between the cause of soldier's death (disease of the heart) and his service in the Army, and this is the conclusion which your committee find it very difficult to arrive at with any degree of certainty. The jury of inquest find that soldier died of disease of the heart, as was previously stated.

No reasons are given as to why the physician arrived at this conclusion. It is possible that he may have died of apoplexy, and if this latter were true, then the connection between the cause of death and its incurrence in the Army would be much more easy to trace. It will be noticed that the soldier was subject to the same aberrations after discharge that he manifested during his service, and the sequence as to this is established clearly enough. It is claimed, and perhaps truly, that the soldier's wandering habits, irregular life, and privations contributed to produce the heart disease. As to this your committee are utterly unable to decide.

The only facts about which there is any certainty are that claimant's husband, notwithstanding many eccentricities, was a good soldier, and he was wounded in action; that afterward his mental disturbance increased, and that after wandering around the country for some years he was found dead. He left a wife and five children.

Your committee, in view of the impossibility of ascertaining the exact cause of soldier's sickness and death, gave his family the benefit of the doubt, and recommend the passage of the bill.

Mr. CUTCHEON. Mr. Chairman, I suppose there is no gentleman present in this committee more favorably disposed to granting soldiers pensions than myself; but I think it is better for us all to consider very carefully, in acting upon these private bills, whether we may not do something or pass some bill like this which would possibly bring the entire system of granting pensions into discredit and disrepute before the country. If we are here to grant pensions for service, that is one thing; if we are here to grant pensions for disabilities that are traceable to the service in the line of duty, that is another. If we are here to grant pensions simply because a man was a good soldier, we would pension nearly the entire Army. If we are here to grant pensions because a man was a good soldier and was wounded, but the wound was not the potential cause of the death or disability, then we should pension a very large majority, because a great majority of the pending claims are of that class.

I do not believe that in this case, as disclosed by the report, the death is traced even inferentially to the service or to wounds; and so believing, I shall content myself with casting my individual vote against the bill, leaving every other gentleman to act as his own judgment shall dictate. But I desire to say that we may now well pause to consider whether by granting pensions in the exceedingly liberal and, I may be permitted to say, possibly improvident manner in which we have been seemingly acting, we are not bringing the entire system into discredit and disrepute with all the people.

Mr. BAYNE. I can not say that I sympathize with the views of the gentleman from Michigan [Mr. CUTCHEON] with reference to the granting of pensions to widows of soldiers whose families are left in destitute circumstances. My belief is that in a case like this where the man was a good soldier and served the whole three years' term of his enlistment, when he leaves a widow and five children in destitute circumstances, and when he entered the service in good health and having come out of it was subject to mental aberration and also contracted disease, it is the duty of the Government to grant a pension. I shall myself vote for every bill that has features of that character.

The special bills are intended not for the purpose of granting pensions in cases which are already provided for by general law, but to meet those general cases where the general law fails to provide a pension.

Mr. PETTIBONE. By reason of its generality.

Mr. BAYNE. Yes, by reason of its generality; and this claim, like many others that have come before the House of Representatives and the Senate, should be passed upon that ground and upon that principle. I myself am familiar with the history of this soldier. He served his country faithfully and well. He was a brave soldier. The facts were not fully set forth in the affidavit. The gentleman on the committee who drew this report has given the bare facts as they appear by the evidence. My colleague, Dr. SWOPE, from his knowledge of medicine and surgery and from his knowledge of those causes that are likely to affect a soldier in the service of his country, is quite as capable in framing a report to trace the cause of the difficulty as the surgeons and others who have examined the case in haste at different times, and he has given to those cases that have been referred to him a careful and critical examination.

Mr. CUTCHEON. It is on the statement in the report that the committee were unable to trace the cause of this man's death that I based my remarks.

Mr. BAYNE. The report does not say it is not traceable. But they say it may be traceable to the exposure in the service, and their belief is that it is traceable to that, and that the conclusion that he died from other causes than those which would be traceable to his exposure in the service was perhaps an erroneous one. But they find that this soldier, having entered the service a sound man, having served faithfully his full term of enlistment, having been wounded in the service, having left the service and become subject to these mental aberrations and other trouble which culminated ultimately in his death—in view of all these circumstances they give the soldier the benefit of the doubt, and recommend granting to the widow and five children, who are in destitute circumstances, this pension.

If this case does not appeal to the generosity of the Government, if it does not rest upon the very principle upon which these pensions are granted, that is to say, that when a man who went into the service, and served his country faithfully and well during the war, died leaving a dependent family without means of support they ought to receive the support of this Government, then I fail to see why there should be any special act of Congress passed at all in any case.

As I was about to say, I am familiar myself with the facts in this case. I knew this man, I know his widow, and know this to be a case fully deserving of a pension from the Government; and I hope there will be no objection to this or to any other case that presents features similar to this.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ANDREW G. HILLBERG.

The next business on the Private Calendar was the bill (H. R. 7066) for the relief of Andrew G. Hillberg.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Andrew G. Hillberg, late a private in Company A, Sixth Regiment Minnesota State Volunteers, and pay him a pension at the rate of $8 per month.

The Committee on Invalid Pensions recommended the following amendment:

After the word "volunteers," in line 7, strike out the words "and pay him a pension at the rate of $8 per month," and insert in lieu thereof the words "and grant him a pension for varicose veins in addition to the pension he is now receiving for partial deafness."

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

GREEN CHAMBERS.

The next business on the Private Calendar was the bill (H. R. 7299) for the relief of Green Chambers.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll the name of Green Chambers, late a private in Company H, One hundred and fifteenth United States Colored Troops, subject to the provisions and limitations of the pension laws.

The report (by Mr. O'HARA) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7299) for the relief of Green Chambers, have had the same under consideration, and submit the following report:

Claimant enlisted as a private in Company H, One hundred and fifteenth United States Colored Troops, September 20, 1864, and was discharged July 11, 1865; claims a pension for disability incurred while in line of duty at Cynthiana, Ky., fall of 1864. While working on a stockade helping to roll up a log the end of which he was lifting slipped back and the handspike which he held in his hand was forced against him, striking him in such a manner as to cause a rupture, which continued to grow worse, and at present he is a great sufferer from its effects. Claim rejected on the ground of claimant's inability to furnish satisfactory evidence showing prior soundness and origin of disability.

Board of medical examiners state soldier has direct inguinal hernia of right side, wears a truss, but it does not keep the bowels up; has also a large hydrocele of same side, and gives him one-half total rating. War Department record shows soldier discharged July 31, 1865, on account of hernia, also that he was treated at Dennison United States Army general hospital for large inguinal hernia of both sides, rendering any exertion painful and fatiguing. No records of the regiment on file subsequent to April 1, 1864.

Claimant states that he is unable to furnish further testimony as to prior soundness, because he does not know of the whereabouts of any officer of the company by whom he can prove prior soundness; that he was a slave in Kentucky until he enlisted; that he was perfectly sound when he enlisted; the officer caused him to strip, and he was thoroughly examined by the surgeon. Capt. Charles Ines, his captain, was from the State of New York, who at the time of his injury ordered him sent to the hospital, and he does not know of the present whereabouts of the said Captain Ines.

Moses Martin and Liston McCadden in a joint affidavit testify that they have known claimant for over twenty-five years (the exact date they do not know); knew him prior to his enlistment, and at that time he was free from hernia, and was a sound, healthy man; that since his discharge from the Army at times he has been a great sufferer, and at all times he has been unable to perform any kind of manual labor and only able to do such work as required no lifting and very light in its character.

The official record showing that soldier was in the service of the United States for some time before he was treated for hernia and his own statements as to prior soundness, corroborated by two other disinterested persons, uncontradicted, entitle him to the presumption that the disability for which he claims a pension was incurred in the service of the United States and in the line of duty.

Your committee therefore recommend the passage of the bill.

Mr. CUTCHEON. I would like some member of the Committee on Invalid Pensions to inform me why this pension could not be granted at the Pension Office.

Mr. MORRILL. The reason is stated in the report. It was because there was not enough testimony to satisfy the Pension Bureau of the prior soundness of the claimant.

Mr. CUTCHEON. That is not required by the law. Under the act

of March 4, 1885, proof of prior soundness is dispensed with. That amendment of the law was made in the bill as reported by the conference committee.

Mr. MORRILL. I presume the case was rejected before the passage of that law.

Mr. CUTCHEON. That might have been; but I do not see why he can not have the case reopened.

Mr. PERKINS. There may be circumstances even under the existing law which create a suspicion in the Pension Office that the man was not sound at the date of enlistment. He is required to prove to the satisfaction of the office that he was sound at that time.

Mr. CUTCHEON. He is presumed to have been sound.

Mr. O'HARA. If the gentleman from Michigan [Mr. CUTCHEON] will investigate the matter he will find that in many cases of applications by colored soldiers, where the claim is established by proof positive or proof which ought to be regarded as positive, they are rejected as insufficiently proved because the witnesses have signed by a mark. I have thoroughly examined this case, and it is just as the report shows.

Mr. CUTCHEON. I asked the question simply for information.

Mr. STEELE. As I understand it, the law requires the Government to prove that the applicant was not sound when he entered the service. This pension ought certainly to be allowed by the Pension Office.

Mr. PETTIBONE. Mr. Chairman, as matter of fact, I know of several cases which have been rejected by the Pension Office by reason of the lack of proof of soundness, and even to-day I have received a communication from the Pension Office stating that the applicant must furnish proof of prior soundness. I do not know when this case now under consideration was rejected by the Pension Office, but I do know that it is still the rule and practice in the office to require proof of soundness. In this case it appears from the report that this man had hernia, that he was treated for hernia while he was in the service, and that he was discharged for hernia. He states himself that he was stripped and examined, and the presumption is that he was sound when he went into the service. He states that he is unable to find proof, because he does not know where his officers live. It is a matter of common history that the officers who commanded the colored troops did not generally come from the localities where those troops were raised. I think that the best thing to do in this case is to pass the bill.

Mr. CUTCHEON. I have no objection to passing the bill, but I do not see why the man could not get his pension through the Pension Office.

Several MEMBERS. "Vote!" "Vote!"

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES STOBAUGH.

The next business on the Private Calendar was the bill (H. R. 7660) granting a pension to James Stobaugh.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James Stobaugh, late of Company B, Third Regiment Arkansas Cavalry Volunteers.

The report (by Mr. CONGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7660) granting a pension to James Stobaugh, having given the same careful consideration, report:

James Stobaugh enlisted June 1, 1862, in Company B, First Arkansas Infantry, and was discharged with his company at expiration of service, December 31, 1863. He re-enlisted in Company B, Third Arkansas Cavalry, September 23, 1863, and was discharged therefrom May 22, 1865.

In his application for pension he alleges that about September 20, 1862, while performing service as a soldier, he with several others were attacked at Lewisburg, Ark., while there recruiting, and he was wounded in the right shoulder. Says that captain and lieutenant are both dead, but the fact is well established by the testimony of several comrades who were present.

His claim was rejected because the date of receiving wound is alleged by claimant and comrades three days before the date of his enrollment as shown by the records in the War Department.

The records of the War Department give date of enrollment as September 23, 1863, and date of muster October 29, 1863. It does not seem probable that claimant would have been accepted and enrolled three days after receiving the wound; and as the claimant and comrades fix the date about the 20th, it is not a violent presumption to assume that it was after the enrollment, since this soldier would have been very likely to have enrolled his own name before recruiting others. But even if his wound was received three days before his enrollment it is proven satisfactorily that he was on duty, and his six months' previous and nearly two years' subsequent service clearly entitle him to the relief sought.

The official examination finds a present disability from the wound. So, in view of all the facts, your committee recommend that the bill do pass.

Mr. CUTCHEON. Mr. Chairman, I rise simply to answer a suggestion made by several friends near me who think that I have misstated the law in regard to the presumption of soundness. In the last pension appropriation bill, passed on the 4th day of March last, but in the legislative day of March 3, there is a proviso in the following language: "Provided that all applicants for pensions shall be presumed to have had no disability at the time of enlistment, but such presumption may be rebutted."

Mr. O'HARA. It is very easy for the office to raise a presumption of unsoundness.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

WILHELM NOLTE.

The next business on the Private Calendar was the bill (H. R. 7688) granting a pension to Wilhelm Nolte.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Wilhelm Nolte, late a private in Company A, Twenty-second Regiment Indiana Volunteers, on the pension-roll of the United States, and pay him a pension of $12 per month from and after the passage of this act.

The report (by Mr. CONGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7688) granting a pension to Wilhelm Nolte, have had the same under consideration, and beg leave to report:

Wilhelm Nolte was a private in Company A, Twenty-second Regiment Indiana Volunteers. He was discharged from the service March 1, 1862, for chronic rheumatism, as stated in his certificate of discharge.

Claimant swears that he can not furnish medical evidence of treatment since service, as he has been very poor and has treated himself; but he furnishes abundant lay testimony from a great many comrades, neighbors, and friends, all of whom are certified to as truthful and deserving credit, showing a continuance of disability from discharge to date.

Philip Herman, of Muscatine, Iowa, testifies as follows:

"I first met Wilhelm Nolte after the war, in 1866, at Indianapolis, although I had known him from the year 1858 at Vernon, Ind. I know that at the time he enlisted he was a sound, able-bodied man, and entirely free from rheumatism, and did a big day's work. He then worked in stone quarries and did hard, manual labor. When I met him in 1866 he was afflicted with rheumatism, and was badly used up. I was quite intimate with him from 1866 to 1869, and also from 1873 until the present, and I know that during all this time he had the rheumatism, and it had gradually increased in severity."

Every year since discharge is covered by affidavit after affidavit of like character, but which we deem it unnecessary to quote.

The examining board at Muscatine, Iowa, February 4, 1885, gives the following as result of examination:

"There are no evidences of rheumatism. He has paralysis agitans in both arms, which he says has troubled him since his discharge. This man may have rheumatism, but we find no physical evidence of the disability other than he walks as though he was stiff in the hips."

The Davenport board, on November 5, 1885, says:

"We find no evidence of rheumatism; the joints are normal and there is no change in the heart. He suffers from paralysis agitans, which he claims has continued ever since his Army service. He is probably unable to earn a subsistence by manual labor. In the opinion of the board there is some spinal change in this case; if he attempts to talk fast he stutters."

His hospital record shows that he was treated in hospital for lumbago.

The Committee on Invalid Pensions recommended an amendment striking out all after the words "United States," in line 6, and substituting the words "subject to the provisions and limitations of the pension laws."

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. MARIA WALKER.

The next business on the Private Calendar was the bill (H. R. 6311) granting arrears of pension to Mrs. Maria Walker.

Mr. ELDREDGE. Mr. Chairman, I move that that bill be laid aside, as the gentleman who has charge of it is not present, and I know that he desires to make a speech upon it.

The motion was agreed to.

MARGARET LUCY.

The next business on the private Calendar was the bill (H. R. 7511) granting a pension to Margaret Lucy.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret Lucy, dependent mother of George W. Lucy, late a private in Company G, Nineteenth Regiment Massachusetts Volunteers, and for arrears of pension.

Mr. STEELE. Mr. Chairman, I wish the gentleman from Massachusetts [Mr. HAYDEN] who introduced this bill would make a statement of the reasons for granting a pension in this case.

Mr. HAYDEN. Mr. Chairman, this is a very simple matter. This George Lucy enlisted in 1861 and was killed at White Oak Swamp in 1862. At the time he was killed his father was living, but he had been an invalid for a number of years, and the son was carrying on the business. The father died in 1863, and at the settlement of the estate there was a small amount of money left, something like a thousand dollars, and the widow has been dependent ever since upon her children, the estate having of course been exhausted in a very short time. This case was presented to the Pension Office in 1864, and it was decided in 1883 adversely.

Mr. DOCKERY. I would ask if this bill carries arrears?

Mr. PETTIBONE. I think not.

Mr. BROWNE, of Indiana. Let the bill be read again.

The bill was again read.

Mr. DOCKERY. I move to strike out the words "and for arrears of pension."

The motion was agreed to.

Mr. HAYDEN. Mr. Chairman, I should say in justice to myself that I understood that those words had been stricken out. I did not know that they were in the bill.

Mr. SWOPE. We may have neglected to strike them from the bill, but the report will show that they were to be stricken out.

Mr. CONGER. The report in this case must certainly suggest an

amendment striking out the arrears. I am sure that no such bill as this with the arrears in passed our committee.

Mr. STEELE. The report does show that that amendment was recommended.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM F. CLARK.

The next business on the Private Calendar was the bill (H. R. 4386) granting an increase of pension to William F. Clark.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll the name of William F. Clark, formerly of the First Connecticut Cavalry, and allow him a pension at the rate of $45 per month, in lieu of the pension now received by him.

Mr. DOCKERY. Let us hear the report in that case.

The report (by Mr. LOVERING) was read, as follows:

The Committee on Invalid Pensions, to whom was referred House bill 4386, beg leave to submit the following report:

William F. Clark enlisted September 17, 1862, in Company A, First Regiment Connecticut Cavalry, and was discharged for disability May 20, 1865. His name is borne upon the pension-roll at the rate of $24 per month by certificate No. 46677. He now asks that his pension may be increased and bases his claim upon increase of disabilities, for which he is now pensioned, resulting from gunshot wounds received in the service, as follows, as described and sworn to by John M. Tabor, M. D., of Hartford, Conn., who made an examination of claimant at said Hartford on the 15th of March, 1886. In his affidavit Dr. Tabor says:

"I was called professionally to visit the petitioner, William L. Clark, and after a thorough examination I found the following wounds:

"No. 1. Entered and destroyed the joint made by the articulation of the first metatarsal and the internal cuneiform bones.

"No. 2. Entered on external side of ankle, just above oscalsis, left leg.

"No. 3. Same as above (No. 2), except that the point of entrance is on internal side of ankle.

"No. 4. Entered 3 inches above No. 2.

"No. 5. Entered just below and to the right of the occipital protuberance; this caused a fracture of the occipital bone; the point of fracture easily found.

"No. 6. Entered left axilla, passing up, caused fracture of first rib and clavicle on left side, which are now joined as one bone. The extremity of the internal part of the rib is above and internal to the clavicle, to which it is joined. The ball was removed from the right cervical region.

"No. 7. Entered just above and to left of sacrum, passed up and to the right; removed from under right scapula through an incision to the left of same.

"No. 8. External side of left thigh, in the lower third. This wound caused much sloughing.

"No. 9. External side of left thigh, on middle third; removed from same opening.

"No. 10. One inch above No. 9, passed through, splintering of femur.

"No. 11. Entered posterior middle third of thigh; removed from same opening.

"No. 12. Entered posterior upper third of thigh; removed from same opening. This wound is still open and discharging.

"No. 13. One inch above No. 12; still open and discharging.

"No. 14. Two inches above No. 13; still open and discharging.

"No. 15. One inch to the right of No. 14; open and discharging.

"No. 16. Left lower giutial region, about 2 inches to the left of No. 15a line.

"No. 17. Entered between left third and fourth ribs, passing through left lung, and removed from a point between third and fourth dorsal vertebra, 2 inches to left of spinous process. This wound has caused almost complete hepatization of left lung.

"I find almost total paralysis of left arm, forearm, and hand, and think the time is near at hand when there will be total paralysis of left side."

Thomas Simmonds, M. D., of Hartford, Conn., testifies, March 29, 1886—

"That William F. Clark has called at my office and laboratory for treatment and advice. I found him the worst wounded man that I have examined or prescribed for since the war; he has seventeen wounds on his body, four of which are in the left thigh and are now open and discharging.

"The left forearm and hand are numb and almost entirely useless; hearing of the left ear is entirely gone, and sight of the left eye badly impaired, so much so that objects are not discernible. The left lung is also badly affected, and acute pains are felt in the region of the heart. The left lower limb is entirely useless, necrosis of the bone having taken place. I give as my opinion that he is liable to paralysis of left side, which would result fatally."

John H. Moody, M. D., of Deep River, Conn., testifies to about the same line of facts, as also George C. Jarvis, of Hartford, Conn., who was United States pension examining surgeon, department of Connecticut, from 1866 to 1884, before whom in that time claimant came for examination. He testifies:

"Claimant had the largest number of wounds of any soldier that came before me for examination, and was the worst wounded soldier in Connecticut who survived the war. The manner in which he received the majority of his wounds and his miraculous escape from death inspired me with special interest in his particular case. I pronounced him then totally unfit for labor of any kind, and gave as my opinion that his disabilities caused by the wounds would become chronic and incurable. His present condition substantiates my opinion given at the time."

The remarkable story of the incurrence of these wounds deserves more than passing notice at the hands of your committee, and is as follows:

On the "Wilson raid," so called, he was wounded June 28, 1864, in the back of the head in the attempt to break through the right flank of the confederate army. On the following day during a charge at Stoney Creek, Virginia, he received a wound in the left foot, while mounted upon his captain's pack mule, two horses having been shot from under him. The following morning, the mule being much jaded and unable to keep up, he was ordered by his major, commanding regiment, to go on ahead of the command; by 10 o'clock the command came up to him and passed him, and at length he found himself in with a column of three or four thousand colored refugees, who had deserted their homes and joined the expedition.

At a certain point the road curved, and he was ordered by General Wilson to cut across lots to the head of the column and join his regiment, which he said was in advance.

This he proceeded to do, coming out on the road some half a mile ahead of the column; here he was halted and captured by fourteen of the enemy's dismounted cavalry, and was quickly hurried into the thick woods to the rear.

After Wilson's command had passed, leaving one man as a guard over him, the remainder returned to the road and picked up and brought back a private in the Fifth New York Cavalry, and a colored man. Later in the day the confederates took up their line of march, and, as he supposed, for prison. Penetrating the thick wood, they came upon a bridle path, which was followed for some distance.

Suddenly one of the guards, after a few angry words, shot the colored man from the rear through the head near the ear, killing him instantly. The Fifth New York man was next to fall, shot in a similar manner as the colored man. Seeing all were destined to the same fate, soldier sprang to the left in hopes of placing some of the large trees between himself and the confederates; but his movement was not quick enough, and he received two balls in the lower left limb, which felled him to the ground. The confederates then came up and at a very close range inflicted the remainder of the wounds. As many as twenty rounds must have been fired at him. The last shot penetrated the left breast, rendering him unconscious, and was fired in such close proximity that the powder from the muzzle of the gun burned the clothing. The shooting occurred, as near as he could judge, about 5 p. m. He lay in an unconscious state until after sunup the following morning. With returning consciousness came indescribable suffering from pain and thirst.

After several ineffectual attempts to get upon his knees, he began to crawl toward the two dead men, in the hope of securing water from their canteens, but, to his great disappointment, neither canteen nor water was found. Remembering having crossed a brook while under guard just previous to the shooting, he began again to crawl to the rear on his right side, dragging his left side, which was perforated with holes, after him. Only a few feet at a time could he traveled, as his wounds began to bleed afresh. The whole of the day, into early evening, was consumed, although the distance was not over 40 rods. At length, almost exhausted from his long and painful effort, he reached the brook, and in his eagerness he crawled into it, allowing his whole body to be submerged while he drank. So refreshing was the draught it infused new life into him. Crawling upon the bank he took a long rest, and in making the attempt found he could get upon his knees but not upon his feet, for the bone of the lower left limb had been splintered and otherwise weakened by the gunshot wounds. And now occurred to this wounded, bleeding hero one of those remarkable interpositions of a Divine Providence, which, exhausted as he was, he nevertheless had the wit and undaunted courage, despite his desperate condition, to avail himself of.

While lying upon the bank an old, jaded, cast-off cavalry horse which had escaped shooting by the rear guard by leaving the road, came through the woods and approached the brook where he lay for a drink. Seeing soldier upon the ground he came up and smelled of him. Seizing him with the right hand by the forelock, he succeeded in pulling himself up to a standing position; he next unfastened his suspenders, and with his right hand and teeth made a noose secure to the under jaw. The horse, nearly as feeble as himself, was now allowed to drink, and then fastened to a shrub near by. After resting a while he began making the attempt to mount. By crawling as before he led the animal to the trunk of a fallen tree and secured him alongside, and then crawled out on the tree, which was on a level with the animal's back, where he was secured. Several unsuccessful attempts were made to mount or crawl from the tree to the horse's back, in two of which he was precipitated to the ground with much pain.

At length gaining the animal's back, he urged him forward, trusting in God, let him take his own course, which he did with feeble, faltering steps. After some time he brought out of the woods on the main road over which General Wilson's cavalry had passed, the line of march being marked by dead horses, shot by the rear guard to prevent their being picked up by the enemy and recruited. After continuing on the road a mile or more he saw a house on the left which was lighted up, through the windows of which he saw persons moving around. Worn and exhausted he turned into the yard, where he was greeted by the inevitable cur dog, which barked and snapped viciously at him, the noise of which attracted the attention of the people in the house, who came out, and to whom he disclosed his plight, whereupon the man of the house ordered two of his colored men to lift him from the horse, after which he was given some bread and milk. Learning that the Union lines were only some 4 miles from the house, and that he was on the right road, he determined to make the attempt to reach them, but on again being lifted upon the animal's back he found it impossible to retain his seat; all his strength had been exhausted in making the journey thus far, and he was so weak he could not sit upright. So he was allowed to be carried by the colored men to the piazza of the house, where he remained through the night.

In the morning the old horse was hitched into a two-wheel dump-cart, the only vehicle in the neighborhood, the body of which was filled with straw, and in this manner he was carried into the Federal lines, to Fort Powhatan, on the James River. Here he was received and kindly cared for, although in his sworn statement he says:

"I judged from what I heard the surgeon say to his attendant and from the chaplain's daily visits to my bedside that he deemed it useless in my hopeless condition to inflict further pain by attempting to remove the bullets from my body."

About the 7th of July he was transferred to Chesapeake officers' hospital, he being the only private soldier in the hospital. Here his wounds received the best of care, and several balls were removed. During his stay in this hospital the Russian fleet came into Hampton Roads, and the officers visited the hospital in a body. They were allowed to examine soldier's wounds, and they pronounced the case one of the most miraculous escapes from death they had ever heard of.

With returning strength he was carried to his home in Connecticut, where he now resides, but he has never been able to do any labor.

The evidence discloses that he was a young man of unusual nerve and daring, often doing the duty of scout; in fact, in any place where pluck and courage were needed he might be found.

William H. Bishop, a member of claimant's company, in an affidavit, testifies, after speaking of soldier's capture:

"I did not hear from him again until I heard from the hospital to which he made his way in spite of the many wounds he had received. When the communication was received, the captain (Jacob B. Rogers) formed the company in line and read aloud to us the shooting and miraculous escape of young Clark. Clark was faithful, willing, and brave. I remember in particular the battle of Ashland, Va., a short time prior to the Wilson raid, when the confederates, in overwhelming numbers, came into our rear in the woods and nearly surrounded our regiment. On this occasion Clark greatly distinguished himself for his daring and bravery. Again on the Wilson raid, at Ream's Station, Va., when Wilson's cavalry, after a long and tedious raid through the enemy's country, were beset by overwhelming numbers from Lee's army and routed, he was one of the thirty Connecticut cavalrymen who rallied and held the confederates in check until the Fifth New York Cavalry could form on the bank of Stony Creek and Wilson's disorganized division pass over. This I know, for we were together at the time, separated from our command, and fighting largely on our own hook, and we did not leave this position until we fell back with the Fifth New York Cavalry.

"I also remember on this same raid the said Clark was on the 'forlorn hope' detailed to burn the Roanoke River bridge under fire of the enemy's infantry and artillery on the other side of the river. In fact I do not remember any place where pluck, energy, and dash were required that he was not found up to the time of his being wounded."

N. A. Bosworth, of Hartford, Conn., sergeant in claimant's company, testifies as follows:

"On the Wilson raid said Clark was wounded and had two horses shot from under him. I missed him at the time and supposed he was dead. Never saw

him again until after the war; he was then suffering from the many wounds he received at this time. His capture, the shooting, and escape were probably the most remarkable adventures of any soldier in the service. The facts of the same are familiar to me, not only from my personal association with him since the time, but from the many publications of incidents relating to the same. His present condition (1886) is almost helpless. He is confined to bed most of the time and in general is the wreck of one of the brightest, strongest, and bravest soldiers in our regiment."

Maj. Gen. Alfred H. Terry, writing from Fort Snelling under date of March 12, 1886, to Mr. Clark, says:

"I have never heard of a more painful case of barbarity and suffering than yours. Beyond question the country should do all that by money it can do to make your remaining years years of ease. I can not doubt that if the facts are properly presented to it, Congress will respond generously to your appeal."

Your committee are of opinion that the recital of the facts in the case sufficiently establishes its merits for increase over his present rating of $24 per month. The rate of $50 per month is allowed by the general laws to that class of our wounded soldiers who are in that condition of absolute utter helplessness requiring the constant care and attention of another person. These absolute conditions are not present in this case, but they are so imminent that claimant has to exercise the greatest care to avoid such results.

We are of opinion, therefore, that the claimant is entitled to that degree of pecuniary relief as shall materially aid and assist him in a proper care of himself in his few remaining days, believing that he has richly earned this right.

Your committee report back the accompanying bill, and recommend its passage with the following amendments: In the sixth line strike out the word "eighty" and substitute therefor the words "forty-five;" also, in the same line, the word "including," and all thereafter in the bill, and substitute therefor the following: "in lieu of the pension now received by him."

Mr. GUENTHER (before the reading of the report was concluded). I move that the further reading of this report be dispensed with.

Mr. BROWNE, of Indiana. I object. I want to know how awfully this man was wounded. I remember that in the closing hours of the Forty-fifth Congress a distinguished gentleman from New York moved to take up a pension bill and pass it because the soldier was "thoroughly wounded in every particular." I think this is an analogous case. The Clerk had got as far as wound "No. 11." I hope he will go on.

Mr. DOCKERY. Let the Clerk finish the reading of the report.

Mr. CUTCHEON. Yes, let us have the rest of it.

The Clerk resumed the reading of the report, but was interrupted by

Mr. DOCKERY, who said: Mr. Chairman, I called for the reading of this report. I certainly have heard all I want to hear, and do not insist on the further reading.

The CHAIRMAN. If there be no objection the further reading of the report will be dispensed with.

There was no objection.

The amendment reported by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARIAH E. A. B. NOWELL.

The next business on the Private Calendar was the bill (H. R. 1148) granting a pension to Mariah E. A. B. Nowell

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby directed to place on the pension-roll of the United States the name of Mariah E. A. B. Nowell, and to pay her a pension during her life of $12 a month, for her important services to the country during the late civil war.

The Clerk was proceeding to read the report, when

Mr. BROWNE, of Indiana, said: If the clerk is proceeding to read upon the demand which I made some time ago, I withdraw it.

Mr. DOCKERY. I ask that the reports in all these cases where the reading is not called for be printed in the RECORD.

Mr. NEECE. There is no reason for putting these reports in the RECORD. They are already printed, so that everybody who wishes can get them.

Mr. STEELE. Let them go into the RECORD, so that it may show the reasons on which we act in passing the bills.

The CHAIRMAN. The Chair is inclined to the opinion that the Committee of the Whole has no right to order the printing of reports which are not read. The House might have the right, but not the Committee of the Whole.

Mr. ROWELL. This is done almost every night when we are considering these pension cases. It certainly can be done by unanimous consent. I ask unanimous consent that in all these cases the report of the committee be printed as if read.

The CHAIRMAN. If there be no objection that order will be made.

Mr. SWOPE. I shall object, because the reports are already printed and are accessible to every member. I see no occasion at all for lumbering the RECORD with the repetition of them.

The CHAIRMAN. The request of the gentleman from Illinois [Mr. ROWELL] is objected to by the gentleman from Pennsylvania. Is the reading of the report on the pending bill called for? The Chair understands that it is not.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH E. BASSETT.

The next business on the Private Calendar was the bill (S. 1152) granting a pension to Sarah E. Bassett.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Bassett, daughter of Julius Bassett, late captain of Company A, Fifteenth Regiment Connecticut Volunteers, and to pay her a pension of $12 per month.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

EMELINE J. BABSON.

The next business on the Private Calendar was the bill (S. 1065) granting a pension to Emeline J. Babson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place the name of Emeline J. Babson, widow of Erastus W. Babson, late of Company A, Twelfth Regiment Rhode Island Volunteers, on the pension-roll, subject to the rules and regulations of the Department, the same to begin from and after the date of his death.

Mr. DOCKERY. This bill, as read, carries arrears.

Mr. STEELE. I suppose there is no objection to striking out that clause.

Mr. MORRILL. The concluding part of the report will show whether the committee has recommended an amendment to that effect.

The CHAIRMAN. Is the reading of the report called for?

Mr. PETERS. I call for the reading of the report.

The report (by Mr. LOVERING) was read, as follows:

The Committee on Invalid Pensions, to whom was referred Senate bill No. 1065, respectfully report that they have examined the same and report it back, adopting the Senate report as its own, and recommend the passage of the bill.

The claimant is the widow of Erastus W. Babson, late Company A, Twelfth Regiment Rhode Island Volunteers, for whose relief a bill granting a pension passed the Senate during the first session of the Forty-eighth Congress. Before the bill was finally acted on the claimant died. The preponderance of evidence is that he died from the disease contracted in the service.

Your committee therefore recommend the passage of the accompanying bill.

The report made from this committee in favor of the bill granting a pension to the husband was as follows:

[Senate report No. 362, Forty-eighth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 772) granting a pension to Erastus W. Babson, have considered the same and report:

The claimant, Erastus W. Babson, enlisted in Company A, Twelfth Regiment Rhode Island Volunteers, September 24, 1862, and served until discharged, July 29, 1863. He applied for a pension, alleging that at or near Liverpool Point, Maryland, about December 7, 1862, he was ruptured in left side, while on a long march through the mud from Camp Casey, near Fairfax Seminary, to Fredericksburg. He was armorer, with the wagons containing ammunition and army stores, and incurred the disability in helping to lift the army wagons out of the mud.

The claim was rejected by the Pension Office because the records of the War Department fail to show the existence of hernia in the service, and the parol evidence was deemed insufficient to establish origin in line of duty.

The claimant on oath alleges that he was a sound man when he enlisted, and this is corroborated by Dr. Ossian Sumner, who knew him for five years prior to enlistment, had prescribed for him, and knows he had no rupture; also by two acquaintances who had worked with him and one of whom had been in bathing with him; also by the captain of his company, and two comrades who had opportunities of knowing the facts before and after his enlistment.

The claimant swears that he incurred a rupture as above stated; that he was treated by Surgeons Carpenter and King, but was not in a hospital, and that he got along as best he could till a year after his discharge, when his hernia grew worse, and he then consulted physicians, and has since been treated and worn a truss.

Surgeon Carpenter is dead. Surgeon King makes affidavit that he remembers treating Babson for some injury in his tent about February, 1863, but has no record of and can not remember what it was. That is the extent of the medical evidence as to origin in line of duty.

Corporal Tillinghast, of claimant's company, tented with him, and remembers that about December 7, 1862, after a long march through the mud, claimant showed affiant a rupture in left side of abdomen, incurred in said march. Tillinghast was not with Babson on the march, but knows he must have incurred the rupture at that time. Comrade Thurber distinctly remembers that one night about December 7 or 9, before reaching Fredericksburg, claimant, who was tenting with him, complained for the first time of a strain, and that he felt a "giving way" in the lower part of the belly, and, with his hands on that part, said he was "busted up." Comrade Richards swears that in the latter part of December, 1862, after the battle of Fredericksburg, claimant told him that he had a rupture in the left side, incurred on the march just before that battle, and showed a swelling of unnatural appearance on the left lower side of the belly. Comrade Leach was detailed to assist Babson as armorer about the last of December, 1862, and was then shown the rupture and told it was incurred on the hard, muddy march just before the battle of Fredericksburg, which he believes, as he knew claimant since and before his enlistment.

Two physicians testify to treating the claimant since March, 1880, for hernia, left side, which disables him from manual labor in a large degree. The examining board rated his disability in 1881 at one-half.

The Pension Office, not satisfied with the proof submitted, detailed a special examiner in April, 1883, to proceed to the home of the claimant and examine fully into the case in order to determine its merits. A large amount of testimony was taken, and the examiner concluded his report by saying:

"If Mr. Tillinghast, whose reputation for truth is well vouched for, on cross-examination sustains all that he has said in his affidavit, I shall be of opinion that the case should be admitted."

Mr. Tillinghast, living at a distance, was cross-examined by another agent very critically, and admitted that he did not see the breach until about the time they were discharged, but did see it then. Otherwise his former evidence was not materially impeached, and his reputation for truth is admitted to be good.

Since the rejection by the Pension Office, the affidavit of Colonel Browne, of claimant's regiment, was filed, in which he states as follows:

"I remember that soon after our arrival at Falmouth, opposite Fredericksburg, Va., about December 9, 1862, claimant came to me and complained that he had ruptured himself on the march from Washington there, and I referred him to Surgeon Carpenter. Babson, being so faithful and useful a man, I inquired of Surgeon Carpenter (who is now dead) about Babson's complaint, and the surgeon told me that Babson had ruptured himself and that I must favor him, which I did after that. I remember these facts distinctly, because I was troubled lest I should lose Babson's services in taking care of the arms of the regiment. * * * I feel if any one is entitled to a pension on account of faithful and conscientious services and disabilities incurred in the Army, Babson ought to have one."

Your committee are of opinion that the evidence satisfactorily shows that the

claimant contracted the disability, which still continues, in the service and in line of duty, and therefore report back the bill with the recommendation that it do pass.

Mr. PETERS. I call attention to the fact that this report contains no recommendation by the committee that the provision for arrears be struck out.

Mr. CONGER. I remember this case very well. The gentleman from Massachusetts [Mr. LOVERING] who drew this report is not present to-night; but I know that the order of the committee was that the bill be so amended. I presume that recommendation was omitted through an oversight of the gentleman who drew the report.

Mr. CUTCHEON (to Mr. CONGER). Make the motion now.

Mr. CONGER. I move that so much of the bill as would carry arrearages be stricken out.

Mr. STONE, of Massachusetts. I would like to know how the bill would read as amended.

The CHAIRMAN. The amendment had better be reduced to writing.

The amendment was read, as follows:

At the end of the bill strike out the words "date of his death" and insert "passage of this act;" so as to read, "from and after the passage of this act."

Mr. STEELE and Mr. PETERS. That makes it right.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

Mr. SWOPE. In deference to the views of several gentlemen with whom I have consulted, I withdraw my objection to printing in the RECORD the reports which are not read. It has been suggested to me that it will be a convenience to members and others in looking over the RECORD to see the report in immediate connection with the bill to which it relates. For the purpose of putting in the RECORD full information of the reasons for our action in these cases, I withdraw my objection.

Mr. NEECE. I renew the objection. These reports, which are very numerous, are accessible in the document-room to every person who desires to investigate the cases, and I do not think the RECORD should be encumbered unnecessarily by printing them.

The CHAIRMAN. The gentleman from Illinois [Mr. NEECE] renews the objection.

ELEANOR C. BANGHAM.

The next business on the Private Calendar was the bill (H. R. 1582) for the relief of Eleanor C. Bangham, returned from the Senate with the following amendment:

Strike out, in line 4, "*de novo;*" so it will read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll, subject to the provisions and limitations of the pension laws, the name of Eleanor C. Bangham, widow of John S. Bangham, late a private in Company M, First Regiment New York Light Artillery.

The bill was laid aside to be reported to the House with the recommendation that the amendment of the Senate be concurred in.

SILAS S. WHITE.

The next business on the Private Calendar was the bill (H. R. 1398) to grant a pension to Silas S. White, returned from the Senate with the following amendment: Add at the end of the bill "at the rate of $18 per month;" so it will read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Silas S. White, late a private in Company G, Seventy-seventh Regiment of New York Volunteers, subject to the conditions and limitations of the pension laws, at the rate of $18 per month.

Mr. ZACH. TAYLOR. Is there any reason why that amendment should be adopted?

Mr. MORRILL. This and the next case are of two old men. The House passed bills for their relief, providing they should be granted pensions subject to the rules and limitations of the pension laws. The Senate fixed the rate as these men were old and disabled, and the rate which was fixed is a reasonable one. The Committee on Invalid Pensions unanimously concurred in those amendments.

I move the bill be laid aside to be reported to the House with the recommendation that the Senate amendment be concurred in.

The motion was agreed to; and the bill was laid aside to be reported to the House with the recommendation that the Senate amendment be concurred in.

SIMMONS W. HARDEN.

The next business on the Private Calendar was the bill (H. R. 1406) granting a pension to Simmons W. Harden, returned from the Senate with the following amendment:

Add at the end of the bill "at the rate of $16 per month;" so it will read:

"*Be it enacted, &c.*, That the Secretary of the Interior be, and is hereby, authorized to place on the pension-roll the name of Simmons W. Harden, late a private in Company L, First Regiment of Iowa Cavalry Volunteers, subject to the conditions and limitations of the pension laws, at the rate of $16 per month."

The bill was laid aside to be reported to the House with the recommendation that the Senate amendment be concurred in.

GEORGE W. SMITH.

The next business on the Private Calendar was the bill (H. R. 5254) to increase the pension of George W. Smith, returned from the Senate with the following amendment:

Strike out "sixteen" and insert "twenty-four;" so it will read:

"*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, directed to increase the pension of George W. Smith, late of Company F, Fortieth Regiment of Iowa Volunteers, to $24 per month."

The bill was laid aside to be reported to the House with the recommendation that the Senate amendment be concurred in.

JOHN MINGUS.

The next business on the Private Calendar was the bill (H. R. 8325) for the relief of John Mingus.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to pay John Mingus, a pensioner of the war of 1812, North Carolina troops, the amount of money retained by the Department out of the pension-money falling due him since his restoration to the rolls by act of March 9, 1878, to reimburse the Government for the amount which he drew as a pensioner of the war of 1812 during the period from February 4, 1871, to September 3, 1877, which amount was disallowed on account of alleged disloyalty during the rebellion.

Mr. CUTCHEON. I ask for the reading of the report.

The report (by Mr. COWLES) was read, as follows:

Your committee have had under consideration House bill 8001, and submit the accompanying substitute for the bill, and recommend the adoption of the same.

Mr. CUTCHEON. The report which has been read does not give any information in regard to the bill. If any one can give us any such information I would be glad to hear it.

Mr. COWLES. Mr. Chairman, the Committee on Pensions had this case under consideration. The bill read by the Clerk is the one reported by the Committee on Pensions in the nature of a substitute for the original bill introduced and referred by the House to that committee.

The facts were these. John Mingus had been a pensioner of the war of 1812. There was no doubt of his service. The proof was ample and complete that he served for the period of two years, at the end of which time he was discharged at Norfolk.

In 1871 he was restored to the pension-roll and drew his pension until some time in 1877, when he was dropped from the pension-roll on account of alleged disloyalty to the Government.

In 1878 Congress passed a law which made it unnecessary to prove loyalty to the Government. He had obtained his pension by proof of loyalty, but on subsequent testimony, which was taken, it was shown he had furnished some clothing to his own son in the army of the Confederate States.

The old man himself never engaged in the war at all. He was sixty-seven years of age when the war began. He is now in an advanced age. [Cries of "Vote!" "Vote!"] The Committee on Pensions, after considering all the facts, came to the conclusion to report the bill which has been read and urge its passage.

Several MEMBERS. That is all right.

Mr. COWLES. I move then that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to, and it was so ordered.

THOMAS TEGAN.

The next business on the Private Calendar was the bill (H. R. 3047) granting a pension to Thomas Tegan.

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Thomas Tegan, late a private in Company I, Thirty-seventh New York Volunteer Infantry, subject to the provisions and limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELISE BURKI.

The next business on the Private Calendar was the bill (S. 843) granting a pension to Elise Burki.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elise Burki, widow of John Burki, late captain of Company E, Fifteenth Regiment Missouri Volunteer Infantry.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HARRIET M. RIDER.

The next business on the Private Calendar was the bill (S. 963) granting a pension to Harriet M. Rider.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Harriet M. Rider, widow of Van Rensalaer Rider, late a corporal of Company K, Third Regiment Iowa Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

RICHARD GEAR.

The next business on the Private Calendar was the bill (H. R. 3921) granting an increase of pension to Richard Gear, with Senate amendment.

The amendment of the Senate is as follows:

Add at the end of the bill the words "to take effect from and after the passage of this act."

The bill was laid aside to be reported to the House with the recommendation that the Senate amendment be concurred in.

MRS. J. E. DAVIS.

The next business on the Private Calendar was the bill (H. R. 5656) granting a pension to Mrs. J. E. Davis.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. J. E. Davis, widow of Dr. J. E. Davis, late assistant surgeon of the Twenty-seventh Regiment of Michigan Volunteers.

The committee recommend the adoption of the following amendment:

Strike out the name "Mrs. J. E. Davis," in the sixth line, and insert "Margaret S. Davis."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

KATHARINA NICKERT.

The next business on the Private Calendar was the bill (H. R. 7513) granting a pension to Katharine Nickert.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Katharine Nickert, widow of Jacob Nickert, late of Company C, First New York Volunteers, and pay her a pension after the passage of this act.

The committee recommend the adoption of the following amendments:

Change the name "Katharine" to "Katharina;" and after the words "New York," in line 7, insert "cavalry;" so that it will read "New York Cavalry Volunteers."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

DANIEL J. BINGMAN.

The next business on the Private Calendar was the bill (H. R. 3501) granting a pension to Daniel J. Bingman.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Daniel J. Bingman, late of Company H, Fifth Regiment Pennsylvania Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LOUIS A. WOLLENWEBER.

The next business on the Private Calendar was the bill (H. R. 6248) granting a pension to Louis A. Wollenweber.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Louis A. Wollenweber, father of Louis A. Wollenweber, deceased, late a private in Company K, Ninetieth Regiment Pennsylvania Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

HENRY I. CARTIN.

The next business on the Private Calendar was the bill (H. R. 6566) granting a pension to Henry I. Cartin.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henry I. Cartin, late a private in Company C, One hundred and forty-eighth Regiment Pennsylvania Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES T. IRWIN.

The next business on the Private Calendar was the bill (H. R. 3640) granting a pension to James T. Irwin.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James T. Irwin, late of Company K, Eleventh Regiment Pennsylvania Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SAMUEL MILLER.

The next business on the Private Calendar was the bill (H. R. 7401) granting a pension to Samuel Miller.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Samuel Miller, late a private in Company C, Eleventh Regiment Pennsylvania Reserves.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LOREN BURRITT.

The next business on the Private Calendar was the bill (H. R. 8002) to increase the pension of Loren Burritt, reported adversely from the Committee on Invalid Pensions.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to increase the pension of Loren Burritt, late lieutenant-colonel of the Eighth Regiment United States Colored Troops, to $100 a month.

Mr. SWOPE. I ask that the report in this case, being an adverse report, be read.

The report (by Mr. SWOPE) is as follows:

This bill proposes to increase the pension of Loren Burritt, late lieutenant-colonel Eighth Regiment, United States Colored Volunteers, from $72 per month, which he is now receiving, to $100 per month.

The condition of this soldier is one of entire helplessness. He is confined to the bed, and unable to move or help himself; for although he can move his arms to some extent, he has little use of them. He has to be lifted, turned, fed, and have every office done for him by another. He requires a constant attendant day and night. The disease has, besides, nearly destroyed his eyesight, the sight of the right eye being gone entirely and that of the left much impaired. It has also affected the functions of the bowels and bladder so that he has no control over their actions. While the disease has thus destroyed the power of motion, it has not much impaired sensation, so that at times he suffers the most intense agony.

Your committee fully recognize the distressing character of this case and do not see how it would be possible for it to be much worse. He is, however, in receipt now of a pension of $72 per month, which ought to be sufficient for his own support and that of his family. Congress can not undertake, and indeed it would be impossible to reimburse the soldiers of the country for the sufferings and disabilities which they may have incurred in its defense. No amount of money could do that in many cases, of which this is a marked one. It can only distribute among them such pecuniary assistance as each case may seem to require. There are many cases just as helpless and requiring as much attention as this one, and were the relief asked for granted in this instance it might reasonably be looked for in all.

Your committee for these considerations feel compelled to report adversely, and to ask that this bill lie on the table.

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported to the House with the recommendation that it be laid upon the table?

Mr. OSBORNE. Mr. Chairman, I am very sorry that the committee saw fit to report this case unfavorably, because I am satisfied the Congress of the United States never had a more meritorious case before it than this.

Loren Burritt was a young man just passing his majority when he entered the Army of the United States as a private soldier in the Fifty-sixth Pennsylvania Regiment. He served with that regiment in the Army of the Potomac, taking part in all its important and sanguinary battles up to 1863, when he was singled out and made lieutenant-colonel of one of the colored regiments in the service, and while leading that regiment in battle he received a wound that disabled him, the wound being in the foot, and while being taken off the field he received another wound in the other foot.

From these two wounds he never has recovered, and after the war he went back to his home in the North, disabled as he was, read law and was admitted to the bar, went to Philadelphia and was about to enter upon a career that would have eventually made him one of the most conspicuous men in Pennsylvania, but in 1872 the effect of these wounds was so terrible upon him, that he was stricken with paralysis, and since 1873 has not been able to answer the calls of nature. That poor man has lain upon his back at his poor home since 1872, Mr. Chairman, unable even to feed himself, all the calls of nature having to be attended to for him by his poor wife, and she is now almost at death's door, having worn herself out in ministering to his care. I ask here now in the name of the great people of the United States that a pension of $100 shall be given to this poor man, who can at most but live a short period, perhaps for a single year. And will the Congress of the United States say "no," that this is setting a precedent that it is hard to follow in the future? I say, gentlemen, you have already set the precedent and do not now go back in this case.

The present Commissioner of Pensions, General Black, receives a pension of $100 a month, and he occupies a place that gives him $5,000 a year, while Loren Burritt has laid upon his cot in the agonies of disease since 1872. Will you deny him this? Will you shut the door against him and say that he can not receive this small pittance? I appeal to you, gentlemen, as fellow-countrymen, as lovers of your flag, your country, and its destiny, give this poor man this increase. Do it in the name of honesty, in the name of patriotism, in the name of right. I plead for him, and ask you now to say that this bill shall pass.

Mr. BAYNE. How much does he get now?

Mr. OSBORNE. Seventy-two dollars a month.

Mr. BAYNE. And the bill proposes to give him $100?

Mr. OSBORNE. Yes, sir. He requires attention all the time. He can not be left alone, and has not been left alone since 1872. He has nothing except his pension to depend upon; and $72 will not furnish him the necessary sustenance to support and protect himself and his family. I ask that this bill may be reported favorably.

The CHAIRMAN. The question is on concurring in the report of the committee, which is that the bill do lie on the table.

The question being taken, the Chair stated that the "noes" appeared to have it.

Mr. WINANS. I call for a division.

Mr. LAIRD. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LAIRD. How is the question to be taken?

The CHAIRMAN. An "ay" vote sustains the report of the committee. Those who are in favor of the bill vote "no" on this vote.

The committee divided; and there were—ayes 14. Before the negative vote was taken,

Mr. HAYNES said: I think there is a misunderstanding as to what we are voting on.

The CHAIRMAN. An affirmative vote is against the bill, being to concur in the recommendation of the committee that it be laid upon the table. A negative vote is in favor of the bill. If the negative vote prevails it will be followed by another motion.

Mr. BAYNE. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The CHAIRMAN. The committee is dividing now. If there be no objection the vote will be taken over again.

Mr. NEECE. I desire to make a brief explanation with reference to this bill.

There was no objection.

Mr. NEECE. As I am informed—and this bill was considered in the Committee on Invalid Pensions, of which I am a member—this gentleman is already drawing a pension of $72 a month. He asks by this bill to have it increased to $100. The committee came to the conclusion that we could not afford to grant the increase. The fact is that soldiers laboring under entire disability receive only $50 a month.

Mr. PERKINS. Under existing law, does not a man who has lost both legs receive $72 a month?

Mr. NEECE. Yes.

Mr. PERKINS. Does not a man who has lost both arms receive $72 a month? Does not a man who has lost both eyes receive $72? And is not this man infinitely worse off than any one of those I have suggested?

Mr. NEECE. I think not.

Mr. PERKINS. He has virtually lost all his senses. He has lost his sight. He has lost his sense of touch. He has lost the use of his limbs.

Mr. OSBORNE. He has lost the sight of one eye and the other is going.

Mr. NEECE. He has one eye left with which he can see. If we grant $100 a month in this case there will ten thousand applications for an increase of pensions on similar grounds in the next Congress.

Mr. BAYNE. I move that the bill be laid aside to be reported favorably to the House.

The CHAIRMAN. The question is on the motion of the gentleman from Pennsylvania [Mr. BAYNE].

The question being taken; there were—ayes 25, noes 16.

Mr. WINANS. No quorum. I call for tellers.

The CHAIRMAN. The gentleman from Michigan [Mr. WINANS] and the gentleman from Pennsylvania [Mr. OSBORNE] will please act as tellers.

Mr. CUTCHEON. There is no use in having a vote by tellers. It is manifest there is not a quorum present.

Mr. BAYNE. I ask unanimous consent be given that a yea-and-nay vote be taken on this bill in a full House. Then if Congress by a full vote refuses to set a precedent of this sort under the circumstances that settles it.

Mr. COWLES. That is fair enough.

Mr. MORRILL. And let the previous question be ordered.

Mr. CUTCHEON. That can not be done in Committee of the Whole.

The CHAIRMAN. The previous question can be ordered in the House. The gentleman from Pennsylvania [Mr. BAYNE] asks unanimous consent that this bill be reported, with the understanding that it shall not be acted on to-night, and that a vote be taken by yeas and nays in a full House. Is there objection? [After a pause.] The Chair hears no objection, and it is so ordered.

LEWIS F. CASEY.

The next business on the Private Calendar under the special order was the bill (H. R. 8329) to relieve Lewis F. Casey, of Illinois, of disabilities under the fourteenth amendment of the Constitution of the United States.

The bill was read, as follows:

Be it enacted, &c., That Lewis F. Casey of the State of Illinois is hereby relieved of all disabilities imposed upon him by the fourteenth amendment of the Constitution of the United States.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

REBECCA ELDRIDGE.

The next business on the Private Calendar was the bill (H. R. 2145) for the relief of Rebecca Eldridge, with a Senate amendment.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, directed to have the name of Rebecca Eldridge, as widow of Wilber H. Eldridge, late of Company G, First Maine Heavy Artillery, placed on the pension-roll at the rate of $8 per month, subject to the limitations and provisions of the pension laws, to take effect from and after the passage of this act.

The amendment of the Senate was read, as follows:

In line 6, strike out "$8 per month" and insert "$12 per month."

The bill was laid aside to be reported to the House with the recommendation that the amendment of the Senate be concurred in.

ANNA KESSINGER.

The next business on the Private Calendar was the bill (H. R. 504) granting a pension to Anna Klessinger.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Anna Klessinger, widow of Daniel F. Klessinger, late a private in Company A, Sixth Regiment of Ohio Volunteers, subject to the provisions and limitations of the pension laws. This act to take effect from and after its passage.

The committee recommended an amendment changing, in the body of the bill and also in the title, the name of "Klessinger" to "Kessinger."

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ABNER MOREHEAD.

The next business on the Private Calendar was the bill (H. R. 3304) to restore the name of Abner Morehead to the pension-roll.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to restore to the pension-roll the name of Abner Morehead, late of Company K, One hundred and fifteenth Indiana Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY HAWHE.

The next business on the Private Calendar was the bill (H. R. 5232) for the relief of Mary Hawke.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the conditions and limitations of the pension laws, the name of Mary Hawke, widow of Arthur J. Hawke, late lieutenant-colonel of the Forty-ninth Indiana Volunteers.

The committee recommended an amendment in the changing the name "Hawke," in the body of the bill, to "Hawhe," and a like amendment of the title.

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH BARKER.

The next business on the Private Calendar was the bill (S. 977) granting a pension to Elizabeth Barker.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Barker, widow of Henry Barker, who served in Capt. Paul French's company of Indiana militia during the early part of the war of 1812.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

DAVID W. HAMILTON.

The next business on the Private Calendar was the bill (S. 1290) granting a pension to David W. Hamilton.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of David W. Hamilton, late of Company E, Seventh Regiment Indiana Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES C. CHANDLER.

The next business on the Private Calendar was the bill (S. 1630) granting a pension to James C. Chandler.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James C. Chandler, late of Company A, Ninth Indiana Volunteers and Eleventh Indiana Cavalry.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

EDWARD AYERS.

The next business on the Private Calendar was the bill (S. 363) granting a pension to Edward Ayers.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and lim-

tations of the pension laws, the name of Edward Ayers, late of Company F, Fifty-first Indiana Veteran Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ISOM WILKERSON.

The next business on the Private Calendar was the bill (S. 1438) granting a pension to Isom Wilkerson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Isom Wilkerson, late of Company I, Second California Cavalry Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

DUDLEY B. BRANCH.

The next business on the Private Calendar was the bill (S. 857) granting a pension to Dudley B. Branch.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Dudley B. Branch, late of Company F, Seventh Regiment Indiana Infantry Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY ANDERSON.

The next business on the Private Calendar was the bill (H. R. 7436) granting a pension to Mary Anderson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Anderson, widow of Richard Anderson, late a private in Company I, of the Seventeenth Regiment of Wisconsin Volunteer Infantry.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ALICE E. TRAVERS.

The next business on the Private Calendar was the bill (H. R. 6753) granting a pension to Mrs. Alice E. Travers.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Alice E. Travers, widow of John Travers, late of the Third Michigan Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN H. DOWNING.

The next business on the Private Calendar was the bill (H. R. 3737) granting a pension to John H. Downing.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John H. Downing, late of Company I, First Pennsylvania Artillery.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

EDWIN R. PARKS.

The next business on the Private Calendar was the bill (H. R. 7843) granting a pension to Edwin R. Parks.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Edwin R. Parks, late a sergeant of the Thirteenth Regiment of United States Infantry.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

LEVI L. TONGUE.

The next business on the Private Calendar was the bill (H. R. 7437) to grant a pension to Levi L. Vaughn.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Levi L. Vaughn, late a private in Company I, of the Sixth Regiment of Wisconsin Volunteer Infantry.

Mr. ZACH. TAYLOR. I call for the reading of the report.

The report (by Mr. WINANS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7437) to increase the pension of Levi L. Tongue, having considered the same, report—

That said Levi L. Tongue enlisted May 1, 1861, and mustered into service in the Sixth Wisconsin Infantry Volunteers, Company I, July 22, 1861. He served with his regiment and participated in all the battles of the war in which this regiment was engaged, and re-enlisted at the expiration of his term and returned to the regiment March, 1864; was engaged in the battle of the Wilderness and in all the battles to and including Petersburg of June, 1864. He fought in each engagement with conspicuous bravery. He was detailed by an order from headquarters Armies United States, City Point, June 17, 1864, to accompany Lieut. E. P. Brooks, adjutant of the Sixth Wisconsin, on a raid around the flank of the confederate army, to burn bridges, release prisoners, &c.; he was chosen for this service on account of his bravery and daring and coolness in battle; he was taken prisoner and held in Andersonville and Salisbury prisons, where he was taken sick by reason of the treatment he received, and was reduced to a skeleton, and lost his reason; in that condition he was exchanged at Wilmington, N. C., March, 1865, sent to hospital at Annapolis, Md., where he was paid nine months' pay and was furloughed, but was so demented that he did not remember that he had been a soldier, and in that condition was robbed of his pay.

His friends took him and by easy stages succeeded in getting him home. He has ever since been troubled with epilepsy. Was driving horses on a threshing-machine September, 1867, was seized with an epileptic fit and fell into the horse-power, and had his right ankle broken. He is pensioned for epilepsy $16 per month, and an application for an increase is refused on the injury to ankle for the reason that it was not incurred in line of duty. A much more serious disability resulting from his prison life is partial dementia or loss of power of connected thought and memory, whereby he is unfitted and incapacitated for the ordinary duties of life. His mental afflictions are far greater than his physical, and were the direct cause of his injury in the horse-power. Thus this brave soldier, who was conspicuous for his brave acts, is now almost an imbecile. Your committee think his misfortune is equal to, or greater than, the loss of a limb, and therefore recommend the passage of the bill, amended so as to read "increase the pension of Levi L. Tongue, late private in Company I, Sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of the pension he now receives."

The committee recommended amendments making the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Levi L. Tongue, late a private in Company I of the Sixth Regiment of Wisconsin Volunteer Infantry, and pay him a pension at the rate of $20 per month, in lieu of the pension he now receives.

Also amending the title so as to read: "A bill to increase the pension of Levi L. Tongue."

The amendments were agreed to.

The CHAIRMAN (Mr. HATCH). If there be no objection this bill will be laid aside to be reported to the House with the recommendation that it do pass.

There was no objection, and it was so ordered.

WILLIAM J. BARKER.

The next business on the Private Calendar was the bill (H. R. 1177) granting a pension to William J. Barker.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William J. Barker, late of Company A, Eleventh Regiment, Michigan Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZA NEWMAN.

The next business on the Private Calendar was the bill (H. R. 5492) granting a pension to Eliza Newman.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Eliza Newman, widow of the late Lazarus Newman, late a private in the One-hundred and forty-ninth New York Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

HARRIET PEAK.

The next business on the Private Calendar was the bill (H. R. 2968) granting a pension to Harriet Peak.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Harriet Peak, widow of Urias Peak, deceased, late of Company E, Tenth Regiment Michigan Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ANN SMITH.

The next business on the Private Calendar was the bill (S. 2188) granting a pension to Ann Smith.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ann Smith, widow of Levi Smith, late a private in Company A, Third Heavy Artillery, in the war of the rebellion.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

REBECCA E. HASKIN.

The next business on the Private Calendar was the bill (S. 2187) for the relief of Rebecca E. Haskins.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Rebecca E. Haskins, widow of Lieut. Col. Joseph A. Haskins, United States Army, the pension provided by law for the widow of a lieutenant-colonel in the United States Army, in lieu of the pension she is now receiving.

Mr. DOWDNEY. I move to amend the bill by striking out the final "s" in the name "Haskins" wherever it occurs.

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

LOUIS MELCHER.

The next business on the Private Calendar was the bill (S. 2186) granting a pension to Louis Melcher.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Louis Melcher, late a private in Company A, Second Michigan Infantry.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE TITUS.

The next business on the Private Calendar was the bill (S. 2185) for the relief of George Titus.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George Titus, dependent father of Josiah C. Titus, late first lieutenant of Company D, Sixty-second Illinois Volunteers, and to pay George Titus the amount that would have been paid to Nancy Titus, his wife, on a certificate numbered 203,877, granted January 10, 1884, issued to her a few days after her death, as dependent mother of Josiah C. Titus, late first lieutenant of Company D, Sixty-second Illinois Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

PATRICK A. CALLANAN.

The next business on the Private Calendar was the bill (S. 2134) granting a pension to Patrick A. Callanan.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Patrick A. Callanan, late a member of the First Massachusetts Heavy Artillery.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN D. HAM.

The next business on the Private Calendar was the bill (S. 1998) for the relief of John D. Ham.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of John D. Ham, late a private in Company M, First Regiment Wisconsin Cavalry, also a private in Company G, First Regiment Wisconsin Cavalry, and in Company E, Twenty-first Regiment Wisconsin Volunteer Infantry, on the pension-roll, subject to the provisions and limitations of the pension laws.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

SIDNEY B. TULLAR.

The next business on the Private Calendar was the bill (S. 483) to restore Sidney B. Tullar to the pension-roll.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to and place on the pension-roll the name of Sidney B. Tullar, late first lieutenant of Company B, Sixteenth Wisconsin Infantry, and to pay him at the same rate, $12 per month, that he received before, and to be paid from the time he was suspended from said roll.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM WEIGHTMAN.

The next business on the Private Calendar was the bill (S. 612) granting a pension to William Weightman.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Weightman, dependent father of Albert Weightman, late of Company L, Seventh Regiment Michigan Cavalry.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. WINANS. I move that the committee now rise.

Mr. PERKINS. I hope the gentleman will withdraw that motion for a moment in order that we may take up a bill which was informally laid aside early in the evening.

Mr. WINANS. I have no objection.

JAMES H. DARLING.

Mr. PERKINS. I ask unanimous consent to take up for consideration the bill (H. R. 7257) granting a pension to James H. Darling.

There being no objection, the Committee of the Whole proceeded to consider the bill; which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James H. Darling, late of Company G, Seventy-third Regiment Ohio Infantry Volunteers.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

Mr. WINANS. I now renew the motion that the committee rise.

Mr. NEECE. I hope we may be permitted to go on a while longer with these pension bills.

The motion of Mr. WINANS was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HATCH reported that the Committee of the Whole House, having had under consideration, according to the special order, bills on the Private Calendar, had directed him to report sundry bills with various recommendations.

MARIA K. RITTER.

The bill (H. R. 5693) for the relief of Maria K. Ritter, having been reported to the House adversely, was laid on the table.

BILLS PASSED.

Bills of the following titles, reported from the Committee of the Whole House with the recommendation that they do pass, were severally ordered to be engrossed for a third reading; and being engrossed, were accordingly read the third time, and passed:

A bill (H. R. 7253) for the relief of Joseph Guy;
A bill (H. R. 7249) to pension Spencer W. Tryon;
A bill (H. R. 6247) granting a pension to Mayberry Vance;
A bill (H. R. 5414) granting a pension to Maria Cunningham;
A bill (H. R. 6895) granting a pension to Sarah Harbaugh;
A bill (H. R. 7299) for the relief of Green Chambers;
A bill (H. R. 7660) granting a pension to James Stobaugh;
A bill (H. R. 1148) granting a pension to Mariah E. A. B. Nowell;
A bill (H. R. 8325) for the relief of John Mingus;
A bill (H. R. 3047) granting a pension to Thomas Tegan;
A bill (H. R. 3501) granting a pension to Daniel J. Bingman;
A bill (H. R. 6248) granting a pension to Louis A. Wollenweber;
A bill (H. R. 6566) granting a pension to Henry I. Cartin;
A bill (H. R. 3640) granting a pension to James T. Irwin;
A bill (H. R. 7401) granting a pension to Samuel Miller;
A bill (H. R. 3304) to restore the name of Abner Morehead to the pension-roll;
A bill (H. R. 7436) to grant a pension to Mary Anderson;
A bill (H. R. 6753) granting a pension to Mrs. Alice E. Travers;
A bill (H. R. 3737) granting a pension to John H. Downing;
A bill (H. R. 7843) granting a pension to Edwin R. Parks;
A bill (H. R. 1177) granting a pension to William J. Barker;
A bill (H. R. 5492) granting a pension to Eliza Newman;
A bill (H. R. 2968) granting a pension to Harriet Peak; and
A bill (H. R. 7257) granting a pension to James H. Darling.

The following bills reported from the Committee of the Whole with amendments were severally considered, the amendments concurred in, and the bills as amended ordered to be engrossed for a third reading; and being engrossed, were read the third time, and passed, namely:

A bill (H. R. 7066) for the relief of Andrew G. Hillberg;
A bill (H. R. 7688) granting a pension to Wilhelm Nolte;
A bill (H. R. 7511) granting a pension to Margaret Lucy;
A bill (H. R. 4386) granting an increase of pension to William F. Clark;
A bill (H. R. 5656) granting a pension to Mrs. Margaret S. Davis;
A bill (H. R. 7513) granting a pension to Katharina Nickert;
A bill (H. R. 504) granting a pension to Anna Kessinger;
A bill (H. R. 5232) for the relief of Mary Hawhe; and
A bill (H. R. 7437) to grant a pension to Levi L. Tongue.

The titles of the bills No. 5656, 7513, 504, 5232, and 7437 were amended to conform to the action of the committee.

The following bill, reported from the Committee of the Whole, was considered and ordered to be engrossed for a third reading; and being engrossed, was read the third time, and passed (two-thirds voting in favor thereof):

A bill (H. R. 8329) to relieve Lewis F. Casey, of Illinois, of disabilities under the fourteenth amendment of the Constitution of the United States.

The following bills, with amendments of the Senate, were severally considered, the amendments of the Senate concurred in, and the bills as amended ordered to be engrossed for a third reading; and being engrossed, were read the third time, and passed; namely:

A bill (H. R. 1582) for the relief of Eleanor C. Bangham;
A bill (H. R. 1398) to grant a pension to Silas S. White;
A bill (H. R. 1406) granting a pension to Simmons W. Harden;
A bill (H. R. 5254) to increase the pension of George W. Smith;
A bill (H. R. 3921) granting an increase of pension to Richard Gear; and
A bill (H. R. 2145) for the relief of Rebecca Eldridge.

The following Senate bills, reported from the Committee of the Whole, were severally considered, ordered to a third reading, and were accordingly read the third time, and passed; namely:

A bill (S. 1152) granting a pension to Sarah E. Bassett;
A bill (S. 843) granting a pension to Elise Burki;
A bill (S. 963) granting a pension to Harriet M. Rider;
A bill (S. 977) granting a pension to Elizabeth Barker;
A bill (S. 1290) granting a pension to David W. Hamilton;
A bill (S. 1630) granting a pension to James C. Chandler;
A bill (S. 363) granting a pension to Edward Ayers;
A bill (S. 1438) granting a pension to Isom Wilkerson;
A bill (S. 857) granting a pension to Dudley B. Branch;
A bill (S. 2188) granting a pension to Ann Smith;

A bill (S. 2186) granting a pension to Louis Melcher;
A bill (S. 2185) for the relief of George Titus;
A bill (S. 2134) granting a pension to Patrick A. Callanan;
A bill (S. 1998) for the relief John D. Ham;
A bill (S. 483) to restore Sidney B. Tullar to the pension-roll; and
A bill (S. 612) granting a pension to William Weightman.

The following Senate bills, reported from the Committee of the Whole with amendments, were severally considered, the amendments concurred in, and the bills as amended ordered to a third reading, and being read the third time, were passed:

A bill (S. 1065) granting a pension to Emeline J. Babson; and
A bill (S. 2187) for the relief of Rebecca E. Haskins.

Mr. WINANS moved to reconsider the several votes by which bills were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LOREN BURRITT.

The bill (H. R. 8002) to increase the pension of Loren Burritt, reported from the Committee of the Whole without recommendation, was considered.

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent that the previous question may be ordered upon the passage of this bill, with the understanding that there shall be a vote in the full House upon it after thirty minutes' debate, fifteen minutes on a side.

The SPEAKER. To be acted upon when? If the previous question is ordered upon the passage of the bill it will come up to-morrow morning, the Chair thinks, immediately after the reading of the Journal, unless some other time is indicated by the House.

Mr. NEECE. Some other time had better be fixed.

Mr. WINANS. That is as good a time as any.

Mr. OSBORNE. Yes, sir.

The SPEAKER. Without objection the bill will be ordered to be engrossed and read a third time, and the question will be upon its passage, upon which the previous question is ordered.

There was no objection, and it was so ordered.

And then, on motion of Mr. WINANS (at 9 o'clock and 55 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARKSDALE: Papers relating to the claim of William Evans—to the Committee on War Claims.

By Mr. BOUND: Petition of Conroy Grange, No. 697, of Conewago, Pa., in favor of a law to suppress the manufacture and sale of all imitation dairy products—to the Committee on Agriculture.

Also, memorial of same, protesting against all legislation favoring the admission to our ports free of duty of all agricultural raw materials, such as wool, hides, jute, tobacco, raw sugars, &c.—to the Committee on Ways and Means.

By Mr. BRADY: Petition of Cornelia A. Stanly, widow of the late Fabius Stanly, rear-admiral United States Navy, for an increase of pension—to the Committee on Pensions.

By Mr. J. M. CAMPBELL: Testimony in the claim of Michael Nangel (House bill 8514)—to the Committee on War Claims.

By Mr. CRAIN: Two petitions of citizens of Galveston, Tex., praying for the passage of House bill 1513, known as the Hewitt bill—to the Committee on Ways and Means.

By Mr. DAVENPORT: Petition of citizens of Seneca, Ontario County, New York, against fraud in patents—to the Committee on Patents.

By Mr. DUNN: Petition of Pleasant Bumpass, praying that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. HALL: Memorial of the General Assembly of Iowa, for the levy of taxes upon all imitations of the products of the dairy industry—to the Committee on Agriculture.

Also, memorial of the same, for an act to pension all persons captured and held as prisoners of war in the war of the rebellion—to the Committee on Invalid Pensions.

Also, memorial of the same, against the passage of bills requiring the manufacturers of vinegar to pay distiller's tax, &c.—to the Committee on Ways and Means.

By Mr. D. B. HENDERSON: Petition of the Diamond Jo line of steamers, against low bridge at Saint Louis, Mo.—to the Committee on Commerce.

By Mr. HIRES: Petition of Granges Nos. 38 and 51, of New Jersey, protesting against any laws favoring the admission to our ports, free of duty, of wool, rice, sugar, &c.—to the Committee on Ways and Means.

By Mr. HOUK: Petition of James H. Daniel, of Jefferson County, Tennessee, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. LAFFOON: Petition for the relief of the Christian church at Henderson, Ky.—to the same committee.

By Mr. MOFFATT: Petition of citizens of Traverse City, Mich., for the repeal of limit to arrearage of pension laws, and for other amendments to pension laws—to the Committee on Invalid Pensions.

By Mr. NELSON: Petition of dairymen, butter-makers, and other citizens of Stevens County, Minnesota, for the protection of the dairy interests—to the Committee on Agriculture.

By Mr. SPOONER: Petition of the Rhode Island Woman's Indian Association and of citizens of Rhode Island, for the passage of Senate bill 52, known as the Dawes Sioux bill—to the Committee on Indian Affairs.

By Mr. STAHLNECKER: Petition of employés of the Clark O. N. T. Thread Company, of Newark, N. J., against the reduction of tariff on spool cotton, &c.—to the Committee on Ways and Means.

By Mr. STORM: Petition of Granges Nos. 210 and 792, Patrons of Husbandry, of Pennsylvania, praying for legislation to suppress the manufacture and sale of all imitations of dairy products—to the Committee on Agriculture.

Also, petition of same, against placing wool, hides, jute, tobacco, raw sugars, &c., on the free-list—to the Committee on Ways and Means.

By Mr. SWOPE: Petition of citizens of Hanover, Pa., asking for the passage of a bill for the redemption of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

Also, petition of numerous business men of Mechanicsburg, Pa., asking for the redemption of the trade-dollar—to the same committee.

By Mr. E. B. TAYLOR: Petition of 65 firms and business men of Ashtabula, Ohio, in favor of legislation against bogus butter—to the Committee on Agriculture.

By Mr. WHEELER: Petition of Stephen White, for pension arrears—to the Committee on Invalid Pensions.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. HALL: Of citizens of Henry and Washington Counties, Iowa.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May* 8, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

SCHOOL BUILDINGS IN THE DISTRICT.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, submitting an additional estimate by the commissioners of the District of Columbia for buildings for public schools for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

CLAIMS ALLOWED.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting, in compliance with a resolution of the House of Representatives, supplementary lists of claims allowed under appropriations of which balances are exhausted or carried to the surplus fund; which was referred to the Committee on Appropriations, and ordered to be printed.

DEFICIENCY FOR PRINTING AND BINDING.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting a letter from the Public Printer, and submitting an estimate and requesting an appropriation to supply a deficiency for public printing and binding for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

OLCOTT HARBOR, NEW YORK.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a letter from the Chief of Engineers submitting an additional estimate for repairs and works at Olcott Harbor, New York, rendered necessary by damages caused by recent storms; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

CONTINGENT FUND OF DEPARTMENT OF JUSTICE.

The SPEAKER also laid before the House a letter from the Attorney-General, asking that in the legislative, executive, and judicial appropriation bill provision be made to determine definitely whether discretion rests with the Attorney-General in the expenditure of the contingent fund of the Department of Justice, and to decide what articles are necessary for the use of that Department; which was referred to the Committee on Appropriations, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

Mr. HEARD, until Wednesday next, on account of important business.

Mr. ERMENTROUT, for a few days, to attend a funeral.
Mr. FLEEGER, for six days, on account of important business.
To Mr. KELLEY, until the 13th instant.

CHANGE OF REFERENCE.

The SPEAKER. House Executive Document 198, the Chair finds, was referred to the Committee on the District of Columbia, and House Executive Document 214 to the Committee on Military Affairs. These documents should have been referred to the Committee on Appropriations. If there be no objection a change of reference will be made.

There was no objection.

ENROLLED BILLS SIGNED.

Mr. McRAE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 606) authorizing the removal of the statue of Maj. Gen. John A. Rawlins from its present location to a site to be selected by the Secretary of War; and

A bill (H. R. 661) granting the right of way through the Fort Selden military reservation in New Mexico to Rio Grande, Mexico and Pacific Railroad Company.

FOREIGN MAIL SERVICE.

Mr. MILLS. I ask unanimous consent to present and have printed a letter sent to me by the Superintendent of Foreign Mails, in answer to a request I made for information on a question that will come before us in a few days in relation to subsidies for the foreign mail service on an amendment of the Senate. The communication contains a great deal of information, and the superintendent asked me to have it printed, as there are many members writing to him and it is impossible for him to answer in each case.

The SPEAKER. Does the gentleman desire to have the communication printed in the RECORD?

Mr. MILLS. No, sir; I desire to have it printed as a document.

Mr. BURROWS. What is the request of the gentleman from Texas?

Mr. MILLS. I desire to have printed as a document a communication from the Superintendent of Foreign Mails, giving information on the subject of subsidies for the foreign mail service, which will be found valuable when the discussion of this question comes up.

Mr. BURROWS. By whose request was it prepared?

Mr. MILLS. The communication is addressed to me by the Superintendent of the Foreign Mail Service.

Mr. BURROWS. In reply to what?

Mr. MILLS. In reply to a verbal communication I made to him asking information as to the extent of the service, the amounts paid, and all such matters.

There was no objection, and the communication was ordered to be printed as a document.

KANSAS CITY, FORT SCOTT AND GULF RAILROAD.

Mr. PEEL. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 6391) to authorize the Kansas City, Fort Scott and Gulf Railway Company to construct and operate a railway through the Indian Territory, and for other purposes; and that the same be brought before the House for consideration.

The bill was read, as follows:

Be it enacted, &c., That the Kansas City, Fort Scott and Gulf Railway Company, a corporation created under and by virtue of the laws of the State of Kansas, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway and telegraph and telephone line through the Indian Territory, beginning at a point to be selected by said railway company near and south of the city of Baxter Springs, in the State of Kansas, and running thence by the most practicable route through the Indian Territory to the northwest corner of the State of Arkansas, and after passing through the counties of Benton and Washington, in the State of Arkansas, to the town of Evansville, in the said county of Washington; thence from the said town of Evansville, through the Cherokee Nation, Indian Territory, to the city of Fort Smith, in the said State of Arkansas, with the right to construct, use, and maintain such tracks, turnouts, branches, sidings, and extensions as said company may deem it to their interest to construct along and upon the right of way and depot grounds herein provided for.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, and for no other purpose, a right of way 100 feet in width through said Indian Territory, and to take and use a strip of land 200 feet in width, with a length of 3,000 feet, in addition to right of way, for stations, for every 10 miles of road, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the road-bed, not exceeding 100 feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines; and when any portion thereof shall cease to be so used, such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of said Cherokee Nation or tribe through which it may be constructed, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed, one (who shall act as chairman) by the President, one by the chief of the nation to which said occupant belongs, and one by said railroad company, who, before entering upon the duties of their appointment, shall take and subscribe, before a district judge, clerk of a district court, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned, with their award, to and filed with the Secretary of the Interior within sixty days from the completion thereof; and a majority of said referees shall be competent to act in case of the absence of a member, after due notice. And upon the failure of either party to make such appointment within thirty days after the appointment made by the President, the vacancy shall be filled by the district judge of the court held at Fort Smith, Ark., upon the application of the other party. The chairman of said board shall appoint the time and place for all hearings, within the nation to which such occupant belongs. Each of said referees shall receive for his services the sum of $4 per day for each day they are engaged in the trial of any case submitted to them under this act, with mileage at 5 cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nations. Costs, including compensation of the referees, shall be made a part of the award, and be paid by such railroad company. In case the referees can not agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to the district court held at Fort Smith, Ark., which court shall have jurisdiction to hear and determine the subject-matter of said petition, according to the laws of the State in which the same shall be heard provided for determining the damage when property is taken for railroad purposes. If upon the hearing of said appeal the judgment of the court shall be for a larger sum than the award of the referees, the costs of said appeal shall be adjudged against the railroad company. If the judgment of the court shall be for the same sum as the award of the referees, then the costs shall be adjudged against the appellant. If the judgment of the court shall be for a smaller sum than the award of the referees, then the costs shall be adjudged against the party claiming damages. When proceedings have been commenced in court, the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railroad.

SEC. 4. That said railroad company shall not charge the inhabitants of said Territory a greater rate of freight than the rate authorized by the laws of the State of Arkansas for services or transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed 3 cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway and messages on said telegraph and telephone lines until a State government or governments shall exist in said Territory within the limits of which said railway, or a part thereof, shall be located; and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits by said railway; but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another, or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or interstate, shall not exceed the rate above expressed: *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the Cherokee Nation or tribe, the sum of $50, in addition to compensation provided for in this act for property taken and damages done to individual occupants by the construction of the railway, for each mile of railway that it may construct in said Territory, said payments to be made in installments of $500 as each 10 miles of road is graded: *Provided*, That if the general council of said nation or tribe through whose lands said railway may be located shall, within four months after the filing of maps of definite location as set forth in section 6 of this act, dissent from the allowances provided for in this section, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this act shall be determined as provided in section 3 for the determination of the compensation to be paid to the individual occupant of lands, with the right of appeal to the courts upon the same terms, conditions, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company for said dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under the foregoing provision. Said company shall also pay, so long as said Territory is owned and occupied by the Indians, to the Secretary of the Interior, the sum of $15 per annum for each mile of railway it shall construct in the said Territory. The money paid to the Secretary of the Interior under the provisions of this act shall be apportioned by him, in accordance with the laws and treaties now in force between the United States and said Cherokee Nation, according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided*, That Congress shall have the right, so long as said lands are occupied and possessed by said nation or tribe, to impose such additional taxes upon said railroad as it may deem just and proper for their benefit; and any Territory or State hereafter formed through which said railway shall have been established may exercise the like power as to such part of said railway as may lie within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

SEC. 6. That said company shall cause maps showing the route of its located line through said Territory to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chief of the Cherokee Nation or tribe through whose lands said railway may be located; and after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map showing any portion of said railway company's located line is filed as herein provided for, said company shall commence grading said located line within six months thereafter, or such location shall be void, and said location shall be approved by the Secretary of the Interior in sections of 25 miles before construction of any such section shall be begun.

SEC. 7. That the officers, servants, and employés of said company necessary to the construction and management of said road shall be allowed to reside, while so engaged, upon such right of way, but subject to the provisions of the Indian intercourse laws, and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

SEC. 8. That the United States circuit and district courts for the western district of Arkansas, and such other courts as may be authorized by Congress, shall have, without reference to the amount in controversy, concurrent jurisdiction over all controversies arising between said Kansas City, Fort Scott and Gulf Railway Company and the nation and tribe through whose territory said railway shall be constructed. Said courts shall have like jurisdiction, without reference to the amount in controversy, over all controversies arising between the inhabitants of said nation or tribe and said railway company; and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Territory, without distinction as to citizenship of the parties, so far as may be necessary to carry out the provisions of this act.

SEC. 9. That said railway company shall build at least 50 miles of its railway in said Territory within three years after the passage of this act, or the rights herein granted shall be forfeited as to that portion not built; that said railroad company shall construct and maintain continually all road and highway crossings and necessary bridges over said railway wherever said roads and highways

do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

SEC. 10. That the Kansas City, Fort Scott and Gulf Railway Company shall accept this right of way upon the express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking toward the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian nation any further grant of land, or its occupancy, than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

SEC. 11. That all mortgages executed by said railway company conveying any portion of its railroad, with its franchises, that may be constructed in said Indian Territory, shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

SEC. 12. That Congress may at any time amend, add to, alter, or repeal this act; and the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road, except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. ADAMS, of Illinois. I would like to ask one question before unanimous consent is given. Is just as full right given in regard to lands held by the tribes as I notice in the first part of the bill is given to individual owners of lands?

Mr. PEEL. The bill is exactly in detail like two bills that were passed in the last Congress.

Mr. ADAMS, of Illinois. From what committee does it come?

Mr. PEEL. From the Committee on Indian Affairs.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STRUBLE. I object.

Mr. BEACH. Let us have the regular order.

Mr. STRUBLE. Upon the representation that this bill is not likely to cause discussion I withdraw my objection.

Mr. PEEL. I will repeat that the bill is precisely in detail like two bills that were passed in the last Congress. This railroad only goes for some 30 miles across the northeast corner and some 30 miles across the southeast corner of the Indian Territory.

Mr. BEACH. I shall withdraw for the present the demand for the regular order. I do not object to this bill, but I give notice that hereafter I shall insist on the regular order till the public business is further advanced than it is at this time.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PEEL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MRS. H. B. LEHMAN.

Mr. O'HARA. Mr. Speaker, I ask unanimous consent to take up and pass a bill which I send to the Clerk's desk. The bill is on the Private Calendar. It is House bill No. 7364.

The SPEAKER. The gentleman from North Carolina [Mr. O'HARA] asks unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill indicated by him, and to put the bill upon its passage.

The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War may authorize the interment in the national cemetery at New Berne, in the State of North Carolina, of the remains of Harriet B. Lehman, deceased, widow of the late R. F. Lehman, whose remains are now interred in said cemetery.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. O'HARA moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BEACH. Regular order, Mr. Speaker.

LOREN BURRITT.

Mr. WHEELER. Mr. Speaker, I move to dispense with the morning hour.

The SPEAKER. The regular order is demanded. The regular order is the consideration of a bill coming over from last evening, upon which the previous question has been ordered. The question is upon the passage of the bill. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to increase the pension of Loren Burritt, late lieutenant-colonel of the Eighth Regiment United States Colored Troops, to $100 a month.

Mr. SPRINGER. Mr. Speaker, is it in order to move to postpone the further consideration of this bill until Friday next?

The SPEAKER. The previous question has been ordered upon it.

A MEMBER. Is it in order to move to lay the bill on the table?

The SPEAKER. This bill was reported adversely from the Committee on Invalid Pensions, but ordered to be engrossed and read a third time, and the previous question was ordered upon its passage.

Mr. EDEN. Is it in order to have the report read?

The SPEAKER. That can be done by unanimous consent. The Chair did not answer the inquiry whether a motion to lay on the table would be in order. That motion is in order.

Mr. SPRINGER. Is it in order to move to recommit the bill to the committee?

The SPEAKER. It is.

Mr. SPRINGER. I make that motion.

Mr. OSBORNE. Mr. Speaker, I understood that this bill came over from last evening with the agreement that there should be fifteen minutes given to each side for its discussion. I now ask that that understanding be adhered to.

The SPEAKER. The gentleman from Pennsylvania [Mr. OSBORNE] states that unanimous consent was given in the House last evening that this bill should be debated for thirty minutes, fifteen minutes on each side.

Mr. HAMMOND. Does the gentleman state that the consent was given by the House or by the Committee of the Whole?

The SPEAKER. It was given by the House, according to the gentleman's statement.

Mr. SPRINGER. Would a motion to lay the bill on the table take precedence of that?

The SPEAKER. Of course.

Mr. SPRINGER. Mr. Speaker, I want to give notice that I shall object to this practice of bringing over private bills from the Friday evening sessions to take up time that ought to be devoted to public business, because I believe it is entirely against the spirit of the special order made by the House. The House did not intend that business of that character should be transferred from Friday evening to other days. If such agreements to carry over bills can be made by members who come here on Friday evenings, they can occupy in that way all the remainder of the session.

The SPEAKER. The gentleman from Pennsylvania [Mr. OSBORNE] states that there was an agreement among the members present last evening that there should be thirty minutes allowed for debate upon this bill to-day. That was not stated to the House by the Chair, and was no part of the order which was made by the House. The gentleman from Illinois [Mr. SPRINGER] now moves (as the Chair understands) to lay the bill on the table.

Mr. SPRINGER. I do not want to interfere with any agreement, and I therefore withdraw that motion, but I give notice that I shall oppose this practice hereafter.

Mr. MCMILLIN (to Mr. SPRINGER). Make your motion now.

Mr. SPRINGER. Oh, no.

The SPEAKER. The gentleman from Pennsylvania [Mr. OSBORNE] will proceed.

Mr. OSBORNE. Mr. Speaker, I will not occupy the time of the House to any great extent, my desire being simply to place before the House the circumstances of this case and the character of the man sought to be benefited by this bill. Loren Burritt, in whose behalf this bill was introduced, was in his boyhood days a friend and companion of mine, and I know him as I would know a brother. When he was a little past twenty-one years of age, having just come from college, he volunteered in the Army of the United States as a private soldier, and was enlisted in the Fifth Regiment of Pennsylvania Volunteers. He served with that regiment through the campaigns upon the Peninsula, came back from there, went through the second battle of Bull Run, crossed the river into Maryland, and was at Antietam. Coming back from there, he was at Fredericksburg, then at Chancellorsville, and later at Gettysburg.

Coming back with Meade in the Army of the Potomac, he was selected as a man of conspicuous gallantry and exceeding bravery worthy of particular notice and he was made a lieutenant-colonel. In 1864, in Florida, while in battle at the head of his regiment, he was wounded in the ankle. While being taken from the field he was wounded in the other foot, and thus he became disabled in both feet. He was sent to the hospital and lingered there until 1866, when he was discharged on account of disability. He then went to his home in the North, read law, went to Philadelphia, started in a career that promised a most brilliant future, but, unfortunately, in 1872, his old wounds broke out and he was compelled to surrender all hopes of future earthly success and take to his bed. In 1873 he became totally disabled, and has been so from that time until now. He is unable to move on foot, to raise a hand; he is unable to feed himself; he can not be taken out of his bed; every office of nature that he has to perform he must have assistance in. He has thus lingered through these fourteen years with no means to rely upon after the first two or three years but his pension of $72 a month, and now his wife, worn out in caring for him and ministering to his wants, is likely to be taken from him. Thus he is left helpless.

I introduced this bill. In the presentation of this case I ask Congress to say that this man who served so gallantly and whose career came to so unfortunate an end is worthy of that distinction which is asked here; that his pension may be increased to the extent of the simple pittance of $28 a month. What will it amount to, gentlemen? It will scarcely amount to the sum of $300; for I do not believe it possible for this man to exist beyond the period of one year. Yet these last moments of his life are the time when more assistance is required

to provide for his wants than at any previous period, especially since his poor wife is giving out, and he must now depend upon charity, or must suffer in that pitiable and painful state which I think should make the nerves of any true man shudder when he remembers that this poor sufferer lies constantly upon a cot, worse than dead, unable to use either arms or feet, and, more than that, blind in one eye. He has lost the sight in one eye, and with the other is unable to distinguish a friend across the room.

Is not this, then, a case that appeals to the patriotism of members of this House? Is not this a case which demands immediate present action? Is it not a case parallel at least with that case heretofore made of record. I refer to the case of the gallant General Black, the present Commissioner of Pensions, who receives to-day by act of Congress $100 a month for disability in both arms. Loren Burritt is not only disabled in both arms and both legs, but is unable to see, except dimly out of one eye.

This, Mr. Speaker and gentlemen, is the appeal we make to you; and I ask you, in the name of everything that is honorable and sacred, to let me be able to telegraph upon the wings of electricity to that poor wife that the Congress of the United States has stood by her dear husband in this the hour of their direst distress, thus sending a little ray of sunshine and hope and happiness into that benighted, that desolate, that dreary, that painful home of Loren Burritt. I ask that this bill may receive the sanction of the House.

Mr. MATSON. Mr. Speaker, before saying anything about the circumstances of this case I wish to remark that the bill is brought before the House this morning by reason of the fact that there had been an adverse report upon it by the Committee on Invalid Pensions, and the bill was placed on the Calendar because, perhaps, the gentleman from Pennsylvania [Mr. OSBORNE], or some other member, objected to its being laid on the table. The bill came up last night for action; and by those who were present it was passed through the Committee of the Whole. When it came up in the House the point of no quorum was raised; and thereupon an agreement was made that the previous question should be ordered so that the bill might come up for action in a full House. Either, then, the bill must have been passed last night, or else this was the only course left open for the disposition of the case. This is the excuse we have for bringing the matter before the House this morning.

Mr. Speaker, this case presents a question of more importance than would appear at a glance, and that is another excuse for bringing the bill before a full House. The question is not alone whether this pension should be increased; that is not all there is in the matter; but we have here a question of doing injustice to others when we increase this pension. That is the difficulty.

The present law allows to those who are now placed upon the pension-roll $72 a month only in those cases where the pensioner has lost both eyes, both hands, or both feet. This man, if he had been placed on the roll since June, 1878, would have received only $50 a month, because he has not lost both hands, both eyes, or both feet. There are upon the roll to-day at $50 a month men in just as helpless and suffering a condition as this man who is now drawing $72 a month. There is the difficulty about this matter. If we now should give this man $100 a month it would be unjust to all those who are drawing $72 a month and unjust to many who are drawing only $50 a month, and are in as helpless and suffering a condition as he is.

A MEMBER. How does he get $72 instead of $50?

Mr. MATSON. Because in June, 1878, a law was passed providing that all who were then upon the roll at $50 per month should have their pensions increased to $72 a month; and it was further provided that thereafter those who had lost both hands, both feet, or both eyes should be placed on the pension-roll at $72.

Now, Mr. Speaker, $72 is a tolerably large pension. It is $2.40 a day. It is at least twice as much as the average laborer can make. Taking the wages of laboring men all over this country, I think it will be found that $2.40 is at least twice as much as the average earnings of that class of men.

Mr. TILLMAN. Will the gentleman allow me a question?

Mr. MATSON. Certainly.

Mr. TILLMAN. Was not $8 a month the highest total-disability pension before the civil war?

Mr. MATSON. I think it was.

Mr. TILLMAN. Yet here we have a soldier who is drawing nearly nine times as much disability pension as any one formerly got, and still it is proposed by this bill to increase his pay to twelve and a half times as much as any total disability used to secure.

Mr. MATSON. I think $8 a month was the highest rate. Seventy-two dollars a month is the highest rate now. Seventy-two dollars a month this man gets—$2.40 a day.

The difficulty is, Mr. Speaker, if his pension is increased to $100 a month my constituent's pension ought to be increased to $100 a month, and your constituent's pension ought to be increased. All of them ought to be increased.

Can we afford it? There are about nine hundred men on the roll who draw $72 a month. Every one of us represents that sort of a pensioner. Now, can we afford to vote for the constituent of our friend from Pennsylvania to give him $100 a month and allow ours to remain at $72? We can not afford to do that. It would be unjust to our constituents.

So I insist, Mr. Speaker, this bill should not be passed. Whenever it is passed it will be seized on at once as a precedent, and cases of this kind, pitiful as they are, and appealing to our feelings as strongly as they do, will be brought to Congress, and you will be asked in innumerable instances, in all of them, to increase the pension to $100 a month.

If it is right to increase the pension to $100 a month, then that ought to be done by a general law. But it is not right to select out one man's case and say his pension should be put at $100 a month, while the others should remain at $72 a month.

I reserve the remainder of my time.

The SPEAKER. The gentleman from Pennsylvania has six minutes of his time remaining.

Mr. OSBORNE. I yield to the gentleman from Wisconsin [Mr. BRAGG].

The SPEAKER. All of the time?

Mr. OSBORNE. Yes, sir.

Mr. BRAGG. I am inclined to think, sir, I ought to give my support to this bill. While I have been very steadfast in my opposition to the general laws, and to the general disposition to grant pensions to everybody, I have never yet shrunk from daring to take the responsibility to grant a pension to a man when I honestly believed he had earned it and deserved it.

There is but one flaw in this man's record. I do not remember him identically with his personality; I know the command to which he belonged. I have seen it steady in many a fight. But he committed the unpardonable crime of having been selected from the ranks and made a lieutenant-colonel. That is the only flaw I am able to discover in his record which would prejudice him before this Congress.

Wounded twice, a young man of brilliant parts, prepared to follow a professional life, he went out of the service and commenced to enter upon his profession when the effect of his wounds came upon him, and he went down into the position where he now is and has been for ten years past. And I say to the gentleman from Indiana [Mr. MATSON] if he has one more case like that, he can always rely upon me to support it; or if he has a hundred, or a thousand, or ten thousand like it, I will follow him steady in line and stay there so long as he has any organization to fight the battle.

What says this adverse report of the condition of this man to-day? Let us see whether you have any other case like it. He is lying on his back substantially helpless with his hands, helpless with his legs, the sight of one eye destroyed by the disease which is eating him up; having lost the control of the functions of his bowels; having lost the control of the functions of his bladder. Will less than $2.40 a day clean him and take care of him? Would the gentleman so suffer for $2.40 a day? That is the case, Mr. Speaker, the adverse report presents to the consideration of this House. It is a case showing the condition of things brought about as the legitimate result of wounds received during the war. There he lies—not a man except in feeling the excruciating pangs arising from his wounds. So intense are his sufferings from those wounds he lies there a mere animal, as it were. Everything he eats passes without his knowledge—not subject to his control; and it is the same thing as to the other organs of his body.

I say that such a man as that is entitled to $100 a month far quicker and much more worthily and deservingly than ninty-nine out of the hundred cases that are sent to this House and have received its approbation for sums ranging from eight to twenty a dollars a month.

I hope the bill will pass. [Applause.]

The question being taken on the passage of the bill, there were on a division—ayes 75, noes 57.

Mr. KING. On that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 95, nays 87, not voting 140; as follows:

YEAS—95.

Adams, G. E.	Foran,	Markham,	Stephenson,
Allen, C. H.	Frederick,	McKenna,	Stone, E. F.
Atkinson,	Fuller,	Merriman,	Strait,
Baker,	Funston,	Millard,	Struble,
Bayne,	Geddes,	Milliken,	Swinburne,
Bliss,	Guenther,	Moffatt,	Symes,
Bound,	Hall,	Morrow,	Taylor, E. B.
Bragg,	Hanback,	Nelson,	Taylor, I. H.
Breckinridge, WCP.	Harmer,	Osborne,	Thomas, O. B.
Brown, C. E.	Henderson, D. B.	Payne,	Throckmorton,
Brown, W. W.	Henderson, T. J.	Perkins,	Van Schaick,
Buck,	Hepburn,	Peters,	Wade,
Burrows,	Herman,	Pettibone,	Wadsworth,
Cannon,	Hitt,	Plumb,	Walt,
Comstock,	Hopkins,	Rice,	Wakefield,
Conger,	Howard,	Rockwell,	Ward, T. B.
Cutcheon,	Jackson,	Rogers,	Warner, William
Dargan,	Johnson, P. A.	Ryan,	Weaver, J. B.
Dunham,	Ketcham,	Sessions,	West,
Eldredge,	Kleiner,	Smalls,	White, Milo
Ely,	La Follette,	Snyder,	Wolford,
Evans,	Laird,	Springer,	Woodburn,
Everhart,	Lindsley,	Stahlnecker,	Worthington.
Felton,	Lyman,	Steele,	

NAYS—87.

Ballentine,	Dockery,	Lanham,	Richardson,
Barksdale,	Dowdney,	Lovering,	Sadler,
Barnes,	Eden,	Lowry,	Sayers,
Barry,	Gay,	Martin,	Singleton,
Beach,	Glass,	Matson,	Skinner,
Belmont,	Green, W. J.	Maybury,	Stewart, Charles
Bennett,	Hale,	McCreary,	Storm,
Bland,	Hammond,	McMillin,	Swope,
Blount,	Hatch,	McRae,	Taylor, J. M.
Boyle,	Heard,	Miller,	Tillman,
Breckinridge, C. R.	Hemphill,	Mills,	Trigg,
Bynum,	Henderson, J. S.	Morgan,	Tucker,
Cabell,	Herbert,	Morrill,	Turner,
Caldwell,	Holman,	Neal,	Van Eaton,
Carleton,	Hutton,	Neece,	Viele,
Cobb,	Irion,	Oates,	Ward, J. H.
Compton,	Johnston, J. T.	O'Hara,	Wheeler,
Crisp,	Johnston, T. D.	Peel,	Wilkins,
Croxton,	Jones, J. H.	Price,	Willis,
Davidson, A. C.	King,	Reagan,	Winans,
Davidson, R. H. M.	Laffoon,	Reid, J. W.	Wise.
Dawson,	Landes,	Reese,	

NOT VOTING—140.

Adams, J. J.	Daniel,	Holmes,	Pindar,
Aiken,	Davenport,	Houk,	Pirce,
Allen, J. M.	Davis,	Hudd,	Randall,
Anderson, C. M.	Dibble,	James,	Ranney,
Anderson, J. A.	Dingley,	Jones, J. T.	Reed, T. B.
Arnot,	Dorsey,	Kelley,	Riggs,
Barbour,	Dougherty,	Lawler,	Robertson,
Bingham,	Dunn,	Le Fevre,	Romeis,
Blanchard,	Ellsberry,	Lehlbach,	Rowell,
Boutelle,	Ermentrout,	Libbey,	Sawyer,
Brady,	Farquhar,	Little,	Scott,
Browne, T. M.	Findlay,	Long,	Scranton,
Brumm,	Fisher,	Lore,	Seney,
Buchanan,	Fleeger,	Louttit,	Seymour,
Bunnell,	Ford,	Mahoney,	Shaw,
Burleigh,	Forney,	McAdoo,	Sowden,
Burnes,	Gallinger,	McComas,	Spooner,
Butterworth,	Gibson, C. H.	McKinley,	Spriggs,
Campbell, Felix	Gibson, Eustace	Mitchell,	Stewart, J. W.
Campbell, J. E.	Gilfillan,	Morrison,	St. Martin,
Campbell, J. M.	Glover,	Muller,	Stone, W. J., Ky.
Campbell, T. J.	Goff,	Murphy,	Stone, W. J., Mo.
Candler,	Green, R. S.	Negley,	Tarsney,
Caswell,	Grosvenor,	Norwood,	Taulbee,
Catchings,	Grout,	O'Donnell,	Taylor, Zach.
Clardy,	Halsell,	O'Ferrall,	Thomas, J. R.
Clements,	Harris,	O'Neill, Charles	Thompson,
Cole,	Hayden,	O'Neill, J. J.	Townshend,
Collins,	Haynes,	Outhwaite,	Warner, A. J.
Cooper,	Henley,	Owen,	Weaver, A. J.
Cowles,	Hewitt,	Parker,	Weber,
Cox,	Hiestand,	Payson,	Wellborn,
Crain,	Hill,	Perry,	White, A. C.
Culberson,	Hires,	Phelps,	Whiting,
Curtin,	Hiscock,	Pidcock,	Wilson.

So the bill was passed.

On motion of Mr. BRAGG, by unanimous consent the reading of the names was dispensed with.

The following pairs were announced:

Mr. CAMPBELL, of Ohio, with Mr. LITTLE, on all questions, on the 7th and 8th of May.

Mr. GLOVER with Mr. DORSEY, on all political questions, until Monday next.

The following gentlemen were announced as being paired until further notice:

Mr. CURTIN with Mr. NEGLEY.
Mr. OUTHWAITE with Mr. PARKER.
Mr. TOWNSHEND with Mr. GALLINGER.
Mr. NORWOOD with Mr. O'DONNELL.
Mr. CARLETON with Mr. HOLMES.
Mr. FISHER with Mr. ANDERSON, of Kansas.
Mr. BURNES with Mr. BUCHANAN.
Mr. CRAIN with Mr. STEWART, of Vermont.
Mr. CULBERSON with Mr. MCKINLEY.
Mr. FORNEY with Mr. BUNNELL.
Mr. COLE with Mr. THOMAS, of Illinois.
Mr. SEYMOUR with Mr. SCRANTON.
Mr. GIBSON, of West Virginia, with Mr. PIRCE.
Mr. HUDD with Mr. FLEEGER.
Mr. JONES, of Alabama, with Mr. BURLEIGH.
Mr. TARSNEY with Mr. CASWELL.
Mr. ELLSBERRY with Mr. HOUK.

For this day:

Mr. SENEY with Mr. DAVENPORT.
Mr. HALSELL with Mr. GOFF.
Mr. LE FEVRE with Mr. BRUMM.
Mr. O'NEILL, of Pennsylvania, with Mr. O'NEILL, of Missouri.
Mr. TAULBEE with Mr. BUTTERWORTH.
Mr. GREEN, of New Jersey, with Mr. GROSVENOR.
Mr. HEWITT with Mr. DINGLEY.
Mr. SCOTT with Mr. COOPER.
Mr. ROBERTSON with Mr. WHITING.
Mr. WARNER, of Ohio, with Mr. KELLEY.
Mr. PIDCOCK with Mr. MCCOMAS.
Mr. GIBSON, of Maryland, with Mr. GILFILLAN.
Mr. ADAMS, of New York, with Mr. WEAVER, of Nebraska.
Mr. COLLINS with Mr. BINGHAM.
Mr. LAWLER with Mr. LEHLBACH.
Mr. OWEN with Mr. DIBBLE.
Mr. ANDERSON, of Ohio, with Mr. THOMPSON.

On this vote:

Mr. COWLES with Mr. HOLMES.

Mr. MORRISON. Mr. Speaker, the gentleman from Maine, Mr. REED, said he expected to be absent to-day and I promised to secure a pair for him. As I had forgotten it before this vote was taken, I will withdraw my vote for the purpose of making a pair with him. I do not know how he would have voted, but suppose in the affirmative.

The result of the vote was then announced as above recorded.

Mr. BRAGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WHEELER. Mr. Speaker, I move to dispense with the morning hour to-day for the call of committees, with a view to asking the House to go into Committee of the Whole for the purpose of considering general appropriation bills.

The SPEAKER. That requires a two-thirds vote.

The question was taken; and on a division there were—ayes 102, noes 12.

So (two-thirds having voted in favor thereof) the motion was agreed to.

Mr. WHEELER. Mr. Speaker, I now move that the House resolve itself into Committee of the Whole for the consideration of general appropriation bills.

Mr. SPRINGER. I desire to inquire, Mr. Speaker, by unanimous consent, how much time the gentleman contemplates will be consumed with the bill which he proposes to call up. What bill is to be taken up first?

Mr. WHEELER. The first bill is the Military Academy bill.

Mr. SPRINGER. After that the Army appropriation bill is next on the Calendar?

Mr. WHEELER. The diplomatic bill comes next, I believe, on the Calendar.

Mr. SPRINGER. There is a special order for to-day, being the consideration of bills reported from the Committee on the Territories; and I think if any portion of the day is to be taken up in the consideration of other measures, we ought to have the same time allowed us hereafter, and I hope some understanding of that kind may be reached.

The SPEAKER. The special order to which the gentleman refers is subject to appropriation bills.

Mr. HAMMOND. Regular order.

Mr. SPRINGER. Two full days were to be accorded to the Committee on the Territories before the order is exhausted. Now we might get special consent of the House to devote such portion of the day as remains after the disposition of the bill to which the gentleman from Alabama refers to the consideration of the special order, the rest of the time to be made up some other day.

The SPEAKER. The special order for to-day provides that the matters to be considered shall be a special order until two days are occupied, so that if to-day is lost to the committee it will have the same right on another day.

Mr. SPRINGER. But if a part of the day is taken up now, will we have the privilege of making up the rest of it on another day?

The SPEAKER. If any part of the day is taken up in the consideration of the special order it will count as one day?

Mr. DUNHAM. Does this special order for to-day set aside the morning hour for the consideration of bills?

The SPEAKER. The order provided that after the morning hour this day should be set apart for the consideration of bills reported from the Committee on Territories, not to interfere with general appropriation bills, &c. The morning hour is the hour for the call of Committees. The question is on the motion of the gentleman from Alabama [Mr. WHEELER].

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HAMMOND in the chair.

MILITARY ACADEMY APPROPRIATION BILL.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills. The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 5886) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1887.

Mr. WHEELER. I ask unanimous consent that the first reading of the bill be dispensed with.

There was no objection.

Mr. WHEELER. Mr. Chairman, in the performance of my duty as chairman of the committee having charge of the Military Academy bill I do not wish to occupy the time of the House with any extended discussion. The Committee on Military Affairs have considered each item carefully and with a view to economy, and have sought to reduce the appropriation to the lowest limit possible so far as it is consistent with the

best interests of the service, but great care has been taken not to reduce any appropriation which could be detrimental to the academy. The appropriation proposed, as it now stands, is about $30,000 less than the average appropriation for several past years.

To the extent of my ability I will gladly answer any question and give such information as I possess regarding any feature of the bill.

The estimates for the year ending June 30, 1887, exclusive of public works, were	$523,497 50
Estimates for public works for Military Academy	304,453 20
Total estimates	717,950 70
Deduct items Secretary of War thinks may be omitted	305,875 00
Leaving regular annual estimates for 1887	412,075 70
Amount of law for 1883	385,557 04
Amount of law for 1884	313,657 50
Amount of law for 1885	314,563 50
Amount of law for 1886	310,021 64
Amount in this bill for year ending June 30, 1887	297,805 00

Three months ago this bill was printed, and at that time I invited criticisms from those best informed, and I requested that they would notify me if any item was inadequate. As I have not received any such suggestion I feel confident our reductions have been proper and judicious.

About $7,000 of the amount in this bill is for new public works at West Point.

I am well aware that some eminent gentlemen contend that this great institution is not a necessity, but upon reflection will they not admit that they are too inclined to judge the future by the recent past?

We have been favored with peace for more than twenty years, and we hope by the blessing of God that this is but the beginning of long, and I would be glad to say an eternal freedom from the strifes and evils of war. But as Providence aids those who aid themselves, should we not, while praying for peace, do all that is in our power to maintain it by making proper

PREPARATION FOR WAR,

as all will admit that peace is most certain to those governments whose preparations to contend with rival powers are the most perfect?

History teaches that after long periods of war the impression prevailed that strife and battle was the normal condition of all people, but after long periods of peace the conclusion seems to have been adopted that war was a thing of the past, and everlasting peace and good-will was henceforth to be the heritage of nations.

Lord Napier, in closing his account of the military operations in Spain, says:

War is the condition of the world. From man to the smallest insect all are at strife, and the glory of arms, which can not be obtained without the exercise of honor, fortitude, courage, obedience, modesty, and temperance, excites the brave man's patriotism and is a chastening corrective for the rich man's pride.

The Academy teaches all these and also the elementary principles of military science. Can any one doubt the absolute necessity for this character of education?

Washington saw the necessity of educated, experienced soldiers, and Franklin was instructed by him to employ European officers to serve in our Army; and certainly it can not be denied that Kosciusko, De Kalb, Steuben, Schuyler, and others were an absolute necessity to the Continental Army.

In his message to Congress in 1796 Washington said:

Whatever arguments may be drawn from particular examples superficially viewed, a thorough examination of the subject will evince that the art of war is both comprehensive and complicated; that it demands much previous study, and that the possession of it, in its most improved and perfect state, is always of great moment to the security of a nation.

Napoleon said:

The knowledge of grand tactics is acquired only by experience and by the study of the history of the campaigns of all the great captains. Gustavus Adolphus, Turenne, Frederick, like Alexander, Hannibal, and Cæsar, have all acted on the same principles of holding their forces united, being nowhere vulnerable, and throwing their masses upon important points: such are the principles which insure victory. Read again and again the campaigns of Alexander, Hannibal, Cæsar, Gustavus, Turenne, Eugene, and of Frederick. Make them your models. This is the only way of becoming a great captain and mastering the secrets of the art of war. Your genius, enlightened by this study, will induce you to reject all maxims in conflict with those of these great commanders.

Nearly all of Napoleon's great generals whom he placed in command of armies were either educated at military schools or had had great experience in military affairs and active campaigns before Napoleon appeared upon the arena of public affairs.

Notwithstanding the large experience of Macdonald and Ney, their

WANT OF MILITARY EDUCATION

was painfully apparent when they attempted independent operations without the aid and direction of their great leader. The result at Quatre Bras, Katsbach, and Dennewitz are proofs that something more is necessary to a general than the bravest and most terrible leadership on the battlefield.

Before taking command of the army of Italy, Napoleon had acquired the best military education of any man of his years; but his campaign of 1796, with all its brilliancy, taught him that he had much to learn; and his devotion to military science after that time showed the advantage of such study in the glory of Austerlitz, Wagram, Jena, Borodino, the great operations of 1814 and the immortal campaign of Waterloo. The great Maurice received a military education, and in turn carefully instructed his nephew, Turenne, in the science of war. From his earliest youth to the day of his death Cæsar was a student and expounder of the principles which secure success in war.

Prince Eugene, with a mind well trained by a thorough education for the church, devoted his mature life to military studies. Frederick the Great was, without doubt, the most thoroughly educated soldier of his period. Wellington received a thorough military training at a military school in France, and Alexander, before being intrusted with any command, was carefully instructed by the most successful generals of his father, Philip of Macedon. The history of these great captains shows that military education and training, supplemented by experience in the camp and in the field, have produced the greatest generals of whom we have any account. Cæsar's greatness was not manifested until his practical experience in Spain and Gaul enabled him to apply the military training and education previously acquired. Wellington would have been overwhelmed at Waterloo had it not been for the severe training he had received in India and the Peninsula. Prince Eugene's triumph at Malplaquet and the military skill displayed by him at Oudenarde and at the siege of Lille were the result in great measure of the training obtained in previous campaigns.

Frederick's greatness, displayed in the seven years' war, was the result of experience and

THE IMPRESSIVE LESSONS

taught by the disasters at Mollwitz and Rossbach. Gustavus Adolphus did not win Leipsic until after years of experience in wars in Poland and Germany. Charles the Twelfth from a child received military instruction, united with practical training in the camp and field.

Marlborough and Cromwell were no exceptions to the principle I contend for. Though neither were students of military science, in their extreme youth, the greatness of their genius enabled them in their maturity to rapidly acquire the knowledge which less gifted men obtained only through years of patient and laborious application.

While, owing to the blessings of peace, the youth of our country can not have any practical experience in armed contests, it is all the more necessary—imperatively demanded alike by the safety and dignity of the country—that they receive an education in the science of war which will go far to atone for this want of experimental knowledge.

If this view be correct, are not those gentlemen right who contend that the course of instruction at the academy should be much enlarged and improved, and that the system of our Army organization should be modified to meet the changed conditions of our country and the changed duties which will devolve upon our military establishment?

When this Republic sprang into existence the immediate necessity of having an armed force to maintain our liberties was obvious, and to meet this necessity we adopted a military system similar to those then in vogue in the monarchical or imperial governments of Europe. It was not acceptable to the people, and upon the close of the Revolutionary war a permanent military establishment was virtually dispensed with, the entire Army at one time being a small corps of artillery commanded by a captain.

In their colonial state the experience of our forefathers with regular troops had been singularly unfortunate. The English forces in the Colonies regarded the inhabitants as immeasurably inferior to themselves in every respect, mentally, morally, and socially, and the natural result was that the colonists were continuously and habitually subjected to insults and acts of petty oppression. The consequence was that there was engendered a distrust of and dislike to anything like a permanent army. And it is curious to notice how slowly and reluctantly the early Congresses brought themselves to the recognition of

THE NECESSITY OF PROVIDING

the young Republic with some feeble apology for a regular military establishment.

By resolution of the 7th of April, 1785, the enlistment of 700 men was authorized. On the 3d of October, 1787, the Congress—

Resolved, That the interests of the United States require that a corps of seven hundred troops should be stationed on the frontiers to protect the settlers on the public lands from the depredations of the Indians. * * *

Resolved, That seven hundred non-commissioned officers and privates be raised for the term of three years, unless sooner discharged.

This feeling of distrust was so prevalent and so deeply rooted that the framers of the Constitution gave unmistakable expression to it in that instrument.

Section 8 of Article I enumerates the powers delegated to Congress. It says:

The Congress shall have power * * *
10. To declare war. * * *
11. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years.
12. To provide and maintain a navy. * * *
15. To provide for organizing, arming, and disciplining the militia. * * *

It will be observed that the grant of authority to raise and support armies immediately follows the authority to declare war, and seems to be incident to it, but even then, though apparently contemplating a state of active hostilities, the power to appropriate money for the purpose of maintaining an armed force is strictly and expressly limited to a period of only two years, and this is the only instance to be found in the whole Constitution where there is any limitation as to the time for which Congress can appropriate money. There is no limit fixed to the period for which it can appropriate money to maintain a navy;

there is no limit to the period for which money may be appropriated to organize and arm the militia. For all that the Constitution contains to the contrary an appropriation for either of these purposes may extend over a period of ten, fifteen, or twenty years. And the same is true regarding every other branch of the public service. It is only in relation to the expenditures for the regular Army that appropriations are expressly limited as to time, and that time, as we have seen, is fixed at two years.

If this fact stood alone, unsupported by any other evidence, historical or legendary, it would suffice of itself to prove how distrustful, if not apprehensive, the framers of the Constitution were of anything like a regular military establishment.

The hostilities of the Indians and their attacks upon the settlers on our frontier with their attendant depredations speedily

DEMONSTRATED THE NECESSITY

for regular troops and professional soldiers. We find that in nearly all the laws authorizing the organization or the use of troops, which were enacted in the early days of our history, it is definitely set forth that the purpose is "protecting the inhabitants of the frontiers of the United States." This purpose is distinctly specified in the act of September 29, 1789, and April 30, 1790. The caption of the act of March 3, 1791, is:

An act for raising and adding another regiment to the military establishment of the United States, and for making further provision for the protection of the frontiers.

The caption of the act of March 5, 1792, is:

An act for making further and more effectual provisions for the protection of the frontiers of the United States.

The caption of the act of March 28, 1792, is:

An act supplemental to the act for making further and more effectual provisions for the protection of the frontiers of the United States.

And the act of June 7, 1794, is entitled:

An act in addition to the act for making further and more effectual provisions for the protection of the frontiers of the United States.

It may be remarked in passing that it was about this time, in 1793, that President Washington, in his message, earnestly pressed the recommendation for the establishment of the Military Academy—a recommendation which was approved by Randolph, Hamilton, and Knox, of his Cabinet.

It will be seen that the germ from which our present regular Army sprang originated in the necessity for a force to engage the hostile Indians, and as this is a matter which will soon be eliminated from the military problem, it behooves us to consider what changes and improvements should be made to adapt the Army to our changed conditions.

We are now the richest, most powerful, and most enlightened people on earth, and in point of numbers we exceed any other civilized country. We have a seacoast more than 3,000 miles in extent, and I do not think I am in error when I say that no point on that coast is adequately defended.

Gentlemen who imagine that peace must continue indefinitely because peace has prevailed for twenty years will find that their conclusions are not warranted by the teachings of history.

In Europe from 1815 to 1854 the struggles of the ardent champions of liberty from 1847 to 1850, which left their impress upon nearly every continental nationality, left England wholly unaffected, and it was no unusual thing to read or to hear the declaration that England was no longer involved in continental affairs, and that her great influence over European policy was a thing of the past. And yet every one is familiar with the bitter humiliation of England in the Crimea.

Hardly had the victor of Ciudad Rodrigo, Torres Vedras, and Waterloo submitted to "the stern arrest of that fell sergeant Death," when his country was aroused from a fond

DREAM OF ENDLESS PEACE

by different constructions of a clause in the treaty of Kainardji, of July 10, 1774, between Russia and Turkey.

In all the long forty years which followed the triumph at Waterloo, England had paid but little attention to her military establishment. Whenever the occasion demanded a show of force on her part, it was supplied by her matchless navy. Greece—inoffensive, feeble, helpless Greece—hesitated about paying Don Pacifico exorbitant prices for his bedding and family wearing apparel, and English vessels seized upon the Grecian navy, and Lord Palmerston leaped into fame as a great parliamentary leader by boldly announcing and defending the principle that no English citizen could be so insignificant as to be unworthy of protection by the full power and strength of his government. China disregarded a treaty stipulation as to the rights conferred by a British consular registry, and an English man-of-war promptly exacted and obtained a humble apology and ample reparation.

But while her navy was thus efficiently omnipresent, England's military establishment had been almost wholly neglected. Her leaders of public opinion—not only politicians, but statesmen as well—had acted upon the theory that England was destined to enjoy perpetual peace because an English army had not been wanted for forty years. Suddenly this illusion was dispelled.

AN ENGLISH ARMY WAS NEEDED,

was hurried against a foe disdainfully spoken of as barbarous, or as but half-civilized at best—and the vaunted British army was found to be sadly deficient in every essential quality of an army excepting the physical courage of the men and officers. France, Turkey, and even Sardinia, were bewildered by the exhibition of pitiful inefficiency, and began to wonder if the traditional accounts of British military superiority were merely impudent fables, while English newspaper correspondents found opportunities to convert the national disgrace to their individual advantage.

A few years later and Magenta and Solferino laid the boasted military power of Austria in the dust. A decade rolled by, and the mighty military machine which Prussia had been patiently perfecting for years gave the first startling proof of its resistless power on Sadowa's fatal field; and within five years the pitiable weakness of the military system and organization of the most martial people on the globe was exposed to the scorn and derision of the world in the unbroken series of shameful defeats and disasters which culminated at Sedan.

From the treaty of Paris to 1848 Austria had enjoyed peace without preparing for war, and when Kossuth and his coadjutors raised the standard of rebellion she escaped dismemberment only by Russian intervention. Though an armed neutral all through the Crimean war, she

MADE NO IMPROVEMENT

in her system of military organization or administration, and thirty months later the execution of Cavour's agreement with Louis Napoleon was rendered possible. Still disregarding the lessons of a painful and humiliating experience, she neglected the art of war, and Sadowa stripped her of international importance and practically reduced her to a political cipher.

France, showy, frivolous, hollow, corrupt, exposed her weakness when she abandoned Maximilian to an ignominious death, and four years later demonstrated anew the measureless inferiority of audacious and confident pretension when opposed to thoroughly efficient organization. The swift and overwhelming defeat of France in 1870 can be explained and understood only by realizing the inefficiency and corruption of her military system.

Nor will it do to say that the experience of England in 1854, of Austria in 1859 and 1866, and of France in 1870 can not possibly be ours at any future time. We are far more powerful than any state contiguous to us, it is true, but the activity and

COMPETITION OF COMMERCIAL PEOPLES

are becoming keener and more vigilant every day. Should the period, happily, be near at hand when we shall destroy or modify that baneful system which limits the market for our surplus products to our own community, when our unfettered commerce shall be permitted to compete in the markets of the world for that recognition and reward to which we are entitled by the extent and variety of our resources and the superior skill of our artisans and mechanics—when that period shall have arrived, it is not at all impossible, Mr. Chairman, that we shall be called on to protect, with a show of force, those commercial and industrial advantages which we have gained by the triumph of sound economic principles over specious and delusive theories.

Spain, almost in the extremity of a hopeless bankruptcy, is seeking advantages by reciprocity treaties, and diplomacy may yet place her in the attitude of an ally of the most powerful nation in Europe. Germany is developing a colonial policy that may make her a formidable competitor in many ports where hitherto her name was but the synonym of her "blood and iron" policy. France, unhappily, is torn and distracted by intestine factional feuds, and therefore it may be safe just now to regard her commercial rivalry as inconsiderable and inconsequential; but Italy is silently, unostentatiously, but sedulously spreading her trade in every direction; the great Australasian colonies of England are rapidly taking their places as recognized and reliable sources of supply for many articles which thickly-populated Europe must have at a low price; the immense wheat crops of British India threaten to reduce the price of that great staple to a point below remuneration to the farmers of the United States, and to still further reduce our exports great European nations have already levied a discriminating tax against American wheat; British Canada and the British West Indies are zealously striving to absorb their share of the commerce of the world, and England still manages to maintain her preeminence as the workshop for all mankind. Mexico, Brazil, the South American republics—in short, all peoples but ourselves are diligently seeking to add something to their commercial and industrial prosperity.

And we must participate in this universal struggle if we would see our people once more happy and contented.

THE GREAT QUESTION

which now demands solution at the hands of American statesmen is not the tariff, unequal, unjust, and iniquitous though the law as it now stands may be; it is not the currency, though the effort to strike down one-half of our coinage, and give to every bondholder, Federal, State, municipal, and corporate, practically double the sum lawfully his due, is one of the gravest importance.

No, Mr. Chairman, it is neither of these. The paramount and ominous question which now confronts American statesmanship is the combination of the employed against the employer. It threatens soon to pass—if indeed it have not already passed—the point where the employé is called on to discuss how much per cent. protection he will pay

the manufacturers of his blanket, his undershirt, or his hat, and he is being brought face to face with the question whether he is to have any blanket, undershirt, or hat; and worse than that, whether he will have even bread for himself and little ones.

It is not so much a question of whether the toiler shall receive a paper dollar, a gold dollar, or a silver dollar, as whether he will be allowed to receive any dollar whatever.

While millionaires, banks, and corporations are interesting themselves about the kind of dollar they would like to collect, the workingman, the creator of all wealth, is asking himself, "How much can I get for my very last dollar?" and "Will I be allowed to earn another?"

It may be asked what possible connection can there be between the very last dollar of the unhappy workingman and the Military Academy bill? Apparently there is very little connection, but really there is a great deal.

Either we must speedily find new outlets for the surplus products of the workingman's labor, or there will be a demand that we find employment for a portion of the idle labor at the public expense in building fortifications, erecting public buildings, and improving our rivers and harbors. This is work which may be neccessary, but adds nothing to the actual wealth of the country.

If the new markets can be found for the surplus products of the workingman's labor, it may become necessary, as I have already shown, to

DEFEND AND MAINTAIN

that commercial advantage by military force, and I presume no one will dispute the universally admitted proposition, that in this event those graduated at the Military Academy will be needed to assist in rendering the vast volunteer force of the different States available to meet any emergency.

If the second alternative shall become necessary, that of giving Government work to the unemployed (but I feel confident that by proper legislation such a necessity may be avoided), how can he be so advantageously employed as in constructing the works required to remedy our present defenseless condition and in the much-needed improvement of our inland navigation?—and here again the skill and efficiency of the Military Academy graduates will be indispensable.

If the improvement in our commercial and industrial condition be impossible, and there can be no use for military force in defense of that improvement, and if as a people we do not feel disposed to construct works to defend our coasts and harbors and improve our rivers and thus give employment to an insignificant fraction of the vast army of suffering workingmen who are now banded together against the exactions of corporate greed, still, Mr. Chairman, even in this deplorable state of affairs this would continue to be a great republic; great in its numbers, great in its wealth, great in its resources, great in its opportunities and possibilities, and great in its obligations, and to every great people an army is a necessity.

Thank Heaven, in this favored land the necessity for an army is not found in the desire of one class to hold another in subjection; in the obligation of the Government to defend and uphold special privileges, to enforce obedience to oppressive and unequal laws. It is one of the blessings of our institutions, a direct and immediate consequence of our system of government, that an army is not needed in the United States for these purposes—that it can not, should not, must not, shall not be used for these purposes.

But an army is, and always must be, a necessity in every community elevated above barbarism, as the visible symbol, the outward manifestation of the

STRENGTH AND POWER OF THE GOVERNMENT

which called it into existence, and as an army is a necessity to every government, and as there could not be an army without trained and educated officers, we must have an academy where such training and education may be obtained.

The average strength of the Army during the past twenty years of peace has been 33,330, and the average number reported for duty has not exceeded 20,000.

I will read a statement showing the actual expenses of the War Department for twenty years, commencing with the year ending June 30, 1866, and ending with the year ending June 30, 1885.

1866	$283,154,676 06	1877	37,082,735 90
1867	95,224,415 63	1878	32,154,147 85
1868	123,246,648 62	1879	40,425,660 73
1869	78,501,990 61	1880	38,116,916 22
1870	57,655,675 40	1881	40,466,460 55
1871	35,779,991 82	1882	43,570,494 19
1872	35,372,157 20	1883	48,911,382 93
1873	46,323,138 31	1884	39,429,603 36
1874	42,313,927 22	1885	42,670,578 00
1875	41,120,645 98		
1876	38,070,888 64		1,239,592,135 22

As this includes the expenditures for rivers and harbors, fortifications, the Signal Service, and Military Academy I deduct these, viz:

Appropriations for rivers and harbors, 1866 to 1886, twenty years	$118,271,214 00
Appropriations for fortifications, 1866 to 1886, twenty years	19,762,000 00
Appropriations for Military Academy, 1866 to 1886, twenty years	6,301,472 00
Appropriations for Signal Corps	5,423,351 00
Deduct probable expenditures during last twenty years which should be charged to the war	89,434,098 22
	239,592,135 22

Leaving exactly $1,000,000,000 as the actual cost since the war, and we therefore find that the average net annual expenditure for the Army during that period of twenty years of peace has been over $50,000,000.

This shows that the annual outlay for every officer and soldier on duty has averaged over $1,500, taking the average strength of the Army as the basis, but if we take the average present for duty the outlay has been $2,500.

But gentlemen say this is not a fair estimate, because it includes the pay of the officers, which is very much greater than that of the privates. It is true this does include the pay of officers as well as privates. The Paymaster-General reports the total amount paid to officers during the twenty years ending June 30, 1885, as $115,873,587.55; deducting this from the $1,000,000,000 expended during twenty years, we would have in round numbers $884,000,000; and, therefore, even if the officers got no pay whatever, we see the annual average expense of every officer and soldier on the rolls has been $1,326; and, making the estimate upon the basis of the average number of soldiers reported for duty, we will find the average annual expense of each for the last twenty years has been $2,210.

I do not mean to say that my figures are absolutely correct, but they certainly approximate the truth.

The question to be considered is whether the laws regarding the Army are so framed as to obtain the best results for this expenditure. I think all will admit that they are not; and the important consideration in this connection is, what changes are necessary in the organization and administration of the Army to secure such improvement as will place our military establishment on such a basis as will not only

SECURE THE GREATEST EFFICIENCY,

but will convince the world that we are able to cope with any adversary or any coalition of our enemies that might be formed.

Before entering upon any discussion of the means by which this improvement of our Army may be secured, I wish it to be distinctly understood that I do not regard the suggestions I shall make on the subject as likely to produce results at all approximating the high plane of perfection upon which I would like to place the military establishment of our country. I offer them simply as suggestions, in the hope they will lead the best minds of our country to consider this important question, and induce an interchange of ideas and opinions which shall result in the adoption of the wisest measures and the attainment of the greatest benefits, not only to the Army but to the country.

It is evident from the records that in the Continental Congress, as well as in the early Congresses under the Constitution, the dominant idea with regard to a military establishment was that of vigilant and unqualified opposition to its organization in any form, rather than to the creation of a system which should be in harmony with the new theories of government which formed the basis of our institutions.

Before any proposed change can be carried into effect we may assume that the Indian question will have been permanently settled, and it may therefore be discarded as without practical bearing or influence upon the future of our Army.

The first question to be considered, then, is as to the most effective method of teaching the details of military administration, and bringing our Army up—both officers and men—to that standard of efficiency and scientific

KNOWLEDGE OF THE ART OF WAR

which shall at least place it upon terms of equality with the best organized force of which we have any knowledge.

This, I submit, can best be done by increasing the facilities enjoyed by our officers for the acquisition of military science and by instructing and elevating the rank and file. It would entail no additional expense to very much enlarge the course of study at the Military Academy and to extend the period to five years. This would enable the cadet to be more thoroughly instructed in the higher military studies, and, when we consider our vast German immigration, the language of that people should be thoroughly taught.

It is a well-known fact that our officers do not have opportunities of acquiring that wide range of knowledge which is necessary in order that they may be able to cope with those of foreign nations.

Opportunities and incentives should be given all officers to diligently prosecute the studies of their profession, and liberal details should be made from the most meritorious to visit, study, investigate, and report upon the organization, discipline, drill, and administration, and all other characteristics, peculiarities, and features of foreign armies.

If the law provided that from three to five of the most meritorious and valuable of these reports should be published each year, it is quite evident that it would excite emulation among officers to excel in this important duty, and thereby secure this honorable distinction. We ought to be enabled by this means to incorporate in our own system every good feature which the experience of other nations has shown to be valuable. And these officers would possess a familiar knowledge of the practical working and advantages of the innovations and improvements suggested in their reports. We should thus secure not only a wider theoretical knowledge, but practical acquirements which would be of immense advantage to the service in case of war. A great country like ours, the greatest on earth, should have the greatest army—not the greatest in numbers, but the greatest in efficiency and in knowledge of war.

Mr. BROWN, of Pennsylvania. Is it not true that in the past our skeleton Army has proved to be the most effective basis in the world for a large and efficient army?

Mr. WHEELER. We have done a great deal, I admit.

I am proud to say that we have done much, but what I insist upon is that in a country like ours, where the precious blood of American soldiers is carried into battle, those soldiers ought to be led by the highest talent, the highest education, the greatest attainable military ability; and much as we have done, there is much that we may still do to improve our system and to eradicate the evils that have developed themselves in the past.

A thorough and radical change should be made in the instruction, discipline, and character of the rank and file of the Army. No officer should permit any soldier to perform any menial or servile duty, and any soldier who is willing to do it should be dishonorably discharged. If this rule was strictly and imperatively adhered to, a superior class of men—I might say the best class of the young workingmen of the country—would enlist in the Army.

Mr. BROWN, of Pennsylvania. Will the gentleman please state what he means by menial duties?

Mr. WHEELER. Well, sir, our soldiers sometimes do servants' duty; it is true that when they do this sort of work it is voluntary, but still they do duty which debases them, and this fact prevents a high class of honorable and high-toned men from enlisting as privates in the Army. That evil ought to be stopped. A great deal has been done to stop it heretofore, but it ought to be brought to an end by an imperative order, by an imperative law.

The time of the enlisted man should be incessantly occupied in a systematic and carefully digested course of discipline and instruction designed to make him not only efficient as a soldier but valuable as a citizen.

Every company in the regular Army should equal, if not excel, any of the most famous volunteer organizations of the country in drill and discipline, and the *esprit de corps* which stimulates the desire to attain the very highest excellence should be sedulously cultivated.

Every company should be drilled until it reaches the high standard of perfection which distinguishes the corps of cadets at West Point.

Mr. BROWN, of Pennsylvania. Would not that make your army very expensive?

Mr. WHEELER. On the contrary, it would make it less expensive than it is now.

Mr. HOLMAN. Has not the tendency been rather to encourage our soldiers to engage in other labors not inconsistent with their military duty as a means of increasing their compensation, and has it not been the uniform custom of our Government, since we first established a standing army, to encourage the soldiers to do something to add to their pay by such other labors as would be consistent with their military employment?

Mr. WHEELER. Yes; it has been the custom to allow them to do extra work or duty for which they receive 25 or 40 cents a day besides regular compensation, and their time and attention have been occupied in that way when they ought to have been receiving instruction in soldierly duty.

Mr. HOLMAN. We pay them now, I believe, 40 cents a day.

Mr. WHEELER. Yes, sir, 40 cents a day; and, as I have said, they are engaged in that kind of extra work when they ought to be engaged in learning to be thoroughly educated soldiers, so that they would be efficient for the purpose for which the Army is enlisted and maintained.

The thousands of desertions from the Army tend very much to show that recruits find the position of a private in the Army very different from what they expected, and the fact that so many do desert goes far to prove that many of the rank and file are lacking in character and principle.

The enlistment of men whose habits or course of life have closed for them other avocations, and who seek the Army as an asylum of last resort, should not be permitted. But the privilege of wearing the uniform of a soldier of the United States should be converted into

A BADGE OF CHARACTER AND WORTH,

and the Army should be sought by young men of spirit and ambition who are anxious to elevate themselves while serving their country. They should be enabled to realize and appreciate the fact that the discipline and instruction acquired during their term of service tends to fit them for the duties of positions of trust and responsibility in civil life when honorably discharged, and the general public would soon learn to recognize an honorable discharge as a certificate of courage, intelligent subordination, steadfastness of character, and reliability in any pursuit. That this has not been so in the past is no proof that it is not feasible in the future. We have adopted and undeviatingly adhered to a military system which the governments of Europe have deemed best suited to their subjects and serfs, and the result has been that too often the American soldier has felt himself to be a servant instead of a sovereign. I would have that system abandoned, and in its place would inaugurate one which would elevate the privates in our Army in their own esteem, and thereby enable them to command the respect, admiration, and confidence of their fellow-citizens. I would have the American soldier feel that by becoming such he does not cease to be a citizen—retaining all the rights and privileges of his citizenship, and bound to perform all its duties and to meet all its obligations.

Gentlemen may say that this is the dream of a visionary; that there never was such a soldiery. But, I reply, it is not a dream.

THERE NEVER WAS SUCH A PEOPLE

from which to create a soldiery; and as the Roman soldier, in the best days of the republic, commanded the admiration of the world for his civic pride and virtues no less than for his martial prowess, so may the military servants of this Republic be relieved of the stigma which a mistaken policy has affixed to their occupation, and win universal recognition as a sure defense in war, a source of civil strength in peace.

It must be obvious that such men would be eagerly sought for as chiefs and officers of police and fire departments in our large cities and for other avocations which demand the exercise of qualities developed by this character of training. And in case of war there would be no difficulty in finding men fully qualified to organize, drill, and prepare vast bodies of troops for immediate service.

If it be said that I contend for what is not practicable, that is no reason why we should not endeavor to at least approximate the degree of excellence and efficiency which we desire to reach, and it seems to me that it is not asking too much to strive for this degree of superiority in soldiers who are maintained at an annual cost of $2,500 for each man reported for duty. The present condition of the Signal Corps, which is composed of enlisted men, affords gratifying evidence that it is not impossible to raise the rank and file to a position of dignity and respectability, and to secure thereby an exceptional degree of efficiency. I would also cite the enlisted men of the Corps of Engineers as confirmatory evidence on this point.

An essential to efficiency is that the soldier should be well fed, well clothed, and that his surroundings should be such as are demanded by sanitary requirements. If the regulations required that one commissioned officer of each company should eat at the same mess as the soldiers of that company, we all know that this officer would see to it that the food was wholesome and well cooked. If one officer was required to sleep in the same barracks with the soldiers of his company, we could depend upon it that the quarters would be kept clean, well aired, and healthy.

This need not in any way lessen the dignity or impair the authority of the officer, while it certainly would tend to elevate and dignify the soldier. In campaigns officers bivouac beside their soldiers and stand shoulder to shoulder with them in battle, and the officer who shares most readily in their privations and dangers is the one who has most authority and influence.

The sections of the Revised Statutes

REGARDING THE MILITIA

ought to be repealed. They have become obsolete and impracticable. It is impracticable to enroll, muster, and drill every able-bodied man between the ages of eighteen and forty-five. It is absurd, in the present improved condition of fire-arms, to require every citizen of the United States to keep himself provided with a "musket or firelock and two spare flints and a shot-pouch and powder-horn." It is no longer necessary that the dragoon shall be required by law to provide himself with the numerous articles mentioned, including "mail-pillion and breast-plate." To enforce the militia laws as originally intended would cost as much as is now expended in all other branches of the Government; and as we depend upon volunteer soldiers for war, so also we ought to place our reliance upon volunteer soldiers in time of peace; and therefore we should enact laws to encourage and assist volunteer organizations. Upon application from volunteer companies regular officers and drill-masters should be sent to inspect and temporarily instruct them, and at convenient periods volunteer companies should be permitted to garrison our forts for periods of two or three weeks in each year, during which time they should be thoroughly instructed in everything pertaining to the duty of a soldier.

This may, at the first glance, appear to be impracticable, but the difficulties would not be so great as one would suppose.

A VOLUNTEER COMPANY

ordinarily consists of about one hundred men. They could be notified months in advance that the company, with forty rank and file, would be required to report for three weeks' duty at a designated rendezvous. This would give them ample time for preparation, and the forty men who would go would be those who desired this opportunity for instruction. These and various other methods which could be adopted to give volunteer soldiers instruction by regular officers would be highly advantageous in many respects. Besides imparting a vast amount of military instruction to the people generally, it would enable the regular Army and the citizen soldiery to become familiar with each other, which would be very beneficial in case of war, and would make the military establishment nearer what ought to be "an army for a Republic."

It is worth considering if it would not be desirable to have all the officers of the line of the Army organized into corps, one of cavalry, one of artillery, and one of infantry. The enlisted men could then be organized into companies of one hundred men each, and one captain and two or possibly three lieutenants detailed to officer each company. This would make good company organizations, and from one-third to one-half

of the officers of the Army would be available for duties with the volunteer companies and in the study of foreign armies and various other duties which they could be called upon to perform.

A full complement of officers would thus be kept with each regiment, the details being for periods of from four to six years, and the changes being so gradual as to take but few officers from any regiment at the same time. The excellence to which any captain brought a company while in command would be recorded, and would be one test of his efficiency. So with regard to a colonel. The improvement of a regiment while under his command would to a great degree measure his military status. There would no longer be regiments commanded by captains and companies commanded by second lieutenants.

To those who contend that it is important not to give up the old company and regimental organizations, I would suggest that, while these might be kept up to some extent in a time of peace, they would cease to have any existence or organization during actual war, as the great majority of the officers would be necessarily separated from their former companies and regiments, doing duty with the volunteers and in the details which would become necessary.

It seems to me that if

WE ELEVATED AND INSTRUCTED THE PRIVATE

as we should very few of them would continue to serve with their regular organizations in case of war. If they all were taught as they could be and should be they would be competent to instruct companies and even regiments, and at the first alarm of war the greater part of the regular Army would be scattered throughout the United States, drilling and organizing volunteer troops, so that in a very few weeks raw organizations could acquire the requisite elementary instruction to render them effective; and there are many gentlemen on this floor who know from experience that any drill officer, by diligence, effort, and industry, could take a raw regiment and in three or four weeks so teach it as to enable it to make a very respectable appearance, and by that time its own officers would be sufficiently instructed to go on and give a thorough drill to the regiment.

Suppose that in 1861 there had been fifteen thousand superior drill-masters available to scatter all over the United States. Can any one imagine the rapidity with which efficient and well-drilled troops could have been furnished the Government?

If thought best, the law could provide that when private soldiers are sent out to drill regiments they could have a distinctive rank as drill-masters, with appropriate pay and emoluments. Of course many of these drill-masters would so impress themselves upon the troops as to secure positions as field officers or adjutants of the various regiments, and the possibility or probability that such would be the case would inevitably tend to elevate the position of the private soldier by showing him that there were avenues for his advancement. Such a system would enable us to put a most

EFFICIENT VOLUNTEER ARMY

in the field soon after we were threatened with war, and by the time a hostile army could be landed on our shores. I do not mean to say that this alone would give our country the protection which we need, but it would give us one of the essential elements of such protection, and, in conjunction with an efficient navy and proper fortifications, it would effectually maintain the honor and defend the property of our country. It is painful to reflect upon what might be the result should we suddenly become engaged in war with any of the great powers of Europe. That they could destroy some of our largest cities seems to me a question regarding which there can be but one answer, and it is certainly to be hoped that our country will be spared the humiliation of making its choice between the evils of having some of our largest cities destroyed or agreeing to terms of peace by which we bound ourselves, as France did in 1871, to pay all the expenses of the war incurred by the nation with which we were engaged.

I think it will be admitted that the great improvements in offensive and defensive weapons which have taken place in the last few years, and which improvements have been adopted by foreign powers, are such that it would not be impossible for hostile guns to be successfully brought to bear on many of the largest seaports of this country.

There is another question which I fear has not been sufficiently considered. I hear it asserted as coming from high authority that there are not enough merchant and naval ships in the world to transport from Europe an army sufficiently large to cause us any alarm. I think those who make these statements have not given the subject sufficient examination. While it might not be feasible to effect the simultaneous landing of a vast force in our immediate vicinity at once, yet it would be entirely possible by successive trips to

BRING A TREMENDOUS ARMY

to some point near the United States, and then, by the aid of a powerful navy and a large fleet of transports, flying back and forth, they could promptly and readily place any desired force at a selected point upon the coast of the United States. We might capture some of their transports and might cause them serious inconvenience and great annoyance, but a determined nation would overcome these difficulties, and the possibilities of what might be accomplished are well worth thought and investigation. I was so impressed with the importance of a thorough knowledge of the military organizations and systems of Europe and their administration, means of transportation, methods of supply, &c., that early in the session I introduced a bill to establish a bureau of statistics and information, which would enable us to acquire a thorough familiarity with these important questions. The method by which this object is sought to be attained is explained by the bill, which I will read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be created a bureau of military statistics and information, said bureau to be under the direction and supervision of the Inspector-General of the Army.

SEC. 2. That it shall be the duty of the President to designate an officer of the Inspector-General's Department to take charge of said bureau.

SEC. 3. That it shall be the duty of the officer in charge of the bureau of military statistics and information to keep in his office full information regarding the strength, organization, armament, and equipment of the armies of all civilized nations. He shall also keep in his office full information regarding the location or stations of troops belonging to the armies of said nations, and the approximate number of troops at each station, and the character of the fortifications of said nations. He shall also keep in his office full information regarding the ships belonging to the navies of said nations, and also full information regarding the merchant ships which sail under the flags of said nations, together with all necessary details showing the capacity of said ships for transporting troops and for transporting the armaments of said troops.

SEC. 4. That the Secretary of War and the Lieutenant-General commanding the Army are authorized to make all necessary regulations for the guidance of the officer in charge of the bureau which are not inconsistent with the provisions of this act.

The advantages to be derived from such a measure are fully recognized by the military authorities, and work of this character is already in progress under the direction of the Adjutant-General.

To emphasize what I have said, let me call the attention of the House to the official reports which give the actual number of officers and men which compose the armies of the principal nations of the world on a peace footing.

The insignificance of the Army of the United States, in point of numbers, as compared with the armies of other nations, must attract attention, and goes far to sustain the position I have taken, that this small army should be brought to the highest degree of perfection:

Countries.	Regular army.	Population.
Austria-Hungary	[a]312,998	37,741,413
Argentine Republic	7,518	2,400,000
Belgium	47,084	5,530,009
Bolivia	3,021	2,080,000
Brazil	13,500	10,108,291
Canada	[b]1,460	4,324,810
Chili	13,926	2,400,396
China	300,000	434,626,000
Colombia	[c]5,000	2,951,323
Cuba	[d]22,000	1,521,684
Denmark	35,727	2,096,400
Egypt	10,900	17,419,980
France	[e]425,897	37,405,290
Germany	[f]427,274	45,194,172
Great Britain	138,110	35,246,633
Greece	[g]29,368	1,979,423
Guatemala	2,180	1,278,311
India, British	[h]125,957	252,541,210
Italy	[i]870,958	28,452,639
Japan	[k]44,426	35,700,118
Luxembourg	377	209,570
Mexico	[l]20,635	9,389,461
Netherlands	65,113	4,060,592
Nicaragua	709	275,815
Norway	[m]18,750	1,806,900
Persia	30,000	7,000,000
Peru	13,200	3,050,000
Portugal	33,994	4,550,699
Roumania	19,512	5,376,000
Russia	780,081	98,356,100
Servia	18,000	1,700,211
Spain	[n]128,454	16,625,800
Sweden	40,758	4,600,000
Switzerland	117,500	2,846,102
Turkey	160,417	25,036,480
United States	[o]26,578	60,000,000
Uruguay	4,500	447,000
Venezuela	3,000	2,075,245

a. Illustrated Naval and Military Magazine, page 247, No. 22.

b. Report Lieut. H. Bliss, January 7, 1886, and pamphlets accompanying "Illustrated Military and Naval Magazine" No. 21.

c. Report of United States minister to United States of Colombia, December 27, 1880, to State Department.

d. Revue de l'Etrangere, No. 641, February, 1886, page 233. This 22,000 is in addition to the 128,454 which is given as the strength of the Spanish army.

e. Report John P. Wisser, lieutenant, United States Army, February, 1885.

f. As increased. (Report of Andrew White, minister to Germany, April 15, 1880.) Later: unofficial reports state the force to be 445,000.

g. Revue de l'Etrangere, No. 631, page 370.

h. Of which 64,367 are natives.

i. Of which 226,013 were actually under arms, June 3, 1885 (Revue de l'Etrangere, No. 639, page 126). The budget for 1886-'87 provided for 232,988 men (Revue de l'Etrangere, No. 642, page 289).

k. In 1875. According to the new system the army will probably be increased to 82,596 by the end of 1887. (See Report of consul-general to Japan, April 5, 1885.)

l. Essay on Resources of Mexico, Albert Todd, first lieutenant, First Artillery.

m. Revue de l'Etrangere, No. 639, page 248.

n. Includes 9,416 men stationed in the Philippine Islands. (See Revue de l'Etrangere, No. 641, page 233.)

o. Not including the enlisted men of the Signal Corps, and including Indian scouts. (Returns February 28, 1886.)

The war footing of every nation may be said to be at least one-tenth of its population. I have therefore stated the population of each of these countries, and we may assume that their armies, upon a war footing, could be easily increased in the proportion I have indicated.

The spirit of our institutions and the spirit of our people is such that the maintenance of a large regular army will not be tolerated. If further proof upon this point were needed, it has been conclusively demonstrated by the recent action of the Senate upon the proposal to add five thousand men to our present force.

Confident in their virtue, confident in their courage, confident in their strength, and rejoicing in the assured conviction that their institutions must secure the honor of the Republic and the prosperity and happiness of all, the American people feel that they can safely dispense with a large military establishment. [Applause.]

Mr. Chairman, if no gentleman desires to continue the debate, I ask that the bill be now read by paragraphs.

Mr. WILSON. Before that request is put to the committee I would like to ask the gentleman from Alabama a question. I may have to preface it with a few sentences. I fully believe that the value of the Military Academy at West Point justifies the support given to it by Congress; that it has justified this support in all its history, and never more so than in recent times. I believe that institution furnishes us with a corps of well-educated, capable officers, of high character, to command whatever army we may have, and it furnishes also a corps of capable engineer officers, through whom the improvements of the water ways of the country are now conducted, and upon whose capacity and upon whose integrity the success of these improvements must always depend.

But the question I would like to ask the gentleman is this: Whether the standard of admission at the Military Academy at West Point, and I might also include the Naval Academy at Annapolis, has not in recent years been raised so high as practically to exclude from the enjoyment of the benefits of those institutions the great mass of the young men of the country—perhaps I may be within bounds in saying 99 per cent. of the youth of the country?

I fully agree that the standard of graduation in these institutions should be maintained at its present high point, that the scholarship exacted from the young men who attend those institutions in order to prepare them for the positions they are to occupy in the military and naval service of the country should be of the highest and the course of study should be complete and exact; but I believe the standard of admission, the preliminary examination in scholarship required of the young men appointed to cadetships, both at West Point and Annapolis, is so high as to exclude from the privileges of education at either of those schools more than 99 per cent. of the youth of this country. In fact it is impossible, except for young men who live in the cities and larger towns of the country where good schools are accessible, or that more limited class of young men who are able to go from home to attend such schools, to pass this preliminary examination and avail themselves of the military education offered at these schools.

Mr. BEACH. Will the gentleman from West Virginia permit me to ask him a question?

The CHAIRMAN. The gentleman from Alabama is entitled to the floor.

Mr. WHEELER. I will yield with pleasure to the gentleman from New York to ask his question of the gentleman from West Virginia.

Mr. BEACH. The question I desire to ask the gentleman from West Virginia is this: Has he had any difficulty in securing a young man in his district sufficiently qualified to come up to the standard of examination fixed at West Point for admission into that institution? I presume he has appointed a cadet to the Military Academy during his membership in the House.

Mr. WILSON. In answer to the gentleman's question in regard to my own experience I will say it so happens the district I represent is a very large one geographically. In that district is the State university of my State, and also in it are two of the State normal schools, but there are also large counties on either side of the Alleghany Mountains, one county of 1,000 miles of territory in extent, where there are nothing but the common schools. And it is the fact about 99 per cent. of the young men of that country can not get any other education except that obtainable in these common schools.

Mr. SYMES. Will the gentleman permit me to ask him a question?

Mr. WILSON. Yes, as soon as I answer the question of the gentleman from New York. In looking for young men to appoint to either the Military Academy at West Point or the Naval Academy at Annapolis I am almost excluded from those counties where perhaps I should find the best material to send to these schools, because those counties have not in their borders schools where young men can acquire the necessary preliminary education.

The standard at Annapolis is particularly rigid, and I believe it is entirely too rigid, because it works this very exclusion. The standard now exacted either at West Point or Annapolis would have excluded from the benefits of either of these institutions a very large number of the most illustrious names in our civil war.

Mr. SAYERS. Let me interrupt the gentleman for one moment.

Mr. WILSON. I am occupying the floor by courtesy of the gentleman from Alabama.

Mr. WHEELER. I will yield to the gentleman from Texas to ask his question.

Mr. SAYERS. I will say that the superintendent of the Naval Academy at Annapolis a few days ago appeared before the Committee on Naval Affairs of this House and stated the young men whose whole experience was passed in the common schools, and all of whose knowledge was gained at those institutions, entered that Naval Academy more often than those who had the benefit of a superior education.

Mr. BEACH. And the superintendent of the Military Academy at West Point gives precisely the same testimony.

Mr. WILSON. Mr. Chairman, I wish to say I have examined with care the catalogues of these institutions, and particularly of the Naval Academy at Annapolis, and I have examined with care the standard of examinations of candidates for admission, and I will say that examination is much above the range of studies in the common schools of this country.

Mr. SAYERS. The superintendent of the Naval Academy stated, as a reason why these young men who had had only the benefit of a common-school education succeeded, as a rule, better than those who had been attending colleges, was that the rudiments of education which they received at the common schools seemed to give them superior advantages as a basis for an education than those received by other young men who had been attending universities or colleges.

Mr. KING. I think that is not the experience generally.

Mr. WILSON. It is certainly not my experience, and is contrary to my judgment.

Mr. SAYERS. It is my experience as far as I have had an opportunity of judging of this matter.

Mr. WILSON. Nor is it my judgment based on the standard required at this academy, as indicated by the catalogue furnished by the academy itself.

Now, the common-school system affords, in different sections of the country, different facilities for obtaining an education; for instance, where the population is very sparse the common-school system does not afford such good facilities as in those localities where the population is dense; and I say to gentlemen now that neither Ulysses Grant, nor Stonewall Jackson who went from my State, having had no opportunity for an education except that afforded by the common-school system in a sparsely settled county and a few months' experience as a constable—that neither of them could enter West Point to-day under the standard of scholarship required for admission.

Mr. SOWDEN. Nor could they enter the Naval Academy at Annapolis.

Mr. WILSON. Nor the Naval Academy. And what I desire my friend from Alabama to answer now is whether, without increasing the expenses of these institutions, it is not possible to make that standard less rigid or exacting—or what I may term of a flexible character—so that a young man who goes there for admission can take his place in the classes just as a young man can take his place who goes to Yale or Harvard, according to the proficiency he has attained in the various studies required at those institutions.

Mr. WHEELER. Mr. Chairman, in answer to the gentleman from West Virginia, I will state that there is no error so great as the prevailing impression that a very high standard of educational proficiency is required of those who enter West Point. In mathematics, they simply require the simplest rudiments—fractions and a knowledge of the rule of three; in fact, in reference to mathematics, nothing more is demanded than a mere general knowledge of the first principles which are taught in arithmetic.

But another great error prevails in supposing that mathematics is the great stumbling-block upon which so many fail. I took pains recently to learn accurately the number of those who had failed to pass the entering examination at West Point and had therefore been rejected.

The official reports show that the number of cadets examined at the Military Academy from 1838 to 1885 was 5,630. If the number examined from the establishment of the institution to 1838 was in the same proportion the total number examined would be 9,942, but as the number examined in the earlier years was probably not so great, these figures no doubt slightly exceed the actual examinations for admission.

Of the whole number examined for admission only 3,094 were graduated. Of these there were appointed to the corps of engineers, 262; ordnance, 72; line (cavalry, infantry, artillery), 2,747; marines, 5; not commissioned, 8.

It is an error to suppose that those who fail in the entrance examination are rejected for deficiency in mathematics. Of the 5,630 who were examined from 1838 to 1885, 1,378 were rejected by the academic and medical boards. Of these there were deficient in arithmetic, 638; writing, 549; orthography, 544; grammar, 542; geography, 380; history, 352; physically, 179; reading, 170.

Of course some of the applicants for admission were deficient in several of these studies and some in only one.

There were forty-one alternates admitted during this period.

This shows that almost as many failed on account of deficiency in writing and almost as many in orthography and in grammar as in mathematics, and yet it is generally supposed that mathematics is the block over which they all stumble.

Now, I am satisfied that a very large number of rejections arise from

the fact that young men who go there with the examination staring them in the face become timid. They become nervous or alarmed at what they imagine to be the rigidity of the examination, and they consequently do not do themselves justice. That is the only way that I can account for the number of failures.

Mr. SOWDEN. Will the gentleman permit me to ask him a question?

Mr. WHEELER. Certainly.

Mr. SOWDEN. It does seem that the statement of the gentleman from West Virginia, that an unnecessarily high standard of education is required, is true, because my own experience teaches me the same thing. I recommended a candidate for appointment at the Naval Academy at Annapolis last fall, and he was a member of the sophomore class of Lafayette College, but was unable to pass the preliminary examination required at the academy.

Mr. WHEELER. In what did he fail?

Mr. SOWDEN. In mathematics; and I would like to know in consequence of this whether the standard is not entirely too high?

Mr. WHEELER. I think I may say from my own experience and observation, as well as the facts which I have been able to gather in reference to the subject and from a careful reading of the rules governing the general examinations and regulations of the academy, and particularly those rules relating to mathematical studies, that any young man who goes to a corn-field school-house and has been properly taught the merest rudiments of mathematics—and I do not refer to high-schools and academies, but I speak of a corn-field school-house, where, as a man once said, the logs were so far apart that you could throw a dog through [laughter]—I say that a young man who has had the training even in such a school as that, in some remote country district, would be able to pass this examination in mathematics at West Point, provided, of course, he had been grounded properly in the elementary principles of that study. That is all that is required. No high standard is exacted in that regard.

Mr. SOWDEN. I do not refer so particularly to the standard at West Point as to the standard at Annapolis, with which I am familiar; and I think that the failures of admission there arise mainly from the very high standard required, but also largely from the inflexible manner in which the rule is enforced.

Mr. HENDERSON, of Iowa. The system that I adopt in my own district is to submit the matter to a board composed of educated persons, on which board I have one surgeon, usually, when I can get him, the president of our State medical association, or at least a member of that association, who examine all applicants, and I throw the appointment open to every young man in the district between the ages of fourteen and eighteen; but I have not to-day any person at Annapolis, because of the high standard they apply and because of the military rigidity and iron inflexibility of the application of the rules fixed by the management at that place.

I therefore concur most heartily with my friend from West Virginia [Mr. WILSON]. I say that the rules laid down at Annapolis, as applied by the naval officers in charge of the Naval Academy, are such as to make admittance simply possible to those who are thoroughly drilled and equipped by private tutors and at the best academies; and that the earnest young men standing at the head of their classes in the public schools are denied admission into the Naval Academy. That is my experience, and I am glad of this opportunity to add my testimony to that of others to the fact.

Mr. VIELE. I will say to the gentleman that the standard at the Naval Academy is much higher than at West Point, because they have no navy to put officers in.

Mr. WHEELER. As it may be interesting, I will now read a table showing the number of cadets admitted from each State and Territory from the establishment of the Military Academy to the present time:

At large	550	Mississippi	83
Alabama	126	Missouri	136
Arizona	5	Montana	4
Arkansas	38	Nebraska	12
California	38	Nevada	5
Colorado	7	New Hampshire	98
Connecticut	135	New Jersey	151
Central America	2	New Mexico	10
Dakota	7	North Carolina	239
Delaware	48	New York	859
District of Columbia	121	Ohio	372
Florida	29	Oregon	8
Georgia	181	Pennsylvania	605
Idaho	4	Rhode Island	54
Illinois	194	South America	3
Indiana	189	South Carolina	183
Iowa	68	Tennessee	234
Kansas	25	Texas	43
Kentucky	256	Utah	9
Louisiana	90	Vermont	120
Maine	125	Virginia	421
Maryland	219	Washington	10
Massachusetts	300	West Virgina	20
Michigan	91	Wisconsin	70
Minnesota	28	Wyoming	7

The services of the graduates of the academy have reflected credit upon the institution, honor upon themselves, and glory upon our arms. They have shown scientific skill in combination, conspicuous ability in execution, and unequaled valor on the field of battle.

Of the gentlemen who were at West Point during the short period of my cadetship fifty-six have been killed in battle, and estimating the ratio of killed and wounded at 1 to 5, two hundred and eighty have been wounded. And as it has been remarked that most of the generals in the late war were West Point men, I will call attention to the fact that from the discovery of America to 1861, in all wars with other nations, the records of death show but ten American generals, while from 1861 to 1865, both sides being opposed by Americans, more than one hundred general officers fell while leading their triumphant columns. The soldiers of this country have exhibited a fortitude, endurance, and superb courage in combat unparalleled in the annals of any nation.

One hundred and thirty years ago, in the French and Indian wars, the soldierly valor of the colonists achieved great triumphs. From Lexington and Concord in 1775 to the glorious day at Yorktown in 1781 the untrained patriots of the infant Republic suffered under innumerable disadvantages while contending with the disciplined and veteran armies of Great Britain, and too often it was found that patient fortitude and heroic valor might be unavailingly opposed to regularly organized troops commanded by trained and skillful leaders, though both officers and men were animated by less commendable sentiments. In 1812 the same patriotic determination and devoted courage defended and maintained the honor of the country, but still under great disadvantages.

Mr. BROWN, of Pennsylvania. We were able to give them a thrashing, though.

Mr. WHEELER. We gave them a thrashing, but we could have done it in much less time if we had had such officers as the Military Academy afterwards developed. That war lasted two years, and we suffered a loss of eighteen hundred and seventy-seven men killed and died of wounds, thirty-seven hundred and thirty-seven were wounded; but if we had been provided with more trained officers, it is probable it might have been brought to an end at a much less cost.

When the Mexican war came upon us but five graduates of the academy—namely, Colonel Gates, Lieutenant-Colonels Hitchcock, Fanning, and Loomis, and Major Bonneville—held rank in the line of the Army above the grade of captain, but the distinguished services of these trained officers, notwithstanding their subordinate rank, most of them being lieutenants, is a glorious part of the history of that conflict, and the skill with which they directed and led American courage contributed in no slight degree to our success.

In all our wars prior to 1861 our antagonists were not Anglo-Saxon Americans, and it was only when armies composed of this high order of manhood were opposed to each other that the military superiority of the people of the United States was incontestably established.

Now, since allusion has been made to the subject, I want to make a comparison between American prowess and that of other nations as shown by the losses in battle.

To illustrate my idea upon this point: History has recorded Waterloo as a desperately contested and bloody field, and yet the casualties of the allied armies under Wellington were less than 8 per cent., while at Shiloh, one of the early battles of our war, one side reported the killed and wounded at 9,616 and the other side lost 9,740 out of 34,000, making their casualties about 35 per cent. At Wagram Napoleon lost but about 5 per cent.; at Wurzburg the French lost but 3½ per cent, and yet the army gave up the field and retreated to the Rhine. At Racour Marshal Saxe lost but 2½ per cent.; at Zurich Massena lost but 8 per cent.; at Leignitz Frederick lost but 6½ per cent.; at Malplaquet Marlborough lost but 10 per cent., and at Ramillies the same distinguished commander lost but 6 per cent.; at Coutras Henry of Navarre was reported as cut to pieces, yet his loss was less than 10 per cent.; at Lodi Napoleon's loss was 1½ per cent.; at Valmy Frederick William lost but 3 per cent., and at the great battles of Marengo and Austerlitz, sanguinary as they were, Napoleon lost an average of less than 14½ per cent.; at Magenta and Solferino, in 1859, the average loss of both armies was less than 9 per cent.; at Woerth, Specheran, Mars le Tour, Gravelotte, and Sedan, in 1870, the average loss was less than 12 per cent.; at Linden, where according to the poet Campbell's ringing lines—

> Every turf beneath their feet,
> Became a soldier's sepulcher,

Moreau lost but 4 and the Arch-Duke John but 7 per cent. in killed and wounded. Americans would hardly dignify this as a lively skirmish.

At Perryville, Murfreesborough, Chickamauga, Atlanta, Gettysburg, Mission Ridge, the Wilderness, and Spottsylvania the loss frequently reached and sometimes exceeded 40 per cent., and the average of killed and wounded on one side or the other was over 30 per cent.

Mr. LONG. Is not that partly owing to the increased destructive power of the arms of modern warfare?

Mr. WHEELER. I think it probably is attributable to that in some degree.

Mr. WILSON. I will ask the gentleman from Alabama if it is not also true that the increase in the destructive power of modern arms has been accompanied by a decrease in the proportion of casualties? Were not the losses in proportion to the numbers engaged much greater in

ancient than in modern battles? Take, for instance, the battle of Cannæ.

Mr. WHEELER. In answer to the gentleman I will say that I regard all those accounts of armies being totally destroyed in battles of ancient times as mere fables. Nothing can be more absurd than their stories of one army entirely destroying another. For instance, Cæsar's muster-rolls were simply pieces of bark. A magistrate or some other functionary would report for duty in command of a company, and would have a piece of bark containing the names of, say, fifty or sixty men, and when they got into a battle, if the fight became too warm, this fellow would probably say, "Come boys, let's go home;" and they would disappear between sunset and daylight, and then they would be reported all killed. [Laughter]. That is the way those accounts were gotten up.

Mr. WILSON. That is certainly a revision of ancient history.

Mr. WHEELER. Well, ancient history has got to be revised on some points by common sense. [Renewed laughter].

Mr. CUTCHEON. If the gentleman will permit me, taking his explanation of the losses reported in ancient times, those losses were attributable more to the efficiency of the legs of the ancients than to the efficiency of their arms. [Laughter.]

Mr. WHEELER. Yes. I thank the gentleman for the suggestion. Now, Mr. Chairman, to illustrate the impossibility of the accounts which have come down to us of the battles of ancient time being absolutely true, let us consider for a moment the organization of the Roman and Grecian armies. A Grecian army had ten ranks and the Roman phalanx had sixteen ranks. They would come up in two or three lines, so that an army of one hundred thousand men would not have more than three thousand men in the front. They would commence fighting with arrows and bows, each man protected by his shield and his armor; and the accounts show that often two men with these weapons and thus protected would fight a whole day without either killing the other. Now, supposing that only a few thousand men were engaged on each side, the men having their shields and being covered with armor, and the weapons being nothing but bows and sticks, and staves, and clubs, it would be impossible that more than one-twentieth of the number of men could have been killed that are reported in history. Of course there were instances where large armies surrounded and slaughtered small bodies of men. The three hundred at Thermopylæ were all killed. The same thing has occurred in modern warfare. A considerable portion of Braddock's army fell in the Indian ambuscade. The massacres by Indians of small garrisons and detachment of troops, from the first settlement of the country to the present day, have not been infrequent. The Dade massacre in Florida, and the Custer massacre at Big Horn, are fresh in our memories. It is also true that, within the present decade, King John of Abyssinia, with 40,000 men, captured and slaughtered some 5,000 men of the Khédive's army—only the mounted men and officers making their escape.

But this is very different from the assertions, put forth by careless or credulous historians, that armies of 100,000 or 200,000 men were slain by a force of equal or inferior strength.

Mr. MILLS. Still, is it not true that in proportion as the capacity to destroy human life has been increased by modern arms battles are decided with proportionately less loss of life?

Mr. WHEELER. I think that is a popular misapprehension, and the statistics illustrate it. In the campaigns prior to the time of Frederick the average loss was generally not more than 4 or 5 per cent. In some battles of those times the loss was much greater, but in very many it was merely nominal. Of course I have reached this conclusion by rejecting many exaggerations and extravagances which the experience of modern warfare, supported by reliable and authentic reports, shows us to have been wildly improbable, and wholly unreasonable.

In Frederick's time the average loss ran up to 5 or 6 per cent.; in Napoleon's time, to 8 or 9 per cent. In our war with Mexico we lost but one thousand five hundred and fifty-seven men killed and died of wounds, and three thousand four hundred and twenty wounded, out of one hundred thousand men enlisted; but this, as I have said, was due to the fact that the Americans, hurling themselves with characteristic dash upon the unequal and less dauntless foe, drove them from the field before they had time hardly to discharge their guns.

Mr. MILLS. No doubt a great many more soldiers die in hospital than are killed on the field.

Mr. WHEELER. Oh, yes.

Now, Mr. Chairman, I wish to conclude by simply calling attention to the importance of having such intrepid soldiers as I say the Americans are led by commanders of the greatest skill.

Mr. KING. Do you place any value on volunteer officers?

Mr. WHEELER. Yes, a great deal of value. I think that in the late war the volunteer officer showed as much intrepidity as was ever exhibited in any war, and as much skill as it was possible for any uneducated soldiers to show or was ever shown anywhere.

Mr. KING. Were they not educated and disciplined in the war? Did they not thus pass through the greatest military school of the world?

Mr. WHEELER. After two years we had on both sides volunteer officers of great distinction because of the experience they had acquired during those two years.

Mr. SYMES. Is it not the fact, however, that it cost millions of treasure and thousands of lives to educate them in that way in the field, on account of our deficiency in military education when the war opened?

Mr. WHEELER. I thank my friend for the suggestion. I think that is the fact; and it is for that reason I am endeavoring to impress this line of thought upon the House.

A MEMBER. There were too many political generals.

Mr. SYMES. Yes, sir.

Mr. KING. I would like to ask my friend a question based upon the suggestion of my friend on the right [Mr. SYMES]. Were not the armies on both sides, in the war of secession, commanded by West Pointers?

Mr. WHEELER. They were to a great extent.

Mr. KING. Was it not absolutely so?

Mr. WHEELER. It was not absolutely so.

Mr. KING. I do not know of one leading commander who was not a West Pointer.

Mr. SYMES. There were hundreds.

Mr. KING. There were not hundreds of armies.

Mr. SYMES. There were hundreds of army corps.

Mr. KING. Nor army corps either.

Mr. WHEELER. General Butler was in command for a long time, and he was not a West Pointer.

Mr. OSBORNE. And General Logan.

Mr. WHEELER. Yes; General Logan, who acted under General Sherman, and General Banks commanded an army.

Mr. KING. Those would be classed with the experienced volunteer officers to whom the gentleman referred a few moments ago. But their experience was not acquired under volunteer officers.

Mr. WHEELER. I think every member of this House will concur with me that Americans have shown themselves superior to all people in the world, whether as citizens in peace or in the camp and battle in war.

Should we not take every reasonable means to provide that in future wars such intrepid soldiers shall be led by the highest attainable skill and training. Can we conscientiously run any risk of permitting one drop of precious American blood to be spilled through the blunders and lack of skill of those who are to command them in battle?

Can we allow the honor, the integrity, and the safety of this great Republic to be jeopardized by any neglect in scientific military attainment?

Mr. SYMES. In other words, is it not recognized in all history as a fact that the way to command peace is to be prepared for war in times of emergency?

Mr. MILLS. There is very good authority for that.

Mr. WHEELER. I thank the gentleman for the suggestion.

It has been said that the intricacies, the heights and depths of this science are such that they can not be fathomed in one generation; that the knowledge acquired during one period must be builded upon by those who follow.

Although our national honor and supremacy are now unimpeached, gentlemen should ask themselves if they are quite assured that, under all conditions, this our enviable position among nations can always be maintained.

Let every member of this House ask himself if it be possible for any nation, or for any two nations combined, to so place a land and naval force as to dictate to us the alternative of submitting to an ignominious peace or having New York and the adjacent cities reduced to ruins. Let the same question be asked regarding each of our other great seaports. Until the American Congress can confidently answer these questions in the negative, let us devote ourselves to perfecting our various means of defense.

Let us improve our military system.

Let us build up our Navy.

Let us construct adequate fortifications and strengthen our armaments.

To do these things properly let us use every available means to secure for our officers the best possible education and preparation for their important and responsible duties.

Let us consider this matter maturely, and so organize our military force that our power before the world may be such as to maintain our supremacy in a military sense, as we have in every other respect which has contributed to our greatness as a nation. [Applause.]

Mr. Chairman, if no gentleman desires to continue the debate, I ask that the bill be now read by paragraphs.

Mr. MILLS. I ask the gentleman from Alabama to yield to me for a few moments.

Mr. WHEELER. I yield to the gentleman.

Mr. MILLS. I want to give my experience about admittance to the Naval and Military Academies. Last summer I appointed a young man to the Naval Academy who was not quite fourteen years of age. The Secretary of the Navy passed over the June examination and author-

ized him to appear at the September examination in order that he might attain the proper age before reporting. He was born in Texas, was educated at home in Texas, and passed the examination without any difficulty, being but fourteen years of age. He is in the institution to-day, and I think will go through it and graduate as easily as any other young man who will enter the institution.

Some years ago, when I was first elected to Congress, I appointed a young man who was born almost in my own State—he was born in Missouri. We were in a somewhat wild condition after the war was over. Our school system was not thoroughly organized. This young man received all the education he ever obtained in the world in the little town where I was then living. I appointed him. He had barely attained his seventeenth year. He was admitted without any difficulty, without any coaching, without any hot-house treatment. He went through a common school in Texas, was admitted to the Military Academy, graduated with the highest honors, and is to-day a professor in Columbia College, in the State of Missouri.

There is a great mistake in all the talk to-day about the high standard of admission at these institutions. There are no doubt boys going to school in some parts of the country where the teachers are worthless, and where the schools are worthless.

Mr. WHEELER. That is the reason why you should advocate the education bill when it comes up.

Mr. MILLS. That will not better the thing a particle. You will have the same distinction between the teachers; some good ones, some bad ones; some boys well taught, and some badly taught. It is an old question whether the grade at which boys are admitted at these institutions is too high. It has been discussed here time and time again. For myself, I do not think the grade is much too high.

Mr. STEELE. I wish to give my experience.

Mr. McADOO. I wish to ask the gentleman from Texas [Mr. MILLS] a question.

Mr. WHEELER. This seems to be an experience meeting. [Laughter.]

Mr. STEELE. In my district we have had six examinations for Annapolis and West Point——

Mr. BRAGG. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. BRAGG. This debate has no relation to the Military Academy bill. Gentlemen have been discussing every matter except this bill.

Mr. WHEELER. I ask that the bill be read by paragraphs for amendment.

Mr. BRAGG. I move that the committee rise for the purpose of obtaining an order from the House to limit debate.

Mr. STEELE. No one wants to debate.

Mr. BRAGG. I ask unanimous consent that general debate be now closed and that we proceed to consider the bill by paragraphs under the five-minute rule.

The CHAIRMAN. Unanimous consent is asked that general debate on the bill be closed and that it be read by paragraphs for amendment under the five-minute rule. Is there objection?

There was no objection.

The Clerk commenced and completed the reading of the bill.

Mr. WHEELER. I move that the committee rise and report the bill with a favorable recommendation.

Mr. HOLMAN. Before the question is taken upon that motion I wish to say that in looking over the whole bill, comparing it with the present law, I believe the changes in the appropriations of the current year are almost entirely for improvements. In all else I believe this is substantially the same bill as that for the current year.

Mr. WHEELER. Substantially it is.

Mr. HOLMAN. With a few increases.

Mr. WHEELER. Yes, and a few decreases.

Mr. HOLMAN. Making the aggregate less?

Mr. WHEELER. Thirteen thousand dollars less; and there are $7,000 of appropriations for new works; so that the bill is really $20,000 less.

Mr. BEACH. I can state to the gentleman from Indiana that the bill is a very moderate one.

Mr. KING. I move to strike out the last word with the view of asking the gentleman from Alabama what is the meaning of this statement that there are estimates for public works aggregating $394,000. What public works are these?

Mr. WHEELER. In the first place, the old hospital——

Mr. KING. Is that a public building?

Mr. WHEELER. Yes. That has to be repaired and altered, and in fact rebuilt, at an expense of $3,500. Then we are to construct a breast-high wall along a road which has been considered dangerous. It has been in the course of construction for some years, and an additional appropriation is made this year to continue that work. Then we have also an item for repairs and extension of the cadet barracks, which are essential, at a cost of $5,000.

Mr. KING. My question had reference to the $394,000 of estimates.

Mr. WHEELER. Those are not in the bill. They are suggestions which were submitted, but they are not included in the bill. Not a single item submitted has been put upon the bill.

Mr. KING. Looking to new buildings being erected there?

Mr. WHEELER. Several buildings were proposed, but none of them were included in the bill. On pages 174 and 175 of the Book of Estimates there are a number of such items. One is for one hundred and sixty clothes presses and lockers, we omitted that; another is for a riding hall, we omitted that; another is painting the academic building, we have omitted that; another is alteration of the library building, that is omitted; another is for a gymnasium, we have omitted that; another is, $175,000 for a building for the department of chemistry, we have omitted that.

Mr. BEACH. Mr. Chairman, in this connection I simply desire to express my regret that the Committee on Military Affairs has not seen fit to make the appropriation recommended by the Secretary of War for a gymnasium at West Point. It is an absolute necessity, and I am very sorry that they have not appropriated for it.

Mr. WHEELER. They have a gymnasium there now, and the large appropriation that was asked for was not consistent with our idea of economy.

Mr. BEACH. The present gymnasium is in the sub-building of a stone structure, and is damp, noisome, and unfit for the cadets to exercise in.

Mr. WHEELER. I know it. I have worked there. Mr. Chairman, I move that the committee now rise and report this bill to the House.

The motion was agreed to.

The committee accordingly rose; and the SPEAKER having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 5886) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1887, and had directed him to report the same to the House with the recommendation that it do pass.

Mr. WHEELER. Mr. Speaker, I demand the previous question on ordering the bill to be engrossed and read a third time.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WHEELER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. STEELE. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STEELE. When a general appropriation bill is under discussion in general debate and a member has the floor and the discussion is as to the propriety of certain provisions in the bill, and the point of order is made that the member has no right to take the time of the gentleman who yields to him in discussing that proposition, and the Chair decides that the point of order is well taken, is that recorded in some place so that it may be seen hereafter?

The SPEAKER. All the proceedings of the House go into the RECORD.

Mr. STEELE. Will that decision go into a special book of precedents? I hope it will.

The SPEAKER. Nothing that transpires in Committee of the Whole on the state of the Union goes into the Journal of the House, but all the proceedings of the House and of the Committee of the Whole are contained in the RECORD.

MESSAGE FROM THE PRESIDENT.

The SPEAKER laid before the House the following message from the President:

To the House of Representatives:

I herewith return without approval a bill numbered 3010, entitled "An act to increase the pension of Abigail Smith," which bill originated in the House of Representatives.

This proposed legislation does injustice to a very worthy pensioner who was on the pension-roll at the time of the passage of the law which took effect on the 19th day of March last, and by virtue of which all pensions of her class were increased from $8 to $12 per month. Under this law she became entitled to her increased pension from the date of its passage. The bill now returned allows her the same amount; but if it became a law I suppose it would supersede her claim under the previous statute, and postpone the receipt by her of the increase to the date of the passage of the new law.

She would thus lose for nearly two months the increase of pension already secured to her.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, May 8, 1886.*

The SPEAKER. Unless some other disposition is made of the message (and this is a privileged matter) this question is, Shall the bill pass, the objection of the President to the contrary notwithstanding?

Mr. MATSON. If we are now to vote upon the question, I ask that the veto message be again read.

The SPEAKER. The Chair will state to the gentleman that if it be desired the message can lie over, to be called up at some other time.

Mr. MATSON. I think that would be better.

Mr. HOLMAN. Would it not be proper to refer this message to the committee by which the bill was reported?

The SPEAKER. That can be done, if a motion to that effect be made.

Mr. HOLMAN. I make the motion that the veto message just read,

with the accompanying bill, be referred to the Committee on Invalid Pensions, and ordered to be printed.

The motion was agreed to.

ANDREW J. HILL.

The SPEAKER also laid before the House the following veto message of the President of the United States, which was read:

To the House of Representatives:

I return without my approval House bill No. 1471, entitled "An act increasing the pension of Andrew J. Hill."

This bill doubles the pension which the person named therein has been receiving for a number of years. It appears from the report of the committee to which the bill was referred that a claim made by him for increased pension has been lately rejected by the Pension Bureau "on the ground that the claimant is now receiving a pension commensurate with the degree of disability found to exist."

The policy of frequently reversing, by special enactment, the decisions of the bureau invested by law with the examination of pension claims, fully equipped for such examination and which ought not to be suspected of any lack of liberality to our veteran soldiers, is exceedingly questionable. It may well be doubted if a committee of Congress has a better opportunity than such an agency to judge of the merits of these claims. If, however, there is any lack of power in the Pension Bureau for a full investigation it should be supplied; if the system adopted is inadequate to do full justice to claimants it should be corrected, and if there is a want of sympathy and consideration for the defenders of our Government the bureau should be reorganized.

The disposition to concede the most generous treatment to the disabled, aged, and needy among our veterans ought not to be restrained; and it must be admitted that in some cases justice and equity can not be done nor the charitable tendencies of the Government in favor of worthy objects of its care indulged under fixed rules. These conditions sometimes justify a resort to special legislation; but I am convinced that the interposition by special enactment in the granting of pensions should be rare and exceptional. In the nature of things if this is lightly done and upon slight occasion, an invitation is offered for the presentation of claims to Congress, which upon their merits could not survive the test of an examination by the Pension Bureau, and whose only hope of success depends upon sympathy, often misdirected, instead of right and justice. The instrumentality organized by law for the determination of pension claims is thus often overruled and discredited, and there is danger that in the end popular prejudice will be created against those who are worthily entitled to the bounty of the Government.

There has lately been presented to me on the same day, for approval, nearly two hundred and forty special bills granting and increasing pensions and restoring to the pension-list the names of parties which for cause have been dropped. To aid executive duty they were referred to the Pension Bureau for examination and report. After a delay absolutely necessary they have been returned to me within a few hours of the limit constitutionally permitted for executive action. Two hundred and thirty-two of these bills are thus classified:

Eighty-one cover cases in which favorable action by the Pension Bureau was denied by reason of the insufficiency of the testimony filed to prove the facts alleged.

These bills I have approved on the assumption that the claims were meritorious and that by the passage of the bills the Government has waived full proof of the facts.

Twenty-six of the bills cover claims rejected by the Pension Bureau because the evidence produced tended to prove that the alleged disability existed before the claimants' enlistment; twenty-one cover claims which have been denied by such bureau because the evidence tended to show that the disability, though contracted in the service, was not incurred in the line of duty; thirty-three cover claims which have been denied because the evidence tended to establish that the disability originated after the soldiers' discharge from the Army; forty-seven cover claims which have been denied because the general pension laws contain no provisions under which they could be allowed, and twenty-four of the claims have never been presented to the Pension Bureau.

I estimate the expenditure involved in these bills at more than $35,000 annually.

Though my conception of public duty leads me to the conclusion, upon the slight examination which I have been able to give such of these bills as are not comprised in the first class above mentioned, that many of them should be disapproved, I am utterly unable to submit within the time allowed me for that purpose my objections to the same.

They will therefore become operative without my approval.

A sufficient reason for the return of the particular bill now under consideration is found in the fact that it provides that the name of Andrew J. Hill be placed upon the pension-roll, while the records in the Pension Bureau, as well as a medical certificate made a part of the committee's report, disclose that the correct name of the intended beneficiary is Alfred J. Hill.

GROVER CLEVELAND

EXECUTIVE MANSION, *May 8, 1886.*

The SPEAKER. If no motion proposing a different disposition of this subject be made, the question is——

Mr. HOLMAN. I think the message should be referred to the Committee on Invalid Pensions. I make that motion.

Mr. STEELE. I move to amend the motion so as to refer the message to the Committee on Civil Service Reform.

Mr. MATSON. This bill may have been reported from the Committee on Pensions; I do not know what the fact is.

Mr. HOLMAN. The practice has been to refer messages of this character to the committee which originally reported the bill.

The SPEAKER. The Chair will cause an examination to be made to ascertain by what committee this bill was reported.

Mr. STEELE. At the request of the gentleman from Virginia I withdraw my amendment.

Mr. HOLMAN. It would be entirely safe, I think, to refer the bill to the Committee on Invalid Pensions. I make that motion.

The motion was agreed to.

The SPEAKER. The message will be printed, and, with the bill, referred to the Committee on Invalid Pensions.

ORDER OF BUSINESS.

Mr. BRAGG. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the consideration of general appropriation bills. The title of the bill first in order will be read.

The Clerk read as follows:

A bill (H. R. 6392) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1887, and for other purposes.

Mr. BRAGG. I ask that this bill be passed over.

The CHAIRMAN. If there be no objection, this bill will be passed over without losing its place on the Calendar.

Mr. PRICE. I object.

The CHAIRMAN. There being objection, the committee will rise and report the objection to the House.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that in Committee of the Whole for the consideration of general appropriation bills the diplomatic and consular appropriation bill had been reached and objection had been made to passing it over.

The SPEAKER. The question is, Shall the Committee of the Whole House on the state of the Union be directed to pass over House bill No. 6392.

The question being taken, it was decided in the affirmative.

The Committee of the Whole on the state of the Union resumed its session.

ARMY APPROPRIATION BILL.

The CHAIRMAN. The Clerk will read the title of the next general appropriation bill on the Calendar.

The Clerk read as follows:

A bill (H. R. 6395) making appropriations for the support of the Army for the fiscal year ending June 30, 1887, and for other purposes.

Mr. BRAGG. I ask unanimous consent that the first reading of this bill be dispensed with.

Mr. PRICE. I object.

The Clerk proceeded to read the bill.

The following paragraph was read:

Extra-duty pay: For enlisted men for service in hospital, and for general-service clerks and messengers at Army, division, department, and district headquarters, at the headquarters of the general recruiting service, at recruiting depots, and at West Point, New York, at the rates per diem fixed by law, $22,721.25: *Provided*, That the number of such general-service clerks to be paid out of this sum shall not exceed one hundred, and the number of messengers to be paid shall not exceed thirty-five.

Mr. PRICE. I rise to a point of order. I make the point that the paragraph just read is squarely in contravention of the third subdivision of Rule XXI.

The CHAIRMAN. The question of order can not be made now. The gentleman can make the point when this paragraph is reached for consideration. The bill is now being read merely for information.

Mr. PRICE. Then I reserve the point of order and will make it at the proper time.

The CHAIRMAN. All points of order are reserved.

The Clerk resumed the reading, but was interrupted by

Mr. PRICE, who said: Mr. Chairman, I called for the reading of this bill because I supposed it necessary under the rules that points of order, several of which I propose to make, should be made during the first reading. If that is not true, if such points can be made when the bill is read by paragraphs, I withdraw my objection to dispensing with the first reading.

The CHAIRMAN. The gentleman from Wisconsin [Mr. PRICE] withdraws his objection. Is there further objection? The Chair hears none, and the first reading of the bill is dispensed with.

Mr. BRAGG. Mr. Chairman, this bill has been prepared by the Committee on Military Affairs after careful examination of the needs and wants of the Army. They have made appropriations in such manner as in their judgment will meet with the wants of the service, and omitted everything in their judgment unnecessary for the service.

The bill has been upon the Calendar for two months and more, with the report of the committee accompanying it. From that I presume it has been carefully examined and investigated by every member of the House, so that such objectionable points as may be in the bill can be readily discussed and disposed of under the five-minute rule. I therefore move, sir, the committee rise for the purpose of limiting the general debate on this bill.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 6395) making appropriations for the support of the Army for the fiscal year ending June 30, 1887, and for other purposes, and had come to no resolution thereon.

Mr. BRAGG. I move, Mr. Speaker, that all general debate on the Army appropriation bill be limited to one minute, when its consideration shall be resumed in the Committee of the Whole House on the state of the Union.

Mr. PRICE. On that motion I demand a division of the House.

The House divided; and there were—ayes 58, noes 15.

Mr. PRICE. No quorum.

Mr. BRAGG. I desire to know what these gentlemen want. What do they want?

The SPEAKER. The point of no quorum having been made, the Chair will appoint as tellers Mr. PRICE and Mr. BRAGG.

Mr. BRAGG. What do these gentlemen want?

Mr. PRICE. I will answer the gentleman from Wisconsin and say we want this bill discussed and passed, if passed at all, subject to the discussions and points of order under the rules of this House. If subject to a half a dozen points of order, as I think it is, I insist it shall not be passed until those points of order have been decided.

Mr. BRAGG. What I wish to get at is this: How much general talk do you want?

Mr. HAMMOND. Let me say to the gentleman on the other side his points of order can be made during the five-minute debate as the bill is read by paragraphs for amendment.

Mr. LONG. My colleague [Mr. ROCKWELL] wants some time in general debate on the bill.

Mr. PRICE. I will make a proposition for two hours of general debate to the gentleman, if that will suit him.

Mr. BRAGG. No, sir, it will not suit me.

The House then proceeded to vote on the pending question by tellers.

Mr. PRICE. The point of no quorum is withdrawn, upon the understanding debate on our side shall be confined to one hour; that is, it is to be given to those who oppose the bill.

The SPEAKER. Does the gentleman from Wisconsin modify his motion to one hour?

Mr. BRAGG. Yes, sir.

The SPEAKER. If there be no objection, that will be the order of the House.

Mr. BRAGG. I move the House resolve itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The committee resumes the consideration of the bill (H. R. 6395) making appropriations for the support of the Army for the fiscal year ending June 30, 1887, and for other purposes, and by order of the House all general debate has been limited to one hour.

Mr. PRICE. Mr. Chairman, I yield so much time as the gentleman from Massachusetts [Mr. ROCKWELL] may desire.

Mr. ROCKWELL took the floor.

Mr. BRAGG. Let us understand as to how this time is to be divided.

The CHAIRMAN. No arrangement so far as the Chair is advised has been made as to the division of time. The gentleman on the left [Mr. PRICE] will be recognized to control the time in opposition to the bill, and the gentleman from Wisconsin [Mr. BRAGG] on the right to control the time in favor of the bill.

Mr. DUNHAM. What is the understanding as to the division of the time?

The CHAIRMAN. The Chair can not answer. The House limited general debate to one hour.

Mr. PRICE. One hour on this side. I distinctly said the compromise was made on the understanding we were to have one hour on this side of the bill.

Mr. BRAGG. Nothing of that kind was said at the time so far as we could hear. I understood the general debate was limited to one hour.

Mr. PRICE. It was just as I stated it—exactly so, the Official Reporter states, notwithstanding the gentleman from Wisconsin.

Mr. MORRISON. Take it, then.

Mr. BRAGG. If that condition was included I was not aware of it. It makes no difference, however, as I did not intend to use any time in general debate in support of the bill.

The CHAIRMAN. The Chair is advised the gentleman from Wisconsin stated he would withdraw the point of order of no quorum if one hour of general debate was given in opposition to the bill.

Mr. BRAGG. It was said, I think, afterward and not at the time.

The CHAIRMAN. The House limited debate to one hour, and the Chair will recognize the gentleman from Wisconsin [Mr. PRICE] to occupy as much of that hour as he may desire.

Mr. PRICE. I have yielded the floor to the gentleman from Massachusetts [Mr. ROCKWELL].

The CHAIRMAN. The gentleman from Massachusetts is entitled to the floor, and will proceed with his remarks.

Mr. ROCKWELL. Mr. Chairman, with reference to the bill now before the committee, I want to call attention to its twentieth page, and to the item of appropriation made for the manufacture of arms, which is placed at $300,000. The annual appropriation for the last four years for the same purpose has been $400,000, showing a reduction in this instance of $100,000. As I happen to live in the district in which the Springfield armory is situated, and it being the only armory in the United States where arms are manufactured for the Government, I deem it my duty to present a few statements showing why it is necessary that the annual appropriation should be continued at the same amount as for the past four years.

The committee give as a reason for the reduction that they believe it is not the policy of the Government in this age of improvement to manufacture and keep in store any very large quantity of ordnance and ordnance stores over and above what are necessary for present use.

There are certain arguments that can be submitted in favor of maintaining the usual appropriation. It is in the interest of the United States Government to maintain this institution in its present state of efficiency.

During the war large appropriations were made for this armory; but for several years following the war no appropriations were made, but the large appropriation of 1866 was used. Afterward the annual appropriations were increased, until four years ago $400,000 was fixed as the limit. I believe that amount should be allowed now, because from the best information I can obtain that amount will produce the arm at the least cost, as well as keep together the skilled workmen now employed and give a nucleus for increased capacity for manufacturing arms when necessity shall arise.

I have taken pains in this matter to see if there were any other arms which could be manufactured to advantage by this Government, and I desire to have the Clerk read in relation to the arms manufactured at Springfield a report from the Ordnance Bureau, dated December 15, 1885, and addressed to the Secretary of War, showing that the Springfield rifle is the best service rifle, according to the actual tests, that the Government can make.

The Clerk read as follows:

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, D. C., December 15, 1885.

SIR: I have the honor to transmit herewith a tabular statement of the results reached in the trial of a number of each of the magazine rifles issued to the troops. These guns—the Lee, Chaffee-Reece, and Hotchkiss—were recommended for trial, in the order named, by a board of officers convened in 1881 under authority of law, and were distributed to the Army for the purpose by the Lieutenant-General of the Army.

The reports from one hundred and forty-nine companies have been received, examined, and tabulated, and the results are as follows:

Comparing the three magazine guns with each other the reports are: For the Lee, 55; Chaffee-Reece, 14; Hotchkiss, 26. As magazine guns, therefore the reports are largely in favor of the Lee.

Comparing the magazine guns with each other and with the Springfield service rifle as single loaders, the preference is for the Springfield, as follows: For the Lee, 5; Chaffee-Reece, 0; Hotchkiss, 1; Springfield, 21.

Comparing the magazine guns and the Springfield for all uses, the preference is for the Lee, 10; Chaffee-Reece, 3; Hotchkiss, 4; and the Springfield 46, being largely in favor of the Springfield.

In the column of objections in the tabular statement will be found a brief of the objections given in each report.

After a careful consideration of these reports, I am satisfied that neither of these magazine guns should be adopted and substituted for the Springfield rifle as the arm for the service.

I have been and am an advocate for a magazine gun, but it would seem the part of wisdom to postpone for the present any further efforts toward the adoption of a suitable magazine arm for the service.

The Springfield rifle gives such general satisfaction to the Army that we can safely wait a reasonable time for further developments of magazine systems.

Very respectfully, your obedient servant,

S. V. BENÉT,
Brig. Gen., Chief of Ordnance.

The honorable the SECRETARY OF WAR.

Mr. ROCKWELL. In addition, Mr. Chairman, I desire to say that in 1865 there were made at this armory about five thousand arms of a pattern better known as the "Allen" breech-loading gun. Since that time improvements have been made from that device from experiments in the field and from experiments made from time to time, in order to overcome the weak points, and the Government has had an opportunity to take advantage of the reports showing the imperfections, and improvements have been made until it now is one of the most perfect of military arms. The models are of 1865, 1868, 1869, 1870, 1873, and 1884, showing a constant improvement in the arm keeping pace with the improvement of other arms.

Now, as to the economy of maintaining the Springfield armory, I desire to present here and to have the Clerk read a statement from a letter of the then Secretary of War, to be found in Senate Executive Document No. 17, Forty-fifth Congress, third session, showing that the Springfield armory has been one of the best business investments the Government has ever entered into.

The Clerk read as follows:

Statement of the cost of Springfield rifle-muskets, from 1861 to 1865, inclusive, made at the Springfield armory.

The following are the years embraced in this statement:	Number of arms turned over in each year.	Price, each.	Total cost of arms turned over each year.	Amount charged the arm each year for repairs and depreciation of tools, machinery, fixtures, and buildings, &c.
Year ending June 30—				
1861	13,802	$13.1184	$181,049 67	$37,492 37
1862	102,410	11.81624	1,210,101 70	303,686 13
1863	217,784	10.696418	2,329,598 09	380,357 92
1864	276,200	10.69019	2,952,630 83	491,573 79
1865	195,341	14.1205	2,758,312 97	571,459 20
Total	805,537	11.70+	9,431,693 31	1,764,569 41

From the above statement it appears that during the rebellion, or from 1861

to 1865, inclusive, there were made at the Springfield armory 805,337 rifle-muskets, at a cost of $11.70 each.

This sum included the cost of all the labor, materials, direct supervision, inspection, condemnation of defective parts, 6 per cent. on plant, and also included the depreciation in value from use of tools, fixtures, machinery, buildings, &c.

This depreciation was about $1,764,509.41, or more than $2 per musket.

As the Government does not insure against fire or accidents, it does what is equivalent—protects the property of the armory by the employment of a large force of watchmen and a steam fire-engine, the cost of maintaining which is included in the $11.70.

The total expenditures at the Springfield armory from its establishment to the 1st of March, 1872, amounted to $3,103,485.80 for lands, buildings, iron and wooden fences, mill-dams, canals, sewers, shop-fixtures, and new machinery. The amount charged to the depreciation of these items, as stated above, from 1861 to 1865, was $1,764,509.41, or more than half of the original value.

The cost of contract arms, as given in the accompanying list, shows that they cost an average of $20 each, to which is to be added $1 each for inspection and proof, making the cost of contract arms to the United States at $21 each, or about $9 each more than the cost of those made at the armory,

As the United States manufactured eight hundred and five thousand five hundred and thirty-seven muskets during the rebellion, the saving of $9 on each makes a saving to the United States of $7,249,833 during the years 1861-'65, or a sum more than twice the entire cost of the Springfield armory since its establishment.

Mr. ROCKWELL. Mr. Chairman, I claim that the appropriation of $400,000 is the smallest appropriation that will keep the plant in proper order and keep the skilled workmen there. It is necessary in a matter of this kind to keep skilled workmen together. Here are men trained in the art of making arms who have been there for years. This armory was established in 1795, and many of the workmen now employed are the sons of former workmen, men who have been brought up and trained in the class of work required for the manufacture of arms.

Mr. BRAGG. Let me ask the gentleman if the principle of interchangeability of the different parts of one piece to another was not of private invention, private enterprise, and not the result of examination or experiments at Springfield?

Mr. ROCKWELL. I have no doubt that improvements have been adopted at the Springfield armory, since it is willing to accept every improvement suggested by private establishments either in this country or in Europe. I admit that many things have been done outside of the Springfield armory. But my suggestion was that there are skilled workmen there, and if they are discharged and scattered the Government can not again get them together, and therefore it is necessary to have this uniform annual appropriation in order to maintain the armory which is in one sense the defense of the Government of the United States.

I say further that of this $400,000 appropriated heretofore, in its expenditure at the armory 64 per cent. has been paid for labor, and the cutting down of the appropriation from $400,000 to $300,000 will seriously cripple that institution, and we are not prepared to do that.

It is shown from the record read that it is the best paying institution the Government ever undertook to carry on. Taking into account all the depreciation of property since 1795, there is shown a great gain to the Government. And I say the appropriation for an institution like that, managed by skilled Army officers detailed for the purpose, can not be thrown aside because, perchance, the chairman of the Military Committee wants to cut something out of the Army bill here and there, in order to apply the supposed savings elsewhere and to promote some other useful purpose, so that the total amount of appropriations in all these bills shall not exceed the usual sum. I am in favor of the training schools for cavalry and of the barracks for soldiers that the chairman of the committee wants; and I say let us vote the money for those purposes, but do not let us cripple another arm of the service to do it. There is no economy in such a proceeding. It is pernicious in practice and wrong in principle.

Furthermore, these skilled laborers at Springfield, who have sent their petition to Congress, many of them belonging to the Knights of Labor, have a right to be heard since they have served the Government so long and faithfully. They should not be discharged now when they have learned the skill in their special departments that counts greatly for the benefit of the Government. We can not afford, Mr. Chairman, to cripple the armory at Springfield.

But, sir, it may be said, there is an annual appropriation under the law of 1808 of $200,000 for arming and equipping the militia, and that some of that also is expended at the Springfield armory. I admit it. We had the last year about $100,000 of that sum expended in one way or another for arms and parts of arms that came from the Springfield armory, and we need that $100,000 each year to support the armory and make it pay the Government.

The arms there cost less than $12, and no firm I know of anywhere can make an arm of equal worth for that sum. We have gotten the appropriation down to the lowest point. Now look at it for a moment. We made more than thirty-six thousand arms the year before last, and last year with the improved machinery, largely the result of the experiments and the skill freely given by these mechanics to the Government, we made forty thousand arms. Now, I say if you reduce the appropriations for the armory and reduce the moneys that annually go to its support you will make the arms cost more and seriously cripple the institution.

There is no question that the appropriation now has reached that point where the best and cheapest arms are made. And if that is so, then it is economy for the Government to keep the appropriation where it is. It is only a common-sense business proposition that I am urging upon this House.

Mr. BUCK. May I ask the gentleman from Massachusetts a question?

Mr. ROCKWELL. Yes, sir.

Mr. BUCK. What is the cost of a Springfield musket at the Springfield armory?

Mr. ROCKWELL. Less than $12.

Mr. BUCK. And why is it that the United States Government charges the respective States, under the law of 1808 the sum of $15.50?

Mr. ROCKWELL. That is a question for the United States Government to answer.

Mr. BUCK. That is what they charge.

Mr. ROCKWELL. I do not care what they charge as regards my present argument. If there is anything wrong in what is done by the Government, correct it. But do not lay it to the charge of the Springfield armory that they can make arms and supply them to the Government $3 cheaper than the Government itself charges for them.

It will be said there is a bill proposed for arming the militia. It may not pass. If such a bill should pass it is claimed that the Springfield armory will get more, and therefore that this appropriation may be reduced to $300,000. What can be more ridiculous? Why not make the annual appropriation what is right and proper? The militia bill may not pass. The same principle applies to this appropriation as to every other. Make your appropriation right and just in the first place.

Mr. BRAGG. Will the gentleman yield to me for a question?

Mr. ROCKWELL. Yes, sir.

Mr. BRAGG. If you succeed in increasing the appropriation in the Army bill $100,000, will you as the representative of the Springfield armory consent to strike $100,000 out of the militia bill?

Mr. ROCKWELL. I will say to the gentleman from Wisconsin that I am a Representative of the Congress of the United States, and not of the Springfield armory. I stand here in my Representative capacity. I did not understand the whole of the gentleman's question. He dropped his voice toward its close.

Mr. BRAGG. The gentleman from Massachusetts said we were appropriating for the armory here. Then it might not be proper to put it in there.

Mr. ROCKWELL, I said this: that this annual appropriation had been $400,000; and that the argument that because there might be a militia bill passed of $400,000—I believe that is the amount of the bill now in the Senate—and that some of that money might go to the Springfield armory, was not a good business argument, because that bill might fail. If it should pass, the authorities of the United States would not be obliged to order for the militia of the States any more arms from the Springfield armory than they might otherwise order.

Mr. BRAGG. I asked you whether you were willing if we should yield the $400,000 to give up the $100,000 in the other bill?

Mr. ROCKWELL. I am willing to consider that bill when it comes before us. When that question presents itself I will be ready to meet it. I have not read that bill as yet.

I am willing the Springfield armory should have $500,000 a year, $400,000 through the Army appropriation bill and $100,000 from the old law of 1808. The amount from that law, however, has varied from year to year; sometimes it has been $50,000. And I am willing personally to stop there. I think that answers fully the question the gentleman from Wisconsin has addressed to me.

Mr. Chairman, this is simply a business proposition. Shall we appropriate the usual annual amount for this armory, which everybody knows who knows anything about it is the best run institution we have, and which is running now upon the proper plan? Or shall we reduce it because, perchance, the chairman of the committee proposes to put the money somewhere else? In a statement made here the other day the gentleman said after all he would have $300,000 saved on this bill. What is the object of having that $300,000 saved? Is it exercising a spirit of wise economy to have $300,000 saved and then go to work and put your Springfield armory—the only armory where you manufacture arms in this country—put it in such a shape that you can not make your arms as cheaply as you do now, and must discharge some of your skilled workmen? I say as a business proposition the argument is in favor of leaving the appropriation for this armory where it is now. I reserve the balance of my time.

The CHAIRMAN. The gentleman has ten minutes of his time remaining.

Mr. PRICE. The provision in this bill to which the gentleman from Massachusetts [Mr. ROCKWELL] has called the attention of the committee as objectionable needs no further argument on my part. What I desire to do is to call the attention of the committee to the fact that the bill in two of its provisions is squarely in violation of the statutes of the United States; secondly, that in five of its provisions it is open to points of order as contrary to the provision in subdivision 3, Rule XXI, of the rules governing this House.

Section 3, Rule XXI, of the rules of the House of Representatives, contains this clause:

Nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

Subject to a point of order under this clause are the following sections of the bill (H. R. 6395) making appropriations for the support of the Army.

In lines 36 to 43, inclusive, the following changes existing law:

Provided, That the number of such general-service clerks to be paid out of this sum shall not exceed one hundred, and the number of such messengers to be paid shall not exceed thirty-five. For payment to enlisted men serving as general-service clerks and messengers, one hundred and thirty-five in all, for commutation of fuel and quarters, $29,160.

There is no statute on this subject. It is governed by Army regulations, which fix the number of general-service clerks and messengers at one hundred and seventy-one. See paragraph 145, Army Regulations, as amended by General Orders 104 of 1884 and 47 of 1885.

Army regulations must be construed as "existing law," for the Supreme Court held (Gratiot *vs.* The United States, 4 Howard, page 80) that—

The Army regulations made pursuant to the authority conferred by Congress have the force of law.

Section 2, act of July 23, 1879, provides—

That the Secretary of War is authorized and directed to cause all the regulations of the Army and general orders now in force, to be codified and published to the Army, and to defray the expenses thereof out of the contingent fund of the Army.

This codification was approved and published by an order of the Secretary of War, dated February 17, 1881.

The Supreme Court also held (United States *vs.* Freeman, 3 Howard, page 566) that—

The Army regulations when sanctioned by the President have the force of law.

And in the case of United States *vs.* Eliason, 16 Peters, 291, that—

The power of the Executive to establish rules and regulations for the government of the Army is undoubted. The power to establish implies the power to modify or repeal or to create anew. The Secretary of War is the regular constitutional organ of the President for the administration of the military establishment of the nation, and the rules and orders publicly promulgated through him must be received as the act of the Executive, and as such be binding upon all within the sphere of his legal and constitutional authority. Such regulations can not be questioned or defied because they may be thought unwise or mistaken.

The Attorney-General (Caleb Cushing), January 1, 1857, gave the following opinion on the subject of Army regulations:

The War Department, representing the President in the administration of the Army, has permanent authority from Congress to make regulations in aid and complement of the statutes.

Therefore the number of general-service clerks and messengers being fixed by Army regulations, which have the "force of law," there being no statute on the subject, the attempt to reduce the number of such general-service clerks and messengers by a provision in the Army appropriation bill would be a change of "existing law," and susceptible to a point of order under the third clause of Rule XXI. On the other hand, if Army regulations are not "existing law," then there is no authority for the expenditure contemplated in the section of the Army bill referred to, and that section, and all subsequent sections of the bill dependent on Army regulations for their support are susceptible to a point of order under the first clause of section 3 of Rule XXI:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriation for such public works and objects as are already in progress.

The following proviso in lines 43 to 49, inclusive, of the Army bill also changes existing law:

Provided, That no part of such sum shall be paid for commutation of quarters at a greater rate to each man than $12 per month, and for commutation of fuel at a greater rate to each man than $8 per month: *Provided, further*, That no such payment for extra-duty pay or for commutation shall be made without the men being regularly mustered therefor.

Paragraph 145, Army Regulations, as amended by general orders 104 of 1884, the only law on this subject, fixes the rate of commutation of quarters at $21 per month and commutation of fuel at $9 per month for enlisted men serving as general-service clerks and messengers. It also provides for the muster of men for extra-duty pay. Muster for commutation is not required by Army regulations. It should be also borne in mind that this section transfers the payment of commutation from the Quartermaster's Department to the Pay Department of the Army.

Again the following, in lines 164 to 169, inclusive, changes existing law:

Provided, That in disbursing this allowance, the maximum sum to be allowed and paid shall be 4 cents per mile, distance to be computed over the shortest usually traveled route, and in addition thereto the cost of transportation actually paid, exclusive of sleeping or parlor-car fare.

Section 1273, Revised Statutes, as amended by section 2 of the act approved July 24, 1876, fixes the rate of mileage at 8 cents per mile.

The following, in lines 170 to 173, inclusive, of the bill, is another change of existing law:

All the money hereinbefore appropriated shall be disbursed and accounted for by the Pay Department as pay of the Army, and for that purpose shall be considered but one fund.

Section 3623, Revised Statutes, passed in 1809, provides:

All officers, agents, or other persons receiving public moneys shall render distinct accounts of the application thereof according to the appropriation under which the same may have been advanced to them.

Section 3678, Revised Statutes, enacts:

All sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no others.

The following provision of the bill, in lines 217 to 223, inclusive, also changes existing law:

Nor shall any money so appropriated be paid for commutation of rations except as above authorized, and except as is authorized by Army regulations to enlisted men on furlough, and ordnance-sergeants on duty at ungarrisoned posts, and to enlisted men other than the Signal Service, who are stationed alone at places where rations can not be economically issued.

Paragraph 145, Army Regulations, provides commutation of rations for general-service men who are excluded by the provisions of the above section.

The following, in lines 226 to 228, inclusive, of the bill, is also a change of existing law:

And no compensation or salary so paid shall exceed the pay of a fourth-class clerk as graded and fixed in Army regulations.

Paragraph 1422, Army Regulations, provides as follows:

Except for the Corps of Engineers, the grades of pay of clerks and other employés under the staff departments of the Army, whose salaries are not fixed by law, are hereby authorized as follows:

There shall be six classes of clerkships, and each clerk or employé within the scope of this regulation shall be graded for pay in accordance therewith, namely:

Class.	Pay per month.	Pay per annum.
First class	$83.33	$1,000
Second class	100.00	1,200
Third class	116.66	1,400
Fourth class	133.33	1,600
Fifth class	150.00	1,800
Sixth class	166.66	2,000

The above paragraph of Army regulations fixes the pay of clerks and other employés of the Subsistence, Quartermaster's, and Ordnance Departments of the Army. The only statute on the subject of the pay of these clerks is to be found in a clause of the Army appropriation bills for the last two fiscal years, abolishing the grade of sixth-class clerk in the Quartermaster's Department; hence the attempt to limit the salary or compensation of clerks of the Subsistence, Quartermaster's, and Ordnance Departments of the Army to the pay of a fourth-class clerk, as graded and fixed in Army regulations, is a change of existing law.

The following provision of the bill, in lines 247 to 251, inclusive, is also a change of existing law:

Provided, That no part of this appropriation shall be expended on printing unless the same shall be done by contract after due notice and competition, except in such cases as the emergency will not admit of the giving notice for competition.

Paragraph 1475, Army Regulations, provides—

But the commander of an army, department, or division, whenever in his judgment it may be conducive to the public interests, may, in addition to the orders printed under the provisions of paragraph 1885, Army Regulations, order all forms of printing and advertising for supplies or services, except advertisements to be published in newspapers.

Paragraph 1885, Army Regulations, provides that—

The commander of an army, department, or division may direct orders to be printed when the requisite dispatch and the number to be distributed make it necessary, and for that purpose the requisite paper is authorized. The necessity will be set out in the order for the printing, or certified on the account.

There is a further change of existing law in lines 370 to 373, inclusive:

And that no employé paid therefrom shall receive as salary or compensation a greater sum per month than the salary of a clerk of the fourth class, as graded and fixed in Army regulations.

This section refers to the pay of clerks and other employés of the Quartermaster's Department, whose salaries or compensations are fixed by paragraph 1422, Army Regulations, which I have already cited.

The Army Regulations distinctly provide that there shall be six classes of clerks; and the Supreme Court of the United States has decided in three different instances that such regulations have the force of law. Yet this existing law, fixed and established by Army regulations, and indorsed by law, by the Supreme Court of the United States, you propose to set aside by a provision which has no business in an appropriation bill.

Mr. STEELE. Will the gentleman allow me a question?

Mr. PRICE. Certainly.

Mr. STEELE. Suppose the Secretary of War should issue an order in the form of an Army regulation providing that hereafter the salary of clerks should be $300 per month. Does the gentleman think that would have the force and effect of law?

Mr. PRICE. I refer the gentleman from Indiana to the decisions of the Supreme Court, a tribunal authorized to decide what is the law. That court has said that these regulations properly compiled and published under authority have the effect and binding force of law. Why

should the gentleman appeal to me? I can not add strength or force to a decision of the Supreme Court. I say that what these Army regulations, having the force of law, have already fixed this bill proposes to change.

Mr. STEELE. Such regulations bind the soldier, but do not bind Congress.

Mr. PRICE. Another provision of the bill which changes existing law is in lines 466 to 470 inclusive:

Provided, That no clerk paid from the appropriation for the Ordnance Department shall receive as salary or compensation a greater sum per month than the salary of a fourth-class clerk as graded and fixed in the Army regulations.

This is in conflict with paragraph 1422, Army Regulations, already cited. I say that you can not change these classes and readjust these arrangements by an appropriation bill reported from the Committee on Military Affairs. Legislation in this form is outside of their jurisdiction.

It is very possible that some of these provisions of law to which I have referred should not continue in force; but my point is that if you undertake to change the law you must do it not upon an appropriation bill, but by an independent measure reported in this House, just as the Committee on Military Affairs, within forty-eight hours, has had before this House for discussion a bill providing for some of these same changes which this appropriation bill proposes to make in direct conflict with existing law.

The purpose may be excellent; but the committee are circumscribed and hedged in by the rules of this House defining and limiting their powers. We have seen the evils arising heretofore from the interpolation of legislation into appropriation bills in the form of "riders;" and this House, at the opening of the present session, by an overwhelming majority determined that it would wipe out the abuses of that system. Yet in spite of that clearly expressed policy then adopted by the House this bill, in five separate and distinct provisions, proposes to interfere with provisions of law as established by the Army regulations; and in two more it proposes new legislation in direct contravention of the Revised Statutes of the United States. These are abuses to which I desire to call the attention of the House at this time. When the question comes up at a later stage of the bill I shall not probably make any extended remarks. No doubt these provisions can be struck out on a motion to amend; but in my opinion the proper course would be at a suitable time to recommit the bill with instructions to the committee to confine themselves to their legitimate powers and duties under the rules of the House. I am willing to follow the committee in any attempt they may make to advance good government, to reduce expenses, to improve the efficiency of the Army; but I am not willing that the rules which have been established here for your government and mine shall be thus trampled upon and ignored by the Committee on Military Affairs or any other committee.

Mr. Chairman, I reserve the residue of my time.

The CHAIRMAN. The gentleman has control of all the time for general debate. To whom does he yield?

Mr. PRICE. I am willing to yield to any gentleman on our side or to any gentleman on the other side who may desire the floor.

The CHAIRMAN. The Chair desires to state to the gentleman from Wisconsin that all general debate, by order of the House, was limited to one hour; and the gentleman from Wisconsin himself was recognized to control that hour. Therefore, there is no time to reserve, and if the gentleman desires to take up the hour it must be done now.

Mr. PRICE. If any gentleman wants to take the floor on this side I will give it to him, or if not, I will give it to the other side. I will yield to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON addressed the committee. [See Appendix.]

Mr. BRAGG. No other gentleman desiring to debate, I move to proceed with the consideration of the bill.

The CHAIRMAN. The gentleman from Massachusetts [Mr. ROCKWELL] reserved ten minutes of his time.

Mr. ROCKWELL. I can get five minutes later on my proposed amendment, and I do not care for the ten minutes now.

The CHAIRMAN. The gentleman must take it now, if at all.

Mr. ROCKWELL. I will wait until the five-minute debate.

The CHAIRMAN. No further time being desired in general debate, the House now proceeds with the consideration of the bill under the five-minute rule.

FOURTH OF JULY CLAIMS.

The committee informally rose; and

Mr. ALLEN, of Massachusetts, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled the bill (H. R. 4731) for allowances of certain claims reported by the accounting officers of the Treasury Department; when the Speaker signed the same.

ARMY APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

ENLISTED MEN.

For pay proper of the enlisted men of all grades, $4,303,108.

Extra-duty pay: For enlisted men for service in hospital, and for general-service clerks and messengers at Army, division, department, and district headquarters, at the headquarters of the general recruiting service, at recruiting depots, and at West Point, N. Y., at the rates per diem fixed by law, $22,721.25: *Provided*, That the number of such general-service clerks to be paid out of this sum shall not exceed one hundred, and the number of such messengers to be paid shall not exceed thirty-five.

Mr. PRICE. I make the point the proviso just read by the Clerk is in conflict with section 145 of the Army Regulations, and therefore, under the rules of this House, not being in accordance with existing law, it should be excluded from this bill. I move the proviso be stricken out.

The motion was disagreed to.

Mr. BRAGG. I move in line 38 to strike out one hundred and insert one hundred and three, and in line 39 to strike out thirty-five and insert forty-five; so the proviso will read:

Provided, That the number of such general-service clerks to be paid out of this sum shall not exceed one hundred and three, and the number of such messengers to be paid shall not exceed forty-five.

The amendment was agreed to.

The Clerk read as follows:

For payment to enlisted men serving as general-service clerks and messengers, one hundred and thirty-five in all, for commutation of fuel and quarters, $29,160: *Provided*, That no part of such sum shall be paid for commutation of quarters at a greater rate to each man than $12 per month, and for commutation of fuel at a greater rate to each man than $6 per month: *Provided further*, That no such payment for extra-duty pay or for commutation shall be made without the men being regularly mustered therefor.

Mr. PRICE. I make the point of order that the proviso in lines 43 to 47 is objectionable, as being in conflict with Army regulations, and therefore changes existing law. The second proviso is equally objectionable.

Mr. BRAGG. Mr. Chairman, I perhaps do not appreciate the force of the point of order, but I never knew, while the military regulation might be existing law for the government of the Army, it had anything to do with restricting the legislative power of the Congress of the United States. It is simply proposed to limit the pay not fixed by law.

The general order which was alluded to by the gentleman who made the point of order is not an order ever made by the President of the United States; neither is it an order made under any law of Congress, or a regulation of the Army, or fixed in any manner by any proper authority so as to come within the definition of Army regulations prescribed by the laws of the United States.

This is simply a regulation for the expenditure of money which we are now about to appropriate, and which we have a right to make.

Mr. PRICE. Mr. Chairman, I may have placed a wrong construction upon this matter. I have got a large book, which lies upon my desk, which I understand to be the Army Regulations, approved as such, and published under a provision of law which has been read here, which distinctly declares such shall be the regulation.

Now, this bill just as distinctly and positively contravenes that proposition. How far the regulations, as placed in the book, are correct, or how far the gentleman shall be permitted to say here that such regulations, as are admitted by the decisions of the Supreme Court to be within the law, shall have the force of law, or how far they shall not have the force of law, I do not know.

I assume that they are all regulations of the Army, whether relating to enlistment or the discharge of men; to employment, commutation, equipment, courts-martial, or any other military features, all of which appear in this book; and this provision of the bill is in relation to an expenditure in that Department with reference to a subject fixed by the War Department, published as such and approved by the President, and laid upon our tables as the law governing the Army, so far as they have a right to make law. I have referred the gentleman to several decisions of the Supreme Court, which enunciate the doctrine that they have a right to make such regulations, and that they have the force of law. And going a step further, I find in the rules of this House a provision which says we shall not insert in any appropriation bill a provision changing existing law.

Now, I am not logician enough to get away from that condition of affairs, or the irresistible conclusion that this proviso is in conflict with existing law, and, therefore, is in violation of the rules of the House.

Mr. CANNON. Mr. Chairman, a single word upon the point of order. I am not sufficiently conversant with the wants of the service to determine or have an opinion as to whether this legislation proposed upon the bill is wise or not. Its bare presence here is, however, a change of law, or the making of a new law. It might be very wise if it came in a bill other than an appropriation bill from the Committee on Military Affairs.

Now, what is the law? The Revised Statutes authorize the making of all Army regulations. Army regulations have been made in pursuance of that statute, which fixes the commutation of quarters at $21.

Mr. BRAGG. That is no Army regulation at all.

Mr. CANNON. What is it?

Mr. BRAGG. It is an order. Let me call the gentleman's attention to it for a moment, for I think I can make him understand.

Mr. CANNON. Very well.

Mr. BRAGG. We reduced commutation, or forbade any commutation, by a provision of law incorporated in an appropriation bill in the Forty-sixth Congress, at a greater rate than $12 a room to a lieutenant.

There is no law giving commutation of rations or commutation of fuel or quarters to an enlisted man at all; there never was, and there never ought to be.

But this provision is a means devised by a military order to pay men who were entitled to more pay than they could otherwise get, and for that reason we limited these payments so as to bring it within the law; and that is all there is of it.

Mr. CANNON. I have said I am not sufficiently familiar with military affairs to be able to express an opinion as to the merits of this proposition, nor am I sufficiently familiar with the law or the Army regulations to tell what the law is upon the subject. But I do say that if payments for a similar appropriation to this for the current year have been different from the provision fixed in this bill, they must have been under the law. Not only that, but these payments must have passed the scrutiny of the Auditor and the Comptroller of the Treasury, without they had been authorized by the Secretary of War.

Now, the gentleman comes in and says to correct a practice—to correct a payment touching these matters that have passed the accounting officers of the Treasury, and therefore necessarily in pursuance of existing law—the gentleman seeks to come in and change that existing law, and make a law under which such provision shall not prevail in future.

Mr. BRAGG. Let me ask the gentleman, who is a member of the economical Committee on Appropriations, a question. Suppose the Comptroller or the Auditor of the Treasury had been year after year passing $100,000 on accounts without law at all, I ask would that make it a legal transaction? The committee found that such payments had been made without authority of law; and does the gentleman hold, therefore, that it should receive the sanction of law, and that it would take a positive act of Congress to prevent an illegal payment of money?

Mr. CANNON. Mr. Speaker, if the Comptroller of the Treasury or if the Auditor passes accounts illegally and corruptly, then the remedy is by way of impeachment. However, the Comptroller and the Auditor construe the law. They have a separate duty to that performed by the gentleman from Wisconsin and myself, and that is they have to say what expenditures are in pursuance of law and what are not in pursuance of law; and when that construction is given, when that precedent is made, the law is construed and is to stand until it is changed by legislative enactment or until the precedent is reversed by the proper judicial authority.

And the Comptroller of the Treasury does exercise judical power. In the early days of the Republic executions were issued upon his findings. Now, I say again, while I have no information as to the propriety of this legislation, its presence here is a confession that it is to change the law, or to make law where none now exists. If that be the case, then under the cast-iron rule that has been adopted by this House, that no legislation, good, wise, or indifferent, shall be written into or upon a general appropriation bill, when the point of order is made that obliterates it.

Mr. STEELE. Heretofore legislation has been allowed upon appropriation bills. Under the present rules of the House it is not allowed. The committee sought diligently to find any law by which the enlisted men were allowed commutation for quarters and for fuel. We were unable to find the law stated at any place in the regulations. We wrote then to the War Department to know by what authority this commutation was paid, and the only answer we got was that it was a system that had grown up, and there was no law for it.

Mr. LONG. I desire to ask the gentleman from Indiana a question. Do I understand him, then, that the provisions which are embraced in these provisos are not already the law?

Mr. STEELE. The regulations are the law. So far as the commutation of rations is concerned that is a law. They are commuted at a certain rate. They had it placed at 75 cents, and the commutation for clothing is allowed.

Mr. LONG. If this is already law, why put in these provisos?

Mr. STEELE. To what does the gentleman refer?

Mr. LONG. I ask the gentleman from Indiana whether the language in these two provisos from line 43 to line 49 is already existing law?

Mr. STEELE. Heretofore the Department has construed it. They might allow more. This is intended to construe it and does not allow more to be provided.

Mr. LONG. Does this change the law or make a new law?

Mr. STEELE. I do not think it makes a new law.

Mr. LONG. Does it change existing law?

Mr. STEELE. No, sir.

Mr. LONG. Then what force has it?

Mr. STEELE. It corrects bad practices which have grown up under the law.

Mr. LONG. If it is a change of law it is obnoxious to the rule.

Mr. PRICE. I think I am the most unfortunate member of the House. I wanted to know what the Army Regulations provided, and I sent a note to the Secretary of War, requesting him to send me the last revision of the Army Regulations. He sent me a ponderous book, which I hold in my hand. Turning to page 22, I find article 17, section 145, reads as follows:

The whole number of general-service men of all grades and designations allowed as clerks for division, department, and district headquarters, and for superintendents of the recruiting service, is as follows:

Then follows an enumeration of them.

The following distribution of the general-service clerks above authorized is announced.

And then this article of the Army Regulations, article 17, section 145, gives their grades. And I find this:

Rating of commutation for quarters, $21 a month.
Rating of commutation for fuel, $9 a month.

And I not having been schooled at the feet of the gentleman who thinks he can make the gentleman from Illinois [Mr. CANNON] understand while he can not make me do so—I can not understand why the Secretary of War should have sent me that book to mislead me and impress the gentleman from Wisconsin [Mr. BRAGG] with the idea that I am unable to understand the plainest terms of the English language.

This comes to us with all the force and significance of an Army regulation, and I must accept it as such notwithstanding the sneer of the gentleman that only the gentleman from Illinois could be taught to understand it.

Mr. BRAGG (crossing the floor and holding out a paper). If you will take the trouble to read it, I will show you the original order.

Mr. PRICE. I do not care about your original order. I have here the book sent me by the Secretary of War, and I would rather have it in this form than have it coming indorsed by the gentleman from Wisconsin.

Mr. VIELE. Can this Secretary of War, or any other Secretary of War, prescribe laws for the government of Congress?

Mr. PRICE. No, sir; but we prescribe our own laws or rules, and they declare that there shall be no provision put on an appropriation bill which changes existing law. I have shown that this is existing law. The Supreme Court has so decided. All I ask you to do is to observe the law you have made for yourselves, and for my part I raise my voice against a violation of that law as contained in Rule XXI.

The CHAIRMAN. The Chair is ready to rule on the question of order. The gentleman from Wisconsin on the left [Mr. PRICE] makes the point of order that the clause which has been read by the Clerk changes existing law, and is therefore not in order in a general appropriation bill.

The Clerk will report the clause to which the point of order is made.

The Clerk read as follows:

Provided, That no part of such sum shall be paid for commutation of quarters at a greater rate to each man than $12 per month, and for commutation of fuel at a greater rate to each man than $6 per month: *Provided further*, That no such payment for extra-duty pay or for commutation shall be made without the men being regularly mustered therefor.

The CHAIRMAN. It will be observed by carefully examining this clause that it does not change existing law even if the Army regulations referred to by the gentleman from Wisconsin were a statutory provision. It simply provides that no part of the sum appropriated in this act shall be paid out for the purposes stated at a greater rate than is herein mentioned.

Mr. PRICE. I must appeal from the decision of the Chair.

The CHAIRMAN. One moment. The Chair is of the opinion that the clause in the rule to which reference has been made does not prohibit the House or the committee from limiting in any way that it may see fit any appropriation. It has been always regarded as a part of the province of Congress to direct and limit the appropriations that are made. The law, whatever it may be, remains the same, but Congress provides that this fund is to be applied in a particular way. For these reasons the Chair overrules the point of order.

Mr. PRICE. From that decision of the Chair I desire to take an appeal.

Mr. CANNON. Will the Chair allow me to ask a question on that point? I want to see if I understand correctly the decision of the Chair.

Mr. BRAGG. Mr. Chairman, I must insist that after a ruling has been made by the Chair the House shall either stand by it or overrule it without debate.

The CHAIRMAN. The Chair will hear the question of the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. I desire to ask a question in good faith, to ascertain whether I understand the full scope of the ruling. I understand the Chair to rule that, although the law may fix or does fix a salary at a certain figure, yet that it is competent for this House, notwithstanding Rule XXI, which prohibits new legislation upon an appropriation bill, to limit the amount to one-half the salary fixed by law. For instance, if the salary is $3,000 a year, I understand the Chair to hold that it is competent to appropriate in full satisfaction of that salary for the coming year the sum of $1,500, and that that does not constitute any change of law.

The CHAIRMAN. That is not the question here. It would, however, be competent to provide in the appropriation bill that not more than $1,500 a year should be paid out of the amount appropriated, although the salary as fixed by law might be $3,000. The law, whatever it was, would remain the same; but Congress in its wisdom would have seen fit to appropriate a less sum of money than the law fixed as the salary. If such action on the part of Congress did actually change

the law, then the party affected would not have a status in the Court of Claims to recover the balance of his salary; but cases have arisen in the Court of Claims where persons have sued for a balance due them under the law and have recovered. There being no change of law, but simply an appropriation by Congress of such sum as it desires to appropriate for this particular purpose, the rule is not violated, and the point of order is overruled.

Mr. CANNON. May I inquire further of the Chair, because it is important that the meaning of the ruling shall be fully understood——

Mr. BRAGG. Mr. Chairman, I must insist——

The CHAIRMAN. The Chair will indulge the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. I desire to ask whether the Chair has taken into consideration the enacting clause of this bill which provides that "the following sums be, and they are hereby, appropriated out of any money in the Treasury not otherwise appropriated for the support of the Army for the year ending June 30, 1887?"

Then, following the enacting clause, comes the clause that we are considering. Now, although the law may fix the commutation at $21 a month, has the Chair considered whether, taking these two provisions of the bill together, they do not amount to a repeal of the law for the coming year, so that the party would have no status in the Court of Claims, the two clauses taken together operating as a repeal of the law?

The CHAIRMAN. The Chair has considered that point. It is clearly competent for the House to appropriate any sum of money that it may see fit for the support of the Army, and the right of the House to do that ought not to be and can not be interfered with, as it would be by a decision suppressing as out of order a proposition for such a limitation of the appropriation. Does the gentleman from Wisconsin [Mr. PRICE] appeal from the decision of the Chair?

Mr. PRICE. Undoubtedly, sir.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and the Chair stated that the ayes seemed to have it.

Mr. PRICE. I call for a division.

The House divided; and there were—ayes 88, noes 25.

Mr. PRICE. No quorum.

The CHAIRMAN. The point being made that no quorum has voted, the Chair will appoint as tellers the gentleman from Wisconsin [Mr. PRICE] and the gentleman from Wisconsin [Mr. BRAGG].

Mr. PRICE. Mr. Chairman, it was at the request of some of my friends that I demanded a quorum, and as they now release me I withdraw the call, not having any desire myself to consume time upon this question.

The CHAIRMAN. The call for a quorum is withdrawn; the ayes have it, and the decision of the Chair is sustained.

Mr. BRAGG. Mr. Chairman, I move to amend the bill by striking out in line 41 all after the words "clerks and messengers" down to and including the forty-ninth line and inserting in lieu thereof "$105,500."

Mr. HOLMAN. Mr. Chairman, I had understood that that proviso was inserted as a means of retrenchment in this branch of the service, but I see now that the gentleman proposes to strike it all out.

Mr. BRAGG. No, sir; if it had stood as it was, the amount would be nearly one hundred and fifty thousand. This effects a saving of about $90,000.

Mr. HOLMAN. But the gentleman proposes to strike out the proviso.

Mr. BRAGG. Yes; we propose to strike it out, to make this conform to the law which the House has passed, limiting the service and the pay.

Mr. HOLMAN. Then in fact this proviso is of no consequence.

Mr. BRAGG. Not now.

Mr. CANNON. Has the bill to which the gentleman from Wisconsin refers become law?

Mr. BRAGG. It will be law in a few days.

Mr. HOLMAN. It may not become a law.

Mr. BRAGG. What if it is not law?

Mr. HOLMAN. I ask that the amendment be again read.

The Clerk again read the amendment.

Mr. HOLMAN. I hope some further explanation will be made, for I do not exactly apprehend the views of the chairman of the Committee on Military Affairs. The sum named in the bill is $29,160. Now this proposition largely increases the amount of the appropriation.

Mr. BRAGG. I will try to explain the matter so that the gentleman from Indiana and other members of the committee may understand it.

Under the present custom of the Department there are or may be employed one hundred and seventy-three clerks. By the previous paragraph of this bill we have limited the number of these clerks to one hundred and three. Under the present system appropriation has been made for sixty-six messengers, but in the previous paragraph of this bill we have limited the number of messengers to forty-five. Under existing arrangements those one hundred and seventy-three clerks receive pay ranging from $92 to about $104 a month, making a sum of money larger by $90,000 a year than the amount here appropriated.

The reason the provisos were put in before amending this section as proposed by the committee was this: We had no assurance that we would be able to pass through this House our bill regulating and establishing the general-service system of messengers and clerks. Therefore, in order to provide for those serving as general-service clerks, we in our bill limited the pay to such provisions as we saw would be authorized by existing law; that is, to the payment of $6 a month for fuel and $12 a month for rooms. We did this in analogy with the statute passed in connection with the Army bill, which fixes the commutation of the Lieutenant-General and the commanding generals and all other officers at $12 a room. By analogy with this payment of $12 a room authorized by law for the officers of the Army, we allowed this payment to a clerk employed on detached duty, and who would necessarily require a room in order to discharge properly his duties.

Mr. HOLMAN. The proposition as it now stands in the bill, with the omissions which have been made, reads, I believe, in this form:

For payment to enlisted men serving as general-service clerks and messengers, one hundred and thirty-five in all, $29,160.

Now, as I understand, the effect of the pending amendment is to increase the amount of the appropriation from $29,160 to the amount which the amendment names.

Mr. BRAGG. Yes, sir.

Mr. HOLMAN. How does that happen?

Mr. BRAGG. I have been trying to explain that; and if I have not done so, I can not.

Mr. HOLMAN. If the effect of the gentleman's amendment is to increase largely the appropriation, I desire to inquire further why should that be done?

Mr. BRAGG. I will try again to explain that.

Mr. HOLMAN. If the bill we pass should become a law and should have the same effect as the provision in the text of this bill, why does it become necessary to increase largely the appropriation?

Mr. BRAGG. It does seem to me that the jingle of coppers sometimes leads my distinguished friend astray, so that he loses that steady balance which at other times he is remarkable for possessing. The appropriation as it now stands in this bill is totally inadequate for the payment of these clerks; but it was the only appropriation we felt authorized to make until we had tried the sense of this House as to its willingness to organize a system of clerks and provide for their payment. Therefore in the bill reported the number of clerks was limited to one hundred and three, the number of messengers to forty-five, providing what their salaries should be, making the salary to be given them by law correspond to the salary which had been eked out for them in petit larcenies upon the different appropriations. The House sustained the bill which we reported for a general-service system of messengers and clerks, and the bill has gone to the Senate. Therefore, in placing in the hands of the Paymaster-General money to discharge the liabilities of the Government in case that bill should become a law, we now make the appropriation large enough to meet the demands of the service. This is in lieu of all the provisos to which there was objection.

Mr. CUTCHEON. Suppose that the bill to which the gentleman refers should not pass the Senate and become a law, what would be the effect of the provision in this bill?

Mr. BRAGG. The effect would be this: The money appropriated could only be paid at the rates specified.

Mr. CUTCHEON. Would $105,500 be sufficient, if the bill which has gone to the Senate should not become a law?

Mr. BRAGG. Yes, sir; but it would pay only one hundred and three clerks instead of one hundred and seventy-three, and forty-five messengers instead of sixty-six. In other words, we make provision by money to pay the number of men that we recognize ought to be employed.

Mr. HOLMAN. In any event it is manifest that in order to make this bill consistent with the bill which passed the other day the amount named here is too small, and ought to have been $105,500, instead of the amount as reported. I understand that to be the effect of the gentleman's statement.

The question being taken on the amendment of Mr. BRAGG, it was agreed to.

Mr. KING. I move the following amendment.

The Clerk read as follows:

Provided, That no enlisted man shall be employed or used as a valet or servant. Any one violating this provision shall, upon conviction, be fined not less than $500 nor less than $1,000 for each and every such offense.

Mr. BRAGG. I make a point of order against that amendment.

Mr. KING. I ask the gentleman from Wisconsin to withhold his point of order until I can be heard upon the amendment for a few minutes.

Mr. BRAGG. I will hold the point in reserve and yield to the gentleman from Louisiana.

Mr. KING. Mr. Chairman, whether there are statutes or regulations controlling this feature in the military service I have not been able to satisfy myself, but it has come to my knowledge that the practice does exist of officers in the Army using enlisted men as servants or valets. If such practice does prevail, surely some law should be enacted to do away with it. It is discreditable. Nothing could degrade

and demoralize the service more than to make servants, lackeys, of our enlisted men.

In the first place no, man worthy of wielding a sword or carrying a musket would accept such service. And when an enlisted man does go into such a position it must necessarily affect the *morale* of the command. It degrades the men, and they feel it. We have a phenomenal spectacle in our Army, small as it is, in its list of deserters.

The vast extent of desertion from the Army, amounting to nearly one-half of its force, is a question which should be investigated and some remedy applied to the evil. Why should so large a number of the American Army desert every year? They are better paid, better fed, and better clothed than the soldiers of any other army in the world.

This army is commanded almost exclusively by graduates of the Military Academy at West Point. Can it be possible that it is for want of judicious discipline that produces this disgraceful result? There is a great deal in the American soldier. He is more than a mere machine. He is a man, and is governed by the same instincts of higher manhood that controls the American citizen generally. He knows his rights and the natural dignity of his character, and when treated accordingly he will as a rule obey the law under which he serves; but when called upon to perform menial service his manhood rebels.

If officers want servants they should hire them as other men do, or Congress should provide them with servants.

I do not understand from reading history, however, that the great commanders of the world were reared in such luxury.

If, Mr. Chairman, there is no general law prohibiting this abuse, one should be enacted at the earliest date practicable and blot out this luxurious and demoralizing practice.

I withdraw my amendment.

The Clerk read as follows:

PAY OF THE STAFF CORPS.

Corps of Engineers.—For one brigadier-general, six colonels, twelve lieutenant-colonels, twenty-four majors, thirty captains (mounted), twenty-six first lieutenants (mounted), ten second lieutenants (mounted), and for additional pay to adjutant and quartermaster, in all $239,500.

Additional pay: For pay of officers in the Corps of Engineers for length of service, to be paid with their current monthly pay, $66,864.

Mr. WHEELER. Mr. Chairman, I move to strike out the words in line 67, "pay of the staff corps," and insert "pay of Corps of Engineers."

My object in making that amendment is this: I wish to prevent the possibility even by implication of legislating so as to make the Corps of Engineers a part of the staff of the Army. The Corps of Engineers in our Army is a part of the line. In European armies from which we took our system the corps of engineers constitutes a part of the line of the army, and there as here, the engineer officers have the right to command troops.

On June 16, 1775, the Continental Congress resolved—

That there be one chief engineer and two assistants at the grand army.

On December 27, 1776, Congress resolved—

That there be sixteen battalions of infantry, three thousand light-horse, three regiments of artillery, and a corps of engineers.

On May 27, 1778, Congress resolved—

That in the engineering department three companies be established.

On the 11th of March, 1779, Congress resolved—

That the engineers in the service of the United States shall be formed into a corps and styled the "Corps of Engineers," and shall take rank and enjoy the same rights, honors, and privileges with the other troops in the Continental establishment.

That a commandant of the Corps of Engineers shall be appointed by Congress

In 1789 the Secretary of War, General Knox, recommended the organization of "a small corps of artillerists and engineers."

On May 9, 1794, in the Third Congress (see volume 1, page 366), we find an act organizing a corps of artillerists and engineers, to consist of fifty-three officers, thirty-two cadets, and nine hundred and ninety-two enlisted men. This organization was certainly a part of the line of the Army.

The act of March 3, 1795 (see volume 1, page 430), completed this corps.

The act of April 27, 1798, Fifth Congress, second session (see volume 1, page 552), provided for an additional regiment of artillerists and engineers.

The act of July 16, 1798 (see volume 1, page 604), and the act of March 3, 1799 (see volume 1, page 749), and the act of May 14, 1800, Sixth Congress (see volume 2, page 85), all legislate for the Corps of Engineers, but do not change its status as part of the line of the Army.

The act of March 16, 1802, Seventh Congress (volume 2, page 132), provides that in place of the two regiments of artillerists and engineers there shall be one regiment of artillerists and one Corps of Engineers, and that the Corps of Engineers shall be stationed at West Point.

Section 3 of the act of February 28, 1803, Seventh Congress (volume 2, page 206), provides that the commanding officer of the Corps of Engineers be authorized to enlist an artificer and enlisted men.

The act of April 29, 1812, Twelfth Congress (volume 2, page 720), directs that—

The artificers and privates in the Corps of Engineers shall be formed into a company, and be officered from the Corps of Engineers according as the commanding officer of that corps may direct.

Section 6 of this act repeals the law which "confines the selection of the commander of the Corps of Engineers to the said corps."

On June 23, 1812, the President instructed General Bloomfield to "assign officers of the Corps of Engineers to such duties in the line of the Army as may comport with their rank."

The act of March 2, 1821, Sixteenth Congress (volume 3, page 615), provides that the Corps of Engineers "shall be retained in the service as at present organized."

The act of May 15, 1846, Twenty-ninth Congress (volume 9, page 12), provides:

That there be added to the Corps of Engineers one company of sappers miners, and pontoniers, to be called engineer soldiers.

The act of August 3, 1861, Thirty-seventh Congress (volume 12, page 287), provides—

That there shall be added to the Corps of Engineers three companies of engineer soldiers, to be commanded by appropriate officers of said corps.

The act of August 6, 1861, Thirty-seventh Congress (volume 12, page 317), provides—

That there be added to the Corps of Topographical Engineers one company of soldiers, to be commanded by appropriate officers of said corps.

The act of March 3, 1863, Thirty-seventh Congress, third session (volume 12, page 743), merged the Corps of Topographical Engineers with the Corps of Engineers.

The act of July 28, 1866, Thirty-ninth Congress (volume 14, page 335, section 20), provided that—

Five companies of engineer soldiers shall constitute a battalion of engineers to be officered by officers of the Corps of Engineers.

I have now called attention to every law passed by the Continental Congress, or by Congress under the Constitution, which is pertinent to my argument. It will be observed that every law treats of the Corps of Engineers as constituting part of the line of the Army. It will also be observed that the senior officer is invariably referred to as the commanding officer of the Corps of Engineers, which precludes the possibility of the corps being regarded as a staff organization.

As additional proof that the Corps of Engineers was not a part of the general staff of the Army, I call the attention of the committee to the act of March 3, 1813, Twelfth Congress, second session (volume 2, page 816), and the act of April 24, 1816, Fourteenth Congress (volume 3, page 297), one of the purposes of these acts being to designate the officers of which the general staff shall consist, and in neither of these acts is the Corps of Engineers included as a part of the staff.

Now, Mr. Chairman, having seen that every law enacted since the organization of our Government provided for a Corps of Engineers as a part of the line of the Army, I think it a bad precedent to class the Corps of Engineers in this bill as a part of the staff.

Mr. BRAGG. I would like to inquire of the gentleman from Alabama if he is willing to say that engineers have always been rated as belonging to the line of the Army?

Mr. WHEELER. There have been efforts on several occasions to classify them as part of the staff organizations, or it would be more exact to say that efforts have been made to deprive engineer officers of the prerogatives of command which are enjoyed by officers of the line. This was the gravamen of the controversy which arose in 1803 between Colonel Williams, of the engineers, and Captain Izard, of the artillery. This conflict was practically settled by the enactment of the sixty-third article of war, which empowered the President to assign engineer officers to the command of troops. (See act April 10, 1806, Ninth Congress, volume 2, page 250.) It is also true that in the Army Register for 1879 the words "staff corps" were printed at the top of the pages which contained the Corps of Engineers. But this was regarded as unauthorized, and it has never been repeated.

While this may at first sight appear to be a matter of little moment yet if the members of this House will reflect the objection to the improper designation of corps will become clearly apparent.

[Here the hammer fell.]

Mr. BRAGG. Mr. Chairman, it is most astounding that certain men have fed upon such meat that, like Cæsar, they have grown too great to belong anywhere. There is somebody who has said, and I think a poet, that there is a certain class of people who are too good for heaven, too mean for hell, and nobody knew where they were going.

We have an Engineer Corps which has actually outgrown its pantaloons. It sets itself up as an independent institution. It does not belong to the staff of the Army, oh! no, because then it would be under the command of somebody. They have no command in the line of the Army; they do not serve in the line. Who are they?

These are the distinguished gentlemen who spend the millions on rivers and harbors under the direction of the Secretary of War. They are a part of his staff.

Mr. WHEELER. Do not you admit that there are five companies in the line of the Army?

Mr. BRAGG. Oh, yes; you have some men who are in training for sappers and miners, and things of that sort.

But, Mr. Chairman, it does not require any such thing as a statute to determine what a staff is. These gentlemen only claim now to be excused. Why, the Army is no longer a thing for them to be in; for if they go in the staff it implies that they are under somebody!

Let us see if they have any recognition in the statute. What do the military terms imply?

The staff of the Army may be properly designated under three heads—

And I read now from a standard military dictionary—

The general staff, consisting of the adjutant-general, assistant adjutants-general, aides-de-camp, inspector-general, and assistant inspectors-general.

Now, in framing this Army bill I classified them and put them under the general staff. There is no statute which defines what the general staff shall be, but that is exactly what the general staff means. Let us see what the authorities say:

Second, the staff corps: These are special corps or departments, whose duties are confined to distinct branches of the service.

Who are they?

The engineer corps, the topographical engineers, are such a staff corps. The ordnance, the quartermaster, the subsistence, the medical, and the pay departments are staff departments.

In drawing the bill I have considered first the general staff, so that the country may see exactly what they cost. Then I set apart the staff corps, so that the country could see exactly what the engineers cost; and then the staff departments, in order, as they come under the definition of staff as defined here by a standard military dictionary, a recognized authority everywhere, to see what each one of these different branches of the service costs; and it is nothing but miserable squeamishness upon the part of these people, who are afraid to be classed in this manner with the common herd. They do not want to go down with the *ignobile vulgus;* that would wound their sensitive pride. But when you go near one of these people it is, "*procul, procul este, profani*—I am an engineer!"

Mr. STORM was recognized, and yielded his time to Mr. WHEELER.

Mr. WHEELER. I am sorry indeed, Mr. Chairman, to differ with the distinguished chairman of the Committee on Military Affairs, for whom I have the highest respect; but I think he makes a great error in saying that the Engineer Corps are afraid of being classed with the common herd. Certainly the gentleman does not regard the staff of the Army as "common."

The staff corps are held up as the very *élite* of the *élite* of the Army, and the engineers have no objection to be classed as members of the staff as far as that word goes.

But this bill and all laws ought to be so constructed as to work for the best interests of the service, and to place the Engineer Corps of the Army into the staff would have the effect to prevent these distinguished officers from having any command. Everybody in the House knows——

Mr. BRAGG. What command do they have now?

Mr. WHEELER. They have the right to command, and it ought to be so fixed as to secure to an officer of engineers the same chance as any other officer of the line of the Army to assume any command that might fall to him when on any duty to which he could or might be called.

Mr. BRAGG. And you propose to take them off the staff and put them in the line?

Mr. WHEELER. By all means; that is where they belong. There was no law ever made by the United States that places them in the staff until this bill proposed to put them there. The new rules prescribe that there shall be no legislation in appropriation bills, and this attempt to put them in the staff does put legislation upon an appropriation bill because it defines them as the staff when they actually belong to the line.

Now every member of this House knows that the Engineer Corps is composed of the most distinguished graduates of West Point.

Mr. LONG. May I ask the gentleman a question?

Mr. WHEELER. Yes, sir.

Mr. LONG. Do you not claim that the engineers belong to the line now?

Mr. WHEELER. I do. They belong to the line under every law from 1776 down to the present day.

Mr. BRAGG. Where is their command? Is there a battalion of engineers at Willets Point?

Mr. WHEELER. Some are there and some are elsewhere. But during the war every gentleman knows there were regiments of engineers under the command of distinguished engineer officers. Lieutenants, captains, or majors were made colonels of volunteer regiments of engineers and put in command of these regiments of engineers and did line duty.

Mr. BRAGG. You may have had them where you were. We had not.

Mr. WHEELER. They had them in Thomas's army and Sherman's army, and in all the armies on both sides; and no proper army was ever organized in Europe or America without regiments of engineers commanded by regular engineer officers.

Mr. STEELE. Will the gentleman yield to me for a moment?

Mr. WHEELER. Yes, sir.

Mr. STEELE. I am thoroughly in sympathy with the view of the gentleman from Alabama. But it is not settled law that they are in the line. I have investigated the matter lately in connection with the army bill which I have had in charge, and at the suggestion of the War Department and the Engineer Department have incorporated in the bill a provision that they should be in the line. The question has been decided differently by different Secretaries.

Mr. WHEELER. I think my friend is mistaken as to its having ever been formally and officially decided that the Corps of Engineers was part of the staff of the Army. In 1803 the Secretary of War decided that officers of engineers should not command any officer or troops of any other corps except by special orders of the President. The other corps referred to in this order were necessarily the artillery, cavalry, or infantry, and as it speaks of them as "other corps" it must be obvious that these corps and the Corps of Engineers were at that time regarded as corps of the line of the Army. The reason given for the order was that "the scientific pursuits of the Corps of Engineers do not allow time for attention to details, police, and discipline of the troops."

It is true that engineer officers are frequently detailed for staff duty, but this is equally true of the officers of the artillery, cavalry, and infantry, and no one has ever made an effort to maintain the proposition that such details affected in any way the status of the corps to which they belonged.

Besides all this every law ever enacted with regard to the Corps of Engineers has put them in the line, and not one law speaks of them as being in the staff.

Mr. BRAGG. Did you ever hear of a man being promoted in linear promotion to fill a vacancy as a captain, major, or colonel in the Engineer Corps?

Mr. WHEELER. In all regiments of engineers or corps of engineers they are promoted in regular order, the same as in other parts of the line.

Mr. VIELE. Did you ever hear of an engineer officer fighting Indians?

Mr. WHEELER. No, sir; because they have other duties to perform. But engineer officers were on duty as officers of regiments or battalions of engineers during the war in every campaign on both sides.

Now, Mr. Chairman, I simply want to repeat that this bill commences by implication to put the Corps of Engineers where they do not belong according to the statutes. That is not good legislation.

The distinguished gentleman from Wisconsin, the chairman of our committee (and an admirable chairman he is, too), admits that there are now five companies of engineers commanded by engineer officers. If they are staff officers, what right have they to be commanding troops? And yet, ever since we have had an Army organization, officers of the Corps of Engineers have been commanding companies or battalions of engineer troops.

I hope the committee will sustain this amendment, because at any rate it can not do a particle of harm, and I assure the committee it will do good.

[Here the hammer fell.]

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

In line 67, strike out the words "staff corps."

The CHAIRMAN. The Chair desires to state this is a mere headline for the provisions following. It is not transferred to the act which is published in the Statutes at Large, and will not appear as a part of the law. It is not transferred to the law as printed, and would be omitted by the enrolling clerks.

Mr. WHEELER. The object might be accomplished by transferring the words "pay of staff corps" from line 67 to below line 77. That is where it should come in.

Mr. BRAGG. I think not. We can not do that.

Mr. WHEELER. I insist on my original amendment, which will attain the object which I have in view.

The CHAIRMAN. The Chair will entertain the gentleman's amendment.

The question being taken, the amendment was agreed to.

Mr. HEPBURN. I move that the committee do now rise.

Mr. BRAGG. I hope the committee will not rise yet, but will make some further progress with the bill.

The CHAIRMAN. The question is not debatable.

The committee divided; and there were—ayes 66, noes 33.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 6395) making appropriations for the support of the Army for the fiscal year ending June 30, 1887, and for other purposes, had come to no resolution thereon.

Mr. DUNHAM. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock p. m.) the House adjourned until Monday at 11 o'clock a. m.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: Petition of delegates of District Assembly No. 66, Knights of Labor, of the District of Columbia, for the passage of the

bill (H. R. 4308) to regulate steam engineering in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BOUND: Petition of John J. Nissley and many others, of Hummelstown, Dauphin County, Pennsylvania, for the passage of a law to redeem the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. CAINE: Petition of 4,454 citizens of various parts of Utah Territory, and of 3,110 citizens of Weber County, Utah Territory, earnestly protesting against the enactment of any legislation which will deprive them of all voice in the government of that Territory, by disfranchising them, through test-oaths, on account of their religious belief, as proposed by the minority party of said Territory; also against the passage of any law which would abolish the Legislature of Utah and create for the government of the Territory a legislative commission—to the Committee on the Territories.

By Mr. COMPTON: Petition of Hester Ann Ridout, administratrix of Hester Ann and Matilda Chase, Anne Arundel County, Maryland; of A. T. Sneuffler, of Frederick County, and of Philip Shearer, for payment of supplies and stores taken and used by the Army of the United States during the late war—to the Committee on War Claims.

By Mr. FINDLAY: Memorial of Drovers and Mechanics' National Bank, and others, of Baltimore, in favor of the redemption of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. JACKSON: Petition of Elizabeth Denges, for a widow's pension—to the Committee on Invalid Pensions.

By Mr. LYMAN: Petition of 35 ladies of Red Oak, Iowa, in favor of the passage of the temperance educational bill—to the Committee on Education.

By Mr. SOWDEN: Petition of J. B. Roeder, J. E. Balliet, W. H. Ainey, C. M. W. Keck, Jas. P. Barnes, Wm. Reimer, Martin Kemever, W. R. Steckel, M. J. Kramer, F. M. Kramer, Jas. B. Smith, A. G. Renninger & Co., Wm. R. Lawfer & Co., Bittner, Hansicken & Co., Jacob L. Fan & Co., Hartzer Bros., Koch Bros., Keller & Brother, M. L. Young & Co., Brobet, Diehl & Co., H. M. Leh & Co., Trexler & Hartzell, W. H. Taylor & Co., B. F. Heinbach & Co., Zellner Bros., H. Leh & Co., and several others, of Allentown, Pa., praying Congress to pass a law redeeming the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. E. B. TAYLOR: Resolution of the Legislature of Ohio, in favor of granting pensions to prisoners of war—to the Committee on Invalid Pensions.

By Mr. THROCKMORTON: Petition of colored citizens of Denison, Tex., praying Congress to make a per capita appropriation of $100 to transport them to Liberia—to the Committee on Appropriations.

By Mr. TOOLE: Petition of Assembly No. 4482 of Knights of Labor, of Gloster, Mont., protesting against passage of the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. WEBER: Petition to amend the Constitution—to the Committee on the Judiciary.

By Mr. WEST: Petition of D. D. Cassiday and others, of Amsterdam, N. Y., praying for the redemption of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. MILO WHITE: Letter of Governor Hubbard, of Minnesota, relating to pension of Mrs. P. L. Dartt—to the Committee on Invalid Pensions.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. BINGHAM: Of Rev. H. C. McCook and 91 others, citizens of Philadelphia, Pa.

By Mr. TOOLE: Of citizens of Deer Lodge County, Montana Territory.

By Mr. WINANS: Of citizens of Genesee County, Michigan.

SENATE.

MONDAY, *May* 10, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Thursday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of April 16, 1886, a report of Lieut. Henry T. Allen of his explorations of Copper, Tanand, and Koyukuk Rivers, in Alaska, in the year 1885, with accompanying maps, photographs, and drawings explanatory thereof; which was read.

The PRESIDENT *pro tempore*. As this communication is accompanied by a number of documents, it will be referred, together with the papers, to the Committee on Printing.

The PRESIDENT *pro tempore* also laid before the Senate a communication from the Secretary of the Interior, transmitting, in reference to a resolution of February 16, 1886, a report of the Commissioner of the General Land Office as to the employment of special agents for the detection of fraud in the entries of public lands; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a joint resolution of the General Assembly of the State of Ohio, in favor of the passage of the bill (S. 779) for pensioning prisoners of war who were confined in the confederate military prisons during the late war; which was referred to the Committee on Pensions.

He also presented resolutions of the Chamber of Commerce of Cincinnati, Ohio, favoring the passage of the bill to create a court of customs and to prevent undervaluation; which were referred to the Committee on Finance.

He also presented a petition of 88 dairymen and butter-makers of Ohio, praying for the passage of the bill placing the manufacture and sale of all imitations of butter under the control of the Commissioner of Internal Revenue and taxing them at 10 cents a pound; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Tippecanoe Club of Marion County, Indiana, praying that a monument be erected over the remains of General William Henry Harrison at North Bend, Ind.; which was referred to the Committee on the Library.

Mr. GEORGE presented the petition of Dr. H. Sanche, of Port Gibson, Miss., praying governmental aid in his researches into the prevention and cure of yellow fever; which was referred to the Committee on Epidemic Diseases.

Mr. CAMERON. I present a petition of 426 citizens of Oil City, Pa., in which they set forth that they labor under great inconvenience for want of a suitable public building for the United States post-office, internal-revenue and other offices connected with Government business, and praying an appropriation of $50,000 for the erection of a building proper for such purposes. The petitioners further state that the large commercial and manufacturing interests located there demand a commodious and convenient building. This petition is signed by the mayor, postmaster, treasurer, president of the board of trade, and by most of the prominent and leading business firms of Oil City. I trust that this petition will receive the careful and favorable consideration of the Committee on Public Buildings and Grounds, to whom I move its reference.

The motion was agreed to.

Mr. CAMERON presented petitions of Granges No. 533, No. 625, No. 210, No. 792, No. 508, No. 141, No. 135, and No. 204, Patrons of Husbandry, of Pennsylvania, praying for the suppression of the manufacture and sale of all imitation dairy products; which were referred to the Committee on Agriculture and Forestry.

He also presented memorials of Granges No. 135, No. 792, No. 508, No. 141, No. 210, No. 533, No. 204, and No. 625, Patrons of Husbandry, of Pennsylvania, remonstrating against the admission free of duty of all agricultural raw materials; which were referred to the Committee on Finance.

He also presented a petition of the Commercial Exchange of Philadelphia, Pa., praying for the passage of a bill legalizing contracts between commercial associations and carriers; which were referred to the Committee on Commerce.

He also presented a memorial of Patrons of Husbandry of Pennsylvania, remonstrating against the admission free of duty of all agricultural raw materials; which was referred to the Committee on Finance.

He also presented two petitions of Patrons of Husbandry of Pennsylvania, praying for the suppression of the manufacture and sale of all imitation dairy products; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of 556 citizens of Bloomsburg, Columbia County, Pennsylvania, praying for the passage of a bill embodying the recommendations of the national pension committee of the Grand Army of the Republic; which were referred to the Committee on Pensions.

He also presented the petition of J. B. Henderson and other citizens of Brookville, Pa., and a petition of citizens of Orwigsburg and Pottsville, Pa., praying for the passage of a bill providing for the redemption of the trade-dollar; which was referred to the Committee on Finance.

Mr. CAMERON. I also present a petition signed by 213 citizens of Pottsville, Pa., praying for the passage of a law providing for the redemption of the trade-dollar. I call the attention of the Committee on Finance to this subject, as a bill introduced by my colleague [Mr. MITCHELL, of Pennsylvania] in the early part of the session has been before that committee for four months. Numerous citizens of my State are interested in the passage of the bill, and I should be glad if the committee would give the subject early consideration.

I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. CAMERON. I also present numerous petitions sent to my colleague [Mr. MITCHELL], who is necessarily absent on account of sickness. I present the petitions of many Granges of Patrons of Husbandry in Pennsylvania, praying for the passage of the bill to suppress the manu-

facture and sale of imitation butter. I move the reference of the petitions to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. CAMERON. I also present on behalf of my colleague sundry memorials of Granges of Patrons of Husbandry, remonstrating against legislation to admit wool, tobacco, &c., free of duty. I move the reference of the memorials to the Committee on Finance.

The motion was agreed to.

Mr. CAMERON. I also present on behalf of my colleague a petition of the Association of Ex-Prisoners of War of Philadelphia, Pa., praying for the passage of what is known as the Logan war-prisoner's pension bill. I move its reference to the Committee on Pensions.

The motion was agreed to.

Mr. CAMERON. On behalf of my colleague I also present a petition of the board of directors of the First National Bank of Conshohocken, Pa., praying for the passage of a law providing for the retirement of the trade-dollar. I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

Mr. CAMERON. I also present on behalf of my colleague a petition of the Society of Friends of Philadelphia, Pa., praying for legislation to provide exemplary punishment for seduction. I move the reference of the petition to the Committee on the District of Columbia.

The motion was agreed to.

Mr. CAMERON. I also present on behalf of my colleague a memorial of Knights of Labor, of Philadelphia, Pa., remonstrating against the passage of the free-ship bill. I move that the memorial be referred to the Committee on Commerce.

The motion was agreed to.

Mr. PLATT. I present the petition of A. B. Osborne and others, of New Haven, Conn., praying for the redemption of the trade-dollar. I notice among the names appended to the petition those of the governor of the State of Connecticut and sundry other very influential citizens. I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

Mr. MORRILL. I present the petition of J. S. Hackett, J. E. Kiddall, L. M. Backus, and various other citizens of North Tunbridge, Vt., praying that the manufacture of imitation butter be prohibited, and that it shall not be sold under any other name, if at all, than its true name. I move that the petition be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. SAWYER presented resolutions adopted by the E. B. Wolcott Post, Grand Army of the Republic, of Milwaukee, Wis., in favor of increasing pensions of soldiers and their widows and children; which were referred to the Committee on Pensions.

He also presented the petition of Margaret Lynch, of Clark County, Wisconsin, mother of Lewis Lynch, late a private in Company I, Fourteenth Regiment Wisconsin Volunteers, praying to be allowed an increase of pension; which was referred to the Committee on Pensions.

He also presented the petition of Frank E. Swenson and other citizens of McLean County, Dakota Territory, praying for legislation in regard to the exemption from taxation of the lands of the Northern Pacific Railroad; which was ordered to lie on the table.

Mr. WILSON, of Iowa, presented the petition of Arabella Coddington, who served in the hospital service during the late war, praying for an increase of pension; which was referred to the Committee on Pensions.

He also presented a petition of citizens of Iowa, praying that Mrs. Eliza Ferguson, widow of Hance Ferguson, late a private in the Thirty-third Iowa Volunteer Infantry, may be restored to the pension-rolls; which was referred to the Committee on Pensions.

Mr. PALMER presented a petition of Professor J. C. Arthur and 4 others, a committee appointed by the American Association for the Advancement of Science, praying that an appropriation be made for investigating the nature of the diseases of fruits, fruit trees, grains, and plants; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of the Woman's Christian Temperance Union of Ann Arbor and Nashville, in the State of Michigan, praying for legislation appropriate for the protection of young girls in the District of Columbia and other localities within the jurisdiction of the United States; which were referred to the Committee on the District of Columbia.

Mr. PALMER. I also present the memorial of John R. Hinton and 15 other citizens of McLean County, Dakota, setting forth the inability of that county to meet its necessary expenditures by reason of the exemption of railroad lands within its limits from taxation, and praying for relief. I do not know to what committee the memorial should be referred.

The PRESIDENT *pro tempore*. To the Committee on Territories, the Chair suggests.

Mr. PALMER. I ask for the printing of the memorial in the RECORD.

Mr. HARRISON. I think a bill upon that subject has already been reported from the Committee on Public Lands.

Mr. VAN WYCK. I was going to make that suggestion, and that the memorial lie on the table.

Mr. PALMER. As a bill on the subject has been reported, I have no objection to the memorial lying on the table.

The PRESIDENT *pro tempore*. The bill having been reported, the memorial will lie on the table.

Mr. FRYE presented the petitions of William L. Prince and others, of Cumberland, Me., and the petition of J. S. Barstow and others, of North Yarmouth, Me., praying for a revenue tax on adulterated butter; which were referred to the Committee on Agriculture and Forestry.

Mr. DOLPH presented four petitions of freeholders of Whitman County, Washington Territory, and Nez Percé County, Idaho Territory, praying for the opening of the De Smet Mission Withhold and the allotment of lands to the Indians in severalty; which were referred to the Committee on Indian Affairs.

Mr. VOORHEES. I present a petition somewhat numerously signed by citizens of Arizona, praying that the House bill recently passed granting pensions to survivors of the Mexican war be defeated in the Senate because it does not give them enough. I do not concur in the prayer, but I present the petition, and move its reference to the Committee on Pensions.

The motion was agreed to.

Mr. VOORHEES presented memorials of the Knights of Labor of South Bend and Indianapolis, in the State of Indiana, remonstrating against the employment of convict labor on public works; which were referred to the Committee on Education and Labor.

He also presented a memorial of Knights of Labor of Logansport, Ind., remonstrating against the passage of the free-ship bill; which was referred to the Committee on Commerce.

He also presented the petition of August Sowers, of Denver, Colo., praying for the passage of a bill granting him an amended discharge; which was referred to the Committee on Military Affairs.

He also presented a petition of the Legislative Assembly of Washington Territory, praying that the county of Columbia, in Washington Territory, be authorized to issue bonds for the construction of a courthouse; which was referred to the Committee on Territories.

Mr. GEORGE presented the memorial of Louis Levy, of Brookhaven, Lincoln County, Mississippi, praying relief against a judgment rendered by the special court on the Alabama claims dismissing his claim for indemnity, &c.; which was referred to the Committee on the Judiciary.

He also presented the petition of J. K. Mitchell, of Richmond, Va., praying for the removal of his disability under the fourteenth amendment; which was referred to the Committee on the Judiciary.

Mr. INGALLS presented four petitions of citizens of Crawford and Cherokee Counties, Kansas, praying for the creation of another judicial district in that State; which were referred to the Committee on the Judiciary.

Mr. BROWN. I present the petition of a very considerable number of colored citizens of Whitfield County, Georgia, who state that they are descendants of a people torn from Africa and brought to this country, where for two hundred years their children have contributed by their labor to increase the wealth of every portion of the United States. They greatly desire to go to the land of their forefathers and make it their home, but they have not the means of paying their passage and providing for their immediate wants on their arrival in Liberia. They therefore ask for the appropriation by Congress of not exceeding $100 per capita, to be expended under the direction of the American Colonization Society in paying the expenses of emigrants to Liberia and providing six months' shelter and support for themselves and their children on their arrival there.

I suppose the petition had better be referred to the Committee on Finance, as it involves a large expenditure of money.

The PRESIDENT *pro tempore*. Similar petitions have been referred to the Committee on Foreign Relations.

Mr. BROWN. Then there is no objection to that reference.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Foreign Relations.

Mr. LOGAN presented the petition of George W. Stevenson, late a private in Company H, Seventy-eighth Regiment Ohio Volunteer Infantry, praying to be allowed arrears of pension; which was referred to the Committee on Pensions.

He also presented the petition of John Cox, late a private in Company H, Twentieth Illinois Infantry, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented a petition of Sergeant Ryon Post, Grand Army of the Republic, of Brashear, Mo., praying for the passage of pension laws as recommended by the national pension committee of the Grand Army of the Republic; which was referred to the Committee on Pensions.

He also presented memorials of Knights of Labor of Chicago and Coultersville, in the State of Illinois, remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

He also presented a petition of colored citizens of the United States, praying that Congress appropriate money to transport them to Liberia; which was referred to the Committee on Foreign Relations.

Mr. GIBSON presented a petition of the mayor and councilmen of Baton Rouge, La., praying for the reopening of the old Natchez road, which runs through the garrison grounds at that place; which was referred to the Committee on Public Lands.

REPORTS OF COMMITTEES.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (S. 428) to provide for the appointment and compensation of a district judge for the southern district of Alabama, moved its indefinite postponement; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. 28) to provide for the appointment and compensation of a district judge for the southern district of Alabama, reported it with amendments, and submitted a report thereon.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 570) for the relief of E. P. Thompson; and

A bill (H. R. 4115) for the relief of John Taggart.

Mr. MAXEY. I am instructed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 933) for the relief of M. C. Mordecai, to report it back to the Senate. On examination of the case the committee are satisfied that it properly belongs to the Committee on Claims. I therefore move that the Committee on Post-Offices and Post-Roads be discharged from its further consideration, and that it be referred to the Committee on Claims.

The motion was agreed to.

Mr. INGALLS, from the Committee on the Judiciary, to whom was referred the bill (S. 461) to change the time of holding United States circuit and district courts in the southern district of the State of Florida, moved its indefinite postponement; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. 5221) to change the time of holding United States circuit and district courts in the southern district of the State of Florida, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 5910) to detach the counties of Howard, Little River, and Sevier from the western and add them to the eastern district of Arkansas, reported it without amendment.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7329) granting a pension to Patrick McKean;

A bill (S. 2258) to increase the pension of James E. Gott;

A bill (H. R. 5643) granting an increase of pension to Charles F. Ward;

A bill (H. R. 4644) granting a pension to Noah B. Brookshire; and

A bill (H. R. 3954) granting a pension to Henrietta Fisher.

HOUSE PENSION BILLS.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 504) granting a pension to Anna Kessinger;

A bill (H. R. 1148) granting a pension to Mariah E. A. B. Newell;

A bill (H. R. 1177) granting a pension to William J. Barker;

A bill (H. R. 2968) granting a pension to Harriet Peak;

A bill (H. R. 3047) granting a pension to Thomas Tegan;

A bill (H. R. 3304) to restore the name of Abner Morehead to the pension-roll;

A bill (H. R. 3501) granting a pension to Daniel J. Bingman;

A bill (H. R. 3640) granting a pension to James T. Irwin;

A bill (H. R. 3737) granting a pension to John H. Downing;

A bill (H. R. 4386) granting an increase of pension to William F. Clark;

A bill (H. R. 5232) for the relief of Mary Hawhe;

A bill (H. R. 5414) granting a pension to Maria Cunningham;

A bill (H. R. 5492) granting a pension to Eliza Newman;

A bill (H. R. 5656) granting a pension to Margaret S. Davis;

A bill (H. R. 6247) granting a pension to Mayberry Vance;

A bill (H. R. 6248) granting a pension to Louis A. Wollenweber;

A bill (H. R. 6566) granting a pension to Henry I. Cartin;

A bill (H. R. 6753) granting a pension to Mrs. Alice E. Travers;

A bill (H. R. 6895) granting a pension to Sarah Harbaugh;

A bill (H. R. 7066) for the relief of Andrew G. Hillberg;

A bill (H. R. 7249) to pension Spencer W. Tryon;

A bill (H. R. 7253) for the relief of Joseph Guy;

A bill (H. R. 7257) granting a pension to James H. Darling;

A bill (H. R. 7299) for the relief of Green Chambers;

A bill (H. R. 7401) granting a pension to Samuel Miller;

A bill (H. R. 7436) to grant a pension to Mary Anderson;

A bill (H. R. 7437) to increase the pension of Levi L. Tongue;

A bill (H. R. 7511) granting a pension to Margaret Lucy;

A bill (H. R. 7513) granting a pension to Katharina Nickert;

A bill (H. R. 7660) granting a pension to James Stobaugh;

A bill (H. R. 7688) granting a pension to Wilhelm Nolte;

A bill (H. R. 7843) granting a pension to Edwin R. Parks;

A bill (H. R. 8002) to increase the pension of Loren Burritt; and

A bill (H. R. 8325) for the relief of John Mingus.

The above thirty-five pension bills were severally read twice by their titles, and referred to the Committee on Pensions.

BILLS INTRODUCED.

Mr. WILSON, of Iowa, introduced a bill (S. 2374) granting a pension to Mrs. Arabella Coddington; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2375) to restore Mrs. Eliza Ferguson to the pension-roll; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2376) granting a pension to Mary E. Hedrick; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT. At the request of my colleague [Mr. HAWLEY], who is unable to be in the Senate to-day, I introduce a bill.

The bill (S. 2377) to authorize the United States district court for the northern district of California to proceed in the case of the executors and heirs of Augustine de Yturbide, was read twice by its title, and referred to the Committee on the Judiciary.

Mr. EVARTS introduced a bill (S. 2378) to regulate the effect of judgments and decrees of the courts of the United States in the several States; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 2379) for the relief of Mary A. Doud; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CAMERON introduced a bill (S. 2380) for a public building at West Chester, Pa.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 2381) granting a pension to Daniel Shock; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2382) granting a pension to Alice Kelley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LOGAN introduced a bill (S. 2383) for the relief of Thomas Martin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2384) granting a pension to William Peavler; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2385) granting a pension to John McCarty; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2386) granting a pension to Mary P. Jarvis; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SAWYER (by request) introduced a bill (S. 2387) to incorporate the Washington and Tennallytown Railroad Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 2388) granting a pension to Alonzo Raymond; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2389) granting a pension to Samuel H. Pierce; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2390) granting a pension to J. B. Farmer; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2391) granting a pension to John G. Warren; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE. Mr. President, in the progress of the debate on the fishery resolution the other day it was stated that there was a law which already gave the President of the United States full authority to issue proclamation closing ports of the United States under certain circumstances. I have examined that law and all other laws which I can find touching that subject, and I am not satisfied. I believe that those laws were intended to apply to discriminating duties, to tonnage and port charges, and not to the existing condition of things as between this country and Canada.

A law authorizing the President to issue proclamation should be clear and unmistakable in its terms, so that in addition to the responsibility of issuing the proclamation he should not have the responsibility of undertaking to determine the meaning of a law. Therefore I believe it to be necessary; and I introduce the bill which I send to the Chair, and ask its reference to the Committee on Commerce.

The bill (S. 2392) to limit the commercial privileges of vessels of foreign countries in the ports of the United States to such purposes as are accorded to American vessels in the ports of such foreign countries, was read the first time by its title.

Mr. MORGAN. Let the the bill be read at length.

The bill was read the second time at length, as follows:

Be it enacted, &c., That whenever any foreign country whose vessels have been placed on the same footing in the ports of the United States as American vessels (the coastwise trade excepted), shall deny to any vessels of the United States any of the commercial privileges accorded to national vessels in the harbors, ports, or waters of such foreign country, it shall be the duty of the President, on receiving satisfactory information of the continuance of such discrimination against any vessels of the United States, to issue his proclamation excluding, on and after such time as he may indicate, from the exercise of such commercial privileges in the ports of the United States as are denied to American vessels in the ports of such foreign countries, all vessels of such foreign country of a similar character to the vessels of the United States thus discriminated against, and suspending the concessions previously granted to the vessels of such country. And on and after the date named in such proclamation for it to take effect, if the master, officer, or agent of any vessel of such foreign country excluded by said proclamation from the exercise of any commercial privileges, shall do any act prohibited by said proclamation, in the ports, harbors, or waters of the United States for or on account of such vessel, such vessel and its rigging, tackle, furniture, and boats, and all the goods on board shall be liable to seizure and to forfeiture to the United States, and any person opposing any officer of the United States in the enforcement of this act or aiding or abetting any other person in such opposition, shall forfeit $800 and shall be guilty of a misdemeanor, and upon conviction shall be liable to imprisonment for a term not exceeding two years.

Mr. MORGAN. I desire to ask the Senator from Maine one question about the bill, whether it is to enlarge and increase the powers of the President of the United States or to restrict those he now has over this same subject.

Mr. FRYE. I said when I presented the bill that I had examined the law to which reference was made in the discussion of the fishery resolution, and in my judgment it does not authorize the President to issue proclamation under existing circumstances, but it was a law intended to authorize him to issue proclamation touching discriminating duties, discriminations in tonnage and port charges, having no reference whatever to privileges of this kind; and I wanted to give him full authority, when he received what he regarded as sufficient information, to close our ports against any foreign nation which discriminated against us. That is the only purpose of it.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Commerce.

Mr. CULLOM introduced a bill (S. 2393) granting a pension to Anna M. Marshall; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PALMER (by request) introduced a bill (S. 2394) for the relief of John McGuire; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VAN WYCK. A few weeks since I introduced a bill, and had it referred to the Judiciary Committee, authorizing the Union Pacific Railroad Company under certain conditions and limitations to use the money in the Treasury placed there by the Thurman act for the purpose of constructing branch roads. Since that time the people of Nebraska and other States and Territories have given the matter consideration; and the people of Nebraska particularly have desired that another bill should be introduced, a bill authorizing the Union Pacific Railroad to use the credit of that company instead of the money now in the Treasury for the same purpose, the building of branch roads, the company feeling that the law of 1873 stands in the way of using their credit for any such purpose.

It is a matter of congratulation that although from 1873 until a recent period there has not been a management of the Union Pacific Railroad which recognized a single provision of that law, there is now a management which we understand do recognize the force of the law, and they unite in asking Congress that they may be allowed that credit for this purpose.

Although the bill does not contain all I desire, still it is such as a portion of the people of Nebraska wish to have enacted; and as their representative and by their request I present it. It has at least one feature which those who are hoping for honest railroad building at some time in this country indorse, which is that under no circumstances, under no conditions, shall the branch lines which are hereby authorized to be built be stocked or bonded for an amount beyond the actual cash cost of the road so built.

For the reasons above stated I therefore introduce the bill at this time and ask that it be referred to the Judiciary Committee, to whom was referred the bill first introduced, desiring that committee to give it early consideration, because the people of Nebraska believe, and I think the people of the Northwest generally believe, that this bill is far more important to the interest of the people than the funding bill postponing the debt due from the Union Pacific Railroad to the Government seventy years, which has already been reported from that committee.

The bill (S. 2395) to authorize and empower the Union Pacific Railroad to construct branch roads was read twice by its title, and referred to the Committee on the Judiciary.

Mr. GIBSON introduced a bill (S. 2396) for the relief of Louis Charles Perret; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. MITCHELL, of Oregon, submitted six amendments intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. PLATT, it was

Ordered, That Mrs. E. A. Benham, widow of General H. W. Benham, have leave to withdraw the papers in her case from the files of the Senate.

THE DAVID J. ADAMS.

Mr. DAWES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be requested to communicate to the Senate, if in his opinion not incompatible with the public interest, any information in the possession of the Government concerning the alleged seizure of the United States fishing vessel David J. Adams, while engaged in lawful commerce in one of the ports in the Dominion of Canada, and what measures, if any, have been taken to protect fishing vessels of the United States while engaged in lawful commerce in the ports of the Dominion of Canada.

Mr. DAWES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Foreign Relations be instructed to inquire whether the United States fishing vessel David J. Adams has been seized while engaged in lawful commerce in a port of the Dominion of Canada, and what measures, if any, are necessary to protect the persons and property of American citizens while engaged in lawful commerce in the ports of the Dominion of Canada; and to report by bill or otherwise.

INDIAN TRADERS.

Mr. WILSON, of Iowa, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to inform the Senate whether any applications for the renewal of licenses of Indian traders have been refused by him, or by any officer of the Interior Department, and, if so, the names of all traders whose licenses have not been renewed on application, with the agency at which each of the same was located; also to state whether any charges were presented against such traders, or any of them, and if not, upon what ground, and by what authority of law, the renewal of such licenses, or any of them, was denied.

THE RIVER AND HARBOR APPROPRIATION BILL.

Mr. HOAR submitted the following resolutions; which were read:

Resolved, That the Committee on Commerce be directed, when the river and harbor appropriation bill shall be reported, to report as to each public work for which an appropriation is made in said bill, the facts which render such appropriation advisable and of national importance, and the condition of the work, if begun.

Resolved, That there be an additional clerk for the Committee on Commerce for the remainder of the session.

Mr. HOAR. I move that the resolutions be referred to the Committee on Commerce.

The motion was agreed to.

ARREARS OF PENSIONS.

Mr. LOGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate of the United States, That the Committee on Pensions be requested to report back to the Senate the bill (S. 35) for the repeal of the limitation on arrears of pensions.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 3318) for the relief of Enols Lloyd;

A bill (H. R. 5886) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1887;

A bill (H. R. 7364) authorizing the Secretary of War to allow the interment in the national cemetery at New Berne, in the State of North Carolina, of the remains of the late Mrs. Harriet B. Lehman;

A bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes;

A bill (H. R. 8329) to relieve Lewis F. Casey, of Illinois, of disabilities under the fourteenth amendment of the Constitution of the United States.

The message also announced that the House had passed the following bills:

A bill (S. 363) granting a pension to Edward Ayers;
A bill (S. 483) to restore Sidney B. Tullar to the pension-roll;
A bill (S. 612) granting a pension to William Weightman;
A bill (S. 843) granting a pension to Elise Burki;
A bill (S. 857) granting a pension to Dudley B. Branch;
A bill (S. 963) granting a pension to Harriet M. Rider;
A bill (S. 977) granting a pension to Elizabeth Barker;
A bill (S. 1152) granting a pension to Sarah E. Bassett;
A bill (S. 1290) granting a pension to David W. Hamilton;
A bill (S. 1438) granting a pension to Isom Wilkerson;
A bill (S. 1630) granting a pension to James C. Chandler;
A bill (S. 1998) for the relief of John D. Ham;
A bill (S. 2134) granting a pension to Patrick A. Callanan;
A bill (S. 2185) for the relief of George Titus;
A bill (S. 2186) granting a pension to Louis Melcher; and
A bill (S. 2188) granting a pension to Ann Smith.

The message further announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 1398) to grant a pension to Silas S. White;
A bill (H. R. 1406) granting a pension to Simmons W. Harden;

A bill (H. R. 1582) for the relief of Eleanor C. Bangham;
A bill (H. R. 2145) for the relief of Rebecca Eldridge;
A bill (H. R. 3921) granting an increase of pension to Richard Gear; and
A bill (H. R. 5254) to increase the pension of George W. Smith.

The message further announced that the House had passed the following bills each with an amendment, in which it requested the concurrence of the Senate:

A bill (S. 1065) granting a pension to Emeline J. Babson;
A bill (S. 1105) granting the right of way to the Kensington and Tacony Railroad Company through the arsenal grounds at Bridesburg, Philadelphia, Pa.; and
A bill (S. 2187) for the relief of Rebecca E. Hastings.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 897) for the relief of the heirs at law of Andrew F. McMillan, deceased;
A bill (H. R. 1027) for the extension and repair of the public building at Belfast, Me.;
A bill (H. R. 1464) for the relief of David Webster;
A bill (H. R. 2309) to give the assent of Congress for the construction of a bridge by the Nashville, Jackson and Memphis Railroad Company over the Tennessee River;
A bill (H. R. 3519) authorizing the Interstate Rapid-Transit Railway Company to build a bridge across the Kansas River;
A bill (H. R. 5677) to authorize the construction of a pile and ponton railway and wagon bridge across the Mississippi River from the city of Red Wing, Minn., to the opposite shore in the State of Wisconsin;
A bill (H. R. 5786) granting to the Gainesville and Chickasaw Bridge Company the consent of the United States to construct and maintain a bridge over Red River at or near Brown's Ferry, in Cook County, Texas;
A bill (H. R. 7046) to authorize the construction and maintenance of a bridge by the Dakota Central Railway Company across the Missouri River at Pierre, Dak.;
A bill (H. R. 606) authorizing the removal of the statue of Maj. Gen. John A. Rawlins from its present location to a site to be selected by the Secretary of War;
A bill (H. R. 661) granting the right of way through the Fort Selden military reservation in New Mexico to the Rio Grande, Mexico and Pacific Railroad Company; and
A bill (H. R. 4731) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department.

RIGHT OF WAY THROUGH BRIDESBURG ARSENAL GROUNDS.

Mr. CAMERON. I ask that Senate bill 1105, which has just been returned from the House of Representatives with an amendment, be laid before the Senate for action upon the amendment.

The PRESIDENT *pro tempore.* The Chair lays before the Senate the amendment of the House of Representatives to the bill (S. 1105) granting the right of way to the Kensington and Tacony Railroad Company through the arsenal grounds at Bridesburg, Philadelphia, Pa.

The amendment of the House of Representatives will be stated.

The Chief Clerk read the amendment of the House of Representatives, which was, at the end of line 19, to add the following proviso:

Provided, however, That before this act shall take effect the Secretary of War shall cause to be assessed the damages which may accrue to the United States, if any, by the grant of this right of way, by three officers of the Army, and the amount of the award paid into the Treasury.

Mr. CAMERON. I move that the Senate concur in the amendment of the House of Representatives.

The amendment was concurred in.

ADJUSTMENT OF POSTMASTERS' SALARIES.

Mr. INGALLS. I offer for adoption the resolutions which I send to the Chair.

The resolutions were read, as follows:

Resolved, That the Postmaster-General be directed to report to the Senate all the applications of postmasters and late postmasters for readjustment of salary under the act of March 3, 1883, from the State of Kansas, which have been passed upon, with a statement exhibiting the amount of pay each postmaster would have received if paid upon the basis of commissions under the act of 1854; and the amount of salary allowed and paid under the act of July 1, 1864; and the amount of salary allowed under the act of March 3, 1883; and the period of service for which such allowance was made; such statement to exhibit by comparison the amount of salary allowed under the act of 1864 and the amount of commissions under the act of 1854 in all the cases in which an allowance has been refused under the act of March 3, 1883.

Resolved, That the Postmaster-General be directed to transmit to the Senate a copy of the syllabus of the opinion of the Attorney-General construing the act of March 3, 1883, as prepared and published by Postmaster-General Gresham on the 16th of February, 1884.

The Senate, by unanimous consent, proceeded to consider the resolutions.

Mr. CONGER. Does the first resolution confine the inquiry to the State of Kansas?

The PRESIDENT *pro tempore.* It does.

Mr. CONGER. I move to strike out the words "the State of Kansas."

Mr. INGALLS. So as to make the request general?

Mr. CONGER. So as to make the request general.

Mr. INGALLS. I have no objection to that.

The PRESIDENT *pro tempore.* The amendment will be stated.

Mr. ALLISON and Mr. HOAR. Let the resolutions be read.

The PRESIDENT *pro tempore.* The resolutions will be read as proposed to be amended.

Mr. INGALLS. Read the resolutions again, and then report the amendment afterwards.

The PRESIDENT *pro tempore.* The resolutions will be again read.

The Chief Clerk read the resolutions.

The PRESIDENT *pro tempore.* The amendment of the Senator from Michigan will be stated.

The CHIEF CLERK. Strike out the words "from the State of Kansas," so as to read:

Resolved, That the Postmaster-General be directed to report to the Senate all the applications of postmasters and late postmasters for readjustment of salary under the act of March 3, 1883, which have been passed upon, &c.

The PRESIDENT *pro tempore.* The amendment will be agreed to if there be no objection. The Chair hears none, and it is agreed to.

Mr. RIDDLEBERGER. After the word "Kansas" I move to add the words "and the State of Virginia, and to designate how many married women are called postmasters."

The PRESIDENT *pro tempore.* The words "from the State of Kansas" have been stricken out of the resolution, and it is now made general.

Mr. RIDDLEBERGER. My amendment would properly come in after the word "Kansas."

The PRESIDENT *pro tempore.* The word "Kansas" has been stricken out.

Mr. CONGER. The word "Kansas" has been stricken out, and it applies to Virginia and all the States.

Mr. INGALLS. It will include, as now amended, the State of Virginia, as well as all the other States.

Mr. RIDDLEBERGER. My object is to ascertain how many of the female postmasters are married women.

Mr. INGALLS. Will the Senator not be good enough to call for that information in a separate resolution, and not burden this resolution, which has for its object a specific inquiry, with that request of his, which undoubtedly would be very interesting and valuable?

Mr. RIDDLEBERGER. If this were a specific inquiry I would readily consent; but I should like to get it all in the same resolution, if I can do that. If the Senator from Kansas objects to getting too much information under his resolutions, I shall withdraw my amendment.

I propounded my inquiry for one reason, and that is, that under all the administrations preceding this one they would not allow a married woman to give bond as a postmaster, but under this administration I find that it is being done indiscriminately. I wanted to get that information under this resolution, but I withdraw the amendment.

The PRESIDENT *pro tempore.* The question is on the adoption of the resolutions.

Mr. COCKRELL. Let the resolutions be read again.

The PRESIDENT *pro tempore.* The resolutions will be read as amended.

The Chief Clerk read the resolutions as amended.

Mr. McPHERSON. I should like to ask the Senator from Kansas if he has considered the amount of labor which will devolve upon the Post-Office Department in making up this statement. It seems to me from the character and extent of the resolutions it would require every clerk in the Post-Office Department for at least six months to get up the amount of information required, because as I understand the first resolution it now applies to all postmasters all over the country everywhere.

Mr. INGALLS. It applies to all postmasters who would be entitled to a readjustment of their salaries under the law of 1883—only those whose salaries have been readjusted. It is not a matter of computation, but merely of statement. I suggest to the Senator from New Jersey that the question is not whether the amount of labor which would be required is great, but whether the information is important and material.

Mr. McPHERSON. I simply rose for the purpose of inquiring whether this information was important and necessary.

Mr. INGALLS. Exceedingly so, because the complaint is universal that the requirement of the law of 1883 requiring the readjustment of postmasters' salaries has been disregarded, and that there has been an effort on the part of the officers in charge of that Department to avoid the payment of what can justly be claimed under the operation of the law of 1883.

It is important that the Senate should be in possession of the information for two reasons: in the first place, to ascertain whether the complaint is well founded; and, in the second place, whether the amount is so large as to require special legislation by Congress hereafter.

Mr. McPHERSON. I have no objection at all to any investigation which may be necessary, and I will accord all needed information to the Senator from Kansas or any other Senator; but it seems to me that the resolutions ought to be preceded by a bill authorizing the Post-

Office Department to employ just as many clerks as they may need to perform this service; and I do not know where it would end.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolutions.

Mr. PLATT. I should like to say one word before these resolutions are adopted.

The information seems to be sought upon the theory that the postmasters whose accounts have been adjusted have not received as much as they ought to have received; but there are a large number of postmasters who have not received anything, and I should like to know—although I do not care to amend the resolutions or to embarass them—about how many years it is going to take to settle and adjust the accounts of the postmasters who are entitled to something under the law of 1883. That law was passed three years ago and more, and postmasters in Connecticut happened to be in the unfortunate position that Connecticut comes pretty early in the alphabetical list of States, so that a few postmasters who got in very early had their accounts adjusted, while the great bulk of postmasters who were entitled to an adjustment of their accounts have to wait until the Department go very slowly and leisurely down through the alphabetical list of States and get around to Connecticut again. I have a little curiosity to know how long that performance is likely to take. Under the speed with which the Post-Office Department are adjusting these accounts, I suspect that the postmasters in Connecticut who had a law passed for their benefit in 1883 will very many, if not all, of them be dead before their accounts are adjusted, and their heirs will receive the benefit.

The resolutions were agreed to.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred as indicated below:

The bill (H. R. 7364) authorizing the Secretary of War to allow the interment in the national cemetery at New Berne, in the State of North Carolina, of the remains of the late Mrs. Harriet B. Lehman—to the Committee on Military Affairs.

The bill (H. R. 7480) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes—to the Committee on Commerce.

The bill (H. R. 8329) to relieve Lewis F. Casey, of Illinois, of disabilities under the fourteenth amendment of the Constitution of the United States—to the Committee on the Judiciary.

The bill (H. R. 3318) for the relief of Enols Loyd—to the Committee on Military Affairs.

ORDER OF BUSINESS.

Mr. VAN WYCK. I give notice that to-morrow, after the morning business has been concluded, I shall move to consider Order of Business 313, being the bill (S. 1812) to provide for taxation of railroad-grant lands, which has been partially considered.

The PRESIDENT *pro tempore*. A special order has been made unanimously during the morning hour for to-morrow.

Mr. CONGER. In that connection I desire to say that I am instructed by the Committee on Post-Offices and Post-Roads to call the attention of the Senate to the fact that our Calendar is composed largely of a very large number of bills of all kinds that Senators desire to have considered in the morning hour under the eighth rule and the ninth rule, and that I shall object to any of that time being occupied by special orders, and shall call the consideration of the Senate to it after the interstate-commerce bill is disposed of. There are bills on the Calendar which ought to receive the consideration of the Senate immediately or else be indefinitely postponed. Every morning until 2 o'clock I shall feel called upon to object to the consideration of bills which are not on the Calendar for the morning hour regularly either by motion or by request.

Mr. VAN WYCK. Mr. President——

The PRESIDENT *pro tempore*. This debate is out of order.

Mr. CONGER. I want to get through with the Calendar.

Mr. VAN WYCK. The bill which I gave notice of is a bill which has been partially considered, and therefore I have sought to have a time fixed when it could be disposed of by the Senate, and there seemed to be unanimous consent.

Mr. CONGER. Until 2 o'clock I shall object to any such bill until the Calendar is disposed of.

Mr. VAN WYCK. I shall ask at the first opportunity that the bill be taken up.

EMELINE J. BABSON.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 1065) granting a pension to Emeline J. Babson; which was in line 8, after the words "from and after the," to strike out "date of his death" and insert "passage of this act;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place the name of Emeline J. Babson, widow of Erastus W. Babson, late of Company A, Twelfth Regiment Rhode Island Volunteers, on the pension-roll, subject to the rules and regulations of the Department, the same to begin from and after the passage of this act.

The amendment was concurred in.

REBECCA E. HASKIN.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 2187) for the relief of Rebecca E. Haskins; which were in lines 2 and 3 to change the name "Haskins" to "Haskin," and also to amend the title in the same way.

The amendments were concurred in.

PORT OF DELIVERY AT LEWES, DEL.

The PRESIDENT *pro tempore*. The special order will now be laid before the Senate.

Mr. CULLOM. I believe the Senate adjourned on the amendment of the Senator from Vermont [Mr. EDMUNDS]. That is the amendment before the Senate.

The PRESIDENT *pro tempore*. The pending question is on the amendment of the Senator from Vermont [Mr. EDMUNDS], which will be stated.

Mr. GRAY. May I ask the Senator from Illinois to yield to me for a moment?

Mr. CULLOM. I understand from the Senator from Delaware that he represents a bill which is very important and yet about which there is no controversy whatever; and I can not decline to yield for the purpose of enabling him to take up the bill if there be no discussion beyond an explanation on his part.

Mr. GRAY. There will be nothing further than that. I ask unanimous consent for the consideration of Order of Business 1103, being the bill (S. 2256) to create a port of delivery at Lewes, Del.

This bill has been reported unanimously from the Committee on Commerce and concerns very much the interstate and foreign commerce of the country. The regulations of the Treasury Department do not enable proper facilities to be offered to that commerce at that point, and hence this measure is very important.

Mr. EDMUNDS. Is there a railway to Lewes?

Mr. GRAY. There is a railway to Lewes.

Mr. EDMUNDS. From where?

Mr. GRAY. All the way from Philadelphia.

I will say in explanation of the exigency out of which the bill arises that the port of Lewes is just inside of Cape Henlopen and opposite the breakwater, which is largely used as a port of call for the commerce of the country, in which there are from two hundred to three hundred sail of vessels nearly all the time. It is within the collection district of Delaware.

By a provision of law, which for a long time was disused, any vessel coming within a collection district which remains more than forty-eight hours is required to enter and clear at the custom-house of the district, which in this case would compel all these vessels that come into the Delaware breakwater to wait for orders to go up the Delaware to the port of Wilmington, 70 miles, to enter at the custom-house there and afterward to clear, which would be a very great embarrassment and restriction on the commerce of the country.

This bill merely provides that the deputy collector resident now at the town of Lewes may have the authority to enter and clear these vessels coming in there to wait for orders, without requiring them in case they remain forty-eight hours to go up the bay 70 miles to get an entry and clearance.

Mr. HOAR. I should like to inquire if there is a communication from the Treasury Department on the subject.

Mr. GRAY. There is a communication from the Secretary of the Treasury which the Senator from Maryland [Mr. GORMAN] who reported the bill has in his hand.

Mr. GORMAN. I have a letter——

Mr. EDMUNDS. Is there an appraiser or a surveyor at that place?

Mr. GRAY. No, sir.

Mr. EDMUNDS. Did not the President veto an Omaha port of delivery bill on the ground that there was no machinery, for lack of an appraiser or surveyor or both?

Mr. GRAY. But I will say in explanation of the exigency which calls for this bill that the commercial interests of Philadelphia have been represented in Washington asking that something of this kind be done to relieve the embarrassment which has been occasioned by the enforcement of the provision of law which was for a long time disused but which has been recently enforced by a regulation of the Treasury Department resurrected by some officer of the Treasury Department. It has created some embarrassment to the commerce of the country which uses that port of call at the Delaware breakwater. This is merely to relieve the captains from the inconvenience and trouble of taking their vessels or going themselves 70 miles up the Delaware Bay in order to enter and clear at Wilmington, when they can do the same thing under the supervision of the deputy collector already stationed at the breakwater.

Mr. EDMUNDS. But do I understand the Senator to mean that vessels which enter the Delaware breakwater in stress of weather and are only waiting for good weather to go out, are bound to enter?

Mr. GRAY. If they remain as long as forty-eight hours.

Mr. EDMUNDS. That there is no exception in the statute on its proper construction?

Mr. GRAY. No, sir, not as construed by the Treasury Department.

Mr. EDMUNDS. Then if this is made a port of delivery they have got to enter.

Mr. GRAY. After forty-eight hours.

Mr. EDMUNDS. Yes; and having entered, have they not got to unload?

Mr. GRAY. Not at all.

Mr. EDMUNDS. Unless they enter in bond?

Mr. GRAY. I think not. I am quite sure not. I am not very familiar with all the regulations of the Treasury Department, and would rather that the Senator from Maryland [Mr. GORMAN] should explain that point; but I understand that after forty-eight hours, having made the entry and given a copy of their invoice or bills of lading, whatever the process is by which the officer takes supervision, they may remain, and when they are ready to leave and go to some other port on the coast or wherever their destination may be, they may clear through the deputy collector at Lewes, and do precisely what they would have to do if they went all the way to the port of Wilmington, where they would have to hand in their bills of lading and obtain a clearance.

Mr. EDMUNDS. But a port of delivery is a port at which it is lawful to land goods, make regular entries at the custom-house, pay duties, or give a bond for transmission to some other port of delivery.

Mr. GRAY. It is not necessary that there should be any unloading of the cargo.

Mr. EDMUNDS. That may be; but I am on the point of inquiring how it is necessary that Lewes should be made a port of delivery, when the only object is that a vessel that goes in there in stress of weather and lies by till the weather is better and stays more than forty-eight hours must report at the custom-house with a copy of her manifest and then get authority to go on? Why do we make it a port of delivery for that purpose?

Mr. GRAY. Well, I can not answer the Senator from Vermont, because I am not familiar enough with the Treasury regulations or the laws pertaining to that subject; but I do know that there is a law which requires a vessel coming within a collection district anywhere and staying forty-eight hours——

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. CULLOM. I hope the Senator will not press the further consideration of the bill now.

Mr. GRAY. I think if the Senator from Vermont will allow the Senator from Maryland, who reported the bill from the Committee on Commerce, to explain the view of the Committee on Commerce, he may be satisfied.

Mr. EDMUNDS. There is one other thing I think we ought to pay attention to, and that is the message of the President of the United States on another bill for Omaha, which is just like this bill, as I remember, making that a port of delivery. That bill has come back with the objections of the President, which we have not passed upon, declaring that in order to do that thing, if it be necessary, additional expense must be gone to in setting up the full machinery of a custom-house. That is the veto message, if I remember it correctly. Now, before we act upon this other bill, which appears to be the same thing, it would seem that we had better consider whether these objections of the President that have been sent to us officially are well-founded or not.

Mr. CULLOM. I must object to the consideration of the bill.

The PRESIDENT *pro tempore*. The Senator from Illinois interposes an objection to the consideration of the bill.

Mr. GORMAN. I ask unanimous consent that the letter from the Secretary of the Treasury may be read.

The PRESIDENT *pro tempore*. Objection being made, it can only be done by unanimous consent.

Mr. GORMAN. I only ask unanimous consent that the letter in regard to the bill may be printed in the RECORD.

The PRESIDENT *pro tempore*. There being no objection, that order will be made.

The letter of the Secretary of the Treasury is as follows:

TREASURY DEPARTMENT, *May 5, 1886.*

SIR: I have the honor to acknowledge the receipt, from the clerk of your committee, of the letter dated the 4th instant, inclosing bill S. 2256, "to create a port of delivery at Lewes, Del." The bill provides that Lewes shall be a port of delivery within the collection district of Delaware, and that the deputy collector of customs stationed there shall have the power to enter and clear all vessels coming to that port.

The harbor at Lewes is a rendezvous for vessels from foreign countries, and such vessels, within a limited time after their arrival in the United States, are required to make entry at the custom-house. At present they must be entered at the office of the collector of customs at Wilmington, some distance from Lewes, and this requirement occasions considerable inconvenience and loss of time on the part of masters and consignees.

A deputy collector being already stationed at Lewes it is not apprehended that any material additional expense to the Government would be caused by the provisions of the bill. In view of these facts its passage or the passage of some similar measure is hereby recommended.

Respectfully, yours,

C. S. FAIRCHILD, *Acting Secretary.*

Hon. S. J. R. MCMILLAN,
Chairman of the Committee on Commerce, U. S. Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. TOWLES, its Chief Clerk, announced that the House had passed a bill (H. R. 6391) to authorize the Kansas City, Fort Scott, and Gulf Railway Company to construct and operate a railway through the Indian Territory, and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 1471) to remove the charge of desertion from the rolls and records in the office of the Adjutant-General of the Army against certain soldiers;

A bill (S. 216) to authorize the Secretary of War to furnish certificates of discharge to certain members of the Missouri Home Guards; and

A bill (S. 223) to regulate the promotion of graduates of the United States Military Academy.

INTERSTATE COMMERCE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1532) to regulate commerce, the pending question being on the amendment of Mr. EDMUNDS to strike out section 13 of the bill and in lieu thereof to insert:

Whenever any common carrier, as defined in and subject to the provisions of this act, shall violate, or refuse, or neglect to obey any lawful order or requirement of the commission in this act named, it shall be the duty of the commission, and lawful for any company or person interested in such order or requirement, to apply in a summary way by petition to the circuit court of the United States sitting in equity in the judicial district in which the common carrier complained of has its principal office, or in which the violation or disobedience of such order or requirement shall happen, alleging such violation or disobedience, as the case may be. And the said court shall have power to hear and determine the matter on such short notice to the common carrier complained of as the court shall deem reasonable. And such notice may be served on such common carrier, his or its officers, agents, or servants, in such manner as the court shall direct. And said court shall proceed to hear and determine the matter speedily as a court of equity, and without the formal pleadings and proceedings applicable to ordinary suits in equity, but in such manner as to do justice in the premises; and to this end such court shall have power, if it think fit, to direct and prosecute, in such mode and by such persons as it may appoint, all such inquiries as the court may think needful to enable it to form a just judgment in the matter of such petition. And if it be made to appear to such court on such hearing, or on report of any such person or persons, that the lawful order or requirement of said commission drawn in question has been violated or disobeyed, it shall be lawful for such court to issue a writ of injunction or interdict to restrain such common carrier from further continuing such violation or disobedience of such order or requirement of said commission and enjoining obedience to the same; and in case of any disobedience of any such writ of injunction or interdict, it shall be lawful for such court to issue writs of attachment on any other process of said court incident or applicable to writs of injunction or interdict against such common carrier, and if a corporation, against one or more of the directors, officers, or agents of the same, or against any owner, lessee, trustee, receiver, or other person failing to obey such writ of injunction or interdict. And said court may, if it shall think fit, make an order directing such common carrier or other person so disobeying such writ of injunction or interdict, to pay such sum of money not exceeding for each carrier or person in default the sum of $500 for every day after a day to be named in the order that such carrier or other person shall fail to obey such injunction or interdict; and such moneys shall be payable, as the court shall direct, either to the party complaining or into court to abide the ultimate decision of the court, or into the Treasury; and payment thereof may, without prejudice to any other mode of recovering the same, be enforced by attachment or order in the nature of a writ of execution in like manner as if the same had been recovered by a final decree *in personam* in such court. When the subject in dispute shall be of the value of $2,000, or more, either party to such proceeding before said court may appeal to the Supreme Court of the United States under the same regulations now provided by law in respect of security for such appeal, but such appeal shall not operate to stay or supersede the order of the court or the execution or any writ or process thereon. And such court may in every such matter order the payment of such costs and counsel fees as shall be deemed reasonable. Whenever any such petition shall be filed or presented by the commission, it shall be the duty of the district attorney, under the direction of the Attorney-General of the United States, to prosecute the same, and the costs and expenses of such prosecution shall be paid out of the appropriation for the expense of the courts of the United States. For the purposes of this act, excepting its penal provisions, the circuit courts of the United States shall be deemed to be always in session.

Mr. CULLOM. If I can get the attention of the Senator from Vermont I should like to ask him to modify the amendment which is now before the Senate for consideration.

Section 11 of the bill as it is before the Senate provides for an investigation by the commission of all complaints that are made against transportation companies or common carriers coming under the provisions of this act. Section 12 provides the mode of action on the part of the commission preparatory to the case getting into court if it has to go there. Then section 13 is proposed to be stricken out and the Senator's amendment to take its place. That amendment is substantially in the line of the thirteenth section, and so far as I am individually concerned I have no particular objection to it with a little modification, or rather strengthening it a little perhaps I might say.

The bill provides that the report of the commission and its certificate shall be *prima facie* evidence in all such cases in court, and that the action of the district attorney shall be based upon it when a case is sent up by the commission. The amendment of the Senator from Vermont seems to drop out the idea very largely that the commission has anything to do with the case. I want to suggest to him that if on the second page of his amendment, beginning after the word "petition," in

line 25, and ending with the word "persons," in line 27, these words were inserted I think it would improve the amendment:

"And if on such hearing it be made to appear to such court from the report and certificate of the commission forwarded to the district attorney as provided in the next preceding section, or on the report of any such person or persons as the court may have appointed to inquire into the matter, that the lawful order or requirement of said commission," &c.

I think if these words were inserted in place of those which I have indicated should be stricken out, it would still adhere to the theory of the action being in part at least on the report and certificate of the commission.

The thirteenth section as it stands in the bill provides that the court may issue a preliminary injunction simply on the report and certificate of the commission that the transportation company refuses to desist from violation of law. All that I desire in that section is to put in it the amendment which I have read, coming in in line 25 and ending after the word "persons," in line 27. Then, as I am on the floor, if that should be done, instead of striking out any of section 12, I would suggest, in order to make it harmonious with the amendment proposed by the Senator from Vermont giving the right to the district attorney or to the commission to sue in the district where the offense occurs or to sue in the locality where the main office of the railroad company is located, that in the thirty-second line of section 12, after the word "which," we insert:

Such common carrier has its principal office or in which.

So as to read:

For the judicial district in which such common carrier has its principal office or in which such violation of law occurred.

I think if those two amendments were made, the one I have just read to section 12, and the one that I read before to the amendment offered by the Senator from Vermont in lieu of section 13, as far as I am concerned I should have no objection to his amendment and I think it would really strengthen the bill. I shall propose my amendment to the amendment of the Senator from Vermont.

Mr. WALTHALL. Mr. President, I have listened with much interest to the discussion of the pending measure, and have given the subject some independent consideration. My determination is to vote for this bill unless it shall be so amended as to make it more objectionable than when it came from the hands of the committee, though it does not, in some of its important features, meet the approval of my judgment. I feel sure it is not presented as a perfect measure by its distinguished author, who has exhibited such marked ability and fairness in his patient effort to solve one of the most perplexing problems of the age, for his experience has taught him that those who have considered the subject most maturely have found in it the greatest difficulties.

If it were proven here to-day that railroad companies are not now oppressing the people in their dealings with them, I would still support any reasonable Congressional measure looking to their supervision and control, because of the undeniable fact that such oppression, in the absence of legal restraint, is possible, and no adequate protection can be afforded by State laws. If we but consider how immeasurable the railroad interest of this country has become, how vast is the wealth, and how immense the powers of these corporations, the necessity forces itself upon us to set, if we can, some bounds to what they may do in their business transactions with the people of the country. Their lines to-day stretch out 140,000 miles and their ownership is estimated to equal one-sixth of the entire possessions of all the people living under our Government. To this many millions are being added yearly by the construction of thousands of miles of new railroad. It has not been many years since all the railroad property in the Union was worth less than the amount of this yearly addition.

The people pay these companies over eight hundred millions a year for transportation, and the commodities transported run up to fifteen billions a year in value. It is estimated that eighteen hundred thousand men are employed in constructing and operating railroads. Some of these companies have more patronage to bestow than a Cabinet officer, and some of their presidents have been paid larger salaries than the President of the United States. Many of them receive and disburse vastly more money per annum than passes through the treasury of many of the States of the Union. The men at the head of some of them are among the ablest business men in the nation. They have wealth to employ talent and power to command influence. They are organized for gain, and those who manage them, however just and liberal they may be as men, manage them for gain and are influenced by the same considerations which control the managers of other purely business institutions.

Every interest in this country is dependent upon railroads; agriculture and commerce are especially at their mercy. With all this power in their hands no man can give a valid reason why these corporations should not be put under the wholesome restraints of the law and the oppressive exercise of their power made impossible. It is no answer to say that self-interest will prevent them from imposing undue burdens on traffic lest their business may suffer by its falling off. If the burdens are possible, what objection can there be to the double guarantee against them of both self-interest and the law? The very tendency of power, lodge it where you will, is toward abuse, and railroad power forms no exception to the rule. I have no word of denunciation for the railroad managers of the country as a class. They are as worthy as the men of any other class; they are just like other men, and it is because they are so and are influenced by the same motives that influence other men that I want their power placed under control.

The contest between the people and the railroad companies originated in, and is kept alive and stimulated by, the same motive in both the parties, and that the motive of self-interest. One wants the service for the lowest price, and the other demands the highest price, just as other men in other callings buy for the lowest and sell for the highest price they can. The instinct of gain is strong as it is natural, and we expect to see and do see the evidences of it in every line of trade, in every department of business, in every phase of human industry, and in all the business dealings of men with each other. The merchant does not sell a barrel of flour for $8 if he can get $9 for it. No more does the cotton-planter sell his produce for 8 cents per pound if he can get 9. No tradesman, no professional man, nor laboring man puts a lower price on his wares or his work when he can get a higher one as readily.

But in dealing with each other we have the advantage of dealing at arm's-length, which is our protection. When the merchant charges a given price for his goods we are not bound to buy from him, as there are other merchants and other markets; nor is he bound to purchase our produce at the price we name. Nor is one man bound to employ or be employed by any other particular man for service at a price named, there being other men ready to serve or to be served. But when we deal with railroad companies we have not this liberty, though it may be true that we are not literally bound to ship our produce by a railroad if the price does not suit us. Practically, we are bound to do it or lose the privilege of marketing our produce, and thus we really have no choice. There is no other railroad in reach, or, if there be, competition is destroyed by an agreement that the charges on both roads shall be the same. We have no voice in the contract; the terms are dictated by one of the contracting parties, and the other must accept or do worse.

Railroad terms, it is fair to say, are not always exorbitant; often they are not only reasonable but extremely low. For instance, during the New Orleans Exposition passengers were carried from the town I live in to New Orleans and back, about 600 miles the round trip, for about $6, and at the same rate from other points, 1 cent a mile, when the regular price—itself quite reasonable—was 3 cents.

Other excursion trips are constantly being made on other roads at greatly reduced rates. These rates are often so low as to be barely remunerative; still they pay something, otherwise they would not be given. But in these cases the people and the companies deal at arm's-length, as the people deal with each other. The people were not bound to go to the exposition, but might go or not, as the price made it to their advantage or not, and it was to the advantage of the railroad companies to induce them to go, self-interest, as usual, controlling both parties. But we never heard of a reduction corresponding to excursion rates being given for produce which is bound to go by a particular route. In the winter, when cotton-bales, where I live, are piled up at the stations for transportation to market, no reduced rates are offered to the shippers. The companies have no interest in making such an offer. They know the cotton must go; the shippers' interest being to ship it at the rate charged, high or low, rather than keep it. It must go to market, it must go by rail, and the shipper must pay the charges, whatever they may be. These charges are not always unreasonable, though the shipper is not consulted. Sometimes they are moderate enough, but sometimes they are not, and always they are liable to be unreasonable, the interest of one party being to make them so and the other being powerless to resist. It being possible for them to be always unreasonable is, with me, reason enough for putting limits on the exercise of a dangerous power in the hands of strong institutions, which are rapidly extending and expanding and every day growing in influence and wealth.

If the people had all the power and the railroad companies none, if they could dictate the terms on which the companies should serve them, the necessity would be no less in that case than now to curb the tendencies of self-interest.

Is a corporation likely to be more liberal and considerate than an individual would be in like circumstances? I will not say that no man can be found so just that he would work for us or sell to us as cheap if he knew we were compelled to have his labor or his property as if he knew we could supply ourselves elsewhere entirely independent of him. Such men may have lived, and possibly do now, but it is not for such as these that laws are needed or are made.

But no sane man believes that there is a railroad or other corporation in existence which even professes to act up to so saintly a standard in its business, and no more do I think the people would if all the power were in their hands. Those who make the laws for the government of the people should see to it that the power of supervision and control to which I have referred should be lodged somewhere, so that it may be exercised for the security of the people against wrongs, whether existing now or threatened, or even possible. According to the interpretation of the Constitution which is generally, though not universally, accepted at this day, the States are powerless to afford protection which will be

at once substantial and adequate. Their railroads are parts or appendages of great trunk lines over which their business in large part is conducted. Much of their traffic is with other States, and the Constitution gives the power not to them but to Congress to regulate commerce among the States. Take my own State for example, and it is not singular in this regard. The railroads in Mississippi, except one or two very short lines, are all "interstate" roads, running in other States as well as that, or are branches or connections of such as do so run, over which traffic passes between the States.

In a recent opinion of the supreme court of that State the position is taken and supported by most vigorous reasoning that the regulation of the operations of a corporation and prescribing its rates of charges on business carried on across State lines belong to the State which created the corporation and do not amount to a regulation of commerce; and so long as there is no discrimination against such traffic there is no interference with commerce between the States and the power of the State Legislature is unaffected by the commercial clause of the Constitution. As an original proposition, aside from the tendency of modern opinion, this view commends itself strongly to my mind. But on the idea that the transportation of goods from one State to another is commerce between the States and regulating the charges therefor is regulating commerce, the remedy seems to be with Congress for most of the evils complained of, and the people whose State governments can not afford the remedy have turned their eyes to Congress.

It is rarely disputed now that commerce among the States consists not only of intercourse between their citizens and the purchase and sale and exchange of commodities, but includes also the transportation of persons and property, and the power to regulate it seems to embrace all the means and instrumentalities and agencies by which that commerce is carried on. The matter of transportation from one State to or through another is considered a constituent of interstate commerce itself, with which Congress alone can deal, and that seems to be the protection against conflict in the legislation of different States, each regulating the transportation in favor of its own products and its own people. In my own State the principal complaints are of charges on freights from points in Mississippi to New Orleans, Memphis, and Mobile to New York and Eastern cities and to St. Louis, Cincinnati, and Louisville, or from those cities to points in Mississippi. The rates on shipments from one point to another in the State are sometimes criticised, but these shipments are comparatively light, and the real trouble is as to charges on cotton, lumber, and a few other things sent out of the State, and provisions and goods of various kinds brought there from the cities named and other points outside the State.

There are some important railroads in that State which begin and end within its limits, but these are engaged in interstate traffic in connection with other lines which join them. But it seems clear that the transportation of commodities between New Orleans and Yazoo City, Miss., or New Orleans and Aberdeen, Miss., is as much subject to Congressional regulation as that between New Orleans and Brookhaven, or between Mobile and Meridian, though New Orleans and Brookhaven are on the same unbroken line of railroad, and so are Mobile and Meridian, while Yazoo City and Aberdeen are on lines which begin and end in Mississippi. But in connection with the lines they join, these lines are the instruments and means of commerce among the States, just as the unbroken lines are which are engaged in the same sort of business. The power to regulate commerce among the States does not stop at State lines. If it did it would be a useless power. "If Congress has the power to regulate it, that power must be exercised wherever the subject exists."

Every portion of every State has the right to participate in this commerce, just as every portion of the United States has the right to participate in the commerce with foreign nations. This can not be if the power stops short at State boundaries and can not be exercised within the territorial jurisdiction of a State. This power, "whatever it may be, must be exercised within the territorial jurisdiction of the States." All this was long ago decided by the Supreme Court of the United States in the familiar case of Gibbons *vs.* Ogden, reported in 9 Wheaton. See also the Daniel Ball in 10 Wallace.

So it would seem that the principal transportation of commodities on all the railroads in Mississippi, as in other States of the Union, and that which has chiefly led to the demand for the regulation of the transportation by law, falls within the power of Congress, if the prevailing opinion as to the extent of that power is correct.

So much for the question of power; and it is now left to consider the best mode of exercising it. It should not in any mode be exercised harshly or oppressively, unjustly or unreasonably, or otherwise than with perfect impartiality between the people on the one hand and the railroads on the other. Let it be done dispassionately and with due regard for the rights of all parties and for the public welfare. For one, I would see it employed as fairly as if the people had the power, and the effort was to restrain them and make it impossible for them to oppress the railroads. It may be said I am a friend of railroads, and so I am. Where is the thinking man who has his country's interest at heart who will say he is hostile to these great enterprises or to any other which add vastly to the country's wealth and increase incalculably the conveniences of the people? Who is there among us that would see them so crippled in their credit or impaired in their powers that the conveniences and promptness, the regularity and comparative safety of their operations, can not be kept up to its present standard or even improved? Is there one who would favor a law imposing needless burdens on them, or requiring their service for less than reasonable compensation, or otherwise unjustly dealing with them?

The people are friends of railroads, just as I am; they want fair dealing with them, just as I do; but they want it on both sides, and so do I. I would see reciprocal relations established between them and the people, founded on a spirit of toleration and justice on either side. I would see the parties deal reasonably with each other. Their interests are so far interwoven and there is such interdependence between them that antagonism can not fail to injure both. There is nothing for the people and nothing for the railroads in the blind partisan championship of either side, and the people want none of this. That man hurts and harms the public who foments discord between any classes of the community and breeds antagonism between any of the business interests of the country, and he is a public benefactor who reconciles great interests which conflict and brings the contending parties to a proper middle ground of understanding and adjustment. I believe such result can be reached in the matter we are considering, though the process may be gradual, if only both sides will be temperate in the discussion of the evils and of the remedies which are proposed.

Already the movement for the supervision of railroad companies has had effect aside from the enactment of laws; rates have been reduced in some cases, and in others the railroad companies have found it necessary to explain the basis of their tariffs, and thus the public have gained information which has satisfied them on many points not before fully understood.

The opinion that the movement has led to good is gaining ground with many thoughtful railroad managers and investors, and many who at one time looked upon it as endangering all railroad interests, because in the outset extreme measures were proposed, look with favor upon reasonable laws regulating transportation as the means at once of satisfying the people and restraining railroad companies from excesses which may be expected in the absence of restraint.

As to the exact mode of exercising this power, the range of inquiry is so broad and the subject is so far-reaching and difficult that no mode has ever been suggested that is not open to objection even in the mind of the party proposing it. The subject bristles with difficulties, and the field is full of dangers, and as yet has not been wholly explored. The subject has been fully discussed in legislative halls and before the people. There has been much declamation as to the grievances and no little denunciation of those charged to be the authors of them, better calculated to excite the popular mind than to point out remedies which may not prove worse than existing evils. On the other hand, much that is instructive and of practical value has been written and spoken on the subject by men who have earnestly sought to master it and so to deal with it that the rights both of the people and the railroad companies shall be respected and protected. Such men have recognized that the rights of both must suffer if the laws of trade which are known and the fluctuations of commerce which can not be foreseen are disregarded. Consequently they find the reasons all in favor of the simplest and most flexible system which can reach the largest proportion of the grievances most generally complained of, and which is most adaptable to the ever-varying conditions of the business proposed to be regulated. I subscribe to this view.

With many the favorite mode seems to be through an interstate-commerce commission; but to my mind there are grave objections to such a commission. Congress acts only under delegated powers; and where is the warrant to be found for their delegation by Congress to a commission? Congress may undoubtedly create a commission and confer upon it given powers, if they be so precisely and narrowly described and limited as to leave the commission no discretionary authority in any matter where its action would be final; but they would leave the commission no field for any useful work. Does any Senator feel safe in announcing that Congress can confer on a commission the power to regulate the rates of transportation so as to bind the railroad companies? And if it can not fix rates, what good purpose that is practical can a commission serve? But if the power be conceded, the work is beyond the capacity of any commission that can be appointed. There are more than fifteen hundred railroads in the United States, stretching over about 140,000 miles of territory. Some of them cost millions to construct a single mile, and, by comparison, some were built for inconsiderable sums, and the cost of none of them is the true test of their present value.

Some run through densely populated, rich, and prosperous regions, and some through those which are sparsely settled, where the people and the soil are poor alike. Trains on some run every fifteen minutes in the day and on others they run tri-weekly. At intervals of about 10 miles or less, upon the average, on most important roads, are stations from which goods may be shipped to other stations on other roads in the Union which are not purely local lines. These shipments vary in value, in the difficulty of handling them, in the necessity for speedy transportation and prompt delivery, and in the measure of responsibility for loss, damage, or delay. They may consist of coal worth $40 a car-

load or silks or laces worth thousands of dollars a case with hundreds of cases in a car. They may consist of ice, or live stock, or fruits, which must go through with speed; or of lumber or brick, which would neither waste nor perish by delay. The variety of freights is endless, and so is the variety of the questions which the commission must consider, as affecting the rights of hundreds of railroads and millions of people, before it could arrive at a tariff of charges which the commission itself would say is even approximately just to shipper or carrier.

How long would it take the commission to perform even imperfectly the duty of gathering the necessary data on which to proceed advisedly, and then determining, on the material collected, what rates would be reasonable on all the "interstate" roads in the Union? So long, I venture to say, that before the completion of the work the changes in business in this active age and in the conditions of the railroads would make necessary a re-examination of the subject and a readjustment of the rates.

There are other objections to an interstate-commerce commission, growing out of the fullness of its powers, the disastrous consequences of its mistakes, and the dangers and temptations incident to the position of its members; but those will suggest themselves, and I need not now discuss them. It is enough that such a scheme seems impracticable, even if clearly constitutional, to lead me to prefer a simple one whose constitutionality is beyond dispute.

Judge REAGAN, an able, an earnest Congressman from Texas, who for more than ten years has been laboring to master this great question and has been pressing its importance upon the attention of Congress and the country, at the last session secured the passage of a bill through the lower House by a vote of 2 to 1 to regulate interstate railroad traffic. In advocating that measure he expressed the opinion that "no law fixing rates of freight could be made to work with justice either to the railroads or the public," and the same conclusion has been reached by others who have maturely considered the subject from a wholly impartial standpoint. To me this seems clear, and the reasons for it are equally forcible when applied to rates fixed by an interstate commerce commission.

The Reagan bill, as it passed the House, though far from perfect and far from satisfactory to me and to many who voted for it, including its author, I suppose, as it was considerably changed after he introduced it, has in it the idea which seems to me the correct one for practical legislation embodied in general provisions, prohibitory and mandatory, to restrain and direct the railroad companies and protect shippers from all unfair, unjust, and unreasonable dealings, with stringent and specific remedies for a violation of these provisions. I think a system built on this idea would be far better than a commission.

I prefer a law which requires that all freight charges between all interstate points as to all persons, all distances, and all kinds and quantities of freight shall be reasonable, and provides speedy redress in case of violation, and imposes penalty, if the violation be willful, in any court of competent jurisdiction, whether State or Federal. Details should be prescribed having reference to the grievances most complained of, such as requiring rates to be published, prohibiting unjust discriminations between persons and places, and forbidding oppression in any mode, direct or indirect. But there is, I think, no longer room for doubt that arbitrary rules which are inflexible as to long and short hauls, or as to shipments in bulk or small parcels, are injudicious and dangerous. It seems now almost agreed, at least in this body, that such iron rules are likely to defeat the object we aim at, the relief and protection of the people.

The objections I have offered to a commission under Congressional law do not apply, except perhaps in very small measure, to commissions under State laws where there is constitutional warrant for their creation. The sphere of action of such commissions is comparatively small, their duties are far less complicated, and their powers are limited and restricted. In a number of States such commissions are working well.

I am wedded to no particular system and will oppose none, though its details may not satisfy my judgment of what is needed, if it gives promise of something like fair dealing and even slight protection to the people of the country, and does not threaten greater evils than those we seek to escape. For want of a better measure I am ready to vote for the bill in its present shape, though I do not approve the creation of a commission.

The PRESIDING OFFICER (Mr. SEWELL in the chair). The question is on the amendment of the Senator from Vermont [Mr. EDMUNDS].

Mr. CULLOM. I suggested a while ago some amendments to the amendment offered by the Senator from Vermont, and also a slight amendment to the bill. I propose to change the amendment which I suggested to the amendment of the Senator from Vermont by proposing to insert after the word "petition," in line 25 of his amendment, the words:

And on such hearing the report of said commission shall be *prima facie* evidence of the matters therein stated.

And leave the rest of the Senator's amendment as it stands.

I think that as amended it is in substance what I desire incorporated in the amendment of the Senator from Vermont, and it will waive the necessity of my offering the amendment I originally suggested. If that amendment is adopted I shall then move to strike out of section 12 of the bill all after the word "law," in line 24.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Illinois [Mr. CULLOM] to the amendment of the Senator from Vermont [Mr. EDMUNDS], which will be read.

The CHIEF CLERK. In line 25 of the proposed amendment, after the word "petition," it is proposed to insert the words:

And on such hearing the report of said commission shall be *prima facie* evidence of the matters therein stated.

The PRESIDING OFFICER. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. EDMUNDS. Then a semicolon should be inserted after the clause just voted in.

The PRESIDING OFFICER. A semicolon will be inserted. The question now is on the amendment of the Senator from Vermont as amended.

The amendment as amended was agreed to.

Mr. CULLOM. Now I move to strike out all after the word "law," in line 24 of section 12, to the end of the section.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Illinois [Mr. CULLOM], to strike out the words which will be read.

The CHIEF CLERK. It is proposed to strike out of section 12 all after the word "law," in line 24, as follows:

But if said common carrier shall neglect or refuse, within the time specified, to desist from such violation of the law or to make reparation for the injury done, in compliance with the report and notice of the commission as aforesaid, it shall be the duty of the commission to forthwith certify the fact of such neglect or refusal, and forward a copy of its report and such certificate to the district attorney of the United States for the judicial district in which such violation of law occurred for redress and punishment as in this act provided.

Mr. GORMAN. I hope the Senator from Illinois will explain why this clause is proposed to be stricken out.

Mr. CULLOM. Since the amendment offered by the Senator from Vermont has been adopted and the amendment to it which I proposed just now I think this part of the twelfth section is entirely unnecessary.

Mr. EDMUNDS. It embarrasses rather than helps it.

Mr. CULLOM. It encumbers it and makes the meaning of the bill doubtful to have that part of section 12 left in the bill. That is the only reason for the amendment.

The amendment was agreed to.

Mr. INGALLS. Has the original section 13 now disappeared from the bill?

Mr. CULLOM. It has all gone from the bill, and the amendment of the Senator from Vermont takes its place.

Mr. CONGER. I now offer the amendment I proposed heretofore in section 1, line 6.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. In section 1, line 6, after the word "used," it is proposed to insert:

Under a common control, management, or arrangement.

So as to read:

That the provisions of this act shall apply to any common carrier or carriers engaged in the transportation of passengers or property by railroad, or partly by railroad and partly by water, when both are used under a common control, management, or arrangement for a continuous carriage or shipment from one State or Territory of the United States to any other State or Territory of the United States, or from any place in the United States to an adjacent foreign country.

Mr. CULLOM. I think the bill means that now.

Mr. EDMUNDS. What does the amendment mean precisely? Suppose a shipper at Saint Paul, Minn., of flour to Liverpool makes an arrangement to ship through——

The PRESIDING OFFICER. Steamers used by railroads or by individual parties, if under the same control, are subjected to the bill.

Mr. EDMUNDS. But if the flour manufacturer at Minneapolis wishes to send one hundred barrels of flour to Liverpool and sends them by rail to New York, and then by a continuous arrangement with a steamship line from New York to Liverpool, are you to say that no less rate shall be applied to that through shipment, including the ocean, for the same distance, which is a longer haul certainly as it is called, than for a shorter one? Is that what it means?

Mr. CONGER. It applies to water communication on the lakes and rivers within the United States.

Mr. EDMUNDS. Does it say that?

Mr. CONGER. If you read it in connection you will see that it does.

Mr. PLATT. I think if the Senator from Vermont will read on down a little farther to line 9 of section 1, he will see that this bill does not under any circumstances apply to goods which start in this country by rail and are shipped across the water to a foreign country. It applies to goods which start in this country and are landed in an adjacent foreign country, as it seemed that it was necessary that it should in order to regulate our own domestic commerce; but it was not the intention of the bill to apply to commerce or goods which start in this country and end in a foreign country not an adjacent country.

Mr. HALE. Does it not apply to that part of the transit of such goods as takes place in this country?

Mr. PLATT. Not at all, unless it be from one State to another State in this country.

Mr. HALE. Take for instance the case cited by the Senator from Vermont of a shipment made originally from Minneapolis where the shipment is entire from Minneapolis by rail, by water, and by sea, to Liverpool.

Mr. PLATT. With a through bill of lading to Liverpool?

Mr. HALE. With a through bill of lading to Liverpool. It passes from one State to another.

Mr. PLATT. I do not think this first section of the bill would touch it.

Mr. HALE. What is the interpretation of the Senator from Illinois who is in charge of the bill upon that particular point?

Mr. CULLOM. So far as I am concerned, I do not think the first section of the bill at all interferes so far as the shipment on the water is concerned. It regulates the land part of the transportation from the point of starting to the point of transshipment to a foreign country.

Mr. HALE. That does not satisfy me, because I find the Senator from Illinois and the Senator from Connecticut at odds on the interpretation of the bill. My question was whether on a shipment from a Western port, Minneapolis for instance, to Liverpool through, this bill in any part of it touches that portion of the route lying in the United States as part of the through shipment from Minneapolis to Liverpool. The Senator from Connecticut says that he does not think it touches at all upon the land part of the shipment. The Senator from Illinois says that it does not touch the sea part. Now I want to know whether it touches any part of a shipment of that kind made from Minneapolis right through by bill of lading to Liverpool.

Mr. CULLOM. It seems to me there can be no doubt about the fact that as to any foreign shipment by rail from any part of the interior of the United States to Boston, if you please, to be sent from there to Liverpool, this bill will regulate the railroad or internal part of the shipment; in other words, the shipment of the goods from Chicago or Des Moines, or wherever it may be, to Boston or New York; after you get there and put it on the vessel that goes to Liverpool, this bill has nothing to do with that part of it.

Mr. HALE. Nobody, I suppose, ever raised any question of that kind; but the Senator from Connecticut thought, in a case of the kind agreed upon by the Senator from Illinois and me, it did not touch that part of the shipment that went through our territory.

Mr. McMILLAN. In a shipment from Minneapolis to Liverpool by rail and by sea, would any portion of that route be affected by this bill?

Mr. HALE. That is precisely the question I asked.

Mr. CULLOM. In a shipment from any point to Liverpool on a through bill of lading, a thousand miles of the shipment, perhaps, going by rail across this country, and then to Liverpool by sea, there is no kind of reason why that shipment should not be regulated by this bill just as well as any shipment from Iowa to Boston.

Mr. HALE. Where is the part of the bill in which this particular point that we are now somewhat at odds upon is provided for?

Mr. PLATT. I think I was mistaken in the statement that I made in reply to the question of the Senator from Maine, or else I did not understand his question. I agree with the chairman of the committee. The first section provides:

> That the provisions of this act shall apply to any common carrier or carriers engaged in the transportation of passengers or property by railroad, or partly by railroad and partly by water when both are used for a continuous carriage or shipment, from one State or Territory of the United States to any other State or Territory of the United States, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States, and also to the transportation in like manner of property shipped from any place in the United States to a foreign country and carried from such place to a port of transshipment, or shipped from a foreign country to any place in the United States and carried to such place from a port of entry either in the United States or an adjacent foreign country.

Mr. ALLISON. Now, let me ask the Senator what is the effect of this first section to which the Senator from Michigan proposes an amendment when considered with the fourth section, taking the illustration made by the Senator from Maine. Here is a cargo of flour, for example, to be shipped from Minneapolis to Liverpool. I understand from the statement of the Senator from Illinois that that cargo of flour comes within the control of this bill until it reaches its point of departure to Liverpool; that is, New York or Boston. Now, the original point of departure is Minneapolis. The point of destination so far as this bill is concerned is New York or Boston. The fourth section of the bill provides that between these two points no greater rate shall be charged for any transportation of like products for a short distance than is charged for a long distance.

Now, do I understand this bill to provide, taking these sections together, that the rate fixed at Minneapolis for flour to New York city shall control the rate for all intermediate shipments between Minneapolis and New York city, whether the carriage is wholly by rail or whether partly by rail and partly by water?

Mr. PLATT. Yes, sir.

Mr. ALLISON. If that be so, I submit to the Senator from Illinois that it will be very inconvenient to hold transportation companies responsible for that rate, as it is within my knowledge that flour is transported, and has been for several years transported, from Minneapolis to Glasgow, Scotland, at the rate of a little less than 80 cents per barrel or 40 cents per 100 pounds. It seems to me with that construction of the bill the fourth section will be very inconvenient.

Mr. CULLOM. The Senator knows that any system of regulating through rates that leaves one railroad in a position where it can take advantage of another in this country is unjust. The purpose of this provision in relation to water transportation is to so frame the section as that all American railroads, as well as those that run outside into Canada, shall have to come up to the provisions of the bill to some extent. There is no provision in this bill that at all interferes with water transportation unless it is operated under some arrangement with a railroad company or common carrier by rail by which it can take advantage of any other railroad that has no water connection at all.

Mr. ALLISON. Now the Senator from Michigan [Mr. CONGER] proposes an amendment. Surely no ship or vessel navigating the lakes will navigate those lakes except in connection with some land transportation line.

Mr. CULLOM. I do not understand it that way.

Mr. ALLISON. Suppose a vessel goes to Duluth unconnected with any railroad line and takes there a cargo of flour at a fixed rate to Buffalo. It will take that cargo of flour to Buffalo, and when it reaches Buffalo the New York Central Railroad will take hold of it. Therefore without a specific arrangement this railway and this independent vessel can fix any rates they may choose, regardless of this bill, if the amendment proposed by the Senator from Michigan be adopted.

Mr. CULLOM. That may be so. It has been the judgment I believe of almost everybody who has paid attention to the subject that we can not undertake to regulate water ways in all business done on the water, and we therefore have left them out except in cases where the boats on the lakes, if you please, are part of a continuous line with some railroad like the New York Central operating from New York to Buffalo.

Mr. HALE. How often is there such a connection between the railways and the water-intervening transportation where the law would recognize them as one route or combination?

Mr. CULLOM. I suppose as a matter of fact, taking the New York Central, that that railroad has business contracts and arrangements with lines of boats upon the lakes running between Buffalo and Chicago or Duluth, or wherever else lines may run where they can take freight, and nearly all the railroads that make any water connection at all have contracts with lines of steamers by which their freight is taken back and forth from the different points just as if it were carried all the way on the railroad lines.

Mr. ALLISON. Then the fourth section applies?

Mr. CULLOM. Yes, sir.

Mr. PLATT. The bill of lading determines that. If a man gets a bill of lading from New York to Duluth the bill of lading shows that there is a line of steamers under his management; otherwise he gives a bill of lading to Buffalo, and there bulk is broken and somebody else takes it.

Now, if I understand the question of the Senator from Iowa it is whether the fourth section, which we call the long haul and short haul clause, applies to those lines which consist partly of railroad and partly of water communication. I understand that it does, and it was with that understanding and with that idea that I felt that it was essential to any short-haul law which was passed with reference to interstate commerce that it should be limited to the same original point of departure; and if it were limited to the same original point of departure I do not see what difficulty could occur. Take Duluth, if you please, and call that the original point of departure. Flour starts East for New York on a continuous route by a line which is all under the control of the same carrier. Now, if those words which have been stricken out were in the provision I can not see why a man shipping East by that line should be charged any more from Duluth for a short distance than for a longer distance.

Mr. ALLISON. Yes, but those words are stricken out.

Mr. PLATT. They were stricken out against my vote.

Mr. ALLISON. But now it appears that this water communication is to be added to the railway communication, and is to control the intermediate traffic. It seems to me that that is an impracticable thing. The Senator from Michigan [Mr. CONGER], who I believe has voted to insert that provision, wants to except all that portion of our country which surrounds the lakes from the operation of the provision by exempting vessels on the lakes from it. I submit that that is not an amendment which ought to be adopted.

Mr. CONGER. My objection to this bill as it stood was that its provisions applied "to any common carrier or carriers engaged in the transportation of passengers or property by railroad, or partly by railroad and partly by water when both are used for a continuous carriage or shipment." If a vessel is used for a continuous shipment until the freight reaches rail and is taken by water afterward, it would apply to any vessel that carried any freight that was coming or going by rail. Therefore it would apply on our rivers or our lakes to any vessel that came and offered itself to carry freight.

The friends of this bill say that it meant to apply to a continuous carriage under an arrangement for carriage by rail and then by water

and then by rail again by some contract or agreement. In order to avoid imposing the duties that follow in the rest of this bill as a penalty on any vessel that happened to be carrying freight from one lake port to another that had come by rail, I wanted to define more particularly that this should be under some common control, management, or arrangement of both railroad and vessel to make the latter come under the provisions of this bill.

This makes it more definite that it shall not apply to every vessel that happens to get freight that has come by rail, as the bill itself seems to indicate, but may apply to those classes of vessels which, by a common control or a common management or a common arrangement, are engaged as a through line partly by rail and partly by water.

If this bill means anything, it is a bill that ought not to be passed without this amendment. If it is to control every vessel on the lakes and on the rivers, and control and make subject to the penalties provided in this bill every boat on the Mississippi that happens to carry freight which comes to a point on the river by rail or which may leave the river at some point to be carried by rail, it utterly destroys the inland navigation of the United States as effectually in my judgment as any bill that could be passed.

I have no objection, if a boat and a railroad have some common control, arrangement, or management by which they can understand they come under the provisions of this bill, to let them come under its provisions.

Mr. ALLISON. Is it not apparent that all the vessels navigating the lakes and all the boats navigating the rivers will have no such arrangement after this bill passes, but the vessels will simply run up and down the Mississippi River until they reach the point where they know there is a fixed rate and a low rate by rail and there unload their freight, which will be picked up by the railroad? So of these vessels on the lakes. Can not that be done? Here is an immense traffic, as the Senator from Michigan knows, from Saint Paul—not from Duluth, because the through contracts are made from Saint Paul or Minneapolis to transport grain and flour to all the Eastern points and to return with cargoes of anthracite coal from Pennsylvania. The lake vessels engaged in that traffic do not need to make any arrangement to fix the lake rate at a cent a ton for so many miles. That freight is landed at Buffalo, where it meets a New York State railway not under the control of this bill at all. So if the amendment of the Senator from Michigan is adopted, how does your bill affect the rate of such shipments to New York?

It seems to me it is a manifest injustice to those people who do not happen to live upon the lakes and to those railways that are obliged to make their entire carriage by rail from points in the West to the seaboard. So the ultimate effect of the amendment proposed by the Senator from Michigan will be to place the people who happen to live on the lakes in a more favored condition than the people who are obliged to live and do live elsewhere.

Mr. CONGER. I can not see that it has any such effect at all. All around the lakes and along the rivers, if anybody has at a particular point a shipment of freight to make he charters a vessel. That is done everywhere. The vessel takes a load of grain or anything of that kind from Chicago, from Detroit, from Cleveland, from Toledo to some other point of destination. The vessels take their load of freight from one lake port to another lake port with no connection and no arrangement. They go according to the charter. But under the provisions of this bill if they carry freight that has come by rail, then they are liable to the pains and penalties of this bill, simply because they carry that freight, not that there is any contract, any arrangement, any common control.

I want to avoid that provision of the bill which fastens upon vessels doing business in their own name and in their own way upon the waters of the United States; I want to relieve them from the liabilities of this bill and the penalty of thousands of dollars unless there is some arrangement or privity of contract between the railroad and the vessel. Then let them come under its provisions.

Mr. ALLISON. But the Senator from Michigan will see that, unless I am utterly mistaken about this matter, that absolutely lets out, so to speak, the entire region on the borders of the lakes from the operation of this bill, and all they have to do is to arrange their transportation accordingly, and thereupon they say, "This is not a through line; we are running independently from Buffalo to Duluth; we take whatever is handed to us at Duluth and deliver it at Buffalo;" and the New York Central Railway fixes a rate there, and they are entirely absolved from the provisions of this bill.

If this is good for one section of the country it is good for the whole country, and I do not want to see a provision inserted here which will make a discrimination in favor of all those people who happen to live upon the borders of the lakes and rivers as against the people who are obliged to use interior railway communication to reach the seaboard with their products.

Mr. PLATT. Mr. President, there are some things this bill does not apply to directly. It does not apply to railroads in the first place; it does not apply to water communication in the second place, and it does not apply to freights in the third place. Senators should get those ideas out of their minds. It applies simply to common carriers who undertake to transport freight or passengers of an interstate character. That is all. It does not apply to anything else.

Mr. ALLISON. That I understood, if the Senator from Connecticut will allow me to interrupt him to say so much.

Mr. PLATT. So it seems to me the dangers which gentlemen suppose will occur between the water routes and the railroads do not exist. If they do, I can not see them.

Mr. ALLISON. May I ask the Senator a question?

Mr. PLATT. Certainly.

Mr. ALLISON. If Duluth and Buffalo were in the same State, or if there was no intervening State, I agree; but this water carriage runs through three or four States on its way to Buffalo.

Mr. PLATT. Then, unless a railroad is used between the point of starting and the point of destination, this bill does not apply?

Mr. ALLISON. So I understand.

Mr. PLATT. And if a railroad is used it does apply?

Mr. McMILLAN. Allow me to ask the Senator from Connecticut a question. Suppose under this bill an arrangement is made by steamers on the line of the lakes from Duluth to Buffalo in connection with a line of railroad to the Atlantic coast; is not that within the rule and is not every part of it within the rule? And therefore the portion of it from Duluth to Buffalo would be a part regulated by this act.

Mr. PLATT. It depends altogether on where the common carrier proposes to land his goods. If the common carrier taking the shipment in Duluth proposes to land his goods at Buffalo, this bill applies to him and to that transaction. Then if another common carrier takes the shipment from Buffalo and carries it to New York, this bill applies to that carrier and that other transaction.

Mr. McMILLAN. The instance I cited was of a line of steamers from Duluth to Buffalo running in connection with a line of railroad from Buffalo to New York carrying freight and passengers as their business.

Mr. PLATT. If the contract made in Duluth is to land the passenger or the property in New York, then it comes within the provisions of this bill. If it is wholly by water, to land the passengers and property at Buffalo, then it does not come within the provisions of this bill.

Mr. McMILLAN. If they are carriers by a common arrangement, a general business from Duluth to New York, a shipment from Duluth to Buffalo on that line, a line controlled by that arrangement it seems to me certainly would come within the provisions of this bill, although the particular shipment may not extend beyond Buffalo. Still that is part of a line engaged in doing business holding themselves out to the public as transacting the business—of common carrier from Duluth to New York.

Mr. PLATT. If they hold themselves out to the public and make contracts to transport the goods to New York certainly the whole contract is within the provisions of this bill.

Mr. McMILLAN. Then the Senator from Michigan proposes to amend this bill so as to impose the limitations upon other lines of railroad, which would deprive all commerce at the terminus of a road of the benefit of competition which may exist there. It would affect them to that extent, the lines of transportation upon the lakes as well as the lines of transportation by rail; and it would deprive the Senator's State of the benefit of competition on the lakes. He wants, therefore, to exempt independent boats, so that they shall have the benefit of competition on the lakes; but those who depend on transportation by rail from the interior of the continent he insists shall have no benefit of competition, because by his amendment he has ingrafted a provision here which absolutely forbids it.

Mr. CONGER. Mr. President, the Senator from Michigan did not give any such vote as the Senator from Minnesota unadvisedly and intrusively has alleged here. If he did, that has nothing to do with the merits of this provision.

Mr. McMILLAN. Allow me to ask the Senator if he did not vote for the amendment of the Senator from West Virginia [Mr. CAMDEN].

Mr. CONGER. The Senator from Michigan voted for an amendment which he thought was a very desirable one and which he will vote for again in the Senate and continue to advocate, but it has nothing to do with this proposition one way or the other. The Senator from Michigan votes for whatever he chooses to vote for, and he intends to do so.

Mr. McMILLAN. I do not intend to dispute the Senator's right to do it. I only desired to show the Senator that he voted to impose disabilities on us and he ought to be willing to incur the same obligations.

Mr. CONGER. The Senator from Michigan has not voted to impose disabilities on others. The Senator from Michigan has endeavored to the best of his understanding—and he believes he understands the question—to save the State of Minnesota from the evil effects of a law which without this amendment would be very injurious to that State and to all other States, and which the Senator from Minnesota does not yet see the importance of, but he will in time. It will come to him gradually and break upon him whenever the amendment which has been adopted in committee shall be stricken out. Whenever the law begins to operate without it, then the Senator and a good many other Senators will hear from it in a way that will be a reminder, agreeable or otherwise.

Mr. McMILLAN. Not in the Mississippi Valley.

Mr. CONGER. I thought Senators had a right to vote according to their own judgment without being criticised here. We are in Committee of the Whole, I believe.

The Senator from Michigan voted in behalf of Minnesota people and Kansas people and all other people on this great continent that railroads should not charge for half the distance on the same line of road more for carrying freight than they did from the point of departure, double the distance. The proposition is plain. I have read since I cast that vote the great argument of Mr. Basil W. Duke. I have read it all through in pamphlet, in which he attempted to controvert that proposition, and I say if Senators rely on an argument of that kind they are relying on a broken reed.

The argument is not good, as any man can show with time. I find the argument of Mr. Basil W. Duke in a pamphlet circulated, the argument which in one form or another has been taken up by every Senator who opposed the amendment of the Senator from West Virginia. It is the whole gist of the argument changed in form. Different members look through a kaleidoscope at the argument.

The argument of Basil W. Duke, of Kentucky, in one form or another has been repeated and reiterated *ad nauseam* on this floor. I read the pamphlet right through to see if I could find in the original argument itself anything to sustain these gentlemen, and I could not. It may be my fault, but I could not do it.

Now, what is this proposition? I have tried to show the Senate, and I have satisfied my own mind, that the provisions of the bill—although the committee say it will not have the effect which I feared—might have the effect, and would have the effect, to impose burdens upon the entire inland navigation interests of the United States. I have said to the Committee of the Whole Senate that we had expended something like $173,000,000 in improving these water communications, these highways upon which every inhabitant of the United States may go and travel as upon a public highway with his own vehicle, whether it be a dugout, a barge, a batean, a steamboat, or a scow, with his own freight, in his own way—the great highways of the people.

I believe that this bill without some amendment of this kind will impose all the restrictions and all the penalties and all the obligations it prescribes upon every common carrier by water upon these highways which we are year by year called upon to make appropriations to improve, and this year we have a bill which amounts to eighteen or twenty million dollars. We lay a restriction upon that class of common carriage upon water which would render useless all the attempts of this Government to improve these great highways. That is my belief about it, earnest, sincere, after the most careful attention I have given to it. Every one knows that any bill which lays its hand upon the water communications of the country, any bill which impedes the right of the citizen to go on these great highways, whether improved by the money of the nation or whether the gift of God, suitable for transportation, if it should restrict their convenience, if it should restrict their navigability, if it should prevent the citizens from using these communications and highways of the nation, the Senate and the House, the Congress that passes such a bill and the President that approved such a bill, would meet with a storm of indignation and reproach from the people of the United States that no man could stand up under. It is to avoid the possibility of such a construction that I have said in regard to water communication that where the carriers by water have some common management, control, or even arrangement with railroads by which they are a continuous line, then as they have entered into that arrangement and given that control and that management voluntarily, with the law before them, they shall be subject to it. Do not subject them to the penalties of this bill, penalties of $5,000 for a violation of it. Do not impose that upon every man who uses his own vessel, large or small, to transport freight upon the rivers or the lakes or the sounds or the bays of the United States from place to place, because it had been transported by a railroad company to the place where he reached it, or because it might in a continuous carriage be transported by a railroad company from the place where he delivered it.

Mr. HALE. Let me ask a question. I see what the Senator is seeking to get at, and I appreciate that by the terms of his amendment he wants to take out from the operation of this bill all that great interior lake navigation and river navigation that is not operated, to use his language, "under a common control, management, or arrangement"—those are the exact words—with a railroad. Now, I want to ask the Senator whether there is any difficulty in making the application of this rule as he has laid it down? What would be construed as a common control or management or arrangement? Suppose, for instance, that the railroad makes no control or arrangement or management from year to year or from month to month, but that by the terms of a particular contract it only applies to a specific cargo, to a specific freight for the time being, for only that once, would that be a common control, management, or arrangement? Because if it would not, and it is desirable to take these lines of lake steamers and river steamers out of this bill, it would be easy enough to avoid what might seem to be carried by the amendment of the Senator from Michigan, by making no common control, management, or arrangement, but only letting it appear as if it was a contract for the time being, as though the vessel itself went independent, without regard to the road, and took up the freight and carried it and transferred it to another point where the railroad came in. Does not the Senator see that there might be difficulty? I do not know whether it can be remedied or not, but is there not difficulty here in the application of the amendment?

Mr. CONGER. My answer to that is this: If there is no common arrangement or common control or common contract for a through rate from any point, I will say from Saint Paul to New York partly by rail and partly by water—that is, partly by the lakes—if there is no arrangement by which they carry in common for a given price for the whole, a portion by each part, rail and water—when one ships to a port on the lake and there it is subject to carriage by anything that will take it by charter-party or a contract made there, then there is no common arrangement for that through freight either as to price of carriage or anything of that kind, and there is no special arrangement either. It is to avoid bringing under the control of this bill that class of vessels—a very large class of vessels, which take freight where they can find it and carry it where they agree to as independent boats—that this amendment is offered.

I thought there could be no possible objection to this. It is not half the provision I would desire for such an amendment. I would desire that there should be a common specific contract or arrangement of carriage all the way from Saint Paul to New York, with the amount of freight defined and the ratio of freight charged on the rail and on the water, and on the rail again defined. That is done where there is a continuous through arrangement, so that the vessels become a part of the railroad line and are subject to its freight charges and its expedition and all those questions that arise.

It is the easiest thing in the world in regard to any freight, by the invoice, by the consignment, by the bill of lading, to declare that it shall be all rail to New York, or that it shall be part rail and part water, on the lakes or on the rivers. The very bill of lading itself shows what the arrangement and control is. So I have said "under a common control, management," or, to meet all possible cases, an "arrangement."

I am asked a question in regard to the evidence of it. The evidence is plain. There will be no escaping the common arrangement under this provision, the common control of the railroad and of the vessel or of the line of vessels. When they do make such an arrangement in common between the vessel carrier and the land carrier by railroad, then they do it knowingly and come under the operation of this bill that applies to both. Both know what the law is, both know where it applies; and I am perfectly willing that if a carrier by water knowingly enters into any arrangement or contract or common control with regard to that kind of freight he shall be liable to all the obligations of this bill.

Mr. HALE. Let me ask the Senator how that immense amount of commerce that is brought to one side of the lakes by railroad and taken from the other side by railroad for through transportation and which over the waters immediately is carried by steamers is generally carried. Is it by independent ships, vessels, steamers, or under some such arrangement as would be included in the words of the amendment of the Senator from Michigan? How is that done?

Mr. CONGER. I know how it is, the same on the lakes and the same on the rivers. Railroads and lines of steamboat transportation have a common contract by which they take freight and divide the receipts.

Mr. HALE. Divide the whole freight?

Mr. CONGER. Divide the whole freight. There are several lines of that kind on the great lakes where there are large shipments from points to points coming by rail and leaving by rail, as there is at Cleveland, at Erie, at Buffalo, and at Ogdensburg, within our borders from Chicago, and there are lines of steamers connecting with railroads. They always run by a common arrangement for the carriage of freight, and each gets a fixed proportion of the freight. They come under the provisions of this bill and ought to.

Mr. HALE. Undoubtedly.

Mr. CONGER. I do not object to that, because that connects with the railroad freight, and the lines of vessels have their management and arrangement and they enter into this agreement knowingly; but there are hundreds of ports on the lake shore where freight is received which does not come by rail. The six thousand million feet of lumber that are manufactured in the State of Michigan leave its ports where the mills are around the lakes, and they go in single vessels owned by the mill-men sometimes, chartered vessels sometimes picked up where they can, and they take this lumber freight to Chicago, the great lumber market, millions and millions of feet of it. I am speaking now of Michigan lumber and not of Wisconsin and Minnesota. It is gathered up at all the points around the lakes and shipped in a mill-owner's vessel or a hired vessel or a chartered vessel for the occasion, perhaps running all the season from the mill. All that class of vessels, because that lumber goes out of Chicago by rail, ought not to be covered by a law of this kind.

Mr. PLATT. Certainly not.

Mr. CONGER. So the friends of this bill, those who have charge of it, say it ought not to be included. Now, there is lumber shipped from Detroit to Pittsburgh. That is shipped in the harbor, on the lakes or wherever it may be, on board this same class of vessels to Erie or to any point whence it may go by canal or by rail to its point of destination. There is no reason in the world why those vessels should be liable to the pains and penalties of the bill. Until they have reached a point by a contract with one party by rail when it has been carried by water and is to be carried by rail, there is no reason why that class of vessels or common carriers should come under the provision of the bill.

Mr. MORRILL. May I ask the Senator a question?

Mr. CONGER. Yes.

Mr. MORRILL. Suppose where there was no contract or arrangement between the shipping companies, water and land, a case like this should occur, that the parties owning the merchandise to be shipped should make an arrangement or contract with one party to carry to a certain point for a certain rate, and when it got there the other party should have had a contract with the same parties to carry it at the same rate, and that this contract should become known and the constant usage, would the shipping parties on land and water be liable under the proposed arrangement, there being no contract whatever, only a usage?

Mr. ALLISON. They have no arrangement.

Mr. MORRILL. No arrangement whatever.

Mr. CONGER. The Senator asks a question as he might in regard to evidence. If this arrangement of carrying part of the way with one carrier and then a new contract carrying part of the way with another carrier is in fraud of the law, when that can be proved the law will attach. No man can escape the provisions of law by a pretended arrangement.

Mr. MORRILL. But the constant practice all over the country now is that if you have anything you want to ship you mark on it the destination and by way of certain communications of this railroad and that and by water communication. The bill of lading goes without transfer to the person, and at the end he charges it to the whole route; it is charged over to the last party who has any control over it. That is the constant practice all over the country.

Mr. CONGER. That is a contract of shipping from the point of departure to the extreme end of the route.

Mr. MORRILL. There is no contract about it.

Mr. CONGER. I say that is virtually a contract from the point of departure to the through end of the route. The contractors at one end agree to lay down this freight in New York from Saint Paul or from Kansas City, or wherever it may be sent from, at a certain price. The contract may take either course. If it says partly by rail and partly by water, the price is agreed upon and with expedition the freight must go on, the road taking the responsibility for its through freight to New York. There must be a contract or arrangement running with that freight on through, whether it is on another railroad or whether it is on a vessel. There must be a contract of expedition, of charging of the freightage, whether it is written out in full or not. Therefore I put in the words, "common control, common management, or arrangement," so that there can be no objection at all that it should come under some head by which these vessels should be made liable and in law would be held liable to the provision of the bill after having made their arrangements and joined in a common management, or common control, or common arrangement.

I think that is fair. I think it embraces everything which the friends of the bill ought to ask, and it certainly means no more. It is in a modified form what I have been willing to give and what the friends of the bill have declared would be the effect without it. I do not think it can have the effect without it, and therefore I want the provision inserted.

Mr. McMILLAN. It seems to me that the bill as reported by the committee upon a line of water transportation would embrace all kinds of traffic, whether part of a continuous line of transportation or not. The amendment of the Senator from Michigan limits the effect of the law, I think, to vessels which run in connection with some line of transportation by rail. I am willing to give all the competition by water that I can, and as the amendment offered by the Senator from Michigan does leave room for competition on the lakes, on the rivers, and wherever there is transportation by water, I shall vote for his amendment. But if I could vote to exclude all vessels, whether running in connection with a line of transportation by rail or not, I should do that. That would suit me better; but as I can not get that I shall vote for the amendment of the Senator from Michigan, which does give competition by independent vessels upon all navigable waters and lines of boats running in connection with railroads. It is that much less to me.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Michigan [Mr. CONGER].

Mr. BECK. I should like to hear the amendment read so that I may understand it.

The PRESIDING OFFICER. The amendment will be again read.

The CHIEF CLERK. In section 1, line 6, after the word "used," it is moved to insert the words "under a common control, management, or arrangement;" so as to read:

That the provisions of this act shall apply to any common carrier or carriers engaged in the transportation of passengers or property by railroad, or partly by railroad and partly by water when both are used under a common control, management, or arrangement for a continuous carriage or shipment from one State or Territory of the United States to any other State or Territory of the United States, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States, &c.

Mr. BECK. Mr. President, it strikes me that the amendment is a good one, because on the public water ways of the United States any individual man has a right to put his own boat, haul his own freight, and if he can not get it from railroads that carry partly by rail and partly by water, I think as far as the quantity is concerned he can act on his own responsibility and take the chances. He will not be able to do it in all cases, but he has the right to do it. As we are providing only, as I understand, for common carriers either by rail exclusively or by rail and water as a part of a continuous line for the time being at least, I think it would be well for us to leave out that class of persons who are not acting as corporations, who are not acting under the authority of the United States or the States in carrying on commerce between the States, and we should allow the individual man not connected with any organization to which corporate rights have been given to manage his water communication to suit himself, if he can. I do not know that he can, but it strikes me that there will be no harm in the amendment.

I know that last year, and I see again this year, the struggle has been, and is now, and will continue to be, between those of us who believe that it is the duty of the United States in regard to interstate commerce to take control over the great common carriers of the country and those who do not believe that we have a right to do so or that we ought to interfere with them at all. The States in regard to State commerce have assumed that right, and the Supreme Court has decided that they had a right to do it.

Since the amendment of the Senator from West Virginia [Mr. CAMDEN] was adopted the other day we find all sorts of amendments, not intended, for I have no right to assume that any Senator intends anything that his amendment does not purport, but obviously having the effect of breaking down the bill, for many gentlemen perhaps desire no legislation at all. For instance, an amendment was offered by the Senator from Rhode Island [Mr. ALDRICH] the other day and adopted. The remark was made by the Senator from Iowa [Mr. ALLISON] "that is right," as the RECORD shows, and the amendment was agreed to, adding the words "of the like class and quantity of," so as to make the fourth section read:

That it shall be unlawful for any common carrier to charge more or receive any greater compensation in the aggregate for the transportation of passengers or of the like class and quantity of property subject to the provisions of this act for a shorter than for a longer distance over the same line, in the same direction.

Quantity! They might, as they have done in times gone by, charge, as I have shown they did, $300 a car from Omaha to San Francisco and $800 from Omaha to Reno. But if they could show that there was half a bushel more grain, not to say a car-load more, going through to San Francisco than there was in that to Reno, they would have a right to charge the $800 to Reno, and nobody could prove and no shipper could tell whether it was the same quantity.

The Senator from Rhode Island of course did not mean that; but if he had consulted the railroad magnates, who did not intend to break up that practice, for the cunningest device which by any possibility could be devised to make the provision nugatory, he could not have done it more effectively. They tried that last year, but they did not dare to go as far as this amendment goes, because the same quantity settles the whole question, and there can be no punishment to a railroad company if they can prove that one shipment had a car-load more or a bushel more than the one they were charging $800 for, and pretend that they were not making an unjust discrimination.

The amendment of the Senator from Iowa [Mr. WILSON], which looks very plausible, is not much better, and it came from a gentleman who has opposed all efforts at taking control of railroads, as far as I can now recall his votes. Indeed his amendment was so plain that the Senator from Kansas [Mr. INGALLS] when he came to speak of it in his speech, in which he charged all of us with acting against the interests of the farmer who dared to say that a charge of $300 from Omaha to San Francisco and a charge of $800 to Virginia City, 700 miles shorter on the same train and hauling the same produce in the same car was an unjust discrimination, had to say, as I read from the RECORD in his speech:

The Senator from Iowa saw this difficulty, and he proposes, by an amendment that everybody can see is impossible to be effectuated, to prevent them from charging as much even for a short haul as for a long haul.

I agree with the Senator from Kansas. I would consider it impossible to be effective. The result would perhaps be no legislation. That suits the railroads.

The amendment of the Senator from Rhode Island absolutely destroys the possibility of making the bill of any value; but it seems that the Senator from Texas [Mr. COKE], the Senator from Tennessee [Mr. HARRIS], myself, and a number of others have turned out now to be railroad agents to break down the great shippers of the West and to prevent them from getting their corn, their wheat, their hogs, their everything to market, and that we have become now absolute lobbyists for railroads! That seems to be the presentation of this case now.

As to the water ways, last year, when the argument was up and Mr. Albert Fink was brought before the Committee on Education and Labor, as reported in volume 2 of the labor and capital investigation of that committee, part 1, page 496, which the Senator from New Hampshire [Mr. BLAIR] laid before us, Mr. Fink had to agree that the water ways were not in a position to combine or do anything as railroads do. This is a part of his testimony:

Q. The water ways among themselves are unable to combine?

A. There is no inducement for water ways to combine. They are never competitors in the sense in which railroads are. For example, the Erie Canal is not a competitor with the Mississippi River; that is to say, not an immediate com-

petitor. They are competitors in a certain sense, as for the export business; but they do not come into direct competition with each other. For example, the Hudson River runs through a certain section of country. There are only certain people that can be furnished with accommodations by the Hudson River. But with the railroads it is different; the railroads cross each other in every direction. The rivers do not. The net-work of railroads makes competition very active; one road competes with many others. There is no competition between the several water ways; there is only competition between the boats on each water way; but the railways compete with each other all over the country and in every direction. This makes railroad competition so much more widespread, leading to so many complications that it makes it difficult to prevent competition from becoming ruinous.

Therefore it seems to me in presenting this bill and seeking for the first time to assert our authority to regulate commerce that it is well enough to confine ourselves to dealing with those great lines, the railway lines and the water ways that they have control of, or the boats and other things they use as part of their systems, and to allow the people who are not a part of them nor connected with them to remain until we are further advised.

It is assumed now in the argument that the railroads do hauling cheaper, that is, from the extreme West—Kansas, Iowa, Minnesota, and elsewhere—than they would if any control was taken from them to regulate intermediate rates. I suppose every man in this country knows that there is not a pound of freight hauled from the most remote point in the West one penny a ton cheaper than competition requires it to be hauled. That condition will remain as well after the passage of this bill as now, because the existing competition that brings it down to the present point will hold it there.

I have never been disposed to go very far in the direction of cheapening the short haul, not further than the proposition I made last year, which I believe is perfectly safe, that the charge which is made by the railroad for the whole haul over the whole length of line shall be the maximum charge that shall be made for a haul over any part of it. That would not cripple anybody, nor injure anybody; but, as I illustrated in three cases that I have in my mind now, a railroad should not charge from the Pennsylvania mines to Baltimore $1.50 a ton for coal, and charge $2.50, if you please, to drop that same ton of coal at York, 60 miles short of Baltimore, on the same line of road. Nor should the Pacific railroads charge $300 a car-load from Omaha to San Francisco and $800 on the same line of road, in the same car similarly loaded, to Virginia City, with 800 miles less haul. Nor should the railroad from Memphis to New Orleans haul for $1 a bale, and charge $3 a bale from Winona, Miss., 120 miles nearer New Orleans on the same line for the same bale. If they are authorized to charge as much for any part of the way as they do for the haul over the whole line, that ought to be satisfactory to them.

Mr. BROWN. The honorable Senator from Kentucky has repeated on several occasions here the proposition which I find in his speech delivered on the 27th of last month and which he now repeats again, that no railroad should charge for hauling over a part of its line more than it charges for hauling over the whole length of the line. That seems to be his panacea for all the evils in railroading, as I understand, or at least the best that can be done.

If he will allow me to call his attention for a moment to how that will operate, I think he will see that it would not be effective at all in being of any service to the country. This is like all other legislation where we undertake to regulate commerce or to regulate anything that is so large that it is out of our reach or the operation of which people can not well understand.

Take as an illustration a shipment made from Saint Louis, Mo., to Macon, Ga. I will suppose that the rate charged on a car-load of bacon from Saint Louis to Macon is $50. If I understand the Senator's proposition, the railroad company or the transportation company should be permitted to charge $50, the maximum rate for the whole length of the line, to any intermediate point, but not to charge more than that at any intermediate point. That must be the maximum for any point, as it is the maximum for the whole length of the line.

Now, let us see how that would operate as a remedy. Suppose the railroads undertake to do that, if the law allows them to do it, and so the charge is made from Saint Louis to Macon. The railroad companies, if they choose in that case, without violating their rule, could dry up Louisville, and the trade going in the Senator's own State, because they could discriminate against it to any extent they might choose. There could be no remedy for the existing evil and it would make matters worse. For instance, they would charge on a car-load of bacon in the case I have already supposed $50 from Saint Louis to Macon. They might charge only $10 to Evansville, $50 to Louisville, and $15 to Nashville. They would then give to the competing city on each side of Louisville a very large and dangerous advantage. They might then charge $50 to Chattanooga, $20 to Atlanta, and $50 to Macon, if not restrained.

Mr. BECK. Under existing conditions, if their maximum charge from Saint Louis to Atlanta is $50, as the law now stands they can charge Louisville $150 for the same thing, and they may charge each intermediate city not only $150, but $500, for what they are charging $50 for. If there is no way of getting the freight from Louisville or these intermediate points unless it pays the $150 or the $500, when they are hauling the same freight from Saint Louis through to Atlanta at the lower rate, I should like to know from the Senator from Georgia whether we are not improving the condition a good deal and limiting their powers a good deal by the bill when we say, "You shall not charge $150, but $50 shall be your maximum?" I should like to have the Senator's answer to that, with all his imaginary cases.

Mr. BROWN. It is no imaginary case.

Mr. BECK. It is a fact that they can charge to-day $50 from Saint Louis to Atlanta and $150 from Saint Louis to Louisville.

Mr. BROWN. No; they can not do that.

Mr. BECK. Why can they not?

Mr. BROWN. Because competition makes it absolutely impossible.

Mr. BECK. But I am speaking of such a case as was cited on the Union and Central Pacific Railroads running from Omaha to San Francisco through Reno and Virginia City, where there was no competition. I will not name any particular place, but take any point on the road where the freight has to rot, whether it is wheat or cotton, unless it is removed by the railroad. I ask whether they can not charge three times as much as they do from Winona to New Orleans on cotton now as against Memphis, and if the limitation we propose, to bring it down so as not to exceed the rate charged for the through rate, is not a great deal better than the existing condition of things? I ask whether it does not assert the principle that Congress has at last determined that we will take control over you, and if you insist after we have taken control upon making these unjust discriminations and exactions because of your power and authority, having taken control over you we will progress until we see that you shall not perpetrate the gross injustice you have been doing in times gone by. It may be a question whether the Senator from Georgia is not making the fight now against any and all control by Congress over railroads engaged in interstate commerce so as to make possible the miserable conditions which have existed in years gone by.

Mr. BROWN. I will state, if the Senator will allow me one moment, that without the Camden amendment I would vote for the bill.

Mr. BECK. I have no doubt that the bill in any form recognizing the power of Congress is an improvement on the present condition, and I shall vote for it with or without the Camden amendment, if for no other purpose than to assert our authority and to give warning to these corporations that interstate commerce is as much under the control of the Congress of the United States, by virtue of our constitutional power, as State commerce is, under the decision of the Supreme Court on what is known as the Granger law, under the control of the States.

That is a great step gained; and I shall vote for the bill in any shape hoping to do better in the future; but the moment the Camden amendment was introduced, and it was not so much because of any harm it might do, though I admit it goes a little further than I would care to go, these other amendments were offered. The amendment of the Senator from Rhode Island makes of itself an impossibility of the bill providing for the transportation of property of like quantity when no shipper can know anything about the quantity. I thought when it was read the other day that it was "of like quality." I thought it meant wheat, hogs, cattle, sheep; the same thing, the general quality. It never entered my head that any Senator on this floor would talk about "like quantity," to make us measure down to a bushel on a car-load.

Mr. ALDRICH. Will the Senator from Kentucky allow me to ask him a question?

Mr. BECK. I will, and I should be glad to hear what "like quantity" means.

Mr. ALDRICH. Is the Senator from Kentucky familiar with the legislation of the various States on this subject? The language which I used is identically the language of the Massachusetts statute, and, so far as I know, of all the other State statutes where States have legislated upon the matter with intelligence.

Mr. BECK. Take a car that was charged $300 from Omaha to San Francisco, coming back to a case that we all know existed. Suppose the car contained 5,000 bushels of wheat. We are not likely to ship wheat West, but it is a good illustration. Suppose a car going to Reno contained 4,000 bushels. I ask the Senator if when the railroad was charged with having made a discrimination the company could show there were 5,000 bushels in one and 4,000 bushels in the other and the like quantity did not exist, whether that would not be a defense in law?

Mr. ALDRICH. I do not think there ought to be any trouble in understanding what the words "like quantity" mean in such cases.

Mr. BECK. Recollect I speak of the car-load, the unit being a car-load. I do not mean packages.

Mr. ALDRICH. I take it for granted that 4,000 pounds or 5,000 pounds would be a like quantity. "Like" does not mean "identical;" it does not mean "the same;" it means "like quantity" in railroad parlance. There never has been any trouble in understanding the law. It does not mean that a man shall pay the same for carrying 10,000 pounds that he pays for 1 pound. That construction was liable to be placed upon the measure in the position in which it stood. I think that all legislators everywhere have recognized the principle which the amendment seeks to effectuate, that a railroad company has the undoubted right, as everybody has, to charge less for carrying a larger quantity in proportion than it does for a small quantity.

Mr. BECK. I speak of the car-load always as the unit. I do not mean a package, or to stop at a railroad station and take on a bundle. When the Senator said "of like class and quantity of property" he may not have meant it, but the men who suggested that amendment meant to get clear of any liability for a violation of law when they could show that there was any difference in the quantity contained in the cars that were being hauled in which there was $800 charged for a shorter distance when there was $300 charged for going 700 or 800 miles farther.

So with regard to the amendment of the Senator from Iowa [Mr. WILSON]. While he opposed the Camden amendment altogether, as I said the other day he out-Heroded Herod, and went back to make it absurd as the Senator from Kansas [Mr. INGALLS] very properly suggested. If we are going to do anything, we are endeavoring to pass a sensible law. Let it be just to the railroad and just to the people, but firmly and peremptorily advise the railroads that the extreme cases of injustice which have been perpetrated heretofore shall not be allowed. I gave three instances, and might have given thirty; but the three were as good as the thirty. Let us say to the Union Pacific Railroad, "Hereafter you shall not charge $800 to Virginia City and $300 to San Francisco when you start from Omaha;" and to another company, "You shall not charge a dollar a ton more to leave coal at York than you do for hauling it 60 miles farther to Baltimore on the same train of cars;" and to another, "You shall not charge $3 for a bale of cotton from Winona, on the line from Memphis to New Orleans, when you charge only $1 from Memphis to New Orleans." That much done, a great step forward will have been taken. Other things can be regulated afterward.

Mr. McMILLAN. Will the Senator from Kentucky allow me to call attention to the fact that instead of providing that they shall not charge $300 to Virginia City and $150 to San Francisco, the bill provides affirmatively that if they charge $300 to Virginia City they shall not charge less than $300 to San Francisco. That is the provision of the bill with the Camden amendment.

Mr. BECK. Why should they?

Mr. McMILLAN. The provision of the bill is that they shall not charge less for a long haul than for a short one. If they charge $300 to Virginia City the bill places a minimum upon San Francisco, and they shall not charge less than they do to Virginia City. That is the provision here, and it is an affirmative provision. You place a minimum limitation upon the through charge. That is the effect of it affirmatively.

Mr. BECK. The terminal point, as every one knows, is controlled by competition; and a charge of a penny a ton more would take it on some other line and will continue to do it, whether this bill passes or not; so that all the scarecrows which have been raised about the wheat of the West and the pork and the beef of the West not being moved hereafter in case we prevent extortion along the line may just as well be dismissed. But for the competition they have now it would not be one penny less than they could get for it, and that condition of things will always exist.

Mr. CULLOM. I simply wish to appeal to the Senator to speak to the amendment before the Senate. We are thrashing this straw over and over again by discussing amendments which have been acted upon, and I should be very glad if Senators would confine their remarks as nearly as practicable to the particular amendment before the Senate, so that we may get on with the bill and have it disposed of.

Mr. BECK. I will only add that although I am charged so often with talking too much, I have not done it on this bill.

Mr. CULLOM. Certainly not.

Mr. BECK. I shall support the amendment of the Senator from Michigan for the reasons I have in part given, and I shall accommodate the Senator from Illinois by endeavoring to say as little more as possible.

Mr. CULLOM. I hope the Senator will not take my suggestion at all personal.

Mr. BECK. No, I do not; I take it very kindly, because I desire to have the bill finished myself.

Mr. CULLOM. Unless we confine ourselves to the particular question before the Senate we shall never get through with the bill. I am very anxious, as I know the Senator is, to pass a bill, and as good a one as is possible for the public benefit.

Mr. WILSON, of Iowa. Mr. President——

The PRESIDING OFFICER. Will the Senator from Illinois yield to the Senator from Iowa?

Mr. CULLOM. I have nothing more to say.

Mr. WILSON, of Iowa. The frankness of the Senator from Kentucky is pleasing and refreshing. His courage is admirable as he has presented it to us here this afternoon. He is the champion of the down-trodden people in opposition to the wrongs imposed upon them by the railway monopolies. Yet he announces in effect that he is in favor of passing an act by Congress which shall authorize railroad companies to charge as much for a haul of 100 miles as for a haul of 2,000 miles.

Mr. BECK. Have they not got that right now?

Mr. WILSON, of Iowa. No, sir. The rule of law applicable to common carriers provides that the charge must be a reasonable one.

Mr. BECK. Then how did they charge $800 to Virginia City and $300 to San Francisco on the same line?

Mr. WILSON, of Iowa. Not now. Any citizen who is charged as great a sum for a hundred-mile haul as for 2,000 miles has his right under the law applicable to common carriers to test the reasonableness of that in the courts. But the bill proposes a remedy different from that, not depriving the citizen of his right to contest himself if he sees proper, but supplementing that by governmental action also.

The Senator from Kentucky says that we should pass a bill which will legalize the charge of as much for a haul of 100 miles as for a haul of 2,000 miles, and complains that we have not been doing right to the interests of the people, and that we are enforcing, supporting, making perpetual the wrongs imposed through this system by the railway carriers upon the people.

It is useless for the Senator from Kentucky to attempt to run away from the position in which he has placed himself. The amendment which I offered and against which he lodges his complaint simply declares that nothing in the fourth section shall be so construed as to authorize the carrier to charge as much for a shorter as for a longer haul. The Senator from Kentucky says that is wrong. Strike that amendment out of the bill and let it stand as it would under those conditions, and you pass a law under which necessarily the implication arises that for 100 or even for 10 miles as much may be charged as for 1,000 or 2,000 miles, because it will not be any more, it will be only as much.

Mr. BECK. I do not desire the Senator from Iowa to put on the record any misrepresentation of my position, and I do not say that he tries to do it. I do not propose to legalize the right of the railroads to charge for 100 miles as much as for 1,000 miles, nor do I intend to legalize any act of extortion, of discrimination, or of drawbacks, giving advantages to one set of shippers over another. I seek to strike down by this law the outrageous extortions which past experience has shown they have exacted, and to make it impossible to charge more for a haul over any part of their line than they do for a haul over the whole length of it.

But without legalizing that, after making it impossible to charge three times as much for a haul over part of the line as for a haul over the whole of it, or ten times as much, as they have been exacting, I narrow them down to the point and assume the jurisdiction of Congress to say it is impossible. I do not legalize any exaction, any discrimination, any combination whereby they shall have the legal right to charge as much for 10, 20, 100, or 500 miles as they do for 1,000 miles. I leave that to the condition that the Senator from Iowa has shown no court would recognize, after we have once taken jurisdiction over them and brought them within the authority of our courts. The struggle has been for years to prevent the passage of any act of Congress which would bring them within the jurisdiction of our courts. We never have had any law passed by the Congress of the United States which would prevent the extortions to which I have called attention, that from Omaha to Reno for $700 or $800, as proven by official papers time and again when hauls were made to San Francisco for $300. We have had no law to bring railroad companies making such exactions before the courts of the country.

I propose to strike that down now by law, and to leave every other question open to the courts of the country, and to pass a law here which will make them subject to judicial decision and to judicial action. That is what I am proposing; and while I do not propose to go to such a length as to prevent the bill from passing by making propositions under which it can be argued that there will be injustice done in many instances, where it was an uphill haul, or an out of the way haul, or where locomotives had to be doubled or trebled to overcome obstacles on some particular line of road and therefore that it may be a just cause of complaint, I propose to strike down the extreme evil and to leave the others for the action of the courts, and at the same time to pass a law, as the Senator from Illinois [Mr. CULLOM] has very well suggested, which brings them within our jurisdiction and let them understand that they must submit to it.

Mr. WILSON, of Iowa. The Senator from Kentucky can not get away from the position he has assumed by any such statement as he has just made. He says he is in favor of passing a law for the control of these carrier companies. So am I. But he says it is wrong to pass a law which shall have my amendment in it, which simply declares that the provision shall not be so construed as to authorize the carrier to charge as much for a short as for a long haul. The Senator from Kentucky must know full well that the law as it now stands with reference to carriers is more liberal toward the shipper than the rule which he desires to put into the statute, that of declaring they shall not charge any more for a shorter than for a longer haul. He is willing they may do that. He is willing to have an act passed which by implication will declare to them they may do that; and he is unwilling to let it be passed with the declaration that it shall not be so construed as to authorize the charge of a greater sum for the shorter than for the longer haul.

Mr. BECK. Now one word more, and I am done. I am not seeking to get away from anything, nor am I desiring to evade any question. I sought to strike down the extreme wrong, leaving the others to a commission, limiting it to the point that the maximum haul over the whole road should control, and not three times as much be charged, as in many instances, for shorter hauls. When that proposition was made the Senator from Iowa, true to all his past votes, voted against it. If when the Senator from West Virginia made that proposition the

Senator from Iowa desired in good faith to stand by those who sought to curtail the power of the railroads in their gross exactions, he would have voted with those of us who did. But after endeavoring to defeat it, and to leave the present condition of things existing unless it began at the end of the line (and I do not know how he would have voted then), he now comes in with an amendment which even the Senator from Kansas [Mr. INGALLS], as I read a little while ago and will read again for his edification, has construed to mean nothing, and I suppose a majority of the gentlemen who want no legislation will assume that the Senator from Kansas was right when he said:

> The Senator from Iowa saw this difficulty, and he proposes, by an amendment that everybody can see is impossible to be effectuated, to prevent them from charging as much even for a short haul as for a long haul.

The amendment may be in good faith, I do not question anybody's good faith; but for a Senator who had voted against the Camden amendment then to come in with this and put it in a shape where even the Senator from Kansas thought was so plain that everybody could see that it was impossible to be effectuated, it may operate without his intending it to defeat the bill altogether, which I know would be agreeable to a very large number of distinguished gentlemen.

Mr. WILSON, of Iowa. I can not let the Senator from Kentucky get away yet. He was in the Senate when I made suggestions relative to several amendments. When the Camden amendment (so called) was pending, I stated that if that amendment should not be adopted I would move an amendment in line 6 of section 4, after the word "departure," to insert the words "or to the same point of destination," so that all shipments from the common point of departure or picked up at any point on the line and going to the same point of destination, should come within its provisions. I suggested that amendment for the purpose of making it uniform and putting it in better condition than the section now stands.

But the Senator from Kentucky was not willing that that should be done. He was so anxious to have a law passed by which a charge for 100 miles might be as great as for a thousand that he was not willing to have that done.

Now, he falls back upon the remarks of the Senator from Kansas and applies them to my position. The Senator from Kansas and the Senator from Kentucky are by no means running in pairs upon this subject, and I do not see why he applies that to me, for certainly I was not in harmony with the views suggested by the Senator from Kansas when I offered the amendment.

Instead of desiring to defeat legislation upon this subject, for years I have been in favor of enacting effective legislation, and therefore I offered the amendment which is the ground of complaint on the part of the Senator from Kentucky. I am willing to stand by that; and I doubt whether his courage will last him through many years in standing by his declaration that an act of Congress should authorize the carriers of this country to charge as much for a hundred as for a thousand miles.

Mr. BECK. The only answer I make to that is that there is no foundation for the statement made by the Senator from Iowa. I would enact no law for any such purpose or any such intent, and he may repeat it and reiterate it as much as he pleases. I meet it with a flat contradiction, that there is not a word of truth in the suggestion. I am for cutting off bad practices, and not legalizing anything.

Mr. WILSON, of Iowa. The Senator can not avoid the logical inference, however.

Mr. ALDRICH. I do not propose to continue the discussion upon the amendment offered by myself several days ago and adopted by the Senate; but I desire to say to the Senator from Kentucky that this insinuation that that amendment was offered at the suggestion or request of any interested party is unworthy of him. Whenever that amendment is before the Senate, I shall be prepared to discuss it upon its merits.

I am somewhat surprised that the friends of the principle incorporated in the fourth section, the provision as amended by the Senator from West Virginia, are unwilling to apply it to all the commerce of the country, or that they should seek to relieve a portion of that commerce from its beneficent influences.

The amendment now offered by the Senator from Michigan, and which the Senator from Kentucky announces that he will support, proposes to relieve from the provisions of that section all steam-vessels which are not running under a joint control or management or by an arrangement in connection with railroads. All steamers running in connection with railroads or by an arrangement with railroads, or carrying the commerce and produce of the West in connection with railroads, are brought under the terms and the provisions of the fourth section. In other words, such steamers can not charge a larger sum for carrying wheat from Duluth to Detroit than from Duluth to Buffalo. But a certain other class of steamers denominated by the Senator from Michigan independent steamers, tramps, as has been well suggested by the Senator from New Jersey [Mr. SEWELL], not under any regular management, not running in any regular line, are exempted, and may charge for carrying wheat from Duluth to Detroit twice as much as they do from Duluth to Buffalo.

If the principle is a sound one, if it should be applied to the railroads of this country, to a portion of the interstate commerce of the country, why do gentlemen ask that you shall apply it to regular lines and not to these independent steamers carrying freight down our lakes without any regular control?

If you pass the amendment of the Senator from Michigan, how long will it take the great steam lines running down our lakes to dissolve their connection and arrangements with the railroad lines?

The amendment is intended to exempt the lake commerce from the arbitrary provisions and restrictions of the bill, and I am not surprised at intelligent gentlemen looking after the interests of their own constituency situated upon the lakes who desire that those restrictions should not apply to their own commerce. It is not surprising that such gentlemen favor the amendment; but it seems to me that to be consistent they should have a certain amount of regard for the interests of other States and of other sections, of the interior of the country, of people who are not situated at any of the lake ports.

Mr. BROWN. The Senator from Kentucky, when the former discussion was going on in the Senate over a like bill, referred to two noted outrages in transportation. One was the discrimination made in the price of transporting cotton from Winona, Miss., and from Memphis, Tenn., to New Orleans. The other was a complaint as to the injustice done on the Union and Central Pacific Railroads in charging from a starting-point on the road $800 a car-load to Virginia City and $300 only to San Francisco. I do not understand the nature of that transportation, and therefore I can say nothing in reference to that particular business.

Mr. STANFORD. If the Senator will allow me, I can explain that.

Mr. BROWN. I yield to the Senator from California.

Mr. STANFORD. Mr. President, I heard what the Senator from Kentucky said in regard to the freight from Omaha to Reno and from Omaha to San Francisco. In order to properly understand the matter it would be well to remind the Senate that freight going from the Atlantic coast to the Pacific coast has but two competing points, that is, the place of beginning and the place of ending. Iron and steel go into the hold of a vessel from New York to San Francisco for $5 a ton. The freight also has another way of going to that place, and that is by the isthmus, where freight generally goes at from ten to twenty dollars a ton. The railroads have to meet the competition with the water carriage between the two extreme points—that is, from the Atlantic to the Pacific coast—and it is a question with them whether they shall meet the competition, whether they shall work for a small profit or whether they shall despise the small profit.

This whole bill really is a question of competion, whether railroads shall, at competing points, meet competition; whether, when they can not accept a full rate, they shall take the best rate possible. That is really the question involved.

As to the particular case of Reno freight, in going to San Francisco, perhaps over the line of railroads from Erie to Chicago sometimes at half the rate that is paid by the Chicago merchant for the same freight on the same train, and so also from Chicago to Omaha and from Omaha to Salt Lake, it is moved necessarily at a very small profit, and the railroad company between New York and Chicago is willing to accept that extremely low profit if by chance they might have the fair profit that they usually charge between New York and Chicago. So they recognize San Francisco as a competing point. They recognize some interior places, such as Sacramento, San José, Stockton, and Marysville, as competing points, but not farther east than that.

Now, the man at Reno to whom the Senator from Kentucky seemed to refer with so much gusto takes advantage of the railroads between here and Ogden, and he says to them, "I want to ship my freight to San Francisco." He delivers it and it is way-billed and shipped accordingly. When the freight has reached San Francisco, where the carrier has honestly and faithfully carried it according to the contract, he says to the company there, "It may be a portion of this I want to ship to Portland, a portion down into New Mexico, another portion, or it may be the whole I want to ship to Reno." The railroad company of course is bound to take it.

The shipper has had the advantage of competition with the water route and has been able to have his freight delivered to him at Reno at less than the sum of the regular rates from New York to Reno, and he has taken advantage of the carrier instead of the carrier having taken advantage of him. He has paid no more than everybody else does for the same business all the way through. That is the explanation; and it is a question here whether the railroad company shall be permitted to meet competition and to accept the very lowest profit or not. That is the real question. If it were not for interrupting the Senator from Georgia I might say something further about the bill.

Mr. BROWN. Yes, go on.

Mr. STANFORD. Under the bill the traffic between China and Japan which comes over here must necessarily be given up, because it is in competition with the Suez Canal route, and the agents of the companies there meet the competition, whatever it may be in those cities, and fix the price accordingly. The consequence is that teas, silks, and other things which come across and go to Chicago, Cincinnati, Saint Louis, and to New York must come, and will come oftentimes, at lower rates than the same character of goods on the same train that moves from San Francisco to these various places.

I did not propose at this time, or indeed at any time, to discuss this

whole question, but the bill is a blow at competition. You will find not only on the extreme points of the Atlantic and Pacific but in almost every county throughout the United States where there is more than one road there is competition now, and the shipper has the advantage of that competition. It is not a blow at railroads alone, but you are striking at every man with the artificial communication which the geography or topography of the country has determined to him. You say to those shippers, "You shall not avail yourselves of the natural or artificial advantages of competition." That is what the bill says.

I am much obliged to the Senator from Georgia.

Mr. BECK. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Georgia has the floor.

Mr. BROWN. I yield to the Senator from Kentucky for a moment before I go on with other propositions, if he prefers to be heard now.

Mr. BECK. I only want about five minutes. The statement of the Senator from California illustrates exactly the system as I understand it. There is competition from New York to San Francisco and there always will be. Therefore he insists that the railroads have to haul at reasonably low rates from San Francisco in order to get any part of those freights; and he complains absolutely on the floor of the Senate that the man living at Reno or Virginia City, four, five, six, or seven hundred miles this side of San Francisco, took advantage of the railroad companies and paid his freight through to San Francisco, 700 miles beyond his home, and then paid for hauling it back. That is taking advantage of the railroad company! And he complains that I object to the man at Reno or Virginia City being compelled to pay $800 for hauling the same thing to his door that the companies have hauled 700 miles past it to San Francisco for $300. But when the man sees fit to go to San Francisco and then pays for the freight to go back two or three hundred dollars more, he is taking advantage of the railroad company!

All I propose to say is that as competition will always keep freights down from New York to San Francisco, because it can get there in some other way than by rail, the man who lives along the line of road shall not pay $800 for a 700 mile shorter haul for the same thing over the same line while the man at San Francisco pays $300 for it; but that they shall haul for him at least at a rate not exceeding what they charge for the long haul. That is said to be taking advantage of railroad companies! That is said to be taking advantage of competition and the lines that have to compete with others! The Senator from California states the case fairly when he says that those of us who intend to put not a great limitation but some reasonable limitation upon the powers of those railroads, and to say to them, "You shall not because you see fit to haul from one end of your line to the other for a given price charge double, quadruple, six, or ten times as much to a man for hauling along that same line of railroad on that same train the same class of goods, in exactly similar cars, to an intermediate point in order to make up for it," are striking a blow at the railroads! We say that is extortion which the Congress of the United States will regulate and limit, and we will limit you at least down to the point where the through haul shall be the maximum charge. That is unreasonable, unjust, and unfair we are told. It might be very unfair to charge half as much, and we may hereafter be able to stop them from charging half or one-fourth as much and bring them to reasonable rates all the way; but for the time being, cutting off the very thing it is admitted by the Senator from California is a great step in the right direction is perhaps as far as we can properly go without having it questioned.

I desire to say to the Senator from Rhode Island while I am up that if I said he was influenced by anybody in offering the amendment I certainly made a great mistake in my language. I know that last year men came here, and the record shows it, and endeavored to get all sorts of amendments of that kind for the purpose of breaking up the measure, and suggestions were made to me and to other Senators looking in that same direction, and arguments were made about the different character of goods and different quantities.

Mr. CAMDEN. And quality.

Mr. BECK. And quality. I was thinking of quality instead of quantity when I heard the amendment read the other day, and my friend from West Virginia who sat by my side at the time, when I asked him the question, said it was quality, and he let it pass and so did I, because we thought it meant quality instead of quantity, until we saw the RECORD afterward. I do not reflect upon the motives of Senators, and the last man in the Senate upon whose motives I would think of reflecting would be the Senator from Rhode Island. I desire to assure him of that; and if I said something I ought not to have said I assure the Senator I was arguing the question and not the motive of the mover of the amendment.

Mr. BROWN. Mr. President——

Mr. PLATT. Will the Senator from Georgia yield to me for a moment to ask a question of the Senator from Kentucky?

Mr. BROWN. I yield.

Mr. PLATT. Will the Senator from Kentucky inform us where he gets his authority for the incident which he has spoken of here so many times as to the charge on the railroad from Reno to San Francisco? It is taken from some testimony, I understand.

Mr. BECK. I can produce one of the most elaborate speeches made in the other end of this Capitol, I think by Mr. Daggett, containing all the tables and all the facts—I will bring it in the morning, or perhaps I can find it in an hour—one of the most elaborate speeches I ever heard made, and the truth of it was acquiesced in, I understand, by everybody. I think the fact on this point was repeated by the Senator from Nevada [Mr. FAIR].

Mr. PLATT. I merely asked for information.

Mr. BECK. One word further. Attention was called to it on this floor by the then Senator from Oregon [Mr. Slater], though not perhaps with as much detail as by Mr. Daggett, but going over a great deal of the same ground.

Mr. PLATT. Was it a case where the same class of freight was hauled?

Mr. BECK. The same class of freight and both by car-loads. If I have been misled in that, I have been misled by gentlemen who I supposed knew the facts.

Mr. STANFORD. One word further by way of explanation.

It is generally supposed that a man at Reno who wants his goods transported ships them to San Francisco. They are billed through to San Francisco, and then he ships them by another bill of lading from San Francisco to Reno. If he said he wanted them at Reno they would always be delivered there; but in that case, as the roads on this side do not recognize Reno as a competing point, it being nearly 300 miles inland from the ocean——

Mr. BECK. Virginia City is 700 miles, and Reno three or four hundred.

Mr. STANFORD. Virginia City is only 30 or 40 miles from Reno.

Mr. BECK. Then I have it wrong.

Mr. STANFORD. If he shipped goods to Reno he would pay the same rate that the Chicago man pays on the same goods between New York and Chicago, or he would pay the same as the Omaha man pays between New York and Omaha, or he would pay the same rates from New York to Ogden that the Ogden merchant pays; and the rule by which the way-bill would be made out would be to take the regular rate from here to Ogden and add the local rate from Ogden to Reno, or whatever point in Nevada might be the point of shipment. They have a schedule by which to make up the regular rates without asking the different companies.

The Reno man is not so far back in the interior but what he is able to avail himself of the competition which the water gives to the people at San Francisco. For instance, freight is moved from Chicago at $20 a ton. On account of competition by water at San Francisco the same kind of freight may move over the road from New York to Chicago at $10 a ton. Naturally the roads on this side are unwilling that anything should move at this low rate if it is possible for them to prevent it. So they only allow the company on the other side to regard certain points as competing points, and to make the low price to meet that competition. The railroad on the other side would like to regard Reno as a competing point.

But to show you further how far the effect of competition goes, the people of Salt Lake oftentimes have the benefit of that and they very frequently ship goods from Salt Lake to New York to go around by Cape Horn in preference to sending them by rail.

Mr. HARRIS. I desire to ask the Senator from California, if it is convenient for him to give the information, what is the difference between the rate paid by the shipper from the city of New York to the city of San Francisco, and the man who ships from the city of New York to Reno—about what would be the difference?

Mr. STANFORD. If he ships through to San Francisco?

Mr. HARRIS. I speak of direct shipments from New York, one shipment to Reno and another shipper shipping to San Francisco the same character of freight?

Mr. STANFORD. I am not able to give the rate. It would depend, of course, very much on the class of goods.

Mr. HARRIS. Would it be two or three times as much to Reno as to San Francisco?

Mr. STANFORD. I should think about twice as much on some classes of goods.

Mr. HARRIS. I speak of the same class of goods shipped in both instances.

Mr. STANFORD. There is no doubt that San Francisco's location has oftentimes compelled the railroads—for the railroads do not fix the price of transportation—to allow transportation at very low rates. It is particularly so on the railroads on the Pacific side, or they would have to refuse business. That is the rule that prevails there, and it prevails, I have no doubt, with nearly all the railroads of the United States. It is because of that fact that the great commodities of the country are moved by railroad. It is not that local rates are charged more, but because competition fixes the price of through rates. If a railroad has but very little competition the value of moving commodities is determined by the cost of the service. In my State the rule established by law at one time allowed a certain amount per ton per mile on all products and goods. Those goods had to pass over the Sierra Nevada Mountains, 7,000 feet in about 90 miles, where the cost was very great, and yet there was but 1 per cent. of the entire business that paid the maximum rate allowed by law.

The railroads in many cases I have no doubt, and I do not believe I

shall err in my statement, have moved goods below the average cost of transportation per mile. Railroads not running up to their full capacity prefer to take goods at very low rates, and expect a very small profit where a larger can not be obtained because of competition or the value of the commodity moved.

The country in that manner has its development quickened. If it was demanded of the railroad companies that every ton of freight should pay its fair proportion it would stop the greater part of the business.

This bill, I imagine, is a far more serious thing than Senators generally have considered. If it is observed it means complete commercial disaster. I have no doubt of it myself.

I feel like saying a little more, but I can not trespass further on the Senator from Georgia.

Mr. VAN WYCK. Mr. President——

Mr. BROWN. I yield to the Senator from Nebraska, but I shall decline to yield further.

Mr. VAN WYCK. I understood the Senator from California to say that San Francisco has been a competitive point in traffic. I should like to know, first, which, if any part, of the railroad fixed the rates between New York and San Francisco at the point of time referred to by the Senator from Kentucky. Where was the competition then between New York and San Francisco, and who fixed the rates between New York and San Francisco then?

Mr. STANFORD. At that time there was a general schedule. There have been times when competition has been so great that the traffic agents were permitted to exercise their discretion, but ordinarily it is fixed by schedule rates.

Mr. VAN WYCK. By whom?

Mr. STANFORD. By the companies.

Mr. VAN WYCK. By the railroad managers. Then do not the railroads fix the rates between New York and San Francisco? Did they not at that time?

Mr. STANFORD. Nominally, yes.

Mr. VAN WYCK. Then where was the competition?

Mr. STANFORD. Competition dictated the schedule rates.

Mr. VAN WYCK. Where was the competition?

Mr. STANFORD. The competition was by water.

Mr. VAN WYCK. At that time did not the Central Pacific and Union Pacific Railroads, by the payment of a million of dollars a year, more or less, control the navigation by ocean between New York and San Francisco?

Mr. STANFORD. The great competitor was by Cape Horn, where when people are not in a hurry they can well afford to ship.

Mr. VAN WYCK. Then Cape Horn was the competing point?

Mr. STANFORD. One of them.

Mr. VAN WYCK. Then let me renew my question. At the time spoken of by the Senator from Kentucky and when the schedule rates were fixed by the railroads, did not the principal Pacific railroads at that time control the ocean navigation—the Pacific Mail steamship line—by paying the steamship company over a million dollars a year?

Mr. STANFORD. At the particular time I do not know, but of the general fact I do know. It was to prevent a ruinous competition the railroads chartered the privilege of sending so many tons in those ships and paid them so much for it and filled them up with such kind of freight as they did not want to carry on the railroad. That is what they did. That was business, in my judgment. I justify it, and have no occasion to offer an apology to anybody for it.

Mr. VAN WYCK. Then the fact is, however, that the Pacific Railroads, the Central and Union Pacific, made these terms with the Pacific Mail Steamship line for the purpose of preventing competition on that route?

Mr. STANFORD. A ruinous competition.

Mr. VAN WYCK. I do not ask whether "ruinous" or otherwise. It was done to prevent competition.

Mr. STANFORD. I answer for myself. You put your questions. I say to prevent a ruinous competition.

Mr. VAN WYCK. That competition was checked, the ruinous part of that competition was checked by the railroad companies paying a million dollars or upward a year to the steamship line?

Mr. STANFORD. I do not think we ever paid that much.

Mr. VAN WYCK. Whatever it was. The railroad companies did not consider this competition around Cape Horn sufficiently ruinous to purchase it off?

Mr. STANFORD. That we could not interfere with.

Mr. BROWN. Mr. President, I think the exhibition here has shown that at all events both sides of the question ought to be heard before you make up your mind. We have heard a great deal about the Reno shipments for years past in the Senate. When the explanation comes, it simply is that there has been a larger amount charged per mile on local freights than on through freights where there is ocean competition. But there is another place that has been referred to, to wit, Winona, Miss., and so often referred to in debate in both Houses that doubtless the name will become familiar. The outrage there referred to very frequently is that the railroads charged $3.25 per bale on cotton from Winona to New Orleans, while the river charges were $1 per bale from Memphis to New Orleans. That seems to need explanation.

The statement was made by a distinguished gentleman in the House of Representatives [Mr. REAGAN] on a former occasion, and one of the vice-presidents of the Louisville and Nashville Railroad Company, a chief road in the State of Kentucky, which the Senator so ably represents, has looked into that question and fully understands it, and in an address which he made before the committee of the House of Representatives on this question he explained how that difference came to exist between the two places, and I shall ask the Secretary to read a little over two pages of Mr. Stahlman's explanation, which I think will make it very plain, and show that it is not so great an outrage as we should be led to suppose it was.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). The paper will be read.

The Chief Clerk read as follows:

But to the point. I quote from page 301, Judge REAGAN's argument:

"We were told by the gentleman from Mississippi [Mr. BARKSDALE] that the railroad carries cotton from Memphis to New Orleans, 450 miles, for $1 a bale, and that they charge $3.25 a bale for hauling cotton from Winona to New Orleans, a little over 300 miles. The gentleman from Vermont says this is right, and that if the railroads are not permitted to charge more from Winona than from Memphis to New Orleans they could do no through business.

"It is plainly seen from this statement that to do a through carrying business from Memphis to New Orleans involves the necessity of compelling the people of Winona to pay a large part of the freight charges for other people from Memphis to New Orleans, or else that the charges from Winona to New Orleans are unreasonably high, and therefore unjust."

Assuming that the rates are correctly quoted, what are the facts? The cotton from Winona, Miss., carried uncompressed, loading 23 bales, at $3.25 per bale, pays $75.25 per car. The Memphis cotton, compressed, loading 55 bales, at $1 per bale, pays $55 per car. The committee will see that the discrimination is not so great after all. What more, Mr. Chairman? At Memphis the cotton is loaded by the compress company free of expense to the railroad; at Winona it is not. At Memphis shipments go forward not simply in car lots but in train loads; at Winona they go forward in small lots, even in 5 and 10 bale shipments, which, if hauled in a single car, pay less per car than the cotton from Memphis. At Memphis the railroad assumes no risk of fire, loss, or damage until the cars are loaded and delivered to the company sealed; at Winona the railroad company assumes liability the very moment the cotton touches the station platform—sometimes for days before the shipments are ordered or sent forward.

What more? The cars loaded at Memphis for New Orleans are generally returned loaded at New Orleans for Memphis with tropical fruits, sugar, molasses, rice, &c.; the Winona cars are generally returned empty. But, aside from these and other like facts, which certainly constitute important items in matters of transportation, take the bare, naked fact that the Winona people pay $3.25 per bale while the people of Memphis pay $1—is it unjust discrimination?

I presume, Mr. Chairman, it is a conceded fact that the rail lines do not make the rates on cotton from Memphis to New Orleans; that the Mississippi River steamers and barge lines do that. Suppose the rail lines withdraw from competition for Memphis cotton, will that help the Winona shipper or make the discrimination between Memphis and Winona any less? Assuredly not. The steamers and barges will continue to carry the cotton, and the rail lines must look elsewhere to make up the loss on this through traffic; and if they are not to be allowed to compete for through traffic, they must be allowed to make up their loss by an advance of their local rates, of which Winona will be obliged to stand its share.

I am not unmindful, Mr. Chairman, of the fact that it would look better to have the rates from Memphis advanced and the rates from Winona proportionably reduced; but how are you going to effect the change? The pending bill affords no such relief. It does not propose to control the rates of water lines; it practically means to force rail lines to withdraw from competition with water routes, and thus, as a matter of self-preservation, compel an advance of rail rates to and from interior and local points.

There is another feature in connection with this question which should not be lost sight of. The impression seems to prevail that these competitive rates are made to build up Memphis to the detriment of interior points. A greater mistake could not be made. Memphis is a city located on the Mississippi River, with advantages given to her by a greater Power than the Congress of the United States, which no power on earth can take away; and when railroads are asked to give interior towns the benefit of competition created for other localities by nature, it is asking something which is unreasonable and unjust.

The people of Memphis by the aid of nature's gift (the Mississippi River) have built up a city which has made property very valuable, rents and taxes high, and the general expense of doing business exorbitant. The business community, being obliged to endure this expense, have a right to demand an offset through the natural advantages given them in location. No fair-minded man will gainsay this, yet the pending bill seeks by artificial means, at the expense of private capital invested in railroads, to neutralize the natural advantages possessed by the city of Memphis. The bill in substance says: We know 50 feet of ground at Winona is worth but $50, while at Memphis, with its natural advantages, the same property is worth $20,000; yet we demand that the railroad company shall take this 50 feet of ground at Winona, put it on its cars, carry it to Memphis, and set it down fronting on Main street, so as to give the property-owner of Winona the same return upon his investment of $50 that the Memphis man can realize on $20,000 invested in like property. Was there ever a proposition more absurd? And yet this is the practical meaning of the discussion and effect of the bill. What nature has done for Memphis goes for nothing. Congress demands that the man with his private capital invested in a railroad shall, at his sacrifice and expense, do for Winona what the Creator, in his great wisdom, has done for the city of Memphis. That is the "long and short" of the "long and short haul" provision of this bill. I repeat, Mr. Chairman, the proposition is ridiculously absurd, and I am amazed that intelligent men should continue to press a measure calculated to work out such ridiculous and unjust results.

Mr. BROWN. I simply had this explanation read that the Senate might see that there were two sides to the Winona case, of which so much has been said.

Mr. CAMDEN. What is that?

Mr. BROWN. An argument by Mr. Stahlman, one of the vice-presidents of the Louisville and Nashville Railroad Company. I am simply putting it in the RECORD to explain a matter which has been so often talked of.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Michigan [Mr. CONGER], which will be read.

The CHIEF CLERK. In line 6 of section 1, after the word "used," it is proposed to insert:

Under a common control, management, or arrangement.

So as to read:

That the provisions of this act shall apply to any common carrier or carriers engaged in the transportation of passengers or property by railroad, or partly by railroad and partly by water, when both are used under a common control, management, or arrangement for a continuous carriage or shipment from one State or Territory of the United States, or from any place in the United States through a foreign country to any other place in the United States.

Mr. GEORGE. I do not understand the last part of that amendment as read by the Chief Clerk. I should be glad to have it read again.

The PRESIDENT *pro tempore*. It will be read again.

The Chief Clerk again read the amendment and the section as it would read if amended.

Mr. GEORGE. I understand it now.

The amendment was agreed to—ayes 41, noes not counted.

Mr. PLATT. I wish to propose the amendment I submitted the other day.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed, on page 11, line 17, to strike out the word "shall" and insert the word "may;" so as to read:

And any of the circuit courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpœna issued to any common carrier subject to the provisions of this act, &c.

Mr. PLATT. I should like to have the whole of my three amendments treated as one, and I will explain their object.

On page 11 is a provision, commencing at line 17, which as it stands in the bill provides that in case anybody who is summoned before the commission when it is making an investigation refuses to obey the subpœna of the commission, an application may be made to the circuit court and the circuit court may punish such person as for a contempt. My amendment proposes to change it in this respect, that if any person refuses to go before the commission and testify, then a court may issue an order that such person shall go before the commission and testify; and if the person refuses to obey that order, then the circuit court may punish him. There might be some technical difficulty about a court punishing for a contempt to the commission and not to the court.

I think the whole three amendments might be treated as one amendment, and then the whole clause read as it will appear if amended.

The PRESIDENT *pro tempore*. The three amendments will be reported as a whole.

Mr. HARRIS. Let the other two amendments be reported, then.

The PRESIDENT *pro tempore*. They will be reported in connection.

The CHIEF CLERK. It is proposed, on page 11, line 17, to strike out the word "shall" and insert in lieu thereof the word "may;" on page 11, line 19, to strike out all after the word "act," down to and including the word "plaintiffs," in line 23, as follows:

Or, when such common carrier is a corporation, to an officer or agent thereof, or to any person connected therewith, if proceedings are instituted in the name of such commissioners as plaintiffs.

And to insert in lieu thereof:

Or other person.

On page 11, line 23, to strike out all after the words "common carrier" down to and including the word "shall," in line 29, as follows:

Officer, agent, or person to show cause why such contumacy or refusal shall not be punished as and for a contempt; and if, upon hearing, the court finds that the inquiry is within the jurisdiction of the commission, and that such contumacy or refusal is willful and the same is persisted in, such contumacy or refusal shall—

And to insert in lieu thereof:

Or other person to appear before said commission (and produce books and papers if so ordered) and give evidence touching the matter in question; and any failure to obey such order of the court may.

And on page 11, line 29, after the word "punished," to strike out all down to and including the words "United States," in line 30, as follows:

As though the same had taken place in an action pending in said circuit court of the United States—

And to insert in lieu thereof:

By such court as a contempt thereof—

So as to read when amended:

And any of the circuit courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpœna issued to any common carrier subject to the provisions of this act, or other person, issue an order requiring such common carrier or other person to appear before said commission (and produce books and papers if so ordered) and give evidence touching the matter in question, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Connecticut.

The amendment was agreed to.

Mr. SEWELL. I desire to offer an amendment to section 5. In the printed amendment which I have offered I proposed to strike out after the word "provide," in line 26, down to and including the word "given," in line 32. I will modify the amendment from the way it is printed so as to insert in line 26 of section 5, after the word "advance," the words "or reduction;" strike out line 26, after the word "advance" and all of line 28 to the word "notice," on line 29.

The object of this amendment is to require that the same notice shall be given of a reduction in rates that is required by the bill to be given of an advance in rates, so that that part of the section shall read:

No advance or reduction in published rates, fares, charges, and classifications shall be made except after ten days' public notice.

The whole theory of the bill is to provide against discrimination, drawbacks, &c. I do not know any worse discrimination than that which is provided for in the bill, which requires that the different railroad lines shall publish their rates, which, in the combination of lines all over this country, involves an amount of clerical work that I do not believe a half dozen members of the Senate have the least possible idea of, and in the same section providing for what will result in the very worst possible kind of discrimination, a reduction without notice.

A merchant in Chicago, taking Chicago as the initial point for the transportation of grain products to the seaboard, would under this bill, taking the winter rate say of the lowest class of freight, 25 cents per 100 pounds, running down to 15 cents in the summer when the great competition of the lakes comes into play, could get a cut rate immediately on the agreement being made, immediately on the publication of rates. While the combination of figures would be to such an extent as to require an immense corps of clerks in each of the great trunk lines of railroad which had connections covering large portions of the country, that would be upset immediately by any one corporation taking the next day at lower rates without any notice.

If there is to be any stability about the rates—and I acknowledge that I am in favor generally of this bill—it will be impossible to carry out the end designed if you allow in the same breath a cut of rates which will knock all these figures into pi.

The great trouble about the transportation question is the want of stability of rates—the cutting, the giving to some favored shipper that which the general public do not get; and here you absolutely legalize that principle. A shipper at Chicago to-day who wants to send by European steamship one hundred car-loads of grain, 60,000 bushels of grain, goes to the railroad office and asks what is the rate.

The published rate is 25 cents a hundred or 15 cents a bushel in the the summer. If you allow a competitor for the same business on the very next day or on that day so that one line cuts that rate, which it could do immediately in order to get the business to 20 cents or to 15 cents, you would make a difference of from 3 to 6 cents a bushel in favor of the man who got the cut over the man who paid his 25 cents, the published rate; and when the last man got his goods to New York he would have lost 6 or more cents a bushel, which would bankrupt him in the end, for this would go on from day to day. The reduction might be made of a cent to-day and 2 cents to-morrow and so on, and 5 or 6 cents, down to a point when they got in the severest competition, to 10 cents a hundred, making a difference in the actual shipments of one man and another of many thousands of dollars.

I submit, Mr. President, that if we are going to regulate this question at all, and I think it is proper to do it, we should regulate it on a basis that there should be some rates known to the public, to the great shippers, that will last more than twenty-four hours. If it is right and proper that a notice of ten days should be given for a change to a higher rate, it is proper that it should be given for a change to a lower rate.

Mr. ALLISON. I wish to ask the Senator a question. Suppose that this happened during the season of lake navigation, lake commerce having now been excluded from this bill—and the shipper on the lakes ships his wheat at a mere nominal rate—would it not be necessary in order that a railroad might engage in competition to have an opportunity within the period of ten days to make a change?

Mr. SEWELL. Not necessarily so unless you give the next shipper the free use of any rate. If you let the shipments by water be entirely free, then it would be necessary.

Mr. BROWN. Will the Senator from New Jersey allow me to ask a question? I understand the bill does not apply to river navigation. Take the case of a railroad running parallel with a river. You bind the hands of the railroad. It can in no case make a reduction without ten days' notice. The steamboat company running beside it may make a reduction of 25 per cent. to-day or to-morrow and take the business of the railroad.

Mr. SEWELL. I take the supposition of the Senator from Georgia [Mr. BROWN] as an argument against the amendment of the Senator from Michigan [Mr. CONGER], which I trust will not remain in the bill if it is to become a law. The result of it would be not alone to affect the isolated individual owners of vessels who desire to roam untrammeled over the lakes, but where those great propeller lines are in competition with the railroad lines they would make rates or contracts in order to be allowed to make cuts which are the discriminations that are talked of and that you desire to provide against.

In order to be allowed to make these cuts, the railroads now owning them would divest themselves immediately of the ownership of the lines of propellers that have been built up for transportation, and they would leave that part of the line free and open, so that from Chicago to Buffalo, or from Duluth, or from any other great shipping point,

they would take grain to the elevators at Buffalo, leaving the rate of transportation from Buffalo to be fixed by the railroad.

Mr. PALMER. Will the Senator from New Jersey permit me to interpolate a remark?

Mr. SEWELL. Certainly.

Mr. PALMER. I would say that in regard to lake navigation it is the railroads that have brought the freights down to where they are. The lake craft are probably owned by five hundred different parties; they are constantly competing, and it is only when the railroads come down to their very low rates that the lake craft come down, and the railroads are the regulators of the lake craft rather than the lake craft the regulators of the railroads.

In regard to the lines of the different roads which the Senator speaks of, and which he says will be disconnected from the propeller companies, I would say that they form a mere bagatelle in the transportation of the lakes. The Western transportation lines connected with the different railroads carry very little freight proportionately compared with the vast amount carried on the lakes. I believe that without the introduction of the amendment of my colleague it would be exempt from the provisions of this bill. I do not see how the United States could take supervision of that vast freight traffic on the lakes and determine the price of freights from Chicago and from all the intermediate ports to Buffalo any more than I can understand how they could fix the price of tea and flour and sugar.

Mr. HOAR. The Senator says the lake craft regulate the railroads and not the railroads regulate them. How does that accord with the experience that when the lake craft are frozen up the railroads raise their rates?

Mr. PALMER. I may have made that a little too broad. I will say that I have seen freights on the lakes brought down from 27 cents a bushel from Chicago to Buffalo to the minimum of 2 cents. The lake craft, as a matter of course, compete with each other, but it is only the railroads that have brought freights down to the present low rates; otherwise they would combine. They will lay up a number of vessels on the lakes. As it is now it makes no odds whether they lay them up or not; the railroads carry so low that at certain seasons of the year when the railroads desire to compete for the vast traffic of the Northwest there is no money in it to the sailing vessels or to the steamboats on the lakes.

Mr. BROWN. Will the Senator from New Jersey allow me to ask a question before he resumes?

Mr. SEWELL. Certainly.

Mr. BROWN. The Senator from Michigan speaks about Michigan particularly, her lakes and railroads; perhaps the Senator is familiar with the Mississippi River and other river transportation.

Mr. PALMER. Only approximately.

Mr. BROWN. Take the case I put a while ago, where a railroad runs parallel to the Mississippi River. The bill as it now stands does not apply at all to the transportation company running on the Mississippi River; it does apply to the railroad company and binds the railroad company, if the amendment of the Senator from New Jersey becomes a part of the bill, not to make any reduction of rate until ten days' notice. Suppose the rate from Memphis to New Orleans is 50 cents a hundred pounds, and the steamboat company on the river gives notice to-day that at 12 o'clock it will commence carrying at 40 cents a hundred pounds; that turns all the business to the boats. Then it is ten days before the railroad company can make any reduction. Suppose the next day after it makes the reduction down to the point where the boats put it the steamboat company again gives notice that at 12 o'clock that day it will reduce 10 cents more; then it is ten days again before the railroad can reduce. The result is to destroy the railroad for the benefit of the river, and there is no remedy for it.

Mr. SEWELL. The amendment offered by me shows the absurdity of attempting to regulate transportation by one route and not by the other. The Senator from Michigan [Mr. PALMER] is right——

Mr. PALMER. The Senator from Georgia asked me a question; what was the essence of that question?

Mr. BROWN. The essence of it, as I intended, was, can the railroad companies be justly called on to meet such competition as that by your turning the boat loose to reduce whenever it chooses and binding the railroad company not to reduce without ten days' notice?

Mr. PALMER. I did not say it was right that discrimination should be made against railroads, but I was somewhat surprised to see this amendment introduced by the Senator from New Jersey on that account. It seems to me to be giving notice to every one that within ten days there will be lower freights, and every one will hold back his freights for the reduction. I do not see how it is going to affect the competing lines.

Mr. BROWN. But the steamboat on the river can reduce when it pleases and the railroad company can not reduce without ten days' notice. Then the boat has the advantage of the lower rate for ten days, and therefore the advantage of the traffic.

Mr. PALMER. In answer to that I will say that the effect in my opinion would be to demoralize business. The people would hold back their freight. They would neither ship by rail nor by boat until the ten days were up.

Mr. SEWELL. If business is going to be demoralized by this legislation, if adopted by Congress, we ought not to pass it. The Senator from Michigan [Mr. PALMER] is perfectly correct in saying that the railroads have brought the price of transportation from 35 cents a bushel charged by water transportation down to from 6 to 9 cents. It has been forced down by railroad competition. In winter the rate went up 15 cents a bushel and down in summer to 10, and in extreme exceptional cases it has been down to 6 cents a bushel. Instead of relieving the situation, when you adopt the amendment of the Senator from West Virginia [Mr. CAMDEN] you destroy the whole fabric that we have been building up for fifty years.

It is within the recollection of yourself, Mr. President, and of myself, a younger man, when the extreme limit of transportation by rail was to the Ohio River. By reason of the energy and the genius of our people it has been from time to time, and day to day, and year to year pushed mile after mile westward by the building of railroads, by the advancement of science, and the laying of tracks, and the running of locomotives, until to-day we present the spectacle to the world of having accomplished what no other nation and no other people ever has done, of bringing grain, cattle, and other products of that kind 2,000 miles to the seaboard, and allowing the community to have the benefit of competition. No other nation has accomplished this great feat. No other people has practically ever tried it.

The capital invested in the railroad transportation lines of this country is enormous when you come to look at the figures—125,000 to 130,000 miles of railroad, from eight hundred to a thousand million dollars of the absolute savings of the people of the country for forty years invested, because it has been probably the best field of investment when applied to bonds, although that does not apply to stocks. We are told by some gentlemen in the Senate that there is a great deal of water in this.

Mr. President, when I had the honor to address the Senate on this subject at the last session of Congress, I admitted that there was water, but that water is limited to a very small percentage and limited to the lines constructed in late years, and with the approval, as we saw here a few days ago, of those very complaining Senators about water who voted deliberately to allow a company chartered lately to issue any amount of securities for the building of its road. The Senate voted it on the basis that that company should have the same privileges as those that preceded it, and that they could not compete with the previously organized and chartered and running railroads unless they were allowed to have water, as though transportation was absolutely to be by water and not by rail. In other words, that the more indebtedness you piled on a corporation the easier it was to run it and pay expenses! It is hardly necessary to talk about it, but such was the argument and such was the vote.

Mr. President, the railroad men of this country as a class are about the best merchants and the brightest minds we have to-day, and necessarily so. They have the best education of any set of men in the country. Gentlemen who occupy seats in the Senate mostly belong to the legal profession. Coke, Blackstone, are the same, and the classics have not changed. You will never build great railroads on them; you can not follow the progress of the age; you can not settle this country with them.

It takes all the elements of a great man to be a successful railroad manager; and we have a great number of them who have grown up in the last twenty-five years. They must have all the education that any gentleman on this floor gets in order to equip himself as a lawyer or as a Senator; and it is but the starting point of what he has to acquire of professional knowledge in order to fit himself for his position. After he has graduated at Yale or Princeton or Harvard he has to go for four or five years to a special institute for the purpose of learning the science of mechanics, chemistry, metallurgy, and then he rolls up his sleeves and goes into a shop and applies himself to the mechanics about which it will be necessary for him to have a perfect knowledge in his business as the manager of a railroad.

At thirty years of age that young man, never having up to that time probably earned a dollar, preparing himself in every way, spending money to acquire this knowledge, enters upon his career in a subordinate capacity as a railroad man; and if he has the talent and the brain necessary he rises rapidly, because in our country a man of thirty years of age has practically but twenty years of active business vital force in him. That man applies himself to the business of his life. He has all the knowledge that books can give him; he has all the knowledge that practice can give him. He is not a moneyed man. He does not enter upon the business of railroads for the interest of the community in which he lives, but as a matter to furnish for himself a position, and for his family, if he has any, their bread. He has no prejudice, no feeling. He is as well equipped as any man can possibly be to do as near right as any one man can. And this is the class of men you have to-day in the active management of the railroads of this country.

It is not fair to say that those men, absolutely working for a salary without any interest in the railroads, without any dealing in a share of stock or ever going into Wall street, are going to oppress the people. They are the men to-day who have built up this country to be the great nation that it is. Without the genius and the money and the

labor and the education that have been applied to getting these men into the positions they hold, your railroad transportation, with the movement of the products of the mines and of the crops, would not have been what it is to-day, and you would never have been able to reduce the cost of the movement of a ton of corn or a ton of wheat from 3 cents a mile down to four-tenths of a cent a mile or 3 mills a mile as has been done within the last two or three years and is being done probably to-day.

Mr. President, I did not intend when I offered this amendment to make any remarks of this kind. I am honest in my belief that if you are going to regulate rail transportation you must necessarily regulate transportation that goes alongside of it, parallel to it, and that is competing with it, and particularly as that transportation would be controlled by the different rail corporations and for the purposes of competition.

Mr. GORMAN obtained the floor.

Mr. PALMER. Will the Senator from Maryland permit me to ask a question of the Senator from New Jersey?

Mr. GORMAN. Certainly.

Mr. PALMER. I would ask the Senator from New Jersey in what way he thinks that this notification of reduction would favor the railroads. At first sight it seems to me it would be different.

Mr. SEWELL. I have not said it would favor the railroads. I want to have a bill that would relieve us from some of the charges which are made. This is the worst part of this bill. We make rates to-day and you put the railroad companies to the trouble of making their rate-tables and posting their rates. Then you should provide that they should not be cut the very next day by one of these same corporations without notice. They should last for a period of at least ten days. I would prefer that the period should be thirty days, to give some stability.

Mr. GORMAN. Mr. President, the amendment suggested by the Senator from New Jersey is one that seemed to the committee who examined this subject to be worthy of careful consideration. There is a popular impression that a provision of this sort should be inserted in this bill. Hence we gave the matter a very patient and careful consideration. I think I am justified in saying that every member of the committee, after hearing the arguments on both sides, came to the conclusion, which I do not believe will be questioned by any of the experts who were before us, or by any of the large shippers who have given the matter consideration, that an amendment such as is now suggested would be absolute destruction to all the American roads for the benefit of the Canadian lines. We may not be able to control the Canadian lines, notwithstanding the passage of this bill. They may still have it in their power to give a drawback or rebate of from 1 to 5 cents a bushel, which would take from our roads all the profit which they make from Chicago to the seaboard.

The people of this country are amply protected when they require the railroads to publish to such extent as the commission may determine their tariff of rates, which shall be uniform, and every shipper shall have notice of that tariff, whatever it is. Now occasions occur frequently where a reduction is absolutely necessary and should be made on the instant. For instance, by cable comes the notification that grain will be taken in Liverpool at such a rate to meet the competition of Indian grain. The question must be determined at once whether we will accept that rate or not. If it is to be accepted, it can only be by making a lower rate of freight.

The bill provides that when the railroads make that reduction so as to secure such results, that reduction shall be uniform to all shippers. Therefore the public is amply protected, whereas if you required companies to give a notice of ten days before the reduction can be made the water routes and the Canadian routes would be enabled to embarrass our roads so that they might be bankrupted. The public is amply protected by the publication of the rate.

Mr. SEWELL. Allow me to interrupt the Senator.

Mr. GORMAN. Certainly.

Mr. SEWELL. The Senator thinks the American roads are amply protected by this bill as it now stands.

Mr. GORMAN. Yes, Mr. President, I do, with the bill in the form in which it comes from the committee and in which it stands as amended to-day, with the exception of the one amendment offered by the Senator from Rhode Island [Mr. ALDRICH].

Mr. SEWELL. Will the Senator inform me how that protection is to be extended? How do you carry it out? You have a branch of a Canada road to Chicago and you have a road in Maine which forms the other link on our soil. These two roads come in and they file their rates from Chicago. What is there in the bill to prevent the Grand Trunk in Canada outside the United States from giving a drawback? Nothing.

Mr. GORMAN. That is true; there is nothing in the bill that would prevent that. The bill would leave the American roads in the same condition to compete with the Canadian roads that they are in to-day. They meet that by making instantly a reduction whenever it is necessary to meet the competition of the Canadian roads or the water lines. But now the Senator from New Jersey comes in and says by his amendment that our roads shall not make this reduction to meet the Canadian competition and the water competition unless they give ten days' notice. Under that one-half the freight would be gone.

Mr. SEWELL. I intend to follow this amendment by a provision under which the Grand Trunk road would be controlled. This amendment was drawn at a time when it was supposed, and it was based on the idea, that the water lines would also be controlled, and that we should have some permanence of rates, which is what we want to establish. Let us have the American lines, the Canadian lines, and all transportation on that basis that a man may know for a week at least what he is going to pay for his freight.

Mr. GORMAN. All the best minds of this country who have examined this question have come to but one conclusion, that it is not possible to regulate the through rates so long as the Canadian competition exists, except by meeting cut by cut, competition by competition on our side and on theirs. From Chicago until the Canadian road crosses the Detroit River the line is upon American soil; but the moment it crosses the Detroit River and enters the Dominion of Canada we have no control over it; and there is not any legislation that can be devised that will enable this country to control that road except the branch of it within the limits of our own territory. To-day our roads are able to compete with them in price, and we shall always be able to compete with them. We have the shorter line, we have a better climate, and we are able to compete with them if we are left unhampered. But if the amendment of the Senator from New Jersey is adopted, there is not a railroad man in the United States who does not know that it would destroy the American roads. I do not believe I do the Senator from New Jersey injustice when I say that he offers the amendment not with that view, but to emphasize his opposition to what has already been inserted in the bill.

Mr. SEWELL. Will the Senator allow me a word?

Mr. GORMAN. Certainly.

Mr. SEWELL. I offered the amendment in connection with a series of amendments based on the bill as reported. The Senator from Maryland voted for the amendment offered by the Senator from West Virginia, which practically places the railroads of this country in such a condition that the roads east of Chicago, known as the trunk lines, will, rather than sacrifice their local business, say to the merchants and shippers of Chicago, "We will not take your freight except on a basis where we can be left to regulate our local rates profitably." That will not only apply to Chicago, but it will apply to all the great competitive points in this country running from Duluth on the north to New Orleans on the south, and it will apply more to the roads running from here in the direction of the southwest to New Orleans, the Gulf coast, and Atlantic seaboard than it will even to Chicago.

The great lines running to Chicago have been long enough in existence and mostly running through a country that has very large mining or manufacturing interests which have been built up so that there is a local trade to that extent that the companies can say to the people west of Chicago, "If you choose to hamper us with any enactment of this kind, we prefer to attend to our local business and let you get your grain to the seaboard by water or in any other way you can." In other words, when rates get down to the point that they have done, these roads can not possibly exist, and I say it knowingly if that rule is to govern that the through rates are to be the guide for local rates from point to point.

The Pennsylvania Railroad is probably an exception to the general trunk lines. The New York Central probably comes next. Both these great corporations have given a great deal of time and attention and have in many instances spent a great deal of money for the purpose of building up what they considered the great interest of their stockholders, the local business. Wherever it was possible to encourage a flour-mill or a rolling-mill or any great industrial work to come on the line they have done it.

The Pennsylvania Railroad Company has, under her contract with the State of Pennsylvania when she took the public works of that State, agreed that the rate from Pittsburgh to the Delaware River should at no time be greater than the rates from the points west of the Delaware River. Therefore that corporation has so fixed its business, so encouraged its local traffic in the great underlying strata of coal and iron over which its roadbed runs, and the great industrial establishments employing thousands of men that have grown up in Pennsylvania, that it is enabled to live entirely without any risk of competitive business from Chicago, which now amounts to about 10 per cent.; and if the other corporations which have not these great advantages, which have not the coal and iron of Pennsylvania, were obliged to carry their way business to any point between this side of Chicago and New York, the Lake Shore, the New York Central or Erie, or any great competing line—if they were obliged to do it, would simply have to say we can not do it.

What will be the result? The result is to tear down the fabric you have been building for fifty years. You have demonstrated to the great West that you may transport a cheap class of freight 2,000 miles to the seaboard. You have built up, commencing with the Illinois Central land grant, the States of Illinois, Wisconsin, Iowa, Kansas, Missouri, and all the other great States of the West by what? Many of their inhabitants went there by wagons, but the great majority of them were

attracted there by the railroads, by the transportation facilities, by being able to get their produce to market, by being able to have some profit after they have paid for the transportation.

If the railroads say to the great grain depots of Chicago and Saint Louis, "If we are to be governed by this rate for our way freight we prefer not to take it," where do you leave the people of the West? If you insist that the through rate shall in all cases govern the way rate it will result in the great cereals being shipped entirely by water, the elevators and their owners being transferred to New York, Baltimore, Newport News, Philadelphia, Boston, and Portsmouth in the United States, and Montreal in Canada.

Mr. GORMAN. I was not discussing the long and short haul. I was discussing the amendment of the Senator from New Jersey as to the notice to be given of the reduction of rates of railroad companies; but I can not refrain from again calling the attention of the Senate to the statements of two of the most distinguished railroad men in this country: one (Mr. Fink) at the head of all the railroad pools, who is regarded by the railroad people as authority on this question, and the other (Mr. Blanchard), of no less distinction, once vice-president of the Erie Railroad.

Mr. Blanchard, in his statement on page 151 of this report, states, speaking of the long and short haul:

> Next take interior interstate commerce, originating from a point illustrated by Columbus, Ohio, and destined, if you please, to Pittsburgh, Pa. The modern and better practice of the railroads is, that although there is nothing between those two points limiting the charges of the railroad companies except the respective State charters of the railroads, not one-fifth of the rates authorized by the charters are in effect charged; and in another respect it has not been the case in ten years that the tariff from Columbus to Harrisburg has been higher than the tariff from Cincinnati to New York. I say the better practice of railroads, because I think public agitation has probably had good effect in this respect. It has, however, been greatly aided, and the result is much more due to the economies of steel rails, straightened lines, and lower grades, greater loads carried per car, improved ballasting, the increased weights of locomotives and trains, and all the effects of railroad competition, independent of the water competition I have referred to, than to any other causes.

Going on to show that the practice of the railroads themselves, where they had an intelligent view of their own interests, was never to charge more for the short than for the long haul, Mr. Fink is equally emphatic on the same point; and I say to my friend from New Jersey that there is scarcely a railroad man in this country of intelligence who does not recognize the rule as a proper one, with the exceptions in this bill, that in certain specific cases a different rule may prevail.

Mr. SEWELL. I have before me here the rates from New York by rail to certain points in the South and Southwest:

From New York to—	Classes.					
	1.	2.	3.	4.	5.	6.
Birmingham	$1 14	$0 98	$0 86	$0 73	$0 60	$0 49
Meridian	1 14	98	86	73	60	49
Chattanooga	1 14	98	86	73	60	49
New Orleans	70	60	50	45	45	.....
Memphis	1 02	88	70	50	44	.....
Nashville	97	81	65	46	39	.....
Macon	1 19	1 04	89	78	62	51
Atlanta	1 24	1 06	92	78	63	52
Savannah	99	83	78	71	61	48
Jacksonville	1 11	95	88	68	54	48

The short rates are more than the long ones. If the amendment of the Senator from West Virginia becomes the law, the roads which are now charging to Atlanta $1.24 will be obliged to come down to 70 cents. And let me say that there is not one of them to-day, and the Senator from Georgia will bear me out, that is paying any dividends.

Mr. EDMUNDS. Do they make or lose anything by the New Orleans rate?

Mr. SEWELL. They make in this sense, that if they have cars there and they can take a lot of stuff and load it and send it North, they make more than they would by sending empty cars.

Mr. EDMUNDS. Do they make anything as a general rule?

Mr. SEWELL. Not as a general rule.

Mr. EDMUNDS. If they do, they are evidently making too much at Atlanta and those inside places.

Mr. GORMAN. It will be remembered that Mr. Fink verified the statement I have made. The great trouble with the transportation interest is that there is no stability in rates. He maintains that there would be no substantial trouble in the question of the long and short haul if there was stability. When the pool was inaugurated he maintained that the local rates between Chicago and New York were maintained on the proper basis; and then the chairman of the committee put him a question which I will read, with his response:

> The CHAIRMAN. While you are regulating freights on a road from here to Chicago, for instance, you begin at Chicago to charge so much from there to New York or from New York to Chicago; and you do the same thing as to every other point where there is another road that comes this way? You let each one of the roads cut and carve at every station where there are not two roads, do you?
>
> Mr. FINK. No; there are certain rules upon which tariffs are made from local points. After a rate has been established from a competing point, say from Indianapolis, it being 93 per cent. of Chicago, then the rate from a point beyond Indianapolis (if it is not a competing point, but a local point on any one of the various roads that run to Indianapolis) is added to the through rate. The local rate, which is generally for short distances, can only be charged to the point where the freight reaches the first competing point. The roads can never do more than that. And here I would call your attention to this fact: that high local rates can only be made for short distances. For example, I suppose in Illinois there is no place more than 10 or 20 miles from some competing railway station. In such a case the local rates could only be made high for 20 miles. As soon as the freight strikes a competing point, and is intended to go beyond that point, it gets the advantage of whatever low rates may exist from that point. The local shipper has the full advantage of competing rates.
>
> The CHAIRMAN. Why do you not make the tariffs as though there were no competing points? In other words, if you charge so much from Chicago to New York and there is a station 10 miles this side which is not a competing point at all, why do you not say that the charge from that point to New York shall be so much less, and control that charge as well?
>
> Mr. FINK. It is a rule that this freight should not pay more than from Chicago——

That is the station 10 miles this side of Chicago—

but you can understand that it may cost more to take freight from a point 10 miles east of Chicago than from Chicago. But, nevertheless, the roads generally follow the rule not to charge more.

That is all their own action, as Mr. Fink states. All the bill does is to say that that shall be the rule, "You shall apply the very rules you have laid down in the management of your own roads to the whole public and not make it an exceptional case."

Mr. EDMUNDS. That, I may suggest to the Senator from Maryland, though it is not the rule of the bill, can be made so if the amendment of the Senator from West Virginia should not be agreed to in the Senate. The bill as it stands only provides for a common point of departure and not for a common point of arrival. So in the case supposed the rate might be a dollar a ton, for instance from Chicago to New York, and it might be $3 a ton from a point 10 miles east of Chicago on the same line and going by the same train to New York.

Mr. HARRIS. Not as the bill stands amended.

Mr. EDMUNDS. As the bill stands amended it does not, but as it stood reported. Now, if you add to the clause that was stricken out in committee the common point of arrival as well as the common point of departure, then you have got the status that nothing can be charged greater for carrying goods to New York from any point on any line east of Chicago than you may charge from Chicago itself. And of course I only take that as an illustration. It applies all over the country and in all directions, west as well as east. But if you strike it all out and say that every local rate everywhere shall be no greater than the through rate everywhere, there is a great deal of force in what the Senator from New Jersey has said in respect of going too far in the opposite direction.

Mr. GORMAN. I do not believe that it is proper to hamper the railroads to too great an extent; but there are innumerable cases like that stated by the Senator from California where a shipper from New York is compelled to send his goods through to San Francisco and other competing points 300 miles on the same road beyond the destination and pay the local charges from San Francisco back to the point of destination. Is that an unusual case? There are hundreds of cases on the railroads that enter Washington city where through rates from Chicago are paid and the goods sent back 150 and 200 miles toward the Ohio River paying the local rates back. That is an outrage which is committed by all or nearly all the railroads. It is a practice that they are all engaged in, and it is impossible to control them except by national legislation.

The Senator from Kansas in alluding to the action of the Senator from West Virginia made the statement that this short-haul amendment was practically in the interest of one road, the Baltimore and Ohio Railroad. If the Senator had consulted a railway map he would have seen at a glance that the Baltimore and Ohio Railroad is the one road above all others of the trunk lines that is mostly affected by this very amendment. It has not 100 miles running continuously in any one State between here and the Ohio River. It passes through Maryland into West Virginia and back to Maryland again and then into West Virginia, so that nine-tenths of all its local trade is interstate commerce, whereas the great trunk lines of Pennsylvania and of New York, except the Erie, pass through one State for three or four hundred miles, and all that great traffic is local and not to be controlled or affected by the provisions of this bill.

So the Senator from Kansas was entirely mistaken, and I regretted exceedingly to see the turn this debate has taken—that it should be attempted to make the impression here that any local interest was being considered in this amendment or in framing the bill. I regretted that my friend from Iowa should make an appeal to his Western friends that this provision was against the interests of the great West. Nothing can affect the interests of the great West as long as you have independent lines competing with each other and affected by the Canadian roads and by the water lines.

Mr. MCMILLAN. Will the Senator from Maryland permit me to call his attention to the fact that the Senator from West Virginia took the ground distinctly that the effect of his amendment would be to prevent transportation from the Mississippi Valley at a less rate than it could be done from Ohio and West Virginia, and he said distinctly that that was all the Mississippi Valley could ask; that they had no right to ask to have their freight transported from the Mississippi Valley to the Atlantic coast for a less rate than freight could be transported from West Virginia or Ohio. I think it is a very unsound proposition.

If we have in the Mississippi Valley advantages which enable us to transport our grain to the Atlantic coast cheaper than you can transport it from West Virginia or Ohio to the Atlantic coast, then you are depriving all that region of country of the benefit of competition, and you are hampering trade, you are hampering commerce, and depriving the commerce of the Mississippi Valley of the benefit which it naturally possesses.

Mr. GORMAN. Mr. President, I happen to hold in my hand a statement prepared by Mr. Fink, showing the rates of freight between the cities of New York and Chicago, and I desire to say to my friend from Minnesota that all the rates of freight from every point nearly in the West except the extreme point of the Pacific roads to the Eastern seaboard, are governed or made by the rates from Chicago to the city of New York.

The rate of freight in 1865 of $1.60 on 100 pounds from Chicago to New York city, rate had run down in 1884 to 12 cents per 100 pounds. Now——

Mr. EDMUNDS. With the permission of my friend from Maryland I move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. Before the motion is put the Chair will submit two bills from the House of Representatives.

Mr. CULLOM. I desire to remind the Senate that by unanimous consent this bill and the amendments to it are to be disposed of to-morrow.

Mr. EDMUNDS. Decidedly.

HOUSE BILLS REFERRED.

The bill (H. R. 6391) to authorize the Kansas City, Fort Scott and Gulf Railway Company to construct and operate a railway through the Indian Territory, and for other purposes, was read twice by its title.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Indian Affairs.

Mr. BERRY. There was a similar bill reported from the Committee on Indian Affairs, and it is now on the Calendar. I ask therefore that this bill lie on the table, so that it may be called up for action very soon.

The PRESIDENT *pro tempore*. The Chair did not know that there was a Senate bill of the same purport on the Calendar.

Mr. EDMUNDS. Is the Senate bill in the same form as the House bill?

Mr. DAWES. They are so similar that the committee do not care to have a reference.

The PRESIDENT *pro tempore*. The bill will lie on the table.

The bill (H. R. 5886) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1887, was read twice by its title, and referred to the Committee on Appropriations.

WITHDRAWAL OF PAPERS.

On motion of Mr. BLACKBURN, it was

Ordered, That the papers in the case of John Thorns, of Fayette County, Kentucky, be withdrawn, subject to the rule of the Senate.

Mr. EDMUNDS. I renew my motion.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 41 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 11, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

MONDAY, *May* 10, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of Saturday's proceedings was read and approved.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted indefinitely to Mr. HOUK, on account of sickness.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the Chair will proceed to call the States and Territories for the introduction of bills and resolutions for reference, under which call memorials of State and Territorial Legislatures may be presented, and also resolutions of inquiry addressed to the heads of Departments.

SILVER-PROFIT FUND.

Mr. ADAMS, of Illinois, submitted the following resolution; which was read, and referred to the Committee on Coinage, Weights, and Measures:

Resolved, That the Secretary of the Treasury be directed to furnish to the House of Representatives a detailed statement of all sums expended by the different mints and assay offices from the fund known as the silver-profit fund, authorized by section 3526 of the Revised Statutes, from and including the year 1878 to the present time.

BENJAMIN MENDENHALL.

Mr. LANDES introduced a bill (H. R. 8609) granting a pension to Benjamin Mendenhall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH BREWER.

Mr. LANDES also introduced a bill (H. R. 8610) granting a pension to Elizabeth Brewer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALEXANDER S. STEWART.

Mr. LANDES also introduced a bill (H. R. 8611) granting a pension to Alexander S. Stewart; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STEPHEN H. POWELL.

Mr. LANDES also introduced a bill (H. R. 8612) granting a pension to Stephen H. Powell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. J. WIGGS.

Mr. LANDES also introduced a bill (H. R. 8613) granting a pension to W. J. Wiggs; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES J. LYELL.

Mr. LANDES also introduced a bill (H. R. 8614) granting a pension to James J. Lyell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONDEMNED CANNON FOR ALEDO, ILL.

Mr. NEECE introduced a bill (H. R. 8615) authorizing the Secretary of War to place at the soldiers' monument in Aledo, Ill., condemned cannon; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM H. KERMAN.

Mr. NEECE also introduced a bill (H. R. 8616) granting a pension to William H. Kerman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZA LUTZ.

Mr. NEECE also introduced a bill (H. R. 8617) rerating the pension of Eliza Lutz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN C. SCHAUTZ.

Mr. NEECE also introduced a bill (H. R. 8618) for the relief of John C. Schautz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM HAYES.

Mr. NEECE also introduced a bill (H. R. 8619) granting a pension to William Hayes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY DURKEE.

Mr. FULLER introduced a bill (H. R. 8620) granting relief to Henry Durkee; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

A. CROUNSE.

Mr. HEPBURN (by request) introduced a bill (H. R. 8621) increasing the pension of A. Crounse; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM N. ABBOTT.

Mr. HEPBURN also introduced a bill (H. R. 8622) increasing the pension of William N. Abbott, of Davis City, Iowa; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY E. HEDRICK.

Mr. HEPBURN also introduced a bill (H. R. 8623) granting a pension to Mary E. Hedrick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSION LAWS.

Mr. WOLFORD introduced a bill (H. R. 8624) to amend the pension laws; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMANDA CHILES.

Mr. BRECKINRIDGE, of Kentucky, introduced a bill (H. R. 8625) for the benefit of Amanda Chiles, of Pendleton County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FREDERICK NIENABER.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 8626) for the relief of Frederick Nienaber, of Covington, Ky.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

THOMAS ROSS.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R.

8627) granting a pension to Thomas Ross, late private Company E, Fifth Pennsylvania Reserves; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN THORNS.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 8628) for the relief of John Thorns, of Fayette County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DEPARTMENT OF AGRICULTURE AND INDUSTRY.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 8629) to establish a department of agriculture and industry; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

CALL OF UNITED STATES 3 PER CENT. BONDS.

Mr. BRECKINRIDGE, of Kentucky, also introduced a joint resolution (H. Res. 168) in relation to the call of the United States 3 per cent. bonds; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

FOREIGN VESSELS IN AMERICAN PORTS.

Mr. DINGLEY introduced a bill (H. R. 8630) to limit the commercial privileges of vessels of foreign countries in the ports of the United States to such purposes as are accorded to American vessels in the ports of such foreign countries; which was read a first and second time, referred to the Select Committee on American Ship-building and Ship-owning Interests, and ordered to be printed.

SEIZURE OF THE VESSEL DAVID J. ADAMS.

Mr. STONE, of Massachusetts, offered the following resolution; which was read, and referred to the Committee on Foreign Affairs:

Whereas it is reported that an American fishing vessel, namely, the David J. Adams, of Gloucester, Mass., has recently been seized in Digby, Nova Scotia, for the alleged purchase of bait, by the British flagship Lansdowne, in apparent violation of the commercial rights conceded to American vessels by the British Government:

Ordered, That the Committee on Foreign Affairs be instructed to inquire into the facts of the case, with authority to recommend such legislation as may be due to a proper sense of national dignity and to a just regard for the rights and interests of the national commerce.

JAMES B. HILL.

Mr. STONE, of Massachusetts, also introduced a bill (H. R. 8631) granting a pension to James B. Hill; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PROTECTION OF AMERICAN FISHERMEN.

Mr. RICE introduced a joint resolution (H. Res. 169) for the protection of American fishermen; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

EMILY LUTHER.

Mr. LONG introduced a bill (H. R. 8632) for the relief of Emily Luther; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALONZO HIGLEY.

Mr. BURROWS introduced a bill (H. R. 8633) for the relief of Alonzo Higley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES KING.

Mr. WHITE, of Minnesota, introduced a bill (H. R. 8634) granting a pension to James King; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IRENE GOOGINS.

Mr. WHITE, of Minnesota, also introduced a bill (H. R. 8635) granting a pension to Irene Googins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed

JACKSON BRISCOE.

Mr. VAN EATON introduced a bill (H. R. 8636) for the relief of Jackson Briscoe; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REPORT OF BUREAU OF ANIMAL INDUSTRY.

Mr. HATCH introduced a joint resolution (H. Res. No. 170) for printing third annual report of Bureau of Animal Industry; which was read a first and second time, referred, on motion of Mr. HATCH, to the Committee on Agriculture, and ordered to be printed.

FRITZ HOLZER.

Mr. HATCH also introduced a bill (H. R. 8637) granting a pension to Fritz Holzer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHRISTIAN LOUTH.

Mr. HATCH also introduced a bill (H. R. 8638) granting a pension to Christian Louth; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY KELLER.

Mr. HATCH also introduced a bill (H. R. 8639) granting a pension to Henry Keller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABRAM L. SHEPHERD.

Mr. HATCH also introduced a bill (H. R. 8640) granting an increase of pension to Abram L. Shepherd; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. ELLIOTT.

Mr. HALE introduced a bill (H. R. 8641) granting a pension to George W. Elliott; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT P. CURRAN.

Mr. HALE also introduced a bill (H. R. 8642) granting a pension to Robert P. Curran, of Chariton County, Missouri; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN LEAK.

Mr. WADE introduced a bill (H. R. 8643) for the relief of John Leak; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES A. M'CULLAH.

Mr. WADE also introduced a bill (H. R. 8644) for the relief of James A. McCullah; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM A. CARR.

Mr. WADE also introduced a bill (H. R. 8645) for the relief of William A. Carr; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN RIDDERMAN.

Mr. HEARD introduced a bill (H. R. 8646) granting a pension to John Ridderman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARTIN KUHN.

Mr. HEARD also introduced a bill (H. R. 8647) granting a pension to Martin Kuhn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID B. CORDELL.

Mr. HEARD also introduced a bill (H. R. 8648) granting a pension to David B. Cordell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM F. COWDEN.

Mr. HEARD also introduced a bill (H. R. 8649) to grant a pension to William F. Cowden; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STATISTICS OF EXPORTS, IMMIGRATION, AND EMIGRATION.

Mr. HEARD (by request) also introduced a bill (H. R. 8650) for the collection of more accurate statistics of exports, immigration, and emigration; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ALFRED J. HILL.

Mr. HAYNES introduced a bill (H. R. 8651) increasing the pension of Alfred J. Hill; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PROPOSED FINE FOR ABSENCE WITHOUT LEAVE.

Mr. BEACH submitted the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That the rules of the House be so amended as to provide that in the event of a call of the House every member absent therefrom without its leave (except for sickness) shall be fined $100; which sum shall be deducted by the Sergeant-at-Arms from the salary of the member so absent, and be paid into the contingent fund of the House.

ALBERT H. GEERING.

Mr. MULLER introduced a bill (H. R. 8652) for the relief of Albert H. Goering; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARY DONNELSON.

Mr. BLISS (by request) introduced a bill (H. R. 8653) for the relief of Mary Donnelson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALOIS GOEBEL.

Mr. BLISS also introduced a bill (H. R. 8654) for the relief of Alois Goebel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL GORMAN.

Mr. TIMOTHY J. CAMPBELL (by Mr. BLISS) introduced a bill (H. R. 8655) for the relief of Samuel Gorman; which was read a first and sec-

ond time, referred to the Committee on Military Affairs, and ordered to be printed.

DOUBLE POSTAL CARDS.

Mr. MERRIMAN introduced a bill (H. R. 8656) authorizing the Postmaster-General to issue double or return postal cards; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

JURISDICTION COURT OF CLAIMS.

Mr. MERRIMAN also introduced a bill (H. R. 8657) referring certain claims to the Court of Claims; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN K. LADD.

Mr. MERRIMAN also introduced a bill (H. R. 8658) granting a pension to John K. Ladd; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADDITIONAL ASSISTANT ADJUTANT-GENERAL.

Mr. VEILE introduced a bill (H. R. 8659) authorizing the President to appoint an additional assistant adjutant-general of the Army, with the rank of major; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

STEPHEN M. HONEYCUTT.

Mr. JOHNSTON, of North Carolina, introduced a bill (H. R. 8660) for the relief of Stephen M. Honeycutt; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REMOVAL OF CAUSES FROM STATE COURTS.

Mr. SENEY introduced a bill (H. R. 8661) to regulate the practice in causes removed from State courts to the circuit courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ELMER E. EWING.

Mr. THOMPSON (by Mr. EZRA B. TAYLOR) introduced a bill (H. R. 8662) granting a pension to Elmer E. Ewing, late lieutenant Ninety-first Regiment Ohio Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JONAS SCHOONOVER.

Mr. MCKINLEY (by Mr. EZRA B. TAYLOR) introduced a bill (H. R. 8663) to increase the pension of Jonas Schoonover; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM ROMANS.

Mr. IKE H. TAYLOR introduced a bill (H. R. 8664) granting a pension to William Romans; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INDIAN TRAINING-SCHOOL, SALEM, OREG.

Mr. HERMAN introduced a bill (H. R. 8665) to authorize the purchase of a tract of land near Salem, Oreg., for the use of the Indian training-school, and permitting payment to be made by Indian pupils in labor; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ELLEN R. HARRIS.

Mr. O'NEILL, of Pennsylvania, introduced a bill (H. R. 8666) for the relief of Ellen R. Harris; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

J. J. LINTS.

Mr. SCOTT (by Mr. KLEINER) introduced a bill (H. R. 8667) for the relief of J. J. Lints; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BUSINESS FROM COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS.

Mr. BROWN, of Pennsylvania, submitted the following resolution; which was read, and referred to the Committee on Public Buildings and Grounds:

Resolved, That Tuesday, the 25th of May, 1886, after the hour for the consideration of reports, be fixed for the consideration of such business reported by the Committee on Public Buildings and Grounds as may be designated by the said committee, not to interfere with revenue bills or prior special orders or general appropriation bills; and this order to continue from day to day until such consideration be had and such business designated by the said committee as aforesaid shall have been disposed of: *Provided*, That not more than three days shall be occupied in the disposition of business under this order.

STUDY OF PHYSIOLOGY, ETC.

Mr. BROWN, of Pennsylvania, also submitted a resolution fixing a day for the consideration of Senate bill No. 195, to provide for the study of physiology, &c.; which was referred to the Committee on Education.

ISABELLA BARDWELL.

Mr. BROWN, of Pennsylvania, also introduced a bill (H. R. 8668) to grant a pension to Mrs. Isabella Bardwell, widow of Bvt. Lieut. Col. George A. Bardwell, late of the One hundred and sixteenth Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS R. ELLIOT.

Mr. NEAL introduced a bill (H. R. 8669) granting a pension to Thomas R. Elliot; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LINNÆUS W. RISLEY.

Mr. NEAL also introduced a bill (H. R. 8670) granting a pension to Linnæus W. Risley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JENNIE RICHARDSON.

Mr. ZACH. TAYLOR introduced a bill (H. R. 8671) for the relief of Jennie Richardson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ESTATE OF JAMES P. HASTINGS.

Mr. JOHN M. TAYLOR introduced a bill (H. R. 8672) for the relief of the estate of James P. Hastings, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

INVESTIGATION OF PACIFIC RAILROADS.

Mr. RICHARDSON introduced a joint resolution (H. Res. 171) authorizing an investigation of books, accounts, and methods of Pacific railroads which have received aid from the United States; which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

ESTATE OF GEORGE W. NEMO.

Mr. MCMILLIN introduced a bill (H. R. 8673) for the relief of the estate of George W. Nemo, of Sumner County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DEPARTMENT OF INDUSTRIES.

Mr. REAGAN introduced a bill (H. R. 8674) to establish a department of industries; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Mr. REAGAN. I give notice that when the bill (H. R. 5190) to enlarge the powers and duties of the Department of Agriculture shall be again under consideration I shall offer this as a substitute for that bill.

EMMA FLORENCE READ.

Mr. BARBOUR introduced a bill (H. R. 8675) granting a pension to Emma Florence Read; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LAFAYETTE FOWLER.

Mr. CABELL introduced a bill (H. R. 8676) for the relief of Lafayette Fowler, of Carroll County, Virginia; which was read a first and second time.

Mr. CABELL. I ask that this bill be referred to the Committee on Ways and Means.

The SPEAKER. Is it a claim?

Mr. CABELL. It refers to taxation. It relates to one of the class of matters which belong to the Committee on Ways and Means.

The SPEAKER. It is a claim growing out of the execution of the revenue laws.

Mr. CABELL. I ask unanimous consent that the bill be referred to the Committee on Ways and Means.

Mr. MILLS. I object. No claims should be sent to the Committee on Ways and Means.

The bill was referred to the Committee on Claims, and ordered to be printed.

WILLIAM B. FOX.

Mr. GOFF introduced a bill (H. R. 8677) granting a pension to William B. Fox; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLOTTE TULLER.

Mr. GUENTHER introduced a bill (H. R. 8678) granting a pension to Charlotte Tuller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JUAN BACA.

Mr. JOSEPH introduced a bill (H. R. 8679) for the relief of Juan Baca; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MIGUEL MONTOYA.

Mr. JOSEPH also introduced a bill (H. R. 8680) for the relief of Miguel Montoya; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOSÉ MIGUEL VIGIL.

Mr. JOSEPH also introduced a bill (H. R. 8681) for the relief of José Miguel Vigil; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This completes the call of States and Territories.

If there be no objection the Chair will recognize gentlemen who were not present when their States were called.

There was no objection.

ELIZABETH HOBBS.

Mr. PEEL introduced a bill (H. R. 8682) granting a pension to Elizabeth Hobbs, widow of Jacob Hobbs, deceased; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN HARPER.

Mr. PEEL also introduced a bill (H. R. 8683) for the relief of John Harper, of Benton County, Arkansas; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

M. H. GILL.

Mr. McCREARY introduced a bill (H. R. 8684) for the relief of M. H. Gill, of Garrard County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SECTION 3282 REVISED STATUTES.

Mr. SPRINGER introduced a bill (H. R. 8685) to further amend section 3282 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SEIZURE OF THE DAVID J. ADAMS.

Mr. BRECKINRIDGE, of Arkansas, offered the following resolution; which was read, and referred to the Committee on Foreign Affairs:

Whereas it is reported in the public prints that on May 7, at Digby, in the Dominion of Canada, the schooner David J. Adams, owned by American citizens, was forcibly seized by the steamer Landsdowne, under order of the Government of said Dominion, and is now held for further proceedings: Therefore,

Be it resolved, That the President of the United States be requested to inform this House, if not deemed by him incompatible with the good of the public service, what steps have been taken by him to have said seizure investigated, and to communicate to this House at the earliest practicable day what were the circumstances and the pretense under which said seizure was made.

JAMES SCHOOLING.

Mr. ROBERTSON introduced a bill (H. R. 8686) for the relief of the legal representatives of James Schooling, of Marion County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PHILIP N. FOX.

Mr. ROBERTSON also introduced a bill (H. R. 8687) for the relief of Philip N. Fox, of Mount Washington, Ky.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HONORA T. HYNES.

Mr. O'NEILL, of Missouri, introduced a bill (H. R. 8688) for the relief of Honora T. Hynes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN JOHNSON.

Mr. HALSELL introduced a bill (H. R. 8689) granting a pension to John Johnson, late captain in Company I, Twelfth Regiment of Kentucky Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

T. J. MOREHEAD.

Mr. HALSELL also introduced a bill (H. R. 8690) for the benefit of T. J. Morehead, executor of the will of James J. Sears, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RICHARD GIBBS.

Mr. HALSELL also introduced a bill (H. R. 8691) granting a pension to Richard Gibbs, late of Company G, Eighth Regiment of Kentucky Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DALTON HINCHMAN.

Mr. HOLMAN introduced a bill (H. R. 8692) for the relief of Dalton Hinchman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REVISED STATUTES, TITLE XIII, "THE JUDICIARY."

Mr. ROGERS introduced a bill (H. R. 8693) to amend certain portions of Chapter Three, of Title XIII, "The Judiciary," of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOSEPH A. WILSON.

Mr. ROGERS also introduced a bill (H. R. 8694) for the relief of Joseph A. Wilson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

J. R. MATHEWS.

Mr. JOHN M. TAYLOR introduced a bill (H. R. 8695) for the relief of J. R. Mathews, of Benton County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BARNEY LUDDY.

Mr. HENLEY introduced a bill (H. R. 8696) granting a pension to Barney Luddy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EXHIBITION OF CALIFORNIA SILK IN CAPITOL BUILDING.

Mr. HENLEY also introduced a joint resolution (H. Res. 172) authorizing the exhibition of specimens of California silks in the Capitol building by Professor Nueman; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

FEES OF WITNESSES AND JURORS.

Mr. PERRY offered the following resolution; which was read, and referred to the Committee on Expenditures in the Department of Justice:

Resolved, That the Secretary of the Treasury be directed to inform the House whether all fees of witnesses and of jurors for 1883 and prior years have been paid; and, if not, what amount thereof remains unpaid, and whether appropriations are available for the payment of the same.

ALONZO MERCER.

Mr. ANDERSON, of Ohio, introduced a bill (H. R. 8697) authorizing the Secretary of War to remove the charge of desertion from the military record of Alonzo Mercer, of Company D, One hundred and second Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

P. GOUGH EDELIN.

Mr. COMPTON introduced a bill (H. R. 8698) for the relief of P. Gough Edelin, of Saint Mary's County, Maryland; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HEIRS OF JOHN WALTON.

Mr. COMPTON also introduced a bill (H. R. 8699) for the relief of the heirs of John Walton, late of Annapolis, Md.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY JANE WEBSTER.

Mr. COMPTON also introduced a bill (H. R. 8700) granting a pension to Mary Jane Webster; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ASA JOHNSTON.

Mr. HERBERT introduced a bill (H. R. 8701) for the relief of Asa Johnston, of Conecuh County, Alabama; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

TIMOTHY GREEN.

Mr. HERBERT also introduced a bill (H. R. 8702) for the relief of Timothy Green; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY A. M'CLAIN.

Mr. DUNHAM (by request) introduced a bill (H. R. 8703) for the relief of Mary A. McClain; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DONATION OF CONDEMNED CANNON, ETC.

Mr. HOLMES introduced a bill (H. R. 8704) donating condemned cannon and cannon-balls to James C. Taylor Post, Grand Army of the Republic, at Algona, Iowa; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

COMPENSATION TO RAILROAD COMPANIES.

Mr. MILLIKEN introduced a bill (H. R. 8705) to authorize the Postmaster-General to allow compensation to railroad companies in certain cases for apartment service heretofore furnished pursuant to agreement; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

GEORGE HENDERSON.

Mr. MILLIKEN also introduced a bill (H. R. 8706) granting a pension to George Henderson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHRISTOPHER SCHAEFER.

Mr. OWEN (by Mr. JOHNSTON, of Indiana) introduced a bill (H. R. 8707) to increase the pension of Christopher Schaefer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CELETTA LAMME.

Mr. JOHNSTON, of Indiana, introduced a bill (H. R. 8708) granting a pension to Celetta Lamme; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WESLEY FOUTS.

Mr. JOHNSTON, of Indiana, also introduced a bill (H. R. 8709) granting a pension to Wesley Fouts; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM WEBSTER.

Mr. SMALLS introduced a bill (H. R. 8710) for the relief of William

Webster; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

IRA SWEATT.

Mr. ALLEN, of Massachusetts, introduced a bill (H. R. 8711) to restore the name of Ira Sweatt to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE NORTHROP.

Mr. ALLEN, of Massachusetts, also introduced a bill (H. R. 8712) granting an increase of pension to George Northrop, late a corporal of Company G, First Maine Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLOTTE C. PARSONS.

Mr. STRUBLE introduced a bill (H. R. 8713) granting a pension to Charlotte C. Parsons; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MALINDA A. MARMADUKE.

Mr. PERKINS introduced a bill (H. R. 8714) granting a pension to Malinda A. Marmaduke; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN M'COLLISTER.

Mr. PERKINS also introduced a bill (H. R. 8715) granting a pension to John McCollister; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ASAHEL WALKER.

Mr. CAMPBELL, of Pennsylvania, introduced a bill (H. R. 8716) granting a pension to Asahel Walker, late a member of Company A, Eighty-fourth Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AARON YOUNG.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 8717) granting a pension to Aaron Young, late a member of Company D, Twenty-fourth United States Colored Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOUISVILLE AND PORTLAND CANAL.

Mr. WILLIS introduced the following resolution; which was referred to the Committee on Rivers and Harbors:

Whereas by the terms of the joint resolution of the State of Kentucky, approved March 28, 1872, transferring the control and management of the Louisville and Portland Canal to the Government of the United States, it is expressly provided that the right of drainage into said canal is reserved to the city of Louisville; and

Whereas it is reported that the United States engineers in charge of said canal have objected to the exercise of that right on the part of the city of Louisville: Therefore,

Resolved, That the Secretary of War be, and is hereby, directed to report to Congress whether, in his judgment, said right of drainage should be conceded to the city of Louisville, and, if not, the reasons therefor, together with such information on the subject as may to him seem proper in the premises.

SUSAN PRESTON VANCE.

Mr. WILLIS also introduced a bill (H. R. 8718) for the relief of Susan Preston Vance; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILBURN LONG.

Mr. TAULBEE (by Mr. WILLIS) introduced a bill (H. R. 8719) granting a pension to Wilburn Long; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM B. EVE.

Mr. TAULBEE (by Mr. WILLIS) also introduced a bill (H. R. 8720) granting a pension to William B. Eve; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

A. H. SYMPSON.

Mr. TAULBEE (by Mr. WILLIS) also introduced a bill (H. R. 8721) for the relief of A. H. Sympson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JASPER N. COOPER.

Mr. STEELE introduced a bill (H. R. 8722) granting an increase of pension to Jasper N. Cooper; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WOODSON W. THRASHER.

Mr. STEELE also introduced a bill (H. R. 8723) for the relief of Woodson W. Thrasher; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL HAWKINS.

Mr. STEELE also introduced a bill (H. R. 8724) for the relief of Samuel Hawkins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS W. FASSETT.

Mr. HENDERSON, of Iowa, introduced a bill (H. R. 8725) granting a pension to Thomas W. Fassett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LYDIA B. VAN ANDA.

Mr. HENDERSON, of Iowa, also introduced a bill (H. R. 8726) granting a pension to Lydia B. Van Anda, guardian of S. G. Van Anda; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COIN NOTES, ETC.

Mr. BLAND introduced a bill (H. R. 8727) to provide for the issue of coin notes by the Government, and for other purposes; which was read a first and second time.

Mr. BLAND. That bill relates to two subjects, and perhaps it had better be read *in extenso* to determine its proper reference.

The bill was read.

The SPEAKER. That bill might either be referred to the Committee on Banking and Currency or the Committee of Ways and Means.

Mr. BLAND. I propose to move it as a substitute for the silver-certificate bill to come up on the 25th of this month, and therefore would like to have it referred to the Committee on Coinage, Weights, and Measures.

Mr. MILLER. I think the bill should go to the Committee on Banking and Currency, which had charge of the other bill.

The SPEAKER. Under the rules of the House the bill would go, unless a motion was made to the contrary, either to the Committee on Banking and Currency or the Committee on Ways and Means. It relates to the currency, and also to the public debt. The gentleman from Missouri moves that it be referred to the Committee on Coinage, Weights, and Measures.

Mr. MILLER. I move that it be referred to the Committee on Banking and Currency.

Mr. BLAND. I withdraw my motion.

The SPEAKER. It will go to the Committee on Banking and Currency, as the principal part of the bill relates to currency.

The bill was referred accordingly, and ordered to be printed.

WILLIAM L. GILHAM.

Mr. STORM introduced a bill (H. R. 8728) granting a pension to William L. Gilham; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES MILLER.

Mr. ERMENTROUT introduced a bill (H. R. 8729) granting a pension to James Miller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WAREHOUSING, ETC.

Mr. HEWITT introduced a bill (H. R. 8730) to modify the existing laws in regard to warehousing and the collection of the revenue; which read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JOHN SEEGER.

Mr. LAWLER introduced a bill (H. R. 8731) to increase the pension of John Seeger, late a member of Company F, Sixth Wisconsin Infantry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CALIFORNIA INDIAN WAR CLAIM.

Mr. HENLEY submitted the following resolution; which was referred to the Committee on War Claims:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to inform this House of the amount of the unexpended balance of the appropriation made by Congress August 5, 1854, and acts amendatory thereof and supplemental thereto, for the payment of expenses incurred by the State of California on account of Indian hostilities therein, and of California Indian war bonds issued in payment therefor and carried into the surplus fund, and to report to this House if in his opinion there exists any valid reason why said unexpended balance should not now be reappropriated for the purposes named in said acts of Congress.

UNEXPENDED BALANCES.

Mr. HENLEY also introduced a bill (H. R. 8732) to reappropriate unexpended balances; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

WASHINGTON AND TENALLYTOWN RAILROAD COMPANY.

Mr. MORRISON introduced a bill (H. R. 8733) to incorporate the Washington and Tenallytown Railroad Company, District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

MARY J. MAHONEY.

Mr. BROWN, of Ohio, introduced a bill (H. R. 8734) granting a pension to Mary J. Mahoney, widow of William Mahoney, late a private in Company K, Twenty-second Regiment Ohio Volunteers; which was

read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANNIE KRUMHOLZ.

Mr. BROWN, of Ohio, also introduced a bill (H. R. 8735) granting a pension to Annie Krumholz, widow of Herman Krumholz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN M. MAYNARD.

Mr. WAIT introduced a bill (H. R. 8736) granting a pension to John M. Maynard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. MARY JANE CASE.

Mr. WAIT also introduced a bill (H. R. 8737) granting a pension to Mrs. Mary Jane Case; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CUT TOBACCO.

Mr. HARRIS introduced a bill (H. R. 8738) to so further amend section 3362 of the Revised Statutes as amended, and section 3363, as makes a distinction in the mode of packing and selling cut tobacco; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

D. P. FIKE.

Mr. HUTTON introduced a bill (H. R. 8739) granting a pension to D. P. Fike; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DISTRICT BUSINESS.

Mr. BARBOUR. I call for the regular order.

The SPEAKER. The remainder of this day has been set apart for the consideration of bills from the Committee on the District of Columbia.

SORGHUM AND BEET SUGAR.

Mr. MORGAN. Mr. Speaker, I wish to make a privileged report from the Committee on Agriculture.

The SPEAKER. If the report is objected to at this time the Chair thinks the objection would be good, as this day is specially set apart for another matter.

Mr. BARBOUR. I shall not object.

Mr. MORGAN, by unanimous consent, from the Committee on Agriculture, reported back the following resolution with the recommendation that it be passed:

Resolved, That the Commissioner of Agriculture be directed to furnish for the information of the House a copy of department circular of June 6, 1882, offering a premium of $1,200 each for the ten best statements of the process and methods of making sorghum sugar, and a like sum for each of the two best statements regarding the manufacture of beet sugar, and a copy of the award of the committee appointed to carry the provisions of the circular into effect; and also copies of all the correspondence between the department and the Delaware Beet Sugar Company in relation to the same; and also a statement of the amount of awards, and to whom.

The resolution was adopted.

Mr. MORGAN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PENALTIES FOR MAIL DEPREDATIONS, ETC.

Mr. BLOUNT, by unanimous consent, introduced a bill (H. R. 8740) to amend section 3891 of the Revised Statutes of the United States; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

BLACKFEET INDIAN RESERVATION, MONTANA.

Mr. NELSON, by unanimous consent, from the Committee on Indian Affairs, reported, as a substitute for H. R. 2886, a bill (H. R. 8741) granting to railways the right of way through the Blackfeet reservation in Northern Montana; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 2886 was ordered to be laid on the table.

PAYMENT OF AWARDS, COURT OF CLAIMS.

Mr. STONE, of Kentucky, submitted the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That it shall be in order, when a deficiency appropriation bill is under consideration, to amend the same so as to provide for the payment of any claim the facts of which have been reported to a committee or the House by the Court of Claims under the provisions of the act "to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883.

FREEMAN H. MORSE.

Mr. BOUTELLE, by unanimous consent, introduced a bill (H. R. 8742) for the relief of the sureties on the official bond of Freeman H. Morse as consul-general at London, England; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EXTENSION OF STREETS, WASHINGTON, D. C.

Mr. DOWDNEY, by unanimous consent, introduced a bill (H. R. 8743) to extend the streets and avenues of the city of Washington, D. C.; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

UNION PACIFIC RAILWAY.

Mr. DORSEY, by unanimous consent, introduced a bill (H. R. 8744) authorizing the Union Pacific Railway Company to construct branch roads; which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

FREE BRIDGE ACROSS THE POTOMAC.

Mr. BARBOUR. Mr. Speaker, I desire now to move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of Senate bill No. 200.

The SPEAKER. The title of the bill will be read.

The Clerk read as follows:

A bill (S. 200) to authorize the purchase of the Aqueduct Bridge, or the construction of a bridge across the Potomac at or near Georgetown, D. C.

The motion of Mr. BARBOUR was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. CRISP in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill called up by the gentleman from Virginia, which the Clerk will read.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War is hereby authorized and directed to acquire by purchase a title in fee-simple, free from all liens or claims of lessees or others, the bridge known as the Aqueduct Bridge, across the Potomac River, and the approaches thereto, and all the rights and franchises connected with said bridge, for a sum not to exceed $125,000, the title to be approved by the Attorney-General of the United States; and said bridge, when so acquired, shall be used as a free bridge, under such regulations as the Secretary of War may prescribe; and the Secretary of War is further authorized, in case the United States shall acquire title to the said bridge, to repair or reconstruct the same: *Provided*, That in such reconstruction there shall be a suitable draw in such bridge of such length as may be required to accommodate the vessels navigating said river above said bridge; and for the purpose of acquiring such title and repairing and reconstructing said bridge the sum of $240,000, or so much thereof as may be necessary for such purpose, is hereby appropriated, out of any money in the Treasury not otherwise appropriated; and one-fourth of the expense of such purchase and reconstruction or repair of said bridge shall be charged to and paid by the District of Columbia, and the balance, three-fourths of the sum so expended, shall be paid out of the Treasury of the United States.

SEC. 2. That if the provisions of the first section of this act authorizing the purchase of the Aqueduct Bridge shall not be fully executed within six months from the passage of this act, and the title therefor approved as therein required, then the Secretary of War be, and he is hereby, authorized and directed to cause to be constructed across the Potomac River at the Three Sisters, above Georgetown, in the District of Columbia, a substantial iron and masonry bridge, with approaches; and the sum of $220,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the construction of said bridge and approaches, the same to be maintained as a free bridge for travel: *Provided*, That the said Secretary of War shall construct a bridge upon such plan as shall cost no more than the amount herein appropriated, and which cost shall include the construction of a substantial iron bridge over the Chesapeake and Ohio Canal and highway, and any and all approaches to the said iron bridge, which said bridge shall not be less than 14 feet in the clear above the water-line of said canal; and not exceeding $15,000 of this appropriation shall be paid out of the Treasury until contracts shall have been entered into with responsible parties, and with good and sufficiemt sureties, to be approved by the Secretary of War, for the construction and completion of said bridges across the Potomac River and the Chesapeake and Ohio Canal, including the masonry, ironwork, and approaches, at a cost not to exceed in the aggregate $220,000, less such sum as may be expended for advertising and making necessary survey: *And provided also*, That a draw of sufficient width to permit the passage of vessels shall be constructed in said bridge: *And provided also*, That one-fourth of the expense of the construction of said bridge shall be charged to and paid by the District of Columbia, and the balance (three-fourths) of the sum hereby appropriated shall be paid out of the Treasury of the United States: *Provided further*, That the Secretary of War shall, as soon as possible, cause a survey of the river to be made at the Three Sisters, determine the length, width, and height of said bridge and the length of draw, and thereupon advertise for plans and price for the construction of said bridge, such advertisement to be inserted in one or more daily newspapers published in Washington, D. C.; New York; Cleveland, Ohio; Detroit, Mich.; Philadelphia, Pa.; Chicago, Ill.; and Richmond, Va., for the space of one week: *And provided further*, That the sum of $15,000 shall be available at once for such investigation and such contingencies as the Secretary of War shall deem necessary.

The report (by Mr. ROWELL) was read, as follows:

By the first section of the bill provision is made for the purchase of the Aqueduct Bridge, and converting the same into a free bridge, provided the owners of the bridge are willing to sell.

The second section provides for the building of a bridge at the Three Sisters in case the Aqueduct Bridge can not be purchased.

In the Senate bill provision is made for a draw. Your committee do not deem it necessary or desirable to have a draw placed in the bridge, and therefore propose to strike the provision out of the bill.

Owing to some claim of imperfect title to a small piece of land upon which a part of the north abutment of the bridge rests, your committee propose an amendment providing for the condemnation of title, and by this means make the acquisition of the Aqueduct Bridge dependent alone upon the willingness of the owners to sell.

With the following amendments, the committee recommend the passage of the bill:

In the first section, strike out the provision for a draw.

In the second section, strike out the provision for a draw.

Add the following as section 3:

"SEC. 3. That if in the purchase of the Aqueduct Bridge under the first section, at any time, it shall be deemed necessary to obtain from the Chesapeake and Ohio Canal Company, or it grantees, any release or conveyance of any portion of the ground upon which the northern abutment of the Aqueduct Bridge rests, or right to cross the Chesapeake and Ohio Canal from the abut-

ment to Bridge street, or if a good title can not be procured by contract to any property required in the construction of a bridge under the second section, the same shall be acquired by the Secretary of War by condemnation in the manner provided by the act approved May 8, 1872, entitled 'An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1873, and for other purposes:' *Provided*, That the condemnation proceedings, if any such proceedings are necessary, shall not prevent the taking possession, on payment of the purchase-money, of the Aqueduct Bridge by the United States, and opening the same to the public as a free bridge, if the same shall be acquired under the first section: *Provided further*, That the sum of $10,000 of the sum hereby appropriated shall be available to meet the payments under condemnation proceedings, if any shall be had."

Mr. ROWELL. Mr. Chairman, this bill is designed to procure for the city of Washington a free bridge across the Potomac River into Virginia. There are three ways of reaching Virginia from the vicinity of this city: One by way of the Long Bridge, which is a free bridge, but is also a railroad bridge, and therefore unsafe to a certain extent for travel; another by way of the Chain Bridge, which is some 4 miles above Georgetown, and which is also a free bridge; and the third by way of the Aqueduct Bridge at Georgetown, which is a toll bridge. The object of this bill is to do away with the toll bridge, and obtain for the citizens of Washington and Virginia free passage across the Potomac.

The Senate bill provided for the acquisition of the title to the Aqueduct Bridge provided the company owning it were willing to sell for a sum not exceeding $125,000, and for the reconstruction of the bridge, and for a draw. By the second section of the bill an alternative was provided, in case the owners of the Aqueduct Bridge were not willing to sell, or in case the title to it was not approved by the Attorney-General, that a bridge with a draw should be constructed at the Three Sisters, a point some three-quarters of a mile above the Aqueduct Bridge.

The committee recommend the passage of this bill and recommend an amendment. Inasmuch as for more than forty years there has been no passage-way above the Aqueduct Bridge for vessels except such as could go under it, it was deemed by the committee unnecessary to provide a draw, and because it would cost more to reconstruct the bridge as well as afford an obstruction to travel and it would provide for navigation where there has been no navigation for the period I have mentioned. The committee have also proposed another amendment, which makes provision for the condemnation of a certain part of the Aqueduct Bridge in case the owners are willing to sell, to cover an objection made to a porfion of the title. The Aqueduct Bridge has stood for more than forty years. It has been in the possession and ownership of the Alexandria Canal Company, its lessees. In 1881 Congress provided for the purchase of that bridge provided the title was acceptable, and in the alternative that a bridge should be built at the Three Sisters. The title, on examination, was rejected by the Attorney-General, the money appropriated was not sufficient to build a bridge at the Three Sisters, and there was and they still have a toll bridge, but we have no bridge under that act. The objection to the title goes only to a small portion of the north abutment, an abutment some 170 feet long; and about 22 feet, at the upper end of the abutment, rest upon lands to which there is no record title in the Alexandria Canal Company.

There has been, however, an undisputed possession of a little more than forty years. There is a record of the arrangement by which the abutment was built; a record between the city of Alexandria, the Alexandria Canal Company, and the Chesapeake and Ohio Canal Company. Originally the Chesapeake and Ohio Canal Company did not extend down to Georgetown. As early as 1827 the city of Georgetown voted a subscription of $250,000 to the capital stock of the Chesapeake and Ohio Canal Company, provided it should be extended down to and connect with a canal to the city of Alexandria, and that facilities should be furnished for the connection of the two canals. Under that subscription an agreement was entered into by which the Chesapeake and Ohio Canal Company was to furnish ground for terminal facilities, and should build the north abutment to the Aqueduct Bridge. Failing to build it themselves, that abutment was built by the Alexandria Canal Company, at an expenses of $40,000, under an agreement with the Chesapeake and Ohio Canal Company to pay the amount for the building of the abutment. Twenty-two feet of the abutment rest upon a lot, the fee title to which is in the Chesapeake and Ohio Canal Company; the balance of it rests upon land the title to which was in the United States and was by act of Congress conveyed to the Alexandria company and their lessees. So that a possessory perfect title to those 22 feet is in the Alexandria Canal Company, an absolute, equitable title, by the record agreement of the two companies. Nevertheless the law clerk of the Attorney-General found that it was not a good title.

We therefore have proposed an amendment to this bill, providing for the acquisition of that title, so that in case the bill becomes a law we shall acquire the Aqueduct Bridge, provided only that the owners thereof are willing to sell. The provisions for the Three Sisters bridge, I am frank to say, is designed as an inducement to the Alexandria company to sell the bridge. It is not believed that it will result in the building of a bridge at the Three Sisters. But if there is a provision of law by which it can be built, the value of the toll-bridge would so far cease that the owners would prefer to sell rather than have a free bridge built above them.

The piers of the Aqueduct Bridge cost originally $500,000. They are said to be the best piers in the United States. The bridge is in the proper place, and connects Georgetown with the Virginia shore. We propose in this bill to pay $125,000 for piers that originally cost $500,000. It is the best possible bridge that the Government can obtain to connect with Virginia. And we have guarded this bill so that there can be but little doubt that we will acquire title to the Aqueduct Bridge.

This bill differs from the law of 1881 in this: that the law of 1881 provided for a joint ownership between the canal company and the United States; the United States occupying the bridge for travel, for bridge purposes, and the canal company occupying it for canal purposes. This bill provides for an undivided ownership. It provides for a reconstruction of the bridge upon the piers. It will destroy the aqueduct. There will cease to be a canal across the bridge. There will be no divided ownership, and therefore nothing to obstruct the Government engineers in designing a proper bridge to be built there for the accommodation of the public.

Mr. CANNON. Will the gentleman allow me a question right there?

Mr. ROWELL. Yes, sir.

Mr. CANNON. Is this aqueduct no longer useful to the canal company?

Mr. ROWELL. I will answer that question. There is no water in the aqueduct now by reason of a break in the canal between here and Alexandria. The Alexandria Canal and its franchises are in the hands of lessees, and those lessees are under bond to keep up the canal for use. In case they do not, they forfeit their lease. It is true that the principal profit to the lessees arises from the tolls collected. The keeping up of the canal I have not any doubt is a burden to the lessees.

And there is another thing true. Formerly the aqueduct was used to transfer the canal boats of the Chesapeake and Ohio Canal Company across the river into the Alexandria Canal and so down to Alexandria. Above the bridge now is a lock, so that the boats can lock down from the Chesapeake and Ohio Canal into the Potomac River and then be taken down to Alexandria by tow. And that is the way the boats are in the habit of going now.

Mr. CANNON. Then it is only useful—I ask for information—it is only useful now to the canal company as a bridge?

Mr. ROWELL. That is all.

Mr. PERKINS. May I ask the gentleman a question?

Mr. ROWELL. Yes, sir.

Mr. PERKINS. What assurances have the committee that if this appropriation is made, or if the bill passes, the company will sell it to the Government for the amount designated in the bill?

Mr. ROWELL. The best assurance I have is the assurance of business judgment. The profit derived from the ownership of the Alexandria Canal Company is the profit of taking tolls from people traveling from here over into Virginia and from Virginia over here. With a free bridge three-quarters of a mile from that bridge those profits would be so materially diminished that it would scarcely pay to keep up the bridge. We have, therefore, that kind of assurance that the owners would be glad to sell if they could get the amount provided in this bill.

I have another assurance, and that is that the owners of the franchises have united in recommending the passage of the bill and the amendments that the committee propose, recognizing the fact that the Government will not much longer tolerate the taking toll of travelers passing in and out of Washington, and that therefore a bridge will be built somewhere. They have faced the question like business men, and I think are prepared to sell.

Mr. CANNON. Can the gentleman state the gross amount of the tolls received there and the net amount?

Mr. ROWELL. I can not. I know they are very large, but I can not state the exact amount. I know further, that under the law of 1881 we appropriated $500,000 to acquire the title (it being a joint title) of the canal company and the lessees. It was tendered to the United States, but we failed to acquire it because of the objection that was raised to the title to the north abutment. Now, we need this bridge, and we can get it in this way cheaper than it can be obtained in any other way. It is on the direct road to Fort Myer and to Arlington Cemetery. The time has passed away when toll ought to be taken for crossing the rivers of the United States. Washington is growing to be a large city, and is destined to be much larger than it is now; it is the home of the General Government, and it will be a reproach to Congress if we longer consent that it shall continue to have its approaches obstructed by toll-gates, thus standing in a different position in this respect from the other great cities of the United States.

There is a public demand for the abrogation of this toll. There is a public demand for a better bridge than is maintained by the present company, and unless we acquire the bridge under this bill the time is not far off when a million and a half of dollars will be expended to build a bridge across the river at Analostan Island. Therefore it is the part of wisdom, the part of prudence, the part of economy to pass this bill now and acquire a title to the existing bridge. The bill provides that the Government shall pay three-quarters of the expense and the District of Columbia one-quarter. It seemed to the committee that that was a fair division.

It may be objected that one end of the bridge rests in Virginia, and that therefore Virginia ought to pay a portion of the expense. One end

of this bridge connects with the road that leads to Fort Myer and Arlington, a road already constructed, a beautiful drive in constant use, and if we wait for that county in Virginia to get able to pay even $100 toward building a bridge there we shall have to wait a great many years, because it is a bankrupt county, and it can not help to build a bridge. In short, if we wait for that the bridge will not be built. Besides, on that bank of the river stands Fort Myer and the largest national cemetery, the place of greatest resort in the vicinity of Washington. This bridge therefore is not simply for the convenience of the people who live in Virginia and wish to come to Washington to trade, but it is a bridge for the use of the people who come here from all parts of the United States and from foreign countries and who desire to visit the great national cemetery, the historic ground of Arlington. For these reasons the Government of the United States ought to build this bridge, and ought not to call upon that poor bankrupt county in Virginia to help to pay the expense.

I am not favorably disposed toward the construction of a bridge at the Three Sisters.

Mr. DUNHAM. Will the gentleman allow me to ask him a question?

Mr. ROWELL. Yes, sir.

Mr. DUNHAM. Does the Representative in this House of the district of Virginia in which that county is situated take the position that the county is bankrupt, and therefore ought not to pay any part of the cost of this bridge?

Mr. ROWELL. I take that position, and I do not represent that county in Virginia.

Mr. BARBOUR. Mr. Speaker, I wish to say a word on this subject. Did the gentleman from Illinois [Mr. DUNHAM] ask why Virginia does not participate in the expense of building this bridge?

Mr. DUNHAM. No. My colleague from Illinois [Mr. ROWELL] stated that that county in Virginia was bankrupt and unable to pay even $100 toward the construction of this bridge; and my question was, does the Representative of that county here take that position?

Mr. BARBOUR. I do not, sir; but I take this position: So far as the county of Alexandria is concerned it is very small and comparatively poor. The population of the county is not at all numerous, and they do not see any reason why they should tax themselves to build a bridge for Washington and for the Government of the United States. As I have said, the county is a very small one, with comparatively poor population, and in that county on the other side of the river the Government itself owns a large tract of land, 1,100 acres of the Arlington estate, which it uses as a national cemetery, and where it has a signal station. Under these circumstances, is it reasonable to expect the people of that little county to come up and tax themselves for the construction of a bridge to connect that Government property with the city of Washington? And I want to say, in this connection, that the State of Virginia has very little interest in this bridge. It would accommodate only a small amount of travel from a portion of two or three counties of that State, and the construction of the bridge is a matter of little or no consequence to Virginia. The great demand for this bridge, as I understand, is a national one. The bridge is demanded because the people of this city of Washington want it. The demand comes also because the people of Georgetown are knocking at the door all the time asking for this accommodation, and the people of Georgetown and Washington are under the exclusive jurisdiction of Congress. They have no other body to represent them or to act for them, and if Congress does not extend its strong and protecting arm over this community, who will?

Mr. ROWELL. Mr. Speaker, I do not speak for Virginia, because I do not represent it, but I do speak from a knowledge of the facts when I say that people of that county in Virginia ought not to be called upon to pay any portion of the cost of the construction of this bridge, and I know from investigation that they are unable to contribute for such a purpose. It is an entering-door to the capital of the nation. It connects the national capital with the largest national cemetery. Across this bridge goes all the great visiting travel that comes to Washington, and no man who comes here goes away without a feeling of disgust that the nation has not had enterprise enough to tear down the toll-gate and build a decent bridge by which we can cross into Virginia.

I was saying that I am not favorably disposed toward a bridge at the Three Sisters. That location is in my judgment too far up the river. It would cost a good deal to build roadways on the other side. The outlet on the other side is not a good one. I believe there are parties pressing this measure who desire that the bridge should go up to the Three Sisters; and to prevent that desire being consummated, and make it certain that we shall acquire for the purpose of this new bridge the Aqueduct Bridge, section 3 is proposed as an amendment. I am frank to say I would have been in favor of striking out section 2, providing for a bridge at the Three Sisters, had I not believed it necessary to bring the owners of the Aqueduct Bridge to a proper consideration of their own interests and induce them to tender a title to the United States; because so long as there is no alternative provision of law, so long as the question is simply between the Government and a corporation that may or may not contract, the business inducement would be to hold on to the large tolls which are daily collected from the people crossing to and from Virginia. But when this corporation is brought face to face with the necessity of surrendering the tolls in any event, it seems to me there is nothing left for it but to sell at a reasonable price.

I believe it would cost from $500,000 to a million dollars to replace the piers of the Aqueduct Bridge. They originally cost $500,000. They rest upon solid rock. They were built at a time when labor was honestly applied to such work. They were honestly built, when the price of labor was very much less than it is now. Similar piers built in the same honest way to-day, instead of costing $500,000, would cost a million dollars. We propose to get these piers for $125,000.

Mr. BROWN, of Pennsylvania. And the condition of those piers is perfect.

Mr. ROWELL. I yield the remainder of my time.

The CHAIRMAN. Does the gentleman from Virginia [Mr. BARBOUR] desire to reserve the residue of his hour?

Mr. BARBOUR. I do.

The CHAIRMAN. Then the Chair will recognize the gentleman from Texas [Mr. REAGAN].

Mr. REAGAN. Mr. Chairman, I think it worth while for us to understand correctly the effect of the provisions of this bill. The closing part of the first section provides that—

> For the purpose of acquiring such title and repairing and reconstructing said bridge the sum of $240,000, or so much thereof as may be necessary for such purpose, is hereby appropriated, out of any money in the Treasury not otherwise appropriated; and one-fourth of the expense of such purchase and reconstruction or repair of said bridge shall be charged to and paid by the District of Columbia, and the balance, three-fourths of the sum so expended, shall be paid out of the Treasury of the United States.

Then the second section, after providing for the construction of a bridge, if it shall become necessary, at the Three Sisters, has this proviso:

> *And provided also*, That one-fourth of the expense of the construction of said bridge shall be charged to and paid by the District of Columbia, and the balance (three-fourths) of the sum hereby appropriated shall be paid out of the Treasury of the United States.

I concur with the committee in the belief that provision ought to be made for a free bridge; and doubtless the location of the existing bridge is as suitable as any we could get, being at the head of navigation and as near to the city as we can have a bridge without its being in the way of navigation. But in my judgment it is not right to charge the people of the country at large with three-fourths of the cost of construction of a bridge at either location. Why should such a burden be imposed upon them? The people in other parts of the country have to build their own bridges, and they do not apply to the people of Washington to help them.

It is assumed of course that we should do this because the seat of Government is here, and that the Government has an interest in this bridge. It has an interest to some extent, but, it seems to me, not to the extent of three-fourths of its cost. A signal station of the Government is on the south side of the river, as is also one of the national cemeteries, a visit to which constitutes a very pleasant drive. But with the exception of access to the national cemetery and the signal station, I do not know of any use that the Government has for this bridge.

Here is a population of 200,000, a rapidly growing population, and growing doubtless to some extent more rapidly because the people of the United States are being taxed to meet tax-burdens which the people here ought to pay for themselves. It must be understood that the Government already agrees to pay half the municipal expenses of this District. In addition to that it pays out of the general Treasury the entire expense of the preservation and adornment of all the public grounds in the city; and at the cost of the people at large the Government pays for all the hospitals here; these are not paid for by the city at all. Now why is it that the people of the United States are thus to be taxed not only for half the cost of making and keeping in order the streets and avenues, of making and maintaining the water-works, of establishing and maintaining the sewerage system, with all the other expenses of the city, but in addition are to bear these other burdens? It is not the truth to say that the people of the country at large pay only half the expenses of the District; they pay more than one-half, because they pay the entire cost of preserving and ornamenting the public grounds, the parks, the squares or reservations. The fencing and ornamentation of these are done entirely at the expense of the Federal Government. All these beautiful grounds between here and the Monument are improved, as I understand, at the expense of the Federal Government. This, it seems to me, is not quite fair. In my judgment the people of this District, who have a direct interest in its prosperity, an interest in its streets and avenues, its sewerage system, its water-works, its public grounds, ought to be willing to meet a fair proportion of the expenses.

I remember well in 1844, when we passed the act for the permanent government of the District, it was alleged the passage of that act would enhance the value of real estate 25 per cent. Any one who has looked into the subject can not doubt it did increase the value of real estate to that extent. Why? Because while its effect was to relieve the people here of taxation, it increased the taxation of the people in other portions of the Union.

It is not quite right to our constituents at home to forget them and to place burdens upon them which they ought not to be compelled to bear in order that we may relieve the people of the District of burdens which properly belong to them.

Remember, sir, we tax the people out in the rural portions of the

country, and while in the cities and towns there is more business and there is more prosperity than in the rural districts, there are to-day poverty and distress almost everywhere. Yet we tax them, these people in the rural portions of the country, in order to raise money to pay for that which ought to be paid for by this people, among whom millions of dollars are annually poured out—a people, too, who have more advantages and more prosperity than those of any other except it may be the population of our great commercial cities like New York, Boston, San Francisco, and New Orleans.

Take away the great business centers, and this District of Columbia, this city of Washington, has more of the elements of prosperity, growing out of the fact the Government pours out here millions monthly, and this people with these advantages, with a beautiful city, with streets, avenues, alleys built for them, unequaled in beauty and convenience anywhere in the world, this people certainly ought to be able to build for their own benefit bridges, and not have them built at the expense of other people, who not only are not to have the benefit of them, but who are now dwelling in poverty and compelled not only to pay this tax but to pay also taxes to support their own governments and to maintain their families besides.

I do not think the people of the country at large ought to be taxed to pay three-quarters of the cost of construction of a local bridge in this District.

Mr. MILLIKEN. Is not this bridge used largely for the benefit of the people of Virginia, and does the gentleman propose they should pay any portion of the cost of this new bridge?

Mr. REAGAN. It is not proposed in the bill that Virginia shall pay any portion of it. I understand from statements made by gentlemen who have preceded me the country at the southern terminus of the bridge is sparsely settled and poor.

Mr. BARBOUR. That is so.

Mr. REAGAN. And perhaps they have no great interest, not enough to burden themselves with the cost of such a bridge; but two hundred thousand prosperous people of the city, who desire convenient and pleasant trips across the river, and who wish to have their markets supplied more cheaply and abundantly, and who by the construction of this bridge are to be so much benefited and have the means to pay for it, if they are not willing to pay, then as much as I believe the bridge is needed I would not give it to them.

My view is this city should pay at least one-half of its cost. Some years ago the Government, in consideration of the public buildings being here, used to provide one-quarter of the expenses of the city government. That was enough, seeing the amount of population, the amount of business, and the amount of wealth here. We afterward agreed to pay one-half. In addition, we pay for the public grounds and public hospitals. We pay out of the Treasury the whole expense of the judicial establishment of the District. Indeed, the disposition seems to be to let the people at large bear the entire expense of supporting the government of the city of Washington.

Mr. DUNHAM. Does the gentleman propose that Alexandria County, at the other end of the bridge, shall pay any portion of the cost of the construction of this bridge?

Mr. REAGAN. I am not disposed to discuss that question at all. I am willing to leave that as the committee arranged it.

Mr. DUNHAM. Did not this county at one time belong to the District?

Mr. BARBOUR. Alexandria County once belonged to the District of Columbia.

Mr. REAGAN. If we consider equity in looking to the building of this bridge we are bound to say according to population and wealth they ought to contribute toward its construction. If they do, their proportion according to population and wealth—I judge from what has been said on the floor to-day—would not be very large.

Mr. DUNHAM. Is that the way you build bridges down in your part of the country—down in Texas?

Mr. REAGAN. I ask the gentleman if that is not a fair method, that the people should contribute according to wealth and population? That is the way I think it should be done, whether it is or not, and I am in favor of doing that here.

Mr. DUNHAM. Even if they have no wealth and but little population, do not you still make them pay up their proportion?

Mr. REAGAN. I think it would be right.

But if they do not feel able to build a bridge or burden themselves with the liability that it would incur, and if the people of this city feel that it would be desirable or justifiable to come to their aid and build this bridge, I would let them do it in this way: let the Government contribute what might be thought a reasonable proportion of the expenditure out of the general Treasury. But certainly it can not be claimed that the amount proposed here is either just or reasonable.

Mr. ROWELL. But is it not true that three-fourths of the travel across that Aqueduct Bridge is that going to and returning from the national cemetery at Arlington, and at least half of that travel by people who do not reside in the District of Columbia at all?

Mr. REAGAN. As to that, of course I am not able to give any satisfactory answer. It would be mere conjecture.

Mr. DUNHAM. If that is true, then the other fourth are residents of Virginia, are they not?

Mr. REAGAN. It can hardly be assumed, no matter how true the statement indicated by the question of the gentleman from Illinois may be, that the people of the United States who never come here at all should pay for the building of that bridge. That is the point of my objection.

Mr. BLAND. And pay for a bridge for others who do come to travel on.

Mr. ROWELL. It is to be assumed that they are all anxious to come here and willing to come at some time or other in their lives.

Mr. REAGAN. Yes, and a good many are very anxious to come who never will get here.

But in every instance, Mr. Chairman, of late when such questions arise we have been going on in this way taxing the people—our constituents at home, poor, laboring, struggling people trying to live, trying to support their families—taxing them on every occasion for the benefit of a few who are more prosperous than they.

If I could do as I should wish, I would say that one-fourth of the cost of this bridge should be paid out of the general Treasury; but inasmuch as Congress has consented that one-half of the expenditure for this district shall be paid out of the general Treasury, and since the Senate has passed a bill looking to the payment of more than one-half, perhaps we might properly consent to pay out of the general Treasury one-half of the amount and let the people who are directly interested in the enterprise pay the other. But beyond that I shall be unwilling to go.

Mr. CANNON. Will the gentleman from Texas yield to me for a few minutes?

Mr. REAGAN. Yes, sir.

Mr. CANNON. I have a word or two that I would like to say in this connection. I listened to my colleague from Illinois [Mr. ROWELL], who has investigated the subject of this bridge, and I wish to say, as I have already said, that where he makes an investigation of a subject which I have had no opportunity of making, I am always inclined to have great confidence in any conclusions he may reach. I take it from what he says in reference to obtaining this Aqueduct Bridge that it would be more economical to purchase it than it would be to undertake to build one. I would have been glad, though, if he could have told us just how profitable this bridge is to its present owners.

Mr. ADAMS, of Illinois. That is exactly what I wanted to inquire.

Mr. CANNON. But even without that information I believe the price, $120,000——

Mr. ROWELL. One hundred and twenty-five thousand dollars.

Mr. CANNON. Well, $125,000 as proposed is a small enough amount considering the value of the abutments of the bridge.

Now, I am inclined to think, too, that it would be well for the Government to have a free bridge across the Potomac at that or some other convenient point. I must say I would prefer it farther down the river. I have not investigated the location, but, say, somewhere in the neighborhood of the Monument grounds, and from there across to the other side. But I asked my colleague about that, and he said from the investigation he had been able to make and the information obtainable the estimated cost would be from two to two and a half million of dollars at that point.

But, Mr. Chairman, there is a clause in this bill that I do not approve and shall not vote for, and that is the clause which proposes that the United States Government shall pay three-quarters of the cost. The rule was made since I have had service in Congress a general rule, that as to expenditures for the District of Columbia the District shall pay one-half and the United States one-half. Now, I am not disposed to object to that, although it is wonderfully liberal to the District of Columbia. Yet notwithstanding that rule, as the gentleman from Texas [Mr. REAGAN] has well said, there are many things and many occasions where the United States pays the whole, and where the District has been relieved ultimately from the payment of its share; and the gentleman has instanced the judiciary of the District, the courthouse, the protection, improvement, and care of our parks, the watchmen to guard them all about the city, and many other things where the United States pays every dollar, not only for the improvement but also for the absolute policing. Well, the precedents are all that way, and I am content now without any more grumbling to go on and follow in the same line of precedents; but all the while there are coming on from time to time suggestions that the United States, in addition to what it does bear of the expenditures, shall bear a little greater proportion than one-half and frequently all the expenditures for new projects.

Now, a free bridge across the Potomac would be convenient to the people who visit Washington from abroad, but it is a hundred times more convenient for the citizens of the District of Columbia, Washington and Georgetown, and the people who live on the other side of the river, than it is for my constituents, or those of any other gentleman, who come here perhaps once in a period of three or five years. But I am not inclined to say anything about that.

The rule is, substantially, that the District shall pay half and the United States half. So far as my voice is concerned, when this clause is reached, if nobody else moves to strike out three-quarters and insert one-half, letting the Government pay half and the District half, I will, and take the sense of the committee on that proposition.

Mr. ROWELL. Mr. Chairman, gentlemen seem to forget that Washington is the nation's city, and that it is not exclusively owned by the

people who live here. The people of the United States have signified their unwillingness to permit the people who live in Washington to control its destiny. It is to be the home of the Government of the United States. It is to be developed into a city worthy of being such a home; and Congress has determined to keep control of that development. Gentlemen make a mistake again in placing the case of this bridge in the position of the ordinary expenditures of the city of Washington. They forget that the Government owns a valuable property on the other side of the river, and that the District has no interest in that other than the interest that the people all over the United States have. They forget that one of the great objects of a free bridge across the Potomac is free access to the national cemetery. They forget that almost every man and woman who visits the national capital visits Arlington as one of the historic places outside of the District, and that building a free bridge is for the benefit of the poor constituents of my friend from Texas; and I have no doubt that a good many of them have got up to Washington within the last year since there has been a change of administration.

It was for the reason that the bridge passes into another State and because of the peculiar objects of the bill that it was deemed in the Senate and by the House committee that the Government ought to bear a larger portion of the expense of building this bridge than the District of Columbia. I am not tenacious about it. I simply want to do what I think is just. And I think it absolute justice that the nation at large, as it controls this city, should pay more of the expense of building the bridge than the District itself, because I believe the nation at large gets more of the advantages of it than the people of the District.

I ask unanimous consent that general debate upon the bill be limited to ten minutes.

The CHAIRMAN. The gentleman from Illinois [Mr. ROWELL] asks unanimous consent that all general debate upon this bill be limited to ten minutes. Is there objection?

Mr. KING. Say twenty minutes.

Mr. BROWN, of Pennsylvania. Oh, ten minutes are enough.

Mr. KING. No; say twenty minutes.

Mr. ROWELL. I will agree to twenty minutes.

There being no objection, general debate on the bill was limited to twenty minutes.

Mr. KING. There is no one who more cheerfully than myself supports measures looking to useful improvements, and even ornamental improvements, in this national capital of ours. These improvements have cost many millions of dollars. The proposition before the Committee at this time has been very well argued by the gentleman from Texas [Mr. REAGAN], and it will be difficult under the customs that have prevailed in the past to present reasons more cogent for the suggestion that not more than half of the cost of this bridge should be paid by the General Government. It is true, as the gentleman from Texas has said, that while this is, in a measure, a national work, it is to be paid for by people who will never in the world behold it, constituents of all of us who will never see, much less ever use, it.

The city of Washington has already, under the patronage of the General Government, grown rapidly prosperous and wealthy. The owners of real estate have acquired fortunes in an almost incredibly short period of time. At the corner of almost every one of the thoroughfares of the city are to be seen signs of real estate agencies. These men must prosper upon the growth of this city, else they would not be so extensively engaged in this business.

The bridge referred to will be of some use doubtless to the contiguous territory in Virginia. It will be of advantage to the travelers who come here and desire to cross the Potomac and see the cemetery at Arlington. This, Mr. Chairman, is a sad monument. Among the ancients there were no monuments built to civil strife. The Romans, who were perhaps the most patriotic of all peoples, and loved their republic more than any people we have record of, constructed no monuments to civil wars. The memories of those wars were buried in the sacred ashes of the past.

But the great advantage of this work is to be to the city of Washington, to its pleasure-seekers and to those who dwell in luxury. Under that view of the case I think it is but due to those constituencies who dwell so far away to insist that this city shall bear one-half of the taxes necessary for this structure.

The CHAIRMAN. If no other gentleman desires to engage in the general debate, the bill will now be read by sections for amendment.

The Clerk read the first section, as follows:

Be it enacted, &c., That the Secretary of War is hereby authorized and directed to acquire by purchase a title in fee-simple, free from all liens or claims of lessees or others, the bridge known as the Aqueduct Bridge across the Potomac River and the approaches thereto, and all the rights and franchises connected with said bridge, for a sum not to exceed $125,000, the title to be approved by the Attorney-General of the United States, and said bridge, when so acquired, shall be used as a free bridge under such regulations as the Secretary of War may prescribe; and the Secretary of War is further authorized, in case the United States shall acquire title to the said bridge, to repair or reconstruct the same: *Provided*, That in such reconstruction there shall be a suitable draw in such bridge of such length as may be required to accommodate the vessels navigating said river above said bridge; and for the purpose of acquiring such title and repairing and reconstructing said bridge the sum of $240,000, or so much thereof as may be necessary for such purpose, is hereby appropriated out of any money in the Treasury not otherwise appropriated, and one-fourth of the expense of such purchase and reconstruction or repair of said bridge shall be charged to and paid by the District of Columbia, and the balance, three-fourths of the sum so expended, shall be paid out of the Treasury of the United States.

The amendment proposed by the committee to the first section was read, as follows:

After the word "same," in line 15, strike out the following:

"*Provided*, That in such reconstruction there shall be a suitable draw in such bridge of such length as may be required to accommodate the vessels navigating said river above said bridge."

Mr. ROWELL. I move the adoption of that amendment.

Mr. HOLMAN. Mr. Chairman, is this offered as a substitute?

The CHAIRMAN. This is an amendment reported by the committee to the Senate bill.

Mr. ADAMS, of Illinois. I desire to ask my colleague why it is that the committee propose to strike out the provision for a draw?

Mr. ROWELL. We propose to strike out the provision for a draw because for forty-five years the head of navigation has been at the Aqueduct Bridge, and the Supreme Court has judicially determined that that is the head of navigation, and therefore there is no use in constructing a draw to try to get navigation above the bridge, when it would add greatly to the expense and would be an obstruction to travel.

Mr. ADAMS, of Illinois. As matter of fact is it true that no vessels do go above that point?

Mr. ROWELL. None, except tugs for tows.

Mr. KING. Mr. Chairman, those who are interested in the improvement of our water ways, in order to secure cheap transportation, often object to the excessive granting of charters for the construction of bridges across streams that may be made navigable, and I wish to ask the gentleman in charge of this bill whether it has been determined that this stream can not be made navigable above this bridge?

Mr. ROWELL. It can not be made navigable more than four miles above by any possibility.

The amendment was agreed to.

Mr. REAGAN. Mr. Chairman, I sent up two amendments which I desire to offer to this bill.

The amendments were read, as follows:

Amend by striking out of line 23, section 1, the words "one-fourth," and insert in lieu thereof "one-half."

The amendment was agreed to.

Also in line 25, section 1, strike out the words "three-fourths," and insert in lieu thereof "one-half."

The amendment was agreed to.

The Clerk read as follows:

SEC. 2. That if the provisions of the first section of this act authorizing the purchase of the Aqueduct Bridge shall not be fully executed within six months from the passage of this act, and the title therefor approved as therein required, then the Secretary of War be, and he is hereby, authorized and directed to cause to be constructed across the Potomac River at the Three Sisters, above Georgetown, in the District of Columbia, a substantial iron and masonry bridge, with approaches; and the sum of $220,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the construction of said bridge and approaches, the same to be maintained as a free bridge for travel: *Provided*, That the said Secretary of War shall construct a bridge upon such plan as shall cost no more than the amount herein appropriated, and which cost shall include the construction of a substantial iron bridge over the Chesapeake and Ohio Canal and highway, and any and all approaches to the said iron bridge, which said bridge shall not be less than 14 feet in the clear above the water line of said canal; and not exceeding $15,000 of this appropriation shall be paid out of the Treasury until contracts shall have been entered into with responsible parties, and with good and sufficient sureties, to be approved by the Secretary of War, for the construction and completion of said bridges across the Potomac River and the Chesapeake and Ohio Canal, including the masonry, iron work, and approaches, at a cost not to exceed in the aggregate $220,000, less such sum as may be expended for advertising and making necessary survey: *And provided also*, That a draw of sufficient width to permit the free passage of vessels shall be constructed in said bridge: *And provided also*, That one-fourth of the expense of the construction of said bridge shall be charged to and paid by the District of Columbia, and the balance (three-fourths) of the sum hereby appropriated shall be paid out of the Treasury of the United States: *Provided further*, That the Secretary of War shall, as soon as possible, cause a survey of the river to be made at the Three Sisters, determine the length, width and height of said bridge and the length of draw, and thereupon advertise for plans and price for the construction of said bridge, such advertisement to be inserted in one or more daily newspapers published in Washington, D. C.; New York; Cleveland, Ohio; Detroit, Mich.; Philadelphia, Pa.; Chicago, Ill.; and Richmond, Va., for the space of one week: *And provided further*, That the sum of $15,000 shall be available at once for such investigation and surveys and such contingencies as the Secretary of War shall deem necessary.

Amendments recommended by the Committee on the District of Columbia were agreed to as follows:

Strike out in section 2, lines 30, 31, and 32, the words "and provided also that a draw of sufficient width to permit the free passage of vessels shall be constructed in said bridge." Also, in lines 39 and 40, strike out the words "and the length of draw."

Mr. REAGAN. I move to amend, in lines 33 and 33 of section 2, by striking out the words "one-fourth" and inserting in lieu thereof "one-half."

The amendment was agreed to.

Also, by striking out in line 35 the words "three-fourths" and inserting in lieu thereof "one-half."

The amendment was agreed to.

Mr. DUNHAM. I move to amend by inserting after the word "Columbia," in line 34, section 2, the words "one-quarter by the county of Alexandria, in the State of Virginia." Mr. Chairman, I have heard all that gentlemen have stated here in regard to this bridge, and the inability of the county of Alexandria to pay any part of the cost of

constructing it. I concede that the people from this city and from other places in the United States will be the majority of those who will cross this bridge, but, at the same time, I contend that the bridge is to be built for the benefit of the people of Virginia as well as for the benefit of the District of Columbia; and although it might be proper for the State of Virginia to pay a portion of the expense of constructing it, I think the duty more properly belongs to the county of Alexandria. I do not think it is right that we should build a bridge there for the accommodation of the people of that portion of Virginia, and that they should not be required to bear any part of the expense. I do not ask that they be required to bear a large part, but I do not think it is just to the people of the country generally that Virginia should be relieved entirely from any expense for the construction of this bridge. I therefore offer this amendment providing that the county of Alexandria shall pay one-fourth of the cost.

Mr. ROWELL. Mr. Chairman, there is no part of this bridge in Virginia. One end of it just rests on Virginia soil; that is all. The keeping up of the road on the other side of the river will fall on Virginia, but this bridge is entirely in the State of Maryland or the District of Columbia.

Mr. HENDERSON, of Iowa. I was not in when the gentleman from Illinois made his explanation of this bill, and I will ask him to state now where this contemplated bridge is to start—in what States its ends are to rest.

Mr. ROWELL. The bridge—I mean the Aqueduct Bridge—is entirely in the District of Columbia, except that the south end of it rests on the Virginia bank.

Mr. HENDERSON, of Iowa. I refer to the bridge that is contemplated by section 2 of this bill.

Mr. ROWELL. That bridge would start from this side of the river, three-quarters of a mile above the Aqueduct Bridge, at a place where there are some rocks known as the Three Sisters.

Mr. HENDERSON, of Iowa. In the District of Columbia?

Mr. ROWELL. Yes, sir, in the District of Columbia. It crosses the river there and rests its other end upon the Virginia bank.

Mr. HENDERSON, of Iowa. Then the other end of the bridge is in the State of Virginia?

Mr. ROWELL. Yes; in Virginia; but the whole of the bridge is in the District of Columbia.

Mr. HENDERSON, of Iowa. Then the gentleman from Illinois [Mr. DUNHAM] is right in saying that one end of this bridge will accommodate the people of Virginia and the other the people of the District of Columbia.

The question was taken on the amendment offered by Mr. DUNHAM; and there were—ayes 16, noes 68.

Mr. DUNHAM. No quorum.

The CHAIRMAN. No quorum having voted, the Chair will appoint the gentleman from Illinois, Mr. DUNHAM, and the gentleman from Illinois, Mr. ROWELL, to act as tellers.

Mr. DUNHAM. Mr. Chairman, my colleague [Mr. ROWELL] seems to be anxious to have this bill passed. I do not think it is right, I do not think it is just to the people of this country; but at his request I will withdraw the point of "no quorum."

The amendment was rejected.

Mr. WILSON. Mr. Chairman, I move to strike out the second section of this bill.

I am very reluctant under any circumstances to vote for or approve the construction of a bridge at the Three Sisters. I understand that the gentleman from Illinois in charge of this bill [Mr. ROWELL] fully concurs in that judgment. As a member of the Committee on the District of Columbia in the last Congress I had occasion to examine into this question and to visit the several places which were proposed as fit points at which to construct a bridge, and I think the only reason in favor of the Three Sisters is that the river there presents admirable facilities, from the engineer's point of view, for the construction of a bridge. In the channel of the river there are large masses of stone which would form a natural pier for a bridge at that point; and while by reason of that fact, and of the fact that the river is very narrow there, a bridge could be constructed at less cost than at any point lower down the river, yet when constructed it would not be a convenient bridge so far as the accommodation of travel is concerned. It would not be convenient at the present time, and I do not anticipate that at any future time, looking to the probable growth of the city, it would ever be a convenient bridge with reference to the demands of public travel.

Mr. HENDERSON, of Iowa. You mean the bridge provided for in the second section.

Mr. WILSON. I mean a bridge at the Three Sisters.

Now I cordially support the proposition to acquire the piers of the Aqueduct Bridge and to construct a new bridge at that point. Those piers are magnificent specimens of masonry, having been constructed, as the gentleman from Illinois [Mr. ROWELL] well said, in the good old honest days more than twenty-five years ago.

Mr. ROWELL. Forty-five.

Mr. WILSON. It does not matter how far you go back, provided you skip the last twenty-five years.

Mr. DUNHAM. Was not this bridge built by slave labor, that worked for nothing?

Mr. WILSON. I say it was built in the good old days when the Government got an honest day's work for a fair day's wages.

Mr. DUNHAM. Was it an "honest day's work" that made the slave labor for nothing?

Mr. WILSON. I do not know whether this bridge was built by slave labor or not; but if it was, it is probable that labor was treated as well as many employers treat their laborers now.

Mr. BROWN, of Pennsylvania. The less said about that the better.

Mr. WILSON. Yes; I agree with the gentleman from Pennsylvania. Now, as the gentleman from Illinois [Mr. ROWELL] has stated, the second section is introduced into this bill as a sword to be suspended over the heads of the owners of the Aqueduct Bridge to force them to come to terms. So far as that purpose is to be accomplished I fully agree with the design of the committee; but I should be very reluctant to enact into a law a section which under any circumstances would commit or force the Government to expend $220,000 in the construction of a bridge which would not be at a proper point on the river and would not meet the demands for a free bridge as they now exist in this District and will probably exist hereafter.

Mr. HEARD (to Mr. WILSON). The committee all agree with you on that point.

Mr. WILSON. I am informed by the gentleman from Missouri that the committee all agree with me on this point. My only difficulty is in voting for this second section. So far as it is a menace, so far as it is to be used to compel the owners of the Aqueduct Bridge to submit to the condemnation and purchase of their property, I am heartily in favor of it. So far as there is any possibility that this section might be carried into effect and a bridge built at the Three Sisters by the expenditure of $220,000, I am entirely opposed to it. But at the suggestion of gentlemen of the committee I am disposed not to press my motion, and with these remarks I withdraw the amendment which I offered.

Mr. HENDERSON, of Iowa. I renew the amendment to strike out the second section.

Mr. ADAMS, of Illinois. Mr. Chairman, it occurs to me that this second section will not be effectual even as a menace to the Aqueduct Bridge Company, because that company will not have any reason to suppose that the Secretary of War or any Government officer would proceed to build a bridge which would be simply a supernumerary structure, three-fourths of a mile from an existing bridge. Every corporator in that old company has brains enough to reason that far; and as the section would be improper on its own basis and ineffectual as a means of reducing the price at which the Government could condemn the Aqueduct Bridge, I see no reason for retaining the section in the bill.

Mr. ROWELL. Mr. Chairman, it is suggested that no Secretary of War would do such a thing as construct a bridge at the Three Sisters. Yet under the law of 1881, the Secretary of War did advertise for bids and prepare plans; and the only reason the bridge was not built at the Three Sisters was that the appropriation was not quite large enough. The Three Sisters would be the next best location to the Aqueduct Bridge. We can not condemn the Aqueduct Bridge. We can condemn the land upon which the abutments stand, but we can not condemn the franchise; we must get that by purchase. The location at the Three Sisters is but three-quarters of a mile above. If a bridge be built there, it will furnish free access into Virginia, necessitating only a mile and a half farther travel between this city and Arlington. There are a great many people in Virginia and some in the District of Columbia who are strongly in favor of a bridge at the Three Sisters. In my judgment the Senate designed to have the bridge constructed there because the bill as passed by the Senate made no provision for acquiring the title of the Aqueduct Bridge Company. But because the Secretary of War under this bill as amended will build the bridge at the Three Sisters if we do not acquire the Aqueduct Bridge, we shall get the Aqueduct Bridge.

Mr. HENDERSON, of Iowa. Mr. Chairman, I am opposed to the second section for several reasons. I do not believe in the doctrine that in order to secure one property we should get up a proposition to whiplash certain interests by proposing to buy another property. There are a good many strings to this bow; and the proposition that the American Congress shall put through a bill making an appropriation to purchase a certain property, provided it can not whip in the owners of another property to sell, is a kind of legislation I am not in favor of.

But, Mr. Chairman, I do not believe it is for the interest of the District to build a bridge at the Three Sisters. The people of Washington who visit Arlington do not want to take that roundabout way of going there. I can readily understand if I owned property in the vicinity of the Three Sisters I would like that provision of the bill, but for one I do not believe in building bridges at remote points to accommodate the people of the District simply because there are private interests there which have been whipping it forward for months, as I understand.

I hold it is our duty to dispose of this question in regard to the existing Aqueduct Bridge. For one I think we should have one still nearer than that in Georgetown. I understand we had legislation once before to purchase this bridge, but it was found we could not get the title to it. We are going through the same thing again we had before. I think we should have some information from the War Department

in regard to the location of these bridges. If we are going to build a bridge independent of the present one let us have all the information we can have as to building one more conveniently located. But for the present there is far too much ambiguity, too much uncertainty, too many negroes in this fence, as it seems to me at present, to induce me to support the measure. And from the information I have I serve notice upon the House now I will resist that bill with all the means within my power so long as that second section is in it, and I feel justified in doing it.

Mr. HEMPHILL. Mr. Chairman, this bill simply makes provision for a free bridge between the District of Columbia and the State of Virginia, and it is a question as to where it is best to be located. There is a bridge already in existence which belongs to certain private parties which we have no power to take. We propose to become the purchasers of that bridge provided we can get it at a reasonable cost. But if we can not get it at a reasonable cost we propose, in an additional section, to authorize the Secretary of War to build a bridge at the next most available place.

That is all there is in it, and there is no negro in the wood-pile, as has been intimated, so far as I can see. It has met the approval of the Senate District Committee, and it has met the unanimous approval of the District Committee of the House.

It is for the House to decide whether or not upon the simple suggestion of something being wrong with this bill they will stand to see it opposed, now we have got along this far with it.

There can be no possible objection to the second section unless we see fit to put ourselves in the power of these gentlemen who are the owners of toll Aqueduct Bridge. If there is any objectionable part let us strike it out.

One hundred and twenty-five thousand dollars has been decided to be the proper amount to be paid for the Aqueduct Bridge, but if these gentlemen do not desire to take that, then we serve notice upon them we will put up a bridge where we will not have to pay, and where there will be injustice done to nobody. For, sir, Congress has already passed a bill providing for the construction of a bridge at this place of the Three Sisters. We give these gentlemen the alternative, instead of forcing the Government to go there to build a bridge which will take away much of the value of their property, to sell it to the Government at a fair and reasonable price. If that is not satisfactory to them they can not ask the Government to refrain from building a bridge at another, though less available, point.

Therefore, I submit to the House the only question is whether we shall have the bridge at all; or if we do, whether we are willing to purchase this bridge at a reasonable price, and if we can not get it at a reasonable price, whether we will build a bridge at the next most available place.

The people are largely interested in this bridge. The Three Sisters is not as good a place as the one already occupied, but it is the next best place. If we can not buy the best place, where the bridge now is, we can go farther up the river, and build a bridge which will interfere with these gentlemen, of course, but before we do that we give them the right of selling out and saving themselves.

Mr. DUNHAM. Mr. Chairman, I offer another amendment to the second section, which I now send to the desk.

The Clerk read as follows:

Strike out all after the word "also," in line 32 of the second section, and insert:

"*Provided*, That one-fourth of the expense of the construction of said bridge shall be charged to and paid by the District of Columbia; one-fourth by the county of Alexandria, in the State of Virginia, and the balance, one-half, of the sum appropriated shall be paid out of the Treasury of the United States."

Mr. ROWELL. I make the point of order that we can not charge anything over upon the State of Virginia.

The CHAIRMAN. If there be no objection, the Chair will first take the question upon perfecting the section before the question is taken upon striking it out.

Mr. DUNHAM. I wish to be heard for a few moments upon the amendment I have submitted.

I understand, and in fact it is well known as a part of the history of this country, that the county of Alexandria, immediately opposite Washington, was originally a portion of the District of Columbia. The Congress of the United States ceded it back to the State of Virginia, but whether the State of Virginia paid anything to the United States for the transfer of the property or whether it paid nothing I am not able to say. At any rate, it is at this time a part of the State of Virginia, a valuable piece of property belonging to the State, and it certainly is worth something to that State, which has the privilege of imposing taxes upon it and upon the people living there either for the purpose of carrying on the State government of the State of Virginia or for a part of the expenses of the county of Alexandria, or perhaps still more for the purpose of assisting the State of Virginia in paying its just debts.

Now, Mr. Chairman, I believe we ought to have a free bridge across the Potomac, not only for the benefit of the people of the city of Washington and the people who come here from other parts of the United States, but also for the benefit of the people of the State of Virginia, and especially those who reside in the county of Alexandria. The gentleman from Illinois [Mr. ROWELL], my colleague, has said that this bridge does not rest in the State of Virginia. I believe that the approaches to this bridge are in the State of Virginia, or at any rate they come from the State of Virginia and afford convenient access to this District for the people of that portion of the State. I do not believe that it is fair or just that the other thirty-seven States of this Union should be compelled to pay a part of the expense of the people of the county of Alexandria, in the State of Virginia, for coming into the capital of the nation. The people of Illinois who desire to come to the Federal capital must pay their railroad fare. The Government does not aid them in that respect; but the the people of Virginia are to be permitted to come to the capital free under the terms of this proposed legislation. They will come free, but let them pay a part of the expense of the building of this bridge, so that to some extent at least they may be placed upon an equality with the people of the rest of the United States residing outside of that county.

If there is any real estate speculation in the building of this bridge in Georgetown I am not aware of it, and as it seems, under all the circumstances, the best place for the bridge I do not see that that should really be considered as part of the argument either way. I do say that we should have a free bridge, and I join with the Committee on the District of Columbia in believing the quicker it is built the better, but I say further that it is not right to build this bridge contrary to all the practices and customs adopted in all of the States and towns and cities throughout the Union. Wherever a river divides two towns it is never the practice for one town to bear the entire expense of the building of a bridge to connect them, but the custom has been, and I doubt if there is any variation from it, that the two towns share the expense in some proportion. For instance, if one has a larger population than the other, it would pay its share in proportion to its population, or it may be determined by the business of the towns. But there is some plan devised by which the expense is proportioned between them in a proper way.

Mr. ROWELL. How is it if the river is all in one town and the line is on the other?

Mr. DUNHAM. My colleague asks me how is it if the river is all in one town and the line on the other. I reply, I believe it is the practice, the custom everywhere, for the people for whose benefit it is built to pay a part of the expense of building. If just the place where the piers happen to stand may be in the same town it is unjust to that town to require it to pay the entire expense of the construction of the bridge, relieving all the people on the other side from paying anything. I believe that the State of Virginia gets more benefit from the construction of this bridge than the people of Washington will. The gentleman from Texas says that they want to bring their vegetables across so that the people here can buy them cheaper. I say that the people of that part of the country are more anxious to bring their produce across to make a profit on raising them than we are to buy them; for there are places which are accessible to us from which we can get vegetables without the necessity of building a free bridge to enable the people of the county of Alexandria to come across to supply us. My judgment is that the soil of that county, from what opportunity I have had of inspecting it, is of such a character that it is necessary for the good Lord to send his showers on the ground at least once in every ten days to enable them to raise their crops. [Laughter.]

Mr. STONE, of Massachusetts. Let me ask the gentleman what warrant there is in the Constitution for imposing any portion of the expense of this bridge upon the people of another State.

Mr. DUNHAM. The gentleman asks me what warrant there is in the Constitution for this amendment. In answer to him I want to say that I am not one of those members of Congress who sit up nights and worry about the constitutionality of a question. There are plenty of constitutional lawyers to explain the Constitution. For my part, I believe that whatever is necessary for the people of the United States in the way of legislation it comes within the Constitution. I would not violate the Constitution, and can not see wherein this amendment is any violation of that instrument. It simply proposes that thirty-seven States shall not be taxed to pay an expense that legitimately belongs to the county of Alexandria in the State of Virginia.

[Here the hammer fell.]

Mr. BROWN, of Pennsylvania. It is difficult for me to see just how the people of the State of Illinois are to be benefited by the gentleman's amendment. The bill has already been amended so that half the expense shall be laid on the District of Columbia, and the balance of the expense on the United States.

The amendment of the gentleman from Illinois [Mr. DUNHAM] does not propose to relieve the United States from any of the expense; and yet he goes on making his argument upon the hypothesis that the people of the United States are to be benefited if only something shall be saddled upon the State of Virginia; and the part he proposes to saddle on the State of Virginia is taken from the District of Columbia. How does that relieve the people of Illinois or any other State? To relieve the District of Columbia by taxing Virginia does not relieve the United States of the half she is to pay under this bill. But the gentleman argues that is to benefit the State of Illinois. It is difficult for me to see how that would be the result.

Now I want to say a word with reference to the proposition to strike

out the second section, for that is still insisted on by the gentleman from Iowa, although withdrawn by the gentleman from West Virginia. Is it unreasonable that we should make it to the advantage of the owners of the Aqueduct Bridge Company to sell their property? Is there anything dishonest in that? If we strike out the second section, if we leave the power in their hands to sell or keep it, and keep it at great profit, will they not for all time hold on to it? The inducement which this bill offers is to provide at the same time with its passage a plan for the construction of another bridge, and in such close proximity to the Aqueduct Bridge that the construction of it will make the property held by this corporation worthless. If a free bridge is built within three-quarters of a mile of the present Aqueduct Bridge, who will give a cent for the present bridge? Put a free bridge across the river within three-quarters of a mile of the present bridge, and the owners of it will come quickly to time, on reasonable terms, for the sale of their property. But the gentleman from Iowa, by his amendment, would leave the cudgel still in the hands of the present corporation. That certainly ought to be satisfactory to the most avaricious members of it. They could desire nothing better.

What good business management on the part of the Congress of the United States would dictate is to provide at the time of the passage of this bill the means for constructing a new bridge so near the old one as to make the old one absolutely valueless as a toll-bridge, thereby inducing the owners of the old bridge to sell their property to the United States for a reasonable consideration.

And that is all that the second section of this bill is placed in it for. That is the purpose of it. It is admitted openly and above-board. There is nothing secret or underhand, nothing dishonest in this. It is what should be provided in the bill, and no one should object to it.

The gentlemen from Iowa [Mr. HENDERSON] asserts there is a job in it on behalf of the property-owners on either side of the river at the Three Sisters. How can that be if the bill provides for the purchase of the old bridge if offered at a reasonable price? On the contrary, as it seems to me, the second section offers a sure and convenient means of preventing a job being set up to cheat the Government. I am heartily in favor of the bill. The bridge should be built at once, so as to get rid of the exorbitant tolls levied upon all the people who would visit the national cemetery at Arlington. To strike out the second section is to defeat the purposes of the bill.

Mr. TUCKER. I beg to say a word on this amendment. I do not know that the gentleman from Illinois [Mr. DUNHAM], perhaps, understands the exact relation which the State of Virginia holds to this whole question. The river Potomac has been by adjudication settled to be exclusively in the State of Maryland to low-water mark on the south side of the river, so that when the State of Maryland ceded her portion of the District of Columbia to the Government and the State of Virginia ceded her portion, the 10 miles square, which then included what is now the county of Alexandria, was Virginia soil down to low-water mark on the south side of the Potomac.

Mr. BROWN, of Pennsylvania. Was that arrangement made in the articles of cession?

Mr. TUCKER. No, sir; that was the division between the two States, and when Virginia and Maryland ceded their respective portions for the District of Columbia to the Federal Government the part which belonged to Maryland so ceded extends to low-water mark on the other side.

That question was argued in a Maryland court in March, 1861. I took part in the case on behalf of Virginia, the case testing in some degree the question of the boundary between the two States. It was in that case settled, and has been settled by a commission that was appointed by the two States, of which Judge Jere Black was one and Mr. BECK was another, that the boundary line was as I have indicated.

In 1846 the Government retroceded Alexandria County, the part which Virginia had given for the District of Columbia, back to Virginia. And therefore Alexandria County in Virginia comes down to low-water mark on the south side of the Potomac, and all the rest of the river belongs to the Federal Government or at least is within its jurisdiction. Therefore, the whole of this bill relates to that which is within the exclusive legislative power of the Federal Government. It has nothing to do with anything that is within the jurisdiction of Virginia.

The only reason it has planted its abutment on the south side of the river is because, as I understand, the State of Virginia has given her consent to it. Now, the proposition of the gentleman, by his amendment, that the Government shall build a bridge, pay one-half of the cost out of the Treasury, charge one-fourth to the District of Columbia, and the remaining one-fourth to the county of Alexandria, is *ultra vires*. It is beyond the power of the Government to do that, and if you were to do it the county of Alexandria would snap its fingers in your face and say, "Enforce it."

Mr. DUNHAM. Then, under the terms of this amendment, the bridge would not be built.

Mr. TUCKER. The bridge would not be built; and if you want to defeat the construction of the bridge, your amendment will accomplish that.

Mr. DUNHAM. But it would show the people of the county of Alexandria and the people of Virginia that Congress thought in justice to the rest of the people of the United States Virginia ought to pay some proportion of the cost of building this bridge.

Mr. TUCKER. Well, if you were building a bridge inside of Virginia that might be a question.

Mr. DUNHAM. The roadway leading to the bridge is in Virginia.

Mr. TUCKER. The roadway does not help you at all. The bridge itself is over the water of the Potomac, which is exclusively under the jurisdiction of Congress. You simply ask that you may put one of your abutments over on Virginia soil, and Virginia consents. That is all.

Mr. DUNHAM. One of the abutments of the bridge between New York and Brooklyn is in Brooklyn, and Brooklyn had to pay her portion of the cost of building the bridge.

Mr. TUCKER. That may be; but Brooklyn and New York are both in the same State and within the same jurisdiction. The difficulty in this case is that the District of Columbia is within the jurisdiction of Congress and the county of Alexandria is not. For these reasons I think the amendment ought not to be adopted. If it could be effective to make a charge upon the county of Alexandria it would be unconstitutional, and although the gentleman does not trouble himself about the Constitution at night, he may perhaps give it some consideration in the daytime. [Laughter.]

Mr. DUNHAM. I wish to ask the gentleman one question. For whom is this bridge to be built? For whose benefit?

Mr. TUCKER. Well, sir, as the Committee on the District of Columbia have brought the bill into the House, I presume that it is to be built for the benefit of the District of Columbia. I have not heard that Virginia has asked for the construction of this bridge.

Mr. DUNHAM. Will not the people of Alexandria get some benefit from the bridge?

Mr. TUCKER. Oh, they will come across. [Laughter.]

Mr. DUNHAM. You say that the people of Virginia have not asked for this bridge?

Mr. TUCKER. They have not.

Mr. DUNHAM. If I am not mistaken I have been reading in the papers for two years that the people represented by the gentleman from Virginia [Mr. BARBOUR] have been urging him, as their Representative, to hurry up the building of this bridge.

Mr. ROWELL. The gentleman is mistaken. The constituents of the gentleman from Virginia are divided on the subject. The people at one end of his constituency do not want the bridge built at all.

Mr. DUNHAM. You say the people at one end of his constituency do not want it built. What do the people at the other end want?

Mr. ROWELL. The other end is very small; but I guess the people there want to have the bridge built.

Mr. DUNHAM. Certainly.

Mr. TUCKER. Then how unfair is the gentleman's proposition to charge upon all the people of that county one-fourth of the cost of building this bridge when one-half of them are opposed to building it at all! [Laughter.]

Mr. DUNHAM. Well, if they do not want the bridge, I do not think the Congress of the United States ought to try to force it upon them.

Mr. TUCKER. We do not want it. The Government here wants the bridge in order to get across the river into Virginia. Well, we have no objection; we are a hospitable people. [Laughter.] Then, you want our vegetables, grown upon that soil which the gentleman from Illinois [Mr. DUNHAM] says is so poor that the Almighty has to send rain every two or three days in order to make it produce anything; and if that is the case how can he find it in his heart to impose upon so poor a soil and so poor a people the burden of paying for the construction of this bridge? [Laughter.] I appeal to the gentleman's magnanimity if I can not to his knowledge of constitutional law. [Renewed laughter.]

Mr. DUNHAM. Then your position is, that you want us to be charitable to the people of Virginia and build this bridge for them for nothing?

Mr. TUCKER. No; charity begins at home. You need our products, and you need this bridge to enable you to get them.

Mr. DUNHAM. I also think charity begins at home; and I think we had better be charitable to the people of the United States, keep a part of this money in the Treasury, and let the people of Virginia pay a part of the cost of constructing this bridge.

Mr. STEELE. Save it for rivers and harbors. [Laughter.]

The House divided on the amendment offered by Mr. DUNHAM; and there were—ayes 11, noes 71.

So the amendment was not agreed to.

The question recurred on the motion of Mr. HENDERSON, of Iowa, to strike out the second section of the bill.

The committee divided; and there were—ayes 4, noes 75.

Mr. HENDERSON, of Iowa. No quorum.

Mr. BARBOUR. I hope the gentleman will not insist upon that point.

The CHAIRMAN. The point that no quorum has voted being made, the Chair appoints the gentleman from Iowa [Mr. HENDERSON] and the gentleman from Illinois [Mr. ROWELL] to act as tellers.

The committee again divided; and the tellers reported—ayes 11, noes 131.

Mr. HENDERSON, of Iowa. I will not insist further on the point that no quorum has voted.

So the amendment of Mr. HENDERSON, of Iowa, was rejected.

The next question was upon the amendment proposed by the Committee on the District of Columbia, to add to the bill the following:

SEC. 3. That if in the purchase of the Aqueduct Bridge under the first section, at any time, it shall be deemed necessary to obtain from the Chesapeake and Ohio Canal Company, or its grantees, any release or conveyance of any portion of the ground upon which the northern abutment of the Aqueduct Bridge rests, or right to cross the Chesapeake and Ohio Canal from the abutment to Bridge street, or if a good title can not be procured by contract to any property required in the construction of a bridge under the second section, the same shall be acquired by the Secretary of War by condemnation in the manner provided by the act approved May 8, 1872, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1873, and for other purposes: "*Provided*, That the condemnation proceedings, if any such proceedings are necessary, shall not prevent the taking possession, on payment of the purchase-money, of the Aqueduct Bridge by the United States, and opening the same to the public as a free bridge, if the same shall be acquired under the first section: *Provided, further*, That the sum of $10,000 of the sum hereby appropriated shall be available to meet the payments under condemnation proceedings, if any shall be had.

The amendment was agreed to.

Mr. ROWELL. I move that the committee rise and report the bill as amended to the House with a recommendation that it pass.

Mr. WILSON. Before that question is put I desire to offer an amendment. There is already on the statute-book a law, approved February 23, 1881, directing the Secretary of War to build a bridge at or near Georgetown and appropriating out of the Treasury for that purpose $140,000. That law has hitherto remained a dead letter; and it is of course the intention that it shall be superseded entirely by this bill. I therefore offer an amendment to add to the bill a fourth section, repealing the law of 1881.

The amendment of Mr. WILSON was read, as follows:

After the amendment last adopted add the following as a new section:
"SEC. 4. The act approved February 23, 1881, entitled 'An act to authorize the construction of a bridge across the Potomac River at or near Georgetown, in the District of Columbia, and for other purposes,' is hereby repealed."

The amendment was agreed to.

Mr. HALE. I desire to offer an amendment to the second section, to insert after the word "Virginia," in line 45, the words "Saint Louis, Mo.," and to strike out in the same line "one week" and insert "four weeks."

Mr. ROWELL. That amendment is subject to a point of order. The second section has been passed.

The CHAIRMAN. Is there objection to recurring to the second section for the purpose of adopting this amendment?

Mr. ROWELL. I make the point of order against it.

Mr. HEMPHILL. I object to going back to that section.

The CHAIRMAN. The point is made that the second section has been passed, and that it is now too late to go back to it.

Mr. HALE. I believe the gentleman in charge of the bill has no objection to this amendment. I do not understand that the point of order is insisted upon.

The CHAIRMAN. The Chair understands the point of order to be insisted upon.

Mr. HALE. The gentleman in charge of the bill has no objection to the amendment.

Mr. ROWELL. I have no objection to inserting "Saint Louis, Mo.;" but I object to extending the time for advertising.

The CHAIRMAN. The point of order was made also by the gentleman from South Carolina [Mr. HEMPHILL].

Mr. HEMPHILL. I withdraw the point of order against the amendment so far as it proposes to insert the words "Saint Louis, Mo."

Mr. ROWELL. I have no objection to that part of the amendment.

Mr. HALE. Then I will seek an opportunity to offer the other branch of the amendment in the House.

The CHAIRMAN. If there be no objection the first branch of the amendment of the gentleman from Missouri [Mr. HALE], to insert after "Virginia," in line 45 of the second section, the words "Saint Louis, Mo.," will be agreed to. The Chair hears no objection.

Mr. COMPTON. I hope the gentleman from Missouri will accept an amendment to his amendment, so as to add after "Saint Louis, Mo.," the words "the city of Baltimore, Md."

The CHAIRMAN. The amendment of the gentleman from Missouri, so far as not objected to on the point of order, has been agreed to.

Mr. COMPTON. Then my amendment is too late?

The CHAIRMAN. Yes, sir.

Mr. HEMPHILL. Was the amendment to allow four weeks for advertising agreed to?

The CHAIRMAN. The Chair did not so understand.

Mr. ROWELL. I now renew the motion that the committee rise and report the bill as amended to the House with a recommendation that it pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker have resumed the chair, Mr. CRISP reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (S. 200) to authorize the purchase of the Aqueduct Bridge or the construction of a bridge across the Potomac River at or near Georgetown, D. C., had directed him to report back the same with amendments and with the recommendation that it pass as amended.

Mr. ROWELL. I ask the previous question on the amendments and on ordering the bill to a third reading.

The previous question was ordered.

The SPEAKER. The question is now upon agreeing to the amendments reported from the Committee of the Whole House on the state of the Union. Unless a separate vote be demanded on some amendment, the question will be taken upon the amendments in gross.

The amendments reported from the Committee of the Whole were agreed to.

The bill as amended was ordered to a third reading, was accordingly read the third time, and passed.

Mr. ROWELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. ALLEN, of Massachusetts, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 216) to authorize the Secretary of War to furnish certificates of discharge to certain members of the Missouri Home Guards;

A bill (S. 223) to regulate the promotion of graduates of the United States Military Academy; and

A bill (S. 1471) to remove the charge of desertion from the rolls and records in the Office of the Adjutant-General of the Army against certain soldiers.

BONDS OF EXECUTORS.

Mr. BARBOUR. I now call up from the House Calendar a bill (H. R. 7879) to amend the law relating to bonds of executors in the District of Columbia.

There was no objection, and the bill was read, as follows:

Be it resolved, &c., That whenever hereafter a testator shall, by last will and testament, request that his executor or executors be not required to give bond for the performance of his or their duty as such executor or executors, then and in such case the bond required of such executor or executors shall be in such penalty as the court may consider sufficient to secure the payment of the debts due by said testator; and said bond shall be conditioned accordingly, and shall be in no other or greater penalty: *Provided, however*, That the penalty of this bond shall not exceed double the value of the estate; and when less than this sum, may be increased, or an additional bond be required, whenever it shall be made to appear to the court that the bond as given is insufficient to secure the payment of the debts of the testator: *And provided further*, That whenever any creditor or distributee or legatee entitled to take under the said will shall make it appear to the court that any executor who has given such bond only as is herein provided for is wasting the assets of the estate, or that the assets in the hands of such executor are in danger of being lost, wasted, or misappropriated, then and in such case the court shall have power to remove said executor or require him to give additional bond, with security in penalty sufficient to secure the interests of all the creditors and distributees or legatees entitled to take as aforesaid, and conditioned accordingly; and on his failure to give bond or bonds as aforesaid, as required by the court, within a time named by such court, his letters testamentary shall be revoked forthwith.

Mr. BARBOUR. I yield to the gentleman from South Carolina [Mr. HEMPHILL] who has reported this bill to take charge of it.

Mr. HEMPHILL. This is a bill to amend the law in this District relative to bonds to be given by executors. As the law now stands every executor appointed to carry out the provisions of a will is required to give a bond in such sum as the court may deem necessary. That has become impossible in the case of many large estates. Legislation similar to this has been adopted in twenty-five States of the Union. Members of the bar here seek to have the law amended so a testator may relieve his executor from giving his bond by putting a request to that effect in his will, except the court may require him to give a bond sufficient to cover the indebtedness due at the time of the death of the testator.

A further provision is added to the bill, which enables any legatee or creditor to call upon the executor to give additional bond upon his satisfying the court the assets of the estate are being wasted and he is liable to lose his debt or his legacy.

It is a just and equitable measure; and unless further debate be desired upon it, I shall call for a vote and will not further take up the time of the House.

Mr. STORM. I ask the gentleman from South Carolina whether there is any provision in the bill by which the surety on a bond may go into court and ask to be relieved?

Mr. HEMPHILL. The surety has a right to be relieved, I would suppose, under the general statutes relating to the District.

Mr. STORM. Is there a provision of law of that kind? There is nothing of that sort in this bill.

Mr. HEMPHILL. This is only to amend the law as it now stands relating to this one subject.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HEMPHILL moved to reconsider the vote by which the bill was

passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BOOK-MAKING AND POOL-SELLING IN THE DISTRICT OF COLUMBIA.

On motion of Mr. BARBOUR, a bill (H. R. 5044) to prohibit book-making of any kind and pool-selling in the District of Columbia for the purpose of gaming, reported from the Committee on the District of Columbia, was taken from the House Calendar and read, as follows:

Be it enacted, &c., That it shall be unlawful for any person or persons, or association of persons, to bet, gamble, or make books and pools on the result of any trotting-race or running-race of horses, or on any election, in the District of Columbia.

SEC. 2. That any person or persons, or association of persons, violating the provisions of this act, shall be fined not exceeding $500 nor less than $100, or be imprisoned not more than ninety nor less than thirty days, or both, at the discretion of the court.

The amendments of the committee to the first section were read, as follows:

After the word "persons" insert "in the District of Columbia;" and after the word "horses" insert "or boat-race, or race of any kind;" and strike out in line 7 the words "in the District of Columbia" and insert "or contest of any kind;" so the section will then read:

"*Be it enacted, &c.*, That it shall be unlawful for any person or persons, or association of persons, in the District of Columbia, to bet, gamble, or make books and pools on the result of any trotting-race or running-race of horses, or boat-race, or race of any kind, or on any election or contest of any kind."

The amendments were agreed to.

The amendment of the committee to the second section was read, as follows:

Strike out the words "one hundred" and insert "twenty-five;" so the section will then read:

"SEC. 2. That any person or persons, or association of persons, violating the provisions of this act, shall be fined not exceeding five hundred nor less than twenty-five dollars, or be imprisoned not more than ninety nor less than thirty days, or both, at the discretion of the court."

The House divided; and there were—ayes 47, noes 4.

Mr. PRICE. I make the point of no quorum for the purpose of raising the question whether we shall run the horse-race or this House; whether members shall go there or shall come here. [Laughter and applause.]

Mr. HEMPHILL. Let me say to the gentleman from Wisconsin that the amendment now being voted on is to fix a minimum penalty. If he wants to call a quorum, he can do so upon the bill and not upon this amendment.

Mr. PRICE. I will waive the point of order.

The amendment was agreed to.

Mr. SPRINGER. I now ask for the reading of the bill as it has been amended.

The bill was read.

Mr. SPRINGER. It does not seem by this act any association is included. It may be more far-reaching than it seems. I do not know with certainty whether or not the stockholders of these corporations are included under its provisions and will be affected by its execution.

Mr. STORM. Is the gentleman going to take advantage of the absence of the enemies of this bill and put it through?

Mr. HEMPHILL. They are taking advantage of me by being absent, for if they were here I might be able to persuade them. [Laughter.]

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is now on the passage of the bill.

Mr. COMPTON. I have been waiting patiently for the gentleman from South Carolina to address himself to the merits of this bill.

Mr. HEMPHILL. The merits of the bill are so plain they do not need any explanation. The object is to prohibit book-making and pool-selling upon horse-races and elections or any other contest. This law is simply in conformity to the laws which prevail in a majority of the States of the Union, and it is merely a question whether the people who live in the District of Columbia shall be subjected to more temptation than the people who live in the States of the Union. We here must legislate for this people. We are the only body they have to look to for encouragement in morality, and we should do for them what the Legislatures of the States do for the people in those States.

We submitted the bill to the District commissioners, who are in a measure protectors of the public welfare and in a limited sense of the public morals of this place. They approved it unanimously, with the suggestion, however, that there should be twice a year, of one week's duration each, a time when the jockey club, which has a track not far removed from the city, should have the privilege of selling pools on horse-races there.

The committee, however, thought that if it was to be of any benefit at all there should not be any special privileges granted to any one particular class or association; and therefore they did not accept the suggestion of the commissioners, and reported the bill as it is. They believe the bill will commend itself to the good sense of the House, and that the morality which distinguishes members of Congress they will endeavor to inculcate by suitable legislation. I think that the bill has merits and should pass, and I do not know that we will ever have a better time to do this than in the absence of everybody who is supposed to be opposed to it. [Laughter.]

Mr. WEAVER, of Iowa. I will warn the gentleman from South Carolina that owing to the races now being in progress there is not a quorum present, and if he presses the bill it might not pass.

Mr. COMPTON. Mr. Speaker, I think it quite unfair in my friend from South Carolina, who is a very liberal and fair-minded man I know, to want to call the bill up at this particular time. If I may be allowed, sir, to characterize distinguished statesmen, members of this House, as "good fellows," I desire to say that the good fellows who like myself are opposed to the bill are practicing to-day what I want to preach. [Laughter.]

I do not propose to go into any argument on the merits of the bill at this time. I am opposed to it and have stated my objections fully in the committee, but do not propose to state them fully here otherwise than to say simply this: Appreciating the fact that this bill belongs to that class of legislation in which I do not believe, legislation which seeks to make men moral by force, I am opposed to it on principle, and shall fight it at every stage of its passage through the House.

I move that the bill do lie on the table.

The question being taken on the motion of Mr. COMPTON, there were on a division—ayes 12, noes 59.

Mr. COMPTON. I make the point of order that no quorum has voted.

Mr. HEMPHILL. If this point is to be insisted upon I will ask the House to pass the bill over. I do not desire to take any advantage of the absence of those gentlemen to whom the gentleman from Maryland refers, and ask that the bill be passed over for the present, if that is a parliamentary proceeding.

Mr. WEAVER, of Iowa. I object.

The SPEAKER *pro tempore*. The gentleman has the right to move to postpone the bill until the second Monday in next month.

Mr. HEMPHILL. Then I make that motion.

The question was taken; and on a division there were—ayes 59, noes 9.

Mr. KING. I make the point that no quorum has voted.

Mr. HEMPHILL. I will ask my friend from Louisiana not to insist upon that point. The bill will be called up for consideration at the regular time. There are a number of other bills here which are likely to lead to no controversy and should be passed to day, if possible, and we will lose the entire day if the point of order is insisted upon.

The SPEAKER *pro tempore*. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. KING and Mr. HEMPHILL were appointed tellers.

The House again divided; and the tellers reported—ayes 87, noes 5.

Mr. KING. I shall not insist upon the point of order.

So (no further count being demanded) the motion was agreed to, and the consideration of the bill was postponed as indicated.

PUNISHMENT FOR ADVERTISING LOTTERY TICKETS.

Mr. BARBOUR. Mr. Speaker, I desire to call up House bill No. 7880, to punish the advertising of lottery tickets in the District of Columbia, and for other purposes.

The bill was read, as follows:

Be it enacted, &c., That it shall not be lawful within the District of Columbia for any person to advertise or publish an advertisement of any lottery scheme, or any other scheme or game of chance, or for the sale of any lottery ticket or tickets, or any interest therein, or the sale of any ticket or tickets in any other scheme or game of chance, or any interest therein, in any newspaper, circular, handbill, or poster, or in any other way.

SEC. 2. That any person violating any provision of the foregoing section shall be prosecuted therefor in the police court of said District, and if found guilty shall be fined in any sum not exceeding $500 nor less than $100, or be imprisoned in the jail of said District for a period not exceeding six months nor less than one month, or both so fined and imprisoned, in the discretion of the court.

The SPEAKER *pro tempore*. The question is on ordering the bill to be engrossed and read a third time.

The question was taken; and on a division there were—ayes 75, noes 2.

Mr. BENNETT. No quorum.

Mr. GLASS. I hope the gentleman will withdraw that point.

Mr. BENNETT. I can not do it. It is an infringement upon liberty. [Laughter.]

The SPEAKER *pro tempore*. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. BENNETT and Mr. HEMPHILL were appointed tellers.

Mr. BURROWS. I desire to inquire if a motion to adjourn would be in order.

The SPEAKER *pro tempore*. That motion is always in order.

Mr. BURROWS. I suppose the gentleman who makes the point of order will adhere to it, and I move that the House do now adjourn.

Mr. HEARD. I hope that motion will not prevail.

The SPEAKER *pro tempore*. The motion is not debatable.

The question was taken; and on a division there were—ayes 28, noes 46.

So (no further count being demanded) the motion was not agreed to.

The SPEAKER *pro tempore*. The tellers will resume their places.

The question recurs upon ordering the bill to be engrossed and read the third time.

Mr. HEMPHILL. Mr. Speaker, it is evident that we have not a quorum here, and it is not worth while to go through the same form that we did awhile ago in order to determine that fact. Under the circumstances, if I may do it, I ask that the bill be postponed until the second Monday in June next. I make that motion.

The question was taken; and upon a division there were—ayes 50, noes 29.

Mr. STORM. No quorum.

The SPEAKER *pro tempore*. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. HEMPHILL. If that point is going to be insisted upon I ask to withdraw my motion, because we may as well have the question directly upon ordering the bill to be engrossed and read the third time as upon the pending motion.

The SPEAKER *pro tempore*. The gentleman has the right to withdraw the motion.

Mr. HEMPHILL. Then I withdraw it.

Mr. WARNER, of Missouri. I move that the House do now adjourn.

The motion was not agreed to.

The SPEAKER *pro tempore*. The question recurs on ordering the bill to be engrossed and read a third time, on which tellers have been ordered.

Mr. GROUT. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 160, nays 4, not voting 158; as follows:

YEAS—160.

Adams, G. E.	Eldredge,	Kleiner,	Sayers,
Adams, J. J.	Ely,	Landes,	Scranton,
Anderson, C. M.	Evans,	Lanham,	Seney,
Arnot,	Everhart,	Lawler,	Sessions,
Baker,	Farquhar,	Lindsley,	Seymour,
Barbour,	Felton,	Long,	Skinner,
Barksdale,	Findlay,	Louttit,	Sowden,
Barnes,	Fonn,	Lyman,	Spooner,
Bay,	Ford,	Markham,	Springer,
Beach,	Fuller,	Martin,	Stahlnecker,
Bland,	Gay,	Maybury,	Stephenson,
Bound,	Geddes,	McCreary,	Stewart, Charles
Breckinridge, WCP.	Glass,	McKenna,	Stone, W. J., Ky.
Browne, T. M.	Glover,	McMillin,	Stone, W. J., Mo.
Brown, C. E.	Grout,	McRae,	Storm,
Brown, W. W.	Hale,	Merriman,	Strait,
Buck,	Hall,	Morgan,	Swinburne,
Bunnell,	Hammond,	Morrill,	Swope,
Burrows,	Harmer,	Morrison,	Symes,
Butterworth,	Hatch,	Murphy,	Taylor, E. B.
Cabell,	Heard,	Neal,	Taylor, J. M.
Campbell, J. E.	Hemphill,	O'Donnell,	Taylor, Zach.
Campbell, J. M.	Henderson, J. S.	O'Neill, Charles	Thomas, O. B.
Campbell, T. J.	Henderson, T. J.	O'Neill, J. J.	Throckmorton,
Catchings,	Hepburn,	Osborne,	Trigg.
Clements,	Herbert,	Owen,	Turner,
Compton,	Herman,	Peel,	Viele,
Comstock,	Hiestand,	Pettibone,	Wade,
Cooper,	Hiscock,	Plumb,	Wadsworth,
Cowles,	Hitt,	Price,	Wait,
Cox,	Holman,	Reid, J. W.	Ward, T. B.
Crisp,	Hopkins,	Rice,	Warner, William
Croxton,	Howard,	Richardson,	Weaver, J. B.
Davenport,	Jackson,	Riggs,	Weber,
Davidson, A. C.	James,	Rockwell,	Wheeler,
Dingley,	Johnson, F. A.	Romeis,	White, Milo
Dorsey,	Johnston, J. T.	Rowell,	Willis,
Dowdney,	Johnston, T. D.	Ryan,	Wilson,
Dunham,	Jones, J. T.	Sadler,	Winans,
Eden,	King,	Sawyer,	Wolford.

NAYS—4.

Bennett,	Daniel,	Dargan,	Muller.

NOT VOTING—158.

Aiken,	Cobb,	Grosvenor,	Lowry,
Allen, C. H.	Cole,	Guenther,	Mahoney,
Allen, J. M.	Collins,	Halsell,	Matson,
Anderson, J. A.	Conger,	Hanback,	McAdoo,
Atkinson,	Crain,	Harris,	McComas,
Ballentine,	Culberson,	Hayden,	McKinley,
Barry,	Curtin,	Haynes,	Millard,
Belmont,	Cutcheon,	Henderson, D. B.	Miller,
Bingham,	Davidson, R. H. M.	Henley,	Milliken,
Blanchard,	Davis,	Hewitt,	Mills,
Bliss,	Dawson,	Hill,	Mitchell,
Blount,	Dibble,	Hires,	Moffatt,
Boutelle,	Dockery,	Holmes,	Morrow,
Boyle,	Dougherty,	Houk,	Neece,
Brady,	Dunn,	Hudd,	Negley,
Bragg,	Ellsberry,	Hutton,	Nelson,
Breckinridge, C. R.	Ermentrout,	Irion,	Norwood,
Brumm,	Fisher,	Jones, J. H.	Oates,
Buchanan,	Flecger,	Kelley,	O'Ferrall,
Burleigh,	Forney,	Ketcham,	O'Hara,
Burnes,	Frederick,	Laffoon,	Outhwaite,
Bynum,	Funston,	La Follette,	Parker,
Caldwell,	Gallinger,	Laird,	Payne,
Campbell, Felix	Gibson, C. H.	Le Fevre,	Payson,
Candler,	Gibson, Eustace	Lehlbach,	Perkins,
Cannon,	Gilfillan,	Libbey,	Perry,
Carleton,	Goff,	Little,	Peters,
Caswell,	Green, B. S.	Lore,	Phelps,
Clardy,	Green, W. J.	Lovering,	Pidcock,
Pindar,	Singleton,	Taylor, I. H.	Weaver, A. J.
Price,	Smalls,	Thomas, J. R.	Wellborn,
Randall,	Snyder,	Thompson,	West,
Ranney,	Spriggs,	Tillman,	White, A. C.
Reagan,	Steele,	Townshend,	Whiting,
Reed, T. B.	Stewart, J. W.	Tucker,	Wilkins,
Reese,	St. Martin,	Van Eaton,	Wise,
Robertson,	Stone, E. F.	Van Schaick,	Woodburn,
Rogers,	Struble,	Wakefield,	Worthington.
Scott,	Tarsney,	Ward, J. H.	
Shaw,	Taulbee,	Warner, A. J.	

So the bill was ordered to be engrossed and read a third time.

Mr. KING. I have just received a dispatch from my friend from Mississippi [Mr. VAN EATON], who is at the races, and begs to be excused from voting on this roll-call. [Laughter.]

Mr. JAMES. I ask unanimous consent to dispense with the reading of the names.

There was no objection.

The following pairs were announced:

Until further notice:

Mr. BOYLE with Mr. HENDERSON, of Illinois.

Mr. DUNN with Mr. KELLEY.

Mr. FORNEY with Mr. WEAVER, of Nebraska.

Mr. CURTIN with Mr. NEGLEY.

Mr. OUTHWAITE with Mr. FARQUHAR.

Mr. TOWNSHEND with Mr. GALLINGER.

Mr. NORWOOD with Mr. GILFILLAN.

Mr. FISHER with Mr. ANDERSON, of Kansas.

Mr. BURNES with Mr. BUCHANAN.

Mr. CULBERSON with Mr. MCKINLEY.

Mr. CRAIN with Mr. STEWART, of Vermont.

Mr. COLE with Mr. THOMAS, of Illinois.

Mr. GIBSON, of West Virginia, with Mr. PIERCE

Mr. JONES, of Alabama, with Mr. BURLEIGH.

Mr. HUDD with Mr. FLEEGER.

Mr. TARSNEY with Mr. CASWELL.

Mr. CARLETON with Mr. HOLMES.

For this day:

Mr. SCOTT with Mr. FUNSTON.

Mr. BRAGG with Mr. HAYDEN.

Mr. WILKINS with Mr. MCCOMAS.

Mr. TAULBEE with Mr. BINGHAM.

Mr. OATES with Mr. WHITING.

Mr. ROGERS with Mr. BRUMM.

Mr. REESE with Mr. STRUBLE.

Mr. HARRIS with Mr. HOUK.

Mr. CALDWELL with Mr. CANNON.

Mr. PINDAR with Mr. LA FOLLETTE.

Mr. PIDCOCK with Mr. HAYNES.

Mr. BRECKINRIDGE, of Arkansas, with Mr. ATKINSON.

Mr. LAFFOON with Mr. CONGER.

Mr. DAVIDSON, of Florida, with Mr. HENDERSON, of Iowa.

Mr. WARNER, of Ohio, with Mr. PAYNE.

Mr. NEECE with Mr. MOFFATT.

Mr. GREEN, of New Jersey, with Mr. LIBBEY.

Mr. GIBSON, of Maryland, with Mr. LEHLBACH.

Mr. DAWSON with Mr. ALLEN, of Massachusetts.

Mr. WARD, of Illinois, with Mr. PHELPS.

Mr. FREDERICK with Mr. PAYSON.

Mr. BLISS with Mr. WOODBURN.

Mr. HUTTON with Mr. HIRES.

Mr. O'FERRALL with Mr. LITTLE.

Mr. ROBERTSON with Mr. STEELE.

Mr. MILLER with Mr. IKE H. TAYLOR.

Mr. DUNHAM with Mr. WISE.

Mr. HANBACK with Mr. SNYDER.

Mr. HALSELL with Mr. THOMPSON.

Mr. JONES, of Texas, with Mr. MILLARD.

Mr. BALLENTINE with Mr. GOFF.

Mr. BROWNE, of Indiana, with Mr. MILLS.

Mr. COBB with Mr. KETCHAM.

Mr. WAKEFIELD with Mr. BYNUM.

Mr. DUNHAM. The Clerk has read a pair between Mr. WISE, of Virginia, and myself. I understood that pair was only on the bridge bill.

The SPEAKER. The pair, then, should not have been announced.

Mr. JONES, of Alabama. I am paired with the gentleman from New York [Mr. BURLEIGH], with the understanding that I might vote to make a quorum.

Mr. BROWNE, of Indiana. Will the Chair allow me to inquire if on the vote just taken there is a quorum without my name?

The SPEAKER. The Chair thinks not. It has been and is now an open question as to whether or not it requires a majority of all the members who might be elected under the law to the House to constitute a quorum, or merely a majority of those who are members of the House.

Mr. BROWNE, of Indiana. I make the inquiry because I was paired with the gentleman from Texas [Mr. MILLS]. Under the circumstances,

to make a quorum, I voted; also for the additional reason that I believe had the gentleman from Texas been present he would have voted as I did.

Mr. SINGLETON. I desire to say that before the conclusion of the call of the roll I was called out. If I had been present I would have voted in the affirmative.

The result of the vote was announced as above stated; and the bill, being engrossed, was read the third time.

The SPEAKER. The question is, Shall the bill pass?

The House divided; and there were—ayes 105, noes 6.

Mr. BENNETT. No quorum has voted.

Mr. BROWNE, of Indiana. I call for the yeas and nays.

The yeas and nays were ordered.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. BURLEIGH, of New York, for ten days, on account of important business.

To Mr. DUNN, indefinitely, on account of the serious illness of a member of his family.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House of Representatives that the Senate had agreed to the amendments of the House to bills of the following titles:

A bill (S. 1065) granting a pension to Emeline J. Babson;

A bill (S. 1105) granting the right of way to the Kensington and Tacony Railroad Company through the arsenal grounds at Bridesburg, Pa.; and

A bill (S. 2187) for the relief of Rebecca E. Haskins.

The question was taken on the passage of the bill; and there were—yeas 167, nays 3, not voting 152; as follows:

YEAS—167.

Adams, G. E.	Eden,	Lanham,	Sayers,
Adams, J. J.	Eldredge,	Lindsley,	Scranton,
Anderson, C. M.	Ely,	Long,	Seney,
Arnot,	Evans,	Louttit,	Sessions,
Baker,	Everhart,	Lovering,	Seymour,
Barbour,	Farquhar,	Lowry,	Singleton,
Barksdale,	Findlay,	Lyman,	Skinner,
Barnes,	Ford,	Markham,	Sowden,
Bayne,	Fuller,	Martin,	Spooner,
Beach,	Gay,	Maybury,	Springer,
Belmont,	Geddes,	McCreary,	Stahlnecker,
Bland,	Glass,	McKenna,	Stephenson,
Blount,	Grout,	McMillin,	Stewart, Charles
Bound,	Hale,	McRae,	Stone, W. J., Ky.
Breckinridge, WCP.	Hall,	Merriman,	Stone, W. J., Mo.
Browne, T. M.	Hammond,	Milliken,	Storm,
Brown, C. E.	Harmer,	Morgan,	Strait,
Brown, W. W.	Hatch,	Morrill,	Swinburne,
Bunk,	Heard,	Morrison,	Swope,
Bunnell,	Hemphill,	Morrow,	Symes,
Burrows,	Henderson, J. S.	Murphy,	Taylor, E. B.
Butterworth,	Henderson, T. J.	Neal,	Taylor, J. M.
Campbell, J. E.	Hepburn,	Nelson,	Taylor, Zach.
Campbell, J. M.	Herbert,	O'Donnell,	Thomas, O. B.
Campbell, T. J.	Herman,	O'Neill, Charles	Throckmorton,
Catchings,	Hewitt,	O'Neill, J. J.	Trigg,
Clements,	Hiestand,	Osborne,	Turner,
Comstock,	Hiscock,	Owen,	Van Schaick,
Cooper,	Hitt,	Peel,	Viele,
Cowles,	Holman,	Pettibone,	Wade,
Cox,	Hopkins,	Plumb,	Wadsworth,
Crisp,	Howard,	Price,	Wait,
Croxton,	Irion,	Reid, J. W.	Ward, T. B.
Cutcheon,	Jackson,	Rice,	Warner, William
Davenport,	James,	Richardson,	Weaver, J. B.
Davidson, A. C.	Johnson, F. A.	Riggs,	Weber,
Dibble,	Johnston, J. T.	Rockwell,	White, Milo
Dingley,	Johnston, T. D.	Romeis,	Willis,
Dockery,	Jones, J. T.	Rowell,	Wilson,
Dorsey,	King,	Ryan,	Winans,
Dowdney,	Kleiner,	Sadler,	Wolford.
Dunham,	Landes,	Sawyer,	

NAYS—3.

Bennett,	Daniel,	Dargan.

NOT VOTING—152.

Aiken,	Caswell,	Gibson, Eustace	Laird,
Allen, C. H.	Clardy,	Gilfillan,	Lawler,
Allen, J. M.	Cobb,	Glover,	Le Fevre,
Anderson, J. A.	Cole,	Goff,	Lehlbach,
Atkinson,	Collins,	Green, R. S.	Libbey,
Ballentine,	Compton,	Green, W. J.	Little,
Barry,	Conger,	Grosvenor,	Lore,
Bingham,	Crain,	Guenther,	Mahoney,
Blanchard,	Culberson,	Halsell,	Matson,
Bliss,	Curtin,	Hanback,	McAdoo,
Boutelle,	Davidson, R. H. M.	Harris,	McComas,
Boyle,	Davis,	Hayden,	McKinley,
Brady,	Dawson,	Haynes,	Millard,
Bragg,	Dougherty,	Henderson, D. B.	Miller,
Breckinridge, C. R.	Dunn,	Henley,	Mills,
Brumm,	Ellsberry,	Hill,	Mitchell,
Buchanan,	Ermentrout,	Hires,	Moffatt,
Burleigh,	Felton,	Holmes,	Muller,
Burnes,	Fisher,	Houk,	Neece,
Bynum,	Fleeger,	Hudd,	Negley,
Cabell,	Foran,	Hutton,	Norwood,
Caldwell,	Forney,	Jones, J. H.	Oates,
Campbell, Felix	Frederick,	Kelley,	O'Ferrall,
Candler,	Funston,	Ketcham,	O'Hara,
Cannon,	Gallinger,	Laffoon,	Outhwaite,
Carleton,	Gibson, C. H.	La Follette,	Parker,
Payne,	Reed, T. B.	Stone, E. F.	Ward, J. H.
Payson,	Reese,	Struble,	Warner, A. J.
Perkins,	Robertson,	Tarsney,	Weaver, A. J.
Perry,	Rogers,	Taulbee,	Wellborn,
Peters,	Scott,	Taylor, I. H.	West,
Phelps,	Shaw,	Thomas, J. R.	Wheeler,
Pidcock,	Smalls,	Thompson,	White, A. C.
Pindar,	Snyder,	Tillman,	Whiting,
Pirce,	Spriggs,	Townshend,	Wilkins,
Randall,	Steele,	Tucker,	Wise,
Ranney,	Stewart, J. W.	Van Eaton,	Woodburn,
Reagan,	St. Martin,	Wakefield,	Worthington.

So the bill was passed.

Mr. JAMES. Mr. Speaker, I ask unanimous consent that the reading of the names of members voting be dispensed with.

Mr. STAHLNECKER. I object.

The following additional pair was announced.

Mr. COLLINS with Mr. LAIRD, for the rest of this day.

Mr. HAMMOND. Mr. Speaker, I desire to announce that my colleague Mr. CANDLER is absent on account of illness in his family.

The result of the vote was then announced as above recorded.

Mr. HEMPHILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INVESTIGATION BY COMMITTEE ON REFORM IN THE CIVIL SERVICE.

Mr. COX. Mr. Speaker, I desire to present a privileged report.

The SPEAKER. Not for present consideration?

Mr. COX. Not for present consideration.

The SPEAKER. The Clerk will read the title of the report.

The Clerk read as follows:

Report of the Committee on Reform in the Civil Service of the investigation of the appropriation of Jeffersonville (Ind.) levees.

Mr. BROWNE, of Indiana. I ask that the report be read.

The SPEAKER. That can be done only by unanimous consent, as it is not now before the House for consideration.

Mr. BARBOUR. I object, Mr. Speaker. I insist upon proceeding with the regular order.

The SPEAKER. Objection is made. The report will be printed and laid over, subject to be called up at any time, as it is a privileged matter.

Mr. BROWNE, of Indiana. Then I ask, Mr. Speaker, that the report may be printed in the RECORD.

There was no objection, and it was so ordered.

Mr. W. J. STONE, of Missouri. Mr. Speaker, I desire to present the views of the minority, to be printed with the report of the committee. I think I can submit them by Wednesday or Thursday next.

The SPEAKER. If there be no objection the gentleman will have three days within which to present the views of the minority.

There was no objection, and it was so ordered.

The report is as follows:

The Select Committee on Reform in the Civil Service, to whom was referred the resolution directing an inquiry into the charges against certain officers of the House of Representatives in connection with the appropriation of $50,000 by the Forty-eighth Congress to what is known as the Jeffersonville (Ind.) levee, beg leave to report as follows:

That your committee met on the 2d day of April, 1886, and proceeded to discharge the duties imposed upon them by the House by its resolution adopted on the 16th of March last, which reads as follows:

"Whereas there was pending in the Forty-eighth Congress a bill containing, among other matters, an appropriation of $50,000 for a certain improvement of the Ohio River at or near Jeffersonville, Ind., known as the Jeffersonville levee appropriation; and

"Whereas it is charged by a reputable citizen of Indiana that during the pendency of said measure a person or persons, then officers of the House of Representatives, exacted, collected, and accepted from a person or persons interested in the success of the said appropriation a large sum of money upon the pretense or for the purpose of influencing Congress, or some committee thereof, or Members or Senators in their official action thereon; and

"Whereas it is also charged that the person or persons so exacting, collecting, and accepting said sum of money for the purpose aforesaid are officers and employés of this House: Therefore,

"*Be it resolved*, That the Committee on Reform in the Civil Service be, and is hereby, instructed to inquire into the truth of said charges and report the facts to this House; and to enable the said committee to thoroughly investigate said charges, it is hereby authorized to send for persons and papers; and a sum sufficient to defray the necessary expenses of this inquiry is hereby appropriated out of the contingent fund of the House."

That they have examined twenty witnesses, whose testimony is herewith sent. That the facts extracted from this evidence appear to be as follows:

The city of Jeffersonville, Ind., took action on the 6th day of February, 1884, looking to its protection against overflows in times of freshets in the Ohio River. The council passed a resolution in favor of the passage by Congress of a bill with this object in view, and on the 12th day of February, 1884, appointed a committee, consisting of Messrs. Jonas G. Howard, William H. Fogg, and A. O. Clark, to go to Washington city to urge upon Congress the improvement of levees at that city. This committee visited Washington and returned about the 3d day of March.

Prior to this time the House Committee on Rivers and Harbors had completed its work, and the visiting committee was informed by Mr. WILLIS, the chairman of the Committee on Rivers and Harbors, that they would have to make their effort to secure an appropriation in the Senate.

The visiting committee then interviewed Senators VOORHEES and HARRISON, and these gentlemen immediately took steps to secure an appropriation, the former by the introduction of an amendment designed to be offered to the river and harbor bill when it should come from the House, and the latter by the introduction of a resolution calling upon the Secretary of War for necessary information respecting the desired improvement. The action of this visiting committee and that of Senators VOORHEES and HARRISON were the really influ-

ential factors in obtaining the legislation which secured the appropriation for the levee at Jeffersonville.

The result of the passage of the resolution of Senator HARRISON was a report by the local engineer, Colonel Merrill, dated April 19, 1884, which was transmitted by the Secretary of War to the Senate on the 12th day of May, 1884.

On the 22d day of April, 1884, three days after the date of Colonel Merrill's report, the council of the city of Jeffersonville appointed a committee, consisting of the same persons included in the original committee, to visit Washington in the interest of an appropriation. Messrs. Howard and Fogg declined to come, and Mr. Simeon Goldbach was substituted, and he and Mr. Clark came to Washington the latter part of April and remained about two weeks.

This committee did but little, and in fact there was but little for them to do, because the matter was in the care of Senators VOORHEES and HARRISON; but, as it appears by the evidence introduced in behalf of Messrs. Warder and Stealey, the last visiting committee left matters in their charge, they being citizens of Jeffersonville and then and now employés of the House of Representatives.

Upon the return of this second committee to Jeffersonville in the early part of May, by the instructions of the levee committee of the city council Mr. A. O. Shuler, secretary, wrote to Mr. L. F. Warder, asking his advice as to the propriety of sending another committee to Washington. Shortly thereafter Mr. Warder wrote to the parties interested at Jeffersonville that he had secured the services of an attorney, influential friend, or competent person, there being a conflict of evidence as to which term was used, to attend to this matter, and had made a contract with him, by which the said person was to be paid $250 cash and $1,000 additional in the event of the success of the measure; and he stated further in his communications that it was utterly useless to send committees to Washington, but that the $250 should be forwarded to Mr. O. O. Stealey, which was done by Mr. Shuler.

From the time of these communications, in the early part of May, up to the time when the river and harbor bill had finally passed the Senate, the evidence fails to disclose anything that Mr. Warder did except to speak perhaps occasionally to Senators VOORHEES and HARRISON and frequently to Mr. Stealey, about the appropriation.

Mr. Warder testifies that in these conversations with Mr. Stealey he informed him that he purposed and afterward had employed a Mr. Hill as an attorney to look after the appropriation. He said nothing whatever, according to his own testimony, to either Senators VOORHEES or HARRISON, to Mr. Stockslager, his Representative, who took great interest in the matter, or to any other person, excepting Mr. Stealey, prior to the adjournment of Congress, of this employment of Hill.

Mr. Warder claims in his testimony that he referred to Mr. Hill when he wrote the communication to Shuler asking for money, but, as heretofore stated, he did not name him in that communication.

Mr. Warder went upon the witness stand before your committee in his own defense, and when asked why and how he came to employ Hill, stated:

"Now, I want to state here the reason, or one of the reasons, why I employed Mr. Hill. I had become acquainted with him around the House. I saw him frequently about the House there, often before Congress met, and that he was associating around with members of Congress, and we got up a talking acquaintance. It was just on the eve of a political national contest, and through and about it I became acquainted with him and found him to be the best posted man on the subject of levees and improvements that I had talked with in Congress or out of Congress. That was another reason that induced me to employ this man. I did employ him on a contingent fee, with the understanding that I should pay him $250. If the appropriation failed, that to be the end of it. If the appropriation was a success and we obtained it, he was to have $1,000 contingent fee. To make the matter short, we obtained the appropriation. I paid him the $1,000. That ended our connection, and, gentlemen, that is, without going into specific details, about my explanation of the matter."

The foregoing is the voluntary statement of Mr. Warder in regard to the employment of Hill. Upon cross-examination he stated:

"Q. Did you say that Mr. Hill was a lawyer?

"A. I understood him to be an attorney at law.

"Q. Well, do you know whether he is a lawyer or not?

"A. Yes, sir; I might say I know he is a lawyer.

"Q. Is he engaged in any other business?

"A. Not that I know of. The reason I might say I know he is a lawyer, is that he has or had a lawyer's office. He told me that he was a Washington attorney, and practicing before the Supreme Court of the United States, and I had no right to doubt what he told me.

"Q. Your acquaintance had been about how long before this employment?

"A. A month or two, or three.

"Q. By whom was he first introduced to you?

"A. I don't remember, Mr. BAYNE, that there was any introduction at all, as far as that was concerned.

"Q. How long had you met him before this employment?

"A. Oh, quite frequently. I don't know what he was engaged in, but he seemed to have some business here, as he came to the House quite often.

"Q. Were your meetings with him there?

"A. I met him around my desk and in the Hall of the House, and in the corridors and lobbies.

"Q. Had he been recommended to you by anybody?

"A. No, sir; I don't remember that he was recommended by anybody.

* * * * * * *

"Q. Did you consult with anybody at all about employing him?

"A. I consulted with Mr. Stealey.

"Q. With anybody else?

"A. No, sir.

"Q. What was Mr. Stealey's advice in reference to his employment?

"A. Mr. Stealey thought I had better employ him.'

"Q. Did Mr. Stealey know Mr. Hill?

"A. I do not know whether he did before that time or not.

"Q. Did he know him at all?

"A. I don't know whether he did or not.

"Q. Did you consult with anybody else in reference to it?

"A. I did not.

"Q. Did you mention, in any of the communications which you wrote the people of Jeffersonville, or to the committees who visited Washington, the name of Mr. Hill as the party whom you had employed?

"A. I did not see any of the committees that visited Washington until after Congress adjourned.

"When did you mention the fact outside of Mr. Stealey that Mr. Hill had been employed?

"A. Well, when I went home after the adjournment of Congress I spoke with several parties.

* * * * * * * *

"Q. Who introduced you to him?

"A. No one that I remember.

"Q. You just struck up an acquaintance with him?

"A. Yes, sir; a casual acquaintance.

"Q. Did you inquire into his standing, reliability, capacity, or anything of that sort previous to his employment?

"A. No, sir; because upon my own judgment of his capacity I was satisfied upon that score.

"Q. Did you post yourself as to whether he had any influence in connection with any matter before Congress, or likely to be?

"A. I did not. I believe he told me he had connection with some matters, but I forget what they were, but it was in a legal way. I believe he said this, that he was paid $2,500 fee for writing a brief that did not take him three days."

Now, it is in evidence that Mr. Warder was at one time mayor of the city of Jeffersonville, at another time he had taken an active part in promoting legislation by the State of Indiana for the removal of the county site to Jeffersonville, and in his own language, "was in it up to my (his) ears for three years." He had been an officer of the House of Representatives since the first Monday in December, 1883. He, therefore, had considerable experience in public affairs. In addition to this he exhibited as a witness the characteristics and traits of an intelligent man of the world.

The person, Mr. E. N. Hill, whom he alleges he employed as an attorney, has been discreditably connected with a number of public affairs. Mr. Warder did not put him upon the witness stand, although advised and defended by able and learned counsel, but the committee did.

He testified that he was employed by Warder; that he received $250 at one time, and $1,000 at another; that he put the money in his pocket; that he kept no bank account; that he gave receipts, which were produced in evidence; but he declined to state what he did with the money, except to say generally that he used it as he needed it. He was asked if he was an attorney, and he answered that he was licensed by the Supreme Court of the United States, but had never practiced in that court. He was asked if he had practiced in the courts of the District of Columbia; he replied he never had. He was asked in what courts he did practice, and he replied in the Court of Claims and before the Departments, but when questioned as to cases he had or was interested in, he failed to indicate more than two or three.

Your committee find, further, that the manner of Mr. Hill upon the witness stand, together with the character of his evidence and his antecedents, are such that they are disposed to place but little credence in any statements made by him which are not fully corroborated by extraneous circumstances, and that he is hardly the man whom an intelligent person would employ to conduct or manage an important business.

According to his own testimony and also that of Mr. Warder, Hill rendered no effective service whatever in securing the appropriation for Jeffersonville. He appeared before no committee, importuned no Congressman or Senator, did absolutely nothing except to advise Mr. Warder to make the fight in the Senate, and that the appropriation should be asked in aid of navigation and protection to Government property and not to protect the city of Jeffersonville from inundation. Action had been pending in the Senate for two and a half months prior to the alleged employment of Hill, as has been shown, and all measures proposed looked to the protection of Government property; this was particularly shown by the bill introduced by Mr. Stockslager on April 4, 1885, five weeks prior to the alleged employment of Hill.

In the face of these facts, Mr. Warder testifies that he paid Hill $250 as a retainer and $1,000 after the approval of the bill by the President. This $1,600, it appears, was sent from Jeffersonville in response to the following dispatch sent by Warder:

WASHINGTON, D. C., *July* 2, 1884—0.45 a. m.

Mr. A. O. SHULER, *Jeff.:*

" We expect to adjourn Saturday. Send draft to me at once, so that I will not be detained here. It is all right; but I will not pay until the bill is signed.

L. F. WARDER.

And, according to the testimony of Warder and Hill, was paid to the latter on the 6th of July, 1884.

In this connection it is proper to state that throughout this investigation on the part of the committee, and notwithstanding the fact that several parties from Jeffersonville friendly to Mr. Warder, who stated that they had talked with him on the subject, both at Jeffersonville after the appropriation had been secured and in Washington after they had reached here under subpœna from the committee, were placed on the stand and questioned closely with a view of ascertaining the name of the attorney or influential party who had been employed by Warder, the committee were unable to ascertain it, and it was not until Mr. Warder had been called to the witness stand by his counsel to testify in his own behalf that the name of the party so employed was divulged.

The alleged employment of such a man as Hill under the circumstances described, and the payment to him of so large a fee for so trivial a service, is to the minds of your committee a doubtful and improbable transaction. But in any event the fact that Mr. Warder suggested that money should be raised, coupled with the fact that he received it under the pretense of securing legislation, is, they think, quite sufficient to justify decisive action on the part of the House of Representatives.

Such conduct on the part of an officer of the House is productive of scandal and reproach, and leads to erroneous impressions regarding the character and integrity of those charged with the legislation of the country.

While the testimony establishes that no part of the $1,250 paid by the people of Jeffersonville was used or attempted to be used in corruptly influencing any member of either branch of the Forty-eighth Congress, your committee wish to put the most emphatic condemnation upon the practice of an employé of Congress having anything to do with the reception and payment of money the consideration of which is the promotion of legislation. In this view of the case the conduct of Mr. Warder in connection with the affair, even if honest and straightforward, deserves unqualified disapproval.

In view of all the facts in the case your committee find that L. F. Warder, then and now an employé of the House of Representatives, did receive the sum of $1,250 from certain persons interested in the success of the Jeffersonville, Ind., levee appropriation, pending in the Forty-eighth Congress, upon the pretense of influencing Congress in connection therewith, and they recommend that L. F. Warder be dismissed from the service of this House.

The only other employé of the House of Representatives in any way connected with the charge under investigation is Mr. O. O. Stealey. It appears that Mr. Stealey was cognizant of the employment of Hill and loaned Mr. Warder the sum of $250 for that alleged purpose, which sum was repaid Mr. Stealey by the citizens of Jeffersonville. While Mr. Stealey did this, however, he explains his connection with the transaction as follows:

"Q. Mr. Stealey, please tell the committee what connection you had with procuring this levee appropriation for Jeffersonville, when you first undertook it, and all about it.

"A. I am a citizen and tax-payer of Jeffersonville; all my interests are there, and my family lives there. They had floods there in 1883 and in 1884, which destroyed the town pretty much, and I was asked by friends to assist here in Washington in securing this appropriation, which I did. I went to Senator HARRISON frequently, and I went to Senator VOORHEES and to members of the House, and did all that man could do for his town in that respect."

* * * * * * * *

"Q. Something was said about you having paid out $250.

"A. I loaned Mr. Warder $250.

"Q. What was that for?

"A. He told me at the time that he wanted to or had employed an attorney. I asked him who the man was, and he said it was Hill. I then asked him what he knew about the man and was he a good man, and he said, 'I think so; I talked to him, and he seems to have a good idea of legislation.' I then asked him where the money was to come from, and he answered, 'Prominent tax-

payers want this done, and I am authorized by Mr. Goldbach to employ an attorney, or some man to watch this bill.'

"Q. Did you tell him you could not give it much attention?

"I told him so distinctly and positively. I was away a good deal of the time; I was two weeks in Chicago, and from the latter part of May until the 3d of June I was away from Washington, and from the latter part of June until the middle of July I was not here. And during that time no letter was written and no dispatch sent by me, and I had no communication whatever in any manner connected with the money or the employment of an attorney, except with Mr. Warder; and that was to let him have $250, which Mr. Shuler sent me a draft for in about six weeks. That ended my connection here with the whole business, except my personal efforts among members of the House and Senators."

Now, though in the opinion of your committee it is improper for any officer or employé of the House of Representatives to undertake by his own efforts or those of his agents to influence legislation in Congress, yet, so far as the present inquiry is concerned, your committee find that O. O. Stealey did not exact, collect, or accept from any person any sum of money upon the pretense or for the purpose of influencing Congress, or any committee thereof, or any Member or Senator, in connection with the Jeffersonville levee appropriation, and except the impropriety of an employé being concerned in any attempt to secure such an appropriation, said Stealey was not connected therewith.

All of which is respectfully submitted.

RESOLUTION TO ACCOMPANY REPORT.

Resolved, That L. F. Warder be dismissed from the service of this House.

LOTS IN SQUARE 635, WASHINGTON.

Mr. BARBOUR. Mr. Speaker, if it is in order now to proceed with the business of the Committee on the District of Columbia, I ask that the House take up Senate bill No. 1020, in relation to certain lots and alleys.

The SPEAKER. That bill is in Committee of the Whole on the Private Calendar.

Mr. BARBOUR. I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill, and to consider the same in the House.

There was no objection, and it was so ordered.

The bill was read, as follows:

Be it enacted, &c., That the commissioners of the District of Columbia, in their discretion, are hereby authorized and empowered to convey to the owner of lots 6 and 7, in square 635, in the city of Washington, D. C., the alley, 15 feet wide, running east and west between said lots, and comprising an area of 3,480 square feet of ground, and to vacate and close up said alley: *Provided*, That said owner shall appropriate for public use as an alley the north half of lot 5, in said square, being 29 feet wide, and comprising an area of 4,350 square feet of ground.

Mr. HEARD. Mr. Speaker, the object of this bill is to authorize the commissioners of the District of Columbia to cede to the owners of lots 6 and 7 the alley which now divides those lots, and which is 15 feet in width, in consideration of the fact that said owners shall cede to the District or dedicate to public use other portions of one of said lots or adjoining lots, making an alley 30 feet in width. The purpose of the owners of said lot is to procure the abolition of the alley in order that they may use the two lots for the purpose of erecting thereon a building for which there is not room on the lots as they now stand. In other words, they propose to set back the alley a distance of 48 feet, and to make an alley 30 feet wide in place of the 15-foot alley vacated, and which the District commissioners are hereby authorized to cede. While it will be for the benefit of the owners of these lots, it will also be a benefit to the public by giving an easement of twice the width of the present alley removed back about 48 feet. The commissioners report to the committee that they favor the change. That is all I desire to submit in connection with this bill.

Mr. KING. I would like to ask the gentleman a question. This city was laid out many years ago upon an approved plan, and that plan comprises a system of streets, avenues, and alleys. I would like to know from the gentleman in charge of this bill whether this proposed concession looks to an arbitrary change in any respect of the plan of this portion of the city?

Mr. HEARD. I will say to the gentleman that it does not; that the alley for which this bill provides will have connection with the same streets that the existing alley connects with. The bill will make no change in the plan, and it is recommended by the commissioners.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. BARBOUR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ST. PATRICK'S CHURCH, WASHINGTON, D. C.

Mr. BARBOUR. I now call up the bill (H. R. 5509) for the relief of St. Patrick's church in the city of Washington, D. C.

The SPEAKER. This bill is in Committee of the Whole House.

Mr. BARBOUR. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill and that it now be considered in the House.

Objection was made.

Mr. BARBOUR. I move, then, that the House resolve itself into Committee of the Whole House on the Private Calendar for the purpose of considering this bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, Mr. HAMMOND in the chair.

Mr. BARBOUR. I ask that House bill No. 5509 be read.

The Clerk read as follows:

Be it enacted, &c., That the congregation of St. Patrick's church in the city of Washington, in the District of Columbia, be permitted to pay the general taxes in arrears upon lots numbered from 35 to 46, both inclusive, in square numbered 376, in the said city of Washington, for the years from June 30, 1874, to June 30, 1880, without the interest, penalties, and costs that have accrued thereon; and that upon the payment of said principal sum of the taxes, all interest, penalties, and costs that have accrued thereon be remitted and released by the District of Columbia.

Mr. BARBOUR. I ask that the report in this case, which is short and explains fully the merits of the bill, be read.

The report (by Mr. BARBOUR) was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 5509) for the relief of St. Patrick's church, in the District of Columbia, have had the same under consideration, and report thereon as follows:

In 1804 lots 5, 6, 7, and 8, in square No. 376, were conveyed in trust for the use of the congregation of St. Patrick's church; a church was soon afterward erected, and was used continually as such until 1870, when the building was declared unsafe, and thereupon the congregation met in another building in the same inclosure until a new church building could be erected. The old building was demolished in 1872, and shortly afterward a new building was commenced on the rear portion of said lots, and the front portion was subdivided with a view to sale if the trust could be removed. In 1882 a decree was had from the supreme court of the District authorizing the sale of said portion of the lots, and then, for the first time, the said portion, which had been subdivided into smaller lots, was devoted to secular and not to religious purposes. No taxes were levied or assessed against said lots till 1874, and under the city ordinances and the laws of the United States they had been exempted from taxation by the authorities of the city and District.

In 1878 or 1879 the tax bills against said lots were sent to the pastor of the church, and on his going to the office of the tax collector he was informed that said bills were sent as a matter of form, and was led to believe that the lots were still regarded as church property, and not subject to taxation. In 1880, when it was considered that the property was thenceforward devoted to secular purposes, the pastor paid the taxes for the current year, and has ever since paid the same promptly. And not until 1882 did the congregation or pastor ascertain that taxes had been regularly assessed against said lots since June 30, 1874, and that the property had been frequently sold for taxes and bid in by the District of Columbia.

The committee think that the church has acted in good faith throughout, and that upon the payment of the taxes in arrears, from June 30, 1874, to June 30, 1880 (since which time they have been regularly paid), it should be relieved from the interest, penalties, and costs that have accrued thereon.

They therefore report the bill back to the House, and ask that the same be passed.

Mr. BARBOUR. This bill only asks that the penalties, interest, and costs resulting from the non-payment of these taxes be remitted. The taxes themselves are to be paid under the bill.

Mr. CUTCHEON. What is the amount which will be remitted?

Mr. BARBOUR. I can not give the gentleman that information.

Mr. BEACH. The amount can not be very much.

Mr. KING. For what uses has this property been employed—for religious purposes?

Mr. BARBOUR. The property was originally exempt from taxation under its character as church property. Afterward when the church concluded to sell a portion of the property to be used for secular purposes they were prepared to pay their taxes. But being informed that the taxes were not assessed against them, they did not attend to the matter as they would otherwise have done; and hence certain penalties, interest, and costs were incurred. They now ask to be allowed to pay the taxes without payment of the penalties, interest, and costs.

Mr. KING. That is all right.

Mr. BARBOUR. I move that the bill be laid aside to be reported to the House with a recommendation that it pass.

The motion was agreed to.

ST. MARK'S PROTESTANT EPISCOPAL CHURCH, WASHINGTON, D. C.

Mr. BARBOUR. I now call up a bill of similar character to that just passed, but for the benefit of another church. It is the bill (H. R. 1993) for the relief of St. Mark's Protestant Episcopal church, in the District of Columbia.

The bill was read, as follows:

Be it enacted, &c., That from and after the passage of this act a certain piece of land, situated in the city of Washington, D. C., known as lots 9 and and 11, in square 788 of the plan of that city, and occupied by the church known as St. Mark's Protestant Episcopal church, and all the buildings, grounds, and property appurtenant thereto and used in connection therewith in the District of Columbia, shall be exempt from any and all taxes or assessments, national, municipal, or county; and all taxes, together with the interest and penalties, now due and unpaid upon said property, shall be, and they are hereby, remitted.

Mr. BARBOUR. I call for the reading of the report.

The report (by Mr. BARBOUR) was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 1993) for the relief of St. Mark's Protestant Episcopal church, in the District of Columbia, have had the same under consideration, and report thereon as follows, adopting as their own the report of the same committee in the Forty-eighth Congress:

"The congregation of St. Mark's parish is small, and consists mostly of persons of moderate income—some being poor and none wealthy—and they are illy able to pay the taxes outstanding against their property—the lots referred to in the bill. They now occupy a small wooden building, near and adjoining, for and as their place of worship. The seats now are and will remain free.

"The taxes, penalties, and interest are outstanding and unpaid from 1872 to the present time. The lots were purchased by the vestry of St. Marks's parish in the year 1870, and were purchased for the sole and only purpose of erecting a church thereon. In 1881 they laid the foundation of a church building, covering the whole of said lots, but have not completed said church edifice for the reason that they have been pecuniarily unable to do so. It has, in fact, been with great labor and sacrifice that they have paid the purchase-money for said lots.

"The committee think that said lots have been purchased solely for the purpose of erecting thereon a church for the use of said St. Mark's Episcopal church, and said church having proceeded with said work as rapidly as their pecuniary

ability would permit, and not having been utilized by them, or attempted to be, for profit, that the same has been occupied and used by them since their said purchase.

"The committee report the bill back to the House, and ask that the same be passed."

Mr. BARBOUR. I move that this bill be laid aside to be reported to the House with a recommendation that it pass.

The motion was agreed to.

Mr. BARBOUR. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the Private Calendar, having had under consideration bills reported from the Committee on the District of Columbia, had directed him to report back favorably the bills (H. R. 5509) for the relief of St. Patrick's church, in the city of Washington, D. C., and the bill (H. R. 1993) for the relief of St. Mark's Protestant Episcopal church, in the District of Columbia.

ST. PATRICK'S CHURCH, WASHINGTON, D. C.

The House proceeded to the consideration of the bill (H. R. 5509) for the relief of St. Patrick's church, in the city of Washington, D. C., reported from the Committee of the Whole House with a recommendation that it do pass.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. BARBOUR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ST. MARK'S PROTESTANT EPISCOPAL CHURCH, D. C.

The House proceeded to the consideration of the bill (H. R. 1993) for the relief of St. Mark's Protestant Episcopal church, in the District of Columbia, reported from the Committee of the Whole House with a recommendation that it do pass.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. BARBOUR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

YOUNG WOMEN'S CHRISTIAN HOME.

Mr. BARBOUR. I now call up the bill (H. R. 7083) to incorporate the trustees of the Young Women's Christian Home, in Washington, D. C.

The SPEAKER. This bill is in the Committee of the Whole House.

Mr. GAY. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill, and that it be now considered in the House.

Mr. BARBOUR. I hope there will be no objection to that.

There being no objection, the Committee of the Whole House was discharged from the further consideration of the bill, and the House proceeded to consider the same.

The bill was read, as follows:

Be it enacted, &c., That Mary G. Wilkinson, Benjamin H. Warder, Octavius Knight, Thomas P. Morgan, Eliza N. Blair, Emma E. Dorsey, Nathaniel Wilson, Francis H. Smith, A. J. Falls, R. D. Mussey, E. D. Powell, Caroline M. Lawrence, Frances E. Childs, H. A. Hall, Elphonzo Youngs, Addison M. Smith, and their associates and successors, be, and they are hereby, constituted a body politic and corporate in law by the name and style of the "Trustees of Young Woman's Christian Home;" and by that name may sue and be sued, plead and be impleaded, have perpetual succession, and shall and may take, hold, manage, and dispose of, at all times, real and personal estate, and shall and may do and perform all other acts and things necessary or appropriate for the execution of the purposes, charities, and trusts for which the said corporation is created, and which are set forth in the second section of this act; and said corporation shall have power to adopt and make such constitution, by-laws, and regulations as may be appropriate and necessary for carrying out the purposes of the said incorporation, including provisions for the election of trustees and other officers and agents of the corporation, the filling of vacancies occurring in such offices and agencies, the taking, holding, and management of the property of the corporation, and the sale and conveyance thereof, when necessary, for the purposes of such corporation, and the transaction of all other business appropriate and necessary to the purposes of such incorporation, with power to adopt and use a common seal for such corporation, and the same to alter at pleasure.

SEC. 2. That the object, purposes, and powers of said corporation shall be, and the same are hereby, limited to providing temporary home for young women coming to and being in the District of Columbia who shall from any cause be in want of and willing to accept temporary home, care, and assistance in the said District, and for the purposes aforesaid the said corporation shall have power to take, hold, use, and enjoy all such real and personal property, endowments, and contributions, whether by devise, gift, or otherwise, as may be appropriate for the establishment, maintenance, and success of the said institution, and also to acquire, take, hold, use, occupy, manage, and own, either in fee-simple or by lease or otherwise, such real estate in the said District not exceeding in its appraised value the sum of $200,000, to be used, held, occupied, and enjoyed for the purposes of such home and for the residence and use of the proper and necessary officers, employés, and agents of such corporation: *Provided*, That the property, whether real or personal, owned by the said corporation and used exclusively for the charitable purposes of the said organization shall be exempt from taxation.

Mr. BEACH. Is there no general law under which these persons can obtain the corporate rights which they are seeking?

Mr. GAY. This corporation is for a benevolent purpose; and there is no general law under which the property of the corporation can be exempted from taxation. The object of this special bill is to secure such exemption.

Mr. BEACH. Then this is a special privilege to these benevolent persons?

Mr. GAY. Yes, sir. The object is a very meritorious one.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

The SPEAKER (having put the question on the passage of the bill). In the opinion of the Chair the "ayes" have it.

Mr. BENNETT. I call for a division. I have only succeeded within a few moments in getting a copy of this bill. I find at the close of it this provision:

Provided, That the property, whether real or personal, owned by the said corporation, and used exclusively for the charitable purposes of the said organization, shall be exempt from taxation.

It is for that reason I have called for a division.

The question being again taken, there were 74 in the affirmative, 1 in the negative.

Mr. BENNETT. I make the point that no quorum has voted.

The SPEAKER. The point being made that no quorum has voted, the Chair will appoint tellers.

Mr. GAY. I demand the yeas and nays at once. I presume that is the only way we can get a quorum.

The yeas and nays were ordered.

The question was taken; and there were—yeas 145, nay 1, not voting 176; as follows:

YEAS—145.

Adams, G. E.	Dorsey,	Landes,	Rowell,
Adams, J. J.	Dowdney,	Lanham,	Ryan,
Allen, J. M.	Dunham,	Lindsley,	Sawyer,
Anderson, C. M.	Eden,	Long,	Scranton,
Baker,	Eldredge,	Lovering,	Seney,
Barbour,	Ely,	Lowry,	Sessions,
Barksdale,	Everhart,	Lyman,	Seymour,
Barnes,	Farquhar,	Markham,	Skinner,
Bayne,	Ford,	Martin,	Spooner,
Beach,	Fuller,	Maybury,	Springer,
Belmont,	Gay,	McCreary,	Stahlnecker,
Bland,	Glass,	McMillin,	Stephenson,
Blount,	Grout,	McRae,	Stone, W. J., Mo.
Bound,	Hale,	Merriman,	Storm,
Boutelle,	Hall,	Milliken,	Swinburne,
Breckinridge, WCP.	Hammond,	Morgan,	Swope,
Brown, C. E.	Harmer,	Morrill,	Symes,
Brown, W. W.	Hatch,	Morrison,	Taylor, J. M.
Bunnell,	Heard,	Murphy,	Thomas, O. B.
Burrows,	Hemphill,	Neal,	Throckmorton,
Butterworth,	Henderson, T. J.	Neece,	Turner,
Campbell, Felix	Hepburn,	Nelson,	Van Schaick,
Campbell, J. E.	Herman,	O'Donnell,	Viele,
Campbell, T. J.	Hewitt,	O'Neill, Charles	Wade,
Clements,	Hiestand,	O'Neill, J. J.	Wadsworth,
Compton,	Holman,	Osborne,	Ward, T. B.
Comstock,	Hopkins,	Owen,	Warner, William
Cooper,	Howard,	Peel,	Weaver, J. B.
Cowles,	Irion,	Perkins,	Wellborn,
Crisp,	Jackson,	Pettibone,	Wheeler,
Croxton,	James,	Price,	White, Milo
Cutcheon,	Johnson, F. A.	Reid, J. W.	Willis,
Davenport,	Johnston, J. T.	Rice,	Wilson,
Davidson, A. C.	Johnston, T. D.	Richardson,	Winans.
Dibble,	King,	Riggs,	
Dingley,	Kleiner,	Rockwell,	
Dockery,	La Follette,	Romeis,	

NAY—1.

Bennett.

NOT VOTING—176.

Aiken,	Culberson,	Henderson, D. B.	Morrow,
Allen, C. H.	Curtin,	Henderson, J. S.	Muller,
Anderson, J. A.	Daniel,	Henley,	Negley,
Arnot,	Dargan,	Herbert,	Norwood,
Atkinson,	Davidson, R. H. M.	Hill,	Oates,
Ballentine,	Davis,	Hires,	O'Ferrall,
Barry,	Dawson,	Hiscock,	O'Hara,
Bingham,	Dougherty,	Hitt,	Outhwaite,
Blanchard,	Dunn,	Holmes,	Parker,
Bliss,	Ellsberry,	Houk,	Payne,
Boyle,	Ermentrout,	Hudd,	Payson,
Brady,	Evans,	Hutton,	Perry,
Bragg,	Felton,	Jones, J. H.	Peters,
Breckinridge, C. R.	Findlay,	Jones, J. T.	Phelps,
Browne, T. M.	Fisher,	Kelley,	Pidcock,
Brumm,	Fleeger,	Ketcham,	Pindar,
Buchanan,	Foran,	Laffoon,	Price,
Buck,	Forney,	Laird,	Plumb,
Burleigh,	Frederick,	Lawler,	Randall,
Burnes,	Funston,	Le Fevre,	Ranney,
Bynum,	Gallinger,	Lehlbach,	Reagan,
Cabell,	Geddes,	Libbey,	Reed, T. B.
Caldwell,	Gibson, C. H.	Little,	Reese,
Campbell, J. M.	Gibson, Eustace	Lore,	Robertson,
Candler,	Gilfillan,	Loutitt,	Rogers,
Cannon,	Glover,	Mahoney,	Sadler,
Carleton,	Goff,	Matson,	Sayers,
Caswell,	Green, R. S.	McAdoo,	Scott,
Catchings,	Green, W. J.	McComas,	Shaw,
Clardy,	Grosvenor,	McKenna,	Singleton,
Cobb,	Guenther,	McKinley,	Smalls,
Cole,	Halsell,	Millard,	Snyder,
Collins,	Hanback,	Miller,	Sowden,
Conger,	Harris,	Mills,	Spriggs,
Cox,	Hayden,	Mitchell,	Steele,
Crain,	Haynes,	Moffatt,	Stewart, Charles

Stewart, J. W.	Taylor, E. B.	Tucker,	West,
St. Martin,	Taylor, I. H.	Van Eaton,	White, A. C.
Stone, E. F.	Taylor, Zach.	Wait,	Whiting,
Stone, W. J., Ky.	Thomas, J. R.	Wakefield,	Wilkins,
Strait,	Thompson,	Ward, J. H.	Wise,
Struble,	Tillman,	Warner, A. J.	Wolford,
Tarsney,	Townshend,	Weaver, A. J.	Woodburn,
Taulbee,	Trigg,	Weber,	Worthington.

During the roll-call the following additional pairs were announced from the Clerk's desk:

Mr. ERMENTROUT with Mr. HISCOCK, for the rest of the day.

Mr. VAN EATON with Mr. WAIT.

Mr. HENDERSON, of North Carolina, with Mr. FINDLAY, on this vote.

The vote was then announced as above recorded.

The SPEAKER. No quorum has voted.

And then, on motion of Mr. HAMMOND (at 4 o'clock and 35 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. H. ALLEN: Memorial of Frederick O. Prince and others, with reference to several amendments made by the House Committee on Indian Affairs to Senate bill 54—to the Committee on Indian Affairs.

By Mr. BARBOUR: Petition of J. B. Gardner, M. D., Thomas Moore, W. H. F. Lee, and others, that the name of Emma Florence Read, daughter of John D. Read, deceased, a soldier of the late war, be placed on the pension-roll—to the Committee on Invalid Pensions.

By Mr. BAYNE: Paper relating to the bill granting a pension to Mary P. Thompson—to the same committee.

Also, memorial of citizens of Pittsburgh, Pa., against the erection of a bridge across the mouth of the Little Kanawaha River by the Ohio River Railroad Company—to the Committee on Commerce.

By Mr. BEACH: Petition of citizens of Port Jervis, N. Y., for the redemption of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. BENNETT: Petition for a bankrupt law, from A. J. Burns, J. W. Plummer, and others—to the Committee on the Judiciary.

By Mr. BLISS: Petition of Eugene Dougherty, Hon. John W. Coe, and others; of J. A. Jenkins, jr., Higgins Bros., W. A. Field, and others, and of Isaac Menitz, Louis Getz, Samuel Parks, and others, in favor of the redemption of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. BOUND: Petition of many business men and citizens of Shamokin, Pa., for the passage of a law for the redemption of the trade-dollar—to the same committee.

By Mr. BOUTELLE: Memorial of estate of Jacob P. Morse and Frederick A. Pike, sureties on the official bond of Freeman H. Morse, as consul-general at London, asking relief—to the Committee on Foreign Affairs.

By Mr. W. C. P. BRECKINRIDGE: Memorial of the American Colonization Society, asking that $25,000 be appropriated for the exploration of the west coast of Africa and from Liberia into the interior under the direction of the Secretary of the Navy—to the same committee.

By Mr. BUNNELL: Petition of the Baraga County Immigration Aid Society, favoring the forfeiture of the Marquette and Ontonagon railroad grant—to the Committee on the Public Lands.

Also, memorial of the religious society of Friends of New York, asking for human treatment of the Indians—to the Committee on Indian Affairs.

Also, affidavit of Frank Spencer to file with House bill 8257, granting a pension to James Sturdevant, Company C, Twelfth Regiment, Pennsylvania Reserve Volunteers—to the Committee on Invalid Pensions.

Also, letters of Maj. W. H. H. Gore and others, to file with House bill 7814, for the relief of Leman D. Forrest—to the Committee on Military Affairs.

Also, petition of Granges Nos. 174, 213, 405, and 508, of Pennsylvania, asking for a law to prevent the adulteration of food, especially butter—to the Committee on Agriculture.

Also, petition of the same, protesting against placing raw agricultural products, such as tobacco, wool, jute, rice, raw sugars, hides, &c., on the free list—to the Committee on Ways and Means.

Also, petition of Cotton Spinners' Union, protesting against lowering the tariff on thread—to the same committee.

Also, petition of citizens of Wyoming County, Pennsylvania, praying for the passage of a law to prevent the adulteration of agricultural products, especially butter—to the Committee on Agriculture.

By Mr. BURLEIGH: Petition of a number of citizens of Troy, N. Y., praying Congress to pass a bill immediately for the redemption of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. CAINE: Petition of 2,585 citizens of Salt Lake City and county; and of 4,921 citizens of Utah Territory, earnestly protesting against the enactment of any legislation which will deprive them of all voice in the government of that Territory by disfranchising them through test-oaths on account of their religious belief as proposed by the minority party of said Territory; also against the passage of any law which would abolish the Legislature of Utah and create for the government of the Territory a legislative commission—to the Committee on the Territories.

By Mr. J. M. CAMPBELL: Petition of Grange No. 484, of Pennsylvania, asking that the proposed tariff bill be so amended as to afford to wool and agricultural products the same protection that is accorded to other industries—to the Committee on Ways and Means.

Also, petition of Grange No. 484, of Pennsylvania, asking for such legislation as will suppress the manufacture and sale of all imitation dairy products—to the Committee on Agriculture.

By Mr. CURTIN: Memorial of Granges Nos. 533 and 796, Patrons of Husbandry, of Pennsylvania, praying for legislation to prevent the manufacture and sale of imitation dairy products—to the same committee.

Also, memorial of same against the admission free of duty of wool and other raw materials—to the Committee on Ways and Means.

By Mr. DAVENPORT: Petition of citizens of Steuben County, New York, against frauds in patents—to the Committee on Patents.

By Mr. GEDDES: Petition of Emeline Harris, for widow's pension—to the Committee on Invalid Pensions.

Also, petition of O. W. Williams and 167 others, citizens of Herron County, Ohio, for amendments and improvements of the pension laws, as specified in the petition—to the same committee.

By Mr. GROSVENOR: Evidence to support House bill for the relief of H. C. Crippen—to the same committee.

By Mr. GROUT: Petition of A. D. L. Herriet and 43 others, citizens of Chester, Vt., praying for a tax on oleomargarine—to the Committee on Agriculture.

By Mr. GUENTHER: Petition of E. B. Wolcott Post, No. 1, Grand Army of the Republic, of Wisconsin, praying for the enactment of legislation regarding pensions as recommended by the national pension committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. HALL: Petition of Knights of Labor of Fort Madison, Iowa, for liberal appropriations for public works and the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. HALSELL: Petition and affidavits of B. F. Proctor, for pay for quartermaster's stores taken by the United States Army—to the Committee on War Claims.

By Mr. D. B. HENDERSON: Papers and photographs in matter of special bill of Thomas W. Fossett, Company I, Second Iowa Volunteers—to the Committee on Invalid Pensions.

Also, paper from R. M. Marvin, relating to pension claim of Lydia B. Van Anda, guardian—to the same committee.

By Mr. HERMAN: Memorial of the Chamber of Commerce of Astoria, Oreg., for the extension of time for settlers to file on restored railroad lands in Washington Territory—to the Committee on the Public Lands.

Also, memorial of the same for a life-saving station at some point on the south side of the Columbia River in Oregon—to the Committee on Commerce.

By Mr. HIESTAND: Memorial of Grange No. 697, of Lancaster County, Pennsylvania, against the repeal of the duty on wool, &c.—to the Committee on Ways and Means.

Also, memorial of the same against the manufacture and sale of oleomargarine—to the Committee on Agriculture.

By Mr. HOLMAN: Petition and papers of Dalton Hinchman in relation to his claim for a readjustment of his pension—to the Committee on Invalid Pensions.

By Mr. JAMES: Petition of 78 firms, business men, banks, &c., doing business in Columbus, Miss., asking for the enactment of House bill 1621, relieving commercial travelers from State and local license laws—to the Committee on Commerce.

By Mr. J. T. JOHNSTON: Petition of Celetta Lamme, widow of Ferdinand Lamme, praying for the passage of the bill granting her a pension—to the Committee on Invalid Pensions.

Also, petition of David S. Shannon, asking for the passage of a bill granting him a pension—to the same committee.

By Mr. KETCHAM: Petition of Paul Flagler and 11 others, business men of Poughkeepsie, N. Y., for the redemption of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. LINDSLEY: Petition asking for an act making the trade-dollar a legal tender—to the same committee.

By Mr. MILLARD: Petition of farmers and dairymen of Chenango County, New York, against the manufacture and sale of bogus butter—to the Committee on Agriculture.

By Mr. O'DONNELL: Petition of 19 officers and members of Women's Christian Temperance Union of Nashville, and of 15 ladies of Charlotte, Mich., in favor of a law providing legal protection for young girls—to the Committee on the Judiciary.

Also, petition of 27 members of the Women's Christian Temperance Union of Middleville, Mich., praying for a constitutional amendment granting suffrage to women—to the same committee.

By Mr. O'FERRALL: Petition of Thomas McCardell, for reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, petition of S. I. G. Scott, executor of John Scott, of Culpeper County, and of Isaac Stine, administrator of Frank Stine, deceased,

late of Clarke County, Virginia, asking that their claims be referred to the Court of Claims—to the same committee.

By Mr. J. J. O'NEILL; Memorial favoring a system of pensions in aid of disabled civil employés of the United States navy-yards—to the Committee on Naval Affairs.

By Mr. PEEL: Petition of Samuel Foster, for an invalid pension—to the Committee on Invalid Pensions.

By Mr. PRICE: Memorial of the Grand Army of the Republic, No. 126, of Rice Lake, Wis., favoring the passage of pension laws in accord with the recommendations of the pension committee of the Grand Army of the Republic—to the same committee.

Also, memorial of E. B. Wescott Post, of the Grand Army of the Republic, of Milwaukee, Wis., for pension legislation as recommended by the pension committee of the Grand Army of the Republic of the United States—to the same committee.

By Mr. ROCKWELL: Petition of F. N. Deland and others, of Great Barrington and Sheffield, Mass., for the immediate passage of a bill for the redemption of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. SENEY: Resolution of the General Assembly of Ohio favoring Senate bill 779—to the Committee on Invalid Pensions.

By Mr. SEYMOUR: Memorial of L. B. Prindle and others, of Bridgeport; of W. L. Gilbert and others, of West Winsted; and of G. H. Hoyte and others, of Stamford, Conn., praying for the immediate passage of a bill for the redemption of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. SOWDEN: Petition of Messrs. C. L. Johnson, Jas. S. Luckenback, W. K. Graber, C. Spingler, and others, citizens of Bethlehem, Pa., praying for a bill redeeming the trade-dollar—to the same committee.

By Mr. W. J. STONE, of Missouri: Petition of Lowry Post, No. 238, Grand Army of the Republic, of Missouri, asking for pension legislation as recommended by the national pension committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. ZACH. TAYLOR: Petition of James M. Flinn, of Shelby County, and of Edwin Dickerson, of Fayette County, Tennessee, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. THROCKMORTON: Petition of John R. J. Keabey, of Rockwall, Tex.—to the same committee.

By Mr. VAN SCHAICK: Resolutions adopted by E. B. Wolcott Post, No. 1, Grand Army of the Republic, of Milwaukee, Wis., indorsing legislation regarding pensions asked for by the national pension committee of the Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. WADE: Petition of John Leak, praying that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WAIT: Petition of John M. Maynard, for an invalid pension—to the same committee.

By Mr. WAKEFIELD: Petition of A. M. Hewitt and 61 others, citizens of Faribault County, Minnesota, for legislation regarding lands improperly certified to the State of Minnesota for the Saint Paul and Southern Minnesota Railroad Company—to the Committee on the Public Lands.

By Mr. WILSON: Petition of Aaron Van Crump and Virginia P. Chapin, for indemnity for losses incurred in the Navigators Islands while in the consular service of the United States—to the Committee on Claims.

The following petitions, praying Congress for the enactment of a law requiring scientific temperance instruction in the public schools of the District of Columbia, in the Territories, and in the Military and Naval Academies, the Indian and colored schools supported wholly or in part by money from the national Treasury, were presented and severally referred to the Committee on Education:

By Mr. LINDSLEY: Of citizens of Greene County, New York.

By Mr. LOWRY: Of citizens of Steuben County, Indiana.

By Mr. STRUBLE: Of citizens of Woodbury, Iowa.

By Mr. T. B. WARD: Of citizens of Tippecanoe County, Indiana.

SENATE.

TUESDAY, *May* 11, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

DECORATION DAY CEREMONIES.

The PRESIDENT *pro tempore* laid before the Senate the following communication; which was read, and ordered to lie on the table:

HEADQUARTERS DEPARTMENT OF THE POTOMAC,
GRAND ARMY OF THE REPUBLIC,
GRAND ARMY HALL, CORNER NINTH AND D STREETS N. W.,
Washington, D. C., May 10, 1886.

SIR: The executive committee on memorial services have the honor to extend to you, and through you to the Senators of the Forty-ninth Congress, a most cordial invitation to unite with the comrades of this department in the ceremonies in honor of their deceased comrades, at Arlington, Va., on Monday, the 31st instant.

Very respectfully,

E. E. FAUNCE,
Assistant Adjutant-General and Secretary.

Hon. JOHN SHERMAN,
President pro tempore of the Senate.

PETITIONS AND MEMORIALS.

Mr. HOAR. I present the memorial of the Republican central committee of the State of Ohio, certified by James E. Lowry, chairman, and Joshua K. Brown, secretary, charging that the election of HENRY B. PAYNE to the Senate of the United States was secured by bribery, fraud, and corruption, and requesting the Senate of the United States to investigate such charges, &c. I move the reference of the memorial to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. HOAR. I present the petition of various religious bodies, residents of New York city and vicinity, praying Congress to take into consideration certain allegations of outrage perpetrated upon the Chinese, and also praying that indemnity be at once granted for the grievous injuries done to the Chinese at Rock Springs.

I move the reference of the petition to the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. A bill in relation to that matter having been reported, and made a special order, the petition will lie on the table, if there be no objection.

Mr. HOAR. Very well. I also present the report of a meeting held in Steinway Hall, New York city, April 5, 1886, to protest against the Chinese outrages, George F. Seward, chairman, and R. Bassett, secretary, which accompanied the petition, and I was requested to present it with that. I move that it lie on the table.

The motion was agreed to.

Mr. HOAR presented a petition of citizens of Millbury, Mass., praying Congress to enact the provisions contained in the bill concerning oleomargarine reported by the House Committee on Agriculture; which was referred to the Committee on Agriculture and Forestry.

Mr. TELLER presented a petition of Knights of Labor of Durango, Colo., praying that liberal appropriations be made for works of internal improvement, and especially for the construction of the Hennepin Canal; which was referred to the Committee on Commerce.

Mr. DAWES. I present the petition of Herbert Myrick, of Springfield, Mass., praying for legislation to prevent the manufacture of oleomargarine and other imitations of butter. Mr. Myrick wishes it to be understood that in signing this petition as the editor of the New England Homestead he represents thirty thousand farmers, and as the editor of the Farm and Home he represents one hundred and fifty thousand farmers. I move the reference of this petition to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. DAWES. I also present a like petition of Luther A. Cole and a large number of actual farmers of the town of Cheshire, State of Massachusetts, for the same purpose. I move that the petition be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. EDMUNDS presented the petition of M. F. Remington and 28 other citizens of Hinesburg, Vt.; four petitions numerously signed by citizens of Fairfield, Vt., and the petition of J. B. Sanderson and 58 other citizens of Highgate, Vt., praying for legislation taxing imitation and adulterated butter; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of Nancy R. Gould, of Rutland, Vt., with accompanying papers, praying for an additional pension for her invalid and helpless dependent daughter; which was referred to the Committee on Pensions.

He also presented the petition of Mary E. Woodward, of Montpelier, Vt., widow of James B. Woodward, M. D., late surgeon of the Eighth Regiment Kansas Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. EDMUNDS. I present the petition of the Vermont annual conference of the Methodist Episcopal Church, praying Congress to take measures to protect the subjects of the Emperor of China, who may be lawfully established in this country, from violence and wrong. The bill on that subject having been reported, I move that the petition lie on the table.

The motion was agreed to.

Mr. PLATT presented a petition of citizens of Wallingford, Conn., and a petition of citizens of Meriden and vicinity, in the State of Connecticut, praying for the passage of a bill prohibiting the manufacture and sale of all imitation dairy products; which were referred to the Committee on Agriculture and Forestry.

Mr. EVARTS presented a memorial of 350 Knights of Labor of Cohoes, N. Y., and a petition of 149 Knights of Labor of Bolivar, N. Y., remonstrating against the passage of the free-ship bill; which were referred to the Committee on Commerce.

Mr. EVARTS. I present a petition of the officers of certain military organizations of New York State, praying for a change of Inauguration

Day from March 4 to April 30. A measure to that effect having been reported, I move that the petition lie on the table.

The motion was agreed to.

Mr. CAMERON presented the petition of S. C. Wilson, mayor, A. M. Landis, chief of police, Dr. J. T. Criswell, C. L. Herman, Dr. A. F. Brandt, Dr. J. P. Seiler, and many other leading and prominent citizens of Harrisburg, Dauphin County, Pennsylvania, praying for legislation extending the powers of the National Board of Health; which was referred to the Committee on Epidemic Diseases.

He also presented a petition of citizens of New Berlin and Lewisburg, Pa., and a petition of the Commercial Exchange of Philadelphia, Pa., praying for the redemption of the trade-dollar; which were referred to the Committee on Finance.

He also presented petitions of Granges No. 56, No. 786, and No. 405, Patrons of Husbandry, of Pennsylvania, praying for the suppression of the manufacture and sale of all imitation dairy products; which were referred to the Committee on Agriculture and Forestry.

He also presented memorials of Granges No. 56 and No. 405, Patrons of Husbandry, of Pennsylvania, remonstrating against the admission free of duty of all agricultural raw materials; which were referred to the Committee on Finance.

Mr. CALL. I present the petition of David E. Youmans and other citizens of Manatee County, Florida, to the following effect:

We, the undersigned, citizens of Manatee County, Florida, hold that seven-tenths of the selection of June 13, 1885, are not swamp and overflowed lands within the meaning of that act.

They further hold that "said selection was not made for the purposes intended in the act, but was made by speculators and swindlers for their own selfish benefit." They further state that they can prove that actual settlers who had lived on the public lands as long as six years, and others who had lived three years, and who had paid the wages of United States surveyors twice to have their homes surveyed, and others who had their duplicate homestead and pre-emption receipts, and who had as much as from $75 to $5,000 invested in improvements, were improperly and ruthlessly located out of their lands; and the petitioners say they can prove, and are eager for a trial and an opportunity to do so, that not one-third of the lands, no, not one-fifth of the lands, selected on the 13th of June, 1885, are swamp and overflowed within the meaning of the grant.

I move the reference of the petition to the Committee on Public Lands.

The motion was agreed to.

Mr. MAXEY presented a petition of colored citizens of Grayson and other counties in the State of Texas, praying that an appropriation be made to aid them in emigrating to Liberia; which was referred to the Committee on Foreign Relations.

Mr. GIBSON. I present a petition of the Chamber of Commerce of New Orleans in favor of the passage of a bankruptcy law as amended and passed by the Senate of the United States last year. They say that the commercial interests of the whole country, and particularly of the Southern States, demand that a bankruptcy act, equitable both to the debtor and the creditor, should be enacted without delay. I move that the petition lie on the table.

The motion was agreed to.

Mr. GIBSON. I also present another petition of the Chamber of Commerce of New Orleans, praying for the establishment of closer commercial relations with Brazil and the countries of South America, Mexico, and Central America, and giving liberal aid to steamship lines between those countries and our own. I move that the petition lie on the table.

The motion was agreed to.

Mr. SEWELL presented two memorials of Patrons of Husbandry of New Jersey, remonstrating against the admission free of duty of all agricultural raw materials; which were referred to the Committee on Finance.

He also presented two petitions of Patrons of Husbandry of New Jersey, praying for the suppression of the manufacture and sale of all imitation dairy products; which were referred to the Committee on Agriculture and Forestry.

Mr. MILLER presented a petition of citizens of Gerry, N. Y., a petition of citizens of Alder Creek, N. Y., and a petition of farmers of Summerdale, N. Y., praying for the passage of a law taxing imitation butter at 10 cents a pound; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of citizens of Amsterdam, N. Y., praying for the passage of a law for the redemption of the trade-dollar; which was referred to the Committee on Finance.

He also presented the petition of John Lacey, of Churubusco, N. Y., praying for the passage of a law extending the time for filing pension claims; which was referred to the Committee on Pensions.

Mr. GORMAN. I present a petition numerously signed by leading business men of Baltimore, praying Congress to pass an act for the redemption of the trade-dollar, stating in effect that because of the withdrawal of the one and two dollar notes the trade-dollars are being forced into circulation, and resembling so much the standard dollar they are being placed in the hands of laboring men greatly to their detriment. The petition is signed by a number of leading business men. I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. GORMAN presented the petition of Joseph Shipley and members of Labor Assembly No. 1649 of the Knights of Labor of Baltimore, Md.; the petition of William H. Marriner and members of Labor Assembly No. 1384 of the Knights of Labor of Baltimore, Md.; and the petition of John F. Logsdon and members of Labor Assembly No. 767 of the Knights of Labor of Baltimore, Md., praying Congress to make liberal appropriations for sundry works of internal improvement; which were referred to the Committee on Commerce.

Mr. SABIN presented a petition of the Minneapolis Retail Grocers' Association, praying for legislation that will tend to curtail or prohibit the production and sale of oleomargarine and other imitation dairy products; which was referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. SEWELL, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1840) granting a pension to Samuel F. Garrett;
A bill (H. R. 4642) granting a pension to James Carroll;
A bill (H. R. 464) granting a pension to Robert McAlexander;
A bill (H. R. 5603) granting a pension to Mrs. Catherine McCarty;
A bill (H. R. 5881) for the relief of S. Cohn;
A bill (H. R. 5882) granting a pension to Sarah Ann Murphy;
A bill (H. R. 5394) granting a pension to Sallie Ann Bradley;
A bill (S. 2210) granting a pension to Anna Wright; and
A bill (S. 2167) granting a pension to Mrs. Margaret Dunlap.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1802) for the relief of Isaac Harter;
A bill (S. 2326) granting a pension to John Parkinson;
A bill (S. 2325) to grant a pension to Nancy Mason;
A bill (S. 2061) granting a pension to Johanna Sofia Enlind;
A bill (S. 2181) granting a pension to Rhoda Williams;
A bill (S. 1897) granting a pension to Alexander Trimble;
A bill (S. 2203) granting a pension to Mrs. Emily M. Swift, of Dexter, Mich.;
A bill (H. R. 5622) granting a pension to Allen P. Jacobs;
A bill (H. R. 427) for the relief of Thomas T. Smithers;
A bill (H. R. 116) for the relief of Albertine Cockrum;
A bill (H. R. 6795) for the relief of Mrs. Sarah Casteel;
A bill (H. R. 6797) to place the name of Samuel W. Bowling on the pension-roll;
A bill (H. R. 6590) granting a pension to Catharine Whitesell;
A bill (H. R. 6183) for the relief of Bridget M. Cullen;
A bill (H. R. 4797) granting a pension to Robert H. Stapleton;
A bill (H. R. 1766) granting a pension to Mary A. Shannon;
A bill (H. R. 5174) granting a pension to Mrs. M. A. Lewis;
A bill (H. R. 2976) granting a pension to Lenford Rose;
A bill (H. R. 3166) granting a pension to Solomon Messer;
A bill (H. R. 5975) to increase the pension of Michael McGrayel;
A bill (H. R. 4145) granting a pension to Maria Kile;
A bill (H. R. 3623) granting a pension to William H. Nevil;
A bill (H. R. 5931) granting a pension to Erdmuthe Kirchner;
A bill (H. R. 1768) granting a pension to James Wolfe;
A bill (H. R. 6489) granting a pension to Mrs. Barbara Fuchs;
A bill (H. R. 2975) granting a pension to Eliza A. Weeks;
A bill (H. R. 4143) for the relief of Margaret Madden;
A bill (H. R. 5635) granting a pension to William J. Heady;
A bill (H. R. 5283) granting a pension to Larkin G. Mead;
A bill (H. R. 576) for the relief of Louisa C. Beezeley; and
A bill (H. R. 6801) granting a pension to Elander M. Mooneyhan.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 2196) granting a pension to Dillian Vandeventer, reported it with amendments, and submitted a report thereon.

He also, from the same committee to whom was referred the bill (S. 1904) granting a pension to Allen P. Jacobs, moved its indefinite postponement; which was agreed to.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (S. 600) for the relief of the assignees of Addison C. Fletcher, asked to be discharged from its further consideration, and that it be referred to the Committee on Patents; which was agreed to.

Mr. WHITTHORNE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 524) granting a pension to Daniel H. Ross;
A bill (H. R. 4732) granting a pension to William L. McCall;
A bill (H. R. 5100) granting a pension to Eleanor Foust; and
A bill (H. R. 5692) for the relief of James B. Russell.

Mr. BLAIR, from the Committee on Pensions, to whom were re-

ferred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6519) granting a pension to John D. Krehbiel;
A bill (H. R. 5058) granting a pension to John Arthur;
A bill (H. R. 7108) granting a pension to Andrew J. Wilson;
A bill (H. R. 6639) granting a pension to Catharine Kennedy;
A bill (H. R. 4850) for the relief of William J. Hudson;
A bill (H. R. 6668) granting a pension to Lurena Wages;
A bill (H. R. 7109) granting a pension to Joseph Tuttle;
A bill (H. R. 3860) granting a pension to John H. Walters;
A bill (H. R. 5169) to increase the pension of Thomas J. Slayton;
A bill (H. R. 4808) granting a pension to William Field;
A bill (H. R. 5408) granting a pension to Josiah Focht;
A bill (H. R. 6150) for the relief of Euphemia R. Smith;
A bill (H. R. 2963) granting a pension to Louis Whorley; and
A bill (H. R. 5525) granting increase of pension to Robert E. Stephens.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 6648) for the relief of Edmund M. Harrington;
A bill (H. R. 4782) granting a pension to Elizabeth McKay; and
A bill (S. 1459) granting an increase of pension to Walter A. Donaldson.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them with amendments, and submitted reports thereon:

A bill (H. R. 4685) for the relief of John A. Orndorff; and
A bill (H. R. 5406) granting a pension to Philip E. Raiger.

Mr. CAMERON, from the Committee on Military Affairs, to whom was referred the petition of Turner C. Goodrum, of Moscow, Hickman County, Kentucky, praying to be allowed $100 additional bounty under the act of July 28, 1866, submitted a report thereon, accompanied by a bill (S. 2397) for the relief of Turner C. Goodrum; which was read twice by its title.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 7183) to authorize the purchase of a certain tract of land near San Antonio, Tex., reported it without amendment, and submitted a report thereon.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 1341) to construct a road to the national cemetery at Natchez, Miss., reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 1243) for the relief of Frank G. Mix, reported adversely thereon; and the bill was postponed indefinitely.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1993) for the relief of St. Mark's Protestant Episcopal church, in the District of Columbia;

A bill (H. R. 5509) for the relief of St. Patrick's church, in the city of Washington, D. C.;

A bill (H. R. 7879) to amend the law relating to the bonds of executors in the District of Columbia; and

A bill (H. R. 7880) to punish the advertising of lottery tickets in the District of Columbia, and for other purposes.

The message also announced that the House had passed the bill (S. 1020) authorizing the District of Columbia to convey the alley, 15 feet wide, running east and west between lots 6 and 7, in square 635, comprising an area of 3,480 square feet of land, to the owner of said lots.

The message further announced that the House had passed the bill (S. 200) to authorize the purchase of the Aqueduct Bridge, or the construction of a bridge across the Potomac River at or near Georgetown, D. C., with amendments; in which it requested the concurrence of the Senate.

BILLS INTRODUCED.

Mr. WILSON, of Iowa, introduced a bill (S. 2398) granting a pension to George B. Baxter; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 2399) for the relief of Pay Clerk Charles Blake, United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 2400) for the relief of Paymaster James E. Tolfree, United States Navy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. WALTHALL introduced a bill (S. 2401) to classify and fix the salaries of registers and receivers of United States land offices; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. WILSON, of Maryland, introduced a bill (S. 2402) for the relief of Carrie P. Mackenheimer; which was read twice by its title, and referred to the Committee on Claims.

Mr. GORMAN introduced a bill (S. 2403) making an appropriation for the purpose of constructing and macadamizing a road from the city of Annapolis, in the State of Maryland, to the national cemetery near said city; and also a road leading from said national cemetery to the national naval cemetery near said city of Annapolis; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FRYE introduced a bill (S. 2404) for the relief of the estate of Jacob P. Morse, late of Bath, Me., and Frederick A. Pike, sureties on the bond of Freeman H. Morse, late consul-general at London, England; which was read twice by its title, and referred to the Committee on Claims.

Mr. HEARST introduced a bill (S. 2405) to relinquish the interest of the United States in certain lands to the city and county of San Francisco and its grantees; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 2406) to relinquish and grant all interest which the United States now has in certain lands to the city and county of San Francisco and its grantees; which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. BERRY, Mr. BLAIR, Mr. JONES, of Arkansas, and Mr. SEWELL submitted amendments intended to be proposed by them respectively to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. JONES, of Arkansas, it was

Ordered, That the papers in the case of John P. Walworth be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. SHERMAN, it was

Ordered, That the papers in the case of Sarah E. Hutchison and minor children be withdrawn from the files of the Senate.

CIVIL SERVICE COMMISSION REPORT.

Mr. MANDERSON. By request I submit a concurrent resolution, and ask that it may be read and referred to the Committee on Printing.

The resolution was read, and referred to the Committee on Printing, as follows:

Resolved by the Senate (the House of Representatives concurring), That the third annual report of the United States Civil Service Commission be printed, and that 26,000 additional copies be printed; of which 2,000 shall be for the use of the Senate, 4,000 for the use of the House, and 20,000 copies for distribution by the commission.

PORT OF DELIVERY AT LEWES, DEL.

Mr. CULLOM. If the routine morning business is concluded, I ask that the regular order be proceeded with.

Mr. GRAY. I ask the Senator from Illinois to yield to allow me to call up Senate bill 2256.

The PRESIDENT *pro tempore*. The Senator from Delaware asks the unanimous consent of the Senate to proceed to the consideration of the bill named by him.

Mr. CULLOM. The Senator from Delaware informs me that the objections to the bill which were made yesterday have been withdrawn. If that is the case, and it will only take the time necessary to pass the bill, I have no objection to allow it to be taken up.

The PRESIDENT *pro tempore*. By unanimous consent it will be taken up informally, subject to objection.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2256) to create a port of delivery at Lewes, Del.

Mr. HOAR. I desire to know whether any communication from the Treasury Department has been made on that subject.

Mr. GRAY. A communication has been received, which is printed in the RECORD to-day.

Mr. HOAR. I merely wanted to have it accompany the bill.

Mr. GORMAN. I wish to say in relation to the bill that it was referred by the Committee on Commerce to myself as a subcommittee, and not only was there a communication from the Treasury Department, but after conference with the Treasury officers they all determined that this would not increase the expense of the service and that it is an absolute necessity.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

POTOMAC RIVER BRIDGE.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a Senate bill returned from the House of Representatives with amendments. The title of the bill will be stated.

The CHIEF CLERK. A bill (S. 200) to authorize the purchase of the Aqueduct Bridge or the construction of a bridge across the Potomac River at or near Georgetown, D. C.

Mr. PLATT. Let the amendments be read.

The PRESIDENT *pro tempore*. There are numerous amendments, that would not be understood by the mere reading.

Mr. PLATT. I withdraw the call.

Mr. RIDDLEBERGER. I make whatever is the proper motion in relation to the amendments.

The PRESIDENT *pro tempore*. The Senator from Virginia, as the Chair understands, wishes the Senate to disagree to the amendments proposed by the House and ask for a committee of conference.

Mr. RIDDLEBERGER. Yes, sir, and I desire the Senate to allow me to make one statement as a reason for asking for a committee of conference.

I think that the House has possibly made a mistake in using the word "aqueduct" and omitting the words "the piers." There is a great difference between the acqueduct and the piers. Therefore I ask that there shall be a committee of conference.

The PRESIDENT *pro tempore*. The Senator from Virginia moves that the Senate disagree to the amendments of the House of Representatives and ask for a conference on the disagreeing votes.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. RIDDLEBERGER, Mr. SPOONER, and Mr. VANCE were appointed.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 1993) for the relief of St. Mark's Protestant Episcopal church, in the District of Columbia;

A bill (H. R. 5509) for the relief of St. Patrick's church, in the city of Washington, D. C.;

A bill (H. R. 7879) to amend the law relating to the bonds of executors in the District of Columbia; and

A bill (H. R. 7880) to punish the advertising of lottery tickets in the District of Columbia, and for other purposes.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 6th instant, approved and signed the following acts:

An act (S. 506) for the relief of Emerson Etheridge and William B. Stokes; and

An act (S. 1377) to grant the right of way for railroad purposes through the lands of the United States powder depot near Dover, N. J., to the Morris County Railroad Company.

The message also announced that the President had, on the 7th instant, approved and signed the following acts:

An act (S. 135) granting a pension to Mary A. Tibbets; and

An act (S. 364) granting a pension to Nancy Battorf.

SPECIAL SESSION OF UTAH LEGISLATURE.

The PRESIDENT, *pro tempore* laid before the Senate the following message from the President of the United States; which was read, referred to the Committee on Territories, and ordered to be printed:

To the Senate and House of Representatives:

The last general appropriation bill passed by the Legislature of Utah was vetoed by the then governor of that Territory. It made an appropriation of money for the support of the district courts of the Territory, including the pay of reporters, jurors, and witnesses, and for the completion and maintenance of the Deseret University and the education of the deaf mutes therein. It also appropriated for the support of the Territorial insane asylum, as well as the salaries of Territorial officers, including that of the superintendent of the district schools, the auditor, the librarian, and the treasurer of the Territory. It also provided for internal improvements, such as roads and bridges.

The appropriation for the district courts, for the payment of witnesses and jurors in criminal cases, was $40,000; that for the Deseret University and the deaf mutes was $66,000, and for the insane asylum $25,000.

The board of regents of the Deseret University have borrowed money for the completion of the university buildings which were authorized by legislative action, and which is now due and no provision made for the payment. The act appropriating for the benefit of the Territorial insane asylum passed by the Legislature was also vetoed. This included the sum of $73,000 which had been borrowed by the board of directors of the asylum for its completion and furnishing, and which now remains due and unpaid. It also included the sum of $3,548.85 for the care and maintenance of the indigent insane.

The Legislature of the Territory, under existing law, will not again convene for nearly two years, there being no authority for a special session. In the mean time, under present conditions, the good order of society will be jeopardized, educational and charitable institutions will be paralyzed, and internal improvements stopped until the Legislature meets and makes provision for their support.

A determination on the part of the General Government to suppress certain unlawful practices in this Territory demands neither the refusal of the means to support the local government nor the sacrifice of the interests of the community.

I therefore recommend the immediate enactment of such legislation as will authorize the assembling of the Legislature of that Territory in special session at an early day, so that provision can be made to meet the difficulties herein suggested.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May* 11, 1886.

STATUE OF LIBERTY ENLIGHTENING THE WORLD.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

By a joint resolution of Congress, approved March 3, 1877, the President was authorized and directed to accept the colossal statue of Liberty Enlightening the World when presented by the citizens of the French Republic, and to designate and set apart for the erection thereof a suitable site upon either Governor's or Bedloe's Island, in the harbor of New York, and upon the completion thereof to cause the statue "to be inaugurated with such ceremonies as will serve to testify the gratitude of our people for this expressive and felicitous memorial of the sympathy of the citizens of our sister republic."

The President was further thereby "authorized to cause suitable regulations to be made for its future maintenance as a beacon and for the permanent care and preservation thereof as a monument of art and the continued good-will of the great nation which aided us in our struggle for freedom."

Under the authority of this resolution, on the 4th day of July, 1884, the minister of the United States to the French Republic, by direction of the President of the United States, accepted the statue and received a deed of presentation from the Franco-American Union, which is now preserved in the archives of the Department of State.

I now transmit to Congress a letter to the Secretary of State from Joseph W. Drexel, esq., chairman of the executive committee of "the American committee on the pedestal of the great statue of 'Liberty Enlightening the World,'" dated the 27th of April, 1886, suggesting the propriety of the further execution by the President of the joint resolution referred to by prescribing the ceremonies of inauguration to be observed upon the complete erection of the statue upon its site on Bedloe's Island, in the harbor of New York.

Thursday, the 3d of September, being the anniversary of the signing of the treaty of peace at Paris by which the independence of these United States was recognized and secured, has been suggested by this committee under whose auspices and agency the pedestal for the statue has been constructed as an appropriate day for the ceremonies of inauguration.

The international character which has been imprinted upon this work by the joint resolution of 1877 makes it incumbent upon Congress to provide means to carry their resolution into effect.

Therefore I recommend the appropriation of such sum of money as in the judgment of Congress shall be deemed adequate and proper to defray the cost of the inauguration of this statue.

I have been informed by the committee that certain expenses have been incurred in the care and custody of the statue since it was deposited on Bedloe's Island, and the phraseology of the joint resolution providing for "the permanent care and preservation thereof as a monument of art" would seem to include the payment by the United States of the expense so incurred since the reception of the statue in this country.

The action of the French Government and people in relation to the presentation of this statue to the United States will, I hope, meet with hearty and responsive action upon the part of Congress, in which the Executive will be most happy to co-operate.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, May* 11, 1886.

WEIL AND LA ABRA MINING COMPANY CLAIMS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, on motion of Mr. MORGAN, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I herewith transmit a report from the Secretary of State, dated the 6th instant, touching the claims of Benjamin Weil and La Abra Silver Mining Company against the Government of Mexico.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, May* 11, 1886.

INTERSTATE COMMERCE.

Mr. CULLOM. I ask that the unfinished business be now proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1532) to regulate commerce.

The PRESIDENT *pro tempore*. The pending question is on the amendment proposed by the Senator from New Jersey [Mr. SEWELL], and upon that amendment the Senator from Maryland [Mr. GORMAN] is entitled to the floor.

Mr. SEWELL. If the Senator from Maryland will permit me, as the utility of the amendment depends very much upon the text of the bill after it gets into the Senate, I would prefer to have it lie on the table for the present.

The PRESIDENT *pro tempore*. The Senator can withdraw the amendment.

Mr. SEWELL. I will withdraw it, and offer it again probably.

The PRESIDENT *pro tempore*. The amendment is withdrawn. The Senator from Maryland [Mr. GORMAN] has the floor.

Mr. GORMAN. Mr. President, there are only one or two points to which I desire to refer since the Senator from New Jersey [Mr. SEWELL] has withdrawn his amendment, and that principally in answer to the Senator from Minnesota [Mr. MCMILLAN], who seemed to be under the impression that the fourth section of the bill as amended on the motion of the Senator from West Virginia [Mr. CAMDEN] would seriously interfere with the regulation of the through freights, to the detriment of the West.

When I was interrupted yesterday evening I was proceeding to show from a table prepared by Mr. Fink that the through rates from Chicago to New York are practically determined by the competition with the water ways; that the lakes and the Erie Canal for eight months in the year absolutely fix the rate of through freight. I hold in my hand that statement, which shows that in 1865 the rate of freight per hundred pounds from Chicago to New York was $1.60, while in 1884 it had been reduced to about 12 cents per hundred. The table shows that in 1884—and I need not go back, because the same proportion exists—in January and February, the rate was as high as 30 cents from Chicago. That was at a time when the Erie Canal was closed and water competition was impossible. As soon as the canal was opened in April the rate ran down to 15 cents, a point below the actual cost of the movement of the freight.

Mr. ALLISON. Below the actual cost?

Mr. GORMAN. Below the actual cost.

Mr. ALLISON. That is to say, a rate of 15 cents is below the actual cost, as Mr. Fink states?

Mr. GORMAN. Mr. Fink states that the railroads can not profitably move 100 pounds of freight of the class of grain from Chicago to the city of New York for less than 20 cents per hundred pounds with profit to the railroad.

Mr. RIDDLEBERGER. Will the Senator repeat that information? I did not hear the name of the man.

Mr. GORMAN. Mr. Fink, who is the head of the railroad pool selected by the railroads to adjust all the controversies between them when they enter into their combinations, states that the rate of freight from Chicago to be profitable to the carrier must be about 20 cents per 100 pounds from Chicago to New York; that frequently it is below that to meet the canal rates always, but goes below the canal rates frequently when they are at war among themselves; but he says that the reduction below the proper amount which should be charged is not a reduction which benefits the producer in the West or the consumer in the East. I will call the attention of the Senate to his statement, which can be found on page 99 of the testimony. The Senator from Connecticut [Mr. PLATT] asked Mr. Fink this question:

Before you go to the question of what the remedy is, let me ask this: Who gets the benefit of this? Does the farmer get the benefit of it on his farm?

Mr. FINK. It is very difficult to trace that. In most instances the middlemen and speculators get it. When there is a long-settled reduction in rates, I suppose the farmer gets the advantage in a measure. When rates are reduced from Chicago to New York, the effect generally is that the parties who hold the grain in the West—the speculators and dealers in grain—get the advantage of the cut in the rate; but the farmer, if the reduced rates lasts long enough, gets some of the benefit.

It is perfectly clear that if this bill is passed with the fourth section as amended by the Senator from West Virginia it will have at least this effect, to compel the railroads to make a uniform rate between Chicago and the seaboard at such a rate that they can compete with the water transportation and with the Canadian roads, and place the grain and other products of the West in Liverpool and Cork to meet the competition of any other portion of the world.

The Senator from Massachusetts [Mr. HOAR] objects to it because he believes it would destroy that competition. That is natural, for the Senator from Massachusetts, looking at it as we all do more or less from our local standpoint, is overanxious to prevent embarrassment to such interests. He lives in a section of the country more remote from the great centers of the West than New York, Baltimore, and Philadelphia, and unless the shippers at Boston can get a rate from the West less per ton per mile than Baltimore, New York, or Philadelphia you could not ship grain, and naturally Massachusetts wants to annihilate distance, to wipe out the 300 or 400 miles of extra transportation.

You have one advantage only, and that is that the cost of shipment from Boston to Liverpool and Cork is less than it is from New York, Baltimore, or any other seaport.

As to the question of differential rates, it is one which, as I have heretofore stated, has been considered by the railroad experts and managers themselves in their own interest. Baltimore is 185 miles nearer Chicago than New York, it is 349 miles nearer to Saint Louis, 304 miles nearer to Louisville, and 304 miles nearer to Cincinnati. The managers of that road, the citizens of Baltimore and who desired to share in the great trade of the West, have always held that as they were 300 miles nearer Cincinnati the rate of freight should not be so great as to New York; that the West was entitled to the benefit of that short distance. We are 200 miles farther from sea than New York. Therefore our rates of freight from Baltimore to Liverpool are on the average 2 cents a bushel more than from the city of New York. The difference ought to be made up naturally and properly in the reduced rates upon the Baltimore and Ohio short line to Chicago, Saint Louis, and Cincinnati.

This claim led to a great controversy, and three of the most eminent gentlemen in this country were selected by the railroads to determine that question, to determine whether it was proper to charge as much for a short haul as for a long haul. That commission consisted of the late Senator from Ohio, Mr. Thurman, Mr. Washburne of Illinois, and Judge Cooley, three of the most eminent men in this country. They determined that the short line should have the advantage of about 3 cents a hundred pounds on all the freight from the competing points in the west. The New York merchants complained of that action; and Mr. Fink and Mr. Blanchard, who represented all the railroad interests, were questioned and catechised by the merchants of New York, and what did they say in reply to the merchants of New York? Mr. Blanchard at the time represented the Erie Railroad, a competing railroad, whose terminus was in New York, and he in replying to the New York merchants who complained of this discrepancy against them, claiming, precisely as the Senator from Massachusetts does, that distance should be ignored and they should have the same rate per 100 pounds to New York as was charged to Baltimore—Mr. Blanchard said:

We are not called upon by any mercantile principle or usage to carry that extra distance for nothing, and there are no 272 miles of railroad that can be built for nothing, can be worked for nothing, that should be given to the public for nothing.

Mr. Fink stated that the actual difference in rate, the actual difference counting the mileage between Baltimore and Chicago or Cincinnati, should be 17½ cents per hundred pounds.

Mr. ALLISON. From what point? Will the Senator state again?

Mr. GORMAN. Taking Cincinnati as a basis.

Mr. ALLISON. What is the difference in distance? It is 304 miles, I think.

Mr. GORMAN. Three hundred and four miles. But Mr. Thurman, Judge Cooley, and Mr. Washburne, all three of them Western men, determined that the principle was right; but as a compromise 5½ cents per 100 pounds should be allowed, and that that would equalize the trade between these great centers.

Mr. Alexander, vice-president of the Louisville and Nashville road, when this subject was brought before him in the same controversy, said: "It is as communistic to rob any investment of that portion of its value due to location as of that due to cost;" by which he meant to say that it would be robbery to charge the same gross amount for a car-load over a road of 500 miles that you charged over a road of 1,000 miles.

During the course of this examination and while Mr. Fink was before us, the Senator from Illinois [Mr. CULLOM] brought to his attention a case, and it is only one of a thousand which are constantly occurring, of discrimination such as the bill provides shall not exist hereafter. Let me call the attention of the Senate to the statement of the chairman of the committee, who, I desire to say now, gave to this subject a consideration which I think very few members of this body have ever given, who considered it with a view of doing exact justice to all parts of this country, the West, the East, the North, and the South, to the shipper and to the railroads. He has, I believe, presented the fairest measure which has ever been framed in this country to regulate interstate commerce, one which I believe to-day is a great boon to the people and to the railroads, for it furnishes the machinery to advise the public of what the railroads are doing, and, as in the case of the New York commission, will result in adjusting innumerable complaints without a resort to the law.

The committee has given to the subject so much consideration and has been so fair that I have hesitated disagreeing with the committee in a single recommendation made. The only one that I did was in the case of the amendment offered by my friend from West Virginia [Mr. CAMDEN]. The chairman of the committee said to Mr. Fink, on page 103 of the testimony:

The CHAIRMAN. Do you think the action of the road on this state of facts is right?

Speaking about the discrimination on charges for short hauls. Said the chairman:

For instance, I know a case near my own town where a farmer had two farms, one on a road connecting with the Baltimore and Ohio road and another on a branch of the Central road, each about 25 miles from Springfield, where I live. The farmer had a lot of corn on each farm and he wanted to sell it about the time it was put up to 41 or 42 cents. An agent came along and said to him, "I will give you 41 cents for the corn out here on the Central road, because," he said, "I can ship it down to Springfield and ship it over the Ohio road to Baltimore or somewhere East." The farmer sold him that corn. Then the farmer said, "I have got some corn down here about 25 miles off on the Baltimore and Ohio road that is much nearer to Baltimore than is Springfield, and I would like to sell you that." The agent said, "I can not buy that and give you over 35 cents." The farmer would not sell it at that price. Now, this farmer asked one of the directors of the Baltimore and Ohio road why that was? He said, "Why, they could make arrangements with the branch of the Illinois Central to bring your corn down to Springfield and take it on their road, which would be so much gain, but the corn down on our road is our meat anyhow."

Twenty-five miles nearer Baltimore, Mr. Fink said:

That is certainly a case of unjust discrimination, and I am glad you mentioned it, as it shows exactly the cause of unjust discrimination and the way it should be remedied. Springfield being a competing point, the Baltimore and Ohio Railroad, no doubt, reduced the established and agreed rate at that point in order to take this business away from some other road.

Now, I submit, Mr. President, that a case like this ought to be corrected by legislation. It can only be done by such a provision as we have adopted in the fourth section. I know of my own knowledge that the Baltimore and Ohio Railroad is not alone in this, but all the railroads of the country more or less indulge in it.

I have known of a shipment of grain to be made from Chicago to the city of Cumberland, 184 miles west of here; it is compelled to be billed through to the city of Baltimore, the through rate being paid, and then it was placed upon a vessel and sent 200 miles down the Chesapeake Bay and up the Potomac River to Georgetown, and then by canal 184 miles to Cumberland, saving to the shipper very largely upon the rate that would have been charged him if the goods had been billed from Chicago to Cumberland, notwithstanding the fact that it came through upon one of the through trains that stopped at Cumberland, and could have been detached from the train and left there without the expense of a haul to the railroad, at the same amount he would have been glad to pay. It is billed through to the city of Baltimore. Outrages of this sort are of every-day occurrence, and no railroad man justifies them.

The Senator from California [Mr. STANFORD] complained yesterday that shippers frequently take advantage of the railroads by getting through rates and then sending the goods back two or three hundred miles at local rates. There is no reason for it, and no man can defend it whether he be a shipper or a manager of a railroad. Why should not

the same gross rate be charged, saving the haul and the wear and tear of his cars 184 miles?

Interfere with trade to the West! Why, Mr. President, it is true that a railroad operated as one of these trunk lines is must receive a gross amount to pay its running expenses, the interest on its bonded debt, and a fair dividend upon its stock. No expert in this country will tell you that that can not be done with this provision in, with the discretion left to the commission in certain cases to make a different rule without increasing one penny on the freight charges from Chicago to the seaboard.

The Senator from Minnesota [Mr. MCMILLAN] complained yesterday very bitterly that the Senator from West Virginia had declared that what he wanted to accomplish was the same rate per car, the same gross weight per ton, from the Ohio River at Petersburg or at Parkersburg on a cargo of grain as from Chicago to Baltimore or New York. If that was the demand of the Senator from West Virginia, why should he not have it? It will not increase your rate from the West. It does not interfere with you a particle. All he asks is that he shall pay the same amount per car from Parkersburg to Baltimore, less than 400 miles, that you pay for 900 from Chicago to the same point of delivery. Is it not fair and liberal on the part of the Senator from West Virginia that he does not demand any more than to be placed on an equality with you without the slightest advantage? At Wheeling, on the Ohio River, there is competition. It is practically the same distance from Baltimore and Philadelphia to Wheeling as to Parkersburg. A few miles lower down the Ohio River there happens to be no railroad competition at Parkersburg, but the people at Wheeling get better rates than you do from Chicago to Baltimore, while Parkersburg, simply because of its not having a competing railroad, has to pay as great a rate for 400 as you pay for 900 miles.

Mr. President, the State of Kansas has been referred to. Its rates to the seaboard are governed by the rates from Chicago to tide water. So of the State of Iowa. You are compelled practically to pay the local rates to Saint Louis or to Chicago, and therefore you have—and I have no doubt to a greater extent because it is comparatively a new country—more extortions of this sort than in any other section of the Union. It would benefit your people as much as the people of West Virginia; it would compel your railroads to give you fair rates upon all your freight between the points in your States and the city of Chicago, and when you reach there, as I before said, the competition of the water lines and the Canadian roads regulates your through rates.

Mr. President, I do not care to continue this discussion. I should not have said a word except for the amendment proposed by the Senator from New Jersey.

Mr. WILSON, of Iowa. I offer an amendment to section 2, which I send to the desk.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to add to section 2:

And any person or persons who shall, directly or indirectly, apply for or knowingly accept, in any manner not authorized by this act, any special rate, rebate, drawback, or other form of reduction of rate, the allowance of which is prohibited by this section, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in a sum not less than $200 for each offense.

Mr. WILSON, of Iowa. Mr. President, section 2 proposes to establish a rule of public policy with reference to the transportation interests of this country, and it provides:

That if any common carrier shall, directly or indirectly, by any special rate, rebate, drawback, or other device, charge, demand, collect, or receive from any person or persons a greater or less compensation for any service rendered——

Mr. RIDDLEBERGER. Allow me to ask whether the Senator would not change the penalty of $200 to $2,000?

Mr. WILSON, of Iowa. Let me get through with my explanation—

or to be rendered, in the transportation of passengers or property, subject to the provisions of this act, than it charges, demands, collects, or receives from any other person or persons for doing for him or them a like and contemporaneous service in the transportation of a like kind of traffic under substantially similar circumstances and conditions, such common carrier shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared to be unlawful.

That is the rule established. Then the bill proposes to enforce that rule by penal sanctions which are provided for in section 7, which section provides:

That any common carrier who shall willfully do, cause to be done, or permit to be done any of the acts, matters, or things in this act declared to be unlawful shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in any district court of the United States within whose jurisdiction such offense was committed, be subject to a fine of not more than $5,000 for each offense.

The purpose of my amendment is to apply to the shippers who ask for or knowingly receive the rebate or other favor which the bill proposes shall not be granted by a common carrier; in other words, to break up the system of favoritism at both ends, both as to its being granted by the carrier and as to its being asked for and knowingly received by the shipper. It seems to me that the rule will be imperfect without making the amendment which I have proposed.

Now, then, as to the question propounded by the Senator from Virginia.

Mr. RIDDLEBERGER. I think, if I may be allowed a word with the permission of the Senator from Iowa, that $200 is a very small assessment for violating the law as against a railroad corporation.

Mr. WILSON, of Iowa. This is not against a railroad corporation.

Mr. RIDDLEBERGER. I think that while we count that money as very large, the corporation would rather give up the money for misdemeanors in the way of fines than to have their persons put in a station-house or in jail; but I would make that $200 $2,000, and I think they would have more respect for the law.

Mr. WILSON, of Iowa. The Senator misapprehends the amendment. It has no application to a railroad company at all. It applies to the person doing business with a railroad company as a shipper.

Mr. RIDDLEBERGER. I understood that.

Mr. WILSON, of Iowa. The provision in section 7 with reference to the fine would impose a fine of not more than $5,000 for each offense on the railroad company. The amendment which I offer would impose a fine of not less than $200 for each offense on each shipper violating the provisions of the law. It must be remembered that many of these transactions are of comparatively small volume on the part of the shipper. The rule is violated in the greater respects by the carrier. The purpose of my amendment is simply to provide a reasonable penalty against shippers who request or knowingly receive the favors that the second section declares shall not be granted by railroad companies in future.

Mr. CULLOM. I am inclined to take it for granted that any man who is in favor of any legislation at all on this subject that is of any public utility will not favor the amendment. It substantially puts the whole public on trial for the mere acceptance of lower rates, whether the man knows what the published rates are or not, on account of a request that he may make for a rate below what the published rates are. It does seem to me that if we want to pass any law on this subject at all, we are not going to put the whole people on trial when they are dealing with these corporations, which are public corporations, and ought to know their duty and do it, whether the shipper requests a lower rate or not.

I hope the amendment will be voted down.

Mr. WILSON, of Iowa. The Senator from Illinois does not comprehend the amendment in its true character. It provides a penalty against the shipper who shall knowingly receive the favor.

Mr. CULLOM. If a man is guilty of accepting, presumably he knows it is against the law, because the law exists.

Mr. WILSON, of Iowa. But the Senator certainly knows that an information or indictment based upon that amendment, if it should become a part of the law, must aver that the acceptance was knowingly done.

Mr. CULLOM. I am aware of that.

Mr. WILSON, of Iowa. And when an allegation of that kind is required to be placed in an indictment or information, it must be sustained by proofs.

Mr. CULLOM. That may be true. Whether the one statement or the other is true in reference to the law, so far as I am concerned I am unwilling to ingraft any amendment upon this bill that raises a presumption against the mass of people who do business with railroads that they are guilty of a wrong because they go to a railroad agent and ask for a lower rate than the published rates which the railroad company have announced as proper.

Mr. PLATT. Mr. President, I think there is a distinction to be observed between a railroad corporation or its officers and the private citizen doing business with the railroad or its officers as to whether a certain act should be declared to be criminal or not.

We deal with railroads and other common carriers, especially with railroads, upon certain theories; and the right to regulate a railroad corporation in its charges to my mind rests upon this principle: When authority is given to it to construct and operate its road the duties of the Government are delegated to it. I think that is the foundation principle on which we seek to control and regulate railroads in their charges. It is the duty of the Government to provide these means of intercommunication for passengers and traffic. The Government shifts that duty onto a corporation at the request of individuals, and the corporation assumes the duties of the people when it takes the charter or the franchise; and therefore we have a right to hold the corporation to the performance of the duty as the State would perform it.

No railroad, in my judgment, has a right to say that it may conduct its business as a private citizen conducts his business, without reference to legislation and without reference to charges as to whether they be extortionate or discriminative; but with a private individual it is entirely different. A private individual has a right, as it seems to me, to do his business upon the best terms he can, and while perhaps he ought not to go to a railroad company and ask a rate lower than it gives to another, I think it is going very far to say that where he does do it in the transaction of his own private business he shall be subject to a criminal charge.

That is the distinction which I would make, and that is the reason why I shall vote against the amendment proposed by the Senator from Iowa.

Mr. WILSON, of Iowa. Mr. President, the Senator from Wisconsin [Mr. SPOONER] a few days ago, in making some remarks on the subject

then under consideration, stated that possibly the greatest evil connected with the transportation system of this country was favoritism, and his remark was true.

Now, there is scarcely a railroad station in this country where general business is transacted, where the rights and interests of numbers of men are not interfered with by favoritism going to the benefit of some particular individual in the given community. So all over the land you have men, because these special favors are granted, doing business and making an annual profit satisfactory to them, resulting merely from the advantages they have under the favoritism extended. One man can conduct the grain business, for instance, at a way station upon a given line of railroad, and he can make money in that business, while all other men in the community engaged in that business lose money and are driven out of it, not because they are not as competent to conduct the business as the one who succeeds, but because the favoritism extended to that individual not granted to others makes up the profit necessary to make him a successful business man. Hence I desire to prevent that in all the communities of the land; and if we are to establish a rule of public policy declaring it to be a crime upon the part of the carriers to practice this rule of favoritism, let us also say that those who knowingly receive the favors shall also be guilty. But I make the distinction between the carrier and the individual in the character of the penalty that may be imposed.

Mr. PLATT. Mr. President, it seems to me that the proposition of the Senator from Iowa might be illustrated by a law which I think is passed in almost all States or by municipal corporations, that no man shall sell gunpowder without a license. That is put on the ground of public policy. But would the Senator, for the purpose of carrying out that public policy, make it criminal for a man to go to a person who he knew had not a license to sell gunpowder, and ask him to sell him some gunpowder? I think he would hesitate about making that a penal offense when he would not hesitate on the ground of public policy about making it a criminal or penal offense to sell gunpowder without a license. I think that illustrates the case very well.

Mr. HOAR. Mr. President, it seems to me that this amendment as it is drawn is impracticable and vague, and it would be difficult for any court to give it a construction by which it could be reasonably well enforced. A man who accepts a rebate accepts a discount. It is a popular phrase; and what does it mean? Suppose, for instance, the rates of freight from Chicago to Boston are fixed by the railroad companies at a certain amount in order that the traffic shall not go through Canada, shall not go over some other line, shall not go to New York. That is the railroad rule. What is a man in Boston or a shipper in Chicago to do under this amendment? He does not accept any money; he has not had a thing delivered to him like the shipper does who receives the freight. He has gone to a railroad corporation, ascertained the freights from one point to another, and he has paid all that is charged. He has not literally accepted anything; he has accepted a rebate or accepted a discount; but he has really merely paid the current regular price. How is that man to be indicted under the amendment? I do not see. There is one phrase in it, "apply for," that might possibly be practicable.

Mr. WILSON, of Iowa. If he can not be indicted the amendment will certainly not hurt him. It is only intended for those who come within the terms of its provisions.

Mr. HOAR. My honorable friend is too eminent a lawyer and jurist, I think, to stand by that answer to my suggestion on a little reflection. When we are asked to legislate in a matter affecting the interests of this country to the extent of thousands of millions of dollars, when we are asked to put in a penal section to govern the conduct of all the persons who dispatch freight by railroads or carriers, and it is pointed out that the thing we are asked to do is totally nugatory, the answer is that if it is nugatory it does not hurt anybody. It is not certainly a satisfactory answer to my mind. I do not think we ought to pass enactments that will be met by the answer simply that they will be nugatory.

Mr. WILSON, of Iowa. To make it more definite, then, I need but repeat that the second section declares that no "common carrier shall, directly or indirectly, by any special rate, rebate, drawback, or other device, charge, demand, collect, or receive from any person or persons a greater or less compensation for any service rendered or to be rendered in the transportation of passengers or property" than they demand or receive from others. That is to be the rule of public policy with reference to the carriage of freight in this country, and that is enforced by the penal sanctions contained in section 7. My amendment now proposes to give greater force to this rule of public policy by prohibiting shippers from requesting these carriers to violate the provisions of the law, or from knowingly accepting the benefits which may arise therefrom; so that any shipper who requests the carrier to violate the law, which is pronounced to be a criminal act, or one who knowingly accepts a benefit arising upon that violation, shall be punishable.

Mr. HOAR. Now if the Senator will pardon me, that is the part in his amendment to which my criticism was directed. The Senator is in Chicago and he sends to a railroad 1,000 barrels of flour to go to Boston, and the railroad according to its established arrangement with Boston charges him a certain sum, makes him out a bill. If he simply pays his bill and goes his way, is he criminal or is he indictable unless he goes and tenders to that railroad company a certain additional sum where it charges other people more?

Mr. WILSON, of Iowa. If that shipper knowingly receives directly or indirectly the advantage of that reduction of rate given to him against other shippers of the country, he can be indicted.

Mr. HOAR. Just take a practical case, if my friend will pardon me. If he goes to a tailor and orders a coat he is to be indicted and convicted because the tailor charges him $10 when he ought to have charged $15. I can not see how any such indictment could be framed which would not result in absurdity. In other words, the phrase which my honorable friend uses, "receiving a benefit," is a mere trope. What the man has done is that he has failed to pay a dollar more for something he purchased. That is all. It is not any receipt of anything. He has simply not paid this additional dollar which the Senator says he ought to have paid. I can understand that the man who asks for a lower rate has done an act for which he should be, if we think proper, indicted and punished. That is not my criticism. But to say that a man is indictable for receiving a benefit when all that he has done is to pay what is to him the regular price, or to his town the regular price, I can not understand.

Mr. WILSON, of Iowa. Well, Mr. President, I do not know that discussion between the Senator from Massachusetts and myself can settle this; but if this shall become a law and the Senator from Massachusetts will do the thing hereby prohibited, I will undertake to prepare an indictment against him and convict him on it.

Mr. HOAR. Well!

Mr. WILSON, of Iowa. I think it would be a practical illustration of the efficiency of this proposed amendment.

Now, it may be that the Senate is in no temper to adopt this amendment; but if this bill shall become a law, mark my prediction now made, that no considerable time will have passed until you will have abundant evidence of the mistake of not adopting this amendment. And even though this may be voted down, it is my purpose to put the danger-signals along the line, to offer another and like amendment to the third section, so that when the time comes when you will discover the necessity for this it shall not be said that it was not proposed because of any failure on my part to discover the necessity and to offer to provide for it.

Mr. CULLOM. I hope the amendment will be voted on and voted down.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Iowa [Mr. WILSON].

The amendment was rejected.

Mr. WILSON, of Iowa, obtained the floor.

Mr. GEORGE. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Iowa [Mr. WILSON] is entitled to the floor.

Mr. GEORGE. I hope the Senator will indulge me a minute. As the yeas and nays were not called on the amendment offered by the Senator from Iowa and just voted on, I desire to put on record that I would have voted for and did vote for the amendment. The amendment, I believe, is one which prevents a construction of this bill which would legalize as much charge for a short haul as for a long haul.

Mr. CULLOM. Oh, no. The amendment just voted on by the Senate, offered by the Senator from Iowa, has reference to an entirely different subject.

Mr. GEORGE. Then my remarks were meant to apply to that amendment.

Mr. WILSON, of Iowa. The Senate evidently is not in a temper to support the views I have expressed; but in order to place myself right on the record in connection with this legislation, knowing, as I think I do, that if this bill shall pass and become a law we shall soon discover not only the propriety but the necessity for some such legislation as I have proposed, I now offer an amendment to the third section of like effect, not intending to discuss it.

I move to add to section 3 the following words:

> Any person or persons who shall directly or indirectly apply for or knowingly accept any favor, preference, or advantage declared by this section to be unlawful shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in a sum not less than $200 for each offense.

Mr. CULLOM. I hope that amendment will be voted down as was the other.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Iowa.

The amendment was rejected.

Mr. MORGAN. I offer an amendment to the bill which I have already submitted.

The amendment was read.

Mr. MORGAN. After the word "property," where it occurs near the beginning of the amendment, I desire to insert "or the United States mail."

Mr. RIDDLEBERGER. Will the Senator allow me to ask him what he means by "unlawful conspiracy?"

Mr. MORGAN. Conspiracy to violate the law.

Mr. RIDDLEBERGER. I know; but why "unlawful" as a prefix?

I should not know how to get at that unless we made a statute to fit the offense.

Mr. MORGAN. Let the language be read again.

The PRESIDENT *pro tempore*. The amendment will be read again.

The amendment was read as modified, as follows:

Insert as an additional section:

"SEC.—. That if two or more persons, with the intent to prevent the movement or running of any locomotive, car, or train of cars used, or that is about to be used, in carrying passengers or property, or the United States mail, to or from one State to another, or to or from any Territory of the United States, or to or from any foreign country, or to or from any Indian tribe, shall conspire together, or agree together, or unite with a common intent unlawfully to obstruct or prevent the movement or running of any such train, car, or locomotive, or the loading or unloading of any such car or train of cars, or to put in peril the personal security of any officer or employé of any railroad company engaged in moving or running, loading or unloading, such car or train of cars, such persons so offending shall be guilty of unlawful conspiracy, and, on conviction thereof in any district court of the United States, shall be punished for each such offense by imprisonment for not exceeding six months, and by a fine not exceeding $500, one or both, as the court trying the case shall direct."

Mr. MORGAN. The persons so offending are guilty of unlawful conspiracy. That is a phrase that I think is pretty common in statutes in defining a penal offense. Perhaps it might be sufficient to say "shall be guilty of conspiracy." I have no particular desire to have the language in the form in which I have introduced it. If the Senator or if the Senate thinks the word "unlawful" is redundant, of course it makes no difference to me if that word shall go out. Does the Senator from Virginia desire to strike it out?

Mr. RIDDLEBERGER. I think so. Conspiracy itself is not always unlawful.

Mr. MORGAN. Not always.

Mr. RIDDLEBERGER. It only makes a little more trouble when the case comes into court. I think "unlawful" ought to be stricken out.

Mr. MORGAN. I have no objection.

The PRESIDENT *pro tempore*. If there be no objection the amendment will be modified by striking out the word "unlawful."

Mr. VEST. I suggest to the Senator from Alabama that the language ought to cover this District as well as the rest of the country.

Mr. MORGAN. I will accept that suggestion also.

Mr. CULLOM. I am very anxious to hear what Senators say, but I am unable to hear.

The PRESIDENT *pro tempore*. What line does the Senator from Missouri desire to amend?

Mr. VEST. The fifth line, after the words "United States."

The PRESIDENT *pro tempore*. By inserting "or to or from the District of Columbia."

Mr. VEST. "To or from any Territory of the United States, or to or from the District of Columbia."

The PRESIDENT *pro tempore*. Is there any objection to the modification proposed? It will be stated.

The Chief Clerk read as follows:

That if two or more persons, with the intent to prevent the movement or running of any locomotive, car, or train of cars used, or that is about to be used, in carrying passengers or property or the United States mail to or from one State to another, or to or from any Territory of the United States, or to or from the District of Columbia, or to or from any foreign country, or to or from any Indian tribe, shall conspire together.

The PRESIDENT *pro tempore*. If there be no objection, the amendment will be so modified.

Mr. MORGAN. The proposition contained in this amendment would be a sound constitutional proposition if it stood in a law by itself without any attempted interference with the manner of running trains or controlling the conduct either of shippers or of persons engaged as common carriers. I will illustrate in reference to our commerce with foreign countries. Any two persons who might conspire to prevent the importation of goods through a certain port, or the exportation of goods from a certain port, or who might conspire to disable any vessel engaged in such foreign commerce, would clearly be amenable to punishment under the laws of the United States, and could be brought within the jurisdiction of the courts of the United States for an offense like that. Our laws could certainly be extended, under the Constitution, to include that class of offenses.

Aside from all questions concerning the regulation of transportation between the States and foreign countries over railroads, this is a necessary provision of law. It is one that is not found in the statute-book so far as I am advised, but it ought to be there for the sake of giving to our commerce entire freedom, freedom from interference, from interruption by any persons who might desire to obstruct it for any cause whatever.

The effort of Congress in this bill is to control interstate transportation of goods and passengers; and that effort, so far as it tends to liberalize or secure freedom to commerce between the States from any embarrassing disadvantages, has my entire sympathy. But all the provisions of this bill look toward the protection of the people against the power of corporations. None of them look to the protection of the carriers. I am free to admit that the exercise of certain powers, monopolistic in their character, by the corporations for so long a period of time and in such an extraordinary way, has built up a necessity for some interference on the part of the proper government, whatever that is, to correct evils that seem to be beyond the control of mere private authority or power. The States exercising their jurisdiction over the subject, or the Congress of the United States to the extent that it has any powers, it appears, must intervene to protect persons against monopoly and against the abuse of corporate privileges which have been granted by the States and sometimes by the Federal Government to these great railroad establishments.

All the debate in this case and indeed all the debate that has been had in Congress now for several years on kindred topics has related to the protection of the shipper, or the person who is concerned in having commerce transported between the States and to foreign countries, and the whole weight of the argument has been thrown in favor of the idea that only the shipper and the producer and the manufacturer, the persons who patronize the railroad companies, have any rights of protection at the hands of Congress. I think, Mr. President, that now, while we have got the subject in hand, it is our duty to do justice to all persons concerned. It is especially our duty to do justice to the general peace and welfare of the people of the United States.

We are not here, I hope, for the purpose of indulging merely in class legislation for the purpose of holding one class down by the power of the law while another class may be permitted to go entirely free from all penalty, from all control, from all liability to damage for whatever they may do contrary to good morals or the principles of justice toward the bailees to whom goods may be confided for transportation.

Above all things else, it should be the care and the cheerful duty of Congress, to the extent of all the power it possesses, to see that the commerce of this country, and the travel of men back and forth between these States, should be kept entirely free from any criminal interference. No conspiracy or combination, I care not what may be the provoking cause or how serious may be the evil which has invoked such action, may be, can be justified or tolerated by the laws of the United States or sheltered under the action of Congress. If we undertake to pass laws on the subject at all, and entirely forget our duty in respect to such matters, we shall be held to a just and severe accountability by the people.

If we are to control this subject in any sense whatever, let us do it for the general welfare of the people of the United States, and not for the benefit of a particular class, and not for the purpose of holding in check a certain class of corporations or persons who may be engaged in the carrying trade between the States, while we permit others by our non-interference to obstruct and prevent them from doing their duty as common carriers.

The right of the people of these States to have a perfectly free and unembarrassed commerce between themselves relating both to the transportation of goods and passengers is perhaps the most important right that they now enjoy. I think more wealth, more power, more growth, and more prosperity have come from the entire freedom of commerce between the States than from any other one cause of a political or commercial character that can possibly be mentioned. Without it we should have been a set of isolated, segregated commonwealths, each vying with the other in its efforts at mastery in the control of commerce to the detriment of the others, and each trying in that way to break down the general prosperity of the country.

Now, whatever makes commerce free, whatever makes it secure, whatever removes from it any embarrassment of crime or improper interference, whether by a railroad company, or by a mob, or by a combination or conspiracy of individuals, is something that Congress, if it has the power, ought to take in hand and to regulate and control for the benefit of the people and for the peace and the general welfare of this country.

Our duty in this direction is quite as clear as it is to regulate the rights of shippers as to the cost and conditions of transportation.

We can not abdicate a duty of that kind at this present moment without drawing upon ourselves the censure of that vast body of people who are concerned in the freedom of commerce. Take all the great body of agriculturists in this country, the miners who ship the heavy products of the mines of iron and coal, the timber dealers, and in fact every other class of producers that you can name, with all the productions they contribute to commerce, and let it be understood that mobs can assemble in different cities or in different places in the United States, can interfere to prevent the running of railway trains that have upon them passengers or the United States mails or the commerce which these producers load upon the trains, and that Congress while dealing with a question of this kind has abdicated its power, has neglected and refused even to consider the question of the protection of this commerce against these persons, what must be the severity of the criticism that these people would have the right and would necessarily bring to bear upon our conduct on this occasion?

I know that in advocating this amendment I put myself in opposition to a very powerful sentiment existing among a certain class of people in this country, which has expressed itself in various violent movements, and which has asserted on its own behalf the right to interrupt at its pleasure the transmission of commerce between these States and foreign countries. I know the power of that sentiment, but I believe that almost every man concerned in it, certainly every American-born citizen, when he comes to consider what may be the results of such conduct in

reference to the peace and prosperity of this country, will himself sustain the principles of this amendment and admit the necessity of its adoption. He will see that it is the duty of Congress to prevent combinations and conspiracies from exercising their power against the freedom of commerce in this country. The mature reflection and the better judgment of even the men who have been concerned in obstructing commerce, and have been provoked into these combinations heretofore by the extortions and excesses of the railroad companies, will sustain our action if we will show that in wisdom and with due respect to all of their rights we intend that the commerce of this country shall be protected against interference by criminal combinations, and they will support us in our efforts; but whether they do or not, it is our duty to put this law upon the statute-book and, in connection with this bill in which we are attempting to control the extortions of the railroad companies, we ought to show to the whole country that we are even-handed in our efforts at justice, that we want to have commerce free from trammel and without embarrassment, and free from monopoly, and that no set of men in the United States shall be permitted to oppress the people or to interfere with and to destroy commerce or to check it and prevent its free access to all the different parts of our country over our railroads and our rivers, and to foreign countries also.

I need not elaborate this amendment at all. It is a very plain thing. Senators will have no difficulty in understanding its bearings, and I think they will have no trouble in understanding its necessity. The occasion of putting it upon the bill is an appropriate one, and I hope the Senate will not hesitate to do it.

Mr. VEST. Mr. President, I have sympathy with the Senator from Alabama in desiring a measure which shall secure the country against a repetition of the recent labor trouble. I sincerely hope—and I trust every Senator agrees with me—that labor may be elevated in the United States, that the men who work at daily toil for their daily bread may receive the uttermost farthing which can be honestly earned by them. I believe they have a right to that, and a right to organize and to protect themselves legitimately under the law against I will not say the encroachments of capital, but the abuses which have grown out of the enormous aggregations of capital in certain hands in the United States. While I have all this sympathy with that class of people from my past life and association, at the same time I deprecate as a Senator and as an individual all excesses which in the name of labor attack the rights of property. But that is not the question before the Senate.

The amendment of the Senator from Alabama goes much further, and it attacks what I conceive to be a fundamental principle of the Constitution of the United States and of the laws of this country. It is not with me a political question. I believe that every sound thinker on our Constitution knows that all offenses against the rights of property within the States should be determined by the States. I do not believe that the Constitution gave to the Federal Government the power to arrest and punish individuals for offenses committed against the States and not against the Federal authority. If any individual attacks the property of another or of a corporation, which is a person within the eye of the law, and that offense is committed within the jurisdiction of a State, that State can and ought to punish it; and for us to declare here that this legislation is necessary for the National Government is a confession that the States are powerless within the sphere given them by the Constitution, and in that far it destroys my idea of the fundamental principle on which the Constitution is based.

Now, sir, the experiences within the past few weeks have shown us that the States are competent to manage this matter. Within my own State, where the greatest excesses seem to have been committed, wherever an appeal has been made by the railroad authorities to municipal or State law they have met with a prompt response and ample redress. There has not been one single case in which the authorities of the State and of the municipalities have not been used to move railroad trains and protect the property of the companies. Why, then, introduce now this new and in my judgment unconstitutional method, saying to the General Government, "You can go into the States," when the States are ample in all provisions of law to protect property? Once open this door, and the jurisdiction of the States and the State authorities and the State courts is absolutely destroyed. There will not be a single attack on property or a violation of personal rights where the first recourse will not be had to the National Congress. As I said before, the distinctions and the limitations provided by the National Constitution will be swept away. For this reason I shall certainly vote against this amendment or any kindred proposition.

Mr. TELLER. Mr. President, I am in favor of the sentiment of this amendment, and were this the legislative body of the State of which I am a citizen and were I a member of that body, I should not hesitate to vote for it.

While it can not be denied that every laborer has the right to discontinue his labor whenever he sees fit, it must be admitted by everybody that his right to interfere with the running of trains or the transaction of any business in which he may have formerly been employed does not follow as a logical sequence of his right to quit. I think that the interference of armed men for the purpose of stopping the commerce of the country is a crime against the State and one that ought to be punished. I have no sympathy with the people who go beyond legal and constitutional methods for what they call a redress of their wrongs. But, as has been suggested by the Senator from Missouri [Mr. VEST], it seems to me that this is a question which should be left entirely to the States until such time at least as the States shall signify in a constitutional and proper manner their inability to enforce the law. Every State in the Union I presume without exception has a statute, if not of this character in words, at least containing this principle. The destruction of property is punished in every State in the Union by indictment or by some other method.

The State of Illinois lying across the great lines that cross the continent, the State of Missouri, and other States of that character are charged by law and by the system of government under which we live with the maintenance of order in those States, with the protection of person and property in those States; and I do not believe it is the duty of the General Government under the plea of protecting the commerce of the country to step in and do what from the organization of the country to the present time has been conceded by all right-thinking men to be the duty of each State itself.

I had occasion a few days since to express my opinion on the question of national interference in the police affairs of the State. I have had occasion to do it more than once as a member of the Senate. I repeat again it is for the State to deal with disorder; it is for the State to protect its lines of road; it is for the State to protect its citizens; it is for the State to keep open the highways of commerce in the first instance; and when the State says it can not do it longer, then there is a constitutional method by which the General Government may and must interfere on application in the proper mode. I can not see why if it is called upon to interfere in this case in this way, we might not interfere in every other case of violence in a State. It might be put under the "general welfare" clause. There could be reasons found somewhere to justify Federal interference in almost every instance that can be imagined.

I do not deny that it is possible to pass a law of this character that would be constitutional. I suppose the right to regulate commerce must in the nature of things include the right to prevent commerce; but it is only in extreme cases that the Federal Government would be justified in attempting this, if at all.

There has been recently in the city of Chicago a strike growing out of the labor question. Whether the demand that was made by the employés or the employers was right or wrong is not the question now to be discussed. Violence was resorted to, and a state of anarchy existed for a few hours in the city of Chicago. The mayor of the city, I understand from the public press, succeeded in quelling the riot with the aid of the people of his city, without even calling on the governor of the State to interfere by armed military force. If the people of Chicago had called on the General Government, and the General Government had responded to the call with a regiment of troops, then every man in the city of Chicago would have felt himself absolved from any obligation in the premises. I said the other day that this calling upon the National Government was intended to, and would in the end, absolve the people of the locality from the obligation that they owe to protect their fellows in their community. It builds up a system under which the people of this country feel that they are not a part and parcel of the Government when that they speak of the Government of the United States as an entity, a being beyond them, and in which they have neither part, parcel, nor lot. I can remember when every man in the United States felt that he himself was a part of the Government, and he never spoke of the Government as a being out of and beyond him.

As long as this Government confines itself to national affairs, the people will feel their responsibility at home, and they will recognize the fact that in the towns in which they live it is their duty as townsmen to first keep the peace of the town; and enlarging their borders, it is their duty as citizens of the county to keep the peace of the county; and enlarging their borders further, as citizens of the State it is their duty to keep the peace within the State; and going further, it is their duty to keep the peace within the nation whenever the confusion shall become so great as to require national interference, and only then.

I said the other day that whenever the man who went out to set fire to a train or to stay its progress felt that he would be brought in contact with the man who sold him his groceries and who sold him his clothing and with whom he sat in church on the Sabbath day if he was a churchman, then he would realize the responsibility of his act and then he would be loath to proceed; but when he understands that a power beyond and away from him comes in to interfere, then he feels that his neighbors are not condemning his act and his neighbors are not the parties interested in keeping the peace. I oppose this because it puts upon the National Government what I say first of all should be the duty of the city where the first trouble begins, and then of the county, and next of the State; therefore I am opposed to its adoption by the General Government.

I repeat again, not having any sympathy with the men who commit violence, not wishing to have it understood for a moment that I desire to excuse them, or that I curry or ask their favor or their support by my opposition—putting it upon an entirely different ground, a ground that I think lies at the foundation of the existence of this Government, to commence at home with individual responsibility, that every man

